UNITED STATES OF AMERICA

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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 27

OCTOBER 9, 1970, TO OCTOBER 14, 1970
(PAGES 35917 TO 37262)

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SENATE—*Friday, October 9, 1970*

The Senate met at 10 a.m. and was called to order by Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who hast bidden Thy people to: "Serve the Lord with gladness; come before His presence with singing. Enter into His gates with thanksgiving, and into His courts with praise; be thankful unto Him and bless His name. For the Lord is good, His mercy is everlasting; and His truth endureth to all generations."

We pause to thank Thee for Thy providential protection and to yield ourselves to Thy sovereign guidance. Restore our souls, relieve our fatigue, reward our work, and lead us in paths of righteousness for Thy name's sake.

May the promise of peace be lifted high by all the endeavors of this Nation and find fulfillment in Thy time, as Thy kingdom comes on earth as it is in Heaven. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. MCGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 8, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary, the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, and the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate today.

Mr. SCOTT. Mr. President, on this matter I must, by request, reluctantly object. The objection is not from me. I should like the committee to meet.

The ACTING PRESIDENT pro tempore. Objection is heard.

WORLD ENVIRONMENTAL INSTITUTE

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Chair lays before the Senate, Calendar No. 1274, Senate Resolution 399, relating to the creation of a World Environmental Institute.

Mr. MAGNUSON. Mr. President, I would like to commend the distinguished Senator from Arkansas and his committee for having reported out in timely fashion a resolution which I regard as of great significance for our country and our world. The creation of an environmental institute with global responsibilities, I would argue, is essential to continued human advancement and perhaps to human survival as well. Aware of the potential importance of this concept, the committee has moved with appropriate dispatch. It has also moved adeptly to satisfy objections to the concept earlier raised by the executive branch.

The State Department had objected to a possible duplication of effort arising out of an institute operating independently of the United Nations and its environmental endeavors. The committee, in response to this objection, amended the original resolution to provide for coordination between the Institute's and the U.N.'s activities. Accordingly, the Department is now in support of the proposal, as are the American and international scientific communities. It is my sincere hope that this Senate body today will add its endorsement to this valuable concept.

At the time I submitted Senate Resolution 399 on April 27, I called attention to some global environmental problems, including DDT in the oceans and atmosphere, the buildup of carbon dioxide in the atmosphere, and the 100 million tons of oil that are spilled in the oceans every year. These types of problems cannot be dealt with except on an international basis. Many other environmental problems are not yet global in scope, but are common to all industrialized nations. Research and information on these problems must be pooled in an international institution to avoid expensive duplications of effort and costly delays in making information available to all nations. I need only remind the committee that 10 percent of all inland waters in the United States are now contaminated by mercury, and that this contamination could have been prevented if we had known of the research on the mercury problem that took place 5 and even 15 years ago in Sweden and Japan. Because of the seriousness of such cases, and because the number of poisons we are pumping into the air and water is growing, it is no exaggeration to say that human survival may ultimately depend on international environmental cooperation.

As Adlai Stevenson said in his last speech:

> We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft.

The care, work, and love of which Stevenson spoke will have to take place within an institutional framework. The current institutional framework for international environmental problems is chaotic and in desperate need of rationalization. The dozens of international organizations dealing with some aspect of the environment need not be swept away, but their activities must be consolidated and coordinated to avoid waste, duplication, and inefficiency.

The first step in providing that rationalization is the creation of a new international institution, open to all nations of the world regardless of politics, that can serve as a clearinghouse on environmental information. This institution should gather and disseminate the results of all environmental studies throughout the world, and should undertake research on those environmental problems that are global in scope or common to many nations. This is the type of institution proposed as the World Environmental Institute in Senate Resolution 399.

It is indeed true, as the Secretary General of the United Nations has pointed out, that other institutions with the power to set pollution standards and to propose international environmental agreements will be needed eventually. But these institutions cannot be established without a firm data base that a World Environmental Institute would provide. Of equal importance is the fact that the less developed countries, who are beginning to experience severe environmental problems of their own, will probably be hostile to new international institutions with broad powers unless environmental awareness and cooperation are developed through an institution open to all nations of the world.

VIEWS OF THE SCIENTIFIC COMMUNITY

This resolution is supported enthusiastically by the National Academy of Sciences, its new Committee for International Environmental Programs—IEPC—and the U.S. Executive Committee for the International Biological Program—USEC/IBP. Similar support for the concept of this resolution may be found in the summary and working papers of the monthlong study of critical environmental problems—SCEP—sponsored by the Massachusetts Institute of Technology.

These views form an authoritative opinion of the American scientists involved in international environmental affairs. These are the men who will spearhead American efforts in this field throughout the coming years, and who will be our chief participants in the 1972 United Nations Conference on the Human Environment in Stockholm. These scientists have been encouraged by this resolution, and passage of the resolution will give their important efforts a substantial boost.

The international scientific community, as represented by the International Council of Scientific Unions—ICSU—has come to a similar conclusion and recommended the creation of an International Center for the Environment, which is almost identical to the World Environmental Institute proposed in my resolution. A discussion of the ICSU proposal may be found in my floor statement of June 3.

Passage of Senate Resolution 399 will indicate to the world scientific and governmental community that not only American scientists, but the U.S. Senate, subscribes in principle to the creation of a new international environmental institution like that described in this resolution.

CONCLUSION

In conclusion, Mr. President, there is widespread support for this resolution in the Senate, in the scientific community, and in the executive branch. This support is based on a recognition of the global nature of environmental problems, and the need for international action. Pollution of the Yangtze, the Ganges, the Rhine, or the Dnieper is no less important to our continued existence than pollution of the Missouri and the Potomac. DDT is no less hazardous to us all if it is sprayed on the Indian Subcontinent instead of on the United States. All the wastes and poisons from around the world mingle together in our common environment—the air, the water, and the soil—to form a blanket of danger that envelops the guilty and innocent alike.

The time has come for the United States to take the lead and to support creation of an institution like that described in this resolution. The time has come for us to recognize that world leadership and world prestige are based on the power of ideas, not the power of weapons. And the time has come for knowledge—that most precious of man's many resources—to be liberated from the prisons of nationalism and the shackles of the cold war.

For these reasons, I earnestly hope that the Senate will act favorably today on the resolution before it.

The Senate proceeded to consider the resolution (S. Res. 399) relating to the creation of a World Environmental Institute to aid all the nations of the world in solving common environmental problems of both national and international scope which had been reported from the Committee on Foreign Relations with amendments on page 2, line 6, after the word "That", strike out "said" and insert "such a"; in line 7, after the word "Institute,", strike out "should be independent of" and insert "while coordinating its activities with"; in line 8, after the word "organizations,", strike out "nonpolitical, and" and insert "should be"; in line 9, after the word "to", insert "membership for"; on page 3, line 1, after the word "the", where it appears the second time, strike out "First"; at the beginning of line 3, strike out "creation of the", and insert "consideration of a"; in line 5, after the word "of", strike out "the" and insert "a"; and in line 11, after the word "of", strike out "the" and insert "a".

The amendments were agreed to.

The preamble was amended and agreed to.

The resolution (S. Res. 399), with its preamble, reads as follows:

Relating to the creation of a World Environmental Institute to aid all the nations of the world in solving common environmental problems of both national and international scope.

Whereas human ecology is global in nature and human survival depends ultimately upon the cooperative effort of the entire human species; and

Whereas worldwide pollution of man's common resources—the air, the water, and the soil—poses a threat to all peoples; and

Whereas environmental problems caused by technological and population growth are common to all nations alike, and knowledge of such problems must be shared among all nations to insure the survival and well-being of the human species; and

Whereas an international institution open to all nations of the world is needed to provide technical information and scientific knowledge to each nation and to international organizations dealing with environmental problems; and

Whereas a forum for advocating such an institution exists in the International Conference on the Human Environment to be held under the sponsorship of the United Nations at Stockholm in 1972: Now, therefore, be it

Resolved, That the Senate recommends, urges, and supports the creation of a World Environmental Institute to act as a global research center and to disseminate knowledge of environmental problems and their solution to all nations of the world upon request; and be it further

Resolved, That such a World Environmental Institute, while coordinating its activities with existing international organizations, should be open to membership for all nations of the world, with its location and funding to be agreed upon by representatives of said nations assembled; and be it further

Resolved, That the Senate recommends and urges that the United States representatives to the International Conference on the Human Environment prepare to propose consideration of a World Environmental Institute to the Conference; and be it further

Resolved, That in furtherance of a World Environmental Institute concept, the Senate recommends, urges, and supports the invitation to the Conference of all nations not presently members of the General Assembly of the United Nations; and be it further

Resolved, That the Senate recommends, urges, and supports creation of a World Environmental Institute as an official policy of the United States Government, to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1255), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND PROVISIONS

The purpose of Senate Resolution 399 is to express the sense of the Senate regarding the creation of a World Environmental Institute. The resolution, as amended, contains the five following operative clauses:

1. Resolved, That the Senate recommends, urges, and supports the creation of a World Environmental Institute to act as a global research center and to disseminate knowledge of environmental problems and their solutions to all nations of the world upon request; and be it further

2. Resolved, That such a World Environmental Institute, while coordinating its activities with existing international organizations, should be open to membership for all nations of the world, with its location and funding to be agreed upon by representatives of said nations assembled; and be it further

3. Resolved, That the Senate recommends and urges that the U.S. representatives to the International Conference on the Human Environment prepare to propose consideration of a World Environmental Institute to the Conference; and be it further

4. Resolved, That in furtherance of a World Environmental Institute concept, the Senate recommends, urges, and supports the invitation to the Conference of all nations not presently members of the General Assembly of the United Nations; and be it further

5. Resolved, That the Senate recommends, urges, and supports creation of a World Environmental Institute as an official policy of the U.S. Government, to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on Senate Resolution 399 on September 1, 1970, at which time Senator Warren G. Magnuson testified in support of the resolution. His prepared statement, with the exception of the documents referred to

therein, is reprinted below. No executive branch witness presented testimony at the hearing and the only formal expression of views on the resolution is contained in a letter which the committee received from the Department of State. It is also incorporated in this report.

Senate Resolution 399 was considered in executive session on September 15 and 30, 1970. On the latter date it was ordered reported favorably to the Senate. In so doing, however, the committee emphasizes that while it supports the general concept of creating an international institution to deal with environmental problems, it does not have sufficient information at this time to recommend that such an institution should be designated as the World Environmental Institute. On the contrary, if an international environmental institution is to be established, the name of the organization, as well as its location, funding, functions, and relationships with other environmental activities and institutions are proper subjects for future discussions by representatives of interested nations. It is the committee's expectations, therefore, that if the U.S. Government decides to pursue the "sense of the Senate" expressions contained in Senate Resolution 399, it will do so with an open mind.

STATEMENT OF SENATOR WARREN G. MAGNUSON ON SENATE RESOLUTION 399

Mr. Chairman, I wish first to express my deep thanks to you and the members of this distinguished committee for taking the time to hear my testimony today. A number of rollcall votes are scheduled for this afternoon, and we will all be required to be on the floor, so I will make my statement as brief as possible. I have attached to my statement several documents of great importance that can be read by the Committee members after I finish my testimony, and these documents should answer any questions the committee may have.

As I indicated in my August 26 letter to Chairman Fulbright, it would be extremely helpful if we could obtain Senate passage of Senate Resolution 399 by September 19, since that date marks the opening of an international scientific conference that may very well result in the founding of an institution like the "World Environmental Institute." Because of this time constraint, and because this committee will not meet again until the eve of that conference, I am hopeful that the committee can act favorably on Senate Resolution 399 today.

The basis for taking such favorable action is a sound one. Forty Members of the Senate, including seven members of this committee, are cosponsors of this legislation. The American scientific community and the international scientific community support the concept of a "World Environmental Institute," wholeheartedly, and support can also be found for the concept within the executive branch. As I indicated in my letter to Chairman Fulbright, and as State Department officials have confirmed to the staff of this committee, new State Department views favorable to passage of Senate Resolution 399 should be in the hands of the committee by the end of the Labor Day recess.

All of this support, which I will discuss in a moment would warrant favorable action on Senate Resolution 399 even if it were a substantive piece of legislation involving the expenditure of Federal funds. As the committee is well aware, however, this legislation is merely a sense-of-the-Senate resolution that does not commit the United States or the Senate to any expenditure of funds or to support of any particular institution that may be created in the future. What the resolution does do is call attention to the global nature of human ecology, the need for international cooperation on environmental problems and the need for creation of suitable international institutions to deal with those problems.

At the time I submitted Senate Resolution 399 on April 27, I called attention to some global environmental problems, including DDT in the oceans and atmosphere, the buildup of carbon dioxide in the atmosphere, and the 100 million tons of oil that are spilled in the oceans every year. These types of problems cannot be dealt with except on an international basis. Many other environmental problems are not yet global in scope, but are common to all industrialized nations. Research and information on these problems must be pooled in an international institution to avoid expensive duplications of effort and costly delays in making information available to all nations. I need only remind the committee that 10 percent of all inland waters in the United States are now contaminated by mercury, and that this contamination could have been prevented if we had known of the research on the mercury problem that took place five and even 15 years ago in Sweden and Japan. Because of the seriousness of such cases, and because the number of poisons we are pumping into the air and water is growing, it is no exaggeration to say that human survival may ultimately depend on international environmental cooperation.

As Adlai Stevenson said in his last speech, "We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft."

The care, work, and love of which Stevenson spoke will have to take place within an institutional framework. The current institutional framework for international environmental problems is chaotic and in desperate need of rationalization. The dozens of international organizations dealing with some aspect of the environment need not be swept away, but their activities must be consolidated and coordinated to avoid waste, duplication, and inefficiency.

The first step in providing that rationalization is the creation of a new international institution, open to all nations of the world regardless of politics, that can serve as a "clearinghouse" on environmental information. This institution should gather and disseminate the results of all environmental studies throughout the world, and should undertake research on those environmental problems that are global in scope or common to many nations. This is the type of institution proposed as the "World Environmental Institute" in Senate Resolution 399, and support for ths type of institution as a first step in the solution of international environmental problems may be found throughout the documents attached to my statement.

It is indeed true as the Secretary General of the United Nations has pointed out, that other institutions with the power to set pollution standards and to propose international environmental agreements will be needed eventually. But these institutions cannot be established without a firm data base that a "World Environmental Institute" would provide. Of equal importance is the fact that the less developed countries, who are beginning to experience severe environmental problems of their own, will probably be hostile to new international institutions with broad powers unless environmental awareness and cooperation are developed through an institution open to all nations of the world.

A VOICE IN THE WILDERNESS

Mr. MAGNUSON. Mr. President, at this time of heightened concern about the depletion of our natural resources and destruction of the earth's environment, National Educational Television has produced a series of eight half-hour programs in color exploring aspects of the problem and suggesting some remedies.

These programs can be seen on the more than 190 television stations of the Public Broadcasting Service beginning October 11. In most localities, the programs will be shown Sunday nights from 8:30 to 9.

The series, "Our Vanishing Wilderness," is the culmination of 2 years' travel and observation by photographer-naturalist Shelly Grossman and his wife, Mary Louise, and John N. Hamlet, who are both outstanding naturalists. In an article, the program's executive producer, David Prowitt of NET, expresses the aims of the series. It was published in WNET New York's monthly Image magazine, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VOICE IN THE WILDERNESS

(By David Prowitt)

Consider Jeremiah. Now, he was one of the Old Testament Prophets I had not thought a great deal about—until recently. He framed some specific indictments about the way his people were living and no one paid any attention to him for a long time—until his prophecies began to come true. He was dead by then—and he was co-opted into the "Establishment" of his time and was paid due homage with several pages in the Bible.

Ditto John the Baptist in the New Testament, where he was described as "a voice crying in the wilderness."

Ideally, the new National Educational Television series, "Our Vanishing Wilderness," should have been scheduled two years ago, when it might well have been hailed as a vanguard effort. By now, a great deal of ecological rhetoric has flowed under the bridge and become polluted in the same process.

But as Jeremiah and John the Baptist learned the hard way, there is something to be said for presenting your message when the people are prepared to receive it. Politicians of both parties and young people earnestly picnicking on Earth Day have given indications that a serious look at ecology has come due.

"Our Vanishing Wilderness" explores the political, economic and social changes that must take place if we are to save our environment and achieve the quality of life we desire. More importanly, it is a series that probes these subjects in greater depth than any other television programs yet undertaken.

It is not a doomsday series ("Now is the time! Time is short! Wham! This is it!"). There is little question that man can continue to live on this planet for a long, long time. The question is: *Will the planet be worth living on?*

With this question in mind, Sheldon Grossman, the program's producer-director set out. He took with him impressive credentials as a photographer and as a naturalist, and his wife Mary Louise, a talented writer. They are aware, compassionate and involved.

They shared with me the feeling that man is no more than a part of the ecological structure, yet his effect on it is greater than that of any other natural force—and therefore, he has the greatest responsibility. It is a responsibility he has tended to abrogate.

Had this program been done at a time when this concern was less fashionable, it might have seemed enough if we simply indulged in headshaking and finger-waving with the excuse that if we offered no solu-

tions, we at least drew attention to the problem. The Grossmans and I are both grateful that the cop-out is no longer available to us.

Ecology and the corrosion of the natural balance of nature should not be subjects for sensationalism. They consist of the most subtle interweaving of social, economic and political considerations. If the "problem-solution" dwells in just one of these areas, ultimately nothing is solved. As Jeremiah learned, shouting directives that something must be done is not very effective. In "Our Vanishing Wilderness" we attempt to show the interaction between various forces which have produced our current environmental crisis and to simply put it up to those who are in the ultimate position to do something about it: the American people. We point out that "something's got to give"—either the quality of life or man's current persistent inability to live with his environment. If we are crusaders, this is our message. Man cannot afford to consider himself outside of the ecological sphere.

In our series we have selected problems which do not easily yield to a quick either/or solution. Some of them have been brought to public attention through abbreviated features on national news programs; others are problems which are being posed for the first time—however long they may have existed.

Everyone who follows the news knows of the problem of oil pollution in such places as Santa Barbara or the Louisiana coast. But it is not really within the province of spot news programs to raise such questions as: Do we really need that oil now? And if we do, what costs are we willing to pay for it in animal and marine life? And above all, the question which oil companies will not ask and which is seldom required of the television viewer: Can we afford it?

In another case, there has been a vogue for celebrities to bewail the plight of the American Indian. But seldom is the deep, spiritual relationship between the Indian and the land brought into account. As part of the Pueblo religion, for example, the reverence for all living things is an atavistic safeguard in favor of conservation. Yet mining and lumber interests do not share this belief which they write off as "primitive superstition," and they are willing to exploit the land with little regard for either natural or human problems.

For those who have been honing arguments against "non-objective reporting," let me admit that these programs do have a point of view. However, they are not mindless propaganda; what they attempt to do is provide a new perspective on situations in which perhaps only one side has heretofore had the money and resources with which to give its viewpoint.

For example, on the prairies, one of our last reclaimable areas, the government and ranchers are indulging in what many consider the needless slaughter of prairie life. Although the animals threatened have long been dismissed as "pests", and there may have once been a need for their extermination in order to give man ecological room in which to bring up his cattle and sheep, there is probably no longer this need, and yet the sanctioned killing continues.

People outside Alaska seldom consider the tundra and the Eskimos who get their living off that land. The tundra, too, is threatened by destruction from heavy industry and pipelines. Is it worth saving? Can progress be denied? This is a question only the public can answer—and a question that, as of now, only public television wants to deal with in depth.

When I have talked about this program and what we are trying to do, I get a reaction from young people that roughly translates as, "It's about time that people woke up to the outrages that are being perpetrated. Give it to them good!" And older people sigh and say, "Not another ecology series! I saw ecology advertised last year when it was popular."

Viscerally, I feel they are both wrong. It is not a simple good-guy versus bad-guy melodrama, as the youth would have it. Nor is it a case of bleeding-heart bird watchers lavishing devotion on animals and plants and ignoring people (or mourning a dead horse) as their cynical elders feel.

Sheldon Grossman traveled around the country for two years, photographing what he found. We feel that what interested him will absorb the attention of a wide range of people. He has filmed with sensitivity and intelligence and judgment. The result is not a program merely to delight those who were already convinced, or to provide a primer for those totally unaware. It is a program upon which can be built a solid base of crucial understanding.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1299; then Calendar Nos. 1301 through 1307.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE RAILROAD RETIREMENT ACT

The Senate proceeded to consider the bill (S. 988) to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official, which had been reported from the Committee on Labor and Public Welfare, with an amendment, on page 1, at the beginning of line 8, insert "or appointed"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Railroad Retirement Act of 1937, as amended, is amended by adding at the end thereof the following new subsection:

"(k) For purposes of subsections (a) and (d) of this section, service performed by an individual as an elected or appointed public official shall not be regarded as 'compensated service' rendered to an employer or to any other person, if such service is compensable at a rate which does not exceed $5,000 per annum, and if such individual is deemed under section 1(o) to have a current connection with the railroad industry at the time he ceases to render compensated service to an employer."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1281), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

S. 988 amends section 2 of the Railroad Retirement Act to provide that employment as an elected or appointed public official shall not be regarded as "compensated service," from which the individual would normally be required to retire to qualify for an annuity, so long as the compensation for such employment as an elected or appointed public official does not exceed $5,000 per year and if such individual also has a current connection with the railroad industry at the time of his retirement.

NEED FOR LEGISLATION

The Railroad Retirement Act of 1937 presently requires that in order for an individual to be eligible for an annuity he must cease compensated service to (1) a railroad employer [as defined in sec. 1(a)], and (2) to his last nonrailroad employer. This requirement is known as the "last person service rule." In addition, the retiree must relinquish rights to return to the service of his last employer and his annuity is lost for any month after retirement during which he is employed by such last employer.

This restriction was originally adopted as a part of the Railroad Retirement Act of 1937 in an effort to avoid discrimination against the career railroad worker; that is, one who worked in the railroad industry until he reached retirement age. It was contended that those persons who accrued sufficient railroad service to qualify for an annuity, but who left railroad employment and worked elsewhere prior to reaching retirement age, would have an advantage over career railroad employees. The former, upon attaining age 65, would be eligible to receive their annuities while continuing to receive their salaries earned from their nonrailroad jobs. On the other hand, career railroad workers who remained in the railroad industry to retirement age had only their annuities to reply upon.

For this reason, the last person service rule was instituted to provide that both career railroad employees and those holding nonrailroad jobs be required to retire from whatever employment they may be engaged in at the time they seek to qualify for an annuity.

The modification of the last person service rule contained in S. 988 would be of extremely limited application. The bill provides that an elected or appointed official who, at the time of retirement, is also employed by a covered railroad employer may qualify for an annuity by relinquishing only his railroad job and may retain his public office, so long as the annual compensation from such office does not exceed $5,000 a year. Thus, this exemption would apply only to individuals who are both covered railroad employees and who hold a public position at the time of their retirement.

Frequently, elected and appointed officials serving in local governmental positions are part-time officers who receive comparatively small compensation. City and town councilmen, county supervisors or commissioners, township trustees, school board members, planning commissioners and other local governmental officers usually perform their duties at times which do not conflict with their primary occupation. Even many State legislators are still regarded as part-time employees whose major tasks are completed during a 60 to 90 day session every 2 years. The salary received by most of these State and local officers is usually neither large nor is it expected to be their principal means of support.

The committee is of the view that the public interest is best served by promoting citizen participation in public affairs rather than by imposing a penalty upon such participation as is the case under the present railroad retirement law.

Forcing a railroad employee who has been elected to public office either to relinquish that post or lose his annuity when he retires poses an unfair dilemma. Any career railroader, knowing about this mandate, would obviously be discouraged from becoming an active participant in the political process if he were approaching retirement years. The exclusionary effect of the present law is aggravated by the provision that an individual who has resigned a position of public trust in order to obtain retirement

benefits cannot resume the same position at a later date without losing his retirement benefits. The obvious effect is to strongly inhibit a citizen from holding office and deprives the public of the services of one it may wish to have elected or appointed to public office.

The committee notes that the enactment of this legislation would by no means mark a substantial departure from existing procedures. At present, the Railroad Retirement Board permits the performance of "incidental" services by a retiree for the employer for whom he last worked immediately preceding retirement; that is, the "last person employer." The Board has determined administratively that services compensated at a rate not exceeding $150 a month ($1,800 per year) are "incidental" services and are therefore not prohibited by the last person service rule. Under this administrative rule, an elected or appointed public official may now retain a public office he holds at the time of retirement and still receive an annuity so long as his salary is no greater than $1,800 per year. The net effect, then, of S. 988 will be merely to increase from $1,800 to $5,000 per year the existing exemption from the last person service rule, with the enlarged exemption limited to public service employment.

This bill also provides that the exemption provided therein is limited to public service employees having a current connection with the railroad industry at the time of retirement. Thus, it does not discriminate against the career railroad employee in favor of those who have left railroad service some time prior to retirement.

S. 988 as originally introduced would have provided such an exemption for elected officials only. The committee is of the view that appointed public officials should also share in the benefits provided by this legislation. In many communities, such positions as school board member, library trustee, and so forth, are appointive rather than elective. Retired persons are often uniquely qualified for such jobs because of their experience, and because they have available the time necessary to perform such services. Accordingly, the committee amendment provides for appointed as well as elected officials with the same restrictions as to earnings and current connection with the railroad industry at the time of retirement.

COLIE LANCE JOHNSON, JR.

The bill (H.R. 16997) for the relief of Colie Lance Johnson, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1283), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Treasury to pay the amount certified by the Administrator of Veterans' Affairs as the amount that the said Colie Lance Johnson, Jr., would have been paid to him by the Veterans' Administration as the dependent son of a soldier killed in World War II had timely application for benefits been made in his behalf.

LAND IN TRUST FOR THE YANKTON SIOUX TRIBE

The bill (H.R. 13519) to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1284), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13519 is to declare that 19.57 acres of Federal land are held in trust for the Yankton Sioux Tribe of South Dakota. The donation will be without consideration, but if the tribe recovers any judgment against the United States in the Indian Claims Commission, the Commission will consider the value of the land as a possible setoff. The land has a current value of $2,000.

NEED

The land originally belonged to the tribe, but it was conveyed to the Episcopal Church in 1895 for a school. In 1902 the school was closed, and the land was purchased by the Bureau of Indian Affairs for $7,000. The buildings were removed, and the tribe has been using the land for the past 30 years.

The tribe now plans to develop the land for a low-cost housing project. The Department of Housing and Urban Development has approved the project, but title to the land must be transferred to the tribe before the project can proceed. The Federal Government has no use for the land, and its use for a housing project would be highly beneficial to the Indians.

COST

The bill will require no appropriation of funds. Although the bill disposes of Federal property without consideration, the value of the property may be recovered through the Indian Claims Commission.

CONVEYANCE OF CERTAIN LAND TO THE CHEROKEE TRIBE OF OKLAHOMA

The bill (H.R. 15624) to convey certain federally owned land to the Cherokee Tribe of Oklahoma was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1285), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 15624 is to sell to the Cherokee Tribe of Oklahoma 38.5 acres of land for $2,258.80, which is the amount paid by the United States when it bought the property. The property is a part of a 93-acre tract that was purchased by the Government in 1935 for an Indian school farm. The school farm has been discontinued, and the property is excess to the needs of the Bureau of Indian Affairs.

NEED

Forty acres of the original 93 acres were conveyed to the tribe by the act of August 20, 1964 (78 Stat. 559), without consideration, and the land has been developed by the tribe for industrial uses. The 38.5 acres covered by this bill are needed by the tribe to continue this development. Developments already completed include a restaurant, arts and crafts shop, service station, warehouse, office building, and industrial building. Further developments contemplated include a motel, expansion of the industrial building, retail shopping area, and various tourist-oriented projects.

This industrial program will contribute significantly to Indian employment and improved standard of living.

The present estimated value of the 38.5 acres is $700 per acre ($26,950). Its estimate value in 1964 when the first 40 acres were conveyed to the tribe was $150 per acre, and the increase in value is due largely to the tribal improvements on the 40-acre tract. Since the bill requires the tribe to pay only the original cost price to the Government ($2,258.80), the bill provides that the difference between that figure and its estimated value in 1964 ($5,775) shall be considered by the Indian Claims Commission as a possible setoff in any claims judgment that may be awarded.

SUBSISTENCE TO CERTAIN AIR EVACUATION PATIENTS

The bill (H.R. 9654) to authorize subsistence, without charge, to certain air evacuation patients was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1287), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize subsistence, without charge, to officers of the uniformed services, to civilian Government employees, and to dependents, who are air exacuation patients.

EXPLANATION OF THE BILL

Military officers, civilian Government personnel, and their dependents who travel in the air evacuation systems are required to pay for meals furnished them while they are in the air evacuation chain. Enlisted personnel are entitled to subsistence in kind and thus are not charged. An officer, a civilian, or one of their dependents is charged for meals consumed while aboard the evacuation aircraft, and further, he is required to pay the hospitalization subsistence charge while he is hospitalized at the casualty staging unit, whether or not the meals are consumed. This bill would authorize this subsistence without charge to these air evacuation patients. It would also authorize this subsistence to a dependent, accompanying the patient, in the few instances when this situation occurs, such as a mother flying with her sick child. In fiscal year 1968 a total of 170,000 patients were transported in the air evacuation system of which 39,000 were required to pay for their meals.

Numerous problems are generated by the present requirement that these charges be imposed and collected. Payments are accepted at the time meals are served, but since many patients do not have funds with them, deferred collections are allowed. At the present time a great number of air evacuation patients are Vietnam battle casualties and collection of the charge under these circumstances presents an awkward embarrassing situation. Further, the deferred collections are extremely burdensome and costly. Based upon a sampling, it appears that the elimination of this paperwork and related administrative responsibilities will result in a savings of up to $124,000 per year. This savings amounts to 70 percent of the annual anticipated cost of the proposed bill.

ADJUSTMENT OF DATE OF RANK OF COMMISSIONED OFFICERS OF THE MARINE CORPS

The bill (H.R. 10317) to adjust the date of rank of commissioned officers of the Marine Corps was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1288), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would delete the provision of law whereby an officer promoted to the grade of major general in the Marine Corps is assigned the date of rank held by him in the grade of brigadier general. The bill would permit adjustment of the date of rank for Marine Corps major generals on the same basis that obtains for major generals in the Army and Air Force.

Under current provisions of law the Army and Air Force follow a practice whereby a brigadier general who is promoted to major general is given a date of rank immediately junior to the date of rank of the junior rear admiral of the upper half (equivalent to major general) in the Navy. This procedure was established to rectify a situation which existed prior to 1952 wherein almost all Navy rear admirals of the upper half were senior in date of rank to all Army and Air Force major generals. This stems from the fact that a Navy rear admiral of the lower half (equivalent to brigadier general) is automatically advanced to upper half after serving in the lower half for about 4 years. However, he retains the date of rank which he held in the lower half. Since Army and Air Force promotions to major general occur after less than 4 years in grade as a brigadier general, the upper half rear admiral would emerge senior to major generals in the Army and Air Force who were promoted prior to his advancement to the upper half.

The Army and Air Force procedure currently followed solved the problem of rank inversion in those services, but created the identical problem for the Marine Corps.

This bill if enacted would repeal that provision of law that prevents Marine Corps generals from adjusting dates of rank in the same manner as the Army and Air Force.

The effective date of this enactment would be January 1, 1959, to cover all Marine Corps major generals currently on active duty. The law would serve no practical purpose to adjust dates of rank of retired major generals.

COMPUTATION OF OVERSEAS COST-OF-LIVING ALLOWANCES FOR UNIFORMED SERVICES PERSONNEL

The bill (H.R. 14322) to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1286), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

H.R. 14322 is a bill designed to affirm the computation of overseas cost-of-living allowances for uniformed services personnel. It would validate the existing system which breaks down overseas cost of living allowances into two parts, one for housing and another for elements of the cost of living except housing. The system has been in force for approximately 12 years. Its legality is now in question by the Comptroller General of the United States.

The relevant statute is section 405 of title 37 United States Code which provides, in part, that:

"Without regard to the monetary limitations of this title, the Secretaries concerned may authorize the payment of a per diem, considering all elements of the cost of living to members of the uniformed services under their jurisdiction and their dependents including the cost of quarters, subsistence, and other necessary incidental expenses, to such a member who is on duty outside of the United States or in Hawaii or Alaska whether or not he is in a travel status * * *."

The foregoing was implemented by the Secretaries of the uniformed services by prescribing two separate allowances, one for "Housing" and another termed a "Cost-of-living" allowance for all elements of the cost-of-living—except housing. The enabling statutes (Pay Readjustment Act of 1942 as amended by section 203, act of August 2, 1946, and later amended by Career Compensation Act of 1949) which first authorized payment of these station allowances did not prescribe any specific formula for establishing an allowance or allowances.

The bill if enacted would resolve the objections of the Comptroller General and the existing system of computation would be validated. This would be accomplished by adding the proposed language to section 405 of title 37, United States Code.

FEDERAL AID IN FISH RESTORATION ACT AMENDMENTS OF 1970

The Senate proceeded to consider the bill (H.R. 12475) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, which had been reported from the Committee on Commerce, with amendments, on page 8, line 24, after "section 4", insert "(b)"; in the same line, after the word "to", insert "75"; on page 16, line 19, after the word "Guam", insert "the Governor of American Samoa,"; in line 24, after the word "Guam", insert "American Samoa,"; and, on page 17, line 3, after "per centum", insert a comma and "for American Samoa one-third of 1 per centum,".

Mr. HART. Mr. President, H.R. 12475, which was reported unanimously by the Committee on Commerce, is a bill deserving of the enthusiastic support of this body. On June 4, I introduced S. 3927, a companion to the House bill I now report. As is S. 3927, H.R. 12475, introduced and guided through the House by the distinguished Congressman from Michigan, Mr. DINGELL, is a bill which should lead to major advancements in the fields of conservation, hunting, and fishing. The legislation is designed to encourage comprehensive planning by State fish and game departments, to increase revenues available to the States for wildlife restoration projects, and to provide funds for the States to carry out programs supporting hunter safety.

That these objectives are worthy ones seems beyond question. At hearings before the Senate Subcommittee on Energy, Natural Resources, and the Environment, which I chair, all of our witnesses supported the purposes of the bill and urged enactment of legislation that would promote those objectives. The Committee on Commerce was unanimous in its view that H.R. 12475 represented a desirable approach to the questions considered.

The management of fish and wildlife resources traditionally has been considered to be primarily the responsibility of State fish and game departments. Accordingly such management has been financed largely from State hunting and fishing license fees. Federal aid to the States, however, has long been recognized as a valuable and necessary contribution to this function. Such aid has been channeled to State boards over the years through the operation of the Pittman-Robertson Act of 1937 and the Dingell-Johnson Act of 1950.

The proposed legislation would effect two major changes in the administration of these acts, both of which, I would argue, are greatly needed. The first would give the States the option of using comprehensive long-range fish and wildlife plans—as compared to the existing project-by-project plans—in their applications for assistance under the acts. In view of the projected demand on open spaces for future urban programs, transportation corridors, forest products, and outdoor recreational uses unrelated to fish and wildlife, it is imperative that agencies responsible for these resources plan adequately in advance to protect their interests. The proposed bill, it is hoped, would provide inducement for the States to mount a planning effort of the kind desired.

The second major change would provide that revenues derived from the existing 10-percent tax on pistols and revolvers be earmarked for wildlife management and hunter safety programs. The need for additional financing for wildlife management is well recognized. Existing management areas and resources will have to be increased in productivity and expanded in size if the additional hunting pressure which is anticipated is to be accommodated. Efforts are needed to identify new species of game, to lengthen hunting seasons, and to provide more hunting areas through land purchases and leases. The increased revenues proposed by this legislation would help considerably in these efforts.

As for hunter safety, the fatalities suffered each year are strong testimony as to the need that exists in this area. In 1968, 2,600 persons died as a result of firearms accidents, reflecting a fatality rate of 1.3 per 100,000 population. Many of these accidents undoubtedly could be prevented by the establishment of meaningful hunter safety programs in every State. As of now, only 17 States require graduation from hunter safety programs as a prerequisite to obtaining a hunting license. It is to be hoped that the funding provided by this bill would increase that number substantially.

In the past many of us have differed on the question of what should be done

about the availability of weapons in this country. Yet whatever the differences may be on that question, it seems difficult to imagine differences on the need for safe use of the weapons which are available. The proposal before us today recognize that need and represents a significant step in our efforts to satisfy it. For this and the other reasons mentioned, I urge the Senate to give unanimous approval to this worthy measure.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, with statements therein limited to 3 minutes, not to extend beyond 30 minutes.

THE TRANQUILIZER—MEPROBAMATE

Mr. NELSON. Mr. President, today, I should like to call the attention of the Senate and the public to a shocking situation in the pricing structure of tranquilizing drugs. Tranquilizers are widely used by doctors to treat patients suffering from anxiety, tension headaches, muscle spasms, and nervous diseases. One of the most widely prescribed tranquilizers—indeed the fifth most widely prescribed drug of any kind—is a compound known officially as meprobamate and widely sold under the trade names of Miltown and Equanil.

The holder of the patent on meprobamate is Carter-Wallace, Inc., a pharmaceutical manufacturer based in New York City. Although Carter-Wallace sells meprobamate under the trade name, Miltown, this firm does not and never has produced its own meprobamate either in bulk or in final dosage form. Carter-Wallace buys the bulk material from foreign manufacturers for resale and for use in the meprobamate tablets it sells under its own name. The world price of bulk meprobamate is 87 cents a pound. Carter-Wallace resells it to domestic manufacturers for $23,30 a pound. In other words, Carter-Wallace has been buying it at 87 cents a pound and selling it to domestic manufacturers at $23.30 a pound. On January 27, 1960, the U.S. Government sued Carter-Wallace—then known as Carter Products, Inc.—for attempting to monopolize and fix prices in the interstate and foreign trade in meprobamate. Two years later, the company signed a consent decree designed to end its monopolistic activities in meprobamate tranquilizers and bring down the price to a reasonable level.

It is astonishing to note that in the 6½ years since the decree was signed, Carter-Wallace has raised its prices to the trade and the consumer—increasing its profits on the drug fivefold—while the world price of bulk meprobamate has dropped sharply.

In other words, Carter-Wallace has been able to carry on its monopolistic practices despite the very decree designed to end them. It forces the American public to pay increasingly exorbitant prices for a widely prescribed drug while its cost of manufacture continues to drop.

On March 23, 1968, the U.S. Government charged in the U.S. Court of Claims that Carter-Wallace's patent is invalid, that it has misused its patent, and that the firm "has combined and conspired to restrain and combined and conspired to monopolize and attempted to monopolize interstate and foreign trade and commerce in meprobamate in violation of sections 1 and 2 of the Sherman Act."

Carter-Wallace's actions are aimed at one goal; to prevent meprobamate from becoming available to the American public as a generic drug at a reasonable price. Generic drug manufacturers cannot afford to make meprobamate tablets if they buy bulk material at Carter-Wallace's price. When they go into the world market to buy meprobamate at the price Carter-Wallace itself pays, the company harasses them with patent infringement suits even though, as the Government charged, the patent is invalid. Indeed, Carter-Wallace has gone so far as to sue the U.S. Government itself for $8 million because the Defense Department, the Veterans' Administration, and the General Services Administration refused to pay Carter-Wallace's excessive price for meprobamate tablets which was as much as nine times the competitive price and went abroad to buy the drug.

I ask unanimous consent that a tabulation showing the vast and almost incredible savings made by the Defense Department in procuring this drug from competitive sources be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MEPROBAMATE PROCUREMENTS BY THE DEFENSE DEPARTMENT

Year	Number of contracts	Cost of foreign product	Value of low domestic offer	Savings to defense department	Percentage Carter-Wallace price as compared to foreign product price
1960	2	$288,594	$1,440,772	$1,152,177	500
1961	3	474,553	2,969,087	2,494,534	630
1962	1	181,773	1,419,659	1,237,886	780
1963	2	206,652	1,756,384	1,549,732	850
1964	1	59,433	339,464	280,030	570
1965	1	28,919	195,350	166,430	680
1966 [1]	2	$235,846	$1,102,836	$866,990	470
1967	1	65,503	253,992	188,489	390
1968	2	142,310	795,264	652,954	560
Total		1,629,583	10,272,808	8,589,222	

[1] In 1966 only two of seven contracts were placed on a competitive basis.

Mr. NELSON. Mr. President, by purchasing from foreign competitive sources in the 9-year period 1960–68, the Defense Department bought for $1.6 million what would have cost $10.3 million, thus saving the taxpayers about $8.6 million on this one drug alone. The Defense Department and other Federal agencies can accomplish these great savings because they are not bound by law to observe patents or licensing agreements and may purchase at the lowest price from any manufacturer in the world. However, the American consumer does not have such a right and thus must pay whatever price Carter-Wallace decides to charge. In 1969, the Veterans' Administration bought meprobamate at $1.55 for a bottle of 500, 400-milligram tablets. The price to the American druggist for this tranquilizer under the name of Miltown is $31.20, which is 2,000 percent as much as the VA's price. The price to the American consumer is about $52 or 3,300 percent as much as VA's price.

Under the terms of the consent decree, Carter-Wallace was required to sell bulk meprobamate on a nondiscriminatory price basis to all qualified pharmaceutical houses. A maximum price of $20 a pound was fixed as the sales price with a provision for increase of this maximum price based on the Consumer Price Index. Since the entry of this decree, Carter-Wallace has sold only at the maximum price—which in September 1966 was raised to $21.40 a pound based on an increase in the Consumer Price Index, and in February of 1969 was increased to $23.30 per pound.

The Carter-Wallace consent decree was approved by the Court after a hearing in which all parties presented detailed argument. Judge Weinfeld summarized the Government's position as follows:

> The Attorney General emphasizes that in end result the Decree will correct the noncompetitive and monopolistic situation which he charges has existed in the manufacture, use and distribution of meprobamate compound for the past seven years; that not only will true competition result by reason of the availability of the product to all pharmaceutical houses on a non-discriminatory basis, but that the maximum price of $20.00 will enable them . . . to make a handsome profit and at the same time substantially reduce the price of tranquilizing and combination drugs to the consuming public.

In support of the proposed final judgment, both Carter-Wallace and the Government relied on the same argument.

This argument, as stated in Carter-Wallace's memorandum, was as follows:

Therefore, a pharmaceutical house paying $20.00 a pound for meprobamate can, after also reflecting labor and factory overhead in manufacturing the compound into a meprobamate, tranquilizing drug, and the cost of packaging materials, reduce the price to the wholesale trade of $2.70 per bottle, for 50 tablets of 400 milligrams strength, now charged by Carter by 25% to $2.025 per bottle, and make a gross profit of 54.5%; it could effect a 33⅓% price reduction to $1.80 a bottle and make a 48.8% gross profit; and could effect a 50% price reduction to $1.35 a bottle and make a 32% gross profit.

In further support of the maximum price of $20 per pound, the Government stated in its memorandum, as follows:

The above figures show that other pharmaceutical houses wishing to enter this field and willing to operate on lower profit margins than is presently current could cut prices of finished drugs as much as 50% below those prevailing and still enjoy a considerable profit.

Carter-Wallace's cost of meprobamate in final dosage form, which was computed as 36.6 cents per bottle of 50 tablets, 400 miligrams was taken from data submitted by Carter-Wallace, which information had also been submitted by that company in 1960 during the Kefauver investigation of administered prices in the drug industry. The cost of 36.6 cents per bottle of 50 tablets, 400 milligrams was, expressed as $7.32 per bottle of 1,000 tablets, 400 milligrams, in exhibit 156, page 9157, part 16, of the Kefauver committee hearings. In terms of bottles of 50 tablets, these costs may be broken down as 19.2 cents for the chemical compound, 4 cents for 2 percent wastage, 10 cents for tableting and 7 cents for bottling, which totals 36.6 cents per bottle of 50 tablets.

Since 1962, Carter-Wallace's price to the wholesale trade of $2.70 per bottle, for 50 tablets, 400 milligrams, has risen to $3.60 per bottle while the cost of the meprobamate bulk chemical compound to Carter has dropped from $4.25 to less than 90 cents per pound, or from 19.2 cents to 4.5 cents per bottle. Indeed, it is still dropping. A copy of a price list of a broker, M. W. Hardy & Co., Ltd., dated February 1969, lists meprobamate at $1.92 a kilo, which equals about 87 cents per pound. Thus, even accepting, Carter-Wallace's tableting and bottling costs, its final dosage form cost is now approximately 21.9 cents and its profit per bottle of 50 tablets, 400 milligrams, has risen from 740 to 1,640 percent. On the other hand, the pharmaceutical houses presently paying Carter-Wallace $23.30 per pound for the bulk material have an additional manufacturing cost over Carter-Wallace of $22.40 per pound, or 97 cents per bottle of 50 tablets, while its price to the wholesale trade currently averages $1.10 per bottle of 50.

In sum, Carter-Wallace buys meprobamate bulk chemical compound for less than 90 cents per pound, and sells it to pharmaceutical houses at $23.30 per pound for a 2,600-percent profit. In addition, it puts its own label on the finished tablet manufactured by someone else which it sells to the wholesale trade at $3.60 per bottle of 50 for a 1,640-percent profit. The pharmaceutical house which purchases the bulk material from Carter-Wallace at $23.30 per pound just about breaks even when it sells the finished tablets to the wholesale trade at $1.10 per bottle of 50. The following chart demonstrates the changes in the market situation since 1962:

	1962	1969
Carter-Wallace's cost of bulk meprobamate per pound	$4.25	$0.90
Carter-Wallace's price for bulk meprobamate per pound	$20.00	$23.00
Carter-Wallace's profit on bulk meprobamate per pound (percent)	475	2,600
Carter-Wallace's cost of finished tablets, 50, 400 (milligrams)	$0.366	$0.209
Carter-Wallace's price to wholesalers, 50, 400 milligrams	$2.70	$3.60
Carter-Wallace's profit on finished tablets, 50, 400 milligrams (percent)	740	1,640

Various agencies of the U.S. Government, including the Departments of the Army, Navy, and Air Force as well as the Veterans' Administration, purchased substantial quantities of meprobamate tablets from sources other than Carter-Wallace for use by the Armed Forces and veterans hospitals. On September 14, 1967, Carter-Wallace filed a patent infringement suit for damages of $8,000,000 against the United States in the Court of Claims. On March 29, 1968, the Government filed its answer, in which it charged that Carter-Wallace "has combined and conspired to restrain and combined and conspired to monopolize, and attempted to monopolize interstate and foreign trade and commerce in meprobamate in violation of sections 1 and 2 of the Sherman Act thereby rendering said patent unenforceable."

The patent on this drug was issued in 1955, and for the last 15 years the firm has been reaping tremendous profits. Carter-Wallace's profits compared to its costs, on both bulk meprobamate and finished tablets are nothing short of sensational. Yet, this position is being maintained by the 1962 consent judgment which allows Carter-Wallace to wring the maximum possible price from the public.

The effect of the Department of Justice's 1962 consent decree is to provide Carter-Wallace with an umbrella and allows the firm to charge unconscionable prices.

The U.S. Government 2 years ago charged that Carter-Wallace has conspired to monopolize, and has attempted to monopolize trade and commerce in meprobamate, in violation of sections 1 and 2 of the Sherman Act.

On June 11, 1970, the Department of Justice repeated its claim that the meprobamate patent is invalid and void and that Carter-Wallace through written contracts with other firms, first, has allocated markets; second, tried to control the use of meprobamate even after selling it to other firms; third, sold meprobamate with the provision that the validity of its patents would not be contested, and, fourth, sold to certain large firms at a lower price than it charged other customers to the competitive disadvantage of such customers.

In view of the charges by the Department of Justice, I believe it would be in the public interest for the Department to reopen the consent judgment or to consider the initiation of new proceedings against Carter-Wallace. Carter-Wallace's prices for meprobamate and its ability to maintain them at such a high level should be thoroughly explored so that the public will understand why it is paying such high prices for this drug.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempport. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

NOMINATIONS—SUSPENSION OF SENATE RULE XXXVIII DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that paragraph of rule XXXVIII of the Standing Rules of the Senate relating to proceedings on nominations be, and it is hereby, suspended with respect to nominations unacted upon during the present session, and the status quo shall not be affected by the October 14 to November 16 adjournment of the second session of the 91st Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the morning business is concluded the Senate proceed to the immediate consideration of Calendar No. 1282, H.R. 4432.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. UDALL, Mr. CORBETT, and Mr. GROSS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Serv-

ice Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug-dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. SPRINGER, Mr. NELSEN, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 774. Concurrent resolution providing for an adjournment of the two Houses from October 14, 1970, to November 16, 1970; and

H. Con. Res. 775. Concurrent resolution authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14, to November 16, 1970.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9548. An act to amend section 15–503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 10837. An act for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676), as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes;

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; and

H.J. Res. 1396. Joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

HOUSE BILL REFERRED

The bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. MCGOVERN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for improvement in the administrative and financial operations of the U.S. district courts, judicial branch, dated October 8, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report of the Corporation, for fiscal year 1969 (with an accompanying report); to the Committee on Banking and Currency.

PETITION

The ACTING PRESIDENT pro tempore (Mr. MCGOVERN) laid before the Senate the petition for redress of grievances of Orville L. Cain, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

S. 3748. A bill to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia (Rept. No. 91–1310);

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes (Rept. No. 91–1311); and

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunication Satellite Consortium, and any successor organization thereto (Rept. No. 91–1312).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests (Rept. No. 91–1313); and

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia (Rept. No. 91–1314).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 3747. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates (Rept. No. 91–1315); and

S. 3749. A bill relating to crime in the District of Columbia (Rept. No. 91–1316).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, with amendments:

S. 1142. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes (Rept. No. 91–1317).

ADDITIONAL COSPONSOR OF A BILL

S. 1424

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1424, the Truth-in-Packaging Act.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1043 THROUGH 1046

Mr. ERVIN submitted four amendments, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1047

Mr. ALLEN proposed amendments to House Joint Resolution 264, supra, which were ordered to be printed.

ADDITIONAL STATEMENTS OF SENATORS

TISHRI 10—1970: THE DAY OF ATONEMENT; OCTOBER 9–10: TIME OF NATIONAL ASSESSMENT

Mr. NELSON. Mr. President, the Nation's Jewish community is at present observing the last days of the High Holidays, and this evening will begin Yom Kippur, the Day of Atonement. For world Jewry, this has been a period of contemplation and reflection, a time to seek forgiveness for the transgressions of the past, and a time to reach for the strength, the understanding, and the wisdom to face the problems and the issues of the ensuing year.

The High Holy Day message of the Jewish Theological Seminary of America sets the earnest tone of these days in a concluding line from the "Ethics of the Fathers"—2:20:

The day is short. The work is hard. . . . Ours is not to complete the task. Yet neither are we free to neglect it.

This is also a time of reflection for our entire country as we attempt to understand and come to grips with the complex problems which presently test us as a nation and a society: the issues of war and unrest abroad, and the serious challenges of violence, racism, crime, poverty, drug addiction, environmental destruction, and institutional paralysis here at home.

The message of the Jewish Theological Seminary of America which was printed in yesterday's New York Times focuses on questions and thoughts which are not restricted by religious affiliation. It speaks to the mind and conscience of all citizens who are concerned about the future direction of this society, and who are unwilling to neglect these challenges.

I ask unanimous consent that the 1970 High Holy Day message of the Jewish Theological Seminary of America, entitled "Who are the Addicted?" be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

WHO ARE THE ADDICTED?

It is not hard to point out those who are addicted: who turn to alcohol or drugs or violence, seeking a quick release from problems they feel helpless to attack.

But why do *we* so often try short-cuts to the good, deceiving ourselves that it can be easily achieved?

It is, of course, easier to see this in the lives of others than to recognize it in our own.

We see it tragically today in the growing numbers of our young who addict themselves to drugs.

They profess to be living *more fully* when they seek to make their contact with the good through the chemistry of drugs.

Yet in so doing are they not refusing to face the challenges, the persistent struggles, and even the frustrations, required to achieve *any* good?

Are they living more fully—or, instead, are they evading life?

Yet how many of their elders are also addicted, in their own ways, to evading reality?

AS PARENTS

How many of today's parents are facing-up to the reality that there are *no* short-cuts to the good, within their own home?

They will often imagine, with all sincerity, that they are providing a good life for their children and themselves by multiplying every material security for their family. As though any amount of material goods and ambitions can be *enough* to create a healthy family.

To be a parent, instead of only a provider, is to give our children our presence, as well as our presents. It is to understand them; and to give them our patience as well as one love.

It is not only to instruct but also to listen; not only to criticize them but to accept and respond to their criticism, as well.

For how else can we teach our children to listen and respond to us?

In what other ways can we hope to reach our children deeply enough to shape their characters and their lives for the good?

To imagine there is some lesser or easier way is to be addicted to an evasion of reality.

OUR TEACHERS

How many educators, in this age of wonderful technologies, have become addicted to the uses of short-cuts to a good education?

We must never diminish our attention to the crucial needs for improving and expanding all of our educational resources.

Yet, all of us will fail to face reality if we assume that any combination of the material resources for good education can be substituted for the primary educational resource: a good teacher.

It never was easy to be a good teacher. Nor can it be. Involvement in one's subject is essential, but even more insistent is the unending need to be involved in the lives of one's students: to work unremittingly to transmit to them, not information alone, but also the desire to learn—and to build the student's character by the teacher's consistent example of what good character means.

We can be sure that nothing less can teach wisdom as well as knowledge; nothing less can truly educate our young.

THE LEADERS OF OUR SOCIETY

Our leaders fail us whenever they turn to illusory short-cuts to the good.

We, and they, must not lose sight of the inescapable fact that no new weapon-systems, no new laws, no new government programs, important as they may be, are *enough* to bring the solutions to the problems which overwhelm us today.

Anyone who imagines he has found, or can find, some abrupt way to solutions is wrong. And leaders who yield to the temptation of offering simple answers, where there are none, are turning their backs on reality instead of coping with it. They too are addicted to the immediate rather than the good.

Such addictions become profoundly dangerous as we move against the stubborn, complex problems of our time: of our cities, of our nation, of the world—of our bitter racisms, our violences at home and abroad, the stain of our poverty-stricken and of the world's poverty-stricken.

What we need from our leaders—as much as from ourselves, our young, our parents and our teachers—are the great strengths of reality: vision *and* character. We need their determination and dedication, and our own, to keep advancing on the long road to the good—whatever difficulties and disappointments and frustrations we may find on the way.

Therefore, we must know that, in every aspect of our lives, and of society . . .

It is as much an error to be overconfident, when some small advance toward the good is achieved, as it is to be pessimistic because more has not yet been accomplished.

"The day is short. The work is hard . . . Ours is not to complete the task. Yet neither are we free to neglect it."—Ethics of the Fathers [2:20].

NATIONAL WHEAT INSTITUTE

Mr. MANSFIELD. Mr. President, it is a coincidence, yet nonetheless significant, that this year's "Day of Bread" observance on October 6 occurred almost simultaneously with the formation of the National Wheat Institute. Day of Bread is a symbolic expression of international gratitude for the staff of life. As such it serves to focus worldwide attention on the great contribution wheat makes to the human diet, and the important qualities that make wheat a major weapon in the fight against hunger and malnutrition. This year's observance is enhanced considerably by the formation of a new organization which will attempt through a national research and promotion program to make wheat even more attractive and beneficial to people at home and abroad.

WHEAT'S NEW DIMENSION: THE AGE OF INTELLIGENT CONSUMPTION

The work of the State wheat commission in my own State and in the nine other commercial wheat States has proven beyond a doubt that research and promotion funds can be put to constructive use to increase utilization of this basic commodity.

Basic and applied research authorized by these commissions have played a major role in unlocking the nutritional secrets of wheat. But until now, their activities have lacked cohesive and comprehensive support on the national level.

Now, for the first time, a program that is national in scope is being implemented to seek expanded exports and to achieve an elusive, yet basic, objective of the American wheat producer: to break the 40-year-old cycle of declining per capita consumption.

Based in Washington, the National Wheat Institute will focus on two areas of critical importance: First, research on enrichment, fortification, and market development; and second, a change in public attitude that, hopefully, will bring about more widespread appreciation for wheat's excellent nutritional qualities.

Figures on per capita U.S. wheat consumption for the past 40 years vividly dramatize the need for such a program. During that period, flour consumption has dropped from 169 pounds to 112 pounds, and even though the rate of decline has slowed sharply in recent years, the net result is that Americans now are eating about a third less wheat than previously.

The trend is especially distressing to the American wheat producer, who finds himself hemmed in by a somewhat static domestic market in which population increase alone provides room for growth. In addition, the wheat producer is beset by the same chronic ills that plague other major segments of agriculture: his costs for supplies, equipment, taxes—virtually everything he buys—continue to rise, but his prices stay the same.

From his standpoint, the formation of this new organization is indeed a hopeful sign. Before we examine the potential it offers, we should consider how this organization came about, and how it will be funded.

During the 1968–69 farm program year, here was an accumulation of approximately $4.2 million in the Wheat Inverse Subsidy Pool, which was established as a means of keeping our wheat competitive with world prices. Because of pricing arrangements under the International Grains Agreement during 1968, world wheat prices for much of that year held about our domestic prices—the only recent year in which such conditions have prevailed. Fewer payments from the pool thus were needed to keep our wheat moving into international trade. And, the books at USDA showed a balance of $4.2 million at the end of the program year.

The mere disbursing of a pool of that size would pose considerable difficulty—

especially since approximately 832,000 wheat producers participated in the program. More than half the refunds to producers would be for less than $3.

And so, Congress, by a unanimous vote in both Chambers, approved legislation that gives producers the opportunity to accomplish jointly what they could not possibly do alone: to sponsor a comprehensive program designed to increase utilization and to improve their overall competitive position.

I emphasize the point that Government funds are not involved in this program. I also emphasize the point that this is not a scheme to usurp funds that rightfully belong to producers. The right of the individual to withdraw his pro rata contribution from the pool has been carefully safeguarded. The legislation passed by Congress provides for a 90-day period in which any producer can withdraw his contribution to the fund—and none of the money can be spent until that 90 days has expired.

I believe the great majority of producers will welcome the opportunity to participate in a program of this kind—that they will quickly recognize and accept the challenge to achieve a common objective.

Certainly this is the quickest way for wheat producers to generate needed and dramatic impact; it is also the least painful way financially. Actually the possible refunds would only amount to 0.5 percent times the producers 1968 certificate payment.

The fact that the program will not work a hardship on producers is fairly evident from the breakdown on the size of the payments—or possible refunds—involved: 229,000 would be for less than a dollar; 417,000 would be for between $1 and $5.79; and only about 5,000 producers are eligible for a refund of more than $58.

The most important questions from the producer's standpoint are:

Who will administer the funds once a determination has been made of how much money is available?

What potential does the program offer?

What projects would the Institute undertake?

First, the funds will be administered by wheat producers serving on the Institute's board of directors. These producers will also represent the general farm organizations who founded the National Wheat Institute: U.S. Durum Growers, NFO, Farmers Union, National Grange, and National Association of Wheat Growers. The Board will have an ex officio member from USDA, and the Secretary of Agriculture will also approve specific program projects.

In addition to this organization structure, the Institute will also have an advisory committee consisting of representatives of other segments of the wheat industry, such as the Millers National Federation, the American Bakers Association, the Wheat and Wheat Food Foundation, and others. The advice and counsel of technical advisers from universities and research organizations will also be available to the Institute.

The exciting side of this story is that such an undertaking may well trigger a major shift in emphasis for wheat, a shift in which there is less concentration on conspicuous production, and much greater emphasis on intelligent consumption.

In the past few decades, the American wheat producer has made tremendous strides from a production standpoint. Per acre yields nationally have risen dramatically in the past 20 years—from about 20.7 bushels per acre—the 1950–60 average—to about 30.7 bushels per acre in 1969.

Yet, wheat has fallen far short in the critical areas of utilization. Exports have risen, yes. But not enough. In addition, the wheat industry has been unable to combat effectively the present deplorable consumption trend.

The solution to this problem will be difficult at best; it will require a fundamental change in public attitude.

When the economy of a nation improves significantly, as ours has in recent years, the traditional foods in the diet—usually those high in starch content, and relatively inexpensive—decline in utilization. In the United States we have seen a terrific increase in consumption of meat in the past decade or so, and this meant a general upgrading in the diets of consumers primarily because meat is an excellent source of protein.

Yet converting grain into animal protein is an expensive process; it takes 10 pounds of feed to make one pound of beef; about 2 pounds of feed to make a pound of chicken; and about 3 pounds of feed to make a pound of eggs. Most of the underdeveloped countries cannot afford to make that conversion.

Here we can, and while we have witnessed an amazing increase in consumer demand for meat, we have also seen a reduction in demand for starch-based foods.

Most Americans have become extremely diet conscious. The unfortunate aspect for wheat is that breadstuffs are distinguished in the public mind as high in starch content—something to steer clear of it you do not want to get fat. It is unfortunate because the facts speak otherwise. The nutritionists make an excellent case for wheat as a basic part of the diet—the possibilities through enrichment and fortification hold fantastic potential—but only if basic research is applied on a practical level. This coupled with more intelligent consumption on the part of the public can have a strong positive impact for wheat.

This dual challenge should serve as a guidepost for the new National Wheat Institute.

The experts seem in general agreement that traditional uses provide the greatest potential for expanded domestic wheat utilization. Still we need to know a great deal more about established eating habits. More knowledge about consumption patterns is needed in order for nutritionists to make good value judgments about the overall role bread plays in our diet. Once this is known, enriched and fortified products can be made that are attractive in terms of taste and texture and also from an economic standpoint. For example, considerable evidence now suggests that fortification of flour-based foods represents the most appropriate way to improve the iron content of the American diet.

And so to increase domestic consumption, wheat needs new and improved products; there is an urgent need for an organization that will not only help develop these products, but will also promote them with the general public.

The Institute's other major target area—exports—is equally promising. Most of the world's population still depends on cereal grains as its primary source of caloric intake. And of the world's total acreage planted to cereals, 31 percent is devoted to wheat.

Japan recently became our first billion dollar customer for agricultural products, and if its example of wheat usage is followed by the developing nations, the possibilities for increased wheat exports are staggering. But again, these nations will develop as good customers for American wheat only as a result of sound technological, economic and market development work.

The role of wheat and other cereal grains in combating world hunger will become increasingly important; the basic problem of nutritional deficiency boils down to one of finding a digestible and acceptable balance of proteins. And in many countries livestock sources are out of the question for cost reasons for many years to come. The problem is made especially complex because even if sufficient good quality food is available, getting it into the diet of illiterate, unknowing and unbelieving people may still be impossible. The obstacles here again challenge the initiative of the wheat industry because centuries' old habits, traditions, taboos and methods must be erased or circumvented. Whole national habits of eating, cooking, serving, preparing, marketing, growing, processing, storing, and selling are involved.

Yet, the technology needed to overcome these problems is emerging at a rapid rate.

The National Wheat Institute should give a significant boost to the effort already underway to put this technology to work. Some of our competitors, such as Canada with its central marketing organization, are making major strides in this field, and it is essential that we keep pace with them.

I am especially encouraged that the Nation's wheat producers will have for the first time at the national level a source of guidance and assistance in the critical area of increased utilization.

It represents a major opportunity to attack wheat's persistent and perplexing problem of underconsumption at home, and meet the challenge of expanding exports abroad.

NEBRASKA WANTS ELECTORAL VOTE CONCEPT RETAINED

Mr. HRUSKA. Mr. President, there are many who hold firm and abiding judgment that Senate Joint Resolution 1 is not only unwise but dangerous. The joint resolution seeks to bring about the election of the President of the United States by direct popular vote. It would totally abolish the electoral college.

While there are many objections to such a change, among the most frequently mentioned are that it would substantially change the form of our Federal Government, and for the worse, and also that it would greatly reduce the voting power and the position of the smaller, less populous States, like Nebraska.

Recent editorial comment in Nebraska newspapers shows that attention and study beyond the slogan of one-man, one-vote has been devoted to this vital subject.

The Omaha World Herald editorial cites nine "valid" reasons for opposing the direct popular election. Each of those reasons is sufficiently described to carry much weight. The Lincoln Journal editorial points out that the change would produce "its own set of uncertainties, doubts, fears, and imponderables that could be even more appalling than those of the present procedure."

The Journal goes on to say that the direct popular vote would "remove one of the sturdiest girders of our federal republic system" and that it would tend to concentrate this power in the large population centers.

The two glaring defects of the present electoral system are: First. The individual presidential electors are free to cast their votes for whomsoever they please, regardless of the votes cast by the State; second, if no candidate gets a majority of electoral votes, each State has one vote, which is cast by the State delegation serving in the House of Representatives. The correction of these errors is simple: First, abolish personal electors and simply have an automatic tallying of the electoral votes of each State. Second, if a run-off is necessary, have a joint session of Congress, where each Member of the House and Senate would cast one vote for either of the two highest candidates.

Recently a great many unsupported statements were made about how the "people" in Nebraska feel about this issue.

Last week a non-Nebraskan, visiting in the State for political purposes, said he was "willing to bet" that a poll in the Cornhusker State would show a majority in favor of popular voting.

On this subject, each Nebraskan would have his own ideas. An editorial in the Lincoln Evening Journal spoke on this subject in an editorial entitled "Worst Conceivable Time." It is well put.

I ask unanimous consent that the editorial from the Omaha World Herald and the two editorials from the Lincoln Evening Journal be printed in the RECORD.

Similar consent is requested as to Nebraska Unicameral Resolution 104, approved on September 19, 1969, by a vote of 29 to 2 and as introduced by Senator Henry F. Pedersen, Jr. It calls for retaining the electorial vote system under the so-called "District" plan.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Sunday World-Herald, Sept. 27, 1970]

WHY WE OPPOSE ELECTION

Reader Brian R. Hill challenges us in a Public Pulse letter today to give "a valid reason" why the president of the United States should not be chosen by direct popular election.

Here are nine reasons we consider valid. It should be emphasized that we are speaking of Sen. Birch Bayh's measure currently before the Senate. It is a proposal for a constitutional amendment which would abolish the Electoral College. The candidate receiving the largest popular vote would be elected, provided he received at least 40 per cent of the votes cast. If he did not, a runoff election would be held between the two highest vote-getters.

1. Direct-popular election would encourage splinter candidates and the formation of single-issue parties.

Much of the concern behind present reform attempts arose from the George Wallace threat in 1968. It was feared that Wallace would get enough electoral votes to throw the election into the House, and that Wallace thus would be placed in a position to bargain with the two major candidates for their support.

Under the Bayh plan, there could and probably would be several splinter candidates, making a run-off election a distinct probability. The two leading candidates would be under tremendous pressure to make deals with the splinter groups for their support in the runoff.

2. Under the Bayh proposal, a candidate could win the presidency with only 40 per cent of the vote, even though he carried no states.

A weakness of the present system is that a candidate can receive fewer popular votes than his opponent, but still win the presidency in the Electoral College. We do not believe it would be an improvement to enable a man to become president on the votes of a few big cities.

3. The federal system, already on shaky ground, would be weakened further, possibly terminally, by removing the states from the electoral process.

4. The rights of all minorities would be endangered by the removal of incentive for compromise of political ideas.

It no longer would be necessary, under the Bayh plan, for a national party to put together a broad-based program designed to appeal to a wide cross-section of the electorate. Demagoguery would be encouraged; conceivably the presidential election would be determined by television campaigning in the big cities.

5. Direct popular election would require federal election standards and policing to which all states would have to submit, regardless of their own laws or constitutional provisions.

The complications that would arise from this are being foreshadowed by the confusion over the congressional enactment providing an 18-year-old voting age.

6. The opportunities and temptations for vote fraud would be enlarged. Under the present system, the effect of ballot stealing is localized. In a national direct vote, fraud would have a direct impact on the final outcome.

7. The vote-counting process would be long and unwieldy. With run-offs and recounts, the nation would be kept in an unsettling suspense for weeks, possibly months.

8. The participation of small-population states in the political process would be reduced measurably.

It has been calculated that Nebraska's voting power would have been reduced by 20 per cent in 1968 had there been direct election of the president. Thirty-three other states would face diminution of political "clout" in varying degree.

9. The Bayh plan is characterized by numerous procedural uncertainties.

How would election standards be set and enforced? Who would determine which parties could field candidates? How long would it take to count votes, and how would challenges be resolved?

Reader Hill characterizes our opposition to the direct election as "moss-backed conservatism." If that is what it is, then someone is in dubious company, for we are joined by such as Theodore White, columnists Mankiewicz and Braden, Professor Alexander Bickel of Yale Law School, former Eugene McCarthy aide Richard N. Goodwin, Sen. Thomas Eagleton of Missouri, and a host of other certified liberals.

We believe the electoral system should be reformed. But we do not believe it should be reformed in a way that would destroy the two-party system, usher in the politics of ideology, endanger the political rights of minorities and change the United States overnight from a federal republic to a unitary democracy.

[From the Lincoln Evening Journal and Nebraska State Journal, Sept. 12, 1969]

ELECTING A PRESIDENT

The presidential election system of this country does contain "uncertainties, doubts, fears and imponderables," as Rep. Emanuel Celler, D-N.Y., contended in House debate on the subject.

But it does not necessarily follow that a system of direct popular election of the President is required to overcome these horribles, which is proposed by Celler, chairman of the House Judiciary Committee.

It is quite possible, in fact, that direct popular election of the President, scrapping the whole electoral system, could produce its own set of uncertainties, doubts, fears and imponderables that could be even more appalling than those of the present procedure.

Actually, the major faults of the existing system are not so extreme as to warrant such a far-reaching change as the direct election would entail; nor is the correction of these faults so controversial as to jeopardize any change at all, as is the case of the fight for direct election.

The two glaring defects in the present electoral system are: (1) the freedom of individual electors in some states to cast their presidential ballot for whomever they please, without regard for the expressed preference of the voters in those states; and (2) throwing the decision into the House of Representatives, with one vote for each state, if no presidential candidate has a majority of the electoral votes.

The first of these could be disposed of by eliminating the position of "elector" and simply having an automatic tallying of the electoral votes of all the states.

The second would require only a change to, preferably, a run-off election between the two highest candidates or designation of both the House and Senate, with each member having a vote, as the decisive element where an electroal majority is lacking.

Another shortcoming, less severe, in the present system is the "winner-take-all" distribution of electoral votes in each state.

This could be remedied—and, in the opinion of The Lincoln Journal, should be remedied—by going to the "district" plan, under which one electoral vote would be allotted to each congressional district, determined by the outcome of the popular vote for President in that district, and two votes to each state at large, determined by the presidential vote in the whole state.

This would retain in integrity of the federal system, which is one of the unique features of this country's very successful political system, in which the states have certain powers of their own—specifically, in this case, the election of a President.

Elimination of the electoral concept in favor of a direct popular vote would remove one of the sturdiest girders of our federal republic system and move the country inevitably toward a unitary, centralized

democracy. It most certainly would weaken the influence that the more sparsely populated states now have on the selection of a President and would tend to concentrate this power in the large population centers.

The direct election opens a host of additional uncertainties such as federal control over election laws generally and the accessibility of third parties to the national ballot.

Finally, inasmuch as a large number of smaller states would lose their electoral identity in a change to direct elections, it would seem almost certain that this approach could never be ratified by the necessary 38 states.

This makes the current congressional preoccupation with direct election worse than an exercise in futility; it undoubtedly is delaying the urgent changes needed in the present system.

[From the Lincoln Evening Journal and Nebraska State Journal, Oct. 3, 1970]

WORST CONCEIVABLE TIME

It was a little presumptuous of Sen. Birch Bayh, Indiana Democrat, to come into Nebraska and say that he would be "willing to bet" that a poll of Nebraskans would show a majority in favor of direct popular election of the President, even though the state's two senators are battling the proposition.

It is tragic that such important legislation was not pushed early in the session so that there could have been adequate debate and some opportunity for amendment reform to be submitted to the states with the possibility of consideration before the next presidential election.

The amendment, as presented by Sen. Bayh, had vast implications for the American political system. It was brought to the floor at the worst conceivable time for methodical and considerate debate; a time when there was a rush for adjournment and to hit the campaign trails.

After George Wallace, as a third party candidate, threw fear into the party leaders and serious Americans in 1968, there was much talk about a need for change, but little consensus as to what the change should be.

Possibly if there had not been a filibuster against the bill the Senate might have voted for it. Yet taking the risks of the worst that can happen under the present system is preferable to hastily passed legislation which would change the American system of electing presidents.

To Sen. Bayh it could be said: he might have known the Democratic audience he was addressing but it is doubtful if he could win much money betting on how Nebraskans would vote.

LEGISLATIVE RESOLUTION 104

Whereas, there are now pending in the Congress of the United States several proposals for changing the method of electing the President and the Vice President of the United States; and

Whereas, there is a need for a change in the present electoral college system; and

Whereas, one such proposal is contained in Senate Joint Resolution 12 cosponsored by Senator Carl Curtis of Nebraska, and under this proposal each congressional district would have one electoral vote which would go to the winning presidential candidate, and each state would have two additional votes which would go to the winner in the state.

Now, therefore, be it resolved by the members of the Nebraska Legislature in eightieth session assembled:

1. That the Legislature endorses and urges the adoption of Senate Joint Resolution 12.

2. That copies of this resolution be sent to Senator Curtis and the other members of the Nebraska delegation in Congress.

HOPE FOR NEGOTIATED PRISONER SETTLEMENT STRONG

Mr. HATFIELD. Mr. President, despite the initial Communist denunciation of the peace proposals made by President Nixon Wednesday night, there is real hope progress can be made in gaining the release of American prisoners of war. The Communist reaction was as expected. Also as expected, their rejection of the Nixon proposals was not outright and irrevocable.

Viewed objectively, proposals by President Nixon this week and those made by the other side last month are less far apart than previously. Although we propose unconditional release immediately, and the Communists insist upon holding the POW's until completion of a political settlement satisfactory to them, at least, for the first time, both proposals are on the table side by side.

Prior to this week there has been no real room for negotiations which both sides would recognize. That there is now such a possibility for negotiations is a real sign of hope.

ARTICLE II, SECTION ON MENTAL HARM OF GENOCIDE CONVENTION IS MADE CLEAR BY PRESIDENT'S PROPOSED UNDERSTANDING

Mr. PROXMIRE. Mr. President, in past years there have been some questions concerning the exact meaning of the section of article II of the Genocide Convention referring to acts causing "serious mental harm." The question, and I consider it most important, centers around the definition of "mental harm."

It is clear to me that the President's proposed understanding, which would be issued by the United States, makes the meaning and intent of this phrase perfectly clear. The proposed understanding reads:

That the United States Government understands and construes the words "mental harm" appearing in Article II(b) of this Convention to mean permanent impairment of mental facilities.

With this understanding, before a charge could be sustained, it would have to be proved that the person involved had suffered permanent impairment of their mental facilities. This standard would deter allegations of a frivolous nature. It also provides us with a guideline for interpretation in our courts.

I believe that the time has come for the entire Senate to discuss the ramifications of this convention, such as the one I have just mentioned. By bringing the Genocide Convention to the floor of the Senate in the post-election session, we could discuss all of the issues involved. I urge the Committee on Foreign Relations to consider action on this convention at the earliest possible date.

IMPROVED STREET LIGHTING IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I am sure that many Senators have noticed the beginnings of a bright, new look in certain areas of Washington, D.C., as a result of a new street lighting program begun by the District of Columbia Department of Highways and Traffic.

This program is aimed at making the major streets of Washington safe from crime, by eliminating the cover of darkness which is vital to the mugger and criminal element now preying on innocent citizens and small businesses in the community.

The Select Committee on Small Business—of which I have the honor of being chairman—in its hearings on the impact of crime against small business, cited street lighting as one of the major factors in the prevention of crime. The report of the Small Business Administration, "Crime Against Small Business," published by the Select Committee on Small Business in 1969, stated that "effective street lighting is one of the best deterrents to robbery and burglary."

This program, begun by the District of Columbia Highway Department, will certainly go a long way in providing protection for the many beleaguered small businessmen in high crime areas of the District of Columbia.

I am sure every Senator joins with me in urging the District of Columbia government to move forward as fast as possible to relight Washington and return the streets to the citizens.

For the information of all Senators, I ask unanimous consent that a letter which I received from the District of Columbia Department of Highways and Traffic, an editorial from the Washington Post of October 5, 1970, and an article published in U.S. News & World Report of September 21, 1970, be printed in the RECORD to provide additional detail on this program.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF HIGHWAYS AND TRAFFIC,
Washington, September 30, 1970.

Hon. ALAN BIBLE,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: This is in regard to my recent telephone conversation with Mr. Evans of your staff, wherein we discussed a number of points concerning the street lighting program currently underway here in the District of Columbia.

As you may know, we have long held the belief that higher levels of street light intensity can be used as a deterrent to nighttime crime. Earlier studies conducted in other cities have indicated this in general terms, but insofar as we know, a controlled statistical study for determining the actual effect of high intensity street lighting on nighttime crime experience has never been carried out.

In view of this, we recently formulated a program in which four crime statistical areas were to be provided with high intensity street lighting. Known here in Washington as "Carney Blocks", these four areas include 113 city blocks. They were selected on the basis of high crime incidence as provided to us by officials of the Planning and Operations Division of the Metropolitan Police Department.

In conjunction with this, we requested and received a supplemental appropriation from Congress in the amount of $365,000 to implement the "Carney Block" program. Our plan calls for equipping all the streets in these blocks with high intensity lighting,

with higher lighting levels being directed toward arterial streets, and lesser ones on residential streets and alleys. This program is currently underway insofar as engineering is concerned. However, at the present time, only a very small number of units have actually been installed in the field.

Thus, insufficient time has elapsed to enable us to statistically determine the degree to which crime will actually be reduced in these experimental areas. However, based on the limited information available following the relighting of 7th Street, N.W., between Pennsylvania Avenue and New York Avenue, it appears that a reduction of approximately 30% in nighttime crime has occurred in this area. Therefore, we anticipate similar decreases in crime in the "Carney Blocks".

Now that you have some of the program background as it was originally conceived, you may wish to know a little more concerning our present activity in terms of high intensity lighting installations on other streets in the city. I believe you are aware of the high intensity lighting recently installed on Pennsylvania Avenue, S.E., between the Capitol and Barney Circle. This installation was funded from the "Carney Block" appropriation. I should also point out that high intensity lights were installed under special funding on the following streets:

14th Street, N.W., between New York Avenue and Spring Road.

7th Street, N.W., between New York Avenue and Florida Avenue.

H Street, N.E., between 2nd Street and Bladensburg Road.

The cost of lighting these streets was $110,000 and was completely financed through funds received from the Redevelopment Land Agency. Incidentally, the impact of the lighting on these three streets, referred to by the Redevelopment Land Agency as Civil Disturbance corridors, has been significant. Encouraging comments have been received not only from local residents and businessmen, but from other casual sources as well.

I believe that particularly as a result of these RLA projects, significant interest has been aroused on the part of members of the community for improvements in city-wide street lighting. In fact, the number of letters we are receiving requesting the installation of high intensity lighting has increased tremendously since 14th Street, 7th Street and H Street were relighted. For instance, requests have been received for high intensity lighting on Columbia Road, N.W.; 18th Street, N.W.; Georgia Avenue, N.W.; and Benning Road, S.E.; to name but a few.

A more recent development in our street lighting program was my appearance before the Law Enforcement Assistance Act Committee, who reviewed our application for a grant-in-aid for relighting additional high crime streets in the District of Columbia. Unfortunately, the response was not as favorable as we had hoped for, but we have been requested to make another presentation in approximately three weeks which should more clearly present the need I believe the community has for utilizing street lighting to make streets safer at night. In this connection, a staff engineer is presently contacting the Inspector of each Metropolitan Police District, to obtain from him a determination as to the business streets on which he feels funds for improved lighting can be most efficiently expended.

I hope the information outlined here will be useful to you. I do wish to personally thank you for your continuing interest in our program and, at the same time, assure you that its execution will be vigorously and continuously pursued insofar as our financial capabilities permit.

Sincerely yours,

JOHN E. HARTLEY,
Assistant Director.

[From the Washington Post, Oct. 5, 1970]

THANKS FOR THE LIGHT TOUCH

If you've been downtown at night recently—perhaps for some of those Thursday evening shopping specials—you may have noticed that the city has done something very bright along the streets: new sodium vapor lights, more than twice as effective as those old purplish mercury vapor ones. In fact, the new units have made some blocks as bright at night as they are on sunny afternoons. Credit for the switch goes to the Metropolitan Washington Board of Trade, which campaigned hard for the project, and to the city's highway department, which is responding. Not only are the new lights apparently helping to cut down crimes in these areas, but they are making the downtown street more attractive for evening strollers.

[From U.S. News & World Report, Sept. 21, 1970]

WASHINGTON'S NEW LOOK AT NIGHT

A drive is on to sweep the shadows from Washington, D.C., and turn it into a city of light.

President Nixon likes the idea. Dismayed to find that the capital city these days is "abandoned by night" and "all but lifeless during the week-ends," he has reversed the 1964 edict of Lyndon B. Johnson which dimmed the lights inside the White House in the interest of economy.

To combat Washington's current image—as a city where crime is rampant and where many people are afraid to stay downtown after dark—Mr. Nixon is trying literally, to roll back the darkness.

FLAG WILL FLY

His campaign began with a symbolic gesture: The President ordered that the American flag which flies over the White House be appropriately illuminated so that it could legally be kept flying—and visible to tourists—all night long.

But symbolism is only a part of it.

Other Presidents had fought the darkness with patriotic fervor. The John F. Kennedys lighted the Jefferson Memorial for the first time. The Johnson Administration found the funds to floodlight the U.S. Capitol dome from dusk until dawn. New and dramatic lighting was installed at other great federal monuments. Yet the spreading blight of darkness and fear crept over the city's core.

Now, Mr. Nixon hopes, all that can be changed. The General Services Administration has a plan to light up the entire "Federal City"—or central part of Washington—after dark.

That effort was launched in April. Riot-torn areas of Washington were equipped with bright new street lamps which, according to Mayor Walter Washington, have brought a measurable decrease in crime. Plans are going forward to bathe every important federal building in light—Post Office Department, Internal Revenue Service and all others.

Target date for completion of this project is this Christmas. When the President lights the National Christmas Tree, the planners say, "He can have the added pleasure of lighting up the downtown sector at the same time."

PRESIDENTIAL STROLL

On September 9, Mr. Nixon took a daytime stroll through the Federal City area to see what else needs to be done to revitalize it.

The Federal City area is a stretch of land—just over a mile—that runs between the Capitol and the White House, and the area immediately around it—three or four blocks north and south.

The President came up with several suggestions. In the area around the Mall which is being cleared by tearing down old temporary buildings, Mr. Nixon envisaged a lively park, such as Copenhagen's Tivoli Gardens or the Bois de Boulogne in Paris, filled with restaurants and other attractions.

Along Pennsylvania Avenue, where commercial buildings have been giving way to huge federal buildings and asphalt parking lots, Mr. Nixon expressed distress at a lack of human activity.

"DO IT BY 1976"

To combat this, Mr. Nixon endorsed an ambitious plan to make Washington's heart "the most modern central city in the world"—and to do it by 1976, in time for the nation's bicentennial celebration.

"Hotels' restaurants, theaters, retail stores, housing and office space could be constructed in the next six years," Mr. Nixon said. He urged Congress to create a development corporation to achieve this end. It would be a nonprofit corporation which would borrow funds from the Government, but eventually pay them back to the Treasury.

On his stroll through the city, the President encountered a number of tourists, many of them from foreign countries. He commented: "This is the capital. They should see it. They should see it beautiful."

So the drive is on to make Washington beautiful—by night as well as by day. In the President's words: "Time is short. . . . Let us do it now."

Nightfall, in Washington, is becoming a magical hour for visitors.

As twilight fades, at one historic monument after another, hidden spotlights come into play. Forty-foot columns loom dramatically. Fountains spring from dimness into stunning life.

The effects are striking—but beauty is not the only goal. Says a Government official of the lighting: "Special emphasis will be placed on entrances, archways and other areas where intruders have been able to lurk."

It is all part of the campaign to "light up the town" and make it a safe, happy haven for both residents, and the several million tourists who come to visit every year.

IMPORTANCE OF INTERNATIONAL TRADE TO KANSAS AGRICULTURE

Mr. HATFIELD. Mr. President, on behalf of the distinguished Senator from Kansas (Mr. PEARSON), who is necessarily absent today, I ask unanimous consent to have printed in the RECORD a statement by him entitled "Importance of International Trade to Kansas Agriculture" and a table related thereto.

There being no objection, the statement and table were ordered to be printed in the RECORD, as follows:

IMPORTANCE OF INTERNATIONAL TRADE TO KANSAS AGRICULTURE

Mr. PEARSON. Mr. President, the question of new directions in United States international trade policy is again the subject of considerable debate. And there is legislation before the Congress which would substantially modify our current trade policy.

It is entirely appropriate for Congress to undertake a major review of the present trade policy. Comprehensive hearings by the appropriate Senate committee will be essential in developing the background necessary for a full Senate debate and for the writing of new legislation.

Mr. President, we need more effective means of counteracting the threat of foreign dumping and subsidized imports. We need to strengthen the existing law in certain areas to better assure that foreign imports do not run contrary to domestic policy objectives or violate basic international interest.

By and large, however, I believe that the central objective should be that of expanding international trade not restricting it. We

have pursued an expansionist trade policy for over three decades. The nation as a whole has benefited from this policy as have all other nations in the world which have participated in this effort to expand trade among themselves.

In regards to international trade this is an extremely delicate period. There appears to be a rising tide of protectionism abroad as well as here at home. Therefore, we must be extremely careful in the adoption of new trade legislation. We must protect legitimate domestic needs but we must avoid actions which will invite retaliation in the form of restrictions by other countries against our exports.

American agriculture is particularly vulnerable to retaliation, especially from the Common Market countries and from Japan.

Nearly a fourth of this country's total crop production eventually reaches overseas markets. In fiscal 1970 we exported 41% of our wheat, 50% of our soy bean crop, and 15% of our feed grains. Altogether we sold $6.6 billion dollars worth of agriculture products abroad during fiscal 1970. This is the equivalent of 14% of the total cash receipts of farm marketing in the United States.

Kansas, the largest wheat producing state in the nation and a major producer of feed grains and soy beans, is especially affected by international trade conditions. During fiscal 1970, $314 million dollars worth of Kansas agricultural products were sold abroad. This is the equivalent of 18.3% of the total cash receipts from farm marketings in that year.

Exports are particularly important to wheat, feed grain, and soy bean farmers. For example, the value of Kansas wheat exported during fiscal 1970 represented 65% of the total cash receipts during that year. The value of Kansas feed grains exported represented 25% of cash receipts. And the value of Kansas soy beans exported represented 49.1% of cash receipts.

Mr. President, I ask unanimous consent that a table showing agricultural exports as a share of cash receipts of farm marketings for the fiscal years of 1966, 1968, and 1970, and also a table showing the total value of Kansas exports of all major farm commodities for fiscal 1970 with these values expressed as a percent of the total United States agriculture exports, be printed in the RECORD at the conclusion of my remarks.

Mr. President, it is apparent that action by the Common Market countries and by Japan, which are the largest foreign consumers of Kansas agricultural products, to restrict agricultural imports would have a profoundly adverse effect on the farm economy of Kansas. But the farmers would not be the only ones affected. A great number of persons in Kansas are employed in agriculturally related industries. A curtailment of agricultural exports would have a severe impact on their economic position as well.

Mr. President, I again emphasize that it is appropriate and desirable to subject United States trade policy to review. But new trade legislation should not be adopted without comprehensive and detailed study and a full scale debate.

In the writing of new legislation, we should provide protection where protection is due, but we would be ill advised, it would seem to me, to adopt a generally protectionist trade posture. We cannot afford to trigger an international trade war. Kansas agriculture, American agriculture, indeed the nation's economy in general, would suffer from such a war.

AGRICULTURAL EXPORTS AS A SHARE OF CASH RECEIPTS FROM FARM MARKETINGS, KANSAS AND UNITED STATES, FISCAL YEARS 1966, 1968, AND 1970

Commodity and year	Million dollars: Cash receipts from farm marketings [1]		Million dollars: Exports		Exports as percent of cash receipts or Kansas (percent)
	Kansas	United States	Kansas	United States	
Wheat: [2]					
1966	300.3	1,636.8	273.0	1,403.1	90.9
1968	278.6	1,917.2	189.2	1,277.5	67.9
1970	284.2	1,589.0	183.6	941.6	64.6
Feed grains: [3]					
1966	116.7	3,151.8	50.0	1,351.2	42.8
1968	142.5	3,767.9	49.1	1,000.3	34.5
1970	201.0	3,800.7	51.5	995.3	25.6
Soybeans:					
1966	33.5	1,812.3	16.2	734.4	48.4
1968	43.0	2,474.4	14.3	750.7	33.3
1970	38.3	2,498.0	18.8	1,069.0	49.1
Total:					
1966	1,209.4	39,349.8	392.2	6,680.9	32.4
1968	1,453.4	42,693.0	296.0	6,315.1	20.4
1970	1,717.8	47,229.2	314.0	6,646.3	18.3

[1] Cash receipts are estimates for 1965, 1967, and 1969.
[2] Includes wheat flour exports.
[3] Includes corn, barley, oats, and sorghum grains.

U.S. AGRICULTURAL EXPORTS AND KANSAS' SHARE OF PRINCIPAL COMMODITIES FOR FISCAL YEAR 1970

Commodity	Million dollars: Kansas	Million dollars: U.S. total	Kansas as percent of total
Wheat and flour	183.6	941.6	19.5
Feed grains	51.5	995.3	5.2
Soybeans	18.8	1,069.0	1.8
Lard and tallow	9.1	213.1	4.3
Hides and skins	7.2	157.3	4.6
Protein meal	5.6	322.6	1.7
Meats and meat products	4.9	140.0	3.5
Soybean oil	2.4	138.7	1.7
Dairy products	1.8	108.9	1.7
Vegetables and preparations	.3	209.0	
Rice, tobacco, flaxseed, cotton, cottonseed oil, fruits, poultry products, and edible tree nuts		1,741.3	
Other [1]	28.8	609.5	4.7
Total	314.0	6,646.3	4.7
Cash receipts from farm marketings 1969	1,717.8	47,229.1	
Exports as share of cash receipts (percent)	18.3	14.1	

[1] Miscellaneous agricultural products not included in the 18 major commodity groups.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

BUDGET AND ACCOUNTING IMPROVEMENT ACT OF 1970

The PRESIDING OFFICER. Under the order of yesterday, the Chair lays before the Senate Calendar No. 1282, S. 4432, which will be stated by title.

The legislative clerk read the title as follows:

A bill (S. 4432) to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States," and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, this bill is an outgrowth of hearings held last year by the Subcommittee on Executive Reorganization on the capability of the General Accounting Office to analyze and audit Federal programs. We also explored the relationship of GAO to Congress and the ways in which it can provide greater assistance in the legislative process.

We found that the Comptroller General's reports have resulted in the saving of millions of dollars and reform of programs throughout Government. However, these reports were frequently issued long after the event in question had occurred. The committee now believes that his Office can be even more useful to Congress by focusing on the results of on-going activities and new proposals. In this way, Congress can obtain the benefit of his views in time to halt unsound practices in their incipiency and select the most effective program alternatives.

The purpose of this bill is to strengthen and broaden the operations under the

Comptroller General's Office and focus its work on those activities which will be most relevant and meaningful to Congress. To achieve this, the bill assigns significant new responsibilities to the Comptroller General in analyzing and auditing Federal expenditures and reduces certain outmoded statutory auditing requirements over Government corporations and certain other special Federal operations. The bill also changes the name of the General Accounting Office to the Office of the Comptroller General of the United States and grants the Office authority to employ experts and consultants and to subpena records which it is already entitled to review.

Finally, the bill provides authority for the Comptroller General to institute suit and to appear in court with his own counsel where he differs with the Attorney General over the legality of certain Federal actions.

The bill contains seven titles:

Title I. Grants the Comptroller General authority to:

First, analyze legislation before Congress at the request of Members;

Second, audit periodically Federal research, development, construction, and procurement programs; and

Third, employ additional personnel to carry out his new responsibilities.

Title 2. Redesignates the General Accounting Office the "Office of the Comptroller General of the United States," renames the Assistant Comptroller General the "Deputy Comptroller General" and establishes two new positions of Assistant Comptroller General.

Titles 3 and 4. Amend the audit requirements for Government corporations and revolving funds to specify that they be audited only once every 3 years, rather than every year.

Title 5. Authorizes the Comptroller General to pay experts and consultants at the rate of level II on the executive pay scale. The highest rate GAO can now pay is GS–18.

Title 6. Grants GAO subpena power over the records of contractors it is otherwise entitled to review, and provides for the enforcement of subpenas.

Title 7. Provides that where the Comptroller General and the Attorney General differ as to the legality of a certain Federal expenditure the Comptroller General may bring suit in court, unless Congress disapproves such action, to seek a resolution of the dispute and represent his own position.

The total cost of the bill is estimated at about $9 million over a period of several years. This sum will be used to recruit and train 400 to 500 new GAO employees. However, the first year only 50 to 75 employees will be hired at a cost of $1 million.

Mr. President, Congress should be an equal partner with the Executive in the legislative process. But it now lacks the necessary information on which to base its judgments. Too often Congress is forced to accept a proposal or reject it, without knowledge of alternatives or the real facts about a program.

The dilemma of most Members was aptly described by one of our colleagues last year. He told the subcommittee:

The pressures of time are so great for Senators and Congressmen that it is often impossible for us to go into much detail. How can a legislator meet his responsibilities to his constituents when it comes to voting on a $20 billion bill, if he does not know what is in it?

Under this new legislation, the General Accounting Office—GAO—will be able to give Congress the help it needs to legislate more effectively.

In recent years a dangerous trend has developed in our Government. Congress has been losing its authority to the executive branch. This threatens to destroy the checks and balances which the Constitution has built into our system of government.

The Congress must begin to reassert its authority. But, as the majority leader recently observed:

Congress as a coequal branch of Government will exercise its equality as a branch only if it is willing to accept the responsibility of hard decisions on questions of policy. For Congress to make the type of contribution the Constitution envisioned, the burden of independent factfinding and judgmentmaking—must be—assumed.

With a budget of more than $200 billion and literally thousands of programs in more than 150 departments and agencies, it is obvious that the 535 Members of Congress cannot personally review every program or analyze in detail every legislative proposal. We need help to carry out these responsibilities.

The GAO can be a significant new source of assistance to Congress. For years GAO has assured the honesty of the Government's financial dealings. Now it is time to expand its mission—to bring its resources and unquestioned competence to bear on the legislative problems of the seventies.

This bill will put GAO at the service of Congress in the legislative process. Its reviews and reports will promote intelligent debate on legitimate issues. As a result, the quality of our decisions will be improved and public confidence in Congress increased.

For these reasons, I urge approval of the bill.

Mr. President, I offer an amendment, in the nature of a technical amendment, to the bill.

The ACTING PRESIDENT pro tempore (Mr. MCGOVERN). The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

On page 2, strike out lines 1 through 22.

On page 2, line 23, strike out "(h)" and insert in lieu thereof "(f)".

On page 5, line 4, strike out "(i)" and insert in lieu thereof "(g)".

On page 5, line 9, strike out "(j)" and insert in lieu thereof "(h)".

On page 15, beginning with line 15, strike out through line 11 on page 16.

On page 16, line 12, strike out "321" and insert in lieu thereof "320".

On page 18, line 8, strike out "322" and insert in lieu thereof "321".

On page 18, lines 9 and 10, strike out "sections 320 or 321" and insert in lieu thereof "section 320".

Mr. RIBICOFF. Mr. President, this amendment strikes three provisions of the bill.

Sections 101 (f) and (g) were eliminated because they duplicate provisions already in the legislative reform bill. Section 320 was excluded after consultation with the Justice Department and the General Accounting Office. After the bill was ordered reported, the Government Operations Committee became aware of certain objections raised by Justice. Due to the lack of time available to resolve these problems, GAO consented to dropping the provision with the understanding that this was without prejudice to its right to seek enactment of the section next year.

The amendment has been cleared with the chairman and the ranking minority member.

Mr. President, I move the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to

Mr. RIBICOFF. Mr. President, I move the passage of the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 4432) was passed, as follows:

S. 4432

An act to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States", and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Budget and Accounting Improvement Act of 1970".

TITLE I—ASSISTANCE TO CONGRESS

ANALYSIS AND EVALUATION

SEC. 101. Section 312 of the Budget and Accounting Act, 1921 (31 U.S.C. 53), is amended by adding at the end thereof the following new subsections:

"(f) (1) The Comptroller General is hereby authorized to make analyses and reviews of legislative proposals and alternatives to such proposals, including those available to the departments and agencies, the long-term costs and benefits thereof, the analytical processes involved in the justification of such proposals and the validity of the data supporting them, when ordered by either House of Congress or requested by the chairman of any committee of the House or Senate or of any joint committee of the two Houses having jurisdiction over such legislative proposal, or any Member of Congress as provided in paragraph (2) of this subsection.

"(2) Any Member of Congress desiring an analysis or review of any legislative proposal may so notify in writing the Comptroller General and the chairman of the committee of the House in which the Member is serving or the chairman of the joint committee having jurisdiction over the legislative proposal. The notice shall state in as specific terms as possible the questions and issues to be reported on. Within thirty days thereafter, the Comptroller General shall advise the

Member requesting the study and the committee chairman which questions and issues are within the competence and available resources of his office. The Comptroller General shall proceed to carry out the study requested to the extent of his capability and resources unless the study requested would require the Comptroller General to make a recommendation regarding the adoption of a particular program or policy, or would duplicate studies already done by or for the committee, or which the Comptroller General is currently engaged in. The Comptroller General shall determine the relative priority of all studies and reviews undertaken.

"'(3) The Comptroller General shall complete his work and submit a report within sixty days following, or as soon thereafter as possible, to the House or chairman requesting such report, or in the case of a request by a Member, to the Member and the chairman of the committee with jurisdiction over the legislative proposal. The chairman shall make such reports available to other Members of Congress. Such reports shall be made available under appropriate security arrangements where necessary.

"(4) The departments and agencies shall make available to the Comptroller General such information and documents as he considers necessary for him to complete his work under this subsection. If the Comptroller General requests any such information or document and there is a refusal by a department or agency to furnish any such information or document, he shall promptly bring to the attention of the House or chairman making the request, or in the case of a Member, to the attention of the Member making the request and the chairman of the appropriate committee. The chairman shall endeavor to resolve the dispute with officials of the department or agency involved. In his report, the Comptroller General shall specify any information or documents that he considers necessary to complete his work under this subsection which he was ultimately denied access to, or any questions which the department or agency would not answer, and the reasons given for such action.

"(g) The Comptroller General shall have available in the Office of the Comptroller General of the United States employees who are expert in analyzing and conducting cost-benefit studies and in other skills necessary to carry out the duties imposed upon him by this Act, or any other law.

"(h) The Comptroller General shall submit to the Congress not later than thirty days after the beginning of each congressional session and at such other times as he believes useful during the period when authorizations and appropriations are under consideration, status reports on such major weapons systems, major construction programs, and research and development programs as he considers will be of primary interest to the Congress. Such reports shall be designed to supply the Congress such information as the following:

"(1) current estimated costs compared with the prior estimates for (A) research, development, and engineering, and (B) production;

"(2) the reasons for any significant increase or decrease from cost estimates at the time of the original authorization and the original contract, if any;

"(3) options available under the contract for additional procurement and whether the agency intends to exercise any options, and the projected cost of exercising options;

"(4) changes in the performance specifications or estimates made by the contractor or by the agency and the reasons for any major changes in actual or estimated differences from that called for under the original contract specifications; and

"(5) significant slippages in time schedules and the reasons therefor.

In preparing such reports, the Comptroller General shall utilize to the extent practicable records and reporting systems developed by the executive branch agencies and shall suggest improvements in such reporting systems as he deems appropriate."

TITLE II—OFFICE OF THE COMPTROLLER GENERAL OF THE UNITED STATES

DESIGNATING THE OFFICE

SEC. 201. Section 301 of the Budget and Accounting Act, 1921 (31 U.S.C. 41), is amended by striking out the name "General Accounting Office" wherever it appears therein and inserting in lieu thereof "Office of the Comptroller General of the United States."

ADDITIONAL OFFICERS

SEC. 202. Section 302 of such Act (31 U.S.C. 42) is amended by inserting "(a)" immediately after the section designation and by adding at the end thereof a new subsection (b) to read as follows:

"(b) The Comptroller General may place two positions in the Office of the Comptroller General of the United States at a salary rate not to exceed the rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the Office."

TECHNICAL PROVISION

SEC. 203. Any other reference in the Budget and Accounting Act, 1921, or in any other law, to the "General Accounting Office" shall be held and considered to be a reference to the "Office of the Comptroller General of the United States".

DESIGNATING DEPUTY COMPTROLLER GENERAL

SEC. 204. The Assistant Comptroller General of the United States shall hereafter be known as the "Deputy Comptroller General of the United States."

TITLE III—AUDITS OF GOVERNMENT CORPORATIONS

AMENDMENT TO THE GOVERNMENT CORPORATION CONTROL ACT

SEC. 301. (a) Section 105 of the Government Corporation Control Act (31 U.S.C. 850) is amended by adding thereto the following sentence: "Effective January 1, 1971, each wholly owned Government corporation shall be audited at least once every three years."

(b) The first sentence of section 106 of such Acts (31 U.S.C. 851) is amended to read as follows: "A report of each audit conducted under section 105 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

(c) Section 202 of such Act (31 U.S.C. 857) is amended by adding thereto the following sentence: "Effective January 1, 1971, each mixed-ownership Government corporation shall be audited at least once every three years."

(d) The first sentence of section 203 of such Act (31 U.S.C. 858) is amended to read as follows: "A report of each audit conducted under section 202 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

SEC. 302. (a) Section 17(b) of the Federal Deposit Insurance Act (12 U.S.C. 1827(b)) is amended by adding thereto the following sentence: "The Corporation shall be audited at least once every three years."

(b) The first and second sentences of section 17(c) of such Act (12 U.S.C. 1827(c)) are amended to read as follows: "A report of each audit conducted under subsection (b) of this section shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such aduit. On or before the expiration of five and one-half months following the close of the last fiscal year covered by such audit the Comptroller General shall furnish the Corporation a short form report on his audit of the Corporation at the close of the last fiscal year covered by such audit."

AMENDMENT TO THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

SEC. 303. Section 107(g) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)) is amended by—

(1) adding a new sentence at the end of subparagraph (1) thereof as follows: "Such audit shall be made at least once every three years."

(2) substituting the following sentence in lieu of the first sentence in subparagraph (2) thereof: "A report of each such audit shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such audit."

AMENDMENT TO THE DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

SEC. 304. Section 17 of the District of Columbia Redevelopment Act of 1945 (60 Stat. 801) is amended by deleting the word "annual" from the clause "such books shall be subject to annual audit by the General Accounting Office".

AMENDMENT TO THE FEDERAL HOME LOAN BANK ACT

SEC. 305. Section 18(c)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)) is amended by deleting the word "annually" from clause (B) of the first sentence thereof.

TITLE IV—REVISION OF ANNUAL AUDIT REQUIREMENTS

AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 401. Section 109(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756(c)) is amended to read as follows:

"(c)(1) As of June 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain such fund.

"(2) The Office of the Comptroller General shall make audits of the General Supply Fund in accordance with the provisions of the Accounting and Auditing Act of 1950 and make reports on the results thereof."

AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958

SEC. 402. That part of the second sentence of section 1307(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1537(f)) which precedes the proviso is amended to read as follows: "The Secretary shall maintain a set of accounts which shall be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950:".

AMENDMENT WITH RESPECT TO THE BUREAU OF ENGRAVING AND PRINTING FUND

SEC. 403. Section 6 of the Act entitled "An Act to provide for financing the operations of the Bureau of Engraving and Printing, Treasury Department, and for other purposes" (31 U.S.C. 181d) is amended to read as follows:

"SEC. 6. The financial transactions, accounts, and reports of the fund shall be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE VETERANS' CANTEEN SERVICE

SEC. 404. Section 4207 of title 38, United States Code, is amended to read as follows:

"§ 4207. Audit of accounts

"The Service shall maintain a set of accounts which shall be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE HIGHER EDUCATION INSURED LOAN PROGRAM

SEC. 405. Paragraph (2) of section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)(2)) is amended to read as follows:

"(2) maintain with respect to insure under this part a set of accounts, which shall be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government."

AMENDMENTS WITH RESPECT TO CERTAIN HOUSING PROGRAMS

SEC. 406. (a) Section 106(a)(2) of the Housing Act of 1949 (63 Stat. 417; 42 U.S.C. 1456(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which will be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of advances of funds, loans, or grants and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

(b) Section 402(a)(2) of the Housing Act of 1950 (64 Stat. 78; 12 U.S.C. 1749a(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the Office of the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of loans and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

TITLE V—EMPLOYMENT OF EXPERTS AND CONSULTANTS

EXPERTS AND CONSULTANTS

SEC. 501. The Comptroller General is authorized to enter into contracts with organizations or individuals, or employ individual experts and consultants in accordance with section 3109 of title 5, United States Code, at a rate not to exceed the daily rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

TITLE VI—SUBPENA POWER

AUTHORIZATION OF SUBPENA POWER

SEC. 601. To assist in carrying out his functions, the Comptroller General may sign and issue subpenas requiring the production of negotiated contract and subcontract records and records of other non-Federal persons or organizations to which he has a right of access by law or agreement.

ENFORCEMENT OF SUBPENAS

SEC. 602. In case of disobedience to a subpena, the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the records referred to in section 601 of this title. Any district court of the United States within the jurisdiction in which the contractor, subcontractor, or other non-Federal person or organization is found or resides or in which the contractor, subcontractor, or other non-Federal person or organization transact business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor, subcontractor, or other non-Federal person or organization to produce the records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

TITLE VII—ENFORCEMENT OF DECISIONS AND SETTLEMENTS

ENFORCEMENT

SEC. 701. The Budget and Accounting Act, 1921, is further amended by adding at the end thereof the following new sections:

"SEC. 320. (a) Whenever the Comptroller General, in the performance of any of his functions authorized by law, has reasonable cause to believe that any officer or employee of the executive branch is about to expend, obligate, or authorize the expenditure or obligation of public funds in an illegal or erroneous manner or amount, he may institute a civil action in the District Court for the District of Columbia for declaratory and injunctive relief. The Attorney General, if he certifies he is in disagreement with the Comptroller General, is authorized to represent the defendant official in such action. Other parties, including the prospective payee or obligee who shall be served with notice of process, may intervene or be impleaded as otherwise provided by law, and process in such an action may be served by certified mail beyond the territorial limits of the District of Columbia.

"(b) Upon application of the Comptroller General or the Attorney General an action brought pursuant to this section shall be heard and determined by a district court of three judges under section 2284 of title 28, United States Code. An action brought under this section shall be expedited in every way.

"(c) In actions brought under this section the Comptroller General shall be represented by attorneys employed in the Office of the Comptroller General and by counsel whom he may employ without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provision of chapter 51 and subchapters III and VI of chapter 53 of such title relating to classification and General Schedule pay rates.

"(d) In the event the institution of suit under this section serves to delay a payment beyond the date it was due and owing in payment for goods or services actually delivered to and accepted by the United States, then such payment when made by the agency involved shall include interest thereon at the rate of 6 per centum per annum for the time it has been withheld. Otherwise, no court shall have jurisdiction to award damages against the United States, its officers, or agents as a result of any delay occasioned by reason of the institution of suit under this section.

"(e) This section shall be construed as creating a procedural remedy in aid of the statutory authority of the Comptroller General and not as an enlargement or limitation of such authority. It is not intended to alter or affect any existing provisions of law.

"SEC. 321. No action may be instituted nor an appearance made by the Comptroller General under section 320 until the expiration of a period of sixty calendar days (excluding the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die) following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Committees on Government Operations of the House of Representatives and the Senate and during such sixty-day period the Congress has not enacted a concurrent resolution stating in substance that it does not favor the institution of the civil action proposed by the Comptroller General."

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read the title, as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR THE CONSIDERATION OF THE UNFINISHED BUSINESS (H.J. RES. 264) ON MONDAY, OCTOBER 12, 1970

Mr. BYRD of West Virginia. Mr. President, at the request of the majority leader, I ask unanimous consent that on Monday next, following the disposition of the reading of the Journal and any unobjected to items on the Legislative Calendar, there be a period for the transaction of routine morning business not to extend beyond 12 noon, with statements therein limited to 3 minutes; provided further, that if morning business is concluded prior to 12 noon on Monday next, the unfinished business, House Joint Resolution 264, be laid before the Senate, and, in any event, that House Joint Resolution 264 be laid before the Senate not later than 12 noon on Monday next; that beginning at 12 o'clock noon on Monday next, debate on amendment No. 1042, offered by the able Senator from Alabama (Mr. ALLEN), or as he may modify it, be limited to 1 hour, the time to be equally divided and controlled between the distinguished Senator from Alabama (Mr. ALLEN) and the able manager of the resolution, the Senator from Indiana (Mr. BAYH); that at the termination of the 1 hour of controlled time, a vote occur on the amendment.

Mr. ALLEN. Reserving the right to object, Mr. President, may I inquire of the distinguished Senator from West Virginia whether his unanimous-consent request would carry with it permission that the junior Senator from Alabama might offer a modification to his amendment, as a matter of right, at some time prior to a vote being taken.

Mr. BYRD of West Virginia. Yes. My unanimous-consent request would provide for such an eventuality.

Mr. ALLEN. I will state to the distinguished Senator from West Virginia that

if any modification is offered, it will be offered today, so that Senators will have an opportunity to study the amendment as modified.

Mr. BYRD of West Virginia. Mr. President, I am glad that the Senator from Alabama has offered to present such a modification today, because this would enable all Senators to be cognizant of the content of such modification.

Mr. ALLEN. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous consent agreement, subsequently set out separately, is as follows:

Ordered, That on Monday, October 12, 1970, beginning at the hour of 12 noon, the time be equally divided and controlled by the Senator from Alabama (Mr. ALLEN) and the Senator from Indiana (Mr. BAYH) for a period of one hour on the amendment offered by the Senator from Alabama (#1042) giving to each State sole and exclusive jurisdiction over public schools, to H.J. Res. 264, providing equal rights for men and women.

Ordered further, That at any time before the vote the Senator from Alabama retains the right to modify his amendment.

Ordered further, That at the conclusion of one hour, the Senate proceed to vote on the amendment.

UNANIMOUS-CONSENT REQUEST

Mr. BAYH. Mr. President, the Senator from Indiana did not object to the request of the distinguished Senator from West Virginia. The Senator from Indiana intends to oppose strenuously the amendment of his friend the Senator from Alabama. I agree to the vote so that we can move forward to ultimate consummation of this debate. I ask unanimous consent that following the vote on the Allen amendment, the Senate consider, in order of introduction, the other amendments that have been submitted to the pending resolution, with 2 hours debate on each amendment, to be divided equally between the floor manager of the bill and the sponsor of the amendment; that following action on all amendments, 4 additional hours be permitted on the resolution itself, the time to be equally divided between the Senator from Indiana and the Senator from North Carolina; and that thereafter a vote occur on final passage of this measure.

I ask unanimous consent that we pursue that timetable.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, the junior Senator from Alabama has no personal objection to the schedule suggested by the distinguished Senator from Indiana. He supports the resolution, and he wants to see it come to a vote prior to the recess. He recalls that on yesterday the distinguished majority leader stated that the word had been circulated that there would be no vote on the resolution until after the recess. The purpose of the Senator from Alabama temporarily imposing an objection to the unanimous-consent request was to give the distinguished Senator from North Carolina an opportunity to return to the Chamber, and he was going to request that the distinguished Senator from Indiana withhold his motion until the return of the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, the Senator from North Carolina has returned to the Chamber, with a certain degree of amazement that he would not be notified before a request of this kind was made. I assure every Member of the Senate who is interested in this matter to such a great degree as is my good friend, the Senator from Indiana, that I will not make any request for a unanimous-consent agreement without prior notice to them, and I hope that I will be extended the same courtesy.

I object to setting any time limit on this matter at this time. We had some experience with the previous resolution to change the Constitution. I insisted that it be debated adequately; and after it was debated adequately, I offered to vote on an amendment. Those who had been saying there had been sufficient discussion on the amendment when they attempted to gag people who entertained my views then rose and said there had not been sufficient discussion, that they could not agree to vote on the proposal for a proportional plan, and that they needed more time to collaborate. We need more time to discuss this matter.

It is well to remember that no committee hearings on the resolution were held in the House and, consequently, neither the House or the Senate has had the benefit of any committee report or recommendation. Moreover, it is to be noted that notwithstanding the rules of the Senate expressly provide that the Senate Judiciary has jurisdiction of proposals to amend the Constitution, regular Senate practices have been thwarted in respect to this resolution, which has been held on the calendar. Hence, the Senate has been denied the benefit of its consideration by the Senate Judiciary Committee.

I think that if we have adequate time to discuss this matter, those women in the United States who have voluntarily elected to become wives and mothers and working women in the industries of this country and those who have unfortunately become widows will recognize that I am fighting to preserve the rights and the protections which the fifth amendment and the 14th amendment undertake to guarantee them.

I think that those who will study this situation will also find that the due-process clause of the fifth amendment, which applies to the Federal Government, and the due process and equal protection clauses of the 14th amendment, who apply to the States, disable both the Federal Government and the States to pass any law now which makes any arbitrary or invidious discrimination against women, and that for this reason, the proposed equal rights amendment is totally unnecessary, unless Congress and the States of this country wish to disable Congress and the States hereafter to pass any law which recognizes that there are physiological or functional differences between men and women.

I recognize that some people think that two sexes are one too many, and they would like to abolish one of the sexes, and they would like to do so by a constitutional amendment which the Lord God Almighty and nature will declare unconstitutional even if it is approved and submitted and ratified. But I am in favor of two sexes. I thank the good Lord for creating two sexes, and I do not want to see either one abolished. I particularly do not want to see the feminine sex abolished, and I do not want to see it robbed of any of its rights which Congress and the legislatures of the 50 States of the Union are empowered to extend to women under the existing fifth amendment or the existing 14th amendment.

The truth is that this resolution, if it is interpreted to mean anything whatever, seeks to rob the wives, the homemakers, the mothers, the workingwomen, and the widows of America of the rights and the protections which have been extended to them by Congress and by the States in the exercise of their powers under the fifth and 14th amendments. If this resolution is not intended to deprive Congress and the legislatures of the 50 States of their legislative power to extend to women and girls the rights and protections sanctioned by the fifth and the 14th amendments, it is totally unnecessary.

Mr. ALLEN. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. ALLEN. Would the Senator be saying to the Senate that he approves of the exclamation of the Frenchman, in commenting on the differences between the sexes, "Vive la difference."

Mr. ERVIN. I certainly do say amen to that proposition.

Mr. ALLEN. I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. The Chair would inquire of the Senator from North Carolina, is he objecting?

Mr. ERVIN. Yes, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ERVIN. I have no objection to anyone else who offers an amendment having it set down for a vote at a particular time. I would assure the distinguished Senator from Indiana that I will consent, on Monday next, to setting a time for a vote on my amendment to strike out section 2 of the resolution, the section which, for a second time, unnecessarily declares the amendment will not become effective unless it is approved by three-fourths of the States. I do not know why the proponents of the resolution have not discovered and stricken this superfluous and irrelevant statement, which should not be embodied in the Constitution of the United States.

Mr. President, I am also ready to consent to a vote on an amendment that would change the 1-year limitation on the time the amendment is to become effective to a 2-year limitation. If the amendment is to be ratified by the legislatures of the States, they ought to have the opportunity to pass laws to make men and women exactly alike, as the amendment contemplates they are to be made. Certainly, they cannot take such action in less than 2 years. Besides, the legislatures of some States meet biennially—

not annually. They should have 2 years after the amendment takes effect to see if they can find some way to make men and women identical legal beings. That would certainly be a hard problem to solve even in 1 year for those States whose legislatures meet every year. It would be an impossible task for legislatures which meet biennially.

On Monday next, I shall be prepared to offer also what is known as the Hayden amendment and I will consent to a time certain for voting on that. I object, however, to any unanimous-consent request seeking a time for voting at this present moment on any amendment proposed by me.

Mr. BAYH. Mr. President, I should like to observe, for the sake of the record because of the warm feeling I have in my heart for my good friend and sometimes enthusiastic adversary, the distinguished Senator from North Carolina, that when the distinguished Senator from West Virginia proposed the first unanimous-consent request, the Senator from North Carolina was in the Chamber. He was sitting there gazing back at me, and I was negligent in not returning that gaze after the first unanimous-consent request. The Senator from Alabama had risen, and being a man of some size and stature, I assumed the Senator from North Carolina was somewhere back behind him or I would not have proposed that unanimous-consent request.

I think the Senator from North Carolina knows that we may disagree sometimes, but we are not going to try to pursue a less than honorable means of working our will.

Mr. ERVIN. Mr. President, I would disclaim any purpose to say that it was intentional on the part of the Senator from Indiana. He and I are oftentimes on the same side of an issue, and sometimes on different sides of a proposition, but although the Senator from Indiana is a hard fighter for the causes in which he believes, he always fights fairly. He never intentionally hits anyone below the belt. The distinguished Senator from Indiana would have been a worthy adversary back in the days of the knights of old, when knighthood was in flower.

Mr. BAYH. Well, I appreciate that compliment on the part of my good friend from North Carolina. However, we are not living in the days of knights of old. Unfortunately, we are still treating women as if we were, in some respects. That is why we have proposed this amendment.

The Senator from North Carolina suggested that during the earlier battle on electoral reform, which I hope and pray will be rejoined before we adjourn sine die, the Senator from Indiana objected to bringing some amendments to a vote because there had not been sufficient time to discuss the amendment. Someone may have said that. I do not recall it. I said that if we were going to vote on the amendment of the Senator from North Carolina, we should also vote on the other amendments, and on final passage.

I propose the unanimous-consent request to put everyone on notice that I will push for an early vote on this joint resolution. The Senator from Indiana will continue to pursue this and wants to make the record absolutely clear.

We have gone through one effort at extended debate. That debate soon became an effort—not even carefully veiled—to talk the electoral reform measure to death. One of the opponents made clear to the press that it was going to be filibustered.

I made that unanimous-consent request so that if we are in the process of having another repeat performance—a replay of the late-late show—I want everyone to know from the beginning exactly what we are up against.

I happen to disagree with the Senator from North Carolina. Everyone here has basic rights which we all protect. The Senator from Indiana certainly intends to protect the rights of his friend from North Carolina. As each one of us pursues those rights, we must be willing to accept the consequences of our acts. Those who insist upon talking this bill to death, or adding "innocuous amendments" which would throw this measure into a conference and thus kill the bill, have to be held responsible. I am sure that they intend to be held responsible. However, I want the record to show what is going on here.

The Senator from North Carolina claims to be protecting widows, mothers, and orphans. It is pretty hard to argue with the fellow who wants to protect babies in the country. But his actions are like those of the mother who is so protective of her new-born child that she actually smothers it by her very grip. Some of the so-called protective laws are in reality "protecting" women from an equal opportunity for education, for employment, for compensation, to enter business, and so forth.

I think the time has come to wipe away all vestiges of knighthood and give the women of this country the full right to make a place for themselves in America.

The opponents claim that we are not aiding widows and mothers and orphans but penalizing them by advocating this amendment. That is a strange interpretation of the amendment. I do not see it that way, and I do not believe any court in the land would see it that way.

If I might digress here, I remember a statement made by our late beloved President Eisenhower, when we were debating the 25th amendment. In that struggle the Senator from North Carolina was an able ally of the Senator from Indiana. I dare say we would not have been successful had it not been for his cooperation. As I was saying, I remember reading an address by our late President. He said that if any law is to function properly, if we are to pass any legislation at all, we must accept the normal rationale that our laws are going to be interpreted by reasonable men. I do not see how any reasonable men could read the provisions of the resolution and suggest that it would penalize women, widows, and orphans. It is not so, Mr. President. Not so.

Mr. EAGLETON. Mr. President, will the Senator from Indiana yield at that point?

Mr. BAYH. I yield.

Mr. EAGLETON. I have some questions I have been considering propounding to the Senator from Indiana. Perhaps we can do that today at this juncture if the Senator has some time to discuss for my edification and for the clarification of the record just what the full thrust, purport, and intent of the constitutional amendment would be.

Would this be the appropriate time for me to direct some questions to the Senator from Indiana so that we could test out the meaning of the amendment and what the Senator from Indiana, as principal author of it, envisions as its meaning should it become part of the constitutional fabric of this land?

Mr. BAYH. Mr. President, I think it is always time for the distinguished Senator from Missouri to explore any piece of legislation. He is certainly one who has indicated by his every action since he has become a Member of the Senate that he does not make any decision without careful thought and study.

I would be delighted to embark on a colloquy with the Senator, either for the clarification of the record or to clear up any questions he might have concerning what we are trying to accomplish.

If I might digress before we proceed further, the distinguished Senator from North Carolina suggested that he feels the rights we are trying to protect are adequately covered under the 14th and fifth amendments.

This is another area in which I agree with my friend, the Senator from North Carolina. The rights are protected. However, there is one little thing wrong with the reasoning of both the Senator from North Carolina and the Senator from Indiana. That is that the Supreme Court of the United States has never agreed. But the Supreme Court has never from the days of the Civil War to this day held a statute unconstitutional under the 14th amendment on account of sexual discrimination. Therefore, since the Supreme Court has not acted, the only course open to us is to change the Constitution itself and to make it absolutely clear that we do not tolerate discrimination on the basis of sex.

Mr. EAGLETON. Mr. President, I am concerned that the equal rights amendment not undermine practices which emanate from the right to individual privacy. I would therefore ask the Senator to clarify the effect of the equal rights amendment in the following situations:

First, would statutes requiring public places to maintain separate restroom facilites for men and women be invalid under the equal rights amendment?

Mr. BAYH. Mr. President, the Senator from North Carolina would take issue with the Senator from Indiana. However, I would like to stress now what I stressed earlier. We are not trying to wipe away the very real, important, and valuable distinctions that exist between men and women. We are not trying to make women over in the image of man.

It would seem to me that, because of these unique differences between the male and female species, the right of privacy is appropriate and will continue to be appropriate after the enactment of this constitutional amendment.

Mr. EAGLETON. Mr. President, pursuant to that, is it correct then that, if in a public building operated by any public entity, Federal, State, county, or municipal, separate restrooms were indi-

cated—one door marked "men" and one door marked "women"—a criminal action could be brought against a man who attempted to utilize the women's facilities?

Mr. BAYH. The Senator is correct. That is my judgment. It might be helpful if I read into the RECORD a sentence or two from the colloquy that preceded the passage of this measure in the House. Representative MARTHA GRIFFITHS, the distinguished Congresswoman from Michigan, who is one of the primary sponsors of this measure, answered that same question:

> Separation of the sexes by law would be forbidden under the amendment, except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties.

She used as a specific example of the separation which is required, and should be required, the matter of restroom facilities.

Mr. EAGLETON. Pursuant to that same line of thought, could prisons maintain separate sleeping and recreational facilities for men and women?

Mr. BAYH. Yes; I think they could for the same reason that we have an overriding, compelling public interest to keep the sexes separate when they are incarcerated in that manner.

Mr. EAGLETON. Mr. President, my State maintains two separate adult facilities, one at Jefferson City for male felons, and one at Tipton for female felons. They are separated by several miles and are totally separate institutions separately administered.

Would that still be permissible under the equal rights amendment?

Mr. BAYH. The Senator is correct. In my judgment, there would be an overriding, compelling public interest to keep the sexes separate.

Mr. EAGLETON. Mr. President, could police departments maintain a policy of having women searched only by female officers and men searched only by male officers?

Mr. BAYH. Mr. President, the Senator is correct. I think the same thing applies, with respect to the overriding, compelling interest in the right of privacy.

That is the constitutional law of this country, and the common law of other countries. We still want that policy to be followed.

Mr. EAGLETON. Mr. President, those are my questions in the privacy area. I would like to move into the area of physical difference. Certain distinctions between men and women cannot be abolished by legislative fiat, and some distinctions in the law are based on undeniable, objective physical differences between the sexes. There is no explicit recognition of this fact in the equal rights amendment, and I ask the Senator to clarify the effect of the amendment in the following areas.

First, would statutes making statutory rape a criminal offense be invalid, bearing in mind the distinction between charging a man cohabiting with a young girl with statutory rape and charging a woman cohabiting with a young boy with contributing to the delinquency of a minor?

Would that type of statutory discrimination or distinction be abolished by the equal rights amendment?

Mr. BAYH. Mr. President, the interpretation of that matter would be left to the courts. The Senator from Indiana would be of the opinion that we would have to treat both of those crimes the same.

I made a statement on a public television show with the Senator from North Carolina that there was no such thing as a female member of our species being able to commit rape on a male.

I am not yet certain whether I was right or not. But I must say that I had a couple of letters from male citizens who said they had been subjected to that type of crime. I did not have a chance to check on the veracity of those individuals.

Mr. President, I might again just read briefly from what Representative GRIFFITHS had to say on the matter. I concur with what the Congresswoman said. I am not sure whether that differs from the specific problems raised by the Senator from Missouri. I believe that he is talking about two different crimes.

Mr. EAGLETON. Mr. President, for the present moment I am talking about statutory rape. We will get to the matter of forcible rape later, but for the moment we are talking about statutory rape. In Missouri, an adult male cohabiting with a young girl who is under the age of consent on a voluntary basis is liable to a term of up to life imprisonment in the Missouri Penitentiary, where as an adult woman who has some sexual contact with a young boy below the age of legal consent would be charged with contributing to the delinquency of a minor. The latter involves a much lesser penalty. How would we unravel the distinctions in this area of the law?

Mr. BAYH. I think the court would have to determine which of those particular statutes should be applied, and apply it equally. In the judgment of the Senator from Indiana they would apply equally because the act would be the same. It is easier to distinguish between crimes that are physically impossible to perform by one sex. The distinction made by the Senator from Missouri could only be made by the courts after determining whether the two crimes were in fact identical. Rather than deny certain protective features to one sex, these features would be applied by the courts uniformly across the spectrum of our society.

Mr. EAGLETON. Now, let us move on to the area of forcible rape. The way in which most statutes are drawn forcible rape is a physical assault by force on a nonconsenting female. It is a very serious crime in most States. In my State it is a death penalty offense.

Under the equal rights amendment, how are we going to continue to have this obviously sexually related crime which makes the culprit out of the man and tries to protect the rights of the woman?

Mr. BAYH. The Senator from Indiana believes we should have rape statutes on the books. After enactment of this amendment, forcible rape statutes would theoretically apply to both sexes, but in reality be directed only at males because they are the ones sexually capable of performing such an act. I have not researched the matter, but if these two men who wrote to me are correct in stating that it is possible for the female to commit rape on the male, it seems to me that women, too, would come under the same statute. Such acts are not prevalent in our society. I think we should have rape statutes. I think they would apply under this constitutional amendment to any persons capable of performing the act defined to be illegal.

Mr. EAGLETON. That is the point I am raising. If the scientific and expert testimony—perhaps, for example, from Dr. Masters and Mrs. Johnson in St. Louis, or other medico-scientific experts—was that it is a physical impossibility for a woman to rape a man, and if we still desire, as I believe we do, to continue to have rape statutes on our books, and if the only one who can be the "raper" is the male and the only one who can be the "rapee" is the female, then is it not inescapably and absolutely necessary to take into account physical differences between a man and woman in the promulgation and application of such legislation?

Mr. BAYH. I think that a statute, such as a statute the Senator is referring to, would not need to be changed under the wording of this resolution. It is similar to separate restroom facilities. There would be no change as long as we are talking about real physical differences common to all members of only one sex. I see no way this could not be applied across the board. It would be applied to everyone, as I see it, but in the normal course of prosecution, it would not arise except against male defendants. I think we would have to approach that on a case-by-case basis, and expert testimony would tell us what to do, based on the facts in each given case.

Would the Senator permit me to yield to the Senator from Wisconsin, who has a conference report he wishes to take up?

Mr. EAGLETON. I am pleased to yield.

Mr. BAYH. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I thank the distinguished Senator from Indiana and the distinguished Senator from Missouri. I will be as brief as I can be.

BANK RECORDS AND FOREIGN TRANSACTIONS; CREDIT CARDS; CONSUMER CREDIT REPORTING—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Oct. 8, 1970, pp. 35843–35849, CONGRESSIONAL RECORD.)

Mr. PROXMIRE. Mr. President, a House-Senate conference committee completed action on this bill on Tuesday, October 6. In addition to resolving the differences between the House and Senate versions of the foreign bank secrecy legislation, the House conferees also accepted with amendments the previously passed Senate versions of the fair credit reporting bill—S. 823—and a bill regulating unsolicited credit cards—S. 721. These provisions were added by the Senate to H.R. 15073 in order to expedite action in the current 91st Congress.

The Senate also added the provisions of S. 3154, the Urban Mass Transit Act, to H.R. 15073; however, this language was deleted by the conference since the Congress has already completed action on S. 3154 and it has been sent to the President for his signature.

Mr. President, by combining three legislative proposals into a single package, I believe the Senate-House conference committee has executed a triple play for the American consumer. The foreign bank secrecy bill will provide law enforcement authorities with greater evidence of financial transactions in order to reduce the incidence of white collar crime. The bill was particularly directed at obtaining more information on secret foreign bank accounts by U.S. citizens or residents. These secret foreign bank accounts have enabled white collar criminals to avoid the payment of income taxes and flout our securities laws with virtual impunity.

The Senate provisions on credit cards agreed to by the House conferees will stop the unsolicited distribution of credit cards and limit a consumer's liability for a lost or stolen credit card to $50. In addition, the bill agreed to by the conference committee will make it a Federal crime to make purchases of more than $5,000 on a credit card without the permission of the holder.

In addition, the legislation agreed to by the conference includes an amended version of the Fair Credit Reporting Act passed by the Senate last November. This legislation would give consumers access to all of the information in their credit files and enable them to correct inaccurate or misleading information. Whenever a person is turned down for credit or insurance or employment because of an adverse credit report he would have to be given the name and address of the credit reporting agency. The bill also establishes safeguards to preserve the confidentiality of credit information in credit bureau files and to protect consumers against an undue invasion of their right to privacy.

FOREIGN BANK SECRECY

Mr. President, the foreign bank secrecy portion of H.R. 15073 contains five substantive provisions.

First, U.S. banks and other financial institutions are required to maintain records of financial transactions and keep copies of checks in accordance with regulations issued by the Secretary of the Treasury.

Second, the Secretary of the Treasury is authorized to require reports on currency deposits or withdrawals by the U.S. financial institution involved and the party to the transaction.

Third, persons who export or import currency or its equivalent in excess of $5,000 on any one occasion are required to file reports in accordance with Treasury regulations.

Fourth, U.S. citizens who maintain accounts with foreign financial institutions are required to file reports or keep records or both with respect to transactions with such accounts in accordance with Treasury regulations.

Fifth, the Federal Reserve Board's margin requirements for purchasing securities on credit would be extended to U.S. borrowers, whereas the existing law only applies to lenders.

Mr. President, there were a total of 47 differences between the House and Senate versions of the foreign bank secrecy bill. While many of these provisions were minor in nature, a number of them included fairly substantial differences between the two bills. I am happy to report that your Senate conferees were able to uphold most of the Senate provisions. The House receded on 37 of the 47 specific differences and in seven cases the House receded with an amendment. In only two cases did the Senate recede outright and in one case the Senate receded with an amendment.

I believe the conferees have combined the best features of both bills so that the Secretary is given adequate authority and guidance to regulate the use of secret foreign bank accounts.

While I do not intend to discuss all of the minor differences between the two bills, I believe it would be useful to the Senate to have a brief rundown of some of the major items agreed to by the conferees.

STATEMENT OF PURPOSE UNDER TITLE I

The House bill had a congressional statement of purpose to require the maintenance of appropriate types of records by insured banks where such records may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The Senate bill indicated a similar statement of purpose, but only when the Secretary of the Treasury determined that such records would have a high degree of usefulness. It was argued that the Senate language could be construed as delegating to the Secretary of the Treasury the authority to determine the basic purpose of the title. Congress would thus not have an independent, congressionally determined standard against which to evaluate the actions of the Secretary since he in effect would be determining the purpose of the title.

The conferees agreed to delete the Senate language from the congressional statement of purpose. In addition, the conferees made it clear that the Secretary's duty to issue regulations to carry out the purposes of title I would be subject to his determination that such records have a high degree of usefulness in law-enforcement activities.

I believe this approach actually clarifies both bills by making it clear that the basic purpose of the title is determined by the Congress but that the duty of the Secretary to issue regulations is sufficiently flexible so that he need not issue regulations in those cases where he determines that they would not achieve the purpose of the title as determined by Congress.

EXEMPTIVE AUTHORITY

The Senate bill included specific language indicating that the Secretary may make such exemptions from the recordkeeping provisions of title I "as he deems appropriate." While no similar language was included in the House bill, a reading of the House bill in its entirety implies similar exemptive authority.

The House agreed to recede to the Senate provision with an amendment making it clear that any exemption granted by the Secretary must be consistent with the purposes of the act. This was, of course, the intent of the Senate bill; nonetheless, the Senate language giving the Secretary the authority to issue such exemptions "as he deems appropriate" could be subject to misinterpretation. Accordingly, the Senate conferees agreed to the House amendment.

A FIVE HUNDRED DOLLAR EXEMPTION

The House bill exempted financial institutions from any recordkeeping requirements with respect to domestic transactions under $500. Such an exemption was not included in the Senate bill.

During the hearings it was argued that the exemption would be of little benefit to financial institutions since the cost of segregating transactions less than $500 would outweigh any potential savings. Moreover, a potential white collar criminal could easily violate the intent of the legislation by effecting a series of transactions in the amount of $499.

Accordingly, the House conferees agreed to recede to the Senate position and the $500 exemption was stricken from the bill.

STATEMENT OF PURPOSE OF TITLE II

Title II of the legislation authorizes the Secretary to require individuals to file reports and keep records of currency and foreign transactions. In the statement of purposes under title II, the House bill indicated three different purposes: First, to facilitate the supervision of financial institutions; second, to aid duly constituted authorities in lawful investigations; and, third, to provide for statistics needed for monetary and economic policy.

The statement of purpose under the Senate bill was more narrowly defined to require reports or records which have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

Since the authority given the Secretary under title II is necessarily broad, the Senate conferees felt that a narrowly defined statement of purpose was vital in order to guard against any undue abridgments to an individual's right to privacy. Under the House language, the Secretary could theoretically require individuals to file almost any kind of report on the grounds that such information might be useful to formulating economic policy.

The House agreed to recede to the Senate language so that the Secretary

will be restricted to requiring only those reports or records which are highly useful in law enforcement activities.

REQUIREMENT TO ISSUE REGULATIONS

Chapter 4 of title II of the legislation authorizes the Secretary of the Treasury to issue regulations requiring individuals to maintain certain records with respect to their transactions with foreign financial institutions. Under the House legislation the Secretary would be required to issue such regulations. Under the Senate bill, he was given discretionary authority to issue such regulations, having due regard for the impact of such regulations on foreign commerce.

The House conferees strongly felt that the requirement to issue such regulations should be mandatory in view of the importance of such records or reports to law enforcement authorities. Since the Secretary has adequate exemptive authority under both bills, any adverse impact upon foreign or domestic commerce could be alleviated.

Accordingly, the Senate conferees agreed to accept the mandatory approach of the House legislation while retaining the Senate proviso that the Secretary must have due regard for the impact of such regulations on foreign commerce. The Secretary thus has an obligation to issue rules and regulations implementing the provisions of chapter 4 of title II, although his exemptive authority is fully retained.

REPORTS ON FOREIGN TRANSACTIONS

Under the House version of chapter 4 of title II, the Secretary was given authority to require individuals to maintain records, or file reports or both with respect to their transactions with foreign financial institutions.

The Senate version of the legislation deleted the authority to require reports but retained the authority to require the keeping of records.

The House conferees were adamant in insisting that the Secretary be given the authority to require reports as well as records. Since the House conferees had already agreed to circumscribe the purpose section of title II to the more narrowly defined Senate language, it was argued that such reporting authority would not unduly jeopardize an individual's right to privacy. Accordingly, the Senate conferees receded and agreed to accept the House language.

AGGREGATE LIMITATION ON CURRENCY EXPORTS

Under the House legislation, individuals would be required to file reports on currency exports or imports in excess of $5,000 on any one occasion or $10,000 in any 1 calendar year. The Senate bill deleted the $10,000 aggregate annual limitation on currency exports or imports.

When the Senate Banking and Currency Committee first considered this issue, it was strongly influenced by a letter from the Department of Justice which urged the retention of the $10,000 annual aggregate limitation. The Justice Department wrote on July 23, 1970, that—

> We have consistently supported this provision as highly useful in law enforcement particularly as it concerns organized crime.

Since the time of the Senate committee executive session, the Department of Justice has apparently undergone a change of attitude. In a letter to Senator BENNETT dated September 15, 1970, the Justice Department softened its position and inferred that it no longer considered the retention of the $10,000 limitation as essential.

Accordingly, the Senate approved a floor amendment offered by Senator BENNETT to delete the $10,000 annual limitation. The House conferees agreed to recede to the Senate version of the legislation on this item.

MARGIN REQUIREMENTS

Both versions of the legislation extend the Federal Reserve Board's margin requirements to borrowers whereas existing law applies only to lenders. In the absence of this legislation it is possible for U.S. investors to borrow abroad in excess of the margin requirements for the purpose of carrying securities, thus circumventing the intended effect of the margin requirements.

The House version of the legislation appeared to extend the margin requirements to all borrowers regardless of whether they were U.S. citizens or foreigners, although the legislative history associated with the House bill implies the margin requirements are extended only to U.S. borrowers.

The Senate bill specifically extends the margin requirements to U.S. borrowers or to foreign borrowers who are controlled by U.S. persons. In determining whether a foreign borrower is controlled by or acting on behalf of or in conjunction with a U.S. person, the regulatory authorities are directed to make a finding whenever the U.S. person has more than a 50 percent beneficial interest in the foreign borrower.

The Senate bill also provides that any borrowing in excess of the margin requirements constitutes a violation by the borrower. Under the House bill, borrowing in excess of the margin requirements by a borrower would constitute a violation only if it were a knowing and willful violation unless the transaction involved a material misrepresentation by the borrower or credit in execss of $1 million.

The House agreed to accept the Senate language, thus giving regulatory agencies greater authority to enforce the requirements of the act.

The Senate version of the bill also extended to margin loans used for the purpose of carrying securities regardless of whether such securities were offered as collateral. Under the House bill, the margin requirements would have been extended only if the securities purchased were offered as collateral for the loan. Since it is possible to purchase securities on margin without actually offering such securities as collateral, the House language was open to potential evasion. The House conferees accepted the Senate language, thus strengthening the ability of the regulatory authorities to enforce the margin requirements.

Mr. President, there are numerous other differences between the House and Senate bills which were resolved by the conferees. On the whole, I believe we have recommended a reasonable and effective bill which will give our law enforcement authorities the additional tools they need to regulate the growing use of secret foreign bank accounts. It is anticipated and expected that the new authorities conferred by this legislation will be vigorously and swiftly implemented by the Secretary of the Treasury in order to reduce the growing rate of white collar crime.

In our justifiable concern with law and order we need to focus our attention on the crimes of the rich as well as the crimes of the poor or disadvantaged. Those who use secret foreign bank accounts to avoid our income tax laws or otherwise conduct illegal activities undermine our entire judicial system and weaken confidence in the soundness of our governmental institutions. The foreign bank secrecy bill will not, of course, solve all of the problems associated with white collar crime, but if vigorously implemented it will constitute a substantial beginning.

CREDIT CARDS

Mr. President, I am happy to report that the House conferees have agreed to accept substantially the Senate bill, S. 721, dealing with unsolicited credit cards. This legislation was passed by the Senate on April 15, 1970; however, hearings were not scheduled by the House Committee on Banking and Currency on the Senate bill in view of a related but less comprehensive credit card bill which was reported by the House Post Office and Civil Service Committee on March 26, 1970—H.R. 16542. The House Post Office bill required that any unsolicited credit card be sent via registered mail whereas the Senate bill placed an outright prohibition on unsolicited credit cards.

During the conference committee, there was some consideration given to retaining the registered mail approach contained in H.R. 16542. However, when a motion was formally made to substitute the registered mail provisions of H.R. 16542 it was rejected by the House conferees. Subsequently, the House conferees agreed to accept the Senate approach which places a prohibition on the distribution of all unsolicited credit cards.

The conferees did agree to adopt a recommendation by the Department of Justice to amend the criminal penalties section in the Senate bill. The Senate bill made it a Federal crime for anyone to use a credit card without the holder's permission. The Justice Department felt such a provision would be extremely costly to administer. It recommended that the conferees substitute a provision making it a Federal crime for the unauthorized use of a credit card only if the amounts purchased were in excess of $5,000.

The Senate and House conferees agreed to accept this modification suggested by the Justice Department. Any one making fraudulent credit card purchases in excess of $5,000 could be fined up to $10,000, or imprisoned up to 10 years, or both. Under 18 U.S.C. 2 these penalties would also extend to anyone who aids or abets in the commission of such a crime including those involved in the interstate transportation of credit cards which are used to make fraudulent purchases in excess of $5,000.

As reported by the House-Senate conferees, the credit card provisions under title V would prohibit the distribution of unsolicited credit cards. This prohibition would become effective upon the enact-

ment of the legislation. It parallels a recent regulation of the Federal Trade Commission prohibiting the distribution of unsolicited credit cards. However, the legislation is broader in that it applies to all issuers of credit cards including commercial banks, retailers, oil companies, airlines, and other issuers. There was some legal doubt about the ability of the FTC regulations to apply to commercial banks, common carriers, or other entities exempted from the Federal Trade Commission Act.

The legislation also limits a consumer's liability for a lost or stolen card to $50. If he notifies the card issuer before any unauthorized purchases have occurred, he would, of course, have no liability whatsoever. If the losses occurred prior to notification, his maximum liability would be limited to $50. The $50 limitation on liability applies to all unauthorized uses of a credit card and not to each individual unauthorized use. It is also intended that the $50 limitation applies to an account-holder's total liability with respect to any one account. For example, if he and his wife were issued two credit cards and unauthorized purchases were made on both cards, the family's maximum liability would be $50 for both cards and not $50 for each individual card.

It is expected that these matters will receive further clarification in regulations issued by the Federal Reserve Board.

CREDIT REPORTING

Mr. President, the Senate passed a fair credit reporting bill on November 6, 1969. The Subcommittee on Consumer Affairs of the House Committee on Banking and Currency held hearings on this legislation but has not yet taken action. Based upon the record developed during the House hearings, the House conferees had a number of amendments to suggest to the Senate bill. These amendments were carefully considered by the Senate conferees and were agreed to in those cases where the amendment improved the Senate bill without drastically changing its basic approach.

The following amendments were agreed to by the Senate conferees:

MEDICAL INFORMATION

The Senate conferees agreed to a House amendment specifically exempting medical information from the disclosure requirements of the legislation when such information is obtained from licensed physians or medical practitioners, hospitals, clinics, or other medical or medically related facilities. Credit reporting agencies would not be required to disclose such information to consumers in order to safeguard and protect the traditional relationship between the doctor supplying the information and his patient.

RETENTION OF OBSOLETE INFORMATION

The Senate bill prohibited a reporting agency from reporting information on an account placed for collection or charged off as a loss if the information was older than 7 years or until the governing statute of limitations expired, whichever was the longer period. The House conferees argued that such information should not be reported if it is older than 7 years regardless of the governing statute of limitations Since the consumer should not be indefinitely burdened with an adverse credit rating, the Senate conferees agreed to accept the House amendment.

The Senate bill also prohibited the reporting of adverse information older than 7 years or 14 years in the case of bankruptcies unless such information was needed in connection with a life insurance policy in excess of $25,000. The House conferees felt this limitation should be increased to $50,000 in view of the substantial number of policies between the $25,000 to $50,000 range. The Senate conferees agreed to accept this House amendment.

PROCEDURES TO INSURE ACCURACY

The Senate bill required reporting agencies who prepared investigative reports to follow reasonable procedures to assure the maximum possible accuracy of such report. The House conferees felt that this requirement should be extended to all reporting agencies, whether they prepared investigative reports or conventional credit reports. The Senate conferees felt that this was a reasonable requirement and accepted the House amendment.

SOURCES OF INVESTIGATIVE INFORMATION

The Senate bill required consumer reporting agencies to disclose the nature and substance of all of the information in a consumer's file to the consumer except for the sources of such information if used in an investigative type report. The House conferees felt that it was necessary to give consumers a specific statutory right to acquire such information on sources under appropriate discovery procedures in connection with any action brought under the act. This may be the only way in which the consumer can effectively refute allegations made in an investigative report. Accordingly, the Senate conferees agreed to accept this House amendment.

DISCLOSURE BY USERS OF CREDIT REPORTS

Under the Senate bill, if a consumer were rejected for credit, insurance, or employment either wholly or partly on the basis of a credit report, he would have to be given the name and address of the credit reporting agency if he made a written request to obtain such information. His right to make such a request was to have been communicated to the consumer by the user of the report at the time the consumer is rejected for credit, insurance, or employment.

The House conferees took the position that the consumer should not be required to make a written request to learn the identity of a credit reporting agency responsible for making an adverse credit report. It was argued that many consumers would neglect to make such a request out of fear or ignorance

The Senate conferees agreed to accept this House amendment. The rights given the consumer to review the information in his credit file are thus made more meaningful by this improved disclosure procedure.

PUNITIVE DAMAGES

The Senate bill permitted consumers to collect punitive damages in the case of any consumer reporting agency or user or information who willfully failed to comply with any provision of the act. These damages were limited to a minimum of $100 and a maximum of $1,000.

The Senate conferees agreed to an amendment suggested by the House conferees to delete the $100 floor and $1,000 ceiling on punitive damages and permit the court to fix the amount of such damages. A similar position was taken by the President's Assistant for Consumer Affairs.

NEGLIGENT FAILURE TO COMPLY WITH ACT

The Senate bill also permitted consumers to bring civil actions against reporting agencies or users of information who were grossly negligent in failing to comply with any requirement imposed by the act. The House conferees argued that it was exceedingly difficult to prove gross negligence and that reporting agencies should be held to a standard of ordinary negligence in following the requirements imposed by the act.

The Senate conferees agreed to the House amendment in order to provide a greater incentive for reporting agencies and users of information to comply with the various provisions of the act.

Thus, for example, if a reporting agency fails to follow reasonable procedures to assure the maximum possible accuracy of information in a credit report and is negligent in so doing, a consumer has a right to bring a civil action to recover any actual damages sustained.

JURISDICTION OF COURTS

The Senate bill permitted consumers to bring civil actions in any appropriate U.S. District Court. The House conferees suggested the authority to bring actions in Federal Courts be provided without regard to the amount at controversy in order to provide consumers with the most effective remedy possible.

The House also suggested a modification to a Senate requirement that a civil action be brought within 2 years from the date of the occurrence of any violation of the act. The House conferees suggested that where a defendant has materially misrepresented any information required to be disclosed and the information so misrepresented is material to establishing the defendant's liability, the action may be brought by a consumer within 2 years after the discovery of the misrepresentation.

The House amendments give the consumer a more effective legal remedy against potential violations and were accordingly agreed to by the Senate conferees.

UNAUTHORIZED DISCLOSURES BY OFFICERS OR EMPLOYEES OF REPORTING AGENCIES

The Senate bill made it a Federal crime for any person to knowingly or willfully obtain information from a consumer reporting agency under false pretenses. The House suggested that similar criminal penalties be provided with respect to any officer or employee of a consumer reporting agency who knowingly and willfully makes an unauthorized disclosure.

This amendment is intended to further safeguard the confidentiality of information in a reporting agency files and was accordingly agreed to by the Senate conferees.

DEFINITION OF CONSUMER REPORTING AGENCY

Mr. President, the statement of managers on the part of the House indicates that the House conferees "also intend that the definition of 'consumer reporting agency' not include insured financial institutions whose lending officers merely relate information about an individual with whom they have direct financial transactions." This interpretation by the House conferees was never discussed within the conference committee. It needs additional clarification to insure that the intent of the legislation is not misinterpreted by the courts or the Federal Trade Commission. The Senate bill as agreed to by the conference committee defines a consumer report under section 603(d). However, the term does not include any report containing information solely as to transactions or experiences between the consumer and the person making the report. Thus, if a bank lending officer provided information about its transactions with one of its customers to another bank or to a credit reporting agency such a communication would not be considered to be a consumer report as defined under section 603(d).

The definition of a consumer reporting agency under section 603(f) refers to any persons who make consumer reports to third parties. Thus, under the bill passed by the Senate and agreed to by the conference committee, a creditor cannot be a consumer reporting agency by virtue of making reports which do not meet the definition of "consumer report." Thus, the statement by the House conferees would seem to add nothing to the clear wording of the statute. It could be somewhat confusing, however, since the exemption stated by the House conferees appears to exempt only insured financial institutions from the definition of "consumer reporting agency" whose lending officers merely related information about one of their customers with whom they have had direct financial transactions. If such a report did not meet the definition of a consumer report as defined under section 603(d), no person making such a report would be considered to be a "consumer reporting agency" regardless of whether or not they were an insured financial institution.

On the other hand, if a bank or other insured financial institution made a report consisting of information about an individual with whom they have had direct financial transactions and part or all of the information pertained to transactions or experiences which were not between such bank or other financial institution and the person on whom the report was made, then such bank or institution would, in fact, be making a consumer report as defined under section 603(d) and would thus become a consumer reporting agency as defined under section 603(f).

The statement of managers on the part of the House also indicated that the House conferees intend that the definition of "consumer credit report" not include protective bulletins issued by local hotel and motel associations, and circulated only to its members dealing solely of transactions between members of the association and persons named in the report. Once again, this interpretation was never discussed in the conference committee and needs additional clarification. To the extent that a local hotel or motel association compiles credit or other information from its members and makes such information available to its members, it is making consumer reports as defined under section 603(d) and is acting as a consumer reporting agency as defined under section 603(f).

SUMMARY OF FAIR CREDIT REPORTING BILL

The purposes of the Fair Credit Reporting Act are to give consumers a chance to correct inaccurate information in their credit file; to preserve the confidentiality of such information; and to prevent undue invasions of the individual's right to privacy.

The act covers all reporting on consumers, whether it be for the purpose of obtaining credit, insurance, or employment. However, credit reports or other reports on business firms are excluded.

As reported by the conferees, the following consumer rights would be secured by the act:

First. To be told the reasons for a credit, insurance or employment turndown when a credit report was a factor and to be given the name and address of the reporting agency.

Second. To be informed of the nature and substance of all information in his credit file by the credit reporting agency.

Third. To have another person with him at the reporting agency when his file is discussed.

Fourth. To be told who has received reports on him during the proceeding 6 months for credit or insurance purposes and the preceding 2 years for employment purposes.

Fifth. To have inaccurate or unverifiable information deleted from his file.

Sixth. To have the information in his file reinvestigated whenever he disputes its accuracy.

Seventh. To file a brief explanatory statement on disputed items and to have the statement included on subsequent reports.

Eighth. To have the information in his file kept confidential and used only for legitimate business purposes.

Ninth. To have personal information in his file kept from governmental agencies unless ordered by a court.

Tenth. To be informed if adverse public record information is reported for employment purposes when such information cannot be kept up to date.

Eleventh. To have adverse information deleted from his file after 7 years or after 14 years in the case of bankruptcies.

Twelfth. To be informed of the scope and nature of investigative-type reports into his personal life.

Thirteenth. To have adverse information on investigative-type reports reverified before it can be used again.

Fourteenth. To bring civil actions against credit reporting agencies and collect actual damages plus attorney's fees if the agency is negligent in reporting inaccurate information.

Mr. President, I believe the amendments suggested by the House conferees will perfect and improve the provisions of the Fair Credit Reporting Act passed by the Senate last November. In view of the growing importance of credit information in our economy, we must give consumers a higher degree of protection against the consequences of an inaccurate or misleading credit report.

Millions of American consumers are affected by the credit reporting industry. While credit reporting agencies have generally discharged their functions adequately, in some cases individuals have been irreparably damaged by inaccurate credit reports.

The Fair Credit Reporting Act will for the first time give consumers a right under Federal law to obtain access to their credit file and correct any inaccurate or misleading information. I am hopeful that this legislation can be signed into law this year and that it will be vigorously enforced by the Federal Trade Commission which is assigned enforcement duties.

Mr. President, I hope the Senate adopts the conference report.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HATFIELD. Would the Senator be willing to postpone action on the conference report for a few minutes? I am not aware yet of the feeling or thinking of the minority members of the committee. I would like to have a few moments to check that out.

Mr. PROXMIRE. I would be willing to have that done. However, I can tell the Senator that the Senator from Utah (Mr. BENNETT) and other minority members who were conferees on his side of the aisle signed the conference report. I think they were quite pleased with it, in fact they were enthusiastic about it.

Mr. HATFIELD. I do not doubt that at all and I do not challenge the authenticity of the report. Merely in the procedures we follow at this desk, I would like to have a few moments.

Mr. PROXMIRE. Certainly.

Mr. MAGNUSON. Mr. President, will the Senator yield so that I may ask a few questions?

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. Does this in any way conflict with or compromise what the Federal Trade Commission is going to do about credit cards?

Mr. PROXMIRE. It complements that. We had testimony by them.

Mr. MAGNUSON. They are about to issue a rulemaking procedure because they are going to change the law or the tactics being used, not only in connection with credit card reporting but also sending bills.

This would complement that, would it not?

Mr. PROXMIRE. Yes. With respect to credit cards, this makes it illegal to send unsolicited credit cards and limits the liability of a holder of a credit card if it is stolen to $50, and to no liability if it is not used.

Mr. MAGNUSON. In other words, it would complement what the Federal Trade Commission is trying to do?

Mr. PROXMIRE. That is correct.

Mr. HATFIELD. Mr. President, I have no further objection to moving to the disposition of the conference report at this time.

Mr. PROXMIRE. I appreciate that.

Mr. BENNETT. Mr. President, on last Tuesday, October 6, 1970, conferees of the House and Senate met together to work out the differences between the Senate and House versions of H.R. 15073. In general, the conference was very successful and we retained most of the Senate provisions dealing with bank secrecy, credit cards, and credit reporting agencies. Yesterday, the House filed the conference report and the statement of managers on the part of the House. The statement for the most part was accurate in its description of the intent of the conferees and the action taken in the conference. However, there are several statements in the report which I believe do not clearly represent the action of the conferees or the intent of the language approved by the conference committee.

The first of these deals with the authority granted to the Secretary of the Treasury in determining records to be kept by financial institutions. In the Senate, we amended the House bill which was unclear, to assure that no records would be required unless the Secretary of the Treasury determined that they would have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. In amending the bill, however, we drafted it in such a way that it appeared to leave the congressional intent to the Secretary of the Treasury's determination also. The conference committee amended the Senate version by clearly establishing the purpose of the legislation as requiring the "maintenance of appropriate types of records by insured banks in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings." The determination of which records have such a degree of usefulness and the determination of records or other evidence to be kept by financial institutions was left, however, entirely to the Secretary of the Treasury. In other words, no change was made by the conference to the Senate bill which would in any way decrease the authority of the Secretary of the Treasury to determine the appropriate types of records to be maintained by financial institutions.

The statement of managers on the part of the House also seems to try to legislate further in title VII containing provisions relating to credit reporting agencies. The conference report states that:

> The House Conferees also intend that the definitions of "consumer reporting agency" not include insured financial institutions whose lending officers merely relate information about an individual with whom they have had direct financial transactions.

While I may agree entirely with the desirability of such an interpretation, it is not appropriate to state that the Senate bill or the conference report was intended to have an interpretation this broad. Since no amendment was offered or accepted, the Senate bill was not changed so far as the definition of "consumer reporting agency" is concerned.

During our discussions in the Senate, the problem which could be created by this legislation for the transfer of information between correspondent banks was discussed very thoroughly. It was my position that correspondent banks should be allowed to transfer information on their customers to banks with which they had a correspondent relationship without being considered a consumer reporting agency or the information being considered a consumer report. It was argued, however, that if a complete exemption were granted, banks could in effect establish consumer reporting agencies without being subject to the same restrictions which would govern the activities of other consumer reporting agencies not affiliated with a bank.

I believe that the Senate bill language which was not altered in the conference report authorizes banks as well as other institutions to provide information to third parties so long as that information deals only with their transactions with individuals who are their customers. In other words, a bank or a retail establishment could provide information to a third party on which a credit judgment could be made so long as information was not included dealing with transactions other than those with the bank or other institution providing the information and such information would not be considered a consumer report nor would the transfer of such information make the transferring institution a credit reporting agency. The language in the statement of managers on the part of the House would seem to expand this authority to include any information which the reporting firm might have in its files on a person with whom it had direct financial transactions. The intent of the legislation is not to broaden it to that extent.

The House managers' statement also states:

> Your conferees also intend that the definition of "consumer credit report" not include protective bulletins issued by local hotel and motel associations, and circulated only to their members, dealing solely with transactions between members of the associations and persons named in the report.

The House conferees may have had such an intent, but it was not brought to our attention in the conference committee. Indeed, I believe that such protective bulletins should not be considered to be consumer credit reports and thus be subject to all of the restrictions contained in this title of the bill. Many of the provisions in this bill have made it more difficult for those who desire information on the basis of which to grant credit or insurance or employment to receive such information. There is no doubt that this title will result in restricting the amount of information which is available on which to make such decisions. In our attempt to protect consumers from improper information, we have added burdens and expense which will ultimately be paid for by consumers. To restrict an association from providing information to its own members on individuals who have not paid their motel or hotel bill or who have paid such bills with a check which is dishonored seems to be absurd. Such bulletins can, under the bill as I interpret it, be circulated within the various branches of a nationwide chain without any difficulty and without any restrictions. It appears only reasonable, therefore, that an association of independent firms should be able to have the same degree of protection against fraudulent transactions without being subject to all of the expensive disclosure and compliance procedures which are contained in this title.

While I am discussing compliance procedures, I would like to refer to another improper statement made by the managers on the part of the House. In the conference committee, we accepted a House amendment which added the requirement that consumer reporting agencies must "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates." The entire explanation of this amendment by the House was:

> This language is basically the last sentence of section 614, making it a duty for all consumer reporting agencies to follow reasonable procedures to assure accuracy in their reporting.

The Senate report discussing section 614 states simply:

> Those who make investigative reports must follow procedures to assure maximum possible accuracy. The Statement of the House Managers now comes up with the intent of this section as being:
>
> "The House Conferees intend that this requirement shall include the duty to differentiate between types of individual bankruptcies (e.g., between straight bankruptcies and Chapter XIII wage earner plans), and that the disposition of a wage earner plan where the consumer conscientiously carries out his responsibilities under it should be duly noted."

No such requirement was ever mentioned in the conference nor was there any indication that any conferee intended the amendment to include this type of requirement.

There is absolutely no basis or justification for the statement by House managers that would require differentiation between types of bankruptcies or notations regarding the conscientiousness of consumers.

In the following paragraph of the statement of managers on the part of the House, the managers discuss an amendment which was offered by a House Member but which was rejected by the conference committee. The explanation of the amendment given by the Member who offered it was:

> In order for the consumer to rectify any errors in his report, it is essential that he see the information in his file rather than "the nature and substance of the information." This does not mean that the consumer will be able to physically handle the file, but merely see the information in it.

As I stated earlier, this amendment was rejected by the conferees. The House conference report now says that:

> The Senate Conferees did not agree to this amendment, contending that the existing language already accomplished this result. The Conferees of both Houses intend that this important provision be so interpreted.

I would like to state that the Senate conferees did not contend that the exist-

ing language accomplish the result of the amendment. In fact, the Senate conferees stated that they did not want any change in the Senate language nor did Members of the Senate during the conference session interpret what the language in the Senate bill was intended to mean. Since the exact Senate language was retained and since there was no discussion as to what the language was intended to mean, it means just what it says. If any additional interpretation is desired, it can be received from the Senate report dealing with section 609, from which I quote:

> This section requires reporting agencies to disclose, at the request of a consumer, the nature and substance of all information in the consumer's file, the sources of the information, unless it is an investigative report, and the persons who have received reports on the consumer during the past 6 months for credit or insurance purposes and the past 2 years for employment purposes.

Since the House did not bring a credit reporting bill to the conference and since the only bill on which we were conferring was the Senate bill, any amendments requiring additional information or more stringent procedures by credit reporting agencies should literally be outside of the bounds of the conference. An interpretation by the House conferees of the meaning of Senate provisions which were not amended is inappropriate and has no basis.

Interpretations of amendments accepted by the Senate in conference cannot properly be expanded to mean other than the meaning discussed and agreed to by the conferees in the conference.

Mr. President, I regret that it has been necessary for me to make this statement to clarify the legislative history and intent of the conference report on H.R. 15073.

Having made such a clarification, I support the report and recommend that it be approved by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. PROXMIRE. Mr. President, I thank the Senators from Indiana, Washington, and Oregon.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. MAGNUSON. Mr. President, I am going to ask a question of the three or four distinguished lawyers now on the floor. Some of us have been, not necessarily bothered, but wondering, whether or not the equal rights amendment would affect the community property laws in, I think, the eight States where those laws are now in effect. They have the old Spanish community property laws.

What effect would this amendment have on that protection for the rights of women? That law is based on the old Spanish idea that with everything being equal when one dies or when the marriage is dissolved, 50 percent will go to the woman and 50 percent to the man.

I wonder if any analysis has been made of the effect of this amendment on the community property laws of the States that have such laws.

Mr. BAYH. Mr. President, the Senator from Indiana recollects that there was some testimony in our hearings about it. I would be glad to dig it out and make it available for the Senate and the Senator from Washington. As I recall, my judgment was that the community property laws would not be affected; it would apply equally to men and women.

Mr. ERVIN. Mr. President, will the Senator yield, so I may call to the attention of the Senator from Washington the opinion of his attorney general?

Mr. MAGNUSON. I yield.

Mr. BAYH. I am glad to yield. I was asked for my opinion, and I am sure it will not be the same as that of the Senator from North Carolina or those he quotes.

Mr. ERVIN. Mr. President, I hold in my hand a letter from the attorney general of the State of Washington, Slade Gorton, dated the 4th day of September 1970, in which he sets out a number of Washington State laws which would be affected by this amendment, and he says this after discussing other laws which would be adversely affected by the amendment:

> Additionally, it is possible that this proposed amendment might have some effect upon Washington's Community Property law, under which the property of the wife is treated somewhat differently than the property of the husband. Under Revised Code of Washington sections 26.16.130 and .140, earnings of wages and accumulations of other property by a wife while living separate and apart from her husband are her own separate property, while wages and accumulations of the husband while living apart from his wife are not treated as his separate property, but are considered to be earned or accumulated for the benefit of the the marital community.

He expresses concern about that very proposition.

Mr. MAGNUSON. I have had some concern about it. I am disposed to vote for the amendment. Then it will go back to the States, and States like Washington State could determine how it would affect them. But Texas, Louisiana, New Mexico, Arizona, and my own State—these States still rigorously adhere to the old Spanish community property laws—which were based fundamentally on the protection of a woman's right in the marital relationship in the accumulation of property during the time of marriage.

Mr. ERVIN. Mr. President, I put in the RECORD yesterday a letter from the attorney general of Louisiana stating that it would invalidate the community property law of that State.

I hold in my hand a letter from the attorney general of Texas, in which he said that a similar amendment had been submitted to the Legislature of the State of Texas every year for 25 years and it had always been rejected every 2 years because the State legislature concluded that it would invalidate the community property laws of Texas.

Mr. MAGNUSON. I just do not know. I was hoping we would have a legal opinion on this. If the amendment is submitted to the States, every State will review it and determine whether it will affect its laws, including the community property laws, and determine whether it should be adopted. I do not think that my State or the State of Texas or the State of Louisiana or the State of New Mexico would want to violate the principle of the community property law, because it has worked well, and we think it is good.

I remember years back when we were allowed to file a joint income tax return because we were in a community property State. The people in Indiana could not file joint returns. Every year an amendment would be proposed, and the late, distinguished Senator from Texas, Senator Connally, and I would take the floor and try to protect States' rights by retaining the community property laws.

Finally, we suggested that taxpayers all over the Nation should be permitted to file joint income tax returns as could the people in our eight community property States. That proposal was ultimately adopted, so everybodoy files a joint income tax return even if there are not any community property laws in his particular State.

I am somewhat worried about the effect of this amendment on such laws, but I suspect that the State legislatures in the States affected will review the amendment closely.

Mr. ERVIN. If I may quote from the letter written to me by the attorney general of Texas, he said:

> This same amendment has been proposed in our Texas Legislature for twenty-five years but has met defeat every two years. Three years ago, our State Bar took a firm stand against this particular amendment, arguing that either the amendment would have no affect and would simply be a platitude or it would completely disrupt our property laws to the great disadvantage of the family. As you know, we are one of the community property states and our State Bar found that an amendment of this nature would be highly detrimental to the wife and mother and to the minor children.

Mr. MAGNUSON. I am glad to get that information. I was hoping we might have some definite legal opinion on how the amendment would affect such laws. I take it that the Senator from Indiana feels the amendment would not affect the community propery laws. Many of us in the community property law States are seriously concerned about the matter.

Let me thank the Senator.

Mr. BAYH. I appreciate the Senator from Washington bringing this matter up. I would like to point out that if we looked at the scope covered by the letter of the attorney general of Texas, it goes all of the way from saying the amendment would be nothing but a platitude, to the assertion that, in fact, it would bring about a total destruction of certain parts of Texas law. If that is the kind of opinion we are going to get, it is like taking a shotgun out into the night and trying to shoot a black target. The letter from the attorney general of Washington was vague. He did not give an unequivocal opinion. He said it was possible.

As one Member of the Senate, who happens to be floor manager of the joint

resolution, I say the legislative intent is that if there is an overriding national or public interest, the amendment would not alter such a law.

Mr. ERVIN. This amendment is not going to be interpreted according to some overriding national purpose. The amendment will be interpreted by what it says.

I would say to the Senator from Indiana and the Senator from Washington that one of the observations I think is relevant here is that of Robert Sherrill, the correspondent for The Nation, who, writing in the New York Times a short time ago, said:

> The equal rights amendment's journey down the corridors of Congress has so far been an impressive demonstration of what can be achieved through almost total ignorance.

Mr. BAYH. The Senator from North Carolina, of course, is a very learned jurist, and has been a judge in his State. The Senator from Indiana has not been a judge, and has not been a lawyer as long as the Senator from North Carolina. Nevertheless, I daresay that seldom a week or a month goes by that my distinguished friend from North Carolina does not have to look at a statute and interpret what it means—not just what the words say, but what the statute means.

That is even more true as to a constitutional amendment. Then we, by necessity, must sweep with a broad brush, and then the courts determine each case on a factual basis, and determine what the congressional intent was.

The congressional intent is not only what the words say. To determine intent, you look at the record of the debate. Right now we are trying to clarify that record and show what this amendment means.

The examples the Senator from North Carolina gives, his strong appeals that this amendment would take the labels "men" and "women" off the various restroom facilities across this country. are ridiculous. This would not happen. The right of privacy is too deeply engrained in our society. Look at the case of Griswold against Connecticut, decided by the Supreme Court.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. COOK. I might suggest that there is also a complete line of cases out of the Supreme Court of the United States dealing with the right of privacy. We shall probably put those cases into the RECORD at a later time; but I think this discussion overlooks that entire line of cases.

Mr. ERVIN. Mr. President, will the Senator yield for a brief statement?

Mr. BAYH. I am happy to yield.

Mr. ERVIN. I would say that those cases were decided under the existing Constitution; but when this amendment becomes a part of the Constitution, it is going to have to be interpreted to supersede those cases, if they are inconsistent. A provision which says that every man and every woman has exactly the same rights means that a man has a right to go into every public restroom, even though it is marked for women, and a woman has a right to go into every public restroom, even though it is marked for men. When the Constitution is amended to prohibit the segregation of men and women in jails and prisons, privacy is gone. That is the reason I have an amendment to protect the privacy of women.

Mr. BAYH. I respect the difference of opinion of the Senator from North Carolina, and I know that in his heart he thinks he is right; but I think he is dead wrong in the way he interprets the effect of this amendment. I think he is 180 degrees wrong.

I hope the Senator from North Carolina will make that letter from the Texas attorney general available to the Senate, because, so far as we have been able to determine, the only significant change that would be required in community property laws would be that the States would probably have to allow joint management in some instances. The State of Texas adopted such a joint management provision back in 1968.

So it would be interesting to know how the attorney general of Texas handles this problem.

Mr. ERVIN. I assure the Senator I am going to put it in the RECORD. I would have put it in yesterday had consideration of the amendment not been laid aside.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. EAGLETON. I am glad the Senator has yielded to me.

Mr. COOK. Mr. President, will the Senator yield for a moment?

Mr. EAGLETON. I yield.

Mr. COOK. May I inquire how much longer this will be?

Mr. EAGLETON. I am trying to propound these questions as quickly as I can. I hope to be through in a few minutes.

I would like to ask the Senator from Indiana about the laws in the various States pertaining to prostitution, most of which take into account the difference between male and female in their phraseology.

How are we going to unravel that series of State statutes and municipal ordinances so as to give equal rights across the board?

Mr. BAYH. I would have to restate what I said earlier. Those laws would be applied equally across the board to male and female.

Mr. EAGLETON. Under the equal rights amendment, would the crime of prostitution apply not only as between persons of different sexes, but also between persons of the same sex?

Mr. BAYH. Whether that would be defined as prostitution or some other crime I do not know.

Mr. EAGLETON. If the equal rights amendment becomes law, could a valid prostitution ordinance be drafted that would differentiate between the act of the male and the female, or would it have to be drafted so broadly as to encompass activities not only between the two sexes, but between members of the same sex?

Mr. BAYH. If a crime involved the commission of certain acts between members of different sexes, this would have to be applied across the board to men and women alike. By chance was the Senator from Missouri alluding to those crimes that, by definition, include certain acts between members of the same sex.

Mr. EAGLETON. That is right.

Mr. BAYH. Those crimes would not be affected by this amendment.

Mr. EAGLETON. Let me ask the Senator about homosexual or lesbian marriages. Most States legalize the status of matrimony by statute limiting marriage between partners of the two sexes. Do those statutes, as now written, go by the board under the equal rights amendment?

Mr. BAYH. The Senator from Indiana does not think such laws would be invalidated.

Mr. EAGLETON. That is, a State which, for example, has a statute which says "the status of a marriage is valid in this State only as between man and woman" would still have a valid statute, under the equal rights amendment?

Mr. BAYH. I believe that is accurate.

Mr. EAGLETON. I note for the RECORD that Professor Freund of Harvard Law School feels a bit differently. He said:

> Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation.

Mr. BAYH. I have a great deal of respect for Professor Freund; however, I do not share his opinion. As long as the laws require that the marriage be a contract between people of opposite sexes, they would be constitutional because they treat men and women equally. A problem would arise if, for example, a law validated marriages between two women, but not between two men.

It is my judgment that this amendment would not affect the statutes that the Senator from Missouri is referring to.

Mr. EAGLETON. Well, of course, to the extent that the Senator has commented on it, if it would discriminate against anyone, it would discriminate against homosexuals.

Mr. BAYH. If the Senator from Missouri wants to have a constitutional amendment covering that subject, we will cover it at a later date.

Mr. EAGLETON. No, I most certainly do not. The Senator from Alabama is anxious to pursue his amendment. If I may have the indulgence of the Senator from Indiana, I would like to make a short comment, based on what we have been able to cover by my questions up to this point.

The Senator has said, with respect to these questions, that the States can and should continue, even if the equal rights amendment becomes operative, their various statutes protecting the right of privacy. Next, the Senator has stated that the States have a right to maintain or to establish statutes that "take into account the very real physical differences between the sexes." Finally, he has also stated that the States "can take into account overriding and compelling public interest that call for distinction between the sexes."

Therefore, I wonder, if an amendment were drawn to his resolution which amendment would protect the right

of privacy; protect the right of differentiation based on the "very real physical differences between the sexes"; and protect "the overriding and compelling public interest in the differentiation between the sexes," would the Senator accept such an amendment which would be in conformity with his own thinking and which would clarify the "bare bones" language of his resolution which in its present form is completely silent on these matters?

Mr. BAYH. I will be very frank with the Senator from Missouri. If we were starting out from the very beginning, the Senator from Indiana would see no objection to including specific language incorporating the suggestions made by the Senator from Missouri. But the Senator from Indiana feels that these questions of interpretation can be handled in the legislative history which we are now building. These points have been adequately covered in the House by the floor manager of the measure, the Representative from Michigan (Mrs. GRIFFITHS), the Senator from Indiana would be inclined not to favor these amendments. The very real effect of these amendments at this stage in the amending process would be to kill the amendment that is before the Senate, even though it has already been passed by the House by a significant majority.

Mr. EAGLETON. Not to prolong the matter and I thank the Senator from Alabama for being so very indulgent. I take it that the Senator from Indiana thinks there is at least a modicum, and perhaps more than a modicum, of validity to some of the points I have raised. He has agreed that we need to preserve the right of privacy; that the very real physical differences between the sexes should be taken into account; that the "overriding and compelling public interest in differentiating between the sexes" should be taken into account. He has indicated he would not mind these concepts being in a constitutional amendment. However, because we are racing the clock, he thinks that we should enact this resolution as it is now drawn and pray to God that the Supreme Court of the United States unravels it in the best interests of all of us.

Mr. BAYH. I will be glad to read the RECORD. I do not think the Senator from Indiana said that. I do not think he even inferred it.

There is more than one way to treat a problem. The Senator from Indiana feels that the amendment adequately deals with the problem. By raising these questions the Senator from Missouri has clarified several of the inevitable questions of interpretation which accompany any constitutional provision. I do not believe we should put something in the Constitution or in the statute books in a mad effort to race the clock. The Senator from Missouri suggests that we answer these questions by redrafting the amendment. I do want to point out the broad language of this amendment is typical of constitutional language. And the language has been more than adequately clarified in the debate we are having.

Mr. EAGLETON. I thank the Senator from Indiana, and I thank the Senator from Alabama.

Mr. ALLEN. Mr. President, earlier this morning, I promised that I would yield 30 minutes to the distinguished Senator from Kentucky (Mr. Cook). I therefore ask unanimous consent that I may yield to the distinguished Senator from Kentucky for 30 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL RIGHTS FOR WOMEN: AN IDEA WHOSE TIME HAS COME

Mr. COOK. Mr. President, the proposed equal rights amendment to the U.S. Constitution, as it passed the House of Representatives in August, reads in pertinent part:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

If passed by a two-thirds majority in the Senate and ratified by three-fourths of the State legislatures, the equal rights amendment will become the 26th amendment to our Constitution. Resolutions similiar to this proposal, which the Senate is to consider before adjournment this year—I should like the attention of the Senator from Missouri, because he said we were in a mad rush to get this done—were first introduced in 1923 soon after the ratification of the 19th amendment giving women the franchise, the purpose of this amendment is to end the unequal treatment under the law to which women have been subjected since the Constitution was first adopted. It is important to note that the only kind of sex discrimination which this would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they have always been, a matter of individual choice. The passage of this amendment will neither make a man a gentleman nor will it require him to stop being one.

Although there is now little disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how it can best be achieved. Opponents argue that the 14th amendment equal protection clause and title VII of the Civil Rights Act of 1964 which prohibited discrimination on account of sex are sufficient safeguards. The problem with this analysis is that the courts have been in some cases slow and in others completely derelict in interpreting either of these provisions as striking down irrational sex discrimination in law.

Another "red herring" which opponents raise is that all State "protective" laws for women will be nullified. This ignores recent court decisions in analagous situations in which the courts have not nullified other types of discriminatory State laws but rather extended the protection afforded to one class to the other, thereby providing equality of treatment under the law. The passage of this amendment is important because it will provide a mandate for the courts to strike down irrational sex-based discrimination wherever it is found in law.

In addition, it should also be pointed out that this is not just an equal rights amendment for women. It will also benefit men as there are many sex discriminations in law which penalize males. Equal treatment for men and women under the law is indeed an idea whose time has come.

As I stated previously there is virtually no disagreement upon the need to bring about equal treatment under the law regardless of sex. The members of the Judiciary Subcommittee on Constitutional Amendments heard the case abundantly made in hearings on May 5, 6, and 7 of this year. Additional hearings were held before the full Judiciary Committee on September 9, 10, 11, and 15. Mr. President, I am delighted to say that I was in attendance at all of them. Time and time again examples of unequal treatment of women under the law were brought to the attention of committee members. I will not recount them here except to insert in the record at this point some examples of discriminatory State laws which would be unconstitutional upon adoption of the equal rights amendment. Mr. President, I ask unanimous consent that this document be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

EXAMPLES OF DISCRIMINATORY STATE ACTION OUTLAWED BY THE EQUAL RIGHTS AMENDMENT

(1) Until 1966, three states excluded women from juries altogether. In one state (Louisiana) women (but not men) must register specially to be eligible to serve on juries.

(2) In one state (Arkansas), there is a statute allowing women to be committed for up to three years in the reformatory for offenses such as "drug using" and "habitual intoxication," although men cannot be sentenced to more than 30 days for drunkenness.

(3) In eight states, women cannot contract or sign leases until they are 21, while men can do so at 18.

(4) California and four other states require a married woman to obtain a court order before establishing an independent business. 11 states place special restrictions on the right of a married woman to contract. In 3 states, a married woman can't become a guarantor or surety.

(5) Some cities in the United States (e.g., Salinas, Kansas and Biloxi, Mississippi) have different public school pay scales for male and female teachers with identical experience.

(6) Women are discriminated against in college admissions. In the fall of 1968, only 18% of the men entering public four-year colleges had received high school grade averages of B+ or better. But 41% of the freshmen women had attained such grades. One state university (University of North Carolina) has published an admission brochure saying that "Admission of women on the freshman level will be restricted to those who are especially well qualified."

(7) Sex discrimination still exists in the labor laws of every state in the union except Delaware. And despite contrary decisions under Title VII of the 1964 Civil Rights Act by the Equal Employment Opportunity Commission, two federal appeals courts, and several state attorneys general, a recent survey showed that 51% of major employers continue to enforce these restrictions.

(8) 39 states and the District of Columbia impose limitations on the number of hours worked by men. These provisions often preclude women from occupying supervisory jobs requiring overtime.

Mr. COOK. The decision upon the equal rights amendment seems to turn entirely upon legal arguments. In that regard, I felt it my duty as a supporter of Senate Joint Resolution 61 which is identical to the House-passed resolution, House Joint Resolution 264, to provide for my colleagues all the legal arguments I could muster for passage of the amendment in the form as originally introduced. My initial efforts were letters to all Senators of September 1 and 21 of this year. Mr. President, I ask unanimous consent that these letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 1, 1970.

Re: S.J. Res. 61, The Equal Rights Amendment.

DEAR SENATOR: I have become increasingly concerned about reports that some Senators are having second thoughts about their previously announced support for the proposed Equal Rights Amendment. It is the purpose of this letter to help resolve these doubts.

Some of our colleagues, I am told, are contemplating support for the Ervin Amendment which would legitimatize state schools segregated by sex, and would probably be a setback for women's rights if ratified. S. J. Res. 231, introduced by our distinguished colleague from North Carolina, is patently unacceptable to all who are concerned with advancing womens legal status.

Opponents of the Equal Rights Amendment have argued against the Amendment because of its alleged effects, including great speculation about which state laws it would strike down. However, it seems obvious to me, as a lawyer, that the intent of the proponents of the Amendment will ge given great weight by the courts in interpreting and construing the Amendment. And the intent of the proponents is clearly *not* understood by the opponents to the Amendment.

I am enclosing a copy of a speech I made on the Floor which clarifies the intent of the proponents of the Equal Rights Amendment, and also a memorandum on the effects of the proposed Amendment, published by the Citizens Advisory Council on the Status of Women.

I sincerely hope that you will take the time to study this issue, for it not only affects the Constitutional rights and equality of U.S. women, 51% of our citizens, it affects us all. The Equal Rights Amendment deserves the continued support of its 81 co-sponsors.

If you have any further questions, please contact Barbara Schuhmann or Mitch McConnell of my staff, extension 4343.

With best wishes,

Sincerely,

MARLOW W. COOK.

U.S. SENATE,
Washington, D.C., September 21, 1970.

Re: The Equal Rights Amendment.

DEAR SENATOR: As you know, the House-passed Equal Rights Amendment, H.J. Res. 264, is on the Senate Calendar and will probably be considered before the pre-election recess. Hearings on this subject were held by the full Judiciary Committee on September 9, 10, 11, and 15. Although there is little or no disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how best to achieve this goal.

Some Constitutional scholars appearing before the Committee predicted rather dire legal consequences in the form of massive nullification of state laws if passage of this amendment is secured. As an alternative, it was argued that the 5th and 14th Amendments and Title VII of the Civil Rights Act of 1964 are sufficient to safeguard the legal rights of women. The problem with this analysis is that while these provisions *might* have provided equality for women under the law, they have not been so construed by the courts. Other legal opinions of scholars more familiar with the field of women and the law were that this amendment is greatly needed. They pointed out, in allaying the fears of opponents, that state "protective" legislation, for example, would not be nullified by this amendment, but that the protection presently afforded to women would be *extended* by the courts to men who are not now "protected" and cited recent cases to support the extension doctrine.

I believe the legal reservations about H.J. Res. 264, expressed by its opponents, have been largely eliminated by the testimony of three experts in this field, Professors Leo Kanowitz, Thomas Emerson, and Norman Dorsen. I have placed their statements in the RECORD, reprints of which are enclosed for your persual.

I hope that you will study this testimony and that we will have your support for the Equal Rights Amendment as it passed the House, without any weakening amendments. If you have any further questions regarding the legal aspects of this matter, please contact Mitch McConnell of my staff at 4343.

Sincerely yours,

MARLOW W. COOK.

Mr. COOK. With the first of these letters, Mr. President, I enclosed a copy of a speech I had made on August 25 dealing with various legal aspects of this amendment. I ask unanimous consent that these remarks be printed in the RECORD at this point.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, Senator ERVIN'S Senate Joint Resolution 231, designed as a substitute for the equal rights amendment, would not improve women's legal status; in fact, it very probably would be a setback if it were ever ratified.

In a letter to all Senators suggesting cosponsorship, the senior Senator from North Carolina (Mr. ERVIN) explicitly states that his amendment would legitimatize State schools segregated by sex. In two recent cases the courts moved toward integrating such institutions under the 14th amendment. (*Kirstein et al* v. *the rector and visitors of the University of Virginia, etc., et al.*, E.D. Va., Richmond Division, Civil No. 220–69–R. 1969; *Margaret de Rivera, on behalf of her daughter, Alice de Rivera,* v. *Leonard J. Fliedner, principal of Stuyvesant High school, the Board of Education of the city of New York, and Bernard E. Donavan, superintendent of schools*, Supreme Court of New York, Manhattan County 00938–69, 1969.)

There certainly is a strong possibility that ratification of Senate Joint Resolution 231 would deter the courts from pursuing this suspicious start toward equal educational opportunity for women, under the 14th amendment.

The equal rights amendment would, of course, prohibit public schools from excluding women or men, and from applying higher admission standards to women.

Mr. President, I might digress a moment, since it may seem strange to some for me to be in favor of this amendment, to say that one of the reasons is that I happen to be the father of four daughters. I have a young daughter who wants to go to law school.

I inquired of a law school in the East, and found out that last year in its graduating class four of the graduating seniors were women. When the larger law firms in the country went to that college and discussed positions with members of the graduating class, they discussed positions in the law firm in the United States with all of the students in the class except those four women. The young men went out of the law school, after passing their bar examinations with an average starting salary of between $10,000 and $16,000 a year.

While all of the four girls graduated in the top 10 percent of their class, the highest salary attained by one of those four girls was $10,000. One became a legal secretary, one went to work for a bank, and two of them went to work for the Federal Government.

Mr. President, I would be happy to send my daughter to law school if the law school would permit me to pay only half the tuition paid for a male student, since she will receive only approximately half what they get when she graduates. But I am afraid I shall not have that opportunity.

Senate Joint Resolution 231 is patently unacceptable to everyone who is concerned with advancing women's legal status, and this is why I want to correct the record as to the effects of the Equal Rights Amendment. Senator ERVIN says that:

The amendment nullifies all existing laws making any legal distinction whatever between the respective rights and responsibilities of men or women.

However, nullification is not the only option open to the courts in dealing with a law that is unconstitutional. In numerous cases the courts, both Federal and State, have taken other courses of action.

In *Neal* v. *Delaware* 013 U.S. 370 (1880) the Supreme Court said:

Beyond question the adoption of the fifteenth amendment had the effect, in law, to remove from the State constitution, or render inoperative, that provision which restricts the right of suffrage to the white race.

In *Levy* v. *Louisiana*, 391 U.S. 68 (1968), the Supreme Court did not strike down a statute that had been interpreted by the State supreme court to exclude illegitimate children from the right to recover for the wrongful death of their mother; it extended the right to the illegitimate children.

In *Takahashi* v. *Fish and Game Commission*, 344 U.S. 410 (1943), the Supreme Court extended to "a person ineligible to citizenship" the right to a commercial fishing license. It did not strike down California's statute governing issuance of such licenses.

It is also clear that the Supreme Court would give great weight to the intent of Congress in interpreting the equal rights amendment, and the purpose of the proponents is clearly not to nullify all laws distinguishing on the basis of sex.

Antieau in "Modern Constitutional Law" says—footnotes omitted:

In the construction of the United States Constitution, the intention of those responsible for the particular clause should be ascertained, if possible, and the Supreme Court has many times endeavored to do this.

Comparably, in construing amendments to the Constitution it is necessary to discover, if possible, what was said in the Congress that proposed the amendment. Illustratively, in seeking to discover the meaning of the Fourteenth Amendment, the Supreme Court has often had recourse to the statements made in the Congress that proposed this amendment.

Utterances of Congressmen who proposed the amendments, as well as those who were most responsible in the convention or the Congress for the passage of the proposal are

especially respected, as witness the traditional consideration given to James Madison's views on the first amendment by the courts . . . as bearing upon the intent of those responsible for a constitutional provision, it is important to ascertain the background of the times leading to the proposal and ratification. The Supreme Court said in 1887: "It is never to be forgotten that in the construction of the language of the Constitution . . . we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."

In construing constitutional provisions, the Supreme Court has regularly looked for the purpose the framers sought to accomplish (pp. 711–714).

It is very clear that the courts would give great weight to the words of Representative MARTHA GRIFFITHS in the House debate and to the words that will be spoken by the proponents of this amendment on the floor of the Senate, as well as the Senate Committee report. The chief proponents of this legislation, both inside and outside the Congress, have stated explicitly that they interpret the amendment to extend to the other sex many of the laws that distinguish on the basis of sex. The excellent legal memorandum prepared by the Citizens' Advisory Council on the status of women takes this position.

Representative GRIFFITHS said, and I agree, that in those States that allow alimony only to women, men would become eligible for alimony, but women who are homemakers would not lose the right to support in the event of divorce. Making men eligible for alimony is not a revolutionary idea, as in many States men are now eligible for alimony.

Under the Uniform Marriage and Divorce Act, recently adopted by the national commissioners on uniform State laws, "maintenance"—which replaces alimony—is provided for either spouse depending on relative financial conditions of the parties, ability to earn a living, and appropriateness of employment outside the home for the custodian of the children. This Uniform Act has no distinction based on sex, and I have no doubt that passage of the equal rights amendment by the Congress will accelerate adoption of this reform legislation by the States. I was quite pleased to see recognized in this proposed uniform law the economic contribution of homemaking to the family. It is the first time I have seen it explicitly recognized in law.

Under the equal rights amendment, women who are homemakers are not going to lose any right to support by their husbands, but wives who are employed or who have independent means would have to share the responsibility for support of the family within their means.

In the few States that provide dower rights for the wife with no similar right for the husband, the right would be extended to the husband under the intent expressed by Representative GRIFFITHS.

Representative GRIFFITHS stated that in those few States where minimum wage laws apply only to women, the law would be extended to men—North Carolina's and Kentucky's laws apply to both men and women.

The laws that prohibit women from some types of employment are another matter. They restrict women's opportunities, and any that are left on the books by the time the amendment is ratified would be invalidated. Many changes have already been made in these laws as a result of title VII of the Civil Rights Act of 1964.

A number of court cases have been brought challenging these laws—all by blue collar union women, I might add.

The court decisions to date, including two by circuit courts of appeal, and the guidelines of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance support the view that these laws are superseded by title VII of the Civil Rights Act of 1964. I am confident that the invalidation of these laws will encourage the passage of good labor laws protecting both men and women from unconscionable demands of a few employers.

The distinguished Senator from North Carolina (Mr. ERVIN) states in his letter to his colleagues his belief that the motive of the advocates of the equal rights amendment is to invalidate present and future laws which make invidious or unfair discriminations against women. I respectfully beg to differ with the distinguished Senator from North Carolina. The testimony I heard in the May hearings and my conversations convince me that the advocates want the full legal responsibilities of citizenship as well as the legal rights and that they want to eliminate discrimination against men as well as against women.

These women recognize that they can achieve their full dignity as citizens only by shouldering responsibilities of which they are capable. They are not advocating that all women be employed outside the home, but they are asking that those who do have a commensurate share of the financial liability for the family. They are not advocating that all women seek graduate degrees; but they are seeking equal opportunity for admission to graduate schools supported by the State for those who so elect.

They are not downgrading the role of homemaker. Indeed, as Congresswoman Dwyer so ably put it. "The equal rights amendment would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors."

They are not advocating that mothers—or fathers—caring for small children be called for jury service if adequate care cannot be provided for the children, but they do want women who do not have a sufficient excuse to be required to serve on juries, just as men are required to serve.

They are not advocating that mothers be drafted, but they do want women to share in the responsibilities for defending the country to the extent they are able. They particularly want to open to poor girls the avenue of upward mobility that the military has always provided for poor boys.

They do not want husbands of working wives left with small children to rear without a social security benefit based on the wife's service. They do not want men saddled with alimony payments to wives with adequate independent means, nor do they want disabled husbands left without means of support by wives able to provide alimony. They believe that wives who abandon children and husbands—and they do exist—should have a responsibility for child support commensurate with their circumstances.

In other words, I believe some of the opponents of the equal rights amendment do not understand the motivation of the advocates.

I have been very puzzled by the strong feeling of those opposed to the amendment. The changes it would make in law simply do not warrant all the fuss. I can understand why the advocates feel strongly because the passage of the amendment has great symbolic significance and will enhance the self-respect of women, in addition to the more tangible benefits of opening up of educational opportunities and removal of some disabilities of married women in managing their property. I personally am convinced that, in addition, the ratification of the amendment will greatly accelerate reforms in the law that are already underway.

I can only conclude that the opponents have not given the matter sufficient current study to understand the nature of the actual changes in law that will result. There have been many changes in law and circumstance since the amendment was last seriously considered that seem to have escaped the notice of the opponents. The statement on the legal effects relied on by opponents was written in 1946, and it is surprising to see newspapers quoting this paper as if it were written yesterday. The author might even be willing to reconsider before committing himself today.

The equal rights amendment is an idea whose time has come, and it is my sincere belief that this Congress will respond with passage this session.

Mr. COOK. In the second letter I enclosed CONGRESSIONAL RECORD reprints of testimony before the Judiciary Committee of three law professors who favor passage of the House-passed equal rights amendment without alteration. Prof. Leo Kanowitz, Thomas Emerson, and Norman Dorsen have described the need for the amendment and dispelled the legal fears of opponents in outstanding fashion. I, therefore, ask unanimous consent that their testimony be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

REMARKS BY PROF. LEO KANOWITZ ON THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, last week the full Senate Judiciary Committee held hearings on the proposed equal rights amendment. The most persuasive witness I had the privilege of hearing was Prof. Leo Kanowitz of the University of New Mexico Law School who succeeded in a quite convincing fashion in refuting most of the "red herrings" which have been raised by opponents of this amendment.

He predicted that passage of the equal rights amendment would be a good first step toward the goal of liberation of American women but warned that it would not be "a cure-all for the Myriad problems of sex discrimination in law."

I urge all Senators, especially those who remain unconvinced of the necessity for the equal rights amendment, to read the remarks of Professor Kanowitz. I ask unanimous consent that the statement be printed in the RECORD.

(There being no objection, the remarks were ordered to be printed in the RECORD, as follows:)

THE EQUAL RIGHTS AMENDMENT AND THE OVERTIME ILLUSION

Introduction

Mr. Chairman, I should first like to thank the Committee for inviting me to state my views on the proposed equal rights amendment, to the United States Constitution. As a citizen, a lawyer, and a law professor, I have been deeply concerned for a number of years with the status of women in the United States, or more precisely, with the question of sex roles in our society—as this question has come to be more accurately designated in Sweden.

Since 1965, I have studied this question to determine the role that has and can be played with respect to it by our legal institutions. The results of those studies have recently been published in my book, *Women and the Law: The Unfinished Revolution*,[1] a copy of which I have today taken the liberty of presenting to the Chairman and Committee members.

Footnotes at end of article.

In *Women and the Law,* I explore major aspects of the legal status of American women and analyse some of the social causes and effects of sex-based discrimination in American laws. Among the subjects examined are abortion, prostitution, marriageable age, age of majority, married women's names, support obligations within the family, divorce, special criminal penalties for women, jury service rules, domiciles of married women, marital property regimes in the common law and community property states, and contracts and torts of husband and wife.

Much of the book, however, deals with the law affecting women's employment in the United States, particular attention being paid to the Equal Pay Act of 1963 and to the history and effects of the prohibition against employment sex discrimination in Title VII of the 1964 Civil Rights Act. In addition, *Women and the Law* explores in considerable detail the principles of American constitutional law affecting this area of human rights.

Rather than recapitulating the contents of *Women and the Law,* or even its exposition and analysis of persisting sex-based discriminatory legal rules and official practices, I would refer the Committee to the book itself—although I am sure that many instances of such discrimination have already been brought to your attention by other witnesses. But I would take this occasion to repeat the hopes I expressed for the book in its Preface.

"Perhaps," I wrote, "an awareness of the many areas of sex-based legal discrimination, whose continued existence this book seeks to identify, will stimulate, first, courtroom and legislative attacks upon those disparities or injustices, then, a much-needed national examination of the respective roles of the sexes in every sphere of American life, and finally, the active and continuing participation of all Americans in bringing about the needed changes." [2]

My investigation in this field has persuaded me that many irrational and harmful distinctions continue to be made in the legal, political and social treatment of the sexes in our country, that the resulting injustices have impeded our development as a nation, and that they have led to much personal unhappiness for American men as well as women.

By relegating women to special tasks, by perpetuating ancient myths about the alleged physical and psychological limitations of women, we American men have subjected ourselves to an awesome burden. For the doubtful joys of feeling superior to women, we have paid a terrible price. Not only have we suffered with respect to uneven laws in the field of support obligations within the family, child support and custody awards in divorce proceedings, and the frequent lack of protective labor legislation where such legislation exists for women, but our insistence that men and only men are entitled to be society's doers and shakers has led to our dying from eight to ten years earlier, on the average, than the women of our country. Perhaps even more important is that, because of arbitrary social and legal distinction, both men and women are often prevented from relating to one another as people, as fellow members of the human race.

So, when I speak or write of the need to erase sex-based discrimination in American law, I am moved not only by the desire to end the injustices that American men have perpetrated upon our nation's women, but to end those we have imposed upon ourselves as well.

But recognizing that sex discrimination pervades American law and that it is pernicious does not tell us how best to bring about the needed changes. It is to this question—and specifically to whether the constitutional amendments proposed in either Senate Joint Resolution 61 or in Senate Joint Resolution 231 are appropriate steps to that goal—that I would now address myself.

Before I explain my reasons, however, let me state my position on these two proposed amendments. First, I support the Equal Rights Amendment as worded in Senate Joint Resolution 61. Secondly, I oppose the amendments to that Amendment that are set forth in Senate Joint Resolution 231.

Thirdly, I should also like to discuss with this Committee what I believe is the core question in the controversy over the Amendment's desirability namely the issue of state protective labor legislation. As I shall explain, I believe that much of the discusion of this question is at cross-purposes, that it proceeds from a basic fallacy in the thinking of proponents as well as opponents, and that if it can be cleared up, the spectacle of otherwise natural allies opposing one another may disappear. Finally, I would be glad to try to respond to any questions the Committee might care to ask about other aspects of this subject.

Senate Joint Resolution 61

Senate Joint Resolution 61, if adopted and ratified by the requisite number of state legislatures, would add a new article to the United States Constitution, to take effect one year after the date of ratification. The crucial language of that proposed new article reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

I have had occasion to consider the present desirability of such a constitutional amendment in my book, *Women and the Law.* Writing in 1969, I suggested that many proponents of the Equal Rights Amendment were mistaken in their belief that the United States Supreme Court and lower state and federal courts had in the past held existing provisions of the United States Constitution, in particular the Fifth and Fourteenth Amendments, inapplicable to women.

"The fact is," I wrote, "that the courts have not done this at all. Instead, they have generally held that existing constitutional provisions do apply to women, but that within the limits of those provisions, women in many situations constitute a class that can reasonably be subjected to separate treatment." [3]

I also suggested that the adoption of the Equal Rights Amendment would not fundamentally change the picture. "While the proposed amendment states that equality of rights shall not be abridged on account of sex," I wrote "sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function. On the other hand, under existing constitutional provisions, particular classifications of men and women that cannot be shown to be based upon function, are vulnerable to attack—as has already been demonstrated in some lower state and federal courts with respect to discriminatory laws in the realm of jury service, differences in punishment for identical crimes, right to sue for loss of consortium and the like." [4]

This latter reference was to a series of recent cases in which sex-based discriminatory legal rules had already been struck down by various courts as violating the equal protection clause of the United States Constitution's Fourteenth Amendment. (*E.g., White* v. *Crook,* 251 F. Supp. 401 (1966); *Robinson* v. *York,* 281 F. Supp. 8 (1968); *Owen* v. *Illinois Baking Corporation,* 260 F. Supp. 820 (D.C. Mich 1966); *Clem* v. *Brown,* 3 Ohio Misc. 167, 207 N.E. 2d 398 (1965) etc.)

I also suggested that "as some of these cases make their way to the Supreme Court, the Court, influenced by the reasoning of the opinions below and perhaps more responsive to the present sociological climate surrounding the question of women's legal status than it has been in the past, may drastically revise its prior approach to determining the kind and extent of official sex discrimination that is allowable."

I continue to hold these views. I believe that there is a very high degree of probability that the United States Supreme Court, when it next confronts an equal protection or due process challenge to a sex discriminatory law, will drastically modify the undifferentiated principle originally enunciated in the 1908 case of *Muller* v. *Oregon,* 208 U.S. 412 (1908) that "Sex is a valid basis for classification,"—a principle I described in *Women and the Law* as being "often repeated mechanically by the courts without regard to the purposes of the statute in question or the reasonableness of the relationship between that purpose and the sex-based classification." [5] Indeed, I suggested, "the subsequent reliance in judicial decisions upon the *Muller* language is a classic example of the misuse of precedent, of later courts being mesmerized by what an earlier court had *said* rather than what it had *done.*" [6]

But if I believe that the Equal Rights Amendment would not achieve anything that could not be achieved by the courts in interpreting existing constitutional provisions, the question arises as to why I am supporting the Equal Rights Amendment at this time, especially since my position on the Amendment has heretofore wavered between mild opposition and lukewarm support. The answer is simple. Although I still believe that there is a very high degree of probability that the Supreme Court will perform as I hope and expect in this area, there is no guarantee that it will do so. Moreover, I now believe that it is necessary for all branches of government to demonstrate an unshakeable intention to eliminate every last vestige of sex-based discrimination in American law. The adoption of the Equal Rights Amendment at this time would give encouragement to the many American women and men who now see the need for substantial reform in this area. Finally, should the next few years bear out my prediction that the Court will soon begin to interpret existing constitutional provisions so as to eliminate irrational sex discrimination in the law, no harm will have been achieved by the presence of the Equal Rights Amendment. Indeed, many examples can be cited in which laws and official practices may violate more than one constitutional provision at one time.

Moreover, should the Supreme Court *not* respond as I have suggested it ought to in this area, then the need for the Equal Rights Amendment will have become manifest. The time that will have been gained by sending it on its ratification road immediately would be precious.

There is one word of caution I would add at this point, however. And that is that this Committee and Congress, if it adopts the proposed Equal Rights Amendment as I hope it will do, will make sure that the record discloses that it does not thereby intend to discourage the United States Supreme Court from interpreting existing constitutional provisions—and especially the equal protection clause of the Fourteenth Amendment—so as to eliminate every sex-based discrimination in American law that cannot be sustained by overwhelming proof of functional differences between men and women.

I say this because there is a very real danger that if this is not done, the adoption of the Amendment at this time will ultimately represent a defeat rather than a victory for those of us who seek the eradication of irrational sex-based distinctions in American law and society. In the absence of such a clarifying declaration in the legislative history the Court, when faced with an equal protection or due process challenge to a sex-discriminatory legal rule or official practice within the next few years, may be prompted to reason as

Footnotes at end of article.

follows: Since a coordinate branch of the federal government, the Congress, has deemed it necessary to adopt the Equal Rights Amendment, then it must have believed that existing constitutional provisions were inadequate to provide the needed relief in this area. Though such a view is not determinative, it is at least persuasive. As a result, deferring to Congress' apparent wishes in this respect, the Court could withhold any modification of the *Muller* principle and simply await the ratification of the Equal Rights Amendment before providing the needed relief in this area.

The problem of course is that one cannot be sure that the Equal Rights Amendment will be ratified by the requisite number of State legislatures. Even if it is eventually ratified, this may occur many years from now. In the meantime, many litigants, both men and women, seeking to prevent unreasonable discrimination based upon sex, may find that no redress is available from the courts.

I am aware of course of the decision in *Gray v. Sanders,* 372 U.S. 368, wherein the Supreme Court at page 379, invoked the Fifteenth Amendment's prohibition against voting denials based on race and the Nineteenth Amendment's similar prohibition of denials based on sex to sustain a challenge to a county-unit voting system that was based on the Fourteenth Amendment's equal protection clause, *Gray v. Sanders* is no guarantee however that the Court would act the same way under the circumstances we are presently concerned with. For one thing, *Gray* was decided *after* the ratification of the Fifteenth and Nineteenth Amendments, while the fear that I have expressed concerns the Supreme Court's response while the ratification of the proposed Equal Rights Amendment would still be pending. For another thing, the *Gray* decision did not require the Court to overrule or substantially modify any of its recent decisions. But if the Court were to do as I hope and expect it will with respect to equal protection and due process challenges to sex-based legal discrimination, it would have to drastically modify several decisions that were rendered as recently as 1961 (*Hoyt v. Florida,* 368 U.S. 57) and 1954 (Goesart v. Cleary, 335 U.S. 464).

For these reasons, I believe it is of crucial importance that this Committee and Congress, in adopting the proposed Equal Rights Amendment, make clear their hope and expectation that forthcoming decisions of the United States Supreme Court will soon transform that Amendment into a constitutional redundancy.

Finally, before moving on to the proposed amendments to the Amendment that are contained in S.J. Res. 231, let me make one more observation.

Some proponents of the Equal Rights Amendment are undoubtedly convinced that its adoption will inevitably revolutionize judicial attitudes about sex roles in our society. Some opponents of the Amendment are equally convinced that its adoption will introduce chaos, uncertainty and confusion in our law and judicial processes.

My most recent studies in this area have persuaded me that neither view is correct. I have just returned from a seven-month sabbatical leave in Europe. While there, I began an examination of law-based sex discrimination problems in France, West Germany, Switzerland, England, Denmark, and Sweden.

My study is still incomplete and it shall be some time before I shall be able to publish my conclusions. For the moment, however, I think I can say with some assurance that the experience of the West German courts in interpreting a similar constitutional provision (*"Männer und Fraunen sind gleichberechtigt,"*—translated as "Men and women are equal before the law." Art. 3, sec. 2 Constitution of the German Federal Republic) demonstrates two important points. One is that our Courts will face no extraordinary difficulties in dealing with the Amendment. The other is that the Amendment will not of itself represent a cure-all for the myriad problems of sex discrimination in law and society—although it will be a step in the right direction. For as I suggested in *Women and the Law,* even after the adoption of the Equal Rights Amendment, "the crucial factor will continue to be the responsiveness of the judiciary to the social impulse toward equality of treatment without regard to sex."[7]

But in contrast to my former position, when I believed that, for *tactical* reasons, efforts to secure passage of the Amendment ought to be abated in favor of vigorous challenges under existing constitutional provisions, I now believe, for the reasons advanced earlier in these remarks, that, provided the adequate legislative history is made, passage of the Amendment at this time could do no harm and possibly could do much good.

SENATE JOINT RESOLUTION 231

Let me now turn my attention to Senate Joint Resolution 231. That Joint Resolution, introduced as a substitute to Senate Joint Resolution 61, would change the proposed Equal Rights Amendment in several respects. First, it would place a seven-year limitation on the ratification process. Secondly, it would become effective two years after ratification rather than one year after ratification as proposed in S.J. Res. 61. But most importantly, it would qualify the basic declaration of equality contained in S.J. Res. 61 by adding this second sentence:

This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

As indicated earlier, I recommend the rejection of S.J. Res. 231.

First of all, I oppose the seven year limitation on the ratification process. Hopefully, the basic Equal Rights Amendment, as worded in S.J. Res. 61, will be ratified long before seven years have passed. But should that not be the case, I can see nothing that will be gained by imposing such a time limit—especialy if, as I have suggested, the legislative history will clearly show Congress' hope and expectation that the Supreme Court will in the meantime render the Amendment unnecessary.

Second, while there is some merit to the idea that the State legislatures and Congress should be given more than one year to enact appropriate implementing legislation, a one year period would be adequate since both state and federal legislatures would have had time to prepare for their work while the ratification process was still pending.

My most severe reservations about S.J. Res. 231, however, go to the language in the second sentence of the first section that would qualify the basic declaration in favor of equal treatment in the law without regard to sex that is contained in the first sentence of that section.

I suggest that there are serious questions about the *meaning* of the second sentence. And even if the meaning of it can be ascertained, I fear that the interpretation probably intended by its sponsor would render that language objectionable to me as being incompatible with the needs of our society and the basic goal of equal treatment under law without regard to sex.

In ascertaining the meaning of the second sentence, I think it is important to note first the provision that it qualifies. That provision states, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Then comes the sentence in question which states that the Article shall not impair the validity of certain kinds of laws which presently are assumed to benefit women in a variety of ways.

One possible interpretation, resulting from this juxtaposition of the two sentences, would be as follows: Since the first sentence guarantees equality of treatment without regard to sex, and since the benefits presumably flowing to women from certain laws are held inviolate in the second sentence, then the only way to achieve the equality of treatment guaranteed in the first sentence is to extend those benefits to men. Under this construction, since women's present exemption from compulsory military service is to be preserved, the constitutional command of equal treatment can be obeyed only by extending the exemption to men. This would render unconstitutional our present Selective Service law which presently applies to men only.

While, personally, I would have no objection to such a construction of this language, I wonder if this would be acceptable to the Resolution's sponsor.

A similar analysis can be offered of the remaining language of the second sentence, i.e., up to the beginning of the last clause. For, it is not only women who have an interest in laws designed to promote their health, safety, privacy, education or economic welfare. Men are equally interested in being protected by government in these areas. A reasonable reconciliation of this language with the command of the first sentence would be to read it as requiring the extension of the benefits of such laws to men. Indeed, if this is intended by this language, I could support it—although, as I will explain, the Equal Rights Amendment, as worded in S.J. Res. 61, achieves this same goal and is preferable.

The last clause of the second sentence raises some difficulties, however. It states, "or to enable them to perform their duties as homemakers or mothers." Here the extension approach is clearly not intended. Though it is possible to think of men performing the function of homemakers, it is a little difficult to conceive of them as mothers in a biological sense. Moreover, this last clause would appear to lend constitutional dignity to the social presumption that the highest, if not the sole, life's work for women is that of wife and mother.

The apparent intention of this last clause provides a key, I believe, to the probable meaning and intention of the rest of the language in the second sentence. That is, rather than intending these benefits and protections to be extended to men, the Amendment's sponsor apparently intends, by the language of the second sentence, to preserve these for women alone. Not only would this represent a nullification of the spirit and intent of the proposed Equal Rights Amendment as worded in S.J. Res. 61, but it would be a substantial step backward from the encouraging recent trend of decisions in the state courts and lower federal courts.

Even if S.J. Res. 231 is intended to embrace the possibility of extending to men certain rights, privileges and benefits of law presently enjoyed by women only, the basic fallacy in its reasoning is its apparent assumption that the unadorned Equal Rights Amendment, as worded in S.J. Res. 61, would, if adopted and ratified, deprive women of many of these rights, privileges, and benefits.

But I suggest that this need not happen at all. In *Women and the Law,* I pointed out how it would be consistent with judicial precedent for the courts, in interpreting the Fourteenth Amendment's equal protection clause in sex discrimination cases, to cure the invalid inequality by extending the benefits of particular laws of the sex

Footnotes at end of article.

(male or female) that had not previously enjoyed those benefits rather than by removing them from the one that had. That analysis, I suggested, was equally applicable with respect to the Equal Rights Amendment.

The Supreme Court's recent decision in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), I wrote had "held that a denial to illegitimate children of a right to recover for wrongful death of their mother, where her legitimate children could recover the same wrong, violated the equal protection guarantee. But the Court's remedy for such a violation was not to remove from the legitimate children the right to recover for their mother's wrongful death, but rather to extend this right to her illegitimate children." [8]

"Even some state courts," I observed, "exercising their power to entertain federal constitutional challenges to state laws, have achieved similar results. Thus in *Clem* v. *Brown*, an Ohio Court of Common Pleas, holding that the state's rule permitting husbands but not wives to recover for loss of consortium deprives a wife of 'equal protection of the law' remedied this inequality by extending the right to wives rather than by removing it from husbands. Similarly, the decision of a federal district court in Michigan in *Owen* v. *Illinois Banking Corporation* was one more example of a . . . court curing what it regarded as a constitutionally infirm one-way consortium rule by extending the right to sue to married women.

"As long ago as 1871, the United States Supreme Court held that a state could not limit the right to sue on a cause of action created under state law so as to deprive the federal courts of the power to entertain such suits if jurisdiction was otherwise present . . . Though [this] result . . . was dictated by the requirements of Article III of the U.S. Constitution, conferring the Judicial Power upon the United States, rather than by the equal protection clause of the 14th Amendment, it is another illustration of the Court's past practice of implementing constitutional provisions by extending a state-created benefit beyond the limits intended by the state, while recognizing that the state could, if it wanted, remove the benefit from all." [9]

This, I believe, is the spirit in which the Supreme Court, aided by the legislative history, will interpret the Equal Rights Amendment as worded in S.J. Res. 61. This, I believe, is the spirit in which the Court can and should interpret the Fourteenth Amendment's equal protection clause in forthcoming sex discrimination cases.

I would also stress that the Amendment as worded in S.J. Res. 61 empowers Congress and the States, within their respective jurisdictions, to enforce the new article by appropriate legislation. This, I suggest, is the ultimate corrective, the ultimate guarantee of social consensus with regard to decisions to extend one-way rules or abrogate them.

In sum, I believe that S.J. Res. 231 is based on an invalid assumption as to the probable effects of the Equal Rights Amendment as worded in S.J. Res. 61, and therefore recommend its rejection. Though I am absolutely certain that the sponsor of S.J. Res. 231 is as interested as I am in advancing the status of American women in law and society, he has proposed a way that I simply cannot support. The fact of the matter is that this is an extraordinarily difficult question about which reasonable men and women do differ. My hope is that, in the course of these hearings, understanding of all of us will be advanced, and that the ultimate decision is the right one.

Equal rights amendment, protective labor laws, and the overtime illusion

Finally, I should like to turn my attention to how the Equal Rights Amendment, if adopted, could work in the area that has been the subject of greatest controversy. I am referring specifically to the Amendment's effect upon the State's protective labor laws that presently apply to women only. Parenthetically, I would point out that my analysis here also applies to the effects of the equal protection clause, if and when the Supreme Court begins to interpret that clause vigorously in the sex discrimination area.

Reading the testimony presented to this Committee's Subcommittee on Constitutional Amendments during its earlier hearings this year, and the testimony presented at prior Senate committee hearings on the proposed Amendment, I am struck by what I regard as a peculiar fact. That fact is that certain groups or organizations that, according to all reasonable expectations, should be allied on the issue of equality without regard to sex are in fact divided over the desirability of the Amendment as a way of achieving that goal. I am of course speaking of the basic division between the women's organizations, who have for the most part supported the Amendment and organized labor which has, for the most part, opposed it.

By and large, representatives of organized labor have expressed a fear that, should the Amendment become part of our fundamental law, many of the protections that have been won for women workers over years of difficult struggle would be nullified. On the other hand, some supporters of the Amendment have expressed a suspicion that labor's principal motive in opposing it is to monopolize for men both jobs and other supposed benefits, which I shall soon discuss. Though this suspicion is understandable if we recall longstanding collective bargaining agreements providing substantial sex-based wage differentials for the same or similar jobs, it is not, in my opinion, an accurate reading of the motives of the Amendment's trade union opponents.

In *Women and the Law*, I quoted a 1964 statement by Congresswoman Martha Griffiths of Michigan which not only characterized organized labor's basic attitude in this area, but also pointed the way to what I believe is the ultimate solution to its knotty problems. "Some people," said Congresswoman Griffiths, "have suggested to me that labor opposes 'no discrimination on account of sex' because they feel that through the years protective legislation has been built up to safeguard the health of women. Some legislation was to safeguard the health of women, but it should have safeguarded the health of men, also." [10]

Basing my analysis upon the same principle, I suggested in *Women and the Law* how this could be done. Specifically, I demonstrated how, consistently with what had already been done in administrative and constitutional law decision, the equality of treatment required in this area could be achieved by *extending* protective laws to men rather than by removing them from women. The Equal Employment Opportunity Commission, I suggested, should pursue this approach in administering the anti-sex discrimination provisions of Title VII of the 1964 Civil Rights Act. In areas that were beyond the jurisdictional reach of the EEOC, I urged reliance upon past judicial precedents such as those I have just referred to in my discussion of S.J. Res. 231, to achieve the same extension of those laws rather than their abrogation.

This analysis, I still believe, is a sound one. Not only has the Labor Department, in administering the Equal Pay Act of 1963, determined that where state law provides a minimum wage for women only, the Equal Pay Act entitles men in that state to the same minimum wage if they are covered by the federal law, but the EEOC also has taken the position that the benefits of state laws, presently applicable to women only—such as those requiring minimum wages, rest periods, seats at work—are required by Title VII to be extended to men. Even in those situations that are beyond the jurisdictional reach of Title VII and the Equal Pay Act, I suggested, the judicial extension technique employed in equal protection and other constitutional cases, could lead to the same results.

Moreover, these results can also be achieved under the proposed Equal Rights Amendment—especially if the legislative history disclosed that Congress intends this. The fears of some opponents of the Amendment that its adoption would nullify laws that presently protect women only is thus unfounded—since the equality of treatment required by the Amendment can be achieved by extending the benefits of those laws to men rather than removing them from Women. Moreover, the failure of any court to do this can be corrected through the legislative process.

Thus, as I stated in a recent article in the *Family Law Quarterly*, "the current new concern with the legal status of women will in many respects result in improving the situation of men as well as women. Just as breakthroughs in the legal status of American blacks has benefitted other racial and ethnic 'minorities,' so the effort to provide women with equal employment opportunity can substantially improve the situation of male employees in industry and commerce."

But the problem does not stop there. Essentially, I have been discussing the fate of certain protective labor laws—minimum wages, rest periods, seats at work—about which there can be little doubt that they provide valuable protections and benefits not only worth preserving for women but also worth extending to men.

But the major source of controversy concerns two types of state protective labor laws, presently applicable to women only, about which there is much confusion as to whether they in fact represent a burden or benefit. I am referring now to those state laws limiting the weights that women are permitted to lift or carry in industry, or restricting the number of hours that women may work in a day or a week.

It is with respect to these two types of laws that the extension approach begins to run into trouble. For if a state's weight-lifting limitations, presently applicable to women only, were extended to men, then, as I suggested in *Women and the Law* "it would simply mean that certain objects would not get lifted in the course of that state's industrial life" [12] hardly a tolerable result. As for the extension of hours limitations laws, this would raise problems of another order—which I shall discuss in a moment.

Recognizing that the extension approach was not feasible in the weight-lifting area, I suggested an alternative solution. That solution was to reconcile such laws with either Title VII of the 1964 Civil Rights Act or with a constitutional requirement of equal legal treatment without regard to sex by holding that a state's weight-lifting limit for women workers "merely creates a burden of proof and of persuasion in individual women applicants to show that they can perform the work in question without harmful effects, though such work requires occasional lifting of weights in excess of those permitted by the rule. That burden could be satisfied by a certificate from a family physician or some other testing procedures." [13]

I now believe that this alternative solution was faulty in that it did not in fact conform to the equality principle, since the burden of proof and persuasion that I had proposed was applicable only to women and not to men.

A more acceptable solution, which cannot be achieved judicially but requests legislative action, is the replacement of such state statutes by others, such as the one now in force in Georgia that protects both men and

Footnotes at end of article.

women workers from being required to lift weights that could cause "strains or undue fatigue." Such a law implicitly recognizes that many individual women can, without harm, lift weights in excess of the limits previously imposed by state law, and that many individual men cannot. Thus, under the new law, people—both men and women—are protected against being required to lift weights that are excessive for them. At the same time, no artificial sex-based distinction, having the effect of depriving one sex of equal employment opportunities, is maintained.

I repeat, therefore, that with regard to state weight-lifting statutes presently applicable to women workers only, equality of treatment without regard to sex can be achieved by adopting the type of statute I have just cited.

But now let us consider what I think is the nub of the ideological controversy over the desirability of the Equal Rights Amendment. And that is the question of how the Amendment would affect those state laws which presently provide penalties for employers who permit or require their women employees to work in excess of a given number of hours in a day or in a week. Were such laws extended to cover male employees it would not, as in the case of extending weight-lifting restrictions, bring industry to a grinding halt, although it would create some dislocation and expense for management. But the fundamental difficulty in extending such laws to cover male employees is that, because of what I consider organized labor's failure to educate its membership about the problems of overtime work, it would be regarded by many male workers as the imposition of a burden and not a boon. Stated differently, were employers penalized for permitting or requiring their *male* workers to work overtime hours, many of those male workers would in the present economic situation, regard this as a deprivation of their right to earn what they consider premium wages and not as the extension to them of a protection presently applicable to women.

Indeed, many women workers undoubtedly look upon the opportunity to work overtime from the same perspective. This, I suggest, explains much that has happened in the last few years in this area. It explains for example why all Title VII suits in the hours area have been brought by women workers seeking to invalidate state hours-limitation laws presently applying for women only. By doing so, they argue, they would, like men, be able to earn attractive overtime pay. Moreover, the elimination of the sex-based distinction in this area would also eliminate the inequality of job opportunity it creates. For many an employer has refused to hire or promote a woman employee for a job in states limiting women's working hours, claiming that the job in question often requires overtime work. This also explains, I suggest, the position taken by the EEOC in this area in seeking to invalidate such women-only hours-limitation laws in the states where they exist. And it explains why some states have been persuaded to repeal such laws in the past few years.

This entire trend, I submit, is deplorable and mistaken. It is simply the wrong way to achieve the desired equality of legal treatment and equality of job opportunity. It is a step backward from sensible policies toward overtime work.

"[W]ith victories like these," I wrote in a recent article, "women don't need many defeats. For success in these efforts not only removes limitations upon women's right to work extra hours . . . but also means that those women who do not wish to . . . work excessive hours—and I would suggest that they are many if not in the majority—can henceforth be *forced* to do so." [14]

The consternation of these developments provoke in the breasts of trade union opponents of the Amendment is indeed understandable. But I submit that labor's own record with respect to overtime policy accounts for much of this trend. For the labor movement has permitted American workers to be lulled into a false sense of economic security by the overtime illusion—the feeling that they can attain their desired standard of living by working extra hours.

As I pointed out in *Women and the Law*, it is not uncommon for many workers to "work 48, 58, and perhaps 68 hours in a given week—a situation not unlike that prevailing at the turn of the century when organized labor was struggling to reduce the 12-hour, 6-day week to a 10-hour, 6-day week." [15] I also suggested that the requirements of time and one-half pay for overtime work under state and federal laws "were not enacted to reward workers for their willingness to work excess hours. Rather, they were designed to deter employers from requiring their employees to work such hours. The overtime rates provided for by such laws, rather than being denominated as premium rates, are therefore probably more accurately described as penalty rates, when they are viewed from the perspective of their intended objects—employers as a class. For the idea behind such provisions was that employers, faced with the prospect of having to pay one and a half times as much for each excess hour of work as they would pay for each hour of non-overtime work, would pause before requiring their employees to work such hours." [16]

But this legislative policy aimed at deterring overtime work has been distorted by certain economic facts. For one thing, as I noted in the book, "Many employers have found that it is often more economical to pay experience workers a premium (penalty?) rate than to engage the services of inexperienced workers at straight-time rates (and to whom new fringe benefits would have to be paid) to complete a job at hand." [17] For another, I would now add that many American workers have grown to depend upon overtime work as a means of making ends meet or to improve their basic standard of living—an attitude that may make it easier to lead a trade union than if it didn't exist, but which makes little social sense.

That excess working hours *for both sexes* has for a long time been regarded as a social evil to be cured by legislation can be seen in the experience of New York at the turn of the century. But New York's efforts to place a ten-hour limit on the working hours of bakery employees of both sexes was rebuffed in 1905 by the Supreme Court in *Lochner* v. *New York*, 198 U.S. 45 (1905), because of its then existing notions of due process and liberty of contract. Three years later, however, the Court in *Muller* v. *Oregon*, 208 U.S. 412 (1908), upheld Oregon's maximum hours law for women only. As I suggested in *Women and the Law*, this sequence of judicial decisions led many states to enact hours limitations laws for women only on the theory that half a loaf was better than none—even though the Court's later decisions made it abundantly clear that the *Lochner* case would be decided differently today.

The combination of these factors suggests that it would be consistent with our nation's traditional policy toward overtime work to achieve equality of legal treatment for both sexes in the hours area by extending hours-limitations laws to men rather than by removing them from women. Among other things, such a step would provide protection for many male workers who, for a variety of reasons, prefer not to work overtime but whose refusal to do so today constitutes, even under many collective bargaining agreements, a cause for discharge.

For these reasons, I suggested in *Women and the Law* that the extension approach could be utilized in the hours-limitations field. Were this to be done, the fears of some labor opponents of the Equal Rights Amendment that these protections for women would be nullified would be without foundation. For not only would women retain this protection, but it would be extended to men as well.

But economic realities and the overtime illusion have not left us with an entirely free hand in this area. As a compromise, therefore, one designed to implement the principle of equal treatment and equality of job opportunity, I suggested the possibility of enacting on a wide scale state statutes that would embody the principle of *voluntary* overtime. "Such legislation," I wrote, "would permit both men and women to work a designated number of hours in excess of an established norm, but would provide that no employer subject to the coverage of the law would be allowed to discharge any employee for his or her refusal to work overtime." [18]

The path that is ultimately taken depends on many factors. But the point that I would stress is that the claim that the Equal Rights Amendment would nullify state protective laws in the hours-limitations area is unfounded. As I have explained, there are several ways in which the right not to work overtime—which, after all, is at the heart of the hours-limitation laws for women only—can not only be preserved for women, but can be made equally available to men. Above all, it is important for organized labor to begin to re-assess its overtime work policies. When that is done, the claim of many of us that the liberation of American women will lead to the liberation of American men as well will be understood for the truth that it is.

FOOTNOTES

[1] Leo Kanowitz, Women and the Law: The Unfinished Revolution, University of New Mexico Press, Albuquerque, 1969.
[2] *Id.* at vii.
[3] *Id.* at 195.
[4] *Id.*
[5] *Id.* at 154.
[6] *Id.*
[7] *Id.* at 195.
[8] *Id.* at 186.
[9] *Id.* at 186–187
[10] *Id.* at 100.
[11] Kanowitz, Women and the law: A Reply to Some of the Commentators, 4 FAM. L.Q. 19, 29 (1970).
[12] Kanowitz, Women and the Law at 183.
[13] *Id.* at 116–117.
[14] Kanowitz, *supra* note 11 at 28.
[15] Kanowitz, Women and the Law at 125.
[16] *Id.*
[17] *Id.*
[18] *Id.* at 126.

THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, yesterday I presided at hearings before the full Committee on the Judiciary on the proposed equal rights amendment from 10 in the morning until 5:30 in the evening. Everyone was given an opportunity to be heard, from a housewife in Maryland to prominent women representing the Republican and Democratic national committees.

Almost all agree on the need to provide equality under the law for women, but the question remaining is how best to achieve it. Some say a constitutional amendment is not necessary and that the fifth and 14th amendments and title VII of the Civil Rights Act are sufficient. Others say the equal rights amendment is necessary but that it contains faulty and potentially self-defeating language.

These contentions were successfully rebutted by two eminent law professors in yesterday's hearings. Senators should read these statements before making hasty decisions to support alternative language which would probably result in no equal rights amend-

ment emerging from Congress for submission to the States this year.

Mr. President, I, therefore, as unanimous consent that the statements of Prof. Thomas I. Emerson, of Yale Law School, and Prof. Norman Dorsen, of New York University Law School, before the Judiciary Committee on September 15, 1970, be printed in the RECORD.

(There being no objection, the testimony was ordered to be printed in the RECORD, as follows:)

TESTIMONY OF THOMAS I. EMERSON ON THE WOMEN'S EQUAL RIGHTS AMENDMENT BEFORE THE SENATE JUDICIARY COMMITTEE, SEPTEMBER 15, 1970

My name is Thomas I. Emerson. I am Lines Professor of Law at Yale Law School. Most of my teaching and writing has been in the field of constitutional law, with particular emphasis on the political and civil rights of individuals. I believe that the Equal Rights Amendment provides a sound legal basis for achieving equal rights for women and I support it wholeheartedly.

The basic premise of the Equal Rights Amendment is that sex should not be a factor in determining the legal rights of women, or of men. Most of us, I think, agree with this fundamental proposition.

To take an example from my own field, virtually everybody would consider it unjust and irrational to provide by law that a person should not go to law school or be admitted to the practice of law because of his or her sex. The reason is that admission to the bar ought to depend upon legal training, competence in the law, moral character, and similar factors. Some women meet these qualifications and some do not; some men meet the qualifications and some do not. But the issue should be decided on an individual, not a group basis. And in such a decision, the fact of maleness or femaleness is irrelevant. This remains true whether or not there are more men than women who qualify. It likewise remains true even if there were no women who presently qualified, because women potentially qualify and might do so under different conditions of education and upbringing. The law in short, owes an obligation to treat females as persons, not statistical abstracts.

What is true of admission to the bar is true of all forms of legal rights. If we examine the various areas of the law one by one we will, I believe, reach the same conclusion in every case. Sex is an inadmissible category by which to determine the right to a minimum wage, the custody of children, the obligation to refrain from taking the life of another, and so on. The law should be concerned with the right to a living wage for all, the welfare of the particular child, the protection of citizens from murder—that is, with the real issues—not with stereotypes about one or the other half of the human race.

The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with the individual attributes of the particular person, not with a vast overclassification based upon the irrelevant factor of sex. It should be noted at this point that there is one type of situation where the law may focus on a sexual characteristic but the basic principle just stated has no application. This occurs where the legal system deals directly with a physical characteristic that is unique to one sex. In this situation it could be said that, in a certain sense, the individual obtains a benefit or is subject to a restriction, because he or she belongs to one or the other sex. Thus a law providing for payment of the medical costs of child bearing would cover only women, and a law relating to sperm banks would restrict only men. Such legislation cannot be said to deny equal rights to the other sex. There is no basis here for seeking or achieving equality.

Instances of this kind, involving legislation directly concerned with physical differences found either in all women or in all men, are relatively rare. They do not include cases where the physical characteristic is not unique to one sex, or cases of real or assumed psychological or social differences between the sexes. Unless the difference is one that is characteristic of *all* women and *no* men, or *all* men and *no* women, it is not the sex factor but the individual factor which should be determinative.

The theoretical basis for outlawing differential treatment in the law based upon sex is thus, I think, quite clear. The practical reasons for doing so are equally compelling. History and experience have taught us that a legal system which undertakes to confer benefits or impose obligations on the basis of sex inevitably is repressive. It is perhaps too much to expect that the sex which wields the greater influence in formulating the law will not use its power to entrench its position at the expense of the other sex. At least this has been the outcome of sex differentiation in the American legal system.

The facts are rather well-known by now, and it suffices here simply to make brief reference to conditions in two areas; jury service and employment: At present only 28 States permit women to serve on juries on the same basis as men; 22 States and the District of Columbia permit women to claim exemptions not available to men. Of these, eleven states permit a woman to be excused solely on the basis of her sex. Rhode Island further provides that women shall be included in jury service only when courthouse facilities permit. Louisiana still requires that women come forward specially and register their desire to be called for jury duty before they may be considered. A similar statute was upheld by the United States Supreme Court in 1961.

Women have always been discriminated against in employment, not only in economic terms, but also in outright exclusion from certain occupations. Statutes which have been upheld range from denial of the right to practice law, to an Oregon statute prohibiting women from participating in wrestling competitions, which was upheld against Fourteenth Amendment challenge in 1956. Twenty-six States have laws or regulations that prohibit the employment of adult women in specified occupations or industries. Ohio, for example, prohibits the employment of women in many occupations including crossing watchmen, section hands, express drivers, metal molders, bellhops, gas- or electric-meter readers; in shoeshining parlors, bowling alleys as pinsetters, poolrooms; in delivery service on motor propelled vehicles of over one ton capacity; in operating certain freight or baggage elevators; in baggage and freight handling, by means of handtrucks, trucking and handling heavy materials of any kind; in blast furnaces, smelters and quarries except in offices thereof. Nine States prohibit women from mixing, selling or dispensing alcoholic beverages for on-premises consumption, and one State—Georgia—prohibits their employment in retail liquor stores. In Goesaert v. Cleary (335 U.S. 464 (1948)) the United States Supreme Court upheld one such law in a far-reaching opinion, proclaiming:

"The fact that women may now have achieved the virtues that men have long claimed as their prerogative and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly in such matters as the regulation of the liquor traffic."

The statute in question, which stands today, did not exclude all women, but only those who were not wives or daughters of male owners of bars.

Similarly, significant restrictions remain on businesswomen derived from traditional common law provisions under which married women were virtually legal nonentities. In four States court sanction and, in some cases, the husband's consent is required for a wife's legal venture into an independent business. In addition, Massachusetts requires a married woman or her husband to file a certificate with the city or town clerk's office to safeguard her business property from being liable for her husband's debts.

It is unnecessary to press these matters further. Abundant testimony before this Committee and available elsewhere demonstrates that our present legal system grossly discriminates against women. The major portion of that indictment is indeed admitted by most observers. And the critical need for substantial and immediate revisions in our legal structure is likewise conceded. The only serious issue before the Committee concerns the method which should be utilized to achieve reform.

There would appear to be three basic methods by which discrimination against women can be eliminated from our legal system. The first is by repeal or revision of each separate piece of existing legislation through action by the Federal, State and local legislature having jurisdiction, and change of each separate administrative rule or practice through similar action by every Federal, State and local executive agency concerned with administration. It goes without saying that such a procedure would involve interminable delay and lacks any guarantee or ultimate success. Only if no other course of action is possible, would a struggle on innumerable fronts over every separate issue be justified.

A second method is through court action under the equal protection clause of the Fourteenth Amendment and the comparable provision of the Fifth. This procedure has the advantage of affording a more broad-scale attack upon the problem, with a single agency of government, the United States Supreme Court, playing the primary role. Moreover, some progress has already been made. It is of course recognized that women are "persons" within the embrace of the Fourteenth and Fifth Amendments, and are entitled to "equal protection of the laws" under those provisions. Some State and lower Federal courts have rendered important decisions upholding equality of rights for women under the existing constitutional provisions. I feel reasonably confident that in the long run the United States Supreme Court would reach a position very close to or identical with that of the proponents of the Equal Rights Amendment. Nevertheless, there are serious drawbacks to this approach which must be considered.

In the first place there are some Supreme Court decisions and some lower court cases which move in the wrong direction. The task of overcoming or distinguishing these decisions could be a long and arduous one. There is, in short, a certain amount of legal deadwood which must be cleared away before the courts will be prepared to make clear-cut and rapid progress. In the second place the Supreme Court has been subjected over a period of time to powerful attacks for moving too fast and too far into frontier areas of the law. The Court may consequently be somewhat reluctant to take the lead in bringing about another major social reform, regardless of how constitutionally justified that reform may appear to be. Hence it would be important for the courts, in performing such a task, to have the moral support of the other institutions of government and the people as a whole.

Thirdly, and most important, the problems involved in building a legislative framework assuring equality of rights to women are somewhat different from those which the courts have faced in other areas of equal protection law. In ordinary cases, when a claim is made that equal protection of the laws has been denied, the Supreme Court

will apply the rule that differential treatment is valid providing there is a reasonable basis for the classification; and the Court will accept the legislative judgment that the classification is reasonable unless that judgment is beyond the pale of rationality. Yet such a legal doctrine is not appropriate where the differential treatment is based on sex. For reasons stated above, classification by sex, except where the law pertains to a unique physical characteristic of one sex, is *always* unreasonable. It would inappropriate, time consuming, and ultimately futile for the courts to investigate in each case whether a legislature was justified in deciding that a particular piece of legislation or administrative practice favored women, disfavored women, benefited society as a whole, and so on. That decision—namely, that all discrimination is outlawed—must be made at the beginning and not relitigated in every decision.

In cases where differential treatment is based upon race the courts have developed a different rule under the equal protection clause. In racial cases the constitutional doctrine is that classification by race is a "suspect" classification, and the legislature has the burden of showing that it is not an "invidious" or harmful classification or that it is justified by the most compelling reasons. Such a rule is more applicable to the area of discrimination on account of sex. Yet, taken as a whole, the problems in the two areas are somewhat different. For example, questions of benevolent quotas, compensatory treatment, culture bias in psychological testing, separatism, and other issues are not alike. The increasingly complex doctrines being developed in the field of race discrimination are therefore not necessarily applicable to the field of sex discrimination.

The same can be said of the other areas of equal protection law. Discriminatory treatment on account of poverty or illegitimacy, classifications in enacting economic regulations, denial of the right of franchise through malapportionment of legislative districts—all these present issues peculiar to their own spheres. In short, the establishment of equal rights for women poses questions that are in important ways sui generis. An effective solution demands a separate constitutional guarantee. Starting with such a mandate the courts can fashion a body of constitutional doctrine that will be geared to the special requirements of this important field of law. Furthermore, as stated before, unless Congress and the States, through adoption of a constitutional amendment, express the firm conviction that this reform must be promptly and vigorously undertaken progress is bound to be slow and faltering.

We come then to the conclusion that the third method—a constitutional amendment—is by far the most appropriate form of legal remedy. The final question, then, is whether the Equal Rights Amendment now before us furnishes a satisfactory constitutional framework upon which to achieve the goal of equal rights for women. I believe that it does.

The proposed amendment states clearly and simply the fundamental objective: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." In this respect it follows the tradition of the great provision of the Constitution guaranteeing freedom of religion, freedom of speech, due process of law, protection against cruel and inhuman punishment, and other rights.

The word "rights," it seems clear, includes not only rights in the narrow sense of that term but all forms of rights, privileges, immunities, duties and responsibilities. Thus service on juries, whether it be looked upon as a "right" or a "duty," plainly falls within the scope of the amendment.

The term "equality," interpreted in light of the basic philosophy of the Amendment, means that women must be treated by the law in the same way as other persons, that is, their rights must be determined on the basis of the same factors that apply to men. The factor of femaleness or maleness is irrelevant. This principle is subject to the proposition, already noted that the laws may deal with physical characteristics that exclusively pertain to one sex or the other without infringing upon equality of rights. As previously stated, such instances would only rarely occur.

The phrase "shall not be denied or abridged" constitutes a complete prohibition. It means that differentiation on account of sex is totally precluded, regardless of whether a legislature or administrative agency may consider such a classification to be "reasonable," to be beneficial rather than "invidious," or to be justified by "compelling reasons." Furthermore, for much the same reasons as in the racial area, the clause would not sanction "separate but equal" treatment. Power to deny equality of rights on account of sex is wholly foreclosed.

The Equal Rights Amendment applies only to government conduct, Federal or State. It does not affect conduct in the private, nongovernmental sector of our society. The problems of "state action" raised here are similar to those the courts have dealt with under the Fourteenth and Fifteenth Amendments. The basic legal doctrines that govern are the same, but they may of course have somewhat different application in the area of sex discrimination.

Finally, it should be noted that the Equal Rights Amendment fits into the total framework of the Constitution and should be construed to mesh with the remainder of the constitutional structure. One particular aspect of this is worth brief attention. That concerns the constitutional right to privacy.

In *Griswold* v. *Connecticut* (381 U.S. 479 (1965)) the Supreme Court recognized an independent constitutional right of privacy, derived from a combination of various more specific constitutional guarantees. The scope and implications of the right to privacy have not yet been fully developed by the courts. But I think it correct to say that the central idea behind the concept is that there is an inner core of personal life which is protected against invasion by the laws and rules of the society, no matter how valid such laws and rules may be outside the protected sphere. If this be true then the constitutional right of privacy would prevail over other portions of the Constitution embodying the laws of the society in its collective capacity. This principle would have an important impact, at some points, in the operation of the Equal Rights Amendment. Thus I think the constitutional right of privacy would justify police practices by which a search of a woman could be performed only by another woman and search of a man by another man. Similarly the right of privacy would permit, perhaps require, the separation of the sexes in public rest rooms, segregation by sex in sleeping quarters of prisons or similar public institutions, and a certain segregation of living conditions in the armed forces. The great concern over these issues expressed by opponents of the Equal Rights Amendment seems to me not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized, constitutional right of privacy.

I will not undertake at this time to consider in detail how the Equal Rights Amendment would affect various existing laws, regulations and practices. I understand that Professor Dorsen will discuss these problems with the Committee shortly. I will therefore merely state, without further elaboration, what seem to me the three essential points at issue here:

First, the courts are entirely capable of laying down the rules for a transitional period in a manner which will not create excessive uncertainty or undue disruption. Actually the courts face similar problems every time they hold that part of a statute is unconstitutional, and they have developed detailed rules for handling these issues under the concept of "separability" (or "severability"). The essential question is whether the legislature would have intended the statute to stand in its modified form. In making this decision the courts have the aid of legislative history, which can be supplied in this case. There is no reason to suppose, therefore, that formulation of a coherent legal theory applicable to the Equal Rights Amendment is too complex or too difficult for the legal system to cope with.

Second, there has been a great deal of talk that passage of the Equal Rights Amendment will cause vast changes in many features of our national life. I am inclined to feel that the alarms and warning are, as usual, overplayed. Whether that be the case or not, however, if such great changes do occur it will be only because they are necessary. Those opponents of the measure who stress this aspect of the Amendment are acknowledging that widespread discrimination against women persists throughout our society.

Third, it has been argued that adoption of a constitutional amendment will bring about, almost inadverently, drastic alterations in important institutions of society before there has been time to work out the major policy changes required by the new provision. The example most frequently given is the Selective Service system. But one need not conclude that, in those few areas where major new policy must be formulated, there is not adequate time in which to do it. If Congress adopts the Equal Rights Amendment it will surely have full opportunity during the period of ratification by the States to take up amendments to the Selective Service Act. Other areas of our law, such as the marriage and divorce laws, may need similar attention from State legislatures. It is not a weakness but a strength of the Amendment that it will force prompt consideration of some changes that are long overdue.

My conclusion from this survey of the legal problems raised by the Equal Rights Amendment is that the method chosen is the proper one and the instrument proposed is constitutionally and legally sound. I urge the Senate to accept the pending Resolution and submit the Amendment to the States for ratification.

STATEMENT OF NORMAN DORSEN, PROFESSOR OF LAW, NEW YORK UNIVERSITY SCHOOL OF LAW, BEFORE THE SENATE JUDICIARY COMMITTEE, ON THE PROPOSED EQUAL RIGHTS AMENDMENT, SEPTEMBER 15, 1970

I am honored to appear before the Senate Judiciary Committee to give testimony in support of the Equal Rights Amendment, as passed by the House of Representatives. I am a professor of law at New York University School of Law, where I have specialized in Constitutional Law for more than nine years. I am also General Counsel of the American Civil Liberties Union, but I am appearing here in a purely personal capacity.

The thrust of my testimony has been suggested by witnesses before the Committee who have expressed opposition to the proposed Amendment. Most if not all of these witnesses have stated that they are in sympathy with efforts to remove laws from the statute books that are unjust to or exploit women. Despite these sentiments the witnesses opposed the Amendment because they felt that a constitutional change was not the way to accomplish the goal of eliminating discrimination on account of sex. Statutory techniques were said to be preferable, perhaps supplemented by Supreme Court rulings.

I disagree with this point of view. I believe that a constitutional amendment is

peculiarly suitable to the problem presented, and today I shall present my reason for this conclusion.

My first reason is based on the nature and importance of constitutional amendments. I do not think the Constitution should be amended for trivial or transient consideration. Such solemn action should be taken only when a matter of sufficiently broad principle is at stake to warrant the long and complex process that the framers of the Constitution envisioned for alterations in the basic document. I believe that this is such a case. The decision to eliminate centuries old discrimination against women calls for a constitutional amendment. This is so because an amendment would best emphasize a national commitment to the ideal of equality between the sexes under the law. In addition, the requirement of ratification by three-quarters of the states is most appropriate because many of the areas of discrimination which the amendment will cure concern state law and practices.

My second reason for favoring a constitutional amendment responds to the contention of some critics of the Equal Rights Amendment that the Amendment will operate in unpredictable ways, cause confusion, and foster excessive litigation. I believe that this criticism is unjustified, that the difficulties have been magnified unrealistically, and that our legal institutions are sufficient to deal with any problems presented.

It should be recalled in this connection that many provisions of our Constitution are general statements that have had to be fleshed out by the courts over the decades. This is in the nature of a constitutional instrument which, except for housekeeping provisions, should not be as specific as a statute. For example, Article I, Section 8, of the original document authorizes Congress "To regulate Commerce with foreign Nations, and among the several States." These delphic words have provided the basis for the entire system of economic regulation in the United States. Hundreds, indeed thousands, of judicial interpretations have followed over the years both with respect to the powers of the Congress and the implied limitations on state authority over interstate commerce. This continuous judicial activity has not been a weakness of the Constitution. On the contrary. The courts were properly entrusted with the duty of reviewing the varied legislative enactments. So too here, where the primary authority will be in the Congress and the state legislatures "to enforce" the Amendment, subject to the overriding authority of the courts. This has been the classical American pattern.

Another example, even more pertinent, concerns the adoption of the Fourteenth Amendment, which was principally designed to protect the legal rights of former slaves. When this Amendment was passed no one could have predicted the ways it would affect life in the United States or the amount of litigation and the difficulties of interpretation that would ensue, many of which we still face today. This was to be expected because of the massive difficulties inherent in ending the institution and consequences of slavery. Yet, it surely was no mistake to pass that Amendment because of these difficulties. Could the nation have shirked the responsibility of guaranteeing in our basic charter of government the equal protection of the laws?

Women, too, have been subjected to centuries of discrimination sanctioned by our legal system. It is not so long since women lost their property when they married, lacked the right to vote or serve in government, had no right to serve on juries, no right to contract or sue in court, no right to receive an education, no right to keep their own earnings. Some of the worst manifestations of this lack of citizenship have been remedied, but others remain. The Equal Rights Amendment is needed to end these gross inequities in our legal system, and to complete the job of making women full citizens under the United States Constitution. It is wrong to suggest that because ending deepest and historic discrimination will result in some uncertainty and litigation, we should not act. The Fourteenth Amendment was needed and passed for blacks; the Equal Rights Amendment is needed and should be pasesd for women.

I would like to turn now to the problem most frequently stressed by those opposing the Amendment—the alleged impact on labor laws that protect women but not men. The fact is that the effect of the Amendment on protective labor legislation provides no sound basis for opposing it.

There are three interrelated points here. First, the crazy quilt of existing state protective laws, reveal graphically that there is no consensus on what is needed protection for either men or women, and that much of the legislation, instead of providing solutions to the real problems of women workers, actually "protect" them out of jobs they are perfectly capable of fulfilling. Second, under Title VII of the Civil Rights Act of 1964 much state legislation of this type is being invalidated and will be of no long term importance. Third, such laws that confer genuine benefits can and should be extended to men under the Equal Rights Amendment.

Before dealing with each of these points, I would like to comment on the suggestion of at least one witness before this Committee that the Equal Rights Amendment is being advanced only by professional women and that working class women will be disadvantaged by it because they need the benefits of the protective legislation that is on the books. With all respect to that point of view, I would remind the Comimttee that virtually all reform measures are propounded and pushed by middle class professionals. Certainly that was true of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. But this does not mean that others do not profit by reform. I do not have exact statistics available, but it is clear that a healthy proportion of Title VII cases under the Civil Rights Act have been brought by blue collar, working women who have been victimized by so-called "protective legislation." Moreover, at least half of the Equal Pay cases involve factory workers. It would be a mistake to regard the Amendment as exclusively or even primarily for the professional class. Most of its beneficiaries—the overwhelming percentage of working women—would not be in this category.

I turn now to the three points regarding protective legislation that I mentioned above.

First. The pattern across the country of state laws shows that there is no coherent system of protection provided for women. For instance, while women are allowed chairs for rest periods in 45 states, they are given job security for maternity leaves of absence in *no* state and maternity benefits under temporary disability insurance laws in only two states. Women are even excluded from temporary disability benefits for pregnancy leaves in these two states.

Furthermore, in the benefit areas most people would consider most important—a minimum wage and a day of rest—men do receive substantial protection already. Only seven states have minimum wage laws for women only, but twenty-nine states, plus the District of Columbia and Puerto Rico, cover both men and women. More important, the federal minimum wage law covers both men and women at *higher* rates than all state laws except one (Alaska).

In contrast, maximum hour laws are a major area where men are not covered. Thirty eight states cover women only, and three states cover men and women. Since the Supreme Court has upheld the validity of maximum hour legislation for both sexes since 1941, one can only suspect that unions have not pushed for maximum hour legislation, given their success in obtaining nationwide minimum wage laws for both sexes. This analysis would give credence to the EEOC and federal court decisions which have concluded that hour laws have been used as an excuse to keep women out of better-paying jobs.

Opponents of the Equal Rights Amendment often neglect to note the twenty-six states which altogether prohibit women from performing certain jobs. When forty states allow women to be barmaids, but ten bar them from this employment, can anyone seriously propose that women are thereby protected in those ten states? If anyone is protected, it would appear to be male bartenders.

Similar explanations suggest themselves regarding the eighteen states proscribing night work, and the six states prohibiting work for periods before and after childbirth. Women have not campaigned to obtain these "protections." This is for a very good reason. Women in fact do night work all the time. Nurses, telephone operators, airline reservationists, and scrub women have not been protected from night work. Pregnant women, too, often choose to work right up to the birth date. Who ever heard of a housewife being allowed time off from her housework and small children just because she was pregnant, or of a state law which prohibited her from working.

Weight laws also are of doubtful protection for women. There are only four states with weight limits applicable to all jobs, and these limits are set so low that, if literally applied, they would prohibit women from doing any serious labor, including carrying an unborn child. In the remaining few states with weight limits, they apply only to certain industries. In New York, for instance, women are "protected" from lifting weights only in the foundries. The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weights in other industries will not. Possibly it is the male workers in foundries who are being protected—from job competition.

Thus, when all of the state laws applying only to women are examined closely, it becomes clear that they do not provide a coherent system of meaningful protection. Nor do they deal with the real problem for women—exploitation by being underpaid and funneled into the lowest-paying, most menial jobs of our society. State labor laws have never dealt with this problem. Furthermore, the premise that real protection can be based on legislating by sex is fallacious.

Sex is an insufficient criterion to predict with accuracy who needs what protection. If injury due to lifting weights is a problem the answer is to forbid employers to fire individuals—both men and women—who refuse to lift weights above a safe limit. If some men and some women don't want to work overtime, laws should be passed forbidding employers to fire those who refuse overtime; both men and women who *do* want overtime pay should not be penalized.

In short, analysis of state laws that apply exclusively to women does not establish that they protect women in any important way. In fact, these laws do not protect women in the one area clearly applicable to women only— maternity benefits and job security; they are ineffective in dealing with the exploitation of women through lower pay than men; and they are used to discriminate against women in job, promotion, and higher-pay opportunities. They do not furnish a reliable basis for opposition to the Equal Rights Amendment.

Second. In light of the above it is not surprising that the Equal Employment Opportunity Commission, the federal agency charged with interpreting and administering Title VII, has concluded that state "pro-

tective" laws were superseded by Title VII and could not lawfully be enforced. The Commission stated that:

"Such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." 29 C.F.R. § 1604.1(b)

The federal courts are apparently moving in the same direction. Three federal district courts—including one within the last month—have now squarely held that Title VII supersedes such restrictive state laws. In addition, both the Fifth and Seventh Circuits have held that company-imposed restriction paralleling state laws—that is, placing private weight limits on women's jobs—also violate Title VII. For instance, in *Weeks* v. *Southern Bell Telephone & Telegraph Co.*, 408 F.2d 228 (5th Cir. 1969), the court set a stringent standard for establishing a "bona fide occupational qualification" exception to Title VII. This is the exception under which employers have argued that state laws allow them to discriminate against women workers. The *Weeks* court held that:

The employer has the burden of proving that he has reasonable cause to believe, that is a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

Some states have also taken action under Title VII. Delaware has repealed all its labor laws for women only. So far, there has been no outraged cry from women workers. Five states have repealed their hours laws; in six states and the District of Columbia, the Attorneys General have ruled that state laws are superseded by Title VII or state fair employment practices laws; in another six states, women workers covered by the Fair Labor Standards Act are exempted from the state laws; in two states, there are no prosecutions under state laws; in two states, there are exemptions from laws if the employee voluntarily agrees; and in one, the weight lifting regulation has been extended to men. In other words, twenty-two states and the District of Columbia have already repealed or greatly weakened the effect of the state labor laws on women.

Given this action of the EEOC, of the Federal courts, and of the States, can we really say that the impact of the proposed amendment on State labor laws furnishes any basis for opposition to it? We must recognize that these laws are already invalidated or being invalidated. It appears that opponents of the amendment are trying to erect bridges which were crossed five years ago, when Title VII went into effect.

Third and finally with respect to State labor legislation. There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that are now available only to women rather than invalidating them altogether. I recognize that this issue has been the subject of some controversy before the Committee. Nevertheless, I suggest there is ample precedent already on the books to substantiate the conclusion that the fears of wholesale elimination of benefits for women are unwarranted.

In the first place, until Title VII the EEOC has consistently held that laws giving women benefits—such as a lunch break—must be extended to men. The Seventh Circuit has indicated it would be the same, when it held in *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969), that the company-imposed weight limit could be validly extended to men under Title VII, provided the company allowed members of either sex to show he or she could perform the job in question. And Georgia took a similar approach to its weight-lifting regulation, which was extended to men and rephrased to prohibit "strains or undue fatigue" rather than a set weight limit.

In other areas of the law, courts have also indicated a willingness to extend benefits to a class of people unconstitutionally excluded from the benefit, rather than voiding the law under which the class was improperly excluded. As long ago as 1880, in *Neal* v. *Delaware*, 103 U.S. 370, the Supreme Court ruled that a state constitution giving whites only the vote was not void under the Fifteenth Amendment, but rather that the right to vote must be extended to blacks. Lkewise, in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), when a Louisiana statute denied illegitimate children the right to recover for their mother's wrongful death, the Supreme Court held that the Fourteenth Amendment required the extension of protection to them rather than voiding the legitimate children's right to recover.

Clearly, if the courts have authority to extend benefits to an excluded class under the Fourteenth and Fifteenth Amendments, they will have the same authority to extend benefits under the proposed Equal Rights Amendment. Moreover, courts have a general obligation to interpret instruments reasonably. If this means granting a day of rest to men, rather than destroying this right for women, the courts should and presumably will follow that path, especially in view of the very ample expression of opinion by members of the Congress and witnesses that some protective laws should be extended to both sexes rather than voided.

Finally, with respect to this problem, we should not lose sight of the fact that the Congress and state legislatures will have the opportunity to enforce the Amendment and fashion its general command to specific situations in a comprehensive and reasonable manner.

I would now like to turn to another major area singled out by opponents of the Equal Rights Amendment—family law. Concern has been voiced that women would lose their right to support and alimony if the Equal Rights Amendment passes. There are several answers to this concern. First, as already noted, the right to alimony and support can be extended to men by legislative act or as a matter of interpretation of the Amendment. Indeed, in one-third of the states alimony can be awarded to either spouse, and is based on the circumstances of the particular case, such as relative economic needs, duration of the marriage, and relative contributions to the marriage.

As for the right to support, although it has been much relied on, it is of somewhat illusory value to women. In the first place, in most jurisdictions not until the parties are separated, or sometimes even divorced, does a wife have the right to get a court order for a specific amount of support money. See H. H. Clark Law of Domestic Relations 181, 186 (1968). More important, the chief legal remedy for the wife during marriage—the ability to purchase household "necessaries" and charge them to the husband—is of far less value than is generally believed. As one authority has stated:

"The doctrine of necessaries may once have been an effective way of supporting wives and children (though one doubts it). Today, however, it is hedged about with so many limitations that few merchants would wish to rely on it. More importantly, it is of least value to those most in need of support, those wives and children too poor to be able to get credit. For these reasons the doctrine is of little practical value in the solution of the non-support problem." Clark, supra at p. 192.

The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex.[1] The action by the Commissioners, a respected and prudent body, deserves special consideration.

Their approach—based on individual circumstances and needs—underlies the Equal Rights Amendment also. Put another way, laws which differentiate on the basis of sex are unjust because they arbitrarily treat all members of a class without looking at individual qualifications. State labor laws are unjust and do not protect women because they arbitrarily assume all women have stereotyped and uniform characteristics, which many individual women do not have. Alimony and support laws also have unjust consequences for both men and women when they assume that all women are weak, dependent, caretakers of children. Just as some men may need alimony, some women may prefer to pay maintenance to allow their husbands to be caretakers of children. In this connection, it is worth observing that several states already require a wife to support a husband unable to support himself.

The Uniform Marriage and Divorce Act eliminates definitions based on sex and substitutes those based on function. This is what the Equal Rights Amendment is intended to do. By passing it, we will help insure more genuine protection for those who really need it, and end the many injustices women still face.

The final issue I would deal with concerns the draft and military service. Critics of the proposed Amendment point to this as the *reductio ad absurdam* of the equal rights idea, saying that it is ridiculous to draft women into our armed services as the Amendment presumably would require.

I disagree with this point of view. Putting to one side the question whether either men or women should be subject to a draft, I see no reason to put the exclusive onus on men. It is now a commonplace that women can and do perform many useful functions in the services; and that appropriate physical examinations can weed out—as they do in the case of males—those who are unfit to

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[1] Section 308, which deals with maintenance, is typical of the Act's approach:

(a) In a proceeding for dissolution of marriage or legal separation . . . the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:

(1) lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, and (2) is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

(b) The maintenance order shall be in such amount and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(1) the financial resources of the party seeking maintenance, . . . and his ability to meet his needs independently . . .; (2) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (3) the standard of living established during the marriage; (4) the duration of the marriage; (5) the age, and the physical and emotional condition of the spouse seeking maintenance; and (6) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.

serve. For example, pregnant women would be exempt.

As far as the draft is concerned there is double discrimination. There is discrimination against the men who are taken from their homes and placed in the armed services against their will. This is a form of discrimination that can easily be appreciated. But there is also discrimination against women of a more subtle character. This takes place in three ways.

First, women are denied the opportunity to obtain the job training and experience available to servicemen from working class and minority group backgrounds. It is well known that the armed services serve as a "college" for many of the nation's poor; I fail to see why women should be deprived of this opportunity.

Second, as is well known, there are laws providing extensive benefits to veterans of the armed service. They relate to the essentials of life—education, housing, employment, life insurance, and hospital care. These are now distributed almost exclusively to men.

Third, on a deeper level, when women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification.

It is no answer to the above to say that if military service is such a benefit, women are always free to enlist in one of the Women's Armed Service Corps. It is not really that simple. The law limits the size of the Women's Corps to two percent of their parent services, and even this level is not being met; in 1969 women were only about 1% of the armed forces.

For the above reasons I believe that the Equal Rights Amendment should be approved by this Committee and by the Senate as a whole as an overdue measure to eliminate discrimination on account of sex.

Mr. COOK. The arguments against the House-passed resolution are essentially as follows: First, the constitutional amendment route is not necessary as the equal protection clause of the 14th amendment and title VII of the Civil Rights Act of 1964 are sufficient to guard against sex-based discrimination under the law. Second, if an amendment is adopted the House-passed resolution is defective in three areas: First, the words "and the several States—within their respective jurisdictions" should be stricken from section 1 of the amendment; second, a section should be added providing that the amendment must be ratified by three-fourths of the State legislatures within 7 years, and third, section 3 of the amendment should be altered so that the effective date of the amendment after ratification is 2 years rather than 1. I will rebut these contentions in order.

First. Are the equal protection clauses of the 14th amendment and title VII of the Civil Rights Act of 1964 sufficient to strike down sex discrimination under the law?

Prof. Norman Dorsen of New York University Law School, a supporter of House Joint Resolution 264 whose testimony I have inserted, stated the broad philosophical reason for choosing the constitutional amendment route rather than relying upon existing law when he said:

The decision to eliminate centuries old discrimination against women calls for a constitutional amendment. This is so because an amendment would best emphasize a national commitment to the ideal of equality between the sexes under law, in addition, the requirement of ratification by three-quarters of the States is most appropriate because many of the areas of discrimination which the amendment will cure concern State law and practices.

Professor Emerson, of Yale Law School, likewise a supporter of the House-passed resolution, stated in his testimony which I have also just inserted in the RECORD, that there are three basic methods by which discrimination against women can be eliminated from our legal system. The first he suggests would be for the Federal, State, and local legislatures to repeal or revise their laws and for the administrative boards, both Federal and State, to alter their discriminatory regulations. This, Emerson suggests, would necessitate an interminable delay.

The second method would be through court action under the equal protection clauses of the fifth and 14th amendments. Although Professor Emerson is confident that the Supreme Court will, in the long run, interpret the equal protection clause to forbid sex-based discrimination in law, he envisions certain difficulties with that approach in the absence of the equal rights amendment. First, he notes that there are some Supreme Court decisions and lower court cases which move in the wrong direction. The task of overcoming or distinguishing these would be long and arduous. Second, Emerson raises an extremely valid point in this regard by pointing out that the Supreme Court has been subjected to numerous attacks in recent years for moving too fast. Therefore, the Court might be reluctant to undertake another major social reform in the absence of a clear mandate to do so. The route of the constitutional amendment, he concludes, is the most desirable method to ameliorate this condition and give the courts their clear mandate.

Prof. Leo Kanowitz, of New Mexico Law School, an expert in the field of women and the law, also testified in support of the House-passed resolution noting that he was a recent convert to the cause previously having "wavered between mild opposition and lukewarm support." Kanowitz states that while he believes it is likely that the Supreme Court will ultimately hold that existing provisions of our Constitution are sufficient to strike down sex-based discrimination "there is no guarantee that it will do so." He goes on to say that—

Should the next few years bear out my prediction that the court will soon begin to interpret existing constitutional provisions so as to eliminate irrational sex discrimination in the law, no harm will have been achieved by the presence of the equal rights amendment. Indeed, many examples can be cited in which laws and official practices may violate more than one constitutional provision at a time.

Professor Kanowitz, however, does offer one caveat which should be mentioned for the purpose of establishing the proper legislative history. He points out that it should not be the intent of Congress that the Supreme Court refrain from an expansive interpretation of the equal protection clause in the area of sex discrimination preferring instead to wait until the adoption of the equal rights amendment.

In that regard, I would state at this juncture, that it is the hope of the junior Senator from Kentucky, one of the prime sponsors of this amendment, that as Kanowitz so ably states it:

Forthcoming decisions of the Supreme Court will soon transform that amendment (equal rights) into a constitutional redundancy.

In summary, these experts do not foreclose the possibility that the Supreme Court will, in the future, interpret the equal protection clause as prohibiting sex-based discrimination in law. However, it has not yet done so and would be clearly aided by a constitutional mandate to that effect.

Second. Should the words "and the several States * * * within their respective jurisdictions" be deleted from the House-passed version?

Prof. Paul Freund, of Harvard Law School—and I am sorry that the Senator from Missouri is not here—in testimony before the full Judiciary Committee, and Dean Louis H. Pollak, of Yale, in a letter to Senator BIRCH BAYH, both expressed some concern over the inclusion of the words "and the several States * * * within their respective jurisdictions" in the House-passed resolution. I ask unanimous consent that Dean Pollak's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., August 31, 1970.

Hon. BIRCH BAYH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: In advance of the hearings scheduled by the full Senate Judiciary Committee on the proposed Equal Rights Amendment, I wish to bring to your attention that, as presently drafted, the proposed amendment contains what might turn out to be a very serious loophole.

I have in mind the second sentence of Section 1 which provides Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

If the proposed amendment becomes a part of the Constitution, it would be the only amendment which would confer upon the states any implementing power.

I suppose it is possible that proponents of the amendment may think that the amendment may be fortified by vesting a power of implementation in the states as well as in Congress. But I think this might in fact turn out to be a dangerous illusion. First of all, the federal courts might read this provision as requiring the same degree of judicial deference to state statutes purporting to implement the amendment as would normally be given to federal statutes implementing the amendment: this could mean that the parochial (and, as might often be the case, mutually inconsistent) statutes of state legislatures would assume an unprecedented degree of apparent dignity and consequent unreviewability merely because they were denominated implementations of this amendment. Second of all, the phrase "within their respective jurisdictions" might be

read by the federal courts as requiring some other constitutional basis for implementing legislation (e.g., Congress might be held to be without power to enforce the amendment with respect to intrastate commerce, etc.).

These would, of course, be anomalous results—results which would obstruct, not advance, the purposes of the amendment. Happily, however, it is an easy matter to clear up the wording of the proposed amendment in such a way that no court could possibly be led astray, and indeed no semantic basis would exist for delaying and diversionary litigation. The remedy is to excise the words "and the several States . . . within their respective jurisdictions." The second sentence of Section 1 would then read: "Congress shall have power to enforce this article by appropriate legislation."

This minor verbal change would, in my judgment, help to insure that the proposed Equal Rights Amendment will, if it becomes a part of the Constitution, in fact promote the amendment's important purposes.

Sincerely yours,

LOUIS H. POLLAK.

Mr. COOK. Mr. President, this letter reads in pertinent part:

I suppose it is possible that proponents of the amendment may think that the amendment may be fortified by vesting a power of implementation in the states as well as in Congress. But I think this might in fact turn out to be a dangerous illusion. First of all, the Federal courts might read this provision as requiring the same degree of judicial deference to state statutes purporting to implement the amendment as would normally be given to Federal statutes implementing the amendment: This could mean that the parochial (and, as might often be the case, mutually inconsistent) statutes of state legislatures would assume an unprecedented degree of apparent dignity and consequent unreviewability merely because they were denominated implementations of this amendment. Second of all, the phrase, "within their respective jurisdictions" might be read by the Federal courts as requiring some other constitutional basis for implementing legislation (e.g. Congress might be held to be without power to enforce the amendment with respect to intrastate commerce, etc.)

Based upon these concerns, Dean Pollak recommends that the words in question be deleted, making the second sentence of section 1 read:

Congress shall have power to enforce this article by appropriate legislation.

Since this time, Dean Pollak has written to me indicating his belief that this matter might be cleared up by proper legislative history. I ask unanimous consent that Dean Pollak's letter to me of September 28 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY,
LAW SCHOOL,
New Haven, Conn., September 28, 1970.

Hon. MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: This letter is written in response to a request from your assistant, Mitch McConnell, Esq., for my views on a letter which my colleague, Professor Thomas I. Emerson, wrote to you on September 24 with respect to the language in the second sentence of Section 1 of the proposed Equal Rights Amendment which would give implementing authority to "Congress and the several States . . . within their respective jurisdictions . . ." Inasmuch as Professor Emerson's letter was in part directed at concerns I raised in a letter to Senator Bayh dated August 31, I appreciate this opportunity to comment on Professor Emerson's letter.

In my letter of August 31, I raised questions about vesting implementing authority in state legislatures as well as in Congress. It seemed to me that, on the one hand, this delegation of authority to state legislatures might conceivably mislead the courts into being over-lenient in testing state laws against the new federal constitutional standards merely because the state laws were denominated implementations of the new amendment. And it seemed to me, on the other hand, that the phrase "within their respective jurisdictions" might conceivably mislead the courts into reading federal implementing legislation by too harsh a standard—i.e., a standard invalidating such legislation unless Congress had power to act derived from some grant of legislative authority other than the new amendment. I say "mislead" because it was apparent to me that either of these suggested judicial constructions would be inconsistent with the generous constitutional intent of the amendment's proponents and thus "would obstruct, not advance, the purposes of the amendment." It was in this spirit that I suggested, in my letter of August 31, a minor verbal change designed to foreclose any judicial misconstruction and thereby insure that the amendment "will, if it becomes a part of the Constitution, in fact promote the amendment's important purposes."

Professor Emerson, in his letter of September 24, argues that my concerns are unfounded: agreeing with my view of the generous constitutional intent animating you and other proponents of the amendment, Professor Emerson says flatly that "any interpretation of the Equal Rights Amendment that lessens rather than strengthens Federal and State powers of enforcement is inconsistent with the intention of the Resolution now under consideration in 1970." He then goes on to say that, "If there be any lingering doubt about this it can be readily made clear, and the necessary legislative history established, by statements of the chief supporters of the measure when it reaches the Senate floor." Since the issues involved all go to the Congressional intent underlying the proposed constitutional language, I would of course agree that establishing the necessary legislative history during floor debate in the Senate would make it unnecessary to alter the wording of the proposed amendment.

Specifically, I would urge that Senate floor discussion establish these points: (1) Congressional power to enforce the new amendment is to be the same as that Congress possesses to enforce the Fourteenth Amendment. (2) State legislative power to enforce the new amendment is to be subordinate to federal legislative and judicial authority to enforce this amendment and other provisions of the Constitution. (3) In judging the compatibility of federal and state laws with the new amendment, the courts will exercise the same paramount authority to interpret and enforce constitutional limitations which has been the central feature of the power of judicial review ever since that power was declared and given concrete application by Chief Justice Marshall in *Marbury* v. *Madison* and *Fletcher* v. *Peck*.

Sincerely,

LOUIS H. POLLAK.

Mr. COOK. Mr. President, his last paragraph states quite well the judicial interpretation which we expect to be given by the courts to the words in question. Let me read it to my colleagues.

Reading now the last paragraph:

Specifically, I would urge that Senate floor discussion establish these points: (1) Congressional power to enforce the new amendment is to be the same as that Congress possesses to enforce the fourteenth amendment, (2) State legislative power to enforce the new amendment is to be subordinate to Federal legislative and judicial authority to enforce this amendment and other provisions of the Constitution, (3) in judging the compatibility of Federal and State laws with the new amendment, the courts will exercise the same paramount authority to interpret and enforce constitutional limitations which has been the central feature of the power of judicial review ever since that power was declared and given concrete application by Chief Justice Marshall in *Marbury* v. *Madison* and *Fletcher* v. *Peck*.

In the further effort to create the proper legislative history I have received letters dealing with Dean Pollak's concern. Professors Emerson, Dorsen, and Kanowitz have each addressed themselves to the fears expressed by Pollak and have, I believe, resolved any doubts which he expressed. I ask unanimous consent that the letters of Professors Emerson and Kanowitz of September 24, 1970, and the letter of Prof. Norman Dorsen to me of September 29, 1970, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

YALE LAW SCHOOL,
New Haven, Conn., September 24, 1970.

Senator MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: When I testified before the Senate Judiciary Committee on the Equal Rights Amendment on September 15th you raised a question about the interpretation of the second sentence of the proposed Amendment which reads as follows:

"Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

I would like to expand briefly upon the statement I made at that time in answer to your inquiry.

The provision quoted serves two important functions. In the first place it gives power to both Congress and the State legislatures to pass affirmative legislation implementing the substantive provisions of the Equal Rights Amendment. Provisions of this nature, such as those embodied in the Thirteenth, Fourteenth and Fifteenth Amendments, have come to be important in legislative efforts to enforce the rights guaranteed. The Federal and State governments must, of course, exercise the powers conferred "within their respective jurisdictions."

In the second place the provision is designed to avoid the possibility that the conferring of power upon the Federal legislature will exclude the exercise of State power to implement the Amendment. As you know, the Supreme Court has sometimes held that the existence of Federal power in a certain area precludes the States from legislating in that area, even though the Federal power has not actually been exercised. In the case of the Equal Rights Amendment it is clear that many of the problems in assuring equal rights for women will arise in areas where the States have primary jurisdiction, such as marriage and divorce, property, welfare and the like. It is important therefore, that, although Congress should be given full power to enforce the Amendment, the grant of such power to the Federal Government be not construed to pre-empt the States from legislating.

It will be noted that, in the only other recent Amendment which posed a similar question of assuring the continuance of State power—namely the Eighteenth Amend-

ment enacting prohibition—a similar provision was included.

Of course, if there is a conflict between legislation passed by Congress and legislation passed by a State, the Federal law takes precedence under the Supremacy Clause. In the absence of such a conflict, however, the Equal Rights Amendment establishes that the States and the Federal Government have concurrent jurisdiction.

In a letter to Senator Bayh on August 31, 1970, which you introduced into the record at the hearing on September 15, Dean Louis H. Pollak suggested that the provision quoted above might be subject to two interpretations which "would obstruct, not advance, the purposes of the amendment". In my judgment Dean Pollak's fears are unfounded.

Dean Pollak's first concern is that "The Federal courts might read this provision as requiring the same degree of judicial deference to state statutes purporting to implement the amendment as would normally be given to federal statutes implementing the amendment;" and "this could mean that the parochial (and, as might often be the case, mutually inconsistent) statutes of state legislatures would assume an unprecedented degree of apparent dignity and consequent unreviewability merely because they were denominated implementations of this amendment."

I do not follow Dean Pollak's reasoning on this. There is no constitutional doctrine that the Supreme Court gives less deference to action of State legislatures than it does to action of the Federal legislature. To the extent that any such result obtains in practice, it is due to basic factors inherent in the nature of the federal system and the function of the Supreme Court. I cannot believe that the Supreme Court would alter its attitude or position on these matters because of a faint, hidden implication in the concurrent jurisdiction clause of the Equal Rights Amendment. Only an explicit command could effectuate such a basic alteration of constitutional law and practice.

Dean Pollak's second fear is that the phrase "within their respective jurisdictions" might be read by the Federal courts "as requiring some other constitutional basis for implementing legislation (e.g., Congress might be held to be without power to enforce the amendment with respect to intrastate commerce, etc.)." There is language in a report of the Senate Judiciary Committee in 1943 which supports such an interpretation. The crucial issue, however, is not what draftsmen of language may have meant 27 years ago but what Congress now intends in adopting the language in question. As to this there can scarcely be doubt. The proponents of the Equal Rights Amendment in its current manifestation surely do not intend to limit the power of Congress to enforce the guarantees of the Amendment by appropriate legislation. On the contrary those who have introduced and supported the pending Resolution have made it entirely clear that the purpose of the provision is to give Congress the same power to enforce the Amendment that it has under the Thirteenth, Fourteenth, and Fifteenth Amendments. Had the proponents sought to limit the powers of Congress to those it already possesses under existing provisions of the Constitution, they could simply have eliminated any reference to additional enforcement power in Congress.

In short any interpretation of the Equal Rights Amendment that lessens rather than strengthens Federal and State powers of enforcement is plainly inconsistent with the intention of the Resolution now under consideration in 1970. If there be any lingering doubt about this it can be readily made clear, and the necessary legislative history established, by statements of the chief supporters of the measure when it reaches the Senate floor.

I would like also to comment on two other matters not covered in my original testimony. Objection has been made that the resolution fails to include a provision that the Amendment becomes inoperative unless ratified by the States within seven years. There is in my judgment no need for such a provision. A limitation of this sort has been included in only four of the twenty-five amendments thus far adopted. These are the Eighteenth, Twentieth, Twenty-first and Twenty-second. No such provision appears in the Nineteenth Amendment, establishing women's suffrage, the one most comparable to the Amendment now before the Senate. Nor does any such provision appear in the last three amendments adopted—the Twenty-third, Twenty-fourth and Twenty-fifth. It seems clear, therefore, that the seven year limitation has not been considered necessary in the past.

Secondly, it has been suggested that the effective date of the Equal Rights Amendment should be two years from the date of ratification rather than one year. The only prior amendment that has had a limitation on its effective date is the Eighteenth Amendment, and that was one year. There is no reason why the one year should not suffice in the case of the Equal Rights Amendment. Many State legislatures now hold annual sessions and those who do not can easily call a special session. Many States will want to take a new look at their legislation which now discriminates against women. They will have ample opportunity to do this in the period required for ratification and in the one additional year now provided in the Resolution.

For these reasons it seems to me that the invocation of either of these arguments, as a ground for not adopting or for delaying the Equal Rights Amendment, would be sheer subterfuge.

Sincerely,

THOMAS I. EMERSON.

UNIVERSITY OF NEW MEXICO,
SCHOOL OF LAW,
Albuquerque, N. Mex., September 24, 1970.

Senator MARLOW W. COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I understand that questions have arisen about the potential effects of the language in S.J. Res. 61 which provides that the power of Congress and the States to enforce the article by appropriate legislation shall be exercised "within their respective jurisdictions."

As you know, Congress, in its recent enactment of the Voting Rights Act of 1970, conferred the right to vote upon 18-year-olds within the states. Congress did this on the assumption that it could, by appropriate legislation, implement the equal protection guarantee of the Fourteenth Amendment. Though the matter must still be decided by the United States Supreme Court, it is clear that, if Congress' power to do this is upheld, it will constitute an extremely important source of authority to legislate in areas that have traditionally been regarded as primarily of state concern.

It is against this background that questions have arisen about the purpose and intent of the language in the proposed Equal Rights Amendment specifying that the legislative enforcement of the proposed new article shall be carried out by Congress and the States "within their respective jurisdictions."

Were this language to be interpreted as restricting Congress' potential legislative authority to a smaller area than it believed it enjoyed under the equal protection clause in providing for the 18-year-old vote, it would be most unfortunate. For though the Equal Rights Amendment, when ratified, will likely be implemented at all levels by voluntary compliance, Congress should still reserve the authority to legislate needed reform in this field if state action is not as complete or as rapid as circumstances require.

To avoid that kind of interpretation, therefore, the legislative history of the Equal Rights Amendment should show that the phrase "within their respective jurisdictions" embraces, insofar as federal authority is concerned, the continuing power to implement the Fourteenth Amendment's equal protection guarantee by appropriate legislation in areas that are closely connected to state concerns, and that a similar power is intended with respect to the sex-based equality principle expressed in the Equal Rights Amendment itself. By contrast, the phrase "within their respective jurisdictions," as applied to the States, would be understood as referring to the territorially limited scope of state legislative power that has been defined by numerous Supreme Court decisions in this area. (*See, e.g., Edwards* v. *California*, 314 U.S. 160 (1941); *Toomer* v. *Witsell*, 334 U.S. 385 (1948); *Gibbons* v. *Ogden*, 9 Wheat 1, 6 L.Ed. 23 (1824)).

I would also re-emphasize the point I made in my testimony before the Senate Judiciary Committee on September 11, 1970 (Congressional Record, September 14, 1970, p. 31533) that the proposed Equal Rights Amendment would merely complement or supplement the present guarantees against unreasonable sex discrimination that inhere in the Fourteenth Amendment's equal protection clause, the Fifth Amendment's due process clause, and the Privileges and Immunities clause of the United States Constitution. It seems clear to me that present Congressional legislative authority flowing from these and other constitutional provisions would not be interfered with, in the sex discrimination field, or in any other for that matter, by any language in Sen. J. Res. 61, including its phrase "within their respective jurisdictions."

Finally, I should point out that recent United States Supreme Court decisions, interpreting the scope of federal legislative authority under the commerce clause of the federal constitution, suggest that the phrase "within their respective jurisdictions," as applied to Congress is almost of unlimited scope. (*See, e.g., Katzenbach* v. *McClung*, 379 U.S. 294 (1964); *Heart of Atlanta Motel, Inc.* v. *United States*, 379 U.S. 241 (1964)).

In sum, I would suggest that there is no foundation to the expressed fears that the phrase "within their respective jurisdictions" in S.J. Res. 61 would detract from present Congressional legislative authority in the sex-discrimination field. The fact is that, as a result of a long history of constitutional litigation, the "respective" legislation jurisdiction of Congress permits it to enact laws that, at one time, may have been regarded as of primary or exclusive state concern, while the "respective" legislative jurisdiction of the States is much more circumscribed.

Sincerely,

LEO KANOWITZ,
Professor of Law.

NEW YORK UNIVERSITY,
SCHOOL OF LAW,
New York, N.Y., September 29, 1970.

Senator MARLOWE COOK,
Old Senate Office Building, U.S. Senate,
Washington, D.C.

DEAR SENATOR COOK: I am writing to supplement my testimony before the Senate Judiciary Committee on September 15th on three points that have been raised in connection with the proposed Equal Rights Amendment.

1. It has apparently been objected that the resolution embodying the Amendment fails to include a provision limiting the period of ratification to seven years. In my view there is simply no need for such a provision, and it is inconceivable that its absence would impair the effectiveness of the Amendment if it is adopted by three-fourths of the States. No such provision is found in most of our constitutional amendments, including the Women's Suffrage Amendment, nor is there any basis for regarding it as mandatory.

2. It has been suggested that the effective date of the Equal Rights Amendment should

be two years from date of ratification rather than the one year that is provided. It is difficult to see why a one year rather than a two year period could make any difference to the legal effectiveness of the Amendment or its practical impact. That any postponement period exists is itself a departure from the usual practice of immediate implementation. State legislatures will have ample time to review their laws in one year, and to take what action is necessary either in a regular or special session.

3. The proposed Amendment contains the following sentence:

"Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

A question has been raised, most notably by Dean Louis Pollak of the Yale Law School in a letter to Senator Bayh dated August 31, 1970, as to whether the above provision might be interpreted to obstruct the purposes of the Amendment. In my view there need be no concern about this matter.

The principal issue raised by Dean Pollak relates to the possibility that the phrase "within their respective jurisdictions" might be read by the federal courts "as requiring some other constitutional basis for implementing legislation (e.g., Congress might be held to be without power to enforce the Amendment with respect to intrastate commerce, etc.)."

I do not believe that the Amendment would be so interpreted. The key question is the intent of the Congress that proposes the Amendment. Here there seems little room for dispute. Surely the proponents in the House and Senate do not intend to limit the power of Congress to enforce its guarantees; if they had they could easily have omitted from the Amendment any reference to additional enforcement power in Congress. Indeed, the sponsors of the Amendment have frequently indicated that they wish Congress to act boldly to eliminate discrimination on account of sex. Accordingly, in my opinion it is highly unlikely that the courts will interpret the language quoted above to lessen the enforcement power of the Congress.

Sincerely,

NORMAN DORSEN,
Professor of Law.

Mr. COOK. Mr. President, the crux of their rebuttal, of Dean Pollak's concern over the clause granting concurrent jurisdiction to the Congress and the States "within their respective jurisdictions" is best summed up by one paragraph in Professor Emerson's letter.

Of course, if there is a conflict between legislation passed by Congress and legislation passed by a State, the Federal law takes precedence under the supremacy clause, in the absence of such a conflict, however, the equal rights amendment establishes that the States and the Federal Government have concurrent jurisdiction.

In addition, Dr. Pauli Murray, of Brandeis, specifically rebutted Professor Freund's similar concerns about the language discussed in Dean Pollak's letter. Dr. Murray stated in her testimony before the Judiciary Committee:

Professor Freund also expressed concern that the enforcement clause which gives legislative authority to Congress and the States "within their respective jurisdictions" to implement the equal rights amendment is a restriction upon congressional power. I respectfully submit that this view is a narrow and static interpretation of constitutional theory. Judicial opinions abound with the principle that the Constitution is interpreted as a whole and the legislative history of the equal rights amendment can make it clear that it reinforces other amendments to the Federal Constitution dealing with individual rights. I further submit that the plain intent of the qual rights amendment is to overrule the judicial precedent that sex is a valid basis for legislative or judicial distinctions under the fourteenth amendment.

The Supreme Court has already overruled all precedents which support racial distinctions in the law. Since legal distinctions based upon race and upon sex have many common origins and parallel developments and have been the focal points of comparable social conflict, both should be buried in the debris of past historical errors.

Furthermore, the plain language of the amendment "within their respective jurisdictions" appears to mean no more than it says: That States are not foreclosed from passing anti-discrimination measures intended to eliminate sex-based discrimination just as now they are not foreclosed from enacting civil rights legislation even though parallel legislation by Congress may exist. There is abundant experience in our history of Federal and State legislation directed toward a common purpose: The Federal Equal Pay Act existing along side of numerous State equal pay acts; title II of the same act operating along with the public accommodations sections of numerous State civil rights acts. The language under discussion merely makes clear that the several States will have both the power and the obligation to act simultaneously within their respective jurisdictions. In the case of an irreconcilable conflict between State and Federal legislation on the same subject-matter, however, the supremacy clause of the Federal Constitution requires that the Federal legislation shall take precedence over the State law. In view of these well-established constitutional principles, Professor Freund's apprehensions seem to be ill-founded.

2(b). Should a 7-year ratification clause be inserted?

Maguerite Rawalt, an attorney and former Chairman of the Presidential Task Force on Civil and Political Rights of Women—1963—pointed out before the committee that *Coleman* v. *Miller* 307 U.S. 433 (1939) stands for the proposition that a 7-year time limit would not vitiate a constitutional amendment. Congress itself has the final determination whether by lapse of time its proposal to amend the Constitution has lost its vitality.

Professor Emerson, in his September 24 letter to me, said of any attempt to insert a 7-year ratification limit into the amendment—

There is in my judgment no need for such a provision. A limitation of this sort has been included in only four of the twenty-five amendments thus far adopted. These are the eighteenth, twentieth, twenty-first and twenty-second. No such provision appears in the nineteenth amendment, establishing women's suffrage, the one most comparable to the amendment now before the Senate. Nor does any such provision appear in the last three amendments adopted,—the twenty-third, twenty-fourth and twenty-fifth. It seems clear, therefore, that the seven year limitation has not been considered necessary in the past.

Clearly a 7-year limit on ratification need not be added as it has been only infrequently used in the past and would merely force the equal rights amendment to a conference with the House where its fate would be uncertain for this Congress.

2(c). Should the 1-year effective date after ratification be changed to allow two years for compliance?

Professor Emerson in his letter to me of September 24 also discussed the one year effective date issue. He noted that—

The only prior amendment that has had a limitation on its effective date is the eighteenth amendment, and that was one year. There is no reason why the one year should not suffice in the case of the equal rights amendment. Many state legislatures now hold annual sessions and those who do not can easily call a special session. Many states will want to take a new look at their legislation which now discriminates against women. They will have ample opportunity to do this in the period required for ratification and in the one additional year now provided in the resolution.

Marguerite Rawalt concluded of the proposed change to a 2-year effective date—

The provision that the amendment should not take effect until two years after ratification has been misconstrued before this committee. The states would not be limited to two years in which to change their discriminatory laws. The testimony of Professor Freund states: "can it be expected that all the states will make an about-face on the law of support within a year of adoption of the amendment?" and "suppose, however, that within the one year period . . . a legislature does not act to equalize certain differentials based on sex, or acts in a way thought to be still incompatible with the amendment." Examples by the hundreds answer this conjured horrific result.

One definitive pronouncement, by the one Supreme Court, in one case involving one statute, of one state, would render inoperative the similar laws of other states, and states' attorneys general would, as they have done during the past two years as to labor standards laws outlawed by title VII of the Civil Rights Act of 1964, rule that such laws were rendered inoperative and would no longer be enforced. It might even take some years to eradicate statutes from the statute books, just as we find today ridiculous laws of past ages still on the books, which have lain dormant and unenforced. As one example, I could cite the bill before this 91st Congress in this year 1970 rescinding the 19th century law prohibiting the flying of a kite on the parkland between the Capitol and the river.

In conclusion, of the proposed time limitation changes, neither is necessary and would serve only to bring about a conference with the House which would be tantamount to no equal rights amendment in the 91st Congress.

I have concluded, as has Professor Emerson, that adoption of either change in the time whether 7-year ratification limit or 2-year effective date "would be sheer subterfuge."

Mr. President, I have a statement, under date of July 1968 entitled, "Statement by former Vice President Richard M. Nixon on the Equal Rights for Women Amendment."

It reads:

Forty-eight years ago, American women were given the Constitutional right to vote. Today it is accepted as a matter of course that men and women have an equal electoral franchise in this country and that American men and women will have an equal voice in choosing a new President, a Congress and state and local governing officials and bodies.

But the task of achieving Constitutional equality between the sexes still is not completed. All Republican National Conventions since 1940 have supported the long-time movement for such equality.

It is my hope that there will be widespread support for the Equal Rights for Women Amendment to our Constitution, which

would add equality between the sexes to the freedoms and liberties guaranteed to all Americans.

Mr. President, I have a telegram dated October 24, 1968.

It reads:

The Equal Rights for Women Amendment reflects the view that I have consistently taken on this vital issue and it deserves wholehearted support of all Americans. In recent years we have made a great deal of progress toward the goal of equality between the sexes but we need a continuing concerted effort to make this principle a reality . . . to this end I pledge my support.

That telegram is signed by SPIRO T. AGNEW.

Mr. President, I have another letter under date of September 2, 1960. The heading is, "Statement by the Vice President on the Equal Rights Amendment." The last paragraph reads:

It is my hope that there will be widespread support for our platform declaration in behalf of an equal rights amendment to our Constitution which would add equality between the sexes to the freedoms and liberties guaranteed to all Americans.

That letter is signed by Richard Nixon.

Mr. President, I have a telegram dated July 20, 1968, that I would like to read. I am sorry that the senior Senator from North Carolina is not present.

The telegram reads:

I want you to know that I favor your equal rights for women amendment. If I am elected President of the United States I will do all in my power to bring about the early passage of the appropriate resolution. I feel a special kinship with your organization because a native Alabamian, Mrs. Alva E. Belmont, was your first president and also because I feel that my wife Lurleen through her service contributed to the status of women in our Nation.

That telegram is signed, "Sincerely, George C. Wallace."

Mr. President, I have a letter dated October 26, 1967, which reads:

Thank you for letting us know about your current efforts in behalf of the Equal Rights for Women amendment.

As you know, I consistently supported your efforts in this connection while in the Senate. You may be assured that my position is unchanged.

That letter is signed, "Sincerely, Lyndon B. Johnson."

Mr. President, I have a letter dated October 7, 1960. The letter reads:

Thank you for providing me with an opportunity to make a statement regarding the equal rights amendment.

As you know, I have long been convinced that discrimination in any form is contrary to the American philosophy of government. It is a basic tenet of democracy to grant equal rights to all, regardless of race, creed, color, or sex. This should be true even if there were no Constitutional amendment dealing with the subject.

Forty years ago women received the right to vote. It is long past the time when similar equal rights should be granted in other fields. As the Democratic platform so well phrased our objective: "We support legislation which will guarantee to women equality of rights under the law, including equal pay for equal work."

There should be no "artificial and arbitrary barriers to employment based on age, race, sex, religion, or national origin." The platform has my full support.

You have my assurances that I will interpret the Democratic platform, as I know it is intended, to bring about, through concrete actions including the adoption of the Equal Rights for Women Amendment, the full equality for women which advocates of the equal rights amendment have always sought.

That letter is signed, "Sincerely, John F. Kennedy."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a Presidential proclamation under date of August 26, 1970.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

FIFTIETH ANNIVERSARY OF WOMAN SUFFRAGE
PROCLAMATION 3998, AUGUST 26, 1970

By the President of the United States of America a Proclamation

Fifty years ago today, Bainbridge Colby, Secretary of State of the United States, certified that the 19th Amendment had become valid as a part of the Constitution.

It is hard for any of us living in 1970 to imagine a time when women did not vote. Yet for more than seventy-five years, American women faced adversity, ridicule and derision on every level of our society as they sought this precious right. Brave and courageous women, knowing their cause was just, drawing strength and inspiration from one another through generations, fought long and hard for Woman Suffrage. Their victory was a victory for civil rights in America and it marked the beginning of a proud, new chapter in our nation's history.

Now, therefore, I, Richard Nixon, President of the United States of America do hereby call upon all Americans to recognize the great debt we owe to those who dedicated their life's work to the cause of Woman Suffrage.

While we herald their great accomplishment, let us also recognize that women surely have a still wider role to play in the political, economic and social life of our country. And, in respect for American women, let all of us work to bring this about.

In witness whereof, I have hereunto set my hand this 26th day of August, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

Filed with the Office of the Federal Register, 4:09 p.m., August 28, 1970.

NOTE.—Proclamation 3998 was released at San Clemente, Calif.

Mr. HATFIELD. Mr. President, on the floor of the Senate frequently when a Senator has made a presentation, it has been somewhat traditional for his colleagues to rise and make comment or issue compliments. I wish to break that tradition as purely a tradition because what I have to say is not in any sense a statement that follows procedural tradition. Rather, I want to say as a nonlawyer and as one who is deeply involved and concerned about this issue and troubled with some of the questions sincerely raised, and eloquently stated and debated, that I find the presentation made by my distinguished colleague and very good friend, the Senator from Kentucky (Mr. COOK), the most clearly stated and most eloquently stated position I have yet heard. I say that because he has used the English language in simple terms and yet he has spoken to profound questions. He has utilized the training of his profession to produce the evidence and rebut the presentation of other authorities in his profession. He has done this with great skill this morning and he has provided us much material and a good, sound argument to consider this amendment.

I would further say that it appears to me when we become involved with quotations from some authorities, it is obvious one can get an authority on any side of an issue. This does not demean the authorities or the use of quotations from authorities. But I think when the Senator this morning, in addition to citing authorities and rebutting other authorities, has given us the benefit of his own judgments, he has given us an added dimension of understanding and knowledge that is very helpful for those of us who are not skilled and trained in the law, and who must consider these problems that do involve legal technicalities.

I am grateful for the Senator's presentation. I am always interested in not only the substance of the Senator's presentations but in his manner of delivery. It is not necessary to comment on that but I want to say not only on the substance but in presentation and style you are great.

Mr. COOK. I thank the distinguished Senator from Oregon very much.

Mr. President, I wish to say one other thing to the Senator from Alabama, if I have a few minutes left.

There were many people throughout the country who were very disturbed when the New York Times a few weeks ago came out with an editorial in opposition to this amendment. They said, "How are you going to rebut the article?" I said, "Do not worry about it. The New York Times has not changed much."

Mr. President, I wish to read from an editorial published in the New York Times on February 7, 1915, entitled "The Woman Suffrage Crisis":

The Legislature of New York State has seen fit to place the question of woman suffrage squarely before the present electorate. Every man of voting age must meet the issue courageously, intelligently, and with clear vision. The answer of New York State to this long pending query should be forcible and definite. The proposed amendment to the State Constitution should be voted down by such a majority of the voters as to deprive the advocates of an objectionable and unreasonable derangement of the political and social structure of any further hope of success in this State.

The editorial goes on to state:

For the intelligent use of the ballot men in their daily callings undergo a ceaseless training. The hand of the law has within its reach every man and every woman, but in their business affairs men are in such immediate touch with controlling authority that they find themselves all the time forced to take thought about the laws that help or hinder them, whether they be good or bad, and in what way they may be bettered.

Then, the editorial states:

Either women must work as men work, or they will never be qualified to vote as men vote.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BAYH. As chairman of the Subcommittee on Constitutional Amendments, I would like to say that I think the Senate is indebted to the Senator from Kentucky for the diligence he has exhibited in the study of this particular

problem. I know I am indebted to him. The committee records will show and I want the Senate record to show that no Member has been more diligent and no one has been more attentive to the hearings both in the subcommittee and the full committee.

I think the Senator from Kentucky has expressed an eloquent and persuasive argument in support of the amendment. I want the record to show that his position and the statements he made have been arrived at only after long and thorough study.

I thank the Senator for the contribution he has made to our study in committee and the contribution he has made here today in the further discussion of this important amendment.

Mr. COOK. I thank the Senator from Indiana. I want the Senator to know I appreciate his remarks very much.

Mr. President, I would like to read from another New York Times editorial which was published January 13, 1915:

Congress has more work that it can hope to do well before the end of the short session. In the circumstances to devote a whole day to solemn haranguing over a subject which is of no national importance at all, as such an amendment to the Constitution, if ever submitted, would be voted down even in woman suffrage States, was worse than folly.

Mr. President, I have a number of editorials from the New York Times that I ask unanimous consent to have printed in the RECORD at this time.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 12, 1970]

THE HENPECKED HOUSE

Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out of hand all proposals for a women's rights amendment to the Constitution. Now, it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity.

The proposed amendment declares: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The implications and consequences of such language are obscure. There are many laws specifically protecting working women; they cover such subjects as night work, dangerous and heavy work, maximum hours and maternity leave. These laws would be thrown into confusion. So would a great body of law governing divorce, child support, custody, alimony, the age at which a woman reaches her majority, and a widow's rights in her husband's estate.

Prof. Paul Freund of the Harvard Law School has warned: "If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court. Every statutory and common law provision dealing with the manifold relations of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen."

The prospect of a prolonged and confusing litigation is not necessarily a conclusive argument against the amendment, but it is a powerful argument in favor of holding exhaustive hearings so that an amendment, if one is found necessary, will be carefully drafted and its consequences fully understood by Congress and the states before they act.

It may be perfectly fair to charge that male chauvinism was the only factor that kept the amendment from getting such an assessment through a half-century of total neglect, but that does not wipe out the need for a real evaluation now, no matter how fierce the pressure from the embattled women's lobby.

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in the House. The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

[From the New York Times, Feb. 7, 1915]

THE WOMAN SUFFRAGE CRISIS

The Legislature of New York State has seen fit to place the question of woman suffrage squarely before the present electorate. Every man of voting age must meet the issue courageously, intelligently, and with clear vision. The answer of New York State to this long pending query should be forcible and definite. The proposed amendment to the State Constitution should be voted down by such a majority of the voters as to deprive the advocates of an objectionable and unreasonable derangement of the political and social structure of any further hope of success in this State. The question involved is not new, all the arguments of the suffragists are old and were long ago refuted and sent to limbo. Their ceaseless and noisy agitation has not developed a single new idea. Woman suffrage would result either in a needless political muddle or in a social and political turmoil which woud tend to weaken the State, to stir up discord in the home and society, and would put obstacles in the way of progress which the wisest statesmanship might fail to overcome.

The grant of suffrage to women is repugnant to instincts that strike their roots deep in the order of nature. It runs counter to human reason, it flouts the teaching of experience and the admonitions of common sense. Although women have other capacities without number, held in equal distinction and some in higher honor, they have never possessed or developed the political faculty. Without the counsel and guidance of men no woman ever ruled a State wisely and well. The defect is innate and one for which a cure is both impossible and not to be desired. That they lack the genius for politics is no more to their discredit than men's unhandiness in houswifery and in the care of infants. . . .

For the intelligent use of the ballot men in their daily callings undergo a ceaseless training. The hand of the law has within its reach every man and every woman, but in their business affairs men are in such immediate touch with controlling authority that they find themselves all the time forced to take thought about the laws that help or hinder them, whether they be good or bad, and in what way they may be bettered. The merchant and the manufacturer, men engaged in the business of banking, insurance, real estate, foreign trade, the lawyer, the doctor, the blacksmith, the farmer, men in all the thousand branches of male affairs, habitually and necessarily form reasoned opinions of the efficiency of government, the virtue of laws . . .

Some men, many men, reason foolishly, vote foolishly, but their motives and their decisions have at least some discoverable relation to the public aspects of the questions at issue. When that relation is not discoverable men have to admit that they vote in a feminine way, for women's reasons, not men's. . . .

Either women must work as men work, or they will never be qualified to vote as men vote. . . .

But if the women were to take up man's duties, who is to assume the women's duties? . . . And women would be profoundly affected by taking up man's labors, it would inevitably be a roughening process, women would be changed, and not for the better. . . . But without that transformation women cannot qualify for the vote as men qualify, and there is no other way to acquire the qualification. The effect upon women is one of the consequences most to be dreaded.

At present . . . there is a strong and wholesome barrier which serves to keep women apart from men in the burly-burly of life, to insure them courtesies from the opposite sex, to give them many precious privileges. . . . We are firmly convinced that the breaking down of the barrier would bring down upon them a burden of new evils, that it would tend to coarsen women, to deprive them of natural rights and privileges without due compensation.

The right to vote has been possessed for many years by the women of Wyoming, Colorado, Utah, and Idaho, and has been granted more recently to those of Washington, California, Arizona, Kansas, Oregon, Illinois, Montana, and Nevada. The moral effect of woman suffrage in those States has been negative. The records are extant.

Many men have taken the matter too lightly. With the great increase of women of social distinction and personal charm in the ranks of the suffragists public support of the cause in a polite way has become a sort of argeeable "function," associated with the animated talk of bright women who have found something to talk about. Men of this kind have done much more than they realize to encourage and strengthen the movement, to give it form and force. Associating with well-bred, intelligent, and witty women, many of whom have taken up suffrage agitation as a mere pastime, they have not taken pains to look closely enough into the matter to comprehend how deeply rooted in the basic ideals of our civilization are the true objections to turning woman out into the everlasting scrimmage of life, depriving her of the respect and protection she needs in return for a privilege which would surely fail of effect.

[From the New York Times, Jan. 13, 1915]

ANOTHER FUTILE DEBATE

The debate on the proposal to submit to the States an amendment to the Federal Constitution conferring the right of suffrage on women, which occupied all the time of the House of Representatives yesterday and will impose upon the people an enormous printer's bill, as all the speeches in the debate will be printed in full for distribution throughout the country, may have been, as Mr. Underwood said, a consideration of a grave question, but the gravity of the occasion was not noticeable. It may be, as Mr. Webb declared, that 80 percent of the women of the country would vote against the question if it were submitted to them, but the question, grave or not, was not the matter actually in hand . . . Congress has more work than it can hope to do well before the end of the short session. In the circumstances to devote a whole day to solemn haranguing over a subject which is of no national importance at all, as such an amendment to the Constitution, if ever submitted, would be voted down even in woman suffrage States, was worse than folly.

Femininity was assuredly dominant whether the women present were suffragists who approve Mr. Mondell's plan to overturn our fundamental law and the theory of the Democratic Party that each State shall govern its own franchise.

[From the New York Times, Jan. 1915]

HOW THEY VOTED ON SUFFRAGE

The surprising thing about the vote on the woman suffrage amendment in the House on Tuesday was that outside of the South only one State voted solidly against it.

The States where woman suffrage has already been granted voted, of course, almost solidly for the amendment. It is, however, a refreshing example of courage in public life that one man in Colorado dared to defy his woman constituents by voting against the amendment.

Much stress is laid by the suffragists upon the fact that the House debated their cause for ten hours. It is a good deal of time for the Representatives to give any question nowadays, but ten hours was far from adequate. The question is much too important to be disposed of in rapid fire speeches. It should be debated exhaustively until every member has full information to guide him.

[From the New York Times, Editorial, Nov. 3, 1917]

THE WOMAN SUFFRAGE AMENDMENT

What fruits of the woman suffrage movement, what manifestation of the spirit that prompts women to ask for the ballot, have chiefly commanded the attention of the country during this year of trial, of sacrifice, and of danger? There are two. One is the picketing of the White House by suffragists as a means of putting the President of the United States under duress, of compelling him to take the action favored by the extreme wing of the suffrage party. The other was the vote of Miss Jeanette Rankin, Member of Congress from Montana, the only woman member who ever sat in that House, against the resolution declaring that a state of war existed between the United States and Germany.

There has been nothing else that commanded large attention. The States where women have won the vote have not pushed themselves into the public view by any great social advance or political reform achieved through woman suffrage. No advocate of the cause can show that they are better governed, that their people are happier or more prosperous than when only men voted.

Women have had the vote long enough and in sufficiently large numbers to constitute a fair opportunity to justify the cause and their demands, if they are capable of justification.

The voters of the State of New York will determine by their ballots next Tuesday whether Section 1 of Article II of the Constitution of the State should be amended in such wise as to give the privilege of the ballot to women. Two years ago a woman suffrage amendment was beaten in this State by an adverse majority of 188,613. By what arguments, by what demonstrations of the political and social value of the ballot in the hands of the women have the supporters of the cause commended it to the favor of the voters since that crushing defeat.

The States of Pennsylvania, New Jersey, New York, and Maine have voted against suffrage for women and by large majorities in recent years. New York will again vote against it next Tuesday, but the issue should not be overlooked or neglected. The amendment should be rejected this year by a majority sufficiently emphatic to put an end to the agitation at least during the period when the minds of the people are preoccupied with the grave concerns of war.

[From the New York Times, Aug. 31, 1917]

LET THE ARMY GUARD THE WHITE HOUSE

One can hardly wonder or even blame when patriotic men tear down seditious suffragist banners in Washington or attack the house where they are displayed. Yet that is not the way in which law is enforced or order preserved.

To let the Washington Suffragists continue to harass the President and flount reasonable banners about the White House s to court disorder and worse . . .

Why should not the army take over from the too hesitant capital police the duty of guarding it?

[From the New York Times, Feb. 12, 1919]

FEBRUARY 10 SUFFRAGE BEATEN IN SENATE BY ONE VOTE

With all respect to the political expressions of Mrs. Catt that the nation is "dishonored" and so on, by the temporary failure of the Senate to recommend the Suffrage Amendment to the Legislatures, the woman minority has won. The high considerations of right that interject themselves every time these sacred considerations of politics need no longer concern us.

The essentiality of the whole "movement," the gradual conquering by a small minority of the public, the degradation of an agitation, fifty years ago altruistic and genuine, couldn't be expressed better. Nobody cares whether it is to the advantage of the national policy to have woman suffrage or not. The point is: Who saw it first, Democrats or Republicans?

Millions of women on whom this privilege—for it is no "right"—has been foisted have yet to utter their opinion upon a change in their relations to the State as to which they have not been consulted.

The jelly-packed politicians will amuse themselves, according to their wont, with this great change in the fundamental law. Is it right? Is it wrong? Is it desirable? Foolish questions.

The future of States and a nation that regard these deep-lying problems as pawns of politics may well call for some thought.

Mr. COOK. Mr. President, we who advocate this resolution say one thing, and we make it very clear. When people stand before their government, they say together in one voice, "I give to you my love; I give to you my devotion; I give to you all that I possess;" is this really a constitutional government when it looks back at those two standing there and says, "Thank you very much, but I will always do more for him than I do for her."

This is as clear as we can make it.

Is it right for two people to sit side by side, making the same salary, paying the same tribute, and have the courts say, "He shall always receive more than she."

Is it right in the case of those who work for their Government and contribute to the Government retirement program, and have it said, "I will always give more to him than to her."

Can we truly say in this greatest constitutional Nation in the world, that sex is a valid distinction under our Constitution? I think not.

I yield the floor, and I thank the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senator for his statements.

I inquire of the Chair, What is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Alabama, amendment 1024 to House Joint Resolution 264.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendment be stated.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 1, line 3, beginning with the word "That" strike out everything down through line 7 and insert in lieu thereof the following: "That the articles set forth in sections 2 and 3 of this joint resolution are proposed as amendments to the Constitution of the United States, and either or both articles shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after being submitted by the Congress to the States for ratification.".

On page 1, between lines 7 and 8, insert the following:

"SEC. 2. The first article so proposed is the following:".

On page 2, after line 7, insert the following:

"SEC. 3. The second article so proposed is the following:

"ARTICLE —

"Each State shall have sole and exclusive jurisdiction of the organization and administration of all public schools and public school systems within the State. The courts of each State shall have exclusive jurisdiction to determine all rights, privileges, and immunities of citizens of the State with respect to public schools and public school systems within the State. No officer or court of the United States shall have power to impair or infringe any right so reserved to the States."

SPACE SPENDING CUTS

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of the senior Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. ALLEN. Mr. President, on March 17, 1969, the junior Senator from Alabama introduced a Senate joint resolution which was assigned the number of 80, which provided for the submission of a constitutional amendment which would have returned the direction and control of the public schools throughout the country to the respective States. That resolution was referred to the Committee on the Judiciary, and by that committee assigned to the Subcommittee on Constitutional Amendments, where it has languished ever since.

So the purpose of the amendment which has been offered by the junior Senator from Alabama and the distinguished senior Senator from South Carolina (Mr. THURMOND) is to provide for the submission of a proposed constitutional amendment to the 50 States in addition to the equal rights amendment proposed by House Joint Resolution No. 264. In other words, it would not be in lieu of the constitutional amendment providing for equal rights for women; it would not supplant that constitutional amendment; it would be an additional constitutional amendment.

It is not necessary under the Constitution, under any statute, or under any of the rules of the House or of the Senate, that separate resolutions be employed to submit separate constitutional amendments. So the proposed amendment does submit, in addition to the equal rights for women amendment, an amendment, which has been stated by the clerk, providing for the return of the public schools in the country to the respective States.

Actually, Mr. President, this, in effect, would be a restatement of amendments 9 and 10, which reserve powers to the States not forbidden to the States or not conferred on the U.S. Government.

The amendment being proposed, in effect, would provide equal rights for

schoolchildren. Many people throughout the country do not realize that schoolchildren living in different sections of the country have different rules applied to them by the law of the land. There is no uniform school policy by the Federal Government, by Federal bureaucracy, by the Federal judiciary. On the other hand, contrary to that, we have a Federal school policy that demands immediate, forced desegregation of the public schools in the South, while permitting and protecting and fostering the maintenance of segregated schools in sections outside of the South.

So we see schoolchildren in Alabama and the South assigned to their schools, not by the school administrators, not by the parents of the children, but by the Department of Health, Education, and Welfare and the Federal courts; whereas in sections outside the South we find, in effect, a freedom of choice and a neighborhood school system applicable with respect to the public schools.

So in effect, Mr. President, we are submitting for consideration of the Senate an amendment that provides, or that provides the machinery to provide, a measure of equal rights for schoolchildren.

If this amendment is adopted to House Joint Resolution 264 by a majority vote, and then the entire House Joint Resolution 264 should be approved by a two-thirds vote of the Senate and then a two-thirds vote of the House, it will go to the 50 States, and the two proposed amendments will be considered separately by the respective States. Of course, it would take three-fourths of the States, or 38, approving separately the proposed amendments to obtain ratification.

The equal rights for women amendment might be ratified by 50 States and it would become part of the Constitution. On the other hand, the amendment providing for the return of the schools to local governments might not get the requisite number of States to approve. It would then fail of adoption and it would not become part of the Constitution.

Mr. President, this is the only amendment that the junior Senator from Alabama plans to offer. He has no intention whatsoever of holding up or delaying action by the Senate on the final passage of House Joint Resolution 264. He has no intention of delaying action on his own amendment and the amendment of the distinguished Senator from South Carolina (Mr. THURMOND), because unanimous consent has already been given to having a vote on the amendment at 1 o'clock on next Monday, and it is my hope that we will be able to have a final vote on House Joint Resolution 264 before the recess, which begins, I assume, the evening of October 14.

I shall offer no further amendments; this is my one and only. I shall vote for House Joint Resolution 264 with this amendment or without this amendment; but the only way, apparently, that I would be able to receive a vote upon the resolution permitting this constitutional amendment regarding the return of the public schools to local governments was to add it as an amendment to this proposed constitutional amendment.

What, then, is the theory of my amendment? It would do nothing more or less than to make it explicit in the fundamental law that the power to operate, manage and control local public schools is one appropriate for exercise only under powers reserved to the States and to the people under the provisions of articles IX and X of the amendments.

The proposed amendment does not challenge the right of Congress to appropriate funds for public education. It merely prevents the use of that power in derogation of reserved powers in the States. Consequently, it would prevent the delegation by Congress of power to the Executive to accomplish by indirection that which Congress cannot accomplish directly. More specifically, the Executive could no longer act as judge of its own powers in the area of public education as it does now.

The proposed amendment would not deprive any person of any right, privilege, or immunity under the law of the Constitution or any valid law or regulation promulgated by State or Federal authority. Instead, all questions of right would finally be determined in the courts of the separate States where "rights" to public education are created.

The amendment would give meaning and vitality in the field of public education to the provision which the Founding Fathers were careful to include in the Bill of Rights that the "powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, or to the people."

So this, in effect, would really be a restatement of the ninth and 10th amendments to the U.S. Constitution.

The Constitution does not delegate to the U.S. Government nor prohibit to the the States the power to administer and control education in local public schools. It has been almost universally held that the people retain the right to exercise control over their public school systems through the instrumentalities of their State and local governments.

The principle has been enunciated time and again, on no less than 12 occasions since 1889 in the admission of new States to the Union. The admission acts of the following States grant exclusive control and authority over the public school systems to these States: North Dakota, South Dakota, Montana, Washington, Idaho, Wyoming, Utah, Oklahoma, New Mexico, Arizona, Alaska, and Hawaii.

As recently as 1958 the 85th Congress provided in the Alaska Statehood Act that—

> The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State or its governmental subdivisions.

As recently as the 86th Congress it was provided in the Hawaii Statehood Act that Hawaii schools "shall forever remain under the exclusive control of the said State."

In addition, Congress has time and again affirmed the principle of the local nature of public schools and provided for their control on the local level. For example, the National Defense Education Act contains the following specific language and declaration—

> The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. . . .

Similar expressions may be found in numerous Federal aid to education statutes.

The local nature of school financing and management is exemplified in the fact that a vast majority of all public school revenue and practically all capital outlay funds for public school facilities are raised on the State and local levels. It is only reasonable and fair and right that State and local officials continue to exercise authority commensurate with their responsibilities in the area of public education.

So in this amendment to the resolution, I ask only for an affirmation of the principle of local control of public education as provided in the basic document of our Government, the Constitution of the United States.

Let us settle once and for all that neither the Supreme Court nor any other branch of Federal Government has constitutional authority to take control from State and local communities.

Let us reaffirm as a part of the Constitution itself the inalienable right of our citizens through their State and local governments to control their own schools.

By thus preserving this principle we shall greatly strengthen our America and we shall help build an impregnable bastion of human liberty for an enlightened and free people.

If we were to judge from past statements of individual Members of Congress and by the language of various statutes authorizing Federal aid to education, we could reasonably conclude that the proposed amendment would be welcomed. For example:

As late as 1963 Commissioner of Education, Dr. Sterling McMurrin said:

> I do not believe that giving more Federal funds to public schools will lead to Federal control of public education.

How wrong he was.

> For the simple reason that no one wants it. The educators don't want it, the taxpayers don't want it, and quite certainly the people in government don't want it. . . .

The above statement was quoted, with approval, by the distinguished Senator from Minnesota, the Honorable EUGENE J. MCCARTHY, in his book, "A Liberal Answer to the Conservative Challenge."

Naturally, if it is true, as contended, that the Executive is not interested in controlling public education—to say nothing of interfering in the administration of local public schools, then we can conceive of no reasonable objection to this amendment which would merely preclude the possibility of future interference by the Executive.

From the standpoint of the Federal judiciary, we do not believe that a majority of Federal judges are so distrustful of their colleagues on State benches as to oppose the traditional exercise of power in State courts to determine constitutional and statutory rights of citizens as they relate to public school

education. If the Federal judiciary does object to the amendment on the ground of mistrust, then the issue is political. As a political issue it is beyond the competence of the Federal judiciary and one which properly can be determined only by Congress or the people.

Despite frequent disclaimers by Congress; despite denials by the Federal executive that they do not want to or intend to regulate and control local public schools; and despite similar disclaimers by the Federal judiciary—the facts speak otherwise. Federal Government, through the instrumentalities of the executive and judicial branches, has assumed plenary powers over public schools and are regulating and supervising the administration of local public schools throughout this Nation. That is indeed a fact.

It is a devastating commentary on our times, and an indictment of trends in our Nation, that this fact is disputed in the face of overwhelming evidence to the contrary. The Federal Government is not only interfering in the administration of public schools but is actually dictating policy and actually supervising the administration of local public schools in infinite detail, and it is doing so pursuant to Federal policy and intent.

The Executive has promulgated 30-, 40-, and 50-page guidelines. These so-called guidelines regulate every aspect of public school administration. They lay down absolute conditions with respect to recruitment, employment, training, compensation, assignment, promotion, demotion of schoolteachers. They prescribe absolute conditions relating to pupil assignment, pupil transfers, busing, and school attendance boundary lines. They assert power to regulate the location of new schools. They assert a power to overrule the will of the people, elected public officials, and even prevent the expenditure of proceeds from publicly approved bond issues for new construction and renovation of existing schools. They regulate extracurricular activities of pupils and parents, they assert a supervisory power over curriculums, textbooks, courses of study, and methods of instruction and a virtual veto power over expenditures of all school funds.

Federal district courts have gone to greater extremes. Federal courts have compelled closing of neighborhood schools throughout this Nation—some $100 million worth in Alabama alone; they have enjoined the expenditure of publicly approved bond issues for improvement and renovation of schools. They have asserted a power to override the judgment of parents and elected public officials. They set aside solemn acts of State legislatures addressed to matters of health, safety, morals, and welfare of schoolchildren. They have enjoined the highest constitutional officers of State government and other elected public officials each of whom is charged by the obligation of a solemn oath to exercise their judgment free of coercion in matters involving the best interest of children, parents, and communities.

In addition, Federal district courts have perverted the judicial process of injunction. It is used today as mandamus to compel public officials to act contrary to State and local laws and contrary to their conscience, and contrary to their best judgment respecting the best interest, safety, and welfare of children under their care.

Nor is that all. Federal district courts have legitimized actions which offend all rational concepts of due process of law. They have sanctioned the use of pencil and paper regulations having force and effect of law, as well as law by memorandum, law by telephone, and oral law handed down by Federal agents. Federal courts authorize swarms of Federal agents to go about States threatening, bullying, and intimidating local public officials as a means of implementing executive edicts.

Furthermore, Federal district courts incorporate voluminous administrative rules and regulations in injunctions and decrees and compel obedience by threats of fine and imprisonment for civil contempt without benefit of trial by jury. Mind you, this is the constant threat and coercive power used to control decisions of elected public officials on questions relating to safety and welfare of schoolchildren.

Federal district courts have sanctioned the basic premise of the inquisition. They authorize deprivation of innocent schoolchildren, the aged, the sick, the blind, the handicapped, of funds and services to which they are otherwise entitled. Such deprivations are authorized without benefit of a hearing or even an opportunity of those deprived to object or protest on grounds of human compassion or law or reason.

Both the executive and the Federal judiciary contend that a hearing provided for boards and commissions and those who administer Federal education programs and not the individual victims who suffer the loss is right, and just, and all that is required by law.

This is a monstrous departure from due process. Compare this barbaric treatment with that accorded common criminals. Criminals are entitled to counsel, at public expense if necessary, to protect their rights. Rightfully so. But not innocent schoolchildren, parents, or local school boards. No funds are budgeted for school boards or parents of children to enable them to protest abuses of power by the Federal executive. These must accept without recourse any rule or regulation handed down to them by strangers to the community. The only alternative is to file an action in a Federal district court, to amend, modify, or repeal an offensive regulation. But, in the absence of funds this recourse is meaningless. They are at the mercy of Federal officials.

And what of the rights of children who suffer the loss of lunches? What of the rights of parents who object to unreasonable regulations relating to busing of their children? What can be done to alleviate the dangers to which these children are unnecessarily exposed? Under the present system there is no recourse. This we are told is "due process."

There is no point in belaboring the obvious. It is a fact that both the Federal executive and the Federal judiciary are regulating the administration of public schools throughout this Nation. I reject the contention that these regulations are justified on grounds related to equal protection. The issue is not regional or sectional.

I might say, Mr. President, that if the time comes when we do enunciate in Congress a uniform Federal public school policy that is enforced alike in all sections of the country, which is acceptable to people throughout the country, the people of the South will be willing to abide by that uniform Federal public school policy. But, as I stated earlier in my remarks, we do not have a uniform Federal public school policy. We have one policy for the South and one policy for sections outside the South. That is what we are trying to remedy in the proposed amendment.

The issue is not regional or sectional. It is a national issue with dangerous consequences. For, the power to control public schools has been centralized in Federal Government pursuant to deliberate design to nationalize public education. Does anyone doubt it?

Daniel P. Moynihan has spoken with approval of the achievement on the Federal level of "nationalization of public policy that has accompanied the achievement of a generally national society." With respect to nationalization of education, he has said that the process is not yet complete but seems well underway. He observes further, "in this sense we have centralized decisionmaking within a Federal structure" and thereby reduced pressures to change the Federal structure itself.

Dr. Ronald Campbell, a noted educator, has been more explicit in identifying aspects of nationalization. He sees national policies established "at the Federal level with important roles played by the courts, the Congress, and the Executive Office of the President. All policy questions regarding education seem to be shaped within the context of general government."

The degree of arrogance bred by nationalization of education is illustrated by a statement made some years ago by Dr. Harold Howe, who has angrily condemned local control in these words:

> Local school districts must not sit on their hands and then bellow about having the reins of educational policy yanked from their fingers.

A reasonable estimate of executive intentions, as they relate to nationalization of education, may be fairly summarized as follows: It is an intent to establish Federal education policies at the national level. Certainly we are being subjected to that—not uniform policy but separate policies for the South and for other sections of the country. To initiate and implement revolutionary national school programs; to effect drastic changes of public education policies throughout the Nation; to secure discretionary powers on the Federal level to enable planners to control curricula, teaching methods, teacher training, teacher tenure, and qualifications and certification of teachers; to draw school district boundaries, consign children to federally controlled schools and otherwise establish local policies with respect to programs and priorities in all public schools in the United States.

In addition, it is an intention to establish vast regional school districts, characterized by school parks of 40- to 50-acres, and most significantly to establish "special education governments." This last movement is well underway.

This summary of Federal intent is a matter of record. Agents and agencies of Federal Government now assert the power to implement these goals. But even these goals are merely the part of the nationalization iceberg presented to public view.

In this connection we submit that the power delegated by Congress to the executive to accomplish these intentions poses a many-sided threat to our federal system of government.

One aspect of that threat is in its contribution to an ever-expanding Federal bureaucracy, about which Peter F. Drucker has warned:

> Modern government has become ungovernable. There is no government today that can still claim control of its bureaucracy and of its various agencies. Government agencies are all becoming autonomous, ends in themselves, and directed by their own desire for power, their own narrow vision rather than by national policy.
>
> This is a threat to the basic capacity of government to give direction and leadership. Increasingly, policy is pragmatic and execution is governed by the inertia of the large bureaucratic empires rather than policy.

The above point can be illustrated by what has happened to "policy" announced by Congress in relation to Federal aid to education. The Senate will recall that it was the expressed intention of Congress that the executive should not be empowered to compel busing of schoolchildren. This surely was a limitation on power delegated. How faithfully has this limitation been observed? Local public schools are now ordered closed by the executive under alleged authority of Congress and children are bused all over counties and cities. Thus the intention of Congress not to require "busing" is circumvented by the exercise of a more drastic power in the executive to close schools. Did Congress intend to give power to the executive to compel closing schools?

Furthermore, it was the intention of Congress that innocent children and others entitled by law to benefits provided by Congress should not be deprived without due process of law. Yet, hearings are provided only for administrators of programs—not those who actually suffer the loss of funds and services. Public school districts and administrators do not eat school lunches. They are not the beneficiaries of innumerable Federal-aid programs. The actions of the executive in this regard is obviously a devious and dangerous departure from due process of law and a gross abuse of delegated powers.

But aside from ethical and humanitarian considerations, Federal intervention in the administration of local public schools points up the disparity between the apparent power of Congress to establish policy and the actual lack of control over policy when unlimited discretionary powers are delegated to the executive. It has been said that the trend in this direction may represent the greatest crisis of Federal Government today.

Proliferation of Federal administrative agencies involved in local education is bound to undermine congressional policy: In the words of Peter Drucker:

> No sooner are they called into being than they become ends in themselves, acquire their own constituency as well as a vested right to grants from the Treasury, continuing support by the taxpayer, and immunity to political direction. No sooner, in other words, are they born than they defy public will and public policy.

The abortive experiment in nationalization of education is a classic example. It has yielded nothing but bungling, waste, and hardships, loss of public confidence, good will, and public support.

A few of hundreds of examples could be cited in support of this last conclusion. A few will suffice. A judgment on bureaucratic ineptitude in one area of nationalization of education has been expressed by Prof. Edmund Gordon. Writing in the winter 1966–67 issue of College Board Review, he observed:

> For all their variety the programs have generally suffered from one fundamental difficulty: They are based on sentiment rather than on facts.

In addition it is openly admitted that programs were designed in the face of overwhelming evidence that they could not produce what their sponsors promised, and such evidence continues to pour in.

Roger A. Freeman writing in the National Review cites these facts for consideration:

> The Associated Press conducted a nationwide survey of the program results in May and found that both critics and supporters now agree that it is not working. "It is a monumental flop," and the outbreak of recent riots speak louder than anything I can say about the total collapse of the program.

The former Assistant U.S. Commissioner of Education, Joseph Fronkin, has stated:

> We still have little evidence that the problem is being licked; in fact, we may be even falling behind.

And Alice M. Rivlin, former Assistant Secretary for Program Analysis at HEW, has said:

> I think we have found the task is much tougher than we thought at the start. When we began, we really didn't know how to go about it. We still don't. . . .

That is what happens when the Federal Government takes over the local institutions of our public schools.

And what can Congress do about it? What will Congress do about it? One answer, and the wrong one, is shown by a survey which reveals the continuing proliferation of bureaucratic agencies and programs which continue to be added by Congress. Let us take a look.

The situation has been compounded many times since that time.

James Reston in the New York Times, November 23, 1966, cited the fact that there were then 170 different Federal-aid programs on the books, financed by over 400 separate appropriations and administered by 21 Federal departments and agencies, aided by 150 Washington bureaus and over 400 regional offices. One congressional session alone passed on three health programs, 17 new educational programs, 15 new economic development programs, 12 new programs for the cities, 17 new resources development programs, and four new manpower training programs, each with its own administrative machinery.

Under these circumstances we cannot but concur in the observation of Peter Drucker that the best we can get from government in the welfare state is competent mediocrity but more often—not even that. We get incompetence such as would not be tolerated in private industry. The more we expand, the less capable routine mediocrity becomes. What does this hard judgment mean for the future of public education? We had better not try to duck this question, because chaos in education is inevitable unless changes are made. Let me show why this is so.

The powers of State and Federal Governments are distributed, allocated, and balanced on the basis of a logical proposition that there are separate and distinct functions of government.

It is axiomatic that powers of government follow responsibilities of government which identify function. No power is delegated under the Constitution independently of the logical function of the agency to which the power is delegated. If the agency has no responsibility in a particular area of public concern, it has no power in that area.

This is a fundamental limitation upon the powers of governments. It stands to reason that Congress, the Federal executive, and the Federal judiciary have no competence, no rightful responsibility, and therefore no power to regulate and supervise administration of local public schools. On the contrary, it is the responsibility of State and local governments. Power follows that responsibility, and logically that power was reserved in the States.

Mr. President, that is what the proposed amendment would accomplish. It would restate the proposition that the control and administration of public schools is a power that was reserved to the people.

We have departed from this rational principle of limitation. In this connection the well-known student of government, Montesquieu said:

> When once the principles of government have been corrupted, the very best laws become bad and turn against the state; but when the principles are sound, even bad laws have the same effect as good; the force of principle draws everything to it.

The essence of Republican government is in limitations placed upon powers of government. Its integrity is measured by faithful adherence to such limitations by agents and agencies of government. Federal intervention in the operation of public schools is a gross usurpation of powers and violates the integrity of Republican government.

And what is to be done? Again let us return to Montesquieu who suggested:

> When once a Republic is corrupted, there is no possibility of remedying any of the growing evils but by removing the corruption and restoring its lost principles: Every other correction is either useless, or a new evil.

The proposed amendment will restore control of public schools to the States

and local communities. It will remove a corruption and restore our Nation to its lost principles.

Mr. President, at this time, acting under the unanimous-consent agreement that was previously entered into, I send to the desk a modification of my amendment and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

"A state shall have the absolute right to assign students to the public schools it operates by a freedom of choice system. A freedom of choice system means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races, creeds, and national origins, and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

The PRESIDING OFFICER. The amendment is accordingly modified.

Mr. ALLEN. Mr. President, this modification merely states the right of a State to have the absolute right to assign students to the public schools they operate by a freedom of choice system.

Mr. President, since the amendment, as modified, is to be voted on at 1 o'clock on Monday, I ask unanimous consent that the amendment, as modified, be printed so that it can be made available to the Senators on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment reads as follows:

On page 1, line 3, beginning with the word "That" strike out everything down through line 7 and insert in lieu thereof the following: "That the articles set forth in sections 2 and 3 of this joint resolution are proposed as amendments to the Constitution of the United States, and either or both articles shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after being submitted by the Congress to the States for ratification.".

On page 1, between lines 7 and 8, insert the following:

"SEC. 2. The first article so proposed is the following:".

On page 2, after line 7, insert the following:

"SEC. 3. The second article so proposed is the following:

"ARTICLE —

"A state shall have the absolute right to assign students to the public schools it operates by a freedom of choice system. A freedom of choice system means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races, creeds, and national origins, and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings."

Mr. BAYH. Mr. President, I wish to express briefly my opinion with respect to the parliamentary impact, that in my judgment, will befall the equal rights amendment if we follow the lead of my distinguished friend, the Senator from Alabama.

Since equal time is provided for debate on Monday, the Senator from Indiana will not discuss in detail the merits of this amendment at this time.

I deeply appreciate the concern of my friend, the Senator from Alabama, for the problems that exist in the schools in his State and the schools all over the country. Indeed, if there is one note that permeates all the writings and editorials he referred to, it is the fact that this is a very difficult problem, and it is.

In the judgment of the Senator from Indiana, it is the result of generations of neglect. And we would have had even a longer period of neglect had the well-intentioned amendment of the Senator from Alabama been on the record books at the time the Supreme Court put down the decision of Brown against Board of Education.

I am deeply concerned that the strategy followed by my friend, the Senator from Alabama—and it is certainly within his right—is going to be disastrous, if he is successful, on our efforts to try to pass this amendment and get it consummated by both Houses of Congress.

It is just this type of extraneous amendment that will make it extremely difficult to have this matter considered in the normal course of business in the House. I know that the Senator is a dedicated fighter for what he believes is right. Although the Senator from Indiana might disagree with the relative merits of this proposal, I wonder if over the weekend the Senator from Alabama might not consider the advisability of letting this particular measure stand on its own merits and not try to commingle it with the equal rights amendment.

I say that because I know he is a supporter of that amendment. It is the judgment of this Senator who, as chairman of that subcommittee, has become rather familiar with the nuances of how different measures pass, that if this measure goes back to the House with the amendmend added to it, it will be defeated.

Because of this familiarity, I suggest that it might be worthy of consideration if we find some other measure to attach the amendment to, since it would very likely be the death knell to the equal rights amendment.

I am sure that the Senator from Alabama would not want that to happen.

RELIEF OF JOHNNY MASON, JR. (JOHNNY TRINIDAD MASON, JR.)

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3529.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3529) for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.), which was on page 1, line 8, strike out all after "mother" down through and including "age," in line 9, and insert "or brothers or sisters of the beneficiary shall not, by virtue of such relationship,".

Mr. BYRD of West Virginia. Mr. President, this matter was cleared with the other side yesterday.

By request, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virgina.

The motion was agreed to.

DISASTER RELIEF ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3619.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, which was to strike out all after the enacting clause and insert:

That this Act may be cited as the "Disaster Relief Act of 1970".

SEC. 2. The Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950 (Public Law 875, Eighty-first Congress; 42 U.S.C. 1855–1855g), as amended, is amended as follows:

(1) The first section is amended by striking out "essential".

(2) Section 2(a) is amended (A) by striking out "disaster assistance under this Act" and inserting in lieu thereof "Federal disaster assistance", and (B) by striking out "(or the Board of Commissioners of the District of Columbia)".

(3) Section 2(c) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and the District of Columbia;".

(4) Section 2(e) is amended by striking out ", or the District of Columbia".

(5) Section 3(d) is amended to read as follows: "(d) by performing on public or private lands protective, emergency, and other work essential for the preservation of life and property; making repairs to and replacements of public facilities (including street, road, and highway facilities) of States and local governments damaged or destroyed in such major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards; providing temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant; and making contributions to States and local governments for the purposes stated in this clause."

(6) Section 3(b) is amended by inserting immediately after "Red Cross" a comma and the following: "the Salvation Army,".

SEC. 3. The Disaster Relief Act of 1969 (Public Law 91–79; 83 Stat. 125) is amended as follows:

(1) Section 6 is amended to read as follows:

"SEC. 6. (a) In the administration of the disaster loan program under sections 7(b)

(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of injury, loss, or damage resulting from a major disaster as determined by the President, a natural disaster as determined by the Secretary of Agriculture, and a disaster as determined by the Administrator of the Small Business Administration—

"(1) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property injured, damaged, or destroyed, without regard to whether the required financal assistance is otherwise available from private sources.

"(2) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property to is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. This clause shall apply only to loans made to cover injury, losses, and damage resulting from major disasters as determined by the President.

"(3) to the extent that repayment of a loan made under this section would constitute a hardship upon the borrower, may, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500. This clause shall apply only to loans made to cover injury, losses, and damage resulting from major disasters as determined by the President.

"(4) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under subsection (b) of this section.

"(b) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any such loan (including any refinancing under clause (2) and any deferred payment under clause (4) of subsection (a)) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 1 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

"(c) A loan under this section shall not be denied on the basis of the age of the applicant."

(2) Section 7 is amended to read as follows:

"SEC. 7. (a) In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture, the Secretary of Agriculture—

"(1) to the exent such loss or damage is not compensated for by insurance or otherwise, may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

"(2) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. This clause shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President.

"(3) to the extent that repayment of such loan made under this section would constitute a hardship upon the borrower, may, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500. This clause shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President.

"(4) may defer interest payments or principal payments, or both, in whole or in part, on loans made under this section during the first three years of the term of the loan, except that any such deferred payments shall themselves bear interest at the rate determined under subsection (b) of this section.

"(b) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage in conformity with current codes and specifications. Any such loans (including any refinancing under clause (2) and any deferred payment under clause (4) of subsection (a)) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 1 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

"(c) A loan under this section shall not be denied on the basis of the age of the applicant."

(3) (A) Subsection (a) of section 8 of the Act is amended by inserting "and local governments" immediately after "individuals".

(B) Subsection (c) of section 8 of the Act is amended to read as follows:

"(c) Any State desiring assistance under this section shall designate or create an agency which is specifically qualified to plan and administer a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals and to local governments suffering losses as a result of a major disaster and (2) include provisions for the appointment of a State coordinating officer."

(C) Section 8 of the Act is further amended by adding a new subparagraph (f) as follows:

"(f) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State."

(4) Section 14 is amended to read as follows:

"SEC. 14. (a) The President, whenever he determines it to be in the public interest is authorized—

"(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

"(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

"(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal."

(5) (A) Section 15(a) is amended by striking out ", and on or before December 31, 1970".

(B) Section 15(b) is amended to read as follows:

"(b) Sections 2, 4, and 10 of this Act shall not be in effect after December 31, 1970.".

(C) The amendments made by this paragraph shall take effect on the date of enactment of this Act.

SEC. 4. Notwithstanding any other provision of law or regulation promulgated thereunder no person otherwise eligible for relocation assistance payments authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of a major disaster as determined by the President.

SEC. 5. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

SEC. 6. If the President determines that a major disaster is imminent, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

SEC. 7. The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this Act the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

SEC. 8. (a) For the purposes of this Act, the Disaster Relief Act of 1969, and section 9 of the Disaster Relief Act of 1966, the terms "major disaster", "United States", "State", "Governor", "local government", and "Federal agency" shall have the same meanings as are given them in section 2 of the Act of

September 30, 1950, as amended (42 U.S.C. 1855a).

(b) Section 7 of the Act of September 30, 1950, as amended (42 U.S.C. 1855f) is amended—

(1) by inserting in the first and second sentences thereof after "this Act," each place it appears the following: "and section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970,",

(2) by striking out in the third sentence thereof "specified in section 8." and inserting in lieu thereof "available to carry out this Act, section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970.",

(3) by inserting in the last sentence thereof immediately following "section 3" the following: "of this Act, section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970,".

SEC. 9. The President may exercise any authority granted him by this Act, the Act of September 30, 1950 (42 U.S.C. 1855–1855g) the Disaster Relief Act of 1966, and the Disaster Relief Act of 1969, directly or through such Federal department or agency as he may designate and his authority shall include directing Federal departments or agencies to provide assistance by utilizing their equipment, supplies, facilities, personnel, and other resources for any other program, with or without compensation therefor, and he may reimburse Federal departments and agencies for expenditures under this Act, such Act of September 30, 1950, and such Disaster Relief Acts as he deems appropriate from funds appropriated for the purposes of this Act or such other Acts. All such reimbursements shall be deposited to the credit of the appropriations currently available for such services or supplies.

SEC. 10 Notwithstanding any other provision of law, temporary housing (including, but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase under authority of the Act of September 30, 1950 (42 U.S.C. 1855–1855g), the Disaster Relief Act of 1969, or any other provision of law, for dwelling accommodations for individuals and families requiring such accommodations as the result of a major disaster, may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable.

SEC. 11. In the administration of the Act of September 30, 1950 (42 U.S.C. 1855–1855g) the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and this Act, the President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

SEC. 12. This Act, and (except as otherwise provided in section 3(5)(C)) the amendments made by this Act, shall apply only to major disasters determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), natural disasters determined by the Secretary of Agriculture, and disasters as determined by the Administrator of the Small Business Administration, which disasters occur on or after December 1, 1968, except that in the case of any such disaster, natural disaster, or disaster which occurs on or after December 1, 1968, and before the date of enactment of this Act, whoever is eligible for Federal disaster relief assistance as a result of such a disaster shall make an election to receive benefits either under this Act (including the amendments made by this Act) or under the law applicable to such disasters occurring prior to December 1, 1968.

Mr. BYRD of West Virginia. Mr. President, I wish to state that this matter was cleared with the other side yesterday.

Mr. President, I move, on behalf of Senator RANDOLPH, the chairman of the Committee on Public Works, that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate, a list of which has been supplied to me by the chairman.

The motion was agreed to; and the Acting President pro tempore appointed Mr. BAYH, Mr. SPONG, Mr. EAGLETON, Mr. DOLE, and Mr. GURNEY conferees on the part of the Senate.

STATUS OF UNFINISHED BUSINESS—EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business now be temporarily laid aside and that it remain in that status until the close of morning business on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, for the purpose of making it the pending business and with the understanding that there will be no action taken thereon today, that the Senate now proceed to the consideration of Calendar No. 1300, S. 2193.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions, to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on the consideration of the bill.

PROGRAM—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I now ask unanimous consent that, on Monday next, not later than 3 p.m., the unfinished business be temporarily laid aside, to remain in that status until the conclusion of morning business on Tuesday next, and that at that time—not later than 3 p.m. on Monday next—the pending measure, Calendar No. 1300, S. 2193, be laid before the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, I did not hear the request.

Mr. BYRD of West Virginia. Mr. President, I have informed the able Senator from North Carolina as to the content of my request.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HATFIELD. Mr. President, I am going to object to this unanimous-consent request on behalf of colleagues who are not able to be here at this time I will have to enter an objection to the unanimous-consent agreement requested by the distinguished acting majority leader. I am sure that by the Monday hour or by the time we meet on Monday we can reconcile the differences on this point. We will work toward that end.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. I thank the distinguished Senator. I fully appreciate his reasons for objecting. Therefore, I shall not renew the request at this time.

It is hoped that on Monday we will be able to resolve the matter and that at some reasonable hour during the afternoon on Monday we may be able to proceed with the pending business, S. 2193.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. Mr. President, sitting here listening to these unanimous-consent requests, I wonder if the distinguished leader would clarify for the RECORD the fact that the Senator from Indiana is under the impression that when we come in on the next legislative day the pending order of business will be the equal rights amendment, with the specific unanimous-consent request agreed to vote at a time certain on the amendment of the Senator from Alabama.

Mr. BYRD of West Virginia. I thank the Senator from Indiana for the inquiry he has made. I think it is appropriate that I make a statement recapitulating the unanimous-consent requests that have already been agreed to so that the Senator from Indiana and all other Senators will understand what the program will be on Monday next, which is as follows:

Hopefully, the Senate will adjourn shortly until 10 a.m. on Monday next. Immediately following the disposition of the reading of the Journal and disposition of any unobjected to items on the Legislative Calendar, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The period for the transaction of routine morning business will not extend beyond 12 o'clock noon on Monday next, and at the conclusion of the period for the transaction of routine morning business on Monday next, which, as I say, cannot extend beyond the hour of 12 o'clock noon under the previous order, but may be brought to a close earlier, the unfinished business, House Joint Reso-

lution 264, will be laid before the Senate automatically.

Beginning at the hour of 12 o'clock noon there will be 1 hour of controlled time on the amendment that has been offered by the Senator from Alabama, as modified. The controlled time will be limited to 1 hour equally divided and controlled between the Senator from Alabama (Mr. ALLEN) and the able manager of the resolution, the Senator from Indiana (Mr. BAYH).

At the completion of the 1 hour of controlled time a vote will occur on the amendment, as modified.

That is a summation of everything agreed to up to this time.

Mr. BAYH. I thank the Senator for going through the requests to put the RECORD absolutely straight so there will be no question.

Mr. BYRD of West Virginia. It is no imposition. I think it is quite helpful to all Senators.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY, OCTOBER 12, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock on Monday morning next.

The motion was agreed to; and (at 1 o'clock and 29 minutes p.m.) the Senate adjourned until Monday, October 12, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

"CONSTITUTION WEEK ESSAY AND ART COVER CONTEST"

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. BURKE of Florida. Mr. Speaker, it is truly a pleasure for me to offer my congratulations to the winners in the Francis Broward Chapter of the Daughters of the American Revolution's Ninth Annual "Constitution Week Essay and Art Cover Contest," in Broward County, Fla., which is within the district that I am privileged to represent in the Congress.

The awards to these outstanding, talented youngsters were presented to them at a party honoring both the winners and their parents on September 25 at the First Lutheran Church in Fort Lauderdale.

The top senior high school prize of a $100 scholarship went to Paula Schwed of Madonna Academy for her essay, "The Constitution." Millie Ceravolo of Cardinal Gibbons took honors in the junior high division. Adrian Avery of Sanders Park Elementary School was essay winner in the elementary school division.

In the Art Cover contest, Janet Peterson of Bayview Elementary School received the first prize in that division. Richard Leidy of St. Elizabeth's of Pompano Beach was the winner in the Junior High Division of the Art Cover contest.

Other winners were:

Art Cover contest, elementary division: North area: Monica Briggs, Coleman Elementary.

Central area: Janet Peterson, Bayview Elementary, first; Laura Hirsh, Bayview Elementary, second; honorable mention, Cynthia Strecht, Mary Ellen Tack, Lisa Bowers, Debbie Donaldson.

South area: Karen Riddlehoven, Sterling Elementary; David Wheeler, Sterling Elementary.

Broward County winner in the Elementary division: First, Janet Peterson, Bayview Elementary; second, Laura Hirsh, Bayview Elementary.

Junior High division: North area, Richard Leidy, St. Elizabeth's of Pompano, Kathleen Rokas, St. Elizabeth's of Pompano; honorable mention, Nancy Jendras, Mary Beth Tyne, Karen Lynn Jendras, all of St. Coleman's; Chris Troxell of St. Elizabeth's.

Central area: Cosette Carrier, Cardinal Gibbons; Nancy Lewis, Cardinal Gibbons and Alisa Whitehead, St. Gregory—tied for second place.

South area: Stephen Miciak, Nova, Broward county winner in the Junior High Division: First, Richard Leidy, St. Elizabeth's; second, Kathleen Rokas, St. Elizabeth's.

Essay contest: elementary division; North Area: Adrian Avery, Sanders Park, Monica Briggs, St. Coleman's.

Central Area: Becky Clark, Westwood Heights, Donna MacLellan, Plantation.

South Area: Karen Cutler, Sterling Elementary, Ginger Emas, Sterling Elementary.

Broward County winner, Elementary Division: Adrian Avery, Sanders Park, Becky Clark, Westwood Heights.

Junior High Division: North Area, Cindy Quinlan, St. Coleman's, Joe Scoglio, St. Coleman's.

Central Area: Millie Ceravolo, Cardinal Gibbons, Mary Fitzgerald, Cardinal Gibbons and Maria Curran, St. Anthony's—tied for second place).

South Area: Mary Miciak.

Broward County winner, Junior High Division: Millie Ceravolo, Cardinal Gibbons, Maria Curran, St. Anthony's and Mary Fitzgerald, Cardinal Gibbons—tied for second place.

Senior High Division: South Area, Paula Schwed, Madonna Academy, Patti Tarquinio, Madonna Academy.

Broward County winner, Senior High Division: Paula Schwed, Madonna Academy, Patti Tarquinio, Madonna Academy.

Mr. Speaker, Traveling Trophies went to Sanders Park Elementary School, Cardinal Gibbons, and Madonna Academy. I might add here that this is the second time Madonna Academy has won the Senior High Traveling Trophy, and under present contest rules, if won again next year, the trophy will become the permanent property of that school.

At a time in our history when our Government is ridiculed and dishonored by some and all of our young people are blamed by some for the actions of a few of their contemporaries, I think we should take pride in the thinking of these youngsters who have won these awards. It is a pleasure for me to share the winning essays with my colleagues here in the House of Representatives which are as follows:

"THE CONSTITUTION"

(By Paula Schwed)

There have been many theories formulated about U.S. government. It has numerous critics who predict the decline of American system in the not too distant future. There are also those who declare the Constitution to be the best form of government devised by man.

The Constitution is a very flexible document which when interpreted, presents many conflicting views. There is also a discrepancy between theory and the actual practice of ideas set forth in the Constitution. Critics of our government also cite the manner in which criminals make use of "legal loopholes" which are not in the interest of the common man, to twist the law to their advantage.

There are defects that our critics can point out in demeaning U.S. government, but these shortcomings are the exception rather than the rule.

The Constitution was written by many different types of men; no one interest group was favored over another. The product they created was so flexible as to have lasted over 175 years. Since 1787 the Constitution has been elaborated and expanded to meet the needs of a civilization which its writers could never have foreseen. Pure food and drug laws, lottery acts, a white slave law, a statute requiring the use of safety devices on interstate trains, and many others have been passed under the general authority given to Congress.

The men who founded our republic knew definitely the general ideas that they wanted set forth in the Constitution, then left the working out of details to later interpreters, which has been proven a remarkably successful method, by the test of survival.

In our complex society, the Constitution protects the individual unable to do so himself. Most dealings are no longer conducted on a one to one basis: a man buying meat from a butcher who raises the cattle for his products himself. Rather, it is an individual dealing with a giant corporation or other such arrangements. Therefore laws were needed to make the individual's rights secure.

Another favorable point of the Constitution is its successful combination of the elements of democracy and republic. True democracy as practiced in ancient Greece would not be a realistic form of American government. There are too many people in the U.S. today for each citizen to present his own view to the rest of the people. This would result in mass confusion. So, instead the Constitution is set up in such a way that all people may voice their opinion, but to certain representatives they have chosen expressly for this purpose. Men have constantly sought to bring government officials and the common people together. The Constitution is an example of this effort. As in any political system of government yet devised, flaws can be found in it. But in relation to the favorable points in the Constitution, the draw-

backs are far outweighed. Because of this, the Constitution is the best form of government devised by man.

CITIZEN AND STATESMAN TO WHOM WE OWE SUCH A DEBT OF GRATITUDE FOR HELPING TO ESTABLISH THE CONSTITUTION: ALEXANDER HAMILTON

(By Adrian Avery)

The Constitution is the plan of government by which our United States is governed. It was written many years ago by a group of enthusiastic men who worked very hard to plan a set of rules that would serve and please everyone. One of the framers of the Constitution was Alexander Hamilton.

Hamilton, defender of the Constitution, was born on an island in the West Indies in 1757, but came to New York while still a boy to finish his education. He attended a grammar school in Elizabeth, New Jersey and King's College in New York, now Columbia University. He was very much interested in the disagreement between the colonies and Great Britain, and won a great reputation by his writings and speeches while he was no more than a boy. When war broke out with England, Hamilton entered the American army. He was made captain and served well. Later he became Washington's secretary because he was a very able man and worthy of great trust. For several years after the Revolutionary War our country found it hard to get along. Hamilton was one of the men who urged the leaders at that time to call a convention for the purpose of planning a stronger government than was given by the Articles of Confederation. He was one of the men who worked very hard to frame the new set of laws called the Constitution of the United States and also to get it accepted by the people.

When the new government began, it had no money and no way of getting it. The country owed a great deal of money at home and abroad, and no one could see how the debts were to be paid. President Washington appointed Hamilton to the new office of Secretary of the Treasury, and he at once set to work to find ways to secure money. He was wonderfully successful, and soon the new government had money enough to pay its debts. He also helped the people to realize that they should work to make their new country a good country. He had great courage, great faith in the future of the new nation and great ability. He wanted the best men to run our country and did whatever he could to have unworthy candidates defeated. A duel with Aaron Burr cost him his life.

Few have done more for the United States than Alexander Hamilton, though we do not today feel that he was always right in all his ideas. We honor him for helping our country to grow strong, prosperous, and to be honored among the nations of the world. His picture is on our ten dollar bill, and Hamilton College in Clinton, New York is named for him.

WHAT ARE THE RESPONSIBILITIES OF A CITIZEN TO A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEES HIM FREEDOM?

(By Millie Ceravolo)

Freedom is a man at the lathe, or at the desk, doing the job he likes to do, and speaking up for himself. It is a man in the pulpit, or on the corner, speaking his mind. It is a man puttering in his garden in the evening, and swapping talk with his neighbor over the fence. It is the unafraid faces of men and women and children, at the beach on Sunday, or looking out of the car windows speeding along a four-lane highway.

It is a man saying, "Howdy, stranger," without looking cautiously over his shoulder. It is the people of the country making up their own minds. It is a soprano singing "The Star-Spangled Banner" offkey and meaning every word of it.

Freedom is the air you breathe, and the sweat you sweat. It is you and millions like you with your chins up daring anybody to take it away from you.

—*Author Unknown.*

Citizenship is often defined as the status of a citizen, with its rights, privileges, and duties.

Freedom is one of those privileges which involves simultaneously rights and duties.

What are some of the rights a person has? Every person has the right to life, and the means necessary to sustain and develop life. He has the right to his good name and reputation. He has the right to seek the truth freely. He has the right to the degree of education of which he is capable, so that he can share in the benefits of culture.

Man has the natural right to an opportunity to work and to a wage that enables him to live in a way that is in keeping with his human dignity. He has the right to honor and worship God according to his conscience. He has the right to take part in the government of his community and his country and to equal protection of the law of his country. He has the right to own goods and property and to share in the fruits of his work. The right to choose and to follow freely a way of living, as a parent, religious, or an unmarried person in the world, belongs to everyone.

Man's rights, however, do not stand alone. Every right has a corresponding duty and responsibility. The right to own a car, for example, carries with it the duty to use it properly. In no case does 'free' or 'right' imply that there are absolutely no controls. The same is true of freedom in society. If everyone did exactly as they wanted, trouble would result. Each person's freedom would be threatened by the behavior of others. The laws of the United States, for example, protect every person's rights. America's freedom of speech, for instance, means that they can say whatever, or write whatever they wish. They cannot, however, speak or publish damaging untruths about anyone. The laws of slander and libel protect each citizen against such unfair attacks.

The right to develop one's mind by reading and study brings the responsibility to read and study what improves the mind rather than destroys it. So it is with every other human right. Right and duty are inseparable.

It has now been established that freedom demands responsibility. It demands courage and hard work, knowledge and thinking. We must remember that individual freedom is ours only as long as we earn it, and we'll continue to earn it only if we fulfill the responsibilities of a good citizen. American citizens, good citizens, can begin by respecting the rights of others—family, neighbors, community and minority groups in race, religion and politics.

The future holds wide promise, for freedom breeds self-reliance and vision. That is why America is a country of never-ending frontiers.

This, then, is the land built on freedom, the United States of today. It has faults, but it has promise, too, more promise than is offered by any other way of life. What will be done to turn promise into reality depends upon how the Americans of today and tomorrow use their heritage of freedom.

WHY THE CONSTITUTION IS THE BEST FORM OF GOVERNMENT DEVISED BY MAN

(By Patti Tarquinio)

Since the late 1700's the United States has been kept lawful and organized under a system of government we call the Constitution. It is true that no system of government is perfect and the American system is imperfect but the Constitution of the United States is so far the best form of government ever devised by man.

Undoubtedly some of the guarantees set up in the Bill of Rights are archaic and were set up specifically for the eighteenth century citizen. Surely the twentieth century citizen is much less concerned about the right to bear arms or to be free from having soldiers in one's home. These were specific protests against the British. Likewise the other guarantees have a place in our everyday life. Obviously, freedom of speech, religion, and press are of fundamental importance to us.

Also, all the amendments reveal the profound principle of American government which is the principle of civilian ascendency over military and this is a continuing influence in many of the affairs within this country. Every official, federal or state, is required to take an oath of office that he will abide by the Constitution and if at any time an official should deprive an individual of his rights it is the duty of the courts to refuse to enforce any action. In our Constitution we embodied a continuing determination to live and govern ourselves and for this reason the Constitution is not an obsolete doctrine.

Granted the Constitution can be interpreted many ways and has many loopholes. Sometimes the Constitution protects the rights of the individual so much that criminals go scot free. Yet the average American has a basic scene of fairness and a decent respect for the rights of another person. When the Constitution was made up it had to consider the general population and not a small percentage. When there is a controversy over an issue in the Constitution every effort is made to bring it to court and find out if this law is unconstitutional or if it infringes on the right of any person and this guarantees us the rights all individuals proclaim. All officials, federal, state, or local have to respect these rights. Furthermore the rights of those accused are important because people may be and often are falsely accused.

Our Constitution makes it clear that a man's beliefs are not the concern of the government but his rights are. The United States stands for freedom which is exactly what the Constitution has proven. In other nations there are many people who have never experienced any form of freedom, the United States is one country that has kept the same government throughout its history whereas other countries change their government repeatedly. No matter what the Constitution says, or what the courts decide you as an American cannot deny the freedom of your everyday life.

WHAT ARE THE RESPONSIBILITIES OF A CITIZEN TOWARD A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEES HIM FREEDOM?

(By Mary Fitzgerald)

"It will be the pattern for all future constitutions and the admiration of all future ages."

These words were spoken by William Pitt, the British Prime Minister at the time of the Constitutional Convention in the 1780's. If Pitt or any of the thirty-nine men who signed the Constitution were alive today, they would probably be extremely disappointed at the attitude of the American people toward their Constitution and government.

With all freedoms and rights there are guidelines and responsibilities. The boundaries of one individual's freedom and when his actions infringe on the rights of another. We, as citizens of the United States, have the responsibility of knowing our Constitution since it guarantees us our freedom.

Under our constitutional government we have the freedom to express ourselves verbally or in writing. We are the luckiest people in the world. We have so much, yet the American people are the apathetic ones.

Another responsibility should be our loyalty and patriotism toward our government officials and lawmakers. We are the backbone of this nation. In a few years we will be voting, so now is the time to become aware of the actions of our lawmaking body.

Yet, the responsibility of those citizens who are eligible to vote is even greater. They must check each candidate's qualifications and choose the person who seems to be the most capable.

Many people spend their time talking and complaining about the way the government works. The problem is that the cycle stops there! Instead of writing to a Congressman or making sure that a qualified candidate is elected, they sit back and continue complaining. These people are content to leave the involvement to someone else.

Actually, the main responsibility is "interest." Any other responsibility stems from some aspect of caring. If no one cares then we wouldn't have to worry about the state of our nation—there wouldn't be any nation.

Our freedom must never be taken for granted. Our country has given us so much that these few responsibilities are minor in comparison to the benefits reaped.

BENJAMIN FRANKLIN

(By Becky Clark)

Benjamin Franklin, alert and interested at 81 years of age, kept the meeting from breaking up by his tactful remarks and friendly manner. Once when two quarreling groups were urged to settle their dispute, he remarked: "When a broad table is to be made and the edges of the planks do not fit, the artist takes a little from both, and demand."

Franklin's advice was needed since there were many conflicts and differences in opinion. Franklin was one of the leaders chosen to make the set of laws. The laws were to be called The Constitution of the United States of America. Though Franklin was very tired, he went to the meetings. They talked about the laws for a long time. It was very hard for them to agree on what was best for people.

"No Constitution can be perfect," Franklin told the men wisely. "But any Constitution is better than none."

He talked the leaders into signing the Constitution.

America is still governed by those laws.

In May 1787, a convention of 55 men met to write a plan of government for the United States of America. This plan was to be called the Constitution. The men in this Constitutional Convention represented the different colonies, now called states. They spent months on the Constitution, months of thinking, working, planning, arguing. They wanted the Constitution to be the best plan of government they could make. The meetings were held in the red brick State House in Philadelphia. Many of the same men who had signed the Declaration of Independence 11 years before, were there. Franklin, of course, was there. Usually he quietly listened to arguments. After they had been meeting for four months, Franklin believed that the Convention should finish its work. On September 17, the Constitution was read once more to the Convention. Benjamin Franklin, 81 years old, reached for his cane painfully, and rose to his feet. The room was hushed. The men waited. They knew that the Convention would be guided by the wisdom of Franklin's words. Franklin handed a written speech to James Wilson of Pennsylvania to read. The words seemed to ring through the quiet room.

"There are several parts of this Constitution which I do not at present approve. But I am not sure I shall never approve them." Franklin meant that, as time passed, he might be convinced of the wisdom of all parts. How wise! How true!

The Delegates nodded. Once more Franklin had made them laugh. More important, he had shown them that every man could not expect to agree with every part of the Constitution. Then suddenly came Franklin's stirring words. "I agree to this Constitution with all its faults, if they are such, because I think a general government necessary for us." Benjamin Franklin smiled. It was a smile of kindness, of wisdom, of contentment.

WHAT ARE THE DUTIES OF A CITIZEN TO A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEED HIM FREEDOM?

(By Maria Curran)

The duties of a citizen to a constitutional government which guarantees him freedom can be found in the word "Freedom" itself.

Each letter of this precious word represents our duties to our constitutional government.

F—Faithfulness, to our constitution and laws. These laws were written for our safety and well-being.

R—Respect, for our rules and regulations and for our fellow citizens.

E—Equality for all. We all have equal opportunities to enjoy the privilege of being a free American. We can choose our leaders. We can all work and choose our own vocations.

E—Empathy for all. We have to know how our fellow man feels and thinks so we don't infringe on his rights as a citizen.

D—Defend against all enemies foreign and domestic. We can never allow anyone to take or jeopardize our liberty.

O—Opportunity for all. No other country in this world gives man more opportunities than our great nation. We must preserve this right.

M—Morality. We must be moral in our thoughts, words and actions. If we are corrupt, we will certainly fall apart. Our Constitutional government guarantees us freedom and we in turn should guarantee our government individuals who are dedicated to maintaining the high standards that this country has always stood for.

REPORT ON VIETNAM

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, this week I am sending to my constituents in the 10th Congressional District of Massachusetts a special report on Vietnam, which includes many personal observations based on my recent trip to Southeast Asia.

It suggests some steps which I believe should be taken. I believe my report on Vietnam will be of interest to my colleagues in the Congress. Resolving the Vietnam war remains a critical issue to the people of our Nation. My report also comments on another important issue, the need to provide returning veterans with maximum opportunity as they reenter civilian life and with the highest possible quality medical care.

The text of my special report on Vietnam, which I am pleased to insert in the RECORD, reads as follows:

YOUR CONGRESSWOMAN MARGARET M. HECKLER REPORTS TO THE 10TH CONGRESSIONAL DISTRICT, MASS.

Ending the war in Vietnam remains the number one objective for most members of the Congress, as it is for most of our people, notwithstanding strong differences over the means of achieving it. My own view is that we must continue U.S. withdrawal, letting the Asian nations assume responsibility for helping each other.

Accordingly, I want to devote this special report to my constituents of the Tenth Congressional District to some of my impressions of the tragic and divisive war still being fought in Vietnam.

As many of you know, I have recently visited the Far East. I was assigned to the Veterans' Affairs Committee to study the Outreach Program of the Veterans' Administration, through which our men in combat are informed of their benefits under the GI Bill for education and other programs before returning to civilian life. A firsthand look at the Vietnam War is the best way to gain a real perspective of what is happening there. Indeed, the Vietnamese live an entirely different life style from anything we are acquainted with in the western world. Nothing could be further from our hustle-bustle lives than their concept of time. Their religions and ancestor worship are strange to the western eye. Despite our language differences, I found that a human breakthrough was possible, making communication achievable with the Vietnamese people. I talked to many of them.

The ravages of war, of course, are especially hard on the Vietnamese children. I was able to observe firsthand the United States' effort to train the South Vietnamese people to take over and fight their own war. I believe the transition process must not be an open-ended commitment to keep any U.S. forces in Vietnam indefinitely.

For me, the transition was typified by the unusual sight of young girls being trained with weapons to defend an isolated hamlet which was held by the Viet Cong until two years ago. I found that the village people wherever I visited are involved, even eager to take over their own defense without relying on the government in Saigon. It was revealing to talk to the provincial and village chiefs, to our men, and to Ambassador Bunker and General Abrams.

I asked South Vietnam's President Thieu why South Vietnam had not started to assume the war burden earlier. His answer was that the Americans told him, in effect, that they would take care of the fighting. But the situation is fortunately changing, and the changes are visible and encouraging.

South Vietnam's armed forces increased by only about 50,000 men each year in 1965–1967. However, since its Total Mobilization Act took effect in May 1968, extending the draft and raising age limits, South Vietnam has drafted nearly 200,000 men each year. It began the "Popular Self-Defense Program" at the same time to train younger and older citizens as part-time village defenders. About half the 3 million Popular Forces are now armed. It opened the National Military Academy in 1966, graduating the first class of officers last December. I was told that South Vietnam's armed forces have nearly reached the limit of available manpower. In view of this progress, I am convinced that our U.S. troop withdrawals can be accelerated.

I believe it is a valid question to ask: Where do we go from here? One approach, the McGovern-Hatfield proposal to fix a deadline for withdrawal, was defeated by the Senate. Obviously we must find new initiatives to achieve peace in Vietnam. One proposal, which is gaining support in Washington, provides for an internationally supervised cease-fire. As I write, a cease-fire is under discussion in Paris. Despite the inherent difficulties in any cease-fire proposal, it seems apparent that a cease-fire is necessary before a political solution can be arrived at. Working out the details of a cease-fire could lead to compromises on tougher political problems, to withdrawal of all outside military forces within a fixed time and to the return of our prisoners-of-war. It would stop the fighting. The cease-fire approach has been proposed to the President by a bipartisan group of Senators who hold such diverse views as Senators Goldwater and Javits. I favor it as a constructive initiative which should be tried.

South Vietnam's future must be decided by the South Vietnamese themselves. Only they can truly mold their villages, hamlets and provinces into a nation.

VETERANS' NEEDS

In my report to the Veterans' Affairs Committee, of which I am the only New England member, I stated that I was most impressed by the Outreach Program, begun in 1967. Our society needs the skills of returning veterans. This vital program is encouraging our men to begin planning in advance to develop their educational or vocational potential. For the wounded or disabled veteran, who may build his future life around disability benefits, the program spells "hope."

Yet, there will be men with long-lasting or permanent disabilities who will not come directly home. I was pleased by the outstanding caliber of military hospitals in Japan and Vietnam. Our nation owes continued quality care to those who return to our Veterans' Administration hospitals and, as a member of the VA Hospitals Subcommittee, I have given highest priority to improving the quality of medical services for veterans. I might note that, after the recent *LIFE* exposé of conditions at the Bronx VA Hospital, I inspected that hospital and the Boston VA hospitals. My Colleagues have supported my extensive recommendations for relieving the existing problems, such as staff shortages, that I encountered at these institutions.

I spoke with many of your sons and husbands, with many fine young men and women from our Tenth Congressional District, who are in the Far East and on the long road home. I want them home . . . very soon.

VISITORS' VIEWS OF THEIR NATION'S CAPITAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RARICK. Mr. Speaker, I am in receipt of several letters from patriotic Americans who came to their Nation's Capital here in Washington, D.C. last week to exercise their constitutionally secured freedom of speech and right to petition their Government for redress.

Since both men are veterans who in past wars have fought for our freedoms, I feel that our Members should read their letters and be apprised of the true status of our freedom.

We have retrogressed in our country when decent law-abiding citizens complain that our laws are being used against them and in favor of the lawless.

I include the letters and a newsclipping:

Personal

OCTOBER 4, 1970.

Hon. JOHN RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: It was a thrill and a pleasure to speak, altho briefly, with you at the start of the "March for Victory" yesterday at Stinktown, U S A. I say "Stinktown" because of what occurred as we approached the speaker's rostrum after concluding our march down Pennsylvania Avenue and entering the Washington Monument grounds. As we, the honor guard, proceeded towards the rostrum we were confronted by a group of leering, filthy hippies holding a red sign upon which was printed "——— you." I was understandably abashed. Our group making up the color guard was a mixture of WW I, WW II and one Korean and one Viet Nam veteran(s). We were ill prepared to rush headlong into the hippie group so I did the most practical thing—I approached some policemen who referred me to a Lt. "somewhere over there in a white shirt." I could not find him and approached a car containing three policemen with the same brush-off. Meanwhile one of our men stationed in a fenced off area had spoken to the Lt. who said that there was *nothing he could do about it.* This so infuriated me that I gave my rifle to a comrade and left the area. The prospect of high toned calls for Victory in Viet Nam and claims of honor, respect and decency faded away to stark reality when we could not even confront and eradicate a band of anarchists who, in the presence of women and children, held up a sign saying "——— you." When policemen refused to take any action and protected the scum that committed this indecency, the area suddenly became Stinkville, D.C. to me and remains so, insofar as I am concerned.

Mr. Rarick, anarchy has already won in this country. We have lost on the home front. The time for "rhetoric" and symbolization and past glories is long gone. The stark, ugly present is something we must live with and anarchy has already won. We refuse to confront it and defeat it.

Many thousands of good folk came to Stinktown, D.C., only to be grossly insulted by a group of hippies and we have no recourse at law? Actually, had I pushed the issue I would have been arrested for "inciting to riot" or "disturbing the peace."

What a farce. What a hypocrisy. What a belly laugh.

I know that to write a letter to Mayor Washington of Stinktown or to either of the "Double S" in the Senate from Pennsylvania or to all but a dozen or so Members of Congress would be akin to spitting in the ocean to raise the tide. But I do write you because you are one of a damned few Congressmen left who does have a sense of values and a pro-American action record.

I was so disgusted that I left the area and now find myself being on the verge of expulsion for "deserting my post"—as one of the color guard—a thought which never crossed my mind.

However, if it be, so be it, for I considered the festivities a hoax and a hypocrisy after seeing a group of anarchists sneering and yelling their ugly taunts without any definitive action being taken against them. Obviously you and the other honored guests, nor Dr. McIntire were aware of what transpired below. I don't know what you would or could have done, but as for me, I could not hang around to hear the words of faith and challenge come from the rostrum while anarchy and filth was victorious in the multitude.

Yours very truly,

GEORGE F. JOHNSON,
Commander.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: I now understand from newsmen of my acquaintance in Washington, D.C. that it is now the policy of the rulers of this metropolitan city to make no distinctions between the rights of citizens who openly support the United States, its flag, its laws, and its pledge of allegiance, and those who fly the Vietcong flag, the red star banner, and who riot in the streets breaking windows and obstaculizing traffic to the detriment of the average citizen.

From what I have been observing in this city with my own eyes, it appears to me that the newsmen in question are perfectly correct in their comment; for men are arrested even more quickly for striking an alien and enemy flag than the Yippies are arrested for desecrating American flags in public, following immediately on the heels of Congress' legislation to protect the flag. On Saturday last, at the Washington Monument, I saw no Yippie arrested for desecrating American flags, although they did so in great numbers. On the other hand I understand that a good many citizens was arrested and gaoled for capturing and destroying a Vietcong flag of the enemies of America.

We must now assume that clandestinely the government of Washington, D.C. is now on the side of the enemy and is joining in the battle against the American Republic. This has been rather evident now for over a year-and-a-half, with Mayor Washington appointing enemies of the American Republic to high offices in the city government who take oaths on Malcolm X bibles.

As an American who salutes the American Flag, supports the Constitution of our Founding Fathers, and believes in taking the pledge of allegiance to the Republic, I find that I must now assume that I am living in a National Capital in which the City administration is on the side of the enemies of the American Republic.

Very truly yours,

HOMER BRETT, Jr.

[From the Washington Post, Oct. 7, 1970]

U.S. DROPS CHARGES IN WAR RALLY INCIDENT

(By Henry Aubin)

The U.S. attorney's office yesterday dropped a charge of inciting to riot against a Green Beret sergeant who was arrested during last Saturday's win-the-war rally when he scuffled with yippies over possession of a Vietcong flag.

According to police records, the man was personally arrested by Police Chief Jerry V. Wilson.

At a hearing in D.C. Court of General Sessions on the charge against Sgt. 1C James R. Kerns, a 37-year-old Army reservist on active duty, Judge Charles W. Halleck expressed sympathy for the man.

"If I had been there (at the rally) I probably would have helped him take the flag away," Halleck told a reporter later.

The judge, who is known in General Sessions for speaking out both on and off the bench on social and political issues, described himself as a "Chauvinist" and said he thought Congress should make it a crime to display the flag of a country or force with whom the United States is at war either officially or unofficially.

The U.S. attorney's office cited "lack of prosecutive evidence" as its reason for dropping the charge, a felony.

Kerns had also been charged with disorderly conduct, a misdemeanor. The corporation counsel's office, which handles such less-severe charges, said it was dropping this charge at the request of the metropolitan police department.

Kerns, who served a year in Vietnam and lives in Glen Echo with his wife and four children, is on leave as publications director of a local computer firm.

At the Rev. Carl McIntire's rally at the Washington Monument, a friend of his grabbed the flag carried by yippies. When it was dropped, Kerns said he picked it up and ripped it while he ran off.

A melee ensued with punches thrown by both the yippies and Kerns, who estimated that there were more than 10 yippies against him.

NIXON AS NEGRO'S FRIEND

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HORTON. Mr. Speaker, as a Negro in high appointive office, James E. Johnson, Vice Chairman of the U.S. Civil Service Commission, should know about the status of blacks in the Nixon administration.

Commissioner Johnson says that President Nixon has done more for the blacks than any other President since Lincoln.

He cites the fact that in previous administrations minority personnel were added to Federal rosters but that they "came in at the bottom and stayed right there." In the present administration President Nixon has directed agency heads to see that Government managers and supervisors implement the policy of equal advancement opportunities which has resulted in greater "upward mobility" for minority persons than in the past.

In order that my colleagues may know more about Commissioner Johnson's views on this subject, I insert the article appearing in the Kansas City Star, entitled "Nixon as Negroes' Friend," in the RECORD:

NIXON AS NEGROES' FRIEND

(By Bill Moore)

James E. Johnson, who is vice-chairman of the U.S. Civil Service commission, and who is black, cannot understand why so many of his race fail to share his enthusiasm for President Nixon. It must be that they are unreconstructed Democrats, he believes.

In Kansas City today, Johnson said he did not make his visit here to sound the trumpet for his boss (Nixon) particularly but the fact was that he believed Nixon had done far more for the blacks then Lyndon B. Johnson, the late John F. Kennedy or, in fact, any President since Lincoln.

He added that both President Kennedy and President Johnson had issued executive orders on the subject of fair employment which had had the effect of adding many Negroes and other minority group personnel to federal rosters. But, he said, those executive orders did not spell out to the various agency heads what was to be done with the new employees and the result was that they "came in at the bottom and stayed right there."

Johnson cited a paragraph from Nixon's memorandum of August 8, 1969, to the heads of departments and agencies:

"Every possible step must be taken by agency heads to make sure that each manager and supervisor in the government understands and implements the objective of equal employment opportunity for all Americans. Our supervisors' performance must in every way support equality of opportunity for all employees."

Johnson asserts that Nixon meant business when he made that statement, the agency heads took it seriously, and the result had been more "upward mobility" for minority persons in federal service than ever before. He mentioned the great variety and high quality of training programs to prepare blacks and others for better positions.

The civil service commissioner said that the old-time traditional Republican Negro went Democratic with the late Franklin D. Roosevelt in 1932. Since then, estimates have been that the Democrats had a hold on some 90 to 94 per cent of their vote. Nevertheless, under the present administration employment is up, opportunities for promotion are up, the General Services administration is going all out to involve minorities in contractual relationships with the federal government and the Small Business Administration has black capitalism actually working for the first time, he said.

And, he added: "This is in contrast to the OEO handouts the ghetto blacks were getting from the previous administration.

Before his appointment to the commission in January, 1969, Johnson served under Gov. Ronald Reagan in charge of the California Department of Veterans Administration affairs.

He was a luncheon speaker today at Richards-Gebaur Air Force base.

SUMMARY OF REPORT OF PRESIDENT'S TASK FORCE ON MODEL CITIES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CULVER. Mr. Speaker, it has only been in the past decade that the Nation has become fully aware of the serious problems developing in our cities. In that time, the Federal Government has responded with major innovations, including the creation of two new departments concerned mainly with urban affairs—the Department of Housing and Urban Development and the Department of Transportation—the creation of the Council for Urban Affairs, and the establishment of many grant-in-aid programs. The model cities program, in particular, was designed to attack the problem of deteriorating inner cities. These were all important steps, and significant progress was made.

At the same time, however, we have seen that the problems are proving very stubborn and that the programs of the sixties contained some important flaws. One of the most serious of these resulted from a vast proliferation of different Federal programs, each with complex sets of regulations. In order to benefit from the Federal money available, a city had to hire teams of experts to prepare detailed plans. They had to shift their own priorities according to the projects for which Federal money was currently available. And they were plagued by excessive oversight by Federal officials.

If continued progress is to be made, the morass of Federal programs—over 400 potentially useful to cities—must be simplified and additional leeway must be given to State and local officials to implement local priorities without the restrictions of Federal "categorical" programs.

The need for improving the Federal approach to urban problems is carefully discussed in the recently released report of the President's Task Force on Model Cities, which deserves careful study by all concerned citizens. I insert the summary of the report at this point in the RECORD:

SUMMARY

Although federal support of the cities has increased sharply in recent years, it has not had the results that were hoped for in those parts of the cities where conditions are worst. This is partly because the biggest federal outlays have been in the suburban fringes and in rural areas. It is also because the federal government has tied too many strings to the aid it has given. Over-regulation has led to waste and frustration.

With about 400 grant-in-aid programs involving roughly $10 billion a year, federal aid to cities is now on such a scale that the federal bureaucracy is incapable of administering it. In the view of the Task Force, most city governments can be trusted to use federal funds in the manner Congress intends, but whether one trusts them or not it is necessary to allow them much more latitude because the alternative is waste and frustration and/or their replacement by a vastly expanded federal-state bureaucracy.

Because it was designed to reduce waste and increase efficiency by giving the cities much greater freedom in deciding how federal funds were to be used in poor neighborhoods, the model cities program was—in its conception—a long step in the right direction.

Unfortunately, the federal government did not fully live up to its promises. The program has been both over-regulated and under-supported. It has nevertheless made a useful contribution by sensitizing city halls to the problems of poor neighborhoods, bringing mayors and citizens groups together, improving management methods, and initiating projects that on the whole compare favorably with those supported by other programs.

The key elements of an urban program will be ones for increasing employment of the low-skilled, raising incomes, and eliminating barriers to movement from places of poor opportunity in the inner cities to places of good opportunity in the suburban fringes. The potential of the model cities program should be judged in this context.

The principal recommendations of the Task Force are as follows:

1. Most federal aid should go to the cities by way of revenue-sharing rather than by categorical grants-in-aid.

2. The categorical programs should be consolidated into a much smaller number.

3. The model cities program should be continued as a means of asserting the interest the nation has in improving the quality of life in the city slums.

The program should be limited to the 150 cities already selected and funds should be distributed among these cities on the basis of a formula. The cities should be required to use the funds to improve conditions in their poorest neighborhoods, to keep current a plan, to afford citizens of affected neighborhoods opportunities to contribute to the planning and operation of model cities programs, and to meet a few other standards. The Model Cities Administration should make an annual review to see that these requirements are met; beyond this is should not regulate the model cities.

4. The Model Cities Administration should make such evaluations as will be useful for national policymaking; it should make post-audit evaluations only as may be required for the annual review or at the request of the city.

5. The Model Cities Administration should provide technical assistance to the cities only at their request. The need of small cities for technical assistance can best be met by: (a) creation of a federal-state system modeled on the Agricultural Service, and (b) long-term exchanges of personnel among city, state, and federal governments. Elected neighborhood boards should be enabled to secure some technical advice from sources of their own choosing.

6. To assure adequate support of the model cities program, the President should make it unmistakably clear to heads of urban agencies that he attaches importance to it. Agencies should be directed to "hold back" at least 25% of their non-formula grant funds and to free these special funds from usual processing and routine complexities; Section 108 of the Demonstration Cities Act should be implemented; information on grants flowing into the states should be made available; agencies should be required to consolidate their state planning requirements and to treat model city plans as sufficient for purposes of all applications.

7. The President should be authorized to transfer certain funds from urban categorical programs to the model cities program.

8. Direct appropriations to HUD for supplemental grants should be in amounts sufficient to assure that total federal support will not fall below what the cities were led to expect when they made their plans.

QUALITY EDUCATION PLEDGED BY SEGREGATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RARICK. Mr. Speaker, today's newspaper presents a classic example of the double standards existing in education in our country.

The Department of Health, Education, and Welfare has criticized colleges in Virginia for being too black while in the same newspaper a writeup on the new school superintendent in Washington, D.C., quotes him as saying:

You do it because you believe that a black school system with a black Board of Education, black students, and black instruction and administration can make the American dream come true here.

The President of the United States does not need to go all the way to New Orleans in his search to overcome racial imbalance nor does HEW need to criticize Virginia. All these bureaucrats need to do is to stand on their veranda right here in the District of Columbia. What standards are they using at Howard University and Federal City College?

What Superintendent Scott has told the Washington bureaucrats is that he is intelligent enough to understand that what is needed in this country is to get on with quality education and quit stirring up trouble by trying to homogenize the race. This is what we in the South have known and tried to explain to the American people for years.

I include newspaper clippings as follows:

[From the Washington Evening Star, Oct. 7, 1970]

FOUR SCHOOLS CRITICIZED: COLLEGES TOO BLACK, HEW TELLS VIRGINIA

RICHMOND.—A federal agency has included Virginia's predominantly black colleges with the state's predominantly white colleges in criticizing what it says is a tendency to preserve an exclusive racial image.

This is believed to be the first public disclosure in Virginia of complaints by the U.S. Department of Health, Education and Welfare against black colleges. Similar complaints against white schools have been widely reported.

Singled out for criticism by HEW were Virginia Union University in Richmond, Virginia State College at Petersburg, Hampton Institute and Norfolk State College.

The federal agency suggested in correspondence with Virginia Union that the school hire a white coach, pursue a nondiscrimination policy in off-campus hiring and housing and require a campus club to cease excluding whites.

Virginia State was asked to stress in its publications that the college is open to all races, that it assign teachers without regard to the racial composition of its school divisions and to make sure that groups using college property for meetings do not discriminate against whites.

The lack of a white coach at Norfolk State also bothered HEW, which also urged that the school move ahead in areas of white student recruitment, "even if it necessitates some adjustment in entrance requirements."

HEW praised Hampton Institute for making some commendable efforts" in mitigating "the racial identifiability of a once-segregated institution," but said "additional efforts are necessary."

Hampton Institute also was urged by the agency to take additional steps "to bring more white students to your campus as full-time students."

None of the top officials at the four schools were available or willing to comment on the HEW correspondence.

[From the Washington Evening Star, Oct. 7, 1970]

SCOTT INSTALLED IN SCHOOL JOB, PLEDGES "QUALITY EDUCATION"

(By Glenn Dixon)

As Dr. Hugh Scott and his family mounted the steps of McKinley High School last night, a cadet honor guard stiffened to attention and saluted while the school's cheerleaders stepped off a special greeting of their own:

"Hello, Hugh Scott, How do you do,
McKinley High says hello to you,
But before we begin, we'd like to say,
You're the best superintendent that's come our way,
Two bits, four bits, six bits, a dollar,
All for Hugh Scott, stand up and holler."

The occasion was the official installation of Scott as the new superintendent of the D.C. Public Schools. Before he was through, most of the 500 persons in the audience—including students, parents, teachers and public school and D.C. government officials—were hollering or at least, standing and clapping.

After being installed by D.C. Board of Education President Anita F. Allen, who charged him to "join and promote our revolution in education," Scott said: "I accept the charge of the president of the school board and I hope that in accepting it the citizens of D.C. will think of Hugh Scott as always charging at full speed—and at least 95 percent of the time in the right direction.

"I believe that individuals, be they white or black, are entitled to quality education . . . and I will work vigorously to oppose any factors that impede quality education—be they external factors or internal factors.

"Hold me accountable. I want nothing less than that, but I'm going to hold you accountable too. I don't want any armchair mothers and fathers in this school system."

"Don't forsake me," he said, "the superintendency is a lonely job."

Mayor Walter E. Washington agreed, strongly urging Washington residents to support Scott.

"Don't play games with this man, because if you play games with him, you're playing games with the lives and education of your children. . . . Stand behind this man and give him the opportunity he is entitled to.

"I would like to say that not only our government, but the people of our city have said to this man, 'Go to it. Do your thing for our children and make it a better life for them and for us.' Work with him. Let's all be together with him when he speaks of quality education."

Scott pledged "to do not solely what is easy but what is right and what is necessary" to improve the D.C. Public schools. He said he had the "operational toughness" to put the "educational philosophy" of quality education into practice.

"I view education as a partnership," of students, faculty and administration, he said. "You can expect me to provide leadership in educational matters. That's what I'm paid to do.

"But this is not a job you do just for the money. I won't be putting in 12- and 14-hour days just for that $38,000 year. You don't do it just for that.

"You do it because you believe that a black school system with a black board of education, black students and black instruction and administration can make the American dream come true here."

EARTH I CARE—A RESPONSIBLE MULTIMEDIA CONCEPT TO IMPROVE OUR ENVIRONMENT

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CASEY. Mr. Speaker, headquartered near the Manned Spacecraft Center in my district is a most remarkable organization, seeking in a most responsible way to overcome the abuse of our environment.

This is the Earth Awareness Foundation, which is sponsoring the widely-accepted "Earth I Care" movement, a multimedia concept to improve our environment.

It is not by accident that this great effort is located near the heart of our Nation's space program—for although it is not sponsored by the National Aeronautics and Space Administration or any Government agency—several officers of the foundation hold responsible positions with NASA. Indeed, the foundation drew heavily upon NASA's own motivational methods as a guide for its own program.

Its founding directors include:

Jerome F. Lederer, director of safety, NASA Headquarters.

John Hart, cartoonist, creator of "B.C." and the Wizard of Id.

Eugene Horton, manager, educational programs, NASA–MSC.

Walter Cunningham, astronaut.

Dr. Preston T. Farish, manager, systems safety, NASA-Huntsville.

Russell L. Schweickart, astronaut.

Albert M. Chop, manager, motivational programs, NASA Headquarters.

Robert S. Scott, director, Washington Office of Aerospace Corp.

Dr. Charles A. Berry, director of medical research and operations, NASA–MSC.

Philip H. Bolger, assistant director of safety, NASA Headquarters.

It is indeed heartwarming to me to know that such talented men, with such a demand upon their limited time, have undertaken such a worthy effort. Because I firmly believe in the purposes of the foundation, and that its efforts and purpose should be brought to the attention not only of my colleagues, but the American people, I am taking the liberty of citing from its beautiful descriptive brochure. Because I know the deep concern of many Americans over the great need to protect our environment, and their desire to associate themselves with the efforts of a responsible group in this field, I suggest that each who desires to do so write direct to "Earth I Care," 1275 Space Park Drive, Houston, Tex. 77058, for full information on the great work now being done.

Here, briefly, is the background on this most constructive effort:

EARTH I CARE

In 1968, as personnel of the National Aeronautics and Space Administration's Manned Spacecraft Center in Houston, Texas, U.S.A., completed preparations for sending American astronauts on their first journeys to the moon, many young people in neighboring communities were also planning trips. Their vehicle: drugs.

The Rotary Club of Space Center, alarmed by the growing problem of drug abuse in its

own backyard, established a Drug Awareness Committee to search for the root cause. To reduce the incidence of drug violations, a campaign of information and education was initiated.

As this effort expanded and took form, more and more concerned citizens became interested and actively involved, giving their time and talents to develop a meaningful service to the community.

Astronauts, some of whom were members, offered their services, along with noted cartoonist John Hart and high school age students from the local community. Thousands of posters, decals and bumper stickers, carrying information on the growing drug problem, emerged in the Houston area. A rap session was held, entitled, "Communication Through Confrontation." Community leaders and concerned parents publicly discussed the drug issue with local teen-agers. Astronaut Rusty Schweickart served as panel moderator.

Physicians, clergymen, psychiatrists, lawyers, concerned parents, school teachers, students and law enforcement officials all were brought into working sessions. Their suggestions, taken over a period of several months, were carefully weighed and evaluated.

One observation, common to all participants, was that drug abuse seemed linked to a much deeper social problem; the evaporation of beliefs and erosion of moral values, a phenomenon in evidence on both sides of the generation gap.

From this hypothesis emerged a unique and far-reaching awareness program to stimulate constructive public involvement not only in dealing with the drug question but in all areas of social intercourse affecting the quality of human life.

Experience gained in the space community's efforts inspired creation of a nonprofit educational foundation, developed and chartered under laws of the state of Texas. The founders represented many disciplines and brought to the organization broad professional and public service experience and varying backgrounds. An imaginative and capable group of prominent citizens, they shared a dedication to improve the quality of life and the environment.

The Foundation's initial structure was patterned after a flight safety program developed by the National Aeronautics and Space Administration to create a quality consciousness and sense of personal responsibility for the lives of the astronauts and the success of space missions. This program, motivational in character, is known as Manned Flight Awareness. Since its inception, it has reached an estimated 420,000 persons in some 20,000 companies and federal organizations engaged in the development of U.S. manned space flight.

Elements of the Manned Flight Awareness Program include special purpose motivational films, exhibits, posters, literature, visits by astronauts to production areas where work on space vehicles is in progress, national and regional conferences for quality management personnel, awards and letters of appreciation from astronauts to workers for exemplary effort, and distribution of a monthly newsletter to some 20,000 subscribers in companies and federal installations.

Through their flights into deep space, especially the aborted lunar mission of NASA's Apollo 13 spacecraft, the astronauts have made us aware that Earth is man's only oasis in the celestial desert. Man has no natural home other than Earth that offers refuge or escape should we despoil our planet and make it unfit for human habitation.

To save the crew of Apollo 13, flight controllers worked calmly and objectively to maintain viable conditions within the environmentally-threatened spacecraft. So must we now recognize the real and present danger to Spaceship Earth, and the necessity of urgent but rational action to meet and overcome our environmental crisis.

With mushrooming population growth and its associated demands upon the environment, there is no assurance that life as we know it will continue indefinitely on this planet. However, those who augur the demise of man before the 21st century are extrapolating from trends and ignoring man's learning curve and his power to bring about constructive change through rational planning, commitment, and concerted action. Which way the pendulum will actually swing in the years immediately ahead depends upon our attitudes and where we place our priorities.

Motivating the public to address the problems of environmental despoilation is the salient and urgent purpose of the Earth Awareness Foundation. This purpose was fully enunciated at the Foundation's historic meeting in Washington, D.C. on May 20, 1970.

A STATEMENT OF PURPOSE

We find ourselves today in the midst of a conflict between the desire to develop the Earth's resources and the need to preserve the Earth's environment—both, presumably, for the benefit of mankind. Man has begun to develop an awareness that better housekeeping of the Earth must be practiced as he continues to take from the Earth the things he needs and uses.

The greatest enemy of mankind is man himself. Developments in science and technology have brought material wealth and the promise of a better life for more people. Yet, against an impressive backdrop of progress and accomplishment, the effects of this technology are in many cases working contrary to man's health and happiness.

Unprecedented technological progress has resulted in equally unprecedented contamination of our environment.

Expansion of population, even in industrialized and affluent nations such as the United States, has become a problem of great concern. The resources of the planet are being plundered in an effort to sustain its burgeoning population with too little regard for the consequences.

We face the danger of a world which impersonalizes and devalues the individual, resulting in alienation, apathy, unresponsive and irresponsible institutions, and a lack of concern for one's fellow man and his environment.

Therefore . . . we hold that man individually and collectively can achieve a quality life only when he is able to view himself as part of, and with dependence upon, the natural "ecosystem." Further, we believe that such an awareness and self-realization is imperative and urgent if man is to avert an environmental/social/ecological crisis so tremendous as to exceed anything he has known before.

We believe that those who modify or consume the natural resources of the planet must take into consideration both the short and long term consequences of their activity on the total environment, and where necessary, take appropriate action to maintain an ecological balance.

We hold that the degradation of our environment due to man's spoilage of the Earth through technological growth and the ever increasing depletion of our resources, can be reversed. Commitment is essential. We believe that concerned and responsible people provide the singular ingredient for constructive growth.

We hold that man's chances for survival are dependent upon his attitude toward his fellow man, and his respect for the rights of others.

We hold that man must work with, instead of against nature.

We hold that man is the most valuable natural resource of the planetary system, and that abuse of this resource, both mental and physical, must cease if humanity is to fulfill its potentiality.

Because of our common concerns we, the founders of the Earth Awareness Foundation, dedicate ourselves and our organization to attainment of practical humanitarian goals directed toward enrichment of the quality of life and improvement of the environment in which we live.

Professionals in motivation, communication and human relations, who conceived and implemented the far-reaching Manned Flight Awareness Program for the U.S. space agency, are the architects of the Earth Awareness Foundation and continue to work with this activity and guide its efforts.

Applying lessons learned and using many of the same tools successfully employed in that national effort, the Foundation assists local and national organizations, both public and private, and provides the necessary media for exchanging, on a wide geographic basis, information and views of general interest and concern.

Motivational presentations, films, exhibits, awards, posters and literature are provided to organizations to support goals which are compatible with the Foundation's purpose. Participating organizations are able to strengthen and enliven their basic programs by employing these tools and availing themselves of the services of those who speak publicly for the Foundation.

KEEPING IN TOUCH—A NEWSLETTER

The Earth Awareness Foundation publishes a monthly newsletter which serves as a vehicle for exchanging factual information and editorial expression on matters related to environmental improvement, and the projects and activities of members. The publication serves to stimulate thought and action, and is distributed to community leaders and service groups at municipal, state and national levels.

Contributing editors include student leaders, researchers, environmental specialists and recognized authorities representing the educational, business and scientific communities. Special attention is devoted to reporting and publicly recognizing constructive activities of service groups and youth organizations, and identifying originators of innovative and creative projects of public importance. Editorial contributions and comments are invited. Annual subscriptions are $3.00.

TRAVELING EXHIBITS

Maximum use is made of all types of fixed and mobile exhibits designed to illustrate and dramatize the Foundation's theme. Exhibits include examples of community model programs, student and industry science projects of environmental importance, and product developments related to air and water purification and waste management.

POSTERS

Scientists, astronauts and other public figures present their personal comment on subjects of public concern through colorful, high-impact posters. Popular characters from the cartoon pages of the daily newspaper are also found in poster displays and other visual media to focus public attention on drug dangers, air and water pollution, and other environmental problems.

Posters are thoughtfully prepared with the young audience in mind. Students of high school and college age actively assist the Foundation in developing materials that are meaningful and appealing to youth.

Information on cost and availability may be obtained upon request. Special volume rates to school groups.

FILMS

Earth Awareness Foundation produces and distributes 16mm high quality sound films for school researchers, general audiences and community service programs. Films are carefully researched and keyed to audiences of different age groups and socio-economic backgrounds. Astronauts and other well-known personalities are featured, and ani-

mation is used selectively in some productions to put across messages which are otherwise difficult to convey. The creative genius of some of the world's best contemporary cartoonists is employed in this effort.

PUBLICATIONS

Earth Awareness Foundation makes available pamphlets and other printed matter including socio-ecological research studies, surveys, opinion polls, reprints from the technical and popular press, public addresses by industry and federal government officials and educators, and factual reports in many categories.

PROMOTIONAL MATERIALS

High quality decals, bumper stickers, buttons, patches, T-shirts and other promotional items which have proven effective in creating group esprit and public awareness, are available at nominal cost for community kickoff campaigns and sustaining programs. A catalogue of these materials is available upon request.

CARTOON COMMUNICATIONS

Today we live in an age when communications are carried out on a cosmic scale. Astronauts almost routinely leave the Earth and travel great distances through space, while flight controllers on the ground talk with them as effortlessly as the guest of a hotel might call for room service.

Yet in the more pedestrian relationships between father and son, husband and wife, nations and people, communications are, at times, almost non-existent.

Archeologists remind us that the most primitive form of human communication is the simple line drawing. When man first moved about the Earth, he attempted first to translate his thoughts into pictures, which he carved on rocks on the walls of caves.

Today, with voices carried back and forth through the expanses of space, the simple drawing, the cartoon, remains the undisputed titleholder as the most effective medium for reducing the complexities of modern day life to a universally understandable form.

One of the founders of the Earth Awareness Foundation is John Hart, whose highly amusing and sophisticated strips, "B.C." and "The Wizard of Id," are among the most entertaining and talked about cartoons in the world today.

AWARDS AND PERSONAL RECOGNITION

To stimulate personal involvement in environmental improvement, the Earth Awareness Foundation provides "Earth I Care" awards and other forms of recognition for individual and group achievement.

Among these are the Order of the Apteryx and the astronaut-inspired Small Step Award.

ORDER OF THE APTERYX

Readers of the popular comic strip, "B.C.", will quickly recognize this comical and closely-protected creature gradually making a comeback from near extinction. In some ways, his struggle for survival in a changing and complex world is not unlike our own.

The Order of the Apteryx is a widely sought-after form of personal recognition available only through the Foundation's governing body. Persons whose exemplary acts contribute importantly to the solution or better understanding of environmentally-related problems are eligible to receive this coveted award.

SMALL STEP AWARD

Companies and organizations, both public and private, making significant contributions to environmental improvement, are eligible for special awards. Unique among these is a bronze plaque displaying an authentic replica of the historic first human footprint left on the lunar surface. The impression has been cast from actual boot molds of the space suit worn by Astronaut Neil Armstrong.

This distinguished award symbolizes a step forward and honors group initiative and singular accomplishment in dealing with environmentally related problems and improving the quality of life.

The Earth as a planet is unique in our solar system. Not only does it support the only intelligent life form we know, but serves as well as the home of a truly staggering variety of both animal and plant life. It has been aptly described as a beautiful blue oasis in the vast blackness of space.

There is no other Earth.

Those few who have been fortunate enough to travel beyond the atmosphere, to circle the Earth or set foot on the moon, have looked back on their home planet with a new perspective.

Through the mediums of photography, video transmissions, and the astronants' own verbal descriptions, all men have shared, vicariously, in these mind-stretching experiences.

Can we, with this new found awareness, afford to view nature, and each other, as obstacles in attaining the good life? Or can we learn to live as brothers, cooperating through selfless, personal acts to preserve a living environment?

Participating astronauts and other directors of the Foundation are committed to the latter choice, and extend to all citizens of all nations on Earth an invitation to assist them.

Those desiring to actively participate in the work of this Foundation, may take the first step by writing and requesting a copy of the Founders' Pledge and the organization's newsletter.

EARTH, I CARE

(A planetary Affirmation)

JUNE 30, 1970.

I pledge:

To rededicate my life, my energy and the resources at my disposal, to helping you stay alive, healthy, and beautiful.

To make personal sacrifices to help preserve a balance in nature, renouncing the despoilation of the bounty of your oceans, lands, lakes and rivers, for personal pleasure or profit.

To discipline myself to fight for your life, though it take longer and demand more of me than I can now foresee.

To become more responsible for your future, and more responsive to needs of my friends and fellow passengers on Spaceship Earth, respecting the rights of all to live in harmony with nature and one with another.

RUSSELL I. SCHWEICKART.

HUNGARIAN NATIONAL DAY OF MOURNING

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. DADDARIO. Mr. Speaker, Tuesday the Hungarian people commemorated the struggle of their forebears to win freedom from the empire of Austria and mourn the martyrdom of the men who gave their lives in that struggle. For on that date, in 1849, 13 Hungarian generals were executed at Arad, Hungary, following the failure of the revolution. And so, we observe the Hungarian National Day of Mourning.

The revolt of the Hungarian people against their Austrian oppressors typifies the spirit of nationalist insurgence which characterized that period. Millions of Hungarian students and workers took to the streets in 1848 to demand a constitution and a republican form of government. Weakened by internal decay and pressured by this and other insurrections, the Austrian Government was forced to accede to these demands. On March 15, the Hungarian Diet promulgated a new constitution which established complete Hungarian autonomy with provisions for freedom of speech and press, and universal religious toleration.

But by 1849, the empire had recovered enough strength to declare war on Hungary in an effort to regain their lost control. As President of the new republic, Louis Kossuth led his countrymen in the war effort against the Austrians. Realizing that the Hungarian forces would not be easily subdued, the Austrians appealed to Tsar Nicholas of Russia, who dispatched 140,000 troops for use against the Hungarians. Unable to resist this new onslaught, the Hungarian armies surrendered to the Russians on August 13, 1849.

Although Kossuth and his cabinet managed to escape to Turkey, a wave of atrocities were perpetrated against prominent Hungarians, culminating in the executions of October 6. These hangings, shootings, and floggings were so severe that even the Russian field commanders were shocked by them. But those who fought for Hungarian freedom and suffered at the hands of the Austrian victors will long be remembered, not only by Hungarians but by all who treasure freedom and honor its champions.

THE HUMANIST MOVEMENT IS GROWING

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. FARBSTEIN. Mr. Speaker, the New York Society for Ethical Culture and the American Ethical Union, founded in 1876, which are located in the 19th Congressional District of New York, cosponsored the International Humanist and Ethical Union Congress, held in Cambridge, Mass., August 4 to 8.

The Ethical Culture Society, under the leadership of the late Dr. John Lovejoy Elliott, Algernon D. Black, Jerome Nathanson, and others, has made many contributions to social welfare and progress, thus enriching the city, State, and Nation.

In the October 1970 issue of the Churchman is an article written by Jesse Gordon, a long-time contributor to the Churchman's pages, a foreign correspondent, and now editorial consultant to the Nation. This article is a concise report of the International Humanist and Ethical Union Congress.

I commend it to the attention of my colleagues:

THE HUMANIST MOVEMENT IS GROWING

(By Jesse Gordon)

The International Humanist and Ethical Union, under whose auspices a congress was held on the grounds of the Massachusetts Institute of Technology, Cambridge, Mass. (Aug. 4–8) has grown rapidly since its founding in 1952 at Amsterdam. More than 400 delegates came from 20 countries to attend

this first IHEU meeting to be held in the United States. The last congress was in 1966 in Paris. The theme of this congress was "To Seek a Humane World," with the subtitle: "How Can Man Direct His Future Evolution?"

The American Ethical Union, a sponsor, is a group dedicated to affirming "the dignity of the individual in principle and practice." It is a national federation of over thirty Ethical societies and a founding member of IHEU. Founded by Felix Adler in 1876, the movement was an experiment in moral religion called Ethical Culture, which combined a need to examine changing values, incorporating what was worthwhile into the daily lives of men and women.

Included among the sponsors was the American Humanist Association, dedicated to humanistic thought and humanistic action, incorporated in 1941, with chapters throughout the United States. Humanism sees man as a product of this world, of evolution and human history, and acknowledges no supernatural purposes. It emphasizes "human interdependence" and accepts ethical responsibility for human life and conduct.

The Fellowship of Religious Humanists, also a sponsor of the IHEU Congress, publishes the quarterly *Religious Humanism*, edited by the Rev. Robert Hoagland.

The Joint Office for Social Concerns (formerly the Council for Humanist and Ethical Concerns) maintains an office in Washington, D.C. to support or influence federal legislation on issues such as conscientious objection, civil rights, civil liberties, separation of church and state, abortion laws, peace, and disarmament. Sponsored jointly by the AEU, AHA and the Unitarian Universalist Association, this new project is devoted "to the application of insights of humanistic ethics and liberal religion to major problems facing American society in the 1970's." Its guidelines to draft boards on non-religious objectors were drafted by Edward L. Ericson, leader of the Washington Ethical Society and president of the American Ethical Union.

Prof. J. P. van Praag, chairman of IHEU, who has his office in Utrecht, Holland, observed that the organization of humanists is a relatively recent phenomenon, getting a boost particularly after World War II. While humanists have always been connected with social reform, he said, much of the early organized movement's efforts had to lay emphasis on the rights of non-believers. "That's over now," he added. "Our emphasis more and more must lie on contributions to social reform and personal satisfaction."

Individual humanists have played prominent roles in the creation of new social structures, notably Sir Julian Huxley (UNESCO), Lord Boyd-Orr (FAO) and Brock Chisholm (WHO).

Dr. Jerome Frank, president of the Fifth IHEU Congress, is associated with the Johns Hopkins Hospital in Baltimore, and is one of the best known psychiatrists in this country and abroad. Of the several books Dr. Frank has written, his *Sanity and Survival: Psychological Aspects of War and Peace* (Random House, 1967), is the best known.

But a younger breed of IHEU members has been pushing the international federation itself to become more action-oriented, as evidenced by Dr. Peter Draper, chairman of the British Humanist Association, who urged the congress to "be involved in the political as well as moral aspects" of today's life.

A leading British liberal told the audience that civilization has become a slave to the bureaucratic mind, technology and systemic fascism. The popular revolutionary slogan "Power to the People" is "unquestionably necessary and useful in a modern society," Jo Grimond, former leader of the British Liberal Party, said, adding:

"Until men begin demanding the change they want in the system, little will happen . . .

"The great mistakes of our civilization are made by the bureaucratic mind, and I don't mean only the civil service . . .

"Groups and parties that oppose government should be encouraged, even by the government itself . . .

"The opportunity of objection and protest, which is the minimum power required to keep any government efficient, is too limited in today's world."

Mr. Grimond was educated at Oxford and then studied law. In 1950 he won a seat in the British Parliament as a member from the most northern section of Scotland. In November, 1956, he was elected leader of the Parliamentary Liberal Party, an office he held until his resignation ten years later. More recently, Mr. Grimond became a director of the *Manchester Guardian* and *Evening News*. In November, 1969, he was elected Rector of Aberdeen University.

Grimond stressed the need for strong groups of opposition to those in power because government has become too susceptible to pressure groups that do not have the welfare of the people at heart. The growth of democracies has created a new power, he said. "Pressures [are] working in secret within the bureaucratic structure of industry, professional organizations and the civil service looking to the furtherance of their own interests and pursued by men and women who have been indoctrinated by particular views to play particular roles."

Lord Ritchie-Calder addressed the Congress on "The 21st Century—A Look Ahead." He is the author of 25 books, including *Medicine and Man, Science in Your Lives, Living With the Atom*, and *The Inheritors: The World That Man Created*. He has received the Kalinga Prize for his outstanding work for UNESCO, is now at the University of Edinburgh in addition to his work as a Danforth Foundation Lecturer. He is Consultant to the Center for Democratic Studies in California, and a Fellow of the World Academy of Arts and Sciences. He served as science editor of *New Statesman and Nation*, 1945–58.

Noam Chomsky, Professor of Linguistics at M.I.T., well-known author, lecturer and activist, a "guru" to the present college generation, spoke on "Here and Now—Problems and Promise of the Present." Senator Walter Mondale, Democrat of Minnesota, and the Hon. Rita Hauser, a member of the U.S. Delegation to the U.N. Commission on Human Rights, addressed the congress.

Dr. Barry Commoner, professor of biology at Washington University, St. Louis, Mo., and well-known for his work in ecology, received the International Humanist Award. A. Phillip Randolph, the distinguished black labor leader, received the American Humanist Association's "Humanist of the Year" award for 1970, in recognition of his many years of service to democracy, civil rights and welfare of all Americans. "Humanist Fellow" awards were presented to Corliss Lamont, author of *The Philosophy of Humanism*, and Helen Lamont, noted author and worker for civil liberties, and Dr. Gerald Wendt, chemist, author and science lecturer.

Six resolutions were adopted at the final IHEU session, including a resolution on U.S. policy in Southeast Asia, introduced by Corliss Lamont, which condemned "the cruel and immoral American war of aggression in Vietnam, Cambodia and Laos," and urged total withdrawal of all U.S. forces and equipment by January 1, 1971. There were also resolutions on human rights, the human environment, on the 25th anniversary of the United Nations, and on population control, family planning and abortion.

Certainly the congress could be described as successful. The humanist movement is growing in all parts of the world, even behind the iron curtain, as evidenced by delegates from Romania and Yugoslavia. There were even separate meetings held by Marxist and non-Marxist humanists during the congress and communication was established between them. One recalls Mrs. Margaret Knight's famous description of humanism as "morals without religion." This congress would describe humanism in much broader terms. Humanism, which came out of the Renaissance period, is now in a spiritual revival. Ethical humanism is in a strong intellectual reawakening and in a new cycle of development. These times call for social commitment and every humanist must make his contribution to social welfare and progress, in line with the theme of the congress—"To seek a humane world."

STRENGTH THROUGH SPENDING—A MISGUIDED APPROACH TO DEFENSE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. GIAIMO. Mr. Speaker, this Congress has begun to examine more closely Pentagon proposals for new weapons systems, aircraft, and other defense items. This is certainly a positive step. For years, the Defense Department has had only to mention "security" to answer all questions and eliminate all concern about specific weapons systems. For years, the Pentagon has cried, "Damn the torpedoes, the cost, the research and the reliability. Full speed ahead." For years, anyone who has dared to question Defense Department spending practices has been branded "unpatrotic" or worse.

We have seen the results of this self-righteous attitude, Mr. Speaker. We have watched the unnecessary waste and misuse of billions of tax dollars for "cost overruns." We have seen countless sophisticated weapons systems, supposedly "vital" to our national defense, rushed into premature production before all research questions have been answered. We have seen a long line of weapons meant to provide us with "ultimate security" become obsolete before production is completed. Most tragically, we have seen the American people lose confidence in our Defense Establishment and create a new wave of antimilitarism which rivals that of isolationist times.

There are many of us in Congress, Mr. Speaker, and our numbers are growing, who have become disillusioned with the blank-check appropriation which the Defense Department requests each year. If this Government is to invest billions of dollars for defense, we believe that Congress has a duty to determine if such investments are justified. We can no longer accept promises of "ultimate security" instead of proper research and development. We can no longer condone the waste of billions of dollars on cost overruns because we are told it is in the national interest to waste money on defense. We can no longer tolerate the contention that the Pentagon budget is untouchable while all other budgets are subjected to the most intensive scrutiny.

My colleagues and I will no longer accept "because" as an answer to our questions about national defense. We demand to know why certain weapons systems are necessary, where they will go, when they will be ready and how much they will cost. No longer can we afford to wait for these answers until after the

weapons become obsolete, after they fail because of lack of proper research, or after billions of dollars are wasted and misused. This is our responsibility and our duty, M Speaker, and we can ignore it no longer.

None of us are "enemies of the military" or unpatriotic. On the contrary, we want to provide this Nation with the best possible defense, but we do not think that unlimited appropriations, insufficient research and hurry-up production will provide us with that defense.

All of the errors, the waste and the arrogance which have typified the Pentagon approach to national defense in recent years are exemplified by continuing attempts to ram the Safeguard ABM system down our throats. The Pentagon wants to expand the ABM system now, regardless of the tactical justification for such a step, regardless of its possible adverse effect on the arms race and the SALT talks, and, most importantly, regardless of the fact that the Pentagon itself admits to the need for millions of dollars in additional research to perfect the system.

As one of the first three Members of Congress to publicly oppose ABM deployment, I remain unconvinced that it is in our national interest to spend untold billions of dollars to deploy a defense system that is not ready now and may never be ready.

I am hopeful that Congress will continue to thoroughly scrutinize the Pentagon budget in general and the ABM system in particular in the years to come. Only in this way will we be able to cut the fat from the defense budget while providing this Nation with a defense system based on reliability, not expense.

HORTON SALUTES MRS. FRANCIS R. GALLAGHER AND HER VOLUNTEER WORK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HORTON. Mr. Speaker, it is always gratifying to be made aware of good citizens becoming involved in the problems of a community. There is always a need for these conscientious people who discover causes in which their skills may be of great benefit to others, and their value is often inestimable.

It was with much appreciation that I learned recently of such a person and her fine contributions. She is Mrs. Francis B. Gallagher, Jr., of 1973 Dublin Road, in Penfield, N.Y.

Mrs. Gallagher has found her niche as an exceptionally hard worker for the volunteer ambulance service of Penfield. She is a charter member of this fine group which was established in 1966 and was recently involved in a campaign to raise more needed funds, and to recruit additional members of the service.

Those who know her say she never seems to stop working, planning, and thinking of the ambulance service. As is generally realized, these groups, and there are many of them throughout my congressional district, need the support of not only many contributors of funds but also of active participants in the ambulance services.

It is hard working people like Mrs. Francis Gallagher who keep the necessary interests alive and the enthusiastic members on the job. For her splendid efforts, Mrs. Gallagher was recently the recipient of a salute in the Rochester Times Union, which was authored by Jose Echaniz, Jr. His news account of Mrs. Gallagher's effectiveness in behalf of the ambulance service for the town of Penfield tells an inspiring story and I would like to share it now with my colleagues in the Congress.

The article follows:

TIMES-UNION SALUTES MRS. FRANCIS B. GALLAGHER

(By Jose Echaniz, Jr.)

This is the time of year when volunteer ambulance companies in Monroe County seek funds and recruit volunteers.

Among the campaigners, few work harder than Mrs. Francis B. Gallagher, Jr., who is spearheading a drive to provide 24-hour ambulance service for the Town of Penfield.

Fellow workers and campaign leaders say she "knocks herself out" each day tracking down enough volunteers to staff the ambulance service around the clock. This is in addition to her 1,200 hours of ambulance duty in the past four years.

She has conducted meetings, distributed leaflets and taught classes in ambulance dispatching in order to contact and qualify new volunteers.

Training new dispatchers and medic-drivers for the ambulance service can take up to four months, and Mrs. Gallagher has often been pressed into service as babysitter while mothers attend classes or as a teacher.

She is a qualified Red Cross first aid instructor and takes a regular turn on the ambulance service crew.

The service is one of the newest in Monroe County. Established in 1966, Mrs. Gallagher is a charter member and has been active in all phases of ambulance work.

The petite but energetic young housewife still manages to lift her half of a 200-pound patient on a stretcher—necessary to qualify as a driver-medic.

Mr. Gallagher sees the service as a "worthwhile way to fulfill a need for an outside interest. It's very gratifying. I think I get a lot more out of it than I put in."

A native of Rochester, Mrs. Gallagher is a graduate of Miss McCarthy's Stenographic Training Service and worked several years as an Eastman Kodak Co., secretary.

Her husband works in marketing education for Kodak. They have a son, Kevin, 7½, and live at 1973 Dublin Road, Penfield.

TIGHT MONEY POLICY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CULVER. Mr. Speaker, one of the most painful economic problems, for American citizens and for the local, State, and Federal Government, is the high cost of borrowing money, or the interest rate.

The American consumer interested in a large, long-term purchase, such as an automobile or a home, has all too frequently found that he is virtually priced out of the credit market if credit is available to him at all. To purchase a $20,000 home, on a 30-year plan, will ultimately cost the perspective purchaser $55,000 or an additional $35,000 just in interest.

For the student wishing to pursue a course of higher education, loans are increasingly difficult to obtain and the interest rates charged increasingly higher. The farmer and the small businessman, too, have suffered severely from the same condition.

Moreover, the high rates of interest have caused particularly difficult problems for our towns and communities of all sizes. Despite their desire to obtain loans for public projects, cities and towns have oftentimes found that the high-grade municipal bond rate, which reached 6.3 percent in August of this year, has forced them to delay or indefinitely abandon projects vitally in the interest of the citizens in those communities. The result has been as visable as it has been unfortunate; school improvements have been put off, new schools have not been constructed, water and sewer plant needs have gone unmet, and planned expansions and improvements of park and street systems have been reduced or cut completely.

An article which appeared in the September 29 issue of the Washington Evening Star highlights the problems which high-interest rates have caused for our towns and communities and I ask unanimous consent to insert it at this point in the RECORD:

TIGHT MONEY POLICY SHOWS IN SHABBY CITIES AND TOWNS

(By John Cunniff)

NEW YORK.—The evidence may be seen in many towns and cities throughout America: overcrowded schools, potholed roads, poor water supplies and otherwise inadequate municipal facilities.

State and local governments have had a hard time of it in the financial markets during 1969 and most of 1970. Borrowing costs were up, money was tight. And though the situation has eased lately, the physical evidence remains.

PROBLEMS OUTLINED

Moreover, a good many financial analysts speculate that the situation may become chronic and suggest that new methods of borrowing must be devised for nonfederal governments, perhaps even involving subsidies of some sort.

This is the situation that has produced a somewhat shabby appearance in more than a few cities and towns today:

Inflation during the late 1960s grew so dangerously that the federal government was forced into action. Stringent monetary policies were put into practice in order to stifle demand that was overstraining the economy.

This meant upward pressure on borrowing costs, and that meant that cities and towns were forced to pay steadily increasing yields in order to induce buyers to purchase their bonds.

As the prices rose, shocked controllers faced their highest borrowing costs in history. And finally, as bond buyers continued to demand higher inducements, one town after another was forced to delay or postpone projects.

PROFITS SHAVED

These decisions weren't always arrived at arbitrarily. In many instances, legal ceilings prevented town fathers from paying the going rates. And so, no matter how necessary the project, it was shelved.

Other sections of the bond market apparatus were being hurt also. The profits of underwriters were being shaved thin, and some of them began losing. It was difficult to

sell bonds when money rates were higher elsewhere.

One of the main attractions of municipal bonds, the tax-exemption feature, also came under attack, and the House Ways and Means Committee announced it would re-examine the traditional policy. Buyers were frightened.

Investors in tax-exempt municipal bonds now must balance the rewards of tax-exemption against the possibility that sometime during the life of purchases the tax policy might indeed be changed.

The total effect of this was devastating to the plans of many cities. With a federal tight money policy in effect, and with some investors frightened away by the question of tax-exemption, there just wasn't enough money available for the most necessary projects in some of the most financially sound municipalities.

BANKS LACK DESIRE

The question now being argued in financial circles is whether the structure will ever be able to accommodate the borrowing needs of local and state governments.

Commercial banks, which have been traditional buyers of state and local government securities, have indicated less enthusiasm lately about committing their funds for extended periods so long as interest rates tend to be volatile.

They feel, in other words, that they can better protect themselves against turbulence in the market by investing in securities with shorter maturities than municipal bonds. And it isn't too difficult to find such investments.

What will the remedy be? Some proposals call for federal subsidies to investors. And some suggestions call for subsidies to lenders, so as to permit them to offer more attractive yields.

The more optimistic seers still maintain that the market will straighten itself out and that the financing needs of governments will be handled without chronic problems—if inflation is contained. It's a very big "if."

POLICE KILLINGS PART OF NATIONWIDE PLAN

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CRAMER. Mr. Speaker, this afternoon I testified before the Senate Internal Security Subcommittee on my bill, H.R. 19332, which would make it a Federal crime to kill or injure a policeman, fireman, judge, or other law enforcement official in the performance of his duty. Because of the importance of this subject, I am inserting my testimony in the RECORD:

STATEMENT OF HON. WILLIAM C. CRAMER

Mr. Chairman, I appear here today to testify in support of my bill, H.R. 19332, which would make it a Federal crime to kill or injure a policeman, fireman, judge or other law enforcement official in the performance of his duty.

In the 1930's, the people of America were shocked by the brutal kidnap-slaying of the infant son of a national hero, Charles Lindbergh. Kidnapping was a fairly common crime in those days. But as a result of the Lone Eagle's tragedy, Congress passed what became known as the Lindbergh Law.

This legislation broke new ground by authorizing Federal authorities to enter kidnapping cases after a period of time had elapsed on the presumption that the criminal had crossed state lines. So effective has the Lindbergh Law been that kidnapping is relatively rare today.

Unhappily, in recent years, we have witnessed a series of equally heinous acts. Rationalized as "political protest," they take the form of riots, violence and murder. Their purpose is to destroy America's institutions by violent attacks on our courts and our enforcement officers.

The Congress has begun to respond. The Anti-Riot Act of 1968, of which I am the proud author, received its acid test earlier this year when the infamous Chicago 5 were convicted of inciting the violent disorders which rocked the Democratic National Convention of 1968.

We now have a legislative answer for those who would abuse free speech by force and violence. We can—and must—put them in jail where they belong.

Now a new cycle of violence is wracking America. The Black Panthers Party, the Weathermen Faction of SDS, and other similar paramilitary, radical revolutionary organizations have launched a reign of terror in this country.

Law enforcement officials are the targets of an unprecedented, nationwide assault. During 1969, 86 police officers were murdered—a 34 percent increase over the previous year. Through September 15th of this year, 66 policemen have been slain.

This is no coincidence. It is part of a nationwide plan to "Kill the Pigs" and "Blow Up the Pig Sties." Just last week, the University of Oregon was bombed, a policeman in Atlantic City was murdered.

Elsewhere, policemen are set up as targets for assault. In one case, law officers were lured out of a police station by a bogus call. After they left, the desk sergeant on duty was attacked and badly beaten.

In another instance, officers responding to a call for help were fired on by a sniper.

Violence and disorder are becoming part of the American scene. Radical revolutionaries, bent upon destroying our way of life, are active throughout our nation. Snipers, bushwhackers and back-stabbers are cutting down our lawmen.

The time has come for those of us who love America and would preserve its sacred institutions to stand up and be counted. To put the rioters, the police-killers and the bombers out of business.

A step in this direction would be enactment of H.R. 19332. Like the Lindbergh Law, this legislation is based on the interstate commerce clause. It would operate on the basis that the free flow of commerce throughout the Nation is dependent upon the maintenance of law and order. This rationale is stated in Section 1:

"The Congress finds that there has been an increasing incidence of assault upon policemen, firemen, and other law enforcement officials while they have been engaged in the conduct of their law enforcement and public safety duties. The Congress further finds that the free flow of commerce throughout the United States is dependent in large part upon the orderly and efficient operation of police and fire departments and other law enforcement efforts. Consequently, the Congress also finds that any willful interference with the activities of policemen, firemen, and other law enforcement officers constitutes a direct interference with interstate and foreign commerce. Therefore, it is the purpose of this Act to make unlawful willful assaults upon policemen, firemen, and other law enforcement officials for the purpose of outlawing certain conduct which has a deleterious effect on the free flow of interstate and foreign commerce."

The approach, I realize, is unusual. But it is realistic, and will do the job. We are attempting to cope with an organized effort to overthrow our government through terrorist activities similar to those employed by the Viet Cong. We cannot combat our enemies abroad while ignoring them at home.

Free speech is not the issue. Rather, the issue is the life of those we have delegated to protect us. If we do not support our policemen, our firemen, our court officials, our National Guardsmen trying to help quell civil disturbances—if we do not protect them—then the days of our great Republic are numbered.

Specifically, H.R. 19332 would make killing of any law enforcement officer a crime punishable by death unless the jury recommends mercy. For any assault on a lawman, the penalty would be 10 years in prison, or a $10,000 fine, or both.

If an officer is injured, the punishment would be 20 years in prison, $20,000 fine, or both.

In addition, anyone who transports in interstate commerce—or aids in transporting—any weapon used to attack a law officer would be subject to similar penalties. As would those who conspire to do so.

My bill defines "law enforcement officer" as anyone connected with maintaining law and order, or engaged in the administration of justice. It covers judges and other officers of the court—such as those brutally slain in California recently—and members of the Armed Services and National Guard engaged in restraining a civil disturbance.

At this juncture, I should like to draw the Committee's attention to some distressing reports I have received in my home state of Florida. In Belle Glade, a small agricultural community south of Lake Okeechobee, a militant black organization is operating.

Called COBY (Cry of Black Youth), this organization puts out a publication called "Muck Rake" which calls policemen "pigs" and shows cartoons depicting black Americans being beaten and even lynched by lawmen.

I have been told that the Florida Rural Legal Services, financed by federal funds through the Office of Economic Opportunity, helped charter COBY, helped publish the "Muck Raker" and has otherwise supported an effort that seems aimed at dividing rather than uniting Americans of different races and colors.

When local police officers arrested several COBY leaders on charges of extortion, attorneys for the Florida Rural Legal Services filed a suit to prevent prosecution. Instead, the law officers were accused of civil rights violations.

I have requested an investigation by the FBI and the OEO.

For the life of me, I cannot understand how, in Belle Glade, federal funds can be used for these purposes.

The attacks on our police officers—with guns, knives, bombs and, yes, pens—must stop. Law and order must be preserved.

The problem transcends state lines. The killing and assaults on lawmen are part of a nationwide program—a program with links to revolutionary groups in foreign lands.

Americans are meeting the challenge to our liberties abroad, in the steaming jungles of Vietnam and at military outposts throughout the world. We must not permit radical revolutionaries to turn the streets of America into asphalt jungles.

Now we are faced with a challenge to our liberties at home. We must meet this challenge as well—or perish.

The issue was, I believe, summed up recently in an excellent editorial in the Tampa Tribune, one of the great newspapers in Florida.

(The editorial referred to follows:)

[From the Tampa Tribune, Sept. 1, 1970]

THEY ARE NOT FOOLING: THEY MEAN MURDER

A policeman was killed by black militant attackers and six other officers wounded in shootouts with Black Panthers in Philadel-

phia during the weekend. An embassy and foreign information office in Washington were firebombed. A large store of weapons was seized from a Jacksonville naval arsenal.

Four policemen were ambushed in Riverside, Calif. Officers were wounded in New York City. Earlier last week a police station at Burlington, Mass., was bombed and the Army's Mathematics Center at the University of Wisconsin was blown to bits by high explosives.

Philadelphia Police Commissioner Frank L. Rizzo has a name for the violence in his city: anarchy. It applies equally well to the growing destructive acts by young revolutionaries from coast to coast.

The Philadelphia gun battles came in raids on Black Panther centers where many weapons and 1,000 rounds of ammunition were seized. Panther buildings were plastered with signs: "Death to the Pigs."

A Philadelphia park police guard was killed in an attack which police said was part of a plot to "blow up a police installation and kill pigs."

The Philadelphia violence by black militants was part of a pattern of anarchy. Grenades used in the attack on the park officer were stolen from Fort Dix, N.J., last year. Other grenades stolen from Fort Dix have been used to destroy 15 city vehicles in Philadelphia.

There's little question the 154 pistols and seven carbines seized by a band of five black bandits from the Jacksonville naval arsenal will wind up in the hands of a gang bent on destruction. It should be noted that on July 27 the National Guard armory at Jacksonville was robbed of more than 100 small arms.

There also is a pattern to the Washington bombings. Four Latin American embassies were firebombed July 2 and a pipe bomb damaged a room at the Inter-American Defense Board the day before. The weekend bombings were preceded by a letter of the type used in New York City bombings last spring. The letter announcing the bombs would go off was signed by the Revolutionary Action Party.

Are these attacks the work of sincere but misguided social reformers? There's about as much tie-in between these acts of violence and social justice as there is to connect Red China's Mao Tse-tung with capitalism.

This militancy is no kid stuff. These young hoodlums of the revolutionary world are well financed and managed. Witness the far-ranging travels of Black Panther leaders and SDS members fleeing to escape arrest.

The pattern of destruction which became so clear this weekend is not confined to the United States. The skein of revolution crosses national borders and runs throughout the world.

Columnist Victor Riesel, who describes on this page the terror tactics in India and Ceylon, has been reporting for months how the youthful plotters fit into a world-wide scheme. Riesel has pointed out that the anarchists are being trained, directed and financed by Red China and to a lesser extent by Russia.

The revolutionaries are deadly serious in their intent to destroy the United States. The sooner the public recognizes these apostles of violence for what they are, the quicker will the wave of anarchy be put down.

This applies particularly to those foolish people in colleges and certain elements of the cultural world who drape their arms about the poor, misunderstood Black Panthers, and give money-raising cocktail parties for them.

The hand holding a cocktail glass at a do-gooder party is the same one that can throw a Molotov cocktail in the name of revolution.

MAYOR DALEY VERSUS LAKE MICHIGAN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. LANDGREBE. Mr. Speaker, the mayor of Chicago has apparently set his heart on locating the third Chicago area jetport out in Lake Michigan, in spite of the fact that the feasibility of this additional facility has not as yet been definitely established.

The third Chicago jetport, if and when it is found to be necessary and feasible, should be located where it will have the least possible detrimental effect on the delicate balance of nature. It should also be located where it will cause the least hardship, disturbance, and inconvenience to the smallest number of people.

On both counts, the Lake Michigan site is unthinkable. And yet, flying in the face of all the facts, Mayor Daley persists in his ominous proposal to doom Lake Michigan.

The Great Lakes, as we all know, are already in grave danger. The fate of Lake Erie has been well documented; the threat to the other four Great Lakes is equally great. In light of this, I find it impossible to understand Mayor Daley's determination to build an artificial island in the lake and then place a monstrous jetport on that island.

Recently, the Post-Tribune, an excellent newspaper in Gary, Ind., published an editorial about Mayor Daley's plan to deliver a death-dealing blow to the ecology of the Great Lakes. I insert that editorial at this point in the RECORD:

FOR THE JETPORT AND THE LAKE

Word has leaked out that the Federal Aviation Authority (FAA) may soon rule that flights in and out of a proposed jetport in Lake Michigan just off the Chicago shoreline would be "compatible" with traffic in and out of O'Hare and Midway.

We don't know if it's true. We don't think that it's justified on the basis of current FAA recommendations barring such locations within 30 miles of each other or on the basis of logic. But word of the imminent ruling, nevertheless, persists.

Just on the possibility it may be true, advocates of a Northwest Indiana site for the third Chicago area jetport should be busy marshaling their ammunition to attack Chicago Mayor Richard Daley's dream—or nightmare—lake air terminal on its other most vulnerable flank—ecology.

Possible ecological damage was one reason advanced against location of a Northwest Indiana port near Dunes State Park. The potential environmental damage from building a huge island in the lake would appear obviously more of a peril. Effect on normal water flow in the south end of the lake could upset the whole ecological balance at a time when most are concentrating on reversing the pollution trend.

Secretary of Interior Walter Hickel has shown his alertness to such dangers in action of the Nixon administration last January in blocking construction of a huge airport in the Florida Everglades. We feel his concern for one of the Great Lakes would be as real. What is needed is for the scientific evidence to be rounded up and forwarded to Hickel's attention.

Gov. Edgar D. Whitcomb doubtless was right in stating after a conference with airline officials in Chicago last week that:

"A jet airport in Northwest Indiana is a reality sometime in the future."

However, everything possible needs to be done to make that "sometime in the future" more specific—to make the Indiana site the actual location for that third Chicago area airport which is definitely a part of immediate national aviation planning.

Accomplishing that will require, among other things, factual discrediting of the lake site. The facts are available. It's up to Hoosiers interested not only in our own area's economy but also in the future of the aviation industry—particularly its safe future—and in the maintenance of this area's valuable lake asset to get them assembled and brought to attention of the right people in Washington.

WILL DISC EXPORT MORE U.S. FACTORIES?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. METCALF. Mr. President, the trade bill reported by the House Ways and Means Committee includes a provision that will cost the U.S. taxpayer $500 million to $1 billion yearly, ostensibly to spur U.S. exports. Let us look at what might be among the exports this measure could spur. For example, the Domestic International Sales Corporation—DISC—could be used as a tax-deferral vehicle for the export of U.S. factories. Like many other tax provisions with well-intentioned goals, DISC could have a costly and opposite effect of what is intended.

The export of U.S. factories is already underway. DISC could accelerate this movement. A shoe manufacturer recently explained this exodus during hearings on the proposed trade bill before the House Committee on Ways and Means:

I bought the factory. I shipped the lasts, dies and patterns and the management and much of the leather to Europe. There I am making the same shoes under the same brand name, selling them to the same customers with the same management, with the same equipment, for only one reason—the labor where I am making the shoes is 50 cents an hour as compared to $3 per hour that I was paying.

Now I have to do that in order to survive. . . . Here is a perfect example of where I took everything American except labor and that is exactly why I bought the company.

All of the items listed by the shoe manufacturer except management are reported as exports in U.S. trade statistics. If this U.S. factory were dismantled and shipped abroad under the new trade law, it is conceivable that the U.S. company would receive a tax subsidy to do so.

The DISC provision is designed to spur U.S. exports by allowing U.S. firms to set up separate corporate subsidiaries—DISC's—to handle export-related activities. Taxes on DISC profits are deferred until paid to shareholders—if ever. DISC could give some of the largest corporations in the world a tax break to continue their export of U.S. production units.

Few Americans know that shipments of old machinery and material from a U.S. plant to a foreign country are

counted as exports. Few Americans know that U.S. exports in 1970 include intra-corporate shipments within the world-wide networks of huge global firms. These firms transfer parts and production from one country to another, depending on the wage, material, and tax advantage of each country.

I understand that benefits, such as I have indicated, are not the intent of the bill. But I do see a legal question arising where, for example, a U.S. firm exports an entire American factory to a French firm which is 79 percent owned by the U.S. firm. Obviously, the complex interchange of goods among countries requires much more understanding before DISC is enacted and the U.S. taxpayer undertakes an annual $500 million to $1 billion tax subsidy of our largest corporations.

IN DEFENSE OF PRESENT RADIATION LIMITS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HOLIFIELD. Mr. Speaker, in the Medical World News of September 11, Dr. Robert D. Moseley, Jr., a leading radiologist with many distinguished degrees answered a series of questions on the subject of radiation standards. Dr. Moseley is now serving as chairman of the department of radiology at the University of Chicago's Pritzker School of Medicine. He is also chairman of the American College of Radiology's Commission on Public Health; chairman of the Atomic Energy Commission's Advisory Committee on Biology and Medicine and he is a member of the National Council on Radiation Protection and Measurements.

His long background of experience and knowledge in this complex area makes his remarks, which follow, very pertinent:

IN DEFENSE OF PRESENT RADIATION LIMITS

WHILE THE STANDARDS HAVE BEEN UNDER SHARP ATTACK LATELY, A LEADING RADIOLOGIST FINDS THEM NOT ONLY SAFE BUT CONSERVATIVE

The standards generally accepted for the safe use of ionizing radiation in medicine and industry have been under attack recently. Critics charge that the present permissible levels of radiation exposure are too liberal and constitute a health hazard both to workers and the general public. They further maintain that advisory bodies such as the Federal Radiation Council (FRC) have been complacent, failing to act upon evidence suggesting that the permissible levels are too high, and failing to properly inform the public of the dangers of even low levels of radiation.

These critics have attracted plenty of publicity in testifying before the Joint Congressional Committee on Atomic Energy. Less in the public eye are the many responsible radiologists and scientists who insist that current exposure standards are reasonable safeguards and that the criticism of them and of the advisory bodies is distorted and misleading.

In the interest of balance and without attempting to resolve the issue, MWN has asked one of the defenders of current radiation guidelines to present his views. He is Dr. Robert D. Moseley, Jr., chairman of the department of radiology at the University of Chicago's Pritzker School of Medicine; chairman of the American College of Radiology's Commission on Public Health; chairman of the Atomic Energy Commission's Advisory Committee on Biology and Medicine; and a member of the National Council on Radiation Protection and Measurements.

Q. *Dr. Moseley, who has the responsibility for determining exposure guidelines and safety standards?*

A. The International Commission on Radiation Protection was established in 1928. In 1929, a similar committee was formed in the U.S., and this group has been in continuous operation since that time, becoming a federally chartered nongovernmental body in the 1950s under the title of the National Council on Radiation Protection and Measurements (NCRPM). More than 70 scientists and physicians participate in its efforts on a voluntary basis. In 1959, the FRC was set up to establish guidelines for government agencies on radiation safety.

Q. *Do the recommendations of these advisory groups have the force of law?*

A. Those of the FRC do for federal agencies. The Atomic Energy Commission, operating under FRC guidelines, has the power to regulate the use of atomic energy. In addition, most states have laws regarding radiation standards incorporating or following the guidelines of the NCRPM.

Q. *What are these guidelines?*

A. The maximum permissible exposure recommended by the national committee in the 1930s was 0.1 r per day for radiation workers (about 30 r a year). This was less than 1/1,000 the dose needed to produce skin damage, which was one of the standards then used to measure biologic hazard. In the late 1940s, the committee made the first modifications in this standard and subsequently its recommendations were accepted internationally. The recommended maximum permissible dose for radiation workers was reduced under this modification to 0.3 r per week. It is significant to note that this lowering of the level was not based on any new biomedical information; there was no new evidence whatever of injury at the previously accepted levels. It was lowered in recognition of the increase in the number of radiation sources due to the development of atomic energy, and of the presence of many different kinds and quantities of radiation.

The most recent changes of any significance were made in 1957, when the NCRPM revised the maximum permissible dose downward again to an average of 5 r per year for radiation workers (or 0.1 rem per week), reflecting increased concern for the effects of radiation on genetic material. At the same time, the NCRPM recommended a maximum level of 0.5 r per year for individuals in the general population—a maximum dose level one tenth that considered safe for radiation workers. The FRC guidelines, although expressed in slightly different terms, are, in fact, the standards recommended by the NCRPM.

Q. *What is your opinion of the current guidelines? Do they reflect an adequate margin of safety?*

A. They are, if anything, conservative, although there is no reason to recommend that they be increased. It is possible for society to have the benefits of radiation within these limits, so they should be maintained as an added margin of safety. The best current experimental evidence indicates that the NCRPM in 1957 over-estimated the genetic hazard of ionizing radiation at low-dose levels and rates—not underestimated as many critics are now charging.

Q. *Are these recommended maximum levels ever exceeded to any significant degree either by radiation workers or by the general public?*

A. No. Barring accidents, workers and the general population are exposed to only a fraction of the allowable amount.

Q. *Are there any new data, experimental or clinical, to indicate that acceptable levels are too high?*

A. The only new and reliable data of which I'm aware would tend to support the opposite conclusion. Recent work suggests that there is a recovery rate for genetic material, a time-dose relationship that is quite significant not only for somatic tissue but also for genetic material. It has never been assumed in developing standards for genetic material that the relationship between dose and effect was anything other than linear or that there was any recovery, even though experimental evidence at the low-dose range is lacking.

Q. *To what then do you attribute the recent upsurge in concern over the radiation hazard, real and potential?*

A. For reasons I don't understand, the dangers of ionizing radiation are being significantly exaggerated. It's something of a fad fanned by reports in the public press and connected with increased public concern over environmental pollution. If radiation is an environmental pollutant, it is the one we know the most about both in terms of its nature and its potential danger. It isn't something new or something just discovered. It is something whose impact upon the human organism has yet to be assessed. Roentgen discovered x-rays in 1895, and by 1896 some of the potential harmful effects of x-rays were already known. And they have been the subject of extensive regulation continuously since then.

Q. *One of the most widely publicized charges made by critics of current radiation standards is that these limits permit the induction of thousands of human cancers every year. How do you answer that charge?*

A. Most of these charges are mathematical exercises based upon hypothetical extrapolations from the worst possible case assumptions. They have no basis in experimental, epidemiological, or clinical data.

Q. *What is meant by safe level of radiation?*

A. This gets into the threshold problem, which is probably the crux of the dispute between those who feel there is no such thing as a tolerable level of radiation exposure and those, like myself, who maintain that the benefits of radiation are such that we can tolerate a certain minimum level. It is agreed that at high level the dose-effect relationship is linear and that at zero dose there is of course zero response. But what about the dose-effect relationship at low energy levels? Is it linear or is there a curve—in effect, a threshold? To get definitive answers we would need an inordinate number of experimental animals. Someone has estimated that it would require more mice for the test and control groups than are produced for laboratory use in an entire year. However, it may be possible to design experiments relating to low-dose rates that would be feasible, statistically sound, and could be expected to increase our knowledge in this area.

Q. *If there is no hard evidence about low-dose effects, wouldn't it be prudent to assume that there is no threshold, at least for genetic material, and base our radiation practices on that assumption?*

A. It would be very prudent, and that, in fact, is the course that has been taken by the bodies making recommendations in this area. A linear dose-effect response for genetic material is the conservative hypothesis that is assumed. Some critics argue that radiation safety standards assume a threshold. This is not true. At no point in any of the NCRPM statements is there a threshold assumed. In fact, there is considerable discussion in NCRPM documents defending the assumption of a no-threshold hypothesis.

I do not believe that anyone working in radiation would deny that exposure should be held to the lowest possible level. You should remember that when we talk about maximum levels, the operative word is maximum. It doesn't mean that all members of the society should, with impunity, be exposed to these levels, or that any significant number of them will be. It doesn't represent

a rate in any way corresponding with the actual degree of radiation exposure. The exposure to anyone working with a nuclear power reactor, for example, is approximately 1% of the permissible maximum dose.

Q. If there is no threshold assumed for genetic material, what about somatic cells?

A. The repair process in these cells is better understood and there's much more reason to believe that a practical if not absolute threshold exists. There's good evidence that somatic cells do repair themselves. Nonetheless, the threshold assumption has not been used as a hypothesis by the regulatory agencies.

Q. What about the factor of individual variability? Is it sufficient to negate any assumption of safe exposure levels in the general population?

A. Interspecies variability is considerable. But intraspecies variability is not great enough to be a factor in setting up radiation protection standards for a given species such as man.

Q. Is diagnostic radiology overused?

A. Yes, but I don't know to what degree nor do I know what radiologists can do to curb overuse other than to participate in the education of all physicians concerning radiation problems. Diagnostic radiology is an extremely powerful tool. But there is no way for the radiologist to hold down the number of diagnostic procedures since most of his patients are referrals from other physicians, men who have the primary responsibility for the care of the patient and a more intimate knowledge of his history. There is also some minor abuse engendered by legal considerations. The medicolegal precedents are such that a physician places himself in jeopardy in some cases—accidental injury, for instance, if an x-ray examination is not given.

Q. Should diagnostic radiologic examination be included in routine screening procedures or in multiphasic screens?

A. It depends upon the patient population involved. In an affluent, suburban area where the incidence of tuberculosis is low, routine chest mocrofilms may not be justified. But in a disadvantaged area, the incidence of tuberculosis might justify them. You can't give a blanket answer to that question; it depends on questions of population age, incidence of disease, epidemiology, etc. I am in favor, though, of routine chest x-ray examinations on admission to a hospital. These turn up a significant incidence of disease, and the radiation dose received in a routine chest examination is so low that it's difficult to fault the procedure in that situation. In examinations such as those of the gastrointestinal tract, however, the dose received is higher and the incidence of disease turned up is lower. In these cases. I'd have serious doubts about using radiologic procedures in routine screens.

Q. The number of x-ray examinations given each year is increasing faster than the population, and some critics see a potential threat in this. What do you think?

A. The annual increase in the number of procedures is about 7% to 12%, but I don't believe this constitutes any serious threat to our population. For one thing, many of the procedures are done on our growing number of geriatric patients, where the genetic problem is insignificant. The delivery of optimum medical care to our population will undoubtedly mean a continuing rise in radiologic examinations.

Q. Do the new diagnostic procedures contribute to an increase in the hazard of radiation exposure?

A. No. There are many new and sophisticated techniques, but they account for only 3% to 5% of the total number of procedures performed.

Q. What about radioisotope procedures?

A. These are increasing at a rate of about 15% a year, but here again, they don't constitute a health hazard. In general, the dose of radiation per procedure is less than that received in the conventional diagnostic x-ray.

Q. To what degree does background radiation in our society constitute a health hazard?

A. We live in a radiation world. The average dose per person from such sources as cosmic rays, radioactive phosphorus in the food we eat, radium and uranium in the soil, and other background sources is about 100 mr per year. In this country, the range is from 100 to 250 mr per year depending upon the area and altitude. The higher up you are the more exposure you get. It's been calculated that the average genetically significant dose received by the average American from all radiologic examinations is about 55 mr. Thus, a person living at sea level with average diagnostic x-ray procedures receives less in total genetically significant radiation than a man living in the Western mountains who receives no x-ray examinations. I think this may help place the question of x-rays in perspective.

Q. What are the long-term effects of acute exposure to large radiation doses?

A. In the survivors of Hiroshima and Nagasaki, there has been a rise in the incidence of leukemia and a few statistically significant increases in other somatic cancers.

Q. Has the publicity given radiation dangers had any adverse effects on diagnostic radiology; have patients refused x-ray exams, for example?

A. Not to any noticeable degree yet. Maybe patients are more sensible than scientists. If overestimation of the hazards began to have such an effect, though, the result would be detrimental to the public health. This would be far worse than any presumed radiation danger.

Q. If the campaign to lower permissible radiation exposure standards continues, could it hurt the practice of radiology?

A. Yes, if it results in restrictive legislation. It's easy to charge, on the basis of unproven hypotheses, that diagnostic procedures are increasing the incidence of cancer. We all know that radiation in excess is harmful, so might not such a charge concerning low-dose radiation also be true? Unfortunately, a rebuttal requires a lengthy and technical reply that doesn't carry the punch of the initial charge. But so far, legislators have shown a balanced, informed outlook.

Q. Do you feel the public is sufficiently informed about the potential hazards of radiation?

A. A case can be made that they aren't. But it would require an extensive educational program to fully inform the public. I do know, however, that the public is sufficiently protected from radiation hazards. Occasionally there are mistakes, such as the manufacture of a few defective color television sets. But even in this much-publicized instance, the potential amount of radiation exposure didn't constitute a significant health hazard. The largest significant sources of radiation are diagnostic procedures, which are in the hands of trained people.

Q. Are physicians and hospital personnel sufficiently aware of radiation hazards and do they take precautions against excessive exposure of both themselves and patients?

A. The Public Health Service surveyed radiation practices in 1964, and another such study is underway now. The 1964 survey showed no significant degree of radiation hazard from improper x-ray techniques, but indicated that there was still room for improvement. The main problem is to properly collimate the beam with regard to the film size and thus cut the genetically significant dose, and I'm confident that the latest study will show significant progress toward this goal.

SPEECH DELIVERED BY MAJ. GEN. LEO J. DULACKI

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, I am proud and honored to include in the RECORD the very impressive speech delivered by Maj. Gen. Leo J. Dulacki, USMC, commanding general of the 4th Marine Division, on Sunday, October 4, at the Annual Pulaski Day Observance in Philadelphia. It was my pleasure to attend this important ceremony which was held at Independence Hall.

The speech follows:

REMARKS BY MAJ. GEN. LEO J. DULACKI, USMC

Mayor Tate, distinguished guests, ladies and gentlemen:

Szanowne Panie and Panownie.

Ja nie bede mowic po polsku dzisiaj dlatego ze nie mowie bardzo dobrze po polsku, ale chcialem zaznaczic ze jestem polakiem I mowie troche po polsku. I teraz S waszem pozwoleniem bede mowic po angielsku.

Those of you who do not speak Polish will have to depend on your Polish friends to interpret those few words I have spoken in Polish.

It is a distinct pleasure and great honor for me to participate in these proceedings today, in Philadelphia, for two reasons.

It was here, in Philadelphia, almost 200 years ago, that the U.S. Marine Corps first began its long tradition of service to country. Every Marine knows of Tun Tavern, which is not far from this very spot. Every Marine knows that it was here in Philadelphia that the first company of American Marines was raised. So all Marines have a close and warm relationship with Philadelphia, the cradle of liberty.

I also believe it is appropriate for an officer of the United States Marine Corps, even if he were not Polish, to be called upon to pay tribute and render honor to the great memory of General Casimir Pulaski. The Marine Corps was established during the American Revolution to first fight for the cause to which Pulaski was also dedicating himself. You might say that we, the Marine Corps and General Pulaski, are truly brothers-in-arms.

Throughout the years, since its founding, the Marine Corps has nobly and honorably endeavored to defend those principles which first brought Pulaski to the American shores for which he eventually gave his life. The fundamental of those principles is that if the freedom of any man, anywhere in the world is threatened, then the freedom of all men is threatened, and it is the duty of all free men to raise their voices, yes their swords, in the defense of their fellow man.

The heritage of Pulaski is that the cause of freedom is not limited by any boundaries of time, nationality, or geography. The long journey of Pulaski to our shores, many years ago, demonstrates the universality of the cause of freedom.

Today, there are many questions, questions raised by sincere and patriotic Americans, in regard to the commitment of the United States to the struggle in Vietnam. Americans search for an answer to the question: "Why are we in Vietnam and is it worth the great price we are paying?" To find answers to those questions, we should look back to the early days of our Nation's history, as in fact we are doing today, to the days of Pulaski, if you will. History is not impersonal; it is a record of man—his trials and tribulations, his goals, his dreams, his hopes, his achievements. And history shows that the basic desires and

wants of man have not changed throughout the centuries.

The lesson of history is that it has never been easy to protect freedom. In almost every war we have fought, there have been well-meaning voices crying out that the war was unwise or unnecessary. Such cries were also heard during the revolution. But despite those cries, even on distant shores, men like Pulaski heard the voice of freedom crying in anguish and they came forth bravely and selflessly to join the cause of freedom. Those men knew from history that, once a concession is made to a tyrant or to a tyrannical ideology, it is usually the first of an unending series of demands for more concessions. Those men knew that peace cannot be bought for the price of another's people's freedom.

The lessons of history which were true then, are still true today—that freedom is not free, that it cannot be compromised, and that if it is to endure, brave men will frequently be called upon to make sacrifices in its defense. In fact, those lessons are truer today than ever before, since science and technology have so dramatically compressed the distances between peoples and nations and, in effect, have made this world of ours so much smaller. And so what happens in Vietnam, to the struggling Vietnamese people, should be of personal concern to each and every one of us.

Having served in Vietnam for two tours, I can assure you that there has never been a finer and more dedicated group of men than those who carry our colors there today, at this very hour. They have witnessed first hand, the destruction, the tyranny, the terrorism of Communist expansion aggressively at work. They thus well know why they are called upon to suffer and make sacrifices thousands of miles from home. We could call these young American men in Vietnam, the Pulaski's of today. Pulaski would certainly be proud to be a member of their company.

The American youth who today are fighting in South Vietnam are proof of the fact that the spirit of the true American Revolution, and the spirit of Pulaski, are as alive today as they were almost 200 years ago. They struggle for freedom, for other people, in another land, separated from our American Revolution by nearly two centuries. But they have the same firm resolution, the same entrenched hope, the same love of country and freedom, the same singleness of purpose which motivated Pulaski.

If General Pulaski were speaking today, from out of the past, he would hail America's efforts in Vietnam, he would urge us to greater heights and more determined efforts to strengthen free people throughout the world against domination by aggressive foreign powers.

Thousands of young voices, the voices of American men fighting in the heat and mud and jungles of Vietnam cry out the answers to our questions. They are fighting in Vietnam so that man can remain free. Their spirit should give us the faith that our cause is just, the perseverence to carry on, and the confidence that a just peace will eventually prevail.

Someday, through the perspective of history, the accomplishments of the American men in Vietnam will be recognized. The struggle in Vietnam will become another chapter in American history—a history of valor, of patriotism, of sacrifice, of dreams, of dreams come true.

In the words of Abraham Lincoln spoken during similarly troubled and difficult times:

"Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit and you have planted the seeds of despotism at your doors."

Ladies and gentlemen, the President of the United States must be given the wholehearted support of all American people in bringing the Vietnam war to an honorable end. Resoluteness today can prevent the huge loss of life which a more widespread conflict would bring to the people of the United States.

Appeasement has never bought peace. We cannot give peace to the world by abandoning it to the aggressors. We cannot keep peace for ourselves by withdrawing from the challenges that the enemies of peace present.

Peace at any price is the first step into slavery for our people and oblivion for our country. Hold high the principles of Pulaski, the principles of our Nation aborning, and that day shall never come.

And so I say, long live the spirit of Pulaski. Long live the Polish spirit of freedom. Niech zyje duch Pulaskiego. Niech zyje Polski duch swobody.

THE DRUG CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ROBISON of New York. Mr. Speaker, the word "crisis" has been used to describe many different situations, but rarely has it been used with more accuracy as in depicting the drug problem. We do face a crisis—a crisis that knows no geographical, economic, ethnic, or religious boundaries. This is a national crisis and one which we can ill-afford to overlook. The pushers, users, and potential users all must be dealt with by a different strategy, each requires a unique approach. Stereotyping these three groups into one classification is not only nonproductive, it may well be counterproductive.

I include in the RECORD the last of the Christian Science Monitor's drug series, together with a closing editorial on this subject from the same paper:

BUT THERE IS HOPE: THE DRUG CRISIS

With this issue The Christian Science Monitor completes the second of two series it has run this summer on the tragic and growing problems of drug abuse. The first of these traced the international aspects of the conscienceless and depraved trade in narcotics. The second discussed the extent to which drug abuse has become a new American tragedy. Together these articles paint a picture which must profoundly stir anyone concerned over individual human suffering and over one of today's grimmest threats to society. For it is unmistakably apparent that this society has, witlessly and catastrophically, let itself fall prey to circumstances which carry an almost limitless capacity for sorrow and disaster.

It is hardly necessary at this date to detail what narcotics are costing men and society. The number of lives ruined by it rises daily, there perhaps being as many as 200,000 addicts in New York City alone. More and more often one reads of the death of some pitiful youngster hardly in his teens. Large numbers of others become ill, drop out of school, turn from ghetto degredation or middle-class boredom to the shadow world of the drug-user.

Crime, both individual and organized, battens on narcotics and threatens even those who have never laid their eyes on a drug. The cost of legitimate business is mounting swiftly. Even American military discipline in Vietnam has become seriously threatened by the use of drugs. But, gravest of all, is the fact that the whole moral atmosphere of a neighborhood, a city, a nation weakens and drops as drug use spreads.

Although it has been said that there are as many reasons for drug abuse as there are victims, it is possible to isolate some of the general major sources of this problem. One, indeed the most important, is the widespread moral, spiritual, and intellectual disorientation which characterizes these times. Men have heedlessly and recklessly thrown away many time-tested standards either because these stood in the way of personal gratification or because of supposed imperfections. Another excuse for this rejection of moral precepts is the specious claim that, because society retains so much hypocrisy, none of society's restraints are valid.

This inclination, which has faced mankind from the beginning of time, to break away from healthy restraints is reinforced by the conditions of modern life. There are an almost unparalleled restlessness, tension, and seeking to escape. Experience has shown that it is all too easy for individuals to deceive themselves into believing that the way to cope with the challenge of modern life is to slip away into the delusive, materialistic world of drugs.

And one of the most dangerous and insidious aspects of modern society, above all in the United States, is the degree to which such self-deception is continuously dunned into people's thinking by the commercial advertising of that category of drugs which can be readily obtained over the counter. By now it is widely felt that America has become a drug-oriented society. Is it any wonder that this tolerance toward one type of drug should lead to a tolerance for all drugs, even the deadliest?

Yet, however severe the challenge, however great the damage being done, however baffling the problem may seem, answers to it can and must be found. While one of these remedies most obviously lie in the realm of far more efficient police action (local, national, as well as international), the bulk of the effort must still come from other directions. While both the methadone treatment and the residential therapeutic community treatment centers have helped many on hard drugs, they, too, are far from being the ultimate, perfect answer. Nor are they able to prevent newcomers from falling victim to the habit.

In the end, as with virtually every major problem involving men's views of themselves and of their relationship to life, the answers must come *primarily on moral, spiritual and intellectual planes*. It must come from educational efforts which have been worked out more carefully and skillfully than has hitherto been the case.

Above all, the struggle to prevent a turning to drugs and the healing of those who have turned to them must center upon two of society's most deeply rooted and beneficial institutions—the family and the church. The parental guidance which will rid drugs of any appeal must begin in early childhood. It must stem from greater parental wisdom, a clearer insight into life's true goals, prayer for the inspiration to transmit these goals to children, and the steadfast day-by-day, year-by-year devotion which is necessary. Such parental guidance must find reinforcement in the churches, which, while recognizing the need for modern means of communication with youth, can render great help by enlarging men's understanding of mankind's moral obligations and spiritual destiny.

Men are no more helpless and hopeless before drug addiction than before any other material or physical challenge. Large numbers have been healed of such slavery. And among these are those who have turned to the spiritual power inherent in prayer, a power which has destroyed both the desire for drugs and the physical and mental effects of drugs.

Drug abuse is a certain sign of a society which has become unanchored, which is unsure of its goals and its values, which be-

lieves it needs to seek desperate measures for happiness, for release, for escape. It is fostered by parental neglect, folly, or shortsightedness. It thrives where selfishness or hardheartedness creates or perpetuates social, economic, and racial injustice. In short, it finds fallow ground wherever men fail to see themselves or their fellows in the highest light.

All practical, needed steps must be taken to help those already caught in drug addiction, to prevent others from becoming similarly trapped, and to choke off all sources of narcotics. But the primary need, the one which will definitively root this terrible problem out of human experience, is to encourage the growth of those ideals in which narcotics can offer no temptation.

WHEN A PARENT'S LOVE IS SO BADLY NEEDED

(By Darren Stone)

BOSTON.—Parents need not be drug "experts." Parents—and their children—do need a lifestyle that expresses a hope in something better than a euphoric escape with drugs, whether legal or illegal.

Parents should, of course, inform themselves about the commonly abused drugs, what they are said to do, and the dangers of using them. This information can be obtained from the plethora of literature on drug abuse, from a community "hot line," or from a local physician or pharmacist. (See chart below.)

But parents must realize that information is not education. Parents who become preoccupied with "the facts about drugs" too often develop unreasonable fears. Sometimes they cannot see their own child as he is but only as what he might become.

In terms of working for community education and providing treatment centers for people already dependent on drugs, there are no set patterns. As this series has shown, scare tactics and purely punitive action are slowly giving way to a more profound, intelligent approach.

Parents who are newly aroused to community action may do better to seek out the agencies already at work and reinforce their efforts rather than to strike out on their own. Since there is still a good deal of controversy over treatment methods and competition for funds, parents who can work to unify community action are needed.

MISSING THE POINT

What parents can say in their own homes about drug abuse depends on what they are in and out of their own homes and on the relationships they have already built with their own children. A father recently announced to me proudly, "I talked to my boy. I said, 'Look, any time you want to have a talk with me, you feel free to come to me. Whenever anything is troubling you.' "

Obviously the father had missed the whole point. If communication is so sparse that a father has to issue a special invitation to his son, how natural can the conversation be?

In talking with children, parents should also be frank in expressing their own uncertainties. If drug use by youngsters scares us, it is better to explain why then to expect the mere authority of a parental "no" to deter experimentation.

CREDIBILITY JEOPARDIZED

The parent who warns his teen-ager against the "terrible effects" of drugs, while he himself is sipping a martini, will of course lose all credibility. While frankness seldom undermines authority, hypocrisy always does. Among young people, the question often arises: Is the drug abuser only the person who uses illegal drugs or is he anyone who habitually uses mood-modifying drugs, legal or illegal?

It is hypocrisy, in the eyes of the younger generation, that separates the phonys from the real people. The stakes in the drug-abuse problem are so serious that parents must be willing to do a good deal of honest self-examination. Is it possible for us to admit that we, too, need help resisting group pressures? Is it possible for us to react with compassion for our own and our youngsters' mistakes? If our youngsters' lives are at stake, can we be willing to change our own way of life?

And if a young person is already using drugs, what should his parent do then?

The most important answer to that question may be the most difficult to follow: Don't panic! But do seek professional help of some sort. Too often parents react by trying to disown their child. But if ever the child needed a parent's intelligent love, it is then—when the child is being something less than the parent's ideal.

Parents should also remember that mistakes—including those with drugs—are rarely irreparable.

Allen, one of our friends, is a 16-year-old boy who started down the trail of illegal drug use when he was 11. By the time he was a sophomore in high school, he was pushing drugs as well as using them; some days he says he walked around school with several thousand dollars in his pockets.

Allen came from a traumatic home situation marred by two divorces, bitterness, insecurity, almost total independence, and not enough consistent love.

Last year his erratic lifestyle came to a climax. He was arrested and given a suspended sentence for illegal possession of drugs. During the year's probation, Allen knew he had to "come down" and "stay clean" or he would face a prison term.

The last time I saw him the year was about up. "Do you think you'll go back to the drug scene," I asked. "I don't think so," he said. "I know where it goes—nowhere."

"Sure, you knew that before. What makes the difference now? Have you changed?" I pressed.

"I suppose in a way," he said. "I mean I figured out that no one else is going to be responsible for me. So if I want to be alive and worth anything to myself, it's my responsibility."

SOME QUESTIONS RAISED

Allen came to this realization by himself—the hard way. As parents, we hope to save our children from such hard lessons. But perhaps we sometimes give our children insufficient chance to think through their own decisions, to learn along the way the consequences of their decisions, and to discover their own resources.

There are no simple answers to the drug problem, just as there is no such thing as "youth" or "the addict" or "the parent." But these questions may provide clues to what parents can do:

How well do you know your child?

What kinds of drugs are you using?

With whom can your child talk about his successes and failures?

Can you discuss drugs, moral standards, race, and war with your child without blowing your top?

Do you expect your son or daughter to turn to drugs? Is he or she already a failure in your eyes? Is he a special person to you or simply a blurred carbon copy?

What is his image of himself?

How well does your child know you?

It would be simplistic to assert that drug abusers come only from unhappy families or that young people who know they are loved and are capable of loving others never turn to drugs.

But it would be negligent not to point out that time after time, in interviews with sociologists, psychologists, and young people, the profile of the unloved and unlovely drug abuser appears. Drug use is the symptom: The problem is "nobody cares."

In "The Transparent Self," Dr. Sidney Jourard has written an incisive summary of the need: "If I love someone, not only do I strive to know him, so that I can devote myself more effectively to his well-being, I also display my love by letting him know me. . . ."

PARENTS WHO STUCK WITH THEIR YOUNGSTERS

(By Susan Hunsinger)

BOSTON.—"It's a hard time to be growing up, with drugs and the war and all," a son told his mother on his 18th birthday.

It's a hard time for parents, too. Few parents—no matter where they live—can remove their children from the availability of drugs, whether "pot," pills, or heroin.

In the situations that follow, each of the parents has in some sense faced "the drug problem." Some have so far managed to spare their children from any direct drug involvement; others are having to cope with its effects; all are working seriously for a solution.

A HARLEM FATHER OF A 22-YEAR-OLD SON

"When I discovered that my son was shooting heroin, I had to make three efforts to get him into a treatment program," said the father, and ex-addict himself. "The first two times he didn't stay. The problem was that he didn't realize he was an addict—he didn't think he needed help.

"But all the time he was shooting dope he was stealing $20 here, $20 there from home to pay for his habit. Finally, I convinced my wife that we had to put him out. She cried, but she agreed.

"So my son was forced to sleep in the park for a couple of nights. Finally he called me up and pleaded for me to get him into a treatment program. Now he seems to be sticking with it, to want to stop, to want to help himself."

A CAMBRIDGE, MASS., DIVORCEE AND MOTHER OF THREE TEEN-AGERS

"My oldest son, now 18, left home two years ago" to join the "street"—or youth drug—culture, said the mother, school employee, and church-choir member.

"Three years ago my son made a new friend—his first link with 'the drug scene.' I tried very hard to let him know what this boy was, and to say, 'You don't need drugs in your life.' But he ignored me. . . . Aside from moving away, there seemed to be nothing I could do.

"As my 'noes' became more numerous, his rejections became unbearable. . . . One night at the dinner table he announced, 'I won't obey the rules in this house any longer.' He said as soon as he saved enough money, in about three months, he was going to move out. Until then, he said, 'I'm going to say what I want to say, smoke what I want to smoke.'

"I got up from the table, walked down the hall, and then came back and said, 'I've got news for you, son. Either you abide by the rules or you can find a room elsewhere in three days, not three months.'

"He was shocked. But the next day he did get a job, and he soon moved out."

Leaving home, however, did not mean giving up membership in the family.

"I let him know that the door was always open. I went to see his new apartment, took an interest in his new job, invited him for a cup of tea when he finished moving his things out. And he knew that coming home would never be interpreted as a defeat for him—but as a new decision.

"He had several jobs, one in a restaurant. But while he was working out problems for himself, he also was ready to put himself out to help others. Eventually he became a full-time staff member at Project Place, a center for runaways and people with drug problems in Boston.

"From time to time, he would come to see me and I would ask him, 'Where are you at? Are you ready to come home?'

"One day he decided he was and he moved back in. He had lost his preoccupation with drugs.

"My son has made some mistakes, experienced some pain he probably didn't have to. But I think he has come out rejecting what's wrong in the world and taking upon himself what is real and beautiful. . . . I think a child has a right to be right, and a right to be wrong, and to know that his parent will stay with him through it all."

A WESTON, MASS., MOTHER OF TWO TEENAGE SONS

"When our sons began to want to wear long hair, we tried to compromise," said the attractive suburban housewife. "We asked ourselves, 'What's the most important thing—the length of their hair or their basic attitudes toward life?'

"When we do say 'no,' it is because of what's at the center of our lives, in our case religion, which we hope is the basis for every standard we have.

"Parents have to set an example by living by their own standards. . . . But we have to give our children room to question them, and we have to understand that their questioning is not so much rebellion as it is a search.

"As for drugs, they are all over our high school. But they don't seem to touch our boys. In fact, I'm a little concerned that our youngest son, is not too popular at school—he's on a committee to inform kids about drug abuse."

A BOSTON MOTHER OF FOUR YOUNG CHILDREN

"I don't let my children out on the sidewalk alone," said the black mother who lives in Roxbury. "It's dangerous; it's no place for them. We have dope addicts, alcoholics, and demented people out there on the street.

"During the school year, I walk my children to school. And in the summer I take them to work with me.

"But I can't keep them inside all the time. Last week my children saw two men shot and killed in the pawnshop next door. My children are constantly seeing this ugliness—seeing people tossed into the paddy wagon and being bloodied up.

"I can't shield my children's eyes from all this. So I take them to Sunday School and try to offer them something better in life.

"I'm also supporting the establishment of more treatment centers, so that the addicts will have some place to go instead of wandering on the street. And when my kids are old enough, I will take them to places like the Roxbury Girls Club where they will have something to do."

A NEW YORK SUBURBAN MOTHER—AS SEEN BY HER 23-YEAR-OLD DAUGHTER

"I grew up in a New York suburb at a time when everybody was into pot and other drugs," said the girl in retrospect.

"But even though all my friends were into drugs, my mother seemed to see me as I really was. She was not suspicious. She would remind me that a person is known by the company she keeps, but she didn't try to prevent me from seeing my friends.

"Her trust sustained me, though perhaps I didn't appreciate that at the time.

"When I would come home from a wild party, maybe at three in the morning, my mother would come in to talk with me. Sometimes I frankly didn't feel like talking to her—because she could see beyond my current interests and I couldn't.

"But I looked up to her, and I guess I always wanted to be like her. She's a cheerful person—the kind people can't help liking.

"I finally grew out of my old friends," said the girl, who now has a good job and close ties with her mother. "What really hit me was a phone call I got the other night from one of my old friends, who said the others are still at the same level—just vegetating with drugs.

"Then I realized what we had been doing and how different my life is now."

BILL TO TERMINATE AIRLINES MUTUAL AID AGREEMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 1970

Mr. FRASER. Mr. Speaker, the major airlines of our country have modified the terms of their mutual aid agreement for use in case of strikes, to such an extent that it is clearly not in the public interest.

Congress gave the Civil Aeronautics Board authority to approve or disapprove all contracts between airlines. The mutual aid pact should be disapproved. Congress must terminate it at once.

Airline strikes are longer and more damaging to the public and to the communities affected, now that the mutual aid payments start at 50 percent rather than 25 percent of normal operating expenses of the airline that is shut down.

The work stoppage at National Airlines was 4 months long from January 30, 1970, to May 27, 1970. For that period National was paid more than $25,000,000 in mutual aid by the other airlines. As a result National showed a profit of $8 million for the year ending June 30, 1970.

Northwest Airlines has been 75 percent closed down since July 8, 1970—3 months ago. Payments by other carriers were $10 million through August. As a result, Northwest's profits are expected to be normal. The only people who suffer are:

The communities depending on NWA service;

The traveling public;

The 3,500 employees on strike; and

The 5,000 other employees out of work because of the strike.

Northwest Airlines pays the lowest wages in the industry to its employees. Northwest has refused to attend bargaining sessions at the request of the National Mediation Board since September 9.

With millions of dollars in mutual aid coming in, an airline no longer has any incentive to make a sincere effort at collective bargaining and reach a settlement of the dispute. Labor-management relations in the airline industry will soon be in bitter disarray.

In an effort to prevent this from happening, the House should act as soon as possible to withdraw from the Civil Aeronautics Board the authority to approve an agreement such as this and terminate the airlines mutual aid agreement, effective October 5, 1970.

I am happy to associate myself with the following Members of the House who have already agreed to join in sponsoring a bill to terminate the agreement:

Mr. JOSEPH E. KARTH, of Minnesota.

Mr. ARNOLD OLSEN, of Montana.

Mr. ABNER MIKVA, of Illinois.

Mr. WILLIAM D. HATHAWAY, of Maine.

Mr. BENJAMIN ROSENTHAL, of New York.

Mrs. PATSY MINK, of Hawaii.

Mr. LLOYD MEEDS, of Washington.

Mr. RICHARD FULTON, of Tennessee.

The following clippings from the Minneapolis Star and Tribune tell the story of the exorbitant payments being paid under the airlines agreement and the resulting breakdown in negotiations for a settlement of the dispute.

RIVALS PAY NORTHWEST $10 MILLION

Northwest Airlines, Inc., competitors have paid the struck carrier more than $10 million since a July 8 strike by clerical workers, the Civil Aeronautics Board reports.

The payments are made by the airlines when a member of the industry's mutual-aid pact is struck.

The other nine carriers in the aid pact have paid the Minneapolis-based airline revenues they have made on routes over which they would compete with Northwest. They also pay the airline a certain percentage of its normal operating costs.

Through August, the board reported, Northwest has received $10,403,665 from its competitors.

The largest chunk came from United Air Lines, $3.81 million, followed by Trans World Airlines, $2.04 million, Pan American World Airways, $1.29 million, American Airlines, $1.12 million, Western Air Lines, $966,000, Eastern Air Lines, $899,278, and Braniff Airways, $266,433.

No negotiating sessions are scheduled with the 3,500-member striking Brotherhood of Railway and Airline Clerks which had idled about 5,000 other airlines employes.

STRIKE HAS CUT NWA INCOME $92 MILLION—BUT PROFITS WON'T DROP

Northwest Airlines estimates it has lost more than $92 million in operating revenues during the strike by 3,500 clerks employed by the firm, it was learned Monday.

An exhibit filed by the airline in Federal District Court shows that revenues in the third quarter of 1970 totaled $51.08 million. The firm earlier had projected revenues of $143.14 million for the period.

The exhibit was filed in connection with a Northwest suit that seeks to compel members of the International Association of Machinists to cross picket lines and return to work. Final arguments in the suit are scheduled for Wednesday.

The strike by the Brotherhood of Railway and Airline Clerks began July 8 and has forced Northwest to sharply reduce its flight schedules.

While the airline's revenues have dropped, many observers in the financial community believe that the firm's profits will be normal for the strike period.

The continued operation of highly profitable routes, government subsidies and a mutual-aid agreement with other airlines are factors expected to prevent Northwest's earnings from falling.

350TH ANNIVERSARY OF THE MAYFLOWER COMPACT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. KEITH. Mr. Speaker, I am today introducing a resolution commemorating the 350th anniversary of the Mayflower Compact, which was signed on November 21, 1620, in Provincetown Harbor, Mass. My resolution also calls attention to the first thanksgiving at Plimoth Plantation and designates the week following November 21 of this year as a "National Week of Thanksgiving and Rededication."

I am happy to report that I was joined by 10 other Massachusetts Members as

cosponsors of this resolution. However, I had also invited members of the Virginia delegation to join me in view of the closely related colonial history and traditions of our two States. Since the Jamestown pioneers were around at about the same time as the Massachusetts settlers I thought we would give the Virginians equal mention in our resolution.

Unfortunately, Mr. Speaker, a hardy band of revisionist historians has sprung up down in Virginia. They have been claiming that the first Thanksgiving was celebrated not in Massachusetts, as every schoolboy knows, but in Virginia. Now, I am willing to go half way and make favorable reference to Virginia's contributions to our Nation's colonial history. But, Mr. Speaker, I do not think our Virginia friends can have their turkey and eat it too.

The text of the resolution follows:

H.J. RES. —

October 7, 1970

Joint Resolution to authorize the President to designate the week of November 21–27, 1970 as "National Week of Thanksgiving and Rededication"

Whereas, November 21, 1970 marks the 350th Anniversary of the signing of the Mayflower Compact in Provincetown Harbor, and

Whereas, this document is a milestone in the development of civil liberities and self-government in the New World, and

Whereas, the sacrifices and efforts of the signers of the compact and the earlier settlers of Virginia laid the foundation for the establishment of freedom in the United States, and

Whereas, the American celebration of Thanksgiving recalls the valiant efforts of the Pilgrim Fathers of the Plimoth Plantation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of November 21–27, 1970 as "National Week of Thanksgiving and Rededication."

FEDERAL TAX SHARING LEGISLATION LANGUISHES WHILE THE LOCAL TAXPAYER IS LEFT DANGLING ON THE VERGE OF BANKRUPTCY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ROE. Mr. Speaker, I would like to voice my wholehearted support for the enactment of legislation which will return a certain percentage of Federal tax receipts to State and local governments with little Federal supervision and control.

Federal tax sharing has received widespread public attention during the past 6 years, but despite its support by the President, by many of my colleagues in the House and in the Senate, by State and local officials and organizations, and by many leading economists, pending legislation still languishes in the Congress, and it is not at all certain whether any of the measures introduced will be enacted before the 91st Congress adjourns.

With State and local financial expenditures spiraling in response to inflationary pressures and to the increasing requirements of their growing populations, local governing bodies are caught in a critical financial bind as they seek to provide the urgent needs of our citizens for essential educational, health, safety and all other necessary community services.

Federal revenue sharing would provide State and local governing bodies with a continuing source of additional revenues upon which they can depend each year without having to bankrupt the local taxpayer throughout our country.

I view Federal-State revenue sharing legislation as one of the most important bills to come before the Congress and have joined with a number of colleagues here in the House in sending a communication to the distinguished chairman of the Ways and Means Committee requesting that hearings be held as soon as possible on this measure in order that this legislation can be considered by the House before adjournment of the 91st Congress.

Local and State taxes in New Jersey border on the confiscatory and the time is long overdue for New Jersey's citizens to receive their equitable, just share of federal tax dollars at least equal to that which we send to Washington. Our State has always been on the deficit side of the Federal tax dollars at least equal to that help, at least in part, to relieve some of the fiscal crisis facing New Jersey and its municipal and county governments. The proposed legislation also seeks to achieve a better allocation of total public resources and seeks to provide the incentive and financial resources for State and local governing officials to effectively carry out their leadership and responsibilities in meeting the needs of our citizens. The measure would help to establish better "home rule" and return to the States a larger portion of the tax funds collected by the Federal Government.

This proposal is by no means new, but public interest has remained particularly strong since 1964, spurred on by the active promotion by President Nixon of such legislation together with the support of some of the leading economists of our time such as Dr. Walter W. Heller, former Chairman of the President's Council of Economic Advisers during the Kennedy-Johnson administrations and by Dr. Joseph A. Pechman, director of economic studies at the Brookings Institution.

Basically, this proposal would return to State and local governments some percentage of Federal tax revenues—usually income tax receipts—to State and local governments with few Federal strings attached.

Congressional support for this legislation has continued strong during the 89th, 90th, and this current 91st Congress. During the 89th Congress, some 51 tax-sharing bills were introduced. During the 90th Congress over 100 measures were introduced on this subject, and during the first session of the 91st Congress, 55 measures were sponsored by about 40 percent of the congressional membership.

The need for enactment of Federal revenue sharing legislation, I believe, is readily apparent and has been well documented by many of its advocates.

It is true that the Federal authorities have recognized the existing fiscal imbalance between the National Government and State and local units, and have attempted to assist these governments by means of extending increasing amounts of funds for grants-in-aid for a wide variety of purposes. During this current fiscal year 1971 alone, some $27.6 billion will be granted to these governments for educational, housing, health facilities and services, highways and for many other purposes. And these grants over the years, I am certain, have made an important contribution toward insuring a better standard of living for our citizens throughout the country to enjoy.

These programs, however, simply are not enough and more must be done to enable State and local governments to provide those programs which are so sorely needed by our citizens. Revenue sharing combined with a continuation of existing federal grants-in-aid will help to bring about some measure of financial relief to our hard-pressed State and local governments.

At the same time, since most of the bills introduced do not impose rigid controls on how the funds shall be spent, enactment of this legislation will give greater latitude to State and local governing units to use this assistance for those programs which they deem most urgent.

We must delay no longer in enacting Federal revenue-sharing legislation which will help give our financially distressed States and cities an additional source of income to enable them to provide our people with those programs they deem most urgent. I for one intend to exert every effort to help bring about enactment of this legislation this year.

AN ERA OF PEACE THROUGHOUT THE WORLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MILLER of Ohio. Mr. Speaker, although the President's five-point proposal for peace in South Vietnam has been initially scorned by the other side with its usual manner of caustic rhetoric, it is significant to note that they have stopped short of a complete rejection. The door is apparently open for future discussion of the plan and its implementation. Hanoi has reached a crossroads—either prolong the war and face an increasingly viable and strong foe in Saigon or agree to earnestly seek a meaningful settlement. The President's initiative would seem to make their choice somewhat easier in view of Hanoi's deteriorating military posture in South Vietnam.

The plan advanced by the President last night is comprehensive and realistic. It lays the groundwork for a cooperative venture in peace in Southeast Asia. It is my sincere hope that history will record

that this moment ushered in an era of peace not only in this troubled and torn land but throughout the world.

CONGRESSWOMAN MARTHA W. GRIFFITHS REPORTS TO THE PEOPLE OF THE 17TH DISTRICT OF MICHIGAN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mrs. GRIFFITHS. Mr. Speaker, at the end of each Congress, I submit a report to the people of the 17th District.

Not too long ago, Congress traditionally adjourned at the end of July, which permitted Congressmen to return to their districts to talk directly with the people and to secure a better understanding of their problems. But, the pace has changed in the last decade. The complexity of legislation, the deepening of the issues of the country, and the interdependence of our social and economic problems are making year-long sessions almost mandatory. While recesses for Congress now are intermittently scheduled, I have continued to emphasize increasing two-way communication with my constituency by means of letter writing, newsletters, personal appointments, and a district office opened weekdays. The results of the 1970 questionnaire, which I sent to the district, are printed at the end of this report.

My committee assignments in the House have afforded opportunity to shape major legislation. On Ways and Means, I worked on the social security, tax reform, and welfare legislation. With my appointment to the new Select Committee on Crime, I joined in an intensive examination of crime in the country. As a member of the Joint Economic Committee and chairman of its Fiscal Policy Subcommittee, I chaired hearings on pension plans and participated in investigations that led to the uncovering of a $2-billion cost overrun of the C–5A transport and an indictment against the Defense Department for wasteful management and purchasing practices, which have greatly inflated the defense budget. A recent recommendation of JEC has called for a halt in funds for the SST, warning of its enormous costs and potential contamination of the stratosphere.

The 91st Congress marked the transition of a new President. Issues centered on Vietnam, the economy, and national priorities.

Debate on Vietnam and amendments to curb expansion of the war, which had my support, were attempts by Congress to reassert control over the war powers, which have been assumed by the Executive, and to assure the people a greater voice in these vital matters.

To curb inflation, which has pushed the cost of living to a record high in 20 years and has deflated the purchasing power of all wages, salaries, and pensions, Congress provided the President with regulatory controls over all forms of credit and standby authority to freeze prices, rents, wages, and salaries. However, the administration has relied on fiscal policies of tight monetary control. The question raised with interest rates at 8½ percent, housing starts off 40 percent, and unemployment at 5.5 percent—the highest in 7 years—is whether or not these administration policies are too long in achieving effective results and whether or not the contrived slack they are creating in the economy is too costly in terms of the burden they are placing on certain segments of society, which are least able to bear them. The joblessness of 4.6 million Americans and the suffering this tolls on their families and dependents cannot be discounted. The economic slowdown has cost the Federal Government an estimated $15 billion in revenues in the last 2 years. Unemployed workers do not pay taxes. Yet proposals by Congress to create employment by meeting some of the housing, environment, and education, and health needs of this Nation have been opposed by the administration.

While Congress acted to curb Government expenditures, its goal was to reorder the Nation's priorities, emphasizing public investment in domestic and human needs, such as education, health care, housing, and pollution control. In fiscal 1970, Congress reduced the administration budget by more than $6.4 billion, slashing defense spending and foreign aid. But, Congress met with Presidential vetoes when it attempted to raise hospital construction funds $349 million and added $1.3 billion for our health, education, and welfare programs.

The following is a summary of the major domestic legislative work of this Congress. The record is not complete, but it does represent substantial effort to meet the national and community needs of a growing America.

For 25 million Americans, a 15 percent across-the-board increase in social security benefits became effective last January. An additional 5-percent boost is included in legislation passed by the House in May, as well as a provision for automatic cost-of-living increases. Major changes in social security would: liberalize the retirement test, permitting a beneficiary to earn $2,000 a year—formerly $1,680—without losing benefits; entitle widows and widowers to the total amount of monthly benefit due to the wage earner instead of the present 82½ percent; eliminate requirements that divorced wives and widows show support to qualify for benefits as dependents—this was a proposal of mine; provide an age 62 computation point for men in determining benefits, the same as for women—this again was another of my proposals; and raise the limit above which social security must be reduced when workmen's compensation is payable. My proposal to permit married working couples to collect benefits based on their combined earnings credit was not adopted. Major changes in medicare would: provide additional power to curb price-gouging by doctors and hospitals; permit persons eligible for medicare and supplemental health insurance to choose to have care provided under a prepaid group health plan; and enable persons not covered by social security to buy medicare coverage for $27 a month.

Amidst threat of Presidential veto, Congress enacted the most comprehensive tax reform bill in the Nation's history, providing tax cuts of $9.1 billion and tax reforms of $6.6 billion in revenues gained. The act is a step forward in closing or narrowing loopholes, which have permitted millions of dollars to escape taxation and to assure a fairer tax structure for everyone. Major provisions affecting tax relief include an increase in the personal exemption from $600 to $750 by 1973; a minimum standard deduction designed to remove from the tax-rolls almost all persons at the poverty level; an increase in the maximum standard deduction from 10 percent with a $1,000 ceiling to 15 percent with a $2,000 ceiling, effective 1973; and a lower rate schedule for single persons to assure that in no case do they pay taxes more than 20 percent higher than married couples with the same income. Major tax reform provisions include reduction of the oil and gas depletion allowance from 27.5 to 22 percent; a minimum tax of 10 percent on sheltered income over $30,000, aimed at preventing wealthy individuals or corporations from escaping Federal taxes; a 4-percent tax on net investment income of private foundations; extension of the unrelated business tax to churches and other tax exempt organizations; and repeal of the unlimited charitable contribution by stages.

Responding to needs to assure a habitable environment, Congress strengthened antipollution programs with increased funding and increased controls. Congress added nearly $600 million to the President's $214 million request for waste treatment plants, which I supported with appropriate legislation, and approved a record $1 million for fiscal 1971 to curb the flow of improperly treated sewage into our waters. Congress also struck at oil pollutants and sewage from vessels, making firms and ship owners liable for water pollution disasters such as oil spills.

With motor vehicle emissions discharging 300,000 tons of pollutants daily into the atmosphere. Congress appropriated $45 million in contrast to the administration request of $18.7 million for research into fuel combustion and amended the Clean Air Act setting strong nationwide air quality standards covering industry, jet planes, and automobiles.

A Council on Environmental Quality was authorized in the Executive Office to make recommendations for the management and care of the environment. This was similar to a bill of mine, H.R. 11942. Funds also were authorized for a stepped-up program of solid waste disposal after warnings were heeded that local communities will be unable to cope with mounds of trash and garbage, creating land blight and breeding grounds for disease and vermin, within 10 years.

The consumer has been a central focus of attention. Both the House and Senate passed legislation to restrict the mailing of credit cards to protect against large-scale theft of these cards and their fraudulent use. The fair credit reporting bill is aimed at preventing credit bureaus from furnishing inaccurate cred-

it status reports about individuals by permitting persons to look into and challenge their credit records. The life of the National Commission on Product Safety was extended to continue investigation and identification of hazardous merchandise. In addition, Congress banned the selling of toys posing mechanical, electrical or thermal hazards to children and expanded the Motor Vehicle Safety Act to require tire manufacturers to notify purchasers of defective tires.

To help local law enforcement fight crime, the House voted a $3.2 billion extension of the Crime Control and Safe Streets Act of 1968. The Federal grant money can be used by localities for police salaries, buildings, equipment, and training. The legislation this year stipulates that States be required to direct money to high crime areas, such as our cities and metropolitan areas.

The organized crime bill awaiting House action broadens Federal jurisdiction in dealing with organized crime and extends the death penalty to terrorist bombings that result in fatalities.

A comprehensive drug bill passed both Chambers providing stiffer penalties for pushers, expanded Federal enforcement powers, controls over the manufacture and legal use of drugs, and funds for rehabilitation of users and a drug abuse education program. Millions of Americans are being affected by increasing drug traffic. The total worth of goods stolen daily by hard-core addicts, who must support their habits, is approximately $25 million. As a member of the Select Committee on Crime, I sponsored several bills to control the manufacture, distribution, and possession of methamphetamines and hallucinogenic drugs. A bill I sponsored calling for a study on the use of marihuana was incorporated into the drug bill.

To stop the flood of unwanted sex-oriented materials into private homes, legislation has been acted upon to prohibit the intentional use of the mails to transport salacious, unsolicited advertising. Strong penalties provide a 5-year sentence for a first offense with a maximum fine of $50,000. Legislation also passed the House making it illegal to mail to minors obscene literature, similar to legislation that I had introduced. The postal law also was expanded to prohibit the mailing of sex-oriented advertising to persons who advise a postmaster they do not want this type of material, whether or not such mail has been received in the home.

Congress reinforced the commitment made to education in 1965 to improve the quality of learning and to assure educational opportunity for all children. Balking the Executive, Congress increased funds for education over $1 billion during the first session and added $454 million to the 1971 administration request over Presidential veto and threatened cutbacks in funds for elementary and secondary education programs, vocational education, the construction of higher education facilities, library services, and national defense student loans. The loss of Federal funds means that property owners in various communities are forced to pick up an added tax to support these programs. Congress further included restrictions in legislation to prohibit the use of Federal money to force schools already desegregated to bus students, and to prohibit funds for college students and teachers, who incite and engage in campus violence.

Despite efforts by Congress to assure adequate health care for the Nation's citizens, Congress met with administration cutbacks. The President's veto of the Health, Education, and Welfare appropriation bill for 1970 resulted in hospital constructions funds cut by $82.2 million and health educational research and library facilities by $22.9 million. Proposed administration budget cuts for fiscal 1971 of $26.4 million have affected heart disease, arthritis and chronic disease research, which I have strongly resisted; and this year when the President vetoed the bill authorizing $2.9 billion in grants and loans for hospital construction and modernization, Congress mustered enough votes to override the veto. Today, our health care needs are approaching emergency proportions. We need 50,000 more doctors, 200,000 more nurses, and 250,000 hospitals beds at a cost of 4 to $6 billion alone.

For health care, Congress provided assistance for the construction of medical libraries. It extended the program of grants for the construction and staffing of facilities for the mentally retarded and expanded coverage to include individuals suffering from neurological handicapping conditions such as cerebral palsy, which afflicts 550,000, and epilepsy and related disorders, afflicting almost one million. In addition, Congress extended the regional medical centers program to help provide physicians and their patients with the latest scientific knowledge in diagnosis and treatment of heart disease, cancer, and stroke, and extended the program to cover kidney disease. A $165 million 2-year program to combat diseases such as tuberculosis, veneral disease, measles, polio, diptheria, and whooping cough was enacted with evidence of the possibility of epidemics in our cities. To alleviate critical shortages of health personnel, Congress acted to extend programs to provide for training grants for allied health personnel; for example, dietitians and X-ray technicians.

On February 9, I introduced a national health insurance bill to establish a program designed to meet the growing financial and organizational crisis in our health care system. Due to soaring health care costs, the average wage and salary earner not only is being priced out of the health care market, but is threatened with possibility of financial ruin should extended or serious illness strike. The effect of my proposal would be to provide incentive for doctors to keep their patients well rather than to let them get sick enough to require expensive hospitalization. The program would be financed by a fund under social security made up of payroll taxes of 1 percent for the employee and 3 percent for the employer. The Government would match the employer contribution out of general revenues.

The President's welfare reform bill that passed the House would guarantee an annual income of $1,600 for a family of four. Assistance would be provided if there were an able-bodied father in the home who is not working, but is seeking work or training. It would permit a father to earn as much as $720 before welfare payments would be reduced, phasing out altogether when income rises to $3,920. A welfare family of four also would be entitled to about $800 in food stamps. The legislation would add millions of people to the welfare rolls and the cost is estimated at $4.5 billion in its first year of operation. I still think my "three meals-a-day" program for children, explained below, would be better.

The poverty program was extended for 2 years helping America's poor with job training and educational services—the tools they need to help themselves. A massive enlargement of the food stamp program also awaits final action which would provide $125 a month in free stamps for a family of four having below an income of $60 a month.

Shocking malnutrition in this country affecting 10 million Americans is well documented and we know its cost in terms of illness and retarded mental and physical growth, particularly among children. But, in my judgment, food stamps alone or our present school lunch programs, which were extended, are not adequate remedies. Under these programs, there is no assurance that the hungry are being fed. For example, in Detroit, 79 out of 224 elementary schools participate in the school lunch program, but among those not participating 78 are located in the slums. For this reason, I have proposed a program to provide three free meals a day, 5 days a week, to all children under 16 who are receiving welfare or whose families are at the poverty level. The meals would be served in public and private schools and other nonprofit child institutions. The Federal Government would pay the cost of installing whatever equipment was needed to serve the meals. The saving would be in reduced welfare costs and elimination of school lunch programs, which for 25 years have missed their target population—the hungry.

With middle Americans being squeezed out of the home market due to high interest rates and inflation, Congress increased the availability of mortgage credit. An attempt was made to increase appropriations for our housing and urban development programs, which would have benefited over 1,800 cities and towns in aid for urban renewal and water and sewage facilities, but the President vetoed the appropriation. Meanwhile, a $4 billion housing bill is awaiting House action to provide funds for public housing; urban renewal; subsidies to help poor families buy and rent homes; and theft insurance to cover homeowners and businesses who cannot buy private policies because of high crime rates.

To help solve our transportation problems, an airport aid bill was enacted authorizing a long-range program to expand and improve the airport and airways system. In addition, both Chambers have acted on legislation authorizing grants and loans to develop mass transit systems and to promote safety in all areas of railroad operations.

For the working man, the unemployment compensation program was extended to an additional 4.8 million workers and 13 weeks of additional benefits were authorized for the unemployed during periods of high unemployment. To protect miners, Congress passed the Coal Mine Safety Act. Awaiting action is legislation which would provide mandatory Federal occupational safety and health standards for all workers in industry affecting interstate commerce. The manpower training bill pending would reorganize our present manpower programs placing projects under the control of State and metropolitan areas, and would provide Federal funds to cover 80 percent of the cost of a public service employment program to hire 250,000 unemployed and underemployed to work in State and local hospitals, schools, police, and fire stations, and other public agencies.

Patterned on the Civil Conservation Corps of the depression days, Congress authorized a Youth Conservation Corps, which would employ about 3,000 young people ages 16 to 18 during the summer each year in national parks and forests. Noting the high rate of unemployment of youth in this age bracket, the goal is to provide these youngsters with both employment and conservation experience.

Equality for all Americans is a national concern. Congress extended and expanded the Voting Rights Act for 5 years to open participation in the political process in areas where citizens systematically have been denied the right to vote. The new act also overrides restrictive residency rules that have acted to disenfranchise many citizens who move out-of-State before presidential elections. A historic provision in the act gives 18-year-olds the right to vote in all elections starting next January. Some 11 million young persons will become eligible to vote if this legislation is upheld by the Supreme Court.

Two constitutional amendments that have passed the House would abolish the electoral college providing for the direct popular election of the President and would apply the 14th amendment of the Constitution to women as it now applies to all other minorities.

To provide a more efficient and self-sustaining postal system, Congress enacted the Postal Reorganization Act, replacing the Post Office Department with an independent Postal Service within the executive branch, free from direct political pressure. The new Service would remove from Congress the functions of appointing postmasters and setting postal rates and pay. For postal employees collective bargaining rights will be assured and workers will have the choice to join or not to join a union. An 8-percent pay raise was granted to postal employees on top of an earlier 6-percent increase in accordance with agreement reached with the administration following the Nation's first mail strike of last spring.

A series of major bills were passed aimed at improving benefits for American veterans. GI educational benefits were raised by 34.6 percent despite administration attempts to limit the increase to 10 percent. Congress also increased from $10,000 to $15,000 the amount of servicemen's group life insurance and enacted an 8-percent increase in compensation rates for over 2 million disabled veterans. While Congress voted $105 million in additional funds to solve problems affecting the service and care in our VA hospitals, the administration vetoed the bill bearing this appropriation. Pending also is legislation which would raise income limitations and provide rate changes averaging 9.5 percent under the VA pension program and assure that no pensioner loses any of his pension because of the social security raise. The bill I introduced to provide a total social security exclusion or to eliminate social security as an income determinant for a veterans' pension was not adopted in committee.

Congress enacted legislation permitting the President to institute a draft lottery system, drafting 19-year-olds first. The objective is to reduce the period of draft vulnerability for a young man from the present 7 years to 1 year and to provide an impartial method of selection, distributing the risk of callup fairly and widely. While proposals were introduced in this Congress to establish a volunteer army, they have not yet been scheduled for discussion by the armed services committees.

The first legislative reorganization bill in 24 years passed the House. Although no changes were made in the jurisdiction of any committees or the seniority system, the bill would offer the public greater opportunity to observe the operations of Congress by encouraging more open committee meetings, requiring that all committee rollcall votes be made public, and allowing broadcasting and television of House committee hearings.

The 91st Congress has been productive and the issues difficult. My thanks to the many of you who wrote or phoned me to express your views on legislation. Knowing how you feel is vital in being able to serve you effectively. For those of you who did not see the results of the earlier 17th District questionnaire, I am printing them below for your review. If ever I can be of assistance to you, please write or contact my Detroit office at 14615 Grand River, 273-6991.

The questionnaire results follow:

RESULTS OF THE 17TH DISTRICT QUESTIONNAIRE

Earlier this year, I sent to every household in the 17th Congressional District a questionnaire to gather your views on several major issues. A total of 5535 responses were received. The results of the questionnaire in percentages are summarized below. I was encouraged at the response and I want to thank all of you who responded.

[Results in percent]

1. Do you support President Nixon's efforts to achieve peace in Vietnam?

Yes	59.9
No	22.2
Undecided	17.9

2. In the event that U.S. troop involvement has not been substantially reduced by the end of 1970, do you favor:

a. Continuing military operations at the present level while pursuing further negotiations	14.2
b Immediate withdrawal	30 5
c. Increased military operations	10.1
d. Phased withdrawal of U.S. troops	38.9

3. Do you approve of the draft lottery system?

Yes	49.9
No	28.5
Undecided	21.6

4. Should first-time drug offenders be subject to mandatory fine and/or imprisonment sentence?

Yes	45.1
No	40.7
Undecided	14.2

5. Do you favor the President's welfare proposal?

Yes	36.0
No	36.5
Undecided	27.5

6. Tax cuts may create a budget deficit which could have an inflationary effect. In which of these areas would you cut spending:

a. space programs	75.9
b. education	8.5
c. aid to cities	14.5
d. welfare	33.1
e. pollution programs	5.7
f. defense	53.5

7. Would you favor federal medical insurance for everyone?

Yes	53.5
No	33.9
Undecided	12.6

8. Interest rates have spiraled to the highest level since the Civil War. Should we:

a. Relax credit restrictions to avoid possible recession	17.0
b. Maintain credit restrictions until inflation is halted	39.4
c. Pursue a policy of selective credit restraints on a voluntary basis to ease pressure on areas of the economy hardest hit by tight money	31.4

9. Do you favor re-establishing wage-price guidelines?

Yes	60.9
No	17.0
Undecided	22.1

10. What do you believe are the principal problems facing our nation today?

Crime	50.8
Pollution	32.7
Vietnam	29.5
Inflation	28.8
Social Unrest	15.6
Drugs	11.5

UNITED MINE WORKERS PRESS FOR MANPOWER TRAINING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. YATRON. Mr. Speaker, the United Mine Workers of America—UMWA—recently announced that it will press for inclusion of manpower training on the agenda of its upcoming bituminous negotiations.

I strongly agree with the viewpoint outlined by UMWA's president, W. A. "Tony" Boyle, that the mine manpower shortage has contributed significantly to the Nation's energy crisis and that the negotiators must, therefore, address themselves to this acute problem.

I include the Mine Workers' press release of September 23 in the RECORD at this point:

W. A. (Tony) Boyle, president, United Mine Workers of America, today said that the union will include the problem of manpower training in its 1971 bituminous negotiations.

The UMW president noted that the nation now lacks trained mine manpower for both below and above ground mine jobs. He said that the manpower shortage is a major factor in the nation's growing energy crisis.

"A trained labor force is the responsibility of the coal industry which can afford to meet its responsibilities in this regard. We intend to discuss those responsibilities in our coming collective bargaining and to write training opportunity for the present and future bituminous mine labor force into our contract," he said.

Boyle pointed out that the nature of coal mine ownership is changing, and that the new owners increasingly are energy conglomerates and big utilities seeking captive coal supplies. He said that these companies can well afford the investment to insure safe mines and a trained labor force.

"With the price of coal skyrocketing, the operators can no longer validly claim that they cannot afford the human and physical investments that will insure a stable and trained labor force. Such a labor force is in the best interests of the industry and all who work in it.

"Mine safety is required by law and is vital to the recruitment of young men for both replacement and essential labor force growth. The mine operators will serve their own future by living up to the spirit, as well as the letter, of the Federal Coal Mine Health and Safety Act.

"Today's coal mining is highly skilled work, and the day of the pick and shovel mine is over. Mine worker training is the business of our union and every member. It is essential both to the high productivity the nation needs and the modern wages and pensions that coal miners intend to win in their next contract," Boyle said.

AUTO SAFETY: BUMPERS—NO. 2

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 1970

Mr. SCHWENGEL. Mr. Speaker, Mr. Robert Leys, vice president of Allstate Insurance Co., testified at the hearings held by the National Highway Safety Bureau on the problem of bumpers. Mr. Leys' remarks provide some thought-provoking reading for those concerned with the senseless economic loss resulting from our poorly designed bumpers. His remarks follow:

THE ALLSTATE COLLISION INSURANCE DISCOUNT FOR "LESS DELICATE" CARS

The American consumer deserves our help. He is caught in an inflationary storm which is driving his cost-of-living index off the charts. Everything he reaches for is affected—food, shelter, clothing, transportation. But, gentlemen, my company, Allstate, believes that we—the automobile manufacturers and the auto insurance companies, together with enlightened and appropriate support from the government—can do something about that last necessity . . . transportation.

Gentlemen, we have a unique opportunity to add a new dimension to the consumerism movement—but this time the move forward would come voluntarily from the corporate side. Together, we could provide the American consumer real and substantial savings in the use and operation of his automobile—and what is more remarkable, these savings wouldn't cost him anything.

On March 17, we made a relatively modest but innovative proposal. We offered a substantial insurance discount for automobiles designed to eliminate front and rear end damages in barrier impacts at five miles per hour. This single upgrading of the functional design of automobiles could, we estimate, ultimately save the American public almost one billion dollars annually. However, let me hasten to add that we view our offer as only the beginning . . . as an inducement for acceleration in the design of better, safer, more functional and more economical cars.

We are enormously pleased at the quick response of the Ford Motor Company to our announcement. Some of you will recall that Ford Vice President Robert J. Alexander told the press that his organization was as "pleased as punch" over our offer. This should not be too surprising, since the Ford management has demonstrated again and again that it is operating under enlightened and socially responsible principles which guide its marketing decisions. We are pleased to learn that it already had several projects under way aimed at toughening tomorrow's cars.

In addition to Ford's response we have received, privately, constructive inquiries from Inland Products Division and the Pontiac Division of General Motors and from one Chrysler officer. We are, therefore, encouraged both as to the feasibility of the design we seek and as to the possibility of seeing it in production in a reasonable amount of time.

As for the details of our offer, our Chairman Judson B. Branch, announced it in these words: "We are prepared to place into effect in states where approval is not needed, or file for approval in any state where approval is required, a 20% discount on collision insurance coverage for any automobile which the manufacturer can certify, through independent tests, can be crashed into a standard test barrier front and rear at a speed of 5 miles an hour without sustaining damage."

We are talking about a standard SAE test barrier—a concrete block with plywood facing.

We are not automobile engineers and do not pretend to possess the credentials for designing the type of vehicle we are talking about. We are insurance men in a free enterprise environment. In keeping with this environment, we have left the design job to the auto manufacturers, where it belongs . . . with the experts.

I would like to point out that our offer is designed to produce more than insuurance premium savings. Cars which could meet the 5 mile per hour impact standard we are talking about would save their owners the out-of-pocket expenses they now have to pay on the first $50 or $100 "deductible" of repair costs when their cars are damaged at low speed impacts. In addition, for those who do not carry collision insurance, such cars would save them the total cost of repairs from low speed crashes. Such cars also would save their owners the time loss and inconvenience they presently suffer when their cars are in the garage for repair of damage done in low speed crashes.

What are the dollar savings such a design would represent? I can only speak from our knowledge of Allstate customers. If the 4,653,000 cars we now provide collision insurance for were eligible for the 20% discount, their owners would save $42,452,000 per year on collision insurance premiums. If all other insurance companies offered a similar discount, the total savings to the public would be at least $425 million in insurance premiums since we write about 10% of this kind of auto insurance business.

When you add to that $425 million another $500 million which would represent the out-of-pocket repair cost savings of insured motorists with $50 and $100 deductibles and of motorists who carry no collision insurance, we see that 5 mile per hour impact design would save the public an estimated $925 million—almost one billion dollars a year!

We are helping focus the nation's attention on the unnecessary damage to vehicles involved in low-speed accidents, because this type of loss is accounting for major increases in the cost of auto insurance. One essential ingredient for ultimate maximum safety and savings is implementation of your proposed standard for uniform bumper heights.

We can see insurance premium savings of up to 50%—perhaps more on some coverages—once auto manufacturers really apply their skills and resources to the problem of finding ways to limit damage to people and their cars and to build in improved repairability when crashes occur.

A founding member of the Insurance Institute for Highway Safety, Allstate has been instrumental in the crash tests conducted by that organization.

IIHS-sponsored tests revealed that 1969 model cars suffered damages averaging $200 when crashed at 5 miles per hour. Similar models suffered damages averaging $650 when crashed at 10 miles per hour.

Experts have testified in public hearings in the Congress and elsewhere that it is entirely within the ability of automotive engineers right now to design bumpers and related parts which could absorb the impact of crashes at speeds higher than 5 miles per hour. We hope our proposal to save the public money will encourage automobile manufacturers to design more substantial, less delicate cars. We believe customers will show a preference for such cars and are certainly ready and eager for a reduction in their automobile insurance costs.

The public response to such an advance will encourage the automotive industry to provide still more functional designs in the future which could withstand impacts without damage at even higher speeds.

One auto manufacturer—Ford—had indicated willingness to improve bumper and related designs and had asked what the insurance industry would do in return for better design. We believe our offer is the kind of response manufacturers have been waiting for from the insurance industry. We believe other insurance companies will offer similar inducements.

As our Chairman, Mr. Branch, has said, "We believe automobile manufacturers and the insurance industry have a unique opportunity to demonstrate that good business practices pay dividends for all when guided by a sense of social responsibility. Auto manufacturers which seize this opportunity will realize a definite marketing advantage over their competitors which ignore this potential savings for their customers."

What can the National Highway Safety Bureau do in this matter? We urge that you produce the Vehicle Safety Standards necessary to establish uniform height and practical effectiveness of bumpers. We especially would like to see the standards require a functional flat face for the bumper to assure maximum contact surfaces between cars and to minimize bumper overrides and underrides. We would also like to see the standards require minimization or elimination of the dive of the car front and the rise of the rear during sudden stops or unbalanced loading, which otherwise would frustrate the uniform bumper height concept.

We urge that you expedite these standards, since the vast majority of vehicles on the road today are standard American cars and light trucks. We must begin as soon as possible to improve this part of the vehicle population. If further studies are needed for treatment of exceptional vehicles, such as heavy trucks and foreign cars, we urge that the Bureau plan to handle them with subsequent standards, but not hold up the basic standards for American cars.

The American consumer deserves our help. We are in high cost-of-living and inflationary times. The consumer for years has begged

for a break in his auto repair costs and in his auto insurance costs. We three—automakers, insurers and the government—are on the threshold of delivering it to him in the highest tradition of free enterprise merchandising. We at Allstate have but one message: let us begin now—today!

AS I SEEM TO ME

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. NELSEN. Mr. Speaker, recently my good friend and a former Member of the House, the Honorable Harold Lovre, brought to my attention the text of a sermon delivered by Rev. Raymond Shaheen of St. Luke's Lutheran Church in Silver Spring, Md. It was Mr. Lovre's opinion, and in this I heartily concur, that Reverend Shaheen's sermon is a particularly appropriate admonition to people in our troubled society today. The substance of Reverend Shaheen's presentation is that an individual can hardly respect anyone else if he does not have a wholesome respect for himself.

I include the text of Reverend Shaheen's sermon at this point in my remarks because I am sure that my colleagues will be as impressed as I with his thoughtful observations.

The remarks follow:

AS I SEEM TO ME

Text: *". . . should such a man as I flee?"*—Nehemiah 6:11

There's a character in Richard Brindsley Sheridan's "School For Scandal" who becomes the first one to leave a little gathering of people. One does so, you know, at some risk. To be the first to leave? Just think what could be done with your reputation by those who remain. Realizing this possibility so well, Sheridan has his character say (can't you picture the person standing at the door) in departing: "I go, but I leave my reputation behind me!"

Undoubtedly, any bridge club member knows, or as any one of a drawing room set knows, regardless of the situation, there's risk involved in an early leaving. A man's image, depending upon the integrity (or the lack of it) of those remaining could be tossed about quite recklessly by the ones who stay on to the end.

Honestly now, the thing that really matters may not be so much what the other people may think. Rather the important thing is what the character thought of himself, or herself, as he or she left the room!

So! Let me talk with you this morning about this very serious problem of self-esteem. Basically, it can be said, a man behaves according to the opinion that he has of himself. If he's fortunate enough to recognize some element of integrity in his own character, he'll be quite able to withstand the struggle that life eventually brings. Alan Paton perceived this clearly in the life of Albert Luthuli in whose memory he delivered a memorial address: "the real story of his life is the story of his fortitude. If you win in life, you are a successful man. If you lose, you are an unsuccessful man. But if you go on—whether you win or lose—then you have something more than success or failure. You keep your soul."

And that was Paton's superb testimony to the need for a healthy regard for one's self.

Come now, just what do you think of yourself? How is this opinion being fashioned? What is the ground for this opinion that you have of yourself?

Would you believe it? After all that we've said about pride being the worst sin, there is the possibility of a so-called "proper" pride (the word is carefully chosen) which is essential to one's growth and emergence into manhood. How about letting the poet Clough speak to this point: "he who would climb and soar aloft must ever keep alive within his soul the tonic of a wholesome pride."

As I view the current scene, I am convinced that something is happening to us, to all of us. Sometimes I think it's eating away at the very heart of America. We're losing respect for ourselves, for others, for our leaders, for our elders, for our institutions, for our time-tested values, and for God.

I don't have to list the evidences. Anyone who reads the papers, listens to radio and TV, anyone who deals with people at any level knows exactly what such an indictment involves and can give first-hand testimony to attest to the sad situation.

It seems to me that we lose respect for others because we've lost respect for ourselves. Because we don't place much of value upon ourselves we don't much care about the way we dress, the way we talk, the way we think, the way we behave, or the way we treat other people.

And why don't we think rather highly of ourselves? Sociologists may tell us it's because there are so many of us. Whenever there's an increasing quantity of anything, the value of a single item may easily be diminished. Caught up in the masses, we're pushed and jostled, trampled underfoot. We're no longer a country-side civilization. We're fast becoming a people of apartment dwellers or surfacing here and there in sprawling suburbia.

It's the sad, sad story: I'm just one among so many. What difference does it make since I'm only one—one who's at the mercy of seemingly controllable forces and factors? People couldn't care less what happens to me! Why should I?

For years now I get my hair cut whenever I can by a barber in South Williamsport, Pennsylvania. It's where I had my first parish. I remember when he paid his first visit to the Big City. I don't know that he's ever gotten over it. What a far cry from the less concentrated population of those "hills of home." He just couldn't take the impersonality of the mass who shoved him around in Times Square. "God," said Al not profanely, "if a man fell down into a gutter, they'd just push and walk over and around you—they couldn't care less!"

It was all so alien to Al's spirit. You see, Al's been cutting hair for one generation after another—grandfathers and grandsons, great-grandfathers and great grand-children. He knows them by name. He asks about their problems, their successes. He has a warm, personal and healthy regard for each one who comes to his shop.

And I safely presume that Al has a high regard for them because he has a high regard for himself. It's not simply that he's a skilled tonsorial artist, it's also that he places high value on his own family and the stock from which he stems. He remembers how his parents came from the old country, and how they gratefully seized upon every opportunity which America gave them. He doesn't let himself forget how his folks struggled so that their children could grow up in the land of the free and the home of the brave.

Like Al, I would never have believed that we should live so long as to see a day when disrespect could become so flagrant: disrespect for those in authority, an office, an institution, or the church.

In recent years, mark you, even the President of the United States of America and the Vice President have had to weigh carefully the times and places where they would publicly appear or speak lest they be treated disrespectfully. School teachers and church leaders have been booed and ridiculed openly.

Granted there may be here and there among the leaders of our social institutions men and women who fall short of what their office requires or demands. All this, however, does not excuse us from giving the honor and proper recognition to what the office itself deserves! It's a salutary thing to be able to revere and to respect. We are saved by what we regard highly.

To you, the people of this parish, let me provide a very simple illustration as I offer now a public apology to the two deaconesses who have served Saint Luke congregation: Sister Josephine and Sister Dorothy. Had I to do it over again, I would have insisted that when Sister Josephine first came to us that the custom would have been adhered to that the boys and girls in the catechetical class she taught would stand in respect as she entered the room. Humbled and embarrassed as the good sisters might have been, nonetheless it's what they represent that can't be ignored and should be properly recognized. They are the Lord's committed servants who have denied themselves much in order to invest their time and energy in us.

Again, it's this matter of self-esteem that we're talking about. We can't just regard others highly if we've a cheapened notion of ourselves. Years ago I came to the conclusion that you and I do what we do because of what we are, and it doesn't much become a man to hide behind extenuating circumstances. We have our moments when the decisions are clearly made, come hell or high water, primarily on the basis of the kind of people we are—or think ourselves to be.

Jean-Paul Sartre tells how during World War II one of his pupils came to him, seeking his advice. He had an opportunity to escape from France and to live in London. There under the direction of DeGaulle himself he would be able to help in the Freedom for France movement. He was undecided, however, because he was the only son of an aging mother. Torn between patriotism and filial devotion, he wanted Sartre to tell him what to do. The teacher stoutly refused: not because it could be proven that one choice could be morally right and the other morally wrong, but simply on the basis that once the pupil had made the decision he'd have a rather clear-cut idea of the kind of person he would become.

The decisions we make reflect our character. Now all of this is based upon the inspiration that comes from a text, you'll have to go to the Old Testament to find it. It's a very interesting character by the name of Nehemiah. Nehemiah had a responsible position under the king. He also had a keen desire to be of special service to his own people. He wanted to go back to the destroyed city of Jerusalem and re-build the wall, a very noble dream and intention, and he got special dispensation, special permission to do it.

But people don't always appreciate those who are nobly-intentioned. This is part of the hazard that comes to us when we live so—there are those who don't quite understand what we're about. And they stand on the side-lines and make snide remarks, and try constantly to undermine and to ridicule. And that's exactly what happened to Nehemiah, but Nehemiah went back—and can't you picture him there, trying to re-build the wall, putting stone upon stone, in place . . . and then down below, the peanut-minded people making fun of him, trying to destroy him, and some people encouraging him to quit, to go away.

Then at that moment you have Nehemiah drawing up to his full manhood and simply saying: *"Should such a man as I flee?"* Nehemiah was not made of the stuff of which cowards are made. He had this high and lofty opinion of himself. He was meant for

a noble purpose, and he'd forever keep that rendezvous with the basic integrity of his own character.

Have you, my friend, discovered the basic character in your own soul for which you are keeping constantly some kind of a rendezvous? What do you hear when you hear yourself talking to yourself? What do you see when you see yourself in the mirror? *As I seem to me:* what, now, is it?

O. Henry tells about a boy who grew up in a certain small town, in one of his stories, and the boy was very much in love with a pure and an innocent girl. But then, O. Henry says, he leaves the small town and goes to the big city . . . and he completely lets loose and does everything that's consonant with a man who gets a cheap opinion of himself. One day as he's walking down the street, inadvertently his eye falls upon the girl from his home town—she does not see him but he sees her—and it dawns upon him how pure and innocent she really is. And O. Henry has his character leaning against the brick wall and crying out: "O God, how I hate myself!" All of a sudden he got this glimpse of the man he really had become.

But in the sight of God, a man doesn't have to stay there hating himself. Dr. Sangster, a very wonderful pastor, used to tell about his relationship with a man in his congregation who went struggling through life, and every now and then he just found himself in the gutter. His preacher-pastor friend pleaded with him, "Whenever you get headed in that direction, you just come and together we'll wrestle with this thing." The man remembered what the pastor said and he sought him out . . . and in the course of their conversation he said to his pastor, "Tell me, Pastor, for God's sake tell me—tell me I don't belong in the gutter!"

There's something down deep in a man, when he really sees himself, that makes him believe that he was not meant for the gutter, he was not meant to be consigned to Hell. In the sight of God, every man ought to see himself as he is, a child of God, an object of God's love, one for whom Jesus Christ came into the world to suffer and to die and to redeem him! Every Christian has a price tag on his head. It's not to be a price tag that he himself places, but it's the price tag that God himself has placed upon that person.

When the young German martyr, Dietrich Bonhoeffer, lay incarcerated in the concentration camp, regarded by all who knew him as a saint, he himself was filled with self-doubt. And in anguish of spirit one day he wrote this poem:

"Whom am I: this, or the other?
Am I one person today,
and tomorrow another?
Am I both at once—a hypocrite
before others,
And before myself a contemptible,
woebegone weakling?
Who am I? They mock me,
These lonely questions of mine.
Whoever I am, Thou knowest, O God,
I am Thine."

This becomes the ground, the tonic of the wholesome pride for every man who, under God, is entitled to a measure of self-esteem.

TRIBUTE TO BRIG. GEN. CARL SCHUPP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. PICKLE. Mr. Speaker, this next Sunday is a special day in the proud history of the Texas National Guard. On this day, we will honor Brig. Gen. Carl Schupp II, with an awards ceremony at Camp Mabry, headquarters of the Texas Army Reserve National Guard.

Carl Schupp is a good friend of mine and a friend of all of Texas. He is an uncanny man of strength and intellect. Time and time again, Carl Schupp has proven to be the man with the brains and the muscle to get the job done that only the Guard could do. Once, he even tried to retire to civilian life, only to be called back during the Berlin Crisis. For this duty, Carl was awarded the first oak leaf cluster of the Army Commendation Medal.

Obviously, Carl is a professional soldier in the finest tradition—a personal tradition that began with his graduation as a second lieutenant from the Virginia Military Institute. I know Carl to be a man with the rare combination of precision and compassion, and Mr. Speaker, although I could present a complete list of his accomplishments, my purpose today is to honor the man, himself.

Carl has always tackled any problem with a mixed approach: he is a Yankee by birth but atoned by marrying a delightful Texas girl, the former Miss Irma Rush. Since the 1930's Carl has called Texas home. All in all, he has given 35 years of spirited service to his country and his men.

Actually, Carl is too young to retire. But in retirement, Carl shows us his unselfish nature. Although he would never admit it publicly, I imagine Carl made this decision to retire in order that his junior officers can advance. After all, there are only a given number of officer slots in the Texas Guard and it takes a truly great individual to give way, especially when his career has been so distinguished.

Mr. Speaker, I have been personally acquainted with Carl Schupp for more than 20 years, dating back to his days in Kerrville, Tex. We have worked together on numerous party and civic matters reaching for the goals of Texas. In every test, I have found Carl to be a knowledgeable, courageous and great American citizen.

I am proud to be among the many who salute this man.

THE NATIONAL GUARD AND CIVIL UNREST

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ASHLEY. Mr. Speaker, on June 11, 1970, I was joined by 32 of my House colleagues in introducing legislation designed to insure that the National Guard is adequately trained and equipped to handle civil disorders. Now, the President's Commission on Campus Unrest has completed its examination of the role of the National Guard in campus disturbances and I think that it is required reading for everyone interested in making sure that the Guard is adequately prepared to meet the rising tide of civil disturbances.

Between September 1967 and June 1970 the National Guard played almost no role in Southeast Asia. On the other hand, during the same period it assisted civil authorities in dealing with urban and campus disorders 221 times. However, as the Commission points out, the training which the Guard receives still focuses heavily on its primary mission of augmenting the active military in time of war or national emergency. In fact, the Guard spends none of its prime training time—neither during the 6-month active duty period nor during its annual 2-week summer camp—on civil disturbance training. Moreover, present National Guard regulations require only 16 hours of such training a year.

To meet this obvious change in priority of function, the President's Commission recommends that the following steps be taken. In the area of training, the Commission recommends that Guardsmen be given additional training during the 6 months of basic training as well as during the annual 2-week summer camp. It also suggests that the Army require that all senior Guard officers attend the Army's Civil Disturbance Orientation Course at Fort Gordon, Ga.

In the area of equipment, the Commission recommends that the Army assign a high priority to providing adequate protective equipment for the Guard; that the Army insure that its members have adequate nonlethal weapons, and that it actively continue research to develop nonlethal weapons control devices for use in civil disturbances.

In the area of discipline, the Commission cites the dangers of issuing lethal weapons to inexperienced or part-time soldiers and recommends that such weapons be used only by trained antisniper teams or when antisniper teams cannot handle the situation. In addition, the Commission recommends that the National Guard adopt and strictly adhere to the standards of restraint for the use of deadly force found in the regulations promulgated by the Army.

Finally, the Commission recognizes the desperate need for coordination between National Guard units and State and local police to handle civil disturbances and calls upon the forces involved to make the necessary plans.

I think that the President's Commission has defined the problem areas explicitly. What is needed now is a mechanism to implement the Commission's recommendations. I believe that H.R. 18036—my bill to establish a Commission to oversee and improve the capability of the National Guard to control civil disturbances—would provide the necessary mechanism for implementing these recommendations.

The basic task of the Commission would be to establish minimum training, doctrine, and equipment standards for the National Guard with respect to its use in civil disorders. The bill, however, does prescribe three specific standards. First, National Guardsmen would be required to devote at least 1 week of their 6-month active duty training solely to civil disturbance training. Second, each

commissioned and noncommissioned officer would be required to participate in an officer training school patterned after the Army's Civil Disturbance Orientation Course. And, third, no command to load and lock weapons may be issued before a National Guard unit is deployed at a disturbance unless there is immediate peril to life.

Any National Guard unit which was not in conformity with the standards prescribed by the Commission would not be entitled to Federal funds.

In addition, the bill would create the States Advisory Council on Civil Disturbances, which would be composed of the National Guard Adjutant General and the chief law enforcement official in each State, with the major objective of attaining coordinated State-National Guard plans in each State to more effectively cope with civil disorders.

Mr. Speaker, I think this bill can carry out the recommendations of the President's Commission and therefore, I intend to introduce it next session where, hopefully, it will receive early consideration.

In the meantime, I commend the following excerpt on the National Guard from the President's Commission on Campus Unrest to my colleagues' attention:

THE NATIONAL GUARD

In recent years the National Guard has been called upon increasingly to intervene in campus disturbances. During May 1970, for example, National Guardsmen were activated on 24 occasions at 21 universities in 16 states, including Kent State University in Ohio. The tragic turn of events at Kent State focused nationwide attention on the Guard—its training, its leadership, and the guidelines under which it operates on campuses. Although it has improved somewhat in response to the criticisms by the National Advisory Commission on Civil Disorders and others of its performance in civil disorders during 1967, we find that the Guard urgently needs to improve further.

TRAINING

Between September 1967 and June 1970 the National Guard played almost no role in Southeast Asia. During the same period it assisted civil authorities in dealing with urban and campus disorders 221 times. However, the training which National Guardsmen receive still focuses heavily on the primary mission assigned to the Guard of augmenting the active military in time of war or national emergency. The six-month basic training for members of the Guard is identical to that received by regular army troops. Only military policemen receiving special civil disturbance training.

When guardsmen rejoin their units after basic training, they receive only limited civil disturbance training. Following the 1967 disorders in Newark and Detroit, the Department of Defense raised the requirement for such training to 33 hours. But since then the requirement has been cut back again to 16 hours of annual refresher training and eight additional hours for new recruits. Moreover, the Department of the Army has instructed the National Guard to carry out this training between January and May, which prevents units from devoting any of their prime training period—the annual two-week summer camp—to learning how to control civil disturbances. All summer camp time is spent in regular combat training.

Guardsmen must receive far more adequate and extensive disorder control training, in recognition of the fact that the National Guard today has a second mission which it performs far more often than wartime duty.

It is not just the lack of technical skill that hampers the Guard when it is called upon to intervene in campus or civil disorders. The Guard is also limited by the dangerous lack of self-confidence that results from inadequate training. The events at Kent State betrayed not merely the Guard's poor preparation, but the poor morale—indeed, the anxiety—that inevitably accompanies poor preparation.

We recommend that additional training in the control of civil disorders be given National Guardsmen during their six-month basic training program and their annual two-week summer training period, and that the federal government provide the states with funds to pay for additional disorder control training.

In some instances the Army has sent senior Guard officers to the Civil Disturbance Orientation Course at Fort Gordon, Georgia, and has established similar courses for junior officers in some states. In a few states the Guard participates in field training exercises with police agencies. We recommend that the Department of the Army ensure that all senior Guard officers attend the Civil Disturbance Orientation Course and that it encourage participation by junior officers in annual field training exercises administrators be invited to attend the course and observe the exercises.

PROTECTIVE EQUIPMENT

The equipment currently worn by guardsmen is designed for combat use not for civil or campus disorders. In most states the Guard's protective gear is far inferior to that worn by the police. This lack of defensive equipment—helmets, face masks, flak vests, etc.—subjects guardsmen to the risk of personal injury, which in turn increases the danger that they will overreact to threatened harm.

Proper protective equipment not only wards off rocks and bottles hurled by demonstrators, it also serves an important deterrent function. As Major General Charles L. Southward of the District of Columbia National Guard told the Commission, the use of visible protective equipment impresses demonstrators with the guardsmen's determination. This in itself often obviates the need to employ force.

Some progress has been made since 1967 in supplying the Guard with protective equipment, but guardsmen have arrived on many campuses without it. We recommend that the Department of the Army assign a high priority to the provision of protective equipment for guardsmen detailed to civil disturbance duty.

NONLETHAL WEAPONS

The Department of the Army must ensure that guardsmen have appropriate equipment for campus and civil disorders, as well as combat equipment. The two separate functions of the Guard—and the different equipment needed for each—must not be confused. Rifles designed for combat use have been inappropriately carried onto the campus in the past. Effective nonlethal weapons are urgently needed by the Guard, so that M–1 rifles or other lethal weapons will not be improperly used in campus disorders again.

The Department of the Army, which has the responsibility for outfitting and arming the Guard, should ensure that its members are provided with the tear gas, batons, and other nonlethal equipment generally appropriate for campus and civil disorders.

After the disorders of 1967, the National Advisory Commission on Civil Disorders urged that the federal government undertake a crash program of research to develop improved nonlethal weapons. Nothing much has come of this research. The need for something more effective than tear gas and less deadly than bullets is greater than ever before. We recommend that the federal government actively continue its research to develop nonlethal control devices for use in civil and campus disorders.

LETHAL WEAPONS

Issuing lethal weapons to inexperienced or part-time soldiers involved in controlling a campus disorder creates a great and unjustifiable danger. We recommend that the states forbid guardsmen to carry rifles, shotguns and sidearms on the campus, except as follows:

First, until nonlethal devices and protective gear are available to guardsmen, it may be necessary, as a last resort, to issue unloaded shoulder arms for defensive and crowd control purposes. But we reiterate that nonlethal devices and protective gear must be made available immediately.

Second, squad or detail leaders trained in the use of sidearms should carry them holstered while on the campus. This creates little risk and affords a measure of protection to the squad or detail in the face of an emergency.

Third, if the command officer is convinced there is a risk of sniper fire, he should deploy specially trained anti-sniper teams operating under guidelines similar to those set forth for the police earlier in this chapter.

Only in the event of armed resistance for which anti-sniper teams are inadequate is it proper to deploy disciplined fire teams, armed with appropriate weapons. They must operate under controls similar to those imposed on anti-sniper squads. They should be available for immediate deployment but held until that time at nearby locations.

The Army manual on civil disturbances and disorders used by the Guard should explicitly describe those situations in which the issuance of rifles and ammunition is inappropriate. The Army and the National Guard Bureau should make every effort to see that these guidelines are adopted.

The provocative appearance of a rifle is multiplied when a bayonet is affixed to it. Using bayonets in a campus situation is unthinkable and should be prohibited. The Department of the Army and the National Guard Bureau guidelines should explicitly forbid it.

USE OF FORCE

The Guard must adopt uniform and restrictive guidelines governing the use of deadly force. The Army guidelines, contained in the manual *Civil Disturbances and Disorders*, specify that only commanders may issue live ammunition to soldiers. The guidelines forbid soldiers to load or fire their weapons without direct orders from an officer. Before such an order can be issued, moreover, the responsible officer must determine that three circumstances exist:

"1. Lesser means have been exhausted or are unavailable.

"2. The risk of death or serious bodily harm to innocent persons is not increased by its use.

"3. The purpose of its use is one or more of the following:

a. Self-defense to avoid death or serious bodily harm.

b. Prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, to prevent sniping).

c. Prevention of the destruction of public health or safety.

d. Detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (a), (b), and (c) immediately above."

In almost all states the Guard is nominally committed to adhering to the Army guidelines for the use of force. In actual practice, however, some state units have deviated substantially from the Army guidelines. For example, the Ohio Rules of Engagement provide in part: "In any instance . . . when rioters to whom the riot acts have been read cannot be dispersed by any other reasonable

means, then shooting is justified." We recommend that state National Guard organizations adopt and strictly adhere to standards of restraint for the use of deadly force in campus disorders which at a minimum conform to those promulgated by the Department of the Army.

THE DECISION TO CALL UP THE GUARD

During a number of recent campus disorders, the Guard has been sent onto campuses prematurely. Sometimes this has been the result of inadequate information, planning and coordination. On other occasions political considerations appear to have contributed to the decision. Premature commitment may worsen a tense situation and reduce the likelihood of a peaceful resolution.

Premature commitment of the Guard must not be confused with early mobilization. There is an inevitable lapse of time between a call for the Guard and its arrival in the vicinity of a disorder. If the threat that a campus situation will get out of hand is great, the National Guard should be mobilized, stationed at a place close to the potential trouble spot where it will attract little attention, and retained there on a standby basis until it is needed until the threat has subsided.

There are times, moreover, when the very fact of the arrival of the Guard may avert disorder before any has begun. When reliable information indicates that a mass assembly or demonstration threatens to become violent, the presence of the Guard may serve a deterrent function. The Guard successfully played such a preventive role in New Haven in May 1970.

To facilitate the decision as to whether and when the Guard should be committed, every state should adopt a formal set of guidelines, preferably in the form of a statute or an executive order, setting forth the circumstances that justify the use of the Guard.

Such guidelines should provide, for example, that Guard units not be sent onto a campus unless there is serious and widespread violence that cannot be controlled by local and state police. State constitutions often give governors great discretion in activating Guard units, and guidelines cannot restrict this constitutional power. Nevertheless, a definition of the emergency conditions that justify the use of the Guard, prepared well in advance of a crisis, will help a governor faced with this difficult decision.

The power to activate the National Guard must be clearly fixed. It appears that in some situations the state commanders of the National Guard has acted without authority, or that the governor has delegated his responsibility to the state commander. In one instance, in May 1970, two squads of the Oregon National Guard appeared on the University of Oregon's campus at the personal request of the police chief of Eugene, without the authorization of the state commander. The state commander and governor were unaware of the deployment and, when informed, ordered immediate withdrawal.

We recommend that each state review its laws concerning Guard call-up, and amend them to give the governor sole authority to activate the Guard. Of course, it is extremely important that the governor consult university, local government, and law enforcement officials before making that decision.

DEPLOYMENT OF THE GUARD

The Guard should generally be deployed in a manner that supplements rather than supplants the efforts of local and state police agencies. Guard units should be used primarily for tasks that call for large numbers of men and do not require close or frequent supervision. These include such assignments as establishing perimeter control, manning barricades, guarding buildings, riding with fire department vehicles to protect firemen, and guarding prisoners in open areas.

Whenever possible, confronting crowds of disorderly or violent people should be left to the police. If police need the assistance of guardsmen in these situations, they should assign officers to work with Guard units involved. Such liaison officers can ensure coordination between the Guard's activities and those of the police. The officers also can furnish technical advice and assistance to the Guard, which in most cases has little or no experience with such details of police routine as effecting arrests.

The command relationship between the Guard and the police often presents complex practical, as well as political, problems. When the Guard is deployed to assist a large and knowledgeable police force, the local police chief should command. However, we have noted that local police forces are often too small to respond to a disturbance alone, and officers from neighboring towns, from the county sheriff's force and possibly from the state police are likely to be on the scene.

The Guard's role in this confusing scheme is too important a matter to be decided in the midst of a crisis. It must be determined in advance, and tested and confirmed in joint training exercises.

Some states have enacted statutes defining command relationships when the Guard is called up to help the police. We urge the states that have not yet explored this possibility to do so. In any event, the order activating the Guard should spell out clearly the command responsibility if it has not been previously established. Inappropriate or confused command can prolong or intensify a disorder.

STATE AND FEDERAL RESPONSIBILITY

A governor is the commander-in-chief of the Guard in his state, and he has the authority for directing its activities. Governors must recognize—as not all apparently do—how grave their responsibility is when they call out the Guard to intervene in a civil or campus disorder.

Under existing law, the federal government has little control over how any state Guard conducts its affairs, unless the President federalizes it. Nevertheless, the federal government can and should play a major role in improving the Guard. The Army should assign a much higher priority than it does to equipping and training the Guard for duty in civil disturbances.

In addition, we urge the President to use the power of his office to help persuade the states to bring their Guard up to the standard necessary to deal properly with civil disturbances. The President should invite the governors to meet with him to discuss mehods for improving the Guard and insuring that it has effective professional leadership and the resources it needs. We urge him to do this at once. One Kent State is far too many.

CONCLUSION

In this chapter we have emphasized steps which should be taken to minimize the dangers of violent overreaction to campus demonstrations by the police and the National Guard. The relation of such overresponse to the escalation of violence on both sides is devastatingly clear. The use of excessive force against students, like the dangerous use of violence by students, is a manifestation of the disturbing trend toward polarization in this country.

We have emphasized what must be done to reverse this trend. But we should not fail to note what has already been done. In May 1970, in literally hundreds of cities, thousands of policemen responded to mass student demonstrations with professional skill. The police withstood severe verbal and even physical provocation during extended tours of duty, with intelligence and restraint. In Washington and New Haven, for example, massive demonstrations, which attracted not only peaceful protestors but also small minorities determined to precipitate disorder, were handled with exemplary sophistication and calm.

While the improper use of force by the police or National Guard may enflame campus situations, its proper use can protect the right to protest and prevent the occurrence of violence. Morever, it is clear to us that, in the face of violent and dangerous conduct, the use of force—at the minimum level necessary—is completely warranted to defend the university and our civil society.

The growing disrespect for police is a sad consequence of our national disunity. It will not disappear until as a nation we agree that the cost of injustice and disorder is too high.

It is essential that those committed to law, order, and justice in these difficult times recognize and commend the high standards of professionalism that an impressive number of law enforcement agencies meet.

Police departments are not the independent masters of their own destiny. Police professionalism cannot be further developed without a recognition of its prerequisites by top civilian officials and their decision to support it and give it room to develop.

The police—and the National Guard—cannot meet the new challenges confronting them without assistance. They need broad public support to perform their enormously difficult tasks skillfully and effectively. The prevention of needless and tragic violence is the shared responsibility of all of us.

A BILL TO END ABORTIONS ON DEMAND IN U.S. MILITARY HOSPITALS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. SCHMITZ. Mr. Speaker, I recently introduced a bill which would put an end to the policy announced July 31 of this year, of providing abortions on demand in U.S. military hospitals. The right to life is the most precious and essential of all rights, which the government of any civilized society has a supreme obligation to defend. Especially in view of the fact that it is sometimes argued that abortion is particularly needed or demanded by the young and by women, I would like to share with you a beautiful letter to me from a 17-year-old girl in Anaheim, Calif., on this subject. She has graciously given me permission to present it to you.

The letter follows:

AUGUST 16, 1970.

DEAR CONGRESSMAN SCHMITZ: I am 17-years-old and have written you before about things that now seem unsignificant after what I have just found out. The subject I am referring to is abortion. The subject that puts unsurmountable fear in me, who will be having children of my own soon. How anyone can kill a child conceived in the love of two beings by God's grace, wisdom, and love for us, is beyond the capability of my understanding. I believe anyone so conceived, has the right to enjoy the things God gave us; namely, life. No person has the right to take that away from him, be it a doctor, a law, or God forbid, his mother.

With these thoughts in mind, I ask you to act in any way you can to prevent this from happening. God speed.

Very sincerely yours,

DEBBIE FELLBAUM.

ENVIRONMENTAL CLEAN UP AND CONTROL

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. CRANSTON. Mr. President, the elements of environmental decay—noise, smog, filthy water, power failures, vanishing species, garbage on our city streets and countryside, oil-drenched beaches, urban sprawl, despoiled forests—all are recruiting more and more Americans for the battle against environtal degradation. The major thrust of citizen activity is to influence government, to get our legislatures to enact laws to protect the environment and to get State and national administrations to enforce these laws.

But in addition to these splendid organized citizen efforts, many Americans want to make an individual commitment to saving and enhancing our environment. I am constantly asked what an individual should and should not do in his daily life if he wants to stop participating in our society's lemming-like scramble toward an unlivable world.

Various personal environmental checklists have been devised. The following compilation represents a cross section of suggested actions and prohibitions. I doubt that many Americans conform to all of these guidelines. I must confess that I do not, although I make every effort to avoid the excessive consumption which is the cardinal prohibition underlying all these rules.

The checklist is quite useful both in its specifics and in setting the theme for our personal and social behavior which is more compatible with living in harmony with our environment.

I ask unanimous consent that this checklist be printed in the RECORD.

There being no objection, the checklist was ordered to be printed in the RECORD, as follows:

PERSONAL CHECKLIST FOR ENVIRONMENTAL CLEANUP AND CONTROL

Walk or bicycle.

Use public transportation. In unavailable or poorly run in your area, as if often the case, organize citizens' group to establish or improve service.

If the use of a private automobile is essential, keep the number of weekly trips to a minimum. Use car pools whenever possible.

Avoid hobbies that use the internal combustion engine.

Use lead free gasoline.

Keep car tuned up and in top mechanical condition. Poor combustion adds to pollution.

Make certain your car is outfitted with anti-pollution devices and that they are properly maintained.

When it is time to purchase a new car, consider a small one with a small engine. There is no need to drive a car that is made to operate most effectively at illegal speeds.

Urge American car manufacturers to make cars with less horsepower.

Have furnace and air conditioner checked periodically to be sure they are in proper working order.

Do not burn leaves, cuttings, and trash. Create a compost pile.

Use as few paper products as possible. Wash 'n wear napkins make life just as easy. Plastic plates can be used repeatedly for picnics and snacks.

When buying needed paper products stick to plain white. The patterned and solid colored varieties pollute streams with nonbiodregradable dye.

Do not leave water running unnecessarily. Teach children to turn off faucets; fix leaky faucets.

Do not over-water your garden. Water in the evening to reduce evaporation.

Plant ground cover, shrubs, and trees to protect watershed and prevent unnecessary runoff.

Do only full loads when using washing machines, dryers, and dishwashers.

Never litter anywhere, any time. Use a litter bag in your car.

Study the phosphate content of detergents.

HOW MUCH PHOSPHATE?

Even so simple a matter as listing detergents by their phosphate content raises confusing questions. Should such a list be in order of each product's content of *phosphorus*, the element the algae actually use? Most of the accounts that have alerted consumers speak of *phosphates*, the chemical compounds in which phosphorus is actually present in detergents. Why not then a list by phosphate content? That might not be the best choice either—a product whose label calls for only a quarter-cup per wash load might thereby look guiltier than a product of lower phosphate content that required you to use considerably more of it to do your wash. For that matter, *in what terms* should the phosphate content be listed? A variety of compounds are used commercially, all containing different percentages of phosphorus.

CU therefore chose to translate each brand's pollution potential into the phosphate, in the form of PO_4 ion, a single wash or dishwasher load would actually yield. We started with information on phosphate levels the manufacturers had furnished the Reuss subcommittee, modifying the data where the industry advised us of changes. We then calculated each brand's per-load phosphate contribution, noted below, from the minimum amount of detergent the label recommended for a top-loading washing machine (or dishwasher, where appropriate).

We hope that concerned consumers will find the listing useful. But keep in mind that the phosphate content of many detergents is likely to change in the near future as public pressure mounts. We will attempt to update the list periodically as new data becomes available.

LAUNDRY DETERGENTS

	Amount used (cup)	Phosphate per load (gram)
Cold Water All (liquid)	½	0
Duz Soap	1½	0
Ivory Flakes	1½	0
Ivory Snow	1½	0
Lux Flakes	1½	0
Sears Enzyme Laundry Detergent	½	[1] 0
Whirlpool Laundry Detergent	½	[1] 0
A&P White Sail	(2)	2
Jet Power	½	9
Amway S-A-8	¼	16
Easy Bright	1	17
Fyne Tex	1	17
Grand	1	17
Key Food	1	17
Pathmark All Purpose Detergent	1	17
Shop Rite All Purpose	1	17
Staff	1	17
Wisk	½	17
Hudso	½	18
Pathmark Cold Water Detergent	1	18
Service Soft	½	18
Shop Rite Cold Water Detergent	1	18
Market Basket Blue	1½	23
Shopping Bag	1½	23
Vons	1½	25
Brillo Detergent	1¼	26
Cheer	1¼	26
News Detergent	1¼	26
Gain	1¼	27
Lucky Low Suds	¾	27
O-SO-Kleen	¾	27
Stater Bros	¾	27
Rinso	1¼	28
Bio-Ad	1¼	29
Bold	1¼	29
Cold Power	1¼	29
Dreft	1½	29
Fab	1¼	29
Farm Service Laundry Detergent	1	30
Food Giant	1½	30
Sears Laundry Detergent	½	30
Surf	1¼	30
Ajax Laundry	1¼	31
Bonus	1½	32
Punch	1¼	32
Silver Dust	1½	33
Duz Detergent	1½	34
Oxydol	1¼	34
Breeze	2	41
Drive	1¼	41
Cold Water All (powder)	1¼	42
Concentrated All	1	42
Tide XK	1½	[3] 43
Dash	¾	47
Salvo	(4)	47
A&P Blue Sail	1½	48
PRESOAKS		
Amway Tri-Zyme	¼	13
Brion	½	19
Sears Enzyme Presoak	½	22
Axion	½	34
Biz	½	34

AUTOMATIC DISHWASHING DETERGENTS

	Amount used (tablespoon)	Phosphate per load (gram)
Electrasol (soft water)	1½	4.0
Finish (soft water)	1½	4.3
Electrasol (hard water)	1½	6.0
Sears Automatic	1½	6.6
Finish (medium water)	1½	6.9
Amway	2	8.3
Calgonite	2	8.5
All	2	9.8
Finish (hard water)	1½	10.0
Cascade	2½	12.0

[1] As of Aug. 15, 1970.
[2] A "good squeeze."
[3] Only 75 percent of this figure for about ⅓ of present production.
[4] 2 tablets.

For laundry use a combination of low phosphate detergent and washing soda. This combination is just as effective as the enzyme presoak products, which should be avoided. The use of such products involves doubling the phosphate output since clothes soaked must then be washed with more detergent.

Noise is a major environmental pollutant. Keep the volume of radios, televisions, record players, and tape recorders down.

Do not use power tools or other noise producing appliances late at night.

Do not make unnecessary use of the horn on your car.

Do not use electric power needlessly.

Power plants create various kinds of pollution. The more electrical appliances we consider necessary in and around the home and the more often we use them, the greater the level of thermal pollution.

Turn off the lights when leaving the room.

Do not use non-thermostat heaters.

Try to do without or use only when absolutely necessary: electric toothbrushes and other dental hygiene instruments, electric blankets, electric hair brushes and combs, electric lawn mowers and hedge clippers, garbage disposals, electric blenders, electric waffle irons, toasters, vacuum cleaners, air conditioners, electric fans, electric can openers, electric juicers, electric hair dryers, electric shavers, electric typewriters, electric fry pans, sauna baths, electric shoe polishers, electric knife sharpeners, electric massagers, and electric bar equipment.

And, yes, television, too. The overuse of television, particularly by children, has vari-

ous possible dangers, including environmental.

Avoid superfluous electrical gadgetry.

Avoid the use of pesticides and herbicides. A product that contains any of the following ingredients should never be used: Aldrin, Chlordane, DDD, DDT, Dieldrin, Endrin, Heptachlor, Kelthane, Lindane, Methoxychlor, Ovex Tedion, Thiodan, Toxaphene, and any other chlorinated hydrocarbon insecticides.

Hosing down plants will help rid them of aphids and other pests. Ladybugs are an excellent method of fighting aphids, and can generally be purchased in the spring. Dormant sprays are generally the safest to use.

Buy durable merchandise.

Purchase reusable containers, cartons, and bottles. Unreusable items must be biodegradable.

Do not buy products of fur or leather of any endangered species.

Do not buy turtle soup, meat or tortoise shell products.

Do not buy pet food containing whale meat.

Community action is essential. Check in your community to be sure there are well organized citizens' action groups with sound plans designed to fight air, water, pesticides, and noise pollution, to conserve land and recycle solid wastes. Join them.

And if, for example, there is no planning commission, or air pollution control committee, contact your neighbors and organize it.

Work for the establishment of a good recycling program in your area. This must involve the sorting of trash at each dwelling into glass, tin aluminum, and wet garbage, before being picked up.

Research and inform—discover the needs of your area, then inform fellow citizens and enlist their cooperation. Write letters to the editor of your local papers. Use local radio and television.

When you become aware of a local source of pollution, speak to the individuals responsible.

Write to manufacturers concerning offensive products or packaging.

Support bond issues or referenda designed to strengthen pollution control.

THE SUPREME COURT

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. BENNETT. Mr. President, I stand squarely with President Nixon in his effort to return the Supreme Court to its proper role as an interpreter of the law and not a second legislative body of the Federal Government. I feel progress has been made in that direction. I note that in an article in the October issue of Dun's the prospect of a conservative majority on the Supreme Court is reviewed, particularly in light of its impact upon the business community.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS AND THE NIXON COURT

(By FRED P. GRAHAM)

Last spring, after the Senate had turned down the Supreme Court nominations of G. Harrold Carswell and Clement Haynsworth, there was some talk that President Nixon's inexperience in picking judges was beginning to show. But Chief Justice Warren E. Burger pointed out that, on the contrary, Richard Nixon was one of the most experienced selectors of Justices in United States history. Substituting for the President as the after-dinner speaker at a Washington banquet, the new Chief Justice tucked his tongue in his cheek and noted that no President since George Washington had nominated as many Justices in so short a time as President Nixon.

Getting a laugh out of the White House's discomfiture without hurting anyone's feelings was an adroit performance in itself. Yet there was more than a shadow of prophecy in the teasing reference. For not only did the retirement of Chief Justice Earl Warren and the departure of Justice Abe Fortas give the President a rare early opportunity to place a consevative stamp on the Supreme Court by replacing two of its most liberal members; given the age and infirmities of three of the remaining Justices (84-year-old Hugo Black and septuagenarians John Harlan and William O. Douglas), it is likely that President Nixon will be able to appoint a Supreme Court majority, the first President to be afforded such an opportunity since Franklin D. Roosevelt.

By appointing pro-New Deal Justices back in the late 1930s, Roosevelt was able to overturn many of the court's "strict constructionist" decisions and to set its tone for a generation. Now, given President Nixon's campaign criticism of the high court and his pledge to appoint "strict constructionists" if elected, there is every reason to believe that a Nixon-appointed court will reverse the trend once again.

While it is clear that a staunchly conservative court would have a profound impact on such controversial areas as civil rights and the rights of criminal suspects, how would such a shift to the right affect the many complex decisions that concern business? The first year of the Burger court provided only hints of the future course of the new Chief Justice's decisions. But several impressions did emerge.

For one thing, most of Burger's labor decisions favored management. His only pronouncement on the general subject of labor implied that he believes in a Constitutional "right to work"—a First Amendment right to refuse to join a union. This came when the court refused to hear the appeal of a former New York Teamster member who had been denied unemployment compensation because he invoked "conscientious objections" against rejoining the union and thus could not accept a job offer in a union shop. In the odd-couple act of the year, liberal Justice Douglas joined Burger in a dissenting opinion that the denial of benefits "places a burden on the petitioner's freedom of association." Using the terminology employed by the Supreme Court in its defense of a young man's right to become a conscientious objector to military duty, Burger argued that the worker's opposition to union membership could be a "deeply felt belief which falls in the First Amendment area."

The suggestion that workers have a Constitutional right to ignore compulsory union membership arrangements is one that few judges have been willing to kick around in public. Burger's apparent approval of the idea suggests that this unusually independent jurist may have some unhappy moments in store for organized labor.

The court's other labor decisions of last term did not give Burger an opportunity to amplify his philosophy, but his decisons on the rather narrow and technical cases that were decided must have given union lawyers some sober thoughts. Out of ten rulings that decided controversies between workers or their unions and management, he agreed with the employer's position eight times. In the two instances in which he rejected the employer's contention, the issue was apparently so clear-cut that the decision was unanimous.

Burger's conservatism on labor and other issues seems to stem primarily from three beliefs: a feeling that courts should not shortcut established procedures and lines of authority, a conviction that as many problems as possible should be handled by the states, and a strict constructionist's belief that the Constitution and laws should not be given generous reading to accommodate individuals' claims for expanded rights.

What impact will this philosophy have on the court's antitrust decisons, which during Earl Warren's tenure invariably upheld the Justice Department? There is not much to go on here, since antitrust cases were a rare commodity at the court's last session. But in the one case that did come before the court, Burger, joined by Justice-Harlan, did not accept the government's contention that the merger of two Phillipsburg, New Jersey banks violated the antitrust laws. Both Justices, in fact, pointed out the benefits of the merger.

THE FOURTH MAN?

Although he did not joint them on that case, Justice Potter Stewart showed a definite tendency at the court's last session to join Burger and Harlan in objecting to strict governmental regulation of business. Now, as the court term opens this month, the key question as far as business is concerned is whether the court's newest Justice, Harry Blackmun, will be the fourth man in an emerging pro-business alignment.

There are many signs, in addition to his lifelong friendship with the Chief Justice, that Blackmum shares the philosophy of the three conservative justices. Most significantly, he is an unabashed admirer of the late Justice Felix Frankfurter, who was the intellectual leader of the Warren Court's conservative minority.

Blackmum joined the court too late last spring to participate in many cases. But he wrote one dissenting opinion that could prove to be a straw in the wind: He joined Burger and Harlan in favor of giving the states broader discretion to suppress prurient films, books and magazines. This opinion has nothing to do with business, of course. But it indicates a generally conservative outlook and an intellectual kinship with Burger and Harlan.

If these four Justices do gravitate towards a philosophical alignment on the court's right, it could have a significant impact on several business-related cases that are now on the court's docket. And if they were joined in any one case by Justice Byron White, frequently the court's "swing man" between the liberals and conservatives, they would form a majority.

The old problem of secondary boycotts in the construction trades will be back before the court—this time to test the legality of a union's pressure on a neutral employer. The right of national banks to compete with mutual funds by operating commingled agency investment accounts will be decided, as well as the authority of state and federal courts to make unions pay damages to workers who have been wrongfully stripped of their union memberships.

But the most intriguing set of business-related questions are the increasing instances in which individuals seek to invoke concepts of free speech and equal treatment against private companies. In fact, such cases could become the major concern of corporate lawyers.

Item: Ida Phillips of Orlando, Florida was denied a job by Martin Marietta Corp. under a company rule that barred all mothers of pre-school-age children. She claimed that this violated the Civil Rights Act's rule against sex discrimination. Lower courts agreed with the company's assertion that she was excluded not because she was a

female, but because her responsibilities to three small children might detract from her work. Should employers be forbidden to lay down such blanket rules regarding women, and be required to prove in each individual case that the woman would be handicapped in her job because of her sex?

Item: Black workers at the Duke Power Co. plant in Draper, North Carolina were segregated into menial jobs until the federal equal-employment law was passed in 1964. But ever since that time, few of them have been able to move up because the company has instituted a requirement of a high-school diploma or a specified score on an intelligence test as a prerequisite for promotion; Negroes have not fared well on either score. Should employers be barred from applying such a test, even though it is applied equally to all races, unless it can be shown that the tests actually do measure the employees' capacity to do the work?

Item: An interracial group in Chicago felt that Jerome Keefe, a real-estate broker, was guilty of "blockbusting" in their neighborhood—that is, of attempting to panic white homeowners into selling out at deflated prices by suggesting that blacks were moving in. They distributed leaflets that expressed this view but were ordered to stop by a state judge. Does the right of privacy of Keefe and his family outweigh the protesters' First Amendment right to express their views?

Although this issue came to the Supreme Court as a small businessman's racial dispute, many lawyers think that it will come to plague officials of large companies, and not always over racial questions. Large corporations are increasingly becoming the targets of antiwar and environmental activists, who may adopt the tactic of picketing corporate officers' homes if the Supreme Court gives the strategy its blessing. Similar questions seem to be imminent.

What right, for instance, do union members have to demand entry into a privately owned skyscraper in order to picket a company that has offices inside? Does the Constitution give individuals legal recourse against companies that poison the environment with pollutants and radiation? Can a company that holds government contracts be required to go beyond nondiscrimination to hire a certain percentage of Negroes?

These are questions that are either on their way to the Supreme Court now or are likely to gravitate there soon. And their ultimate disposition could certainly be determined by the amount of time that elapses until these cases are heard. For if, say, Justices Black or Douglas—or both—should decide to call it a career, a conservative majority would almost automatically be assured. There is strong indication in the writings of Warren Burger that the Warren Court was presumptuous in some of its declarations of individual rights against the state. Thus, as efforts are made to extend these rights to an individual's relationship with a corporation, a Nixon-appointed court would be almost certain to demur.

It is, of course, true that a man's previous record is not always an accurate guide to how he will act when he takes his seat on the hallowed top court. After all, President Eisenhower was under the impression that Earl Warren was a middle-of-the-roader when he named him Chief Justice.

But President Nixon has selected only men from the Federal Courts of Appeal who have solid track records as conservatives on the types of legal questions that tend to come before the Supreme Court. This is why many lawyers believe that Nixon may indeed succeed in molding a staunchly conservative court that could—much like its liberal predecessor—affect the life of the nation for a generation.

As far as the business community is concerned, such a rightward shift could reshape the court's position in such thorny areas as labor law and antitrust and effectively bar the door to a rush of private complaints against corporations. To quote the late Chief Justice Charles Evans Hughes in one of his unguarded moments, "The law is what the judges say it is."

CONCERN OVER THE FATE OF AMERICAN POW'S

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ABBITT. Mr. Speaker, millions of Americans are becoming increasingly concerned over the fate of American prisoners of war now being held by the North Vietnamese and the National Liberation Front.

Our Government has for many months been attempting to work out some kind of arrangement with the North Vietnamese and the Vietcong over the prisoner-of-war question and efforts have also been made by the Red Cross and other nongovernmental organizations. Efforts have proved unsuccessful due to the adamant attitude of the enemy negotiators.

In the meantime, the families of the American prisoners have been waiting patiently and prayerfully hoping for good news. The valiant wives and parents of these men deserve tremendous credit for their splendid attitude in the face of circumstances which are confusing to say the least. The courage of the American prisoners is matched by the commendable attitude and determination on the part of their families at home.

Several months ago, I joined with other Members in introducing a resolution calling upon Congress to insist that our Government do everything possible to obtain the release of these men. We also urged that pending their release, efforts be made to obtain better treatment of the prisoners and to obtain for our Government and the families of these men full information as to those now being held by the enemy.

I have had the privilege, on several occasions, to meet with the wives of men from my congressional district who are being held by the North Vietnamese and I have been most impressed by their understanding attitude and their determination to carry on in the face of many obstacles. It is an inspiration to talk with them and to realize that they have not given up but are determined to see this thing through. These ladies have received much support from interested groups who are becoming most concerned about the prisoner-of-war issue. I am hopeful that this combined effort will result in bringing more public pressure to bear so that favorable results can soon be obtained.

I believe that these ladies deserve the highest commendation of their fellow citizens in their attempt to alert the American people to the prisoner-of-war issue. Furthermore, it behooves all Americans to share their concern and to attempt to match their dedication to the task of obtaining the prisoners' release.

I, for one, feel that every possible effort should be made to assure that our men are given proper treatment, that the enemy abide by the recognized international procedures regarding prisoners of war and that the prisoners be released as soon as is humanly possible.

I call upon all Americans to share in this responsibility. Obviously, all of us cannot have a direct hand in bringing about the release of these men but we can join their wives and families in the prayerful hope that they will soon be returned to us. These families have borne the sorrow of the Vietnam war to an extent which many of us are unable to fully appreciate. We can, however, share in their concern and lend them our unflinching support in the cause for which they have given so much of their individual effort.

AUTO SAFETY: BUMPERS—NO. 3

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHWENGEL. Mr. Speaker, the Insurance Institute for Highway Safety recently conducted low-speed crash tests on several models of the 1970 autos. These results are frightening in terms of the potential economic loss, and physical suffering which will result from these poorly designed bumpers. A summary of the test results published in the June 16, 1970, issue of the Insurance Institute for Highway Safety's Status Report follows:

1970 CRASH TESTS

Results of the Institute's low-speed crash tests on 1970 model cars were made public during the symposium By Dr. John T. Holloway, vice president for research.

The 1970 tests were conducted on four models of cars in each of three size categories—popular sedans, "pony cars" and small cars.

The tests are an expansion of a series which began in 1969. Results from initial tests were the basis for testimony by William Haddon, Jr., M.D., president of the Institute, before the Senate Anti-Trust and Monopoly Subcommittee in March 1970, and in October 1969.

Haddon had criticized the cosmetic nature of automobile exteriors which, he said, are "aimed at the eye of the consumer in the showroom (but) are pointed directly at his wallet on the road in the low-speed bumps and scrapes so common—and so predictable—in driving and parking today."

Both for 1969 and 1970 models, tests were conducted on the Chevrolet Impala, Ford Galaxie, Plymouth Fury and American Motors' Ambassador. The 1970 model tests added the "pony cars" (Mustang, Camaro, Barracuda and Javelin) and small cars (Volkswagen 1600, Toyota Corona, Ford Maverick and American Motors' Hornet).

In addition, the Institute also crashed each of the 1970 model small cars into a standard steel-and-concrete test pole. Complete, model-by-model test results are given in the chart on page 7.

While five and 10 mile-per-hour crashes produced lower repair estimates for the

lighter "pony cars" than for sedans, that did not hold true in the 15 mile-per-hour crashes, due principally to the test results on one car—Chevrolet's Camaro.

The Camaro's repairs after a 15 mile-per-hour, front-end crash were estimated at $1,052.60, almost twice the $599.35 repair estimate on the Camaro after a 10 mile-per-hour crash, and more than $300 above the average of the other three "pony cars" tested. When considered without the Camaro, those three averaged $741.35, only $12.52 above the four-door sedan average.

One major reason for the 1970 Camaro's high cost of repairs was that in a 15 mile-per-hour front-end crash the car's front windshield had to be replaced.

LOW-SPEED SAFETY HAZARDS

The Institute's low-speed crash tests were conducted initially to determine the degree of fragility and cost of repairs to popular model cars. Films of the crashes, however, revealed that many of the 1970 cars tested contained definite safety defects, even at low speeds. These were shown in a special film at the symposium. Following is a list of the safety defects shown in the film. All cars are 1970 models.

1) Chevrolet Impala, four-door, 10 mile-per-hour, front-pole crash—hood latch opens on impact.

2) American Hornet, two-door, 10 mile-per-hour, frontpole crash—driver's seat back unlocks, flies forward.

3) Chevrolet Camaro, two-door, 10 mile-per-hour, front-barrier crash—passenger's seat back unlocks, flies forward.

4) Plymouth Barracuda, two-door, 5 mile-per-hour, front-barrier crash—driver's seat back unlocks, flies forward.

5) Volkswagen 1600, two-door, 15 mile-per-hour, front-barrier crash—windshield pops out.

6) American Hornet, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

7) Chevrolet Camaro, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

8) Plymouth Barracuda, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

9) American Javelin, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

10) Ford Mustang, two-door, 5 mile-per-hour, front-barrier crash—drops from neutral into forward on impact.

11) American Javelin, two-door, 5 and 10 mile-per-hour, front-barrier crash—drops from neutral into forward on impact.

12) Ford Galaxie 500, four-door, 15 mile-per-hour, front-barrier crash—drops from neutral into reverse on impact.

INSURANCE INSTITUTE FOR HIGHWAY SAFETY—1970 CRASH TEST RESULTS

Model	5 m.p.h., front	5 m.p.h., rear	10 m.p.h., front	10 m.p.h., front/rear	10 m.p.h., front/side	10 m.p.h., front/pole	15 m.p.h., front
Sedans:							
Chevrolet Impala	$196.20	$247.30	$491.40	$421.30	$481.80	(1)	$740.40
Ford Galaxie	185.80	325.25	459.05	513.45	478.35	(1)	703.10
Plymouth Fury	171.30	202.05	600.05	483.60	515.75	(1)	652.30
AMC Ambassador	309.25	100.05	615.75	813.80	521.55	(1)	819.50
Average	215.64	218.66	541.56	558.04	499.36	(1)	728.83
Pony cars:							
Ford Mustang	160.30	147.05	400.70	615.65	402.35	(1)	661.35
Plymouth Barracuda	176.60	197.10	332.90	379.75	409.70	(1)	876.05
AMC Javelin	262.67	132.40	618.85	550.59	502.05	(1)	686.65
Chevrolet Camaro	130.10	174.00	599.35	465.60	437.90	(1)	1,052.60
Average	182.42	162.64	487.95	502.90	438.00	(1)	819.16
Small cars:							
Volkswagen	120.25	64.45	322.35	228.20	381.55	$335.75	518.70
Toyota	133.70	69.30	410.94	305.57	316.34	370.03	486.86
Maverick	153.10	204.75	427.35	449.80	423.30	400.55	590.55
Hornet	204.50	193.85	508.40	590.20	591.75	474.60	636.75
Averages	152.89	133.09	417.26	393.44	428.24	395.23	558.22
Final average	183.65	171.46	482.26	484.79	455.20	395.23	702.07

[1] Not tested.

SPACE: THE INTERNATIONAL APPROACH

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, Al Rockwell, chairman of the board, North American Rockwell Corp., a highly respected civic leader of Pittsburgh, Pa., has made a thought-provoking and timely speech on the subject of space. Mr. Rockwell calls for an international approach to space exploration program and feels it offers a practical vehicle for international peace in the years to come.

This speech comes at a time when the world is torn with strife and armed conflict, but through practical proposals we can see hope and light ahead for peaceful progress. The speech is also timely since the Independent Offices appropriations bill vetoed by the President is back before the Congress for action. There is some talk of further cuts in space from this bill even though it is $64 million below the rockbottom figure submitted by the President to the Congress. Indeed, the $3.268 billion approved by the Congress in the appropriations bill is barely enough to keep alive NASA installations and communications facilities and the projected space program and should not be cut further.

I feel that Mr. Rockwell's words before the Canadian Club of Toronto are indeed far-reaching and prophetic and should be read by all Members of this body. Having been invited to address the Canadian Club this spring, I know what an outstanding and influential group of business and professional Canadian citizens are represented in its membership.

The speech follows:

SPACE: THE INTERNATIONAL APPROACH

(By Willard F. Rockwell, Jr.)

Ladies and Gentlemen: Nearly two hundred and forty-nine years elapsed from the first voyage of Columbus, in 1492, and the last great voyage of discovery in the New World, Vitus Bering's discovery of Alaska in 1741.

In those two hundered and forty-nine action-packed years, every great land mass was uncovered and virtually every shore charted, and the foundation was laid for the development of the world as we know it today.

By contrast, it has only been fourteen months since man made his epic "first small step" on the surface of the moon. Neil Armstrong, speaking on the anniversary of this great feat, already has voiced his disappointment at the aftermath.

His words were directed, not at the abrupt redirecting of national priorities that has slowed the thrust into space, but at the failure of the moon voyage to achieve the peaceful effect so greatly desired among men of all nations. "I had hoped," Armstrong said, "that the (voyage) might take our minds away from some of the more mundane and temporal problems which we as a society face. . . ."

FEAT OF MAN

In the dreams of Armstrong and many others, space conquest should be one of the cooperative cohesive forces that would bring men together.

In a way, we all share Neil's disappointment. I believe each of us who watched the snowy TV picture, as that futuristic figure touched hesitantly on the lunar surface, had the same deep-rooted hope—perhaps this was the time, perhaps this was the one feat of man that would finally bring the world together.

President Nixon expressed that hope in the congratulatory words he conveyed by radio telephone to the two men on the moon:

Quote. "For one priceless moment in the whole history of man, all the people of this earth are truly one—"

Yet, one year later, Armstrong has been disappointed in the first year's progress, but a substantial U.S. space program is still in operation, and appropriation procedures are now pending in the U.S. Congress.

I think the world *is* moving closer to that cooperation.

UNIVERSAL PEACE

I think it will be the feats of Armstrong and Aldrin, and Collins and Conrad and Bean and Shepard and Mitchell and the hundreds who will follow in the seas of space, that will continue to be the core of endeavor which eventually will draw all nations together.

I hope that on the tenth anniversary of Neil Armstrong's journey he will be able to speak with encouragement and satisfaction with continued space progress. I sincerely hope by that time we will have realized a goal that has so long eluded us . . . universal peace.

I do not minimize the obstacles in the way.

In the United States, as you know, there has been a continuing cut back in the space effort, the result of new, and surely desirable reassessments of national priorities. Today the budget for American space effort represents just 1.7 percent of the total national budget as compared with 41 percent for human resources.

Let me assure you, even with this reduced percentage of U.S. Federal government funds allotted to the space effort, these space, research, development and exploration programs will continue. I am an optimist.

According to the Christian Science Monitor, the money spent on tobacco and cosmetics in the United States equals that spent on the space program!

And the space effort receives only half of what is spent in New York City alone on legal gambling!

CUTBACKS IN THE BUDGET

The space effort must continue. To do otherwise, to halt the voyages of the new Magellans could, in effect, shut the door on

the hopes and aspirations of untold billions of our world's peoples.

To erode the U.S. space program, as the cutbacks in the budget are doing, theatens the technological future of the United States and its capabilities to cope with environmental problems.

Events happen so quickly in this hypertense world of ours that it's sometimes difficult to grasp the enormity of feats accomplished in such a short span of time. It's difficult to grasp that the entire thought, vision, and horizon of the world has been changed within our lifetime, especially in the last ten years.

It is within the lifetime of many in this room that all this drama has taken place. Most of you were unaware of the beginning less than fifty years ago. I know I was a boy in Pittsburgh when Doctor Robert Goddard in March 1926 launched the first liquid propellant rocket on a farm near Worcester, Massachusetts.

Dr. Goddard worked in obscurity. But on that day he unlocked the universe when he proved that rocket velocities greater than the speed of sound could be attained.

LIQUID ROCKET ENGINE

Dr. Goddard proved that escape from Earth, bizarre though it seemed, was just a question of more propellants, and of a more dependable rocket chamber. He proved that a rocket could act in a vacuum, that it was the perfect engine to leap beyond the atmosphere into the unknown seas of space.

Dr. Goddard, however, could not control the destiny of the liquid propellant rocket engine. For better or worse it led to the German V–2 rocket, and to the intercontinental ballistic missiles, but it led also to Saturn V, the vehicle that lifted men on the voyage to the moon.

It opened a major new era of intense scientific activity.

As early as 1955 world scientists were talking openly of the possibility of orbiting manmade satellites about the Earth. But it was not until three years later and a national humiliation that America placed its first basketball-sized satellite, Explorer 1, in orbit in January 1958.

These were cautious steps, hesitant steps. These were the first moves toward the development of Mercury, the one-man spacecraft developed to orbit the Earth and to introduce the name John Glenn to the hall of fame. But understandably the nation, and to certain extent, the scientific world, were confused.

MAJOR PAYLOADS

What was it America wanted? What were the goals? What were the purposes of these expenditures that were already beginning to mount in cost from $145 million in 1959 to $400 million the following year, and $744 million in 1961? For several years we were the victims of a form of Russian progress, acting and reacting to Soviet advances in space. We *DID* know that the prize had to be more than just beating the Russians.

One reason for the hesitancy was that we lacked the great rocket power necessary to place major payloads into space orbit.

The rocket engine dilemma, the need for power, was solved with the contracts awarded to North American Rockwell for the development of the F–1 rocket engine, and later for the J–2 liquid hydrogen engine.

With the planned development of the engines, we had the potential power. What we still lacked was a purpose.

It was then that John F. Kennedy stood before the Congress of the United States and electrified his audience and the world on May 25, 1961 with a ringing statement: "Now is the time to take longer strides, time for a great new American enterprise, time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on Earth.

NONE SO DIFFICULT

"I believe this nation," the President continued, "should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth.

"No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." End quote.

That was the start.

Eight years and twenty one billion dollars later, man stood on the moon.

One of the most awesome aspects of the Apollo effort was the cooperation needed, within the country itself, and on a worldwide basis to support the space vehicle tracking network.

At no time in history had so many companies—20,000—been mobilized for a single undertaking. Never before had there been an undertaking that equalled it in size. It was comparable in scope to the Manhattan Project that developed the atom bomb.

STRIKING DEMONSTRATION

It was an epic in management, and it was an epic in cooperation.

The job was so immense that American industry found, in the words of Homer, that, quote "No man is able of himself to do all things." Unquote.

It was a time of the most striking demonstration of international interdependence. The very nature of the project demanded specialization. And the thousands of scientists and engineers involved learned to depend on others for success in areas beyond their own specialties.

Apollo, for the most part, was an American venture. However, most heartening is the present indication that future efforts will not involve one nation alone, nor two nations, but a family of nations.

We will see affirmation of the fact that space does not belong to the United States alone, nor to Russia alone, nor to the United States and Russia combined. Space is universal and it must be explored in that fashion.

From its inception in October 1958 the National Aeronautics and Space Administration, NASA, has been mandated by Congress ". . . to cooperate with other nations and groups of nations in work done pursuant to the aims of NASA and in the peaceful applications of the results thereof."

CONTRIBUTIONS FROM BOTH SIDES

NASA, according to Congressional guidelines, should cooperate with other nations in projects directed to useful scientific objectives which contribute to the interests on both sides. The effort should benefit from contributions from both sides, and each side should bear its own costs.

As early as September 1963 President Kennedy, speaking before the United Nations, urged that the United States and Russia investigate the possibility of joint exploration of the moon.

Evidently that suggestion never made much headway. However, I don't want to leave you with a negative thought. There *has* been close and continuing cooperation with other countries.

All told, NASA has joined with some seventy-four countries in activities which have ranged from ground-based studies to actual flight of satellites designed and built abroad.

FIVE HUNDRED SOUNDING ROCKETS

Twelve foreign satellites have been launched with Canada and ten European countries.

More than five hundred sounding rockets have been launched in programs involving scientists in nineteen countries.

NASA has been working closely with your Canadian space scientists for eight years, and other projects now under consideration will continue that effort for at least two more years. Canada, in conjunction with the United Kingdom, Germany and Italy, has been our most active space partner.

I am happy to say that seventeen foreign experiments already have been flown; four more have been selected for flight; and thirty-five others are being considered.

Up to this time the cooperation has involved smaller sounding rockets; cooperative information exchange with the European Space Research Organization, ESRO; NASA assistance in developing the satellite launch capabilities of other countries; communication satellites, and the placement of complete experimental packages aboard space vehicles such as Apollo.

A team of French scientists, for example, came to the NASA facility in Wallops Island, Virginia, and launched a series of small rockets that probed the upper atmosphere. India's scientists trained at Wallops Island in preparation for opening their own launch facilities at Thumba in India. American scientists have used the Canadian facilities at Churchill.

It has been an excellent application of international scientific cooperation. Norway and Sweden, for example, concentrated on the phenomena of the auroral zone; India and Pakistan on the atmospheric circulation in the Indian Ocean Basin.

Argentina's participation opened an entirely new approach to scientific space study in the southern hemisphere. Brazil's new space center near Natal has been a valuable scientific aid in reasearch.

The success of Apollo has opened the universe for scientific exploration never before possible.

Why shouldn't the family of nations cooperate not only in the experiments, but also in the building of the vehicles that will be making those journeys?

That question is now being answered.

A new phase of cooperative international space effort has started, and I believe it is of the greatest significance.

EXPLORATORY FLIGHTS

There are presently three major space efforts underway. One is the continuing exploration of the surface of the moon, a task that was started by the Apollo 11 crew under Neil Armstrong, and Apollo 12 under Pete Conrad, and will be continued on the next flight under the command of Alan Shepard, Jr.

These exploratory flights, as you know, have been severely curtailed. However, our Company Space Division is still preparing spacecraft for the four flights that yet remain, just as they have for the entire series of Apollo launches.

The second major space effort now in design stage is the development of a second-generation space station, which should be in prolonged orbit about the Earth late in the 1970s. It will stay in Earth orbit perhaps for ten years, as a permanent space laboratory. There will be twelve scientists, on a rotating basis, always in the station, and the entire universe will be their laboratory.

Our Company Space Division is competing for this contract.

Finally, we come to what may be the most challenging project undertaken in space to date—the development of a re-usable space shuttle.

It will be as big as a 707 jet liner. It'll be boosted into space on a re-usable craft that in itself will be as big as a 747 jumbo jet.

The space shuttle will transport crews and cargo from Earth to the space station and then return to Earth.

HYPERSONIC TRANSPORT

Christopher Kraft, Jr., deputy director of the NASA's Manned Spacecraft Center at Houston, said, "What we're trying to build in the shuttle is a hypersonic transport that will fly into and out of space."

"We are attempting to provide something which is going to revolutionize the space program."

I might add that the technology from the shuttle could lead to a global transportation system. For example, vehicles will take off from the eastern part of Canada and fly to Australia in less than an hour.

The requirement for the shuttle that makes it a challenging task is that it must be capable of 100 missions carrying it through the furnace of re-entry on each return to Earth, and that it must have a fast two-week turnaround between each mission.

This means of course, the end of these extraordinarily expensive one-shot launches that we have had to date. It means a startling reduction in cost-per-pound placed in orbit. But it also means an engineering and scientific task whose challenge is as great as that we faced when we undertook Apollo in the early 1960's.

What better place to call for international cooperation?

North American Rockwell's Space Division has launched such a cooperative effort, one that could open space to every nation in the world by virtue of its low cost.

A short time ago we announced that the British Aircraft Corporation and Messerschmitt-Boelkow-Blohm had been selected for negotiation as the United Kingdom and German firms who will work with our company on the space shuttle program. We expect a French partner to join us in the near future.

These will be working agreements. These companies will have their engineers stationed at our company's Downey, California plant, and they will have counterpart operations in their own plants in Britain, Germany, and France.

Let me emphasize that these companies are paying their own way. Their governments are funding their efforts, and they have welcomed the opportunity to participate in this exciting engineering feat.

These companies and their countries can see tangible benefits for both their national and business interests. In the United States we estimate that our windfall of technology from the space program is already returning four dollars of value for every dollar invested.

Our foreign partners want to share in that kind of return—they want the flow of space technology to be applied to a host of other earth-bound endeavors in their countries.

For a decade Canadian industry has been a valuable partner in the scientific space projects of the United States. You have a great deal of valued expertise to offer on international projects.

For that reason, after the necessary government-to-government negotiations, we would like to see Canada numbered among the participants. We'd welcome queries from your industries. At the invitation of the Senate of Canada, this spring, the U.S. Congress through the House of Representatives Science and Astronautics sent four outstanding and experienced U.S. Congressional leaders in space programs to Ottawa for three days of consultations, exchange of views on space progress, and discussions of present organization and interaction of U.S. and Canadian space programs, under the leadership of Congressman Daddario, now candidate for Governor of the State of Connecticut, and Congressman James Fulton of my own city of Pittsburgh, recognized by our U.S. Congress as two of our most technically competent space program experts.

Gentlemen, nine years ago John Kennedy said, "Space achievement may hold the key to our future on earth."

That future is here.

Space achievement does hold the key.

Space activities, already in daily use, are unlocking new resources in the seas, extending the life of valuable forests, and bringing a new science of control to agriculture. Many billion-dollar benefits are already being realized from resource and communication satellites, already in use, or about to be launched.

Dr. Wernher von Braun of NASA states, "The real payoff from space flight (will be) in enriching our economy, and our science in new methods, devising new procedures, uncovering new knowledge, and advancing technology in general."

Gentlemen, with that type of progress and enrichment awaiting every nation on the globe, I feel I cannot too strongly emphasize this fact:

We must have a continuing high level of space activity, not for the benefit of any one country alone, but for the benefit of the entire world.

To do otherwise would be to ignore our responsibilities to our children and to the future of mankind.

NINETY-FIRST CONGRESS VOTING RECORD

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ICHORD. Mr. Speaker, 8 years ago I began the practice of compiling my voting record for the people of the Eighth Congressional District of Missouri in order that they may know exactly how I vote. By this compilation, numerous speeches, press, radio, and TV releases, and newsletters, I have endeavored to keep those I represent informed of my activities in their behalf on legislative issues considered by Congress.

By this time this, the 91st Congress, adjourns, approximately 30,000 bills and resolutions will have been introduced; and over 800 rollcalls will have been taken in the House of Representatives, including over 350 quorum calls. House deliberations totaling over 25,000 pages of the CONGRESSIONAL RECORD will have been recorded. In addition, my two committees have held a combined total of 172 days of hearings—102 by the Armed Services Committee and 70 by the Committee on Internal Security which I have the duty of chairing. In addition, the Committee on Internal Security has held 35 executive meetings.

According to latest docket information available from the office of the Clerk of the House, I answered to my name when the roll was called on legislative action better than 90 percent of the time, I was recorded as "not voting" on legislation or questions only 26 times during the past 2 years, and most of these absences were made necessary by scheduled speaking appearances in Missouri and the recent primary election.

The Eighth Congressional District, as presently constituted, and according to latest census figures, is the largest in Missouri and one of the largest, if not the largest, in the United States—approximately 608,000 people from 15 counties and three townships in St. Louis County. The complexity of interests and myriad of pursuits, such as education, labor, small and large business, farming, mining, and the seat of State government at Jefferson City, make it practically impossible for everyone to agree with every vote I have cast; but whether or not one may consider my vote "right" or "wrong," the RECORD does show, I submit, that my work and votes, both, have been the product of my own thinking as to what is best for our district, our State, and our Nation.

An examination of my voting record reveals that I have voted both for and against an increase in the national debt limit as shown by my votes on H.R. 8508 and H.R. 17803. I do not consider these votes inconsistent. On March 19, 1969, when H.R. 8508 was under consideration I stated on the floor of the House that I recognized the financial chaos that could well result if the Government failed to increase the debt limit to cover money it had already spent; however, I served notice at that time that I did not intend to vote for another increase unless the executive department made a strenuous effort to balance the budget or in the event of emergency conditions. Hence, my vote for H.R. 8508 and against H.R. 17803.

I have directed my staff to make certain that all major and controversial votes are included in my voting record with a brief description of the subject matter and issues involved. The following compilation is as broad as limitations on length and printing costs for distribution throughout my district would allow, and it is complete up to and including July 15, 1970, the latest official vote tabulation prepared and released by the Clerk of the House.

1ST SESSION

Bill No.	Description	My vote
H. Res. 2	Resolution imposing a fine of $25,000 on Member Adam Clayton Powell and the seating of said Member. (Passed 254 to 158.)	Yes.
Motion	House action on counting electoral votes—On motion objecting to counting the electoral votes of the faithless Presidential electors from North Carolina who cast the State's electoral votes for George Wallace and Curtis LeMay although the plurality of the State's votes were cast for Richard M. Nixon and Spiro T. Agnew. A "yes" vote is against the counting of said electoral vote. (Failed 170 to 228).	Yes.
H. Res. 89	Resolution I offered which established the House Committee on Internal Security. (Passed 307 to 80.)	Yes.
H.R. 8508	Bill to increase the public debt limit from $365,000,000,000 to $377,000,000,000. (Passed 313 to 93.)	Yes.
H.R. 4148	Bill to amend Federal Water Pollution Control Act. (Passed 392 to 1)	Yes.
H.R. 514	Green amendment to Extend Elementary and Secondary Education Act for 2 years and providing educational block grants to the States. (Passed 235 to 184.)	Yes.
H. Res. 17	Resolution creating a select committee to conduct study and investigation of all aspects of crime in the United States. (Passed 345 to 18.)	Yes.
H.R. 5554	Bill to extend indefinitely the special school milk program. (Passed 384 to 2.)	Yes.
H.R. 11400	Amendment to Higher Education Act to permit any college or university to withhold federal funds to any student found guilty of participating in campus disturbances. (Passed 329 to 61.)	Yes.

Bill No.	Description	My vote
H.R. 11400	Final passage of higher education appropriation bill for fiscal year 1970. (Passed 439 to 40.)	Yes.
H.R. 11612	Amending U.S. Department of Agriculture 1970 appropriation bill to establish a $20,000 ceiling on farm subsidy payments to farmers. (Passed 225 to 14.)	Yes.
H.R. 693	Bill eliminating the "pauper oath" for veterans past 72 years of age in connection with hospital care and providing additional medical benefits to elderly, seriously disabled veterans. (Passed 302 to 3.)	(1).
H.R. 11102	Bill to amend provisions of the Public Health Services Act relating to construction and modernizing of hospitals and other medical facilities. (Passed 351 to 0.)	Yes.
H.R. 11271	Bill authorizing fiscal year 1970 appropriations for NASA for research and development; construction of facilities, etc. (Passed 330 to 52.)	Yes.
H.R. 1035	Bill limiting use for demonstration purposes of any federally owned property in the District of Columbia. (Passed 327 to 51.)	Yes.
H.R. 12290	Bill to continue the income tax surcharge and the excise tax on automobiles and communication services. (Passed 210 to 205.)	No.
H.R. 11651	Bill to amend National School Lunch Act to provide free or reduced-priced meals to needy children not now being reached. On motion to suspend rules and pass. (Passed 352 to 5.)	Yes.
H.R. 12781	1970 Appropriation bill for the Department of Interior and related agencies. (Passed 399 to 6.)	Yes.
H.R. 9825	Bill to increase civil service retirement benefits for Members of Congress and other Federal employees. (Passed 359 to 48.)	No.
H.R. 13080	Bill to temporarily extend the surcharge withholding tax for 15 days from July 31, 1969 to Aug. 15, 1969. On final passage. (Passed 307 to 105.)	No.
H.R. 13111	Joelson amendment to Office of Education bill providing a $894,547,000 increase in funds for impacted area aid, school libraries, equipment, guidance and counselling, vocational education, higher education construction, and 4-year undergraduate programs, student loan program and Elementary and Secondary Education Act. (Passed 294 to 119.)	Yes.
H.R. 13111	Amendment to 1970 appropriation for Office of Education to prohibit the use of Federal funds to any individual at an institution of higher education involved in campus disruption. (Passed 316 to 95.)	Yes.
H.R. 13018	Motion to recommit military construction authorization bill to committee with instructions to strike provisions making picketing of a military installation or personnel a crime. (Failed 87 to 323.)	No.
H.R. 13018	Final passage of fiscal year 1970 military construction authorization bill. (Passed 376 to 30.)	Yes.
H.R. 12085	Amending the Clean Air Act research program relating to fuel and vehicles. (Passed 332 to 0.)	Yes.
H.R. 11039	Final passage of bill to extend the Peace Corps. (Passed 282 to 52.)	No.
H.R. 13194	Bill to amend Higher Education Act to allow federally subsidized interest payments to lenders on student loans of up to 3 percent over the present limitation of 7 percent. (Passed 322 to 60.)	No.
H.J. Res. 681	Proposing an amendment to U.S. Constitution providing for direct election of President. (Passed 338 to 70.)	Yes.
H.R. 12549	Bill amending Fish and Wildlife Coordination Act to provide for the establishment of a council on environmental quality. (Passed 372 to 15.)	Yes.
H.R. 13369	Bill extending authority to set interest rates on mortgages to veterans. (Passed 340 to 21.)	Yes.
H.R. 4314	Bill to permit joint labor-management trust funds for scholarships and child care centers. (Passed 354 to 1.)	Yes.
H.R. 13300	Extending the Railroad Retirement Act and Railroad Retirement Tax Act. (Passed 372 to 17.)	Yes.
H.R. 14000	Authorizing appropriations for fiscal year 1970 for procurement of aircraft, missiles, naval vessels and tracking combat vehicles, research, development, test, and evaluation for the armed services and prescribing authorized personnel strength of the selected reserves. (Passed 223 to 141.)	Yes.
H.R. 13304	Bill to provide for educational assistance for gifted and talented children. (Passed 353 to 0.)	Yes.
H.R. 372	Liberalizing and modifying annual reporting requirements relating to pensions for veterans and veterans' widows and remarried widows who have been on nonservice connected pension rolls for more than 2 years. (Passed 352 to 0.)	Yes.
H.R. 14159	Appropriations for public works program of water pollution control and power development for the Corps of Engineers, the Panama Canal, Federal Water Pollution Control Administration, Department of Interior, Tennessee Valley Authority, and the Atomic Energy Commission. (Passed 397 to 3.)	Yes.
H.R. 13310	Bill to provide for special programs for children with specific learning disabilities. (Passed 353 to 0.)	Yes.
H.R. 13000	Bill to implement Federal Salary Comparability Act of 1969. (Passed 310 to 52.)	Yes.
H.R. 4293	Bill to provide for continuation of authority for regulation of imports. (Passed 273 to 1.)	Yes.
H.R. 13950	Bill to provide for protection of health and safety of persons working in coal mining industry. (Passed 389 to 14.)	Yes.
H.R. 14001	Bill to amend Military Selective Service Act of 1964 to implement lottery system for selecting persons for induction into armed services. (Passed 382 to 15.)	Yes.
H.R. 14252	Bill to authorize grants for special educational programs and activities concerning the use of drugs. (Passed 294 to 0.)	Yes.
H.R. 14465	Bill to provide for expansion and improvement of Nation's airport and airways system and imposing user charges therefor. (Passed 337 to 6.)	Yes.
H.R. 14751	Bill making appropriations for military construction for Department of Defense for fiscal year 1970. (Passed 337 to 8.)	Yes.
H.R. 14580	Amendment to foreign aid authorization bill reducing total authorization by $50,000,000 for fiscal year 1969 and 1970. (Passed 185 to 157.)	Yes.
H.R. 14580	Final passage of foreign aid authorization bill. (Passed 176 to 163.)	No.
H. Res. 613	Resolution entitled "Toward Peace with Justi (e in Vietnam," with amendment directing the President to conticnue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in treatment of POW's. (Passed 392 to 0.)	Yes.
H.R. 15090	Bill making appropriations for Department of Defense for fiscal year 1970 amended to preclude funds contained in the act to be used for publicity or propaganda purposes not authorized by Congress. (Passed 330 to 33.)	Yes.
H.R. 15149	Foreign aid appropriation bill. (Passed 200 to 195.)	No.
H.R. 4249	Extending Voting Rights Act and establishing a nationwide suspension of literacy tests and Attorney General's authority to monitor elections, initiate voting rights lawsuits, and establish uniform residency requirements for presidential elections. (Passed 234 to 179.)	Yes.
H.R. 12321	Amendment to OEO Act of 1964 to make antipoverty program subject to greater control by the Governors of the States. (Failed 163 to 231.)	Yes.
H.R. 12321	Final passage of 1970 amendments to Office of Economic Opportunity. (Passed 276 to 117.)	No.
H.R. 15095	Bill to provide for a 15-percent increase in social security benefits and other amendments to Social Security Act. (Passed 400 to 0.)	Yes.
H. Con. Res. 454	Calling for humane treatment and release of American POW's held by North Vietnam and the National Liberation Front. (Passed 405 to 0.)	Yes.
H.R. 15091	Bill to lower interest rates and fight inflation to help housing, small business, and employment by authorizing Federal Reserve Board to purchase federally guaranteed mortgages to meet national housing goals. (Passed 260 to 136.)	Yes.

2D SESSION

Bill No.	Description	My vote
H.R. 13111	Vote to override Presidential veto of 1970 appropriation for Department of Health, Education, and Welfare, including Office of Education. (Failed 226 to 191—⅔ vote required.)	Yes.
H.R. 14864	Bill to provide effective measures to ban subversives from employment in defense plants and for protection of defense production. (Passed 374 to 65.)	Yes.
H.R. 15165	Bill to establish a commission on population growth and American future. (Passed 371 to 13.)	Yes.
H.R. 15931	Bill authorizing funds for Department of Health, Education, and Welfare and Office of Education with amendment adding $80,000,000 for impacted area aid. (Passed 315 to 81.)	Yes.
S. 2523	Extending Mental Health Centers Act to improve programs of assistance to communities for treatment of alcoholics, narcotic addicts, and establishing programs for mental health of children. (Passed 369 to 0.)	Yes.
H. Res. 799	Resolution providing for consideration of H.R. 12025, the Timber Supply Act. (Failed 150 to 229.)	Yes.
H.J. Res. 1112	Resolution providing for settlement of labor dispute between certain railroad carriers and their employees. (Passed 343 to 15.)	Yes.
H.R. 15143	Bill to provide grade of lieutenant general for Chief of National Guard Bureau. (Passed 269 to 44.)	Yes.
H.R. 15628	Bill to extend Foreign Military Sales Act through 1972, authorizing $545,000,000 for 2 years and a credit ceiling on military sales of $550,000,000 and to broaden existing prohibitions on military sales and guarantees to dictators who deny social progress and fundamental rights to their own people. (Passed 351 to 26.)	No.
H. Res. 884	Resolution authorizing operating funds for Committee on Internal Security. (Passed 307 to 52.)	Yes.
H.R. 15733	Bill to amend Railroad Retirement Act to provide increase in railroad annuities. (Passed 379 to 0.)	Yes.
H.R. 16844	Bill increasing pay of Federal employees. (Passed 372 to 7.)	Yes.
H.R. 16311	Bill to implement President Nixon's "Family Assistance" welfare program, with provisions for a guaranteed minimum income, uniformity of welfare payments in all States, and liberalizing qualifying requirements for welfare awards. (Passed 243 to 155.)	No.
H.R. 16516	1971 Appropriation bill for NASA for research, development and program management. (Passed 229 to 105.)	No.
H.R. 15693	Excluding use of U.S. postal service for mailing purposes for sexually oriented material offered for sale to minors. (Passed 375 to 8.)	Yes.
H.R. 17123	Fiscal year 1970 Armed Forces procurement authorization bill. (Passed 326 to 69.)	Yes.
H.R. 17604	Fiscal year 1971 military construction authorization bill. (Passed 335 to 47.)	Yes.
H.R. 17550	Amending the Social Security Act to provide increase in benefits, to raise earnings tax base, and make improvements in medicare and medicaid. (Passed 344 to 32.)	Yes.
H.J. Res. 1117	Resolution creating joint Congressional Committee on Environment and Technology. (Passed 287 to 7.)	Yes.
H.R. 17803	Bill to increase public debt limit from $380 billion to $395 billion. (Passed 236 to 127.)	No.
H. Res. 976	Resolution authorizing creation of a Select House Committee to Study developments in Southeast Asia. (Passed 224 to 101.)	Yes.
H.R. 11102	Bill to amend Public Health Services Act relating to construction and modernizing of hospital and other medical facilities and authorizing Federal loan guarantees and grants for such construction and modernization. (Passed 378 to 0.)	Yes.
H.R. 17255	Bill to amend Clean Air Act to provide for more effective program to improve quality of Nation's air. (Passed 375 to 1.)	Yes.
H.R. 15361	Bill to establish Youth Conservation Corps. (Passed 256 to 54.)	Yes.
H.R. 17070	Bill to improve and modernize the postal service and to reorganize the Post Office Department. (Passed 359 to 24.)	Yes.
S. 2315	Bill to restore golden eagle program to Land and Water Conservation Fund Act. (Passed 314 to 1.)	Yes.
H.R. 11833	Bill to amend Solid Waste Disposal Act to provide financial assistance for construction of appropriate facilities to improve research programs. (Passed 339 to 0.)	Yes.
H.R. 11102	Vote to override Presidential veto of hospital modernization program of Public Health Services Act. (Passed 279 to 98.)	Yes.

Footnotes at end of table.

2D SESSION—Continued

Bill No.	Description	My vote
H.R. 17399	On a motion that the House recede from its disagreement to Senate amount providing for additional $587,500,000 in unbudgeted funds for urban renewal programs. (Failed 137 to 236.)	No.
H.R. 17495	Bill to increase availability of mortgage credit for financing of urgently needed housing with committee amendments. (Passed 324 to 2.)	Yes.
H.R. 16916	Making appropriations for U.S. Office of Education—motion on amendment to preclude forced bussing to achieve racial balance. (Yes vote is against forced bussing.) (Passed 191 to 157.)	Yes.
H.R. 17825	1970 Amendments to Omnibus Crime Control Act of 1968. (Passed 345 to 2.)	(3).
H.R. 16065	Bill to amend National Foundation on Arts and Humanities Act of 1965 to 1973. (Passed 262 to 78.)	No.
S. 3592	Bill to amend Federal Meat Inspection Act to clarify provisions relating to custom slaughtering operations. (Passed 297 to 2.)	(3).
H.R. 16327	Bill authorizing additional funds for Peace Corps. (Passed 316 to 48)	(4).
H.R. 279	Bill to exempt from antitrust laws certain joint newspaper operating arrangements. (Passed 292 to 87.)	Yes.
H.R. 15628	Bill to amend Foreign Military Sales Act. (Passed 247 to 143)	Yes.
H.R. 17070	On motion to table the Henderson amendment on postal reform bill to permit postal employees the right of freedom of choice in joining labor unions. (Failed 153 to 230.)	No.

[1] Not voting. In Missouri to deliver commencement address at Valley Park.
[2] Not voting. In conference with State chamber of commerce officials.
[3] Not voting. In Missouri for speaking engagement.
[4] Not voting. In Missouri for primary elections.

NIXON'S PEACE PROPOSAL

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GOODLING. Mr. Speaker, President Nixon's peace proposal for Vietnam centered on the theme of letting the shooting stop and the talking start.

It is interesting to note that there were no preconditions or coercion in Mr. Nixon's proposal, and it represented an honest and earnest effort to set the stage for getting on with peace in Vietnam. The core of the President's recommendation is to abandon the battlefield and use the peace table in seeking a solution for the conflict in Vietnam.

The President's proposal placed a heavy stress on the humane aspect. In the first instance, he recommended, as an initial step, a cease-fire arrangement that would save lives and, at the same time, quiet the thunder of the battlefield and set the stage for seeking peace. In the second instance, Mr. Nixon suggested that all prisoners of war held by both sides should be immediately and unconditionally released, thereby establishing good faith and creating a climate for negotiation.

An international peace conference served as an important part of the Chief Executive's proposal. The conflict in Indochina is spread out over such a vast area and involves so many localities that it is difficult to recognize them all as being part of one war. A conference of involved parties would do much to bring this scattered war condition into proper focus so that it could be dealt with in one piece. In the meantime, the Paris negotiations would go forward as a prelude to any settlements that might emerge from the peace conference.

It is apparent that President Nixon is anxious to press forward with his Vietnamization policy, for he evidenced an eagerness to negotiate an agreed timetable for complete withdrawals of forces from the Vietnam area. Such a timetable would, undoubtedly, involve the withdrawal of enemy troops as well as that of American forces. Mr. Nixon already has reduced our troop ceilings in South Vietnam by 165,000 men. It is expected that by spring of next year these withdrawals will have totaled in excess of 260,000 men; that is, just about one-half of the number of American troops that occupied South Vietnam when he took office. The President's proposal did not make any provision for additional troop withdrawals, and it is apparent that Mr. Nixon feels it is time for the enemy forces to demonstrate some initiative in this troop-withdrawal area.

The President's proposal also urged that both sides should search out a political settlement. In this respect it is clear that the emphasis in such a settlement would fall on South Vietnam and that the United States would refrain from dominating negotiations directed toward a political solution. The United States will not, however, tolerate a coalition type of government in South Vietnam but would accept any kind of political structure that was approved by the people of South Vietnam.

President Nixon's proposal is the most comprehensive peace plan ever offered by an American President. He has gone the second mile in his efforts to find peace in Vietnam. The President of the United States has proposed, and now it is up to the other side to dispose.

COLUMBUS DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROONEY of New York, Mr. Speaker, with our fellow Americans all over the Nation observing this Monday, Columbus Day, as a national holiday, some of us can take particular personal pride in this event. For those of us who struggled year after year to secure the enactment of legislation to give adequate honor to the intrepid navigator who first set foot on our shores, the nationwide observance of Columbus Day is a rich reward for our efforts. This is particularly true of the fine Italo-American organizations who have long sought such recognition for their cherished kinsman, Christopher Columbus.

It would be well for every American to remind himself of the characteristics of the man who braved the awesome unknown reaches of the seas by sailing "on and on." The courage and determination of Columbus should inspire every one of us. His leadership and his belief in himself are truly worthy of our emulation.

Although Columbus did not reach his destination of the East Indies, he did prove his thesis that the world was round. Although he did not return to Spain with the holds of his tiny ships filled with riches, the lands which he discovered enriched Spain far in excess of even a full cargo of gold for the *Niña, Pinta,* and *Santa Maria*. Columbus on his first voyage proved to the old world the existence of a new world. On his subsequent voyages he proved the feasibility of navigating the broad ocean stretches to and from this new-found continent. He proved, too, that he had found new products far richer than the jewels and rare spices which he had initially sought.

These splendid human traits of Columbus had a positive influence on the navigators and men who made the explorations after him. His rugged determination and dauntless valor were passed on to the settlers who pioneered the establishment of our new civilization.

These same traits of greatness still manifest themselves in our citizens who pride themselves on their Italian heritage—those citizens who today are foremost in honoring the glorious name and deeds of Christopher Columbus. These Italo-Americans number in the millions—and constitute one of this Nation's greatest assets; yet even so they are a minority group. They like our citizens who were born or descended from parents born in Poland or Germany, in Norway or Greece, in Iceland or Mexico, in any country of Europe, Asia, Africa, or Latin America constitute minority groups throughout our land.

As minority groups they have all too often suffered hunger and privations. All too often they have encountered bias and discrimination in employment, in housing and in public welfare. But even more tragic all too often they have been the butt of ridicule and scorn.

In literature they have been cast as villians, dolts and simpletons. They have been labeled with derisive and abusive nicknames. Yet, all too often their fellow Americans have done little to encourage their immediate adoption into the social and political structure of our society. In consequence many of our finest ethnic or nationality groups began as a means of self-protection. However, over the years these organizations with their memberships reaching into the millions have come to be recognized as a major factor in bringing the divergent and dissident peoples together into the common bond of American citizenship. No groups in our country have done more to protect the working man and his family. No groups have shown greater loyalty or patriotism than the nationality groups from which hundreds of thousands of our finest fighting men have come forth in

defense of our liberty. But in spite of general recognition of the magnificant programs and civic awareness which identify these groups, there still is a tendency for many slurs being cast upon the ethnic groups.

In recent days distinguished Members of this body have challenged television and the movie industry for being guilty of slurring ethnic, racial and religious groups. Although these Members are not proposing legislation directly affecting television or the movie industry, they are anxious to have their colleagues in Congress join in condemning the degradation of these groups through portraying Italian Americans as flashy, illiterate people, depicting Spanish-speaking Americans as lazy, sleepy, tequila-imbibing peasants, or casting the Irish as hard-drinking cops.

Mr. Speaker, I deplore the acts of any group or any individual who casts aspersion upon any fellow American because of his ethnic background, his religious beliefs or the color of his skin. I particularly deplore any organization which derives its livelihood from the support of the American people for the unforgiveable act of making fun of any group or individual Americans. Whenever our fellow citizens are cast in a demeaning role or subjected to repetitive typing in belittling patterns, we should voice our forceful opposition to those guilty of such practices.

The situation has become so pronounced that numerous church and lay groups have taken action to protest the same situation which my colleagues and I have protested.

I feel that it is indeed fitting for all of us on the day set aside to honor Christopher Columbus to remind ourselves not only of what this heroic Italian means to every American, but what the thousands of Italo-Americans have meant to us as well. Columbus Day might well be dedicated as a reminder of the priceless contribution which all ethnic and nationality groups have made to our life and culture. This national holiday could serve as the stimulus needed for all of us to free ourselves of any personally held bias or prejudice and to participate in a public condemnation of any act which detracts from any man's enjoyment of all the blessings of our democracy.

NATIONAL NEWSPAPER WEEK CELEBRATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RODINO. Mr. Speaker, while it has often become popular to criticize the media—especially the newspapers for their press coverage—the service which they provide and the responsibility which they confront their task is in the main admirable.

Whatever one's philosophy, we must all recognize the safeguards which a free press provides in a democratic society. I am pleased to salute the newspaper industry during National Newspaper Week and I commend to my colleagues the following recent editorial from the Glen Ridge Paper:

CAN'T PLEASE EVERYONE!

National Newspaper Week is October 4–10, and that is the time members of the fourth estate receive recognition and often words of praise. The special tributes are often sincere and those we appreciate. This year, however, the editors of this newspaper are forgetting their modesty to blow their own horns.

We aren't the best-liked people in the world. How can we be? Our views cannot always be in agreement with everyone, and we must publish the good and the bad. But our faithful attendance at meetings and our sincere watch-dog tactics permit us to be a good authority on most matters. The news is reported like it happens, and if it doesn't come across as intended, that is not our fault. Officials should put themselves in the chairs of the audience when having their disagreements, and nine times out of 10 they would understand the reporting.

Newspapers, especially weeklies, do a great service to both the officials, and citizens. Therefore, we ask them to take a few minutes away from their daily routine to appreciate us, whether they be elected officials, school board officials, clubwomen, parents or anyone else. They should be aware of our responsibility and above all, our patience. We will continue to report the news the way it happens. We hope the readers appreciate our responsibility. It's not easy, but we do our job to the best of our ability. Don't always remember us for our mistakes! We do a lot of good, even if it doesn't please everyone!

THE SOCIAL THEORISTS STRIKE AGAIN

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. DICKINSON. Mr. Speaker, the social theorists have struck again.

Wire service dispatches called to my attention this past weekend indicate that the administration is continuing its harassment of the South by announcing that efforts are underway deep in the Federal bureaucracy to tamper directly with teaching methods. According to my information, the Department of Health, Education, and Welfare intends to initiate action to prevent "ability grouping" of students in some of our schools.

Mr. Speaker, this is going too far. As far back as anyone in this Chamber can remember, students have been grouped according to their ability so that those of similar capacities can progress at a similar rate of speed. After all, why should an entire class be held back because a handful of students are slower learners. It makes more sense to put the slow learners in a separate class so they will not impede the progress of others and so they can be given more individual attention and, hopefully, increase their educational capacities.

Mr. Speaker, I have served as a member and as chairman of a city board of education in Alabama for over 6 years. I have some experience in dealing with education and problems associated with our schools. However, even when I served on the board of education, I did not attempt to tell the educators how to conduct their classes, and I do not intend to do so now. The Department of Health, Education, and Welfare should follow the same course.

Will books and other instructional materials be the next category to feel the heavy hand of the Washington social theorists?

WHO ARE THE ADDICTED?

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, I was inspired to read in today's New York Times what I believe to be a most illuminating message. It was obviously written by some very thoughtful people. It concerns contemporary problems, and was written as the High Holy Day message of the Jewish Theological Seminary of America.

I believe it is important to bring a message of this significance to the attention of as large an audience as possible, and, therefore, take this opportunity to insert it into the RECORD:

WHO ARE THE ADDICTED?

It is not hard to point out those who are addicted: who turn to alcohol or drugs or violence, seeking a quick release from problems they feel helpless to attack.

But why do *we* so often try short-cuts to the good, deceiving ourselves that it can be easily achieved?

It is, of course, easier to see this in the lives of others than to recognize it in our own.

We see it tragically today in the growing numbers of our young who addict themselves to drugs.

They profess to be living *more fully* when they seek to make their contact with the good through the chemistry of drugs.

Yet in so doing are they not refusing to face the challenges, the persistent struggles, and even the frustrations, required to achieve *any* good?

Are they living more fully—or, instead, are they evading life?

Yet how many of their elders are also addicted, in their own ways, to evading reality?

AS PARENTS

How many of today's parents are facing-up to the reality that there are *no* short-cuts to the good, within their own home?

They will often imagine, with all sincerity, that they are providing a good life for their children and themselves by multiplying every material security for their family. As though any amount of material goods and ambitions can be *enough* to create a healthy family.

To be a parent, instead of only a provider, is to give our children our presence, as well as our presents. It is to understand them; and to give them our patience as well as our love.

It is not only to instruct but also to listen; not only to criticize them but to accept and respond to their criticism, as well.

For how else can we teach our children to listen and respond to us?

In what other ways can we hope to reach our children deeply enough to shape their characters and their lives for the good?

To imagine there is some lesser or easier way is to be addicted to an evasion of reality.

OUR TEACHERS

How many educators, in this age of wonderful technologies, have become addicted to the uses of short-cuts to a good education?

We must never diminish our attention to the crucial needs for improving and expanding all of our educational resources.

Yet, all of us will fail to face reality if we assume that *any* combination of the *material resources* for good education can be substituted for the primary educational resource: a good teacher.

It never was easy to be a good teacher. Nor can it be. Involvement in one's subject is essential, but even more insistent is the unending need to be involved in the lives of one's students: to work unremittingly to transmit to them, not information alone, but also *the desire* to learn—and to build the student's character by the teacher's consistent example of what good character means.

We can be sure that nothing less can teach wisdom as well as knowledge; nothing less can truly educate our young.

THE LEADERS OF OUR SOCIETY

Our leaders fail us whenever they turn to illusory short-cuts to the good.

We, and they, must not lose sight of the inescapable fact that no new weapon-systems, no new laws, no new government programs, important as they may be, are *enough* to bring the solutions to the problems which overwhelm us today.

Anyone who imagines he has found, or can find, some abrupt way to solutions is wrong. And leaders who yield to the temptation of offering simple answers, where there are none, are turning their backs on reality instead of coping with it. They too are addicted to the immediate rather than the good.

Such addictions become profoundly dangerous as we move against the stubborn, complex problems of our time: of our cities, of our nation, of the world—of our bitter racisms, our violences at home and abroad, the stain of our poverty-stricken and of the world's poverty-stricken.

What we need from our leaders—as much as from ourselves, our young, our parents and our teachers—are the great strengths of reality: vision *and* character. We need their determination and dedication, and our own, to keep advancing on the long road to the good—whatever difficulties and disappointments and frustrations we may find on the way.

Therefore, we must know that, in every aspect of our lives, and of society . . .

It is as much an error to be overconfident, when some small advance toward the good is achieved, as it is to be pessimistic because more has not yet been accomplished.

The day is short. The work is hard . . . Ours is not to complete the task. Yet neither are we free to neglect it. (Ethics of the Fathers [2:20].)

EDITORIAL COMMENT ON THE MIDDLE EAST SITUATION

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. CHAMBERLAIN. Mr. Speaker, I would like to share with my colleagues the recent editorial comment from Station WJIM–TV, which serves Lansing, Jackson, and Flint, Mich., concerning the situation in the Middle East. In view of the gravity of this problem and the profound concern felt by all Americans, I commend this analysis from Michigan to the Members of the House:

WJIM–TV EDITORIAL

While the Middle East remains the most explosive trouble spot on the globe . . . and will likely continue to have this dubious distinction for some time to come, the performance of President Nixon in grappling successfully with the most recent flare-up crisis is commendable in every respect.

Confounding his severest critics, the President acted with restraint and with a sure understanding of the proper use of power. In less expert hands the provocations of the past two weeks might have quickly escalated and signaled American military involvement. However, unlike Guatemala and the Bay of Pigs our intelligence resources functioned with a high degree of accuracy and it is clear that the President received sound advice that contributed to keeping the lid on.

Too frequently in the past American intervention has been triggered by emotional reaction to only a partial analysis of the facts. Our current, unhappy relationship with Cuba resulted from a long series of naive miscalculations that produced a text book example of an intelligence and diplomatic apparatus gone haywire.

All the ingredients have been present in recent weeks for a repeat of the Vietnam scenario but Nixon determined to substitute patience for bravado. The era of The Monroe Doctrine and the "carry a big stick" philosophy is moribund. In the age of the atom bomb *everybody* carries a big stick.

Todays victories . . . and tomorrows will not flow from massive displays of armaments . . . the victories will come from conciliation and compromise.

It is not that we have become soft in this country . . . we're simply a little smarter and more sophisticated. In the first half of this century our ascendancy as a nation resulted from our use of power. During the past two weeks our international stock has risen because we have demonstrated our knowledge that power has its logical limits.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

REPORT TO THE PEOPLE OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—XXIV

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, I am pleased to submit my 24th annual report to the people of the Eighth Congressional District of Wisconsin on my voting and attendance record in the House of Representatives.

The furnishing of this report continues a service I began in 1947. The purpose of these reports is to collect in one place and in concise form information which is scattered through thousands of pages of the CONGRESSIONAL RECORD. I do not believe my constituents should be deprived, through the sheer difficulty of getting the facts, of knowing how I voted on the issues. I believe it is my responsibility to furnish such a voting record.

The 24 consecutive reports I have issued show how I voted on 3,492 questions in the House of Representatives. Based on quorum calls and record votes, they also show an attendance record of 93 percent.

The report I am issuing today includes all rollcall votes in this session through September 30, 1970. Even though there will be additional votes in this session which is expected to continue after the election, I have decided to publish the report now in order to make it available to my constituents at once. I believe they should have this record before the election so that they can more properly evaluate my stewardship.

The descriptions of the bills and amendments or motions in the report were prepared by the Legislative Reference Service of the Library of Congress. The descriptions are for purposes of identification only; no attempt is made to describe the legislation completely or to elaborate upon the issues involved. This word of caution is advisable in view of the fact that the descriptions used are, for the most part, taken from the titles of the bill which, unfortunately, do not always reflect the nature or true purpose of the legislation.

Upon request, I will be pleased to furnish more complete information concerning any particular bill as well as a summary of the issues involved and the reasons for my vote.

In addition to the votes shown in this report, there were 140 quorum calls in the House which are omitted to conserve space. This accounts for the nonconsecutive numbering of the rollcalls. I was absent for 10 quorum calls and I was present for 130 quorum calls.

My record follows:

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN

Roll-call No.	Date	Measure, question, and result	Vote
4	Jan. 27	H.R. 15149: To make appropriations of $2.5 billion for Foreign Assistance and related programs for fiscal 1970. Adoption of conference report. (Passed 202 to 162)	Yea
5	Jan. 27	H.R. 860: To amend section 302(c) of the Labor-Management Relations Act, 1947, to permit, in certain instances, employer contributions for joint industry promotion of products. On passage. (Passed 189 to 186)	Nay
7	Jan. 28	H.R. 13111: To make appropriations of $19,747,153,200 for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. To override veto. (Failed 226 to 191; 2/3 vote required)	Nay
9	Jan. 29	H.R. 14864: To amend the Internal Security Act of 1950 to authorize measures to protect defense production and classified information released to defense industry against acts of subversion. On passage. (Passed 274 to 65)	Yea
12	Feb. 16	H.R. 1049: To amend the Anadromous Fish Conservation Act of 1965, relating to the conservation of Anadromous fishing resources. Motion to suspend rules and pass. (Passed 301 to 19; 2/3 vote required)	Yea
14	Feb. 17	H.R. 15062: For the relief of sundry claimants. Hall motion to strike title I (H.R. 3732) to provide for the relief of Robert G. Smith. (Failed 59 to 288)	Nay
15	Feb. 17	H.R. 15062: Gross motion to strike title II (H.R. 5000) for the relief of Pedro Irizarry Guido. (Failed 56 to 290)	Nay
16	Feb. 17	H.R. 15062: Brown motion to strike title III (H.R. 6378) for the relief of Noel S. Marston. (Failed 67 to 288)	Yea
17	Feb. 17	H.R. 15062: Duncan motion to strike title IV (H.R. 2214) for the relief of the Mutual Benefit Foundation. (Failed 51 to 306)	Nay
18	Feb. 17	H.R. 15062: To provide for the relief of sundry claimants. On passage. (Passed 318 to 51)	Yea
22	Feb. 18	H.R. 15165: To establish a Commission on Population Growth and the American Future. On passage. (Passed 371 to 13)	Yea
25	Feb. 19	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970. Previous question. (Passed 238 to 157)	Yea
26	Feb. 19	H.R. 15931: Michel recommittal motion with instructions to provide authority for the President to withhold 2 1/2 percent of the funds. (Failed 189 to 205)	Yea
27	Feb. 19	H.R. 15931: On passage. (Passed 315 to 81)	Nay
29	Feb. 24	H.R. 10937: To authorize a study of the construction of an Eisenhower National Memorial Arena. On passage. (Failed 136 to 230)	Nay
30	Feb. 24	H.R. 10335: To revise certain laws of the District of Columbia relating to offenses against hotels, motels and other commercial lodgings. On passage. (Passed 246 to 117)	Yea
31	Feb. 24	H.R. 14608: To change the procedure for return and cancellation of liquor licenses in the District of Columbia. On passage. (Failed 97 to 262)	Yea
33	Feb. 26	S. 2523: To amend the Community Mental Health Centers Construction Act, to extend programs of assistance to community mental health centers, for the treatment of alcoholics and narcotic addicts, and for the mental health of children. Adoption of conference report. (Passed 369 to 0)	Yea
34	Feb. 26	H. Res. 799: To provide for the consideration of H.R. 12025, the National Forest Timber Conservation and Management Act. On passage. (Failed 150 to 228)	Nay
36	Mar. 3	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. Motion to lay on table the motion to instruct House conferees to agree to the amendments of the Senate. (Failed 164 to 222)	Nay
37	Mar. 3	H.R. 15931: Motion to instruct House conferees to agree to amendments of the Senate. (Passed 231 to 152)	Yea
39	Mar. 3	H.R. 15931: Adoption of conference report. (Passed 324 to 55)	Yea
40	Mar. 4	H. J. Res. 1112: To prohibit strikes or lockouts in the railroad dispute until 12:01 a.m. April 11, 1970. On passage. (Passed 343 to 15)	NV[1]
42	Mar. 5	H. Res. 862: To provide for the consideration of S. 2910, to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building. On passage. (Passed 289 to 62)	Nay
43	Mar. 5	S. 2910: Snyder recommittal motion with instructions not to report back until plans and designs are completed. (Failed 150 to 196, "present" 1)	Yea
44	Mar. 5	S. 2910: On passage. (Passed 209 to 133, "present" 1)	Nay
46	Mar. 11	H.R. 15945: To authorize $429,300,000 in fiscal 1971 to build and operate American merchant ships. On passage. (Passed 370 to 12)	Yea
48	Mar. 16	H.R. 15143: To provide the grade of Lieutenant General for the Chief of the National Guard Bureau. Motion to suspend rules and pass. (Passed 269 to 44; 2/3 vote required)	NV[1]
49	Mar. 16	H.R. 14896: To provide for the preservation of additional historic properties. Motion to suspend rules and pass. (Passed 317 to 9; 2/3 vote required)	NV[1]
54	Mar. 18	S. 952: To provide for the appointment of additional Federal district judges. On passage. (Passed 366 to 18)	Yea
56	Mar. 19	H.R. 16196: To reorganize the courts of the District of Columbia; to revise the procedures for handling juveniles in the District of Columbia; to codify title 23 of the District of Columbia Code. On passage. (Passed 294 to 47, "present" 1)	Yea
59	Mar. 23	H.R. 15728: To authorize the loan of surplus naval vessels to foreign countries. On passage. (Passed 281 to 66)	NV[1]
61	Mar. 24	H.R. 15628: To extend the Foreign Military Sales Act through fiscal 1972. On passage. (Passed 351 to 26)	Yea
62	Mar. 25	H. Res. 884: To authorize the expenditure of $450,000 for the expenses of the House Committee on Internal Security. On passage. (Passed 307 to 52)	Yea
63	Mar. 25	H.R. 4148: To amend the Federal Water Pollution Control Act. Adoption of conference report. (Passed 358 to 0)	Yea
66	Apr. 7	H.R. 514: To extend programs of assistance for elementary and secondary education, aid to impacted areas, and other education legislation. Adoption of conference report. (Passed 312 to 58)	Yea
67	Apr. 7	H.R. 15733: To amend the Railroad Retirement Act to provide a temporary 15 percent increase in annuities. On passage. (Passed 379 to 0)	Yea
70	Apr. 9	H.R. 16844: To increase the pay of Federal employees. Corbett recommittal motion with instructions to delete sections establishing unrelated allowances or benefits for Army Corps of Engineer dredge workers and certain personnel who perform duty at remote worksites. (Passed 261 to 124)	Yea
71	Apr. 9	H.R. 16844: On passage. (Passed 372 to 7)	Yea
73	Apr. 13	H.R. 16900: To make appropriations of $9,492,702,000 for the Treasury and Post Office Departments, the Executive Office of the President and certain independent agencies for fiscal 1971. On passage. (Passed 333 to 3)	Yea
75	Apr. 14	H. Res. 909: To concur in the Senate amendments to the House amendment to S. 3690 (H.R. 16844), to increase the pay of Federal employees. Previous question. (Passed 309 to 65)	Yea
77	Apr. 15	H. Res. 916: To provide for the consideration of H.R. 16311, the Family Assistance Act. On passage. (Passed 205 to 183)	Yea
80	Apr. 15	Motion to adjourn. On agreement. (Passed 81 to 75)	NV[1]
82	Apr. 16	H.R. 16311: To authorize a family assistance plan providing basic benefits to low-income families with children; to provide incentives for employment and training to improve the uniformity of treatment of recipients under the Federal-State public assistance programs; and to otherwise alter such programs. Collier recommittal motion with instructions to delete the word "suitable" from the description of the employment welfare recipients must accept. (Passed 248 to 149)	Yea
83	Apr. 16	H.R. 16311: On passage. (Passed 243 to 155)	Yea
85	Apr. 20	H.R. 10666: To establish a National Commission on Libraries and Information Science. Motion to suspend rules and pass. (Passed 261 to 11; 2/3 vote required)	Yea
86	Apr. 20	H.R. 780: To authorize $28.5 million for the Merlin Division, Rogue River Basin Project, Oregon. Motion to suspend rules and pass. (Passed 271 to 15; 2/3 vote required)	NV[1]
89	Apr. 23	H.R. 16516: To authorize appropriations of $3,600,875,000 to the National Aeronautics and Space Administration for fiscal 1971. On passage. (Passed 229 to 105)	NV[2]
91	Apr. 27	H.R. 14714: To encourage, through the National Park Service, travel in the United States. Recommittal motion. (Failed 111 to 222)	Yea
92	Apr. 27	H.R. 14714: On passage. (Passed 238 to 94)	Nay
93	Apr. 27	H.R. 14385: To authorize subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Maryland. On passage. (Failed 64 to 273)	Nay
95	Apr. 28	H.R. 16200: To extend through fiscal 1971 and 1972 authorizations for the Arms Control and Disarmament Agency. Gross recommittal motion with instructions to reduce funds from $17.5 million to $13.125 million. (Failed 87 to 280)	Nay
96	Apr. 28	H.R. 15693: To prohibit the mailing of obscene materials to persons under 17 and to permit persons to preclude such materials from coming into their homes by mail. On passage. (Passed 375 to 8)	NV[1]
100	May 4	S. J. Res. 193: To provide for appointment of James E. Webb as citizen regent of the Smithsonian Institution. Motion to suspend rules and pass. (Passed 309 to 16; 2/3 vote required)	Yea
103	May 6	H.R. 17123: To authorize fiscal 1971 appropriations of $20,237,489,000 for procurement of military equipment and weapons, and for other purposes. Previous question on recommittal motion. (Passed 248 to 146)	Yea

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
104	May 6	H.R. 17123: On passage. (Passed 326 to 69)	Yea
107	May 7	H.R. 17399: To make supplemental appropriations of $5,764,115,791 for fiscal 1970. Previous question on recommittal motion with instructions. (Passed 220 to 134)	Yea
108	May 7	H.R. 17399: On passage. (Passed 334 to 6)	Yea
110	May 11	H.R. 17138: To amend the District of Columbia Police and Firemen's Salary Act of 1968, and the District of Columbia Teacher's Salary Act of 1955 to increase salaries. On agreeing to committee amendments. (Passed 183 to 142)	Yea
111	May 11	H.R. 16595: To authorize fiscal 1971 appropriations of $527,630,000 for National Science Foundation. Roudebush recommittal motion with instructions to cut authorizations from $527,630,000 to $500,000,000. (Failed 137 to 188)	Yea
112	May 11	H.R. 16595: On passage. (Passed 312 to 6)	Yea
117	May 13	H.R. 14465: To provide for the expansion and improvement of the Nation's airport and airway system, to be financed in major part by user taxes. Adoption of conference report. (Passed 362 to 3)	Yea
118	May 13	H. Res. 960: To disapprove Reorganization Plan No. 2 of 1970 creating a Domestic Council and enlarging the Bureau of the Budget, to be called the Office of Management and Budget. On passage. (Failed 164 to 193)	Nay
120	May 14	H.R. 17575: To make appropriations of $3,106,956,500 for the Departments of State, Justice, Commerce, and for the Judiciary, and related agencies for fiscal 1971. On passage. (Passed 321 to 14)	Yea
121	May 14	H.R. 14685: To amend the International Travel Act of 1961 in order to promote foreign travel to the United States. On passage. (Passed 173 to 88)	Nay
123	May 18	S. 2624: To alter the judicial machinery in customs courts. Motion to suspend rules and pass. (Passed 301 to 0; 2/3 vote required)	Yea
124	May 18	S. 1508: To amend provisions of the law relating to the retirement of Federal judges. Motion to suspend the rules and pass. (Failed 109 to 198; 2/3 vote required)	Nay
125	May 18	H.R. 3328: To authorize annexation of the Soboba Indian reservation to the Metropolitan Water District of Southern California to provide for construction of a water supply for the reservation. Motion to suspend rules and pass. (Passed 287 to 11; 2/3 vote required)	Yea
127	May 19	S. 952: To provide for the appointment of additional district judges. Adoption of conference report. (Passed 331 to 21)	Yea
130	May 20	H.R. 17604: To authorize $1,999,634,000 for military construction. Previous question on recommittal motion. (Passed 251 to 133)	Yea
131	May 20	H.R. 17604: On passage. (Passed 335 to 47)	Yea
132	May 21	H. Res. 1022: To provide for the consideration of H.R. 17550, to increase Social Security benefits by five percent. Previous question. (Passed 201 to 181)	Yea
133	May 21	H. Res. 1022: On passage. (Passed 297 to 83)	Yea
135	May 21	H.R. 17550: Betts recommittal motion with instructions to add amendment providing for automatic cost-of-living increases. (Passed 233 to 144)	Yea
136	May 21	H.R. 17550: On passage. (Passed 344 to 32)	Yea
137	May 21	H.R. 15424: To amend the Merchant Marine Act of 1934. On passage. (Passed 307 to 1)	Yea
139	May 25	H.R. 17601: To exempt FHA and VA mortgages and loans from D.C. usuary laws until April 1972. On passage. (Failed 118 to 176)	Yea
140	May 25	H.R. 15073: To amend the Federal Deposit Act to require insured banks to maintain certain records; to require that certain transactions in United States currency be reported to the Department of the Treasury. On passage. (Passed 302 to 0, "present" 1)	Yea
141	May 25	H. J. Res. 1117: To create a Joint Committee on Environment and Technology. On passage. (Passed 285 to 7)	Yea
143	May 26	H. Res. 796: To amend House rules relating to financial disclosure. On passage. (Passed 335 to 1)	Yea
146	May 27	H.R. 17755: To make appropriations of $2,579,579,937 for Department of Transportation and related agencies for fiscal 1971. Previous question on recommittal motion. (Passed 176 to 162)	Yea
149	June 3	H. Res. 1051: To provide for consideration of H.R. 17802, to raise the temporary and permanent debt ceilings. Previous question. (Passed 273 to 85)	Yea
150	June 3	H.R. 17802: On passage. (Passed 236 to 127)	Yea
152	June 4	H.R. 17867: To make appropriations of $2,220,961,000 for Foreign Assistance and related programs for fiscal 1971. On passage. (Passed 191 to 153)	Yea
154	June 8	H. Res. 976: To authorize an Indochina Study Committee. On agreeing to Committee amendment to enlarge from 11 to 12 members. (Passed 227 to 95)	Yea
155	June 8	H. Res. 976: Previous question. (Passed 246 to 80)	Yea
156	June 8	H. Res. 976: On passage. (Passed 223 to 101)	Nay
157	June 8	H. Res. 976: On agreeing to Committee amendment to strike the preamble. (Passed 210 to 84)	Yea
161	June 10	H.R. 11102: To extend authorizations for three years for Federal grants for modernization and construction of health facilities. Adoption of conference report. (Passed 378 to 0)	Yea
162	June 10	H. Res. 1069: To provide for the consideration of H.R. 17255 to authorize the Secretary of HEW to establish nationwide air pollution standards. On passage. (Passed 336 to 40)	Yea
164	June 10	H.R. 17255: On passage. (Passed 374 to 1)	Yea
167	June 11	H.R. 17970: To make appropriations of $1,997,037,000 for military construction and family housing. On passage. (Passed 308 to 57)	Yea
168	June 15	H.R. 17958: To increase the rates of disability compensation and to alter criteria for determining the eligibility of widows for benefits. Motion to suspend rules and pass. (Passed 313 to 0, "present" 1; 2/3 vote required)	Yea
169	June 15	H.R. 15361: To establish the Youth Conservation Corps. On passage. (Passed 256 to 54)	Yea
171	June 16	H. Res. 1077: To provide for the consideration of H.R. 17070, to reorganize the postal system. Previous question. (Failed 139 to 219)	Yea
175	June 17	H. Res. 914: To provide for agreeing to Senate amendments (including the lowering of the voting age to 18 and uniform residency requirements for voting in presidential elections) to H.R. 4249, to extend and amend the Voting Rights Act of 1965. Previous question. (Passed 224 to 183, "present" 2)	Nay
176	June 17	H. Res. 914: On passage. (Passed 272 to 132)	Nay
179	June 18	H.R. 17070: To reorganize the postal system. Gross recommittal motion with instructions to report the bill back with a recommendation to delete the entire bill except an 8-percent pay raise for postal employees and a reduction to 8 years required to reach the top pay steps within a grade of postal field service. (Failed 77 to 306)	Nay
180	June 23	H.R. 17070: On passage. (Passed 359 to 24)	Yea
182	June 22	S. 2315: To restore the golden eagle program for annual permits of entry to all national parks and forests. On passage. (Passed 314 to 1)	Yea
184	June 23	H.R. 11833: To extend and amend the Solid Waste Disposal Act. On passage. (Passed 339 to 0)	NV[1]
188	June 25	H.R. 11102: To extend program of Federal grants for construction and modernization of health facilities. To override veto. (Passed 279 to 98, "present" 2; 2/3 vote required)	Nay
189	June 25	H.R. 17399: To make supplemental appropriations for fiscal 1970. Cohelan motion to agree to Senate amendment adding $587.5 million for urban renewal grants. (Failed 137 to 236)	Nay
190	June 25	H.R. 17495: To alter the availability of mortgage credit for the financing of housing. On agreeing to committee amendment to provide for establishment of National Development Bank. (Passed 216 to 112)	Yea
191	June 25	H.R. 17495: On passage. (Passed 324 to 2, "present" 1)	Yea
194	June 30	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Flood motion to table motion of Cohelan to instruct House conferees to agree to Senate amendments striking provisions prohibiting use of funds for busing or the closing of schools and providing for freedom of choice plans. (Passed 191 to 157)	Yea
195	June 30	H.R. 17825: To authorize $3.15 billion in Federal law enforcement assistance funds for fiscal 1971, 1972, and 1973. On passage. (Passed 345 to 2, "present" 1)	Yea
196	June 30	S. J. Res. 88: To create a commission to study bankruptcy laws. On passage. (Passed 334 to 12)	Yea
197	June 30	H.R. 16065: To authorize funds through fiscal 1973 for the National Foundation on the Arts and Humanities. On passage. (Passed 262 to 78)	Nay
199	July 6	S. 3592: To amend the Federal Meat Inspection Act, to permit custom slaughterers to engage in the retailing and wholesaling of meat. Motion to suspend rules and pass. (Passed 297 to 2; 2/3 vote required)	Yea
201	July 7	H.R. 16327: To authorize appropriations for the Peace Corps. Gross recommittal motion with instructions to reduce authorizations by $28.8 million. (Failed 118 to 245)	Nay
202	July 7	H.R. 16327: On passage. (Passed 316 to 46)	Yea
203	July 7	H.R. 8673: To establish a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. On passage. (Passed 351 to 9)	Yea
205	July 8	H. Res. 1031: To authorize the House Committee on Standards of Official Conduct to investigate lobbying and campaign contributions. On passage. (Passed 382 to 0)	Yea
206	July 8	H.R. 279: To exempt from antitrust laws certain joint newspaper operating arrangements. On passage. (Passed 292 to 87, "present" 2)	Nay
207	July 9	H.R. 15628: To amend the Foreign Military Sales Act. Previous question on agreeing to send to conference. (Passed 247 to 143)	Yea

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
208	July 9	H.R. 15628: Hays motion to lay on table Riegle motion to provide that House conferees be instructed to concur in Senate-passed Cooper-Church amendment on Cambodia. (Passed 237 to 153, "present" 1)	Yea
209	July 9	H.R. 17070: To reorganize the postal system. Dulski motion to table Henderson motion to instruct House conferees to insist on right-to-work provision in House-passed version of the bill. (Failed 153 to 230)	Yea
210	July 9	H.R. 17070: Henderson motion to instruct conferees. (Passed 227 to 159)	Nay
211	July 9	H.R. 16968: To provide for adjustment in Government contribution with respect to the health benefits coverage of Federal employees. Gross recommittal motion with instructions to reduce the contribition from 50 percent to 38 percent. (Failed 146 to 200)	NV
212	July 9	H.R. 16968: On passage. (Passed 284 to 57)	NV½
213	July 13	S. 3215: To authorize appropriations through fiscal 1973 for the National Foundation on the Arts and Humanities. Adoption of conference report. (Passed 237 to 69)	Yea
216	July 15	S. 2601: D.C. Court Reform and Criminal Procedure Act of 1970. Adoption of conference report. (Passed 332 to 64)	Yea
217	July 15	H.R. 16595: To authorize $537,730,000 for activities of the National Science Foundation plus $2,000,000 in excess foreign currencies for fiscal 1971. Adoption of conference report. (Passed 311 to 76)	Nay
219	July 16	H.R. 14685: To amend the International Travel Act of 1961 to expand U.S. Government efforts to attract foreign tourists. Adoption of conference report. (Failed 174 to 207)	Nay
220	July 16	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Adoption of conference report. (Passed 357 to 30)	Yea
221	July 20	H.R. 18253: To increase availability of guaranteed home loan financing for veterans. Motion to suspend rules and pass. (Passed 326 to 0; 2/3 vote required)	Yea
222	July 20	H.R. 14114: To improve administration of the national park system. Motion to suspend rules and pass. (Passed 325 to 0; 2/3 vote required)	Yea
228	July 22	H.R. 17619: To make appropriations of $2,028,524,700 for the Department of the Interior and related agencies for fiscal 1971. Adoption of conference report. (Passed 387 to 3)	Yea
231	July 23	H.R. 14705: To extend and alter the Federal-State unemployment compensation program. O'Hara motion to recommit the conference report with instructions to agree to Senate amendment extending coverage to certain agriculture workers. (Failed 170 to 219)	Nay
232	July 23	H.R. 14705: Adoption of conference report. (Passed 388 to 3, "present" 1)	Yea
233	July 23	H.R. 18515: To make appropriations of $18,824,663,000 for the Departments of Labor, and HEW, OEO and related agencies for fiscal 1971. On passage. (Passed 362 to 14)	Yea
238	July 29	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. Motion to recommit conference report. (Failed 156 to 227)	Yea
242	July 30	H.R. 15733: To provide a temporary 15-percent increase in railroad retirement annuities. Adoption of conference report. (Passed 344 to 0)	Yea
243	July 30	H.R. 13100: To extend for three years programs of assistance for training in the allied health professions. On passage. (Passed 343 to 1)	Yea
244	July 30	H.R. 14237: To amend the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963. On passage. (Passed 339 to 0)	Yea
247	July 31	H.R. 17880: To amend the Defense Production Act of 1950. Blackburn recommittal motion with instructions to report back with a provision requiring the President to freeze prices, rent, wages, salaries and interest at their May 25, 1970 level and authorizing a ceiling of no more than $2 billion to carry out provisions of the freeze. (Failed 11 to 270)	Nay
248	July 31	H.R. 17880: On passage. (Passed 257 to 19)	Yea
250	Aug. 3	H.R. 18260: To authorize $45 million through fiscal 1973 to establish programs on environmental education. Motion to suspend rules and pass. (Passed 289 to 28; 2/3 vote required)	Yea
251	Aug. 3	H.R. 11032: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Motion to suspend rules and pass. (Passed 322 to 4; 2/3 vote required)	Yea
252	Aug. 3	H.R. 2076: To provide for the withholding from the salaries of Federal employees income taxes imposed by certain cities. Motion to suspend rules and pass. (Failed 145 to 184; 2/3 vote required)	Yea
255	Aug. 5	H. Res. 1117: Relating to compensation of two positions created by H. Res. 543, 89th Congress, providing for a staff member for both House Democratic Steering Committee and House Republican Conference. On passage. (Failed 90 to 284)	Nay
256	Aug. 5	H.R. 18546: Agricultural Act of 1970. Teague recommittal motion with instructions to delete titles dealing with payment limitations, and wheat, feed grains, cotton and land-retirement programs. (Failed 167 to 218)	Nay
257	Aug. 5	H.R. 18546: On passage. (Passed 212 to 171)	Yea
259	Aug. 6	H.R. 17070: To reorganize the postal system. Adoption of conference report. (Passed 338 to 29, "present" 1)	Yea
260	Aug. 6	S. 1933: To establish uniform Federal rail safety standards and guidelines for transporting hazardous materials. On passage. (Passed 359 to 0)	Yea
262	Aug. 10	H. J. Res. 264: To propose a constitutional amendment banning discrimination on account of sex. Motion to discharge the Committee on the Judiciary from further consideration. (Passed 332 to 22)	Nay
263	Aug. 10	H. J. Res. 264: McCulloch recommittal motion with instructions to hold hearings thereon. (Failed 26 to 344)	Yea
264	Aug. 10	H. J. Res. 264: On passage. (Passed 350 to 15)	Nay
265	Aug. 10	H.R. 18619: To establish a nonvoting delegate from the District of Columbia in both the House and Senate. On passage. (Passed 338 to 23)	Yea
266	Aug. 10	H.R. 18725: To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a nonvoting delegate in the House from the District. On passage. (Passed 300 to 57)	Yea
269	Aug. 11	H.R. 18110: To amend the Public Health Service Act to extend assistance programs to states and localities for comprehensive health planning. On passage. (Passed 275 to 1)	Yea
271	Aug. 11	H.R. 18434: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. On passage. (Passed 273 to 98)	Yea
274	Aug. 12	H.R. 8298: To amend the Interstate Commerce Act to alter certain restrictions upon the application and scope of the exemption provided therein. Nelson amendment in the form of a substitute for the Committee amendment. (Failed 181 to 194)	Yea
275	Aug. 12	H.R. 8298: Nelson recommittal motion. (Failed 141 to 230)	Yea
276	Aug. 12	H.R. 17570: To amend the Public Health Service Act to extend and alter the existing program relating to education, research and training in the fields of heart disease, cancer, stroke, and other major diseases. On passage. (Passed 365 to 0)	Yea
278	Aug. 13	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. On passage to override veto. (Passed 289 to 114; 2/3 vote required)	Nay
279	Aug. 13	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. On passage to override veto. (Failed 204 to 195; 2/3 vote required)	Nay
280	Aug. 13	S. 3302: To amend the Defense Production Act of 1950. Adoption of conference report. (Passed 216 to 153)	Nay
281	Aug. 13	S. 3547: To authorize the Secretary of Interior to construct, operate, and maintain the Narrows Unit, Missouri River Basin Project, Colorado. Adoption of conference report. (Passed 337 to 4)	Yea
283	Aug. 13	H. Res. 1182: To provide for two hours debate on H.R. 17809, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government. Previous question. (Passed 235 to 86)	Yea
287	Sept. 9	H.R. 17809: On passage. (Passed 231 to 90)	Yea
288	Sept. 9	H.R. 16542: To provide for the regulation of the mailing of unsolicited credit cards. On passage. (Passed 301 to 0)	Yea
290	Sept. 10	H.R. 17795: To amend Title VII of the Housing and Urban Development Act of 1965. On passage. (Passed 282 to 32)	Nay
291	Sept. 10	H.R. 11913: To amend the Public Health Service Act to provide authorization for grants for communicable disease control. On passage. (Passed 312 to 1)	Yea
293	Sept. 10	H.R. 9306: To provide for the establishment of Apostle Islands National Lakeshore in Wisconsin. Kyl recommittal motion with instructions. (Failed 29 to 197, "present" 1)	NV½
295	Sept. 14	H.R. 18306: To authorize United States participation in certain international financial institutions. On passage. (Passed 177 to 140)	Yea
299	Sept. 16	H.R. 16900: To make appropriations of $3,004,711,000 for the Treasury and Post Office Departments, the Executive Office and certain independent agencies for fiscal 1971. Adoption of conference report. (Passed 342 to 8)	Yea
300	Sept. 16	S. 3637: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. Adoption of conference report. (Passed 247 to 112, "present" 2)	Nay

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
304	Sept. 17	H.R. 17654: Legislative Reorganization Act of 1970. Schwengel amendment to provide that no vote may be cast by proxy. (Failed 156 to 187)	Nay
305	Sept. 17	H.R. 17654: On passage. (Passed 326 to 19)	Yea
307	Sept. 21	S. 2763: To provide for purchase of systems and equipment for passenger motor vehicles over statutory price limitations. Motion to suspend rules and pass. (Passed 264 to 42; 2/3 vote required)	Yea
308	Sept. 21	H.R. 14678: To alter provisions for penalties for illegal fishing in territorial waters and contiguous fishing zone of the U.S. Motion to suspend rules and pass. (Passed 315 to 0; 2/3 vote required)	Yea
309	Sept. 21	H.R. 15911: To provide for an increase in rates of pension and dependency and indemnity compensation. Motion to suspend rules and pass. (Passed 316 to 0, "present" 1; 2/3 vote required)	Yea
310	Sept. 21	H.R. 16710: To authorize loans for mobile homes for veterans. Motion to suspend rules and pass. (Passed 297 to 0; 2/3 vote required)	Yea
311	Sept. 22	H.R. 18127: To make appropriations for Public Works and the Atomic Energy Commission for fiscal 1971. Evins motion to recede and concur in Senate amendment reported by conferees providing $807,000 in planning funds for the Dickey-Lincoln power project in Maine. (Failed 131 to 230)	Nay
312	Sept. 23	H. Res. 1220: A resolution citing Arnold S. Johnson for contempt of Congress. On passage. (Passed 337 to 14)	Yea
315	Sept. 24	H.R. 18583: To alter existing drug abuse education programs, prevention, treatment and rehabilitation programs, revising the Federal narcotics laws and penalty structure, and providing additional law enforcement methods. On passage. (Passed 341 to 6, "present" 1)	Yea
317	Sept. 28	S. 2264: To provide authorization for grants for communicable disease control and vaccination assistance. Adoption of conference report. (Passed 292 to 2)	Yea
318	Sept. 28	S. 1933: To alter existing standards for railroad safety and hazardous material control. Adoption of conference report. (Passed 311 to 0)	Yea
320	Sept. 29	H.R. 17123: To authorize $19,929,089,000 for defense procurement research and Safeguard antiballistic missile construction for fiscal 1971. Adoption of conference report. (Passed 341 to 11)	Yea
321	Sept. 29	H.R. 18185: To provide long-term financing for expanded urban mass transportation programs. Boland amendment to reduce aggregate authority to $3.1 billion from $5 billion for grants and loans. (Passed 200 to 145)	Yea
322	Sept. 29	H.R. 18185: On passage. (Passed 328 to 16)	Yea
324	Sept. 30	H.R. 18679: To amend the Atomic Energy Act of 1954 to eliminate the requirement for a finding of practical value. On passage. (Passed 346 to 0)	Yea
325	Sept. 30	H.R. 19444: To provide for guards to accompany aircraft operated by U.S. air carriers in order to prevent hijackings and to raise revenue for that purpose. On passage. (Passed 323 to 17)	Yea

[1] Absent. If present, would have voted "yea".

[2] Absent. If present, would have voted "nay".

An Explanation of Terms

Of necessity, the report contains parliamentary terms with which the reader may not be familiar. An explanation of some of these terms may, therefore, be helpful:

A. A *quorum call* consists of a calling of the roll of Members to determine whether or not a quorum—a majority of Members—is present. No business may be conducted when it is found that a quorum is not present.

B. *Recommittal:* Generally, on all important bills, a motion to recommit the bill to a committee, with or without instructions, is voted upon by the House before it votes upon passage of the bill. If such a motion is adopted, it means that the bill will be changed, delayed, or even killed. However, when a motion to recommit is accompanied by instructions, the vote generally indicates whether the Member is in favor of or opposed to the change in the legislation proposed by the instructions and does not necessarily indicate his position on the bill as a whole. A motion to recommit with instructions, if adopted, does not kill the bill.

C. *Rule:* Important bills, after approval of the committee concerned, go to the House Committee on Rules where a rule, in the form of a House resolution (H. Res.) is granted covering the time allowed for debate, consideration of amendments, and other parliamentary questions.

D. *Conference Report:* Representatives from both Houses of Congress meet in conference to work out differences existing in the legislation as passed by the two bodies. Upon conclusion of their conference, a report is submitted to each House setting forth the agreements reached. Each House then must act by way of adopting or rejecting the conference report in whole or in part.

E. *Previous question:* A motion which, if adopted, shuts off further debate on the question before the House and prevents further amendments to such proposition.

F. *Laying on the table:* A motion to lay a bill on the table, if adopted, kills the bill.

G. The type of bill can be determined by the letters which precede its number. All bills that originate in the House are designated by an "H," those that originate in the Senate by an "S." There are four main types:

(1) *H.R.* (*S.*) designates a bill which, when passed by both Houses in identical form and signed by the President, becomes law.

(2) *H.J. Res.* (*S.J. Res.*) designates a joint resolution which must pass both Houses and be signed by the President before becoming law. It is generally used for continuing the life of an existing law, or in submitting to the States a constitutional amendment, in which case it does not require the signature of the President but must be passed by a two-thirds majority of both Houses.

(3) *H. Con. Res.* (*S. Con. Res.*) designates a concurrent resolution. To become effective it must be passed by both the House and Senate but does not require the President's signature. It is used to take joint action which is purely within the jurisdiction of Congress. Many emergency laws carry the provision that they may be terminated by concurrent resolution, thus eliminating the possibility of a Presidential veto.

CEASE-FIRE IN VIETNAM

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mrs. DWYER. Mr. Speaker, the President has made it unmistakably clear that the United States is determined to stop the killing, end the war, and bring lasting peace to South Vietnam and Indochina.

He made it equally clear that a standstill cease-fire is the first and essential step toward these objectives—a position with which I heartily concur.

Though he recognized a cease-fire may be hard to obtain and difficult to maintain, it is obvious that he is fully committed to this course, that he sees a cease-fire as the quickest way to stop the killing, to bring about fruitful negotiations and to permit total withdrawal of all foreign troops, and that he will persist in his cease-fire proposal even if it is, at first, rebuffed.

After 4 years of persistent effort to win support for a Vietnam cease-fire—a cease-fire initiated by the United States, protective of our troops' security, and mutually enforceable—the President's decision was especially gratifying to me.

This was the President's best speech on the subject of Vietnam. It was open, positive, clear, and unequivocal. It cannot be ignored or dismissed. It will, I hope, mark the point where pursuit of a tragic and devastating war took a decisive turn toward lasting peace.

GROUPING EYED BY EDUCATORS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WHITEHURST. Mr. Speaker, it was with considerable concern and consternation that I learned that the Department of Health, Education, and Welfare has announced plans to prohibit ability grouping in schools because it has been used in some cases to continue segregation.

Having been an educator for nearly 20 years before I became a Member of Congress, I am distressed that such a move is being considered, as are many of the teachers and students in my District. For this reason, I am introducing into the RECORD an article by Mr. Richard C. Bayer which appeared in the September 6, 1970 issue of the Norfolk, Virginia Ledger-Star. I would call particular attention to the statement by Dr. Kenneth E. Fulp, which points out that under the proposed ruling the retarded children would be made to suffer, because they, too, would be denied special classes.

Mr. Speaker, it seems to me that there are far better and more effective ways of implementing integration than by denying professional educators the right to group children according to their ability. Let me reiterate the words of

Dr. Luther McRae, who urges that these possible cases of segregation be handled on an individual basis. Let us return the control of education to the educators.

GROUPING EYED BY EDUCATORS

(By Richard C. Bayer)

NORFOLK.—Federal Judge J. Skelly Wright is best remembered by educators as the man who came up from New Orleans and outlawed tracking (ability grouping) of students in the Washington, D.C., public schools.

He ruled in that 1967 case that the poor and the black should have the same educational opportunities as middle class whites and that tracking had separated the races in the Washington system and created inequalities.

Last week, the Department of Health, Education, and Welfare announced that it is drafting a prohibition against ability grouping because it is being used by some school districts to segregate students by race within schools.

All four school systems in the Norfolk area practice some sort of grouping of students.

While school officials say this is done without regard to race there are indications now that some school systems are looking at the racial composition of ability or achievement groups.

Dr. Kenneth E. Fulp, assistant superintendent for instruction for the Chesapeake school system, said:

"We treat all the children the same regardless of their race and in some cases goups are predominantly white and in other cases they are predominantly black.

"I'd have to say that if it happens they are all black or all white we go back and balance things out a bit."

Fulp said he thought HEW wasn't being very realistic.

"If we follow what they are implying, we couldn't even have special education classes (for the mentally retarded)."

Judge Wright's decision, Fulp said, had actually resulted in this.

In Virginia Beach, where racial problems are minimized since the percentage of black children in the system is below 10, the whole concept of grouping is under a re-evaluation.

Mrs. Mary Barns, chairman of the study committee, said a survey showed both students and teachers favored grouping.

E. Ralph Newton, director of elementary education in the Norfolk system, interviewed about grouping before the HEW announcement, said:

"We're concerned with race and we're trying to integrate each class within each grade.

"We don't think we'd be on safe ground if we had all-black classes or all-white classes."

Newton and other area educators interviewed stressed that grouping can only be fair and effective if the student is not "locked" into one study group.

The student might study reading with an advanced group, but move to another group where achievement in mathematics is lower.

"We're looking at anything we do in the light of race," Newton continued. "We don't want to develop isolation of white students or black students."

The fine art of allowing children to progress at their own achievement rate is then balanced by the pervading issue of race.

Dr. L. C. McRae, assistant superintendent for instruction in the Portsmouth schools, commented on HEW plans to prohibit grouping:

"If they are trying to rout out practices where grouping is done to get around desegregation orders, it should be handled on an individual basis.

"I'm sure they have some cases where school systems have segregated classrooms, but grouping makes it possible for boys and girls to catch up and learn and it allows the above average student of both races to be challenged."

COLUMBUS DAY

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROTH. Mr. Speaker, I would like to speak of the significance of Columbus Day. To my mind, it has not been properly dealt with in terms of its meaning for our own times. Of course, every schoolboy knows about the great man Christopher Columbus who in 1492 discovered America. But what manner of man was he? What led him on this extreme quest in the face of the unknown perils which lurked beyond the Atlantic horizon?

I would put two qualities first when speaking of the adventures and travels of Christopher Columbus. These are, optimism in his initial appraisal of what could be accomplished by the individual on his own and extraordinary courage when the trials to be overcome emerged far more fiercely than he had ever assumed they would.

Consider his optimism first. In this day and age, it is popular to imagine great leaders in world events as tough men, perhaps even cynical and pessimistic men. This is unfortunate, in my view. For it should be clear that our greatest accomplishments have come from those who have pointedly underestimated the task before them. But this is an irony which only turns out to be patent commonsense when examined. Only those who have underestimated a great trial are prepared to undergo it. Only those who laugh off what the greater part of mankind perceive as certain tragedy can achieve greatly in the face of apparently insuperable challenges. How did Columbus underestimate the challenges before him? For instance, he set great store by the apocryphal Old Testament "Book of Esdras," and was influenced by its cosmography, notably the statement that the waters cover only one-seventh part of the earth. His overestimate of the amount of land composing the earth's surface, combined with what has been called his "fortunate underestimate of distance" between Spain and India, derived from Ptolemy, was a powerful factor in his determination to undertake the westward voyage. Another basic geographical concept of Columbus was that the length of a degree is 56⅔ miles—a figure first given by the Arab philosopher Alfraganus, in Arabic miles, which gives a fairly accurate estimate for the earth's circumference; but Columbus' miles were those on his Portuguese navigational charts, which means that he made the earth about one-fourth smaller than it is.

Some people might scorn Columbus' simplicity in these matters—his general unpreparedness, if you will. But I think that would be unwise. Would we have beaten Hilter's dread threat had we been totally realistic about all the prices we were going to have to pay in doing so? Would we have reached the moon without a generally romantic notion that we could do it, no matter what? Would we have been able to stave off both Communist imperialism and a general war to end all mankind if we had thought too long about the cost of each move? All the answers to these questions must be no. Progress does not serve the timid and the cynical, but rather raises to eminence those whom their fellow men often think of as simpletons, when their final triumphs give the lie to their critics.

So it was with Columbus the optimist. But what also must not be forgotten is his courage and his stick-to-it-iveness when the going got rough. He never gave up, but remained always faithful to his original dream. Ridicule, disgrace, apparent failure, and arrest—none of these daunted him, but rather spurred him on his way. Three tempestuous roundtrips he made across the wild Atlantic in what would now be called a very small vessel. But if he were ever afraid, his fear made him stick only that much more closely to attaining his goal. He thought he had discovered India, but even that perhaps is the mark of a very great man—to discover something of enormous value whose significance is not appreciated until many, many years later.

In Columbus' manner, we must also pursue our course on this frail vessel called America. The going will be rough, but we must not lose sight of the dream which sent us on our way as one people in the first place—that our ship of state would remain the land of the brave and the home of the free.

Christopher Columbus was only the first Italian to make a mark of greatness in America. Another was Enrico Fermi, the famous Italian physicist and Nobel Prize winner who emigrated to these shores in 1938. Although he never marched in the ranks, he must be acknowledged as one of the great heroes of World War II. For it was Enrico Fermi who split the atom and thus beat Hitler's scientists to the punch. Still another eminent Italian to come to this country was Arturo Toscanini, who became the greatest concert conductor of our time and, in so doing, vastly enriched the American cultural scene. There are also many famous and nationally revered Italian Americans. Their names would include: Magellan, Joe DiMaggio, Rocky Marciano, and the late, beloved Coach Lombardi of pro-football fame.

Here at home some of our most prominent Delaware leaders and families proudly bear Italian names. I shall mention but one—Father Balducelli, who has worked tirelessly to make our community a better place in which to live.

YOM KIPPUR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROONEY of New York. Mr. Speaker, for those of us who enjoy a close personal relationship with our devout Jewish friends, the past days of penitence observed by them have given us renewed inspiration even though these holy days belong to those of another faith. These days have reemphasized for us the importance which Jewry places

upon the days immediately following the observance of the Jewish New Year which began with Rosh Hashana.

As our friends celebrate Yom Kippur, beginning tomorrow at sundown, which is the most solemn of all Jewish holy days, we cannot but be deeply grateful for the vicarious spiritual uplifting which comes to us from their beautiful rituals. For those of the Jewish faith this sacred Day of Atonement on Saturday is one of deep spiritual significance. To those of us of other faiths this day has great meaning also, since we, too, can share in the beauty and solemnity of it.

As this period of deep religious dedication and devotion comes to an end, I want to again extend my warmest New Year's greetings to my host of Jewish friends and neighbors wishing them health, happiness and prosperity in abundance. For my many friends in Israel observing these days, including the staff and all the girls at Bayit Lepletot Home in Jerusalem, I have a special wish for them—a wish that these tempestuous days of war and political unrest throughout the Middle East may soon be over and that a just and righteous peace may prevail.

THE LUNATICS ARE RUNNING THE ASYLUM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHMITZ. Mr. Speaker, in a short three pages Al Capp does more to shed light on the violence which has plagued the college campuses of this country than can be found in all the reams of material put forth by one of the more recent Presidential commissions.

Mr. Capp contends that the major problem the colleges face is that they are being run by lunatics. I suppose that this article might be termed controversial since it does not put the onus of guilt for the college situation on the heads of the middle-class American, the police, the National Guard, militarism, the current administration, incipient racism, U.S. imperialism, the war in Vietnam, inevitable historical processes, the technological revolution, or even on Mayor Daley. In fact, he does not even divide the guilt up equally between these well-known causes of campus unrest. Mr. Capp seems to feel that the sacking, looting, bombing, and general disheveled state of affairs might possibly be due to criminals posing as students and morons posing as learned men. This is a novel approach to the situation and deserving of more intensive study. But let us not appoint a commission to do it.

Mr. Capp's article was taken from the Young Americans for Freedom monthly magazine New Guard, as follows:

THE LUNATICS ARE RUNNING THE ASYLUM

(By Al Capp)

I've made a careful study of the college situation and I have good news for you. Our colleges have only one problem. The lunatics are running the asylum.

The university was once a place we sent our loved ones who were going through one of life's most ludicrous and irrational stages—puberty . . . in the hope they'd pick up some useful knowledge, and, more importantly, some useful connections . . . and to get them out of our sight while their minds and their complexion cleared up. Our colleges were once run to introduce some order into the disordered thinking of our pubescents, to elevate their morals above the chimpanzee level, and to discipline their muscles.

Today, they are run to suit the wildest whims of their unbalanced minds, it has sunk to a moral level that a chimpanzee can live with, but only a chimpanzee, and it grovels at the flexing of their muscles.

A college education once humanized its puberty-maddened. Today, it is a temple of puberty-worship.

And what I say is that any administration of men over 40 who consider students under 29 as smart as they are—is probably right. Too many colleges have become a combination playpen and pigpen because it disregards one of the immutable facts of nature . . . and that is the inferiority of the college students to any other class.

The non-college student is a citizen who announces to the world that he can be useful to it, four years before a student can.

But when a college student registers as one, it is his confession to the world that he needs four more years of its indulgence and charity before he can contribute anything to it. It is a shameful and pitiful state, and it would seem prudent for anyone in it not to attract attention to himself.

Until lately, students were decently aware of their low condition, and hoped not to be noticed, while they strove to rise above it.

And, until today, college administrations were aware of their intellectual and moral superiority, and treated students with the benign contempt they deserve. And while they did, the alumni were content to support institutions like Princeton to trust its young to their administrations, to bestow honors upon its great administrators and in some cases, to pay them a living wage.

It was, however, when they began to treat academics as equals that the trouble started.

I live in Cambridge, Massachusetts, a quarter of a mile from Harvard Square as the crow flies. Today what you see flying above Harvard are mainly deans, propelled by student feet.

SCHLESINGER AND GALBRAITH

I remember how amusing it was once, at Cambridge dinner tables, to listen to Arthur Schlesinger Jr., and Ken Galbraith tell how they'd run the country if they had the chance. You could enjoy their fantasies in perfect safety because you knew they'd never have the chance. Then, suddenly, they had the chance.

It wasn't amusing anymore. It wasn't fantasy anymore. It wasn't even safe anymore. It became the way it is now. And it's going to get worse, until we stop being sentimental about this thing and realize that those in the academic world simply are not the equals of those in the real world. In the real world, one must outsmart one's superiors. To succeed in the academic world, one need only to outsmart one's inferiors—students. That's not anti-intellectualism. It's a defense against it.

I've worked in both worlds and I am appalled at the anti-intellectualism of our intellectual community. Although they are the world's highest paid babysitters, they lack the intellect to understand, and the manners to respect the immeasurably superior intellect of those who created the wonderful and complex and imperfect outside world, who support the academic world they whine about the outside world *from*, and who, from time to time, are called on to protect the whiners from the lunatics they've made of so many of our children.

But the whining doesn't stop. When we protect them, as Jack Kennedy put it, with all necessary vigor, they whine *more* loudly, as they did at Kent State.

John Lindsay wasn't wrong to fly the flag at half-mast for the kids at Kent State. His mistake was that he flew it for the wrong bunch. The martyrs at Kent State were those kids of ours in National Guard uniforms—who we ordered to protect the University from the mob that the Mahysers and Kellys and Falks of its campus had goaded into madness. The martyrs were the kids who had left their constructive lives to stop the destruction at Kent State because we ordered them to. Those who whined for us to give that order are now whining that we didn't also order them to let the lunatics stone them to death.

Lunacy at our schools isn't homicidal—not yet—but it *is* getting there. Here you have lunatics of all ages—in all positions—from the most humble dean to the most powerful freshman, running things.

You won't find a more perfect example of perfect lunacy in Kafka and Krafft-Ebbing, in Laurel and Hardy, even in Schlesinger and Galbraith, than the events at Princeton during the second week in May.

EVENTS OVER AT IDA

Several hundred students, egged on and fired up by a flock of faculty Fagins, decided that this country would never again need to be defended. They marched to end all operations at the Institute for Defense Analyses. They barred the entrance with bicycle chains, saving out a few of the heavier type to be used on any IDA employees unscrupulous enough to try to sneak in and go to work.

Then they linked their arms, toes, and tails, and created a barrier of bodies, and body odor. President Goheen, with the courage that has made him a legend, stormed onto the scene and instructed IDA deputy director Neuwirth to tell the mob that they could go right on with anything they had in mind, providing they remained non-violent, didn't damage the building, and didn't interfere with anyone's rights. He then told the IDA scientists to go home. One job they left unfinished in the building was the final development of a device to detect hidden human beings, which would save countless lives from attack from ambush not only in this war, but in any war to come. But, with the lunatics running the asylum it was decided there would never be any more attacks on us, and no further need to go on with such silly experiments.

The mob agreed to be non-violent, not to damage the IDA building, and not to interfere with anyone's rights. They non-violently broke a large antenna off the roof and replaced it with a peace symbol, the Viet Cong flag. They didn't damage the building. They painted obscene words and filthy pictures on all four walls and dropped a stench bomb into the ventilator. They didn't interfere with anyone's rights. Anyone who approached the building had the right to duck the rocks they hurled at them. The administration, stern disciplinarians to the end, served them sandwiches, doughnuts and hot coffee; and while the mob and their faculty Fagins were busy munching their picnic lunches and smoking their pot, President Goheen called a faculty meeting that lasted until 4 A.M. to discuss ways to handle the situation.

I don't know if anyone suggested that one way might be to turn firehoses on them . . . or to expell them on the spot, declare them trespassers, vandals and public nuisances and permit the Princeton police to pile them into paddy wagons.

I don't know if anyone reminded President Goheen that Princeton's commitment to the government was to continue to operate the IDA until 1975, and there wasn't a

student lunatic or faculty Fagin in that mob Princeton was committed to tolerate beyond the next thirty seconds.

Which commitment did Princeton honor?

Its commitment to the defense of the nation or its commitment to the lunatics whose sickness is the fantasy that, because they prefer to enjoy America's affluence in peace, our enemies will be lunatic enough to let them, once we destroy our capacity to maintain that peace?

Princeton didn't order the obsenity howling, stench-bomb throwing mob off the campus. It ordered off the scientists from the IDA.

No, there wasn't a single move in that that a sane man would make, or a lunatic wouldn't. And then there was the appointment of one of the leaders of your 1968 riot here to your Board of Trustees—an act comparable to appointing Richard Speck night watchman to the nurses dormitory or Adolph Eichmann Chief Rabbi of Berlin.

When the lunatics take over, everything goes crazy, right down the line.

RACISM IN THE IVY LEAGUE

Princeton exists because of the revolution of men who wanted to be free. Now there are those at Princeton who teach revolution against the freedom they won. But they don't give the students a full course. They aren't taught that revolution doesn't consist wholly of wearing Che Guevara's old hairdo, Leon Trotsky's old beard, and Audie Murphy's old uniform, and going out and lobbing rocks at the other side. They aren't taught that in a revolution, the other side, whether they're cops, or construction workers, or other kids in National Guard uniforms—can fight back. And when they do, the half-baked revolutionaries cry their hearts out, and those who sent them to the barricades half-raw, demand that we cry *for* them.

Princeton, which once, when reason reigned, abhorred racism, now teaches it, by example, as they do at Yale and Harvard. It comes in a more sophisticated form, but that's because the Ivy League can afford a more expensive type of bigot. At Yale when Kingman Brewster said that no black man could get a fair trial in the state of Connecticut, what he also said, in effect, was that there weren't 12 honest white men in the state of Connecticut. Now racism is racism no matter which race it is directed against.

If Kingman Brewster had said there weren't twelve honest black men in the state of Connecticut, the Yale faculty would have demanded his dismissal, and I'd have cheered them. But, when the Vice President demanded his dismissal, the Yale faculty supported Brewster fully. The Yale faculty endorsed its president's racism as blindly as the faculty of any backwater Alabama school has ever endorsed the racism of its governor.

At Harvard last year, four black students in its Black Studies department, designated specifically by color, were granted powers to vote on the hiring and firing of instructors in that department, equal to that of any dean. Only Oscar Handlin, one of the handful unaffected by the lunacy there, pointed out that a University that grants privileges based only on the color of a student's skin, can also withhold privileges on the same basis. You can't get anymore racist than that, but you can try . . . and Princeton has.

Princeton's racism isn't as coarse as Yale's, or as flagrant as Harvard's. It runs so deep, it's victims can't detect it. But they're uneasy, unhappy; they're beginning to suspect it. Black students here aren't treated as men are; they're indulged as pets are. In infinite, and often almost invisible ways, they are given the special treatment one gives to those one considers inferior.

It is racism at its most deceptive, its most degrading, its most destructive. Until Princeton allows its black students to demonstrate that they are as capable of acts of honor and achievements of intellect, as any white, it will remain what the lunatics have made of it, an institution of sophisticated sanctimonious racism.

LUNACY IN ADMISSIONS

The lunatics have taken over the admissions office, too. Certainly it wasn't easy to burble, that the group of students accepted here this year showed a dramatic increase in non-academic achievement. Before Princeton went off its rocker, any student who showed a dramatic increase in non-academic achievement was kicked out.

The new lunacy now dominates the old ceremonies. It has made carnivals of commencements, so obscene that only the student hysterics and hyenas, the brawlers and the bedwetters, the muggers and the arsonists, the criminals and the creeps, can safely attend them, and at our colleges for young ladies, only the bathless and the bra-less. Some come to those ceremonies solely to stomp out of them, shrieking slogans from old editorials in the Daily Worker or from the sermons of Rev. William Sloan Coffin. Some, whose talent for obscenity has earned them the honor of speaking for their class, come to curse their parents, guests and faculty hosts. But the mindless and mannerless minority *all* come, in complete confidence that no matter how beastly their acts, how foul their mouths, they will be welcome and protected.

Two students this year, more typical of the majority, didn't dare come to their graduation. They knew their colleges would not dare protect them from the hyenas, or even from being hurt by them.

These two had committed such social crimes as attending classes instead of riots, and of getting married *before* they moved into an apartment together.

But, most unforgiveable of all, these two came from families considered by many in Princeton's social science department, to be more ill-bred than the Jukes of the Kallikahs; they came from families which had each bred a President.

GRADUATION 1970

1970 is the year Julie and David Eisenhower were, in effect, barred from their graduations. It is the year Jerry Rubin and Abbie Hoffman took charge. It is the year of the lunatic.

What will college be next year, or the year after, if the lunatics go on running it? Will there be an ivy league school next year, or the year after, that any thoughtful parent would send his kid to—or that any prudent parent would spend a dime on to support his kid in?

If the lunatics remain, and I include among them those too flabby to stand up for sanity, only those will come here whose parents don't care whether their kids get educated. And they'll come here mainly because there isn't anywhere else to go where you can commit crimes and be given a year of graduate school instead of a year in jail.

If the lunatics keep running our schools, you won't have to send missionaries out to the slums—they'll create a moral and academic slum here.

NEW COURSES

Next year is the year for action—and next year should begin today. It should have begun a year ago today.

Next year should be the year we introduce two new courses. One, a course in B.S. Identification. I won't identify the words B.S. stands for . . . it'll become clear as I go along.

There isn't a course yet in B.S. identification anywhere. There would have been a year ago, if I could have accepted the first chair in the subject at a California college. The purpose of B.S. Identification is to monitor all lectures and seminars, all teach-ins, sit-ins, and bend-overs, and especially all speeches by visitors such as William Sloan Coffin, and to identify the B.S. that's flung around by them.

Now no one should be denied the right to spread B.S.—especially William Sloan Coffin—it would be comparable to imposing a vow of silence on him—but no one should be denied the right to identify the B.S. students are being studded with for what it is.

And then a course in Love. Not the sort of Love the professional Love people—those who wear love beads, carry love flowers, flourish love signs—not the sort of Love they have any affection for. I mean Love of America.

It should be a course that doesn't overlook America's foolishness, but that will also look at America's greatness.

It should be a course that doesn't overlook America's history of callousness to some of its own, but that will also look, and with reverence, at our history of generosity to the humble and hopeless of all the world, a record no other nation, ever, has matched.

Basic love of country won't be an easy course to get any big academic name to teach. Becoming known for Love of Country isn't the way you become a big name in academic circles—not lately.

Once, after I spoke at Penn State, a student came up to me, shook my hand, and said, "Mr. Capp, it took courage to tell an audience of students you love America."

I've never been paid a compliment that made me sadder. Have the faculty Fagins and the young they've B.S.'ed into lunacy made our campuses places where it now takes courage for an American to tell other Americans he loves America?

I don't think so. I think our young want to hear the truth, and the truth is that America is, for all its faults, the loveliest and most liveable of all nations; and that Americans are, for all their errors, the most generous and Christian of all people. And what makes it that isn't anything we found here. It's something we created here—it is the freedom we have to forever repair and renew America—not in the way of the Fagins and the lunatics—the way of hate and hysteria, but the way of patience and persuasion, the way of thinking men.

HORTON COMMENDS WAYNE HARRIS FOR HIS FIGHT AGAINST POLLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, Wayne M. Harris is chairman of the Air and Water Pollution Committee of the Monroe County Conservation Council in Rochester. He is one of the leading conservationalists in New York State.

Long before the issue of ecology became popular, Wayne worked toward cleaning the environment, often at a risk to his law profession.

Wayne's work was recently recognized in the September–October issue of Fitness for Living. I would like to share with my colleagues the article and the example of what one man can do in the fight against pollution:

WHAT'S WAYNE HARRIS UP TO NOW? YOU'VE PROBABLY NEVER HEARD OF HIM—BUT ROCHESTER, NEW YORK HAS

(By Barry Ott)

Next month more than 6,000 high school and college students in Rochester, New York, will begin a 16 mile hike through the city. Two thousand or more will finish the course. A couple of hundred will jog the whole distance. Most will walk, and the late stragglers will come in at the finish line two or three hours after the runners will get there.

It doesn't really matter. What matters is that all will be paid for their efforts. The last one may be earning as much money as the first. And some will undoubtedly be earning money at the rate of $50 to $75 a mile—more than $200 an hour.

But the student's won't keep a cent of it. In fact, foot wear, lunches and any other expenses incurred on the way come out of their own pockets.

The hike, tentatively called Walk for the Environment, is a method of raising money to fight environmental pollution in the city of Rochester—and at the same time to popularize physical exercise. Forty-four-year-old lawyer Wayne Harris, one of the men who dreamed up the Walk, describes it this way:

"Every person who participates in the hike (he needn't be a student—older folks are welcome, too) has to find sponsors. These are people who will pay him a minimum of 10 cents per mile for every mile he walks. But we know from the experience of others who have used this method to raise funds that most sponsors will give a dollar a mile or more.

"The ambitious hiker doesn't stop with one sponsor. There's no end to the number of sponsors a person can get."

By the time the hike ends on a warm Saturday night next month, the Monroe County Conservation Council (MCCC) will have the money it needs to continue what has shaped up in recent years to be one of the most forceful and successful citizens' attacks on environmental pollution in the nation. In a city of only half a million people, the Monroe County Conservation Council claims 5,000 active members. And none is more active than the Council's Air and Water Pollution Committee chairman Wayne Harris. An outdoorsman and hiking enthusiast, Harris abhors the concept, popular among some major industries, that the environment is nothing more than a garbage can.

Fresh out of law school some 20 years ago, Harris became involved in conservation thorugh the MCCC. "People asked me why I wasted my time with a thing like that," he says today. "There's no money in it, they would tell me. And of course they were right. In fact, in the early 1950's opposing pollution was a dangerous business for an up-and-coming lawyer."

One politician put it bluntly one day in Wayne Harris's office: "If you don't get off the anti-pollution bandwagon, you might as well throw your law practice out the window. There's not an industry in this city that will hire you for a case. You'll be washed up."

But Harris figured silence was too high a price to pay for a successful law practice, so with zealous determination he began a systematic attack on pollution and the polluters.

In the beginning he was called an oddball, an eccentric and a few names which family magazines don't print. He was threatened, bribed, but never ignored. He became president of MCCC in 1956, and that year he and the council experienced their first major victory.

The state was then classifying all rivers according to a scale from A to E. "A" meant that the river must be kept clean enough for drinking. "B" meant good enough for swimming. "C" was for fishing. "D" and "E" meant good for nothing except carrying sewage.

Harris and the MCCC demanded a "B" classification for all rivers flowing through Monroe County. They were up against the City Hall, the Chamber of Commerce, the County Health Department and local industries. The hard facts of Rochester life were that the city's many industries relied heavily on local rivers for industrial disposal. They fought strenously for the "D" classification—but they were no match for 5,000 members of the Monroe County Conservation Council and its then-president, Wayne Harris.

After a state hearing, the river was given a special "B" rating. Today it is an official "B," which means that, theoretically anyway, all the rivers in Rochester may be used for bathing.

"Unfortunately," Harris points out, "you still can't swim in them because the classifications aren't enforced. Dumps leach into them, inefficient sewage plants discharge into them, industries pour wastes into them, and the Health Department does nothing about it. You see, if they jump on Henrietta (one of the big Rochester area towns), they'll have to jump on Pittsford, another large town, and on Kodak and on the city of Rochester and so on. They don't want that.

"But God help you if you're a home owner and a leak develops in your septic tank. They'll hop on you right away. The City of Rochester and Eastman Kodak can foul the Genesee (Rochester's main river) with thousands of gallons of effluence each day. But you, a little guy with a leaky septic tank, they'll tell you to get that fixed quick. You're a health hazard and a menace to the community!"

The battle over classification of the rivers was hardly over before Harris began a new campaign. With an outstanding scientist, E. Grant Pike, and a leading professional engineer, John Bennett, both members of MCCC, Harris took tests to determine pollution levels at the county's two beaches—Ontario and Durand-Eastman. "Federal regulations are that coliform—which is an indicator of sewage bacteria in water—shouldn't exceed 1,000 parts in 100 c.c. of water," says Harris. "In New York, we're more lax and have set a count of 2,400 as our standard. So, we took tests at the mouth of the Genesee, where our beaches are, and where our kids swim, and got counts of 800,000."

"The whole thing was a sad joke," says Harris. "We need as many opportunities as possible to get out and exercise and enjoy physical activities. Swimming is one of the best ways to exercise and have a good time doing it. Yet, swimming in these lakes was downright hazardous to health.

"The area's sewage plants were completely inadequate and Rochester was dumping 93 million gallons of untreated sewage into the lake every day."

Harris and the MCCC decided to "tell it like it is." They printed posters saying, "Warning—This Water is Polluted. Swimming or Fishing is Hazardous to Health." The signs were posted on the beaches, the whole story splashed all over the local papers. Soon the lakes were closed to bathers. Today, the public swimmers and fishermen especially are demanding they be cleaned up and reopened.

On many weekends during the winter as well as the warmer months, Wayne and his wife, Joan (a stockbroker) and one or more of their six children can be found hiking along the edge of a river or lake in the Rochester area. Each of the expenditions has a dual purpose: to get some fresh air and exercise as well as to track down pollution sources. One such expedition recently took the Harris family and John Bennett 15 miles along the Honeoye Creek in an effort to find the source of pollution which caused an extremely high coliform count in the water. "They really hide those outlets sometimes," says Harris. "You practically have to dig for them."

But after many hours of searching, the Harrises came upon the pipes which emptied into the water. "It was a milk processing plant," says Wayne, "that was greatly overloading the sewage treatment plant of this village and therefore the sewage treatment plant almost stopped working. The result was that a great amount of raw sewage poured into this fine river."

Whenever he discovers an outflow pipe. Harris takes a sample of the water and has it analyzed. He also take photographs, often color, so that he can illustrate his case graphically when he begins to battle the polluter in earnest.

The battle itself may be launched in several different ways. As a lawyer, Harris may turn to the courts to have local, state and federal anti-pollution laws enforced. Such a battle recently led to the building of a sewage system around an entire lake. In the past, sewage from surrounding areas was poured untreated into the water of Conesus Lake. Conesus, an Indian word meaning "always beautiful," is a rare example of such a far-reaching step to combat pollution on a large scale.

In general, though, Wayne Harris is not satisfied with the results the courts can give. For one thing, anti-pollution laws have no teeth in them. Companies who are found guilty of breaking the laws know that it is less expensive to pay fines on a regular basis than to go to the expense of discontinuing the pollution. And of course the judiciary system is cumbersome. Lawyers can drag environmental pollution cases out for two or three years. During that time the pollution often continues. The company pays nothing more than lawyers' fees. The big price is paid by the people who have to live—and die—with the pollution.

In general, Harris and the MCCC prefer raising public pressure and indignation to get results. First, the MCCC gets the facts—and there are enough scientists belonging to the Council to do the necessary research without charge. "If you talk in general terms about lost beauty and how the rivers are full of junk," says Harris, "you'll get nowhere. To impress the politicians and bureaucrats you need test results, expert witnesses, samples, photos and statistics."

That was the approach last year when Harris become concerned about the carbon monoxide concentration in Rochester's biggest underground parking lot, The Mid-Town Underground Garage. First, he had tests made which showed carbon monoxide levels of 120 to 300 parts per million. According to the federal government, these levels should not surpass 50 parts per million except when humans will breathe the air for only five minutes. Then, the government allows 100 parts per million.

After writing to local, state and federal officials and getting no results, Harris once again turned the spotlight of publicity on the problem. Along with assemblyman Frank Carroll, Harris walked through all three levels of the Mid-Town Garage one afternoon in May and posted signs reading: "Warning—Air in this Garage Hazardous to Health." The story, with photographs, was featured in the Rochester papers. As a result, the city is now under immense pressure to provide adequate ventilation for the garage.

Wayne Harris and the Monroe County Conservation Council have proved that concerned citizens really can fight even the biggest polluters. Today, New York spends more money for pollution control in Monroe County than in any other county in the state—including the boroughs of New York

City. What it takes is determination—the kind of determination that has prompted Harris to dedicate 20 to 30 hours a week to fighting pollution.

"It is more than preserving the natural beauty of our country, although that is important," says Harris. "Our physical fitness, and the very future of our children depends upon our dedication and the effort we are willing to exert to protect and improve our environment, the crucial issue. The whole thing is a lost cause if we can't get this environment cleaned up soon."

CHRISTOPHER COLUMBUS DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, this Columbus Day marks the end of an era of neglect of that hardy explorer to whom we owe so much.

I was honored to sponsor the bill that became law, which added Columbus Day to the list of national holidays. He certainly merits the respect and prestige of our entire Nation. It was Christopher Columbus who first braved the vast expanse of uncharted ocean to discover the New World.

Christopher Columbus achieved one of the most far-reaching geographical discoveries in the history of this planet. By his tenacity, his faith and indominable will, he set an example for all to follow. In the future, when explorers and navigators reach out to other planets through uncharted paths, they will hark back to the qualities of Columbus. His belief that through perseverance he could succeed, exemplify his great stature. The lesson that he taught countless generations remains valid today.

Our debt to Christopher Columbus can never be repaid, and it is for that reason that we pay tribute to his memory.

CONGRESS MUST PASS MILLS BILL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WYMAN. Mr. Speaker, the American Footwear Manufacturers Association just circulated some revealing statistics regarding the harmful effect foreign imports are having upon the industry nationally. These figures, which indicate a 21.3-percent increase in the amount of imported footwear articles over the same period last year—August 1969—point to the need for immediate enactment by Congress of legislation limiting imports to a prescribed percentage of prior base period imports.

Mr. Speaker, the so-called "Mills Bill" will help put a stop to additional closings of production shops and factories of this and other vital New England industries. As a cosponsor of the legislation, I have pointed out time and again that the arguments of free-traders that this is protectionist legislation is false. We will not cut off imports with this bill—we limit them to a reasonable level to avoid dumping in this country. We are obligated as representatives of the interests of American industry and its work force to offer at least this much. Even if Congress should stay in session until the 1st day of November, we have an obligation to the sorely-pressed shoe and textile industries to enact the "Mills Bill." Unless we act in this Congress, we are going to have to begin the process all over again in a new Congress which would mean months more delay with the probability of many additional closings and the loss of thousands of jobs.

I urge action on this legislation next week or on November 16 as a matter of first priority of the Congress as a first responsibility of a majority of the Members of this body to our constituencies.

The statistics follow:

IMPORTS: JANUARY–AUGUST 1970

A total of 16,166,700 pairs of non-rubber footwear were imported into this country in August—22.1% above last August. Imports for the first eight months of 1970 totaled 168,753,100 pairs—an increase of 21.3% over the same period last year. The f.o.b. value to date of non-rubber footwear imports totaled $372,321,900—a 29.8% increase over the same period last year.

All major types of imports showed increases:

LEATHER AND VINYL FOOTWEAR FIRST 8 MONTHS

	Percent change 8 months 1970/1969 (percent)	Average value per pair	Estimate retail value
Men's boys' leather	+12.8	$4.38	$14.19
Men's and boys' vinyl	+66.5	1.14	3.69
Women's and misses' leather	+26.8	3.23	10.47
Women's and misses' vinyl	+11.7	.87	2.82
Children's and infants' leather	+18.8	1.46	4.73
Children's and infants' vinyl	+11.1	.76	2.46

OUTLOOK FOR THE YEAR

Based on the first eight months of 1970, imports of non-rubber footwear:

(1) will total 237,200,000 pairs

(2) will be worth $557,500,000 at the f.o.b. level

(3) will be worth $903,150,000 at the wholesale level

(4) will be worth $1,806,300,000 at the retail level

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs; thousand dollars]

Type of footwear	August 1970 pairs	Percent change 1970/1969	8 months 1970 Pairs	8 months 1970 Dollar value	8 months 1970 Average dollar value per pair	Percent change 1970/1969 Pairs	Percent change 1970/1969 Dollar value
Total, leather and vinyl	16,166.7	+22.1	160,661.9	360,549.1	$2.24	+19.5	+27.7
Leather excluding slippers	7,511.0	+20.6	85,020.8	292,487.3	3.44	+22.1	+26.3
Men's, youths', boys'	2,271.0	+7.6	23,102.5	101,139.3	4.38	+12.8	+19.7
Women's, misses'	4,687.4	+28.3	54,809.4	176,785.7	3.23	+26.8	+33.2
Children's, infants'	255.4	+40.6	4,854.5	7,085.3	1.46	+18.8	+11.8
Moccasins	44.7	−27.2	389.9	416.2	1.07	−13.5	−23.9
Other leather (including work and athletic)	252.5	+15.5	1,864.5	7,060.8	3.79	+36.0	−5.5
Slippers	21.3	−52.2	164.1	401.6	2.45	−26.8	−9.4
Vinyl supported uppers	8,634.4	+23.9	75,477.0	67,660.2	.90	+16.9	+34.6
Men's and boys'	1,398.8	+75.4	11,005.4	12,548.7	1.14	+66.5	+68.1
Women's and misses'	6,449.7	+18.3	56,978.4	49,543.5	.87	+11.7	+29.5
Children's and infants'	660.2	+19.8	6,391.1	4,875.9	.76	+19.1	+24.4
Soft soles	125.7	−23.5	1,102.1	692.1	.63	−10.7	+9.2
Total, other nonrubber types	1,298.2	+98.9	8,091.2	11,772.8	1.46	+74.3	+151.7
Wood	266.7	+200.0	3,079.4	7,790.6	2.53	+364.7	+393.5
Fabric uppers	953.1	+103.3	4,395.6	3,146.1	.72	+28.0	+27.0
Other n.e.s.	78.4	−17.5	616.2	836.1	1.36	+13.0	+34.6
Total, nonrubber footwear	17,465.0	+25.7	168,753.1	372,321.9	2.21	+21.3	+29.8
Rubber soled fabric uppers	4,701.5	+44.6	32,208.4	27,122.7	.84	+4.7	+17.8
Grant total, all types	22,166.4	+29.3	200,961.5	399,444.6	1.99	+18.3	+28.9

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquires to the association, room 302, 342 Madison Ave., New York, N.Y. 10017.

POEMS OF PVT. JAMES J. RICE, VIETNAM HERO

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PHILBIN. Mr. Speaker, I would like to include in the RECORD several poems written by Pfc. James J. Rice, son of Mr. and Mrs. John P. Rice of Newtonville, Mass., in my district.

This gallant young marine made the supreme sacrifice for his country on February 7, 1968, and has been awarded three medals posthumously—the Bronze Star with V for Valor, the Cross of Gallantry from Vietnam, and the Meritorious Bravery Award from Vietnam.

I believe his poetic offerings are worthy of recognition and a lasting tribute to his memory.

I extend prayers and most heartfelt sympathy to the grief stricken family of this young American hero. God love and bless them all.

The poems follow:

THE TORCH-OF-LIBERTY

The sun has gone down and the time is night,
When Flashes light up the cold black sky
I think of those who fight with me
My prayers are all for the men whom I am with.
The mountains echo our mighty fire power
As we strike blows for freedom hour by hour
We must all look to the heavens for strength
And pray for the war's shorter length.
If you could see our Marine type smile
When from battle we rest awhile
Your heart would go out to these of our nation
We do our hard job without hesitation
We left our homes so warm and gay
To fight for a country whose future looked gray
We look not for glory for what we have done
Only hope when it's over, this war we'll have won
Yes, the sky it lit up with Flashes tonight
Cause it's liberty's torch we're trying to light.

A U.S. MARINE

In Vietnam this far off land,
In the midst of fighting there walks a man.
He wears a uniform of faded green,
He's proud of his heritage, this U. S. Marine
He doesn't ask much, this fighting man
And does his job as best he can
From dawn to dusk under blazing sun
He's fought in such places as 881
From Saigon to Chu Lai
And on up to Phu Bai
In mountains and plains
Through heat and rains
His jobs are many and often varied
Maybe he's single or happily married
He could be 18 or 35
But he's a Marine, that can't be denied
To do a job in this green hell
And strike a note of freedom's bell
And he hopes someday when this war is through
He'll go home to stay with loved ones so true
But he'll never forget what he's done and seen
And above all, he's proud to have been a U. S. Marine.

WHY?

Why must man in greed and hate
Design the fortunes of his fate
Fashion the tools that spell his doom
And haunt him in his silent tomb?
Why must man throughout the years
Always live in constant fears
In fear of death, famine and flood
Of hunger war and wasted blood?

Why must man, God's gift supreme
Spend countless years in useless dreams
Letting precious years speed on
When life, so sweet, so soon is gone?

Why cannot "Peace on earth to men"
Come other than by poets pen
Then, only then, will you and I know at last, the answer. Why?

A hot, sizzling sun beats upon my brow
And sweat trickles down, my head starts to bow

My helmet is heavy, it weighs many pounds
My ears are alert for the enemy's sound

My pack is so heavy it feels like lead
And all I can dream of is a nice soft bed

My boots weigh a ton, full of water and earth
I curse the jungle and the day of my birth

My rifle is awkward, not filmsy or light
But in many a battle it's a beautiful sight

It's stock is coated with mud and sweat
And the rifle is heavy as a rifle can get

We move on cursing, the trail never ends
And our thoughts drift to sweethearts and loyal friends

They're back home safe, we hope from all harm
And to be back there now, I'd give my right arm

But it's not my fate to be safe and sound
It's not my fate to picket and frown

Or burn my draft card in mock apathy
But show to the world this land shall be free

I don't have a single word of praise
For these home soldiers, to me they amaze

They can stand there and yell we want peace
But not one ounce of support will they give to me

For this is the enemy worse than VC
An enemy at home not in front of me

They're not very big or brave in my eyes
And when we get there, they're in for a surprise

'Cause we're trying to win and keep our land free
And many are dying for real democracy

So listen out there and listen well
I don't need your support, I'll see you in hell

Your support isn't welcomed, not at all
We need some encouragement or else we'll fall

What good is your fighting if your people say no
And tell us we're suckers, to make us feel low

But we believe we're doing right
And we'll fight from dawn through the night

"LAMEDUCK" SESSION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. COLLIER. Mr. Speaker, while the return of the Congress to complete its legislative duties after the November election is eminent, I believe that the "lameduck" session will be a mistake.

While I appreciate that many Members are faced with a real problem in getting sufficient time to go back and campaign in the few days remaining before November 3, it does not alter the fact that there has been excessive foot dragging in this session that has resulted in the postponement of consideration and votes on issues of major importance.

I would be remiss if I were not particularly critical of the manner in which the Congress has delayed passage of appropriation bills, and I would much prefer to stay here until election eve if necessary to at least get this work behind us.

It is not bad enough that legislation which has moved through the one body or the other has been delayed, but many important measures recommended by the Nixon administration have been stalled in committee. The delay in handling appropriation bills clearly points to the need of a reappraisal of the procedures which permit the fiscal year to move well along with agencies of Government unable to proceed in an orderly manner in the performance of their administrative duties.

If we must have a "lameduck" session as appears to be a certainty, I sincerely hope that we will recognize the error of our ways to insure that no future Congress should be obliged to indulge in this type of legislative procedure. It is not in the best interest of the legislative process and I sincerely doubt if it will be in the best interest of the people of the country.

THE CURBING AND CONTROL OF CRIME

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CELLER. Mr. Speaker, I want to remark upon the diligence and the painstaking solid work of the members of the Committee on the Judiciary, of which I am chairman, in its attention to the bills relating to the curbing and control of crime. The facts speak for themselves and after reviewing these facts, the conclusion is inescapable that a goodly portion of the time of this committee in the 91st Congress has been spent in wrestling with the problems of crime—street crime, organized crime, the courts and judicial machinery. I list the major bills and point to the number of days of hearings held thereon. In addition to these days of hearings, there were days of subcommittee consideration, full committee consideration, the writing of the reports, and floor consideration.

S. 952: To provide for the appointment of additional district judges, and for other purposes. This gave the much needed manpower to the courts. Hearings were held October 29, 30, and November 5, 12, and 25, 1969. Public Law 91–272, June 2, 1970.

H.R. 14485: To amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system. Passed House December 1, 1969.

H.R. 10019: To provide for the establishment of a Commission on Marihuana. Hearings were held October 15 and 16, 1969. Reported to the House April 23, 1970.

H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act. Passed House February 16, 1970.

H.R. 6951: To enact the Interstate Agreement on Detainers into law. Passed House May 4, 1970.

H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968. Hearings were held on February 18, 19, 25, 26, and March 2, 6, 9, 11, 12, 13, 17, and 19, 1970. Passed House June 30, 1970.

H.R. 11032: Prohibit the use of interstate facilities, including the mails for the transportation of salacious advertising. Hearings were held September 25; October 1, 9, 23, 28; November 5, 12, 13; December 10 and 17, 1969; January 28; March 5, 16; and April 16, 1970. Passed House August 3, 1970.

H.R. 16699, H.R. 18573: To strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto. Included in S. 30. Hearings were held July 15, 16, 22, 29, and 30, 1970.

H.R. 17269: To provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes. Hearings were held June 17, July 29 and 30, 1970.

H.R. 12806: To amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrail detention of dangerous persons, and for other purposes. Hearings were held October 16, 21, 29, 30, November 19, 20, 1969.

S. 1461: To amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States. Hearings were held June 18 and 25, 1970. Passed the House October 5, 1970.

H.R. 11157: To amend title 18, United States Code, to prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and to define the scope of the immunity to be provided such witness with respect to information provided under an order. Included in S. 30. Hearings were held August 7, 1969. Reported to the House.

S. 3564: To amend the Federal Youth Corrections Act—18 U.S.C. 5005 and following—to permit examiners to conduct interviews with youth offenders. Hearings were held May 7, 1970. Public Law 91-339, July 17, 1970.

S. 30: Relating to the control of organized crime in the United States. Hearings were held May 20, 21, 27, June 10, 11, 17, July 23, August 5, 1970. Passed House October 7, 1970.

H.R. 2175: To amend title 18, United States Code, to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released. Hearings were held June 25, 1970. Passed the House October 5, 1970.

Those who would call this committee and Congress "a-do-nothing Congress" with relation to crime have not bothered to learn the facts. In other words, acting responsibly, refusing the easy path of acceptance without scrutiny of proposals that were packaged crime, this committee undertook, in the very best sense of the word, to protect the public interest. Proposals were examined for defects and nonworkability. On S. 30 alone there were some 50-odd changes made to the bill as it came over from the Senate. These amendments served to strengthen its provisions and to resolve ambiguities.

On amendments to the Omnibus Crime Control and Safe Streets Act of 1968, the bill relating directly to crime in the streets, the committee labored long and hard listening to the testimony given by Governors, city officials, penologists, administration officials, so that which has become one of the major concerns of our people—street crime—would be treated with the absolute thoroughness it merits. Convinced by the testimony that there was urgent need for more money in order to assist the States and local communities to deal with this problem, this committee reported a bill which increased the amount to $650 million for fiscal year ending June 30, 1971 and authorize $1 billion for the following year and $1½ billion for the third year. In addition to greater financial assistance to States and cities, the bill which passed the House on June 30, 1970 proposed the following:

First. Appropriations authorization for the next 3 fiscal years;

Second. Abolition of the present three-man board which administers LEAA and substitution of a single administrator;

Third. A new program for the construction, acquisition, and renovation of correctional facilities with provision that Federal grants may be up to 75 percent to the cost of a particular project. The bill also earmarked 25 percent of total appropriations for the purposes of corrections, including probation and parole;

Fourth. A requirement that LEAA approval of a State plan for law enforcement assistance be based on a finding that areas of high crime incidence receive an adequate share of assistance;

Fifth. A requirement that the State contribute one-quarter of the non-Federal share of funding for programs of local government receiving assistance under the State plan;

Sixth. A revision of the limitations on Federal expenditure share—so-called matching requirements—for discretionary grants to permit Federal funds to pay up to 90 percent of such program costs and in certain circumstances authority to pay up to 100 percent if LEAA determines that the applicant is unable to provide any funds;

Seventh. LEAA authority to develop and support regional and national training programs, workshops, and seminars in such fields as organized crime to instruct State and local law-enforcement personnel; and

Eighth. Miscellaneous amendments to eliminate obsolete language, to clarify ambiguous terminology, and to improve the staff capabilities of LEAA.

Under the act, law enforcement assistance includes: First, support of State planning agencies to encourage States and units of local government to prepare and implement comprehensive law enforcement plans; second, Federal grants to the States and units of local government to implement programs and projects to improve law enforcement based on comprehensive State plans; third, provision of funds to institutions of higher education, and grants and loans to law enforcement officers and other students enrolled full time or part time in an approved program leading to degrees in areas related to law enforcement; fourth, establishment of the National Institute of Law Enforcement and Criminal Justice which develops and demonstrates new equipment techniques and devices to improve law enforcement, disseminates information about law enforcement science and technology, and operates a criminal justice information and statistical center; and fifth, extension of technical assistance to States and units of local government, and public and private agencies and organizations and institutions in matters relating to law enforcement.

Upon the wake of the terror of the blowing up of buildings and the maiming and killing of people, the committee reviewed not only the administration proposals but proposals by individual members, some of which proposals were later adopted by the administration as a result of these hearings.

It, therefore, cannot be said that the Committee on the Judiciary has been idle or indifferent to problems of crime. When one considers that this committee not only discharged its responsibilities toward the curbing and control of crime, but took upon itself as well such major responsibilities as electoral college reform, extension of the Voting Rights Act, an intensive investigation of conglomerate mergers, improving judicial machinery in customs courts, the Newspaper Preservation Act, immigration revision, and major bankruptcy reform, it cannot be denied that this committee acted affirmatively, directly, and without delay in its service to Congress and to the people.

THE SST

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MEEDS. Mr. Speaker, the argument over SST rages, and many imponderables are advanced as reasons either for or against proceeding through the prototype development. In the New York Times of October 6, 1970, there appeared a letter to the editor from Henry C. Wallich, professor of economics at Yale and a former member of President Eisenhower's Council of Economic Advisers. I think Professor Wallich capsulizes very appropriately the salient reasons why we should proceed through the prototype development stage.

I insert his remarks in the RECORD:

SOONER OR LATER WE SHALL GET THE SST

To the Editor: My view that we should build two prototype SST's has been commented on, in unflattering terms, by Anthony Lewis in a column of Sept. 22. In the same issue you criticized the SST editorially and cited the views of a number of leading economists whose adverse comments appeared in the Congressional Record.

Mr. Lewis objects to the SST mainly because the plane may pollute the environment with noise and perhaps worse. The economists criticize it principally because it offends their faith in free markets and free enterprise, including freedom from Government subsidies.

If private enterprise could build the plane on its own, these latter objections would fall to the ground, and the plane would fly. Within a few years, this capability will very probably come into existence. At best, therefore, Mr. Lewis can hope to postpone slightly the evil day.

But his chances of accomplishing even this little are poor. The British Concorde and the Russian TU–144 are already flying. Mr. Lewis thinks that we could compel the British and French to cancel this enterprise in which they have invested considerable money and national pride, by banning the Concorde from American coastal airports (overland flights are out in any case).

No doubt we could, if not just by banning the plane, then by more drastic measures. The fact is, however, that the U.S. Government does not ordinarily deal with friends and allies in that manner. More likely, we shall use our bargaining power to effect such marginal improvements as the Concorde may be capable of, and then put up with the rest of the noise.

One way or another, sooner or later, we shall get the SST. There is, as I said, no escape, any more than there was from the automobile and television. The only question is whether it will be our plane or somebody else's. I support the proposal to build two prototypes now which will allow us to capture at least part of the market and to influence somewhat the ecological qualities of the plane.

The final decision whether to go ahead with commercial production or to stretch out the gestation period while engaging in further research and development is not yet due. If my economist colleagues believe that the $290 million which are needed now for two prototypes are needed also for other public purposes, there are ways of raising the money other than by cutting out the SST.

If I knew how, by halting the SST, we could halt all supersonic flights thereafter, I would support doing that. Since I see no escape, I think we might as well have part of the market.

HENRY C. WALLICH,
NEW HAVEN, *September 28, 1970.*

SUMPTER TOWNSHIP WATER-MAIN PROJECT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I will be participating this weekend in an inspection of a water-main project in my congressional district which is an outstanding example of how this Congress has made it possible for local communities to solve their problems through cooperation with Federal agencies.

The water-main project is located in Sumpter Township, a community of some 8,000 persons lying to the west of Detroit. It is being built at a cost of $1,231,000, with $431,000 supplied by a water and sewer facility grant from the Department of Housing and Urban Development.

Sumpter Township officials, recognizing the need for expanded water facilities, applied for this grant 4 years ago, and called upon me for assistance. Together we worked with the Department of Housing and Urban Development, and received approval of the grant.

Construction was begun last month, and completion is expected early in 1971. It will add 11½ miles of water mains to the community's existing 24 miles, and provide water service for an additional 290 homes and 850 mobile-home sites.

Sumpter Township was one of the last suburban communities in Wayne County to undergo the kind of extensive development which has typified Detroit suburbs in the past three decades. The new waterlines will enable township officials to make plans for orderly growth in the coming decade. The community has no sanitary facilities at the present time, but plans are also being made to have sewer lines installed, also with Federal aid.

Too often, we in Congress are not aware of the end results of the many programs that we authorize. This program in Sumpter Township shows how much these programs can and do mean to local officials and citizens.

The water-expansion program was conceived and brought into being by a dedicated group of township officials, which now includes Supervisor William D. Gouger, Clerk Robert D. Marble, Treasurer Bertram J. Bradley, and Trustees Clarence Hoffman, Jr., Henry Majors, and Paul Krystyniak. Another trustee, and former supervisor, Michael Kozma, died this morning—October 8—after many years of service to the community.

Other incumbent officials include Constables Robert Demski, Clinton Brown, Howard Galloway, and Ralph Griffith; Attorney William McKay; Police Chief Terry Williams; and Fire Chief Stanley Sliwa.

Financial consultant for the program was Shannon & Co. Consulting engineers were Brender-Hamill & Associates. Grant application assistance was provided by Stratton Associates.

Others who have served as township officials during the years this program was developed were Henry Seitz and Dorothy Williams, supervisors; Fred Hogan, attorney; J. Rolland Sampson and Robert Beattie, trustees.

To this outstanding group of public servants, I offer my sincere congratulations for an excellent example of how enlightened cooperation between Federal and local agencies can help progressive communities plan for the future, and put Federal tax dollars to work on local projects to benefit local residents.

DR. SAMUEL KLEIN OF MAPLEWOOD, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, I should like to insert into the CONGRESSIONAL RECORD an article from the South Orange News Record of October 1, 1970. The article concerns Dr. Samuel Klein of Maplewood, N.J., which I have the honor of representing in the Congress.

Dr. Klein is the recipient of many honors, not the least of which is a Gold Service Ribbon, the highest award of the U.S. Office of Civil Defense. He has been listed in "Who's Who in the East," and "Leaders of American Science." Moreover, he holds not only a doctor of science degree from the University of Albuquerque, he also holds certificates in plastic engineering and preflight aeronautics.

I believe that my colleagues would be interested in reading about the many accomplishments of Dr. Klein.

The article follows:

A SECOND GLANCE AT DR. SAMUEL KLEIN

At 68, Dr. Samuel Klein of Maplewood is returning to college—not as a student but as a performer on two radio programs over WMFU–FM, radio station of Upsala College in East Orange.

In a serious vein, Dr. Klein will present Health Science News, starting October 29, and on ensuing Thursdays, 7:30 to 7:45 p.m. A comedy program, Dr. No-all Webster—King of Pun, is scheduled to start later.

Another Maplewoodian, Bill Bertenshaw, is an associate producer of the two shows, as is Dr. Klein.

Just a second glance really isn't adequate to cover the gamut of Dr. Klein's activities. Third and fourth glances are necessary.

He holds a doctor of science degree from the University of Albuquerque, which he also serves as a visiting professor in pharmacology. A graduate in pharmacy from Rutgers University, he also holds certificates in plastic engineering and in pre-flight aeronautics from the same school.

He writes a newspaper column about health news. An accumulation of earlier radio monologues has been published in book form by Samuel French & Co., New York and London, under the title Webster's Standing Dickshunerror, and was acclaimed as "a contribution to American humor" by the International Mark Twain Society.

Dr. Klein, who lives at 449 Richmond Avenue, holds a food and drug inspector's license in New Jersey, is a registered sanitarian in Massachusetts, and is a licensed physical therapist, also in New Jersey.

Almost at the risk of painting the lily, it should be mentioned that his biographical resume lists him as a fellow of the American Institute of Chemists, of the American Association for the Advancement of Science, and of the Royal Society for Health.

In his spare time, he has found time to develop a tobaccoless cigaret and, currently is doing research in foods and medicines, out of which has come a product designated as Flavorist, an artificial sweetner employing one-third less saccharin than comparable products.

All in all, it seems fair to say that Dr. Klein has led, and is leading, a full life.

A TRIBUTE TO CASIMIR PULASKI—SOLDIER OF FREEDOM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ANNUNZIO. Mr. Speaker, October 11 marks the 191st anniversary of the death of Count Casimir Pulaski, the great Polish patriot who gave his life in our American War of Independence in order that America might achieve freedom and self-determination.

It is appropriate, therefore, that we in the Congress commemorate this important anniversary and it is a privilege to join my colleagues in the House of Representatives in paying tribute to the memory of this gallant soldier of freedom.

Casimir Pulaski was born in the Province of Podolia in 1748, and from his earliest childhood, demonstrated the qualities of organization and leadership which were manifested all his life. Before he reached the age of 20, he had organized a small group that fought valiantly to prevent the partition of Poland. However, his efforts were to no avail and he barely managed to escape with his life.

In 1777, he met Benjamin Franklin in Paris, and Franklin was so favorably impressed, he gave Pulaski a letter of introduction to General George Washington. It was Washington who suggested to the Continental Congress that young Pulaski be entrusted the grave responsibility of reorganizing the American cavalry forces. This Pulaski accomplished with such skill that he was placed in command of all our cavalry forces, and proceeded to distinguish himself in every subsequent encounter with the enemy.

In the Seventh Congressional District of Illinois, which I have the honor to represent in the Congress, there exists a large Polish population. In fact, the Poles comprise the largest single ethnic group in my district. I have lived among the Polish people, I have nieces and nephews who have Polish fathers, and I have always had close ties with the Polish people. From this close association, I have come to know the Poles as a courageous, dedicated and patriotic people whose lofty principles have never faltered during their continuing struggle for a free Poland in the face of overwhelming odds.

All of these characteristics serve to make up an extraordinary people, and General Pulaski, as a descendent of the extraordinary Polish people, is a man to be remembered with pride and gratitude. In 1779, at the age of 31, he gave up his life on the battlefield while leading his famous cavalry legion in the Battle of Savannah. He neither lived to see victory achieved on that battlefield, nor did he live to see America win her fight for independence. Yet his valiant fight was instrumental in establishing our own country, and consequently, the name of General Pulaski has become a symbol of the ties uniting the American and Polish people.

We are honoring the great Polish patriot who gave his life in our American War of Independence. Yet, there are some in our society who would speak of men like Kosciusko, Pulaski, Abraham Lincoln, Thomas Jefferson, George Washington, Alexander Hamilton, Marquis de Lafayette, and others as radical liberals. However, without the radical liberals, there would have been no American revolution, and today, there would be no America. Somehow we seem to have lost sight of the fact that it was men like Pulaski and the others I have mentioned, whose unwavering belief in the right of men to be free and to have governments of their own choice helped to establish America. America is fortunate to have had so many people from foreign lands with this zeal for freedom and with this fighting spirit who were willing to die for these lofty principles.

It is, therefore, with a sense of real pride that I join my colleagues today in commemorating the 191st anniversary of General Pulaski's death.

ENERGY SHORTAGE AND LEGISLATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PICKLE. Mr. Speaker, there is increasing public and governmental concern over the possible shortage of energy which may hit this Nation this winter.

Obviously, the energy shortage is not easily solved and there is activity on several related fronts. For example, the Federal Trade Commission presently is being asked to investigate monopoly charges levied against the oil and gas companies. Shortages of oil tankers are claimed. On another front, the Federal Power Commission has just closed hearings on the nationwide price structure. And, a Texas Senator has introduced legislation which, at first glance, appears to relieve the FPC from all control over regulating the price. This, then, is the new vogue—to combine charges of higher fuel prices and hints of monopoly with the shortages of supply.

For the past several years, many of my colleagues and I have anticipated the potentially critical situation which exists today. We, and spokesmen from the supplying industries, have warned of the problems facing the Nation and its consumers. The accuracy of these warnings are now being recognized—recognized mainly because recent developments have brought public attention to the problem:

First. In a number of East Coast States, certain electric utilities have been unable to supply all the electricity demanded by their customers. Basically, however, this is not a problem of fuel shortage. Rather, it is one of inadequate generating capacity to meet peak summer requirements.

Second. Several large distributors of natural gas have announced that they cannot accept additional business because of the limited supplies of natural gas. Moreover, this situation may require reduction or termination of deliveries to some factories whose contracts allow interruption of gas deliveries if full capacity of pipelines is needed to meet the demands of the domestic consumer and other firm contracts. The unjust and unsupported allegations by some critics of the industry that an artifiicial gas shortage exists today created by producers holding back gas supplies in the hope of higher future prices has been refuted in a public statement by Federal Power Commission officials.

Third. Developments in the Middle East have created an extraordinary demand for tankers to move oil around Africa resulting in a sharp increase in spot tanker rates and higher costs for imported oil. This oil, recently termed "cheap" by critics of the domestic industry, now costs in excess of oil from my home state laid down in New York Harbor.

Fourth. Requirements of State and Federal laws relating to air quality have also created a heavy demand on clean-burning fuels, chiefly natural gas and low-sulfur oil and coal.

Fifth. In addition, I wish to note the existing shortage in low-sulfur coal. This shortage is, in part, attributable to the shortage of railroad transportation facilities and, in part, attributable to the unanticipated delay in the construction of nuclear powerplants.

The situation in regard to energy is not easily solved. However, with the exception of the problems recently experienced by some electric utilities, the shortage of those types of coal and fuel oil which satisfy the standards of recently enacted air quality regulations would not be of such critical importance if there was an adequate amount of gas supplies.

Why then do not adequate amounts of gas exist? Two reasons come to mind. First, is that there has been a continuous increase in demand because of consumer recognition of the inherent advantages of natural gas; that is, that gas is both clean-burning and convenient. The second is that Federal policies have worked for years in the direction of discouraging investment in the search for new domestic reserves because of the unrealistically low prices being allowed producers for natural gas in the interstate market and the uncertainty, created by Federal control, in the other terms of the contracts between pipelines and producers.

Under present regulation by the Federal Power Commission of gas producers who sell in interstate commerce, once the producer contracts to sell and commits his gas to the pipeline company, he does not know: First, the price he will receive; second how long he will receive any price set by the contract or the Commission; third how much gas he must deliver; and fourth, how long he must maintain deliveries. These uncertainties, the unrealistically low pro-

ducer prices set by the Commission and the interminable delays incident to its proceedings have not only caused gas producers to seek sales in the intrastate market, where they have certainty of price and other contract terms, but have resulted in a decline in exploration drilling and in the discovery of new reserves so that for the past 2 years new gas additions are insufficient to replace current production and meet projected growth.

As a representative from an oil- and gas-producing State, Texas, I recognize that the free market mechanism could be the best method for determining the price to be paid to the independent producer for his gas. However, the political realities of the situation, which we must recognize give little hope for a return to a free, unregulated market for the gas producer who sells in interstate commerce.

How then can we stimulate exploration, drilling and production of natural gas in order to supply the consumers of the Nation with this clean and convenient fuel?

As I said earlier, one of the Members of the other body has introduced legislation to ostensibly terminate the present power of the FPC to set the price of new gas at the wellhead.

This might sound good and get a few headlines in Texas during an election month. However, the introduction of this legisltion might be, I believe, a disservice to the industry and to the solution of a recognized problem. At first glance, the bill appears to be deregulation of the gas industry. However, a closer inspection shows that the bill only deregulates the setting of the price of natural gas while leaving the other terms of the contract under the regulation of the FPC. I don't see how this type of bill would really help the industry, or anyone else. It might sound appealing to some industry people, but on a closer inspection, it does not solve the issue.

The Congress, in view of the interest of consumers and the public in general, is not inclined to completely deregulate the natural gas industry. Therefore, the introduction of any legislation that sounds like deregulation such as the bill recently introduced in the Senate, might make some industry leaders feel better, but is a misleading bill if they swallow it and expect relief. Such legislation as the Senate bill at this time only raises a red flag and alerts unfriendly groups to take preparatory steps toward opposition of any meaningful and good legislation that might be introduced later.

Perhaps the most regrettable outgrowth of this Senate bill is the inference that the gas industry is secretly sponsoring this legislation . . . . Personally, I have seen no indication that the gas industry as a whole is sponsoring deregulation. This area of natural gas shortage is a gray and sensitive area. Public groups, industry, and the Federal Power Commission have been working laboriously for 10 years trying to find a better answer than the present law.

My belief is that the industry and the public would be better served by a law that honored contract agreements, than by a law granting complete deregulation—no matter how strong a few might want complete deregulation. Indeed, the advocacy of the wrong bill could cause grave dissention in the ranks of industry and public bodies.

I hope the public recognizes that there must be corrective legislation in the area of natural gas production and price setting. Also, the public should be aware that the industry as a whole is not asking for legislation that is unduly protective.

Working with the natural gas industry—producers, pipeliners, and distributors—it becomes clear to me that the quickest and most feasible solution has two parts: The prices set by the Federal Power Commission must be high enough to balance supply with demand, and the producer must be assured that he has a firm contract.

The former is action required of the FPC. The latter will require legislation.

Mr. Speaker, all of us who sincerely wish to remedy this situation realize that the introduction of legislation in the present Congress is a futile move. This session is too close to its termination for any effective action to be taken. We all know that new, complicated legislation cannot be introduced and passed on the eve of adjournment.

Therefore, shortly after the opening of the 92d Congress, I plan to join with some of my colleagues to introduce "contract sanctity" type legislation.

This type legislation adequately protects the consumer from unreasonable prices at the producer end of the business by requiring that all new producer contracts be submitted to the Commission for an initial one-time review and approval. If the Commission refuses approval, there is no valid contract; on the other hand, if the Commission does approve, there is a firm contract upon which the producer, pipeliner, distributor, and consumer can rely.

Existing contracts will remain subject to the Natural Gas Act as it now exists except that once a rate is approved, it will be a firm price and not subject to reduction.

Members of the FPC have been quoted in the press as favoring "Sanctity of contract" type legislation as a means of helping the supply situation.

Such legislation has strong support among all segments of the gas industry.

The importance of this legislation to the Nation and to the consumers of the country can be realized by a review of a few statistics. These data show clearly the alarming situation existing today as to supplies of gas for the Nation's consumers, a situation brought about by an attempt of the FPC to regulate its sale at the well, a responsibility placed upon the Commission by a Supreme Court construction of a law passed by the Congress for a different purpose.

In an effort to obtain technical facts about the problem, I have contacted the gas industry representatives who have given me some most interesting statistics.

One barometer of natural gas supply is the ratio of reserves to production in a given year. For example, in 1946, the total reserves at the end of the year were 160.58 trillion cubic feet after the production of 4.94 trillion cubic feet in the year. Thus, the reserves were 32.5 times the production for the year. Therefore, the reserve production ratio was 32.5. Between 1947 and 1957, net gas production increased over 100 percent and by about 60 percent over the next decade. Reserves increased at a much slower rate and in 1967 were only 18 percent greater than in 1957. As a result, the reserve-production ratio fell from 32.5 in 1946 to 14.8 in 1968 with a further decline to 13.2 last year.

Another measure of gas supply which reveals the deteriorating situation is the relation between total new gas supplies and net production each year. By new supply we mean new discoveries, extensions of previous discoveries, and revisions of estimates of reserves of previous discoveries.

New supplies have not kept pace with increasing net production. In 1946, new supply was 17,729 billion cubic feet and net production was 4,943 billion cubic feet.

Thus, the ratio of new supply to net production was 3.59. In other words, new supply was over 3½ times production. This ratio has steadily decreased until 1968 and in that year production actually exceeded new supply by over 5,557 billion cubic feet and in 1969 production exceeded new supply by over 12,241 billion cubic feet. This means our gas reserves have been reduced by over 17,798 billion cubic feet in the last 2 years.

Mr. Speaker, because legislation dealing with the well head prices of natural gas has been introduced in the Senate in these closing days of this Congress, and because of the futility of such introduction and my conviction that no attempt will or can be made in this session to pass such legislation, I feel it is my duty to advise the Members of this Congress my plans for the introduction of comprehensive legislation on this subject in the next Congress. I think such an approach will have the support of many leading Members of Congress, representatives of all the industry segments, general sympathetic support of the Federal Power Commission, and endorsement of many public bodies.

FAMILY ASSISTANCE PLAN HOPEFULLY DERAILED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ASHBROOK. Mr. Speaker, the resounding defeat handed the House-approved version of the family assistance plan by the Senate Finance Committee today is welcome news indeed. I understand the committee, by an overwhelming vote of 14–1, expressed its dissatisfaction with the approach embodied in the House bill. Approved instead was authorization for a few pilot programs in select areas around the country.

This approach makes a lot more sense. As I stressed in a detailed critique

of the welfare proposal which appeared in the CONGRESSIONAL RECORD of March 4, 1970, the administration should be able to cite some hard data that would tend to prove that these utopian theories have at least a chance of achieving a modicum of success in practice before making such grandiose claims and imposing a greater onus on the already straining and complaining taxpayer. I asked at that time:

Why this headlong rush into an uncharted wilderness before the results of our federal pilot projects are analyzed?

And pointed out that we had but sketchy results and fragmentary data from the few pilot projects testing the theories which underpinned the administration's proposals.

In remarks make on May 4 I expressed my disappointment that the House of Representatives is apparently not the deliberative body it should be, and the inquiry it should have made into the glaring defects of the family assistance proposal was left to the Senate Finance Committee. Fortunately for the country, the Senate Committee took a closer look at the President's welfare "reform" proposals.

I had illustrated through the use of comparison charts in testimony before the Rules Committee and in remarks on the floor of the House that under the family assistance plan, as presented to us in the House, it would not in many cases pay to work. This anomalous result in a program purportedly having a strong incentive not only to encourage but to require welfare recipients to work obviously would undermine the whole program. Yet, as obvious as it seemed to me and 154 of my colleagues in the House, this fatal flaw in the bill apparently was either not seen or deliberately overlooked by the 243 Members of this body who chose to support the bill.

I read with interest the other day in the Washington Evening Star that the administration had all but given up hope that the Finance Committee would report out an acceptable measure in the waning days of this Congress. The article went on to say that the administration was therefore shaping a more liberal proposal it wants introduced on the Senate floor as an amendment to other legislation, possibly the bill to amend the Social Security Act.

First of all, I would emphasize my strong conviction that what is acceptable to the administration is by no means necessarily what would be acceptable to the taxpayers of this country, part of whose daily wages would provide the funding for the guaranteed annual income that would be disbursed to those on the doubled welfare rolls.

Second, if the administration's welfare proposal comes before the Senate, I hope that body will take a cue from the wisdom exhibited by its Finance Committe and not hastily endorse in a lame-duck session this radical plan.

Preferably, the administration will abandon its efforts to force this revolutionary proposal through the 91st Congress and will instead recognize that it is far more prudent to first test it on a modest scale before deciding whether to embark on such a leftward course. To do otherwise would be a grievous error such as the headlong rush into medicare and medicaid and, again, the recipients as well as the taxpaying public would suffer.

COMPREHENSIVE MANPOWER ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. LANDGREBE. Mr. Speaker, as a member of the Education and Labor Committee, I wish to express my views on H.R. 19519 the Comprehensive Manpower Act and particularly on title III, creating the so-called public service employment program.

While the original bill did receive some discussion, it is well-known that in its amended form, it is the product of a dubious compromise which the administration was forced to accept in order to get any bill at all. This so-called "compromise," 82 pages in length was reached in late-night bargaining without the general knowledge of the committee and then rammed through the full committee in just 15 minutes.

I do not approve of such tactics and would be justified in voting against the bill for this reason alone. But, more importantly, while there are many needed and worthwhile sections in the bill, the most objectionable, irresponsible, and costly section is title III, the public service employment program.

This is simply a "make-work" program, a "warmed-over WPA" project, which will make the Federal Government the employer of last resort. If adopted, this program would create make-shift jobs for thousands of people at the taxpayers expense, with no guarantee whatsoever that they will ever be off the Federal employment rolls. The only certainty that does exist is that once these programs are established, they will expand into an enormously expensive and, ultimately, bankrupting operation for this Government.

The proponents of this provision say that we must adopt this program in view of the recently reported 5.5-percent unemployment rate. In fact, however, that figure is misleading. The Bureau of Labor Statistics, to develop its monthly figure, takes the statistics for the first full week of the month. And the first full week of September 1970, happened to include Labor Day.

During this particular week, unemployment figures invariably take a sharp jump. The reason is that students have finished their summer jobs but have not yet returned to school. Technically—and statistically—they are unemployed. But it is certainly no call for reopening of the soup kitchens.

The statistic with real meaning for the economy is the number of heads of households unemployed during the reporting week. That figure is a much less alarming 2.8 percent.

The proponents have also indicated that the public service jobs contemplated under this program would be in schools, hospitals, city and State agencies, and in conservation work. The Federal Government would pay 80 percent of the cost of their salaries and the House bill has provided $1.4 billion over 3 years and the Senate bill $7 billion over 4 years. The assumption is that these people will receive work experience which will ultimately lead to permanent employment in the private sector. But, as I have said, there is no guarantee or provision in this bill which would assure this result. Frankly, the people of my district would not and could not accept such a Federal program. I suspect there are millions of other Americans who feel the same and I believe their voices should be heard in giving this giant giveaway program the resounding defeat it deserves.

When hundreds of jobs go begging these days for want of a willing hand, when this Nation has a gigantic debt and extended commitments, both domestic and foreign, and when our basic American beliefs and tradition tell us that no man is owed a living by his Government, I urge my colleagues to carefully consider the consequences of this legislation and the catastrophic effects its provisions could have for this nation and its fiscal well-being. I sincerely urge the defeat of this bill in its present form.

I include in the RECORD the article taken from the front page of the Indianapolis Star October 4, 1970, that supports the point made above, that many jobs are awaiting the willing hand:

JOBLESS MEN OFFERED $120-A-WEEK WORK—THEY TURN IT DOWN

(By Thomas R. Keating)

One morning last week, a dozen men were offered jobs while they stood in line to draw unemployment compensation checks from the state unemployment office—and all refused the work.

The job they were offered—as a concrete worker—promised to be a hard one, much harder than doing nothing. But, then, the pay was approximately triple what one can make doing nothing these days.

The concrete job would have paid $3 an hour—$120 for a 40-hour week.

The maximum for state unemployment checks is only $40 a week, with $3 extra for every dependent up to four.

Yet, no one wanted the job.

Why?

The reasons varied but basically most of the men admitted the work was just plain too hard and they weren't that hungry yet.

No one seemed too excited about the fact they were out of work and no one saw any particular logic in accepting a job, even at triple the unemployment money, when they could get by doing nothing.

Many of the men offered jobs said they were "only temporarily laid off." To many, who were skilled laborers or white collar workers, the prospect of a concrete job obviously was distasteful.

Some of the men explained their reluctance to take the concrete job by saying that they had "nesteggs" or supplemental income from unions or employers.

A husky 28-year-old father of three, who was laid off recently at Detroit Diesel, Division of General Motors, said his family could "get along real well for a while."

He said he expected to be back at work long before the unemployment checks ran out. The checks can be drawn for a maximum of 26 weeks.

"This is kind of like a vacation for me" he said with a sad smile. "My wife has all kinds of plans for me to get some work done around the house that I've put off for a long time."

Another man in his late 40s said he didn't really feel up to the heavy work involved in the concrete job.

"What if I had a hernia or a heart attack," he asked. "Then what? I'd be out of work even longer."

"You gotta be kidding, man. That concrete work is for the grunts," said a young man who measured about 6-feet, 3-inches to the top of his be-bop cap.

"I done that stuff in the summers when I was a kid. Not again. Come home all dirty at nights and too tired for my women. No thanks, man, no thanks."

Another man, in his middle 30s, said he had always been an office worker and that concrete work would be too much of a comedown.

"I don't mean that I look down on men who have that kind of job," he added hurriedly. "But it's just not for me, even on a temporary basis.

"I have more training than to do something like that. "I mean, I guess it sounds like I'm afraid to get my hands dirty," he said holding up clean hands. "But, that's not it entirely. Maybe that's part of it, but pouring concrete is tough work and I feel like I deserve better."

A gaunt man, who admitted only to being "over 40," said he had tried hard to find work for five weeks before filing for unemployment compensation.

"I suppose there is still some stigma attached to taking money for not working," he said. "But it's not easy for a man my age to pick up a good job. I can't do that concrete work. I wouldn't last a day."

"I don't think times are all that bad, even though I have been laid off," said a well dressed man, about 30 years old.

"I'm just going to take it easy for a while and play some golf and watch a lot of football games. I'm pretty sure to get my job back when things pick up, so I'm not worrying. Life's too short.

"Times have been pretty good and I've got some money in the bank and no big bills or wife to worry about.

"So what the hell, why sweat it?"

TWO LEADING ANTIWAR MEMBERS SUDDENLY INTERESTED IN BRAZILIAN PRISON SYSTEM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHERLE. Mr. Speaker, I note that two of the leading antiwar Members of the other body are rushing eagerly to involve themselves in the way the Brazilian Government runs its prison system. While no one would deny that it is humane to protest any action by any government that is inhumane to people, the logic of their sudden interest in the Brazilian Government is questionable.

Their rationale for dumping our Vietnam commitment has been that we have no business being involved in the internal affairs of another country. Yet, these same "hands-off" advocates now are pledging extensive investigations before U.S. Senate committees on the affairs of the Brazilian Government.

Could it be that they detected some time ago that the Vietnam war was not extremely popular and they could safely forget that we are there simply to prevent mass executions, torture, and other inhumane treatment of the South Vietnamese by the Communist? Could it be that they detected a few headlines in castigating the Brazilian Government, shielded by the unassailable cloak of "humanity"? Or could it just be that they operate from a policy of expediency—which dictates that it is all right to condone mistreatment of South Vietnamese, but we must protest when it happens in Brazil?

PULASKI DAY

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROTH. Mr. Speaker, I welcome an opportunity to salute a man of gallantry and steadfastness in the cause of liberty. Too seldom does history show men standing up for a just cause to the bitter end, but in the life of Casimir Pulaski we see just that. He was one of freedom's rare sons. Polish patriot and loyal soldier, the eldest of the sons of Count Joseph Pulaski, Casimir was born in Podolia, Poland. Returning from abroad a full-grown man in 1768, he joined in active rebellion with his father against the iron heel of Russian expansion. His military exploits as a fighter for Polish national independence became a matter of historic renown, yet his forces were finally obliterated by the menace from the east, his lands auctioned off as those of an outlaw in his own land, and he was forced to flee Poland in 1772. For several years he tried to incite Turkey into taking arms against Russia, but to no avail; and, in 1775, he came to Paris, where he met the American commissioners, Silas Deane and Benjamin Franklin. He at once enlisted on freedom's side in the American War of Independence.

Franklin and Deane advanced him the money to come to these shores and Gen. George Washington placed him in command of all the American cavalry. He commanded the cavalry in the winter of 1777 at Trenton, at Flemington, and later, together with Gen. Anthony Wayne, scouted for food for the starving, brave few at Valley Forge. But he incurred the hostility of General Wayne, and, in order to end an unhappy situation, resigned his command in the early spring of 1778.

In 1779, he was ordered to join General Lincoln in South Carolina. Learning that the British were advancing from Savannah, he rushed to the attack, but was defeated. He then joined forces with General Lincoln and, assisted by the French fleet, prepared to attack Savannah. There, on October 9, in the midst of a gallant charge of his cavalry forces against the adversary, Casimir Pulaski fell with a fatal wound. He was brought to the brig *Wasp*, where he died as an American hero on October 11.

Casimir Pulaski had all the marks of a tragic hero. He literally fought that men today might live in freedom as he never had, and to that end he gave his life. What more could be said of such a man that his life should not only stand for the gallantry of one man or of one nation, but should be recognized as being what it is: the badge of courage of men everywhere who strive to make a better, freer, more peaceful world. To that end, let us follow today the magnificent example set for us by Casimir Pulaski.

SPECIAL REPORT ON THE MIDDLE EAST

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BROOMFIELD. Mr. Speaker, the momentous events in the Middle East indicate a new assessment of American-Israeli relations as we approach the year 1971.

As a Member of the House Committee on Foreign Affairs, I have studied the Israeli situation from day to day. I was sensitized to the justice of Israel's cause by a dramatic encounter with the Israelis in the summer of 1967. It was just after the guns of the Six Day War ceased firing. I visited Israel with a distinguished fellow Member of the Foreign Affairs Committee, Congressman LEONARD FARBSTEIN of New York. I returned convinced that Israel's survival is in the national security interest of the United States to a degree that most Americans may not fully comprehend.

I reported to the committee on my return in 1967 that Israel should not withdraw from a single inch of occupied territory unless there is a real peace treaty and credible evidence that the Arabs will devote themselves to normalizing relations. The Arabs have refused to enter such a peaceful undertaking. Instead, they have opened the region to Communist involvement and introduced new and more vicious weapons and tactics.

NO ONE-SIDED PEACE

I did not concur in any American role at the United Nations or in concert with the Soviet Union, France, or Britain to impose a dubious "peace" at Israel's expense. The Russians and their Arab friends extracted considerable propaganda value from negotiations in which they tried to extract one-sided concessions from Israel.

It came as no surprise that the Soviets and Egypt violated terms of the 90-day cease-fire last summer by moving missile systems forward. Far from withdrawing their missiles from the standstill zone along the Suez Canal, the Soviets continued their installations and dispatched more Russian troops and equipment.

The so-called "liberation" forces of the Arabs meanwhile embarked on a new campaign of airline hijacking. The Arab extremists emerged as flagrantly anti-American. Our Nation was shocked when two U.S. airliners were blown up and American citizens held as hostages and

treated as "prisoners of war." There were attempts to discriminate between American hostages of the Jewish faith and non-Jews. I am very pleased that President Nixon vigorously rejected this Nazi tactic.

SOVIETS WARNED

Pro-Communist Arab guerrillas then sought to overthrow the Kingdom of Jordan. They were striking not only against Israel but to subvert every nonradical Arab government. The Arab "revolution" emerged. Israel was its scapegoat. The real target was the non-Communist and anti-Communist "establishment" which they would replace with a pro-Communist establishment.

President Nixon's recent trip to the Mediterranean was intended to impress Moscow and its Arab clients with the resolve of U.S. power. Russia was warned against misinterpreting the Nixon administration's peace-seeking policies as a sign of weakness and withdrawal from the world. We were clearly telling Moscow that it could not expect to violate the Middle East cease-fire with impunity.

President Nixon told NATO commanders of "the primary indispensable principles of American foreign policy. And that principle is to maintain the necessary strength in the Mediterranean to preserve the peace against those who might threaten the peace. The Mediterranean is the cradle of many great civilizations of the past, and we are determined that it shall not be the starting place of great wars in the future."

The President made a surprise visit to the airport near Rome to welcome the Jewish and other hostages just released by the fanatics in Jordan. He told them that "as difficult as your experience has been, what you have done may have crystallized this issue so that the possibility of it happening in the future will be reduced."

President Nixon said that, to save the hostages, "we had to show power, and at the same time we had to demonstrate restraint." The hostages told the President that was exactly the right policy.

We have now moved into an entirely new relationship with Israel. The Israelis compromised their security by trusting American assurances that Egypt and Russia would not explcit the cease-fire along the Suez Canal. Soviet missiles were moved forward in the most cynical manner. Repeated violations of the truce took place on the Egyptian side of the canal.

I did not trust the Egyptians or the Russians and shared Israeli skepticism. I felt we were very slow in confirming and denouncing the truce violations.

Congress has now responded to new administration initiatives to redress the balance in the Middle East. This gives me a sense of relief because I had become deeply concerned about Israel's military needs. It was my conviction that a strong American support of Israel was essential to deter Communist and Arab belligerency.

The Israeli Air Force, few in numbers but great in courage, reminds me of the British Royal Air Force during the year of 1940 when Britain stood alone, outnumbered, against the Nazi onslaught The Israeli youths are doing now what the British then did in service of freedom.

But we must do more than praise the brave Israelis. We must take meaningful actions. Accordingly, I look with great favor on the new lend-lease concept of aid to Israel.

Israel's security has suffered at the Suez Canal because Israel trusted us. This places a moral obligation on the United States to bolster the Israeli defensive capacity. However, another obligation is to our own security. The defense of Israel is linked with the defense of the United States. It is consistent with the desire of our Nation to preserve freedom and to oppose totalitarianism. It is linked with the fate of NATO and the future of civilization.

I abhor the line now emerging that we should return to isolationism and refuse to involve ourselves on the side of Israel. Some new leftists and others have displayed duplicity in proclaiming support for Israel while undermining the capacity of the administration and our military forces. They oppose the development of new and better weapons for the defense of freedom but tell us that they favor provision of such arms to Israel.

It is vital that Israel receive the best available American arms. Weapons, expensive as they may be, are cheaper than the lives of Israeli youths. The Soviet Union has dispatched its most ultramodern instruments of destruction to the Suez Canal.

We must resist the blandishments of neoisolationism. When we cease missile research and vote against the development of newer and better jets, we lessen our capacity to aid Israel. We also invite aggression.

When Israeli Prime Minister Golda Meir visited Washington in September, I urged that the visit should be marked by positive actions to bolster Israel's security, including a resumption of U.S. economic aid and the granting without charge of weapons to meet the new situation. I felt that we could not afford to provide Israel with too little, too late.

It is reassuring to learn that considerable supplies of weapons, including additional Phantom jets and anti-missile devices of latest design, are being delivered. Indeed, more and better arms have been delivered to Israel in the last few months than ever before in the history of American-Israeli relations.

In addition to granting arms and providing economic aid to Israel, we must find a way to reduce the time between the original request of Israel for weapons and final delivery of the equipment.

The United States must continue to insist that the Egyptians and Russians respect the cease-fire and roll back the violations. President Nixon was fully justified in halting the Four Power ministerial-level talks. The talks were loaded against Israel. The Russians and French are biased in favor of the Arabs, the British allegedly neutral, with the United States the only one of the four prepared to see that justice is done for Israel.

We are moving in the proper direction. I subscribe to action by the Armed Services Committee to improve the readiness of the U.S. 6th Fleet in the Mediterranean. It must be brought to a state of readiness in response to the aggressive and dangerous Russian role in that region. The 6th Fleet must operate units regularly in all sections of the Mediterranean, including the eastern Mediterranean. We must provide the best ships and personnel while embarking on new research and development to meet the Russian challenge.

Israel is under great financial strain. She is finding it impossible to continue financing the expensive arms required to restore the military balance. The United States should grant the required sum—about $400 million assistance for each of the next 2 years, in accordance with the assessment by our defense experts of the Soviet and Egyptian buildup.

The pretensions of Arab extremists that Israel should make unilateral concessions to gain the tender compassion of the Arabs is exposed by the cruelty and bloodletting in Jordan, by the hijackings, and by the brutal resort to terrorism. Israel must stand ready for peace, but prepared for war, until the Arabs come to their senses. Since Russia has intervened, the President is well-advised to pursue the new policies on which we have embarked.

There are reports of Chinese Communist involvement in the guerrilla cause, of the supply of weapons, money, and even technical advisers. We know that some Arab terrorists have found support and encouragement in North Vietnam where they were personally commended by General Giap for killing Jewish "imperialists." It is ridiculous to oppose Communist aggression in Southeast Asia while failing to make all possible provision for Israel.

I am proud of my support of the conference report on H.R. 17123, the Armed Services Procurement Authorization Act of 1971. This new law reflects the recognition of the Congress of the real danger to Israel. Not only does it provide the authority of our country through the President to take necessary steps to aid Israel, but it contains some unprecedented language.

The bill states that:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

That is a direct statement of policy by the U.S. Congress.

Enactment of this legislation provided the President with the funds and authority to give Israel any weapons required except the atomic bomb. I am certain that its passage was noted in the Kremlin.

We now must consolidate our position in support of Israel by backing up with actions what we have pledged in words. A strong start has been made.

Trying days will confront us. But the American people will remain true to our resolve to continue as a free Nation. The support of Israel is clearly consistent with this objective. Indeed, the survival

of democracy here is to a considerable degree contingent upon the fate of Israel.

Israel and America have grown closer together in recent months. I am sincerely encouraged by the response of our Government to the grave crisis that still confronts us.

"WE NEED TO LISTEN TO EACH OTHER"

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PREYER of North Carolina. Mr. Speaker, in this time of crisis and questioning, we need more than ever the ability and the desire to understand our fellow Americans. We need to listen to each other.

Expressing this concept most eloquently in a recent speech to the Blue Key Annual Banquet at the University of Georgia, was the very distinguished Junior Senator from the State of South Carolina, Senator ERNEST F. HOLLINGS.

It is a pleasure to call to the attention of my colleagues his very memorable address:

ADDRESS BY SENATOR ERNEST F. HOLLINGS, D–S.C., AT BLUE KEY ANNUAL BANQUET, UNIVERSITY OF GEORGIA, ATHENS, GA.

My temptation today is to give a rip roaring speech, because we in Georgia and South Carolina live hard, we work hard, and we are proud of our progress. But, somehow it strikes me that we have had enough rips and roars in our society today and that what is needed most is a talking of sense to our people. For truly America is fed up—America is in turmoil. Everyone is shouting and no one is listening. And, rather than bring us together, the mood at this moment is—leave us alone. Gone is the old sense of community that united us for the challenges of the past. We don't face problems together anymore. We meet them as special interest groups, as members of impatient minority blocs and organizations. We identify not as Americans, but as hard hats or students or militants or women liberators or as members of the silent majority.

As little groups and cliques we shout our non-negotiable demands, attempting to drown out all differing points of view. We fight for a spot in front of the television camera in the street, on the misguided assumption that emotional outbursts will somehow bring needed change. Our own group is always right. Our own group, if given its way, could usher in the millennium. The radical demands thorough change by sun-up tomorrow. "I have seen the vision," he says. "Follow me to Utopia." The arch-conservative sits, stubborn as a mule, refusing to concede that any change is desirable. Each group must have things its own way. Each would construct an America in its own straight jacket image. And the creed is—do things my way or get out. "America, love it or leave it"—but always with the stipulation that "I will decide what America means." The hard hat wants no dialogue with the student—he wants the student to shut up. The student seeks no compromise with the hard hat—he hopes for an America without hard hats. The clamor of rhetoric increases decibel by decibel until the voices of reason are now effectively silenced. Meanwhile, everyone is in flight—fleeing from the city to the suburb, fleeing from the disorder of crime and violence, fleeing from government, And, more important, fleeing from responsibility to one another. A country once excited by the challenge of change is now beset by fear. And so, the challenge tonight is the same as 100 years ago—"shall we meanly lose or nobly save the last best hope on earth."

I say, in all solemnity, there is a disturbing similarity between our America of 1970 and the America of 1860. A hundred years ago we lost patience with one another—we ran out of tolerance. We lost the spirit of compromise. We came apart at the seams. The nation disintegrated and it took the bloodiest war in our nation's history to put this country together again. It seems that everyone would realize that America did not grow to maturity on a one-way street of non-negotiable demands. It progressed instead on a broad avenue of give and take—of reasonable argument and of taking what was best from the many diverse groups who settled in this land. It seems that everyone would remember the day when we depended on each other—when Franklin set the mood of this country with his cry, "We must all hang together, or assuredly we shall all hang separately." It seems that we would realize that a society wherein each group sees itself infallible will choke on its pride—a society in which each insists on doing his own thing is a society wherein nothing gets done. And, it seems that we would remember our 100 years of trying it alone without national government.

South Carolina is presently celebrating its 300th birthday. But the nation is only 200 years old. We are just now refreshing our memory of that hundred years without a representative national government. Just above the name of John Hancock is written the founding spirit of this Republic, "We mutually pledge each other our lives, our fortunes, and our sacred honor." We cannot be reminded too forcefully that in the Declaration of Independence, there was also a declaration of dependence. "United we stand, divided we fall." That was the challenge of the 1770's. That is the challenge of the 1970's.

No one can visit a college campus and discuss the nation's problems without giving attention to the role of youth today. Many of my friends are annoyed by the attention public officials now accord the students. Twenty years ago, the only attention the student received from a Senator was a commencement talk on graduation day. It was a one-time appearance. We spoke and the students listened. Today, the average campus will be visited by four or five Senators or Congressmen. Some students won't listen to anything. But, the overwhelming majority are listening. They are more concerned about the future of this country and what it stands for than my generation. They approach their vision of what America should be with a religious zeal. They ask questions—they want results.

The student will want to know why people still go hungry in this land of plenty. Why do we want to start another Vietnam in Cambodia? And, why do we in America want to emulate the sayings of Mao that all power is derived from the barrel of a gun? There will be dialogue—there will be questions that you can't answer—and there will be questions that you can't leave unanswered. Students will have an effect. The Senator takes his homework back to Washington and the legislative mill begins to grind.

We can credit the students with consumer protection, automobile safety, meat inspection and the fairness doctrine. The test for each Senator now is—is it fair? The draft law—is it fair? The tax law—is it fair? And, many times while the best brains of industry are telling us it can't be done, the students prove otherwise.

I have just left Washington with America's automotive industry up in arms. Not just because of a strike, but because of a requirement under consideration for the production of an emission free automobile engine. The House bill required a 90 percent emission free standard by 1980 and the Senate is prepared to require this by 1975. Impossible say the Detroit industrialists. Yet, this past Labor Day a group of some 50 students under the sponsorship of MIT drove their self-designed automobiles across the country and two of the winners actually exceeded the standards envisioned for 1980. What the industrial establishment says can't be done, the students have done. So, society learns from its students.

Of course, the students must learn from society. For one thing, once the students decide a matter, they believe it is right for America. Students must learn that they are not a majority. Even if all America's students agreed upon a point, there are nearly 200 million other citizens and 75 million other voters. In fact, they are a minority of the young. The Bureau of the Census reports that there are 10½ million 18, 19 and 20 year olds. Only a quarter of these are students. Fifty percent—or five million—of this age group are breadwinners, workers and hard hats. One million are new mothers. So, when we discuss finding out what the young people want, we go not just to the campus, but to those other vital groups too.

Many times, the students seem to know the cost of everything and the value of nothing. They come into your office and, in expert fashion, describe and psychoanalyze the Viet Cong. They can give you his height and weight, how he lives, and how he thinks, and give you his reaction. But, the student has not the remotest idea of how the hard hat lives, what he thinks, and why he reacts the way he does. Yes, the student knows all there is to know about an Asian peasant 10,000 miles away, but often shows no understanding whatever for the guy next door who, in his way, is working and building this country.

Impatience is the mark of the student. Born and bred on instant food, raised and schooled on instant credit, they expect instant government. The student movement that followed Gene McCarthy was motivated by the hope for peace and new leadership. The students made their mark in over a dozen primaries. But, when they failed in Chicago, they immediately cried fraud and quit. Our generation would have savored the progress made, come back and tried again. But, not today's generation—they fail to appreciate that America and the road to freedom is not the 100 yard dash, but the endurance contest.

We in the establishment must understand that we are responsible for the contest; that we need self-discipline just as much as the students—that we need to listen. And, we must be responsive.

I don't speak politically. I don't speak as a member of one political party, for I realize as DeTocqueville said over 130 years ago, "There are many men of principle in both parties in America, but there is no party of principle." That has not changed. Lyndon Johnson is just as much responsible for today's inflation as is Richard Nixon. Lyndon Johnson stumbled and fumbled on the war just as much as Richard Nixon and, unfortunately, both lead from consensus rather than concern. Both attacked the politics of the problem rather than the problems themselves. If we can outlive the age of demonstrations—if we can outlive government by political polls, we shall be a blessed nation indeed.

On the other hand, how many of you really feel that government is responsive to the needs and desires of the average American? How many really find credible the words and actions of our government? Who knows what the policy is? Who can truthfully say they feel a sense of trust in the nation's leadership? Who feels that the idea of America persists—"All government shall derive its just powers from the consent of the governed"? If I sense the tempo of America today, people feel that government

is deriving its just powers from dissent rather than consent. People just don't feel themselves a part of government anymore.

Part of the fault lies with a government too quick to politick. We never have come clean with a position on this war. The policy is retreat, but the rhetoric is attack. You ask why would anyone politick with war. We know that President Nixon would like to end it all in the next hour. But each President has feared the reaction of the home front when it learned we had failed at the battle front. No one has wanted to be in the chicken coop when the chickens come home to roost. Kenneth O'Donnell writes that President Kennedy's decision to get us out of Vietnam was delayed by his not wanting to face the reaction of the people on the heels of withdrawal. President Johnson thought he could politick it. It would be a painless war—there would be no threat of World War III because there would be no threat to annihilate the enemy. We would come with men and machines, bluff and gusto—but we wouldn't let the military really fight. We would minimize casualties so as to minimize complaints from home. No one would stay over a year. We wouldn't call up the National Guard or Reserve. We would have guns and butter both—business as usual. If the people at home didn't suffer—if they didn't feel any real impact of war, then his mandate for a Great Society in 1964 could be repeated in 1968.

At first, it appeared that Mr. Nixon and the Congress would stop trying to out-politick each other on the war and get in step with a clear policy. Mr. Nixon stated that he no longer sought military victory and announced in June of last year a policy of withdrawal. In the same month the United States Senate approved Senator Fulbright's commitment resolution, stating that hereafter no foreign commitment of the United States would be considered valid unless approved by the Congress as well as the Executive. President Nixon approved this policy. When debate ensued on Laos and Thailand, 81 Senators joined together and approved the first Cooper-Church Amendment prohibiting U.S. ground combat troop activity in Laos and Thailand. Cambodia was not specifically included because of Administration statements that it was a sanctuary and no action was contemplated there. The President stated that he was pleased with the amendment and signed it into law on December 29th.

However, when the Cambodian fiasco occurred and the United States Senate with the second Cooper-Church Amendment tried to get back in step with the President so that we could present a united front to the people of this land, the President chose the political route of his predecessor. At no time did Mr. Nixon object to the substance of this measure. He did not object to the restriction on combat activity. In fact, he said no American troops would be used in Cambodia after July 1st. And he denied any commitment to the Lon Nol government. But, instead of working with Congress, which after six years of bloody warfare was trying desperately to set a policy as to our Far-Eastern commitments, the President filibustered. Cooper-Church advocates were pictured as less than 100 percent Americans. They were accused of undercutting his authority as Commander-in-Chief. They were even said to be encouraging the first military defeat the United States have ever suffered. The President's floor leader stated that the introduction of the amendment was an affront to him as an American. But, later, he voted "aye" and so did 75 percent of the people's representatives in the United States Senate.

Relishing the popularity shown in political polls on this score, Mr. Nixon supplanted his Southern strategy with a "Support the Commander-in-Chief Strategy." It is somehow un-American to criticize the President. The strategy is applied now not just to the South, but to the entire land by sending the Vice President to the attack. And, for an Administration dedicated to "Bring Us Together" the Vice President in ranting rhetoric rips us apart.

The office of Vice President over the years has been built to one of responsibility. The Vice President could bring us together as Chairman of the President's Council on Youth Opportunity. But, in his first 16 months in office, Mr. Agnew has not once convened a council meeting. Quite a record for the self-styled expert on youth. And, while I have been trying desperately for an oceans program, Mr. Agnew refused for ten months to meet with the Marine Science Council—yet he is its chairman. In February, the President created a new Office of Intergovernmental Relations. The Vice President is its head, charged with improving federal relations with state and local governments. But, when the governors met in Missouri this summer, the Vice President was absent. Last Spring, the President named Mr. Agnew to chair a cabinet committee on school desegregation. But, the Vice President missed its last seven meetings in the critical weeks before the schools opened this Fall. The Vice President is Chairman of the National Aeronautics and Space Council; the President's Council on Indian Opportunity; and the President's Council on Physical Fitness. But, he has ignored all three. Most importantly, he has ignored his primary constitutional duty—President of the United States Senate. As campaigner-in-chief for the "Support the Commander-in-Chief Strategy," he has been absent 98 percent of the time roaming the land, tearing down the Senate as an institution.

The "Support the Commander-in-Chief" or else "you are un-American" jag is supposed to carry until November 3. Come 1971, dramatic Vietnamization will occur. The news of large numbers of returning troops will be laid on for the 1972 election. For whatever reason, we will welcome it.

But when the day arrives when it will no longer be unpatriotic to ask the question why, the exacerbation of disappointment and disillusionment fostered by Mr. Agnew will certainly make a chaotic country for our boys to come home to.

Leadership by political bamboozle is equally rampant when it comes to the issues of domestic life. We have heard much about the hunger issue in the past couple of years. The President held a top-level White House Conference on Hunger and told it, "that hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable." Yet, he has given no leadership on the problem of eradicating hunger.

On another front, the school board member sacrifices good name and good will in his community when he agrees to implement controversial guidelines to bring progress on the racial front. What happens? He is quickly cut down by another department of government. The assistant secretary of commerce who tells it like it is, is promptly fired. The leader dedicated to a program is turned away by being told that his first allegiance must be politics. And, the Cabinet member who opens his eyes is swiftly blindfolded with a White House rebuff. And just last week a top Justice Department official warned federal employees that those who publicly differ with the Nixon Administration can expect to possibly lose their jobs.

What confidence can there be in an Administration whose announced creed is "judge us by what we do, not by what we say?" Why must there be any difference between what government says and what it does? We have been practicing the art of self-government for nearly 200 years. I believe we are mature enough to face the truth. We won't be practicing self-government very much longer if that government tells us to ignore what it says. That is not the way Andrew Jackson or Woodrow Wilson or Harry Truman ran the Presidency. Perhaps they made mistakes, but at least the people knew where their government stood. The great Presidents used rhetoric to implement action, not to obscure it. Courthouse politics is not good enough for the courthouse, leave alone the White House. By no means can we afford courthouse politics at the highest level. We can't say "no more Vietnams" and then start another one in Cambodia under the guise of self-defense. We cannot have a Nixon plan for the East and a Marshall plan for the West. We can't go to New Orleans saying we don't like Northerners pointing their fingers at the South and then when we try to get equal treatment for the South with the Stennis Amendment have the President order his congressional lieutenants to kill the amendment. We can't, in the name of eliminating the separate but equal doctrine, establish a separate but unequal policy by calling segregation in the South de jure and the same segregation in the North de facto. We can't jawbone against inflation by publicly vetoing education and hospital bills while refusing to jawbone the labor and business leaders to stop the spiral of wages and prices. We cannot signal the creed of this Administration as "Bring us Together" and then legislate us apart with a take over of the electoral college and by direct elections, write into the law status for every divisive group in America.

I cannot honestly tell you what the President's intention was when he invaded Cambodia. If I told you that I knew what the President's plan to end the war is, what his terms are, I would be less than candid. I don't know what the President really thinks about civil rights, and neither does anybody I talk to in Washington. I don't know where he stands on stopping inflation, eradicating poverty, on school busing, on textile imports, or on anything else.

We must quit playing politics and lead. The country stands in need of a clarion call, a summons to greatness. It was Paul in his first epistle to the Corinthians who said, "If the trumpet give an uncertain sound, who shall prepare himself for battle." We are not preparing and the reason is the uncertain trumpet of our national leadership. The road ahead is by no means clear. Shall we continue down this clamorous road of drift and division, insuring the collapse of all that has been built by patient toil and sweat? Or, can we get back on the road of a forgotten America?

The first thing we must do is go to work. We have given up on politics too soon. John Gardner recently said, "Out of thousands of years of experience in domesticating the savagery of human conflicts, man has distilled law and government and politics. As citizens we honor law—or we have until recently. We neglect government and we scorn politics. No wonder we are in trouble." Gardner went on to say, "It is precisely in the political forum that free citizens can have their say, trade out their differences and identify their shared goals. Where else, how else can a free people orchestrate their conflicting purposes?"

There is no other way. Only through rational government and politics can we find the road to meaningful change. The hard hat will not find a pot of gold at the end of the rainbow simply by ridding America of the student. Nor will the young find a brave new world simply by insistence on everyone doing his own thing.

Like 100 years ago, the politics of hope have given way to the politics of despair. Too many of us are seeking change outside the political realm, outside all the institutions which can make productive change possible. Our problems cannot be solved in the streets. A just society cannot be built on the ashes of burned buildings or the beaten bodies of those with whom we disagree. A just society cannot be built when so many of us sit home in front of the TV, cheering for our side as our adversaries receive their comeuppance.

No problem confronts this country that cannot be solved within the system. We must

all do our part. The citizen must rededicate himself to the spirit of tolerance and compromise that makes meaningful change possible. This demands self-discipline. A just society must be an orderly society. We must discipline to fulfill our responsibilities as citizens. The blessing of civilization is to have open exchange and open expression and a pursuing of one's talent to its ultimate development. This open-ended pursual and free expression can only be done within an ordered system. From the Supreme Court on down to the average citizen, we must act on the belief that while the First Amendment says you can think as you please and speak as you please, you cannot do as you please. The law of the jungle cannot co-exist with the rule of law.

This movement must be led. We in the Congress, those in city hall and statehouse, all in government must realize that our function is to make headway and not headlines. Government must be responsive. The Congress cannot legislate truth-in-lending and practice secrecy in voting. Most importantly, the President must summon the American people to renewed greatness. We stand in need of Presidential leadership that will move decisively to tackle the many issues which currently plague us. Action must supplant rhetoric, and government must come clean with the people. In an era of grave dissension, we can ill afford leadership that feeds on the disunity of the nation.

Finally, a just society must have compassion. It was a wise doctor who prayed that he would never lose the sense of pain felt by his patients. One cannot heal wounds that he cannot feel. The Negro is edgy that his newly-won gains of the past decade might be lost. His fear is deeply felt. All the while he is being pressured by the black militant. Unless we feel this sense of pain and fear, the militant will gain influence in the black community. The housewife is disillusioned at the grocery bill, and there must be compassion for her when we contemplate costly new welfare programs. The mother wonders when drugs will hit her child. The workingman wonders how long he can hold his job. The head of the house worries for the safety of his family as the crime statistics soar ever higher. In the meantime, our sons continue to die without knowing the reason why. Unless we realize that every man has hopes and dreams, grievances and fears, we will lack the spirit of community necessary to a united fight against our many problems. We need not only confidence in government, but confidence in each other. Wise leadership can encourage that dedication, but first we must find it in our will to make a national declaration of dependence.

Whatever decision we make, there is a new America around the corner. What kind of America will it be? It is up to you and me to decide.

HAIL TO ISABELLA

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Post, Oct. 6, 1970]

HAIL TO ISABELLA

It's really quite a feat for anyone to be remembered as much as 25 years after death, so just imagine how great a feat it is when 466 years after dying, people are still quoting, reading and remembering Queen Isabella, the woman extraordinaire who was responsible for what we are about to celebrate on Oct. 12 known as the 478th Anniversary of the Discovery of America by Spain.

The history of America has direct linkage to the birth of Queen Isabella. She is a daughter of America, as well as of Spain.

The great heights of discovery which we are reaching now in the 20th century are made possible by those in past centuries whose dreams of the future were far-reaching. Upon the faith and vision of those like Queen Isabella of Spain we have built and are building a world to reach the infinity of space.

Queen Isabella's courageous gamble in backing the voyage after every other power of that day turned it down has earned her a unique place of honor in the annals of our history. The qualities which prompted this monarch to finance the trip of an explorer whose claims sounded absurd to the typical 15th century man are qualities we admire today. This country owes that far-sighted queen a substantial debt of gratitude.

JOHN PAUL PAINE.

HARRISBURG, PA.

HORTON SALUTES EDITOR ANDREW D. WOLFE FOR SAGE OBSERVATIONS ON SHORTCOMINGS OF YOUTHS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, most everyday seems to be open season for today's youths to take potshots at the older generations. In many cases the criticisms are well-founded, if not always tastefully presented. Certainly the world today suffers because of the mistakes of people who populate it. However, in my opinion, never in history have so many well-meaning people been as deeply concerned about the problems, nor have they ever tried harder to right the wrongs.

Impetuosity, however, seems to be one of the attributes of youth, and I daresay it has always been so. Today's young people, in a hurry about most everything, just cannot seem to have the patience that maturity brings. So we of the older generations oftentimes are critical of youth and their seeming unwillingness to take it a bit slower and easier in seeking to correct the things that are wrong.

For a while, however, the older generations publicly appeared intent upon hiding behind a facade of embarrassment and a tacit admission of guilt of all the charges leveled by the young people. There was a reticence even to speak up in any sort of defense. This only encouraged the young antagonists to make even more and often unfounded, charges of wrongdoings by the more matured generations.

Now, as is always the case under such circumstances, there are those who believe the limit has been reached. The older generations are beginning to say "enough, we will no longer take your jibes and charges without retaliating. While not completely guiltless, we deny the charges as made and the motives as alleged. Besides, while we are at this business of accusation, let's do a bit of an inventory on the faults of the young people and see what we come up with."

In other words, there seems to be a desire to apply the terms of the old quotation "Let him who is without sin cast the first stone."

It may come as a surprise to some of the youths of today, when their shortcomings are pointed out and totaled up, to find that they, too, have a wide variety of stances which could be considerably improved.

Recently in my congressional district one or more misguided youths, for no apparent reason, hauled down an American flag that was flying at the village of Pittsford town hall. The flag was set afire and then run back up the flagpole.

As can be imagined, this incensed all reasonably minded people to a high degree of rage. A senseless act such as this, serving no apparent purpose except vandalism to property and insult to Old Glory, widens the so-called generation gap.

Of course not all of today's youths are guilty of the wrongdoings usually associated with them. By the same token, not all of the alleged wrongdoings of the older generations are accurate either.

The flag incident, perhaps more than any other, prompted an unusually fine editorial by my good friend Andrew D. Wolfe, editor and publisher of the Genesee Valley Newspapers, Inc.

Andy enumerates some of the charges made by the younger generations, and he pointedly answers each one by listing a countercharge. He doesn't deny the charges against his generation. He effectively parries them with a rather scathing recital of some of the behavior patterns established by the young to show their feelings.

Andrew Wolfe titled his editorial "Heroes" but after hearing it, I am sure all will agree that word is used in sarcasm. I believe Andy, by this splendid editorial, is standing up to be counted as one who is saying to the youths "enough."

The editorial appeared in the Brighton-Pittsford Post and I would like to share it with my colleagues in the Congress

The editorial follows:

HEROES

So there's a race problem in the United States.

So you smoke pot all night.

So colleges are antiquated in their teaching methods.

So you mess up the dean's office.

So the political system doesn't accommodate itself to your ideas.

So you march around and call policemen pigs.

So you think the older generation doesn't understand you.

So if you're a young woman you take off your bra and if you're a young man you take off your pants.

So your parents have their hang-ups.

So you don't wash and wear a uniform of sneakers, jeans, and an old shirt.

So you find society guilty of hypocrisy.

So you ornament your speech with words describing body functions which have been vernacular since the Anglo-Saxons ran about in animal skins.

So you think America ought to get out of Vietnam.

So you paste a peace symbol on your auto.

So you think democracy is being made a mockery of.

So you attend a meeting and make so much noise a speaker can't be heard.

So you think America is not being true to its early ideals.

So you sneak up to the Pittsford Town Hall in the wee hours, make sure no-one is watching, and burn an American flag.

Big deal.

AMERICA AS A GUN CULTURE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BOLLING. Mr. Speaker, America as a gun culture is the subject of a serious and timely article by Richard Hofstadter in the American Heritage of October 1970. The article follows:

AMERICA AS A GUN CULTURE

(By Richard Hofstadter)

Senator Joseph Tydings of Maryland, appealing in the summer of 1968 for an effective gun-control law, lamented: "It is just tragic that in all of Western civilization the United States is the one country with an insane gun policy." In one respect this was an understatement: Western or otherwise, the United States is the only modern industrial urban nation that persists in maintaining a gun culture. It is the only industrial nation in which the possession of rifles, shotguns, and handguns is lawfully prevalent among large numbers of its population. It is the only such nation that has been impelled in recent years to agonize at length about its own disposition toward violence and to set up a commission to examine it, the only nation so attached to the supposed "right" to bear arms that its laws abet assassins, professional criminals, berserk murderers, and political terrorists at the expense of the orderly population—and yet it remains, and is apparently determined to remain, the most passive of all the major countries in the matter of gun control. Many otherwise intelligent Americans cling with pathetic stubbornness to the notion that the people's right to bear arms is the greatest protection of their individual rights and a firm safeguard of democracy—without being in the slightest perturbed by the fact that no other democracy in the world observes any such "right" and that in some democracies in which citizens' rights are rather better protected than in ours, such as England and the Scandinavian countries, our arms control policies would be considered laughable.

Laughable, however, they are not, when one begins to contemplate the costs. Since strict gun controls clearly could not entirely prevent homicides, suicides, armed robberies, or gun accidents, there is no simple way of estimating the direct human cost, much less the important indirect political costs, of having lax gun laws. But a somewhat incomplete total of firearms fatalities in the United States as of 1964 shows that in the twentieth century alone we have suffered more than 740,000 deaths from firearms, embracing over 265,000 homicides, over 330,000 suicides, and over 139,000 gun accidents. This figure is considerably higher than all the battle deaths (that is, deaths sustained under arms but excluding those from disease) suffered by American forces in all the wars in our history. It can, of course, be argued that such fatalities have been brought about less by the prevalence of guns than by some intangible factor, such as the wildness and carelessness of the American national temperament, or by particular social problems, such as the intensity of our ethnic and racial mixture. But such arguments cut both ways, since it can be held that a nation with such a temperament or such social problems needs stricter, not looser, gun controls.

One can only make a rough guess at the price Americans pay for their inability to arrive at satisfactory controls for guns. But it can be suggested in this way: there are several American cities that annually have more gun murders than all of England and Wales. In Britain, where no one may carry a firearm at night, where anyone who wants a long gun for hunting must get a certificate from the local police chief before he can buy it, and where gun dealers must verify a buyer's certificate, register all transactions in guns and ammunition, and take the serial number of each weapon and report it to the police, there are annually about .05 gun homicides per 100,000 population. In the United States there are 2.7. What this means in actual casualties may be suggested by the figures for 1963, when there were 5,126 gun murders in the United States, twenty-four in England and Wales, and three in Scotland. This country shows up about as badly in comparative gun accidents and, to a lesser degree, in suicides. There is not a single major country in the world that approaches our record in this respect.

Americans nowadays complain bitterly about the rising rate of violent crime. The gun is, of course, a major accessory of serious premeditated crime. Appealing for stronger gun controls in 1968, President Johnson pointed out that in the previous year there had been committed, with the use of guns, 7,700 murders, 55,000 aggravated assaults, and more than 71,000 robberies. Plainly, stronger gun controls could not end crime, but they would greatly enhance enforcement of the law (as New York's Sullivan Law does) and would reduce fatalities. Out of every one hundred assaults with guns, twenty-one led to death, as compared with only three out of every one hundred assaults committed by other means. In five states with relatively strong gun laws the total homicide rate per 100,000 population—that is, homicides from all causes—runs between 2.4 and 4.8. In the five states with the weakest gun laws this rate varies from 6.1 to 10.6.

In 1968, after the assassination of Robert F. Kennedy and Martin Luther King, Jr., there was an almost touching national revulsion against our own gun culture, and for once the protesting correspondence on the subject reaching senators and representatives outweighed letters stirred up by the extraordinarily efficient lobby of the National Rifle Association. And yet all that came out of this moment of acute concern was a feeble measure, immensely disappointing to advocates of serious gun control, restricting the mail-order sales of guns. It seems clear now that the strategic moment for gun controls has passed and that the United States will continue to endure an armed populace, at least until there is a major political disaster involving the use of guns.

Today the *urban* population of the nation is probably more heavily armed than at any time in history, largely because the close of World War II left the participating countries with a huge surplus of military obsolescent but still quite usable guns. These could be sold nowhere in the world but in the United States, since no other country large enough and wealthy enough to provide a good market would have them. More weapons became available again in the 1950's, when NATO forces switched to a uniform cartridge and abandoned a stock of outmoded rifles. These again flooded the United States, including about 100,000 Italian Carcanos of the type with which John F. Kennedy was killed. Imported very cheaply, sometimes at less than a dollar apiece, these weapons could be sold at enormous profit but still inexpensively—the one that killed Kennedy cost $12.78.

It has been estimated that between four and seven million foreign weapons were imported into the United States between 1959 and 1963. Between 1965 and 1968 handgun imports rose from 346,000 to 1,155,000. Domestic industries that make cheap handguns are approaching an annual production of 500,000 pistols a year. Thus a nation in the midst of a serious political crisis, which has frequently provoked violence, is afloat with weapons—perhaps as many as fifty million of them—in civilian hands. An Opinion Research poll of September, 1968, showed that 34 per cent of a national sample of white families and 24 per cent of blacks admitted to having guns. With groups like the Black Minute Men not to speak of numerous white vigilante groups well armed for trouble, the United States finds itself in a situation faced by no other Western nation. One must ask: What are the historical forces that have led a supposedly well-governed nation into such a dangerous position?

It is very easy, in interpreting American history, to give the credit and the blame for almost everything to the frontier, and certainly this temptation is particularly strong where guns are concerned. After all, for the first 250 years of their history Americans were an agricultural people with a continuing history of frontier expansion. At the very beginning the wild continent abounded with edible game, and a colonizing people still struggling to control the wilderness and still living very close to the subsistence level found wild game an important supplement to their diet. Moreover, there were no enforcible feudal inhabitants against poaching by the common man, who was free to roam where he could and shoot what he could and who ate better when he shot better. Furthermore, all farmers, but especially farmers in a highly settled agricultural country, needed guns for the control of wild vermin and predators. The wolf, as we still say, has to be kept from the door.

Finally, and no less imperatively, there were the Indians, who were all too often regarded by American frontiersmen as another breed of wild animal. The situation of the Indians, constantly under new pressures from white encroachments, naturally commands modern sympathy. But they were in fact, partly from the very desperation of their case, often formidable, especially in the early days when they were an important force in the international rivalries of England, France, and Spain in North America. Like the white man they had guns, and like him they committed massacres. Modern critics of our culture who, like Susan Sontag, seem to know nothing of American history, who regard the white race as a "cancer" and assert that the United States was "founded on a genocide," may fantasize that the Indians fought according to the rules of the Geneva Convention. But in the tragic conflict of which they were to be the chief victims, they were capable of striking terrible blows. In King Philip's War (1675–76) they damaged half the towns of New England, destroyed a dozen, and killed an estimated one out of every sixteen males of military age among the settlers. Later the Deerfield and other frontier massacres left powerful scars on the frontier memory, and in the formative days of the colonial period wariness of sudden Indian raids and semimilitary preparations to combat them were common on the western borders of settlement. Men and women, young and old, were all safer if they could command a rifle. "A well grown boy," remembered the Reverend Joseph Doddridge of his years on the Virginia frontier, "at the age of twelve or thirteen years, was furnished with a small rifle and shot-pouch. He then became a fort soldier, and had his port-hole assigned him. Hunting squirrels, turkeys and raccoons, soon made him expert in the use of his gun."

That familiarity with the rifle, which was so generally inculcated on the frontier, had a good deal to do with such successes as Americans had in the battles of the Revolu-

tion. The Pennsylvania rifle, developed by German immigrants, was far superior to Brown Bess, the regulation military musket used by British troops. This blunt musket, an inaccurate weapon at any considerable distance, was used chiefly to gain the effect of mass firepower in open field maneuvers at relatively close range. The long, slender Pennsylvania rifle, which had a bored barrel that gave the bullet a spin, had a flatter and more direct trajectory, and in skilled hands it became a precision instrument. More quickly loaded and effective at a considerable distance, it was singularly well adapted not only to the shooting of squirrels but to the woodsman's shoot-and-hide warfare. It struck such terror into the hearts of British regulars as to cause George Washington to ask that as many of his troops as possible be dressed in the frontiersman's hunting shirt, since the British thought "every such person a complete Marksman." The rifle went a long way to make up for the military inconsistencies and indifferent discipline of American militiamen, and its successes helped to instill in the American mind a conviction of the complete superiority of the armed yeoman to the military professionals of Europe.

What began as a necessity of agriculture and the frontier took hold as a sport and as an ingredient in the American imagination. Before the days of spectator sports, when competitive athletics became a basic part of popular culture, hunting and fishing probably were the chief American sports, sometimes wantonly pursued, as in the decimation of the bison. But for millions of American boys, learning to shoot and above all graduating from toy guns and receiving the first real rifle of their own were milestones of life, veritable rites of passage that certified their arrival at manhood. (It is still argued by some defenders of our gun culture, and indeed conceded by some of its critics, that the gun cannot and will not be given up because it is a basic symbol of masculinity. But the trouble with all such glib Freudian generalities is that they do not explain cultural variations: they do not tell us why men elsewhere have *not* found the gun essential to their masculinity.)

What was so decisive in the winning of the West and the conquest of the Indian became a standard ingredient in popular entertainment. In the penny-dreadful Western and then in films and on television, the western man, quick on the draw, was soon an acceptable hero of violence. He found his successors in the private eye, the F.B.I. agent, and in the gangster himself, who so often provides a semilegitimate object of hero worship, a man with loyalties, courage, and a code of his own—even in films purporting to show that crime does not pay. All mass cultures have their stereotyped heroes, and none are quite free of violence; but the United States has shown an unusual penchant for the isolated, wholly individualistic detective, sheriff, or villain, and its entertainment portrays the solution of melodramatic conflicts much more commonly than, say, the English, as arising not out of ratiocination or some scheme of moral order but out of ready and ingenious violence. Every Walter Mitty has had his moment when he is Gary Cooper, stalking the streets in *High Noon* with his gun at the ready. D. H. Lawrence may have had something, after all, when he hade his characteristically bold, impressionistic, and unflattering judgment that "the essential American soul is hard, isolate, stoic, and a killer." It was the notion cherished also by Hemingway in his long romance with war and hunting and with the other sports that end in death.

However, when the frontier and its ramifications are given their due, they fall far short of explaining the persistence of the American gun culture. Why is the gun still so prevalent in a culture in which only about 4 per cent of the country's workers now make their living from farming, a culture that for the last century and a half has had only a tiny fragment of its population actually in contact with a frontier, that, in fact, has not known a true frontier for three generations? Why did the United States alone among industrial societies cling to the idea that a substantially unregulated supply of guns among its city populations is a safe and acceptable thing? This is, after all, not the only nation with a frontier history. Canada and Australia have had theirs, and yet their gun control measures are far more satisfactory than ours. Their own gun homicide rates, as compared with our 2.7, range around .56, and their gun suicide and accident rates are also much lower. Again, Japan, with no frontier but with an ancient tradition of feudal and military violence, has adopted, along with its modernization, such rigorous gun laws that its gun homicide rate at .04 is one of the world's lowest. (The land of hara-kari also has one of the lowest gun suicide rates—about one-fiftieth of ours.) In sum, other societies, in the course of industrial and urban development, have succeeded in modifying their old gun habits, and we have not.

One factor that could not be left out of any adequate explanation of the tenacity of our gun culture is the existence of an early American political creed that has had a surprisingly long life, albeit much of it now is in an underground popular form. It has to do with the antimilitaristic traditions of radical English Whiggery, which were taken over and intensified in colonial America, especially during the generation preceding the American Revolution, and which became an integral part of the American political tradition. The popular possession of the gun was a central point in a political doctrine that became all but sacrosanct in the Revolution: a doctrine that rested upon faith in the civic virtue and military prowess of the yeoman; belief in the degeneration of England and in the sharp decline of "the liberties of Englishmen" on their original home soil; and a great fear of a standing army as one of the key dangers to this body of ancient liberties. The American answer to civic and military decadence, real or imagined, was the armed yeoman.

By the same reasoning the answer to militarism and standing armies was the militia system. It had long been the contention of those radical Whig writers whose works did so much to set the background of American thought, that liberty and standing armies were incompatible. Caesar and Cromwell were commonly cited as the prime historical examples of the destructive effects of political generals on the liberties of the people. The Americans became confident that their alternative device, an armed people, was the only possible solution to the perennial conflict between militarism and freedom. Their concern over the evils of repeated wars and institutionalized armies was heightened by the eighteenth-century European wars in which they were inevitably involved. Blaming the decay that they imagined to be sweeping over England in good part on the increasing role of the military in the mother country, they found their worst fears confirmed by the quartering of troops before the Revolution. John Adams saw in the Boston Massacre "the strongest proof of the danger of standing armies." The Virginian George Mason, surveying the history of the nations of the world, remarked: "What havoc, desolation and destruction, have been perpetrated by standing armies!" The only remedy, he thought, reverting to one of the genial fictions of this school of thought, was the ancient Saxon militia, "the natural strength and only stable security of a free government." Jefferson reverted to the idea of a popular Saxon militia by providing in his first draft of the Virginia Constitution of 1776 that "no freeman shall ever be debarred the use of arms."

Washington, who had to command militiamen, had no illusions about them. He had seen not a single instance, he once wrote, that would justify "an opinion of Militia or raw Troops being fit for the real business of fighting. I have found them useful as light Parties to skirmish in the woods, but incapable of making or sustaining a serious attack." Despite the poor record of militia troops in the Revolution, as compared with the courage and persistence of Washington's small and fluctuating Continental Army, the myth persisted that the freedom of America had been won by the armed yeoman and the militia system, and the old fear of a standing army was in no way diminished now that it was not to be under the command of an English aristocracy but of native American generals. In the mid-1780's, when the Americans had won their independence and were living under the Articles of Confederation, Secretary of War Henry Knox found himself the administrator of an army of about seven hundred men. In the 1790's, when it was proposed under the Constitution to add only about five hundred more, Pennsylvania Democrat Senator William Maclay anxiously observed that the government seemed to be "laying the foundation of a standing army"! Only the disastrous performance of militiamen in the War of 1812 persuaded many American leaders that the militia was a slender reed upon which to rest the security of the nation.

In the meantime the passion for a popular militia as against a professional army had found its permanent embodiment in the Second Amendment to the Constitution: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." By its inclusion in the Bill of Rights, the right to bear arms thus gained permanent sanction in the nation, but it came to be regarded as an item on the basic list of guarantees of *individual* liberties. Plainly it was not meant as such. The right to bear arms was a *collective*, not an individual right, closely linked to the civic need (especially keen in the absence of a sufficient national army) for "a well regulated Militia." It was, in effect, a promise that Congress would not be able to bar the states from doing whatever was necessary to maintain well-regulated militias.

The Supreme Court has more than once decided that the Second Amendment does not bar certain state or federal gun controls. In 1886 it upheld an Illinois statute forbidding bodies of men to associate in military organizations or to drill or parade with arms in cities or towns. When Congress passed the National Firearms Act of 1934 forbidding the transportation in interstate commerce of unregistered shotguns, an attempt to invoke the Second Amendment against the law was rejected by the Court in what is now the leading case on the subject, *United States v. Miller* (1939). In this case the Court, ruling on the prosecution of two men who had been convicted of violating the National Firearms Act by taking an unregistered sawed-off shotgun across state lines, concluded that the sawed-off shotgun had no "reasonable relationship to the prevention, preservation, or efficiency of a well-regulated militia." The Court ruled that since the gun in question was not part of ordinary military equipment, its use was unrelated to the common defense. The Court further found that the clear purpose of the Second Amendment was to implement the constitutional provision for "calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel invasions" and declared that the Second Amendment "must be interpreted and applied with that end in view."

While the notion that "the right to bear arms" is inconsistent with state or federal gun regulation is largely confined to the obstinate lobbyists of the National Rifle Asso-

ciation, another belief of American gun enthusiasts enjoys a very wide currency in the United States, extending to a good many liberals, civil libertarians, and even radicals. It is the idea that popular access to arms is an important counterpoise to tyranny. A historian, recently remonstrating against our gun policies, was asked by a sympathetic liberal listener whether it was not true, for example, that one of the first acts of the Nazis had been to make it impossible for the nonparty, nonmilitary citizen to have a gun—the assumption being that the German people had thus lost their last barrier to tyranny. In fact Nazi gun policies were of no basic consequence: the democratic game had been lost long before, when legitimate authorities under the Weimar Republic would not or could not stop uniformed groups of Nazi terrorists from intimidating other citizens on the streets and in their meetings and when the courts and the Reich Ministry of Justice did not act firmly and consistently to punish the makers of any Nazi *Putsch* according to law. It is not strong and firm governments but weak ones, incapable of exerting their regulatory and punitive powers, that are overthrown by tyrannies. Nonetheless, the American historical mythology about the protective value of guns has survived the modern technological era in all the glory of its naivete, and it has been taken over from the whites by some young blacks, notably the Panthers, whose accumulations of arms have thus far proved more lethal to themselves than to anyone else. In all societies the presence of small groups of uncontrolled and unauthorized men in unregulated possession of arms is recognized to be dangerous. A query therefore must ring in our heads: Why is it that in all other modern democratic societies those endangered ask to have such men disarmed, while in the United States alone they insist on arming themselves?

A further point is of more than symptomatic interest: the most gun-addicted sections of the United States are the South and the Southwest. In 1968, when the House voted for a mild bill to restrict the mail-order sale of rifles, shotguns, and ammunition, all but a few of the 118 votes against it came from these regions. This no doubt has something to do with the rural character of these regions, but it also stems from another consideration: in the historic system of the South, having a gun was a white prerogative. From the days of colonial slavery, when white indentured servants were permitted, and under some circumstances encouraged, to have guns, blacks, whether slave or free, were denied the right. The gun, though it had a natural place in the South's outdoor culture, as well as a necessary place in the work of slave patrols, was also an important symbol of white male status. Students in the Old South took guns to college as a matter of course. In 1840 an undergraduate at the University of Virginia killed a professor during a night of revelry that was frequently punctuated by gunfire. Thomas Hart Benton, later to be a distinguished Missouri senator, became involved, during his freshman year at the University of North Carolina, in a brawl in which he drew a pistol on another student, and was spared serious trouble only when a professor disarmed him. He was sixteen years old at the time. In the light of the long white effort to maintain a gun monopoly, it is hardly surprising, though it may be discouraging, to see militant young blacks borrowing the white man's mystique and accepting the gun as their instrument. "A gun is status—that's why they call it an equalizer," said a young Chicago black a few years ago. "What's happening today is that everybody's getting more and more equal because everybody's got one."

But perhaps more than anything else the state of American gun controls is evidence of one of the failures of federalism: the purchase and possession of guns in the United States is controlled by a chaotic jumble of twenty thousand state and local laws that collectively are wholly inadequate to the protection of the people and that operate in such a way that areas with poor controls undermine those with better ones. No such chaos would be tolerated, say, in the field of automobile registration. The automobile, like the gun, is a lethal instrument, and the states have recognized it as such by requiring that each driver as well as each car must be registered and that each driver must meet certain specified qualifications. It is mildly inconvenient to conform, but no one seriously objects to the general principle, as gun lobbyists do to gun registration. However, as the United States became industrial and urban, the personnel of its national and state legislatures remained to a very considerable degree small town and rural, and under the seniority system that prevails in Congress, key posts on committees have long been staffed by aging members from small-town districts—worse still, from small-town districts in regions where there is little or no party competition and hence little turnover in personnel. Many social reforms have been held back long after their time was ripe by this rural-seniority political culture. Gun control is another such reform: American legislators have been inordinately responsive to the tremendous lobby maintained by the National Rifle Association, in tandem with gunmakers and importers, military sympathizers, and far-right organizations. A nation that could not devise a system of gun control after its experiences of the 1960's, and at a moment of profound popular revulsion against guns, is not likely to get such a system in the calculable future. One must wonder how grave a domestic gun catastrophe would have to be in order to persuade us. How far must things go?

THE HUMAN ENVIRONMENT—HEARINGS BY DEMOCRATIC POLICY COUNCIL

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. EAGLETON. Mr. President, the Democratic Policy Council's Committee on the Human Environment, which I am privileged to chair, held a day and a half of public hearings on September 24 and 25 here in Washington. In the course of those hearings, the committee heard testimony from Senators and Congressmen and from a number of other distinguished experts on our urgent environmental, consumer, and occupational health and safety problems.

As I indicated in my opening remarks for the hearings, the Committee on the Human Environment functions under the auspices of the Democratic National Committee. Our purpose in holding the hearings was not solely or even principally partisan in nature, though. We sought to bring back into public view many urgent environmental, consumer, and occupational health and safety problems that have been neglected during the past 21 months. Our purpose was to determine the current status of those problems and to take stock of how we as a Nation have progressed—or failed to progress—in dealing with them.

Mr. President, the record made before the Human Environment Committee is necessarily incomplete. The September 24 and 25 hearings did not deal with housing, education, and many other critical problems. However, that record will assist us in our efforts to separate the verbiage of the past 21 months from the actual commitments and accomplishments of the period in the three important areas with which the hearings were concerned.

Mr. President, I ask unanimous consent that the record made before the Committee on the Human Environment be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR THOMAS F. EAGLETON: STATEMENT OPENING HEARINGS BEFORE THE COMMITTEE ON THE HUMAN ENVIRONMENT

During the past 21 months our air and water have become more foul.

Americans find that the goods and services they pay for are worse in quality, shorter in quantity, and sometimes downright dangerous.

Many Americans believe we have lost rather than gained ground in our efforts to solve these critical problems during the last two years under the Nixon Administration.

Although this Committee functions under the auspices of the Democratic National Committee and to that extent is a partisan body, our function today is not solely or even principally partisan. Our principal function today is to bring back into public view those pressing national problems that have been allowed to slip from the public's mind during the last 21 months. We want to know about the current situation on the problems, and to take stock of how we have progressed—or failed to progress—in dealing with them over the last 21 months. As the Nixon Administration reaches its half-way point, it is time to take stock of what has been accomplished—and what has been left undone. It is time to separate verbiage from actual commitments and accomplishments.

The purpose of these hearings is to evaluate our national efforts in areas that most directly affect the lives of all Americans.

As I came in to work this morning I noticed that the lights are dimmed in the Capitol offices for the third consecutive day. From the forecasts offered by the power companies and the Administration I would judge that we have a few more days of the same to look forward to.

This is but another example of the Administration's neglect of an urgent national problem. The Administration has been warning the American people about an impending power crisis for almost two years. Yet it has done virtually nothing to help ease the situation, and indeed has taken a negative stand on legislation designed to help solve this critical problem.

A more complete description of the power shortage crisis and the Administration's lack of leadership is included in a statement I issued several weeks ago on behalf of this Committee.

With the concurrence of the Committee, that statement will be included in the record of this hearing. A few copies are available on the press table for members of the press.

SENATOR THOMAS F. EAGLETON: NIXON ADMINISTRATION FAILING AMERICANS IN CRITICAL ELECTRIC POWER SITUATION

WASHINGTON, August 29.—Senator Thomas F. Eagleton, chairman of the Democratic Policy Council's Committee on the Human Environment, said today the Nixon administration "is failing to meet its responsibilities to protect the interests of American electric power consumers."

The Missouri Democrat, in a statement issued by the Democratic National Committee,

called on the administration to take prompt steps to alleviate a critical shortage of electric power—in ways that will protect the environment.

"The administration," said Eagleton, "is failing to provide leadership and encouragement to American industry in solving the serious problems of electric energy supply in ways that will not wreck our environment. Continued timidity and inaction by the administration in the face of its clear responsibilities on these matters can only create serious doubts about its willingness and capacity to serve the nation."

"This summer," Eagleton said, "the electricity shortage is an inconvenience. This winter, and in years to follow, it can well become a threat to the health and safety of the American public."

Eagleton detailed the nation's critical electric power needs and the Nixon administration's failures in this field in his statement, the text of which follows:

The Nixon administration must take immediate action to provide lasting solutions to the nation's urgent electric power shortage problem.

We face a critical need to develop new, more efficient, and environmentally safer ways of producing electricity. A one-million kilowatt, coal-burning electric generating plant every day spews 500 tons of sulfur oxides, 100 tons of nitrogen oxides, and 7 tons of fine particulate (solid) matter into the air we breathe, even if it operates with electrostatic precipitators that remove 99 percent of the pollutants that would otherwise be discharged from it. Power plants now use 80 percent of all water used by all industries for cooling purposes. And our most efficient power plants convert only 40 percent of their fossil fuels such as coal, oil, or gas into electricity; the remaining 60 percent of their fuel is wasted. We are damaging the environment and wasting our natural resources by continuing to generate electricity as we are now.

If we don't find new ways to generate and transmit electric power soon, we will have to pay in the future a still heavier price in fouled air, water, and landscapes. For example, the 300,000 miles of power lines that currently occupy over 4 million acres of land will increase by 1990 to 500,000 miles of transmission lines taking up over 7.1 million acres—an area twice the size of the state of Delaware.

By 1980 one-sixth of all of the fresh water runoff available in the United States will be used to cool power generating plants—and in some cases the temperature of our streams and lakes may be increased by as much as 25 degrees, killing fish and wildlife and turning them into hot, algae-clogged cesspools.

Yet the peak demands for electricity in 1990 will be five times greater than they were in 1965, and by the year 2000 will be seven times the demand in 1965.

ADMINISTRATION INACTION

The Nixon administration has reacted timidly and reluctantly to the obvious need to find ways to generate electricity without damaging the environment. Mr. Nixon's suggestion that we judge the administration by what it *does* rather than what it says produces the following track record:

The President's Office of Science and Technology in its June 1969 report recommended to the President a full-scale MHD (magnetohydrodynamics) research and development program, and called for a $2 million effort. The promising MHD process for generating electricity is reportedly 50 percent more efficient than existing steam generating plants, and produces a minimum of air and water pollution. Yet the administration has made only a token contribution of $700,000 to research on MHD.

Research into the conversion of coal into cleanburning, "synthetic" natural gas for electric power generation and other uses which would produce a minimum of pollution is being funded at a level of only $11 million, compared with $400 million for the development of nuclear power plants.

At a time when the administration is placing virtually complete reliance on nuclear power plants to serve the nation's long-range electricity requirements, it is devoting far too little manpower and money to answering the serious questions of whether nuclear generating plants can operate without exposing us and the environment to unacceptable radiation and heat by-products.

STOP-GAP MEASURES

With a lot of luck and 650,000 kilowatts of electricity from the government-owned Tennessee Valley Authority power plants, the administration was able to bail out New York's Consolidated Edison Company, Chicago's Commonwealth Edison Company, and other hard-pressed power companies that faced critical power shortages in late July. But there is a limit to the amount of government power that can be made available to rescue power companies when they get in trouble.

The administration obviously was right—but only half right—when it predicted serious power shortages this summer. True to its prediction, there have been more than 50 major blackouts this year in which electricity was cut off from customers, and hundreds of brownouts in which power companies cut back the voltage in their customers' lines—sometimes without telling them it was happening. The other half of the story the administration is reluctant to tell is that thousands of American homes are heated, as well as cooled and lighted, by electricity, and we are facing serious electricity shortages this winter and for the next ten years.

This summer the electricity shortage is an inconvenience. This winter, and in years to follow, it can well become a threat to the health and safety of the American public.

As Americans have become more aware of the damaging effects of power plants and power lines on our air, water, and land resources, groups of citizens have joined to block the construction of power plants and power lines in areas where they would do serious environmental damage. The administration is merely trying to shift the blame for its own failures when the Republican chairman of the Federal Power Commission, John N. Nassikas, and other administration spokesmen say those citizen groups are responsible for the present electrical shortage because they have delayed construction of new facilities needed to generate power to serve the growing demand.

The real story is that the administration is failing to live up to its responsibility for resolving the conflicts between power plants and the environment—conflicts these citizen groups have identified and brought to public attention.

As the recent transfer of Tennessee Valley Authority electricity to New York City indicates, the power supply problem is more than just a local or regional problem. It cannot be solved by the power companies alone, or by the power companies and the states alone. Industry and government at all levels must face up to the urgent need for more interconnection of regional power systems and individual utility companies to assure greater reliability. There is an urgent need for federal participation and leadership in planning new facilities so that they are built *when* and *where* they are needed, and so that they will cause the least possible environmental damage.

ELECTRIC RELIABILITY—THE SILENT ADMINISTRATION

Immediately after the massive New York City blackout in 1965, the Democratic administration carefully studied the electric power supply problem and the environmental problems connected with generating and transmitting electricity. As a result of those studies, legislation to deal with these problems was developed by the Federal Power Commission and unanimously transmitted to the Congress. President Johnson made electric reliability legislation a high priority subject in his 1967 Message on Consumer Protection.

When Mr. Nixon took office, these studies and the concrete proposals which grew out of them were cast aside. Now, nearly nineteen months after Mr. Nixon took office, his administration has failed to propose *any* alternative to the legislation proposed by the Johnson administration or to a number of other bills introduced more recently by Democratic senators and representatives including Senators Kennedy, Magnuson, and Muskie, and Representatives Friedel, Long (Maryland), Macdonald, and Moss (California) on which congressional committees have held extensive hearings.

Rather, Mr. Nixon has passed the buck to another of his special White House task forces which has been restudying the problem for more than a year while the power shortage crisis has become more critical with each passing day. Meanwhile, the chairman of the Federal Power Commission, Mr. Nassikas, a former lawyer for private utilities, has stated to congressional committees that he would recommend another presidential veto if Congress should pass the electric reliability legislation which is before it. Like the power companies he is supposed to regulate as chairman of the Federal Power Commission, Mr. Nassikas favors so-called "voluntary" and "co-operative" action between the power companies and state and federal authorities to solve the power crisis—with the federal government and the states having no real power to look out for the best interests of power consumers or to prevent actions by the companies that would damage our air, water, and land.

Many experts outside the administration blame the "voluntary" and "cooperative" approach for the problems we now face, including the industry's failure to make adequate plans to serve today's electricity needs. Those experts feel this approach can't be expected to solve the problems it caused in the first place.

It takes as much as 10 years to plan and build new power plants and power lines. So it is critical that the administration stop filibustering and footdragging on legislation to resolve the conflicts between power plants and power lines, and the environment. The administration should either support one of the bills that has been pending for more than a year before the Congress, or propose a bill of its own, or admit to the public that it is incapable of protecting the interests of the American people in assuring reliability of electric power service and protection of the environment.

There are further urgent steps the administration should take to assure a more rational use of our natural resources:

1. It should take immediate action to review carefully the electricity rates for industries that use large amounts of power—rates that encourage them to waste rather than conserve electrity. It should also scrutinize the promotional practices of electric utilities that encourage consumers to use more power than can be made available to them.

The administration has a responsibility to the American public to see that our natural resources are wisely used and not wasted,

and it should take immediate action to live up to that obligation.

2. Utilities are faced with widespread and rapidly worsening shortages of low-pollution oil, natural gas, and coal, which are used to generate electricity. The administration should permit the greater importation of less-expensive, low-pollution oil which is in critically short supply, for power generation purposes.

3. There is increasing evidence that some natural gas producers are holding substantial supplies of their low-pollution natural gas out of the market in anticipation of a rise in gas prices. The administration should use its existing authority under the Outer Continental Shelf Lands Act to direct those gas producers to produce the gas being held out of the market and make it available to power companies at today's prices for power generation purposes.

4. Low-pollution coal is becoming scarcer and more expensive as the result of shortages of railroad coal cars, strikes and unrest in the coal fields attributed to the administration's half-hearted and reluctant enforcement of the landmark Coal Mine Health and Safety Act passed by Congress last year. The administration should begin immediately to enforce vigorously the Coal Mine Health and Safety Act, as congressional leaders have repeatedly urged, so the miners will go back to work and produce the clean-burning coal needed to meet the present electricity crisis. And the Interstate Commerce Commission should take immediate steps to alleviate the coal-car shortage by requiring that cars be returned to shippers instead of being held for short-term coal shortage by coal users.

5. The administration should seriously consider using the broad allocation and price control authority avaliable to it under the Defense Production Act. Mr. Nixon was all too eager to use the authority of that act to bail the Penn Central Railroad out of its financial difficulties; he should be equally willing to use that authority to require that low-pollution fuels be made available to fuel-short power companies at reasonable prices in their time of great need.

SENATOR EDWARD M. KENNEDY: CONTROLLING THE QUALITY OF OUR LIVES

I am delighted that the Democratic National Committee has organized this Symposium on the human environment. For the present environmental movement is neither a fad nor a diversion. Rather, it is part of a long struggle to control the forces of technology, to control the quality of our lives.

This control has always been far beyond the reach of many Americans. The poor and all those who have been disowned by society—the Indian, the migrant worker—have little choice about their surroundings. They can either live in rural squalor or urban squalor. Their environment is imposed on them.

But what is striking about America today is that regardless of income, all of us are losing control over the quality of our lives. None of us can run away from air pollution, water pollution, and noise pollution. None of us can escape shoddy and unsafe products.

The problem is complex, but its roots are clear. This society has become too permissive. We have become too permissive about oil companies which use faulty drilling rigs and leaky tankers. We have become too permissive about automobile companies which ignored urban smog for decades and now say they cannot make significant improvements by 1976. We have been too permissive about chemical companies which dump mercury into our lakes and rivers, about factories that pump smoke into the sky, about drug companies which do more advertising than testing, about food producers which adulterate the things we eat.

For years we have allowed the government agencies which protect our environment and safety to be understaffed and underfunded. Here are just a few examples:

The National Air Pollution Control Administration has increasingly heavy responsibilities to protect the air we breathe. Yet it had fewer employees in 1970 than in 1967. In 1969, it had only one person assigned to the crucial task of checking how well the new pollution control devices on cars were working. In 1970, as the environmental movement gained momentum, they doubled the staff—a second person was added.

The recently resurrected Refuse Act of 1899 prohibits the discharge of any refuse matter into any navigable waters of the United States except under a permit obtained from the Army Corps. Corps figures show that there are no existing permits for industrial discharges in 23 states, and that there are only 266 permits in effect in the entire nation. Thus, if the Corps would begin to enforce the permit requirement, it could greatly reduce water pollution in the United States. But the Corps is simply not equipped to take on this massive task. Its permit and enforcement office in the Detroit District, for instance, has only two men. Along with other assigned duties, these two men have surveillance responsibility for over 3,000 miles of shoreline.

The Bureau of Labor Standards is supposed to implement the Walsh-Healy Act, which sets safety requirements for factories working on federal contracts. But as of June of this year, there were only 22 inspections for all such factories throughout the nation. Most state inspections systems are not any better. It is hardly surprising, therefore, that some 14,500 Americans are killed on the job each year and that two and one half million suffer disabling injuries.

Last year the Administration could not even spare a single full-time employee for the administration and enforcement of the Fair Packaging and Labeling Act, which was intended by Congress to provide protection for consumers from deceptive practices by manufacturers. And when budget time came around this year, the Administration requested not one dollar to implement enforcement of the Act.

This governmental permissiveness and neglect must end. We must have more effective government regulation—new laws, new agencies, new approaches. But while we are pressing for these changes, we must bear in mind the mistakes of earlier generation of reformers. First, we must find ways to keep governments from being captured by the very people they are supposed to regulate. And second, we must not rely too heavily on bureaucratic solutions; we must give every citizen a direct opportunity to reassert control over his environment.

It is not easy to keep governments from being captured, and, hence, permissive. Any industry which has the ability to pollute our physical environment on a significant scale also has the ability to pollute our political environment. The "Politics of Oil" is a case in point, as the recent decision on oil import quotas amply demonstrates.

In 1959, President Eisenhower established an oil import quota which now costs the American consumer over five billion dollars a year in higher oil prices. President Nixon, to his credit at the time, appointed a Cabinet-level Task Force to study the issue. The Task Force concluded that the "present import control program is not adequately responsive to present and future security considerations" and urged substantial modifications of the quota system. Confronted with this, the President simply appointed another committee. And then as the Congressional elections drew near, the White House announced that the present system of quotas would be retained. Summing up the situation, the Wall Street Journal stated, "A decision permitting more oil imports will wait; it could offend Texas oil men financing GOP Senate candidates." Meanwhile, of course, New England and other sections of the country are suffering from oil shortages, soaring prices, and the distinct possibility of a crisis this winter.

An Administration which buckles under to the oil industry on the question of import quotas can hardly be trusted to deal forcefully with the oil spillages polluting our oceans. If it does nothing about the needs of New England consumers, it may well do nothing about the oil-stained New England beaches. That is why Americans must change the political environment. They must create so much pressure on the government, they must play so active a part in political campaigns, that the contributions of giant industries like oil lose their significance. Only in that way we can begin to get more aggressive and energetic government regulation.

But even as we press for stronger governmental action, we must develop methods for ensuring that our citizens do not have to rely solely on government agencies. Americans should not be left at the mercy of bureaucratic inertia or bureaucratic politics. They should be able to take more direct action to protect the quality of their lives. I have a proposal which may enable Americans to play a more direct role in environmental matters. There are many thousands of products on the market today, ranging from automobiles to gasoline to detergents to containers, which have an impact on our environment. Within a given type of product there are often some individual brands which have a less detrimental effect upon the environment than others. If—and this is a big if—consumers had accurate information on the environmental impact of various brands, then they could use the vast influence of their purchasing power to persuade those with a poor rating to improve—or to face a serious sales drop. My specific proposal is that the Democratic National Committee stimulate the creation of an independent testing and evaluation service which would provide consumers with the information they need to exercise their power.

I would go so far as to suggest that after the fall elections, the DNC consider undertaking a public subscription drive to initiate this effort. I think the public would be grateful to a political party which is willing to be a service organization and which is willing to enable consumers to use their purchasing power more effectively.

Aside from becoming more discriminating consumers, Americans have other ways of taking direct action to protect the quality of their lives. And I am happy to say that the Democrats have sponsored important legislation which recognizes this. For example, the Air Pollution Bill passed by the Senate, Tuesday, enables any citizen to go into court to enforce the new clean air standards. Thus, if a factory or power company is violating the law, it will not be able to purchase immunity from legal action with a campaign contribution. And if the relevant agencies are too busy to sue, a private citizen or an environmental group will be able to take up the slack.

The Consumer Class Action Bill is an even more significant example of the direct approach. Today, a consumer who is the victim of unfair practices has no effective means of securing relief. He can sue on his own, of course, but the cost of suing is usually higher than the damages suffered. The Class Action Bill, which I have cosponsored, changes that. It permits a single suit to be brought on behalf of all the consumers who have been damaged by a particular unfair practice. This in effect, makes it possible for all the affected consumers to join to-

gether to pay for the costs of their lawsuit. It would finally give consumers an effective remedy against retailers and manufacturers.

The Administration position on Class Actions in incredibly revealing. Under pressure from business groups, the Administration has proposed a substitute legislation which is virtually meaningless. Consumer class actions would be permitted only after the Justice Department or the Federal Trade Commission has successfully sued the retailer or manufacturer. In other words, the Administration would leave the consumer completely dependent on two agencies of the government.

And what agencies? The Justice Department is already overburdened. It does not have enough staff now to deal with civil rights, antitrust, organized crime and all the other areas under its jurisdiction. Furthermore, under the present Attorney General, the Department has become increasingly political. This means that suits which should be brought may not be brought for political reasons.

As for the Federal Trade Commission, its lethargy is legendary. Everyone who has studied it, from Nader's Raiders to the American Bar Association, has said that it is now ineffective. Several of the Commissioners themselves have called for sweeping reforms. But the Administration feels that the FTC is good enough for the American consumer.

The Administration may be able to thwart the Consumer Class Action Bill and similar measures for a while. But the Administration posture will not prevail for long. Increasingly, Americans are demanding an opportunity to control the quality of their lives. The task of our Government, and of the Democratic party is to facilitate this demand. We must find ways—peaceful, democratic and effective ways—to guarantee power to the people.

Senator George McGovern—Environmental Law and Order

I welcome the opportunity to appear here today, in some measure because the year 1970, rather than the year 1972, is going to be remembered as the midpoint of the Nixon-Agnew provisional government. It is therefore important that we assess its record while time allows. Although such a task is much like reading backwards through a wordless book, the nation is entitled to an accounting of what lies between the empty lines.

In America today, frustration abounds in nearly every area of human concern—the ending of a tragic war, the eradication of the silent violence of hunger, the extension of racial and human injustice, the halting of mindless terrorism and crime, and the reversing of an inexorable environmental tragedy which began two centuries ago.

Yet, we find these pillagers of the human spirit meekly confronted by an Administration whose basic concern is self-perpetuation. We find an Administration which makes a rhetorical plea for a healthy environment and immediately establishes guidelines in the Department of Justice which prohibit suits against large industrial polluters. We find an Administration which proposes a $10 billion clean water program which turns out to be a $4 billion eyewash. We find national leadership which refuses to spend the money appropriated by Congress for new parklands and refuses to prosecute the major auto companies under the antitrust laws for delaying the development of anti-pollution devices. We find an Administration which recommends $6 million for the tragic Cross-Florida Barge Canal project and refuses to halt the dumping of 60,000 tons of refuse into Lake Superior. We find, Mr. Chairman, an Administration which isolates its chief environmental advisor—the Secretary of the Interior—and builds rhetorical card houses while the nation festers. We find ourselves faced with an Administration whose Department of Justice opposes—repeatedly, and on the record—the right of citizens to bring polluters to the bar of justice, while its own legal advisors to the Environmental Quality Council overwhelmingly vote in favor of legislation which would afford citizens that right. We are again reminded that much of the remaining conscience of the Department of Justice is a guilty one.

Mr. Chairman, the clear position of the present Administration on environmental matters, combined with the inherent deficiencies of the present system, requires that we fashion new approaches to this crisis. Last March Senator Hart and I introduced in the Senate, and Congressman Udall in the House, the "Environmental Protection Act of 1970"—S. 3575. The bill offers, we believe, a hope to individual citizens that the balance of environmental power may yet be tipped in their direction. It proposes, essentially, three things:

First, it grants all citizens the right to the protection, preservation and enhancement of their environment; second, the bill gives citizens an effective means for enforcing that right by assuring their right of access to the federal courts; and third, the "Environmental Protection Act of 1970" recognizes the continuing necessity for administrative procedures but, at the same time, affords citizens the judicial standing to protect the environmental rights guaranteed by the bill. The essence of the legislation is that individual citizens—those whose fisheries are destroyed by refuse, whose livelihoods are destroyed by pollution, whose health is destroyed by unbridled technology—be allowed to challenge unlawful activities of industry and government in the courts.

In according citizens the right to enforce their environmental rights through the courts, it recognizes that much environmental legislation has created agencies rather than solutions, and that agencies themselves often become the most serious obstacles to environmental protection.

They too often come to serve narrow, special-interest constituencies, and too frequently follow a set of priorities which makes the environment a poor cousin. In almost every instance, regulatory agencies are unduly oriented toward the industry which they are designed to regulate rather than toward the public which they are directed to serve. Their regulatory and administrative procedures are often impossible. At the same time, their enforcement authority is woefully weak.

The Federal Water Pollution Control Act, for all its promise, exemplifies the infirmities of the present system. Nationwide monitoring is non-existent. Appropriations have been meager. And after the entire enforcement process is carried out, a polluter is allowed to continue his despoliation—regardless how destructive—if the "economic" benefits of his activity are deemed sufficient.

Efforts in the field of air pollution have been similarly ineffective, in large measure because of inadequate financing as well as unrealistic quality standards. For example, of the 55 State and territorial air pollution programs being financed by Federal grants in 1970, only 6 have reached an annual per capita expenditure of 25 cents. Only 23, including the 6, are spending as much as 10 cents per person per year. Moreover, State air pollution agencies are sorely understaffed. Over half of these agencies have fewer than 10 positions budgeted. The 1970 HEW report to the Congress, "Manpower and Training Needs for Air Pollution Control," estimates that by 1974, State and local agencies will need 8,000 trained employees if they are to implement the Clean Air Act properly, even without consideration of the sweeping amendments currently before Congress. This represents an increase of over 300 per cent of the personnel currently employed by those agencies.

In this area especially, we in Congress and in the Democratic Party must do more, for the Administration offers little help. We must establish air and water quality standards which will heal the wounds that the nation has suffered. We must provide substantially more funds for this effort. And I believe we must afford citizens an opportunity, through the courts, to require of industry and government the same lawful conduct which the courts require of our citizens.

The Environmental Protection Act of 1970 does no more than that. It simply requires a compliance with standards of reasonableness and lawfulness which we all require of one another. It does not usurp the legislative function, but rather serves to assure that it is respected, for if agencies and industry do not carry out the will of Congress, then only the citizen and the courts remain.

The legislation follows a well-respected tradition in American law. Perhaps the most notable example is the provision in the Federal antitrust laws giving citizens a right to sue for treble damages when their rights have been infringed. Similar environmental bills have been introduced in the States of California, Colorado, Massachusetts, New York, Pennsylvania, Tennessee and Texas. The prototype of this legislation has already been signed into law in Michigan. So we do not propose a revolutionary concept which would radicalize our courts or bypass our legislatures. We simply attempt to ensure, by this legislation, that the citizen be heard and that the law be obeyed.

Recently, the courts have begun to reflect the growing sensitivity to the environmental crisis by a few favorable decisions, particularly in the area of standing to sue. Thus, environmental groups have successfully secured judicial review of the Trans-Alaska Pipeline System, the Hudson River Expressway, the Storm King hydroelectric project, the detonation of underground nuclear devices, and sea-dumping of nerve gas. In all cases, the review was simply and properly a determination of whether government and industry had acted lawfully. However, without S. 3575, the uncertainties of achieving judicial review of the lawfulness of public and private activities are many. For example, just last Thursday the Ninth Circuit Court of Appeals ruled that a conservation group with a membership of 78,000—the Sierra Club—did not have a sufficient legal interest to challenge the legality of a massive private development in Sequoia National Park and Forest. There is no logic in a decision which prevents citizens from protecting lands which are held in trust for them by the United States. A spokesman for the Sierra Club accurately remarked that:

"What, in effect, they are saying is that it doesn't matter if the Government is acting illegally, it doesn't matter if public interest is being shoved aside, no one can complain about it because no one is economically affected. . . ."

The provisions of S. 3575 would ensure that environmental rights receive their day in court equally with economic rights, and that the judiciary be given the full power to determine the lawfulness of actions taken by government and industry.

It is reasonable that the judiciary be given this authority, since it has served traditionally as an institution for heightening the public awareness of social problems, for resolving controversies free from unwarranted pressures and for allowing citizens to participate in decisions which gravely affect their lives. Most important, the courts, quite simply, enforce the law of the land. Commissioner Philip Elman of the Federal Trade Commission has described the problem and the possibilities very well.

Regulatory agencies were created in order to redress those injuries to the public which

can best be remedied by administrative action. Where only private interests are aggrieved, the proper remedy is a private action in the courts.

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Just as the administrative process should not be used to insulate businessmen from the rigors of a free-enterprise economy, it should not be used to relieve the courts of their duty to redress violations of private rights.

Earlier this summer, at hearings before Senator Hart's Subcommittee on Energy, Natural Resources and the Environment, the Department of Justice strenuously opposed S. 3575. In so doing, they suggested that cleaning up America should be left to the administrators and the experts, and that citizens should have no direct voice in that effort. Leaving aside the cynicism of this attitude, the empty record of the Nixon-Agnew Administration itself demonstrates that leaving the environment to these experts is like leaving the forest to the fire. It is simply unacceptable to leave environmental litigation and policy to an agency which directs its attorneys not to file actions against major industrial polluters.

As we are aware, there is much promising legislation presently before the Congress dealing with environmental problems. I am convinced, however, that no piece of legislation is more critical to the success of our efforts than this bill. It is truly a demonstration of our confidence in citizens to make their own victories free from the mysteries and constraints of an Administration which does not care.

Mr. Justice Holmes once remarked that "a river is more than an amenity, it is a treasure". This legislation permits the citizen a legal arm to protect his share of the national treasure.

Senator Walter F. Mondale: Our Environment Balance Sheet

One delightful thing about testifying before the Committee on "The Human Environment" is that no one can tell when you're off the subject. The human environment takes in just about everything worth talking about.

Everyone has been talking this year about our environmental crimes and the magnitude of the task that lies ahead.

What we owe are reparations to nature—and to our children—for what we have done to our world. And we seem to be overwhelmed by the burden of these reparations. Think of the *enormous cost* of atoning for our past crimes and repairing our water, our land, our air, our cities, and our children that have fallen victim to something we call progress.

We hear a figure like $100 billion for cleaning our nation's waterways—and it sounds like a cruel joke which no one can appreciate who hasn't tried to add a few hundred thousand dollars to a federal budget for a vitally needed education or poverty program.

Gaylord Nelson has set for a goal a commitment of $20-25 billion a year!

Just last spring I put in the Clean Lakes Act of 1970 in which I called for $1.5 billion spread over four years in order to start cleaning up our nation's 100,000 inland lakes.

But this is only the beginning. We have received estimated bills for the repair of our cities—and it runs to the tens of billions. We could spend tens of billions more simply to realize the goals of the 1965 Education Act—to achieve for every child true educational opportunity. We have seen a $64 billion estimate for meeting our housing needs—according to goals that were set over 20 years ago.

Such figures seem overwhelming . . . perhaps unthinkable. And we haven't even begun to add up the full price tag for a pollution-free automobile, for the beautification of our highways, for the elimination or reuse of the disposable bottle and other solid waste, or for new ways of controlling insects and crop diseases. We are only starting to think seriously of the price tag for eliminating health and safety hazards . . . for bringing our life expectancy and child mortality rates up to the level of other industrial nations.

In fact, many of us have been pointing out, the costs I have cited are *not* all that great. The question is really one of *priorities*—whether the preservation of our water is *really* worth only about half as much as the next step in an unworkable ABM . . . whether the control of air pollution is *really* worth less than the beginning of a space shuttle for our next space spectacular . . . whether federal programs to provide food for hungry children is really worth only two-thirds of what we will spend on a new supersonic transport?

Is $100 billion—to clean and preserve all our waters—a vast amount of money? Sure—but it's less than we've poured into the jungles of Southeast Asia without even counting the cost of 50,000 dead American boys.

Is $20–25 billion—what Senator Nelson said we should commit each year to our environmental clean-up—a staggering sum? Of course . . . but why weren't we more staggered by the GAO reports of $20 billion in cost *overruns* alone on our major weapons systems . . . or by the Brookings and the Joint Economic Committee reports indicating possible $10-20 billion cuts in Pentagon budgets with no real threat to our national security?

But perhaps we should go beyond the priorities issue. I am coming more and more to believe that the fault lies not simply in our *values,* but in our *arithmetic* . . . not just in what we do or don't do, but in how we *measure* the effect of our action—or our neglect. Maybe what we need is simply a *new balance sheet.*

For example, every dollar spent in preserving or restoring our precious lakes and rivers is now counted as an expense—something to be ashamed of, hidden, reduced, or eliminated altogether.

But our "balance sheet" does *not* count the *enormous loss* we incur every day as lakes and rivers further depreciate. Why didn't we start amortizing the worth of Lake Erie about 50 years back, to be carried on the government books until paid in full in 1970 when it is virtually worthless.

Why don't we put down an expense somewhere the millions of dollars attributed to air pollution alone?

Why don't we put on the government books—as a drain on the budget—the discrimination which costs our economy $30–40 billion a year.

How can we reel among in horror from the thought of a $10–12 billion bill this year for a truly effective water pollution program when *that's precisely what our carefully engineered recession has cost the federal government*—not to mention the $20 billion lost to the wage earner, the $7 billion to the stockholder, and the $2 billion to state and local governments?

The President vetoes the last two education bills—presumably, we assume, because he thought they "cost" too much. But where in his calculation, did he put the cost to society of 18.5 million Americans who can't read well enough to survive? I know where aid to higher education came in the budget—it was a "cost" which the Administration kept as low as possible. But where in the budget was the "cost" of losing 600,000–1,000,000 of college potential who do not go on simply because they cannot afford it?

Sometimes I think we allow our accounting standards to set our priorities. Why should you count equally as expenses a bombing raid high over some remote Laotian pass—which leaves behind little but broken vegetation and perhaps a hut or two—and a program to reclaim lost wilderness and create a magnificent park to bring joy to thousands for years to come?

How can you calculate and compare cost and return of our moon program and our medicaid program . . . of a dollar spent by HEW in researching and combating air pollution with a dollar spent by the Pentagon public relation team—which spend over 40 million of them a year?

How do you compare the cost of an occupational health and safety program with the social and economic costs of *not having one*—measured in illness, injury, lost income, and crushed pride?

I'm not asking for more spending; I'm only asking for *smarter* spending. We don't have money by neglecting the environment—we only waste money and "up the ante" for that day when the awful price of past neglect catches up with us.

We don't save money by neglecting our deprived children—we only waste human beings, and here we "up the ante" for that day when we must either reclaim them or be reconciled to the loss of their product, their intellect, or their social allegiance.

The tragic irony is that the Republicans consider fiscal responsibility their own thing—yet they are the greatest wasters of them all. Talk about deficits—the current Administration is ringing up bills all around the world. These won't show in his budget. We don't get have line items for economic, human, social, and environmental waste. But that's only the fault of the balance sheet.

My balance sheet—the one that would show the true cost and returns for what is done and what is not done—shows that we are going to have a lot of outstanding bills to pay—many from centuries of a profit-and-loss system which makes industrial pollution part of *the profits*—and many from the current Administration with a fiscal system that places the integrity of their balance sheet above the health and welfare of our children.

Senator Walter F. Mondale: "The Human Component of the Human Environment"—Submission for the Record

I am not sure, frankly, what tone to strike in approaching this issue of "human environment." For we are not doing well in this area, as many have pointed out. In fact, it is not clear yet whether our earth will survive our abuse.

But I also believe that we have been alerted in time, if we act now, to rescue ourselves. We owe that chance to the foresight and leadership of eminent men like Senators Gaylord Nelson and Ed Muskie, who have called us to account.

We must particularly become aware, as I have often stated before, that the crisis of natural environmental destruction is closely bound to human social losses. Both are derived from mistaken public policies and misplaced national priorities.

The Democratic Party recognizes that *"the environment" is people.* Policies which put production, or technology or profit ahead of people will not work, and they will continue to levy a terrible cost.

The federal government bears an urgent and direct responsibility in the development of new policies to meet the crisis. Population increase, urbanization, mobility, and growth across state lines and regions—all demand federal coordination. Explosive technological advance in energy utilization, communications, transportation and elsewhere all require federal planning and financing.

What we need most of all, of course, is human concern. There is no room here for benign neglect. We need visible, creative leadership rather than low profiles.

For example, the environment in which millions of our citizens earn their living must be of greater concern to this government. Far too often we find conditions of

production or technology which are hazardous to the workers directly involved, as well as to the natural surroundings. Every hour 8 to 10 workers are killed on the job.

It is becoming increasingly clearer that the radiation hazards associated with nuclear power plants are not fully understood or controlled. As in other areas of new technology previously "safe" levels of exposure are now being questioned by many scientists.

For several years environmental interests in nuclear plants has centered around thermal water pollution and its effects on marine life. Now we realize that direct effects are even more pressing. There needs to be more federal government concern for the safety of the atomic workers involved, as well as for the external pollution associated with these plants.

Farm workers are victims of a similar crisis. They are in immediate danger of injury, sickness, or death from the effects of chemicals and pesticides. Rachael Carson and others alerted us to the long term dangers of DDT and other pesticides. But the immediate effects on workers of these and even substitute agents has been neglected. The result is a human loss we cannot calculate.

Workers in mining industries are also plagued by hazards of harmful dust and gasses. We know of tragic losses of life due to black lung and other work-related disabilities of miners. Accidents associated with hazardous machines, unsafe excavations and explosives have also taken the lives of far too many miners. It is true that the mines have damaged the surrounding natural landscape with acid and other polluting leakage, vast waste heaps, and enormous open pits. But this must not obscure the direct human losses to workers.

Industrial plant employees often work without adequate exhaust of toxic gasses, dust, and chemicals. A recent study showed these conditions in 13% of the industrial plants in one of our largest cities. These same pollutants help create the choking smog over our cities. But inside the plants they contribute to the thousands of deaths and millions of serious injuries suffered nationwide by our workers each year.

If we have the will and the imagination, we can best these problems. Yet the present Administration has shown neither the will nor the way to do this.

The Atomic Energy Commission rebukes its scientists who call for more adequate protection standards, and objects when States attempt to set protection standards more stringent than its own. The Nixon Administration's priorities are revealed in the AEC budget which allocates less than *one percent* to protective regulatory functions.

The same conflict between interests of development and regulation exists within the Department of Agriculture. While farmworkers are struck down by chemicals, the state and Federal Departments of Agriculture argue about "legal tolerance limits."

The Nixon Administration's handling of coal mine health and safety borders on the criminally negligent.

The Administration has consistently failed to implement or support effective occupational health and safety legislation across the board.

As I said in speaking to student on Earth Day, our "environment" now is tragically a mood of retreat. Those in high office would replace urgency and idealism with self-interest.

"The Administration's environment" is a federal budget which allocates:

$200 million to feed hungry children and $200 million for the SST;

$800 million for the preservation of our water, and $1.5 billion for the second stage of ABM.

Most of all "their environment" is a culture which does little to conserve the earth, and almost completely ignores more direct human losses.

For example, what kind of *environment* do we provide for children? Children and young adults spend over half their waking hours inside schools. Our nation's progress depends on adequate education, including knowledge gained about protecting natural resources.

Yet, we have not provided an environment for our children which is worthy of a great nation. *30%* of the public school buildings in our large cities are more than *40* years old, and are unsafe and inefficient. *Ten million* elementary school children have *no* libraries in their schools. We pay *teachers twenty-five percent less* on the average than their counterparts in other occupations.

These factors make schools a "polluted environment" for our children.

The Federal government must continue to act to improve the situation, for it is clear that local tax sources are increasingly inadequate. Yet the Office of Education is funded at *50%* of authorization, while we are supporting military and space efforts at above *90%* of authorizations. Mr. Nixon vetoed the education appropriation as being inflationary. The direct loss in human resources in a weak educational environment is a national calamity.

The nation is also paying an unnecessary high price in human terms for its transportation system. Unrestrained highways mar the countryside and stimulate urban air pollution. Hundreds of thousands of mostly low income city residents have lost homes to freeways. Equally important, many tens of billions of tax dollars have been preempted by road building and lost to more efficient means of mass transit.

The poor and minorities are particularly hurt by shortage of cheap transit as industrial jobs move outside the core city. Expressways also hastened the decline of cities by encouraging middle class city workers to move to beltway suburbs.

The resulting loss of population diversity is changing the character of cities as surely as air pollution and parking lots. The Nixon Administration has not adequately supported alternative transportation systems. It has indeed neglected mass transit and railroad development while sponsoring the obnoxious supersonic transport.

We are often urged that we must be willing to pay the costs of environmental protection. I agree that we must pay. But I would ask "Who shall pay what amounts?" There are many expenses: Paper companies must treat effluents formerly dumped untreated. Power companies must wire underground, build cooling towers, or attach smoke abatement equipment. Auto makers must build exhaust control devices. Fuel producers must seek new clean materials. All companies must spend to protect employee health and safety. Municipalities must build new waste treatment facilities, transit systems, and schools.

The costs of these changes must be shared. The stockholders cannot be expected to directly absorb all production costs from profits.

The federal government cannot be expected to subsidize all protection costs, either through budget shifts, new taxes or tax incentives. Employees cannot forego needed wage increases. Local taxpayers cannot bear the full burden of local improvements.

And consumers cannot be expected to absorb the full costs through direct price increases or rate changes.

There must be a sharing of effort in ways which have not previously been considered, through methods which will take into account the human aspects of environmentalism.

John Kennedy, in his preface to Stewart Udall's book, *The Quiet Crisis*, said, "We must expand the concept of conservation to meet the imperious problems of the new age. We must develop new instruments of foresight and protection."

If we do not now heed that advice, if we squander another decade in neglect and ignorance, we will not be given a second chance. The crisis is here and now in the environment. The human tragedies are taking place every day.

For pollution of people and nature is like some insidious cancer of the national body. If we fail to act on the fateful diagnosis we have heard, if we refuse to apply every cure we have, there will be no hope for the patient.

SENATOR EDMUND S. MUSKIE: ADMINISTRATION CHALLENGED TO SUPPORT SENATE-PASSED AIR POLLUTION BILL

Mr. Chairman. Thank you for this opportunity to appear before the Committee today.

Yesterday I submitted for the record a prepared statement which I had intended to present to the Committee personally at that session. Rather than read that statement today, I would like to make some more general comments concerning our environmental perspective.

A century ago, the Massachusetts Board of Health—the first of its kind in the country—made the following declaration:

"We believe that all citizens have an inherent right to the enjoyment of pure and uncontaminated air and water and soil; that this right should be regarded as belonging to the whole community; and that no one should be allowed to trespass upon it by his carelessness or his avarice or even by his ignorance."

We are finally beginning to appreciate that point of view—even those of us who have never flown up the East Coast from Washington, looking down through the smog.

The environmental point of view requires more than philosophy . . . more than poetry . . . more even than speeches.

It requires action—action that is prompt and decisive.

Too many Americans have a sense of drifting uncontrollably from problem to problem . . . of being dominated by events beyond their grasp . . . of facing challenges that our institutions—both public and private—seem unable to meet.

Our environmental problems have contributed greatly to that self-doubt and fear of what the future may hold.

For the nation which has sent men into space—unlocked the mysteries of the atom; built the most powerful industrial base in the world—has not yet halted the deterioration of its air, its water and its land.

And so the time has come to determine whether we still possess the courage, the ingenuity and the skill to pursue a common cause—not only of survival, but of a better life.

During the last decade, a number of us in the Senate began trying to shape an effective policy for the preservation and improvement of our environment.

We have worked at it—in every session.

And over the years, we have had to fight public apathy, overcome Presidential and congressional reluctance to appropriate the necessary funds, and break down industry resistance.

As a result, we have not done nearly enough.

We have not even kept pace with the pollution.

And it is clear to me that we can no longer accept "business as usual."

I do not suggest that we put companies out of business: repeal technology; or return to a primitive state of nature.

But I am convinced we can no longer continue to pay the price of a steady deterioration of the basic elements of life.

We need to change our attitudes; our operations; and our standards of what *is* sufficient to protect the public health and what is not.

Take, for example, the problem of air pollution.

Each year, over 200 million tons of pollutants are released into the air—soiling our clothes . . . our homes . . . and our lungs; destroying plant and animal life; threatening to change forever our atmosphere and our climate.

In hard economic terms, it has been estimated that a 50 percent reduction in air pollution in our major urban areas could save the country well over $2 *Billion* a year in medical costs and lost work days alone.

But think of the human price.

That same 50 percent reduction could reduce deaths from bronchitis by up to 50 percent; deaths from lung cancer by 25 percent; deaths from heart and blood vessel disorders by 20 percent.

And we all know that no single statistic or set of statistics can really explain what it feels like to take a breath of fresh air.

For all the progress we have taken pride in technological advances; industrial development; material comforts our fathers and their fathers before them filled their lungs with better air than we now have at our disposal.

Unless we act—and act now—the smog alerts throughout this country will eventually become death watches of the grimmest kind.

And the public outcry which *would* result would force Congress to enact crisis legislation of the most stringent variety—legislation which might provide for Federal preemption of state and local governmental authority . . . for Federal control over industry decisionmaking . . . or for nationalization itself.

These are solutions that none of us wants.

But they will be demanded, unless we make the hard choices now that just might save us.

That is why we voted Tuesday—in the Senate—for the National Air Quality Standards Act of 1970.

The critics of that Act are right in some of the things they say.

This Act does *put* industry under pressure.

This Act *will* cost money and time and effort.

This Act may ultimately close down the worst offenders.

But this Act is necessary.

It is sensible.

It is possibly our last chance.

And so—with respect to stationary sources of pollution—industrial plants of every description—the Act establishes national ambient air quality standards for major contaminants that must be met by national deadlines; provides rigorous national standards of performance for newly-constructed sources of pollution; grants authority to the Secretary of Health, Education and Welfare to prohibit completely the emission of hazardous substances.

Why do we need to police the way in which industry affects the air?

Not because our industries are intentional sinners.

But because we can no longer expect them to become intentional saints.

I recognize that the requirements of the Act will be difficult to meet.

But American industry—its technological know-how and its managerial ability—has been challenged in the past.

And it has not fallen short.

In this Act, we have required that a 90-percent cleaner car be developed by 1975.

Industry doubts whether this goal can be met.

But it must be—and we shall all breathe easier again.

In 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major air pollutants—including 64% of the carbon monoxide and 50% of the hydrocarbons.

That is no way to run the automotive industry.

The auto manufacturers have told us that Americans cannot live without the automobile.

We are telling them, if that is so, then make an automobile with which Americans can live.

Now we must challenge the Administration to put action behind rhetorical commitments . . . to support the Senate-passed National Air Quality Standards Act . . . and to ask for the funding to make the Act work.

We are all running out of time.

And the public policies on which we are staking our common future must deal with those problems with businesslike precision; with fixed targets; and with tough performance standards.

Remember—this is only a single aspect of the whole environmental challenge facing us at the beginning of the 1970's.

It should be obvious to us by now that the problems of the environment require more from us than a determination to clean up the mess we have created, although that is important.

We must also—at this point in time—start changing the very habits that permitted us to abuse our environment in the first place.

After all, all Americans breathe dirty air, vacation beside dying lakes, and travel on crowded roads.

All of us feel the side effects of uncontrolled technology—and yet we are certainly not prepared to give up the comforts of contemporary life.

So we *must* work together to develop national and orderly methods of planning for the future; to adopt meaningful and enforceable criteria; to achieve economic progress *and* environmental improvement.

And to avoid the apocalypse which James Thurber once warned us about:

"Man is flying too fast for a world that is round. Soon he will catch up with himself, in a great rear-end collision, and man will never know what hit man from behind was man."

Thank you.

SENATOR EDMUND S. MUSKIE: NEW DIRECTIONS AND NEW PHILOSOPHIES IN ENVIRONMENTAL PROTECTION

One of the most troubling aspects of our national mood is the crisis in confidence which afflicts too many Americans in all walks of life. It is a crisis marked by self-doubt, by a fear that our problems may be greater than our capacity to solve them, that our public and private institutions may be inadeqaute at a time when we need them most.

Our environmental problems have contributed heavily to that self-doubt and fear. A nation which has been able to conquer the far reaches of space, which has unlocked the mysteries of the atom, and which has an enormous reserve of economic power, technological genius, and managerial skills seems incapable of halting the steady deterioration of our air, water and land.

Our response to this environmental challenge will reflect the depth of our commitment and our faith: in our institutions, in our capacity to find answers to difficult economic and technological problems, and in our willingness to make difficult choices.

In the final analysis, our success in repairing the environment will depend *less* on our technological skills and imagination and *more* on our readiness to make *new* choices.

First, we should all recognize that a clean, healthy environment will not come cheap. The air pollution bill that was passed by the Senate two days ago will cost four times more to operate in fiscal 1973 than the President requested for the program for this fiscal year.

That may seem like a lot, but this year the President asked for almost *three* times as much money for the SST as he asked for air pollution control.

What did he request for water pollution control? This year the President asked for $800 million. The Congress said that was not enough, and appropriated $1 billion. Again, this may seem like a lot, but not in light of the President's other requests—$3.4 billion for the space program or $7.3 billion for arms research and development.

Billions for arms, space and the SST . . . small change for our water and air. *That* is big spending . . . and *bad* spending. Here we must make *new* choices . . . we must show a new *commitment*.

Spending the money to clean up the past mess is only the first of the new commitments we must make. At the same time, we must start changing our attitudes that permitted this environmental abuse in the first place.

For example, electric utilities have been regulated—inadequately in many cases—by State commissions and the Federal Power Commission with respect to rates.

But few commissions have told the utility companies where they can or cannot build their plants, where they can or cannot run their transmission lines, how large their reserves must be, or how they should interconnect.

We have taken electric power for granted. We use it to improve the quality of our lives.

We have assumed it will be there when we need it. We have assumed that it is clean. We have assumed that those who supply it will respond to our needs. And we have assumed that someone in government somewhere is looking after our electric power interests.

Now we know . . . that it is *not* always there when we need it . . . that it is *not* very clean . . . that the companies do *not* respond to our needs . . . and that no one in government *anywhere* is effectively looking after our interests.

What does all of this mean for the human environment?

It means that we are in danger of massive power shortages and failures, not just brownouts.

It means that we are losing the race between the capacity of people to use electricity and the capacity of our nation to supply it.

It means that electric power is responsible for about 14 percent of our air pollution.

It means that the people have become environmentally conscious and will not permit electric power plants in their backyards.

And it means that our planning and protection in this area is a national disgrace. We are at the state of the first incandescent lightbulb.

All levels of government have failed to fashion the tools to deal with this crisis.

Local and State governments have failed to work out regional plans. The Federal Power Commission has not faced up to the need for a national power network. And the Nixon Administration still has not delivered on its promise of a national power policy, nor has it offered any leadership.

This crisis could stop America in its tracks. Only a public demand for national policy to cope with it can head us in the right direction.

The electric power industry is only one of many American industries with a double edge. On the one hand, they improve the quality of our lives . . . and on the other hand, they degrade the quality of our environment. This double edge is not unavoidable . . . and we can no longer afford it.

The new choices we must make to protect our environment involve new directions and new philosophies.

In the past, the double edge of America industry has forced us to make a choice between a clean environment and economic growth.

It is time we demanded the advantages of both . . . it is time to discard the double edge, and to follow the lead of the National Air Quality Standards Act of 1970 just passed by the Senate. That Act tells American industry that nothing is more important to the American people than our health and the quality of our environment; that business as usual is no longer acceptable; and that we refuse to pay the price of a continued deterioration in the quality of our lives.

Why do we need to police the way in which industry affects our health and our environment? Not because our industries are intentional sinners, but because we can no longer expect them to become intentional saints.

Earlier in my statement I spoke of commitment and faith . . . and of a willingness to make difficult choices.

The only way to conquer our doubts and fears . . . to halt the deterioration in the quality of our environment . . . is to talk sense about what is important to the American people . . . to spend our dollars wisely . . . and to stand up to those who would continue to degrade the environment and tell them it is time to stop.

These are the new choices, the new directions and the new commitments the Democratic Party can offer.

REPRESENTATIVE HENRY S. REUSS: WATERS AND WETLANDS

We are now well along with the first year of the Environmental Decade. I congratulate the Committee On the Human Environment for its timely holding of these hearings.

Though this Committee is a unit of the Democratic Policy Council, you will not take it amiss if I record some good environmental deeds that have been accomplished by this Republican Administration. President Nixon, after some initial opposition to the idea, supported and signed into law the first bill of the year, that establishing the Council On Environmental Quality. And he has appointed first rate men to the Council. Secretary of the Interior Hickel showed courage and insight in stopping the violation of the Everglades, and the totally unjustified land fill in the Potomac south of Washington at Hunting Creek. In one of the most pleasant surprises of all, the Corps of Engineers has been getting right with the environmentalists with a vengeance: it has appointed a blue ribbon group of ecological advisers, and has finally adopted some environmental guidelines that have brought deserved cheers from us conservationists.

But this *is*, after all, the Democratic Council. So let me talk about the dark side of the Republican moon.

What has been the Administration's record with respect to those who pollute our waters and despoil our wetlands? The record is not good.

1. *Inventory of industrial polluters.*—For 7 years the House Government Operations Committee has urged that the Executive branch undertake, in cooperation with industry, an inventory of industrial wastes. To date, none has been established.

Instead the Interior Department and the Budget Bureau, at the urging of industry, have toyed with the contents of a questionnaire form while industrial pollution of our waters increases daily. This pollution of our waterways continues to degrade our environment, but the Executive branch refuses to utilize fully the tools at its command to bring it to a halt.

Section 5 of the Federal Water Pollution Control Act has since 1956 authorized and directed the Secretary of the Interior to "conduct . . . investigations . . . relating to the causes, control, and prevention of water pollution." It also authorizes him to "collect and make available, through publications and other appropriate means, the results of and information" obtained from such investigations.

But though the Federal Water Quality Administration has considerable data on wastes discharged from municipalities and Federal installations, it woefully lacks data on wastes discharged from industrial plants.

The volume of industrial wastes is growing daily. Secretary Hickel on September 10, 1970 said in a news release that industries use "over 17 trillion gallons of water a year from ground and surface sources but treat less than 5 trillion of this total before discharges." In addition, new kinds of industrial discharges create new forms of pollution. Secretary Hickel's release of September 10 noted that "55 new chemicals are developed each year by chemical and allied industries."

Over two years ago, the House Committee on Government Operations, issued its report (H. Rept. 90–1579, June 24, 1968) entitled "The Critical Need for a National Inventory of Industrial Wastes." That report recommended that Interior establish a national industrial waste inventory, and that the Budget Bureau approve the questionnaire form proposed by Interior. The Bureau met in August, 1968, with the Advisory Council on Federal Reports, which is organized, financed, and its members appointed by the Chamber of Commerce, the National Association of Manufacturers, and other national business organizations. When the Council opposed the inventory, the Budget Bureau withheld its approval.

During 1969, we corresponded with the Interior Department and the Budget Bureau several times about the status of the inventory. In July, 1969, we were told that the only remaining question was whether all data received would be held as confidential, and that this question would be resolved in a few weeks. But early in 1970 the Budget Bureau (now called the Office of Management and Budget) ordered the inventory killed.

The Interior Department has repeatedly agreed that an industrial wastes inventory is needed. The Federal Water Quality Administration's report to Congress of March 1970, entitled "The Economics of Clear Water," stated (Vol. 1, p. 8) that the "lack of an industrial waste inventory precludes meaningful improvement" of FWQA's estimate of the cost of clean water. FWQA's report puts it plainly as follows (p. 18):

"The lack of reliable information on industrial water pollution control activities might be considered to be intolerable, if the nation had not become quite habituated to it. The guessing process has gone on for so long that it is considered quite normal; and every effort to initiate an industrial waste inventory has been frustrated without noticeable public comment."

To abate water pollution, we must have data as to the source, composition, quantity, frequency, treatment, and points of discharge of the wastes.

The present mercury crisis could have been largely averted if industrial polluters and the Budget Bureau had not been so successful over the years in preventing a national inventory of just exactly what industries are dumping into our nation's waters. If this national industrial pollution inventory had been implemented, mercury discharges would in all probability have been stopped or curtailed.

At a hearing of our Conservation Subcommittee on September 17, 1970, the Budget Bureau finally agreed to let the inventory request go out to the 12,000 water-using industries. Better, I suppose, late than never.

2. *Prosecuting industrial polluters.*—Early this year the House Government Operations Committee rediscovered the 1899 Refuse Act. That act prohibits an industry from discharging polluted matter of any kind into a stream or lake, unless it has obtained a permit from the U.S. Army Corps of Engineers.

Since 1899, the Corps of Engineers has issued only 415 permits, only 266 which are in effect today. In 22 states, including industrial states like Connecticut, Maryland, Michigan, Rhode Island, Virginia and West Virginia, no permits has ever been issued. In only eight states have more than 11 permits ever been issued. Thus the number of industrial polluters in violation of the 1899 Act is in the tens of thousands.

Violation of the Refuse Act is subject to criminal penalties of not more than $2,500 nor less than $500 for each violation, or imprisonment for not less than 30 days nor more than 1 year. The act provides for the furnishing of information on industrial pollution by citizens, who are entitled to one-half the proceeds of the fine. The Act specifically directs U.S. Attorneys to "vigorously prosecute all offenders".

Since the discovery of the Refuse Act, the Conservation Subcommittee has sent out, upon request, more than 8,000 anti-pollution kits to citizens in every state in the union, kits which explain how citizens may bring instances of pollution to the attention of the U.S. attorney, who is duty bound to "vigorously prosecute".

Many a U.S. Attorney has shown a commendable desire to "vigorously prosecute" instances of pollution referred to him.

Unfortunately, the Department of Justice is not very long on law and order when it comes to "vigorous prosecution" under the Refuse Act. Assistant Attorney General Shiro Kashiwa in a letter to our Conservation Subcommittee of June 11, 1970, set forth the somewhat languid interest in industrial pollution at the Department of Justice:

It would not be in the genuine interest of the Government to bring an action under the Refuse Act to secure a criminal sanction against a company which admittedly is discharging refuse into the navigable waters of the United States, but which, pursuant to a program being conducted by the Federal Water Quality Administration, is spending significant amounts of money to secure abatement of that pollution.

In other words, if the polluter is continuing to pollute, but spending "significant amounts of money" to abate the pollution, he is apparently privileged to violate the law.

This ridiculous position was further solidified in the Justice Department's formal guidelines of July 10, 1970. Those guidelines advised U.S. Attorneys to enforce the Refuse Act only where the polluter causes "significant discharges, which are either infrequent or accidental, but which are not of a continuing nature resulting from the ordinary operations of a manufacturing plant." In other words, if a polluter drops an occasional orange peel into the stream, prosecute him vigorously. But if day in and day out, the polluter floods the stream with arsenic cyanide, mercury, and all manners of fecal coliform bacteria, forget it as far as the Department of Justice is concerned.

The Department of Justice encourages disrespect for law when it violates its mandate to "vigorously prosecute". It should start obeying the law.

Meanwhile, the Corps of Engineers wants to do a good job of detecting industrial pollution. It is desperately short of qualified employees to monitor and discover industrial waste. Its Detroit District office, for example, with 3000 miles of shoreline to protect, has two employees on pollution work. For a modest $4 million annual appropriation, the Corps has testified, it would be able to discharge its duties to identify and prosecute industrial polluters. The Bureau of the

Budget—the same outfit which has been holding up the inventory of polluters—has been playing possum on the Corps modest $4 million request. As of today, the Bureau has not approved the $4 million request.

This failure to find $4 million for essential anti-pollution work is typical of our misplaced priorities. Thus the current budget contains $106 million for combating air pollution, and $290 million for making air pollution via the SST.

3. *Phosphates in detergents.*—One of the major causes of the degradation of our nation's waters is overfertilization (eutrophication) by phosphates. As the agency chiefly responsible for water pollution control, the Interior Department has long known that the detergent industry puts over 1.5 billion pounds of phosphates into its detergents every year, and that the major portion of these detergents end up in our lakes and streams. But the Administration has consistently refused to require the detergent industry to reduce the phosphate content of its detergents. Last spring the House Government Operations Committee issued its report #91–1004, "Phosphates in Detergents and Eutrophication of America's Waters", commending that phosphate rich detergents be phased out within two years. The Administration has yet to take a position on phosphate detergents.

4. *Filling wetlands.*—In estuary after estuary, crucial wetlands vital for migratory waterfowl, for marine life, and for recreation are being filled by speculative apartment builders, by industries, by maritime interests, by airport builders. For more than a century, the Corps of Engineers has issued fill permits almost at will.

These permits are of great value. For example, there was testimony in the Hunting Creek case that the apartment builders who hoped to build on the fill paid $30,000 for the bottom rights for their nine-acre proposed fill; when filled, the land would be worth $4 million. With profits like that to be obtained by using the public's waterways, it is no wonder that fills have already claimed more than a third of San Francisco Bay, and large sections of our other estuaries.

In order to stop this incentive toward indiscriminate filling, I introduced into this Congress H.R. 18385. The bill would require that when the Corps of Engineers grants a fill permit, it should obtain from the permittee the fair market value of what the permittee is being given. In the Hunting Creek case for example, he would have been compelled to pay for his fill permit the $4 million the filled land would be worth, less the $30,000 paid for the bottom rights, and the cost of filling. Instead, the permittee was to get the right to fill for nothing.

H.R. 18385 provides that the proceeds received from the fill permits be put into the Land and Water Conservation Fund which desperately needs them in order that the public may acquire recreational lands.

The bill was favorably received by the Government Operations Subcommittee and was reported out last July. It has not progressed further, however, because of the sudden opposition of the Department of Justice. According to the Department of Justice, it is perfectly legal for the Corps of Engineers to give away the public's rights to the land filler, but it would be highly unconstitutional to charge anything for the privilege. It is opinions like this, and nonaction as in the Refuse Act of 1899, that enables the Department of Justice to preside over the give-away of our waters and wetlands.

It has been said that partisanship in foreign policy stops at the water's edge. Until the loyal opposition—the Democratic Party—gets a somewhat improved performance from the present Administration, partisanship in environmental policy ought not to stop at the water's edge.

ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION—OFFSHORE OIL DEVELOPMENTS IN SOUTHEAST ASIA THREATEN MARINE ENVIRONMENT

A friend of mine at the Hopkins Marine Station of Stanford University at Pacific Grove, California said recently in a speech that the oceans are beginning to die from chemical pollution and that Nothing is being done about it. He said "no one is watching the world."

Well, we have been doing some world-watching, especially in the development of offshore oil and gas exploration drilling and production. The statistics are quite impressive. Today there are over 30 countries producing offshore oil and gas. Current offshore oil reserves are currently about 85 billion bbl or 20% of the world's total of 425 billion bbl. Current offshore production is about 6.5 million B/D or 16% of the total daily output of 40 million B/D. By 1980 offshore fields should be producing more than 20 million B/D amounting to approximately 33% of the non-Communist world production.

The implication of these statistics are dramatically demonstrated when one observes a concession map of Southeast Asia showing the continental shelves. I have here a map published by The Oil and Gas Journal and a larger map of Southeast Asia showing the various oil concessions. The maps are not all inclusive as the shelf off South Vietnam is about to be concessioned out.

As these concessions are worked and as oil is found it will have to be transported by pipe, barge and tankers. Tankers of the 250,000 ton dwt class and larger are now plying the oceans of the world and they will proliferate both in number and size as these concessions become productive.

There are grave international implications to the facts that I have presented. There aren't any treaties or international agencies regulating the types of cargoes which can ply the oceans. It's possible, if international agencies did exist, that the present generation of super tankers may have never been allowed until methods for preventing oil spills were developed.

The areas of the world shown on the maps before you are already quite volatile and oil on troubled waters is certainly what we don't need at the present time.

The seas will probably in the future be the site of serious international incidents unless steps are taken to deal with the potential for catastrophes at sea.

Although my brief remarks here this morning deal with the implication of new offshore oil exploitation, there now exists a new potential peril that must be dealt with.

For the first time chemical tankers are being launched that will be transporting liquid chemicals such as sulphuric acids, phenol, and aniline. As there are no laws against bulk transport of biological poison, these tankers might also be used for carrying pesticides or herbicides. Last year one sack of insecticides was dumped in the Rhine River. A trail of dead fish extended almost 100 miles from Germany into the Netherlands. Consider the catastrophe and the international implication if a tanker goes down loaded with herbicides or pesticides. Imagine the plight of the diplomat who must convey to a foreign government the message, "We are sorry we just killed the water adjacent to your country."

Consider also the fact that many countries shown on the concession map before you depend on the seas for their major source of protein. Only the laws of economic expediency govern the types of cargoes transported on the oceans.

I have attempted very briefly this morning to convey to you a sense of urgency concerning what we consider to be a grave threat to the human environment. The exploitation of the ocean, the use of it as an unregulated highway, must be dealt with by international treaties. It is imperative that a comprehensive program be developed to deal with this problem.

PROFESSOR RICHARD A. FALK, MILBANK PROFESSOR OF INTERNATIONAL LAW AND PRACTICE, PRINCETON UNIVERSITY—AMERICAN FOREIGN POLICY AND INTERNATIONAL ENVIRONMENTAL PROBLEMS

American official policy toward the international environment is very inadequate at the present time. Despite much rhetoric of concern, the Federal Government has not taken effective steps to protect American society from the bad consequences of environmental decay. The situation is urgent, and it is essential that dramatic action be undertaken soon in a number of different areas.

There are three main categories of issues, each of which calls for a distinctive response:

I. *Vulnerability to specific disasters.*—The breakup of the *Torrey Canyon* oil tanker in 1967 suggests the sort of problem that can occur. Recently, the British science journalist, Nigel Calder, has warned about the possibility of "a nuclear Torrey Canyon" resulting from a collision that splits open a nuclear-powered submarine and releases highly radioactive wastes from the reactor, (*New Statesman,* 21 August 1970, p. 202). There are more than 170 nuclear submarines in operation and two have already been the victims of ocean accidents, although apparently without causing radioactive spillage. Mr. Calder is convinced that the release of radioactive wastes might require the closing of ports in the area affected and would contaminate fish for several years, since, as with DDT, marine organisms tend to concentrate radioactive elements, such as iodine or strontium, in amounts many times greater than the concentration in water itself.

Other specific disasters might involve leaking tanks from nerve gas and radioactive material that has been dumped into the oceans. There is now a serious concern that the thousands of oil tankers sunk during World War II are beginning to disintegrate. These tankers were built to last no more than forty years and may aggravate already serious problems of ocean oil pollution.

The prospect of such disasters requires advance planning with respect to both preventive and reactive plans. Such planning should occur with national governments and on an international level. There needs to be a capacity for rapid and reliable response anywhere on the globe, but especially in the North Atlantic area where the impact of technology on ocean quality is greatest. More research needs to be done on effective remedies. In dealing with the *Torrey Canyon* spill more damage was done to marine life by the detergents used to disperse the oil than by the oil itself. A new detergent with no such bad effects has now been developed and is stored in several parts of England in the event of need. Similar capabilities are needed elsewhere to deal with large-scale spills caused by tanker accidents and by offshore blowouts of the Santa Barbara variety. There is every reason to suppose a worsening of this danger with larger tankers and more off-shore oil drilling.

An international convention (Brussels, 1969) vesting considerable authority in the coastal state to take action to deal with pollution emergencies now awaits ratification to come into force.

II. *Cumulative changes in international environmental conditions.*—There is a wide variety of issues that involve cumulative changes in environmental quality through gradual buildups—hardly noticeable—of dangerous conditions.

If the SST goes into operation, especially if the 500 airship fleet contemplated by the mid-1980s comes into being, there are likely to be some serious effects on stratospheric

weather conditions, including an increase in clouds and smog, and some possibility of atmospheric temperature change.

The burning of fossil fuels is increasing the amount of carbon dioxide in the atmosphere with some prospect of an eventual, but uncertain, impact on weather conditions either by shielding the earth from the sun's rays or by entrapping heat in the atmosphere ("the greenhouse effect").

DDT is increasing in concentration in the oceans and may have some impact on the capacity of ocean phytoplankton to convert carbon dioxide into oxygen; already DDT concentrations in some marine organisms, for instance mackerel caught in fisheries off California, exceed permissible tolerance levels for human consumption.

Oil pollution in large quantities is taking place by *normal* operations; as much as 1.5 million tons of oil per year are accounted for by ocean shipping, offshore drilling, and accidents, and another 3–4.5 million tons result from land disposal. Some studies show severe damage to marine life resulting from this vast annual volume of oil placed in the oceans.

In relation to these cumulative processes of change our knowledge is very fragmentary and unreliable. We do not know how to identify danger-points, nor do we yet know very much about the fundamental changes in environmental quality being produced by activities of the type described above. Lakes and rivers have been polluted virtually beyond rehabilitation by the sorts of processes that are now causing some to be concerned about the future of ocean quality. The oceans are large, but limited, and mankind may be pressing up against the capacities of the oceans to absorb wastes and poisons on the scale now taking place. With industrial development going forward everywhere and with the world population growing at an annual rate of about two percent, present tendencies are likely to worsen in the future.

We need to develop on a world level a monitoring agency responsible for collecting information and analyzing ecological changes that are taking place. Such an agency should be open to membership by all governments and should coordinate all existing weather observation and oceanographic institutes. George Robinson of the Center of Environment and Man at Hartford, Connecticut, reports that such an "effective global system for monitoring critical parameters" could be established for about $25 million. The United States should propose such a monitoring system, perhaps at the 1972 Stockholm Conference on the International Environment. Proposals for a global monitoring network are being presented during this month in Rome to the International Biological Program.

III. *Conservation of endangered species.*—There are a number of varieties of animal life that require prompt and effective international protection to avoid extinction in the years ahead. Perhaps the most compelling need is to take steps to conserve all species of great whales that are now proposed for the endangered species list. Japan and the Soviet Union are the main whale hunters and have made large investments in whale factory ships, and the United States imports a sizeable annual proportion of products derived from this whale catch. The great whales, authors of a recently discovered complex whale music, are the largest mammals on earth, a mythical part of human heritage, and an important factor in ocean eco-systems. It seems very important to take steps to enforce the International Whaling Convention and Schedule of Whaling Regulations of 1946 in a more effective manner, especially by implementing the scheme for putting international observers on whaling ships (and land stations) to make sure that annual catch quotas are not being exceeded, that protected species are not taken and that the other regulations of the International Whaling Commission are respected.

DDT has already brought several varieties of birds to the edge of extinction, including the Peregrine Falcon, by interfering with calcium metabolism thereby causing eggshells to be produced which are much too thin to hatch. Clearly from a conservation perspective a ban on hard pesticides seems essential.

There is also considerable evidence that the Arctic polar bear is in growing danger of extinction as a result of hunting and an increasingly infringed habitat.

In a world beset by violence and poverty, these conservation issues may not seem too important, but there are a growing number of Americans that care terribly about the preservation of the flora and fauna of nature's bounty and many more that perceive the fate of the Peregrine Falcon as the writing on the wall for all of mankind. Therefore, for the sake of human survival—man is an animal among animals—it becomes important to guard against human behavior that threatens other animal species with extinction.

In conclusion, I would make several recommendations:

1. The creation in cooperation with other governments of a World Environmental Authority under international, possibly under UN auspices [see attached paper for a more detailed proposal];

2. Intensive support by the government of scholarly research on cumulative changes in the international environment, including research on the political and economic problems associated with varying lines of solution;

3. Active encouragement of the formulation within the United Nations of a Draft Declaration of Ecological Rights as a supplement to the Draft Declaration of Human Rights;

4. Immediate study and proposals to take protective action with respect to the principal instances of endangered species that fall outside the national jurisdiction of any single national government.

PROFESSOR RICHARD A. FALK: PROPOSALS FOR INTERNATIONAL ENVIRONMENTAL PROTECTION

Ever since atomic bombs were exploded over Hiroshima and Nagasaki in August of 1945 serious doubts have been raised about the capacity of sovereign states to organize reliably the welfare and security of mankind. Even before the specter of nuclear war, there existed a persistent, if ineffectual, effort to reorganize world society in such a way as to make large-scale war less likely. Such movements for a better world order have generally called for a greater concentration of authority and power in central institutions and a drastic reduction in the right of national governments to develop, possess, and use military power in their relations with one another.

As we are all well aware, however, these efforts to achieve centralization and to bring mankind somewhat closer to the long, unfulfilled dream of world peace have proved largely futile. The traditions of national self-reliance seem too strong to overcome even by appealing to the selfish interests of governments and their populations. Powerful governments distrust one another and are reluctant to give up their capacity to coerce weaker societies. Strong vested economic and bureaucratic interests maintain a rigid worldview at the centers of national power that has, to date, successfully shut out proposals to move the organization of international life beyond the stage of competing nationalisms and rival ideologies. At most, as when religious wars between Protestant and Catholic societies became so appalling in the seventeenth century a successful effort to promote religious tolerance and the idea of national autonomy may occur.

The Peace of Westphalia (1648) tried to build a new, safer world order on the basis of these two principles. In our era, the repeated emphasis on ideas of peaceful coexistence and nonintervention in the internal affairs of soverign states have represented the best efforts of world leaders to avoid the mutually destructive consequences of large-scale warfare by strengthening the capacity of rival states and ideologies to compete without recourse to war. Such efforts have not been altogether successful as events such as the Korean War, the Cuban Missile Crisis, and the Vietnam War suggest, but a major Soviet-American confrontation has been so far avoided, sometimes narrowly. An instrumentality such as "the hot line" connecting the White House with the Kremlin at all times bears witness to the persistence of common interests even, perhaps especially, during periods of high crisis in world affairs. These procedures are designed to prevent the collapse of world order under the pressure of international political competition.

At present, these procedures for averting catastrophe are concentrated in principal centers of national authority. World peace rests upon the interactions between the main sovereign states, and the whole structure of deterrence is based on an exchange of threats by nuclear powers to destroy one another in a time of war. The United Nations as a central institution plays only a marginal role in this system of world order. There are no traditions of deference to the will of central institutions in world society. These institutions may be useful forums to carry out common policies of major countries, but not as a source of independent action arising out of a common normative framework. The UN cannot uphold its own Charter in relation especially to such major states as the Soviet Union and the United States, but also not even in relation to such smaller and isolated states as South Africa and Portugal. The Charter overlay on world society has not achieved any fundamental reorganization of world society.

Against this background the new challenges arising out of environmental pressures need to be understood. These pressures come about primarily by the combined effects of a rising GNP and in increasing population. The total situation is largely caused, at least at present, by the life style and productive capacity of the highly advanced industrial societies. In many respects, the United States and the Soviet Union, as the largest industrial states, as principal nuclear powers, and as adherents to opposing ideologies expressed both on foreign policy and domestic government, are the most critical centers of perception and action as to both the diagnosis of and response to the mounting evidence of environmental decay. If these two governments can achieve a convergent understanding of these problems, then the prospects for timely response are greatly enhanced. If not, hence, in my judgment no subject at the present time is more important for American and Soviet opinion-makers to discuss than the threats mounting against the world environment. The significance of these threats is to accentuate in an entirely new, and perhaps decisively new, way the inadequacy of the state system to solve the problems of mankind or even, quite possibly, to provide for the survival of the human species and the habitability of the planet. The danger of nuclear war carries with it awesome risks, but these risks can be handled to some extent by adapting the traditional system of dispersed authority and power. The danger of ecological collapse, however, cannot be dealt with in any basic respect by a system of divided authority and control. There is nothing equivalent to mutual deterrence, the mainstay of peace in the nuclear

age, that could be made operative to neutralize activities that are jeopardizing the quality of our life by degrading the environment.

THE CHALLENGE: ITS BASIC ELEMENTS

International society has accepted the basic idea that a combination of territorial sovereignty for land use and community-sharing for ocean use can provide a tolerable basis for organizing control over activities on the surface of the planet. Underlying these two ideas are supporting assumptions, namely, the essential *localness* of land use and the essential *compatibility* of various ocean uses. Neither assumption was ever conceived to be absolute, but both were the basic guidelines governing human affairs. Under the impact of modern developments—especially technology and the total magnitude of population—these assumptions no longer provide a basis for successful control of the human habitat. Conditions of *localness* or independence of land use are giving way to conditions of planetary impact and crucial varieties of *interdependence*. This shift from independence to interdependence greatly undermines the prospect that the sum total of separate national policies can safeguard the total world policy. DDT, detergents, leaded gasoline, radioactive fallout are all local in their occurrence but planetary in their potentially harmful impact. Conditions of compatability of ocean use are giving way to basic circumstances of incompatibility and conflict as major uses of the oceans become actively inconsistent with one another. For instance, the growth of continental shelf mining activities imperils the welfare of marine resources or the location of a large nuclear reactor by an ocean estuary may disrupt, by thermal pollution, the marine ecosystem over a considerable distance of ocean. Or, oil discharged at sea by tankers may create a film of oil that interferes with photosynthesis and thereby cuts down on oxygen production and, possibly, imperils marine microorganisms that play such a vital role in the life of the sea.

Also the boundary between land use and ocean use, once firm and secure, is breaking down. DDT used on the interior land of a large country runs off and enters the food chain of the oceans. Nuclear explosions conducted on land or at sea may enter into the main currents of the world's atmosphere.

Finally, certain problems are emerging that arise from the aggregation of many widely separate acts. The various kinds of pollution are growing to such a magnitude as to imperil the weather systems of the world. Rapidly growing demands for nonreplaceable resources and greater energy may be exhausting world supplies, depriving future generations and late developers of a fair share of the world's wealth. Urban crowding under conditions of poverty and disease in Asia create the conditions that generate lethal epidemics of global scope.

In essence, there are a variety of circumstances present that suggest one of the prime social facts of our time: the life-support systems of the world are being subjected to great danger from a variety of disconnected, yet cumulative, causes:

Disappearance of excess capacity.—For many decades the organization of world society rested on this two-tiered conception of fragmented authority (sovereignty and community use). National governments could exert control over behavior on land. The oceans were large enough to absorb all human demands, like a public park that is much larger than its use. A particular problem, such as over-exploitation of a particular fishery, could generally be dealt with by an ad hoc arrangement contrived by the governments whose nationals were mainly involved in the activity.

Testing of nuclear weapons in the ocean was even defended as being consistent with the tradition of permissive use because the effort had been made to conduct the tests in a convenient zone, warnings were given to reduce the prospect of injury, and damages were paid to compensate for injuries that did occur. Such use obviously illustrates the breakdown of the community-use concept.

We are now entering a period where excess capacity no longer exists either with respect to the storehouse of minerals or the ability of the earth to absorb man-made wastes. In a situation of excess capacity the control of use can be based on minimum organization and regulation—by definition, if users are reasonably considerate of one another, there is sufficient capacity to satisfy all demands. A permissive system encourages initiative, minimizes friction and bureaucratic presence, and protects diversity. However, when scarcity emerges as a basic condition, the permissive system produces destructive results. The park grows so crowded as to spoil the enjoyment of all. Each user (or nation) still acts to maximize its demands, voluntary self-restraint is not a part of the ethic. Voluntary self-restraint appears to benefit rivals more than it conserves the quality of the environment. Along with scarcity comes the need to allocate use rights and enforce allocational standards once established. Namely, there arises a need for effective central guidance mechanisms.

Divergent priorities.—So long as all uses of the environment can be absorbed there is no reason to establish a system-wide set of priorities. If India decides that health and agriculture require massive reliance on DDT, then the rest of the world may eventually pay the price of India's decision on priorities. If oxygen depletion grows to be a serious global issue, then national population policies are of vital concern to the global system. Scarcity, in a world community of inconsistent priorities and insufficient resources, suggests that the autonomy of sovereign societies is no longer a tenable basis of world organization.

Interdependence.—In earlier periods environmental uses generally had immediate, local, and discernible impacts. The presence of excess capacity assured the compatibility of different uses under most circumstances. The existence of shared priorities facilitated the resolution of use conflicts of compromises. Today, increasingly, we are aware of the interdependence of distinct uses under conditions of scarcity. The world system is becoming like a garage in which the doors have been closed and the engine left running for a long time.

Side-effects are very important and often difficult to anticipate—there was no awareness until recently that DDT concentrates in the fatty tissues of fish, birds, and men in quantities that might be lethal or sub-lethal. The advocates of nuclear power development until recently were apparently unconcerned about thermal pollution and its ecological effects.

Irreversible Thresholds are often difficult to identify in advance. The socalled "buffering effect" keeps an ecosystem intact until the time of abrupt and complete collapse. Quality tests over a period of years reveal only a slow rate of deterioration, provide support for those who oppose conservation interests, and generally prevent the formation of a consensus until it is too late. We are familiar with the process on a national level, as lakes and rivers have been dying. We are now being warned about the same dangers on a world level.

Critical trends.—Population growth, GNP, resource and energy demands, military expenditures, volume of communication message, size of air and oceanic vehicles are all increasing at a rapid rate. The demand for energy in the United States, for instance, has been growing so fast that it almost doubles every decade. The one universal affirmation is the desirability of economic growth. Rich societies and poor ones, modern societies and non-industrial ones, conservative societies and radical ones all share a commitment to constant economic growth. In projecting resource needs the growth of demand is taken as a constant that needs to be somehow satisfied rather than changed. Therefore, the basic dynamics of man and society that have given rise to this upsurge of concern about the environment are all likely to intensify in the future. Those who think that these problems are a passing fashion forget that the earth is an already crowded park with every prospect of more visitors each year. There is no realistic prospect in the immediate future of achieving stationary populations and economies, even in the most affluent societies. These trends are aggravated by the huge allocation of resources to defense spending, the growing demands for social services, and the high cost of sustaining environmental quality.

Paradox of aggregation.—The individual acts that cumulate into environmental decay seem so remote and trivial, given the overall problem, as to be unrelated to it. My decision to have two, three, or ten children has no bearing on the "population problem"; it is only the sum of millions of separate decisions and policies that aggregates a significant total. Ideas of individual choice and freedom, of sovereignty and national interest and of the weak sense of world community tend to encourage each national government to maximize its wealth, power, and prestige at the expense of others, and to minimize its effort to regiment the lives of its own population.

Summary.—Problems of safeguarding the world environment have assumed a new urgency because of the disappearance of excess capacity and the ultra-dangerous character of certain aspects of modern technology. These problems appear incapable of real solution within the present organizational structure of international society. The egocentric habits of thought and action associated with the *dispersed* structure of world authority and power does not seem easily adaptable to the needs for *coherent policy* and *central guidance*. These egocentric habits are worsened in their consequence by disparities of wealth, power, and ideology and by the enormous drain on human energy and world resources that results from the war system. It is also worsened by the conception of national security in the nuclear age which places stress, above all else, on the exchange of threats to inflict massive destruction. The moral credibility of deterrence presupposes the reality of dispersed structures of control and is radically inconsistent with ideas of central guidance. When and if nuclear proliferation proceeds further, then the tension between national security by deterrence and planetary survival by central guidance will become even more dramatically evident.

THE ORGANIZATIONAL IMPERATIVE

The basic contention of this paper is that the critical trends reveal increasing pressure on the life-support systems of the planet. We do not know exactly what will be the consequence of this pressure or when it will have a clear impact. We do know that this impact could be serious and possibly irreversible. We also know, or should know, that our existing system of world order cannot hope to evolve a system of guidance. Present conduct reflects the primacy of national competition. When competitive pressure leads to specific discernible harm then ad hoc and specific cooperation may result. Conservation and anti-pollution efforts illustrate this highly limited capacity for cooperation. The long struggle to save the blue whale and other marine species from destruction by limiting annual kills and allocating shares to nationals of the cooperating governments illustrates this process. But even in the process of cooperating sovereignty-mindedness emerges as dominant. A common interest

may be defined and standards agreed upon to uphold it, but the interpretation of compliance and the imposition of sanctions rest upon the process of self-enforcement. Reliance on self-enforcement is especially dubious wherever serious economic or political interests are at stake.

The magnitude of emerging problems to the world environment calls for a greatly enhanced capacity for central guidance. Because the scope of harm generally exceeds the boundaries of even the largest national communities no government however enlightened can protect its national space against penetration nor can it expect to long uphold the overall life quality of the earth. There are several related points here;

1. National territory is vulnerable to intentional and unintentional "ecological intervention";

2. Any government of significant size and industrial capacity can cause great harm to the world environment and to other national societies by activities carried on exclusively within its own territory;

3. Separate and cumulative impacts on ocean and air quality and on climate and oxygen supply are a consequence of activities totally beyond traditional ideas about the proper realm of international regulation.

The organizational imperative, then, calls for effective authority to set and implement standards for the entire world. Dispersed systems of control cannot expect to deal effectively with environmental issues very much longer.

At the same time, the level of world consciousness continues to be dominated by the premises and goals of the state sovereignty system. Even regional groupings based on economic, cultural, geographical, and ideological solidarity have not been able to concentrate on themselves effective mechanisms for regional guidance. Regional institutions have been able to facilitate the promotion of perceived regional interests, but not the development of an autonomous regional identity that acts on its own. There is no evident disposition to move away from deterrence as the basis of national security; arms control negotiations aim at keeping the system intact rather than allowing it to deteriorate by the proliferation of nuclear weapons or by the deployment of destabilizing weapons systems such as ABM or MIRV or by being extended to new arenas of operation such as outer space or the ocean floor. The point is that the present system of world order seems exceedingly well-entrenched. There is no present disposition by major governments to move significantly toward central guidance as the basis for organizing the life of the planet.

The conflict between *the objective situation* and *the limits of political possibility* sets the international stage for *action proposals* at the present time. Among the most important characteristics of the existing system of world order is the extent to which it can be modified by the cooperative efforts of leading national governments, especially governments that are aligned against one another for a variety of ideological, geopolitical and geoeconomic reasons. Central guidance will be needed by the end of the century, but whether we reach the year 2000 without undergoing an ecological collapse may well be determined by the extent to which the United States and the Soviet Union can exploit the cooperative potentialities of the sovereignty-oriented system. Either positively or negatively the US/USSR approach to these environmental issues is likely to reinforce the destructive tendencies of unregulated competition and growth or moderate these tendencies by introducing novel and far-reaching systems of mutual restraint.

The present system is rigid in structure; transfers of authority and power toward the center are not likely to be even contemplated except in reaction to catastrophe. At the same time, the state system is voluntaristic, there are no inherent limitations on cooperative potential. Allies during a major war carry the cooperative potentialities of the system very far. A Soviet-American joint initiative on matters of world environment might both create the basis for the establishment of some kind of central guidance mechanism and provide a greatly improved capability of the present system to respond to emerging challenges.

This potentality for cooperation and the preeminence of the United States and the Soviet Union as world actors can be virtually nullified if the impression of a hegemonial objective is given to other governments. Such an impression would merely shift the competitive axis from East-West to North-South, and might actually aggravate the present defects of dispersed and often antagonistic authority and power systems. Therefore, it is essential that the response to the environment also be combined with a cooperative approach to problems of world poverty and to the various issues associated with "the gap" between rich and poor societies. Unless a genuine transfer of wealth accompanies professions of concern about environmental quality, Third World countries are likely to refuse every effort to achieve a global restraint system based on environmental defense, unless their own immediate interests are being served. Therefore, it seems very important that advanced countries, in addition to bearing the costs of protecting the environment, also make more generous and less politically-based contributions to the development of the poorer countries. One to three percent of GNP seems like an appropriate goal for the first decade. The success of any cooperative effort to deal with environmental challenges ultimately depends on keeping the world totals for GNP and population below certain levels. Therefore, the advanced countries have a selfish interest in helping governments discourage population growth.

ACTION PROPOSALS

On the basis of the diagnosis in the first section and the organizational precepts in the second section, it is now appropriate to make some proposals for action. These proposals are conditioned by the need for central guidance on the one side and the rigidity of the state system on the other side. As such, the proposals try to maximize the potentalities for central guidance in world society given the fragmented structure of power and authority, and at the same time create the atmosphere and experience that would enable greater central control over matters now governed by the dictates of sovereign discretion.

1. *UN World Environmental Authority.*—The United Nations should proceed to establish as soon as possible a specialized agency with general responsibility in the area of environmental defense. This agency shall be constituted by the full membership of the UN and by any other state that seeks to participate in its activities. At present, environmental issues are taken up separately by a large number of specifically focused agencies. Thus, for instance, the World Health Organization, with a medical perspective cannot conceive of a ban on DDT; a UN World Environmental Authority (WEA) would be in a better position to balance the damage to marine life against the benefits to health and agriculture. At first, WEA would try to promote an awareness of the principal environmental challenges and their global impact. It would also encourage an ecological rather than a conservation approach, that is a concern emphasizing the totality of relations between man and his environment rather than an inquiry into the evident consequences of a series of discrete actions.

The WEA would also issue reports on major problems and offer recommendations for action that commanded support from two-thirds of its membership. In addition, WEA would monitor major environmental trends, including various types of oceanic and atmospheric pollution, climate change, energy capabilities, pollution, population ratios, population change.

In the event that either the Director General of the WEA or a majority of the agency's membership regarded an environmental emergency to exist, such a determination should be reported immediately to the UN Secretary General and the President of the General Assembly. A special session of the General Assembly should then be convened within two weeks in the event that these two officials agree or in the event of a failure to convene such a session, then in the event of a petition by a majority of the members of the WEA.

It would also be desirable to give the WEA some capability for quick-reaction to deal with certain kinds of environmental disasters such as an off-shore blowout or a tanker breakup. The WEA could easily build up an operating ability based on trained personnel serving as international civil servants. At the request of a government the WEA could lend assistance or file a report on a disaster that might be used to settle issues of liability.

The WEA may summon conferences of governments to negotiate agreements on activities that are dangerous to the world environment, including the discharge on national territory of certain noxious substances. A specialized commission of eleven governments—the Permanent Members of the Security Council and regional and cultural representatives of other sections of the world—might focus on the proposal of draft conventions on environmental matters. The treaty method provides a good way to set world standards and to educate governments about existing problems in the course of so doing.

As many issues of environmental use involve complicated conflicts of interests and priorities, it may be desirable to also create a World Environmental Conciliation Authority (WECA) that would try to resolve environmental disputes in an amicable fashion. The Director-General or a majority of member governments of WEA should also be entrusted with the competence to initiate a proceeding in the WECA, and in the event that governments are not willing to participate, then to investigate the problem and issue a public report with recommendations. These recommendations could then be considered by the General Assembly, and have binding force if ratified by two-thirds or more of the membership. It might also be desirable to give corporations, state trading companies, regional organizations, and other entities in the UN system standing to participate in the work of the WECA.

The financing of the WEA should be based on special assessments, perhaps a tax on ocean or airspace use, or a portion of revenues derived from withdrawing minerals from the continental shelf, the sea bed, and the ocean floor. Such a tax should be levied directly by the UN, although it could be collected on behalf of the UN by member governments if the activity fell within their territory.

Declaration of Ecological Rights and a Convention on Ecocide.—By analogy to the Declaration of Human Rights and the International Convention on Genocide it would be desirable to take similar initiatives in the area of environmental policy. A Declaration of Ecological Rights, prepared by the International Law Commission at the request of the General Assembly, would serve to focus public awareness of the increasingly precarious link between man and his environment, an awareness that does not now exist in the less industrial countries where the evidence of environmental decay is not immediately evident to the senses, except in local situations.

A Convention on Ecocide would also serve to signal a new attitude toward man's relationship with nature, and give some acknowledgement to the fact that human survival will depend on restoring some mutuality to this relationship. Also a Convention on Ecocide would prohibit tactics of war such as have been practiced by the United States in Vietnam where thousands of square miles of land have been turned from productive use for crops and forests into moonscapes. The world's sense of outrage about what Germany did to the Jewish people of Europe could serve as a precedent for a new surge of outrage directed at the intentional destruction, perhaps the permanent destruction, of cropland in a world where possibly as many as two-thirds of all people do not have enough to eat.

These acts of formal lawmaking could have great symbolic value in rallying support for environmental defense. Such standards could be used as guidelines for identifying unreasonable behavior by governments, corporations, and other actors.

Consultative Ecological Conference of Principal Actors.—In addition to initiatives undertaken with the UN framework there is a need for less political, more technical, collaborative machinery for cooperation in world society. What seems needed is a permanent site and headquarters, annual working meetings, special channels for rapid and possibly confidential communication, and participation by the principal actors responsible for environmental pressure. A particular function of this Consultative Ecological Conference of Principal Actors (CECPA) would be to explore the establishment of common national standards of environmental defense. The application of stringent abatement control in one state without its uniform application in other states imposes a competitive disadvantage on the firms operating in the more responsible state and does not offer any real protection for the environment. As demand will shift from the more expensive to the less expensive producers of goods of equal quality, the polluters will tend to acquire a larger and larger share of the total market for a finished product. Since most economic activity will continue to operate under national control world environmental quality depends on the imposition of effective national controls. A permanent body of inquiry and consultation should exist to handle these kinds of issues quickly. The CECPA should entertain petitions from any government that complains that the failure of another government to adopt prescribed environmental standards has caused or would cause it to experience economic sacrifices either through a reduced demand for its exports or an increase in domestic demand for cheaper foreign imports.

CECPA would also take up any question of common concern. For instance, the present knowledge about the effect of pollution leads experts to be confident that weather change is a likely consequence, but to be uncertain as to whether we will roast from "the greenhouse effect" or freeze from the shielding of solar heat by the rising density of particulate matter in the upper atmosphere. Efforts to achieve consensus as to such broad issues of community concern might benefit from small working groups of scientists from the largest industrial societies.

Preliminary discussions of wider and more formal machinery for international cooperation could take place within the CECPA. Governments would be free to discuss proposals in an atmosphere of relative privacy.

Membership in CECPA would be constituted mainly by the advanced industrial societies, those with the largest GNP's, who would also provide the financing and staffs on a proportionate basis. The United States, Soviet Union, Europe, Latin America, Africa, India, China, Japan, Asia might be the main actors in the organization. There would be a need to facilitate cooperation and candor among the advanced national societies without arousing the suspicions of the poor and small countries that the CECPA amounted to a conspiracy to exploit them.

In essence, the proposal to create the CECPA seeks to provide permanent conference machinery among principal actors on a regular and informal basis. A partial precedent exists in the quasi-formal conference diplomacy of the nineteenth century that was set up at the Congress of Vienna and functioned to enable governments faced with common problems to work out cooperative responses. The new urgencies of the Ecological Age call for some comparable forms of quasi-formal machinery to help overcome some of the impediments that now exist to defining and implementing the common interests of national governments. A joint Soviet-American initiative to set up and *seriously* support a CECPA-type operation might go a long way to mitigate the most alarming dangers of environmental decay.

World Ocean Resources Authority.—It would be highly desirable to combine steps toward environmental defense with a step toward greater wealth-sharing in the world community. Therefore, whether inside or outside of the UN, whether restricted to the ocean floor and sea bed minerals or applicable to all ocean minerals, whether serving to finance the general operations of the UN or used to generate funds for the development of societies and the alleviation of human misery, it would be most beneficial if the Soviet Union and the United States took cooperative action to turn over a large proportion of ocean wealth for the service of the most heavily-burdened societies. The complexities involved in carrying out this mandate need not be faced here. The only purpose of including such a proposal is that the need for cooperation on a planetary scale to deal with the emerging and extant ecological crises is more likely to be satisfied if the governments who have caused these crises take the initiative in enlarging the benefits for all states of constructive participation in a world order system.

A NOTE IN CONCLUSION

The proposals set forth in this paper have been designed to test the cooperative potentialities of the existing world order system. If these potentialities for voluntary cooperation were fully realized—a quite idealistic expectation—then many of the ends served by a central guidance apparatus could be provisionally attained. The case for voluntary cooperation seems quite overwhelming, but it remains to be seen whether governments and their populations can overcome dangerously obsolete habits of rivalry. The survival of the human species is at stake, but such a prospect is no assurance of wise action. Most animals have not adapted to survival challenges. The balance-sheet of evolution is a bloody one. About 498,000,000 of an estimated 500,000,000 species have grown extinct during the history of the earth. Human history is the record of fallen civilizations, of societal centers of power, wealth, and prestige that could not meet an adaptive challenge and collapsed.

No task is more urgent than to discover how to accelerate the learning process of man with respect to values and institutions. Our prospects for survival would improve greatly if we could learn the significance of a new set of circumstances by means other than trauma and catastrophe. The hope for such learning about the new reality of world ecological hazard depends very heavily on how enlightened, how soon the leadership of the Soviet Union and the United States becomes with respect to these issues and how successful these governments will be in forging creative links of cooperative response.

MR. ALEX RADIN, GENERAL MANAGER, AMERICAN PUBLIC POWER ASSOCIATION: EAST COAST POWER CUTBACKS JUST SAMPLE OF WINTER

I appreciate very much the invitation to appear at these hearings of the Committee on the Human Environment of the Democratic Policy Council.

The relationship between energy and the human environment has been the subject of much public discussion in recent months. Although the generation of electricity has some adverse effects on the environment, the use of electric energy also contributes immeasurably to the creation of a more livable and more comfortable environment in our homes, businesses and industries.

Electric energy can also provide the solution to many of our environmental problems. Tremendous additional supplies of electricity will be needed in the future for sewage treatment plants, water purification systems, reducing air pollution emitted from modern metal smelters, machines to shred, bale and compress old auto bodies and other junk, and the recycling of other products.

R. Buckminster Fuller, the noted designer, inventor, and architect, has painted perhaps the most dramatic and graphic picture of the significance of electricity. He has written: "Take away the power lines and the machinery from America, Russia, and all the world's industrialized countries—and within six months more than two billion people will, swiftly and painfully, starve to death."

Brownouts or blackouts for even a relatively short time—such as those that were experienced on the East coast earlier this week—are a stark reminder of the dependence of our society upon electric energy.

Although there may be some argument as to the level of growth of electric energy requirements, I do not believe that anyone would seriously question the need for continuing to provide ample energy supply in the United States. The major problems facing us, therefore, are: (1) Can we provide enough energy to meet our needs, at reasonable cost, and in a timely manner, and (2) how can we do so in a manner that is compatible with the objective of preserving and enhancing our environment?

NATION FACES CRISIS IN ENERGY SUPPLY, SHARP PRICE RISES

Both questions, of course, are of paramount importance to the future of this country. In fact, the question of an adequacy of energy supply has assumed crisis proportions during the past few months. Steadily increasing numbers of utilities—both large and small—have reported great difficulty in obtaining adequate quantities of coal, oil or natural gas for their generating stations. These fossil fuels today account for some 81.9 percent of the production of electric energy in the United States. Coincident with the developing shortage of fuels has been a sharp price rise that has led to a number of electric rate increases and proposals for rate hikes that are now pending.

If effective remedial steps are not taken promptly by responsible Government officials and industry, it would appear that widespread brownouts or blackouts are inevitable this winter, and the price of electric energy will continue to rise rapidly, thereby adding fuel to inflationary trends that are already of very serious concern. We believe that an adequate supply of electric energy at reasonable rates is too important to the welfare of this Nation to permit a continuation of the dangerous shortages and price rises.

The problem of fuel shortages and escalating prices has been gathering momentum for several months. As early as March 23, 1970, I wrote to President Nixon expressing the deep concern of the American Public Power Association with the then current "inability of electric utilities to obtain adequate

supplies of coal needed to fuel existing generating facilities". Based upon reports from public power systems that had been received by APPA, I described the coal shortage situation as follows to the President:

Demand for coal for use in producing power in many parts of the country is far outrunning quantities offered by coal companies; furthermore, the number of bidders for coal contracts has dropped drastically, and prices for available coal are escalating at alarming rates. Coal companies are in some cases rationing their supplies among contract customers. In other instances, contracts are simply not being fulfilled. Utilities frequently maintain a 60 to 90 day stockpile of coal; in numerous cases reported to us, such stockpiles have decreased in recent months, are now far below usual levels, and in some areas could be wiped out in a few days of normal operation.

After outlining some of the causes of the shortages, and emphasizing the seriousness of possible disruptions of electric utility service, the letter continued:

Because of the critical nature of the situation, I urge that you:

1. Request the Federal Power Commission to make an immediate survey of all electric utilities burning coal for generating purposes to determine their ability to obtain adequate supplies of coal at reasonable prices, their normal stockpile of coal, their existing stockpile, and their anticipated needs and sources to meet electric loads during 1970 for the purpose of identifying areas of critical need.

2. Ask the Interstate Commerce Commission to determine as soon as possible the availability of means of transporting coal by railroad, truck, barge or other means to areas of critical need.

3. Direct the Office of Emergency Preparedness to review the situation and prepare, in consultation with representatives of coal companies, transportation firms, and utilities, any plans necessary to insure that the national interest in continued operation of coal-fired generating facilities is protected.

4. Advise the Attorney General to investigate whether or not increasing oil company control of coal companies has resulted in coal supply or pricing practices which are in violation of the antitrust laws.

5. Initiate within the Executive Branch a review of U.S. policies on export of coal and import of fuel oil with the aim of deciding if alteration of these positions would serve to relieve the coal shortage and price situation now and in the future.

That was in March. On April 15, 1970, I again had occasion to write to President Nixon when I forwarded to him the results of a survey conducted by APPA. The survey concerned the availability and price of coal for elective utility generation, and contained some 55 responses from publicly owned electric utilities in 17 states. I told the President, "We believe the results (of the survey) substantiate our concern over the gravity of this situation." And I added, "It appears to us that the Federal government should offer assistance and guidance in this matter."

Price increases cited

On July 7, 1970, I wrote to President Nixon once more to express our Association's concern about the difficulty many of our member utilities were experiencing in obtaining adequate coal supplies, and about widespread reports of price increases for coal of as much as 50% since the beginning of the year. My letter urged the President to consider the serious inflationary impact of such price increases.

Large increases in coal prices to electric utilities are likely to be embodied in higher electric rates. Because electricity is used in virtually all manufacturing and service industries, as well as homes and commercial establishments, changes in the price of electric energy are felt throughout all levels of our economy. The unavailability of coal often forces utilities to switch to other higher priced fuels to fire their generating stations, and this increased cost must also be reflected in higher electric rates.

In summary, the short supply and escalating price of coal for use in electric generating facilities is a potentially significant factor in general price inflation throughout the economy. Consequently, the increase in coal prices would seem to be a likely candidate for early inclusion in the Inflation Alert. We hope you will take steps promptly to halt runaway price increases, such as those in coal, that could have a widespread effect on the entire economy.

Although our information on oil is fragmentary, we have also been receiving disturbing reports about recent sharp increases in oil prices, and would respectfully suggest that close attention likewise be given to trends in prices of this energy resource.

Our Association has continued to receive alarming reports from our member utilities about the critical shortage and rapidly escalating prices of fuels. Although this problem is currently being studied by a committee of the Domestic Council of the Cabinet, no positive government action to alleviate these conditions, particularly with respect to price, has yet been forthcoming. The Federal Power Commission has conducted surveys of electric utilities burning not only coal, but also natural gas and residual fuel oil, and the extremely rapid increases in the prices of fuel oil and bituminous coal were cited in the first Inflation Alert issued by the Council of Economic Advisers. But no firm action has been taken to control prices, and insofar as can be determined, no contingency plan for fuel rationing has as yet been devised.

Four-point program recommended

On August 27, 1970 I again wrote to President Nixon about the by now fully developed national fuel crisis, and recommended the following four-point program:

1. An allocation system of essential fuels in short supply, such system being based on past usage and essentially to public health and safety and national defense.

2. Examination of the question of limiting coal exports.

3. Price controls on coal and oil.

4. Investigation of monopoly trends and possible antitrust violations in the fuels industry.

The rationale for these recommendations is contained in the full text of my letter to the President, which is appended.

On September 1st I attended a meeting in the Executive Office Building with representatives of the electric power industry trade associations, the trade associations of various fuels industries, the railroads, and a group of senior government officials. The meeting was called by the Chairman of the Council of Economic Advisers, Dr. McCracken, at the instruction of the President's Domestic Council, and was chaired by Dr. McCracken. The announced purpose of the meeting was to "discuss the outlook for power and fuel supplies for the coming winter and the next five years and to advise us (the Domestic Council) on appropriate policy measures."

The meeting lasted for about two hours, but almost no time was spent on the problem of fuel supplies for the coming winter. Much time was devoted to the enumeration of various government subsidies desired by fuel producers in order to provide incentives they felt were necessary to induce them to help solve what they viewed as a worsening long-term fuel crisis. I left the meeting with no feeling of assurance that steps will be taken to resolve the serious fuel problems confronting many local publicly owned electric utilities. Among those problems I most particularly mean to include *the price* of fuels.

There seems to be a belief in some government circles that some electric utility spokesmen have been overstating the seriousness of the present fuels crisis. I have the growing suspicion that some government officials even believe that this problem will go away of its own accord, given the elements of time and increased rates. I should like to take this opportunity to try once more to convince any remaining Doubting Thomases that a serious problem exists, that without responsible attention it shall most certainly grow rather than diminish, and that the problem holds extremely serious consequences for our Nation.

Current problem areas noted

As indicated in the correspondence to which I have referred, solid evidence of the developing crisis has been accumulating over the last several months. More recently, the Kansas City, Kansas, Board of Public Utilities was notified by its natural gas supplier that no natural gas would be available for any future electric power generating stations.

In addition to the situations of Braintree, Massachusetts and Vineland, New Jersey, which I outlined in my August 27th letter to President Nixon, and which have not as yet been resolved, the Municipal Light Plant of Freeport, New York reported to us last week that it is having difficulty in securing fuel oil at a reasonable price. Freeport received only one bid recently, out of a normal field of seven possible suppliers. The new price of 11.7¢ per gallon is 136% higher than the previous price of 4.94¢ per gallon.

City Water, Light & Power of Springfield, Illinois, has fuel supply contracts which expire October 1, 1970. Last month, Springfield opened bids for new coal contracts. Despite Springfield's request for firm bids for a one-year term, all three bids received were non-firm and at prices approximately 30% higher than present costs under existing firm contracts. In that all of the bidders took many exceptions to Springfield's specifications, the real price increase, considering the reduction in quality, is much greater than 30%.

The municipal utility in Carlyle, Illinois reports both an inadequate supply of coal plus a 40% increase in price since January 1, 1970.

On September 1, 1969, the municipal utility of Hamilton, Ohio was paying an average price of $4.97 a ton for coal, and $3.89 per ton for transportation. The utility took bids in August for September delivery of coal. Two bids were received: 1) a bid for coal at $10.50 per ton plus $4.20 per ton transportation, firm for the month of September only; and 2) a bid for coal at $11.25 per ton plus $4.20 per ton transportation, firm through September only.

The Department of Water and Power of Los Angeles, California is 1½ million barrels short in the amount of fuel oil it has under contract to meet its annual requirement.

For its Shawnee steam plant in Kentucky, TVA was paying $4.00 a ton for low quality coal in 1967 and 1968. In June of 1969, the price was $5.00 and in July, 1970, it rose to $7.75 a ton. In TVA's Kingston plant in east Tennessee prices have increased from 1967-68 levels of $4.50 to $5.00 per ton, to June, 1969 levels of $5.40 per ton, and July, 1970, prices of $8.20 per ton. At TVA's Widow's Creek plant in northeast Alabama, the average price rose from $4.50 in 1967 and 1968, to $5.50 in June, 1969, and $7.00 to $8.00 per ton in July, 1970.

The community of Trinidad, Colorado reports that less than half of the natural gas supply required for electric utility generation will be firm after October 1st; the balance will be supplied on an interruptible basis. They have only a 4 day supply of their alternate fuel. The price of natural gas has increased by 99.7% since January 1st.

Some of the many other communities that are experiencing similar problems, and the amount by which their fuel costs have increased since January 1, 1970, include: Henderson, Kentucky, coal, 44%; Frankfort, Indiana, coal, 32%; McPherson, Kansas, oil, 20–50%; Columbus, Ohio, coal, 62.5%; Public Lighting Commission of Detroit, Michigan, coal, 87%; Orlando, Florida, natural gas, 20%; Pasadena, California, oil, 32%; Fort Wayne, Indiana, coal, 42%; Piqua, Ohio, coal, 31.1%; Sioux Falls, South Dakota, oil, 50%; Fairbury, Nebraska, oil, 26%; Painesville, Ohio, coal, 34.3%; Napoleon, Ohio, coal, 31%; Sleepy Eye, Minnesota, coal 36.5%; and Sebring, Florida, natural gas, 34.5%. This by no means exhausts the lists, but is only a random sample. In many instances the price increases of coal are understated in that new contracts are for vastly inferior quality coal.

Although all the utilities I have listed are publicly owned utilities, fuel problems are by no means confined to the public sector of the electric utility industry.

Consolidated Edison in New York City reports that for high quality low-sulfur coal under long-term contracts, it is paying $14.00 per ton in 1970, compared to an average of about $10.68 per ton in 1969.

Donald C. Cook, president of the American Electric Power System, one of the nation's largest coal users, has warned that there is "a very clear and present danger that serious shortages of electric power will result this winter." Mr. Cook has further stated that the supply of coal stored at a number of AEP System generating stations is "dangerously low" and that "In some cases, adequate supplies are unobtainable virtually at any price." The head of the AEP system, which generates 98% of its power from coal, asserted in a September 4 telegram to a number of high government officials that "This condition has been growing more and more serious day by day and has now reached the proportions of a major crisis."

Duke Power Company has reported that its coal inventory is down sharply while its costs are rapidly escalating. It reports that its coal costs have increased by 40% in the past year and that it "faces the prospect of obtaining less and less coal at higher and higher prices." Duke's cost for spot coal, as opposed to contract coal, has increased by 65% over the past year.

Elimination of oil import quotas urged

The causes of the present fuel crisis are many, and it would be difficult to attempt to weight them in the order of their importance. Government policy has not always been designed to alleviate shortages and protect consumers from inflated prices. A case in point is the system of oil import quotas.

One factor limiting the availability of fuel for electric power generation has been the declining U.S. production of residual oil as refiners have devoted more of their capacity to higher-price fuels. As a result, utilities have used more and more foreign residual oil. In the midst of many obvious signs of the serious magnitude of the developing fuel crisis, and in the face of objections from consumer groups and others, the Administration announced on August 17 that it would not give further consideration to shifting oil import controls from the present quota system to a tariff system which would allow more foreign oil to flow into the country. Previously, a Cabinet-level task force had recommended shifting to tariffs.

In view of the shortage of oil, it seems to us inconceivable that restrictions should be placed on oil imports. Some experts have calculated that oil import quotas result in higher prices for petroleum products, costing the American public about $7 billion a year. Although it is true that international problems and tanker shortages have at the present time restricted the availability of foreign oil, hopefully these problems will be resolved in time, permitting us to conserve our oil for future use. Meanwhile, the importation of crude oil would permit us to continue to develop our refinery capacity which could be utilized for domestic as well as foreign oil.

Monopoly trends in energy industry feared

Although our Government's oil import policy undoubtedly has had a serious impact on the price as well as availability of petroleum, perhaps of even greater long-range significance is the alarming recent trend of the oil companies to acquire competing fuels, particularly coal and uranium. This policy may be profitable to the oil companies and make economic sense to the managements of these companies, but it could be disastrous if it should be permitted to become a part of national economic and social policy. The potential which such monopolistic control holds in making possible manipulations in the price and availability of fuels is frightening, and should not be tolerated.

Reports in the trade press and elsewhere suggest that oil companies, which also own natural gas and coal operations, are refusing to invest capital in the latter two types of activity because they can earn a higher rate of return on capital invested in oil operations. The industry demands that consumers pay higher prices for natural gas and coal or go without. This despite the fact that those same consumers pay enormous subsidies through tax structure and through artificially maintained product prices so as to produce the high rate of return on capital investment enjoyed by oil producers.

The Senate Judiciary Subcommittee on Antitrust and Monopoly, headed by Sen. Philip A. Hart, heard testimony at hearings in May of this year about the oil companies' tighening web of control over their previous competitors, especially coal and uranium.

Despite testimony before the subcommittee by Walker B. Comegys, deputy assistant attorney-general of the U.S., wherein Mr. Comegys said that "we cannot lightly forego interfuel competition as the most effective long-term force for consumer protection in the energy field", we cannot find evidence that the Justice Department is taking active measures to promote or protect such competition.

Oil company domination of other fuels was not a problem until the mid-1960s. Gulf Oil acquired Pittsburgh & Midway, which accounts for about 2% of the Nation's coal production, in 1963. But the big development came in 1965 when Continental Oil Co. bought Consolidation Coal Co., which produces one-eighth of the coal in the U.S. Mr. Comegys told the subcommittee that the Justice Department did not oppose that takeover because the merger trend was not yet evident. He said, however, that "we will scrutinize with great care any future proposals for such inter-fuel mergers."

Dr. Bruce Netschert of National Economic Research Associates, an independent consulting firm in Washington, presented a study to the subcommittee which stated that competition for the energy market "is seriously threatened by the emergence in the past few years of the self-styled 'energy company'." Dr. Netschert said that Humble Oil, largest domestic affiliate of Jersey Standard, is "one of the two largest owners of coal reserves in the Nation." Mr. Comegys testified that Humble owns vast reserves in Illinois, Colorado, Wyoming, Montana, and North Dakota, and spent $12-million on coal acquisitions in 1968 alone.

The NERA report reveals that of the 25 largest oil companies in the U.S., all have positions in natural gas, 18 have positions in oil shale, 18 have gone into the uranium business, 11 into the coal business, and 7 have positions in tar sands. In the nuclear power field, 23% of the nation's uranium milling capacity is owned by the oil company, Kerr-McGee Corporation. Another 4% is partly owned by Kerr-McGee, and an additional 8% by a subsidiary of Standard Oil Co. of New Jersey.

Many economists have pointed out that petroleum companies have a natural interest in acquiring coal reserves because research promises to develop methods of converting coal into gasoline or pipeline gas. But national antitrust policy, Dr. Netschert said, "raises serious questions about these moves. How can the public be sure, for example, that the emergence of the synthetic fuels industries will occur at the pace which economic circumstances would, under free market forces, dictate? It could well be that the self-interest of certain companies with dominant positions, if not of the industry as a whole, would call for delaying the inauguration of a synthetic fuels industry in order to protect existing positions in crude oil and natural gas."

S. David Freeman, director of the Energy Policy Staff of the White House Office of Science and Technology, in testimony before the same subcommittee, agreed with the NERA conclusion. "Competition among gas producers and between oil and gas would be more certain in the future," he said, "if synthetic gas were produced by an independent coal industry supplying gas to independent gas pipelines and distributors, rather than by one where synthetic production was controlled by oil companies."

Mr. Freeman claims that:

We are witnessing a major transformation of (the energy field) with far-reaching consequences. The transformation deserves intensive scrutiny by all concerned . . .

The speed and scale of the dominance of the independent coal industry by their petroleum company competitors raises a question of whether the public interest is being best served. Only two of the largest coal companies are independently owned any longer. The remaining eight, which account for 42.9% of coal production, are owned by oil companies, other minerals companies or other large industrial concerns with other stakes in the energy field. These same eight companies with outside ownership opened over 76% of the new mines in the United States in 1968—new coal mines.

Of the 15 significant uranium discoveries in 1968, eight were by oil companies. Oil companies produced 14% of domestic uranium production in 1969 and as of Jan. 1, 1970, controlled 45% of the known uranium reserves.

Mr. James Watson, manager of power for TVA, in testimony before the Senate Intergovernmental Relations Subcommittee, warned that the people who control coal production also control natural gas, and "in a short period of time, the same people will control the whole energy picture."

A recent study by the *Nashville Tennes seean* concluded:

The Nation's major oil companies and three not unfriendly conglomerates, buying quietly since 1966, have cornered the coal supply of the Tennessee Valley and the entire country . . . Controlling nearly 80% of TVA's coal market and taking advantage since January of a rapidly developing shortage of all fuels, they have doubled coal prices to TVA . . . the controllers have the power to double coal prices again between now and the end of winter.

In concluding his testimony before the Subcommittee on Antiturst and Monopoly, Dr. Netschert of NERA delivered an ominous warning:

The development of the energy company presages interfuel competition dominated at both the supply and the consumer levels by firms of immense size and power. Historically, these kinds of issues have been the preserve of stern antitrust enforcement against monopolies deliberately being created. Yet for from being confronted by the

limitations on market power—indeed, even dissolution and divestiture—that a sound competition preserving antitrust policy might be expected to decree, the energy companies have grown apace, free of the regulation that governs many of their competitors, but unimpeded by the strictures of antitrust policy to which many of their less powerful competitors have been frequently subjected. The American consumer may well ask why antiturst objections to energy company self-aggrandizement have not been interposed.

We hope that your Committee will join the growing clamor for prompt and decisive investigation and action by the Justice Department to insure competition in the fuels industry.

Fuels shortages could reduce competition in electric industry

Another aspect of the competitive problem which is of concern to APPA is the possibility that fuel shortages and run-away fuel prices will lead to further concentration in the electric utility industry itself.

Publicly owned electric utilities seem to have been hit earlier and harder by the fuel crisis than privately owned utilities. There are two obvious reasons why this should be so:

1. Many publicly owned utilities operate under statutory restrictions which prohibit them from entering into long-term fuel contracts; therefore, price increases can be passed on to them sooner.

2. Publicly owned electric utility systems tend to be small and are, therefore, less likely to be preferred customers of fuel suppliers. They are also less able to make large capital expenditures on their own in order to directly acquire fuel reserves, transportation facilities, etc., and thereby protect themselves from shortages and artificially inflated prices.

For these reasons, the present chaotic situation in fuels may have the effect of making publicly owned utilities more vulnerable to acquisition by larger privately owned competitors. If this should be the result of the present fuel shortage, the public would suffer doubly by losing the important competitive, or "yardstick," efffect of public power—a device which has been significant in holding down the rates of the privately owned electric utilities.

I have devoted a major portion of this statement to the fuels problem because I believe it is the most urgent and the most serious one facing electric utilities and their consumers.

Long-range energy policy needed

Most of the measures I have recommended deal with the relatively short-range situation. Over the long run, it is obvious that our Nation must develop a comprehensive energy policy which, among other things, would deal with such questions as (1) the Nation's future energy requirements; (2) the availability of energy resources to meet those requirements with minimal adverse effects on the environment; (3) whether certain fuels should be reserved for certain uses for which they are best suited; (4) the scope and emphasis of research needed to provide the best utilization of the Nation's energy resources, and (5) the implications of monopoly trends in the fuels industry.

Bills have been introduced both in the Senate and the House providing for the establishment of a National Energy Commission which would conduct a study such as I have indicated. We support such a concept, and would hope that a National Energy Commission, if established, would consider the questions I have noted above, and would include adequate consumer representation.

Development of hydro power urged

The emphasis on the fuels problem will not, I hope, detract from continued interest in the development of our Nation's hydroelectric resources. Although hydroelectric dams are opposed by some conservationists, we should not lose sight of the fact that hydroelectric power is still the only nonpolluting, renewable source of energy, and in many cases it is a much preferable alternative, from an environmental standpoint, than other forms of generation.

In this context, and in view of the tremendous shortage of power on the East Coast, the rejection by the House this week of the Dickey-Lincoln School project is incomprehensible. Even more incomprehensible is the tremendous lobbying campaign conducted by the power companies in opposition to this project which would be so beneficial to electric utilities throughout the Northeast. The position of these utilities is perhaps understandable only in light of their selfish and irrational fears of the competitive "yardstick" effect of this Federal power project.

We hope that your Committee will urge the development of the Nation's feasible hydroelectric projects, including Dickey-Lincoln School. According to the Federal Power Commission, there remain some 130,000,000 kilowatts of undeveloped hydroelectric power capacity in the United States—a not insignificant amount. The fuels shortage heightens the urgency of development of this capacity, in a way benefitting all electric consumers.

Widespread brownouts on the East Coast this week are a strong reminder that many other serious problems also confront the electric industry. Capacity shortages, delays in the installation of new equipment, the necessity for more comprehensive, long-range planning by the utility industry, and the need for developing new mechanisms to resolve differences between environmentalists and electric utilities cry for attention.

Policies on siting needed

Bills are now pending before the Congress which would treat with many of these interrelated problems. Perhaps the most urgent need is for legislation which would provide for an orderly means of planning for the siting of thermal generating stations and routing of associated transmission lines. In this connection, our Association, at its most recent annual conference, adopted a resolution which states that such plans should provide:

1. Maximum comprehensive regional development of sites with reasonable opportunity for all utilites to participate directly in the benefits of their development.

2. Full compliance with applicable air, water, health and safety requirements of state or Federal laws.

3. Appropriate recognition of pertinent land use plans prepared by public agencies.

4. Availability to electric power consumers of an assessment of the impact on rates and power availability of solutions to environmental problems connected with site selection.

To insure definite decisions in a timely fashion in any regulatory review of siting of thermal generating facilities aimed at certifying sites, the process should insure:

1. Establishment of clear, fair and reasonable standards by which proposed sites will be evaluated, including consideration of the long-range demand for and the cost of electric power.

2. Consolidation of responsibility for review in a single agency, council, or commission with authority to decide the issues involved, and to issue a specific certificate or license to authorize the construction and operation of the proposed project at the proposed site.

3. Creation of a specified, orderly procedure for analyzing proposed sites with a built-in time schedule for completion of various steps and reasonable limits on the sums an applicant may be required to spend to prove the feasibility of a proposed site.

4. Assurance of a full opportunity for citizen participation in the site evaluation process.

5. Insurance of "finality" at the conclusion of the procedure, assuring that the governmental, regulatory, and other agencies will be bound by the decision and that a utility may proceed to develop a site which is approved. To insure implementation of these basic procedures on a uniform basis, it would be appropriate for the Federal government to require that all states put these "minimum" principles into effect, or to do so itself where a state fails to act; to review procedures set up by the states for the purpose of determining whether or not they meet "minimums"; and to serve as a coordinating agent for achievement of planning purposes which transcend state boundaries and involve regional, interregional, or national questions.

Greatly accelerated research program needed

And finally, I hope that your Committee will recommend a greatly accelerated research program covering the electric industry. This industry has been rightly criticized in many quarters for its meager contributions to research. For example, the most recent figures available from the Federal Power Commission indicates that in 1968 the privately owned companies spent only about .23% of their electric operating revenues for research—a considerably smaller proportion than that spent by many other major industries. Although there are some notable exceptions, and although their contributions for research are increasing steadily, the publicly owned electric utilities likewise do not have a satisfactory record of supporting research.

Consequently, our Association, in a National Power Policy Statement adopted at our recent annual conference in Memphis, Tenn., on April 29, 1970, advocated that the Federal government should annually assess each electric utility in the United States a reasonable sum on a kilowatt-hour sales basis with the resultant funds to be expended on projects selected by a cooperative government-industry management group.

The acceleration of research efforts may well hold the key not only to producing an abundance of energy from new sources, such as magnetohydrodynamics (MHD) or fusion, but also could lead the way to sharply reducing or eliminating environmental problems associated with the generation of electric energy.

If—as seems apparent—an abundance of energy is vital to the human environment of the United States and all the other Nations of the world, then nothing should command higher priority than intensified research to provide such energy with no detrimental effects to our physical environment. We therefore urge your Committee to support adequate funding of such research, and to urge the adoption of other policies which will assure that all the people of the Nation receive the benefits of such research and development.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., August 27, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The critical shortage and rapidly escalating prices of fuels—particularly coal and oil—demand drastic, prompt action if many sections of the United States are to avert widespread blackouts or brownouts and sharp increases in the cost of electric energy.

As early as March 23, 1970, I wrote you about the critical coal shortage and rapidly increasing coal prices which were being experienced by the member utilities of this Association—that is, municipal and other local publicly owned electric utilities. Since that time there appears to have been little

or no improvement in the coal situation, and meanwhile critical problems have arisen with respect to the supply and price of oil and natural gas.

For example, I am enclosing a copy of a telegram I received last week from Mr. Howard W. Down, General Manager of Municipal Utilities, Vineland, N.J. Mr. Down's telegram describes the Vineland Municipal Utilities' inability to obtain oil or coal with which to fire its electric generating plant, and requests government action to allocate oil supplies to priority users.

Various Federal agencies also have been advised of the difficulties being experienced by the municipal electric utility in Braintree, Mass., in its efforts to obtain bids for winter fuel requirements for its electric generating plant. Despite vigorous efforts being made by officials of the Braintree utility, Braintree is stil unaible to secure any substantial quantity of residual fuel oil, and does not have its winter requirements under contract. What oil Braintree has been able to purchase has cost twice as much as oil puchased under one-year contracts which expired this summer.

The examples of Braintree and Vineland are not isolated, but rather are symptomatic of a critical and rapidly worsening situation. The Tennessee Valley Authority, the Nation's largest electric power system, was reported recently to have a coal supply of only 10 to 12 days, and only four days at some of its pile of about 60 days. Furthermore, TVA is plants, compared with a normal overall stock-paying as much as 100% more for coal than it was paying at the beginning of this year. TVA's scheduled rate increase of almost 25% on October 1 is largely attributable to increased fuel costs; the agency has estimated that nearly 60% of the rate increase is necessitated by increased fuel costs, and that additional rate increases will be imperative unless coal prices can be stabilized.

I am sure it is unnecessary to present further details, because several agencies of the Government are keeping abreast of the problem, and in its first "inflation alert" your Council of Economic Advisers reported that prices of industrial fuel oil rose at an annual rate of 48% during the first half of 1970, and bituminous coal prices increased at an annual rate of 56%.

Because of the critical and urgent nature of this situation, and because the Nation's economy, social life and national defense are so dependent upon an adequate, reliable supply of energy, I would like to respectfully suggest that your Administration promptly take the following steps:

1. *Allocation of fuels in scarce supply.*—There seems to be general agreement that little can be done now to avert shortages of fuel supplies this winter. Many observers believe that the fuels situation may be a critical one for several years. Given this situation, there seems to me to be no alternative to the Federal government establishing a system of allocation of scarce fuels this winter.

Distasteful as many may find any form of government allocation, it would appear to be a much superior alternative to informal allocation procedures such as the one that now exists for residual fuel oil. Those who are having difficulty obtaining residual oil are knocking on doors in Washington and taking other steps to stimulate whatever pressure Government agencies and individual officials can apply, so that needed facilities can be kept in operation. As a matter of Government policy, such a haphazard system is entirely inappropriate and inadequate in assuring rational distribution of a commodity that is so vital to our national welfare. If oil or any other essential fuel is in short supply, and there is not enough to meet all demands, then a fair system of allocation based on past usage and essentiality to public health and safety and national defense should be established.

It is my understanding that the Defense Production Act, which was originally adopted by the Congress during the Korean War, contains standby powers which can be invoked by you to permit the Federal government to set up an allocation program for critical materials and facilities that are in short supply and that are essential to the national defense. I urge you to use these powers to establish a system of allocation of fuels to electric utilities and other priorities users. To the extent that shortages of coal are due to an inadequate supply of coal cars or other facilities, the allocation system should extend to the use of such facilities.

2. *Coal export policies.*—We have received many reports that a thriving export business for coal is contributing to the critical shortage of coal for domestic utility purposes. Some persons suggest that the way in which coal exports are causing the most disruption of domestic coal supplies is that coal cars are tied up while waiting unloading at ports. It may be that the question of limiting the export of coal should be examined. That question, however, might be moot should an allocation program for critical facilities that are in short supply, including railroad coal cars, be instituted.

3. *Price controls on coal and oil.*—Another step that should be given serious consideration is the imposition of price controls on coal and oil. It is my understanding that you presently possess the authority to institute such controls. This step, like allocation, is one which many would regard as onerous but the alternative—unrestrained price gouging—is far more onerous, and more dangerous to the economy. The cost of energy is factored into the prices of almost all the goods and services produced by our economy; consequently, rapid increases in the cost of energy are likely to have a strong impact on the inflationary trends that are already painfully evident. If the producers of coal and oil cannot voluntarily show restraint in their pricing policies, then there appears to be no alternative to imposed price ceilings during this period of tight supply. It seems inconceivable that the costs of producing coal and oil have risen as sharply in recent months as the price increases for these fuels.

4. *Investigation of monopoly trends and possible antitrust violations.*—The growing concentration of ownership of various competing fuels presents the very real danger of anticompetitive actions inconsistent with present antitrust statutes. As was pointed out in The Washington Post of August 23, since 1965 the Nation's largest oil company, Standard Oil of New Jersey, has become one of the two largest holders of coal reserves, and in the last five years most of the country's major oil companies have acquired significant holdings in every fuel. Detailed testimony has been presented to the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee by National Economic Research Associates, a private consulting firm, documenting the penetration of the 25 largest oil companies into other fuel industries. NERA concluded that, "The acquisitions by the oil companies across the energy market spectrum . . . may be viewed as classical horizontal integration on a scale comparable to the formation of the trusts in the latter decades of the nineteenth century." We believe that this growing concentration of control in an industry so vital to the American people cries out for intensive investigation by the Department of Justice, and we urge you to direct the Department to institute such an investigation immediately.

Most of the actions recommended above are directed toward meeting immediate problems. Obviously, other steps will be necessary to arrive at a long-range solution. I am sure your Administration is giving careful consideration to long-range problems in the fuels and energy field. Our Association, through its Committee on Fuels Supply, likewise is studying this matter, and we hope to formulate a more comprehensive long-range program at a later date.

We appreciate the interest shown by your Administration in this critical problem, and assure you of our desire to cooperate fully with you in carrying out the steps we have suggested.

Sincerely,

ALEX RADIN,
General Manager.

JULY 21, 1970.

Mr. ALEX RADIN,
General Manager,
American Public Power Association,
Washington, D.C.:

During past year city of Vineland electrict utility converted to oil to meet State air pollution regulations. Now using 90,000 gallons daily. Supplier has cut back delivery to 50,000 gallons daily September 1 and will promise no oil whatsoever after October 1, 1970. Have contacted six or seven biggest suppliers. None will offer any oil in October. Coal also unavailable. Unless U.S. Government orders priority to utilities for oil deliveries after October 1, we face shut down of 80 per cent of our plant production which will mean most of our customers will be without light and power service. We urge your efforts through proper sources to obtain for utilities such priority effective October 1.

HOWARD M. DOWN,
General Manager of Municipal Utilities,
City of Vineland, N.J.

MR. JOHN F. O'LEARY (CONSULTANT; WASHINGTON, D.C.): SOME REFLECTIONS ON ENERGY AND ENVIRONMENTAL PROTECTION

We tend, I believe, to be overly critical of the energy industry in our condemnation of its seeming inability to continue to provide the range and quality of energy services to which we have become accustomed and, at the same time, to provide overnight solutions to the environmental problems of which we are now so thoroughly aware. The fact is that the American energy industry historically has responded, and responded well, to a set of instructions from American consumers which were in essence to provide energy at the lowest possible cost without regard to its effects on the environment.

Over the past two generations, a complex and massive technology has arisen in answer to this simple, uni-dimensional consumer demand. In the past three or four years, a major new dimension in the requirements of American energy consumers has developed—the dimension of environmental concern—and the failure of producers to meet this new demand for environmental quality in the same manner that they have met past demands for simple increases in energy supplies is creating a mounting sense of outrage on the part of the U.S. consumer.

For his part, the American energy producer is confused and angered by the current attitudes of his customers. After all, he has managed—at prices that are far and away the lowest in the world—to provide the immense volumes of energy that have permitted the United States to free itself from the age-old chains of a subsistence economy and to achieve the affluence which has given rise to the new environmental concerns. From his standpoint, the American consumer is in effect biting the hand that fed it or—more properly—biting the hand that gave it teeth.

The essential difficulty on both sides, I believe, is a misapprehension of the role that technology can play in devising ways in which we can, as a nation, have our cake—plentiful supplies of energy—and eat it too, that is to say, with a high quality environment.

Rather than lecturing our friends in the petroleum and coal and power industries on

their past transgressions against the land, air, and water in this country in which all of us are heavily implicated, we should begin to develop systematically a set of requirements relative to the quality of our energy needs, and work out time schedules which take account of the realities of technological progress in which these requirements must be met. This is necessarily a national effort. It is, I believe, entirely counterproductive for one section of the country to impose high air quality standards on the basis of a timetable that guarantees that the standard can only be met by reducing air quality in some other sector of the nation. This robbing of Peter to pay Paul in air quality has in fact been the case with standards that have been established for major metropolitan areas on the eastern seaboard.

I think it is equally counterproductive to expect the energy-producing industry to provide voluntarily products that are conducive to environmental quality. Production of clean fuels is more expensive, everything being equal, than is the production of dirty fuels. Producers simply cannot be realistically expected to place themselves at a competitive disadvantage within their own industries in the hope that consumers will continue to purchase their products regardless of price.

This new dimension in consumer demand for energy—the demand for clean fuels—is unlike other expressions of consumer preference in that it cannot be effectively satisfied by the usual market mechanisms. Regardless, for example, of a given customer's willingness to pay a premium to eliminate thermal pollution associated with the power that he consumes, he has no alternative to the purchase of power from a single utility. The only way in which the consumer preference for nonpolluting power can be expressed is through regulation.

Something like the ideal process is now going forward with regard to automobile pollution exhaust standards. A timetable is being ironed out in the democratic caldron of free debate which calls for strict performance requirements over a period sufficient to permit the necessary technologic development. Very much the same form of environmental controls—that is, establishment of national or regional performance requirements through appropriate mechanisms with a timetable that is technologically realistic—is, I believe, our only hope of achieving a nonpolluting energy economy at costs that will remain acceptable to the American public.

In summary, while it can be fairly argued that technology created the mess in which we now find ourselves, it can be argued with equal fairness that only technology can get us out of it unless we are willing to go back to something approaching the Stone Age. The chore then is one of first understanding the possibilities and limitations inherent in technology and then of providing the proper signals to those whose task it is to develop new production techniques to be sure that all of our concerns are built into the system and not just those which seem most important at any given point in time.

MRS. ESTHER PETERSON (CONSUMER ADVISER, GIANT FOODS): THE CONSUMER AND THE MARKETPLACE

Chairman Eagleton, distinguished members of the Committee, I am Esther Peterson. I am presently Consumer Advisor for Giant Food Stores. However, I am appearing today on my own behalf as former Assistant Secretary of Labor.

I am pleased that my party is closely examining the crises in the human environment. I expect that kind of leadership from the Democratic Party because I believe it represents a coalition of the people who care in our nation.

We care about air and water pollution; we recognize the inequalities in our transportation and medical delivery systems, we require tighter controls on our utilities and modernization of our monetary system. And I believe we are capable and willing to provide the leadership that will bring solution to these crises. The Democrats have traditionally been the party to recognize when the nation is at a crossroads and to seek the progressive path rather than step backwards in time on some seemingly safe, but useless route.

When President Kennedy told Congress that consumers had four basic rights he changed the motto of the American marketplace from "Buyer Beware" to "Shopper Aware." From that moment on, it was a whole new ball game.

The consumer movement has grown increasingly sophisticated since that time, and broadened its scope to encompass almost all aspects of the human environment. It has proved that the consumer does not live by bread alone.

But I will limit my suggestions today to the consumer and to the marketplace.

If President Kennedy pointed up the economic havoc wrought on the consumer by deceptive marketing tactics, crusader Ralph Nader gave them the facts they needed to do battle for their rights.

He proved that some of their favorite products were unsafe, and that even the meat on their table might be unclean. He helped build an aroused consumer movement in the same way that Upton Sinclair alerted the nation to a danger in the marketplace. But once aroused, once informed, the consumer was willing to take it from there.

This is a time to get out of our traditional boxes and to explore creative new forms and new arrangements in our society. Perhaps the time has come to begin to blur the hard dividing line that now separates the consumer and the corporation. Today, many consumers are demanding—and many progressive companies are agreeing—that there is a place within the corporate structure for consumer representatives. Perhaps the answer is a consumer seat on the board of directors in some cases. In others, the answer is a full-time job in the executive suite as a consumer advisor to top management.

I must admit to some nervousness as I begin my new job inside business. It is, after all, a rather novel concept. But there is no natural law separating businessmen of goodwill from consumers of goodwill, and I hope to be able to help demonstrate that.

Those who established our regulatory agencies intended them to be the guardians of the public interest. Often, however, they have become closer to the industries they are supposed to regulate than to the public whose interests they are charged to protect. We have a right to expect that those who serve on regulatory agencies fully and honestly represent the consumer point of view and the overall public interest, and that the consumer interest has an opportunity equal to that of industry in influencing the selection of personnel to head and operate regulatory agencies.

Consumers are just becoming aware of how vital it is to preserve the commitment of regulatory bodies to the public interest. They want a consumer voice in every council of government where it is relevant and where it is clearly needed.

Too often we find that the consumer's viewpoint receives the least attention. Often, voices that count most are those of special interest lobbyists who are interested in one key change in a bill or three sentences that could exempt their industry.

I wish to endorse testimony offered before the House Democratic Study Group earlier this week by Rodney Leonard, former Director of the USDA Consumer and Marketing Service. He raised some questions which pointed to the urgent need for a national food policy—a policy designed in the interests of all the people, not just agricultural interests with connections on key Congressional committees.

This is a democracy and all sides must be given a fair hearing. But it is clear to me that some interests receive a disproportionate hearing, and that consumers who may have less resources get the short end of the stick.

The consumer movement developed its awareness at the check-out counter, and that is where the action is for most American shoppers. Food is the most frequently purchased commodity, and the supermarket is the place where we can make the greatest organizational and educational impact.

The Fair Packaging and Labeling Act has changed some of the most blatant deceptions in the boxes and bottles on our market shelves. But—largely because of powerful pressure groups which reacted automatically and negatively, it fails to give some very basic information which the shopper needs.

For example, when a consumer buys a 17 ounce can of corn, shouldn't she know that there are only 11 ounces of corn and 6 ounces of fluid? Shouldn't she know—as studies by Consumers Union have shown—that bacon and sausage can shrink by as much as one-third to one-half in preparation? Shouldn't she be able to see the entire strip of bacon—not just the leanest part?

If the label on a can of dog food tells her how much fat and water is inside—by percentages—shouldn't she have the same information on her children's food?

The information about comparable value and nutrition should be available at the point of purchase. It can do the shopper little good after she has made her selection. That means that unit pricing must become a priority reform and that customers must be encouraged to use it.

The unit pricing system that is the best is the one which tells the customer most clearly and directly the price per measure of each item on the shelf. That is the only way the customer can see which item costs more. Let's leave it to the shopper to decide if she wants to spend a premium price for a favorite brand, or, if by experience, she learns that the store brand is just as good.

Another badly-needed reform is the establishment of clear, easy-to-read dating of perishable foods.

How long has a carton of milk been on the shelf? The customer who purchases the product at the small store with small volume has the same right to freshness as the customer who makes her purchase in the supermarket with large volume. She should know how long that product has been on the shelf.

A consumer once wrote to me about purchasing a box of baking chocolate. When she arrived home and read a "giveaway" advertisement on the back of the box, she discovered the offer had expired the previous year. One shouldn't have to be a detective, hunting for clues, to find out that a box of baking chocolate is nearly two years old.

Then there's the question of food additives. Let's take a look at the GRAS list—Generally Recognized As Safe—which includes many chemicals that may not really be necessary even for the economic good of the country. Our motto should be: "When in Doubt, Leave it Out", and perhaps then we will not have another cyclamate scandal.

Both the White House Conference on Food and Nutrition and consumer advisory committees to the USDA have recommended nutritional labeling of food. I hope we can start with the house brands of supermarket chains. If business wants to play a role in this drive toward a healthier American, it must be willing to take the plunge.

The day after Robert Choate offered his testimony on the nutritional failures of

breakfast cereal, there were shoppers at food stores who arrived armed with the list of cereals by nutritional content. They were voting in favor of products with the highest nutritional value. My greatest delight came when I heard a mother tell a child: "We are not buying the cereal because of the toy. I'd rather buy you the toy separately and make sure you're getting a decent breakfast."

Shoppers can be made aware, and I think we can do it. At the same time, I have learned the enormous impact television has on consumers. I have been shown lists which show the sales of a certain product zooming in the week following a particularly hard-sell ad campaign. If consumers do depend on television that much for information about the products they buy, then it may be incumbent on government to demand equal time for consumer organizations or protective agencies to present the other side of the coin. They could offer the facts about phosphates in detergents, additives in bread, the relative nutritional value of soda pop and homemade milk shakes, and even the relative nutritional value of prepared, instant foods as compared with "made from scratch" dinners.

My intention is not to hurt business—or clearly I would not have accepted my present position. My intention is to provide business with a modern-day view of merchandising.

Philip Hauser, director of the population research center at the University of Chicago, recently defended himself in *Advertising Age* against critics who called his demand for corporate social responsibility "socialist" and even "fascist." He said that the obstacle to eliminating poor housing, unemployment, poverty and racial unrest is the attempt to apply 19th Century ideology to 20th Century problems. The old concepts of laissez-faire capitalism are outmoded, he said, and suggested they be replaced with a "social engineering" approach to problems.

Those in business who oppose "meddling" by government and consumers would not have to tolerate that meddling if they had not produced such consumer problems as non-degradable packaging, nutritionally deficient foods and harmful additives.

Certainly American business has made a great positive contribution. Their productive capacity creates jobs and wealth for the nation. But business has contributed also to the problems of malnutrition, tight household budgets, solid waste disposal and product safety.

If we call for needed reforms, it doesn't have to mean less jobs. We can have jobs and a free economy and nutrition, value and safety as well.

Nutritional expert, Dr. Jean Mayer, has examined our national diet and finds we score all too low for a nation so wealthy. Some 21 percent of our population has a poor diet according to the USDA, and another 50 percent has a diet that cannot be called good. Dr. Mayer has said, "We have two kinds of malnutrition in this country—malnutrition due to poverty and malnutrition due to ignorance . . . ignorance being found in the middle class and among the poor and running all the way from a complete lack of knowledge about nutrition to active faddism."

I believe it should be the policy of the Democracy Party that every American child be entitled to the food necessary for a decent diet. There can be no compromise with that position. If we fall back on our traditional concept that the child must be punished for the sins of the fathers, then we will never break this tragic chain of poverty which locks our ghetto blacks, our Chicago citizens, our Indian citizens and our Appalachian citizens in a tragic hopelessness.

We must nurture our future generations or reap the whirlwind of their despair. And, if I might digress just a moment, that means nurturing the whole child by providing high quality medical care for all, and day care centers for all. Educational achievement will come when each child is given a healthy start in life, and mind-building guidance from the day of his birth. If we say this is solely the parent's responsibility, the haves will continue to have more than the have-nots simply by accident of birth.

I hope you will endorse a national system of day care centers not only for the working woman or for the poor, but for all children.

We need more money for a national food stamp program and we need a more humane way of making the stamps available to those who are eligible. The sight of thousands of New York retirees and sick people—men and women who are not on welfare—waiting on long lines to receive food stamp applications outrages me. These are people who gave us the underpinnings of our wealth and abundance, and now they are literally left out on the sidewalk to beg the leavings from our lavish table.

Those who receive social security checks can receive their food stamp applications in the mail the same way that welfare recipients are receiving theirs in New York.

When faced with a choice between the bureaucratic way and the humane way, we must consistently opt for the humane approach if we want a national food policy that is faithful to the finest principles of America.

President Kennedy's four consumer rights were:

The right to be informed;
The right to a free choice;
The right to safety; and
The right to be heard.

I believe we Democrats have steadfastly endorsed those rights and provided executive and legislative leadership that gave them life. But now we must go a step further. Now is the time to add a fifth right—the right to recovery. That means the consumer's right to a fair settlement of just claims. The consumer must have *fair settlement of his just claims,* and we have not made enough progress toward that goal.

Despite groundwork laid in President Johnson's Administration, and by my successor as Presidential Consumer Advisor, Betty Furness, there is still no warranty and guarantee law. There is still no law providing the right of consumers to file class action suits in Federal courts.

The Administration has offered a class action bill that I must call as deceptive as the methods it purports to defend against. The consumer should decide if he has been wronged, not the Justice Department. And the courts will determine the value of his claim, not the executive branch.

We should also work hard for bills now pending in Congress offered by Senator Proxmire and others to give credit customers a fair hearing if they are denied credit.

If we must deal with computers, then let us make sure a flesh-and-blood person sits behind each one. And that department stores don't limit their expressions of concern to the ads they run in the newspapers.

We can accomplish these goals in many different ways. It may not always call for a new law and another bureaucracy—in fact, I know it should not. But it does require strong executive leadership and a willing Congress to launch a national crusade.

I believe we need just such a crusade to eradicate hunger and malnutrition and marketplace deception. A crusade like the one that put an American on the moon. And like that great feat, I want a timetable announced—a reasonable one, but one that says that by a certain date—let's say 1978—no American child will go to bed hungry or die of an infection his nutrition-poor body could not shake off.

Let's say that by that date the consumer will know what he is buying and what it costs, and that if he has a complaint, he can win justice in the store and before government.

As we look ahead to the dawning of a new decade—a decade that can become the Decade of the Consumer—we would do well to remember the words of a great President, Franklin D. Roosevelt. He said, more than thirty years ago, "I, for one, do not believe that the era of the pioneer is at an end; I only believe that the area for pioneering has changed. The period of geographical pioneering is largely finished. But, my friends, the period of social pioneering is only at its beginning. And make no mistake about it—the same qualities of heroism and faith and vision that were required to bring the forces of nature into subjection will be required—in even greater measure—to bring under control the forces of modern society."

MR. DAVID A. SWANKIN, WASHINGTON REPRESENTATIVE, CONSUMERS UNION OBJECTIVES OF THE CONSUMER MOVEMENT

The Chairman and members of the Committee on Human Environment:

I am delighted to have this opportunity to express our views on consumer issues.

As many of you know, Consumers Union is a non-profit membership organization chartered in 1936 under the laws of the state of New York to provide information and counsel to consumers about the management of family expenditures. Our financial support comes from the more than 1,800,000 subscribers and newsstand buyers. We accept no support from any commercial organization. *Consumer Reports* carries no advertising. Besides testing and reporting test results on products, *Consumer Reports* publishes general information for consumers on health and medicine, the economics of the marketplace and the legislative, judicial and regulatory actions of government affecting consumer welfare.

This hearing is useful as an opportunity for taking stock of where we are and where we should be going. Since 1962 there has been a periodic stock-taking in the form of the President's Consumer Messages to Congress. Their style and language have changed, but the underlying ideas have remained the same since John F. Kennedy conceptualized consumerism eight years ago. That is, Presidents Kennedy, Johnson and Nixon all spoke of the change in the unwritten law of the marketplace from the rule of *caveat emptor* to the rule of *caveat venditor;* of informed choice being essential to a free, responsive marketplace; of the four basic rights of consumers—to safety, to choice, to be informed, and to be heard.

Each President, responding to the issues of the day, sent to the Congress a legislative program for marketplace reform. In many instances, Congress responded, and thus the list of new Federal consumer laws, passed since 1962, is a long one, indeed.

In other instances, Congress itself, attuned to the growing consumer awareness on the part of the citizenry, took the lead away from the Executive and enacted consumer protection legislation on its own.

Recently another group, President Nixon's National Goals Research staff, did some stock-taking and produced a report that included a chapter on consumerism. We at Consumers Union read that report with great interest, since any report connected in any way with the White House, regardless of its occupant, carries a special significance. We were delighted to see that this report recognized the significance of the growth in consumer awareness during the 1960's. We were disappointed, however, that the report concluded that the problem for the consumer is one of "too much choice". We think, rather, that the problem is one of too little real choice—too many products with superficial or no differentiation, too little disclosure of information on quality and performance.

Today's unease on the part of both consumers and responsible businessmen is far more basic than the report suggests. It re-

lates to such quality of life questions as economic waste, physical and social pollution, and the public's health, safety, and welfare.

The report is less than candid when it ignores the consumer protection laws that haven't worked and the Nader techniques that have, and the lack of personal and corporate responsibility behind the marketing practices that have hurt the consumer. Added to all that, the report contains no blueprint for action.

Nevertheless, there are objectives, and there is a blueprint.

The major objective of the consumer movement can be stated rather simply. It is the achievement of the four basic consumer rights.

These rights must be achieved in fact as well as in rhetoric. The fact that the consumer wants *full* implementation of these rights, and will be unwilling to settle for anything short of that, shows how far consumerism has come in the decade of the '60's.

In the early years, consumer activists were satisfied with the mere fact that they were getting attention. If the legislative proposals were not quite adequate; if the bills were gutted in committee; if the appropriations were inadequate, no one objected.

That situation has now changed. It is no longer sufficient to be in favor of the implementation of the four consumer rights; now action must replace rhetoric.

It is no longer enough to be in favor of consumer protection legislation; that legislation must now be well conceived, well financed, and well administered. A few specifics:

In the 1960's, consumers were delighted with the establishment by President Johnson of the post of White House advisor on consumer affairs; today, nothing short of an independent office of consumer affairs, authorized and directed to represent the consumer interest in the processes of government will suffice. The House Government Operations Committee has reported such a bill (H.R. 18214) but it is bogged down in the Rules Committee. In no event can the consumer activists be placated merely by making the Office of the Special Assistant for Consumer Affairs a statutory office. We don't need nice titles, we need strong and effective powers like the power to intervene, to subpoena data, and to test products.

In the 1960's, consumers were delighted with the appointment of a study commission to look into the subject of unsafe consumer products; today nothing short of a strong new Federal safety law, as called for by the National Commission on Product Safety, will suffice. Senators Magnuson and Moss have introduced the Commission's bill; will we get it passed? In no event can consumer activists be placated merely by authorizing Mrs. Knauer or HEW or someone else to continue to study the issue.

In the 1960's, consumers looked to their elected officials to rectify the wrongs in the marketplace. All the chips, so to speak, were bet on consumer protection through legislation. The result was that consumers were burned, and have had to learn the hard way. The truth-in-packaging law, the auto safety law, the pesticide registration law, the toy safety law, and numerous others were all supposed to usher in a new standard of safety and excellence in the marketplace. They didn't. Inadequate funding and weak administration have left consumers disillusioned.

Consumers have learned an important lesson the hard way. A new law by itself carriers with it no assurance of marketplace reform. Today, we look more and more to self-help.

We are gearing up to be able to fight our own battles—effectively. Less and less are we counting on the politicians to do it for us. Instead, we are asking you to make it *possible* for us to fight for ourselves.

That is the significance of the current battle over the class action legislation. In supporting the Tydings-Eckhardt bills, we are telling you that we don't want another law that predicates marketplace reform on vigorous executive action. That's too long a shot to bet on. Instead, we're asking for an opportunity to use the court system ourselves, without regard to what the government agencies are doing or not doing. Will you give us that chance?

There are other bills that need to be enacted to give us the quality marketplace everyone talks about, but let me use these last few minutes to give you a feeling for the mood of the new consumerists.

JERRY S. COHEN, ATTORNEY, WASHINGTON, D.C.: CONSUMER PROTECTION THROUGH PRIVATE CLASS ACTIONS

The notion of consumer protection—whether it involves cleaner air, misuse of pesticides or the broken promise of a salesman—has been warmly endorsed by both Democrats and Republicans.

But there the semblance stops. The politics of consumer protection has split generally on party lines on one of the principal consumer issues today—the private class action.

It is on this issue that traditional philosophical positions have been reversed. The Democrats are arguing for self-help through greater use of class actions. The Administration believes that the government should make the decisions.

Yet the private class action for redress of grievances is in the long run one of the best hopes for resolution of frustrations within the system.

What is at stake is nothing less than the role of the individual in society.

The Democrats have properly taken the position—and I believe it will become a major issue—that frustrations should be moved from the streets into the courts.

This issue has now crystallized, for instance, in Tydings' Consumer Protection Act (S. 3201) now pending in the Judiciary Committee.

The diverse positions on this legislation point up a basic difference between the Democratic and Republican approach. Generally, the Democrats' philosophy stresses faith in the citizen and the belief that the system can be made to work on his behalf. Republicans have tended to distrust the citizen and persist in the belief that the system exists to serve privilege.

The Administration looks aghast at increasing use of class actions because it would lead to "harrassment" and would place an "undue burden" on the court. It would, one Administration witness said, turn the federal courts into small claims courts.

A basic principle is therefore at issue. What is the proper function of the court? Do courts exist to dispense justice or only to provide a legal forum for those who can afford large attorney fees and who have only large claims?

If the basic purpose is "justice," then meritorious suits should be allowed, no matter how many they may be. Certainly justice denied to the small claimant is a blot on the concept of justice in general.

An old fable concerns the famous battle cry of the drunken admiral who, when approaching a drawbridge that threatened to take the top of his ship, cried out, "Don't raise the bridge men, lower the water."

The analogy is obvious. If so many wrongs are perpetrated that court docket are clogged, the cry "don't enlarge the courts, deny redress" has a somewhat ludicrous ring in these days of critical self-evaluation.

But those who raise the cry miss another basic point. The purpose of the class action since at least the 18th century has been to expedite the work of the courts, not clog it. When claims, for instance, are aggregated, the single amount sought is somewhat greater than one might expect in small claims courts. The settlement offered to meet "small claims" in the recent antibiotics cases is $125 million.

The class action is the ultimate in judicial efficiency. Instead of hundreds or thousands of individual lawsuits, there is, in effect, only one. That the technique works well has been demonstrated in an increasing number of class actions in antitrust and Securities and Exchange Commission cases.

In the antibiotic cases, for instance, the class is all users of the antibiotics. The court has had no major problem in developing methods to deal with the huge numbers of plaintiffs represented by the class. Major innovations like the establishment of a multidistrict litigation panel to consolidate all pretrial discovery has resulted in new frontiers of judicial efficiency. The experience of class action cases in the antitrust field has demonstrated conclusively that this device is an efficient and expeditious way of enabling the courts to handle massive numbers of plaintiffs without interfering with the efficient functioning of the courts.

What may really be behind the opposition to the Tydings bill has been described best by Attorney Aaron Fine, of Philadelphia in a recent address to the ABA:

"P. T. Ryan of Philadelphia . . . last month warned the Ninth Judicial Circuit that Rule 23 (the amended class action rule) goes entirely too far in giving poor litigants a chance to combine their resources, and might lead to the Welfare State, reminding us all of the Duke of Wellington's strong opposition to the development of British railroads because "They would encourage the lower classes to move about. . . ."

The argument that class actions will clog the courts rests on the same philosophy and has as little merit.

What about harrassment? This argument is somewhat denigrating to the same courts the Administration is trying to save from clogging. It assumes the court is not able to handle its business properly.

Of course, the definition of harrassment has its chameleon-like aspects depending on whether one is a harrassor or harrassee. What is simple justice to the plaintiff may be simple harrassment to the defendant. Giving a right to bring a class action does not mean that the court has to allow it. Indeed many class actions have been thrown out as such because the court did not think the legal requirements had been met. The court is able and sometimes, all too willing, to deal harshly with lawsuits it considers without merit.

But a more important issue is involved. There are a relative handful of lawyers in the FTC and the Justice Department. (And both the Justice Department and FTC will be delighted to back up my statement that they are understaffed.) Yet the country is populated (probably over-populated) by thousands of competent counsel, many of whom are not overworked. And a number of them believe they can recognize a good lawsuit when they see it.

The laws of economics are also at work. Most lawyers are not going to handle a class action on a contingent fee basis unless their chances of success are good, which is another way of saying "unless they have a good case."

Why then should these many have to wait on the decisions of the few? What imbues the overworked government lawyer with a special wisdom as to what cases should be brought and which should not? Why should the wronged consumer have to wait contritely and patiently for the government to decide whether or not to give him a hand?

All he asks is a chance to help himself, freeing government lawyers for other matters

like enforcing the antitrust laws against price fixing and illegal mergers, or better yet, to beefing up their fight on organized crime. Indeed there is something almost paternalistic about the attitude that the government knows best when a consumer has been wronged.

It is time that even the American Bar Association realizes that the class action is here to stay; that it makes good sense and good justice; that the courts are mature enough to handle their internal problems.

And it is time for Republicans to join Democrats in the realization that the consumer is asking merely for the opportunity to protect himself; that there is a potent and court-proved legal weapon to allow him to do this—the class action. Consumer frustration in this land deserves something better than rhetoric and shadow legislation.

When all the fat is boiled away, the real fear of the class action is that it is an effective way to achieve justice for the consumer. And one thing should now be clear: the consumer will not long endure two standards of justice, court congestion and harassment notwithstanding.

REPRESENTATIVE JAMES G. O'HARA: REPUBLICANS BLOCKING STRONG JOB SAFETY LEGISLATION

Mr. Chairman, it is an honor to be asked to testify before this group today about occupational safety and health.

But I cannot claim it is a pleasure to do so.

Frankly, I am tired of having to make the same speech, recite the same figures, and, on some occasions, answer the same old tired arguments against occupational safety and health legislation.

I have been working for safety and health legislation since I first came to the Congress and I have watched some of these efforts bear fruit.

I am proud of the passage—if far from satisfied with the administartion—of the Metallic Mine Safety Act of 1966.

I think the safety provisions of the McNamara-O'Hara Service Contracts Act have been of some use—and, though it was not done through legislation, I am very pleased to note that the labor-management contract recently hammered out with the grape growers by the Farm Workers' Organizing Committee makes a major point of insisting on safe and healthful working conditions in the vineyards.

But the satisfaction that we can all draw from the growing national concern with and action on worker safety and health is considerably dimmed by the strong and so far successful opposition to any broad-gauge legislation in this area.

I believe I am entitled to sound a little impatient at the fact that legislation which was initially proposed to the Congress by Lyndon Johnson, in January of 1968, has gone twice through the House Education and Labor Committee, and has yet to be voted on the floor of the House.

I think I am entitled—and more important, I think the working men and women of this country are entitled to be more than a little frustrated over the fact that the business lobbyists who have consistently opposed any meaningful legislation in this field are still able to find a receptive audience for their contention that their convenience and their money and their employees' lives and health should be treated as though they were of equal value.

We are told, by the opponents of occupational safety and health legislation that they want to "do something" about it—though the "something" they want to do is always something else than the proposal before us at any given moment—but we are also told that they insist that any legislation be "fair", that it provide equal protection *for* dividends and *against* disaster; that it give the employer and the employee equal opportunity to recoup his losses—that the employer, in other words, be allowed to recover his monetary losses through the courts—which would, I suppose, also be allowed to issue decrees restoring the employee's life or lost limb.

Well, Mr. Chairman, I, too, want to be fair.

But I think any safety and health legislation, in order to be fair, has got to place human life ahead of the money and convenience of corporate management.

And that, I submit, is the primary difference between the Republic and Democratic approaches to job safety legislation.

The figures remain at the same discouraging and frustrating level, and I am sure you all know the grim totals—14,500 lives lost a year to industrial accidents; 2½ million disabling injuries per year; and according to a study requested by the Labor Department, but which the Labor Department has decided does not reflect its views, there may be as many as 25 million serious, but nondisabling occupational injuries each and every year.

Our Republican friends tell us that this a pretty good record, all things considered.

Let me quote from their words explaining why they still cannot support the legislation the Education and Labor Committee reported to the House:

"Statistically, these injury and fatality experiences figure out, respectively, to an extremely low .0275 and an incredibly low .00018."

I am glad that my colleagues can take comfort from what they consider the "extremely low" accident rate—but my incredulity finds more nourishment in the idea that any occupational deaths at all are tolerated by a so-called civilized society.

As I say, Mr. Chairman, there is a growing national concern with this slaughter in the workplace.

Even the President of the United States has joined in the chorus with a weakened proposal, rejected by the House Education and Labor Committee approximately a year before the President saw fit to resurrect it and send it up to the Hill.

A few weeks ago, the President saw fit to send another message to the Congress, scolding us for the conditions that have developed while he has been President, and for our alleged inability to enact legislation—frequently over his opposition—to cope with those conditions.

On the question of job safety, the President mentioned his own proposal, which was sent to the House seven months after all the other serious proposals had been introduced, and his comment was that he found it "unaccountable" that it hadn't been enacted yet.

Well, Mr. President, I think I can account for the failure of this Congress to complete action on this vital legislation thus far.

It can be accounted for in terms of the fact that the situation has not changed since 1968 when the Chamber of Commerce, and the House Republicans were standing shoulder-to-shoulder in opposition to the enactment of any meaningful legislation.

They stand together still, Mr. President.

Your friends in the Congress, and your friends in the business community still find themselves in total agreement in opposition to safety and health legislation.

In the House Committee on Education and Labor, after a long boycott of the meetings by virtually every member of the President's party, the Subcommittee chaired by Congressman Dominick Daniels voted to report out strong and effective legislation.

The legislation was voted out unanimously, but not one Republican vote was cast for it—because not one Republican even came to the meeting at which the legislation was to be approved.

On June 16, after several informal discussions in which the Republicans suggested their customary horse-and-rabbit trade, but from which they withdrew in high dudgeon when they were asked if they thought they could deliver the rabbit, the full Education and Labor Committee finally voted after once again giving full consideration to the same old worn-out Republican "compromise proposals", to report a tough bill to the House.

The vote, Mr. Chairman—was 21 to 13.

20 Democratic members and one Republican voted to report a bill out and let the House work its will.

13 Republicans, but not one single Democrat were against reporting the legislation at all.

That, Mr. Chairman, may help the President to "account for" the perilous state of occupational safety legislation.

It is in danger from the same quarters where the danger has always come—from the business lobbyists and their Republican friends in Congress.

Their arguments are the same as always.

Once again they tell us that to try to save lives will ruin business and cost money.

Once again, they tell us they simply cannot afford to be more careful with other people's lives.

In conclusion, I would like to quote from a noted author, Mr. Chairman.

This author was familiar with the business community and the equivalent in his time and country, of Republican politicians.

He described them, in terms which ring very true today, in the following words:

"Surely there never was such fragile chinaware as that of which the Millers of Coketown were made.

"Handle them ever so lightly and they fell to pieces with such ease that you might suspect them of having been flawed before.

"They were ruined when they were required to send laboring children to school: They were ruined when inspectors were appointed to look into their works: They were ruined when such inspectors considered it doubtful whether they were quite justified in chopping people up with their machinery: They were utterly undone when it was hinted that perhaps they need not always make quite so much smoke.

"Whenever a Coketowner felt he was ill-used—that is to say, whenever he was not left entirely alone, and it was proposed to hold him accountable for the consequences of any of his act—he was sure to come out with the awful menace that he would 'soon pitch his property into the Atlantic.'

"This had terrified the home secretary within an inch of his life on several occasions.

"However, the Coketowners were so patriotic after all, that they never had pitched their property into the Atlantic, yet, but, on the contrary, had been kind enough to take mighty good care of it.

"So there it was in the haze yonder, and it increased and multiplied."

That quotation, Mr. Chairman, is from the book "Hard Times." It was written by Charles Dickens in 1854!

REPRESENTATIVE KEN HECHLER: COAL: THE HUMAN SIDE

To many of us, coal means the source of power which is in short supply, resulting in lights out in the Capitol corridors and air conditioning units powered down.

Some of us recall the human side of coal expressed in the disaster at Farmington, W. Va. on November 20, 1968, which took 78 lives.

How many people really know that since Farmington 360 coal miners have been killed on the job, more than 11,000 coal miners crippled or injured in mine accidents, and God knows how many thousands condemned to the coal dust disease known as pneumoconiosis, or "black lung"?

Today, the halls of Congress and the Executive Mansion reverberate with outcries about the energy crisis, yet how many voices are raised for those human beings who are still being crushed, burned, gassed, trapped, buried, crippled or sentenced to a breathless, wheezing living death? Where is the national leadership on behalf of human values, instead of what we hear from the White House to serve comfort, combines and commercialism? In all this talk about the energy crisis, including the frequent comments that the excellent Federal Coal Mine Health and Safety Act of 1969 may actually contribute to the crisis by slowing down production, has anybody answered the basic question: how much is a human being actually worth?

It's not easy to pass a law to protect coal miners. President Harry S. Truman found that out in 1952. When he reluctantly signed the rather weak 1952 Act, he zeroed in on the loopholes and exemptions and stated acidly: "I am advised that these exemptions were provided to avoid any economic impact on the coal mining industry." Numerous attempts to improve the 1952 Act were for the most part blocked, but on September 11, 1968, President Lyndon B. Johnson sent a strong message to Congress on behalf of a comprehensive new Federal Coal Mine Health and Safety Act. Unfortunately, the subject did not have nationwide support and only three Congressmen introduced the President's mine safety bill—Reps. John H. Dent (D-Pa.), Daniel J. Flood (D-Pa.), and myself.

Following the Farmington disaster, nationwide attention was forcused on the human problems of coal mining and there was a strong and insistent demand for protection of those who mine the coal. The Federal Coal Mine Health and Safety Act of 1969 was landmark legislation, constituting a monument to Congressional initiative. Behind the scenes, the Nixon Administration tried in vain to weaken the coal dust standards, to retain the coal operator-dominated Board of Review, and to water down tougher health and safety provisions up and down the line. But the Congressional leadership of men like Senator Harrison Williams of New Jersey, and Congressmen Carl Perkins of Kentucky and John Dent of Pennsylvania helped insure a bill which became stronger and stronger as it moved through the legislative process.

When Congress sent the bill to the White House on December 18, 1969, Republican leaders and White House aides grumbled that it was "inflationary", and intefered with states' rights. It appeared likely that President Nixon would veto the bill. As each day dragged on toward the ten day limit, a spirit of revolt spread in the coal fields, directed against President Nixon's frosty attitude toward this landmark legislation. Shortly after Christmas, hundreds of miners began walking out in protest of the President's delay in signing the bill. A group of widows of the Farmington disaster made a pilgrimage to Washington and called at the White House to plead with President Nixon to sign the bill. The President refused to see the Farmington widows, but while they were awaiting to see him, he sent out word that he would sign the bill.

This historic piece of legislation was then signed in secret, almost surreptitiously, and when airborne from Washington, D.C., to San Clemente, California, the President's press assistant announced that he had signed the bill before he left for sunny California. The expressions of joy and relief from thousands of coal miners were blunted by the shocking discovery of the murders of Joseph A. Yablonski, his wife and daughter, over New Year's Day. The coal miners have lost their greatest champion, a tireless and fearless fighter for human values, and a major force behind passage of effective mine health and safety legislation.

Angered by the failure of their traditional lobbying tactics which had failed to weaken the mine safety bill as it moved through Congress, the coal operators turned their attention to blocking or weakening its enforcement. The assault on enforcement of the law met a firm road block in the Director of the Bureau of Mines, John F. O'Leary, who had served admirably since his appointment by President Johnson exactly one month before the Farmington disaster. Director O'Leary had insisted on an even-handed enforcement of the law, had attempted to clean some of the dead wood out of the Bureau, and moved up those who were genuinely dedicated to enforcement. He also set up many reform procedures, enabling miners to report safety violations directly to him, and banning the time-honored practice of inspectors tipping off the coal operators prior to visiting their mines. When a successor was actually picked in a move to dump Director O'Leary in February, 1969, a storm of public protest and a well-timed visit to Secretary of Interior Hickel by a group of the Farmington widows helped save his job.

Scarcely a crusader, Director O'Leary simply raised protection to the same level as production, and got the axe for his efforts. On Saturday, February 28, 1970, he was hard at work at his desk drafting the new mine safety regulations which were to take effect April 1, 1970. A telephone call came from the White House, asking if he would be at his office for a little while, since a special messenger was coming over. Opening the White House envelope, Mr. O'Leary found a peremptory note accepting the pro forma resignation he had submitted January 20, 1969. The Director of the Bureau of Mines was told to clear out by March 1, 1970—indecent haste on a Saturday morning when you consider that over six months have since elapsed and the Bureau of Mines is still without a Director.

Since March, the Bureau of Mines has been a leaderless shambles of chaos and confusion. The axe has fallen on many dedicated public servants who showed signs of being infected with human values, and party hacks with little experience have moved into positions of power. Responding to public pressure, President Nixon trotted out a coal industry consultant as his nominee for the critical position of Director of the Bureau of Mines. The nomination was withdrawn in the face of strong opposition from rank and file miners among others. Fifty days have now passed since officials of the Department of the Interior testified before Senator Williams' Senate Labor Subcommittee that a new Director of the Bureau of Mines would quickly be announced. And still there is no action.

Conscientious and dedicated mine inspectors and others in the Bureau of Mines, who are genuinely interested in protecting the safety of the men, have been disillusioned and their morale shattered by the insistence of "top management" that production is more important than protection. When a law suit was filed by 77 plaintiffs against the Federal Coal Health and Safety Act, Under Secretary of the Interior Fred J. Russell ordered that Department of the Interior legal and technical experts must not even attend the hearing on a preliminary injunction. Airplane reservations which had already been made had to be cancelled. The result was that the injunction was granted. Ten days later the injunction was made permanent. The administration waived its right to a hearing on that.

The Solicitor of the Department of the Interior generously decided that the injunction should be extended nationwide. Thus, coal operators who were not plaintiffs were given the fruits of the suit free-of-charge. The point of all this is that everything is being done to help the operators, and very little is being done to protect the health and safety of the miners.

There are many other examples of failure to enforce the letter and spirit of the Federal Coal Mine Health and Safety Act. Coal miners have gone to their deaths in many uninspected mines. The record of injuries is mounting. Since the safety provisions of the new law became effective on April 1, 1970, the Bureau of Mines reports that 94 coal miners have been killed, as contracted with 82 during the same five-month period in 1969. In the same period of 1970 there have been 920 miners suffering non-fatal accidents compared with 875 in 1969.

It is just as important to enforce the law to curb violence in the coal mines, as it is to enforce the law to prevent violence on the streets and on the campuses. When human lives are at stake, it is outrageous that there is a double standard for law and order.

"Benign neglect" has apparently gripped those charged with enforcing the mine safety law. The one agency charged with protecting the public interest has lost its backbone, its will to enforce the law, and even brushes aside its express authority granted by Congress to protect those human beings who labor in the coal pits of the nation. The lobbyists, encouraged by production-oriented officials in the Department of the Interior, claim that the new mine health and safety law is too harsh. What about the harsh fact that men are being killed in the mines?

I hope that this Committee on the Human Environment will reiterate the policy so clearly expressed by the Congress in the preamble to the Federal Coal Mine Health and Safety Act of 1969. The very first words of that Act are these: "Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner." The marvels of onrushing technology, the magic of new production machinery, and the public debate over the energy crisis must not obscure the human problem of the men who are dying in increasing numbers in the coal mines. We have heard and read a vast amount of publicity about "blackouts" and "brown-outs" of electric power, but very little about the blackouts of human beings killed in the mines, or brown-outs of men suffering from pneumoconiosis.

When are we going to start to place the priority where it belongs—on the value of a human life?

GROUP PRESENTATION: ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION; FRANKLIN WALLICK, LEGISLATIVE REPRESENTATIVE, UNITED AUTO WORKERS UNION; GLENN PAULSON, ENVIRONMENTAL SCIENTIST, ROCKEFELLER UNIVERSITY; AND STEVEN WODKA, RESEARCH ASSISTANT, OCAW: LAW AND ORDER IN THE WORKING ENVIRONMENT

In the fall of 1969, a Washington Post headline declared "Nixon in Heartland, Vows More Power to the People. "Being as it is that the President adopted the slogan of the radical left, one could reasonably expect that a new era of populism might be emerging a year later. Unfortunately, the President's statement turned out to be mainly words—the chief product of the Nixon-Agnew Manufacturing Company. As with most business concerns, the Nixon-Agnew Manufacturing Company pollutes and tortures the environment.

Among those most seriously subjected to the working men and women of this country. Dangerously high levels of exposure are reached during crises of "Law and Order" and "Quality of Life." During such times, Nixon and Agnew attempt to divert attention from the widescale, illegal, unhealthful, and pollutive activities of big corporations

and instead focuses it on a few student demonstators. The environmental violence perpetrated by industrial polluters has scarred the land, poisoned the water, and inflamed the lungs of the working people of this country. This is the real law-and-order story in America. Its effects are far more serious than the street violence that we read in the newspapers or see on television.

For the working class young American, life is a constant struggle between big government and big business. If he is not slain or badly maimed in Vietnam, he has an almost equal chance of being killed, injured or disabled by an occupational accident or illness in an American industrial plant. Working conditions incorporated by law in the Walsh-Healey Act are violated everyday. Monitoring to detect airborne concentrations of toxic vapors and fumes is virtually nonexistent. How can 27 Federal inspectors adequately protect the health and safety of 27 million working Americans covered by the Act? When will law-and-order penetrate the plant gate?

We hear much talk these days about environmental pollution by lead, mercury, arsenic, radiation, pesticides, and detergents. The talk is usually centered around birds and fish, rivers and lakes. What few people realize is that these contaminants are a particularly serious problem for the American worker. In the Oil, Chemical, and Atomic Workers Union, we have members, for example, in refineries who face extensive exposure to tetraethyllead. In chemical plants, mercury vapors have turned our members into living vegetables who are kept in hospitals with plastic tubes in their throats. In a nuclear fuel reprocessing plant, our members have been overexposed to radioactive thorium and uranium. Even the AEC admits it, but does nothing. Chemical pesticides which have nerve poisons for bases permanently ruined the mental capacity of our members who formulate these products. Enzyme detergents may be a boon for the housewife but are a horror for our members in the detergent industry who are now breathless from enzyme dust. Doesn't the Nixon proclamation on the "Quality of Life" extend to the workplace where 80 million Americans spend ⅓ of their lives? Why has the Nixon Administration used obstructionist tactics to keep the Senate Labor and Public Welfare Committee from acting on the Williams Occupational Health and Safety Bill? This bill and its Daniels counterpart in the House are the only pieces of occupational health and safety legislation in Congress that will begin to adequately protect our members from the myriad of occupational health horrors.

To gain a better understanding of this sad situation in the American workplace, we refer you to a set of transcripts from our conferences on "Hazards in the Industrial Environment." In these pages our members describe the choking conditions of the in-plant environment. The members of the panel assembled here today who have worked directly in the field on this issue will now describe some of the experiences.

OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION: HAZARDS IN THE INDUSTRIAL ENVIRONMENT

The experiences of the members of our union demonstrate that voluntary policing of health and safety conditions in industrial plants by management has not worked. Testimony from other labor unions and from non-partisan experts not connected with unions corroborates our observations.

Some may deem it regrettable, but the plain fact is that Federal help is needed to protect the health and the lives of working people from environmental hazards in their places of employment.

Here are some of the reasons this is true:

Far more workers are being injured than the records indicate.—Hundreds of our members working in scores of plants have told us that injury records are falsified by the insistence of management that men wearing leg casts or otherwise incapacitated report to work on so-called "light duty." And even when records are kept with relative honesty, they scarcely touch on those countless deaths and sicknesses which result from exposure to bad environment—gases, fumes, vapors, dusts and the like which gradually damage the human body and in too many cases the human mind.

Far too little is known about modern industrial materials.—While many dedicated scientists have engaged in research to determine the effects of modern chemicals and other industrial materials on health, workmen and their supervisors still grope of ignorance. They work daily with liquids, gases and solids on unknown toxic properties. Of something on the order of 500,000 chemicals in daily use in industry, the best of reference books describe the hazardous qualities of not more than 12,000 of these. Of these 12,00 knowledge often is available only on short-term, not long-term, dangers to the body. And of these, Threshold Limit Values for exposure has been established for only approximately 500 by the American Conference of Governmental Industrial Hygienists. Research is desperately needed.

The fact is that people are suffering serious health damage from environmental conditions in their workplaces.—There is undue incidence of various respiratory ailments, including emphysema, of heart disease and of cancer. We have too many members whose health is broken and whose retirement is forced ten or 15 years before normal retirement age. We have too many men who show premature signs of senility. In some industries, especially in the manufacture of insecticides, too many of our members reveal mental disabilities. In some industrial facilities, we have demonstrated correlations between frequent incidence of certain diseases and exposure to dangerous materials. In other cases, the correlation cannot be proven, but the frequency of appearance of certain ailments arouses suspicions which need to be allayed through research and, when appropriate, treatment.

Many of the exposures to hazardous materials can be prevented.—Daily our members are exposed unnecessarily to fumes, dusts and liquids of dangerous nature. In virtually all cases, these materials could be contained safely rather than allowed to leak into the environment. The scientific and engineering knowledge is available to do this. The skills and materials needed are far less sophisticated than those required to send men to the moon.

Unfortunately, however, many industrial companies fail to keep dangerous materials in containment simply because of the cost involved. In too many cases they take the cheaper course of trying to protect the workers by wrapping them in rubber suits and masks.

Management typically does not cooperate with workers and their unions in maintaining healthful work conditions.—Rarely do companies maintain automatic monitoring devices to detect the presence of deadly gases. In those limited cases in which they make spot checks, they nearly always refuse to tell the workers or their unions of their findings.

Workmen are asked to handle chemicals identified only by code numbers, not by chemical definition. Information provided to workers about the hazardous properties of many materials is so limited as to be of little value. Safety placards defining dangers of chemical exposure and providing quick-reference emergency treatment instructions are rarely found in industrial plants. Workmen are asked to handle extremely toxic materials equipped only with blind faith in management's desire to protect health—and this faith is rapidly declining.

Safety training is sadly lacking in most plants.—New employees are assigned to handle deadly materials without instruction as to the hazards involved. Many members tell us that, over such long periods of employment as 20 years, they have had not one hour of training in safety procedures. Many members report that such safety meetings as are conducted are superficial and meaningless, devoted either to the most elementary of training regarding such things as proper handling of tools or to lectures on off-the-premises safety.

Poor maintenance of equipment causes many illnesses, injuries and deaths.—There has been a rash of fires and explosions in oil refineries in recent months. Many of these have been traced to badly-corroded equipment which should have been replaced. Leakage of corrosive acids, poisonous gases and other dangerous materials from rusted pipes is commonplace in both chemical and petroleum facilities.

Zeal for production interferes with health and safety precautions.—Foremen, supervisors and managers of industrial plants, under pressure from home offices to maintain high production records, hesitate to shut equipment down for repairs when potential health and safety hazards dictate such repairs. The supervisor is faced by this difficult alternative: If he stops operations to make repairs, he certainly will lose production; if he takes the risk of continuing operations, he may *have* an accident.

The incentives of the profit system are contrary to self-policing.—Managers, being human, tend to respond to the strongest incentives before them. The incentives to maximize production and minimize cost are always present; the incentives to take caution for the protection of health and safety are less concrete. To pose the problem with a rhetorical question: Who ever heard of a plant manager winning a promotion by maintaining an exceptional health and safety record?

It is for this reason that health and safety standards, regulations and enforcement must be vested in external, neutral authorities. The necessity is precisely the same as the necessity to employ policemen to enforce traffic regulations.

Collective bargaining can contribute to occupational health and safety, but government assistance is needed.—Thus far, unions have achieved only limited success in negotiating for safer and healthier conditions. Management, zealous to maintain its so-called management rights," generally has been uncooperative with union safety efforts. For understandable reasons, management has retained the final power of decision regarding health and safety measures even in those plants where joint union-management safety committees exist, and management tends to react to the economic incentive in exercising this final power. Thus is demonstrated again the need for third-party, or neutral assistance.

We see no alternative to Federal legislation. While there are signs of progress in labor-management negotiations on health and safety, Federal regulation is needed at least on a stand-by basis. Meanwhile, little faith can be placed in state efforts. The states have had many decades to meet this challenge and they have failed to do so. Testimony by hundreds of our local union leaders reveals that their efforts to obtain assistance from state health and safety agencies nearly always brings little if any relief.

We insist on a meaningful Occupational Safety and Health law. H.R. 16785, the Daniels bill, has our full support. We resist and object to attempts to substitute weak meaningless legislation that becomes nothing more than a meaningless charade.

Many of us have lived and worked too long under a weak Federal safety law that

was cynical enough to provide for 25 inspectors for 30 million workers.

OUR MEMBERS SPEAK

Let me give you a few examples from the working men in the plants.

F. Q. Hood of our Shreveport, La., Local 4-245 said: "Exposure to paranitroaniline and other gases changes the complexion of our men and bleaches their hair. Men sometimes turn blue and pass out after leaving the exposed area or even after leaving the plant."

(Chemists say that paranitroaniline destroyes red blood cells.)

Said Darrell Whitaker, Muskegon, Mich., Local 7-390: "We make phosgene gas and the products of phosgene gas: we make isocyanides; we handle a number of different chemicals. Our problem is that we have had one death and several cases of advanced asthma and one known case of emphysema.

"Before our union came into the plant (two years ago) they (the management) would just ease these guys right out the gates if they had bad symptoms, they (management) would just find some reason to get rid of them and there wasn't a problem.

"We don't have any monitoring devices. The only thing we're concerned with is if it's explosive—then we'll go in and monitor so the place dosn't blow up. Without monitors where we make the phosgene gas at least we know to put on the gas masks when we smell the stuff. Then if it isn't too bad and you've got to work there for a number of hours and you can stand the smell, why, you stay in there and work. We need information and monitoring devices.

"The average number of years that these guys have been working here is three years and their average age is probably between 24 and 25 years, and out of these 120 guys we've had one death of phosgene gas, several—I'd say six—of advanced asthma and that emphysema case that I mentioned."

Said Albert Nist, Ashtabula, Ohio, Local 7-509: "When we first started that plant in 1950 nobody really knew what they are doing. It took us about a year, then after that you could walk through the shop and you wouldn't smell any chlorine gas and that continued on until about 1956.

"Then the company fell upon hard times and they started to let their equipment go to the devil. And since then they've changed plant managers about four or five times, the equipment is still going down hill, they're not spending any money on it and one of these days that plant's just going to go boom straight up in the air because it's just going to fall apart completely.

"They've got a very good percentage of hiring. They hire twelve men one week and nine quit. They just can't take the chlorine gas that's flying around in there. We've had guys who have had their lungs removed—half lungs—we've got guys who've been forced to retire because they just couldn't take it any longer.

"Right across the street there's a plant—I don't know what they're making over there, nobody can find out. Our chief steward of maintenance is on the Safety Committee for the City of Ashtabula on air pollution and he tried to get into the plant to find out what they are making but they wouldn't let him in. But something got loose over there and drifted over into our plant and put 14 of our guys into first aid. And we had two of our guys lose their sight for a few hours due to the effects of this stuff and we can't even find out what's going on over there."

Gentlemen of the Committe, please do not think that just the workers are endangered; the entire community is endangered, as the above incident shows.

Bill Ricks of our Port Arthur, Tex., Local 4-23 works in the largest oil refinery of one of the largest oil companies in America—Texaco. It refines what is known as "sour" crude petroleum, meaning that this petroleum contains a lot of sulfur. If the companies want to go to the trouble, they can refine this sulfur out and sell it. But in many cases it is allowed to escape into the air in the form of hydrogen sulfide—a very dangerous chemical.

Ricks said to us: "Hydrogen sulfide has knocked out several men on the job. All the company has done about it has been to build a higher stack to carry the fumes away from the workers. There is no instrumentation to warn of the presence of harmful gases, but on occasion the smells get so strong the men just walk off their jobs."

John Hocking of our Texas City, Tex., Local 4-449, who works in a large refinery of American Oil Co., tells a different story of how the community suffers. He reports that several members of his local have been killed by hydrogen sulfide. Complaints made by people in the community have caused company management to inject a substance called "Mum" into the stacks when the smell gets bad. "It's nothing but a perfume," says Hocking.

Leo Reidel of this same local told us: "We have a very hardy tree in our neighborhood, but sometimes after a night of heavy fallout from the plant, we go outside in the morning to find most of the leaves have fallen from this tree."

Walter Mottin of Monsanto, III, Local 7-347 told us they sometimes have spills of powdered arsenic in his plant. Asked what was done about it, he said. "Why, we just hose down the room where the spill is and it goes into the sewer and on out into the river."

Here is a statement from Tom Grasso of New York Local 8-584, given at a conference in New Jersey:

"We are in the paint industry, specifically with Sapolin Paints in Brooklyn which also has a warehouse in Edison, New Jersey. We manufacture house paint for walls and exteriors, and also marine paints. And the area that I am particularly interested in is the marine paints that we manufacture.

"We also manufacture aerosol sprays: you know, like you spray your little odds and ends at home with a small can. And in that aerosol, for example, we use a propellant, a form of propane gas. It is interesting that when we first began manufacturing this particular type of product, it was manufactured in Brooklyn, but, because of the laws of New York State, we were not permitted to use propane as the propellant in this product. So they moved the operation over to New Jersey, which allows propane to be used as a propellant, believe it or not. Naturally the cost of Freon which was used in Brooklyn is much more expensive than propane, which is very much less expensive in New Jersey. So you Jerseyites are a little lax in your laws, too.

"We use various chemicals in the manufacture of paints, expecially in marine paints. I've listed some of the chemicals that we do use: xylene, toluol, various types of ketones, acetates, mineral spirits, and many, many forms of alcohol. I've had experience with various of these chemicals myself.

"I recall one time, when I was cleaning out a five hundred gallon tank, and I used toluol to clean the interior. Unbeknownst to me, the fumes in the tank were getting to me, although I could smell the odor of the toluol at the time. I was in such a hurry to get the tank clean, and all I needed was a couple more swashes around, and I would be done, but those couple of swashes caused me a fright. I was really frightened because what happened was, I just passed out. I just passed out completely, just fell asleep on the floor, and later I was taken out and was walked around the block like a dog to clear my system of the fumes I had inhaled.

"We have no idea of just what levels these chemicals that we use in manufacture of this marine paint causes in our members, but we do have rooms where the finished product is put into cans. I had not been working in the vat area for about the last seven, eight years, so my system has been kind of cleared, I think, of all the fumes I'd inhaled. But just the other day I had occasion to walk into this room here, to speak to our Secretary-Treasurer, and, the moment I opened the door, the fumes of this particular paint which they were filling, got to my nose and I just shook my head and kind of cleared all my senses; I was getting dull, just by the fumes in this particular room. We have been assured that the ventilation is proper in this room, but I question it very, very much. The boys who work in this room, apparently are acclimated to the odors there, but what damage they are getting from inhaling this constantly is unknown to us.

"Years ago, when I worked with this area, to give an example, when I went home at night when I kissed my wife when she greeted me at the door, she always used to be able to tell me what chemicals I had been inhaling that particular day. And that's a fact. Sometimes it was alcohol; sometimes it was acetate; sometimes it was a very sweet-smelling chemical.

"Anyway, the paint industry, among other industries, is one industry which uses quite a varied amount of chemicals, and I haven't even mentioned the pigments that are used. We do use poison in some of our paints, especially in our marine paints, specifically to offset the effect of barnacles on the hulls of ships. For example, they use a form of mercury in the pigment of hull paint, to kill any barnacles that attach themselves on to the hulls of ships. And red lead and copper and all those things; it's really amazing. This is aside from ordinary pigments that are used in the manufacture of paint. And if there is any way that we can find out the level of danger that these chemicals and pigments present, to help our members in the industry as a whole, we would appreciate it very, very much."

At one of our conferences, we had a guest, John Dacey, from an independent union representing employees of Union Carbide Co. at Boundbrook, New Jersey. Here is what he had to say:

"We have one heck of a company to work for when it comes to safety. You cannot say they're neglectful; they're criminal! Absolutely criminal, and I want the record to show it. Their doctors deserve some sort of a medal because of the millions of dollars that they have saved this corporation.

"Recently, on taking office, we had to call the state investigators in. We had men who were exposed to possible mercury poisoning. In heated ovens they were performing electrical tests. People became very alarmed at this. Seven or eight men were tested. The company told us all we needed was a urine test. Ten, twelve weeks go by, no answer. Through a third party the men find that they are in safe zone. We find the same identical test at another building at the other end of the plant. We had this area examined. It took six weeks to get the men to the doctor; another six weeks to get an answer.

"We became suspicious. We picked a man from each area, sent him to a doctor at eight thirty Monday morning; in the two o'clock mail on Tuesday, we had the results. We also had a blood test taken, which was also required, which the company did not even take.

"We use asbestos in large quantities in some of our Phenolic Division, a material that we make. These men are only now, since the militant group took over the union, only now, asking the men, after thirty-five years of operation, to take X-rays, because they know that we're going to double check them.

"We use vinyl chloride in one of our buildings. Vinyl plastic we manufacture. I was very interested in listening to one of the

previous speakers, because we now have three men, with better than fifteen years seniority, on permanent and total disability with emphysema.

"We have a janitor there now who worked on a mill, a two-roll mill, for twenty-five years, breathing these fumes. He can hardly breathe. The company is afraid to let him go, because they know what's going to happen, because we're going to be right on top of them. This man is almost blue, almost all the time. He has to go to the doctor every two weeks. His own doctor.

"These are the things that are going on in our plant. And I'm sure they're going on in many other plants. Many others. We have dust and fumes where you can't even see across the room and the boss says, 'It won't hurt you. Look at so-and-so; he's been working here fifteen years.' Five years from now he might drop dead, but right now he's still walking, so we shouldn't worry. This is the kind of attitude we have. A man goes to the dispensary; he hurt his foot. 'It's perfectly all right; you just bruised it.' Three days later the man can't walk. He comes back in, after seeing his own doctor. He's got four bones broken in his foot.

"This is the kind of thing that we have to tolerate, by callous, uncaring, criminal-acting management. And I came here today with the intent of making this public, and adding some of the independent unions' voice to the very hard, uphill fight against the massive money that is made available by the National Association of Manufacturers and the other people that are in their line of work, to make it cheaper for them to operate, regardless of the cost in human life.

"Now we work with a chemical known as dicumyl peroxide. It's somewheres around 50 ppm. There's a maximum exposure; I can be corrected on that; I'm not sure. But I know one thing. We ran a test on a product right outside of a door that leads to a room where this was added to polyethylene plastic, to cross-link the molecules. Now when we performed this test, every once in a while, for some unknown reason, the test would go way out of proportion. We would learn that every time that door to that room opened, this test was invalid, and there are men working in that room. They moved the test to the other end. They didn't put any better ventilation in, but they moved the test to the other end of the room, the other end of the lab.

"These things are going on all the time. Every day we are faced with it. We attempted, upon taking office, to make our safety committee function. We have had one roadblock after the other, and only after the Union threatened top management that we would disband our safety committee and have a leaflet out at the gate to that effect to tell the people why, go to the press and tell them why, go to the National Safety Council and tell them why, and then go to their insurance company and tell them why, only then did they agree to let our safety chairman, who I brought with us today, even go in once in a while and check something.

"Well, we've only begun to fight. There is no limit that we won't go to, to see that our workers are safer than they have ever been, but we have only scratched the surface."

Steven Lawrence, a guest from another union in Linden, N.J., had this to say to one of our conferences:

"I can't get any cooperation from my union on our problems at American Cyanamid. Management certainly isn't going to help me try to get the necessary information that I'm trying to obtain. Recently we had a fatality, two years ago this February. A young fellow, nineteen years old. He was overcome by hydrogen sulfide gas. The company management notified the newspaper that the man died of a heart attack in a parking lot. The man was taken out of the plant, an autopsy was performed, and the evidence was presented to the union, which did very little, if anything, to help this man's family or relatives.

"Now I came here today to try to find out—I knew the scientists would be here—what the crippling effects of acrylamide might be. We've had six or seven people that have suffered strokes, paralysis. One of the men became blind about a year ago. Now this acrylamide is also used in all acrylic-based paints.

"I have labels here of many of the products that we handle, which are very toxic: malathion, parathion, thiamide, xanthate, and maybe fifty more.

"But what I'm interested in now, is finding out exactly what the crippling effects of this acrylamide is. Because everybody in this plant is exposed to this, due to the faulty equipment that management has installed there. They're only concerned with a production yield, not a safety standard."

MULTIPLE CASES IN ONE PLANT

Last year I testified before this committee and brought before it a witness from our Local 8-3660 in Sayreville, N.J. A story was told then of death and injury from carbon monoxide in the National Lead Co. plant there.

Here are some more up-to-date comments made by President Peter MacIntyre of that local:

"Now since Tony and Ray, and a few scientists, came to our plant last year, we did make some improvements. However, this is a report of what is still happening to our people. Now, the people who have been gassed, these are some of the symptoms that they suffer from: they can't get their breath; they have chest pains, or a thickening of the chest; the back of their neck is sore, perhaps from coughing; they have sore throats; sometimes they feel sick for a day or so. They have upper respiratory infections; they have a slight pressure for several hours afterwards in the chest; they have vomiting, dizziness, headaches, blurred vision, loss of memory in some cases.

"Now the treatment: some have oxygen, fresh air, peppermint cough syrup, penicillin, and one X-ray. The people that have suffered from carbon monoxide have similar symptoms to those I've just mentioned, except in one case that we had, we feel a brain hemorrhage resulted. We've also had a man die of CO. Now this death actually occurred outside of the plant. We feel that it was a result of working in the plant.

"Now we have many questions to ask here, but some of them are these: What can be done, what can be told about gases when they're mixed together, such as chlorine and titanium tetrachloride? Now we have operators who have been working with these gases and fumes since 1961. We'd like to know what's happening to these people. Some of them have been taken out of the plant. Some of them, nothing has ever happened to them. We would like to know, would wearing clothes that smell from chlorine be dangerous? We have people who continuously have their clothes saturated with the fumes of chlorine.

"We have had many serious cases. Incidentally, we have made up a form for our people to fill out. We have had our safety chairman and our safety committee people go out and check with our people and this is a typical one. The man's name is Stanley Wollana, his clock number is 930. He's a mechanic in the Chloride Department. He's been on this job for three years. Now the question that we have asked them all is, 'Have you ever been overcome by gas at the Chlorine Plant?' The answer is, 'Yes, chlorine, carbon monoxide, and aluminum chloride on numerous occasions.' Aluminum chloride brought on his heart attack. He was making repairs to an automatic valve and he was the only man—it was above the opening on this unit—he got finished and he collapsed. They took him to the hospital, and, I think it was two days later, they said he had a heart attack and they put a pacemaker on his heart.

"He survived and we come to the question: Was this a compensation case or was this a health and accident case? Now when I called the personnel people on this, they didn't have the answer. They had to call New York. And the people in New York decided that this was a simple case of a man having a heart attack. And we disagreed with it. As a matter of fact, we instructed our brother member to get a lawyer, and there's a top case on it now.

"Now here is a statement from him. 'Prior to my admittance to the hospital, in this particular instance, I was overcome by inhaling, on numerous occasions. The usual effect left the throat very irritated and a feeling of pressure on the chest, sometimes remaining for two or three days afterwards. In this particular instance, because of malfunction, I was recalled three times, within three hours, to the automatic valve, emitting fumes. The fumes in the reactor were from aluminum chloride. After completing the job, I was subjected to the same feeling: scratchy throat, pressure on my chest and difficulty in breathing. On hitting the outside air, I passed out completely.

" 'Admitted to the hospital, in the interim, on the third day, I developed a blood clot on the wall of my heart. As a result of this I was confined to the hospital for four weeks. A total of five months elapsed before I was able to return to work. I am back on the same job, but I am now incapacitated to a degree of limitations I previously have not experienced. Climbing and walking for extended periods leaves me breathless and exhausted. I am unable to lift heavy objects and I feel difficulty in breathing upon completing a job. In general, my strength is completely exhausted within the course of a day. One thing, luckily, I can tell it myself instead of having it written about me.'

"Now we have another one. Matthew Panzallela, March 28, 1969. Three years in the Chloride Department. 'On January 30, 1969, I was overcome with CO, was given oxygen at the dispensary, and sent to the doctor. I was given pills and I have pressure on the left side of the head and terrific pains, also nausea. My left side of face is still numb upon this date. I also lost nine days due to pains in the left side of the head. I am also suffering from nerves and still being treated by a doctor. One pill for opening the arteries, one pill for the pain in my head, and one for vitamins.' Each of these pills, he has to take daily.

"Now these are some of the complaints that have become standard. People continue to have sore throats, some have red eyeballs, also coughing. Most cases they have chest pains. In some cases they have a pain in the back of the neck.

"Now we would like to know, would it help to clean the person's nose out after gasing, as it is not being done, and the fumes do bother the person? We have had cases where the doctor will prescribe over the phone how to treat these gases. Now we'd like to know can cold oxygen be given to men without damage to their lungs? Now some men are not getting oxygen, but pure air.

"After getting gassed, sometimes men are checked by the nurse only. We would like a better physical for men, such as blood tests, X-rays and other similar tests. Some men have not been able to smoke and some have always a tired feeling.

"Now here's a slight sampling. Dan Staley, Clock Number 128. Chloride Department. Pipe Fitter Trainee. 'I've been on this job one month.' Another question, 'Have you been instructed on safety?' The answer is, 'Yes.' 'Have you been overcome by gas at the Chloride Plant?' 'Yes.' July, 1967, was the date. 'What were you doing at this time?' 'Sitting outside the conversion build-

ing. I had just finished eating lunch.' 'Did you require medical treatment?' 'Yes.' 'Do you have any remarks to make?' 'Yes. Removed to Perth Amboy Hospital for medical treatment. Lost two days' work. Received Workmen's Compensation. Required three months of medical treatment outside the plant.'

"Now, all of these are signed documents from our people. We have one here: Richard Elliott, Clock Number 103. Platform Man. 'How long have you been on the job?' 'Two months.' 'Have you been instructed on safety?' 'Yes, one day,' 'Have you been overcome by gas in the Chloride Department?' 'Yes. Chlorine tickl-4 (titanium tetrachloride).' The date was 1967–68. He was doing his regular operating job. The treatment was cough syrup. 'Do you have any remarks to make?' 'Still have sore throat, chest pains, under doctor's care occasionally.'

"Robert Hawkins, Clock Number 924. Conversion. B Operator. Two years, five months on the job. 'Have you been overcome by gas at the Chloride Department?' 'Gassed ten times at least. Don't recall the dates, but they were 1968.' 'What were you doing at this time?' 'Pressure checking. Sometimes just being in an area where a leak happened and just not getting out in time.' He was treated with cough medicine. And his remarks are: 'These times of being gassed one would feel sick for a day and sometimes more—the next day, according to the amount breathed in.'

"Robert R. Frazer, 935. Chloride Department. Pipe Fitter Trainee. He's been on the job approximately three years. 'Have you been instructed in safety?' 'Yes.' 'Have you been overcome by gas at the Chloride Plant?' 'Yes, but not to this extent, tickl-chloride and Co.' The date was 1/10/69. 'What were you doing at this time?' 'I left the job. Conditions did not permit us to finish. With reporting back to the shop to notify the foreman, overcome at the shop. We received treatment from the first aid squad, dispensary hospital. And on 1/15/69 from the doctors.'

"He wasn't released until later. 'Did you have any remarks to make?' 'Yes, nose should have been cleaned afterwards. People have been overcome with gases. Clothing should be removed and changed. Clothing carries fumes and causes severe headaches. Headaches, tightness of chest, sore, raspy throat. After and during the period very easy catching cold.'

"Floyd W. Garden, 331. Mechanical. Fifteen years on the job. 'Have you ever been overcome by gas at the Chloride Plant?' 'Yes, CO.' He was working on a Nash compressor and spent five days in the hospital and five days off of work.

"Chris Michaelson, 151. Pump Mechanic. Twenty-seven years. This man had no training with air masks. 'Have you ever been overcome by gas at the Chloride Plant?' 'Yes. Become chlorine fumed November the 15th, 1968.' He was on his job site. He was taken to a doctor for treatment. His remarks are: 'Have not been feeling too well after this incident. Come down with upper respiratory infection; lost three weeks work.' He was treated by two doctors; specialists, eye, ear and nose.

"Charles E. Chek, 477. Conversion Swing Operator. Eighteen months. He was overcome twice. Had to be treated first by the man on the shift. He was checking a line up. No medical treatment. Just cough syrup. Some of our people feel when they've taken this cough syrup, it's not medical treatment. 'The pressure was caused by an intake of chlorine fumes that remained in the chest. And one can still feel slight pressure for several days afterward. I feel that this survey is a step in the right direction, but it should be followed through with everyone participating, with strong encouragement on the part of the union.'

"Dennis Quinlan, 1951. Chloride Operator. He was just made ill from chlorine gas. He was out doing his regular job. He was taken to the doctor's. He had sore throat, dizziness and headaches.

"Theodore Andrews Chloride Department. 681. Shift Pipe Fitter Trainee. 'Have you ever been overcome by gas in the Chloride Department?" 'Yes.' He was on the way back from a job. He was gassed. He got medical treatment 1–10–69, 1–14–69, and is still going. 'Do you have any remarks to make?' 'Yes. The nose should be cleaned out and clothes should be changed immediately after working around chlorine.' He still suffers from headaches and chest pains, plus a sore throat.

"T. F. Wisneski, 656. Mechanic Pipe Fitter. Twenty-nine years. He was gassed doing a pipe fitting job. 'Did you require medical treatment?' 'No. Just sick to my stomach and chest pains.'

"Tom Callaher, 1324. Chloride. A Special Operator. Two and a half years. He was overcome last spring starting up B Line Nash. He was given cough syrup. 'While starting up the Nash furnacing, when positive, causing back pressure and extensive gas fumes in the Nash area. While getting off the Nash platform, I stumbled and hit my head on a rail. Fumes were so bad that other operators could not get to me to help me. I managed to get down, trying to hold my breath and proceeded to cough and throw up in the street. The foreman went inside and brought out some cough medicine. After sitting in the street awhile, I went inside and threw up some more. After a few hours I felt a little better.'

"Arnold Jensen, 537. Chloride. He was overcome on January 10 from carbon monoxide. First aid treated him. He was in the hospital for five days.

"Ronald S. Herman, 727. Conversion. Miscellaneous Helper in Chloride. He was overcome with CO. He was working on the job, washing out the filters. He was given oxygen by a doctor.

"Gregory Hanson, 1404. Chloride. Nash Offgas Operator. He was on this job for four months. He was dropping a knockout bomb; accumulated gases. He did not receive medical treatment. He only coughed a lot. His eyes were irritated. He had headaches.

"Arnold Green, 130. Chloride. He was overcome by chlorine approximately one and a half to two years ago, resetting a button on a generator. He was hospitalized for a couple of hours.

"Vessef, 1341. Chloride Department. Special Operator. He was overcome by carbon monoxide fumes. He was getting ready to relieve a pulp tank operator when he was overcome. He was taken to the hospital, but he refused treatment. He was lost, pressure went down, and he went out in the middle of B Line. This was when he was overcome with fumes.

"Joseph Boller, 710. Chloride Department. Acid fumes and aluminum chloride fumes 1/17/69. He was pressure-checking a system, walked through a door to the stairway, inhaled some more fumes, and then he went down to the shop. He was given oxygen, taken to the doctor, required X-rays. Now any remarks made with the system used to pressure-check? 'A–Line system is quite poor. There is a general lack of communication between operators doing the job. There isn't any breathing device that can be used by the person doing this work. The ammonia squeeze bottles used to locate the leaks are totally inadequate."

"Dave Anderson. He was overcome with chlorine and tickl-4 in February, 1968. He was checking his equipment. He was given treatment at the hospital, given oxygen, and needles for nerves, and he spent sixteen hours in the hospital.

"Tom Prowley. He was overcome with chlorine, January 3, 1969, checking operating equipment. Water liner lacking was frozen and fumes escaped. He was sent to the doctor, had X-rays and capsules to take.

"Tom Inferno. He was overcome with carbon monoxide 12/8/67. He spent six weeks in the hospital, under intensive care, plus ten days in a regular room. Results of this gas attack, he had a brain hemorrhage.

"Now we have some more of these. Going back to last year, when we had Tony down to our plant, and scientists from Rockefeller Institute, we had new meters installed. We have a man who does nothing but take care of these meters. The meters have been cut down to the 50 ppm that was recommended. Yet our safety people still go out and find some of them creeping up from the 50 to 100 and more. The company then put one of their safety people up in the same Chloride Department. I think our safety people spend more time getting him to do something than they spend getting these things corrected. Now we have a safety chairman that spends just about eight hours out of every day taking care of safety problems. We also have an agreement where two men are there at the tank; no man goes in alone.

"We have done all of these things, and yet we end up with all these documents where people are still becoming overcome. We still have a constant battle in getting them to shut down a unit. We have, what they tell us to be, the most up-to-date equipment. We have a man full time checking this equipment; we have safety people out there. We have safety people in the areas, that do a tremendous job for our people. The chairman of our safety committee, again, spends just about eight hours every day out there. In spite of all this, we still end up with people being overcome, people becoming sick, and they don't have the answers.

"Now some time ago, I went over to Rutgers, where Leo was giving a class, and, again, we find the same problems over there. The same people go there with the same problems. I don't know, sometimes, how Leo can continue to have the courage to fight this battle. Because wherever I've heard him speak, including here, there are always lists like this. Always people that are being injured. Always people that are suffering."

Some of our members tell stories which reflect incredible lack of concern on the part of company management. Ira Hoard of East Chicago Local 7–334 reports that members of his local often are overcome by chlorine gas and that dust often is so thick that men have to leave the job.

In that plant is a device called a chlorine scrubber which is used to remove the gas from the air, but Mr. Hoard tells us the scrubber is often clogged up so that it is ineffective. It would appear that simply by keeping the dust down, the company could free the men from the chlorine danger.

Mr. Hoard reported that whenever a complaint was made to management, the management promised to take care of it "tomorrow," but that "tomorrow never seems to come."

"We have a big problem of absenteeism," Mr. Hoard says. "We think it is because of the bad health conditions in the plant, but the company just accuses the men of buying certificates of illness from doctors."

NERVE DAMAGE

One of the frightening aspects of certain chemical exposures is that so many of them cause nerve damage. Gases such as carbon monoxide and hydrogen sulfide, small oxygen-containing compounds such as alcohols and ketones, and metals such as mercury and tetraethyl lead are some of the chemicals with known effects on the central nervous system.

One example comes from the manufacture of a very common household item—matches.

Nedas Gauthreaux of our St. Rose, La., Local 4-447 reports that workers in a match plant there—most of them women—have numerous nervous breakdowns, that they seemingly become uncoordinated and have more accidents—at work, at home, and while driving. Perhaps the campaign for highway safety needs to begin in the workplaces.

Lance Brien of the same local told us about a man in an American Cyanamid plant who was off work for sickness for two extended periods because of exposure to acrylamide, a component of the commonly-known acrylic paints. He has been bedridden and he continues to suffer an extreme nervous condition.

This worker had adhered to the safety precautions of using a respirator, wearing gloves and coveralls and showering after working with acrylamide. Another employee in the same plant developed a rash from his head to his toes after working with acrylamide.

Six or seven workers have suffered paralysis in an American Cyanamid plant in New Jersey, where they are exposed to acrylamide, and one of them became blind in 1968, according to previously quoted statements in this presentation by Steven Lawrence of Linden, N.J.

Poisoning from acrylamide has been reported in six cases in England over a three-year period. Yet in England in February, 1967, American Cyanamid assured the doctors emphatically that they had no knowledge of any humans having suffered from acrylamide, according to the October 21, 1967 issue of *British Medical Journal*.

Acrylamids has a chronic effect on the nervous system; a peripheral neuropathy and a mid-brain disturbance. The first symptons are fatigue, lethargy, drowsiness, muscle pain and weakness, increased sweating, dermatitis, tremors, slurring of speech, sensory loss and bladder disturbance, according to the same publication. It can reasonably be presumed that these make a worker very vulnerable to the physical hazards of a plant and thus increase his body accident risk.

You have heard about the Rocky Mountain Arsenal, on the edge of Denver, where the Army stores nerve gas. A section of that facility is leased by Shell Chemical Company for the manufacture of insecticides. The men process deadly poisons in concentrated form.

An independent medical group has been making a long-range study of these men, to determine the effects on them of this exposure. We expect this report will be issued soon.

But, meanwhile, Fred Mosher of our Denver Local 2-477 comments, "I know the men have some sort of problem. There's a drinking problem. There are divorces. You feel funny when you sit down to lunch with twelve or fifteen of the fellows and find that you are the only one still on his first marriage—the rest have been married two or three or more times. There are a lot of domestic problems. And every time you see a guy open his lunch bucket you see a bunch of pills, a lot of the guys are gobbling nerve pills.

Members of the committee might suggest that this members comments should be withheld pending the more scientific medical study which is due to be written soon. But, gentlemen, I suggest to you that the general, vague uneasiness felt by Mr. Mosher is representative of a state of mind that haunts tens of thousands of our members. They know something is wrong, they lack precise information, and this makes them all the more apprehensive. They are pleading for help in finding their way in this generally invisible chemical jungle they must work in. We desperately need more research.

MORE SPECIFIC COMMENTS

Let me hurriedly report some more brief comments from our local unions:

From Cleveland, Ohio, Local 7-148 (Glidden Paint Co.): "Our people are being overcome from fumes created by TDI, maleic anhydride, melamine."

From Zionsville, Ind., Local 7-535 (Rock Island Refinery): "One area that needs attention at our plant is the compressor house. It is very gassy. The men complain, but the company lets it roll off their backs. The noise has affected our hearing. The company has no alarm systems in the plant for the detection of leaks, such a gas as the dread hydrofluoric acid. If you have a good complaint, the loud-mouth company safety men usually win out, they know so much! After all, the poor worker is too dumb to realize the dangers he's involved in every working day of his life!"

From Carteret, N.J., Local 8-398, with members working for American Oil, General American Tank Storage and American Mineral Spirits: "Many of our people just feel rotten. They experience headaches, tightness of the chest and coughing spells. The quality of life in such a plant is just miserable."

From Kansas City, Kans. Local 5-604 (Phillips Refinery): "We have had two more carcinoma deaths since you testified one year ago. Another big problem is hydrogen sulfide poisoning. There have been 21 of these accidental poisonings since 1961. They shouldn't be called accidents, because each one happened because of short cuts the company was requiring the employees to take in the interest of time. My views can be summed up in just two words, total frustration."

From Local 5-217, Tulsa, Okla., Texaco refinery workers: "In the refinery we are concerned about the number of people dying from cancer. We believe that so much cancer is related to breathing hydrocarbon fumes."

From Augusta, Kans., Local 5-246 (Mobil Oil refinery): "Walsh-Healey is not worth a d— as it is working today nor will it ever be until the people who work in these plants are given a chance to accompany the inspector, along with company representatives."

From Chester, Pa., Local 8-234 (BP Oil refinery): "Cat reformer unit operated under high pressure which manufactures hydrogen gas. No instruments, no alarms to detect leakage. H_2S unit unmonitored. Gas compressors throughout refinery in closed areas—no detecting devices to monitor gas concentrations. No monitoring of carbon monoxide from fork lifts in barrel house."

From Westville, N.J., Local 8-639 (Texaco refinery): "At present a plant flare line is full of holes with gas being emitted to atmosphere instead of being burned at flare."

From Newark, N.J., Local 8-406, which has members in 20 small chemical plants: "Workers (in one plant) are having trouble with beta-naphthylamine. This is a very hazardous substance—so bad that it has been banned from the State of Pennsylvania. Beta-naphthylamine can cause tumors and cancer of the bladder after long and continued exposure of even small amounts.

"Seems new chemicals are coming in and even management doesn't seem to know much about them."

Beta-naphthylamine's safe Threshold Limit Value is zero—any exposure is too much. That is why Pennsylvania banned it. But one company which had a plant in Pennsylvania producing this substance simply moved to Georgia when it was banned in Pennsylvania, and obviously New Jersey still produces it. That is why we can't depend on state laws.

From Linden, N.J., Local 8-337, with employees in three small chemical plants: "Chemical plants in our area release different types of gases and fumes after dark and late at night."

From Grants, N.M., Local 2-708 (Kerr-McGee Corp.): "We have had 10 deaths in the Grants area from lung cancer from radiation."

From Local 7-1234, Youngstown, O. (Koppers Organic Materials): "Members are developing 'cancerous boils' that have to be removed by a doctor. Very painful."

From Memphis, Tenn., Local 3-770 (Humko Products, chemicals): "Some of the products made in this plant will cause a very painful burn and rash on the body, so I can only imagine what they do to the inside of the body by breathing the fumes."

From Memphis, Tenn., Local 3-631 (Delta Oil Refinery): "There have been several cases of cancer (in small plant). In recent years two people burned to death. This year one loss of life due to hydrogen sulfide, two sent for short time to hosiptal. We have a need for knowledgeable people to inspect and advise us on hazards."

From Bessemer City, N.C., Local 3-802 (Lithium Corp. of America): "Many members suffering from caustic burns and poor ventilation. The acid treatment to the ore is doing damage to real property both at the plant and the surrounding community. The acid and dust that comes from the stack is not property 'scrubbed'. On given days when the humidity, wind and temperature are right, the people who live near the plant can wipe dust in small piles from their furniture if their windows are open. These people have been told that the substance was harmless after they had Lithium Corp. chemists to analyze some of the samples of dust from their furniture. I know for a fact that the chemists gave the people a false reading on the analysis."

From Memphis, Tenn., Local 3-357 (Velsicol pesticide plant): "Several members have died and others have become disabled, due to lung conditions, primarily emphysema." (Possibly due to chlorine, phenal and carbon tetrachloride fumes.)

From Local 8-830 (National Lead Co.), Sayreville, N.J.: "Combination of methanol, acetone, touloul, naphtha, xylol fumes in paint lab. Chlorine fumes, titanium, tetrachloride fumes and carbon monoxide fumes in the chloride lab. One technician gassed by titanium tetrachloride fumes while attempting to escape from third floor lab. One known case of pneumonia caused by fumes in paint lab. Numerous respiratory ailments among lab personnel, probably caused by fume inhalation but we can't prove a direct cause-and-effect."

From Wausau, Wisc., Local 6-666 (3-M Company roofing materials plant): "Due to dust drifting out over city, the company has lowered exhaust stacks to the point where we now get the dust back in our own windows. We also have tons of fine granule that is discharged out stacks and collects on roof then blows off in wind, making it almost impossible to open your eyes out around the plant. We have employees now on limited duty because of dust condition in lungs."

From St. Paul, Minn., Local 6-528, with members in General Printing Ink and Consolidated Printed Ink plants: "Ventilation almost non-existent. Mixing of dry colors, some lead based, done in general production area. Dry color and other powder ingredients visible in air at all times. No urine test for lead."

From Kalamazoo, Mich., Local 7-220: Dust from cyanide in great qu ntities. The company would do nothing to stop it. We have a lot of dust and gas. There have been three employees with lung ailments; one died from it; this is in the last six years. Sulfuric acid spray is present in the atmosphere as it eats the paint off the cars in the parking lot."

THOSE ENZYMES IN SOAP

Much is being said in TV commercials these days about enzymes in detergents, which are said to literally "eat up" the dirt. Soap company employees have something to say about the strength of those enzymes in the workplace, too.

Three of our locals which have members in soap producing plants—Hammond, Ind., Local 7-336 (Lever Brothers); Bristol, Pa., Local 8-373 (Purex Corp.) and Kansas City, Kans., Local 5-114 (Colgate Palmolive) cited

troubles from exposure to enzymes. The Kansas City local cited "rashes or enzymatic affects to hands, face and exposed areas, nasal irritation, breathlessness, wheezing, coughing and possible lung damage." We have had comparable comments from members of the other unions with members employed in detergent plants.

We consider the introduction of enzymes as another example of a new hazard being introduced without adequate testing of potential harmful affects on workers, or, for that matter, on the community at large. It was first noticed in England that the workers in the detergent factories were reporting severe respiratory distress from inhaling enzyme dust. Coughs, chest pain, general weakness, discomfort, fever and other allergic symptoms were found, according to the June 14, 1964 issue of *Lancet*, a British medical journal, "Inhalation of the material may lead to irreversible impairment of lung function." Yet the *Wall Street Journal* of October 9, 1969 quoted Colgate-Palmolive Company as dismissing such reports as "unfounded."

PESTICIDES IN A PRIVATE FIEFDOM

The detrimental effects of pesticides on our environment have surfaced to the national spotlight in recent years. But hidden behind the cloak of security of plant gates and "trade secrets" lives the untold story of the poor health and safety conditions in pesticide formulating factories. One such plant is owned and operated by the Shell Chemical Company, but it lies within the confines of the Rocky Mountain Arsenal near Denver, Colorado.

Four groups of pesticides are (or were at one time) produced there: first, the organophosphate insecticides—parathion, dibrom, vapona (DDVP), azodrin, phosdrin, bidrin, and ciodrin; the chlorinated hydrocarbon insecticides—aldrin, endrin, and dieldrin; the herbicide planavin; and two fumigrants, nemagon and bromine.

The first two groups are of most concern to the workers. Thirteen drops on the skin of a powerful organophosphate pesticide like parathion can kill an adult within a few minutes. The organophosphates, like certain nerve gases at the Arsenal, inhibit an important enzyme in the nervous system. Symptoms include blurred vision, weakness, nausea, headache, abdominal cramps, sweating, convulsions, and coma. The chlorinated hydrocarbons are in the same family as DDT. These chemicals have been concentrated in the fatty tissue of all Americans and have been known to upset the reproductive cycles of birds. The full effects of long-term low exposure to both these groups of chemicals is not known.

On February 27, 1970, Ray Davidson, Publicity Director for the Oil, Chemical and Atomic Workers International Union, conducted an interview with the members of our Local 2-477 who work in that plant. The conversation immediately turned to health and safety conditions. The workers spoke of "a dieldrin flaker, which creates a considerable amount of dust." Pesticide ingredients like nitric and sulfuric acids are found fuming all the time. What do the men do to protect themselves when the fumes become overpowering? "Run like hell." The members stated that a few weeks earlier a man had been "knocked out by chlorine." Ray Davidson asked how often they smell chlorine.

DICK ECKENROTH. How much of the time? Just about everyday, twenty-four hours a day. Chlorine is a unique chemical in that if you can smell it, you are already being exposed to an amount that is at least 3½ times the recommended threshold limit.

Some of the effects of these working conditions are evident. One year saw nine cases of pneumonia among the men in the area contaminated by acid fumes. Furthermore, the men feel that the working conditions have a definite effect on their mental health. Witness this exchange between Ray Davidson and Dave Towler:

DAVIDSON. How are the marital relations among those boys out there?

TOWLER. Very poor. We have a very high divorce rate.

DAVIDSON. Well, we have a very high divorce rate all over America. Do you really think you have more?

TOWLER. I have no facts, but we have more marital problems and a higher divorce rate. We also have a very high suicide rate.

DAVIDSON. How many suicides have you had out there in, say, the last five years?

TOWLER. We had one attempted and one completed in the last five years.

Lastly, a research project conducted on these workers by Dr. David Metcalf of the University of Colorado Medical Center investigated the effects of organophosphorous exposures on the nervous system and brain. His results confirmed the observations of the men.

Results indicate that dysfunctions most clearly seen in the exposed group are disturbed memory and difficulty in maintaining alertness and appropriate focusing of attention. There is more usage of such compensations as delay, avoidance, inappropriate giving up, and slowing down among the exposed group.

This sad story does not end with the workers and their families. Water wastes from this plant have killed thousands of ducks and other wildlife. When an attempt was made to pump the liquid wastes into a 2½ mile deep well, Denver was hit by its first earthquake in eighty years. More than 1500 earthquakes were subsequently recorded during the next five years. A study by the Colorado School of Mines held the huge underground shaft responsible. Today the workers speak of chlorine and other gases being vented straight into the atmosphere without any treatment.

The pollution inside and outside the plant are inseparable. The quality of life of the working man and the quality of his environment must become as important to American industry as profits and productivity.

Unfortunately, today's violence in the workplace is silent. Scars manifest themselves within the lungs and organs of the workingmen and are only revealed when the damage is irreparable. As Dave Towler says:

We don't have a line break every day, but you breathe these fumes every day. What happens to these people after a period of time, say in fifteen years of working there?

MILWAUKEE JOURNAL COMMENTS FAVORABLY ON THE WAR POWERS BILL, HOUSE JOINT RESOLUTION 1355

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. REUSS. Mr. Speaker, the Foreign Affairs Committee has unanimously approved a resolution, House Joint Resolution 1355, concerning the war powers of the Congress and the President.

The war powers bill, drafted by the Subcommittee on National Security Policy and Scientific Developments chaired by Representative CLEMENT J. ZABLOCKI, received favorable editorial comment in the Milwaukee Journal of Saturday, October 3, 1970:

CHECK REIN ON WAR

Many congressmen have long worried about the presidency's gradual accumulation of virtually all war powers in practice over the last three decades—the span including World War II, Korea, Vietnam and finally Cambodia—whereas the Constitution seems to intend at least an equal partnership with Congress.

One such worrier is Milwaukee's Rep. Zablocki. As a high ranking foreign affairs committeeman he has just led a subcommittee to draft a joint resolution that seeks to restore some balance, not as a footnote on the past but as a guideline in future. Simultaneously on Wednesday the parent committee cleared it for floor action and Zablocki discussed it with the Milwaukee Press Club.

It recognizes that a president, as commander in chief, must sometimes act on the instant to protect American lives abroad. In that case, it would say, he must promptly report to Congress what he did and why it couldn't wait. Otherwise he would be instructed to "consult" House and Senate leaders first, before ordering any armed conflict or—in significant reference to Cambodia—enlarging one.

Perhaps Congress can't effectively forbid a headstrong president who is determined to act on his own, with or without its agreement. But Zablocki's committee feels that these provisions would at least stand as a wholesome caution to the White House, a check rein on plunging into rash adventures with American men and money.

The branches of government will never cease to be naturally jealous for their separate powers and prerogatives. Zablocki doesn't expect the executive branch to be overjoyed by this admonition, but he does predict discreet acceptance of it. The White House has already been consulted. Rejection would be highhanded, and hard to explain convincingly to the people.

HORTON COMMENDS OPERATION MORALE, ITS PRESIDENT, MRS. CARL NIELSEN, AND ALL THOSE INVOLVED

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, it is always gratifying to know that there are many people in this great land of ours who work hard as volunteers, receiving no pay for their efforts, but who perform their acts just because they feel it their obligation to help others.

Such are those in the group who conduct Operation Morale in the greater Rochester area. While there are other somewhat similar groups in other parts of the country, as far as we know, there is none exactly like Operation Morale, either in its scope or its performance.

Operation Morale has as a motto "Because We Care." Its purpose is to remember our armed forces in Southeast Asia with food and gift packages, Christmas, Easter, and other holiday greeting cards and other cards and letters. For 5 years it has been doing this great work.

Operation Morale was founded in December of 1965 by Mrs. Robert Conley, who subsequently moved to Hawaii. Its function has not changed. It has always

been to show our men in the fighting forces in Vietnam that there are people back home who care, and who care enough to think of them throughout the year, not just in one particular season. However, it is always stressed that the program does not get involved in the controversy over the war itself. It is strictly nonpolitical, nonreligious, and nonsectarian.

Judy Nielsen has made a most interesting comment which I believe just about sums up everybody's feelings about the strife in Vietnam. She said what she is looking forward to most is being out of a job with Operation Morale: "That will mean that the war is over. After each mailing we all sit down and pray to God that it is the last one. We all want to see these boys come home."

There are many people taking part in this splendid humanitarian effort and I commend them all for their work throughout the year to bring some sunshine into the lives of our fighting men overseas. I am sure we all join in their thoughts and prayers that the war will end as soon as possible.

Now I would like to share with my colleagues in the House of Representatives the two feature stories which have recently appeared in the Rochester Democrat and Chronicle. Each salutes Operation Morale but each approaches the subject in a somewhat different manner.

One was a part of a series on community volunteers and was entitled "Why We're On Earth." It appeared under the headline, "Nanci Spotlights The Doers."

The other, authored by Del Ray, appeared in the Democrat and Chronicle's Sunday supplement, Upstate New York, and was headlined "Somebody Has to Remember."

The two articles follow:

"WHY WE'RE ON EARTH . . ."

The motto of Operation Morale: "Because we care."

And because Mrs. Carl (Judy) Nielsen cares, she took on the job of heading Operation Morale after its founder, Mrs. Robert Conley, moved to Hawaii.

Mrs. Conley began Operation Morale in December 1965 so that servicemen fighting in Vietnam would be remembered with gifts, letters and cards from home throughout the year.

Since then, more than 20,000 packages per year have left the Rochester post office destined for Vietnam during the Christmas and Easter seasons, and nearly 150,000 cards and letters have been sent.

Before Mrs. Neilsen talks about her role in Operation Morale, she insists upon one point: "We take no position on the war. We are strictly non-political, non-religious and non-sectarian. All we're trying to do is remember these boys."

Mrs. Nielsen has been responsible for helping other communities "remember their boys" also. Not only has Operation Morale sent packages and letters to service men from all over the U.S., but the local group has given information to interested persons who want to set up similar operations. So far no other area in the country has an operation on the scale of Rochester's (which includes Monroe and Livingston counties) nor do any others send cards and letters year round.

Mrs. Nielsen insists that what best points out how she feels about Operation Morale is a letter she wrote to her brother who lives in Boston and is active in the peace movement:

"I believe we're all here on Earth to do more than just live, work and have fun," she wrote. "Somewhere along the way there comes a time or a chance to pay back for all you've been given. And whether you call it life or God, you have been given something. Operation Morale was my chance to do something for others. I feel that we are doing something worthwhile and meaningful for those boys who are laying down their lives in Vietnam."

Operation Morale also visits families of boys who have lost their lives in Vietnam. Mrs. Nielsen says they always send a red rose in a white bud vase with a card that reads: Because we care.

"I went to a funeral once. The boy was very young and handsome," says Judy Nielsen. "I sat with the boy's mother and fiancee and watched all the young people come in. These poor kids just stood and cried—they didn't know what to say, they just kept asking why, why, why?

"The mother couldn't answer the question for them but she told them she was glad there are people like us who cared about her son. That meant a lot to me and the other people involved."

Mrs. Nielsen's husband, a coordinator of technical operations in the photo service department at Eastman Kodak sympathizers with her activities. "The phone rings as much as 75 times a day around Christmas, but he puts up with this. The work means neglecting the house, and sandwiches for dinner but he understands how important it is to me."

The Nielsens have three children—Janet, 9, Lance, 6, and Heather, 9 months. They also have a 2-and-a-half-year-old foster son who has lived with them since he was an infant.

Judy has also been president of the Penfield Presbyterian Church Women's Association, a Christian Education teacher for retarded children, and a nurses' aide.

What she's looking forward to most is being out of a job with Operation Morale: "That will mean that the war's over. After each mailing we all sit down and pray to God that it's the last one. We all want to see these boys come home."

When Operation Morale does disband, funds in the treasury will be turned over to veterans' hospitals "to take care of the boys who need therapy or artificial limbs."

When that day comes, Judy will either finish her education and become a nurse, or teach handicapped and retarded children.

But she'll remain an active volunteer.

DEL RAY'S UPSTATE: "SOMEBODY HAS TO REMEMBER"

Few know how Mrs. Carl C. Nielsen of 67 Wood Haven Drive, Penfield, really feels about the war in Vietnam—even though it seldom is far from her thoughts.

That's because ths pleasant, busy, 31-year-old mother of three (and foster mother of a fourth child) is president of Operation Morale, and she and other leaders of the volunteer organization have pledged they will not discuss publicly the merits of the war.

"Our motto," Mrs. Nielsen explains, "is 'Remember our servicemen in Vietnam.' If we went beyond that—if we got involved in controversy over the war itself—Operation Morale would be destroyed."

Since Jan. 1, 1966, Operation Morale has sent to servicemen (most of them from Monroe and Livingston counties) in the war zone approximately 96,000 food and gift packages: 179,000 Christmas, Easter and other holiday greeting cards, and many thousands of other cards and letters.

This fall Operation Morale marks the fifth anniversary of its founding. Mrs. Nielsen, who has headed it most of that time (with Mrs. Don L. Skinner of 92 Bel Vista Drive, Penfield, as vice president) says it will continue "as long as the war lasts, as long as we have servicemen over there.

"We feel that somebody has got to remember those kids, to let them know that people really do care about them," she says. "Sometimes it is discouraging. It is a lot of work for our volunteers—baking cookies and packaging and wrapping boxes and all the things that must be done—and you know that many people just don't care.

"This war has been dragging on a long time, and many get tired of it. And when you get tired of something you try to push it to the back of your mind and forget it. But then you get a thank-you from a kid over there— or a mother calls, in tears because someone thought enough to send her son a 5-pound box of cookies—and then you're ready to go at it again."

Operation Morale was founded in 1965 by Mrs. Robert Conley of Irondequoit, who since has moved to Hawaii. It has grown into an organization of hundreds of volunteers (none of whom, including Mrs. Nielsen and Mrs. Skinner, receives any pay). It includes 15 branches in Monroe County sponsored by churches, VFW posts and towns, and a separate chapter in Livingston County headed by Katherine Clark of Avon.

In addition to sending parcels and mail to servicemen in Vietnam, Operation Morale has a Boxes of Hope project directed by Mrs. Arthur B. Costello of 86 Union St. S., Rochester, chairman of the board. In the past four years, it has sent 2,000 packages of clothing, medical supplis, books, toys, and games to orphanages, hospitals, chaplains and civil affairs officers in South Vietnam.

A "sunshine chairman," Mrs. A. P. D'Ettore of 184 Rossmore St., Gates, supplies 363 letter-writing volunteers with up-to-date lists of the names and addresses of wounded servicemen in stateside hospitals and of servicemen's birthdays.

"Our only aim," says Mrs. Nielsen, "is to remember our servicemen, to let them know that we care."

NIXON'S PEACE PROPOSALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, during the debate on the Defense appropriation bill this afternoon I commented at some length on President Nixon's new peace proposals.

To my great satisfaction, the same general approach was taken in the well balanced analysis of the President's speech by Mr. Murray Marder which appeared in this morning's Washington Post:

PROPOSAL UNLIKELY TO STIR FOE

(By Murray Marder)

There is no expectation that North Vietnam and the Vietcong still leap to accept the Indochina cease-fire that President Nixon proposed last night, U.S. officials conceded.

At best, administration strategists are holding out the possibility that the new offer ultimately might pique enough curiosity on the Communist side to stimulate questions about the deliberate ambiguities. The odds for even that much thaw in the frozen Paris talks are now rated low.

The Communist side is believed most likely to spurn the proposal for virtually the underlying reason that President Nixon made it: the allies are convinced that they currently hold the upper hand militarily in the war,

and the Communists are the military underdog.

On July 1 President Nixon claimed that the U.S.-South Vietnamese border-crossing operations into Cambodia "changed the military balance" in Indochina, shifting it in the allies' favor.

The President last night avoided such a diplomatically provocative claim, but he said the same thing in another way. He said "the remarkable success of the Vietnamization policy" has made the allied position strong enough to risk proposing a standstill ceasefire.

Allied border-crossing operations, which in effect still continue with South Vietnamese troops and U.S. air power operating extensively in Cambodia, have torn up much of the Communists' war strategy.

Communist forces are currently in the process of regrouping and restructuring supply lines. To amass the power to strike back and recoup, U.S. specialists generally agree, the Communists need to begin rebuilding their forces in the dry season which begins in November.

Militarily, that would appear to make the current period, or the months just ahead, the least attractive time of all, from a Communist standpoint, to agree to accept a cease-fire. To do so would freeze them in their weakest military position of the war.

For years, earlier in the conflict, it was the allied side that secretly feared Hanoi and the Vietcong would spring a cease-fire proposal while they held the strongest military cards.

White House officials acknowledged last night that as recently as last year U.S. military leaders opposed a cease-fire in Vietnam on grounds it would then be extremely disadvantageous to allied forces. Now the tables are turned enough for the United States and South Vietnam to propose what they once feared would be thrust at them.

Although the latest Vietcong proposals of Sept. 17 in Paris also referred to "a ceasefire in South Vietnam," there is only the remotest relationship between that cease-fire and the one President Nixon now has proposed.

AMBIGUOUS PROPOSAL

While the Vietcong proposal also was ambiguous, it was offered as the capstone of an agreement, not a launching point. The Vietcong version would have a cease-fire follow, not precede, agreement on all the core demands on the Communist side, especially the total withdrawal of all U.S. troops by a fixed timetable—June 30, 1971—and replacement of the present Saigon government by a coalition regime.

President Nixon last night rejected the latter demand, which is the most critical one on the Communist side.

South Vietnamese President Nguyen Van Thieu, whose government will now reformulate—or perhaps merely repeat—the political terms for a peace settlement, which is what the war is all about, has ruled out any "coalition government."

As a result, the similarity between a ceasefire in Indochina and a cease-fire in the Arab-Israeli war, which President Nixon mentioned last night, is an extremely superficial one.

For the first time last night, President Nixon also specifically proposed in the name of the United States an Indochina peace conference.

Many specialists, both on the hawk and on the dove side of the war, long have regarded as Indochina-wide settlement as the only real solution for the overlapping wars in Vietnam, Laos and Cambodia. But this proposal too is one of the most battered approaches on the international scene, as put forth by other nations.

Last April 1, France proposed new Indochina-wide negotiations. On April 17, Yakov Malik, the Soviet ambassador to the United Nations, suddenly endorsed the idea of "a new Geneva conference."

CHECKMATING MOVES

Although no official on either side would concede it, what now rests on the deadlocked Paris conference table are two checkmating moves aimed more at world public opinion than at the opposing envoys. Each side is trying to prove it is the most "flexible," and this, in fact, is the major stimulus; since the ill-fated Paris talks on Vietnam began in May, 1968, they have yet to move beyond the stage of propaganda warfare.

Whether the struggle for public positioning ever will move from the public arena into the realm of actual diplomatic bargaining cannot yet be discerned.

President Nixon's ceasefire proposal itself, standing apart from the terms of a political solution, can mean all things to all men.

This evident ambiguity about who will gain what out of a cease-fire, administration strategists would argue, could be reason enough to warrant President Nixon's expressed hope last night that his proposal could break the logjam in all the negotiations.

The possibility cannot be ruled out. There is the chance that the interaction of ingredients added to the Paris mix, plus the interplay of battlefield developments, might cast up new opportunities for diplomatic bargaining. But that potential sequence was still out of sight last night in Washington.

DUAL NATIONALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. RARICK. Mr. Speaker, to most Americans a citizen can only be loyal and honor fidelity to one country. Thus, the frequent aspect of individuals claiming U.S. citizenship with its rights, privileges, and benefits, and at the same time possessing citizenship in another nation is abhorred. This problem of dual citizenship encountered by many immigrants opens them up to suspicion, especially in times of international crisis.

Rightfully so—for what man can serve two masters or be loyal to two countries, especially if there is a conflict of interest?

Because there has been much interest recently shown in the dual nationality—or dual citizenship question—I thought that our Members would like to have the benefit of the existing laws in several countries on this issue:

LAWS OF THE UNITED STATES AFFECTING DUAL CITIZENSHIP

(By Johnny H. Killian)

The circumstances in which one may acquire dual citizenship are rather limited insofar as United States law is concerned and depends of course upon the laws of both Nations. We here discuss the matter only in regard to the laws of the United States; that is, how may one become a citizen of another Nation and retain United States citizenship.

Circumstance of birth is the most usual and least ambiguous path to possible dual nationality. Thus, the United States accords citizenship to any person born within the jurisdiction of the United States of parents who are citizens of another country or to any person born in another country of parents one or both of whom are United States citizens. See 8 U.S.C. § 1401. If the laws of the other Nation involved are in accord one would be a dual national. Similarly, one might also acquire dual citizenship by marriage to a citizen of another country, but one marrying a United States citizen must be naturalized to become a citizen. 8 U.S.C. § 1430.

It should be observed that because dual citizenship is disfavored in United States law, there are numerous restrictions on acquisition of dual citizenship. Thus, 8 U.S.C. § 1481 provides for loss of nationality by native-born or naturalized citizens under numerous circumstances. In recent years, the Supreme Court has voided several provisions of this section, holding that Congress possesses no general power, express or implied, to expatriate without the citizen's assent. See, *Afroyim* v. *Rusk*, 387 U.S. 253 (1967), which voided the provision expatriating a citizen who votes in another country, in this case, a naturalized citizen who voted in an Israeli election. The Attorney General of the United States has stressed that a "voluntary relinquishment" of citizenship is required before a United States citizen can be divested of that citizenship. Thus, under § 1481(a)(6) and (7), a citizen may enter a formal, written renunciation of citizenship. But he may also "voluntarily relinquish" citizenship by acts which "reasonably manifest an individual's transfer or abandonment of allegiance to the United States . . ." 34 Fed. Reg. 1079 (1969).

According to § 1481(a)(1), citizenship can be lost by obtaining naturalization in a foreign state, and § 1481(a)(2) provides for loss by the taking of an oath or making an affirmation or other formal declaration of allegiance to a foreign state.

Thus, if a United States citizen becomes a foreign national by naturalization or takes an oath of allegiance to a foreign nation, he may well lose his United States citizenship and remain a single national. We say "may well" because the law is still in flux as to the assent needed to lose that citizenship, a problem which the Supreme Court may shed light on in *Rogers* v. *Belloi*, to be heard this coming Term.

If a state like Israel does not require naturalization or a formal oath of allegiance, a United States citizen might be able to become an Israeli citizen without losing United States citizenship. We are not familiar with Israeli law on this point and the Law Library will presumably provide you with a full account.

DUAL NATIONALITY LAWS OF ISRAEL, THE ARAB STATES AND IRAN

(By Zuhair E. Jwaideh)

A thorough search of the nationality laws of Israel and the Arab States of Lebanon, Iraq, U.A.R., Syrian Arab Republic, the Hashimite Kingdom of Jordan and the Kingdom of Saudi Arabia in addition to Iran, reveals two types of practices concerning the problem of dual citizenship. The State of Israel provides in its laws for Israeli citizens, if necessary, to maintain or have dual nationalities. On the other hand, all the above-mentioned Arab States and Iran provide in their laws that their citizens can have only one citizenship and when acquiring a foreign citizenship, they must secure the permission of their national states for renouncing their nationalities otherwise they will remain considered nationals of the original states and they will be subjected to punishment of imprisonment and fine or one of the two.

The legal provisions pertinent to the problem of dual citizenship in these countries are listed below:

ISRAEL

Section 1 of Israel Nationality Law of 1952[1] provides:

Preliminary. 1. Israel nationality is acquired—by return (section 2), by residence in Israel (section 3), by birth (section 4) or bi naturalisation (sections 5 to 9).

There shall be no Israel nationality save under this law.

Nationality by return. 2. (a) Every *'oleh*[2]

(b) Israel nationality by return is acquired—(1) by a person who came as an *'oleh* into, or was born in, the country before the establishment of the State—with effect from the day of the establishment of the State;

(2) by a person having come to Israel as an *'oleh* after the establishment of the State—with effect from the day of his *'aliyah*;

(3) by a person born in Israel after the establishment of the State—with effect from the day of his birth;

(4) by a person who has received an *'oleh's* certificate under section 3 of the Law of Return, 5710–1950[3]—with effect from the day of the issue of the certificate.

(c) . . .

Section 3. (a) A Jew who has come to Israel and subsequent to his arrival has expressed his desire to settle in Israel may, while still in Israel, receive an *'oleh's* certificate.

(b) . . .

Section 4. Every Jew who has immigrated into this country before the coming into force of this Law, and every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an *'oleh* under this law.

In contrast with the above-mentioned provisions, Section 5 of the same law lists the requirements for naturalization and it provides in its Paragraph (6) "he has renounced his prior nationality or has proved that he will cease to be a foreign national upon becoming an Israel national." The condition of renunciation of previous citizenship is imposed only in the case of a foreigner applying for naturalization and not in the case of the other three modes of acquiring Israel nationality as listed in Section 1. It is clear that the condition of renunciation becomes applicable only in the case of a person who is not of a Jewish faith because any Jew not born in Israel may acquire Israel nationality under the Law of Return as an *'oleh,* hence the possibility of dual citizenship may take place only in the case of an Israel national who is also of a Jewish faith. Furthermore, this point is clearly stated by the Nationality Law in Section 14 under dual nationality and dual residence which provides:

(a) Save for the purpose of naturalization, acquisition of Israel nationality is not conditional upon renunciation of a prior nationality.

(b) An Israel national who is also a foreign national shall, for the purposes of Israel law, be considered an Israel national.

(c) An inhabitant of Israel residing abroad shall, for the purpose of this law, be considered an inhabitant of Israel so long as he has not settled abroad.

This last Paragraph when compared with Paragraph (2) of Section 11 concerning the revocation of naturalization, indicates further that naturalized persons are more restricted than the *'oleh* immigrant.

Section 11. (a) Where a person, having acquired Israel nationality by naturalization—

(1) . . . or

(2) has been abroad for seven consecutive years and has no effective connection with Israel, and has failed to prove that his effective connection with Israel was severed otherwise than by his own volition; or

(3) . . .

Generally speaking, the effect of the Israel Nationality Law is that the vast majority of individuals residing in Israel are considered Israel nationals, and only under exceptional circumstances will a resident of Israel lose his Israel nationality. This situation will undoubtedly contribute to the large number of residents who will enjoy dual citizenship in Israel unless their original law imposes on them the loss of the previous nationality as a result of acquiring a new one.

Nationality laws of Iran, Iraq, Jordan, Lebanon, Sa'udi Arabia, Syria and Egypt provide for the elimination of dual citizenship and even for certain punishments as previously mention. The pertinent provisions are:

IRAN

Article 988 of the Civil Code.

Iranian nationals cannot abandon their nationality except on the following conditions:

1. . . .

2. That the Council of Ministers has allowed their renunciation of their Iranian nationality.

3. . . .

4. . . .

Article 989.

In case any Iranian subject acquire foreign nationality after the solar year 1280 (1901–1902) without the observance of legal stipulations [mentioned in the previous Article], his foreign nationality will be considered null and void and he will be regarded as an Iranian subject. . . .

IRAQ

Article 11 of Nationality Law No. 43 of 1963, as amended in 1964 provides:

1. Every Iraq national, who acquired a foreign nationality in a foreign country by his own choice, shall lose Iraq nationality.

2. A person, who has lost his Iraq nationality in accordance with Paragraph 1 and who thereafter lawfully returned to Iraq and resided therein for one year, the Minister [of Interior] may consider him, after the expiration of this period, as an Iraq national as from the date of his return, provided that, before the expiration of the said period, he shall apply to resume Iraq nationality.

JORDAN

The Jordanian Nationality Law No. 6 of 1954, as amended up to 1961, provides in Articles 15, 16 and 17 that a Jordanian citizen whether of Arab or non-Arab origin may renounce his Jordanian nationality and acquire the nationality of another Arab or foreign state with or without the approval of the Council of Ministers.

LEBANON

Article 1, Paragraph 1 of the Lebanese Nationality Law of 1946, as amended, provides:

A Lebanese national who acquires foreign nationality loses his Lebanese nationality after obtaining the permission by a decree issued from the Head of the State to do so.

SA'UDI ARABIA

The Sa'udi Nationality Ordinance of 1954 provides:

Article 11: No Sa'udi Arabian national shall be allowed to acquire any other nationality except with the permission previously obtained from the President of the Council of Ministers. A Sa'udi Arabian national who acquires a foreign nationality without this permission, or anticipates obtaining such permission after the acquisition, maintains his Sa'udi Arabian nationality unless the Government of His Majesty decides to revoke the nationality by application of the provisions mentioned in Article 13 of this Ordinance.

Article 13: Sa'udi Arabian nationality may be revoked from a Sa'udi Arabian national by a decree for the following reasons:

(a) if he acquires another nationality without proceeding in conformity with the provisions of the Article 11 of this Ordinance.

SYRIA

The Syrian Legislative Decree No. 276 of 1969 provides:

Article 10: (1) Every Syrian citizen shall lose his nationality if he acquires a foreign nationality after a request of renunciation of his nationality which has to be approved by the Minister [of Interior] with his recommendations permitting him to do so after fulfilling all his duties and obligations towards the State.

(2) Every Arab Syrian national acquiring a new nationality, but before receiving the permission for renunciation shall remain considered for all intents and purposes and under all conditions a Syrian national, unless his nationality was revoked in accordance with the provisions of Para. (a) of Article 21, and shall be punished by imprisonment from one to three months and fined from 500 to 2000 Liras, or by one of these two punishments.

Article 21: The nationality of every Syrian citizen may be revoked by a decree recommended by the Minister [of Interior] in the following cases:

(a) If he acquires a foreign nationality in violation of the provisions of Para. 1 of Article 10 of this Legislative Decree.

EGYPT

The Egyptian Nationality Law No. 82 of 1958, as amended provides:

Article 17: A United Arab Republic national may acquire any foreign nationality with the prior permission granted by the Minister of Interior. If he acquires foreign nationality without the prior permission, he remains a UAR national for all intents and purposes, unless the Minister of Interior declares him to have forfeited his nationality in accordance with the provisions of Article 22.

Article 22: The Minister of Interior may issue orders revoking the nationality of the following persons by stating the reasons:

(a) Persons acquiring foreign nationality contrary to the provisions of Article 17.

DUAL NATIONALITY UNDER THE LAW OF THE SOVIET UNION

(By Dr. Leon Niganboswski)

The Soviet attitude toward dual nationality (citizenship) has always been hostile. In practice, the Soviet regime refuses to recognize, with the frontiers of the USSR, the legal consequences of dual (or multiple) citizenship in cases involving persons in possession of valid Soviet citizenship.

The original legislation on this subject—from 1921 through 1931—adhered to the principle that "foreign citizens admitted to the citizenship of the USSR enjoy no rights and owe no duties pertaining to the citizenship of other states." As one scholarly authority explained:[1] "thereby the inevitability of dual citizenship in certain instances was acknowledged and it was correctly understood that for persons with dual citizenship Soviet citizenship alone was recognized."

On the other hand, the 1938 Citizenship Act, now in force, is completely silent on this

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[1] *Laws of the State of Israel,* v. 6, 1951/52, pp. 50–53, as amended by the Law of 1958 in *Laws of the State of Israel,* v. 12, 1957/58, p. 99.

[2] Translator's Note: *'oleh* and *'aliyah* mean respectively a Jew immigrating, and the immigration of a Jew into the Land of Israel, under the Law of Return, 5710–1950, shall become an Israel national.

[3] *Law Return, 1950,* published in *Laws of Israel,* v. 4, 1949/59, p. 114, as amended by Law of 1954, published in *Laws of Israel,* v. 8, 1954, p. 144.

[1] V. Durdenevskii. "Zakon o grazhdanstve S.S.S. Respublik." *Problemy sotsialisticheskogo prava,* No. 6, 1938, p. 59.

subject. However, this silence marks no change, according to the general opinion of all Soviet experts on international law. Their explanation is that the sole reason for the omission was the fact that the Citizenship Act undoubtedly took into account the principle firmly anchored in Soviet law that an individual with dual citizenship cannot claim the status of a foreigner if he is simultaneously a Soviet citizen. At the same time Soviet authors characterize this formal gap in the law as unfortunate and suggest a reinstatement of the 1930/1931 Soviet legislation barring dual citizenship.

In the meantime the Soviet Union, being aware of the existence of dual citizenship, brought about mainly by the differing laws of particular countries (*jus sanguinis* versus *jus soli*, consequences of adoption, marriage, etc.) succeeded in eliminating dual citizenship as far as the "satellite" (or people's democracy) countries are concerned. Between 1956 and 1958 the USSR signed pacts, officially designated as conventions, "to regulate the question of the citizenship of persons with dual citizenship with Yugoslavia, Hungary, Romania, Albania, Czechoslovakia, Bulgaria, North Korea, Poland, and Mongolia."

As long as no bilateral international agreements (treaties) between the USSR and other countries are signed the legal situation concerning dual citizenship may cause trouble for the persons involved. A typical example is presented in a situation where a Soviet citizen becomes naturalized in a foreign country. His renunciation of Soviet citizenship without the permission of the Presidium of the Supreme Soviet of the USSR and the acquisition of new citizenship is not recognized under Soviet law.[2]

IS DISC ANOTHER PENN-CENTRAL SNARE?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. METCALF. Mr. President, the proposal in the trade bill recently reported by the House Ways and Means Committee to subsidize exports by the creation of Domestic International Sales Corporations—DISC—could lead to the sort of Frankenstein corporate monster that led to the recent bankruptcy of the Penn-Central Railroad.

In that bankruptcy many questions have been raised about modern forms of business concentration that can bring disaster to a basic national utility and shake the financial stability of our Nation. Now, Congress and the American taxpayer have been asked to bail out that railroad, and we are seeing raised the academic veil of a giant U.S. corporate operation. The autopsy on the Penn-Central, a subsidiary of a network of financial manipulations that almost defies untangling, must indicate that a combination of bigness, mismanagement, and greed can end with an extended palm at the door of the U.S. Treasury.

If DISC should become law, and the U.S. taxpayer subsidizes the exports of the large U.S. corporations, will Congress be asked to bail out the corporate beneficiaries of this largesse? Will we be faced in the near future with the same lifting of the academic veil from the operations of U.S. business abroad?

DISC is a corporate tax deferral provision so complex that 40 of the 96 pages of the new trade bill are devoted to DISC requirements. The provision amends the Internal Revenue Code to allow U.S. corporations to establish subsidiary corporations to receive a tax advantage on export-related activities in the United States. Congress has been given very simple explanations for what promise to be complicated problems.

Congress has been told that DISC could—not would—expand U.S. exports. Congress has not been told many other possibilities that could result from this new tax advantage for some of the largest firms in the world.

Most Americans did not know that the creation of the Penn Central would result in a giant holding company that increased its already dangerous financial manipulations and bankrupted a railroad.

Similarly, most people do not know that DISC would allow large oil companies, for example, to receive tax benefits from their coal subsidiaries' exports to other countries. The tax advantage would be immediate—regardless of whether exports expand. Furthermore, many foreign countries have quotas on U.S. coal so DISC could not possibly spur exports of coal to these countries, but the U.S. taxpayer would still pay the subsidy.

Congress has been given a very simplified concept: A tax benefit for companies that export will, by its very nature, spur the export of U.S.-made products. The world of trade does not move in such simple straightline relationships. It could, instead, become a maze of financial intricacies that will take years for lawyers to untangle.

We are now asked that the taxpayers pay extra taxes to make up for the loss to DISC. Americans are told they should have fewer consumer dollars in the hope that exports will expand. But no one can make any assurance other than the cost to the Treasury annually will be between $500 million and $1 billion.

Let us hope we have learned something from Penn Central.

DR. JOHN LENTZ

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FULTON of Tennessee. Mr. Speaker, last week the people of Metropolitan Nashville-Davidson County lost an old and valued friend with the passing of Dr. John Lentz.

The Nation also lost one of the early pioneers in effective public health service for Dr. Lentz had been very active in that field for 50 years prior to his retirement in 1964.

John Lentz was a little man but there was nothing small about the way he pioneered advancements in public health in our community, advancements which more often than not set the pace for emulation nationwide.

I recall that in Dr. John's office there hung a framed cartoon drawn by the prominent political cartoonist, Tom Little, of the Nashville Tennessean. This particular cartoon depicted a group of small boys playing football while a crippled youth on crutches sadly witnessed their joyous activity. The caption to the cartoon read:

I wish my parents had given me Salk anti-polio vaccine.

For it was Dr. John Lentz who received national recognition in 1959 for his Salk polio immunization program. And it was the same Dr. Lentz who inspired Tom Little's cartoon, a cartoon which that year won for Mr. Little the Pulitzer Prize.

Mr. Speaker, the editorial writers of the Nashville Banner and the Nashville Tennessean have written more eloquently than I could possibly speak of Dr. Lentz life and valued contributions to his community and Nation.

Therefore, I place editorials from each of these papers on Dr. Lentz passing in the RECORD at this point and commend them to the deserved attention of my colleagues:

[From the Nashville Banner, Sept. 30, 1970]

ONE TO WHOM SO MANY TODAY OWE SO MUCH

His wiry figure looked as though it may have been carved with a thin knife from seasoned hickory. Every determined inch of him would not have thrown much of a shadow from a lighted doorway.

But his presence could silence a room, gain appropriations from legislative bodies, command rapt attention at country crossroads councils. It could restore confidence in time of epidemic crisis and drive fear from the hearts of parents with a stricken child.

That was Dr. John J. Lentz, a kind man with a steel-bound character, who was in charge of the county's public health for a half century before his retirement in 1964. Yesterday he died at the age of 85.

Doc Lentz, a magic name in the medical and political history of this community. He was dean of the courthouse, oracle of the public square and foreteller of the vote in Bordeaux or Paradise Ridge, always on guard against the encroachment of dread disease upon his people. And what did politics have to do with public health in the days of his ascendancy? Doc Lentz would have told you. Everything!

He came up from the country and early became wise on the sources of power. He knew it came from the grassroots and could be held only with clean hands and a firm eye. The people elected the magistrates to the county court. The court elected the health officer, approved his ever-advancing programs and appropriated the money to make them work. And where did he work? Through the schools, with children, who tomorrow would be voting. Counting each year's graduating classes as a generation, he had nearly half

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[2] For persons not familiar with the Russian language the following sources are recommended: G. Ginsburgs. *Soviet Citizenship Law*. Leyden, 1968 (Chapter V. Dual Nationality, p. 184–217); G. Geilke. *Das Staatsangehörigkeitsrecht der Sowjetunion*. Frankfurt/Main, 1964. p. 194–199; an English text of the Soviet Citizenship Act of 1938, as amended in 1961, may be found in Soviet Statutes and Decisions, a Journal of Translation. v. 3, No. 1. Fall 1966. Subtitle *Soviet International Law*. White Plains, N.Y., IASP, 1966. The original English text of the same Act is also to be found in V. Gsovski. *Soviet Civil Law*. v. 2. Ann Arbor, 1949. p. 293; Ivan Sipkov. "Settlement of Dual Nationality in European Communist Countries." *American Journal of International Law*, v. 56, No. 4, October 1962: 1010–1019.

a hundred generations at his side by the time he became Metropolitan Director of Public Health for the City of Nashville and the County of Davidson.

Thus did this diminutive human dynamo of a man derive his impetus over the years, almost from lamplight to nuclear glow, to drive his immunization projects forward. With the people on his side he won battles even with his own medical profession for the continuing extension of his broad innovations in the interest of mass protection. By then serious epidemics had been eliminated, the usual maladies kept under control, and the latest scientific methods employed in the battle against cancer.

So it was that the name of Dr. John J. Lentz became synonymous with the concept of modern public health. That's why his office and plan of operation came to be a model for other areas across the country. Motivated always by a compulsive loyalty to his own ideals, his friends and benefactors from the grassroots up, it is not surprising that Doc Lentz became known as Mr. Public Health from Nashville to Washington and on among the great foundations of New York. Nor is it difficult to understand why it may be many long years, if ever, before this community again is blessed with another individual to whom so many will become indebted for so much.

[From the Nashville Tennessean, Sept. 30, 1970]

DR. JOHN LENTZ, PUBLIC SERVANT

Dr. John J. Lentz, public health official for more than 50 years, is dead at the age of 85.

Dr. Lentz became director of the old Davidson County Health Department in 1920. He remained in that capacity through the consolidation of the city and county departments in 1952 and the coming of Metro in 1963. He retired as director of the Metro Health Department in 1964.

As a public health officer, Dr. Lentz believed in operating the department for the public's benefit and seeing to it that the public partook of the benefits. He wanted every child vaccinated against every killing or crippling disease, and he wanted every dog inoculated against rabies.

Dr. Lentz carried out imaginatively-promoted campaigns to get the widest participation possible in these disease control programs. His mass public program of Salk polio immunization after the vaccine became available in 1959 earned national recognition.

He also set up a program requiring immunization of children against diphtheria, smallpox and typhoid fever before they could enter school. He was instrumental in getting laws passed requiring every family to have a trash can, to have garbage cans covered, and numerous other first steps aimed at improving the community's health.

Dr. Lentz won numerous awards for his work and was honored many times for his long and steady devotion to the field of public health. But the most enduring testimonials are the useful programs which he established for the people and which are still in service today. He will long be remembered for these.

HORTON PRAISES MARY LEARY ON RETIREMENT AS KINDERGARTEN TEACHER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. HORTON. Mr. Speaker, when a fine lady decides to retire after 41 years of teaching kindergarten, I believe we should pause, if just for a few minutes, in our deliberations and acknowledge her outstanding contributions to the community.

A news story in the Brighton-Pittsford Post informed its readers that Mrs. Mary Leary was retiring from the Penfield school system after more than four decades of teaching. One can only try to imagine the great impact this devoted lady has made on the lives of the hundreds, perhaps thousands, of youngsters who have had the good fortune to sit in her classes.

I believe that almost all of us can remember the first teacher we had in school, usually even by name, but if not, at least by manner and characteristics and personality. It is obviously an outstanding experience in the life of every child when he departs the protected atmosphere of home and embarks on the career of student. Mary Leary has certainly been aware of this down through the years and her success in guiding the children who have come to her is attested to by the high esteem in which the entire area holds her.

At the same time, Mrs. Helen Nichols is retiring from the same school after 20 years of teaching. She, too, is also saluted and thanked for her outstanding service to the Penfield schools.

I would like to share with my colleagues the news story which reported these happenings, feeling that all of you would join in the praise for these two fine ladies:

HORTON PRAISES MARY LEARY

For the first time since Penfield school district began kindergarten classes, Mary Leary won't be within hearing distance when the bell rings at Indian Landing school in Brighton on the first day next Fall.

She couldn't take it!

"Not that I'm sentimental," she said, "But that would really break me up. I'm going to arrange to be out of the city—maybe even out of the country!"

For 41 years, that opening-day bell has signalled the start of another semester, with the usual first-day tears of kindergarten youngsters starting their school careers. The hugs, the games, the songs around the piano—all these will be in Mrs. Leary's mind as she officially begins her retirement after more than four decades of teaching.

A share of the nostalgia will be felt by Helen Nichols, who also is retiring from a teaching experience that in her case has spanned 20 years. During that time, the two teachers watched Indian Landing grow from a small neighborhood school to part of a large educational complex with some 6,000 pupils in the Penfield school district.

When Mrs. Leary began teaching, the school was part of Brighton District 7, and her initial class of 17 students were the first kindergarteners ever to assemble in the Penfield area. Their classroom was located in a small house in Dorking Road, which had been acquired by the school system that even then was rapidly expanding. The next move was to quarters which now are part of Trinity Reformed Church, 909 Landing Rd. N., and the following year, to a second grade classroom in an upstairs bedroom of a nearby house which accommodates grades 1 to 4.

In 1949, Mrs. Leary and her kindergarteners moved into the building that now is Indian Landing School which centralized with Penfield six years later.

"The rooms change, and the schools change, and the times change. But the children don't," said Mrs. Leary. "They remain the same—enchanting and challenging, always."

Mrs. Leary trained for her teaching career at the old Rochester Normal School and went on to graduate work at the University of Wisconsin, the University of Rochester and Geneseo State Teachers College. For many years, she lived in Mendon, but moved to her present address at 60 Manor Pkwy., Rochester, following the death of her husband eight years ago.

Vivacious and friendly, Mrs. Leary will not lack for occupation during her retirement. An accomplished musician, she will devote much time to music and "antiquing"—a favorite hobby—and enjoy Summers at her cottage in the hill overlooking Canadice Lake, where 50 members of the Indian Landing faculty gathered last week to honor her and Mrs. Nichols.

Although she has no children of her own, Mrs. Leary is visited frequently by former students who represent various walks of life. "They always remember their early school days, and when they come back to their old school, here I am."

PRESIDENT NIXON'S PEACE PROPOSAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WOLFF. Mr. Speaker, I listened anxiously last night, as I am sure my colleagues did, when President Nixon outlined his new proposals designed to bring peace to Indochina. His call for a standstill cease-fire was an important step toward peace; a step that must not be discounted despite this morning's initial response in Paris.

As far back as January 1966, I went on record favoring such a "cease-fire in place" with international monitoring in order to stop the bloodshed and open the door for peace. While much has happened in the intervening period, I still think this is a constructive step and I support the President's effort. When I wrote to President Johnson back in 1966 I pledged to him my support for such a cease-fire. My position has not changed; President Nixon has my backing.

I agree with the New York Times which called the proposal "a realistic agenda both sides can accept for the serious private negotiations needed to achieve a compromise solution." On the importance of a negotiated settlement, something I called for as far back as 1964, the Times said, "the emphasis on a negotiated settlement is proof of a flexible and realistic approach."

This is encouraging to me as one who has been calling for peace through negotiations. There is reason to believe that we are closer to peace than at any time since the Paris peace talks started more than 2 years ago.

But success in the effort now underway requires that the President persevere in this direction. I am trusting that this is not a political gambit and that Ambassador Bruce will have sufficient leeway to follow through in the true spirit of flexible negotiations in order to end this war, now. Moreover, I am hopeful that all the belligerents will recognize the wisdom of stopping the conflict—that includes Hanoi and Sai-

gon. As well, we cannot let Thieu and Ky dictate to the U.S. Government and if, as some feel they will, they take an obstructionist position then we must seek a peace in accord with our national interests.

Mr. Speaker, I have been involved in the pursuit of peace since my election to Congress 6 years ago because I believe that ending the Indochina war is crucial to the desperately needed reordering of our national priorities. Ending the war will not by itself be a panacea for our national ills. But an end to the war combined with fresh approaches to the allocation of our available resources can enable us to meet our pressing domestic needs. Let us first look at the cost of this war.

We have been spending at the rate of $78.7 million a day in Vietnam. This is a fantastic sum, the size of which can be understood by drawing some analogies. Our entire Federal budget for crime control this year is equal to what we have been spending in just 16 days in Vietnam; this at a time when law, order, and justice are understandably of great concern to the American people. Similar analogies include the following relationships: annual spending for pollution control equivalent to 13½ days in Vietnam; annual spending for all education equivalent to 124 days in Vietnam; annual spending for housing equivalent to 10 days in Vietnam.

Obviously the great expense of this war has robbed our citizens of resources needed to meet fundamental needs here at home. This is a basic reason why I am for peace and this is why I react favorably to the President's peace initiative.

But, as I said a moment ago, the problem goes beyond the war.

There is a great waste and inefficiency in the military budget. I favor that defense spending which is tied to our national security for I believe in a strong, secure America. But the simple truth is that major portions of the $66.6 billion military budget are not necessary for our security. It is waste that could be better used for schools, hospitals, police, pollution control and our other domestic requirements.

For example, the readiness of the Pentagon to bail out the banks that were owed $700 million by the Penn Central Railroad was a blatant move to bail out special interest groups with influence. Average American businesses in the same position as the Penn Central certainly do not get similar treatment. In fact, business failures are on the rise in this country today because of the Government's policies that have brought about recession.

Or consider the demand for new weaponry at a time when we already possess overkill power. Senator CHARLES MATHIAS Republican of Maryland, was right when he told his colleagues in the other body:

> Our current strategic position is unchallengeable and invulnerable at least for the next decade. . . . The real danger does not come from strategic inferiority or lack of military preparation. It comes from the conditions of American society.

I agree. A secure America begins at home. This is why I think we had best devote our resources and energies to the homefront where they are so desperately needed to educate our children, save our environment, control crime while eliminating its root causes, care for our veterans, and so forth.

Yet we also continue an expensive, unproductive program of farm subsidies—paying large corporations not to produce food while millions of Americans are hungry or have unhealthy diets. I realize the House-Senate conference has set a payment limit of $55,000 to any farm for not producing a specific crop. But what about those farms that tell us they are not producing several different crops? They can collect three, four, or even more times than $55,000. This conference agreement is progress, but much more is needed to ultimately end this wasteful, counterproductive "welfare" farm program.

And what about the confused priority of the supersonic transport? We are spending $1.1 billion this year on pollution and almost as much on the SST which is perhaps the greatest pollution threat on the scene. How ironic to set a priority for saving our environment and then spend $1 billion in a subsidy program for the SST which top scientists say could do serious, permanent harm to the environment. I say let us save this SST money and use it to stem existing air and water pollution. Or how about using the same aeronautical engineers who are working on the SST to develop a quiet engine to relieve our great metropolitan areas of the burden of jet noise? That would be a constructive way of using that money.

Another point that must be raised is the $2.9 billion we are spending to maintain 330,000 troops, many with their dependents, in Europe. Is it not about time West Germany with its great prosperity started paying some of the costs of its own defense? We could save a great deal of money by bringing substantial numbers of these troops home and not jeopardize our interests in Europe one bit. We could make much better use of the money saved for schools in this country and in that way ease the difficult burden of rising school taxes throughout the United States.

Mr. Speaker, I could go on; there are many other evidences of how our priorities are confused. But I think the need for a reordering of priorities has been established.

Peace in Indochina is a top priority deserving our attention and support. Concurrently we should be reordering our priorities here at home. These are not isolated efforts but part of a broad program which will give us the means to meet the legitimate needs of the American people. It is about time the taxpayers started getting a dollar's worth for a dollar spent.

WATER GRANTS FOR EDUCATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. METCALF. Mr. President, increasingly we are brought to realize that public bodies must take responsibility for the disposal of public resources. The welfare of all depends on the intelligent use of our lands, waters, and air.

Much of our concern in recent days has been directed toward undoing what damage has already been done to these resources. Some areas remain, however, where public planning can still act in a preventative way, where Government has the authority and the means to make intelligent and equitable use of our national endowments. Dr. Paul S. Taylor of the University of California has recently outlined in a statement delivered to the Western States Water and Power Consumers Conference how government can act now to control one of these public resources—water.

Water, as we know, is a precious substance which can transform deserts into profitable farm and residential lands. Our predecessors recognized the potential here for private speculation at the expense of public water projects, and Congress in 1902 had the foresight to pass the reclamation law which limited an individual's ability to exploit public water for private profit.

Dr. Taylor describes the sad history of this law which has often been conveniently overlooked or willfully neglected. Although Congress has rejected the attempts to abolish the law, developers have found ways to nullify it through administrative circumvention. What is needed, Dr. Taylor says, is a renovation of the law, but a renovation in keeping with its original intent that "public purpose is superior to private speculation as a guide to development."

One excellent use for the profits from public water projects could be to assist education. Certainly our financially pinched schools would seem more deserving recipients of revenues created by a public project than are the present beneficiaries, real estate developers. I commend Dr. Taylor's statement to the Members of the Senate as an outstanding contribution to the present national public resource debate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PAUL S. TAYLOR, ECONOMIST-RESEARCH DIRECTOR, CALIFORNIA LABOR FEDERATION, AFL–CIO, BEFORE THE WESTERN STATES WATER AND POWER CONSUMERS CONFERENCE

CRITERIA FOR WESTERN WATER DEVELOPMENT

Western water development is at a crossroads. On the one hand giant speculative developers chafe at every effort in law and administration to control their monopolization of benefits from public investment to develop the public water resource, and to distribute those benefits widely and for public purposes. On the other hand, citizens are becoming increasingly critical of the success of private speculation in its efforts to guide the planning and administration of public water resource development in the West.

We who are interested in sound water development and sensitive to the quality of the environment—physical, ecological, social and political—that development will produce, must take these cross-currents fully into account if sound development is to proceed. Barely three years ago a President's Task Force called for a halt to western reclamation of agricultural land, saying in its report, "The People Left Behind," that

without it "the South could have stronger agricultural and rural economies, with fewer poverty stricken people," and demanding in the interest of reducing rural poverty, "That the Department of the Interior enforce the 160-acre limitation." (pages 138, 139.)

Barely three months ago the Program Board of the Division of Christian Life and Mission, National Council of Churches of Christ in the U.S.A. resolved that:

"Public funds should not be invested in major irrigation projects and other agricultural land development schemes while the government is concurrently struggling to reduce production and avoid burdensome surpluses. On publicly-financed irrigation projects, the historic policy of restricting delivery of water to essentially family sized farm holdings should be maintained and vigorously enforced." (June 5, 1970.)

A California delegate told the National AFL–CIO Convention in 1965 that the: "feudal land barons are violating the federal (160-acre) reclamation law—the law that was supported by labor in the early part of this century. . . . Just recently over the objections of the AFL–CIO, Congress passed another appropriation . . . for delivering water to an area here in California that has already been held 70 percent in excess of this reclamation law and there is no guarantee of enforcement." (Proceedings I, 625.)

Water development, like land development, is not as unplanned as may appear. Someone plans and someone develops. When we speak of "unplanned" development, probably we mean the absence of public planning and imply our dislike for the patterns produced. Behind this dissatisfaction with results may well lie dissatisfaction with the motivations that guided and impelled those who actually did the planning and the developing. Evidently this is what moved Karl Belser, retiring recently as planner of Santa Clara County, California, to plead his "frustrations and anxieties" in face of the power of private "speculation and greed."

"Exploitation of the short-term unearned increment, which is created by the investment of society as a whole for the benefit of some individual," he said, is part of the urban development game." (Cry California, Vol. II, No. 3, Summer, 1967, pp. 10, 11.)

The language of today's marketplace reveals motivation for water development in the raw. An advertisement in the San Francisco Chronicle of April 21, 1970 makes the appeal to readers in advance of the coming of water:

"Make your money grow in the booming Antelope Valley in sunny Southern California. . . . Everyone knows about the tremendous growth in real estate values in Southern California . . . and many experts believe that population and industry growth projected for the future will bring even greater increases in Southern California land values. We believe that land in such selected growth areas is a good and safe investment and offers great profit potential for investors."

Another advertisement in the same newspaper on June 16, 1970 is critical of these speculative aspects of the California Water Project. It charges that "huge corporations have been busily buying up California land" in anticipation of "spectacular increases" in land values. "Just five large companies," the ad claims, have acquired 380,200 acres that already "have appreciated in value by a total of $218,970,400."

The issue is old and perennial, not new. Long ago, at President Theodore Roosevelt's founding Conference on Conservation in 1908, the assembled Governors asserted in what Gifford Pinchot calls "this pregnant sentence," that "the sources of national wealth exist for the benefit of the People, and monopoly thereof should not be tolerated." Conservation required enlargement of the sphere of public action, and control over private action. In this spirit a half dozen years earlier, Congress already had placed as the limit on individual private shares of public water developed under reclamation law, a quantity sufficient to irrigate 160 acres. Private monopoly of water was not to perpetuate and enhance private monopoly of land. In the midforties when giant landowning interests mobilized to scuttle this exercise of public control, Secretary Harold L. Ickes called it the "age-old battle over who is to cash in on the unearned increment in land values created by a public investment . . . (in) great irrigation projects." It was a battle over who was to guide development of public waters, reap its harvest, and plan the environment this development would create.

Voices continue to be raised from time to time. Marion Clawson, battle-scarred veteran of the 160-acre battles of the forties and later Director of the Bureau of Land Management, declared recently: "I deny the contention that property owners have an inherent right to major gifts in property values at public expense." The National Advisory Commission on Urban Problems, after detailed inquiry, came to about the same conclusion. Only last year, Alexander B. Adams, Chairman of the Board of Governors of the Nature Conservancy, regretted in his valedictory that, "Our water and air are still polluted, our land is being chewed up by highways; real estate speculators strike at our most treasured locations; and as the tempo of destruction has increased, the tempo of conservation has not moved as rapidly." (Nature Conservancy News, Autumn, 1969, p. 8.)

Major General Jackson Graham pithily challenged the right of uncontrolled private speculation to shape the course of water development when he asked: "Is a man entitled to buy up, settle, or promote a chunk of desert and then demand that his government bring water to him from the general direction of the North Pole?"

These questions are critical: Who plans? Who develops and with what motivations? Who, if anyone, attends to the public interest?

With these questions in mind, let us see what the rear-view mirror of history can reveal. The experience of the past with water (and land) development is rich. It makes readily visible the motivations of those who planned and developed, the cross-currents in the process, and the results.

Land and water were boundless resources when our seventeenth century European ancestors landed on the shores of the New World. From their own immediate necessities they understood that these resources were for people, and that their distribution among people—whether divided among the many or the few—would shape and determine the quality of their society. They understood that private speculation was an unsatisfactory guide to development and sought continuously to control it. Yet somewhere along the way since, we have forgotten what they knew from intimate personal experience. This is the situation especially in the arid and semi-arid West where water is not boundless but scarce, where water monopoly is rising upon the foundations of historic land monopoly, and where the public's participation in the revenues from its own investment is severely limited. Clawson's harsh observation sits only too well:

"The more the public spends for public land improvements, the more values it creates in the land, and the smaller the proportion of its outlay does it recover."

The less, also, does the public plan the environment created by development of its own resources.

Early in the nineteenth century, when people's pressures were building towards a Homestead Act, Congress took note that "independent farmers constitute the bone and sinew and the strength of your government." Daniel Webster, celebrating in 1820 the bicentennial of the landing of the Pilgrims, declared that:

"Their situation demanded the parcelling out and division of the lands; and it may be said fairly, that this necessary act *fixed the future frame and form of their Government* . . . the consequence . . . has been a great subdivision of the soil, and a great equality; the true basis, most certainly, of popular government."

Forty-two years later, Congress wrote Webster's principles into the Homestead Law, allotting quarter-sections to those who would occupy them. But something went awry as the westward migration reached the 100th meridian and rolled toward the Pacific Coast. Water in the West was scarce and separated from land, not joined to it by Nature as in the East and Middle West. The works of man were required to unite water and land in time and in place.

What went awry was not by the intention of the people and of their government. In this new setting Congress sought to preserve the principle of our ancestors, viz., to assure the equitable participation of people in water development. The reclamation law of 1902 is clear on this point. As noted before, it limits to an amount sufficient to irrigate a quarter-section, the quantity of water that legally may be given to any individual. The United States Supreme Court unanimously confirms its constitutionality and approves its spirit in these words: The purpose of the limitation is "to benefit people, not land."

But reclamation law as written on the statute books and as it is administered in practice is not the same; the disparity between them is astonishing. In 1964 Secretary of the Interior Stewart L. Udall confessed mildly that "on occasion" administrators, and even Congress itself, had "exhibited a degree of concern for the excess landowner which may be difficult to reconcile with the policies embraced by the excess land law." The National Academy of Sciences in 1968, through its National Research Council Committee on Water, reinforces Secretary Udall's confession.

It warns that the formal decision-making process developed by administrators for sifting and judging the costs and benefits of reclamation projects is deficient precisely because it proceeds "regardless of who receives benefits or who is adversely affected." The "distribution of benefits among persons and among areas," it admonishes, has been "too long neglected." The "distributional effects of water decisions" are omitted from the methods of "systematic analysis" currently employed to evaluate water project proposals. These "distributional effects" upon people and upon areas must receive "explicit consideration."

How does it come about that administration of law becomes so distorted that its fundamental principle is forgotten and its potentialities for serving broad public purposes and for creation of an environment of quality go unrealized? The answer depends upon who, in actuality, guides the planning, and upon the controlling motivations. In California, as an example, the answer comes clear through examination of the long experience of past and present.

In 1874 a federal Commission assigned to explore the feasibility of irrigating California's Central Valley, made a public report. Its gist was this:

"Large bodies of fertile land in the great valley of California . . . are favorable to artificial irrigation." There is an "abundance of water . . ." The "value of land in the driest districts will be appreciated many fold." Experience appears to prove that "no extensive system of irrigation can ever be devised or executed by the farmers themselves," and "there is no reason to suppose that for a long time capital will look upon this kind of investment with favor." It "is the duty of government, both state and national, to encourage irrigation." (House Ex. Doc. 290, 43d Cong., 1 sess.)

The report pointed out specifically that:

"Between Visalia and Bakersfield, and south of this town . . . the United States owns many thousands of acres of land which has no value, except for pasturage during part of the year; that, if irrigated, its value would be increased many fold; that under these circumstances it may be a question whether the United States ought not in some way to encourage the irrigation of these lands."

In the Valley the response to publication of the Commission's conclusions was electric. A local newspaper reported in 1877 that:

"No one would believe that shrewd, calculating businessmen would invest their money on the strength of land rising in value while unimproved, for even the farmer himself has to abandon it who endeavors to add to its value without water. At the same time purchasers are not lacking who would add it to their already extensive dry domain and the people . . . will find themselves confronted by an array of force and talent to secure to capital the ownership of the water as well as of the land, and the people will at last have it to pay for."

This gives us a glimpse at the beginnings, as seen by contemporaries. Historian Paul Wallace Gates certifies to the linkage between past and present. The "compounding of errors in the management of public lands in California," he writes, "contributed to a concentration of ownership of arable land that exceeded anything to be found elsewhere in the country . . . The seemingly never-ending and insoluble controversies over the 160-acre water limitation of the Reclamation Act of 1902 and the long sustained bickering over various features of the Central Valley development largely stem from the concentration of land ownership the nineteenth century bequeathed to later generations."

In the southern and western San Joaquin Valley, which includes the area identified by the Visalia Delta newspaper in 1877, a study by the Bureau of Reclamation in 1947 showed 34 landholders, mostly corporate, owning three-quarters of a million acres. This area is almost the size of the State of Rhode Island. The same study showed delivery of water to lands within the area at less than 25 percent of the cost to the government of delivering it.

An earlier state study of landownership in Southern California showed 33 owners of 3.8 million acres of land, irrigable and nonirrigable alike. In both areas concentrated landownership survives to this day while the search for publicly-subsidized water continues.

The strength and persistence of large landholders' opposition to public antimonopoly control over water development testifies to their conviction of a deep division between private and public interest. Their open opposition to the 160-acre law that appeared as early as 1905, continues undiminished to this day. A brief cataloging of some of its more conspicuous phases and tactics can illuminate this sense of division of interest.

A few projects—two or three—were specifically exempted from acreage limitation by Congress. Interior Department approvals of these branches of national policy were supplied by subordinates during absences from his desk of Secretary Ickes, staunch defender of the water limitation. Two other high reclamation officials who were dedicated to support of the law under the New and Fair Deals—a Commissioner of Reclamation and his Regional Director in Central Valley—were removed from the federal payroll for seven months by a rider to the 1949 appropriations bill on the pretext that they were not engineers. Only the reelection of President Harry S. Truman saved these officials whose devotion to the law made them prime targets of the opposition.

The generous public subsidies afforded by reclamation law to private landowners were steadily enlarged. By the later forties, as an example, Central Valley irrigators were allocated 63 percent of reimbursable project costs and required to repay only 17 percent. The public policy controls within the law were as steadily attacked and an elaborate assortment of tactics developed to undermine and, if possible, to eliminate them. On May 13, 1944 Business Week magazine outlined four of the tactics. Two of these were defeated in Congress outright: one was to obtain an exemption of the Central Valley Project from the 160-acre law. The other was to make use of the Army Engineers who originally were outside the excess land law: Congress repaired this ommission in 1944. A third tactic was to pump groundwaters, hoping the excess land law would not be applied even though these waters were improved in quantity and quality by a reclamation project. Through lax administration "difficult to reconcile with the policies embraced by the excess land laws," to use Secretary Udall's words, this tactic has persisted to this day. It is under challenge in the courts. A fourth tactic described in 1944 was to "sidestep" the federal 160-acre law by having the State of California take over the project, "paying the entire bill." In recent words of Erwin Cooper, for eight years an associate of the State Department of Water Resources—in charge of the State Water Project—the State's Oroville reservoir is a "political reservoir" to circumvent the 160-acre law in the interest of large landowners, "especially the corporation-owned ranches, some of which contain tens—yes hundreds—of thousands of acres."

Each of the three branches of the federal government has been explored in the pervasive attack upon law and policy. The Supreme Court resisted; it supported the 160-acre law unanimously in 1958. Congress resisted outright repeal but shows signs of weakening if a face-saving device can be found. The "Engle formula" is such a device, presently embodied in Senator George Murphy's bill, S. 1631. By returning a small portion of the public subsidy they receive under reclamation law, large landholders go scot-free of the law. The spirit behind the Murphy bill is best revealed in words of the author of the formula, former Senator Clair Engle, who told Congress:

"I grant you, you start kicking the 160-acre limitation and it is like inspecting the rear end of a mule: You want to do it from a safe distance because you might get kicked through the side of the barn. But it can be done with circumspection, and I hope we can exercise circumspection."

There the outcome remains in suspension in the legislative branch.

The attack upon the law through the administrative branch of government has been most successful of all. In practice the Interior Department ignores the 1914 Act of Congress that requires the Secretary to obtain agreements from landholders to dispose of their excess lands "before any contract is let or work begun for the construction of any reclamation project hereafter adopted." (43 USC 418.) In a legal opinion written in 1961 the Solicitor of Interior quoted and emphasized this 1914 law. Yet barely three years later he told Congress that an owner of excess lands "must volunteer" and "has an unlimited time" to sign—or not to sign. (Solicitor's opinion M–36634; Westlands Water District hearing, Senate Interior Committee, July 8, 1964, p. 34.) At Westlands construction proceeds oblivious to the Act of 1914.

The Interior Department ignores the 1902 statute requirement that rights to the use of water may be sold only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." (43 USC 43.) The Interior Department ignores the 1926 statute that no excess lands whose owners refuse to agree to the sale of their excess holdings as required by law, "shall receive water" from a reclamation project. (43 USC 423e.)

On the west side of the San Joaquin Valley the Interior Department is spending upwards of a half billion dollars on a project three-fourths of the lands of which are in excess, and whose holders fail to agree to their disposal as required by reclamation law. By delivering surface waters the project inevitably improves groundwaters of ineligible as well as eligible land. The Comptroller General of the United States is an agent of the Congress, charged by law with reporting "every expenditure or contract made by any department or establishment in any year in violation of law." (31 USCA 53c.) In his latest report on Westlands in the San Joaquin Valley, the Comptroller makes no mention of the expenditures by the Interior Department in violation of statute. He does take note in these words, however, of the absence of agreements to dispose of excess lands before receiving water:

"We believe . . . that the Bureau may have difficulty in obtaining recordable contracts from several ineligible landowners who own substantial acreage in the service area and that, therefore, 76 percent of the irrigable land in the Westlands service area may not become eligible for project water within 8 years. As of November 1968, three landowners who together owned about 25 percent of the acreage had not signed recordable contracts, although some of this land could be served by the existing distribution system if the land were owned by eligible landowners." (Questionable aspects concerning construction and operation of the San Luis unit CVP, p. 16, Feb. 12, 1970.)

Turning his back on the Interior Department's widespread failure to observe law, the Comptroller General invited the owner of "about 110,000 acres, or 20 percent of the irrigable land within the Westland service area" to give its views. The views of the Southern Pacific, as may be surmised, are unfavorable to the 160-acre law. Its preferred escape device is the Engle formula, recommended by the Reagan Task Force on the Acreage Limitation Problem and now embodied in the Murphy bill. Remaining silent on the Interior Department's failures to enforce law, the Comptroller General suggests to Congress instead that it "may wish to consider the applicability" of the Murphy bill "to the San Luis service area." The effect of his suggestion, if followed, would be to remove public control over private speculation in the public water resource and in the appropriations made for its development.

Greater concern over preservation of private speculation means diminished concern over preservation of environment. The San Luis-Westlands project is a clear example. The large landowners of that area have put down deep well pumps to mine the groundwaters as a tactic to escape the 160-acre law. They have avoided its application so far—with the help of cooperating administrators—but the physical effects on the environment are serious. The quality of the groundwaters is declining, crops are suffering, the water is falling and the pump lift increasing. A further result of this mining procedure, as conceded by the manager-chief counsel of Westlands Water District, is the "subsidence of the land at the surface at the rate of . . . only slightly less than one foot per year throughout the some 80 miles of the San Luis Canal right-of-way." (Ralph M. Brody, 1966 Senate Public Works hearing on appropriations for the fiscal year 1967, pages 839, 841.)

Serving project water at the surface of the lands in question would help to check subsidence but their owners are unwilling to make them legally eligible to receive it, the Interior Department fails to enforce the law

that would make them eligible and facilitate checking the subsidence, while the Comptroller General suggests that Congress may wish to follow the preference of the Southern Pacific, i.e., let them out of the law altogether by giving them water on their own terms.

A second example of environmental damage influenced by resistance to public policy as embodied in the 160-acre law is in the Sacramento Valley. There the Bureau of Reclamation gave diverters of water from the river 10.4 acre-feet per annum. This amount equals four times the average Central Valley water duty of 2.6 acre-feet per annum. Manipulation of this grossly excessive quantity of water enables large landowners to escape acreage limitation law. Their escape is at the expense of flushing water needed badly to preserve environment and water quality in the Delta and in San Francisco Bay.

One service performed by the persistent and pervasive attacks by private speculators upon the law and policy designed to control them is to make it easier for the public to grasp the magnitude of the rewards at stake, and to decide to whom these should go.

Water is a public resource. The money that finances its development is public money. The environment created by that development surrounds the public that lives within it. Public interest should guide development, not private pressures that destroy policy. The time has come to modernize the 160-acre statute, but not to destroy it. This law dates from 1902. It remains a good defensive declaration that public purpose is superior to private speculation as a guide to development, but it requires reorientation to fulfill public purposes clearly visible today. Besides, good administration requires both integrity and vision. Fresh perspective is needed.

The national interest is at stake in western reclamation, not alone a regional interest. The water is a national resource, and likewise the law, policy and money that guide and achieve development. While the site is local, an ever larger number of Americans are moving west into the environment that development creates. The attack by western speculative interests therefore is an attack upon national public interest.

The historic national tradition that guided our disposal of land furnishes clear precedent to guide our current disposal of public water and money to finance and subsidize that disposal. The subsidy is substantial, ranging from something like $600 to $2,000 an acre. This does not include the incalculable incremental values that flow from public development of the public water resource. He who receives these, receives an extremely generous gift.

When our Nation gave away its public lands, it earmarked a generous share for education. The Bureau of Land Management reports that between 1803 and 1966 more than 94 million of the 228 million acres given by the federal government to states were donated for educational purposes. The impetus given to higher education by the Morrill Act signed by President Abraham Lincoln is well known, and is in addition to the gifts made to common schools as well. This record of our past affords testimony to the magnitude of what comparable "water grants for education" could achieve today.

Speaking for educators, the National Education Association recognizes the opportunity. Tracing precedent to the Northwest Ordinance of 1785 the statement of the NEA declares:

"We believe that the acquisition of large areas of arid and semi-arid land by large corporations with the obvious intent to irrigate it by water developed at public expense to be a clear violation of "The National Reclamation Act of 1902." This Act specifies, 'No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one land owner . . .' All land of this nature should be purchased by the Secretary of the Interior and sold at the prewater price in conformity with the 160 acre per individual owner regulation. This is not alone the problem of those states with arid and semi-arid areas. Tax dollars from all the citizens of the United States were used to provide the water for irrigation and the disposal of the irrigable land should be available to the public and the revenues from the operation should be returned to the public coffers. In keeping with the tradition established by the 'Northwest Ordinance', the 'Morrill Acts' and others it would be most appropriate to direct the revenues to satisfy a pressing public need, the financing of public education." (February 25, 1970.)

Conservationists, like educators, recognize the need to modernize reclamation law. The Sierra Club supports "federal purchase" of reclaimed lands in excess of 160 acres per individual owner "with the understanding that lands so purchased would be sold or leased under open space regulations." The National Wildlife Federation states its belief that:

"A groundswell of public opinion is developing for support of strong enforcement of the Reclamation Act . . . we (favor) . . . a strong policy which will permit the government to acquire from landowners those properties in excess of 160 acres. We would support a program for federal purchase of excess lands divested by owners on reclamation projects, particularly if the funds accruing from resale are used for education and conservation. (December 4, 1968.)

The concept that government should purchase excess lands prior to construction of reclamation projects is well established. As early as 1892 Governor Toole, of Montana, proposed that the public "first acquire title to" lands to be reclaimed. An article of that year in *Harpers Magazine* warned of "gigantic schemes to secure not only the water, but the land it is to irrigate, and the water lords expect to reap fancy prices for the land from settlers in addition to rents which their great-great-great grandchildren may fatten upon." (Julian Ralph, Harper's, Vol. 85, pp. 93, 95.) In the Colidge era a committee of distinguished citizens gave the practical operations of the reclamation program the most thorough review they ever have received. In their classic Fact-Finders Report they included this recommendation so visibly and urgently needed today:

"Disposition of private lands in excess of farm unit.—That no reclamation project should hereafter be authorized until all privately owned land in excess of a single farmstead unit for each owner shall have been acquired by the United States or by contract placed under control of the Bureau of Reclamation. (Federal reclamation by irrigation, S. Doc. 92, 68 Cong., 1st sess., p. 116.)

As recently as 1964 Secretary of the Interior Steward L. Udall proposed to Congress that the government be authorized to purchase excess lands, but Congress has not as yet acted.

The technique of modernization is simple. Present law requires sale of excess lands at the pre-water, pre-project price. Government authorization to purchase will provide a ready market, and in turn allow the government to sell or lease with appropriate land-use regulations that will preserve agricultural greenbelts and open spaces and check urban sprawl and slurb. Revenues from sale or lease can be assigned to public purposes including education, the land and water conservation fund, or used simply to replenish the hard-pressed National Treasury.

The struggle continues to this day over the fruits of public investment to develop the public water resource—both financial and environmental fruits. On the private side stands the Reagan Task Force—Murphy, Packwood, Tower, Hansen, Fannin bill to destroy by stealth any possibility of effective public planning of the environment or public allocation to education and conservation the revenues from a huge public investment.

On the public side are the forces of organized labor that for a century have opposed private monopolization of national resources, whether land or water, and have steadfastly supported education. The California Labor Federation, AFL–CIO, like the National AFL–CIO, supports government purchase of excess lands at the prewater price to serve public purposes and improve enforcement through antimonopoly controls. The policy statement of the California Labor Federation, AFL–CIO, adopted on August 31, 1970, appears at the conclusion of this statement. Beside organized labor and a varied assortment of citizen groups now stand organized forces of education and conservation.

The outcome is suspended in the balance. The stakes are gigantic, as both speculating private interests and informed citizens have known for a century. Will the recent activity of educators and conservationists be sufficient to tip the balance toward modernization of reclamation law to serve truly public purposes, and against its threatened emasculation whether by administrators or by the Congress in the service of truly private purposes?

THE DROPSIE UNIVERSITY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. EILBERG. Mr. Speaker, the Dropsie University is the only graduate institution in America, nonsectarian and nontheological, completely dedicated to Hebrew, Biblical, and Middle Eastern studies. The course of study includes the culture and languages of Arabic, Aramaic, Ugaritic, Akkadian, and ancient Egyptian peoples.

The Dropsie University is organized into several major divisions among them, the College of Hebrew and Cognate Learning, the Middle East Institute and the Division of Education, Dropsie's student body is comprised of students not only from American colleges and universities, but from Egypt, Morocco, Iraq, Israel, the Far East, and many European countries as well.

The university occupies a site at Broad and York Streets in historic Philadelphia. Classrooms, administrative offices, an auditorium and a library are to be found in the main building erected in 1911. An annex, acquired in 1961, houses additional classrooms, an auxiliary library, a reading room, the faculty lounge, the student lounge, and faculty offices. With its over 100,000 volumes of books and periodicals largely related to Hebraic, Biblical, and Semitic learnings, the library also is the repository of a large number of Genizah material and the Abraham I. Katsh microfilm collection from Russia, Poland, and Hungary.

In addition the university has recently established the Joseph and Sally Handleman Center for the study of communications in the service of man's humanity. This center enables the doctoral candidates to gain an understanding of the force of communications in shaping man's behavior and attitudes; especially,

as it relates to Jewish people and Jewish scholarship.

The Dropsie University was founded in Philadelphia in 1907 as a postgraduate institution for Hebrew and cognate learning.

The founder was Moses Aaron Dropsie, an eminent citizen and lawyer of Philadelphia who died in 1905. During his lifetime he had been deeply interested in Hebrew lore and Semitic studies. In his will, dated September 17, 1895, he directed "that there be established and maintained in the city of Philadelphia a college for the promotion of and instruction in the Hebrew and cognate languages and their respective literatures." He also directed "that in the admission of students there shall be no discrimination on account of creed, color or sex." The charter was granted to the college on June 6, 1907, under the name of The Dropsie College for Hebrew and Cognate Learning, this name being selected by the Governors as a memorial to the founder.

The Dropsie University is approved by the Department of Public Instruction of the Commonwealth of Pennsylvania, and accredited by the Middle States Association of Colleges and Secondary Schools. It also is approved for the training of veterans under all public laws and for the attendance of nonimmigrant students under the Immigration and Nationality Act.

THE PRESIDENT'S PEACE PROPOSAL

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BOW. Mr. Speaker, President Nixon's proposal for an Indochina peace conference is a welcome innovation in the overall plan to bring an end to the war.

The President was absolutely correct when he said, and I quote:

> An international conference is needed to deal with the conflict in all three states of Indochina. The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak.

President Nixon also asserted that the essential elements of the Geneva Accords of 1954 and 1962 remain valid as a basis for settlement for problems between States in the Indochina area and indicated the willingness of the United States to accept the results of agreements reached between those States.

Finally, the President stated that the Paris talks will remain the primary forum for reaching a negotiated settlement until a broader international conference produces serious negotiations.

While there are other actions in the President's new peace initiative, such as a general ceasefire in place, which would probably have to precede such an Indochina peace conference—this proposal is a significant step forward in ending the war. It holds the promise of all parties to the conflict reaching a general agreement which could bring a lasting peace to Indochina.

NATIONAL HEALTH SERVICE CORPS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, I am introducing today legislation which would create a National Health Service Corps within the Public Health Service. This legislation passed the Senate, on September 21, by a unanimous vote of 66 yeas. It has been sponsored in the House by the Gentleman from West Virginia (Mr. STAGGERS), the Gentleman from New York (Mr. CAREY) and the Gentleman from Washington (Mr. ADAMS).

The function of the National Health Service Corps would be to improve the delivery of health services for persons living in communities and areas of the United States where health personnel, facilities, or services are inadequate to meet the health needs of the residents of such communities or areas. Priority is to be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living there.

The doctor shortage is well known but the shortage is particularly accute in poor communities, both urban and rural, which are unable to attract and retain sufficient health professionals to meet even their most basic needs.

Many health problems that would appear routine or even trivial in more affluent communities become serious or near fatal in those areas where access to health care is severely restricted. The "diseases of poverty" high infant mortality, short life expectancies, malnutrition, anemia, and so on—are exacerbated greatly when they go untreated, and contribute substantially to the vicious circle of poverty and low economic productivity.

The "diseases of poverty" are seldom seen by most Americans but this low visibility cannot obscure the statistical facts. For example, 50 percent of the poor children in America have never had a polio shot or any other form of vaccination to protect them against this dread disease. Two-thirds of our poor children have never seen a dentist during their lifetime. At least half of the mothers who gave birth in poor or isolated areas receive no prenatal care whatsoever.

Mr. Speaker, new legislation is needed to establish this National Health Service Corps because the existing authority of the Public Health Service limits the provision of direct health care by the service to selected, and narrow, population groups, such as the American Indians, merchant seamen, the Coast Guard and Federal prisoners.

I would like to point out that this legislation cannot be expected to solve our overall health crisis. It is a limited program and it only sets up a pilot program. However should it prove successful in meeting the needs of the few communities to which personnel could be assigned, then the program could be expanded merely by increasing the authorized funding and by meeting these increased authorizations with similarly increased appropriations.

In conclusion, let me point out that the personnel who would provide the health services under this act would consist of commissioned officers in the Public Health Service and other paramedical personnel. The commissioned officers are now regarded as fulfilling their military obligation by serving in the Public Health Service. By expanding the role of the Public Health Service, the Congress would be increasing the sort of opportunity I have sought for all young men; namely, the chance to choose civilian service in lieu of military service. The National Service Act of 1970 (H.R. 18025) sets up just such a program. Although the National Health Service Corps Act does not amend the Selective Service law and therefore does not enable paramedical personnel to regard service in the Corps as fulfilling their military obligation, I would hope that such an amendment could be made at a later time.

In short, the legislation I am introducing today is much needed to meet the medical requirements of our urban and our rural poor. But it also increases the number of commissioned officers in the Public Health Service and thus is a step toward expanding the opportunities to perform alternate civilian service rather than military service.

HORTON SALUTES HUSBAND-WIFE SCHOOL TEACHERS NOW RETIRING. MR. AND MRS. ROBERT H. SMITH HAVE 68 YEARS COMBINED AS TEACHERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, it is impossible to calculate the good that is done by a devoted school teacher. Many a life has been steered to goals of higher achievement by a school teacher who takes the time and makes the effort to mold a young man or young women into a more inspired person who will succeed in life.

I would like to share with my colleagues in the House of Representatives my knowledge of a married couple, Mr. and Mrs. Robert H. Smith who live in my congressional district and who are both now retiring from a combined total of 68 years of teaching school. They are indeed outstanding examples of devoted teachers.

What are their thoughts after a lifetime of teaching? What do they think of the student of 1970 who so vastly differs from the youngsters of 40 years ago in goals, ambitions, attitudes, and deportment? These and other questions were most interestingly answered by the Smiths when they were interviewed by

Joan Rizzo, a Democrat and Chronicle writer.

Under a headline Students Crying To Learn Miss Rizzo wrote as follows:

STUDENTS CRYING TO LEARN

Are high school students pulling the schools' walls down around them? A 65-year-old who is retiring after 43 years of high school teaching doesn't think so.

"They are generally good kids who'll be the leaders of tomorrow and I don't think the world's going to fall apart because of it," says Robert H. Smith, of 204 Seneca Rd., Iron-dequoit, who has been teaching at Benjamin Franklin High School since it opened in 1930.

His wife, Ruth, who is retiring after 25 years of teaching, says that students are "crying out to learn."

"But they want more relevant courses, courses that matter to them."

She says curricula are one of the first things that will have to be changed and updated if students are going to stay in school.

The Smiths have seen a lot in their years of teaching.

He remembers when teachers couldn't smoke or drink and were "respected or the kid got spanked by Pop."

She remembers that they were the first couple on the faculty to meet and get married and that she got fired right after the ceremony.

"We were married during the Depression and to have two people working in the same family then was unthinkable," Mrs. Smith recalled with a smile.

Smith said that Franklin has learned to deal with its "problems."

He pointed out that the school was one of the first city high schools to have a black student union.

He praised Principal Pincus Cohen and black vice-principal John M. Wilson for their "perceptive and alert" leadership. Smith said the student and faculty advisory councils instituted at the school "keep the lines of communication pretty well open."

The changes over the years have been many.

"Years ago Franklin was a melting pot school filled with Jews, Lithuanians, Poles or Italians. Their parents put education above everything and teachers were to be respected or else," he said.

Today, he said, teachers have to earn their authority and education isn't "number one" anymore.

"Getting a car is more important in a lot of cases," Mrs. Smith said.

If students have changed, so have the teachers.

Today's teacher is more normal and is looked on as a human being rather than a paragon of virtue, they say.

Mrs. Smith said she is impressed by the willingness of young teachers to experiment and tackle a situation.

"They always seem to be able to do it so easily and I always seemed to find it so hard," she said.

Through all the trouble and changes Mrs. Smith insists that Franklin will survive.

"It has a long tradition of democracy in action and above all it has a great bulk of students and teachers in the so-called middle. This majority understands, if it doesn't accept, extreme points of view and keeps the militant advocates on both sides far enough apart at blow up periods to allow time for later orderly adjustments."

This buffer, as he calls it, is what keeps polarization from taking place in the schools and is "the biggest hope for the school."

The Smiths say they don't see immediate solutions to the problems plaguing schools.

"The solution will come through good will tolerence and the understanding that a solution to today's problem won't necessarily work ten years from now," he said.

How impossible it is to estimate the numbers of lives that have been changed to higher levels of achievement because these students were fortunate enough to sit in class with either Robert or Ruth Smith. I join the entire Rochester area in saying thanks for a job well done to this delightful and devoted couple who are now retiring. May their lives continue to be rich in the knowledge that they have well served their fellow man and have carved niches in the Rochester educational system which will never be filled more expertly nor inspiringly.

NATIONAL POWER "SHORTAGE"

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FULTON of Tennessee. Mr. Speaker, today I was privileged to submit a statement on the current power fuel shortage before the Subcommittee on Special Small Business Problems of the House Select Committee on Small Business.

I insert a copy of that statement in the RECORD at this point:

STATEMENT BY HON. RICHARD FULTON

Mr. Chairman: I am Richard Fulton, Member of Congress from Tennessee's 5th Congressional District, having the privilege of serving in the neighboring District just to the West of your distinguished full committee chairman, the Honorable Joe L. Evins.

Permit me to begin by commending Chairman Evins for undertaking these hearings into a matter, the national power and power fuel shortage, which, unless the Congress acts, threatens the economic well-being and growth of our Nation while being well on its way to gouging the American consumer of what ultimately could be billions of dollars.

It is obvious that if anything is to be done to protect the consumer and the public in general that the Congress will have to do it.

I say this with reluctance and dismay. However, from the evidence available to date, it is obvious the Administration intends to do nothing meaningful to roll back consumer power rate increases. Furthermore its spokesmen have indicated they intend to do nothing to prevent further raises in the immediate or distant future.

By its words the Administration would have the Congress and the American public believe that it is engaged in a frantic effort to ease this situation.

However by its actions, or lack of action, it has been made perfectly clear that the Administration's actual policy is one of blatant permissiveness to consumer price gouging.

And, Mr. Chairman, the responsibility for this policy rests at the top, with the Administration.

This should come as no particular surprise. The Record of this and previous Republican Administrations is an open book of support and effort in behalf of private power and private power fuel interests. From Dixon Yates through the proposed sale of Atomic Energy Facilities to administration's failure to act in the present power fuel shortage which, I believe, is going to be one of the biggest scandals to hit Washington since the days of Harding and Teapot Dome.

On Wednesday of this week the gentleman from Massachusetts, Rep. Conte, well placed the proper label on the real cause behind the power shortage in America today when he termed it a "conspiracy." And when I say the blame for any power shortage should be leveled directly at the Administration, I am simply echoing a charge he made at that time.

However, I would add that the blame for increases in consumer fuel and power costs is also the responsibility of the White House.

I realize this is a serious charge and the accusation is not made lightly. It is even made reluctantly because nothing would please me, this committee, and the American public more than to know that our President and his Administration are with us in this fight but his failure to use the great powers of the government to effectively curb this consumer robbery demonstrates that they are not.

Mr. Chairman, the concentration of the major domestic power fuel resources into a relative small number of giant conglomerates has been well publicized and documented. The fact that the American consumer is at the abject mercy of this power oligopoly is beyond doubt or question.

I will not attempt to outline this pyramid of concentration. It is my understanding that Mr. Nat Caldwell, the distinguished Pulitzer Prize-winning journalist of The Nashville Tennessean, will appear before you today. He will, I am certain, dwell on this in detail. I would only say that his knowledge in this area, as an outsider looking in, is probably unsurpassed in America today.

I am certain that once Mr. Caldwell has appeared before you, you will share my amazement and great concern that neither the Department of Justice nor any Agency of the Federal Government has made any attempt to investigate the relationship between oligopolistic power empire and the sudden and exorbitant consumer power rate increases that have taken place over the past few weeks across the Nation.

On the first of this month Tennessee Valley Authority power consumers suffered a 23 percent increase in rates.

Just yesterday morning, Mr. Caldwell reported in The Nashville Tennessean that the two natural gas pipeline companies serving Tennessee's 450,000 consumers and 50 major industries have asked for a $9.1 million rate increase which will add an estimated 15 percent to consumer fuel bills. Mr. Caldwell went on to report that a spokesman for the Federal Power Commission stated, when asked about the increase by Mr. Caldwell, "this could only be the first round."

What the Administration is doing, Mr. Chairman, is using the power fuel shortage as a strawman and cover up for the actual reasons behind the shortage.

Everyone knows there is a power fuel shortage and that we face a series of potential power crises this winter. But instead of attacking the root of the problem, the Administration is busy setting up special commissions to study the matter for 14 months. Or else they are easing import quotas, something which could have and should have been done months ago.

Mr. Chairman, if the Administration had sat down and worked in concert with the representatives of the power oligopoly their actions could not have been more effective in helping to create the apparent power fuel shortage in America today.

I say apparent shortage because I am firmly convinced that there is no real shortage.

There is coal available. But it is not being mined.

There is oil available. But it is not being drilled.

There is natural gas available. But it is not being tapped.

Mr. Chairman, when a few large firms jointly control the vast majority of these domestic resources they can pretty well do as they wish when it comes to supplying the public.

Economic law dictates that in a free market competition will set price on a supply and demand basis.

But in this instance we have no free market. A very few control the vast majority of these resources. They are free to supply as much or as little as they please. In this instance the supply is not keeping abreast of demand. This is a proven fact. As a result we have a shortage and prices are skyrocketing. I believe this shortage is artificial, that this increase in demand could have been anticipated months, even years ago, that it was anticipated but rather than increasing the supply of fuel it was deliberately held steady.

My prediction is, that unless the Congress forces the issue, you will find that after fuel prices have doubled or tripled with the permission of the Federal Power Commission and through the permissiveness of the Administration, I believe you will find that suddenly there will be all the power fuel available that we need.

The pap put out for public consumption by the Pennsylvania-Madison Avenue advertising experts in Mr. Zeigler's White House Press office is just a smoke screen. Certainly there is an oil shortage in the Middle East. Certainly import quotas should be reduced. Of course there is a shortage of coal cars. But these are just unfortunate historical accidents which have occurred and are being used to cover up the real reason behind this fuel shortage.

Mr. Chairman, the real reason is a blatant raid on the American consumer's pocketbook and only the United States Congress stands as a potential protector of the public, between the public interest and the Administration and its power fuel oligopoly friends.

Mr. Chairman, I commend you for holding these hearings at this time. Certainly there is no Member of the Congress who has a greater knowledge of and experience in this area than you. You have seen the birth and growth of the greatest public power project the world has ever known, the Tennessee Valley Authority. You are a native son of the valley and great champion of the TVA. Unfortunately you have now seen again the day when that institution is threatened by public officials and private corporate interests who have no regard for the consumer or public interest. The power barons of today make the robber barons of old look like Robin Hood by comparison.

It is up to the Congress to delve into the facts of this scandal and then make those facts full public knowledge. If the Justice Department then refuses to act, contempt citations might be in order.

Failure today might well lead tomorrow to public demand to nationalize the entire power fuel industry, a step which I shudder to even contemplate. However, these natural resources are our economy's life blood. Those who supply them are entitled to a decent profit and some incentive to produce. But ownership of these strategic resources carries no license to steal and the public is certainly being robbed today.

Mr. Chairman, members of the Committee, thank you.

TWO DIFFERENT APPROACHES TO WIRETAPPING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ASHBROOK. Mr. Speaker, the June 23, 1970, issue of the CONGRESSIONAL RECORD carries on page 21063 information on the much discussed subject of wiretapping. Rarely does one find such a contrast in views on an important issue by those expert on subject as we have recently had on the issue of wiretapping. While a wiretapping provision was included in the 1968 Omnibus Crime Control and Safe Streets Act of 1968, this section was ignored by the Justice Department. For philosophical reasons, Attorney General Ramsay Clark objected to the use of this all-important provision. A few months ago Mr. Clark explained thinking on the matter on the television program, "Meet the Press," as to why he refused to use wiretapping as a tool in the fight against crime:

Because crime can't be controlled by wiretapping. It undermines the confidence of the people in their Government. It demeans human dignity in the long run. It escalates the levels of violence in America. . . .

Contrast the Ramsay Clark approach to the present policy. Title III of the above-cited legislation is now being used. A clear distinction is made in the law between the private use of wiretapping and that of the court-authorized use by law enforcement agencies, and several convictions have to date been obtained against individuals who violate the law prohibiting wiretapping by private individuals.

On October 5, 1970, in Atlantic City, N.J., Attorney General John N. Mitchell addressed the 77th annual conference of the International Association of Chiefs of Police. The Attorney General gave a short history of wiretapping, the provisions under which this device is now legally utilized, and some of the results obtained because title III was put into operation. As Mr. Mitchell's remarks provide a short and handy reference to various aspects of the controversial wiretapping issue, I insert his remarks at this point in the RECORD.

ADDRESS BY JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

Gentlemen:

I am especially pleased to be here today, because at a time when certain types of crime are on the rise, there is much that law enforcement officers of different jurisdictions can gain from mutual discussion.

In this connection I want to talk about a particularly effective weapon in the war against organized crime. I refer to the various forms of electronic surveillance, which I will hereafter refer to simply as wiretapping.

It is now more than two years since passage of the Omnibus Crime Control and Safe Streets Act of 1968. Among other things, it clarified the legal status of wiretapping in this country.

Under this act, wiretapping by private parties was outlawed. At the same time, controlled use of wiretapping was authorized for federal law enforcement authorities and such authorities at the state and local level in those states authorizing its use.

With the perspective provided by two years of authorized wiretapping, it's time for us to review the history of this subject to see whether we are going in the right direction; to examine whether the fears of those opposing wiretapping are justified; to see if the results since 1968 in terms of criminal apprehension were worth it; and on the basis of these determinations to chart future policy.

Unfortunately, the serious and critical subject of wiretapping is charged with emotion and prejudice. The term "wiretap" triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and (to use a word you and I have heard lately) repression.

Well, in reviewing our use of wiretapping in the last year-and-a-half, I think you'll agree that the only repression that has resulted is the repression of crime.

The reason is that wiretapping has a history of perhaps a hundred years—if we go back to the telegraphic age—of confused and foggy status, which in turn facilitated widespread use by public agencies and private individuals alike. This kind of license in a practice as sensitive as wiretapping naturally led to a torrent of opposition.

Not long after Morse invented the telegraph in the 1840's the sending of a message over the wire was matched by the interception of it—both by private citizens and the authorities. In the Civil War telegraphy was used by both sides for military messages, and wiretapping quickly became a means of espionage. The telephone, invented by Bell in 1876, was tapped by New York Police as early as 1895.

The first public uproar on this subject occurred in 1916 when a committee of the New York State Legislature investigated wiretapping by the New York City Police. The mayor of New York pointed out that "conviction on conviction has been obtained which otherwise would have been impossible." In view of the present posture of some of our newspapers, it is interesting to note the 1916 editorial comment of one of the newspapers in New York City:

"The *Times* feels too few wires have been tapped, not too many, and that the exposé has hurt the cause of justice."

Still more sensational was an investigation by a subcommittee of the U.S. Senate Committee on Interstate Commerce in 1940. It revealed widespread wiretapping of private individuals by public officials; of public officials by private individuals; of private individuals by other private individuals; and of public officials by other public officials.

For a number of years afterward, there was a great range of wiretap control and abuse—depending on the laws in particular states and the degree of enforcement. Wiretapping devices were openly advertised for private use.

The result was a growing fear of electronic eavesdropping and a public clamor for its control. Civil libertarians attacked with equal virulence the clandestine private tapper and the law officer using wiretap in obtaining evidence to convict a public enemy. Their only consideration was the sanctity of individual privacy. In short, they wanted to throw the baby out with the bathwater.

Throughout this period, legislators and jurists were grappling with wiretap law. The California Legislature prohibited interruption of the telegraph as early as 1862 and extended this to the telephone in 1905. Other states followed suit in varying degrees. Today more than half the states have laws outlawing wiretapping, but in many it's still unclear whether this applies to law enforcement authorities or whether evidence obtained from wiretapping is admissible in court. Some states specifically authorize wiretap by law enforcement agencies under sanction of a court order. Others have no law in this area.

Before going into federal law on this subject, I'd like to touch on the status of wiretapping in Great Britain, with whom we share a common legal heritage.

In Great Britain the Government may tap wires for the prevention and detection of serious crime and for the national safety. Since 1937 this has required a warrant from the Secretary of State. Such evidence is admissible in court if it's relevant to the issue at hand and does not operate unfairly against the accused.

Studies made by the Department a few years ago show that in general, the history of wiretapping has been similar in many other countries.

In short, it appears that Great Britain and a number of other countries of the free world have operated with authorized wiretapping without too much public concern that it was threatening basic freedoms.

For many years United States federal law was virtually silent on this subject. But in 1928 the Supreme Court heard a case—*Olmstead* v. *United States*—in which wiretap evidence had been used against bootleggers in a federal prosecution in Oregon, a state that had outlawed wiretapping without court order. The question was, could information so obtained be admitted as evidence? The Supreme Court ruled by a five to four decision that the Fourth Amendment was not violated since there was no unlawful entry and no seizure of tangible things.

This simply meant that wiretap evidence obtained in violation of a state law could still be admitted in federal court. In the absence of Congressional action on the subject, this decision ruled the situation for the next few years.

But in 1934, when Congress passed the Federal Communications Act, it included a provision against intercepting and divulging any wire or radio communication. This has been interpreted by the courts as ruling out of federal trials any evidence obtained either directly or indirectly by wiretapping. It left to the states, however, the admissibility of illegal wiretap evidence in state courts.

In fact, in the 1967 case of *Kazt* v. *United States*, the Supreme Court went further and, without confining its interpretation to the Federal Communications Act, overturned the 1928 Olmstead decision. In this important case, a Government agent used an electronic device to hear and record a subject's words in an adjoining telephone booth. The Supreme Court ruled that the subject had justifiably relied on the privacy of the phone booth and that even though the bugging device had not physically penetrated the wall, it constituted a "search and seizure" within the meaning of the Fourth Amendment.

But at the same time the Supreme Court in both the *Katz* case and another case, *Berger* v. *U. S.*, indicated that a wiretap or other form of electronic surveillance could be constitutional if it followed the warrant procedure used in searches and seizures. This meant obtaining a court order after showing probable cause, and submitting to continual judicial supervision. These decisions reopened the legal use of wiretapping by law enforcement agencies, pointing the way to new legislation.

I have gone through this brief history of wiretapping to show, first, how confused the situation was before the 1968 act, and second, how the excessive objections to wiretapping rose and flourished in this country.

In any case, guided by the *Katz* and *Berger* decisions, Congress provided the wiretap provision in Title III of the Omnibus Crime Control and Safe Streets Act of 1968. It replaced the blanket prohibition against interception in the Federal Communications Act, and substituted a clear delineation between prohibition of private use on the one hand, and court-authorized use by law enforcement agencies on the other.

More specifically, Title III continued to prohibit wiretapping by private parties and spelled it out in more certain terms. For example, it outlawed the manufacture, distribution, possession and advertising of wiretap devices by private parties where the mails or interstate commerce are involved.

More important to our discussion here, Title III specifically permitted the controlled use of wiretapping by law enforcement authorities in certain heinous crimes that are associated with organized syndicates—murders, kidnapping, extortion, certain bribery offenses, narcotic offenses and others.

In doing so, Title III specified the due process of law required to control the use of wiretap in these criminal cases. These include securing a court order from a judge; showing probable cause; particularizing the offenses under investigation and the type of conversations to be overheard; limiting the time period of the surveillance; terminating the wiretap once the stated object is achieved; renewing the wiretap authorization only by showing a continued probable cause; showing that normal investigative procedures have been tried and failed or are too dangerous to be used; showing why the objective would be thwarted if the person to be overheard were notified of the wiretap; and finally reporting on the results of each wiretap.

In emergency situations involving conspiratorial activities characteristic of organized crime, the Attorney General can authorize a wiretap without the due process I outlined. But in such cases a court order must be obtained within 48 hours. To date I have not found it necessary to exercise this power.

Now, these provisions are vital, for they follow the cherished American legal tradition in securing warrants in the related example of a house search. They give us the confidence that in using the wiretap under these limitations we are reaffirming the constitutional safeguards going back to the Bill of Rights. Our experience under this statutory grant of authority leads us to the conclusion that we need not apologize to the absolute civil libertarians.

In brief, the 1968 act gave law enforcement authorities a viable charter to use wiretap in a sparing and circumscribed manner.

I believe it is Constitutional. I believe it answers those who object to wiretap on grounds of the Fourth Amendment. I believe that its use by federal authorities is not only a right, but a duty. And I believe the same is true for other authorities in in those states where wiretap is not outlawed.

Let's now examine the effects of the 1968 Act in terms of wiretap use and resulting arrests.

For the first half-year of its existence, the authority granted by Title III of the Act was not used at the federal level because the incumbent Administration refused to allow the filing of any application for court-authorized wiretap.

In 1969 the Nixon Administration came to office committed to use every legal weapon against organized crime. One of our first acts—in February 1969—was to authorize the filing of the first federal application for court-authorized wiretap under Title III.

I would like to contrast the positions of the two administrations, and I think you'll agree that if your lawmakers give you a tool for enforcement, you should use it.

As you know, the statute requires the filing of reports of wiretaps with Congress. The reports for the 1969 calendar year show that 30 federal wiretaps and 241 state wiretaps were authorized and executed. The eight states reporting were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, Rhode Island and New York. It should be noted that these reports were for calendar 1969; since then more states have availed themselves of the authorization in Title III.

Do these 271 federal and state wiretaps represent an excessive use of this statute? The FBI's Uniform Crime Report Index for seven serious types of crime showed a total of nearly five million offenses in calendar 1969. While these seven crimes do not compare exactly with the crimes for which wiretapping is authorized, I think this gives an adequate order of magnitude for comparative purposes, and I hardly think the 271 federal and state wiretaps occurring last year in the United States constitute an abuse of the privilege.

Now, what about the results of this restrained use of wiretap?

The 30 federal wiretaps in calendar 1969 averaged 1,498 intercepts per individual tap. An average of 1,228 intercepts were incriminating. In other words, on the average, approximately 80 percent of the messages intercepted contained incriminating evidence. In one wiretap, 5,889 phone calls were intercepted and 5,594 were incriminating. In another, 17,690 calls were intercepted and 17,513 were incriminating.

I believe this shows conclusively that we have done our homework, that we were not on fishing expeditions, that we were pretty sure of our grounds when we asked for the court orders.

Next, let's look at the number of arrests and indictments resulting from these taps. Bearing in mind the 271 federal and state wiretaps executed, 625 arrests resulted. And the 30 federal wiretaps executed resulted in 139 arrests—an average of more than four arrests per tap. The two examples of federal wiretapping that I previously said had such high rates of incriminating phone calls resulted in 26 and 23 arrests, respectively.

Other examples—the total of four state wiretaps installed in Essex County, New Jersey, resulted in 13 arrests. In four counties in New York City, 109 wiretaps installed brought 166 arrests. One single wiretap in Henry County, Georgia, resulted in 27 arrests.

It was generally too early at the time of filing the 1969 reports to give data on convictions, but as a matter of interest, one wiretap in Bronx County, New York, resulted in 13 persons arrested and 13 convicted. The 1970 reports should help to fill in this total picture.

However, our own figures in the Department of Justice bring the story almost up to date for federal wiretapping since the filing of the 1969 report. From January 1969 to July 13, 1970, 133 federal wiretaps were authorized and installed—principally on gambling, narcotics and extortion offenses. Arrests resulted in all but 12 of these wiretaps. The arrests totaled 419, of which 325 resulted in indictments. Undoubtedly more arrests and indictments will result from the wiretap evidence of the January to July period.

Let me give some details of the specific cases made under these wiretappings. The first wiretap that I authorized in February 1969 resulted in the seizure of 124 pounds of heroin and the conviction of two defendants in a major international narcotics smuggling conspiracy.

In a recent narcotics investigation, wiretaps brought not only evidence of a substantial narcotics distribution scheme, but also evidence of other illegal activities, including the planning of a bank robbery and of a murder. As a result of this information, Federal agents were able to apprehend the bank robbery suspects. The combined efforts of Federal agents and local police also resulted in the prevention of the murder attempt and the arrests of the suspects by local authorities. Federal narcotics and robbery indictments have been returned in this case.

Another wiretap in an investigation of the theft of stolen bonds resulted in the arrest of several figures connected with organized crime on interstate theft charges and the recovery of half a million dollars' worth of bonds.

As a result of wiretaps, Federal agents recently conducted massive raids on approximately sixty locations involved in a large-scale interstate numbers operation. These raids brought the seizure of gambling records and paraphernalia as well as over $50,000 in cash. Indictments have been returned against more than 60 individuals involved in this organized numbers operation on Federal gambling charges.

Perhaps the most dramatic operation owing its success to wiretapping was what our Department called Operation Eagle—a six-month surveillance and final roundup of a major cocaine and heroin smuggling ring.

Before we ever applied for wiretap court orders, our undercover agents reached the point where further effort by normal means could not reveal the identities of all the major traffickers. In fact, at that point, some

of our agents conducting normal surveillances were fired on by some of the subjects.

It was only then that we made application for wiretap court orders. Through the subsequent wiretaps we were able to get the evidence we needed to identify all the major traffickers in this ring and prepare for a large-scale roundup.

Armed with complaints and warrants obtained through this wiretap information, we used 350 special agents for simultaneous raids in 10 cities over a weekend in June 1970. We arrested 139 persons and seized large quantities of narcotics, firearms, automobiles and cash. Since that time we have made 27 additional arrests based on the same information, and we are seeking 33 fugitives. Altogether there are 199 named in complaints and indictments.

I believe the results shown in these figures and case histories speak for themselves.

Let me also emphasize that these are just some of many examples of wiretap success where there was no other way to get the evidence. Informants are, of course, very useful, but there are many instances where it is far too risky for informants to acquire evidence or testify in court. We can and do, however, install a wiretap on the basis of a tip from an informant, that is, the informant tells us what to look for and where, and we take over with the wiretap. I should add that such an informant must meet the supreme Court's standard for reliability established in the case of *Spinelli* v. *United States*.

On the other side of the coin, we're pursuing a vigorous and effective program to enforce the prohibition against the private use of wiretap. Here are a few examples:

In November 1969 we secured a conviction against a party who had attempted to spy on the proceedings of the 1968 Democratic Platform Committee.

Early in 1970 we obtained a six-year prison sentence against a private detective in Salt Lake City for extensive wiretapping in connection with various divorce cases.

A few days ago we secured the conviction of a wiretap expert in Nevada for carrying an electronic surveillance device across state lines.

We have virtually completed an action against a West Coast electronics firm for the forfeiture of surveillance devices which it illegally possessed and advertised.

With this tightening of enforcement, we are finding that private detectives are coming forward to give us information that will prevent illegal wiretapping by competitors. The effectiveness of this enforcement program may be measured by the fact that complaints against private wiretapping have dropped to about one-third their former rate.

We believe it our duty to be just as diligent in halting the illegal use of wiretap as in using authorized wiretap to combat organized crime. If this can be done at all levels of Government, we will go far toward removing fear of wiretap and establishing public respect for its proper use.

Today I have tried to show how the furor over wiretapping began and why it continues; how the 1968 Act answers the objections to wiretapping in Constitutional terms; and how wiretap is extremely useful—in fact, critical—in the war against organized crime.

Some of you are from states where authorized wiretapping is legal, and where it is being used to good effect. Others are from the majority of states that have not yet enacted legislation indicating the extent to which official interception under Title III will be permitted. Until appropriate parallel legislation is enacted in such states, I must emphasize that the federal requirements for official wiretapping make no exception for police action that is not properly authorized by state law conforming to Title III.

Certainly, in this period of intensive organized crime activity, we cannot afford to shun a method that is both effective and compatible with Constitutional law. As President Nixon told us in his Special Message to Congress last year:

"I must warn our citizens that the threat of organized crime cannot be tolerated any longer. It will not be eliminated by loud voices and good intention. It will be eliminated by carefully conceived, well-funded and well executed action plans."

I submit, gentlemen, that court-authorized wiretapping is a key factor in such plans, that is has amply demonstrated its effectiveness and that it has won an appropriate place in the American legal structure.

J. J. "JAKE" PICKLE RECIPIENT OF DISTINGUISHED SERVICE AWARD

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FRIEDEL. Mr. Speaker, last week a member of my Transportation Subcommittee received the highest award possible from the National Association of State Aviation officials at a meeting in Hartford, Conn. My colleague, J. J. "JAKE" PICKLE, received the Distinguished Service Award for his untiring efforts in the formulation of the recently passed Airport and Airways Act.

Since the days when he first joined the full Commerce Committee, "JAKE" PICKLE has proven himself to be a strong and innovative supporter of the legislative ingredients necessary to reach a truly balanced national transportation system. Within my particular subcommittee, Congressman PICKLE has placed his imprint on all transportation legislation. For a man from a semirural district, "JAKE" PICKLE has demonstrated an educated grasp of the complexities of modern transportation needs. He has worked on all facets of transporting people and goods in the process, on everything from the linear induction engine, to tracked air cushioned vehicles, to helicopter shuttles in heavily populated corridors, to the airport and airways bill.

For this reason, I was particularly pleased to see him receive this recognition from the State aviation officials. Mr. Speaker, the award was brief and I quote from the presentation:

DISTINGUISHED SERVICE AWARD TO THE HONORABLE J. J. PICKLE, MEMBER OF CONGRESS

For his awareness that each state is more familiar with the specific transportation requirements of its local communities and therefore is the most qualified level of government to ensure that these needs are met;

For the effective and aggressive use he has made of his high office to emphasize and strengthen the role of the state of Texas and other states in the union in developing the air transporation system;

For the action he has taken on behalf of the smaller communities of the state of Texas and of the nation to assure them access to the national air transportation system so that they may compete on an equal basis with urban centers for national economic, social and recreational benefits;

The national association of state aviation officials presents its highest award to Congressman "Jake" Pickle with respect and appreciation.

Mr. Speaker, in accepting the award, "JAKE" PICKLE reviewed the recently passed airport and airways bill as it related to State aviation agencies, and made timely suggestions on aviation problems in general. He stressed the great need to establish a national transportation policy and to launch a program immediately for a balanced transportation system.

AMERICAN LABOR MAGAZINE SPOTLIGHTS A LABOR UNION AND ITS LEADER

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BUTTON. Mr. Speaker, American Labor Magazine is one of the few national news magazines devoted to the labor scene. As such, it is indispensable reading material for those who are concerned about the future of America's working men and women.

The 1970's are a time of challenge for all Americans, and this includes those who are part of our Nation's vital transportation network. We are in a period of great technological change and our economy and our society must cope with problems of a complexity and size unprecedented in our history.

In these years ahead, America needs a strong, free, democratic trade union movement. And in these years ahead, our Nation will be better and stronger as the labor movement produces new ideas and new concepts for the improvement of the standard of living and the quality of life of every citizen.

When a recent issue of American Labor Magazine crossed my desk, I was pleased to see pictured on the cover one of my old friends—C. L. "Les" Dennis—the leader of the largest transportation union in the AFL–CIO and a man who has made the Brotherhood of Railway & Airline Clerks a modern union on the move.

In a 10-page article, the editor-in-chief of American Labor Magazine turns the spotlight on "the largest and most diversified transportation union in the AFL–CIO," its leader and his views on future trends in the transportation industry.

Illustrating the innovative thinking which characterizes Les Dennis is his bold, new plan to aid the financially troubled rail industry. In recent testimony before the Senate Commerce Committee, Les Dennis proposed that $1 billion from the railroad retirement account be loaned to the railroad industry for capital and service improvements. Whether or not this plan becomes a reality, it is nonetheless an intriguing idea and demonstrates a fresh and imaginative approach to an old and recurring problem: whither the railroads?

I think my colleagues would be interested in reading some of the highlights of this article—excerpts are printed below:

Dennis gets things done; no doubt about that. The size and strength of his union and the benefits he has helped win for the membership is proof enough of his abilities, but the total atmosphere is a relaxed one, for "C. L.", as most everyone refers to him, is regarded by his staff as more of a concerned leader than as a demanding boss.

The labor organization he heads covers a range of personnel that includes all clerical and related employes in the railroad industry and those in the airline and steamship industries as well—freight handlers, ticket clerks, janitors, people in the accounting departments, IBM operators, the drivers for the Railway Express Agency (REA). It also covers the patrolmen, the telegraphers, taxi-drivers in Florida and Georgia . . . and much more.

Considered a craft union by some, since its founding in a cigar store in Sedalia, Missouri on December 29, 1899, the Brotherhood has grown from 33 railway clerks to a membership of over 300,000 and is, in reality, a kind of "universal union" in the transportation industry.

Over the past several years, mergers with the Railway Patrolmen's International Union and with the Order of Railroad Telegraphers (ORT) have been accomplished. More recently, the Federation of Business Machine Technicians and Engineers (an independent association) has been brought under the umbrella as well. In the public sector, the BRAC roster includes personnel involved in water resources and sewer systems. The range is wide . . .

ON TOMORROW

In discussing the overall economy as it related to his own particular industry, Dennis saw the unprecedented population growth not so much as a potential for business profit but as a period of re-analysis of the people's aims and needs.

Automation, with its attendant attrition of jobs and potential massive dislocation of employment opportunities, he felt was going to remain one of the major bargaining issues for the foreseeable future . . .

"But as technology advances, as it inevitably must," he pointed out, "we have to think about the millions of people who will be entering the workforce in the years ahead. They *have* to live and make enough to supply themselves and their families a decent standard of living. And from every actuarial estimate, tomorrow's population will be living longer than we do now. It's a brain buster."

From the long-range viewpoint, he was convinced that some way would have to be found to develop an economy which would guarantee the creation of continuous earning capacity for the greatest number possible—regardless of whatever technological developments came along.

"Without income, there's no buying capacity," he said. "And automating millions of people out of an ability to earn their way is a prospect of terror I don't even want to think about.

"The protection of people must come first," he said. *"Without them—there is nothing."*

ON BRAC'S GROWTH POTENTIAL

Looking at the potential prospects of growth for his own union, Dennis felt that the airline industry (many of whose major carriers are still only partially organized) and the airline-related freight forwarding companies, represented the largest void that needed attention. The numbers he mentioned were in the neighborhood of 150,000. He saw another possible 75,000 in the supervisory and subordinate official family of the railroads as well: the major chief clerks, the IBM analysts, the personal secretaries, assistant office managers, etc. The present union membership in the 50 United States, Puerto Rico and Canada is 305,000 . . .

Tall, big-boned, heavy set, BRAC's president moves with a surprising speed. If one of the basic qualities of leadership is energy, a cataloguing of his multiplicity of union and charitable involvements on a year-round basis would be irrefutable testimony that nature has given him this ingredient in abundance. Few individuals have started lower in the economic barrel to make it to the top.

Whatever the drives and talents that led Dennis to success in his chosen field, the overall journey has sensitized one phase of his makeup in a manner different. It has *enlarged* rather than diminished *his feeling of kinship with people at every level.*

One can say of a lot of individuals, "This is a leader." And Dennis certainly fits that category. But what lingers on long after that fact has been acknowledged is the deeper image not so much of power as of the *respect* he engenders.

ON BEING DERADICALIZED

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the October issue of Commentary magazine carries an article by one of America's most brilliant and thoughtful scholars, Prof. Nathan Glazer of Harvard, entitled "On Being Deradicalized." The article chronicles Professor Glazer's personal political metamorphosis from what he terms a "mild radical" in the late 1950's and early 1960's to a "mild conservative" today. He points out that this earlier radicalism, shared with such eminent social critics as David Reisman, Paul Goodman, and others, was essentially a rational and humane optimism about society's capacity for improvement and the potential for reshaping institutions to a more "human scale"; it bore precious little resemblance, he stresses, to the virulent, totalitarian strains of radicalism that prevail today. In Glazer's words:

The earlier mild radicalism had a good deal in common with conservatism—the bias against government intervention in various areas, the willingness to let people decide for themselves how to spend their money, the belief that the theoretical and political structures reared by liberals to control policy in the foreign and domestic realms would no longer work, the allergy to communist repression, the attraction toward the small.

Mr. Speaker, it is most interesting and instructive to note that during a decade when so many Americans, particularly a significant portion of our youth, have been "radicalized" by the alleged failure of our political process to respond to pressing social needs, Professor Glazer has traveled in the opposite direction. Rather than joining the chorus of denunciation and destructive attack on our institutions that swelled to a flood tide in the mid-1960's, he has become an increasingly penetrating and lucid critic of the critics themselves.

Professor Glazer suggests two basic reasons for his estrangement from 1970 style radicalism. First, in the past decade the character of radicalism in America has changed profoundly. Where the academic radicals of the late 1950's condemned the stifling regimentation, thought control and brutality of Communist societies, today's radicals herald such repressive regimes as those in power in North Korea, China, and Cuba as models for the future. Where the radicals of the late 1950's were persistent champions of civil liberties, due process and tolerance, contemporary radicals exhibit a strident intolerance and contempt for liberal democracy. Where the former generation of radicals sought to preserve the integrity and freedom of the university, the present generation of radicals would transform it into a battering ram for the launching of an all-out war on the wider society. And finally, where the earlier radicals scorned ideologies and rigid, predetermined systems of political thought, current radicals increasingly mortgage themselves to a pathetic bundle or warmed-over Leninist nostrums.

But even more important than this usurpation of the radical label by self-styled totalitarians has been Professor Glazer's recognition of the deficiencies of his own somewhat naive earlier radicalism. He notes that as a result of his experience as an administrator in the predecessor agency of HUD, he came to appreciate more fully that the built-in political inertia of a country so large and diverse as the United States invariably limits the pace of change to little more than a crawl:

I learned that the difficulty with many radical ideas lay in the fact that so many varied interests played a role in government, and that most of them were legitimate interests. It was a big country and it contained more kinds of people than were dreamed of on the shores of the Hudson. I learned in quite strictly conservative fashion, to develop a certain respect for what was; in a world of infinite complexity some things had emerged and survived, and if the country was in many ways better than it might be or had been . . . then something was owed to its political institutions and organizational structures.

Professor Glazer points to another truth that he came to find incompatible with his earlier radicalism; namely, that the near universal high standard of living that we have come to take for granted in this country rests of necessity on our increasing array of large, complex organizations; institutions which, to be sure, manipulate, and use individuals and often squeeze and stifle creativity and initiative. But they are nevertheless the only instruments we have that are capable of providing the discipline and coordination necessary to orchestrate the activities of the huge numbers of people required to perform the varied tasks on which our affluent society depends. When modern radicals attempt to destroy these organizations and institutions in the name of individual liberation and freedom they utterly fail to see, Professor Glazer argues, that the benefits thereby threatened may far outweigh the alleged "human costs" being eliminated.

Profesor Glazer concludes his remarkable piece with these words:

I for one, indeed, have by now come to feel that this radicalism is so beset with error and confusion that our main task, if we are ever to mount a successful assault on our problems, must be to argue with it and strip it ultimately of the pretension that it understands the causes of our ills and how to set them right.

Mr. Speaker, I hope all of my colleagues will take note of this article for it manifests a political countercurrent that is most often obscured by our current fixation on the polarization of American society. For while the headline mongers and haranguers of both the left and right have steadily escalated the flow of mutual acrimony and vituperation, and thereby widened the chasm between them, other more thoughtful and sober men from both sides of the political divide have been quietly moving toward a new understanding and rapprochement. In a remarkably prescient speech given 3 years ago Daniel Patrick Moynihan, now counselor to the President, called upon fellow liberals to join thoughtful conservatives in an effort to preserve the social stability that is so necessary to prerequisite to reform and progress. Since that time many forward-looking conservatives have come to appreciate the spirit of Mr. Moynihan's challenge, and have become increasingly convinced that social stability can not be maintained by desperately clinging to the status quo, but can be assured only by the steady pursuit of intelligent reform and renewal. At the same time, many chastened liberals, of whom Dr. Moynihan and Professor Glazer are outstanding examples, have come to share, in part, the skepticism and misgivings of conservatives about over-centralization, excessive bureaucratization and sweeping interventions into the private socio-economy. Out of this reassesment and ferment on both sides there is emerging, I believe, a new tough-minded, intelligent centrism that neither hesitates to face and seek solutions to the overwhelming problems and difficulties which confront us as a nation, nor harbors illusion about the tractability of these problems or the capacity of Government to crank out readymade panaceas. I believe Professor Glazer's article expresses the essential spirit of this new orientation and I include it at this point in the RECORD:

ON BEING DERADILICALIZED

(By Nathan Glazer)

How does a radical—a mild radical, it is true, but still someone who felt closer to radical than to liberal writers and politicians in the late 1950's—end up by early 1970 a conservative, a mild conservative, but still closer to those who now call themselves conservative than to those who call themselves liberal? I seem to have moved from a position in which I was a bit embarrassed to be considered liberal (surely I was a degree further to the Left than that!) to a position where I am again embarrassed, but from the other side: surely I am not so "Establishmentarian" as that!

One way of explaining this change is to describe what it was to be a mild radical in the late 1950's. Consider the writers who, in those days before and just after the Cuban revolution, were thought of as radical: Paul Goodman, Dwight Macdonald, Irving Howe, Michael Harrington, C. Wright Mills. Consider the kinds of actions that radicals engaged in then. One demonstrated—if one lived in New York—against civil defense in City Hall park, applauded Castro's speech in Central Park (applauding Castro more than his speech: who knew what he was saying?), joined with Jane Jacobs in her attacks on urban renewal, supported the organization of public-housing tenants and other groups of the poor and dismissed New Deal political orientations in their current liberal Democratic phase as outdated and insufficiently farreaching.

All of us who stood in these ways to the Left of the liberals shared, of course, in a complete disdain of apologists for Russian and Chinese oppression: the least we could agree on was free speech, civil liberties, and democratic procedures. The division between "liberal" and "radical" in those days did not run along the line of more or less sympathy with Communist states, as it so often seems to do today. After the exposure of Stalin's ferocity, Russian anti-Semitism, Communist suppression of all originality in the arts, those who still saw some virtues in the Communist version of socialism had simply grown silent. In the area of international affairs, the division was between the "mainstream" liberals who tended to find America's foreign policy—NATO, nuclear deterrence, the maintenance of Berlin's special status—basically sound and those of us, standing further to the Left, who were convinced that the nuclear arms race would lead inexorably to a final disaster. We were unimpressed or horrified by the new strategic thinking involving game theory and nuclear deterrence, not that we were very clear about what we would put in its place. We believed that there were more opportunities for negotiation with Russia and for detente with the Communist world than American foreign policy supposed. We did not like the frozen stance of the United States on Berlin: were there not more imaginative solutions? The *Correspondent*, a newsletter created by David Riesman and Erich Fromm, and which I edited for a short time, reflected some of these views.

In domestic affairs the radical position was skeptical of the intelligence and capacities of large bureaucracies, whether in education, welfare, urban renewal, housing, or government in general. Having found nothing in particular in Marx to explain either what was wrong with modern society or what might help (certainly not the monstrous state bureaucracies of Russia and its imitators), radicals in those days were in a condition of peculiar openness. When Norman Podhoretz became editor of Commentary in 1960, his quest for something which would mark a departure from old and rigid positions and would suggest the direction in which we might now move led him to seize on Paul Goodman's manuscript, *Growing Up Absurd*, most of which he published in the first few issues of COMMENTARY he turned out. Jason Epstein, at Random House, trying to find something that expressed his own blocked radical instincts, also seized upon the same talisman: this was fresh, new, radical. Goodman, thus restored to prominence, began to publish like a flowing stream. All his books emphasized the anti-bureaucratic, the small and immediate, the human-scale as the salvation of a society grown too large, too highly organized and articulated, too suppressive of instinct and feeling.

Many rivulets of the late 1950's fed the radicalism of the early 1960's. There was the fight against urban renewal and other overblown programs such as Mobilization for Youth on the Lower East Side of New York. There was the beginning of campus political activity—in Berkeley in 1957–58, where students organized the first campus party. Slate, a distant premonition of what was to come; and on a number of other campuses where chapters of the Student Peace Union came into being and where publications like *New University Thought* and *Studies on the Left* (taking their inspiration from the English *New Left Review*, which gave the name "New Left" to the New Left) began to appear. The organizing impulse was taken over by SDS. Its Port Huron statement of 1962, a model of humanist radicalism, even stopped short of socialism in its refusal of any commitment to a developed Marxist political position or analysis. SDS would go to the people and learn from them, and so it did in the early organizing projects in the Newark slums, in the poor white areas of Chicago, and elsewhere.

All these various developments then seemed of a piece—criticism of American foreign policy, of the strategy of nuclear deterrence, of home-grown bureaucracies; the emphasis on humanism, on going to the roots, on the small-scale and the immediate. This was the radicalism of the late 1950's, and holding to it was sufficient to distinguish one from liberalism. John F. Kennedy meant little to us: he was just another liberal politician, though the fact that some of our friends worked for him did make a difference.

(This was a radicalism that had a good deal in common with conservatism—the bias against government intervention in various areas, the willingness to let people decide for themselves how to spend their money, the belief that the theoretical and political structures reared by liberals to control policy in the foreign and domestic realms would no longer work, the allergy to Communist repression, the attraction toward the small.) Paul Goodman and Norman Mailer express this affinity when, on various occasions, they call themselves "conservative"—indeed, in some respects they are, and for this among other reasons they do not go along with those developments that place so much of the radicalism of the late 1960's squarely in the succession to the simple-minded, grotesque, freedom-denying radicalism of the Leninists and Stalinists of the 1930's.

Thus, one explanation of my own move from a mild radicalism to a mild conservatism is that the character of radicalism changed over the course of the decade. But it would be incomplete to have it at that. I changed too, and perhaps the largest influence in that change was a year spent in Washington, in the Housing and Home Finance Administration. I learned, to my surprise, that most of the radical ideas my friends and I were suggesting had already been thought of, considered, analyzed, and had problems in their implementation that we had never dreamed of. I learned to respect many of the men who worked in the huge bureaucracies, who limited their own freedom, and who made it possible occasionally for the radical ideas of others to be implemented. I learned that the difficulty with many radical ideas lay in the fact that so many varied interests played a role in government, and that most of them were ligitimate interests. It was a big country, and it contained more kinds of people than were dreamed of on the shores of the Hudson. I learned, in quite strictly conservative fashion, to develop a certain respect for what was; in a world of infinite complexity some things had emerged and survived, and if the country was in many ways better than it might or had been (just as in many ways it was much worse than it might be or would be), then something was owed to its political institutions and organizational structures.

My experience at the University of California in Berkeley, where I went to teach in 1963, carried a similar lesson. Many interests were represented in that strange and inefficient amalgam—students, their parents, professors, taxpayers, business, and even unions—and yet each of these interests, in its narrow-mindedness, saw the institution as properly expressing only its own desires. I did not share some of my colleagues' views

of administrators; I believed they were doing necessary and difficult things in reconciling these complex interests, and I appreciated the additional freedom I possessed by virtue of their work. I did not believe universities should be run for the pleasure and convenience of the faculty alone, as—with faculty bargaining power so great by 1964—in large measure they were. Neither, however, did I believe that it was good or wise or possible for them to be run for the pleasure and convenience of the students—let alone a particular element of the student body. So I changed, finding it harder to participate in a casual attack on existing institutions without considering what would replace them and whether it would mark any improvement.

Radicalism certainly spread as the 1960's moved on, but many radicals also fell away. One must consider to what extent it was they who changed, to what extent it was they who gave up on positions they had once considered humane and rational, and even more seriously to what extent they gave up on these positions simply because the fight for them turned out to demand a far more intense and fierce and violent opposition to the conservative institutions of society than they had originally expected. One asks oneself, having agreed in some measure with Mario Savio about the nature of the "machine" upon whose gears he asked the students of Berkeley to throw themselves, why one withdrew when the opposition to bureaucracy escalated from discourse, petitions, and debates to the whole sequence of actions, including violent actions, with which we are by now all too familiar.

One is reminded of the paths away from Communism. When did the break come and why? What action finally seemed insupportable? There is no point in pushing the parallel too far. One thing that was the same was the bitter division that developed among intellectuals. It was impossible for those of us who were alive and conscious during World War II and Korea to take the same easy path as the radical youth. We had known the country and its army in different times and in different wars. The United States had defeated Hitler and had turned back the brutal invasion of a small country by its better organized, better armed, and infinitely more repressive neighbor. Even as the cloud over Vietnam grew, even as the reports of the horrors came through (and no one can say the reporting was not full or adequate or immediate), we were torn between the old style of political action and the new. We valued the country, the role it had played in international affairs, its ability to handle complex domestic problems, its stability in the maintenance of democratic procedures, its capacity for change and correction.

And some of us were affected similarly by developments on the racial scene. Having lived before the Supreme Court decision of 1954, the Montgomery bus strike, the Birmingham movement of 1963, we had seen significant change—the registration of Negroes in the South; the election of hundreds of Negro officials; the growing role of Negroes in the mass media, the universities, government; the solid hope for a greater role in business and the unions. Yet along with these changes—some, of course, in response to pressure and even violence, but many, too, that represented the inexorable movement toward equality that was proceeding on many fronts and for many reasons—came increasing radicalization, increasing vituperation, increasing disaffection with the country and its institutions.

It was impossible for many of us to accept the easy and frequent equations of the United States with Nazi Germany, of Johnson with Hitler. At first one signed ads against the Vietnam war. Later the ads became fiercer: they not only called for ending the war and getting out, they accused the country's leaders of the same crimes for which Germany had been condemned at Nuremberg. Then people took their stand and divided, and it sometimes seemed that one of the key factors determining the division was a capacity for hatred. Did you hate Johnson enough—or Rusk, or Rostow, or the police, or the leaders of South Vietnam? Did you hate the Southerners enough, or the Northern white middle classes, or the Northern white workers, or the Jewish schoolteachers of New York? It was not pleasant then, and it is not pleasant now.

Thus, more and more people who had been radicals at the start of the decade fell away, and new radicals were made to replace them, the replacements eventually far outnumbering the fallen away, as the student revolt which began at Berkeley in 1964 spread to encompass universities and colleges of every kind and in every part of the country. But if this revolt made radicals of many who had previously considered themselves liberals, the course it took also served to deepen the estrangement from radicalism of others like myself who saw it as a threat to the very existence of the university and to the values of which the university, with all its faults, was a unique and precious embodiment.

II

I was from the beginning convinced of the importance of the student revolt. I did not see it as an expression of youthful high spirits, or of earnest youth insisting on a better education, or of committed youth demanding the right of political activity and participation on the campus, or of passionate youth insisting that the institutions of higher education abandon hypocrisy and the support of evil public policies. It was all these things of course, in some measure. But if I had felt that they were the dominant factors. I would have joined all those faculty members, intellectuals, and political leaders—there were so many of them all during this period, and there are so many of them now, in the year 1970, as the fires and dynamite charges are set—who welcomed the student revolt because, they said, it brought a breath of fresh air to the stale universities, because it forced them to become responsive to the needs of their students and the society, because it insisted that the universities take the lead in solving society's critical problems, because these were the best-educated youth in American society, the most morally committed, the most concerned with injustice. I could see some evidence for all this, but from the beginning I saw something else, too, and that was a passion for immediate action, for confrontation, for the humiliation of others, for the destruction of authority—any authority, whether necessary and worthwhile or not—and finally, for the destruction of what was most distinctive and most valuable about the universities—their ability to distance themselves from immediate crises, their concern with the heritage of culture and science, their encouragement of individuality and even eccentricity.

From the beginning I believed that it did not get us to the heart of the matter to analyze the revolt primarily in terms of such issues as faculty-student relations, the nature of administration, the growth and subsequent bureaucratization of the university, the impact of research and government grants on teaching, the relevance of curriculum. All these things were important. All concerned me. But when student discontent broke into forceful action at Berkeley, it bore very little relation to these grave developments in higher education. And in time, as the revolt spread to such very different colleges and universities as Chicago, Columbia, Wisconsin, San Francisco State, Harvard, the City College of New York, it became clearer that the causes did not lie in the special character of a given college or university. Berkeley had an enormous undergraduate college that received little attention from the senior faculty; Chicago and Columbia had the smallest undergraduate colleges, with perhaps the greatest commitment to undergraduate teaching, of any major university; Harvard did not have classified research; some places did not have much research of any kind; some had favorable faculty-student ratios, and some unfavorable. None of these differences mattered.

In particular, to see the student revolt as directed at educational inadequacy, or as a movement that could be satisfied by educational change, was sentimental. Educational reform was a rather low priority of the Berkeley Free Speech Movement and its heirs, important as it may have been to individual leaders, and to a good number of followers. The objective of the student revolt quite clearly became not that of transforming the universities and colleges from the point of view of their proper ends—that is, as institutions devoted to teaching and research—but rather of transforming them so that they could realize quite other, and directly political, ends. The thrust of the student revolt in situation after situation was to bend the universities and colleges to the political orientation and outlook of the radical students, who saw the university as a potential recruiting ground, and then as an active participant in the political struggles of society.

The position of the critics of the student movement—certainly of this critic—became a peculiar and difficult one. I shared the ostensible concern with university and college reform. All the issues raised were in one way or another real, and in one way or another important—free political activity on the campus, the parental role of the college or university, its involvement with the state, its inability to order its various functions properly. I also shared the growing horror at the consequences of public policy, principally in Vietnam but also in other areas—nuclear and biological warfare, the bloated military expenditures starving other needs, the mechanical resort to technology to solve problems regardless of their human complexity. And yet, with all these elements of agreement, on one point I stuck, and that point made me an enemy: yes, let us reform the university, and let us, if we can, save the world, but let us not sacrifice the university on either altar, because there is no need that we should.

I was willing to concede that academic freedom often looked like—and often was—academic irrelevance, academic exoticism, academic self-seeking, academic status-striving, academic arrogance, and for that matter a cover for political action, too. On the whole, the share that all these played in the academic enterprise had not, I thought, increased in recent times, even as the academic enterprise itself had undergone such enormous expansion (here I accepted the judgment of analysts of the academic scene like Christopher Jencks and David Riesman). All these excrescences on the academic enterprise could be reduced with out endangering what was after all one of the most remarkable products of civilization. The willingness of government (and in this country, private interests) to support scholars in freedom to pursue research and teaching with very minor interference and constraint should not, I thought, be taken for granted: it would be all too easy to arrange matters so that this rare development should come to an end, as it did for a time in Nazi Germany, Soviet Russia, and elsewhere.

The student radicals and their allies, both inside and outside the universities, argued that it was hypocritical to speak of defending academic freedom. Were the universities not already directly involved in political activities? Were they not engaged in defense research, research in support of American

foreign policy, research in support of private economic interests? Did their teaching not reflect their interests, did they not train the ROTC, not to mention employees of government and private business? Parts of this critique had force. As it was extended, however, all critical distinctions were lost, and uncompromising styles of thinking and analysis emerged. When this happened—and it happened regularly as we can see by comparing the rhetoric of the beginning of each phase of the movement with that of its later phases—the issue shifted from the question of whether this movement would reform the university or turn public policy around to whether it would destroy the university. I argued from the start that the new tactics, the new violence of language, and the new joy in confrontation and political combat contained more of a threat to what remained valuable within the universities than a hope either of changing them or of changing public policy.

As the criticism of the universities came to be cast in the current radical rhetoric, one saw again the rise of the doctrine that there could be no neutrality, no objectivity, not even partial neutrality or objectivity: in the famous words of Eldridge Cleaver, "If you are not part of the solution [that is, if you are not actively with us], you are part of the problem [that is, you are against us]." If this doctrine were to become widely accepted, or acted upon, there would be no function for the universities and they would be as good as dead.

A real issue—the degree to which the universities had become embroiled in the disastrous foreign policies of the United States government—was translated into the kind of undifferentiated blanket issue that radicals of the Left and Right have always favored. The Peace Corps became as bad as the CIA (I leave aside the question of how bad *that* was—the CIA became an issue which could barely be raised with physical safety in the universities), innocuous research on government contracts as bad as direct research in support of military tactics, studying the characteristics of developing countries morally equivalent to plotting to overthrow them. These are not extravagant statements: they will only sound extravagant to those who have not had direct experience with university campuses. To radicals, those of us who believed that these differences were still important became "part of the problem."

This style of absolute thinking, which characterized so many different things as all being in the service of "imperialism," "racism," and "capitalism," also served to obscure the distinctive characteristics of the colleges and universities: their commitment to free inquiry, free discussion, free teaching—characteristics that were valuable whatever the disasters of American policy, foreign, military, or domestic, might be. But these virtues were not obscured only by the idea which insisted that the colleges and universities must be enlisted in radical social change (a belief which became surprisingly influential among many who were not themselves radical); they had already been considerably obscured by developments within the universities and in the relationships among universities and government and other outside authorities. Thus, a good part of the support that was needed for the enormous expansion of the universities and colleges was granted on the basis of the argument that these institutions provided trained employees for business and government, did valued research for them, and added to the gross national product. I have always doubted that this argument can really be substantiated. When economists assert that a certain investment in higher education will do more for the economic development of a poor country than a steel mill or a dam, they may have a point, but a point that is commonly exaggerated to a grotesque degree. As David Riesman has often said, we veil our idealistic and altruistic and playful impulses in pragmatic and self-interested guise, and by "we," I mean all kinds of people in all countries. Higher education has always had a role as simply a consumption good; this must have been more obvious when it was reserved for the upper and upper-middle classes, and there were clear distinctions between those who were trained to practice some useful profession (doctors, engineers, lawyers), and those who were being "finished" to take up a life in a particular social milieu. Colleges and universities also have a role in providing a "liberal" education, whose economic or practical value is undeterminable. And they have a role, of equally uncertain value economically, in maintaining and extending knowledge of the arts and sciences: it was in this connection that the idea of academic freedom developed, and that universities became to some extent centers of social criticism.

As the growth of universities was increasingly justified in terms of service and contribution to economic growth, the simple fact that they exist also to provide liberal education and to protect knowledge, speculation, and criticism, tended to get overlooked. Argument rarely took account of these functions of the university, even though in reality they grew along with the professional schools and the more practical parts of the physical and social sciences. When the situation called for radical social criticism, the universities and colleges, despite their development in the direction of service, direct professional qualification, and research for clients, had great reserves of it in store—more than any other part of society could provide.

For this and other reasons, then, many of us continued to regard the university as precious. To the degree that radicalism in the latter part of the 60's wished to destroy the university or even refused to acknowledge its right to distance itself from the world, to remain free to be foolish or irrelevant or outrageous no matter how great the horrors of the world outside, to that degree were we further estranged from the radicalism with which we had begun.

III

There was, finally, one other large consideration which entered into my transformation from mild radical to mild conservative, and this was the conviction which grew upon me as the decade progressed that we are entering a world in which various forms of new social control will become necessary. They will become necessary not because some men want to control others, or because organizations want to shape men to their will, or because social institutions inevitably turn men into their servants (though all these things are true), but because human demands, demands that most of us consider good and proper, and that the radicals among us support most enthusiastically, cannot be satisfied without highly developed organizations and some limits on human freedom.

This is a position that is easy to misunderstand, and radicals—and not they alone—regularly misunderstand it. The democratic and egalitarian revolution means that people do not accept traditional limits on their standards of living, on their desire for material goods, on their demand for political participation and for control of their own lives. Most of us generally see all this as leading ultimately to a better society, a society in which every person receives varied and nutritious food, good housing, adequate clothing, proper medical care, access to higher education, opportunities for travel and for wider experience and for playing more active political and social roles. If we are to be truly equal, such goods and services cannot be denied to anyone; if we are democratic, people will insist on a higher and higher level of governmental responsibility to provide these goods and services; if our systems of communication are such that everyone is aware of the level of goods and services that prevail in some places, and the deficiencies that still obtain in others, then a democratic people, in an egalitarian society, will know what to demand.

To meet such demands inevitably means greater social control. It means heavy taxation, to pay the cost; it means setting limits on the building of houses and on the growth of towns to maintain some measure of amenity as population and production expand; it means stricter regulation not only of industry in its disposal of waste but of ordinary people who may wish to burn refuse or discard litter ("Alice's Restaurant" deals with larger issues than Arlo Guthrie perhaps knows, and the heroes may well turn out to be the officer and the judge). In the end it may mean the control of such intimate human functions as the right to bring children into the world. The expansion of human freedom in some directions, one can demonstrate, must ultimately mean the limitation of human freedom in others. Young people, wishing to divest themselves of a corrupt civilization, take to what they conceive to be the wilderness, to live with freedom and without restraint. But if they litter the wilderness, pollute the streams, and abandon cars in the forest, their freedom to seek what they consider the good life will have to be restrained so that some aspect of the good life can be retained for others. Some day we may get tickets to visit Yosemite—one visit to a lifetime, and perhaps they will be sold and bought on the stock market—just as licenses to bear and raise one's quota of children may be bought and sold on the stock market. How else can one reconcile the expansion of human desires and the insistence on equality with the growth of population?

This incapicity of the earth, as nature and God left it to us, to support the rising human demands that are now encouraged by every social force, justified by every major philosophy and ideology, accepted as legitimate by every major government, will inevitably mean that a society of freedom, plenty, equality, and loose or no organization cannot come into being, whatever the passionate convictions of young radicals.

Obviously, within the large general perspective I have presented, there are many alternatives, from Sweden on down. But neither to our young radicals nor to theirs does Sweden seem to be the way of the future. Yet even Sweden is better off today than it will be, as immigration brings more people into the country, and as it seeks to share its wealth with poorer countries like North Vietnam. And even Sweden today demands, and must demand, stronger controls than the United States does, in order to maintain its advanced social and physical environment. It takes more in taxes, limits the freedom of its citizens to build houses, more systematically regulates their educational and occupational choices, records all the facts about them in a national computerized system.

Some of us have called the student rebels "Luddites"—machine smashers—and have been answered: the Luddites of the early Industrial Revolution smashed machines that were good for life; the students smash the machines that bring death. This simple retort will not carry us very far. Even in the United States, engaged in an awful war, less than 10 per cent of the gross national product goes to the military, and a good part of that provides education, medical care, housing, food, and clothing for some millions of people.

The radicals answer that much of the remaining 90 per cent is also life-denying, going to such unnecessary or harmful products as cars, roads, and television sets. But the vast majority of the population sees in these things the essence of the good life. Human wants can be met in many ways, but they cannot be met by dismantling the machinery,

physical and institutional, of modern society. Only a drastic reduction in standards of living—and radicals are the first to insist that standards are already too low for large numbers of our people—or a drastic reduction in the total number of people is compatible with the degree of freedom from organization, control, discipline, and responsibility for the support of others that seems to be the special demand of contemporary radicals.

The young radical guerrillas now engaged in the sabotage of social organization take it for granted that they will be provided with complex means of transportation and communication, and with food, clothing, shelter, and medical care. The easy availability of these things is based on a system they deride and which in their confusion they want to bring down, not realizing that they themselves and all those they wish to help would thereby be reduced to misery. The arduous and necessary discipline of Cuba and China does not deter them from taking those countries as models, or perhaps really only as symbols, since they know almost nothing about them. The mild discipline of free countries, which makes it possible for large numbers to withdraw into nonproductive styles of life, they experience as more chafing.

This argument is often mistaken as simply a moral argument: "Since the radical youth benefit from modern capitalist society, they have no right to attack it, just as Marx and Engels, since they benefited from capitalism and led a life based (in their theory) on the exploitation of others, placed themselves in an insupportable moral position."

Perhaps there is some justice in the moral argument; I am not sure. But in any case I am not making a moral argument, I am making a logical one, based on empirical reality. What I am asserting is that to dismantle the structures of modern society will mean a radical reduction in the general standard of living. Rather than weakening these structures, we must alas strengthen them. In other words, we cannot insist on giving more people the opportunity to maintain a high standard of living and simultaneously demand that they be given a greater freedom and from control, from work, from family discipline. More and better food will mean more people working on food production and distribtuion. Better housing will mean more people working on the production and maintenance of housing. Better medical care will mean more people working in health services. Access to better communication and transportation will mean more people working on these systems. The belief that the introduction of new machinery and technology makes possible the release from labor was an illusion in Marx's day, and is an illusion in ours. The rising level of human demand and human expectations steadily outstrips the productivity of machines, and by now the ecological damage caused by many kinds of machines means that we must find ways of containing the rise of these demands and expectations. Rich countries have severer shortages of labor than poor countries, and countries like Sweden, West Germany, and Japan which spend little on arms or on other life-denying products have the worst shortages.

It is only in literary utopias that there is less work to do. In real societies which attempt to improve themselves, whether by reform or revolution, whether it be England or Sweden or Yugoslavia or Cuba or China, there is a continual demand for more work, and more and more people are drawn into the work force. First the rural population is driven from its life of following the seasons, with its periods of leisure; then the women are recruited into the work force; finally foreign labor is imported from those countries in which progress is not yet so far advanced. Nor can we simply place quotation marks around the word "progress": what we are talking about is the kind of change, after all, that revolutionaries, as well as reformers and conservatives, encourage and promise to the people of the world.

It was considerations such as these which led me to believe that the radical thinking of the late 1960's was almost completely misguided, based on an amazing ignorance of the lineaments of modern society and an almost equally amazing arrogance. One saw formulations by Marxist activists and scholars of the 1890's or 1930's served up again as an adequate explanation of contemporary America or the capitalist world in general, and one could only sputter in response. The second time around, the views of Rosa Luxemburg or of Lenin not only seemed irrelevant, but had been cheapened and vulgarized. Nevertheless, the passions which leaned upon their theories for support were as fierce as ever. Capitalism, imperialism, and colonialism had all undergone immense changes, but hatred of the free world (and I insist on using that designation without quotation marks as well, for despite the combination of ignorance and intimidation which has forced its abandonment in recent years, it still points to the largest *single* distinction between the Communist and the non-Communist countries) was as fierce in 1970 as hatred of the unreformed capitalism of forty or eighty years ago.

I will not pretend to possess any full understanding of why this hatred should be so fierce or why those who feel it most keenly should now come predominantly from the upper-middle class. But whatever its sources, it served as an additional factor in the estrangement of people like myself from the radicalism of the late 60's. I for one, indeed, have by now come to feel that this radicalism is so beset with error and confusion that our main task, if we are ever to mount a successful assault on our problems, must be to argue with it and to strip it ultimately of the pretension that it understands the causes of our ills and how to set them right.

WEAPONS FOR PEACE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. RARICK. Mr. Speaker, Americans far from the battlefront, where the killing of American men is but a routine newspaper weekly statistic, are now becoming indignant over the casualties among our police officers right here in our own country.

Americans pay little attention to the reports of learned experts on armaments who have time after time told us that our enemies are ahead of us in sophisticated weapons. But in recent days, the citizenry have become frightened and incensed upon seeing a California police officer testifying to Congress that our peace officers are outgunned by the revolutionaries right here in the United States.

Wars are about law and order whether they be in a far-off country opposing Communist aggression or in our own backyard opposing violent overthrow of our institutions.

The soldier and the police officer have one common goal and that is the security of our people and our country.

The Bolsheviks and their Communist friends constantly talk peace, peace, peace, while they arm, arm, arm. Here at home, where our former civil rights specialists also constitute the peace movement, we must ask why they arm themselves with automatic weapons, mortars, and hand grenades? Are we to believe that these are weapons for peace? Are we to believe that like their ideological comrades, they have no plans for using them? To our enemies, war is peace. Our police officers are our front line of defense here at home; therefore, to our enemies, they are our soldiers.

Mr. Speaker, I include a thought-provoking analysis of the soldier and policeman by General A. Walker:

SOLDIER-POLICEMAN

I have never thought that a soldier could return victorious to a people who did not know what victory meant.

I have never thought that a society without values could fight a war for values.

I have never thought that a soldier could win on the battlefield what the public did not consider of value.

I have never thought that life and death belonged on the counter of a bargain basement—(soldier or police).

I have never thought that a soldier's life could have more value than society gave to his mission and purpose.

I have never thought that a soldier and an army could be fighting for security while the society was fighting for peace.

I have never found a soldier or a policeman that was fighting for peace—(only security).

I have always thought that the soldier and the policeman had the same mission and purpose to stop crime—unlawful disorder, within and without.

I have never thought that a soldier could win on a foreign battlefield what a policeman lost at home.

I have never thought that peace was any more the opposite of war than it was the replacement for security.

I have never thought that a partisan war could be fought for bi-partisan purposes.

I have never thought that a battlefield could could be interpreted as a defense of politics and politicians.

I have never thought that an army could be commanded by the U.S. Senate—(Mansfield-Fulbright).

I have always thought that a soldier and his purpose in Vietnam, in every way and on every issue, were more important than a revolutionist and his purpose in Washington, D.C.

I have never thought a man could be drafted to serve the cause of revolution.

I have always thought that "revolution" was an extremely dangerous word (reference Webster's definition) that is no substitute for "reformation".

I have never thought that "peace as a pursuit" was any less eroded and fouled than were those that chase it.

I have never thought that revolution could be extended to war—only to greater and more revolution.

I have never thought that a war could be fought for equality since war is the most effective use of inequality.

I have always believed that when everyone was equal there would be nothing to fight for; and no uniform, soldier or police, would have any mission or purpose.

I have never thought that everyone would become equal through the actions of a soldier or a policeman, nor would they become equal without their actions.

I have always thought that the proper and indeed the highest form of non-discrimination and integration was the equal concern and consideration for all Prisoners of War held by our enemies regardless of race or homeland.

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT—III

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. RYAN. Mr. Speaker, I am including in the RECORD part III of the report of the ad hoc congressional hearings on "Discrimination in Federal Employment and Federal Contractor Employment." This part of the report concerns the Federal contract compliance program; the previous parts dealing with the Federal civil service, appeared in the CONGRESSIONAL RECORD of September 15 at pages 31900–31903 and of September 18 at pages 32659–32669.

The hearings of which this report is the product were held under the sponsorship of the ad hoc congressional committee, composed of Mr. CONYERS, Mr. DIGGS, Mr. Dow, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself.

Part III, entitled "The Federal Contract Compliance Program," is composed of four sections—the introduction, the summary of testimony on the Federal contract compliance program, the recommendations of the Ad Hoc Congressional Committee concerning the Federal contract compliance program, and the testimony.

The witnesses who testified on the contract compliance program were: Martin E. Sloane, Peter Gross, Girard Clark, Jack Moscowitz, Ward McCreedy, Louis Zawatsky, Paul L. Everett, and Herbert Hill.

Also included in the conclusion to the entire report of the ad hoc congressional committee. I should like to quote its last paragraph, as I believe it sets a mandate for action which cannot be denied:

> The testimony of the witnesses who appeared before the Ad Hoc Congressional Committee leaves no doubt: equal employment opportunity does not exist. There is no doubt, also, that it must exist.

On behalf of Congressman CONYERS, Congressman DIGGS, former Congressman Dow, Congressman HAWKINS, Congressman HELSTOSKI, Congressman NIX, and myself, the report follows:

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT—THE FEDERAL CONTRACT COMPLIANCE PROGRAM

I. INTRODUCTION

Executive Order 11246, issued by President Johnson on September 24, 1965, prohibits discrimination on the part of all employers with federal contracts. The order also requires that federal contractors take affirmative action "to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Executive Order 11375 expands coverage to discrimination on account of sex.

Executive Order 11246 is the sixth in a series of equal employment orders for federal contractors, dating back to 1941. The first such order (Executive Order 8802) was issued by President Roosevelt on June 25, 1941. Its successor (Executive Order 9346) was issued in May, 1943. In December, 1951, President Truman issued Executive Order 10308, which established a Committee on Government Contract Compliance. In August, 1953, eight months after Executive Order 10308 had expired, President Eisenhower issued Executive Order 10479, establishing the President's Committee on Government Contracts. This Committee was chaired by the Vice President.

Executive Order 10925, issued on March 7, 1961, by President Kennedy, for the first time set out strong and very specific penalties for noncompliance. His second order (Executive Order 11114) extended equal job protection to federally aided construction projects.

President Johnson, in Executive Order 11246, retained the Kennedy policy changes, but he changed the administrative structure of the compliance program by assigning responsibility for its administration to the Secretary of Labor.

Executive Order 11246 states that "each contracting agency shall be primarily responsible for obtaining compliance." It provides that the activities of contracting agencies are to be supervised and coordinated by the Secretary of Labor, who, in January, 1966, established the Office of Federal Contract Compliance (FCC) in the Department of Labor for this purpose.

Part II of Executive Order 11246 details sanctions and penalties which can be applied by the Secretary of Labor or the contracting agency against employers who fail to comply with the Order. Section 209 of the Order allows either the Secretary of Labor or the contracting agencies to "cancel, terminate, (or) suspend . . . any contract or portion thereof." In addition, it provides procedures to debar a contractor from entering into future contracts with the federal government.

No contract has ever been cancelled or terminated as provided under Section 209. The power to debar contractors has been used only sparingly.

Affirmative action

The major thrust of the contract compliance program thoughout its history has been to advise and counsel contractors to initiate affirmative actions on an essentially voluntary basis.

Executive Order 11246 states that affirmative action "shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship." (Section 202(1)). The Order does not define what is actually required of contractors in those areas.

"Affirmative action" has never been extensively defined by formal directive of the Secretary of Labor, who is empowered to adopt rules, regulations, and orders by which the contracting agencies are to abide. An effort towards this end was made on November 20, 1969, with the issuance by the Office of Federal Contract Compliance of "Order No. 4." This order applied to all federal nonconstruction contracts of more than $50,000. It required that "special corrective action must be taken" when "the ratio of minority applicants (is) below the ratio of the minority applicant community" and "the selection process eliminates a higher percentage of minorities than non-minorities."

The November 20 version of "Order No. 4" was hastily withdrawn by the Administration following Congressional criticism and a revised "Order No. 4" was issued on February 5 which is much weaker. For example, the formal Order No. 4 states only that special corrective action "should be appropriate" when there is "an 'under-utilization' of minorities in specific work classifications."

Under Executive Order 11246, unions are reached only indirectly; the obligation to comply runs to the contractor. It is his responsibility to secure compliance from the labor unions with which he has contracts. While the Secretary of Labor is directed under the Order to notify the Equal Employment Opportunity Commission or the Department of Justice whenever he has reason to believe that the practices of a given union violate Title VII of the Civil Rights Act of 1964, the number of Title VII cases against unions growing out of violations of Executive Order 11246 has been small.

Construction industry

Construction projects involve a single locale and a relatively limited labor market, and they have a different array of subcontractors. Consequently, whereas the Office of Federal Contract Compliance coordinates the government's supply and service contractors by allocating them among the various contracting agencies so there is a single contracting agency responsible for every major firm doing business with the government, this arrangement is not appropriate for the construction industry. Thus, each Federal agency is responsible for compliance on all of its own construction contracts and on grants-in-aid which it makes for construction projects by state and local governments.

The most well-known area construction program implemented by the Office of Federal Contract Compliance thus far is the so-called Philadelphia Plan, put into effect in September, 1969. Under it, all building contractors in the Philadelphia area are required by the Invitation for Bid to submit goals and timetables for the employment of minorities in specified crafts. Failure to include these goals in the bid makes the bidder a nonresponsible bidder, and therefore ineligible for an award.

While the Philadelphia Plan is meritorious, it really only skims the surface of the unequal employment opportunity problem, and will only affect comparatively few workers.

Moreover, the real problem lies in the failure of referral unions, the source of workers for construction contractors, to admit minority group members. The Philadelphia Plan very indirectly approaches this problem, putting pressure on the user of the labor, rather that the supplier of it.

The contracting agency

Prior to the issuance of Executive Order 11246, the only agencies which devoted full-time staff to the enforcement of the Presidential order on equal employment were the Department of Defense and the General Services Administration. When the Order took effect in October, 1965, the Department of Defense had approximately seventy-five full-time personnel assigned to contract compliance. The new Order and nearly concurrent effective date of Title VII of the Civil Rights Act of 1964 resulted in the establishment of contract compliance programs with permament staffs in many other agencies.

Under the present Administration the number of contracting agencies responsible for contract compliance was reduced from 26 to 13. Eliminated were smaller agencies whose contact compliance programs yielded little per dollar of input. Another recent change has been to revise the system of compliance agency assignments. The former system, in which assignment of responsibility was based on dollar volume of contracts, has been replaced by assignment by industrial categories, with the aim of permitting greater industrial specialization by each compliance agency.

Typical steps in a compliance review

(This material is taken from *Jobs & Civil Rights*, pp. 130–33, by Richard P. Nathan, prepared for the United States Commission on Civil Rights by the Brookings Institution, and published in April, 1969 as Clearinghouse Publications No. 16.)

The first step for the specialist in conducting a compliance review is ordinarily a community survey. If the review is in the city in which the specialist is based, this step is

not necessary. Community surveys involve interviews on local labor market conditions with persons such as Urban League employment specialists, representatives of the local chapter of the NAACP, officials of the state employment service, local religious or community service leaders familiar with minority group job prospects, and in the West and Southwest spokesmen for organizations representing Mexican Americans. Assuming that the review is not of a large facility where a team approach is required, the reviewer ordinarily spends four to five days in the contractor's locale, with the first day or half-day devoted to the community survey.

The initial visit to the job site is usually devoted to general discussions with the plant manager or the industrial relations director on the contractor's equal employment opportunity posture and recent affirmative action efforts. The specialist generally will have familiarized himself beforehand with the employer's latest employment data. Following the initial discussions, most specialists tour the contractor facility with a representative of the contractor.

Preliminaries out of the way, subsequent discussions with the contractor deal in specific terms with major problem areas and affirmative actions which could be taken to place and upgrade larger numbers of minority group workers. The contractor and the specialist then draw up an agreement on new or accelerated affirmative action steps. This agreement is usually put in the form of a letter to the contractor from the contracting agency.

Special conditions, such as job discrimination complaints filed with the OFCC, require variations in these procedures. The standard procedure on complaints is to incorporate their handling into a general compliance review. This can produce awkward situations, especially where specialists have developed close working relations with major contracting firms. Confronting the employer with a specific wrongful act is likely to be more uncomfortable for the specialist than a general discussion of equal job problems and prospects. Under these conditions, the specialist may press the complainant's case in a way that antagonizes the employer thus undermining chances for a favorable affirmative action agreement. Another danger is that the specialist may, because of his close relationship with the contractor, fail to give full and adequate treatment to the position of the complainant.

Role and authority of the contract compliance specialist

The research for this project offered an opportunity to study the work in the field of contract compliance specialists and hence the strategy of the compliance program as it actually operates. Is the specialist an umpire in a new ball game with the power to call a man out? Or, is his job that of a salesman to sell equal opportunity to the contractor and then advise him on how his produce should be used?

Interviews were conducted with contract compliance specialists from seven federal agencies in six cities. Although there are always exceptional circumstances, the majority of the respondents were found to interpret their basic role as counselors or advisors to assist the contractor in putting himself in compliance with the executive order. The reason for the discrepancy between the OFCC's stated policy to enforce the equal job requirements like any other contract clause and the attitudes and actions of contract compliance specialists are not easily established. In some cases, it may be that word has not yet filtered down from the OFCC to individual specialists. But this is probably not true in many instances. Most specialists interviewed are aware of what the OFCC says it wants them to do. Their reasoning in maintaining a basically advisory relationship with contractors often involves very pragmatic considerations. They see the counselor-advisor relationship under the present circumstances as the best way to achieve "results," the oft-repeated test of compliance program effectiveness. Unless the contract compliance program is supported by a commitment from the top to use political muscle, according to this view, compliance specialists will be unable to force contractors to move beyond what they are willing to do voluntarily in response to suggestions and fairly gentle prodding.

Put another way, the approach of many contract compliance specialists is a function of their assessment of how their efforts can be made effective with employers. Perhaps this view is mistaken; specialists may fail to press for sanctions because they believe they will not be supported in doing so. However, in several cases specialists interviewed indicated on a confidential basis that they had been rebuffed in efforts to have their agency penalize contractors whom they found uncooperative. Whatever the reasons, the conclusion which emerged from the field research interviews is that announced decisions of the OFCC to crackdown on violators has not yet been successfully transmitted into the field.

II. SUMMARY OF TESTIMONY OF THE FEDERAL CONTRACT COMPLIANCE PROGRAM

1. Contract cancellation

The testimony before the Ad Hoc Congressional Committee established that the most serious administrative deficiency of the federal contract compliance program is the total failure of the federal government to use its most powerful weapon—namely, the power to cancel or withhold lucrative government contracts.

In every one of its contracts the government has the power to require its contractors to provide not only equal employment opportunity, but substantial evidence of greater utilization of minority group members, as well. Yet despite the existence of this power, the federal government has not once cancelled a contract because of a contractor's disriminatory employment record.

Several witnesses made the point that the cancellation of even one contract would have more impact on the credibility and force of the contract compliance program than any other single action.

2. Lack of commitment by those in authority

The failure of federal agency staff—particularly at the high policymaking levels—to support agency compliance staff on equal employment opportunity policy questions was the key factor in terms of policy which was brought out in the hearings. In the case of one of the witnesses, Girard Clark, vigorous enforcement on his part of the contract compliance program at the Defense Department lead to a debilitating reorganization of that program.

3. Insufficient initiative by Office of Federal Contract Compliance

The witnesses pointed out that the Office of Federal Contract Compliance has never effectively directed and supervised the contract compliance program. For example, it was not until the end of 1969 that it attempted to formally define "affirmative action"—a step which, if taken sooner, would have given the contracting agencies guidance as to their own actions.

This is not to say that the blame rests entirely with the Office of Federal Contract Compliance. Its role is a reflection of the executive branch's commitment to the contract compliance program; given insufficient commitment, the role ofthe Office must necessarily be diminished.

4. Inadequate staffing of Contract Compliance Offices

The testimony revealed that there are far too few personnel assigned to the contract compliance function. At the time of the hearings, only 12 full time professional staff were employed by the Office of Federal Contract Compliance, which has responsibility for monitoring the entire contract compliance program of the government. Individual agencies were also badly in need of additional staff. The Social Security Administration, which contracts with 164 Medicare and Medicaid intermediaries, employed only 15 full time professionals to review their employment practices and affirmative action programs.

As the testimony presented by the representative of the U.S. Commission on Civil Rights, Mr. Sloane, demonstrated, the Department of Defense was so undermanned that it was able to visit only a minority of its contractors in the Southeast Region.

The insufficiency of staff means that compliance reviews by federal agencies must for the most part be limited to infrequent conferences between compliance staff and contractors. In addition, the use of pre-award reviews and follow-up inspections, though repeatedly cited in the hearings as the best method for ensuring compliance, can seldom be utilized because of inadequate staffing.

5. Insufficient enforcement power

During the course of the hearings, the then Acting Director of the Office of Federal Contract Compliance, Ward McCreedy, acknowledged that several changes in equal employment opportunity requirements for contractors which he had suggested to the Department of Defense were simply ignored. Similarly, the Equal Employment Opportunity Commission, while it has demonstrated a commitment to uncovering and exposing employment practices in the private sector in violation of the Executive Orders and of statutes forbidding discrimination, lacks the power to force changes in the practices of those companies which it investigates. Instead, it must refer its findings to the Justice Department.

6. Conflicting roles of compliance officers

A contract compliance officer is often an individual with civil service standing who was selected from the staff of the agency for his compliance role. Very often, his career ambitions are—quite legitimately from a personal standpoint—concentrated on the agency in which he works. At the same time, however, his responsibilities with respect to enforcement of the contract compliance program may require him to challenge the policies of that very agency when it is laggard in implementation of the contract compliance program. Such a situation very obviously places undue and unjustifiable pressures on contract compliance personnel, and it thereby weakens the program.

III. RECOMMENDATIONS OF THE AD HOC CONGRESSIONAL COMMITTEE CONCERNING THE FEDERAL CONTRACTOR COMPLIANCE PROGRAM

1. The Office of Postal Contract Compliance should be transferred to a new agency, or to the Equal Employment Opportunity Commission

The present location of the Office of Federal Contract Compliance—the Department of Labor—places it in an agency having numerous other program missions unrelated to equal employment opportunity. While reorganization merely for the sake of reorganization would be pointless, there are very real beneficial ends which would be served by the Office of Federal Contract Compliance's transfer either to a new agency or, if not that, to the Equal Employment Opportunity Commission.

As Howard Glickstein, Staff Director Designate, U.S. Commission on Civil Rights, stated in testifying on September 10, 1969, before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare with regard to S. 2453, which proposed such transfer:

"The transfer (to EEOC) would promote the centralized enforcement of all Federal employment nondiscrimination programs under one agency, thereby eliminating much of the duplication of effort and confusion which has arisen from the bifurcation of these two major government problems.

"While consolidation would help correct administrative problems of overlap and lack of coordination in the field, an equally significant contribution should be to promote clarity and uniformity in the Federal law of employment nondiscrimination by having the rules for defining discrimination and shaping remedy developing under the aegis of a single agency." (page 168).

Of course, congruent with such a transfer of the Office of Federal Contract Compliance should be the lodging of strong enforcement authority in the agency to which the Office is transferred.

2. The contract compliance functions which presently reside in contracting agencies should be transferred to a new agency or to the Equal Employment Opportunity Commission

The inherent conflict of roles that now exists—employees of the contracting agency monitoring the agency's equal employment performance as to its contracts—weakens the contract compliance program. There is also an inherent mission conflict which weakens the program: on the one hand, the contracting agency's procurement division is to bargain for the best contract; on the other, the compliance officer's function is to assure that the contract meets the requirements of the equal employment opportunity program. These two functions may well diverge as regards a given contract. Consequently, either a new agency should be established to handle contract compliance (as well as the Civil Service's equal employment opportunity program) or the contracting agencies' compliance functions should be transferred to the Equal Employment Opportunity Commission.

3. The Government's power of contract cancellation must be employed

Despite repeated instances of discrimination by government contractors, the government's power of contract cancellation—the most powerful and potentially most effective weapon in its arsenal—has never been utilized.

Delay, procrastination, ambivalence, and endless negotiation can no longer be tolerated. Once the power of contract cancellation is exercised—for justified cause—those businesses which contract with the government will far more readily, and with far more alacrity, meet the equal employment opportunity requirements of their contracts. They will know that the weapon of contract cancellation is not just a meaningless threat.

4. Contract compliance staff must be greatly increased

Whether or not contract compliance functions—both those residing in the Office of Federal Contract Compliance and those residing in the contracting agencies—are transferred to another agency, staffing must be greatly increased.

If the potentially potent procedural measures available—such as preaward reviews and post-award inspections—are in fact to be effectively utilized, there must be sufficient personnel to implement them.

5. Adverse findings by the Equal Employment Opportunity Commission or the U.S. Commission on Civil Rights should constitute grounds for contract debarment

The findings of the Equal Employment Opportunity Commission or of the U.S. Commission on Civil Rights that a concern engages in discriminatory hiring or employment practices should be grounds for debarment of that concern as a government contractor.

6. Unions should be brought within the ambit of Executive Order 11246

Executive Order 11246 should be amended so that labor unions are covered directly—particularly those unions whose referral halls are the source of employees for construction contractors.

IV. TESTIMONY OF MR. MARTIN E. SLOANE AND MR. PETER GROSS

Mr. Sloane is Special Assistant to the Staff Director, U.S. Commission on Civil Rights.

Mr. Gross is Assistant General Counsel in the Office of General Counsel, U.S. Commission on Civil Rights.

The U.S. Commission on Civil Rights is not an enforcement agency; its mission is to find facts relating to denials of equal protection of the laws. In this regard, the Commission has developed a large body of knowledge about the enforcement of Federal nondiscrimination requirements in employment. Mr. Sloane presented testimony based on this information.

Mr. Sloane suggested that the main reason for the failure of the contract compliance program to live up to its potential is that, because the power of contract cancellation has never been used, contractors have not had to take seriously the threat of sanctions for noncompliance.

Mr. Sloane also pointed to the reliance of the agencies on voluntarism, and not enforcement, as the means for assuring equal employment opportunity as cause for the failure of the equal employment opportunity program.

As an example of failure to adequately and promptly enforce compliance, Mr. Sloane recounted the conduct of the Department of Labor's Office of Federal Contract Compliance—OFCC—concerning construction of the San Francisco Bay Area Rapid Transit system. He also reported on the Commission's hearings in Montgomery, Ala., in April and May of 1968, fully detailed in "Cycle to Nowhere," by Paul Good, U.S. Commission on Civil Rights, Clearinghouse Publication No. 14, which examined problems affecting the economic security of Negroes in a predominantly 16-county area of Alabama. As Mr. Sloane stated:

We found that government contractors in the area had done very little to improve the situation for the area's Negroes, and that many had contributed significantly to patterns of segregation and oppression.

In discussing the reasons for the failure of Federal contract compliance, Mr. Sloane pointed to the inadequate number of staff, both in OFCC and in the contract compliance offices of the various agencies. This insufficient number of personnel has meant an inability to conduct initial compliance inspections, as well as follow-up visits.

Mr. Sloane further identified as causes for the failure of the compliance program lack of systematic collection of the data necessary to determine compliance, inadequacies in pre-award reviews, and lack of positive leadership by OFCC. Above all, he singled out the timidity of the Federal Government in pursuing an aggressive compliance approach.

In the colloquy which ensured between Congressman RYAN and Mr. Sloane, the latter called for termination of contracts and firing of some Federal employees to demonstrate that the Government demands compliance, and that it expects Government employees to pursue an aggressive compliance program. He also recommended increased staffing for OFCC, as well as transfer of compliance functions to an agency which does not also have contracting functions, and is thereby seeking to, in effect, serve two masters.

The testimony follows:

TESTIMONY

Mr. SLOANE. I am Special Assistant to the Staff Director of the U.S. Commission on Civil Rights. . . . I appreciate the opportunity to present testimony . . . (concerning) problems of employment discrimination.

As you may know, the Commission on Civil Rights performs a unique function among the several Federal agencies . . . charged with civil rights responsibilities. The Commission is not an enforcement agency, and we are not empowered to redress individual denials of civil rights. Rather, our principal function from the time of the Commission's establishment in 1957 has been to find facts relating to denials of equal protection of the laws and to report these facts to the President, to the Congress, and to the Nation. Among our statutory duties is to appraise Federal policies relating to equal protection of the laws, and in carrying out this responsibility one of our primary concerns has been to evaluate the enforcement of Federal nondiscrimination requirements in employment. Through hearings and investigations, we have developed a good deal of knowledge about how these requirements are working.

I would like to address myself this morning to what we have learned about the enforcement of Federal contract compliance requirements as they affect government contractors (and federally assisted construction contractors).

It should be understood that these requirements are by no means of recent vintage. (Since 1941) . . . Federal agencies have been required by Presidential Executive Order to include in their contracts a provision assuring nondiscrimination in employment by government contractors. Thus, these requirements have represented consistent and continuing Federal policy for a quarter of century. The potential impact of these requirements as a force for equal employment opportunity has been, and is now, enormous. It has been estimated that nearly one-third of the Nation's labor force is employed by government contractors. A large proportion of the biggest industrial employers are government contractors. We believe it is a misfortune of the first magnitude that the contract compliance program has failed to fulfill its potential.

Perhaps the main reason for this failure is that contractors have not had to take seriously the threat of sanctions for noncompliance. Although in isolated instances government contracts have been delayed for noncompliance, no contract has ever been terminated. Thus, a major weapon necessary to establish the credibility of the Federal Government among government contractors never has been used.

Further, until May of this year, no proceedings had been instituted to debar contractors from future contracts. In May, the Office of Federal Contract Compliance (OFCC) commenced proceedings to debar five contractors from further government contracts, bringing into play for the first time the government's principal sanction for noncompliance. This, we think, is encouraging in that it symbolizes a movement on the

part of OFCC towards effective enforcement of the Executive Order.

This current, more forceful position of OFCC, however, is due, we think, at least in substantial part to the fact that court decisions have this year, for the first time, effectively enforced the requirements of the Executive Order and of Title VII of the Civil Rights Act of 1964. Here, as in other areas of civil rights, the judiciary has had to lead the way. A Senior Compliance Officer of OFCC frankly admitted in testimony at the Commission's hearing last May in Montgomery, Alabama that by comparison with the Department of Justice, and the courts, OFCC has been, in his words, "somewhat . . . timid" in construing and applying the Executive Order.

But even this advance by OFCC has not been accompanied by a similar movement on the part of the Federal contracting agencies themselves. And . . . though OFCC is responsible for setting policy and for overall supervision of enforcement, Executive Order 11246 places "primary responsibility" for contract compliance enforcement on the agencies . . . The orientation of the agencies still seems to be rooted in "voluntarism," and not enforcement, as the means for assuring equal employment opportunity.

"Voluntarism," (which) has characterized most of the life of contract compliance . . . means seeking to achieve compliance through persuasion and voluntary cooperation by employers. This approach is useful in its place, but if any one fact emerges clearly from the history of Federal contract compliance, and indeed . . . civil rights generally, it is that unless constructed upon a backbone of strict enforcement, voluntarism easily becomes an excuse for inaction.

I would like to describe to you some examples of the inadequacies of the contract compliance program which the Commission has uncovered in hearings held within the past year or so. Then I would like to suggest what we believe are some of the major defects in the program as conducted by both OFCC and the contracting agencies, which . . . have contributed to its inadequacies.

In May, 1967, the Commission conducted a hearing in the Bay Area of San Francisco, California, inquiring into a broad range of issues affecting . . . (minorities) there.

Employment discrimination was one of the main subjects of inquiry. We took a particularly hard look at one large federally-funded construction project, construction of the Bay Area Rapid Transit system. In this construction, the Commission was told, the Bay Area Rapid Transit Authority anticipated grants of up to $80 million in Federal funds and employment of about 8,000 people at peak construction times. As of May 1967, we found no Negroes among the electricians, ironworkers, or plumbers engaged on this construction.

The General Manager of the Transit Authority, B. R. Stokes, was asked in the course of his testimony before the Commission what he felt the contractors on the project could do to increase minority representation in job categories where the unions had few or no Negro members. Mr. Stokes replied:

"We can implore, we can plead, we can call to the attention, we can do all of these things. We can make these things stipulations in our contracts. Beyond this there is not much we can do, sir."

Mr. Stokes subsequently added:

"Our prime responsibility to the public wihch has voted this bond authority [for construction of the rapid transit system] is to deliver the system as near like we promised it and as nearly on time as we possibly can . . . There was not in that bond issue . . . a social cost factor."

We also heard testimony from the Federal official responsible for coordinating all construction contract compliance in the San Francisco area. Ample evidence had appeared in the hearings that construction contract compliance was yielding remarkably little increase in the employment of minority workers in the Bay Area. Commissioner Erwin Griswold . . . then asked . . . (him):

"Have the efforts of your office brought about the employment of one minority plumber in the San Francisco Bay area?"

. . . (He replied:)

Not to my knowledge.

Following this hearing, in September 1967, the Commission addressed to the Office of Federal Contract Compliance a memorandum containing a number of questions and recommendations regarding Federal contract compliance in the construction industry in the San Francisco area. Nine months later we received a reply which candidly summarized the ineffectiveness of the construction contract compliance program in the San Francisco Bay area. OFCC's memorandum states:

"[The program] has resulted in no known increase in membership in the mechanical trades. It was a casual factor in the development of a Department of Labor-funded training program for Operating Engineers, but it is not now clear that more than 50 Negro youths will enter this local, which has about 30,000 members and only 25 Negro members."

Further, in our September communication to OFCC we had criticized as totally inadequate an affirmative action program which was submitted by a large contractor on the Bay Area Rapid Transit project and accepted by the responsible government agency, . . . the Department of Housing and Urban Development. In its affirmative action plan, the contractor had pledged itself merely to remind the unions of their equal opportunity obligations. In answer to this point, OFCC observed that "this inadequate affirmative action program indicate[s] the limited resources and understanding of the Federal agencies charged under the Executive Order with the primary responsibility to assure contractor compliance." We agree with this conclusion, as far as it goes. Unfortunately, . . . it (does not go) far enough. It does not suggest that OFCC, itself, might have exercised its own authority to require rejection or improvement of the plan.

It should be noted that in several other metropolitan areas, most notably in Cleveland and Philadelphia, Federal construction contract compliance has been operated on a much more meaningful basis, requiring specific results in terms of minority employment. The Commission has not yet fully appraised the operation of these programs. But it appears that this approach is being applied in only a few metropolitan areas. Further, there is little to suggest that this program will be expanded. OFCC, in its response to . . . (us) of last June, said of the Cleveland program:

"There are serious questions being raised as to whether this program exceeds the authority of the Executive Order in the specificity of its requirements."

We believe it is a matter of the utmost importance how these serious questions will be resolved.

In April and May of this year, the Commission held a five-day hearing in Montgomery, Alabama in which we examined problems affecting the economic security of Negroes in a predominantly rural 16-county area of Alabama. Negroes in this area—the population of which is 62 percent Negro—have been displaced from their former principal role as sharecroppers or tenant farmers raising row crops such as cotton and corn. We saw that though the poverty which pervades the area as a whole is shocking, the disparity between whites and Negroes is equally shocking. In 1960, for example, income per unit member of white families in the area was five times that for nonwhite families. We found that Negroes had been largely excluded from the new industrial jobs created in the area; in 1967 reports to the Equal Employment Opportunity Commission from the area, Negroes accounted for only 22 percent of industrial jobs. . . .

We found that government contractors in the area had done very little to improve the situation for the area's Negroes, and that many had contributed significantly to patterns of segregation and oppression*

One large government contractor, with several facilities in the hearing area, is American Can Company. At its pulp and paper mill in Choctaw County, American Can had contracts with the General Services Administration in the first three quarters of fiscal year 1968 for more than $1.7 million. We found that of 1,550 persons employed at this mill, only 108, or 7 percent, were Negro, and that only . . . "several" of these employees occupied skilled positions. This mill draws its employees . . . from an area whose population is about 57 percent Negro.

On July 15, American Can Company submitted to the General Services Administration a purported plan for equal employment opportunity at this Mill. On September 6, OFCC rejected the plan, citing its failure to provide for evaluation of opportunities for utilization of minority personnel, and its failure to provide a remedy for employees who were previously discriminated against. On September 13, GSA informed OFCC that, nonetheless, it was accepting the plan as (being in) adequate compliance with the Executive Order. At last word, OFCC had not responded to GSA's letter.

Since 1960, American Can Company also has owned a company town in the hearing area, at Bellamy, Alabama. This town provided rental housing for employees of the company's nearby saw mill. We found this town to be totally segregated. We found that only 8 of the 123 Negro houses had running water and inside toilet facilities, while every white-occupied house had running water and inside toilets. We found that there were several segregated churches, two segregated swimming pools, and a company-owned Negro school house. A Negro worker employed at the Bellamy saw mill for the past 24 years testified that the town was "just about in the same shape" when he first came there in 1943 as it is at present.

Finally, we found that although 270 of the 340 employees at American Can's Bellamy saw mill—(doing) work which is traditional for Negroes in the South—were Negro, the highest position held by any Negro employee was Assistant Supervisor, and that was a position to which two Negro employees had been appointed just two weeks prior to our hearing.

Up to the time of our hearing, no General Services Administration contract compliance officer ever had made a compliance inspection at Bellamy.

In July and August of this year, American Can Company submitted to GSA a series of proposals for dealing with conditions in the town at Bellamy. None of these proposals were found acceptable by OFCC. On October 4, GSA accepted a modified version of the Company's first proposal. Both the original and the final versions of this proposal were based on a gift of the houses to occupants, and a gift of the church buildings and swimming pools to the respective church congregations—in short, a perpetuation of the segregation which the company had maintained. One of the changes made in the proposal, as first submitted, was that approval by OFCC was no longer to be required. It appears that OFCC never sought to review this modified plan and the plan has now been put into effect.

*Report on these hearings is "Cycle to Nowhere," issued by U.S. Commission on Civil Rights.

We wrote to OFCC on October 24, and again on November 14, requesting it to explain its position and its proposed course of action in the Bellamy matter; to date we have received no reply.

Another government contractor in the hearing area, with a plant located at York, Alabama, is McGregor Printing Corporation. This company does most of its printing work under contract with the Government Printing Office.

Testimony by company officials disclosed that local applicants for employment at McGregor first were interviewed by the mayor of York, Alabama. The company, we were told, received from the mayor an "advisory evaluation" on the applicant's potential, ability, character, "and so on." The mayor also is the owner of a clothing store in York, which has been the target of demonstrations by members of the Negro community because of its failure to hire black people. We have since been informed that the company has discontinued this interview policy. We also heard testimony that the mayor and company officials tell Negro applicants for employment that they do not approve of persons engaging in civil rights demonstrations; an employee of the company testified that he knew of no McGreogr employee who had participated in a civil rights demonstration.

Dan River Mills, another large government contractor in the hearing area, manufactures uniforms for the Armed Forces. At a Dan River Mills plant in Greenville, Alabama, we found that white employees used restroom facilities on the inside of the building, while Negro employees used facilities on the outside. We asked a witness, a Negro formerly employed at the plant, whether he had been told not to use the inside facilities and he replied:

"I was not told that I couldn't use any of the facilities. I was just pointed out the one to use."

The same witness testified that although there was a drinking fountain in the plant, he "was told that the other Negro employees always got a Coke bottle to drink out of." The plant manager of the mill testified that he was unaware of any segregation in the plant.

We found that of the approximately 200 employees at the Dan River Mills Greenville plant, only 3 were Negro—a watchman, a warehouseman, and a truck driver who doubles as a janitor. The Negro witness, formerly employed at the plant, testified that he was hired as a weaver-learner in the fall of 1966, but that he was subsequently assigned work as a sweeper, and that he quit in April, 1967, because he felt that by reason of his race he never would be promoted to weaver. A young Negro girl, a senior at the Negro high school in Greenville, told us . . .:

"Most of the Negroes know they aren't going to be hired for anything but sweeping the floor, so they just don't go out there."

Another large government contractor in the hearing area is Alabama Power Company, which grosses about $2.5 million a year under a contract with the General Services Administration. The company employs 5,394 persons; of those 472 are Negro. About three-fourths of the Negro employees are in unskilled positions. In 1966, of the company's more than 1,300 craftsmen, just 3 were Negroes; two years later, at the time of the hearing, the number of Negro craftsmen had risen by one, to four. From 1967 to 1968, we found, the proportion of the company's male employees who are Negro actually declined. We learned that the company still maintains segregated facilities at locations in Birmingham, Alabama. After field investigations of the company in early 1967, GSA contract compliance staff reported finding patterns of restricted minority group employment and suggested that administrative action against the company should be considered. Nonetheless, at the time of our hearing, in 1968, adequate corrective action had not been taken. Indeed, the company official responsible for equal employment opportunity testified at our hearing that GSA's 1967 reviews had resulted only in . . . "nominal suggestions" that were adhered to, and that he understood Alabama Power Company had been given . . . a "clean bill of health." At the present time, 17 months after the GSA investigations, and 6 months after our hearing, Alabama Power Company still has not corrected these conditions of racial exclusion, restriction, and segregation.

Another large GSA contractor in the hearing area whose officials testified that they believe their company is in compliance with federal equal employment requirements is Allied Paper Company, a pulp and paper mill located in Jackson, Alabama. The personnel manager testified that there are 47 Negroes out of a total of (about) 445 employees, and that none of the Negroes are clerical or supervisory personnel.

Following our hearing, on June 4, GSA acknowledged—in response to our inquiry—that Allied Paper's performance did not meet the requirements of the Executive Order, and stated that it would take action to bring the company into compliance. There then followed the kind of red tape and delay which too often is found in civil rights enforcement.

(Shortly thereafter) GSA learned that Allied Paper Company had become the subsidiary of a large Department of Defense contractor. Accordingly, GSA determined that enforcement should be turned over to the Defense Department, and forwarded the file to . . . (it). But . . . (DOD) compliance officials in turn determined that GSA should continue to handle the case until the deficiencies were remedied. On September 20, the responsible DOD official wrote to OFCC requesting that it cause Allied Paper Company to be transferred back to GSA. Nine weeks later DOD officials reported that they were still awaiting a response to this letter.

From the experience the Commission has gained in its hearings and investigations, it is quite clear that federal contract compliance is not the effective force it should be in assuring equal employment opportunity. Some of the reasons for its failures are readily apparent.

One obvious reason is the gross inadequacy of staff. The OFCC, for example, with responsibility for establishing overall policy for all phases of the contract compliance operation, with responsibility for participating in the more significant contract compliance neogtiations conducted with individual contractors, and—since May of this year—with responsibility for conducting five debarment proceedings, has a staff of 12 professionals to carry out these responsibilities.

The Defense Department, at the time of the Commission's hearing in Montgomery, Alabama, had a contract compliance staff of 11 professionals with responsibility for monitoring the compliance of more than 6,000 contractors facilities in the seven states and Puerto Rico that make up its Southeast region.

The GSA contract compliance operation is much smaller than that of the Defense Department and less regionalized. To supervise equal employment opportunity in GSA contracts in the amount of $1,350,500,000, at the time of our hearing, GSA provided three professionals in Washington and 10 compliance investigators in the field. One investigator covered the entire seven State Southeast region, devoting a portion of his time to matters other than contract compliance.

This lack of staff has had obvious effects in terms of the ability of the agencies to conduct inspections to determine compliance. We learned at our hearing, for example, that in the Defense Department's Southeast region, in the two and one-quarter years from January, 1966, until the time of our hearing last May, just 437 Defense contractor facilities in the Southeast region had been visited. Considering the fact that responsibility for these visits was carried out by a mere 11 professionals, this might be considered an impressive total. It also should be understood, however, that this represented less than 8 percent of listed Defense contract facilities in the region.

It was estimated that nationwide, GSA had subjected about 10 percent of its contract facilities to compliance visits in the one and one-half years preceding our hearing. Referring to this relation between staff size and workload, an experienced GSA contract compliance official, testifying at the Commission's hearing, described GSA's system of compliance reviews as "sort of a hit and miss thing." . . . (W)e question whether GSA permits this kind of casual approach to inspections in areas other than civil rights.

But even this does not tell the whole story. Effective contract compliance enforcement requires much more than an initial compliance inspection. Defense Department contract compliance officials estimated that noncompliance is found in 85 percent of compliance visits in the Southeast region; in all such cases, the company is required to take steps to come into compliance. But this means that follow-up visits must be made to determine whether the facility is in fact coming into compliance. We learned that in the 16 months prior to our hearing, in the Defense Department's Southeast region, contract compliance officers, in 95 percent of their compliance inspections, said that a follow-up inspection was necessary; (yet) in only 10 percent of the cases was a follow-up inspection actually made. On this point, there was the following exchange at our Alabama hearing with the head of DOD contract compliance in the Southeast region.

Question: Do you think that [the] companies that you weren't able to revisit, but companies where you did find some deficiencies and wrote to them about the deficiencies, do you think that they are terribly concerned about what the consequences of not complying are?

Answer: No. Well, let me phrase it this way: I do not believe that you should ever tell a company that you are going to revisit them unless you [do] . . . they are human beings like we are.

Moreover, we learned at our hearing that under a new policy instituted in January, 1968, the Department of Defense was making follow-up inspections only at facilities located in metropolitan areas, despite the fact that more than half the large Defense Department contractor facilities (those with 100 or more employees) in the Southeast region are located outside of metropolitan areas.

Inadequacy of staff is only one reason why contract compliance enforcement has not been effective. Failure to systematically collect the data necesary to determine compliance, inadequacies in pre-award reviews, and the failure of OFCC to provide positive leadership, also have been important factors. Above all, . . . , the timidity on the part of the federal government has been perhaps the most important factor.

On inadequacy of reporting systems, the only method for reviewing the employment practices of government contractors, apart from compliance inspections, is the use of reports submitted by the contractors themselves. The present system of reporting is wholly inadequate.

Companies covered by Title VII of the 1964 Act, and companies with substantial federal contracts, are required to submit an-

nually an employment data report called the "EEO–1" form. The report gives employee statistics, by race or national origin, for each of the employer's facilities. The data in general use are outdated; federal agencies are still relying principally on data from forms submitted in 1966. Moreover, the agencies do not have reports covering all the facilities for which they are responsible. While GSA has responsibility for an estimated 5,000 contractor facilities, GSA told us that it has in its files EEO–1 forms covering only 1,600 facilities.

Of even greater significance is the fact that current racial data on applications, hiring, and promotions, which are crucial for evaluating present employment policies, are not systematically gathered. The official responsible for administering DOD contract compliance in the area comprised of Alabama, Mississippi, and portions of neighboring States, told us that less than a dozen of his 1,300 facilities were at present submitting special compliance reports detailing such current data.

Also, there is no satisfactory system for informing contract compliance officers of the facilities for which they are responsible. GSA, for example, relies chiefly on a listing which is now more than two years old; there are hundreds of companies, representing thousands of different contractor facilities, for which GSA has contract compliance . . . (responsibility but which do not appear in its contract compliance listings.) Smilarly, we learned that though the Defense Department's Southeast region has contract compliance responsibility for thousands of subcontractor facilities, these facilities appear in no listing made available to Southeast region compliance officials.

In addition, (there is) the inadequacy of pre-award reviews. Under the program of "pre-award" compliance inspections, any company which is to receive a publicly advertised federal contract of $1 million or more must be inspected and cleared for equal employment compliance within no more than six months prior to award. In testimony at the Alabama hearing, contract compliance officials strongly endorsed the potential effectiveness of this pre-award program; a Defense Department official stated that in almost all cases contract compliance officers enjoy a much better bargaining position on equal employment opportunity before a contract is signed than after it has been signed. Nevertheless, at least in part because of the indequacy of compliance staff, a DOD official stated that 40 to 50 percent of the inspections made supposedly under the pre-award program in the Southeast region, are in fact made several days or even weeks after the contract has been let.

The result is that new contracts are entered into with companies which are not in compliance wth the Executive Order. For example, a Defense Department compliance officer reported as follows after his compliance inspection of a DOD contractor facility in the hearing area. . . .:

"Subject facility is located in . . . [a county which] has a nonwhite population of approximately 50 percent. . . . [O]n 3 February 1967, the company was awarded a contract for [more than $2 million] covering the manufacturing of men's cotton denim trousers. Based upon the nature and extent of the deficiencies noted during this survey, subject facility was not in an awardable position for receiving the aforementioned contract."

Executive Order (11246) gives to the Secretary of Labor responsibility for the administration of the federal contract compliance program. The Order directs the Secretary to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate" to carry out the purposes of the Order. The Secretary of Labor discharges this duty largely through the Department of Labor's Office of Federal Contract Compliance.

OFCC's most important responsibility is to set out for the guidance of contractors and contracting agencies clear substantive requirements. Apart from directives on testing and segregated facilities, however, OFCC has provided little such guidance. For example, the single most important substantive requirement of the Executive Order is that contractors adopt programs of affirmative action toward equal employment opportunity. Yet OFCC has not made clear to the contracting agencies or to contractors what this requirement means. We are convinced that such coordination and leadership are essential if the Federal contract compliance program is to become effective. . . .

The need for effective leadership by OFCC can be measured in terms of the strength of the forces working against effective contract compliance programs. For both the government agencies and the contractors, effective contract compliance policies may at times be inconvenient and at times even costly.

In short, lack of staff and other inadequacies in enforcement not only are causes of the relative ineffectiveness of the contract compliance program, they also reflect the deepseated reluctance of all parties concerned to upset the status quo. Business and government have enjoyed a comfortable relationship over the years through government contracts, and the kind of change in the status quo that an effective contract compliance program requires is uncomfortable, even painful. But it is a difficult truth that in contract compliance, as in other areas relating to the rights of minorities in this country, we are now well past the point where painless programs can be particularly relevant. On the contrary, the painless, ineffective program may be worse than none at all, since it may become a ruse, a camouflage for inaction. For this reason, we think the greatest damage to the purposes of the Executive Order has been done by those—in government and in business—who have seemed to support the cause but have not allocated the resources, or taken the firm stand, necessary for an effective program.

Mr. Chairman, there has been a good deal of discussion, particularly in recent months, over what private enterprise should be doing to assure equal rights, especially in the area of job opportunities. We agree that the private sector must assume a greater responsibility than it has in the past. In our view, however, government has an even greater responsibility. We have tried to show how in one critically important area—contract compliance—this responsibility has not fully been carried out. . . .

Mr. RYAN. How do we change the attitude of the government officials who are charged with the responsibility for enforcing the Executive Order?

Mr. SLOANE. Mr. Chairman, I think that there are several problems of credibility involved. One we tried to point out is a lack of credibility of stance of the Federal Government among the contractors because no contract ever has been terminated. There, also, I think, is a lack of credibility on the part of the overall government position within the federal government itself among employees of the federal government, those who have been around a long time and who have seen these Executive Orders come and go and have seen policies come and go and have seen heads of agencies come and go. . . . Nothing very much is likely to upset them.

I think we need some examples. . . . First of all, among the government contractors, such as terminating a few contracts where there are flagrant violations and refusal to amend their ways. Secondly, I think we need some examples within the Federal establishment. I think we might try some firings to demonstrate the credibility of the Federal Government.

There is another problem involved in addition to the tendency not to upset the status quo between private industry and the Federal Government. It is a question of where the pressures are coming from. As you know, federal officials are human beings and they respond to pressures, and in the area of civil rights—and it is not limited to contract compliance by any means, but it extends to just about every other area—pressures tend to come to oppose strict enforcement, or any kind of enforcement of civil rights laws. . . .

I think these hearings by this committee are very useful. I think a continuation of these hearings and a continuation of pressures from the other side might also be useful in urging these agencies on to much more meaningful action. But without pressures from the side of those who are in favor of civil rights enforcement, it is going to be awfully difficult for those in Federal Government, those whose intentions are good, to move very far or very fast.

Mr. RYAN. I think what you say has validity. Certainly one of the reasons why we convened these hearings was because we believed that pressure should be exerted, that the regularly constituted committees of the Congress should hold hearings and explore this whole question. . . . I think this is an area in which the Congress could play a very important role. . . . Certainly that is one of the reasons why we are here today.

The question, however, I think comes back again . . . to whether there is a real . . . determination on the part of the Executive Branch, and this it seems to me has to flow from the very top. If from the top it is known throughout government that there is going to be an insistence upon effective enforcement of a Presidential Directive, then if it isn't enforced, there will be an accountability and heads will roll. . . .

Mr. SLOANE. (W)e do have the OFCC, hopelessly undermanned right now. It does have the authority, though, to issue rules and regulations to overrule the agencies. I think this operation has to be beefed up, because I think that no matter how strong the stands of each individual agency will be—I think it will likely vary from agency to agency—you've got to give last authority to somebody outside the agency that has the contracting responsibility and this should be OFCC, and I think it should be beefed up considerably.

So I think on these two points the program could be strengthened considerably: a strong stance by the head of the agency with some demonstrations that he really means it, and, also, a beefing up of the operation of OFCC which does have overall responsibility. . . .

Mr. RYAN. Would you recommend putting either in OFCC or in another independent agency the power which now resides in the contracting agencies so that the contracting agencies, which are essentially attuned to doing business with the concerns, don't have the responsibility for enforcing civil rights?

Mr. SLOANE. I think that it really is necessary in the last analysis . . . I think that authority has to be put in the agency that doesn't have a self-interest in continuing the contracts regardless of anything.

Mr. RYAN. Are there contractors now doing business with the government who have been cited either by the Department of Justice or by State FEPC's or by the Equal Employment Opportunity Commission as violators of civil rights?

Mr. GROSS. (T)here have been debarment proceedings commenced . . . in five cases. There were five in May and I think there have been one or two since. So that in a

sense, the sanction has been applied, since the debarment notice which initiates these proceedings is the initiation of the sanction. And the current status of these five, or the several additional, of course varies. I'm not up on each one, but in some cases I think that there either have been or hopefully shortly will be agreement reached with the contractor which OFCC will accept. So that, in effect, the imposition of the sanction will have, I think, produced quite a definite result as far as moving the contractor.

Mr. RYAN. What are those five cases?

Mr. GROSS. The five that I have originating in May—the firm called Allen-Bradley, a Milwaukee firm; . . . Timken Roller Bearing; Bethlehem Steel, in a plant in the Baltimore area; Pullman, a manufacturer of rolling stock in the state of Alabama; and a fifth company . . .—I'm not sure of its full and correct name . . .

Mr. RYAN. That is a start, but are there not a great many more companies which could be subjected to the same sanction?

Mr. SLOANE. I am confident there are . . .

Mr. GROSS. What has happened is that the contracting agencies which . . . under the Executive Order have the primary responsibility for enforcing the Executive Order have not undertaken the burden of these debarment proceedings. And this one of the major reasons why OFCC is unable to carry out its job. It has the burden, along with the legal staff of the Department of Labor, to actually litigate these debarment proceedings, which it simply is not capable of doing.

So . . . this is by no means the way the program should be working. It should be the contracting agencies themselves through their compliance operations who are undertaking this burden. So . . . this is by no means an adequate start. . . .

MR. GIRARD CLARK

Mr. Clark was Director of Contract Compliance, Navy, from March 1965, to March 1966. He then served as Director of Contract Compliance, Department of Defense, from March 1966, until June 1967, at which time he resigned.

The Department of Defense has jurisdiction over the largest number of companies doing business with the Federal Government. It is estimated that as many as three-fourths of all Federal supply and service contracts are with the Department of Defense. The Department of Defense common-items supply agency—the Defense Supply Agency, or DSA—alone has over 50,000 employees.

The Defense Department's procurement of goods for fiscal year 1968 amounted to $43.8 billion. It has some 20,000 prime contractors and 100,000 subcontractors. Barry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, has pointed out that "some 5,300 cities and towns have at least one plant or company doing business with the armed services."—Two National Journal, No. 10, page 508, March 7, 1970.

The Defense Department's contract compliance machinery has undergone two major organizational upheavals since October 1965. Prior to that time, each of the three military services had its own separate contract compliance unit. There was also a Department-wide compliance unit for common-items procurement in the DSA. Each unit was organized and operated on a different basis. Under the first major reorganization, the three military services and the DSA were directed to consolidate their contract compliance activities into a single unit.

The consolidated contract compliance function was initially placed under the jurisdiction of the Assistant Secretary of Defense for Manpower, who has general responsibility for all Pentagon civil rights matters. Mr. Clark was appointed head of this consolidated division in March 1966. The contract compliance program under this arrangement had a headquarters complement of 16 professionals. There were 13 regional offices with a total authorized staff in fiscal 1967 of 97 professionals and 52 clericals.

The second major reorganization of the Defense Department's contract compliance function was ordered May 21, 1967, effective July 1. It reassigned operating responsibility for contract compliance from the Assistant Secretary for Manpower to the Defense Contract Administration Service—DCAS—which is responsible for Defense Department contract management functions. The service is a part of the DSA. This transfer was not a complete shift of responsibility, as it did not include policy direction and guidance, responsibility for which was retained by the Assistant Secretary for Manpower.

Mr. Clark's testimony in large part concerned the reorganization of the contract compliance effort within the Department of Defense which occurred in 1967 and which, after he resigned, he charged "would diminish efforts to reduce racial discrimination in employment"—Washington Post, June 11, 1967, page A-5.

In recounting the history of contract compliance, Mr. Clark detailed the initial failings of the program, pointing to the adoption of the plans for progress approach—in other words, voluntarism by employers, and, as to the Defense Department, the close working relationship of the military and industry, neither of whom wished to rock the boat, so to speak.

Since June 5, 1967, when the program was turned over to the Defense Supply Agency, Mr. Clark, who resigned on June 2, reports that the compliance program has been steadily curtailed. As examples of this curtailment, he pointed to the DSA order limiting compliance reviews to those plants actually engaged in work on defense contracts, rather than covering all plants of the contractor, as provided by Executive Order 11114, issued by President Kennedy in September 1963. The result of this action by DSA was to reduce compliance program coverage by about 70 percent, or from 25 million jobs to less than 8 million.

In the colloquy between Congressman RYAN and Mr. Clark, Mr. Clark described the practice, when he headed the Navy's program, of meeting with intransigent violating contractors in Washington to negotiate the issues in dispute. This proved to be an extremely successful approach, since the contractors were clearly aware of the pressure being applied and the possibility of sanctions if they refused to comply. One of the key successes involved the Newport News Ship Building Co.

Unfortunately, as Mr. Clark reported, it soon became clear that the Defense Department was not going to honor recommendations for sanctions.

Mr. Clark recommended that responsibility for contract compliance, insofar as equal employment opportunity is concerned, be placed in a separate agency, totally divorced from the contract function, so that contracting agency, which is chiefly concerned with writing contracts, is not administering a program which conflicts with this goal.

Mr. Clark also was critical of the Civil Service Commission. He noted the loopholes in the system which allow a position to go unfilled, even if a qualified minority group member is available for the job. He reiterated the statements of earlier witnesses, as well, about the laborious protest system, and, so far as the Defense Department is concerned, he noted that that Department seeks to avoid hearings by running extremely stringent security investigations and then relying on the slightest past misstatement to justify firing the complainants.

In conclusion, Mr. Clark condemned the "bureaucratic labyrinth," as Congressman Ryan described it, in the Defense Department, which shields the contractors and enervates any attempt at an aggressive contract compliance program. His testimony follows:

TESTIMONY

Mr. CLARK. I am happy to take part in this hearing and to contribute what I can to broader understanding of the reasons behind the general failure and decline of the government's programs to establish equal employment opportunity.

As Staff Assistant to the Director, and Director of the Contract Compliance—EEO Program at Navy for nearly three years and Director of the Defense Department's Contract Compliance (office) for more than a year prior to its being turned over to military control, I was in an excellent position to observe the development and the curtailment of the program in the critical period between March of 1963 and June of 1967.

The contract compliance approach to achieving equal employment opportunity was by far the most direct, effective and economical. The approach was based originally on Executive Order 10925, issued by President Kennedy in March of 1961. This order, unlike those of earlier Presidents, carried with it the threat of economic sanctions—the withholding or cancellation of contracts—against contractors who did not comply. Moreover, the order was not limited to the elimination of discriminatory and segregationist policies and practices, but insisted on affirmative action as well.

The Order was limited, however, to those facilities of a contractor actually engaged in government work. That limitation was removed by Executive Order 11114, issued by President Kennedy in September of 1963. That action more than tripled the coverage of job spaces to perhaps 30 million, since if government work was being done at even one plant of a multi-plant corporation, all of the plants had to be in compliance.

While the 30 or more contracting agencies of the federal government were ordered to develop competent staffs to implement this program, only a few agencies actually responded and little had really been accomplished by mid-1963. There were three basic reasons for this.

First, Lyndon Johnson, then Vice President, and charged with responsibility for the program was and remains dedicated to the ideal of securing voluntary rather than compulsory compliance. Thus he quickly supported an idea of an Atlanta attorney named Troutman to set up an organization of major industries who would sign so-called Plans for Progress, a supposedly solemn covenant with the Vice President to perform above and beyond the requirements of the Executive Order.

The fact was that while some of the early signers of Plans for Progress were long-time leaders in providing equal opportunity, the majority were among the worst employers in this respect and signed only because they correctly surmised that this action would make them immune for a time from review by the contracting agencies. This was confirmed by later statistical surveys by the President's Committee on Equal Employment Opportunity and by the New York hearing conducted by the Equal Employment Opportunity Commission. Results in these cases showed that, as recently as last year, signers of Plans for Progress, as a group, had accomplished less than those who had not signed.

Second. The President's Committee, which theoretically determined the policy and direction of the program, was badly torn between those who wanted all-out enforcement and those who preached education and Plans for Progress. Vice President Johnson chaired that Committee. So, in late 1962, John Feild, the vigorous Executive Vice Chairman of the Committee, was replaced by a Johnson choice, Hobart Taylor, a Detroit attorney. From that moment forward, no agency could look to the committee for support if it attempted strict enforcement. By the same token, no agency simply going through the motions or running a program had any fear of censure by the committee.

Third. The programs at the Defense Department were largely hamstrung by what General Eisenhower described as the military-industrial complex. The big contractors and high-ranking military had long been wed, and the military was not disposed to endanger the marriage over something so alien to both parties as meeting the sociological needs of the nation. Since the military was directly involved in the program in the Army, Air Force and Defense Supply Agency, only the Navy program was allowed to function productively—only at Navy were the lines of communication all civilian.

This third fact involves only the Defense Department, but is crucial to the overall program, because the Defense Department agencies were, and are, responsible for two-thirds of all government contractors and about 80 percent of the job spaces covered by the program.

Almost from the beginning, there were efforts to consolidate the equal employment opportunity programs within the Defense Supply Agency, whose own program was described as a "non-program" which never found fault with any contractor.

Navy managed to forestall efforts at consolidation three times between early 1963 and 1965, the third time with the assistance of Vice President Humphrey. A fourth effort was launched in the summer of 1965 and the Vice President was again prepared to block the threat.

Then, in September of 1965, President Johnson issued Executive Order 11246, which, on the surface, appeared to strengthen and broaden the program. The immediate effect, however, was the exact reverse. The Vice President, a leading proponent of civil rights throughout his public career, was removed from all authority in that area. Surveillance of the contractor program was downgraded by assignment to the Secretary of Labor. Surveillance of the government's own hiring practices was assigned to the civil Service Commission—the agency responsible for creating the problem had been charged with solving it.

One month after the Vice President was removed from authority, the Defense Department ordered the consolidation of the EEO programs and, in early December, I was named director. The program was to operate under the Assistant Secretary for Manpower, but I correctly surmised, as had the contractors, that inevitably the program would fall into the hands of the Defense Supply Agency.

The consolidation and my appointment did permit me to institute tough Navy policies among corporations long accustomed to the gentle treatment of the other Defense agencies. Although the consolidation lasted less than a year before the military takeover was initiated, we managed to conduct some 60–70 corporate-wide reviews, and the compliance posture of most of these companies was such that the reviews resulted in 40 corporate-level confrontations and negotiations in our Washington office. Contractors reviewed during the year represented something over four million job spaces. . . .

Our lease on life was short. Key contractors were outraged over the actual enforcement of the equal employment opportunity clause in their contracts. I assumed policy and directional control of the consolidated program in March of 1966. Offices and payrolls were finally consolidated on August 1, 1966. Within a month a management survey was instituted to determine how to "improve" program efficiency and to determine whether the program should be turned over to the Defense Supply Agency. The management survey report was submitted in February, 1967, and the program, for all practical purposes, was frozen. I resigned on June 2, 1967, three days before the military take-over.

Since that time, the program has been steadily curtailed. The best example is the recent Defense Supply Agency order limiting reviews to those plants actually engaged in work on contracts. This action arbitrarily reduces the program coverage of Defense by about 70 percent, or from 25 million job spaces to probably less than eight million, returning the program to the days prior to Executive Order 11114, issued in 1963. Here are some other examples:

1. Limiting of reviews to plants with 300 or more employees;

2. Limiting of reviews to communities with high minority group population;

3. Virtual elimination of coordinated corporate-wide and industry-wide reviews;

4. Elimination of special programs for Puerto Ricans and American Indians;

5. Elimination of the special program for construction contractor compliance;

6. Elimination of the corporate-level confrontations in Washington;

7. Substitution of check list reviews for in-depth reviews and narrative reports;

8. Establishment of boards at the local and national level to guard against findings of non-compliance;

9. The appointment of some area directors with no previous experience in the field;

10. Firm military control of every step in the communications channel.

That is the story of the Defense Department's Equal Employment Opportunity effort with contractors. It is also typical of what happened to the program in most other agencies. . . .

While Plans for Progress continued, . . . President Johnson more recently turned for industry support to the, "National Alliance of Businessmen," headed by Henry Ford II, who, as a member of the steering committee of the Emergency Convocation of the Urban Coalition in August of 1967, summed up his attitude thusly: "Even more basic than the responsibility of business to provide equal job opportunities is its responsibility to stay in business so that it can provide jobs. . . . Business cannot hire more people than it needs, or hire people who are not qualified to do useful work."

That attitude is as patently directed at Negroes and other minority group people as the phrases, "crime in the streets," and "law and order."

In summary, I submit, as . . . we already have enough laws and Executive Orders on the books to solve all of our problems, if only we chose to enforce them. And if I may phrase that another way, we made no promises we could not keep; we made realistic necessary promises we chose not to keep.

Mr. RYAN. Mr. Clark, you have given a very straightforward and a very disturbing account of the history of the contract compliance program in the Department of Defense, particularly from your own personal experience as Director of that program. . . . Let me see if we can expand on some of the points you made so that we have as full a picture as possible of the situation. . . . I understand from your testimony that you sought to vigorously enforce the President's Executive Order, and instituted a series of corporate reviews which resulted in a number of what you referred to as confrontations . . . in Washington with the corporations. Could you describe in more detail what was involved in these confrontations? Was this a change from past practice on the part of the Department of Defense?

Mr. CLARK. Well, the Department of Defense was not really directly involved with the program. The various agencies ran the program. In the Department of Navy in the period 1963–1964, when we came upon a contractor who was not only (not) in compliance but not willing to go along, we began the practice of calling them into Washington for a final conference. . . . By the time the Defense Department was consolidated . . .

Mr. RYAN. What do you mean by "consolidation?"

Mr. CLARK. The merging of the Army, Navy, Air Force and Defense Supply Agency programs into one program.

Mr. CLARK. Contractors should have gone through the educational period that was necessary, and if contractors were in serious shape and balked in the field at the recommendations made by our field staff, it was time then to call them promptly into Washington to deal with the situation. We would sit down and negotiate anywhere from four hours to two days—and in the case of Newport News, which was kind of a special case, for eight straight days—and exact from them specific programs plans as to how they were going to remedy the situation discovered in their facilities.

We would then establish a deadline date for this to be done and would then review them again subsequent to that date. Of course, if they said no at the conference table, which was reasonably rare, then I would recommend sanctions.

Mr. RYAN. I understand that one of your early successes was the Newport News case.

Mr. CLARK. Well, it was at least an initial success. I have no idea what shape the Shipyard is in now, but this was an excellent example of one of the methods of a government approach to this problem that was tried, succeeded, and was then abandoned. This was a situation where the Department of Navy compliance staff had conducted an intensive review. And we had written letters to the company trying to exact from them certain promises. And then I had sent a letter warning them that I was going to ask for sanctions against them by the withholding of future contracts from Newport News Ship Building, which is the largest shipbuilding concern in the world, probably. . . . Meanwhile, the Equal Employment Opportunity

Commission, reacting to complaints by employees and by the NAACP, also conducted an investigation and came up with substantially the same faults that we found.

(EEOC) . . . got no cooperation. They referred the case to the Justice Department. . . . About March of 1966, the Justice Department filed charges against the company. And at that point, . . . the Office of Federal Contract Compliance took the position that if an agency of the federal government had made a finding of discrimination or segregation—both were prevalent there—against a . . . contractor . . . then no other agency of the Federal Government should do business with that contractor until the matter was resolved. The Department of Navy and my office agreed. Therefore, we brought into play four agencies—the Department of Justice, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance, and the Department of Navy.

We also had fortunate timing in this that we did not plan, and that was that bids were about to be accepted for four attack submarines. Only three yards in the country can handle the bid. They immediately asked to confer with Navy and we said, "No, we'll all meet together."

So, representatives of all four agencies negotiated with Newport News for eight straight days and came out of that with a complete desegregation of facilities. (There were provisions providing: (1) for) . . . a guarantee that all records would be examined by us, not by . . . (Newport News officials—we would examine), personnel records to determine which Negroes had been passed over for supervision; ((2) . . . that these Negroes) then would be next in line for all openings for supervision; (and (3)) that recruitment for the apprenticeship school, which was like a junior college down at Newport News, would be frozen until such time as they were able to begin approaching a Negro population in that school that was similar to the population of the yard as a whole and the community as a whole—something like 27 percent, I believe. Up to that time, they had had one or two Negroes in a year go through (the apprenticeship school).

There were other upgradings of people at the various job level classifications, and so on, and Negroes were first in line to jump up to the next category.

Endless manhours were spent down there, but, nevertheless, the agreement was such that it would literally have remedied the discrimination that had gone on over the years—in a single weekend they reassigned all lockers and locker rooms alphabetically, and ended segregation.

Mr. RYAN. That is certainly an example of what can be done if a strong and tough policy is followed of enforcing the Executive Order. . . . During (your tenure as) . . . Director of Contract Compliance in DOD, . . . how many major corporations were you able to confront and bring about some results in their practices?

Mr. CLARK. I would say that we (had) . . . 40 confrontations. In about three or four of these cases, it was the second time into Washington for them, so there were probably about 36 corporations involved, . . . and . . . in all but perhaps three or four cases considerable changes were effected. When changes could not be effected at the table, recommendations for sanctions was sent forward.

Mr. RYAN. In how many cases did you recommend sanctions?

Mr. CLARK. After the first major recommendation for sanctions, supported by OFCC, which was cognizant of the situation, I discovered that the Defense Department did not intend to honor intend to honor recommendations for sanctions, that my superiors instead wanted to act as mediators between myself and the contractor, and in no case was a recommendation for sanction approved.

At least two or three others went forward.

Mr. RYAN. You have hit upon a problem internally that any compliance officer has to face in his own agency before you really reach the OFCC. Who or what was the position that was responsible over you for passing on recommendations for sanctions?

Mr. CLARK. Well, it is complicated. . . . There was a Director of Equal Employment Opportunity who was responsible for this program and for the in-house practices. Then, over him was a Deputy Assistant Secretary of Defense who was responsible for civil rights and labor relations—thus he was responsible for other areas of civil rights as well as the military, and Title VII of the Civil Rights Act of 1964.

Over him was the Assistant Secretary of Defense for Manpower, who had the overall responsibility for everything, of course, in his shop. Therefore, . . . it would have to go through two other layers above me before an Assistant Secretary would ever see it. This is unlike the Navy procedure, where I reported directly to the Assistant Secretary, who never refused a recommendation for sanction filed by my office.

Mr. RYAN. You spoke in your testimony about a military takeover. What exactly happened? How was the takeover accomplished procedurally?

Mr. CLARK. The decision was made that since the Defense Supply Agency was responsible through the Defense Contract Administration Service, which is the largest part of the Defense Supply Agency, for all dealings with contractors and for procurement generally, and, therefore, they were the ones that were closest to the contractor, it was most normal that they deal with the contractor—on all phases of the contracts. . . . This would then become a routine clause in the contract and would be handled in a routine manner and enforced right along with the rest of the provisions in the contract. That was the rationale.

There was another rationale that did have some logic. It was one of the arguments against consolidation in the first place. When we think of the Department of Defense, we are really talking about the Office of the Secretary of Defense, (which is) . . . an extremely small organization . . . about 1,600 people. Therefore, when they added our program they did two things. They increased the size of the Office of the Secretary of Defense by ten percent in one motion, and they added an operating unit to an office, or department, if you like, that does not have operating units, with one exception—armed Forces Radio. . . . Therefore, we were an alien organism in that operation, and their idea was that we should be in an operational level, which we had been in prior to the consolidation . . . (So,) they then assigned the responsibility for the operations of the program to the Director of the Defense Supply Agency, and in turn to the Director of the Defense Contract Administration Agency. (B)oth of these gentlemen, by the structure of the agency, are generals or admirals. . . .

Mr. RYAN. In your testimony you spoke about the removal of John Field as Executive Vice Chairman of the President's Committee, and the effect which that had on the understanding throughout the agency of the determination to go ahead. I think you said that no agency which was running a token program feared censureship after that. Can you give us an example or two of what you are describing?

Mr. CLARK. Surely. At one point, the Department of Navy had—just in a 90-day period, I believe, three recommendations for sanctions against three companies doing business with the Navy and with other government agencies, and I don't recall that we ever received a reply to any recommendations for sanctions during the period. This reflects the posture . . . of those agencies trying to do a job and trying to get the President's Committee Staff to support the sanctions provided for in the Executive Order.

Now, on the other hand, there were a number of agencies which had made no motion to staff up at all. There were other agencies, such as Defense Supply, which had the firm practice of never finding fault with any contractor. These received no censure at all from the President's Committee.

An action, as we often complained to a contractor . . . is a far better description of policy than writing out a policy and distributing it. The elimination of what were then called the hawks and the victory of what were then called the doves on the President's Committee, was an expression of policy from on high far clearer than any written policy that could have been distributed among the agencies. . . . (w)ith all of the force and urgency gone . . . from the President's Committee, most agencies allowed the program to drift—non-defense agencies as badly, or (even) . . . worse than defense agencies in most cases.

Mr. RYAN. I think you testified that in 1963 under President Kennedy's Executive Order the coverage was expanded . . . to require compliance by all plants in a company, even those plants which were not doing business with the government, and this made it possible to reach approximately one-third of the work force in the country.

Mr. CLARK. That is correct.

Mr. RYAN. Did you further testify that there's been a recent change in that policy?

Mr. CLARK. Yes. The Defense Supply Agency has issued an order to its operating people in the equal employment opportunity area that . . . this would be with the exception of complaints possibly—as far as reviewing plants, they will limit (review) . . . to those places actually engaged in work on government contracts.

Mr. RYAN. When was that order issued, approximately?

Mr. CLARK. Within the last several months. . . .

Mr. RYAN. What would be the reduction in job spaces . . . covered, approximately?

Mr. CLARK. From about 25 million to about 8 million.

Mr. RYAN. Do you know whether or not that decision was reviewed, or reviewable, by the Office of Contract Compliance?

Mr. CLARK. It is my understanding that it must have been, but I don't know directly.

Mr. RYAN. You have pointed up the anomaly of the federal government urging businesses to expand job opportunities and at the same time not enforcing the Executive Order, and particularly it seems to me this becomes a more inconsistent position when the Office of Defense Supply reduces the coverage. So that instead of being as broad as it was in 1963, it is now considerably narrowed from some 25 million to 2 million jobs.

Mr. CLARK. Back to the status in . . . 1961 and 1962, and that effectively cuts the overall government program by more than half because of the tremendous number of contractors . . . that are covered by the Defense Department.

Mr. RYAN. How do you account for that change in attitude. . . .?

Mr. CLARK. I don't consider it a change in the Defense Department's attitude. . . . I think their rationale, however, was what the only alternative was to acquire sufficient staff to deal with the total problem. That would be a matter of going from the present staff of perhaps 100 to something in excess of 400 professional staff in the field, and go-

ing from a budget of under $3 million to over $8 million.

However, if I may suggest, $8 million is a rather small figure when you consider that what you are doing with it is making some $50 billion in . . . Defense contracts alone do double duty in terms of achieving national objectives.

Mr. RYAN. I think that is a very good point. You had said earlier that enforcement was one of the most economical means of achieving full employment opportunity. . . . Are there any particular recommendations you would like to make in terms of either executive action which you feel should be taken immediately, or in terms of legislative action which you think is required?

Mr. CLARK. I support, as you have suggested, . . . having a separate agency, totally divorced from the contract function, . . . that operates independently, and, therefore, is not susceptible to any of the pressures . . . by contractors. . . . I refer not only to the Defense Department, but to all government agencies.

Mr. RYAN. I certainly think the testimony . . . from yourself and from others during the course of these hearings bears out the importance of the establishment of such an agency.

Now, before we close your testimony, can you give us, aside from the Newport News case, some other examples of effective enforcement where segregation was eliminated by vigorous enforcement of the Executive Order—some of the companies you can remember.

Mr. CLARK. Yes. There are a number of examples. I will include both Navy and Defense experience and perhaps a few that were not Navy and were cleared up by the other agencies.

One of the best examples, I suppose—an early example—was BVD in Pascagoula, Mississippi. . . . A complaint was filed with the President's Committee against BVD. . . . The President's Committee was unable to determine which agency was appropriately responsible for BVD. Therefore, they asked the Department of the Army program people to make an investigation of the complaint. . . .

The Army people did this and submitted a report, well-detailed in narrative and documented, which showed that BVD was out of compliance in a number of ways: . . . (1) BVD barred from employment Negro women, and hired only white women on the line; (2) there were no Negro supervisors; (3) there were no Negroes in white-collar jobs, although there were few of them there; and (4) there were segregated facilities. . . .

The President's Committee did, at that point, find against the company and sent a letter notifying BVD that it would be withheld from further contracting with the Federal Government. And they sent such a letter to all agencies asking that all contracting officers be notified that they were not to do business with BVD. We issued such an order when we received the letter. That was the first we knew about it.

About six months later, a salesman for BVD called Navy Ship Stores in New York and said, "You must be out of BVD's" and Navy Ship Stores said, "Well, we can't do business with you anymore. We are buying them from other producers." They said "What do you mean you can't do business?" and they told them that there was a sanction against them.

Now, it becomes quite clear at that point that other agencies doing the business with BVD paid no attention to the President's Committee in that instance, because the first time that it came up was when Navy refused to do business with them.

They were in Washington the following morning and they were completely cooperative. (Negro) women began to be hired at once, and all other matters of desegregating began—both facilities and job opportunities. . . . Subsequent to that, . . . Navy took 4 contractors in the Delta area of Mississippi and had them attend a conference outside of Greenville, Mississippi. The rationale . . . in this case—another method that was tried and worked, and was abandoned—was that in the South it is not as easy to make one contractor act and not impose the same restrictions and rules on the others. And there, again, we were successful in introducing Negro women into the work force, in introducing (Negro supervisors), in desegregating the facilities, and in introducing Negroes into the white-collar force. This was in 1964–65. . . . The Air Force reviews of IBM resulted in probably one of the best programs in the country. . . . They are a company now that engages in unbelievable, extensive affirmative action. . . .

What IBM does is, if a Negro appears and applies for a position and is qualified for any of the many levels of positions or training programs of IBM, he is . . . put on the staff and work is shared until such time as an opening appears and then he is part of the staff. . . . When we came around after the Defense (Department) consolidation and checked them over, we realized that they were not doing this with Mexican Americans. And they said, "Oh, does that apply to them, too?" And I said, "Oh, yes." So they picked up the phone and said, "Get out a directive and tell them—remember what was said about Negroes?—that goes for the Mexican Americans, too."

There were the shipyards of the Gulf Coast. The craft lines were largely desegregated. There were many . . . problems because of some existing contracts that prevented interdepartmental transfers without losing seniority, but they did break the craft lines in virtually all of these yards.

These were probably among the better examples.

Mr. RYAN. One thing you said was that surveillance of the government's own hiring practices was assigned to the Civil Service Commission . . ., "The Agency responsible for creating the problem had been charged with solving it." Would you care to elaborate on what you meant by "agency responsible for creating the problem?"

Mr. CLARK. Well, the Civil Service Commission is just like, a personnel department of any large company, only probably somewhat worse in terms of the discretion that it gives to the employer or to the management that it's designed to outline procedures for.

An example: if you want to hire somebody, if you have to fill a position, you can either go outside to the Register and take the top three and select from there, or you can take the next three in line for the position from within and select from the top three there. And if even one of them is a Negro he can be bypassed forever. But then—and this is true of one of the big Navy shipyards—if you finally end up after doing this over the years with a situation that the three on the top of the Register outside are Negro and the top three in line for the position are Negro, they will just leave the position open. And that is the way it operates. And they have never done anything to close the gap. As far as they were concerned, so long as you lived within those guidelines, you could not be discriminating, which is, of course, patently ridiculous.

And as far as Civil Service protection in terms of any kind of protest filed through the Civil Service Commission, it is extremely laborious. If it is at any high level or any critical level, then, at least at the Defense Department, the person who files the complaint is in all likelihood, almost always going to undergo a complete security investigation, even if he's been in the government 20 years. And if they can find one statement that is slightly out of line in his original form 57, then they get him that way without having to go through a hearing.

Mr. RYAN. So that is an argument for a strong union in the government?

Mr. CLARK. Yes.

Mr. RYAN. I would like to ask you what kind of criteria you would apply in determining whether or not a company did have a program for affirmative action. What would you require in terms of affirmative action under the President's Executive Order?

Mr. CLARK. Defining affirmative action has been a problem over the years, and I have always described it as doing whatever is necessary to make sure that the policies and practices you are now instituting are going to produce results in terms of living bodies. And I mean that not only in hiring, but in training, production, transfer, job placement. So I could give a couple of examples.

One large company that I know of that had a facility in Alabama was automating the company. There, most of the skilled people were black, but they were illiterate. They did not have to be literate before but now there was automation. There was no question they could handle the machines and work them, except for one thing: they now had to be able to read and write, or they would be out the door. The company, not because we asked them to, but before we even knew about it, introduced literacy training to retrain these people for their jobs and to give them these better jobs that were becoming available through automation.

That is an example. Another example is a company that uses 3,000 engineers on its payroll and complained that they had trouble recruiting Negro engineers. I asked them about the Negro colleges that give engineering degrees, although, granted many of them are not accredited or not approved. They examined this extensively and they found that while these people graduating from these colleges were not engineers, they were engineering technicians and engineering aides of a high level. And then they reviewed the 3,000 engineers they had on the payroll, and discovered that almost half of them were doing work that did not require an engineering degree. So, then, as the jobs opened up, they began recruiting at the Negro colleges.

I remember a concentration of defense industries and other government industries in New England where, literally, the Urban League was fresh out of people and the churches were no help. Most of the people, or a large share of the people, were employed. How do you reach the people who never go to the Urban League and who do not go to church on Sunday? Well, this contractor started calling on Negro doctors and dentists and began getting a referral operation going through them.

There is literally no end of ways. What you have to do in a review is identify what the problem is. And there is no rule of thumb on what you do. You have to do whatever is necessary to produce results. And that is what I would have to say is affirmative action.

Mr. RYAN. I think you have given a very good answer and one which might be well emulated by those who are charged with the responsibility of enforcing the Executive Order.

Now, one other question relates to the curtailment of the activity and the coverage in the Department of Defense under the Defense Supply Agency and your recitation in your statement of some 10 examples of ways in which the curtailment had been brought about. Was this through directives within the the agency?

Mr. CLARK. Through directives.

Mr. RYAN. Were they subject to approval anywhere along the line outside of the Defense Supply Agency?

Mr. CLARK. Well, with the exception of that first one, which was the cutback in the number of facilities covered, which I do believe should have been and may have been processed through the Office of Federal Contract Compliance, the others need not have been.

Theoretically, the Office of Federal Contract Compliance expects, normally on an annual basis, . . . that each agency submit its total program, and this would be included as part of its total propram. Whether they still do that or not, I don't know. But nevertheless, these changes can be, and were, initiated directly by directives to the field. Sometimes, they were in the form of informal directives, later confirmed by memo, but in all cases they were in writing and went to the field.

Mr. RYAN. The first one, limiting of reviews to plants with 300 or more employees, would be at any plant with less than 300 employees?

Mr. CLARK. That is correct . . . It is considerably less restrictive than the Executive Order, which provides for 50 or more employees.

Mr. RYAN. Now, as far as the second point, limiting of reviews to communities with high minority group population, what is the practical effect of that?

Mr. CLARK. Well, I do not know what percentage they finally settled upon, but . . . the first percentage I heard was something like five percent (e.g. if the community) was less than five percent Negro . . . . They were not talking about the other minority groups. This would have eliminated the Twin Cities and Seattle—Denver would have been marginal—from coverage by the Executive Order. And now, if they have dropped it lower than that, why then I can't tell you which cities would be affected and which would not.

Mr. RYAN. Number four, elimination of special programs for Puerto Ricans and American Indians. What programs were eliminated?

Mr. CLARK. Well, there were three programs. . . . We had a special program for Mexican-Americans, (we) . . . were developing one for Puerto Ricans, (and we) had one going for American Indians. The only difference was (that) some of their problems were different: the biggest difference was that it was much more difficult to identify recruitment sources for these minorities, then it was in the case of the Negro. With the Negro, we had a number of civil rights organizations, we had the Urban League, we had t churches, the schools, and so on. It was much easier to identify where the contractor could go to handle recruitment. And that was the original reason for establishing these programs.

I did not list the elimination of the Mexican-American program because, while this was the full, (stated) intent of the Defense Department . . . nevertheless, the program was rescued by being transferred to the Department of Labor. . . .

Mr. RYAN. The American Indian and Puerto Rican programs were administered not by the Defense Supply Agency but the Department of Labor, according to your statement?

Mr. CLARK. Right.

Mr. RYAN. Let's look at your point No. 8: "Establishment of Boards at the local and national level to guard against findings of noncompliance." What do you mean by that?

Mr. CLARK. . . . First, let us think of a field specialist reviewing a plant, and the plant is in noncompliance and is not about to go along with the recommendations, so he files a finding of noncompliance.

This, then, in let's say Indianapolis, goes to his military superior. And then if it gets past him, it then goes to Chicago to the regional office, where it goes through the hands of the . . . Director of Field Specialists. And then, let's say it gets passed through after it goes through his Post, to the Military Commander in Chicago. If it gets past him, it then goes into the Headquarters here. And if it gets through the Office of Contract Compliance at DSA, it then has to pass through the general or admiral who is in charge of the Defense Contract Service Administration, and then it has to go through the general or admiral who is head of DSA.

Now, this was not apparently sufficient protection for the contractor against being found in noncompliance, so now they have established at Chicago, for example, a board made up of civilians and military, none of them from the equal employment opportunity program, who will review such a finding by a field specialist to see if this was not a "precipitous" decision.

And then they are . . . establishing a similar board at the level here in Washington, again made up of people, civilian and military, not connected or having any background with the equal employment opportunity program, who would again review it.

So there are—I can't count them—some 17 layers, I guess, or 15 layers, that a sanction recommendation would go through before it conceivably could go on to OFCC.

Mr. RYAN. There is little cause for wonder then, is there, that there has been so little effective enforcement?

Mr. CLARK. No. (L)ittle cause.

Mr. RYAN. How many boards, similar to the Chicago Board, are there. . . .?

Mr. CLARK. If they have now established them, they would have established them in at 11 regional offices. . . .

Mr. RYAN. (Y)ou certainly have described a bureaucratic labyrinth which would frustrate, it seems to me, any dedicated person who is charged with the responsibility (for) and felt a commitment to, the enforcement of the President's Executive Order.

I want to commend you for your forthrightness and for the dedication which you obviously showed when you were in charge of the Department of Defense contract compliance program and for the results which you achieved.

I think it is a sad commentary that, instead of progressing from that point, we have apparently retrogressed. There has been a reduction in coverage in the number of employees reachable through the President's Executive Order, and there has been an apparent determination made on the part of the Department of Defense not to have the vigorous kind of enforcement which you had espoused and tried to implement.

I think your testimony is most helpful. Certainly, it should arouse the deep concern of everyone who is committed to the enforcement of the President's Executive Order. . . .

What we want to see is results: how many individuals from minority groups are being hired, what are the percentages in compliance, and how can we use the leverage of the contract compliance (program) in order to achieve (these results). . . .

Mr. CLARK. Thank you, Mr. Ryan.

JACK MOSCOWITZ

Mr. Moscowitz is Deputy Assistant Secretary for Civil Rights and Industrial Relations, Department of Defense.

Mr. Moscowitz was accompanied by Mr. C. Stuart Broad.

Mr. Moscowitz briefly discussed the contract compliance program within the Department of Defense. He explained that policy is lodged within the office of the Assistant Secretary of Defense for Manpower, who is Mr. Moscowitz's superior, while the operational aspect is lodged in the Defense Supply Agency—DSA—of which one part is the Defense Contract Administration Service—DCAS—which handles contract compliance.

The structure is such that a military man heads the operational unit—DCAS, while his subordinate heading up contract compliance is a civilian. Mr. Moscowitz, in response to Congressman RYAN's questioning, maintained that the military leadership is entirely capable of carrying out the executive order, even though not specifically versed in the civil rights field and trained in the problems of equal employment opportunity.

Mr. Moscowitz explained that the placement of the contract compliance program in DCAS—a transfer which Mr. Girard Clark had previously testified to as being counter to the goal of meaningful compliance—was essential to create a permanent, operating structure within the contracting process which would establish compliance as an integral, institutionalized aspect of the contracting process.

In discussing the use of sanctions, Mr. Moscowitz acknowledged that contract cancellation had never been employed, but maintained that cancellation is not a meaningful criterion to measure effective compliance. The important thing is the threat of compliance, and the results of this threat—that is, the acquiescence of recalcitrant companies to compliance—cannot really be measured.

Congressman RYAN expressed particular concern with the Department of Defense's reviewing of contractors. Mr. Moscowitz contended that there is insufficient staff—only 100 professionals—to be able to review the approximately 50,000 plant facilities for which the Defense Department is responsible.

Mr. Moscowitz disputed Mr. Clark's earlier charge that Executive Order 11114, extending coverage to all the plants of any contractor doing business with the Defense Department—even if only one plant was involved, had been limited to only cover the actual plant involved, following the transfer of the compliance program to DCAS. He contended that there had merely been a setting of priorities, which was essential in light of the great number of plants and the insufficient staff.

Mr. Moscowitz readily acknowledged that the statistic-keeping aspect of contract compliance was not sufficient, and pointed to the Department of Labor's Office of Federal Contract Compliance as being the body responsible for developing a better system.

TESTIMONY

Mr. MOSCOWITZ. First of all, I want to thank you. I speak for myself and I think—I know—I speak for the Assistant Secretary of Defense for Manpower. I think we both always welcome, not only coming over to Congress, but any organization that wants a look at one of our programs. It has been our experience that after somebody has looked at it and has talked to us about it, that there has always been an improvement. . . .

The present federal contracts compliance program was established by President Kennedy in Executive Order 10925, issued March 6, 1961. Executive order 11114, issued June 22, 1963, extended coverage to all plants of any contractor currently doing business with the federal government. The program was ad-

ministered by the President's Committee on Equal Employment Opportunity, and included all federal departments and agencies engaging in substantial business with outside contractors.

Our current EEO program is based upon an Executive Order of President Johnson—11246—issued September 24, 1965. This order transferred EEO administration from the President's Committee on Equal Employment Opportunity by assigning civilian personnel matters to the Civil Service Commission and the contracts compliance program to the Department of Labor. . . . (T)he Secretary of Labor established the Office of Federal Contract Compliance in 1965 to set policy for all federal agencies in their administration of this program.

Since that time the OFCC has supervised administration of contract compliance aspects for the EEO and the departments and agencies have supplied management, manpower, and operational support. Recently, Executive Order 11375—October 13, 1967—extended coverage to sex discrimination.

Within the Department of Defense, the Contracts compliance program was initially operated by a separate staff in each military department and the Defense Supply Agency. This continued until July 1, 1966, when all EEO functions were consolidated and assigned to the Assistant Secretary of Defense Manpower. . . . (O)ne year's experience in the operating of the contracting office revealed that the Office of the Secretary of Defense did not have the capability or resources to support a nationwide, 11 regional office, organization. . . . Therefore, it was decided to transfer the operating functions effective July 1, 1967, to the Defense Contract Administration Service, within the Defense Supply Agency. . . .

DCAS, an established national organization with considerable resources, has enhanced the effectiveness of the contract compliance program. In the first year of operation, the Defense Contract Administration Service has completed more than 3,600 compliance actions, more than ¾ of which were initial and follow-up compliance reviews. . . .

Beginning in January, 1968, the Office of Contracts Compliance embarked upon a survey of the compliance status of the 10 largest textile contractors in North and South Carolina. This, by the way, is in combination with OFCC and some work by EEOC. To date, 65 facilities have been reviewed; over half of this number had been reviewed by 30 June 1968. Many significant changes have been brought about in plants visited, resulting in the abolition of discriminatory practices which have been traditional in the area for a number of decades. Major deficiencies encountered were:

Inequity in the employment of minority group females;

Maintenance of segregate housing;

Inequity in advancement of minority group employees, particularly with respect to lines of progression and seniority.

The discovery of these deficiencies in facilities of 3 contractors has led to negotiation at the top level of Defense to bring about correction of the unacceptable practices. In these negotiations, the Department of Defense is taking a firm line, to assure the achievement of compliance as soon as possible. . . .

We have made progress. We are not yet fully satisfied. We are hopeful in the next fiscal year to exand the size of the program and increase our coverage in quantity and quality. . . .

Mr. RYAN. Thank you very much, Mr. Moscowitz. I think it would be helpful if you could explain the exact organization of the compliance office in DOD. Who is actually in control of the program? Now, as I understand it, there is a Director of Compliance in the Defense Supply Agency.

Mr. MOSCOWITZ. That is correct.

Mr. RYAN. And is he a civilian or a military man?

Mr. MOSCOWITZ. . . . The policy is vested in the Assistant Secretary of Defense for Manpower. The Executive Order requires the appointment of a contract compliance officer at the executive level—the Presidential appointee level. . . . He is my direct superior. The Deputy Contract Compliance Officer is the operational director who is the head of DSA. . . .

So now we have two staffs, really, and that is the policy staff, which is a small staff which consists of . . . (the Assistant Secretary) who has many other responsibilities, and myself. . . . Then we have an operational element. DSA is a large organization of some 75,000 people. . . .(A)s one of its components it has an organization called DCAS—that is, Defense Contract Administration Services. The head of that organization is a Military man. . . .

As one of his responsibilities, and he has others, he has an Office of Contract Compliance and . . . that office is headed by a civilian. Now, the similar structure is carried out nationwide in 11 regional offices. If you . . . were to go to . . . the New York Regional Office, the New York Regional Office would have a military head and then he would (have) several components headed by civilians.

One of those separate, distinct components would be the Office of Contract Compliance, with various staff members on it. . . .

Mr. RYAN. . . . You have changed the structure in the last year or so from a structure in which you had a contract compliance director in DOD—namely, Mr. Clark?

Mr. MOSCOWITZ. That is correct. We took the operating director out of DOD and placed him into DSA. That is correct.

Mr. RYAN. . . . As a result of that, then, you also have operating control under Military men, do you not?

Mr. MOSCOWITZ. That is correct. Which, by the way, is the common occurrence in the Department of Defense. The military men maintain operating control. That is the structure. Whether we are talking about a military operation or a procurement operation . . . the policy may be made at a civilian level, but the common thing is to have a military head of the operating structure.

Mr. RYAN. This is one of the questions we want to raise.—whether . . . in enforcing and implementing the President's Executive Order, it is wise to leave the operating control of the Executive Order to military men, or whether there should be someone who is conversant with the civil rights field and with the problems of equal employment opportunity who bears that responsibility . . .

Mr. MOSCOWITZ. . . . We were first faced with the problem . . . (of) an organization that was outside of the sytsem; that is, that was composed of people who were really not part of purchasing, buying, contract administration system.

And if you examined it, you had to come to the conclusion that they were not having much effect on the system, and that though they may have been aggressive, and may have been more experienced—I don't want to evaluate that because I don't think I am in a position to; I think you can say . . . that they were more sensitive to the problem . . . —they had very little impact on the contracting process. So then you decide to put it in the contracting process because in the long term, when I have left the Department, when others are left, you will then have a permanent structure, and that was the goal, to have some effect on the contracting process . . . In my experience there, I just do not have any question in my mind that the military leadership in the Department of Defense is prepared to carry out every letter of this Order, and that would have been sufficient reason enough.

Mr. RYAN. Well, prior to the change, was the contract compliance program carried out aggressively by Mr. Clark?

Mr. MOSCOWITZ. The reason I am hesitating is that the answer is yes, depending on what you mean by the word "aggressively." I do not dispute it. Gerry Clark was very sensitive in this issue and I am sure still is, and I am sure that his goal was the same goal that I have, and that is to have an aggressive program.

So, what I am saying is, in that sense, yes; but when you have to face the question of having a program have an effect on a very large contracting organization and of making it permanent—a permanent structure, one that is part of the contracting process, that will be always accepted as part of the contracting process—you have a different issue, and that was our goal.

Mr. RYAN. Well, the question is what kind of structure is going to get results, is it not?

Mr. MOSCOWITZ. That is correct, and I believe that this structure has gotten more results. Now, that doesn't mean that the people before were not any less or more aggressive.

Mr. RYAN. Have any contracts been cancelled by the Department of Defense for noncompliance? . . .

Mr. MOSCOWITZ. . . . First, I do not believe that cancellation as such is a measure of compliance, and I will go on. I think there may have been, but I do not know of any. In fact, I do not know of any cancelled, and we are just one part of the Government, and then I go on from there.

There are now several contractors who are in the hearing stage. They may or may not be cancelled, I do not know, and I think that is a measure of how your enforcement—do you bring the contractors to a hearing stage?

Mr. RYAN. . . . (W)hat is the hearing process, and what contractors are in that process at this point?

Mr. MOSCOWITZ. Well, the hearing can be started actually from two organizations. It can be started from the contracting organization or the OFCC. . . . (A)fter a series of reviews and negotiations, and if the contractor does not come (up) with an acceptable program, . . . they are then notified that their contracts will be terminated—cancelled—or they will be barred from future contracts, and . . . they are entitled to request a hearing on this matter before disbarment. That is the procedure. Now, the exact composition of hearing officers is left to the agency that is holding the hearing.

Now, OFCC has three—Allen-Bradley Corporation of Milwaukee; Timken, though I am given to understand that that now has been conciliated in Ohio, Canton, Ohio; and the third is Bethlehem Steel, Sparrows Point.

We have started hearings with an organization caled Swedish Crucible Steel of Hamtramck, Michigan. Those are the four. . . .

A true measure is not—again, I say it is not—cancellations, because there are a number of instances where great progress has been made when a contractor has been faced with the ultimate moment, or when on a pre-award review, a review was held up, . . .

I can give you the specific instance. Everybody talks about Newport News, and there is no cancellation there, but there was a confrontation between that contractor and the top level of the Department of Navy, . . . where it was clearly understood that he would have to have a program.

Mr. RYAN. To what extent have sanctions other than cancellations been imposed?

Mr. MOSCOWITZ. Well, they have been imposed in the situations I have described. There is some sort of action as it is escalated up at all levels. You start with first the professional who goes out to the plant and you work yourself up—an example is the textile companies. . . .

Just by the order of things, one textile company now has the personal attention of the Assistant Secretary of Defense and the head of DSA, and we are now in a series of discussions and negotiations with them. We are hopeful, and I am hopeful, that we will be able to then have an affirmative action plan from the textile industry that will be a pattern for the rest of the industry.

Now, how do you measure that? We may not then have to talk to the rest of the textile companies who have similar problems because we will set the pattern and I am hopeful that they then will comply and that our people will go out and say, "See what X textile did and that is what we expect of you. . . ."

Mr. RYAN. How do you determine or measure compliance in a given situation? What guidelines do you lay down for an affirmative action program?

Mr. MOSCOWITZ. Well, I think the guidelines are here, and we carefully worded this preamble, and I would like to read the last sentence, the last two sentences:

"The total findings then must be related to actual results in terms of employment of minority applicants and the treatment of employees without regard to race, creed, color or national origin. It is results which will determine whether the contractor is in compliance with the Executive order."

Now, that is our policy.

Mr. RYAN. Do you have any method of reviewing each and every contractor?

Mr. MOSCOWITZ. No. As best as people can measure, we are responsible for 50,000 plant facilities—I have heard everywhere from 30,000 to more than 50,000—but the fact is that we have 100 professionals working on this program. So, it is a physical impossibility for us to cover the facility of each and every contractor.

Mr. RYAN. Exactly what is the review procedure?

Mr. MOSCOWITZ. I do not quite understand.

Mr. RYAN In the first place, do you have a pre-award review in this situation?

Mr. MOSCOWITZ. Right. There are two requirements that are met that we have no control over, and that is not to say that we should or should not. We are required to review every contractor before he receives—for supplies or services—an award for a million dollars or more,

We are also required to investigate any complaint which we receive, or that goes to OFCC. That work load forms a pretty good portion of a number of reviews carried out. . . .

The balance of the work load is devoted to trying to cover the balance of the 50,000 facilities that are our obligation.

Mr. RYAN. Well, would you dispute the testimony before us that approximately 40 percent of the pre-award reviews are actually after the contract has been awarded?

Mr. MOSCOWITZ. I do not know that to be true. I would be glad to go back to DCAS and get some hard evidence on it. . . .

Mr. RYAN. We are also concerned about the apparent change in the application of the Executive Order . . . (previously), it (was) applied to all plants and companies owned by the same corporation, even though the Department of Defense was only doing business with one plant. . . . (T)oday we understand that there is a memorandum, which was issued within the past few months, which has restricted the coverage so that now its application is limited to those plants and operations actually doing business with the Government. . . .

Mr. MOSCOWITZ. (T)here is no such memorandum or directive . . . that in any way restricts the coverage we are responsible for under the Executive Order.

Now, I again go back to the physical problem. We have 100 professionals. We have some estimated 50,000 facilities to cover. Now, just looking at that, you can realize that it is impossible for 100 professionals to cover 50,000 facilities.

We then have this fixed obligation to carry on the pre-award survey—review as it is called—plus to investigate the complaints. So, then, somebody has to say, how are you going to devote, you know, the rest of this remaining man hours? How are you going to set your priorities? What contractor are you going to go to? . . .

I think the paper you are referring to, or that some people have misconstrued, is merely just that, which says to the people in the field, when you set priorities, take into consideration—does the contractor have more than 150 employees . . . is (it) in a high area of concentration of minority group employees, and, I believe the third criterion is, (does it have) . . . an active Government contract? . . .

(T)hat does not exclude or modify the coverage because, one, the Regional Director, and I can give you instances that I am personally involved in, can go beyond this any time he wants. . . .

(T)he most outstanding example is the textile reviews. . . . (A) great number of those textile manufacturers that we have just gone through in great detail had no existing government contacts.

All that seems to be misinterpreted here is—and I think maybe the language could have been improved—a device to try to set some priorities when you only have 100 professionals to work with. Give us more professionals and we will cover every bit of our responsibility. (B)ut I want to make that clear again, we know what our responsibility is, and I will be the first one to admit that we are not meeting it because of the manpower shortage, and I don't think anybody questions that. . . .

Mr. RYAN. Whether it is in terms of a regulation or a memorandum setting priorities, there has been testimony before us that there were a number of steps recommended which had the effect of limiting the scope of the review and the application of the Executive Order.

Mr. MOSCOWITZ. I think it has expanded it, sir.

Mr. RYAN. One was limiting reviews to plants of 300 or more employees, and it is your testimony that that is really 150?

Mr. MOSCOWITZ. Yes. But the reason I took issue, and I apologize for interrupting, is that I do not think it limits, because you still, no matter how you do it, somebody can argue with how you set your priorities, you are still faced with the problem—you only have 100 men and they can only do so much work. Now, you can say the way to do this is to do industry-wide reviews, as we did in the textile industry. Or the way to do it is (to increase) staff. The end result is going to be (that) so many companies or so many facilities will not be reviewed.

So, I think the system of saying these are the priorities has given us more work out of the men we have. Now, I could be wrong and somebody else could say that there is a better way of doing it, but he is not going to be able to cover all of the work-load we have, no matter what system he uses.

Mr. RYAN. (W)hat is the size of your staff in the Southeast region of the United States?

Mr. MOSCOWITZ. We have got 15 people there, 11 professionals and 4 clerical. . . .

Mr. RYAN. And how many contractors are they supposed to oversee?

Mr. MOSCOWITZ. By the way, before I answer that, I just might say, that most of the textile program is in the Southeast region, and we had to add manpower, take it away from some other place. It is estimated that the total—the total SF 100 file is 5,818. . . .

Mr. RYAN. How many of those 5,818 have been found to be in compliance by your own compliance officials?

Mr. MOSCOWITZ. I do not have an answer to that. I can try to get it for you. I will be glad to give it to you.

Mr. RYAN. There was testimony this morning from Mr. Sloane, a Special Assistance Staff Director of the United States Commission on Civil Rights, that DOD contract compliance officials estimated that noncompliance was found in 85 percent of compliance visits in the Southeast region. Would you disagree with that statement?

Mr. MOSCOWITZ. I do not know of any such fact as that. Again, I would have to ask him what he means by "noncompliance." . . . (L)et me just say that you can go to a contractor, and this is quite probably true, and find him in noncompliance.

Now, if you mean by that, that that necessarily leads to a contract cancellation, the first step of the professional is to bring them into compliance. So the contractor found in noncompliance on the fourth of December may be in compliance by the time the seventh of December rolls around. . . .

(I)t is not uncommon to go to a contractor, whether it is in the southeastern United States, in the northeastern United States, and not find it in full compliance when you get to it. (B)ut the procedure is to suggest a remedy.

If it does remedy this situation, it then comes into compliance. . . . I do not think it is a safe thing to say, to imply, that 85 percent of Defense contractors in the Southeast are in noncompliance presently.

Mr. RYAN. . . . (H)ow do your Regional Boards work? Are there 11 Regional Boards composed of military and civilians?

Mr. MOSCOWITZ. I think what you are referring to is what are called panels. Again, we start down with the man who makes the initial review. He makes an initial review; he does more than make the review. He is a relations specialist. He then makes an attempt to get the contractor to comply.

Assume he finds that the contractor is not in compliance or does not have an acceptable affirmative action plan, which is a much better phrase than noncompliance. . . . (H)e then makes suggestions.

"Well, I'm not interested in your suggestions," or "They are unreasonable and I refuse to go along with them," he then goes to his superior, who is a civilian in the organization.

Then, assuming that the contractor says,

They then bring this to the panel. Now, this panel is composed of the Deputy Director of the Region, who is a civilian. In most cases, the top legal officer and another top management official dealing in procurement. . . . review the file and they make a recommendation to the Commander.

The purpose of the panel is, again, to get people to come into compliance and to get the whole organization involved in the problem—legal, procurement, management. . . .

Mr. RYAN. . . . (I)s there any review of those companies which are found to have affirmative action plans? (And) . . . are those decisions reviewed in any way? Suppose the field specialist finds that the company has an affirmative action plan that is satisfactory to him. Is there any review of that?

Mr. MOSCOWITZ. There is an ongoing review and reporting system . . . each man . . . fills out a report of the visits he has made, the findings he has made.

That report goes through the organization and eventually ends up here in Washington, . . . and that is the one we are trying to refine to get a much better measurement than we have now of what is being done. (T)he monthly review (also) goes to OFCC. . . .

I would be the first to admit that we, as the policymakers, do not have, or have not yet developed, the best reporting system in this area.

Mr. RYAN. What kind of statistics and how current do you keep them? What kind of

statistics do you have on minority employment by contractors? . . .

Mr. Moscowrrz. . . . Every Government contractor, or everybody subject to Title VII, has to file a report with the Office of Federal Contract Compliance—the EEO–1. Now, again and as I say, as we have been now in an almost permanent discussion with OFCC about improving gathering the information from that report.

That report, by the time it has gotten around, . . . is old. That is the first document for all contractors and it is a source document for the Department of Labor, for the Equal Employment Opportunity Commission, and for us, ...

It is more, really, in . . . (OFCC's) responsibility than mine, except that we are, in Defense, very interested in retrieving and getting this information and getting as much as we can. . . .

Mr. Ryan. Now, the other aspect of the statistics relates to the positions held by minority group members. In other words, at what level are they employed, what is their salary range, how many are unskilled, how many are skilled, how many in supervisory position.

Do you have any data that expresses that?

Mr. Moscowrrz. Those forms . . . have a breakdown as to clerical, white-collar, blue-collar, and as to wage levels, also. (OFCC is) the coordinating agency of the forms. We want as much information as we can get. . . . I fully realize that we are 80 percent of the Government action in this area, but all I am saying, and not (as) an excuse, is that the Department of Labor is the coordinator and is the information gatherer in this area, and I am sure that they are as interested in getting the information as we are.

Mr. Ryan. I do not understand how you can determine a company to be in compliance or to have an affirmative action program if you do not have statistics which show what the employment pattern is; what the percentage of minority group members may be; what that may be in relation to the population in the area, which seems to be a factor that everyone who has testified here believes is important. And then, what the distribution of those jobs is throughout the company, so that if we find that the base of the pyramid has 10 or 15 percent minority utilization . . . does this hold true as you go up to the higher levels of the wage scale?

Now, certainly, you would find that it did not, and then the question are: what percentage at a supervisory level are there, what percentage of minority employees are there at the white-collar positions, and what percentage at blue-collar positions, and so on.

It just seems to me that those are statistics which would be required to make a sound analysis of the situation within any given company.

Mr. Moscowrrz. You are absolutely correct, and you have just described what a reviewer should do if he does his job, and that is what he does. He brings the EEO form and then he updates it there and breaks it down, as you say. And also, now I have verified my opinion why I did not want to insert figures, because I agree with you, that they do not measure anything really, and I agree with what has to be done, and I am . . . hopeful that every reviewer does do that in those plants that he goes to. . . .

Mr. Ryan. Yes, but beyond that, what I was trying to do was to convey the idea that if the Department of Defense kept these statistics so that they had a complete picture of what was happening with every contract, then you would be better able to enforce the Executive Order and not rely on 100 field representatives, but rely on the statistical picture also, in order to determine where you should expand your efforts, assuming that you have a limited amount of manpower, and then you could use the statistics to determine where you could best secure the greatest gains from minority employment.

Mr. Moscowrrz. I again agree with you, and I would like to just, if I may, say that we have asked for just the thing that you are talking about from the Defense Contract Administration Services.

Mr. Ryan. Well, I cannot impress upon you strongly enough, Mr. Moscowitz, my own personal concern, and the concern of those Congressmen who are sponsoring these hearings, for the strong and vigorous enforcement of the President's Executive Order, and it is certainly a disturbing thing to me to note, throughout the testimony of the representatives from the Civil Rights Commission, . . . which is a Government agency charged with the responsibility of reviewing what progress is being made by Government officials and Government agencies in carrying out the contract compliance program, . . . that as far as the Civil Rights Commission is concerned, the whole contract compliance program is far from perfect.

In fact, it has not succeeded as it should in bringing into employment large numbers of minority group members who have been excluded because of discrimination . . . I hope you will review the testimony of the Civil Rights Commission (representative) and that you and your superiors will find a way to have a much more effective program within the Department of Defense, one which will take advantage of the fact that you do spend 80 percent of the taxpayers' dollars that are contracted out and that you have tremendous leverage . . .

I want to thank you for coming and appearing and for answering as frankly as you did the questions which we raised, and as you said, you would be the first to concede that there is a great deal more to be done.

Mr. Moscowrrz. Thank you . . .

MR. WARD M'CREEDY

Mr. McCreedy was Acting Director of the Office of Federal Contract Compliance, Department of Labor.

With the issuance of Executive Order 11246 in 1965, responsibility for the equal employment opportunity program of companies and individuals contracting with the Government was placed in the newly created Office of Federal Contract Compliance—OFCC—within the Department of Labor.

Mr. McCreedy's testimony concerned the policies and regulations of OFCC, which has supervisory authority over the equal employment activities of all Federal agencies, so far as these agencies' contractors are concerned.

Mr. McCreedy pointed to such regulations initiated by OFCC as that issued in May 1966, requiring that preaward compliance reviews be undertaken of all contracts of a million dollars, or more. He noted that the construction industry, because of the presence of unions and numerous prime contractors and subcontractors, requires a concerted multiagency approach, such as that used in the Philadelphia Plan.

Congressman Ryan and Mr. McCreedy engaged in a colloquy which brought out the fact that until OFCC's issuance of a regulation in May, 1968, the various agencies were not even required to have a formal program implementing Executive Order 11246.

Mr. McCreedy also pointed to an order issued by OFCC implementing validated testing to ensure that tests are job-related. Mr. McCreedy also pointed to the seniority problem as a difficult one, following upon effective implementation of an equal employment program.

Perhaps one of the most perplexing components of Mr. McCreedy's testimony concerned the assertion that even though the EEOC might make a finding of probable cause in regard to discriminatory employment practices by a contractor, the OFCC may not undertake cancellation proceedings. Mr. McCreedy maintained that legal rulings of his office and the Department of Justice barred such an approach, even though OFCC has the power to cancel contracts. Mr. McCreedy contended that the matter would be referred to the contracting agency, which then would have to take action. If cancellation were to be employed, a hearing would have to be held.

Mr. McCreedy also testified that OFCC does not review all of the findings of contracting agencies, one reason being a lack of sufficient manpower. He also acknowledged that no Government contract has ever been cancelled because of noncompliance by the contractor.

The testimony follows:

TESTIMONY

Mr. McCreedy. . . . My statement will consist essentially, of the presentation with explanation, of the orders and the regulations and other written policy pronouncements that our office has developed in the 3 years of its existence. It will only be generally chronological. The main objectives will be to show how, why (and) with what effectiveness the policies and programs have been developed. . . .

(T)he agencies that have the primary responsibility for carrying out the program . . . include AID, Agriculture, Atomic Energy Commission, Civil Service, Commerce, Defense, General Services Administration, HEW, Housing and Urban Development, Interior, Department of Labor, NASA, National Science Foundation, OEO, Post Office, SBA, State Department, TVA, Transportation, Treasury, USIA, and Veterans Administration. . . . I think there are 28. . . .

When . . . Executive Order (11246's implementation) was transferred by President Johnson to the Department of Labor, Secretary Wirtz set up within his office the office called Federal Contract Compliance. . . . (As) the essential elements of our approach of equal employment opportunity in government contracts, (he) . . . enumerate(d) several items: (1) the affirmative action part; (2) the emphasis on pre-award and compliance reviews; (3) attention to specific complaints; (4) consistency across the board; (5) assisting the contract agencies to improve their compliance; (6) assistance from contracting agencies in soliciting their views as to how things should be done; (7) coordinated government approach; and (8) the enlistment of support of non-government organizations, such as Project Equality and others.

The program that we saw, as we started to implement (OFCC's role), was really dealing with the structural barriers that are inherent both in the government and industry. By "structural barriers" we mean those systems that are built in, that have to be changed. . . .

One of the first efforts made to correct the structural impediments, or barriers, . . . (was the) notice to the heads of all agencies from the . . . Director, Ed Sylvester . . . in May, 1966, requiring that the government undertake a pre-award compliance review in contracts of a million dollars or more, before the issuance of the contract.

The policy concept behind this is relatively simple. It is the contention that the government should make a determination as

to the contractor's ability to meet this part of the contract, . . . just as the government has to determine his capability to perform all other parts of his contract. The million dollars was established as a first start, based upon a work load volume. . . .

We have also issued a number of special pre-award orders against specific government contractors or people that want to do business with the government, based upon facts that came to the attention of the office. . . . There (have been) . . . 14 such pre-award actions. . . .

Mr. RYAN. . . . (A)re these . . . issued by the various agencies, or by your office?

Mr. MCCREEDY. They have been issued by our office. . . .

Mr. RYAN. All right.

Mr. MCCREEDY. . . . The problem of . . . pre-award (compliance in the construction industry) . . . is much different than it is in the nonconstruction industry, because you are dealing with a number of primes and subs, and a number of unions . . . . (T)he effort to obtain pre-award compliance there requires that all the different government agencies that have construction going on in a certain city be coordinated. . . . And so we try to approach it as a broad, across-the-board, coordinated effort (among all the agencies funding construction within a given city). . . .

I don't want to dwell in detail on all the changes (that OFCC instituted,) but I would call your attention to a number of types of changes that we put into (the rules and regulations) . . . dealing with areas that we had identified in the period of time between our office's establishment and the time that the rules finally became effective, that deal with the structural type of barriers or impediments that we saw. . . .

(T)he duties of the agencies (now) include new requirements that the agencies furnish the office with information that previously hadn't been required. And it imposes a new requirements that the agencies establish a program and procedures to carry out the agencies' responsibilities. . . .

Mr. RYAN. When were these changes promulgated?

Mr. MCCREEDY. They became effective in the rules and regulations when they were filed on May 27, 1968. They were published in the Federal Register. . . .

Mr. RYAN. . . . It is your statement (that) the significant aspect of those rules and regulations (was) . . . a new requirement that an agency establish a program and procedures to carry out the agency's responsibilities, to be approved by the Director (of OFCC)?

Mr. MCCREEDY. That's right. . . .

Mr. RYAN. . . . (W)ere not the agencies required to have a program to carry out their responsibilities under the Executive Order before May, 1968?

Mr. MCCREEDY. Not a formalized program. This requirement demands that they set out their priorities, how they are going about their business, just as you formulate any structured program, and then devise the rules and regulations to implement the program. Previously, that was not required.

Mr. RYAN. And the second significant change, then, was the requirement that each agency prescribe regulations for the administration of the Order?

Mr. MCCREEDY. That is right. Every agency is structured differently, as you well know, and in order to try to get each agency to come up with a system that was going to work within that agency in terms of the contract administration of this section, it had to be devised to meet the structure of the procurement system within the agency. . . .

Mr. RYAN. In May . . . of 1968, your new order to the agencies (also) required them to ensure that no contractor or subcontractor had segregated facilities?

Mr. MCCREEDY. That's right.

Mr. RYAN. And there was no such requirement placed upon them prior to May, 1968?

Mr. MCCREEDY. The language of the contract included the language that was that requirement. It said that there shall be no treatment during the course of employment based upon race. The contractual requirements had been there for a period of time, but the interpretation apparently was that that was not included. And it became obvious that it had to be singled out because it was a problem that was still in existence.

Mr. RYAN. . . . (I)f it was a problem . . . in May, 1968, does it still exist as a problem (today) . . . ?

Mr. MCCREEDY. Yes, sir. . . .

Mr. RYAN. Can you estimate among how many contractors that pattern of segregated facilities continues to exist?

Mr. MCCREEDY. I don't have that estimate for you now. . . . I might point out that the segregated facility order placing the responsibility on the contractor wasn't there. . . . I think (this) has eliminated a number of the problems; . . . he has to, as a part of his contract, at the time of entering into the contract, submit a certification with his invitation to bid that he does not maintain any segregated facilities. . . .

Now, (the contractor) . . . is subject to criminal prosecution if it is found that it has submitted a false statement on segregated facilities. We have not yet had a case come to our attention where a contractor has submitted a false certification that has been referred to Justice for prosecution.

Mr. RYAN. . . . (W)as this requirement imposed (retroactively) . . .?

Mr. MCCREEDY. No. It is on new contracts after May, '68. From a practical standpoint, it . . . affects all the contractors . . . because of the nature of the contracting business. Take the 1,000 largest government contractors, for instance. They are repeat contractors, and their subs would be automatically covered by that provision. . . .

Mr. RYAN. In other words, they certify for the subcontractors?

Mr. MCCREEDY. Yes, sir, that's a part of their contract. . . . (Turning to another subject), (w)e eliminated the so-called special compliance review and the routine compliance review, because . . . (they were) administratively confusing and (we wanted) . . . to build (reviews) . . . into the regular compliance business machinery of the agency. We wanted these to become (a part of) an on-going normal contract administration. . . .

(W)e also required that where there was deficiencies discovered, . . . the contractor has to state what is to be done in correcting those deficiencies. . . . We also . . . started to develop the requirement that the people doing the compliance review become specialist. . . .

Mr. RYAN. . . . I notice that (one of) your regulation(s) states "The contractor may be considered in compliance upon good faith implementation of his commitments as approved by the agency."

Mr. MCCREEDY. That's right, sir.

Mr. RYAN. Now, how is good faith determined by the agency?

Mr. MCCREEDY. Well, I don't know how good faith is determined by the agency. I can tell you what the intent of the section is. Let's take a very simple situation that should be easy to correct: . . . the segregated facility question. If a compliance review officer goes through and he says, "You have segregated facilities," and the contractor says, "I'm going to correct that, and so the fellow tears down the walls . . . makes the necessary plumbing changes, and he gives . . . (a) program to the agency (showing) that he's intending to do that and it is going to take him 30 days to get it corrected, or whatever the period is, then that should be approved by the agency.

Mr. RYAN. Is that subject to review by your office . . .?

Mr. MCCREEDY. Yes, sir. Not as a routine matter. We do not review all compliance reviews by the agencies. The head of the agency is responsible for that determination. . . .

(W)e (also) attempted to streamline the hearing process in order to utilize the sanction provided for in the Executive Order. The previous Executive Order is the same as the one we are (now) operating under, but the previous rules and regulations were not clear on procedures in terms of hearings for debarment, sanction, or suspension, cancellation, et cetera. And the process by which the final determination is made was not clear. So we established . . . a system whereby we can get to the hearing stage either through the informal or the formal hearing, or (through) show-cause notices to institute the sanctions. . . . (Thereby, we) clarified the problem that was in the rules and regulations as to whether or not it was necessary to have a hearing and a formal finding before you could cancel or terminate or suspend.

Previously, the only requirement was that you had to do it for debarment. And this has created a number of problems, both for the Justice Department and for our legal office, in terms of procedure. So we have clarified these things.

A section was added (in the new regulations) on intimidation and interference. As we started to deal with some of these real complicated structural problems, particularly in areas of the Deep South, it became obvious that the problem of intimidation was a very real problem, and we had to make the contractor, in the fulfillment of his contract, take on responsibilities to ensure that there would not be intimidation, giving him much more responsibility in that area than previously. . . .

(The change in the regulations in regard to) the affirmative action program . . . has significance in . . . terms of the requirements (placed upon) . . . government contractors now. . . . (The contractor is required) to make a detailed analysis of his structural problems or his employment problems, which would be essentially the same, that we would expect our compliance review officers to (otherwise have) undertake(n). This is a thorough examination of his total work force. Then, (the contractor must). . . develop remedies and time tables and goals, and put them into effect prior to the government arriving on the scene to do a compliance review. . . .

(A) testing order . . . has been recently issued by the Secretary. This goes to the area that I mentioned before, in terms of structural impediments. . . . (I)t became obvious over a period of time that the personnel system was operating on a fairly routine type of basis, and had built into it a system of testing that was having discriminatory effects.

There are a number of tests being used by government contractors that are not scientific, in the sense that they are not properly validated, and therefore requirements were being made for jobs which were not proper requirements. In order to eliminate this problem, we issued a very comprehensive testing order which was developed after nearly a year and a half by a number of professional psychologists—industrial psychologists (and) academic psychologists. . . .

In order for us to implement this order, we are going to have to have the expertise of the . . . psychologists . . . . (So) we have set up an advisory committee to our office . . . . They, in turn, will be working with a number of other people from the field that know much more about testing than I do . . . .

Mr. RYAN. And what results do you expect from the (testing) order?

Mr. McCREEDY. Well, I think we have already started to see a number of results. Some major corporations have said that this is very much needed and is producing an increase in the utilization of minorities in their organizations; that it is an appropriate management technique, so far as their personnel system is concerned.

One major corporation told me that since they have discontinued the use of tests . . . they have increased the minority flow into the organization substantially and that they have found, contrary to their previous belief, that these were better employees than the employees they were getting through the testing device . . . . (T)heir turnover was less, and that, of course, is money for the company as far as that is concerned. . . .

Mr. RYAN. . . .(C)an you summarize how this order affects tests, very briefly?

Mr. McCREEDY. Well, it requires that before you can use a test, it has to be job related, . . . and proven in a job-related fashion.

Mr. RYAN. And who makes that determination—the compliance officer in the agency, or the corporation, or your office?

Mr. McCREEDY. . . .(T)he word "validation" is the key word here, and that has to be professionally determined—that a test is job-related through validation studies. You actually have to do studies of the people performing the job, have to test them, have to evaluate the relationship between the job and the performance, before you can say that a test is validated. And (this is done by) . . . a very technical psychological method that has developed in the personnel field . . . .

Mr. RYAN. I am trying to determine who in the federal government approves or disapproves the validation.

Mr. McCREEDY. Well, the head of the agency will have the responsibility, and he has had to designate a person inside his agency who is going to become proficient in this field. And they will have the resource consultants of the subcommittee, or the testing committee, I referred you to.

Mr. RYAN. Okay.

Mr. McCREEDY. . . . Of the nearly 9 million employed Negroes in the country today, probably 90% of them are frozen into lower paying jobs structurally based upon existing collective bargaining arrangements between management and labor. . . .

(I)n order for them to have access to the better paying jobs within their current employment, it is necessary to change the seniority system . . . (so) that they can get these better paying jobs without the loss of their seniority or without a reduction in pay. This is a very complicated problem, and it exists throughout the entire country.

Our first major case in this area . . . (involved) Crown Zellerbach in Bogalusa, La., which had . . , the whole problem of bringing in Justice to enforce the actions that we had ended up in court on. And at the same time that was going on there was a separate action that was not initiated by . . . the Federal Contract Compliance Office, in the *Quarels* vs. *Philip Morris* seniority case.

Both of those cases are summarized in an OFCC order. And we have instructed the agencies that they have to effect the same sort of resolution in the compliance problems that they are dealing with. . . .

Mr. RYAN. How do you expect that to be accomplished?

Mr. McCREEDY. Through the agency getting the government, or getting the contractor to undertake negotiations with his union to change the collective bargaining.

Mr. RYAN. And in how many cases has this been initiated through the agencies?

Mr. McCREEDY. To my knowledge, I don't think an agency has yet been successful in instituting any changes in the seniority system. We have four or five cases within our office that an agency has assisted on, but we have not yet received any report from any agency that they have completed the corrective action in the seniority system.

Mr. RYAN. How much time are you going to give the agencies in order to take corrective action in the seniority system?

Mr. McCREEDY. I don't think we give them any time. As fast as we can find the cases where that problem exists, we are dealing with the agency to get them to correct it.

Mr. RYAN. How do you find the cases?

Mr. McCREEDY. Well, we know of a number of cases right off the bat in the paper industry, as an example, throughout the entire South. . . .

Mr. RYAN. Which agency has jurisdiction over most of the paper industry . . .?

Mr. McCREEDY. Department of Defense.

Mr. RYAN. And how many paper companies is the Department of Defense dealing with?

Mr. McCREEDY. Ten or 15 corporations with major facilities or with numerous facilities.

Mr. RYAN. And what steps has the Department of Defense taken to correct the seniority system within those ten or 15 paper industries?

Mr. McCREEDY. They have not taken any action yet. They have not confronted the industry.

Mr. RYAN. Your order was issued on August 8, 1968?

Mr. McCREEDY. Yes, sir.

Mr. RYAN. And to date the Department of Defense has not confronted the industry with the implementation of this Order. What action is your office taking to require the Department of Defense to follow through?

Mr. McCREEDY. Well, the action that we have been taking is to continuously urge and insist, and we have had numerous meetings with them about the problem in terms of the utilization of their people, what they are doing with them in the development of their priorities in the cases that they have to resolve.

I am still anticipating that the agency head will carry out his responsibility.

Mr. RYAN. During the time the Equal Employment Opportunity Commission has been in existence, has it made findings of discrimination in the seniority system of various companies in the country . . .?

Mr. McCREEDY. They have found probable cause, which they have either referred to Justice or they have attempted to conciliate and negotiate. . . .

Mr. RYAN. . . . (So) the Equal Employment Opportunity Commission has concluded that there has been probable cause to believe (that) . . . throughout the seniority system there is discrimination, right?

Mr. McCREEDY. Yes, sir. . . . We get the probable cause findings from the Commission.

Mr. RYAN. . . . (W)hen you get a finding of probable cause from EEOC, what action do you take?

Mr. McCREEDY. We have forwarded the information to the agency which has the contractual responsibility, and ask them to follow up on it. Now, I want to discuss this problem with you in some detail, because it does present a legal and administrative problem. The remedies under Title VII (of the Civil Rights Act of 1964) are enforceable through the Justice Department on its own motion if there is failure to conciliate, or through the individual filing his suit.

Mr. RYAN. Well now, you are talking about remedies under Title VII. . . . I am not concerned with remedies under Title VII. I am concerned with your using information derived from the EEOC proceedings . . . in order to enforce the Executive Order.

Mr. McCREEDY. I understand.

Mr. RYAN. Because you have more power through the Executive Order, perhaps, than the EEOC has through the judicial remedy which you cited, because you have the power of cancellation of a contract.

Mr. McCREEDY. But we do not have the power to cancel a contract on a probable cause finding (under) Title VII, as far as our lawyers and the Justice Department tell us, and that is the issue that I said was the problem. In other words, merely because somebody has found probable cause, it does not give us the power per se, as far as our legal people and the Justice Department tell us, to start hearings, to cancel a government contract.

Mr. RYAN. . . . Do you mean to say (such a finding) . . . does not give you the power to immediately cancel the contract, or does it not give you the power to start a hearing? Because, under your orders which you have (discussed) . . . this morning, you have 2 hearing procedures—one an informal hearing and one a formal hearing. And what I am asking is, do you have any method of taking the information of probable cause . . . from EEOC . . . and using this as the basis to start a proceeding within your agency to cancel or debar a contractor?

Mr. McCREEDY. Not (on) . . . the legal advice that I have been given so far.

Mr. RYAN. . . . I don't understand that kind of advice.

Mr. McCREEDY. The question is still being studied as to what is the legal basis on which the Executive Order can be used even after conciliation has failed and the person's remedy is then in court. . . .

Mr. RYAN. Let's assume there were no Title VII and there were no EEOC in existence. . . . Does not the Office of Federal Contract Compliance, under the Executive Order, have the power and authority to cancel or to withhold government contracts because of discrimination?

Mr. McCREEDY. Yes sir.

Mr. RYAN. All right. Then, what I am asking is, what action have you taken with respect to those companies of which you know, through the referral to you be EEOC of its findings of probable cause—which (establish that) . . . one agency of the federal government has determined (that those companies) are in violation of anti-discrimination provisions, whether . . . Title VII or . . . any other Act?

In other words, it seems to me that this information that comes to you from a government agency should be the basis for actions within your agency looking toward the cancellation of these contracts. And I don't understand any legal advice which says you can't proceed. . . . It seems to me this is simply an administrative problem within your agency.

Mr. McCREEDY. I assure you, sir, that I have been told that it does have these legal complications, and we have had many coordinating . . . sessions with the Justice Department . . . trying to work that out. . . .

Mr. RYAN. In any event, the answer is (that) no action has been taken with respect to those companies cited by EEOC for discriminatory practices?

Mr. McCREEDY. No, sir. That's not my answer. You said "no action." We have referred to the agencies the matter of compliance reviews. We have told them to try to assist in straightening out the matter. We have worked jointly with the Commission on numerous cases together, using the combined resources of the government on specific cases in seniority. . . .

Mr. RYAN. All right. Proceed Thank you.

Mr. McCREEDY. . . . I might at this time discuss very briefly with you the status of the 5 cases that we have set for hearing. Allen-Bradley has been concluded. . . . As to Bethlehem Steel, the hearing has been started, . . . recessed, and is to continue again. . . . The Pullman case has been under conciliation. . . .

The Timken matter has been settled. It involved seniority. The company and the union changed their seniority system. . . . There were approximately 240 seniority units in their facilities, employing about 10,000 people. They now have 4 seniority units, and a person can use his length of service to transfer into any job that is posted on a plant-wide basis, and he carries with him his seniority. Previously, he was not able to bid on these other jobs without loss of seniority. . . .

The B & P Motor Express case has not yet been set because of the lack of staff to prepare for all the hearings. We don't have enough legal people on our staff. About 2,250 manhours were used in the Allen Bradley matter and, frankly, all of our resources are now being used in the Bethlehem Steel matter.

Mr. RYAN. Why did it take so long to proceed against Timken Roller Bearing Company? As I recall, this company was cited by your office back in 1966 for refusing to cooperate—

Mr. MCCREEDY. Well, they corrected that. The first citation that was issued was failure to disclose information. Then they said the information was available. Then we did an analysis of the work force and entered into a series of negotiations to correct the problem. After the negotiations only partially corrected the problem, namely, seniority, which was not affected, we started in the agency to proceed with the correction of seniority.

And when there were not any results being obtained, then it was necessary to set the hearing.

Mr. RYAN. Over what period of time were these negotiations taking place?

Mr. MCCREEDY. I guess that the period of time was—and I would have to check my records, but my memory is roughly over a year and a half, something like that.

Mr. RYAN. And throughout that time, was the company continuing to do business with the Federal Government?

Mr. MCCREEDY. Yes, sir.

Mr. RYAN. (W)hy wasn't this a good opportunity for the Office of Federal Contract Compliance to impose sanctions, such as canceling the contract of Timken Roller Bearing, where you had such obvious and well documented discrimination?

Mr. MCCREEDY. Because you have to go through the hearing procedure to cancel a contract.

Mr. RYAN. (W)as there any reason for not proceeding with a hearing a year and a half ago?

Mr. MCCREEDY. Yes, sir. At that point in time it appeared that the company was going to correct all the matters that needed to be corrected.

Mr. RYAN. Have all these companies that you cited, all five of them, continued to receive government business?

Mr. MCCREEDY. Yes, sir. (Y)ou have to have a hearing and a formal finding under the Administrative Procedure Act before you can cancel or debar.

Mr. RYAN. (D)o you have to have a formal finding before you . . . enter into a new contract with a company?

Mr. MCCREEDY. That's what I'm told, sir.

Mr. RYAN. How many notices of hearings have there been through the Federal Contract Compliance Office?

Mr. MCCREEDY. Five.

Mr. RYAN. And in how many years?

Mr. MCCREEDY. Three.

Mr. RYAN. All right. Thank you.

Mr. MCCREEDY. . . . (A)nother part of the problem, as far as government is concerned, . . . is to try and devise recruitment procedures for the placement of qualified people across the board, and for all government agencies. . . . In addition to trying to upgrade the skills of government, we have also been working with the Civil Service Commission in conducting a number of training programs. . . . I guess 29 agencies have sent some 304 people to these 11 training programs since November, 1966. . . .

Mr. RYAN. . . . I wonder if you could tell us how large your professional staff is . . .?

Mr. MCCREEDY. . . . We have 36 positions budgeted. That is professional and clerical, and includes the clerical support—which I believe is 5 or 6—for Plans for Progress, which the Department of Labor has to give clerical support to. Our professional staff is supposed to be around 18. We have on board right now 12, and we are recruiting for 6 more positions to fill vacancies.

Mr. RYAN. Now, what are the responsibilities of the professional staff?

Mr. MCCREEDY. The professional staff is given across-the-board administrative responsibilities for agency review of programs and handling of particularly tough, keynote-type cases. . . .

Mr. RYAN. Does your staff review all of the findings of the contracting agencies?

Mr. MCCREEDY. No, sir.

Mr. RYAN. How does it determine which ones are to be reviewed?

Mr. MCCREEDY. This is based upon the knowledge of the industry and the type of problems that have been identified, and upon asking the agencies to bring to our attention specific cases that need reviewing. There are thousands of compliance reviews being conducted, and we can't review all of them. But we know enough about the nature of the different problem areas to try to pick out cases to review.

We ask the agencies under their program plans to tell us where they are going to be for the next six months, what contractors they are going to go in to see. Then we will be able to ask for specific file information on the results of their compliance reviews of these particular companies or places.

Mr. RYAN. How do you ensure that the contracting agencies require affirmative action plans from their contractors?

Mr. MCCREEDY. Well, that is in the rules and regulations.

Mr. RYAN. How do you——

Mr. MCCREEDY. How do we assure ourselves?

Mr. RYAN. Yes.

Mr. MCCREEDY. Meeting of the requirement that a contractor have an affirmative action program, when the compliance agency gets to that facility to review it, would have to be picked up by asking the agency to furnish us with specific information on a given contractor. . . .

Mr. RYAN. . . . Do the agencies have a proposed or a model affirmative action program which they would require with whatever modifications are necessary of their contractors, which you then review . . . ?

Mr. MCCREEDY. Well, the agency is required to develop and submit for our approval its program plans to assure compliance. That does not include a model format of a typical affirmative action program that it is going to require each contractor to follow, because the problem that we have identified is that the contractor has to identify his problem and design the remedy for his problem, which is his affirmative action program.

Mr. RYAN. Well, I am trying to see what guidance you give . . . in order to monitor the agencies. You have to certainly hold out some standard for the agencies if you are going to monitor them.

Mr. MCCREEDY. . . . We monitor the agencies by calling up the compliance reviews from the various problem areas that they have been working in. We tell the government contractor through rules and regulations that it is his responsibility to correct his problem. We expect the agency to do the compliance review, and to determine whether that problem has been resolved.

Mr. RYAN. Now, am I correct in my understanding that in the Newport News case, (the company) . . . was told that it could not bid for any Government contract until it corrected its discriminatory practices?

Mr. MCCREEDY. During the course of the negotiations the pre-award order was issued by the Secretary requiring that prior to any further government business, the government inquire as to the status of contract compliance with that company. That's right.

Mr. RYAN. (T)here was no question about the legality of that order, was there?

Mr. MCCREEDY. The legality of that order came up again in the Crown Zellerbach case, where a similar order was issued, and the company and the union took it to court, and (the) Judge . . . said that that order could not stand because it was in effect taking a contract without a hearing.

The orders that we have issued subsequent to that time are in the form of consult orders, because we think it is our responsibility to tell (other agencies) the status of the contractual relationship with . . . (one agency) that a non-complying company has. Then it is up to the agency head to make his determination as to whether or not he wants to award that contract.

Mr. RYAN. Then the contract could be withheld? That's my point.

Mr. MCCREEDY. I don't know if it could or not, sir.

Mr. RYAN. (Previously), . . . we had testimony from Martin Sloane, Special Assistant to the Staff Director of the United States Commission on Civil Rights, and among other things he said that he believed it was a misfortune of the first magnitude that the contract compliance program had failed to fulfill its potential.

Would you care to comment on that statement . . .?

Mr. MCCREEDY. Well, I don't think the contract compliance program has reached its potential yet, and I would agree that it is a serious problem. . . .

Mr. RYAN. He went on to say, "Perhaps the main reason for this failure is that contractors have not had to take seriously the threat of sanctions for noncompliance." . . .

Mr. MCCREEDY. Well, I can't speak for the contractors.

Mr. RYAN. (D)o you think the contractors take the threat seriously?

Mr. MCCREEDY. I think they do, sir, now, from everything I have heard around the country. And I might just mention that during the past month and a half we have met with a thousand or more government contractors, and I can't find any of them, major contractors, that don't take this seriously. They are concerned about their government contracts.

Mr. RYAN. Has any contract ever been terminated?

Mr. MCCREEDY. No, sir.

Mr. RYAN. All right.

Mr. MCCREEDY. Mr. Ryan, sir, I tried to explain there times—

Mr. RYAN. I know.

Mr. MCCREEDY. —we have to go through the hearings.

Mr. RYAN. I know your explanation.

Mr. MCCREEDY. All right. The hearing is——

Mr. RYAN. I want to make the point that the fact still remains that no contract has ever been cancelled.

Mr. MCCREEDY. That's a fact.

Mr. RYAN. I would like to raise a question or two regarding the relationship between the Office of Federal Contract Compliance and other Government agencies, such as the Civil Rights Commission.

In September, 1967, the Civil Rights Commission submitted a memorandum to the Office of Federal Contract Compliance concerning the San Francisco Bay area. It is my understanding that that memorandum was answered nine months later, in May of

1968, . . . by Mr. Sylvester, the Director of that time. . . .

And in his reply, which was a comment upon a memorandum from the Civil Rights Commission based upon a hearing held in May of 1967, in his reply a year after the hearing, he said, and I quote from Mr. Sylvester's memorandum, "The San Francisco plan has resulted in no known increase in the membership in the mechanical trades. It was a causal factor in the development of a Department of Labor-funded training program for operating engineers. But it is . . . not now clear that more than 50 Negro youths will enter this local, which has about 30,000 members and only 25 Negro members."

Now, my question really goes to this—how do we expedite this process from a hearing in May, '67, a memorandum in September, '67, from the Civil Rights Commission to the Office of Contract Compliance, a reply nine months later in May of 1968, a year after the hearing, in which your office confirms the finding of the hearings a year earlier?

How are we going to speed this up so that we can begin to really move in the whole area of contract compliance . . . ?

Mr. MCCREEDY. I don't think . . . (there was) delay merely because a letter was written one time and the answer (another)—there was exchange of information back and forth between the Commission and our office informally. I think that was a formal result of the attempt to implement the so-called Cleveland Plan and the BART plan. And it wasn't successful, and we finally had to say it wasn't successful.

Mr. RYAN. Well, here again, in June of '68, your office memorandum says that the ". . . affirmative action program is clearly an inadequate implementation of the BART–HUD agreement. It was expressly so found by our area coordinator in this office, as well as the Director of Equal Employment Opportunity in Secretary Weaver's office. The HUD Regional Administrator accepted it, nevertheless."

Now, if you make a finding that a plan is inadequate and the agency accepts it, what recourse do you have? Can't you countermand the agency's acceptance?

Mr. MCCREEDY. . . . I think we could. . . .

Mr. RYAN. All right. Thank you very much. Mr. McCreedy, for your testimony. . . .

MR. LOUIS ZAWATSKY AND MR. PAUL L. EVERETT

Mr. Zawatsky is Deputy Assistant Commissioner for Administration, Social Security Administration, and Deputy Equal Employment Officer, Social Security Administration.

Mr. Everett is Chief of the Insurance Compliance Staff, Social Security Administration.

Testimony on employment within the Social Security Administration, itself, by these witnesses appears in an earlier portion of this report.

Mr. Zawatsky's and Mr. Everett's testimony concerned the contractors which serve, in effect, as intermediaries in the processing of the payment of hospital and doctor bills under the Medicare program. Mr. Zawatsky pointed to statistics showing that since SSA took over compliance responsibility for these contractors in 1966, minority group employment rose from 12,600 to about 25,000. The percentage of minority group employees, which had been slightly more than 5 percent, thereby rose to 9 percent. He also claimed that minority group members had new promotion opportunities, and were occuping fields previously closed, in effect, to them.

Among the devices SSA uses to secure compliance are threats, by letter, not to renew contracts, and conferences with the top executive officers of the companies. At these conferences, SSA requires that the executive present staffing goals for the next year.

Mr. Zawatsky stressed the value of conferences with the EEO coordinators of the companies, and conferences with the top corporate officials, who are essential for effective implementation of equal employment opportunity programs.

In response to Congressman RYAN'S questioning, Mr. Zawatsky acknowledged that no contract had ever been cancelled by SSA, although SSA has used the threat of cancellation to induce the companies to correct deficiencies.

Mr. Everett also pointed to a new reporting system implemented by SSA to achieve better data on employment as a means to better the EEO program.

Mr. Zawatsky did acknowledge that SSA has a very poor record in employing Spanish-surnamed persons, and noted that SSA had recently established a special recruiting officer for Mexican- and Spanish-Americans.

TESTIMONY

Mr. ZAWATSKY. The Social Security Administration has responsibility for ensuring that 164 insurance contractors meet the requirements of Executive Order 11246. Most of these contractors serve as intermediaries in processing payment of hospital and doctor bills under the Medicare program. We believe that the efforts of our insurance compliance staff have contributed to the marked improvement which has been made by the insurance industry in providing equal employment opportunity.

When the Social Security Administration was given the compliance responsibility for this group of contractors in 1966, the minority group utilization of the contractors for whom we were responsible was slightly more than 5 per cent. Practically all of this minority group employment was at the clerical level or in service jobs. In the last two years there has been marked change in these figures; minority group utilization of our insurance contractors now stands at about 9 per cent.

What is more important, in terms of total figures, minority group employment has about doubled, going from 12,600 to about 25,000. This progress has been accomplished through fairly consistent improvements over the two-year period, although there was an initial spurt in the early part of this period which can be attributed to the increased opportunity to fill positions required to process the new Medicare workload.

We believe that one of the most important measures of a contractor's compliance with the requirements of Executive Order 11246 is the extent to which they utilize opportunities to hire and promote minority group members. For example, we obviously could not expect the same degree of improvement in the posture of a contractor that is undergoing a reduction in staff—and that has happened—as we would if a contractor is increasing its work force. However, in both cases we would require affirmative action to ensure maximum utilization under the circumstances. It is significant that minority group members have been hired to fill about one-third of the available jobs on our contractors' staffs since we have had compliance responsibility under this approach.

While the progress of the contractors is most noticeable in relation to the gross percentage of new hirees that are minority group members we have also emphasized that employment policies must provide equal opportunity for promotion and that equal opportunity must exist for all types of positions. Although we do not have at this moment industry-wide figures, our records indicate that meaningful progress has been made in the placement of minority group members in technical, professional, supervisory and managerial positions. Minority group members are now being employed in positions from which they have been traditionally excluded, such as group sales, actuarial work, investments, mortgage and loan, and legal staff work. We are now working on developing a reporting system which will permit us to more accurately and effectively assess the progress being made in promoting and hiring minority group members for positions above the clerical level.

Despite the overall advancement, the progress has not been even. We become aware of questionable situations based on the efforts of compliance specialists who deal with corporate officials at their headquarters. When the compliance specialist encounters a situation in which the contractor's performance is not adequate and believes that a special effort may be necessary, he calls this situation to the attention of his superiors.

They review his report and recommendations and decide on whether it may be productive to call the contractor to our Baltimore office for a speical conference. So far we have conducted six compliance conferences, but in each instance the posture of the contractor has significantly improved during the period between our notification and the conference, or shortly after the conference. Several contractors that have been advised that we were considering calling them in for a conference in Baltimore have requested additional time to improve their performance. On a few occasions we have agreed to these requests and the results have justified our decision to postpone or cancel these conferences. . . .

Most of the contracts with the Medicare intermediaries are set up so that they will be renewed automatically unless either party gives notice that it wishes to terminate the relationship. We take advantage of this situation by sending a letter specifying any deficiencies to a contractor whose contract is up for renewal. These letters state, in effect, that unless there is a meaningful improvement in the EEO performance and posture of the contractor by a given date, we may not be able to renew the contract. These have been very helpful.

Although considerable progress has been made, we recognize that the industry still has a long way to go to fully assure equality of employment opportunity. . . .

Mr. RYAN. What size staff do you have for contract compliance?

Mr. EVERETT. . . . (W)e have a staff of 30, including 15 professionals. . . .

Mr. RYAN. And do they do the field work, too?

Mr. EVERETT. The 15 compliance specialists perform the field work.

Mr. RYAN. Do you have other staff personnel in your Baltimore office, or is this the whole setup?

Mr. EVERETT. That is the entirety of the insurance compliance staff. However, we use all of the entities for support in those areas where necessary. For example, our electronic data processing, and so forth. . . .

Mr. RYAN. Out of these 15 professionals, how many had prior experience in civil rights work?

Mr. EVERETT. Oh, roughly one-third.

Mr. RYAN. Before they were brought into this? That would be five out of 15?

Mr. EVERETT. Correct.

Mr. RYAN. And from what area did the other 10 come?

Mr. EVERETT. Within the Social Security Administration—claims policy positions,

management, and analyst positions, similar jobs. . . .

Mr. RYAN. We have been concerned with the President's executive order, and its enforcement, and the opportunity which it offers . . . to ensure, as you have pointed out . . . equal employment opportunity within the insurance industry, and I think this is an area in which you have great leverage.

There was reference to this in a report which I made last February, which you may recall, in which I discussed at least one insurance company in North Carolina called the Pilot Insurance Company. . . . (O)ur investigation showed that there had been a contract awarded there, even though the company itself had not agreed to what you call a pre-award review. Now, in fact, are you requiring some kind of review of each insurance company before (awarding contracts)...?

Mr. ZAWATSKY. . . . I can say this categorically, that across the board . . . there has been vast improvement in every category. . . .

Mr. RYAN. . . . Can you give specific details?

Mr. ZAWATSKY. . . . (Minority group members) have been hired above clerical levels. Programs are in effect in some of the companies which will make possible—some exist already . . . district managers . . . being appointed area managers. . . . (They have) training programs of great dimensions. And they have certain target dates in some of these companies, I have noticed, where . . . there will be so many district managers, so many area managers, by such and such dates.

Some of the companies are involved in hard-core employment—that is, hiring the hard-core unemployed. They have set up extensive training programs for people who have dropped out of school, so they can work part of the time, and they are trained and taught while they are at work a part of the time.

There has been a tremendous shift. I am not trying to say that there isn't a lot of room to go, but there has been a tremendous shift in the recognization of the importance of the equal employment opportunity program in the industry. . . .

Mr. RYAN. You said at one point you didn't have industry-wide figures?

Mr. ZAWATSKY. Industry-wide figures for specialized jobs—that is, how many actuaries, how many statisticians, how many lawyers. I don't have that, but I do have gross figures. For instance, . . . in December of '65 . . . there were approximately . . . 240,000 employees in . . . the total of all Medicare contractors, . . . of which 12,000 were minority employees, or 5.3 per cent.

Today, December of '68, the Medicare contractors' total . . . is 280,000, . . . and the minority employees make up roughly 25,000, or 8.7 per cent. . . .

Mr. RYAN. (A)re we going to find a pattern, if we look at this, where minority group employees are in the lowest positions, and as you go up—just as in SSA itself, or in any of the other agencies of the federal government . . . in income levels or grade levels, as . . . they are called in the Federal Civil Service, the percentage of minority group employees goes down?

What are you going to require the contractors to do, in terms of affirmative action, so that they are extending not only the opportunity for equal employment, but in fact providing equal employment and providing openings that were never before provided to minority group members . . .?

Mr. EVERETT. . . . At this point in time, Congressman Ryan, we have corporate conferences with the top executive officials of a given entity. At that time we make as a requirement, as an agreement from the executive present, that they establish staffing goals for the next year, and the staffing goals include an analysis of their present work composition, and an analysis of the opportunities to fill vacancies through expansion or turnover, and what they intend to do in the use of minority group persons in filling these vacancies created by turnover or expansion. . . .

Mr. RYAN. Of the 164 contractors, with how many have you had staffing conferences?

Mr. EVERETT. Oh, I would say perhaps 80 per cent. We would not have in a one-year period a 100 per cent review. I would include the corporate home offices, which would be perhaps 95 per cent of the commercial insurance companies. With the Blue Cross-Blue Shield plan, we have been operating through the National Association of Blue Shield plans, and the Blue Cross Association in Chicago, so that we get a coverage that is very close to 100 per cent.

Mr. RYAN. Can you give me an example of the kind of staffing goals you will set for a company?

Mr. EVERETT. Yes, I can give you an example. One of our large commercials had virtually no black district managers in their life insurance area. They had virtually no agency managers, which would be the next lower position. They had very few black salesman. They had more Spanish-surnamed salesmen, but still they were very short in numbers for the upper positions. They had a few Orientals, and virtually no American Indians.

We met with that particular commercial in April of this year, 1968. At that time they agreed that, where possible, starting with the most feasible department and moving on, they would immediately establish staffing goals for the entry level professional position, and for the higher supervisory and administrative positions.

They have since that time sent to us a clear breakout on what their affirmative action plan would be, not only for 1968 but for '69 and the next three years—a five-year affirmative action plan . . . .

Mr. RYAN. Are you satisfied that the companies are doing everything they can to open up opportunities?

Mr. EVERETT. Oh, no, we are far from satisfied, Congressman Ryan.

Mr. RYAN. What do you suggest should be done to spur them on?

Mr. EVERETT. We suggest a number of approaches and techniques. We plan, for example, to convene the EEO coordinators of the commercial companies.

Mr. RYAN. Does each one have an EEO coordinator?

Mr. EVERETT. Absolutely.

Mr. RYAN. Do you require that?

Mr. EVERETT. Absolutely. We intend to convene them during the first quarter of 1969, at which time we will spell out exactly what the Social Security Administration expectations are for them, where they should be by now, where they will be expected to go.

We will see to it that they have an understanding of the rules and regulations that have been recently issued, the orders from the Office of Federal Contract Compliance, the guidelines that we have received from the Department of Health, Education and Welfare.

Additionally, we intend to describe to the corporate officials in the conference that are held at the close-out of home office reviews—and assure ourselves that the very top officials of each entity thoroughly understand—what we mean by affirmative action, what we mean by staffing goals, what the rules and regulations indicate that they should be carrying out in their own corporate entities. These are a couple of the aspects.

Mr. ZAWATSKY. I might add, Congressman Ryan, that we have found from experience not only with the contract compliance work but in our own program—that is, our in-house program that the only time that you really get meaningful compliance and meaningful results is when top management and I mean the very top management, really not only issues policies but ensures through a good reporting system that they expect certain results.

Mr. RYAN. Have you used, or threatened to use, the cancellation of a contract in order to enforce compliance?

Mr. ZAWATSKY. We have on several occasions written to some of our contractors and advised them of certain deficiencies, with the clear indication that if those deficiencies are not corrected by such and such a date that we may have to cancel the contract.

Mr. RYAN. Has any contract been cancelled?

Mr. ZAWATSKY. The only one that I know of is one company which bowed out on its own.

Mr. EVERETT. They asked us not to . . . cancel before they bowed out. . . .

Mr. ZAWATSKY. What we are doing more and more, and we found that to be very effective, is to place the burden upon the top executives of the company to show results. I mean, we are not just interested in the policy statements.

Now, we used to spend a great deal of our time visiting local installations of the insurance companies. Now more and more I think we are shifting our emphasis, with our concentration based upon the reports that we are getting, our meetings with the top officials of the central officers of the company, and asking them to carry the ball. Is that a fair statement?

Mr. EVERETT. That is correct. Also, we are able at this point in time to spend our time dealing with these lesser officials who have responsibilities for offices where equal employment opportunity is not in existence, virtually. We are not spending the amount of time now with contractor officials . . . performing well to the same extent as we did at the outset of the program.

Mr. ZAWATSKY. You know, Mr. Everett, Congressman Ryan might be interested in, in the last two years, how many actual onsite visits we have made.

Mr. EVERETT. We have made in the vicinity of 1,500. We currently are performing fewer, for example, in fiscal year '69 than we did in fiscal year '68.

Mr. RYAN. How many were there in fiscal year '68?

Mr. EVERETT. 561.

Mr. RYAN. That is by your contract compliance specialists?

Mr. EVERETT. That is correct. We find that we are able to get better data from the individual corporations. We are able to identify the problem areas far better, and to concentrate on these instead of visiting various parts of the country without knowing what we will find when we get there.

Mr. RYAN. Mr. Zawatsky, you referred to the reporting system which you are planning to develop. When will that be in effect?

Mr. ZAWATSKY. I would like to turn to my colleague, Mr. Everett, again. . . .

Mr. EVERETT. It is presently in effect, Congressman Ryan. By the new reporting system we are referring to quarterly reports from the various contractors and the use of our electronic data processing capability in utilizing that data.

Mr. RYAN. What information are you gathering now that you didn't gather before through the new system?

Mr. EVERETT. Well, quarterly reports, for example.

Mr. RYAN. As to what?

Mr. EVERETT. This would concern the number of hirees, the number of vacancies, the number of employees of majority and minority groups above clerical levels. It would relate to various terminations, whether by compulsion or voluntary terminations. It would also include information regarding stipulations that were made by the contractor, and implementation.

Mr. RYAN. Does it go into the question of the various positions?

Mr. EVERETT. Absolutely.

Mr. RYAN. So that you know what level position you are talking about.

Mr. EVERETT. It does. . . .

Mr. RYAN. This is one of the prime statistics I think we will all be interested in.

Mr. ZAWATSKY. We have used another technique. We have had a number of seminars with the insurance industry in different parts of the country. We have had one in New York and . . . then we had one in California.

Mr. EVERETT. Chicago, Los Angeles, Kansas City and Atlanta.

Mr. ZAWATSKY. And there we bring the industry and the minority group leadership together . . . (and) we discuss the needs of the industry and the available minority resources . . . with the aim and hope that we will open up in that way many, many more opportunities. . . .

Mr. RYAN. In terms of Spanish-speaking citizens, what efforts have been made in areas where there are concentrations of (these people) . . . ?

Mr. ZAWATSKY. (L)et me put it this way. I want to be very frank with you. . . . If we take our Spanish-speaking Americans and Mexican-Americans in-house—that is, in the Social Security Administration, itself—I think we run some place around 2 per cent. That is nationwide. Now, we have much heavier concentrations, of course, in the Southwest—in areas like California, and other places. . . .

(V)ery recently we have established a special recruiting officer for Mexican- and Spanish-Americans, and his job will be to travel the length and breadth of the country to help our regional staffs to locate and to do what can be done to improve our position in these areas.

One of the things that we have found out is that many of our Mexican-American people are reluctant to move out of the areas where they now live, so that if we have vacancies in different parts of the country, we have found it very difficult to get them to move into other areas. Now, this has not been a problem with the Negro population. They have moved quite readily. . . .

Mr. RYAN. In particular cities do you think it would be helpful in addition if you had a special recruiting officer assigned to those regions?

Mr. ZAWATSKY. We do have. For instance, we have in our regional offices a recruiting officer in every regional office, but this particular person that I was referring to . . . whose position we have just established . . . he will work with the recruiting officers in those areas where the groups do exist, and work with them and . . . the Mexican-American groups to see what we can do to improve our position. . . .

Mr. RYAN. I understand. What about in the New York area, for instance, where there are a large number of . . . people of Puerto Rican origin?

Mr. ZAWATSKY. Hardly enough. I am personally disappointed with the progress we have made . . . there. We have a fairly good percentage. . . . But we do not have the kind of representation that I would like to see. Chicago is the same thing.

Mr. RYAN. Do you think, then, that in New York and in Chicago it would be helpful . . . if you had somebody who had the specific responsibility in those regional offices of working with your new national recruiting officer, rather than just putting the burden on the present recruiting officer. . . .

Mr. ZAWATSKY. In those regions, . . . the Health, Education and Welfare Department has a full-fledged civil rights office in each region of Chicago and New York, and they work with our recruiters in those areas, and that is the reason we haven't found it really necessary to do that.

Mr. RYAN. Except that your figures, your statistics show a very disappointing . . . result, according to your testimony.

Mr. ZAWATSKY. It isn't that we are not trying. We are, basically, and I hate to say this, but we have to follow the system. We have to go to Registers. We try to get people on Registers. We work with the schools. But if they are not on the Registers, we just can't pick them up.

Mr. RYAN. Do you do anything about giving special examinations?

Mr. ZAWATSKY. We do.

Mr. RYAN. Or preliminary classes preparatory to examinations in Spanish?

Mr. ZAWATSKY. Do you mean for people who are not now working with us?

Mr. RYAN. Yes.

Mr. ZAWATSKY. No, we haven't done that, sir. We have not done that. We have—through this grade 1 idea—brought some people into it because that does not require a written test, as I mentioned earlier.

Mr. RYAN. But do you think it would be helpful if you helped to set up some kind of preparatory course for people who have a language problem, so that they can be better prepared to take the examinations which you say the system requires?

Mr. ZAWATSKY. Well, we have done this. We have worked with the schools. We have done that. We have worked with the schools, studied their curriculum and advised them what people would have to do to qualify, but—I may be off-base on this one, Congressman—I don't know whether a federal agency has that kind of authority.

Mr. RYAN. I would say yes it does, because we have seen this done with the Post Office.

Mr. ZAWATSKY. Well, we have done that through the transitional program with the veterans coming back. We have done some of that. And . . . I have noticed that some of our private contractors are doing that. . . .

Mr. RYAN. (W)e were talking about contractor employment of Spanish-speaking people, and we got off onto the subject of in-house employment.

Mr. ZAWATSKY. Yes, . . . the contractors . . . are doing that which you are suggesting. They hire people and they train them, and they gradually put them into positions.

Mr. RYAN. What about a city like Miami, where there has been an influx of Spanish-speaking people from Cuba?

Mr. EVERETT. I would like to address myself to that. We have raised that question in virtually all of our corporate conferences. Some of the contractors have said that in order for them to hire Cubans in the types of jobs that are available in Miami or in Tampa, or a few other communities where Cubans reside, the Cubans must become citizens, and that this is in accordance with state law, so that there has not been the amount of progress at this point regarding a number of the Cubans that we will find as soon as citizenship papers are taken out, and so forth.

Mr. RYAN. (It) . . . is not clear to me what the state law requires.

Mr. EVERETT. As I understand it, the state law requires citizenship. . . . In order to be an insurance salesman.

Mr. RYAN. How many of the employees of these insurance companies are really insurance salesmen?

Mr. EVERETT. Well, for the bulk of our commercials, most of their available jobs are as salesmen. Their clerical positions have very low turnover, as a rule.

The Blue Cross-Blue Shield entity, which is of considerable size in Florida, does not have that shortcoming, and has made considerable progress in the hiring of Spanish-surnamed Americans. But for the commercials that are doing largely life insurance business in Florida, they have had considerable difficulty in hiring Cubans as quickly as they would like to. . . .

Mr. RYAN. I assume you have had your legal staff check out the accuracy of their position, have you?

Mr. EVERETT. That is correct.

Mr. RYAN. And is it Florida law?

Mr. EVERETT. We have been informed that it is Florida law.

Mr. RYAN. That American citizenship is required?

Mr. EVERETT. To get a life insurance sales license.

Mr. RYAN. But that does not prevent the insurance company from hiring non-citizens in other positions, does it?

Mr. EVERETT. That is correct, it does not.

Mr. RYAN. Is there anything else, Mr. Zawatsky, that you want to add to the record . . .?

Mr. EVERETT. Mr. Ryan, you had asked information regarding the effects by SSA to utilize Spanish-surnamed Americans in its contract compliance program.

Mr. RYAN. Yes.

Mr. EVERETT. I would like to point out to you that the seminars that were staged in Los Angeles and in New York were directed towards Spanish-surnamed communities, principally, and to the other ethnic groups, tangentially.

For example, all of the . . . principal Mexican-American community organizations in Los Angeles were invited to our seminar there, while only a few of the other minority group organizations were invited.

The same obtains with New York City, where we saw to it that all of the major Spanish-surnamed organizations were invited to the seminar, and that they would send representatives, while for the other ethnic organizations less emphasis was given. This was because we felt that the Spanish-surnamed organizations had a greater difficulty in conveying the problems inherent in that particular group.

Mr. RYAN. How many Spanish-speaking members, if any, do you have on your compliance staff of fifteen professionals?

Mr. EVERETT. We have one at the present time.

Mr. RYAN. Mr. Everett, . . . let me thank you both for coming and giving us the benefit of your testimony. . . .

MR. HERBERT HILL

Labor Director, National Association for the Advancement of Colored People, 1790 Broadway, New York City, N.Y.

The major thrust of Mr. Hill's testimony was a total condemnation of the Federal Government's efforts to achieve equal employment among its contractors. Contending that the power to withhold or cancel Government contracts is the most powerful single weapon to eliminate employment discrimination—a power made clear by Executive Order No. 10925, issued by President Kennedy in 1961, and the immediate predecessor of Executive Order No. 11246. Not one contract has been canceled. Instead, the Federal Government has opted for a voluntary compliance approach, which has proved to be illusory, as well as of little value.

Mr. Hill contended that a finding of "reasonable cause" by EEOC should result in the violating company's contract being canceled, or, if there is a case pending in court, at the least the company should be barred from further contracts until the court rules in the company's favor. Mr. Hill took issue with Mr. McCreedy's earlier testimony, thereby. Mr. McCreedy had stated that a probable cause finding by EEOC would not be sufficient to authorize contract cancellation,

in itself—there would have to be a hearing, first.

Mr. Hill pointed to the construction industry as a particular area in which equal employment compliance is especially essential, because of the high visibility of construction activity, the large amount of money and number of workers involved, the large amount of federally funded or assisted construction in ghetto areas, and the masculine image which construction work bears—an image especially important to minority group members, who have been degraded and deprived of their dignity.

Mr. Hill branded voluntary compliance a failure. And he pointed to recent judicial rulings which provide the basis for stringent enforcement or contract compliance—an enforcement the Government has not undertaken.

In summary, Mr. Hill made six recommendations:

First. The Office of Federal Contract Compliance (OFCC) must be immediately transferred from the Department of Labor.

Second. Noncompliance with the equal opportunity provisions of a contract must be regarded as nonperformance of the contract, and sanctions must be rapidly applied.

Third. Preaward contract compliance must become a strictly enforced, required premise to award of a contract.

Fourth. The Executive order should be amended to more directly and effectively cover labor unions.

Fifth. Contract compliance agencies should regard a finding of "reasonable cause" by the EEOC as grounds for contract disability. When a law suit is initiated under title VII by the Attorney General, the contract should be cancelled.

Sixth. OFCC should issue clear, defined standards establishing what "affirmative action" is, and what must be done to effect it.

In closing, Mr. Hill urged that the Federal Government must make civil rights preeminent among our national priorities.

TESTIMONY

Mr. HILL. The passage of the Civil Rights Act of 1964 has been quite properly hailed as the most significant legislation in American race relations since the adoption of the Thirteenth Amendment in 1865. Among the most important of the eleven major sections of the Civil Rights Act of 1964 is Title VII which prohibits racial discrimination in employment, but the principle of equality in job opportunity has been a requirement in United States Government contracts since 1941 when President Franklin D. Roosevelt issued Executive Order 8802.

By 1964 more than twenty million employees already had the theoretical protection of a federal prohibition against job discrimination, based upon executive orders requiring non-discrimination provisions in United States Government contracts. These contract clauses established that those seeking to do business with the Federal Government must not engage in job discrimination because of race, creed, color or national origin.

Since 1941, the basis for enforcement of this provision has been contract cancellation, but in the entire twenty-seven year period not a single contract has been canceled.

Although many major government contractors have been found guilty of engaging in a variety of discriminatory employment practices by federal and state civil rights agencies, even by the courts, not one government contract has (been) terminated for violation of the non-discrimination clause. The history of the failure of federal contract compliance provides a classic example of the administrative nullification of civil rights laws and executive orders.

(Yet), the power to withhold or cancel lucrative government contracts is undoubtedly the most powerful single weapon that has existed for more than a quarter of a century to eliminate nationwide patterns of employment discrimination. Far more potent than the administratively weak state and municipal fair employment practice commissions, more direct than the awkward, limited and time-consuming precedures established by Title VII of the Civil Rights Act, is the power of the United States Government to cancel contracts.

The potential of Federal contract cancellation has never been realized. Unfortunately, the national government, under both Republican and Democratic administrations, has substituted an illusion called "voluntary compliance" for enforcement. Thus, Negro workers and members of other minority groups have benefited but little from what might have been the most effective method at the disposal of the government for achieving an end to institutionalized racism in the employment practices of major industrial and other business enterprises.

The consequences of the failure of federal officials to enforce the anti-discrimination provision in government contracts are far-reaching and have broad social implications. Throughout the nation, high public officials are calling upon Negroes to observe law and order, but the irony is not lost upon the Negro citizens of Newark, Detroit, Buffalo, Watts, Cleveland and many other cities where the rates of unemployment and underemployment in the black ghetto areas have reached crisis proportions.

These citizens have noted that high government officials who piously demand law and order are the same public officials who refuse to enforce the law in protecting the rights of Negroes against discrimination in employment, especially where job discrimination is directly subsidized by federal funds. . . .

This year, the United States Government will give over $54 billion—I repeat, over $54 billion—worth of contracts to private industry. More than 23 million people will receive employment, or, approximately one out of every three jobs in the national economy will exist as a result of these government contracts.

For the fiscal year 1969, according to "The Budget of the United States Government," 1969, Appendix, Page 711, there are 225,000 contractor facilities and sites subject to the most recent executive order prohibiting job discrimination by government contractors. A vigorous enforcement of the standard anti-discrimination clause in United States Government contracts would have a more direct effect in eliminating racial discrimination in employment than all of the lawsuits and all the complaints filed by Negro workers against employers and labor unions with municipal, state and federal civil rights agencies.

Since 1941, the general principle for such enforcement has been established in executive orders and every President since then has issued successively stronger executive orders intended to prohibit employment discrimination by contractors providing goods and services to the Federal Government. With the issuance of Executive Order 10925 by President John F. Kennedy on March 6, 1961, the clear and direct power to cancel or withhold government contracts because of employment discrimination was firmly established.

Here I completely disagree with Mr. McCreedy's interpretation, I entirely disagree with the timid, frightened and wrong interpretation of the legal advice he's been getting, because whatever ambiguity may have existed in the previous orders on the matter of cancellation, and I acknowledge that in the previous orders there was a good deal of ambiguity, with the issuance of Executive Order 10925 on March 6, 1961, any doubt on the matter of cancellation was ended. It is clear. It is explicit. It is written into the order. There is great clarity on this question.

I don't know what law schools those learned counsel went to, but they certainly have developed some very dubious rationalization for non-action. The machinery for genuine enforcement of the contract clause has in fact existed and been available to this government since 1961. Before 1961, there were questions: there were legal doubts; there were vague areas of legal interpretation. But I hold, sir, that since 1961, the Government has had the firm and clear legal basis to move to cancel and withhold government contracts. The fact that it has not done so constitutes a national tragedy.

At least in the abstraction of the law, the government requirement had moved from passive non-discrimination to affirmative action. With the issuance of Executive Order 10925. However, for the past seven years, the Government has not used that machinery to eliminate well-documented patterns of employment discrimination. Instead that machinery has become a vehicle of bureaucratic duplicity and delay that has led to bitter frustration for Negro workers and members of other minority groups who have patiently sought those rights their national government repeatedly told them would be forthcoming if they used proper legal procedures . . . .

On March 6, 1961, the President's Committee on Equal Employment Opportunity was established by virtue of Executive Order 10925. At that time the President's Committee was the only federal agency existing to enforce the government's antidiscrimination policy in relation to government contracts. The Committee possessed the powerful weapons of contract cancellation and debarment of offending contractors from receiving government contracts in the future.

But after four years of operation the President's Committee on Equal Employment Opportunity decisively proved to be a failure. Only a very small percentage of the complaints received were successfully resolved. Broad patterns of employment discrimination in many industries operating with vast government funds were not eliminated. Many of the so-called "settlements"—and an examination of these "settlements" would suggest how very dubious they were—were later reopened by the Equal Employment Opportunity Commission, the agency established by Title VII of the Civil Rights Act of 1964, which found, upon extensive investigations, that despite the so-called "settlements" patterns of racial discrimination continued to exist.

And in some very significant cases the settlements themselves were found to be discriminatory. . . .

The President's Committee developed a task force of over 130 professional investigators and had its staff members operating in the major federal contracting agencies. It was legally empowered to systematically investigate some 32,000 enterprises employing over 10 million workers, and it was able to secure a total of between three and four million dollars for its operations. Although there were many instances that fully justified either contract cancellation or debarment, which would have had a most desirable effect upon major multi-plant employers dependent on government contracts, in the four years of its operations the Committee never took such action.

Unfortunately, the possibilities inherent in the Order were never realized, as early in the history of the Committee the Federal Government made a political decision to substitute what they called voluntary compliance—a voluntary compliance approach called "Plans for Progress"—for enforcement through contract cancellation and related procedures. The "Plans for Progress" program had the dual effect of allowing an employer to publicly proclaim a policy of equal employment opportunity while privately practicing the opposite.

In reality, the "Plans for Progress" operation functions as a public relations agency for government contractors financed and operated through the United States Department of Labor. As of September 1, 1968, 441 major companies have signed the "Plans for Progress" pledge. The "Plans for Progress" staff is composed of men who, we are told, are "on loan" from several of its member corporations; its secretarial and other expenses are paid for, however, by the Department of Labor.

The National Association for the Advancement of Colored People filed 958 complaints with the President's Committee. These were documented complaints. On April 6, 1962 the Association made an appraisal of the first year of the operation of the President's Committee on Equal Employment Opportunity and stated, and I quote: "The Administration has relied for favorable publicity on a superficial approach called "Plans for Progress." The so-called "Plans for Progress" have not produced the large scale job opportunities for Negro workers that have been so long denied them. It is our experience that major United States Government contractors operating vast multi-plant enterprises regard the signing of a "Plans for Progress" as a way of securing immunity from real compliance with the antidiscrimination provision of the government contract." And now, six years later, we are forced to conclude that that is still true.

In January of this year, January 1968, the Equal Employment Opportunity Commission held hearings in New York City to examine the racial employment practices of one hundred major corporations whose national office headquarters were located in that city. These enterprises were among the largest in the United States, contributing 15.8 percent of the Gross National Product and having total assets of over $116 billion.

Ninety of the one hundred companies were government contractors and forty-six of the one hundred were "Plans for Progress" members. On the basis of detailed investigation, the Commission found that the one hundred companies' average of Negro employment was only 2.6 percent.

When the forty-six "Plans for Progress" companies were compared with the fifty-four non-"Plans for Progress" companies, it was found that the companies that had signed the "Plans for Progress" agreement employed a smaller percentage of Negro managers, supervisors, technicians, professionals and officer and clerical workers than the non-"Plans for Progress" companies. These findings are very significant because they involve key managerial, technical and professional fields of employment where "Plans for Progress" employers were allegedly making their greatest effort. And it should be noted that many of the contractors most laggard had taken the pledge five years before.

It is not without interest to note that at the present time there are 18 lawsuits brought by the Department of Justice under Title VII of the Civil Rights Act of 1964 against major contractors, several of whom by the way have signed the "Plans for Progress" agreement.

In addition to the lawsuits initiated by the Department of Justice, many cases initiated by private parties after the Equal Employment Opportunity Commission found reasonable cause of their complaints are currently pending in United States District Courts.

Mr. Ryan, I would like to suggest that a finding of "reasonable cause" by the Equal Employment Opportunity Commission should result in an immediate contract disability by all federal contracting agencies. At the very least, the Office of Federal Contract Compliance should delay further contract awards while cases are pending in the federal courts and after the Commission has issued a finding of "reasonable cause."

At the present time contracts are not cancelled or withheld by federal agencies in those many cases where the Equal Employment Opportunity Commission, after investigation and after it has exhausted conciliation powers, finds the contractor not in compliance with Title VII of the Civil Rights Act of 1964. It is known that copies of all such findings—and Mr. McGreedy has acknowledged that this is the case—are routinely sent by the Equal Employment Opportunity Commission to the Office of Federal Contract Compliance and to the government agencies that have awarded the contracts.

Certainly where the United States Department of Justice files a lawsuit against a company that is a government contractor, because it has been found to be operating in violation of Title VII, the federal contracting agencies should have an immediate obligation to cancel or withhold all government contracts. But even this is not being done.

A company that is found to be in violation of Title VII is obviously also in violation of the Federal Executive Order, but the contracting agencies systematically fail to act. For example, over three hundred individual complaints have been filed by Negro workers against the United States Steel Corporation, and the Equal Employment Opportunity Commission has found "reasonable cause" in most of the complaints, many of which also involve the United Steelworkers of America.

But, although the Equal Employment Opportunity Commission, after much effort, has been unable to bring the company and the union into compliance through conciliation procedures and Negro workers have filed private lawsuits against the company and the union, contracting agencies of the Government continue the United States Steel Company's extensive government contracts and indeed continue to award new contracts even though this major corporation is clearly violating basic federal civil rights laws and executive orders. In the case of the Bethlehem Steel Company, the United States Department of Justice has actually initiated litigation—not the private parties, but the United States Department of Justice, the Attorney General, has initiated litigation charging violation of the Civil Rights Act, but other agencies of the government continue Bethlehem's contracts. Many other examples in virtually every sector of the national economy may be cited. . . .

On April 27, 1968, the United States Commission on Civil Rights began a series of five-day hearings in Montgomery, Alabama to establish the facts regarding employment and other forms of racial discrimination suffered by Negro citizens in a 16-county area, where 60 percent of the population is Negro and 90 percent of the population lives well below the poverty line. The United States Commission on Civil Rights found broad violation of the Executive Order, and that the Civil Rights Act was also being violated by many government contractors. One case involved the American Can Company, which operates a sawmill in Bellamy, Alabama and which is a vast national corporation with multi-million dollar government contracts. As far back as 1962, sir, it took the "Plans for Progress" pledge.

The American Can Company, in addition to operating the sawmill in Bellamy, also owns and operates a rigidly segregated company town with broken down shacks and a dilapidated all-black schoolhouse with an outdoor privy. Both the schoolhouse and the outhouse are owned by the American Can Company. In the all-white residential area, the company owned houses provided for white workers have indoor bathrooms and running water, but of the 123 company-owned homes for black workers, only four have such facilities.

This company still receives its lucrative government contracts and still pledges itself through the "Plans for Progress" program to take "affirmative action" to guarantee equal employment opportunity for all workers. But apparently this company's definition of "affirmative action" is to do nothing but line up for the next government contract. . . .

I'd like to give some details regarding the Timken Roller Bearing case, because I filed those complaints with the Office of Federal Contract Compliance in behalf of Negro workers and also with the Equal Employment Opportunity Commission. And the NAACP Branch in Columbus, Ohio and our National Office for three and a half years has been involved in this case, which in a classic example of the administrative nullification of the law.

The racial employment practices of the Timken Roller Bearing Company, a "Plans for Progress" employer whose major manufacturing operations are in Ohio provides further evidence of how the United States Government subsidizes racial discrimination in employment. And this is the heart of the matter, that our government, using public funds, subsidizes racial discrimination in American industry both in the supply operation as well as in the construction industry.

In addition, the United States Commission on Civil Rights established that the company maintains segregated facilities within its sawmill operations together with separate racial job classifications. Out of a total work force of 1,550 employees, 108 are Negroes, all in the lowest paid menial job classifications, and this in an area with a very extensive Negro population, where more than half of the total population is black. The Commission noted that exactly two weeks before its hearings in Montgomery began, two Negroes were promoted to hitherto "lily-white" jobs.

And I would suggest, sir, that this is precisely the kind of compliance that the Office of Federal Contract Companies has been interpreting as meaning compliance with the intent of the Executive Order. This makes a travesty of the Executive Order. This is not even conspicuous tokenism. It is less than a beginning. It makes a farce, it makes a mockery of this whole apparatus.

Although these conditions have existed since May of 1960, when the American Can Company began operations in Bellamy, the Office of Federal Contract Compliance and the General Services Administration, which has given substantial contracts to this company, never initiated a compliance review or enforced the law. This is not my charge. This is the charge of the United States Commission on Civil Rights.

Earlier this year, in addition to its other government contracts, American Can Company received $1.7 million contract from the General Services Administration.

An examination of the response of the Office of Federal Contract Compliance to the proven charges of racial discrimination currently practiced by the Timken Roller Bearing Company and the United Steelworkers of America at the company's Columbus, Ohio plant is most illuminating and reveals the fundamental failure of federal contract compliance. Although federal and state civil rights agencies have acknowledged that a clear pattern of racial discrimination exists at the Timken Roller Bearing Company, none of these agencies have exercised their powers to eliminate the discriminatory employment practices and the company continues as a government contractor.

The record is as follows: On May 18, 1966, in response to complaints received from Negro workers employed by the Timken Roller Bearing Company, the NAACP labor department filed formal complaints against the company and Local 2173 of the United States Steel Workers of America, AFL–CIO, with the Equal Employment Opportunity Commission, charging violation of Title VII of the Civil Rights Act of 1964. On the same day complaints were also filed with the Office of Federal Contract Compliance charging violation of Federal Executive Order 11246.

These actions were taken after four months of fruitless negotiations by Negro employees and representatives of the NAACP with both the company and the union. The aggrieved Negro employees charged, in sworn affidavits, that the company and the Steelworkers Union had conspired to prevent Negro workers from having any jobs except janitorial, and other menial, occupations. The complaints filed with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance described the operation of a discriminatory seniority system that systematically violates the job rights of Negro workers, limits Negro promotions to certain menial job classifications and, that in violation of the law, allows promotion of newly hired white workers to jobs in the "white only" seniority lines, thus bypassing Negro employees with many years of seniority. . . .

On November 9, 1966, Edward C. Sylvester, Director of the Office of Federal Contract Compliance, issued the first of several press releases on the charges against the Timken Company. Page one of the Wall Street Journal of that day carried the announcement that the company was under close investigation and that the Office of Federal Contract Compliance had initiated procedures that might lead to contract cancellation. On November 15, 1966, the Wall Street Journal quoted Mr. Sylvester in a second story as stating that "the major bearing producer poses the 'first clear-cut refusal' by a company to supply the government with sufficient information on which to judge equal employment practices."

On December 1, 1966, the Ohio Civil Rights Commission, in a report to the NAACP and to the aggrieved Negro workers, confirmed that a pattern of racial discrimination existed at the Timken plant. Immediately thereafter, thirteen additional complaints were filed against the company and the union with the Equal Employment Opportunity Commission.

On January 17, 1967, the NAACP filed 13 formal charges with the Cincinnati Regional Office of the National Labor Relations Board because of (the union's) . . . refusal to fairly and equitably represent Negro employees. This was a dual action. . . . An action . . . against the union, charging that it failed to fulfill its responsibilities as the collective bargaining agent, and also against the company.

These actions brought about an exhaustive investigation by the Regional Office of the National Labor Relations Board which was duly forwarded to Washington on or about July 1, 1967. The report of the Regional Office to the Board sustains and further documents the charges made by Negro workers against the company and the union with the Federal agencies.

On February 6, 1967, representatives of the Department of Defense met with Negro complainants and with NAACP representatives and requested additional information. On May 17, 1968, almost a year later, the Equal Employment Opportunity Commission issued a finding of "reasonable cause" against the Timken Company and the NLRB informed us that it would "defer" to the Commission, thereby, in my opinion, abdicating its responsibility under the National Labor Relations Act to intervene.

On August 15, the NAACP initiated litigation in the United States District Court in Columbus, Ohio against the Timken Roller Bearing Company and Local 2173 of the Steelworkers Union and also against the International Union. The suit asks an immediate end to the discriminatory employment practices engaged in by the company and the union, together with three hundred thousand dollars in back pay and damages for the plaintiffs.

On October 9, 1968, the Office of Federal Contract Compliance recessed hearings . . . on the assumption that the company and the union were in collective bargaining negotiations . . . (As) of November 8, the Office of Federal Contract Compliance . . . closed out the case with a statement saying that the new collective bargaining settlement (settles) . . . the question of contract compliance. But it does not. The new union contract definitely does not do this . . .

On Nov. 21, 1968, Negro workers publicly condemned the new bargaining agreement as a fraud and in a leaflet distributed during a picket line domonstration around the plant to protest the new union contract, stated that "far from providing job equality for all Timken workers, the new bargaining agreement simply perpetuates the old Timken system."

I find it simply incredible that the (OFCC) . . . has accepted the new seniority provision of the contract as a basis for closing out the charges against the company. I should state that at the present time the NAACP is continuing its suit in the Federal District Court. Even though the OFCC doesn't think there is a case, we think there is a case and we are prepared to take our chances in a federal court . . .

(Another egregious case concerns the Allen-Bradley company.) For years the contract compliance agencies did nothing with the Allen-Bradley Company (in Milwaukee, Wisc.). However, as a result of increasing protests and local dissatisfaction with contract compliance operations starting last year, the Milwaukee Youth Council of the NAACP, under the leadership of Father Groppi, conducted mass demonstrations at the Allen-Bradley Company plant in the heart of Milwaukee, in a very tense racial situation. . . . We distributed leaflets and held press conferences to reveal the failure of federal contract compliance agencies to secure compliance with the law. And as a result of this, the Office of Federal Contract Compliance, in May of 1968, began to threaten—they only began to threaten—to invoke debarment procedures against this company and some others. . . .

The company . . . is the largest employer in Milwaukee . . . (T)his is a situation that prevails in many cities: . . . that is, that the racial employment practices very often of the government contractor have a decisive influence in determining the racial employment pattern of an entire industrial community. . . .

In 1962, the company had 6,383 employees, one of whom was a Negro. In January 1964, the company had 6,500 employees, four of whom were Negroes. As of the date of the Hearing, August 20, 1968, the company had exactly 32 Negroes, most of whom were in the less skilled, lower paying job classifications.

The Allen-Bradley Manufacturing Company has been receiving government contracts for several years, although the company employment policy has been to exclude Negroes. On March 25, 1964, the company was informed by the Air Force of its first compliance review. During July, 1965, a second inspection was conducted by the compliance officers of the Department of Defense. Two conciliation conferences were held in September, 1967 and January, 1968 and at that time the company refused to comply with government requests that it recruit employees from the Milwaukee Negro community, which was suffering from a critical employment rate. The record will show that the Office of Federal Contract Compliance found that a clear pattern of employment discrimination had existed at the Allen-Bradley Manufacturing Company since Executive Order 10925 was originally issued in 1961.

Therefore, it has taken fully seven years for this case to come to a completed hearing and, as I have indicated, more time will pass before a final decision is made by the Secretary of Labor, who, must pass on these matters and decide if a recommendation for either debarment or cancellation will be made. And much more time will pass before there is justice for the Negro workers in Milwaukee. . . .

It is abundantly clear that the government's policy of voluntary compliance has failed. At the inception of the contract compliance program in 1961 it was argued by government officials that the mere possession of the power of cancellation and debarment would act a threat and would provide a deterrent to prevent racial discrimination by government contractors. The record of this program proves conclusively that at best there has been paper compliance, but not tangible enforcement of the law.

I submit, sir, that only one instance of genuine enforcement, one contract cancelled, would have been real evidence of intent to use the enforcement powers provided by the executive orders. As the history of government contract compliance demonstrates, the deliberate non-use of enforcement powers has so negated their intent that today they are no longer even functional—even as a threat. This failure has destroyed not only the real power of governmental authority in this field, but the symbolic power as well.

The appalling failure of contract compliance in the supply operations of the government is exceeded only by federal complicity in directly subsidizing a nationwide pattern of racial discrimination in the building and construction industry. . . .

In excess of 77.5 billion dollars was spent for new construction last year, and public works accounted for almost a third, or $26 billion, of new construction. The Department of Housing and Urban Development, during the fiscal period 1966–67, was alone responsible, according to its own estimates, for some 465,000 man-years of employment. During this period, $5.5 billion in HUD construction projects alone was involved. And because of the Model Cities program construction scheduled for next year, this sum will be very considerably expanded.

In domestic military construction, another example of federal involvement in the industry, last year's Congressional appropriation was over $4 billion.

Despite the vast amount of public funds spent for construction and the growth of the building industry with its ability to provide hundreds of thousands of man-years of employment, together with the fact that acute labor shortages now exist in several skilled occupations, Negroes are permitted to receive what Roy Wilkins, Executive Director of the NAACP has called, ". . . only the crumbs of expenditures for public construction."

The nation's construction industry is of unique importance to Negro wage-earners for several reasons. Among these are the following:

(1) It is a huge industry with vast growth potential . . .

(2) The construction industry is highly dependent on public funds in comparison to other large industries. At the present time public works represent approximately a third of all new construction. However, in the 25

major areas of Negro urban population concentration, between 50 and 60 percent of new construction projects are financed by federal, state and local agencies. Given the anticipated new programs these proportions will substantially increase.

(3) Wages in the construction industry are among the highest in the nation. Wages for the craft occupations in the unionized building trades average about three times the general industrial wage . . .

(4) My fourth point is extremely important, as I am sure you will appreciate. Jobs in the building trades are for men. In the highly important symbolic sense, as well as because of practical considerations, construction jobs are male jobs. These "manly" jobs with their high status implications are especially important for Negro male workers, so frequently either denied employment or permitted to work only in low-paying menial, "dead-end" jobs.

(5) Jobs in the construction industry are highly visible and of special significance to low-income black communities. Much of new construction, including urban renewal, Model Cities, highway and road building, and public housing among others, is in, or very near, large Negro communities . . .

(6) And finally, it should be noted that throughout the nation, much of the test of what happens to the major recommendations made in the Report of the National Advisory Commission on Civil Disorders—the Kerner Commission Report—will be decided in the construction industry and in the nation's housing and urban development programs. The employment practices of the building and construction trades have unique social implications—especially for black workers—and if the recommendations of the Kerner Commission Report have any meaning at all in the future, they will be to a large degree revealed by the future status of black workers in the construction industry. . . .

One . . . case . . . I feel I must cite. On September 13, 1968, in the United States District Court in Cincinnati, Ohio, Judge Timothy S. Hogan ruled that Anderson L. Dobbins, a Negro electrician, must be admitted to Local 212, a "lily-white" local of the International Brotherhood of Electrical Workers, AFL–CIO. Local 212 has jurisdiction in Cincinnati and in 13 surrounding counties in Ohio, Kentucky, and Indiana. Mr. Dobbins, a veteran of the United States Army who holds a Bachelor of Science degree . . . from Hampton Institute, and who is a fully certified journeyman electrician—he's been certified in Newport News, Virginia, where he took the certifying journeyman electricians' exam—has been attempting to gain admission into Local 212 of the Electrician's Union since 1949. Because he had been repeatedly denied membership in the Union, which maintains an exclusive hiring hall system in the greater Cincinnati area, Mr. Dobbins has not been permitted to work in the vast new public and private construction projects in and around Cincinnati.

Spokesmen for organized labor, including George Meany, President of the AFL–CIO, have repeatedly stated, both publicly and privately, that Negroes are not refused admission into the craft unions because of their race and color, but because they are "not qualified". But Federal Judge Hogan found that in spite of the fact that Anderson L. Dobbins was a college graduate, had successfully passed a journeymen's certifying test, and had a wide range of experience as an electrician, he was still refused union membership and thereby the right to work in his craft.

In a ninety-page opinion rendered by Judge Hogan in *Dobbins vs. Local 212, International Brotherhood of Electrical Workers, AFL–CIO*, the Federal Court ordered that, because of Mr. Dobbins' extensive training and experience in the electrical field, he must be admitted into union membership immediately; that he must not be required to pass a union qualifying journeyman's admission examination, and that he must be placed on the union's referral list as of the time he last applied for union membership, which was in September, 1965. Obviously, here there was a clear violation of the Executive Order and a clear violation of the Civil Rights Act.

I should point out that the . . . (case) of Anderson L. Dobbins in Cincinnati (is) not (a) rare, isolated instance. (He) represent(s) many thousands of Negroes throughout the country who have looked in vain to the Federal contract compliance apparatus of the Federal Government to protect their rights.

In 1967, an event occurred which might have been the turning point in the history of federal contract compliance in the nation's construction industry. In a historic decision handed down in the United States District Court in Columbus, Ohio on May 17, 1967, in the case of *Ethridge vs. Rhodes* (266 F. Supp. 83 (S.D. Ohio 1967)), a permanent injunction was secured against state officials involving discrimination in public construction. In this case, brought by the NAACP on behalf of aggrieved Negro construction workers who had been barred from membership in AFL–CIO building trades unions, the United States District Court ruled that the state had the "primary responsibility" for ensuring that Negroes had equal opportunities on all public works contracts. For the first time a federal court enjoined all state officials from entering into public works contracts until they could provide equal job opportunities for Negroes in both journeymen and apprentice job classifications. . . .

As a result of the *Ethridge* decision, construction was halted on a $12.8 million medical science building at Ohio State University because the contractors had entered into agreements with labor unions requiring them to use "lily-white union hiring halls as the . . . exclusive source of labor supply.

As a result of this precedent-setting decision, which provided the Office of Federal Contract Compliance with an additional weapon, which it does not wish to use these days, the government did withhold, at one point, during 1967, more than $43 million of federal funds earmarked for construction projects in Cleveland, Columbus . . . Akron, and other cities.

These developments gave us some hope. There was some reason now to believe that for the first time OFCC, with the *Ethridge vs. Rhodes* decision behind . . . (it), would begin to cancel and withhold construction contracts and enforce the law, especially as it was learned that when federal funds had been withheld, building contractors had hired a significant number of Negro craftsmen outside the union ranks.

But the hope was shortlived, as high federal officials responded to pressure from the AFL–CIO. Secretary of Labor Willard Wirtz, in a speech to the convention of the Building and Construction Trades Department of the AFL–CIO on November 29, 1967 promised the building trades unions that the new enforcement procedures and the withholding of federal funds would not become the rule. I refer you to the proceedings of the 54th Convention of the Building and Construction Trades Department, AFL–CIO . . . Americana Hotel, Bal Harbour (Florida) . . . pages 55 and 56. . . .

Well, the Secretary of Labor . . . kept his promise to the Building and Construction Trades Department of the AFL–CIO. No further federal funds have been withheld, business continues as usual, and Negro workers remain excluded from new job opportunities in the construction industry.

I would also like to call this Committee's attention to the influence and unwarranted power of discriminatory labor unions upon the policies and practices of the United States Department of Labor. It is perhaps no accident that the Office of Federal Contract Compliance (OFCC) is an agency of the Department of Labor, and perhaps its ineffectiveness is no accident as well. . . .

The courts have given . . . (OFCC) a full legal rationale to proceed and they continue to ignore emergence of a new body of decisional law which could be creatively and broadly used to enforce the Executive Order. In April of 1968 (for example) Federal Judge Joseph P. Kinneary . . . (of) the United States District Court in Ohio found Local 189, an all-white affiliate of the Plumbers and Steamfitters Union and its Joint Apprenticeship Committee, guilty of racial discrimination and of violating federal law. The plaintiff, Mr. Guillard Locke, a Negro pipe welder, was awarded $10,000 damages; the union was ordered to admit him immediately into membership, to eliminate their discriminatory hiring hall practices, and to cease discriminating in apprentice selection.

But, in this case, as in so many others where the federal courts have found discriminatory union apprenticeship control to be violation of the law and where the Equal Employment Opportunity Commission has found "reasonable cause" in complaints against union apprenticeship programs, not a single apprenticeship program has been decertified by the Bureau of Apprenticeship and Training of the United States Department of Labor, nor has the Office of Federal Contract Compliance taken action. . . .

Now, what more do the bureaucrats in the Office of Federal Contract Compliance want than that a federal court has found an apprenticeship training program, or a union hiring hall, or a government contractor . . . guilty? They have been found guilty. And perhaps this explains why, according to the goverment publication, "Negroes In Apprenticeship" (Manpower/Automation Research Monograph No. 6, published by the Manpower Administration of the United States Department of Labor, August, 1967), Negro participation on federally supported construction projects was 2.2 percent. . . .

Since July 22, 1965, the Equal Employment Opportunity Commission has received and processed approximately 250 complaints against building trades unions. And in a majority of these, the Commission has found "reasonable cause" to credit the allegations of the complaint. The Justice Department has filed lawsuits charging a pattern of discrimination against 16 major building trades unions and one Building Trades Council of the AFL–CIO, and an additional number of private suits are pending in United States District Courts in several cities.

In some cases, the courts have already issued decisions in which the unions were found guilty of discriminatory racial practices. But although now, for the first time, the federal courts are providing clear legal definitions of what constitutes racial discrimination in employment, administrative remedies still are blocked as many labor unions continue their defiance of the law and attempt to defend their traditional racist practices in complex court challenges. The legal departments of many labor unions are now busily engaged in introducing a tangle of procedural legal questions in an attempt to prevent change by continued court challenges.

Given the emergence of a new body of decisional law involving employment discrimination, one might reasonably assume that the Office of Federal Contract Compliance would proceed with new vigor to enforce the Executive Order under which it operates, especially since the courts are significantly undergirding its administrative powers. Given the combination of Title VII of the Civil Rights Act, the increasing activity by the Attorney General in filing lawsuits, and the recent court decisions in employment

discrimination cases, the Office of Federal Contract Compliance is in a new strengthened position to secure compliance with the Executive Order. But, unfortunately, it gives no indication that it is about to do so. . . .

It must . . . be recognized that federal contract compliance is the most potent available instrument to end job discrimination in American life. Contract compliance can be used to achieve great results only if it is broadly and vigorously applied in relation to both construction contracts and supply operations, and only if the government demonstrates its commitment and its willingness to use its full legal powers. . . .

Now is the time for prompt and forceful action to convince employers and labor unions that the federal government is committed to equal employment opportunity as a basic national policy, and that the old policy of delay and futile negotiations without enforcement has in fact come to an end. Now, there must be new standards of contract compliance, and in the national interest it must be recognized that the basis of determining progress must be the number of American citizens who are still discriminated against, rather than the number of persons in jobs that were not there last year, or five years ago or ten years ago.

Now, because I believe that such an approach is vital to the national interest, I make the following six recommendations and with this conclude my testimony.

(1) The Office of Federal Contract Compliance must be immediately removed from the Department of Labor and shifted to the Department of Justice. The Department of Labor has for too long been a captive of institutions that are bitterly resisting changes in their racial practices. Too many high officials of the Department are former functionaries of bigoted labor unions, and their original loyalties as well as their attitudes remain unchanged. An investigation of the Solicitor's Office, or of the Manpower Policy Operations, or of the Bureau of Apprenticeship and Training—that's a great one—and of other units in the Department of Labor will reveal that former trade union officials use their high positions as representatives of the United States government to protect the interests of racist labor organizations.

If the Office of Federal Contract Compliance is to become a law enforcement agency as it should be, then it properly belongs in that department of the government whose primary function is law enforcement.

(2) Contract compliance agencies must regard violations of the Executive Order as a fundamental breach of contract, no different from a failure to comply with any other term or condition of a government contract. Non-compliance must be regarded as nonperformance of the contract and sanctions rapidly applied.

(3) Pre-award contract compliance must become a reality. Employers seeking government contracts must demonstrate that they maintain an integrated labor force on all levels before they can be eligible to bid for government contracts, not after.

Failure to do so should prevent contract awards. The government has an obligation not to give contracts to discriminatory employers and then attempt to secure compliance after the contract has been signed. . . .

(4) The Executive Order should be amended to cover labor unions more directly. It has been repeatedly demonstrated that in several industries the racial practices of labor organizations are decisive. Therefore, compliance regulations must regard labor unions, especially where there are union controlled referral systems or hiring halls, as being directly covered by the Executive Order. Such coverage by amendment or by administrative interpretation of the Order would bring labor unions under more direct federal pressure to end job discrimination.

(5) As a matter of fundamental policy, contract compliance agencies should regard a finding of "reasonable cause" by the Equal Employment Opportunity Commission as grounds for . . . contract disability. Certainly when a contractor is found to be violating Title VII of the Civil Rights Act of 1964 and the Attorney General initiates a law suit after the contractor has failed to comply, the power of contract cancellation should be exercised.

(6) The Office of Federal Contract Compliance should issue new specifications redefining "affirmative action." In the light of new federal court decisions, the government can and should issue manpower specifications to prospective contractors requiring the employment of racial minorities, all minorities. The government, in short, must establish new standards, new manpower requirements that go beyond the empty gestures of the past.

This course of action, together with other new and related approaches, must be seriously considered. The well-being of all citizens, and indeed, the future of our country requires a commitment of the highest order to the ideals of racial justice and equality. And there can be no excuse for further delay.

Thank you.

Mr. RYAN. I should like to thank you, Mr. Hill, for a thoroughly documented, very effectively and eloquently presented statement. . I don't know whether you have an opinion whether . . . (administration of the compliance program) should be lodged in the Equal Employment Opportunity Commission. . . .

Mr. HILL. I'd like to see it in the Department of Justice. It is less . . . prone to political pressure from both big business and organized labor in the Department of Justice than probably any other department. That is not to suggest that such pressures do not operate in the Department of Justice, as the history of the anti-trust . . . (laws) will, of course, suggest. But I would say that they will be less . . . pressured in the Department of Justice than in most other government agencies.

Mr. RYAN. Would you prefer to see it in the Department of Justice to being an independent agency?

Mr. HILL. Well, I am not prepared to give my final view on this. The NAACP has not taken a formal position on this. Therefore, I am a bit hesitant to give a final answer. But, generally, our feeling is that short of some fundamental reorganization of all the civil rights compliance agencies, it belongs in the Department of Justice.

(Further), it seems to me, sir, if I may comment, that the time has come for the federal government to give a priority to civil rights, that is, not less than all the other priorities. I would argue that it . . . (should be given) a greater priority; I would argue that the fundamental interests of the future of our country requires an even greater priority, . . .

CONCLUSION

Above and beyond any recommendations which the Ad Hoc Congressional Committee on Discrimination in Federal Employment and Federal Contractor Employment has made in this report, there is one element that is absolutely, preeminently essential if equal employment opportunity—within the Federal civil service and by Federal contractors—is to become a reality. This is the element of executive commitment.

Congress can pass laws. But the primary responsibility for administering them and enforcing them rests with the executive branch. And in the absence of commitment on the part of that branch, it is difficult to imagine any equal employment opportunity program functioning meaningfully and effectively.

The testimony of the witnesses who appeared before the ad hoc congressional committee leaves no doubt: Equal employment opportunity does not exist. There is no doubt, also, that it must exist.

Ad Hoc Congressional Committee on Discrimination in Federal Employment and Federal Contractor Employment: JOHN CONYERS, JR., Member of Congress; CHARLES C. DIGGS, JR., Member of Congress; John Dow, former Member of Congress; AUGUSTUS HAWKINS, Member of Congress; HENRY HELSTOSKI, Member of Congress; ROBERT NIX, Member of Congress; and WILLIAM F. RYAN, Member of Congress.

Appendixes follow:

VI. APPENDIXES

Appendix A—Executive Order 11478: Equal Employment Opportunity in the Federal Government.

Appendix B—Executive Order 11246: Equal Employment Opportunity.

Appendix C—Executive Order 11375.

APPENDIX A—EXECUTIVE ORDER 11478: EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

Now, therefore, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Section 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

Section 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their

understanding and implementation of the policy expressed in this order, assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this order is being carried out.

Section 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this order.

Section 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

Section 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this order.

Section 6. This order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This order does not apply to aliens employed outside the limits of the United States.

Section 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

RICHARD NIXON,
President of the United States.

AUGUST 8, 1969.

APPENDIX B—EXECUTIVE ORDER 11246: EQUAL EMPLOYMENT OPPORTUNITY

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Part I—Nondiscrimination in Government employment

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodicaly. In order to facilitate the achievement of a model program for equal employment in the Federal service, the Commission may consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

Part II—Nondiscrimination in employment by Government contractors and subcontractors

Subpart A—Duties of the Secretary of Labor

SEC. 201. The Secretary of Labor shall be responsible for the administration of Parts II and III of this order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof.

Subpart B—Contractors' Agreements

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and each other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided,* however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement

or other contract or understanding with a labor union or an agency referring workers or providing or supervising appenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided*, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require.

SEC. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor related to the performance of the contract: *Provided*, That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further*, That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

Subpart C—Powers and Duties of the Secretary of Labor and the Contracting Agencies

SEC. 205. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Secretary of Labor in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Order and of the rules, regulations, and orders of the Secretary of Labor issued pursuant to this Order. They are directed to cooperate with the Secretary of Labor and to furnish the Secretary of Labor such information and assistance as he may require in the performance of his functions under this Order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this Order by conference, conciliation, mediation, or persuasion.

SEC. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency, to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor and the investigating agency shall report to the Secretary of Labor any action taken or recommended.

(b) The Secretary of Labor may receive and investigate or cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order. If this investigation is conducted for the Secretary of Labor by a contracting agency, that agency shall report to the Secretary what action has been taken or is recommended with regard to such complaints.

SEC. 207. The Secretary of Labor shall use his best efforts, directly and through contracting agencies, other interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

SEC. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for department of any contractor from further Government contracts under Section 209(a)(6) shall be made without affording the contractor an opportunity for a hearing.

Subpart D—Sanctions and Penalties

SEC. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary or the appropriate contracting agency may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, or organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Acts of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Under rules and regulations prescribed by the Secretary of Labor, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under Subsection (a)(2) of this Section, or before a contract small be cancelled or terminated in whole or in part under Subsection (a)(5) of this Section for failure of a contractor or subcontractor to comply with the contract provisions of this Order.

SEC. 210. Any contracting agency taking any action authorized by this Subpart, whether on its own motion, or as directed by the Secretary of Labor, or under the rules and regulations of the Secretary, shall promptly notify the Secretary of such action. Whenever the Secretary of Labor makes a determination under this Section, he shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Secretary of Labor within such time as the Secretary shall specify.

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor or, if the Secretary so authorizes, to the contracting agency.

SEC. 212. Whenever a contracting agency cancels or terminates a contract, or whenever a contractor has been debarred from further Government contracts, under Section 209(a)(6) because of noncompliance with the contract provisions with regard to nondiscrimination, the Secretary of Labor, or the contracting agency involved, shall promptly notify the Comptroller General of the United States. Any such debarment may be rescinded by the Secretary of Labor or by the contracting agency which imposed the sanction.

Subpart E—Certificates of Merit

SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers of labor unions, or other agencies which are or may hereafter be engaged in work under

Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

Part III—Nondiscrimination provisions in federally assisted construction contracts

SEC. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 203 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the administering department or agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations, and relevant orders of the Secretary, (2) to obtain and to furnish to the administering department or agency and to the Secretary of Labor such information as they may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violations of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the administering department or agency pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

SEC. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The Term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

SEC. 303. (a) Each administering department and agency shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor, and to furnish the Secretary such information and assistance as he may require in the performance of his functions under this Order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may take any or all of the following actions: (1) cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with such applicant with respect to which the failure and refusal occurred; (2) refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and (3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) Any action with respect to an applicant pursuant to Subsection (b) shall be taken in conformity with Section 602 of the Civil Rights Act of 1964 (and the regulations of the administering department or agency issued thereunder), to the extent applicable. In no case shall action be taken with respect to an applicant pursuant to Clause (1) or (2) of Subsection (b) without notice and opportunity for hearing before the administering department or agency.

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirements imposed under this Order: *Provided*, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

Part IV—Miscellaneous

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature.

SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. (a) Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Civil Service Commission and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of an obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective thirty days after the date of this Order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 24, 1965.*

APPENDIX C. EXECUTIVE ORDER 11375: EQUAL OPPORTUNITY FOR WOMEN IN FEDERAL EMPLOYMENT AND EMPLOYMENT BY FEDERAL CONTRACTORS

Amending Executive Order No. 11246, relating to equal employment opportunity

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin.

The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin.

It is desirable that the equal employment opportunity programs provided for in Executive Order No. 11246 expressly embrace discrimination on account of sex.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered that Executive Order No. 11246 of September 24, 1965, be amended as follows:

(1) Section 101 of Part I, concerning nondiscrimination in Government employment, is revised to read as follows:

"SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice."

(2) Section 104 of Part I is revised to read as follows:

"SECTION 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission."

(3) Paragraphs (1) and (2) of the quoted required contract provisions in section 202 of Part II, concerning nondiscrimination in employment by Government contractors and subcontractors, are revised to read as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin."

(4) Section 203(d) of Part II is revised to read as follows:

"(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require."

The amendments to Part I shall be effective 30 days after the date of this order. The amendments to Part II shall be effective one year after the date of this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 13, 1967.*

TWO PRIORITIES FOR SURVIVAL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MURPHY of New York. Mr. Speaker, in man's fight against pollution, the Congress has been caught in a web of those who demand immediate salvation and others who give some credence to the proposition that economic feasibility and the technical state-of-the-art deserve attention when writing antipollution legislation. In the current issue of World Ecology–2000, Edward Hull, one of this Nation's outstanding ecologists, puts the entire pollution dilemma into heretofore unstated and uncomplicated perspective. Mr. Hull, the editor of World Ecology–2000 and Ocean Science News, clearly presents us with man's real pollution limits and choices. Under leave to extend my remarks in the RECORD, I include Mr. Hull's definitive article:

THE FIRE THAT RAGES BEYOND THE FRYING PAN

WHAT ARE MAN'S REAL POLLUTION LIMITS; CHOICES?

Some very costly decisions are being made these days (how clean air, where solid waste disposal, what about thermal pollution)—decisions potentially loaded with severe social and econmic penalties—and they are being made with little concern for basing points which have yet to be developed for human ecology. Hence: (1) We do not know the basic definitive parameters of the "normal," unpolluted environment, and we have no reliable bases for comparison; (2) We do not know, in fact, to what degree we have departed from the norm or at what rates and in what ways we are continuing to depart; (3) We do not know what the practical limits are, or in what ways an increase in one pollution index may serve to lower the tolerable limits or yet other factors; and (4) We do not know the human response to pollution of all kinds, singly or in complex interassociation, sufficiently well to define either absolute limits or an array of reasonable choices. And, until we get a much better handle on these things, particularly with regard to *man* and his environment, we ought to be compelled by survival instinct to exercise caution in indulging in environmental excesses. For the same reason, we should also be compelled to exercise caution not to overcorrect or overprotect and unwittingly thereby, set in motion other changes which may be irreversible and quite possibly more damaging than the conditions we seek to remedy.

It's the old frying pan and fire bit. We're in the frying pan and know it's getting hot, but we don't know if there's a fire out there or not. We'd do well to find out first before legislating "jump" as the quick-answer cure-all to our environmental frying pan problem. There is an urgent critical need. But the need is not to resort to unknown modifications of the environment in order to ameliorate those known to us. That is a real danger. The need is to find out what in the hell we're doing, how, how much, for what, and for whom. We can not see our ignorance quite so strikingly as a river's stench, foul air, and littered highways and beaches, but it is far more appalling, far more frightening, and far more in need of the relief only knowledge can provide.

TWO PRIORITIES FOR SURVIVAL

Priority First: Environment. We need to learn more about the environment, what is normal, and how various factors (both natural and man-made) interact with and impact upon it. Within this priority we first must develop normal environmental basing points, then define the impact of man's activities on the environment and finally discern and define natural environmental influences, both gradual and catastrophic, both potential and imminent. Knowledge of the total functioning of the Earth Life Support System is a prerequisite to the understanding and control of both human and natural environmental factors. Since man is the cause of man-made pollution, since—particularly locally—it seems to be having a more rapid and more adverse effect than natural phenomena, since many man-made pollutants do not appear to be susceptible to natural degradation and/or offset, and since the treatment of these environmental ills seems more within our technological (if not our political) capabilities, it is with man-made pollution we should next deal. Control of natural phenomena—such as weather, earthquakes, cimate, ice ages, etc.—absolutely requires a far greater knowledge of planetary kinematics, dynamics, and kinetics than presently exists, and in many cases exceeds our present technological resources. The matter of "planetary engineering", therefore, we relegate to the lowest position within our proposed Priority First Program."

Priority Second: Man. Concurrently with Priority First, a Priority Second Program should be undertaken to define man is his environment. Studies of various forms of pollution already are legion. The first two Numbers of Volume I (1970) of "Pollution Abstracts", for example, carries no fewer than 1,350 citations. The vast majority of pollution studies, however, relate one or another form of pollution to one or more basic environmental factors, concern themselves with man's encroachment on a piece of wilderness land, chronicle the impending extinction of some endangered species, or evaluate pollution causes, remedies and costs. Man, the animal *homo sapiens,* of course, is chiefly concerned with pollution, but in few cases of existing studies is he chiefly considered.

The need, therefore, is to conduct an extensive program of research with man—the modern, technological, social, living animal—as the central theme of that research, man in relation to his environment as it was, as it is, and as it is likely to be. What are his physical and psychological limits? What are the nature of stresses being imposed upon him? How adaptable is he to change within hours, within years, within generations? How does an increase in one pollution-induced stress decrease or increase his tolerance to other stresses? How does he respond individually? As a very large group? Man and pollution: What are the causes and effects? What are the choices? What are the costs in mental and physical health, in social response, in political acumen, in creativity, in production, in endurance, in life expectancy, in genetic progression, and so forth and so on? You get lots of opinions and emotional harangues on this subject but comparatively few facts. And what facts there are tend to be scattered, unrelated, unsusceptible to reliable evaluation, and often contradictory—usually depending on the vested interests of the source of the "facts". There is no complete picture of man in his environment, of man and pollution and until there is we cannot properly decide the limits of what is good or bad for him, of the choices he has open to him, and of their costs.

Needless to remark, Priority First and Priority Second require efforts that are massive, objective, and competent. Obviously, the issuance of an Information for Bid and the award of a contract to the lowest bidder among the many hungry aerospace companies and/or independent research centers is not going to provide any very useful answers. What has been suggested is a project of the urgency, scope and independence of thought and action of the Manhattan Project. Basically, Priority First and Priority Second must be coordinated and concurrent. Their results must be beyond reproach. And the programs must be conducted on an international scale. The sheer scope of the needed effect precludes its successful accomplishment *in time* by a single nation—or most probably even by a small group of nations. Indeed, we feel that cooperation and coordination should go beyond a pooling of financial, scientific, technological, equipment, and data resources. We strongly recommend that serious and urgent consideration be given to establishment of effective machinery for the international coordination of pollution standards, administrative actions, and legislation. Faced as we are now, for example, with the tremendous task and cost of converting to metric system measurements we would do well to standardize an environmental management criteria among nations now—rather than risk the far more costly conversions later.

A NEW ROSE TO HONOR A GREAT LADY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PICKLE. Mr. Speaker, of all the flower festivals in the world, one of the best known is the Tyler Festival Rose Show, scheduled this year for October 22–25.

This year's show takes on a special significance because of a special highlight—the "Lady Bird Johnson" rose will be on special display. It is a special occasion because this marks the first rose ever to be named for our former First Lady.

As you know, Mr. Speaker, we have only to look outdoors to see evidence of Mrs. Johnson's concern. During her time as First Lady, Mrs. Johnson greatly advanced beautification programs here in the Capital and throughout the Nation. This, long before environmental causes became popular bandwagon issues.

Thus, it is a great tribute to a great lady that this rose was developed. I have not seen the rose, but the accompanying news article describes it as a rose "as superior in vigor and beauty to Tropicana, a rose whose fame and popularity has spread worldwide."

The following article from the October 4 edition of the Austin American Statesman:

"LADY BIRD" ROSE TO HIGHLIGHT SHOW

TYLER.—A great new rose, named "Lady Bird Johnson," will highlight one of the most outstanding specimen exhibits of recent years at the 1970 Festival Rose Show in Tyler, October 22–25, Dr. Eldon Lyle, Chairman, said.

Other choice blooms to be exhibited will be the three All-America "Oscar" winners of the year and many old favorites.

Dr. Lyle labels the "Lady Bird Johnson" rose as superior in vigor and beauty to Tropicana, a rose whose fame and popularity has spread world wide.

The new hybrid rose developed by Dallas rose fancier Eldon Curtis and named for the former first lady will be the queen of the show and in a sense is making its debut as this is the first year the rose will be on public sale.

Mrs. Johnson had declined earlier requests to have other roses named for her, Curtis said. But when Dr. Eldon W. Lyle, plant pathologist of the Texas Rose Research Foundation at Tyler, saw the magnificent new bloom, he wrote Mrs. Johnson for permission to name the new flower after her.

She gave it, partly because of the new rose's similarity to Tropicana, one of Mr. Johnson's favorites.

To create a hybrid rose takes a world of patience, especially when working for both fragrance and favorite color. Curtis got both. Hybrid simply means half-breed. The Lady Bird Johnson rose is the child of two famous rose parents, Hawaii and Montezuma.

Also to be shown at the show in special silver vases will be three of the year's coveted AARS award winners in national competition, Aquarius, pink and red grandiflora; Command Performance, a bright orange hybrid tea, and Redgold, yellow-orange floribunda.

These roses may also be seen growing in a special section of Tyler's rose garden.

The winning trio triumphed over hundreds of new roses tested in two years in AARS test gardens throughout America, including Tyler's test garden which is located at the home of L. A. Dean in Highland Acres addition in Tyler.

Two of the winners are the products of American hybridizers—Aquarius by Dr. Davis Armstrong and Command Performance by Robert Lindquest. The third All-American winner, Redgold, was hybridized in Ireland by Dickson and has already won a Certificate of Merit of the Royal National Rose Society, Victoria Australia.

STEEL SLUMP

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. CARTER. Mr. Speaker, high-ranking leaders of the Nation's leading labor unions have been loudly criticizing the Nixon administration for the current economic difficulties. I submit, however, that if they took a look in the mirror, they might dry up their crocodile tears. Why? Because, following the leadership of union officials, there are now 320,000 auto workers out on strike. This UAW strike, now going into its fourth week affects over a hundred plants, thousands of dealers, tens of thousands of suppliers, and an estimated 10 percent of the Nation's steel production. It seems to me that the union leadership should stop pointing an accusing finger at the administration and take a look at the effect of its own recent actions.

To help them in this self-examination, I suggest they take a look at an article on the front page of today's Wall Street Journal entitled "Steel Slump: Mills Report Orders Slide as Repercussions of GM Strike Spread." This article points out that not only is the GM strike directly responsible for the steel slump, but it has also caused a ripple effect resulting in a broad-based weakness in nearly all major steel markets, from construction and capital goods to containers and appliances. The article also points out that the auto workers' strike may also affect the entire economy—

Some economic analysts say further—

The article reports—

that they are beginning to wonder if the combined effects of the GM strike and its repercussions jeopardize any near-term upturn in the economy generally * * * The economic recovery that we began to see in the third quarter has slowed up a bit * * * It's partly due * * * to the "chilling effect" a strike against the biggest industrial corporation has even on unrelated areas of the economy.

The article added, quoting a steel analyst.

The effects of this strike, now in its fourth week, are going to be extremely serious for the Nation's economic welfare if it is allowed to continue any longer. Therefore, I implore the unions to face up to the enormity of their actions and to stop trying to focus the public's attention elsewhere. Thanks to the fiscal and monetary measures undertaken by the Nixon administration, our economy in the last quarter showed real signs of halting inflation without risking recession. But if the unions allow this strike to continue, it is they who will have to shoulder the burden of damaging the economic welfare, not only of their own members, but of all other Americans as well.

The article follows:

STEEL SLUMP: MILLS REPORT ORDERS SLIDE AS REPERCUSSIONS OF GM STRIKE SPREAD

CONSTRUCTION, CAPITAL GOODS, APPLIANCE INDUSTRIES ALSO SHOW UNEXPECTED WEAKNESS: LAYOFFS AND FAILING PROFITS

(By Thomas Lindley Ehrich)

PITTSBURGH.—The steel industry, which for months has been counting on a brisk autumn upturn in sales to revive its sagging fortunes, is getting a rude jolt. Instead of getting better, business is getting worse.

In large measure, of course, the slump is directly traceable to the strike at General Motors Corp. Besides being the nation's biggest manufacturer, GM is also the biggest domestic steel consumer.

But as the strike drags through its fourth week, it's becoming clear that the shutdown is having ripple effects—both economic and psychological—on many other industries as well. Consequently, it's not just the idleness of GM alone that's hurting steelmakers; rather, mills are experiencing a broad-based weakness in nearly all their major markets, from construction and capital goods to containers and appliances.

All in all, steel mill executives fear they may be in the midst of one of the poorest business periods in years. Some economic analysts say further that they are beginning to wonder if the combined effects of the GM strike and its repercussions jeopardize any near-term upturn in the economy generally.

4,000 LAYOFFS AT J&L

The depth of the steel industry's slump was dramatically illustrated by a broad production cutback disclosed yesterday by Jones & Laughlin Steel Corp., the nation's sixth-largest steelmaker. J&L, a unit of Ling-Temco-Vought Inc., said it already has cut back steelmaking this week in Pittsburgh and Cleveland, and next week plans cuts in everything from iron ore mining to steel-finishing. The cutbacks will affect ore mines in Minnesota, New York, Michigan and Ontario, and mills in Pittsburgh, Aliquippa, Pa., Cleveland, Ohio, and Hennepin, Ill., triggering layoffs expected to total 4,000 men.

J&L blamed the cutbacks, which come atop smaller work force cuts by other steelmakers, not only on the GM strike but also on "a general reduction in steel demand." J&L said it now expects "shipments for October will be approximately 30% below earlier projections."

Industry analysts and steel executives express varying degrees of pessimism about the immediate outlook, but there's general agreement that unless the GM strike ends by mid-November, the industry will be in deep trouble. The implications are broad:

—Fourth-quarter steel earnings can't be anything but poor, Wall Street analysts say. Some analysts are beginning to question whether some steel companies will be able to maintain their current dividends for long unless earnings are better than now appears likely. Six-month profits at some steelmakers just barely covered their dividends, and third-quarter earnings of most steelmakers are expected to fall substantially from a year ago. (For a more detailed look at Wall Street's view of the steel industry's prospects, see Heard on the Street column on page 29.)

—Steel prices, under severe pressure for some weeks, show increasing signs of buckling. A currently unresolved industry battle over discounts to be offered on some grades of cold-rolled sheet, the largest-volume product, is one indication. U.S. Steel Corp., the

largest producer, has announced a new grade of cold-rolled sheet priced more than 6% under the book price of a comparable grade, and other makers probably will have to follow.

A GLIMMER OF HOPE

The one glimmer of hope on the horizon is for a rebound in steel demand in the first half of 1971. Not only may the mills then be shipping strike-delayed tonnage to GM—assuming the walkout ends in the meantime—but they'll be filling extra-big orders from customers who plan to stockpile steel in advance of the steel labor contract expiration Aug. 1. Still, the prospect of such a rebound isn't easing the current slump.

Declines in incoming orders are "spread through the economy," says a sales official at one large Eastern steelmaker, adding: "Customers don't want to buy steel on what has been considered normal lead times. They're working hard to get inventories down and to hold them down." Inventory liquidation will continue, the official says, "reflecting the high cost and the difficult availability of money."

The economic recovery that we began to see in the third quarter has slowed up a bit," says David Healy, steel analyst for Argus Research Corp. "We're seeing the same thing in other industries. It's a continuation of the recession we've been in." It's partly due, he adds, to the "chilling effect" a strike against the biggest industrial corporation has "even on unrelated areas of the economy."

"Now the economic recovery is questionable," says another steel analyst.

FORD, CHRYSLER HOLD OFF

"The strike at GM has tended to abort the recovery in consumer goods," which usually leads an upward movement in steel business, says the market researcher at a major Eastern steel producer. "This is because of the strike's direct effects and its psychological effects."

The seasonal declines in construction and capital goods that usually hit steel in the fourth quarter aren't being offset by the normal pickup in steel buying for consumer goods and auto production. So far at least, Ford Motor Co. and Chrysler Corp. haven't stepped up their auto production or steel buying in an effort to take advantage of the halt in GM's output, steelmakers say.

At least one steel official believes Detroit's steel buying reflects a problem that goes beyond the GM-strike. "We hear that the auto makers have been very disappointed with their new model sales, and certainly just judging from their steel ordering, the nonstruck automakers aren't enjoying any sales bulge at GM's expense," says a sales executive at a big Midwestern steel company.

Steelmakers have continued to produce steel for General Motors. It's being stored at the mills and in private warehouses. But most steel plants have no more than a month's storage space. When it's gone, production will have to stop. James Hughes, president of United Steelworkers Union Local 2659 at McLouth Steel Corp., Detroit, illustrates the problem. "At the company's Gibraltar (Mich.) plant," he says, "they'll have the mill filled up in about three or four days. They just don't have any other place to pile the steel for GM. It's about all the way up to the overhead crane now," with big steel coils stacked three and four high, he adds.

Completing the list of woes, a steel market researcher notes the industry is "still being hit" by an unfavorable shift in the foreign trade balance. The strong flow of steel exports that bolstered first-half steel shipments, in effect offsetting weakness in domestic markets, has slowed to a trickle. Meanwhile, lower-priced imports keep hurting some markets, especially in stainless and other specialty steels.

Dwindling steel orders are taking their toll at the mill level. Steel producers haven't provided a complete picture of their production cutbacks and layoffs, but initial comments from the companies plus checks with some union officials indicate the impact on mill workers is already severe and is likely to worsen.

Several hundred workers at nearly all major producers have been put on short workweeks, usually 32 hours. Others have been reassigned to lower job levels at lower pay.

The way layoffs can multiply is demonstrated by what's happening at J&L's Southside Works in Pittsburgh. James Comer, president of USW Local 1272, says the plant cut back to six open-hearth steelmaking furnaces this week from seven furnaces two weeks ago. This put 150 men on furlough. Dropping another open-hearth next week, however, will put 400 to 500 men on layoff, the union official says, because lowering raw steel output beyond a certain point forces slowdowns in operations throughout the mill, from the machine shop to the finishing lines.

Some mills are taking advantage of the slowdown to repair facilities in advance of next year's expected production binge. Others are cutting work turns on rolling and finishing operations. One Midwestern steelmaker has rescheduled only 12 to 13 work turns next week on a hot-rolling mill, down from 17 to 18 turns a week prior to the GM strike. "This won't necessitate layoffs but merely shorter work weeks," an official at the company says.

The length of the GM strike is, of course, crucial to the steel earnings outlook. A mid-November auto settlement would enable steel producers to get six weeks of steel shipments to GM into the quarter. One steelmaker forecasts fourth-quarter shipments could total 22 million to 23 million tons if the strike ends by early November but would plummet to 20 million tons if the strike lasts the entire quarter. The strike's downward pull on other steel markets presumably would continue, and the mill would get no relief for the heavy cost of maintaining inventories of steel ordered by GM.

A SCHEDULE FOR ENDING THE WAR

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ADAIR. Mr. Speaker, after almost a decade of war in Vietnam we at last have a plan for peace that holds the promise of an end to that tragic conflict. In his address to the American people last night, President Nixon took several bold steps forward in outlining a schedule for ending the war.

In his proposals the President covered all the major points necessary for an end to the war including a ceasefire, negotiation on a specific timetable for withdrawal of all troops on both sides, and immediate release of all prisoners of war on both sides.

Significantly, the President proposed no preconditions which would serve as inhibiting factors to the other side. If North Vietnam continues to refuse to negotiate solely on the grounds that they will not deal with the recognized leaders of South Vietnam, then their true motives will stand revealed before the world.

The President's peace plan is without doubt the most solid proposal made by either side in this long conflict. It is reasonable and will end the war under conditions which should be satisfactory to both sides. It is hard to fathom what further purpose would be served by North Vietnam's refusal to respond favorably. The President has put this country clearly on the side of peace. If North Vietnam will make an equal move, the war can be ended.

REPRESENTATIVE WILLIAM S. BROOMFIELD REPORTS ON SECOND SESSION, 91ST CONGRESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BROOMFIELD. Mr. Speaker, the following is my annual report of action taken during this session of Congress on the major proposals of the administration along with my views and votes on them. As a member of the House Foreign Affairs Committee, I also include some observations on foreign policy. Although Congress must return next month to complete its work, this information will be helpful to my constituents as they prepare to evaluate my record this November.

The effort to reorder our national priorities was the theme stressed by both the President and the Congress during the last 2 years, although they frequently differed on methods and timing. Between them they made some genuine progress in edging the country toward a basic realignment of our national goals.

The administration's fresh approach to foreign policy, aimed at winding down the war in Southeast Asia and reducing U.S. involvement throughout the world, helped set the stage for this fundamental change in priorities.

Federal spending is now shifting away from defense outlays and toward domestic programs. Congress generally approved and in some cases accelerated this shift. But it was disappointingly slow to act on the new programs and basic reforms proposed by the administration in virtually every major area in which the Federal Government is involved.

The administration put forward innovative programs to protect the environment, combat drug abuse, reform the draft, the Federal tax structure, social security, the Post Office, welfare system, Federal-State relationships, transportation, our approaches to poverty and the cities, education, foreign aid, presidential election procedures, efforts to control and reduce crime and pornography, population control and consumer programs.

Important action was taken to reform the Post Office, provide tax relief and more tax equity and combat drug abuse. A promising beginning was made toward protecting the environment, social security and transportation improvements and crime control. But the record remains disappointing in such areas as revenue sharing with the States, education and welfare reform, and modernization of our presidential election procedures.

ENVIRONMENTAL PROTECTION

Programs to protect and restore our environment were among the major beneficiaries of the shift away from defense spending. Congress approved record amounts of money for pollution control projects and authorized some basic new approaches.

Creation of an Environmental Protection Agency to centralize the Federal Government's many cross-purposed environmental programs was one of the most important of these new approaches and I fully supported it.

The new agency will handle work formerly carried out by the Federal Water Pollution Control Administration, the National Air Pollution Control Administration, the Bureaus of Solid Waste Management, Water Hygiene, and Radiological Health along with some functions of the Atomic Energy Commission, the Department of Agriculture, and the Food and Drug Administration.

Congress similarly created with my support a National Oceanic and Atmospheric Administration to consolidate major Federal programs dealing with the oceans and atmosphere.

Spending of a record $1 billion for construction of waste treatment facilities was authorized along with $98 million for the Federal Water Pollution Control Administration. Stiff new restrictions were approved on dumping oil, sewage, and chemicals into our lakes and rivers along with measures to promote research on mine water pollution and waste treatment techniques.

Most important for Michigan, the Water Quality Improvement Act authorizes special efforts to reduce contamination of the Great Lakes. I voted for all of these measures. Still pending in Congress is legislation I sponsored to provide relief for Great Lakes fishermen put out of business by mercury pollution.

Legislation setting strict new national standards for air quality was passed by both the House and Senate, although with differing limits and timetables. Efforts at agreement on a single bill are now underway. Both measures establish deadlines for meeting these new requirements by the auto, airplane, and fuel industries. The House bill, which I supported, calls for gradual improvements during the next 10 years; the Senate would require compliance by 1975—a deadline the auto industry says it cannot meet.

Still pending in Congress are four other bills I introduced dealing with water pollution. They would authorize additional funds for sewage treatment and research, establish an agency to assist local communities in borrowing to build sewage treatment facilities and provide stiffer penalties for industrial polluters.

Legislation similar to a bill I sponsored was approved by Congress authorizing studies of better ways to recycle junked autos, of recovering useful material from solid wastes, and improved methods of solid waste collection and disposal.

For south Oakland residents, action appears near on construction of a long sought $170 million improvement to the Red Run Drain-Clinton River channel through Madison Heights and Macomb County. After years of urging, the House Public Works Committee finally appears ready to include the project in the 1970 omnibus rivers and harbors and flood-control bill. Final approval will speed relief from flooded basements and streets in south Oakland and Macomb Counties.

Together, Congress and the administration took a great many additional steps in this broad area dealing with research, facilities construction, oil and mercury pollution, pesticide reform, parks and recreation facilities, industrial pollution, and population control. I will be pleased to provide more detailed information on these efforts upon request.

DRUG CONTROL

One of the most urgent of our national problems, drug-control legislation, was one of the last on the agenda of a Congress slow to recognize its importance.

After more than a year's delay, the House in September approved with my support a comprehensive set of drug-abuse-control proposals submitted more than a year and a half ago by the administration.

Included are new tools for enforcement, new money, and approaches to research, education, and rehabilitation and the streamlining of a wide range of existing Federal narcotics laws. The bill makes laws applying to drug sellers more severe while allowing more flexibility in the sentencing of first-time drug users. Heroin offenses are judged more serious than those involving marihuana and a judge is permitted to erase the conviction of a first offender if he satisfactorily completes a probation period. The bill also establishes a Presidential Commission on Marihuana to provide more information about the real effects of its use, a measure which I cosponsored.

The administration, meanwhile, launched high priority efforts to stem the flow of narcotics into this country both through the hiring of more than 500 additional U.S. Customs inspectors and through diplomatic discussions with Turkey, France, and other nations which are the source of raw narcotics.

Controlling the drug epidemic in America will require the concerted and cooperative efforts of our private institutions and individual citizens with Government at all levels. New laws will only provide better tools for dealing with it.

CRIME AND PORNOGRAPHY

One of the most disappointing aspects of this Congress was the slowness with which it acted on the President's crime control bills, an area in which Americans clearly want action the most.

In early October the House finally approved a bill giving the Federal Government broad new powers to crack down on organized crime and terrorist bombings, a measure which I fully supported. The Senate already has passed the measure in somewhat different form, but final approval is expected before yearend.

The House-passed bill will strengthen the legal means for obtaining evidence against gangsters, establish special grand juries to investigate racketeering and public corruption, provide increased protection for Government witnesses, expand Federal jurisdiction over syndicated gambling, and the infiltration of legitimate business by criminals. Finally, it severely increases penalties for the illegal use of explosives.

Earlier Congress approved with my support a record authorization of $3.15 billion in Federal funds for law enforcement and crime control, most of the money going to State and local police agencies.

The House also approved legislation similar to a bill I sponsored to prohibit pornographic mailings to residences with minor children. The bill places the responsibility for determining if a minor is affected on the sender. Efforts at stronger language have been blocked by recent U.S. Supreme Court decisions.

EDUCATION

While I generally have supported efforts to cut Federal spending, I disagreed with the President on his veto of the education appropriations bill in early August. I am convinced that a great many Federal education programs are in serious need of reform. But cutting off funds a month before the new school year began could have caused major disruptions. In the increasingly partisan atmosphere of Congress, it was unlikely that a compromise bill could have been approved quickly. The greater likelihood was for continued deadlock which would have left school administrators throughout the country uncertain about the amount of Federal aid they could plan on, possibly until sometime next year.

On that basis, I voted with the majority to override the veto. Federal programs in this field remain in critical need of modernization and review particularly to direct funds toward poor school districts where they are needed most. We must streamline the more than 200 separate Federal programs for which local schools may apply, eliminating such wasteful and costly programs as impact aid, a leftover from the Korean war. Hopefully, this is an area which the new Congress will tackle early next year in order to accomplish reform without interrupting school planning.

SPACE SPENDING CUT

The President's veto of the HUD-independent agencies-space spending bill—to which Congress added $451 million—contained no budgetary deadlines comparable to the education bill.

Spending on the space program, one which should be lowered on our new list of priorities, had been increased substantially by the Senate. In contrast, innovative programs such as "Operation Breakthrough"—designed to enlist the resources of private industry in the low-cost housing crisis—were cut. As a result, I voted with the majority to sustain the HUD-Space spending veto. Meanwhile, HUD, NASA, and the other affected agencies are funded on a month-to-month basis at about the same level as last year pending approval of 1971 funds, probably when Congress returns in November.

INFLATION AND THE ECONOMY

Both vetoes underscored deep concern about the need to maintain tight budgetary policies in an effort to curb inflation and stabilize the economy. By late summer there were some cautious signs

that these policies may be beginning to take effect. Retail sales, factory orders, industrial production and the stock market all have been on the rise recently. High interest rates, caused by huge Federal deficits of the 1960's, have come down somewhat and there are signs they may continue to move downward. The rate of price increases has leveled off and homebuilding is making a comeback—up substantially in July over January.

Unemployment, especially in the Detroit area, remains a difficult problem. Cutbacks in space and defense spending, part of the shift from a war to a peacetime economy have contributed to the problem.

To help those out of work, Congress in August approved with my support an increase in unemployment insurance benefits and an extension of the program to cover an additional 5 million workers. Congress also gave the President standby authority to impose wage and price controls. Although I voted for this bill as a precautionary measure, I am hopeful the economy can be stabilized without resorting to this sort of artificial restraint.

POSTAL REFORM

One of the real accomplishments of this Congress—one that should have long-range implications for Federal budget deficits—was passage of the historic postal reform legislation, finally signed into law on August 12. The bill, which I fully supported, will, within 1 year, replace the 181-year-old Post Office Department with a semi-independent U.S. Postal Service, designed to operate free of partisan politics and with all of the advantages of modern, private business. Plans call for the service eventually to be self-supporting with a gradual reduction in Federal subsidies during the next decade.

SOCIAL SECURITY

In an effort to ease the burden of inflation which falls most heavily on the elderly, Congress last December approved a 15-percent increase in social security benefits with my support. The increase was effective in January 1970. Soon afterward, the House began further consideration of social security and medicare benefits and subsequently approved an additional 5-percent increase. The House-passed bill also calls for future increases to be linked automatically to rises in the cost of living, a provision which I specifically endorsed. Although the Senate has not yet completed work on the bill, its Finance Committee has recommended a flat 10-percent increase in benefits without the cost-of-living escalator.

The Senate committee has also recommended an increase in the minimum monthly benefits from $64 to $100 and a number of changes in medicare. These include a cutback in the medicaid program and the creation of an independent Inspector General for health care to review medicare and medicaid programs against violations of regulations and the principles of efficiency. Final approval of these measures is expected before the end of the year.

HEALTH AND WELFARE

I disagreed with the President in his veto of the $2.7 billion hospital construction bill and voted with the majority in Congress to override. While I fully support efforts to reduce Federal spending, I felt hospital construction, like education, was the wrong place to cut.

The President's comprehensive welfare reform package, which passed the House last year with my support, is, like the social security bill, still pending in the Senate. While I am not fully in favor of all aspects of this broad-based legislation, I believe it will provide a foundation for reforming the present system which is growing increasingly expensive without offering any real hope to those trapped in its cycle of dependency.

DRAFT REFORM

President Nixon took the initiative in reforming the Selective Service System last year by ordering the draft restricted essentially to 19-year-olds. The action reduces a young man's period of uncertainty about the draft from 7 years to 1 year.

With my support, Congress agreed to the President's further recommendation to create a national lottery to insure random selection of draftees.

Otherwise, Congress has been extremely reluctant to make basic changes in the system. The House has refused to consider legislation which I cosponsored to abolish the draft by next June and replace it with an all-volunteer military, steps recommended by a special Presidential commission. The Senate rejected a similar proposal. Expiration of the present Selective Service law next summer will force reconsideration of draft reform by the new Congress and I am hopeful it will move in the direction of a volunteer armed force.

TRANSPORTATION

The House missed an important opportunity to rearrange priorities when it approved additional funds for continued research and development of a supersonic transport plane over my opposition. While the SST holds promise for the future, its cost and unanswered questions about noise and air pollution should move it far down on the list of important national projects. I am hopeful the Senate, which has not yet acted on the measure, will reject it.

I supported a $3.1 billion program to help finance urban mass transit systems and a $5 billion airport and airways improvement program over the next several years.

With the tripling of air traffic during the next decade a virtual certainty and the prospect of huge new airliners such as the SST, improvement and expansion of our existing terminal and air traffic facilities is critical. Similarly, creation of low-cost mass transit systems is one of the key elements in the revitalization of the cities.

The House also authorized the hiring of 2,500 special airline guards and a tax on airline tickets to pay for them as a major step toward detering air hijackings, a measure I supported. Following hearings conducted by the House Foreign Affairs Committee, on the problems involved in airlines hijacking, I introduced legislation which would require U.S. air carriers to boycott countries harboring hijackers and freezing assets held in the United States by those nations.

FARM SUBSIDIES

Congress extended the farm subsidy program—which costs taxpayers between $3 and $4 billion a year—again over my "no" vote. The farm program contributes both to higher food prices and higher taxes and should have been scaled-down or eliminated long ago. Congress did, at least, make a start toward dismantling the program by limiting subsidy payments to $55,000—still too high, but an improvement over the present unlimited ceiling.

I will continue to press for action on my bill to phase-out the entire farm subsidy program over a 5-year period and providing job training and relocation payments to those marginal farmers forced to seek new careers.

CONGRESSIONAL, ELECTORAL REFORM

In a long overdue step, both the House and Senate approved broad reforms of their own operations including an end to secret voting. The legislation which passed with my support also opens committee hearings to the public and live radio and television broadcasts, except where national security would be compromised, and requires that all votes taken in committee be made public.

The bill failed to deal with the present system of selecting committee chairmen and ranking minority members solely on the basis of seniority. However, both parties are working on reform measures in this area, an effort which also has my full support.

In an effort to bring presidential elections more directly under the control of the voters, the House last year approved a proposed constitutional amendment providing for the direct election of the President and Vice President.

The measure, which I cosponsored and voted for, has so far been blocked in the Senate, virtually eliminating the chance that change can be implemented in time to affect the 1972 presidential election.

MILITARY SPENDING

The search for new national priorities made its greatest impact on defense spending. In each of the last 2 years, the President has presented a defense budget substantially reduced from the previous year and Congress cut it even further.

In the 1971 fiscal year—which ends next July—the defense budget will be down from its 1968 level by at least $17.3 billion and will amount to 34.6 percent of the total Federal budget.

The continuing shape of this new policy can be seen in a number of long-range steps. The Defense Department, for example, recently announced plans to cut U.S. troop strength by three divisions during the next 9 months. This is a step that will result in a substantial further reduction in the military budget and bring our Armed Forces to the lowest numerical strength in more than a decade.

The ABM program which former President Johnson envisoned 3 years ago as a $60 billion program involving some 25 to 50 sites—a program which I opposed—

has been cut back to less than five sites with appropriations under $5 billion. I have reluctantly supported the scaled-down program as a bargaining tool in negotiations with the Soviets although I would prefer limiting our efforts in this field to research and development.

Overall, I have supported the reductions that have been made in our defense budget and believe that further prudent cuts can be made without jeopardizing national security. But we must proceed carefully in this search for economy. We cannot afford to lose sight of our real responsibilities as a major world power and we must resist the temptation to return to the isolationism that proved so costly just a few decades ago.

FOREIGN POLICY

At the end of World War II, America's excess military and economic power enabled it to spread its influence to virtually every corner of the world. As war recovery was completed and economic and technical progress produced other major world powers, the margin of U.S. dominance dwindled gradually. The failure to adjust our foreign policy to these new realities left America spread thin during the 1960's with little understanding of our really important interests. Vietnam was the culmination of that basic weakness of foreign policy.

In his inaugural speech and his statement at Guam more than a year ago, the President sketched the outlines of a new U.S. foreign policy addressed to the realities of the 1970's. Its aim is to reduce U.S. power and presence to rational and reasonable limits throughout the world and to open an "era of negotiation" rather than confrontation with the other major world powers.

The Pacific and particularly Vietnam is the focal point of efforts to reduce U.S. involvement. U.S. troop withdrawals from Vietnam have continued at an accelerating rate with troop levels falling in recent months to the lowest point in 3½ years. Casualty rates, although still too high, have decreased.

The five-point peace proposal offered by the President on October 7 contains all of the ingredients that the United States can supply for the early and complete withdrawal of U.S. forces in Vietnam. It should receive serious and thorough consideration. During my visit to the Paris peace conference in July as a representative of the House Foreign Affairs Committee, I was convinced that the best hope of an early end to the conflict remains through negotiations.

Elsewhere in the Pacific, the President concluded an agreement calling for the gradual withdrawal of U.S. forces from Okinawa as the Vietnam war ends and the island's reversion to Japan during the next several years.

In Korea, a cutback has begun in the 50,000-plus U.S. garrison with a promise that we will help provide the South Korean military with modern equipment before we leave.

That promise to Korea is the key to our doctrine throughout Asia: That we will provide material assistance—but not troops—to help those governments willing and able to muster the manpower and initiative to defend themselves against aggression. Our air, sea, and nuclear power will remain in the background as an umbrella of protection against direct intervention by the Soviet Union or Communist China.

Possibly because of our preoccupation in Asia, we have been overdue in implementing this new policy approach in Europe. I have introduced legislation urging the President to make substantial reductions in the 300,000-plus U.S. troops we still maintain there at an annual cost of nearly $14 billion. Progress in the strategic arms limitation talks—SALT—with the Soviets, our improved relations with France, and the recently signed German-Soviet nonaggression pact are evidence of the general economic and strategic well-being of Western Europe.

We should insist at discussions now underway for renewal of the NATO agreements that Western Europe assume a greater share of the burden of its own defense in keeping with the new power realities in Europe.

The Strategic Arms Limitation Talks to which I served as an official observer in July, is the main vehicle for opening the "era of negotiation" President Nixon has launched with the Soviet Union. Both U.S. and Soviet delegates have been working in a businesslike manner toward a "limited" treaty restricting numbers of intercontinental missiles and possibly ABM's. There are indications that such an agreement may be reached before the end of this year—the most far-reaching restriction on the nuclear arms race in the 24 years we have been negotiating with the Soviets. Such a treaty would not mean the mass destruction of existing weapons, since neither we nor Russia trusts the other that much. But there is a real chance for limitations, freezes, or agreements not to build future weapons systems—in effect, an end to the nuclear arms race.

We have attempted to apply these same principles of negotiation in the Middle East where the U.S. cease-fire initiative, by itself, provides grounds for hope—not optimism—that the Mideast can somehow be defused short of another all-out war.

Trying days still confront us. But I am convinced that support of Israel is clearly consistent and linked with the survival of democracy in our own country.

The door also was opened gradually during the past year to communication with Communist China by easing slightly trade and travel restrictions and by resumption of diplomatic discussions with the Chinese in Warsaw. A majority of the experts on Red China who testified recently before the House Foreign Affairs Committee indicated that the end of the cultural revolution in China will bring with it increased Chinese participation in international affairs.

The shift away from foreign involvement and defense spending to domestic concerns carries with it a new challenge. A mere rearrangement of priorities will not—by itself—guarantee solutions to the pressing domestic problems we face.

We will accomplish little if we do not find ways of using these new resources in ways that produce results efficiently. The challenge now is determining what domestic programs really do contribute to an improvement in the quality of life for the American people.

THE COLUMBIA BASIN PROJECT

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mrs. MAY. Mr. Speaker, for many years I have been proud of the Columbia Basin Project reclamation area located in my congressional district in Washington State. This formerly arid area in central Washington is irrigated, as many Members of this House know, by waters backed up by Grand Coulee Dam, and there are now nearly 500,000 acres irrigated by an intricate canal and reservoir system. Our goal is a project totaling 1 million acres.

Recently, the magazine Irrigation Age, published in Dallas, Tex., sent reporters to tour the basin, and a resulting article in the magazine is titled, "Columbia Basin Project Boasts $100 Million Crop Income." The article contains information that should be of interest and a source of pride to all, and I want to commend it to the attention of other Members. The article appears below:

COLUMBIA BASIN PROJECT BOASTS $100 MILLION CROP INCOME

(By Tom Milligan)

The Columbia Basin Project in the state of Washington is carrying a tag as Potato Country U.S.A. as the irrigating farmers in the rich but arid area of Central Washington expand their potato acreage and boast of their yield per acre.

The Washington Potato Association claims the area, irrigated from water backed up by the giant Grand Coulee Dam, is now the fifth in the nation in total acres of potatoes planted, but a healthy third in the total number of hundred pound sacks harvested.

Area promoters contend that by the mid-1970's the Basin may well be the Number One potato producing area in the nation.

Currently, the area claims per acre yields in excess of 550 sacks (100 pounds to the sack) and an overall average of 450 sacks an acre. The national average is 220 sacks an acre.

In 1969, the Columbia Basin Project had more than 50,000 acres of spuds, mostly the Russett Burbank variety.

Potatoes have joined wheat, alfalfa and sugar beets as a major crop in the Basin which now has nearly 500,000 acres irrigated from the intricate canal and reservoir system.

The first water was delivered through the main system in 1952 and while the total irrigable acres now stands at 512,650 acres a total of one million acres is expected to be irrigated from the project by the mid-1970's.

The Bureau of Reclamation developers of the Columbia Basin Project, is currently studying the feasibility of delivering water to another 1½ million acres known as the East High—an arid area east of the current project boundaries.

The economic impact from irrigation is substantial when you consider that the sparkling array of crops grown, more than 30 in 1969, yielded a total gross crop value of $101,710,110. The 5,451 farm units in the Basin Project last year had a gross crop value per irrigated acre of $220, up 12 percent from 1968.

As the irrigated acres have grown, so has the population. The Bureau states that

the project area had a population of 25,000 in 1948. In 1966, the number of people had climbed to 70,000. Along with people came processing plants to handle the crops produced—more than 100 are located in the area now.

Potatoes, while accounting for just 11.2 percent of the irrigated acres in the project, contribute 31.9 percent to the total crop value.

Alfalfa hay ranks second in the percent of total value with 20.7 percent but the legume occupies 32.2 percent of the acreage. Next in value is sugar beets which contribute 16.1 percent of the crop value while occupying 8.9 percent of the acreage.

The project's irrigation season lasts about seven months and during the past several years, an average of 1¼ million gallons of water per acre has been delivered to farmers. Rainfall is low in the area averaging 8–10 inches a year.

Irrigation Age toured the Basin in early June with two busloads of farmers and irrigation proponents from the Upper Missouri Water Users Association of North and South Dakota. This was the third trip to Washington by the Dakota farmers in their quest for practical knowledge of irrigated farming as they anxiously await the completion of the Garrison Diversion Unit. The Bureau of Reclamation project will deliver water to an initial 250,000 acres of rich Dakota farm land.

Members of the tour viewed several farms in the Columbia Basin Project area and adjoining areas that are now irrigated from deep wells. These are farms where the land was either tabbed non-irrigable or lay outside the project boundaries.

Roland Hintze, county extension agent in Adams County, said that about five years ago—when the wheat situation tightened up to the point many couldn't stay in business on a dryland operation—numerous farmers and/or landowners began to look with increased interest at laying out the large sums of money required to put in deep well systems. And, some of the farmers were getting to the age that, if they expected to irrigate in their lifetime, they were going to have to supply their own water, what with the lengthy time it takes for expansion of the government project.

A case in point is Bill Phillips who farms about 12,000 acres near Schrag in Adams County. He waters about 5,000 acres from seven wells 750 to 1,100 feet deep and yielding 1,200 to 2,500 gallons per minute. His land varies in elevation as much as 200 feet.

Phillips started out with wheel roll systems, figuring they would take a lot less labor than hand lines. He is converting to center pivot systems because in his situation three men can handle 3,000 acres under the pivots where it took one man to handle 50 acres irrigated by wheel or hand line systems.

His 10 pivot systems are working on some land put in beets and potatoes that is so steep in a place or two, a large wheel tractor can't make it uphill. The pivot systems are putting out 25 to 28 acre inches of water a year to grow a crop where 50 acre inches were going through the handline and wheel roll systems.

Phillips will drill about nine more wells to serve more acres. Currently, he supplementally irrigates wheat—uses the water for the Gaines wheat when it isn't required for beets, potatoes and seed alfalfa. He would like to full-irrigate the wheat because he has made about 65 bushels to the acre with limited irrigation and more than 100 when full irrigated. His best dryland yields averaged about 30 bushels to the acre.

This innovative rancher is putting out about one-third of the fertilizer through the pivot systems.

He successfully uses the Raincat pivot systems on more than one circle. Three men move a system one-half to one mile in about three hours. He has a machine or two that is moved seven times during a season. Electricity is supplied to the pivot points by a quarter-mile long 4-wire extension cord.

As he expands with the pivot systems, Phillips hopes to eliminate some county roads and nest the circles together to cut down on the corner losses.

Another case in point is the father-sons team of the A. J. Pryor Farms near Warden in Grant County. Father A. J., Ken and Chester operate 1,500 acres that is devoted to crops and livestock. Some 1,200 acres are irrigated and they grow sugar beets, carrot seed, dry peas, alfalfa seed and hay, red Mexican beans and corn for silage.

Their operation also includes 300 acres of irrigated pasture that is a mixture of orchard grass and alfalfa. It works because they have been producing 1,000 pounds of beets to the acre.

The Pryor family does a good job of utilizing permanent labor. The six men that work for them the year round are cowboys in the winter and irrigators in the summer.

They like the carrot seed business because they have harvested 800 to 1,000 pounds per acre and received 35 to 45 cents per pound for their production.

The Pryor's contract half their potato crop and gamble on the fresh market for the rest.

Their cattle operation works like this: Stockers weighing 400–500 pounds run on irrigated grass through the summer. In the fall, the steers go into the feedlot and get a ration consisting mainly of corn silage—home grown. The steers also get the cull potatoes off the farm plus some from a nearby processing plant. Chopped alfalfa hay and molasses complete the ration. Sometimes when the grass gets short, beet tops are grazed by the cattle.

The Pryor farm has one sprinkler system, a wheel roll system, on 40 acres and the rest of the land is furrow irrigated. They built their own concrete ditches at a cost of about $1.00 per foot.

A good bit of land in the Columbia Basin is operated by tenants with excellent cooperation from the landlord. Operating this way is Benny Kirkpatrick at Othello in Adams County. He rents two and a half sections of the Everitt Michel Ranch.

Kirkpatrick irrigates from wells in spite of the fact that a Columbia Basin Project canal runs right by one of his fields. The farm was just drilled on the boundary of the Columbia Project. Mr. Michel drilled and equipped a well with a 250 HP deep well turbine pump and a 150 HP booster pump to get the water to the fields. The well is 640 feet deep and produces 2,100 gallons per minute from a pumping depth of 195 feet.

Kirkpatrick has one Raincat center pivot system and seven wheel roll systems.

He rotates three years of wheat and one year of potatoes. Kirkpatrick usually has 340 acres of potatoes a year. The circular system is used to cover four circles.

The knowledgeable farmer makes it a point to check every field every day to keep abreast of what is going on. He strives to keep the soil wet three to four inches below the effective root zone. And, he fertilizers through his irrigation system putting on about two pounds of nitrogen per day.

His cultural practices pay off because he had been producing 28 to 32 tons of potatoes an acre with 90 percent grading No. 1.

There are many more examples of the Phillips, Pryors and Kirkpatricks in the Columbia Basin Project but their experiences point to one thing: This is a progressive area. It has now boiled down to a group of farmers who were willing to take advice and they have made it. The area at first had a few know-it-alls. They didn't make it and they are no longer on the scene.

CAN THE UNITED NATIONS BE REVIVED?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, for all persons interested in strengthening the United Nations—and especially for the members of the President's Commission on the 25th anniversary of the U.N.—Prof. Richard Gardner's comprehensive article in the July issue of Foreign Affairs is must reading. It pulls no punches and it will make a lot of people angry or despondent, or both.

But there is nothing to be gained by refusing to recognize the scope and magnitude of the obstacles to strengthening the U.N. Indeed, I think Professor Gardner, a former Deputy Assistant Secretary of State for International Organization Affairs, has if anything underplayed one major problem: the increasing tendency of member States to act at the U.N. in narrowly political ways, without regard for the interests of the organization itself. Perhaps he does not dwell on this particular problem because even his ingenious and resourceful mind cannot invent a solution to it.

In any case, with regard to other difficulties, Professor Gardner sets forth a remarkable number of recommendations, directed both at the United Nations and its related agencies, and at the United States in its dealings with these international organizations. Many of these will be extremely difficult to carry out, and some are highly controversial. But all are worthy of study.

And one recommendation in particular is a mind-blower—to borrow a contemporary phrase from the young—because it is so right and because we are so many leagues away from being able to carry it out. Professor Gardner says:

The central preoccupation of U.S. foreign policy in the 30 years remaining in this century should be the building of effective international machinery to manage mankind's common problems.

The text of the article follows:

CAN THE UNITED NATIONS BE REVIVED?

(By Richard N. Gardner)

Twenty-five years after the League of Nations was born a successor organization was being formed at San Francisco. This fate, at least, has been spared the United Nations. The United Nations is not dead. But it certainly is ill. It is suffering, even supporters admit, from "a crisis of confidence," a "decline in credibility," and "creeping irrelevance." However we define it, the fact is that the world organization is being increasingly bypassed by its members as they confront the central problems of the time.

To be sure, a negative diagnosis of the patient's condition requires some qualification. One can argue that the important thing to say about the United Nations is not that it has fulfilled so few of its ambitious mandates, but that it has accomplished so much in the face of all the difficulties inherent in the international situation. The achievements of the organization are real and are worth recalling even though we may tire of hearing them recited at U.N. Day celebrations. The United Nations *has* helped prevent or contain violence in Cyprus, the Middle

East, the Congo, Kashmir and other trouble spots through peacekeeping and peacemaking missions. It *has* launched an unprecedented effort to raise living standards in the less developed countries through its network of Specialized Agencies and special programs. It *has* speeded the process of decolonization and eased the transition to independence for over a billion people. It *has* done an impressive amount of lawmaking, not only in the field of human rights, but in such areas as outer space and the oceans. Before we yield to the temptation to write the United Nations off as wholly ineffective, we might ask ourselves what the world would have been like during the last 25 years without it.

The twenty-fifth anniversary of the United Nations, however, is an opportunity not just to celebrate past achievements, but to launch a continuing process of renewal and reform. If this process is to begin, we must pull no punches in analyzing the current state of the world organization. The United Nations today probably enjoys less confidence on the part of its members and the public at large than at any previous time in its history. The obvious reason is its demonstrated inability to deal with the central problems of war and peace in the world. It is hard to explain to people in most countries why the organization cannot do something to bring peace to Vietnam. It is hard to explain to Arab and Israeli opinion why it cannot assure a just settlement in the Middle East. It is hard to explain to African opinion why it does not implement its innumerable resolutions calling for an end to colonialism and racial discrimination in Rhodesia, South West Africa, South Africa and the Portuguese territories. It is hard to explain to American opinion why the United Nations does nothing to prevent the Soviet Union from suppressing liberty in Czechoslovakia or stop communist support for "wars of national liberation." It may even be hard to explain to opinion in communist, countries—and elsewhere, too—why the United Nations is silent in the face of unilateral U.S. actions in the Dominican Republic and Southeast Asia.

The decline of the United Nations is particularly notable in the United States, the country which took the leading role in its formation and provided far and away its greatest single source of support. Relations between Washington and the world organization turned sour during the Article 19 crisis and became increasingly abrasive during the late Johnson years over Vietnam and the U.N. role in the Arab-Israeli crisis. The Secretary-General's abrupt withdrawal of UNEF and the pro-Arab bias of certain U.N. resolutions alienated opinion in the administration, Congress and the public at large. The present American attitude toward the organization, however, is less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, and American leadership in the world body has declined to an all-time low. Despite the noble efforts of a revitalized United Nations Association and other nongovernmental organizations, the American people seem less interested in the United Nations than ever before—as may be verified by the empty galleries at U.N. meetings and the decline in coverage even by papers like *The New York Times*.

II.

Can anything be done to revive the United Nations from this low estate? It is easy enough to assemble a shopping list of reform proposals, but such an exercise is sterile unless it is related at the outset to the political context in which the organization has to operate and to the fundamental causes of its illness. Moreover, proposals are worth making only if they are likely to yield significant benefits *and* have some reasonable prospect of approval from those members whose support is constitutionally and politically indispensable.

In a fundamental sense, the United Nations' problems are not so very different from those that afflict the political institutions of its members. There is a crisis of authority—a trend toward lawlessness and violence—between as well as within nations. It is said of international as well as domestic institutions that they are insufficiently responsive to the times, that they have failed to promote change by peaceful means, and that their failure to act upon real grievances and real needs leaves no recourse but self-help. For many young people around the world, the United Nations is an ossified "establishment" just like many institutions of domestic government.

The analogy between the U.N.'s afflictions and those of national political institutions may help us come to grips with the central problem. If the institutions of domestic government do not work, we are quick to recognize that the fault lies with the people who have the responsibility to make them work. The responsibility in the United Nations lies with 126 governments. As one U.N. ambassador likes to say: "There is nothing fundamentally wrong with the United Nations—except perhaps its members." Virtually all members pay lip service to the United Nations while at the same time pursuing their short-term national interests, often at its expense. Virtually all members take a largely instrumental approach to the organization, citing Charter principles when they seem to yield a short-term advantage, ignoring them when they do not. This has always been true of the Soviet Union. What is profoundly disquieting, however, is that it is becoming increasingly true of other countries, including the United States. For example, the United States only asked itself how the United Nations could help it to do what it wanted to do in Vietnam—it never seriously asked itself how it should conform its Vietnam policy to its U.N. commitments. With few exceptions, U.N. members ask what the United Nations can do for them, not what they can do for the United Nations—or for the building of a civilized system of collective security and world order.

It is this attitude which explains the demoralization at U.N. headquarters today. Rules of procedure and past decisions of the organization are frequently ignored by members because they are temporarily inconvenient. References to Charter principles or other sources of international law are regarded with increasing cynicism. There has been a marked decline in third-party attitudes and a marked increase in the tendency to vote, not on the merits of a question, but with regard to bloc affiliations and the protection of other interests. If a clear and unambiguous case of agression came before the Security Council or General Assembly today, there would be little confidence that a majority of the members would treat it as such and come to the aid of the victim.

Of course, the United Nations is a political institution. It is natural that members should seek to pursue their national interests through it. The question, however, is how they define those interests. The link between law and politics in the United Nations, as in any institution, is the expectation of reciprocity, the fear of reprisal, and the recognition that in the common interest of saving the community one cannot have one's way on every issue. For the world organization to work more effectively, its members will have to give greater priority to their long-term interest in building a civilized system of world order than to short-term considerations of national, ideological or racial advantage.

The Secretary-General of the United Nations recently said its members have 10 years left in which to subordinate their quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion and to supply the required momentum to world development efforts. After that, he warned, these problems would be out of control. U.N. delegates have repeatedly cited this ominous forecast in connection with the twenty-fifth anniversary. What is required, however, is for their governments to act as if they believe it. Each member, for example, might ask what changes in its own policies—not just in the policies of others—are necessary to revive the United Nations and save humanity from self-destruction. Only in such a spirit of self-criticism and open-mindedness could proposals for reviving the United Nations have any serious possibility of success.

The central contribution of the twenty-fifth anniversary, therefore, must be in helping U.N. members to redefine their national interests in the organization. Surprising as it may seem, few members have a clear idea of just what they want it to become. At a recent meeting organized by the United Nations Institute for Training and Research (UNITAR), most of the delegates admitted that the present structure of international society was unsatisfactory and that by 1995—the fiftieth anniversary year—major changes would have to be made if the human race is to survive. Yet none of the delegates was in a position to present a preferred model of the future.

It is often said that politics is the art of the possible, but it is forgotten that politics is also the art of making possible tomorrow what seems impossible today. Even if few fundamental reforms in the United Nations prove possible on the occasion of the twenty-fifth anniversary, the organization could launch some ventures that might make reforms more likely by 1995, or better still, by 1985 or 1975. This suggests that particular attention should be given now to such consensus-building activities as the seminars, studies and training activities of UNITAR, the strengthening of the public information area (with particular attention to the use of communications satellites and other new technology), the creation of a U.N. University and the establishment of a U.N. Service Corps in which volunteers from many U.N. member states could work side by side in U.N. programs.

III

There are 10 specific areas in which steps could be taken in the next few years, commencing with the twenty-fifth General Assembly, to make the United Nations a more effective instrument for the performance of its tasks. I believe they would serve the enlightened self-interest of all members, even though they would require almost every member to modify one or more of its present positions.

First, the United Nations should move as rapidly as possible toward universality of membership. This would mean offering admission to East and West Germany, North and South Korea, and North and South Vietnam, and it would mean acknowledging the People's Republic of China and Taiwan as successors to the membership of the Republic of China, with the Security Council seat assigned to the People's Republic. Agreement by the Permanent Members of the Security Council would be needed to secure the admission of the first three divided states, but the seating of Communist China and Taiwan under a successor state theory could be achieved by a vote of two-thirds of the General Assembly and by the procedural majority of nine in the Security Council, thus bypassing a possible veto by the Taiwan régime. The seating of all these régimes could be done in a way which did not prejudice the possibility of unification by peaceful means. While it is true that the problems of the two Germanys, the two Koreas, the two Viet-

nams and the two Chinas are all different, a "package deal" on all of them would make it easier for many countries to swallow their opposition to the seating of one or more. Such a bold step would give the United Nations opportunities it now lacks for assisting peaceful settlements in Indochina and Korea, as well as elsewhere, would open new channels of communication between the two halves of these divided states, and would enhance the long-term potential of the organization for dealing with such global problems as development, population and environmental defense. New steps should also be taken to encourage Switzerland to seek membership, in recognition of the diplomatic as well as financial resources which the Swiss could make available. If the twenty-fifth General Assembly is not prepared to seat these states immediately, it could at least appoint a committee to study how universality of membership might be achieved. The committee could provide an opportunity for key members like the United States and the Soviet Union to reassess their positions. It could also recommend interim steps toward universality—the adherence of all states to multilateral conventions and invitations to all states to participate in such U.N. meetings as the 1972 Stockholm conference on the environment.

Second, a special effort should be launched to streamline and improve the procedures of the General Assembly. Some of the reforms would be relatively modest—starting meetings on time, organizing the debate around groups of items, enforcing the rules against repetitive or irrelevant interventions, encouraging delegates to limit their remarks and submit more detailed statements for the record. The Assembly could also consider a more fundamental reform: it could eliminate the time-consuming general debate. In its place governments could submit writtten statements on the world situation in advance of each Assembly, on the basis of which the General Committee, with the help of an analytic summary by the Secretariat, could draw up a provisional agenda. Any member could insist on adding an item to this agenda, but it would have to take a special initiative to do so, and this might reduce the number of "hardy perennials" that are debated each year to no advantage. Under a reform of this kind, heads of state, prime ministers and foreign ministers could gather at the end of each Assembly rather than at the beginning to resolve major issues, assess the results and agree on measures to follow up the General Assembly's decisions. Consideration should also be given to ways of changing the Assembly's main committees from committees of the whole to committees of 45 members or so, even though the political obstacles to doing this are obviously great.

Third, a beginning should be made at reducing the gap between voting power and real power in the world organization. One measure already under consideration would be to offer "ministates" associate membership in the organization with the privelge of circulating documents and addressing meetings, but without the privilege of voting and the burden of paying a share of U.N. expenses. Hopefully some of the ministates already in the United Nations as well as those that are expected to apply for membership could be persuaded to accept this new status. Even with such an arrangement, however, there would still be a great disparity between voting power and real responsibility for implementing U.S. decisions. This problem exists even in the Security Council where despite the Charter stipulation that members be chosen with regard to their contribution to the maintenance of international peace and security, six of the 10 elected members currently pay the minimum .04 percent toward the expenses of the organization. The members might well consider some formula under which five of the 10 elective seats could be reserved for 10 middle powers (*e.g.* Japan, India, Italy, Brazil and the U.A.R.), which would thus be guaranteed a place on the Council for two out of every four years. In the General Assembly, where the disparity between voting power and real power is even greater, more use could be made of small committees (*e.g.* a Peacekeeping Finance Committee of 21) in which the large and middle powers would have a greater proportion of places than they have in the Assembly as a whole. To make such a committee system fully effective the Assembly would have to agree that resolutions could be adopted only when they had been approved both by the small committee and the General Asembly—in effect a bicameral arrangement. More fundamental—and probably incapable of adoption in the short run—would be a system of dual voting (double majorities), under which certain kinds of resolutions would be considered adopted only when approved by the regular two-thirds majority including a majority of the large and middle powers. It is frequently argued that no reforms along these lines will be possible, since they require the approval of the small countries which now have the voting majority. Certainly such reforms will not be easy. But they may not be impossible if the small countries can be convinced that reforms would result in a United Nations more effective on matters of interest to them—and that in the absence of such reforms the major powers will increasingly bypass the organization on matter of substance.

Fourth, concrete steps can be taken to strengthen the U.N. peacekeeping machinery. All member states have a long-term interest in strengthening this machinery. Both the United States and the Soviet Union have experienced the perils of unilateral involvement. Both the superpowers, and the world as a whole, would benefit from a policy of reciprocal abstention by the superpowers from local conflicts and a strengthened U.N. capacity to patrol borders, supervise elections and verify compliance with nonintervention norms. Since the Soviet Union has now conceded that peacekeeping operations may be validly authorized outside of Articles 42 and 43, it may be possible to agree on guidelines for wholly voluntary operations when undertaken by the Security Council. These guidelines could provide for a committee of the Council consisting of the Big Four and troop-supplying countries to advise the Secretary-General on the conduct of each peacekeeping operation, although the Secretary-General would maintain sufficient operational control to assure peacekeeping effectiveness. Members of the Council could also agree to support financially operations carried forward in accordance with these guidelines. The question of the residual powers of the General Assembly to launch peacekeeping operations where the Council is unable to act can best be left open, in anticipation of the day when Peking may be occupying a Security Council seat. Beyond all this, the membership could make its most tangible contribution to peacekeeping by establishing a peace fund of $100 million or more, with substantial contributions from both the United States and the U.S.S.R., to liquidate the organization's deficit, retire the U.N. bonds and provide a modest amount for future peacekeeping emergencies.

Fifth, new measures can be taken to strengthen procedures for peaceful settlement and peaceful change. The United Nations was intended to be an instrument for the settlement of disputes, not merely a forum where they could manifest themselves. There is need for new methods for settling disputes that can provide a cooling-off period for the fever of controversy to subside, that can mobilize opinion behind a reasonable settlement, and that can enable international agencies to take responsibility for outcomes for which the parties themselves cannot take responsibility. To this end, regular closed meetings of the Security Council could be held at the Foreign Minister level to discuss international problems. Greater use could be made of individuals or small committees of the Council to meet with the parties to disputes and explore possibilities of settlement. A panel could be created of persons available for fact-finding and mediation, and U.N. members could be requested to agree in advance to accept the use of the panel in disputes to which they were parties, even though they might reserve the right to challenge the facts found or settlements recommended by the panel members. New efforts could be made to encourage the Security Council to recommend terms of settlement in particular disputes, and the Permanent Members could agree not to employ the veto to prevent the Council for discharging its responsibilities in this way under Chapter VI of the Charter.

Sixth, the U.N. system should begin a step-by-step program of institutional reform to put it in a position to handle a much larger volume of technical assistance and preinvestment aid. The case for carrying on this work on a multilateral basis, and for channelling a much larger share of development capital through the World Bank and regional banks, is increasingly understood in most of the aid-giving and aid-receiving countries. But if the volume of U.N. technical assistance and preinvestment aid is to rise in the next decade, as it should, from the present level of approximately $200 million a year to something like $500 million, the system for delivering that aid will need further improvement. New efforts are needed at headquarters and in the field to assure a more unified effort between the United Nations and its Specialized Agencies in support of country development plans. The measures needed to achieve this end are now under discussion—having the Governing Council of the U.N. Development Program approve three to five-year programs of assistance to particular countries rather than individual projects, and increasing the quality and authority of the U.N. resident representatives. Studies should also be launched of more fundamental and long-term reforms, such as the creation of a Director-General for Economic and Social Affairs at U.N. headquarters, with the power to direct the work of the headquarters institutions, semi-autonomous bodies and Specialized Agencies (except for the Bank and Fund). The pressing problems of development, population growth and the environment transcend the old-fashioned functional categories of agriculture, health, labor and the like. The United Nations cannot be effective in dealing with these problems unless its institutional pattern is revised in recognition of this fact.

Seventh, the United Nations should put itself in a position to respond to the important new challenges which science and technology have thrust upon it. The phrase "science and technology" appears nowhere in the U.N. Charter, yet the new tasks the organization will be called on to perform in this area, little dreamed of at San Francisco, may prove to be among its most important. The time has come for the United Nations to deal with science-related questions, including outer space, seabed and other resources, population and the environment, in a more unified and professional way. To this end the General Assembly should establish a new committee on Science, Resources and Environment in place of the Special Political Committee (whose few items could be transferred to other committees). The Secretariat should establish a new Department for this same work headed by an Under-Secretary or Assistant Secretary. The present Advisory Committee on the Application of Science and Technology for Development could be given a broader mandate and become an

expert committee advising on scientific questions in this broader sense, not only as they affect developing countries, but as they affect developed countries as well. If reforms of this kind were undertaken, it might be possible to attract outstanding scientists to work in the U.N. secretariat and serve on national delegations as members of the new General Assembly Committee, thus adding an expertise currently lacking in U.N. science work. These reforms would make it possible for the organization to stimulate and carry out new measures for global coöperation in outer space, the seabed, the environment and population control which could, of course, serve the interests of all members.[1]

Eighth, special attention should be paid to a largely underdeveloped area of the Charter—the implementation of human rights. For most of its first quarter-century, the United Nations has focused on the rights of peoples to self-determination, but has paid less attention to the rights of individuals within nations, whose dignity and worth are affirmed in the opening lines of the U.N. Charter. True, the organization has developed an impressive body of human rights law in the form of Conventions and the two broad human rights Covenants. Further efforts to secure wider adherence to these instruments would be useful (the United States, which has one of the least impressive records in this regard, could ratify the Genocide Convention as well as the other instruments before the Senate). But what is most needed in the human rights area now is not more law, but a more effective system for implementing the law we already have. The establishment of a High Commissioner for Human Rights, discussed at recent General Assemblies, would represent a major step forward. Although he would have no enforcement powers, he could make regular reports on the performance of member states in meeting their human rights obligations and lend his good offices to the Secretary-General, the Human Rights Commission and the General Assembly in dealing with specific human rights problems.

Ninth, a sustained program should be undertaken to revitalize the U.N. Secretariat. Even sympathetic observers have noted the progressive deterioration in the quality of staff and perhaps even in fidelity to principles of objectivity and impartiality. A comprehensive, high-level study of the Secretariat should be undertaken with a view to reversing this trend. The study should explore in particular certain remedial measures that now seem called for—a substantial raising of the U.N. salary scale, which has slipped seriously in the last decade relative to salary scales in member nations; increasing the number of fixed-term as opposed to career appointments, so that outstanding and independent-minded professionals and scientists who might be unwilling to serve with the United Nations for a lifetime can take leave of their national careers for three to five-year periods; and easing the excessive requirements of anonymity now imposed on civil servants, so that they may publish material under their own names. In addition, we need to explore ways of providing income supplements for citizens from developed countries like the United States, to match the difference between an employee's salary at the United Nations and the salary he would earn in his normal employment. This might be paid in the form of deferred compensation by the national employer, or it might be paid on a current basis by the organization itself from funds provided by a private foundation. One final point: It represents no lack of appreciation for the outstanding services of the Secretary-General and his Cabinet to note that most of them have served the United Nations for a decade or more at great personal sacrifice and that their average age is over 60. New leaders will be needed at the top of the U.N. pyramid in the 1970s to provide the dynamic leadership the organization needs.

Tenth, a major overhaul is needed in the United Nations' system of budget preparation and financial management. The world organization has lagged behind most of its major members by its failure to develop a modern planning, programing and budget system. Neither the Secretary-General nor any central group in the Secretariat shapes the U.N. budget with a view to overall priorities. The budget is shaped from the bottom up rather than from the top down—the result of a series of uncoordinated decisions by Secretariat units and specialized committees. It is still presented in the form of "inputs" (travel expenses, conference costs, salaries, etc.) rather than "outputs" (the delivery of specific services to members in the form of peacekeeping, human rights and development programs). New measures are also needed to deal with the problem of "taxation without adequate representation"—the five permanent members plus Japan pay ⅔ of the United Nations' costs, yet members whose total contributions equal 4½ percent of the budget control ⅔ of the votes. The principal contributors to the U.N. budget, who have concentrated recently on joint representations to the Secretary-General and other agency heads, might pay more attention to building alliances with those less developed countries which share a common interest in reducing unnecessary U.N. costs. Further attention should also be paid to strengthening the work of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), and keeping it in virtually permanent session to analyze not merely the headquarters budget but also the budgets of the special programs and Specialized Agencies.

IV

No program to revive the United Nations can possibly succeed without strong leadership from the United States. To say this is not to minimize the responsibility or the contribution of other countries. Obviously, the United States cannot and should not do the job alone. But the facts of life are that the U.S. input into the system—political, intellectual and financial—has been essential to every successful U.N. action in the last 25 years. For obvious reasons, this is likely to continue to be so for the foreseeable future.

All this makes the present U.S. attitude toward the United Nations particularly distressing. The trauma of Vietnam and the preoccupation with domestic problems has reduced the role of the world organization in official and public opinion. This should not be the case. Our disenchantment with unilateral action should enhance our commitment to multilateral cooperation. We ought to recognize that our domestic problems cannot be dealt with effectively if the international ones are ignored. Yet at the present time the "low profile" of the Nixon Administration is even more evident in the United Nations than in some regions of the world. Presidential and other high-level statements about the organization have been notable for their blandness and lack of any forward motion on matters of substance. In both the U.S. Mission and in the State Department's Bureau of International Organization Affairs the emphasis is on damage-limitation rather than institution-building. The commendable objective stated in the "Nixon doctrine"—that the United States should do less by itself and more in partnership with others—has yet to be given substantive expression so far as the United Nations is concerned.

The absence of any policy for strengthening the United Nations has been accompanied by increasing evidence of penny-wise pound-foolishness on U.N. budgetary matters. Congress has cut U.S. contributions to the U.N. Development Program to the point where the nation can no longer put in its traditional 40 percent of the total. Congress has even required that $2.5 million of the U.S. assessed share of the assessed budgets of U.N. agencies be paid in nonconvertible foreign currencies—a requirement which may well put us in violation of the U.N. financial regulations if implemented in full. The United States, which has rightly complained in the past of the failure of other U.N. members to meet their financial responsibilities, is now in danger of slipping into default itself. Although the principal responsibility for these actions rests with the Congress, it must be noted that the administration made no major effort to prevent them.

Everyone agrees, of course, that in the face of rising costs and pressing domestic needs every effort must be made to reduce unnecessary expenditures in the United Nations as well as elsewhere. What is inadmissible, however, is the assumption widely prevalent in the Appropriations Committes and in parts of the administration that increases in U.S. contributions to international organizations must be limited in proportion to limitations placed on the other parts of the federal budget. Total U.S. contributions to the U.N. system in 1969, including the Specialized Agencies and the voluntary programs, amounted to $250 million—less than the cost of the New York City Fire Department and less than one week's cost of the Vietnam war. This is for an enterprise we once called "man's last, best hope for peace."

The implications of this budgetary attitude for attempts to revive the world organization are obvious. American delegates are in the anomalous position of saying they favor U.N. initiatives in environment and population matters, for example, provided they don't cost money. (If we are serious in what we say about the urgency of the world's population problem, the U.N. Population Commission ought to meet annually, not just every two years, but under present directives U.S. delegates would have to oppose this on the ground of increased cost!) Obviously, so long as the current financial attitude persists, the United Nations will not be able to respond as it should to the new challenges confronting it. Moreover, and this is a point frequently overlooked in Washington, the United States will be in a poor position to press for needed reforms in the organization—for better coordination of assistance efforts, for a higher quality Secretariat or for more rational methods of making decisions—if it is disengaging from its financial responsibilities and narrowly circumscribing the conditions of its participation.

The revival of the United Nations, therefore, depends more than anything else on a new approach by its most important member. That approach can be summed up in a single sentence: the central preoccupation of U.S. foreign policy in the 30 years remaining in this century should be the building of effective international machinery to manage mankind's common problems. Such a policy of peace through partnership would mean a totally new emphasis on the United Nations as well as on regional agencies.

The implementation of such a policy would be assisted by a number of changes in the way the United States handles its participation in the organization. At the present time the U.S. Ambassador to the United Nations and the officials backstopping him in the State Department's Bureau of International Organization Affairs are all career foreign service officers. They are dedicated and

[1] For specific proposals for new U.N. programs in these fields, see the author's statement, "New Tasks for the United Nations," in the House Committee on Foreign Affairs, Subcommittee on International Organizations and Movements, Hearings on the 25th Anniversary of the United Nations, March 1970, p. 258.

highly competent people, but they do not possess the political "clout" to assert the multilateral interest at the highest level of decision making. If the United Nations is to play a central part in U.S. foreign policy, the U.S. Ambassador should be a national figure who can telephone the President at will and command headlines in the press with his statements on world affairs. By way of reinforcing this kind of influence, the U.S. Ambassador should be made a regular participating member of the National Security Council, sitting with the Council at all times and not merely when it thinks it is discussing a "U.N. issue," since everything the Council does is relevant to how the United States is carrying out its responsibility under the Charter.

To support the Ambassador in this new role, the NSC staff should include a top U.N. specialist with direct access to the President—someone it does not now have. In addition, the Assistant Secretary for International Organization Affairs might be raised to the rank of Under Secretary, with responsibility not only for U.S. policy in the United Nations but also for handling the Department's responsibilities in financial and technical aid. There is understandable resistance to increasing the number of Under Secretaries in the Department, but this particular proposal would have the important benefit of strengthening the Department's multilateralists in relation to its regional bureaus and to competing interests in other agencies of the federal government.

Other changes would be necessary if the United States were really serious about the importance of the United Nations. It should upgrade and revitalize its mission in Geneva at the European headquarters of the organization and its missions to U.N. agencies located elsewhere, placing them under the leadership of qualified U.N. experts. Too often these posts have been treated as second-rate foreign service assignments or, even worse, as rewards for the politically deserving. How the United States chooses its public members for its General Assembly delegations is also a measure of how seriously it takes the United Nations. When the President's senior domestic adviser deals with the environment in NATO and a former child movie star deals with it in the General Assembly, foreign governments as well as the American people draw the logical conclusions as to the relative importance of the two institutions.

A new approach is also needed in the recruitment of Americans for the U.N. Secretariat. It is doubtful whether any U.S. Ambassador to the United Nations has spent as much time on this question in an entire year as on a major speech in the General Assembly. Yet the long-term consequence of U.S. policy toward staffing the organization is vastly more important. The Soviet Union, France and Britain all understand this, as is reflected in the attention their permanent representatives devote to Secretariat matters. In the period immediately ahead, the United States will be faced not merely with the problem of replacing Paul Hoffman and Ralph Bunche, but also with finding qualified persons to replace a whole generation of Americans who joined the United Nations in the early years and are now approaching retirement. What is needed is a major effort, supervised at the top levels of the U.S. Mission and the Bureau of International Organization Affairs, to identify those key positions where vacancies will occur and the qualified persons from the academic, professional and business worlds who can step into these assignments. Preparation for filling these vacancies needs to be undertaken months and even years in advance, unless the United States is to become increasingly dependent on assigning foreign service officers to fill such posts. Greater reliance on fixed-term appointments, the institution of special compensation for income losses by Americans in these ports, and relaxation of requirements of anonymity in the Secretariat, as suggested earlier, would be particularly helpful to U.S. recruitment efforts.

If the United States accords central importance in its foreign policy to the United Nations, it will adopt a more affirmative attitude toward its financial contributions. One important step in the right direction would be to remove the U.S. assessed contributions to the United Nations from the State Department budget where they have grown as a proportion of the total from 1/8 to 1/3 over the last 15 years. It is absurd to have contributions to the United Nations competing with the jobs of foreign service officers and subject to the same standards of budgetary restraint as are applied to the budget of the foreign service establishment. The budgetary problem would be made more manageable, too, if Congress could eliminate the seniority system, so that the key Appropriations Commmittees could be chaired by men whose view of U.S. participation in the United Nations is at least as favorable as that of the Congressional leadership. A forthcoming U.S. attitude is needed, too, on expansion of the headquarters site in New York. Unless we are generous in meeting our responsibilities as hosts to the world organization pressure to locate additional U.N. functions overseas will be irresistible, and U.N. efficiency and U.S. influence will both suffer.

These measures to upgrade the level of U.S. participation in the United Nations and finance the world organization more generously do not mean that the United States should passively accept whatever seems to be the view of the U.N. majority or defer automatically to Secretariat leadership. On the contrary, a genuine commitment to strengthen world order would imply lobbying hard for peacekeeping, economic or budgetary reforms where we believe they serve the general interest. We have become unpopular enough in a number of bad causes; we should not be afraid to be unpopular in some good ones.

The most basic division in the world today is not between communists and noncommunists, between blacks and whites, between rich and poor or even between young and old. It is between those who see only the interests of a limited group and those who are capable of seeing the interests of the broader community of mankind as a whole. The United Nations' twenty-fifth anniversary provides a special opportunity to speak for these broader interests.

Man's ability to transform the world is only limited, as Lester Pearson recently reminded us, by "faintness of heart and narrowness of vision." It is only these qualities, in the last analysis that can prevent the members of the United Nations from restoring their organization to the central place it was intended to play in world affairs.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

"SEEDS OF CHANGE" AND THE GREEN REVOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ZABLOCKI. Mr. Speaker, on December 5 of last year the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments conducted a one-day symposium-hearing on the "Green Revolution"—the use of high-yield cereal varieties in low-income countries. One of the participants on that occasion was Lester R. Brown, former administrator of the Agriculture Department's Agricultural Development Service and now a senior fellow with the Overseas Development Council.

Since the subcommittee meeting, Dr. Brown has published a book on the Green Revolution. It is entitled Seeds of Change: The Green Revolution and International Development in the 1970s.

I have been pleased to note the favorable comment and success which Seeds of Change has experienced. British Economist Barbara Ward has called the book "the best account available today of the full scale of the Green Revolution and of its impact on every aspect of development strategy." Widely reviewed at home and abroad, Seeds of Change is now in its second printing and is being translated into several foreign languages.

Recently there have been stories in the press detailing problems of the green revolution. They have, too often, given the unfortunate impression to the public that hopes for progress in feeding the world's people have been dashed and that the green revolution has caused more problems than it has solved.

True, not all is sweetness and light in those countries where the green revolution is going forward. As was pointed out during the subcommittee symposium, and is emphasized by Dr. Brown in his book, there are many second generation problems, some of which we are just beginning to understand. A principal difficulty is how to distribute the benefits of the new technology in agrculture so as to benefit everyone equitably.

But for those who would fault the green revolution as if it were some giant hoax I would urge them simply to consider what conditions would be like today in poor countries without the program and the additional food it has produced.

Mr. Speaker, to acquaint my colleagues further with Dr. Brown's book and the thoughts of other noted experts on the green revolution, I am placing in the RECORD at this point 4 reviews of Seeds of Change by acknowledged experts:

[From the Washington Evening Star, June 22, 1970]

A BOOK FOR TODAY: A GENUINELY EXCITING REVOLUTION

(By Robert K. Walsh)

This "revolutionary" book ought to be read—but probably won't be—by all who run to reform without real remedies, confrontation without open-minded negotiation, nihilism without alternatives, and activism without competency, wisdom or patience.

It concerns the "Green Revolution," a still little appreciated breakthrough in agricultural production. It contends that this was an even more meaningful technological achievement for humanity than was the landing on the moon.

During the last 10 years or so many people in the so-called affluent society, and probably more in poverty-stricken and famine-plagued areas of the world, have become at least vaguely aware of the development of new varieties of high yield wheat and rice. Originally produced in Mexico and the Philippines, the growth of those and other strains has since been adapted to conditions elsewhere.

Lester Brown, of Washington, is an authority on world food problems, a senior fellow of the Overseas Development Council and for several years an Agriculture Department policy adviser and administrator. His book tells the story of the "Green Revolution" expertly, comprehensively and clearly.

IMPORTANCE IN FUTURE

The book does much more. It goes far to support a forecast that "the new seeds promise to improve the well-being of more people in a shorter time than any other technological advance in history." Yet, in charting their possible development and hopes for broader distribution in the 1970's, Brown demonstrates he is one of the most realistic of revolutionaries.

The seeds might be called "miracle" but their full use and universal success are unlikely to be "instant." Brown shows graphically and with reasonable objectivity how they must cope with population explosions, near-sighted nationalism, starry-eyed idealism, social conflicts, self-interest, economic policies, unemployment, ecology, and distressingly widespread hunger and malnutrition as well as frequent famine.

Brown is not pessimistic in pointing to all those obstacles and pitfalls in the path toward victory over famine if not over the other apocalyptic Four Horsemen. While citing the dangers he suggests cooperative methods, options and policy courses open not only to the United States but to all nations, rich and poor.

In this era of emphasis on gaps—generation, credibility, moral or ideological—his specialized but universally-aimed book is not fast and easy reading. Its technical and statistical elements are not too numerous, however. Its scholarship and proposals are not so pompous as to discourage or confuse the layman who wants reliable information and practical counsel on a matter that covers the world and surely affects the future of mankind.

"EXCITING" IN A GOOD SENSE

The book could be called exciting in the sense that it arouses interest in the subject and provokes more than a passing thought about an historic change going on in the world.

Eugene R. Black, ODC board chairman, says in a foreword that "the agricultural breakthrough in the poor countries is the most exciting development story of the past decade." He believes, too, that "America's participation in this revolution in the countryside may represent our most successful involvement in international development since the Marshall Plan." The book emphasizes that the entire responsibility and assistance must not be left to the United States.

At a time when United States involvement in international affairs is hardly popular, Brown's account of the global "turnabout on the food front" and the problem of "achieving an acceptable balance between food and people" deserves more than lip service or a fleeting faddish commitment.

"One of the great tragedies of the Vietnam war," he comments, without going to extremes either way, "is that it has taken such a toll of humanitarianism in the United States—the humanitarianism that gave us the will during the years of the Marshall Plan and subsequently to experiment on a vast scale with international cooperation."

The Overseas Development Council, "concerned with focusing attention and stimulating action on development problems," shares credit with Brown for publishing this productive book. It should spread the growth of public understanding, cooperation among many countries, and human compassion in a vast field.

SEEDS OF CHANGE

(Reviewed by Orville L. Freeman)

Seeds of Change is a timely book about the Green Revolution, a "revolution" which may prove to be one of the most significant international economic phenomena in history. The author, Dr. Lester Brown, still in his mid-thirties, has been in the front ranks in the struggle to focus attention on the importance of agricultural development to the less-developed world for more than a dozen years. He writes boldly and with insight.

Seeds of Change spells out for the reader what the Green Revolution is not, as well as what it is. It makes it clear that the spectacular spread of the miracle seeds fathered by research undertaken by the Rockefeller and Ford Foundations is not guaranteed for the future. What it will take to continue it where the Green Revolution has started and to begin it in the tropical less-developed countries where it has not yet begun (mostly in Africa and Latin America) is carefully examined.

CONSEQUENCES OF REVOLUTION

Perhaps the most valauble and timely part of this book is the review of the economic, social and political consequences of the Green Revolution. In a dramatic section entitled "Solving Urban Problems in the Countryside", attention is focused not only on the promise but also on the threat the Green Revolution holds for the less-developed world if it is poorly managed.

Finally, the author issues a pointed challenge to his countrymen. If the United States can lead the world, he asks, to the elimination of famine (which we have done in the decade of the 60's) why can't we exercise the same leadership to abolish hunger and malnutrition in the decade of the 70's?

Hopefully, *Seeds of Change* will contribute to ending a rather sterile debate on whether there has or hasn't been a Green Revolution. There has been a lot of confusion and wasted energy focused on the descriptive term "Green Revolution", which is shorthand for the rapid spread of the new high-yielding cereal varieties and associated techniques in some of the poor countries. Some over-optimistic souls have concluded that now a Green Revolution is under way, the War on Hunger will be quickly won. Others find the description Green Revolution an easy target on which to exercise their talent for ridicule. In the process of such a dichotomy, important know-how is misdirected and non-experts get confused rather than informed.

Seeds of Change makes it clear that the Green Revolution is no universal phenomenon in the poor countries. There are literally dozens of poor countries which the Green Revolution has not yet reached. In the countries where it has begun, the area which will accommodate the new seeds is a minor share of the total, perhaps one-sixth of the total wheat acreage in West and South Asia and maybe seven percent of the rice land in South and Southeast Asia. Water and the ability to control it is a serious constraint on the extension of the Green Revolution. Nor has the technological breakthrough affected all production. So far, it is confined for the most part to food grains, and within that category largely to wheat and rice.

On the positive side, *Seeds of Change* documents that the Green Revolution is a magnificent achievement, bringing new hope and promise to the developing world.

The spread of the new wheat and rice seeds is phenomenal. Since 1965, some 40 million acres have been planted to the new miracle seeds. They have increased production on the acreage planted by approximately 20 million tons at a value estimated at $3 billion. The net income increase to the producer between the traditional and high-yielding varieties is dramatic. For wheat: Turkey, $32 per acre to $80 per acre; India, $17 to $76. For rice: Philippines, $81 per acre to $140 per acre.

The annual increase per acre yield where Mexican wheat is used in India and Pakistan has more than doubled the rate of advance in the United States following the introduction of hybrid seed corn a generation ago. Total wheat production in Pakistan and India has increased more than 50 percent over the past four years. Ceylon's rice production has increased one-third in three years. In Mexico, wheat production has increased each year during the 1960's, starting at 495 pounds per person in 1960 and reaching 680 pounds per person in 1968.

UNBELIEVABLE BREAKTHROUGHS

To a former Secretary of Agriculture who increased domestic wheat acreage allotments twice in 1966, the second time in the face of vociferous opposition, because world food grain reserves were perilously low and another monsoon failure on the subcontinent of Asia would have triggered world-wide famine, the magnitude of the production breakthrough is almost unbelievable. You can be sure I had no inkling in 1966 that miracle seeds doubling and quadrupling yields for wheat and rice would be planted on close to 40 million acres in a few years. As a matter of fact, if one of my advisers in or out of the U.S. Department of Agriculture had made such a prediction in 1966, we probably would have sent him for psychiatric observation. At no time in history has there been such a massive application of new technology in countries assumed to be dominated by traditionalism.

Seeds of Change describes in fascinating detail technological dimensions of the breakthrough, but the book is not limited to the technological. For this reviewer, Chapter 12—"New Seeds and the Cities"—is especially timely. It sets forth a promise and a threat. The promise is to help check the rural-urban migration which is making "many great cities human trash heaps, the very opposite of the centers of civilization envisioned by the great philosophers" by expanding rural employment and purchasing power. The threat is that should indiscriminate mechanization take place and the special needs of the small subsistence farmer be ignored, more millions will be added to the army of the unemployed, driving them into the already almost ungovernable big cities.

BIG CITY PROBLEMS

Seeds of Change doesn't say so explicitly, but it hints that the displacement of large numbers of rural people by mechanization is more responsible for the big city problems which resulted in the burning of cities in the United States in the 1960's than any other factor. For my part, I have no hesitation in confirming this analysis. I have visited cotton plantations in the American southland where in one year the labor supported by the plantations dropped from 100 families to 5 families. Some describe this phenomenon as efficiency and progress, proudly citing per capita output figures. Such an evaluation fails to consider the human and social cost of 95 black families with nowhere to go. They or their children made up the rioting mobs who cried "Burn, baby, burn" in Detroit, Washington, Cincinnati, Cleveland and Los Angeles.

This is not to say that all mechanization is socially counterproductive. Quite the contrary. Dr. Brown points out that some forms

of farm mechanization are employment-creating, while others are labor-displacing. He sees the mechanization of irrigation as one which is highly desirable in that it increases both production and employment.

NATIONAL MECHANIZATION POLICIES

The key point implicit throughout *Seeds of Change* is that wise national policies, by maximizing employment and making sure the new technology reaches the little farmers can help to keep people away from the politically inflammatory urban areas, and at the same time stimulate the entire national economy. In this way, the new technology can build markets for consumer goods like motor bikes, transistor radios and household appliances, creating desperately needed jobs in industry.

Policies governing mechanization may have greater influence on the future economic development of the less-developed countries than policies in any other area. The worrisome thing is that not a single poor country where the Green Revolution has made a major impact has a reasoned, effective national policy on mechanization.

Following his discussion of rural employment and the urban crisis, the author then argues, in what may be the principal intellectual contribution of the book, that the time has come to redefine the population problem. He makes his point as follows:

When Thomas Malthus published his gloomy treatise in 1798, he defined the population problem primarily in terms of food supplies and the threat of famine. Ever since, the threat of overpopulation has been perceived largely in his terms . . . But as we enter the 1970's we are faced with a need to redefine the population problem. After nearly two centuries, it is time to move beyond our legacy from Malthus.

Two independent phenomena, both bearing directly on the population issue, are forcing us to change our conception of it. The first is the agricultural break-through in the poor counties. Although this is by no means a solution to the population problem, it is diminishing the prospects of famine in the near future and buying time—perhaps an additional fifteen years in which to develop the technologies, the will, and the strategies to stabilize global population growth.

While the threat of famine is diminishing, the number of young people entering labor markets is rising rapidly . . . the food problem of the 60's is becoming the employment problem of the 70's. Feeding the increasing numbers of people will not be easy, but is likely to prove much more manageable than providing jobs.

WHO BENEFITS?

The question is frequently and properly raised: Who is benefiting so far from the Green Revolution? Is it reaching the small farmer who makes up the great mass of the population? *Seeds of Change* passes rather lightly over this question by declaring that although it is "conventional wisdom" to assume that big farms benefit most from technology, the real limiting factor is the availability of water, not the size of the farm. The success of small farms in Japan and Taiwan gives some credibility to this conclusion. Nonetheless, it appears to me that such a statement begs the real question, which is "Who gets the water?"

On the Gangetic Plain in India, for example, a farmer with a 15-acre holding can afford to sink his own tube well. A two-acre farmer can't. As a practical matter, eight two-acre farmers seldom, if ever, pool their resources. Nor does the Indian Government sink wells for them. So they can't get water and are observers, not participants, in the Green Revolution. As such, they are potential migrants to the big city and tinder for revolution in the countryside. The ache of discontent and discrimination fueled by the village TV center and their own transistor radios remind them daily that their government, and society in general, doesn't care about them. Strong and determined efforts will have to be made very soon or else the Green Revolution will pass by the small farmers in most of the poor countries.

FROM POTENTIAL TO REALITY

Seeds of Change is essentially a bullish book. It concludes that the Green Revolution is a major breakthrough that holds great promise of becoming a general, not a limited, phenomenon.

The question remains, however, how can the potential become reality. How can poor nations inhibited by centuries of repression, traditionalism, ignorance and poverty apply modern technology quickly and widely?

The principal shortcoming of *Seeds of Change* from where I stand, is that it leaves this question largely unanswered. In the concluding section addressing itself to the basic question "How" should have been a chapter dealing much more fully with what actions both we and the poor countries should be taking.

SEEDS OF CHANGE: THE GREEN REVOLUTION AND DEVELOPMENT IN THE 1970'S

(By Lester R. Brown)

Over the past two years the press has been saturated with confusing and often contradictory statements concerning the "Green Revolution." The public has seen warnings of famine by some experts; warnings of food surpluses by others. Lester Brown was, at the age of 32, appointed head of the U.S. Department of Agriculture's International Agricultural Development Service. He played a major role in initiating the Green Revolution, and he is eminently qualified to write a book on the subject. He has written a fine one, indeed.

Seeds of Change will be welcomed by all those interested in the problem of feeding the burgeoning human population. It chronicles the development of new high-yield grains and describes early successes (and some failures) associated with their introduction to Asia. But the meat of this book is the discussion of how these early successes might be converted into a long-term triumph, a true agricultural revolution in the poor countries of the globe.

Considering his personal involvement, it is not surprising that Brown is enthusiastic about the potential of the new agricultural technology to bring about the needed transformations. It is to his great credit, therefore, that he gives very detailed consideration to the difficulties that must be overcome if long-term success is to be achieved. He discusses social, political, and economic problems, pointing out critical areas and suggesting ways of avoiding trouble. For example, he urges great care in introducing mechanization into the agriculture of underdeveloped countries (UDCs), pointing out that agriculture must remain quite labor-intensive. The underdeveloped world, with roughly 45 percent of its population under 15, will have a high level of unemployment in the immediate future (as those children enter the labor pool), and many UDCs show extremely rapid rates of urbanization as well. Mechanization of agriculture, driving people off the land, would greatly exacerbate these problems.

Brown devotes a chapter to the population explosion, giving strong emphasis to the coming employment crisis. Unlike many other writers, he recognizes that the Green Revolution "is by no means a solution to the population problem [although] it is diminishing the prospects of famine in the near future and buying time—perhaps an additional fifteen years—in which to develop the technologies, the will, and the strategies to stabilize global population growth." Brown also makes clear his awareness of the role of agriculture in the problem of environmental deterioration, although the ways in which that deterioration may itself decrease available food supplies are not made explicit.

Although the book is brief, it contains a wealth of information—considerably more than its title would indicate. For instance, there is a fine discussion of some important agricultural problems in the United States. Examples are well chosen and interesting, and the clarity of the writing is outstanding. The book is suitable for any intelligent layman and is required reading for all professionals interested in the population-resource-environment crisis.

The tone of *Seeds of Change* is optimistic. Some people concerned with the population-resource-environment crisis, including myself, are more pessimistic. In my own case the pessimism stems largely from three sources. First, I feel the problem of environmental deterioration is probably the most serious we face, and that the actions of some "Green Revolutionaries" without Brown's insight may accelerate that deterioration. For instance, massive pesticide inputs in UDCs may seriously reduce the critically important harvest of protein from the sea. Second, I know that even the most dramatic, *immediate* success in the area of population control will not be able to halt population growth for many decades, and I am doubtful if any conceivable success with the Green Revolution can buy us that much time. And, third, I am enough of a cynic to believe that many of the very intelligent suggestions that Brown makes in the area of agricultural development will never be implemented. In addition, we are still a long way even from the first serious attempt to halt the population explosion, to say nothing of a successful program. But that I am more pessimistic than Lester Brown is not a criticism of *Seeds of Change*, which I recommend highly to anyone who is concerned with the problem of feeding a vastly overpopulated world.

PAUL R. EHRLICH, *Stanford University.*

HOPE FOR WORLD'S HUNGRY

(Reviewed by Bernard D. Nossiter)

A few years ago, it was the fashion to make apocalyptic forecasts for poor countries. Disastrous famines were freely predicted for India and others, precisely in 1975. Now the wheel of fashion has revolved a half turn and we are being assured that technology has opened up an era of ever-increasing food production, prospects of a rapid take-off (whatever that means) and, in the words of Lester Brown, "a real possibility that poor countries can telescope in a few years much of the progress that it has taken decades to achieve elsewhere." We are even given the exact date when "self-sufficiency" in food will be reached. For India, Brown has selected 1972.

Brown is a former adviser to the Secretary of Agriculture and is currently a Senior Fellow at the Overseas Development Council. This last has a board embracing several executives from Standard Oil of New Jersey, their banker, eminent foundation executives, a former Secretary of the Treasury, a Washington Post editor and other *bien pensants*. Brown and his book are more important for what they represent than for what they tell us.

His theme is disarmingly simple. The new, high-yielding cereal seeds developed and promoted by the Rockefeller and Ford foundations are "triggering an agricultural revolution" in the Southern Hemisphere. The "rapid increases in cereal production" have launched an "irreversible process" that is not only eliminating the threat of famine but promising surpluses for sale abroad. The problem of the '70s is not hunger, but the creation of jobs for vast pools of unused and

under-used labor. This can be solved by the beneficence of great global corporations (like the oil companies), enlarged quantities of aid from the rich North and a breakdown of the trade barriers that protect domestic farmers everywhere.

Common sense and a touch of scepticism suggest that neither last year's apocalyptics nor this year's evangelists have a monopoly of truth. Development, as even casual visitors to South Asia and other awkward places have discovered, is considerably more complicated than the new breed of Technological Utopians will admit.

Indeed, Brown himself gives the show away by the statistics he cites and those he omits. He reports the rapid rise in wheat for India and rice for West Pakistan. But we read no figures for total food grain output in India (of which wheat is less than one-fifth) nor of rice in the more heavily populated Bengali East wing of Pakistan. Such numbers would make the celebrants of "green revolution" appear to be a trifle premature. Interestingly enough, in the Foreign Affairs article where Brown first launched his thesis in 1968, he cheerfully predicted Asian food output would now rise four to five per cent a year. His book, for good reason, deletes this comforting if elusive forecast.

For India, total food grain production, according to the official figures gathered by the austere International Monetary Fund, has gone like this: crop year ending in mid-1965, 89 million metric tons; thereafter, 72 million, 74 million (the two years of monsoon failure), 95 million, 94 million and, estimated for the year ending this June 30, 100 million. This little series tells us two things: the advance is uneven, and, eliminating the drought years, the annual gain from peak to peak, is something less than 2.5 percent. In other words, the "revolution" has not yet increased food supply at the same rate as the growth in population.

Even on narrow technical grounds this should not be surprising. The uninhibited discharges of pesticides, carbon monoxide and fissioned uranium atoms have taught us that the limited vision of Technological Utopians fails to take into account some not unimportant consequences of their discoveries. So the new wheat seeds invite new rusts; so the new rice is often vulnerable to newer and deadlier plant diseases.

Reading Brown on the importance of water, fertilizer and the system of land ownership, an historian might wonder how his brave new world can be created in the face of a social order that has swallowed up with few traces invaders since the Aryans. Then there is Myrdal's question, whether socially undisciplined societies can successfully undertake great tasks, with or without foundations, foreign aid and global corporations. Finally, an economist might ask whether the principal contribution of the multinational firms that Brown admires might not lie in disbanding their oil cartel that adds so heavily to energy costs in rich and poor countries alike.

But Brown has written a far simpler book. It will comfort those who believe in American technical and financial omnipotence and has already been certified by Eugene Black and Robert McNamara. Its usefulness as a description of things as they are, will be or ought to be is something else again.

SEPTEMBER 24, 1970.

Mr. JACK SULLIVAN,
House Foreign Affairs Committee,
Room 2170, Rayburn Building,
Washington, D.C.

DEAR JACK: We appreciated very much your coming by for the Subramaniam luncheon the other day. Attached is a brief commentary and a cross-section of reviews of *Seeds of Change*—some long, some short, some favorable, some unfavorable, some from the U.S. and some from abroad. I have included only those reviews which dealt with *Seeds of Change* alone. Please feel free to alter the collection if space requires.

Sincerely,

LESTER R. BROWN,
Senior Fellow.

Enclosures.

On December 5 of last year the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments organized a 1-day symposium on the green revolution. Several distinguished participants, including former Secretary of Agriculture Orville Freeman, Secretary of Agriculture Clifford Hardin, William Gaud, former AID administrator, and John Lewis, now dean of the Woodrow Wilson School at Princeton, as well as several Members of Congress, addressed the subject of the green revolution and the second-generation problems. One of the participants, Lester R. Brown, formerly administrator of USDA's Agricultural Development Service and now a senior fellow with the Overseas Development Council, has since published a book on the green revolution entitled "Seeds of Change: The Green Revolution and International Development in the 1970's."

In the words of Barbara Ward, "Seeds of Change" is "the best account available today of the full scale of the green revolution and of its impact on every aspect of development strategy." Published early this year, it has been widely reviewed at home and abroad. It is now going into a second printing and is in the process of being translated into several foreign languages. Mr. Brown's statement that the green revolution will affect more people than any other technological advance in history is certainly being borne out by recent events. In countries such as Mexico, Pakistan India, and the Philippines, where the new seeds are being adopted, food supplies are expanding rapidly.

But not all developing countries are participating in the green revolution. There are no sound agronomic reasons why the people of any country should be deprived of the benefits of the new high-yielding cereal varieties. At least some of these new seeds are adapted to virtually every country in the less developed world. Yet for a lack of political leadership many developing countries, particularly the smaller ones, have not yet begun to take advantage of the new technologies.

Not all is sweetness and light for the green revolution where it is progressing. There are, as the second half of "Seeds of Change" points out, many second-generation problems, some of which are now coming into focus. Principal among these is the question of how to distribute the benefits equitably. But for those who are too quick to fault the green revolution I would simply urge them to consider what conditions would be like in the poor countries today in its absence.

Mr. Speaker, to give some feel for the dimensions of the green revolution and the current thinking about it by such authorities as Orville Freeman, Paul Ehrlich, and others, I insert a global cross section of reviews of "Seeds of Change" in the RECORD:

AFTER THE GREEN REVOLUTION, WHAT?

WASHINGTON.—As recently as two years ago Gunnar Myrdal was suggesting that modern agricultural technology, being Western-oriented, was unadaptable to the climatic and mental conditions of South Asia. He was equally positive that agricultural research institutions in the "soft" Asian States were too few, too unoriginal and too ineffective to have any major impact on food production in tropical and subtropical climes. The Swedish economists, who relied on a vast amount of research and thousands of sources to produce his monumental thesis, "The Asian Drama," also cited the German agricultural economist, Franz Baade, to show that the food shortages experienced by India, Pakistan and Turkey will not only be chronic but "will increase considerably in the years to come."

Myrdal might not have been aware that by the time his book appeared in print, India, Pakistan and Turkey, between them, had already planted over ten million acres with the new high-yielding dwarf wheat, or that that miracle seed was developed with Western know-how, in the subtropical climate of Mexico. He was also probably not aware that far from being suitable for only temperate climes, the Mexican wheat and miracle rice, also developed under the "spell of Western science and technology," in the laboratories and seed farms in the Philippines, Taiwan and India, thrived best in tropical climes where the sun shines longer and imparts more solar energy to plant life.

"DOOMSDAY GRAPH"

But Myrdal was not alone in doubting the ability of the poor countries to feed themselves. At about the same time, two American agricultural "experts" predicted with emphatic precision that by the year 1975 the Black Horseman of Famine would be riding was then shipping vast quantities of food-through India. To the United States, which grain to combat the drought in India, the Paddock brothers had this simple advice to offer. Let the hungry die. Abandon India because it is a casualty past saving. Concentrate instead on countries like Pakistan and Turkey which have a greater will to survive. The Paddocks may not have had any special prescience about agricultural matters, but they at least had their political likes and dislikes. Their thesis scare-headlined in a book called Famine 1975! had brief publicity—and a good deal of notoriety. They had obviously taken their cue from the U.S. Agricultural Department, which hard pressed in its attempts to meet global food shortages, had produced a "Doomsday Graph" which forecast that by 1984 (shades of George Orwell!) food needs of the deficit countries would exceed the capacity of the U.S. to respond. President Johnson, who was then holding India to a "short tether" food policy, in a bid to force it to undertake agricultural reforms, was also, at about that time, impressed by a report written by a young expert in the Agricultural Department who had independently come to the pessimistic conclusion that "the less developed world was losing its capacity to feed itself."

SPURT IN FOOD PRODUCTION

But all that was before the Green Revolution began to change the landscape in the countryside of the formerly food-hungry countries. Lester Brown, the former Agricultural Department adviser, who had despaired of the poor countries acquiring the ability to feed themselves, has now drawn a picture of the world agricultural scene as it is likely to emerge in the 70s. If any thing, it errs only on the side of optimism. In a just published book (*Seeds of Change;* Praeger Publication, New York; $2.50), Brown furnishes a refreshingly original look at the opportunities as well as challenges posed by the spurt to food production which the new seeds and new technology have made possible around the

world, from Mysore to Mexico and from Tunisia to Communist China (which according to recent reports has been surreptitiously importing through Pakistan, the IR–8 seeds developed in the Philippines by such a capitalist institution as the Ford Foundation).

Brown who likens the Green Revolution to a renaissance in agriculture, is convinced that, even though it is still to grind into full gear in many parts of Asia, and is yet to spread to Africa and Latin America, the problem of hunger has been licked for good. According to his projection, between 1970 and 1973, Asian countries in the arc stretching from Afghanistan to Indonesia will have become, if not actual exporters, at least self-sufficient in foodgrain. In the case of India, he believes it will be able to get rid of the habit of relying on imported food by 1972, barring a great catastrophe or serious internal political upheavals. This view is reinforced by Prof. John Lewis of Princeton University (and one time head of the U.S. Economic Mission in Delhi), who is convinced that Indian agricultural production is now established on a growth track of five per cent output-expansion per year, and who believes that before the decade is over Indians will be worrying over agricultural surpluses instead of shortages.

The thrust of Lester Brown's book is, however, not so much with what the Green Revolution has already achieved, but where we want it to take us, and what would happen if it is mismanaged. Because the breakthrough foreshadows imminent changes in the economic, social and political orders of the poor countries, he believes it is important to begin grappling with them from now on before the second generation "problems" created by the Green Revolution—much as those generated by the Industrial Revolution in the Nineteenth Century—produce a runaway revolution. Properly ordered, its benefits evenly distributed through the countryside, the Green Revolution would make the village as attractive and as modern as the city. His innate conservatism softened by the impact and success of revolutionary methods of farming, the farmer would become more receptive to such equally important national programmes as family planning.

DANGER OF CONFLICTS

If on the other hand economic circumstances and lack of political foresight permits one class of farmers to take advantage of the Green Revolution, and leaves another group, unable to afford the new inputs, continuing to subsist on low yield agriculture, then the countryside would become the scene of social tensions between the haves and have-nots. Similarly if high yields and quick profits and a desire to be rid of labour problems induces rich farmers to undertake crash mechanisation, it would drive large numbers of people from the countryside to the already choked cities. In the Indian countryside which already has a landless population larger than the total population of Britain, this could produce acute conflicts; alternately it could also create divisions between a prosperous countryside and overpopulated, decaying cities. However, since the new seeds are labour-intensive, a proper mix between mechanisation and manpower utilisation is possible, given imaginative planning.

At the present stage of the Green Revolution the new seeds will thrive only in those areas which are blest with soil and water suitable to them. This could produce uneven development of various regions of a country. To overcome this, constant research, and development of new seeds, which grow in hardy soils, is necessary. Brown believes that the modern day multinational agribusiness corporations have an important role to play in this transfer of technology across frontiers.

Food prices are likely to become another tendentious issue as farmers, grown powerful with rising incomes, become a forceful political lobby. If prices are set to please the farmer the city dweller will suffer: if they are set too low the farmer will lose the incentive to invest in the ingredients needed to exploit the new seeds.

CASH INSTEAD OF GRAIN

Also, as the new technology spreads, and demand for fertilizer rises steeply, even those countries with their own fertilizer manufacturing capacity will have to spend more and more foreign exchange on imports of fertilizer raw materials they are scarce in (India for instance will have to import all of its needs of potash, sulphur and phosphate rock and some quantities of petroleum). One solution could be to-day's food donor countries agreeing to convert what they now provide in the form of grain into cash aid, but it is doubtful if these donors will be able or willing to make that shift.

Finally there are the changes in world trade patterns that will occur when more and more of to-day's food deficit countries become to-morrow's surplus countries. Unless there is an orderly sharing of world agricultural markets between the rich and the poor, a serious trade confrontation could take place. The outlook here is not too bright because the countries of Europe, and Japan, today live behind highly protective agricultural barriers, resolved to live on high cost, indigenous production to feed their subjects rather than let in cheaper agricultural products from outside. Being rich they are also able to subsidise exports and thus depress world prices to the disadvantage of countries which rely solely on agricultural export earnings. Japan is a glaring example. With an internal support price of $420 (RS. 3.150) for a ton of rice (triple the world market price). Japan has not only closed its rice market to the outside world but even subsidises exports of its high cost rice.

Brown's solution to this problem is an accord between the rich countries designed to help the poor countries enter the world market with this newly surplus food products. Under this accord, each rich country, depending on its Gross National Product, trade balance and general economic well-being, would agree to take out of food production a certain part of its food producing acreage. This arrangement would not only open up markets for the produce of the poor countries, but also enable the consumers in the rich countries to obtain food at prices much lower than they are now paying.

THE GREEN REVOLUTION—SEEDS OF INSTABILITY?

(By M. V. Kamath)

WASHINGTON.—Seeds of change, says Mr. Lester Brown in probably the most quietly relevant book of the decade, may well prove to be the seeds of instability. This warning, coming as it does at a time of general euphoria over the so-called green revolution, needs to be made, that it is offered by a practical scholar who in many significant ways has been closely associated with the beginnings of the revolution, gives it credibility. That it is made in good faith and, what is more, in the full knowledge of what has been already achieved, gives it its special importance.

Mr. Lester Brown's credentials are impressive. He has had a front row seat in the historic drama of high-yielding cereals giving hungry men the world over their first glimmer of hope. He worked with the U.S. Secretary of Agriculture, Mr. Orville L. Freeman, as adviser on foreign agricultural policy. Later, for three years, he served as Administrator of the International Development Service, the technical assistance arm of the U.S. Department of Agriculture. He saw the birth of the green revolution and has watched its remarkable progress like a concerned midwife and in this perceptive book discusses why it became possible, what made it click and what pitfalls it may have to face.

WARNING

The developing countries can ignore his warnings only at their peril. As Mr. Eugene R. Black, former President of the World Bank, remarks in his foreword to the book: "Skillfully handled in the seventies, the green revolution can become the vehicle for eliminating most of the malnutrition and hunger that now cripple half the people on this planet and for providing millions of new jobs in the countryside. Poorly managed, the new seeds and their associated technologies could displace millions in the countryside, forcing them into the already overcrowded cities".

That should be warning enough. Let it be said that neither Mr. Black, nor Mr. Brown, is a professional pessimist or sees everything in dark colours. Not for a moment does Mr. Brown underestimate the magnitude of the achievements of the developing countries. What they have succeeded in doing, he says, "makes the earlier agricultural take-offs in the United States and Japan seem minor by comparison". But he reminds them at the same time that had the high-yielding seeds been developed a decade earlier "it is doubtful that a revolution would have occurred". The developing nations then were just not ripe "psychologically" to take part in the process.

But are they now, despite their apparent success? Mr. Brown is not sure. And his doubts are based on valid reasons.

First, he says, the new seeds and exceptionally favourable farm prices are having an effect on irrigation strategies. The spread of multiple cropping is already "profoundly altering the way of life in the countryside, divorcing it from the traditional seasonal crop cycle which dictated not only planting and harvesting times, but the timing of religious festivals, weddings and a host of other social events as well".

In some parts of the world, as in Mysore, the farmers are working round the year, growing *three* crops of corn every 14 months, thus upsetting ancient rhythms of life and finding that their planting dates change from one year to the next. How will this affect the totality of man's being in a given social environment?

FOOD SUPPLY

Again, multicropping is based on the availability of water. How is this going to be assured as over the years, population pressures increase? Mr. Brown, pertinently, has an answer to this one. "The efficiency of water use," he says, "will ultimately determine to a large degree the food supply per person. Increasingly, the lack of water, rather than of land, is limiting food production. We must, therefore, begin to concern ourselves more with man: water ratios and less with man: land ratios".

Secondly, he says, "centuries of technological progress are being compressed into decades and, in some extreme cases (as in India), into years. Herein lies the trauma of the agricultural revolution."

But this is the least of the problems raised by the green revolution. Mr. Brown's main worry is that "while man breeds new wheats, nature breeds new rusts and occasionally she spawns virulent ones that can attack varieties that had been resistant to those previously prevalent". Are our research facilities equipped to meet this possible menace? What, God forbid, is the answer, should this happen in the immediate future? Are developing nations, particularly India which has gone a long way to plant new varieties over vast tracts of land, in a position to deal with the aftermath of a masive crop failure?

"Traditional agriculture", says Mr. Brown, "maintains a certain level of productivity independent of research efforts, but the productivity levels of modern agriculture would de-

cline rapidly if agricultural research were discontinued."

What gives Mr. Brown's work its peculiar relevance is the fact that he *anticipates* problems and prescribes possible solutions, which is the job of the true expert. He is rightly disturbed at the thought that the agricultural revolution may become a one-shot affair, "just an event, a kind of technological Camelot, that will be remembered only for what might have been, rather than for what actually happened." Are the developing nations doing all they can, for instance, to meet the possible threat of plant epidemics?

This is not an instance of crying wolf. Mr. Brown points out that the threat of disease is "particularly acute" in the case of the 34 million acres of high-yielding cereals in Asia planted largely with exogenous varieties. Even worse he reminds us, is the case of rice, which, because it is grown densely in a warmer, moister environment is "ideally suited for plant epidemics and infestation of pests, much as similar crowding does in human society". If the "new technologies" are mismanaged, surely as night follows the day, they can displace rural populations, driving them into the cities—and Calcutta is a reminder of what could happen.

But what if all goes well, the new varieties indeed prove rust resistant and research keeps up with nature's caprices? What we will then be faced with, warns Mr. Brown, are "second generation" problems. Such as one, obviously, is the problem of equitable distribution of the new wealth that is created. Can any country expect to keep the landless labourer at bay with a small percentage of its farming community raking in all the shekels?

A second, is the as-yet very imperfectly understood but nonetheless menacing problem is of ecological imbalance created by the use of pesticides and other plant protectors.

LABOUR FORCE

A third is the "labour force explosion" caused by the fruition of research on life-saving drugs in the 'fifties and early 'sixties. Babies born then are now coming into the labour market and the food-population problem of the 'sixties is becoming the employment-population problem of the 'seventies. How are the developing nations to provide jobs for the newest batch of hopeful unemployed?

As Mr. Brown sees it, if these millions of young people are not able to find jobs, they could pose "an even greater threat to peace and stability than did the threat of famine in the sixties."

If the irony of the likely problems created by overabundance has not impressed itself on the developed countries, it is because some changes are too fast for nations to adjust themselves to. One answer to the problem of over-production, according to Mr. Brown, is for the richer countries to cut back on their food production. The United States has already done so, diverting almost a seventh of its cropland to non-productive uses and Mr. Brown would like others, especially Japan, which is the natural market for the produce of South-East Asian countries, to follow suit.

The Japanese rice market, once open to imports from East Asia, is as closed today to the outside world as was Japanese society itself prior to the visit of Admiral Perry a century ago. With an internal support price of $420 a ton, nearly triple the current world market price. Japan, says Mr. Brown, "is perhaps the most flagrant violator of the laws of comparative advantage of any cereal producing country". Not only is Japan no longer an importer, it is now subsidising exports of rice, thus severely depressing prices in the world market for countries that must make their living from rice exports. How can Japan be made accountable for this?

Mr. Brown suggests a conference, perhaps convened by the World Bank, of all the rich countries—including members of the EEC—designed to work out a plan for sharing the excess productive capacity. The focus of the conference, he says, should be ways of helping the poor countries to enter world markets with their new agricultural production.

In making this excellent and entirely reasonable suggestion Mr. Brown anticipates the Peterson report. But then Mr. Brown, in the years to come, would have been seen to have made many excellent and reasonable suggestions. If the richer countries will listen to him, the poorer countries in their turn may listen to the rich sermonizing on how they should order their economies. Mr. Brown approvingly quotes Bertolt Brecht's powerful lines from *The Threepenny Opera:*

Now all you gentlemen who wish to lead us.

To teach us to desist from mortal sin,
Your prior obligation is to feed us;
When we've had our lunch, your preaching can begin. (The Times of India, News Service.)

[Dagens Nyheter Torsdagen den 2 Juli 1970]

THE GREEN REVOLUTION

We can regard the food supply of the world during the next few decades with optimism according to Marian Radetzki, who here reviews "Seeds of Change", by Lester Brown. The development of agriculture through, among others, the introduction of new kinds of rice and wheat has meant a veritable revolution in many underdeveloped countries.

Seeds of Change, by Lester Brown (——— Paperback, New York 1970, $2.50) is the first summarized analysis of the revolutionary changes that have taken place in agriculture of the underdeveloped countries as a result of the new high-yielding types of rice and wheat. As late as 1967, after two unfavorable monsoons in the south of Asia and with the American wheat reserves practically exhausted, a world-wide food crisis seemed imminent. Since then, a virtual revolution has taken place and the development points towards an extensive, even embarrassing, cereal surplus situation. It was first of all, the purposeful and long-range effort of the Rockefeller Foundation that led to the development of a new agricultural technology, adapted to the underdeveloped countries.

If we consider the history of foreign aid, Rockefeller's contribution will most definitely be thought of as one of the most important events of the 1960's. Under the pressure of the increased need for cereals, new types of wheat and rice were spread to a number of countries from research institutes in Mexico and the Philippines. The spreading speed is impressive. In 1966, 17000 hectares (1 hectre equals 2½ acres) were planted to the new types of cereals. In 1967 the figure had grown to 2.2 miljons and had reached 15.5 miljon hectares in 1969, the last year for which data were available. The green revolution has obtained a firm foothold in such countries as India, Pakistan, Turkey and the Philippines and is rapidly advancing across national and continental boundaries.

LABOR SHORTAGE

Revolution is a proper term for what is taking place, because the new rice and wheat require an entirely different production organisation coupled with artificial fertilizers and constant water supply. Despite larger expenditures, the farmer is able to reach an income level that was previously inconceivable.

In 1968, the Indian farmer's net income per one hectare of land planted to traditional types of cereals was estimated at about $37.00, but at $156.00 by application of the new method. In East Pakistan the corresponding figures for rice were $66 and 260. To obtain best results, the new cereals require considerably much more care. Employment in agriculture has therefore risen noticeably in the places reached by the revolution. Labor shortage is now appearing here and there in North India, with higher wages for the poorest as a result. The growth periods are generally shorter, which makes more crops per year possible and with that a more constant employment rate during the year.

India and Pakistan, both countries in which need is crucial and which only a few years ago had to depend on massive imports, today talk about self-sufficiency and even export before 1975. India's wheat crop remained at 10 to 12 tons during the period 1960–67, rose in 1968 to 16 miljon tons and to 18 miljon tons in 1969. For Pakistan the growth rate has been equally great proportionally for wheat and rice production.

The small farmer, who had produced only for his own consumption before, is irresistibly drawn into the market economy. Now he has surpluses and therefore asks for other consumer articles. Market contacts influence and change his habits. He is more susceptible to modernisation. Constant water supply is a criterion for the green revolution. Saving on the part of Indian and Pakistani farmers has spread like wildfire and the funds are being invested in hundreds of thousands of wells and diesel pumps. The effects on the small industries will of course be considerable.

UNEVEN INCOME DISTRIBUTION

But the sky is not all blue. Today the revolution makes more employment possible. But if the wages rise, agricultural mechanization will follow. Unemployment will then speed up the big city proletarization, accompanied by social problems. A large group of marginal farmers, who for different reasons are unable to take part in the new system, will be unable to compete when the cereal prices are reduced. Tenant farmers will lose their leases when the landowners discover the profitability of the new methods. Brown hints that the landholding conditions in Latin America might explain why the green revolution has had difficulties getting a foothold in that continent. Without active measures the new technology might contribute to an even more uneven wage distribution between the different population groups of the underdeveloped countries. Many people, who now are drawn into the green revolution will see their expectations frustrated. The rice and cereal prices are already declining. The increased production will not lead to proportionately higher income. The problem recurs at the national level. When country after country becomes self-sufficient, export possibilities diminish. Countries, having concentrated on an intensive agricultural development for export, will find their investments yielding no profit at the lower price levels. Will the industrialized countries soften their agricultural regulations and import more food from the underdeveloped countries?

A drastic reorganisation of the food organisation of the world is likely to become one of the central questions of the 1970's. But low cereal prices as such are of course not bad. When the prices drop, more cereal can be used for protein production through breeding of chickens and other domestic animals. Thus, the green revolution will not only satisfy, but also contribute to a higher dietary quality. Maybe Pakistan, rather than the United States, will become the great broiler exporter of the future.

DANGER OF EPIDEMICS

Along with economical there are also biological problems. Traditional grain types have in course of time become resistent to many plant diseases. The high-yielding types are sensitive to new diseases. Genetically homogeneous species on large areas create dangers for new disastrous epidemics. Research is still going on. Ever new and ever hardier crossbreeding has to be worked out.

Maybe, after all, the matter of greatest importance in regard to the green revolution is that it has shown the way how to keep on going. Rice and wheat are only a beginning. Plans are made for more research, which is likely to include domestic animals. We view the food supply of the world for the next few decades with optimism, at least until the population explosion has come to a halt.

Brown's book offers extraordinarily exciting reading. It is written in a simple way, sometimes maybe naively simple, as for example when it tries to show that the farmers of the United States eventually will benefit by the green revolution, or when it contrasts advantages of private enterprise with disadvantages of government controlled enterprise. But these minor details weigh little compared with the important material this book presents. Will we have a Swedish edition before the end of the year?

FINANCE AND DEVELOPMENT

(By D. W. Townson)

The new seeds and the new advances in agricultural technologies—the green revolution—may eliminate the malnutrition crippling half the people on this planet. Or the food-production breakthrough could displace millions in the countryside, pushing them into the crowded cities.

In *Seeds of Change,* an expansion of an article that appeared originally in the magazine *Foreign Affairs,* Lester Brown argues that agriculture "is where the action is" in economic development today. He points out that this means more than working with hybrids, water, fertilizer, and rich-nation money. Agriculture is—or should be—concerned with the major problems facing man: poverty, population growth, unemployment, and the environment crisis, as well as hunger.

Mr. Brown, who was raised on a farm in New Jersey (his boyhood speciality was tomatoes), was formerly with the U.S. Department of Agriculture. The book was written under the auspices of the overseas Development Council, an Organization which aims to improve the American people's understanding of the problems of development.

Seeds of Change points out the "tragic gap" between food production and consumption in developing nations, and new problems arising from agriculture's sudden leap forward. The author argues that the "miracle" rice and wheat strains do not provide the ultimate solution to the food-population problem, but that they have bought time in which to seek a breakthrough in family planning comparable to the breakthrough in plant breeding.

"The new seeds promise to improve the well-being of more people in a shorter time than any other single technological advance in history," Mr. Brown predicts. "They are replacing disappointment and despair with hope. For literally hundreds of millions, they can be the key to the door opening into the twentieth century. But that door will open only if a sustained effort is mounted by the rich and poor countries together."

[From Business Week, May 30, 1970]

SEEDS OF CHANGE

(By Lester R. Brown)

Lester Brown's report on the "green revolution" is encouraging reading. Brown, an agronomist and economist, contends that high-yield rice and wheat seeds are turning several developing countries, from the Philippines to Pakistan, into self-sufficient food producers. But he warns that the green revolution has merely bought time, perhaps 15 years, to curb the population explosion. Otherwise, "the stork will outrun the plow" once again.

Meanwhile, to reap the benefits, the developing countries must create an adequate food marketing system, press for land reform, and fill the new agricultural jobs with thousands of itinerant peasants who might otherwise migrate to cities. Brown also notes that prices of the new grains will drop precipitously unless the developing nations gain access to the highly protected grain markets of Japan and Western Europe. But, temporarily at least, the green revolution is indeed an agricultural miracle.

PLATFORM OF THE STEUBEN SOCIETY OF AMERICA—1970–72

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. REUSS. Mr. Speaker, the Steuben Society of America will hold its 25th biennial national convention in Milwaukee on August 16–20, 1972, under the sponsorship of its Milwaukee-based chapter.

At its 24th national convention, held recently in Los Angeles, Calif., the Steuben Society adopted the following platform and program for 1970–72:

PLATFORM OF THE STEUBEN SOCIETY OF AMERICA—1970–72

PREAMBLE

In these times of increasing interdependence of nations, of newly enfranchised peoples and of social and political upheaval, the tremendous challenges confronting the United States of America compel us to champion the priceless heritage of freedom passed on to us by our forefathers and to affirm the principles of government rooted in the dignity of the individual and the equality of citizens, no matter what their race, color or creed, and to uphold and defend the Constitution of the United States.

We condemn all attempts by all groups to take the law into their own hands under any pretext whatsoever.

As all are guaranteed constitutional rights, Civil Rights are indivisible and must be applied to all persons alike.

PLATFORM

Firmly pledged to these convictions, we submit the following Platform and Program:

1. Government system:

(a) We reaffirm our faith in, and pledge our allegiance to the system of government as set forth in our Constitution: the Executive, the Legislative, and the Judiciary, each adhering to the duties assigned to it by the Constitution.

(b) We advocate that any change in our system of government be made by the constitutionally directed process of amendment.

(c) We urge that all concepts of an all-powerful central government and welfare state be rejected.

(d) We urge legislation which would revise the Electoral College System to assure Government by majority rule, and to expedite its functioning. However, we are opposed to any legislation designed to abolish the Electoral College.

(e) We advocate a constitutional amendment to make Executive international pacts, agreements and commitments subject to the advice and consent of the Senate, as are international treaties.

(f) The Constitution provides that Federal Judges shall be nominated by the President, and appointed "by and with the Advice and Consent of the Senate," by majority vote, "during good behavior."

We propose that the Constitution be amended to terminate the appointment on the judge's 70th birthday.

We maintain that the Senate has the power and the duty to prescribe a standard for "good" judicial "behavior."

(g) We advocate the reorganization of governmental departments and bureaus as outlined by the Hoover Commission reports.

(h) We favor a roll call in both Houses of Congress on all bills and measures involving the expenditures of monies.

(i) We urge the Congress to establish a United States Foreign Service Academy comparable to the academies for our Military Services, to assure personnel of the highest caliber and loyalty for the Department of State and Diplomatic Service.

We deplore the use of high-level diplomatic appointments as partisan political rewards.

2. Communism—subversion:

(a) We propose to fight the doctrines and practices of communism and any other form of subversion.

(b) We advocate the exclusion or dismissal of all Communists and other proponents of subversion from public office and any other positions of public trust, and endorse the continuance of the Committee on Internal Security.

3. National defense:

(a) We reaffirm: Congress has the sole power to declare war or deploy the armed forces for military action in any foreign country.

(b) We advocate adequate preparation for the defense of our country with the most sophisticated weapons. In the event of a constitutionally declared war, all resources of the country as well as its manpower shall be made available as the Congress shall prescribe.

(c) We urge further study of the Selective Service Act to correct the remaining injustices and to attract requisite manpower voluntary enlistment.

(d) We strongly urge the continuance of reserve forces for the defense of our Country and that the National Guard be continued.

4. Space agency:

We recommend that all space planning and development be accomplished within sound budgetary allotments, through the joint efforts of the Federal Government and private industry.

5. Foreign affairs:

(a) General: Conscious of the gravity of world problems, we advocate that our Government in its relations with other nations pursue policies which embody these concepts:

(1) The interdependence of the free world, of which we form an integral part, is the harsh reality of international life; however, the unity, friendship and economic well-being of all the nations in our own hemisphere should have priority in United States diplomacy.

(2) Admission to the United Nations of newly independent countries and the exercise of the full powers and rights of such membership shall be based upon national stability and political maturity.

Member nations shall be denied a vote during delinquency in payments of their assessments.

(3) The constitutional guarantees and the sovereignty of the United States must not be surrendered to any suprastate or world government.

(b) Foreign Aid: We urge that all authorizations and appropriations for foreign aid be curtailed and its distribution rigorously supervised "on the spot" in the nations receiving such aid. No aid shall be given Communist or communist-controlled nations, or nations failing to cooperate with the United States to solve its balance of payments problems.

Expropriation of American property without equitable compensation shall disquality recipients from such aid. The principle of the sanctity of private property shall not be bargained away in international agreements.

(c) Self-Determination: We advocate that the government of the United States pursue its traditional policy of giving moral and material assistance to the reunification of Germany and all other nations which have been partitioned and are striving to reunite under the age-old law of self-determination.

We endorse the observance of Captive Nations Week.

(d) Common Market:

(1) We favor close cooperation with the European Common Market. However, should the Common Market take any action prejudicial to any segment of our economy, we recommend that the Federal Government take such supportive measures necessary to preserve our competitive position.

(2) We favor the establishment of a Common Market in our own hemisphere to obtain the potentials inherent in a Common Market.

(e) Metric System: As an instrument of industrial and commercial efficiency, we advocate adoption of the Metric System.

6. Immigration:

We firmly believe that the immigration laws must serve the best interests of our Nation and all of its people and that the Immigration and Nationality Act of 1965 be amended to correct present inadequacies therein, so as to achieve the intended goal of this legislation.

7. Taxation:

We believe that current methods of taxation are confiscatory and tend toward the destruction of our free institutions; therefore we advocate that studies of both Federal and State tax systems be expedited to achieve a more equitable tax structure.

8. Currency and balance budget:

(a) We advocate a return to sound fiscal policies directed toward a balanced budget, the maintenance of a sound currency and constant appraisal of administrative operations directed toward economy and increased efficiency in government functions.

(b) We recommend that the national debt be amortized annually.

(c) We advocate a comprehensive and effective plan for the Federal Government to curb inflation.

9. Government subsidies:

(a) We believe that the granting of subsidies should not be made a permanent Federal policy. Consequently, we advocate that existing subsidies, except where required for defense purposes or to meet foreign competition, be eliminated in an orderly manner so that our domestic production and markets will not be adversely affected.

(b) We advocate that United States "Counterpart Funds" be made available at low exchange rates to Americans traveling or staying in countries where such funds exist.

10. Government employment—Civil Service:

(a) We believe that government service should be fostered as a carrer.

(b) Qualifications for employment by the Federal Government under Civil Service jurisdiction should be based on merit only.

(c) We advocate that any public servant who under oath shall refuse to answer questions concerning his or her loyalty to this Nation, shall be suspended and his or her remuneration shall cease.

(d) Official in positions of policy-making power shall not be protected by civil service status.

(e) We vigorously oppose the weakening of the present provisions of the Hatch Act as it applies to government employees.

11. Veterans:

We advocate that veterans receive adequate care from our Government for service-connected disabilities and appropriate assistance to qualify for civilian pursuits upon discharge from military service.

12. Business, capital and labor;

(a) We advocate fair and effective enforcement of laws designed to prevent monopoly and restraint of trade, by capital and labor. The ability of small business to compete in a free market must be preserved.

(b) We believe that the incentive and initiative of the individual must be encouraged, and that Government should not compete with private industry.

(c) We maintain that the public interest demands that labor and management discharge their responsibilities to achieve industrial peace and maximum efficiency in production in order to halt the wage-price spiral, and to enable the United States to compete with other countries for world trade.

(d) We advocate that labor and management take more effective measures to retain employees whose jobs may be abolished through automation.

(e) We advocate legislation to set up binding arbitration procedure in all cases where labor and management have failed to come to an agreement in order to prevent any work stoppages affecting vital public needs, national defense, or any federal, state or municipal government operations. Public employees who have agreed not to strike as a condition of their employment, shall not be permitted to strike and shall be discharged for doing so.

(f) We favor the trial of unfair labor practice cases in Federal district courts.

Complaints should have the alternative right to present their own cases, or to have local U.S. attorneys present them.

13. Education:

(a) We oppose any attempt at Federal control of education via Federal aid to education. The principle of separation of church and state faces a serious challenge by Federal aid to parochial schools.

(b) The knowledge of foreign languages is essential for completion of scientific courses in most of our educational institutions, and for cultural, scientific, political and economic intercourse among nations. Among the foreign languages, the study of German is a most critical need and should be more effectively encouraged.

(c) We believe that school books treating of historical and cultural subjects should be based upon accurate unbiased research. We advocate that courses in the history of the United States and of civil government be required subjects in the curricula of all our institutions of learning.

We condemn all attempts to use educational institutions for the furthering of private interests or for propagation of ideas subversive to our form of government. We advocate the continued study by Government agencies and private organizations of the manifold problems facing youth today.

(d) We favor the restoration of voluntary prayers in the schools.

14. Social security:

(a) We advocate that funds collected under the Social Security Act be ear-marked and used exclusively in payment of social security benefits.

(b) We advocate that social security benefits be paid to all those entitled thereto, regardless of any other income.

(c) We favor the voluntary medical insurance plan. Any extension of either the fields and/or scope of coverage beyond the present law must be on a self-sustaining sound financial basis.

(d) We advocate the inclusion of Chiropractic services under Part B of the Medicare section of the Social Security Act.

15. Public health, safety, narcotics and drugs:

(a) We urge more stringent laws to control the import, manufacture and traffic in narcotics and hallucinatory drugs.

Maximum penalties must be made mandatory for the criminal "pusher."

Recent Supreme Court decision make a new approach necessary to the effective apprehension, prosecution and conviction of the violator.

(b) We advocate a comprehensive program of education on the dangers of narcotics and said drugs. We should modernize and humanize our Federal laws, so the victimized addicts may receive medical treatment, assistance and rehabilitation.

(c) We propose that maximum precautions be exercised in the use of chemical and biological agents in products intended for public use or consumption. We urge continued measures to effectuate the objectives of the Pure Food and Drug Act.

(d) We urge the Federal Government to intensify its efforts in cooperation with the States to eliminate the pollution of our air and all bodies of water.

(e) We favor the establishment of regional medical programs to combat the major illnesses, such as heart disease, cancer and others.

(f) We advocate the passage of more effective laws to deal with the manufacture, possession, transportation and use of bombs, "molotov cocktails," and all other explosive devices.

16. Conservation:

(a) We favor the conservation, development and effective control of our Nation's natural resources and their sound utilization for the present and future welfare of the people.

(b) We advocate the strict enforcement of the laws protecting our National Park, all bodies of water, forests and all other natural resources affecting our national economy. We urge the preservation and protection of our monuments.

17. Historic preservation:

The enhancement and protection of places which remind us of our heritage are matters of government concern and further provision therefore should be made by the Congress for such preservation.

ON COLUMBUS DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FISH. Mr. Speaker, on this the eve of Columbus Day, I rise to pay tribute, not only to the great navigator, Christopher Columbus, but to those millions of Americans of Italian ancestry who on Columbus Day we also honor.

In my State of New York, Columbus Day is set aside as an official holiday. This has been done not only to mark the date that great Italian discovered this continent, but to honor the men and women from Italy who emigrated to these shores, and to their descendants.

We are a nation of immigrants. The cultural landscape of America is a vast mosaic created from the melding of many cultures and many customs from many lands. Each national group has left its mark. Each has stamped the fabric of our society with its own imprint. Of these none has been richer than the Italian.

Like the rest of America, the 28th Congressional District of New York which I have the honor of representing here in Washington, has benefited by the work, the loyalty, the dedication, and the color of these fine people. In business, in the professions, in our political life, they are leaders. They have fought in our wars. They have helped build our Nation.

As our great heritage, the very personality and feel that is America, has been so influenced by their work, their social, and spiritual contribution, it is impossible for anyone to estimate what we would have been without them. We can only know that we all would have been poorer.

Therefore, Mr. Speaker, I feel I would be remiss if I did not take the opportunity that Columbus Day affords to pause for a moment to pay even a weak tribute to these fine people. As we all owe them so much, I feel I can do not less.

FIRST ORDER OF BUSINESS FOR THE SUPREME COURT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. WYMAN. Mr. Speaker, the first order of business for the new U.S. Supreme Court is a redetermination of some of the Warren court's first amendment decisions that have been the source of much of the inflammatory and provocative advocacy of violence of late. The first amendment is not a license to people to go around urging others to throw firebombs or commit violence. It was never intended to legalize the publication of pamphlets instructing people how to make bombs and molotov cocktails in a framework of incitement.

There are and there should be reasonable limitations on the so-called right of free speech in this country. Speech inciting to riot or advocating violent overthrow of the Government ought not to be lawful in this or any civilized land. Jerry Rubin's "Kill your parents" and William Kunstler's "Go ahead and commit arson if your grievances aren't met" are specific examples.

In this connection I commend the reading of a recent article by Alland Brownfeld in Roll Call magazine:

THE RIOTMAKERS

(By Allan C. Brownfeld)

Americans no longer doubt that there exists a serious threat to domestic tranquility on the part of political extremists. The planned campaign of terror against the police, practiced by Black Panthers, and the campaign to destory our educational institutions, carried forth by the Students for a Democratic Society and other extremists organizations, have finally convinced even the most skeptical liberal, who once defended such groups, that something dangerous to democracy is in the works.

The wanton murder of policemen in Chicago and Philadelphia, the bombing of a campus building at the University of Wisconsin and the accompanying death of a graduate student, the riots which have shaken our major urban areas—all of these events have, unfortunately, been viewed as disparate, disorganized expressions of grievances against either the university, the police, the landlord, or the society in general. Those who have advanced the view that such violence has been planned and organized by those who are dedicated to the destruction of the very fabric of our society have been labeled "extremists." We must do more "listening" to student extremists, black militants, and others devoted to disruption, they have told us. In the meantime violence has mounted, bombings have increased, universities have closed, and the threat to the future remains ominous.

The most important book written thus far on the subject of urban and campus violence and disorders will be published this month. "The Riot Makers" (Arlington House, 1970) by Eugene Methvin, an Associate Editor of the "Readers Digest," is a masterful work, completely documented with names, dates, and facts. No one who reads this book will doubt that we face a concerted effort at revolution. Hopefully, it will be read by those who make light of our current rash of violence before it is too late.

The riot which shook Newark, New Jersey in 1967, for example, was no accident. It was carefully planned. The crystallizing force arrived in Newark in the summer of 1964. S.D.S. sent a group of organizers there, headed by its chief founder and ideological-tactical sparkplug, Tom Hayden. By 1967, Methvin points out, just three weeks before the Newark riot, S.D.S. national secretary Gregory Calvert boasted that "We are working to build a guerrilla force in an urban environment. We are actively organizing sedition." By 1965, Tom Hayden was able to claim that "We had taken control (electoral) of the major offices in the community action part of the war on poverty there." Methvin explains clearly the manner in which federal funds were used to foment violence.

The campaign of agitation against the police in Newark can be gauged indirectly. In two short years, assaults on policemen in Newark's streets doubled, from 92 in 1964 to 187 in 1966. The anti-police campaign also immobilized the police department in a crucial and ultimately deadly way. As Police Commissioner Dominick A. Spina later told the New Jersey Governor's commission in explanation of his department's total lack of preparation for cilvil disorders, he purposely refused to institute riot training. Why? He feared the anti-police propagandists would have a field day. Spina wired President Johnson and his O.E.O. director Sargent Shriver, protesting the use of federally paid anti-poverty workers "for the purpose of fomenting and agitating" against the Newark city government. "The acceleration of this kind of practice by this anti-poverty agency will undoubtedly lead to riots and anarchy in our city." And so it did.

Who rioted? Were they citizens who had valid grievances, as the President's commission on violence later seemed to say? The answer is clearly: No. The Newark Police Department had prior arrest records on 867—74 percent—of its adult arrestees; 55.6 percent of the juveniles had prior arrest records. Checking 1,089 fingerprint sets sent to Washington, the F.B.I. found that 708 or 65 percent, had prior records on file, either from the Newark police or other departments that file arrest records.

Methvin points to similar figures elsewhere. 53 percent of the 10,771 arrestees in the 1967 summer disorders in 16 cities were under 25. In the early stages the proportion of youth invariably runs higher: 71 percent in Cincinnati's first night, 82 percent in Grand Rapids' first four hours. Of the 126 adults arrested in Toledo a startling 105 had prior arrests, averaging six apiece. Every one of the 22 young adults jailed in the first three hours had criminal records; they averaged only 20 years old with three prior arrests apiece. The 20 young men jailed on fire bomb charges averaged even worse: four apiece.

Why do people riot? Methvin notes that "The people who riot do so because of a state of mind . . . people riot because they have had their minds programmed to hate, by a kaleidoscopic combination of life's accidental circumstances, individual psychological disposition, and systematic hate propaganda."

Radicals do not hesitate to proclaim that violent disruption of society is their goal. It is only those who will not or do not observe what is happening who claim that no concerted effort is being made to disrupt society. At the 1968 S.D.S. convention at Michigan State, Dave Gilbert of the Philadelphia S.D.S. colony, proclaimed: "The ability to manipulate people through violence and mass media has never been greater, and the potential for liberation for us as radicals has never been more exciting than now." Bernadine Dohrn, Interorganization Secretary of S.D.S., was asked if she were a "socialist." She replied: "I consider myself a revolutionary communist." At that, the audience of 500 rose in cheers and burst out with the old Wobbly song, "Solidarity Forever!"

Methvin outlines in great detail the plans set forth by Lenin for the Communist Conquest of free societies, but makes it clear that the overwhelming majority of militants—whether black or student—are not Communists. What they have done, he argues, is to adopt Lenin's methods without also adopting his ideology. The result: they seek to destroy society without having any idea of what they would like to replace it with. In this sense, they are the heirs of the nihilists and anarchists of the 19th century. Methvin writes: ". . . today we have a whole array of people who use the techniques of Lenin without his ideology. They are a new breed of mass media men: conflict managers, professionals in hate propaganda and organizations, hidden persuaders, image breakers and climate makers."

Communists have long advocated "decomposition" of a society as a first step toward taking it over. "Decomposition means what it says," reported Edward Crankshaw of the London Observer. "The object of the decomposer is by all conceivable means to undermine the faith of Western peoples in their own institutions and governments. This works hand in hand with 'disinformation,' designed to make people think that Soviet society and Soviet politics are not what they are." The result: S.D.S., the Panthers and others tell us police are "pigs," our society is "fascistic," and you "can't trust anyone over 30." The Viet Cong, on the other hand, are painted as "nationalists" and "agrarian reformers." And how many of our so-called "intellectuals" have fallen for this, as they fell in the 1930s for the Hitler-Stalin pact, and for Munich?

That the New Left operates a conscious preconditioning program is made clear in an article by Carl Davidson describing this anarchistic recipe: "Desanctify authority—disrupt . . . every institution through which public authority is exercised is an open target: police, armed forces, the family, school, university, corporation, bank, church."

SGT. JOHN F. DEVRIES, MONTGOMERY COUNTY POLICEMAN OF THE YEAR

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GUDE. Mr. Speaker, I should like to commend the Kiwanis Club of Wheaton, Md., for one of their many public services. Each year the club makes an award to the Policeman of the Year for outstanding accomplishment and service to his community. I think it is particu-

larly noteworthy at this point in our history, when police activities are frequently maligned and officers are subjected to undue peril in the pursuit of their duties, that a civic organization honors a police officer for his dedication to duty. This public support of those who uphold the laws of our country should be an example to all of us in renewing our backing of our policemen in the discharge of their duties.

The recipient of the 1970 Policeman of the Year Award for the Wheaton-Glenmont district is Sgt. John F. DeVries. Sergeant DeVries is in charge of the traffic section where his achievements have been outstanding. In addition to his regular duties, Sergeant DeVries has spent many hours of his free time in teaching and speaking on traffic safety both within the police department and to public groups.

Sergeant DeVries has also devoted much of his off duty time to teaching women's groups self-defense. He lives in Rockville with his wife and three children.

Mr. Speaker, all of us owe a debt of gratitude to organizations such as the Wheaton Kiwanis and to police officers such as Sergeant DeVries.

H.R. 3105—BILL TO AID VOLUNTEER FIREMEN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HOGAN. Mr. Speaker, when we read in the newspapers of special acts of heroism, we are proud and grateful that in these turbulent and mixed up times there are men, women, and children who will risk their very lives for their fellow man. We tend to forget that similar acts are taking place daily all over this land by a segment of our society known as volunteer firemen.

We owe these brave men so much, yet we repay them with little or nothing. I am very proud of the many volunteer firemen in my Fifth District who assisted the District of Columbia Fire Department in controlling the fires arising out of the April 1968 riots in Washington, D.C. As we all remember, these were no ordinary fires and efforts by the firemen to control them were not made under ordinary circumstances.

It is of concern to me that these and other volunteer firemen who are from time to time called upon to assist in such an emergency or to assist in fighting fires in and around Federal Government facilities receive no recognition from the Federal Government. What is even more unfortunate, if a volunteer is injured or killed in performing this service to the Government, he and his survivors are not eligible for any benefits, as are Federal firefighters who are injured or killed in the line of duty.

As it is my feeling that the Government has a moral obligation to these men and their families, I have introduced legislation, H.R. 3105, which would treat such firemen as Government employees for the duration of their service during riots or in protection of Federal property and in the event of death or injury during that period, entitle them to the same benefits as Federal employees who are injured or killed in the line of duty.

I am pleased that Subcommittee No. 2 of the Judiciary Committee has held a hearing on this legislation, and would like to bring to the attention of the Members my statement to that subcommittee on this matter:

STATEMENT OF HONORABLE LAWRENCE J. HOGAN

Mr. Chairman and Members, I am pleased that this Subcommittee is giving consideration to legislation which I consider to be important—that which responds to the question of Governmental responsibility to public servants who are not government employees when they are seriously injured or forfeit their lives in the line of duty.

Although I will not presume to answer this question for the Members, as that is one of the purposes of these hearings and should be arrived at only after extensive testimony and consideration, there is one aspect of the matter which I do feel strongly about and regarding which I have introduced legislation. H.R. 3105, which is among the bills you are considering today, would compensate volunteer or paid firemen who are injured or killed while fighting fires when the Federal Government becomes involved. This would include firemen who are fighting fires which endanger Federal property. Under such circumstances I believe the Federal Government does have a more obligation in this matter.

Although the Federal Government does maintain a force of over 11,000 firefighters on its payroll, these men are stationed only in those localities which offer the highest potential for fire hazard, such as the Naval Ordnance Station located at Indian Head, Maryland, within my District, where explosive materials are handled.

The Government can no more afford to maintain a full-fledged firefighting force to protect all Government facilities than it can afford to provide police protection for each building. The Government must and does rely on the protection provided by the local volunteer or paid firemen to a great extent.

I am sure that the Members of the Subcommittee realize the large majority of firemen throughout the country receive little or no benefits from local sources in the event of death or disability. This is extremely unfortunate. The only situation I would consider to be more unfortunate, would be for these employees to have died in service to the Federal Government, taking the same risks as Federal firefighters, and not be eligible for any remuneration from the Federal Government in the event of their death or disability.

You will recall that during the 1968 riots in Washington, D.C., and other major cities across our nation, in instance after instance firemen were called upon and did put their lives on the line. The burning which results from riots is an extraordinary problem and, I believe, a Federal problem.

Furthermore, I believe those men who are pressed into service in response to such an emergency should be entitled to the same compensation which Federal employees receive for death or injury in the line of duty. My bill would treat firemen as Federal employees for the duration of the crisis and give them the protection available to Federal firefighters for that period of time.

During the civil disorders in Washington in April of 1968 many volunteer firemen from the Fifth District in suburban Maryland fought the fires alongside the men of the D.C. Fire Department. I hope the time never comes when their services are again required in this manner. But if it does, the Federal Government must be prepared to fulfill what I consider to be its obligation to these dedicated volunteers.

I appreciate having this opportunity to submit my views to the Subcommittee.

THE DICKEY-LINCOLN MYTHOLOGY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GIAIMO. Mr. Speaker, year after year, this Chamber is treated to a fascinating display of illogical thinking by proponents of the thoroughly discredited Dickey-Lincoln School hydroelectric project in Maine. Year after year, Dickey-Lincoln advocates overestimate the benefits and underestimate the cost of this boondoggle in the Maine woods. Year after year, those who rightly oppose this $500 million farce are branded "tools of the power companies" and worse.

It is time once again to set the record straight, Mr. Speaker. It is time to explode a few myths about Dickey-Lincoln:

Myth No. 1: Dickey-Lincoln would end the threat of severe power shortages in New England, provide the cheapest possible electric power for the region and lower consumer rates.

Fact: Dickey-Lincoln would provide no more than 1 percent of all the power needed in the region. It would cost over $500 million while providing 830,000 kilowatts. On the other hand, the Northfield Mountain pump storage project now underway in Massachusetts will provide 1 million kilowatts while costing only $92 million to build. This and 15 other power projects slated for completion in the Boston area within the next 6 years will provide 10 million kilowatts for New England.

Myth No. 2: Dickey-Lincoln would provide immediate benefits.

Fact: If begun this year, Dickey-Lincoln could not be completed before 1980 at the earliest. Northfield Mountain, which will provide more power than Dickey-Lincoln, is already 58 percent completed.

Myth No. 3: Northern Maine is the best possible location for a power project.

Fact: This project would be located more than 400 miles from the nearest major population center it is supposed to serve. It would cost nearly $100 million to transmit power for this distance. The cost of transmisison lines for Dickey-Lincoln alone would be greater than the entire cost of the Northfield Mountain project.

Myth No. 4: Dickey-Lincoln would be a nonpolluting source of power.

Fact: This project would wipe out more than 88,000 acres of prime Maine wilderness. For this reason, it is opposed by nearly all local and national conservation organizations.

Those are the facts, Mr. Speaker. The supporters of Dickey-Lincoln would have us spend more than $500 million for

power we could obtain much more inexpensively. They would have us build a power project more than 400 miles from the people it is supposed to serve while ignoring the fact that more than one-fifth of its cost would be for transmission equipment. They would have us despoil thousands of acres of one of the few remaining virgin forests in the Northeastern United States. Yet, it we dare to oppose this wasteful scheme, we are tied to some "plot" by the private power companies. That is Myth No. 5. Would Dickey-Lincoln supporters have us believe that the many conservation organizations who oppose Dickey-Lincoln are "tools of the power companies"?

The whole case for Dickey-Lincoln is absurd, Mr. Speaker. What is more, it is absurd to think of spending $500 million for this project when the priorities of this Nation so desperately demand that we apply our resources to the great social problems of our times. In light of this, I am sure that the majority of the New England delegation and the overwhelming majority of my colleagues will join me in continued opposition to the Dickey-Lincoln project.

PERSONAL FINANCIAL REPORT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. KASTENMEIER. Mr. Speaker, today, I am placing in the RECORD a statement of my personal financial condition. This follows a practice I adopted in 1963 and repeated in each succeeding year. In doing this, I would like to reiterate briefly the comments I made in the past to the House and in reports to constituents of Wisconsin's Second Congressional District.

Members of Congress and holders of high elective office in general should make periodic public disclosures of personal finances as a matter of course. Such reports of outside income and interests are needed to provide the public with information that will enable them to assess whether their Representative's personal holdings, in any way, have affected the performance of his public trust.

Presently, House Members are required to make a limited financial disclosure report. Last year marked the initial effort at mandatory public disclosure. While part of the report is made available for public inspection, a more detailed section remains confidential in a sealed envelope to be held from public scrutiny and can be opened only by a majority vote of the House Committee on Standards of Official Conduct.

If conflicts of interest by elected officials are to be avoided, however, and the integrity of Congress upheld, both Houses of the Congress must adopt a standing rule providing for a public report, made periodically, of all outside financial interests and income for all Members.

Mr. Speaker, a report of my personal financial condition follows:

Statement of Financial Condition, January 1, 1970

Cash on account with the Sergeant at Arms Bank, House of Representatives	$2,074.77
Riggs National Bank of Washington, D.C., checking account	7.10
Securities: cash proceeds, sale of stock	2,360.21
Residential real estate:	
House, Arlington, Va., purchase price	28,000.00
Less mortgage	15,863.00
Equity	12,137.00
Lot	14,750.00
House construction in process, subject to mortgage, net value, Jan. 1, 1970	17,120.00
Household goods and miscellaneous personalty	4,800.00
Miscellaneous assets: Deposits with U.S. Civil Service retirement fund through Jan. 1, 1970, available only in accordance with applicable laws and regulations	22,143.44
Cash surrender value of life insurance policies:	
On the life of Robert W	None
On the life of Dorothy C	544.00
Automobiles:	
1963 Oldsmobile	675.00
1965 Chevrolet	775.00
Total assets	77,386.52
Liabilities: National Bank of Washington note	8,400.00
Net	68,986.52
Income for calendar year 1969, excluding congressional salary and expenses: Interest	54.95
Travel, per diem and speaking, honorariums and travel	250.75

HOUSE OF REPRESENTATIVES—*Monday, October 12, 1970*

The House met at 12 o'clock noon.

Father William G. Blough, director of insurance for the Pittsburgh diocese, Pittsburgh, Pa., offered the following prayer:

Let us pray: Our gracious and loving heavenly Father, Thou who art the Creator of Heaven and earth, the giver of every good and perfect gift, the sovereign Saviour of our soul, we come to Thee in prayer, believing nothing too hard for Thee and that with Thee all things are possible. Lord God of our fathers, be favorable unto our land. Give us perfect times and fruitful seasons; prosper our industries and defend us from all enemies. Grant to our President, this Congress, and all in positions of leadership and authority, the wisdom and the strength to know and to do Thy will. Fill them with love of truth and righteousness and make them ever mindful of their calling to serve the people in Thy fear. Enrich our land, O God, with liberty and order, unity and peace, and inspire the hearts of all people to follow after justice.

Grant that all who call upon Thy holy name may be of one heart and of one soul, united in one holy bond of truth and peace, of faith and love, and may with one mind and one voice glorify Thee. For Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 8, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments of officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; and

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, and

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1708. An act to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes, and

S. 3528. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.)

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.

15073) entitled "An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3619) entitled "An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAYH, Mr. SPONG, Mr. EAGLETON, Mr. DOLE, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17825) entitled "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ERVIN, Mr. HART, Mr. EASTLAND, Mr. KENNEDY, Mr. BYRD of West Virginia, Mr. HRUSKA, Mr. SCOTT, Mr. THURMOND, and Mr. COOK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 233. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.;

S. 642. An act to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect;

S. 988. An act to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official;

S. 2896. An act to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes;

S. 3132. An act to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases;

S. 3650. An act to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto and for other purposes;

S. 4432. An act to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Acounting Office to "Office of the Comptroller General of the United States," and for other purposes;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States; and

S.J. Res. 211. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1971

Mr. RIVERS submitted the following conference report and statement on the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1593)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $4,959,000.
Carlisle Barracks, Pennsylvania, $503,000.
Fort Dix, New Jersey, $11,671,000.
Fort Eustis, Virginia, $260,000.
Fort Hamilton, New York, $575,000.
Fort Knox, Kentucky, $8,249,000.
Fort Lee, Virginia, $98,000.
Fort George G. Meade, Maryland, $257,000.

(Third army)

Fort Benning, Georgia, $2,855,000.
Fort Campbell, Kentucky, $497,000.
Fort Gordon, Georgia, $31,447,000.
Fort Jackson, South Carolina, $506,000.
Fort Rucker, Alabama, $1,435,000.
Fort Stewart, Georgia, $1,534,000.

(Fourth army)

Fort Bliss, Texas, $809,000.
Fort Sam Houston, Texas, $15,496,000.
Fort Sill, Oklahoma, $581,000.

(Fifth army)

Fort Carson, Colorado, $623,000.
Fort Benjamin Harrison, Indiana, $523,000.
Fort Riley, Kansas, $7,515,000.
Fort Leonard Wood, Missouri, $1,946,000.

(Sixth army)

Hunter-Liggett Military Reservation, California, $2,915,000.
Fort Lewis, Washington, $3,757,000.
Presidio of San Francisco, California, Fort Ord, California, $3,497,000.
Presidio of Monterey, California, $2,635,000.
$7,004,000.

(Military District of Washington)

Fort Myer, Virginia, $525,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas, $3,738,000.
Alabama Army Ammunition Plant, Alabama, $117,000.
Anniston Army Depot, Alabama, $915,000.
Atlanta Army Depot, Georgia, $117,000.
Badger Army Ammunition Plant, Wisconsin, $1,604,000.
Burlington Army Ammunition Plant, New Jersey, $384,000.
Charleston Army Depot, South Carolina, $67,000.
Cornhusker Army Ammunition Plant, Nebraska, $650,000.
Harry Diamond Laboratory, Maryland, $12,898,000.
Iowa Army Ammunition Plant, Iowa, $300,000.
Letterkenny Army Depot, Pennsylvania, $410,000.
Fort Monmouth, New Jersey, $2,757,000.
New Cumberland Army Depot, Pennsylvania, $99,000.
Picatinny Arsenal, New Jersey, $752,000.
Radford Army Ammunition Plant, Virginia, $2,333,000.
Ridgewood Army Weapons Plant, Ohio, $120,000.
Rock Island Arsenal, Illinois, $2,750,000.
Sierra Army Depot, California, $369,000.
Tobyhanna Army Depot, Pennsylvania, $115,000.
Tooele Army Depot, Utah, $249,000.
Watervliet Arsenal, New York, $1,362,000.
White Sands Missile Range, New Mexico, $2,261,000.
Yuma Proving Ground, Arizona, $1,798,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $475,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,383,000.
Fort Ritchie, Maryland, $876,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $8,519,000.

ARMY MEDICAL DEPARTMENT

Walter Reed Army Medical Center, District of Columbia, $10,216,000.

CORPS OF ENGINEERS

Topographic Command, Missouri, $558,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,440,000.
Oakland Army Base, California, $1,458,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, $2,955,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $6,190,000.
Vietnam, Various Locations, $25,000,000.
Kwajalein Missile Range, $560,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $2,535,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $7,412,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $41,500,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $2,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including

land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. The Secretary of the Army is authorized to acquire, under such terms as he deems fair and reasonable, and at the present fair market value, State-owned and privately-owned land and estates in land and improvements thereon located within the boundaries of the White Sands Missile Range, New Mexico.

SEC. 105. The Secretary of the Army is authorized to acquire out of appropriations which may be available for Civil Defense in the fiscal year 1971 Independent Offices Appropriations Act, under such terms as he deems appropriate, land or interests in land in approximately one hundred and sixty acres in the vicinity of Mount Joy, Pennsylvania, as he considers necessary for the construction of a prototype Decision Information Distribution System facility to augment and upgrade the area's Civil Defense warning capability.

SEC. 106. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Aberdeen Proving Ground, Maryland", strike out "$4,065,000" and insert in place thereof "$4,326,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (1) of section 602 "$155,919,000" and "$200,788,000" and inserting in place thereof "$156,180,000" and "$201,049,000", respectively.

SEC. 107. (a) Public Law 88–390, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Edgewood Arsenal, Maryland," strike out "$6,843,000" and insert in place thereof "$7,405,000".

(b) Public Law 88–390, as amended, is amended by striking out in clause (1) of section 602 "$256,536,000" and "$307,597,000" and inserting in place thereof "$257,098,000" and "$308,159,000", respectively.

SEC. 108. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Aberdeen Proving Ground, Maryland", strike out "$3,419,000" and insert in place thereof "$3,874,000".

(2) With respect to "Rock Island Arsenal, Illinois", strike out "$826,000" and insert in place thereof "$835,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$261,135,000" and "$317,996,000" and inserting in place thereof "$261,599,000" and "$318,460,000", respectively.

SEC. 109. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Jackson, South Carolina", strike out "$5,565,000" and insert in place thereof "$5,928,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (1) of section 602 "$59,352,000" and "$134,067,000" and inserting in place thereof "$59,715,000" and "$134,430,000", respectively.

SEC. 110. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to Fort Lee, Virginia, strike out "$1,727,000" and insert in place thereof "$2,575,000".

(2) With respect to United States Military Academy, West Point, New York, strike out "$15,495,000" and insert in place thereof "$18,077,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$284,625,000" and "$388,018,000", and inserting in place thereof "$288,055,000" and "$391,448,000", respectively.

SEC. 111. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Fort Benjamin Harrison, Indiana", strike out "$4,590,000" and insert in place thereof "$7,200,000".

(2) With respect to "Pine Bluff Arsenal, Arkansas", strike out "$169,000" and insert in place thereof "$253,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (1) of Section 802 "$363,805,000" and $450,957,000" and inserting in place thereof "$366,499,000" and "$453,651,000", respectively.

SEC. 112. (a) Public Law 91–142 is amended under the heading "INSIDE THE UNITED STATES," in section 101, as follows:

With respect to "United States Military Academy, West Point, New York", strike out "$17,421,000" and insert in place thereof "$28,159,000".

(b) Public Law 91–142 is amended by striking out in clause (1) of section 702 "$175,853,000" and "$279,988,000", and inserting in place thereof "$186,591,000" and "$290,726,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Portsmouth, New Hampshire, $5,685,000.

Naval Station, Newport, Rhode Island, $2,409,000.

Navy Public Works Center, Newport, Rhode Island, $644,000.

Naval War College, Newport, Rhode Island, $4,390,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,652,000.

FOURTH NAVAL DISTRICT

Naval Air Propulsion Test Center, Trenton, New Jersey, $356,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $697,000.

Naval Station, Philadelphia, Pennsylvania, $4,342,000.

Naval Publications and Forms Center, Philadelphia, Pennsylvania, $250,000.

NAVAL DISTRICT WASHINGTON

Bolling/Anacostia, Washington, District of Columbia, $16,200,000.

Naval Air Facility, Washington, District of Columbia, $57,000.

Naval Research Laboratory, Washington, District of Columbia, $2,628,000.

Naval Station, Washington, District of Columbia, $573,000.

Naval Academy, Annapolis, Maryland, $10,000,000.

Naval Ordnance Station, Indian Head, Maryland, $159,000.

Naval Weapons Laboratory, Dahlgren, Virginia, $530,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $4,408,000.

Naval Station, Norfolk, Virginia, $1,120,000.

Naval Air Rework Facility, Norfolk, Virginia, $2,070,000.

Naval Shipyard, Norfolk, Virginia, $5,216,000.

Naval Supply Center, Norfolk, Virginia, $55,000.

Naval Air Station, Oceana, Virginia, $1,886,000.

Naval Weapons Station, Yorktown, Virginia, $1,221,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida $470,000.

Naval Air Rework Facility, Jacksonville, Florida, $3,869,000.

Naval Station, Mayport, Florida, $519,000.

Naval Training Center, Orlando, Florida, $11,327,000.

Naval Training Device Center, Orlando, Florida, $1,665,000.

Naval Air Station, Pensacola, Florida, $8,444,000.

Naval Air Station, Whiting Field, Milton, Florida, $420,000.

Naval Air Station, Saufley Field, Florida, $457,000.

Naval Air Station, Meridian, Mississippi, $2,782,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $1,721,000.

Naval Shipyard, Charleston, South Carolina, $6,884,000.

Naval Station, Charleston, South Carolina, $2,233,000.

Naval Weapons Station, Charleston, South Carolina, $5,180,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Corpus Christi, Texas, $2,957,000.

Naval Inactive Ship Maintenance Facility, Orange, Texas, $146,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $12,525,000.

Naval Training Center, Great Lakes, Illinois, $3,537,000.

ELEVENTH NAVAL DISTRICT

Naval Observatory Flagstaff Station, Flagstaff, Arizona, $286,000.

Naval Weapons Center, China Lake, California, $1,585,000.

Naval Dental Clinic, Long Beach, California, $1,163,000.

Naval Shipyard, Long Beach, California, $8,371,000.

Pacific Missile Range, Point Mugu, California, $2,929,000.

Naval Construction Battalion Center, Port Hueneme, California, $3,000,000.

Naval Weapons Station, Seal Beach, California, $405,000.

Naval Air Station, Miramar, California, $3,100,000.

Naval Air Station, North Island, San Diego, California, $1,122,000.

Naval Station, San Diego, California, $1,909,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $3,973,000.

Naval Air Station, Alameda, California, $3,023,000.

Naval Weapons Station, Concord, California, $455,000.

Naval Air Station, Moffett Field, California, $48,000.

Naval Supply Center, Oakland, California, $195,000.

Naval Shipyard, Hunters Point, San Francisco, California, $5,058,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,246,000.

Naval Auxiliary Air Station, Fallon, Nevada, $2,222,000.

Naval Ammunition Depot, Hawthorne, Nevada, $495,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington, $70,000.

Naval Radio Station T, Jim Creek, Oso, Washington, $159,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $4,914,000.

Naval Air Station, Whidbey Island, Washington, $2,541,000.

FOURTEENTH NAVAL DISTRICT

Fleet Intelligence Center, Pacific, Pearl Harbor, Oahu, Hawaii, $4,579,000.

Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, $4,123,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, $220,000.

Naval Dental Clinic, Pearl Harbor, Oahu, Hawaii, $1,752,000.

Naval Ammunition Depot, Oahu, Hawaii, $529,000.

Naval Air Station, Barbers Point, Oahu, Hawaii, $2,480,000.

OMEGA Navigation Station, Haiku, Oahu, Hawaii, $3,162,000.

Naval Communication Station, Honolulu, Wahiawa, Oahu, Hawaii, $200,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, $4,781,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $2,638,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, including special relocation costs, $700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $5,283,000.

Marine Corps Base, Camp Lejeune, North Carolina, $1,384,000.

Marine Corps Air Station, Cherry Point, North Carolina, $6,764,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $112,000.

Marine Corps Air Station, Yuma, Arizona, $332,000.

Marine Corps Supply Center, Barstow, California, $75,000.

Marine Corps Air Station, El Toro, California, $5,344,000.

Marine Corps Air Station, Santa Ana, California, $1,050,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $1,570,000.

Marine Corps Base, Camp Pendleton, California, $9,294,000.

Marine Corps Base, Twentynine Palms, California, $1,605,000.

OUTSIDE THE UNITED STATES

10TH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico, $343,000.

Naval Station, San Juan, Puerto Rico, $134,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland, $10,613,000.

Naval Facility, Argentia, Newfoundland, $1,580,000.

EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, $582,000.

Naval Radio Station, Thurso, Scotland, $282,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $747,000.

Naval Magazine, Guam, Mariana Islands, $3,287,000.

Naval Station, Guam, Mariana Islands, $1,464,000.

Naval Ship Repair Facility, Guam, Mariana Islands, $740,000.

Navy Public Works Center, Guam, Mariana Islands, $1,363,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $859,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $974,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, privately owned land or interests in land (including easements) contiguous to the south approach to Runway 34R of the Marine Corps Air Station, El Toro, California, as he considers necessary for safe and efficient operation of that station. Acquisition of such lands or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 205. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, land or interests in land (including easements) in approximately four hundred eighteen acres of privately owned property contiguous to the western approach to Runway 06–24 of the Marine Corps Air Station, Santa Ana, California, as he considers necessary for safe and efficient operations at that station. Acquisition of such excess land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 206. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$6,101,000" and insert in place thereof "$10,846,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$119,164,000" and "$143,327,000" and inserting in place thereof "$123,909,000" and $148,072,000", respectively.

SEC. 207. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Air Station, Lakehurst, New Jersey, strike out "$1,284,000" and insert in place thereof "$1,448,000".

(2) With respect to Naval School, Underwater Swimmers, Key West, Florida, strike out "$100,000" and insert in place thereof "$175,000".

(3) With respect to Navy Training Publications Center, Memphis, Tennessee, strike out "$289,000" and insert in place thereof "$413,000".

(4) With respect to Naval Hospital, Corpus Christi, Texas, strike out "$8,000,000" and insert in place thereof "$9,900,000".

(5) With respect to Naval Weapons Station, Concord, California, strike out "$395,000" and insert in place thereof "$650,000".

(6) With respect to Naval Shipyard, Bremerton, Washington, strike out "$1,640,000" and insert in place thereof $3,102,000".

(7) With respect to Marine Corps Base, Camp Pendleton, California, strike out "$1,838,000" and insert in place thereof "$2,040,000".

. (b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802 "$234,900,000" and "$241,765,000" and inserting in place thereof "$239,082,000" and "$245,947,000", respectively.

SEC. 208. (a) Public Law 91–142 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "$1,135,000" and insert in place thereof "$1,288,000".

(2) With respect to Naval Hospital, Camp Pendleton, California, strike out "$19,805,000" and insert in place thereof "$24,100,000".

(3) With respect to Naval Undersea Warfare Center, San Diego, California, strike out "$6,400,000" and insert in place thereof "$6-736,000".

(4) With respect to Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, strike out "$6,519,000" and insert in place thereof "$7,278,000".

(b) Public Law 91–142 is amended in clause (2) of section 702 by striking out "$271,251,000" and "$306,305,000" and inserting in place thereof "$276,794,000" and "$311,848,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Otis Air Force Base, Falmouth, Massachusetts, $81,000.

Peterson Field, Colorado Springs, Colorado, $5,998,000.

Tyndall Air Force Base, Panama City, Florida, $1,853,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $240,000.

Griffiss Air Force Base, Rome, New York, $8,615,000.

Hill Air Force Base, Ogden, Utah, $2,090,000.

Kelly Air Force Base, San Antonio, Texas, $18,060,000.

McClellan Air Force Base, Sacramento, California, $4,615,000.

Robins Air Force Base, Macon, Georgia, $5,551,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $2,071,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $1,159,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $4,768,000.

Brooks Air Force Base, San Antonio, Texas, $2,414,000.

Edwards Air Force Base, Muroc, California, $214,000.

Eglin Air Force Base, Valparaiso, Florida, $6,456,000.

Holloman Air Force Base, Alamogordo, New Mexico, $650,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $1,263,000.

Satellite Tracking Facilities, $869,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $8,504,000.

Columbus Air Force Base, Columbus, Mississippi, $372,000.

Craig Air Force Base, Selma, Alabama, $836,000.

Keesler Air Force Base, Biloxi, Mississippi, $8,057,000.

Lackland Air Force Base, San Antonio, Texas, $55,000.

Laredo Air Force Base, Laredo, Texas, $627,000.

Laughlin Air Force Base, Del Rio, Texas, $310,000.

Lowry Air Force Base, Denver, Colorado, $6,561,000.

Moody Air Force Base, Valdosta, Georgia, $2,227,000.

Randolph Air Force Base, San Antonio, Texas, $1,112,000.

Reese Air Force Base, Lubbock, Texas, $1,047,000.

Sheppard Air Force Base, Wichita Falls, Texas, $6,251,000.

Vance Air Force Base, Enid, Oklahoma, $1,901,000.

Webb Air Force Base, Big Spring, Texas, $349,000.

Williams Air Force Base, Chandler, Arizona, $4,199,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $677,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska, $2,309,000.

Various Locations, $4,886,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $3,949,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $590,000.

Charleston Air Force Base, Charleston, South Carolina, $7,136,000.

Dover Air Force Base, Dover, Delaware, $8,327,000.

McChord Air Force Base, Tacoma, Washington, $619,000.

Norton Air Force Base, San Bernardino, California, $1,612,000.

Scott Air Force Base, Belleville, Illinois, $3,879,000.

Travis Air Force Base, Fairfield, California, $696,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $1,855,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $354,000.

Beale Air Force Base, Marysville, California, $1,954,000.

Blytheville Air Force Base, Blytheville, Arkansas, $213,000.

Castle Air Force Base, Merced, California, $82,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $404,000.

Dyess Air Force Base, Abilene, Texas, $150,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $196,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $178,000.

Grand Forks Air Force Base, Grand Fork, North Dakota, $1,089,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $483,000.

Loring Air Force Base, Limestone, Maine, $515,000.

March Air Force Base, Riverside, California, $209,000.

Malmstrom Air Force Base, Great Falls, Montana, $1,202,000.

McCoy Air Force Base, Orlando, Florida, $139,000.

Minot Air Force Base, Minot, North Dakota, $134,000.

Offutt Air Force Base, Omaha, Nebraska, $593,000.

Pease Air Force Base, Portsmouth, New Hampshire, $488,000.

Vandenberg Air Force Base, Lampoc, California, $3,158,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $1,176,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $663,000.

Various locations, $430,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $337,000.

Cannon Air Force Base, Clovis, New Mexico, $645,000.

England Air Force Base, Alexandria, Louisiana, $726,000.

Forbes Air Force Base, Topeka, Kansas, $415,000.

George Air Force Base, Victorville, California, $1,096,000.

Homestead Air Force Base, Homestead, Florida, $1,035,000.

Langley Air Force Base, Hampton, Virginia, $4,792,000.

Little Rock Air Force Base, Little Rock, Arkansas, $425,000.

Lockbourne Air Force Base, Columbus, Ohio, $518,000.

Luke Air Force Base, Phoenix, Arizona, $11,719,000.

MacDill Air Force Base, Tampa, Florida, $240,000.

McConnell Air Force Base, Wichita, Kansas, $148,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $71,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $813,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,732,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina, $1,428,000.

Shaw Air Force Base, Sumter, South Carolina, $2,548,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $700,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations, $613,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,216,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Eastern Test Range, $243,000.

Satellite Tracking Facilities, $1,455,000.

MILITARY AIRLIFT COMMAND

Wake Island Air Force Station, Wake Island, $80,000.

PACIFIC AIR FORCES

Various locations, $6,607,000.

STRATEGIC AIR COMMAND

Anderson Air Force Base, Guam, $2,273,000.

Goose Air Base, Canada, $862,000.

Ramey Air Force Base, Puerto Rico, $406,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,273,000.

United Kingdom, $11,568,000.

Various Locations, $1,049,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $644,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $33,792,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, revert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) With respect to Andrews Air Force Base, Camp Springs, Maryland, strike out "$2,923,000" and insert in place thereof "$3,081,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (3) of section 602 "$216,360,000" and "$340,106,000" and inserting in place thereof "$216,518,000" and "$340,264,000", respectively.

SEC. 305. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) With respect to Vance Air Force Base, Enid, Oklahoma, strike out "$165,000" and insert in place thereof "$280,000."

(2) With respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "$150,000" and insert in place thereof "$220,000."

(3) With respect to Langley Air Force Base, Hampton, Virginia, strike out "$537,000" and insert in place thereof "$631,000."

(4) With respect to Seymour-Johnson Air Force Base, Goldsboro, North Carolina, strike out "$99,000" and insert in place thereof "$173,000."

(5) With respect to Shaw Air Force Base, Sumter, South Carolina, strike out "$614,000" and insert in place thereof "$707,000."

(b) Public Law 90–408, as amended, is amended by striking out in clause (3) of section 802 "$121,917,000" and "$193,572,000" and inserting in place thereof "$122,363,000" and "$194,018,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, convert-

ing, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Bossier Base, Louisiana, $170,000.

Sandia Base, New Mexico, $1,090,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $942,000.

Defense Depot, Ogden, Utah, $98,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,570,000.

Defense Depot, Tracy, California, $1,813,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $1,617,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $35,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand three hundred units, $31,832,000:

Redstone Arsenal, Alabama, two hundred units.

Fort Huachuca, Arizona, one hundred units.

Sacramento Army Depot, California, one unit.

Sharpe Army Depot, California, one unit.

Fort Carson, Colorado, two hundred forty units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Rock Island Arsenal, Illinois, forty units.

Fort Leavenworth, Kansas, one hundred fifty units.

Natick Laboratories, Massachusetts, twenty-eight units.

Fort Jackson, South Carolina, two hundred forty units.

(2) The Department of the Navy, three thousand five hundred units, $85,001,000.

Marine Corps Air Station, El Toro, California, three hundred units.

Naval Air Station, Lemoore, California, two hundred fifty units.

Naval Complex, San Diego, California, nine hundred units.

Naval Submarine Base, New London, Connecticut, three hundred units.

Naval Complex, Pensacola, Florida, two hundred units.

U.S. Naval Installations, Oahu, Hawaii, three hundred units.

Naval Training Center, Great Lakes, Illinois, one hundred fifty units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Station, Guam, three hundred units.

(3) The Department of the Air Force, two thousand eight hundred units, $66,401,000.

Williams Air Force Base, Arizona, two hundred units.

Castle Air Force Base, California, two hundred fifty units.

Norton Air Force Base, California, two hundred fifty units.

Homestead Air Force Base, Florida, two hundred units, and additional real estate.

Moody Air Force Base, Georgia, two hundred units.

Robins Air Force Base, Georgia, two hundred units.

U.S. Air Force Installations, Oahu, Hawaii, two hundred units.

Scott Air Force Base, Illinois, four hundred units.

Keesler Air Force Base, Mississippi, four hundred units.

Seymour-Johnson Air Force Base, North Carolina, two hundred units.

Wright-Patterson Air Force Base, Ohio, three hundred units.

(b) Trailer court facilities—

(1) The Department of the Navy, fifty spaces, $150,000.

(2) The Department of the Air Force, three hundred eighty-nine spaces, $1,050,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $23,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) Construction at Fort Leavenworth, Kansas, of units which were authorized by Public Law 89–188 (79 Stat. 793) or 90–110 (81 Stat. 279), shall not be subject to the cost limitations of subsection (a) of this section or to the cost limitations contained in prior Military Construction Authorization Acts, but the average cost of such units shall not exceed $26,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $5,170,000.

(b) for the Department of the Navy, $6,300,000.

(c) for the Department of the Air Force, $7,400,000.

(d) for the Defense Agencies, $326,000.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, two hundred family housing units in foreign countries at a total cost not to exceed $5,523,000. This authority shall be funded by the use of excess foreign currencies, when so provided in Department of Defense Appropriation Acts, except that appropriation of $488,000 is authorized for purchase of United States manufactured equipment in support of the housing.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"SEC. 515. During fiscal years 1971 and 1972, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, if any, without rental charge, at or near any military installation in the United States, Puerto Rico or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than seven thousand five hundred such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $190 per month for each military department, nor the amount of $250 per month for any one unit, including the cost of utilities and maintenance and operation."

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by striking out "1970 and 1971" and inserting in lieu thereof "1971 and 1972."

SEC. 508. The Secretary of Defense, or his designee, is authorized to relocate family housing units from locations where they exceed requirements to military installations where there are housing shortages: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within sixty days of such notification.

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer

court facilities, and planning, an amount not to exceed $206,717,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $588.-636,000.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States $179,717,000; outside the United States, $83,197,000; section 102, $2,000,000; or a total of $264,914,000.

(2) for title II: Inside the United States, $245,930,000; outside the United States, $21,994,000; section 202, $974,000; or a total of $268,898,000.

(3) for title III: Inside the United States, $191,937,000; outside the United States, $30,460,000; section 302, $33,792,000; or a total of $256,189,000.

(4) for title IV: A total of $44,300,000.

(5) for title V: Military family housing, $795,353,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. (a) As of October 1, 1971, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, and III, and IV of the Act of December 5, 1969, Public Law 91–142 (83 Stat. 293), and all such authorizations contained in Acts approved before December 6, 1969, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1971, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of December 5, 1969, Public Law 91–142 (83 Stat. 293, 315), all authorizations for military public works (other than family housing), contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90–408 (82 Stat. 367), and all authorizations for appropriations therefor, and not superseded or otherwise modified, are hereby continued and shall remain in full force and effect until October 1, 1971.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date; and

(3) Notwithstanding the repeal provision of section 705(b) of the Act of December 5, 1969, Public Law 91–142 (83 Stat. 293, 316) authorization for two hundred and sixty family housing units at Fort Polk, Louisiana.

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Chapter 159 of title 10, United States Code, is amended:

(1) By striking out the figure "$200,000" in the item relating to section 2674 in the analysis and inserting "$300,000" in place thereof.

(2) By striking out the figure $200,000" in the catchline of section 2674 and inserting "$30,000" in place thereof.

(3) By striking out the figures "$200,000", "$50,000", and "$25,000" in section 2674(b) and inserting "$300,000", $100,000", and "$50,000", respectively, in place thereof.

(4) By striking out the figure "$25,000" in sections 2674 (a) and (e) and inserting "$50,000" in place thereof.

SEC. 608. Section 2675 of title 10, United States Code, is amended by (1) inserting "(a)" before "Notwithstanding", and by (2) adding the following new subsections:

"(b) A lease may not be entered into under this section if the average estimated an-

nual rental during the term of the lease is more than $250,000 until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.

"(c) A statement in a lease that the requirements of this section have been met, or that the lease is not subject to this section, is conclusive."

SEC. 609. Section 709 of the Military Construction Authorization Act, 1970 (83 Stat. 317), is amended by (1) deleting from the first sentence thereof "1971" and inserting in its place "1972"; and (2) deleting from the last sentence thereof "$750,000" and inserting in its place "$300,000".

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the timelag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community, and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for the fiscal year beginning July 1, 1970, for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs. Funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard Anti-ballistic Missile System may, to the extent specifically authorized in an annual military construction authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal prorgams.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all possible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall contain specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In addition, such study shall consider the feasibility of resettling the people of Culebra to another location in the Commonwealth of Puerto Rico, the cost of such a move, and the attitude of the people of Culebra to a generous resettlement plan that would have to be approved by a majority of the qualified electors of Culebra in a plebiscite. In preparing such study, the Secretary is directed to consider the impact of each of the alternatives on:

(1) the safety and well-being of the people who live on Culebra;

(2) the natural and physical environment of Culebra and adjoining cays and their recreational value;

(3) the development of a sound, stable economy in Culebra;

(4) the unique political relationship of Culebra and Puerto Rico to the United States;

(5) the operational readiness and proficiency of the Atlantic Fleet; and

(6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Forces of the Senate and the House of Representatives no later than April 1, 1971.

(c) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committee and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

SEC. 612. Effective October 28, 1969, section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) as amended, is amended by (1) inserting "or if as the result of such action and other similar action in the same area," after the word "part," in subsection (a) (3), and by (2) adding the following new subsection:

"(k) The authority provided by this section to the Secretary of Defense shall also be available when the Department of Defense has ordered a reduction in the scope of operations at a military base or installation. All references in subsections (a), (b), and (c) of this section to 'closures' or 'closings' or words of similar effect shall be deemed to include the reduction in scope of operations at a base or installation."

SEC. 613. Chapter 159 of title 10, United States Code, is amended as follows:

(1) by adding the following new section at the end thereof:

"§ 2683. Relinquishment of legislative jurisdiction

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

"(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law."; and

(2) by adding the following new item at the end of the analysis:

"2683. Relinquishment of legislative jurisdiction."

SEC. 614. Notwithstanding any other provisions of law, the Secretary of the Army, or his designee, is authorized to convey to the Anheuser-Busch Company, subject to such terms and conditions as the Secretary of the Army shall deem to be in the public interest, all right, title and interest of the United States in and to the land generally identified as Camp Wallace located in York County, Virginia, and James City County, Virginia, comprising approximately one hundred and ninety-one acres. In consideration of such conveyance by the Secretary of the Army, the Anheuser-Busch Company shall convey to the United States unencumbered fee title to certain lands generally identified as being a portion of the Oakland Farm in Newport News, Virginia, comprising approximately one hundred and ninety-one acres, together with such buildings and improvements thereon, or to be constructed thereon without cost to the United States, as are acceptable to the Secretary of the Army and subject to such other conditions as are acceptable to the Secretary of the Army. The exact acreages and legal descriptions of both properties are to be determined by accurate surveys as mutually agreed upon by the Secretary of the Army and the Anheuser-Busch Company: *Provided,* That the Secretary of the Army is authorized to accept the lands so conveyed to the United States which lands shall become a part of the Fort Eustis Military Reservation and be administered by the Department of the Army.

SEC. 615. Title I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1971".

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States $13,700,000.

(b) Army Reserve, $9,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $4,500,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $6,500,000.

(b) Air Force Reserve, $3,500,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift,

purchase, exchange of Government-owned land, or otherwise.

SEC. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1971".

And the Senate agree to the same.

L. MENDEL RIVERS,
G. ELLIOTT HAGAN,
CHARLES H. WILSON,
BILL NICHOLS,
W. C. "SAM" DANIEL,
WILLIAM G. BRAY,
DONALD D. CLANCY,
CARLETON J. KING,
ED FOREMAN,
Managers on the Part of the House.

HENRY M. JACKSON,
JOHN C. STENNIS,
SAM J. ERVIN, Jr.,
HOWARD W. CANNON,
HARRY F. BYRD, Jr.,
STROM THURMOND,
JOHN G. TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On May 20, 1970, the House of Representatives passed H.R. 17604 which is the fiscal year 1971 military construction authorization for the Department of Defense and Reserve components.

On September 29, 1970, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 17604, as passed by the House of Representatives, provided construction authorization to the military departments and the Department of Defense for fiscal year 1971 in the total amount of $1,999,365,000.

The bill as passed by the Senate provided new authorizations in the amount of $1,654,527,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 17604, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1971 in the amount of $1,667,154,000.

The Department of Defense and the respective military departments had requested a total of $2,060,094,000 for new construction authorization for fiscal year 1971. This amount included $334 million for ABM related construction later transferred by the Senate to the Military Procurement Bill. The action of the Conferees, therefore, reduces this departmental request by $158,940,000 rather than $392,940,000 as it would appear. After the House of Representatives had completed its action on H.R. 17604, the Department of Defense and the military departments requested certain additions which made the Senate consider a request of $17,087,000 more than the House of Representatives.

TOTAL AUTHORIZATION GRANTED, FISCAL YEAR 1971

Brief of authorizations

Title I (Army):	
Inside the United States	$179,717,000
Outside the United States	83,197,000
Section 102	2,000,000
Total	264,914,000
Title II (Navy):	
Inside the United States	$245,930,000
Outside the United States	21,994,000
Section 202	974,000
Total	268,898,000
Title III (Air Force):	
Inside the United States	191,937,000
Outside the United States	30,460,000
Section 302	33,792,000
Total	256,189,000
Title IV (defense agencies)	44,300,000
Title V (housing)	795,353,000
Title VII (Reserve components):	
Army National Guard	13,700,000
Army Reserve	9,300,000
Naval and Marine Corps Reserve	4,500,000
Air National Guard	6,500,000
Air Force Reserve	3,500,000
Total	37,500,000
Grand total of authorities granted by titles I, II, III, IV, V and VII	1,667,154,000

TITLE I—ARMY

The House had approved construction in the amount of $591,316,000 for the Department of the Army. This included $325.2 million for the SAFEGUARD System. The Senate approved construction for the Army in the amount of $259,297,000. This was a reduction of $329,217,000. However, $325.2 million of this amount was for construction for the SAFEGUARD System. These funds, which were originally included in the House version of the bill, were placed by the Senate in the Military Procurement Authorization bill and were retained in the conferees' report on that legislation. Therefore, Senate action resulted in an actual reduction from the House bill in the amount of $6,819,000.

The conferees agreed to a new total for Title I in the amount of $264,914,000.

Among the items, originally deleted by the House, and restored by the conferees were the following:

Fort Belvoir, Virginia—Anti-intrusion systems laboratory, $2,759,000

House action deleted this particular project believing that due to fiscal restraints the item could be deferred temporarily. However, the conferees, after thorough discussion, agreed to the inclusion of this vitally needed project. This project will provide facilities for the implementation of priority Research, Development and Subsystem Evaluation of Army Programs in anti-infiltration/barrier systems, designated surveillance, Target Acquisition and Night Observation items.

Ammunition storage—Saarland, Germany, $3,598,000

Deferral of this project by the House was related to rules for financing under the NATO Infrastructure rather than desirability of the project. After full discussion, the conferees agreed to restore the project because of a special agreement recently made for common sharing by NATO countries of relocation costs incurred by the move from France.

Since the U.S. share of NATO Infrastructure funding is about 30 percent, the U.S. cost of this project will be approximately $1,080,000. To obtain reimbursement, it is first necessary to fund this project under military construction authorization and when reimbursed, the funds will be used for paying the U.S. share of Infrastructure costs in future fiscal years.

The following item, originally deleted by the Senate, was restored by the conferees:

Fort Rucker, Alabama—Aviation accident research building, $1,435,000

This project was denied by the Congress last year even though the Army strongly urged its inclusion. Again this year the Army testified as to the necessity for the construction of this facility. The U.S. Army Board for Aviation Accident Research (USABAAR) is unique within the Army and is the embodiment of the Army aircraft accident research, education and prevention effort. The USABAAR mission is to enhance the durability of Army aircraft and related support equipment. House conferees felt that of equal importance to accident cause determination is the objective laboratory analysis of aircraft accident damaged parts and recommendations for the improved engineering design and development of aerodynamic control components, aircraft structures and propulsion units. Therefore, the House conferees were able to prevail on the Senate to restore this project to the bill.

Section 104

Section 104 was added by the Senate to authorize the Secretary of the Army to acquire at fair market value, State owned and privately owned land and estates in land and improvements thereon located within the boundaries of the White Sands Missile Range, New Mexico. This section was added for the purpose of acquiring in fee simple the land heretofore leased by the Army to carry out the functions at this missile range. The House agreed with this Senate action.

Section 105

The Senate also added Section 105 to authorize the Secretary of the Army to acquire fee title to approximately 160 acres in the vicinity of Mount Joy, Pennsylvania, for the construction of a prototype facility to augment and upgrade the area's Civil Defense warning capability. Funds for this acquisition will come out of appropriations which may be available for Civil Defense in the fiscal year 1971 Independent Offices Appropriations Act.

Deficiency authorization

One of the real controversial items faced by your conferees was the deficiency authorization request submitted by the Department of the Army after House consideration of the bill.

Last year the Military Construction Authorization Act contained, in Title I, the amount of $16.8 million for a Cadet Activities Building at the Military Academy West Point. An appropriation in that amount was also provided.

During the authorization hearings before the House Military Construction Subcommittee in April 1970, the Army witnesses requested authority to negotiate a contract for the Activities Building rather than go out for competitive bids so that they could be sure to stay within the authorization and funding provided. The Army request was agreed to. After House passage of the Authorization Bill, but before Senate action, the Army advised that the current working estimate for this building, as of August 14, 1970, exceeded the authorization and funds by $10,738,000, an increase of 64 percent.

The Senate Committee approved the deficiency request by the Army and included the $10.7 million in their bill with the understanding that additional appropriations would not be requested. The Senate made it incumbent upon the Army to use funds available to them for other purposes, in other words, make a decision as to priorities. Since the Congress is committed to the construction of this facility, the House conferees agree to the inclusion of the deficiency request. However, the funding proposal of the Senate was not acceptable to House conferees who insisted that the Army obtain an appropriation to cover this deficiency.

House conferees were of the opinion that the Senate approach was a "robbing Peter to pay Paul" situation and would probably cause some needed projects to be cancelled or reduced in scope by the Army to fund this cost overrun. After a very thorough discussion of this matter, the Senate conferees agreed that the habitual overruns on construction estimates at West Point are becoming intolerable, and receded to the House position of requiring the Army to request an appropriation for this deficiency and justify it before the Appropriations Committee.

The conferees also discussed the new Facilities Advisory Board being appointed to assist in the planning and review of the Military Academy construction program. It is the hope of all conferees that this review board will be successful in its mission of reviewing the future planning and construction programs and put a stop to the unreliable cost estimates previously provided the Congress for projects at West Point.

TITLE II—NAVY

The House approved $268,040,000 in new construction authorization for the Department of the Navy.

The Senate approved $268,913,000.

The conferees agreed to the new total in the amount of $268,898,000.

Resolution of major differences is discussed below:

Little Creek, Virginia—Amphibious base, $1,959,000

The Senate denied this project because it was believed nonessential at this time and could be deferred for a year without detriment to the Navy. House conferees felt that this was an urgent requirement to reduce the current deficit in bachelor enlisted spaces. Present World War II buildings are deteriorated beyond economical repair. After much discussion, the Senate receded, and this project was restored to the bill.

Jacksonville, Florida—Naval air rework facility, $2,481,000

The House version of the bill had provided this much needed facility. The Senate denied the project because it was believed nonessential at this time. The House conferees were able to convince the Senate conferees of the importance of this item by showing that the improvements in quality and savings in aircraft turnaround time would greatly improve fleet support and would result in a payback period of 2.8 years.

Naval training center, Orlando, Florida—Academic training buliding, $2,463,000; technical training building, $2,223,000

The House passed bill contained two projects for the naval training center totaling $11,327,000. The Senate added these two training buildings. After a thorough discussion of all projects under consideration and the value to the Navy of this essential training center, the House conferees were able to convince the Senate conferees that these projects previously deleted by the House could be safely deferred for at least one more year. The Senate receded.

Pearl Harbor, Hawaii—Fleet Intelligence Center, $4,579,000

The House in its consideration of this bill, denied the Navy's request for this important facility. The Senate included the requested authorization. The Fleet Intelligence Center at Pearl Harbor develops and produces intelligence to support Navy forces in the Pacific area, and the commander in chief, Pacific Fleet. Senate conferees were adamant in their position and insisted that this intelligence facility be included. After a thorough discussion of the importance of the Fleet Intelligence Center, House conferees receded.

Naval Shipyard, Pearl Harbor, Hawaii—Forge and propeller shop, $1,258,000

The House version of the bill had provided the forge and propeller shop requested by the Navy. The Senate conferees insisted that this project could safely be deferred for one year, and the House receded.

Other Navy items

The conferees approved the following items previously in dispute, for the welfare and morale needs of naval and Marine Corps personnel:

Auxiliary Landing Field, Bogue, North Carolina—Mess hall, $248,000.

Naval Public Works Center, Subic Bay, P.I.—Water supply and distribution center, $859,000.

Naval Ammunition Depot, Hawthorne, Nevada—Bachelor enlisted quarters, $495,000.

TITLE III—AIR FORCE

The House authorized new construction for the Department of the Air Force in the total amount of $250,771,000.

The Senate increased this authorization to $252,246,000.

One of the major items in controversy during the conference was the $2.3 million authorized by the House for the construction of a school building at the Bolling-Anacostia complex to provide for the education of dependents of military personnel residing in the Bellevue, Wilburn, and Bolling family housing areas at this installation.

The Senate did not include authorization for this school in its bill.

The conferees from both Houses deplore the horrendous situation that exists in the District of Columbia School System which children of military parents living in the Bolling-Anacostia area are forced to endure. Nevertheless, the conferees did not feel at this time that funds from the austere military budget should be allocated for construction and operation of a dependent school at Bolling-Anacostia.

The conferees strongly urge the Secretary of Defense, however, to work with the District of Columbia School Board to expand the present school on the Bolling-Anacostia complex, which is operated by the District of Columbia, from the three grades now in operation to a full-size school; namely, from kindergarten to the twelfth grade, to serve the military dependents living in the Bolling-Anacostia complex. The Secretary of Defense, together with District School authorities, should explore and utilize all available Federal programs under which financial support can be obtained to accomplish this objective.

The Secretary of Defense shall report the results of this undertaking to the Committees on Armed Services of the House of Representatives and Senate prior to submission of the Department's fiscal year 1972 Military Construction Authorization request.

The House conferees therefore reluctantly yielded.

Among the Air Force items in controversy resolved during the House-Senate conference were the following:

Peterson Field, Colorado—Base administration facilities, $1,646,000

The House version of the bill omitted this project. It was included in the Senate version. Since this construction will be the final phase of a two-phase project for relocating the Air Base Wing to Peterson Field and will make possible the complete consolidation of all Headquarters Wing administrative functions at Peterson Field, the House receded.

Griffiss Air Force Base, New York—Electronic research laboratory, $1,060,000

The House version of the bill originally contained authorization for this vital project, but in the Senate review it was deleted. After a thorough discussion among the conferees, the House conferees convinced the Senate conferees that a centrally located facility will assure effective development and availability of electronic reliability and maintainability data for weapons systems. The Senate, therefore, receded.

Kelly Air Force Base, Texas—Addition to headquarters facility, $965,000

The House, in its consideration of the bill, deleted this project because it felt that this project could be safely deferred for another year. However, the Senate conferees were very persuasive and pointed out that construction of this facility will result in savings in personnel, savings, utilities, and transportation costs and produce annual savings of $223,000. The House receded.

Wright-Patterson Air Force Base, Ohio—Logistics management facility, $6,379,000

This project was denied by the House in its consideration of the bill. The Senate Committee added the project during its consideration. Air Force testimony was to the effect that the space presently occupied was inadequate and that the effectiveness of both personnel and equipment is significantly reduced. However, it was believed by the House conferees that the present space could be used and the present work load be accomplished in these facilities for at least one more year. The Senate receded.

Other projects

Some of the other projects initially deleted in the House version of the bill but added by the Senate and on which the House conferees receded were as follows:

George Air Force Base, California—aircraft engine test facility, $134,000.

Lowry Air Force Base, Colorado—technical training research facility, $559,000.

Beale Air Force Base, California—aircraft maintenance dock, $590,000.

Nellis Air Force Base, Nevada:

Aircraft engine test facility, $129,000.

Post Office, $239,000.

Electrical distribution system, $282,000.

Ramstein, Germany—Avionics shop, $507,000.

Section 302

There were two classified projects requested by the Department of Defense to be included in Section 302 after House consideration of the bill. These two projects totaled $12,080,000 and were added by the Senate during their consideration of the bill. After a thorough discussion among the conferees about the necessity for these classified projects, the House agreed to their inclusion in the bill.

TITLE IV—DEFENSE AGENCIES

The Administration requested an addition to this title in the amount of $700,000 after the House had considered the bill. This $700,000 was for land acquisition and the acquisition of easements on 115 acres to provide a buffer zone at the National Security Agency at Fort Meade, Maryland.

Senate conferees convinced House conferees of the necessity for this authorization, and the House agreed to its inclusion in the bill.

TITLE V—FAMILY HOUSING

The Administration requested authorization for 8,000 new family housing units for fiscal year 1971 at a cost of $196,507,000. The balance of the request for new authorization in Title V, $589,536,000, was for improvements to adequate quarters, minor construction, rental guarantee payments, debt payments, and mortgage insurance premiums.

The Senate deleted 400 units (for two Safeguard sites) and authorized 400 units in the Defense Procurement Authorization Act for fiscal year 1971 (H.R. 17123). The Senate also reduced the authorization request for new construction by $8.8 million, and it was added to the Defense Procurement Authorization Act. The House receded.

Further, the Administration requested that the average per-unit cost limitation for units constructed in the United States be increased from $21,000 to $24,000. The House approved the $24,000 figure. The Senate approved a new average cost limitation of $22,500. The conferees agreed on a new average cost limitation of $23,000.

The Senate added, at the request of the Defense Department, authority to build units previously authorized, but not under contract, at Fort Leavenworth, Kansas, at an average cost of $26,000 as an exception to the average unit cost and the provisions of section 503. The House agreed to retain this provision.

The House had originally approved 20 units of family housing for the Army at New Cumberland Army Depot, Pennsylvania. Subsequent to the House approval of the bill, but prior to the approval of the Senate, the Army requested that the 20 units be deleted from New Cumberland Army Depot and in lieu thereof 20 units be included for Fort Carson, Colorado. The Senate approved the Army's request. The House recedes and concurs in the provision of 20 additional units at Fort Carson, Colorado.

TITLE VI—GENERAL PROVISIONS

Section 604

Section 604 of the House version provided, among other things, that the Secretaries of the military departments would report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts *awarded* on other than a competitive basis to the lowest responsible bidder. The Senate version, instead of using the phrase contracts *awarded*, used the phrase "contracts *completed*." The House conferees felt that by use of the word "completed" this section was not restrictive enough and insisted that the word awarded be used instead of the word "completed". Further, in order to further restrict the language of 604, the conferees agreed to add language excepting architect/engineer contracts from being awarded on a competitive basis unless specifically authorized by the Congress and stating that such contracts should continue to be awarded in accordance with presently established procedures, customs, and practices.

The Senate recedes.

Section 605(3)

The Senate added an exception to the repealing clause excluding therefrom the 260 family housing units authorized for Fort Polk, Louisiana.

The House recedes.

Section 606

The Senate deleted cost limitations on cold storage and regular warehousing. The House included such limitations. These limits were initiated during the Korean conflict when considerable warehousing was being constructed. In the past few years this portion of the program has only averaged approximately $5 million.

In view of the reduction in this type of construction, the House recedes.

Section 607

The House version of this section approved the Department of Defense request to increase the present dollar ceilings and approval limitations on minor construction as follows:

(a) The maximum limit on minor construction would be increased from $200,000 to $300,000;

(b) The approval level of the Secretary of a Military Department would be increased from $50,000 to $100,000. Above this limit requires the approval by the Secretary of Defense or his designee;

(c) The level that can be accomplished under operation and maintenance would be raised from $25,000 to $50,000; and

(d) A determination of urgency would not be required for projects of $50,000 or less in lieu of the present $25,000 level.

The Senate version would:

Decrease the proposed levels of (a) to $250,000 maximum.

Reduce the Service approval level (b) from $100,000 to $75,000, and

Reduce the (c) operation and maintenance, and (d) certification level from $50,000 to $37,500.

The Senate recedes.

Section 610

The Senate deleted the general provision related to the $2.3 million for construction of a school in Title III for the Bolling-Anacostia area.

The House recedes with the explanation heretofore provided under Title II.

Section 610

A new Section 610 was added by the Senate and replaces Section 610 of the House version, explained above, to provide assistance to local communities near Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, which will have to provide increased services and facilities arising from the construction and operation of the proposed ABM sites.

House conferees agreed that financial assistance to these small communities would be needed but that some limitation should be placed in the bill to provide Congressional review of the assistance to be given out of the Safeguard ABM appropriations. Therefore, House conferees proposed an amendment providing that "funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971 for carrying out the Safeguard Anti-Ballistic Missile System may, to the extent specifically authorized in an annual military construction authorization act, be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs".

The Senate recedes.

Section 611

This section was added to the House bill by the Senate to require a study and ultimate determination of the Culebra problem. This particular section was one of the most controversial matters contained in the bill and a very thorough and lengthy discussion regarding same was held by the conferees. The Senate had provided for a comprehensive study and a report by the Secretary of Defense to the President of the United States and Chairmen of the Committees on Armed Services of the Senate and House of Representatives no later than April 1, 1971. It was provided that pending the completion of the report required and its review that the Navy was directed to avoid any increase or expansion of the present range activities in or around the Culebra complex. One other section of the Senate amendment was a direction to the Navy to terminate all range activities on or near the eastern coast cays within 3 nautical miles of the eastern coast not later than January 1972, unless the President of the United States made a determination that the national security required continuation of such activities beyond that date.

House conferees insisted and were adamant in their position that the direction to terminate all activities by a certain date must be stricken. The House conferees agreed to the study required in the Senate amendment with the following proviso:

"In addition, such study shall consider the feasibility of resettling the people of Culebra to another location in the Commonwealth of Puerto Rico, the cost of such a move, and the attitude of the people of Culebra to a generous resettlement plan that would have to be approved by a majority of the qualified electors of Culebra in a plebiscite."

The discussion on this matter resulted in the deletion of the section directing termination of activities (section c) and the addition of the suggested language by the House conferees.

The Senate recedes.

Section 612

Section 612 was added by the Senate at the request of the Defense Department after House consideration. It amends the authority under the Homeowner's Assistance program to permit considering (1) the cumulative effect of several base closures in an area and (2) reductions in scope of operations at an installation, as well as an outright closure.

The House recedes and agrees to the inclusion of this provision.

Section 613

Section 613 was added by the Senate after House consideration at the request of the Defense Department. This section would permit the Secretary of a Military Department to relinquish to a State the jurisdiction of the United States over lands or interests under his control in that State.

This would simply permit local authorities to perform certain functions such as fire protection and law enforcement at or near military installations where they now have no authority. Heretofore, this question had been handled on an installation by installation basis and required legislation in each instance.

The House recedes and agrees to inclusion of this section.

Section 614

Section 614 was added by the Senate to permit the exchange of approximately 191 acres of land in the vicinity of Fort Eustis, Virginia. After much discussion and with the knowledge that the Government will gain considerably by this exchange, the House recedes and agrees to the inclusion of this provision.

L. MENDEL RIVERS,
G. ELLIOTT HAGAN,
CHARLES H. WILSON,
BILL NICHOLS,
W. C. DANIEL,
WILLIAM G. BRAY,
DONALD D. CLANCY,
CARLETON J. KING,
ED FOREMAN,
Managers on the Part of the House.

AGRICULTURAL ACT OF 1970

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1594)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Agricultural Act of 1970".

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed $55,000.

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided,* That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following: "(d) a further adjustment to encourage seasonal adjustments in the production of milk through equitable apportionment of the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions, shall be made in the order for the allocation of bases under this clause (f)—

"(i) for the alleviation of hardship and inequity among producers; and

"(ii) for providing bases for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during any part of the representative period and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

"(iii) dairy farmers not delivering milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

"(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

"(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall within ninety days be provided with respect to milk delivered under the order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they are delivering milk under the order on the same basis as producers under the order on the effective date of order provisions authorized under this clause (f): *Provided,* That bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

(b) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

(c) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 31, 1971.

(d) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

(e) The provisions of this section shall not be effective after December 31, 1973 except with respect to orders providing for Class I base plans issued prior to such date, but in no event shall any order so issued extend or be effective beyond December 31, 1976.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

DAIRY INDEMNITY PROGRAM

SEC. 204. (a) Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750), is amended by striking out the word "June 30, 1970.", and inserting in lieu thereof the word "June 30, 1973.".

(b) The first sentence of section 1 of said Act is amended by inserting, "and manufacturers of dairy products who have been directed since the date of enactment of the Agricultural Act of 1970 to remove their dairy products," after "milk", and the second sentence is revised to read: "Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.".

TITLE III—WOOL

SEC. 301. The National Wool Act of 1954, as amended, is amended as follows:

(1) Designate the first two sentences of section 703 as subsection "(a)", and, in the second sentence, delete "1970" and substitute "1973".

(2) In the third sentence of section 703, delete the portion beginning with "The support price for shorn wool shall be" and ending with *"Provided further,* That the" and substitute "The", designate the third sentence as subsection "(b)", change the period at the end thereof to a colon and add the following: *"Provided,* That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for shorn wool shall be 72 cents per pound, grease basis.".

(3) Designate the fourth and fifth sentences of section 703 as subsection "(c)", change the period at the end of the fifth sentence to a colon and add the following:

"Provided, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for mohair shall be 80.2 cents per pound, grease basis.".

(4) Designate the sixth sentence of section 703 as subsection "(d)".

(5) Designate the last sentence of section 703 as subsection "(e)".

TITLE IV—WHEAT

SEC. 401. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, section 107 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 107. Nothwithstanding any other provision of law—

"(a) Loans and purchases on each crop of wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains: *Provided,* That in no event shall such level be in excess of the parity price for wheat or less than $1.25 per bushel.

"(b) If a set-side program is in effect for any crop of wheat under section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, certificates, loans and purchases shall be made available on such crop only to producers who comply with the provisions of such program."

SEC. 402. Effective only with respect to the 1971, 1972, and 1973 crops of wheat sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, are further amended to read as follows:

"SEC. 379(b). (a) The Secretary shall provide for the issuance of wheat marketing certificates for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates. The face value per bushel of domestic marketing certificates for the 1971, 1972, and 1973 crops of wheat shall be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

"(b) The domestic wheat marketing certificates shall be made available for a farm on the number of bushels determined by multiplying the domestic allotment for the farm for the crop in which such certificates relate by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary and will be estimated by the Secretary to result in a set-aside not in excess of 13.3 million acres in the case of the 1971 crop, or 15 million acres in the case of the 1972 or 1973 crop, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to wheat on the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized in subsection (b), available to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The wheat program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this subsection (c), he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, marketing certificates, and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of certificates issued and of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the issuance of certificates and the making of loans, purchases, and payments, the Secretary may, nevertheless, issue such certificates and make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(f) The Secretary shall advance to producers, as soon as practicable after July 1 of the year in which the crop is harvested, an amount equal to 75 per centum of the Secretary's estimate of the face value of certificates to be issued with respect to such crop and such advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined in less than the advance, the difference shall not be required to be repaid.

"(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(h) Marketing certificates issued under this Act and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"SEC. 379c. (a)(1) The farm domestic allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim a national domestic allotment for the 1972 and 1973 crops of wheat not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop (not less than 535 million bushels). The national domestic allotment for any crop of wheat shall be apportioned by the Secretary among the States on the basis of the apportionment to each State of the national domestic allotment for the preceding crop adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(2) The State domestic acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the domestic wheat allotment for the preceding crop, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(3) The farm domestic allotment for each crop of wheat shall be determined by apportioning the county domestic wheat allotment among farms in the county which had a domestic wheat allotment for the preceding crop on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. The farm domestic allotment for the 1971 crop of wheat shall be determined

by multiplying the farm acreage allotment established for the 1971 crop by a national allocation percentage established in the same manner as for the 1970 crop, but which will result in the allotment of a total of not less than 19.7 million acres and will be based on a wheat marketing allocation of not less than 535 million bushels. Notwithstanding any other provision of this subsection, the farm domestic allotment shall be adjusted downward to the extent required by subsection (b).

"(4) Not to exceed 1 per centum of the State domestic allotment for any crop may be apportioned to farms for which there was no domestic allotment for the preceding crop on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm domestic allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

"(5) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for a domestic allotment under subsection (a)(3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a)(4).

"(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

"(b)(1) If for any crop the total acreage of wheat planted on a farm is less than the farm domestic allotment, the farm domestic allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm domestic allotment, but such reduction shall not exceed 20 percentum of the farm domestic allotment for the preceding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has a domestic allotment, such farm shall lose its domestic allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the domestic allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to wheat because of drought, flood, or other natural disaster or a condition beyond the control of the producer shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"(2) Notwithstanding the provisions of subsection (b)(1), no farm domestic allotment shall be reduced or lost through failure to plant the farm domestic allotment, if the producer elects not to receive certificates for the portion of the farm domestic allotment not planted, to which he would otherwise be entitled under the provisions of this Act."

SEC. 403. Effective only with respect to the marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) by deleting in the first sentence of section 379d(b) the words "During any marketing year for which a wheat marketing allocation program is in effect," and substituting "During each marketing year,";

(2) by adding at the end of section 379d (b) the following: "Notwithstanding the foregoing, the Secretary is authorized, to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1971, and ending June 30, 1974.

(3) by adding at the end of section 379e the following: "Notwithstanding any other provision of this Act, Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1971, 1972, and 1973 crops of wheat to persons engaged in the processing of food products but in determining the cost to processors the face value shall be 75 cents per bushel."

SEC. 404. Effective only with respect to the 1971, 1972, and 1973 crops, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) sections 331, 332, 335, 336, 338, and 339 shall not be applicable to the 1971, 1972, and 1973 crops of wheat;

(2) sections 333 and 334 shall not be applicable to the 1972 and 1973 crops of wheat;

(3) by adding in section 378 a new subsection (e) to read as follows:

"(e) The term 'allotment' as used in this section includes the domestic allotment for wheat."

(4) by adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat." and

(5) by adding in the first sentence of section 385 after the words "parity payment," the words "payments (including certificates) under the wheat and feed grain set-aside programs,".

SEC. 405. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, section 706, Public Law 89-321 (79 Stat. 1210), is amended as follows:

(1) by adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended," the words "or the Agricultural Act of 1949, as amended,"; and

(2) by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat."

SEC. 406. Public Law 74, Seventy-seventh Congress (68 Stat. 905), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1971, 1972, and 1973.

SEC. 407. The amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop of wheat may be reduced by the amount by which the actual total production of the 1971, 1972, or 1973 crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm for the purpose of issuance of domestic marketing certificates. The provisions of such section shall continue to apply to the wheat so stored to the extent not inconsistent therewith.

SEC. 408. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity the Agricultural Act of 1949 as amended is further amended by adding in section 408 a new subsection (k) as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

SEC. 409. Section 407 of the Agricultural Act of 1949, as amended, is further amended effective only with respect to the marketing years for the 1971, 1972, and 1973 crops of the commodity as follows:

(1) by deleting in the third sentence the language following the third colon and substituting the following: *"Provided,* That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges."

(2) by deleting in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and substituting "current basic county loan rate (or a comparable price if there is no current basic county loan rate)", and

(3) by deleting in the seventh sentence ", but in no event shall the purchase price exceed the then current support price for such commodities." and substituting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use."

SEC. 410. Notwithstanding any other provision of law, for the 1971, 1972, and 1973 crops of wheat, feed grains and cotton, if in any year at least 55 per centum of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside under the wheat, feed grain and cotton programs for such year.

TITLE V—FEED GRAINS

SEC. 501. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 105. Notwithstanding any other provision of law—

"(a)(1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than $1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

"(2) The Secertary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secertary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"(b)(1) In addition, the Secretary shall make available to producers payments for

each crop of corn, grain sorghums, and, if designated by the Secretary, barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will not be less than (A) $1.35 per bushel, or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever is the greater. The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. Notwithstanding the foregoing, the rate of payment for the 1973 crop shall not be such as will result in a total amount of payments which the Secretary estimates will be made pursuant to this subsection with respect to the 1973 crop of feed grains above the total amount of payments made pursuant to this subsection with respect to the 1972 crop of feed grains by reason of the level specified in clause (B) being fixed above 68 per centum of the parity price for corn.

"(2) The payments with respect to a farm shall be made available on 50 per centum of the feed grain base for the farm and shall be computed on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per centum of the feed grain base. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain base, such farm shall lose its feed grain base: *Provided,* That no farm feed grain base shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain base not planted, to which he would otherwise be entitled under the provisions of this Act. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain bases as provided for in subsection (e)(2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the portion of the feed grain base on which payments are made available shall be considered to have planted an acreage equal to 100 per centum of such portion. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans or to wheat considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain or soybean program.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section. If for any crop, the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 328 of the Food and Agriculture Act of 1962, the term 'feed grains' shall include oats and rye, and barley, if not designated by the Secretary as provided above. Such section 328 shall be effective in 1971, 1972, 1973 to the same extent as it would be if a diversion program were in effect for feed grains during each of such years. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The feed grain program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"(e)(1) For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums and, if designated by the Secretary, barley in 1959 and 1960.

"(2) The Secretary may make such adjustments in acreage under this section as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm. The Secretary shall, upon the request of a majority of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county in order to establish fair and equitable feed grain bases for farms within such State or county: *Provided,* That except for acreage provided for in subsection (b)(3), adjustments made pursuant to this sentence shall not increase the total State feed grain acreage. The Secretary is authorized to draw upon the acreage pool provided for in subsection (b)(3) in making such adjustments. Notwithstanding any other provision of this subsection, the feed grain base for the farm shall be adjusted downward to the extent required by subsection (b)(3).

"(3) Notwithstanding any other provision of this subsection not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: suitability of the land for the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. No part of such reserve shall be allocated to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for feed grains. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this section.

"(f) In any case, in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he deter-

mines to be equitable in relation to the seriousness of the default.

"(g) The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 32 cents per bushel for corn, with comparable rates for grain sorghums and, if designated by the Secretary, barley, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment. If the set-aside in effect under subsection (c) is less than 20 per centum of the feed grain base, the preliminary payment rate under this subsection shall be reduced proportionately.

"(h) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation."

TITLE VI—COTTON

SEC. 601. The Agricultural Adjustment Act of 1938, as amended, is amended effective beginning with the 1971 crop of upland cotton as follows:

(1) Sections 342, 343, 344, 345, 346, and 377 of the Act shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops.

(2) A new section 342a is added to read as follows:

"SEC. 342a. The Secretary shall, not later than November 15, of the calendar years 1970, 1971, and 1972, proclaim a national cotton production goal for the 1971 and subsequent crops of upland cotton. The national cotton production goal for any year shall be the number of bales of upland cotton (standard bales of four hundred and eighty pounds net weight) equal to the estimated domestic consumption and estimated exports for the marketing year beginning in the calendar year for which such national cotton production goal is proclaimed, plus an allowance of not less than 5 per centum of such estimated consumption and estimated exports for market expansion except that the Secretary shall make such adjustments in the amount of such production goal as he determines necessary after taking into consideration the estimated stocks of upland cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 per centum of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of upland cotton needed in the United States and in foreign cotton consuming countries and, in addition, to provide an adequate reserve for purposes of national security."

(3) Effective only with respect to the 1971, 1972, and 1973 crops, section 344a is amended as follows:

(1) subsection (a) is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary shall (1) permit the owner and operator of any farm for which a farm base acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for which a farm base acreage allotment is established (other than pursuant to section 350(e)(1)(A)) for transfer to such farm; and (2) permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him: *Provided*, That any temporary transfer of farm acreage allotment by lease or by owner approved by the county committee to take effect during the period 1966 through 1970 for a term extending beyond 1970 shall be approved pro rata on the basis of the farm base acreage allotment for the farm from which the transfer is made, but no temporary transfer by lease entered into after March 15, 1970, shall be approved for 1974 and subsequent crops."

(2) subdivisions (ii), (iv), (v), and (vi) of subsection (b), the last sentence of subsection (b) and subsections (e) and (h) shall not be applicable to the 1971, 1972, and 1973 crops: *Provided*, That no farm allotment may be sold or leased for transfer to a farm in another county unless the Agricultural Stabilization and Conservation Committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for the county from which such transfers are being made (1) finds that a demand for such acreage allotments no longer exists in such county and (2) approves any transfers of allotments to farms outside such county.

(4) Section 350 of the Act is amended to read as follows:

"SEC. 350. (a) The Secretary shall establish for each of the 1971, 1972, and 1973 crops of upland cotton a national base acreage allotment. Such national base acreage allotment shall be announced not later than November 15 of the calendar year preceding the year for which the national base acreage allotment is to be effective. The national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that such national base acreage allotment shall be eleven million five hundred thousand acres for the 1971 crop and in the case of the 1972 and 1973 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies.

"(b) The national base acreage allotment for each crop of upland cotton shall be apportioned by the Secretary to the States on the basis of the acreage planted (including acreage regarded as having been planted) to upland cotton within the farm acreage allotment or the farm base acreage allotment, whichever is in effect, during the five calendar years immediately preceding the calendar year in which the national cotton production goal is proclaimed, with adjustments for abnormal weather conditions or other natural disaster during such period.

"(c) The State base acreage allotment for each crop of upland cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsection (b): *Provided*, That the State committee may reserve not to exceed 2 per centum of its State acreage allotment which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

"(d) The Secretary shall adjust the apportionment base for each county as may be necessary because of transfers of allotments across county lines.

"(e)(1) The county base acreage allotment for the 1971 crop shall be apportioned to old cotton farms in the county on the basis of the domestic acreage allotment established for the farm for the 1970 crop. For the 1972 and each subsequent crop of upland cotton the county base acreage allotment shall be apportioned to old cotton farms in the county on the basis of the farm base acreage allotment established for such farm for the preceding year. The county committee may reserve not in excess of 10 per centum of the county allotment which, in addition to the acreage made available under the proviso in subsection (c), shall be used for (A) establishing allotments for farms on which cotton was not planted (or regarded as planted) during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm allotments established under this paragraph so as to establish allotments which are fair and reasonable in relation to the factors set forth in this paragraph and abnormal conditions of production on such farms, or in making adjustments in farm allotments to correct inequities and to prevent hardships. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the Agricultural Act of 1970.

"(2) If for any crop the total acreage of cotton planted on a farm is less than the farm base acreage allotment, the farm base acreage allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm base acreage allotment, but such reduction shall not exceed 20 per centum of the farm base acreage allotment for the preceding crop. If not less than 90 per centum of the base acreage allotment for the farm is planted to cotton, the farm shall be considered to have an acreage planted to cotton equal to 100 per centum of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton. For the purpose of this paragraph, the Secretary shall, in the event producers of wheat or feed grains are permitted to do so, permit producers of cotton to have acreage devoted to soybeans, wheat, or feed grains considered as devoted to the production of cotton to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the cotton or soybean program.

"(3) If no acreage is planted to cotton for any three consecutive crop years on any farm which had a farm base acreage allotment for such years, such farm shall lose its base acreage allotment.

"(f) Effective for the 1971, 1972, and 1973 crops, any part of any farm base acreage allotment on which upland cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the farm base acreage allotment for such farm and may be reapportioned by the county committee to other farms in the same county receiving farm base acreage allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of upland cotton, land, labor, equipment available for the production of upland cotton, crop rotation practices, and soil and other physical facilities affecting the production of upland cotton. If all of the acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used to make adjustments in farm base acreage allotments, for other farms in the State adversely affected by abnormal conditions affecting plantings or to correct inequities or to prevent hardship. Any farm base acreage allotment released

under this provision shall be regarded for the purpose of establishing future farm base acreage allotments as having been planted on the farm and in the county where the release was made rather than on the farm and in the county to which the allotment was transferred: *Provided,* That notwithstanding any other provision of law, any part of any farm base acreage allotment for any crop year may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage released under this subsection shall be credited to the State in determining future allotments.

"(g) Any farm receiving any base acreage allotment through release and reapportionment or sale, lease, or transfer shall, as a condition to the right to receive such allotment, comply with the set-aside requirements of section 103(e)(4) of the Agricultural Act of 1949, as amended, applicable to such acreage as determined by the Secretary.

"(h) Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of drought, flood, other natural disaster, or a condition beyond the control of the producer a portion of the farm base acreage allotment in a county cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of such cotton acreage for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of upland cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm base acreage allotment transferred under this subsection shall be regarded as planted to upland cotton on the farm and in the county and State from which transfer is made for purposes of establishing future farm, county and State allotments."

SEC. 602. Effective beginning with the 1971 crop of upland cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e)(1) The Secretary shall upon presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators non-recourse loans for a term of ten months from the first day of the month in which the loan is made at such level as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average world price for such cotton for the two-year period ending July 31 in the year in which the loan level is announced, except that to prevent the establishment of such a loan level as would adversely affect the competitive position of United States upland cotton, following one or more years of excessively high prices, the Secretary shall make such adjustments as are necessary to keep United States upland cotton competitive and to retain an adequate share of the world market for such cotton. The average world price for such cotton for such preceding two-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. Notwithstanding the foregoing, if the carryover of upland cotton as of the beginning of the marketing year for the 1972 or 1973 crop exceeds 7.2 million bales, producers on any farm harvesting cotton of such crop from an acreage in excess of the base acreage allotment for such farm shall be entitled to loans and purchases only on an amount of the cotton of such crop produced on such farm determined by multiplying the yield used in computing payments for such farm by the base acreage allotment for such farm.

"(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972, and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the national average market price for Middling one-inch upland cotton (micronaire 3.5 through 4.9) in the designated spot markets during the first five months of the marketing year for the crop, the Secretary determines will be equal to the greater of (i) 35 cents, or (ii) 65 per centum of the parity price for upland cotton as of the beginning of the marketing year, except that the rate of payment so determined for the 1972 crop and the 1973 crop, respectively, shall be adjusted by multiplying the amount thereof by the ratio of (i) the national base acreage allotment for the 1971 crop to (ii) the national base acreage allotment for the crop for which the rate is being determined: *Provided,* That the payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 350(f)), (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3). The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted within the farm base acreage allotment for the farm for the crop by the average yield established for the farm: *Provided,* That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton. The average yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided,* That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster: *Provided, further,* That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

"(4)(A) The Secretary shall provide for a set aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm base acreage allotment for the farm as may be specified by the Secretary (not to exceed 28 per centum of the farm base acreage allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. If the Secretary determines prior to the planting season for such crop that the carryover of upland cotton as of the beginning of the marketing year for the 1972 or 1973 crop will exceed 7.2 million bales, the Secretary is authorized for such crop to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to such percentage of the farm base acreage allotment as he determines necessary to reduce the total supply to a reasonable level. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago, ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

(B) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (e)(2), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (e)(4)(A). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on up-

land cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (e)(6) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities."

"(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

"(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this Title.

"(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(11) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection."

SEC. 603. Effective only with respect to the period beginning August 1, 1971, and ending July 31, 1974, the tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 110 per centum of the loan rate for Middling one inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges and (2)".

SEC. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: *"And provided,* That for the 1971, 1972, and 1973 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 103(e)."

SEC. 605. Effective only with respect to the 1971, 1972, and 1973 crops the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) By adding in section 378 a new subsection (d) to read as follows:

"(d) The term 'allotment' as used in this section includes the farm base acreage allotment for upland cotton."

(2) By adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

(3) By adding in the first sentence of section 385 after the words "parity payment," the words "payments under the cotton set-aside program,".

SEC. 606. Effective only with respect to the 1971, 1972, and 1973 crops, section 706, Public Law 89-321 (79 Stat. 1210) is amended by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

SEC. 607. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (1) as follows:

"REFERENCE TO TERMS MADE APPLICABLE TO UPLAND COTTON

"(1) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act."

SEC. 608. Section 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1971, 1972, and 1973 crops.

SEC. 609. The Secretary shall file annually with the President for transmission to the Congress a complete report of the programs carried out under this title. Such report shall include the amount of funds spent, the purposes for which such funds were spent, the basis for participation in such programs in the various States, and an appraisal of the effectiveness of the programs.

SEC. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsections (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. The Secretary is authorized to deduct from funds available for payments to producers under section 103 of the Agricultural Act of 1949, as amended, on each of the 1972 and 1973 crops of upland cotton such additional sums for use as specified above (not exceeding $10,000,000 for each such crop) as he determines desirable; and the final rate of payment provided in section 103 if higher than the rate of the preliminary payment provided in such section shall be reduced to the extent necessary to defray such costs. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton.

TITLE VII—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

SEC. 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83-480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973.".

SEC. 702. Section 104 of such Act is amended by inserting before the comma at the end of paragraph (1) of the first proviso following subsection (k) the following: ", and in the case of currencies to be used for the purposes specified in paragraph (2) of subsection (b) the Appropriation Act may specifically authorize the use of such currencies and shall not require the appropriation of dollars for the purchase of such currencies".

TITLE VIII—GENERAL AND MISCELLANEOUS

LONG-TERM LAND RETIREMENT

SEC. 801. Section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, is amended—

(1) By inserting "(A)" after "Sec. 16(e)(1)".

(2) By inserting in the first sentence after "For the purpose of promoting the conservation and economic use of land" the following: ", and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms,".

(3) By inserting in the first sentence after "is authorized to enter into agreements," the following: "during the calendar years 1971, 1972, and 1973,".

(4) By striking out the proviso at the end of paragraph (1) and inserting in lieu thereof the following: "*Provided,* That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage.".

(5) By inserting a new subparagraph (B) at the end of paragraph (1) to read as follows:

"(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The Secretary may also provide for payment in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance."

(6) By adding at the end of paragraph (2) the following: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or

other agency having the right of eminent domain."

(7) By adding at the end of paragraph (4) the following: "Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest."

(8) By adding at the end of paragraph (5) the following: "The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community."

(9) By adding a new paragraph (6) to read as follows:

"(6) For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in rural areas in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purpose of the program will be accomplished by such action. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of $250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

(10) By striking out the last sentence of paragraph (7) and substituting the following: "In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1971, through June 30, 1973, or during the period June 30, 1973, to December 31, 1973, (A) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (B) enter into agreements with States or local agencies under paragraph (6) which would require payments to such State or local government agencies in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made."

(11) By striking out "June 30, 1963" in paragraph (7) and substituting "June 30, 1972".

(12) By inserting "farming opportunities and" preceding the words "interests of tenants and sharecroppers in paragraph (3)".

MARKETING QUOTA EXEMPTION FOR BOILED PEANUTS

SEC. 802. The last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (7 U.S.C. 1359 note), is amended to read as follows: "This amendment shall be effective for the 1957 and subsequent crops of peanuts."

VOLUNTARY RELINQUISHMENT OF ALLOTMENTS

SEC. 803. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

INDEMNIFICATION FOR BEEKEEPERS

SEC. 804. (a) The Secretary of Agriculture is authorized to make indemnity payments to beekeepers who through no fault of their own have suffered losses of honey bees after January 1, 1967, as a result of utilization of economic poisons near or adjacent to the property on which the beehives of such beekeepers were located.

(b) The amount of the indemnity payment in the case of any beekeeper shall be determined on the basis of the net loss sustained by such beekeeper as a result of the loss of his honey bees.

(c) Indemnity payments shall be made only in cases in which the loss occurred as a result of the use of economic poisons which had been registered and approved for use by the Federal Government.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(e) The Secretary is authorized to issue such regulations as he deems necessary to carry out the purposes of this section.

(f) The provisions of this section shall not be in effect after December 31, 1973.

SEC. 805. (a) Notwithstanding any other provision of law, the Secretary shall permit any producer who is participating in the wheat program under title IV of this Act, in the feed grain program under title V of this Act, or in the cotton program under title VI of this Act, in any year in which an acreage diversion or set-aside program is in effect, under any such program in which such producer is participating, subject to the conditions prescribed in subsection (b) of this section, to plant and harvest hay from 25 per centum of the acreage on the farm diverted from production under such programs or twenty-five acres, whichever is greater.

(b) Any producer who elects to plant and harvest hay on diverted or set aside acreage pursuant to this section shall first agree not to use any such hay harvested from such acreage unless authorized to do so by the Secretary.

(c) When any diverted or set aside acreage has been planted and harvested under authority of this section, the hay harvested therefrom shall be baled and stored in sealed storage on the farm in accordance with such regulations as the Secretary may prescribe and shall be available only for use during periods of emergency declared by the Secretary. In order to avoid deterioration of such hay stored on the farm for emergency purposes pursuant to this section, the Secretary may permit such hay to be removed and used or sold from time to time so long as an amount of hay equal to the amount removed is previously placed in storage and sealed.

(d) Any farmer who has hay stored on his farm for emergency purposes pursuant to this section may remove such hay from storage and use it whenever the Secretary has (1) designated as an emergency area the area in which such farm is located, and (2) specifically authorized the use of emergency hay by farmers in the area.

(e) The Secretary of Agriculture is authorized to make or guarantee loans to farmers, both tenants and landowners, to assist such farmers in the construction of storage facilities on the farm for the storage of emergency hay pursuant to the provisions of this section if such farmers are unable to obtain loans from commercial sources at reasonable rates and on reasonable terms and conditions. Loans made by the Secretary under this subsection shall be made at the current rate of interest for periods not exceeding ten years, and on such other terms and conditions as the Secretary may prescribe.

SEC. 806. (a) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof a new subsection as follows:

"(d) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year."

(b) Subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1921–1929), is amended by adding at the end thereof a new section as follows:

"SEC. 310. Funds appropriated for the purpose of making direct real estate loans to farmers and ranchers under this subtitle shall remain available until expended."

TITLE IX—RURAL DEVELOPMENT

COMMITMENT OF CONGRESS

SEC. 901. (a) The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

LOCATION OF FEDERAL FACILITIES

(b) Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain, insofar as practicable, departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities. The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations.

PLANNING ASSISTANCE

(c) The Secretary of the Department of Housing and Urban Development and the Secretary of Agriculture shall submit to the Congress a joint progress report as to their efforts during the immediately preceding fiscal year to provide assistance to States planning for the development of rural multicounty areas not included in economically depressed areas under authority of the Housing and Urban Development Act of 1968. The first such annual report shall be submitted not later than December 1, 1970, and shall cover the period beginning August 1, 1968, the date of enactment of the Housing and Urban Development Act of 1968, and ending June 30, 1970.

INFORMATION AND TECHNICAL ASSISTANCE

(d) The Secretary of Agriculture shall submit to the Congress a report not later than September 1 of each fiscal year reflecting the efforts of the Department of Agriculture to provide information and techni-

cal assistance to small communities and less populated areas in regard to rural development during the immediately preceding fiscal year. The first such annual report shall be submited not later than December 1, 1970, covering the period beginning July 1, 1969, and ending June 30, 1970. The Secretary shall include in such reports to what extent technical assistance has been provided through land-grant colleges and universities, through the Extension Service, and other programs of the Department of Agriculture.

GOVERNMENT SERVICES

(e) The President shall submit to the Congress a report not later than September 1 of each fiscal year stating the availability of telephone, electrical, water, sewer, medical, educational, and other government or government assistant services to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year. The President is requested to submit the first such annual report, covering the fiscal year ending June 30, 1970, on or before December 1, 1970.

FINANCIAL ASSISTANCE

(f) The President shall report to Congress on the possible utilization of the Farm Credit Administration and agencies in the Department of Agriculture to fulfill rural financial assistance requirements not filled by other agencies. The President is requested to submit the report requested by this section on or before July 1, 1971, together with such recommendations for legislation as he deems appropriate.

And the Senate agree to the same.

W. R. POAGE,
THOMAS G. ABERNETHY,
GRAHAM PURCELL,
B. F. SISK,
PAGE BELCHER,
CATHERINE MAY,
WILLIAM C. WAMPLER,
Managers on the Part of the House.
SPESSARD L. HOLLAND,
JAMES O. EASTLAND,
GEORGE D. AIKEN,
JACK MILLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 18546, to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate struck out all after the enacting clause of H.R. 18546 and substituted a Senate amendment which, while dealing with the same subject matter, differed from it in a number of major respects. The amendment herewith reported embodies the agreement of the conferees on the various points of difference in the House bill and the Senate amendment and was agreed to by the conferees as a substitute for the Senate amendment.

The conference substitute follows the structure of the House bill as to the order and arrangement of titles.

Following is a discussion of the substitute amendment as agreed to by the conferees:

TITLE I—PAYMENT LIMITATION

Section 101 of the conference substitute is identical to the House bill. The conferees, however, intend that the application of the payment limitation exemption for "lands owned by States, political subdivisions, or agencies thereof" to apply only to these governmental entities and not to other persons who may lease or rent State or local government-owned lands. In other words, it is the intent of the conferees that the payment limitation in this bill should apply to all persons who rent or lease land owned by States, political subdivisions, or agencies thereof.

It is also the conferees' intent that in applying the payment limitation to the wheat program any savings that result will accrue to the Government and will not be redistributed to other wheat growers in the form of domestic marketing certificates. In other words, the provision requiring the allotment to be such as will result in certificates being issued for the full amount of the wheat used for domestic food consumption does not mean that the allotment would be increased to the extent necessary to provide for issuance to other producers of the certificates which may be denied some producers as a result of the payment limitation in title I of the bill.

TITLE II—DAIRY

This title of the conference substitute contains four sections dealing with different aspects of the dairy program.

Section 201 deals with the amendments to the statutory authority for Federal milk marketing orders and is substantially the same as the provision included in the House bill. The differences are as follows:

1. There is a language clarification which was included in the Senate amendment relative to adjustments under clause (d) of section 8c(5)(B) of the Agricultural Marketing Agreement Act of 1937, as amended. Clause (d) is designed to specifically retain and separately state existing authority for seasonal base-excess plans.

2. Under clause (f) which extends the authority for the Class I Base plan, the conference substitute corrects a clerical error in clause (ii) and clarifies the intent of the House language in clause (v) that dairy farmers outside a Class I Base plan market shall within 90 days be entitled to competitive access and be treated the same as dairy farmers already within the scope of the order. Clause (v) also contains a clarification concerning the production facilities currently being used to determine the Class I Base allocation of such producers.

3. The conference substitute also retains the House language relative to producer-handlers. It is the clear and specific intent of the conferees that the Secretary shall maintain the same policy with respect to the exemption of producer-handlers from the provisions of marketing orders that was maintained prior to the enactment of H.R. 18546, the "Agricultural Act of 1970."

4. Section 201(e) of the House bill which provided that the provisions of this section shall expire on December 31, 1973, is retained but it is amended to provide that during the three-year life of this section orders providing for Class I Base plans issued prior to December 31, 1973, may extend until December 31, 1976. In other words any area which qualifies to use the Class I Base plan authority must do so by December 31, 1973, and if the order is issued prior to that date, it could extend into the future as far as December 31, 1976.

Nothing in this amendment is intended to alter the authority in the law for either producers or the Secretary to terminate or amend any Class I plan prior to its termination as otherwise provided.

Sections 202 and 203 of the conference substitute deal with the suspension of butterfat price supports and the military and veterans hospital dairy program and are unchanged from the House bill.

Section 204 of the conference substitute deals with dairy indemnity payments and contains the Senate provision making dairy processors also eligible for relief under the Act of August 13, 1968. The conferees, however, have included language in this provision intended to make its application in respect to dairy processors prospective and applicable only to claims originating subsequent to the enactment of H.R. 18546. Producer indemnity payments have been authorized for six years, and it is the conferees intent that any producer claims arising during the period beginning with the expiration of the Act of August 13, 1968, and the date of enactment of this bill will also be entertained and adjudicated by the Secretary.

In addition, the conferees wish to make it clear that the absence of a specific reference in H.R. 18546 to the Secretary's authority to issue manufacturing milk marketing orders under the 1937 Act is not intended to be construed as their belief that such authority does not exist. On the contrary, the conferees feel that such authority exists and it is unnecessary to include it in this bill.

TITLE III—WOOL

Section 301 of the conference substitute which amends and extends the National Wool Act for three years is identical to the House bill.

TITLE IV—WHEAT

The conference substitute incorporates most of the language of title IV of the House bill. The following major Senate amendments as modified by the conferees are included:

1. A floor on the loan of $1.25 during each of the next three years.

2. A limit on the number of acres that the Secretary may set aside without making diversion payments to wheat farmers to 13.3 million acres in 1971 and 15 million acres during each of the following two years.

3. A special provision for summer fallow farms providing that no further set-aside need be made after 55 percent of cropland on the farm has been devoted to summer fallow practices.

4. Standby authority for the Secretary to impose acreage restrictions on the 1973 crop of wheat. The House bill provided such authority for the first two years, 1971 and 1972.

The main Senate amendments not included in the conference substitute are:

1. Extension of the wheat provisions of the Food and Agriculture Act of 1965 to the 1971 wheat crop.

2. The conduct of a referendum under which wheat farmers would choose for 1972 and 1973 between a continuation of the wheat program under the 1965 Act or the set-aside program provided in the House bill.

3. A small farm wheat certificate bonus of 30 percent for producers on farms of not more than 160 acres who annually had off-farm earned income of not more than $2,000 and sales of farm products of not more than $5,000.

4. Mandatory advance payments within 60 days of sign up.

5. Authority for the Secretary to extend the 1973 wheat program to the 1974 crop if Congress had not acted on new wheat legislation in the fall of 1973.

Sections 402 and 501 of the Senate amendment provided for mandatory loans on farm-stored wheat and feed grains and required, to the maximum extent practicable, the renewal of loans on these grains. The conference substitute deletes these provisions because there is ample authority in existing law for the issuance of price support loans on grains stored on the farm where produced and for renewal of loans. The conferees note that farm storage and reseal of grain has been a Department practice for a number of years, and the Department has assured the conferees that it intends to continue this policy.

The Senate amendment also contained a provision which would have required persons processing flour second clears, gluten, or other products or by-products of wheat for which domestic marketing certificates have not been obtained to do so if these materials were in the commercial production of food products.

The conference substitute deletes this provision.

The conferees were advised by the Department of Agriculture that the Senate amendment would be difficult to administer and

would create international difficulties while failing to go to the heart of the problem.

The following letter from the Department of the Treasury to Senator Miller explains the Bureau of Customs action in regard to this matter:

DEPARTMENT OF THE TREASURY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., November 25, 1969.

DEAR SENATOR MILLER: Secretary of the Treasury Kennedy has asked that I reply to your inquiry of November 7, 1969, in which you expressed your interest and views on the Bureau of Customs' proposed reclassification of imported second clear wheat flour.

Second clear wheat flour has been imported for many years ex quota and, until 1967, it was classified for tariff purposes under the provision for animal feeds and ingredients therefor because it was chiefly used for that purpose. However, after conducting a study of the uses being made of this product, the Bureau concluded in 1967 that it was no longer chiefly used for animal feed purposes. Accordingly, the Bureau adopted measures involving a change in the tariff treatment of this product. In connection with these measures, several notices of intent to change the classification of imported second clear wheat flour were published in the Federal Register, the latest being February 28, 1969 (34 F.R. 3635).

In the above-mentioned notice, the Bureau stated its tentative conclusion that second clear wheat flour is classifiable under the provision for other non-enumerated products in item 799.00, Tariff Schedules of the United States, with duty at the rate of 8 percent ad valorem. Interested parties were requested to submit written views on this tentative conclusion. The Bureau received numerous representations and statements in response to the notice, and these are currently under review. You may be assured that your views, as well as those of all interested parties, will be carefully considered in arriving at a final conclusion.

The notice referred to above stated a tentative conclusion and is subject to review before a final order may be issued. Several alternative classifications for this product are also being considered. When this matter has been reviewed and a final conclusion reached, you will be informed of such action as is taken at that time.

If we can provide any additional information or be of further assistance, please feel free to call on us.

Sincerely yours,

EUGENE T. ROSSIDES.

It is the opinion of the conferees that any imported product which is used primarily in food processing should be classified for tariff purposes as a food product in the appropriate category.

The conferees therefore recommend that the Bureau of the Customs take appropriate action to classify imported second clear flour in its proper classification consistent with current usage.

TITLE V—FEED GRAINS

The conference substitute contains most of the language of title V of the House bill.

The following provisions included in the Senate amendment are, however, included in the conference substitute:

1. A floor of $1.00 per bushel on corn for each of the next three years. The House bill contained no such provision.

2. A floor expressed in terms of parity on the target price guarantee for corn. Under the House bill this floor was set at $1.35 per bushel. The conference substitute retains the House provision, but adds a 70 percent of parity guarantee as well.

The conference substitute also contains specific language which is designed to apply in the event 70 percent of parity exceeds $1.35 in 1973. This provision represents a compromise between those Members of the Conference favoring 68 percent of parity and those Members favoring 70 percent or more. If, for the 1973 crop of corn, use of the 70 percent of parity figure would result in an increase in total payments under the feed grain program over the total payments made in 1972 by reason of the level being fixed above 68 percent of parity, such increase will not be effective. It is recognized that factors other than the parity differential could result in an increase in total payments for 1973 over the total for 1972. If 70 percent of the parity price for any marketing year exceeds $1.35, the Secretary shall make every effort to maintain the market price for corn at such level as will not require a payment in excess of 32 cents per bushel.

3. Standby authority for the Secretary to impose acreage restrictions on the 1973 crop of feed grains. The House bill provided for such authority for the first two years, 1971 and 1972.

4. A requirement for the Secretary to proportionately reduce the level of feed grain preliminary payments if the feed grain set-aside is less than 20 percent. There was no comparable provision in the House bill.

5. A provision which preserves history on feed grain bases not planted by a farmer who forgoes payments to which he would otherwise be entitled. There was no comparable provision in the feed grain section of the House bill, but a similar measure was included in the wheat title of the House bill.

The main Senate amendments not included in the conference substitute are:

1. The mandatory inclusion of barley as a feed grain under the program.

2. A small farm feed grain bonus of 30 percent for producers on farms of not more than 160 acres who annually had off-farm earned income of not more than $2,000 and sales of farm products of not more than $5,000.

3. Mandatory advance payments within 60 days of sign-up.

4. An exemption under the feed grain program for malting barley.

TITLE VI—COTTON

Title VI of the conference substitute contains most of the language of the House bill, but the conferees made the following main changes:

1. A provision requiring that payments, when added to the national average market price during the first five months of the marketing year, shall equal 35 cents or 65 percent of parity, whichever is greater. The House bill did not contain a parity guarantee, and the Senate amendment calculated these payments as the difference between the loan and the higher of 35 cents or 65 percent of parity.

2. A small cotton farm payment bonus of 30 percent to producers having allotments of 10 acres or less or producing 5,000 pounds or less. The House bill did not contain a small farm bonus provision.

3. Establishment of the loan level at 90 percent of the average world price for the preceding two years. The House bill required a loan equal to 90 percent of the world price as estimated by the Secretary of Agriculture.

4. Anniversary-type loan program. The House bill contained no comparable provision.

5. A limitation on eligibility for loans on cotton produced beyond the base acreage in 1972 or 1973 if the carryover at the start of either year exceeds 7.2 million bales. The House bill contained no comparable provision.

6. Discretion for the Secretary to restrict cotton production in excess of the base acreage allotment if the carryover at the start of either 1972 or 1973 exceeds 7.2 million bales. The House bill contained no comparable provision.

7. A cotton set-aside equal to not more than 28 percent of the base acreage. The House bill established a set-aside of not more than 33⅓ percent.

8. A new cotton research program. The House bill contained no comparable provision.

It is the intent of the Conferees that under section 610 of the conference substitute the Commodity Credit Corporation shall divert to the Cotton Board not more than $10,000,000 annually in 1971, 1972, and 1973 from those sums which would otherwise be paid to cotton producers, but for the operation of payment limitations, in order to develop and expand both domestic and foreign markets for upland cotton. The only discretion intended for the Secretary in this regard is over the approval or disapproval of various research and promotion projects, as is the case under the Cotton Research and Promotion Act.

It is the conferees intent that the Secretary be given discretion to use an additional $10,000,000 annually during 1972 and 1973 for the same purposes.

TITLE VII—PUBLIC LAW 480

Section 701 of the conference substitute extends titles I and II of Public Law 480 for an additional three years and is identical to the House bill.

Section 702 of the conference substitute is an amended version of section 703 of the Senate amendment dealing with the educational and cultural exchange program conducted pursuant to the Act.

The conference substitute deletes the Senate provision which would have increased the level of funds required to be available for this program from 2 percent to 5 percent of new foreign currency agreements. It rewrites section 703(b) of the Senate amendment so as to allow appropriation acts to specifically authorize the use of foreign currencies without requiring the appropriation of dollars for the purchase of those same foreign currencies.

Section 702 of the Senate amendment dealt with Public Law 480 market promotion activities concerning alcoholic beverages and is not included in the conference substitute.

TITLE VIII—GENERAL AND MISCELLANEOUS

Long-term land retirement

Section 801 of the conference substitute deals with long-term land retirement. The conference substitute makes the following changes in the House bill:

1. A provision which restricts acreage in the program to such an amount as will not adversely affect a county or local community.

2. A provision allowing cost sharing with other Federal agencies.

3. Authorized to use CCC funds to finance the program until June 30, 1972.

The main Senate provision not included in the conference substitute was the amendment calling for the annual retirement of up to six million acres during each of the next three years. The authorized level of expenditures as provided in the House bill ($20 million plus carryover) is unchanged in the conference substitute.

Marketing quota exemption for boiled peanuts

Section 802 of the conference substitute provides for a permanent extension of the boiled peanut marketing quota exemption as was provided in the Senate amendment. The House bill provided for a three-year extension of this provision.

Voluntary relinquishment of allotments

Section 803 of the conference substitute deals with the voluntary relinquishment of allotments or bases and is identical to the House bill.

Indemnification of beekeepers

Section 804 of the conference substitute establishes a beekeeper indemnity program and is identical to the House bill.

Baled hay storage

Section 805 of the conference substitute incorporates a baled hay storage provision

into the wheat, feed grain, and cotton set-aside program.

It permits producers to plant, harvest, and bale hay grown on wheat, feed grain, and cotton set-aside acres and store for future emergency periods declared by the Secretary. The Secretary could also make loans for baled hay storage facilities. There was no comparable provision in the House bill.

FHA loans

Section 806 of the conference substitute amends the Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306 (association loans and grants) and for direct real estate loans to farmers and ranchers shall remain available until expended. Also provides that unused authorizations for appropriations shall carry over from year to year. There was no comparable provision in the House bill.

CONDITION BEYOND THE CONTROL OF THE PRODUCER

The phrase "Condition beyond the control of the producer" which appears in the history preservation provisions of the wheat, feed grain, and cotton sections of the bill was carefully considered by the conferees.

It is the intent of the conferees that this phrase include such contingencies as a quarantine imposed by a local, State, or Federal Government agency and any payment limitation which is included in this or subsequent legislation.

As originally pointed out in the House report on H.R. 18546, one of the main objectives of this legislation is to give farmers greater latitude in making choices as to how to operate their farms. Therefore the conferees do not intend to reduce the acreage history of any farmer because he does not plant and harvest that part of his farm allotment of wheat, feed grains or cotton on which he is denied payments by reason of a payment limitation.

TITLE IX—RURAL DEVELOPMENT

Section 901 commits Congress to a sound rural-urban balance and provides for various reports on planning assistance, technical assistance, government services and utilities, and financial assistance. This title also requires a Federal policy that new offices and facilities be located, insofar as practicable, in communities of lower population density. There was no comparable provision in the House bill.

A BRIEF SUMMARY

There follows a brief summary of the principal provisions of the conference substitute:

TITLE I—PAYMENT LIMITATION

1. Establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains.

2. The limitation imposed considers all payments made for price support, set-aside diversion, and public access, as well as marketing certificates.

3. The Secretary is authorized to adjust set-aside acreage and is directed to issue regulations necessary to insure fair and reasonable application of this title.

TITLE II—DAIRY

1. Amends and extends the authority for the Dairymen's Class I Base Plan in Federal milk market order areas and provides that any area covered by the program during the next three years could continue to have it in effect up to December 31, 1976.

2. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

3. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.

4. Provides authority to make indemnity payments to dairy farmers and dairy processors who, through no fault of their own, have their milk or dairy products contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

1. Extends the National Wool Act of 1954, as amended, through December 31, 1973.

2. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

1. Suspends marketing quotas and acreage allotments for 1971, 1972, and 1973.

2. Provides domestic marketing certificates for farmers participating in the set-aside program in an amount equal to U.S. food consumption (not less than 535 million bushels annually).

3. Sets the face value of these domestic certificates at the difference between the wheat parity price (currently $2.85 per bushel) and the average price received by farmers during the first five months of the wheat marketing year (which starts on July 1).

4. Provides for a "preliminary" payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment (if any) would be paid after December 1. If the Secretary's estimate were too high, no refunds by farmers would be required.

5. Continues the cost of certificates to wheat processors at 75 cents per bushel.

6. Authorizes the Secretary to set nonrecourse loans to participating farmers from $1.25 per bushel to 100 percent of the parity price for wheat.

7. Establishes a set-aside program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary. The 1971 set-aside would be 13.3 million acres. The 1972 and 1973 set-aside could not exceed 15 million acres.

8. Authorizes additional set-aside and public recreational access payments.

TITLE V—FEED GRAINS

1. Establishes a voluntary feed grain (i.e. corn, grain, sorghum, and barley) program for 1971, 1972, and 1973.

2. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between the higher of (a) $1.35 per bushel or (b) 70 percent of the parity price (for corn) and the average market price for the first five months of the marketing year (which starts on October 1 on corn and grain sorghum and July 1 on barley). In no event, however, would these payments be less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley).

3. Authorizes the Secretary to set the nonrecourse loans level for corn from $1.00 per bushel to 90 percent of parity.

4. Authorizes additional set-aside and public recreational access payments.

5. Establishes a set-aside program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

6. Provides for a preliminary payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first five months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—COTTON

1. Provides payments on the estimated production from 11.5 million acres for the 1971 crop. In 1972 and 1973 the base acreage allotment would be set by the Secretary, and total payments would be adjusted accordingly.

2. Provides participating cotton farmers with loans and payments. The loan would be 90 percent of the average world price for two previous years. The payment would be the difference between the higher of 65 percent of parity or 35 cents and the average market price for the first five months following the beginning of the marketing year (which begins August 1), but in no event less than 15 cents per pound. No refunds by farmers would be required. Small farms would be eligible for 30 percent bonus payments.

3. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes or on additional voluntary set-aside acreage.

4. Provides for a set-aside of cropland (not to exceed 28 percent of the cotton allotment) as a condition of eligibility for benefits under the program.

5. Establishes a voluntary program under which marketing quotas and penalties would be suspended for three years.

6. Requires participating farmers to plant cotton to receive payments, with two exceptions: (a) if unable to do so because of natural disaster or other condition beyond producers' control; (b) if not less than 90 percent of allotment is planted.

7. Provides for cotton research and promotion program.

8. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

9. Authorizes anniversary-type loan program under which the Secretary shall, after being presented with warehouse receipts reflecting accrued storage charges of not more than 60 days, make non-recourse loans for a term of 10 months from the first day of the month the loan is made.

TITLE VII—PUBLIC LAW 480

1. Extends the provisions of P.L. 480 (the "Food for Peace" program) which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations.

TITLE VIII—GENERAL AND MISCELLANEOUS

1. Continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program.

2. Extends permanently the exemption from marketing quotas for boiled peanuts.

3. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a government program to voluntarily relinquish it. (This would be a permanent provision.)

4. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

5. Permits producers to plant, harvest, and bale hay grown on wheat, feed grain, and cotton set-aside or diverted acres and store such hay for future emergency periods declared by the Secretary. The Secretary could also make loans for baled hay storage facilities.

6. Amends the Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306 (association loans and grants) and for direct real estate loans to farmers and ranchers shall remain available until expended. Also provides that unused authorizations for appropriations shall carry over from year to year.

TITLE IX—RURAL DEVELOPMENT

1. Commits Congress to a sound rural-urban balance and provides for various reports on planning assistance, technical as-

sistance, government services and utilities, and financial assistance. Also requires a Federal policy that new offices and facilities be located, insofar as practicable, in communities of lower population density.

W. R. POAGE,
THOMAS G. ABERNETHY,
GRAHAM PURCELL,
B. F. SISK,
PAGE BELCHER,
CATHERINE MAY,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

TENTH ANNUAL WEST SIDE COMMUNITY CONFERENCE—LIFE, POWER, AND POLLUTION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, one of the critical problems facing our Nation and all mankind is the complex problem of life, power, and pollution.

Early this year, leading world experts and scientists joined with citizens of the West Side of Manhattan and of New York City to discuss the problem and to consider possible approaches and solutions.

Some 30 national and international experts joined with us in the 10th annual West Side Community Conference sponsored by me and by the Democratic and Liberal Clubs of the West Side.

I believe that elected officials, and particularly Members of Congress, have a special responsibility to increase citizen participation in public affairs. I believe that the public and those who mold policy are obligated to one another for understanding and direction.

Thus every year of my tenure in Congress I have sponsored an annual daylong community conference in New York City. The conferences are free of charge and free of partisan orientation. They bring together leaders in the Government and the academic world with the citizens to whom they are responsible for an exchange and an interchange of views.

On Saturday, April 18, 1970, we held our 10th annual West Side Community Conference on "Life, Power, and Pollution." More than 1,500 individuals attended and took part in the five panels and the plenary session at Riverside Church, New York City.

Speakers at the plenary session were Senator EDMUND S. MUSKIE, the Honorable T. T. B. Koh, member, U.N. Human Environment Preparatory Committee, permanent U.N. representative of the Republic of Singapore, and myself.

Other panelists included:

Dr. Roslyn Barbash, New Jersey Council on Clean Air and Water, New Jersey Medical Society.

Donham Crawford, managing director, Edison Electric Institute.

Merril Eisenbud, former New York City environmental protection administrator; director, Laboratory Environtal Studies, New York University Institute of Environmental Medicine.

Frederick W. Lawrence, assistant chief economist, Federal Power Commission.

William H. Megonnell, chief abatement officer, National Air Pollution Control Administration.

S. Smith Griswold, air pollution consultant; former chief abatement officer, National Air Pollution Control Administration.

Hartley W. Howard, technical director, Borden, Inc.

Herbert L. Ley, Jr., former Commissioner, Food and Drug Administration.

Diana Lyons, United Farm Workers, AFL–CIO.

Jean Mayer, professor of nutrition, Harvard University; Chairman, White House Conference on Food, Nutrition and Health.

Betty Furness, former Special Assistant to the President for Consumer Affairs; columnist, McCall's.

Robert H. Boyle, senior editor, Sports Illustrated; author, "The Hudson River."

Maurice M. Feldman, New York City commissioner of water resources.

Gerald J. Lauer, New York University Institute of Environmental Medicine.

James M. Quigley, former Commissioner, Federal Water Pollution Control Administration; former Member of Congress.

John Clark, acting director, Sandy Hook Marine Laboratory.

Frank R. Bowerman, former assistant chief engineer, Los Angeles County Sanitation District; vice president, Land Pollution Control Group, Zurn Industries.

Leo Weaver, American Public Works Association.

Samuel J. Kearing, Jr., former New York City commissioner of sanitation.

Ben Miyares, editor, "Food and Drug Packaging."

Tom Stokes, director, Environment.

George B. Hartzog, Jr., Director, National Park Service; Boris Pushkarev, vice president, Regional Plan Association coauthor, "Manmade America: Chaos or Control";

Dave Sive, director, Natural Resources Legal Fund;

Gary A. Soucie, executive director, Friends of Earth;

Nicholas A. Robinson, chairman, Environmental Law Council, Columbia University Law School.

I wish it were possible to acknowledge by name everyone whose work and leadership made the conference a success. I do want to thank the following people who made particularly vital contributions.

The cochairmen of the conference were Susan Cohn and Doris Clark. With the assistance of the conference committee they coordinated the entire conference.

Members of the committee, who worked with great energy over many months, were: secretary, Elaine Bernstein; treasurer, Ira Zimmerman; administrator coordinators, Elizabeth Savels, Jose Melendez; press, Bob Aronson, Rita Kardeman, Alan Kohn, Jules Rothstein; publications, Jack Rennert; photographer, Philip Eisner; panel coordinators, Betty Jo Bailey, Ann Comay, Jean Faust, Chauncey Olinger, William Rice, Toby Roxburgh; arrangements, Rita Breitbart, Hugh Ferry, Virginia Horton, Rosalind Silver, Ellen Wallach.

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To each and every one who participated in the work of the conference we are indebted.

I also want to acknowledge the friendly cooperation of Mrs. Theodore A. Dilday; Mr. Lopez; Mr. Lyndstrom; Mr. French and the staff of Riverside Church. Our thanks also to the staff of WRUR; Garland C. Hartsoe, assistant manager, Men's Faculty Club, Columbia University, and the staff of the 20th Congressional District Office.

The participating clubs were: Ansonia Independent Democrats, Audubon Reform Democrats, Carver Democratic Club, Central Harlem Liberal Club, Community Free Democrats; Fort Washington-Manhattanville, Hamilton Heights, and Kennedy Democrats, F. D. R.-Woodrow Wilson Democrats, Heights Reform Democrats, John F. Kennedy, Democratic Club, New Chelsea Reform Democratic Club, New Democratic Assembly, New Horizons Democratic Club, Original John F. Kennedy Democrats, Park River Independent Democrats, Riverside Democrats, Solomon Weiss Liberal Club, Tioga Democratic Club, Village Independent Democrats, Washington Heights Progressive Democrats, West Side Liberal Club.

I am also deeply grateful to the large number of community sponsors whose generous contributions enabled the conference to be held.

The conference committee outlined the general theme of the conference in the following statement which raises some of the basic questions which must be resolved if the implications of the ecological crisis are truly to be faced:

> In a modern society, each of us is a polluter. It would be more comfortable to place all the blame on impersonal entities—"the system," "the establishment," or "big business." While individual and corporate action and government inaction has played the major role in bringing us to our present disastrous condition, they have been ably assisted and abetted by each individual, ready to reap the personal benefits of convenience and ease. Every enzyme pre-soaking, every aluminum can, every weekend car rental, every pre-packaged cook-and-serve dinner contributes to a polluted environment.
>
> We did not arrive at our calamitous state simply because of greed or indifference. We will not change it through moralizing. There

are very real conflicts in legitimate social goals. We may now understand the effects of insecticides on the ecological balance, but who will argue that the under-developed nations must continue to live with plague and wide-spread disease? We may recognize that massive urban construction poses massive disposal problems, but who will tell the poor that they must continue to live in substandard housing? We will not resolve our conflicts by arguing for a return to a pre-technological society.

Many argue that it is now survival itself which is in question, that the answer is not in the vague future awaiting conferences and studies, and that action delayed may well ensure the most radical answer of all . . . the end of life on earth.

It is our hope that today's conference will face in some depths the implications of the ecological crisis for each of us—the questions beyond the current flurry of interest.

Can the scientists and technicians agree at this point on what the solutions are?

What changes must each of us accept in our "life style?" What is the nature of the sacrifices involved if we are to restore our environment? What are the costs in money, in convenience? What are the possible effects on our economic system? What will it mean in jobs, in food, in public expenditures? What role must be played by government, by industry, by the consumer in reordering our goals and achieveing a new approach? What specific actions can we as individuals take to bring about the needed solutions?

Finally we must ask, are these questions themselves relevant? Can a democratic society which balances competing needs and interests resolve these conflicts? Can each of us, members of some pressure group—a union, a consumer organization, a professional association—individuals with personal concerns and demands, can we understand, recognize and work for solutions vital to the salvation of all?

At the plenary session, Senator MUSKIE, Ambassador Koh, and I touched on different aspects of the pollution problem facing our Nation and the world.

I include at this point in the RECORD the remarks of Senator MUSKIE, Ambassador Koh, and myself at the plenary session.

REMARKS BY SENATOR EDMUND S. MUSKIE BEFORE THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

I am very privileged to be invited to participate in this conference.

In this vast and beautiful center of worship there is a special drama as people of all ages and conditions of life have gathered to concern themselves about the health and welfare of their city. We are searching together for a national policy of environmental protection affecting all communities of the country.

Providing for this forum of understanding and dialogue, the West Side Community Conference has performed a remarkable public service over a period of ten years.

It is good to be here among friends.

Until the 20th Century, the world view of Western man was based on notions of fixed values and absolute laws.

We believed that the past infinitely repeated itself in cycles, and that the future was logically and predictably determined by the past.

Life was thought of as a state, rather than as a process, and the expressed goal of society was to achieve and maintain "normalcy."

But then in the early part of this century, the modern age burst into being. In an extraordinary flash of discovery and imagination, the sciences—physical and social—began to discover that their classical laws, so lucid and permanent, were merely fictions invented by the human mind and imposed upon a reality that refused to conform.

We discovered that we were living in a dynamic, unpredictable world of process and flux.

But despite the vast gains we have made in theory and knowledge on all fronts, in large part we still live by the inherited assumptions of a previous age. We still live by the social equivalent of Newtonian physics.

We act as though a luxurious future and a fertile land will continue to forgive us all the mistaken traditions by which we still abuse our physical and social environment.

The fact is that our shrinking margins of natural resources are the bottom level in the barrel. There are no replacements, no spare stocks with which we can replenish our supplies.

Our nation hangs together by tenuous bonds that are now strained as they have never beenstrained before. We now know that we live in a country of limited natural resources and fragile human resources, and that we cannot survive an undeclared war on our future.

An environmental conscience has of late been awakened in our nation, and it holds great promise for reclaiming our air, our water and our land.

But man's environment includes more than these natural resources. It includes the shape of the communities in which he lives, his home, his schools, his places of work and his society.

And it is essential to the quality of our national future that we recognize the present overall crisis of life in America. The environmental conscience may be the instrument needed to turn the nation around.

Through an awareness that the total environment determines the quality of life, we can begin to make those decisions that will salvage our nation from becoming a class-ridden physical wasteland.

We must forge a wholesale change in our priorities and our values. We must redefine our standard of living, reflecting the knowledge that both our human and natural resources are at stake.

The roots of the environmental crisis stretch as far back as the nation itself. Life in America was cheap in the beginning. Natural resources were plentiful, and the idea that there had to be limits on our material growth never entered our minds.

Early farming paid scant attention to conserving the land that produced the crops. We took trees from the forests without thinking of the possibility that our timber supply was not endless. Soon after industry first came to America, some of our rivers were seriously polluted and the air in some cities and towns was fouled.

But, as our cities grew and became more crowded, enough Americans could escape from the confines of soot and clutter so that the voices of those who were trapped were never really heard.

So pollution was isolated by the very size and openness of America. A river here, a forest there, a few of our larger, more industrialized cities—these early examples of environmental destruction seemed a small price to pay for our prosperity.

This was the frontier ethic: America pushing ahead and getting ahead, with an unlimited future—with a manifest destiny ahead of us.

The frontier ethic helped us build the strongest nation in the world. But it also led us to believe that our natural and human resources were endless, that our rivers could absorb as much sewage as we could pour in them, that there was automatic equal opportunity for everyone, that our air would always be clean, and that hunger and poverty didn't really exist in America.

The physical harnessing of the land absorbed us almost completely, and, in the process we did much more than domesticate it: we conquered it and are on the verge of killing it.

The luxury of space once absorbed our mistakes. If we irretrievably fouled our home areas, we could always pull up and make a fresh start farther west.

But the Western frontier is now gone. We have reached the shores of the Pacific, and the tide of our civilization has washed back into our cities.

We have become an industrialized, technically sophisticated society—and yet we still live by the old ethic of infinite horizontal expansions.

A frontier still exists, though, and we now confront it nationally. The frontier is no longer our West, or even "out there" anywhere.

It is now an internal and personal frontier. We now face—collectively and individually—a moral frontier.

And it is defined by the point at which we are willing to cut back our hungry selfishness in favor of selflessness.

It is marked daily by the extent of our concern for future generations. They deserve to inherit their natural shares of the American garden—as we have—but conceivably they could inherit a physical and moral wasteland.

We have reached a point where man, his environment, and his industrial technology intersect. We confront a deteriorated environment, a devouring technology and our fellow men. Relative harmony has become a three-cornered war—a war where everyone loses.

No society has ever reached this point before, no society has ever solved this problem. We have no past experience to guide us.

We have no choice but to turn away from uncontrolled economic and technological growth that ignores the increasing strain on the environment.

Our technology has reached a point in its development where it is producing more kinds of things than we really want, more kinds of things than we really need, and more kinds of things than we can live with.

We have to learn to choose, to say no, and to give up the luxury of absolute and unlimited free choice. These kinds of decisions are the acid test of our commitment to a healthy environment.

Let us look at the national budget for 1971. That "balanced budget" represents shamefully unbalanced priorities. That budget "balances" $275 million for the SST against $106 million for air pollution control. It "balances" $3.4 billion for the space program against $1.4 billion for housing. And it "balances" $7.3 billion for arms research and development against $1.4 billion for higher education.

It is a sham to say that we cannot afford the protection of our environment—just yet; or the fight against hunger and poverty—at this time; or homes and medical care for our people—for a few years. We can afford these programs now, if we admit that there are less important programs that we cannot afford.

These are the kinds of choices that have to be reversed.

We have forgotten that our primary goal as a nation is to create a society where each individual has an equal chance to fulfill his own potential. Our goal has never been to create a society where human greatness or environmental quality take a back seat to technological change.

The study of ecology—man's relationship with his environment—should finally teach us that our relationships with each other are just as intricate and just as delicate as those with our natural environment. We cannot afford to correct our history of abusing nature and neglect the continuing abuse of our fellow man.

We should have learned by this time that in our development as a nation, we must find ways to live together in peace. And we should have learned that the only way to achieve

peace among ourselves is to insure that all Americans have equal access to a healthy environment—to a healthy total environment.

That can mean nothing less than equal access to good schools for our children, to meaningful job opportunities, to adequate medical care and to decent housing.

For the last ten years we have been groping toward the realization that the total environment is at stake.

We have seen the destructon of poverty, and declared a war on it.

We have seen the ravages of hunger, and declared a war on it.

We have seen the costs of crime, and declared a war on it.

And now we have awakened to the pollution of our environment, and we have declared another war.

We have fought too many losing battles in those wars to continue this piece-meal approach to self-preservation.

The only strategy that makes sense is a total strategy to protect the total environment.

Environmental issues are not substitutes for the issues of poverty or race relations or urban decay. They are not substitutes for the issues of arms control or peacemaking or economic development. We cannot take refuge in concern for environmental quality as an excuse to ignore the specific ills that bedevil our society and our world—and will continue to do so whatever we do about cleansing the air and water and controlling solid waste.

An environmental point of view is however, something new—an integrative, comprehensive way of looking at human affairs.

It means that we have to outgrow the traditional way of approaching problems one at a time—each in its own limited context—and then acting, oblivious to the side effects.

It means that we must come off a long binge of specialization and learn to subordinate specialized knowledge to an encompassing view.

It means a brand new look at what we mean by "cost" what is economical or not economical, what we can afford and what we cannot afford.

One can sense today the emergence of a new morality concerned with the whole panoply of human concerns.

One can sense that we are approaching a sea-change in a human history dominated for so long by a spirit of competitiveness that—so easily—turns to rancor, hostility and violence.

Our competitiveness now has to be turned inward. We must begin competing with ourselves, and our selfishness—individually nationally and internationally.

The essential line along which our society is divided today is not that between leftist and rightist—it is the line between tolerance and intolerance.

The person who chants a litany of universal love and punctuates it with refrains of "kill the Facist pigs" is linked in a selfish tribe of hostility with the person who preaches traditional religious values and raises his children to children to believe that one race has natural rights another does not have.

We must work for the day when political campaigns are no longer based on appeals to the lowest animal instincts of greed, selfishness, hostility and fear.

In the cold and infinite expanses of space, only one small planet is known to sustain life in any form.

This tiny ball teems with beings that all alike share brief allotments of conscious existence.

An intelligent observer would expect to find these beings locked together in a close-knit brotherhood devoted to improving the general quality of their lives and preserving the harmony of their tiny planet.

Who would believe that in their situation, they would devote a substantial amount of their lives and energies in efforts to destroy or control one another.

Or even in neurotic efforts to demonstrate their individual superiority by piling up surfeits of wealth within actual insight of other beings who are bound to desperate lives of bare animal survival.

We are all too capable of deluding ourselves into thinking that some of us are naturally more important or deserving than others—that some possess a greater degree of human dignity and rights than others.

A common environment, however, contains them all, and finally is the great leveler. Our destinies are commonly linked—whether recognized or not.

Our national future hangs in great part from a fragile chain of natural and human resources, and the chain is corroded daily by selfishness and moral blindness.

The reform of our environment involves first the reform of ourselves.

We are all immeasurably more alike than different, and the continued insults to our social and natural environments are capable of shattering the delicate balance of the only world and home we have.

We have a right and duty to hope that the evolution of an environmental point of view might radically alter the fossil traditions about national interests, national sovereignty and national defense that pollute the world's intellectual environment.

It is a very long way from here to there.

The old traditions have an incredible power of survival.

Reactionary regimes still rule in important centers of world power.

Hostility is still a way of life in large societies.

International cooperation so far is hesitant, tentative and fragile.

Yet the first step toward an environmental point of view surely is to see the human predicament in its universal dimension.

The global environment is universal by definition. It is unrelated to artificial political boundaries. It is neutral ideologically. In its full dimension it can only be dealt with globally. And pervasive concern for the preservation, protection and management of the human environment is the best candidate yet for "a moral equivalent to war."

For this we do not need a miraculous reform of the human character. We only need a hard-headed human decision to save our own skins.

REMARKS OF AMBASSADOR T. T. B. KOH, PERMANENT REPRESENTATIVE OF SINGAPORE TO THE UNITED NATIONS, ON PROBLEMS OF THE HUMAN ENVIRONMENT AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

I wish to speak on two things. First, I wish to impart to you some impression of the approach of the developing countries towards problems of the human environment. Second, I wish to broach, in a preliminary way, on the International aspects of the question and to indicate the kind of international collaboration that would be both practical and useful.

When the proposal to convene an international conference on problems of the human environment was first put forward by Sweden in the United Nations in 1968, the sentiment was expressed by some representatives of developing countries that problems of the human environment are, like hypertension and coronary thrombosis, diseases of the rich. As one African Ambassador said to me: "Our problem is not how to reduce pollution but how to have more pollution."

The vision of a skyline of factory chimneys belching smoke into the atmosphere is seen by some representatives of developing countries as a delectable prospect signalling success in industrialisation. The deleterious effects of such industrial discharge into the atmosphere is either not perceived or, if perceived, accepted as a tolerable side-effect which will be taken care of in good time. The current campaign in the developed countries of the West to control and reduce pollution has stirred the suspicions of the more paranoic elements in the developing countries. One such ambassador at the U.N. has even suggested that it is a conspiracy by the developed countries to prevent or discourage the economic advancement of the developing countries.

I do not subscribe to such a point of view but I would like to explain to you the background to which a view relates. Unless you have traveled in the underdeveloped world, it is difficult for you, who live in the wealthiest nation in the world, to realize the extent and degree of material deprivation which afflicts the majority of mankind. The first priority of the developing countries is to provide for the primary needs of their citizens—a shelter for each household, clean water and sanitation, jobs for the adults and education for the young. If, in order to attain a rapid economic progress, it is necessary to do some violence to their physical environment, that seems like an acceptable price to pay.

The point of view of the developing countries is, therefore related, in the first place, to their different priorities. They want so desperately to achieve rapid social and economic progress that they are almost prepared to pay any price for it. Secondly, developing countries are afraid that if they seek to impose constraints and standards on industry, this will either cripple the industry or scare it away to a competing country which has no constraints or lower standards on industrial pollution.

This problem has two aspects. The first aspect relates to the exaggerated costs of preventive measures which industry will have to bear. Estimates put forward by industry are often exaggerated and few developing countries possess sufficient knowledge of such matters to be able to question such slanted information. The second aspect of the problem reveals a need for international action. There is a fierce competition between and among developing countries to entice the multinational corporations to establish manufacturing plants in their respective territories. In the absence of internationally recognised and enforced minimum standards on pollution control, the foreign investor will exploit the competition among the developing countries to their advantage because each of the developing countries will hesitate to adopt checks and standards for fear that to do so would render it less attractive than its competitors to foreign investors. The only solution to the problem is for the international community to adopt mimimum standards of pollution control which all countries will be obliged to observe.

It is, however, an error for developing countries to think that problems of the human environment affect only the developed countries and are irrelevant to the developing countries. There are, of course, differences in the nature and degree of the problems affecting the two groups of countries. But the developing countries should recognise the fact that the more rapidly they develop economically the sooner will they confront the same range of problems as the developed countries now do. This being the case, the developing countries should seek to learn from the mistakes of the developed countries and by the timely adoption of preventive measures, prevent the ravages on the human environment which have attended the technological progress of the West.

The problems was vividly brought home to us in Singapore by two recent incidents. An

aviary is being constructed in Jurong, a new town in Singapore in which most of our heavy industries are located. When the birds for the aviary began to arrive many of them were found to die shortly thereafter.

On investigation, it was found that the birds were dying from air pollution, the result of the discharge of fumes by the industries in Jurong. Singaporeans love plants and flowers and the Government was dismayed when it was found that the trees planted on a main thoroughfare in the central business district would not grow and the flowering plants would not blossom. On investigation it was found that this was the result of the fumes discharged by the motor vehicles. The public and Government were awakened by those two incidents to ponder what deleterious effects the air pollution could have on human beings if birds and plants have succumbed. We have now set up an anti-pollution unit and enacted legislation to control the problem.

I have already alluded to one form of international action which is necessary and practical. This is the adoption by the international community of minimum standards of tolerable limits for chemicals, physical and biological contaminants and other quantifiable effects injurious to health or the environment.

Other areas where international action is feasible and urgent will assuredly be explored by the U.N. Conference on Problems of Human Environment to be held in 1972 in Stockholm, Sweden. I have a modest number of candidates. First, I would like to see international action concerning the high seas and the stratosphere, two media which are beyond national jurisdiction and therefore not amenable to national action. The nature of the problem can be adequately conveyed by two simple facts. It is estimated that about one million tons of oil is being spilled into the high seas per annum. It has also been estimated that a jet plane, making a transatlantic crossing. consumes 35 tons of oxygen as well as discharge its poisonous pollutants into the stratosphere. Those two areas, the high seas and the stratosphere, can be said to be the heritage of all mankind and the enactment by the international community of rules for all human activities there, is an urgent necessity.

Another form of international collaboration which could become feasible in the near future is the establishment of a global network of monitoring centres which will compile, evaluate and disseminate data concerning the environment.

A third proposal is for the U.N. Conference on the Human Environment to adopt a Universal Declaration of the Human Environment. The committee elected to prepare for the conference, envisions the declaration as "a document of basic principles, calling mankind's urgent attention to the many varied and interrelated problems of the human environment, and to draw attention to the rights and obligations of man and State and the international community in regard thereto".

The committee hopes that such a declaration would serve several purposes. It would serve to stimulate public opinion and community participation for the protection and betterment of the human environment. It would also provide guiding principles for governments in their formulation of policy and set objectives for future international co-operation.

The astronauts have recently reminded us that mankind are co-travellers on a space ship "Mother Earth". We all depend for our existence on three scarce resources—land, water and air. In the conservation and rational use of those resources it should be possible for humanity to transcend racial, linguistic, regional and even ideological divisions. I was greatly heartened that at the first session of the U.N. Human Environment Preparatory Committee, delegations from East and West were able to discuss the problem in a harmonious spirit.

REMARKS OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

We are here to work together on the problem of "Life, Power and Pollution"—a horrendous problem in New York City.

We are still dumping raw sewage into the Hudson River.

The air we breathe is not really fit for human consumption.

We work and live and breathe in a polluted environment, in many ways unfit for human happiness or habitation.

And this is true today in the greatest city in the world . . . built by the richest people in the history of mankind . . . created by a technology of unlimited power and potential.

We have developed this technology to meet our needs and wants, to satisfy our desires and to open wider the doors of human freedom and opportunity.

With our technology, we have created new horizons for mankind. Yet with this same technology, we are racing toward ecological destruction.

As we strive to satisfy our wants, and to create a better way of life, we are literally racing to destroy the world we live in.

And the better life that we are building may not be just the better life that we envision.

This is our tenth conference, and after ten years, I think it is fair to say these conferences constitute something of a tradition.

Ten years is plenty of time to get a lot done—to move into the jet age, to put a man on the moon, to enormously improve the average American standard of living.

Ten years ago, many of us—and many of you gathered in this room—were fighting for action on air and water pollution and on disposal of solid wastes.

Ten years ago the President signed into law a bill to study the effects of motor-vehicle exhaust fumes on public health.

Seven years ago we passed the Clean Air Act providing funds for the prevention and control of air pollution.

Five years ago, I said—and I am going to quote myself—"We can achieve our goals, we can achieve clean air now and in the future, if we are willing to insist on adequate appropriations, strong nationwide standards, tough control programs and universal enforcement."

Five years ago, we knew the problem was not lack of knowledge or lack of understanding or lack of abilities. The problem was action. I said at the time, "The Administration, the Congress, and local government go on and on continuing their policy of much too little and far too late."

We continue that policy.

In the struggle to restore our enviroment, we still suffer from democracy's greatest disease—the syndrome of promise and procrastination.

The fault lies not in the stars, and not in our democracy. The fault, of course, lies in ourselves.

The problems of pollution are not the problems of others. They are our problems, each of ours.

The problems of pollution cannot be solved simply by providing incentives and enforcing laws on others. We must provide incentives and enforce laws on ourselves.

We cannot preserve the world, and enhance our ecology, by changing everyone else's way of life, goals and luxuries now considered necessities. We have to change our own.

You and I, the citizens of America, buy and drive the cars that cause sixty percent of the pollution.

You and I, the citizens of America, heedlessly prefer the things and packages that end in mounds of trash—neither biodegradeable nor reuseable.

You and I, the citizens of America, toss out beer cans, pop bottles, cigarettes and paper.

You and I live in warm houses heated by polluting fuels, lit by power from polluting plants.

You and I walk our dogs where they shouldn't be walked, use our cars where they shouldn't be used, and buy packaging and products we don't really need.

It is our environment and we defile it.

And to stop defiling it, we must change our wants and satisfactions, adjust our lifestyles and give up some of our luxuries that becomes necessities.

And that is why pollution suffers from democracy's disease—promise and procrastination.

What promising politician in his right mind . . . ?

What demagogue of the right or of the left . . . ?

Will act to stop the very people who elect him from doing the very things they want to do.

So we have spent a lot of time in talk.

But what about the Administrators, the bureaucrats.

If democracy's disease is promises and procrastination . . . the disease of the bureaucracy is study and report.

Faced with alternatively difficult solutions, the bureaucracy immediately turns on itself and comes up with more task forces on new studies or new reports.

And you cannot act until after you get the report.

For the last ten years, I cannot conceive of any other problem that has been as much studied and reported on as pollution. Not because we do not know the problems or the possible solutions. But because, for a bureaucracy, it is always safer to study than to act.

Ten years is a long while for a nation to become increasingly aroused, a long while for studies and demonstration and increasing public determination.

And despite the promises, and despite the procrastination, the work of the last ten years has begun to pay off.

In December of last year, more than 80 members of the House of Representatives joined in a statement urging that the decade of the 70's be the decade of the environment.

And last month, the Nixon Administration came lately and lamely to the anti-pollution wars—putting forth a program of promises, suggestions, procrastination and a great deal of rhetoric.

Nevertheless, meaningful legislation has been introduced in both the House and Senate, and it now has a reasonable chance of passage.

But in the face of Administrative procrastination, even good legislation is not going to be enough. The best laws can get lost in the bureaucracy while it carries out more studies and more reports.

We know all about this right here on the West Side.

Take the North River Water Pollution Control Project.

After originally planning the plant off 72nd Street, because of mid-town real estate pressures, the city Administration shoved it up here.

And as many of you know, like the East Germans . . . in the dead of night . . . the Administration has now given us our own West Side walls on Riverside Drive in the 80's and at 108th Street.

In our society electrical power is essential.

Hundreds of huge plants generate this power all over the nation.

Generation of electrical power often causes pollution, and the pollution is also interdependent and interconnected.

Yet, today, utilities generate power and plan for the future without considering the

nation's overall power needs or its overall environment and ecology.

I have called for a National Policy on Power Conservation, and we are drafting legislation. Under this legislation, the Federal Power Commission or a new agency would set national policy on sites, hazards, costs, environmental standards.

As a member of the House Interior Committee, I also had the original bill drafted to establish a New York Harbor national seashore—the Gateway National Recreation Area.

The bill would seek to improve and preserve the harbor as a place for people to enjoy the wonders . . . not of man . . . but of nature.

Islands in the harbor would be made part of the natural environment. Hoffman and Swindburn Islands, with a landfill connecting them, would be a park for picnicking and use by the people of New York.

A few weeks ago, Con Edison let it be known that it had its own plans for future power plants—and for the harbor. It would set up a power plant in the islands.

I have pointed out to the Secretary of the Interior that Con Edison's unilateral plans demonstrate we must act now to create the harbor seashore—if nothing else to preserve it from Con Ed.

But even in the Department of the Interior, the bureaucrats do not all look on the problems of the environment exactly as we do.

Asked about Con Ed's plant, one of the Undersecretaries said he sees nothing wrong. According to the New York Times, this was his vision.

He said, and I quote, "If adequate safety standards could be determined, I could see perhaps a revolving restaurant atop a nuclear platform on Hoffman, Swindburn Islands."

Were I the President of the United States, I would immediately condemn that gentleman to spend his working days revolving on the Ferris Wheel at Palisades Park . . . drinking Hudson River water . . . with a light bulb in each hand.

For just a few minutes, let me outline for you how well both our national and local governments know what we must do. And how well they avoid doing it.

In 1966, the Secretary of Health, Education and Welfare created a Task Force on Environment, Health and Related problems.

After numerous reports and studies, the Task Force came up with a practical program for immediate action.

One goal was, quote, "An Air Quality Restoration effort to initiate *by 1970* in 75 interstate areas, abatement plans to reduce plant stack emissions by 90 percent and to establish national standards to reduce vehicle exhaust emissions by 90 percent from 1967 levels.

This is 1970; the goal is past and unmet.

Another goal. Quote, "A materials, trace metals, and chemicals control effort to establish by 1970 human safety levels for synthetic materials, trace metals and chemicals currently in use and prohibit after 1970 general use of any new synthetic material, trace metal or chemical until approved by the Department of Health, Education and Welfare."

This is 1970. This year my office and citizens of the West Side had to carry out a major effort to get City and Federal action on lead paint poisoning, which is still injuring and even killing thousands of small children in New York and across the nation.

Just last week I held a press conference to point out that polychlorinated biphenyls, or PCBs, are rapidly polluting the environment and may be as damaging as DDP. PCBs are ingredients in many household and industrial products. All research indicates they may be destroying animals—and even human tissues. But no government agency regulates their production, use or emission.

Another goal. Quote, "A radiation control effort which, by 1970, through developmental research and enforcement, adequately protects workers and the public from harmful radiation levels."

This is 1970. I understand the AEC has announced that it is now actually reviewing standards.

The promise and procrastinate syndrome is not limited to the Federal government. It is just as prevalent on the local level.

In 1966, New York's mayor received a report from his Task Force on Air Pollution. That Task Force, too, was headed by experts.

It pointed out that air pollution exacts a prodigious toll on human health. It noted that New York City pumps more poisons per square mile into its air than any other major city in the United States.

It called for tough, resolute action.

And it made a number of specific recommendations. Look at two of the recommendations the Task Force said could and should be implemented immediately.

The Task Force noted that as a major offender, the City must, quote, obey its own laws, unquote. New York City still does not obey its own laws, either in its municipal incinerators or in it housing projects.

One more example. The Task Force also noted that a combination of tax incentives and vigorous enforcement could help accelerate development of a major industry in the field of pollution-control equipment. This could be done immediately.

Four years later, no tax incentives; no vigorous enforcement.

The problem we face is not pollution.

Because a problem is something to which you do not know the answer.

We know the answers to pollution and to re-establishing our environment.

Our problem is action.

And any technology which can carry men into a totally uninhabitable environment—and bring them back from space—can make our environment habitable.

But to put the technology to the task, we must have a clear, concise, goal. We must know and agree on where we want to go. Then we can find the way to get there.

Less than ten years ago, after the Russians beat us into space, President Kennedy announced a new national goal. He said we would put an American on the moon within the decade of the 1960's.

With that goal, with government resources and citizen support, our technology did the job—one of man's greatest engineering accomplishments to date.

More important and more significant than any space adventure, the President or the Congress must now set a specific, concise, national, ecological goal.

And this goal must ensure that we turn back the tide of pollution and poisons, and begin to recreate the national environment we will be proud to leave to our children.

At the national level, as citizens, we must make it clear that study groups are not enough, piecemeal approaches are not enough, token appropriations are not enough, promises and procrastination are not enough.

We want a total approach and action toward preserving our ecology and our world.

When the day comes when we have a nation goal . . .

When our legislatures and our bureaucracies get the message . . .

. . . That we are determined to adjust our own ways of life . . .

That we do not care about promises . . .

When that day comes . . . and it is coming soon . . . we will get the kind of action that will begin to restore our world . . . the world around us.

Talented citizens generously gave of their time and skills to report proceedings at the conference. For their reporting, notes, and articles, I am particularly grateful.

The morning panel on "Sources and Uses of Energy" was moderated by S. Smith Griswold, air pollution consultant; former chief abatement officer, National Air Pollution Control Administration. Panel members were Dr. Roslyn Barbash, New Jersey Council on Clean Air and Water, New Jersey Medical Society; Donham Crawford, managing director, Edison Electric Institute; Merril Eisenbud, former New York City environmental protection administrator, director, Laboratory Environmental Studies, New York University Institute of Environmental Medicine; William H. Megonnell, chief abatement officer, National Air Pollution Control Administration; Frederick W. Lawrence, assistant chief economist, Federal Power Commission.

I include the report on the panel discussion at this point in the RECORD:

SOURCES AND USES OF ENERGY

(By Virginia Horton)

Merrill Eisenbud said that new power plants are going to be needed, particularly in the metropolitan area, and that nuclear power is a clean, safe way to produce atomic energy.

At every level of government, he said, health officers believe this. The history of nuclear power is a good history. The first reactor went into operation 28 years ago. Only 13 are in action in this country. However, there are 130 power reactors aboard naval vessels, and the record is excellent. There have been no accidents involving people, and naval personnel live in close proximity to reactors.

The problem is not to keep a reactor from exploding, Mr. Eisenbud said but to keep it going. They are sluggish. There are over 500 reactors around the world; most are involved in research.

Mr. Eisenbud said atomic reactors should not be built in cities until we have more experience with them, probably by the end of the decade. But they will be the ultimate in air pollution control, and they can generate large volumes of steam for apartment houses in cities. We must stop operation of some 50,000 individual boilers.

Frederick W. Lawrence noted that one of the main contributors to pollution today is fossil fuel, and most forecasters predict its continuing use. He said that we must find a way to remove sulphur from it.

Fuel industries are now aware that they must consider the environment. However, fuel resources are not a bottomless well. Coal is the most plentiful fossil fuel resource. Natural gas, which provides the largest part of the fuel used, is already in short supply. Nuclear fuel is not well known as a resource.

People themselves cause much of the pollution, he said, and must bear much of the bill.

Donham Crawford noted that the number of users of electric facilities increasing, and each uses more all the time. On the farm, there is no aspect that cannot be automated, and the trend is in that direction. About 25 percent of the total energy consumed is electrical energy. By the year 2000, Mr. Crawford predicted, it will become 50 percent.

As to impact on the environment, industry is alert to its responsibilities. Con Edison has spent probably more than any group in the world on pollution control. Sulphur dioxide is the problem today, and it is a very difficult one. He said that the best, long-run answer is nuclear power; it has the best chance to lower costs of fuel.

Con Ed is also concerned with aesthetics, Mr. Crawford said, making facilities attractive or putting underground. But he claimed Con Ed is being blocked at every turn. And

he said that the internal combustion engine—not the utility is responsible for most of our pollution.

The prosperity of the nation is directly correlated to the use of electrical energy. It is not an environment problem, but rather is a big part of the solution.

Roslyn Barbash said there is a difference between need and consumption. People not only overeat, but often the nutritive quality of what they eat is poor; pesticides are a danger.

Commuters by car are exposed to atmosphere and situations which affect their eyes, brain, heart and entire pulmonary system. At home, too, pollution is increased by, for example, use of detergents.

Dr. Barbash said we must change our life style to:

(1) Limit number of vehicles on road, (2) Impose manufacturing controls so that there is complete recycling of wastes, (3) Consider whether we want to proliferate nuclear plants from which radioactive gases are escaping, (4) Stop luring people into purchasing more power-driven equipment, (5) Increase our physical exercise, (6) Use less and re-use more, (7) Set up environment protection councils with Minimal federal standards and states able to adopt more stringent controls.

William H. Megonnell said that air pollution prevention is accomplished at the source and is far cheaper to prevent and control than to tolerate.

He said new sources should be designed to meet minimum levels consistent with available technology, and we must start thinking of the *total* atmosphere.

Mr. Megonnell noted that evidence of harmful effects comes painfully slowly. Those that can be kept out of the atmosphere should be. We cannot wait to see what might happen. For instance, we must keep lead out of gasoline.

We have had adverse industrial action, Mr. Megonnell said. Not only ever increasing production in pursuit of profits, but also action to convince people they actually need those products. Industrial action has added inexorably to our pollution load. Industry is still active in city halls and the U.S. Congress to see that little counteraction is taken. Industry is working actively to block legislation or water down its provisions.

We have also had government inaction, Mr. Megonnell said. Government has actually believed that a clean environment and prosperity are incompatible. It has hoped for the status quo. Now, he said, we need a "breathers lobby."

There is some control program in every state, but it is government's job to see that innovations are forced on individuals and on industry. Not many sources of pollution will abate voluntarily. Government must overcome its lethargy and enforce regulations.

Mr. Megonnell said that actions will have to be bold: possibly a ban of private automobiles from urban areas; making it illegal to burn refuse except in central incinerators; rationing of electric power, gasoline and heating fuels; limiting of production of certain goods unless non-polluting goods are used to produce them. Mr. Megonnell said he was not advocating all this.

Rather, he was suggesting what may be necessary to prevent catastrophies. He said government must act with more backbone than in the past.

I include at this point in the RECORD the full text of formal remarks made by some of the members of the panel.

REMARKS BY DR. ROSLYN BARBASH BEFORE THE PANEL ON "SOURCES AND USES OF ENERGY" AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

Although I am not mathematically inclined, being inhibited by large numbers, e.g., war dead and maimed, arms budgets, number slaughtered on our highways, extrapolated megawatt needs—nevertheless I perceive an equation in society today involving human energy expenditure on one side and manmade and man dispensed energy on the other side. I see a statement—need on the one hand—and seduction to consume on the other hand. I see imbalance. We suffer from an unbalanced energy diet.

Only a few years back, food intake per person was prodigious. Even taking into account greater physical activity, the then accepted three square meals a day provided an amazing caloric intake, and resulted in formation of waste which was not all excreted but was stored as fat (see chart). This antique anatomical chart is shown to demonstrate a change in life style—a change which came about not only through the dress designers but through a growing understanding by physicians and insurance companies that the waste fat did not merely plump up the human frame, but it also invaded the blood as cholesterol, permeated vital organs, caused gout, hardening of the arteries, high blood pressure, stroke. We had to pay a high toll in chronic degenerative debilitating disease and early death for our excess consumption.

So we changed our life style—weight and mortality tables show this clearly. Of course, our food intake is still far from ideal. Its nutritive quality today bears scrutiny. Much surveillance is needed to protect us against pesticides, radioactive seasoning, additives, antibiotics—all those little additional delicacies we so unwittingly and unwillingly ingest.

Now to turn our attention to our life style in regard to our present day environment:

Let us take a day in the life of a commuter between New Jersey and New York. Our hero drives to work as a single passenger in an overlarge complex machine, with a power potential that he cannot use. His car can easily do 90 miles per hour and is most efficient at higher speeds, but he must drive it in the snarl of traffic at a low rate of speed or keep it idling. In either case, he operates his car at least level of efficiency and while doing so creates with his fellow drivers a chemical cauldron which can kill him and certainly adversely affects his well-being. As he inhales the high levels of CO from the exhaust of the car in front of him (giving as good he he got to the car behind) he combines enough CO with his blood cells to affect his brain (eye reflex—time discrimination). If he should have a cardiac problem, his heart which already has stress, because of union of CO and hemoglobin is denied the oxygen it requires. At the same time he receives a morning share of oxides of Nitrogen, oxidants and hydrocarbons all due to an inefficient infernal combustion machine, which cannot properly burn its fuel to harmless ingredients (CO_2 and H_2O) but snatches Nitrogen from the air and in the presence of sunlight sets up a lethal chemical factory in the atmosphere. As these unnatural compounds are inhaled, the entire pulmonary mechanism is ravaged. The sweepers of the lungs (cilia) are damaged, paralyzed, even destroyed. The mucous glands are overstimulated. The movement of mucus is interfered with. This movement of sweeping and mucus transport is a natural method of cleaning or clearing the lungs, the protection against foreign matter and infection. The toxins of the autoemissions interfere with this function. The very cells of the respiratory tract are despoiled. The enzymes are thwarted. The architecture of the air sacs is weakened and destroyed. Steps toward chronic bronchitis and emphysema are taken. Simultaneously particles of lead are corroding the automobile and entering into the *blood* and *bone* of the driver.

Our commuter now passes the generating plant supplying electric power to the area and supplying SO_2 and dust particles to his lungs. The SO_2 rides into his respiratory tract on the easily inhaled dust particles, causing constriction of his bronchial tree and making breathing difficult, while some of the SO_2 is chemically changed in the atmosphere and combining with moisture provided by the humidity forms H_2SO_4 and this caustic mist is carried deep to the air sacs where it shows that it can corrode tissue as well as buildings such as the Obelisk in Central Park in this City. It's a low windspeed morning. There is no vertical air current, the plumes of smoke from the generating plant stack float low, spread out and decrease the general visibility, adding to the discomfort of the driver.

Now our commuter passes meadow lands, scarred and marred by haphazard building use, filled witth filthy streams, garbage dumps. Many of the latter are burning. If his window is open, a cinder flies into his already irritated eye (irritated by the SO_2 and the automotive fumes) and as he cusses and rubs his eyes, grimaces at the odors, his spirits respond to the "beauty" of the scenery, as he struggles with the battle of smoking diesels and fellow drivers. The blight of the scene, the tension of manoeuvering his car, the rise of his blood pressure, these physical and psychical stresses build to monumental proportion. He has yet to pass the industrial complex and take on a load of beryllium, nickel, mercury, asbestos, to name only a few of the identified trace elements. I can only hint at what has not yet been identified. By the time he reaches the tunnel under the Hudson River, that Dante's Inferno of automotive fumes, by the time he is ready to pay his 50 cent toll for the privilege of being stuck in that congested tunnel, have you estimated the tolls he has already paid in damaged blood and tissue?

Meanwhile, at home, his wife, fatigued because their child spent a restless night coughing and wheezing from the rising level of pollution, is muttering in the kitchen. As she ignorantly pours detergent into the washing machines for modern fabrics which are so dirt repelling that they require only mild soap she is oblivious to the irritating enzyme action and unaware of the degree to which she pollutes our water. She is annoyed because of a breakdown in several of the superabundant electric appliances that she possesses for which she cannot find a repairman. Frustrated by a non-functioning electric mixer, the added mental stress causes her blood pressure to rise. However, a happy thought strikes her. She turned to a hand-operated beater and rediscovers that it is efficient, easy to clean and simple to store. The concept of using an item requiring hand power is quickly dissipated by her kitchen TV which is luring her into the purchase of innumerable, newer power supplied gadgets. Lavishly mopping up with paper towelling, wastefully using disposable items, she crossly discovers that the trash basket is overflowing. A cry from the bedroom claims her attention. It is apparent that the child needs medical help. The doctor cannot come—he is bombarded with calls from anxious parents of asthmatic children—"must be something in the air". She must go to the emergency room of the local hospital. The Emergency Room is jammed with emphysema patients, with asthmatic patients, with bronchitis patients, with heart cases, all having trouble breathing. On the radio comes the word—"It's a serious air pollution situation—an inversion—pollution levels are rising this day." On this day, the high level of accumulating air pollutants is more prominent, more noticeable. One actually hears voices of concern, murmurs, "We must do something!" But these other days, when it seems that we are having a good day—the sunshine is visible, the air is still—who notices the brown haze tainting the sky, the invisible toxins insidiously creeping into our systems? The daily unnoticed assaults are doing us in!

We physicians are growing more perceptive. We recognize that children in particular are very susceptible to pollution. These questions crowd into our minds:

1. Are our children the respiratory cripples of tomorrow? Exposed to the toxins and dusts of our badly polluted air, will they be the future bronchitis, emphysema cases, chronic asthmatics? The answer is "Yes"—clearly shown in English studies of school children.

2. Will our children suffer from anemia, have imperfect bone development, be chronically under par because their sunlight is screened out and they receive insufficient natural Vitamin D? The answer is "Yes"—revealed in Japanese studies of school children.

3. Will our children, drinking our water which is steadily declining in quality, and eating seafood from our polluted streams, be the ones to have hepatitis, bloody diarrhea and recurring intestinal upsets? Will radioactive wastes from nuclear power plants enter their cells and cause genetic changes? Dare we answer this?

4. Will our youngsters have sluggish reflexes, slowed mental processes from inhaling the increasing loads of carbon monoxide and other automotive emissions from our over-trafficked streets? Tests indicate—"Yes"!

5. Will our children be the general hard of hearing and hypertensive because of excessive noise? Studies say "Yes"!

6. Are their young bodies accumulating lead, pesticides and as yet unidentified poisons which will bring them disaster in their later years? Autopsies show the poisons accumulating in bone and tissue.

Are we not destroying their heritage, their air, their land, their foods, in our uncontrolled production of the gross national product? As a doctor, a citizen, I feel a dual responsibility for changing our lifestyle. I prescribe the following:

1. For our arterial congestion. Avoid one man one car. Even if we removed 98% of automobile pollution, which is most unlikely, the stress and strain of the congested highway—the accidents, this inefficient means of moving large numbers of people in limited time periods by masses of automobiles, is clearly a foolish method of transportation. My first prescription is clean, efficient, mass transit, using most modern methods, to be taken at least twice daily—on the trek to work and back. Add to this limitation of the number of vehicles on the road.

2. When a patient is completely constipated and wastes cannot move out, we say he is obstipated. Our communities, our air and water, are ostipated by waste. I prescribe controls in manufacture and recycling of wastes. The technology is at hand. Recaptured wastes can be used, markets for such products can be found. Our motto should be "Waste to Useful Products".

3. I prescribe curtailment of electric power production and economy in its use. This will lessen pollution of air and water, will lessen hazards both *thermal* and *nuclear*.

4. I prescribe cessation of ads coercing or luring the consumer into purchasing unneeded power-driven equipment.

5. I prescribe Exercise:

a. Exercise of self-discipline and self-restraint. Let the consumer waste less, reuse more, show his resourcefulness in recycling. Let the consumer exercise resistance to blandishments of the advertiser for unneeded goods.

b. Vocal exercise. Let the voice of the citizen be heard clearly and forcefully at Public Hearings and in the Legislator's ears to influence emerging codes and controls at municipal, state and federal levels.

c. Let the exercise of muscle power come into favor—walking, cycling—good substitutes for jogging and expensive health institutes. Every piece of equipment need not be automated so that our natural muscles become atrophied from disuse.

6. I prescribe better land use. Keep nature's "chemical plants" (trees and open spaces) thriving so that our O^2 supply on land and sea is maintained. Ingredients in this Rx—Restriction on highway expansion, control of Population Density.

7. I prescribe environmental protection councils on which unbiased scientists, ecologists, architects and land planners will have a full voice.

8. I prescribe minimal federal standards, with freedom of states to adopt more stringent standards and encouragement of states to use this freedom.

9. I prescribe every aid to population control.

10. I prescribe a voting age of 18 and faith in our youth who are close to the problem of environmental preservation. It's their world and I wish to restore it to a place of beauty where they can abide in peace, harmony and health.

REMARKS OF FREDERICK W. LAWRENCE BEFORE THE PANEL ON "SOURCES AND USES OF ENERGY" AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

(NOTE.—Mr. Lawrence was speaking for himself as an individual and not for the Federal Power Commission, of which he is a staff member.)

One of the major contributors to the pollution problems of the world is the use of fossil fuels. And the United States is one of the largest per capita users of fuel. We burn one sixth of the world's coal, one third of the world's oil and almost two thirds of the world's gas.

And most forecasters—predict a continuing growth in our use of all fossil fuels. Projections of fuel use should, incidentally not be considered as gospel. The history of projections shows that very few have proven to be accurate for more than two or three years in the future. Generally, they have been too low. The increase in fuel use does not necessarily mean an increase in pollution, but it does mean that we will need to be most careful in our use of fuels if we are to avoid pollution problems.

The fuel market in this country is divided into five main uses. Residential, commercial, industrial, electric utility and transportation.

The residential markets generally use sulfur free and ash free fuels. The residential market is probably least responsive to changes in fuel price and probably has the least efficient use of burning equipment; in this market, natural gas and electricity are very important. Oil products are not a major part of residential market except in the Northeast. Here in the New York area, a lot of light fuel oil is used for space heating. Very little heavy fuel oil is used in residential markets anywhere and residential use of coal is almost entirely limited to areas near the coal fields.

In the commercial markets, the fuel prices are somewhat more significant but convenience is also a major consideration. The commercial market leans heavily on light oil, gas, and electricity but coal and heavy fuel oil also supply some of the commercial customers who are price conscious.

The industrial market is a composite of all industries—food—paper—chemical—metals—minerals and the fuel industries themselves. All of these industries use large quantities of fuel.

The primary metals industry is one of the major fuel users particularly coal. The chemicals and fuels industries lean heavily on oil fuels and most other industries lean heavily on oil fuels and most other industries rely largely on gas. In cities like Chicago, Pittsburgh, Detroit, and Philadelphia large volumes going while other industrial enters like Houston and Los Angeles rely almost entirely on gas. The manufacturing industries in New York itself do not use large volumes of coal and oil; there are 10–15 larger markets in the U.S. but when the Jersey industries are added, the New York–New Jersey area ranks about third in the use of high sulfur type fuels. Some industrial markets are sensitive to fuel prices and therefore present a problem because the cheapest fuel is frequently the dirtiest fuel.

Of all the markets for fuel, the utility market is probably most sensitive to changes in fuel price. Many systems have plants that can burn two fuels and particularly in this area there are plants that can burn coal, oil or gas. There are, on the other hand, some plants that are designed for use of only one fuel, and even a shift from one type of coal to another can create problems at some power plants. In addition to the electricity generated by burning fossil fuels, the industry provides electric power from hydroelectric developments and nuclear reactors. These nuclear and hydro plants do not produce the pollutants that some from fossil fuels, but they are *not* without environmental impact.

In the transportation market oil is the only fuel of consequence. Electric cars and natural gas powered cars have been developed, but at this time the gasoline powered automobile, supplemented by diesel trains, trucks and buses and jet planes provide most of our motive power. Few areas fortunate enough to have subways, elevated trains or trolley cars, and electrified railroad service is also unusual.

Providing fuel for needs in these markets is a greater problem. Five or so years ago, the fuel industry did not seem to worry about the air and water pollution. Their concern was to provide good, reasonably priced fuel. Now the fuel and power industries are often aware that they must consider the environment and many companies include the environmental effects in their plans. And probably they will continue to do so long as there is pressure to protect the environment.

This new "clean" approach coincides, unfortunately with a realization that our fuel resources are not the unlimited bottomless well that they were once considered to be.

Coal is, no doubt, our most plentiful fossil fuel resource but now even coal supplies are tight. The vast reserves which have been touted as being sufficient for hundreds of years are being questioned even by some responsible industry oriented spokemen.

Natural gas, which provides the largest part of our fuel production is considered by many to be in short supply. For the past two years, we have not discovered as much gas as we have produced. Our gas reserves once were about 35 times annual production; ten years ago, they were about 20 times production and now reserve-production ratio is at about 13:1. This is without wide scale conversion from coal or oil to gas to combat pollution and without the natural gas powered car.

Our oil position has been one of deficit for many years. We restrict import of oil, but each year we become more dependent on them. This problem was studied intensively last year, by an inter agency task force and the conclusions reached by the majority were severely challenged by some other members of the committee and the whole thing is still up in the air.

Our nuclear resources are not nearly as well known as the fossil fuel resources; nuclear fuel can help supply our energy needs, but there is need for scrutiny of the costs, and of the effect of the environment.

The greater the production of fuel, the greater the cost. Oil leaks in offshore wells, problems of a pipeline through Alaska, coal mine drainage, the loss of valuable wild areas that accompanies the building of hydroelectric dams, the physical damage to coal and uranium miners—these also must be considered as problems complicating our fuel supply picture. Also, there are costs of going deeper into the earth for our fuels, and

the cost of transporting fuel from more distant sources. The costs of burning fuel without polluting the environment are but one of the added costs that may need to be reflected in our fuel bills in the near future.

The question that must be faced is "how can we supply our growing fuel needs without polluting the environment?" The answer is that there is no simple way to do this. An efficiently administered, properly coordinated fuels policy with concern for the environment can provide us with adequate energy and no pollution problems. The implementation of such a coordinated policy would require the cooperation of the fuel industries, fuel consumers and all parts of the government. Research is one of the key elements in helping to solve any problem today and R & D programs can help solve the fuel use-environment abuse problems.

The perfection of processes that will remove certain products of combustion from the stack effluent will enable consumers to burn coal or oil without causing air pollution. Processes that remove sulfur from coal and oil will be similarly helpful. Until such processes are developed, there may be short-term problems in providing fuel that will not result in pollution, and this may strain our resources of gas and low sulfur coal and oil. Low sulfur residual fuel oil, of course, can be imported. The domestic supplies of low sulfur fuel could be increased if the domestic refineries would produce larger volumes of low sulfur residual fuel oil, but it is not expected that there will be an increase in the output of residual oil in the U.S. with the present prices.

To the extent that fuel can be used more efficiently problems will be reduced. Greater effective use of the heat of combustion can increase the value of the fuel to the consumer and can reduce the amount of waste heat, helping abate the problem of "thermal pollution."

This can be accomplished by helping consumer get the maximum effective use from the fuel that is used, or it can be effected by such means as substituting mass transit for private automobiles.

The problem of providing fuel to our economy without the type of pollution that we now have is a difficult one. Scientific research can help, but the necessary R & D programs will not bring higher profits to the corporations in the energy field so the pressure for these programs must come from the people. And the people must realize that as the users of electricity, the drivers of cars and the consumers of the goods that industry produces it is the people who ultimately cause much of the pollution.

REMARKS BY WILLIAM H. MEGONNELL BEFORE THE PANEL ON "SOURCES AND USES OF ENERGY" AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE APRIL 18, 1970

The subject of this panel, Sources and Uses of Energy, is indeed a broad one. Even my subpart, the Role of Government, is difficult to discuss meaningfully in a few minutes.

The former speakers discussed several sources of energy, and I suspect that I will touch a little bit on each of their presentations, particularly from an air pollution standpoint.

First of all, I would like to state some fundamental philosophies that are developing or have been well recognized for some time:

1. Air pollution control is accomplished at the source. Pollution should—must—be *prevented* from entering the atmosphere, because once it's there, there's nothing we can do about it but suffer its consequences.

2. It would be far cheaper to prevent and control air pollution than it is to tolerate its consequences. Although we need new yardsticks, besides the gross national product, for evaluating this, benefit-cost ratios of 16 to one recently were reported.

3. New sources of air pollution, wherever located, should be designed and equipped to reduce emissions to the minimum level consistent with available technology. There are not many "boondocks" left, and evidence of national and even global pollution is accumulating. Tall stacks don't prevent pollution; they just spread it further to make sure everybody gets a little. We've got to start thinking of the total atmosphere—not just the six feet nearest the ground.

4. Evidence of harmful effects comes painfully slow, and prudence dictates that those substances that can be prevented from entering the atmosphere should be. We're not going to over-control, particularly if one believes the alarming growth predictions. On the contrary, it will challenge all our resources and ingenuity to keep the planet habitable. We can't wait and see what might happen before we act.

5. Sacrifice of some of our traditional conveniences may be required if we are to preserve some of our resources for future generations.

I would like to turn now to government's role—and I am thinking of Federal, State and local government. As was stated in the "statement of purpose" for this conference: ". . . industrial action and governmental inaction have played the major roles in bringing us to our present disastrous condition, (and) they have been ably assisted and abetted by each individual, ready to reap the personal benefits of convenience and ease". That's about as succinct and accurate a history of our present mess as I could imagine.

First of all, consider industrial *action*. In its broadest context, that doesn't mean only ever increasing production in pursuit of ever higher profits. It means also the actions taken to convince people that they *need* the thousands of useful and useless products and gadgets we all buy (electric knives, can openers, hairbrushes, toothbrushes, pencil sharperers, shoe shiners, blankets); action to convince the housewife she *needs* the convenience of frozen dinners, elaborately pre-packaged foods, throw-away plastics, non-returnable bottles; it took action to convince us we need two tons of chrome-plated steel and 400 horsepower to get one person back and forth to work; the action program also convinced us that we should expect to sleep under blankets on the Fourth of July and that Times Square must be lit up like high noon all night.

All of these actions by industry—and the individual willingly accepted, and now demands, them—have added inexorably to our pollution load. But industrial action didn't stop there. Industry was—and is—active in city halls, State capitals and the Congress to see that as little counteraction as possible is taken to upset the growth curve. They work actively to block legislation or, when it becomes inevitable, to water down its provisions. They threaten to move and warn of high prices.

That brings us to governmental *inaction*. Torn between his mandate to protect the health and welfare and his desire for full employment and a firm tax base, until quite recently the government official actually believed that a clean environment and prosperity are incompatible. Hence, he opted for the status quo. Happily, however, the people have formed what the *Wall Street Journal* calls the "Breather's Lobby", and the citizen's voice is being heard.

Just yesterday, I learned that South Dakota—the last holdout—has adopted an air pollution control law. So we now have some sort of governmental program in each of the 50 States, and there has been tremendous growth in local programs also. It is our job at the Federal level to assist State and local programs—financially and technically—and to fill in the gaps when their performance is inadequate.

I think it is government's job to see that innovations are forced on industry and individuals. I do not believe that many air pollution sources are going to abate and prevent pollution voluntarily. In our competitive society, I don't even believe it's realistic or fair to ask them to or expect them to. Government must overcome its lethargy and pass the necessary stringent regulations and enforce them uniformly and equitably.

Actions will have to be bold. Perhaps measures such as the following will be required someday, unless forthright air pollution control requirements are instituted and implemented without delay—and much more forcibly than one would have reason to believe from past experience:

Banning of private automobiles from downtown urban areas and substitution of mass transit.

Permit burning of refuse only in centralized, stringently controlled incinerators that utilize the heat for power or steam generation.

Rationing of electric power, gasoline and heating fuels—unless much better controls are developed for power generating plants, motor vehicles and heating units.

Limiting production of certain goods unless non-polluting processes are developed and used.

Clearly, I'm not advocating and do not expect that such drastic measures will have to be taken, but it has been suggested—I don't think very seriously—that it may be necessary to put some curbs on the standard of living as a means of reducing environmental pollution. My point is that governmental responsibilities for the protection of health and welfare are over-riding and may require what today may be considered far-out, radical solutions, if only to prevent catastrophes. Government must be prepared to act much more boldly and with more backbone than it has in the past.

The morning panel on "Food: Nutrition and Health" was moderated by Betty Furness, former special assistant to the President for consumer affairs; columnist McCall's. Panel members were Hartley W. Howard, technical director, Borden, Inc.; Herbert L. Ley, Jr., former Commissioner, Food and Drug Administration; Diana Lyons, United Farm Workers, AFL–CIO; Jean Mayer, professor of nutrition, Harvard University, Chairman, White House Conference on Food, Nutrition, and Health; Roy Brown, epidemiologist, member of Tufts University medical team.

I include the report on the panel discussion at this point in the RECORD:

FOOD: NUTRITION AND HEALTH

(By Elizabeth Savels)

Diana Lyons, the first speaker, said that the cause for which the grape pickers are fighting is our cause and relevant to the subject under discussion today.

She said grapes are picked in unsanitary conditions, by workers who are suffering from various illnesses caused by the use of pesticides. There are 11 different types of pesticides sprayed on grapes and of these 6 are extremely toxic and do not break down. The pesticides which are used cause cancer and heart disease, amongst other effects, in humans who consume the grapes on which they are sprayed.

The Food and Drug Administration, she said, is unable to take care of this problem for oddly enough the growing of grapes is not under its jurisdiction but under that of the Department of Agriculture, which is subject to the lobbying of the grape growers. Control of the use of pesticides is entirely within the province of the Department of Agriculture.

The Farmers Union has recently signed contracts with five growers. One of the specifications of the contracts is that six of the hard-core pesticides will not be used henceforth. There will be a union label on containers of grapes from the vineyards of the growers who have signed contracts with the

grape pickers. The growers are sensitive to the power of the consumer, and it is therefore up to the consumer to exercise his power on behalf of the farmers (the grape pickers) and of himself.

Dr. Roy Brown said that it is ironic that while men go hungry potentially productive earth lies idle. In this degree the United States is also one of the "developing countries." In Asia and Africa, and in Mississippi, families starve in sight of plenty. In our world there are too many dependent who are poorly educated to whom services we take for granted are lacking or are inaccessible.

Dr. Brown said the Industrial Revolution arrived in the state of Mississippi only 10 years ago. This is not the only state of which this is true. What has happened to the priorities of a government which pays the senator from one of the states several hundred thousand dollars not to grow cotton. This senator owns land which is potentially productive of food but which instead lies fallow, while in the next country men are out of work and their wives and children are near starvation. However, the senator is in a position to, and does, help determine the government's response to this situation.

Doctor Herbert Ley, Jr. said he grew up during depression times in Kentucky, was in the post-war Japanese occupation forces, and in post-Japanese occupied Malaya. He knows hunger first hand, and what it means to feel helpless and hopeless. The main problems are food and health.

He said there is an absence of a focal point in the government's involvement with food and health. Only three departments should have any major part to play, and the leader of the three should be the Department of Health, Education and Welfare. However, the need transcends the present scope of the Department and this need can be met by Bill No. 2898 introduced by Abraham Ribicoff, to name a Council of Health Advisers in the Executive Department of the government.

He said there is need for a review of and re-evaluation of foods and color additives. We must now permit 1958 legislation, sadly behind the times, to rule 1970. A regular review of the situation should be instituted.

Dr. Ley noted it is necessary to use pesticides in growing our food. But in solving one problem we have raised more. While Miss Lyons gave a masterly presentation on the problem of hard core pesticides, they should not, he said, be banned but should be absolutely controlled.

U.S. inspection of foreign foods imported into this country reveal that they are not of the quality which we are accustomed to in our food.

Dr. Ley said all these problems are capable of being solved. We must insist that they be solved.

Doctor Hartley Howard said that in the business of providing food for the consumer, it is the aim to provide only good food so that the customer will be pleased and will buy more. All foods are chemicals—this has been known for the past 100 years. It is time the consumer became more sophisticated about what he buys to eat and drink, so that he will not fall victim to the horror stories which occasionally delude the public. The world is not a 100% pure place in which to live. We must recognize, all of us, that information about food is necessary.

Doctor Jean Mayer pointed out that the problems caused by lack of nutrition cannot be solved without asking for the opinion of those who suffer the lack. This does not mean that we ignore knowledge and expertise accumulated over hundreds of years. Our present system of handling these problems does not work for many Americans: the poor, the black, the Mexican-American, the Indian, Eskimos, etc.

The United States was founded by those who left the old folks at home, and we have never cared properly for our elderly. We do not take proper care of women or children, nor of the sick. Four million families live in the country under the poverty level. The health of all Americans is not good, in witness to, or in spite of, spending $62 million dollars on doctors, hospitals, and drugs per year.

Dr. Mayer said the quality of the food consumed in the United States rose till 1955, at which time it reached a plateau and has since been declining. White bread and soft drinks are not nutritious.

She said we should cultivate our knowledge of food, we should have obsolete regulations concerning food replaced with current ones, we should provide adequate labeling laws, and we should require changes to be made in the regulations concerning fortifiers, etc.

The main theme of the White House Conference on Food, Nutrition and Health was feeding the poor and improving nutrition for all. The gains made by the conference were more money for the food program and more school lunches.

She said that, as noted by Doctor Ley, there is no central government focus on the matter of food, nutrition and health, and no coordination between the various agencies which do have some concern in the matter.

The citizens of the United States are involved in this matter, as well. It is their privilege and their responsibility to see that the required changes are made.

Miss Furness called for cross-questioning among panel members.

Dr. Brown asked Dr. Ley if he did not agree that too much was being made of vitamins, that they were being used as food substitutes, Dr. Ley agreed that there was no justification for the amount of vitamin intake presently occurring in the United States. Doctor Mayer suggested that if certain elements could not be supplied by food, they must be supplied by vitamins.

Miss Furness asked Miss Lyons how to tell grapes apart on the market. Miss Lyons said that the Union label is an Eagle in a black circle, and this label will be on grapes grown by holders of Farmers Union contracts. Also, grapes found on the market in July. All others are the products of non-union contract growers.

Dr. Howard asked if it would not be too expensive to put all information about the contents on the labels of foods. Dr. Mayer said only the information about the main qualities need be given. If one were buying canned orange drink one would like to know how much actual Vitamin C was contained. Those on diets would like to have the caloric content noted. He added that the President said he would appoint a committee to study the problem. Industry said it would appoint a committee to study it. But nothing has been done. He said it is up to the consumer public to force the issue.

Following were questions from the Audience:

Question. What are the effect on food of canning?

The process is regulated to preserve the nutritive qualities of the food.

Answer. Dr. Mayer: Additives are not all one thing. Some only preserve eatability. We quarrel with those which are not justified.

Question to Dr. Howard: What does the FDA do about supplying information to the public about scandals in food handling and packaging?

Answer. Only a fraction of foods are concerned.

Question to all panelists: What can individuals do to prevent the pouring of fats and oils into our apartment incinerators?

Answer. Dr. Mayer: It is a popular fiction that someone else is the villain of this piece. Environment will continue to be polluted unless we change our way of life. We must avoid putting fat and oil in the trash for our incinerators to burn. It is a question of deciding on priorities.

Answer. Miss Furness: Would making anti-pollution measures into a game help us as saving fat was made into a game during World War II? Can we reward firms such as Cola-Cola, which does not make non-returnable bottles?

Before this question was answered a member of the audience rose to ask a question which began with the phrase: "What would you do if you had the power?" Miss Furness used the phrase to begin her summing up question to the panel: "What would you do if you had the power? and what can we, the consumers, do, with our power?"

Dr. Brown: Write your congressional representatives and state legislators endorsing a central council on food, nutrition and health, endorsing an adequate income for all citizens, and endorsing a broadbased education.

Miss Lyons: If you know a merchant is selling you food that is not clean, don't shop there again, and tell him why you are not going to shop there (otherwise he may never know).

Dr. Ley: Write your representatives in government to take action, to initiate a bill requiring adequate labeling of foods as to their protein, carbohydrate, fat, and caloric content. Urge your representatives to campaign on food values.

Dr. Howard: Make every effort to change the conflicting and limiting regulations and laws governing all aspects of food.

Dr. Mayer: Support and encourage all legislators who advocate a minimum wage, education for all, who will support the Senate School Lunch bill, and the Food Stamp bill. Keep abreast of legislature regarding food, and let your elected officials know you are interested in them.

Most important, right now, is to work for the elimination of the seniority systems in Congress, for it elevates to positions of power, too often, those who are opposed to change.

REMARKS BY HERBERT L. LEY BEFORE THE PANEL ON "FOOD: NUTRITION AND HEALTH" AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE APRIL 18, 1970

It wasn't too long ago that I, as Commissioner of the Food and Drug Administration, spoke to audiences of this sort fairly frequently. At that time I must admit that the schedule of speeches and talks was so demanding that I looked back with some longing to earlier days when things were less hectic than at FDA. However, since leaving the agency I find myself missing the give and take of such meetings as this, so I accepted with pleasure the invitation extended by Congressman Ryan to meet with you today. It is my hope that my remarks here today may prove to be a constructive stimulus to the resolution of issues that I see as problems in our area of discussion—Food: nutrition and health.

Let me make my view clear to you at this point. I believe that we in the United States do have problem in the food area, problems which demand solution. Now, I want to identify the major problems as I see them today.

NEED FOR A FOCAL POINT FOR FEDERAL POLICY MAKING IN NUTRITION

The first problem is the present absence of a focal point for Federal policy making in the nutrition field. There are at least three Departments and one Office within the Executive Branch which have, or should have, major roles to play in developing a national policy in nutrition. Unfortunately, the four participants in this particular ball game are acting like a football team without a quarterback. No one is calling the signals for a national nutritional policy. One of the speakers on this Panel, Dr. Mayer, has been highly instrumental in pointing out the need for such policy making. I am in total agreement.

I have advocated since the summer of 1968 that because nutrition is basically a health matter it should be given increased priority and attention by the Department of Health, Education, and Welfare. I am of the same opinion today. I would add, however,

that need for a focal point of Federal policy making in nutrition transcends the active involvement of the Department of Health, Education, and Welfare in nutrition matters. Suggestions have been made that the responsibility for such policy making be assigned to the Department of Health, Education, and Welfare, the Department of Agriculture, or the Office of Science and Technology. I would disagree with all these suggestions. Instead I would strongly support Senator Ribicoff's proposal in S. 2898 for the creation of a Council of Health Advisors in the Executive Office, and assign to that Council the responsibility of developing a national policy in nutrition. Nutritional health of our citizens is such an important matter that to place the responsibility for policy making in nutrition at any lower level would be irresponsible.

NEED FOR A COMPLETE REEVALUATION OF SAFETY OF FOOD ADDITIVES

The second major problem facing us today in the health and nutrition field is the need for a complete reevaluation of the safety of food additives and color additives used in food. I am not indicating by my remark that I consider the present situation fraught with danger. I am indicating my concern that we not sit idly by and acquiesce to the administration of the 1958 Food Additive Amendments by 1958 standards when the past 12 years have brought new scientific and medical knowledge to our attention. My concern leads me to the conclusion that the safety of food and color additives should be reviewed on a periodic basis by the best qualified scientists in our country. Scientific knowledge moves forward irresistably, and a means must be found to incorporate that knowledge on a timely basis with the action of the Federal regulatory agencies.

The step taken last week by the Department of Health, Education, and Welfare to review "prior sanctioned" food additives is a most important step in the proper direction. The actions in progress at this moment by the National Academy of Sciences—National Research Council in setting up a system of review of additives on the so-called GRAS (Generally Recognized as Safe) list are another step in the right direction. But these actions are not yet sufficient to provide a totally satisfactory answer to this problem. A large number of food additives have been approved by FDA in the 11 years since the amendments went into effect. They are no more, and no less, subject to questions raised by new scientific information than the additives in the "prior sanction" or the GRAS groups. Only when all food additives and all color additives are rereviewed on a periodic basis can we be certain of the timeliness of incorporation of new scientific data into the regulatory process.

NEED FOR A REEVALUATION OF SAFETY OF PESTICIDES

The third problem of concern in the food area is that of pesticides. Pesticides are necessary to the efficient production of agricultural products. They provided such advantages that we have forgotten the problems that our farmers once knew in dealing with crop destroying pests. The enthusiasm associated with such success in eliminating one set of problems has led to a totally new set of problems that are not so glaringly apparent as the old ones. I am most pleased to report that the Department of Health, Education, and Welfare's Commission on Pesticides and Their Relationship to Environmental Health has done a most sound job in defining the pesticide problem and proposing a series of responses to solve many of the subordinate problems.

It is very clear to the scientist and environmentalist that the uses of the so-called hard pesticides must be drastically curtailed to those, and only those, situations in which only the "hard" pesticide provides the control needed. Where other bio-degradable pesticides can produce the desired insect control there is absolutely no excuse for the use of the "hard" pesticides. The situation with "hard" pesticides having a long half-life is very closely analogous to the situation that existed with nuclear bomb tests which led to a disturbing increase in the level of radioactivity in the foods we ate and the water we drank, until atmospheric testing was banned. There is one important difference, however. "Hard" pesticides must not be banned, but rather highly restricted in use, and reserved for those special situations in which they may provide the only answer to insect control. If, for example, a massive outbreak of encephalitis were to occur in New Jersey, as it has in the past, one of the "hard" pesticides could be the best means of preventing further cases and deaths in man. For such reasons as these, we must be certain that we do not overreact.

I would also like to suggest that it is time that we look very carefully at new and novel means of insect control—insect hormones, viruses, and other means.

NEED FOR MORE COMPLETE INSPECTION OF FOREIGN FOOD IMPORTS

Lastly, there is a problem in the foreign food import area. American food producers are subjected to inspections and surveillance during the manufacturing process. Foreign food manufacturers importing foods into the United States are subjected only to a token dock-side inspection of canned products with sampling of an estimated one batch of ten admitted to the country. There is in my opinion a need to increase the sampling of foreign food products so that the consumer can be assured that they are equivalent in terms of quality to food products produced in the United States. The need for more activity in this area was pointed up by a report in the Washington papers of the finding of the deadly botulinus toxin in a can of anchoives imported from Spain during the early part of the year. The experience in my own household leads me to believe that spoilage, as evidenced by bulging can ends, is almost inevitably found in foreign canned goods. One can make a very good argument that an increase in FDA activity in the inspection of foreign foods costing only 10 cents per capita can save the consumer many, many times that amount in terms of food spoilage in foreign canned foods.

SUMMARY

I have tried in the brief time allotted to me to summarize four problems in the food area that I believe are capable of solution and which I believe must be solved in the interest of the nutritional, medical and economic well being of the consumer-citizens of our country.

The afternoon panel on "Waste: Collection and Disposal" was moderated by Samuel J. Kearing, Jr., former New York City commissioner of sanitation. Panel members were Frank R. Bowerman, former assistant chief engineer, Los Angeles County Sanitation District; vice president, Land Pollution Control Group, Zurn Industries; Ben Miyares, editor, Food and Drug Packaging; Tom Stokes, director, Environment; Leo Weaver, director Washington office, American Public Works Association and general manager, Institute for Solid Wastes.

I include the report on the panel discussion at this point in the RECORD:

WASTE: COLLECTION AND DISPOSAL

(By Virginia Horton)

Leo Weaver pointed out that the solid waste, which we discard or throw away, has to go someplace—to the land, air or water.

He said that about 40 years ago sanitary land-fill disposals were introduced. The technology is known for eliminating open-burning dumps. We are not making it work for us as it could if we were willing to apply ourselves. Site acquisition is one of the most important problems plaguing city officials all over the country. The citizen is more impressed by what he sees than what he is told will be. Even where the practice is commendable, it is difficult to obtain sites.

Mr. Weaver said that the only thing that makes complete sense is recycling and reclamation. It seems that it is uneconomical to reclaim waste because there is no market for these materials. If we are to encourage recycling and reclamation, we must first do what is necessary to create new markets and outlets.

Mr. Stokes noted that our society promotes growth for growth's sake. The consumer is hooked. The environment is exploited. What would we do, he asked, if the rest of the world consumed and disposed of as much as we do?

We shouldn't let our own responsibility be absolved waiting for the cultural revolution to come. The revolution is happening all around us. If dropping out is not for you, help organize ecological groups.

The packaging industry is an outrageous offender, he said. He suggested you should take your own shopping bag to the store and pull out and leave with the dealer those sections of the newspaper you don't want. You should use returnable bottles where possible. You should return junk mail to the sender.

Ben Miyares said that the packaging industry is a servant of the people, doing their bidding. However, they are concerned about the problems of waste and are trying to do something about them. Seventy-five percent of solid waste ends up in open dumps. Ninety percent of our present "sanitary land fill" is sanitary in name only. Our real concern today isn't just for beauty but for survival. He asked, what is the packaging industry doing about solid waste? He said the industry is considering the after life of packages; collection disposal centers; decentralized control of production, which could play an important role in reclaiming solid waste; lighter weight containers to facilitate reclamation. The packaging industry is putting together a library on solid waste. In the months ahead, he said, we will see a different attitude on the part of industry.

Frank R. Bowerman reported on innovative techniques in the disposal of solid waste. He said garbage cans are a good breeding ground for flies. Plastic bags are much better because they can be thrown away with the garbage. It probably is worth adding to the waste in this instance.

There is a new type of transport system being used on the West Coast: one man, one truck. It works well where collection point is at the curb, Mr. Bowerman said. Public works departments have made it a premium job, paying more.

Pneumatic tubes are used in some apartments to dispose of waste. Now they are too costly, but grinders could grind up much organic material that comes into the home, which could then be carried away from toilets and sinks by sewers. The packaging industry could be influenced to furnish containers that can be so disposed of.

He said composting has very little application because it provides no salable product. Land fills are the cheapest of any solution. We will have to set aside a certain portion of our land for them.

One re-usable material is corrugated cardboard, which goes right back into re-use. Another is waste newspaper, which can be directed back into newspaper if good method of collecting can be found and if it is kept separate from other waste—otherwise, when mixed with grease, etc., it is no longer of any use.

Samuel J. Kearing said that ninety percent of "sanitary land fills" are simply open-air dumps. Incineration, he said, is not a good means of disposal. The price of proper air pollution equipment would be astro-

nomical. The packaging industry's public relations "solutions" are not practical. He said sixty percent of waste in New York is paper and should be pulled out—kept separately.

REMARKS BY LEO WEAVER BEFORE THE PANEL ON "WASTE: COLLECTION AND DISPOSAL" AT THE 10TH ANNUAL WEST SIDE COMMUNITY CONFERENCE, APRIL 18, 1970

Disposal is the point at which "everybody's problem" becomes "somebody's problem." Processing for sequestration in the air, water, and land environment is an apt description.

Dumping and open burning has been the principal means of refuse disposal since man first banded together. Because public health and safety hazards and nuisance values dictated the removal of "middens" from the center of the community to the edge, transport requirements have become a factor. Even before the age of individual packaging, many cities in western Europe and the United States determined that it was more economical to reduce the volume of refuse produced within the city by incinerating it and transporting the residue to land disposal sites. In the late 1930's the English practice of controlled tipping, whereby refuse transported to a land disposal site is compacted and covered, was first applied in the United States as a method and was promptly named the sanitary landfill method. It was further developed and applied by the army during World War II, and by 1956 more than 1,000 communities used some form of compaction-burial technique. Only about one third of that number, however, appeared to be operating "sanitary" sanitary landfills.

At that time almost 300 cities used incineration as a processing method. Few, if any, political jurisdictions, however, had standards for disposal sites and facilities, and limited attention was given consideration of air and water pollution constraints. Particulate control by visual inspection was the measure of efficiency of the operation of incinerators, and the absence of nuisance complaints the most important measure of success. Similar standards applied to landfills. The results of recent data gathering by the state solid waste agencies indicate some 360 of 6,000 land disposal sites surveyed are operated as true sanitary landfills. This would indicate that the over-all number has only slightly increased in the intervening decade. Thus, there are thousands of "dumps" which have been surveyed, but if unsurveyed municipal, private, and "no-owner" promiscuous dumps are counted, there are tens of thousands more.

The technology is available to eliminate open burning dumps. The National Research Council ascribes much of this problem to the continued reluctance of those concerned to come to grips with it and apply existing technology, systems, and organizational know-how to its solution—above all to pay for these services."[1]

Sanitary landfilling has long been recognized as the most economical sanitary method of disposing of community refuse if suitable sites, within economical haul, are available. Economical haul depends upon many factors, not the least of which is the utility of the local road system. Transfer of compacted refuse from collection vehicles to large tractor trailer vehicles has permitted hauls of up to 50 miles to be more economical than centrally-located incineration. On the other hand, highly congested areas can ill afford such conveyances on city streets and most large eastern cities have resorted to incinerating refuse and transporting the residue.

Sharply increased pollution control requirements and increased component costs have resulted in more than doubling capital costs of municipal incinerators in the 1960's. Further, equipment sufficiently sophisticated to meet air pollution particulate requirements is only now being tested under United States conditions. The possibility of using rail or barge haul of solid wastes as an integral part of the community solid wastes management system is being investigated by the APWA Research Foundation through a project cooperatively financed by 26 public agencies, the Penn-Central Railroad, and a demonstration grant from the Department of Health, Education, and Welfare. The study indicates the feasibility of rail transport of compacted refuse to remote areas where the wastes could be used for the public benefit as fill material to reclaim submarginal lands. The final report of this project is now being prepared.[2]

The absence of sanitary landfill-incinerator standards has has a serious adverse effect on United States practice. The previously mentioned National Research Council report alluded indirectly to this absence by referring to historical solid waste management as characterized by "minimum attention, minimum funding, and minimum application of technology." Recommended criteria soon to be published by the Federal Bureau of Solid Waste Management will be very helpful in upgrading landfills and incinerators. There is ample opportunity to design and develop better systems of shredding, compaction, transport, and combustion to meet more stringent, environmental quality requirements; but indications are that fundamental methodology will remain substantially unchanged.

Site acquisition usually is described as the sanitation officials' most troublesome problem. There are too many examples of open burning dumps and air polluting incinerators and not nearly enough examples of good practice. The citizen is more impressed by what he sees than what he is told will be; so when a sanitary landfill is promised where there is a history of open dump operation, the citizen is wary and hostile. Even where commendable practice is in evidence, funds for advance acquisition of sites have been found to be a problem.

There are many examples of land use plans which make no provision for waste disposal sites and facilities. The need for planning and advance acquisition of open space in urban areas has been recognized. But—we have not yet applied the real potential of combining these programs to better meet community needs. There are very good examples of communities working together in consort to solve disposal problems, but there are many more examples of the erection of garbage curtains and the resulting war is anything but cold.

SALVAGE AND RECLAMATION

Review of municipal refuse collection and disposal practice reveals many instances of successful salvage and reclamation programs. It also reveals that many successful programs become obsolete because of technical-economic developments.

A method of garbage disposal known as reduction was at one time popular and productive of revenue. In the reduction process garbage was cooked with steam in digesters. The grease was extracted. The residue, called tankage, was used as feed for livestock, as fertilizer, and as boiler fuel. The grease itself was sold primarily to soap manufacturers. Odors from the process, high operating costs, and a reduced demand for grease by the soap industry due to the advent of detergents resulted in the abandonment of the method. Philadelphia in 1959 was the last city to operate such a plant.

A rubbish salvage plant was operated in Washington, D.C., until 1928. Rags, paper, cardboard, and tin cans were baled, and cullet, bottles, nonferrous metals, and rubber were picked and graded. A more modern municipal salvage plant was built in Detroit in 1945, but it was abandoned in 1947. Presently, there is in Houston, Texas, a privately-operated salvage composting plant. Components of refuse, such as metal, glass, paper, textiles, etc., are separated for reuse by industries. The residue is converted to compost. This plant is receiving a portion of Houston's refuse under a contract with the city involving a unit cost per ton payment to the company for the refuse delivered to the plant.

Attempts to use the organic fraction of community refuse have centered largely on composting. While at least one composting plant has been operating in the United States for a number of years, almost two dozen plants constructed after World War II have failed, presumably for economic reasons, after relatively short periods of operation.

PARTIAL SALVAGE OR RECLAMATION

Despite the lack of success of salvage and reclamation as a principal means of disposal of municipal refuse, large quantities or material from the solid waste stream are routinely salvaged and resold. Many businesses, hotels, and apartment houses engage in or permit salvage of paper and cardboard. When pricing is favorable, volunteer organizations, such as the Boy Scouts, collect newspapers and magazines and sell them to raise activity money. Some public officials responsible for refuse collection and disposal activities think that voluntary collections are the most practical method of conducting a salvage program. Without volunteer workers, house-to-house collections would not ordinarily be economically justified. In fact, campaigns to salvage metals from household refuse during World War II would not have been self-supporting without volunteer workers. Some authorities involved in the wartime campaigns believe that if conservation of materials, such as metals, is the goal, not low-cost disposal, it would be better to separate the materials at the source and collect them in compartmentalized trucks. This would necessitate reversal of the sharp trend toward combined collection or household refuse. But this, nevertheless, is a real possibility if newsprint is considered. There are other examples, too.

Another example of partial salvage or reclamation may be associated with the incineration process. Heat energy released during the burning process may be used for steam generation. The Atlanta Mayson plant completed in 1941 and still in operation is an example. But this is the exception rather than the rule. There are a number of reasons for this. Most often the primary factor is the lack of a large user close to the plant who is able and willing to take the steam on an "as available" basis. Large municipal plants usually operate on a 24-hour-per-day basis, but shut down for maintenance and repairs Saturday afternoon and Sunday. However, it already has been suggested that for air pollution control purposes waste heat should be reclaimed to avoid the necessity of burning other fuels in some metropolitan areas regardless of economics.

RESOURCE RECOVERY FROM INCINERATOR RESIDUE

In 1969 the American Public Works Association, with the assistance of a grant from the U.S. Bureau of Mines, conducted a study to report and analyze the factors affecting metal and mineral salvage programs from municipal incinerator residue.[3]

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[1] *Policies for Solid Waste Management,* prepared by the National Research Council, Washington, D.C. 1969, 56 pages.

[2] *Rail Transport of Solid Wastes,* A Feasibility Study, APWA Research Foundation, Chicago, October, 1968, 159 pp.

[3] *Resource Recovery from Incinerator Residue,* Analysis of Factors that Affect Economic Recycling of Ferrous Metals and Other Inorganic Material Contained in Municipal Incinerator Residue, American Public Works Association Research Foundation, Chicago, November, 1969, 33 pp.

U.S. Bureau of Mines researchers noted the limited salvage activity by municipalities operating incinerators. Discussions were held with the American Public Works Association to try to find out why this was so, and to explore the widely reported conclusions that salvaging is uneconomical.

Lack of available documentation led to an investigation on a community case-study basis of the factors affecting salvage programs.

The investigation was limited to the metal and mineral contents of municipal incinerator residues and did not consider the organic fraction of refuse. However, its potential positive impact on the concept of recycling-reclamation is significant. It was concluded that incinerator residue processing offers an avenue for resource recycling. However, it was determined that there is a fundamental need for research and development geared to the generation of new products and uses for low-grade ferrous metals and particulated glass. More efficient utilization of the nonferrous portion of incinerator residues depends in large part on economic application of metallurgical refining methods; and, most important, the ultimate success of resources recycling from incinerator residue is keyed to the expansion of present markets and to the creation of new outlets for recoverable items.

LANDFILL RECLAMATION

Landfilling as a reclamation procedure has not received nearly enough national attention. If the municipal official is to be successful in acquiring land disposal sites, he must think more in terms of constructive end uses to the community. This must not be done at the expense of meeting healthful-economic community disposal needs, but as a companion goal to this need. Further, constructive evaluation of a particular site must take into account the ecological implications of the program and the over-all long-term community benefits.

FINANCING

Money is a key factor to all concerned with environmental pollution problems, and the matter of financing is basic. There are a number of possible sources of action to provide for financing solid waste management systems. These include application of the utility concept, earmarking of special tax funds, Federal guarantees of risk capital to the private sector, and direct subsidy through a matching grant program. Whatever method or combination of methods may be used, it is important that such financing be geared to the goal of upgrading total community solid waste management systems, not just parts of systems. Further, the involvement of the private sector must be encouraged in a number of vital areas. One is in the innovative development and application of equipment, methods, and techniques. Another is further extension of the concern and resources of the product manufacturing industries from manufacturing and distribution to include recovery and final disposal. The latter would not only reduce the over-all costs of solid waste management systems, but most importantly reduce the level of the disposal problem itself.

In conclusion I want to emphasize that what may appear to the uninitiated to be a simple problem is an exceedingly complex one.

A wide spectrum of cause and effect relationships prevail, including inadequate or no collection and disposal systems, lack of trained manpower, inadequate or inadequately-enforced regulations, budgetary limitations, public apathy, and the like. The net result is that, while we look to the future to develop a social, political, and technological program of resource recovery, we are not doing well enough what we already know how to do. We can no longer afford indiscriminate use of the land of haphazard disposal of our national wealth. We must face up to the need for conserving our land and material resources as a national policy, but we must do this as part of a program of assuring healthful and economic community refuse management.

The afternoon panel on "Conservation and Recreation" was moderated by Nicholas A. Robinson, chairman, Environmental Law Council, Columbia Law School. Members of the panel were George B. Hartzog, Jr., Director, National Park Service; Boris Pushkarev, vice president, Regional Plan Association; co-author, "Manmade America; Chaos or Control"; Dave Sive, director, Natural Resources Legal Fund; Gary A. Soucie, executive director, Friends of Earth.

I include the report on the panel discussion at this point in the RECORD:

CONSERVATION AND RECREATION

(By Elizabeth Savels)

Boris Pushkarev said that there seems to be a feeling that our cities are hopeless as places to live and that we should decentralize.

However, he said that he believes capital should be employed to improve what we have instead of running away from it.

Mr. Pushkarev said we need a green city, and this can be achieved through a number of steps:

(1) Capturing and reclaiming valuable tracts such as the Gateway seashore.

(2) Restore the Palisades; there are 700 acres which could become public park land.

(3) Expansion of public park lands.

(4) Preserve our green backdrop, the mountain ranges of New York and down to Virginia. He noted that Congressman Ryan has introduced a bill in the legislature to authorize a study of the cost of requisitioning this area.

(5) The housing of the city could be made entirely of tall buildings which would leave larger areas for greenery. Coat pocket parks are better than vestpocket parks.

(6) Not every green area needs to be a recreation area. The roadsides of every highway should be reclaimed as green areas.

Gary Soucie said that ideas of conservation developed in revulsion to the depredations of the robber barons, who used the earth and left it ruined.

The ideas were in two main categories: (1) save the earth because it may be needed by us in the future, and (2) preserve various species of wild life.

Gradually new ideas began to animate conservationists. They pressed for the preservation of beauty spots, of curiosities, of examples of scenic or historic interest. Now, of course, conservationists are engaged in the war against pollution.

In the development of national and state parks, in the preservation of scenic and historic sites, conservationists and recreationists have come closer and closer to a concerted position.

Mr. Soucie said that recreation is valuable to the degree in which it is different from everyday life. The role of recreation has been misunderstood for many years but the development of new ideas in recreation has been phenomenal over the last 100 years in comparison with previous times. Actually, we must plan for continual recreation. A lack of cooperation has caused an overlap in presenting recreational opportunities. We need both the will and the wisdom to overcome the overlap and make the goal a reality, and it must be done by us, for no one else will do it for us.

Our government, he said, does respond to the will of the people. We must organize our efforts and present our program with the strength we have when we are working together. We are consumers, we are taxpayers, we are voters, we are shareholders in our own land. Let our elected representatives know that if they are not responsive to our will someone else may get elected to his office next time. Recognize the facts that there is a system of seniority in government which determines which representative of the people gets what he asks for and when, that there are sources of appropriations which wish to control that for which appropriations are made, and that if it means an increase in taxes, to do our will, we ourselves will pay that increase.

Take everything into consideration; then use our power to get what we want.

George Hartzog said that Government has tried to work in partnership with the people in preserving historic sites, natural curiosities, recreation areas.

In 1872 it established Yellowstone National Park, and later added Glacier National Park, the Grand Canyon, the Great Smokies, the Blue Ridge, Cape Hatteras, Spanish ports and missions, and Jamestown Colony. In 1933 the Antiquities Act was passed and cemeteries and battlefields were transferred to preservation to the National Park Service.

The National Park Service, he said, has as its goals environmental education; man's relationship to his world, the Parks to People program, and the task of making parks meaningful in the lives of the people. Under the latter plan a "Summer in the Park" program has been instituted. There was a pilot program tried in D.C. last year which may be brought to New York City in 1970.

Dave Sive said there are two continuing problems in the world of conservation and recreation: 1) the term conservation is vague to unintelligible for those who never have a chance to see the sky, and 2) apathy, the lack of care, for what happens to our earth.

He said a story is told that in the rural areas of Europe, in World War I, after every battle the townspeople gathered and planted the battlefield with trees.

How do we reach ordinary, everyday people with the message that they must for their own sakes stop throwing paper, cans, plastics, about them as they live their daily lives. They must stop setting buildings and grass and woods on fire. We ourselves are the everyday, ordinary people, and we can begin by not doing these things ourselves. Our motto should be "Every blade of grass is a handkerchief of the Lord".

It was pointed out that members of the audience joined in the discussion. There are spots in the United States where the trees are all the same height, planted in 1932 and 1933. The idea of doing common labor and doing it together is not foreign to the U.S. Another member of the audience pointed out that the trees planted in 1932 or 1933 could easily have been the work of the CCC.

One person said that in order to get people to care about their own environment the idea of discipline must be inculcated. One of our stumbling blocks here is that the young people who are, or say they are, most interested in ecology, are most opposed to discipline. Another member of the audience told of a Block Association which bit by bit and little by little made of its block a place of cleanliness and some beauty. It was noted that as the block improved so did the attitude of those who lived on it toward their environment. They developed a respect for their block and took pride in keeping it up.

Gary Soucie said that the Swiss ran out of resources 100 years ago and faced the music. They teach their children that no one else will clean up his messiness, that they all live in one place, and are all one people.

One member of the audience said that the Ecological Coalition suggests that we join together to make our contribution and to learn from experts how to care for our environment.

Question to George Hartzog: Has there been any contribution or sharing of experience toward development of a national program of conservation and recreation or of developing cultural and historical interests?

Answer: The Government Printing Office, through the Superintendent of Documents, has material put out by 19 different agencies. The President's Council on Historic Preservations supports local efforts in that field by offering matching grants.

Question. To the panel: Should planned communities be avoided?

Answer. The government has no funds for any such national program.

A. Boris Pushkarev: Discipline implies the application of external force. One of those forces could be the dollar. Tax those items which desecrate the parks to pay for park maintenance.

A young man complained that only teen age persons were really interested in the problems of ecology. He had found that parents won't listen in any attempt at discussion on the subject.

A member of the audience said there must be a redefinition of freedom. As a people, we have never assumed responsibility for our actions. There should be a philosophical revolution to create responsible capitalism. Our writers should use conservation as the new spearhead. As far as we now know there is only one small area of the universe where human life can be sustained, and that is in the dimension of the circumference of this globe and the 17 miles of earth's atmosphere containing oxygen. We have only this amount of space and this amount of oxygen. And our oxygen supply will deplete dangerously if we do not preserve our green regions in large areas.

George Hartzog noted, man must change his environmental education. The cost ratio is an out-of-date concept. It is fine for a flood control project to be turned into a land reclamation project, but if you build an airport on that land, you have taken a step backward instead of forward. We cannot change our environment without changing our zoning laws. Zone for beauty—for every tree removed by a development builder, two must be put in its place; for every block of cement laid, two must be set in grass.

Question. If we need to protect our world, what does our Constitution and body of laws do for us?

Answer. Very little, as they now stand. There should be a National Conservation Bill of Rights. We must curb the power of regulating agencies, expand the rights of citizen groups, allocate more money and more resources to the problem. A member of the audience suggested that while we were discussing allocations, we might think of allocating more time to bring children and parks together.

George Hartzog said the Federal Government will participate in capital expenditures toward creating parks, etc., but the operating expenses will be the responsibility of the local community.

The afternoon panel on "Water: Pure or Polluted" was moderated by John Clark, acting director, Sandy Hook Marine Laboratory. Panel members were Robert H. Boyle, senior editor, Sports Illustrated, author, "The Hudson River"; Maurice M. Feldman, New York City, commissioner of water resources; Gerald J. Lauer, New York University Institute of Environmental Medicine; James M. Quigley, former Commissioner, Federal Water Pollution Control Administration; former Member of Congress.

I include the report on the panel discussion at this point in the RECORD:

WATER: PURE OR POLLUTED

(By Sylvia Diaz)

Robert H. Boyle suggested that water pollution could be controlled by using the New York Harbor Act of 1888 and the Federal Act of 1889.

Under these laws, it is a violation for people to discharge refuse into New York Harbor. Persons reporting violations may receive one-half the fine imposed on the violators.

Mr. Boyle further stated that the Hudson River Association, on checking on the problem of Water Pollution, had discovered that among the different violators, for example, the Pennsylvania Central Railroad dumps tons of oil into the water. He reported that last fall the Railroad had to pay a fine of $4,000. The Association will take $2,000, to look for more violators.

Mr. Boyle said violators can be reported to the Army Corps of Engineers.

Maurice M. Feldman said Mr. Boyle had a rather direct solution to water pollution by policing and fining. He said this was a great method of handling this situation. He added however, that the water pollution is also caused by chemical deposits, polluted waste water coming through polluted water-ways. He indicated that there are now plans for 12 treatment plants, and two are already under construction. The plants will remove 95 percent of the pollution permitting a maximum development of fish life.

He said that engineers have been working on purifying water for drinking purposes. In building treatment plants, he said, there is always the problem of where to build them. People usually oppose an adjacent site. Another major problem is the cost; who is going to pay. Plans have to be presented and approved. There is always a problem in communicating with the people in terms of clarifying the complexity of the problems involving the dollar value and the ultimate benefits.

Dr. Lauer said that pollution was a personal matter since everyone is a polluter. He indicated that water pollution and air pollution are inter-related.

Dr. Lauer pointed out the ratio of pollution from people and from industry was about 1.5 people to 1 from industry. Dr. Lauer further indicated that many experts are concerned with the possibility of diseased drinking water.

Dr. Lauer stated that more and more people not experts in pesticides are discussing the problem; there is a lot of misinformation being given out to the public.

John Clark spoke on people pollution and industrial pollution. He said the ratio may be five to one.

Mr. Clark said that the growth of America has by-passed water pollution. However, millions of dollars have gone into construction of sewage treatment plants. It was further brought out that part of the delay in any great changes in the problem of water pollution was due to politicians tendency to investigate how the costs would affect taxpayers. It was also stated that no change was coming in the immediate future; the 1970 system is the same as the 1930 system.

Question to the panel: Is there any supervision on Union Oil and factories.

A. Yes, Legislation is being presented to tighten up licensing.

Q. Why do tankers pump oil into waters to clear their hose lines?

A. The Coast Guard should check if tankers have equipment so they cannot leak oil into water.

Mr. Quigley said that jurisdiction is very narrow on control of pollution, and the approach should be broadened by Federal Government.

IMPORTANCE OF AGRICULTURAL RESEARCH

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, Dr. C. L. Lundell, the director of the Texas Research Foundation, at Renner, Tex., has written what seems to me to be an outstanding article which appeared in the October 4 edition of the Dallas Times Herald. His article points out the importance of agricultural research. This type of research is one of the best investments that can be made with our tax dollar. Unfortunately, only a small percentage of our citizens recognize its tremendous value. Agricultural research comes into focus only when we have problems such as the problem we are having this year with the corn blight. Agricultural research has been of great benefit to all American people and I am delighted to make Dr. Lundell's excellent article available to my colleagues.

CROP RESEARCH HIGH PRIORITY

(By Dr. C. L. Lundell)

City people who know very little about farm production have been aware recently that a short corn crop can suddenly increase their cost of living.

The recent corn blight epidemic has made major news in big city newspapers and on national television. Yet, there are some things about the situation which need to be understood by everyone: (1) the need for continued research in agriculture; and (2) the idea that a shortage could exist in a crop where all we have heard is "burdensome surpluses."

No other commodity in agriculture has had as much research as corn. This crop was grown by the Indians when the Pilgrims landed. It is a major crop for feeding livestock as well as for food for humans. Researchers have spent years and millions of dollars in improving this crop. Corn was the first crop to be hybridized.

Often to the layman it would appear there could be no need for additional research on corn. Everyone has taken it for granted that we'll always have corn in abundance.

Research—as we have all heard for years—is the key to the future. But few outside of scientists fully realize how true this is until a calamity hits. Then, in some cases, it is too late for research to help. So, there is a constant need for research in agriculture—research at all levels. This we have always emphasized at Renner.

The new race of fungus in corn apparently developed as far back as 1963. It thrives on those corn hybrids that carry the "T" gene for male sterility. To the average person that may not mean much, but 70 to 90 per cent of corn hybrids grown in this nation carry the "T" gene. So, virtually all corn could be susceptible to it.

The disease exists from Texas to Florida and into the major corn production areas of the Mideast.

Control is almost impossible, if not financially prohibitive. The best control is the use of resistant lines. Companies producing corn planting seed are stepping up production of existing non "T" cytoplasm forms of hybrids for use in the 1971 season. Winter seed production will be expanded in Mexico and South America.

Just how serious the situation is won't be known fully until the corn harvest is complete in the Midwest. But serious or not, this predicament should convince everyone once and for all of the vital necessity for continued agricultural research.

The corn blight story should also put into proper focus those "burdensome farm surpluses which are a drain on the taxpayer" as one critic explained the farm production story. Often these "surpluses" represent not more than a six month or a year's supply.

The fact is: our so-called surpluses are not surpluses at all. They are insurance against disasters such as might have occurred through the present corn blight problem.

And at best, they are a short-term insurance. Enough extra production which would

take up only a season's failure could hardly be described as a millstone around the taxpayer's neck. The stocks on hand are the best assurance we have of providing for an emergency.

Imagine, for instance, if worst did happen and we lost most of the 1970 corn crop or the crop of 1971. And you don't have to confine it to corn. It could happen to grain sorghum, another major feed grain, or even to wheat.

This would cause a chain reaction throughout our agriculture and would cause shortages in livestock feed as well as feed for poultry.

How high would the cost of meat go then? And even more important, would there be sufficient meat or poultry to go around at any price? We might even see $2 hamburgers!

No one wants this situation to ever come about, but those who would suggest that agricultural research be lessened are, in fact, setting the stage for catastrophe.

It's difficult to even imagine we could have a shortage of food. The corn blight problem, shows what can happen.

Think this over the next time you are asked to support agricultural research!

AIR TRAFFIC CONTROLLERS SHOULD BE REINSTATED

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, in March 1961, President Kennedy requested the FAA to conduct a scientific review of the Nation's air traffic control system. The purpose of the review was to prepare a long-range plan to assure safety and efficient control of all air traffic within the United States, an area of primary responsibility of the FAA. A report was issued soon thereafter setting out general guidelines for a modern air traffic control system for the FAA to develop and implement a system designed to meet the Nation's air traffic control needs through the 1970's.

Now, nearly a decade later and already into the 1970's, no significant element of the new air traffic control system recommended in that report is either in operation at the present time or foreseeable in the next several years.

The seriousness of this delay is highlighted by the fact that during the past 10 years, the growth of air travel exceeded all expectations. In fiscal year 1960, some 2,135 commercial aircraft generated approximately 50 million domestic revenue passenger enplanements and 30 billion domestic revenue passenger miles. In 1970, some 2,689 commercial aircraft will produce 157 million domestic revenue passenger enplanements and almost 100 billion domestic revenue passenger miles.

During the same 10-year period, private aircraft have virtually doubled in number to 133,000 with a corresponding increase in operations. While there have been increases in the capacity of the FAA's air traffic control system during this time, they have not kept pace with the expanding need. For example, there has been no significant technical improvement in the equipment available to the Nation's air controllers.

As the 1960's drew to a close, the Nation witnessed the beginning of a new phenomenon—the complete saturation of some of our largest airports and others fast approaching similar congestion. It is evident that the Nation faces a continuing shortage of adequate airport capacity of critical proportions throughout the 1970's.

This deficiency will continue to place an even greater strain on the Nation's already overburdened air traffic control system as aircraft become impacted in terminal areas. Meanwhile, an inadequate number of air traffic controllers at the Nation's en route centers and at the airports with surveillance radar and control towers must continue to bear the brunt of FAA's failure to increase air traffic control capacity coincident with the rapidly increasing requirement. For example, the number of journeymen controllers has increased only about 20 percent in recent years while the air traffic they direct increased more than 100 percent in the 1960's.

It is in this framework that the current FAA–PATCO—Professional Air Traffic Controllers—dispute evolved. With near misses and midair collisions mounting in numbers and with understaffed controller groups working long hours with obsolete equipment pressures on the air traffic control system intensified as aircraft congestion thickened over major airports. For example, a near midair collision occurred recently at the Tulsa Hi sector of the Fort Worth center. It should be noted that the controller working this complex sector was controlling between 10 and 12 aircraft at the time of the near miss, and in addition, had only 1 day off in the previous 17 days prior to the near midair collision. At the time of the incident, it is reported that the sector was understaffed. Ten hours a day, 6-day work weeks are apparently common in this pressure-filled, highly technical, and extremely critical occupation.

To call attention to their personal plight—but more important—to publicly focus upon the deplorably unsafe condition of our Nation's air traffic system, an estimated 3,000 controllers from New York to Honolulu reported sick during the period of March 25 to April 15, 1970.

As a result of this action, approximately 60 air traffic controllers have, without due process, been arbitrarily fired from their career jobs. Reportedly, the number of firings will exceed 70 when the FAA has completed its punitive action. Some were allegedly fired for being leaders in the sick-out while others apparently were fired for making public statements about deficiencies in air traffic control equipment and manpower which in the eyes of the FAA "undermined public confidence." Apparently, the FAA operates on the theory that what the public does not know, will not hurt it.

By its action, the FAA has deprived these controllers of their only livelihood and has further endangered the flying public by depriving the Nation's badly overloaded air traffic system of their rare and valuable skills. I might mention that employees of the Post Office and the Government Printing Office, who recently took actions similar to the controllers, were not subjected to any such harsh treatment.

It is not necessary to take a position on whether the FAA or PATCO was right or wrong in the sick-out to see that the FAA's action in punishing some controllers by firings and still others by suspensions can only aggravate a very serious problem.

The FAA cannot afford the luxury of being thin-skinned at the expense of the public's safety. The time has come for old wounds to be healed and for the FAA and PATCO to reconcile their differences with a spirit of cooperation and mutual respect.

In the first sentence of its most recent annual report, the FAA acknowledges that it is charged with the responsibility for safe and efficient air travel. It can take a step in this direction by immediate discontinuance of further dismissals and reinstatement of those controllers already fired, along with a restoration of their back salary and any other benefits they may have lost. In this way the existing atmosphere of fear and hostility would be reduced and at the same time the country would again derive the benefits of its most precious resource—the labor product of its people; in this case, the peculiarly talented and particularly needed skills of the air traffic controller.

Mr. Speaker, the House should act promptly to hear and pass the resolution, House Resolution 1234.

OUR PRISONERS OF WAR

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I want to take this opportunity to express my very deep concern regarding the treatment of the men of the U.S. Armed Forces who are being held as prisoners of war by the North Vietnamese Government and the National Liberation Front. This is also a deep-felt plea for public backing and support for all efforts being made to obtain the release of our men. To commit ourselves as a nation to a program designed to make our outrage as a united people felt in Hanoi.

It is a cause of grave concern that each time a member of our Armed Forces escapes or is released by the North Vietnamese we are visited with tales of horror about the treatment of men who were their fellow prisoners. Over 1,500 Americans, captured or presumed to be captured in Southeast Asia, are held under conditions of cruelty not duplicated anywhere else in the world.

The human suffering of the men who are being held captive in this manner is certainly enough of a cause for our indignation. The fact that the Geneva Convention is not followed by the North Vietnamese or the National Liberation Front extends this suffering to the members of our soldiers' families and to their friends. It is a constant source of amazement to me that a government which professes that it is prosecuting a war "for the people" would so blatantly disregard the call for the recognition of simple human needs.

The time has come to act upon our obligation to alleviate the plight of these men.

President Nixon proposed, "that all prisoners of war, without exception and

without condition be released now to return to the place of their choice." This would be a simple act of humanity.

We are not asking for the release of men so that they may be returned to the battlefield, we are asking for recognition that these men are human beings. The other side has our absolute guarantee our men will not return to war.

We are asking that it be recognized that they have right to medical treatment for their injuries; that their loved ones have a right to know if they are alive; that they have a right, a human right, to be allowed to communicate with those they love.

I wish to express to the thousands of people who are members of the families and friends of our men who are being detained in North Vietnam my sincerest sympathy in their suffering and pledge my wholehearted support for any initiatives which can be taken to see that the North Vietnamese Government and the National Liberation Front honor the requirements of the Geneva Convention.

ROCHESTER, N.Y., BOMBINGS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, early this morning, my home city of Rochester, N.Y., was the scene of what can only be described as a reign of terror. The city suffered five bombings—including the Federal office building, the Monroe County office building, two inner city churches, and the home of a labor leader. Fortunately, no serious injuries were reported.

If this wave of explosions, is connected with other bombings and bomb threats which have occurred across the country, then we are at the brink of a national emergency where the safety and peace of mind of every American citizen is threatened.

Those who for some self-proclaimed reasons have set themselves above the law and have martyred themselves by engaging in these acts of violence are not legitimate reformers or even revolutionaries. It cannot in any sense be said that they seek any changes or improvement in our society—rather, they are seeking an insane brand of power for themselves—and they are seeking it by instilling fear in American families through random destruction of life and property.

A recent report by the Treasury Department shows how dangerously close to the brink of anarchy our Nation has come. In the past 18 months there have been nearly 41,000 bombings, bomb attempts, or threats.

A leading U.S. Senator, Senator MARGARET CHASE SMITH, warned us earlier this year that if Americans are forced to choose they will reluctantly choose repression over anarchy—for the majority of our citizens will not and cannot tolerate a situation where constant fear and destruction becomes a way of life.

Those responsible for these acts must be found and punished without resort to oppressive measures outside of our laws. Our goal must not be to pit half of America against the other half in a repressive fury.

Last week, the House of Representatives took a major step toward sharpening the teeth of our criminal laws to meet this threat. We enacted S. 30 which contains a comprehensive strengthening of laws governing explosive devices, their use and distribution, under title XI. The Rochester bombings and others around the Nation make it imperative that States and localities enact similar laws so that terrorist acts coming under their jurisdiction can be properly and forcefully dealt with.

Mr. Speaker, there are many Americans who seek peace, and seek governmental reforms and better responses by government to human needs. But most of these concerned citizens are staunchly opposed to both violence and repression. In my view, those perpetrating these bombings are trying to provoke repressive acts, and to establish an atmosphere where reforms and improvements cannot take place. They must not succeed.

These terrorists must be weeded out and punished under our constitutional laws and system of justice—so that we can go about the business of improving the lives and opportunities for all Americans in an atmosphere of freedom—not of fear and violence.

INDEMNITY FOR FOOD MANUFACTURERS FOR LOSSES SUSTAINED THROUGH USE OF CYCLAMATES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, Sunday, October 18, will be the anniversary of the day a year ago when the Department of Health, Education, and Welfare and the Food and Drug Administration without warning and in the drama of a called press conference banned the use of cyclamates. The action was taken because HEW took the position that it was required by law to invoke the Delaney clause in the Food, Drug and Cosmetic Act on the basis that animal tests by a major manufacturer of cyclamates had produced cancer in test animals.

Cyclamates had been used commercially since 1950. They were put on the "generally recognized as safe" list, the so-called GRAS list, by Food and Drug following enactment of the Food Additive Amendments to the law; they were authorized for use in food standards for canned fruits, and in April 1969 the Food and Drug Administration further approved their use by publishing in the Federal Register proposed maximum total daily intake levels. With this accumulation of assurances from the Food and Drug Administration of the safety of cyclamates, food manufacturers used cyclamates.

As Members of the House know, legislation to indemnify food manufacturers for the losses they have sustained is pending before the Judiciary Committee. The bill, H.R. 18485, by Mr. SISK has the bipartisan support of 20 cosponsors. With the ban on cyclamates becoming complete on September 1, the extent of the industry's losses can be ascertained. It is time, therefore, for the Judiciary Committee to begin consideration of the indemnification legislation.

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, on tomorrow or Wednesday, I shall put an extensive statement in the RECORD in regard to the appropriation bills and spending measures otherwise. Today, I wish to present a brief summary as to the appropriation bills, including the vetoed independent offices-HUD appropriation bill.

IN THE HOUSE

The House has now passed all the regular annual bills. In House actions we have made net reductions—and I am including the vetoed independent offices-HUD bill—of $2.5 billion below the budget requests. If the vetoed bill is not considered, then we are about $2.7 billion below the budget requests.

IN THE SENATE

In the Senate, nine of the regular appropriation bills, including the vetoed independent offices-HUD bill, have been approved. The Senate has made a net increase of $2.5 billion above the President's budget requests. If the vetoed bill is excluded, the increase above the budget would be about $1.4 billion on the other eight bills.

CLEARED CONGRESS

Eight of the 14 regular appropriation bills have been approved by the Congress and sent to the President. Taking into account these bills, there is a net increase above the budget requests of nearly $800 million. Excluding the vetoed independent offices-HUD bill, the net increase above the President's budget requests in the other seven bills is $230 million.

ESTIMATED REDUCTION IN APPROPRIATIONS BUDGET REQUESTS

Some of the larger appropriation bills have not yet passed the Senate, and a new independent offices-HUD bill must be acted upon. After thoroughly exploring the possibilities, I think it can safely be said that Congress, at this session on the appropriation bills, will be under the fiscal year 1971 budget requests in the general area of about $1 billion.

FRANCIS BROWN TO STEP DOWN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, Friday's newspapers carried the report that Francis Brown, editor of the New York Times Book Review for the last 20 years, will retire at the end of 1970.

Mr. Brown should not be permitted to lay down his editorial burden without an expression of appreciation for the magnificent work that he has done as the Nation's foremost literary editor since 1949. In that period he made the Book Review the most widely distributed literary publication in the country, but he gave it a

cachet of integrity and good judgment which made it the most judicious and respected as well.

I have known Francis Brown since my days as an undegraduate at Dartmouth and as a fellow alumnus I have followed his career with pride in his achievements. As a teacher at Dartmouth, an Editor of Current History magazine and an author, he has proven his ability and has made a noteworthy record. It is in his long years of guidance of the Book Review, however, that he has done his most significant work and his imaginative, broad and understanding editorship has been a potent force in preserving some standards of taste and literary distinction in these times of artistic and cultural revolution.

I know that my colleagues will wish to salute the retirement of a man of this distinction, as I do, and for their further information I shall include with my remarks the news story concerning Mr. Brown's resignation which appeared on October 9.

BROWN IS LEAVING BOOK REVIEW; LEONARD TO TAKE OVER AS EDITOR

Francis Brown, the editor of The New York Times Book Review for the last two decades, will retire at the end of the year, it was announced yesterday by Arthur Ochs Sulzberger, publisher of The Times.

He will be succeeded by John Leonard, a daily book reviewer for The Times and formerly an editor on The Book Review.

Mr. Brown, who is 66 years old, joined the staff of the Sunday department of The Times in 1936, and was editor of the Review of the Week section.

He left The Times in 1945 to become a senior editor of Time magazine, but returned four years later to head The Book Review, which, as part of the Sunday edition of The Times, has a circulation of more than 1,400,000, making it the most widely distributed literary journal in the country.

Before joining The Times, Mr. Brown, a 1925 graduate of Dartmouth College, taught history at the college for three years. He earned his master's degree in 1927 and his doctorate in 1931, both from Columbia University.

AUTHOR OF 3 BIOGRAPHIES

He began his career in journalism in 1930 as an associate editor of Current History magazine, then published by The Times. He is the author of a number of books, including three biographies, "Joseph Hawley, Colonial Radical," published in 1931; "Edmund Niles Huyck: The Story of a Liberal," 1936, and "Raymond of The Times," 1951.

A PROGRAM TO ESTABLISH BOTTLED DRINKING WATER HEALTH STANDARDS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation to establish and carry out a program to set bottled drinking water health standards.

In the last decade the bottled drinking water industry has virtually exploded in activity. Increasd affluence has permitted many more citizens to purchase this commodity. More importantly, water pollution scares have spurred bottled water sales. Each new pollution report brings additional customers to the bottled water companies. People who are wary of the quality of municipal water supplies or unhappy with the taste of the chlorine used by municipalities to kill bacteria have created substantially increased demand for privately processed and bottled water.

Industry has responded to this demand. Many supermarkets now stock jugs of water for their customers. In southern California, bottled water is delivered each day in the same fashion as milk or orange juice. Vending machines have become another source of supply.

Because of industry's sudden growth, detailed statistics on the sale and consumption of bottled drinking water have yet to be compiled. However, available statistics do reflect how widespread the industry is becoming. The Water Resources Division of the Department of Commerce has private industry estimates that $100 million worth of bottled water will be sold in 1970. This figure is up from $60 million in 1960 and $63 million in 1964. Los Angeles, the biggest user, has an estimated minimum of 500,000 customers.

In light of this substantial growth, it is surprising to note that no specific and uniform Federal standards exist in regard to the quality of bottled drinking water. State regulations exist, but while some States have stringent standards, other States have general regulations only. Some areas have no regulation at all. In addition most States have no regular system for checking the health quality of bottled drinking water products.

In most instances, private industry has proved responsible in maintaining at least minimum health standards in its products. However, with no specific, uniform guidelines, industry will not be certain of its responsibilities, and consumers will have doubts about the adequacy of their protection. Only last month, for instance, the New York State Department of Health requested producers of a particular brand of bottled water to remove all containers from store shelves pending further bacteriological studies. This followed an earlier report from Vermont health officials that an excessive bacteria count had been found in one sample of the water which is packaged by these producers in plastic-lined containers.

This uncertainty must be eliminated. Our citizens are entitled to the security of knowing that the bottled water which they purchase is absolutely safe for drinking. I am therefore introducing legislation to insure that security. This bill will empower the Secretary of Health, Education, and Welfare to prescribe minimum health and safety standards for bottled drinking water if after scientific investigation he determines that such standards are necessary. These standards will cover spring water, distilled, and fluorinated water, or any other bottled water product which the Secretary finds in need of regulation. It will then be illegal for any producer or distributor of bottled drinking water to transport in interstate commerce those bottled water products which fail to meet these minimum standards. Those producers or distributors who violate the statute are subject to a restraining order and a penalty of not more than $1,000.

This legislation will provide uniform standards for bottled water and insure the safety of the growing number of consumers of this product. Thus far, bottlers have created substantial businesses only in California, Texas, and Florida. However, the industry is growing rapidly, and we must provide adequate regulation now. The safety and health of bottled water drinkers must not be left to chance.

PERMITTING FBI AGENTS TO INVESTIGATE BOMBINGS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, on July 15, in a statement to the House Judiciary Committee, I pointed out that the Nixon administration's antibombing bill submitted to Congress in March would repeal a vitally important 1960 law giving the FBI authority to investigate the bombing of churches, residences, and other buildings.

The Civil Rights Act of 1960 contains a provision that the intent to use, or the use of, explosives automatically creates a presumption that the explosives were transported in interstate commerce and that is an extremely important provision because it gives investigative jurisdiction to the FBI when bombings occur and allows the Federal Government to use its resources and expertise in assisting State and local law-enforcement officials while the trail is still hot.

The administration later partially modified its bill and, as passed by the House of Representatives on October 7 the proposal would make it a Federal crime to use explosives to damage or destroy a building owned or leased by the Federal Government, a building owned or leased by an organization or institution receiving Federal assistance or a building used in interstate commerce or in any activity affecting interstate commerce but excludes residences, churches, and other buildings. At the same time, the administration actively supported efforts to repeal the 1960 law giving the FBI authority to investigate bombings of all types of buildings and, largely as a result of the administration's efforts, an amendment to retain this 1960 provision was defeated.

In short, when the administration-supported bill becomes law, the FBI will no longer have any authority to investigate bombings of churches and residences.

Until this weekend, the administration has not been exercising the authority it now has under the 1960 law for the FBI to actively investigate bombings. Instead, the administration has been urging increased penalties for bombing of certain buildings and has all but ignored the need for apprehension. Obviously, increased penalties are only of use when those responsible for terrorist bombings are first arrested.

Over the weekend, President Nixon authorized the FBI to begin investigating bombings and thus acknowledged they had the authority. This morning, according to press reports two churches and one residence were bombed in Rochester, N.Y. Since the administration

opposed the amendment to retain the authority to investigate certain classes of buildings, and since the new law therefore repeals part of the investigative authority in the 1960 law, the FBI will be without the authority to help apprehend terrorists who bomb both churches and residences when the administration-sponsored bill becomes law.

If the FBI is without authority to investigate bombings of churches and residences, there will be a serious loophole in the Federal antibombing laws. I therefore call upon the administration to immediately stop opposing retention of this vitally important provision of the 1960 law so that the FBI will be able to investigate all types of terrorist bombings and thus at least help local authorities solve such crimes.

AUTHORIZING THE CLERK OF THE HOUSE TO MAKE CHANGES IN ENROLLMENT OF THE BILL, H.R. 17654, LEGISLATIVE REFORM BILL

Mr. COLMER. Mr. Speaker, I offer Concurrent Resolution 778 and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 778

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, the Clerk of the House of Representatives is authorized and directed—

(1) in paragraph (6)(c) of Rule XXV of the Senate, as amended by section 132(d) of the bill, to strike out "subparagraph (a)" each place it appears and insert "subparagraph (b)"; and

(2) in section 601(1) of the bill, to insert ", and section 105(e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act" after "section 321 of this Act" rather than after "title IV, of this Act" as directed by Senate amendment numbered 52.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman, the chairman of the Committee on Rules of the House, if these are purely technical and conforming amendments?

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Mississippi.

Mr. COLMER. That is exactly what the concurrent resolution purports to do. There were certain technical mistakes made in the other body, numbering and paragraphing and so forth. This concurrent resolution is merely for the purpose of correcting the technical mistakes.

The concurrent resolution corrects clerical errors.

First, as passed by the Senate, paragraph 6(c) of paragraph 1 of Senate rule XXV, as amended by the bill, contains references to subparagraph (a) but should refer to subparagraph (b). The first change made by the concurrent resolution corrects this error. See page 63, line 24, and page 64, line 2, of the print of the bill with the Senate amendments numbered, dated October 9, 1970.

The Senate, by Senate amendments numbered 52 and 53, intended that the amendments made by section 305 of the bill—relating to compensation of staffs of Senate standing committees—take effect January 1, 1971. The second change made by the concurrent resolution corrects a clerical error so as to carry out this intent.

Mr. HALL. Mr. Speaker, I thank the gentleman. I understand there would be no substantive change in implication or direction of the reorganization of Congress bill by making these technical corrections; is that correct?

Mr. COLMER. There is none.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw by reservation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE BEACHES OF PRESQUE ISLE

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, most recently, Rear Adm. Denys W. Knoll, U.S. Navy, retired, of Erie, Pa., wrote a very fine article entitled, "Nature Has Been Kind to the Beaches of Presque Isle."

Presque Isle, at Erie, is one of the Great Lakes' finest recreational areas. At a time when there is much discussion about the pollution of Lake Erie, it is gratifying to us in Pennsylvania to know that our beautiful Presque Isle is still ideally suited for recreational bathing and other water sports. I believe Admiral Knoll has explained why this is so in his excellent article. I include in the RECORD excerpts from his article, knowing it will be of interest to my colleagues.

NATURE HAS BEEN KIND TO THE BEACHES OF PRESQUE ISLE

The Great Lake region has made a major contribution to the greatness of the United States, and possesses great potential for the future industrial and economic growth of the nation. About 1000 A.D. it was probably explored by the Vikings and called "Wineland the Good" subsequent to their discoveries in Greenland and Iceland. In 1959 it finally became part of the world ocean trade routes, with the opening of the St. Lawrence Seaway; a water highway to 95,000 square miles of fresh water surrounded by the world's greatest industrial and agricultural domain.

This water highway poses challenges to a Viking oar-propelled "long" boat or a modern merchant ship; a passage through the Saint Lawrence river and the Great Lakes from Montreal to the shores of Lake Superior is a surface distance of 1340 miles and involves a gradual vertical lift of 583 feet above sea level. . . .

The Niagara escarpment poses the major hazard and requires a lift of 326 feet; the Welland Canal consisting of eight locks completed in 1932 performs this lift in a distance of 27 miles. . . .

Leaving the Welland Canal at Port Colborne, Ontario, a ship proceeds across Lake Erie, up the Detroit River, through Lake St. Clair, into Lake Huron, northbound via the St. Mary's River to the Sault Ste. Marie (the Soo) where a final lock lifts the ship 21 feet to the Lake Superior Level.

The discovery of iron ore in 1844 at Marquette, Michigan, signalled the opening of the Upper Lakes. . . . The Lake Superior iron ore ranges in Minnesota and Michigan today have limitless supplies of raw material for the production of iron ore pellets from taconite and jasper for the steel mills in the Great Lakes area. . . .

More than 210,000,000 short tons of iron ore, coal, limestone, and grain are annually transported as bulk cargo on the Lakes. . . .

Pennsylvania as a state is unique with a large salt-water port at Philadelphia; an inland waterway port at Pittsburgh with direct access to the Gulf of Mexico via the Ohio and Mississippi Rivers, and a lake port at Erie. . . .

Lake Superior, the deepest lake, has depths exceeding 1100 feet; Lake Michigan 720 feet; Lake Huron 600 feet, and Lake Ontario 700 feet. The bottom surface of each lake, except Lake Erie, is well below sea level (mean surface of the oceans). . . . Lake Erie is very shallow and of less volume and thus more susceptible to pollution. Lake Superior, a deep large lake with little pollution, has a mean surface temperature of 40°F in summer, while Lake Erie has an average surface temperature of 72°F during the summer months. . . .

The City of Erie is situated on the deeper basin of Lake Erie, and the shoal extending from the Canadian shore west of Long Point deflects the flow of the water from the shallow west basin to the deeper east basin. . . . The shallow west basin of Lake Erie accounts for the volume of fish harvests of Lake Erie being equal to the rest of the Great Lakes combined. The western part of the lake is a natural nutrient trap, a relatively shallow shelf that over the years has received a large amount of natural organic material transported by rivers from the surrounding terrain.

The rivers are the natural transport systems for sediment and organic matter washed downhill by the rains that fall upon the land. Nature is slowly filling up the shallow western end of Lake Erie, ultimately it can become a delta and a shallow marsh. . . . In order that fish harvests may continue, the present programs to eliminate pollution from rivers and lakes must be actively pursued. . . .

The beaches at Presque Isle State Park are continually checked during the summer months to insure that the waters are safe for bathing and recreation. There has been some skepticism; and doubts have been expressed that the beaches near Erie are actually safe for bathing, when the beaches near Cleveland and in the western end of the lake are no longer safe due to pollution.

The City of Erie, Cleveland, Toledo and other cities are, of course, on the shore of the same lake; however, Erie is on the shores of the deeper eastern basin and Cleveland and Toledo are on the shores of the shallower, more polluted western basin. In addition to being favorably situated on the shore of the eastern Erie basin, the currents that move from the western basin to the eastern basin are also advantageous to the shores of Presque Isle State Park. . . .

Nature has been kind to Erie—The Gem City of the Lakes. It has provided us with the finest natural harbor on the Lakes. The Presque Isle State Park has some of the finest beaches on the lakes with clean water and ideal temperatures in summer for any type of water recreation. As the present programs to reduce man-made pollution are successfully pursued, the conditions at Erie will continue and improve, and Lake Erie will continue to provide a fish harvest superior to that of all the lakes combined.

Erie has been, is, and will continue to be an ideal place to seek summer recreation, and at the same time, as a lake port it is a significant part of the nation's economy on our "Fourth Sea Coast".

INDEMNIFICATION OF FOOD PROCESSORS

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, pending before the House Judiciary Committee is a bill, H.R. 18485, by Congressman SISK with bipartisan support of 20 cosponsors to indemnify food processors and their suppliers for losses—not profits—sustained as the result of the action of the Federal Food and Drug Administration last October 18 in banning the sale of products containing cyclamates. Now that these losses can be established and verified, I believe the Judiciary Committee should give this legislation immediate consideration.

Cyclamates were banned by FDA solely because of the Delaney clause in the law which provides that a food additive may not be used if it has been shown to cause cancer in man or animal. There is no evidence that the use of cyclamates in the past 20 years has caused cancer in man. Only massive doses in test rats have produced cancer. In fact, the Food and Drug Administration had given the industry assurance of the safety of cyclamates by authorizing their use in food standards and as recently as April 1, 1969, a cyclamate food additive regulation was proposed by FDA and published in the Federal Register.

The canning industry had just completed the annual seasonal pack of fruits and on October 18 a year ago had an inventory of about 15 million cases valued at over $67 million, produced by 53 companies in 18 States. Although the industry was allowed to continue to sell its products until September 1 of this year, the cyclamate publicity resulted in very substantial curtailment of consumer purchases. A survey of the industry by the National Canners Association indicates their total losses to be about $34,238,433. This includes the estimated cost of destroying the inventory of about 6,000,000 cases of perfectly good, nutritious canned fruits on hand as of September 1. This loss figure is a substantial blow to many small companies as well as to a number of major producers of canned foods. It can very fairly be labeled as a financial disaster for some companies.

In addition to the canners, I am advised that the losses of local bottlers in all States totaling 1,200 to 1,500 companies are about $35 million. From other reliable industry sources it is estimated that the losses of other manufacturers of dietetic and low-calorie products are under $47 million. Thus the total losses to food companies as a result of the cyclamate ban are less than $120 million.

Under the Sisk bill these losses would be compensated in full by the Federal Government. However, the actual cost to the Government would be about $80 million since the amount of recovery—$120,000,000—would be subject to standard rates of tax.

There has been some opposition expressed that to grant indemnification for cyclamate losses would create a precedent and establish future liabilities on the Federal Treasury. There are two answers to this: First, equity dictates that where the Federal Government without warning determines it necessary to protect the general public by taking an action such as that taken on October 18, 1969, the burden should be assumed by the general public and not solely by the financially affected individual companies and farmers; and, second, precedent for indemnification has been established by the Federal Government through the indemnification of cranberry growers, poultry producers, by maintaining a continuing milk indemnification program, and in the action of Congress when we approve the conference report on the farm bill and provide indemnification of bee owners for losses occasioned by insecticides.

INTRODUCING LEGISLATION TO HELP DISABLED VETERANS

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, tomorrow I am introducing legislation which will assure employment opportunity for the disabled fighting men in Vietnam when they return to civilian life.

It also strengthens our efforts in behalf of the older veterans of Korea and World War II who are finding it increasingly difficult to find employment because of the compounding of age with disability.

I am speaking specifically of second injury legislation. The primary purpose of the second injury law as called for in my bill is employment opportunity for the handicapped. Because a handicapped person should receive workmen's compensation benefits identical to benefits received by other injured workers, my bill provides reimbursement to the employer when a preexisting impairment is a factor in the occurrence of a subsequent injury or in causing substantially greater disability.

Everyone agrees that the employment of handicapped persons is in the public interest. However, the interest and concern of the veteran and his family is much greater as many have found that securing employment is a most difficult problem.

Veterans with impairments will often do more work than will other workers without handicaps doing the same job. Statistics relative to injuries show that employees who are handicapped sustain fewer on-the-job injuries that employees without preexisting handicaps. They know the value of a sound body and consequently are not inclined to carelessly cause more trouble.

A job applicant who is a veteran should be judged by consideration of his ability to perform productive work and not on the basis of his disability. Many employers have in recent years come to accept the fact that there are numerous jobs that can be performed equally well by properly placed handicapped workers as by employees without a handicap.

The bill I am introducing today will break down hindrances and remove obstacles to the employment of partially disabled persons honorably discharged from our Armed Forces following service in war by making an equitable adjustment of the liability under the workmen's compensation law which an employer must assume in hiring disabled veterans.

Every disabled—or handicapped—veteran should have the opportunity to take his rightful place in business and industry. And no insensible barrier to this goal should be tolerated.

It should be pointed out that all but four States have some form of second injury fund legislation; however, 30 States limit the coverage to loss, or loss of use, of a member of the body. Only 16 laws provide for broad coverage of prior disabilities.

The Disabled Veterans Employment Act which I am introducing authorizes payments to the States for amounts expended for veterans by a State's special or subsequent injury fund or equivalent arrangement.

Under the language of my bill if a veteran incurs personal injury arising out of and in the course of his employment and suffers disability that is substantially greater, because of a preexisting physical impairment than that which would have resulted from the personal injury alone, his employer shall pay all compensation provided under the State's workmen's compensation law.

However, the employer shall be reimbursed from the State's special or second injury fund or equivalent arrangement for all compensation paid in excess of 26 weeks of monetary benefits and $1,000 in medical expenses.

Briefly, this is what this legislation will do. It is designed to benefit a handicapped veteran by giving him a better opportunity to secure or retain employment and to benefit the employer by relieving him of increased costs of a subsequent injury if sustained.

Mr. Speaker, I include the entire text of this legislation in the RECORD at this point:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disabled Veterans Employment Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a)(1) The Congress finds that veterans of the active military, naval, or air service when disabled as a result of such service in war encounter serious difficulty in securing employment;

(2) Every veteran of the active military, naval, or air service, is entitled to a reasonable opportunity to maintain his independence and self-respect through self-support even after he has been disabled as a result of such active service.

(b) It is hereby declared to be the purpose of this Act to break down hindrances and remove obstacles to the employment of partially disabled persons honorably discharged from our Armed Forces following service in war by making an equitable adjustment of the liability under the workmen's compensation laws which an employer must assume in hiring disabled veterans.

DEFINITIONS

SEC. 3.(a) For the purpose of this Act, the term—

(1) "Physical Impairment" means any service-connected physical or mental condition caused by injury or disease to a veteran, which is of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the veteran shall become unemployed.

If a veteran has any of the following conditions, there shall be a rebuttable presumption that the condition is a permanent physical impairment.

(1) Epilepsy
(2) Diabetes
(3) Cardiac disease
(4) Arthritis
(5) Amputated foot, leg, arm or hand
(6) Loss of sight of one or both eyes or a partial loss of uncorrected vision of more than 75 per cent bilaterally
(7) Residual disability from poliomyelitis
(8) Cerebral palsy.
(9) Multiple sclerosis
(10) Parkinson's disease
(11) Cerebral vascular accident
(12) Tuberculosis
(13) Silicosis
(14) Psychoneurotic disability following treatment in a recognized medical or mental institution
(15) Haemophilia
(16) Chronic osteomyelitis
(17) Ankylosis of joints
(18) Hyperinsulism
(19) Muscular dystrophies
(20) Arteriosclerosis
(21) Thrombophlebitis
(22) Varicose veins
(23) Heavy metal poisoning
(24) Ionizing radiation injury
(25) Compressed air sequelae
(26) Ruptured intervertebral disk

(2) "Secretary" means the Secretary of Labor.

(3) "Personal injury" means injury arising out of and in the course of employment and includes personal injury caused by occupational disease.

(4) "Employer" includes insurer.

(5) "Veteran" means a person who served in the active military, naval, or air service, during any of the following periods and who was discharged or released therefrom under conditions other than dishonorable.

(A) "World War II"—the period beginning on December 7, 1941, and ending on December 31, 1946;

(B) "Korean conflict"—the period beginning on June 27, 1950, and ending on January 31, 1955;

(C) "Vietnam era"—the period beginning on August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress.

(6) The terms "United States" (when used in a geographic sense) and "State" includes the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

PAYMENTS TO THE STATES

SEC. 4. (a) The Secretary is authorized to make payments to the States for amounts expended for veterans by a State's special or subsequent injury fund or equivalent arrangement as set forth in subsection (b) of this section in accordance with a State plan approved under this section to any State with an approved special or subsequent injury fund or equivalent arrangement to encourage the employment or reemployment of disabled veterans.

(b) The Secretary shall approve any plan or any modification thereof, submitted under this section by a State, through its official workmen's compensation agency, which includes provisions substantially equivalent to the following in its workmen's compensation law:

(1) If a veteran incurs personal injury arising out of and in the course of his employment and suffers disability that is substantially greater, because of a pre-existing physical impairment, as defined in Sec. 3(a) of this Act, than that which would have resulted from the personal injury alone, his employer shall pay all compensation provided under the State's workmen's compensation law, but the employer shall be reimbursed from the State's special or second injury fund or equivalent arrangement for all compensation paid in excess of 26 weeks of monetary benefits and $1,000 in medical expenses;

(2) If the employee's personal injury shall result in disability or death, and if the injury, death, or disability would not have occurred except for the pre-existing physical impairment, the employer shall pay all compensation provided under the State's workmen's compensation law but shall be reimbursed from the State's special or second injury fund or equivalent arrangement for all such compensation.

(3) If an employee of the employer is injured or killed by reason of any physical activity of a fellow employee who is a veteran and it is determined that such activity is traceable solely and directly to a physical or mental condition resulting from the service of any such fellow employee in the Armed Forces of the United States, the entire amount of compensation that may be found payable to the injured employee shall be paid from the State's special or second injury fund or equivalent arrangement.

(c) To be approved, the plan must—

(1) designate the State workmen's compensation agency as the sole agency responsible for filing claims against the Fund established in Sec. 5 of this Act, for administering the disbursement of funds under this Act, for administering the disbursement of funds under this Act throughout the State, and contain satisfactory evidence that such agency will have the authority to carry out the purposes of this Act;

(2) provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of funds made to the States under this Act;

(3) provide that the designated agency will make such reports to the Secretary in such form and containing such information as the Secretary may from time to time require;

(4) meet additional conditions which the Secretary may prescribe in furtherance of, and consistent with, the purposes of this Act.

(d) The Secretary shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for a public hearing.

(e) Any State aggrieved by a decision of the Secretary under this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Secretary. The decision of the Secretary incorporating his findings of fact therein, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs.

(f) The Secretary shall cooperate with such State in carrying out the plan or modification thereof.

FUND FOR ENCOURAGING THE EMPLOYMENT OF DISABLED VETERANS

SEC. 5. (a) Establishment.

To carry out the programs authorized under this Act, the Secretary is authorized to establish a Fund for Encouraging the Employment of Disabled Veterans (hereinafter called the "Fund") which shall be available, without fiscal year limitations—

(1) to make such payments as may, from time to time, be required under this Act;

(2) to pay such administrative expenses as may be necessary or appropriate to carry out the purposes of this Act.

(b) Credits to Fund.

The Fund shall be credited with—

(1) interest which may be earned on investments of the Fund;

(2) such amounts as may be advanced to the Fund from appropriations in order to maintain the Fund in an operative condition adequate to meet its liabilities;

(3) receipts from any other source which may, from time to time, be credited to the Fund;

(c) Investment in obligations issued or guaranteed by United States.

If, after any amounts which may have been advanced to the Fund from appropriations have been credited to the appropriation from which advanced (including interest thereon), the Secretary determines that the moneys of the Fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) Annual budget.

An annual business-type budget for the Fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law.

RECORDS, ANNUAL STATEMENT, AND AUDITS

SEC. 6. (a) Any State agency acquiring funds under this Act shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purposes of this Act, in such form as the Secretary, shall, by rules and regulations, prescribe.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents; papers, and records that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State authorities and through the use of their examining facilities.

TAXATION

SEC. 7. (a) The Fund including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof.

GENERAL PROVISIONS

SEC. 8. (a) The Secretary is authorized to prescribe regulations for the administration of this Act including the general method by which claims shall be submitted and paid.

(b) All claims for payment under this Act shall be submitted by the State agency in accordance with such terms and conditions as may be established by the Secretary.

(c)(1) Upon disallowance of any claim under this Act, or upon refusal of the State agency to accept the amount allowed upon any such claim, such official may institute an action against the Secretary on such claim in the United States district court for the district in which a major portion (in terms of value) of the claim arose.

(2) Any such action must be begun within one year after the date upon which the State agency received written notice of disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

COORDINATION WITH OTHER PROGRAMS

SEC. 9. In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and with State, and local agencies having respon-

sibilities for veterans in order to assure that the programs of such agencies and the program authorized under this Act are mutually consistent.

ANNUAL REPORT TO THE PRESIDENT

SEC. 10. The Secretary shall include a report of operations under this chapter in the annual report to the President for submission to the Congress.

SPECIAL STUDIES

SEC. 11. Studies and investigations.

The Secretary is authorized to carry out studies and investigations utilizing to the maximum extent practicable the existing facilities and services of other Federal departments or agencies, and State and local governmental agencies, and any other organizations, with respect to the adequacy of State special or second injury funds or equivalent arrangement and may enter into any contracts, agreements, or other appropriate arrangements to carry out such authority.

On the basis of such studies and investigations, and such other information as he deems necessary, the Secretary shall from time to time develop comprehensive criteria designed to encourage, where necessary, the adoption of adequate State measures which, to the maximum extent feasible, will encourage the employment of disabled veterans.

SEC. 12. There is authorized to be appropriated $—— for fiscal year — $—— annually in each succeeding fiscal year to the Fund to carry out the provisions of this Act which shall remain available until expended.

NUCLEAR POWER: POLLUTION-FREE SOURCE OF ENERGY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 15 minutes.

Mr. COUGHLIN. Mr. Speaker, with new nuclear generating plants proliferating throughout the country, many areas are being confronted with vexing questions of citizen safety and environmental protection.

It is vital to assure, exactly, that proposed nuclear generating plants are safe and substantially pollution free. At the same time, it is important that conscientious citizens and officials do everything possible to prevent the subject of nuclear energy for peaceful purposes from being turned into a political football.

If we are serious in our concern for the environment—and I am—we must recognize that electricity is a clean source of energy, and that nuclear power is potentially a relatively pollution-free source of electricity.

Fossil fuels are a leading polluter and fossil fuel powerplants that daily belch tons of smoke into the atmosphere have been cited as the major source of industrial air pollution in southeastern Pennsylvania. Nuclear powerplants are a practical alternative provided they are safe and do not affect the environment adversely in terms of radiation, water usage, radiation water pollution, thermal water pollution, and effects on atmosphere conditions.

The proposal of the Philadelphia Electric Co. to build a nuclear generating plant in Limerick Township in my congressional district has raised many of these questions. From the time of the announcement on March 12, 1970, that PE wanted to construct a nuclear plant, I sought the information and knowledge necessary to evaluate such a proposal.

I initiated inquiries both with the Atomic Energy Commission and PE in which I sought answers to specific questions relating to the safety and environmental aspects of the proposed plant. While doing so with an open mind, I wanted factual answers to hard questions.

Much information with respect to the proposed Limerick nuclear generating plant was still unavailable, and as early as July 16, 1970, I presented testimony to the Delaware River Basin Commission urging it to refuse consideration of a permit to divert water for the proposed plant from the Delaware River until the environmental report required by the Atomic Energy Commission was available.

Many people may be unaware of recent developments of substantial importance in this field.

First, last week the House of Representatives approved establishment of the Environmental Protection Agency into which will be consolidated the environmental control functions of the various departments and agencies, such as the Federal Water Quality Administration, the National Air Pollution Control Administration, the Bureau of Radiological Health, and others. Consolidation of these functions into a single agency should provide stronger control, and the proposed Limerick plant would have to meet the requirements of this agency.

Second, the environmental radiation protection and radiation standard setting functions of the Atomic Energy Commission are transferred to this new Environmental Protection Agency. For some time, I have objected to the fact that the Atomic Energy Commission is both policeman and promoter of nuclear energy and have advocated separation of its regulatory function from its other functions. Splitting off the setting of radiation standards into the Environmental Protection Agency is a long step in that direction.

Third, last week the House also amended the Atomic Energy Act to provide for a thorough and comprehensive review of radiation protection standards by the National Council on Radiation Protection and the National Academy of Sciences. This review would enlist prominent scientists on a continuing basis, and its recommendations would be published publicly.

In addition, although not a recent development, the Water Quality Improvement Act of 1970 requires certification from the State, Interstate Pollution Control Agency, or Secretary of Interior, as appropriate, that the plant will not violate applicable water quality standards.

Despite these encouraging developments, I believe that granting a permit for the construction of the Limerick plant should be deferred for a number of reasons:

First, the Environmental Report required by the Atomic Energy Commission has not yet been completed. It must be studied in detail and approved by the Environmental Protection Agency before any decision is reached.

Second, the cooling tower system is still under design. It remains to be shown that these towers or the process they employ will not pollute the area either physically or visually.

Third, the mandated review of the Federal safety standards under the separate supervision of the Environmental Protection Agency should be available before final permits are issued.

I would hope that the proposed plant at Limerick will not be turned into a political football. Our future needs for clean sources of energy, the safety of people and the survival of our environment are too important to permit influence by emotional, scare political tactics.

We want neither brownouts nor a fossil fuel plant at Limerick. Blind opposition to nuclear power or extended moratoriums on progress in the field may deny us the possibility of a more pollution-free source of electrical energy.

Our job is to assure, exactly, that the proposed plant is both safe and substantially pollution free.

WILL THE PRESIDENT DISCOVER AMERICA?

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, today we commemorate the finding of America by Christopher Columbus. What that great navigator found was not really North America, but bits and pieces of the Western Hemisphere. Citizens of the United States are sometimes inclined to forget that this hemisphere consists of North America and South America. It would be fitting therefore if we used this day to commemorate several facts, not the least of which is that Columbus was a sailor under the Spanish flag. Accordingly, we should discover America in the larger sense, just as Columbus did—not just this country but the whole hemisphere. And as I review the scene today I can only wonder when the President will discover America.

This year there have been great, portentous events in South America. In Chile the first free election of a Marxist President took place. Before that, no Marxist had ever been freely elected in any country. Just a few days ago, Bolivia started through another revolutionary change of government, and thus far it seems that this poor Andean land has taken a decided turn to the left. And the same thing has happened in Peru, so that all of the Andean countries are now coming into vast political changes, none of which seem to hold much promise for the future good of the interests of the United States, or for the future of the poor people who make up the vast bulk of the citizenry of those countries.

Aside from all these startling developments, the Soviet Union is breaking the 1962 Cuban missile agreement by constructing a submarine base in Cuba.

Yet, we hear only silence from the President, who in recent days has hardly had time to visit the Capital of his own country. I think that it is time he discovered America.

The administration cannot decide whether that Cuban base exists or not. At first, the White House, through an

anonymous spokesman, said that it did, and the United States was concerned about it, even going so far as to say darkly that the United States would take the right action at the right time to deal with that installation. Then, a few days later, other anonymous spokesmen said that they were not sure that the White House had reliable information and maybe the whole thing would best be forgotten. And now comes the Secretary of Defense, who yesterday said yes, there is a Soviet submarine base in Cuba, and that it would pose us a considerable threat, but that he did not know whether they had actually used the base or not. Well, they would hardly go to the trouble of building the base and not using it.

Let us have the cards out on the table. Let the administration start discovering America, and being frank for a change—among other things, about that submarine base, what kind of threat it represents, and what we intend doing about it.

It surely puzzles me that this administration has been able to discover a threat to the security of this Nation by inventing a creature called the "radiclib," which creature is in fact anybody who disagrees with the administration, but who is otherwise a completely faithful and loyal American. Yet, this same administration cannot discern any threat in a Soviet submarine base so close to our shores that the wake from passing submarines might well swamp small boats at Key Biscayne itself. Possibly the old "red" hunter of the forties and fifties is unable to discern the difference between threats conjured for political convenience and those which are real and very deadly indeed. What seems more likely is that recognizing real threats is not deemed to be in the political interest of the administration.

The primary interest of any nation is its own survival. When that interest is threatened a nation must recognize the danger and face it. No nation can afford to be, in the President's phrase, a "helpless giant." Yet in the case of the Soviet base in Cuba, that seems to be precisely what we are—either a helpless giant or a terribly slow-witted one.

It simply boggles the imagination to see a Secretary of Defense say that a submarine base has been built in Cuba, that the Soviets might substantially increase the effectiveness of their nuclear missile firing submarine fleet with such a base, and that this would be a serious matter, indeed—if the base were used. Does he think that it would be not be used?

I believe that we have to be concerned by the administration's double reverse on this matter. For those of you who do not follow the great sport of football, a double reverse occurs when the quarterback seems to go one way, and hands the ball to a man running the opposite way, which is a reverse. A double reverse takes place when the second man hands off to a man going in the quarterback's original direction. Now in the case of the Soviet submarine base, we have seen the White House take off on an aggressive challenge, only to reverse its field, and then only, through Secretary Laird, to reverse its field yet again, except that he fumbled. The quarterback has not yet any place in sight during all this action—he has been in Europe, at sea, in Florida and now is on the campaign trail.

Would the President not have been in the forefront of those condemning the late President Kennedy had he permitted the Soviets to establish a submarine base in Cuba? Indeed he would have. Yet, as President, he sees no need to recognize the danger, nor even to ask his spokesmen to set the facts straight, nor even to express much concern about it.

If there is a threat to America today, I do not think it comes from those that the President has his chief hatchetman to denounce as radic-liberals but from the very real opponents of this country who have established themselves with a strategic base in Cuba, with a stunning election victory in Chile, and with strong gains elsewhere in the southern half of this hemisphere. If the President would discover the real threat to the Western Hemisphere, and to this country today, let him discover America this Columbus Day.

THE 91ST CONGRESS—A REPORT TO THE PEOPLE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 30 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, each session of the Congress tends to take on a character and theme of its own. While the record of the 91st Congress is still being written, I venture to think it will become known as the "New Priorities" Congress—the Congress which expressed in legislative terms the Nation's determination to put its house in order. Much remains to be done, but there are major accomplishments for which we may justly take credit.

CURBING THE PENTAGON

This Congress has responded to the national mood by bringing the Defense budget under rational control. The House of Representatives trimmed $2 billion from administration requests. If upheld by the Senate, as will almost certainly be the case, the 1971 Defense budget will approximate $66.7 billion—down $6 billion from fiscal 1970. More to the point, more than half the cuts were in the arms procurement section of the budget. In short, Congress has served notice on the military that it is fed up with costly overruns on questionable weapons systems and will insist that the Pentagon heed its own newly announced fly-before-you-buy policy.

FOREIGN AFFAIRS

The 91st Congress saw a significant effort in the Senate to reassert congressional oversight responsibility on foreign policy. The Committee on Foreign Affairs brought to public view the nature and extent of our commitments to the nations of Southeast Asia and for the first time revealed some of the seamier aspects of those commitments; for example, the fact that we have for some time been paying huge bonuses to entice our "allies" to fight in South Vietnam. The central issue at dispute in the Senate was the withdrawal rate, and whether support as well as combat troops would be brought home. The President at first steadfastly refused to be pinned down to a withdrawal timetable as sought in the Hatfield-McGovern resolution, which I sponsored in the House. But in his speech of October 7, Mr. Nixon said:

> We are ready to negotiate an agreed timetable for complete withdrawals as part of an overall settlement.

Meanwhile, Congress expressed its deep concern for the fate of Israel by authorizing the President to transfer to Israel by "sale, credit, or guaranty" aircraft and related equipment to counteract the Russian presence in Egypt.

THE DOMESTIC SCENE

Mr. Speaker, I think it fair to say that the 91st Congress has begun to heed the growing desire of the American people for improvement in the qualitative as well as the quantitative aspects of our society. Most of us realize that no society can exist, much less improve itself, if it cannot guarantee the physical well-being of its citizens nor safeguard their property. Thus, action was taken on a number of major law enforcement bills. The most significant were: the Comprehensive Drug Abuse Prevention and Control Act, which sets up new procedures for classifying dangerous drugs, changes penalties for "users" as opposed to "pushers," provides new enforcement powers to attack major narcotics rings, and authorizes new rehabilitation programs for drug addicts; the Omnibus Crime Control and Safe Streets Act, which builds upon and improves the initial Crime Control Act of 1968 and provides substantially more money for Federal grants to State and local law enforcement agencies; the Organized Crime Control Bill, which gives Federal and State authorities new powers to investigate "syndicated" crime and to prevent hoodlums from buying into legitimate businesses.

THE ENVIRONMENT

While law enforcement measures occupied a good deal of time, Congress gave high priority to environmental legislation. The House passed a new Clean Air Act which more than doubled Federal funds to fight air pollution. The Senate added tough new language giving the auto industry a specific deadline to develop a pollution-free automobile engine. A new Water Quality Improvement Act materially increased Federal grants for sewage treatment construction and pilot projects to investigate new methods to rid our lakes and streams of pollutants. A new Solid Waste Disposal Act will expand research for new methods of dealing with garbage and trash. Administratively, Congress authorized the President to revamp the executive branch to give more emphasis to environmental problems. And Congress enacted the new Environmental Education Act which I cosponsored. The act will make

Federal funds available to local schools to help set up environmental education courses to alert a new generation of Americans to the values of nature and the necessity of preserving it.

MEETING SOCIAL NEEDS

Americans do want a better physical environment in which to live and raise their children. But far too many of our people are still waging a difficult battle to assure to themselves the basic necessities of life. This is particularly so in the case of our senior citizens who are most vulnerable to the inroads of inflation. Legislation increasing social security benefits and improving coverage was approved by the House and should soon receive attention in the Senate. The specter of illness haunts everyone—young and old. Congress passed over the President's veto the Hospital Construction Act which continues the existing program of Federal grants for new hospital construction and establishes more liberal provisions for Federal loans to build urgently needed hospital facilities.

Space does not permit more than a brief mention of other major legislation to be enacted by the 91st Congress: The new Urban Mass Transportation Act, authored by Senator HARRISON A. WILLIAMS, of New Jersey; the Health Training Improvement Act; the Food Stamp Authorization Act; the Child Nutrition Act; the Federal Construction Safety Act; the National Traffic and Motor Vehicle Safety Act; the Federal Railroad Safety Act; and, of course, the Tax Reform Act of 1969.

This listing is by no means all inclusive, nor could it be. But I think it indicates that the 91st Congress expressed a deep regard for the social needs of our citizenry and a determination to do something about them. Much more needs doing. As a result, the 92d Congress will have a full agenda when it convenes next January. But thanks to the Legislative Reorganization Act passed by the 91st Congress, I think the new Congress will be even more responsive to national needs.

A TRIBUTE TO COLUMBUS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, once again this year we pause to honor one of the great journeymen of time.

We celebrate Columbus' daring, his courage and discipline and his visionary spirit—but especially we commemorate his feat for the monumental vistas which he opened for future generations to explore.

Whether Columbus was actually the first or second, or even the third voyager to reach our shores is purely academic. It detracts nothing from the intrepid admiral's daring and determination. It subtracts nothing from the everlasting significance of his unique and monumental achievement.

In saluting Columbus we honor not only the man but the legacy which he bequeathed as the Father of Immigration. We honor all immigrants, for the faith and courage of those who followed Columbus remind us of his undaunted will. In this spirit they eventually created our democracy, dedicated to the principles of freedom and opportunity. But we do more than show our gratitude for their countries contributions. We simultaneously strike a powerful blow against discrimination and the intolerable prejudice of those who insist upon measuring a man by where he comes from or where his parents or their parents came from, without regard for individual ability, integrity, loyalty, or any other distinguishing or commendable characteristics.

The magnitude of Columbus' achievement is incalculable, for virtue of his discovery, he was responsible for the birth of a civilization. This major milestone in the history of mankind deserves to be remembered anew each year. In and of itself it is sufficient reason to justify a national celebration in a country which owes its existence to that magical moment of discovery.

I am personally gratified that after many long years and persistent efforts the Congress saw fit to establish Columbus Day as a national holiday. And, I am pleased that next year will mark the first national celebration of this historic event—for Columbus Day is an appropriate occasion for the nation to pause to pay homage to the cause and challenge of discovery, invention, and exploration. We celebrate Columbus Day, too, as a symbol of man's search for, and conquest of frontiers—both those which are as yet unknown as well as the new frontiers of environmental pollution and urban decay which are really the old frontiers redefined—and perhaps the greatest challenge to the frontier spirit.

It will be a time to review our progress in the search for technological advances to improve the way of life for all citizens by making it better, safer, and more satisfying, to evaluate our gains and appraise our failings and to renew our faith.

THE CHARLOTTE DESEGREGATION CASE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. CRAMER), is recognized for 30 minutes.

Mr. CRAMER. Mr. Speaker and my colleagues, I am just a few moments late because I have just left the U.S. Supreme Court, along with some of my colleagues from the House, some of the 83 Members of the House who joined me in my brief in the Charlotte-Mecklenburg desegregation case, being heard today by the Supreme Court.

It might be as shocking to my colleagues as it was to me to learn that those 84 Members of the Congress, myself included, were denied the right to be heard before the U.S. Supreme Court. Supported by my colleagues, I had petitioned for the opportunity to be heard as the author of the antibusing amendment to the 1964 Civil Rights Act. Section 401(b) very clearly and very distinctly states:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The Senate, in section 407, further stated that no court or any other branch of the Government shall have authority to order racial balance.

Now, this is a very clear mandate of the Congress of the United States. You and I know that that act of 1964 would never have become law, if this language had not been written into the proposed legislation for desegregation in America.

There is no argument about whether desegregation should be required. That is the law, and no one is arguing that. However, the question is: What is desegregation? As the Member of the Congress who wrote the definition into the law, which was supported unanimously on the floor of the House and unanimously by the Senate, I know that there was not one question raised about it when it was proposed that desegregation shall not mean the busing of students in order to provide racial balance.

I listened to the arguments this morning. The nub of the problem is: Can you have an all-black school anywhere in America and still have a constitutionally desegregated system? I say "yes." The courts have constantly said "yes" in the North, but not in the South. That is not uniformity of justice in America. It is a wrong decision, and I wanted to tell them that it was wrong. I wanted to tell the Justices in the Supreme Court that it was wrong, because I offered that amendment and I come from the South and my own congressional district and home county was involved. They said in my own home county that you could not have an all-black school under the latest determination, although you can have just as many as you want in Chicago, and in Harlem, and in other places in America. This, despite the fact that the Congress of the United States clearly acted and said that busing shall not be required for balancing. But they are playing a numbers game with all of the students in America. A quality education, and a neighborhood school system, and the rights of all the students, black and white, should be considered in providing for an adequate educational system in America so far as the Constitution of the United States and the Congress of the United States are concerned.

I resent the fact, Mr. Speaker—and I will yield to my distinguished colleague in whose district the problem exists, the Charlotte-Mecklenburg area, where this case arose—I resent the fact that the Congress of the United States and the Member who wrote that amendment, in particular, were not given an opportunity to try to help the Supreme Court by indicating what Congress clearly intended; namely, that the rule should be the same nationwide and that you could have an all-black or all-white school where this is no segregation. This is not against the 14th amendment. The courts have no right to inject themselves into that factual situation. Second, the Congress has spoken under section 5 of the

14th amendment, to enact appropriate legislation. I am glad to see that the Department of Justice is taking a position similar to this in many respects. Balancing is not required, and busing for the sake of balancing is not required. But I wish the Court had given me the opportunity to say it. That is what the Congress has said and that is the law of the land, and the Court has got to live up to it. I wish somebody had been there to inform the Court of what we intended. I say that it is a pretty sad day in America when a Member of the Congress of the United States, backed by 83 other Members of the Congress, which is a pretty substantial number of the Members, not just from the South, but from the entire country, is not at least given 5 minutes of the precious time of the Supreme Court of the United States.

I now yield to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Is it not fair to say that some of the lower courts and the court of appeals, for example, in the Fifth Circuit have completely misinterpreted and misconstrued the legislative history involved in the Civil Rights Act legislation? Is that not true?

Mr. CRAMER. The gentleman is absolutely correct.

Mr. JONAS. And was not one of the purposes of the brief which the distinguished gentleman from Florida filed to make the record clear and to establish and show to the Supreme Court what the real legislative history behind that Cramer amendment was, beginning with the hearings in subcommittee, and in the full committee and particularly on the floor in the other body?

Mr. CRAMER. The gentleman is eminently correct. In the Judiciary Committee, we struck from the legislation proposed by the then Kennedy administration in 1963 every reference to racial balance, and we did so unanimously. Then we offered the amendment on the floor to make sure, as the gentleman well remembers. For the courts to come up with a wholly improper determination that my amendment applies to the North but not the South is about the most fictitious and false interpretation of that legislation I have ever seen, and I wanted the opportunity to tell them what we intended.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, that point was not only made in the committee, in your subcommittee and on the floor, but it was emphasized in the debate and the colloquy in the other body.

Mr. CRAMER. The gentleman is absolutely correct. And, I repeat, I do not think there was a man in the Congress who would not concede that if my amendment, plus the one added in the Senate, had not been made a part of that legislation, the act would not have passed. Does not the gentleman agree with that?

Mr. JONAS. I agree absolutely. I cannot understand how a court could so misconstrue the legislative history of this section. That is why I am so anxious to join in the very fine brief prepared by my able colleague in the well, because I thought for the first time we had some legislative history for this act and this section in a brief and in oral argument which would convince the Supreme Court that the lower courts had misconstrued and misinterpreted the legislative history. There was no intention on the part of the Congress in the Civil Rights Act of 1964 and the amendments thereto to indicate that that provision only applied to de facto cases.

Mr. CRAMER. I will say to the gentleman that I thank him for joining in the brief and for his activity in support of this case which originated in his district. He is very much involved in an effort to get a rule of reason applied with respect to desegregation.

I had hoped that the Supreme Court Justices would read that brief and that they would let us be heard. I trust that they will read that brief because if they do, I think there is a good chance that a decision will be made consistent with the law as written. Balance is not required through busing because the Congress acted under the Constitution and stated that it would not be required.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, I was glad to hear the Solicitor General in the argument this morning adopt that same view. He made the point that what the Congress enacted under the 14th Amendment, a lower court is bound by.

Mr. CRAMER. That is right, and that is what I wanted to indicate—that what Congress intended, the Court is bound by.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to be associated with the gentleman's remarks and I commend him for his actions. I also have had the great opportunity to join in the brief that the gentleman in the Well has prepared, and I had the opportunity to go with the gentleman in the Well and with many other of my colleagues to the Supreme Court this morning.

I think it should be pointed out, Mr. Speaker, that the gentleman from Florida (Mr. CRAMER), did ask permission for only 5 minutes to address the Supreme Court to put his arguments forward, and he was denied this time.

I might also say that the Supreme Court stopped right at 12 o'clock to have lunch, and as I understand it they will quit again at 4:30 in the afternoon, not taking enough time to hear such an important argument that the gentleman in the well has prepared to deliver in the Charlotte-Mecklenburg case.

Mr. Speaker, I wish the gentleman from Florida would comment on what the Solicitor General said in his remarks to the Supreme Court this morning, wherein he said that he could find nothing in the Constitution that said where you had to have integrated schools, schools could be segregated in certain cases, all black or all white. He gave as examples Washington, D.C., and Mount Bayou, Miss. Would the gentleman care to comment on that?

Mr. CRAMER. The argument of the Solicitor General—and incidentally, as you know, many of us have been attempting to get a rule of reason in the executive branch, and I think the brief filed by the Solicitor General indicates that maybe there is a breakthrough there, certainly insofar as that brief is concerned—indicated that the Court should first determine what are the standards that shall be required; and, second, what should be the objective?

And he questioned whether the objective should be achieving of balance as the standard, or should it be to disestablish a dual school system? And he took a very clear and positive position that the Constitution, in his opinion, and that means the Justice Department of the United States, does not require racial balance. Desegregation does not mean racial balance.

I trust the Court will be guided favorably by that.

Mr. MONTGOMERY. If the gentleman will yield further, and this will be my last comment and last question, I was a little surprised at some of the judges asking questions about certain terms that we have become quite familiar with in dealing with desegregation cases, I was surprised at hearing the Court asked the Solicitor General and others before the Court what did the witnesses mean by words such as pairing, clustering, and satellite. This is such an important case, I was a little disturbed that the judges were not more more familiar with these words and their usage.

Mr. Speaker, again I thank the gentleman for yielding—he is doing a great service to the people of this country.

Mr. CRAMER. I thank the gentleman for joining in the brief.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, I thank the gentleman from Florida for yielding to me at this time.

Mr. Speaker, I think that the gentleman from Florida (Mr. CRAMER), has performed a service for this body and for the country in taking this special order today to do on the floor of the House that which he was denied the right to do before the bar of the Supreme Court today.

The gentleman from Florida, I am sure, will concur that immediately upon the preparation of the amicus curiae brief which the gentleman from Florida prepared, and upon giving a number of us the opportunity of joining with him in the filing of that brief with the Supreme Court, that along with a large number of our other colleagues the gentleman from Georgia who is now speaking joined with the gentleman from Florida. I would further say that the brief as prepared by the gentleman from Florida certainly expressed the intent of the Congress which is at issue in this Charlotte-Mecklenburg case which is being considered before the Supreme Court today.

In addition, I think that the gentleman from Florida has accurately stated the facts that as popular and appealing as that legislation to which his amendment was added was to the majority of the Members of the House that it would not have passed without his amendment. I must add that even with the amendment of the gentleman from Florida, that piece of legislation had no appeal

to me. Notwithstanding I think the gentleman from Florida is correct when he says that without the language of his amendment the bill would not have passed either this House or the other body.

I was disappointed, as I know the gentleman from Florida was, when he was denied the right to appeal personally and to make an oral argument before the bar of the Supreme Court. I share with him that disappointment which I know he must have felt.

In addition to that, the State of Georgia through the Attorney General of our State filed a brief in this same case. I hope the gentleman from Florida has read it, and I believe that he has. I believe the gentleman from Florida will concur in the line of reasoning in the brief submitted by the Attorney General Arthur K. Bolton of Georgia, and others, as being along identical lines as the brief prepared and submitted by the gentleman from Florida and others.

The State of Georgia has particular reasons to be interested in this case and to be heard. One of the cases which has been consolidated with the Charlotte-Mecklenburg County case and which arose in the State of Georgia and certainly has a valid interest. In this case, the State of Georgia was entitled to be heard just as I think the gentleman from Florida was entitled to be heard.

However, I do express the hope and confidence that the Chief Justice of the United States and the Associate Justices of the Supreme Court, will carefully read the brief prepared and submitted both by the gentleman from Florida and by Attorney General Bolton of the State of Georgia.

Mr. Speaker, I congratulate the gentleman from Florida on his brief and for taking this special order today.

Mr. CRAMER. Mr. Speaker, I thank the gentleman from Georgia.

Mr. Speaker, to me this is a unique situation. In effect, the Court is actually taking over the functions of the local school boards and drawing school district lines and drawing their own plans—and dictating, if you please, their own plans for desegregation—and, supposedly, pursuant to a constitutional mandate.

This is a situation charged with public interest and concern. To me, this is unique that the court should assume that right—the Congress having spoken in the field. Indeed this is a unique case.

In a case like this, where the Congress has acted to provide a definition of desegregation, and the Court is seeking a definition, for the life of me I cannot understand why the Supreme Court holds to a hard and fast rule and will not let the Congress be heard.

Mr. FLYNT. Mr. Speaker, I concur with what the gentleman said about this being a unique case. It is unique for the reasons the gentleman from Florida has stated.

If I may add another reason, I think the Charlotte-Mecklenburg County case is unique because in so many instances where the Supreme Court of the United States is called upon to rule upon the intent of the Congress in enacting a particular piece of legislation and in many instances the personnel composition of Congress has so changed between the time that the statute was enacted and the time the Supreme Court may be called upon to rule upon the intent of Congress in passing a particular statute, that many or all of the Members who were Members of the Congress at the time of the enactment of the legislation are gone either through retirement or death. But in this instance many Members of the Congress who were serving in 1964 are still serving in both Houses of Congress. This is equally true, as the gentleman is well aware, as to many of us who gladly joined with him in signing this brief—are still here. So the Court had unique opportunity to hear from the gentleman from Florida speaking for himself and the others as to what the intent of the Congress was and is.

Mr. Speaker, I thank the gentleman from Florida for yielding.

Mr. CRAMER. I thank the gentleman from Georgia.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman made the point that he, together with several of our colleagues, were denied 5 or 10 minutes to present an oral argument before the Supreme Court. Aside from being a Member of the Congress, is not the gentleman from Florida a lawyer in good standing, admitted to practice before the Supreme Court as a private citizen?

Mr. CRAMER. Yes; that is correct.

Mr. MICHEL. Did the Court give any reason at all why the gentleman was denied the opportunity for that oral argument?

Mr. CRAMER. Yes; they said, "Motion denied," quote, unquote.

Mr. MICHEL. And that was it?

Mr. CRAMER. That was it.

Mr. MICHEL. I merely wish to commend the gentleman for focusing attention——

Mr. CRAMER. The Supreme Court does not have to explain what it does. All it said was "Motion denied."

Mr. MICHEL. I do wish to commend the gentleman for the action he has taken in focusing attention on the history and intent of this most significant piece of legislation because, as the gentleman has suggested, it does have far-reaching ramifications throughout the country, including my own State of Illinois.

Mr. CRAMER. I thank the gentleman. Really what I am hoping the Court will do is to consider all students. Why deny white students basic rights? Why should white students be bused 40, 50, or 60 miles in order to accommodate a numerical balance, merely because some college professor thinks that is the way it should be done? That is what happened in North Carolina. The Court hired an expert. I think all students have rights. Certainly it does not help education or the rights of students to compel them to spend 2 or 3 hours a day on a bus instead of being with their families and participating in neighborhood activities, such as Boy Scouts and Girl Scouts. I think the rights of the students must be recognized. There must be some fairness in this thing. Playing a numbers game, a balancing game, just does not serve the best interests of the students.

Mr. MICHEL. I agree with the gentleman.

Mr. CRAMER. I thank the gentleman. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding. The gentleman has mentioned that the Court does not have to answer for its actions. Sitting over there this morning and observing the Court, I am even more certain now that we need to pass the bill that I introduced to elect the judges of that Court and also to retire them at the age of 70. If they are going to make the law, which we are supposed to do, then I think they should be answerable to the people as we are.

Mr. CRAMER. Let me make my position understood. I say they should be up for review every 6 years, and should be required to retire at age 70. I yield further to the gentleman.

Mr. EDWARDS of Alabama. We are not too far apart on that, then.

The gentleman has done a great service in preparing his brief. It is a brief prepared from a legal standpoint by a gentleman with a legal background. At the same time he brings practical knowledge to the brief, because the gentleman was the author of the amendment which has been referred to. I think the substance of this brief is, in fact, at the heart of what the Court is going to have to consider and decide as a result of its hearings today and tomorrow. In my opinion, it is most unfortunate that the Court has not seen fit to allow the gentleman to make his oral argument.

Mr. CRAMER. Let me say that this point is exactly what the Court is going to have to decide; is it not? The position of the appellants, the NAACP and what-have-you, is that you have to have racial balance.

Mr. EDWARDS of Alabama. That is correct.

Mr. CRAMER. They will have to decide the question.

Mr. EDWARDS of Alabama. The Congress has been very clear on this. I think it should also be pointed out, or perhaps reiterated, that the oral argument that the gentleman hoped to make was going to be made on behalf of 84 of us who joined him is his brief. We did not go over there and ask the Court to let all of us argue. I am admitted to practice before the Supreme Court as well, but it had been hoped by all of us that the gentleman could make that argument in our behalf. So it is an affront, not only to the gentleman in the well from Florida, who has done such a tremendous job in this area, but to all of those who joined him in the brief. Again I commend the gentleman for what he has done.

Now we can only hope that the Court will in fact sit down and thoroughly study the brief the gentleman has prepared.

Mr. CRAMER. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Missouri.

Mr. HUNGATE. I thank the gentleman for yielding.

If I understood the gentleman correctly—and I think I do—the Judiciary Committee, on which we served together, was unanimously of the opinion that forced busing would not be required, and when the amendment was considered by the House, the unanimous decision was the same, is that correct?

Mr. CRAMER. The gentleman from Missouri was on the committee at the time with this gentleman?

Mr. HUNGATE. I served on the committee with the gentleman from Florida.

Mr. CRAMER. The gentleman remembers we struck "racial balance" in every paragraph in that bill. This is what the committee said in its report at that time:

> The Committee failed to extend this assistance to problems frequently referred to as "racial imbalance" as no adequate definition of the concept was put forward. The Committee also felt that *this could lead to the forcible disruption of neighborhood patterns,* might entail inordinate financial and human cost and create more friction than it could possibly resolve.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for putting that in the RECORD and for doing his usual thorough job.

When the Court denied itself the benefit of the gentleman's oral argument, it denied itself the work of a keen analyst of this problem. I regret it very much.

Mr. CRAMER. Mr. Speaker, I thank the gentleman from Missouri.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Speaker, I thank the gentleman for yielding.

I could not agree more with the gentleman on the remarks he has made in his special order today, and I want to associate myself with those remarks and also the remarks of others here this afternoon.

I likewise joined the gentleman in the brief, and I commend him on the work he has done on this vital issue. I only wish the gentleman had been given the opportunity to speak for the Members of the House in the historic hearings this week, but that opportunity was denied him. Somehow, I am not surprised. But I can only hope some fairness and some reasonableness and something good will come out of these proceedings across the street. It seems to me absolutely essential that the Supreme Court set out for all to see a national policy—on this national problem. The issue of desegregation, or more correctly, what is to be required by the Constitution to eradicate segregation has for too long been a problem that plagues and divides us. It is my judgment that a national policy allowing freedom of choice of school within the neighborhood school concept would be fair and just to all concerned and help to bring us together as a nation.

Mr. CRAMER. Mr. Speaker, I thank the gentleman from Alabama.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Virginia.

Mr. DANIEL of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I associate myself with the remarks the gentleman from Florida has made.

I am not a lawyer, and I am not sure what argument the gentleman would have made, but I think his reasoning is sound.

I should like at this time to announce my intention to introduce a resolution, calling for an amendment to the Constitution to make freedom of choice in public school attendance the law of the land.

Some time ago I decided that, should the Supreme Court's ruling be unfavorable in the Charlotte-Mecklenburg case now being heard, I would introduce such a resolution. My decision to take action at this time is the direct result of the treatment accorded my distinguished colleague, the gentleman from Florida (Mr. CRAMER), who had requested permission to appear before the U.S. Supreme Court this morning as spokesman for 86 Representatives, including myself, who earlier this year joined as signatories to the amicus curiae brief filed in this case regarding the busing of schoolchildren to attain racial balance within geographic areas.

As we all know, last Wednesday, Congressman CRAMER's petition to be heard was denied by the Court. Today, he filed another motion, asking the Court to reconsider, due to the special nature of the case and the fact that the Solicitor General was to be heard. His motion was summarily denied by the court.

Opposition to busing is neither regional nor partisan. The 86 Members for whom Mr. CRAMER was to appear represented nearly equal numbers of Democrats and Republicans, and included 23 Members from obviously non-Southern States such as California, Indiana, and Illinois.

Congressman CRAMER can by no means be dismissed as a novice on the subject, for it was he who framed the antibusing amendment to the Civil Rights Act of 1964.

When the Supreme Court of the United States, the highest court in our land, refuses to hear an attorney Congressman, qualified to appear before that Court, without cause or reason, then we can only assume that the nine judges have completely and totally abandoned their duty to interpret the Constitution and the laws and have embarked on full-time careers in social experimentation at whatever cost to their victims—yes, victims—the children of this country.

Congressman CRAMER requested permission to appear at the opening of the Supreme Court session today as a representative of almost one-fifth of the Members of this body, to express the intent of this body. That Members of Congress should be so suspicious of the motives of the Supreme Court as to feel it necessary to have a legal representative in attendance is a sorry commentary on the feelings engendered by the Court. That Congressman CRAMER should be turned away must indicate to all thinking people that the suspicion was well founded.

Hopefully, the Court will use commonsense reasoning in their decision, and the public school system will not be destroyed. In this event, the constitutional amendment will not be necessary.

Mr. CRAMER. Mr. Speaker, I thank the gentleman.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I should like to associate mystelf with the remarks of the able and distinguished gentleman from Florida (Mr. CRAMER).

As one who joined with the gentleman in the presentation of this brief, it is difficult for me to understand why the court in its majesty saw fit not to permit the gentleman an opportunity to present a brief oral argument.

I had always understood from my brief study of the Constitution that the three branches of the Government were equal, and certainly where this body had presented on behalf of a substantial number of Members of this body a brief, it seems that the gentleman should have been afforded an opportunity to present the legislative point of view.

In that connection I should like further to observe that while we hear a great deal about the decision of the Court being the law of the land, again my perusal of the Constitution does not reflect any basis for such statement. The law of the land, according to the Constitution as I recall it, is the laws passed by the Congress and the treaties made with the consent of the Senate, and that is the only place in the Constitution that the phrase "the law of the land" is referred to.

Mr. Speaker, that brings us back to a question here of philosophy. We all recall that a former President of the United States on a previous occasion did send a message down here to stack the Court. That was the phrase generally used. But the Congress, the Representatives of the people, did not give the President that authority. But time and death and retirement and so on brought about a change in that situation, and the objective sought by the then President was achieved by the stacking of the Court with a so-called philosophy, the so-called liberal philosophy.

It seems to me that body has taken unto itself the prerogative which is designated by the Constitution to this body, the legislative body, and has been following a procedure of legislating, which is an intrusion upon the rights of the legislative body. So it would seem that the only answer to this problem is to have a more balanced Court. I certainly hope that when future appointments are made that will be uppermost in the mind of the President of the United States; and the Senate will cooperate.

I thank the gentleman for yielding.

Mr. CRAMER. I thank the gentleman. I have so insisted in my recommendations.

The SPEAKER. The time of the gentleman from Florida has expired.

THE CHARLOTTE DESEGREGATION CASE

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I took this time for the purpose of providing more time in the event it was necessary to follow the gentleman from Florida, and I am happy to yield to the gentleman from Florida if he wishes to respond to the gentleman from Mississippi.

Mr. CRAMER. I thank the gentleman. I appreciate his taking this additional time.

I will say to the gentleman from Mississippi it has been my constant effort, and I have been joined by most of my colleagues of at least our joint political persuasion—meaning basically not liberal—in attempting to get the President of the United States to do precisely that. The President has said he will appoint strict constructionists to the Bench. He has done so. He has recommended such appointments. I trust he will continue to do so and I trust that by doing so balance will be returned.

It is my hope that this Court will make a reasonable decision in this instance.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I should like to ask the gentleman from Florida on what ground the Supreme Court would not allow him to argue the case? He is admitted to the bar of the Supreme Court; is he not?

Mr. CRAMER. Yes, sir. I requested permission under rule 44(7) of the Supreme Court rules which indicates that motions to participate in oral argument are favored if made on behalf of the United States or a State, territory, commonwealth, or possession thereof. I submitted to the Court that 84 duly elected Members who joined me in support of my brief represented a sufficient number of the people of the United States to warrant their inclusion within this favored category, meaning the right to argue under the rules.

The problem arises with the Supreme Court rules themselves. This is the rule we felt we were entitled to argue under. I believe we are. I do not know the reason why we were denied.

Mr. RIVERS. How can the Supreme Court deny one who has been admitted to practice before that body, even in an amicus curiae brief. I was admitted to the Supreme Court in 1940, when I was with the Justice Department.

How can they deny the right to come in as an amicus curiae? I can understand under some cases that oral arguments would be denied, but when the gentleman comes in under the grounds he comes in under, I do not see how they can deny the right to orally argue.

Mr. CRAMER. It sounds to me like they are discriminating against Congress, I would say.

Mr. RIVERS. They are discriminating against Congress. They rendered a decision in this school case, and they had not one authority in the Brown case. They just said it was unconstitutional, and the only authority they cited was to suggest generally "the American Dilemma," by that Swedish philosopher.

What was the name of that Swedish philosopher who hangs around here? Gunnar Myrdal. They cited Gunnar Myrdal and said see generally "the American Dilemma."

Here is what I do not understand: the Supreme Court has been legislating. If they are going to take this position, it would add to our contention that their jurisdiction should be limited, and we do have that authority under the Constitution. This is what they have left to us. They have changed their minds on this busing matter two or three times. They have done it in the Charlotte-Mecklenburg case.

Mr. EDWARDS of Alabama. And in the Mobile case.

Mr. RIVERS. Yes, and in the Mobile case. Of course it is serious to America. They are destroying the most priceless thing we have in America, the youth of America, bringing them to school in the dark of the morning and bringing them back home in the dark of night. They are destroying the public school system of America. It is a disgrace to representative government. Like the rest of you, I am offended by such high-handed methods used by the Court, but I am not surprised, because they started off that way. I am hopeful that somewhere down the line the new look of the Supreme Court will get us back on the track.

Mr. Speaker, I want to associate myself with the remarks of the distinguished gentleman. He is a great lawyer and has represented us well. I am happy to be associated with him as one of the group that he represents, and I wish to associate myself with the remarks that he has made and in the remarks he is about to make.

Mr. CRAMER. I thank the gentleman.

Mr. EDWARDS of Alabama. Mr. Speaker, I would like to say, in echoing what the gentleman from South Caroline has said, it is my intention a little later on to put portions of the Mobile County School Board brief into the RECORD. I hope that Members will read it, because it certainly points out the problems that local school boards have had over the last few years. We had one case last year where I got a letter from 30 students who said that they were going into their third school in that school year because there had been that many changes in the Federal court orders affecting their school system. The school board brief sets up clearly how the courts have changed in a matter of weeks previous orders that were issued. When you have a school system of 70,000 children you cannot change it overnight. Yet the courts have done this on many occasions, several times in a given year. You have students who are not getting educated and, in fact, you have students who are not getting integrated, because all too often they are dropping out of school rather than going across town by bus to some other school, as the courts ordered. So it is most important that the Supreme Court delve deeply into the cases before it, the Charlotte-Mecklenburg case, the Mobile case, and the three or four others that they are involved with. I would have hoped that the gentleman's brief and oral argument would have played a great part in the decisionmaking process over there. Hopefully they will read the brief, but unfortunately they will not have the benefit of the gentleman's oral argument.

Does the gentleman from Florida have any further need for time?

Mr. CRAMER. Will the gentleman yield for just one moment?

Mr. EDWARDS of Alabama. Surely.

Mr. CRAMER. The thrust of my argument to the Supreme Court was obviously to the effect that the Congress did act in the field of defining desegregation. It acted within the scope of the 14th amendment and the equal protection clause, and pursuant to the express power of the Congress under section 5, which says that Congress shall have the power to enact laws and to carry out the purposes of that article. Congress having acted, therefore, and having provided a definition and having specifically proscribed the powers of the Court in this area, first in section 401 defining desegregation and, second, in section 407 proscribing the powers of the Court in that area, then that is the law of the land. It is unquestionably the mandate of the people. The Court therefore in making its determination must include that in any definition which it finally decides in this critical and significant case, Charlotte-Mecklenburg.

I felt as I am sure the gentleman did in joining the brief, that this probably will be a landmark case and that actually a unitary system of desegregation must be defined and that it should be uniformly applied throughout the United States.

I trust this is the task the Court has taken upon itself. The Court has the duty to live up to what the Congress has defined and that is that it shall not include busing to balance. The legislative history clearly shows that Congress was concerned with the welfare of the students and the preservation of the neighborhood schools in accomplishing desegregation. The miles to be traveled, the welfare of the students, and the safety of the students must be considered in determining what desegregation is. It was my intention to present a detailed argument to the extent the Court would permit supporting these concepts. I do not think my request should have been denied.

Does the gentleman from Alabama agree?

Mr. EDWARDS of Alabama. I agree completely with the gentleman's statement.

Mr. CRAMER. I believe that under the Constitution there is no way whereby the Court could have done otherwise.

At this point I include my proposed argument before the Supreme Court as part of the RECORD:

PROPOSED ARGUMENT OF CONGRESSMAN WILLIAM C. CRAMER BEFORE THE U.S. SUPREME COURT IN SWANN *v.* CHARLOTTE-MECKLENBURG, NO. 281, OCTOBER 12, 1970

May it please the Court. My name is William C. Cramer. I am a Member of the House of Representatives from the 8th Congressional District of the State of Florida.

During the years 1963 and 1964, when the Civil Rights Act of 1964 was under consideration by the Congress of the United States, I was a Member of the Committee on the Judiciary of the House of Representatives and of its Civil Rights Subcommittee. In that capacity, I had the opportunity of participating extensively in hearings and

discussions in Committee and on the Floor of the House which led to the passage of H.R. 7152, which ultimately became the Civil Rights Act of 1964.

Because I believe that inferior Federal Courts have consistently overlooked, ignored, or circumvented the intention of the Congress in passing that landmark legislation, I filed a brief as Amicus Curiae in this case on behalf of myself and a bipartisan group of 83 Members of the Congress. It is our contention that the Congress, when it passed the Civil Rights Act of 1964, intended to impose legislative guidelines for desegregating the Nation's public schools. We contend that those guidelines were fashioned to govern and define actions by the Executive and Judiciary in this area; that they were intended to be national in scope; that their aim was to eradicate State-imposed segregation; that overcoming racial imbalance or isolation specifically considered and rejected by the Congress in its deliberations.

Article 6 of the National Charter of this Republic provides in part that:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and also treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;"

It is our position that in enacting the Civil Rights Act of 1964, the Congress has spoken on how desegregation is to be achieved. We submit, therefore, that the fundamental questions before this Court are:

1. Was that Act passed in conformance with duly-conferred constitutional authority?

2. Does the Act, in any way, contravene the Fourteenth Amendment whose protections it was designed to extend?

If the Civil Rights Act is a constitutional expression of authority duly conferred, then I submit that it provides the constitutional standard for achieving desegregation of the Nation's public schools and that this Court is bound by them.

* * * * *

At the outset, let me make one thing crystal clear. School segregation is dead—as a legal proposition it is dead; as a way of life, it is dead.

We are not here today to argue the pros and cons of segregation.

What we are here to consider is whether classification by race is a proper constitutional remedy for removing the inequities in education stemming from former racial classifications in the public school systems of the Nation.

What guides are there to assist this Court in deciding this question?

First and foremost, there is the Constitution of the United States. Whatever we do must comply with its provisions.

Then, there are the expressions of the will of the American people acting through their National Legislature—the Congress of the United States. As Article VI makes clear, when the Congress has acted in conformance with duly conferred Constitutional authority, its mandate becomes the supreme law of the land.

And, last but not least, there are interpretations of all of the foregoing expressions of the people's will by courts of competent jurisdiction.

In my argument, I will focus on two of the foregoing—the Constitution of the United States and the law passed by Congress to extend its protections in the field of public education.

I believe the commands are clear and controlling in the instant case.

* * * * *

At the time the Constitution was being discussed by the Founding Fathers, the institution of slavery was prevalent throughout the former colonies. How slaves were to be counted in the apportionment of representation in the Congress was one of the great issues of the Constitutional Convention. Indeed, it split over the question.

At no time were questions of Negro rights in any of their present ramifications considered by the Convention. The possibility of balancing of student populations in then non-existent public schools certainly never occurred to the Founding Fathers.

Nor did balancing become an issue in the turbulent years that followed. Between the adoption of the National Charter and the Civil War the great issue was not the abolishment of slavery, rather its extension to theretofore free States and territories.

That's what the famous Dred Scott case, decided by the Taney Court, was all about. It, in effect, held that Negro slaves were chattels and, as such, enjoyed no fundamental rights even in Free States.

The War Between the States was fought not to free the slaves but to preserve the Union. Lincoln, for years, hesitated to issue the Emancipation Proclamation for fear that it would seriously jeopardize the Northern Cause. When he finally did, he limited its application to Confederate areas only.

So, up to that time, at least, the notion of balancing by races was never considered.

Not until the post-Civil War period were the Dred Scott disabilities removed and not until ratification of the 13th, 14th, and 15th Amendments were Constitutional protections for Negro citizens finally adopted. But, inasmuch as many of the States—North, South, and Border—which ratified these amendments continued to maintain effective dual systems of laws for Blacks and Whites, the concept of racial balancing was never within their contemplation. Even in the South, which was then being reconstructed, the idea of balancing never reared its head. And, when Reconstruction was ended, Negro rights were proscribed again nationwide in laws, customs, mores, and tradition.

Such proscriptions were given judicial sanction in the famous *Plessy* case under the rationale of "separate but equal." And this doctrine remained the law of the land for the next half a century and more.

Where then did this proposition of classifying by race to remove racial classifications come from? Surely its genesis is not to be found in the *Brown* decisions. The Supreme Court in them simply stated that "separate but equal" was inherently unequal, and had to be eliminated with all deliberate speed.

Ending discrimination in public accommodations and facilities, not compelling their integration, became the objective of Executive, Legislative, and Judicial action in the decade that followed. Insofar as education was concerned, the neighborhood school—equally accessible to Black and White children—remained the ideal.

But in 1963, a dramatic shift of aims and goals was proposed. It was initiated by then-President of the United States, John F. Kennedy, in his Civil Rights Message to that Congress that year. Complaining of "the slowness of progress toward primary and secondary school desegregation," noting that it was more than 9 years since the Supreme Court's decision in the *Brown* case, he called upon the Congress to "assert its specific Constitutional authority to implement the 14th Amendment."

That authority of the Congress, and President Kennedy's clearcut recognition of it, is most important, for it underscores and controls almost everything that has happened since then.

To begin with, the Fourteenth Amendment to the Constitution, one of the post-Civil War Amendments, provides in pertinent part:

"Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In many cases, this declaration requires no further clarification.

But in other more complicated areas, it is not self executing. The field of public education is such an area.

Aware that the Amendment would, in some cases, require elaboration and refinement to become effective, the framers of the Fourteenth Amendment specifically provided in Section 5 that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

It was upon this provision that President Kennedy relied when he sent his 1963 Civil Rights Message to the Congress. In it he urged that instead of merely limiting Federal action to desegregation, as had been done in the past, that the Congress should authorize a far broader program. He did so in these words:

"Assistance would be given to those school districts in all parts of the country which, voluntarily or after result of litigation, are engaged in the process of meeting the educational problems flowing from desegregation or *racial imbalance* . . ."

Accompanying his Message was a legislative proposal designed to accomplish these ends. In those provisions applicable to public education, overcoming racial imbalance was an important feature as a reading of applicable provisions makes evident. (See brief pgs. 6–8).

But the people's representatives in the National Legislature refused to accept the Kennedy approach. Wedded to the neighborhood school concept, and fearful that acceptance of racial balancing would destroy that *community building* institution, they attempted not only to eliminate all vestiges of balancing from the bill, but in addition to specifically prohibit any actions by Federal courts or officials which might directly or indirectly sanction it.

After due deliberation in Subcommittee, all reference to racial balancing was stricken from the bill. As set forth in additional views of several leading proponents in the report:

"The Committee failed to extend this assistance to problems frequently referred to as 'racial imbalance' as no adequate definition of the concept was put forward. The Committee also felt that *this could lead to the forcible disruption of neighborhood patterns*, might entail inordinate financial and human cost and create more friction than it could possibly resolve."

Still not satisfied, however, when the measure was considered on the Floor of the House of Representatives, I submitted an amendment to section 401(b) of Title IV which provided:

"Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Significantly my Amendment was unanimously adopted by the House.

Despite these precautionary efforts, fears over racial balance were widespread in the Senate. To allay them, further assurances were offered by the leadership consisting of Senators Dirksen (Minority Leader), Mansfield (Majority Leader), Kuchel (Minority Whip) and Humphrey (Majority Whip). Realizing that without such assurances, H.R. 7152 would never receive Senate approval, they offered and the Senate approved a new proviso to Section 407(a) which read as follows:

"Provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Senator Humphrey thereafter undertook to explain the bipartisan substitute amendment. Directly on the matter here at issue, in this case, he declared:

"Next, changes are made to resolve doubts that have been expressed about the impact of the bill on the problem of correcting alleged *racial imbalance* in public schools. *The version enacted by the House was not intended to permit the Attorney General to bring suits to correct such a situation,* and indeed, said as much in section 401(b). However, *to make this doubly clear, two amendments* dealing with this matter are *proposed.*

On the matter of neighborhood schools, he declared:

"This addition seeks simply to preclude an inference that the title confers new authority to deal with 'racial imbalance' in schools, and should serve to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools."

But despite his assurances, and those offered by other proponents of the bill such as Senators Pastore and Javits, doubts remained as to the real purpose of the proviso to section 407(a). Indeed, Southern Members such as Senators Russell and Eastland declared that their purpose was to restrict busing and balancing in the North while allowing it in the South.

Senator Eastland expressed his reservations this way (CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 13820):

"Mr. President, the object of the bill is to preserve segregation in the Northern cities. That is why this provision (proviso to 407) is included in the bill, among other provisions which the Senator from Georgia desires to have stricken from it."

Proponents of H.R. 7152 were at pains to repudiate this intention. Speaking for them, Senator Saltonstall tried to make this abundantly clear (CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 13821):

"Mr. SALTONSTALL. I am very surprised at the amendment for this reason. *I was present at the meetings when the bill was revised, and this clause was particularly studied and discussed.* We tried to provide that the court would not be given any more power than it now has with respect to achieving a racial balance in schools by busing of children or in correcting a racial imbalance.

"As I see it, *it refers to the local administration, wherever that local administration may be. It is not an effort to do something for the North as against the South.* I am certainly opposed to anything in the bill that is of a regional character.

* * * * *

"I am for this provision in the substitute because *it makes clear the authority of the local school boards,* and also clarifies the intent of this title with respect to the limited Federal authority over local situations.

"For that reason, I am surprised at the amendment of the distinguished Senator from Georgia (Mr. Russell). If I correctly understand it, it would give the local authorities less power than they would have in this field under the substitute.

* * * * *

"Mr. SALTONSTALL. As I understand, *this provision would certainly apply to all parts of the country. That is the reason I agreed to the language* in the substitute bill.

* * * * *

"Mr. SALTONSTALL. *The whole purpose of the substitute amendment is to see that the courts will not be given by this law, any more power on the question of busing and the question of racial imbalance than they have at the present time.*

"Mr. SMATHERS. The Senator will agree that whatever rights the local school board has in Massachusetts and other areas, the same rights should be given to the local school boards in Georgia, Florida, and all the rest of the States?

"Mr. SALTONSTALL. Certainly." [Emphasis added.]

At the same time, Senator Javits of New York, a champion of civil rights, sought to clarify what the Congress understood by the term "racial imbalance" insofar as the Constitution was concerned (CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 13821):

"Mr. JAVITS. Mr. President, I believe this amendment can truly be called a "red herring" amendment, because it does not relate to what we are trying to correct by means of the bill. *The amendment relates to racial imbalance and therefore does not relate to a civil right guaranteed by the U.S. Constitution,* and does not go to the point made in the decision in the case of Brown against Board of Education.

"*The Bill would only provide* Federal enforcement for the constitutional right to go to any public school under normal school plans—and the State courts and the Federal courts have authority when they have jurisdiction to pass on normal school plans—*which admit children,* based on reasonable standards, based on neighborhood, or on *whatever other basis there may be for the standard,* and which require that a child cannot be kept out because of his color, if he falls within the normal pattern." [Emphasis added.]

Thus, it could not have been much clearer that applicable provisions of the Civil Rights Act of 1964 were not supposed to be used as a vehicle to impose racial balancing in public schools of the Nation—either North or South. Indeed, the exact opposite was intended.

Yet, almost before the ink was dry on this important legislation, Courts began to hold otherwise. The *Jefferson* case initiated the trend and others since have followed its lead in misreading or else disregarding altogether the duly deliberated and solemnly enacted statutory directions of the Congress of the United States.

If the Constitution does not confer authority on the Courts to classify by race in order to remove racial classifications—

If an Act of Congress passed in accordance with section 5 of the 14th Amendment specifically prohibited such classifications—

Where then do Federal courts derive the authority to bus and balance which they are now asserting?

It may be that Chief Justice Burger has supplied us with the answer when he declared in a recent dissenting opinion:

"I am baffled as to why we should engage in 'legislating' via constitutional fiat . . . The Court's action today seems another manifestation of the now familiar constitutionalizing syndrome: once some presumed flaw is observed, the Court then eagerly accepts the invitation to find some constitutionally 'rooted' remedy. If no provision is explicit on the point, it is then seen as 'implicit' or commanded by the vague and nebulous concept of 'fairness' . . ."

The Constitutionalizing syndrome is clearly at work in the desegregation field. In support of judicial orders to accomplish what the Courts deem desirable ends, they have focused on 'presumed flaws' in neighborhood oriented desegregation plans. They have replaced them with what they pragmatically assert are plans implicity commanded by the Constitution.

This vague and nebulous approach to the law is itself rooted in the doctrine the commentators call "the living Constitution." Under it, the Constitution and its Amendments need no longer be interpreted according to the language in which they were framed, the intent with which they were adopted, or the customs, practices, mores, and traditions in effect at the time of their ratification. Changing times, it is asserted, give rise to changing interpretations of the basic law of our land—even interpretations at odds with the framers' intentions.

Now it is certainly true that any judicial body must be accorded reasonable leeway in interpreting the law in the cases that come before them. But, if the Constitution and statutes supporting it are to be worth the paper they are written on, the amendatory reach of the Courts must be limited.

There is, of course, always a temptation by well-meaning men, vested with judicial authority, to seek to impose their views of justice and right on an often, by their lights, misguided and uninformed people.

But by succumbing to such temptations, they inevitably impinge on the right of a free people to govern themselves. Such temptations must, therefore, be resisted.

All of us are concerned today by the mass disobedience by some segments of our population of laws which they profess are morally wrong, even though such laws were passed by duly elected representatives of the people. If we accord any legitimacy to the arguments of such groups, what then should our attitude be to legislation by judicial fiat? Is anyone morally bound by such edicts when they disagree with them?

To be a Government of laws not men, means to be a Government of due process—in the Executive, in the Legislative, and in the Judicial branches. To tip the balance between the branches of Government must inevitably lead to a disrespect and disregard of authority Constitutionally conferred on each. Ultimately, it must erode the foundations of all.

The Founding Fathers had their own ideas about making the Constitution a living instrument to govern a free people. They provided for an amending process under which fundamental law could be changed. In the absence of an amendment, Constitutional provisions were to be followed by the people's representatives in Congress, by the Executive and by the Judiciary, mindful of its proper role in the Constitutional scheme of things.

When this apportionment of Constitutional responsibilities is upset or ignored, the inevitable result is a crisis of confidence in all our institutions. Such a crisis is everywhere apparent today. It is nowhere more evident than in the field of desegregation.

On several occasions throughout the history of the Republic, this tribunal has tried and failed to make what amounts to basic public policy decisions in the field of race relations. *Dred Scott* was the first and it led to the Civil War. *Plessy vs. Ferguson* was the second and it led to the disenfranchisement of Black Americans for another half century. The *Brown* decision was the third attempt and the unsatisfactory results thus far achieved under it are the reason we are here today.

In Congress, in my judgment, has provided a simple, workable standard for achieving desegregation. If adopted by this Court, the full resources of all three coordinate branches of Government can unite to make equal educational opportunity for all Americans a reality. If, on the other hand, vague and nebulous constitutional authority is asserted by the Court to justify a policy of setting what amounts to racial quotas in public schools, then we will not have solved the problem, but merely perpetuated it. If balancing is right today, it will be right next year, and 10 years from now. If it is valid to overcome residential living patterns in the South, it is equally valid to overcome similar patterns in the North.

What is more, to maintain balance in the face of preferences of individual Americans as to where they want to live guarantees continual disruption of our schools year after year after year with consequent loss in the quality of education and confidence in our institutions.

Which brings us to what I consider the most troublesome aspect of this case. When the Civil Rights Act of 1964 was being considered, the Congress had squarely before it the question of racial balance and we believed we had settled it. President Kennedy's original proposal called for racial balance in public education. He urged that Congress assert its specific constitutional authority under the Fourteenth Amendment to require it. The Congress considered and rejected his request. For most Members, the idea of forcing people to integrate by the numbers constituted racism in reverse. We felt that if compulsion could be used in this area, it could as easily be used in others to force balancing of religious, ethnic and other groups.

Our doubts and fears on this score were not idle ones. They were based on real and present probabilities. Certainly, if balancing is constitutionally demanded for one end, it is equally (and I use that term deliberately) equally demanded for these other purposes.

The laboratories of the world are hard at work perfecting devices which will surely add a whole new dimension to this subject. Effective means and methods for achieving population control, even genetic control, are in the offing.

If racial balancing is constitutionally demanded for the good it will do, think of its potential in these other areas.

My point here is that once this concept receives the blessing of this Court, the precedent will have been established now and for the future—and it will be there regardless of what the Congress may do to alter or prevent it.

Are my fears far-fetched? I don't think so.

If the Court, in this case, declares that balancing by races can be required in the public interest, I predict that within a decade, or two at most, balancing can and will be required in these and other, as yet undreamed of, areas.

And if this comes to pass, God help this Court and these United States.

I thank the Court for its time and attention.

Mr. EDWARDS of Alabama. Mr. Speaker, at this point I include the portion of the Mobile County School Board brief pertaining to the facts in the case in the RECORD:

[In the Supreme Court of the United States, October Term, 1970; No. 436]

BIRDIE MAE DAVIS, ET. AL., PETITIONERS, *v.* BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY, ET AL.

On writ of certiorari to the United States Court of Appeals for the Fifth Circuit.

Brief for the Board of School Commissioners of Mobile County.

Abram L. Philips, Jr., Palmer Pillans, George F. Wood, 510 Van Antwerp Building, Mobile, Ala., Attorneys for the Board of School Commissioners of Mobile County, et al.

Of Counsel Hon. John J. Sparkman, U.S. Senate; Hon. James B. Allen, U.S. Senate; Hon. Jack Edwards, Member of Congress, Washington, D.C.

"For almost a decade there have been judicial efforts to desegregate the schools of Mobile County, Alabama. We wonder when the epilogue will be written." . . . (Judge Goldberg, Opinion in Fifth Circuit number 27849, a collateral proceeding to the primary desegregation case.)

"I have said many times that the best thing that could happen would be for this litigation to come to an end. This is true. But I am unwilling to disregard all common sense and all thoughts of sound education, simply to achieve racial balance in all schools. I do not believe the law requires it. And this litigation will continue to be stirred as long as adequate funds are provided for those who want litigation for the sake of litigation, without regard to the rights of the children and parents involved. The Court has attempted as nearly as possible to comply with the mandate of the Appellate Courts and yet leave it humanly and educationally possible to operate the schools." . . . (Judge Daniel H. Thomas' Opinion attached as part of the January 31, 1970, District Court decree in this case.)

OPINIONS BELOW

The statement of opinions and orders of the courts below made by Petitioner does not include the following orders and opinions, which should be included:

1. Order of the district court filed January 22, 1970, granting the application for intervention of the Mobile County Council Parent-Teachers Associations, et al., unreported.

2. Order of the district court filed January 31, 1970 requiring the re-establishment of an elementary school on Dauphin Island, unreported.

3. Order of the district court filed August 12, 1970 requiring the pairing of Hamilton and Robbins schools, unreported.

4. Order of the district court filed August 12, 1970 appointing the bi-racial advisory committee, unreported.

QUESTIONS PRESENTED

In our brief for the Respondent responding to the petition for writ of certiorari, we opposed the granting of the writ as being unnecessary; consequently we made no specification of questions presented for review, other than with regard to the prayer for relief, pendente lite. We restate that specification here:

I. Under the immediate facts present in this case, should this school system, which is totally integrated and unitary in every respect (except for the existence, as the result of voluntary residential patterns, of two (2) schools with an all negro student body and five (5) schools with an all white student body, out of a total of eighty-three (83) schools in the system), be subjected to another complete reorganization; by the summary adoption by this Court of another desegregation plan (Plan B–I Alternative, urged by Petitioner, pendente lite) that has been rejected by the District Court and the Court of Appeals as educationally unsound and functionally impossible of implementation, and comes to this Court completely unsupported by testimony in any form; to replace the present desegregation plan which was devised by the District Court and United States Department of Justice and the Office of Education of the Department of Health, Education and Welfare, and approved and adopted by the Fifth Circuit Court of Appeals.

Now that the writ has been granted, Respondent is not entirely satisfied that the statement of questions presented for review now made by Petitioner in its present brief adequately presents all of the essential questions fairly raised by this case and now at issue before this Honorable Court. Accordingly, respondent respectfully makes this further specification of questions presented.

II. Does the Constitution of the United States require that the public school systems of the United States assign the teachers of the systems to the schools of the systems in such a manner as to achieve a racial balance of teachers in each school, or some other arbitrary mathematical ratio of black and white teachers in the schools of the system.

III. Does the Constitution of the United States require that the public school systems of the United States assign the students of the systems to the schools of the systems in such a manner as to achieve a racial balance of students or some arbitrary mathematical ratio of black and white students in the schools of the system.

A. Does the mere existence of a school with a student body made up of students all of one race, in a public school system that is otherwise completely integrated and unitary, render the school system constitutionally deficient:

(1) If the student body of such school is all black; or,

(2) If the student body of such school is all white?

B. Does the existence of two (2) schools that have all black student bodies and five (5) schools that have all white student bodies, in a school system of eighty-three (83) schools that is otherwise completely integrated and unitary, render the school system constitutionally deficient?

IV. Under the Constitution of the United States, do white public school students have the same right or an equal right as do black public school students, to the benefit and protection of the Constitution and of the laws of the United States: specifically the Equal Protection Clause of the Fourteenth Amendment, and the Civil Rights Act of 1964. If they do, then it is not Constitutionally sufficient that public school systems assign students to schools on the basis of attendance zones that are fairly drawn to normal standards of educational soundness and upon the basis of non-racial criteria, in order to produce as nearly as possible a system of unitary neighborhood schools.

STATEMENT

I. General introductory information

The Mobile County Public School System is the largest school system in the State of Alabama, with a normal annual enrollment of approximately 79,000 students. The enrollment has steadily decreased since 1965 as a result of public dissatisfaction and other problems associated with the desegregation process. During the past school year (1969–70) total enrollment was 73,504, and this year total enrollment on September 14, 1970, the fourth day of school (the time that enrollment figures are normally recorded) is only 68,623; a further loss of almost 5000 students.

The school system is administered by a board of five commissioners elected from the county at large by popular vote in county wide elections. They serve without compensation. The board in turn employs professional administrative personnel, including a superintendent of schools who has a Ph.D. Degree from Columbia University. The system is a combined city-county system encompassing the entire county, which is largely rural, and every city and municipality in the county, the largest of which is the City of Mobile with a population of some 235,000 persons. Thus the School Board must deal with the whole spectrum of problems and difficulties inherent in the desegregation process, from those peculiar to small rural schools and systems, to those associated with affluent suburban systems, to those found in large, compact metropolitan or urban systems.

During the past school year (1969–70) the School Board operated 89 schools and employed 2605 teachers; fifty nine per cent (59%) of these teachers were white and forty one per cent (41%) black. Student enrollment in the system is normally about sixty per cent (60%) white and forty per cent (40%) black.[1]

II. Statement of the facts

This case has been in litigation since 1963. At that time the school system was, in both a legal and a practical sense, a dual system, with blacks attending one set of schools and whites attending another. There was no student integration, no faculty integration and no integration of services, facilities, activities and programs. This once dual system has now been completely disestablished, and there now exists a unitary school system within which no person is effectively excluded from any school because of race or color; as per Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969). The system is unitary in every aspect of its operation.

The course of the desegregation process from 1963 to the present is reflected in capsule form by the following statistical table:

	1962–63	1963–64	1964–65	1965–66	1966–67	1967–68	1968–69	1969–70	1970–71
Total number of schools	89	93	95	97	98	96	91	89	83
Total number of schools with a biracial student body	0	1	3	10	15	34	57	68	76
Total number of schools with biracial faculty	0	0	0	0	0	10	89	[1] 88	[1] 82
Total number of students enrolled in the system	73,949	76,615	78,652	77,887	77,101	76,090	75,464	73,504	68,623
Total number of students enrolled in biracial schools	0	3,056	4,004	10,474	15,636	28,558	47,560	55,314	64,306

[1] The one school without biracial faculty is Dauphin Island School, a 1-teacher school on an island in the Gulf of Mexico.

The following statistical table illustrates the extent of faculty and student body integration in every school in the system based upon the desegregation plan placed into implementation upon the opening of school on September 9, 1970. This table also indicates the racial character of each school in the era of the dual school system, prior to the start of the desegregation process; and it indicates the racial makeup of the administrative staff (principal and assistant principals) of each school.

Name of school	Racial character of school in dual system era	Current (1970–71) racial character of student body [1]	1970–71 students assigned		1970–71 faculty assigned [3]		1970–71 administrators assigned	
			Black	White	Black	White	Black	White
Adams (Cleveland)	Black	Biracial	293	687	16	25	1	1
Alba	White	do	179	1,463	25(1)	38(1)		2
Arlington	do	Closed						
Austin	do	Biracial	14	384	5	7		1
Azalea Road	White	Biracial	35	999	14(2)	24		2
Baker	do	do	94	984	14(3)	26		2
Barney (Chickasaw Terrace)	Black	Closed						
Barton	White	do						
Belsaw (Mt. Vernon Elementary)	Black	Biracial	209	26	4	3(4)	1	
Bienville	White	do						
Blount	Black	do	1,233	1,041	36	41(12)	2	1
Brazier		Black	1,006		14	17(3)	1	
Brookley	White	Biracial	71	490	7	10(1)		1
Burroughs	Black	do	242	188	6	9(1)	1	
Calcedeaver	White	do [4]		168	2	4½		1
Caldwell	Black	do	307	11	6(½)	3½(6½)	1	
Calvert	White	Closed						
Carver	Black	Biracial [5]						
Central	do	Biracial	1,563	231	24	27(8)	2	
Chickasaw	White	do	75	448	6	8(2)		1
Citronelle	do	do	367	738	19(2)	31		2
Clark	do	do	903	687	23(1)	34(2)		2
Cottage Hill	Black	Closed						
Council	do	Biracial	404	50	6(1)	8	1	
Craighead	White	do	516	242	11	16(1)	1	
Crichton	do	do	144	352	7½	11(1)		1
Dauphin Island	do	White [6]		20		1 [6]		2
Davidson	do	Biracial	78	2,562	37(8)	66(2)		3
Davis		do	176	613	9(1)	16		1
Dawes Union	Black	Closed						
Dickson	White	Biracial	155	579	9	14		1
Dixon	Black	do	181	239	5	6(2)	1	
Dodge		do	62	670	10	14		1
Dunbar	Black	do	940	86	14	13(9)		2
Eanes	White	do	181	823	13(3)	23		2
Eight Mile	do	do	103	556	9(1)	15		1
Ellicott	do	Closed						
Emerson	Black	do						
Evans	White	Biracial	118	91	8	8		1
Fonde	do	do	8	662	8	13		1
Fonville	Black	do	866	15	13	9(11)	1	
Forest Hill	White	White		519	6	10		1
Glendale	do	Biracial	574	257	10	14(2)		1
Gorgas	do	Closed						
Grand Bay		Biracial	152	667	9(1)	15(1)		1
Grant	Black	do	1,077	7	16	9(15)	1	
Griggs	White	do	40	899	11	17		1
Hall	Black	do	852	190	18	23(4)	1	
Hamilton	White	do	204	414	7	11		1
Hillsdale	Black	do	228	493	12	17(1)	1	
Hollinger's Island	White	do	4	391	5	7		1
Howard (Northside)	Black	Closed						
Indian Springs		Biracial	11	507	6	9		1
Lee	White	do	159	641	10	16		1
Leinkauf	do	do	252	194	6	8		1
Lott	Black	do	132	413	8	11	1	
Maryvale	White	do	207	395	8	12		1
Mertz	do	White		373	4	7		1
Mobile County High	do	Biracial	259	624	13(1)	22		2
Mobile County Training	Black	do	699	202	14	8(12)	2	
Mon Louis Island	White	Closed						
Montgomery		Biracial	30	815	10(6)	24		2
Morningside	White	White		674	8	11(1)		1
Mount Vernon	do	Biracial	318	80	5	4½(3)		1
Murphy	do	do	1,546	1,054	31(7)	58		3
Oakdale	do	Closed						
Old Shell	do	Biracial	357	117	5	6(1)		1
Orchard	do	do	113	758	10	15		1
Owens	Black	Black	1,479		20	13(17)	1	
Palmer (Snug Harbor)	White	Biracial	493	104	10	5(9)	1	
Phillips	do	do	820	364	18(1)	28	1	
Prichard	do	do	566	187	12(1)	19	1	1
Rain	do	do	111	1,155	23	35		2
Robbins		do	702	129	9(1)	12(2)	1	
Russell	White	Closed						
St. Elmo	Black	Biracial	49	426	8	11(2)	1	1
Saraland	White	do	35	759	9	13		1
Satsuma	do	do	198	919	17(3)	30(1)		2
Scarborough		do	11	773	13	19(1)		2
Semmes	White	do	23	989	13(2)	23		2
Shaw		do	228	1,293	12(4)	38		2
Shepard	White	do	26	418	4(2)	8		1
Southside	Black	Closed						
Stanton Road	do	Biracial	894	4	13	17(2)	1	
Tanner Williams	White	do	9	345	3(2)	7		1
Theodore	do	do	339	1,516	25(6)	47		2
Thomas	Black	do	74	160	3½	5		1
Thompson	do	Closed						
Toulminville	White	Biracial	454	247	12	14(3)	2	

Footnotes at end of table.

Name of school	Racial character of school in dual system era	Current (1970–71) racial character of student body [1]	1970–71 students assigned		1970–71 faculty assigned [2]		1970–71 administrators assigned	
			Black	White	Black	White	Black	White
Trinity Gardens	Black	do	969	171	15	17(6)	2	
Turnerville	White	Closed						
Vigor	do	Biracial	1,385	930	36(6)	60(3)	1	2
Warren	Black	Closed						
Washington	do	Biracial	780	636	14	11(11)	2	
Westlawn	White	White		332	4(1)	7		1
Whistler	do	Biracial	160	227	6(1)	11		1
Whitley	Black	do	345	127	6	7(3)	1	
Will		do	160	652	7(2)	13		1
Williams	White	do	41	533	8	11		1
Williamson	Black	do	570	594	18	25(2)	1	1
Wilmer	White	do	54	349	4	9		1
Woodcock	do	do	97	145	5(2)	10½		1

[1] Note that although there are 5 schools with all white student bodies, every school has a biracial faculty, except Dauphin Island School, a 1-teacher school on an island in the Gulf of Mexico.
[2] The figures in parenthesis indicate the number of vacancies, by race, yet to be filled in order to reach the 60 to 40 ratio.
[3] By court order Bienville has become a part of the Vigor High School complex, which has an assigned enrollment of 1,385 black, 985 white.
[4] Calcedeaver is attended entirely by a community of persons of entirely mixed bloodlines and is therefore considered biracial.
[5] By court order Carver has become a part of the Blount High School complex, which has an assigned enrollment of 1,233 black, 1,041 white.
[6] As will be noted, this is a small 1-teacher school, isolated on an island in the Gulf of Mexico.

In recent decisions the Courts have set out the various elements that must be taken into account in determining if a school system has been converted from a dual system to a unitary, nonracial system—faculty and staff; transportation; extra curricular activities, including sports; facilities; school construction, consolidation and site selection; transfer policy; and student body composition.[2] The Petition For Writ of Certiorari, and now Petitioner's Brief upon the Writ, directly concern themselves only with student body composition. Nevertheless, since this is only one element of the total desegregation process, it is desirable that some attention also be directed toward an examination of all of the elements of the conversion from dual to unitary school system, as they exist in the Mobile County Public School System.

(1) Faculty and Staff

The School Board has conducted a positive and affirmative program to achieve complete desegregation of faculty. This has been accomplished in many instances by disregarding the Alabama Tenure Laws, as required by the Court; and regrettably, often at the expense of sound educational practice.

The extent of faculty integration has increased sharply each year since August, 1966 when the Court first instructed the School Board to begin faculty desegregation. During the 1967–68 school year, only fifteen teachers taught across racial lines. At the conclusion of the 1968–69 school year all but three of the then ninety-one schools of the system had integrated faculties.[3]

Throughout the 1969–70 school year every school in the system had an integrated faculty, and over 20% of the 2605 teachers in the system were teaching across racial lines in schools where the race of a majority of the student body was opposite their own. This includes both black teachers in predominantly white schools, as well as white teachers in predominantly black schools.[4]

As a result of implementation of the judgments and orders of the District Court and the Court of Appeals now before this court for review, assignments of faculty for the 1970–71 school year have been made in a conscientious effort to achieve a 60% white, 40% black, faculty in every school, as required by the Court; 60/40 being the approximate ratio of white and black teachers employed in the system as a whole. The following statistical table reflects actual assignments as they now exist (as of September 15, 1970). The figure in parenthesis indicates the number of vacancies to be filled, by race. Further adjustments to reach the exact ratio set by the court are being made and will continue until the task is accomplished.

Footnotes at end of article.

Name of school	1970–71 faculty assigned	
	Black	White
Adams (Cleveland)	16	25
Alba	25(1)	38(1)
Austin	5	7
Azalea Road	14(2)	24
Baker	14(3)	26
Belsaw (Mount Vernon Elementary)	4	3(4)
Bienville [1]		
Blount	36	41(12)
Brazier	14	17(3)
Brookley	7	10(1)
Burroughs	6	9(1)
Calcedeaver	2	4½
Caldwell	6(½)	3½(6½)
Carver [5]		
Central	24	27(8)
Chickasaw	6	8(2)
Citronelle	19(2)	31
Clark	23(1)	34(2)
Council	6(1)	8
Craighead	11	16(1)
Crichton	7½	11(1)
Dauphin Island		1 [6]
Davidson	37(8)	66(2)
Davis	9(1)	16
Dickson	9	14
Dixon	5	6(2)
Dodge	10	14
Dunbar	14	13(9)
Eanes	13(3)	23
Eight Mile	9(1)	15
Evans	8	8
Fonde	8	13
Fonville	13	9(11)
Forest Hill	6	10
Glendale	10	14(2)
Grand Bay	9(1)	15(1)
Grant	16	9(15)
Griggs	11	17
Hall	18	23(4)
Hamilton	7	11
Hillsdale	12	17(1)
Hollinger's Island	5	7
Indian Springs	6	9
Lee	10	16
Leinkauf	6	8
Lott	8	11
Maryvale	8	12
Mertz	4	7
Mobile County High	13(1)	22
Mobile County Training	14	8(12)
Montgomery	10(6)	24
Morningside	8	11(1)
Mount Vernon	5	4½(3)
Murphy	31(7)	58
Old Shell	5	6(1)
Orchard	10	15
Owens	20	13(17)
Palmer (Snug Harbor)	10	5(9)
Phillips	18(1)	28
Prichard	12(1)	19
Rain	23	35
Robbins	9(1)	12(2)
Saint Elmo	8	11(2)
Saraland	9	13
Satsuma	17(3)	30(1)
Scarborough	13	19(1)
Semmes	13(2)	23
Shaw	21(4)	38
Shepard	4(2)	8
Stanton Road	13	17(2)
Tanner Williams	3(2)	7
Theodore	25(6)	47
Thomas	3½	5
Toulminville	12	14(3)
Trinity Gardens	15	17(6)

Name of school	1970–71 faculty assigned	
	Black	White
Vigor	36(6)	60(3)
Washington	14	11(11)
Westlawn	4(1)	7
Whistler	6(1)	11
Whitley	6	7(3)
Will	7(2)	13
Williams	8	11
Williamson	18	25(2)
Wilmer	4	9
Woodcock	5(2)	10½

[1] By court order Bienville has become a part of the Vigor High School complex, which has an assigned enrollment of 1,385 black, 985 white.
[2] By court order Carver has become a part of the Blount High School complex, which has an assigned enrollment of 1,233 black, 1,041 white.
[3] As will be noted, this is a small 1-teacher school, isolated on an island in the Gulf of Mexico.

Your attention is directed to the statistical table on preceding pages of this brief (page 7) for a detailed presentation of the substantial number of black principals in charge of predominantly white faculties and white student bodies, and the substantial number of white principals in charge of predominantly black faculties and black student bodies.

(2) Transportation

Mobile is a combined city-county school system with many rural schools. Thus in the traditional manner of rural school systems, there are a substantial number of school busses operated by the School Board to transport students in the rural areas of the county to these rural schools. A few busses are also used to provide transportation for a small number of students residing in remote outlying areas within the city limits.

At one time, during the era of the dual school system, the Board did in fact operate a dual transportation system with overlapping bus routes, utilizing transportation to preserve the dual system. This is no longer the case. Schools in that part of the system where transportation is provided, serve specific geographic attendance zones drawn by the Disrtict Court, and approved by the Court of Appeals, sitting en banc, Singleton v. Jackson, 419 F. 2d 1211; every zone is biracial and every school is integrated. School busses are routed in such a manner as to transport all students in each attendance zone to the school serving the zone. These routes are drawn without regard to race; they do not overlap; each bus picks up and transports every student on its route regardless of the race of the student; students are not segregated within the busses; and the same quality and extent of service is provided in all areas of the county without

reference to the race of the students living in the area. The transportation system is thus operated on a non-segregated and non-discriminatory basis in every respect.* [5] This is entirely conceded by Petitioner in its brief (page 6) where petitioner states: "Since September 1969, the rural portion of the system . . . (which is entirely dependent upon transportation) . . . has been desegregated adequately".

(3) Extra Curricular Activities, Including Sports

All extra curricular activities, including sports, over which the School Board has control are being operated on a non-segregated basis throughout the system, and have been for several years.[6]

All athletic teams at every school are open to every student regardless of race. Participation by minority race students, particularly by black students at traditionally white schools, has been substantial. For example, during the 1969–70 school year several predominantly white high schools fielded biracial backetball teams with more black players than white. There is also cross-scheduling between traditionally black schools and traditionally white schools in all major sports, in regular season play, and all tournament and play-off competitions are conducted on an integrated basis with traditionally white and traditionally black schools in competition against each other.[7]

The same situation pertains to all other extra curricular activities over which the School Board has control, such as bands and other musical groups, ROTC units, speech and other academically related competitions, clubs and organizations, school related social events, parent related activities such as Parent Teacher Associations, and spectator events.[8]

(4) Services, Facilities and Programs

There is no separation of students within the individual schools by race, by sex (except for physical education and gender related courses such as home economics), by class, by tracts or on any basis, other than the normal division of students into grade level and courses of study which divisions have no racial basis.[9]

All facilities are made available to all schools in the system without regard to the present or past racial composition of the schools. Within each individual school of the system all facilities are made available to all students on an equal basis, regardless of race. This includes not only facilities in the strict sense such as restrooms, lunchrooms, classrooms, laboratories, gymnasiums, libraries, playing fields and the like; but also, all services, activities and programs such as bands, orchestras, choral groups, clubs, counseling services, student governments, honor societies, publications staffs, intramural sports, assemblies, class elections and honors, parties and social events; and every other facility, activity and program of every school. This has been the situation for several years.[10]

All schools are treated equally without reference to the past or present racial composition of the school, with regard to the allocation instructional materials, facilities, equipment, furnishings, supplies, textbooks, allocated funds and every other item provided to or for schools of the system; and courses of instruction are offered without regard to race. This also has been the situation for several years.[11]

Not only are all facilities, services, activities, and programs available to every student without regard to race, and operated on a non-segregted, non-discriminatory basis, but actual participation by minority race students is substantial.[12]

Footnotes at end of article.

(5) School Construction, Consolidation and Site Selection

The fault of the School Board is that for many years it followed the unusual practice of building schools where the children are. Now, the construction of or addition to any school, and the selection of any school site, must have the prior approval of the Court. This has been a part of the Mobile desegregation plan since 1968.

The School Board is genuinely perplexed and uncertain as to what shifting standard may next apply, or from time to time apply. with regard to school construction plans and programs. The Board has already suffered substantial financial loss as a consequence of land acquisition and other construction preparations made with District Court approval, later reversed and erased by the Court of Appeals.[13] As a result the School Board's building program has been at a total standstill for three years. No schools have been constructed and no school sites selected during this time.

The last schools constructed in the system were Dodge and Adams in 1967 and Grand Bay in early 1968. Dodge and Adams opened their doors for the first time in September 1967, both as fully integrated schools. The current assigned enrollment at Dodge is 62 black and 670 white. The current assigned enrollment at Adams, which first opened its doors as a predominantly black school, is 293 black and 687 white. Grand Bay first opened in September 1968. The current assigned enrollment at Grand Bay is 152 black and 667 white.[14]

Regarding school consolidation, there have been a number of consolidations, some proposed voluntarily by the School Board and some required by the District Court, within the past three years. Each has resulted in a significant increase in the extent of integration in the system. Some of the more significant consolidations are: [15]

1. Closing of the all black Emerson Elementary school and distribution of its students to two adjacent schools, one of which had been traditionally black (Council) and one traditionally white (Leinkauf), producing an enrollment at Leinkauf of 224 white and 235 black.

2. Closing of the all black Robert Thompson School and consolidation of its students into the theretofore all white Wilmer School.

3. Closing of the all black Cottage Hill Elementary School and the distribution of its students to the theretofore all white Fonde, Shepard and Dodge Elementary Schools.

4. Consolidation of the all white Citronelle and all black Rosa Lott Schools, resulting in the following enrollments: Citronelle, 800 white and 400 black; Rosa Lott, 465 white and 145 black.

5. Conversion of the all white Augusta Evans School to a school for special students with an enrollment of 54 white and 87 black, and a faculty of 8 black and 8 white.

6. Closing of the traditionally white Arlington Elementary School and the distribution of its students to surrounding schools, some of which are predominantly white, and some of which are predominantly black.

7. Closing of the all black Warren Elementary School and the distribution of its students to the traditionally white Crichton Elementary School and other schools, predominantly black, producing an enrollment at Crichton of 57 white and 240 black.

8. Closing of the all black Barney School resulting in the distribution of its students to surrounding schools, some predominantly white and some predominantly black.

9. Consolidation of the all black Belsaw and the all white Mount Vernon schools, resulting in integration of both schools.

10. Consolidation of the all black St. Elmo and all white Theodore Schools, resulting in the following enrollments: St. Elmo 436 white, 54 black; Theodore 1466 white and 335 black.

11. Consolidation of the all black Burroughs, all black Dixon and all black Dawes Union Schools with the all white Griggs and all white Davis Schools resulting in:

(a) Closing of the all black Dawes Union School

(b) Integration of the other four schools producing the following enrollments Burroughs: 192 white, 290 black; Griggs: 865 white, 41 black; Davis: 591 white, 178 black; Dixon: 249 white, 189 black.

12. Closing of the all black Howard School and the absorbtion of its students into Old Shell Road School, a traditionally white school.

As do most large school systems in cities undergoing large scale population shifts as a result of Federally sponsored urban development programs and other factors, the Mobile Public School System has found it necessary to resort to the use of portable classroom units that can be moved from one permanent school facility to another. Some schools have adequate basic facilities (land area, lunchroom, library, physical education, special facilities) to accommodate a number of portable classrooms; some do not. Within this basic limitation, the Board follows a policy of locating portable classrooms solely on the basis of and for the purpose of providing the facilities necessary to accommodate the students assigned to the various schools by the terms of the various orders of the Court itself.[16]

(6) Transfer Policy

The entire transfer policy now in use, including a majority to minority transfer provision, was formulated by the court itself. This policy is operated in accordance with provision prescribed by the court and is applied uniformly throughout the system.[17] The transfer policy is attached to this brief, as APPENDIX I.

(7) Bi-Racial Committee

The District Court, upon the suggestion of the Court of Appeals, has appointed a biracial committee to advise and assist the School Board and the Court in the operation of the Court ordered desegregation plan and the maintenance of a unitary school system. The committee, appointed by the District Court on August 12, 1970, has ten members, five black and five white.[18] The committee became active immediately and has begun to make its presence felt.

(8) Student Assignment

The total desegregation plan for the whole system, now in full implementation, assigns every student in the system to a school on the basis of a unitary system of geographic attendance zones, drawn by the District Court, the Court of Appeals, the U.S. Department of Justice, and the Office of Education of the Department of Health, Education and Welfare. In addition to this, in three instances, two adjacent elementary school zones have been paired; Council-Leinkauf, Palmer-Glendale and Hamilton-Robbins. This has produced the assigned enrollments for the 1970–71 school year set out in the statistical table in a previous section of this brief (page 7).

III. The desegregation process—chronologically

At the outset of this litigation the Board of School Commissioners of Mobile County committed themselves to compliance with the constitutional mandate of the Fourteenth Amendment of the United States Constitution, as originally stated by this Honorable Court in Brown v. Board of Education of Topeka, 347 U.S. 483, that the opportunity for education is:

"a right which must be made available to all on equal terms."

Full comprehension of the obligations of school systems with reference to the legal principles arising out of Brown, and the constitutional principles interpreted by Brown, has not always been easy for this School Board; as it has not been easy for school boards and courts throughout the nation. (Compare: Brown; Briggs v. Elliott, 132 F. Supp. 776, United States v. Jefferson County Board of Education, 372 F. 2d 836, 380 F. 2d 385, cert, denied 389 U.S. 840; Green v. County School Board of New Kent County, Virginia, 391 U.S. 430; Alexander v. Holmes County Board of Education, 396 U.S. 19; Avery v. Wichita Falls Independent School District, 241 F. 2d 230; Borders v. Rippy, 247 F. 2d 268; Boson v. Rippy, 285 F. 2d 43; Ellis v. Board of Public Instruction of Orange County, 423 F. 2d 203; Kemp v. Beasley, 423 F. 2d 851 (C.A. 8th, 1970); Deal v. Cincinnati, 324 F. 2d 209; and Deal v. Cincinnati, 419 F. 2d 1387). Indeed, it has often been an impossible task for a school board to determine not only what its current obligation may be, but to predict or anticipate what shifting standard may next apply.

It is against this background that school boards have had to proceed with the business of educating children on the one hand, while pursuing an illusive judicial phantom on the other; and the two have not always been totally compatible. For not being able to anticipate in advance or immediately adjust over-night to each new standard, for not being able to accomplish in fact, that which a court can accomplish on paper with a stroke of the pen, school boards throughout the country, this one included, have been labeled racist, lawless, uncooperative, contemptuous and recalcitrant. Realistic appraisal of the extent of integration in this school system, taken in the abstract or in comparison to the extent of integration in any and every other comparable school system in the nation, exposes the shallowness of such charges as sought to be applied to this school system.

In an earlier section of this brief (page 7) we have observed the progress of the desegregation process from a purely statistical standpoint. A chronological examination of the process from the judicial standpoint should now be helpful.

1962–63

The Mobile County Public School System began the 1962–63 school year as a dual school system. Students were assigned to neighborhood schools on the basis of geographic attendance zones. The zones were drawn on a racial basis with overlapping zones for white and negro schools. The zones, both black and white, were drawn with strong reliance on sound educational principles, including: consideration for traffic and other safety hazards, distance, routes of travel and access, barriers such as rivers and industrial complexes, and adherence to the basic neighborhood concept. Because of the dual zone aspect, this resulted in several split zones (such as for the Warren School which is no longer in use, but was at that time all black) and the temporary transportation of some students in the city part of the system pending completion of construction of a school, (such as Hillsdale Heights School, built in the middle of a suburban black community to establish a dual zone in that area).[19]

Suit was filed in March 1963 by a group of black parents and students seeking an injunction to require the School Board to begin desegregation of the school system.

1963–64

As a result of action in the District Court and in the Court of Appeals the School Board was directed to begin the 1963–64 school year with desegregation of the system on a one grade a year stair-step plan.[20] The Board moved immediately to comply with the orders of the court, and did so in good faith throughout the 1963–64 school year.

1964–65

On the basis of a motion for further relief, resulting in action in the District Court and the Court of Appeals, for the 1964–65 school year the Board was directed to speed up the stair-step desegregation plan by applying it to two grades per year rather than one and to abolish dual zones for each grade as it was reached in the stair-step progression.[21] Again, the School Board moved immediately to comply with the order of the court, and did so in good faith throughout the 1964–65 school year.

At this point this School Board, as all others, was proceeding upon the understanding that its legal and constitutional obligation was defined by Brown I, supra, which stated that education is, "a right which must be made available to all on equal terms"; Brown II[22] which enunciated the doctrine of "all deliberate speed"; and subsequent cases construing Brown I, such as Briggs v. Elliott, supra, which stated, "It (Brown) has not decided that the states must mix persons of different races in the schools . . . The Constitution, in other words, does not require integration. It merely forbids discrimination"; and that the basic neighborhood school concept was not inconsistent with this obligation.

1965–66

In response to the court's directive to do away with dual attendance zones the Board, in good faith, moved to comply, and undertook a redrawing of the zones. This effort did away entirely with dual zones and, while maintaining fidelity to the basic neighborhood school concept, produced a set of unitary zones. The 1965–66 school year began upon the basis of these unitary zones. The desegregation plan opposed by the board and approved by the court also contained, in deference to the strong feelings of both black and white citizens concerned with being caught in an inordinately difficult zone, a provision giving every student, black and white, the absolute right to attend the school of his zone or the nearest school formerly predominantly of his race, at his option. This was quite aptly named, the Option Plan.

At this point this School Board, as most others, continued to seek in good faith to adjust itself in order to comply with its constitutional obligations, as they were defined and refined by the succession of cases following Brown I and II, supra, and Briggs v. Elliott, supra. Reference is had to the following cases, among others:

Avery v. Wichita Falls Independent School District, 241 F.2d 230, . . . "The Constitution as construed in the School Segregation Cases . . . forbids any state action requiring segregation of children in public schools solely on account of race; it does not however, require actual integration of the races."

Borders v. Rippy, 247 F.2d 268. . . . The equal protection and due process clauses of the fourteenth amendment do not afirmatively command integration, but they do forbid any state action requiring segregation on account of their race or color of children in the public schools."

Holland v. Board of Public Education, 258 F. 2d 730. . . . The Fourteenth Amendment does not speak in positive terms to command integration, but negatively, to prohibit governmentally enforced segregation."

Boson v. Rippy, 285 F. 2d 43, . . . Negro children have no constitutional right to the attendance of white children with them in the public schools. Their constitutional right to 'the equal protection of the laws' is the right to stand equal before the laws of the State; that is, to be treated simply as individuals without regard to race or color."

1966–67

On August 16, 1966, less than three weeks before the opening of school for the 1966–67 school year, the Court of Appeals reversed a decree of the District Court and required that the School Board's existing Option Plan be modified so as to provide for every student in the system the blanket option of attending the school of his zone, or at his option the nearest black school or the nearest white school.[23] Again, as in the past, the School Board moved immediately to amend the existing desegregation plan to incorporate this change required by the Court of Appeals, and implemented the same in good faith throughout the 1966–67 school year.

In addition, the Court of Appeals required the Board to: (1) add to its transfer policy the right to transfer in order to get a course of study not available at the school where a student is assigned; (2) speed up the stair-step application of the desegregation plan; (3) prepare to begin faculty desegregation.

The School Board also moved immediately to comply with these requirements. The stair-step application was immediately accelerated as specified; the subject matter transfer provision was immediately adopted, and remains a part of the transfer policy today; and preparations were made to commence faculty desegregation with the beginning of the next school year, including immediate initiation of inservice training of bi-racial teaching teams.

On its own, and without any suggestion or prompting from the court, the School Board began taking steps toward desegregation of its transportation system in the rural part of the school system, and desegregation of all services, facilities, programs, activities, and extra curricular activities, including sports.

1967–68

In March, 1967, the United States Department of Justice was permitted by the District Court to intervene. In July, upon a motion for further relief, the District Court held an exhaustive evidentiary hearing over a period of several weeks between July 18 and August 18.[24] On October 13, 1967 the District Court entered a decree, accompanied by full Findings Of Fact and Conclusions Of Law.

In this Findings of Fact the District Court found:

(1) That there was no evidence of discrimination by race in the administration of the desegregation plan.

(2) That all services, facilities, activities and programs of the school system are available to every student and to every school in the system, without reference to race, including: restrooms, lunchrooms, special facilities and equipment, athletic teams, bands and choral programs, clubs and student groups, counseling, honor societies, dances and other social activities.

(3) That the defendant had formulated a specific plan for faculty desegregation, had commenced faculty desegregation, and had made sufficient and proper effort in the prevailing circumstances.

(4) That all staff and staff activities are integrated.

(5) That the Board had instituted remedial programs for the benefit of black students in the system, receiving the commendation of the Office of Education of HEW.

(6) That the Board had voluntarily undertaken several school consolidations, resulting in the closing of all black schools and the consolidation of the black students into schools that were either all white or predominantly white.

(7) That the Board was following a policy of constructing, renovating and maintaining schools without regard to race.

(8) That furnishings, fixtures, equipment, facilities, textbooks, supplies, allocated funds and courses of study are allotted to all schools without regard to race.

(9) That no complaint had been made to the Court by anyone as to discriminatory

Footnotes at end of article.

action of the board in administration of the desegregation plan.

There has been no subsequent finding to the contrary on any of these points.

In the meantime the 1967–68 school year commenced and the School Board, in good faith, implemented the desegregation plan prescribed by the courts, including several modifications prescribed by the district court as a result of the exhaustive evidentiary hearing.

1968–69

On March 12, 1968 the Court of Appeals, relying heavily on the previous opinion of the court, en banc, in United States v. Jefferson County Board of Education, 372 F.2d 836 and 380 F.2d 385, entered an opinion in which it required the School Board to withdraw its attendance zones in the urban or city portion of the system, saying:

"The percentage of total students in biracial schools is superficially acceptable, but beneath the surface the picture is not good. . . . Having found the results of the present plan unsatisfactory, we turn to the difficult question of what should be done. . . . In this case, it will be necessary for the board to do the job again, this time making a survey of the type suggested by appellants. On the basis of information obtained from the survey, school officials will draw attendance-zone lines on what they conceive to be a *nonracial basis.*" [25] (emphasis supplied)

In addition, the Court of Appeals also required: (1) elimination of the Option provisions of the plan; (2) further steps with regard to elimination of faculty; (3) a survey of the system and certain reports to the court; (4) the cross-scheduling of formerly white and formerly black schools in athletic competition; (5) certain restrictions on construction; (6) for the rural portion of the system, either a redrawing of zone lines, or the use of a freedom of choice plan of the type outlined in Jefferson supra.

The Court of Appeals actually prescribed a specific decree for entry by the district court. It began by stating:

"As stated in the opinion of the Courts of Appeals, the primary concern is that attendance-zone lines be drawn on a nonracial basis." (emphasis supplied) (*id.* at 696).

This decree was entered verbatim by the District Court on May 13, 1968. Once again, in good faith, the School Board moved promptly to carry out the directions of the court. The survey was made and filed with the court. The student assignment problem was carefully restudied and attendance zones were redrawn. The redrawn zones were filed with the court on May 7, 1968 even before the District Court had proceeded to enter the decree specified by the Court of Appeals. Two months later, in the face of mounting public hostility and pressure over dissatisfaction with the redrawn zones, the School Board asked the court to consider the possibility of placing the entire school system on a freedom of choice plan of student assignment.

Commencing on July 17, 1968 the court held another full (6 days) evidentiary hearing, the second in as many years. During the course of the hearing both the Justice Department and the Petitioners presented to the court their own separate set of proposed zone lines for the urban portion of the system. As commented upon by the District Court in its decree, both of these plans provided for the continued existence of some all white and some all black schools.[26]

Ultimately, the District Court rejected all three proposed zone plans (Board, Petitioner and Justice Department). It then entered a decree calling for the following plan of student assignment:

(1) In the rural part of the system—freedom of choice, as specifically provided by the Court of Appeals, and as specifically requested by the Justice Department.[27]

(2) In the urban part of the system—freedom of choice in the high schools, and attendance zones for elementary junior high school, with the zones drawn by the court itself.

Referring to Green v. County School Board of New Kent County, Virginia, 391 U.S. 430, the court provided that the freedom of choice portion of its plan would operate only on an interim basis, to be continued, or not, from year to year dependent upon the speed of desegregation accomplished.[28] This decree also provided for the closing of two all black schools and one all white school.

Once again, the School Board moved promptly to implement the Decree of the Court, and continued to implement the same in good faith throughout the 1968–69 school year. In the meantime, an appeal was taken.

During the course of the year the School Board also sought permission of the District Court to build a new elementary school building to replace a substandard building at the Howard Elementary School, and to add an additional building at Toulminville High School. After an evidentiary hearing permission was granted by the District Court. Subsequently on appeal the Court of Appeals reversed, concluding that the buildings would tend to perpetuate the dual system. Howard has now been abandoned; the assigned enrollment at Toulminville is 453 black, 247 white.

1969–70

On June 3, 1969, on the appeal of the District Court order, the Court of Appeals switched horses in the middle of the stream and again reversed the District Court. Reversal was on the theory that the zone lines drawn by the district court should have been drawn on a racial basis rather than a nonracial basis as most recently ordered by the Court of Appeals, and that the statistical extent of desegregation in that portion of the system under freedom of choice was unacceptable, in view of Green v. County School Board of New Kent County, Virginia, supra.[29]

The Court of Appeals remanded to the District Court and directed the court to request the Office of Education to collaborate with the School Board in the preparation of a revised plan of student assignment, providing: (1) that HEW and the Board should try to agree upon a revised plan; (2) that if HEW and the Board could not agree, HEW should file its own recommendations for a plan, (3) that all parties could then file objections and suggested amendments to the HEW recommendations; (4) that for plans as to which objections are made or amendments suggested or which in any event the district court will not approve without a hearing, the District Court should have a hearing, within ten days (5) that a new plan for the 1969–70 school year shall be approved by the District Court no later than August 1, 1969.

Pursuant to the June 3, 1969 opinion and mandate of the Court of Appeals, on June 4 the District Court contacted HEW and requested their attention. HEW did not respond until June 11, and it was not until June 16, after thirteen (13) of the allotted thirty (30) days had elapsed, that the professional staff of the school system was able to establish a working relationship with HEW.[30]

Although a great deal of work was done and every effort was made, no plan could be agreed upon by the School Board and HEW within the remaining allotted time, seventeen (17) days. In accordance with the decree, HEW filed its own recommendations with the District Court on July 10.

On July 21, 1969, the School Board filed extensive objections to the HEW proposal pointing out in some detail why various portions of the HEW recommendations are educationally unsound and incapable of effective administration. At the same time, as also provided by the decree, the School Board filed its recommended alternatives. When it became apparent that the District Court did not intend to have a hearing, the School Board supported its objections and alternative recommendations by affidavit testimony filed in the District Court on July 29, 1969.[31] Although the Court of Appeals decree had invited them to do so, Petitioners and the Justice Department chose not to submit alternative recommendations of their own to the court; and neither of them requested the district court to hold an evidentiary hearing.

On August 1, 1969, the District Court, consistent with the mandate of the Court of Appeals, entered its order approving a plan for operation of the school system for the 1969–70 school year. In formulating this order the District Court, using its own knowledge of the school system and current circumstances as it had done on a previous occasion, put together its own desegregation plan. In doing so, it rejected almost entirely the alternatives recommended by the School Board, and rejected in part and accepted in part the recommendations of HEW.

This desegregation plan formulated by the District Court itself, did essentially the following things:

(a) It required and accomplished integration of faculty in every school of the system.

(b) For all but nine (9) of the then eighty nine (89) schools of the system it established revised unitary attendance zones, drawn on a basis taking race into account along with other factors in order to maximize integration. (Resulting in the assignment of approximately 70,000 of the systems then 73,500 students to bi-racial schools).[32]

(c) It required the School Board, again working with HEW, to undertake further study and effort toward the development of a still further modification of the desegregation plan with reference to those schools east of Interstate Highway 65, where the excepted nine (9) are located; and to submit the suggested modifications to the court by December 1, 1969, for implementation in September 1970.

The School Board moved immediately to comply with this Order of the Court, as it had done with all previous orders, and began implementation of the order, in good faith, with the opening of school for the 1969–70 school year. Good faith implementation was continued throughout the school year, until of course, the plan was subsequently changed by the court in the midst of the school year.

In the meantime an appeal was taken by Petitioner from the District Court order of August 1. The Justice Department did not appeal. On the appeal the Petitioner took the position that the plan devised by the District Court was satisfactory as it applied to the rural portion of the system, satisfactory as to the urban portion of the system west of Interstate Highway 65, and unsatisfactory only as to the aspect of student assignment for that portion of the system east of Interstate Highway 65.[33] The Justice Department took the position that the Order of the District Court was satisfactory in every respect, stating in its brief to the Court of Appeals: [34]

"Under the circumstances of this case, we believe the August 1 Order is consistent with this Court's June 3, 1969 decision in this case."

In the Court of Appeals the case was consolidated with others and heard by the court sitting en banc. The Court of Appeals reversed the District Court in all of the other consolidated cases and sustained the District Court in this case.[35] Upon certiorari to this court, the Court of Appeals was reversed, and the case remanded for further proceedings consistent with Alexander v. Holmes County Board of Education, 396 U.S. 19.[36]

In the meantime the professional staff of the school system had restudied the area of east of Interstate Highway 65, as instructed by the District Court in its Decree of August 1, 1969, and filed its recommendations in the District Court on December 1, 1969. HEW

Footnotes at end of article.

disregarded the District Court directive to work with the School Board, and filed hastily prepared recommendations (three alternative recommendations) in the District Court, also on December 1, 1969.[37]

Upon remand from the Supreme Court, the Court of Appeals directed all counsel to propose to the court an expeditious manner of proceeding with the case. The School Board responded, and among other things suggested immediate remand to the District Court for an evidentiary hearing, with directions to the court to have the hearing and enter its order not later than January 26, 1970, so as to enable the Board to begin implementation immediately upon commencement of the second semester of the school year.[38] The Justice Department and Petitioner both responded, but did not suggest an evidentiary hearing, although Petitioner loudly complains now for lack of a hearing.[39]

On January 21, 1970 the case was sent by the Court of Appeals back to the District Court, without directions for an evidentiary hearing, although such had been requested by the School Board.

The next day, January 22, 1970, the District Court held a conference of all attorneys at the conclusion of which the court asked the School Board to submit to the Court any modifications that it cared to suggest in its previously submitted plan of December 1, 1969 and asked the Justice Department to submit any suggestion it might have for modification of the HEW December 1 submisison; noting that as they stood, neither of these plans were acceptable to the court.[40]

The Justice Department hastily prepared some revisions of the HEW recommendations. This work was exhibited to the District Court at a second conference with the Court on January 27, 1970. At that time however, the essential part of the work, the maps setting out the proposed attendance zones, were not complete. Copies were not given to the court, nor to counsel and nothing was filed of record with the Clerk of the Court. [41]

Contrary to what is stated in Petitioner's brief (page 19) where it is said . . . "The School Board failed to respond to the Court's request." . . . on January 30, 1970 the School Board filed a five (5) page response in which it suggested several very minor modifications, and pointed out the following things: [42]

"2. These recommendations were developed over a period of approximately three months. They reflect the expert thinking and best judgment of competent, trained, professional educators who are thoroughly and intimately familiar with the school system. The desegregation plan embodied in these recommendations was soundly conceived and carefully fashioned in order to comply with all legal requirements imposed by the Court; and at the same time to do so in a manner that will be educationally sound, will cause the least possible hardship to the least number of students, parents and teachers, and will present the least possible danger of destruction of or substantial harm to the school system. If there were other recommendations that would accomplish all of these things better and more fully they would have been included as a part of the December 1 recommendations to begin with; but there are none.

3. It should be pointed out that what the Court has now done is to order the Board to attempt to have its professional staff to hastily, in a matter of several days, alter and revise the end product of this three months of extensive, careful, analytical work. Such a hasty effort cannot be expected to produce competent results. If we were merely dealing with maps and figures on a piece of paper this would present no problem; but we are not, we are dealing with human beings, children, and the very life of a public school system. The professional staff people indicate that what the Court has suggested calls upon them to violate and sacrifice professional standards and principals that they, as professional educators, hold inviolate, and this they cannot do."

Facing a mandate to enter an Order before February 1, and finding the HEW recommendations, the School Board recommendations and the Justice Department revisions all not to its liking, and there being insufficient time for an evidentiary hearing, the District Court once again drew upon its own knowledge and prepared a new set of attendance zone lines for the schools concerned, i.e., those in that part of the urban portion of the system lying east of Interstate Highway 65. The court, on January 31, 1970, entered its Decree setting out these zone lines for implementation as soon as practicable. This Decree also added to the existing desegregation plan, a majority to minority transfer provision.

Although the School Board was confronted with a major upheaval and the task of rearranging a large part of the school system during the middle of a school term, necessitating the displacement and reassignment of some 15,000 students, they set about the task in god faith.[43] On March 20, 1970 full implementation was completed. On April 14, in response to directions from the Court of Appeals, the District Court made supplemental findings of fact in support of its January 31, 1970 decree.

In the meantime, appeals were filed by Petitioner and the Justice Department, and a cross-appeal by the School Board. As these were pending the 1969–70 school year ended in virtual chaos, with boycotts by white and black students and parents objecting to forced reassignment, massive absenteeism, racial disorders in a number of schools necessitating use of the police riot squads, large scale residential relocation, and upsurge of school vandalism, definance of school authorities, the court and law enforcement officials by parents and students, and large scale disruption of the normal educational process in general. Essentially, the school year ended on January 31 for a large part of the school system, because the education process simply came to a halt.

1970–71

On June 8, 1970 the Court of Appeals, on the pending appeal, entered an opinion and judgment setting out a new plan of student assignment for that part of the urban portion of the school system lying east of Interstate Highway 65.[44] As its judgment the Court adopted in toto the Justice Department revised plan exhibited to the court, but never formally filed of record, in the January 27, 1970 conference. This material, maps and accompanying statistical tables, was furnished to the Court of Appeals, ex parte, by attorneys for the Department of Justice. It was not a part of the record designated by any of the parties for the Court of Appeals. It represented not the work of an educator or school administrator, but of a Justice Department Attorney and a young female statistical clerk over a period of four days. It came to the Court unauthenticated, and unsupported by testimony of any sort. This perhaps explains the obvious mistakes referred to in footnote 44.

The School Board strongly protested the exparte handling of so serious a matter, and with good reason.[45]

Nevertheless, on June 12, 1970, the District Court entered its order requiring the School Board to implement the new plan set out by the Court of Appeals. Promptly, and in good faith, the Board and its professional staff set about the difficult task of compliance; beginning a program to educate the public to the substantial changes required by the court; and formulating the necessary steps to be taken within the school system, including the conversion of three high schools to junior high schools.

Then, on July 13, 1970 without notice to the School Board nor an evidentiary hearing, the District Court entered another order which, in essence, set out a still further and different plan of student assignment for the area concerned, i.e., the schools in the eastern part of the urban portion of the system.[46] Once again, for the second time in five weeks, the School Board began the task of preparing the public and the school system for an entirely new desegregation plan.

Petitioner took an Appeal from the Order of July 13, and sought an injunction staying the order of the District Court. The School Board filed a Response in which it noted that it was in the unusual position of defending a District Court Order that it had not sought, and one with which it could only partially agree.[47] We then pointed out to the Court of Appeals a comparative analysis of the two plans which indicated clearly that the District Court approach not only avoided many of the functional impossibilities and points of educational unsoundness (with which we were most seriously concerned) but also actually increased the extent of integration as well.

On August 4, 1970, the Court of Appeals denied the Motion to Stay and entered an opinion sustaining the District Court.

In the meantime, on July 30, the District Court, without notice to anyone, had entered a further order, modifying thirty-two (32) of the attendance zones established just seventeen (17) days earlier by its Order of July 13.[48]

Again, for the third time in less than two months, the School Board was faced with the task of making a substantial rearrangement of the school system. With the opening of school five weeks away, the Board moved promptly, if a bit frantically, to prepare the public and the school system for implementation of this new order.

On August 17, Petitioner, after delaying eighteen (18) days, appealed and moved the Court of Appeals for summary reversal. This appeal and motion were not timely inasmuch as the Court of Appeals had previously suspended the Federal Rules of Appellate Procedure for this and every other school case in the circuit, to require the filing of all appeals within fifteen (15) days.[49] This point was raised by this counsel and by counsel for the Mobile County Council Parent-Teacher Associations, an intervening party.[50]

Nevertheless, the Court of Appeals entertained the appeal and the motion and on Friday, August 21, notified this counsel of a conference in the Chambers of Judge Griffin Bell, one of the Judges of the Court, the following Monday, August 24. This conference was most irregular in that the Court did not notify counsel for the County Council, PTA, of the conference or invite their attendance, as a consequence of which they were not present.[51]

Following this conference, on August 28, with the opening of school eleven days away, the Court of Appeals entered an opinion "terminating" the appeal in which it partially granted and partially denied the Motion For Summary Reversal; and in addition, required certain further rearrangement of several attendance zones, not involved in the appeal.

Once again, for the fourth time in less than three months, and with the opening of school elevent (11) days away, the Board turned in good but weary faith to the task of a substantial rearrangement of the school system.

Footnotes at end of article.

On September 9, 1970 the 1970–71 school year commenced amid the chaos of a plan of student assignment pieced together at various times by the District Court, HEW, a Justice Department attorney, the Court of Appeals, a young lady statistical clerk and finally Judge Griffin Bell. In essence, this school year opened as the past year had closed; boycotts by white and black students and parents objecting to forced assignments, massive absenteeism (first day enrollment 62,094, down approximately 11,400 from the end of school last year), defiance of school authorities, racial disorders and physical violence in several of the schools (necessitating use of the police riot squad, and at one high school the daily attendance of approximately 80 uniformed officers) numerous arrests of students, and large scale disruption of the normal educational process.

In the meantime the Petition for certiorari has been granted and the Opinion and Judgment of the Court of Appeals (actually three opinions, June 8, August 4 and August 28) are before this Court for review.

IV. Summary

The school system has been fully and affirmatively desegregated in every respect, except, it may be contended, student assignment. With regard to student assignment, the rural part of the system and the urban or city part of the system west of Interstate Highway 65 have been fully and affirmatively desegregated as a result of the implementation in September, 1969, of the plan of student assignment devised by the District Court, approved by the Court of Appeals, en banc (Singleton v. Jackson, 419 F.2d 1211) and reviewed by this court on certiorari (Carter v. West Feliciana Parish School Board, 396 U.S. 290, per currium, 1970). The method of student assignment used in each of these areas is unitary attendance zones drawn by the court itself.

Thus we can define the essential point at issue as relating only to the element of student assignment for that part of the urban or city portion of the system located east of Interstate Highway 65.

On June 8, 1970, the Court of Appeals, on the appeal from the District Court order of January 31, 1970, entered the first of the three combined opinions now before this court for review. This opinion and judgment concerned primarily student assignment for these schools east of Interstate Highway 65 and set out a complete and specific plan of student assignment for these schools. This plan set out by the Court of Appeals is one that had been submitted to the Court by the United States Department of Justice, which had in turn prepared the plan by modifying a plan originally devised by the Office of Education of the Department of Health, Education and Welfare. As with the remainder of the system, the method of student assignment used by this plan is unitary zones. This plan also closed some schools, consolidated others, paired others, recast the grade structure of others and completely redesigned all of the attendance zones east of Interstate Highway 65. Under this plan, all of the forty-one schools affected by the order lying east of Interstate Highway 65 became thoroughly bi-racial in student body composition, except eight elementary schools.[52]

The subsequent order of the District Court on July 13 eliminated two more of the remaining all black schools, one by closing, and one by redesigning attendance zones, leaving only six.[53] Thereafter, the Court of Appeals in its order of August 4, 1970 (the second of the three orders now on review) eliminated yet another all black school by assigning, through pairing, 129 white students to theretofore all black Robbins Elementary School.

At that point, the five schools remaining all black, as classified by the court, were:

Name	White	Black
Owens	2	1,300
Fonville	37	787
Stanton Road	5	826
Brazier	0	1,120
Grant	30	850

All of these schools are located more or less in the middle of fairly densely populated residential areas that have, for the most part since the inception of this litigation, become either all black or very predominantly black in character. Two, Owens in the City of Mobile and Grant in the City of Prichard, are in areas that are totally urban and most of the housing is in the form of Federally funded urban renewal projects, subject to the Federal Open Housing Laws. The other three, Fonville, Stanton Road and Brazier, are located in areas of a suburban nature. Two of these areas, Fonville and Stanton Road, were, at the beginning of this litigation, all white in character but have now become very predominantly black. The racial makeup of all five of these zones and schools results entirely from voluntary residential patterns, and is thus the result of a pure *defacto* situation, rather than any practice of maintaining segregated schools by law, by design or by any other device (see *Deal* v. *Cincinnati Board of Education*, 419 F. 2d 1387).

On August 28, in the final of the three orders being reviewed, the Court of Appeals further increased the statistical extent of integration by redesigning two elementary school zones and by pairing four more elementary schools.

With the opening of the 1970–71 school year on September 9, 1970, the plan of student assignment placed into operation, as ordered by the court, produced the following assignment of students and faculty for the area concerned, the schools east of Interstate Highway 65.

Name of school	Racial character of school in dual system era	Current (1970–71) racial character of student body	1970–71 students assigned		1970–71 faculty assigned [1]	
			Black	White	Black	White
Bienville	White	Biracial [2]				
Blount	Black	do	1,233	1,041	36	41 (12)
Brazier		Black	1,006		14	17 (3)
Brookley	White	Biracial	71	490	7	10 (1)
Caldwell	Black	do	307	11	6(½)	3½(6½)
Carver	do	do				
Central	do	do	1,563	231	24	27 (8)
Chickasaw	White	do	75	448	6	8 (2)
Clark	do	do	903	687	23 (1)	34 (2)
Council	Black	do	404	50	6 (1)	8
Craighead	White	do	516	242	11	16 (1)
Crichton	do	do	144	352	7½	11 (1)
Dunbar	Black	do	940	86	14	13 (9)
Eanes	White	do	181	823	13 (3)	23
Evans	do	do	118	91	8	8
Fonville	Black	do	866	15	13	9 (11)
Glendale	White	do	574	257	10	14 (2)
Grant	Black	do	1,077	7	16	9 (15)
Hall	do	do	852	190	18	23 (4)
Hamilton	White	do	204	414	7	11
Leinkauf	do	do	252	194	6	8
Maryvale	do	do	207	395	8	12
Mertz	do	White		373	4	7
Mobile County Training	Black	Biracial	699	202	14	8 (12)
Morningside	White	White		674	8	11 (1)
Murphy	do	Biracial	1,546	1,054	31 (7)	58
Old Shell	do	do	357	117	5	6 (1)
Owens	Black	Black	1,479		20	13 (17)
Palmer (Snug Harbor)	White	Biracial	493	104	10	5 (9)
Phillips	do	do	820	364	18 (1)	28
Prichard	do	do	566	187	12 (1)	19
Rain	do	do	111	1,155	23	35
Robbins	do	do	702	129	9 (1)	12 (2)
Stanton Road	Black	do	894	4	13	17 (2)
Toulminville	White	do	454	247	12	14 (3)
Trinity Gardens	Black	do	969	171	15	17 (6)
Vigor	White	do	1,385	930	36 (6)	60 (3)
Washington	Black	do	780	636	14	11 (11)
Westlawn	White	White		322	4 (1)	7
Whitley	Black	Biracial	345	127	6	7 (3)
Williams	White	do	41	533	8	11
Williamson	Black	do	570	594	18	25 (2)
Woodcock	White	do	97	145	5 (2)	10½

[1] The figures in parenthesis indicate the number of vacancies, by race, yet to be filled in order to reach the 60/40 ratio.

[2] By Court order Bienville has become a part of the Vigor High School Complex, which has an assigned enrollment of 1,385 black, 985 white.

[3] By Court order Carver has become a part of the Blount High School Complex, which has an assigned enrollment of 1,233 black, 1,041 white.

We would redirect your attention to the statistical table set out in an earlier section of this brief (page 7) for a view of the assignment of students for the whole system produced by the total desegregation plan placed in full implementation with the opening of school on September 9, 1970.

V. Petitioners' contentions

Over the past eight years all of the normal techniques of desegregation ever devised — — the option plan, unitary zones, freedom of choice, majority to minority transfers, zones drawn on a non-racial basis, zones drawn on a racial basis, alteration of grade structure, enlargement of zones, reduction of zones, consolidations, closings, pairing of adjacent schools — — have been imposed upon the Mobile County Public School System. Some of these techniques are educationally sound some of them not.

From the standpoint of education the results are totally ungratifying. From the standpoint of desegregation, it is now abundantly clear that this school system is desegregated to the maximum extent that can be produced by normal techniques and any further rearrangement of the school system by such abnormal devices as massive bussing, cross-bussing, non-contiguous pairing, or any other arbitrary manipulation of students, can only be the pursuit of an arbitrary and artificial racial balance. And this is exactly what Petitioner now seeks.

As we understand the thrust of Petitioners contention, it is that despite the fact that total desegregation has been achieved, and despite the fact that this is a unitary school

Footnotes at end of article.

system, further abnormal devices in pursuit of a racial balance are justified, because:

(a) The District Court has not had evidentiary hearings;

(b) there have been ex parte proceedings with the Court;

(c) the School Board has used certain techniques such as bussing black children, changing grade structure, portable classrooms, building and closing schools and manipulation of attendance zones, to maintain segregation.

We would rejoin these contentions briefly.

(a) Evidentiary Hearings

The District Court held exhaustive evidentiary hearings in 1963, 1965, 1967 and 1968. If anyone has been handicapped for lack of an evidentiary hearing since the July 1968 hearing, it has been the School Board, not petitioner. Without giving the Board the opportunity to offer proof of the soundness of the several proposed plans of student assignment it has filed in the district court since July 1968, the court has on each occasion rejected the Board's proposals entirely, in favor of plans devised by HEW, the Department of Justice and the Court itself, which have not had to stand the test of an open hearing. When this case was remanded by this Court in January 1970, (Carter v. West Feliciana Parish School Board, (supra) the School Board not Petitioner, urging that there be an evidentiary hearing and was ignored.[54] As we have pointed out in an earlier section of this brief (pages 24, 33–34) petitioner's complaints are all after the fact and it is obvious that Petitioner is not so much interested in having evidentiary hearings, as it is in complaining for lack of such hearings.

(b) Exparte Proceedings

Certainly there have been exparte proceedings, by counsel for all of the parties. In an earlier part of this brief (page 39) we freely admitted the mistake of this counsel in responding to the District Judge's oral request for information, without reducing our response to writing and sending copies to the other parties. No later than Wednesday, September 23, 1970, while this brief was in preparation we had another exparte request for information from one Jerris Leonard, Esq., Chief of the Civil Rights Division of the United States Department of Justice. In a complex case such as this, it seems that exparte activity is inevitable. Nor do school board attorneys have a corner on the market. We have reference to:

(1) Petitioners exparte conference with the District Court in March 1970.[55]

(2) The Justice Department's exparte hearing before the district court on September 14, 1970.[56]

(3) Petitioners' failure to serve all parties with copies of important pleadings, and the making of false certification of service.[57]

(4) The Justice Department's exparte submission of documentary material, not a part of the record, to the Court of Appeals.[58]

(5) The Court of Appeals failure to notify all parties and counsel of hearings in chambers as a result of which the Mobile County Council PTA, one of the parties, was not present at a most important conference in the Chambers of Judge Bell on August 24, 1970.[59]

We do not complain of these occurrences. We simply note them, lest the impression be left that the School Board alone is at fault.

(c) Techniques To Maintain Segregation

Closing schools: Contrary to Petitioners implication, every school closing in the last five years has resulted in an increase in the extent of desegregation, rather than a decrease. We would refer you to the full discussion at pages 30–33 of this brief.

Footnotes at end of article.

School Construction: The last new schools constructed in the system opened their doors in 1967 (two) and 1968 (one). All three have bi-racial student bodies (see page 15 of this brief). Two proposed construction projects in 1968–69 were approved by the District Court and reversed by the Court of Appeals. One has now been abandoned and the other has an assigned enrollment of 454 black and 247 white (see page 15 of this brief).

Manipulating Attendance Zones and Portable Classrooms: Since 1965 all students have been assigned to schools on the basis of zones either approved by the court or drawn by the court, excepting a brief period of freedom of choice (see pages 22–41 of this brief). Portable classrooms are used only to provide emergency space to accommodate overloads resulting from the assignment of students by the court (see pages 17–18 of this brief).

Changing Grade Structure: Unquestionably this school system has had a varied grade structure. Initially this resulted in part because of its combination rural-urban character, and in part because of the continuing effort to shift from the old style elementary, junior high, senior high concept (elementary grades 1-6, junior high grades 7-9, senior high grades 10-12) to the more modern middle school concept (elementary grades 1-5, middle school grades 6–8, senior high grades 9-12). In more recent times the varied grade structure has resulted from the court orders which have imposed upon the system a number of grade structure arrangements thought to be educationally unsound; such as a school for grades 6-9, or a school for grades 1, 2, 3 and 5, or a school serving grade 8 only (as proposed by HEW), or a school serving grades 1 and 2 only or 5 and 6 only (as contained in Plan B–1 Alternative proposed by Petitioner, pendente lite).

Bussing of Black Students: Admittedly, during the era of the dual system and until a short time after this litigation began, black students were bussed to preserve segregation. This is a shameful part of the past of this system, just as slavery is a shameful part of this nation's past. It was wrong then, it is wrong now; and two wrongs never made a right. It was educationally unsound then, it is educationally unsound now. Those who would attempt to justify bussing now, on the basis of bussing in the past, are seriously hampered by their own obvious inability to determine whether they are more interested in education or retribution and revenge. Petitioner cites to the court impressive figures to indicate the existence of substantial bussing now. The court must bear in mind, as Petitioner failed to note, that all of this bussing is in the rural portion of the system where there has always been and probably always will be a substantial transportation need to fill. The mere existence of transportation in the rural part of the system hardly stands as justification for the creation of an urban transportation system. Transportation in the rural portion of the system is of course on a fully integrated basis (see pages 11–12 of this brief).

VI. The relief that is needed

The desegregation plan now in implementation, insofar as it concerns the schools east of Interstate Highway 65, is a piecemeal concoction put together by the Court of Appeals from various bits and pieces devised at various times by HEW, the Justice Department and the District Court. It has no integrity, nor rationality.

While the Court of Appeals spoke in terms of devising a plan consisting of neighborhood schools, and Petitioner has seized upon this as a vehicle to place before this court a consideration of the constitutionality of the neighborhood school concept, the plan devised and promulgated by the Court of Appeals is anything but a neighborhood school plan. To immediately verify this, one need only look at the map reflecting the elementary and junior high school zones devised by the court and now in use (the maps filed in the District Court on July 30 and July 13, 1970, respectively).

Based upon these zones, sixth grade students in the Mertz elementary zone for example are required to travel up to seven (7) miles diagonally across the City of Mobile, crossing six major traffic thoroughfares — — U.S. Highway 90, Cottage Hill Road, Airport Boulevard, Dauphin Street, Old Shell Road and Springhill Avenue (U.S. Highway 98) — — at peak traffic hours to attend a school that has an overload of almost 600 students (capacity 986, assigned enrollment 1525); while their true neighborhood school, Mertz Elementary School is within easy walking distance of less than a mile and a half and has vacant space. There are many other similar examples, but this should suffice to illustrate the point that the plan devised and promulgated by the court is not a neighborhood school plan, notwithstanding the court's characterization of it as such.

The school year traditionally opens in September each year. Normally, planning for each year would commence the preceding April or May. For the past five years it has been impossible to undertake any real preplanning because of last minute court orders requiring substantial rearrangement of the school system in one way or another, such as a shift from neighborhood attendance zones to complete freedom of choice and then back again, or a substantial rearrangement of attendance zones and grade structure. Court orders requiring new and different desegregation plans were imposed upon this school system on August 16, 1966 for the 1966–67 school year; August 24, 1967 for the 1967–68 school year; July 29 and August 2, 1968 for the 1968–69 school year; and on August 1, 1969 for the 1969–70 school year. The 1969–70 school year was further disrupted by a further court order on January 31, 1970 requiring mid-year reassignment of some 15,000 students. Since January 1, 1970 this school system has already been under six different court ordered desegregation plans, none of which have been prepared by the Board or its professional staff. Three of these plans have been fully implemented, and three superseded by subsequent orders before they could be placed into full implementation.

Since October 1967, the desegregation plans implemented in this school system have been devised either by the District Court, the Court of Appeals, the Justice Department, HEW, or some combination thereof. The School Board and its professional staff people have been completely shoved out of the picture, and the chaos prevalent in the school system at this time is the end result. Neither of these parties seems to be able to satisfy the other, and the petitioner has never been satisfied with anything. As a result, the school system has become nothing more than a bloody corpse battered from pillar to post now lying there oozing its life's blood away while being carved and hacked to bits by its various antagonists. The death knell of utter chaos and collapse can be heard pealing softly in the distance, moving closer day by day.

The litigating parties in this case are the NAACP, and the School Board. It is not they, however, who are suffering from the seemingly interminable turmoil that the courts have unwittingly created; it is the public school children of Mobile County, black and white alike. Nothing speaks more eloquently of this than the following statistical table comparing the advance of the desegregation process year by year since 1965 when substantial integration first occurred, to the achievement of fourth grade students systemwide on the nationally recognized California Battery Achievement Test.

	1965–66	1966–67	1967–68	1968–69	1969–70	1970–71
Total number of schools	97	98	96	91	89	
Total number of schools with a biracial student body	10	15	34	57	68	
Total number of schools with a biracial faculty	0	0	10	89	88	
Total number of students enrolled in biracial schools	10,474	15,636	28,558	47,560	55,314	
Systemwide achievement level (4th grade students) California battery scores as compared to grade placement (in percent—grade placement equals 100 percent)	104.4	100	99	91.5	89.7	(1)

[1] Not yet compiled.

In the table, grade placement equals 100%. Note that in the 1965–66 school year fourth grade students system-wide were achieving at a level 4.4% above fourth grade standards. Since that time there has been a steady downward trend, so that by last school year, 1969–70, fourth grade students system-wide were achieving at a level 10.3% below fourth grade standards. The tests have not yet been given for the current school year, but the results are predictable.

We urge this Court to breathe the breath of life back into this dying school system. We urge this Court to direct the Court of Appeals to remand this case to the District Court for the formulation of a revised plan of desegregation for that part of the urban portion of the school system lying east of Interstate Highway 65; that the District Court be directed to:

1. Require the School Board to prepare and submit a proposed plan to the court;

2. Receive and consider any objections or modifications to the School Board's proposed plan, that any party to this case may wish to file;

3. Have an evidentiary hearing;

4. Approve a new plan by January 1, 1971 for implementation beginning the second semester of this school year, in February 1971.

We further urge that the District Court be directed to undertake the above in the light of certain principles that we shall propose at the conclusion of this brief.

SUMMARY OF ARGUMENT

The Mobile County Public School System was at one time a dual school system. The dual system has now been completely disestablished, and the Mobile County Public School System is now a fully integrated unitary school system.

The school system has been involved in desegregation litigation since 1963. This has resulted in a succession of orders by the District Court and the Court of Appeals, each requiring some further or different modification in the plan of desegregation being implemented in the school system. The School Board and its professional staff have sought in good faith to implement, properly and promptly, each order of the Court as it has been imposed; and to otherwise discharge their legal and constitutional obligation, as it has from time to time been interpreted and defined by the Courts.

Since October 1967, the desegregation plans that have been implemented in the system have been devised by the District Court, the Justice Department, HEW, the Court of Appeals, or some combination thereof. The School Board and its professional staff have been completely shoved out of the picture. Since January 1, 1970 six different court ordered desegregation plans have been imposed upon the school system, none of them have been prepared by the Board or its professional staff. As a result, the school system is in a position of near chaos; faculty and staff morale is at low ebb; the Superintendent has resigned; enrollment has dwindled from 79,000 to approximately 68,000; system-wide student achievement has steadily declined for the past five years, taking a course essentially opposite the advance in the desegregation process during this same time period.

The Orders of the District Court and of the Court of Appeals now being implemented and now before this Court for review require: (a) the assignment of faculty throughout the system on the basis of a 60/40 racial ratio, (b) the assignment of students (in that part of the city or urban portion of the system *east* of Interstate Highway 65) to schools on the basis of what the Court of Appeals contends to be unitary geographic zones resulting in *neighborhood schools*. This is a totally inaccurate description of the content and effect of the court's orders. True, the zones are unitary, but they do not comport with the neighborhood school concept and do not result in neighborhood schools, due to gross gerrymandering, unnatural pairing of schools, and obvious inattention to numerous factors that would have been considered in the creation of a true system of neighborhood schools. Essentially, assignment of students is on a basis calculated to produce an arbitrary racial balance of students in the schools concerned.

The orders of the court now in implementation result in the assignment of approximately 64,306 students (of a total of approximately 68,623 in the system) to schools with bi-racial student bodies. Nevertheless, Petitioners urge this court to reverse the orders of the lower courts, and pending the approval of a new desegregation plan by the District Court on remand, to order the implementation, pendente lite, of another plan of student assignment hastily prepared almost a year ago by HEW; which plan comes to this Court untested by hearing, unsupported by testimony and indeed totally unexplained.

It is the position of the respondent that the case should be remanded to the District Court for the development of a new plan of student assignment for that part of the system here concerned, consistent with the principles developed in the argument hereafter summarized. It is respondent's position in argument that:

I

The so-called plan B–I Alternative should not be imposed upon the Mobile County Public School System, because:

1. It has never been before any court for an evidentiary hearing; it is unproved, untested and unexplained.

2. On the other hand, upon the basis of the affidavit testimony of the Associate Superintendent who examined and analyzed it thoroughly, along with other members of the professional staff of the school system, it has been totally discredited.

3. It was hastily prepared by one with no knowledge of the school system. As a result it contains, in addition to a number of overall functional drawbacks, approximately a dozen specific functional impossibilities.

4. It has been rejected by the lower courts as impracticable and educationally unsound.

5. It requires massive cross-town busing and cross-busing, beyond the immediate, as well as long range, capabilities of the school system.

II

The Orders of the lower court, insofar as they require the assignment of faculty on the basis of a racial ratio (60% white, 40% black) are contrary to what is required or permitted by the Fourteenth Amendment to the United States Constitution.

III

The constitutional foundation of all public school desegregation is the Fourteenth Amendment to the United States Constitution. *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), in interpreting the Fourteenth Amendment, defines the constitutional rights of all public school students, black and white. This right is that they shall not be denied access to and use of public school facilities on account of race. This original interpretation has been both expanded and refined in subsequent cases, including *Green* v. *County School Board of New Kent County Virginia*, 391 U.S. 430 (1968) and *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969), but it has not been changed nor abrogated, as indeed it could never be in view of the very language of the Fourteenth Amendment itself.

The Constitution of the United States neither requires nor permits the assignment of students in such a manner as to achieve a racial balance in the school system. Similarly, the mere existence in this school system of seven schools with uniracial student bodies (2 all black and 5 all white, out of a total of 83 schools in the system) does not make this school system constitutionally deficient.

Under our Constitution, education is a right that must be made available to all on an equal basis; where dual school systems once existed they must be totally disestablished; students both black and white must be assigned to schools on a non-racial basis; school systems must be operated on a unitary basis within the framework of which no person is totally compelled to attend any school because of race or color, nor effectively excluded from any school because of race or color.

IV

Under our Constitution black and white public school students have an equal right to the benefit and protection of the Constitution and of the laws of the United States. Granted that every individual desire cannot be fulfilled and every individual problem solved, by and large, a true neighborhood school system is the most beneficial method of student assignment for the school system and for all children of the system, black and white. Assignment of all students on the basis of attendance zones fairly drawn to normal standards of educational soundness and upon the basis of non-racial criteria in order to produce as nearly as possible a system of unitary neighborhood schools, is a constitutionally sufficient plan of student assignment.

FOOTNOTES

[1] The ratio was somewhat different during the 1969–70 school year owing to the disappearance of approximately 6,500 white students from the system, apparently as a result of their dissatisfaction with the School Board's implementation of the desegregation plans devised by the District Court and promulgated in its August 1, 1969 and January 31, 1970 Decrees. This year (1970–71) the disparity is even greater due to the loss of still more white students from the system.

[2] *Singleton* v. *Jackson Municipal Separate School District*, 419 F.2d 1211 (5th Circuit, en banc, December 1969); and *Ellis* v. *Board of Public Instruction of Orange County*, 423 F.2d 203. (5th Circuit, 1970).

[3] Findings of Fact, October 13, 1967, paragraph 23; and Faculty Report to the District Court, December 3, 1968 respectively.

[4] Findings of Fact, April 14, 1970, Attachment E . . . and Report to the District Court dated November 26, 1969, filed at the direction of the Court. . . . Every school except Dauphin Island, a one teacher school on an island in the Gulf of Mexico, reopened by Court order on January 31, 1970.

[5] Findings of Fact, April 14, 1970, pages 9–10, page 3 and Attachment A.

[6] Findings of Fact, October 13, 1967, paragraph 22 . . . and Findings of Fact, April 14, 1970, pages 14–15.

[7] Findings of Fact, April 14, 1970, pages 14–15.

[8] Findings of Fact, April 14, 1970, page 15.

[9] Findings of Fact, April 14, 1970, page 16.

[10] Findings of Fact, October 13, 1967, paragraph 22 . . . and . . . Findings of Fact, April 14, 1970, pages 16–18.

[11] Findings of Fact, October 13, 1967, paragraph 28 . . . and . . . Findings of Fact, April 14, 1970, page 17.

[12] Findings of Fact, April 14, 1970, pages 17–18 . . . and . . . Report to the Court, February 24, 1970.

[13] Orders of the District Court dated December 20, 1968 and March 14, 1969 approving the Board's construction plans for a new building at Howard Elementary School and an additional building at Toulminville High School were reversed by the Court of Appeals on June 3, 1969. As a result the School Board has suffered a financial loss of approximately a half million dollars (Brief of Appellees in Court of Appeals number 27,260 and 27,491, pages 6, 13 and 38, also from the transcript of testimony in those cases, Tr. pages 13–16, 29 and 124). Howard has now been abandoned, because of its substandard facilities. Toulminville continues to operate with an assigned student body of 454 black and 247 white.

[14] Findings of Fact, April 14, 1970, page 19, and Attachment A, . . . and . . . Statistical table attached to the Court of Appeals opinion of August 4, 1970.

[15] Findings of Fact, April 14, 1970, pages 10–22. All figures are shown as of the time the consolidation occurred.

[16] Findings of Fact, April 14, 1970, page 22.

[17] Findings of Fact, April 14, 1970, page 23.

[18] At the request of Petitioner, the Court has now appointed four more members to the committee, two black and two white.

[19] The enrollment at Hillsdale is now 228 black, 493 white.

[20] Davis v. Board of School Commissioners of Mobile County, 318 F. 2d 63; Davis v. Board of School Commissioners of Mobile County, 322 F. 2d 356.

[21] Davis v. Board of School Commissioners of Mobile County, 333 F. 2d 53.

[22] Brown v. Board of Education of Topeka, 349 U.S. 294 (1955).

[23] Davis v. Board of School Commissioners of Mobile County, 364 F. 2d 896.

[24] It is perhaps pertinent to observe here that although the litigation commenced in 1963 this was only the third evidentiary hearing. Petitioner complains long and loud in its brief over the lack of evidentiary hearings and yet these complaints are all after the fact. The inescapable conclusion is that Petitioner is not so much concerned with having an evidentiary hearing as it is for being in position to complain over lack of such a hearing.

[25] Davis v. Board of School Commissioners of Mobile County, 393 F. 2d 690 (693).

[26] Decree of the District Court, July 29, 1968 (page 3).

[27] Motion of the Justice Department filed on July 31, 1968, referred to by the Court in its Order of August 2, 1968 (page 4).

[28] Decree of the District Court, July 29, 1968 (page 8).

[29] Davis v. Board of School Commissioners of Mobile County, 414 F. 2d 609.

[30] Affidavit testimony of James A. McPherson, filed in the District Court on July 29, 1969 (pages 4 and 5).

[31] The affidavit of James A. McPherson, referred to in footnote 30, filed in the District Court on July 29, 1969.

[32] Although some 70,000 were assigned to bi-racial schools, only 55,314 enrolled and attended. The others moved their place of residence, entered private school, dropped out of school, or in some other manner, beyond the Board's control, avoided their bi-racial assignment.

[33] Brief of Petitioner (Appellant there) in the Court of Appeals on August 12, 1969 (pages 5–6).

[34] Brief of the Justice Department in the Court of Appeals on August 22, 1969 (page 6).

[35] Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211.

[36] Carter v. West Feliciana Parish School Board, 396 U.S. 29 (1970).

[37] The HEW recommendations are discussed in full in a later section of this brief, at pages 60 et seq.

[38] Counsel's letter to the Judges of the Court of Appeals dated January 17, 1970, with proposed decree attached.

[39] Memorandum of the Justice Department filed in the Court of Appeals on January 17, 1970 and proposed decree filed by the Petitioner in the Court of Appeals (undated) in January 1970.

[40] Both dealing only with that part of the urban portion of the system east of Interstate Highway 65.

[41] Notwithstanding an order of the District Court dated January 28, 1970 noting that the Government submitted a revised plan at 9 a.m. on Tuesday, January 27, perusal of the court file and the docket entries make it clear that nothing was filed of record. Nor were copies furnished counsel.

[42] Response to Order filed by the Board in the District Court on January 30, 1970.

[43] Refer to the School Board's Report to the Court dated February 23 and filed in the District Court on February 24, 1970.

[44] David v. Board of School Commissioners of Mobile County, 422 F. 2d 1139 (1970). For no apparent reason, and we think inadvertently without realizing it, the Court of Appeals also changed a number of zone lines in the WESTERN part of the urban portion of the system which had no effect whatsoever from the standpoint of desegregation, but very badly overcrowded some schools and left others under utilized. These mistakes were subsequently corrected by the District court in its orders of July 13 and 30, 1970.

[45] See:

(1) Objection To A Portion Of The Record, filed by the School Board in the District Court on March 28, 1970.

(2) Objection To Attempt To Informally Place Unauthenticated Documentary Material Into The Record In The Court of Appeals and Motion To Strike And Expunge, filed in the Court of Appeals by the School Board on March 28, 1970.

(3) Petition For Rehearing, filed in the Court of Appeals on June 24, 1970 (mistakenly dated May 28, 1970).

[46] The School Board nor its counsel have knowledge of why the District Court took this action. We assume, that the District Court, faced with the task of overseeing and enforcing the operation of a desegregation plan that was simply impossible of effective implementation (due to the lack of knowledge, and expertise of its authors, its gross statistical inaccuracy and other purely functional impossibilities) concluded that someone had to do something other than sit by and watch the school system blow apart. We had pointed out a number of these problems in our Petition for Rehearing, a copy of which had been mailed to the District Court at the time of filing.

[47] Response to Motion, filed in the Court of Appeals on July 28, 1970.

[48] On this occasion the School Board had knowledge that the District Court contemplated some modification of its zones, to remove the mistakes (referred to in footnote 44) in several zones in the western part of the urban portion of the system, which had not been cured by its Order of July 13. To this end, the School Board, when called upon to do so, responded and advised the District Court, of the nature and location of these mistakes. Our mistake (the mistake of counsel; which we freely admit) was that in responding to the request of the District Court for information, we did not reduce our response to writing and send copies to opposing counsel.

[49] Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211.

[50] Petition for Rehearing and For Stay, filed by the interventor, Mobile County County PTA, on September 4, 1970; denied on September 18, 1970.

[51] The Court did entertain and permit the presence of an incidental party defendant to the litigation, one David Jacobs, a black militant who has twice been arrested and convicted in connection with activities in leading disruptions at two schools in the system (once in the Prichard, Alabama Police Court and once in the Mobile Police Court) and who on May 16, 1969 was enjoined by the District Court from obstructing and preventing the attendance of students and faculty members by intimidation and other activities. Mr. Jacobs accompanied Petitioners counsel to this conference. We were not advised by the court of the reason for his presence.

[52] A statistical table of the number of black and white students assigned to each school by this plan was included by the Court of Appeals in its Opinion, which is a part of the printed Appendix.

[53] The Court of Appeals in its August 4, Opinion said seven, counting Council with 40 white and 427 black students as all black. A copy of the statistical table filed in the record by the District Court in connection with its July 13 Order, is attached to this brief as Appendix II.

[54] See:

(1) Letter of this Counsel to the Court of Appeals, dated January 17, 1970 and proposed decree attached,

(2) Memorandum of the Justice Department filed in the Court of Appeals, January 17, 1970,

(3) Proposed decree filed by Petitioner in the Court of Appeals (undated) in January, 1970.

[55] As referred to in Petitioner's own Motion For Injunction Pending Appeal, filed in the Court of Appeals in March 1970. See School Board's Opposition to the Motion For Injunction, pages 3 and 4 and footnote 1.

[56] See: School Board's Report To The Court, September 16, 1970.

[57] Petitioner's Motion For Summary Reversal filed in the Court of Appeals on August 17, 1970 was not served on all parties. See: Petition of the Mobile County Council of Parent-Teacher Associations (one of the parties) for Rehearing and a Stay of the Court of Appeals Order of August 28, 1970 which resulted from the ex parte hearing on the motion for summary reversal (pages 5–6), filed in the Court of Appeals on September 4, 1970.

[58] See:

(1) School Board's Petition For Rehearing, filed in the Court of Appeals on June 24, 1970.

(2) School Board's Objection To and Motion To Strike and Expunge filed in the Court of Appeals on March 28, 1970.

(3) School Board's Objection to a portion of the record, filed in the District Court on March 28, 1970.

[59] See: Petition of PTA Council for Rehearing and For Stay filed in the Court of Appeals on September 4, 1970.

PERSONAL EXPLANATION

Mr. PREYER of North Carolina. Mr. Speaker, last Thursday I was present during the debate on the Defense appropriation bill and voted on the amendments. However, on the final rollcall vote,

rollcall 338, I was unable to be present because of a longstanding commitment in my district. Had I been present I would have voted "aye."

The SPEAKER. The gentleman's statement will appear in the RECORD.

IN SUPPORT OF THE AGREEMENT OF FRIENDSHIP AND COOPERATION WITH SPAIN, AND SPANISH MEMBERSHIP IN NATO

The SPEAKER. Under a previous order of the House the gentleman from Florida (Mr. SIKES) is recognized for 10 minutes.

Mr. SIKES. Mr. Speaker, I personally welcome the successful conclusion of our negotiations with Spain over the renewal of our Defense Agreement of 1953. The Agreement of Friendship and Cooperation, signed on August 6, assures the United States of a continued military presence in Spain for the next 5 years, and establishes closer links between Spain and NATO.

President Nixon's recent trip to Western Europe and visit to the 6th Fleet underscored our determination to maintain an effective presence in the Mediterranean in the wake of increased Soviet power in the area. Spain, by virtue of its geographic location, commands our approach to the Mediterranean, and the availability of air and naval facilities on Spanish soil enables us to fulfill this task more readily, a task which is vital to the security of the United States and Western Europe as a whole.

Indeed, our bases in Spain are essential to our ability to maintain a strong posture in the Mediterranean. Rota is the largest U.S. naval base in Europe. It provides logistic support to our fleet more efficiently and at cheaper cost than could be done from Norfolk. It is used as a home port for a submarine tender serving Polaris-equipped nuclear submarines. It supports antisubmarine warfare units operating as far east as Crete. Rota-based planes deliver supply replacement to NATO bases in the central and eastern Mediterranean area and to the decks of American aircraft carriers.

The air bases, although they no longer are used for strategic bombers, have not become obsolete. On the contrary: the loss of our bases in Morocco and in Libya has enhanced the importance of the Spanish bases. The location of these bases provides us with favorable terrain and good weather conditions suitable for necessary aerial weapons training and gunnery practice. Air units in Spain are also capable of providing the 6th Fleet with air support.

Objections of an economic and political nature have been raised against the new agreement. It has been said that the economic cost of leasing the bases has been too high, that since 1953 we have granted Spain close to $1.3 billion in military and economic aid. Yet this sum, although considerable, has not been as high as our aid to some NATO allies, say France, for example, under the Marshall plan. Furthermore, the cost of dismantling our overseas installations and relocating men and equipment elsewhere, would probably prove more expensive than retaining those we already have. It is also less expensive to service our submarines in Rota than on the eastern coast of the United States.

The agreement is sound for political reasons as well. It reinforces Spanish determination to remain in the Western camp. Failure to renew the agreement would most certainly have encouraged those in Spain who advocate a more neutralist stance for their country, and would have made Spain more vulnerable to Russian bids for closer ties. Such a course would only lead to an upset in the present political and military equilibrium in southern Europe and the Mediterranean, much to our and NATO's detriment.

The contention that the agreement extends our commitments abroad is not valid. We are already committed to the defense of Western Europe under the North Atlantic Treaty, and Spain, as we can see on any map, is an integral and pivotal part of Western Europe, the Mediterranean, and the North Atlantic areas. The security of NATO members is linked to the security of Spain and vice versa, by geographical necessity. This fact has been recognized by the United States since the mid-1950's. In 1957, a House concurrent resolution, expressing the sense of the Congress that efforts should be made to invite Spain to membership in the North Atlantic Treaty was passed by the House and the Senate unanimously. This position has remained constant through successive administrations and has been reiterated recently by Secretary of Defense Laird, among others.

Spanish membership in NATO would allow for closer and more efficient coordination and cooperation among members of NATO's exposed southern flank. In addition, Spain's military potential in peacetime is quite substantial: there are 280,000 men in the armed forces, and Spain could expand this number considerably in wartime. This contribution would have an important impact on NATO defense planning. It would enhance the credibility and practicality of NATO's overall strategy of "flexible response" which is, after all, based on large conventional forces.

Mr. Speaker, for those of us committed to the principle of collective security, Spanish membership in NATO is a logical and necessary step. I commend the signature of the Agreement of Friendship and Cooperation with Spain as a step in the right direction.

U.S. SUPREME COURT RECEIVED PETITIONS FROM CORAL SPRINGS, FLA.

The SPEAKER. Under a previous order of the House the gentleman from Florida (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Speaker, the U.S. Supreme Court convened today to begin hearing arguments on a number of cases involving the forced busing of students to achieve racial balance in public schools and to consider a workable definition of a "unitary school system."

These issues, and others relating to the means by which school desegregation is to be achieved in the United States, have been the concern of thousands of parents in many parts of this Nation.

One group which has positively and graphically expressed its concern over this situation is the citizens of Coral Springs, Broward County, Fla.

Four citizens from that community spearheaded a drive to collect letters and petitions addressed to U.S. Supreme Court Justices, Members of Congress, the Attorney General, and other public officials and then delivered those letters, almost 50,000 of them, to Washington.

On Friday, October 9, I met with Mr. Ed Heafy, Mrs. Douglas Nolan, Mrs. Charles Tisdale, and Mrs. Alice Varvoutis and commended them for their constructive effort to appraise the Court of the concern of the parents of Broward County over the issue of forced busing.

After our meeting, these citizens went to the U.S. Supreme Court Building to personally deliver more than 20,000 letters to the Justices.

I have joined with other Members of the House in urging the Supreme Court to uphold the anti-forced-busing provisions of the 1964 Civil Rights Act and I might point out that the Congress, in the fiscal year 1971 Office of Education appropriation bill, included language, which I supported, to prohibit the use of Federal funds to force busing or the closing of schools to achieve racial balance.

I am hopeful that the Court as it begins its hearings today on these critical issues affecting the Nation's educational system will consider the views and concern of the citizens of Coral Springs and Broward County, Fla., and I again commend the citizens of that area of Florida for making their thoughts known in such a positive manner.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, today, for 10 minutes, to revise and extend his remarks and to include extraneous matter.

(The following Member (at the request of Mr. CAMP) and to revise and extend his remarks and include extraneous matter:)

Mr. COUGHLIN, for 15 minutes, today.

(The following Members (at the request of Mr. MATSUNAGA) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. THOMPSON of New Jersey, for 30 minutes, today.

Mr. RODINO, for 15 minutes, today.

Mr. EDWARDS of Alabama, for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MONTGOMERY) and to revise and extend their remarks and include therein extraneous matter:)

Mr. SIKES, for 10 minutes, today.

Mr. ROGERS of Florida, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDWARDS of Alabama and to include extraneous matter in his special order of today.

(The following Members (at the request of Mr. CAMP) and to include extraneous matter:)

Mr. CHAMBERLAIN.
Mr. COUGHLIN in four instances.
Mr. QUILLEN in four instances.
Mr. BOW in two instances.
Mr. HUTCHINSON in two instances.
Mr. SCHERLE in 10 instances.
Mr. WEICKER.
Mr. MESKILL.
Mr. JOHNSON of Pennsylvania.
Mr. CÓRDOVA in two instances.
Mr. SCHMITZ in two instances.
Mr. SCHWENGEL in two instances.
Mr. EDWARDS of Alabama.

(The following Members (at the request of Mr. MATSUNAGA) and to include extraneous matter:)

Mr. ROONEY of New York in two instances.
Mr. ANNUNZIO.
Mr. DONOHUE in two instances.
Mr. BLATNIK.
Mr. COHELAN.
Mr. RODINO in two instances.
Mr. RYAN in three instances.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. ROGERS of Florida in five instances.
Mr. WILLIAM D. FORD in two instances.
Mr. HUNGATE in two instances.
Mr. FLOWERS in two instances.
Mr. EDWARDS of California in three instances.
Mr. ANDERSON of California in two instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 233. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.; to the Committee on Interior and Insular Affairs.

S. 642. An act to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect; to the Committee on the Judiciary.

S. 988. An act to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official; to the Committee on Interstate and Foreign Commerce.

S. 2896. An act to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

S. 3132. An act to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases; to the Committee on the Judiciary.

S. 3650. An act to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto and for other purposes; to the Committee on the Judiciary.

S. 4432. An act to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States," and for other purposes; to the Committee on Government Operations.

S.J. Res. 211. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered;

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15424. An act to amend the Merchant Marine Act, 1936.

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribes of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; and

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense to criminal cases in the courts of the United States;

S. 1708. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission;

S. 3014. An act to designate certain lands as wilderness; and

S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.).

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on October 9, 1970, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9548. An act to amend section 15–503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia.

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676), as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170), relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes;

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; and

H.J. Res. 1396. A joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 13, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2451. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a report of an overobligation in an Atomic

Energy Commission allotment account, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2452. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on property acquisitions of emergency supplies and equipment for the quarter ended September 30, 1970, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2453. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 12, 1970, submitting a report, together with accompanying papers and illustrations, on Delaware Bay-Chesapeake Bay Waterway in Delaware, Maryland, and Virginia requested by four resolutions of the Committee on Public Works, U.S. Senate, adopted July 6, 1955, March 14, 1957, June 30, 1960, and August 25, 1966, and one by the Committee on Public Works, House of Representatives, adopted June 30, 1960. It is also in partial response to the River and Harbor Act approved July 3, 1958 (H. Doc. 91–400); to the Committee on Public Works and ordered to be printed with illustrations.

2454. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 19, 1970, submitting a report, together with accompanying papers and illustrations, on Tampa Harbor, Fla., requested by two resolutions of the Committee on Public Works, U.S. Senate, adopted January 18, 1957, and May 4, 1962, and three resolutions of the Committee on Public Works, House of Representatives, adopted April 9, 1957, June 19, 1963, and June 23, 1964 (H. Doc. 91–401); to the Committee on Public Works and ordered to be printed with illustrations.

2455. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 14, 1970, submitting a report, together with accompanying papers and an illustration, on Geneva-on-the-Lake, Ohio, in partial response to authorizations contained in the River and Harbor Act approved March 2, 1945. (H. Doc. 402); to the Committee on Public Works and ordered to be printed with an illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Oct. 7, 1970, the following conference report was filed on Oct. 9, 1970*]

Mr. RIVERS: Committee of conference. Conference report on H.R. 17604 (Rept. No. 91–1593). Ordered to be printed.

[*Pursuant to the order of the House on Oct. 8, 1970, the following conference report was filed on Oct. 9, 1970*]

Mr. POAGE: Committee of conference. Conference report on H.R. 18546 (Rept. No. 91–1594). Ordered to be printed.

[*Submitted Oct. 12, 1970*]

Mr. DAWSON: Committee on Government Operations. The Port Situation in Vietnam (Following investigation) (Rept. No. 91–1595). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18782. A bill to reorganize the government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioner of the District of Columbia and the District of Columbia Council, and for other purposes (Rept. No. 91–1596). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes; with amendments (Rept. No. 91–1597). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 19676. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. MACGREGOR:

H.R. 19677. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 19678. A bill to amend the Packers and Stockyards Act, as amended, so as to provide for specifications for trimming carcasses in purchases of livestock on a carcass weight basis, and for other purposes; to the Committee on Agriculture.

H.R. 19679. A bill to authorize the Secretary of Agriculture to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MONAGAN:

H.R. 19680. A bill to direct the Secretary of Health, Education, and Welfare to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 19681. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. YOUNG:

H.R. 19682. A bill to remove logjams, Lower Guadalupe River, Tex., to the Committee on Public Works.

By Mr. EDWARDS of California:

H. Res. 1247. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA (for himself and Mr. WINN):

H. Res. 1248. Resolution to authorize the Committee on Post Office and Civil Service to conduct an investigation and study of the methods, procedures, and operations of the Commission on Obscenity and Pornography; to the Committee on Rules.

By Mr. MILLER of California:

H. Res. 1249. Resolution authorizing reprinting of House Report No. 1446; to the Committee on House Administration.

By Mr. PEPPER (for himself, Mr. ADAMS, Mr. BROWN of California, Mrs. CHISHOLM, Mr. FASCELL, Mr. WILLIAM D. FORD, Mr. MATSUNAGA, Mr. MIKVA, Mr. MOORHEAD, Mr. REES, and Mr. SISK):

H. Res. 1250. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROUSSELOT introduced a bill (H.R. 19683) for the relief of Beata Both, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

618. By the SPEAKER: Petition of the 1970 annual meeting of the Knights of Columbus Supreme Council, relative to the principle of "local community standards" in the determination of obscene materials; to the Committee on the Judiciary.

619. Also, petition of the city council, Cambridge, Mass., relative to emergency unemployment grants for cities with high unemployment; to the Committee on Ways and Means.

SENATE—*Monday, October 12, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Most merciful God, the fountain of all grace and the source of true wisdom and goodness, through the stress of strenuous hours in these tumultuous times, steady our minds moment by moment with the consciousness of Thy presence. Make us to know that it is not by revolution but by the redemptive love made known in the Man of Galilee that man is saved from self-made evils. Bestow upon us the mind and spirit that was His, that we may better serve our fellow man.

O Lord, regard Thy children who live in this privileged land, and bring us to a new unity, to solve by Thy help the problems of poverty, ignorance, and injustice. Forge us into one mighty people, great in charity and good will, "strong in the Lord and in the power of His might," for the making of Thy kingdom on earth.

In the Redeemer's name. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 7, 1969, Mr. MANSFIELD, from the Committee on Appropriations, reported favorably, with amendments, on October 9, 1970, the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and submitted a report (No. 91–1318) thereon, which was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following disposition of the reading of the Journal on tomorrow and the disposition of any unobjected-to items on the Legislative Calendar, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1308 and going through Calendar No. 1324, with the exception of Calendar No. 1313.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ASSERTION OF CERTAIN LAND CLAIMS BY THE UNITED STATES

The bill (H.R. 15405) to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject, was considered, ordered to a third reading, read the third time, and passed.

FLORIDA-GEORGIA COMPACT

The Senate proceeded to consider the joint resolution (S.J. Res. 165) granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States, which had been reported from the Committee on the Judiciary with amendments on page 2, after line 6, insert a new section, as follows:

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the State of Florida and State of Georgia, and so much of the interior boundary as is considered necessary by the two States, and the necessary appropriations for this work are hereby authorized.

On page 3, after line 5, insert a new section, as follows:

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

The amendments were agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the Legislature of the State of Florida passed an act amending section 6.09 Florida Statutes, relating to the boundary between the States of Florida and Georgia which was approved by the Governor of the State of Florida on April 25, 1969; and

Whereas the Legislature of the State of Georgia passed an act amending Georgia Code section 15–105, relating to the boundary between such States, which was approved by the Governor of Georgia on April 25, 1969; and

Whereas such acts both provide in substance that such acts would be effective only if the Congress of the United States ratifies, confirms, adopts, or otherwise consents to the effect of such acts by November 1, 1970; and

Whereas such acts both provided in substance that the boundary between such States at the mouth of the Saint Marys River and adjacent thereto should be as follows: From a point 37 links north of Ellicotts Mound on the Saint Marys River; thence down said river to the Atlantic Ocean; thence along the middle of the presently existing Saint Marys entrance navigational channel to the point of intersection with a hypothetical line connecting the seawardmost points of the jetties now protecting such channel; thence along said line to a control point of latitude 30 degrees 42 minutes 45.6 seconds north, longitude 81 degrees 24 minutes 15.9 seconds west, thence due east to the seaward limit of Georgia and Florida as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90-degree bearing so far as a need for further delimitation may arise; and

Whereas such acts of the States of Florida and Georgia constitute an agreement between such States establishing a boundary line between them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby granted to such agreement and to the establishment of such boundary, and such acts of the States of Florida and Georgia are hereby approved.

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the State of Florida and State of Georgia, and so much of the interior boundary as is considered necessary by the two States, and the necessary appropriations for this work are hereby authorized.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1291), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is (1) to authorize the Secretary of Commerce to survey the boundary, and to authorize the appropriations for this work and (2) to reserve to the Congress the customary right to alter, amend, or repeal this act.

PURPOSE

The purpose of the resolution is to grant the consent of Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between the two States.

STATEMENT

The Department of Commerce in its report to the committee has set forth the following:

The resolution would grant the consent of Congress to the seaward extension of the boundary between Florida and Georgia. The seaward extension of the boundary would be due east and would extend to the seaward limit of Florida and Georgia "as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90° bearing so far as a need for further delimitation may arise." The boundary has already been accepted by the States of Florida and Georgia in acts wihch provide that the boundary will be effective only if the Congress of the United States ratifies, confirms, adopts, or otherwise consents to the effect of such acts by November 1, 1970.

The Department of Commerce has a historic interest in boundaries in the coastal zone. The Environmental Science Services Administration's Coast and Geodetic Survey is the agency of the United States statutorily responsible for the determination of the high-water line and the low-water line throughout the coastal zone, lines which are the legal basis for determining domestic property boundaries and the offshore boundary of the territorial sea of the United States. The lateral extension of state boundaries seaward to the limit of State jurisdiction is pertinent to the coastal zone boundary determinations that are within the purview of this Department.

We favor the statutory establishment of lateral boundaries between all of the coastal States and believe the Federal Government should provide guidelines and assistance to States concerned with the establishment of such boundaries. In this regard we urge that boundaries be precisely described and that the latitude and longitude of points along boundaries be geodetically determined at least to the nearest 100th of a second. The

value of offshore resources has been demonstrated to be increasingly significant, and the need for well-defined boundaries is evident. Further, such boundaries must be physically recoverable whether or not the boundaries are visible on the surface. Geodetic surveys tied into the national geodetic network are essential in establishing monumented points both on land and in the marine environment to fix the seaward boundaries.

To insure that interstate seaward boundaries be established by geodetic surveys compatible with State and Federal accuracy requirements we strongly urge that this Department be designated the department to survey and monument such boundaries. Accordingly, we suggest the resolution be amended to provide that "The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the State of Florida and State of Georgia, and so much of the interior boundary as is considered necessary by the two States, and the necessary appropriations for this work are hereby authorized."

This language is compatible with the statutory responsibility of the Department of Commerce (33 U.S.C. 883a, 883e) and with previous specific boundary surveying authority (e.g. Public Law 208 of the 79th Cong.; 59 Stat. 553 and Public Law 342 of the 84th Cong.; 69 Stat. 633).

In our view the boundary description contained in the compact between the States of Florida and Georgia is not sufficiently precise to avoid future controversy. However, the inadequacies of the written description can be obviated by employing precise geodetic surveys to locate the boundary. The position of the boundary based on such surveys will take precedence where the written description is otherwise imprecise.

We have discussed this matter with representatives from Florida and Georgia and have mutually agreed that it is not necessary to rewrite the boundary description providing the boundary is located with geodetic surveys. Accordingly, we would not oppose this resolution if it is amended as suggested above.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report from the standpoint of the administration's program.

The committee believes that the resolution as amended is meritorious and recommends it favorably.

RESIDENTIAL COMMUNITY TREATMENT CENTERS

The bill (H.R. 2175) to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1292), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

STATEMENT

The committee had before it a companion Senate bill, S. 3261, introduced by the Honorable Quentin N. Burdick, on which hearings were held before the Subcommittee on National Penitentiaries of the Senate Committee on the Judiciary and which has been favorably reported by the subcommittee.

In its favorable report on the House bill H.R. 2175, the Committee on the Judiciary of the House of Representatives said:

Under the provisions of section 4082 of title 18, United States Code, the Attorney General has established residential community treatment centers. These centers provide counseling and guidance for prisoners whose period of confinement is nearing an end. They are intended to provide assistance in the transition from imprisonment to life in a free community.

Under existing law, residence at these centers is limited to persons in the custody of the Attorney General. It is not available to persons who are placed on probation or who are released on parole or mandatory release.

The purpose of H.R. 2175 is to authorize the placement in these centers of persons who have been placed on probation or who are released on parole or mandatory release.

The centers provide basic necessities such as room, board, and medical care and provide supervision, counseling, and assistance in obtaining employment. Persons who are placed in these centers defray all or part of the costs if they are financially able.

The subject legislation was originally introduced by Chairman Celler as H.R. 10511, 90th Congress, at the request of the Department of Justice. In the 91st Congress the Department continues to favor the legislation and has testified in support of it. Further, the committee is advised that the Judicial Conference of the United States has on three separate occasions endorsed this proposal and that the latest such endorsement was made in March 1970 with respect to S. 3261 which is identical to H.R. 2175, as introduced.

The committee believes that the bill is meritorious and recommends it favorably.

PUBLIC USE OF CERTAIN PROPERTY IN GEORGIA

The bill (H.R. 9164) to permit the use for any public purpose of certain real property in the State of Georgia was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1294), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would permit the State of Georgia, to use, for any public purpose, certain lands previously conveyed to it, notwithstanding limitations on use in the instrument of conveyance.

BACKGROUND

H.R. 9164 involves 6.4 acres of land located in Whitfield County, Ga. This land, known as the Rocky Face Ridge Site, was designated in 1944 as part of the Atlantic Campaign National Historic Site by the Secretary of the Interior. Subsequently, the tract was developed to commemorate the Civil War engagements between the Confederate and Union forces in the Atlantic campaign.

In 1950, by the act of Septemebr 21, 1950, Congress authorized the Secretary of the Interior to convey this site, as well as others, to the State of Georgia. The conveyance was made "without consideration, for public use as a part of the park system" of Georgia. The actual transfer to the State was made by quitclaim deed, which recited this limitation, in 1952. Thereafter, jurisdiction over the property was transferred from the Georgia Department of State Parks, Historic Sites, and Monuments to the State highway department. That department has maintained the property as roadside park since that time. The tract has been poorly maintained and apparently received little use for park purposes in its present condition.

The State of Georgia wishes to transfer the 6.4 acres to the State highway patrol for use as a highway patrol headquarters. Construction of a barracks building is planned, but it would be located well off the highway and would not interfere with the historical and park uses of the land. The highway patrol plans to restore the park to its proper condition and thereafter to maintain it in a manner that would be more attractive to future public use and enjoyment.

To permit this use by the State highway patrol, enactment of legislation along the line of H.R. 9164 is needed, because of the 1950 statutory restriction, previously referred to, that the tract be used "as a part of the park system" of the State of Georgia. The use of a significant portion of the tract as a police barracks would be inconsistent with this requirement.

The committee is of the opinion that the restriction on the use of this land no longer serves a useful purpose. The condition of the tract has deteriorated, and it has not been properly maintained. Its transfer to the State highway patrol would assure better utilization of the land as well as its proper maintenance as a historical commemorative site and as a roadside park. The construction of the police barracks will not detract from its historic value and will make it more attractive for public use.

The House of Representatives amendment provides that the United States consents to the use of the tract for any public purpose notwithstanding the 1950 act and the deed which limited the use of the land to use as a part of the State park system. This amendment accomplishes the same objective as that proposed by the Department of the Interior, and resolves a technical drafting problem. The Senate Interior and Insular Affairs Committee concurs in this action.

COST

Enactment of the bill will involve no additional cost to the Federal Government.

McNARY DAM TOWNSITE, UMATILLA COUNTY, OREG.

The bill (H.R. 13601) to release and convey the reversionary interest of the United States in real property known as the McNary Dam Townsite, Umatilla County, Oreg., was considered, ordered to a third reading, read the third time, and passed.

POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY AMENDMENTS OF 1970

The Senate proceeded to consider the bill (S. 2695) to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and of certain officers and members of the U.S. Secret Service, and for other purposes which had been reported from the Committee on the District of Columbia with an amendment to

strike out all after the enacting clause and insert:

That section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended (D.C. Code, sec. 4–521 et seq. is amended as follows:

(1) Paragraph (4) of subsection (a) of such section (D.C. Code, sec. 4–521) is amended to read as follows:

"(4) The term 'widower' means the surviving husband of a member who was married to such individual while she was a member.".

(2) Paragraph (5) of subsection (a) of such section (D.C. Code, sec. 4–521) is amended to read as follows:

"(5)(A) The term 'child' means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the member in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who, because of physical or mental disability incurred before the age of eighteen, is incapable of self-support.

"(B) The term 'student child' means an unmarried child who is a student between the ages of eighteen and twenty-two years, inclusive, and who is regularly pursuing a full-time course of study or training in residence or in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized education institution.".

(3) Subsection (d) of such section (D.C. Code, sec. 4–524) is amended as follows:

(A) Paragraph (1) of such subsection is amended to read as follows:

"(1) On and after the first day of the first pay period which begins on or after the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1970 there shall be deducted and withheld from each member's basic salary an amount equal to 7 per centum of such basic salary. Such deductions and withholdings shall be paid to the Collector of Taxes of the District of Columbia, and shall be deposited in the Treasury to the credit of the District of Columbia.".

(B) Paragraph (3) of such subsection is amended by inserting immediately before the period at the end thereof a colon and the following: *"Provided,* That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia.".

(C) Such subsection is amended by adding at the end thereof the following new paragraph:

"(4) In order to facilitate the settlement of the accounts of each former member coming under the provisions of this section who dies after retirement (1) leaving no survivor entitled to receive an annuity under the provisions of this section and (2) before the aggregate amount of the annuity paid to such former member equals the total amount deducted and withheld for retirement from his salary as a member, the Commissioner shall pay the difference to the person or persons surviving at the time of death in the following order of precedence, and such payment shall be a bar to recovery by any other person of the amount so paid:

"First, to the beneficiary or beneficiaries designated in writing by such former member, filed with the Commissioner and received by him prior to the death of such former member;

"Second, if there be no such beneficiary, to the child or children of such deceased former member and the descendants of deceased children by representation;

"Third, if there be none of the above, to the parents of such former member, or the survivor of them; and

"Fourth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased former member, or if there be none to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased former member: *Provided,* That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia."

(4) Subsection (g) of such section (D.C. Code, sec. 4–527) is amended by deleting "2 per centum" wherever it appears therein and inserting in lieu thereof "2½ per centum".

(5) Paragraph (1) of subsection (h) of such section (D.C. Code, sec. 4–528) is amended—

(A) by striking out "attains the age of fifty years and"; and

(B) by striking out "2 per centum" and inserting in lieu thereof "2½ per centum".

(6) Paragraph (3) of subsection (h) of such section is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum".

(7) Subsection (j) of such section (D.C. Code, sec. 4–530) is amended by deleting "fifty-five" wherever it appears therein and inserting in lieu thereof "fifty".

(8) Subsection (k) of such section (D.C. Code, sec. 4–531) is amended to read as follows:

"(k)(1) In the event that any member dies in the performance of duty, and such death is determined by the Commissioner to have been the sole and direct result of a personal injury sustained while performing such duty, leaving a survivor who received more than one-half his support from a member, such survivor shall be entitled to receive a lump sum payment of $50,000: *Provided,* That if such death is caused by the willful misconduct of the member or by the member's intention to bring about the death of himself, or if intoxication of the injured member is the proximate cause of such death, no such lump sum payment shall be made: *And provided further,* That if such member is survived by more than one person who received more than one-half of his support from the member, each such survivor shall be entitled to receive an equal share of such lump-sum payment.

"(2) In case of the death of any member before retirement, or of any former member after retirement, leaving a widow or widower, such widow or widower shall be entitled to receive an annuity in the greater amount of (1) 40 per centum of such member's basic salary at the time of death, or 40 per centum of the basis upon which the annuity, relief, or retirement compensation being received by such former member at the time of death was computed, or (2) 40 per centum of the corresponding salary for step 6, subclass (a), class 1 of the District of Columbia Police and Firemen's Salary Act salary schedule currently in effect at the time of such member or former member's death: *Provided,* That such annuity shall not exceed the current rate of compensation of the position occupied by such member at the time of death, or by such former member immediately prior to retirement.

"(3) Each surviving child or student-child of any member who dies before retirement, or of any former member who dies after retirement, shall be entitled to receive an annuity equal to the smallest of (1) 60 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) $996; or (3) $2,988 divided by the number of eligible children: *Provided,* That such member or former member is survived by a wife or husband. If such member or former member is not survived by a wife or husband, each surviving child or student-child shall be paid an annuity equal to the smallest of (1) 75 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) $1,200; or (3) $3,600 divided by the member of eligible children.

"(4) Each widow or widower who, on the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1970, was receiving relief or annuity computed in accordance with the provisions of this subsection shall be entitled to receive an annuity in the greater amount of (1) $3,144; or (2) 35 per centum of the basis upon which such relief or annuity was computed.

Each child who, on said effective date, was receiving relief or annuity computed in accordance with the provisions of this subsection, shall be entitled to benefits computed in accordance with the provisions of paragraph (3) of this subsection.

"(5) The annuity of any widow or widower under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity or any right thereto shall terminate upon the survivor's death or remarriage before age sixty: *Provided,* That any annuity terminated by remarriage may be restored if such remarriage is later terminated by death, annulment, or divorce. The annuity of any child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto shall terminate upon (A) his attaining age eighteen, unless incapable of self-support, (B) his becoming capable of self-support after age eighteen, (C) his marriage, or (D) his death. The annuity of any student-child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto terminate upon (i) his ceasing to be a student, (ii) his attaining age twenty-two, (iii) his marriage, or (iv) his death. Such student-child whose birthday falls during the school year (September 1 to June 30) shall be considered not to have reached age twenty-two until July 1 following his actual twenty-second birthday.

"(6) Any member retiring under subsection (f), (g), or (h) of this section, may, at the time of such retirement, elect to receive a reduced annuity in lieu of full annuity, and designate in writing the person to receive an increased annuity after the retired annuitant's death: *Provided,* That the person so designated be the surviving spouse or child of the retiring member. Whenever such an election is made, the annuity of the designee shall be increased by an amount equal to the amount by which the annuity of such retiring member is reduced. The annuity payable to the member making such election shall be reduced by 10 per centum of the annuity computed as provided in subsection (f), (g), or (h). Such increase in annuity payable to the designee shall be reduced by 5 per centum for each full five years the designee is younger than the retiring member, but such total reduction shall not exceed 40 per centum. The increase in annuity payable to the designee pursuant to this paragraph shall be paid in addition to the annuity provided for such designee pursuant to paragraph (2) or (3) of this subsection and shall be subject to the same limitations as to duration and other conditions as the annuity paid pursuant to paragraphs (2), (3), and (5) of this subsection. If, at any time after such former member's retirement, the designee dies, and is survived by such former member, the annuity payable to such former member shall be increased to the amount computed as provided in subsection (f), (g), or (h).

"(7)(i) Each month after the effective date of this subsection the Commissioner shall determine the per centum change in the price index. On the basis of this determination, and effective the first day of the third month which begins after the price index shall have equaled the rise of at least

3 per centum for three consecutive months over the price index for the base month, each annuity payable under this subsection which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(ii) The monthly installment of annuity after adjustment under this subsection shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least $1.

"(iii) For purposes of this subsection, the term 'price index' shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month for which the price index showed a per centum rise, forming the basis for a cost-of-living annuity increase."

SEC. 2. The provisions of this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment.

SEC. 3. This Act may be cited as the "Policemen and Firemen's Retirement and Disability Act Amendments of 1970".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1297), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill, S. 2695, as amended by the committee, will provide increases in retirement benefits for officers and members retiring under the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1961, as amended, as well as increases in benefits for survivors receiving or entitled to receive annuities under the act. The increases in retirement benefits will aid immeasurably in meeting the public safety needs of the District of Columbia by stimulating recruitment and retention of policemen and firemen. The survivor benefit liberalizations will provide long overdue annuity increases for widows, widowers, and children, whose basic benefits have remained unchanged since 1956.

Section 1

The first section of S. 2695 makes several. *Provisions of the bill* amendemnts to section 12 of the act approved September 1, 1916, as amended. They are as follows:

1. Removal of term "dependent widower"

Paragraph (1) amends subsection (a) of the section and substitutes the term "widower" (the surviving husband of a member of the force who was married to such individual while she was a member) for "dependent widower" in existing law. This amendment will insure equal benefits under the act for policewomen, who pay as much for their retirement protection as do their male coworkers.

2. Removal of one-half support requirement for children and addition of "student-child" definition

Paragraph (2) amends the definition of "child" to remove the requirement, for annuity entitlement purposes, that a stepchild or recognized natural child must receive more than one-half of his support from the member. This change is comparable to civil service and District teacher retirement legislation.

The paragraph also adds the definition of "student-child" for annuity entitlement purposes, which also is in accordance with civil service and District teacher retirement legislation.

3. Increase in members' salary deduction and new accounts settlement provision for deceased retirees leaving no survivors

Paragraph (3) changes subsection (d)(1) of the section to increase each member's salary deduction from 6½ to 7 percent of his basic salary. The higher deduction will result in an additional $319,000 per year being deposited in the Treasury to the credit of the District, based on present salary and manpower levels, thereby helping to offset part of the legislation's cost to the District. This salary deduction increase is consistent with the increase in the civil service retirement deduction enacted last year (Public Law 91–93) and in the District teacher retirement deduction enacted in May of this year (Public Law 91–263).

In addition to the increase in members' salary deduction, paragraph (3) adds a subsection (d)(4) to the section. The new subsection provides for the payment to a beneficiary or next of kin of the difference between the aggregate amount of annuity paid to a former member who dies after retirement leaving no survivor and the total amount deducted for retirement from the member's salary. This provision also is similar to a provision of civil service retirement and teacher retirement legislation.

Paragraph (3) further amends subsection (d) to provide that, if there is no natural person who would be a recipient of payments settling the accounts of members who die before retirement or former members who die after retirement leaving no survivors, such payments shall escheat to the District of Columbia.

4. Increase in disability retirement annuity computation

Paragraph (4) amends subsection (g) of the section to increase the rate at which the annuity of a member retired for disability incurred in or aggravated by performance of duty is computed from 2 to 2½ percent of his basic salary at time of retirement for each year of service. The increased computation rate would enable a member to receive the maximum annuity of 70 percent of basic salary after 28 years of service instead of the present 35 years.

5. Removal of age requirement and increase in annuities for optional retirement

Paragraph (5) amends subsection (h) of the section relating to optional retirement, to remove the age requirement of 50 and increase the rate at which the annuity of a member retiring optionally is computed from 2 to 2½ percent of basic salary at time of retirement for each year of service up to 20 years. The present rate of 3 percent for each year of service in excess of 20 years remains. Thus, upon completing the minimum 20 years of required police or fire service, a member, regardless of age, will now receive an annuity equal to 50 percent of his basic salary at time of retirement, up from the current 40 percent. Paragraph (6) further amends subsection (h) to increase the maximum annuity from 70 to 80 percent, reflecting the rate computation increase provided in paragraph (5).

The committee feels that these changes will offer an incentive for personnel in choosing and remaining in a career in the police or fire department. It believes that the provision allowing a member who spends 30 years in police or fire service to retire at 80 percent of salary will encourage longer service.

5. Reduction in age relative to cessation of disability annuity

Paragraph (7) of the bill amends subsection (j) of the section to reduce from 55 to 50 the age at which an annuity would cease should an annuitant recover from his disability.

7. Changes in survivor annuity benefits

Paragraph (8) amends subsection (k) in its entirety, making the following changes in survivor annuities:

a. *Lump-sum payment to dependents of members killed in the performance of duty.*—The committee believes that when a policeman or fireman dies in the performance of duty, compensation should be provided for his dependents in addition to the survivor annuities paid in the cases of all police and fire deaths. Paragraph (1) of subsection (k) will provide such compensation in the form of a lump-sum payment of $50,000, to be divided equally among those persons who received more than one-half their support from the deceased when he was alive.

b. *Increased annuity for new adult survivors.*—Paragraph (2) of subsection (k) increases the annuity of a widow or widower of a deceased member or of a former member who dies after retirement. At present, the annuity is the greater amount of (1) $1,800 per year ($150 per month) or (2) 30 percent of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of death was computed. The amendment will increase this annuity for new adult survivors to an amount at least equal to 40 percent of the corresponding salary for step 6, subclass (a), class 1 of the Police and Firemen's Salary Act salary schedule currently in effect at the time of the member's death (presently $10,965). The resultant minimum annuity will be $4,386 per year, or $366 per month.

c. *Increased annuities for surviving children.*—Under present law, an only child of a deceased member or former member, with a surviving parent, receives a survivor annuity of $600 per year, or $50 per month; an only child survivor without a surviving parent receives an annuity amounting to $720 per year, or $60 per month. Paragraph (3) of subsection (k) will increase these only child annuities to $996 per year ($83 per month) and $1,200 per year ($100 per month), respectively. The child survivor annuities provided in the bill are similar to those provided under civil service and District teacher retirement legislation and reflect the 5.6 percent cost-of-living increase granted in August 1970 to civil service and teacher survivor annuitants.

d. *Increased annuities for survivors on current rolls.*—Paragraph (4) of subsection (k) will increase the annuities of adult survivors on the survivor annuity rolls on the effective date provided by the bill to the greater amount of $3,144 per year ($262 per month) or 35 percent of the basis upon which their annuities were computed. The new minimum of $262 per month also reflects the 5.6 percent cost-of-living increase granted in August 1970 to survivor annuitants under the civil service and District teacher retirement systems. The committee believes that this represents a vitally needed increase over the grossly inadequate minimum annuity of $150 per month now being received by 322 or 36 percent of the 885 adults currently on the survivor rolls.

Paragraph (4) additionally provides that child survivors on the rolls on the bill's effective date shall be entitled to the higher annuities as set forth in paragraph (3) of

the subsection. Thus, for example, an only child with a surviving parent, who now is receiving $50 per month, will receive $83 per month.

e. *Revision of provisions regarding adult survivors who remarry and child survivors who are students.*—Paragraph (5) of subsection (k) provides for the restoration of annuity payments to widows or widowers whose annuities were terminated upon their remarriage before age 60, when such remarriage is later terminated by death, annulment, or divorce. It also will permit a widow or widower over 60 years of age to continue to receive an annuity after remarriage. Additionally, paragraph (5) will enable a student-child to receive an annuity as long as he remains an unmarried student, up to age 22. These provisions are consistent with those of the retirement systems applicable to civil service employees and District teachers.

f. *Revision of provisions regarding reduced annuities.*—Present law permits a member to elect, at the time of his retirement, to receive a reduced annuity in lieu of a full annuity in order to provide an increased annuity to a designated survivor after the retired annuitant's death. However, should the retired annuitant survive the person so designated, he is not, under present law, entitled to full annuity payments. Paragraph (6) of subsection (k) will allow the full annuity to be paid under such circumstances.

g. *Provision of automatic survivor annuity adjustments.*—Paragraph (7) of subsection (k) provides for automatic adjustments in survivor annuities based on cost-of-living increases. Survivor annuities are adjusted in the same manner under the civil service and District retirement systems.

II. Section 2

Section 2 of the bill authorizes the legislation to take effect on the first day of the first pay period which begins on or after date of enactment.

III. Section 3

Section 3 cites the legislation as the "Policemen and Firemen's Retirement and Disability Act Amendments of 1970".

HEARINGS

A public hearing on this legislation was held on February 26, 1970, before the Subcommittee on Fiscal Affairs of the Senate District of Columbia Committee. Testimony was presented by spokesmen for the Commissioner of the District of Columbia, the District of Columbia Fire Fighters Association, the Policemen's Association of the District of Columbia and the National Association of Retired Civil Employees.

S. 2695 as introduced was a bill supported by the Fire Fighters Association and the Policemen's Association. At the hearings on this bill the District of Columbia government presented its own proposals.

S. 2695 as amended and reported by the committee is a compromise between the two basic proposals made to the committee in which the District government's recommendations are included in all aspects except for the provisions dealing with adult survivor benefits which are set at a level above that originally suggested by the District government and below that requested by the associations.

All of the parties concerned concur in the provisions of S. 2695 as amended by the committee.

Cost of the legislation

The committee is advised that the first year cost of the benefits provided in S. 2695 is estimated at $1,030,200. As previously indicated, the additional income to the District of Columbia which will result from the increase in members' salary deduction from 6½ to 7 percent will amount to $319,000. Thus, the net cost to the District for the first year will be $711,200.

The committee has been informed by the District of Columbia government that this cost will be partially funded through absorption and within the availability of resources in its fiscal year 1971 financial plan.

The following table shows the estimated annual cost of this proposed legislation for each of the first, second, third, and 10th years, as well as the ultimate cost, based on current police and fire salary levels:

TABLE 1.—ESTIMATED COST OF BENEFITS UNDER S. 2695 BASED ON CURRENT POLICE AND FIRE SALARY LEVELS

[In thousands of dollars]

	1st year	2d year	3d year	10th year	Ultimate
Dropping of term "dependent widower"	1.1	3.4	5.6	10.2	22.6
Removal of ½ support requirement for children	12.4	12.4	12.4	12.4	12.4
Student-child provision	20.6	20.6	20.6	20.6	20.6
Next of kin benefit after retirement		17.8	17.8	17.8	17.8
(2) 2½ percent for disability not in line of duty (⅔ minimum—70 percent maximum)	1.9	5.8	9.6	36.5	82.5
(3) Optional retirement—no age requirement—2½ to 80 percent maximum	5.8	17.4	28.9	109.6	243.0
Disability recovery cut-off (age 50)	(1)	(1)	(1)	(1)	(1)
$50,000 lump sum payment to dependents of policeman or fireman killed in performance of duty	150.0	150.0	150.0	150.0	150.0
Adult survivor annuity	11.7	35.1	58.5	222.3	493.1
Minimum benefit for surviving children (with and without living parent	2.7	8.1	13.4	44.2	44.2
Application of (k)(2) and (k)(3) to current rolls	647.1	625.4	602.4	373.0	0
Continuation of survivor annuities after 60 and restoration before 60	8.7	26.3	43.9	166.9	351.0
Total	862.0	922.3	963.1	1,16 2	437.2

1 No significant cost.

Note: Adjustment of survivor annuities based on cost-of-living increases: Increase of $92 per year for each 4-percent increase n cost of living plus $23 per year for the additional 1-percent increase.

1st year net cost:	
Gross	$862.0
5.6-percent increase in survivor annuity	168.2
Less increased salary deduction	−319.0
Net	711.2

Source: Office of Government Actuary U.S. Treasury Department.

SUPPLEMENTAL TO THE ACT INCORPORATING THE GEORGE WASHINGTON UNIVERSITY

The bill (H.R. 17146) supplemental to the act of February 9, 1821, incorporating the Columbian College now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1298), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill H.R. 17146, as amended and reported by your committee, is to amend the charter of the George Washington University in order to confer upon the university the powers contained in section 5 of the District of Columbia Non-Profit Corporation Act, and to exempt the university from the operation of the local usury laws.

BACKGROUND

The George Washington University was incorporated by Act of Congress in 1821. Since that time, this charter has been amended by supplemental legislation passed by the Congress on seven occasions . . . in 1871, 1873, 1878, 1893, 1898, 1904, and 1905. Starting in 1821 as Columbian College, with about 30 students, the University now has approximately 5,500 undergraduate students, 6,700 students in its various graduate schools, and some 2,700 unclassified part-time students.

PROVISIONS OF THE BILL

1. Powers conferred by section 5 of the D.C. Non-Profit Corporation Act

In the course of administering its affairs, it is necessary for The George Washington University, from time to time, to exercise powers similar to those exercised by other corporate entities. For instance, it acquires and holds title to land, invests endowment funds, borrows money from banking institutions, mortgages real estate, employs approximately 400 members of its faculty and 6,000 administrative and maintenance personnel, and engages in bond issues for educational purposes.

While its present charter, as amended, generally empowers the University to "do and transact all and every business concerning or touching the premises" and to "manage all the estate and property now belonging to said college," it has become the practice in recent times, with respect to both profit and nonprofit corporations, to grant certain express powers which enable such corporations more easily to carry on their day-to-day functions.

The administration and operation of The George Washington University will be facilitated at this time by the provision in H.R. 17146 which will grant to the University all those powers conferred upon non-profit corporations incorporated under the laws of the District of Columbia by Section 29–1005 of the D.C. Code. These are the broad powers customarily given non-profit corporations in all jurisdictions. For example, in the matter of the power to execute security instruments, whereas the University's charter contains only some very general and archaic language relative to managing the affairs of the University, section 5 of the D.C. Non-Profit Corporation Act includes very specific boilerplate powers. Thus, this provision in H.R. 17146 will be of benefit to the University by spelling out specific, standard powers which are not adequately treated in the language of its charter.

2. Exemption from D.C. usury laws

Under existing law, whereas profit-making corporations do not come under the purview of the District of Columbia usuary laws, nonprofit corporations in the District are so restricted. Thus, The George Washington University and other non-profit corporations located in the District of Columbia are not permitted to pay interest on loans at rates in excess of the 8 percent maximum which, except for certain statutory exemptions, is the legal rate for borrowing in the District of Columbia at the present time. It is a well-known fact, however, that for a substantial

period of time the prime rate of interest for borrowing has been in excess of this figure. As a result, the University now finds itself seriously inhibited in its ability to borrow money, both on an open line of credit and upon security of land and improvements.

This situation poses a very serious problem to the University at this time, as they have planned to begin construction this summer on several badly-needed new facilities, one of which is a new medical school and medical school library. The Federal Government has granted to the University some $15 million toward the total $25 million cost of these projects. Before the University can actually obtain these grants, however, it must first have expended that amount of money on the projects. That is, under the interest subsidy program the institution must secure a private loan, and the Federal Government contributes toward the debt service thereon through an annual grant.

Hence, in order to qualify the University first must obtain a short-term construction loan, the interest rate on which currently runs anywhere from 10.5 percent to 12 percent, if indeed the University is fortunate enough to find a lender.

It will not be necessary for the University to obtain a permanent loan on this medical building project, because with the government grant and the funds they have solicited in the form of contributions and gifts, they will have sufficient funds without such a loan. The short-term loan, however, is imperative in order that the University may qualify for the Federal grant.

The objective of this planned new facility is to enable the University to increase the number of entering medical students from 110 to 150 per year, and thus to increase its output of physicians in response to the critical shortage which exists in the city today.

In addition, the University is presently negotiating with a major insurance company for a mortgage loan of some $5 million, which together with a Federal grant and loan already assured will enable them to build a badly-needed new library building. However, such a loan simply cannot be obtained at the present legal rate of interest in the District of Columbia. It is likely that this loan will be obtained at an interest rate of approximately 10.5 percent.

Actually, this undertaking has been delayed somewhat because for some time the University was unable to secure two city lots which were necessary to consolidate the site for the building. As an alternative solution the University has now selected a new site, and has a commitment to HEW to begin the construction of this new building before the end of this year. Otherwise, they face the possibility of the loss of the Federal funding of the project.

The need for this new library facility is critical because if the University does not proceed with its construction it will be faced with the loss of its accreditation by the Middle States Association.

In addition, the bill contains language which will assure that the University cannot bring action charging any lender of funds to the University with exceeding the legal rate of interest provided in the District of Columbia usury statutes.

This language is identical to an amendment which was added to the D.C. Business Corporation Act in 1963 (77 Stat. 136; D.C. Code, sec. 29-904(h)), and simply provides added protection to lending institutions which makes loans to organizations which are exempted from the application of the usury laws.

CONCLUSION

The Committee feels that the provisions contained in this bill are necessary to the continued operation of George Washington University.

PENSIONS FOR WIDOWS OF RETIRED DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

The Senate proceeded to consider the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits which had been reported from the Committee on the District of Columbia with an amendment on page 2, line 13, after the word "after", strike out "July 1, 1969" and insert "January 1, 1971."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1299), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 4183 is to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such an officer or member after his retirement may qualify for survivor benefits under the Policemen's and Firemen's Retirement and Disability Act.

PROVISIONS OF THE BILL

Under existing law, if a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia marries subsequent to his retirement, upon his death his widow is not entitled to any pension whatever. To correct this situation H.R. 4183 provides that in the event a retired officer or member marries after his retirement his widow will be entitled to the same full benefits as provided in subsection (a)(3) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-521 (3)) to which she would be entitled had she married the officer or member during his active service. It is specified, however, that in order to qualify for such pension the widow must have been married to such officer or member for at least 2 years prior to his death, or that she be the mother of issue by the marriage.

DISTRICT OF COLUMBIA ENTRANCE INTO THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

The bill (S. 3944) to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"ARTICLE I—Purpose, Findings, and Policy

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"ARTICLE II—Definitions

"As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"ARTICLE III—Interstate Educational Personnel Contracts

"1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the

subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

"(a) Its duration.

"(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

"(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

"(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years by any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or othewise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"ARTICLE IV—Approved and Accepted Programs

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"ARTICLE V—Interstate Cooperation

"The party State agrees that:

"1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"ARTICLE VI—Agreement Evaluation

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

"ARTICLE VII—Other Arrangements

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"ARTICLE VIII—Effect and Withdrawal

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"ARTICLE IX—Construction and Severability

"This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters."

SEC. 2. The "designated State official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 3. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 4. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

DISTRICT OF COLUMBIA WELFARE ACT OF 1970

The Senate proceeded to consider the bill (S. 3010) to authorize the District of Columbia a program of public day-care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children which had been reported from the Committee on the District of Columbia with amendments on page 1, line 4, after the word "of", strike out "1969" and insert "1970."; after line 4, strike out: "TITLE I—DAY CARE SERVICES"

At the beginning of line 6, change the section number from "101" to "2"; on page 2, line 5, after the word "section", strike out "103 of this title," and insert "4 of this Act,"; at the beginning of line 23, change the section number from "102" to "3"; in line 25, after the word "section", strike out "101" and insert "2"; on page 3, line 2, after the word "of", where it appears the first time, strike out "Public Welfare, the Department of Public Health, the Board of Education, the Recreation Board," and insert "Human Resources, the Board of Education, the Department of Recreation,"; in line 22, after the word "this", strike out "title" and insert "Act"; at the beginning of line 23, change the section number from "103" to "4"; at the beginning of line 24, strike out "title" and insert "Act"; and on page 4, after line 2, strike out:

TITLE II—AMENDMENTS TO THE DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1962

SEC. 201. Section 19(a) of the District of Columbia Public Assistance Act of 1962 (76 Stat. 918; D.C. Code, sec. 3-218(a)) is amended by striking the period at the end of such subsection and inserting in lieu thereof a colon and the following: *"Provided,* That no adult child shall be responsible for the support of a parent who for a period of at least ten years in the aggregate during such child's minority willfully neglected or refused without just cause to provide for the support and maintenance of the child."

SEC. 202. The District of Columbia Public Assistance Act of 1962 is amended by inserting immediately after section 22 the following new section 22A:

"SEC. 22A. In administering the provisions of this Act relating to aid to dependent children, the Commissioner shall provide public assistance in the form of foster home care to dependent children who are described in subsection (a) of section 408 of the Social Security Act and who are considered to be dependent children under this Act. In providing public assistance to such children, the Commissioner shall meet all the requirements contained in such section 408, as a condition to Federal payments under title IV of such Act on account of expenditures with respect to such children; except that the Commissioner shall not deny such assistance to any child otherwise eligible therefor because of the failure or refusal of the unemployed parent of such child to seek or accept employment or to participate in any program of vocational education, training, or rehabilitation."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Welfare Act of 1970."

SEC. 2. In order to provide adequately for the care and protection of children whose parents are, for part of the day, working or seeking work, enrolled under a work incentive program, or otherwise absent from the home, or unable for other reasons to provide parental supervision, the District of Columbia Council is authorized, within the availability of appropriated funds, and subject to the provisions of section 4 of this Act, to prescribe such regulations as may be necessary to establish a program providing for public-day-care services in the District of Columbia, including the provision of day care in facilities (including private homes) which are licensed by the District of Columbia. Such regulations shall provide—

(1) for the establishment of standards of eligibilty that will authorize the providing of day care only in cases in which it is found

that a need for such care exists, and that provision by the District of Columbia of public-day-care services is in the best interests of the child, its mother, and the District;

(2) for the establishment of standards requiring operation of the program by personnel professionally trained in the fields of welfare, education, and health; and

(3) for the establishment of a schedule of fees to be charged parents for day-care services.

SEC. 3. The Commissioner of the District of Columbia shall administer and enforce the regulations issued by the Council under section 2 and may provide—

(1) for cooperative arrangements between the Department of Human Resources, the Board of Education, the Department of Recreation, and the National Capital Housing Authority to assure their maximum utilization in the provision of necessary services for children receiving day care and in the setting of standards for day-care agencies;

(2) for the purchase of day care from private organizations or individuals which are licensed by the District of Columbia and which are operating under standards approved by the Council;

(3) for the payment by the parent of that portion of the fee for day-care services established by the Council which the Commissioner determines that such parent is able to pay;

(4) that priority be given to members of low-income groups and in particular to such members who are in work-training programs; and

(5) for such other action as may be necessary to carry out the provisions of this Act.

SEC. 4. In establishing any plan pursuant to this Act, the Commissioner of the District of Columbia shall do so with a view to having such plan qualify for Federal funds under section 422 of the Social Security Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to authorize in the District of Columbia a program of public-day-care services."

REQUIREMENT CHANGE OF CONSENT TO ADOPTION OF A PERSON UNDER 21 YEARS OF AGE

The bill (H.R. 13307) to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

The Senate proceeded to consider the bill (H.R. 9017) to amend the District of Columbia Alcoholic Beverage Control Act which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 6, after the word "Board.", insert "A restaurant operating on the premises of a theater, symphony hall, opera house, or other facility which has as its principal purpose the presentation of live drama, music, opera, or other performing arts, may sell and serve alcoholic beverages to seated or standing persons at locations within the facility approved by the Board."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF THE DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1962

The Senate proceeded to consider the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That section 19 of the District of Columbia Public Assistance Act of 1962 (76 Stat. 917; D.C. Code, sec. 3–218) is amended to read as follows:

"SEC. 19. (a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse and parent for a child under the age of twenty-one, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Commissioner of the District of Columbia, may bring an action to require such financially responsible spouse or parent to provide such support, and the court shall have the power to make orders requiring such spouse or parent to pay such eligible applicant or recipient of public assistance such sum or sums of money in such installments as the court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

"(b) The Commissioner is authorized on behalf of the District to sue such spouse or parent for the amount of public assistance granted to such recipient under this Act or under any Act repealed by this Act, or for so much thereof as such spouse or parent is reasonably able to pay.

"(c) All suits, actions, and court proceedings under this section shall be brought in the Domestic Relations Branch of the District of Columbia Court of General Sessions, or in that court division which may subsequently exercise the jurisdiction exercised by the Domestic Relations Branch on the effective date of this Act. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of the Act approved April 11, 1956 (70 Stat. 111), as such Act may from time to time be amended or superseded."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend section 19 of the District of Columbia Public Assistance Act of 1962."

TO FACILITATE AND ENCOURAGE EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA DURING THE SUMMER

The Senate proceeded to consider the bill (H.R. 12671) to amend the act of May 29, 1928, to facilitate and encourage the employment of minors in the District of Columbia between the ages of 14 and 16 during the summer and other school vacation periods, and for other purposes which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the first sentence of section 2 of the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928 (D.C. Code, sec. 36–202), is amended by inserting immediately before the last comma thereof a comma and the following: "except during the summer (June 1 through Labor Day) when the evening hour shall be nine o'clock".

SEC. 2. Section 9 of the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928 (D.C. Code, sec. 36–209), is amended by deleting "together with the physician's certificate of physical fitness, the school record, and the employer's statement of intention to employ the child." and inserting in lieu thereof the following: "together with the physician's certificate of physical fitness and the school record, if such certificate or record is required by this Act, and the employer's statement of intention to employ the child, and in the case of a vacation permit involving a minor under the age of sixteen years, any certification filed pursuant to section 12(2)(B) of this Act in lieu of a certificate of physical fitness."

SEC. 3. Section 10 of the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928 (D.C. Code, sec. 36–210), is amended by deleting "or vacation".

SEC. 4. Section 12 of the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928 (D.C. Code, sec. 36–212), is amended to read as follows:

"SEC. 12. The director of the department of school attendance and work permits, or any person duly authorized by him, shall have authority to issue a vacation permit to a minor between the age of fourteen and eighteen years, permitting employment during the regular summer vacation period of the public schools, or during the school term at such time as the public schools are not in session, upon the application in person of the minor desiring employment, and if—

"(1) the age of such minor has been proved according to section 11 of this Act; except that the director may, if the minor does not have with him at the time of application for such permit any or all of the required documentary evidence of age, verify the age of such minor by reference to his school or other appropriate records;

"(2) the application of such minor, if he is under the age of sixteen years, is accompanied by (A) the written consent of the parent, guardian, or custodian of the minor to his employment, and (B) a written certification of such parent, guardian, or custodian that the minor is physically fit; and

"(3) the statement relating to the employment of a minor required by paragraph (a) of section 10 of this Act is filed with his application.

Notwithstanding the foregoing provisions of this section, the director, with respect to any minor under the age of sixteen years, may require such minor to file the certificate of physical fitness required by paragraph (c) of section 10 of this Act. A permit issued under this section with respect to any minor under the age of sixteen years may be canceled, if the director thereafter determines such minor to be physically unqualified for the employment in which he is engaged. Such permits issued under this section shall be different in color from the work permit allowing employment while school is in session and shall state the periods during which its use is valid.".

SEC. 5. The last sentence in section 13 of the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928 (D.C. Code, sec. 36–213), is amended by inserting immediately after "promise of employment and" a comma and the following: "except to the extent otherwise provided in section 12 of this Act.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the act of May 29, 1928, to facilitate and encourage the employment of minors in the District of Columbia between the ages of 14 and 18 during the summer and other school vacation periods, and for other purposes.".

DISPOSITION OF CERTAIN PROPERTY OWNED BY THE DISTRICT OF COLUMBIA IN PRINCE WILLIAM COUNTY, VA.

The Senate proceeded to consider the bill (H.R. 18086) to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va., which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 16, after the word "swamp," strike out "or bog." and insert "bog, pothole, swale, glade, slash, overflow land of river flats, pool, slough, hole, as well as those areas necessary to protect the natural features of a contiguous wetland area. The area encompassed by the definition of wetlands is to be determined jointly by the Commissioner and the Secretary of the Interior."; on page 3, line 4, after the word "Beginning", strike out "one year" and insert "three years"; and in line 10, after the word "within", strike out "one year" and insert "three years".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1306), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PROVISIONS OF THE BILL

The bill, as amended, authorizes the District to take certain action in regard to the Featherstone Tract which is approximately 350 acres of land owned by it in Prince William County, Virginia.

The bill gives the District the authority to:

(a) Convey to Prince William County approximately 37 acres of the Featherstone Tract, in consideration, among other considerations of the issuance of a permit to establish and operate a sanitary landfill in the County at Cockpit Point.

(b) Authorize the Commissioner to transfer to the Secretary of the Interior jurisdiction over the balance of the tract, including the "wetlands," in exchange for money or for land equivalent in area or value.

(c) Authorize the Commissioner, beginning three years after the effective date of the proposed legislation, to sell or exchange so much of the area as has not been transferred to the Secretary within three years after such effective date, but not including the "wetlands." The "wetlands" may not be disposed of except to the Interior Department.

PURPOSE OF THE BILL

The purpose of H.R. 18086, as amended, is to allow the District of Columbia to enter into an agreement under which the District in consideration of transferring a portion of the Featherstone Tract to Prince William County, would be issued a permit or permits by the County authorities for the operation of a sanitary landfill in that part of the County known as "Cockpit Point." The balance of the Featherstone Tract would first be made available to the Secretary of the Interior for such compensation as may be agreed upon or in exchange for land under his jurisdiction which would be of use to the District.

Should the Secretary, within three years (as amended by the Committee) from the effective date of the bill, not accept the transfer to him of all or any part of the balance of the Featherstone Tract, the Commissioner would be authorized to sell or exchange so much of the property, not including the "wetlands," as shall not have been transferred to Prince William County or the Department of the Interior.

As a result of this agreement.

(a) The District will be able to operate at Cockpit Point a large sanitary landfill which is estimated to be capable of meeting the Districts trash disposal needs for thirty years.

(b) Prince William County will be able to build on the portion of the Featherstone Tract transferred to it a water pollution control plant capable of meeting the County needs.

(c) The "wetlands" will be preserved in their natural state under the control of the Department of Interior.

(d) The Department of the Interior will have the opportunity to acquire, in addition to the "wetlands", that portion of the Featherstone Tract not conveyed to Prince William County.

HISTORY OF THE PROPOSAL

Approximately 50 years ago the District of Columbia acquired two tracts of land in Prince William County, Virginia, for future use in disposing of refuse materials from the city of Washington. A 455-acre tract of Cherry Hill was acquired in 1922. Operation of a reduction plant, located at Cherry Hill, was discontinued in 1947 and was thereafter dismantled. The land at Cherry Hill was sold by the District of Columbia in 1962. The District of Columbia Government continued to plan for the ultimate use of the Featherstone Point site as a major disposal area by utilization of modern landfill methods.

By 1965 it became apparent to District of Columbia officials that within a short-range future the District of Columbia would face a critical problem for garbage and trash disposal. Not only was the Kenilworth dump a major contributor to air pollution in the District, but the future life and utility of the Kenilworth dump was very limited. Plans were launched for a new, modern incinerator facility, and steps were taken to supplement the limited capacity of such incinerator by establishing a major landfill operation at some point in the metropolitan area.

Concurrently, Prince William County, Virginia, found itself with a developing sewage disposal problem resulting from the rather rapid growth of certain communities within the county. The county officials proposed to the District of Columbia Government the purchase of 25 acres of the District of Columbia's Featherstone Point for the location of a large filtration plant needed for the present and future development of the county and such communities as Occoquan, Woodbridge, and the Garfield area.

Legislation was introduced in the 90th Congress which would have authorized the Commissioner of the District of Columbia to sell the acreage desired by Prince William County and to arrange for the disposition of the balance of the acreage but reserving landfill operation rights for 167 acres which was essentially marsh land.

The legislation was favorably reported to the House, but substantial objections were raised to the bill by conservation groups who feared that the dikeing and landfill operations would adversely affect the wildlife ecology of the wetland portion of the site. The legislation did not reach a final vote in the House of Representatives.

THE PRESENT PROPOSAL

Early in the present Congress, H.R. 664 was introduced proposing action similar to that in H.R. 18980 of the 90th Congress.

Hearings before the House District of Columbia Committee were held and thereafter a number of meetings and discussions were held with District of Columbia and Prince William County officials. It was suggested that the District and the county officials join in an effort to find a solution to their mutual problems, which would avoid any possible pollution in the area and which would not require utilization of any marsh or wetland areas for sanitary landfill operations.

Under date of April 17, 1970, the District of Columbia Government transmitted to the Chairman of Subcommittee No. 4 of the House District of Columbia Committee a communication in reference to this problem explaining a modified and hopefully an acceptable alternative to the previous plans. The draft bill submitted with this letter became the text of H.R. 18068 as introduced in the House with a single modification.

H.R. 18068 was passed by the House of Representatives and came before the Subcommittee on Public Health, Education, Welfare and Safety of the Senate District of Columbia Committee for hearings on Friday, August 28, 1970. Representatives of the District of Columbia Government, Prince William County, and various conservation groups testified before the subcommittee at that time.

This testimony raised several questions about the bill which the committee has tried to answer in a manner satisfactory to all of the parties concerned.

COMMITTEE AMENDMENTS

Three amendments have been made by the Committee.

(1) The definition of "wetlands" has been expanded in an attempt to make it more precise.

While any word definition of "wetlands" is unsatisfactory as compared to the actual drawing of the boundaries of the area in question the Committee has attempted to make as clear as possible what is meant by "wetlands" by expanding the definition included in the bill.

The definition of "wetlands" in H.R. 18086 as originally came before the Committee read: "'wetlands,' by which term is meant those lowlying portions of the property in the nature of a marsh, swamp or bog."

The Committee has changed this definition to read: "'wetlands,' by which term is meant those low-lying portions of the property in the nature of a marsh swamp, bog, pothole, swale, glade, slash, overflow land of river flats, pool, slough, hole, as well as those areas necessary to protect the natural features of a contiguous wetland area."

(2) The area encompassed by the definition of "wetlands" is to be determined jointly by the Commissioner of the District of Columbia and the Secretary of the Interior.

In addition to an expanded definition of "wetlands" the Committee felt that requiring that the actual boundaries of the "wetlands" at the Featherstone Tract be determined jointly and agreed on by both the

Commissioner of the District of Columbia and the Secretary of the Interior would help insure that the ultimate boundaries of the "wetlands" area would be satisfactory to all concerned.

(3) The period of one year during which the District is prohibited from transferring the remainder of the Featherstone Tract to parties other than the Department of the Interior is extended to three years.

The Committee has been convinced that the one year period provided in the bill would not afford adequate time for the Department of Interior to complete the acquisition of what remains of the Featherstone Tract and therefore has amended the bill to extend this time to three years.

RELIEF OF CERTAIN EMPLOYEES IN THE DEPARTMENT OF DEFENSE

The bill (S. 3940) for the relief of certain employees of the Department of Defense, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following-named persons is relieved of liability to the United States in the amount which appears beside his name:

Sarah L. Botsai	$100.00
Ouida Bankston	100.00
William Hood	1,052.98
James Child	269.93
Ronald Roth	564.46
Dexter Brown	146.50
Susan Groswith	100.00
Mary Kubal	100.00
Michael Madore	238.75
Diana Hensley	200.00
Robert Tarr	254.25
John Mollick	398.56
Howard Sargent	563.06
Allen P. Alsop	591.76
John Rowland	600.56
Carolyn Dischert	100.00
Alan Koseff	373.18
Thomas Orr	461.10
Samuel Raskin	384.50

Such amounts represent overpayments of travel, transportation, and other related expenses made, as a result of an administrative error, to the above named civilian employees of the Department of Defense during the years 1966, 1967, and 1968. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to his indebtedness to the United States specified in such section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following individuals, the sums listed after their names in full settlement of all their claims against the United States for reimbursement of certain travel expenses incurred in connection with travel pursuant to travel orders issued in 1966, 1967, and 1968:

James Child	$247.00
Carolyn Dischert	190.97
Alan Koseff	543.20
Thomas Orr	382.00
Samuel Raskin	492.00
James R. Duncan	342.58
Robert E. Eckert	412.63

SEC. 3. No part of the amount appropriated in subsection (b) of the first section of this Act or in section 2 of this Act, for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1307), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve the named individuals of their liability to the United States resulting from overpayments of travel, transportation, and other related expenses, and would authorize refunds to these individuals of amounts already collected. Section 2 would authorize additional payments to certain employees for the unreimbursed expenses they incurred in connection with their official travel pursuant to Government orders.

STATEMENT

The Department of Defense recommends that S. 3940 be favorably considered.

The facts of the case as contained in the Department of Defense report on August 4, 1970, are as follows:

The Congress has not yet enacted permanent authority for Government agencies to investigate and settle claims arising out of overpayments of allowances, comparable to the authority in the pay area provided by Public Law 90–616. In the absence of an administrative remedy, private relief legislation remains the only vehicle outside of litigation to deal with such claims. While such legislation in general may be regarded as conferring benefits on a limited number of people, the Department supports S. 3940 since its purpose is to reimburse employees for actual and necessary expenses incurred and authorized pursuant to Government travel orders.

The employees named in S. 3940 were assigned for language and area studies training to the U.S. Foreign Service Institute, Taiwan, to the University of Durham, England, and to the U.S. Army Institute for Advanced Russian and East European Studies, Germany, in 1966, 1967, and 1968. These employees were authorized by their orders to be paid, and were in fact paid, the same travel allowances as employees who are ordered to these overseas stations for regular duty. These payments for dependents' per diem, miscellaneous expenses, and temporary quarters subsistence were received and spent in good faith by the employees to defray the costs of their moves to and from these locations. This practice was eventually brought to the attention of the Department of Defense Per Diem, Travel and Transportation Allowance Committee and the Comptroller General by a Department of Defense finance officer. In his decision of July 23, 1969, B–167229, the Comptroller General directed that these payments be stopped and that similar amounts already paid be collected from the employees. The Department instituted collection procedures to recover the past payments. However, with the introduction of S. 3940, the Comptroller General authorized the suspension of collections for the remainder of the second session of the 91st Congress.

The situation described above results from the fact that title 5 of the United States Code, and the implementing OMB Circular A–56, currently provide two different sets of travel allowances, depending upon whether an employee is ordered to a station for training duty or regular duty. Those ordered to training assignments receive only their travel and per diem, except that the transportation of an employee's immediate family and household goods is authorized when the cost of such transportation is estimated to be less than the total per diem payments that the employee would receive while at the site of the training assignment (5 U.S.C. 4109). However, if the purpose of the travel is to assume a new regular duty assignment outside the continental United States, the employee is entitled to the following allowances in addition to those just mentioned:

(1) Payment of per diem to the employee's immediate family while en route between stations.

(2) Payment of subsistence expenses while occupying temporary quarters upon the return to a new duty station in the United States.

(3) Reimbursement of miscellaneous expenses associated with discontinuing and establishing residences (5 U.S.C. ch. 57).

These three allowances, and others applicable only to movements within the continental United States, were authorized for regular duty transferees by Public Law 89–516 in 1966. The Comptroller General's decision held that the benefits of the 1966 legislation do not extend to employees ordered to training assignments whose travel allowances are fixed by a different provision of law (5 U.S.C. 4109) which remain unchanged.

The Department of Defense recognizes that these employees do not have a legal right to be relieved of their liability, or to be paid the additional amounts authorized in section 2 of the bill. However, private relief legislation of this nature may be premised on considerations of equity and fairness. The Department issued travel orders to the employees which contained erroneous information that certain expenses not authorized by law would be paid by the Government, and the employees relied on the apparent obligation of the Government to pay allowances stated in their travel orders in performing their training assignments. Finally, these amounts would not be an unearned windfall since they represent the reimbursement of expenses incurred in good faith by the employees to defray the costs of their transfers to and from the United States.

The persons named in section 2 and those identified in the following paragraph traveled to these locations for training under orders providing for the allowances later held to be unauthorized. We have determined that they were precluded from filing vouchers for reimbursement of these authorized expenses as a result of the referenced Comptroller General decision. Since they are part of the class of persons affected by that decision, it is felt that they should now be entitled to submit new vouchers and to be paid for the allowances originally authorized by their orders.

For the reasons indicated above, the Department of Defense recommends that S. 3940 be favorably considered.

Enactment of this legislation, amended as suggested, will cause no apparent increase of the budgetary requirements of the Department of Defense.

In agreement with the views of the Department of Defense the committee recommends the bill favorably.

COMMITTEE MEETING DURING SENATE SESSION—OBJECTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate today.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall object—I wonder whether the distinguished acting majority leader would yield to me for a statement.

Mr. BYRD of West Virginia. I am glad to yield to the Senator from New York for that purpose.

Mr. JAVITS. Mr. President, this question arose on Friday, during my absence. I was in New York serving as a delegate to the United Nations this year.

I believe—I have not been able to search the history in the short time available—that this is the first time in my career in the Senate or in the House of Representatives—which I say now spans over 20 years—that I have ever objected to a committee session.

I did not object to the sessions generally. I have never done that. I hope that I never will. I hope that I will never have to object to another committee request. I shall not object after today, I say in deference to the chairman and to the members of the Finance Committee. But I really felt there was a very serious issue at stake. It is not proper that on rather precipitous notice 2 days of hearings be held, in order that so portentous a piece of legislation affecting the foreign policy and the economic policy of the United States should be rushed through a committee with only the pretense of hearings and without adequately considering the substance.

Some 15 Senators requested hearings of the chairman of the committee.

Mr. President, I ask unanimous consent that the letters of request dated September 25, 1970, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 1970.

HON. RUSSELL B. LONG,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are becoming increasingly concerned over threats to attach the trade bill as reported out of the House Ways and Means Committee, as an amendment to one of the remaining pieces of major Finance Committee legislation such as social security or welfare.

It is our feeling that the bill as now written constitutes a radical departure from our past policies of expanding and opening up world trade, and is a clear invitation to retaliation and trade wars that can only damage our exporters, our shippers, our balance of payments, and our entire economy.

Particularly vulnerable are our agricultural exports which last year accounted for $6.6 billion in sales and at least 700,000 American jobs. A third of our wheat, over a fifth of our feed grain, and over 40% of our soybeans are exported, principally to Japan and the Common Market countries. Sixty percent of our rice and 40% of our tobacco is dependent on foreign sales. A total of one out of four acres under cultivation, in fact, depends on exports.

But farm exports—particularly commodities such as wheat, feed grains, and soybeans—stand to suffer grave losses from the retaliation which will inevitably follow upon the enactment of a restrictive and protectionist trade bill. Common Market retaliation against soybeans alone, for example, can well cost American agriculture $200 million in lost sales, and nearly every other farm export will become vulnerable to nations seeking to protect their own agricultural production at the expense of the American farmer—the most productive in the world.

While we recognize the need to assist American industries, farmers, and workers who are unfairly damaged by foreign competition, we feel there are strong indications that H.R. 18970, as written, will actually decrease jobs and will do serious damage to the American farmer—not to mention the shipper, the manufacturer, and the consumer, all of whom have such a vital stake in the continued expansion of foreign trade.

There is an obvious need for new, comprehensive trade legislation which can form the basis for our—and the world's—trade policy in the decade of the 70's. The importance of this legislation is of such a magnitude—and the consequences of a short-sighted approach are so grave—that the Finance Committee and the full Senate must give hearings and extensive debate to whatever bill is finally sent to us by the House of Representatives. To allow precipitous action under the cover of a crowded Senate schedule and the enormous pressure for passage of social security or welfare legislation would be most unfortunate. Such an attempt, we believe, will jeopardize not only our trade policies and our economy, but the hoped-for adjournment date of October 15 and the successful passage of such vital legislation as social security and welfare.

We hope that the Finance Committee will strongly oppose any such attempt, and will insist upon the careful, responsible legislative work which has brought from your Committee the milestone trade legislation under which we have operated over the past decade. We assure you of our support in resisting any abrogation of the Finance Committee jurisdiction, as well as our help in seeking to formulate a responsible, fair, and forward-looking trade bill to guide us in expanding our world trade over the years ahead.

Sincerely,

WALTER F. MONDALE,
QUENTIN N. BURDICK,
JOHN SHERMAN COOPER,
ALAN CRANSTON,
MARK O. HATFIELD,
HAROLD E. HUGHES,
DANIEL K. INOUYE,
JACOB K. JAVITS,
CHARLES MCC. MATHIAS,
GEORGE MCGOVERN,
LEE METCALF,
ROBERT W. PACKWOOD,
CHARLES H. PERCY,
RALPH T. SMITH,
STEPHEN M. YOUNG.

Mr. JAVITS. Mr. President, this was done in an effort to have a deliberate set of hearings with notice to all parties, giving them a chance to prepare and present their case to the Finance Committee. I respectfully submit that these 2 days of hearings were hastily called with the obvious intention of then coming to the floor and seeking to affix the trade bill to such a vital domestic bill as the social security bill and stating, as I am sure would have been stated, "They have had their hearings. What else will they complain about?" That is hardly what was contemplated by our letter or what is demanded by the seriousness and controversial nature of the proposed trade legislation.

It is for that reason that I objected on Friday and was joined in that objection by Senators HATFIELD, INOUYE, MATHIAS, MCGOVERN, MONDALE, PACKWOOD, and SMITH of Illinois.

Mr. President, I ask unanimous consent that that public statement which was issued in that connection may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACOB K. JAVITS

The Decision of the Senate Finance Committee to hold only two days of hearings on the Trade Bill of 1970 with the implied forecast of tacking it on to the social security bill is most regrettable. A two day hearing which will conclude on the close of business on Monday just before we adjourn for a month provides a totally inadequate period of time to consider this sweeping legislation that fundamentally changes the course of the trade policy of our nation and will have a profound effect on the peace and security of the world.

If the Trade Bill is to be tacked on to the social security bill let it be done at least frankly with no pretense of hearings.

The Trade Bill of 1970 is the most controversial piece of trade legislation considered by the Congress since the enactment of the Smoot-Hawley tariff in the 1930s. If passed its effects on the American economy are likely to be sweeping and will make even more difficult the containment of the inflationary pressures that have ravaged the economy in recent years.

It will profoundly affect our relations with nations which have been our traditional friends thereby weakening our position in the world and concommitantly our national security. In a recent speech Ambassador Gilbert, the President's Special Representative for Trade Negotiations, pointed out that the shoe and textile provisions of the bill alone which could cause a reduction of $500 million in other countries exports to the United States would make inevitable retaliation against U.S. exports and/or compensating duty changes adversely affecting other U.S. producers. The nature of the retaliatory threat could hardly be adequately aired in the brief hearings scheduled by the Finance Committee.

Representatives of the workers and the industry have brought to my attention wording in the mink quota provision that would adversely affect the livelihood of some 20,000 Americans. Will this be adequately aired? Also I have been informed that the quota provision on glycene protects only one firm in the United States to the detriment of all consumers using glycene. Will two days of hearings adequately outline the supply-demand-price relationships affecting glycene?

Is it wise to legislate quotas on oil when the North and Northeast are facing a serious fuel shortage and when an Assistant Secretary of State has just warned that the oil deficit of this nation would expand rapidly throughout the 1970s? Will the hearings before the Finance Committee properly air this controversial question?

Since the end of the war, international trade negotiations generally have been non-discriminatory and multi-lateral. But the trade bill now before the Congress would turn back the clock to bi-lateral, discriminatory negotiations.

The working of the national interest provision in the bill would put a premium on the type of questionable lobbying practices both by foreign governments and domestic interests which came to characterize the granting of other quotas. The chances for abuse are enormous. Will this be adequately aired in two days of hearings before the Finance Committee?

Finally, if there is an attempt to attach the trade bill to the social security bill and to report them to the floor together, I would hope that the elderly citizens of this nation who have been most hurt by inflation will have a chance to make known their objections to this tactic whereby legislation essentially of special interest is tied to vital domestic legislation affecting the daily welfare of millions and millions of Americans.

It is for these reasons that I object to the Finance Committee's last minute hearings on the Trade Bill of 1970. I have been joined in this protest of hastily called hearings by Senators Hatfield, Inouye, Mathias, McGovern, Mondale, Packwood and Smith (Ill.)

Mr. JAVITS. Mr. President, I also ask unanimous consent that a colloquy which took place in respect of the effect of holding a committee meeting over an objection on May 23, 1961, on the floor of the Senate by former Senator Kuchel—who was then deputy minority leader—Senators MANSFIELD, MORSE, and others may be printed in this point in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. KUCHEL. Mr. President, I most respectfully invite the attention of Senators to a section from the Legislative Reorganization Act that reads as follows:

"No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave, while the Senate or the House, as the case may be, is in session."

In commenting on that part of the law of the land the volume "Senate Procedures" states as follows:

"No standing committee shall sit without special leave while the Senate is in session, which rule applies also to subcommittees of standing committees. Permission to sit while the Senate is in session includes all meetings, whether for hearings or the transaction of business."

Members of the minority, exercising their rights under the rules, in the past several days and weeks have interposed objections with the minority leader to the holding of committee meetings of the Senate while the Senate is in session. They were clearly within their rights in doing so, and the minority was clearly within its rights in objecting to any committee of the Senate holding hearings of any kind, with, of course, the single exception of the Committee on Appropriations. Such objection has been lodged from time to time on this side of the aisle.

The minority regrets to state that information has come to it which apparently indicates that some committees have purported to sit without right, and in violation of objections taken in accordance with the law of the Senate.

Mr. President, such an action by any committee is wrong. It is in violation of the law of this land, and it is against the rules of the Senate. The minority leader, and the acting minority leader, speaking for the minority leader, urge Senators scrupulously to follow the rules with respect to the meetings of committees during session of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend, the majority leader.

Mr. MANSFIELD. I am wholeheartedly in accord with what the distinguished acting minority leader has said. Last week on several occasions the minority leader, the able Senator from Illinois (Mr. DIRKSEN), raised objections to the sitting of committees during the session of the Senate, and stated that he would object to such procedure during the course of the consideration of the aid-to-education bill. In his objection I concur.

Frankly, I must admit that I do not know of any committees which have been meeting, but if any committees have been meeting, I wish they would heed the objection on the part of the minority leader and the acting minority leader, and also on the part of the majority leader, who concurs with the action of Senators on the other side of the aisle, so I hope the joint endeavor will be sufficient.

Mr. KUCHEL. I thank my able friend, the distinguished majority leader, for the comments he has made. There should be no such thing as a subcommittee of a committee of the Senate sitting while the Senate is in session in the absence of complete Senate approval; and that statement goes for all purposes. That is the rule. That is the law. And they must be observed.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from Oregon.

Mr. MORSE. May I have the attention of the majority leader and the acting minority leader, in order that I may give a small amount of free legal advice? I think the committee chairman of any full committee or subcommittee who might be conducting a hearing while the Senate is in session without the approval of the Senate ought to know that committee funds cannot be paid out for the services of an official reporter or, for that matter, for any services at all, and Senators who participated in such a hearing, if a test were made, would have to pay such expense out of their own pockets.

Mr. KUCHEL. The Senator is, of course, correct in the point he makes.

Mr. President, the illegality cuts across any function which might be performed by a committee or a subcommittee attempting to meet in the absence of the approval of the Senate.

I yield to my able friend, the Senator from Nebraska.

Mr. HRUSKA. If there is illegality in the holding of committee sessions under those circumstances, would not a motion lie to expunge from the records of the committee any testimony taken at such an illegal hearing; and should not such a motion or request be complied with?

Mr. KUCHEL. In my judgment the Senator from Nebraska is correct. Since, in the absence of approval, there is no authority whatsoever for such a meeting to be held, no one subsequently could contend that a meeting of that committee was held.

Mr. HRUSKA. When the Senator from Nebraska says "expunged" he means physically and literally taken out of the record, and permanently removed.

Mr. KUCHEL. Vitiated and extirpated.

Mr. JAVITS. Mr. President, I am not angry at anyone and I am sorry that there was some feeling that plans had been put in disarray by this objection. It was taken for a very specific reason.

I will not persist in it beyond today having made the point against the 2 days of hearings. If the committee chooses to go on with hearings, that is their privilege. I honor it. But I would feel that this point had been made very forcefully, considering the importance of the legislation and the vividness with which I saw the situation from the United Nations position, where I am now serving as designated by the Senate. We are considering there the second development decade. Trade is a critical element in the planning for the decade which seeks to better the lives of the billions of persons in the developing world. The launching of the decade itself is central to the decade, the 25th anniversary session of the United Nations General Assembly.

Mr. President, I have no parochial ideas about someone being taxed to pay for a transcript. I hope that will not be intruded into the consideration of a much broader question. I will help pay for the transcript myself, if the debate has to put it on that level. I think it is nonsense to put it on that level.

These hearings obviously will be used as a vehicle for contending there were hearings. The point is that a protest had to be made, and unhappily for me there seems to have been no one on the spot to make it except me.

I felt in conscience that I had to do it. So, for those reasons, I reiterate the objection, saying that, immediately after objecting, if the committee desires to continue its hearings from today on, I shall have no objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

COMMITTEE MEETING DURING THE SESSION OF THE SENATE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATE INCOME TAXATION OF INTERSTATE CARRIER EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1280.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and insert:

That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"SEC. 26. (a) No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally in maintaining roadways, signals, communications, and structures or in operating motortrucks out of railroad terminals in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of any such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.

"(b) No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally in maintaining

roadways, signals, communications, and structures or in operating motor-trucks out of railroad terminals in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation is paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this Act.

"(c)(1) For the purposes of subsections (a)(1) and (b)(1), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(2) For the purposes of subsections (a)(2) and (b)(2), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

"(d) For the purposes of this section the term 'State' also means the District of Columbia; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary."

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"SEC. 226A. (a) No part of the compensation paid by any motor carrier subject to the provisions of this part or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.

"(b) No part of the compensation paid by any motor carrier subject to the provisions of this part or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: Provided however, That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence, and the State or subdivision for which the withholding of such tax has been required under this Act.

"(c) For the purposes of subsection (a) and (b), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(d) For the purpose of this section the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary."

SEC. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM REPORTING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"SEC. 324. (a) No part of the compensation paid by any water carrier subject to the provisions of this part or by any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein, to an employee who performs his regularly assigned duties as such an employee on a vessel in more than one State, shall be subject to the income tax laws of any State or subsivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of any such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.

"(b) No water carrier subject to the provisions of this part nor any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein shall file any information return or other report for income tax purposes with respect to the compensation paid to any employee who performs his regularly assigned duties as an employee of such carrier in more than one State with any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision in which such employee earned more than 50 per centum of the compensation paid him by such carrier during the preceding calendar year.

"(c) For the purposes of subsections (a) and (b), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

"(d) For the purpose of this section the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 334 Separability of provisions."

and inserting in lieu thereof:

"Sec. 324. Exemption of certain compensation of employees from taxation and from reporting for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.

"Sec. 325. Separability of provisions."

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"SEC. 1112. (a) No part of the compensation paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.

"(b) No part of the compensation paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this Act.

"(c) For the purposes of subsections (a) and (b), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.

"(d) For the purposes of this section the term 'State' also means the District of Columbia, any of the possessions of the United States, and the Commonwealth of Puerto Rico; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) above in the performance of his duties and shall include wages and salary."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 112. Exemption of certain compensation of employees from taxation and from withholding for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned."

SEC. 5. The amendments made by this Act shall become effective on the first day of the

first calendar year beginning after the date of enactment of this Act.

SEC. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of the provision to other persons or other circumstances shall not be affected thereby.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from multiple taxation and withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of residence or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1261), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND AND NEED SECTION

The Senate Commerce Committee in favorably reporting this legislation determined that interstate commerce is unreasonably burdened by certain income taxation policies of some States insofar as such policies affect interstate carrier employee's income.

The problem addressed by this legislation is peculiar to those employees who are required by the nature of their employment to work in more than one State on a regular basis. Tax policies in some States have created great hardships both for interstate carriers and interstate carrier employees. Certain States have insisted upon withholding from employees an amount based upon the employee's entire annual income even though the portion of the employee's income derived from performance of duties within the State in question may have represented a very small proportion of his total income. In many instances this has meant that some employees were deprived of a substantial amount of their income throughout the year. It is no answer that at the end of the year a good portion of that money might be returned to the employee.

The employer is also confronted with serious problems. State withholding provisions typically require that the employer determine the amount of income earned by an employee in a particular State and that the employer take care of all other administrative details that are related to withholding. Some States which do not require withholding nonetheless require the employer to file periodic information returns. Where several States and numerous employees are involved, the administrative load can be extremely onerous for the employer.

However, withholding and the requirement of filing information returns with all of the jurisdictions asserting a right to tax any portion of the compensation of the employee are not the only problems. For the employee multiple State tax liability is itself a burden. There is no uniform taxing formula which must be applied by the States with the result that it is possible for an employee to be subjected to tax liability in a number of different States.

In hearings before the committee, numerous witnesses, representing all manner of viewpoints on the issues, appeared or provided statements for the hearing record. Included among those who testified were representatives of the Interstate Commerce Tax Reform Committee (a group formed by certain members of the International Brotherhood of Teamsters; Flight Engineers International Association; Marine Firemen's Union of the SIU; Sailor's Union of the Pacific, SIU; National Engineer's Beneficial Association; the Airline Pilots Association, and the Marine, Cooks, & Stewards of the Seafarer's International Union); the Brotherhood of Locomotive Engineers; Association of American Railroads; Western Highway Institute; National Association of Motor Bus Owners; Congress of Railway Unions; Multistate Tax Commission; Flight Engineers' International Association, AFL–CIO; American Trucking Associations, Inc.; Air Lines Pilots Association; Greyhound Lines; Department of Revenue for the State of Arkansas; National Association of Tax Administrators; Tax Commissioner for the State of North Dakota; New York State Department of Taxation and Finance; Bureau of Revenue for the State of New Mexico; State of Nebraska, Income Tax Division; Department of Revenue for the State of Iowa; Director of Revenue, State of Illinois; Income Tax Division, State of Alabama; State Tax Commission, State of Nebraska; Department of Revenue, State of Alaska; Department of Revenue, State of Washington; and Air Transportation Association.

The hearing record provides several examples of the difficulty. One trucking company provided the committee with information showing that it had numerous drivers who worked in several different States. For example, 342 of its drivers drove in 19 different States, 397 of its drivers drove in 11 States and hundreds of additional drivers for just this one company worked regularly in five or more States. If the majority of those States taxed the income of the driver, it can readily be seen that the employer and the employee would be faced with a monumental task of first of all determining tax liability and secondly complying with the individual tax laws of every one of those States. Some of the difficulties created by multiple State taxation were set forth in the hearings. For example the following assertions were made:

(1) Proper withholding for nonresident employees requires complete knowledge of what are often numerous and often complicated State laws, rules, and regulations.

(2) Determination of the exact amount to be withheld is very difficult, due to lack of uniformity among the State withholding laws.

(3) Payroll procedures, even though in many instances computerized, are subject to continuous change because the routes traversed by an individual driver or airline pilot vary from State to State and in the case of airlines probably vary on each flight.

(4) The cost of administering the nonresident withholding requirements is extensive.

(5) In the majority of instances, cost of administration exceeds the amount of tax withheld and transmitted to the State.

One of the more burdensome problems is confronted by airline pilots who in the course of a few hours of employment might fly over several different States. And these pilots for the same general route may fly over different States for different periods of time each time that same route is flown.

To be sure, not all States impose net income taxes on individuals. But at the present time 38 States do impose such a tax. All of those States require withholding on the full amount earned by residents and 31 of those States require withholding on amounts earned by residents and nonresidents within their borders. In addition, numerous cities impose income taxes and require withholding as to both residents and nonresidents.

The original version of S. 2044 and H.R. 10634 related solely to the withholding and reporting problems. Each State except the State of residence would have been precluded from requiring reporting or withholding for tax purposes from the wages of interstate carrier employees.

It became apparent in the course of the committee's hearings and later deliberations on the problems confronting interstate carrier employees that elimination of multiple withholding was only a partial answer and in fact, would place the employee in greater jeopardy than he would have been had the bill not been passed. This is true because the elimination of a State's power to require withholding has no bearing on the State power to tax. So it could easily happen that an employee would find himself at the end of the year with tax liability in several States but with an inadequate amount of money withheld and consequently a very serious and unexpectd financial burden. Indeed, it has come to the Committee's attention since the hearings that certain railroad employees and others are being required to file information returns prior to the taxing date. On the other hand, the hearing record includes testimony expressing concern that a bill confined to limiting withholding and the filing of information returns to the State of an interstate carrier's employees residence, an originally contemplated, might induce non-resident interstate carrier employees to evade non-resident State income taxes which might properly be due.

The Committee concluded, therefore, that legislation in this area would be incomplete if it did not address the very basic problem of multiple State tax liability along with the problem of multistate withholding and/or reporting for taxation purposes.

SUMMARY OF BILL

The amended bill does three basic things:

(1) Limits power to tax income of interstate carrier employees to the employee's State of residence *and* any State in which he earns more than 50 per centum of the compensation paid to him by such employer;

(2) Limits power to require withholding for tax purposes from income of interstate carrier employees to either the State in which such employee earned more than 50 per centum of the compensation paid to him by such carrier during the preceding calendar year *or* the State of residence;

(3) Limits the power to require the filing of information returns to the State of residence *and* the State by which withholding may be required.

COMMITTEE AMENDMENTS

The Committee amended the House-passed bill so as to provide relief from taxation by more than two States of the compensation paid to employees of interstate carriers in addition to providing relief from multiple withholding and reporting requirements as in the House-passed bill. The Committee amendments, unlike the House-passed bill, do not limit withholding and reporting to the State or subdivision of the employee's residence but rather would require withholding for the account of either the State or subdivision in which more than 50 per centum of an employee's compensation was earned during the preceding calendar year or, if there is no such State, the employee's State of residence, and would require reporting to both the State of residence and any other State permitted to require withholding.

As in the House-passed bill, the Committee amendment omits reference to withholding from the wages of employees of water carriers. Reference to withholding was omitted because the wages of such employees are exempted from withholding for any purpose under section 601 of the Shipping Laws of the United States (46 U.S.C. 601) and no change in the present law as respects withholding is contemplated. Reporting relief for

employers and relief from multiple-tax liability for employees of interstate water carriers, neither of which is covered under section 601, is provided in the same manner and to the same extent such relief has been provided for interstate carriers and their employees in other sections of the bill.

The Committee amendments to the House-passed bill are shown as follows (language to be omitted is enclosed in black brackets, new matter is printed in italic):

A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain [wages and salary] *compensation* of employees from *multiple taxation and* withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of [the employee's] residence *or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN [WAGES AND SALARIES] COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"SEC. 26. (a) No part of the [wages or salary] *compensation* paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (*1*) who performs his regularly assigned duties as such an employee on a locomotive, car, or track-borne vehicle in more than one State, or (*3*) who is engaged principally [in more than one State,] in maintaining roadways, signals, communications and structures or in operating motor trucks out of railroad terminals *in more than one State, shall be subject other than the State or subdivision thereof of such employee's residence, as shown on the employment records of any such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.*

"(b) *No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally* [in more than one State], *in maintaining roadways, signals, communications and structures or in operating motor trucks out of railroad terminals in more than one State,* shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision *wherein more than 50 per centum of the compensation is paid by the carrier to such employee earned: Provided, That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision shall be required only for the State or subdivision* of the [such] employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such [wages or salary] *compensation* with any State or subdivision thereof other than such State or subdivision of residence *and the State or subdivision for which the withholding of such tax has been required under this Act.*

"(c)(*1*) *For the purposes of subsections (a)(1) and (b)(1), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in any calendar year while so employed.*

"(*2*) *For the purposes of subsections (a) (2) and (b) (2), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.*

"[(b)](*d*). For the purposes of this section the term 'State' also means the District of Columbia; *and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary.*"

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN [WAGES AND SALARY] *compensation* OF EMPLOYEES *from taxation and* FROM WITHHOLDING FOR INCOME TAX PURPOSES [BY] FOR OTHER THAN [RESIDENCE] STATE *or subdivision of residence or state or subdivision wherein more than 50 per centum of compensation is earned*

"SEC. 226A. (a) No part of the compensation paid by any motor carrier subject to the provisions of this part or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be *subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.*

"(b) *No part of the compensation paid by any motor carrier subject to the provisions of this part or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be* withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision *wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: Provided, however, That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the* [such] employee's residence, as shown on the employment records of any such carrier, nor shall such carrier file any information return or other report for income tax purposes with respect to such [wages or salary] *compensation* with any State or subdivision thereof other than such State or subdivision of residence, *and the State or subdivision for which the withholding of such tax has been required under this Act.*

"(c) *For the purposes of subsections (a) and (b), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.*

"[(b)] (*d*) For the purpose of this section the term ['State' also means any possession of the United States or the Commonwealth of Puerto Rico] *'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary.*"

[SEC. 3. Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting immediately after section 323 the following:

"FILING OF INFORMATION RETURNS OR OTHER REPORTS FOR INCOME TAX PURPOSES WITH OTHER RESIDENCE STATE

"SEC. 324. No water carrier or vessel operator shall file any information return or other report for income tax purposes with any State or subdivision of residence of the employee concerned, as shown on the employment records of such water carrier or vessel operator, with respect to the wages or salary of any master, officer, or seaman who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or noncontiguous trade or in the fisheries of the United States."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 324. Separability of provisions."

and inserting in lieu thereof:

"Sec. 324. Filing of information returns or other reports for income tax purposes with other than residence State.

"Sec. 324. Separability of provisions."]

Sec 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM TAXATION AND FROM REPORTING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN 50 PER CENTUM OF COMPENSATION IS EARNED

"*Sec. 324. (a) No part of the compensation paid by any water carrier subject to the provisions of this part or by any water carrier or class of water carrier operating on inland or coastal waters under an exemption provided therein, to an employee who performs his regularly assigned duties as such an employee on a vessel in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of any such carrier; and the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned.*

"(b) *No water carrier subject to the provisions of this part nor any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein shall file any information return or other report for income tax purposes with respect to the compensation paid to any employee who performs his regularly assigned duties as an employee of such carrier in more than one State with any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision in which such employee earned more than 50 per centum of the compensation paid him by such carrier during the preceding calendar year.*

"(c) *For the purposes of subsection (a) and (b), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.*

"(d) *For the purpose of this section the term 'compensation' shall mean all moneys received for services rendered by an em-*

ployee, as defined in subsections (a) and (b) in the performance of his duties and shall include wages and salary."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out "Sec. 324. Separability of provisions." and inserting in lieu thereof:

"Sec. 324. Exemption of certain compensation of employees from taxation and from reporting for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.

"Sec. 325. Separability of provisions."

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN [WAGES AND SALARY] *compensation* OF EMPLOYEES *from taxation and* FROM WITHHOLDING FOR INCOME TAX PURPOSES [BY] FOR OTHER THAN [RESIDENCE] *State or subdivision of residence or state or subdivision wherein more than 50 per centum of compensation is earned*

"SEC. 1112. (a) No part of the [wages or salary] *compensation* paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State, shall be *subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence, as shown on the employment records of such carrier; and the State or subdivision where in more than 50 per centum of the compensation paid by the carrier to such employee is earned.*

"(b) *No part of the* [wages or salary] *compensation paid or any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State, shall be* withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision *wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned. Provided, however, That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or subdivision thereon during the preceding calendar year, then withholding shall be required only for the State or subdivision of the* [such] employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such [wages of salary] *compensation* with any State or subdivision thereof other than such State or subdivision or residence *and the State or subdivision for which the withholding of such tax has been required under this Act.*

"(c) *For the purposes of subsections (a) and (b), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.*

"(d) For the purposes of this section the term "State' also means the District of Columbia, [and] any of the possessions of the United States, [or] *and* the Commonwealth of Puerto Rico; *the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsections (a) and (b) above in the performance of his duties and shall include wages and salary."*

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following:

"SEC. 1112. Exemption of certain [wages and salary] *compensation* of employees *from taxation and* from withholding for tax purposes for other than [residence] State *or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned."*

SEC. 5. The amendments made by this Act shall become effective on the first day of the first calendar year beginning after the date of enactment of this Act.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or other circumstances shall not be affected thereby.

EXPLANATION OF COMMITTEE SUBSTITUTE

The Committee substitute follows the same general lines of the original bill, S. 2044 and H.R. 10634, as to substance and approach but, as indicated previously, unlike those bills, is not confined to withholding and reporting relief for employers. The bill as reported also addresses itself to the burdens on employees of multiple withholding and income taxation by the States and subdivisions. It extends the basic principle of the original bill to relieve employees of interstate transportation companies from multiple state tax liability using the same type of approach as that which would have been afforded to carriers by the original legislation.

Under the substitute, as under the original bill, the carrier is relieved of the burden of making withholding payments to more than one State or subdivision. However, under the substitute any State in which the employee earned more than 50 percentum of the compensation paid him by his interstate carrier employer during the preceding year is entitled to require withholding. If no other State is entitled to require withholding the State of the employee's residence as shown on the employer's records may do so. Under the substitute, the carriers' interstate employees are likewise relieved from demand on his tax dollar by more than two States or subdivisions, i.e. the State or subdivision of residence and the State or subdivision wherein more than 50 per centum of the employee's carrier income is earned.

The Committee's substitute has been carefully drawn to incorporate the principal features of the Multistate Tax Commission's model bill* which recently was adopted by that body with only one dissenting vote.

The Multistate Tax Commission has indicated a strong preference for continuing to make attempts to resolve the interstate income tax problem through their members without federal intervention of any kind. However, if there is to be federal legislation on the subject, the Commission indicated a strong preference for the provisions incorporated in the Committee substitute. The Committee feels that action must be taken on a federal level.

The Committee bill reserves to the individual States the present practice of taxing substantial compensation which is earned by a non-resident. However, it would limit that practice in accordance with the recommendation of the Multistate Tax Commission to States wherein more than 50 per centum of the non-resident interstate carrier employer's compensation is earned.

The bill does not eliminate entirely the problem of double taxation although it does reduce the number of States which may assert the right to tax compensation paid to employers of interstate carriers to two. Unless the States enter into reciprocal agreements affording equitable and simple solutions to the problem an undue hardship may continue to be imposed upon the employees of interstate carriers.

The withholding provisions of the Committee bill provide that the employer may be required to withhold only by the State or subdivision in which its employee earns most of his compensation with the proviso that if the employee does not earn more than half of his compensation in any one State or subdivision, then the employer may be required to withhold only by the State or subdivision of such employee's residence. In the application of the 50 per centum test, the Committee recognizes that certain problems will confront employers, particularly with regard to either new or transferred employees. The Committee is cognizant of the fact that generally withholding will be based upon stable work assignments involving employees who work where they live and, therefore, will be determined by the residence of the employee.

In order to avoid the difficult and perplexing problem which may confront carriers in making determinations in those cases of shifting and mobile work assignments of interstate transportation employees, the determination under this part of the bill should be based upon the employee's work experience during the year prior to the taxable year as shown on the carrier's employment record. Reliance upon payroll experience of the previous tax year will more than likely resolve problems for most employers. Accordingly, the bill provides (for the purposes of withholding) that such experience shall be used for the determination of whether an employee would earn more than 50 per centum of his compensation in any given State or subdivision for any particular taxable year. For those few employees, such as new or transferred employees whose work experience is not a reliable guide, obligation to withhold should be based upon their place of residence, as shown on the employers records, and the bill so provides. The Committee believed that carriers should have these general guidelines to follow in ascertaining the State for which they will be required to withhold taxes for employees working in more than one State.

In deference to the position taken by the Multistate Tax Commission in its model bill the substitute uses the word "compensation" rather than the words "wages and salary" to describe the taxable income to which the bill refers. "Compensation" is defined to include all monies received from the carrier for services, including wages and salary, and it is to be determined on an annual basis.

Another important feature of the legislation is the method provided for determining the amount of compensation earned in any State or subdivision. For railroad and motor carrier operators the amount of compensation attributable to a particular State or subdivision is based upon mileage traveled. For railroad maintenance or local terminal operators, and operators for air transport and water carriers, time is the basis used. These formulas answer the need for some standard method not now available. The traditional recordkeeping methods of the carriers were relied upon for the selection of a time or mileage factor.

Finally, it should be noted that in addition to extending coverage to certain domestic water carriers, as discussed earlier, the reported bill retains the House provision extending coverage to certain railroad maintenance and local terminal operating personnel.

COST

This legislation will not result in any cost to the Federal Government.

Mr. BYRD of West Virginia. Mr. President, that completes the call of the unobjected to items on the Legislative Calendar.

*Multistate Tax Commission correspondence is reprinted herein among Agency Comments.

PERIOD FOR THE TRANSACTION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement previously entered into, there will now be a brief period for the transaction of routine morning business with the statements therein limited to 3 minutes.

EXCHANGES OF MESSAGES BETWEEN POPE PAUL VI AND SECRETARY GENERAL U THANT

Mr. JAVITS. Mr. President, the Secretary General of the United Nations has called to my attention as extraordinary exchange of correspondence between His Holiness Pope Paul VI and the Secretary General based on the views of the Holy Father with respect to the operations and the future of the United Nations in its work with respect to the second development decade and the responding message of the Secretary General.

Mr. President, the Holy Father repeated the words he pronounced October 1965, from the Tribune of the General Assembly of the United Nations:

> This organization represents the path that has to be taken for modern civilization and for world peace.

Mr. President, notwithstanding its vicissitudes, and it has had many, and its inadequacies, and there are many, I deeply believe that this is still true today and that it would be a great mistake to dismantle the United Nations purposefully or to threaten it by eroding such capabilities as it has developed with respect to peace and security of all mankind.

The Secretary General feels that this is one of the most eloquent expressions of the meaning of the United Nations. I think his opinion is extremely valuable.

I ask unanimous consent that this exchange of messages between His Holiness Pope Paul VI and Secretary General U Thant be printed at this point in the RECORD.

There being no objection, the messages were ordered to be printed in the RECORD, as follows:

EXCHANGE OF MESSAGES BETWEEN HIS HOLINESS POPE PAUL VI AND SECRETARY-GENERAL, U THANT, ON OCCASION OF TWENTY-FIFTH ANNIVERSARY OF UNITED NATIONS

MESSAGE OF HIS HOLINESS POPE PAUL VI

At this time when the United Nations Organization is celebrating the twenty-fifth anniversary of its foundation, we are happy to convey to it, through your good offices, our confident good wishes, and the assurance of our good-will and our support for its worldwide mission. Today we wish once more to repeat the words which we had the honour to pronounce on 4th October 1965 from the tribune of your Assembly: "This Organization represents the path that has to be taken for modern civilization and for world peace."

Is not an anniversary such as this a propitious occasion for assessing and reflecting upon the results which it has been possible to achieve in the course of this first quarter of a century? If it has not been possible to fulfill the expectations and hopes which were raised when your institution came into being, it must at least be recognized that is within the United Nations Organization that the desire of governments and peoples to work together efficaciously for the establishment of brotherly unity is most surely followed up. Where else, moreover, could these governments and peoples better find a bridge to link them, a table round which they can gather, and a tribunal where they may plead the cause of justice and peace? Even if the sources of violence still smoulder, flaring up here and there into fresh conflagrations, the conscience of humanity still makes itself heard no less clearly in this privileged forum where, going beyond selfish rivalries, men find once more that inalienable part of themselves which unites them all—the human element in man.

Is it not so as to assure, ever more firmly, respect for this human element that your Assembly has rightly taken pains to lay down, in appropriate texts, pacts or declarations, the conditions of dignity, of freedom and of security which must be guaranteed "by all, in all places and for all"? At this agonizing hour of their history, the peoples are more vividly aware than ever of the gap which separates these generous resolutions from their effective implementation. In the face of so many inextricable situations, conflicting interests, deeply rooted prejudices and the tragic series of conflicts, discouragement lies in wait for even the best, as they witness the collapse of the hope of peaceful coexistence by obstinately hostile forces. Let us presume to say this: there will be no lasting peace until a new spirit impels individuals, social groups and nations to true reconciliation. That is why we must strive untiringly to substitute relationships based on force with relationships of deep understanding, mutual respect and creative collaboration.

Proclaimed more than twenty years ago by your Assembly, the Charter of Human Rights remains in our view one of its greatest claims to fame. To ask that all, without distinction of race, age, sex or religion should be able to enjoy human dignity and the conditions necessary for its exercise—is not this to express strongly and clearly the unanimous aspiration of men's hearts and the universal witness of their consciences? No violation in practice can stifle the recognition of this inalienable right. But in circumstances of prolonged oppression, who will prevent those who are humiliated from succumbing to the temptation of what seems to them to be the solution of despair?

In spite of inevitable checks and the many obstacles placed in the way of such a vast body by its very complexity, it must be the honoured task of your Assembly to lend its voice to those who are not able to make themselves heard, to denounce, without care for ideologies, all oppression, whatever its source, and to ensure that cries of distress receive a hearing, just requests be taken into consideration, the weak be protected against the violence of the strong and the flame of hope thus be kept burning in the breast of the most humiliated section of mankind. It is to the heart of each man—"for the real danger comes from man"—that it is necessary to repeat untiringly: "what have you done to your brother?", that brother who, for so many believers throughout the world, is marked with the indelible imprint of the living God, Father of all men.

For nations just as for men, to speak of rights involves the spelling out of duties. This is what we said to you here five years ago: your purpose is to understand one another, to go forward together, to reject the domination of some by others, to ensure that never again will some fight against others but that all work for each other. This is a vast enterprise, truly worthy of uniting the good will of all into one immense and irresistible effort for that integral development of man and that interdependent development of mankind to which we have boldly invited them, in the name of a "full-bodied humanism", in our Encyclical *Populorum Progressio*.

As the Second Development Decade dawns, who better than the United Nations Organization and its specialized agencies will be able to take up the challenge presented to all mankind? It is a question of ensuring that the nations, while preserving their identity and original way of life, shall agree at least on the means to be taken to support their common will to live, and, in the case of some of them, to assure their survival. Let us recognize this fact: the common good of the nations, be they large or small, demands that states should rise above their merely nationalistic interests, so that the most brilliant schemes may not remain a dead letter and that well ordered dialogue structures may not be dislocated by plans capable of putting all mankind in peril. Is it not surrendering mankind to an uncertain and perhaps catastrophic future to continue to throw away on war budgets the most astonishing opportunities for progress that mankind has ever known? Has not the hour struck for reason to take stock of that terrifying future which so much wasted energy risks preparing for the world? "They will hammer their swords into ploughshares, their spears into sickles." May your untiring perseverance, placed at the service of all plans for reciprocal and controlled disarmament, ensure in our industrial age the realization of those words of this ancient prophet of the agricultural era. May it ensure that the resources thus made available are employed for scientific progress, for the harnessing of the immense resources of land and sea and for the sustenance of the ever growing numbers of the members of the human race. May the work of the living never be used against life; on the contrary, let it be used to feed that life and to make it truly human. With imagination, courage and perseverance, you will thus enable all peoples peacefully to take their rightful place in the concord of nations.

To move forward this new dynamism requires, it must be said, a radical change of attitude, in order to acquire "a new way of thinking about the pathways of history and the destinies of the world". There is scarcely need to emphasize the fact that spiritual progress does not stem from material progress —to which however it alone gives true meaning—as the effect from its cause. Technical achievements, however admirable, do not of themselves bring moral advance. When science advances from success to success, its use places ever greater demands upon the conscience of the man who sets it to work. The modern world, troubled in its most dynamic and most youthful elements by the gravest question that has ever assailed it, the question of its survival, hesitates between fear and hope, and desperately searches for a meaning to give its arduous ascent, to make it genuinely human.

It is thus of capital importance that your Organization has recognized among the fundamental rights of the human person what our venerable predecessor John XXIII called man's right "of being able to worship God in accordance with the right dictates of his own conscience, and to profess his religion both in private and in public": this is religious freedom, the complete value of which was fully affirmed by the Church in the Ecumenical Concil. But alas, this most sacred of all rights is for millions of men, innocent victims of intolerant religious discrimination, ridiculed with impunity. And so we turn with confidence towards your distinguished Assembly, in the hope that it will be able to promote, in a domain so fundamental to the life of man, an attitude in conformity with the insuppressible voice of conscience, and to ostracize conduct incompatible with the dignity of mankind.

How great is the hope reposed in your Organization that it may achieve that community of free men which is the ideal of humanity; how great is the vigour it must show to bring such a programme to fulfilment. But, as a great contemporary think-

er has so rightly observed, "The more difficult this immense task, the more it must attract men. People are not moved to act except for difficult things".

There exists in effect a common good of man, and it is up to your Organization, because of its dedication to universality, which is its reason for being, to promote it untiringly. In spite of permanent tensions and unceasingly recurring oppositions, the unity of the human family shows itself more and more in the very rejection of injustice and war and in the very hope of a world of fraternity where people and communities can freely develop themselves according to their material, intellectual and spiritual potentialities. In the midst of the worst confrontations there appears ever more strongly the aspiration towards a world where force—especially that of the strongest—no longer dominates with its blind and selfish weight, but where force is the exercise of a larger and higher responsibility at the service of a free and healthy cooperation among all human groups, in mutual respect for their own proper values.

Is not the task of the United Nations that of strengthening states against the temptations and helping peoples on the road towards a society where each one may be recognized, respected, and supported in his efforts to achieve spiritual growth towards a greater command of self in genuine freedom? Yes, the work of man and the conquests of human genius meet the design of God the Creator and Redeemer provided that his intelligence and his heart rise to the level of his science and his technology and are able to eliminate the forces of division, that is of dissolution, which are always at work in the human race.

So we renew our confidence that your Organization will be able to meet the immense hope of a world fraternal community in which each one can live a really human life. As disciples of him who gave his life to reunite the scattered children of God, Christians for their part, buoyed up by the hope which is drawn from the message of Christ, intend to take an energetic part in this great work in collaboration with all men of good will.

May the United Nations, in the unique position it occupies, apply itself resolutely to this task and go forward with confidence and courage. Upon this generous future in the service of all men and of all peoples, we invoke from our heart the blessing of the Almighty.

MESSAGE OF SECRETARY-GENERAL, U THANT

Allow me, first of all, to express to you my deep gratitude for the message which You kindly addressed to me on the occasion of the twenty-fifth anniversary of the United Nations. This message joins the moving statement which You delivered on 4 October 1965 to the General Assembly of the Organization and, in giving voice to Your wholehearted support to the United Nations, both messages constitute a source of strength for all of us.

During this silver jubilee session, from 14 to 24 October, special commemorative meetings of the General Assembly will take place with the participation of a large number of Heads of State and Heads of Government. We expect this will be the largest meeting of the leaders of nations in the history of the world and one which offers a unique opportunity for exchanges of views at the highest level. It should also be an occasion for the Member States to reaffirm their support of the Organization and to renew their dedication to the principles upon which the United Nations is based.

In reaching its first quarter century of growth, the United Nations must look squarely at the problems confronting humanity and set itself on a course which draws on the experience of the past and derives impetus from the objectives it has set itself for the future.

While we can derive some comfort from the fact that a third world war has been averted up to now, our anxiety is great when we still see so many instances of war and violence in the world, each of which not only causes cruel destruction of human lives but also can potentially develop into wider conflicts which may endanger the peace of the globe. Our anxiety is also great when we observe the staggering sums which are devoted to armaments so powerful and destructive that they imperil the very existence of man on earth.

Is it not incomprehensible that now, when man has for the first time in history the means of conducting a large-scale attack against poverty, disease and ignorance, most of his resources and attention should be devoted to the development and production of armaments of mass destruction while the assets to attend to the needs of humanity either remain stagnant or even suffer a decline?

In Your message, You give Your support to the universal vocation of the United Nations. I am delighted that You should have mentioned this most important objective of the Organization. On a recent occasion, I placed the necessity of making the United Nations universal as quickly as possible, as the first of the main problems to which we ought to direct our attention during this twenty-fifth anniversary of the United Nations. I regard this goal as one of our most important and urgent objectives. The dialogue between all nations and states of the world should be pursued with renewed vigour, for all countries should have their share of responsibility in world affairs.

As You have rightly said, peace will be ephemeral so long as a new spirit does not push towards a truthful reconciliation among men, social groups and peoples. The growth and enhancement of the international community requires basic changes in governmental attitudes toward problems which concern the planet as a whole. It is all too clear that we shall not be able to move ahead with the speed which the circumstances urgently require unless we approach our problems of managing our small planet from a global point of view and unless the nations of the world increase their determination to abide, really and effectively, by the principles of the Charter.

The successful conclusion of instruments such as the Universal Declaration of Human Rights, the Covenants on Human Rights, the Declaration against All Forms of Discrimination now requires that we should turn our attention to the means for implementing their provisions. In the final analysis, all the problems of mankind are problems of ensuring the enjoyment by every human being of his fundamental rights, whether at the national or international level.

The struggle to narrow the gap between the rich and the poorer nations must be intensified if we wish to see the present unsatisfactory trends arrested and turned into a real effort at co-operation to enhance not only the material but also the spiritual quality of life. As Your Holiness has so wisely said in the past, peace is development. We would be courting disaster if we did not help in accelerating the pace of development of the large majority of nations still suffering from the ills of poverty, ignorance and disease.

Not even in the field of decolonization, where so much has been accomplished in the last two and a half decades, can we afford to relax our efforts for there are still stubborn examples of colonialism which show no signs of solution, notwithstanding the clear recommendations of the General Assembly and its subsidiary organs.

The milestone of the twenty-fifth anniversary is not only an occasion for stock-taking but also one to examine all that still has to be done to bring about a peaceful and stable world order. Perhaps it is also a time to make a fresh start and to urge Governments to lift themselves once again to the same high level of determination and vision as that of the authors of the Charter. On 26 June 1970 in San Francisco, the birthplace of the United Nations, I pleaded to the nations of the world, especially the powerful ones, to give the Charter at least a real chance. This, I believe, constitutes a fitting objective for the next quarter century. Humanity deserves no less than that.

Accept, Your Holiness, the reiteration of my warmest respect and highest consideration.

THE TRADE BILL OF 1970

Mr. JAVITS. Mr. President, on September 30, Ambassador Carl Gilbert, the President's Special Representative for Trade Negotiations made a major trade speech in Raleigh, N.C., entitled "U.S. Foreign Trade Policy for the 1970's." I do not agree with all the points made by Ambassador Gilbert.

For example, the administration apparently has yielded to support what I consider to be an unreasonable protectionist position for comprehensive textile quotas; without regard to internationally accepted injury criterion with the result that our exporters will face retaliation in foreign markets; but the whole thrust of the position, or its general position is, in my judgment, critically important and entirely correct, aside from the point which I have just made.

Ambassador Gilbert's speech is a balanced analysis of the trade situation and of the trade legislation that has been reported out of the House Ways and Means Committee. Ambassador Gilbert's speech also brings to public scrutiny some badly needed statistical analysis.

Ambassador Gilbert states:

The bill now before the House and introduced in the Senate, on the other hand, is no modest bill. Should it prove impossible to obtain voluntary restraints or waivers of quotas on the $1.6 billion of imports specified in the bill, for example, our imports would be cut back by law by about $500 million. Under the limited authority to pay compensation provided in the bill, this could require us to reduce American tariffs on as much as $2.5 billion of other imports, or to accept comparable retaliation against our vulnerable exporters.

Ambassador Gilbert continues:

Parenthetically, it should be apparent to you that I do not agree with those who today would minimize the possibility of retaliation, should we not choose to pay compensation, on the grounds that other countries need our exports. Should we upset the balance and choose not to right it, a cursory examination of trade statistics will clearly demonstrate that in today's world there are few products others import from us for which they could not find other sources.

These paragraphs clearly pinpoint why a group of Senators of whom I am one, have urged that the trade bill be given considered scrutiny in the Finance Committee. It also explains why we favor a responsible legislative process and believe that special interest legislation such as the trade bill should not be attached to social security legislation of overriding concern to millions and millions of Americans, many of whom, such as the elderly,

are those who have been most hurt by the ruinous inflation of the past years.

These figures indicate further that talk of a "trade war" clearly is not exaggeration.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Ambassador Gilbert's speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN TRADE POLICIES FOR THE 1970'S

The subject you have assigned me this morning—U.S. Foreign Trade Policy for the 70s—is frankly a little broader than I can handle. If I were to pretend I could foresee all of the challenges and all of the problems ahead of us during the coming decade, I would be deceiving you. If I were further to pretend that I knew all of the answers to meet the challenges and to solve the problems, then you would have every reason to run me out of town.

To make the next half hour somewhat more meaningful for you, and certainly more honest for me, I would like to steer a somewhat more modest course. I want primarily to talk of some immediate issues in our trade policy, issues which we must soon face and on which much of what will ensue in the coming decade may well depend. In the immediate weeks ahead we face choices of major consequence, choices which in themselves will go far toward shaping and determining both the longer-run trade problems of the remaining years of the decade and our options for meeting those problems.

They will be choices, moreover, which sooner or later will manage to affect the lives and livelihood of the vast bulk of our citizens, many if not all of our major industries, most of our Nation's farm economy, and certainly all American consumers. I am sure most of you realize by now that I refer to the decisions looming ahead for both the Congress and the Administration with regard to the Trade Act of 1970, a bill recently emerged from prolonged hearings and debate by the Ways and Means Committee and now ready for consideration in both the House and the Senate.

I do not intend to discuss the details of this complex legislation with you—it would consume most of your time today to cover them all. Nor would it be at all profitable to attempt to predict at this point the eventual nature and form of the final bill which may emerge from the Congress and be placed before the President for his approval or disapproval. It still has a long way to go and your crystal ball is probably as good as mine.

What I would like to do is spend a few minutes reviewing the path that has brought us to this crucial point in the Fall of 1970, some of the precepts we have followed thus far and what they have brought to both Americans and other citizens of the world, what our stakes are in world trade, and what our stakes are in the new trade legislation.

In developing this latter point, I want to focus primarily upon the stakes you as citizens of North Carolina have in it and on the many, often diverse interests you have in the future of U.S. trade policy. For, in the most literal sense, it is you who will be making this decision, through your elected representatives in Washington. The thought and the methods by which you determine what is in your interest in the decade ahead are no different than—and, indeed, are an integral part of—an identical process which must soon come to a head on a nationwide scale in Washington determining the interest of all 200 million of us in foreign trade.

Looking back over the path we have followed to reach this point in the Fall of 1970, I am reminded of a story told of my close friend, Christian A. Herter. In 1963, just after he had been named the President's first Special Representative for Trade Negotiations, a newspaperman said to him, "it is almost as dreary to read about tariffs as it is to write about them." Yet, the correspondent went on to say, "tariffs may well be the most vital diplomatic subject now facing the western world." As an aside, today he might have added "domestic subject" as well.

Showing his colors as a negotiator, Chris was quick to figure out that the writer could not be correct on both counts. So, in reply, he pointed out that a subject that becomes vital quickly tends to shake off its dreariness for, as Samuel Johnson noted, "'tis wonderous how the sight of the gallows concentrates the mind."

I am sure that you have been reading more, probably much more about tariffs and trade in your local press in recent months than in many years. Many of you may have also observed that "the gallows" means different things to different people. A week ago you may have noted, for example, that 71 economists in your State saw the shadow of the gallows in the probable effects of the provisions of the House Committee's trade Bill. They joined in a declaration with over 4,000 other economists across the country in urging the enactment, instead, of the Administration's own trade Bill "as the barest minimum to continue the nation's avowed freer trade policy in meaningful form." Among the North Carolina signatories were 10 economists from the private sector, plus signers from 11 of your distinguished colleges and universities.

As a lawyer-businessman now turned bureaucrat, I don't mean to imply to you that the economists among us have any monopoly on either common sense or sound judgment. But in this case, there is a haunting note about this appeal not handily passed by. I am sure that what worried some of the economists is the possibility that this current trade bill could emerge from the legislative process with an effect similar to that of the Smoot-Hawley tariff bill which over 1,000 economists 40 years ago petitioned President Hoover to veto. Such a feeling of concern in the professional economic community leads one to take a look back in the record of what followed Smoot-Hawley, being mindful of the dictum of the philosopher, George Santayana, that "those who cannot remember the past are condemned to repeat it."

I think most students of history today would agree that the economists of 1930 had something when they warned that the bill, if enacted, "would inevitably provoke other countries to pay us back in kind." Once the United States enacted it into law, you may recall that it set in motion a chain of reactions by countries throughout the world. The United Kingdom, for example, passed the Emergency Tariff Act of 1931, later, the Import Duties Act of 1932, and then went on to conclude discriminatory and preferential trade arrangements with the Commonwealth countries.

Those of us who are getting white on top also remember that before the Great Depression finally receded, Europe was, so to speak, strewn with the corpses of collapsed economic conferences. We further recall that by 1932, U.S. exports to Great Britain had fallen two-thirds in three years, those to Canada by three-fourths. Over the same period, the value of our wheat exports fell 92 percent and automobile exports 90 percent. Obviously not all of these dire results can be traced to Smoot-Hawley.

Since World War II, on the other hand, we have steadily moved in the opposite direction. Largely under American leadership, barriers to world trade have substantially been reduced. Total world exports now stand at about 12 times the level of the immediate prewar years of 1937–38. Last year alone, they increased 14 percent from $240 billion to $270 billion.

In our own country during the last 25 years the broad upsweep of our own economy has been characterized by increased employment, increased production and increased levels of personal consumption and well-being. During the last two decades, during which our GNP more than doubled, our foreign trade has more than tripled. These years in which our foreign trade—imports as well as exports—flourished, were also years of unparalleled prosperity for the American people.

In 1970 our exports are running at an annual rate of $43 billion, a healthy 15 percent increase over the performance of a year ago, and continuing the steady rate of growth characteristic of recent years. While a precise translation is difficult to make, 1969's lower export volume probably translated into the jobs, often jobs in our better paying industries, of some 2.7 million persons.

I did not come here, however, to act the role of a Pollyanna. There are at least two significant disclaimers which must be kept in mind. The growth of world trade and the economic development it has encouraged virtually everywhere have also brought increased competitive conditions and capabilities, often in industries and products where, especially in the immediate postwar years, we formerly felt little or no competitive pressures from abroad.

These increasing pressures were seriously magnified and exacerbated in recent years by the strong inflationary winds which swept our economy. Domestic business was good, often too good, so that with prices rising domestic markets were satisfied first. On the other hand, with costs also rising both our price competitiveness in export markets suffered and new incentives and advantages were created for imports into our domestic market.

The results, as I am sure everyone in this room well knows, have been a rapid increase in imports, often sharp penetration of our market, until the last year or so a decline in our traditional trade surplus, and overall, rising clamor for greater protection by a wide range of American industry from foreign competition. Our legislators in Washington and, I can say this from intense personal experience, your national Administration have both been under great pressure to stem the flow of foreign goods, and to drastically modify the policies we have long followed on a bipartisan basis through successive Administrations of both Parties.

This movement for a "new" trade policy now finds its expression in the trade Bill reported by the Ways and Means Committee last month, a bill providing statutory authority for a variety of quotas—the form of protection away from which the world has been steadily moving since the dark days of the 1930s—and for a greatly enlarged escape-clause hatch for relief from import pressures. Under some circumstances, moreover, it provides recourse to virtually arithmetic determinations of the condition of import injury.

My second disclaimer must be that in no sense do I want to leave you with the impression either that the past is prologue to the future in trade any more than it is in the other affairs of man, or that the future will be always under firm control—disclaimers which seem to become more frequently necessary as the years go by and as the pace and complexity of world affairs never ceases to increase. Some of the problems ahead of us, many with a crying need for solution, are inherited from the past, but greatly complicated with the passage of time. Others undoubtedly can now be made dimly foreseen. Let me merely tick some of them off briefly for you only to suggest the awesome complex ahead.

Before this or most any other audience I would be compelled to put near the top of

any such list the problem of world agriculture, long the neglected child in our progress toward establishing freely flowing trade on an open and competitive basis. Virtually everywhere in the world today domestic policies still intervene in the production and distribution of farm products and, by the same token in varying degrees and with varying devices, domestic considerations intervene in the trade between nations in these products.

As one of the world's most efficient producers, the United States has a great stake in finding new solutions to opening up world markets and to bringing the benefits of efficient operations to consumers everywhere. But, with my good friend Clarence Palmby coming down tomorrow to meet with you, I will not further impinge on this subject, one in which he is eminently qualified to speak to you. When he finishes, I am sure, if you don't know now, you will understand the meaning of the initials, CAP.

For the industrialists of North Carolina, I would add to any list of future problems several which they also share with your farmers. The steady proliferation of preferential trading groups, groups of countries which give favored access in their markets to the products of other group members, is clearly a matter of rising concern. Some of them, particularly those underway or looming in the not-too distant future involving the European Community and a far-flung band of its trading partners, point toward the creation of enormous, preferential trading blocs in which nonmembers could compete only on inferior terms.

Another major concern continuing from the past is the tortoise-like pace of Japan's progress toward liberalization of the network of trade barriers it found necessary during its period of reconstruction. That country, of course, is our best customer for agricultural products, as well as a very good customer for industrial products, and good business sense would suggest we treat it accordingly. But Japan has long since achieved a competitive status in the world market, certainly in our own. It could, without apparent real loss, respond to the repeated demands of the United States and other countries and eliminate all of its remaining restrictions on our and other nations' trade, as well as the needless hindrances and controls it still imposes on foreign investment.

Another area, somewhat greater in its future significance for industry than for agriculture, which gives every promise of also forcing us to take action is the trend toward harmonizing of technical standards for products moving between countries. This movement is well along in electronic components, an export category of no small interest to North Carolina, and there is little doubt that it will soon expand to encompass other product groups. For a country which has long pursued a course of minimal Government intervention, except where public health or safety is involved and the Congress has determined there was no acceptable alternative, the standards systems being developed abroad today will, if we desire to participate and to insure that our own products are not placed at a disadvantage, require in all likelihood new forms of government-industry cooperation and new institutions to act on an international basis.

While I could continue this enumeration for the remainder of my allotted time, I would rather turn now to reviewing the more specific interest of North Carolinians in the trade issue. I should have noted earlier my great pleasure and appreciation for being permitted to participate in a trade conference in a State so intensely involved in expanding foreign trade as is yours. The pioneer efforts of Governor Hodges have, indeed, borne great fruit. Your many overseas trade missions and your participations in exhibitions and trade fairs have also borne fruit in the way of jobs and incomes and other benefits for your citizens. So have your Industrial Development Missions contributed crucially to attracting the many foreign subsidiaries you now have within your borders which provide still additional jobs. For one whose current job description appears to involve the mandate to listen attentively and regularly to the charge that America can no longer compete in the world of commerce, it is also a pleasure to visit a State which ranks 10th in exporting. Or one which can boast of supporting a State Agency which has won, not one, but two "E" awards for its success in promoting exports.

I know, of course, that this interest and this success is not exactly a new phenomenon around these parts. International trade has always been important to American agriculture and few know that better than the North Carolina farmer and his ancestors. Tobacco and cotton produced here were being exported from the earliest Colonial times. The record built up since then has meant much both to the strength and progress of agriculture in your State and to your general prosperity and growth. But, again, with John Palmer coming to this platform later this week, there is little need for me to elaborate, certainly not about your stake in expanding your trade in tobacco.

Speaking about the United States as a whole, our agricultural trade experienced two years of decline—in the fiscal years 1968 and 1969. But I am pleased, and I know you are, at the revival that we have experienced during the past year.

In the year that ended last June 30, our total U.S. farm exports rose 16 percent—reaching more than $6.6 billion, the third highest on record. Even more important is the fact that commercial exports for dollars totaled $5.7 billion—and that was an all-time record.

Exports of almost all major U.S. farm products were up, and to me it is a striking fact that the majority of the increase came in soybeans and their products and in feedgrains. These are bulk commodities that move, for the most part, in an atmosphere of liberal trade.

U.S. soybeans move freely into the European Community, since they are bound duty-free under GATT. We also have good soybean access to several other important markets—including the United Kingdom and Japan. Because of these facts, U.S. soybean farmers were benefited by over a billion and a half dollars in foreign sales in fiscal 1970.

U.S. feedgrain exports to the European Community were down in the past year—because they are affected by the EC's variable levy system. But this decline was more than offset by shipments to other countries—particularly Japan, where corn and grain sorghum have unrestricted, duty-free access as animal feeds. For the year, U.S. feedgrain exports were at a level of $995 million—compared with $775 million in the preceding year.

Exports of wheat and flour, livestock and products, and fruits, nuts and vegetables also showed increases. Exports of U.S. tobacco increased to $540 million in fiscal 1970.

It is an understatement to tell you that American farmers have a large stake in foreign markets. No less than one-fifth of all the crop land harvested in the United States produces for export. That includes about half our production of wheat and rice; around two-fifths of the soybeans; cattle hides, hops, tallow, tobacco, and flaxseed; about one-fourth of the cotton, and one-sixth of the farm sales of corn.

Last year North Carolina's nearly 300,000 farmers had a major part in the Nation's export performance—scoring fifth among all States in total exports. The leading farm export states were Illinois, California, Iowa, and Texas, in that order. Only North Carolina among the Eastern States ranked among the top five.

I wish I could as easily summarize the record on the industrial side—for it is no less impressive nor any less pervasive. But, unfortunately, as you probably know, the product diversity and our methods of collecting data on industrial activity do not permit as much precision as in agriculture. We do know that as far back as 1966 you were 13th in the Nation in value of your manufactured exports. It is a good guess that your rapid growth and exceptional promotional efforts since then have moved you even further up the ladder. You then also ranked first among all states in overseas sales of textile-mill products and of furniture and fixtures. Nonelectrical machinery, electrical machinery, and paper and paper products were also major export business for you—and, in turn, important sources of jobs, incomes, and profits. With the growth of the chemical industry since then, I am sure you have turned in a good record in this, one of our best competitor industries in world markets.

But, like other parts of the Nation, you also have encountered some real problems in trade. I am sure everyone in this room is aware of the special and persistent problems, for example, that the textile and related apparel industries have had with foreign competition in recent years. I would hope, too, that no one here is unaware of the special and all-out efforts this Administration has been making to alleviate the problems of these industries. For a year and a half now it has sought to reach voluntary agreements with some of the principal foreign sources of pressures on our textile-apparel industries and to restrain the rising volume of imports. It went all the way to seek an acceptable solution to the problems of these major industries and their many employees, 350,000 of whom reside in North Carolina.

Thus far, this effort has been unsuccessful and the Administration reluctantly *but unreservedly* supported the alternative solution of legislation authorizing mandatory quotas on textiles and apparel should further efforts at voluntary solutions still prove elusive and where imports are disrupting our domestic market. Such legislation was incorporated by the Ways and Means Committee, along with other new provisions beyond those supported by the President, in the Bill it sent to the floor of the House.

I can assure you that the decision to go for legislated quotas on textiles was not an easy decision to make. Let me expand this point, first in terms of the international aspects and then in terms of some possible domestic consequences, including consequences for North Carolina where, I suggest, your far-flung, diverse interests and stakes in foreign trade today are a mirror image of those which also exist at the national level.

World trade today is conducted under a set of rules of behavior consisting essentially of the rights we have obtained from past trade agreements to access to the markets of others, the obligations we have incurred in exchange to permit entry into our own market, and the principles we and our trading partners abroad have agreed to follow. Since we have long bargained on the basis of reciprocity, these rights and obligations today are approximately in balance. Any abrogation or suspension of those obligations by any nation necessarily upsets this balance unless the other parties choose to waive their rights.

When any party concludes that circumstances have changed and its past commitments can no longer be honored on, for instance, a certain line of products because of current adverse impact from imports, the balance is altered and the country thereby incurs a further obligation to restore the balance. This can be done either by providing equivalent, new concession involving

other products of interest to countries affected or by permitting them, in turn, to raise new trade barriers. In short, either increased imports of other products must be permitted or reduced opportunities for exports accepted.

Put in this way, I hope you can see why any such decision is necessarily taken only after careful consideration. It inherently involves a balancing of our many national interests and a balancing of many imponderables and uncertainties. Only time can tell what all the costs and the benefits may be, let alone how they will net out or, on balance, serve the entire national interest.

A balance between diverse interests, of course, is involved in virtually any legislative or administrative issue of public policy. Whether it be at the local, the State, or the National level, it involves an assessment and a judgment between conflicting interests, a weighing of the special pleas of some against the often less vocal but more general interests of others. This, I would guess they would say, is, if any reason exists, what those of us in public life are paid for.

While trade policy decisions are essentially national decisions because they have the capability of affecting all of us, certainly all of us in our relations with others abroad. I would suggest to you that they are properly also State decisions as well. Even in a single State such as North Carolina, the balancing of interests and choosing a course of action in the field of trade would not be a simple problem.

If voluntary solutions to the textile problem should prove unattainable under the proposed legislation, for example, North Carolinians with export interests may find overseas markets no longer so profitable, or others of your producers and their workers may find a rising tempo of new import competition. Should such eventualities materialize, I would hope we can count on your textile spokesmen to explain and defend our efforts on their behalf to their neighbors and colleagues, I would also suggest in all humility and candor that in the future, your own interests as well as our total national interest will be best served when issues such as these arise if you can look at all of their aspects from the point of view of what is good for North Carolina and tell us in Washington what you decide. I, for one, would welcome the results of your assessment.

Before I leave this note, I can't resist the temptation for one further remark. If I were Governor Scott, not only would I be enjoying more of the fair weather of a North Carolinian Autumn, but I would also be thanking the Lord that headaches such as these were, in the infinite wisdom of the Founding Fathers, required by the Constitution to be endured by the Federal Government, and not by the States. I know you have heavy enough burdens now, Governor; I would not want to add to your problems.

Before I close, let me return briefly to the Trade Bill now before the Congress. I do not want to leave you with the slightest suspicion that all is well in trade. We do have problems, we do need new legislation, and we must continue to exercise aggressive vigilance in pursuit of our interests. The Trade Bill proposed by the President was the product of a long and thorough reassessment of our needs, of the defects of the present statutes, and of the tools we need while we await the development of the long-term program now being formulated by the Presidential Commission on Trade and Investment.

The legislation proposed by the President would have carefully but satisfactorily liberalized the escape clause provision to permit relief from excessive foreign competition when serious injury or the threat thereof was proven to an entire industry. It would have similarly moderated the tests which proved to be too severe and which have prevented individual firms and workers from obtaining necessary adjustment assistance in the face of import pressures. It also provided for an overdue form of tax incentive to our exporters and for a variety of encouragements to our efforts to attack the remaining barriers to trade. And, as I mentioned earlier, to his original proposals the President last June added his support for quotas on textiles and apparel as the alternative to a voluntary restraint solution. Altogether, it is a modest Bill, designed to meet the most pressing of our trade problems and the trade problems of North Carolina as well.

The Bill now before the House and introduced in the Senate, on the other hand, is no modest bill. Should it prove impossible to obtain voluntary restraints or waivers of quotas on the $1.6 billion of imports specified in the Bill, for example, our imports would be cut back by law by about $500 million. Under the limited authority to pay compensation provided in the Bill, this could require us to reduce American tariffs on as much as $2.5 billion of other imports, or to accept comparable retaliation against our vulnerable exporters.

Parenthetically, it should be apparent to you that I do not agree with those who today would minimize the possibility of retaliation, should we not choose to pay compensation, on the grounds that other countries need our exports. Should we upset the balance and choose not to right it, a cursory examination of trade statistics will clearly demonstrate that in today's world there are few products others import from us for which they could not find other sources.

The potential disruption of present trade and the possible consequences for other American traders portended by the present Bill do not stop there. Rejecting the President's proposals to make a measured liberalization of the escape clause, the Bill would substitute still looser tests of eligibility for industry relief. It also heavily tips the scales of relief options in the direction of quotas instead of higher tariffs. And it sets into law what, in effect, amounts to an additional presumption that certain arithmetic measurements of import impact are of unique significance, if not to be taken as the definition of serious injury and, hence, to trigger relief.

The likely coverage of these complex provisions is virtually impossible to measure. For one thing, no reliable data exist to test the present situation of many industries in relation to the new arithmetic standards. Some of the other standards, both qualitative and quantitative, are also without statistical support. The new judgmental factors can certainly not be assessed. The train of events to follow enactment of the Bill could well be such that the tariff reduction authority provided in the Bill might prove to be inadequate for compensation purposes; we could not reduce enough existing tariffs on other American products to compensate. The balance would have to be restored in other ways.

Equally important, as a leader in world trade we should in all sober expectations have to assume that other countries would be sorely tempted to emulate us. Any new American standard suggesting some sort of ceiling on imports at 15 per cent of our market for given products would begin to show up in a variety of versions abroad. Our better export performers would then surely become vulnerable to counteraction by the application of parallel restrictions against us.

I should add that what I have been attempting to summarize for you are some *possibilities* and *risks* inherent in the proposed legislation. The basic thrust of the Bill is clear—to make restrictive action more likely, to require a vast number of new Presidential decisions, an equal number of new economic and political pressures, and greater difficulty in striking the balance of national interests I mentioned earlier. No one can know what the results of this legislation would be, but any thinking person should *know* that we would be playing with fire with little ability to control who will be burned or how badly. Surely, we can and we will defend the legitimate interests of American firms and workers without going to such extremes.

Withal, at home and abroad, there will also necessarily be injected into our affairs new uncertainties and new and unstable terms on which business must be conducted—a condition which a former businessman need not tell other businessmen would certainly not be welcome. Even less welcome, I am sure, will be the many new authorities and powers which must inevitably be exercised by an expanded, faceless bureaucracy, powers approximating those of commercial life or death over a broad scope of business activity, both here and abroad.

I put these facts before you today not to argue that the Bill is entirely objectionable. It contains many provisions that are sorely needed. But it does go far beyond the balanced program the Administration recommended, incorporating undesirable and unnecessary new quota and other provisions. Basic decisions by the Administration are still to be made, but it is clear that we will continue to work for the President's original program with the addition of the present Bill's textile provisions. Such a Bill would be in our national interest and in the interest of the State of North Carolina.

BASIC REFORMS IN TREATMENT OF POW'S

Mr. HATFIELD. Mr. President, it has been clear for many months the Communists in North Vietnam have been using American war prisoners as hostages to a political settlement satisfactory to them in Southeast Asia.

Ever since the beginning of the Paris conferences the Communists have been adamantly insistent on discussing the prisoner of war problem as part of the overall settlement in Vietnam. They have insisted it is impossible to discuss it as a separate issue. Indeed, for many months the Communists refused even to consider the problem, or to discuss an exchange of prisoners, because, they said, there are no North Vietnamese fighting in the south.

In September what might be a break in the negotiation developed because, for the first time, the Communists admitted the issue exists and laid a proposal on the table. Their prisoner proposal involves a prior political settlement in Vietnam, whereas our position has been that the problem should be settled separately by a prisoner exchange.

Negotiations continue and there may, perhaps, be a break. Until then, however, our first consideration must be to build world support for at least basic reforms in the manner in which the North Vietnamese have treated our men. These reforms involve forcing the Communists to live up to the Geneva accords on prisoners to which they are a signatory power.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS (H.J. RES. 264) TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the reading of the Journal and any unobjected-to items on the legislative calendar, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow the unfinished business, Calendar 1101, House Joint Resolution 264, be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to presentation of defendants who are financially unable to obtain an adequate defense to criminal cases in the courts of the United States;

S. 1708. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission;

S. 3014. An act to designate certain lands as wilderness;

S. 3529. An act for the relief of Johnny Mason, Jr., (Johnny Trinidad Mason, Jr.);

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux tribe;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; and

H.R. 16997. An act for the relief of Colie Lance Johnson, Junior.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOAN APPROVAL BY RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, reporting, pursuant to request in Senate Report No. 497, the approval of a loan to Brazos Electric Power Cooperative, Inc., of Waco, Tex., for the financing of certain transmission facilities; to the Committee on Appropriations.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment by the Office of Civil Defense, for the quarter ended September 30, 1970; to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter from Roger J. Connell, of Cincinnati, Ohio, praying for the enactment of legislation relating to mechanically inferior merchandise; to the Committee on Commerce.

A resolution adopted by Knights of Columbus Supreme Council, New Haven, Conn., praying for the enactment of H.R. 10867, making it a criminal offense to mail any unsolicited obscene material to any home where a minor under 18 years of age resides; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. PASTORE), from the Committee on Commerce, with amendments:

S. 1466. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations (Rept. No. 91–1319).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes (Rept. No. 91–1320).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein (Rept. No. 91–1330).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 470. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws (Rept. No. 91–1321);

S. Res. 472. Resolution to provide additional funds for the Committee on Public Works (Rept. No. 91–1322);

S. Res. 473. Resolution authorizing additional funds for the special Committee on Aging (Rept. No. 91–1323);

H. Con. Res. 712. Concurrent resolution authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91–983, 91st Congress, second session (Rept. No. 91–1324);

H. Con. Res. 732. Concurrent resolution providing for the printing as a House document of "The Pledge of Allegiance to the Flag" (Rept. No. 91–1325);

H. Con. Res. 740. Concurrent resolution authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970 (Rept. No. 91–1326);

H. Con. Res. 748. Concurrent resolution authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives (Rept. No. 91–1327);

H. Con. Res. 753. Concurrent Resolution authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (84th through 90th Congresses)" (Rept. No. 91–1328); and

H. Con. Res. 770. Concurrent resolution authorizing the printing of additional copies "Anatomy of a Revolutionary Movement: 'Students for a Democratic Society,'" 91st Congress, second session (Rept. No. 91–1329).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with amendments:

S. 1468. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes (Rept. No. 91–1332).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

DeWitt S. Hyde, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions;

Dyer Justice Taylor, of Virginia, to be an associate judge, District of Columbia Court of General Sessions;

Normalie Holloway Johnson, of the District of Columbia, to be an associate judge, District of Columbia Court of General Sessions;

Leonard Braman, of Maryland, to be an associate judge, District of Columbia Court of General Sessions;

Paul F. McArdle, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions;

Sylvia A. Bacon, of the District of Columbia, to be an associate judge, District of Columbia Court of General Sessions;

John F. Doyle, of Maryland, to be an associate judge, District of Columbia Court of General Sessions;

Eugene N. Hamilton, of Maryland, to be an associate judge, District of Columbia Court of General Sessions;

Stanley S. Harris, of Maryland, to be an associate judge, District of Columbia Court of General Sessions;

Theodore R. Newman, Jr., of the District of Columbia, to be an associate judge, District of Columbia Court of General Sessions;

Nicholas S. Nunzio, of Maryland, to be an associated judge, District of Columbia Court of General Sessions;

John G. Penn, of Maryland, to be an associate judge, District of Columbia Court of General Sessions;

George H. Revercomb, of Virginia, to be associate judge, District of Columbia Court of General Sessions;

William E. Stewart, Jr., of Maryland, to be an associate judge, District of Columbia Court of General Sessions; and

James A. Washington, Jr., of Maryland, to be an associate judge, District of Columbia Court of General Sessions.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Elburt Franklin Osborn, of Pennsylvania, to be Director of the Bureau of Mines.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4452. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket numbered 79–A, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. MONTOYA:

S. 4453. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department; to the Committee on Government Operations.

(The remarks of Mr. MONTOYA when he introduced the bill appear below under the appropriate heading.)

By Mr. SCOTT:

S. 4454. A bill to make available Federal assistance to local law enforcement agencies in cases involving the killing of State and local law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he introduced the bill appear below under the appropriate heading.)

By Mr. INOUYE:

S. 4455. A bill for the relief of Lt. Col. Lynn Freeman Cowan, U.S. Army Reserve, retired; to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 4456. A bill to amend section 375 of title 28 of the United States Code, relating to the annuities of widows of Supreme Court Justices; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear below under the appropriate heading.)

By Mr. BAYH:

S. 4457. A bill for the relief of Kim Hak Kyung; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 4458. A bill for the relief of Dora Leticia Espana and Aura Villeda Espana; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 4459. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes; to the Committee on Commerce with instructions to report no later than November 23, 1970.

(The remarks of Mr. RIBICOFF when he reported the bill appear later in the RECORD under the appropriate heading.)

S. 4452—INTRODUCTION OF A BILL TO PROVIDE FOR THE PAYMENT OF FUNDS TO THE IOWA INDIAN TRIBE

Mr. DOLE. Mr. President, on May 21, 1969, the Indian Claims Commission granted an award to the Iowa Indian Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma. The award was made as payment for certain land which was excluded from the Iowa reservation established in southeast Nebraska and northeast Kansas by an 1854 treaty and as additional payment for other land sold under the same treaty.

Funds to pay this award were appropriated by the Congress on December 26, 1969, and, since that time, the tribes have reached agreement between themselves on the distribution of these funds. Accordingly, I am today introducing legislation to authorize payment of the appropriated sum to the Iowa Tribes.

Mr. President, it stands out as a particularly black mark in an otherwise sorry record of our country's treatment of the great Indian nations that a just and reasonable claim under a formal treaty with the United States should go nearly sixscore years without being satisfied. It would be a further blemish on that record were the Congress not to authorize payment of this claim following a Claims Commission award, congressional appropriation of the necessary funds, and tribal agreement on distribution.

The Iowa reservation in question is located in Brown County, Kans., and Richardson County, Nebr. Its original acreage under the treaty of 1836 was 11,771 acres, but this acreage was reduced to 1,378 acres by the 1854 treaty. This land is now used for farming, 82 percent by Indians and the remainder by non-Indians under lease arrangements.

Membership of the Iowa Tribe of Kansas and Nebraska is currently estimated at 1,521 of whom 265 live on or adjacent to the reservation. The tribe is governed by a general council, composed of all enrolled members over 21 years of age, and an executive committee having broad powers delegated by the general council. The primary functions of the tribal government are in matters pertaining to the prosecution and distribution of claims judgment, preparation of claims judgment, preparation of membership rolls, and supervision of the tribal land assignment program.

The tribal government has proposed distribution of the judgment in question on a per capita basis to currently enrolled members in accordance with the tribal constitution.

There is no controversy surrounding this award, the claims commission has adjudged it, the Iowa tribal governments have agree on the distribution scheme and Congress has appropriated the funds to pay it. I am hopeful that this authorization can be acted upon with all possible speed, so we may see this claim finally settled. After 116 years it is time to act.

I ask unanimous consent that the text of the bill and additional explanatory materials be printed in the RECORD.

The presiding officer (Mr. MUSKIE). The bill will be received and appropriately referred; and, without objection, the bill and materials will be printed in the RECORD.

The bill (S. 4452) to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket numbered 79–A, and for other purposes, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 4452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma that were appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment by the Indian Claims Commission in docket numbered 79–A, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of 61.29 per centum to the Iowas of Kansas and Nebraska and 38.71 per centum to the Iowas of Oklahoma, and the funds so divided, including interest accruing thereon, may be invested or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior. Any per capita distribution of any part of the funds placed to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma shall be payable only to those persons who meet the membership requirements specified in the respective tribal constitutions, and such per capita payments shall not be subject to Federal or State income tax.

The materials presented by Mr. DOLE is as follows:

RESOLUTION

Whereas, the Iowa Indian Tribe of Kansas and Nebraska is an organized tribe under the Indian Reorganization Act, and

Whereas, the Iowa Nation of Indians has received a judgement fund through a claim filed with the Indian Claims Commission, and

Whereas, there are two Iowa Indian tribes having interest in the claim: The Iowa Indian Tribe of Kansas and Nebraska, and the Iowa Indian Tribe of Oklahoma and it is necessary for each tribe to agree upon an equitable division of these funds, now

Be it therefore resolved, that the members of the Iowa Indian Tribe of Kansas and Nebraska in a duly called general council meeting on July 16, 1966 in Hiawatha, Kansas agree to a division of the judgment fund as follows:

That the funds belonging to the Iowa Nations currently on deposit with the United States Treasury as an award made by the Indian Claims Commission shall be divided on the basis of the total number of members of each Iowa Tribe who received an allotment of land under the Act of 1887, plus subsequent Acts, except that a total number of 28 Iowa Indians of Kansas and Nebraska who were entitled to an allotment but who

did not receive shall be added to the total number receiving allotments with the Iowa Indian Tribe of Kansas and Nebraska. The following is the basis of this agreement:

Iowa Indian Tribe of Kansas and Nebraska

Total number of allottees	143
Number entitled but not allotted	28
Total	171

Iowa Indian Tribe of Oklahoma

Total number of allottees	108

The shares each tribe will be entitled to under this agreement will be:

Iowa Indian Tribe of Kansas and Nebraska, 171/279 or 61.29%.

Iowa Indian Tribe of Oklahoma, 108/279 or 38.71%.

Be it further resolved, that this agreement of a division of Iowa funds in which the Iowa Indian Tribe of Kansas and Nebraska and the Iowa Indian Tribe of Oklahoma have joint interest, will be effective and apply in all future judgments awarded by the Indian Claims Commission or any other agency to the Iowa Nation of Indians which funds are jointly owned by the two tribes mentioned above.

The foregoing resolution was duly adopted by the general council of the Iowa Tribe of Indians of Kansas and Nebraska at its annual meeting held July 16, 1966, at Hiawatha, Kansas, at which a quorum was present, by a vote of 81 for and 23 against.

CECIL R. GREEN,
Chairman, Iowa Indian Tribe of Kansas and Nebraska.

Attest:

GLENN CAMPBELL,
Secretary.

RESOLUTION NO. 2—IOWA TRIBE OF KANSAS AND NEBRASKA, IOWA EXECUTIVE COMMITTEE, MARCH 13, 1970

Whereas, the Iowa Tribe of Kansas and Nebraska is an organized tribe under the Indiana Reorganization Act, and

Whereas, the Iowa Executive Committee has authority to act for the Iowa Tribe under authority of Resolution adopted October 14, 1961, by the General Council, and

Whereas, the Iowa Nation of Indians has received a judgment award in Docket No. 79–A through a claim filed with the Indian Claims Commission, and

Whereas, there are two Iowa Indian tribes having an interest in the claims award: The Iowa Tribe of Kansas and Nebraska, and the Iowa Tribe of Oklahoma, and

Whereas, an agreement between the two tribes on the manner of division of funds in which both tribes have a joint interest was confirmed in 1966 by resolution of both Tribal General Councils, copies of which are attached, and

Whereas, it is the desire of the Iowa Executive Committee to expedite disposition legislation for the benefit of the tribal members of the Iowa Tribe of Kansas and Nebraska;

Now, Therefore, Be It Resolved, that the Iowa Executive Committee hereby authorizes the Chairman, Mr. Forrest Fee, to submit the attached drafts of legislation to Kansas Congressional Delegation members with a request to introduce such legislation on behalf of the Iowa Tribe of Kansas and Nebraska before the Congress of the United States.

CERTIFICATION

The foregoing resolution was duly adopted this 13th day of March 1970 in a special session of the Iowa Executive Committee, at which members of the Committee were present, constituting a quorum, by a vote of 3 for and 0 against.

FORREST FEE,
Chairman, Iowa Executive Committee.
DORIS R. BAILEY,
Secretary, Iowa Executive Committee.

BUREAU OF INDIAN AFFAIRS,
Washington, D.C., February 19, 1970.

To: Area Directors.
Attention: Tribal Operations Officer.
From: Division of Tribal Operations.
Subject: Award to Iowas for tribal lands sold under the 1854 treaty.

The Indian Claims Commission on May 21, 1969, in docket numbered 79–A, granted an award amounting to $1,377,207.27 to the petitioners, the Iowa Tribe of the Iowa Reservation in Oklahoma and the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska. The award represents payment for 4,798 acres of land in southeastern Nebraska excluded and from the Iowa Reservation as described in the Treaty of May 17, 1854, and additional payment for 94,451.25 acres of land in northeastern Kansas sold under the same 1854 treaty.

The Commission had previously determined on February 17, 1969, that as of June 16, 1857, the 4,798 acres had a value of $14,394.00 ($3.00 per acre) and the 94,451.25 acres had a value of $377,805.10 ($4.00 per acre). The sum of $184,466.85 had been realized from public sale of the land leaving the petitioners entitled to the difference of $193,358.15 ($377.805.00—$184,446.85). Offsets were waived in this case, with the right to claim them in other pending Iowa cases.

As the 1854 treaty provided for investment of the proceeds from the sale of the Iowas' lands, the Commission held that the petitioners were entitled to simple interest on $207,752.15 ($193,358.15 + $14,394.00) at the rate of five percent beginning June 16, 1857, the date of completion of the lands sales to the date of payment.

Funds to cover the award were appropriated on December 26, 1969 (83 Stat. 447). January 16, 1970, when the funds were credited to the Iowas, was the date of payment. The interest on the $207,752.15 to January 16, 1970, amounted to $1,169,455.12.

JOHN D. PARKER,
Acting, Chief, Tribal Claims Section, Division of Tribal Operations.

S. 4453—INTRODUCTION OF THE DEPARTMENT OF SCIENCE AND TECHNOLOGY ACT OF 1970

Mr. MONTOYA. Mr. President, today I am introducing a bill to create a long-needed Department of Science and Technology. The need for such a reorganization of science affairs is becoming more evident daily. The research effort of this great country is rapidly slipping, and the potential benefits this work would bring are being left in the untapped imaginations of the men who are not allowed to follow the trail of scientific inquiry because of the lack of funds for their projects.

My bill would cause an extensive reshuffling of science in the Federal Government. This is without a doubt the most comprehensive bill ever introduced for the purpose of creating a Department of Science and Technology. It would bring under one cover virtually all of the research, development, evaluation, and testing conducted by the Federal Government's own agencies.

The National Science Foundation, Atomic Energy Commission, and the National Aeronautics and Space Administration are transferred in whole to the new department, along with "functions of all departments and agencies of Government as the President determines relate primarily to research, development, testing, or evaluation—section 8(a). The Director of the Office of Management and Budget will assist the President in the determination of the various personnel and property to be transferred. This determination will be aided by the fact that the Office of Management and Budget, in conjunction with the Office of Science and Technology, has developed detailed knowledge of the operations of the Federal Government that fall into this research, development, test, and evaluation categories. This has been a necessary part of the presentation of a research and development budget in the special analyses of the Federal budget presented annually as a companion to the President's budget, and should be a useful guideline in the reorganization provided for in this bill.

The bill also provides for the development of a national science plan. The need for this provision has become obvious. During the early 1960's, science seemed to fare well enough under the complicated, informal, and often obscure relationships that developed among the President's Science Advisory Committee, The Office of Science and Technology, the Federal Council for Science and Technology, and the National Academy of Sciences. The President's Science Adviser served as the liaison between the President and these various organizations and held a crucial role in the development of science in the Federal Government. The weakness of this arrangement has now become painfully apparent to the entire research community at all levels—academic, governmental, and industrial. D. S. Greenberg, a reporter for Science magazine who has been working in Europe, has recently returned to this country and has observed the striking decline of science affairs here. His comments are worth quoting at length:

> The difference under Nixon, of course, is that, despite a few cordial words now and then, there is little to suggest that the President accords scientific activity any special or privileged role in national life, and there is a good deal to suggest that the President, as well as many of his closest advisers, regard the scientific community as having succeeded in making unwarranted claims on national resources and political sympathy.

The best way for science to grow and maintain a stable base is to give it a solid organizational structure in the Federal Government. When the top man for science affairs in the Federal Government is an adviser who can be phased in or out easily, then science can be treated the same way. Science needs a coherent, organized base. It needs its own Cabinet-level department.

Science and technology also need a reordering of priorities. Under the Department I am proposing, the needs for new weapon systems in the Department of Defense would be measured against the needs for medical research, housing research, and all other scientific activities. All research financed by the Federal Government would come through this Department of Science and Technology, and could be allocated in a much more rational fashion than is done under the

present chaotic organization. This is particularly important to accomplish during a period of contraction in the scientific community. If some central organization does not examine the priorities for scientific research, we may do irreparable damage to science in this country. In fact, that is just what is happening today. Budgets are being reduced, and the cuts often come from projects that do not have the protection a Department of Science and Technology could give them. Those projects with strong organizations to defend them often suffer less, even if they are not as justifiable. This is simply not the way this country should determine something as vital as the future of its scientific and technological well-being.

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

The needed scientific community relocated to the State of New Mexico from all over the Nation and made careers of valuable national contribution and formed a solid economy for New Mexico. The change in emphasis from space, defense, and atomic energy, to the domestic needs of the Nation is something that is now drastically needed, and the facilities and personnel located in the State of New Mexico should be reprogramed to accomplish these domestic needs, and not disbanded and dismantled. If the current administration continues to deemphasize science and technology the State of New Mexico will suffer a sharp setback in its basic economy and conversion to another economic base will take many years. This is neither advantageous to science and technology, the scientific community, the future of the Nation, nor the future of the State of New Mexico.

The State of New Mexico was the birthplace of atomic energy, modern missile and rocketry, and the beginning of the space program. The people of the government of the State of New Mexico welcomed and cooperated with the Federal Government in accommodating the wishes of the Federal Government to conduct large-scale programs in science and technology in the State for the past quarter century. This endeavor was, of course, mutually beneficial to both the State of New Mexico and the Federal Government. In many cases, however, personal sacrifice on use of available land to ranchers, farmers, and recreational facility promoters was encountered to accommodate the desires of the Federal Government. The loss of Federal programs in the State after so long a period of investment and successful operation harms in a marked way the very people who supported Federal science and technology in its early days.

Five State-supported universities in New Mexico are actively engaged in several programs that are federally supported in accomplishing the R. & D. programs of the Nation. These universities have made national contribution in the past to the Nation's advancing technology. These universities have produced many outstanding scientists and engineers over the past 25 years and have made a remarkable contribution to the accomplishment of the science and technology goals of the Nation. The increase in enrollment in the sciences and engineering in these universities leveled off some time ago and now is sharply declining. It appears that it is no longer attractive for young people to enter into science and technology careers if the current administration projects a dismal future. Thus the institutions of higher learning supported by the State of New Mexico which have contributed so much to the Federal activity are now faced with a sharp decline in science involvement, scientific activity, and facility over expansion.

The attempt to create a Department of Science and Technology has a long history. I think that it is time for Congress to give a positive answer to the question of reorganization. The history of the efforts to create such a Department, along with clear and persuasive arguments, have been summarized by Herbert Roback, and I close my remarks on this subject with a request that this article be printed at the end of my comments in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. MUSKIE). The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 4453) to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department, introduced by Mr. MONTOYA, was received, read twice by its title, and referred to the Committee on Government Operations.

The article, presented by Mr. MONTOYA, is as follows:

DO WE NEED A DEPARTMENT OF SCIENCE AND TECHNOLOGY?

(By Herbert Roback)

Departmental status for science in government is not a novel idea. It was broached 85 years ago by a committee of the National Academy of Sciences reporting on the organization of government science bureaus. The committee was appointed in 1884 at the behest of a member of the National Academy, Theodore Lyman, who was also by unique coincidence a member of Congress. The scientist-congressman, whose National Academy standing was gained by his researches on the Ophiurida, was instrumental in placing a rider on a sundry civil appropriation bill which set up a joint congressional committee (called a commission) to study the organization of the government science agencies (1). This was a compromise measure, Lyman told his House colleagues in urging its acceptance, his main concern being to save the Coast and Geodetic Survey from takeover by the Navy (2). Apparent duplication between the Coast Survey and the Navy's Hydrographic Office in charting coastal waters had led the Navy to espouse merger, a proposal which had considerable appeal in the 48th Congress. The legislative rider directed an investigation of the activities and interrelationships of the Coast and Geodetic Survey, the Hydrographic Office of the Navy, the Geological Survey, and the Signal (Weather) Service. The National Academy committee, enlisted by Lyman, gave technical support to the congressional commission.

Men of science were leery then, as they are now, of military dominance in scientific enterprises. Many of them argued that science agencies should be taken from, rather than placed in, the military departments. For example, they wanted the Naval Observatory to be a national observatory, and the weather service to be removed from the Army Signal Corps. At the same time, they recognized that better coordination of the government's scientific work was needed, and various proposals were made toward that end. The aforementioned report of the National Academy committee crystallized the issues. This group was convinced that the science agencies should be pulled together "under one central authority," but the particular form of organization they left to the future and to Congress. Then the committee ventured this cautious but significant observation (3):

The best form would be, perhaps, the establishment of a Department of Science, the head of which should be an administrator familiar with scientific affairs, but not necessarily an investigator in any specific branch. Your committee states only the general sentiment and wish of men of science, when it says that its members believe the time is near when the country will demand the institution of a branch of the executive Government devoted especially to the direction and control of all the purely scientific work of the Government.

The NAS committee went on to say that, if public opinion was not yet ready to accept a Department of Science, the next best step would be to move the several scientific bureaus into one of the existing departments. Even then coordination would not be automatically insured, in the committee's view, and so they recommended the "organization of a permanent commission to prescribe the general policy for each of these bureaus." The commission would "examine, improve, and approve" plans of work and expenditures and recommend efficiency measures but abstain from administrative involvement. This would be a nine-member commission composed of scientists drawn from government and private life (4).

END OF AN IDEA

The congressional commission, reporting in 1886, gave short shrift to the suggestions both for a Department of Science and a supervisory commission. A new department was held not justified by the degree of duplication in existing scientific agencies; a coordinating policy group was deemed impracticable because department heads could not very well relinquish to subordinates and outsiders their responsibilities for general direction and control (5). With this dismissal by an agency of the Congress, the Department of Science idea died aborning, though it was actively debated at the time in scientific circles (6). In the ensuing decades not much was heard about it. Proposals for govern-

ment departments were made in the fields of health, education, labor, industry, commerce, and agriculture, separately or in various combinations, and three cabinet departments (Agriculture, Commerce, Labor) were established between 1885 and 1945. Not until 1946 was the Department of Science idea revived, at least in the legislative halls. Clare Booth Luce, then a Representative from Connecticut, introduced a bill (H.R. 5332, 79th Congress) to create a Department of Science and Research, stressing the need for national self-preservation in the atomic age and the importance of attracting young people to science careers. Mrs. Luce said: "Only the prestige which attaches to a regular member of the cabinet will render the findings of any scientific body of sufficient weight to command the constant attention of the highest officials of the Government in the consideration and formulation of policy" (7). The bill was pigeon-holed by a House committee.

Vannevar Bush was working for the establishment of an independent agency, which he called the National Research Foundation, to sponsor research of military as well as civilian interest (8). He proposed that it be governed by a director and part-time board of nongovernment scientists. A separate group of nongovernment scientists, which he called a Science Advisory Board, would coordinate the work of government science agencies. These proposals, outlined in Bush's 1945 report to President Truman, "Science—the Endless Frontier," were modified in legislative measures to become a National Science Foundation. The bill which the Congress passed was vetoed in July 1947 by President Truman, who objected to control of government science policy by an outside board (9). The criticisms were reminiscent, in some respects, of those heard in 1884–5 to the National Academy committee's proposal for a science policy commission which would include outside as well as government scientists.

The Bush report was followed in 1947 by the Steelman report, "Science and Public Policy," which went over much of the same ground but with closer orientation to the routines of governmental administration. The Steelman report called for a National Science Foundation to be organized "on sound lines" and suggested that the agency be located in the Executive Office of the President until other federal programs in support of higher education were established, after which time consideration could be given to grouping all such activities, including the National Science Foundation, in a single agency. The Steelman report also favored a part-time governing board for the NSF, but government as well as outside scientists were to be included. It also recommended the creation of an interdepartmental committee on scientific research and development, a special unit in the Bureau of the Budget to review government science programs, and a member of the White House staff to be designated by the President for purposes of scientific liaison (*10*). The Steelman report eschewed any radical departure from the existing framework, presumably meaning that a Department of Science was not in the cards. Three years elapsed, however, before the differences in the several approaches to a National Science Foundation were compromised and a bill finally enacted into law (*11*).

LEGISLATIVE RENEWAL

Sputnik generated a new debate on departmental status for science in the Congress led by Senator Hubert H. Humphrey. On 27 January 1958 a broad-based bill, S. 3126, was jointly introduced by Senators Humphrey, McClellan, and Yarborough to create a Department of Science and Technology which would coordinate and improve federal functions relating to the gathering, retrieval, and dissemination of scientific information; provide educational loans to students in certain science fields; establish national institutes of scientific research; and establish cooperative programs abroad for collecting, translating, and distributing scientific and technological information. A day later Senator Kefauver introduced S. 3180 to create a Department of Science. Both bills were referred to the Committee on Government Operations.

Jurisdictional questions were raised, presumably because the bills went beyond organizatonal matters into policy, and at the request of Senator Lyndon B. Johnson, they were referred anew to his Senate Special Committee on Space and Astronautics, which had been created to consider the government's response to the Russian triumph in space. Without these bills, the Committee on Government Operations was unable to hold hearings in the 85th Congress on the proposal to establish a Department of Science and Technology, which was incorporated in Title I of the bill, but it directed its committee staff to maintain a continuing study of that area. The Humphrey subcommittee did manage, after an agreement reached with Senator Johnson, to hold some hearings in May–June 1958 on a limited aspect of Title I, the proposal for a scientific information center (*12*).

To narrow the jurisdictional issue and regain control of the organizational aspect, the sponsors of the Humphrey bill, now reinforced by Senators Ervin, Gruening, and Muskie, split off Title I and introduced it, with certain revisions, as S. 676 in the 86th Congress. It proposed a transfer to the new department of the National Science Foundation, Atomic Energy Commission, National Aeronautics and Space Administration, National Bureau of Standards, and certain activities of the Smithsonian Institution. By then the impetus for a new department was considerably diminished by NASA's presence. The thrust of science organization was less to coordinate and align than to reach out and do, for Sputnik had caused hurt pride and fear in the nation. It was difficult to make a case for legislating a new department to absorb NASA when the ink was hardly dry on the President's signature to the National Aeronautics and Space Act (*13*).

Indeed, the rush of legislative events and the flurry of organization activity in the executive branch during 1958 outpaced the committee's deliberations on the suitable form of a bill. The Congress created along with NASA an Aeronautics and Space Council and a standing committee in each house to monitor space and related activities. The Defense Education Act gave support to science education and facilities. A reorganization act for the Department of Defense established a Directorate for Defense Research and Engineering. The Advanced Research Projects Agency, previously established as the military's own response to Sputnik, was made an adjunct of the new directorate. The President acquired a Special Assistant for Science and Technology and gave White House status to the Science Advisory Committee. The Federal Council for Science and Technology replaced a looser interdepartmental committee of similar function. Science advisers were assigned to both the Secretary of State and the Secretary General of NATO. A NATO science committee signified the outward reach of science for defense, while "Atoms for Peace" and the International Geophysical Year represented a peaceful gesture to a world community of science. "Altogether," as James R. Killian, Jr., said before the AAAS in summing up government science for 1958, "the year brought an impressive array of organizational innovations for the management of government programs in science and technology and for the provision of scientific advice at policy-making levels" (*14*).

EXECUTIVE OPPOSITION

The spokesmen for science at the Presidential level made plain their distaste for a Department of Science and Technology. Killian, speaking at the AAAS meeting as the President's Assistant for Science and Technology, took pains to quote from Don K. Price's 1954 study: "In the organization of the Government for the support of science we do not need to put all of science into a single agency; on the contrary, we need to see that it is infused into the program of every department and every bureau" (15). The President's Science Advisory Committee in its new eminence regarded a Federal Council for Science and Technology as the instrument for achieving coordination and cooperation among government science agencies. A single department, in PSAC's collective view, would not be able satisfactorily to administer either the mission-oriented scientific and technical functions of existing departments or the "unique" specialized programs of AEC, NASA, and NSF. This seemed to be the prevailing sentiment among scientists though there were notable exceptions. Lloyd V. Berkner would settle for a department excluding the three aforementioned independent agencies; Wallace R. Brode would combine them with a host of others, including the National Institutes of Health, in a Department of Science and Technology (16).

Perhaps the strongest argument from a practical standpoint against immediate legislative action—that the President had not recommended a new department—was made by Representative John W. McCormack as chairman of the House Select Committee on Astronautics and Space Exploration. He wrote to Senator Humphrey in 1958 (17):

"While I believe there should be a Department of Science, I feel that until whoever is President either recommends the establishment of such a Department or would not object to such a Department being established, it would be unwise to force such a Department upon them. I want you to know that I am strongly in favor of a Department of Science being established and, in my opinion, it is only a matter of time that one will be established."

In March 1959 in a review of the state of science affairs, the Humphrey subcommittee observed morosely (17, p. 19): ". . . there have been certain administrative actions taken which tend to evade the question as to whether a Department of Science and Technology is necessary or desirable, and there are a number of indications from the scientific community that there will be opposition to such a proposal, at least until the need therefor has been more clearly established."

The subcommittee held hearings in April 1959 on S. 676 and S. 586 (Senator Kefauver's bill) to establish a Department of Science. Senator Humphrey, aware of the opposition, hedged a bit. His opening statement said that the proposed Department of Science and Technology was to be considered one possible solution to the problems of centrialization and coordination of federal science programs and operations, but not a final conclusion of the committee. The witnesses before the subcommittee were divided. Lewis L. Strauss, as Secretary of Commerce, opposed departmental status for science. Brode, as scientific adviser to the State Department and chairman of the AAAS, strongly favored it. Others pressed for a stronger advisory apparatus at the Presidential level or a study to determine the need for a department and what agencies should be included (18). It was easier to agree on a study commission which, to the advocates of a department, appeared better than nothing, to the dubious, a means of seeking more information, and to the opponents, a device for deflecting action on a controversial subject.

At the conclusion of the April 1959 hearings, the staff of the Senate Committee on Government Operations drafted a bill proposing the establishment of a Commission on a Department of Science and Technology. This was introduced in the Senate on 5 May 1959 as S. 1851, under the joint sponsorship of Senators Humphrey, Capehart, Mundt, Gruening, Muskie, Yarborough, and Keating. In a 1-day hearing (28 May) on S. 1851, S. 676, and S. 586, the subcommittee heard no comforting words from the Eisenhower Administration, Alan S. Waterman, whose NSF budget had been increased from $50 million to $136 million after Sputnik, opposed both a Department of Science and Technology and a commission to study the matter. The Bureau of Budget representative, the official spokesman on all matters dealing with reorganization, did likewise, doubting that "the scientific members of the Commission would necessarily be best able to judge the optimum form of Government organization in this field." Leonard Carmichael, secretary of the Smithsonian Institution, endorsed the study commission but suggested that, if it were established, the membership nominations be made by the National Academy of Sciences (19).

Notwithstanding the administration's opposition, Senator Humphrey for the Committee on Government Operations reported S. 1851 favorably on 18 June 1959 (19). A bipartisan commission was needed, the report said, so that "the Congress and the President may have the benefit of the recommendations of qualified experts in the fields of science, engineering, and technology" as the basis for legislation to improve federal science programs and operations. The committee justified a study commission mainly on the ground that the Congress needed more and better information, As a case in point, Killian had politely declined an earlier invitation to appear before the committee because it might conflict with his advisory role in the White House. Science policy coordination or control at that level, in the committee's belief, would not assure an ample flow of scientific and factual data to the Congress. The Department of Science and Technology, or at least a commission to study its feasibility, was the committee's proposed solution. The Senate did not take up the bill. A companion House bill (H.R. 8325) introduced on 22 July 1959 by Representative Brooks of Louisiana, chairman of the Committee on Science and Astronautics, was referred to the Committee on Government Operations but received no action.

THE OST ALTERNATIVE

Early in 1960 Senator Humphrey put the case for a department or a commission before the American Academy of Political and Social Science (20). But those who favored strengthening the Presidential advisory apparatus rather than a new department for science found a champion in another subcommittee of the same Senate committee—that on National Policy Machinery chaired by Senator Henry M. Jackson. The Jackson subcommittee held hearings in April 1960 on the role of science and technology in foreign and national defense policy. A staff report of 14 June 1961 entitled "Science Organization and the President's Office" rejected the Department of Science idea on the by now familiar ground that the diverse scientific activities of the federal government could not be conveniently extracted to form a new department. It approved such views expressed before the subcommittee by James Fisk, president of Bell Telephone Laboratories, and then observed (21):

"Eight departments and agencies support major technical programs and all parts of the Government use science in varying degrees to help meet the agency objective. This diffusion of science and technology throughout the Government is not a sign of untidy administrative housekeeping. Rather it reflects the very nature of science itself. Organizationally, science is not a definable jurisdiction. Like economics, it is a tool. It is an instrument for accomplishing things having nothing to do with science."

The staff report emphasized the President's responsibility for science policy direction and accordingly recommended the strengthening of his advisory support by the creation of an Office of Science and Technology. It pointed out that the President could take this step through submission of a reorganization plan rather than through the conventional legislative route. The Kennedy administration was asked to submit to the Congress by January 1962 "its considered findings and recommendations for action." On 29 March Reorganization Plan No. 2 of 1962 creating the OST was submitted, to take effect within 60 days if the Congress did not disapprove (22).

Before the plan was formally sent to the 87th Congress, S. 2771 was introduced on 31 January 1962, jointly sponsored by Senators McClellan, Humphrey, Mundt, Cotton, and Yarborough. S. 2771 was similar to S. 1851 of the 86th Congress, which had been reported favorably by the Senate Committee on Government Operations. The revised bill contained a broad declaration of congressional policy and objectives in science and placed more emphasis on the need for improvement in federal programs for processing the retrieval of scientific information. It also provided that the 12-member commission be strengthened by a scientific advisory panel with prescribed qualifications which included "ability to communicate not only to professional scientists but to laymen." Hearings were held on 10 May and 24 July 1962. Some moral support was provided by Carl F. Stover's report of March 1962 on "The Government of Science" to the Center for the Study of Democratic Institutions. A Department of Science and Technology, the Stover report said, would establish for science a major center of policy studies, higher stature, and a more favorable environment for scientific work. Combining all government science functions made no sense, but a single department for those functions less mission-oriented was "a sound and desirable next step in the evolution of Government action with respect to science" (23).

The committee now had to take judicial notice of the alternative scheme recommended by the Jackson subcommittee and seized upon by the Kennedy Administration as a sufficient response to the demands for improved science organizations. Administration spokesmen pointed to OST as a needed mechanism for coordinating science policies and advising the President, whatever the organization of science functions for the government as a whole. Waterman, who was assessing NSF's truncated policy role in the wake of the OST plan, again opposed a commission, as did Elmer B. Staats, deputy director of the Budget Bureau, where all reorganization plans are put together. Their plea was that OST, being new, should have a chance to work. Furthermore, by the "statutory underpinning" of a reorganization plan, OST would give the Congress the kind of access to scientific information sought by the sponsors of S. 2771. This was the persuasive point for congressional acceptance of the plan (24).

Jerome B. Wiesner, who would serve the Kennedy Administration in the quadruple capacity of OST director, President's science adviser, chairman of the President's Science Advisory Committee, and chairman of the Federal Council for Science and Technology, made his first appearance before Congress as OST director when he testified on 31 July 1962 at hearings of the Holifield subcommittee (House Committee on Government Operations). In amplifying his views on science organization, Wiesner gave conditional endorsement to a Department of Science. To "set up a radically new organization" encompassing all the scientific activities of the federal government he considered unworkable. If a "less comprehensive Department of Science were created," including the Atomic Energy Commission, National Science Foundation, National Bureau of Standards, and certain other agencies, he believed the operations of these agencies might be improved. At the same time, the need would remain to coordinate and integrate the activities of these agencies with the related scientific and technical programs of the mission-oriented agencies. "In other words, the OST is neither a substitute for nor in competition with a Federal Department of Science" (25).

The Senate Committee on Government Operations, nost daunted by the new presence of OST, reported favorably (with some technical revisions) on S. 2771, proposing a Commission on Science and Technology (26). The bill passed the Senate by unanimous consent on 8 August 1962 (27). In the House it was referred to the Committee on Science and Astronautics on 9 August, and there it died. The exercise was repeated in the 88th Congress. S. 816, sponsored by Senators McClellan, Humphrey, Mundt, Gruening, Javits, Cotton, and Yarborough, was introduced on 18 February 1963. Chairman McClellan, now the leading sponsor, emphasized that Wiesner, in his testimony before the Holifield subcommittee, maintained that OST and a Department of Science and Technology were not in conflict (28). The bill was approved by the Senate Committee on Government Operations and reported to the Senate on 4 March 1963 (29). It passed the Senate by unanimous consent on 8 March (30) and was referred to the House Committee on Science and Astronautics, which also had a companion bill, H.R. 4346, introduced by Representative Teague of Texas (31). No action was taken on these bills in the House Committee.

In place of a mixed commission, the reaction on the House side was to create several new subcommittees on science. Thus in August 1963, the House Committee on Science and Astronautics created a Subcommittee on Science, Research and Development, chaired by Representative Daddario of Connecticut. And the House of Representatives, a month later, created the Select Committee on Government Research, chaired by Representative Elliott of Alabama. The Select Committee took a dim view of departmental status for science, judging by its tenth and concluding report of 29 December 1964, which contained this statement (32):

"The specters of overlap, gaps, conflict, and duplication among agency programs can best be met through adequate top-level coordination of agency programs. Consolidating research and development into one or a few separate agencies—such as an often suggested Department of Science and Technology—would separate such work from the purposes for which it is performed, the committee believes, with devastating effects both to the work and to the capacities of agencies to carry out their missions."

In the 89th Congress Chairman McClellan, joined by Senators Mundt, Ribicoff, Gruening and Yarborough, reintroduced the commission bill (S. 1136) on 17 February 1965, and Representative Wolff sponsored the companion bill (H.R. 5609) in the House. By now congressional interest in the proposal had waned. No hearings were held, and the Senate committee did not bother to report it out. Humphrey, no longer a Senator, presided over the Senate as Vice President and became immersed in intricacies of space and ocean programs as satatutory chairman of technical councils in these areas. Occasionally, other voices renewed the call for a department. Ralph Lapp proposed a Department of Science in his 1965 book, *The New Priesthood* (33), J. Herbert Holloman, after 5 years as Assistant Secretary of Commerce for Science and Technology, recommended to the Ribicoff subcommittee in 1968 that a Department of Science and Technology be a

prime subject for study by a proposed Commission on Organization and Management of the Executive Branch (*34*). At the year's end, Donald F. Hornig, from the vantage point of "five years at the bench of U.S. science policy," spoke out before the AAAS in favor of a Department of Science as well as a strengthening of the President's science advisory setup (*35*).

As one traces the lines of argument for and against department status for science, it is apparent that they thread back to the controversy of the 1880's. The positive side, projected by the NAS committee report of 1884, is that science will benefit from the status and prestige which go with cabinet rank and large departmental resources. The negative side, well stated by Secretary of the Navy William E. Chandler before the congressional commission in 1884, is that science is not a government mission in itself but an aspect of other and proper departmental missions; consequently science bureaus or functions should be placed or remain within the department to which they are "naturally related" (*36*.) Contemporary formulations haven't improved much on these themes. Proponents of a separate department for science view its secretary as a protector and spokesman of science in government councils, while opponents see a bureaucratic monstrosity in which politics prevail over scientific objectivity. On both sides attitudes are hardened by conviction or softened by practical considerations. Doubtless many who are otherwise well-intentioned toward a new department fear that it would cut down opportunities for grants and contracts given by various uncoordinated government science agencies. Others who are moved by a concern for economy in government than for prestige in science believe that departmental organization would eliminate duplication and insure closer coordination of costly government programs.

CASE FOR A DEPARTMENT

That it is impracticable to tear out research and development functions from department and agency settings and bring them all together in a new department goes without saying. But the case for a Department of Science and Technology cannot be that easily dismissed. To argue that science is a means and not an end, or that science (and technology) is not by itself a major purpose of government justifying departmental organization, narrows the issue unduly and overlooks some very practical problems. Agricultural research, let us quickly agree, is properly a part of the Department of Agriculture mission, but what about the large relatively self-contained or semiautonomous agencies with missions which fall almost completely in the domain of science and technology and which overshadow in size and importance some of the older departments? If AEC's mission is atomic energy development and NASA's is space exploration, it is merely tautological to distinguish these missions from science and technology in given fields. Then it becomes a pragmatic problem of government organization (and politics) to determine whether it is advantageous to bring together in a single department selected agencies and subagencies associated by shared purposes, related functions, or some other defining element of mutual involvement. Modern precepts of government organization and administration favor a relatively few strong departments encompassing similar or related functions in place of a profusion of independent agencies. The quest here is more compelling than a desire for organizational symmetry or housekeeping tidiness. The President, as manager of the executive branch, does not have the time to deal with scores of agencies. To maintain a proper "span of control" he must strive to bring these agencies within departmental confines and depend on the department heads to administer the manifold affairs of government (*37*).

The challenge is that government in all its diversity does not lend itself easily to departmentalizing by major purpose or mission or any other organizing principle. Most organizational arrangements are less ambitious—expedient responses to urgent problems dictated more by politics than political science. Government takes on a patchwork appearance. From time to time attempts are made to sort out and rearrange agencies and functions in more orderly patterns, even to the extent of disestablishing or reforming old departments. Not every worthy government cause which seeks wider acceptance and ampler resources through separate departmental status can be accommodated. A multiplicity of departments would defeat the rationale for departmental organization. On the other hand, if a department embraces too many missions or disparate functions, it becomes unwieldly—a conglomerate or a holding company in which the secretary struggles constantly to keep in line strong-willed administrators of operating agencies.

In a dynamic, democratic society, governmental reorganization, despite the obstacles, signifies changing policy, a new approach—and reorganization on a department scale makes the greatest impact. Accordingly every administration can be expected to give special attention to such possibilities. Since World War II, each President has opted for a new department—Truman for DOD, Eisenhower for HEW, Kennedy for HUD, and Johnson for DOT (*38*). The Nixon Administration has established an advisory group on reorganization, whose recommendations are yet to be made (*39*). Characteristically, the post-World War II departments each represent a coalescence of established agencies and resources to subserve a broader policy or purpose of government. In several instances, the way was prepared by interim coordinating organizations. Thus, the DOD was preceded by a looser federation formally known as the Military Establishment, HEW by the Federal Security Agency, and HUD by the Housing and Home Finance Agency. The Department of Transportation, the latest departmental creation, did not go through a transitional form but established transportation agencies were a base upon which to build.

Science and technology, comprising large sectors of government activity with various organizational forms, have a similar potential for departmental organization. When great national problems arose, requiring positive and pointed government response, independent agencies were created—the AEC for the control of atomic energy after Hiroshima, the NSF to preserve the post-World War II momentum of research and development, and NASA after Sputnik. With the passing years, as missions are completed or redirected and as agencies mature, it is difficult to maintain the momentum and the excitement of the early days. New problems emerge, priorities are reassessed, talents are turned elsewhere. The atomic energy program is about 25 years old, the NSF has been in business 18 years, and the space agency, past its 10th birthday, will age rather quickly after a lunar landing. Reorganization generates its own excitement, infuses new energies, develops new emissions.

CANDIDATES FOR INCLUSION

Thus AEC and NASA, independent technical agencies with multibillion-dollar yearly budgets, are prime candidates for transfer to a new department. Their interests increasingly will overlap as boosters and spacecraft come to depend more on nuclear technology. Both are sponsors of hardware development as well as basic research. Both are involved in intricate ways with Department of Defense programs. Both have large laboratory complexes and diversified resources for research and development. Both are faced with probable cutbacks and the need to reassess missions for the long term. The reassessment, in NASA's case, associated with the moon landing, which will climax a decade of technical effort directed largely to this single goal. New vistas of space exploration beckon, but in the welfare decade of the 1970's more earth-bound causes will exert a strong gravitational pull on funds.

As for the AEC, the growth of nuclear stockpiles to what many regard as overkill dimensions and the gradual shift to industry of responsibility for nuclear power development are less climactic. The safety and regulatory functions associated with nuclear power, which some foresee as AEC's major responsibility ahead, could well be transferred to the Federal Power Commission, possibly helping to rejuvenate an old-line agency, just as the Federal Communications Commission has had to grapple with the regulatory aspects of satellite communications. Nuclear ordnance development and fabrication possibly could be shiften to the Department of Defense (*40*). The Department of Science and Technology would have, one may conceive, a space service and an atomic service, perhaps less ambitious than at present but still performing vital scientific and technical work. The reorganization also would permit a realignment and better integration of the great laboratory complexes associated with these two agencies. Indeed, the realigning process for federal laboratories as a whole could be speeded up by this means.

The National Science Foundation is a somewhat different type of agency. It maintains no laboratories except a few contract research centers and builds no large projects or systems, with the exception of the ill-fated Mohole project. It values its relative independence and freedom from political influences in supporting academic science. In terms of prospective departmental status, it could be argued that NSF has as much affinity with education as with science, and if a separate Department of Education were to be created, undoubtedly there would be advocates for inclusion of NSF. On the other hand, education reaches out toward areas of contemporary concern not closely identified with science, such as job training and placement and manpower development, so that some envisage education as the organizing principle for a Department of Human Resources (*41*). Hornig favors the science-education nexus. He would make NSF the "core" of a Department of Science, linking basic research closely with higher education. In this concept, the new department would be little concerned with technology as distinguished from science, leaving technological development to "agencies with specific tasks and missions" (*35*).

In the writer's view, the prospects for departmental status are greatly improved if technology and science are conjoined. Creating a new department is difficult enough in itself, but technology provides move leverage and power for organizational change than basic research or pure science. The new department would need a bigger core or a broader base than that offered by NSF alone. In any event, the writer sees no serious obstacle to making the NSF a component of a Department of Science and Technology. In that way grants and other financial support to academic institutions could be better integrated, since NASA and AEC also are substantial contributors to academic science. Futhermore, the 1968 amendments to the National Science Foundation Act add applied research to the agency's responsibilities and thereby bring it closer to the technological concerns of other government agencies (*42*).

There is good logic in establishing a Department of Science and Technology to house not only older, more mature agencies but also new ones which have not yet found a suitable home. Oceanography and related disciplines or technologies may be put in this class. Numerous government agencies are engaged in marine science activities, but the Congress has been groping for a decade or more to find the organizational base for a broad program

of ocean development. The 1966 legislation, which created a temporary commission and a council for marine sciences and resources, stated a policy and provided a coordinating group but sidestepped the basic organizational problem (*43*). The Commission on Marine Sciences, Engineering and Resources, on the eve of its demise, proposed that a National Oceanic and Atmospheric Agency be created as "the principal instrumentality within the Federal Government for administration of the Nation's civil marine and atmospheric programs." At the same time, the commission pointed out that it was proposing "an organization which can easily fit into a more fundamental restructuring of the Federal Government" (*44*). Clearly, the commission was leaving the door open for incorporation of marine sciences and resources in a Department of Science and Technology.

IMMEDIATE ADVANTAGES

One of the immediate advantages in creating a new government house for science and technology is the opportunity it affords for eliminating the clutter in the Executive Office of the President or at least making room for needed new services. The Aeronautics and Space Council and the National Council on Marine Resources and Engineering Development both could be abolished or, along with PSAC and OST, shifted in whole or in part to the new department, though it must be recognized that the President will continue to need a science adviser with some staff of his own. The Vice President, now statutory chairman of the space and marine councils, could retain his valuable association with government science and continue to gain the technical information and insight needed for leadership in our technocratic society by serving in some appropriate capacity, possibly as chairman of the advisory apparatus annexed to the new department. The Office of Telecommunications Management, for want of a better alternative, also could be housed in the Department of Science and Technology. This office needs strengthening to deal with communications problems of growing severity and technical sophistication. The Post Office and Transportation Departments each could make a claim for telecommunications management, but obviously they have enough problems of their own.

The removal from the Executive Office of its scientific or technical councils and offices is not a downgrading of sceince but a practical recogniton that the President cannot give them sustained attention (*45*). Moreover, they have less impact on affairs than is usually supposed. Their directors parade before the government departments and agencies clothed in the uniform of Presidential prestige but are uncertain to what extent they can speak or act in his name. The department head directing a broad range of scientfic and technical programs with a large budget has power and prestige of a more compelling kind. His command of resources, public visibility, and cabinet participation enable him to serve as principal science adviser to the President in a much more direct and positive way than the White House adviser or Executive Office functionary several steps removed from the scene of departmental action and operations. If the scientific community is concerned about prestige for science in government, there is considerable trade-off value in a department head as against the Executive Office coordinator or consultant.

Another advantage is that the new department could house technical agencies or bureaus which are obstacles to, or casualties of, other reorganizations. For example, in January 1967, President Johnson proposed a merger of the Departments of Commerce and Labor (*46*). He did not push the proposal when the response in congressional and some other quarters seemed unfavorable. Despite the inevitable resistance, there was merit in a merger, the objective being a department of economic affairs or economic development. Since the Department of Commerce has acquired by historical accretion a number of important technical services now encompassed in the Environmental Science Services Administration, the National Bureau of Standards, the U.S. Patent Office, and other units, it would have made sense, in the event of a Commerce-Labor merger, to extract these technical agencies and place them in a Department of Science and Technology.

Finally, a Department of Science and Technology would provide better interface with the Department of Defense. Although it would not be wise to transfer research and development commands, office, or agencies from the Department of Defense to the civilian department in any wholesale fashion, conceivably several military-managed laboratories, agencies, or programs could be transferred on a selective basis if their relationship to military needs is limited, if they now serve many government users, and if their concern is more with science than with defense (*47*). A civil department conveniently could assume DOD responsibilities in supporting educational centers of excellence or sponsoring certain kinds of social or other research. This need not be a one-way transfer process, since formation of a new department might well involve assignment of certain functions to the military, as mentioned before in the case of nuclear ordnance. More systematic coordination and congruence of policy and program can be achieved by two major departments in balance than by one department on the military side dealing with assorted scientific and technical agencies on the civil side. Even a casual perusal of the numerous memoranda of understanding, working arrangements, and coordinating mechanisms between the DOD and NASA, for example, suggests the complexity of these interagency relationships. Complextiy cannot be eliminated but it can be reduced The logic here is even more persuasive as agencies wrestle with joint projects and interacting programs.

All the decisions as to the composition of the Department of Science and Technology need not, of course, be made at one time. If the universe of government agencies is surveyed and all possible candidates identified, then problems of transfer would seem too overwhelming for immediate solution. The important first step is to assemble the independent agencies and subagencies as the departmental core, and then to build around them. This in itself will be a monumental task, but the vision of the National Academy committee of 1884 may still be sound (*48*).

REFERENCES AND NOTES

1. Act of 7 July 1884, 23 Stat. 219. The commission, composed of three members each from the House and Senate, was known as the Allison Commission after its chairman, Senator William B. Allison of Iowa. Lyman served as one of the House members on the commission until the end of the 48th Congress on 3 March 1885. He was defeated for reelection.

2. *Congr. Rec.* 15, 6175 (7 July 1884).

3. The NAS committee's report was transmitted to Lyman by O. C. Marsh, president of the National Academy of Sciences, by letter dated 16 Oct. 1884. It was printed in Senate Misc. Doc. No. 82 (serial No. 2345, 49th Congress, 1st session (1886) vol. 4; also as appendix D to the *Report of the National Academy of Sciences for 1884* (Government Printing Office, Washington, D.C., 20 April 1885), p. 33.

4. The NAS committee proposed that the commission include the president of the National Academy of Sciences; the secretary of the Smithsonian Institution; two nongovernment civilian scientists of high reputation appointed by the President of the United States for 6-year terms; one officer of the Corps of Engineers; one Navy professor of mathematics skilled in astronomy (the last two to be designated by the President for 6-year terms); the superintendent of the Coast and Geodetic Survey; the director of the Geological Survey; and the officer in charge of the Meteorological Service. The secretary of the department including the science agencies would be ex officio president of the commission, and the commission would be attached to the office of the secretary.

5. Senate Rep. No. 1285, 49th Congress, 1st session (8 June 1886), p. 54.

6. See A. Hunter Dupree, *Science and the Federal Government* (Harvard Univ. Press, Cambridge, 1957), p. 215. Dupree writes of this period: "In contrast to the glorious and successful defense of the new scientific bureaus, the experts had done a ragged job for a Department of Science. The National Academy had done nothing to push the brainchild of its committee, which admitted political defeat in advance" (p. 230).

7. *Congr. Rec.* 92, A14 (1 Feb. 1946). The Luce bill provided for a Secretary appointed by the President with Senate confirmation, and five Assistant Secretaries, appointed by the President, to head, respectively, the following bureaus: Physics and Mathematical Sciences, Public Health and Social Sciences, Scientific Education and Information, Biological Sciences, and Engineering and Technological Sciences. The Secretary would be empowered to appoint an advisory council of not more than 100 members representing all branches of science.

8. *Science—the Endless Frontier*, A Report to the President on a Program for Postwar Scientific Research (July 1945). The report was reprinted by the National Science Foundation (Government Printing Office, Washington, D.C., July 1960).

9. *Congr. Rec.* 93, 10567 (17 Nov. 1947). See Don K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 48.

10. *Science and Public Policy*, Report of the President's Scientific Research Board (Government Printing Office, Washington, D.C., 4 Oct. 1947), vol. 3, p. 23.

11. Public Law 81–507, 64 Stat. 149 (10 May 1950).

12. *Progress Report on Science Programs of the Federal Government*, Senate Rep. No. 2498, 85th Congress, 2d session (9 Sept. 1958), p. 14; *Congr. Rec.* 105, 1078 (23 Jan. 1959).

13. Public Law 85–567, 72 Stat. 426 (29 July 1958).

14. Killian's address, made on 29 Dec. 1958, was printed in *Science Program—86th Congress*, Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 3.

15. D. K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 63. Price was discussing the potential role of NSF as a central science agency and not specifically a Department of Science.

16. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 26. Berkner's views were set forth in an address "National Science Policy and the Future," at Johns Hopkins University (16 Dec. 1958), published in the same report, appendix D, p. 110. Brode's address on the same subject as retiring president of the AAAS (28 Dec. 1959) was placed in the *Congressional Record*, along with press articles and editorials, by Senator Kefauver [*Congr. Rec.* 106, 615 (18 Jan. 1960)]. For additional materials on the pros and cons of a department, see *Science and Technology Act of 1958*, Analysis and Summary by the Staff of the Senate Committee on Government Operations, Senate Doc. No. 90, 85th Congress, 2d session (April 1958).

17. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 29.

18. *Create a Department of Science and Technology*, hearings before the Subcommittee on Reorganization and International Organizations, Senate Committee on Govern-

ment Operations, 86th Congress, 1st session, on S. 676 and S. 586 (16–17 April 1959), pt. 1, pp. 47 and 71.

19. *Establishment of a Commission on a Department of Science and Technology,* Senate Rep. No. 408 (18 June 1959), p. 6.

20. *Ann. Amer. Acad. Polit. Soc. Sci.* (Jan. 1960), p. 27; Senator Humphrey placed this article in the *Congressional Record* [106, 5235 (10 March 1960)].

21. *Organizing for National Security: Science Organization and the President's Office,* staff study by the Subcommittee on National Policy Machinery, Senate Committee on Government Operations, 87th Congress, 1st session (committee print, 14 June 1961), p. 1.

22. House Doc. 372, 87th Congress, 2d session (29 March 1962).

23. Senator Humphrey placed an excerpt from the Stover report in the *Congressional Record* [108, 11822 (27 June 1962)]. A statement by Stover supporting the commission proposal was printed in *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962), p. 50. The report *The Government of Science* proposed that the Department of Science and Technology absorb the activities of NSF, PSAC, and FCST, along with the Weather Bureau, National Bureau of Standards, Office of Saline Water, Coast and Geodetic Survey, Navy Hydrographic Office, Naval Observatory, portions of the Smithsonian research work, and the Antarctic programs of the Navy and NSF. Larger agencies such as NASA and NIH were cited as candidates for inclusion, though AEC was excluded on the ground that its size and operational character could overwhelm the new department.

24. *Create a Commission on Science and Technology,* hearings before the Senate Committee on Government Operations, 87th Congress, 2d session, on S. 2771 (24 July 1962), pt. 2; *Reorganization Plan No. 2 of 1962,* hearings before a subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (17 April 1962). Jerome B. Wiesner wrote later: "Possibly the most important consequence of providing a statutory basis for the scientific activities in the Executive Office of the President is that the Director may now appear before Congress to explain, when possible, the Governmentwide views of activities and problems" [*Where Science and Politics Meet* (McGraw-Hill, New York, 1965), p. 47].

25. *Systems Development and Management,* hearings before the Military Operations Subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (1 July 1962), pt. 1, p. 156.

26. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962).

27. *Congr. Rec.* 108, 15968 (8 Aug. 1962).

28. Senator McClellan placed excerpts from the Wiesner testimony in the *Congressional Record* on two separate occasions [109, 2395 (18 Feb. 1963) and *ibid.* (23 May 1963), p. 9299]. It was also carried in the committee report cited below (*29*).

29. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 16, 81st Congress, 1st session (4 March 1963).

30. *Congr. Rec.* 109, 3808 (8 March 1963). In remarks accompanying the bill Senator Humphrey said an independent "Hoover-type" commission was needed to (i) counterbalance the executive's excessive dependence on a small in-group of scientists for policy, advice and program evaluation; (ii) review, with the aim to improve, the activities of the NAS–NRC as well as those of the government agencies; and (iii) examine federal organization for information retrieval.

31. Referring the bills to the House Committee on Science and Astronautics signified a change in jurisdictional policy. Heretofore such bills had been referred to the House Committee on Government Operations, which generally has jurisdiction over organization matters.

32. *National Goals and Policies,* House Rep. No. 1941, 80th Congress, 2d session (29 Dec. 1964), p. 49. The Select Committee expired with the 88th Congress on 3 Jan. 1965. In accordance with one of its recommendations, a Subcommittee on Research and Technical Programs was established within the House Committee on Government Operations. This subcommittee, chaired by Representative Reuss, was in existence through the end of the 90th Congress.

33. R. Lapp, *The New Priesthood* (Harper & Row, New York, 1965), p. 204. Lapp proposed that the Department of Science make basic research grants (on a lump-sum basis); manage the government laboratories; absorb all or part of the functions of OST, PSAC, and FCST; and take over the functions of the AEC (civilian part), NSF, ONR, Office of Saline Water, National Bureau of Standards and the Weather Bureau.

34. *Establish a Commission on the Organization and Management of the Executive Branch,* hearings before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 58. Hollomon proposed that the Department of Science and Technology include the NSF, NASA, ESSA, National Bureau of Standards, Geological Survey, Census Bureau "and perhaps parts of NIH and the AEC."

35. D. F. Hornig, remarks at AAAS Meeting, Dallas, Texas (29 Dec. 1968).

36. Senate Misc. Doc. No. 82 (serial No. 2345), 49th Congress, 1st session (1886), vol. 4, p. 66.

37. The usual text for this organizational aproach is the report of the First Hoover Commission, "General Management of the Executive Branch" (Feb. 1949), which recommended that: "The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each Department" (p. 34). Senator Humphrey quoted this recommendation in his *Annals* article (*20*).

38. The Department of Housing and Urban Development actually was established during the Johnson Administration, although President Kennedy pressed for its creation from the beginning of his administration. The stumbling block to congressional acceptance was President Kennedy's announced intention to appoint Robert C. Weaver as Secretary of the new department. Similarly, congressional opposition to a putative department head (Oscar R. Ewing) prevented President Truman from getting the Department of Health, Education, and Welfare, which was created in the Eisenhower Administration.

39. President Nixon announced the appointment of an Advisory Council on Executive Organization on 5 April 1969. The members are: Roy L. Ash (chairman), president of Litton Industries, Inc.; George Baker, dean of the Graduate School of Business Administration, Harvard University; John B. Connally, former governor of Texas; Frederick R. Kappel, chairman of the executive committee, American Telephone and Telegraph Company; and Richard M. Paget, member of Cresap, McCormick and Paget.

40. Lapp (*33*, p. 206) proposed that the AEC's nuclear production facilities be mothballed in part and the remainder transferred to the Department of Defense. Representatives Craig Hosmer, in an address "The Science Establishment: Where Is It Headed?" [*Congr. Rec.* (6 March 1968), p. E1606] posed the AEC problem in terms of diversification or decline: "Unless AEC's charter is revised to give it a responsibility to conduct research for other government agencies, it would seem that some of these facilities and programs would be better off under an organization more fundamentally oriented toward basic research, such as the National Science Foundation."

41. R. E. Miles, Jr., *Public Admin. Rev.* 27, 1 (March 1967). Text included in hearings before the Subcommittee on Executive Reorganization, Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 115.

42. Public Law 90–407, 82 Stat. 360 (18 July 1968).

43. Public Law 85–454, 80 Stat. 203 (17 June 1966). See also Public Law 90–242, 81 Stat. 780 (2 Jan. 1968).

44. *Our Nation and the Sea,* Report of the Commission on Marine Science, Engineering and Resources (9 Jan. 1969 reprint), p. 7.

45. ". . . The easy answer to all problems in Government, scientific and nonscientific, seems to be to move them closer to the President. I don't think that tenable for all things—he is already overburdened" [D. F. Hornig (*35*)].

46. *State of the Union Message,* House Doc. No. 1, 90th Congress, 1st session (19 Jan. 1967), p. 3.

47. A current example of a government laboratory with diversified scientific capabilities and no obvious place to go upon withdrawal of military sponsorship is the Navy Radiological Defense Laboratory. It is slated for closure by the end of this year, even though its resources could be readily adapted to important research in the civil sector. The proposed closure of NRDL also illustrates the poor planning not infrequently found in government. Six months ago a $6-million cyclotron was installed for special research in biomedical effects of radiation.

48. The views expressed herein are the author's and not necessarily those of any member of the Congress.

S. 4454—INTRODUCTION OF A BILL TO HALT ATTACKS ON POLICEMEN, FIREMEN, AND JUDICIAL OFFICERS

Mr. SCOTT. Mr. President, the growing trend toward violence as a means of political expression is a subject of utmost concern to the citizens of Pennsylvania. Violence directed against public officials, solely because they are public officials, is a particularly insidious manifestation of this trend, and cuts against the very fabric of American society. With alarming frequency, policemen, firemen, judicial officers, and other public officials are being injured and killed, not in the performance of their official duties, but because of what their official duties are, because to some demented minds a strike against a public official has become synonymous with a strike against problems that exist in our society.

There are many things wrong in our Nation, inequalities persist, the wheels of Government need oiling, our priorities do not always reflect our needs. But those who find themselves frustrated by the seeming slowness of change often forget the greatest right that we as Americans share—the right to openly and publicly dissent from the policies and practices we disagree with—the right to openly and publicly work to change these policies, to work within our system of government at all levels to effect the changes we believe are needed.

Nowhere else in the world is this right so highly cherished and protected. It is anchronistic that some are employing violence to effect change in a society which, above all others, contains the channels for orderly change within its own structure.

Today, those who have been entrusted with the preservation of order, the enforcement of our laws, and the protection of individual rights have become the target of the most irrational kind of behavior immaginable. During 1969, there were 35,202 assaults on law enforcement officers, and a record high of 86 policemen were killed, an increase of 34 percent over the previous year. So far this year, 16 police officers have been killed in unprovoked attacks. The Nation recently watched with horror the kidnap and murder of a judge. Our firemen have become the target of sniper fire as they work to save lives and property. This politics of violence, be it by conspiracy or individual design, must be stopped by all lawful means.

I strongly support legislation introduced by my colleague, Senator SCHWEIKER, and others to make the full force of our law enforcement talent available to stop these deliberate and unprovoked attacks on our policemen, firemen, and judicial officers.

Because of my deep concern, I am today introducing a proposal of my own. designed to make Federal crime fighting resources available to local law enforcement officials in situations not covered under the bills now under consideration. My proposal does not create a new Federal crime, but will provide increased Federal assistance to State and local law enforcement officials.

It allows local officials to request that the Attorney General of the United States make the personnel and facilities of the Federal Bureau of Investigation available to assist local investigators where a policeman, fireman, or judicial officer has been assaulted while engaged in the performance of his official duties. Under my proposal, there need not be evidence of interstate activity by those committing the assault and local officials may request Federal assistance immediately following the attack.

The free flow of commerce throughout the United States is dependent in large part upon the orderly and efficient operation of police, fire departments, and the courts, and assaults upon these public servants because of their official position constitutes a direct interference with interstate commerce. It is entirely fitting that local law enforcement officials be able to utilize Federal resources in such circumstances, even though there is not immediate evidence of the violation of a Federal statute.

The current reign of violence is intolerable and must be stopped. Those perpetrating these acts must be brought to trial and punished under the law, and I believe that the legislation now being considered by this subcommittee will go a long way to making this possible.

But in our determination to apprehend and punish the wrongdoers, let us not repress those who dissent lawfully. The late Chief Justice Hughes once stated:

> The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means (DeJonge v. Oregon, 1937.)

In these days of misunderstanding and growing polarization, it is more important than ever that the legitimate channels of communication and change remain open. Let us heed Justice Hughes' admonition. Let us who are elected representatives work to convince those who want change that our system of government is receptive to their views. Moreover, let us show those who have turned toward violence that it is neither a means nor an answer, but rather a totally unacceptable and self-defeating tactic that will not be tolerated in our democratic system of government. It should be clear to all that we will take the steps necessary to put an end to these terroristic attacks.

The PRESIDING OFFICER (Mr. MUSKIE). The bill will be received and appropriately referred.

The bill (S. 4454) to make available Federal assistance to local law enforcement agencies in cases involving the killing of State and local law enforcement officers, firemen, and judicial officers, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4456—INTRODUCTION OF A BILL RELATING TO ANNUITIES OF WIDOWS OF SUPREME COURT JUSTICES

Mr. HRUSKA. Mr. President, I am introducing, for appropriate reference, a bill to increase the annuities of widows of Supreme Court Justices from $5,000 to $10,000 per annum, payable monthly.

This bill reflects the view that the pensions now being paid to the widows of Supreme Court Justices are woefully inadequate in amount.

On January 14, 1937, a private bill was passed creating a pension of $5,000 per annum for the widow of a President of the United States (S. 591, 75th Congress, first session, Private Law No. 1).

In 1954, pensions were created for the widows of Supreme Court Justices payable at the rate of presidential widows; namely, $5,000 per annum (28 U.S.C. 375).

In 1958, by general law, the pensions of presidential widows were increased from $5,000 to $10,000, but the widows of Supreme Court Justices were not included in the increase. As a result, these widows must live on an amount which was determined in 1937.

It is to be noted that a bill has been introduced in the Senate that would make Supreme Court Justices eligible to participate in the contributory survivors' annuity system that has long been available to all other Federal judges, but any Justice who elects to participate in that system must irrevocably waive the benefits of the widow's pension provided by 28 U.S.C. 375. If that bill is enacted into law, it is expected that present and future Supreme Court Justices will elect to participate in the contributory system, thus eliminating their widows from the coverage of 28 U.S.C. 375. It is therefore anticipated that the benefits of the present bill would, as a practical matter, be limited to the widows of deceased Justices, who are now receiving the $5,000 annuity. As of September, 1970, there were six such widows, all over 75 years of age.[1]

The present bill is designed, in short, simply to raise to at least a subsistence level the pensions paid to the six living women whose husbands served their country as Justices of the U.S. Supreme Court.

A similar bill was introduced by the late Senator Dirksen in 1963—S. 1686, 88th Congress, first session. The statement he made in introducing that bill 7 years ago appears in the CONGRESSIONAL RECORD, volume 109, part 8, page 10444. His words are even more cogent today:

> Mr. DIRKSEN. Mr. President, at times, in the rush of events, those who, because of their age or their situation cannot speak out, are passed by. A case of this type has recently been called to my attention. Nine years ago when we were considering the question of annuities for widows of Supreme Court Justices, we passed a law providing that their annuity should be the same amount as the annuity authorized for the widow of a President of the United States. We did this by incorporating in that law a reference to a statute which had been enacted in 1937 dealing with the annuity of a President's widow.
>
> A few years ago, in 1958, it became apparent to us that an amount of money which might have been adequate for a widow in 1937 was no longer sufficient for her support in 1958, and we therefore provided for an increase in the annuity of a widow of a former President. However, because of a quirk in the law providing for annuities of widows of Supreme Court Justices, which referred by name to the act passed in 1937, these widows were not caught up in the new law which provided for the increase in the annuities to the widows of Presidents. As a result, those fine ladies have been forced to make do on an amount which was determined in 1937 and there is not a one of us who does not know how inadequate such an amount is today.
>
> I have been informed that there is some urgency about this matter because of the circumstances in which several of the widows of Supreme Court Justices now find themselves in their efforts to live in 1963 upon a stipend which was determined in 1937. Therefore, I have introduced a bill to bring these annuities into line with those we provided in 1958, and I hope that this bill will be accorded a most expeditious treatment.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4456) to amend section 375 of title 28 of the United States Code, relating to the annuities of widows of Supreme Court Justices, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

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[1] Mrs. Harold H. Burton, Mrs. Felix Frankfurter, Mrs. Robert H. Jackson, Mrs. Sherman Minton, Mrs. Wiley Rutledge, and Mrs. Fred M. Vinson.

S. 4456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 375 of title 28 of the United States Code, as amended, is amended by striking out "in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3)," and inserting in lieu thereof: "of ten thousand dollars."

The amendment made by this Act shall take effect with respect to annuity payments made beginning with the first month beginning after the date of enactment of this Act.

ADDITIONAL COSPONSORS OF A BILL

S. 4191

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 4191, to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes.

SENATE RESOLUTION 475—SUBMISSION AND CONSIDERATION OF A RESOLUTION RELATING TO CERTAIN CEREMONIES FOR INDIVIDUALS MISSING IN ACTION IN SOUTHEAST ASIA

Mr. CURTIS (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. ALLEN, Mr. ALLOTT, Mr. BOGGS, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. DODD, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. EASTLAND, Mr. ERVIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HART, Mr. HRUSKA, Mr. HUGHES, Mr. MCGEE, Mr. MILLER, Mr. MUNDT, Mr. NELSON, Mr. PEARSON, Mr. PERCY, Mr. RIBICOFF, Mr. SAXBE, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS of Delaware, Mr. YOUNG of North Dakota, Mr. JORDAN of North Carolina, Mr. BYRD of West Virginia, Mr. GRIFFIN, Mr. BAYH, Mr. STENNIS, Mr. CASE, and Mr. COOK) submitted a resolution (S. Res. 475) to express the sense of the Senate with respect to certain ceremonies designed to express publicly the concern of the people of the United States for individuals missing in action in Southeast Asia or being held captive as prisoners of war by the Government of North Vietnam and its allies, which was considered and agreed to.

(The remarks of Mr. CURTIS when he submitted the resolution appear later in the RECORD under the appropriate headings.)

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 463

At the request of the Senator from Connecticut (Mr. RIBICOFF), his name was added as a cosponsor of Senate Resolution 463, a resolution expressing the sense of the Senate with respect to a national policy designed to relieve and avoid many of the problems resulting from concentration of industry and population in metropolitan areas.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 12, 1970, he presented to the President of the United States the following enrolled bills:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to presentation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States;

S. 1708. An act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission;

S. 3014. An act to designate certain lands as Wilderness; and

S. 3529. An act for the relief of Johnny Mason, Junior (Johnny Masons, Junior).

PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENT NO. 1048

Mr. BAKER submitted amendments, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1049

Mr. ERVIN proposed an amendment to House Joint Resolution 264, supra, which was ordered to be printed.

(The remarks of Mr. ERVIN when he proposed the amendment appear later in the RECORD under the appropriate heading.)

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1050

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 949 TO H.R. 17550

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of amendment No. 949 to H.R. 17550, the Social Security Amendments of 1970.

AMENDMENT NO. 988 TO H.R. 17550

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from Maryland (Mr. MATHIAS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of amendment 968 to H.R. 17550, the Social Security Amendments of 1970, to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization.

NOTICE OF HEARING ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), the chairman of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 13, 1970, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nominations:

Clarkson S. Fisher, of New Jersey, to be U.S. district judge for the district of New Jersey, vice Reynier J. Wortendyke, Jr., retired.

John J. Kitchen, of New Jersey, to be U.S. district judge for the district of New Jersey, vice a new position created by Public Law 91–272, approved June 2, 1970.

Frederick B. Lacey, of New Jersey, to be U.S. district judge for the district of New Jersey, vice a new position created by Public Law 91–272, approved June 2, 1970.

Robert B. Krupansky, of Ohio, to be U.S. district judge, northern district of Ohio, vice a new position created by Public Law 91–272, approved June 2, 1970.

Nicholas J. Walinski, Jr., of Ohio, to be U.S. district judge, northern district of Ohio, vice Gerald E. Kalbfleisch, retired.

Gordon Thompson, Jr., of California, to be U.S. district judge, southern district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

J. Clifford Wallace, of California, to be U.S. district judge, southern district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Samuel Conti, of California, to be U.S. district judge, northern district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman, the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARING ON NOMINATION OF DAVID OGDEN MAXWELL

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Tuesday, October 13, 1970, on the nomination of David Ogden Maxwell, of Pennsylvania, to be General Counsel of the Department of Housing and Urban Development.

The hearing will commence at 10 a.m. in room 5302, New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

SALE OF ARMS TO PAKISTAN

Mr. SAXBE. Mr. President, I have seen reports about the administration's decision to sell arms to Pakistan. According to a report in the Washington Post of October 8, 1970, the Government intends to sell 300 armored personnel carriers, 18 F–104A starfighter supersonic interceptors and seven B–57 bombers to the Government of Pakistan. There are also reports that the Indian Government has made strong protests against the decision here and to our Ambassador in India, Senator Keating.

I visited India last year and again this year. I know something of Indian susceptibilities on the subject of American arms for Pakistan. This action of our Government will be interpreted by Indians as hostile. It will cause trouble not only in our relations with India but also in India-Pakistan relations.

Our Government is engaged in serious efforts to defuse the situation in South East Asia and in the Middle East. It makes no sense for us to kindle the sparks of conflict in the South Asian subcontinent.

India disagrees with us on some issues, but is friendly and has been helpful in difficult international problems. India has done us no harm. It is the world's largest democracy: it is a peaceful country, and it has a special position of its own in Asia and in the world. It makes no sense for us to make an enemy of this friendly democracy by futile efforts to please and placate Pakistan.

We want to have friendly relations with Pakistan; but Pakistan, it seems to me, Mr. President, is hard to please. Between 1954 and 1965 we gave Pakistan military aid worth nearly $2 billion by way of hundreds of tanks—about 700—artillery pieces, around 20 squadrons of F–86 sabre jets and F–104 aircraft and a variety of other equipment. In addition, we gave Pakistan twice as much per capita economic assistance as we gave to India. And what did this ally do for us? Where did it join in fighting anti-Communist battles? In 1968, it forced us rather unceremoniously to close down the only facility it had given us, the U–2 base in Peshawar.

I make no comment at this time, but it appears to me that the attitude of Pakistan toward our efforts to reconcile the Mideast situation has been far from helpful.

Today, the leaders of Pakistan openly proclaim that they visualize no threat from the Soviet Union or from China. Pakistan is getting arms from both. In other words, China and Russia are repeating our folly in Pakistan. But there is no reason for us to emulate them and repeat our own follies.

India has repeatedly offered assurances and pledges that it will never attack Pakistan. There is no reason for us to add to Pakistan's very considerable existing military strength and aggravate India's suspicions and fears. That country is faced with a hostile nuclear power—China. Any U.S. decision to supply arms to Pakistan on any scale is bound to generate not only an arms race on the subcontinent and force both India and Pakistan to divert their much-needed resources from the tasks of economic development but also to subject the Indian Government to internal pressures for securing atomic weapons.

This decision is most untimely in the context of internal developments in Pakistan. On the eve of long-promised elections in that country political parties will construe it as demonstration of this country's solidarity with the current military regime. The decision appears unfortunate from another angle also. It has the appearance of being contrary to the Nixon doctrine which in the subcontinent can only mean that we keep out of the internal affairs of either country and also keep aloof from their bilateral problems and quarrels and not add to existing tensions.

In the light of all these considerations I urge the administration to rescind this unwise decision and to revert to the 1965 policy of total ban on the supply of arms to either of these two countries. We must cease being arms merchant to the world.

I ask unanimous consent to have printed in the RECORD two editorials about the decision of our Government to sell arms to Pakistan, published in the New York Times and the Baltimore Sun of Sunday, October 11, 1970. I also ask unanimous consent that the news article from the Washington Post of Oct. 8, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 11, 1970]

ARMS FOR PAKISTAN

As if it did not already have enough trouble trying to defuse perilous international conflicts in the Middle East and Southeast Asia, the United States Government is—incredibly—adding fuel to another potentially explosive situation in South Asia. The State Department confirms the report that this country has decided to sell arms to Pakistan in what a spokesman describes as "a limited exception" to the prudent arms embargo that was imposed on both India and Pakistan after their 1965 war.

This "exception" in fact represents a major break in the embargo, far more serious than modifications made in 1967 when it was decided to sell spare parts to the Pakistanis and to make available non-lethal equipment to both sides. Although the department denies that tanks will be included in the proposed arms deal, it does not dispute reports that armed personnel carriers, fighter planes, and bombers are involved. The spokesman explained that Pakistan felt disadvantaged by the embargo, even as modified, because most of its military equipment prior to 1965 was of American manufacture.

What the department failed to note was that the Pakistanis have been receiving arms from both the Soviet Union and China in recent years and are engaged in an arms race with India that is forcing both countries to divert desperately needed resources from domestic development. Additional American arms aid to Pakistan will not promote the security of Pakistan or stability in the area. Rather it will encourage India to seek further arms assistance, probably from the Soviet Union. It may even swing the balance in India to those who have been pressing for an Indian nuclear force, a development that would have repercussions far beyond South Asia.

Instead of selling more arms to the Pakistanis—or to the Indians, for that matter—the United States should be employing its resources to help reverse the downward trend in economic assistance to the area in order to counteract the appalling poverty that increasingly threatens the stability of both countries. If Communism is at last to gain an upper hand in either place, it is more likely to result from internal causes than from any influence Moscow and Peking might gain through their own short-sighted arms deals.

Instead of arming either side for another round of conflict. the United States should be using all its diplomatic energies to try to resolve the divisive issues—Kashmir and India's Farakka Barrage on the Ganges—that threaten to engulf the subcontinent once more in fratricidal war. Arming friendly powers to fight their own battles may be sound doctrine in some cases, but it hardly makes sense for the United States to arm friends to fight each other.

[From the Baltimore Sun, Oct. 11, 1970]

ARMS TO PAKISTAN

India's quick and vigorous protest against a reported Washington decision to sell new arms to Pakistan was altogether to be expected. The Ministry of External Affairs in New Delhi calls this a transaction in "lethal arms", and if the reports are accurate so it is: they mention, besides armored personnel carriers, 18 supersonic interceptors and 7 Canberra bombers.

The State Department refers to the sale offer as a "limited exception" to the general embargo imposed on arms sales to India or Pakistan at the time of the 1965 war—adjusted in 1967 to allow both countries to buy nonlethal items such as spare parts for weapons previously supplied, transport and medical and communications material.

The American position, which seems to accept the Pakistani argument that India has access to its own and Soviet arms sources while Pakistan must depend solely on the United States, is that the new supplies will not upset the military balance in South Asia. India is said to have been so assured.

But India remembers American assurances before 1965 that arms supplied to Pakistan would not be used against India, as of course in the event they were; and New Delhi knows, if Washington still does not, that fear of India is the first and dominant reason for Pakistan's wanting to be effectively armed.

Even granted that these new arms are hardly massive, there are certain conditions Washington might have considered more carefully before offering them. One is the fact that we do not know accurately what the temper of the present Pakistani government is, much less what the temper of Pakistan may be after the elections scheduled later in the year. Another is the probability that Prime Minister Gandhi's rightist-militant opponents will now try to increase their pressure on her for the fabrication of nuclear weapons. The situation in South Asia is dangerous enough, without that.

[From the Washington Post, Oct. 8, 1970]

UNITED STATES AGREES TO SELL ARMS TO PAKISTANIS

(By A. D. Horne)

The United States has agreed to sell arms to Pakistan for the first time since the 1965 Kashmir war, State Department officials said yesterday.

Informed sources said the major items involved included 300 armored personnel carriers, 18 F–104A Starfighter supersonic interceptors and seven B–57 Canberra bombers. The sources said the administration had placed a ceiling of about $15 million on the total to be sold, but cautioned that the figures could be held down by listing equipment as "excess"—that is, marked down to 25 or 30 per cent of original cost.

The State Department officials would not confirm either the total value or the kind of arms involved. They stressed that the sale offer was "a limited exception" to the general arms embargo which they said remains in effect for both India and Pakistan.

As adjusted in April 1967, the embargo allows both countries to buy nonlethal items such as transport, medical and communications equipment plus spare parts for weapons previously supplied.

Pakistan has pressed the United States to lift the embargo, arguing that its armed forces were heavily dependent on American arms while India had its own and Soviet sources. India, and American ambassadors to India, have argued against ending the embargo.

Most of the public debate on the issue in the past three years has centered on Pakistan's attempt to buy 200 M–48 medium tanks. The Johnson administration tried to arrange an indirect sale of 100 such tanks through various third countries, without success.

The present decision, officials insisted, does not involve any tanks.

PHILADELPHIA CHOSEN TO DEMONSTRATE SENATOR SCOTT'S CREDIT UNION LEGISLATION

Mr. SCOTT. Mr. President, I am pleased to announce the success of my efforts and those of the Philadelphia Housing Authority and the residents advisory board to have Philadelphia's James Weldon Johnson Apartments selected as one of the six sites for a demonstration program to bring Federal credit union services to low-income areas. This demonstration implements the intent of S. 2259, my bill to allow Federal funding of new credit unions in poverty areas, which I introduced on May 27, 1969.

The purposes of my bill and this demonstration program are to encourage savings and provide access to credit for low-income persons, and bring consumer education into poverty areas. The residents of the James Weldon Johnson Apartments, a public housing site, will have for the first time savings and borrowing services available through their own credit union. I expect in the future all citizens living in public housing in Philadelphia to be eligible for this program.

The immediate objective of this program is to train a cadre of residents to organize, operate, and manage a Federal credit union which they will own and control. The long-range objective is to demonstrate the potential benefits and feasibility of establishing credit unions in public housing throughout the Nation and to prove that credit unions are particularly well suited to provide the leadership required to meet two social objectives of public housing—strengthened financial self-sufficiency of residents and expanded participation of residents in public housing affairs.

The demonstration program is being funded by the United States Department of Housing and Urban Development—HUD—through a grant awarded to the National Association of Housing and Urban Development Officals—NAHRO—which will conduct the program in collaboration with the National Credit Union Administration—NCUA.

The NCUA, formerly the Bureau of Federal Credit Unions under the Department of Health, Education, and Welfare and now an independent agency, will design and implement a training program and provide technical assistance. This week, four residents of the James Weldon Johnson Apartments will be selected for training and one of them will be employed for the next 18 months to manage the credit union.

NAHRO will be the liaison between NCUA and HUD and will prepare and publish a report on the project which can be used as a basis for establishing similar programs throughout the Nation. Passage of my bill would facilitate establishment of such new credit unions by Federal funding. This Federal financial support would become unnecessary as the credit unions become self-sufficient. At the present time, it is estimated that nationally less than 1 percent of all public housing residents have needed credit union services available in any form.

I believe that anyone who supports the idea of being pulled up by one's own bootstraps should be intrigued by the credit union operation in ghetto and poverty-ridden neighborhoods. Credit unions are owned and operated by their members, and are a means by which such neighborhoods can stretch incomes and provide local employment opportunity.

I am pleased that the Federal Government has agreed to implement my proposal. I not only wholeheartedly support this demonstration of the value of the services uniquely provided by credit unions in all low-income neighborhoods. I know that the authority provided by my bill will speed up the availability of saving and borrowing service in poverty areas.

OCCUPATIONAL SAFETY AND HEALTH BILL

Mr. BAYH. Mr. President, the Senate will soon consider a bill which could literally mean the difference between life and death to America's 80 million civilian working men and women. I wish to express my wholehearted endorsement of the Occupational Safety and Health Act, S. 2193, which would help to end the tragic waste of life and limb in our workplaces.

It is a shameful fact that in this country 2.2 million workers are maimed, disabled, or otherwise injured annually on the job, and another 14,500 die through job-related accidents and illnesses. Moreover, over 250 million mandays of work are lost through job disability. It is estimated that the annual loss to the gross national product because of industrial accidents totals $8 billion. Even more important than these statistics is the tragic effect on the lives of the families which have endured these unfortunate accidents. In only 4 years as many people die because of their employment as have been killed in almost a decade of American involvement in Vietnam.

National attention quite properly has been focused recently on environmental problems—the pollution of air and water and the destruction of other natural resources. However, this concern with the "environmental crisis" fails to give sufficient recognition to the pertinent question of occupational safety and health. Our environment consists not solely of the air we breathe traveling to and from work or the water we drink. Not to be overlooked is the air we breathe at work, 8 or more hours daily. As the Labor and Public Welfare Committee concluded in its report:

The distinction between occupational and non-occupational illness is growing increasingly difficult to define.

This on-the-job pollution crisis is one of the most important issues in the whole environmental question. It is from the workplace that much of the complex problem of pollution arises. To pass legislation dealing with dirty air spewing forth from smokestacks without simultaneously seeking solutions to the contaminated environment inside the factory makes little sense. Just as the Senate has already acted to insure clean air and water to protect our families and children, there is a concomitant obligation to pass S. 2193 in order to provide a salutary environment inside our factories and/or agricultural facilities.

Collected in 1,790 pages of 13 volumes of hearings held by the Labor Subcommittee are the gruesome statistics of accidents and the shocking facts of lack of adequate protective legislation on both State and Federal levels. The problem of occupational illness continues to be one of the greatest problems facing industrial society. It is estimated by the Public Health Service that there are approximately 390,000 new occurrences each year of occupational disease. These include such diseases as byssinosis and asbestosis which are contracted directly as a result of industrial environment. Indirectly linked to similar causes are such chronic diseases as respiratory illness, allergies, and heart disease. Agricultural casualties have also been heavy. For example, the Migratory Labor Subcommittee reported an estimated 80,000 injuries and 800 deaths each year attributed to the improper use of some pesticides.

On the other hand it has been reported by the Industrial Union Department, AFL–CIO, that there are only 1,600 State safety inspectors in the United States to check on occupational hazards. Other sources indicate that there are fewer than 100 Federal inspectors. This would mean that fish and game wardens outnumber safety inspectors by 2 to 1.

The Senate of the United States cannot let another day pass—a day in which 55 more American workers will die, 8,500 will be disabled and 27,200 will be injured—without enacting the comprehensive job safety bill, S. 2193, sponsored by the distinguished junior Senator from New Jersey (Mr. WILLIAMS).

I am cognizant that there are economic issues involved in the question of industrial safety, including costs of protective devices, possible conversion or changes in production techniques, and training in use of new safety measures. I am equally aware that opponents of this bill fear it could be arbitrarily applied by the Secretary of Labor and seek substitute legislation to dilute his authority.

These opponents have suggested that a separate board should be established to promulgate the required health and safety standards. Also, they advocate an independent panel to carry out the enforcement provisions of the act. However, this would tend to divide the responsibility for administration and enforcement. It would create more agencies and dilute the power of the Secretary of Labor in this area. For this reason it is very important that the same person who carries out the day to day administration of the program should be the same person in charge of enforcing it.

S. 2193 is a most carefully drafted bill, based on a lengthy hearing record and on considerable deliberations by both the Senate Labor Subcommittee and the Committee on Labor and Public Welfare. It provides adequate safeguards for all parties through the Administrative Procedure Act and the courts to guarantee equitable and reasonable action by the Secretary of Labor with regard to employers while also insuring that standards would be promulgated and enforced to end this job-related carnage.

In the 1890's Congress first acted to protect railroad workers through safety legislation. Since then, legislation on State and Federal levels has been only piecemeal, arising chiefly as the result of some tragedy of national proportions, such as the garment industry fire in New York City in 1911 when 146 women burned or plunged to their deaths, or the 1968 coal mine disaster in Farmington, W. Va., when the lives of 78 miners were snuffed out.

The Federal Government clearly has the responsibility to insure safe and healthful working conditions to workers engaged in interstate commerce. The Senate can, through passage of S. 2193, immediately move to help protect 55 million employees in interstate commerce activities; and through the cooperation of Federal, State, and municipal government agencies under provisions of the act, another 12 million workers could be covered. The standards promulgated under S. 2193 will be a model for use by the remainder of the work force, the self-employed, or those not engaged in interstate commerce.

Surely, the appalling bloodletting in American workplaces must weigh heavily on the conscience of the American people. The Senate should act now so that the needless loss of life and limb can be effectively reduced.

PRESERVATION OF NETWORK NEWS PROGRAMS

Mr. BAKER. Mr. President, on April 15 of this year I introduced S. 3720, a bill that would provide for the taping and preservation by the Library of Congress of network evening news programs. Daily newspapers and most periodicals are preserved on microfilm; it is certain to be a matter of deep regret to future generations of scholars that television news reporting is not similarly preserved.

In a speech to the Radio and Television News Directors Association meeting at Denver on September 25, the distinguished Chairman of the Federal Communications Commission, Dean Burch, generously endorsed the proposal and urged that it be adopted. I hope that it will be adopted, if not in this Congress, then early in the next one.

Mr. President, I ask unanimous consent that Mr. Burch's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DEAN BURCH, CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION, BEFORE THE RADIO & TELEVISION NEWS DIRECTORS ASSOCIATION

The most appropriate subject for an FCC speaker at this annual meeting, I've been informed, is a kind of "State of the Fairness Doctrine" speech. You are all necessarily interested in the important developments in this area—in any new trends. I will therefore talk briefly about fairness developments, about a suggestion for your consideration, and then open the floor for questions.

First, my suggestion—and it really constitutes a compliment to the importance of electronic journalism.

I call your attention to S. 3720, Senator Baker's bill to provide that the Librarian of Congress shall obtain and preserve nationally televised evening news programs and such other nationally televised programs as the Librarian determines to be of substantial public interest. In Senator Baker's apt words, "the purpose of the proposal is to insure that the national evening news programs, a unique record of the historic events of our time, will not be forever lost to the country."

The Senator has pointed out that while the Library keeps on file either copies or microfilm of every edition of all great newspapers and magazines in the country, no such record is kept on what appears nightly to 40 million Americans on the national TV news programs.

In August of 1968, Vanderbilt University in Nashville began compiling videotapes of the evening news telecasts of the three major television networks. The University also began taping occasional special news programs. Vanderbilt did this, because there was no permanent preservation anywhere in the country of these news telecasts, not even by the networks themselves.

The country was thus losing forever this record of the events of our time as well as a prime source for research by historians, political scientists, and other scholars. A primary objective of Vanderbilt is to demonstrate that a national agency could and should take over the task.

The Library of Congress is clearly the appropriate agency, and just as clearly, the cost of the program should be borne by the Federal Government. The Library has proposed a cost estimate indicating an initial equipment cost of $250,000 and an additional annual cost of $162,000, for taping and indexing so that the material is readily available to scholars.

I strongly commend Vanderbilt and Senator Baker for their efforts. I believe that it is most appropriate for this organization to do all it can to support this proposal of Senator Baker. I would urge you not just to adopt a resolution, but to really give it your enthusiastic and continuing support.

On the "State of the Fairness Doctrine", our recent fairness decisions attracted much attention. While these decisions involved a matter of the greatest importance—the Indo-China War issue, our substance decisions followed established "fairness" principles.

First, we made clear what I have always felt—that the fairness doctrine is really a misnomer. A layman would undoubtedly feel that if some person got 30 minutes to speak on some issue, it is only "fair" that a spokesman for the other side also get 30 minutes in the same time period. Thus, from such a lay viewpoint, "fairness" would always entaile "equal opportunities." but our recent decisions stress that this is not the thrust of the fairness doctrine, as developed by the Commission and codified in the law in Section 315. The fairness doctrine does not require equality but reasonableness—that in the circumstances there has been "reasonable opportunity for the discussion of conflecting viewpoints on controversial issues of public importance" (Section 315 (a)).

We explained why the licensee *is* afforded so much discretion under the fairness doctrine. In our judgment, based on decades of experience in this field, this is the only sound way to proceed as a general policy. The equal opportunities approach would simply not be workable in the field of controversial issues. It would inhibit, rather than promote, the discussion of controversial issues. For, it is just not practicable to require equality with respect to the large number of issues dealt with in a great variety of programs on a daily and continuing basis.

Further, it would involve the FCC much too deeply in broadcast journalism. We would indeed become virtually a part of the broadcasting "fourth estate," overseeing thousands of complaints that some issue had not been given "equal treatment." We held that the profound national commitment to the principle that debate on public issues should be "uninhibited, robust, wide-open" (*New York Times Co.* v. *Sullivan,* 376 U.S. 254, 270) would not be promoted by a general policy of requiring equal treatment on all such issues, with governmental intervention to insure such mathematical equality.

On the above basis, we denied the complaints that requested equal time for some spokesman to answer the President whenever he used broadcast facilities. The President clearly should resort to broadcasting to make appropriate reports to the nation. So also, to their particular constituencies—do Governors, Mayors, city managers and so on. If every such report automatically gave rise to an equal opportunities situation, we would really have changed the fairness doctrine to "equal opportunities," and that would be neither sound law or policy. So we held that all that is required under the fairness doctrine is that reasonable opportunity be afforded for the discussion of the contrasting viewpoints.

Our decisions then turned on the specific facts of each complaint.

In the case of the complaint from Senator Dole and ten other Senators, we found that NBC was reasonably affording an opportunity for the presentation of the differing viewpoints on the so-called "Amendment to End the War." It had extensively represented the Administration viewpoint on the Indo-China War issue, had already given three leading spokesmen an opportunity to express their opposition to the "Amendment," and had continuing plans to cover the debate on the "Amendment."

On the other hand, we did require the networks to afford some further time for an uninterrupted speech by an appropriate spokesman to be selected *by them,* so as to respond to the President's five prime time speeches on the Indo-China War issue. We pointed to the unusual facts here—that there had been extensive but roughly balanced representation on each side of the issue and five opportunities in prime time for the President to address the nation on this issue.

We also directed CBS to offer time to the Republican National Committee because of the time which was given the Democratic National Committee. The essence of our holding here was that the time given the DNC was "party-oriented" rather than "issue-oriented" because it was given without any specification of the issues to be covered. It was simply bestowed to allow the DNC to present its views, and while that is of course perfectly proper, we stated that fairness required that the RNC be given a similar opportunity.

There was a second group of rulings—dealing with the question of right of access to the broadcast media—which are also of great importance to this Association. Had we ruled differently, your role as a broadcast journalist would have been profoundly affected, and in a way not at all to your liking. I feel that many of you do not at all appreciate rulings which the Commission makes to preserve and promote broadcast journalism—that you too often focus on matters which you find disagreeable and ignore any favorable actions.

I would point out that the arguments made to us by the DNC and others were not without some force. They pointed out that many people have access to broadcasting to advertise soap, brassieres, cars—why shouldn't there be a *right* of access, to broadcasting by all responsible entities for the far more important matter of informing the electorate on public issues?

Nevertheless, we rejected the claim of the DNC and others that the broadcast licensee must sell time to discuss public issues to any responsible group that comes to him. We pointed out that the DNC position runs counter to the statutory language and the legislative history. That history shows that Congress specifically debated and rejected the idea of the licensee being required to act as a common carrier with respect to transmission of comment on public issues. The Communications Act reflects this. One section (3(h)) states that a broadcaster shall not be regarded as a common carrier. Another section (315(a)) sets out *the* standard here—that the licensee must operate in the public interest and must afford reasonable opportunity for the discussion of conflicting viewpoints on controversial issues of public importance.

There are strong policy arguments in support of the Congressional scheme. Under the common carrier access approach urged by DNC and others, the result could well be a chaotic situation which would be analgous to radio's early days. Since the broadcast medium is a limited one, the amount of time to be devoted to public affairs—as against the other needs and interests of listeners—is also limited. This balance between the categories could be drastically skewed by a requirement that the broadcaster must make available time slots for the discussion of a controversial issue.

Further, the public's agenda for discussion of public issues would then be set substantially and increasingly by the affluent—by the person or group which ". . . has the financial resources and interest to purchase sustained access to the mass communications media . . ." (*Banzhaf* v. *F.C.C.*, 405 F. 2d 1082 (C.A.D.C., 1968), *cert. den.* 396 U.S. 842).

Since the amount of broadcast time for discussion of controversial issues is limited and since the licensee must afford reasonable opportunity for discussion of both sides, the purchase of substantial blocks of time for a campaign by a group on some issue would impose the burden to present reasonably the other viewpoint, and in turn would inevitably cut down on the amount of time for discussion of other issues. But we believe that such allocations of limited time are to be made on the basis of the *public* interest—not that of any private group, however powerful or affluent.

The broadcaster would also lose control over the important aspect of the manner in which the public is to be informed. A licensee which reasonably made the judgment that an issue was too complex to be discussed in a 30-second commercial—that "hawking" the issue like a soap did not serve the public interest—would find that judgment frustrated by the DNC policy. It would be required to sell the spots and ordered to make time available to opponents on a similar basis.

As I said, a contrary ruling by us would have profoundly and adversely affected you as broadcast journalists. Your agenda of issues, and how those issues would be covered, would be set by others—by groups with money.

At the same time, we stressed the broadcaster's duty to devote a reasonable amount of time to public issues and to do so fairly. The most basic consideration here is that the broadcaster cannot rule off the air coverage of important issues or views because of his private ends or beliefs. As a public trustee, he must present representative community views and voices on controversial issues which are of importance to his listeners. This means also that some of the voices must be partisan. A licensee policy of excluding partisan voices and always itself presenting views in a bland, inoffensive manner would run counter to the "profound national commitment" that I spoke of—that "debate on public issues should be uninhibited, robust, and wide-open." (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964)).

This, we believe, is the teaching of the *Red Lion* case. To echo the Commission's long established doctrine in the Editorializing Report:

"It is this right of the public to be informed, rather than any right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting."

You thus have considerable discretion—but with this freedom, as with all freedoms, comes great responsibility.

Finally, we have adhered to the principles set forth in the important rulings, the *Democratic National Convention case*[1] and *Hunger in America*.[2] We will not investigate charges that some news has been slanted or staged in the absence of extrinsic evidence that the licensee or management has deliberately done so. We have stressed that we are not the national arbiter of the truth—that for the FCC to attempt to authenticate the news would involve us in a quagmire wholly inconsistent with the underlying policy of the First Amendment.

But while we have made clear in these cases and our *Judy Collins* ruling that we shall carefully avoid the censor's role, this does not mean that your operation should be immune from criticism from appropriate sources. On the contrary, all institutions, the FCC, the Congress, the Executive *and you*—benefit from scrutiny and criticism of how well they are performing their role.

Indeed, I would commend to you the recent action of the Washington Post, which has assigned an experienced journalist, Mr. Richard Harwood, to be an "inside" critic. While that is of course no substitute for the outside analysis also needed, it may prove to be a valuable complement.

In a recent article in the Post,[3] Mr. Harwood stated:

"It would be foolish and untrue for journalists to claim that they alone among men are without sin, that their standards of taste are necessarily and always the best standards or that they are as evenhanded as automations in all their work. Journalism is no exact science. Mistakes are made, biases crop up and judgments are often wrong."

I agree with his candidness. All I can do is to urge the obvious: That while it is true that mistakes will be made and biases may out on occasion, you must strive for the best possible record of integrity. The nation depends on the media *fairly* to illumine the issues. When the media's light flickers or is distorted, shadows lengthen over all of us.

Truly, then, you—above all—must "rage, rage against the dying of the light." Faith in the integrity of the press is one of the linch-pins of the republic. Every act of deliberate distortion—in some senseless race for ratings—diminishes not just your profession or broadcasting, but the nation.

Let me wrap up this "State of the Fairness Doctrine." It's still the same old doctrine. It affords you wide latitude on issues, viewpoints, spokesmen and so on. The FCC gets into the act only upon complaint, and only to review whether you have acted reasonably—not to substitute our judgment for yours.

We have heard suggestions that we should lay down more definitive guidelines on virtually all aspects of the doctrine. We have of course set out some. But in the main we rely upon the "reasonableness" test—that is, reasonable opportunity for the contrasting viewpoints in the circumstances. It is really like the "reasonable man" test in a negligence case. Its hard to devise a better standard, because everything comes down to reasonable action in the particular factual situation, and the facts of a negligence case can vary almost infinitely. As you know, the same thing is true in fairness cases.

The fact that your judgment can be reviewed for reasonableness upon a proper complaint is certainly no excuse to avoid controversial issue programming. We weight your judgment, and upset it only if we find it arbitrary—not because we would have done something different if we were the journalist. Our past actions show this, and I predict that our future actions will bear this out.

Finally, we've stressed that an honest mistake of judgment doesn't in the least place your license in jeopardy. But I'll tell you what will place your license in jeopardy—and that is to avoid controversial issue programming because you have to be fair if you engage in it. We've allocated so much spectrum space to broadcasting because of the contribution it can make to informing the electorate on public issues. Broadcasting doesn't merit all that spectrum simply as a conduit for entertainment programming to sell deodorants. You people in this room—you broadcast journalists—represent the best, the most important aspect of broadcasting.

Someone said, "What you don't know today, can kill you." That is becoming more and more true, in this age of mercury or DDT pollution. You gentlemen have the task of warring against this ignorance—of informing the electorate so that the nation can act, wisely and in time. There is no more vital and important undertaking in America. I wish you well and pledge that I will do my utmost to help you.

[1] 16 FCC at 650 (1969).

[2] 20 FCC 2d 143, 150 (1969).

[3] The Washington Post, September 15, 1970, p. A20.

THE 100TH BIRTHDAY ANNIVERSARY OF MRS. WILLIAM E. BORAH

Mr. JORDAN of Idaho. Mr. President, the late Senator Arthur Vandenberg called him "the greatest man I ever knew, greater than any President under whom he served." He was also called "the only effective minority." To him was attributed "the venturesome idealism of Idaho," and the New York Times, January 20, 1940, solemnly affirmed that "he wears no man's collar. He is even a statesman. But, especially, he is the conscience of his party; its prodding nerve; its accusing angel which refuses to forget or ignore or compromise. He is, in fact, Borah, vocal and unique."

From 1907 to 1940 he served in this Chamber as U.S. Senator and Idaho's ambassador to the world. Will Rogers, humorist and keen observer of humanity, often referred to him as "Prime Minister Borah."

He was the sponsor of legislation creating the Department of Labor and a Constitutional amendment for the election of Senators by popular vote. He was

totally dedicated to world peace, for reduction of all armaments and against entangling alliances. He heavily criticized the League of Nations and the World Court among those alliances and fought for the right of the United States to determine its own world policy, unhindered by collective world forums. The 1922 Disarmament Conference in Washington was his creation, one of his finest hours.

It was written of him in July of 1934:

Borah always knows precisely where he stands. Alone.

Mr. President, today I stand before this body to pay tribute to his memory and his greatness, and to the woman who rode beside him when "Senator Borah rode alone."

On October 17 of this year Mrs. William E.—Mary—Borah, widow of the late Senator, will be 100 years of age. Her life has been as full and rich and rewarding as anyone I have known. She was his constant companion throughout his 33 years as Senator. She was known as "a celebrated Washington hostess" and described as having "ambulent, inquisitive curiosity." She was named "Little Borah" by her contemporaries out of respect for the life which she forged for the Senator and herself.

Her father was Idaho's first U.S. Senator and its third Governor. It was during the latter that she left the general store and home in Moscow to be with him in Boise as hostess and part-time secretary. She even wrote speeches for him. Her acquaintanceship with "Billie" Borah began with these campaigns of her father when the young Borah worked vigorously for Senator McConnell's election. Upon entering the statehouse, Governor McConnell appointed the young lawyer, William E. Borah, as an administrative assistant. Shortly after, in 1895, Bill and Mary Borah were married, spending their honeymoon after a long train ride in Caldwell, Idaho. Throughout their life in Washington, she was his contact with society.

The New York Times noted that—

Formal society bored him and he seldom dined out. His carelessness in dress was long a subject of complaint by Mrs. Borah who objected to his dilapidated hats and unpressed baggy clothes. "Why, only today," he once said in defense to his wife, "I was complimented by a Senator on being the best dressed man in the Senate." "Yes, and I know who that Senator was. It was Senator Gore," retorted Mrs. Borah, referring to the blind Senator from Oklahoma.

When she moved a few years ago from her Washington residence to her present home in Oregon, she sold more than 3,000 elephants which she had collected during her years in Washington. For, in spite of the many differences which the Senator so vigorously voiced with the leaders of his own party, he was indeed a Republican.

It was in no small measure due to the courage and love on her part that the Senator was able to stand with what the U.S. News, May 28, 1934, called "a sincerity so deep and so obvious that it can be read in your every word and deed."

The greatest tribute which I could pay to Mrs. Borah today in honor of her 100th birthday and in reverence for the memory of this "serious, intense, and lonely statesman" would be to echo the words of the Christian Science Monitor:

In answer to the question what's he ever done for Idaho? . . . the answer is: He has given the nation and the human race honest, intelligent service based on the highest ideals and purposes, backed by uncompromising courage and an understanding heart—and in the name of Idaho. What more could any State ask ever of one of its public servants? High up among the winter-whitened, serrated ridges of Idaho's tiptoed mountains there is one higher than the others, a little aloof from them perhaps. It is as spotlessly white as the massed white of the springtime blossoms along the banks of the Potomac in Washington—blossoms Borah loved. The great mountain of pure white which will awaken to the call of each succeeding spring forever is the very heart of Idaho. The mountain's name is—fittingly—Borah.

Mr. President, I ask unanimous consent that an article entitled "The Lamp Is Still Lit," published in the Lewiston Morning Tribune, October 4, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARY BORAH AT 100: THE LAMP IS STILL LIT

(By Suzanne Taylor)

Mary McConnell Borah told me, "One thing I've learned after living a hundred years is that every man is different but husbands are all alike."

In her 100th year, Mrs. Borah, the widow of a senator and the daughter of a senator and governor, has lost none of the charm and wit that made her a favorite of the Washington social scene for many years. The wife of the powerful and famous Sen. William E. Borah of Idaho was highly regarded in her own right and much sought after as a guest by presidents and potentates.

Her husband died in 1940 after 33 years in the Senate. Her father, William J. McConnell of Moscow, served in the Senate before Borah went there and later returned to Idaho to become the state's third governor, serving from 1893 to '97.

As for Mrs. Borah, "as of now I seem to have earned the title of Methuselah. But please don't ask my rules for reaching such an astonishing age, for I assure you I have none. I have never partaken of the grain, the grape or the weed, but many who have reached the century mark plus agree that they have always smoked, imbibed and frolicked about, so this abstemious record perhaps is not all the reason I'm still here."

Is Mary Borah confined to her bed? Not so you could notice. She is up every day and still her very elegant small self. The day of our interview she was dressed in a smartly cut, high neck beige wool dress with a jeweled sweater over her shoulders.

"I'm frequently a forerunner of the latest style," she smiled demurely, "I am now wearing the new maxi length. In fact, I wore it before I realized it was the maxi length."

Mary Borah believes that destiny ordained that she be in the public domain from birth, and recalled that as an infant in arms her grandmother had taken her to Portland for medical attention. As she carried the baby from the train they were followed by a mother who had lost her child and whose mind, as a result, was disturbed.

Grandmother laid baby Mary on the bed in the hotel and retired to the bathroom, leaving the door half open into the hall. "In those innocent times of the west," Mrs. Borah remarked, "locking a door was simply unheard of. Imagine then my grandmother's horror when she returned very shortly and found little me had disappeared.

"Of course she ran screaming into the lobby where, fortunately, people had noticed a young woman hurrying through the hotel door with a baby in her arms. I was shortly rescued and became a front page item before I was six months old.

"Naturally, the fact that my father was a very important political figure in Idaho may have had something to do with the interest of the reporters."

"So many people have always believed that I was born in Moscow, Idaho, that I have almost come to believe it myself. However, 100 years ago, I was born in Arcata, Calif. My parents had crossed the plains in early Oregon days and after meeting fell in love and were married in Salem in 1866. Mother's maiden name was Louisa Brown. Other of the children were born in Oregon and in Idaho, where my family moved.

"There were five of us, two boys and three girls. I have one living sister, Ollie M. Leuderman, who is ill in the same retirement home I occupy. Ollie is in her late 90s . . . but one must never tell a lady's real age until she is at least a hundred and can be proud of herself."

A murmur of surprise at her memory caused "Little Borah" to remark, "If I launch myself on a subject of interest to me. I find I have almost total recall. If not . . . well, then I'm not always too clever."

"As a child growing up," she said. "father was concerned with working toward Idaho's statehood and this was accomplished when I was 21. Of course women did not have the vote then and the 19th Amendment was only a gleam in a suffragette's eye."

"However," she reflected, "the women in a candidate's family had a definite role to play. Certainly the wives did not go out on the hustings with their mates, but they were called upon to get up endless meals and serve at endless suppers, luncheons, teas and receptions, and when any of the candidates came to town the McConnell house was open to them, rather like a hotel, for no one then had too much money to campaign with."

"The new women's lib?" she remarked, "It's just an extension of women's urge to become full citizens no matter how. You know the senator never voted for the suffrage amendment because he considered it unconstitutional. Personally, I think women should have equal employment opportunities and pay commensurate with their ability, the same as men. To paraphrase Animal Farm, "Every one is equal, only men are more equal than women."

How did she and Senator Borah meet?

"It was during one of my father's campaigns that an up-and-coming young lawyer from Boise, W. E. Borah, came to help out. My mother introduced us at a reception and after that he came quite often to Moscow—why, I have no idea as it was a very long and expensive trip from Boise to Moscow in those days.

"Later, when father returned from Washington, D.C., after a year in the Senate, he helped father win his election as the third governor of Idaho.

"Because mother was in rather delicate health, and very shy about meeting new people, father decided to take me along to Boise as his hostess and part-time secretary.

"I was very much surprised and pleased to find that Billy Borah was one of the administrative assistants in the governor's office.

"Most of our courtship took place on horseback and we often rode together in the hills. I always loved parties and gaiety, but even then Billy was very very serious and a student who preferred his quiet study to attending the social events of the capital. Boise, then, as now, was noted for its social life.

"My student—political admirer and I were married on April 21, 1895, at the Cyrus Jacobses'. I understand that little old house is still standing. It must be faintly historical by this time, but will probably be knocked down for a parking lot.

"When after some disappointing campaigns, Billy was elected U.S. senator for Idaho in 1907, my wonderful years in Washington began.

"I have given so many interviews of my Washington social life and the famous persons who became my friends and associates that I think people who do not know me believe I did nothing but rush from one social event to another."

But it wasn't all parties and fun, she recalled.

"During World War I, when shell shocked soldiers and others mentally disturbed by the horrors of war were brought to St. Elizabeth's in Washington for treatment, I, with others who had been deep in Red Cross and war work, became constant visitors at this mental hospital in an attempt to bring back reality to our boys.

"Finally I had a serious attack of nervous exhaustion and my doctor ordered me back to Idaho for a rest.

"People who still recall, probably think I was always a person of robust health. Far from it. I had some very close brushes with death during my life. One, especially, when I was in Boise with my husband during one of his campaigns. All at once I came down with a mysterious illness accompanied by a burning fever. The doctors could do nothing. Then a close friend, the Boise merchant C. C. Anderson, remembered that one could catch a terrible fever from parrots. It was called psittacosis, and at his insistance serum was flown from Brazil. I was dying. Anything was to be tried.

"After the injection, the nurses told me how Billy had ordered every one from my room, as the doctors gave me only a few hours to live. Then he fell on his knees by my bed and prayed aloud to God to let me live. They said his prayers were so moving during his long night of watching that they would always remember them. In the morning I started to mend."

She laughed and said, "After that I had to get rid of my dear parrots and only kept my canaries.

"My life has been so full and complex I have taken little time to think of myself and therefore I became 100 years old without particularly noticing it.

"I accept my situation as the will of the Great Creator who may intend that my years may be of some inspiration to those who feel that aging is a calamity and that after 30 the lights go out . . . they really don't, you know. The evening of life brings its own lamps."

AUTHORITARIAN ALLIES

Mr. CHURCH. Mr. President, many of America's worldwide allies are authoritarian societies. What South Vietnam, South Korea, Taiwan, Ethiopia, Pakistan, Greece, Spain, Brazil, the Dominican Republic, and others all have in common is totalitarianism heavily subsidized by the United States. Commenting on this peculiar attribute of American foreign policy, columnist "R.J.B." of the North Idaho Press recently wrote:

It is strange, too, that this nation, not yet 200 years old, which grew out of a bitter revolutionary war, does not realize that revolution, peaceful or otherwise, is the only means by which oppressed peoples have an opportunity to gain some of the ambitions our forefathers had when they wrote the Declaration of Independence.

He continues:

And as a result, in our fear of Communism, we spend money, and sometimes the lives of our young men, to help, directly or indirectly, keep them oppressed.

When we pour our money and men into the full-fledged support of notoriously authoritarian governments, intelligent Americans, who still believe in the professed ideals of our Nation, question the spirit behind foreign policy decisions; inevitably the U.S. Government is unable to explain this contradictory situation to its own people, both young and old. What is necessary, therefore, is for America to devise a role for itself in this world consistent, as R.J.B. suggests, with the admirable ideals of our forefathers. This would go a long way toward restoring our country to the unique position it once held in the community of man.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STREAM OF THOUGHT

(By R. J. B.)

South Vietnam Vice President Nyguyen Coa Ky "is the smybol of everything wrong" in South Vietnam, says Rep. William S. Broomfield, R-Mich., ranking Republican on the House Foreign Affairs Far East Subcommittee.

Ky plans to attend a "march for victory" rally in Washington, D.C., Oct. 3, and the administration has made it clear it would prefer he not visit the United States.

Broomfield opposes Ky's plans to visit the United States. If Ky carries through, his visit is certain to spark new anti-war protests.

Perhaps it would be well if Ky did visit the United States, for he is a symbol not just of Vietnam, but most of what is wrong in our foreign policy—not just this administration's foreign policy, but the continuing national foreign policy for several decades.

Largely as a result of our foreign policy mistakes—due principally to a lack of vision—we leave the dissatisfied peoples of undeveloped or underdeveloped peoples of the world nowhere to turn except to Communism.

It is strange that we do, when we have fought in two World Wars to "make the world safe for democracy," and when our form of free government and free enterprise offers the greatest hope for the development and stabilization of the poorer nations of the world.

It is strange, too, that this nation, not yet 200 years old, which grew out of a bitter revolutionary war, does not realize that revolution, peaceful or otherwise, is the only means by which oppressed peoples have an opportunity to gain some of the ambitions our forefathers had when they wrote the Declaration of Independence.

Instead of understanding the legitimate aspirations of these millions of struggling people, we have poured billions upon billions of dollars into countries with the aim of "fighting Communism," but in reality to maintain corrupt, oppressive and dictatorial governments.

The people living under such tyrants want freedom and economic growth—legitimate aspirations. They are ready to fight and die for such goals, which is legitimate. They cry out, for leadership to help them gain their ideals, but the only leadership they are offered comes from the Communist nations.

And as a result, in our fear of Communism, we spend money, and sometimes the lives of our young men, to help, directly or indirectly, keep them oppressed.

Our men fought and died in South Korea, but the government that we support now in South Korea is not free and we still must maintain 50,000 men to protect that country.

The people of Indochina endured years of French colonial rule, and understandably fought to rid themselves of that yoke. Under President Eisenhower, we seriously considered intervening on the side of the French, and then watched as the government of South Vietnam deteriorated into a more oppressive one than the French rule.

The people of Cuba, after generations of oppression, revolted against dictatorship which we supported, and now have a Communist dictatorship more onerous than the one Battista gave them.

We cannot be proud of the dictatorship in Cuba that existed before Fidel Castro took over, nor the dictatorships that have oppressed peoples in other nations in this hemisphere south of the border.

And because we have offered the victims of these dictatorships little—but the dictators much—the people of Chile have turned to the Communist, giving him the plurality in the presidential election.

The people of Greece suffered under a dictatorial junta, and we resume arms shipments to those who oppress the Greeks. Not because the Greek government is free, but because the mass of Greeks, getting support from nowhere else, show sympathy with the philosophy of Communism.

We are not saying this nation should actively promote revolution or "wars of national liberation" in oppressed countries as Russia and Red China do.

We are saying that when people are oppressed and want freedom, they turn to Communism and we do not promote our brand of freedom. Communism promises much, and delivers nothing but more slavery, but the ignorant natives in poor nations are not given much choice if they rise up against oppression.

That is why we are losing the cold war. Oppressed peoples are not inspired by support of men such as Ky.

We hope Ky visits the United States, and that Americans take a good hard look at his Character. Maybe then, we'll take a good hard look at the direction our foreign policy has taken the past several decades.

AIR FORCE TASKS FOR THE 1970'S

Mr. HANSEN. Mr. President, I had the pleasure this past weekend of hearing an excellent speech delivered by the Honorable Robert Seamans, Jr., Secretary of the Air Force, to attendants at the National Board banquet of the Civil Air Patrol.

We are living in an era when more public attention than ever before is concentrated on the policies and administrative practices of our Government with regard to national defense. Much that is distorted has been said and written about our defense posture and our role in today's world.

Secretary Seamans did an excellent job of outlining in terms no one could misunderstand the general goals of President Nixon with respect to the U.S. role throughout the world, and his plans for maintaining the defensive capability of this Nation.

I found the Secretary's address refreshing in its directness and enlightening in its no-nonsense approach.

So that other Senators might know what he said, I ask unanimous consent that the entire speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AIR FORCE TASKS FOR THE 1970'S

The Air Force and the Civil Air Patrol have historically shared both an interest in flying and a desire to serve the people of

the United States. We in the Air Force are proud of the fine services rendered by the CAP. I noted yesterday that since January 1968, your search and rescue missions have saved 134 lives. You do this job so well that it is almost taken for granted by the country as a whole. Corpus Christi doesn't take you for granted, however; citizens there will long remember your prompt response to the Hurricane Celia disaster.

Just a few days ago Secretary Laird received a letter concerning Celia from Mr. Robert M. Pierpont, National Director of Disaster Services, American Red Cross. I'd like to read you that letter.

"Dear Mr. Secretary: For some time the American Red Cross Disaster Services and the Civil Air Patrol have coordinated on operational plans resulting in bringing service to disaster victims. The areas of principal cooperation have been transportation, aerial survey, food drops, and communications.

"As an example, immediately after Hurricane Celia, at a time when normal communications were disrupted, CAP provided the only means of communication into the Corpus Christi area. This was of inestimable value to the Red Cross.

"I wanted to mention this to you and express our appreciation for the excellent service provided by this organization and the fine cooperation provided by them to us.

"They have assisted in making our responsibilities at time of disaster easier. We appreciate this kind of cooperation.

"Yours respectfully, Robert M. Pierpont."

Although your humanitarian work has become a sort of CAP trademark, I feel that this impression tends to obscure an equally valuable program of developing youth into community conscious citizens. CAP is doing the country a great service with many of its cadet programs. The recently initiated POW/MIA campaign, the Spiritual Life Conferences, the Nurse Orientation Course, and the International Air Cadet Exchange are good examples. Through these activities cadets are involved in the kind of learning that's aimed at service to the community and at compassionate understanding of our fellow men. I'd like to single out the 23 year old international air cadet exchange for special mention. The 204 cadets from 25 countries and the 201 U.S. cadets, who participated in this program during 1970, have received an invaluable lesson in international goodwill, understanding, and fellowship through their common interest in aviation.

CAP's more technically oriented courses have been an important factor in increasing national interest in aviation and in contributing to the development of aviation talent. Our latest figures show that about 200 of the cadets entering the Air Force Academy this year had received training or motivation from the CAP. ROTC and enlistment figures also show the positive influence of the Civil Air Patrol.

Knowing the Air Force and its auxiliary share an interest in both aviation and national security, tonight I plan to sketch out for you some of the problems which face the aerospace team in the decade ahead.

In the twenty months since President Nixon took office there has been a more or less continuing examination of both domestic and national security policy. Federal agencies and special commissions have conducted detailed studies of our many domestic needs, while the National Security Council continues to reassess our defense policies and priorities.

During his February 18th message to Congress on U.S. Foreign Policy for the 1970's, the President outlined the defensive nature of our strategic posture, namely, ". . . to deny other countries the ability to impose their will on the United States and its allies. . . ." He also restated the salient points of the Nixon Doctrine dealing with our assistance to foreign countries. The essence of the doctrine is that the United States will continue to honor its treaty commitments. We will provide a nuclear shield and will furnish economic and advisory aid but will look to the threatened nation to assume the primary role in providing the manpower for defense. This will be a period of transition in which we must make the arrangements that will sustain us for the long-haul. Together, these policy statements provide the foundation for Vietnamization and our measured withdrawal from Vietnam, for the SALT talks, and for our future military posture.

Although we are still in a transitional stage in moving toward these new policies, there is a dual trend that is already clearly established: defense spending will be decreased and the armed forces will be reduced in size. Already total military strength has been cut by one-half million men since it reached its peak in mid-1968. By the end of the current fiscal year we will reduce the number of DOD personnel assigned to headquarters activities by 13,000. The latter cut represents a 15% change or roughly one man in seven.

To some extent the budget and manpower policies represent two faces of the same coin. The direct manpower cost of a 2.6 million man force in 1965 was under $14 billion. The military pay for a force of equal size today would be $29 billion. The difference represents both inflation and necessary pay raises. As Secretary Laird put it, ". . . manpower costs have really eaten up the so-called peace dividend."

For our part, we in the Air Force are fully alive to the vital domestic needs which place increasing demands on the national budget, and we intend to assist in meeting those needs wherever possible. We recognize that reducing defense expenditures frees resources and helps to curb inflation. However, as we strive to move from an era of confrontation to one of negotiation, we must not lose sight of the worldwide military picture. There are clearly identifiable threats to U.S. interests. The Soviet Union currently possesses powerful and sophisticated strategic forces which in some cases exceed ours in numbers and capability.

President Nixon, speaking at the Air Force Academy last year, placed the country's competing requirements in perspective when he said:

"The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order. . . . The most successful solutions . . . for our domestic programs will be meaningless if we are not around to enjoy them.

"Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither."

In the field of strategic weapons, we hope to arrive at an effective arms limitation agreement with the Soviets in the SALT negotiations. But at the same time, we must have the forces that will deter a strategic attack during the next five to ten years.

Two developments increase my concern in this regard: first, the increased numbers and total payload of Soviet ICBMs, and second, the Soviet deployment of an initial ABM system and continued extensive ABM research. The combined effect could be a considerable reduction in the effectiveness of both our land- and sea-based missiles. We are deploying ABM protection for our missile fields and strengthening the penetration capability of our missiles with the deployment of MIRV. But in the future, the effectiveness of our missile forces will tend to vary, depending upon the length of time it takes us to respond to new Soviet capabilities. Thus, there would be an inherent risk if deterrence were dependent on missiles alone, since a single technological breakthrough could operate against both missile systems.

To use a very rough analogy, two legs of a three-legged stool, do not give us the same stability, even if greatly strengthened and enlarged. A dispersed manned bomber force, having quicky reaction, is that third leg. It might be possible to undermine the effectiveness of either missiles or bombers alone, but to counter both at the same time would be a vastly more difficult problem. We must retain this stabilizing capability for the indefinite future. The B–1 gives us an improved system to do the job and represents the most economically feasible means to achieve this end. It is simply cheaper to replace the B–52 than to modify it and update it indefinitely. Given the decade of lead time involved, we must expedite the development of this aircraft. We have awarded contracts for development of the airframe and engines. The decisions will be made at a later date on production of the aircraft and development of its avionics package.

In addition to preserving strategic deterrence, we must maintain effective tactical forces. Tactical airpower is an essential factor in our ability to meet our treaty obligations and thus deter local war.

With respect to air superiority, skill and determination can only go so far in compensating for an aging system. Soviet fighter development since 1960 has been characterized by the frequent appearance of new and improved models. The extent of this trend was illustrated in the 1967 air show when the Soviets, at one time, introduced more new prototype fighters than the United States has developed in the last ten years. To insure that we can hold the lead in air-to-air combat in the 1970s, the Air Force plans to develop the F–15 fighter. We have negotiated a development contract which calls for 20 test aircraft, one wing of fighters, and options for two follow-on wings. Actual procurement money for the F–15, as contrasted to R&D money, will be budgeted in the future.

In other areas of tactical concern, we must continue to provide effective forces. For this purpose, we are working on a survivable attack plane known as the AX. Since this system will be relatively low in cost, we are going to build two prototypes. Early next year two contractors will be selected, and each will build two airframes for a fly-before-buy competition.

If economy were a watchword in the past, it will be a way of life in the future. Everything from pencils to planes will have to pass a cost and requirement test; nice-to-have office supplies or aircraft systems will become a thing of the past.

Better management will be the hallmark of our service. We have a number of programs already well along in this area. Among these are, decentralized decision making, use of a "milestones" or step-by-step approach to system development, reduced reliance on paper studies and more realistic cost-estimating.

Looking at the structure of the Air Force, it will be leaner, more mobile, more streamlined, and better equipped. When I visited Tactical Air Command Headquarters earlier this week, I was given a picture of what mobility is today and what it may have to exceed tomorrow. In the forty days since September 1st, the United States Air Force will have deployed or redeployed 358 tactical aircraft across the Atlantic or Pacific. Eleven B–57s, 96 F–100s and 156 F–4s were involved. Ninety-six of the F–4s, which are NATO committed, were rotated to Germany and back from their dual-basing homes in Idaho and New Mexico. In support of these movements, 1100 tanker sorties off-loaded over 5 million gallons of jet fuel. These deployments, completed without accident or major incident, provide a graphic illustration of the USAF's potential for worldwide reaction.

In the future the Air Force will depend more heavily on the Air National Guard and the Air Force Reserve, regarding them as an

integral part of our total force in addressing requirements. The policy recognizes that in many instances the lower peacetime cost of reserve forces, compared to active units, results in equal forces for less money. Reserve forces modernization is an essential element of this new policy. Secretary Laird has indicated that future budgets will provide "the necessary resources to permit the appropriate balance in the development of Active, Guard, and Reserve forces."

I think you can appreciate the great challenge facing the Air Force in the 1970's. I see little prospect that the path we tread will be an easy one, but it is by no means impossible.

To facilitate our progress and expose the pitfalls and snags—we need better communications with the American public. The military threat must be clearly understood, as well as the Air Force role in national defense.

This is not a particularly easy order. But if the people, through the Congress, are going to approve necessary new weapon systems, they will have to have a much better understanding of our requirements than in the past.

Between the Air Force and public there are no more important links than those civilians who understand the aerospace environment. Fortunately, we have some 74,000 of you that are members of the Civil Air Patrol and who have made it your business to gain this understanding. Further, as civilians you enjoy the confidence of your neighbors and can explain the problems in terms readily acceptable to them.

With the help of our many citizen airmen in the Air Force Reserve, the Air National Guard, the Air Force Association and the Civil Air Patrol, the Air Force's problems in the 1970's can be explained to the American people. And we welcome the scrutiny of our programs by an informed public.

We of the Air Force are proud of our association with the Civil Air Patrol. I know it is a partnership that will be no less vital or firm as we enter the 1970's. On behalf of the Air Force thank you for your support.

BANKING AND AGRICULTURE—THE BIG GET BIGGER AND THE SMALL GET PROBLEMS

Mr. SYMINGTON. Mr. President, despite the serious and growing economic problems of most Americans, in the Wall Street Journal of October 6, a headline reads that the profits of one of our most famous banking houses "Jumped Over 33% In The Third Period"; and on October 8 the same newspaper reported that the profits of New York's two largest commercial banking institutions increased 14.1 and 37.1 percent respectively.

One of my prominent agriculture constituents reports that recently he offered $1.36 per bushel on 17,00 bushels of Government corn stored in county bin sites in his area; but he was told the price had to be $1.44½ per bushel.

Later he found that the same corn was sold to a large grain buying corporation for $1.32.

I ask unanimous consent that the letter to me, dated October 9, from this respected and responsible farmer be printed at the end of my remarks.

I call special attention to the last paragraph of Mr. Quinn's letter, which reads as follows:

I am not asking that the local feeder have an opportunity to buy this grain any cheaper than anyone else, but I believe he should have a fair chance to buy it.

Every Senator will agree with his position in this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAYWOOD, MO.,
October 9, 1970.

Senator STUART SYMINGTON,
Washington, D.C.

DEAR SIR: On October 5, I wrote you a letter about the method used for selling government corn stored in county bin sites.

In my letter I referred to a quantity of No. 4 corn that I made a bid on. At that time I made a bid of $1.36 on approximately 17,000 bu. of this corn. I was told the corn had to bring $1.44½ per bushel.

All of the corn stored, about 35,000 bu., in the Lewis County Bin Site was sold yesterday for $1.32, to a large grain buying corporation. The market has changed very little since I bid on this corn. I was notified of this sale but because of unforeseen conditions I was unable to go to Monticello yesterday to make a bid.

There are several things that disturb me about this. As I stated before, when corn is to be sold out of the county bin sites, Local farmers should have first chance to buy it. I cannot understand why, when there is to be grain sold from the county bin sites that it could not be advertised in the local papers. Everyone should know when this grain is to be sold, not just a few.

Because of the lack of blight resistant seed corn for next year, it is possible there will be a short corn crop next year. In case of a grain shortage next year, the livestock feeder would be at the mercy of the large grain dealers.

There is something very wrong when apparently the large grain buying companies know more about the selling and pricing of government grain than the local A.S.C. Office. I think our local office does a good job, but the state and federal offices seem to have some very bad practices.

I am not asking that the local feeder have an opportunity to buy this grain any cheaper than anyone else, but I believe he should have a fair chance to buy it.

Sincerely,

WILLIAM R. QUINN.

REFORMS OF THE NEW FEDERALISM

Mr. BAKER. Mr. President, in the minds of many Americans the Republican Party and the Nixon administration are elements of our national society resisting change. Nothing could be less accurate. Although the President and his advisers do not seek to effect change in our institutions for the sake of change, the administration has recommended many fundamental shifts in domestic policy that have languished in the present Congress.

Many of these proposed reforms are part of the general ocncept of decentralization termed by the President "the New Federalism." Many begin to wonder whether the Federal Government is capable of returning any portion of its own swollen power to the States and to the people. There are grounds for such a doubt.

It is my strong hope—and that of the President—that next year some of the administration's recommendations for institutional reform can be given meaningful consideration by the 92d Congress. As sponsor of the President's revenue-sharing proposals—S. 2948—I have a particular interest in that aspect of the New Federalism.

One of the most bright and able architects of the new programs is Richard P. Nathan, now an assistant director of the new Office of Management and Budget. The New York Times of October 10, 1970, contains a column by Mr. Nathan on the reforms of the New Federalism. It is a thoughtful piece of writing. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFORMS OF THE NEW FEDERALISM

(By Richard P. Nathan)

President Nixon comes to office at a time when many Americans are frustrated that their governmental institutions are not working properly. This frustration is grounded in concerns (often legitimate) that old-line public agencies lack direction and imagination; that urban decay is all too often exacerbated by governmental efforts; that programs for the poor are badly designed, inequitable, and frequently promote dependency; and finally that the present scatter-shot pattern of Federal aid programs sows confusion and reaps disappointment.

Such complaints are not limited to the young. Little noted in the press, there has been a quiet groundswell of informed opinion over the past decade that our governmental machinery for domestic affairs is in need of overhaul.

It is in this context that President Nixon said in October, 1969, that the "watchword" of his Administration would be "reform." Many of the reforms he has advanced have strong bipartisan support from members of Congress, mayors, and governors.

The heart of the domestic policy reforms of the Nixon Administration is the re-establishment of political values of American federalism—tolerance of diversity, flexibility in public problem-solving, capacity for innovation and change, and broad participation in the political process.

President Nixon's approach to domestic reform has been summarized under the phrase, "the New Federalism." This approach has three essential elements: (1) to sort out and clarify governmental responsibilities among levels of government; (2) to improve the performance of those tasks which clearly belong to the central government; and (3) to strengthen the capacity of state and local governments in functional areas in which decision-making and administration are primarily their responsibility.

The $4 billion Family Assistance Act (keystone of the New Federalism) fits comfortably into this framework. So does revenue sharing ($5 billion a year in five years) and the Administration's proposed comprehensive manpower act.

These three proposals were contained in President Nixon's August 8, 1969, address to the nation on domestic policy when his New Federalism approach was first announced. Writing about the President's speech shortly afterwards, the *London Economist* compared it in significance with President Roosevelt's first proposals for a social security system in the mid 1930's.

Welfare is an area in which a stronger role for the central government is clearly appropriate. Over the past three decades, centralization of the income maintenance function has occurred in all of the major federal systems in the world. The spillover effect of poverty across state lines and the economies from administering welfare with the aid of modern data processing technology are major reasons for this realignment of functions.

The other two proposals in the August, 1969, address—revenue sharing and the comprehensive manpower act—are designed to enhance the leadership capacity of state and local governments.

The Federal Government is in the best position to equitably and efficiently transfer resources for the support of individuals, as under Social Security and welfare. But service (functions like education, manpower, family services) are much more complex. They vary with local conditions and needs. While Federal financial assistance is, and should be, provided for service programs, primary responsibility for their *design* and *administration* cannot be lodged in Washington. The Administration's objective in many service program areas has been to bring about "responsible decentralization."

Management reform at the Federal level is another key element of the New Federalism; it is required to achieve the Administration's substantive reform and decentralization policies.

The Domestic Council and the Office of Management and Budget have been established to enhance the capacity of the Executive Branch to formulate major purposes intelligently. The entire management of the existing $28-billion of Federal aids to states and localities is being overhauled.

Taken together, the substantive reforms of the Nixon Administration (such as the income strategy and revenue sharing) and its managerial initiatives constitute a broad redirection of domestic policy.

The significance of the Administration's domestic policy is not only that it charts new directions. It also involves a substantial commitment of resources. In their first five years of effect, the Administration's welfare reform, food stamp, and revenue sharing proposals are designed to channel $45 billion into meeting the stubborn problems of the poor and alleviating the fiscal crunch on state and local government.

OUR VANISHING WILDERNESS

Mr. NELSON. Mr. President, last night, October 11, public television stations across the Nation carried a tragic but beautifully filmed account of man's destruction of wildlife.

The program explained how man's use of pesticides has dangerously upset the balance of nature. It showed, as one example, a flock of brown pelicans that cannot reproduce because pesticides in the fish the pelicans eat have made their eggshells too thin to be hatched.

The program was the first in an eight-part series entitled "Our Vanishing Wilderness." The series was created by naturalists Shelly and Mary Louise Grossman and John N. Hamlet. It was carefully researched over a 6-year period—and then filmed in the wilderness The result is magnificent photography—remarkable scenes of animals in their natural state—and an accurate, detailed report of America's needless destruction of nature. "Our Vanishing Wilderness" is produced by National Educational Television and carried over the nationwide noncommercial television network, the Public Broadcasting Service. PBS, let me add, is funded in large measure by Congress through the Corporation for Public Broadcasting and—if "Our Vanishing Wilderness" is a good example of the quality of PBS programing—I believe it is money well spent.

The second segment of "Our Vanishing Wilderness" describes the systematic destruction of wildlife on the Great Plains. I am particularly interested in this segment because it reports on the decline of the black-footed ferret, an endangered animal we should take steps to protect. In the near future I will be introducing legislation in the U.S. Senate to establish a national policy and program with respect to wild predatory mammals, including the black-footed ferret. We must begin to recognize the value of these predatory animals and put an end to their destruction.

In the following 8 weeks, the color cameras of "Our Vanishing Wilderness" will take public television viewers to Alaska and California, to Nevada and to Florida, and to other spots across the United States. Each program probes a different aspect of man's senseless destruction of nature.

The third segment examines the proposed Alaskan oil pipeline and its probable damaging effects on the ecology of the frozen tundra.

The fourth segment chronicles how man has all but destroyed the once plentiful wildlife in and around Pyramid Lake, Nev.

The fifth program reveals how the famed Florida Everglades are in danger of being lost to wildlife because of the destruction of nature in the name of "progress."

In the sixth segment, "Our Vanishing Wilderness" looks at the offshore oil leak near Santa Barbara, Calif.

The seventh program in the series examines the fight to save New Mexico's Sangre de Cristo Mountains from commercial logging interests.

And the final program in the series examines new trends toward more intelligent use of the earth's natural environment.

The beginning air dates for the NET series, "Our Vanishing Wilderness," on Public Broadcasting Service stations throughout the country were:

Beginning Air Dates for Our Vanishing Wilderness:

October 11 at 7:30 p.m. Austin, Texas KLRN, Brookings, S.D. KESD, Chicago, Ill. WTTW, Dallas, Texas KERA, Des Moines, Iowa KDIN, Fargo, N.D. KFME, Houston, Texas KUHT, Kansas City, Kans. KCSD, Lincoln, Nebr. KUON, Lubbock, Texas KTXT, Memphis, Tenn. WKNO, Milwaukee, Wis. WMVS, Nashville, Tenn. WDCN, Oklahoma City, Okla. KETA, Rapid City, S.D. KBHE, Topeka, Kans. KTWU, Tucson, Ariz. KUAT.

October 11 at 8:30 p.m. Albuquerque, N.M. KNME, Baltimore, Maryland WMPB, Bethlehem, Pa. WLVT, Bloomington, Indiana WTIU, Boston, Mass. WGBH, Bowling Green, Ohio WBGU, Buffalo, N.Y. WNED, Cincinnati, Ohio WCET, Cleveland, Ohio WVIZ, Denver, Colorado KRMA, Erie, Pa. WOLN, Gainesville, Florida WUFT, Hartford, Conn. WEDH, Hershey, Pa. WITF, Las Vegas, Nevada KLVX, Maine ETV.

New York City WNDT, Philadelphia, Pa. WHYY, Portland, Oregon KOAP, Pullman, Wash. KWSU, Redding, Calif. KIXE, Richmond, Va. WCVE, Roanoke, Va. WBRA, Rochester, N.Y. WXXI, Salt Lake City, Utah KVED, San Bernardino, Calif. KVCR, San Diego, Calif. KEBS, Scranton, Pa. WVIA, Seattle, Wash. KCTS, Spokane, Wash. KSPS, South Carolina ETV, Syracuse, N.Y. WCNY, Tacoma, Wash. KTPS, Tallahassee, Florida WFSU, Toledo, Ohio WGTE, University Park, Pa. WPSK, Washington, D.C. WETA.

Different Air Dates and Times, October 11 at 6:30 p.m. Madison, Wis. WHA.

October 11 at 8:00 p.m. Durham, N.H. WENH.

October 11 at 8:30 p.m. Athens, Ga. WGTV.

October 11 at 9:00 p.m. Los Angeles, Calif. KCET.

October 12 at 6:30 p.m. San Francisco, Calif. KQED.

October 15 at 6:00 p.m. University Center, Mich. WUCM.

October 15 at 7:00 p.m. Detroit, Michigan WTVS.

October 18 at 10:30 p.m. Jackson, Miss. WMAA.

October 20 at 7:30 p.m. central. Little Rock, Ark. KETS.

October 22 at 8:00 p.m. Huntington, W. Va. WMUL.

October 25 at 4 p.m. East Lansing, Mich. WMSB.

November 1 at 8:30 p.m. Morgantown, W. Va. WWVU.

Check your local paper for beginning air dates on these stations.

The initial program of this eight-part series was entitled "Of Broccoli and Pelicans and Celery and Seals." The remaining seven shows will be:

October 18—The Prairie Killers.

October 25—Prudhoe Bay—or Bust.

November 1—Slow Death of the Desert Water.

November 8—Will the Gator Glades Survive?

November 15—Santa Barbara—Everybody's Mistake.

November 22—The Water is so Clear that A Blind Man Can See.

November 29—The Charmed Life.

In approximately 3 months, the videotapes of each of this excellent series will be suitably converted by the University of Indiana to 16-millimeter sound film and made available to schools, educational institutions, and public service organizations at a modest rental cost—or as a permanent copy for the library—for use in classroom and group discussion. For further information on obtaining a copy of this series, inquiries should be communicated directly to the Audio-Visual Department of the University of Indiana, Bloomington, Ind. 47401.

I sincerely hope that every American will have a chance to see this important series.

And it is even more important that each of us will be moved to stop the terrible destruction of wildlife this series reveals.

THE VICE PRESIDENT AND THE STUDENTS

Mr. HANSEN. Mr. President, on September 25, Vice President AGNEW met with a group of five student critics on The David Frost Show.

During the 90-minute debate which ensued, crime, student protest, Vietnam, and a number of other relevant topics were rather fully discussed in this most interesting and meaningful discussion.

Mr. President, in view of the fact that some Senators may not have had the opportunity to see the show, I ask unanimous consent that the complete text of the remarks made during the program be printed in the RECORD. It should be of real interest to all of us.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

AGNEW'S TALK WITH FIVE STUDENTS FULL TEXT OF A 90-MINUTE DEBATE

What is bothering student dissenters? Why do they find fault with the nation's leadership?

How does a top U.S. official feel about student unrest—and campus disorders?

In a remarkable "confrontation," Vice President Spiro T. Agnew and student critics explored these and other questions that reflect the deep divisions in U.S. life today.

Mr. FROST. We've got a very special program for you today—the Vice President in debate with college critics of the Administration, starting right now.

Thank you very much indeed and welcome to this special—very special—edition of "The David Frost Show."

The story so far—how it came about, this particular program: It followed on—we very much wanted to do a follow-up after the last program we did with Vice President Agnew, which there was a tremendous response to. The Vice President himself wanted to debate with students and we suggested a format in which he might like to do so. Here to introduce the theater and the audience to those of you at home—here we have an invited little-theater audience right here. We don't claim that it is in any way an amazing Gallup Poll cross section of the country, with exactly 1.7 trade-unionists and so on. It is simply a group of 200 to 250 people here in the little theater. They are friends of the Administration and friends of the students, critics of both and undecideds. We know that up in the balcony there we have our friends, the gentlemen of the press. We know that here in our front row we have five students who, along with the four students who are going to join me in a moment on stage, we have to say, in the cause of full disclosure I think is the word, that they are receiving reasonable expenses and no payment.

As to how the students—incidentally, I'd like to say that we want all of our audience, and particularly the five in the front, to join in later on in the program.

Right now, as to how the four students who are going to join me, and the five in the front row—the nine—were selected: Let me say that, obviously, with 7 million students to choose from in this country, it was a somewhat difficult task. So we agreed with the White House that we would, in fact, choose presidents of student bodies and as wide a geographical cross section across the country as possible.

At that point—I can't say, in fact, firmly enough—that at that point the White House, the Vice President's office, the Vice President, and so on, neither took any part nor tried to take any part in the selection of the students. They knew that they were going to be student critics of the Administration. And we, at the same time, didn't feel qualified to make a sort of random choice ourselves, and so we spoke with various people. We spoke with editors of student newspapers across the country, asking them for names of students who were both critics and articulate spokesmen for the college community. We put the same question to leaders of various campus political organizations and to officers of the National Student Association. And so it is on that basis I would like you to welcome both the five students who are with us in the front row, and would you welcome now the four who are going to join us on stage.

Very good to have you all with us. Let me just introduce each of you by name, starting with you, Greg Craig, who is in his second year at Yale law school and has been student-council president of Harvard. Is that correct, Greg?

Mr. CRAIG. That's right.

Mr. FROST. Welcome; very good to have you with us.

Next, Rick Silverman, from the University of Washington, who is writing a thesis on urban violence, worked for VISTA [Volunteers in Service to America] and has worked also as a tomato picker—is that right?

Mr. SILVERMAN. That's right.

Mr. FROST. Eva, welcome—Eva Jefferson, from Northwestern, who testified before the Scranton Commission on Campus Unrest, and is majoring in political science—is that right?

Miss JEFFERSON. That's right.

Mr. FROST. And Steve Bright, from the University of Kentucky, who is a political-science major. Is that right?

Mr. BRIGHT. True.

Mr. FROST. Terrific, and we welcome all four of you. We are delighted to have you with us.

And right now it is a privilege to welcome the Vice President of the United States, Spiro T. Agnew.

Mr. Vice President, I am sure people would like to know, why did you particularly want to have a debate with student critics, and so on.

Mr. AGNEW. Well, David, I don't know whether I'd call it a debate. In effect, it will be a discussion, not a formal debate. I hope we can communicate more readily than that format. But what I wanted to do is have a chance to sit down with some of the students who obviously have not really understood what I am saying, and who I think could benefit by hearing a little more expansion of my views. And I think the converse is true. I think there is much about what they are saying that I read secondhand, and maybe it will help my understanding to talk with them. Perhaps, as happens in any exchange, we will move closer together. That's what my hope is for this meeting.

Mr. FROST. What is your own main memory of your student days, in fact, Mr. Vice President?

Mr. AGNEW. I think the thing about college that most people truly enjoy is the stimulus of having one's intellect brought into sharp focus, not so much in the formal classes but in the exchanges that you go through with people who are part of your college community. You seem to have—to discover together that there are things you have been talking about that you have thought about a long time but they sort of come into being as you discuss them. It's the intellectual stimulation of college that I found most engrossing.

Mr. FROST. The first question, Greg?

Mr. CRAIG. I have a question for the Vice President.

At the beginning of your campaign for this year, Mr. Vice President, you pointed out that the theme of this campaign would be that policies should be made by the elected officials of this country rather than by the people in the streets. But in the last three weeks you have chosen to defame some of the most respected and distinguished public servants in American life today—elected by the people from States such as South Dakota, Tennessee, Arkansas.

I think it's been regrettable that you have chosen to attack personalities rather than problems, that you have not addressed yourself to some of the really central issues that are facing American society today.

My hope would be for this program that we can talk about those kinds of problems rather than slandering established and respected public servants, that we can talk about the policies that you think might solve some of the problems that we are facing as a nation today, because we can't afford the kind of emotionalism and clouding of reason through rhetoric today. And my comment would be why—my question would be: Why have you chosen this route at a time more than ever before when we need unity as a nation—not necessarily unity, but we need some kind of civilized discourse of issues?

Mr. AGNEW. Well, Greg, I think that I agree with you 100 per cent that what we need is civilized discourse, because that is what I am really trying to reach for. And in discussing these individuals, as I have done during the campaign, you may notice that I have never unilaterally raised their names. It's always been in response to something they have said. It is something I think that demonstrates their unfitness to hold the offices that they hold.

Now, the political climate has to be adversary. That's our system. How else will our people make up their minds about whose judgments they want to follow unless we have an adversary climate?

But what is unusual to me is that it seems as though my rhetoric is always called into question, and yet the rhetoric of others who impugn my motives and my philosophy is never called into question. There are many examples of this.

When I was running for Vice President, a very respected public servant of the persuasion that you mentioned had some very unkind things to say about me. He said I was a two-bit hack politician or a fourth-rate hack politician. I didn't see any of the editors or the columnists flying into orbit over this insult. So, it's a two-way street. We have to have an adversary climate. I'm willing to discuss what I believe in. My speeches, if you read them, do discuss it very candidly.

Mr. CRAIG: The adversary system, though, is based on an issue—on a problem—and in the course of the last three weeks, in all of the reports that I have seen of your speeches, I have not seen you address yourself seriously to any of the serious problems that are confronting the society. For example, the health care that the society has got. We have the worst health care among all industrial nations in the world. Now, this seems to me a very important issue. The strength of our nation depends upon the health of our people. Why are we not talking about that?

Mr. AGNEW. Well, I'm not sure I agree with that conclusion that we have the worst health care of any industrialized society. This may be some pundit's opinion. But even if it is bad in comparison to our affluence, I think you would have to agree that President Nixon's programs are trying to do something about that. Take, for example, the money that's being spent in upgrading the present health-delivery systems—the administrative reforms that are trying to eliminate the waste in those systems. Take, for example, the program that is being worked on right now that will probably result in a national health-insurance system.

The point is that our improvements in these ways have come about over the last 50 years, and the thing I think that most adults resent most about the judgments of some of you young people who criticize us so violently is that you really don't understand what we have done in 50 years about health. You haven't had to grow up with polio or diphtheria, mainly because the people in my generation and the generation before have eliminated that. You haven't had to be hungry, you haven't had to be cold.

You have come into a period of affluence that has allowed you to have the time to think, principally because today a person works about one third as many hours as he used to have to work to make a living. This gives you more time to think, which we think is great. We want you to think. We want you to challenge, but don't deprecate and downgrade a society that has given you the tools to work with that you have.

Mr. FROST. Eva.

Miss JEFFERSON: Sir, I'd like to challenge that comment, if I may, and make an analogy to the business world, if I might.

If you had an employe who in the past years had done a good job, a very good job, but for the past, let's say, few years, had just completely broken down—not completely, you know, still kept up with some of his good works, but in the over-all perspective, was not doing an effective job—you wouldn't keep this person on. And you wouldn't say that in the past the things he had done were bad. You would give him credit for those,

but you'd either try to improve him and, you know, get him to do better things than what he's been doing in the past, or get someone else. And I think this is the type of attitude that young people have.

We realize, as you pointed out, that your generation—my parents—have given us economic security so we can address social problems. Yet it is offensive to me when it is inferred that we are not grateful or we don't appreciate the greatness that America has. I don't think anyone is saying that. We just want it to live up to its potential. And this is what bothers me about your statements. We realize that there are great things going on, but that's what you and President Nixon do—you verbalize these things. But we feel the responsibility to vocalize some of the problems of the country because this is what we feel. As you said, it's an adversary system, and we feel it is our duty to bring up some of the problems, and I don't think it's correct when you say we don't appreciate America.

Mr. AGNEW: Let me take brief exception to one thing you said. Much of what you said I find very encouraging, particularly in contrast with what you said to the Scranton Commission when you said the only way to get the attention of the society is to bomb buildings. But let me say this: I don't believe that it is possible to say that this society is broken down and is not continuing to respond to the problems.

Let me give you an example: In higher education this year we're spending about 8.6 billion dollars. That's—two years ago we were spending about 3.4 billions on higher education. Now, does that show a lack of interest or lack of effort on behalf of the Government?

Miss JEFFERSON. Could we examine what that money is going into? You talk of education—

Mr. AGNEW: It's going into federal assistance.

Miss JEFFERSON: What about the desegregation programs? I believe there is a widely acknowledged slowdown on the part of your Administration. I believe if anyone goes into any ghetto school you would not see a top-quality educational system.

Mr. AGNEW. Let me respond to that one thing. May I interrupt as you make the point to respond.

Mr. FROST. And then you must mention about the Scranton Commission.

Mr. AGNEW: Let me say this:

You say there is a slowdown on desegregation. Do you know that the number of black children attending integrated schools in the South this year will be 10 times more than it was two years ago? That's a figure.

Mr. SILVERMAN. May I respond, as you make your points?

Mr. AGNEW. Yes, indeed.

"GLOSSING OVER THE PUBLIC-RELATIONS SHIMMER"

Mr. SILVERMAN. There is an interesting article in "Playboy" this month, which seems to have come of age. And Tom Wicker, who is one of your ongoing critics and, I might suggest, one of the more sophisticated pundits in America, observes that the Administration statistics on desegregation are really the high point of your glossing over the public-relations shimmer of the Nixon regime. The point that Wicker makes, I think with some authority—and I think that people like Leon Panetta and dozens of other people within the Justice Department and HEW [Department of Health, Education and Welfare] who have left the Administration in protest have been making—is that you are really falsifying those statistics badly. And I suppose we can elaborate. I am somewhat concerned about doing this—

Mr. FROST. I think you should give us an example of what you mean.

Mr. SILVERMAN. The basic tool here is that the Administration has adopted some statistics which were based on integrating that is beyond a 50 per cent scale, and now, on the basis of statistics—I'm sorry, I don't have those at hand, what number of students would be involved—we find that the Administration is now listing for us as integrated students any student who is in a district which is nominally integrated. So that we have countless examples, dozens and dozens of examples of students attending all-black schools in what are being listed in the new federal guidelines—the new federal propaganda—as integrated schools. It is a farce.

Mr. FROST. Is that true, Mr. Vice President?

Mr. AGNEW. No. I take exception to it and I ask for the contravening figures. I don't see how you can make a statement off the top of your head, and as far as "glossing over a shimmer," that's a pretty hard thing to do in itself. That's not my Bible.

Mr. FROST. It's clear, either a change in the country or in "Playboy"—While you're searching for that, and we must obviously come back to that point, don't get waylaid on the way to finding that—

Mr. SILVERMAN. They are twins for the price of one issue—it's incredible.

Mr. FROST. Yes, amazing. Eva, the words that the Vice President quoted—were they the words that you said to the Scranton Commission? Did you endorse that point of view or were you describing a situation you saw?

Miss JEFFERSON. See, your attack on me in saying what was alleged that I said before the Scranton committee is an example of what Greg was talking about. Instead of looking beyond the personalities and into the issues, you just pick up on something that was alleged that I said. What I said, in fact, in front of the Scranton Commission was this—and I will give you my rationale for saying it:

I represent a student body at Northwestern University that has a cross section of people just as you represent a country that has a cross section of people. Among those students at the university are people who would be termed radicals or revolutionaries. I myself am not one of those students. If you would examine what I have done in the past you'd know that.

However, I feel honor bound to represent those people because they are part of my constituency. What I attempted to do before the Scranton committee was to explain what could motivate someone to blow up a building, and if you also examine what I have done—and I don't mean to be patting myself on the back—you will see that during our strike during May there was no violence on our campus. And I was part of the leadership of the strike "Students Help Prevent Violence."

What I did say, however, was examine the civil-rights movement in our country. Now, there was civil-rights legislation before the Congress. It was held up, slowed down. Some of it was coming out, but not fast enough. All of a sudden Watts blew up, Detroit blew up, and we saw the legislation coming out of Congress with much greater speed than it was before.

You notice that every time a black ghetto blows up, the mayor of a city all of a sudden decides it is now time for him to go down and investigate this ghetto and see what motivates people to act out like this. And what I am saying is, if someone studies a history of this country, which you would have to admit does have a lot of violence—the violence in Vietnam, the violence that has gone behind a lot of our social movements, and you would have to admit that. A person looking at that might be inclined to think the only way to move society is to blow up a building.

I did not say I endorsed this, and if you read my testimony quite carefully you'll know that I didn't. And it is this type of just picking up on what allegedly I said, instead of really studying what I said, that really disturbs me about your whole process of going about and talking around the country.

You're doing us a great disservice because you're making people afraid of their own children. The way you talk about students is as though they are people from another planet who were dropped down on college campuses with no more intention than to just blow up buildings and to destroy our society.

Yet they are your children, they are my parents' children and the children of this country. Yet you're making people afraid of them, and I think this is the greatest disservice. There is an honest difference of agreement on issues. But when you make people afraid of each other, you isolate people. Maybe this is your goal. But I think this could only have a disastrous effect on the country.

Mr. AGNEW. Let me say, first, that isolating people is not my goal. If that were true, I wouldn't be here tonight.

Miss JEFFERSON. Good.

Mr. AGNEW. Let me take exception to that oft-repeated rationale that violence is the only way to get results. You know and I know that the greatest result—the greatest progress that was made—was when the Supreme Court began to recognize this very difficult problem as far as public acceptability, but nonetheless did not shy away from the propriety of integration. And the Civil Rights Act of 1964 took place long before much of this violence occurred. In 1954 there was no violence when the Supreme Court made the historic Brown decision.

Miss JEFFERSON. Sir, if I may interrupt just for a second. Yet we are still in the process of desegregating schools. That's all I have to say.

Mr. AGNEW. Well, it is true, but we are in the process of accomplishing it, and we have recognized the impropriety of some of the discrimination that obviously took place and continues.

And let me make one thing completely clear to you: At a time when I was county executive of Baltimore County—this is a county with about a 3 per cent Negro population—I was one of those who successfully intervened in the Gwynn Oak Park dispute to see that the injustice done to black citizens of Baltimore who wanted to use that facility, even though it wasn't in Baltimore city proper—it was in Baltimore County—would have a right to do that.

I spoke out for open housing. I am not in any sense at all unsympathetic to the discrimination that has taken place. I want to help cure it. But to say that the way to bring about social change is even a tacit acceptance of violence is wrong.

And I read your testimony. I didn't go by the news reports. I read your testimony, and you did call for the impeachment of the President and you did—I don't know how you missed me—but you did also indicate that the only way to get results sometimes is violent conduct, and you just repeated that now as you pointed out these situations where things happen after there is violence. I say this is a poor rationale to get results.

Mr. FROST. But surely what you were saying, Eva, what you were saying was, in fact, that it seems to a tiny minority that that is the only way to make people listen, not "It is the only way I think results can be got." isn't it?

Miss JEFFERSON. I wish you would listen to what I am saying, because I have said two or three times that I am not in favor of violence. I have never participated in a violent act except at the Chicago "police convention," called the Democratic Convention, in which I was tear-gassed. I was trying to explain to you the rationale of some students who are openly revolutionary. Yet my trying to explain them you take for a position of advocacy. This is one of the problems.

You're not listening to what I am saying. I am really distressed.

Mr. AGNEW. What are you advocating?

Miss JEFFERSON. Sir, because I'm a student-body president, which in the context of the students is a very Established point of view, it is obvious that I am for working through the system. I have registered to vote. I don't intend to vote for candidates who are of your persuasion. This is my personal way of working through the system.

Now, I would have to go back to something you said, and I'm very disturbed that you said you read the testimony because maybe you got a different transcript than the one that I have presented. My comments on the impeachment of President Nixon were this: I gave an analysis of what I thought college students thought was wrong with the country. At the end I said, "What kind of recommendations do you think I should come up with? Do you think I should say you should impeach the President?" The room—oddly enough, filled with young people, all Government employes—broke into applause. Then I said, after that was over:

"But you see the problem goes much beyond one man. The problem is not just one man, because many people voted for this person. Now, that's why this recommendation would not be particularly good." I unfortunately left my transcript in my hotel room, but I could certainly have someone go get it if you would like to see the transcript, because that is exactly what I said.

Mr. AGNEW. Well, I wrote down one thing I extrapolated from the transcript, and I would just like to ask you whether this is wrong, whether this represents your thoughts or not: "The only thing that is going to move college administrators"—you didn't use the words "college administrators"—"is blow up a building; either you blow it up, or you say you don't want to change that much anyway."

Miss JEFFERSON. Sir, the disservice you do me is that you leave out the entire context in which that was placed.

Mr. AGNEW. I would like to hear how—

Mr. CRAIG. She has said that she is not in favor of violence as a tactic. She is opposed to it, and publicly denies it.

Mr. FROST. This quote—I think you were saying—is that where you were quoting a minority point of view with which you did not agree, and you were paraphrasing what they thought. Is that what you are saying?

Miss JEFFERSON. This is probably the last time I will say this. I don't want to get into an argument because there are much greater issues. But I was trying to explain the rationale behind a minority—but an active minority—of college students. I can't prove to you that I am not for violence. I can just say it. And I guess we should move on to something else.

Mr. SILVERMAN. I am not sure why it should be necessary—

Mr. FROST. Steve, let's turn to you. You haven't had a chance to speak.

Mr. BRIGHT. O.K. Thank you. I notice among the things you talk about a great deal are violence and crime. And I think probably most people would agree that they are opposed to violence and opposed to crime. I think most college students would be. But one thing I am interested in is: Don't you see that if the political system is not responsive enough, and if people with whom you disagree—especially if you use the power and prestige of your office to intimidate them or to call them "effete snobs," rather than to deal with the ideas which they are advancing—that we could someday in the future reach a stage where violence, as you talked about it a moment ago, might be the only solution or might be the only alternative for some people who are up against the wall?

Mr. FROST. What do you mean, if the system is unresponsive? You're saying—

Mr. BRIGHT. I mean, can you foresee that happening, eventually?

Mr. AGNEW. Well, Steve, I've got to say this much: First of all, I'm disturbed with the way people jump from a very carefully limited expression I might use to include a lot of people that aren't intended to be included. And I noticed when Miss Jefferson was talking she assumed that I was hostile to all students. That's not true. I have never criticized all students. I think that the hope of the country lies with the students.

But as far as crime and repression, those things, are concerned, we've got to understand that we do have a responsive system of Government. We do have a Government where the people elect their representatives every two years, every four years or every six years, depending on the level of Government. And if a President is elected, after a hard, adversary, issue-oriented campaign, such as we had in 1968, and he is given a mandate of the people—a majority of the people or even a plurality of the people—to lead the country for four years, he has a right to do that without having people calling for a referendum in the streets.

Now, you may disagree with what he's doing and, if you do, you have a right to work within the system to have him turned out of office when his term is over.

But what is it that gives certain students the feeling that they are able to exhibit or reveal truth of which direction this Government ought to go. After all, students in this country are only about 4 per cent of the population. People between the ages of 16 and 24 are only about 10 per cent of the population. Do you think students should have some special privilege to be heard and heeded?

Mr. BRIGHT. No, but by what you have just said, haven't you pointed out that the only time we have really any fear of violence or any fear of a revolution in this country is when enough people—is when the Government has failed to respond to so many people that there is tremendous support from it—certainly not the support of only a very teeny minority?

"I HAVE NO FEAR OF REVOLUTION"

Mr. AGNEW. I don't see the tremendous support, and I have no fear of revolution in this country whatsoever. I think that there is a great drama attached to it. The rapidity of communications makes it possible to show numbers of people in disagreement with the Government but, as far as the violence is concerned, you and I know there are very few people involved in violence at the present time.

Mr. BRIGHT. One thing: Many students who are on a part of the spectrum where their means of behavior is often very unpopular—and certainly most unpopular to you, a dissenting point of view—but nevertheless is very legal. Haven't you often put the students in two camps—the students who are there to, quote, "get an education," and the students who are the militants and who are bent on destruction and violence?

Mr. AGNEW. I have indicated in an in-depth article that was written in "Life" magazine not too long ago how I feel about dissent and what kinds of dissent I think are proper.

Lawful dissent is proper. I have no quarrel with certain types of civil disobedience where the law being violated is directly related to the grievance. But I think when a person lies down in the streets of the city of Washington and disrupts traffic because he doesn't like something the Department of Agriculture is doing—that's a little bit much.

Miss JEFFERSON. Sir, could I backtrack to one of your comments, and that was: What right do a small percentage of people have to—and I think this is quoting from one of your speeches—harass the President. If I could be historical for a moment, using my student perspective: Slavery in this country went on for a number of years, supported by the majority of the people. It was a small minority of people who were termed radical, maybe radical-liberals in their times, who kept agitating—who kept agitating continually. And they were looked down on. You know, the Abolitionists were looked on as the crazies of their day. Yet, looking back in perspective on that, we see that they were right.

And I think that the college students—and it's not just college students, it's people whom you might term the radical-liberals, and I think I'd like to deal with that later, too, but will wait. It's people, you know—adults, Democrats, independents, old people, people who aren't students—a lot of people are protesting the policies of your particular Administration. I think it is our moral obligation to protest those things lest we be caught in the same bag that Germany was under Hitler, where too many people sat back and kind of let things happen. I'm not saying that the country is in that shape right now. I really don't think that that's true. As I said, there are a lot of things right with America. It's just that I think it's our moral obligation to "harass" the President. It is not harassing; it is our constitutional right.

Mr. AGNEW. I agree with you 100 per cent. It is a moral obligation, not to harass the President but certainly to take him on where you think he's wrong. But I fail to see where the tactics that have been employed so extensively by not all students—again I hate to be characterized as criticizing all students, because I know there are a large number of students who want to involve themselves in a productive dialogue rather than the screaming of obscenities in the streets. But, unfortunately, the students who do chant and scream the obscenities, who substitute cadence count of four-letter words for rational dialogue are the ones that are getting the attention.

Now, of course, I agree with you that there are people in the forefront of every social change, but I don't think that violence or dropping out of society is the way to dramatize the propriety of your position. I think you should participate within the system as you are doing, as you say you're doing, and I respect you for it. And Heaven knows, I don't quarrel with your right to have an opinion different than mine or to articulate it, but I don't see why taking some violent stance, disrupting the rights of other people to move freely and to assemble freely—as happened to me in Saginaw, Mich., when I tried to make a speech and was shouted down by a bunch of people who had no idea of what they wanted to say to me, except they didn't want me to be heard. Now, that's repression of my right to express myself.

Mr. FROST. Mr. Vice President, I guess, first of all, the violence that you would feel is out of order is something that I am sure—or I assume—all of our panel would agree is going too far, namely bombings and burnings and killing, and so on, and that form of violence. I'm assuming probably that we would all rule that out. When we have ruled all that out, and that obviously is the work, as you say, of a tiny, tiny minority, what other forms of conduct or agitation—you mentioned lying down in front of traffic for an issue not connected with traffic—what else would you rule out of court?

Mr. AGNEW. Sure. One of the things I'd rule out in the way of nonviolent conduct is that kind of conduct that deprives other people of their rights.

Now, let me give you a perfect example: We are having what we hope will be an interesting television program for the people in the country. It's being put on at considerable expense to your sponsors. Suppose a group of people marched into this room and suddenly stationed themselves in front of each of those cameras, nonviolently, and said: "Because we don't think this format is proper, you're not going to be able to show this program." That's the kind of nonviolent conduct that imposes on the rights of oth-

ers—the same kind of demonstration that is totally unrelated to the people who are inconvenienced. Tying up traffic, the types of disruption that are involved in activities that affect people who are not the object of the protest, even though they are nonviolent, are not permissible.

We live in a lawful society and I think these young people would agree that, for example, the students who are not interested in the protest of the moment that is going on in the campus and want to use the library wouldn't like to be turned away from the library because that's been set up as guerrilla headquarters for the protesters.

Mr. FROST. What forms of civil disobedience—you mentioned that some are perfectly permissible or have been—what forms of civil disobedience do you regard as O.K.?

Mr. AGNEW. I'll give you an example of that: Now, when the bus boycotts took place in Alabama, here was a direct action that was related to what was claimed to be an unjust law. In other words, the people refused to use the bus because it was the discrimination on the bus that they were protesting about. If the protest is directly related to—the action is directly related to—the subject of the protest and later this is found to be an unconstitutional law, there is some reason to say, "Well, this is certainly understandable; this is an understandable dissent." But a dissent that is unrelated to the subject matter is not understandable.

FOUR-LETTER ARGUMENTS DON'T IMPRESS

Mr. CRAIG. Sir, could I ask a question about responsible and irresponsible rhetoric? We have been talking to a certain extent about political inactions. I think it is fair to say that there are responsible things that people can say and irresponsible things that people can say. As you pointed out, the four-letter arguments don't impress you. But the content of rhetoric strikes me as being very important because it provides an atmosphere and a milieu for the way people think politically.

In the last week you attacked the United States Senate in an unprecedented way. You preside over the United States Senate. I don't think in the history of the United States has any Vice President ever attacked members of his own body to the extent that you have. Let me quote one of these things:

You said "a little band of men" you defined as radical-liberals—a group of Senators who are "a little band of men" guided by a policy of calculated weakness—who vote to weaken our defenses; they vote to weaken our moral fiber; they vote to weaken the forces of law. Now, sir, that is quite a serious charge to be making against a popularly elected official of the United States who simply disagrees with you on certain issues. They may think that what is strong for the United States is different from what you think is strong. Do you call their patriotism into question? Do you impugn their loyalty to the United States? I think this is the kind of thing that undermines authority, undermines the institutions that we really believe in.

The way in which the Attorney General attacked educational administrators—does that improve the credibility of the educational institutions in this country? I don't think so. I think, in fact, there may be some kind of unconscious but mysterious and rather dark conspiracy between the members of the Administration and the "far left" who undermine our institutions and take them away from the people.

Mr. AGNEW. First of all, it is not unprecedented for a member of the Senate or a Vice President to attack his political adversaries, and sometimes in the past it's been done a lot more violently. Actually, there have been occasions of physical violence in the Senate of the United States where one Senator beat another one with his cane. I would remind you of that. I haven't done that and have no intention of doing it, and I certainly hope that one of these large Senators take after me, but this is an adversary climate.

My rhetoric is no different than the rhetoric that has been turned upon me—sometimes a lot less inflammatory. And there is no way to say that this kind of hard, political—adversary language hasn't been used, Greg.

I remind you President Franklin Roosevelt, with his ridicule of Martin, Barton and Fish over and over again, and some of the things he said about them. Harry Truman called his opponents "snollygosters," whatever that was; Teddy Roosevelt called them "pusillanimous pussyfooters." The rhetoric hasn't changed. I stole it from Teddy Roosevelt.

Mr. CRAIG. Mr. Vice President, I wonder, sir, if it is appropriate to challenge their patriotism.

Mr. AGNEW. Let me just answer that, because I want to get to that part. In the same speeches that you quote, there are passages that very carefully say that I do not impugn or question their patriotism. I do not question their motives. This is part of the speech.

I have always qualified my criticisms of these people. I think they are terribly wrong. I think the radical-liberals, as I characterize them, are wrong because their policy amounts to an isolationist posture internationally, a permissiveness socially, and a big-spenders program in the domestic sense—a big-spenders program without looking to see where the money went or whether it's doing the good. And I reserve the right to take them on, and let me tell you one thing: I am not going to stop saying what I have to say about them in a way that I want to say it, because this is my right of free speech. I don't have any idea of allowing anybody to repress me, any more than you do.

Mr. SILVERMAN. I'm very much disturbed by the tenor which the conversation has now taken. It strikes me as macabre that we are sitting here pondering the wisdom of one's rhetoric or the nature of the alliteration that has been adopted by the Vice President, when we really have some very real questions before us. He spoke before of obscenity ,and I would like to pursue that—put that in terms of a speech that the President recently made about violence—because we are talking about some fairly obscene situations in which the United States is involved, which goes well beyond the nature of intellectual discourse.

What is happening in Vietnam right now is an obscenity. Further killings—the thousands and millions—hundreds of thousands of mutilated bodies in Vietnam is simply not something we can dismiss as passé, that we've gone beyond, that we are now concerned with more sophisticated subjects.

I wonder how the President or the Vice President can reconcile this strangely self-righteous position that they take on violence while the United States is at this time the most singularly violent country in the world. I would like to put that in the domestic frame of reference, too, if I may.

Mr. FROST. That's a perfectly coherent question, and let's have an answer.

Mr. AGNEW. Do you want me to go ahead with what you have said so far?

Mr. SILVERMAN. Well, I would like to make an addition, if I may. I think it is also very dangerous for Americans to delude themselves that our hands are being dirtied only across the waters. What's going on in the United States right now is not merely the sloganism or the rhetoric of the left when they talk about violence and repression. We have real examples with us all the time. Kent State is not just a dirty chapter in the past, the killings at Jackson State [in Mississippi], the shootings at Orangeburg [South Carolina State College], the murder of [Black Panther] Fred Hampton in his bed. These are real; these are going on. And I've yet to hear the Vice President or the President speak in the same harsh terms to these kinds of acts of violence. I'd be eager to hear that today.

Mr. AGNEW. All right. Let's go back to the first part. I assume what you are really saying to me is that Vietnam is an immoral war? Is that succinctly put—what your thought about it is?

Mr. SILVERMAN. I will accept that for the moment.

Mr. AGNEW. Do you think any war is moral?

Mr. SILVERMAN. I think there are degrees of morality. And I am willing to play that philosophical game with you.

Mr. AGNEW. Explain what you mean by "degrees of morality."

Mr. SILVERMAN. Well, much as one negotiates any kind of philosophical discussion.

Mr. AGNEW. Let me ask, for example, if tiny Israel were overrun today, would it be moral for the United States to engage in a war in the Middle East?

Mr. SILVERMAN. Well, Mr. Vice President, I just rejected your contention that there are no moral wars. What I am concerned with at the moment is how the United States can sanctimoniously abhor what is going on in Vietnam, suggest that it's winding down, whereas in today's newspaper we read that Vice President Ky, your counterpart in South Vietnam, is about to visit us and to march in a "victory now" parade that is sponsored by the Rev. Carl McIntire. The American people are led to believe—and I, too, would like to share this fond hope—that the war in Vietnam is indeed winding down. But I am very fearful that what we have in its place is a war in Cambodia, a war in Thailand, as well as a war in South Vietnam. And we are supporting a regime in Saigon that is being all too clear, all too succinct about what their ambitions are. Vice President Ky is not at all inclined to negotiate. Why are we supporting him?

AMERICA'S "FINEST HOURS"

Mr. AGNEW. Let me go back to the first question about Vietnam. Now, we got involved in Vietnam not out of any sense of expanding a colonial empire or imperialistic aggression. We got involved in Vietnam because the Communist Party of North Vietnam violated the 1954 Geneva Accords—documented violations—massacred some 50,000 South Vietnamese of professional and impeccable credentials, [able] to assist society in a social sense, and imposed, through one one of the most brutal agrarian reforms ever characterized as such in the history of man, its will upon the people of South Vietnam.

Now, the Viet Cong, the so-called indigenous South Vietnamese, have never been able to muster the kind of support in South Vietnam to oppose the Government. Seventy per cent of the people fighting in South Vietnam are North Vietnamese regulars. The North Vietnamese have violated the Accords of 1954. The International Control conference that met in 1962 castigated and criticized them for violations that took place in South Vietnam.

Yes, there have been brutal massacres, and the people of South Vietnam at that time turned for assistance to the free world, and the United States in what I consider to be one of its finest hours under one President, followed by another President, followed by another President irrespective of political party, saw fit to engage in what I consider highly moral conduct in assisting those people who were the subject of Communist aggression.

Now let me say this about war: Nobody wants war, but the thought that war is a unilateral exercise that the party waging it can call off immediately without involving the other party is fictitious. The North Vietnamese want us to simply give up and allow them to have their will on the South Vietnamese.

We feel that the "domino theory" is totally valid. I have been to Asia twice in the

past eight months, and I know the "dominoes" think it's valid. Now, we cannot stop war simply by proclaiming that we won't pay any attention to it. And war is the last resort that we must resort to when our freedoms are attemped to be overridden by people who are assailing us.

Mr. SILVERMAN. Your logic does not convince me anymore than it convinces your daughter.

Mr. AGNEW. It convinces her a lot better than it used to.

Mr. FROST. It does, does it? Because you talked about that last time we were talking—is she more convinced of your point of view?

Mr. AGNEW. Yes, and I haven't had to be aggressive or violent in any way to get her to think that way.

Mr. CRAIG. Am I wrong in interpreting your comments to be that we are, in fact, seeking a military victory in South Vietnam still?

Mr. AGNEW: You are quite wrong, quite wrong.

Mr. CRAIG. Then, why, sir, have we completely disregarded the new negotiation proposals that have been suggested at Paris?

Mr. AGNEW. We haven't disregarded them, Greg. We are looking at them. But you can't say disregard. We've only had them a few days.

Mr. CRAIG. Ambassador Bruce said it was old wine in new bottles. There was one provision there that had never appeared from the North Vietnamese or the Viet Cong before about negotiating for prisoners of war. Now that kind of posturing by our Ambassador endangers the lives of our prisoners of war in North Vietnam and South Vietnam.

Mr. AGNEW. What is it that makes you extrapolate, lift out of context, that one sop to the antiwar movement and fail to see that the conditions that they are asking are simply that we get out—unilaterally withdraw—without their having to take any other action.

Mr. CRAIG. So you are saying it is not a serious negotiating proposal—

Mr. AGNEW. I say that, superficially, it looks like it ought to be regarded very suspiciously. I'm not saying that we shouldn't look at it.

Mr. CRAIG. It is my understanding that there is not anything we can negotiate, then, in Paris.

"POINTS ON THE TABLE" AT PEACE TALKS

Mr. AGNEW. We have got a lot of points on the table.

Mr. CRAIG. The progress of the war in Vietnam depends on the negotiating situation in Paris, and with that attitude we will never get anything accomplished.

Mr. AGNEW. May I ask a question? Suppose we would make some offers of this type? Suppose we would say that we are willing to withdraw if they would withdraw, that we are willing, for example, to have the world at large, an international body, come in and supervise elections that would be overseen not just by countries friendly to us but by Communist countries, too, that we would allow the South Vietnamese the right of self-determination, that we would seek no bases or any other permanent installations there. Isn't this a basis of a settlement if we'd make these suggestions to them?

Mr. CRAIG. Why don't we respond to their suggestions?

Mr. AGNEW. Let me ask you, how about those suggestions?

Mr. SILVERMAN. I'd like to respond to that, because it occurs to me that what you have outlined there is essentially the Geneva Accords of 1954. And at that time the United States blatantly and flagrantly disregarded those very precepts. And now you would have the North Vietnamese believe that we are about to abide by them because we no longer find it advantageous to pursue another policy. At the same time you are suggesting, with the incredible amount of gall that Americans have used in this issue, that Vietnamese ought to, in effect, leave Vietnam—or South Vietnam, as we make the artificial distinction—for the settlement of their own problems.

Mr. AGNEW. Could I come back and ask the question: If we offered those things, would that be a basis of a negotiation?

Mr. CRAIG. The three things are the withdrawal—

Mr. AGNEW. Three or four things: Withdrawal—we'll withdraw when they do. We will agree to supervision of the withdrawals. We will agree to internationally supervised free elections, with Communist countries in the supervisory bodies, and we will abide by whatever the people of South Vietnam decide they want in the way of a Government.

Miss JEFFERSON. Sir, could I answer that?

Mr. AGNEW. Let's just finish this, if we may.

Mr. CRAIG. Would the South Vietnam Government accept those?

Mr. AGNEW. Yes, and assuming the South Vietnamese Government would accept those conditions—

Mr. CRAIG. Have they stated that they will accept those positions? I think Vice President Ky has said that they will not accept Communists in a Government.

Mr. AGNEW. Let me ask you—I am asking you a hypothetical question now.

Mr. CRAIG. We cannot negotiate unless we have the cooperation of the South Vietnamese.

"A REASONABLE BASIS FOR A SETTLEMENT"

Mr. AGNEW. Let me say then: Suppose I would put in my hypothetical question that the South Vietnamese said yes, they would accept them. Is that a reasonable basis for a settlement?

Mr. CRAIG. That sounds like a reasonable——

Mr. AGNEW. All right, just let me make this one point: Everything that I have just said to you is lying on the table in Paris today, including the South Vietnamese acceptance of those conditions. And every one of those points has been rejected by the North Vietnamese and the Viet Cong.

Mr. SILVERMAN. You have done an incredible job of simplifying what is going on.

Miss JEFFERSON. If I could go back into history again. I'm sorry to keep doing this, but I find it necessary. In 1954—you gave a correct analysis of what happened. However, you left out some important facts, and those facts were the conditions under which the Communists laid down their arms. They said they would agree to freely held elections in all of Vietnam at the time—and this is documented in the Geneva Accord. It was not separated into two countries—it was two zones. I am sure you know this.

Now, at this time President Eisenhower when he was still alive said that if elections had been held he felt Ho Chi Minh would have won by 80 per cent of the votes. At the same time Mr. Diem [former President of South Vietnam] came in, and I believe what he said when he came in was that he would not be a part of a Government that had Communists involved in it. At this point the Communists picked up their arms and started fighting again because they say that the leaders of the Southern part of Vietnam were not going to live up to the Geneva Accord. I guess they are just looking back at history, too, and wondering if we are going to keep our word.

But the question I would have with you is one that Greg pointed out: Are you saying that we want to withdraw from Vietnam and let the Vietnamese fight their own war, or are you saying that we are going to help them fight their own war? See, I think a lot of people whom I talk to say we support Nixon because he is trying to get us out of Vietnam, but it seems to me what I just heard you say is that you are not, and that you're still for Americans fighting that war.

Mr. AGNEW. Let me clarify the Eisenhower quotation. When Eisenhower said that Ho Chi Minh would without any question win that election, it would be Ho Chi Minh running against Bao Dai, who was the then leader, who was the next year defeated by Diem by an 80 per cent margin. So everyone knows that, yes, Ho Chi Minh would have won against that particular person, but not against Diem.

Now, as far as the situation goes about the election that was offered, the Communists refused international supervision of that election, and it was impossible to have a free election leaving it to the countryside, which was completely terrorized by the Communists at that time. There was no way to have an election that would have been at all free without some international supervision of the quality and magnitude that would have protected the South Vietnamese.

Point No. 3, and the last point: There isn't just one Vietnam—there are two Vietnams at the present time by wish of the people. Thirty-some nations have recognized the sovereignty of South Vietnam. Some 19 nations have recognized North Vietnam. The people in Vietnam have been having free elections. They just had an election of province and district leaders this year. This was a free election with a 65 per cent turnout of the electorate. It's a fiction to say that the Vietnamese people at the present time—who are under the domination of the Communists have ruthlessly and brutally repressed freedoms—

You don't see any dissent over in Hanoi at the present time, principally because people would be executed if they dissented.

Miss JEFFERSON. In Saigon—

Mr. AGNEW. Yes, you do see dissent in Saigon.

Mr. SILVERMAN. As opposed to being held in "tiger cages" off an island—

Mr. AGNEW. Let me say about the tiger cages that they are maximum-security cages—not the best, certainly. You could go into some States of this country and find conditions in the prisons that are pretty bad, too—

Mr. SILVERMAN: I quite agree, and I would like to see the Administration move on prison reform as well. But let's talk about the kind of cages that we have now at My Lai—the 500 cages there. And let's talk about the 40,000 cages for Americans. It seems incredible to me—and I realize that you're a man who has a great ability to throw these things out and I shouldn't be surprised any longer that you can still represent to the American people, and particularly to what you know to be the critical student left—that Diem was the folk hero of South Vietnam. If that's the case why are the United States' hands so damned bloodied at his execution?

Mr. AGNEW: I don't think the United States' hands are bloodied at anybody's execution in Vietnam.

Mr. SILVERMAN: Are you saying there was no CIA involvement in the toppling of the Diem regime?

Mr. AGNEW: Exactly! Exactly! What gives you the thought that there was?

Mr. SILVERMAN: Would you admit, just to set some perspective here, that there has been CIA involvement in other regimes—for example with our hands in Guatemala?

Mr. AGNEW: Well, let me just respond by asking you one question.

Mr. SILVERMAN: I would appreciate a response to this question, Mr. Vice President. It has tormented me for some time.

Mr. AGNEW: Give me the question again.

Mr. SILVERMAN: The question is: Would you concede that the CIA has toppled other sovereign governments?

"SOVIETS ARE ENCOURAGING ANTIWAR MOVEMENTS"

Mr. AGNEW: No, but I think they have tried to persuade people in another country, where they feel that the administration

is terribly unfair and hostile, to certain courses of action, just as other nations. I'm being completely frank now. The Soviets are encouraging a lot of people that are involved in antiwar movements here at the present time, as are the Communist Chinese, as are the North Vietnamese.

Mr. SILVERMAN: But you decry that—you protested, and legitimately so, I suppose, from your point of view. Why then do you not raise the same grievances about the CIA involvement?

Mr. AGNEW: All I can say is that the United States is lily-white compared to most countries in this respect.

Mr. FROST: We had a lengthy discussion there on Vietnam, and there was part two of your question, Rick, which was about violence at home, where you said—and you cited three things. Have they been condemned as roundly? Now what were the three things you questioned?

Mr. SILVERMAN: I think I cited more than three, and you could probably choose almost any three at hand.

I talked about the Fred Hampton murder in Chicago. Let's explore that, if we can.

Mr. FROST: You also quoted the "hard hats" and you quoted something else.

Mr. SILVERMAN: I didn't quote the hard hats, but I would certainly like to.

And I am curious as to why the President—

Mr. FROST: Well, look, don't launch into a whole lengthy question. I just asked you the list. We will never get to the answers of anything.

Mr. SILVERMAN: I talked about Kent State and I talked about Jackson State. I talked about Orangeburg—

Mr. FROST: You also mentioned hard hats at some point. And your question at the end there was: Has that sort of violence been equally, roundly condemned? Wasn't that basically your question?

Mr. SILVERMAN: Yes, essentially.

"PRECURSORS OF VIOLENCE" AT KENT STATE

Mr. AGNEW: I get the question. I will respond to it in segments. First of all, I have no personal expertise in the matter you mentioned involving Hampton. Is that still in the courts? I can't speak to that because I don't know enough about it. I just don't know the circumstances surrounding it.

With regard to Kent State, I think it is amazing how obliterated from the public memory is the fact that the night before the Kent State incident, which I deplore and which I think was a most unfortunate reaction on the part of other young people—people in National Guard uniforms—who made a terrible error of judgment at that time, feeling that their lives were threatened. Now the evidence seems to indicate that they overreacted.

But looking at the Kent State thing, the night before—two nights before—when the students went through the streets of the city, destroying property, breaking windows, doing what they call "thrashing" the Establishment, and the night after that when they burned the ROTC building to the ground, and at that time, when the firemen came to put out the blaze, those same students of Kent State cut the fire hoses.

People have forgotten the precursors of this climate of violence that existed. People have forgotten the precursors that created this inflammatory atmosphere that took place. Then came the Guard—came the Guard—into a situation where the president of Kent State himself has said he has never seen people quite so disturbed and so ugly as were segments of his college community, whom he describes as being human debris dumped on his campus by the Ohio open-admissions system.

Here comes into that climate the National Guard, young people just like yourselves, not professional soldiers, and they were afraid because, as the situation developed, there were rocks and confrontations happening around them.

Now I don't excuse what they did. But are you willing to say that placed in that same situation, being part of that group of people, if someone lost his cool and fired, that you as a member of that group would not have fired with him?

Mr. SILVERMAN: Yes, I am absolutely willing to say that, and I am willing to pursue it a step further. I want to ask you—speaking of precursors—which one of those was justification for murder? Was it the burning of the building? Was it the marching? Was it the shouting of obscenities?

Mr. AGNEW. I don't say that any of those things were justified.

Mr. SILVERMAN: Or was there another precursor that ought to be considered? And I would like to make this point, which is perhaps my last one—

Mr. FROST: Your last point—

"THIS INCENDIARY SURROUNDING"

Mr. AGNEW: Can I answer the questions as they come? You are answering your own questions.

Which one justifies murder? I never suggested that any of them did. I merely have used these incidents to show that the inflammatory climate that developed there didn't come about because of the National Guard, which would not have been on the campus had not these things happened. So I'm saying that part of the blame rests with the people who created this incendiary surrounding that caused the explosion. I don't excuse what happened on the campus.

Mr. FROST: Rick, rather than letting you ask the next question, as you know, among our student presidents in the front row is Craig Morgan of Kent State. I think you should make a comment.

Mr. MORGAN: I have a number of questions I would like to direct to Mr. Agnew. I would like to preface them by stating the fact that I was there in all the disturbances all week long, and I hope it doesn't incriminate me in Portage County [where Kent State is located].

But first of all, I recall that on one occasion—I believe it was on this show, as a matter of fact—you stated that, if there were no sniper fire, then that would have been murder on behalf of the National Guard. It is an inadequate statement.

Mr. AGNEW: Mr. Frost and I were talking legalistically, I think he will agree, and he said, if there were no sniper fire and the Guards simply opened fire without any explanatory reason, would that legally be murder, and I said yes, as a lawyer, I'd have to say it would have been second-degree murder.

Mr. FROST: But not in the first degree, you said.

Mr. AGNEW: It would have been certainly a crime to do that, yes. I'd say that is true.

Mr. MORGAN: I would like to elaborate on that a little later. But, first of all, I would like to speak against the philosophy which seems to be predominant in this country. I have heard that same position cited by Mr. Nixon a few days after the Kent State shooting. I've heard it cited by Portage County officials, by Governor Rhodes [of Ohio], by the Portage County prosecutor.

Mr. AGNEW: Could I interrupt to ask what philosophy are you referring to?

"COUNTERING THE ALLEGATION"

Mr. MORGAN: Yes, the philosophy of immediately countering the allegation that four Kent State students were murdered—immediately countering that by saying, "Well, it was an aura of violence, and three nights previously windows had been broken in downtown Kent, and our ROTC building had been destroyed, and there were rocks being thrown." There was never any elaboration upon that.

Mr. AGNEW: I'm not trying to counter it, honestly. I'm not trying to excuse it. I said I found it deplorable. But I'm also saying—

Mr. MOGRAN: I don't wish to play with semantics. You may not be excusing it. You may not be counting it. But nonetheless you're trying to reduce the severity of the sanction I'm trying to put on the National Guard. The point is that since when in this nation is throwing rocks, is breaking windows or is burning an ROTC building a capital offense? And more so than that, I'd like you to answer me: Why is it that, if one of those is a capital offense, that one of the people who was shot was just walking to class?

"AN EXTRA MEASURE OF RESPONSIBILITY"

Mr. AGNEW: Let me put it this way: Under the law a person who breaks into a building, a burglar who commits even a second-degree murder in the course of that other felony is guilty of first-degree murder. So when you create these volatile and inflammatory circumstances you have to take an extra measure of responsibility. Now, all I'm saying is this: Without the conduct, whether it is capital or not doesn't make any difference—you admit it is unlawful. I hope you admit it is unlawful. Do you?

Mr. MORGAN: Yes.

Mr. AGNEW: It is unlawful. There had to be some response to the burning of the ROTC building. The Governor of the State had to take what steps he considered necessary to protect the property of the taxpayers. That's what was on that campus. And protect the rights of those other students. So he sent the Guard in there. The Guard were there.

The Guard are young people like yourselves. They are not people that represent Mr. Nixon or represent me; they are there to do a job of preserving peace and order. And as a result of the conditions that came about because of the violence that began with the actions of some of the students on the Kent State campus—and certainly not all; I don't mean to suppose that they were all involved—this is the result, the deplorable result. I don't excuse what happened, what the Guard did, but I say it wouldn't have happened at all.

Mr. MORGAN: If it is murder, sir, isn't it indictable?

Mr. FROST: Mr. Vice President, you have obviously thought through this whole question of violence at home a great deal.

Do you think there is any justification to the suggestion that a number of people have made in the last week that the hard hats, who, for instance, beat up students here in New York a bit, and so on—that they have received, in any sense, more lenient treatment from speakers like yourself than the student protestors?

Mr. AGNEW. I think there is a fundamental difference in what happened with the hard hats and what happened with the disruptions on the campus. Let me explain what I mean by that.

First, I think that the campus disruptions were not spontaneous, they were not the result of a rage that swept a person who worked with his hands to build America, to see people advocating that it be torn down. This was a wave in defense of a country, not a wave to destroy a country. It was not a premeditated attack on the institutions of the country.

Now, I don't condone the violence when the certain members of the hard hats lost their temper and resorted to fisticuffs. I don't condone that at all. I think it was wrong. I deplore violence in any form. But it was understandable. Here you have a group of people who have worked with their hands and worked hard to get where they are in this country.

And I hope I get some questions before we quit about the so-called materialistic society, because one thing I want to point out is that there can be no improvement in the quality of life unless we have certain material comforts—the right to be secure, the right to be warm, the right to be fed, the right to have the time to engage in these social expressions.

But I can't equate that wave of revulsion that shook these construction workers when they saw the flag of the United States defiled, when they saw people ridiculing the institutions of the country that had given them a chance. That's a different perspective. It's not in equal balance.

Mr. SILVERMAN. Mr. Agnew, you say that you are troubled by that as well and that you do not accept it, and yet there is a quite remarkable picture in a short article in a recent "Scanlan's magazine which shows the President of the United States having lunch with Mr. Brennan [president of the New York Building and Trades Council] and his coterie of hard hats shortly after that demonstration. Now part of the difference involved here is, one deserves legitimate chastisement and the other gets a lunch as opposed to a state dinner.

And I also want to say something else, as a parting comment—I guess I've been rather obstreperous through all of this.

You have a very strange sense of history, sir. You have a great facility for recalling what's happened in 1954 when it's to your convenience and not recalling what happened in Guatemala when it's inconvenient for you. You have a strange sense about what happened at Cambodia and Kent State as well. You suggest that the causative factors there were student protests, students' throwing of rocks.

You don't suggest, sir, what happened the day before that. You don't suggest how disgusting, how abhorrent it is for those of us who feel this way to watch the United States invade Cambodia. You don't seem to think that that's a causative linkup. And you talk about an aura of violence. You talk about precursors of violence.

And there's one small failing left out here, and this is the disti ction between your being a political joke and your being a very serious man. And that is that you yourself, singularly, are perhaps the greatest percursor of violence in this country. You have done more to build an aura of violence, to build a milieu in which violence is accepted than anyone else I know.

Mr. FROST. Can you give an example of that? That's a very big charge.

Mr. SILVERMAN. I think the Vice President gives examples of it in virtually all the speeches he gives.

"ONE OF THE MOST RIDICULOUS CHARGES"

Mr. AGNEW. May I answer that?

Let me just point out one thing: Long before I became a household word, violence was rampant in this country. The Berkeley campuses exploded when I was still back in county government. Columbia University was turned topsy-turvy long before President Nixon was even inaugurated. And yet you say my rhetoric has caused the violence.

Let me point out something else: Student violence is a way of life in Germany, in Japan, in England, in many other countries where the effect of my rhetoric is virtually nonexistent. Now, to use me as some convenient bête noire for the violence that's existed in this country because of the disgusting permissive attitudes of the people in command of the college campuses is one of the most ridiculous charges I've ever heard.

SENATOR CHURCH INTERVIEWED ON NBC'S "TODAY SHOW"

Mr. CHURCH. Mr. President, on the morning of October 8, I was interviewed on NBC television's "Today Show," along with the Senator from Michigan (Mr. GRIFFIN), in regard to the President's peace proposals.

I ask unanimous consent that the transcript of that interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

AN INTERVIEW WITH SENATORS FRANK CHURCH AND ROBERT GRIFFIN

EDWIN NEWMAN. In our Washington studios to talk about President Nixon's proposals for peace in Vietnam are two United States senators, Robert Griffin, Republican of Michigan, the Minority Whip; and Frank Church of Idaho, who's a member of the Senate Foreign Relations Committee. They're with Bill Monroe.

Bill.

BILL MONROE. Thank you, Ed.

Senator Griffin, what is your general reaction to what the President had to say?

Senator ROBERT GRIFFIN. Well, I think it's a very encouraging, bold, realistic step. It may very well put us on the threshhold of peace. And, frankly, I believe the most encouraging thing has been the response that has come from Senator Church and Senator Mansfield, and others here at home indicating that there's widespread approval and that we may have a solid front to present at the Paris talks.

MONROE. Senator Church.

Senator FRANK CHURCH. I warmly applaud the message, Bill. I think it constitutes the most promising formula yet advanced for a negotiated settlement of the war. And, of course, I strongly favor the President's plea for the immediate release of all prisoners of war.

MONROE. Is there anything you would have liked to have seen the President include in his proposal that perhaps he left out?

Senator CHURCH. I don't want to be critical of what he did. There are ambiguous parts, but necessarily so. The first reaction one might expect from Hanoi is one of rejection and one of ridicule, but this doesn't mean that these proposals will not yet become the meat for serious discussions in Paris. The signal when serious discussions begin will be when the propaganda exchanges meant for world opinion end and the talks start in earnest behind closed doors.

I hope that the President's message helps to move the discussion forward in Paris.

MONROE. Senator Griffin, what is the reason for believing as you do, that we might be on "the threshhold of peace" here. For instance, if Hanoi and the Viet Cong have been fighting for many years for a share of political power in Saigon, is there something in this proposal that might offer something to them? Is there some new possibility for them?

Senator GRIFFIN. Well, it certainly opens the doors wide to any serious negotiations that the communists are willing to engage in. And as Senator Church has said, there's some ambiguity, and this is good. This indicates that we're not frozen in fixed positions and can't move.

Certainly the fact that we're willing to negotiate the withdrawal of all American troops and on a timetable to be negotiated is a move in the direction that the communists should welcome. Now they've talked about a cease-fire. They put conditions on their cease-fire. We've proposed a cease-fire without conditions.

Surely we're moving closer together, even though both sides perhaps have rejected the other's offers. I think, as Senator Church has said, it's perhaps not so important what is said in public by the other side. I think now it's what is said in private and whether or not there's any movement, perhaps behind the scenes, toward a real settlement of this terrible war.

MONROE. We seem to be particularly strong in Vietnam now and in Paris compared with our position two or three years ago. Now, the communists would seem to have only the fact that they're still fighting, still shooting, as a bargaining lever. Wouldn't they give that up if they agreed to a cease-fire?

Senator GRIFFIN. Bill, we're strong because the Vietnamization program, which has been criticized in the past as an effort to prolong the war, has been very successful. And we're stronger because the Cambodian operation, which was severely criticized, was successful.

I think that the communists are in a position now where it's in their interest to arrive at some political settlement if possible. Because we are withdrawing; the South Vietnamese are becoming stronger, and they're going to be able to handle the situation on their own.

MONROE. Have the Cambodian operation and the Vietnamization operation been successful so far, Senator Church?

Senator CHURCH. This depends a great deal upon how you measure it. In Cambodia before we entered that country, the communists had about ten percent of the country in their control. Today they have between one-half to two-thirds of the country in their control.

It depends, therefore, on how you measure it.

As far as Vietnamization is concerned, that has always been just another word for withdrawal. And I have favored American withdrawal from Vietnam for a long, long time. You can argue about the timetable, but as the President pointed out last night, he will have withdrawn about half of our forces by the end of a two year period.

Basically, Vietnamization is withdrawal, and that's something that I have advocated since 1964. I think it's wise; I hope the President continues with it in the future.

Senator GRIFFIN. If I could just inject a discordant note. I don't think Vietnamization can be equated with withdrawal, period. This is one of the things we've been arguing about in Congress. It's withdrawal in concert with the strengthening of the South Vietnamese forces. As they become stronger and able to handle their own situation, we are gradually withdrawing. And that's Vietnamization.

MONROE. Senator Griffin, might the other side want to have a political settlement before a cease-fire, want some political arrangements to be worked out before they're willing to stop shooting?

Senator GRIFFIN. Well, it certainly—it might be their case. I can't say what they would propose. But this isn't beyond the realm of negotiation. It depends on what the political settlement is: whether it is acceptable to the South Vietnamese people.

The only condition in President Nixon's speech last night—and it wasn't attached to the cease-fire or the release of the prisoners of war—is that whatever political settlement is arrived at will be with the approval of the South Vietnamese people.

MONROE. Which would you expect the communists might put emphasis on in terms of dealing with first: a truce, a cease-fire, or a political settlement?

Senator CHURCH. They'll put emphasis on the political settlement for that's what this war is all about. It's been a civil war from the beginning. And, of course, the object of the war is the kind of government that's going to be established in South Vietnam.

The President's message last night widened the possibilities here. He stressed that he recognized that all factions in South Vietnam were entitled to participation in a government, although he was not precise about how this should be brought about. The indication to me was that we're willing to discuss some kind of a negotiated settlement, even a coalition government, so long as it is not imposed by force.

I welcome that. That's the most realistic approach yet advanced by this President or by any previous president.

MONROE. But your expectation . . .

Senator CHURCH. And I think this is a welcome move.

MONROE. Your expectation is that if the communists want to negotiate seriously they might want to do it while still fighting rather than go in for an immediate cease-fire?

Senator CHURCH. Yes, I think that would be their probable position. But as I say, the President's proposals I look upon as—and I think that he intended them to be—a method for getting the talks off dead center in Paris.

And I think that he's to be commended for that.

MONROE. Senator Griffin, do you see any possibility that there could be a prisoner exchange without there being an overall settlement?

Doesn't it look as if the communists don't seem to care much about the fate of their prisoners but do want to hang on to the Americans they have as hostages against . . .?

Senator GRIFFIN. Unfortunately, Bill, that has been the indication up till now that they're using it as the trump card. It is a fact, however, that the South Vietnamese hold many more prisoners than the North Vietnamese and Viet Cong do. In terms of numbers, they would have something to gain by agreeing to this. And I certainly hope they will. I just don't know what will happen, of course.

MONROE. Is the Vietnam War no longer a vital political issue, one of the top issues in this congressional campaign? Senator Church, you're not running in it so, perhaps, you're in a good position to make a comment on that.

Senator CHURCH. The war is very much on everyone's mind. But I feel that with this proposal, on which there's large agreement, and as long as the President continues to move in the direction of disengagement in Vietnam, that actually the two sides, the hawks and doves, are converging, coming much closer together.

Senator GRIFFIN. We have a political ceasefire here at the moment.

MONROE. Thank you very much, Senator Griffin and Senator Church. Now back to Ed in New York.

IT IS TIME FOR THE ENTIRE SENATE TO CONSIDER RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, more than 5 months have passed since hearings were held on the Genocide Convention. The time has come for the Foreign Relations Committee to report this convention to the Senate. All of us deserve the opportunity to discuss the issues involved, and in the final analysis, cast our vote on ratification of this most important human rights convention.

All matters of great importance must first be discussed and analyzed in minute detail by the committee which has jurisdiction. Certainly, no one can accuse the Foreign Relations Committee of not fulfilling this responsibility. The committee should be commended for their detailed and time-consuming effort in connection with the hearings on this convention.

However, time is running out. The entire Senate should be given the opportunity to consider ratification of the Genocide Conventiton. The postelection session of the Senate would be the most opportune time for us to consider this document. I urge the Foreign Relations Committee to act promptly on the Genocide Convention.

DECISIVE U.S. ACTION REQUIRED: THE MIDDLE EAST

Mr. TYDINGS. Mr. President, the momentary pause in military and diplomatic activities in the Middle East occasioned by President Nasser's death presents the United States with an excellent opportunity to reassess its real interests and responsibilities in this increasingly volatile part of the world. Such a reassessment is urgently needed. For in the confusion created by the accelerating succession of dramatic events that has dominated the Middle East over the past year, I fear our Government too often has lost sight of America's proper role in this critical region.

Though the future has been clouded by Nasser's sudden passing, certain aspects of the current Middle East situation remain clear:

First, every effort must be made to extend the 90-day ceasefire between Israel and her Arab neighbors into a permanent halt in the fighting. However, a lasting ceasefire only can come from honest negotiations and mutual respect. Any attempt to buy it at the price of Israeli security and American diplomatic credibility will result in disaster and yet another round of Middle Eastern warfare.

This means the administration cannot continue to acquiesce to the flagrant Soviet and Egyptian violations of the ceasefire agreement. The President must either induce the Soviets and their clients in Cairo to immediately return their missiles to their original preceasefire positions or openly provide Israel with the necessary aircraft and armaments to restore the balance of military power in the area.

As President John F. Kennedy often pointed out, if permitted the Soviets will assume the position in negotiations that "what is theirs is theirs, what is ours is negotiable." The President must make it absolutely clear to Moscow that we will never permit any Soviet violation of an international agreement to redound to their advantage or to that of their Arab clients. Failure to convince the Soviets of this will not only jeopardize Israeli survival, it will pose a serious threat to America's future.

Second, though we have an important role to play in the Middle East in seeking to bring the nations of the region to the peace table, a meaningful settlement can only be written by the parties to the conflict themselves. An imposed settlement will do no more than draw the boundaries for the next war. It is essential at this time that the President reaffirm the basic U.S. policy of direct negotiations between Israel and the Arab governments on all substantive points as the most efficient and effective way for peace to be achieved.

Third, it is clear Israel lacks the financial means to purchase all of the aircraft and weaponry necessary to maintain the Middle East balance of power when her Arab adversaries are receiving enormous grants of military assistance from the Soviet Union. Israel already is devoting nearly 80 percent of her budget to defense. Unless the United States is willing to offset this massive Soviet effort to arm Egypt with economic assistance to Israel, Israel will soon be overwhelmed.

The State Department has talked a great deal about economic assistance for Israel. But so far, it has offered only talk. It is time for the administration to put its money where its mouth is before the balance of power in the Middle East is destroyed and war erupts again.

Fourth, peace cannot come to the Middle East until the Arab governments renounce both the objectives and the tactics of the Palestinian terrorists. However, point 14 of the Arab Accord on Jordan signed 2 weeks ago by nine Arab governments and Yasir Arafat, head of the Palestinian terrorists, pledges the Arab nations to back the terrorists in their "objective of full liberation and the defeat of the aggressive Israeli enemy."

The President should inform the Arab states that the United States condemns such statements endorsing the terrorists as destructive of the prospects of a permanent peace in the Middle East.

Fifth, immediate action must be taken to put an end to the hijacking of international airline flights and the kidnaping of innocent passengers. The administration should use its full diplomatic powers to secure an international treaty insuring the suspension of airline services to and from any nation that fails to prosecute or extradite a hijacker and denying air service anywhere in the world to the citizens of nonsignatory nations. It is not enough to condemn air piracy. Indignation is cheap. What we need is meaningful international action.

Mr. President, America has a firm commitment to the survival of Israel as a Jewish homeland and to the preservation of U.S. influence in the Middle East. Yet, unless the administration is willing to accept and act upon the five inescapable realities I outlined above, I fear we will fail in these objectives no matter who succeeds Nasser.

I have taken the Senate floor on many occasions during the past 18 months to urge this administration and the State Department to take decisive action in the Middle East. But never with such urgency. For time is running out.

SENATOR STEVENS DEMONSTRATES CONCERN FOR COMMONSENSE CONSERVATION

Mr. ALLOTT. Mr. President, the very able senior Senator from Alaska, (Mr. STEVENS) has in the years I have known consistently demonstrated his concern for sound, commonsense conservation. For example, he has introduced legislation to create conservation savings bonds, and was instrumental in creating the Environmental Quality Council.

Last year, the senior Senator for Alaska ruffled the feathers of some outspoken preservationists by calling upon them to come up to Alaska and join in the effort of developing that State on a positive basis and with some commonsense.

After Senator STEVENS' statement last year, a concerted drive began to discredit both the senior Senator and the incumbent Governor of Alaska. Recently, Stanton H. Patty, a reporter for the Seattle Times, wrote an excellent article in answer to the attacks being made upon Senator STEVENS and Governor Miller. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSERVATIONISTS' ATTACKS ON ALASKANS NEED REFUTING

A New York-based conservation group is joining with an organization in Alaska in a nation-wide drive for $150,000 to help defeat certain candidates in Alaska's general election.

The targets include Senator Ted Stevens and Gov. Keith H. Miller. Both are under attack for what is called their "insensitivity . . . to the needs and the fragility of the Alaskan ecology."

The League of Conservation Voters, New York, has mailed fund appeals to 5,000 prominent conservationists. The league is affiliated with Friends of the Earth, which also is a principal foe of the supersonic transport.

"In Alaska we face some of the most crucial elections in the nation," the league said in a letter, dated in June, in which it announced it would contribute to the Alaskan Environmental Fund. ". . . Please give as much as you can."

The Alaskan Environmental Fund, with headquarters in Anchorage, meanwhile published 1,500 numbered copies of a booklet containing harsh criticisms of Miller, Stevens and others.

"Alaska faces environmental disaster . . . Alaska's environment will be won or lost in the political arena," the booklet says. "Money is the lifeblood of politics."

This writer takes no sides in the election races involving Miller and Stevens. But the Alaskan Environmental Fund's pamphlet contains a number of statements that need to be corrected or explained:

Item: "After more than ten years of statehood Alaska has not a single state park, not a single wilderness area, and a completely inadequate system of family camping units."

The truth is that the 1970 Legislature estabished—and Miller signed the bills—projects including the new Chugach State Park near Anchorage (512,000 acres) and Denali State Park near Talkeetna (300,000 acres).

No wilderness area? Most of Alaska is wilderness.

Meanwhile, because of a federal land freeze imposed because of unsettled native land claims, Alaska has received little of its promised legacy of 103 million acres due the state from the 1958 Statehood Act.

The federal government still has control over about 95 percent of Alaska's land mass. A report of the Federal Field Committee says federal agencies—from the Interior Department to the military—are the landlords for more than 358 million of Alaska's 375 million or so total acres. The imbalance is all the more serious because the federal withdrawals are heavy in land under the 4,000-foot altitude, the most habitable and useful parts of the state.

Alaska alone has 17 units, totaling 18 million acres of the national wildlife-refuge system.

Item: The fund says a bounty still is "enforced" on wolves, which it terms an "endangered species."

Payment of wolf bounties ended July 1, except in Southeastern Alaska where the Alaska Fish and Game Department says a large wolf population threatens deer. The department does not consider the wolf to be endangered in most sections.

Item: "State policies dealing with the environment do not reflect the wishes of the great majority of Alaskans because of a political power structure supported by and catering to development."

Who says so? This is not what Alaska voters indicated in the recent primary election when Miller, Stevens and others who favored oil development won nomination.

And where is the fund's documentation of industry support, financial and otherwise, for certain candidates?

Item: the booklet says there has been a lack of state water-pollution-control enforcement and mentions "slipshod" fisheries regulations.

The record shows that Alaska has moved swiftly to penalize polluters, including tankers dumping oily ballast. The State Fish and Game Department is respected widely by the United States fishing industry for its personnel and tough regulations and enforcement.

Item: Senator Stevens, the fund says, denied that the Navy has damaged the land in Naval Petroleum Reserve No. 4 in the Arctic.

The record shows that Stevens in March of this year asked the Navy to clean up a "deplorable situation" of rusted oil drums and debris in this 37,000-square-mile area from Navy-sponsored oil explorations between 1944 and 1953.

Item: Stevens was taken to task for a speech in August, 1969, in which he was quoted as saying: "I'm up to here with people who try to tell us how to develop our country . . . who come up here and try to tell us what to do."

Stevens was angry, all right, about Alaska's constant harassment by outside preservationists. But in the same address he also said:

"We are trying to preserve Alaska as it is so that our sons and daughters can use it, too. I'm up to here with people trying to tell us how we can develop our country without trying to come up and join us. If we really get together and plan the development of the Arctic country we can work together. But I urge you to do it on a positive basis and with some common sense."

Stevens also noted that he worked with former Interior Secretary Fred Seaton to set aside the Arctic National Wildlife Refuge in 1960.

"After the conservationists won the battle and set aside 9 million acres, they forgot about it," Stevens said. "Not one dollar was appropriated or requested for the range (refuge) since we created it."

Item: Governor Miller is "unfamiliar" with the Alaskan environment, according to the booklet.

That really is laughable. Miller was a homesteader in Alaska long before he entered politics. He has traveled to every section of the state since.

Item: Stevens was accused of saying he wanted to withdraw the Katmai National Monument.

The fact is that Stevens, while opposed to expansion of the 2.6-million-acre monument, has suggested that it and others be made into true national parks. Katmai already is the largest monument in the national-park system.

CONDITIONS IN THE SOUTH BRONX: JOINT STATEMENT OF SENATORS JAVITS AND McGOVERN

Mr. McGOVERN. Mr. President, more than a week ago, the Senator from New York (Mr. JAVITS) and I made an inspection of the Morrisania section of the South Bronx in New York City.

Senator JAVITS, a life-long resident of New York City, who spent his early years in a lower East Side ghetto, and I were equally appalled by the squalor and despair we witnessed.

We made this tour as members of the Senate Select Committee on Nutrition and Human Needs. It was a most appropriate tour for our committee since unquestionably this is no longer solely a housing crisis; it has transcended that to basic questions of human needs.

We saw people living in abandoned buildings without heat or other services. We saw children playing in the ruins of burned out buildings. We talked with people who live everyday with the threat of fire, disease, and vermin. We talked with mothers who live with the fear of epidemic disease.

The doctors who accompanied us told us of the medical results of these deteriorating and dilapidating buildings—children hospitalized with lead poisoning, wide spread incidents of upper respiratory infections amongst schoolchildren brought on by the inadequate heat, dampness, and overcrowding.

All this is frightening enough without the realization that a fuel crisis and the threat of mass abandonment lie ahead this winter.

In response to this emergency, Senator JAVITS and I have sent the following letter to the President suggesting an immediate intervention program.

We feel confident that the President, once he is fully aware of the dimensions of this problem, will respond to it with the same sense of urgency we now feel and have attempted to express in our communication to him.

We respectfully ask unanimous consent that the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
October 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On Saturday, October 3, 1970, we spent the morning studying housing conditions in the Morrisania section of the South Bronx. What we saw was an unbelievable disgrace. The once bustling streets of this community now resemble a bombed out disaster area.

We were both appalled by what we saw and cannot imagine what it is like for these families who must spend their lives in such squalor and despair!

We saw street after street of abandoned and burned out buildings stripped by addicts; dangerous and on the verge of collapse, yet open to neighborhood children;

We saw families squatting in abandoned and un-inhabitable structures with no services whatsoever, living with rats and filth, waiting for winter. The South Bronx is developing a subculture;

We saw vacant lots, alleys, sidewalks, streets and buildings caked with garbage, debris and waste;

We saw cleared sites littered with years of rubble and neglect;

We saw tenements with no safety devices, dark and fouled hallways, crumbled interiors and non-functional utilities;

We talked to mothers who live with the fear of epidemic disease such as plagued this area last summer when viral meningitis leaped from the sewers to the streets of this community.

We saw and spoke to human beings whose single voice was despair and fear.

All this is frightening enough without the realization that a fuel crisis and the threat of mass abandonment lie ahead this winter.

Against this background, the available statistics show the South Bronx to be a disaster area rivalled only in its deterioration by the Brownsville section of Brooklyn which

our colleague, Senator Ribicoff, recently inspected.

Eighty percent of all housing units in the South Bronx Model Cities Neighborhood (which contains about 80% of the entire South Bronx population) are in a state ranging from moderate deterioration to dilapidation. Of 85,000 Model Cities Neighborhood apartments, 67,000 are obsolete or otherwise sub-standard. The bulk of residential structures—about 50%—are in old and new low tenements offering none of the light, floor space, air, common areas or other amenities properly associated with decent, safe and sanitary housing. Overcrowded to begin with, apartments are subdivided to pack more and more people into limited space.

The supply of housing in the South Bronx is steadily diminishing. Approximately 4,000 units, or 5% of the total housing stock, are taken out of the supply each year due to demolition, deterioration and abandonment.

Any reasonable estimate of housing needs in the South Bronx would range from 50,000 to 70,000 units, most of which would have to be assisted by rents subsidized under government programs. The enormity of the South Bronx's problem is put in perspective when one considers that in the last ten years, the United States built only 634,000 publicly assisted units—an average of 63,000 units per year for the entire country and the State and City started 112,400 units under all programs in New York City.

This state of affairs in the South Bronx and throughout New York City's depressed communities is ample evidence of our failure to meet our national goal to provide a decent home for every American at prices he can afford.

Perhaps most disturbing to us is the fact that the housing crisis in New York City and in other cities is solvable. We can develop the solutions and the tools, if only we have the will. We have done it in the past and we can do it again. In fact, New York State has made pioneering efforts in the last several years to help alleviate the tremendous problem in New York City and throughout the State. In 1968, the Urban Development Corporation was formed to construct housing and recently the Housing Finance Agency was formed to provide a secondary mortgage market for housing. However, federal help is still essential to solve the problems in areas like the South Bronx.

If this area were today a healthy community without blight and tomorrow was struck by a natural disaster, we would begin on Monday a massive influx of money and technical assistance such as we provided to Anchorage after the earthquake and the Gulf Coast after Hurricane Camille.

This is also an emergency and it must be treated as such.

Therefore, we propose an immediate Intervention Program which would include a Disaster Task Force such as we send into hurricane ravaged areas to provide emergency medical treatment, mobile health units, community contact workers, necessary food and warm clothes; and most importantly, an Emergency Repair Force to make safe and workable the electrical, heating and water systems within these dilapidated and dangerous structures that house hundreds of thousands. We are prepared to vigorously support any recommendations made in this regard. We also suggest that City banks be persuaded to declare a moratorium on foreclosures, as was instituted during the depression, in order to prevent the mass abandonments that are predicted for this winter when a large number of mortgages will come due. As part of this plan, we propose an assigned risk pool for mortgages, as presently exists for fire insurance, to compel banks to make money available in these areas at reasonable rates, such as 7½ percent, per annum. For decades the financial institutions have taken money from areas like the South Bronx; it is now time for them to take part of the responsibility for these areas and put back some of that money in order to save these communities from abandonment.

This program that we proposed is in no way meant to conflict with the recently Senate-passed abandonment bill which provides 25 million dollars for experimental approaches to the amandonment problem. We are simply talking of the immediate emergency that confronts us and proposing an immediate Intervention Program to meet it now.

We believe at least fifty million dollars is necessary to adequately meet this emergency and are willing to urge full support for this appropriation in the Senate.

We are certain that the necessary funds for this crash program can be found, as we have found means in the past to deal with every great emergency that has faced this Nation, and suggest that applicable sources may exist in the Disaster Relief Act; Health Services at the Department of Health, Education, and Welfare and the Housing Rehabilitation program at the Department of Housing and Urban Development.

We believe that any emergency message which might be sent to the Congress including a request for supplemental appropriations to meet this emergency in the South Bronx and wherever else similar conditions may exist would receive the support of many of our colleagues.

Respectfully,

GEORGE MCGOVERN.
JACOB K. JAVITS.

TWO POLITICAL PRISONERS

Mr. CHURCH. Mr. President, there is a chilling similarity about the ways of political repression, regardless of the label it bears. This was recently noted in an editorial in the Rexburg, Idaho, Standard of September 22, 1970, drawing attention to the fact that in both the Soviet Union and Taiwan those individuals—the author Yuli M. Daniel in Moscow and the politician Lei Chen in Taipei—who oppose their governments were sentenced to 5 years and 10 years in prison respectively.

I agree fully with the conclusion of the editorial that—

Totalitarianism, far from being the exclusive province of the Communists, is where you find it.

I ask unanimous consent that the Rexburg, Idaho, Standard editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TWO POLITICAL PRISONERS

Not long ago the day's news included two items alike in some respects but not in others. The similarities and differences are instructive.

One of the stories was datelined Taipei, Taiwan—the capital of Chiang Kai-shek's Republic of Taiwan. The other was a dispatch from Moscow. Bear in mind that, whereas the latter is the governmental center of the world's most powerful Communist nation, the Chiang government has been a bitter foe of the Communist regime in Peking ever since the exodus to Taiwan two decades ago.

The curious thing is that both of the news stories in question concern the release of a political prisoner. In Moscow the dissident author Yuli M. Daniel was set free after serving a five-year term for "slandering the Soviet state." In Taiwan the prison doors opened after 10 years for Lei Chen, a former member of the National Assembly. His crime (though ostensibly he was sentenced for harboring an alleged Communist agent, his secretary) was that he spoke out against the Chiang government and sought to form an opposition party composed of native Taiwanese and dissident mainlanders.

The striking thing is that although the governments of Moscow and Taiwan are poles apart with regard to Communism, neither can stomach outspoken opposition. Moscow's Communist regime clapped Yuli Daniel in jail because he had the gall to find fault with that regime in works published abroad. The anti-Communist regime in Taiwan was so afraid of Lei Chen's pen and politics that it put him out of circulation for a decade—and has now forced him to sign a "guarantee" that he will refrain from writing or saying anything unfavorable to the government.

Conclusion: Totalitarianism, far from being the exclusive province of the Communists, is where you find it.

THE NIXON PROPOSAL ON WELFARE

Mr. ALLOTT. Mr. President, the top left-hand side of the front page of Friday's New York Times contains two stories, each of which is interesting, and which, taken together, tell an important story.

The first story is headlined "Senate Unit Bars Nixon's Proposal on Welfare, 14 to 1." It concerns Thursday's decision by the Finance Committee that it would be inappropriate at this time to plunge into a full-scale endorsement of the so-called family assistance plan.

The second story is from New York City, and is headlined "Relief Cases Here Rising at Three Times Expected Rate."

The subheadline on this story says: "Continuance of the Average of 16,544 for July and August Could Increase Year's Cost by $60 Million."

These two stories indicate one thing very clearly: the Finance Committee took a very sensible and prudent decision Thursday.

The members of this committee have been admirably conscientious in examining the complexities of the welfare problem in general, and this particular proposal for coping with it. They know better than any of us how difficult it is to unravel the many related features of this problem. They know that we simply do not know enough now to proceed with a massive effort down a new and unexplored road.

Dramatic proof of how little we can predict the course of relevant events in the field of welfare is given by the story about the New York City welfare crisis.

There are moments when it seems that there are almost as many people studying welfare in New York as there are people on welfare there—and that is a lot of people. Thus it is especially significant that the recent explosive rise in relief cases in New York caught all the professional welfare experts by surprise. After prolonged and extensive study, the experts came up with an estimate concerning how fast such cases would increase. They did not even come close. The actual increase was three times the size of the projected increase.

I am not faulting the dedicated, competent men who are professionally concerned with our Nation's welfare pro-

grams. The inadequacies in their projections reflect no personal inadequacies. Rather, they reflect weaknesses in the arts of what we like to call the social sciences.

The fact is that our society is a lot more complex than we sometimes think, and the relationships between various events and trends are not easy to predict. As a result, the future is often opaque until it is upon us.

Nevertheless, prudence and a sense of responsibility should encourage us to make one kind of projection. We should consider what would happen if we enacted a bold and untested new program such as the FAP, and it turned out that the experts who have estimated its cost were off by as much as the New York experts were off in their estimates. Remember that the New York people only had to project the developments in one city. The proponents of the FAP have to make a comprehensive guess about the shape of the future in a continental Nation.

Just suppose the men advocating the cost of the FAP are in fact as accurate as the New York men. Suppose the advocates of the FAP are estimating costs which are only one-third of what the real costs will be.

This is an ominous thought. But it is not a possibility we can ignore. This is one reason why I think the able members of the Finance Committee have acted prudently in refusing to plunge down an uncharted—and, at the moment, unchartable road.

Mr. President, this morning I have not addressed myself to the myriad issues and problems involved in the very idea of federalizing welfare. It would be premature to arrive at fixed opinions on these issues. I am content to await the report which will distill the findings of the able members of the Finance Committee.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SENATE UNIT BARS NIXON'S PROPOSAL ON WELFARE, 14 TO 1

(By Warren Weaver, Jr.)

WASHINGTON.—The Senate Finance Committee rejected President Nixon's welfare reform plan today by a 14-to-1 vote, dealing a serious blow to the Administration's top-priority domestic legislative program.

The committee approved instead a proposal to test the President's Family Assistance Plan and at least one alternative welfare program in a group of cities for a year or more before any new legislation with national effect is enacted.

The only vote for the Administration's welfare bill was cast by Senator Fred R. Harris of Oklahoma, a former Democratic National Chairman. A week ago he was telling friends that he regretted that he had committed himself to the legislation.

SUPPORTERS PLAN MOVE

All six of the Republican committee members present voted against the President's program, including Senator Wallace F. Bennett of Utah, who had endorsed the welfare bill. The other Republicans had all criticized the plan in varying degrees in the committee hearings.

The committee's action did not kill welfare reform for this Congress, although it certainly stunned it. Backers of the Family Assistance Plan will now offer it as a floor amendment to the Social Security increase measure that is scheduled for Senate action in mid-November, shortly after the campaign recess.

Senator Russell B. Long, Democrat of Louisiana, the Finance Committee chairman, predicted that the Senate would follow the committee's lead in rejecting the welfare reform program. Other Senators have expressed increasing doubt that the plan has the 50 to 60 votes its backers claim.

The Administration put the best face it could on the committee's action. The Secretary of Health, Education and Welfare, Elliot L. Richardson, emphasized in a statement that the bill voted down was the version of the Family Assistance Plan approved by the House last April, without subsequent improvements.

When the Finance Committee meets again next Tuesday, officials of the Welfare department will submit still another version of the Family Assistance Plan, incorporating changes suggested by various Senators and providing that it will go into effect on a specific date if Congress does not disapprove before then.

"Should the committee report out a bill providing only for a family assistance pilot or experimental program," Mr. Richardson said, "the Administration will fight on the floor of the Senate to add a complete family assistance program."

RICHARDSON PLEDGES FIGHT

He said that he believed "a substantial majority" of the Senate would support such a fight.

Administration officials also professed to draw some comfort from the fact that the issue now seemed assured of a vote on the floor. They had feared that Senator John J. Williams, the chief Republican critic of the plan, would tie welfare reform up in committee until Congress adjourned.

Welfare is not the only extraneous subject that the Senators will try to attach to the Social Security bill. Senator Long reported today that a move would be made next Tuesday to propose as an amendment to the trade bill that has been approved by the House Ways and Means Committee.

To provide some background for that decision, the Finance Committee will hold hearings tomorrow and Monday on the legislation, which tends to restrict free trade by establishing import quotas for some products.

The Social Security bill, which increases benefits now and provides for future increases tied to the Consumer Price Index, is one piece of Legislation certain to be approved before Congress adjourns.

It thus is an inviting measure for other bills, with less chance of success, to be attached to as amendments.

"Social Security may be the last train through the station," Senator Long said today, "and, if it is, they'd better be aboard it."

The Administration's welfare program would abolish the present Aid to Dependent Children category and guarantee families, through a system of Federal benefits, an annual income of $500 for each parent and $300 for each child, or $1,600 for a family of four.

Even if one or both of the parents took marginal jobs, becoming members of the "working poor." Federal benefits would continue tapering off as income rose and disappearing when income reached $3,920. All recipients would be required to register for work and accept training or jobs as they became available.

PLAN INVOLVES "WORKFARE"

The proposal for a test run for the Family Assistance Plan and an alternative in selected cities was approved by the committee, 9 to 3, with Senators Harris, Clinton M. Anderson of New Mexico and Eugene J. McCarthy of Minnesota opposed.

Senator Long said that the alternative plan would involve what he called "workfare," paying Federal benefits to low-wage workers through their employers but not providing similar assistance to the unemployed.

As a last resort, the Administration tried to get the committee to adopt the Family Assistance Plan with an automatic future effective date, after experiments had been completed, but with Congress empowered to keep it from becoming effective by a negative vote. The committee rejected this, 9 to 4.

RELIEF CASES HERE RISING AT THREE TIMES EXPECTED RATE—CONTINUANCE OF THE AVERAGE OF 16,544 FOR JULY AND AUGUST COULD INCREASE YEAR'S COSTS BY $60 MILLION

(By Peter Kihss)

Skyrocketing relief rolls for the first two months of the city's new fiscal year have tripled the increase forecast in Mayor Lindsay's budget and could add as much as $60-million in new costs if the new rate keeps on.

Jack R. Goldberg, Commissioner of Social Services, said yesterday that he had warned Mayor Lindsay of the new problem after reports showed a July increase of 17,932 welfare recipients and preliminary data indicated an August rise of 15,156 more.

The figures represent a monthly average of 16,544 more persons going on to the relief rolls, compared with the budget's forecast of an average monthly rise of 5,500 for the year started July 1. The sudden upsurge began in June, with a rise of 13,677, the sharpest increase then in 15 months.

In an interview, Commissioner Goldberg said: "What we are seeing is the net effect of the Federal Administration's handling of two issues—unemployment and inflation."

Given "the current fiscal crisis of the cities," he declared, the Federal and state governments should take over the welfare burden or at least larger shares.

He said there was "a massive need to provide more job opportunities in the private and public sector." Inflation, he said has "everybody in a squeeze," but most of all "the poor people at the bottom of the pile."

"I think we ought to introduce immediately necessary wage and price controls," the Commissioner said.

The State Labor Department has reported New York City unemployment in August at a rate of 4.0 per cent of the labor force, up from 2.9 per cent a year ago. The city's rate was well below the nation's 5.1 per cent in August, which rose to 5.5 per cent in September.

The cost of living, as measured by the Federal consumer prive index for urban wage earners and clerical workers, rose 7.6 per cent between August, 1969, and last August on the New York-Northeastern New Jersey area.

RELIEF ROLLS SHOW 1,111,077

The new reports brought the total number of persons on relief in the city to 1,111,077 in 423,017 households. Henry J. Rosner, assistant commissioner of social services, said each person on relief averages roughly $1,000 a year in grants, including rent.

The new city budget had estimated $1.1-billion would be paid out in cash grants for the year starting July 1. An average increase of 11,000 people a month above the budgeted 5,500 could mean a cost of $60-million more over the year, Mr. Rosner said.

Commissioner Goldberg said about $18-million of such a rise would have to be met out of city tax levy funds. The rest would be paid by the Federal and state governments, which mandate welfare policies.

Month-by-month increases in number of persons on relief here (except for decreases in February, 1969, and May 1969) have been as follows:

Month	1968	1969	1970
January	19,695	16,971	7,002
February	9,655	−2,985	2,768
March	13,344	14,036	4,727
April	11,499	4,267	4,769
May	16,440	−1,866	5,430
June	14,258	3,348	13,677
July	23,575	2,992	17,932
August	20,301	7,048	15,156
September	19,617	6,543	
October	23,111	3,854	
November	1,875	1,207	
December	17,643	5,839	

SHIFT WAS FORECAST

In its original budget estimate last January, the Department of Social Services warned that "there are many factors at work over which the city and the department have little control," which could reverse earlier slowdowns.

The estimate then cited national economic policy, migration patterns, birth rates among the young and poor, state grant levels and national welfare policy. State grant levels did go up from about $3,720 a year to $4,000, in payments starting last June, widening eligibility, Commissioner Goldberg noted.

He said the department had found persons eligible for the relief rolls but not yet applying numbered at least 116,607. These are individuals who have applied for the Medicaid program, whose income ceiling is $5,000, but who actually are poor enough to apply for welfare. The rise in such persons has averaged 8,500 a month during June, July and August.

The department said there had been a 71 per cent increase in monthly acceptance of cases from November to July because of job layoffs, exhaustion of 26-week unemployment benefits and health reasons in home relief and Aid to Dependent Children categories.

A 35 per cent increase in acceptances in the family category between December and July was reported based on desertion, divorce or separation. At the other end of the system, the number of cases closed because clients found jobs fell 42 per cent from the 1,899 in August, 1969, to 1,099 last July.

THE FITZGERALD CASE: 323 DAYS OF INACTION

Mr. PROXMIRE. Mr. President, it has now been 323 days since I wrote to the Justice Department about A. Ernest Fitzgerald. I wrote requesting an investigation into the Air Force's intimidation and firing of Mr. Fitzgerald after he testified before Congress about the $2 billion overrun on the C–5A transport plane. But there has been no action on the case.

Mr. President, several decades ago, Congress realized that its access to information might be severely restricted unless witnesses who testified before congressional committees were assured that no retribution would be visited upon them for their testimony. As a result, Congress enacted 18 U.S.C. 1505, which makes it a crime, punishable by up to 5 years in jail, to threaten, to intimidate, or to injure a witness on account of his testimony to Congress. The legislative history of this statute makes it clear that Congress regarded loss of a job as the type of injury covered by the law.

Mr. President, Mr. Fitzgerald lost his job because of his testimony to the Joint Economic Committee. Those who are responsible for firing him must bear the consequences under 18 U.S.C. 1505. To fail to take action against the perpetrators—as the Justice Department has failed to do—is to make a mockery of the criminal code, and to impinge upon Congress' access to information.

There is no justification whatsoever for the Justice Department's delay on this. Only prompt and effective action on this case can restore the public's confidence in the Justice Department's credo: "Equal Justice Under Law."

HEALTH CARE IN THE UNITED STATES—ADDRESS BY SENATOR MURPHY

Mr. DOMINICK. Mr. President, as ranking Republican on the Senate Labor and Public Welfare Subcommittee on Health, I have had the pleasure of working with Senator GEORGE MURPHY on health matters since 1965. Senator MURPHY's contributions to the health measures that have been enacted during these past 6 years are many. His most recent effort was the introduction of S. 4208, the Family Physician Scholarship and Fellowship Program Act, which I was pleased to cosponsor along with 22 other Senators.

Senator MURPHY recently made a speech in Los Angeles for some of California's most distinguished citizens in the areas of health, education, finance, and industry. His subject was health care in the United States, and his speech is entitled, "A Crisis for the Nation—A Challenge and an Opportunity for California."

Because of the importance of this speech and the experience that Senator MURPHY brings to bear when he speaks in the health area, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HEALTH CARE IN THE UNITED STATES—A CRISIS FOR THE NATION—A CHALLENGE AND AN OPPORTUNITY FOR CALIFORNIA

I. INTRODUCTION

We are all aware, I believe, as the Nixon Administration warned in 1969, that our nation's health care system is on the verge of a massive crisis. The rapidly mounting cost, the difficulty of obtaining medical care, the lack of progress against the major causes of death and suffering, gravely affect the lives of all Americans.

I have brought you together this morning—this notable gathering of the top leadership in almost every phase of California activity—to ask that you join me in an effort to solve this national problem, and in so doing that we work toward making our State of California the Health Center for the United States.

Over the years we in California have shown tremendous initiative and ingenuity in supplying the needs of a growing nation and an ever more complicated society. By harnessing a water supply we have converted arid lands into the bread basket of the nation; our businessmen and workers have combined to lead the way in providing Americans with the products of a modern industrial society and, when necessary, in producing the military schoods necessary to keep us the strongest nation on earth; our financial institutions have been in the forefront of developing modern means of financing private homebuilding.

And so what I now propose seems only a logical extension of our state's past accomplishments—that we should recognize that this national crisis presents both a challenge and an opportunity for Californians. I hope you will agree that this can be a fascinating and gratifying adventure for us all.

We are all hopeful that world affairs some time soon will allow us to convert our defense industry into nonmilitary applications. I can think of no more exciting or appropriate role for California's aerospace and defense-oriented industries than to participate in the development of an advanced health care system and so to provide jobs for tens of thousands of California workers in this worthwhile new endeavor. It will be healthy for California to provide good health to the nation.

Let me say at the outset that I claim no expertise in the technical aspects of medical care. But I do claim that in this room there are experts, men such as those who have solved the great problems of our nation's past. The problem we discuss today is one whose solution, like so many, requires not just dollars: organization, coordination and a systematic approach to the problem can do what dollars alone will never do. As a United States Senator from California, I hope that I can provide some leadership in undertaking such an approach with you and with others like you throughout California who hopefully will join our crusade.

I want this morning to outline some avenues which I think our efforts might take in seeking to make California the Health Center of the Nation.

Before describing what's wrong with our present health care systems, I want to make very clear my admiration for all who are presently engaged in the health professions and for the tremendous advances they have brought to our country. The diversity and complexity of the elements involved in this problem require the application of our entire community for their solution. The health professions alone cannot and should not be saddled with this responsibility as I am sure they would be the first to agree.

In our undertaking we must, of course, turn first for counsel and advice to those who have made the miraculous advances in medical care in recent years.

The list of these advances is long. Our surgeons have learned how to transplant vital organs such as the heart and the kidneys. Our engineers have developed a wide variety of artificial organs and prosthetic devices. Vaccines have been developed for polio, measles, mumps, and chicken pox. Methods have been found to reduce the mortality from heart attacks by 20 percent. New drugs have dramatically reduced the number of patients in mental hospitals. Antibiotics have been extremely effective in treatment of bacterial infections, once the leading cause of death in the United States.

The efforts of the men and women in our health care system have shown remarkable results in many respects. Since 1900, death rates in the United States have declined remarkably. The mean death rate in 1950 was approximately one-third of the corresponding value in 1900.

II. THE PROBLEM

Although we can be justly proud of many aspects of our health care system, it is becoming increasingly clear that the system is failing in many ways. Probably the most obvious symptom is the recent increase in health care costs.

Most middle-class families in America can no longer afford adequate health care, and a prolonged illness can mean financial disaster. During the last five years, the cost of health care has been rising at double the rate of the cost-of-living increase. Our national expenditures for health care have risen from 37 billion dollars in 1965, to 63 billion in 1969, an increase of more than 70 percent. The cost of hospital care has been rising 16 percent each year. In many ur-

ban areas the average expense of one day's stay in a hospital has reached $100 a day. The average yearly per capita expenditure for health care in the United States is $300.00; thus a family of four might expect to pay $1,200 each year for health care.

Another symptom of the problems in the health care system is that access to care is becoming increasingly difficult. Few physicians are able to make house calls, and in many areas it is becoming a problem to obtain an office appointment. The number of physicians seeing patients has declined from 103 per 100,000 Americans in 1950 to 94 in 1969.

Those health workers we do have are distributed unevenly throughout the country, and not necessarily according to need. Urban areas have twelve times as many doctors as all communities with a population of 10,000 or less—but have only 5 times as many persons as the small communities. And certain disadvantaged areas in our country have difficulty in attracting the doctors needed even for minimal care. That is why I have introduced in the Senate a Bill which will provide government assistance for medical training to students who will agree to practice in medically disadvantaged areas. This program will help both to train needy students of medicine and to provide doctors to needy areas.

Some of the failings of our health care system are reflected in the nation's mortality and morbidity statistics. The United States ranks 13th (behind several West European countries and New Zealand) in infant mortality and behind most of these countries in maternal mortality and death rates from heart diseases and cirrhosis of the liver. Our life expectancy has remained essentially unchanged since 1955.

Our health care system cannot be held entirely responsible for our bad showing in these statistics. Many of us eat too much, drink too much and smoke too much. We don't get enough exercise and we drive our cars unsafely. All of these factors increase our rate of death and suffering.

The fact remains, however, that the list of leading causes of death and disease in this country has changed little during the past 20 years. Heart disease, respiratory disease, cancer and stroke still strike down hundreds of thousands of us each year. Arthritis, ulcers and mental illness afflict additional millions of citizens.

It is true that we have come a long way in improving our health care, but we have a long way yet to go. The cost of health care has become intolerable for many; progress in alleviating our major health problems has been disappointingly slow.

In the past public and political discussion of health care has tended to revolve around how we should help individuals to pay for medical care. I believe we should concentrate our attention on a more basic question: how can we improve the quality and quantity of medical care, the efficiency of its delivery to the individual, and bring health care within the means of our citizens? It is time to tackle our health care problems in new and revolutionary ways. I am asking you today to join me in this adventure.

III. THE SOLUTION

A. The Goal

I propose that we develop a new health care system by which California will provide 21st Century medicine within the next decade. The objectives of this system will be:

To provide all citizens with comprehensive health care at a price they can afford.

To reduce death, suffering and disability from our major health problems, including heart and lung disease, stroke and cancer.

To develop and implement new methods of preventing sickness before it occurs, by such measures as screening clinics and vaccination programs, and by mobile units which take a diagnosis capability to areas where it is needed.

To provide health care that is satisfying in human terms, both to those who receive care, and to those who give it.

California has the intellectual and industrial resources necessary to make such a system a reality. The leadership of these resources is represented in this room this morning. I believe that the time has come to ask our scientists, engineers, architects, our workers and our business executives, and our finance leaders, and others to join with the men and women in the health care system, and to begin development of a new health care system, one that will make California the world leader in health care delivery. Californians have given the nation the most advanced military capability in the world; they have engineered that "giant leap" by which Neil Armstrong placed the stars and stripes on the moon. I know that the same teamwork and application of basic science, properly directed and cordinated, can provide a practical and effective means of delivering modern medical care to the people of the United States.

B. General Approach

Before presenting my specific proposals on how to proceed in developing our health care system, let me comment briefly on the principles I believe should be followed.

First, most such problems must be solved at a local level. Solutions developed by the people who must live with them are much more likely to work than those devised by bureaucrats dealing in theory and wishful thinking. Thus, I believe that our new health care system should be developed here in California. (Although federal support will be necessary, we mustn't expect our health problems to be solved simply by passage of legislative programs in Washington.)

The second principle is that we should try to build on the progress we have already made, rather than to destroy what exists and begin all over again. This means that we must preserve the good in the present system and apply our capabilities to its improvement. It also means that we must expect that a multidisciplinary effort involving the talents and insight of many fields—engineers, economists, computer specialists, social scientists as well as physicians and nurses—will be necessary to build our new health care system.

The third principle is that it is clearly better to build complicated systems one step at a time, testing and evaluating each part before proceeding to the next. The experience of our space program has confirmed the wisdom of such an approach. The components of the moon rocket and its satellite were developed and tested a step at a time, first singly and later as a unit. We began with suborbital flights and proceeded to earth orbital flights, then to trips around the moon and, finally, to a landing on the moon itself.

I believe that our new health care system should be developed in such a step-wise fashion. I cannot now propose the exact form that the new system should take, but I can, and I intend now to try, with your help, to get that step-by-step development process into motion, starting with improving our method of delivering our present capabilities.

A final principle is that, although money will be required to solve our health care problems, unless it is used carefully, it is almost as likely to make the problem worse as it is to cure it. The experience of our Medicaid program provides an excellent example of the terrible consequences that can result from trying to solve a complex problem simply by expending massive amounts of money.

The objective of the Medicaid program was to provide more health services for the poor, unquestionably a laudable goal. This year the government will spend more than 5 billion dollars per year in pursuit of this objective. The program has now been in operation for nearly 5 years and its disturbing consequences have begun to emerge.

The statistics show that the Medicaid program has indeed accomplished its objectives: the poor *are* receiving more health care. The difficulty is that the capacity of our health care system has been relatively fixed and it has been running at full utilization. Thus the added health care given to the poor has had to be taken from someone else. The results show, therefore, that although the poor are now receiving *more* services, others in our society are receiving less. We have simply shifted the problem from one group to another. And with the supply fixed and demand increased, the cost of medical care has naturally skyrocketed. We are not delivering any more medical service—we are just spending more for the same amount of service.

As we develop our new system it will, of course, be important to ask continually whether our money is being spent productively, to insure that we are getting a satisfactory return on our investment, and not simply changing our problems from one form into another.

C. Specific proposals

Now for a moment let me be more specific about how we might begin to build our new health system.

First, we must build the capacity to train adequate numbers of physicians and other health manpower. Although automation has much to offer, providing health care must continue to be essentially a human process. We must first train those who will work in our new health care system. California has far to go in meeting this objective. Our state is one of the largest importers of health manpower in the nation. Over half of our physicians are trained by other states, and more than 10% of them come from outside the United States entirely. More California doctors retire or die each year than are replaced by graduates of our State's medical schools.

If, as I visualize, California is to become the Health Center of the Nation, we must develop the capacity to train the medical personnel required to meet the needs not just of California but of those from outside the state who will come here to take advantage of our system—and I believe it will be to the economic benefit of our state and its people to have the capacity so to serve the entire nation. I will therefore work to obtain the funds necessary to develop and expand our state's eight medical schools, and to support new programs of training for allied health manpower.

Second, our state's basic biological and medical research program must be adequately supported. Solution of many of our health problems will require a better understanding of the basic mechanisms of health and disease. We will expect our basic researchers in biology and medicine to provide us with the fundamental breakthroughs which allow us to provide better health care. Thus a basic research program is vital; and yet we see that, considering the effects of inflation, during the past two years the nation's yearly investment in basic medical research has declined by 10%. The implications of this decline are horrendous. Skilled clinical research teams, requiring years to train and organize, have been dissolved for lack of funds. Young biological scientists on the threshold of their careers are experiencing difficulty finding employment. Progress in man's fight against death and disease has unquestionably been delayed by reduction in our support of health research.

I will therefore work in close association with our Governor to maintain an adequate and stable level of support at the federal level for basic bioolgical and medical re-

search and to ensure that California's health researchers receive their full share of these funds.

Third, I propose that a series of health systems development laboratories be established throughout California and the Southwest. Collectively, these laboratories will comprise the *Southwest Institutes of Health.* The objective of these laboratories will be to bridge the gap between theory and practice; their role will be to bring progress in basic research to the bedside.

Although our nation has invested more than $20 billion in basic research during the past two decades, it is striking that comparatively little of this money has been spent in applying progress in basic research to actual health care problems. We have all witnessed our society's phenomenal achievements in technologies such as communications, transportation, and data processing. Our health care system has so far employed for general use comparatively little of this progress. Much of the health care system uses the same manual procedures developed 50 years ago, largely unabetted by recent technological progress. What is needed is the kind of think-tanks, imagination, application, and the development labs that have helped bridge the gap between theory and practice in our aerospace industry.

The prototypes are already in existence. A model for such labs has been developed by organizations such as the Rand Corporation, the Aerospace Corporation, TRW, Litton and many others. These organizations have played a crucial role in improving the effectiveness of our known scientific knowledge. Similar organizations can help design and develop a better health care system.

I believe these organizations should be given a charter to examine our existing health care delivery system and to design and test components of a new system. These institutes will be staffed by multidisciplinary teams drawn from medicine, the aerospace industry, the management sciences and architecture. The institutes will provide a stable environment within which these teams can concentrate upon developing our new health care system.

Their charter should be broad—they should examine not only the techniques of diagnosing and treating disease but also the organization, management and financing of the entire health care delivery process, including the building and design of hospitals, dietetic and laundry services, improvements in medical instruments and in the efficient use of personnel. They should overlook no potentially promising means of improving the quality and efficiency of our health care and its delivery to the general public.

Let me give you some examples of ideas that might be developed and tested in these institutes.

Experts tell us that perhaps as much as 30% of the cost of providing medical care is spent on handling paper work. With the advent of Medicaid and Medicare, and as the number of private insurance plans grows, doctors and hospitals have been buried under an avalanche of forms and reports that must be completed for their patients. In addition to the bookkeeping tasks, much additional time is spent maintaining medical records. It has been estimated that nurses spend up to 25% of their time on such tasks.

During the past decade, automated methods for data processing have become standard practice throughout our society. Yet surprisingly little of this technology has been applied in the health field. Automated data processing systems capable of handling both bookkeeping and medical data could be developed and tested.

Let's consider another area, that of financing health care. Could it be that much of the recent inflation in health care costs has been produced by health insurance programs that do not encourage either those who receive care, or those who give it, to keep costs down? If so, this seriously affects many persons who are unable to afford adequate insurance coverage. And it would follow that we need to develop new methods of financing and controlling the cost of health care.

Health economists tell us, however, that designing such programs is still more of an art than a science. We have much to learn before we can design a program that encourages efficiency without compromising quality of care, that distributes our limited supply of health care fairly and is satisfying both to those who receive health care and to those who deliver it. Another area for study and innovation in the institutes I propose would therefore be health economics.

Let's turn now from discussion of financing and management to a more exciting area—using technology to improve the diagnosis and treatment of disease. This country's $20 billion investment in medical research has provided many promising ideas that have not yet been developed and implemented. I will name but a few.

Heart attacks are the leading cause of death in the United States, killing about 500,000 persons every year. During the past decade it has become clear that at least one-third of these deaths are theoretically preventable if appropriate medical treatment can be given in time. After heart attack patients reach the hospital, if they live that long, they receive such care in Coronary Care Units. Most heart attack deaths occur soon after the onset of symptoms, before the patient can reach a hospital. If we can find ways of getting appropriate medical treatment to heart attack patients more rapidly, it may be possible to save tens of thousands of people each year. The technology is available: it remains for us to find ways of getting it to those who need it in time.

Another major cause of death and disability is stroke, a problem that strikes 500,000 each year. More than half of those who survive a stroke are crippled by irreversible paralysis. Because of recent advances in medicine and engineering it now appears possible to identify more than 45% of those persons who are likely to have a stroke before the event occurs. Once identified, surgery can often be used to reduce markedly the risk of stroke. Once again, the technology is within our grasp; we must find ways of applying it.

Cancer is another area in which application of our technology can produce great gains. It is now theoretically possible to develop semi-automated systems quickly and extensively to screen large groups of people for the early warning signs of cancer. Radiation therapy and a variety of powerful new drugs have been used with increasing effect during recent years to reduce the mortality from cancer, but much can still be done in this area. For example, computers can be used to tailor more effective treatment programs for each individual patient, rather than using a more crude "rule of thumb" approach for everyone. In addition, it appears that our basic researchers are rapidly approaching a breakthrough for many kinds of cancer, and it is likely that many radical new approaches to the diagnosis and treatment of cancer will become feasible within the next decade. We must be prepared rapidly to bring the information concerning and application of this progress to those who need it.

Almost any imaginative physician or biomedical engineer can construct a long list of potentially feasible ways for improving the diagnosis and treatment of disease. In part, the reason these have not been developed is that we have lacked the necessary testing and developing facilities. My proposal for a Southwest Institutes of Health is intended to fill this void.

In a slightly difference area, I have for years in the Senate, and particularly in the Health Subcommittee, advocated the need of a federally-financed computerized center of research data on the major dieseases. This would serve a number of purposes, including the elimination of unnecessary duplication of research efforts, the ability of a scientist to find at one place the data on which he can then build, and an obviously increased facility for the application of the results of medical research. If, as I now envision, California becomes the Health Center for the Nation, I would think it logical and appropriate to locate this Center of Medical Research Data in our development here.

Another problem which must be faced is that the health industry is short of the money needed to acquire technological improvements even when they become available. *I therefore proposed creation of a Health Development Bank to provide long-term, low-interest financing for implementation of new health care delivery programs.* The problems of our nation's health care system have often been compared with the general problem of an under-developed nation. The health system needs financing with which to acquire and implement more efficient methods of producing services. Congress recognized the need for such financial support in the Hill-Burton program which has provided for construction of hospital facilities.

A large gap remains, however, because our new health care system will require investments in many items besides buildings. The Health Development Bank will be able to finance such acquisitions. Since the loans will have to be repaid, those who accept them will have to give careful attention to the economic justification for their proposed investments. By providing the health industry the money it needs to improve its operation, it will be possible to obtain help from profit-making firms who presently are unable to obtain a staisfactory financial return from supplying goods and services to the health care system. During the past decade, many profit-making firms have tried to develop products and services for the health care system. Although some progress has been made, it has been slow because the health industry has not had the capital it needed to make large investments in new technology. The Health Development Bank should provide an economic incentive for our state's imaginative and productive business community to help develop tools for our new health care system.

And so I have proposed two new organizations—the Southwest Institutes of Health and the Health Development Bank—which will recognize, coordinate, and compliment other federal and state health development programs already in progress. The Institutes will provide technical expertise and support for the comprehensive health planning and Regional Medical Programs. Their services will also be available to state, county and local governments, as well as to other organizations concerned with health care.

The Health Development Bank can provide a local source of financial support for innovation in health care delivery, and serve as a mechanism for acquiring and disbursing federal funds from a variety of programs. I believe, however, that organizations such as I have proposed will be necessary in addition to existing programs in order to catalyze development of our new health care delivery system in California.

We have the scientific capability now to add at least ten years to the average life expectancy of all Americans and to cut dramatically the time lost and suffering caused our people due to sickness. I believe that by bringing together multi-disciplinary teams from the enormous scientific, technological, and industrial resources in California, we can construct a health care system which will be an even bigger step forward for America than was that first step by man on the moon.

I am sure that each of you can see where you and the institutions you represent can play a role in our realizing this dream.

By 1975 annual medical care expenditures in the United States will exceed 100 billion dollars, making health care the largest single

segment of our economy. I believe that Californians have the talents and resources to show how these vast funds can be utilized as productively and efficiently as possible, and I urge you to join me in seeing that we take the lead in this ever-growing enterprise.

General Ben Schriever, who organized our nation's space program so remarkably well, once told me that the most important single step in that complex undertaking was the original decision of commitment.

I hope very much that from our meeting this morning might come that vital initial step toward solving the nation's health care crisis—the commitment that California shall show the way toward providing adequate, effective, and reasonable health care for our citizens.

It will be good for the American people, it will be good for California, and it will be a most rewarding, gratifying and satisfying experience for all of us who have been part of the effort.

REBELLION IN THE JAILS—THE ALTERNATIVE TO BAIL REFORM AND SPEEDY JUSTICE

Mr. ERVIN. Mr. President, a few days ago, the citizens of New York City and the rest of the country were treated to a tragic lesson of the price that is paid for neglect of the criminal justice system. Inmates of five jails in New York City rebelled, took control of the facilities, and held hostages to their demands. It took 4 days for the authorities to regain control.

This dramatic event has galvanized public and official opinion in New York in a way that all cries of alarm and warnings of disaster by professionals never have. The result has been a new effort in New York to remedy the defects that have grown up over the years in its criminal justice system. I only hope that the time does not dim the resolve that is now being expressed.

I comment on the events in New York City with no intent to criticize. On the contrary, I believe that the problems that face New York are illustrative of those that face many other cities and States, and the Federal criminal justice system as well. New York has these problems, as it has so many others, well in advance of the rest of the country, and probably in a more aggravated form. For this reason, what has happened in New York should be a waring to us all. We should not wait until the criminal justice system comes crashing to a disastrous halt everywhere before we do the things that are required to make it workable and effective.

There are ironic facts about the jail rebellion in New York that should make us pause and be very thoughtful. First, a great proportion of the inmates who rebelled are not hardened convicted criminals. They are, in legal terms at least, free men. They are only charged but not yet convicted of crime. Their only affirmed guilt is their inability to raise the bail that has been set upon them. Many of them have been in jail for months awaiting trial or other proceedings related to their cases. It is an extraordinary fact that in New York City there are a thousand felony defendants released on bail who have not yet been tried, some on charges that go back seven years. How long the jail inmates have been waiting trial is no less amazing and shocking. Over 43 percent of the inmates were detained more than a year, and the average detention period is more than 5 months. Half of those detained are eventually found not guilty or sentenced to time already served.

That New York's criminal court system is overburdened all agree. No one knows the exact dimensions of the problem. It is estimated that there will be a quarter of a million arrests in 1970. The current backlog is estimated at 90,000 to 345,000 cases. Even the lower figure boggles the mind. Equally astounding is the fact that 40 percent of the inmates of the city's jails have not been tried, and a good number more have not even been indicted.

These statistics catalog the breakdown of justice in New York, and they mirror the problems of other cities across the country. One is tempted to observe that in New York defendants are not getting their day in court. Yet the fact is that they get 6 or more days in court before their trial, or a dismissal of the charges. This illustrates that administrative chaos and confusion are the inevitable results of a court system inadequate to the demands placed on it.

One can easily picture the frustration of the police, the victims of crime, the witnesses, and the public when one inconclusive court appearance is followed by another and yet another, as month after month goes by. One can also picture the reaction among the criminal elements and those who may be disposed to crime. The criminal system does not defer, it does not dispense justice. It is little better than a mockery.

The jailed defendant pays the penalty for our failure to establish a judicial system adequate to society's needs. And society pays its penalties, too, in disrespect for law, in breakdown in order, and in riots and rebellion in jail.

Another irony is the aim of this rebellion. What do they ask for? Simple justice. They want reviews of their bail orders. They want speedy trials. And they want decent jail conditions. It is a tragic indictment of all of us that these men riot to demand what we say is their due and the due of society.

There is yet another irony underlying the events in New York. For New York has in fact what we have been led to believe is the solution to many of our criminal justice difficulties—preventive detention. True, in New York there is no formal system of detention such as Congress has now mandated for Washington, D.C. But the operation of the bail system in New York is similar to that in the Federal system before the Bail Reform Act was adopted. New York has a money system of bail which results in practice in the indefinite detention before trial of the poor and the supposedly dangerous, in overcrowded and crime-ridden jails, in delayed trials and rampant injustice and in human tragedy.

An article in the New York Times for Tuesday, October 6, quotes some of the recommendations of the State Senate Committee on Crime and Correction. I quote from the news report:

> A section, "Reforming the Criminal Justice System," urged a change in the bail system noting that "when a judge imposes bail on a defendant who is obviously indigent, he is, in effect, mandating that the defendant will remain in a cell until he is brought to trial."

This is what the Bail Reform Act was designed to eliminate. Regrettably, Congress repudiated that reform with the adoption of preventive detention. But in New York we see exactly what benefits to justice preventive detention brings.

One consequence of the jail rebellion in New York was a review of bail orders, part of which took place in the jails themselves. Another result has been a call for a wider application of bail reform along the lines of the Vera Foundation recommendations and the Federal model. And third, there has been a serious proposal for a 60-day trial requirement. To quote the State Senate Committee report again:

> Public confidence in the criminal justice system will never be restored until we guarantee the right to a speedy trial.

This call has been echoed by Mayor Lindsay in his analysis of the crisis—

> Above all else, we must fulfill the constitutional mandate of a speedy trial. A defendant should be held only for a set time before trial, after which he will have to be released on recognizance, unless the delay was due to the defendant or his attorney. A 60-day limit on detention would reduce the current detention population by 46 per cent. A 90-day limit would mean a 32 per cent reduction.

The lessons for Washington, D.C., and the States and the federal system are plain. Preventive detention is not the answer. What is required is efficient, humane, speedy, and firm justice. Bail reform is one requirement. Close supervision, assistance, and control of defendants awaiting trial is another. Speedy trial is essential.

It is not yet too late for Congress to take steps now which will prevent the kind of breakdown of criminal justice which has occurred in New York. There is now pending in the Judiciary Committee legislation I have sponsored which would require criminal trials within 60 days, and which would expand Federal bail agencies to supervise released defendants. This proposal, S. 3936, has broad copsonsorship. The first replies from a survey of lawyers, bar associations, and judges undertaken by the Constitutional Rights Subcommittee disclose general approval of its main outlines and many valuable suggestions for improvements. I hope that early next year we can work on it making it law.

I should state that to achieve speedy trials we need no more research, no more study, no more commissions, no more assessing of blame by the courts, the police, the prosecutors, the defense counsel, and the legislature. We all know that what is needed to make criminal justice workable is more—more judges, more courtrooms, more personnel, more facilities, more supervision, more rehabilitation, more money. What is lacking is will. The will to provide what is necessary.

To achieve this goal we must stop using crime as a political football. We need a cease-fire on charges and countercharges of who is "soft on crime." We need a moratorium on crime proposals which put a premium on political salability and a discount on constitutional

liberties, but which have little or no impact on the real problems of law enforcement. A true desire to achieve law and order requires cooperation and mutual dedication to a common goal. Breast beating on the political stumps may win elections but it does nothing to stop crime.

Because the events in New York are so important for the federal system and for other States and cities facing the same problems, I ask unanimous consent to insert in the RECORD a number of news reports and editorials which explain the causes of this rebellion, and the steps that are needed to remedy the problems facing New York and the rest of the country.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 6, 1970]

THE ROUTE TO JAIL REFORM

Now that a measure of surface calm has returned to the city's riot-torn prisons, neither the city nor state can afford to wait for the next inevitable explosion before undertaking drastic reform of the entire system of criminal justice.

An admirable starting point for that kind of reform is provided in the call by the State Senate Committee on Crime and Correction for legislation setting a sixty-day limit on the time between arrest and trial. It is scandalous, as we have repeatedly noted, that court delays and bail inequities condemn men who have never been found guilty of anything to languish in jail for six months or more before they stand trial.

Chief Justice Warren Burger set forth in his State of the Judiciary message his belief that a sharp cut in crime would result from judicial action to dispose of all cases within sixty days. California's penal code puts a sixty-day limit on the time between arrest and trial in the absence of "good cause" for delay. The Illinois code mandates trial within 120 days after arrest unless the defendant himself causes delay.

An interminable list of statements by high public officials over the years acknowledging the gross flaws in the penal system here makes it plain that no action toward basic change will ever come without compulsion of law. Chief Justice Burger himself admits that judicial processes have remained essentially static for 200 years.

Only under the spur of a legislative mandate will there be the necessary coordination of effort and allocation of funds to take the glue out of the flow of justice. "Arresting more and more people will do little good if they are then consigned to a dismally debasing correctional system," is the apt warning of the State Senate committee on the basis of its inquiry into last August's upheavals at the Tombs—a rebellion now repeated on a much graver scale.

Mayor Lindsay showed great personal courage in his visit to the Tombs Sunday night after the prisoners there had complied with his demand that they first release the guards being held as hostages. So did the State Supreme Court justices who went into the Queens House of Detention to hold emergency bail review hearings.

But the time is past for expedients under duress; the need is for reform of the most fundamental character in every element of the system. It is obvious that even the most dedicated of administrative judges lack the managerial expertise required to reorganize the flow of cases in the criminal courts. This is a matter that goes beyond more judges and more courtrooms into the establishment of a computerized system for maximum efficiency in the disposition of cases. All-purpose courts of the type successfully tested in Queens can work best if linked to a professional system of court administration.

Bail reform and bail review are clearly needed. The present ghastly overcrowding in municipal prisons would be tragically worse if the city had not adopted the recommendation of the Vera Institute of Criminal Justice for summonses in lieu of arrest for persons accused of many misdemeanors. But much more can still be done to keep out of jails people who do not belong there or who would not be there if they were not too poor or rootless to raise bail.

Once such problems have been solved, the opportunity will exist to tackle the equally fundamental one of how to keep city and state prisons from functioning as schools of crime and degeneracy instead of places for rehabilitation and the revival of hope.

[From the New York Times, Oct. 6, 1970]

JAIL SURVEY ASKS LESS TRIAL DELAY

(By Martin Gansberg)

The State Senate Committee on Crime and Correction said yesterday that it would seek legislation mandating trials within 60 days of arrest as a means of avoiding overcrowding in prisons.

In a 55-page report on disturbances at the Tombs in August, the committee asserted that "overcrowding, with the inescapable side effects," was the principal cause of the riots. According to a Department of Correction study, 46.1 per cent of those awaiting trial in New York prisons had been held for three months or more.

Announcing the committee's findings at a news conference in the State Office Building, 27 Broadway, Senator John R. Dunne, Nassau Republican, who is chairman of the committee, offered the following recommendations:

That Mayor Lindsay declare his intention to use the Women's House of Detention as a male detention facility when it closes in December.

That the city phase out Rikers Island Reformatory and use the facility for prisoners awaiting trial.

That the Board of Correction, a citizens' group, be reorganized to include greater powers and minority group representation.

That legislation be enacted giving the state complete responsibility for prisoners; thousands of prisoners now in 12 institutions here are under city control.

That adjournments by judges be granted only, as extraordinary relief to prevent delays.

That the state take complete responsibility for the operation of all courts.

LATEST DISTURBANCES EXCLUDED

"Our report does not contain any specific reference to the latest disturbances," Senator Dunne said. "But that should not matter, because the same deplorable conditions which caused the Tombs riots gave rise to the recent turmoil."

Emphasizing that the committee did not intend "to place blame," but rather to offer "specific resolutions," the Senator did show some annoyance at the slowness of city officials to resolve the problem.

"We heard Mayor Lindsay say last night that he is aware of the problems in city detention facilities and that he is prepared to deal positively with them," Mr. Dunn said. "He has said that many times before. He said it to me in a meeting at City Hall last December. He said it after the Tombs disturbances in August."

The Senator made the comment in introductory remarks with two members of his committee, Senators Waldaba Stewart, Brooklyn Democrat, and Anthony B. Gioffre, Westchester Republican, at his side.

The recommendations in the report, Senator Dunne said, "are not limited to the Mayor." He said the Legislature was urged to act on the right to a speedy trial and the State Bar Association was asked to direct lawyers to avoid routine adjournments.

In the report, the committee charged that Commissioner George F. McGrath "showed no initiative in seeking new facilities" and that he "appears to have a lack of knowledge about his own institutions."

PERSONNEL SHIFTS SCORED

The committee also deplored the "constant reshuffling and turnover of key middle management personnel, mainly among wardens" and the fact that "key positions in the department have been left vacant."

In a special section, "Humanizing the Institution," the committee said that the basic complaint of those taken to city prisons was that they were "in a state of complete confusion." "Some cannot read," the report said. "Many do not speak English. All are herded into small cells without being told how they may contact relatives on the outside."

To overcome this, the committee urged that prisoners have access to telephones and that multilingual personnel be available. It also recommended improvements in sanitary conditions and preparation of food. Better medical treatment and extra recreational facilities also were suggested.

A section, "Reforming the Criminal Justice System," urged a change in the bail system, noting that "when a judge imposes bail on a defendant who is obviously indigent, he is, in effect, mandating that the defendant will remain in a cell until he is brought to trial."

The committee recommended, to avoid holding men in prison too long, that Probation Department personnel be increased to speed release on recognizance procedures and that courts review arrests to determine if men were being unnecessarily held.

"Public confidence in the criminal justice system will never be restored until we guarantee the right to a speedy trial," the report said.

On the subject of adjournments, the committee declared that this "is one of the best weapons" defense lawyers have because "over a period of time witnesses lose their fervor and even their memories."

The committee urged that judges stop granting adjournments "almost automatically" and recommended that "inadequate time to prepare should no longer be grounds for adjournment." It also said that once a trial date is agreed upon, a lawyer "should consider himself under strong obligation to be prepared for his case."

The discussion of courtroom procedure led Senator Stewart to shout angrily, "Let's put our finger on the cancer. The cancer is racism in the courts of New York."

He said minority groups were poor and the poor could not get quick court action or strong legal representation.

[From the New York Times, Oct. 6, 1970]

BAIL CASES HEARD IN SUPREME COURT

(By Robert E. Tomasson)

Six weeks ago the State Supreme Court's chief administrative judge for Manhattan and the Bronx warned sharply "of an impending crisis in the administration of justice" because of a huge backlog of criminal cases.

Yesterday—after four days of sporadic insurrection in five city jails, where a chief complaint by inmate rioters was the delay in bringing their cases to trial—one of several suggestions made in a report by State Supreme Court Justice Saul S. Streit was put into effect on a limited basis. Its aim is to expedite the cases of defendants who are out on bail.

The report also dealt with the lengthy time that many inmates spend in jail awaiting trial.

There are now 978 felony defendants out on bail in Manhattan on charges in some cases dating back seven years, and reducing

the number is considered by senior judges here to be a first step toward providing the accused with a "speedy" trial, as mandated by the Constitution.

BAIL CASES SPEEDED

Jutice Streit had recommended that these bail cases either be called for immediate trial or that the charges be dropped. Yesterday State Supreme Court Justice Nathaniel T. Helman began hearing some bail cases in the State Supreme Court Building at 60 Centre Street, which is traditionally devoted to civil cases.

His assignment by Justice Streit is expected to begin to relieve the crowded facilities in the Criminal Courts Building a half block away and also ease the bail-hearing load of other judges, who could presumably speed other criminal proceedings.

Another recommendation by Justice Streit, to reduce the criminal calendar by transferring 15 state judges who normally sit in civil parts to criminal matters, has not been followed by the judge's superior, Harold A. Stevens, the Presiding Justice of the Appellate Division.

However, Justice Streit has reassigned some judges who have been sitting in civil parts to hear criminal cases, where they have more experience. For example, Justice Mitchell D. Schweitzer was recently transferred from property condemnation proceedings to hearing felony cases.

Justice Bernard Nadel has been reassigned from criminal to civil cases, while Justice Harold Birns, a former assistant district attorney, has been transferred from civil cases to criminal hearings in the Bronx.

OBSTACLES TO REASSIGNING

Justice Stevens said yesterday that "it was not all that simple to simply reassign judges" from the civil to the criminal parts in an attempt to reduce the backlog.

The major roadblock to this approach, according to both Justices Stevens and Streit, are the security and personnel arrangements required to staff a courtroom.

Justice Stevens said yesterday that soon after Justice Streit's report was made public, including an accusation that the city was dragging its feet on completing courtroom facilities in the Criminal Courts Building, work increased on courtrooms on the 15th and 16th floors, and the latter are now expected to be completed Jan. 1.

Justice Stevens, who has authority over State Supreme Court and the Civil, Family and Criminal Courts in Manhattan and the Bronx, noted that although he was a state official, he was dependent on the city for budgetary allocations for equipping and staffing the courts.

Security arrangements are of prime consideration in using often underutilized courtroom facilities here for criminal cases. Private entrances and elevators are often required for accused felons, as are lockup pens and a generally secure building—facilities that do not exist outside the criminal courts building in the city.

Justice Stevens said yesterday that at his immediate request for additional facilities, Bronx District Attorney Burton B. Roberts had said he could staff two additional criminal parts, while Manhattan District Attorney Frank S. Hogan said he could accommodate one additional part.

[From the New York Times, Oct. 6, 1970]

THE QUEST FOR JUSTICE: PRISONERS AND OFFICIALS AGREE CHANGE IN SYSTEM IS NEEDED; SOLUTION ELUSIVE

(By Lesley Oelsner)

There is little disagreement among the men who fill the cellblocks of the city's jails—almost to a man they want speedy trials, lower bail and better jail conditions. There is little disagreement among the men outside the cellblocks, either—the politicians and the judges and the correction officers. "They've got good gripes," a guard said on Sunday, after three days as a hostage in the Tombs. "Most of what they say," Correction Commissioner George F. McGrath said, "I have said many times over the past months."

But it is a measure of the problem that though everyone agrees on the defects in the system of criminal justice and nearly everyone has his own answer to erasing those defects, almost none of their answers coincide.

From Mayor Lindsay comes the remark that "Only prompt, decisive action by the state court system can begin to bring real relief." From Assembly Speaker Perry B. Duryea Jr. comes the rejoinder, "Isn't that what he [Mr. Lindsay] says about everything?"

"NOTHING" DONE

Mr. Duryea says that future legislative action on the jail and court problem will depend in part upon the recommendations of a bipartisan commission that was created by the Legislature last spring to study the state's courts.

But one commission member, Judge Nathan R. Sobel of the Kings County Surrogate's Court, says, "This committee has done absolutely nothing, even as to holding its first meeting or appointing a chairman." The commission is to submit its report by February, "which," says Judge Sobel, "they're not going to do, of course. They can't."

Then there is Manhattan's District Attorney, Frank S. Hogan, who blames lawyers who make innumerable pretrial motions on behalf of their clients for court delays. Except in homicide cases, where the oldest case is given top priority, he says, "If there's any person presently detained who wants a speedy trial, I'd give it to him."

DUDLEY DISAGEES

There are the minority leaders of the State Assembly and Senate, Stanley Steingut and Joseph Zaretzki respectively, who assert that if they, the Democrats, were in power, the state would reassert its responsibility for the court system.

And there is Edward R. Dudley, who is to retire soon as Administrative Judge of the New York City Criminal Court, who says that the problem isn't court reform at all.

The problem, according to Judge Dudley, is simply one of facilities—too few jails, too few courtrooms.

But if there are a lot of accusations and solutions—and, in the words of State Senator John R. Dunee, chairman of the State Senate Committee on Crime and Corrections, "a whole lot of buck-passing," there is also some reason for the confusion. For in the opinion of most experts on criminal law and court added together, have brought the courts of administration, it is a variety of factors that, New York and other cities to a near halt.

OTHER CAUSES LISTED

Thus the plethora of pretrial hearings made possible by the decisions of the Warren Court—and mandated by certain later legislation—have greatly lengthened the amount of time that an individual case can take.

At the same time, as even the City Criminal Court's Administrator, Lester Goodchild, concedes, the lack of "modern management" concepts in calendar control and data processing has bogged down the system still further.

Then there is a lack of personnel. There are not enough correction officers to get the prisoners to court on time; there are not enough probation officers to advise judges on whether defendants should be parceled or held on high bail. And with judges holding court in their robing rooms, and prisoners sleeping two or three to a one-man cell, there and clearly not enough jails and courthouses.

WOULD SWITCH OBLIGATION

Each of these solutions carries an obvious remedy: hiring administrators and other staff; building new facilities; requiring defense lawyers to make all their pretrial motions in a single omnibus proceeding. The problem in implementing the solutions, though, experts say, has been two-fold: finding the will and the money to do it.

Senator Dunne's proposal yesterday—that trials be required within a certain time limit, a requirement that has been working in California—would eliminate the "will" problem by removing the element of choice.

The Senator would transfer the financial obligation from the city to the state—a transfer that both the Mayor and the two Democratic legislative leaders have been requesting for some time.

Will the Republic-dominated Legislature go along with the plan? "I think," says Senator Dunne, "that it'll become a reality" because now, he adds, the Governor agrees.

[From the New York Times, Oct. 11, 1970]

EXCERPTS FROM THE MAYOR'S STATEMENT CALLING FOR COURT REFORMS HERE

Following are excerpts from Mayor Lindsay's statement on court reform made to the administrative board of the Judicial Conference:

Today, I come before you with recommendations for improvement. But six major changes—in attitude and in policy—deserve the highest priority.

EMERGENCY SESSIONS

First, the courts should go into emergency session on nights and weekends until the backlog is cleared. Judges should also hold regular bail-review hearings in houses of detention. In a time of crisis, business as usual is not acceptable. Only emergency action will demonstrate to inmates, correction officers, police and the public a visible commitment to justice.

This will cost money—something New York City doesn't have. The state, which is legally responsible for the courts, should provide emergency funds now. If the state fails to meet its responsibility in the face of crisis in the state courts, the city will pay, no matter what sacrifice we must make to find the necessary resources.

We are already paying more than our due. We have doubled our expenditures for the courts in the last four years. At the same time, the state spends nothing for the operating costs of the State Supreme Court except to pay a portion of the judges' salaries.

AID FOR INMATE ADDICTS

Second, the state narcotics program should fulfill its pledge to treat the thousands of criminal addicts now in city jails. Almost 60 percent of our inmates are suspected narcotics addicts who by law should be in state treatment facilities. If they were, the jails would no longer be overcrowded.

The failure of the state narcotics program has crippled the entire criminal justice system. Ironically, many suspected addicts charged with a crime suddenly plead guilty when threatened with the alternative of commitment to state treatment. They know that the state's narcotics "treatment" program is largely a euphemism for prolonged imprisonment.

Even worse, 244 persons already committed to state treatment are illegally confined in the city's prisons because there is no room in the state's facilities. The state must take immediate action to make its narcotics program work. If it had worked during the last three years, this crisis would not exist.

BAIL POLICIES ASSAILED

Third, bail policies should be drastically overhauled. Only 10 percent of defendants currently remanded to jail are offered the authorized option to secure bail by depositing a small cash alternative, nine-tenths of which is returned to the defendant when he appears in court. Only 20 percent of those remanded ever receive bail reduction, al-

though almost half of the prisoners who do, make bail within 24 hours.

But beyond cash alternative and bail reduction, the most important reform of all would be a time limit on detention.

Above all else, we must fulfill the constitutional mandate of a speedy trial. A defendant should be held only for a set time before trial, after which he would have to be released on recognizance, unless the delay was due to the defendant or his attorney. A 60-day limit on detention would reduce the current detention population by 46 percent. A 90-day limit would mean a 32 percent reduction.

BOARD ACTION URGED

Fourth, this Administrative Board should take direct responsibility for the daily operation and efficiency of the judicial system. The courts require detailed supervision, unfailing discipline and a continuous monitoring of judicial practices. Only the board, with its broad power to run the courts, can stop the flagrant abuse of adjournments by court officials and the private bar.

We cannot expect judges to be administrators or ask them to serve as clerks. Backed by strong leadership of the Administrative Board, competent lay administrators should be given full authority to manage the courts. Computers and staff should do the daily nuts-and-bolts work. We lose the dignity of the law when judges sit as clerks and cases sit unheard.

This board could also establish a State Judicial Center, similar to the Federal Judicial Center, to provide innovative planning and research for the entire court system.

ELIMINATION OF CITY COURT

Fifth, the New York City Criminal Court should be abolished and its functions merged into the single, unified state court system established by the State Constitution. State courts, functioning under central state direction, and funded from the state budget, should dispose of all criminal cases. A divided court system inevitably leads to serious procedural and management defects.

REDUCTION OF JURISDICTION

Sixth, we must limit the criminal courts to serious crimes and find other ways to regulate moral conduct and deal with lesser offenses. The State Legislature must remove administrative violations, such as housing offenses, which clog the criminal process. And government must arbitrate the competing moral demands of a diverse society in new ways.

Criminal sanctions do not deter gambling, prostitution and other victimless "crimes." These "crimes" overload the courts, breed corruption, encourage disrespect for law, and waste scarce resources.

A recent study showed that the City of New York in one month spent at least 40 times as much enforcing gambling statutes in Manhattan as it received in fines from convicted violators. The conviction rate was less than 30 per cent and no one was sentenced to jail. A month of fruitless anti-gambling action in one borough cost the city $230,000.

Strict regulation must replace our present futile reliance upon the criminal justice system in such areas.

With those six priorities in mind, I would now like to focus on the need and the specifics for a comprehensive program to deal with court delay and relieve the detention crisis in New York City.

THE CRISIS DEFINED

Initially we must understand the scope of the problem:

Of the 1968 arrest population, 43 per cent of the prisoners held in detention through trial were held for over one year. Half of those detained through trial were found not guilty or sentenced after conviction to time already served:

Of the 1968 arrest population, only 2.6 per cent finally received sentences of more than a year. Sixty-four per cent of those in detention spent no time in jail after adjudication.

Of the 1968 arrest population, almost half had six or more court appearances on their charge. Fifty-five per cent of all arrests resulted in dismissals or verdicts of not guilty.

Of the city's detention population, about half are awaiting action in the Criminal Court, while the rest are awaiting action in the State Supreme Court.

The average length of time in detention for Supreme Court cases in New York County is 5.14 month, with a 1.77 month average detention time for Criminal Court cases.

The city's adult-detention institutions are at 183 per cent of capacity.

LONG DETENTION "TRAGIC"

These statistics pinpoint our delay problems. And they reveal that too many defendants are subjected to the tragedy of lengthy detention before guilt or innocence has been decided.

We all share the blame—court administration, state government, and city government. There are extenuating circumtances. The sharp rise in arrests since 1964 has imposed an extremely heavy burden upon all of us. For example, in the last six years, misdemeanor arrests jumped 77.5 per cent in New York City and adult felony arrests rose by 50 per cent. We expect 250,000 arrests this year.

The city has responded with new resources and the drain upon the city treasury has been substantial.

In 1969, 34 new judges were added to the State Supreme Court in the First and Second Departments. Twenty judges were added in 1969 to the Criminal Court and five more will join the court after traffic adjudication is phased out at the end of the year.

Since 1967, the Office of Probation budget has tripled; the Legal Aid Society budget has quadrupled; and city budget appropriations for district attorneys, the Criminal Court, and the State Supreme court have each doubled. The city provided these additional resources in only four years.

CITY'S ACTIONS LISTED

Moreover, the city has spent $90-million in the past five years for new facilities for the Department of Correction. In three years the city has more than doubled the corrections budget. And just in the past two months of crisis, the city has authorized the hiring of 300 new correction officers and 53 additional Criminal Court personnel for the new jury trial parts.

New York City spends almost 15 per cent of the total criminal justice funds expended by all state and local governments in the entire nation. That's a heavy load for a city with just 4 per cent of the national population.

It is also discouraging. For it is clear that these budget increases have not been matched by sufficient reform or modernization within the court system.

Additional money can be used to advantage. But the persistence of court delay indicates that the principal fault lies with basic short-comings in the way the court system uses existing time and resources.

FUND REQUEST CRITICIZED

The courts ask us for more judges, more clerks and more space But we who have to draw funds from an exhausted public treasury find it difficult to react favorably, when the request for funds comes with no plan for basic change, no indication of a commitment to longer working hours, no penetrating analysis of court data, no indication that supervision and discipline of judges will be priority issues, and no sign that the central administrative control authorized by statute and rule will be exercised to the utmost.

Why build expensive new court facilities when the public sees existing courtrooms in session only a few hours each day.

In February, 1969, the Administrative Judge of the City's Criminal Court stated that judges' work schedules were lax. He criticized their failure to put in full work days. He said the courts were improperly run.

Before the city takes money away from schools, from police, from housing and from other essential services, before the city raises taxes in order to help the courts, we must know that such criticism is no longer valid.

EXAMPLES OF CRISIS

Examples of the management crisis are legion. Let me cite just a few.

No one can tell us the nature and numbers of the Criminal Court case backlog. Costly analyses have produced only frustration with the incredible state of court records. Intelligent researchers have derived from the same data backlog figures ranging from 90,000 to 345,000 cases. How can anyone plan without such basic information?

Long calendar calls by judges produce adjournment rates in Criminal Court of between 40 and 50 per cent. This situation goes on and on and on. Some defense attorneys procure adjournments as a lever to collect their fees. Do countless, unproductive calendar calls represent good management, good planning, or good use of judicial time?

In summer months, calendar listings are scandalously low in number. Even in the courtrooms that are open, activity is often limited to two or three hours. How should we characterize a system of supervision and discipline that permits this to continue while detained prisoners lie crowded in the scorching heat of a prison?

In State Supreme Court, a prisoner may wait five to six weeks before a grand jury indictment is returned. Why?

In State Supreme Court, many convicted prisoners must wait 60 or more days for sentencing. Why?

As of June, 1970, of State Supreme Court defendants in detention, only 43 per cent were awaiting trial. Fifty-seven percent were awaiting indictment, or sentence after conviction. Why?

These facts are inescapable. They cry out for change.

If drastic reforms are not forthcoming, I am prepared to request a delegation of management authority for courts within the city from the state's judiciary to the city's executive branch.

New York City is paying most of the judicial bill. The courts must be publicly accountable to the ctiy's taxpayers. Citizens have as much right to expect performance from the courts as they do from police, hospitals and sanitation.

POLITICAL ACTIVITIES OF COLLEGES AND UNIVERSITIES

Mr. ALLOTT. Mr. President, last Wednesday American Enterprise Institute published a most timely and useful study of a complex issue.

The title of this study is "Political Activities of Colleges and Universities: Some Policy and Legal Implications." The authors are three distinguished lawyers, Robert H. Bork of the Yale Law School, Howard G. Krane, attorney at law in Chicago, and George D. Webster, attorney at law in Washington.

In recent years American colleges and universities have been drawn into the vortex of the political turmoil. Political activities undertaken on campuses, and with varying forms of cooperation and sanctions from the faculty and administrators and trustees of colleges and universities, have raised many vexing questions.

These questions concern the traditional independence of such institutions, and the tradition of academic freedom. These questions have been explored with proper thoroughness throughout the Nation.

But there is another question, more technical in nature, which has not been given the extensive public exploration it deserves. This concerns the effect which different kinds of political activities can have on the legal standing of institutions of higher education.

The report reaches one conclusion that is especially pertinent right now. It is that colleges and universities that engage in political activities—such as recesses to permit students and faculty to participate in campaigns—expose themselves to serious legal penalties. Of course, the matter of tax-exempt status for these institutions is a central problem.

The purpose of this study is "to analyze the law—to assist the public in understanding it and university personnel in complying with it." I think this study does a fine job. It deals precisely with technical questions. In addition, it brings calm philosophy—rather than enflamed ideology—to bear on the broader issues involved.

This distinction between philosophy and ideology is important in the work of AEI. This organization does not take stands on issues. Its work is grounded in a faith in the free market in information. AEI considers its job done when it has armed public officials with the relevant considerations as they are advanced by persons on various sides of the issues.

The conclusions reached in this analysis are the conclusions of the authors. AEI takes no position on these conclusions.

So that all Senators may profit from this illuminating study, I ask unanimous consent that the first two sections of the study "Perspective" and "Effect of Political Activities on the University's Tax Exemption" be printed in the RECORD at the conclusion of my remarks.

Mr. President, this city is fortunate to have a number of organizations which provide public officials with high-level policy studies. The work done by institutions such as AEI and the Brookings Institution is varied in form, but invariably is of high quality.

For example, AEI publishes policy studies of the sort I am placing in the RECORD today. It also publishes a press summary which I know my office finds very useful. In addition, AEI schedules rational debates which are exactly what the name says they are. They bring together informed men and women to discuss matters of real urgency, and these debates are published in book form.

Last week I was able to share with the Senate a very thoughtful essay prepared by a fellow of the Brookings Institution. Today I am delighted to bring to the attention of the Senate the latest in a continuing series of distinguished publications from AEI.

Mr. President, I think AEI and her sister institutions are to be congratulated for their various contributions to public understanding.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

PERSPECTIVE

American universities are alive with political activity. Though this activity will reach its peak in the November congressional elections, the phenomenon is not new. Within the past few years this country, along with many others, has experienced an unprecedented upsurge of political activism on its campuses. A major aspect of this development is the increasing demand that universities and colleges commit themselves to political action in a variety of ways and in a variety of causes. If such demands are acceded to, universities may make themselves liable to serious legal penalties.

THE STATUTES

Section 501 (c) (3) of the Internal Revenue Code provides that an exempt organization, including an educational institution, shall lose its exemption from federal income taxes if any "substantial part" of its activities constitute "carrying on propaganda, or otherwise attempting, to influence legislation," or if it should "participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office."[1] A parallel provision, Section 170(c), denies a deduction from income taxes for donors to institutions that violate these proscriptions.[2] Moreover, Section 610 of the Criminal Code makes it a criminal offense "for any corporation whatever . . . to make a contribution or expenditure in connection with any (federal) election . . ."[3] Sanctions may be visited upon both the corporation and its responsible officers. Enforcement authorities consider Section 610 violated by indirect contributions, as, for example, the payment by a corporation of an employee's salary during a period which he devotes to work on behalf of a candidate for federal office.[4]

PURPOSES OF THE STUDY

Our primary purpose is to analyze the law—to assist the public in understanding it and university personnel in complying with it. In some important respects, the law seems fairly clear, but in other areas the law is still developing and our guidance takes the form of pointing out possible dangers. Uncertainty about the future shape of the law is increased by the pressure upon the statutes' basic concepts of major policy issues that have yet to be resolved. We have tried to articulate these issues that must be faced in applying the laws under examination here as well as in the framing of any future legislation dealing with these topics.

Our interest in the subject, however, goes far beyond providing guidelines. These laws possess a larger significance because of their bearing upon the phenomenon of the politicization of the universities. Few people would be interested in the narrow subject of the tax law relating to educational institutions, but when that tax law deals with an aspect of dramatic and troublesome social trend it may legitimately claim the attention of a wider audience. We cannot hope in a study of this length, of course, to explore the full range of social and political implications of this topic, but we hope to stimulate thought about academic politicization, the dangers it presents, and the law's proper relation to the problem. It is important, indeed it seems to us crucial, that assumptions about fundamentals—the role of universities in our society and the function of legal norms and sanctions in defining that role—be made explicit and examined in the process of applying the existing statutes and in shaping new laws. Much that is ambiguous in the statutes under discussion here arises from the lack of such fundamental discussion at the time of their passage.

NATURE OF THE PROBLEM

These are sensitive and potentially inflammatory topics. Some persons will perceive the application of law to university political behavior as an attempt to stifle dissent, an assault upon academic freedom. Others will see it as an essential means of recalling universities to their proper educational focus. The opportunities for heated rhetoric and hasty reaction on each side will be many. There is no need here to anticipate or to take sides on all of the issues that may arise. The problem is too complex for that and our society is merely beginning to explore its manifold difficulties. But we do speak from a general position that should be made clear. Universities have been centers for free and disinterested inquiry, the systematic accumulation of knowledge, and the transmission of both that knowledge and that spirit of inquiry to rising generations. We begin from the premise, widely but by no means universally shared, that these traditional and specialized functions are extremely valuable and worth preserving. But universities may be damaged, perhaps irreparably, either by the unsophisticated application of legal controls or by the continued growth of an uninhibited political activism on campuses. Alarm at developments within our universities must not trigger unreflective responses, but there is equally no occasion for a complete hands off policy. Law can play an important part in preserving academic values but those values certainly cannot be sustained entirely by law.

The relationship of the present study to the general problem may be clarified by some perspective. Politicization is a diffuse and complex phenomenon. It poses problems for and about universities that could hardly have been foreseen even a few years ago and were certainly not anticipated when Section 501 (c)(3) of the Internal Revenue Code and Section 610 of the Criminal Code were enacted many years ago. These statutes are aimed at actions attributable to the policy of an institution, and such actions are by no means at the root of our current troubles.

EFFECTS OF POLITICIZATION

The general public has been made aware of politicization in the universities by the spectacular outbreaks of violence that have accompanied the process. These are familiar items of television and press coverage: bombings, arson, building seizures, record destruction, imprisonment of administrators in their offices, classroom disruptions, equipment destruction, and violent encounters between students and police or national guardsmen. Scores of universities have known such episodes, some repeatedly, and a few campuses approach a state of incessant guerrilla warfare. Lesser incidents of the same nature plus such behavior as window smashing, abusive and obscene language, threats of violence, disruptive picketing, and the like, have become so commonplace that they frequently go unreported.

Yet this bare catalogue of physical violence, horrifying though it may be, does not begin to suggest the depth and intensity of university politicization or the more profound changes that are occurring—changes in mood and atmosphere that may prove

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[1] 26 U.S.C. § 501(c)(3). For a complete text of this section see Appendix A; a more complete discussion of this section begins at p. 8.

[2] 26 U.S.C. § 170(c). For a complete text of this section see Appendix A.

[3] 18 U.S.C. § 610. For a complete text of this section see Appendix A; a more complete discussion of this begins at p. 26.

[4] See Indictment, July 31, 1970, against First Western State Bank, Minot, North Dakota, quoted in part *infra* and noted at p. 60 in Appendix F. See also Department of Justice Memorandum, January 26, 1962 (on file in New York University Law Review Library).

even more ominous in the long run. Prolonged physical threat must inevitably change for the worse the performance of institutions not geared to violence, whose structure, rules, and habits indeed assume that force is not merely improper but unthinkable. Physical threat alone might not have produced the decline of morale, the loss of elan, the attrition of the spirit, that is so patently occurring within many universities. This is more probably the result of moral pressure and uncertainty, for the crisis in the universities is precipitated not by the traditional enemies of free inquiry but by members of the academic community itself. Students and faculty members are not merely using the university as a convenient forum to protest national policies or to launch ventures into the politics of the larger community but are actively, and even violently, challenging the legitimacy of traditional academic functions and standards. Sharp challenges from within the community, stated in uncompromising moral and intellectual terms, are bound to be more unsettling and divisive than would challenges from without. Accustomed to misunderstanding and even to hostility from without, the academic commmunity believed that its values were universally held within. The discovery that they are not has shocked and dismayed the academic world.

In a politicized university, moreover, challenge and its attendant turmoil are unceasing and therefore enervating. Again the community outside the universities is aware of issues that result in dramatic violence or that involve many universities at once, such as the protests and strikes that swept hundreds of campuses in response to the United States's Cambodian invasion. But, increasingly, many other once routine actions and procedures have come to be regarded as political and hence the proper subjects for demands, boycotts, strikes, and the application of other forms of pressure. Among the topics now so regarded on many campuses are changes in the content of curriculum, faculty recruitment, the grant or denial of tenure to faculty, admissions policy, disciplinary actions, performance of government research, racial composition of the faculty or student body, erection of new buildings, wage scales of maintenance workers, performance of service functions for the local community, and student participation in various aspects of university governance.

This state of affairs imposes heavy costs upon universities. Intellectual work demands, for most people, a degree of serenity and freedom from distraction and tension. It is most fruitful when the academic discussion is civil and open. These conditions are destroyed when the university lives in chronic tension, anger, and distrust. Politicization means division among faculty members, between faculty and administration, between faculty and students, and among students. Not only is communication impaired among faculty members, and hence an important stimulus to intellectual achievement lost, but teaching, which requires a degree of sympathy and shared values between the teacher and the students, becomes less effective.

THE ACADEMIC CONSENSUS ON NATIONAL ISSUES

Finally, though we have stressed divisions and tensions within the universities, politicization has, curiously, produced an opposite danger, that of conformity. Within universities there may be strife about internal policies but, increasingly, universities face the outside world and its political issues with a unified outlook. Within many universities there is, for example, remarkably little debate on such subjects as Vietnam, and on many such campuses no speaker wishing to defend present national policy on that subject can even obtain a hearing. Less dramatic but still notable is the academic consensus about other national issues. Academicians do not display the spectrum of opinion that the larger society displays. There are very few representatives of conservative or even middle-of-the road political opinion, a situation that is surely a matter for concern in departments—such as economics, political science, sociology, and law—that treat controversial issues as subjects for scholarship.

Despite this relative uniformity of opinion, university administrators and faculties have generally resisted the suggestion that they participate as institutions in political affairs. Most academicians share the general American feeling that universities have no place in politics. Yet when pressure became intense enough many universities came dangerously close to violating that principle. Pressure for university political action is particularly difficult to resist when opinion about the issue at stake is virtually unanimous on the campus. Intensity and unanimity of opinion combined last May when United States military actions began in Cambodia and the result was a number of forms of university political involvement that at least raised the legal issues of tax exemption discussed here.

UNIVERSITY INVOLVEMENT

The clearest case of university involvement, of course, would be action in the university's name by its governing officers, usually a board of trustees and the president. We know of no such case but there were at some schools formal resolutions by faculties purporting to speak as faculty bodies rather than as individuals. There were also numerous instances of use by political groups, often composed of faculty or students but sometimes composed of persons not connected with the university, of institutional facilities and resources. After the Cambodian intervention political groups were frequently given access to university computers, research facilities, office space, auditoriums and classrooms, residential facilities, dining halls, telephone service, secretarial service, mailing permits, radio stations, mailing lists, and so forth. Computers were in use by students at several universities to analyze the voting records of congressmen. Mailing lists were used to send leaflets opposing congressmen up for reelection to alumni. University buildings were used as centers for the coordination of national student strikes over Cambodia, for the coordination of movements to elect candidates opposed to national policy in Vietnam, and for similar purposes.

A number of universities agreed to close for one or two weeks just before the November elections in order to give students and faculty more time to participate in the various congressional election campaigns. Last May great numbers of students and some faculty members viewed it as appropriate to shut down their universities in order to express their opposition to the Cambodian operation. Many demanded that their universities show sympathy with the protesters by suspending classes, waiving examination and paper requirements, and, in general, "altering normal academic expectations." Some universities complied with one or more of these demands, though whether administrators and faculties who acceded did so out of sympathy and a belief that they should so respond or out of prudence in an explosive situation is not clear and undoubtedly varied from case to case. One can certainly sympathize with beleaguered academics torn between the desire to keep their universities out of politics and to preserve them from crippling internal conflict. Yet the fact remains that many universities did edge closer to formal political involvement.

We cite these instances not to suggest that any particular university violated any federal law—we have too little information about particular cases to form a confident judgment and we certainly have no interest in broadcasting any such opinion. We cite these cases rather as examples of the politicization that grew up in our universities and to show that some aspects of that trend may bring universities within the ambit of the laws discussed in this monograph.

But another point must be stressed. We have rehearsed the many manifestations of politicization on American campuses to show that only some aspects of that phenomenon can be dealt with by present federal statutes. Speaking generally, the mood of politicization within the universities is probably beyond the reach of any law, and the political acts of individual students, faculty, and administrators in American political processes generally are not only beyond inhibition by statute but must, of course, remain so.

If the degree and nature of the politicization we have described is a serious social problem, and we think it is, only part of the social response can be legal in nature. Just as the core of the problem is one of mood and belief, so the solution will surely be primarily one of mood, belief, and the persuasive assertion of the traditional values of the academy. Law alone cannot sustain or enforce values that are not widely and deeply held.

BROADER INVESTIGATION NEEDED

Though this specialized study is not the occasion for it, there is, therefore, a need for broader investigation into the phenomenon of politicization and possible techniques of controlling it. It would be very useful, if it is possible, to locate the causes or the roots of student and faculty unrest, the widespread disenchantment with long-accepted academic values, and the willingness to employ violence. If we had a better understanding of causes, we might be able to devise more effective responses. But it may well prove impossible to find ultimate causes. Not only is the phenomenon extraordinarily complex and perhaps fed from more than one root, but most attempts to specify causes so far have not been notably successful and many have been strikingly superficial. A serious investigation of causes would have to take account of the fact that politicization and violence are not confined either to the United States or to universities. Severe student disorders and universities disruptions have occurred, among other places, in France, West Germany, Italy, Sweden, England, Japan, and India. The spread of the problems suggests that the problems and social tensions of the United States are not ultimately the cause of the phenomenon as so many have maintained. And it should be recalled that politicization, often accompanied by violence and the rhetoric of violence, is by no means confined to the universities, though it appears to be most acute there. These facts at least raise the question of whether we are not observing a deep, though hitherto unsuspected, crisis in western culture rather than a crisis defined by American universities. If this should turn out to be the case, the search for causes will be far more difficult and conclusions far less precise than one might at first hope. Still, the crisis, though general, does appear to be most acute or advanced in universities and that may suggest something, if not about causes then at least about predisposing factors.

Moving to this level of investigation, it might be possible and worthwhile to ask why universities as institutions have proved so vulnerable. Are there attitudes, more common in the academy than elsewhere, that lessen resistance to attacks from the particular quarters from which the most recent attacks have come? Is the vulnerability in part due to the development of values, practices, and structures adapted to resist attacks from the outside community, which universities have faced for centuries, but offering aid rather than hindrance to attackers within? Has there occurred a shift of gov-

erning power from university presidents to faculties so that effective management in crises becomes impossible for structural reasons, large committees being unable to make executive decisions? Are there structural or procedural changes that universities can adopt to render themselves less vulnerable to inside attack?

LONG-RUN EFFECTS

Beyond these issues, what are likely to be the long-run effects of continued academic politicization both upon the universities and the general society? How far is politicization likely to go and what forms will it take? How seriously is it likely to damage the spirit of free inquiry, particularly in the social sciences? What forms will public reaction take? Will financial support at present levels be available for politically oriented universities? If not, how will increasing demands for education beyond the high school level be satisfied? Must new institutions be devised to carry on indispensable intellectual and research work that can no longer be carried on effectively on university campuses? What effect would such an increased separation of scholarship and teaching have upon the teaching performance of universities, upon students, and ultimately upon the competence and intellectual orientation of our society?

THE ROLE OF LAW

Society need not, of course, await definitive answers to questions of this nature before responding to the problem of academic politicization. If a majority of Americans believe that politicization imperils the universities' most valuable functions, measures will undoubtedly be taken to counter that development. Rarely, if ever, do we wait to find the ultimate cause of social disorder before attempting to deal with it. No society has ever found "the" cause of crime or poverty, but every society has, with varying degrees of effectiveness, attempted to curb the one and alleviate the other. We deal, as we usually must, with symptoms rather than causes. The obvious analogy is to medicine which effects many of its cures by controlling symptoms that could kill until the body cures itself. Similarly, as has often been remarked, we do not so much solve our great social problems as get over them. Law, our oldest and most successful technique of social control, typically deals with individual and institutional aberrations by defining and inhibiting their unwanted symptoms through the application of civil and criminal sanctions. But law does more than inhibit through penalties. The legal definition of improper behavior is itself a moral force that clarifies and reinforces a society's expectations and values, helping to control conduct through moral consensus.

Of more immediate and practical importance than a search for the causes of university politicization, then, is an investigation of the manifestations and likely effects of the phenomenon, and the means, including the application of law, by which it can be controlled. Certain of these manifestations pose little more than practical difficulty. The use of violence can be punished directly by the criminal law without endangering other social values. The problems are primarily those of identification and fairness with which the criminal process has long had to cope. But other aspects of politicization, some of which have been mentioned here, are more subtle and difficult to reach without impairing freedoms worth preserving. In this area a study would have to face squarely issues that we cannot explore fully in the present, necessarily limited, study: the bearing of the First Amendment to the Constitution and that complex of values we sum up rather vaguely in the term "academic freedom." These are values that must not be overlooked either in the application of existing law or the devising of new laws, but they present questions on large and complex that they require separate treatment.

To raise these larger problems and to stress the relatively limited impact of present law upon them is not to deny that law any virtue. On the contrary, it has important contributions to make. Section 501(c)(3) of the Internal Revenue Code, for example, may be unable to reach much that is of concern but it can at least prevent the formal involvement of universities in politics, and that is an accomplishment of both practical and symbolic value. It sets some limit to a process that now appears threatening, and it may, by restating a basic value—the necessity of a firm line between education and indoctrination, between scholarship and propaganda—affect thought and action in areas to which its sanctions cannot and ought not be directly applied. That is at least a beginning.

EFFECT OF POLITICAL ACTIVITIES ON THE UNIVERSITY'S TAX EXEMPTION

Section 501(c)(3) of the Internal Revenue Code ("Code") exempts from income tax private [1] colleges and universities "organized and operated exclusively for . . . educational purposes. . . ." In addition, the Code permits individuals and corporations to deduct contributions made to such educational institutions. An educational institution qualifies for tax exemption and as a recipient of deductible contributions provided (1) that "no substantial part of the activities [of the institution] is carrying on propaganda, or otherwise attempting, to influence legislation" and (2) that the institution "does not participate in, or intervene in (including the publishing and distributing of statements), any political campaign on behalf of any candidate for public office."

Most private educational institutions have applied for and received a ruling from the Internal Revenue Service that they are tax exempt and that contributions to them are deductible. In addition, the Internal Revenue Service publishes a current list [2] of organizations, contributions to which are deductible. This listing amounts to an "advance assurance of deductibility," so that as long as an organization remains on the list, donors may, as a practical matter, count on their contributions being deductible.[3]

While donations to an organization remain deductible until notice to the contrary, any organization's tax exemption may be revoked retroactively. Thus, if the Internal Revenue Service determines that an educational institution became disqualified in a prior year, it could assert tax liability against the organization for all prior years for which the statute of limitations has not run. However, the deductibility of contributions made to the institution prior to notice of the challenge would not be affected. This can result in a seemingly anomalous situation where deductions are allowed for contributions to a non-exempt organization (as determined by retroactive revocation). Accordingly, the Internal Revenue Service has sometimes given public notice that it is withdrawing advance assurance of deductibility of contributions pending the completion of an investigation into the organization's tax-exempt status. Indeed, where the disqualifying event has high visibility (e.g., clear involvement in a political campaign) the Internal Revenue Service might even decide to withdraw advance assurance of deductibility before embarking on its investigation.

However, since the revocation of an exemption and the concomitant denial of deduction depend upon affirmative administrative action, a university or its donors will be adversely affected from a tax standpoint by political activities only if the Internal Revenue Service takes some action. Because the sanction of a revocation of an exemption is extremely severe both to the university and its donors, the Internal Revenue Service may be quite reluctant to act except in cases where the political activities of the institution are so pervasive that the institution may be clearly said to have abandoned its traditional and exclusive educational role. The administrative dilemma posed by the sanction of revocation is well recognized—there is no middle ground—and as the House Ways and Means Committee noted:

> The absolute prohibition upon involvement in political campaigns on behalf of any candidate for public office frequently results in the alternatives of unreasonably punishment or unreasonably light punishment.[4]

It is indeed paradoxical that the severity of the sanction of revocation probably rules out its application in isolated, but nevertheless significant instances of the very politicization of campuses (e.g., one-shot involvement in a national political campaign) that the statute intended to prohibit.

This is not to say that if a university engages in proscribed activity, it and its donors may indefinitely enjoy prohibited tax benefits by virtue of administrative indifference. The law may well be developing in such a way as to permit a private citizen to compel the Internal Revenue Service to act in the face of a clear violation of the statute if the Internal Revenue Service refuses to take the initiative itself. For example, in a recent case, *Green* v. *Kennedy*, 309 F. Supp. 1127 (D.C., D.C., 1970),[5] the Secretary of the Treasury, the Commissioner of Internal Revenue, and their entire staffs were ordered to stop issuing exemption rulings for, and approving deductions to, private schools in Mississippi without first affirmatively determining, pursuant to court-approved procedures, that the schools were not operated on a segregated basis. The plaintiffs in effect complained that through administrative indifference, the IRS was allowing tax benefits so thinly disguised "private" schools formed for the sole purpose of avoiding integrated public schools.

While a constitutional interest was present in *Green*, and may or may not be present in a case seeking to compel the Internal Revenue Service to enforce the law against a college engaging in political activity, in violation of the statute, a plaintiff might nevertheless be able to demonstrate a significant public interest relating to the dangers of the politicization on campuses above and beyond tax policy. In addition, it should be noted that in such a case the Internal Revenue Service could not maintain, as it did in *Green*, that the tax law is neutral on the subject. Rather, the Internal Revenue Service could only argue that in its administrative discretion it may properly choose not to enforce a clear congressional mandate, for whatever reason.

THE POLICY RATIONALE OF SECTION 501(C)(3)

The application of Section 501(c)(3) to universities will be influenced by the view that courts and the Internal Revenue Service take of the enactment's policy rationale, the goals that Congress intended it to implement. Our predictions of what the law permits and what it forbids must, therefore, take account of what policy is likely to be attributed to the statute.

The tax exemption is provided for entities "organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals." The fact that a tax exemption is conferred indicates of course that the listed types of organizations are regarded as performing socially favored or preferred functions. Questions of whether such functions should be preferred and whether preference is appropriately expressed through a tax exemption are important but well beyond our subject. We are attempting, for purposes of

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prediction, to discern and describe a policy, not to evaluate it.

Two major rationales may be perceived as underlying Section 501(c)(3). The first may be termed a "tax equity rationale" and the second a "social policy rationale." The former would assign a more limited role and impact to the statute than the latter. We think it more likely that both policies underlie the statute and that its impact will therefore be wider. In any case, the statute is completely open to such an interpretation and we must take account in our predictions of the possibility that this reading will be applied.

The tax equity rationale, which is clearly present in the statute, rests upon the premise that Congress, wishing to subsidize a group of preferred activities, imposed conditions because of the inequity of permitting campaign contributions to be disguised as charitable or educational contributions. Under present tax law, the creation of an exempt organization is relatively easy, and the country has tens of thousands of them. If the ruse of channeling political contributions through such organizations were permitted, the old and well-established rule against the deductibility of those contributions would be easily circumvented.[6] The cure provided by the law is quite potent: if a single dollar of the organization's funds are spent in a campaign, the exemption is lost and the organization is no longer eligible for the tax deductible donations.[7] We do not mean to suggest that an equity rationale might not serve other policies. It is certainly conceivable, for example, that Congress thought the form of tax avoidance blocked by Section 501(c)(3) was particularly subject to abuse by the very wealthy and that the provision had the added merit of curbing unequal political power by preventing wealth from magnifying its political power by funneling contributions through exempt organizations. But the point is that a statute applied solely on a tax equity rationale would concern itself only with the expenditure of funds (or the use of facilities) on political matters. It would not, in all probability, reach the case in which a university endorsed or opposed a candidate for public office if no university moneys or facilities were involved.

Yet there seems to be something more to the statute's policy than this tax equity rationale suggests. There appears to be an element of social control, a desire to ensure that the performance of organizations engaged in certain socially preferred activities not be diluted or made ineffective by the addition of other, perhaps inconsistent, activities. Tax laws, after all, are not necessarily concerned with raising revenue and preventing evasion. They frequently have wide-ranging social goals, often to the exclusion of any revenue purpose. Examples abound. The federal tax on products made with child labor was not designed to raise a dollar of revenue but to price child labor out of the market because of the belief that such labor was a social evil. A more modern example is the provision for quick depreciation write offs of rehabilitated low income housing.

Section 501(c)(3)'s provision for the complete loss of tax exemption upon proof of participation in specified political activities may, similarly, express a congressional desire to define the proper social role of preferred organizations, to erect a wall between such organizations and politics analogous to the wall erected between Church and State by the First Amendment. Such a rationale would suggest that the statute applies, for example, to the campaign endorsement situation where no funds are expended. Acceptance of a social policy rationale, moreover, might make courts more willing to apply the statute in cases where the expenditure of funds might, on a tax equity rationale, appear insignificant.

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We think it quite plausible that the social policy as well as the tax equity rationale underlies Section 501(c)(3). Congress may reasonably have wished to erect a wall between preferred organizations and the political process for the benefit and well-being of both. We well cast the argument in terms of universities but it applies to all preferred organizations.

Universities are certain to be injured, and probably severely, by entry into politics. By becoming explicitly political an educational and scholarly institution will inflict injuries upon itself. This is one danger of academic politicization already mentioned: the passions generated by partisan conflict must inevitably erode the objectivity essential to education and scholarship. But injury is also likely to be inflicted from without. Universities that venture into politics will make political enemies. Those whose interests and positions are threatened will certainly retaliate, and one may confidently predict that a variety of reprisals and sanctions will sooner or later be visited upon a politically-active university. Depending as it does upon a continuing flow of funds from private individuals, businesses, and, increasingly, the federal government, as well as upon state and local property tax exemptions, the university is uniquely vulnerable to counterattack should it insist upon a political role. Congress might reasonably have wished to protect universities from this sort of injury by a prophylactic rule, expressed in a conditional tax exemption, that attempts to inhibit universities from supplying the provocation for political reprisal.

Looking at the other side, Congress may also have wanted to protect American political processes from university intervention. Here again, there is an analogy to the reasons for the separation of Church and State. Americans have always resisted the entry of churches into politics, precisely because churches are institutions of enormous prestige and influence. Similarly, the American veneration for education, evidenced in an unparalleled proliferation of institutions of higher education and a relatively enormous, and increasing, percentage of youths going beyond high school, has resulted in a very high level of prestige and influence for universities and their faculties. To be sure, that prestige and influence would suffer if universities took political stances, but they would probably have an impact. Congress may well have considered the advantage of universities in politics, resting as it would upon a reputation for learning and objectivity, to be as unfair as the political influence of churches, resting upon the religious sentiments of Americans.

These are some of the ideas that seem to cluster naturally about a statute that inhibits university political action. Perhaps they were relatively inchoate when Section 501(c)(3) and its predecessor statutes were enacted, or perhaps they seemed so obvious that they were not debated. There was certainly in 1954 no significant sentiment in favor of universities entering politics. Be that as it may, these policy ideas are familiar and congenial to most Americans; Section 501(c)(3) is easily read as embodying them, and they seem likely to affect the statute's interpretation and future development.

An examination of the law and such indications of congressional intent as are available increases the plausibility of the thesis that Section 501(c)(3) embodies a social policy rationale as well as a tax equity rationale. The language of Section 501(c)(3) is drawn more broadly than a tax equity rationale standing alone would require. A tax equity rationale, attempting to inhibit the diversion of funds from approved purposes to non-exempt purposes, would lead to the employment of accounting or transactional tests. Congress is capable of articulating, and has, in fact, often articulated such tests in the Internal Revenue Code. This statute, however, prohibits not diversion of funds but specified types of activities, whether or not they involve the expenditure of money. Thus, it forbids participation or intervention in a political campaign, both of which can be accomplished without the expenditure of the university's funds. It would appear, therefore, to be no defense that a university had intervened in a campaign, lending only its name and prestige to a candidate, while the necessary funds had been supplied by the candidate and other supporters rather than the university.

This reading of the policy of Section 501(c)(3) is clearly supported by the Treasury Regulations which state that participation or intervention in a political campaign includes "the making of oral statements," without requiring the expenditure of any funds.[8] The interpretation is further supported by the American Council of Education's guidelines issued on June 19, 1970, and the Internal Revenue Service's acknowledgement of the fairness and reasonableness of those guidelines. While the guidelines dwell for the most part on such matters as the provision by universities of free services or space to political groups, they also caution that "Extraordinary or prolonged use of facilities, particularly by nonmembers of the university community, *even with reimbursement*, might raise questions," (emphasis added) and that "no member of the academic community should speak or act in the name of the institution in a political campaign." Moreover, the Council's guidelines flatly state: "In order to assure compliance with the requirements of Section 501(c)(3), universities in their corporate capacities should not intervene or participate in any campaign by endorsing or opposing a candidate or taking a position on an issue involved in the campaign for the purpose of assisting or opposing a candidate."[9]

We may, therefore, properly approach questions arising in connection with Section 501(c)(3) on the assumption that it was intended to erect a wall between universities and partisan politics and not merely prevent the diversion of tax exempt funds. In that light the statute is both a more important policy and likely to be a stricter one in application.

WHAT ACTIONS ARE THE UNIVERSITY'S?

One of the most important limitations upon the reach of both the Internal Revenue Code and the Criminal Code is the requirement that the activity that triggers the application of sanctions clearly be the behavior of the university, not that of its individual members. Yet there is a policy dilemma here, one familiar to the law of corporations, labor unions, and other associations. Application of sanctions to an organization because of the activities of its individual members may, by inhibiting the member's individual behavior, cut far too deeply into individual freedom. Yet failure to attribute the individual's actions to the organization may allow the policy of the law to be defeated by an insubstantial change of form. Because of their looseness of organization and lack of structure, universities may raise this dilemma in a particularly acute way. The limited reach of Section 501(c)(3) and Section 610 should assuage fears that these statutes can be used to stifle dissent, and it certainly avoids at least one range of problems grounded in the First Amendment to the Constitution, which prohibits congressional abridgement of free speech. On the other hand, the limitation probably means that the law does not reach many, probably most, of the manifestations of academic politicization.

What time "belongs" to the university?

In deciding whether to attribute political activity (whether by students, faculty, or administrators) to the university it is important to bear in mind certain fundamen-

tal ways in which universities differ from other types of institutions. These differences require that rules perhaps appropriate in other contexts not be mechanically applied without recognition of the values at stake. Universities, for example, differ markedly from business corporations in that they have no clear tradition or understanding of what time belongs to the university. Neither faculty nor students are expected to work on a 9-to-5, five-day-a-week-schedule. Faculty are, of course, expected to meet their classes, but, at many institutions, students need only pass their examinations, class attendance being optional. Both faculty and students are left free to accomplish their academic work at times and places of their own choosing. This pattern of freedom is firmly established at most, perhaps almost all, major universities. It obviously poses almost insuperable difficulties to any attempt to state that the political activities of faculty members or students are attributable to the university because carried on during time that "belongs" to the university. This means, of course, that members of the university community have a great deal of time which they can, if they choose, devote to internal as well as external politics. The freedom inherent in the university's loose structure is susceptible to abuse, but that danger is not new. What is new is the form of the abuse.

Freedom of personnel

It is not clear that there is any satisfactory solution to this aspect of the problem. An attempt to fix by law or by university policy the time and effort that faculty and students owe to the university would be fraught with serious difficulties. The freedom and absence of structure that a university affords is not accidental; it is thought, probably correctly, to be conducive to scholarly effort. It arises from the recognition that for many people intellectual work is not best done according to a rigid schedule. Indeed, it may often be impossible to state what constitutes intellectual work. Random reading, reverie, chance meetings, informal conversation, work for non-academic institutions, all of these may and frequently do contribute to the stimulation and development of ideas. Schooling in the mechanical sense is best done by schedule. It is highly doubtful that education, in its broadest and most profound sense, can be. The informality of this "method" entails, of course, not merely the certainty of some abuse but of waste. Those who do not achieve some degree of self-discipline will not be productive faculty members or, as students, will waste the valuable years of freedom the university affords. But that has generally been thought a price worth paying in order to permit others to develop and achieve to a degree they could not in a regimented atmosphere.

There is, in addition, the related point that control of his time is one of the major items of compensation for the faculty member. If that highly prized freedom were drastically circumscribed, whether by law or by university regulation, the real income of faculty would decline and universities would have either to find money to pay considerably larger salaries or lose many of their most valued teachers and scholars to alternative forms of employment. This, however, is a factor that cuts both ways. The politicization of the universities with its concomitant turmoil and embroilment of faculty in administrative issues also cuts heavily into the faculty member's time and energy, depriving him of much that he finds attractive about university life. Already there appears to be some shifting of faculty from more to less turbulent institutions and from universities to research institutes.

Freedom of students

Finally, it is desirable that the law be interpreted so that universities and their donors be penalized only for actions that the responsible officials of the universities can control without infringing vital areas of academic freedom. It would be quite unfair, for example, to deprive a university of its tax exemption because of lobbying done by students who used the university's name in their effort even though the university had not encouraged or condoned the activity. Such a reading of the law would be more than unfair, however; it would be unwise from the standpoint of those who wish to limit university political action. Some of the more radical students on American campuses have avowed their intention of destroying universities, and a law that attributed their behavior to the university would give them a potent weapon for that purpose. The law would encourage political activism by students who wished to destroy the university's tax exemption. On the other hand, a law that imposes sanctions on actions taken by the responsible university officials strengthens their hands in refusing to take political actions demanded of them by some students and some faculty.

Actions of the university community

The looseness of university governance structures and the diffusion of decision making and effective power through the university community make it difficult to state firm rules for deciding when it is the university that acts. Nevertheless, some criteria may be derived by considering three major groups within the university that have substantially different degrees of control. The group that may most clearly commit the university consists of the board of trustees, the president, and the senior administrative officers. Next on the spectrum is the faculty, and the group with the least power to commit the university as such is the student body.

The extremes of the spectrum present little problem. When the board of trustees or the president commits a university to the contribution of funds for lobbying or for a candidate's campaign there can be do doubt that the university has acted. The same conclusion would, of course, follow if the president endorsed a candidate in the university's name, or if he directed that facilities be made available to a candidate or to a particular political organization, unless the university can prove that the act was wholly outside the president's authority and the act is immediately rescinded. We stress that the fact the university has acted in these situations does not conclude the legal issue, for it must still be determined, among other things, whether the activity is a forbidden one. Similarly, university action would seem to be present if other administrative officers, including the deans of departments or professional schools, made contributions of department or school funds or made available facilities to political groups. This conclusion is buttressed by the consideration that such subsidiary administrative officers are subject to the control of the central administration in these respects and are sufficiently high in the administrative hierarchy to make it equitable to charge the university with their acts. It would not seem fair to charge the university with an act counter to university policy by a clerk with only ministerial functions, unless the university somehow endorsed the act or condoned its repetition.

The student body, on the other hand, is not subject to university control in the same way, nor should it be. If students wish to donate their own efforts, time, and money to political causes, that is certainly not the act of the university. Students may, of course, purport to speak in the name of the university, but it would seem impossible, realistically, for the university to prevent that. Student activity may, of course, become university activity if the university adopts, endorses, or encourages it. To be perfectly safe under the tax law, the university should probably make it clear that students commit or speak for the institution.

FACULTY ACTIONS

The question of whether faculty activities can be attributed to the university is more difficult. There is no doubt that many faculties have acquired, as a practical matter, if not as a matter of formal power, the ability to commit universities to courses of action relating to educational policy, discipline, and the like. There is also no doubt that a faculty which purports to speak or to act as the faculty of a particular institution is viewed by many persons in the general public as committing the university's prestige and influence, if not as being synonymous with the institution. For these reasons, there is force to the argument that, for example, a formal faculty resolution endorsing a candidate or supporting proposed legislation should be taken as the act of the university. Since it is reasonable to assume a faculty would not commit its university in an attempt to deprive the university of its tax exemption, a rule that formal faculty political action was university action would thus contribute to one of the major policy objectives of Section 501(c)(3) by tending to keep universities out of partisan politics. On the other hand, the rule has its difficulties. While it is clear that individual faculty members or groups of faculty members who engage in political activity are not acting on behalf of the university, what of formal actions by faculties of particular departments or professional schools within the university? If, for instance, a law school faculty endorses a candidate or adopts a resolution concerning legislation, can that action be attributed to the entire university? The answer to that question is, under existing law, not at all clear but such faculty actions would seem to fall within the danger area. Possibly the application of the law would vary with the response of the university, the threat to tax exemption being greatest where the university appears to endorse the faculty's right to speak on such matters as a university faculty, and least where the university makes it clear that the action is not that of the institution.

It should be stressed that a rule of law inhibiting faculties from taking political positions would in no way imperil academic freedom. That value would be endangered by a contrary rule permitting faculties by majority vote to purport to bind and to represent the opinions and consciences of their dissenting colleagues.

THE PROHIBITION AGAINST ATTEMPTING TO INFLUENCE LEGISLATION

The first of Section 501(c)(3)'s two prohibitions of political activity—an exempt organization is one "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation"—raises two additional major issues: (1) What constitutes an attempt to influence legislation? and (2) How does the law measure a "substantial part" of the university's activities?

What constitutes an attempt to influence legislation?

Section 501(c)(3) defines the nature of the prohibited activities discussed in this section only as "carrying on propaganda, or otherwise attempting, to influence legislation." The apparent simplicity of this specification conceals difficult problems.

Certainly the statute would be violated[10] by direct lobbying of legislators in an attempt to influence their votes on pending or imminent bills not directly related to the operation of the university. There are, however, two other types of activities that are classifiable as attempts to influence legislation. The first of these is university issuance of statements to the general public about legislation or about issues central to pending or imminent legislation. The second is

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university involvement with groups that are attempting to influence legislation.

That addressing the general public may constitute an attempt to influence legislation is clear, but the Internal Revenue Service's interpretation of the statute may be overly limited and technical in one respect. The regulations define an organization that engages in a substantial amount of a prohibited activity as an "action organization" and continue:

An organization will be regarded as attempting to influence legislation if the organization—

(a) Contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(b) Advocates the adoption or rejection of legislation.

The term "legislation" . . . includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure.[11]

So interpreted the regulations would appear not only to conflict with the broader wording of the statute but to enunciate a trivial policy. Nothing of any importance would be accomplished by a law that permitted a university to engage in intensive propagandizing but threatened it with a loss of its tax exemption only if the propaganda included an explicit suggestion that legislators be contacted. The IRS Exempt Organizations Handbook, however, does not read the law as requiring a particular form of words: "The proscribed activity . . . includes all appeals to the general public, not merely those that contain a request to contact a legislator or take other specific action. . . . If the underlying purpose is the advocacy of particular legislation, then there has been an attempt to influence legislation within the meaning of the Code."[12] The Handbook's interpretation seems obviously correct.

There is another apparent inconsistency, however, since other regulations suggest the propriety of attempts to influence legislation. Thus, the regulation covering charitable organizations states:

The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying under Section 501(c)(3) so long as it is not an "action" organization . . .[13]

The regulation covering exempt educational organizations states:

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.[14]

This may seem to suggest that so long as a unversity presents a fair statement of the facts it can advocate or oppose legislation. So read, the regulation would run contrary to the language of Section 501(c)(3) as well as to its policy. The inconsistency disappeared, however, if we read the permissive regulations as designed to protect statements made in an explicitly educational context. Thus, arguments made in the classroom, in adult education seminars, and the like, do not endanger the institution's tax exempt status unless they take on the character of persistent propagandizing. An Internal Revenue Service ruling granting tax exempt status to an organization devoted to consideration of social, political, and international questions by the promotion and sponsorship of a public forum noted the fact that the organization's charter specifically stated it should have no institutional point of view.[15]

The safest interpretation of the law, therefore, and the one most consistent with its language and policy would seem to be that universities in their official capacities should not take positions with respect to pending or imminent legislation or with respect to issues that control attitudes toward such legislation. Moreover, they should be careful that their public lectures, forums, and invited speakers do not take on the character of propagandizing by representing only one point of view.

A related question is whether Section 501(c)(3) will be interpreted as preventing a university from conducting a campaign to influence legislation closely related or incidental to its operations or status as an educational institution. For example, if a university appeared before a state legislature to present its views on a proposed state tax applicable to private universities or a proposed state law regulating the conduct of students, would the university be held to have engaged in prohibited lobbying? In the leading case, *Slee* v. *Commissioner* (involving the exempt status of the American Birth Control League), Judge Learned Hand distinguished between attempts to influence legislation relating solely to the organization's status or ability to operate and attempts to influence legislation bearing upon broader public policy. An example of the former, according to Judge Hand, would be a university "constantly trying to get appropriations from the Legislature; for all that, it seems to us still an exclusively educational institution."[16] On the other hand, efforts by the Birth Control League seeking the repeal of laws dealing with conception, were branded by the court as political, and not exclusively charitable, educational, or scientific.

Thus, under *Slee*, all attempts to influence legislation relating to the organization's status or operation are permissible, and all attempts to influence other types of legislation are prohibited. In 1934, however, Congress amended the statute to prohibit attempts to influence legislation but only if constituting a "substantial" part of the organization's activities. This amendment can be read in the light of *Slee* as permitting any degree of legislative activity which relates to the status and operation of the organization. Alternatively, the statute may be viewed as completely overruling *Slee*, so that any attempt to influence legislation must be insubstantial. This appears to be the current interpretation of the statute, as illustrated by Revenue Ruling 70-449, 1970-35 IRB 9. In this ruling the IRS held that testimony by the head of the biology department of a university before a legislative committee regarding the effects of proposed legislation on research in the department was not an attempt to influence legislation. The ruling did not rely on the obviously available ground that the appearance was related to the university's operation, but rather held that the prohibition of attempts to influence legislation contemplates affirmative action by a university and not a "mere passive response to a committee invitation" to testify. Further, it should be noted that in two other areas where the tax law imposes a blanket prohibition upon attempts to influence legislation, Congress has deemed it necessary expressly to exclude activities addressed to legislation about the existence or operation of the party involved (Code §§ 162 (e) and 4945 (e)). Since Section 501 (c) (3) contains such an exception, it could be argued that the substantiality test applies to all attempts to influence legislation. While this is certainly a conceivable interpretation of the statute and comports with its literal language, the result seems neither wise nor necessary. There is no apparent policy reason why a university should not lobby about legislation which speaks directly to its own educational performance. The "passivity" requirement of the ruling, moreover, is artificial since in most cases the university could arrange to be "invited." This problem probably should be clarified by regulation or further legislation.

A problem of a different order relates to the purposes for which organizations may attempt to influence legislation. Some cases hold that the proscriptions of Section 501(c)(3) apply only to the support of legislation that does not further the public interest. Thus, the Court of Appeals for the Eighth Circuit held in *St. Louis Union Trust Co.* v. *United States* that the St. Louis Bar Association did not violate the prohibition against attempting to influence legislation although the association drafted, supported, and opposed legislation. The court's theory was that the association was "devoted to improvement of the law and of the administration of justice. . . . This is public, not private, betterment."[17] This approach was in accord with the Second Circuit in *Dulles* v. *Johnson* which held attempts to influence legislation by a bar association to be outside the ambit of the statute on the ground that the attempts were "not intended for the economic aggrandizement of a particular group or to promote some larger principle of governmental policy."[18] The Third Circuit, however, has held that all attempts to influence legislation are prohibited by the statute, no matter what the organization's purpose and regardless of the public spirit of the organization's position.[19] This is true for at least two reasons. First, neither the language of the statute nor its murky legislative history give any hint of or opening for a distinction according to the court's view of the merits of the legislation. Second, the unguided judgment of what positions are in the public interest is one not properly confined to courts or administrators. As the Third Circuit said in *Kuper* v. *Commissioner:*

Congress wisely refrained from distinguishing between types of legislation, very likely in order not to place upon the courts the usually impossible task of determining whether any particular law is unselfish and in the public interest or whether it serves private or selfish interest.[20]

That the Internal Revenue Service agrees with this position is indicated by the fact that it has challenged, successfully, the exemption of a national conservation group (the Sierra Club) which was opposing legislation on grounds that many, perhaps most, people would think in the public good.

A serious problem may be that of the university's involvement with groups that are engaging in direct lobbying of legislators or addressing the public in an effort to influence legislation. This problem may arise frequently because of the intense interest of faculty and students in political issues. Again, individual or group action not endorsed or supported by the university poses no threat to the university's tax exempt status. In determining "support," some realistic distinctions are necessary. Some uses of university funds and facilities can hardly be said to constitute support of the activity without infringing the proper area of individual freedom. Thus, the fact that an attempt to influence legislation is made by a faculty member on salary or a student on scholarship may not properly be held to implicate the university. Similarly, the use of some types of university facilities is inevitable in such cases. If only because many students and faculty members live on campus and customarily use certain facilities, such as the library, for a variety of purposes. The use of other types of facilities, such as computers, mailing lists, secretarial service, and the like for work not directly connected with educa-

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tion is not customary or inevitable and would raise serious problems.

It seems clear, of course, cash payments to groups attempting to influence legislation, or giving them the use of university facilities without compensation or with only token compensation, would raise a serious danger. The guidelines issued by the American Council of Education state that there may under some circumstances be danger even when there is full compensation: "Extraordinary or prolonged use of facilities, particularly by nonmembers of the university community, even with reimbursement, might raise questions." [21] Questions may also be raised if the university alters normal academic expectations and requirements in order to facilitate efforts by members of the university community to attempt to influence legislation. The danger that the university will be held to have endorsed or supported an attempt to influence legislation is likely to be greatest if the university's action is in response to demands from a group promoting a known viewpoint.

Are the acts a substantial part of the university's activity?

Attempts to influence legislation are banned only when they comprise a "substantial" part of the university's activities. The Internal Revenue Service Handbook succinctly describes the difficulties inherent in this unexplained test:

There is no simple rule as to what amount of activities is substantial. The one case on this subject is of very limited help. The *Seasongood* case held that attempts to influence legislation that constituted five percent of total activities were not substantial. This case provides but limited guidance because the court's view as to what sort of activities were to be measured is no longer supported by the weight of precedent. In addition it is not clear how the five percent figure was arrived at.

Most cases have tended to avoid any attempt at percentage measurements of activities. The central problem is more often one of characterizing the various activities as attempts to influence legislation. Once this determination is made, substantiality is frequently self-evident.[22]

This suggests that the IRS may not measure substantiality by the fraction of the university's income devoted to attempting to influence legislation but may instead apply an absolute-amount test, perhaps holding any activity substantial that is not in absolute terms insignificant or de minimis. But an opposite view may be indicated by a Senate Committee report made in connection with the Tax Reform Act of 1969 which revised the law of private foundations. Speaking of Section 501(c)(3), which remains unchanged in its application to universities, the Committee stated:

[A] large organization, merely because of the substantiality test, may engage without consequence in more lobbying than a small organization. . . . Moreover, the standards as to the permissible level of activities under the present law are so vague as to encourage subjective application of the sanction.[23]

The confusion is not significantly dispelled by the Internal Revenue Service's other applications of the statute. In suspending advance assurance of deductibility for contributions made to the Sierra Club the IRS stated:

In . . . determin[ing] . . . whether political activities are a substantial part of an organization's activities . . . the activities which constitute attempting to influence legislation [are not] limited merely to time and effort directly devoted to acts of advocacy or to writing or otherwise directly contracting legislators . . . [W]hile dollar amounts expended in carrying on activities to influence legislation may be some evidence of the substantiality of the activity, the relative amounts in dollars spent for such activities in relation to total dollars expended by an organization is not controlling. The test is one of activity.[24]

This uncertainty about substantiality ought to be cleared up by the Internal Revenue Service or by further legislation. As matters stand, universities cannot be sure what is permitted and both the IRS and the courts may be reluctant to apply the severe sanction of the loss of exempt status in any but the clearest cases. The difficulties with a test keyed to a flat percentage of time and money expended are obvious. In a complicated and relatively unstructured organization, such as a university, measurement of total time expended on all activities attributable to the university would be extraordinarily complex and probably uncertain. And if such a measurement could be accomplished, a percentage figure, such as the suggested five percent, would permit very significant amounts of lobbying by large institutions. A university with a total annual budget of twenty million dollars could devote one million dollars to attempting to influence legislation every year, and that is the budget of a not very large university. Perhaps the most satisfactory interpretation of the substantiality requirement would be that all attempts to influence legislation are prohibited unless they are isolated and insignificant.

THE PROHIBITION AGAINST PARTICIPATION OR INTERVENTION IN A POLITICAL CAMPAIGN

When the bill that was to become the Internal Revenue Code of 1954 was under consideration in the Senate, Senator Lyndon Johnson of Texas proposed an amendment from the floor to deny income tax exemption to organizations that participate or intervene in political campaigns on behalf of candidates. The amendment was accepted by the Chairman of the Senate Finance Committee and ultimately became the provision of Section 501(c)(3) now under discussion. Senator Johnson did not, however, discuss his purpose when he introduced the amendment and there simply is no significant or illuminating legislative history to guide its interpretation.[25]

This "campaign" branch of Section 501(c)(3) differs importantly from the provision relating to attempts to influence legislation because there is no requirement that the exempt organization's campaign activities be a substantial fraction of its total activities. Instead, the prohibition here is absolute. As the Internal Revenue Service has repeatedly stated, the exemption of an organization is forfeited by any act of participation of intervention.

The contours of the proscription are indicated by a few Treasury Regulations and Internal Revenue Service rulings. A Treasury Regulation defining "action organizations", which are not tax exempt, makes it clear that "the term 'candidate for public office' means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, state, or local." [26] The Internal Revenue Service has ruled that the legal issue under this section is not affected by the "nonpartisan" nature of endorsement of candidates. In denying status as a social welfare organization in a ruling equally applicable to educational institutions, the IRS said:

The organization was formed for the purpose of promoting an enlightened electorate. Its primary activity in furtherance thereof is rating candidates for public office on a nonpartisan basis. In order to acquaint voters with candidates for local public offices, the organization analyzes the candidates' qualifications, such as education and experience. On the basis of its conclusions, it rates candidates as average, good, or excellent, and disseminates these ratings to the public.

Comparative rating of candidates, even though on a nonpartisan basis, is participation or intervention on behalf of those candidates favorably rated and in opposition to those less favorably rated. Because such participation or intervention does not come within the definition of promotion of social welfare and this activity is the organization's primary activity, it follows that the organization is not operated exclusively for the promotion of social welfare within the meaning of the applicable regulations.[27]

Though the ruling directly concerned Section 501(c)(4), its rationale is completely applicable to Section 501(c)(3).

The statute prohibits participation or intervention "on behalf" of any candidate. The Treasury Department apparently takes the view that participation or intervention is permitted if not intended to affect any candidate's chances. In connection with the Tax Reform Act of 1969, which altered the law as to private foundations but not as to educational institutions, the Treasury stated that existing law under Section 501(c)(3) permitted voter registration drives, educational campaigns about issues presented for consideration by the general electorate, or panel discussions with candidates.[28] An organization's exemption would, of course, be endangered if any of these activities was undertaken in a nominally neutral way but was actually designed to advance or injure the cause of any particular candidate. Thus, a voter registration drive may be a permitted activity for a university if it is general and neutral, but it might easily be a prohibited activity if it were limited geographically or in any other way that would be likely to alter the outcome of an election campaign.[29]

This interpretation seems not to be consistent with either the tax equity or social policy rationale of the statute. Perhaps a better reading of the law is that the prohibition of intervention "on behalf of any candidate" means more than neutrality, and requires complete abstention. It is highly doubtful, for example, that a university that made equal cash contributions to all candidates in a race would be held not to have participated or intervened on behalf of any candidate. Allowing such contributions would certainly give an unfair advantage to political contributions made through the university and would not serve the goal of keeping universities out of partisan politics. The neutrality standard makes sense when the university is not making any contribution of its own. Thus, a university's permission to candidates to use it facilities for a fee should not be participation or intervention, provided the facilities are made equally available to all candidates. The neutrality standards also makes sense when the candidates contribute to the university's educational function. Thus, it would appear proper for the university to make an auditorium available, without charge, for a panel discussion, or a series of lectures, by all candidates before an audience made up from the university community. In short, any official act of the university that assists any or all candidates may be a forbidden participation or intervention unless the act occurs in a demonstrably educational context or the university is fully compensated for the use of its facilities.

A similar problem is raised when the university rearranges its schedule or alters its normal academic expectations and requirements to permit faculty and students to participate in political campaigns. We are not able to agree fully with the thrust of the advice offered on this subject by the Guidelines of the American Council on Education which state:

The mere rearrangement of an academic calendar for the purpose of permitting students, faculty and other members of the academic community to participate in the election process, without more, would not be deemed intervention or participation by the

Footnotes at end of article.

institution itself in a campaign on behalf of a candidate. Nor does it constitute proscribed legislative activity. This assumes that the recess period is in fact a substitute for another period which would have been free of curricular activity, and that the university itself does not otherwise intervene in a political campaign. During the period of the recess, members of the academic community should be entirely free to participate in the election process or not as they choose and should be so advised. The case may be different if the academic calendar, in fact, is shortened rather than rearranged for the purpose of permitting students, faculty and other members of the academic community to participate in the election process. In that case the question might be raised whether releasing faculty and staff members from normal duties, with pay, to participate in the process represents an indirect participation by the institution itself in a political campaign on behalf of a candidate for public office. Presumably those whose employment obligation is not limited to or governed by the academic year could be permitted to adjust their vacation period to permit time off during a political campaign in lieu of a vacation at another time. (Shortening of the calendar could also generate complaints that the institution is not providing a full term of instruction.[30]

There may be no problem if the academic calendar is rearranged as a permanent matter and this decision is taken without reference to particular issues and campaigns. But there would appear to be at least the possibility of a danger if the calendar is rearranged at the request or demand of groups within the university community that the university knows intend to take one side in a campaign. In such circumstances, arguably, the university may be contributing to the campaign just as much as if it ran a voter registration drive that it knew would substantially aid one candidate rather than the other. Making up the classes missed in a rearrangement of the calendar may avoid the charge that the university indirectly financed candidates but it does not avoid the reality of a dramatic intervention in the campaign.[31]

There may be, however, one type of exception to the general rule that a university's involvement with a political campaign must be neutral. Treasury Regulations about unrelated business income contain the following example:

Example (5). Y, an exempt university, provides facilities, instruction and faculty supervision for a campus newspaper operated by its students. In addition to news items and editorial commentary, the newspaper publishes paid advertising. The solicitation, sale, and publication of the advertising are conducted by students, under the supervision and instruction of the university. Although the services rendered to advertisers are of a commercial character, the advertising business contributes importantly to the university's educational program through the training of the students involved. Hence, none of the income derived from publication of the newspaper constitutes gross income from unrelated trade or business. The same result would follow even though the newspaper is published by a separately incorporated section 501(c)(3) organization, qualified under the university rules for recognition of student activities, and even though such organization utilizes its own facilities and is independent of faculty supervision, but carries out its educational purposes by means of student instruction of other students in the editorial and advertising activities and student participation in those activities.[32]

The theory behind this example appears to be that a student newspaper (or, one would suppose, radio station) may do things denied to the university as a whole because part of the training function is to operate like a regular, commercial newspaper. For that reason, students may solicit advertisements and the paper may receive income that would be taxable if the university itself had done the same thing. By a parity of reasoning, it seems likely that the student newspaper, as part of the training function, may take editorial positions on legislation and political candidates just as other newspapers do without costing the university its tax exemption under Section 501(c)(3). But it must be noted that this conclusion cannot be said with certainty to be the law. The IRS is presently investigating the *Columbia Daily Spectator's* tax exemption because of that paper's editorial stands.[33]

FOOTNOTES

[1] Public colleges and universities are exempt from the federal income tax because they are arms of the states or their instrumentalities which are exempt from tax on a constitutional basis. Likewise, contributions to public colleges and universities are deductible because Code § 170 allows a charitable deduction for contributions to states, their instrumentalities and subdivisions, as long as the gift is made for exclusively public purposes.

[2] Cumulative List of Organizations described in section 170 of the Internal Revenue Code of 1954, Publication No. 78 (Rev. 12–31–68). (Hereinafter cited as Cumulative List.)

[3] Cumulative List, p. i, ii: "Where an organization listed in this publication ceases to qualify as an organization contributions to which are deductible under section 170 and the Service subsequently revokes a ruling or a determination letter issued to it, contributions made to the organization by persons unaware of the change in the status of the organization generally will be considered allowable until (1) the date of publication of an announcement in the Internal Revenue Bulletin that contributions are no longer deductible or (2) a date specified in such an announcement where deductibility is terminated as of a different date.

In appropriate cases, however, this advance assurance of deductibility of contributions made to an organization listed in this publication may be suspended pending verification of continuing section 170(c) qualification. Notice of such suspension will be made in a public announcement by the Service. In such cases allowance of deductions for contributions made after the date of the announcement will depend upon statutory qualification of the organization under section 170.

In any event, the Service is not precluded from disallowing any contributions made after an organization ceases to qualify under section 170 where the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for, or was aware of, the activities or deficiencies on the part of the organization which gave rise to the loss of qualification." See also Rev. Proc. 68–17, 1968–1, Cum. Bull. 806.

[4] H.R. Rep. No. 413, 91st Cong., 1st Sess., pt. 1, p. 32 (1969).

[5] Appeal to the U.S. Supreme Court dismissed for want of jurisdiction, June 15, 1970; Cannon v. Green, 38 U.S.L.W. 3496 (U.S. June 15, 1970).

[6] See 26 U.S.C. § 162(e)(2); 26 U.S.C. § 170(c); 26 U.S.C. § 276.

[7] **Section 170, governing the deductibility** of contributions to exempt organizations, has long contained the clause denying a deduction for contributions to organizations that attempted to influence legislation. Only last year it was amended to add the clause against participation or intervention in political campaigns. But the Internal Revenue Service had previously issued regulations interpreting section 170 as containing the second prohibition.

[8] Treas. Reg. § 1.501(c)(3)–1(c)(3)(iii) (1967); all the Treasury Regulations under § 1.501(c)(3) are reprinted in Appendix B.

[9] American Council on Education (ACE) Guidelines, Appendix C, p. 48. A complete text of the ACE Guidelines appears in Appendix C.

[10] Throughout the discussion of prohibited activities we will assume, unless we raise the issues specifically, there to be no question that the university is acting and that the action is a "substantial part" of its activities.

[11] Treas. Reg. § 1.501(c)(3)–1(c)(3(ii) (1967).

[12] U.S. Treasury Department, Internal Revenue Service, *Exempt Organizations Handbook*, § 762(2); see also *The Tax Exempt Organization, A Practical Guide* (IRS Handbook), para 419.01, pp. 7809 (CCH, 1969).

[13] Treas. Reg. § 1.501(c)(3)–1(d)(2)(1967).

[14] Treas. Reg. § 1.501(c)(3)–1(d)(3)(i)(b) (1967).

[15] Rev. Rul. 66–256, 1966–2 Cum. Bull. 210.

[16] 42 F. 2d 184, 185 (2d Cir. 1930).

[17] 374 F. 2d 427, 435–36 (8th Cir. 1967).

[18] 273 F. 2d 362, 367 (2d Cir. 1959), *cert. denied*, 364 U.S. 834 (1960).

[19] Kuper v. Commissioner, 332 F. 2d 562 (3d Cir.), *cert denied*, 379 U.S. 920 (1964).

[20] *Ibid.*, p. 563.

[21] ACE Guidelines, Appendix C. p. 48.

[22] U.S. Treasury Department, Internal Revenue Service, *Exempt Organizations Handbook*, § 764; see also *The Tax Exempt Organization, A Practical Guide* (IRS Handbook), para. 419.03, p. 79 (CCH, 1969).

[23] S. Rept. No. 552, 91st Cong., 1st Sess., p. 47 (1969).

[24] Letter from the District Director to Sierra Club, Dec. 16, 1966, reprinted in 6 P–H Fed. Taxes para 54,664, p. 54, 528.

[25] 100 Cong. Rec. 9604 (1954).

[26] Treas. Reg. § 1.501(c)(3)–1 (c)(3)(iii) (1967).

[27] Rev. Rul. 67–368, 1967–2 Cum. Bull. 190.

[28] Technical Explanation of Treasury Tax Reform Proposals, prepared by the Department of the Treasury, dated April 22, 1969, and contained in U.S. House of Representatives Committee on Ways and Means, Committee Print on Tax Reform Proposals, April 22, 1969, at p. 127.

[29] The Senate Finance Committee in its report (S. Rept. No. 552, 91st Cong., 1st Sess., p. 49 (1969) on the Tax Reform Act of 1969 (H.R. 13270)) stated that: "The committee believes that it is impossible to give assurances in all cases that voter registration drives would be conducted in a way that does not influence the outcome of public elections. In fact, the usual motivation of those who conduct such drives is to influence the outcome of public elections."

[30] ACE Guidelines, Appendix C, p. 48.

[31] Since the Commissioner of Internal Revenue has acknowledged the fairness and reasonableness of the ACE Guidelines, a university which has rearranged its schedule may be able to rely on those guidelines. However, the legal effect of the guidelines is unclear.

[32] Treas. Reg. § 1.513–1(d)(4)(iv) (1967).

[33] See *The New York Times*, June 27, 1970, p. 1, col. 7.

CIVIL RIGHTS ENFORCEMENT PROGRAM

Mr. HART. Mr. President, the U.S. Commission on Civil Rights has recently completed a far-reaching study of the civil rights enforcement program of all our Federal departments and agencies having responsibilities in this field.

It gives an important comprehensive picture of the efforts of our Federal Government to implement the civil rights bills that Congress has enacted in the

civil rights field. Its press release reports that—

The most serious flaw in the enforcement effort has been the lack of overall direction and coordination which has resulted in agencies operating independently with little recognition or understanding of what the Government's total civil rights program is or the role they should play in carrying it out.

This release reports the Commission warning that department and agency failures "to make maximum use of procedures and mechanisms available to them" raise "the possibility that the present civil rights laws will be nullified through ineffective enforcement." Such a result would bode grave hurt to the country and must be avoided. But it is essential that the Commission's conclusion faults Congress, too: The departments and agencies require more adequate staff and financial resources to carry out their civil rights responsibilities. We in Congress share with the departments the responsibility for delivering on the promises contained in the civil rights laws we have enacted. All of us should welcome the Civil Rights Commission's report and give it careful study.

I ask unanimous consent that the Commission's news release summarizing the report be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS ENFORCEMENT PROGRAM

WASHINGTON, D.C.—Federal departments and agencies having civil rights responsibilities have failed to make maximum use of procedures and mechanisms available to them, thus raising the possibility that present civil rights laws will be nullified through ineffective enforcement, the United States Commission on Civil Rights declared today in a report, "The Federal Civil Rights Enforcement Effort."

Representing one of the most ambitious undertakings in the history of the Commission, the report is based on a study of some 40 departments and agencies. It was undertaken to determine how effectively the Government as a whole has geared itself to carry out civil rights responsibilities embodied in the various constitutional requirements, congressional legislation and Presidential Executive orders which govern its activities.

"The plain fact is that some of these [civil rights] laws are not working well," the Commission said, but it noted that the inadequacies did not originate with the present Administration, "nor was there any substantial period in the past when civil rights enforcement uniformly was at a high level of effectiveness.

"Rather, the inadequacies are systemic to the Federal bureaucracy and it is only through systemic changes that the great promise of civil rights laws will be realized."

The most serious flaw in the enforcement effort has been the lack of overall direction and coordination which has resulted in agencies operating independently with little recognition or understanding of what the Government's total civil rights program is or the role they should play in carrying it out, the Commission said.

To help correct this deficiency the Commission recommended that the President establish a special civil rights Subcommittee of the White House Council on Domestic Affairs and give it specific responsibilities in this area. These would include identification of civil rights problems, development of specific national goals and establishment of governmentwide priorities, policies and timetables for their achievement.

The Commission also recommended the establishment of a Division of Civil Rights within the newly created Office of Budget and Management which would work closely with the civil rights Subcommittee of the Domestic Affairs Council.

This new division would provide civil rights guidance and direction to budget examiners and other units. In addition, the Commission recommended that the various OBM units be directed to give high priority to civil rights considerations in their dealings with Federal departments and agencies.

Existing compliance and enforcement mechanisms would be evaluated by the OBM and where necessary, appropriate changes would be recommended to assure vigorous and uniform civil rights implementation.

Coordination between the operation of substantive programs and civil rights enforcement would also be evaluated by the OBM which would make recommendations, where necessary, for changes to improve coordination.

In addition, the Commission recommended that the chief civil rights officer of every Federal department and agency be upgraded to the level of that of officials in charge of agency programs, that the departments and agencies be provided with the increased staff and financial resources necessary to carry out their civil rights responsibilities with maximum effectiveness, and that civil rights compliance and enforcement efforts be increased to assure adequate attention to the problems of such groups as Spanish surnamed Americans, American Indians and women.

Additional recommendations to strengthen the Federal civil rights enforcement effort were made in the areas of employment, housing, the administration of Federal programs and the activities of Federal regulatory agencies (the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Power Commission, the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission.)

Differences in the degree of effectiveness of civil rights enforcement efforts were found among various departments and agencies, but the Commission said this did not indicate the implementation by these agencies of civil rights laws had been a total failure.

"Some agencies have enjoyed marked success in carrying out their civil rights responsibilities. In addition, agencies have been successful in carrying out certain aspects of their responsibilities and unsuccessful in carrying out others."

The study did, however, reveal a number of fundamental weaknesses in civil rights enforcement that are common to most agencies, regardless of the programs they administer or the civil rights laws they enforce.

Among these weaknesses are:

Inadequate staff and other resources to conduct civil rights enforcement activities with maximum effectiveness.

Lack of authority and subordinate status of agency civil rights officials.

Failure to define civil rights goals with sufficient specificity or breadth.

Failure to coordinate civil rights and substantive programs.

Undue emphasis on a passive role, such as reliance on receipt of complaints, in carrying out civil rights compliance and enforcement responsibilities.

Undue emphasis on voluntary compliance and failure to make sufficient use of available sanctions to enforce civil rights laws.

Failure to provide adequate coordination and direction to agencies having common civil rights responsibilities.

Failure to collect and utilize racial and ethnic data—in planning and evaluating progress toward goals.

Concentrating as it did on the mechanics of the Federal enforcement effort, the report did not attempt to measure the precise gains made by minority group members as a result of civil rights action by the Federal Government.

In its recommendations in specific subject areas the Commission suggested that in employment:

The Civil Service Commission should clarify its current policy, emphasizing specific goals in the Federal equal employment opportunity effort and develop a Governmentwide plan designed to achieve equitable minority group representation at all wage and grade levels within each department and agency.

The Office of Federal Contract Compliance (charged with the responsibility of insuring nondiscrimination on the part of the Government contractors) should extend its current program planning to develop a comprehensive equal employment opportunity plan, on an industry-by-industry basis, aimed at securing equitable representation of minority group members in all industries and at all job levels.

Congress should amend Title VII (governing discrimination in private employment) of the Civil Rights Act of 1964 to authorize the Equal Employment Opportunity Commission to issue cease and desist orders to eliminate discriminatory practices through administrative action.

The President should issue a reorganization plan transferring the contract compliance responsibilities of OFCC and the litigation responsibilities of the Department of Justice to the Equal Employment Opportunity Commission so that all responsibilities for equal employment opportunity will be lodged in a single independent agency.

Among the recommendations in the housing area were:

Congress should amend Title VIII of the 1968 Civil Rights Act (dealing with equal housing opportunity) to authorize the Department of Housing and Urban Development to issue cease and desist orders to eliminate discriminatory housing practices through administrative action.

The Department of Housing and Urban Development should strengthen its efforts as the leader of the entire Federal fair housing effort to assure that all other departments and agencies that have programs and activities relating to housing and urban development administer them so as to facilitate achievement of fair housing goals.

The Veterans Administration and the Federal Housing Administration should require federally aided builders to advertise housing and develop marketing policies and practices aimed at attracting minority group as well as majority group purchases.

To implement Title VIII's prohibition against discrimination in mortgage financing, the Federal agencies which supervise and benefit mortgage lending institutions (savings and loan associations, commercial banks, and mutual savings banks) should require these institutions to maintain racial and ethnic data on loan applications—those rejected as well as those approved—and develop instructions and procedures for examiners to enable them to detect patterns of discriminatory practices by these institutions.

Such agencies should develop procedures for the imposition of sanctions against insitutions in violation of Title VIII. These sanctions should include issuance of cease and desist orders and, in appropriate cases, termination of Federal insurance or charters.

Among the recommendations related to Federal programs were:

All agencies that administer programs subject to Title VI of the Civil Rights Act of 1964 (prohibiting discrimination in the administration of programs financed in whole or in part by Federal funds) should strengthen their compliance system by assuring that effective compliance activities are carried out. Their compliance activities should include, among other items, (a) sys-

tematic onsite review of recipients, (b) comprehensive guidelines for compliance reviews, and (c) pre-approval compliance reviews conducted by agencies that administer programs involving construction of facilities, such as public housing projects, recreational facilities, and highways, to assure that these facilities, through location and design, will serve minority group members on an equitable basis.

Agencies should place specific limits on time permitted for voluntary compliance and should make greater use of the sanction of fund termination.

Agencies that administer programs of insurance and guaranty should institute mechanisms to determine compliance with existing nondiscrimination requirements of lending institutions and other intermediaries between the Federal Government and borrowers.

Agencies which administer programs of direct Federal assistance should issue regulations and establish specific mechanisms to assure against racial and ethnic discrimination by Federal officials that operate these programs.

Among the regulations dealing with regulatory agencies were:

The Interstate Commerce Commission (ICC), the Civil Aeronautics Board (CAB), and the Federal Power Commission (FPC) should join the Federal Communications Commission (FCC) in issuing rules prohibiting employment discrimination by their licensees and in implementing such equal employment opportunity rules by the institution of appropriate mechanisms.

The FCC and the ICC should amend their procedures concerning issuances of licenses, which currently tend to protect the economic interests of existing licensees, in order to facilitate minority group entrance as entrepreneur and to permit them to compete for licenses on an equal basis with existing licensees.

To implement existing requirements of nondiscrimination in services and facilities by the industries they regulate, the FCC, the ICC, CAB and FPC should abandon reliance on complaint processing and establish affirmative compliance mechanisms.

The FTC should expand its efforts to protect the ghetto poor from unscrupulous businessmen and should work in close cooperation with local consumer groups, community action representatives, and other public and private groups concerned with alleviating the exploitation of the poor.

The Securities and Exchange Commission should amend its regulation prohibiting stockholders from raising questions involving "general, economic, political, racial, religious and social considerations" as a means of stimulating greater concern and activity by corporate enterprises in civil rights and related areas.

The U.S. Commission on Civil Rights is an independent, bipartisan, factfinding agency created by Congress in 1957. Rev. Theodore M. Hesburgh, C.S.C., President of the University of Notre Dame, is Chairman of the Commission.

ADDRESS BY DR. WILLIAM D. CARLSON, PRESIDENT, UNIVERSITY OF WYOMING

Mr. ALLOTT. Mr. President, my very good and respected friend, Dr. William D. Carlson, president of the University of Wyoming, has been good enough to provide me with a copy of the address he delivered at his institution's summer commencement.

President Carlson's words reflect the man's sober, enlightened refusal to be swept up by the pessimism and panic which so often afflicts the men charged with administering our great institutions of higher education.

So that all Senators may profit from President Carlson's thinking, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WE ARE NO. 1

Many today believe that each of the Constitutional guarantees is a privilege granted to each of us by a generous country for our personal satisfaction, a means through which we may seek an individual state of well-being without regard for the rights, opinions, or well-being of others.

That isn't the idea. The concept of democracy is that people will be most likely to make the right choices if all opinions are heard and discussed. But in recent years we have been hearing more and more from only one side, from the minority trying to convince us that all we are and all we stand for is no good. These voices reached a crescendo last spring in many parts of the country.

This small group has been trying to convince everyone that our national system of education—the most comprehensive, the most sensitive to the needs of all that the world has ever known—is no good. As a result, American higher education—unsurpassed in quality in the world—has slipped from a position of high public esteem to a place of doubt and distrust in the minds of the people. This system, which has made America great, has not deteriorated. Only attitudes toward it have. Those same voices which attacked the system are now clamoring about defects in our society, seeking to sow the seeds of doubt that could grow into destruction. They are purposely overlooking the positive aspects of the society that offers unequaled privileges and opportunities, along with unequaled avenues for constructive change. If this small group is successful in its attempt to win the minds and attitudes of our young people, to convince them that this great country is no good, America will be no good.

I, for one, am fed up with those who are trying to destroy America. I hope you, too, have had enough. America is not perfect, it never will be. But it is still the best country on this globe. While honest and peaceful dissent is part of our heritage, we cannot sit by and allow the irrational attacks to continue. It's time for us to make our stand,—each student, faculty member, each graduate, each citizen—a national stand devoted to preservation and construction, not permissiveness and destruction. In terms of individual freedoms, depth of concern, and understanding for all segments of society, America is Number One. To change through force or violence is to sacrifice democracy, to settle on second-rate alternatives. The world is filled with countries governed under these alternatives. None of these alternatives is good enough for me. None is good enough for you.

ARMY OVERCHARGED ON DEFENSE CONTRACT

Mr. PROXMIRE. A recently completed investigation by the General Accounting Office, which I requested as chairman of the Subcommittee on Economy in Government, reveals that General Dynamics Corp. overcharged the Army millions of dollars on defense contracts awarded to it.

What is most disturbing about this case, in addition to the fact that public funds were used in a most inefficient and wasteful manner, is that the Army condones and is apparently encouraging the malpractices criticized in the report.

The contracts in question were awarded beginning in 1966 for the assembly of a number of radio teleptypewriter sets. But it entered into negotiated contracts on a sole source basis with General Dynamics despite the fact that other firms and one of the Army's own in-house facilities were available to do the work. In other words, the Army could easily have obtained competitive bids for the contracts or it could have awarded the work to an Army depot, and saved substantial sums of money.

The investigation conclusively shows that had competition been solicited or had the Army employed the Tobyhanna Army Depot, millions of dollars would have been saved.

Here are the facts:

Commencing in 1966, the Army entered into negotiations with General Dynamics for the assembly of 1,445 radio teletypewriter sets. The average price negotiated under the contracts was $12,592 for each unit.

But in 1966, the Tobyhanna Army Depot had offered to assemble the units for $8,000 each. Obviously, the Army's depot had offered to do the work for substantially less than General Dynamics. In fact, the potential savings should have been even more apparent in the light of General Dynamics' original estimated costs which went as high as $20,000 a unit. But even the $12,592 unit price actually agreed upon was considerably higher than the Tobyhanna offer.

The Army's explanation for turning down its own depot, which would have done the work for less money, is that it was inconsistent with the Army's general policy that the Government not compete with industry. However, there is another policy, incorporated in a circular issued by the Bureau of the Budget—Budget Circular No. A–76 dated March 3, 1966. The circular states that the Government may do work in-house where substantial savings will result. The policy, which is supposed to encourage the efficient use of the Government's own facilities, was completely violated by the Army's decision to give General Dynamics the contracts.

In addition, several companies were available and equally competent to do the work required. For example, Ling-Temco-Vought, Inc., made a proposal to supply the radio teletypewriter sets as early as 1965—almost a year before the first contract in question was awarded. The Bendix Corp., Radio Corp. of America, and AVCO Corp. had also expressed interest in bidding on the systems.

All of these companies were qualified to do the work. All of them were known by the Army to be qualified. But all of them were ignored, and the Army simply sat down with General Dynamics and gave it the exclusive privilege of negotiating a contract.

The proof of the fact that the price entered into with General Dynamics was excessive and far higher than the price that could have been obtained had the Army solicited competition came in 1968 when competition was solicited for a new follow-on contract.

In 1968 the Army solicited bids for the first time for assembling the identical radio teletypewriter sets. The solicitation was by formal advertisement. The lowest unit price submitted for this contract was $3,410. Thus, competition succeeded in reducing the price by about two-thirds.

Further, the competitive contract was for the assembly of only 706 units, compared with the 1,445 units that were awarded through sole source negotiation, bringing into even sharper contrast the savings that could have been obtained had there been competition for the larger quantity. Although the final price of the larger quantity is expected to be reduced somewhat, it will still be far above the competitive price.

The puzzling aspect of this case is that the low bidder in 1968 was General Dynamics, the same firm that had estimated only a couple of years earlier that the costs might be as high as $20,000 a unit.

How is it that General Dynamics could have estimated a unit cost of $20,000 each, have entered into a contract for $12,592 in 1966, and then, at the first sign of competition, drop its price to $3,410 each and presumably still make a fair profit?

The conclusion that General Dynamics inflated its estimates in the first instance and succeeded in overcharging the Government is, in my judgment, inescapable.

The General Accounting Office reported to me that an estimated $8.8 million were spent because of the higher negotiated price, and that a good portion of this amount might have been saved had there been competition.

I read the first of GAO's conclusions:

> The Electronics Command did not obtain competition in awarding contracts for the assembly of 1,445 radio communication systems, although there were several qualified sources, there was a suitable procurement package, and, in our opinion, there was sufficient time (December 1965 to June 1966) for competitive negotiations. The procurements on a sole-source basis were made at an average target unit price of $12,592, before a reduction due to a cost underrun. It now appears that the redetermined price may be about $10,200 a unit, or about $6,100 greater than a unit price subsequently obtained on an advertised procurement. The $6,100 multiplied by 1,445 units is about $8.8 million. We believe that, had the 1,445 units been purchased on a competitive basis, a good portion of the estimated $8.8 million might have been saved.

Earlier I referred to the role played by the Army. It is a most disturbing performance.

As I explained, it intentionally ignored its own Army depot which had offered to do the work for far less money than General Dynamics, and it intentionally ignored the availability of competing firms. These acts on the part of the Army have cost the taxpayer dearly.

It is interesting to examine the technical gyrations that the Army had to resort to in order to justify the sole source negotiations with General Dynamics.

Under the law, the Pentagon is required to utilize competition and to formally advertise for bids on defense contracts. There are, however, a number of loopholes in that law and they have become frayed and almost worn out because of constant use. Indeed, with competition down to around 11 percent of the total dollar amount of defense contracts awarded each year, there is now more loophole than there is law on the subject of defense contract awards.

One of the most popular loopholes in Pentagon circles is the "public exigency" exception to formal advertising.

Under this exception, a contracting officer may determine that because of some "public exigency," some urgent reason for early delivery, or the unavailability of more than one source with the desired capability, the formal advertising provisions can and should be disregarded. In the present case, contracting officers used this loophole on three separate occasions. It was used on the justification that high priority deliveries were necessary, and it was used on the justification that General Dynamics was the only contractor with the known capability to meet the required delivery schedule.

But, as the General Accounting Office points out in its report, the uses of this exception were not justified. In the first place, even if negotiation rather than competition were warranted under the circumstances, there was no justification for negotiating on a sole source basis with only one firm. There were other firms, as I explained earlier, and negotiations could have been entered into with one or more of those firms. Moreover, the GAO concluded that there was sufficient time to obtain competition.

Second, not only was the Tobyhanna Army Depot qualified to do the work, not only had they offered to do the work for less money than General Dynamics, but they had also offered to deliver the finished product at an earlier time than that of General Dynamics.

Let me read the second conclusion of the General Accounting Office:

> The contracting officer on three occasions, over a period of about 11 months, made determinations to justify the emergency procurements from the same sole source. We believe that other producers should have been solicited to compete for the procurements awarded during the period June 1966 to June 1968 or reasonable efforts, appropriately documented, should have been made to determine whether other sources could deliver in time.

In my judgment, this case exemplifies the flagrantly loose and negligent manner in which military procurement is conducted. It also provides evidence that the Army is actively discouraging competition as well as its own in-house capability.

Both the Johnson and the Nixon administrations look bad on this one. Although the contracts were awarded from 1966 to 1968, the Defense Department to this day defends the circumstances surrounding them. It refuses to acknowledge that competition could and should have been solicited. It denies that there were any overcharges involved. It is apparently satisfied with the procedures that were employed.

I find this most lamentable. As I have stated on many occasions, inefficiency and waste in military procurement is a bipartisan problem, and it is unfortunate and unsatisfactory that the current administration seems no more willing to correct abuses in military-procurement than its predecessors.

I ask unanimous consent to have printed in the RECORD the report of the Comptroller General of the United States dated October 6, 1970.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Joint Economic Committee, Congress of the United States.

DEAR MR. CHAIRMAN: This is our report on sole-source contract awards by the Army Electronics Command to General Dynamics Corporation's Electronics Division for assembly of radio communication systems, AN/GRC–142. The review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being furnished to the Secretary of Defense; the Secretary of the Army; the President, General Dynamics Corporation; the Headquarters Office, Defense Contract Audit Agency; and the Regional Director, Boston Region, Defense Contract Audit Agency. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

SOLE-SOURCE CONTRACT AWARDS FOR ASSEMBLY OF RADIO COMMUNICATION SYSTEMS, AN/GRC–142

(Report to the Subcommittee on Economy in Government, Joint Economic Committee, Congress of the United States)

[Page and figure references referred to in the report are not RECORD pages.]

DIGEST

Why the review was made

On April 18, 1969, the General Accounting Office (GAO) reported to the Subcommittee on Economy in Government, Joint Economic Committee, on the procurement of radio communications (teletypewriter) systems by the Army in June 1968. GAO promised to examine earlier contracts for the assembly of the systems, awarded on a sole-source basis, and to evaluate the Army's decision not to seek competition.

Findings and conclusions

The U.S. Army Electronics Command made the sole-source awards to the General Dynamics Corporation's Electronics Division during the period June 1966 to June 1968.

GAO found that:

The Electronics Command had awarded two noncompetitive contracts for assembly of 1,445 radio communication systems at a tentative price of about $18 million, subject to redetermination at completion, although there were several qualified sources, there was a procurement package suitable for competitive negotiations, and, in GAO's opinion, there was sufficient time to solicit competition. (See p. 7.)

The price may be redetermined at about $10,200 a unit, or about $6,100 greater than a unit price subsequently obtained on an advertised procurement. The $6,100 multiplied by 1,445 units is about $8.8 million. Had the 1,445 units been purchased on a competitive basis, a good portion of the estimated $8.8 million might have been saved. (See p. 8.)

Production drawings for formal advertising were not available before the first sole-source award. However, a fully tested procurement model was available for qualified producers to inspect for competitive bidding on a negotiated basis. (See p. 8.)

Other capable companies, one of which had been approved as the planned emergency producer, were not requested to bid. (See p. 9.)

The contracting officer justified separate sole-source procurements three times in 11 months under the public exigency exception to formal advertising on the basis that General Dynamics was the only contractor that could meet delivery requirements. (See p. 11.)

GAO believes that other companies should have been solicited to compete for the procurements during the period June 1966 to June 1968 and that reasonable efforts should have been made to determine whether any of them could deliver on time.

One way to stimulate competition is to keep all potential contractors—especially the planned emergency producer—informed about the progress the Government is making in the development of a system to facilitate prompt responses to solicitations. Keeping one contractor informed to the exclusion of others gives that contractor an undue advantage and stifles competition. Also, the Government becomes locked in to the contractor that was favored with the information and a sole-source procurement at increased costs can result.

Recommendations or suggestions

GAO proposed in a draft of this report that the Secretary of Defense ensure that procurements are made on a competitive basis when—

There are several qualified sources,

There is a procurement package suitable for competitive negotiations, and

There is sufficient time for competition.

Agency actions and unresolved issues

The Deputy Assistant Secretary of Defense (Installations and Logistics) concurred in the proposal but, because of the urgent requirements that existed, believes that this was not a situation where competitive procurement could have been made earlier than 1968.

GAO believes, however, that, if urgency was the overriding reason, the sets could have been assembled by a depot which proposed an earlier delivery date than the one by General Dynamics. (See p. 17.) Otherwise, GAO believes that the systems could have been purchased by competitive negotiation. It seems reasonable to GAO that, since the latest experimental models were designed and constructed in-house at the Electronics Command, more than one potential contractor could have been kept informed of the in house technical developments. (See p. 19.) In GAO's opinion the familiarized contractors may have been able to compete on a timely basis in terms of delivery as well as price. (See p. 18.)

CHAPTER 1—INTRODUCTION

The General Accounting Office has reviewed contracts awarded on a sole-source basis to the General Dynamics Corporation's Electronics Division during the period June 1966 to June 1968 by the U.S. Army Electronics Command for the assembly of radio communication systems identified as radio teletypewriter sets, AN/GRC–142. The purpose of the review was to examine into the circumstances under which these contracts were awarded on a sole-source basis and to determine whether these procurements could have been made competitively. This review is an expansion of a review on which we previously reported to Senator William Proxmire, Chairman, Subcommittee on Economy in Government, Joint Economic Committee, in April 1969, in response to his request for a review of procurements of the systems in June 1968. The scope of our review appears on page 22.

The Electronics Command, a subordinate command of the Army Materiel Command, is responsible for research, design, development, test, and supply management of electronic equipment.

The AN/GRC–142 set is a tactical, single sideband radio communication system assembled in a shelter and mounted on a ¾-ton truck for transport. (See pp. 5 and 6.) It has the capability either to transmit or receive teletype messages.

The contractor was required under production (assembly) contracts to prepare the interiors of shelters and to assemble in the shelter the major communication components. The shelter and such components were Government-furnished. This preparation generally consists of installing brackets, shelves, electrical wiring, and related components. (See pp. 5 and 6 and apps. I and II.)

In 1963 a contract for the assembly of one experimental model was awarded to General Dynamics at a price of $99,806. After the military potential of this model was tested, changes were found necessary. The Army decided in December 1963 to authorize Electronics Command laboratories to design and construct two engineering development models under an in-house project.

During the period January through July 1965, a third engineering development model was designed and constructed in-house. By November 1965 the Army Materiel Command had determined that a competitive procurement package was available, and it was planning a competitive procurement of the system. A quantity of 280 units was to be purchased in fiscal year 1966, and a quantity of 1,520 units was to be purchased in fiscal years 1967 and 1968. The Army Materiel Command approved the system as a Standard A item in December 1965. Standard A designates a preferred, fully effective, and acceptable item which may be procured in accordance with approved procurement programs. This third engineering model was designated as the official procurement model.

CHAPTER 2. COMPETITION NOT OBTAINED

The Electronics Command awarded two contracts to General Dynamics on a sole-source basis for the assembly of 1,445 radio communication systems during the period June 1966 through June 1968 although there were other qualified sources, there was a procurement package suitable for competitive negotiations, and, in our opinion, there was sufficient time to solicit competition. Procurements under these contracts were made at various dates at prices ranging from $8,400 to $17,064 a unit. (See app. III.) The average price amounted to $12,592 a unit. This is a target price and is subject to final negotiation at completion on the basis of contract cost of performance, and the contractor is to share to the extent of 30 percent in any cost underrun and 15 percent in any cost overrun.

After competition was introduced by means of an advertised procurement in June 1968, the unit price for assembling 706 units was reduced to $3,410 by General Dynamics, the low bidder. The price of the next lowest bidder was $3,985. Prices of five other bidders ranged from $4,248 to $6,920.

The negotiated contract target unit prices included (1) packaging costs and (2) costs of equipment which, under the advertised contract, were provided by the Government. To put both the negotiated and advertised prices on a comparable basis, the cost of these two items is added in the following tabulation (as estimated by General Dynamics) to the unit price of the advertised contract.

Unit price on the advertised contract	$3,410
Equipment furnished by the Government under the advertised contract but furnished by the contractor under the negotiated contracts	415
Packaging priced separately on the advertised but not on the negotiated contracts	229
Total	4,054

Although the target prices are still to be finally negotiated, we subtracted the Government's share of a cost underrun, discussed on page 12, to arrive at an estimated average unit price of $10,169, which price is $6,115 greater than the above $4,054 unit price. The $6,115 multiplied by 1,445 units is $8,836,175, a good portion of which, we believe, might have been saved had competitive negotiation been introduced prior to June 1966.

The difference in the prices which currently exists is consistent with our experience which has shown that lower prices are usually obtained with the introduction of competition. Although production drawings for formal advertising were not available prior to the first sole-source award, a fully tested procurement model was available for inspection by capable producers desiring to compete on a negotiated basis.

Availability of procurement package, other sources, and time to negotiate

On February 11, 1966, the Electronics Command approved the procurement of the system by competitive negotiation utilizing a procurement package consisting of (1) a tested procurement model to be displayed for inspection by prospective bidders and then loaned to the successful bidder as a model for assembly, (2) performance specifications, (3) specifications changes to be the model, and (4) a procurement parts list.

At this time the Electronics Command was in possession of an unsolicited proposal from Ling-Temco-Vought, Inc., submitted in August 1965 after that company had learned of an urgent need for the systems. The company offered to supply interim sets under four different alternatives approaches, including one predicated on having all equipment furnished by the Government. In May 1966 the Command rejected the unsolicited proposal with an explanation that:

"The current procurement and production for Radio Teletypewriter Set AN/GRC–142 are not compatible with the introduction of a new producer at this time."

Ling-Temco-Vought was not invited to revise its August proposal in the light of the procurement model designated as official in December 1965 nor was a proposal solicited from the company on the basis of the procurement package after it became available.

Bendix Radio Division of Bendix Corporation became the approved planned emergency producer for the radio teletypewriter set on March 24, 1966. Bendix had also been the planned emergency producer for a predecessor set. Bendix, however, was not solicited for the procurement of the systems. Electronics Command records showed that Radio Corporation of America and AVCO Corporation had also expressed interest in bidding on the systems. Although all of these are qualified companies, they were not solicited.

In the subsequent period up to the award of the first production contract to General Dynamics in June 1966, consideration was given to procuring the assembly of the systems from the Tobyhanna Army Depot. Although it was believed that neither the depot nor commercial sources could complete delivery by June 30, 1967, of the initial requirement which had been increased to 445 units, the project manager felt that assembly by the depot would result in a slippage of 3 months beyond this date compared to a slippage of 9 months or longer if a contract were let to industry. Also, Tobyhanna had offered to assemble the systems for $8,000 a unit which, compared to General Dynamics' quotation of $18,000 to $20,000 a unit, indicated a potential saving of about $4.5 million.

On May 4, 1966, the Army Materiel Command disapproved the proposed assembly by the depot on the basis that it was inconsistent with the Army's general policy that the Government not compete with industry. If the Command's interpretation of the Army's policy is correct, that policy appears to be contrary to the provisions of Bureau of the Budget Circular No. A–76 dated March 3, 1966, which provides that the Government may do the work in-house where substantial savings will result. We believe that the Army should have given consideration to procuring the equipment from the Tobyhanna Depot as well as from other qualified sources.

Army Materiel Command officials on May 31, 1966, directed that the Electronics Command proceed with a sole-source letter contract award to General Dynamics by the end of June 1966. Prior to the award of the contract, it was found that only 280 units could be funded in fiscal year 1966. These additional considerations by the Electronics Command, the project manager, and the Army Materiel Command during the period March to May 1966 delayed the placing of the first contract for the systems.

Sole-Source Procurements

The sole-source award for the first contract was justified under authority of section 2304(a)(2) of Title 10, United States Code—the public exigency exception to formal advertising—by the contracting officer on the basis of a number of reasons, two of which were:

The systems were required for high-priority deliveries from February through May 1967.

General Dynamics, the current and past producer of several major components, was the only contractor with known capability to closely meet the required delivery schedule.

Letter contract DA–36–039–AMC–10418(E) was awarded on June 29, 1966, for services and materials to assemble 293 units including 13 added for the Military Assistance Program. The contract was definitized on a fixed-price-incentive basis on March 31, 1967, at a tentative unit price of $17,064, totaling about $5 million. (See app. III.) The contract provided that production drawings be furnished by General Dynamics at a cost of $148,000. The company drafted the drawings by physical examination and measurement of the official procurement model. The final set of production drawings was delivered in November 1967.

The Electronics Command determined that a second contract was necessary to satisfy an additional urgent requirement for 325 units. On October 28, 1966, the contracting officer determined that public exigency would not permit the delay in delivery incident to advertising and justified the sole-source procurement because General Dynamics was still considered to be the only contractor that could meet the delivery requirements for this urgently needed item. On December 9, 1966, 325 units were purchased on a sole-source basis by a modification to letter contract DAAB05–67–C–0137.

The contracting officer, on May 10, 1967, made still another determination that public exigency justified the procurement of an additional 769 units from the same sole source. This quantity was added to the second contract by another modification. A target unit price of $11,530 was established for the assembly of 1,094 units when contract –0137 was definitized on June 24, 1967, on a fixed-price-incentive basis. With the procurement of other smaller quantities of 30 and 28 units, an aggregate quantity of 1,152 units at a total target price of about $13 million (see app. III) had been purchased on a sole-source basis under the second contract.

According to General Dynamics, it experienced a cost underrun of about $5 million as of May 23, 1969, on the two fixed-price-incentive contracts.[1] Under the incentive provisions of the contracts, both the company and the Government will share in the underrun; the contractor's share of 30 percent will be about $1.5 million, and the Government's 70 percent share will be about $3.5 million. We were unable to estimate what the final negotiated unit price would be because, in addition to the 1,445 units, the two contracts included such other line items as mountings and repair parts to which the cost underrun had not yet been allocated.

The Defense Contract Audit Agency advised us that, after General Dynamics' anticipated submission of final price proposals for both contracts, final prices would be negotiated. As of June 8, 1970, General Dynamics had not submitted such final proposals.

Advertised contract

On December 14, 1967, the Electronics Command determined that a sufficient procurement package was available for procurement on an advertised basis. This determination was made after General Dynamics delivered the production drawings.

On May 3, 1968, the Command issued an invitation for bid to 37 contractors for a quantity of 1,186 units. The invitation required that contractors submit bids based on a competitive procurement package consisting of Government specifications, production drawings, and a procurement model. Seven bids were received. The Command awarded a multiyear contract, DAABO5–68–C–0035, on June 24, 1968, to General Dynamics on the basis of the lowest responsive bid of $3,410 a system. The prices of the other bidders were $3,985, $4,248, $5,012, $5,294, $6,025, and $6,920.

This contract provided for the systems to be ordered through fiscal year 1971. As of September 15, 1969, a total quantity of 706 had been ordered at a cost of $2,407,460. (See app. III.)

CHAPTER 3. CONTRACTOR AND AGENCY COMMENTS AND OUR EVALUATION

In its comments on our draft report, General Dynamics stated that its records indicated that a suitable procurement package consisting of drawings, specifications, and equipment lists was not available until November 1967. (See app. V.) We believe that the contractor has reference to the procurement package suitable for procurement on an advertised basis since Army records indicate that a procurement package suitable for competitive negotiations was available in November 1965.

General Dynamics stated also that, if its contract prices were plotted on an improvement curve, there appeared to be little basis to assume that substantial savings could have been achieved if the earlier contract quantities had been purchased under different methods. It seems reasonable to expect some cost reductions and, in turn, reductions in price as experience is gained in performing the work and after the early startup and tooling costs have been recovered.

It is difficult to realistically measure the degree of improvement by General Dynamics in the light of the initial, sole-source target price of $17,064, compared with Tobyhanna's proposed price of $8,000. The measure of improvement after 2 years of experience is particularly questionable in view of the second low bid of $3,985 by a contractor without experience in producing the teletypewriters. General Dynamics' low bid of $3,410 and the other bids give some indication of what companies might have bid if they had been solicited earlier and further confirms our experience that lower prices are usually obtained after the introduction of competition. We believe that, if the forces of competition had been applied when the earlier procurements were made, substantial savings could have been realized.

In our draft report we proposed that the Secretary of Defense ensure that procurements are made on a competitive basis when there are several qualified sources, there is a procurement package suitable for competitive negotiations, and there is sufficient time for competition. The Deputy Assistant Secretary of Defense (Installations and Logistics) concurred in our proposal. He indicated that it is the policy of the Department of Defense, as well as a statutory requirement, that the maximum practicable competition be obtained in the procurement of defense supplies and services. He stated, however, that, considering the urgency of the requirements, the Department could not agree in this instance that price competition for production could have been introduced earlier than it actually was. (See app. IV.)

Following is our evaluation of his comments.

Competition prior to 1968

The Deputy Assistant Secretary of Defense stated that competitive procurement could not have been made earlier than 1968.

Upon an Army determination in November 1965 that a competitive procurement package was available, it seems appropriate that not only General Dynamics but other interested sources should have been given an opportunity to familiarize themselves with the procurement package. Also, we believe that the Army should have disclosed to all potential suppliers that a quantity of 280 units was to be purchased in fiscal year 1966 and 1,520 units was to be purchased in fiscal years 1967 and 1968.

Even though the Army Materiel Command did not decide until May 31, 1966, to designate General Dynamics as the sole source for the assembly of 293 units, talks were held prior to March 24, 1966, with General Dynamics with a view toward a sole-source contract. Although a competitive procurement package was available, we found no evidence in the agency files that talks based on this package were held at any point in time prior to May 31, 1966, with other sources including the only planned emergency producer at that time.

Bendix Radio Division of Bendix Corporation had been the planned emergency producer for the radio teletypewriter set which preceded the AN/GRC–142 set. As of March 24, 1966, Bendix became the only approved planned emergency producer for the AN/GRC–142. Later, General Dynamics was similarly approved as of September 15, 1966. The Armed Services Procurement Regulation provides that, in the procurement of items for which there are planned emergency producers, such producers be solicited.

We believe that one of the ways to stimulate competition would be to keep all potential contractors informed about the progress the Government is making in the development of a system, especially the planned emergency producer. This facilitates a prompt response to solicitations. Keeping one contractor informed to the exclusion of others, gives that contractor an undue advantage and stifles competition. Also, the Government becomes locked in to the contractor that was favored with the information and a sole-source procurement at increased costs could result.

Urgent requirements

The Deputy Assistant Secretary of Defense stated that procurement of the equipment from General Dynamics offered the best possibility of meeting the urgent requirements, that other potential sources for this equipment would have required extensive lead time to acquire special tooling and test equipment, that a new producer would have been required to satisfy first article testing, and that competitive solicitation would have required 5 to 7 months for the award of the production contract and 15 to 18 months for initial delivery.

[1] On April 8, 1970, in commenting on our draft report (see app. V), General Dynamics said that it was anticipated that final prices would be less than target prices but did not indicate the extent of the cost underrun.

The justification for negotiation, rather than formal advertising, was made by the contracting officer under authority of 10 U.S.C. 2304(a)(2), the public exigency exception to formal advertising. As a part of his justification for the first assembly contract, the contracting officer stated that the items were required under Priority 02 (a high priority) for deliveries in February 1967 through May 1967, under the Department of the Army Accelerated Program.

A valid justification for negotiation, however, is not a justification for a procurement on a sole-source basis. According to the Armed Services Procurement Regulation, when negotiating under the cited authority, competition to the maximum extent practicable, within the time allowed, shall be obtained. We believe that the time from December 1965 to June 1966 was sufficient to obtain competition for the radio teletypewriter sets in question.

On April 6, 1966, the Tobyhanna Army Depot was requested to quote on the assembly of the systems. The next day, the depot engineers inspected the procurement model and furnished an estimate. The depot indicated a delivery date earlier than that of General Dynamics. It appears that, in view of the availability of the fully tested model and performance specification along with major components to be Government-furnished, the time needed to prepare a quotation for the assembly of the units was not too extensive.

With respect to special tooling, test equipment, and first-article testing, a qualified producer normally takes matters of this type into account in preparing its proposal. Proposed delivery schedules of the competing producers could have been evaluated in the light of the urgent need. The contract awarded to General Dynamics in June 1966 had a requirement for special tooling, test equipment, and for testing first-article samples. Thus, General Dynamics was in essentially the same position as the other contractors regarding lead time needed to acquire special tooling and the requirement for first-article acceptance.

Whether any of its competitors could have met or beaten the delivery schedule proposed by General Dynamics is a matter which could have been realistically determined by a solicitation of the interested qualified sources.

We believe that competition could have been obtained in terms of price and delivery well in advance of the letter contract award date of June 29, 1966. Besides the emergency planned producer, other interested producers, such as Ling-Temco-Vought, Inc., Radio Corporation of America, and AVCO Corporation, should have been solicited for price and delivery dates.

Tempest capability

The Deputy Assistant Secretary of Defense stated that General Dynamics possessed the facilities and experience to meet certain stringent tempest capability. He said that this capability involved an electrical design which prevented the loss of classified information through inadvertent emanations.

We found no evidence in the agency files that the Army attempted to determine whether Bendix, Radio Corporation of America, or AVCO Corporation had tempest capability. However, Ling-Temco-Vought, Inc., did make known to the Army its "appropriate clearances tempest testing capability and availability of personnel and facilities."

Before the award of the first assembly contract, the Army and General Dynamics discussed certain requirements of the tempest testing which could not be met because of certain Government-furnished components. It was agreed that General Dynamics could not be held responsible for shortcomings in such components. Later, an agreement was reached whereby meeting the tempest test requirements was made a design objective in order to relieve the contractor of the responsibility for having the Government-furnished components pass the tests. A clause in the contract was then so worded.

We believe that the Army should have considered the tempest testing capability of the other interested firms before making a sole-source award to General Dynamics.

Engineering development models designed and constructed in-house

The Deputy Assistant Secretary of Defense stated that General Dynamics was the developer of the initial experimental model.

We recognize that General Dynamics did deliver the first experimental model in July 1963. However, after testing this model, the Army decided in 1963 to design and construct two engineering development models under an in-house project. Even these two in-house models did not meet service test requirements and they were rejected. A third in-house model was then designed, constructed, tested, and finally approved as a Standard A item in December 1965.

Also, prior to December 1965 the Electronics Command prepared and provided technical manuals, operator check lists, system schematic diagrams, and operator training at Fort Bragg, North Carolina, for the radio communication system.

It is to be noted that, after General Dynamics delivered the first model, considerable time and effort was devoted in-house by the Army to engineer and develop three additional models during a lapse of about 2 years. It appears that a physical and operational capability comparison of the first model with the fourth model would reveal a substantial difference from a technical point of view.

We believe, therefore, that the Government, in engineering and developing three models after General Dynamics had completed its own model, acquired a knowledge and capability that should have been more advanced than that of General Dynamics. In view of this advanced know-how and the fact that General Dynamics apparently did not assert any proprietary rights in any of the four models, we do not believe that the Government had to rely on General Dynamics as a sole source for the assembly contracts.

CHAPTER 4. CONCLUSION

The Electronics Command did not obtain competition in awarding contracts for the assembly of 1,445 radio communication systems, although there were several qualified sources, there was a suitable procurement package, and, in our opinion, there was sufficient time (December 1965 to June 1966) for competitive negotiations. The procurements on a sole-source basis were made at an average target unit price of $12,592, before a reduction due to a cost underrun. It now appears that the redetermined price may be about $10,200 a unit, or about $6,100 greater than a unit price subsequently obtained on an advertised procurement. The $6,100 multiplied by 1,445 units is about $8.8 million. We believe that, had the 1,445 units been purchased on a competitive basis, a good portion of the estimated $8.8 million might have been saved.

The contracting officer on three occasions, over a period of about 11 months, made determinations to justify the emergency procurements from the same sole source. We believe that other producers should have been solicited to compete for the procurements awarded during the period June 1966 to June 1968 or reasonable efforts, appropriately documented, should have been made to determine whether other sources could deliver in time.

CHAPTER 5. SCOPE OF REVIEW

Our review included an examination of the records and events relating to the development, tests, and procurements of AN/GRC-142 radio teletypewriter sets by the Army since August 1960. Our examination was made at the offices of the Project Manager and the Electronics Command, both located at Fort Monmouth, New Jersey, and at Electronics Command's branch, Philadelphia, Pennsylvania. Also, we obtained information from officials at Headquarters, Army Materiel Command, and the Tobyhanna Army Depot, Tobyhanna, Pennsylvania.

We discussed various aspects of the contracts with the Director of Communications, Avionics Products, and with other officials at the offices of General Dynamics, Rochester, New York. We also held a discussion regarding Ling-Temco-Vought's unsolicited proposal with the company's officials at their branch office, West Long Beach, New Jersey. We further discussed the administration of the contracts at the Defense Contract Administration Services District, Rochester, New York.

APPENDIX III—U.S. ARMY ELECTRONICS COMMAND

PROCUREMENTS OF RADIO TELETYPEWRITER SET AN/GRC-142 FROM GENERAL DYNAMICS CORP'S. ELECTRONICS DIVISION FROM JUNE 1966 THROUGH SEPT. 15 1969

Contract Number	Type	Date	Total quantity	Unit price	Total price
DA-36-039-AMC-10418(E):					
Letter contract		June 29, 1966	293		
Definitized	[1] FPI	Mar. 31, 1967	293	[2] $17,064	$4,999,752
DAABO5-67-C-0137:					
Letter contract		Nov. 30, 1966			
Model No. 1		Dec. 9, 1966	325		
Model No. 3		May 19, 1967	769		
Definitized	[1] FPI	June 24, 1967	1,094		
Model No. 3		Aug. 31, 1967	30		
Subtotal			1,124	[2] 11,530	12,959,720
Letter contract		June 24, 1968	28		
Definitized, Model No. 15	[1] FPI	Nov. 21, 1968		[2] 8,400	235,200
Total of sole-source procurements			1,152		13,194,920
			1,445	[3] 12,592	18,194,672
DAABO5-68-C-0035 [4]	[5] FFP advertised multi-year.	June 24, 1968	226	3,410	770,660
Model No. 3		Sept. 15, 1969	480	3,410	1,636,800
Total of advertised procurements			706		2,407,460

[1] FPI—fixed price incentive.
[2] Negotiated target prices are subject to revision at completion of contracts.
[3] This is the average target unit price for 1,445 units.
[4] Additional 480 to be procured in fiscal year 1971.
[5] FFP—firm fixed price.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 14, 1970.

Mr. C. M. BAILEY,
Director, Defense Division,
U.S. General Accounting Office,
Washington, D.C.

DEAR MR. BAILEY: This is in response to GAO draft report of March 6, 1970, titled, "Sole-Source Contract Awards for Assembly of Radio Communication Systems AN/GRS–142" (OSD Case #3092). The draft report concludes that the U.S. Army Electronics Command did not obtain competition in awarding contracts for the assembly of 1,445 radio communication systems, although, according to GAO, several qualified sources, a suitable procurement package, and sufficient time for competitive negotiations were available. Based on a comparison of prices for these 1,445 units with prices resulting from an advertised procurement in June 1968, the report reflects a savings would have occurred if competitive negotiation had been introduced prior to June 1966. The report recommends competitive procurement when there are several qualified sources, a procurement package suitable for competitive negotiations, and sufficient time for competition.

We concur with the recommendation as it is our policy, as well as a statutory requirement, that the maximum practicable competition be obtained in the procurement of Defense supplies and services. However, following our review of the circumstances of the procurement actions involved in the draft report, we cannot concur that price competition for production could have been introduced earlier than it actually was employed.

The Army has advised that the initial procurements were made to satisfy urgent Southeast Asia requirements under an accelerated supply program to modernize the field Army. Absent the requirement for urgent delivery and given sufficient time, another qualified producer could probably have furnished acceptable equipment.

Procurement of the equipment from General Dynamics offered the best possibility of meeting the urgent requirements. General Dynamics was the developer of the initial experimental model, the developer of related type equipment, and it possessed the facilities and experience to meet certain stringent tempest capability. This capability involves an electrical design which prevents the loss of classified information through inadvertent emanations, such as Electro-Magnetic radiation.

It is the experienced judgment of Army representatives that other potential sources for this equipment would have required extensive leadtime to acquire special tooling and test equipment and a new producer would have been required to satisfy first article testing. In the judgment of the Army Electronics Command, competitive solicitation would have required five to seven months for award of the production contract and 15 to 18 months for initial delivery. Because of the urgency for the item, two letter order contracts were issued. The first contract was awarded within one month after the Army rejected an alternative plan which was being considered to assemble the system in-house at the Tobyhanna Army Depot. The second letter contract was awarded five months later.

Delivery under the first contract commenced in April 1967 in accordance with the original delivery schedule and was completed in October 1967. Delivery under the second contract commenced in September 1967, a two-month slippage from the original delivery schedule, and was completed in November 1968. Had competitive procurement been considered at the time the first letter contract was awarded, initial deliveries would have commenced about one year later—based on the U.S. Army Electronics Command's estimate of time needed for competitive procurement.

It is difficult to look back three to four years in retrospect and evaluate the subjective judgments that the Command had to make. Urgent requirements of field forces necessitated the placement of contracts with the source offering the optimum probability of early delivery of a quality item. This source was General Dynamics, the sole source developer of the experimental model. Though we concur with your recommendation, we do not believe this case represents a situation where competitive procurement could have been made earlier than 1968, after which, as you know, follow-on procurements were awarded following formal advertising.

We appreciate the opportunity to provide these comments on your draft report.

Sincerely,

GLENN V. GIBSON,
Deputy Assistant Secretary of Defense.

GENERAL DYNAMICS
ELECTRONICS DIVISION,
Rochester, N.Y., April 8, 1970.

Mr. C. M. BAILEY,
Director, Defense Division, U.S. General Accounting Office, Washington, D.C.

DEAR MR. BAILEY: We wish to thank you for the opportunity extended to comment on the draft report to Senator Proxmire relative to sole-source contract awards for assembly of radio communications systems, AN/GRC–142. Mr. Roger Lewis has referred your letter and draft report to me for response in my capacity as General Manager of the Electronics Division of General Dynamics. There are several comments which I feel you should consider prior to finalizing the report. In the draft report you state that two sole-source contracts for assembly of 1445 AN/GRC–142 systems were awarded even though there were several qualified sources, a procurement package suitable for competitive negotiations and sufficient time for competition.

Our records indicate that a suitable procurement package consisting of drawings, specifications, and equipment lists was not available until November 1967, and that the formulation of this procurement package was an identified line item task under the initial AN/GRC–142, Contract No. DA–36–039–AMC–10418(E).

Our records further indicate that the second contract for the assembly of AN/GRC–142 Radio Communications Systems was negotiated and entered into as of 9 December 1966 and modified on 24 June 1967 to add additional quantities making an aggregate quantity of 1152 under the contract. This contract called for initial delivery within eight months, a lead time which we feel could not be achieved unless a supplier had either an existing production line or a complete procurement package; and in the latter case, it is highly uncertain as to whether production could be started up in time to meet the delivery requirement.

In attempting to evaluate the time element for obtaining adequate competition and contract performance, we reviewed the record of the first procurement which utilized the procurement package and for which competition was obtained. This procurement allowed prospective suppliers 25 days for preparation of proposals. The contract was awarded on 24 June 1968, 27 days thereafter, and 14 months were allowed from award of contract until delivery of the first production unit. I think, therefore, that you should carefully consider whether or not another qualified firm, utilizing only the procurement model of the AN/GRC–142 Radio Communications System from which to prepare engineering drawings suitable for production, could have met the delivery requirement of eight months.

You further noted in the draft report that approximately $13 million in price savings is indicated when the average unit price of all units procured under the two sole-source contracts is compared to the units procured on an advertised basis. Here again I feel that certain facts should be carefully considered prior to finalizing your report.

The total price for Contract No. DA–36–039–AMC–10418(E) includes work of a non-recurring or non-similar nature to Contract No. DAAB–05–68–C–0035 of the following types: Design, Development, Integration, Layouts, and Special Tooling. Further, ME 165 Meters and TT 523 Signal Drives were GFE on Contract DAAB–05–68–C–0035, and contractor furnished on Contracts DA–36–039–AMC–10418(E) and DA–36–039–AMC–0137(E). These latter contracts also included packaging costs which are shown separately under Contract DAAB–05–68–C–0035. Following is a tabulation of the appropriate line items from the three contracts involved with an adjustment for contractor furnished items and for packaging prices:

Contract No.	Item No.	Quantity	Contract unit price	GFE adjustment	Package adjustment	Contract adjustment unit price
DA–36–039–AMC–10418(E)	1	293	$17,064	Incl	Incl	$17,064
DA–36–039–AMC–0137(E)	5	1,124	11,855	Incl	Incl	11,855
	9	28	8,400	Incl	Incl	8,400
DAAB–05–68–C–0035	17, 18, 19, 33, 39, 45, and 46.	1,186	[1] 3,410	$415	$229	4,054

[1] 3-year multiyear price, not applicable unless all 3 years are procured.

While the foregoing tabulation represents the contract values it does not represent the final price to the Government for Contracts DA–36–039–AMC–10418(E) and DA–36–039–AMC–0137(E). These two contracts are subject to incentive price revision and it is anticipated that the final prices will be less than the target price values reflected above. When the final prices for Contracts DA–36–039–AMC–10418(E) and DA–36–039–AMC–0137(E) are established and adjusted for the non-recurring effort, it is anticipated that if such prices were plotted in a traditional progress improvement curve, a curve of approximately 80 to 85% would result.

Such an improvement trend supports the theory that lower costs are obtained thru volume production and that you expect to pay less for an item as the quantity of units produced increases. While there are no established standards as to the exact slope of any improvement curve, the indicated trend would not vary substantially from values which might be used for forward projections. Since the price of the most recent quantity procured, i.e., 1186 units under a multi-year arrangement was established under competitive conditions, and since that price would plot reasonably well on a line of "best fit" progress improvement curve, there appears to be little basis to assume that substantial savings could have been achieved if the earlier contract quantities had been procured under different methods.

The final price to the Government for supplies obtained thru the formal advertisement procedure is dependent upon many factors which include the firmness and the adequacy of the procurement package, the time available for initiation of a production program and efficient performance to a specified delivery requirement and the competitive environment existing within Industry at the time that bids are advertised. It is

extremely difficult to recreate the exact conditions facing both procurement officials and prospective suppliers with regard to a specified procurement. However, from the facts available to me I sincerely doubt that timely deliveries could have been obtained at substantial savings from the prices to be finally negotiated under Contracts DA-36-039-AMC-10418(E) and DA-36-039-AMC-0137(E) had the procurements been effected thru formal advertisement procedures.

Very truly yours,

GENERAL DYNAMICS CORPORATION,
A. G. DAUBERT,
General Manager, Electronics Division.

NBC BIAS CONTINUES

Mr. DOLE. Mr. President, we have heard and read so much about the negative aspects of Richard Nixon's Presidency that unless one knew better he would expect that Mr. Nixon is the most unpopular President in history. Moreover, one would think that all this negativism portrayed in today's media would reflect itself in opinion polls.

A brief look at the Gallup opinion index from the time Mr. Nixon took office shows that the contrary is true. Indeed, President Nixon has had a consistently favorable rating in those polls, never dropping below a majority.

Of course, one reason for the doom and gloom in our American media is that the large newspapers and national networks often work hard to show only the bad side of this administration.

In a recent interview with the Copley News Service, Dr. George Gallup, the pollster, made the following interesting observation:

> The newspapers and the networks will resist the idea that they are not giving both sides. But if you go to the American public and say, "Do you think they are giving a balanced view of events?" you would find they would say, "No, they aren't."

As if to prove Dr. Gallup out, NBC showed us just how biased they can be when they recently carried the results of a survey by Louis Harris, who is a kind of Democrat Party house pollster. Predictably, Mr. Harris found the President to be in disfavor with the public, and NBC duly reported the fact. Then NBC went Harris one better by conducting man-in-the-street interviews, searching for people to substantiate the Harris result.

I have never heard of NBC searching out favorable citizens when a favorable Gallup poll comes out. When the President did so markedly well in the polls after the successful Cambodian operation, we did not see any of NBC's roving reporters out interviewing people who agreed with those poll results.

Yet, despite NBC, the President continues to carry favorable ratings in the Gallup poll.

Mr. President, there is no question in the minds of those of us who have been out in the country that Gallup is right: Mr. Nixon continues to enjoy the support and confidence of the great majority of Americans.

I ask unanimous consent that a Gallup poll on this subject be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

GALLUP POLL—PRESIDENT NIXON'S POPULARITY

Question: "Do you approve or disapprove of the way Nixon is handling his job as President?"

[In percent]

Interview dates	Approve	Disapprove	No opinion
Jan. 23-29, 1969	59	5	36
Feb. 21-24, 1969	61	6	33
Mar. 14-17, 1969	65	9	26
Mar. 28-31, 1969	63	10	27
Apr. 11-14 1969	61	11	28
May 2-5, 1969	64	14	22
May 16-20, 1969	65	12	23
May 23-26, 1969	65	12	23
June 20-23, 1969	63	16	21
July 11-14, 1969	58	22	20
July 26-28, 1969	65	17	18
Aug. 15-18, 1969	62	20	18
Sept. 12-15, 1969	60	24	16
Sept. 19-22, 1969	58	23	19
Oct. 3-9, 1969	57	24	19
Oct. 17-20, 1969	56	29	15
Nov. 14-17, 1969	68	19	13
Dec. 12-15, 1969	59	23	18
Jan. 2-5, 1970	61	22	17
Jan. 16-19, 1970	63	23	14
Jan. 30-Feb. 7, 1970	66	23	10
Feb. 28-Mar. 2, 1970	56	27	17
Mar. 20-22, 1970	53	30	17
Mar. 27-29, 1970	55	23	12
Apr. 17-19, 1970	56	31	13
May 2-5, 1970	57	31	12
May 22-25, 1970	59	29	12
June 19-21, 1970	55	31	14
July 10-12, 1970, released July 30	61	28	11
July 31-Aug. 2 1970, released Aug. 20	55	32	13
Aug 28-Sept. 1970, released Sept. 13	56	30	14
September (to be released)	57	30	13

IN SUPPORT OF SECTION 344 OF THE TRADE ACT OF 1970: GLYCINE

Mr. BAKER. Mr. President, in a Senate speech given August 21, 1970, and again in a press release dated last Friday, the senior Senator from New York (Mr. JAVITS) attacked the provision in the trade bill giving much needed relief to the sole-surviving domestic producer of glycine.

The Senator from New York stated:

> The quota provision on glycene [sic] protects only one firm in the United States—

Which is true—

> to the detriment of all consumers using glycene [sic].

Which is definitely and emphatically untrue, unless there is some sort of correlation or presumption that it is inherently detrimental to consumers whenever legislation protects only one firm. The reason, I might add, why the United States has only one firm now producing glycine is that the Japanese and French succeeded in driving the other U.S. producers, Benzol Products, Inc., and Dow Chemical Co., out of glycine production with an intensive dumping campaign begun in 1965. As for detriment to consumers, let it suffice to say that the U.S. price has declined from $1.06 per pound in 1964 to 75 cents at the present.

The Senator from New York has also questioned whether 2 days of hearings before the Finance Committee will "adequately outline the supply-demand-price relationships affecting glycine." I should think the answer is no, inasmuch as there will not be any witnesses testifying on the substance of the glycine provision.

Therefore, for the information of the Senator from New York, and for all other interested Senators, I ask unanimous consent that the report of the U.S. Tariff Commission on its 2-year investigation into the dumping of glycine be printed in the RECORD following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, I think this document, which represents practically the entire public record on glycine imports and their injurious effects, will provide every interested party with sufficient background information. In researching the record before Ways and Means, I find that no foreign glycine producer or import interest bothered to testify before the Ways and Means Committee, although this legislation had been introduced for over 3 years at the time of the hearings.

Mr. President, before I conclude my remarks, I should like to emphasize a few of the major points from the record that relate to the need and desirability for enactment of Section 344.

First of all, the Tariff Commission found that in 1967 alone, the last full year before imports were affected by antidumping proceedings, imports sold at less than fair value—dumping prices—accounted for 35 percent of total U.S. glycine consumption, and perhaps more, and sold at prices which averaged as much as 25 to 30 percent less than the price of domestically produced glycine.

Secondly, as a result of foreign dumping, domestic production fell by more than 40 percent while imports increased by 140 percent between 1966 and 1967. By the end of 1967, imports, which had supplied less than 25 percent of U.S. consumption in 1964, had taken over 70 percent of the U.S. market. Japanese imports alone increased 600 percent during this period and were resold by importers at prices which averaged 28 to 32 percent per pound below Chattem's price.

Thirdly, there is no administrative remedy, either in present law or proposed in other provisions of the 1970 Trade Act, which would secure for Chattem Drug & Chemical Co. needed protection from further unfair import competition or relieve the damage already sustained from dumping.

It is true that as a result of affirmative dumping and injury determinations under the antidumping statute, direct less than fair value imports from France and Japan have been curtailed. However, the problem is now with indirect less than fair value imports shipped to the United States via West Germany, Denmark, and other European countries.

By shipping to firms in third countries which divert and resell to the United States, foreign producers can continue to dump glycine on the U.S. market with impunity under the antidumping laws. That this has actually taken place is a fact well documented and reported by the Tariff Commission in connection with its investigation. Indeed, it was reported by that body that Japanese glycine has been sold via Denmark on the U.S. market at prices which average 20 cents below the Japanese home market value. Moreover, there is unrefuted evidence in the record that, at least in the case of the Japanese, this practice will

continue. I ask unanimous consent that a letter from a large chemical brokerage firm to Mr. Charles Colburn of Chattem Drug & Chemical also be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BAKER. Mr. President, this letter contains reliable commercial intelligence which clearly establishes the intent of the Japanese to continue dumping in circumvention of U.S. laws.

In view of the continued threat that less than fair value imports pose for the domestic glycine industry and the inadequacy of administrative remedies to cope with this form of unfair foreign competition or compensate for the damage already done, I urge the Finance Committee to retain the glycine provision in the Ways and Means trade bill in order to insure fair competition and stability in the U.S. glycine market.

EXHIBIT 1

AMINOACETIC ACID (GLYCINE) FROM FRANCE: DETERMINATION OF INJURY IN INVESTIGATION NO. AA1921–61 UNDER THE ANTIDUMPING ACT, 1921, AS AMENDED

On November 17, 1969, the Tariff Commission was advised by the Assistant Secretary of the Treasury that Aminoacetic Acid (Glycine) from France is being, and is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission on November 18, 1969, instituted investigation No. AA1921–61 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held beginning on January 13, 1970. Notices of the investigation and hearing (subsequently postponed) were published in the *Federal Register* (34 F. R. 18775; 20076).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the majority of the Commission has determined that an industry in the United States is being injured by reason of the importation of aminoacetic acid sold at less than fair value within the meaning of the Antidumping Act 1921, as amended.[1]

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION

Views of Commissioners Clubb, Newsom and Moore

This case arises under the Antidumping Act of 1921, as amended, section 201(a) of which [2] requires that whenever the Secretary of the Treasury determines that a "class or kind of foreign merchandise" is being sold in the United States at less than fair value (hereinafter LTFV), he shall advise the Tariff Commission whereupon the Tariff Commission shall determine whether a domestic industry is being, or is likely to be, injured "by reason of the importation of such merchandise." Pursuant to this Act the Treasury Department has informed the Commission that Aminoacetic Acid (Glycine) [3] is being imported from France at less than fair value.[4]

Footnotes at end of article.

We have determined that (1) neither our investigation nor our findings are limited to the countries designated by the Treasury Department and (2) that the "class or kind of foreign merchandise" before the Commission is glycine imported at LTFV, not just that imported from France. After considering the effect of all imports of glycine at LTFV, we have determined that an industry in the United States is being injured by reason of such imports.

This case has its origin in the period 1966–67 when competition in the United States glycine market became increasingly severe as large quantities of imported glycine entered the U.S. market at LFTV prices—prices which averaged as much as 25% to 30% less than the price of domestically produced glycine.

As a result of this price structure, domestic production fell by more than 40%, while imports increased by 140% between 1966 and 1967. By the end of 1967, imports, which had supplied less than 25% of U.S. consumption in 1964, had taken over 70% of the U.S. market. At that time imports were supplied by four countries in the following proportions: Japan, 39%; the Netherlands, 36%; France, 13%; and Germany, 12%.

On March 1, 1968, these proceedings were begun when Chattem Drug and Chemical Company, the sole U.S. producer of glycine, filed a dumping complaint with the Treasury Department, alleging that imports from all four countries were being sold at less than fair value. In April and May 1969 the Treasury Department terminated its proceedings against the exporters from West Germany [5] and the Netherlands [6] for reasons not in issue here. This left only imports from Japan and France still involved, and despite the fact that it appears from the record that both were being sold at LTFV, the Treasury Department in November 1969 terminated its proceedings against the Japanese exporters and referred the case of the French imports alone to the Commission for an injury determination.

It is the Treasury Department's reason for the termination of its proceedings against LTFV imports from Japan which has caused the principal problem in this case. The Secretary found that both the French and the Japanese exporters' sales prices were less than their home market prices, and, accordingly, both were selling at less than fair value within the meaning of the Antidumping Act. Nevertheless, because the Japanese exporter agreed to discontinue the LTFV sales, the Treasury Department officially found that imports from Japan were not being sold at LTFV,[7] despite the fact that the evidence clearly shows that they were when the complaint was filed. Imports from France, on the other hand, were found to be LTFV, and this matter was referred to the Commission for an injury determination.[8]

The problem with the dismissal of the Treasury Department proceedings against Japanese LTFV imports is that the Japanese exporters were the principal disruptive force in the U.S. market—the French LTFV imports merely played a contributory role. The Japanese exporters sold at much lower prices and in much larger quantities than the French,[9] and undoubtedly were the major cause for the filing of the complaint. Yet if the Commission confines its investigation and determination to France, the country designated in the Treasury Department notice, it is possible that either no injury determination at all could be made (the conclusion reached by Commissioners Thunberg and Leonard), or that the dumping determination would be made against the French exporters who were not the principal offenders (the conclusion reached by Chairman Sutton).

This presents a procedural issue which has not been involved in prior cases.

The Antidumping Act requires the Secretary of the Treasury to notify the Commission when he has determined that a "class or kind of foreign merchandise" is being imported at less than fair value. In the past the Secretary has always attached a country designation to his advice to the Commission, as he did in this case. For example, the Commission has been advised of LTFV sales of Window Glass from the U.S.S.R., Chromic Acid from Austria, and Concord Grapes from Canada. In each instance the Commission as a matter of convenience limited the scope of its investigation to the LTFV imports from country named in the Treasury Department's notice.

We have never before had occasion to determine, however, whether we are legally bound by the country designation in the Treasury Department notice, because in no previous case has it been critical to our determination. To put it another way, we have never determined whether a product from country X is a different "class or kind of foreign merchandise" for purposes of the Antidumping Act than the identical product from country Y.[10] Accordingly, despite Commission acquiesence in the country designations which have been attached to dumping cases in the past, we believe that this issue is still to be decided. We reject the argument that our affirmative determination in this case upsets ancient and established precedents.

After reviewing the available authorities, we have determined that the Commission is not bound by the country designation in the Treasury Department notice. We find no evidence in the legislative history of the Antidumping Act that Congress intended the term "class or kind of foreign merchandise" to carry a geographical connotation, nor does the common meaning of "class" or "kind" found in the dictionary support it. "Class" is defined as "a number of . . . things regarded as forming a group by reason of common attributes, characteristics, qualities, or traits." [11] "Kind" is defined as "A class or group of individual objects . . . of the same nature or character or classified together because they have traits in common." [12]

Thus it is the qualities, attributes or traits inherent in the imported product itself which must determine its "class or kind" for purposes of the Antidumping Act.[13]

Realistically, it could not be otherwise. Congress enacted the Antidumping Act to protect domestic producers from unfairly priced imports of the "class or kind" produced by them. The geographic origin of the imported product is irrelevant to this issue. LTFV imports of glycine from one country have the same effect on the domestic producer as LTFV imports of glycine from any other country. Both are sold to potential customers of the domestic producer. Both have an effect on price competition in the domestic market. And both contribute to the injury to the domestic producer.

As the producer in this case observed, it is not possible to neatly separate the effects of French and Japanese LTFV sales, because a domestic producer subjected to unfairly priced imports from several sources is like a man assaulted by three assailants in a dark alley—he doesn't know which one cut his arm and which one put the lump on his head, all he knows is that the three combined injured him.

If the Commission's investigation and finding is limited by the country designation in the Treasury Department notice, as two of the dissenting Commissioners believe it is, we would be required to treat LTFV imports of glycine from each country as a separate "class or kind of foreign merchandise," and we would be required to trace and separate the effects of LTFV imports from each country, making separate injury determinations for each one. If we were unable to trace the effects of each country's LTFV sales, we would presumably be required to make a finding of no injury, despite the fact that the evidence clearly shows

the domestic producers has been severely injured by all LTFV imports combined.

We believe that such a rigid interpretation of our responsibilities runs counter to the plain words of the Act, as well as contrary to the obvious Congressional intent expressed therein. Accordingly, we hold that we are not bound by the country designations in the Treasury Department notice; that the matter before the Commission in this case is not "Glycine from France", but "Glycine"; and the issue is whether imports of glycine at less than fair value from all sources have injured the domestic glycine industry.

There can be no doubt that they have. During 1967, the last full year before imports were affected by this proceeding, imports sold at less than fair value in the United States market accounted for at least 35% of U.S. consumption, and perhaps more. These LTFV imports, especially those from Japan, sold at prices considerably below the domestic product, and had a substantial price depressing effect on the U.S. market. Under these circumstances there can be no doubt that the domestic industry has been injured by the LTFV imports.

It is argued that, however correct this interpretation of the Act might be for future cases, it cannot be utilized here because the Commission's Notice of Investigation referred only to LTFV imports of glycine from France, and to include LTFV imports from Japan in the investigation or findings would deny the Japanese exporter due process of law. In this connection our attention has been invited to *Carl Zeiss, Inc. v. United States,* 23 CCPA (1935). We think it is sufficient to note that the *Zeiss* case arose under a statute (Sec. 336 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1336) which directs that the Commission shall "hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings." In contrast, the Antidumping Act merely directs the Commission to conduct "such investigation as it deems necessary." Moreover, we note that there are no LTFV imports of glycine awaiting liquidation, and, accordingly, no dumping duties will be payable at this time either by the French or the Japanese exporters as a result of this determination.

In any event, failure to consider Japanese LTFV imports in this case would not only discriminate against the French exporter who would be barred from further dumping while his Japanese competitors would be under no such bar, but it would provide inadequate protection to the domestic producer as well. We think that such a result would be contrary to the requirements of the Antidumping Act.

Views of Chairman Sutton

In my opinion, an industry in the United States is being injured by reason of the importation of aminoacetic acid (glycine) from France, which is being sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The Domestic Industry

In making this determination under section 201(a) of the Antidumping Act, 1921, as amended, I have considered the injured industry to be those facilities in the United States that produce aminoacetic acid (glycine), hereinafter referred to as "glycine".

In early 1964 the United States had two major producers of glycine; imports from all countries supplied one fourth of U.S. consumption and were sold by importers at prices considerably below the price of the domestic product. In the latter part of that year the complainant in this case became the third U.S. producer of glycine using a highly efficient new method of production which appears to have enabled the firm to be more competitive with imports than the other two firms. One of the two original producers ceased production in 1965. The other producer ceased production in the latter part of 1966 when it turned to foreign sources for supplies of glycine to sell in the United States, a major source being LTFV imports from France.

Glycine Imports

The complainant advised the Treasury Department that glycine was "being imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act". The Treasury Department investigated the pricing practices of all known world producers.

The Netherlands—Glycine from the Netherlands was found on the merits to be sold at or above fair value.[14]

West Germany.—Treasury's investigation of glycine from West Germany was discontinued with a determination of no sales at LTFV based on a cessation of production apparently wholly unrelated to the pendency of the dumping issue. The case was not decided on the merits.[15]

Japan.—Glycine from Japan was ascertained by Treasury to have been sold at LTFV prior to December 1968. However, upon receipt of assurances from the Japanese producers that they would cease shipping at prices below fair value to the United States, the Treasury made a "technical" determination of no sales at LTFV in 1969.[16] Direct imports of glycine from Japan were all sold at fair value after November 1968.

Treasury records indicate that the margins of dumping (or amounts of price discrimination) in the case of imports from Japan prior to December 1968 were generally much greater than the margin which existed in the case of the French imports. Also, the Commission received unrefuted evidence that Japanese glycine has been, and is being, sold in Europe at prices well below the Japanese market value, that some of these European shipments have been resold and diverted to the United States at about twenty cents below the Japanese market value.

France.—Glycine from France was determined to be, and likely to be, sold at less than fair value in the United States.[17] The margin of dumping (or amount of price discrimination) in the early onset of competition was for practical purposes equivalent to the price differential between domestic glycine and French glycine. French imports constituted 25 percent of all imports or 13.2 percent of U.S. consumption of glycine in 1968.

Cumulative and Sequential Impact of LTFV Imports

Because the Treasury published a negative determination regarding glycine imports from Japan, the producer of the LTFV imports from France, who ships glycine directly to the United States, has contended that it is not appropriate for the Commission to weigh the combined impact of the imports from both Japan and France in this case. He contends that we must consider only the impact of imports of French glycine; further, he contends that he has not undersold imports from Japan but has had to lower his prices to, or almost to, the price level of the Japanese product if he is to sell in the United States.

The contentions of the French producer must be rejected. These contentions are based upon technical matters regarding the respective jurisdictions of the Treasury and the Tariff Commission under the Act. In my opinion, these technical matters, as will be explained below, do not preclude the Commission's consideration of the cumulative and sequential impact on the domestic industry of all LTFV imports from both Japan and France.

The Antidumping Act establishes two separate but interrelated jurisdictions—the first being in the Treasury, and the second being in the Tariff Commission. The statute vests in the Treasury sole authority to determine the existence or likelihood of LTFV sales and to define the class or kind of merchandise involving such sales, and vests in the Tariff Commission sole authority to determine whether an industry in the United States is being or is likely to be injured by such LTFV imports. The Treasury only can initiate action under the Act. The Tariff Commission derives its jurisdiction wholly from the formal determination of the Treasury. The Commission has no authority to review and revise the Secretary's action in any respect nor, in my judgment, does it have authority to make formal determinations of injury pursuant to which the Treasury, in making and publishing the requisite "finding" under section 201(a), would be obligated to provide for possible assessment of dumping duties outside the scope of Treasury's initial determination regarding LTFV sales. Accordingly, in my opinion, the Commission's formal action in this case must necessarily be limited to a determination of injury which can apply only to imports of glycine from France.

The foregoing conclusion, however, does not foreclose the possibility of giving consideration to the LTFV imports from Japan. The mutually exclusive jurisdictions vested in the Treasury and the Tariff Commission—while occasioning problems from time to time in regard to coordination of the respective functions of each agency—do not compel this result in this case. The Commission in previous determinations under the Antidumping Act has been guided by the principle that all LTFV imports of a particular product from various sources sold in the United States at the same time or in sequence may be considered in the aggregate in the context of both their cumulative and sequential impact in the U.S. markets.[18] It will be noted that each of these precedents involves LTFV sales which were the subject of formal affirmative determinations of the Treasury Department, whereas in the present case one of the Treasury's formal determinations was in the negative. The sole question, therefore, is whether the formal negative determination in this case as a matter of law vitiates the persuasiveness of the earlier Commission precedents.

In two of the earlier cases (pig iron and potash), no technical problem existed for the reason that Treasury's formal affirmative determinations with respect to LTFV imports from all sources were simultaneously before the Commission. In the other case (cement), however, it will be observed that the Customs Court has upheld the propriety of the Commission's looking into the sequential connection between LTFV imports in the case before it and LTFV imports in an earlier one involving cement from another source. Likewise, in my judgment, it is appropriate in this case for the Commission to look outside the formal Treasury determination before it in order to determine, if possible, the facts requisite to a proper disposition of the case.

As previously indicated, the Treasury's negative determination with respect to glycine imports from Japan was published in the *Federal Register.* This determination clearly shows on its face (1) that the action taken was not on the merits but was remedial in nature, (2) that Treasury revealed to the Japanese suppliers that the exporter's sales price and purchase price were lower than home market value (or, in other words, were at LTFV), and (3) that Treasury's action was premised upon having received from the Japanese exporter assurances that no future sales would be made in the United States at LTFV. The technical nature of Treasury's formal determination therefore is clearly

Footnotes at end of article.

demonstrated on its face. From this published Treasury determination the Commission can accept as a fact that Japanese shipments of glycine to the United States made prior to the giving of assurances were sold at LTFV. In addition, information supplied to the Commission from Treasury records not only corroborates this fact but also reveals the very substantial margins of dumping involved. I cannot conclude in the circumstances that such legal technicalities prevent the Commission from giving due consideration to all LTFV imports of glycine from both Japan and France.

Conditions of Competition

The market for glycine in the United States has experienced a modest growth and has an apparent excellent growth potential because of the many uses being made of the product. It is apparent that supplies will have to increase if future needs are to be met. Despite this glowing description for a market, glycine is priced too low for a healthy domestic industry and a close examination of the conditions of competition needs to be made to ascertain the reasons why the domestic industry is suffering from low prices and whether such low prices are attributable to sales at LTFV.

To understand the full effect of LTFV sales on our domestic industry, it became apparent that we had to look not only at our domestic market place, but the world market, if we were to make a proper appraisal. Japanese glycine sold at LTFV not only came directly into the United States, but also via Denmark. French glycine came not only directly to the United States, but it has also been imported via West Germany, the Netherlands, Denmark, and England at prices below fair value at determined by Treasury.

Japanese producers, by reason of their selling for export at prices below their home market prices, have been the dominant price leaders in the world market as well as in the United States. Their prices in both markets are generally the lowest and must be met by other foreign producers if sales are to be consummated. This appears to hold true particularly with respect to the glycine producer in the Netherlands, as virtually none of the product is consumed in the Netherlands and the producer must depend entirely on sales in the world market where delivered cost in the market place is the principal governing factor is making a sale. For that reason the Netherland's glycine cannot be sold at a price for export to the United States or elsewhere that it might otherwise command were the Japanese to sell for export only at their home market price. I mention that the Netherland's producer in this case because it is the major producer in Europe who has clearly not sold at LTFV and is currently the only known European producer outside of France. Thus, I find that glycine imports, though at fair value, nevertheless enter the United States at depressed or suppressed prices as a principal result of the Japanese practice of price discrimination, but also in part because of the price discriminating practices of the French producers.

Market penetration.—The largest U.S. imports in 1964–66 came from the Netherlands, the next largest from Japan, and then France. In 1967 the Japanese became the largest supplier. Imports of French glycine are coming in increasing quantities into the United States via Belgium, Denmark, England, and West Germany at prices considerably below fair value. During the period 1964 to 1967, inclusive, imports increased their penetration of the U.S. market from 25 to 70 percent. Indeed, Japanese sales in the United States increased 600 percent in the last year of that period. U.S. exports of glycine have been negligible.

Price suppression or depression.—As a direct or indirect effect of the LTFV sales by the Japanese and French producers, all imports at the unusually low prices have either suppressed or depressed the U.S. market price for glycine.

In 1964, the weighted average price of imported glycine from all sources was 14 cents a pound less than the weighted average price of domestic glycine. In 1965, when the complainant emerged as a third domestic producer on the market, the prices of glycine from virtually every source dropped. The weighted average price of one domestic producer dropped 2 cents per pound, another 4 cents per pound, and the new producer (the highly efficient plant) entered the market at a price several cents lower than either of its domestic competitors. Still, the average price of imports in 1965 was 13 cents per pound less than the average price of the domestic product. At this point of time, one of the early domestic producers ceased production. In 1966, the average price of imports dropped an additional 6 cents per pound and the domestic average price dropped 17 cents per pound, with a mere 2 cents-per-pound lower average price applicable to the imported product. At this price level, the second domestic producer ceased production and started importing the product to supply its customers. The average price of all glycine has continued to drop each year to date, the average prices for domestic glycine being higher each year than the average price of imported glycine (by 6 cents in 1967 and 4 cents in 1968 and 1969). Thus, importers of glycine have undersold domestic producers of glycine in every year for the last six years.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION

Views of Commissioner Thunberg

The Congress has divided the responsibility for administering the Antidumping Act between the Treasury Department and the Tariff Commission. Such a bifurcation of responsibility can be administered successfully—and all parties concerned treated equitably—only if the demarcation between the activities of the two agencies is unequivocally and unambiguously specified. By the language of the statute, "whenever the Secretary of the Treasury determines that a class or kind of foreign merchandise . . . ," the Secretary of the Treasury is assigned responsibility for classifying, categorizing, defining the commodity being sold at less than fair value (LTFV) for purposes of administering the act. Depending on the nature of the commodity and the markets in which it is sold, the scope of the appropriate classification scheme may be more or less inclusive. But authority for so specifying the commodity being sold at less than fair value is unquestionably assigned to the Secretary of the Treasury and legal and administrative precedent supports his authority to delimit the definition of the commodity. In the present case the commodity has been so defined as "aminoacetic acid (glycine) from France."

In assigning to the Treasury Department responsibility for determining whether sales at less than fair value occur, the Congress implied that that agency must investigate the volume of sales at less than fair value and the margins by which the purchase prices of goods exported to the United States differ from "fair value." In the case of a positive finding of LTFV sales, the statute implies that it is the responsibility of the Secretary of the Treasury to communicate to the Tariff Commission the specifics of its determination—the precise data of quantities sold at less than fair value, the margins at which these quantities were sold below fair value and the period of time over which these sales occurred. Whether or not LTFV imports cause injury to a domestic industry depends in preponderant part of how much is sold and at what margins below fair value. A small margin of dumping could, for example, be injurious if it has characterized a large volume of imports in a highly competitive market. Alternatively, a small volume of LTFV sales could cause injury if the margin of dumping were sufficiently great. In this case LTFV sales of 150,000 pounds of glycine, sold at an average dmping margin of about 18 percent, were determined by the Treasury Department to have taken place between March 1, 1968 and August 11, 1969.

An injury determination can be reached only after the specifics of quantity and value have been made available. The demarcation between Treasury responsibility and Tariff Commission responsibility for the successful operation of the law implies that Treasury functions are suspended with its determination *and communication* to the Tariff Commission of the facts concerning quantity and value of LTFV sales. On the basis of the specific facts provided by the Treasury, the Tariff Commission assumes responsibility for determining whether injury has been caused. In the present case the Tariff Commission announced on November 18, 1969, that it was initiating an investigation to determine whether sales at less than fair value of aminoacetic acid (glycine) *from France* are injuring or are likely to injure a domestic industry. By its announcement the Commission confined its investigation of injury to the effects of imports of glycine from France at less than fair value.

LTFV imports from France in 1968 amounted to about 7 percent of domestic consumption of glycine. The sole domestic producer of glycine, The Chattem Drug & Chemical Co., consumes about two-thirds of its own output which amounts to one-quarter to one-third of total U.S. consumption. The sales of glycine to other domestic consumers thus account for only one-third of Chattem's production. No evidence was found that sales of LTFV imports from France caused Chattem to lower its selling prices or to lose sales.

The margin of dumping in absolute terms was smaller than the difference between the price of the domestic glycine and the prices at which imports from Japan were sold in the domestic market. During 1967–69, moreover, average annual prices received by the sole importer of LTFV glycine from France for imported glycine sold in the U.S. market were generally higher than the average prices received for glycine by other importers and about equal to the average prices received by the domestic producer. Chattem's production and sales of gylcine, which increased steadily in 1965–68, have expanded markedly in recent months to satisfy new demands. Since the company's unit production costs decline substantially as volume increases, the larger output should enable it to compete more effectively than formerly with imports. I have concluded, therefore, that LTFV imports from France are not causing and are not likely to cause injury to a domestic industry.

Views of Commissioner Leonard

I find no industry in the United States is being or is likely to be injured or is prevented from being established by reason of the importation into the United States of Aminoacetic Acid (Glycine) from France which the Treasury determined is being, and is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

Although total imports of glycine have increased substantially in recent years, imports at LTFV from France constituted but a small portion of total imports and at no time achieved a substantial penetration of the U.S. market. As Commissioner Thunberg reports, the Commission's investigation did not substantiate that sales of glycine from France at LTFV caused the domestic producer either to lose sales or to reduce his selling prices. In fact, the average prices received during 1967–69 by the only importer of the LTFV glycine from France were not

only higher than those received by most other importers, but were somewhat higher than those received by the domestic producer.

While the record of the investigation fails to support a finding of injury or likelihood of injury to a domestic industry by reason of the importation of LTFV glycine from France alone, the basis of the findings of the majority in this investigation requires me to discuss imports of glycine from Japan. Such imports increased 600 percent in only one year, from 65,000 pounds in 1966 to 492,000 pounds in 1967, as Japan became the principal supplying country. The evidence produced during the Commission's investigation indicates that the Japanese exporters sold at much lower prices than did other foreign suppliers. During 1966–68, a large part of the glycine imported from Japan was resold by the importers at prices 17 to 26 cents per pound below the weighted average price received by all importers. The low price of glycine from Japan, coupled with the large increase in such imports in 1967 and 1968, almost certainly was a principal factor in causing price reductions in the U.S. market for glycine.

Despite such evidence, much of which also appeared in Treasury files, the Treasury published in the *Federal Register* a determination that "Aminoacetic Acid (Glycine) from Japan is not being, nor likely to be, sold at less than fair value."[20] Therefore, the Commission cannot determine that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States "of such merchandise," glycine from Japan.

With Treasury making such a negative determination on sales of glycine from Japan and, therefore, not sending such sales to the Commission for an injury determination, I cannot go beyond the statute and in some way be influenced by the Japanese glycine sales to find affirmatively in this investigation. Since I cannot consider the effect of the sales of glycine from Japan, I must render a negative finding on the question of injury to a domestic industry from LTFV sales of glycine from France. On the other hand, a majority of the Commission finds affirmatively because it does consider the effect of the sales of Japanese glycine.

Commissioners Clubb, Newsom and Moore take account of the sales of Japanese glycine by determining that an industry in the United States is being injured by reason of imports of glycine from France and other countries. They disregard the country designation in the Treasury determination and contend that once Treasury makes an affirmative determination on a particular item of commerce, the Commission can consider all sources of that item in deciding whether injury is present.

This view of three-fourths of the majority may have been more appropriate if it had been taken when the Commission received the initial Treasury determination drawn along country lines. But that would have been in November, 1954, when the Treasury determined affirmatively on muriate of potash from the Soviet Zone of Germany. However, the Commission in that investigation [21] and in every dumping investigation since has deliberately confined the scope of its notice and injury determination in accordance with the Treasury designation of source from which the commodity came. If Treasury's long-continued practice of designating the country or origin were outside the terms of the statute, the Congress, it is assumed, would have since corrected it in its considerations of the Antidumping Act and amendments thereto.[22] The issue has been present in every Treasury determination coming before the Commission. There never having been a challenge to the country designation until now, it is too much a part of the operational framework of the statute for the Commission at this late date to read out designation of source of the commodity in the present antidumping investigation.

Besides, if the Commission were to choose the instant investigation to begin to ignore the country designation, it should have done so upon the institution of the investigation and the issuance of the public notice. However, the public notice read:

"AMINOACETIC ACID FROM FRANCE

"Notice of investigation and hearing

"Having received advice from the Treasury Department on November 17, 1969 that Aminoacetic Acid (Glycine) from France is being, and is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States."

The Commission is bound by that public notice. Its finding cannot go beyond the description of the merchandise in that notice. Where the Commission does not confine its investigation to the matters contained in its public notice, its findings and recommendations based upon such investigation are without authority of law and invalid.[23]

Nor are the views of Chairman Sutton of any more comfort to me. In his view, an industry in the United States is being injured by reason of LTFV imports of glycine from France, but, to find thusly, he examines the impact of the Japanese glycine sales on the total market structure and the world price situation. He extends what is termed the cumulative and sequential impact doctrine of past Commission decisions to find that French LTFV sales, on top of Japanese LTFV sales, are injuring the domestic glycine industry.

I have supported the cumulative and sequential impact theory in the past.[24] Last year's potash opinion of Chairman Sutton and myself expands his views expressed in a 1968 investigation.[25]

The doctrine referred to holds that Treasury determinations of LTFV sales of a product from all sources may be considered together in order to find injury resulting from the sales from any one source. Further, the Treasury determinations of sales at LTFV need not all be formally before the Commission at the same time. Earlier Treasury LTFV determinations can be examined by the Commission in investigating possible injury resulting from sales of the same product from a different source determined to be LTFV by Treasury at a later date.[26]

Treasury's practice of issuing its findings by procedurally or administratively separating the countries or producers which ship LTFV imports to the United States has no necessary investigative effect on the Commission's determination of injury.[27] However, while the Commission need not consider each Treasury LTFV determination independently of any other for a particular product, the Commission cannot consider as sales at LTFV sales of a product from one source determined by the Treasury not to be LTFV along with Treasury determined LTFV sales of the same product from another source. To do so in a case such as this one preempts Treasury's jurisdiction and is not in my view a permissible application of the cumulative and sequential impact theory. It is this which distinguishes the instant proceeding from the cumulative and sequential impact line of investigations.

Here, LTFV sales of the commodity from one country, Japan, have not been transmitted by the Treasury to the Commission to be joined with LTFV sales of the commodity from another country, France, which have so been sent by the Treasury to the Commission.

It may be true that in fact there were Japanese glycine sales in the United States at prices lower than the home market price. The files of the Treasury viewed by the Commission would so indicate. Even Treasury's September 27, 1969 "Notice of Tentative Negative Determination" includes such a statement.[28] But it is also true that the final word from Treasury, the final determination from Treasury, is that "Aminoacetic Acid (Glycine) from Japan is not being, nor likely to be, sold at less than fair value.[29]

It matters not the reason for the Treasury determination, a negative one in return for the Japanese assurances that there will be no more sales at LTFV. It can even be characterized as technical. All that matters is that Treasury's determination was negative. That being the case, this Commission can go no further. We cannot consider the Japanese sales as other than fair value sales in trying to assess their effect on the French sales and in turn the effect on the domestic industry. Regrettable as it may be, Treasury's determination of glycine from Japan not being, nor likely to be, sold at LTFV based on assurances from Japan not to sell at LTFV in the future precludes the Commission in this investigation from determining under the statute injury to an industry in the United States.

FOOTNOTES

[1] Commissioners Clubb, Newsom, and Moore determine that an industry is being injured by reason of imports of glycine from France and other countries. Chairman Sutton determines that an industry in the United States is being injured by reason of imports of glycine from France and deems it inappropriate for the Commission to make its determination extend beyond such imports. Commissioners Thunberg and Leonard determine in the negative.

[2] Section 201(a) of the Antidumping Act provides in pertinent part as follows:

"Whenever the Secretary of the Treasury . . . determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured . . . by reason of the importation of such merchandise into the United States." . . . 19 U.S.C. § 160(a).

[3] Glycine is a white, odorless, crystalline material with a sweetish taste which is used principally in pharmaceuticals. It is also used as a post-operative nutriment for intravenous feeding and as a low calorie sweetener.

[4] Letter from Assistant Secretary Rossides to Chairman Sutton dated November 12, 1969.

[5] In April 1969 the Secretary of the Treasury determined that Glycine from West Germany was not being, and was not likely to be sold at less than fair value because "The only known producer of Aminoacetic Acid (Glycine) for exportation to the United States has discontinued production of the product and has given assurances that not further shipments will be made to the United States." (34 F.R. 2210 (1969).) The final negative determination for West Germany was filed April 11, 1969. (34 F.R. 6447 (1969).)

[6] In May 1969 a negative determination by the Secretary was made with respect to shipments from the Netherlands (because glycine from that source was being sold at fair value). (34 F. R. 7334 (1969).) The final negative determintaion for the Netherlands was filed June 26, 1969. (34 F. R. 11427 (1969).)

[7] A tentative determination for Japan was filed September 27, 1969, and read in pertinent part as follows:

Footnotes at end of article.

"I hereby make a tentative determination that Aminoacetic Acid (Glycine) from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

"Statement of reasons on which this tentative determination is based . . .

"Comparison between purchase price or exporter's sales price and home market price revealed that exporter's sales price and purchase price were lower than home market price.

"Upon being advised of the above, exporters of the glycine from Japan provided assurances that they would make no sales to the United States at less than fair value within the meaning of the Antidumping Act."

The final negative determination for Japan was filed November 28, 1969. It stated that—

"The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until November 7, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

"No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination, Aminoacetic Acid (Glycine) from Japan is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a))." (34 F. R. 19210 (1969).)

[8] 34 F.R. 18559 (1969).

[9] Data relating to sales and prices were submitted in confidence to the Commission. Rules prohibiting the disclosure of confidential information prevent a more precise statement of facts.

[10] Implicitly, it might be said that we have determined that identical products are in the same "class or kind" of merchandise, since in cases where imports of the same product from several countries have been before us at the same time, we have tested the cumulative effect of all. *Pig Iron from East Germany, Czechoslovakia, Romania and the U.S.S.R., Potash from Canada, France and West Germany.* If the product from one country was a different "class or kind" of merchandise than the identical product from another country, the Act would require that we treat each separately.

[11] Random House Dictionary of the English Language (1966), pg. 272.

[12] *Id.*, at 787.

[13] Judicial interpretation of similar statutory terms also establishes that a class must be determined by the inherent characteristics of the thing or persons being classified, and not by such extraneous considerations as geography or ownership. See, *Switchmen's Union of N. America v. National B. Board,* 135, F. 2d 785, 793–94 (D.C. Cir., 1943), rev'd. on other grounds 320 U.S. 297; *Inter County Rural E. Cooperative Corp. v. Reeves,* 171 S.W. 2d 978 (Kty. 1943); *Star-Kist Foods, Inc. v. United States,* 150 F. Supp. 737 (Cust. Ct., 1956).

[14] 34 F.R. 7334; 11427.

[15] 34 F.R. 2210; 6447.

[16] 34 F.R. 15564; 19210.

[17] 33 F.R. 14079; 18559.

[18] See majority opinions in investigation No. AA1921–22 (portland cement), affirmed in *City Lumber Co. et al* v. *United States,* R.D. 11557 (now on appeal before the Court of Customs and Patent Appeals); investigations No. AA1921–52, 53, 54 and 55 (pig iron); and investigations No. AA1921–58, 59 and 60 (potassium chloride).

[19] Two out of three producers have ceased production and it is evident that they felt their participation in the industry was not reasonably profitable.

[20] 34 *Fed. Reg.* 19210 (Dec. 4, 1969).

[21] *Muriate of Potash from Soviet Zone of Germany,* U.S. Tariff Comm. Release, Feb. 25, 1955.

[22] Treasury has from the inception of its jurisdiction in 1921 used source limitations in describing the articles within the scope of its proceedings under the Act. No changes in this practice have been made or suggested by the Congress. Customs Simplification Act of 1954, P.L. 83–768, 68 Stat. 1136, (1954); Antidumping Act Amendment, P.L. 85–630, 72 Stat. 583, (1958); Renegotiation Amendments of 1968, P.L. 90–634, 82 Stat. 1347 (1968).

[23] *Carl Zeiss, Inc.* v. *U.S.* 76 F. 2d 412 (1935), (23 CCPA 7); *Best Foods Inc. v. U.S.* 218 F Supp. 576, 587 (Concur, opinion) (Cust. Ct., 1963).

[24] *Muriate of Potash from Canada, France and West Germany,* AA1921–58, 59, 60 (November 1969) T.C. Pub. 303.

[25] *Pig Iron from East Germany, Czechoslovakia, Romania and the USSR,* AA1921–52, 53, 54, 55 (September 1968) T.C. Pub. 265.

[26] *City Lumber Co. v. United States.* R.D. 11557 (July 1968), appeal filed before CCPA.

[27] *Muriate of Potash from Canada, France and West Germany,* AA1921–58, 59, 60 (November 1969) T.C. Pub. 303 at 4–9; and *Pig Iron from East Germany, Czechoslovakia, Romania, and the USSR,* AA1921–52, 53, 54, 55 (September 1969) T.C. Pub. 265 at 4–10.

[28] 34 *Fed. Reg.* 15564 (Oct. 7, 1969).

[29] 34 *Fed. Reg.* 19210 (1969).

EXHIBIT 2

EAST COAST CHEMICALS CO.,
Cedar Grove, N.J., November 21, 1969.

CHATTEM CHEMICAL CO.,
Chattanooga, Tenn.

DEAR MR. COLBURN: This will confirm our telephone conversation concerning Glycine. As I explained one of our suppliers from whom we occasionally purchase imported chemicals from both Japan and Western Europe is now planning to bring in Glycine. The reason he talked to us concerning this is that he knows we represent you folks and felt that he could offer to us a better arrangement.

I am told that the material will be of Japanese origin and more than likely come in from Germany. I am told that the reason for this is that because of existing trade agreements as well as the "dumping problem" one can purchase Japanese Glycine in a European country more cheaply than they can purchase it directly from Japan. This is not at all unusual and applies to several chemicals of which we are aware.

I am told that the price as of now is $.48 per pound, duty paid, as discussed and is identified only as NF–12 material. There is some indication that we will be able to get the price down to $.47 although this is not yet firm. We are attempting if at all possible to learn the name of the Japanese producer in this particular instance.

It appears that the importer is going to go after all known users of Glycine in a most aggressive manner and at the present time is considering pricing on the order of $.55 per pound delivered. This would be for the smaller accounts and quite possibly they will be willing to go off another penny or so for truckload quantities.

I do not know what, if anything, can be done about this but certainly "forewarned is forearmed".

If there are any comments or anything additional you would like me to do in this connection please let me know and we will do the best we can.

With kindest regards, I remain,

Very truly yours,

E. C. MISSBACH.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read the title, as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, the most compassionate prayer ever uttered was the prayer spoken by the lowly Man of Galilee when He was hanging upon the cross at Calvary. He looked upon those who were crucifying Him, and prayed this prayer in their behalf:

Then said Jesus, Father, forgive them; for they know not what they do.

This is the most compassionate of all prayers, as recorded in the 34th verse of the 23d chapter of the Gospel according to Luke.

It is not my purpose to be sacrilegious in any respect, but I say with all sincerity that those who advocate the adoption of the equal rights amendment stand in need of this prayer, because they do not know what they do.

I would say, furthermore, Mr. President, that those who occupy the state of ignorance as to what this amendment would be interpreted to mean, like the Senator from North Carolina, also stand in need of a prayer of this nature. Frankly, I do not know what the Supreme Court is going to say this amendment means; and when I say that, I put myself in the same state of ignorance which embraces every other Member of the Senate who is going to be called upon to vote upon the proposed amendment and every Member of the House of Representatives who already has voted upon the proposed amendment.

A very significant remark was made by Robert Sherrill, a correspondent for the Nation, in an article published in the New York Times a few days ago on this precise point.

Mr. Scherrill said—and he said quite truthfully—

The equal-rights amendment's journey down the corridors of Congress has so far been an impressive demonstration of what can be achieved through almost total ignorance. No one in Congress can make even a reasonably good case as to the amendment's probable effect on laws covering such matters as wife support, child support, military conscription, and property division.

Notwithstanding the fact that no one can safely predict what this amendment will be interpreted to mean in the event it is submitted by Congress to the States and ratified by the States, we have insistent demands that we immediately vote, in our present state of ignorance, on this amendment.

In other words, we are urged to act in haste and let the wives, the mothers, the working women, and the widows of America lament the probable consequences of this amendment in leisure.

One of the difficulties incident to present-day legislation arises from the fact that before a Member of Congress can educate Congress, he has to educate the news media of the country and depend upon the news media of the country to educate the Members of Congress. The New York Times of Saturday, October 10, 1970, published an editorial indicating that the news media of the country are about to become educated with respect to this amendment. The New York Times made some very cogent observations concerning this amendment and concerning the total ignorance as to its future interpretation on the part of Congress, on the part of its proponents, and on the part of the country generally. It makes some comments on the fact that this amendment has been traveling to and fro in Congress for 47 years and that nobody has attempted to make a complete study as to its probable interpretation and as to its probable consequences. So the New York Times, in this editorial, warns Congress not to be in any haste to submit this amendment to the States for ratification or rejection.

Despite this fact, we have in respect to this amendment, during the current session of Congress, a virtually unprecedented effort to prevent any study of this amendment being made by any congressional committee. There were no hearings upon this amendment in the House of Representatives, and the House of Representatives voted on this amendment after some 60, 65, or 70 minutes of debate. It voted upon this amendment upon the assertion, which has been repeated on the floor of the Senate, that the Supreme Court of the United States has never held that a woman is even a person within the meaning of the 14th amendment. I do not think that a more extravagant and a more in supportable assertion than that has ever been made. The strange thing about it is that to prove the truth of that assertion, those who make it refer to the case of *Hoyt* v. *Florida*, 368 U.S. 57. This very case says this:

> Several observations should initially be made. We, of course, recognize that the Fourteenth Amendment reaches not only arbitrary classes of exclusions from jury service based on race or color but also all other exclusions which single out any class of persons for different treatment not based on some reasonable classification.

What that means in plain English is that the 14th amendment prohibits a State from making any legal distinctions between one group of persons, whether they be men, women, or children, and another group of persons, whether they be men, women, or children, unless that distinction is based upon a reasonable classification. I expect later to make further allusions to the Hoyt case.

At this moment, I should like to call attention to the fact that some leaders of our women's organizations are flatly opposed to the submission of the proposed amendment to the States for ratification or rejection.

Among these women are:

Dorothy Height, president, National Council of Negro Women.

Dolores Huerta, vice president, United Farm Workers Organizing Committee.

Mary Dublin Keyserling, former director Women's Bureau—U.S. Department of Labor.

Margaret Mealey, executive director, National Council of Catholic Women.

Ruth Miller, former chairman, California Advisory Commission on the Status of Women.

Sarah Newman, general secretary, National Consumers League.

Mary E. Switzer, former administrator, Social and Rehabilitation Service; U.S. Department of Health, Education, and Welfare.

Dr. Cynthia Wedel, former member, President's Commission on the Status of Women.

Mrs. Leonard H. Weiner, national president, National Council of Jewish Women.

Elizabeth Wickenden, professor of urban studies, City University of New York; former member, Citizen's Advisory Council on the Status of Women.

Myra Wolfgang, vice president, Hotel and Restaurant Employees' and Bartenders' International Union.

Mr. President, it was stated on the floor of the Senate last week by the Senator from Indiana that any reasonable man could read the amendment and determine what it means. I consider the Senator from Indiana to be a reasonable man. He was queried as to the meaning of the amendment by the junior Senator from Missouri (Mr. EAGLETON), and the Senator from Indiana admitted, in reply to interrogatories propounded to him by the Senator from Missouri, that he would have to leave some of the questions asked him by the Senator from Missouri to the courts for decision and for that reason was unable to answer them.

Well, let us see whether the statement that all reasonable men can understand exactly what the amendment means is supported by the facts.

As Gov. Al Smith of New York was wont to remark, "Let's look at the record."

One of the most knowledgeable men in the United States on this subject in Prof. Paul A. Freund. He teaches constitutional law at Harvard Law School. He has this to say about the amendment:

> That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainly . . . The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application. It will open a Pandora's box of legal complications.

Professor Freund testified before the Judiciary Committee in opposition to the amendment and pointed out many of the dire consequences which could insue if the amendment should be submitted by Congress to the States and ratified by the States.

I digress here to note—as I have said before—that there have been more obstacles thrown in the way of an intelligent understanding of the amendment in this session of Congress than has ever characterized consideration of any other legislative proposal during the 16 years I have been privileged to be a Member of the Senate.

I have already stated that there were no hearings in the House and that the consideration of the amendment in the House was for approximately 60, 65, or 70 minutes, or thereabouts; but when the amendment came to the Senate, the amendment was stopped at the desk and placed on the Calendar for immediate consideration without any committee hearings and without any committee consideration, notwithstanding that the rules of the Senate contemplate that proposals to amend the Constitution shall be referred to the Judiciary Committee and considered by that committee, and that the Senate should have a report and recommendation from the Judiciary Committee with respect to proposed constitutional amendments before the Senate votes upon such constitutional amendments.

After this proposed amendment was passed by the House and placed on the Senate Calendar, instead of being allowed to take its normal course and being referred to the Judiciary Committee for study and report, the overwhelming majority of the Judiciary Committee, with one member opposing and one member abstaining, adopted a request of the Senate leadership in which they asked the Senate leadership to permit the amendment to take its regular course and be referred to the Judiciary Committee for study and report to the Senate prior to its consideration by the Senate. That request has been ignored by the Senate leadership.

Notwithstanding the fact that the resolution has never been referred to the Judiciary Committee for study and report, the Judiciary Committee held hearings on a companion measure introduced by the Senator from Indiana, and received the testimony of such knowledgeable persons as Prof. Paul A. Freund, Philip B. Kurland, Mrs. Myra Wolfgang, Mrs. Mary Dublin Keyserling, and others.

Unfortunately, the testimony taken by the Judiciary Committee has just been printed and Senators have not yet had an opportunity to avail themselves of the advice which that testimony affords them concerning the dangers of this particular proposed amendment.

I respectfully submit that instead of trying to hurry Senate action on this proposal, we should strive to have intelligent action rather than hasty action, and should at least postpone consideration of the measure until Senators have an opportunity to study the testimony just made available to Members of the Senate.

This is the first time in my experience as a Member of the Senate that it ap-

pears the proponents of such an important matter as a proposed constitutional amendment seem to want the Senate of the United States to legislate in darkness rather than in light.

I mentioned a moment ago that Prof. Paul A. Freund, of the Harvard Law School, is a reasonable man, that he has studied the proposed amendment, and that he has warned the Senate against approving it in its present form, not only during the hearings held by the Judiciary Committee during this year, but as far back as 1953.

Prof. Philip Kurland, professor of constitutional law at the University of Chicago and editor of the annual publication known as the Supreme Court Review, had this to say concerning the proposed amendment:

H.J. Res. 264 is in keeping with much of the temper of our times that demands instant and simplistic solutions to complex problems, that assumes that the cure for such problems is the utterance of the magic word "equality," and that the proper governmental agency for effecting the cure is the judiciary.

The following is a release by the Women's Bureau of the Department of Labor in February 1970 concerning the proposed amendment. Presumably the Women's Bureau of the Department of Labor is staffed by women, and presumably those women are intelligent and are capable of expressing an opinion in respect to this question. Here is what the release says:

There are a great many questions concerning the equal-rights amendment, but very few answers.

The editor of the Wall Street Journal, who is known to me to be a highly intelligent man, notwithstanding the fact that his father tried, very unsuccessfully, to teach me some Latin many years ago, when I was a student at the University of North Carolina at Chapel Hill, had this to say about the proposed amendment:

We are all for ladies, but even so, before we write some new words into the Constitution, it'd be nice to know what they really do mean.

A number of the intelligent women whom I named a moment or so ago as being opponents of the proposed amendment are affiliated with labor unions which are collective bargaining agents for women who work in the industries of America. The AFL–CIO has joined them in opposition to the amendment, as is reflected by a statement made by Andrew J. Biemiller, legislative director of the AFL–CIO. This is what Mr. Biemiller said:

A myriad of legal relationships in every area of life . . . might be affected by the equal rights amendment, with uncertain and possibly inequitable results in particular situations where identity of treatment might not yield true equality of treatment between the sexes.

Prof. Soia Mentschikoff, of the Chicago Law School, had this to say about the amendment:

The litigation could be endless. The courts would have to decide whether sex can ever be a reasonable classification.

Mr. President, I have read some of the documents which have been issued in support of this amendment. With all due respect to those who wrote them, I would have to say that the documents exhibit symptoms of intellectual schizophrenia.

These articles start out with a flat assertion that the equal rights amendments will abolish every existing Federal or State law which makes any legal distinction between men and women and that it will render the Congress and the legislatures of all 50 of the States powerless at any time in the future to enact any new laws which make any legal distinction between men and women.

After making these assertions, however, the writers of this propaganda recognize that they are trapping themselves in their own words. So they proceed in the documents they have prepared to contradict themselves.

They recognize that under the assertions they have made, they are asking the Congress of the United States and the legislatures of all 50 States to give up their power to enact laws which recognize that the good Lord made physiological and functional differences between men and women and to forget that rational action on the part of Congress and the 50 States requires them to enact such laws.

Then they proceed to assert in contradiction of what they have already said that laws which are beneficial to women will not be affected by this amendment although the amendment, they reiterate, is designed to make identical legal beings of men and women. In so doing, the writers of this propaganda emulate the example of the man in Aesop's Fable who blew both hot and cold with the same breath.

Another reasonable person, who opposes this amendment is Cernoria Johnson, Washington Director of the National Urban League. Cernoria Johnson has this to say about the amendment:

The Urban League is not in favor of current proposals which could eliminate protective standards for women or which might adversely affect their economic welfare, health, privacy or special responsibilities as mothers.

Prof. James J. White of the Law School of the University of Michigan said this in his testimony before the Committee on the Judiciary:

If I were a Senator, my reaction would be that I would vote against H.J. Res. 264 and I would seek to accomplish the goals by additional legislation. . . . It would be great for lawyers, though.

Glen Alison, Washington director, National Association of Social Workers, said this about the amendment:

The Equal Rights amendment could alter legal, economic, and other relationships between men and women. These are complex issues affecting the basic tenets of our society, which do not lend themselves to the blunderbuss approach of the Equal Rights Amendment.

In August of this year the New York Times made editorial comment on this amendment, in which it deplored the hasty manner in which it had been considered in the House of Representatives. In the editorial the New York Times said:

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in the House. The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

Mrs. Leonard H. Weiner, national president, National Council of Jewish Women, had this to say concerning the proposed amendment:

The effect of the Equal Rights Amendment upon our law proposes a great many questions to which the proponents have given no answers. . . . The Amendment is not the proper vehicle for the elimination of whatever discriminations against women might still exist.

Mrs. Norman F. Folda, national president, National Council of Catholic Women, had this to say:

We are opposed to the passage of the Equal Rights Amendment because it will jeopardize many socially desirable laws necessary for the maintenance and strengthening of the family structure.

Miss Evelyn Dubrow, legislative representative, International Ladies' Garment Workers' Union, had this to say about the amendment:

Under the proposed (Equal Rights) Amendment, a number of essential legislative safeguards of women's rights as industrial citizens would be wiped out. This should not be permitted to happen.

Miss Dubrow is the legislative representative of an organization which represents thousands of women who are employed in industry. She says, and quite correctly, that the amendment would destroy many safeguards which have been adopted by legislative bodies on both the national and the local level for the protection of women's rights.

During my opening remarks I mentioned the fact that an editorial in the New York Times of October 10, 1970, had warned Congress against hasty action on this amendment. The New York Times pointed out that society does make many discriminations against women. It points out that many of these discriminations have their origin outside of the law and owe their existence solely to the practices of our society. It also points out that certain Federal legislation, such as the Civil Rights Act of 1964 and the equal pay law, which was made part of the Fair Labor Standards Act and certain Executive orders have done much to relieve legal discriminations against women, and it adds that more can be done by legislation, but that enforcement of the laws already on the books at least is necessary.

This is the warning against the hasty approval of this amendment:

The Federal courts have not yet entered into the struggle for sexual equality as they have for racial equality. But it seems highly probable, given the present state of public opinion, that the courts will soon be giving the Fourteenth Amendment's "equal protection of the laws" provision a more up-to-date reading where women are concerned. Once they do so, any possible need for the Equal Rights Amendment would vanish.

What is particularly distressing is that even now—nearly a half-century after the proposed amendment's initial presentation—no one has prepared a definitive assessment of the possible damage its broad language might do to existing legal safeguards for women. As Paul Freund of the Harvard Law School and other experts have pointed out, the impact of the amendment on laws protecting women workers and on those gov-

erning marriages and estates would be incalculable.

On balance, we believe it unwise suddenly to push through Congress a Constitutional amendment of unknown effect and possibly damaging results—however impeccable its intentions.

I repeat that closing statement of the editorial:

On balance, we believe it unwise suddenly to push through Congress a Constitutional amendment of unknown effect and possibly damaging results—however impeccable its intentions.

Mr. President, I ask unanimous consent that the editorial from the New York Times which I have read in part be printed in full at this point in the body of the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS

Women suffer serious and widespread discrimination in many fields of American life. The question for the Senate as it debates the Equal Rights Amendment to the Constitution, already approved by the House, is not the fact of discrimination but whether a constitutional amendment is the right way to remedy it.

Hearings last month of the New York City Commission on Human Rights amply demonstrated that virtually every woman who goes to work—and 43 per cent of all women over the age of sixteen do work—suffers in comparison with her male counterpart, whether she is a domestic servant or a professional woman with an Ivy League degree. It does not matter what measurement is used—median earnings, opportunity for apprenticeships and advanced training programs, rate of promotion, variety of assignments open to her. In every one, the woman worker lags significantly. Moreover, the gap on most fronts is widening, not narrowing.

In architecture and engineering, a woman is treated only somewhat better than a leper. Even in higher education where a more open attitude might be expected to prevail, it is rare in most universities to find a woman who is president, dean, head of department, or full professor.

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sex. The Senate last week voted to give the Equal Employment Opportunities Commission authority to issue cease-and-desist orders to enforce the 1964 act. An executive order forbids sex discrimination in employment by Federal contractors. There is a Federal equal-pay law, and 39 states and the District of Columbia also have laws requiring equal pay. More can be done by legislation, but tighter enforcement of the laws already on the books is at least as necessary.

The Federal courts have not yet entered into the struggle for sexual equality as they have for racial equality. But it seems highly probable, given the present state of public opinion, that the courts will soon be giving the Fourteenth Amendment's "equal protection of the laws" provision a more up-to-date reading where women are concerned. Once they do so, any possible need for the Equal Rights Amendment would vanish.

What is particularly distressing is that even now—nearly a half-century after the proposed amendment's initial presentation—no one has prepared a definitive assessment of the possible damage its broad language might do to existing legal safeguards for women. As Paul Freund of the Harvard Law School and other experts have pointed out, the impact of the amendment on laws protecting women workers and on those governing marriages and estates would be incalculable.

On balance, we believe it unwise suddenly to push through Congress a Constitutional amendment of unknown effect and possibly damaging results—however impeccable its intentions.

Mr. ERVIN. Mr. President, this amendment deserves thorough study. It deserves consideration by the Senate Judiciary Committee. I propose, after the recess, to make a motion that this amendment be permitted to take the regular normal course pointed out by the Senate rules for constitutional amendments, and that it be referred to the Senate Judiciary Committee so that that committee, which is composed entirely of lawyers, can express to the Senate an opinion concerning the amendment.

I return now to the case of *Hoyt* v. *Florida*, 368 U.S. 57. This case makes as clear as the noonday sun in a cloudless sky that the statement that the Supreme Court has never held that women are persons within the purview of the 14th amendment is totally insupportable. This case arose in Florida. A woman was convicted of the second degree murder of her husband by a jury composed entirely of men. It eventually reached the Supreme Court of the United States upon her allegation that the State of Florida excluded women from service upon juries in State courts and that she was a person within the purview of the 14th amendment, and that by reason of the exclusion of women from juries by the State of Florida in State trials, she had been deprived of the equal protection of the laws under the provision of the 14th amendment which says, in substance, that no State shall deny to any person within its jurisdiction the equal protection of the laws.

The Supreme Court recognized that she was right in one respect, and that was that the 14th amendment covers with the shield of its protection all human beings, whether they be men or women or children. It rejected her appeal, however, on the ground that the State of Florida did not exclude women from juries, and that, she had not been denied the equal protection of the laws.

Since this case has been cited to prove the absurd contention of the proponents of this amendment that women are not persons within the meaning of the 14th amendment, I ask unanimous consent that the entire opinion be printed at this point in the body of the RECORD as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

HOYT *v.* FLORIDA: APPEAL FROM THE SUPREME COURT OF FLORIDA

No. 31. Argued October 19, 1961.—Decided November 20, 1961.

Appellant, a woman, killed her husband and was convicted in a Florida state court of second-degree murder. She claimed that her trial before an all-male jury violated her rights under the Fourteenth Amendment. A Florida statute provides, in substance, that no woman shall be taken for jury service unless she volunteers for it. *Held:* The Florida statute is not unconstitutional on its face or as applied in this case. Pp. 58–69.

(a) The right to an impartially selected jury assured by the Fourteenth Amendment does not entitle one accused of crime to a jury tailored to the circumstances of the particular case. It requires only that the jury be indiscriminately drawn from among those in the community eligible for jury service, untrammelled by any arbitrary and systematic exclusions. Pp. 58–59.

(b) The Florida statute is not unconsitutional on its face, since it is not constitutionally impermissible for a State to conclude that a woman should be relieved from jury service unless she herself determines that such service is consistent with her own special responsibilities. Pp. 59–65.

(c) It cannot be said that the statute is unconstiutional as applied in this case, since there is no substantial evidence in the record that Florida has arbitrarily undertaken to exclude women from jury service. Pp. 65–69.

119 So. 2d 691, affirmed.

Herbert B. Ehrmann argued the cause for appellant. With him on the brief were *Raya S. Dreben* and *C. J. Hardee, Jr.*

George R. Georgieff, Assistant Attorney General of Florida, argued the cause for appellee. With him on the brief was *Richard W. Ervin*, Attorney General.

Dorothy Kenyon and *Rowland Watts* filed a brief for the Florida Civil Liberties Union et al., as *amici curiae*, urging reversal.

Mr. JUSTICE HARLAN delivered the opinion of the Court.

Appellant, a woman, has been convicted in Hillsborough County, Florida, of second degree murder of her husband. On this appeal under 28 U.S.C. § 1257 (2) from the Florida Supreme Court's affirmance of the judgment of conviction, 119 So. 2d 691, we noted probable jurisdiction, 364 U.S. 930, to consider appellant's claim that her trial before an all-male jury violated rights assured by the Fourteenth Amendment. The claim is that such jury was the product of a state jury statute which works an unconstitutional exclusion of women from jury service.

The jury law primarily in question is Fla. Stat., 1959, § 40.01 (1). This Act, which requires that grand and petit jurors be taken from "male and female" citizens of the State possessed of certain qualifications,[1] contains the following proviso:

"provided, however, that the name of no female person shall be taken for jury service unless said person has registered with the clerk of the circuit court her desire to be placed on the jury list."

Showing that since the enactment of the statute only a minimal number of women have so registered, appellant challenges the constitutionality of the statute both on its face and as applied in this case. For reasons now to follow we decide that both contentions must be rejected.

At the core of appellant's argument is the claim that the nature of the crime of which she was convicted peculiarly demanded the inclusion of persons of her own sex on the jury. She was charged with killing her husband by assaulting him with a baseball bat. An information was filed against her under Fla. Stat., 1959, § 782.04, which punishes as murder in the second degree "any act imminently dangerous to another, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual . . . ." As described by the Florida Supreme Court, the affair occurred in the context of a marital upheaval involving, among other things, the suspected infidelity of appellant's husband, and culminating in the husband's final rejection of his wife's efforts at reconciliation. It is claimed, in substance, that women jurors would have been more understanding or compassionate than men in assessing the quality of appellant's act and her defense of "temporary insanity." No claim is made that the jury as constituted was otherwise afflicted by any elements of supposed unfairness. Cf. *Irvin* v. *Dowd*, 366 U.S. 717.

Of course, these premises misconceive the scope of the right to an impartially selected

Footnotes at end of article.

jury assured by the Fourteenth Amendment. That right does not entitle one accused of crime to a jury tailored to the circumstances of the particular case, whether relating to the sex or other condition of the defendant, or to the nature of the charges to be tried. It requires only that the jury be discriminately drawn from among those eligible in the community for jury service, untrammelled by any arbitrary and systematic exclusions. See *Fay* v. *New York*, 332 U.S. 261, 284–285, and the cases cited therein. The result of this appeal must therefore depend on whether such an exclusion of women from jury service has been shown.

I

We address ourselves first to appellant's challenge to the statute on its face.

Several observations should initially be made. We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color, but also all other exclusions which "single out" any class of persons "for different treatment not based on some reasonable classification." *Hernandez* v. *Texas*, 347 U.S. 475, 478. We need not, however, accept appellant's invitation to canvass in this case the continuing validity of this Court's dictum in *Strauder* v. *West Virginia*, 100 U.S. 303, 310, to the effect that a State may constitutionally "confine" jury duty "to males." This constitutional proposition has gone unquestioned for more than eighty years in the decisions of the Court, see *Fay* v. *New York*, *supra*, at 289–290, and had been reflected, until 1957, in congressional policy respecting jury service in the federal courts themselves.[2] Even were it to be assumed that this question is still open to debate, the present case tenders narrower issues.

Manifestly, Florida's § 40.01(1) does not purport to exclude women from state jury service. Rather, the statute "gives to women the privilege to serve but does not impose service as a duty." *Fay* v. *New York*, *supra*, at 277. It accords women an absolute exemption from jury service unless they expressly waive that privilege. This is not to say, however, that what in form may be only an exemption of a particular class of persons can in no circumstances be regarded as an exclusion of that class. Where, as here, an exemption of a class in the community is asserted to be in substance an exclusionary device, the relevant inquiry is whether the exemption itself is based on some reasonable classification and whether the manner in which it is exercisable rests on some rational foundation.

In the selection of jurors Florida has differentiated between men and women in two respects. It has given women an absolute exemption from jury duty based solely on their sex, no similar exemption obtaining as to men.[3] And it has provided for its effectuation in a manner less onerous than that governing exemptions exercisable by men: women are not to be put on the jury list unless they have voluntarily registered for such service; men, on the other hand, even if entitled to an exemption, are to be included on the list unless they have filed a written claim of exemption as provided by law.[4] Fla. Stat., 1959, § 40.10.

In neither respect can we conclude that Florida's statute is not "based on some reasonable classification," and that it is thus infected with unconstitutionality. Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life. We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities.

Florida is not alone in so concluding. Women are now eligible for jury service in all but three States of the Union.[5] Of the forty-seven States where women are eligible, seventeen besides Florida, as well as the District of Columbia, have accorded women an absolute exemption based solely on their sex, exercisable in one form or another.[6] In two of these States, as in Florida, the exemption is automatic, unless a woman volunteers for such service.[7] It is true, of course, that Florida could have limited the exemption, as some other States have done, only to women who have family responsibilities.[8] But we cannot regard it as irrational for a state legislature to consider preferable a broad exemption, whether born of the State's historic public policy or of a determination that it would not be administratively feasible to decide in each individual instance whether the family responsibilities of a prospective female juror were serious enough to warrant an exemption.

Likewise we cannot say that Florida could not reasonably conclude that full effectuation of this exemption made it desirable to relieve women of the necessity of affirmatively claiming it, while at the same time requiring of men an assertion of the exemptions available to them. Moreover, from the standpoint of its own administrative concerns the State might well consider that it was "impractical to compel large numbers of women, who have an absolute exemption, to come to the clerk's office for examination since they so generally assert their exemption." *Fay* v. *New York*, *supra*, at 277; compare 28 U.S.C. § 1862; H. R. Rep. No. 308, 80th Cong., 1st Sess. A156 (1947).[9]

Appellant argues that whatever may have been the design of this Florida enactment, the statute in practical operation results in an exclusion of women from jury service, because women, like men, can be expected to be available for jury service only under compulsion. In this connection she points out that by 1957, when this trial took place, only some 220 women out of approximately 46,000 registered female voters in Hillsborough County—constituting about 40 per cent of the total voting population of that county[10]—had volunteered for jury duty since the limitation of jury service to males, see *Hall* v. *Florida*, 136 Fla. 644, 662–665, 187 So. 392, 400–401, was removed by § 40.01(1) in 1949. Fla. Laws 1949, c. 25,126.

This argument, however, is surely beside the point. Given the reasonableness of the classification involved in § 40.01 (1), the relative paucity of women jurors does not carry the constitutional consequence appellant would have it bear. "Circumstances or chance may well dictate that no persons in a certain class will serve on a particular jury or during some particular period." *Hernandez* v. *Texas*, *supra*, at 482.

We cannot hold this statute as written offensive to the Fourteenth Amendment.

II

Appellant's attack on the statute as applied in this case fares no better.

In the year here relevant Fla. Stat., 1955, § 40.10 in conjunction with § 40.02 required the jury commissioners, with the aid of the local circuit court judges and clerk, to compile annually a jury list of 10,000 inhabitants qualified to be jurors. In 1957 the existing Hillsborough County list had become exhausted to the extent of some 3,000 jurors. The new list was constructed by taking over from the old list the remaining some 7,000 jurors, including 10 women, and adding some 3,000 new male jurors to build up the list to the requisite 10,000. At the time some 220 women had registered for jury duty in this county, including those taken over from the earlier list.

The representative of the circuit court clerk's office, a woman, who actually made up the list testified as follows as to her reason for not adding others of the 220 "registered" women to the 1957 list: "Well, the reason I placed ten is I went back two or three, four years, and noticed how many women they had put on before and I put on approximately the same number." She further testified: "Mr. Lockhart [one of the jury commissioners] told me at one time to go back approximately two or three years to get the names because they were recent women that had signed up, because in this book [the female juror register], there are no dates at the beginning of it, so we can't—I don't know exactly how far back they do go and so I just went back two or three years to get my names." When read in light of Mr. Lockhart's testimony, printed in the margin,[11] it is apparent that the idea was to avoid listing women who though registered might be disqualified because of advanced age or for other reasons.

Appellant's showing falls short of giving this procedure a sinister complexion. It is true of course that the proportion of women on the jury list (10) to the total of those registered for such duty (some 220) was less than 5%, and not 27% as the trial court mistakenly said that the state appellate court may have thought. But when those listed are compared with the 30 or 35 women who had registered since 1952 (note 11, p. 66) the proportion rises to around 33%, hardly suggestive of an arbitrary, systematic exclusionary purpose. Equally unimpressive is appellant's suggested "male" proportion which we are asked to contrast with the female percentage. The male proportion is derived by comparing the number of males contained on the jury list with the total number of male electors in the county. But surely the resulting proportion is meaningless when the record does not even reveal how many of such electors were qualified for jury service, how many had been granted exemptions (notes 3 and 4, p. 61), and how many on the list had been excused when first called. (*Id.*)

This case in no way resembles those involving race or color in which the circumstances shown were found by this Court to compel a conclusion of purposeful discriminatory exclusions from jury service. *E.g.*, *Hernandez* v. *Texas*, *supra*; *Norris* v. *Alabama*, 294 U.S. 587; *Smith* v. *Texas*, 311 U.S. 128; *Hill* v. *Texas*, 316 U.S. 400; *Eubanks* v. *Louisiana*, 356 U.S. 584. There is present here neither the unfortunate atmosphere of ethnic or racial prejudices which underlay the situations depicted in those cases, nor the long course of discriminatory administrative practice which the statistical showing in each of them evinced.

In the circumstances here depicted, it indeed "taxes our credulity," *Hernandez* v. *Texas*, *supra*, at 482, to attribute to these administrative officials a deliberate design to exclude the very class whose eligibility for jury service the state legislature, after many years of contrary policy, had declared only a few years before. (See p. 64, *supra*.) It is sufficiently evident from the record that the presence on the jury list of no more than ten or twelve women in the earlier years, and the failure to add in 1957 more women to those already on the list, are attributable not to any discriminatory motive, but to a purpose to put on the list only those women who might be expected to be qualified for service if actually called. Nor is there the slightest suggestion that the list was the product of any plan to place on it only women of a particular economic or other community or organizational group. Cf. *Thiel* v. *Southern Pacific Co.*, 328 U.S. 217; *Glasser* v. *United States*, 315 U.S. 60, 83–87. And see also *Fay* v. *New York*, *supra*, at 287.

Finally, the disproportion of women to men on the list independently carries no constitutional significance. In the administration of the jury laws proportional class representation is not a constitutionally required factor. See *Akins* v. *Texas*, 325 U.S. 398, 403; *Cassel* v. *Texas*, 329 U.S. 282, 286–287; *Fay* v. *New York*, *supra*, at 290–291.

Finding no substantial evidence whatever in this record that Florida has arbitrarily

undertaken to exclude women from jury service, a showing which it was incumbent on appellant to make, *Hernandez* v. *Texas, supra*, at 479–480; *Fay* v. *New York, supra*, at 285, we must sustain the judgment of the Supreme Court of Florida. Cf. *Akins* v. *Texas, supra*.

Affirmed.

THE CHIEF JUSTICES, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS, concurring.

We cannot say from this record that Florida is not making a good faith effort to have women perform jury duty without discrimination on the ground of sex. Hence we concur in the result, for the reasons set forth in Part II of the Court's opinion.

FOOTNOTES

[1] Jurors must be: "persons over the age of twenty-one years, who are citizens of this state, and who have resided in the state for one year and in their respective counties for six months, and who are duly qualified electors of their respective counties . . . ."

[2] From the First Judiciary Act of 1789, § 29, 1 Stat. 73, 88, to the Civil Rights Act of 1957, 71 Stat. 634, 638, 28 U.S.C. § 1861—a period of 168 years—the inclusion or exclusion of women on federal juries depended upon whether they were eligible for jury service under the law of the State where the federal tribunal sat. See *Ballard* v. *United States*, 329 U.S. 187, 191–192; *Glasser* v. *United States*, 315 U.S. 60, 64–65. By the Civil Rights Act of 1957 Congress made eligible for jury service "Any citizen of the United States," possessed of specified qualifications, 28 U.S. § 1861, thereby for the first time making qualifications for federal jury service wholly independent of those prescribed by state law. The effect of that statute was to make women eligible for federal jury service even though ineligible under state law. See *United States* v. *Wilson*, 158 F. Supp. 442 aff'd, 255 F. 2d 686. There is no indication that such congressional action was impelled by constitutional considerations. Cf. *Fay* v. *New York, supra*, at 290.

[3] Men may be exempt because of age, bodily infirmity, or because they are engaged in certain occupations. Fla. Stat., 1959, § 40.08.

[4] Under Fla. Stat., 1959, § 40.12, every person claiming an exemption, other than as provided with respect to women in § 40.01 (1), must file, annually, before December 31 with the clerk of the circuit court an affidavit of exemption and the grounds on which such claim is based. The affidavit is forwarded to the jury commissioners, who, if the affidavit is found sufficient, then omit the affiant from the jury list for the succeeding calendar year. In case exemption is denied, the claim to it may be renewed in any court in which the affiant is summoned as a juror during that year. The exemption for such year is lost, however, by failure to file the required affidavit before the end of the preceding year.

[5] *Alabama*, Ala. Code, 1940 (Recompiled Vol. 1958), Tit. 30, § 21; *Mississippi*, Miss. Code Ann., 1942 (Recompiled Vol. 1956), § 1762; *South Carolina*, S.C. Code, 1952, § 38–52.

[6] *Alaska*, Alaska Comp. Laws Ann., 1949, § 55–7–24 Eighth; *Arkansas*, Ark. Stat., 1947, § 39–112; *District of Columbia*, D.C. Code, 1961, Tit. 11, § 1418; *Georgia*, Ga. Code Ann., 1933 (Supp. 1958), § 59–124; *Idaho*, Idaho Code, 1948, § 2–411 and (Supp. 1961) § 2–304; *Kansas*, Kan. Gen. Stat., 1949, § 43–116, § 43–117; *Louisiana*, La. Rev. Stat., 1950, § 15:172.1; *Minnesota*, Minn. Stat. Ann., 1947, § 593.04; (Supp. 1960) § 628.49; *Missouri*, Mo. Const., Art. I, § 22 (b); *Nevada*, Nev. Rev. Stat., 1957, § 6.020 (3); *New Hampshire*, N.H. Rev. Stat. Ann., 1955, § 500.1; *New York*, McKinney's N.Y. Laws, Judiciary Law (Supp. 1961), § 507 (7); *North Dakota*, N.D. Cent. Code, 1960, § 27–09–04; *Rhode Island*, R.I. Gen. Laws, 1956, § 9–9–11; *Tennessee*, Tenn. Code Ann., 1955, § 22–101, § 22–108; *Virginia*, Va. Code, 1950 (Replacement Vol. 1957, Supp. 1960), § 8–178 (30); *Washington*, Wash. Rev. Code, 1951, § 2.36.080; *Wisconsin*, Wis. Stat. Ann., 1957, § 6.015 (2).

In twenty-one States women, generally speaking, are eligible for jury service on the same basis and considerations as men: *Arizona*, Ariz. Rev. Stat. Ann., 1956, § 21–202, § 21–336; *California*, Calif. Code Civ. Proc., 1954, § 198, § 200, § 201; *Colorado*, Colo. Rev. Stat., 1953, § 78–1–1 (2), § 78–1–3, § 78–1–7; *Delaware*, Del. Code. Ann., 1953, Tit. 10, § 4504; *Hawaii*, Hawaii Const., Art. I, § 12; Hawaii Rev. Laws, 1955, § 221–3, § 221–4; *Illinois*, Smith-Hurd's Ill. Ann. Stat., 1935 (Supp. 1960), c. 78, § 4; *Indiana*, Burns' Ind. Ann. Stat., 1933 (Replacement Vol. 1946; Supp. 1961), § 4–3317; *Iowa*, Iowa Code Ann., 1950, § 607.2, § 607.3; *Kentucky*, Ky. Rev. Stat., 1960, § 29.035; *Maine*, Me. Rev. Stat., 1954, c. 116, § 7; *Maryland*, Michie's Md. Ann. Code, 1957, Art. 51, § 3 and (Supp. 1961) Art. 51, § 8 (women still have an absolute exemption in four counties); *Michigan*, Mich. Stat. Ann., 1938 (Supp. 1959), § 27.263, § 27.264; *Montana*, Mont. Rev. Code Ann., 1947, § 93–1304, § 93–1305; *New Jersey*, N. J. Stat. Ann., 1952 (Supp. 1960), § 2A:69–1, § 2A:69–2; *New Mexico*, N. M. Stat. Ann., 1953, § 19–1–2, § 19–1–31; *Ohio*, Page's Ohio Rev. Code. Ann., 1954, § 2313.12, § 2313.16; *Oregon*, Ore. Rev. Stat., 1959, § 10.040, § 10.050; *Pennsylvania*, Purdon's Pa. Stat. Ann., 1930, Tit. 17, § 1279, § 1280; *South Dakota*; S. D. Code, 1939 (Supp. 1960), § 32.1001, § 32.1002; *Vermont*, Vt. Stat. Ann., 1958, Tit. 12, § 1410; *West Virginia*, W. Va. Code, 1955 (Supp. 1960), § 5262.

[7] *Louisiana*, La. Rev. Stat., 1950, § 15:172.1; *New Hampshire*, N. H. Rev. Stat. Ann., 1955, § 500:1.

[8] In eight States women may be excused if they have family responsibilities which would make jury service an undue hardship: *Connecticut*, Conn. Gen. Stat. Rev., 1958, c. 884, § 51–218; *Massachusetts*, Mass. Gen. Laws Ann., 1959, c. 234, § 1, § 1A; *Nebraska*, Neb. Rev. Stat., 1943 (Reissue Vol. 1956), § 25–1601.01, § 25–1601.02; *North Carolina*, N. C. Gen. Stat., 1943 (Recompiled Vol. 1953; Supp. 1959), § 9–19; *Oklahoma*, Okla. Stat. Ann., 1951 (Supp. 1960), Tit. 38, § 28; *Texas*, Vernon's Tex. Rev. Civ. Stat., 1926 (Supp. 1960), Art. 2135; *Utah*, Utah Code Ann., 1953, § 78–46–10 (14); *Wyoming*, Wyo. Comp. Stat., 1945 (Supp. 1957), § 12–104.

[9] 28 U.S.C. § 1862 exempts from federal jury duty those in active service in the armed forces, members of federal or local police and fire departments, and certain actively engaged federal, state and local public officials. The House Report on the bill states:

"This section [§ 1862] makes provision for specific exemption of classes of citizens usually excused from jury service in the interest of the public health, safety, or welfare. The inclusion in the jury list of persons so exempted usually serves only to waste the time of the court."

[10] 114,247, of which some 68,000 were men.

[11] Mr. Lockhart testified:

"Q. All right. Now, getting back to March 8, 1957, how many eligible female women were registered in that book?

"A. Well, I don't know how many were qualified, but they have the names on there of about 220.

"Q. Approximately 220?

"A. As I say, from 1952, on, since I went back on the second time, there has only been about 35 that has registered with the Clerk of the Circuit Court.

"Q. All right, sir. Now, were there any eligible female names left off of this jury list which you've prepared?

"A. There probably were.

"Q. On March 8, 1957?

"A. From the last four years, we have been averaging about ten to twelve on each list.

"Q. All right. Why is that, Mr. Lockhart?

"A. Because since 1952, there has only been about 30, 35 that's qualified to, I mean, went down and registered for jury duty. You don't have much to choose from.

"Q. Well, now, how do you select women's names from that registration book?

"A. Well, we just have to take the names on there, that's all.

"Q. Well, you've used some system with reference to that book, do you not?

"A. Well, we try to check them through. They did before this last year. I tried to check them through the City Directory. You'll find that a good many of the women folks now are over 65. In fact, one of them is approximately eighty.

"Q. What I am trying to get at, Mr. Lockhart, is this. If there were only ten women's names, as you testified, went into the present jury list and there were at the time about 220 eligible women who had registered for jury service, why the difference between ten and 220 which were apparently eligible?

"A. Well, they have been put over a spread of years.

"Q. Well, how do you do that?

"A. Well, every year, there is a new jury list and we put on ten or twelve every jury list. In fact, along seven or eight years ago, it was pretty hard to see whether—the status changed so rapidly, it was pretty hard to know whether they would be qualified or not.

"Q. Would I be correct, then, in saying that you omitted approximately 210 eligible women's names when you compiled this list?

"A. I wouldn't say they were eligible because we didn't check them. We don't check every name on the registration books.

"Q. I'm talking about the registration book in the Clerk of the Circuit Court's office, Mr. Lockhart, where the women are required to come there and register for jury duty?

"A. You can say it's 220 names on that book. There is.

"Q. All right. If there are 220 eligible women on that book—

"A. I don't know if they are eligible or not.

"Q. What I want to know, then, is why you picked just ten out of that 220 to go into this jury list?

"A. Well, we picked—we have average, for the last four years, ten to twelve on each list.

"Q. Mr. Lockhart, in making up this list, jury list, from which the present panel was drawn, did you attempt to comply with Florida Statute, Section 40.01, sub-section (1), in making up that list?

"A. Would you mind reading it to me?

"Q. Well, that's the Statute, Mr. Lockhart, governing the qualifications for jurors and I will read it, if you like. (§ 40.01 read.) Now, what I am asking, Mr. Lockhart, is, did you purport to comply with that statute when you prepared this jury list?

"A. Yes, sir.

"Q. All right. Did you put in this list on March 8, 1957, any women or female's names who were registered voters but who had not registered with the Clerk of the Circuit Court?

"A. If it was there, we didn't intend to. We checked the registration. The law requires that to be on registration.

"Q. In other words, you would say that you did not?

"A. Yes. That's right. I doubt what, with that small number of names. They were checked with the registration office."

Mr. ERVIN. Mr. President, what did the Hoyt case hold? The Hoyt case held that, under the equal protection clause of the 14th amendment, every State law which makes any legal distinction between men and women is unconstitutional unless it is based on some reasonable classification.

Stating the proposition in another way, the Hoyt case held that the equal protection clause of the 14th amendment invalidates every State law that

treats men and women differently unless the difference in treatment is based upon some reasonable classification.

The Supreme Court pointed out in the Hoyt case that the laws of Florida did not exclude women from service upon grand and petit juries in that State; that the laws of Florida made both men and women eligible to serve upon grand and petit juries in the courts of Florida; that the laws of Florida did make a legal distinction between men and women in respect to their obligation—not their eligibility, but their obligation—to serve on grand and petit juries in the courts of the State; that this distinction lay in the fact that the laws of Florida provided that no woman should be compelled to serve upon a jury unless she notified the appropriate clerk of the court having jurisdiction in the area of her residence that service on the jury was compatible with her other obligations; that in the event she so advised the clerk of the court, she would be summoned to serve on grand and petit juries just as men were summoned; and that this difference in treatment of men and women in respect of jury service was reasonable because it took into consideration certain functional differences made by nature and society between men and women.

Some of the proponents of the pending amendment deplore this decision. This attitude rises out of the fact that there seems to be quite a difference of opinion between some of the proponents of the amendment, and those women who have assumed voluntarily the role of wives or the role of mothers, and those women who have assumed involuntarily, on account to their economic status, the role of workers in industry, and those women who have involuntarily assumed, by reason of the deaths of their husbands, the role of widows.

Under Florida laws, any business or professional woman is perfectly free to inform the clerk of the court of the jurisdiction in which she resides that service upon State juries will not conflict with her personal obligations, and thereby make it obligatory for herself to serve upon such juries in the same manner in which men are required to serve on such juries. Why the proponents of the amendment insist that homemakers should be compelled by law to leave their homes to serve on juries, that mothers should be compelled by law to neglect their children to serve on juries, and that working women should be compelled by law to leave their jobs to serve on juries, and why widows should be compelled by law to do their bidding, in this respect, is something I am incapable of comprehending.

It may be that in their view the courthouse has become more important than the home, and that in consequence they disagree with this observation made by the Supreme Court of the United States in the Hoyt case:

> In neither respect can we conclude that Florida's statute is not "based on some reasonable classification," and that it is thus infected with unconstitutionality. Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life. We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duties of jury service unless she herself determines that such service is consistent with her own special responsibilities.
>
> Florida is not alone in so concluding. Women are now eligible for jury service in all but three States of the Union. Of the forty-seven States where women are eligible, seventeen besides Florida, as well as the District of Columbia, have accorded women an absolute exemption based solely on their sex, exercisable in one form or another. In two of these States, as in Florida, the exemption is automatic, unless a woman volunteers for such service. It is true, of course, that Florida could have limited the exemption, as some other States have done, only to women who have family responsibilities. But we cannot regard it as irrational for a state legislature to consider preferable a broad exemption, whether born of the State's historic public policy or of a determination that it would not be administratively feasible to decide in each individual instance whether the family responsibilities of a prospective female juror were serious enough to warrant an exemption.
>
> Likewise we cannot say that Florida could not reasonably conclude that full effectuation of this exemption made it desirable to relieve women of the necessity of affirmatively claiming it, while at the same time requiring of men an assertion of the exemptions available to them. Moreover, from the standpoint of its own administrative concerns the State might well consider that it was "impractical to compel large numbers of women, who have an absolute exemption, to come to the clerk's office for examination since they so generally assert their exemption."
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> * * * * *
>
> Appellant argues that whatever may have been the design of this Florida enactment, the statute in practical operation results in an exclusion of women from jury service, because women like men, can be expected to be available for jury service only under compulsion.

That last statement represents the attitude and reveals the reason why some militant proponents of the pending amendment want to compel all women to have to serve on juries, why they want homemakers to have to leave their homes and go to the courthouse for jury services, and why they want mothers to have to forsake their children and go to the courthouse, either to serve on juries or to ask the court for an excuse from service for their children's benefit.

The Supreme Court pointed out that 17 States have laws of this nature, and I would predict that the proponents of this amendment are not going to be very successful in persuading the legislatures of those 17 States to ratify an amendment which would outlaw their handiwork in enacting jury laws of this nature, and which would forever prohibit them, at any time in the future, from enacting any laws which take into consideration that there are functional differences between men and women which justify legislative bodies to make distinctions of the kind made in the Florida jury laws.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. BAYH. I have listened with a great deal of interest to the usual eloquence of my friend from North Carolina. I should like to make just one brief observation: I take issue with the Supreme Court's decision in Hoyt not because it protects women from being required to serve on juries against their will but, rather, because that even women who want to serve on juries, women who want to take advantage of their constitutional right, have to go to special pains in order to serve under the Florida statute. The Florida statute at issue in Hoyt did not require that a woman could be excused by saying, "I object. Remove me from this obstacle." Quite the contrary, the Florida statute said that any woman who wanted to serve on a jury had to leave her home or business and "register" with the clerk of court. I think this is wrong.

Mr. ERVIN. The Senator from Indiana is absolutely wrong as to what the statute requires. It does not say that she has to leave her home and go to the court. She can use her finger to dial the clerk's office and tell him over the telephone that she wants to serve, and it will not take more than 30 seconds to do it. All she need say is, "I am longing to serve on the jury."

Mr. BAYH. She has to make a special effort.

Mr. ERVIN. That is a terrible effort, is it not?

Mr. BAYH. Why should she not be treated as men, equally, under this particular statute?

Mr. ERVIN. Because there is an old Spanish proverb which says that an ounce of mother is worth a pound of priest. She should not be required to leave her children, who need her far more than the court does.

Mr. BAYH. It seems to me that if the Senator from North Carolina is going to be consistent—and he usually is—the proper statute would say that that woman could dial the telephone and say, "Relieve me from the burden of serving." Why should she have to telephone and say, "Treat me like a first-class citizen; stop treating me like a second-class citizen"?

Mr. ERVIN. This statute says, "Treat me like a mother, whose first obligation is to her children." That is what the statute says. It treats her like a mother.

Mr. BAYH. Mothers also happen to be citizens; and I do not see why they should be treated different from men conditions at home allow them to serve. Yet the Florida statute does this, and the Supreme Court has sustained it.

Mr. ERVIN. The Florida statute says to a mother, "If you feel that serving on a jury is consistent with the performance of your duty as a mother, all you have to do is to dial the clerk of the court and tell him so, and then you will be summoned to leave your children and serve on the jury." It gives the mother an option. But the statute recognizes that there are persons above all others whom the Lord God Almighty appointed to look after their little children during their maturing years. In effect, the Florida Legislature says to mothers. "You can be the judge of whether or not you want to serve on a jury and whether or not you think your service on the jury will be consistent with your duties as a mother. If so, then you can serve, and all you have to do is to dial the clerk's office and tell him so."

I believe in doing something special for mothers. The Senator from Indiana may believe that mothers should be treated just like everybody else, but I do not believe that, because I find a response in my heart for these words of Rudyard Kipling:

If I were hanged on the highest hill,
Mother o' mine, O mother o' mine!
I know whose love would follow me still,
Mother o' mine, O mother o' mine!

If I were damned of body and soul,
I know whose prayers would make me whole,
Mother o' mine, O mother o' mine!

I disagree fundamentally with my friend, the distinguished Senator from Indiana. I believe in giving a little special consideration to the mothers of our Nation. I do not believe I would want to classify them with the general run of society and drag them to the court houses to serve on juries when they feel that their duty is to their children whom the good Lord has given them.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BAYH. Perhaps the great poet Kipling would turn over in his grave at this thought. But if we are going to be consistent, he ought to add one more line to that marvelous verse, which would read something like this:

If I would serve in the court house tall,
I would have to give the clerk a call.

In other words, if I am a mother or if I am a woman, I am going to have to do something special in order to have the chance to serve on a jury.

I suggest to the Senator from North Carolina that the Senator from Indiana has as much love for his mother and respect for motherhood as anybody else. But no one should be relegated to second-class citizenship just because one is a mother. If she wants to serve on a jury, she should not have to go to the special effort which the Florida statute requires.

Mr. ERVIN. When I think of the tears mothers shed for us and the prayers they utter for us and the love they extend to us, I am not much impressed by the concern of the Senator from Indiana that it is a great imposition to a mother who would rather serve on a jury than look after her children to require her to dial a telephone and tell the clerk of the court that she thinks she ought to be compelled to serve on a jury even if she has to neglect her children.

Mr. BAYH. I appreciate the Senator from North Carolina yielding to me.

What we are trying to stress in this equal rights amendment is as much symbolic as it is real. It deals not only with statutes like that in Florida but also with the fact that, according to the Supreme Court of the United States, when Hoyt was decided, there were still three States that would not let women serve on juries at all. Today women are doing the same kind of work but receiving significantly less than men. There are still institutions of higher learning which require girl students to score significantly higher on entrance tests before they will let them in. Some States today require women, even if they are the sole support of their children, to get court orders before they can go into business. The amendment deals with this type of problem, our treating women as second-class citizens.

Mr. ERVIN. I would say to the Senator from Indiana that if he objects only to the jury laws of three States, he should work on the State legislatures which enacted those laws to get them to repeal those laws and get them to make women eligible for jury service, instead of advocating a constitutional amendment to drag mothers to the courthouse in legal chains, against their will to the neglect of their children. I submit that such a course of action would be preferred above imposing upon mothers of the other 47 States burdens they deem incompatible with their duty to provide nurture for their small children.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. COOK. Will the Senator explain to me, with more than 30 million women in the United States working every day, why a man who is tapped to serve on jury duty receives far less compensation to serve on the jury than he takes home from his work, while the more than 30 million American women who work do not have to be worried about that? They can stay right there, unless they want to take a reduction in their daily salary, and then they can go to the courthouse and say, "I'm a working mother"—or a working woman—"and I want my name on the list; and if you want to call me, go ahead." Otherwise, every man is eligible to serve and must serve, even if he is the one and only breadwinner, and he is asked to serve for $5 a day or $7.50 a day. Yet the 30-odd million women who work in the United States need not have that problem to face.

Mr. ERVIN. I would suggest to the Senator from Kentucky that he ask that question of the President of the National Council of Negro Women, the vice president of the United Farm Workers Organizing Committee, the former Director of the Women's Bureau of the U.S. Department of Labor——

Mr. COOK. I thought the Senator would give me the answer.

Mr. ERVIN. Just a minute—or the executive director of the National Council of Catholic Women, or the former chairman of the California Advisory Commission on the Status of Women, or the general secretary of the National Consumers League, or the former administrator of the Social Rehabilitation Service of the U.S. Department of HEW, or the former member of the President's Commission on the Status of Women, and all the other women whose names I have mentioned as being strong opponents of this proposal.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous agreement, the time has now arrived to consider the question of agreement to the amendment of the Senator from Alabama (Mr. ALLEN), which was modified, and when reprinted as modified was printed as amendment No. 1047, which the clerk will state.

The assistant legislative clerk read the amendment as follows:

On page 1, line 3, beginning with the word "That" strike out everything down through line 7 and insert in lieu thereof the following: "That the articles set forth in sections 2 and 3 of this joint resolution are proposed as amendments to the Constitution of the United States, and either or both aricles shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after being submitted by the Congress to the States for ratification.".

On page 1, between lines 7 and 8, insert the following:

"SEC. 2. The first article so proposed is the following:".

On page 2, after line 7, insert the following:

"SEC. 3. The second article so proposed is the following:

"ARTICLE —

"A State shall have the absolute right to assign students to the public schools it operates by a freedom of choice system. A freedom of choice system means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races, creeds, and national origins, and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings."

The ACTING PRESIDENT pro tempore. The time for the consideration of this amendment is controlled. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 7 minutes.

Mr. COOK. Mr. President, will the Senator from Alabama yield me 30 seconds?

Mr. ALLEN. I yield.

Mr. COOK. Mr. President, I ask unanimous consent to have printed in the RECORD a list of more than 50 organizations in Government, labor, and lay professional, and international organizations which support the proposed equal rights amendment to the Constitution, and which have complete understanding of the current problem.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUPPORT OF THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION

(Compiled by National Woman's Party)

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

GOVERNMENTAL

Citizens Advisory Council on the Status of Women (Appointed by President Nixon Aug. 1969).

Task Force on Women's Rights and Responsibilities (Appointed by President Nixon Oct. 1969).

The United States Department of Labor—State of Support made by the Honorable James Day Hodgson, Secretary of Labor, on June 12, 1970.

Women's Bureau of the United States Department of Labor.

Eighty-one Senators and 273 Members of the House have officially sponsored the proposed Equal Rights Amendment in the present Congress (91st). The Senate Subcommittee on Constitutional Amendments reported this amendment favorably on July 28, 1970.

LABOR

American Newspaper Guild—Affiliate of the AFL–CIO.
International Brotherhood of Teamsters.
International Brotherhood of Painters and Allied Trades.
National Association of Railway Business Women.
United Automobile Workers (UAW).

LAY AND PROFESSIONAL (NATIONAL)

American Association of Women Ministers.
American Federal of Soroptimist Clubs.
American Federation of Teachers—Affiliate of the AFL–CIO.
American Medical Women's Association.
American Women's Society of Certified Public Accountants.
American Society of Women Accountants.
Americans for Democratic Action.
Association of American Women Dentists.
B'nai B'rith Women.
Ecumenical Task Force on Women and Religion (Catholic Caucus).
General Federation of Women's Clubs.
Iota Tad Tau Legal Sorority.
Ladies Auxiliary of Veterans of Foreign Wars.
Ladies of the Grand Army of the Republic.
League for American Working Women.
Liberation Movement of Women.
Mary Ball Washington Association of America.
National Association of Colored Women.
National Association of Women Deans and Counselors.
National Association of Women Lawyers.
National Council of Women Chiropractors.
National Education Association (NEA).
National Federation of Business and Professional Women's Clubs, Inc.
National Federation of Republican Women.
National Grange.
National Organization for Women (NOW).
National Woman's Party.
Order of Women Legislators.
Osteopathic Women's National.
Secretarial—Alpha Iota Sorority.
St. Joan's International Alliance—U.S. Section.
The National Council of Women—Affiliated with International Council.
Unitarian Universalist Women's Federation.
Women Investors and Shareholders, Inc.
Women Theologians and the Coalition of American Nuns.
Women's Auxiliary to American Osteopathic Association.
Women's Auxiliary to the National Chiropractic Association.
Women's Christian Temperance Union.
Women's Circle, Woodmen of the World.
Women's Committee on Freedom in the Church—National Association of Laymen.
Women's Equity Action League (WEAL).
Women's International League for Peace and Freedom (Founded by Jane Adams).
Women's Joint Legislative Committee for Equal Rights.

Support of the proposed amendment comes from many sources. The women supporting the proposed Equal Rights Amendment, especially through Democratic and Republican women's groups, comprise a very large part of the women of America.

Mr. ALLEN. Mr. President, in offering the amendment, there is no disposition on the part of the Senator from Alabama to interfere in any way with a final vote on House Joint Resolution 264, the equal-rights-for-women amendment.

In March of last year, the junior Senator from Alabama introduced Senate Joint Resolution 80, which provides for submitting a constitutional amendment that would have the effect of returning the public schools of the Nation to State and local governments. That amendment has reposed in the Subcommittee on Constitutional Amendments for more than 18 months, from March 1969 up to the present time.

Thus, on Thursday last, when amendment No. 1042 was submitted by the junior Senator from Alabama, it was his hope that we would add this amendment to the amendment sought to be submitted by House Joint Resolution 264. It would be an additional amendment to be submitted by the same measure and would in no way supplant or be in lieu of the equal-rights-for-women provision.

There is no need to have 100 separate resolutions in order to submit 100 separate constitutional amendments. It would be possible, theoretically, to submit by the same measure two, four, ten, a dozen, or a hundred proposed constitutional amendments. So there is no disposition on the part of the junior Senator from Alabama to hold up a vote on the main question. He merely seeks to have a vote on this great school issue.

On the last legislative day, Friday of last week, the junior Senator from Alabama offered a modification of his amendment. It has been printed as amendment No. 1047. Actually it is not a separate amendment. It is the same amendment which has been modified. Instead of providing for a complete return of the schools to the States and for supplanting the Federal courts with State courts as the final arbiter of rights, privileges, and immunities of citizens with respect to school matters, it provides for leaving jurisdiction with the Federal courts, with the Supreme Court to be the final arbiter. But the modification does allow a State the absolute right to set up a freedom-of-choice system for the operating and management of its public schools.

Mr. President, the Supreme Court of the United States has not held that freedom of choice plans are, per se, unconstitutional. It has held in at least one case that where the freedom of choice plan did not result in the degree of desegregation, that degree being unspecified, but the degree of desegregation that the Supreme Court thought should take place, then that plan was stricken down. But freedom-of-choice plans as such have not been ruled unconstitutional by the Supreme Court of the United States.

Mr. President, all the amendment would do would be to send out to the States, along with the equal rights for women amendment, an amendment providing for freedom of choice—yes, equal rights—for school children, as well as equal rights for women. The number of States that the consideration of the respective amendments by the States would not be in any way connected. In other words, all States might ratify the equal rights for women amendment and it would become a part of the Constitution, having been ratified. But that would have no effect on the freedom-of-choice amendment. That would have to stand on its own and receive the approval of 38 States.

This is not a sectional issue. It would provide any State in the Union with the right to set up a freedom of choice plan.

We need this amendment in Alabama and the South to allow us to have the same rights, privileges, and immunities in Alabama and the South that are now enjoyed in other sections of the country. So it would take the express authorization of 38 States of the Union for this freedom-of-choice option on the part of the States to become a part of the Constitution. It would not be a sectional matter, it would require a three-fourths majority of the States. It would not require any State to institute a freedom-of-choice plan. It would allow the freedom-of-choice plan, as defined in the modification, to be set up by any State that saw fit so to do. Then the Federal court, with the Supreme Court being the final arbiter, would then have jurisdiction to determine whether in its application a true freedom of choice is being provided.

It would in no way interfere with the jurisdiction or the role of final arbiter of the Supreme Court.

Mr. President, I hope that the amendment will be adopted and that it will become part of House Joint Resolution 264, and that, by a two-thirds vote, both amendments to House Joint Resolution 264 will be submitted by the Congress to the States and that at least 38 of the States will ratify both amendments.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield 10 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, as one might expect, I am certainly vitally interested in this amendment or anything closely akin to it. I am satisfied, based on the experience of the last several years, this matter, being a political question to the extent it is, the legislative branch is not going to make any clear-cut decision about it for several years to come. I do not think the executive branch of the Government will make a clear-cut decision about it for several years to come, either.

I think the most direct way is for Congress to submit a constitutional amendment and, since it will require ratification by 38 States, let the people of those States through their legislatures be heard on the matter.

This amendment is very simple in that it does not interfere with or restrict the jurisdiction of Federal courts. It merely provides for an amendment to the Constitution, if adopted by 38 States, that would afford a certain amount of freedom of choice with reference to our public school systems.

Mr. President, the end is not in sight on this subject. More must be said and must be done on the subject.

I have referred to the two branches of the Government, and I speak with great respect to the judicial branch. The Supreme Court of the United States has cases before it on this matter. But I do not think it will ever render a decision that carries a judicial enforcement and make it applicable to the States of the East, the North, and the West with anything like the severity with which it is enforced in the South at the present time.

The only real distinction is that for historical reasons our laws have been different. But those laws were only valid

until 1954, and they have been invalid since.

Mr. President, we heard a great deal about this subject several months ago when we had the debate on the matter. The Senate, by an overwhelming vote, called for the uniform application of one school desegregation policy throughout the Nation. A few weeks later, the conference committee—and I speak with all deference to the members of the committee—came back with a report that repudiated that formal vote of the Senate, though not in words. The report said that there was one policy applied uniformly in all regions of the Nation. However, section 2 of the report said that there were two policies, one applied uniformly to dejure segregation and another applied uniformly to de facto segregation.

I do not think it was by chance that very soon thereafter, almost on the same day, the executive branch of the Government announced a similar policy. They came out in writing and said they were going to have two policies, with uniform application of those two policies.

The Supreme Court has had four chances over the past several years to pass on de facto segregation. I pointed out those cases some time in May. I analyzed them at that time. Nothing has been disputed concerning my statement. The Supreme Court has absolutely refused to pass on any case, except those in the South. The Court will not rule on the question of whether so-called de facto segregation is legal or illegal.

Something must be done.

Since we had the matter under consideration before, there has been a recall petition filed in Michigan. I speak of Michigan in no way except in terms of laudation. The people there decided that they did not want busing. They drew up a recall petition against four members of the board. The board reversed its position before election. The people decided that they would go ahead with the election anyway, and voted all four members out. They said, in effect, that they would make an example of them, though the order had already been rescinded.

The State Legislature of California recently passed a law against busing for the purpose of creating racial balance in the schools. The Governor signed that law, just as Governor Rockefeller—another fine Governor, but a so-called liberal—signed a similar law passed by the New York State Legislature.

As far as I know, the Department of Justice has not done a thing in the world to have either of those laws set aside, although a private party did bring a suit in New York and had the law declared unconstitutional by a three-judge Federal court. But constitutional or unconstitutional, for the time being it represents the sentiment of those people in New York, California, and Michigan.

Mr. President, the rights of the parents, black and white, are not respected.

We have here a proposal by the Senator from Alabama that the rule already applied in the other States of the Nation, except in the South, be applied uniformly.

We are not asking for any favoritism. We plead that we be treated, through the amendment of the Senator from Alabama, as the other States are treated.

Mr. President, this is not the first time I have raised this issue. I know of no one who has successfully disputed it. With one exception, there has not been a single case by the Department of HEW or the Department of Justice which has proceeded to judgment outside of the South with reference to de facto segregation. That case was in Ferndale, Mich.

The case had been pending for years. It has been cited as evidence that they are trying to do something about the matter outside the South. The case finally came on for hearing before a hearing examiner who ruled that it was unlawful discrimination. However, they have been unable to get the Supreme Court to say that as yet. They have one single small case. I think there is also a case in New Jersey where the Department of Justice pushed them rather sharply and they agreed to a decree. But no adverse ruling, according to my records, has been applied outside of the South except in Ferndale, Mich.

As I say, this proposed constitutional amendment just makes legal the things that are being done now in these States outside of the South.

Mr. President, the amendment would have to be approved by 38 States. I am not being foolish on this subject. I will not be surprised if we do not get the required vote today.

I say in good faith and in all charity to our friends who represent States outside of our area of the country that if this enforcement ever hits them as it has hit us through mandates of the courts, and if it requires a pattern of conduct in their schools, as it has required in ours, they will come to those of us representing States in the South and ask us to give them support to help pass some kind of a proposed amendment like this.

When the quality of education is literally smothered to death in these other States, as it is now in the South, parents there will rise up and plague anyone who occupies a seat in this Chamber to the extent that he or she will feel moved to do something about it. So this subject is not going to die.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 additional minute.

Mr. STENNIS. I thank the Senator for extending my time. I will not pursue the matter further now except to emphasize that this amendment does not in any way restrict the jurisdiction or powers of the Federal courts. It really does not change the situation with respect to what is being practiced now in Indiana, Michigan, New York, Pennsylvania, New Jersey, and other States outside the South. That will not be denied. This double standard cannot possibly be defended on the floor of the Senate. The standard for those outside the South is one that they want to keep. No people can live under such a double standard and we will finally come to this amendment.

I thank the Senator.

Mr. ALLEN. Mr. President, I yield 5 minutes to the Senator from South Carolina, who is the cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, Thomas Jefferson, one of our greatest statesmen, believed that government should not be centralized, but rather should be divided among the States. He said:

> The way to have good and safe government is not to trust it all to one; but to divide it among the many, distributing to every one exactly the functions he is competent to do.
>
> Let the national government be entrusted with the defense of the nation, and its foreign and federal regulations; the state government with the civil rights, laws, police and administration of what concerns the state generally; the counties with the local concerns of the counties and each ward direct the interests within itself.
>
> It is by dividing and subdividing these republics, from the great national one down through all its subordinations, until it ends in the administration of every man's farm and affairs by himself; . . . that all will be done for the best.
>
> What has destroyed liberty and the rights of man in every government which has existed under the sun? The generalizing and concentrating all cares and powers into one body.

This philosophy was embodied in our Constitution in the form of the 10th amendment which reserves to the States all those powers not specifically delegated to the Federal Government.

However, the Federal judiciary, in a series of far-reaching decisions has twisted, shattered, and disregarded the clear meaning of the Constitution. These decisions plainly show that the courts have usurped the authority to legislate. It is elementary that it is the role of the Congress to write the laws and the duty of the courts to apply them as written. This principle applies to the Constitution as well as to statutes passed by Congress.

The amendment we are considering today, which provides that each State shall have sole and exclusive jurisdiction of the organization and administration of all public schools within each State, seeks to return to the individual States that power and authority which is theirs under the Constitution and which has been taken from them by the courts.

The present system of Federal control has caused disruption of our public schools and is cause for great alarm among all conscientious citizens. Every attempt to solve these problems has been struck down by the courts. The State of New York, in an attempt to provide a sound educational system, enacted a law which was a reaffirmation of the equal protection clause of the 14th amendment and was based on the premise that race should not be a factor in pupil assignment. The New York law said in part:

> No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving the equality in attendance . . . of persons of one or more particular race.

The law also provided that no parent or guardian shall be compelled to send their children to any school against their wishes. Furthermore, the law prohibited rezoning school districts for racial purposes.

This law allowed true freedom of choice and left the operation of the public schools to the local boards. While this law was in effect, the schools were operated in an efficient manner with no disruption or controversy. However, in an attempt to further bring the schools under Federal control, a three-judge Federal court held this law unconstitutional. This decision was unreaosnable and totally without legal fundation and is further evidence that the courts are more concerned with the loud cries of civil rights zealots who advocate a total and complete forced mixing of the races, than they are with quality education for our children.

The same set of events have been repeated in State after State throughout our country. To make matters worse, many Federal court decisions conflict with other decisions. Recently, three Federal district judges in Virginia handed down three different decisions concerning school desegregation. While the subject of these decisions was the same, the decisions went in three different directions. This example is not unique but has been replayed time and time again during the last 6 months. Such diversity of opinion and inconsistent action have severely weakened the integrity of our Federal judicial process and caused our people to lose faith in the system. Many of these decisions go much further than the requirements of the Congress or the Constitution.

The Congress has not required busing, yet some Federal judges insist upon massive busing. The Congress has not required a balancing of the races, yet some Federal judges insist upon a racial balance in each school. The Congress has not prohibited a school district from making student assignments on the basis of sex, yet lower Federal court decisions have done this.

Mr. President, in my judgment, the decisions of the Supreme Court are not only ridiculous and outside of the law, but they are totally inconsistent with each other. For example, in 1954 the Supreme Court ruled that students may not be assigned to schools on the basis of race. That is, a school board could not make a white child go to a particular school because he was white, and could not make a black child go to a particular school because he was black. Then, in 1968, the Supreme Court changed its mind and ruled that our local school boards, must assign students to schools on the basis of race. That is exactly what the Supreme Court said you could not do in 1954. If it was unconstitutional to assign students to school on the basis of race in 1954, it must also be unconstitutional to do it in 1968. Yet, the Supreme Court, in its majestic wisdom, held to the contrary.

This inconsistency exists in other areas which the Supreme Court has considered. For example, in the consideration of the first amendment, the Supreme Court took the language found there and interpreted it to mean that our schoolchildren cannot be allowed to bow their heads in a morning prayer. Almost in the same breath, the Supreme Court used this exact language to rule that smut peddlers had a right, under the Constitution, to distribute pornography to these same children.

Those who favor leaving major decisions that affect all Americans in the hands of nine men, are saying that they have no respect or faith in our form of government. Those who would oppose this amendment are telling the people that they, rather than the people, know what is best for the people.

Our form of government allows the people to make the laws, not a select group of judges and bureaucrats.

Mr. President, we are in the midst of a grave crisis. Immediate action should and indeed must be taken to restore the operation and control of our public school system to the people. President Nixon, with the full realization that our school system is disintegrating, has advocated that freedom of choice be implemented in the schools. Under freedom of choice every child may attend any school he or she voluntarily chooses. Nothing could be more fair or more just. The freedom of choice concept is based on one of the principles which is at the very foundation of this great country. That principle is that every person of every race is guaranteed the God-given right to choose and pursue his or her own individual course of action. However, after President Nixon stated that he supported freedom of choice, the Supreme Court virtually nullified the freedom of choice concept.

On March 24, 1970, in an atttempt to undo as much as possible the damage done by the Supreme Court, President Nixon announced that he favored the neighborhood school plan and said that he was opposed to forced busing to bring about a racial balance. This time, the long arm of the Federal Establishment came into play through the Department of Health, Education, and Welfare. This Federal agency refused to approve a number of school plans which were based on the neighborhood school concept. It is evident that HEW has certain personnel who are more concerned with imposing their personnel ideas on the Nation than with quality education for our children. They are going beyond the requirements of the law and are doing a great disservice to their country.

Mr. President, it is evident that our public school system is being destroyed by the Federal Establishment. Fortunately, we have before us today an amendment, which, if approved by the Congress, will provide the means for a workable public school system. Without this amendment, the prospects for the continued public education for our children is dim.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield myself 5 minutes.

Mr. President, the Senator from Mississippi has left the Chamber, but even in his absence, I would like to say for the record that some of the things the Senator from Mississippi has said over the last year have served an exemplary purpose. They have stirred the conscience of some of us who have long been deeply concerned over equal educational opportunity for all children throughout the country.

In a way, the amendment of our distinguished colleague, the Senator from Alabama (Mr. ALLEN), attempts to reawaken this stimulation of conscience. Some of the information made available by our colleague, the Senator from Mississippi, shows that in some areas we are applying two different standards.

The distinguished Presiding Officer, the Senator from Virginia (Mr. SPONG), has also made significant contributions and pointed out that we are applying two sets of rules. It has been pointed out that this has been the case in some areas of my home State. Frankly, I think it is wrong. I do not intend to condone second-class treatment of black children in my State any more than I would condone the second-class treatment of black children in any other State.

I for one feel we need to study the way educational opportunity is made available in all areas of our country. If there are places in the North where black, or brown, or yellow, or poor children are being denied full educational opportunity, as I personally feel there must be, then I think we need to rectify this serious grievance. We need to apply the same rule, north and south, east and west.

From a practical standpoint, I think, the Senator from Indiana needs to point out that we are now in the process of proposing a constitutional amendment concerning equal rights for both sexes.

Mr. STENNIS. Mr. President, before the Senator leaves that point, will he yield to me?

Mr. BAYH. I am glad to yield.

Mr. STENNIS. This is not a personal question. I have figures here that show a map of the operations in the Senator's State, where, for instance, we have a record of 49 schools where the Negro enrollment is 90 to 100 percent of the total enrollments, and 40 schools where the enrollment is 99 and 100 percent Negro. There are another 28 schools with a white enrollment of from 90.9 percent to 98.8 percent, and there are 869 Negroes attending these 28 schools, or about 4 percent of the enrollment.

My question is this. I am not blaming the Senator for this, but what have the Governors done, what have the State legislators done, and, if I may say, what has the Senator from Indiana done to try to do something to change this by law—through State law, now? I submit that just to say one disapproves of it is not enough. So is there more than that that has been done?

Mr. BAYH. Before the Senator from Mississippi came on the floor, I paid him tribute for the fact that he had pricked the conscience of some of us who live in the North. I also pointed out some misgivings of my own. We tend to be a bit hypocritical.

In all deference to the Senator from Mississippi, I must say that the specific figures he now quotes really do not go to the nub of the discrimination——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself 5 more minutes.

I publicly suggested, in the hearings of the Select Committee on Equal Educational Opportunity held under the able leadership of our colleague from Minnesota, that some school systems go beyond the traditional distinction between de jure and de facto. I really do not have time to discuss that particular point at this time, but I think we have some examples in Indiana where, despite the general adherence to the neighborhood school concept, black children have been bused past white schools and white children have been bused past black schools. That is wrong. I do not condone it. I have supported on every occasion the principle embodied in the civil rights laws. While I was in the State legislature I was the principal sponsor of such a proposal. We passed a pretty good bill. It was not as good as I liked, because the opposition managed to weaken it somewhat. But we moved in that direction.

In answer to one of the Senator's questions, I would hazard a guess that we have not done enough. But the point I make right now is that a suggestion has been made to amend the Constitution with a measure on which hearings have not even been held. There has not been one word of expert testimony before the Constitutional Amendments Subcommittee on this issue at all. I think it would be very irresponsible for us to put this type of amendment in the Constitution without really exploring its full ramifications.

I say now what I have already said twice. To the degree that we can find we are applying one set of standards in the South and another set of standards in the North, we should stop it. I said that just before the Senator from Mississippi walked through the door. To come here on the floor with a constitutional amendment on which we have had no hearings at all is not pursuing the responsible approach that the Senator from Indiana, at least, believes we should pursue as far as a constitutional amendment is concerned.

One can argue about the merits of the amendment to House Joint Resolution 264 and what it will do to the proposed constitutional amendment, whether it will enhance its chances or decrease its chances. But we have before us now an amendment which, to my knowledge, has never been fully studied, as I think any constitutional amendment should be studied.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I want to suggest that the legislative branch, the executive branch, and the judicial branch already have opinions on this matter. My idea was that it is an amendment that we could submit and leave to the State legislatures to decide.

Mr. BAYH. I appreciate the Senator's interest, and I do pay tribute to him for the fact that he jolted some of us into saying, "Wait a minute. Let us look in our own backyard. Let us not only look over the fence." I think it is high time we did. I think, with the help he has given us and with the help the Senator from Virginia has given us, we can do something about this. But I think if we look at the legislative process behind this particular amendment to House Joint Resolution 264 and compare it with the normal process followed for the normal constitutional amendment, the approach has not been as thorough as at least the Senator from Indiana would like to see followed.

Some rather broad arguments have been made about the impact of this particular amendment on the educational policy of this country. It has been suggested by the Senator from Mississippi, and I think probably by my friend from Alabama, that this amendment does not in any way change the authority of the Federal courts, as far as our schools are concerned. I must say that men of good faith can read language and come to different conclusions, but it seems to me some persons, including the Senator from Indiana, could come to a different conclusion. This proposed constitutional amendment starts out by saying that the States shall have the absolute right to assign students to the public schools—absolute right.

Mr. President, I do not know how many different definitions you can put on "absolute."

"Absolute" would tend to preclude to the ultimate degree any other force, any other power, any other branch, any other level of government from in any way interfering with the State's determination of what it thought was right.

As I have studied this matter, I have been deeply concerned that an amendment such as this would indeed preclude the Federal courts from intervening in any way. It would prohibit them in an absolute manner, according to the exact words of the proposed amendment itself.

Second, I think we must point out that there is another clause that could be a source of real trouble. In the last part of the second sentence, which is a rather long sentence, there appear the following words:

> And in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

What does that mean? What could it mean, Mr. President? I think that the words "educational standings" would permit certain tests to be given to students, and the use of the results of such tests to discriminate on a color basis.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BAYH. I am happy to yield.

Mr. ALLEN. That is the very point, I might suggest to the distinguished Senator from Indiana, where the Federal court would come in and have jurisdiction. If such tests were being used for the purpose of discriminating, then the Federal court would have jurisdiction.

In other words, the amendment does not give the States the absolute right to do anything and everything they want to with respect to schools. The Senator did not finish reading the sentence, I do not believe. The State has the absolute right to assign students to the public schools it operates by a freedom-of-choice system. That is what the States are given authority to do.

The PRESIDING OFFICER (Mr. SPONG). The Senator's time has expired.

Mr. BAYH. Mr. President, I yield myself 4 additional minutes, and yield to the Senator from Alabama.

Mr. ALLEN. I appreciate the fact that the Senator from Indiana is yielding time.

In answer to the comment of the distinguished Senator from Indiana that he saw no place for the Federal courts to have jurisdiction of any question, if this amendment were adopted——

Mr. BAYH. Mr. President, may I ask my friend from Alabama—I have read this article. It is a seemingly simple article. It starts out by saying:

A State shall have the absolute right to assign students to the public schools it operates by a freedom-of-choice system.

In going down to the last part of that sentence that concerned me, I do not see anything that says that the absolute right is permitted the Federal court to do thus and so. It says the State shall have the absolute right.

Mr. ALLEN. Yes; that is true, to operate a freedom-of-choice system.

In other words, if the State did not operate a bona fide freedom-of-choice system, if the free choice were denied to any student, there the Federal Government would have jurisdiction.

All the States are permitted to do is operate a bona fide freedom-of-choice plan, and if the plan is not a bona fide freedom-of-choice plan, then it would violate a student's rights under the Constitution, and at that point the Federal court's jurisdiction could be invoked to guarantee that right.

Mr. BAYH. I certainly respect the sincerity of my colleague from Alabama. But I suggest, after reading the definition of the freedom-of-choice system, that the definition is so broad and so ambiguous that I really do not know how a court could read it.

What really concerns me is the last two words, "educational standings." This has been one of the vehicles used repeatedly to discriminate and circumvent Federal court orders. Certain tests have been given in a discriminatory manner and graded in a discriminatory manner, and no black students passed those tests. They were all herded off into one classroom, and the white students were all herded off into another. Such a procedure might fall under the definition of the Senator from Alabama, which prevents the courts from intervening because of the absolute rights given to the States to assign students.

I think we are asking for trouble, to put this type of article into the Constitution, particularly at this moment in history when we are trying to find out how to deal with the problem, with the select committee headed by our distinguished colleague from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. I yield myself 2 more minutes.

We are trying to find out how we can deal with some of the distinctions between de jure and de facto, what impact this has on students, and how we can reconcile the strong feelings we have

that there should not be discrimination in schools, on the one hand, and on the other that the neighborhood school is a vital part of our educational system in America.

These feelings are irreconcilable, in some instances, and we are trying to find out how to deal with them by statute. To come along and put something like this into the Constitution at this moment would, I think, be just the wrong way to proceed.

Mr. ALLEN. Mr. President, I submit to the Senator from Indiana that all the amendment does is give the State the absolute right to operate a freedom of choice system for its public schools. Then the amendment goes on and defines a freedom of choice system as being one that is open to students of all races, creeds, and national origins, and it does permit assignment according to their ages and educational standings.

But that is the very place where the Federal court would come in, if such plans were used as devices to prevent the exercise of free choice. So if the State did not provide a bona fide freedom of choice, if the free choice of the school were denied to a student, then he could come in and invoke the jurisdiction of the Federal court, and there is where the Federal courts would have jurisdiction. The distinguished Senator from Indiana says he is having difficulty finding the place for the jurisdiction of the Federal court. That was the purpose of the explanation I have given at this time.

Mr. BAYH. I appreciate the explanation of the Senator from Alabama.

I still must say that I think we are really ignoring the fact that we take away a right. I am concerned that we are not at all specific; in fact, there is no specific reference to when that right may be reapplied or reexerted by the Federal court at all. We are opening a Pandora's box at the end when we say "among the public schools and classes available for the instruction of students of their ages and educational standards."

This permits the various school systems, as they establish the freedom of choice system, to involve themselves in all sorts of discriminatory practices, practices that have been used by some school corporations in the past directly to circumvent Federal courts orders.

I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. I thank the distinguished Senator from Indiana for yielding.

Mr. President, if it were in order under the unanimous-consent agreement—and unfortunately it is not—it seems to the junior Senator from Michigan that it would be most appropriate for a motion to be made to refer this proposal to the Committee on the Judiciary for hearings and the kind of study that an amendment to the Constitution should have before it is taken up on the floor of the Senate.

I join the Senator from Indiana in paying tribute to the Senator from Mississippi (Mr. STENNIS) for the service he has performed in focusing the attention of the Senate and the country upon some of the inequities, which exist. I can understand the appeal that an amendment such as this would have for many Senators.

Until I inspected the language of this proposal today, I do not believe I have ever known of a bill or amendment which sought to establish an "absolute right." With all due respect to the sponsor, I do not believe there can be such a thing as an "absolute right." My rights as a citizen are necessarily subject to the condition that they not infringe upon the rights of others. Any amendment to the Constitution must necessarily be interpreted in the light of the other provisions of the Constitution. So it occurs to me the use of the term "absolute right" is very unusual, and it is not clear what is meant by the term.

I would point out that so-called freedom of choice plans are not unconstitutional per se under the decisions of the Supreme Court. Only a freedom of choice plan designed for the purpose of circumventing the guarantees of the Constitution has been struck down by the decisions of the Supreme Court.

The meaning of this amendment is not clear. I am not at all certain how far it reaches. But I do not think it will achieve the purposes even of the sponsor of the amendment, I say with all due respect.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield 2 additional minutes to the Senator.

Mr. GRIFFIN. Mr. President, when an amendment of this nature is offered, without the prior study and hearings it deserves, the Senate is left with no responsible choice but to reject it. Accordingly, I shall have to vote against the amendment, and I hope a majority of the Senate will do the same.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, will the Senator from Indiana yield me 1 minute?

Mr. BAYH. I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, we have been confronted with this rather involved amendment at a relatively late hour. Frankly, I was not aware that a change had been made in it until I came to the Chamber.

The amendment presents this Senator with some very difficult problems. Believing in a genuine freedom of choice system myself, one in which a person really has a freedom of choice, this amendment, on the surface, would seem very appealing. However, it says that the States shall have the absolute right to assign students. That really rewrites the Constitution of the State of Colorado by which we came into the Union. Our State—as I recall the Constitution, not having had a chance to restudy it in the last few minutes—has no right to assign students anywhere. The only people who have a right to assign students are the school districts, and the respective school districts, I think, can assign them; but I cannot see how, under the structure in our particular State—and this must be true of other States—our State would have the right, and particularly an absolute right.

The Senator from Alabama usually has very good reasons and very good thinking in the amendments he offers, and they usually have much to commend them. But I must say that in reading the entire amendment, I cannot see exactly what it means, and I therefore will not be able to support it.

Mr. GURNEY. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Alabama has 4 minutes remaining, and the time of the Senator from Indiana has expired.

Mr. ALLEN. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. I apreciate the courtesy of the Senator from Alabama.

Ordinarily, I would support wholeheartedly the amendment of the Senator from Alabama. He and I have been together, I think, on almost all school matters, and I support the idea of his amendment. But I did want to explain at this time that I would not be able to vote for it or support it at this time, solely because I think that Senate Joint Resolution 264 should stand on its own feet and should be considered by itself, as a separate item of business, and that the resolution of the Senator from Alabama also should be considered as a separate item of business. If the Senator from Alabama intends to submit his amendment at any other time as an amendment to the Constitution or in any other fashion, I will wholeheartedly support him.

I thank the Senator for his courtesy.

Mr. NELSON. Mr. President, over 50 years ago, thousands of women across the Nation were engaged in a political fight to secure the right to vote. My mother was among those women.

They won the power of the ballot in the 19th amendment to the Constitution and, with that, American women thought they were well on the way to eliminating discrimination based on sex.

Any objective evaluation of the current situation must conclude that the power of the ballot box has not solved the problem. In fact, in many ways there is more discrimination now than there was then.

A half century ago the country was rural, leisure time was limited, society lacked mobility, and most jobs were unskilled manual labor. Women who wanted employment became teachers or nurses, if they desired to work in a professional field. About the only other employment opportunities open to them were clerical, stenographic, domestic, and miscellaneous unskilled labor positions.

Vast changes in the past half century have created a demand for a great variety of talents and skills. The number of women, both single and married, who wish to enter the job market has been expanding rapidly for more than a quarter cenutry.

However, women find widespread discrimination in getting admitted to professional schools to attain the kind of education they must have, and they find discrimination in the jobs they are offered when they finish school. Once employed, they find their opportunities for advancement limited.

The discrimination extends from law firms to educational institutions, Government jobs of all kinds, and to all private and nonprofit organizations.

It is a widely followed custom that certain jobs are earmarked for women. There is even a common descriptive term, "woman's work." The best positions—supervisors, managers, and executives, are for men. For example, although the American school system has more women than men teachers, the men outnumber the women in reaching the highest positions.

A 1968 study of the Federal Government showed that of the 667,234 women employed at that time, 80 percent were in the bottom six grades, and the majority worked in clerical and lower-grade technician jobs. Only 1 percent of the women held jobs in the top six grades.

Equally discriminatory is the question of salary. Where women perform the same or equivalent work as men, it is still a common practice to pay them a lower salary.

In 1968, women working full-time earned, on the average, 58 percent as much as their male counterparts. For each specific field, the figures are similar. In sales work, the median income for women was $3,461, and for men, it was $7,351.

Overall, 8 percent of the men holding jobs in the country earned salaries of $15,000 or more, as compared with 0.4 percent of the women working full-time. At the other end of the scale, 20 percent of the women workers earned below $3,000, while only 7.5 percent of the men were in this category.

Even with full equality under the law, the economic forms of discrimination will not soon come to end. But like achieving woman suffrage, achieving legal equality will be another great advance in the right direction.

Equal rights is a concept that is not limited to one issue or one class of people. It is universal, and it means allowing all human beings, men and women alike, the best possible chance to guide their own destinies and to choose a way of life they find personally fulfilling.

We now have an opportunity, in the equal rights for women amendment, to provide the women of this Nation with an effective means of protecting their legal rights and opposing still-existing forms of legal discrimination.

In principal, the Constitution guarantees equal rights to all citizens as a birthright. Therefore, such an amendment should not be necessary. But experience has shown that equal rights have never been a reality, and that the courts can be agonizingly slow in extending even the clear-cut provisions of the 14th amendment to the people for whom they were intended.

In my opinion, this amendment is necessary and long overdue, in guaranteeing the women of this country full citizenship and full participation in modern life which has been so affected by sweeping technological and social changes.

I strongly support House Joint Resolution 264, and I would hope that the Senate will pass the measure without amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPONG (when his name was called). On this vote I have a pair with the distinguished Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the senior Senator from Rhode Island (Mr. PASTORE), the junior Senator from Rhode Island (Mr. PELL), and the Senator from Oklahoma (Mr. HARRIS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from California (Mr. MURPHY) would each vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Texas would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 17, nays 57, as follows:

[No. 374 Leg.]

YEAS—17

Allen	Fulbright	Russell
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long	Thurmond
Ervin	McClellan	

NAYS—57

Allott	Cooper	Hansen
Anderson	Cotton	Hart
Baker	Cranston	Hatfield
Bayh	Curtis	Hruska
Bellmon	Dodd	Hughes
Bible	Dole	Inouye
Boggs	Dominick	Jackson
Brooke	Eagleton	Javits
Burdick	Fannin	Jordan, Idaho
Case	Gravel	Magnuson
Church	Griffin	McGovern
Cook	Gurney	McIntyre
Metcalf	Proxmire	Stevens
Miller	Randolph	Symington
Montoya	Ribicoff	Tydings
Muskie	Saxbe	Williams, N.J.
Nelson	Schweiker	Williams, Del.
Pearson	Scott	Young, N. Dak.
Percy	Smith, Maine	Young, Ohio

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Spong, for.

NOT VOTING—25

Aiken	Kennedy	Packwood
Bennett	Mansfield	Pastore
Cannon	Mathias	Pell
Fong	McCarthy	Prouty
Goldwater	McGee	Smith, Ill.
Goodell	Mondale	Tower
Gore	Moss	Yarborough
Harris	Mundt	
Hartke	Murphy	

So Mr. ALLEN's amendment (No. 1047) was rejected.

Mr. BAYH. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPROVEMENT OF VETERANS' ADMINISTRATION PROGRAM OF SHARING SPECIALIZED MEDICAL RESOURCES

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9634.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the message from the House of Representatives as follows:

Resolved, That the House agree to the amendments of the Senate numbered 1, 3, and 4 to the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources.

Resolved, That the House concur in the amendment of the Senate numbered 2 to the aforesaid bill, with the following

AMENDMENTS TO SENATE AMENDMENTS

In lieu of the matter proposed in the amendment of the Senate numbered 2 to the aforesaid bill, insert:

SEC. 2. (a) Section 4107(a) of title 38, United States Code, is amended—

(1) by striking out the comma immediately after "Chief Medical Director" and inserting in lieu thereof "and";

(2) by striking out "and Associate Deputy Chief Medical Director,"; and

(3) by inserting immediately below the heading "Section 4103 Schedule" the following:

"Associate Deputy Chief Medical Director, $36,000.".

(b) Section 103(c) of the Act of November 7, 1966, entitled "An Act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes" is hereby repealed.

Resolved, That the House concur in the amendment of the Senate to the title of the aforesaid bill, with the following

AMENDMENT

In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes."

Mr. CRANSTON. Mr. President, in its action of May 4, 1970, the House accepted all of the Senate's October 21, 1969, amendments with the exception of section 2 which would have given the VA special authority to provide for central administration of pay, leave, and other personnel procedures with respect to residents and interns serving shared or rotating residencies or internships. Unfortunately, the House has adamantly refused to accept this amendment, which I believe is essentially technical, and which the administration originally proposed. I do not believe, however, that the Senate should insist on its amendment at this late stage in the Congress to the possible jeopardy of the rest of the provisions in the bill now in agreement between the bodies.

In lieu of the Senate version of secton 2 of the bill, the House has proposed an amendment to section 4107(a) of title 38, United States Code, regarding compensation of high officials of the VA's Department of Medicine and Surgery. Specifically, the House amendment sets the salary of the Associate Deputy Chief Medical Director at $36,000 and repeals the statutory provision which presently sets that salary at $33,495. The change has been requested by the Veterans' Administration and should afford them more flexibility in filling this No. 3 VA medicine position.

Mr. President, I move that the Senate agree to the amendment of the House to the Senate amendment No. 2 to the bill.

The motion was agreed to.

Mr. CRANSTON. Mr. President, I move that the Senate agree to the amendment of the House to the Senate amendment to the title of the bill.

The motion was agreed to.

HOSPITAL CARE OF CERTAIN VETERANS

Mr. CRANSTON. Mr. President, I shall shortly move that the chair lay before the Senate a message of the House on amendments to H.R. 693, an "act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes."

Mr. President, the action I shall propose that the Senate take on this bill has been cleared with the minority, and I know of no objection to it. It has been worked out on a staff level with the Veterans' Affairs Committee of the other body after informal discussions and technical consultation with Veterans' Administration officials. There is every reason to believe that the action I propose will be acceptable to the other body.

The basic matter in disagreement between the two Houses has been section 1 of the bill dealing with the exclusion of certain persons from having to take the oath of inability to pay hospital or domiciliary expenses. This oath is statutorily required for admission of veterans with non-service-connected conditions to VA hospitals and domiciliaries on a bed available basis. Veterans with service-connected conditions are, of course, admitted as of right without regard to their ability to pay.

The version originally passed by the House would have exempted from taking the oath only those non-service-connected veterans who are 72 years of age or older. Based upon 1969—the latest available—data regarding hospital discharges, we now find that the House age test would benefit only some 80,000 veterans a year. It would not have affected veterans between 65 and 72 even though all veterans over 65 years of age are deemed by law to be totally and permanently disabled for purposes of receiving non-service-connected pensions. Thus, the Labor and Public Welfare Committee recommended, and the Senate agreed, on October 21, that the bill be amended to exempt from the so-called pauper's oath any veteran, regardless of age, who was in receipt of a VA pension; that is, veterans with established financial need who are in fact, or are already deemed by statute because of age to be, totally and permanently disabled.

Using the 1969 hospital discharge figures, we find that the pension test in the Senate bill would exempt from the oath requirement almost 187,000 nonservice-connected veterans receiving pension and that the pension test would have failed to cover only about 16,300 nonservice-connected veterans 72 years of age or older who would have been exempted by the House version.

On May 4, 1970, the House returned the bill to the Senate disagreeing to the Senate version of the bill, except that it concurred in one technical amendment.

Mr. President, after extensive staff discussion on this disputed question with Veterans' Administration officials and between our Veterans' Affairs Subcommittee and the House Veterans' Affairs Committee, we have developed a new analysis of the situation. The focus on the oath, itself, has, I think, obscured what we are really dealing with: That is, the eligibility requirements for admission of nonservice-connected veterans to VA hospitals and domiciliaries. Under the present statutory requirements, a nonservice-connected veteran in order to be admitted to a VA hospital or domiciliary must be "unable to defray the expenses of necessary—care—38 U.S.C. 610(a)(1)(B) and (b)(2). However, the law makes the veterans' oath of inability to pay conclusive on the question of financial need, and no further needs test is applied—38 U.S.C. 622. Thus, the real question is whether or not there should be a requirement of financial need since the only other present requirements are that the nonservice-connected veteran actually require hospital or domiciliary care and that a bed be available for him.

The committee view on the financial need question was that the means test should not be abandoned arbitrarily as it would be on a cutoff at age 72. Thus, the committee approach was to eliminate any further financial means test for those who had already been determined to meet the means requirements for pension purposes. We still believe that this revision should be made, and the motions I shall propose will leave intact the October 21 Senate amendment removing the oath requirement for admission to VA hospitals and domiciliaries of those nonservice-connected war veterans, regardless of age, who are in receipt of pension.

More fundamentally, however, we have reconsidered the financial means requirement in the context of the existing medicare structure under title XIX of the Social Security Act. Our information is that virtually every veteran aged 65 or older is eligible for medicare benefits. In addition, many of these same veterans are presently eligible for VA hospital or domiciliary care by virtue of their inability to defray the necessary expenses of such care. The VA per diem cost in a general surgical and medical hospital is $52 with an average length of stay of 20 days. In a comparable community hospital, the average per diem cost is—at the lowest possible estimate—$78 with the same average length of stay, and in addition, there is an average additional charge per case of $500 for cases involving a surgeon and anesthesiologist, 63 percent and $100 for those involving only a general practitioner, 27 percent. These services are already covered in the VA's $52 per diem.

The VA estimates that if all veterans 65 or older were eligible for admission to VA hospitals without regard to financial means, the increased workload would be 210,000 days of care for a full fiscal year 1971. This increase in days of hospital care for fiscal year 1971 would represent an increase of only 575 in the average daily census in VA hospitals nationwide. When measured against the total estimated operating beds for fiscal year 1971 of 101,326—an increase of 1,211 over fiscal year 1970—and 101,913 for fiscal year 1972—an increase of an additional 587 operating beds—it seems clear that the VA hospital system would have no difficulty absorbing such an increase.

Most significantly, however, is the very substantial estimated savings to the Federal Government in terms of medicare benefits not paid on behalf of the veterans involved in the 210,000 additional hospital care days. This savings of Federal dollars is figured on an average length of stay of 20 days at $78 per day in community hospitals with additional charges for surgeons, anesthesiologists, and general practitioners, and I ask unanimous consent, Mr. President, that a table showing the basis for computing the savings be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MEDICARE	
210,000 hospital days at $78/day	$16,380,000
Surgeon, Anesthesiologist and GP	3,392,000
	19,972,000
$50 Medicare deductible not paid by Federal Government	(−)525,000
	19,447,000
VA	
210,000 GM&S hospital days at $52/day	(−)10,920,000
Savings	8,527,000

Mr. CRANSTON. Thus, Mr. President, assuming that in the vast majority of cases the medicare 90 days per year hospital care limit would not be exceeded—this is a fair assumption since the VA's median length of stay for veterans 65 or older is about 20 days—the Federal Government would save $8.5 million on a full fiscal year 1971 basis. I should point out that these estimates are based only on VA general hospital workload increases since the VA does not contemplate that there would be any appreciable increase in neuropsychiatric workloads. This is because the vast majority of veterans aged 65 and older who are neuropsychiatric patients are hospitalized for psychosis and are already in long-term care facilities.

Mr. President, the so-called pauper's oath is clearly an anachronism for any American 65 or older who under medicare, with a very few exceptions, is already entitled to Federal hospitalization benefits without regard to his financial means. Relieving from the oath requirement our veterans presently required to take the oath is, therefore, fully consistent with the trend in Federal involvement in provision of health services and would give our elderly veterans a dignity and self-respect to which they are fully entiled. Most particularly, the revision I am proposing would be of potential benefit to our approximately 1.5 million World War I veterans whose average age is about 75 years already and who have never been provided VA benefits comparable to benefits of more recent wars or the Spanish American War, as well as to approximately 1.3 million World War II veterans who are or will shortly be 65 years or older.

Mr. President, one other matter that has been in dispute is the House provision to give eligibility for VA hospital care regardless of financial need to Mexican border veterans—those who served on the Mexican border between May 9, 1916, and April 6, 1917. The Senate's objections to this provision in the context of the existing law was well stated on page 2 of the Senate report as follows:

Section 4 of the House-passed bill was struck from the bill because the committee did not find sufficient justification for extending to veterans of active duty in the Mexican border service full hospital and outpatient medical care in connection with any non-service-connected disability regardless of their economic status. Since 1900, U.S. forces have been involved in a number of other campaigns and no similar benefits have ever been extended to veterans of those campaigns.

The 65 and older eligibility provision I am proposing that the Senate adopt would cover Mexican border veterans as well as any other peacetime or wartime veteran who had attained that age regardless of when he served and thus would meet the objection based on equity that I just quoted from our committee report.

Finally, for the record, I wish to note that the Senate report also recommended revision of several VA practices with respect to admissions of nonservice-connected veterans to VA hospitals and domiciliaries. I am pleased to report to the Senate that the Administrator of Veterans' Affairs has made a number of decisions based on our committee recommendations so that under revised VA procedure: First, veterans 65 or older no longer, in order to gain admission to a VA hospital or domiciliary, need complete a detailed financial questionnaire, regardless of whether they already receive a VA pension; and second, the oath of inability to defray necessary expenses—on the VA Form 10–P–10—is no longer required to be notarized.

In conclusion, Mr. President, the action which I am about to propose that the Senate take with respect to H.R. 693 would alter the eligibility requirements for admission of veterans with nonservice-connected disabilities to VA hospitals so that any veteran (of active military service discharge under conditions other than dishonorable) who is 65 years or older, as well as any war veteran under 65 years of age who is in receipt of a VA pension—those who are totally and permanently disabled—would be eligible for admission on a bed available basis. That is what the action I am proposing would accomplish. But, I wish to make perfectly clear also, Mr. President, two effects which would not be a result of the motions I am about to make.

First, no veteran 65 or older or in receipt of pension would be required to seek hospitalization in a VA hospital rather than use his medicare entitlement in a community hospital. All my proposal does is provide such veterans with the option of seeking VA hospitalization if they wish.

Second, this proposal would not have the effect of depriving any veteran with a service-connected disability of his entitlement to hospitalization and medical services. Such service-connected veterans would continue to be entitled to admission to VA hospitals on a first priority basis and be entitled, if a bed is not immediately available for them, to hospitalization in a nearby community hospital at VA expense until a VA bed becomes available.

Mr. President, the real burden of the action I shall propose is to fill unused VA hospital beds; to make the maximum use of the resources of our 166 VA hospitals for the greatest benefit of those they are intended to serve—the veterans of our Nation.

Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 693.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate No. 2 to the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, which were that the House concurred in the amendment of the Senate No. 2 to the aforesaid bill, with the following amendments to Senate amendment:

On page 2, line 1 of the Senate engrossed amendments, strike out "2", and insert "3".

Page 2, line 1, of the Senate engrossed amendments, strike out "16", and insert "2".

Page 2, line 2, of the Senate engrossed amendments strike out "on page 3".

Resolved, That the House disagree to the amendment of the Senate to the title of the aforesaid bill.

Mr. CRANSTON. Mr. President, I move that the Senate insist on its amendment No. 1 to the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

Mr. CRANSTON. Mr. President, I move that the Senate agree to the House amendment to the Senate amendment No. 2 with an amendment as follows:

In lieu of the matter proposed by the House amendment to the Senate amendment insert the following:

On page 2 of the Senate engrossed amendments, strike out lines 1 and 2, and insert in lieu thereof the following:

On page 2 of the House engrossed bill, beginning with the word "served" in line 23, strike out all down through line 16 on page 3, and insert in lieu thereof the following: "is sixty-five years of age or older."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

Mr. CRANSTON. Mr. President, I move that the Senate recede from its amendment to the title of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

ORGANIZED CRIME CONTROL ACT OF 1970

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 30.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate the amendment of the House of Representatives to the bill (S. 30) relating to the control of organized crime in the United States which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Organized Crime Control Act of 1970."

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually crains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the leagly admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of

those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

It is the purpose of this Act to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

TITLE I—SPECIAL GRAND JURY

SEC. 101. (a) Title 18, United States Code, is amended by adding immediately after chapter 215 the following new chapter:

"Chapter 216.—SPECIAL GRAND JURY

"Sec.
"3331. Summoning and term.
"3332. Powers and duties.
"3333. Reports.
"3334. General provisions.

"§ 3331. Summoning and term

"(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General, or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, the district court determines the business of the grand jury has not been completed, the court may enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

"(b) If a district court within any judicial circuit fails to extend the term of a special grand jury or enters an order for the discharge of such grand jury before such grand jury determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

"§ 3332. Powers and duties

"(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.

"(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled.

"§ 3333. Reports

"(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its original term, or each extension thereof, submit to the court a report—

"(1) concerning noncriminal misconduct, malfeasance, or misfeasance in office involving organized criminal activity by an appointed public officer or employee as the basis for a recommendation of removal or disciplinary action; or

"(2) regarding organized crime conditions in the district.

"(b) The court to which such report is submitted shall examine it and the minutes of the special grand jury and, except as otherwise provided in subsections (c) and (d) of this section, shall make an order accepting and filing such report as a public record only if the court is satisfied that it complies with the provisions of subsection (a) of this section and that—

"(1) the report is based upon facts revealed in the course of an investigation authorized by subsection (a) of section 3332 and is supported by the preponderance of the evidence; and

"(2) when the report is submitted pursuant to paragraph (1) of subsection (a) of this section, each person named therein and any reasonable number of witnesses in his behalf as designated by him to the foreman of the grand jury were afforded an opportunity to testify before the grand jury prior to the filing of such report, and when the report is submitted pursuant to paragraph (2) of subsection (a) of this section, it is not critical of an identified person.

"(c)(1) An order accepting a report pursuant to paragraph (1) of subsection (a) of this section and the report shall be sealed by the court and shall not be filed as a public record or be subject to subpena or otherwise made public (i) until at least thirty-one days after a copy of the order and report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, or (ii) if an appeal is taken, until all rights of review of the public officer or employee named therein have expired or terminated in an order accepting the report. No order accepting a report pursuant to paragraph (1) of subsection (a) of this section shall be entered until thirty days after the delivery of such report to the public officer or body pursuant to paragraph (3) of subsection (c) of this section. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of the court.

"(2) Such public officer or employee may file with the clerk a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and, except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

"(3) Upon the expiration of the time set forth in paragraph (1) of subsection (c) of this section, the United States attorney shall deliver a true copy of such report, and the appendix, if any, for appropriate action to each public officer or body having jurisdiction, responsibility, or authority over each public officer or employee named in the report.

"(d) Upon the submission of a report pursuant to subsection (a) of this section, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpena or public inspection during the pendency of such criminal matter, except upon order of the court.

"(e) Whenever the court to which a report is submitted pursuant to paragraph (1) of subsection (a) of this section is not satisfied that the report complies with the provisions of subsection (b) of this section, it may direct that additional testimony be taken before the same grand jury, or it shall make an order sealing such report, and it shall not be filed as a public record or be subject to subpena or otherwise made public until the provisions of subsection (b) of this section are met. A special grand jury term may be extended by the district court beyond thirty-six months in order that such additional testimony may be taken or the provisions of subsection (b) of this section may be met.

"(f) As used in this section, 'public officer or employee' means any officer or employee of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

"§ 3334. General provisions

"The provisions of chapter 215, title 18, United States Code, and the Federal Rules of Criminal Procedure applicable to regular grand juries shall apply to special grand juries to the extent not inconsistent with sections 3331, 3332, or 3333 of this chapter."

(b) The part analysis of part II, title 18, United States Code, is amended by adding immediately after

"215. Grand Jury..... 3321"

the following new item:

"216. Special Grand Jury..... 3331."

SEC. 102. (a) Subsection (a), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" following "the defendant".

(b) Subsection (d), section 3500, chapter 223, title 18, United States Code, is amended by striking "paragraph" following "the court under" and inserting in lieu thereof "subsection".

(c) Paragraph (1), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking the "or" following the semicolon.

(d) Paragraph (2), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" after "said witness" and by striking the period at the end thereof and inserting in lieu thereof: "; or (3) a statement, however taken or recorded, or a transcription thereof, if any, made by said witness to a grand jury.".

TITLE II—GENERAL IMMUNITY

SEC. 201. (a) Title 18, United States Code, is amended by adding immediately after part IV the following new part:

"PART V.—IMMUNITY OF WITNESSES

"Sec.
"6001. Definitions.
"6002. Immunity generally.
"6003. Court and grand jury proceedings.
"6004. Certain administrative proceedings.
"6005. Congressional proceedings.

"§ 6001. Definitions

"As used in this part—

"(1) 'agency of the United States' means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Atomic Energy Commission, the China Trade Act registrar appointed under 53 Stat. 1432 (15

U.S.C. sec. 143), the Civil Aeronautics Board, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, the Subversive Activities Control Board, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

"(2) 'other information' includes any book, paper, document, record, recording, or other material;

"(3) 'proceeding before an agency of the United States' means any proceeding before such an agency with respect to which it is authorized to issue subpenas and to take testimony or receive other information from witnesses under oath; and

"(4) 'court of the United States' means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the Tax Court of the United States, the Customs Court, and the Court of Military Appeals.

"§ 6002. Immunity generally

"Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

"(1) a court or grand jury of the United States,

"(2) an agency of the United States, or

"(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

"§ 6003. Court and grand jury proceedings

"(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to a court of the United States or a grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, in accordance with subsection (b) of this section, upon the request of the United States attorney for such district, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

"(b) A United States attorney may, with the approval of the Attorney General, the Deputy Attorney General, or any designated Assistant Attorney General, request an order under subsection (a) of this section when in his judgment—

"(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

"§ 6004. Certain administrative proceedings

"(a) In the case of any individual who has been or who may be called to testify or provide other information at any proceeding before an agency of the United States, the agency may, with the approval of the Attorney General, issue, in accordance with subsection (b) of this section, an order requiring the individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

"(b) An agency of the United States may issue an order under subsection (a) of this section only if in its judgment—

"(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

"§ 6005. Congressional proceedings

"(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

"(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

"(1) in the case of a proceeding before either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

"(2) in the case of a proceeding before a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

"(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

"(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify."

(b) The table of parts for title 18, United States Code, is amended by adding at the end thereof the following:

"V. Immunity of Witnesses..... 6001".

SEC. 202. The third sentence of paragraph (b) of section 6 of the Commodity Exchange Act (69 Stat. 160; 7 U.S.C. 15) is amended by striking "49 U.S.C. 12, 46, 47, 48, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses" and by inserting in lieu thereof the following: "(49 U.S.C. § 12), relating to the attendance and testimony of witnesses and the production of documentary evidence,".

SEC. 203. Subsection (f) of section 17 of the United States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f(f)), is repealed.

SEC. 204 The second sentence of section 5 of the Act entitled "An Act to regulate the marketing of economic poisons and devices, and for other purposes", approved June 25, 1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by inserting after "section", the following language: ", or any evidence which is directly or indirectly derived from such evidence,".

SEC. 205. Subsection (f) of section 13 of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 536; 7 U.S.C. § 499m(f)), is repealed.

SEC. 206. (a) Section 16 of the Cotton Research and Promotion Act (80 Stat. 285; 7 U.S.C. § 2115) is amended by striking "(a)" and by striking subsection (b).

(b) The section heading for such section 16 is amended by striking ": Self-Incrimination".

SEC. 207. Clause (10) of subsection (a) of section 7 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25(a)(10)), is amended by inserting after the first use of the term "testimony" the following language: ", or any evidence which is directly or indirectly derived from such testimony,".

SEC. 208. The fourth sentence of subsection (d) of section 10 of the Federal Deposit Insurance Act (64 Stat. 882; 12 U.S.C. § 1820(d)), is repealed.

SEC. 209. The seventh paragraph under the centered heading "DEPARTMENT OF JUSTICE" in the first section of the Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32), is amended by striking ": *Provided*, That" and all that follows in that paragraph and inserting in lieu thereof a period.

SEC. 210. The Act of June 30, 1906 (34 Stat. 798; 15 U.S.C. § 33), is repealed.

SEC. 211. The seventh paragraph of section 9 of the Federal Trade Commission Act (38 Stat. 722; 15 U.S.C. § 49), is repealed.

SEC. 212. Subsection (d) of section 21 of the Securities Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u(d)), is repealed.

SEC. 213. Subsection (c) of section 22 of the Securities Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v(c)), is repealed.

SEC. 214. Subsection (e) of section 18 of the Public Utility Holding Company Act of 1935 (49 Stat. 831; 15 U.S.C. § 79r(e)), is repealed.

SEC. 215. Subsection (d) of section 42 of the Investment Company Act of 1940 (54 Stat. 842; 15 U.S.C. § 80a–41(d)), is repealed.

SEC. 216. Subsection (d) of section 209 of the Investment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b–9(d)), is repealed.

SEC. 217. Subsection (c) of section 15 of the China Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155(c)), is repealed.

SEC. 218. Subsection (h) of section 14 of the Natural Gas Act (52 Stat. 828; 15 U.S.C. § 717m(h)), is repealed.

SEC. 219. The first proviso of section 12 of the Act entitled "An Act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use," approved July 12, 1960 (74 Stat. 379; 15 U.S.C. § 1271), is amended by inserting after "section" the following language: ", or any evidence which is directly or indirectly derived from such evidence,".

SEC. 220. Subsection (e) of section 1415 of the Interstate Land Sales Full Disclosure Act (82 Stat. 596; 15 U.S.C. § 1714(e)), is repealed.

SEC. 221. Subsection (g) of section 307 of the Federal Power Act (49 Stat. 856; 16 U.S.C. § 825f(g)), is repealed.

SEC. 222. Subsection (b) of section 835 of title 18, United States Code, is amended by striking the third sentence thereof.

SEC. 223. (a) Section 895 of title 18, United States Code, is repealed.

(b) The table of sections of chapter 42 of such title is amended by striking the item relating to section 895.

SEC. 224. (a) Section 1406 of title 18, United States Code, is repealed.

(b) the table of sections of chapter 68 of such title is amended by striking the item relating to section 1406.

SEC. 225. Section 1954 of tile 18, United States Code, is amended by striking "(a)

Whoever" and inserting in lieu thereof "Whoever" and by striking subsection (b) thereof.

SEC. 226. The second sentence of subsection (b), section 2424, title 18, United States Code, is amended by striking "but no person" and all that follows in that subsection and inserting in lieu thereof: "but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section."

SEC. 227. (a) Section 2514 of title 18, United States Code, is repealed effective four years after the effective date of this Act.

(b) The table of sections of chapter 119 of such title is amended by striking the item relating to section 2514.

SEC. 228. (a) Section 3486 of title 18, United States Code, is repealed.

(b) The table of sections of chapter 223 of such title is amended by striking the item relating to section 3486.

SEC. 229. Subsection (e) of section 333 of the Tariff Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333(e)), is amended by striking ": Provided, That" and all that follows in that subsection and inserting in lieu thereof a period.

SEC. 230. The first proviso of section 703 of the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1057; 21 U.S.C. § 373), is amended by inserting after "section" the following language: ", or any evidence which is directly or indirectly derived from such evidence,".

SEC. 231. (a) Section 4874 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections of part III of subchapter (D) of chapter 39 of such Code is amended by striking the item relating to section 4874.

SEC. 232. Section 7493 of the Internal Revenue Code of 1954 is repealed.

SEC. 233. The table of sections of part III of subchapter (E) of chapter 76 of the Internal Revenue Code of 1954 is amended by striking the item relating to section 7493.

SEC. 234. Paragraph (3) of section 11 of the Labor Management Relations Act, 1947 (49 Stat. 455; 29 U.S.C. § 161(3)), is repealed.

SEC. 235. The third sentence of section 4 of the Act entitled "An Act to provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable, and for other purposes", approved August 21, 1935 (49 Stat. 671; 33 U.S.C. § 506), is repealed.

SEC. 236. Subsection (f) of section 205 of the Social Security Act (42 U.S.C. § 405(f)) is repealed.

SEC. 237. Paragraph c of section 161 of the Atomic Energy Act of 1954 (68 Stat. 948; 42 U.S.C. § 2201(c)), is amended by striking the third sentence thereof.

SEC. 238. The last sentence of the first paragraph of subparagraph (h) of the paragraph designating "Third" of section 7 of the Railway Labor Act (44 Stat. 582; 45 U.S.C. § 157), is repealed.

Sec. 239. Subsection (c) of section 12 of the Railroad Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C. § 362(c)), is repealed.

Sec. 240. Section 28 of the Shipping Act of 1916 (39 Stat. 737; 46 U.S.C. § 827), is repealed.

Sec. 241. Subsection (c) of section 214 of the Merchant Marine Act, 1936 (49 Stat. 1991; 46 U.S.C. § 1124(c)), is repealed.

Sec. 242. Subsection (1) of section 409 of the Communications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409 (1)), is repealed.

Sec. 243. (a) The second sentence of section 9 of the Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9), is amended by striking "; the claim" and all that follows in that sentence and inserting in lieu thereof a period.

(b) Subsection (a) of section 316 of the Interstate Commerce Act (54 Stat. 946; 49 U.S.C. § 916(a)), is amended by striking the comma following "part I" and by striking ", and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),".

(c) Subsection (a) of section 417 of the Interstate Commerce Act (49 U.S.C. § 1017 (a)), is amended by striking the comma after "such provisions" and by striking ", and of the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),".

Sec. 244. The third sentence of section 3 of the Act entitled "An Act to further regulate Commerce with foreign nations and among the States", approved February 19, 1903 (32 Stat. 848; 49 U.S.C. § 43), is amended by striking "; the claim" and all that follows in that sentence down through and including "Provided, That the provisions" and inserting in lieu thereof ". The provisions".

Sec. 245. The first paragraph of the Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. § 46), is repealed.

Sec. 246. Subsection (i) of section 1004 of the Federal Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484(i)), is repealed.

Sec. 247. The ninth sentence of subsection (c) of section 13 of the Internal Security Act of 1950 (81 Stat. 768; 50 U.S.C. § 792(c)), is repealed.

Sec. 248. Section 1302 of the Second War Powers Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 463a), is amended by striking the fourth sentence thereof.

Sec. 249. Paragraph (4) of subsection (a) of section 2 of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940 (54 Stat. 676; 50 U.S.C. App. § 1152(a)(4)), is amended by striking the fourth sentence thereof.

Sec. 250. Subsection (d) of section 6 of the Export Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026 (b)), is repealed.

SEC. 251. Subsection (b) of section 705 of the Act of September 8, 1950, to amend the Tariff Act of 1930 (64 Stat. 816; 50 U.S.C. § 2155(b)), is repealed.

SEC. 252. Section 23–545 of the District of Columbia Code is repealed.

SEC. 253. Section 42 of the Act of October 9, 1940, 54 Stat. 1082 (D.C. Code, sec. 35–1346), is repealed.

SEC. 254. Section 2 of the Act of June 19, 1934, 48 Stat. 1176 (section 35–802, District of Columbia Code), is repealed.

SEC. 255. Section 29 of the Act of March 4, 1922, 42 Stat. 414 (section 35–1129, District of Columbia Code), is repealed.

SEC. 256. Section 9 of the Act of February 7, 1914, 38 Stat. 282, as amended (section 22–2721, District of Columbia Code), is repealed.

SEC. 257. Section 5 of the Act of February 7, 1914, 38 Stat. 281 (section 22–2717, District of Columbia Code), is amended by striking out "2721" and inserting in lieu thereof "2720".

SEC. 258. Section 8 of the Act of February 7, 1914, 38 Stat. 282 (section 22–2720, District of Columbia Code), is amended by striking out "2721" and inserting in lieu thereof "2720".

SEC. 259. In addition to the provisions of law specifically amended or specifically repealed by this title, any other provision of law inconsistent with the provisions of part V of title 18, United States Code (adding by title II of this Act), is to that extent amended or repealed.

SEC. 260. The provisions of part V of title 18, United States Code, added by title II of this Act, and the amendments and repeals made by title II of this Act, shall take effect on the sixtieth day following the date of the enactment of this Act. No amendment to or repeal of any provision of law under title II of this Act shall affect any immunity to which any individual is entitled under such provision by reason of any testimony or other information given before such day.

TITLE III—RECALCITRANT WITNESSES

SEC. 301. (a) Chapter 119, title 28, United States Code is amended by adding at the end thereof the following new section:

"§ 1826. Recalcitrant witnesses

"(a) Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of—

"(1) the court proceeding, or

"(2) the term of the grand jury, including extensions,

before which refusal to comply with the court order occurred, but in no event shall confinement exceed eighteen months.

"(b) No person confined pursuant to subsection (a) of this section shall be admitted to bail pending the determination of an appeal taken by him from the order for his confinement if it appears that the appeal is frivolous or taken for delay. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, but not later than thirty days from the filing of such appeal."

(b) The analysis of chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new item:

"1826. Recalcitrant witnesses.".

SEC. 302. (a) The first paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting "or (3) to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities," immediately after "is charged,".

(b) The second paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting immediately after "held in custody or confinement" a comma and adding "or in which an avoidance of service of process or a contempt referred to in clause (3) of the first paragraph of this section is alleged to have been committed,".

TITLE IV—FALSE DECLARATIONS

SEC. 401. (a) Chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1623. False declarations before grand jury or court

"(a) Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined not more than $10,000 or imprisoned not more than five years or both.

"(b) This section is applicable whether the conduct occurred within or without the United States.

"(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

"(1) each declaration was material to the point in question and,

"(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

"(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

"(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other types of evidence."

(b) The analysis of chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1623. False declarations before grand jury or court."

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

SEC. 501. The Attorney General of the United States is authorized to provide for the security of Government witnesses, potential Government witnesses, and the families of Government witnesses and potential witnesses in legal proceedings against any person alleged to have participated in an organized criminal activity.

SEC. 502. The Attorney General of the United States is authorized to rent, purchase, modify, or remodel protected housing facilities and to otherwise offer to provide for the health, safety, and welfare of witnesses and persons intended to be called as Government witnesses, and the families of witnesses and persons intended to be called as Government witnesses in legal proceedings instituted against any person alleged to have participated in an organized criminal activity whenever, in his judgment, testimony from, or a willingness to testify by, such a witness would place his life or person, or the life or person of a member of his family or household, in jeopardy. Any person availing himself of an offer by the Attorney General to use such facilities may continue to use such facilities for as long as the Attorney General determines the jeopardy to his life or person continues.

SEC. 503. As used in this title, "Government" means the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof. The offer of facilities to witnesses may be conditioned by the Attorney General upon reimbursement in whole or in part to the United States by any State or any political subdivision, or any department, agency, or instrumentality thereof of the cost of maintaining and protecting such witnesses.

SEC. 504. There is hereby authorized to be appropriated from time to time such funds as are necessary to carry out the provisions of this title.

TITLE VI—DEPOSITIONS

SEC. 601. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3503. Depositions to preserve testimony

"(a) Whenever due to exceptional circumstances it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved, the court at any time after the filing of an indictment or information may upon motion of such party and notice to the parties order that the testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged to be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness. A motion by the Government to obtain an order under this section shall contain certification by the Attorney General or his designee that the legal proceeding is against a person who is believed to have participated in an organized criminal activity.

"(b) The party at whose instance a deposition is to be taken shall give to every party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time or change the place for taking the deposition. The officer having custody of a defendant shall be notified of the time and place set for the examination, and shall produce him at the examination and keep him in the presence of the witness during the examination. A defendant not in custody shall have the right to be present at the examination, but his failure, absent good cause shown, to appear after notice and tender of expenses shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right.

"(c) If a defendant is without counsel, the court shall advise him of his rights and assign counsel to represent him unless the defendant elects to proceed without counsel or is able to obtain counsel of his own choice. Whenever a deposition is taken at the instance of the Government, or whenever a deposition is taken at the instance of a defendant who appears to be unable to bear the expense of the taking of the deposition the court may direct that the expenses of travel and subsistence of the defendant and his attorney for attendance at the examination shall be paid by the Government. In such event the marshal shall make payment accordingly.

"(d) A deposition shall be taken and filed in the manner provided in civil actions, provided that (1) in no event shall a deposition be taken of a party defendant without his consent, and (2) the scope of examination and cross-examination shall be such as would be allowed in the trial itself. On request or waiver by the defendant the court may direct that a deposition be taken on written interrogatories in the manner provided in civil actions. Such request shall constitute a waiver of any objection to the taking and use of the deposition based upon its being so taken.

"(e) The Government shall make available to the defendant for his examination and use at the taking of the deposition any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available to the defendant if the witness were testifying at the trial.

"(f) At the trial or upon any hearing, a part or all of a depostiion, so far as otherwise admissible under the rules of evidence, may be used if it appears: That the witness is dead; or that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or that the witness is unable to attend or testify because of sickness or infirmity; or that the witness refuses in the trial or hearing to testify concerning the subject of the deposition or part offered; or that the party offering the deposition has been unable to procure the attendance of the witness by subpena. Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse party may require him to offer all of it which is relevant to the part offered and any party may offer other parts.

"(g) Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions."

(b) The analysis of chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new item:

"3503. Depositions to preserve testimony."

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

PART A—SPECIAL FINDINGS

SEC. 701. The Congress finds that claims that evidence offered in proceedings was obtained by the exploitation of unlawful acts, and is therefore inadmissible in evidence, (1) often cannot reliably be determined when such claims concern evidence of events occurring years after the allegedly unlawful act, and (2) when the allegedly unlawful act has occurred more than five years prior to the event in question, there is virtually no likelihood that the evidence offered to prove the event has been obtained by the exploitation of that allegedly unlawful act.

PART B—LITIGATION CONCERNING SOURCES OF EVIDENCE

SEC. 702 (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3504. Litigation concerning sources of evidence

"(a) In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States—

"(1) upon a claim by a party aggrieved that evidence is inadmissible because it is the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act;

"(2) disclosure of information for a determination if evidence is inadmissible because it is the primary product of an unlawful act occurring prior to June 19, 1968, or because it was obtained by the exploitation of an unlawful act occurring prior to June 19, 1968, shall not be required unless such information may be relevant to a pending claim of such inadmissibility; and

"(3) no claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by the exploitation of an unlawful act occurring prior to June 19, 1968, if such event occurred more than five years after such allegedly unlawful act.

"(b) As used in this section 'unlawful act' means any act the use of any electronic, mechanical, or other device (as defined in section 2510(5) of this title) in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto."

(b) The analysis of chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new item:

"3504. Litigation concerning sources of evidence."

SEC. 703. This title shall apply to all proceedings, regardless of when commenced, oc-

curring after the date of its enactment. Paragraph (3) of subsection (a) of section 3504, chapter 223, title 18, United States Code, shall not apply to any proceeding in which all information to be relied upon to establish inadmissibility was possessed by the party making such claim and adduced in such proceeding prior to such enactment.

TITLE VIII—SYNDICATED GAMBLING

PART A—SPECIAL FINDINGS

SEC. 801. Congress finds that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

PART B—OBSTRUCTION OF STATE OR LOCAL LAW ENFORCEMENT

SEC. 802. (a) Chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1511. Obstruction of State or local law enforcement

"(a) It shall be unlawful for two or more persons to conspire to obstruct the enforcement of the criminal laws of a State or political subdivision thereof, with the intent to facilitate an illegal gambling business if—

"(1) one or more of such persons does any act to effect the object of such a conspiracy;

"(2) one or more of such persons is an official or employee, elected, appointed, or otherwise, of such State or political subdivision; and

"(3) one or more of such persons conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business.

"(b) As used in this section—

"(1) 'illegal gambling business' means a gambling business which—

"(i) is a violation of the law of a State or political subdivision in which it is conducted;

"(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of $2,000 in any single day.

"(2) 'gambling' includes but is not limited to pool selling, bookmaking, maintaining slot machines, roulette wheels, or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

"(3) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization, except as compensation for actual expenses incurred by him in the conduct of such activity.

"(d) Whoever violates this section shall be punished by a fine of not more than $20,000 or imprisonment for not more than five years, or both."

(b) The analysis of chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1511. Obstruction of State or local law enforcement."

PART C—ILLEGAL GAMBLING BUSINESS

SEC. 803. (a) Chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1955. Prohibition of illegal gambling businesses

"(a) Whoever conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business shall be fined not more than $20,000 or imprisoned not more than five years, or both.

"(b) As used in this section—

"(1) 'illegal gambling business' means a gambling business which—

"(i) is a violation of the law of a State or political subdivision in which it is conducted;

"(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of $2,000 in any single day.

"(2) 'gambling' includes but is not limited to poolselling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

"(3) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) If five or more persons conduct, finance, manage, supervise, direct, or own all or part of a gambling business and such business operates for two or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of $2,000 in any single day shall be deemed to have been established.

"(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizure, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

"(e) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity."

(b) The analysis of chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1955. Prohibition of illegal gambling businesses."

PART D—COMMISSION TO REVIEW NATIONAL POLICY TOWARD GAMBLING

ESTABLISHMENT

SEC. 804. (a) There is hereby established two years after the effective date of this Act a Commission on the Review of the National Policy Toward Gambling.

(b) The Commission shall be composed of fifteen members appointed as follows:

(1) four appointed by the President of the Senate from Members of the Senate, of whom two shall be members of the majority party, and two shall be members of the minority party;

(2) four appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom two shall be members of the majority party, and two shall be members of the minority party; and

(3) seven appointed by the President of the United States from persons specially qualified by training and experience to perform the duties of the Commission, none of whom shall be officers of the executive branch of the Government.

(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES

SEC. 805. (a) It shall be the duty of the Commission to conduct a comprehensive legal and factual study of gambling in the United States and existing Federal, State, and local policy and practices with respect to legal prohibition and taxation of gambling activities and to formulate and propose such changes in those policies and practices as the Commission may deem appropriate. In such study and review the Commission shall—

(1) review the effectiveness of existing practices in law enforcement, judicial administration, and corrections in the United States and in foreign legal jurisdictions for the enforcement of the prohibition and taxation of gambling activities and consider possible alternatives to such practices; and

(2) prepare a study of existing statutes of the United States that prohibit and tax gambling activities, and such a codification, revision, or repeal thereof as the Commission shall determine to be required to carry into effect such policy and practice changes as it may deem to be necessary or desirable.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the four-year period following the establishment of the Commission.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 806. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 807. (a) A member of the Commission who is a Member of Congress or a member of the Federal judiciary shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission who is not a member of Congress or a member of the Federal judiciary shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 808. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) In making appointments pursuant to this subsection, the Chairman shall include among his appointments individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

EXPENSES

SEC. 809. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry this title into effect.

PART E—GENERAL PROVISIONS

SEC. 810. Paragraph (c), subsection (1), Section 2516, title 18, United States Code, is amended by adding "section 1511 (obstruction of State or local law enforcement)," after "section 1510 (obstruction of criminal investigations)," and by adding "section 1955 (prohibition of business enterprises of gambling)," after "section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan),".

SEC. 811. No provision of this title indicates an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession, or a political subdivision of a State or possession, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State or possession, or political subdivision of a State or possession.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

SEC. 901. (a) Title 18, United States Code, is amended by adding immediately after chapter 95 thereof the following new chapter:

"Chapter 96.—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

"Sec.
"1961. Definitions.
"1962. Prohibited racketeering activities.
"1963. Criminal penalties.
"1964. Civil remedies.
"1965. Venue and process.
"1966. Expedition of actions.
"1967. Evidence.
"1968. Civil investigative demand.

"§ 1961. Definitions

"As used in this chapter—

"(1) 'racketeering activity' means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 2314 and 2315 (relating to interstate transportation of stolen property), sections 2421–24 (relating to white slave traffic), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), or (D) any offense involving bankruptcy fraud, fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States;

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof;

"(3) 'person' includes any individual or entity capable of holding a legal or beneficial interest in property;

"(4) 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

"(5) 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

"(6) 'unlawful debt' means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

"(7) 'racketeering investigator' means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

"(8) 'racketeering investigation' means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

"(9) 'documentary material' includes any book, paper, document, record, recording, or other material; and

"(10) 'Attorney General' includes the Attorney General of the United States, the Deputy Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

"§ 1962. Prohibited activities

"(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

"(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

"(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 1962, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person. All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General. The United States shall dispose of all such property as soon as commercially feasible, making due provision for the rights of innocent persons.

"§ 1964. Civil remedies

"(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(b) The Attorney General may institute proceedings under this section. In any action brought by the United States under this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

"(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

"(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

"§ 1965. Venue and process

"(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(c) In any civil or criminal action or proceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"§ 1966. Expedition of actions.

"In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action. The judge so designated shall assign such action for hearing as soon as practicable, participate in the hearings and determination thereof, and cause such action to be expedited in every way.

"§ 1967. Evidence

"In any proceeding ancillary to or in any civil action instituted by the United States under this chapter the proceedings may be open or closed to the public at the discretion of the court after consideration of the rights of affected persons.

"§ 1968. Civil investigative demand

"(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

"(b) Each such demand shall—

"(1) state the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto;

"(2) describe the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

"(3) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

"(4) identify the custodian to whom such material shall be made available.

"(c) No such demand shall—

"(1) contain any requirement which would be held to be unreasonable if contained in a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation; or

"(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

"(d) Service of any such demand or any petition filed under this section may be made upon a person by—

"(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

"(2) delivering a duly executed copy thereof of the principal office or place of business of the person to be served; or

"(3) depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

"(e) A certified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(f)(1) The Attorney General shall designate a racketeering investigator to serve as racketeer document custodian, and such additional racketeering investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person, or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct, pursuant to this section on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

"(3) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to this chapter. The custodian may cause the preparation of such copies of such documentary material as may be required for official use under regulations which shall be promulgated by the Attorney General. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

"(4) Whenever any attorney has been designated to appear on behalf of the United States before any court or grand jury in any case or proceeding involving any alleged violation of this chapter, the custodian may deliver to such attorney such documentary material in the possession of the custodian

as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court or grand jury through the introduction thereof into the record of such case or proceeding.

"(5) Upon the completion of—

"(i) the racketeering investigation for which any documentary material was produced under this chapter, and

"(ii) any case or proceeding arising from such investigation,

the custodian shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this subsection which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

"(6) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this subsection so produced by such person.

"(7) In the event of the death, disability, or separation from service of the custodian of any documentary material produced under any demand issued under this section or the official relief of such custodian from responsibility for the custody and control of such material, the Attorney General shall promptly—

"(i) designate another racketeering investigator to serve as custodian thereof, and

"(ii) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated.

Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this section upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred before his designation as custodian.

"(g) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

"(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section."

(b) The table of contents of part I, title 18, United States Code, is amended by adding imediately after

"95. Racketeering ..... 1951"

the following new item:

"96. Racketeer Influenced and Corrupt organizations ..... 1961"

SEC. 902. (a) Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by inserting at the end thereof between the parenthesis and the semicolon ", section 1963 (violations with respect to racketeer influenced and corrupt organizations)".

(b) Subsection (3), section 2517, title 18, United States Code, is amended by striking "criminal proceedings in any court of the United States or of any State or in any Federal or State grand jury proceeding" and inserting in lieu thereof "proceeding held under the authority of the United States or of any State or political subdivision thereof".

SEC. 903. The third paragraph, section 1505, title 18, United States Code, is amended by inserting "or section 1968 of this title" after "Act" and before "willfully".

SEC. 904. (a) The provisions of this title shall be liberally construed to effectuate its remedial purposes.

(b) Nothing in this title shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this title.

(c) Nothing contained in this title shall impair the authority of any attorney representing the United States to—

(1) lay before any grand jury impaneled by any district court of the United States any evidence concerning any alleged racketeering violation of law;

(2) invoke the power of any such court to compel the production of any evidence before any such grand jury; or

(3) institute any proceeding to enforce any order or process issued in execution of such power or to punish disobedience of any such order or process by any person.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

SEC. 1001. (a) Chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3575. Increased sentence for dangerous special offenders

"(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special offender and his counsel.

"(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

"(c) This section shall not prevent the imposition and execution of a sentence of death or of imprisonment for life or for a term exceeding twenty-five years upon any person convicted of an offense so punishable.

"(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special offender to less than any mandatory minimum penalty prescribed by

law for such felony. This section shall not be construed as creating any mandatory minimum penalty.

"(e) A defendant is a special offender for purposes of this section if—

"(1) the defendant has previously been convicted in courts of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for two or more offenses committed on occasions different from one another and from such felony and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony, and less than five years have elapsed between the commission of such felony and either the defendant's release, on parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense punishable by death or imprisonment in excess of one year under applicable laws of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof; or

"(2) the defendant committed such felony as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

"(3) such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use forces as all or part of such conduct. A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct. For purposes of paragraph (2) of this subsection, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and a fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1602, as amended 80 Stat. 838), and as hereafter amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Act of 1954 (68A Stat. 17, as amended 83 Stat. 655), and as hereafter amended. For the purposes of paragraph (2) of this subsection, special skill or expertise in criminal conduct includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of criminal conduct, the enlistment of accomplices in such conduct, the escape from detection or apprehension for such conduct, or the disposition of the fruits or proceeds of such conduct. For purposes of paragraphs (2) and (3) of this subsection, criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

"'(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felony is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured for imposition of the original sentence.

"With respect to the imposition, correction, or reduction of a sentence after proceedings under section 3575 of this chapter, a review of the sentence on the record of the sentencing court may be taken by the defendant or the United States to a court of appeals. Any review of the sentence taken by the United States shall be taken at least five days before expiration of the time for taking a review of the sentence or appeal of the conviction by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review of the sentence for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review of the sentence by the United States after the time has expired. A court extending the time for taking a review of the sentence by the United States shall extend the time for taking a review of the sentence or appeal of the conviction by the defendant for the same period. The taking of a review of the sentence by the United States shall be deemed the taking of a review of the sentence and an appeal of the conviction by the defendant. Review of the sentence shall include review of whether the procedure employed was lawful, the findings made were clearly erroneous, or the sentencing court's discretion was abused. The court of appeals on review of the sentence may, after considering the record, including the entire presentence report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review of the sentence taken by the United States and after hearing. Failure of the United States to take a review of the imposition of the sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Any withdrawal or dismissal of review of the sentence taken by the United States shall foreclose imposition of a sentence more severe than that reviewed but shall not otherwise foreclose the review of the sentence or the appeal of the conviction. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence. Any review of the sentence taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

"§ 3577. Use of information for sentencing

"No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

"§ 3578. Conviction records

"(a) The Attorney General of the United States is authorized to establish in the Department of Justice a repository for records of convictions and determinations of the validity of such convictions.

"(b) Upon the conviction thereafter of a defendant in a court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, or a judical determination of the validity of such conviction on collateral review, the court shall cause a certified record of the conviction or determination to be made to the repository in such form and containing such information as the Attorney General of the United States shall by regulation prescribe.

"(c) Records maintained in the repository shall not be public records. Certified copies thereof—

"(1) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

"(2) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of a State, any political subdivision, or any department, agency, or instrumentality thereof, if a statute of such State requires that, upon the conviction of a defendant in a court of the State or any political subdivision thereof for an offense punishable in such court by death or imprisonment in excess of one year, or a judicial determination of the validity of such conviction on collateral review, the court cause a certified record of the conviction or determination to be made to the repository in such form and containing such information as the Attorney General of the United States shall by regulation prescribe; and

"(3) shall be prima facie evidence in any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof, that the convictions occurred and whether they have been judicially determined to be invalid on collateral review.

"(d) The Attorney General of the United States shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing regulations under this section."

(b) The analysis of chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new items:

"3575. Increased sentence for dangerous special offenders.
"3576. Review of sentence.
"3577. Use of information for sentencing.
"3578. Conviction records."

SEC. 1002. Section 3148, chapter 207, title 18, United States Code, is amended by adding "or sentence review under section 3576 of this title" immediately after "sentence".

TITLE XI—REGULATION OF EXPLOSIVES

PURPOSE

SEC. 1101. The Congress hereby declares that the purpose of this title is to protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials. It is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, storage, or use of explosive materials for industrial, mining, agricultural, or other lawful purposes, or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 1102. Title 18, United States Code, is amended by adding after chapter 39 the following chapter:

"Chapter 40.—IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

"Sec.
"841. Definitions.
"842. Unlawful acts.
"843. Licensing and user permits.
"844. Penalties.
"845. Exceptions; relief from disabilities.
"846. Additional powers of the Secretary.
"847. Rules and regulations.
"848. Effect on State law.

"§ 841. Definitions

"As used in this chapter—

"(a) 'Person' means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(b) 'Interstate or foreign commerce' means commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State. 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

"(c) 'Explosive materials' means explosives, blasting agents, and detonators.

"(d) Except for the purposes of subsections (d), (e), (f), (g), (h), (i), and (j) of section 844 of this title, 'explosives' means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The Secretary shall publish and revise at least annually in the Federal Register a list of these and any additional explosives which he determines to be within the coverage of this chapter. For the purposes of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, the term 'explosive' is defined in subsection (j) of such section 844.

"(e) 'Blasting agent' means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

"(f) 'Detonator' means any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

"(g) 'Importer' means any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

"(h) 'Manufacturer' means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

"(i) 'Dealer' means any person engaged in the business of distributing explosive materials at wholesale or retail.

"(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained a user permit under the provisions of this chapter.

"(k) 'Secretary' means the Secretary of the Treasury or his delegate.

"(l) 'Crime punishable by imprisonment for a term exceeding one year' shall not mean (1) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (2) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(m) 'Licensee' means any importer, manufacturer, or dealer licensed under the provisions of this chapter.

"(n) 'Distribute' means sell, issue, give, transfer, or otherwise dispose of.

"§ 842. Unlawful acts

"(a) It shall be unlawful for any person—

"(1) to engage in the business of importing, manufacturing, or dealing in explosive materials without a license issued under this chapter;

"(2) knowingly to withhold information or to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the provisions of this chapter; and

"(3) other than a licensee or permittee knowingly—

"(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials, except that a person who lawfully purchases explosive materials from a licensee in a State contiguous to the State in which the purchaser resides may ship, transport, or cause to be transported such explosive materials to the State in which he resides and may receive such explosive materials in the State in which he resides, if such transportation, shipment, or receipt is permitted by the law of the State in which he resides; or

"(B) to distribute explosive materials to any person (other than a licensee or permittee) who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

"(b) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person except—

"(1) a licensee;

"(2) a permittee; or

"(3) a resident of the State where the distribution is made and in which the licensee is licensed to do business or a State contiguous thereto if permitted by the law of the State of the purchaser's residence.

"(c) It shall be unlawful for any licensee to distribute explosive materials to any person who the licensee has reason to believe intends to transport such explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into it or to receive explosive materials in it.

"(d) It shall be unlawful for any licensee knowingly to distribute explosive materials to any individual who:

"(1) is under twenty-one years of age;

"(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(3) is under indictment for a crime punishable by imprisonment for a term exceeding one year;

"(4) is a fugitive from justice;

"(5) is an unlawful user of marihuana (as defined in section 4761 of the Internal Revenue Code of 1954) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4721 (a) of the Internal Revenue Code of 1954; or

"(6) has been adjudicated a mental defective.

"(e) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution.

"(f) It shall be unlawful for any licensee or permittee willfully to manufacture, import, purchase distribute, or receive explosive materials without making such records as the Secretary may by regulation require, including, but not limited to, a statement of intended use, the name, date, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom explosive materials are distributed. If explosive materials are distributed to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date, place of birth, and place of residence of the natural person acting as agent of the corporation or other business entity in arranging the distribution.

"(g) It shall be unlawful for any licensee or permittee knowingly to make any false entry in any record which he is required to keep pursuant to this section or regulations promulgated under section 847 of this title.

"(h) It shall be unlawful for any person to receive, conceal, transport, ship, store, barter, sell, or dispose of any explosive materials knowing or having reasonable cause to believe that such explosive materials were stolen.

"(i) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana (as defined in section 4761 of the Internal Revenue Code of 1954) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any explosive in interstate or foreign commerce or to receive any explosive which has been shipped or transported in interstate or foreign commerce.

"(j) It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type, and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry.

"(k) It shall be unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock, to fail to report such theft or loss within twenty-four hours of discovery thereof, to the Secretary and to appropriate local authorities.

"§ 843. Licenses and user permits

"(a) An application for a user permit or a license to import, manufacture, or deal in explosive materials shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant for a license or permit shall pay a fee to be charged as set by the Secretary, said fee not to exceed $200 for each license or permit. Each license or permit shall be valid for no longer than three years from date of issuance and shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.

"(b) Upon the filing of a proper application and payment of the prescribed fee, and subject to the provisions of this chapter and other applicable laws, the Secretary shall issue to such applicant the appropriate license or permit if—

"(1) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direc-

tion of the management and policies of the corporation, partnership, or association) is not a person to whom the distribution of explosive materials would be unlawful under section 842(d) of this chapter;

"(2) the applicant has not wilfully violated any of the provisions of this chapter or regulations issued hereunder;

"(3) the applicant has in a State premises from which he conducts or intends to conduct business;

"(4) the applicant has a place of storage for explosive materials which meets such standards of public safety and security against theft as the Secretary by regulations shall prescribe; and

"(5) the applicant has demonstrated and certified in writing that he is familiar with all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business.

"(c) The Secretary shall approve or deny an application within a period of forty-five days beginning on the date such application is received by the Secretary.

"(d) The Secretary may revoke any license or permit issued under this section if in the opinion of the Secretary the holder thereof has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter, or has become ineligible to acquire explosive materials under section 842(d). The Secretary's action under this subsection may be reviewed only as provided in subsection (e)(2) of this section.

"(e)(1) Any person whose application is denied or whose license or permit is revoked shall receive a written notice from the Secretary stating the specific grounds upon which such denial or revocation is based. Any notice of a revocation of a license or permit shall be given to the holder of such license or permit prior to or concurrently with the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes a license, or permit, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation, the Secretary may upon a request of the holder stay the effective date of the revocation. A hearing under this section shall be at a location convenient to the aggrieved party. The Secretary shall give written notice of his decision to the aggrieved party within a reasonable time after the hearing. The aggrieved party may, within sixty days after receipt of the Secretary's written decision, file a petition with the United States court of appeals for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation, pursuant to sections 701–706 of title 5, United States Code.

"(f) Licensees and permittees shall make available for inspection at all reasonable times their records kept pursuant to this chapter or the regulations issued hereunder, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any licensee or permittee, for the purpose of inspecting or examining (1) any records or documents required to be kept by such licensee or permittee, under the provisions of this chapter or regulations issued hereunder, and (2) any explosive materials kept or stored by such licensee or permittee at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received explosive materials, together with a description of such explosive materials.

"(g) Licenses and permits issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the premises covered by the license and permit.

"§ 844. Penalties

"(a) Any person who violates subsections (a) through (i) of section 842 of this chapter shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) Any person who violates any other provision of section 842 of this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Any explosive materials involved or used or intended to be used in any violation of the provisions of this chapter or any other rule or regulation promulgated thereunder or any violation of any criminal law of the United States shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"(d) Whoever transports or receives, or attempts to transport or receive, in interstate or foreign commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results, shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(e) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, wilfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(f) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years, or fined not more than $20,000, or both; and if death results shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(g) Whoever possesses an explosive in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department, or other person responsible for the management of such building, shall be imprisoned for not more than one year, or fined not more than $1,000, or both.

"(h) Whoever—

"(1) uses an explosive to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries an explosive unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than twenty-five years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

"(i) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(j) For the purposes of subsections (d), (e), (f), (g), (h) and (i) of this section, the term 'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

"§ 845. Exceptions; relief from disabilities

"(a) Except in the case of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, this chapter shall not apply to:

"(1) any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the United States Department of Transportation and agencies thereof;

"(2) the use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia, or the National Formulary;

"(3) the transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof;

"(4) small arms ammunition and components thereof;

"(5) black powder in quantities not to exceed five pounds; and

"(6) the manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States; or to arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

"(b) A person who had been indicted for or convicted of a crime punishable by imprisonment for a term exceeding one year may make application to the Secretary for relief from the disabilities imposed by this chapter with repect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, and incurred by reason of such indictment or conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the indictment or conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief will not be contrary to the public interest. A licensee or permittee who makes application for relief from the disabilities incurred under this chapter by reason of indictment or conviction, shall not be barred by such indictment or conviction from further opera-

tions under his license or permit pending final action on an application for relief filed pursuant to this section.

"§ 846. Additional powers of the Secretary

"The Secretary is authorized to inspect the site of any accident, or fire, in which there is reason to believe that explosive materials were involved, in order that if any such incident has been brought about by accidental means, precautions may be taken to prevent similar accidents from occurring. In order to carry out the purpose of this subsection, the Secretary is authorized to enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location. Nothing in this chapter shall be construed as modifying or otherwise affecting in any way the investigative authority of any other Federal agency. In addition to any other investigatory authority they have with respect to violations of provisions of this chapter, the Attorney General and the Federal Bureau of Investigation, together with the Secretary, shall have authority to conduct investigations with respect to violations of subsection (d), (e), (f), (g), (h), or (i) of section 844 of this title.

"§ 847. Rules and regulations

"The administration of this chapter shall be vested in the Secretary. The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"§ 848. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together."

(b) The title analysis of title 18, United States Code, is amended by inserting immediately below the item relating to chapter 39 the following:

"40. Importation, manufacture, distribution and storage of explosive materials ---------- 841".

SEC. 1103. Section 2516(1)(c) of title 18, United States Code, is amended by inserting after "section 224 (bribery in sporting contests)," the following: "subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives),"

SEC. 1104. Nothing in this title shall be construed as modifying or affecting any provision of—

(a) The National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control;

(c) Section 1716 of title 18, United States Code, relating to nonmailable materials;

(d) Sections 831 through 836 of title 18, United States Code; or

(e) Chapter 44 of title 18, United States Code.

SEC. 1105. (a) Except as provided in subsection (b), the provisions of chapter 40 of title 18, United States Code, as enacted by section 1102 of this title shall take effect one hundred and twenty days after the date of enactment of this Act.

(b) The following sections of chapter 40 of title 18, United States Code, as enacted by section 1102 of this title shall take effect on the date of the enactment of this Act: sections 841, 844 (d), (e), (f), (g), (h), (i), and (j), 845, 846, 847, 848, and 849.

"(c) Any person (as defined in section 841(a) of title 18, United States Code) engaging in a business or operation requiring a license or permit under the provisions of chapter 40 of such title 18 who was engaged in such business or operation on the date of enactment of this Act and who has filed an application for a license or permit under the provisions of section 843 of such chapter 40 prior to the effective date of such section 843 may continue such business or operation pending final action on his application. All provisions of such chapter 40 shall apply to such applicant in the same manner and to the same extent as if he were a holder of a license or permit under such chapter 40.

SEC. 1106. (a) The Federal Explosives Act of October 6, 1917 (40 Stat. 385, as amended; 50 U.S.C. 121–143), and as extended by Act of July 1, 1948 (40 Stat. 671; 50 U.S.C. 144), and all regulations adopted thereunder are hereby repealed.

(b) (1) Section 837 of title 18 of the United State Code is repealed.

(2) The item relating to such section 837 in the chapter analysis of chapter 39 of such title 18 is repealed.

SEC. 1107. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

TITLE XII—NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

SEC. 1201. There is hereby established the National Commission on Individual Rights (hereinafter in this title referred to as the "Commission").

SEC. 1202. The Commission shall be composed of fifteen members appointed as follows:

(1) four appointed by the President of the Senate from Members of the Senate;

(2) four appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) seven appointed by the President of the United States from all segments of life in the United States, including but not limited to lawyers, jurists, and policemen, none of whom shall be officers of the executive branch of the Government.

SEC. 1203. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

SEC. 1204. It shall be the duty of the Commission to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries authorized under chapter 216 of title 18, United States Code, dangerous special offender sentencing under section 3575 of title 18, United States Code, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. The Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission shall determine which laws and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States.

SEC. 1205. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) In making appointments pursuant to subsection (a) of this section, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

SEC. 1206. (a) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

SEC. 1207. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

SEC. 1208. The Commission shall make interim reports and recommendations as it deems advisable, but at least every two years, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress at the end of six years following the effective date of this section. Sixty days after the submission of the final report, the Commission shall cease to exist.

SEC. 1209. (a) except as provided in subsection (b) of this section, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

(b) The exemption granted by subsection (a) of this section shall not extend—

(1) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

SEC. 1210. The foregoing provisions of this title shall take effect on January 1, 1972.

SEC. 1211. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 1212. Section 804 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351; 18 U.S.C. 2510 note) is repealed.

TITLE XIII—GENERAL PROVISIONS

SEC. 1301. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Mr. McCLELLAN. Mr. President, on January 15 of last year, I introduced, along with my distinguished colleagues, the Senator from Nebraska (Mr. HRUSKA), the Senator from North Carolina (Mr. ERVIN), and the Senator from

Alabama (Mr. ALLEN), S. 30, the Organized Crime Control Act of 1969.

Later in that session of the Congress other bills dealing with organized crime problems were introduced. All of them were referred to the Judiciary Subcommittee on Criminal Laws and Procedures, which I am privileged to chair. After appropriate hearings on these measures, the subcommittee worked the provisions of seven of these bills into the 10 substantive titles that made up the text of the comprehensive organized crime control measure (S. 30) which was later reported to the Senate.

Senators EASTLAND, MUNDT, ERVIN, HRUSKA, TYDINGS, and the late Senator Dirksen authored bills that were ultimately incorporated, in part at least, into S. 30. President Nixon, too, contributed great assistance to our efforts in the development of this legislation with his message on organized crime of April 23, 1969, in which he recommended one item in particular—which was covered specifically by S. 2022—and expressed his strong support for four other measures, S. 30, S. 1624, S. 1861, and S. 2122.

Members of both sides of the aisle—and of all political philosophies—contributed to the favorable reception that S. 30 received and to its passage by the Senate on January 23 of this year by a vote of 73 to 1. Incidentally, Mr. President, 22 Senators who were not present at the time of Senate passage have since announced in the RECORD that if they had been present they would have voted for passage. This brings the announced and recorded support of Senators for the measure to a total of 95.

Mr. President, because of this practically unanimous support, I had hoped that the House would expeditiously process it and that we would have had favorable action on it by the House long before now. However, those expectations were not altogether fulfilled.

The House Judiciary Committee did not begin hearings on the measure until May, nearly 4 months after Senate passage, and did not report the bill to the House until September 30, more than 9 months after it passed the Senate. However, on last Wednesday, when the House was given the opportunity to consider and vote on S. 30, it passed the measure—largely in the form and with provisions substantially as it passed the Senate—by a resounding vote of 341 to 26. It is significant, I think, that the principles of all of the original 10 titles of the measure were retained by the House.

The House added two new titles: One dealing with bombings and explosives, and the other setting up a Commission on Individual Rights.

Mr. President, I have examined with some care the bill as passed by the House. In view of the comparatively and largely minor changes made by the House, I must confess that I am at some loss to understand why the House Judiciary Committee took so long to process this measure. The hope of some and the expectations of a few that this bill would be emasculated in the House certainly has not materialized. No bill is perfect, and every measure can be improved by the study of those who with good will have that objective.

It is in this context, therefore, that I can say that a few of the changes made in the bill by the House are clarifying and strengthening. In this context, too, I particularly welcome the suggestions made in the House hearings by the American Bar Association. The bar association approved S. 30 as it passed the Senate and urged its "swift adoption." However, it did make some suggestions from improvement. I think all of the suggestions it recommended, and which were adopted by the House, improved the bill, except one—and that is the amendment with respect to grand jury reports. Possibly the most weakening amendment passed by the House is the one that excludes elected officials from those persons who might be made the subjects of grand jury reports.

It may be noted, Mr. President, that, in contrast, the Senate rejected a motion—an amendment—that would have had a similar effect by a vote of 59 to 13. I, for one, do not see how we can make applicable to others provision of a bill which we are unwilling to have apply to ourselves.

Some of the other House changes, nevertheless, seem to be little more than an exercise in semantics. The Senate bill, for instance, made "manifestly contradictory" declarations sufficient in themselves to establish falsity in a false declaration or perjury prosecution. The House measure requires the declarations to be "irreconcilably inconsistent." There may be a difference in the two tests, but it is surely one of small practical importance. Many other changes made by the House, I think, are comparable and can be described in like terms.

Mr. President, S. 30 is vitally needed legislation. Its provisions will correct several difficulties in the evidence gathering processes which are especially troublesome in organized crime cases. It will limit defense abuses of pretrial hearings, extend Federal jurisdiction over major cases of gambling and corruption, curb organized crime infiltration of legimate organizations, and authorize extended sentences for Federal offenders.

This bill, Mr. President, embodies the recommendations of such august bodies as the American Bar Association, the President's Commission on Crime and Administration of Justice, and others.

Mr. President, a fair assessment of the House bill as compared to the Senate bill leads me to conclude that the House bill now contains at least 85 to 95 percent of the most important provisions that were in the bill as it passed the Senate. Thus, the force and efficacy of the Senate measure is substantially retained.

Mr. President, we are approaching a recess of the Congress this week. A conference could not possibly act on this measure until after Congress reconvenes—sometime the latter part of November. Therefore, in view of the foregoing, Mr. President, I have concluded that the comparatively small difference between the House amendments and the provisions in the Senate bill can hardly justify the certain further delay—and the possible disagreement—that a conference might entail. This law is needed. Every day that its final enactment is delayed will lend further convenience, comfort, and protection, if not immunity, to many organized crime offenders. The Nation needed this legislation when it was introduced. It needed it 6 months ago. It needs it now.

Mr. President, for the reasons I have stated, I most respectfully recommend that the Senator accept the House amendments, and I so move.

Mr. HRUSKA. Mr. President, it is gratifying to note that the other body has finally passed the Organized Crime Control Act (S. 30) which this body had passed in January of this year by a vote of 73 to 1. From January, until it was reported by the House Judiciary Committee approximately 2 weeks ago, the bill saw no action in the House despite the urgency of its enactment caused by the serious crime conditions which today prevail across the nation.

The bill as reported by the House Judiciary, and as passed by the House last week by an overwhelming bipartisan vote of 341 to 26, contains essentially all of the provisions of S. 30 as it was passed by this body. Although the House Judiciary Committee purported to make a considerable number of changes in the legislation, the chances were not of major significance. The most important change which the House effected was to incorporate a title dealing with the unlawful use of explosives and incendiary devises. That title contains provisions similar to those appearing in the Senate bill on the same subject, S. 3650, which the Senate passed last Thursday, October 8.

S. 30 contains many of the anticrime measures which the President recommended in his message on organized crime delivered to the Congress nearly 18 months ago, in April 1969. It includes provisions for a wide range of needed procedural reforms dealing with virtually every stage of the criminal justice process from investigation through prosecution, conviction, and sentencing. It also contains, as passed by the Senate and now by the House, two innovative substantive titles dealing respectively with illegal syndicated gambling and the infiltration of legitimate business by racketeering methods. In addition to the title dealing with explosives and incendiary weapons which, as I mentioned, was added by the House, the bill retains the 10 titles from the Senate version which provide as follows:

Title I, Special Grand Jury—creates special grand juries to sit for extended terms of 18 months, or longer if necessary, in densely populated districts where the influence of organized crime is greatest. These special grand juries will not only return indictments, but upon the completion of their terms may issue public reports upon organized criminal activities and the noncriminal misconduct of appointed public officials which facilitates such activities.

Title II. General Immunity—creates a single uniform witness immunity statute which will enable the Government in any court, administrative, or legislative proceeding to obtain the testimony of a witness who otherwise refuses to testify on the ground that he might incriminate himself. The immunity provided protects the witness from the use against him of his compelled testimony and its fruits in any prosecution for offenses

committed prior to the time he testified, but does not foreclose prosecution for his past criminal offenses upon the basis of entirely independent evidence.

Title III. Recalcitrant Witnesses—enforces the immunity provision by expressly authorizing civil contempt proceedings against witnesses who refuse to comply with a lawful order of the court to testify in a grand jury proceeding or trial.

Title IV. False Declaration—discourages fabricated testimony by creating a false statement statute applicable in court and grand jury proceedings which eliminates the anachronistic two-witness rule for perjury prosecutions, provides for perjury prosecutions on the basis of irreconcilable contradictory statements under oath, and permits the Government to prove the offenses by proof beyond a reasonable doubt.

Title V. Protected Facilities for Housing Government Witnesses—authorizes the Attorney General to offer protective housing facilities to endangered witnesses in organized crime cases and otherwise to provide for their welfare and safety both before and after they testify. It is intended to assure, insofar as is possible, the attendance of important prosecution witnesses at trial, and to fulfill the community's obligation to the witness who performs a public duty by testifying at the risk of life and limb in a criminal proceeding.

Title VI. Depositions—permits the Government to take and preserve the testimony of a witness in a prosecution of any person who is believed to have engaged in any organized criminal activity, that is, not an isolated offense by an isolated offender where it is feared that the witness may die, hide, flee the country, or be killed, injured, kidnaped, bribed, or intimidated into silence prior to trial. This may upon occasion save a witness' life by eliminating the criminal syndicate's primary motivation for doing away with him.

Title VII. Litigation Concerning Sources of Evidence—will expedite trials of organized crime offenders by modifying the existing practice where a defendant claims the Government's evidence is inadmissible because it was discovered through an improper electronic surveillance conducted prior to the act of June 19, 1968—Public Law 90–351, title III, section 802—which provided statutory authority for surveillance warrants. Thereafter, title III will act of its own accord.

Title VIII. Syndicated Gambling—makes it a Federal offense to engage in the operation of a large-scale illegal gambling enterprise, or to participate in a conspiracy to obstruct the enforcement of State gambling laws through the corruption of State or local authorities. It implements the administration's intent to focus upon illegal gambling as the financial lifeline of organized crime.

Title IX. Racketeer Influenced and Corrupt Organizations—makes it unlawful to use income obtained from certain designated racketeering enterprises to acquire an interest in a business engaged in interstate commerce, to use racketeering activities as a means of acquiring such a business, or to operate such a business by racketeering methods. The title utilizes criminal forfeitures and civil remedies modeled upon the antitrust laws to prevent and restrain violations.

Title X. Dangerous Special Offender Sentencing—permits a Federal court, under appropriate safeguards, to impose a sentence of imprisonment for up to 25 years upon a dangerous felony offender when the felony of which he is convicted constitutes a third felony offense, or when the felony was committed as part of a pattern of conduct which indicated that the defendant was either a professional criminal or a participant in a leadership or other key position in a criminal conspiracy. Extended sentences may be imposed only after the court has held a special sentencing hearing at which the defendant will be present with counsel, and the sentencing procedure is made subject to review by the courts of appeal.

Mr. President, these measures are urgently needed if we are successfully to combat the growing menace of organized crime in this Nation. Moreover, although opponents of this legislation in the House argued that its enactment will have no effect upon the street crime which so concerns our citizens and renders our streets unsafe, nothing could be further from the truth. Organized crime with its virtual monopoly over illegal goods and services, including the illegal traffic in narcotics and the efficient fencing of stolen goods, encourages street crime by inducing narcotics addicts to mug and rob, and housebreakers and burglars to steal. Moreover, organized crime penetrates the depth of our society in ways of which many citizens are unaware. The Attorney General said at the Senate subcommittee hearings on S. 30:

> Perhaps the most insidious feature of organized crime is its ability to victimize many millions of our citizens who for the most part are not aware of how they are affected, or that they are affected at all. The housewife for example, has no way of knowing that when the price of meat, bread, vegetables or dairy products rises, the increase may be the result of an organized crime conspiracy. The wage earner may be unaware of misuses of his union pension fund. The investor may be unaware of stock market manipulations resulting from massive purchases and/or sales of securities by organized crime syndicates. The taxpayer is unaware of his revenue losses from organized criminal activity which make his taxes go up. The ghetto resident who looks upon the numbers game as an opportunity to escape poverty fails to realize that organized crime drains millions of dollars each year from the poor through this operation.

Mr. President, S. 30 as passed by the House is little changed from the strong bill for the control of organized crime that was passed by this body last January. It still represents an effective response to the problems which the threat of organized crime poses to the Nation. Because of the urgency of the legislation, I recommend that this body by approving the pending motion now unanimously agree to the House amendments, avoid the necessity for a conference, and speed this vital measure to the President for his signature.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

PROGRAM—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the conclusion of action on the pending question, the Senate proceed to the consideration of Calendar No. 1300, the Occupational Health and Safety Act.

Mr. GRIFFIN. Mr. President, I must object at the request of and on behalf of other Senators. Unfortunately, the business of the Senate requires that some Senators who have a very key role and a very personal interest in this legislation must be involved in conferences on other legislation this afternoon.

As the Senate is aware, this bill of some 91 pages has some controversial provisions in it and members of the Committee on Labor and Public Welfare who must and wish to participate in the debate could not do so this afternoon. Therefore, I must respectfully object.

Mr. BYRD of West Virginia. Mr. President, I can understand the objection made by the able assistant minority leader. I would like, therefore, to revise my request.

Mr. President, I ask unanimous consent that on tomorrow not later than 3 p.m., the unfinished business be laid aside, to remain in that status until the conclusion of morning business on Wednesday next, and at that time, on tomorrow, the Senate proceed to the consideration of Calendar No. 1300, the occupational health and safety bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MUSKIE). The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, reserving the right to object, and I shall not object, I would like to ask the Senator if this would preclude the offering of a resolution from the floor and asking for its immediate consideration.

Mr. BYRD of West Virginia. Not at all.

Mr. BAYH. Mr. President, I wonder if our distinguished leader would withdraw that particular unanimous-consent request and permit me to make one which deals with the present order of business.

As the principal cosponsor and floor manager of the pending order of business I feel obligated to pursue all avenues open, within reason, to see that this measure is pursued as diligently as we can in this body. I must admit, in all honesty to my colleagues, I have some inkling that I shall not be successful in the request, but I feel duty bound to pursue those requests, hoping the anticipated objector would have the benevolence in his heart not to object.

Mr. BYRD of West Virginia. Mr. President, I temporarily withdraw my request.

ORGANIZED CRIME CONTROL ACT OF 1970

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 30) relating to the control of organized crime in the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. COOPER. Mr. President, reserving the right to object, although I do not think I will object. I desire to ask some questions about the bill. I know the concern held in the country and the Congress about the rising tide of crime, and the interest in the bill before us. I recall this bill when it passed the Senate as one including many new titles, and many new provisions, recommended either by the Department of Justice and the President, or recommended by the Committee on the Judiciary under the leadership of the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

Now the bill is before us again as amended by the House, and without time for consideration. We do not know exactly what these amendments are. I recall that in the Senate debate questions were raised about controversial provisions which went beyond the accepted, or at least what has been considered as accepted principles regarding the rights of individuals. I spoke on the bill when it was before the Senate and expressed my opposition to some sections of the bill.

I wish to ask a question about title II, General Immunity. Was that section changed in any way by the House?

Mr. McCLELLAN. As amended by the House, the bill retains substantially what was in the Senate bill. The only important change made was to require the approval of the Attorney General before Federal agencies could grant immunity. That strengthens the bill, and it is a very good amendment.

Mr. COOPER. That is, an agency of the Federal Government?

Mr. McCLELLAN. Yes.

Mr. COOPER. Of course, it applies only to the Federal courts.

Mr. McCLELLAN. Only to the Federal courts or to those here in the District of Columbia.

Mr. COOPER. And to Congress?

Mr. McCLELLAN. Well, Congress would not have to ask the Attorney General.

Mr. COOPER. The bill states "legislative branch."

Mr. McCLELLAN. It applies to the legislative branch and the executive branch of the Government.

Mr. COOPER. I remember several great debates in the Senate in past years on the question of how far Congress could go by statute to compel a witness to testify against himself. As I understand the amendment, if this bill is passed, there will be no restriction upon the authority and power of any Federal court or any Federal administrative body to compel the testimony of a witness? The breadth of the amendment raises the issue of possible conflict with the fifth and sixth amendments.

Mr. McCLELLAN. No; there are certain procedural restrictions.

Mr. COOPER. Procedural restrictions?

Mr. McCLELLAN. Yes. But it is not limited to a particular class of cases, like kidnaping or robbery or murder. Perhaps the Senator has that in mind. It covers all categories of crime.

Mr. COOPER. Title VII refers to Litigation Concerning Sources of Evidence. Does it affect existing practice where a defendant claims the Government's evidence is inadmissible because it was discovered through an improper electronic surveillance conducted before the 1st of June 1968?

What does the House bill do with respect to title VII?

Mr. McCLELLAN. The House has modified it by making it applicable only to electronic surveillance. Also, it is limited to surveillance that occurred prior to June 1968, the date on which title III of Public Law 90–351 was enacted.

Mr. COOPER. The situation about it is that——

Mr. McCLELLAN. Electronic surveillance subsequent to that time is controlled by the 1968 act, where the disclosure standard is the same as it was set out in title VII. See Senate Report No. 1097, 90th Congress, second session at 106 (1968). When the Senate passed title VII, it was not limited to electronic surveillance, so it was necessary to make it apply to acts occurring after 1968. This new language applies, however, only to surveillance prior to 1968.

Mr. COOPER. This title would limit the volume of tapes or the record of the surveillance which would be made available to the defendant.

Mr. McCLELLAN. Anything now if it was taken prior to 1968. The Senator can appreciate that there are cases where, if everything was made available, it would cause a great deal of trouble.

Mr. COOPER. Let me ask a question about title 10. We are about to vote on an important measure, and there are questions which deserve attention.

Title 10 refers to Dangerous Special Offender Sentencing. Does it mean that if an individual is tried and is convicted for a third felony then an additional sentence could be imposed upon him by the court?

Mr. McCLELLAN. Yes; that is correct, up to 25 years. The Senate had fixed the period as 30 years. The House cut it down.

Mr. COOPER. Does it provide also that if, after having been convicted of a felony, the court should determine that he had been engaged in a pattern of conduct which indicated that he was a professional criminal or a participant in an organized criminal conspiracy——

Mr. McCLELLAN. It does in part provide that, but I point out to the Senator that this is on the basis of a hearing before the court. Today, the court may take into consideration anything in the world it wanted to in setting a sentence, any kind of hearsay or anything else, and, without any standards at all, impose a sentence, but this provides a standard and requires a hearing on imposition of these additional or aggravated penalties for the offense.

Mr. COOPER. A hearing on which the court could impose an additional 25 years?

Mr. McCLELLAN. Up to 25 years in lieu of. But that would be true if the individual met the standard set out in the statute.

Mr. COOPER. I think that answers my questions. I am not on the committee, and have not had a chance to study the bill as amended by the House.

On this short colloquy. I am not able to suggest that if a court can impose an additional penalty, up to 22 years upon an individual as a professional criminal through a hearing, without any trial by jury serious institutional questions are raised.

Mr. McCLELLAN. There is nothing really new in this, I might say to the Senator. Twenty-three States give life sentence to a recidivist. Often the sentence is mandatory. But here is the difference: Now, as the Senator knows, the court can without review take into account whatever it wants to in affixing the amount of the sentence when it has discretion in the case. But here if this procedure is undertaken, the defendant is entitled to a hearing and representation by counsel, and the court hears the matter; so he is not denied due process. And the penalty is not mandatory.

I might say this to the distinguished Senator: The American Bar Association endorsed this provision of the bill, and I believe they recommended that, inter alia, instead of 30 years, 25 years be the limit, and the House of Representatives accepted that.

I have no quarrel with what the House did on this measure.

Mr. COOPER. I thank the Senator. I know of his great interest and his effort in this subject. I know that almost everyone in the country is concerned about crime. I am, and all of us are. But because I have in past year, raised these questions about the balance, if it can be attained, between the rights of an individual and the rights of society, I have in this very slender and incomplete way raised again the same question. I know they will be tested in the courts, a great many of the issues, and I would have to say, upon a very brief look at the bill, that some of these provisions are of doubtful constitutionality.

That is quite a bit for me to say, but I think so.

Mr. McCLELLAN. Very well. I was very glad to give the Senator the answers as far as I could.

Here is the situation: I have concluded that there is not enough difference, actually, between the House bill and the Senate bill to go to a conference—taking into account that we would have additional delay, and perhaps a deadlock in the end. There is just not that much difference. I would say 90 percent of the force and efficacy of the Senate bill is retained by the House amendments, and some of the House amendments were good. They were constructive, and we have no objection to them.

Mr. FANNIN. Mr. President, I had hoped that the tragedy at the University of Wisconsin when an innocent man was killed in a bombing would somehow result in a slackening of terrorist activity in our Nation.

But now we have the bombings on the west coast and the explosions today which damaged five buildings, including two churches, in New York.

It has become obvious the senseless destruction of property and lives will continue until strong action is taken by law enforcement authorities. We must

give these authorities the power they need.

I urge that we complete action quickly on antibombing measures which are still pending either here or in the House.

By accepting the House amendments to S. 30, the Organized Crime Control Act, we would be taking a step in the right direction. It would strengthen the law on the distribution and misuse of explosives.

The sooner we get tough with these terrorists, the sooner we can restore peace and security to our churches, our public buildings, and our campuses.

We cannot be too harsh in dealing with this type of crime. There is no greater criminal than the person who destroys property and kills innocent people in trying to overthrow our Government.

Mr. DOLE. Mr. President, passage by the House of Representatives of an amended version of S. 30 is a most welcome if somewhat belated action.

It is impossible to overstress the importance of S. 30's legislative attack on organized crime. This is especially true in the light of recent studies on organized crime, including that of the President's Commission on Law Enforcement and the Administration of Justice, which have identified its alarming expansion into the field of legitimate business. This penetration of industry poses two distinct but related dangers: First, the economic strength of organized crime is perpetuated and enhanced when tainted proceeds are invested in legitimate enterprises. Second, the free channels of trade are threatened by organized crime's propensity to obtain monopoly control of areas it enters by whatever means are available, including terror and strongarm tactics.

The techniques and methods used in the infiltration of legitimate business enterprises are many and varied. A few case histories will demonstrate how easily a business can fall captive.

The New York Times edition of June 29, 1969, reported how a New Jersey organized crime leader, Gene Catena, gained a foothold in a detergent manufacturer's business, North America Chemical Corp., of Patterson, N.J., by serving as a sales consultant. According to testimony released by the New York Harbor and Waterfront Commission, the owner of the detergent manufacturing company hired Catena's sales agency, called Best Sales, in 1964 under a 10-year contract which was not subject to cancellation. Catena and Best Sales thereafter, through the medium of arson and murder, attempted to force the A. & P. Tea Co. to buy a detergent that the company had previously tested and rejected.

Another method used to acquire control is to corner a market on essential goods or services and then to withhold them from the legitimate businessman until he surrenders an interest in his business or makes a related economic concession. This method is illustrated by recent testimony released by the New York State Investigation Commission. In one case an executive of a major New York meat concern was compelled to use an organized crime controlled knife grinder service or face the loss of his pork supply which was controlled by a leader in organized crime, Paul Gambino.

Although prosecutions and convictions of leaders or organized crime and their confederates are increasing each year as the Federal Government's organized crime program gains momentum, it is becoming increasingly apparent that convictions of underworld figures remove them from control of syndicated enterprises but do not reach the property interests of the syndicate. Control passes to another organized crime leader and the financial structure remains intact.

Title IX of the Organized Crime Control Act, as passed by the Senate in January and by the House last week, contains a proposal designed to curtail—and eventually to eradicate—the vast expansion of organized crime's economic power. Broadly speaking, this title would create strict criminal penalties for using the proceeds of racketeering activity to acquire an interest in businesses engaged in interstate commerce, or to acquire or operate such businesses by racketeering methods.

In addition, this title, by utilizing remedies heretofore applicable in the antitrust field—the remedies of injunction, dissolution, divestiture, and reorganization—would forge a weapon for putting the syndicate out of business. By removing leaders of the organized crime from positions of ownership, by preventing them and their associates from regaining control, and by visiting heavy economic sanctions on their predatory business practices, this legislation will prove an effective deterrent to further expansion of organized crime's economic power.

This and the other titles in S. 30, ranging from special grand juries and a comprehensive immunity provision to a central attack on illegal gambling and enhanced sentences for special dangerous offenders, has emerged with few significant changes by the House. We would dispense with the time-consuming and unnecessary Senate-House conference. Instead we should unanimously accept S. 30 as amended in the House and send it directly to President Nixon for his signature.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTINUING APPROPRIATIONS, 1971

Mr. RUSSELL. Mr. President, I ask that the Senate proceed to the consideration of House Joint Resolution 1388, which is the resolution providing for continuing appropriations for fiscal year 1971.

The PRESIDING OFFICER. The Senate will be in order.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 1298, House Joint Resolution 1388, a joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

Mr. RUSSELL. The Committee on Appropriations, at its meeting on October 6, approved the resolution without amendment and ordered it reported to the Senate. A copy of the resolution and the report is before each Senator.

As Members are aware, the purpose of these continuing resolutions is to enable the departments and agencies of the Federal Government to function in the absence of new obligational authority for the current fiscal year, 1971. This is the third such resolution this session and the Members will note that the expiration date has been changed from October 15, 1970, to the sine die adjournment of the second session of the 91st Congress.

As explained in the committee report, a special provision has been included in this resolution—to increase the advance appropriation for the food stamp program, provided in the Second Supplemental Appropriation Act, 1970, from $300 million to $600 million. As enacted in the second supplemental bill, the advance appropriation of $300 million was to be charged to the amount appropriated under the food stamp program in the Department of Agriculture and related agencies appropriation bill, 1971—H.R. 17923—which is still awaiting a meeting of the House and Senate conferees. As a result, the increase of $600 million and the extension of the period of availability from October 31, 1970, to January 31, 1971, provided in the resolution, is a necessary accommodation to the realities of the situation.

For the information of the Senate, I wish to report on the current status of the fiscal year 1971 appropriation bills:

The District of Columbia appropriation bill; the Department of the Interior and related agencies appropriation bill; the Office of Education appropriation bill; the legislative branch appropriation bill; the Departments of Treasury and Post Office and Executive Office appropriation bill; and the public works appropriation bill have been signed by the President.

The Departments of State, Justice, Commerce, the judiciary, and related agencies appropriation bill has cleared the Congress.

The Department of Agriculture and related agencies appropriation bill, as I mentioned earlier, is still awaiting action by the House and Senate conferees and this, in turn, is dependent upon passage of authorizing legislation.

The military construction appropriation bill was reported by the Senate committee on Friday, October 9, and will receive consideration in the Senate tomorrow, I understand.

The Departments of Labor and Health, Education, and Welfare appropriation bill was marked up in subcommittee on October 8 and will be considered by the full committee this afternoon.

The remaining bills to be considered by the committee are: The Department of

Defense appropriation bill, which was passed by the House of Representatives on October 8 and referred to the Senate on October 9; the Department of Transportation appropriation bill; and the foreign assistance appropriation bill. This latter bill is delayed pending passage of the Foreign Military Credit Sales Act. In addition, the new independent offices and Department of Housing and Urban Development appropriation bill, and the final supplemental appropriation bill will be reported to the House of Representatives after the recess and considered by the Senate committee upon referral.

I believe this is a full presentation, Mr. President, and I shall be happy to answer any questions. But, let me conclude by saying that it is the opinion of the committee that the extension of the expiration date to the sine die adjournment of the Congress is a realistic one, and I urge its adoption.

Mr. COOPER. Mr. President, may I inquire what the bill is? What is being continued?

The PRESIDING OFFICER. This is the continuing resolution.

Mr. RUSSELL. Activities and programs of the Department of Defense, the Department of Agriculture, the Department of Transportation, the Departments of Labor, and Health, Education, and Welfare, foreign aid, military construction, and all of the various items that go into the independent offices—HUD appropriative bill.

Mr. COOPER. May I ask if the Military Sales Act is included in this resolution?

Mr. RUSSELL. No, it is not. I do not think that has been authorized as yet for this year.

Mr. COOPER. That is correct. This resolution does not, then, include the Military Sales Act?

Mr. RUSSELL. This continuing resolution does not authorize reinstitution of that program. From the legislative standpoint, that program is without funds until there is some authorizing legislation.

Mr. COOPER. A bill has passed the House and passed the Senate, and is now in conference.

Mr. RUSSELL. There is nothing here for that program.

Mr. COOPER. I appreciate the Senator's response. If there were a continuing resolution which, either alone or in a group, included the Military Sales Act, then I would have to object. It would have to be approved unanimously.

I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COOK. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. COOK. I would hope, before final action is taken on this matter, that we might have a quorum call, because it is my understanding that the Senator from New Jersey (Mr. CASE) wanted to be present. We have contacted his office, and we hope he is on the way.

Mr. RUSSELL. Does the Senator wish to suggest the absence of a quorum?

Mr. COOPER. Mr. President, I am advised that the Senator from New Jersey has withdrawn his objection.

Mr. BIBLE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield to the distinguished Senator from Nevada, who handles this measure in the subcommittee.

Mr. BIBLE. I did not handle the joint resolution, but I did handle one of the items mentioned by the distinguished chairman of the full Appropriations Committee, and that was the transportation appropriation bill.

I had some inquiries earlier from both the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from New Jersey (Mr. CASE) concerning this problem. I believe that a letter from the Comptroller General satisfied their questions, and I only wanted to be sure that they had been notified that the matter was about to be considered. In fairness, I feel obligated to do that.

Mr. RUSSELL. I am advised that the Senator from Wisconsin has been notified for some time.

Mr. BIBLE. The Senator from New Jersey is in the Chamber, of course.

Mr. RUSSELL. They have been notified that this would be taken up, and the Senator from New Jersey does not intend to press his objection.

Mr. BIBLE. Mr. President, I am advised by our very capable staff people, who monitor the floor when these bills are called up, that the Senator from Wisconsin has indicated he would do everything he could and wanted to be here if at all possible. I do not know what his commitments are, but I feel duty bound, in view of my conversations with both the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from New Jersey (Mr. CASE), in fairness to them, to notify them that this continuing resolution has been called up, because they asked me to do so.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I shall be brief. I do not intend to ask for any action but I would like to make my statement concerning the continuing resolution.

SST SPENDING AND THE CONTINUING RESOLUTION

Mr. President, the continuing resolution, Public Law 91–294, provides that whenever one of the listed annual appropriation bills has been passed by only one House, the particular activity shall be carried on "at a rate for operations not exceeding the current rate or permitted by the action of the one House, whichever is lower."

In the case of the SST, the Department of Transportation advises that the obligations schedule for the first 5 months of this fiscal year is as follows:

[In millions of dollars]

July 1970 (actual)	23.8
August 1970 (actual)	23.8
September 1970 (estimated)	23.8
October 1970 (estimated)	20.7
November 1970 (estimated)	21.5

The House report on the continuing resolution, House Report No. 91–1220, makes it clear that in speaking of current rate, Congress referred to the fiscal year 1970 rate. As the House report states—page 3:

> The whole thrust of the resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon.

For fiscal year 1970, Congress appropriated $85 million for the SST program. If the obligations rate for the SST for this fiscal year under the continuing resolution were determined by this alone, it is clear that $23.8 million per month is well in excess of a pro rata allocation of $85 million into 12 monthly periods.

Even on a total appropriation basis, by the middle of October of 1970 the $85 million will have been equalled and surpassed. Thus, if the fiscal 1970 appropriation of $85 million is the controlling figure, the Department of Transportation would surpass the limits set by the continuing resolution long before Congress returns from its election day recess.

However, the DOT also had an additional $99 million carryover from fiscal 1969 that it obligated in fiscal 1970. Should this count in the fiscal 1970 rate? I wrote him and asked him about it. The Comptroller General of the United States believes that it should. My own view is that the Comptroller General is wrong. The continuing resolution is ambiguous.

But this is not the main point, Mr. President. This issue should never have arisen in the first place. The Senate has had the DOT appropriations bill before it since May 28 of this year. It has had ample time to act on this bill. In fact, a number of other appropriations bills that were sent over by the House since May 28—including public works, agriculture, and the District of Columbia appropriations bills—have been acted upon by the Senate. But not DOT.

This should certainly not put Congress in the position of being mandated or morally bound to fund the SST when we come back from our recess, on the ground that we have already spent heavily in this fiscal year. I hope we will not be confronted with the argument that we might as well go ahead. On the basis of the record, it seems to me that argument cannot be made convincingly.

Mr. President, I regret very much that this issue has arisen at all. I believe that the Comptroller General has not interpreted the continuing resolution properly, and not in accordance with the intent of Congress.

Of course, we will abide by his decision. But this delay, and the fact that this issue had to be referred to the Comptroller General, does not in my opinion serve the public interest.

Mr. President, I ask unanimous consent to have the letter from the Comptroller General printed in the RECORD. The letter does contradict my opinion.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., October 9, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Reference is made to your informal inquiry of October 7, 1970, questioning whether the Department of Transportation (DOT) has thus far in fiscal year 1971 incurred obligations in connection with the Supersonic Transport (SST) project in excess of the amount authorized by Public Law 91-294, approved June 29, 1970, as amended, making continuing appropriations for the fiscal year 1971.

Question arises by reason of the fact that the appropriation bill providing funds for the fiscal year 1971 for DOT has been passed only by the House of Representatives and, consequently, the funds currently available to DOT are those provided by Public Law 91-294.

Section 101(a) of Public Law 91-294 provides for the appropriation of—

"Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1970 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1971

* * * * *

"Department of Transportation and Related Agencies Appropriation Act;

* * * * *

"Whenever an Act listed in this subsection has been passed by only one House * * * the pertinent project or activity shall be continued under the appropriation, funds, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower * * *."

The amount available to DOT for the SST project in fiscal year 1970 amounted to $184,000,000, consisting of an appropriation in the sum of $85,000,000 and a carry over from previous years of $99,000,000.

Currently, the Department of Transportation and Related Agencies Appropriation Act, H.R. 17755, which was passed by the House of Representatives on May 27, 1970, provides the amount of $289,965,000 for the SST project for the fiscal year 1971 as requested in the President's budget. There also was an unobligated balance of $23.3 million carried forward into 1971 from prior years.

In view of the provisions of Public Law 91-294 quoted above, since the amount provided in the House passed bill exceeded the amount available during fiscal year 1970, the SST project, beginning July 1, 1970, is authorized to be continued under the appropriation "at a rate for operations not exceeding the current [fiscal year 1970] rate."

For the purposes of the question you have raised we think it is proper to consider both the appropriation for 1970 of $85,000,000 and the carry over from previous years of $99,000,000 as the total amount available for "operations" during the fiscal year 1970. The estimated unobligated balance at the end of each fiscal year is disclosed in the annual budget as being available for the ensuing budget year.

We have been advised that the amounts obligated monthly for the SST program for fiscal year 1970 and those obligations incurred or planned for the first 5 months of fiscal year 1971 are as follows:

[In millions]

Obligations by month:	
July 1969	$8.7
August	7.0
September	7.8
October	9.9
November	11.0
December	14.9
January 1970	17.0
February	19.5
March	21.0
April	1.0
May	19.1
June	23.8
July	23.8
August	23.8
September (estimated)	23.8
October (estimated)	20.7
November (estimated)	21.5

In our decision of December 6, 1963, B-152554, there was considered a similar question which arose under a similar joint resolution providing for continuing appropriations which involved the continuation of a project "at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower * * *."

In that case the budget estimates exceeded the funds available to the agency for the previous fiscal year. With respect to whether the expenditures made were within the limitations of the joint resolution we stated therein, in part, as follows:

"'Rate' has been defined as a price or amount stated or fixed on anything with relation to a standard, a fixed ratio, a settled proportion. *City of Chicago* v. *Illinois Commerce Commission*, 150 N.E. 2d 776. The language 'current rate' as used in subsection 101(b) might at first glance be viewed to mean the rate of operations for the corresponding month of fiscal year 1963, or as 1/12 of the appropriations for 1963, or the month of June 1963, or some other portion of the appropriations for 1963. The only standard, fixed ratio, or settled proportion provided for therein with which the 'current rate' is to be related is 'the rate provided for in the budget estimate.' Since the budget estimate is for a full fiscal year it follows that the 'current rate' may have been intended to mean the rate of operations which was carried on within the appropriations for the entire fiscal year 1963. There is some legislative history of the instant joint resolution to support this view. Therefore while obligations incurred by an agency during any particular month may exceed the June 1963 obligations, 1/12 of obligations incurred for fiscal year 1963, or obligations incurred during some other portion of fiscal year 1963, it does not necessarily follow that there has been a violation of subsection 101(b). Variations in the monthly or quarterly obligations are recognized in the apportionment procedures authorized by the antideficiency act, section 3679, Revised Statutes, as amended, 31 U.S.C. 665. Any mathematical formula not recognizing such variations in the many complex governmental programs would not seem practicable. While the legislative intent of the term 'current rate' is not clear, we are inclined to the view that the requirements of subsection 101(b) have been met where an agency can establish that it is operating under a flexible plan that would enable continuation of activities throughout the fiscal year 1964 within the level of the appropriations available during the preceding fiscal year or as provided in the budget estimate, whichever is lower. The guide for agencies restricted to the current rate generally should be the pattern of obligations incurred during the fiscal year 1963. Once the appropriation act has been enacted, expenditures must be charged to the applicable appropriation, as required by section 103 of Pub. L. 88-55."

What was stated therein appears to be equally applicable to the question now under consideration.

While the use of the June 1970 rate of obligations if continued monthly through fiscal year 1971 would exceed the amount available to DOT in fiscal year 1970, DOT has advised us that the SST program plan of operations for this fiscal year is flexible dependent on when its request for appropriations is approved. Under this plan, if DOT's request for appropriations is approved prior to November 30, 1970, in the amount requested, obligations under the SST program will be increased over the existing monthly rate. If approval is deferred by Congress and the DOT must continue under the authority of the Joint Resolution, obligations under the SST program will be severely curtailed to reflect necessary program changes resulting from deferral of work. The plan provides for continuance of the SST program throughout the fiscal year 1971 at a rate which will permit the obligations to exceed the amount of the appropriations available for this purpose during fiscal year 1970 nor would the obligations in any one month exceed the obligations incurred during June 1970. While the program if continued throughout fiscal year 1971 under the continuing resolution would have to be substantially curtailed during the last seven months, we cannot say that the Department has not complied with the criteria contained in our December 6, 1963, decision or that it has violated Public Law 91-294, the continuing resolution.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

Mr. BIBLE. Mr. President, I shall be equally brief. The Senator from Wisconsin has had the letter printed in the RECORD. The letter from the Comptroller General of the United States, as he candidly and frankly and in all honesty says, contradicts his position.

I think that the position of the Comptroller General is correct on the allocations that are made for the Department of Transportation insofar as they involve the supersonic transport which is the problem involved in this discussion today.

Mr. President, I have been in communication with both the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from New Jersey (Mr. CASE). The Senator from New Jersey is a member of the Transportation Subcommittee and sat very faithfully through these long and extended hearings.

I am very happy that the Senator from Wisconsin has had the official opinion of the Comptroller General of the United States printed in the RECORD. It speaks for itself. He concludes in his last sentence that there is no violation of the public law in the manner in which DOT has expended its money under the continuing resolution.

We have had many problems in our appropriations bills this year.

The Senator from Wisconsin does state correctly that the bill was referred to the Senate on May 28. It is still under the active consideration of the subcommittee. It is my intention as the acting chairman of that subcommittee to complete action on the measure as soon as we return in November.

It is not only the transportation bill that is late. I notice that the foreign assistance bill was finally approved in the House and received in the Senate on

June 5. The military construction bill—which I have also inherited as acting chairman—did not come to us on this side until June 15.

There are other extenuating circumstances that I think make an excellent record for the care and the deliberation and the studious efforts we have attempted to exercise in the consideration of this measure.

Actually, perhaps, it works out for the best. We have had, as late as mid-September, an additional request from the President for funds for air security guards, which involves additional legislation and controversy. We took testimony on September 17. We also heard another request involving funding for an oil pollution fund. That also came to us in mid-September.

We have completed our hearings on these matters, and we hope to move this forward very quickly after we return on November 16.

CONTINUING RESOLUTION MEANS A LOT TO SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, today as we consider House Joint Resolution 1388, making continuing appropriations until final adjournment of this Congress, I want to make it clear that the resolution means a continuation of the special milk program for schoolchildren. This clarification should not be necessary, but it has come to my attention that a number of school districts have been reluctant to resume the program in the belief that it may be terminated at an early date.

This is furtherest from the truth. The Secretary of Agriculture issued instructions that the program was to be continued on a business as usual basis on September 8. The Congress has provided funds for the program under continuing resolutions and will do so until the Agriculture Appropriations bill is acted upon.

Consequently no school administrator need hesitate to participate in the special milk program for fear that the Federal Government will not pay in their fair share.

The PRESIDING OFFICER. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1388) was ordered to a third reading, was read the third time, and passed.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. BAYH. Mr. President, the pending order of business, House Joint Resolution 264, in my opinion has been debated for quite some time now. We have facing us a recess, then an election, and then what some have described as a lame-duck session.

I would like to test the temper and the sincerity of the Senate relative to voting up or down the important measure pending before the Senate.

I realize that all Senators do not look at this matter as the Senator from Indiana does, but I am hopeful that the Senate will not be denied the opportunity to vote on this important piece of legislation as it has been denied thus far. Earlier this year it was and is thus far, still being denied the opportunity to vote on Senate Joint Resolution 1, another important constitutional amendment which was debated at some length.

I am hopeful that after the recess and after the election we will have an opportunity to return once again to the consideration of the measure which was put aside following two cloture votes, the proposal for electoral reform.

I would hope that the Senate could deal more responsibly with the equal rights amendment than it did with the electoral reform amendment.

Mr. President, I note that my friend, the Senator from North Carolina, is on the floor at this time. I would therefore like to propound a unanimous-consent request.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that, starting at the close of the morning hour on tomorrow, we consider the amendments presently submitted, plus any others that Members of the Senate may be inclined to submit; that there then be a time limitation of not to exceed 2 hours on each amendment, the time to be equally divided between the proponent of each amendment and the Senator from Indiana; that following consideration of the final amendment, we proceed to the third reading of the resolution itself; that a time limitation of not to exceed 4 hours be allocated for the consideration of this measure, the time to be equally divided between the Senator from Indiana and the Senator from North Carolina; and that we dispose of this matter once and for all, up or down.

Mr. ERVIN. Mr. President, reserving the right to object, the truth is that this matter is of such importance that it should go over until after the recess.

The disinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished junior Senator from Maryland (Mr. MATHIAS) have publicly announced that they have an amendment which they propose to offer to this measure to give full representation in the Congress of the United States to the District of Columbia.

The distinguished Senator from Massachusetts (Mr. KENNEDY) is engaged in a reelection campaign at this time, and he has announced, as I understand it, that he would prefer to offer this amendment after the election. I would not be willing to cut off his opportunity to do so. I think other Senators have amendments.

As I recall, on one rollcall vote last week, 43 Senators were absent. I do not think the Senate should be passing on constitutional amendments when that many Senators are absent. I do not think we should be passing on such serious matters as this proposal when 34 Members of the Senate are running for reelection and necessarily have their minds engrossed with that matter.

Now, for these reasons I object to the unanimous-consent request of the distinguished Senator from Indiana. I wish to assure the distinguished Senator from Indiana that I will call up an amendment in a moment and give the Senate the privilege of voting on it very speedily, although I consider it a very important amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. I appreciate the fact that my friend and colleague from North Carolina has exercised his right under the rules of the Senate, but I think it is important for the Senate and the country to know that once again the Senate is being denied the opportunity to conduct its business.

I, for one, do not want to foreclose the right of any Senator to submit an amendment to this legislation or any other legislation, but it seems to me the Senate has to do its work. I made the unanimous-consent request so that the RECORD can be absolutely clear as to what is happening.

Surely, this is important legislation, but we are sitting here permitting it to be put aside to take up other business; and it seems to me that if we are to be responsible, we should dispose of the business before us. I think it is important business. Some other people disagree. Let us let the Senate work its will and vote the matter up or down and not become embroiled in another filibuster and deny the Senate the opportunity to vote on an important piece of legislation.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. COOK. Mr. President, I suggest that on the amendment the distinguished Senator from North Carolina is talking about, amendment No. 1033, there are some 14 cosponsors. It would seem to me that out of 14 Senators a logical argument for or against the amendment could be made to the Senate.

I am wondering if we are in a position where the entire Senate really is going to be ground to a halt because one out of 14 sponsors to an amendment is not here.

Mr. BAYH. Mr. President, I do not know whether I have the floor.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Mr. President, I would like to propose another unanimous-consent request. I think it is rather unfair to suggest the burden of the present hiatus rests on the back of one Member of the Senate.

Perhaps, without bothering the Senate with a unanimous-consent request, let me ask my friend, the Senator from North Carolina, this question. If the Senator from Indiana were to exclude the amendment of the Senator from Massachusetts from the unanimous-consent request would the Senator from

North Carolina be inclined not to object to that unanimous-consent request?

Mr. ERVIN. Mr. President, the Senator from North Carolina has several amendments himself of great importance and we have not discussed a single one of them yet.

The Constitution has endured for 181 years without this particular amendment, and I think the Constitution can endure for a few more days until we have time for adequate consideration of the amendment by all Members of the Senate.

Does the Senator from Indiana propose to have an agreement made that the amendment of the distinguished Senator from Massachusetts shall be postponed until after the recess?

Mr. BAYH. No. The Senator from Indiana was trying to make the record very clear that it is all right for us to talk about this being an important constitutional amendment and that we should not amend the Constitution hastily. The Senator from Indiana, as chairman of the Subcommittee on Constitutional Amendments, feels as strongly about this matter as the Senator from North Carolina. But the matter before us did not pop into view in the last week or so that we have been discussing it on the floor of the Senate; it has been a matter of concern for a number of our citizens and pursued by certain Members for 47 years. This is not a new subject. The record will show that by hook or crook there are some who want to exercise their rights, and I do not criticize them, but I do want to wipe away this veneer. I do not wish to prohibit consideration of the Senator's amendments, but I think the time has come to vote on them and to stop this business of the dragging of feet and filibustering.

Mr. ERVIN. I would say to the Senator from Indiana that the Senator from North Carolina never hides behind veneer or anything else. The Senator from North Carolina has maintained all the time that when 34 Senators are out campaigning for reelection and when the Senate last week was able to muster on votes on important issues just barely over a quorum, matters of this importance should go over until after the recess.

But the Senator from North Carolina is prepared to send forward an amendment, and does send forward an amendment and asks that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service.

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. ERVIN. Mr. President, I am perfectly willing and, in fact, I make the unanimous-consent request that the Senate proceed to a vote on this amendment at 10 o'clock in the morning.

The PRESIDING OFFICER. What time did the Senator say?

Mr. ERVIN. At 10 a.m., or at the end of the morning hour in the morning.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. I object.

Mr. BAYH. Reserving the right to object——

Mr. COOK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COOK. We have plenty of opportunity to hear the arguments today.

Mr. ERVIN. The Senator from North Carolina is ready to vote on this amendment at 5 o'clock this afternoon, provided we have a rollcall vote.

Mr. BAYH. Mr. President, if the Senator from North Carolina wishes to propose that unanimous-consent request the Senator from Indiana would not object to 5 o'clock or 4:30, with the time equally divided.

Mr. ERVIN. The Senator from North Carolina will vote at 5 o'clock, provided he can get a rollcall vote on the amendment.

I do not believe there are enough Senators present to grant that request for the yeas and nays.

Mr. BAYH. Why not make a unanimous-consent request?

Mr. ERVIN. I am opposed to getting the yeas and nays by a unanimous-consent request because the Constitution provides that they be ordered on the request of 20 percent of the Members present, or substantially that number, I believe. I do not want to violate the Constitution. I would like Senators to know what we are voting on.

I will make a unanimous-consent request that we vote on this pending amendment immediately after the morning hour; and I make this unanimous-consent request for the second time in the hope that he who objected to it the first time will not interpose a second objection.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, if the Senator would permit us to proceed more expeditiously, perhaps he will accept this unanimous-consent request:

Mr. President, I ask unanimous consent that we vote on the pending amendment no later than 5 o'clock this afternoon; that the time be equally divided between the Senator from North Carolina and the Senator from Indiana; and that prior to a vote the yeas and nays be ordered; and that a vote not be taken until a sufficient number of Senators have indicated their presence by seconding a yea and nay vote on the amendment.

Mr. ERVIN. Mr. President, I believe it would be more appropriate to vote on the amendment in the morning. For that reason I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I am astounded that anyone should advocate making women subject to compulsory military service. I happen to believe, in common with the great majority of the American people, that there are physiological and functional differences between men and women, and that these physiological and functional differences between men and women give men a greater physical strength and a greater capacity to endure physical hardships and physical privations.

In saying this, I do not assert that members of either sex are superior to members of the other sex.

I make another affirmation of a conviction I happen to entertain, and that is that when it comes to enduring spiritual and mental stress, women possess a far greater capacity to endure stress of that kind than men do.

I happen to have had the privilege of serving as a doughboy in the First World War. At that time we were required to march long distances and wear on our backs packs containing necessary equipment which weighed somewhere in the neighborhood of 75 pounds and to carry rifles which weighed somewhere in the neighborhood of 8 pounds. We were required to endure warfare in the trenches and to wade in icy water until sometimes our feet broke open and bled, and to endure cold and snow and ice and the other physical hardships which military service imposes.

Frankly, I do not think that women should be compelled to serve in the Armed Forces, and that such service should be confined only to men.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from North Carolina yield for a question?

Mr. ERVIN. Yes; I am delighted to yield.

Mr. GRIFFIN. In order that the Senators can clearly understand the effect of the amendment of the Senator from North Carolina, let me ask: Am I correct in my understanding that, aside from some technical changes having to do with ratification and the effective date, the only substantive change contained in the Senator's amendment has to do with the constitutionality of any law exempting women from compulsory military service. Is that correct?

Mr. ERVIN. That is a correct analysis of this amendment.

Mr. GRIFFIN. Particularly since the Senator's amendment was offered as a substitute, I believe it is important to understand exactly what the amendment would do.

Mr. ERVIN. Yes; and this amendment would not even prohibit Congress from drafting women for compulsory service in the Armed Forces. It merely provides that if Congress does exempt women from compulsory service, the act of Congress so providing would not be held unconstitutional.

In proposing this amendment, the Senator from North Carolina has two motivations.

The first is to protect women from the hardship of compulsory military service, in accordance with the custom which has prevailed in this Nation since it was founded, and I might say in accordance with the custom which has been practiced among all of the races that have contributed their descendants to the population of America since the memory of mankind runneth not to the contrary.

My second purpose is that the United States, if need be, will have the constitutional power to draft men for service into the armed services of the United States in the event the survival of the Nation requires the Congress to do that very thing. If this equal rights amendment has the effect of invalidating every distinction made by law between men and women, as some of its advocates say, that might possibly disable the United States from obtaining sufficient manpower to defend our Nation against the aggressions of a foreign foe.

I do not think Congress is going to be willing, unless it is compelled by a constitutional provision which does not now exist, to draft women for service in the Armed Forces; but if this amendment is adopted, and it is interpreted to mean what its supporters say in the document which I hold in my hand, Congress would not be able, subsequent to the ratification of the amendment, to draft men for service in the Armed Forces of the Nation unless it drafted women for such service on exactly the same terms as it drafted men. Consequently, the Nation might find itself without sufficient manpower in its Armed Forces to defend the Nation against an attack from a foreign aggressor.

Mr. GRIFFIN. Mr. President, if the Senator will yield, am I correct in my understanding that the witnesses who testified in support of the so-called equal rights amendment took the position that it would have the effect, if adopted, of subjecting women to compulsory military service on the same basis as men? That is the interpretation and intent of the principal supporters of the resolution, as I recall.

Mr. ERVIN. That is one of the main reasons given for the approval of the proposed so-called equal rights amendment, in a document called "A Memorandum on the Proposed Equal Rights Amendment to the Constitution," which was printed in the CONGRESSIONAL RECORD on March 25, 1970, at the request of the able and distinguished Representative from Michigan Mrs. GRIFFITHS.

Twice, it states in that memorandum that the equal rights amendment would simply require men and women to be treated the same under the law, and that the proposed amendment would secure the right of all persons to equal treatment under the law without any distinction as to sex. Then it lists the grievances whereof the proponents of this amendment complain, and they have listed among those grievances, as one of the discriminatory laws that they wish to remove, the exclusion of women from the requirements of the Military Selective Service Act of 1967. That is the act which embodies our present draft law. This document not only lists that act as one of the grievances that prompted the proponents of this amendment to urge its adoption, but it also tells us what the amendment will accomplish, and in so doing, it says:

> Women would be equally subject to jury service and to military service.

Mr. GRIFFIN. If the distinguished Senator from North Carolina will yield further. I believe I have heard it argued that while the proposed constitutional amendment would subject women to military service, they would probably serve as typists and perform other noncombat duties. Does the Senator from North Carolina have any comment on that particular point?

Mr. ERVIN. Yes. Today we have laws enacted by Congress which permit women to enlist voluntarily for service in the Armed Forces which is noncombatant in nature. They are permitted to enlist voluntarily for service in the Nurses Corps, in the Women's Army Corps—ordinarily called the WACS—and the naval auxiliary—which is usually called the WAVES.

This type of service is not what the good ladies who support this amendment and demand that women be made subject to the draft are asking for. They want men and women treated exactly alike, and they make this very plain in their statement about military service. They say:

> Women would be equally subject to jury service and to military service, but women would not be required to serve in the armed forces where they are not fitted, any more than men are required to so serve.

In other words in explaining the desirability and necessity for this amendment, the proponents made it as clear as the noonday sun in a cloudless sky, in their arguments in the House of Representatives, that they want, they say, to be drafted.

I might state to the distinguished Senator from Michigan that after I made a speech on the floor of the Senate pointing out what I conceived to be some of the dangers inherent in the adoption of this amendment, I had some ladies who are strong advocates of this amendment ask for permission to explain its purposes to me. I was visited by several very charming ladies, and I called their attention to the fact that this document advocated that women be drafted into the Armed Forces of the Nation to serve on the same terms as the men, and that that meant they would be drafted, if they were capable, for service in combat; and they told me that that was exactly what they wanted.

I thereupon informed them that I had made it a practice never to refer to a lady's age, but I was going to have to depart from my practice on that occasion. I said, "Frankly and in all candor, despite your very youthful appearances, I am compelled to infer that you have passed the draft age by 3 or 4 or 5 months or more, and if you want to convince me that women ought to be drafted for service in the Armed Forces, and particularly for combat service in the Armed Forces, you are going to have to send some charming young ladies within the draft age to convince me of the validity of that position."

So there can be no doubt of the fact that the advocates of this proposal, or at least some of its advocates, cite as one of their grievances that they are not received into the Armed Forces for service on exactly the same terms as those upon which the men serve.

Mr. GRIFFIN. Carrying the explanation a step farther—if the resolution amending the Constitution should be adopted, without the amendment now offered by the Senator from North Carolina, and if Congress thereafter should pass a law providing that women, while subject to military service, would be exempt from service in the infantry, would that be constitutional?

Mr. ERVIN. I do not think it would, because this provision that I propose to insert in the amendment is inconsistent, to that extent, with the rest of the amendment. Without my proposal the amendment which says that equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex, would remain operative, and would prohibit making any legal distinction between men and women of the character suggested by the distinguished Senator from Michigan.

Mr. GRIFFIN. As I understand the situation, then, if the resolution to amend the Constitution were adopted without the Senator's amendment, men and women would have to be conscripted on the same basis and would have to be treated exactly the same in the assignment of duties within the Armed Forces. Apparently, women who are physically qualified to serve in the infantry would have to serve along with men who are physically qualified to fight in the infantry.

Mr. ERVIN. Exactly.

Mr. GRIFFIN. While I generally agree with the objectives of the proposed constitutional amendment, and while I have not agreed with all the arguments against it advanced by the Senator from North Carolina, I must say that I have been disturbed for some time about this particular point.

Frankly, I cannot imagine that a majority of the Members of the Senate will want to provide for the compulsory induction of women into the armed services and require them to perform combat duty on the same basis as men.

Mr. ERVIN. I thank the Senator from Michigan for his observation. I find myself in complete agreement with him, and I find that the document which was inserted in the RECORD in March sustains the position he has elaborated and the position I happen to entertain.

This amendment would alter the original resolution in two other respects. The original resolution provides that this amendment will go into effect 1 year after its ratification. This provision is inserted in the original resolution in order to permit the States—to permit Congress, for that matter, and the legislatures of the 50 States—to make a study of their laws which may make legal distinctions between men and women and to give them an opportunity to alter

those laws before the amendment would invalidate them.

A number of State legislatures do not meet annually; they meet biennially. Manifestly, a State legislature which would not meet until the second year after the ratification of the amendment could not have an opportunity to alter its laws and bring them into harmony with the amendment in the event the amendment is to be interpreted to invalidate State laws which make legal distinctions between men and women on any ground. So the adoption of this portion of my amendment would have a strong tendency to prevent the creation of legal chaos in those States whose legislatures meet biennially instead of annually.

My other proposed alteration of the original purpose of the resolution would require that this resolution be ratified by three-fourths of the States within 7 years after its submission by Congress to them for consideration. This is necessary because we still have floating around some unratified amendments that were submitted at the time of the original submission of the Bill of Rights. We have some other amendments that have been floating around since about 1860. There is no date for their expiration, no time limit for their ratification, and they could be ratified at any time. I do not think it is wise for Congress to submit a proposed constitutional amendment to the States without a time limit upon its ratification.

There has been some discussion on this point by the Senator from North Carolina, and the Senator from North Carolina committed an error in saying that virtually all amendments submitted to the States since Reconstruction had had limits placed upon the time for their ratification. To check on the accuracy of his recollection, the Senator from North Carolina requested the Library of Congress to make a study of the time limitations imposed by Congress upon the ratification of constitutional amendments. He has received this information from the Library of Congress:

> This is in response to the request for a discussion of the recent congressional practice of including in amendments to the Constitution proposed to the States for ratification of time deadlines after which the amendment if unratified is to lapse.

This is very relevant to this provision, because the original resolution proposed in this constitutional amendment puts no time limit whatever for its ratification or for its lapse. Under this resolution, in the absence of some amendment such as that suggested by me, this resolution could float around in space, unratified, for eternity. I think that is very unwise. I think every resolution should contain a time limitation and provide, as does my amendment, that upon the expiration of that time limit, the amendment is to lapse unless it has been ratified. Certainly, any proposed amendment to the Constitution of the United States for which there is any real demand can be ratified by the legislatures of the required number of States within 7 years after the date of its submission.

I resume the reading of the study from the Library of Congress:

> The 18th amendment—national prohibition—was the first proposed amendment to contain a ratification period, 7 years. Prior to its proposal, Congress had sent 21 amendments to the States without deadlines and the States had ratified 17. The remaining four were presumably still pending and viable. Of these four, two were sections proposed by Congress as part of the Bill of Rights in 1789; one had been referred to the States in 1810, and one in 1861.

I digress from reading to say that if the Senator from North Carolina interprets that statement correctly, it was customary in the early days to submit amendments without placing any time limit upon their ratification or lapse. But, starting with the 18th amendment, the prohibition amendment, they began to insert a 7-year limit on the time for ratification.

The Senator from North Carolina now resumes reading from the study of the Library of Congress:

> Thus, a 7-year period was contained in the 18th amendment—in order of ratification—and the constitutionality of the limitation was challenged by one who contended that the inclusion had impaired the validity of the proposal. The challenge was unanimously rejected in *Dillon* v. *Gross*, 256 U.S. 368 (1921). The Court adopted the view that the Constitution impliedly provided that proposed amendments were to remain before the State for ratification for only a limited time and explained why.

Mr. President, I digress from reading to emphasize that statement:

> The court adopted the view that the Constitution impliedly provided that proposed amendments were to remain before the States for ratification for only a limited time and explained why.

Now I give that explanation as set forth in the Dillon case and as quoted in the study in the Library of Congress, as follows:

> We do not find anything in the Article [V] which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the States may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefor that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the States, there is a fair implication that it must be sufficiently contemporaneous in that number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do. *Supra*, 374–75.

Continuing, the Court noted that it was a far better view to take that amendments must be ratified within a reasonable time than to try to adhere to an opposite view. "[F]or, according to it, four amendments proposed long ago—two in 1789, one in 1810 and one in 1861—are still pending and in a situation where their ratification in some of the States many years since by representatives of generations now largely forgotten may be effectively supplemented in enough more States to make three-fourths by representatives of the present or some future generation. To that view few would be able to subscribe and in our opinion it is quite untenable." *Ibid.*

The Court held, therefore, that the time period for ratification was a question of detail which Congress could in its discretion set.

In 1924, Congress proposed an amendment to the States outlawing child labor. That year one State ratified and one State expressly rejected ratification. In the following year three States ratified, fifteen States expressly rejected ratification and three States considered the amendment but took no action. In 1926, two more States expressly rejected ratification. But in 1933 a new drive for ratification began and fourteen States ratified the proposed amendment. In 1937, the Kansas legislature, which had expressly rejected the amendment in 1925, voted to ratify the 13-year old proposal. For a number of reasons not relevant here this new action became the subject of a court suit.

The Kansas Supreme Court held that despite the passage of time the proposal was still viable. *Coleman v. Miller*, 146 Kan. 390 (1937). The same question was presented in Kentucky and that State's Supreme Court held that the reasonable period of time in which ratification was to be had had expired and that the amendment was no longer viable. *Wise* v. *Chandler*, 270 Ky. 1 (1937). The United States Supreme Court, in *Coleman* v. *Miller*, 307 U. S. 433, 451–454 (1939), held that determination of a reasonable period of time was a question within the province of Congress to determine and that courts could not resolve the issue. When Congress establishes no period in the resolution referring to the amendment, then upon the notification of ratification by the State making up the final one needed to make three-fourths of the States, Congress, in determining whether the amendment was now validly ratified, would have to decide whether too much time had elapsed.

It should be noted that since that date all amendments proposed by Congress have carried a seven-year period specification for ratification.

Mr. President, that time was 1939 and every amendment which has been submitted by Congress to the States since 1939, according to this study, has carried a 7-year period as the time in which the amendment must be ratified or lapse in legal efficacy. Surely the Senate should follow in this case this wise precedent.

Mr. President, I ask unanimous consent to have printed in the RECORD the two decisions by the Supreme Court, *Dillon* v. *Gloss*, 256 U.S. 368 (1921); and *Coleman* v. *Miller*, 307 U.S. 433, 451–54 (1939).

There being no objection, the two cases were ordered to be printed in the RECORD, as follows:

DILLON AGAINST GLOSS

ARGUMENT FOR APPELLANT

Mr. Levi Cooke, with whom *Mr. Theodore A. Bell* and *Mr. George R. Beneman* were on the brief, for appellant:

The Eighteenth Amendment is invalid because of the extra-constitutional provision of the third section. Congress has no power to limit the time of deliberation or otherwise control what the legislatures of the States shall do in their deliberation. Any attempt to limit voids the proposal.

The legislative history of the Amendment shows that without § 3 the proposal would not have passed the Senate, Cong. Rec., 65th Congress, 1st sess., pp. 5648–5666; Cong. Rec., 65th Cong., 2d sess., p. 477.

The same taint attended the passage of the amendment in the House, because there what is now § 3 was considered and the limitation changed from six to seven years, and it is impossible to say now that without the

attempted time limitation upon the States two-thirds of the House would have assented to the proposal of the amendment.

The fact that thirty-six States thus ratified within the time emphasizes the evil that was accompanied by the limitation, and can in no way be invoked to suggest that the third section became surplusage in view of this result attained so well within the seven-year limitation attempted to be set by Congress. On the contrary, the fact of there being a time limitation tended to destroy any deliberation by the States and to enable the faction which was pressing for ratification of the amendment to urge immediate indeliberate action in order to avoid the possibility of the time limitation expiring without thirty-six States having made ratification.

The history of the times discloses, if the court may take judicial notice thereof, that legislators elected prior to the submission by Congress were urged to act forthwith, without awaiting the election of legislators by an electorate aware of the pendency of the congressional proposal, and that in some legislatures ratification was secured without debate in the precipitate action urged by the faction advocating the amendment. The speed with which the amendment was disposed of by the state legislatures tends to establish the absence of deliberation; and in any view the fact stands that the States were acting in the presence of a limitation fixed by Congress, violative of Art. V, in terms unheard of in the history of the country, and contrary to any procedure sanctioned by the organic law, with the very nature and structure of which both the Congress and the state legislature were dealing. See 2 Story, Const., 3d ed., § 1830.

The National Prohibition Act should be found to have become effective, if at all, January 29, 1920, a year after ratification of the amendment was proclaimed and made known to the public. The proclamation of the Secretary of State must be treated as the publication of the fact of ratification, under Rev. Stats., § 205, of which all persons may be considered to be charged with knowledge.

Mrs. Annette Abbott Adams, Assistant Attorney General, for appellee.

Mr. Justice Van Devanter delivered the opinion of the court.

This is an appeal from an order denying a petition for a writ of *habeas corpus.* 262 Fed. Rep. 563. The petitioner was in custody under § 26 of Title II of the National Prohibition Act, c. 85, 41 Stat. 305, on a charge of transporting intoxicating liquor in violation of § 3 of that title, and by his petition sought to be discharged on several grounds, all but two of which were abandoned after the decision in *National Prohibition Cases,* 253 U.S. 350. The remaining grounds are, first, that the Eighteenth Amendment to the Constitution, to enforce which Title II of the act was adopted, is invalid because the congressional resolution, 40 Stat. 1050, proposing the Amendment, declared that it should be inoperative unless ratified within seven years; and, secondly, that, in any event, the provisions of the act which the petitioner was charged with violating, and under which he was arrested, had not gone into effect at the time of the asserted violation nor at the time of the arrest.

The power to amend the Constitution and the mode of exerting it are dealt with in Article V, which reads:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments of this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

It will be seen that this article says nothing about the time within which ratification may be had—neither that it shall be unlimited nor that it shall be fixed by Congress. What then is the reasonable inference or implication? Is it that ratification may be had at any time, as within a few years, a century or even a longer period; or that it must be had within some reasonable period which Congress is left free to define? Neither the debates in the federal convention which framed the Constitution nor those in the state conventions which ratified it shed any light on the question.

The proposal for the Eighteenth Amendment is the first in which a definite period for ratification was fixed.[1] Therefore twenty-one amendments had been proposed by Congress and seventeen of these had been ratified by the legislatures of three-fourths of the States—some within a single year after their proposal and all within four years. Each of the remaining four had been ratified in some of the States, but not in a sufficient number.[2] Eighty years after the partial ratification of one an effort was made to complete its ratification and the legislature of Ohio passed a joint resolution to that end,[3] after which the effort was abandoned. Two, after ratification in one less than the required number of States, had lain dormant for a century.[4] The other, proposed March 2, 1861, declared: "No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of a persons held to labor or service by the laws of said State."[5] Its principal purpose was to protect slavery and at the time of its proposal and partial ratification it was a subject of absorbing interest, but after the adoption of the Thirteenth Amendment it was generally forgotten. Whether an amendment proposed without fixing any time for ratification, and which after favorable action in less than the required number of States had lain dormant for many years, could be resurrected and its ratification completed had been mooted on several occasions, but was still an open question.

These were the circumstances in the light of which Congress in proposing the 18th Amendment fixed seven years as the period for ratification. Whether this could be done was questioned at the time and debated at length, but the prevailing view in both houses was that some limitation was intended and that seven years was a reasonable period.[6]

That the Constitution contains no express provision on the subject is not in itself controlling; for with the Constitution, as with a statute or other written instrument, what is reasonably implied is as much a part of it as what is expressed.[7] An examination of Article V discloses that it is intended to invest Congress with a wide range of power in proposing amendments. Passing a provision long since expired,[8] it subjects this power to only two restrictions: one that the proposal shall have the approval of two-thirds of both houses, and the other excluding any amendment which will deprive any State, without its consent, of its equal suffrage in the Senate.[9] A further mode of proposal—as yet never invoked—is provided, which is, that on the application of two-thirds of the States Congress shall call a convention for the purpose. When proposed in either mode amendments to be effective must be ratified by the legislatures, or by conventions, in three-fourths of the States, "as the one or the other mode of ratification may be proposed by the Congress." Thus the people of the United States, by whom the Constitution was ordained and established, have made it a condition to amending that instrument that the amendment be submitted to representative assemblies in the several States and be ratified in three-fourths of them. The plain meaning of this is (a) that all amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies, and (b) that ratification by these assemblies in three-fourths of the States shall be taken as a decisive expression of the people's will and be binding on all.[10]

We do not find anything in the Article which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the States may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefor that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the States, there is a fair implication that it must be sufficiently contemporaneous in that number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do. These considerations and the general purport and spirit of the Article lead to the conclusion expressed by Judge Jameson[11] "that an alteration of the Constitution proposed today has relation to the sentiment and the felt needs of today, and that, if not ratified early while that sentiment may fairly be supposed to exist, it ought to be regarded as waived, and not again to be voted upon, unless a second time proposed by Congress." That this is the better conclusion becomes even more manifest when what is comprehended in the other view is considered; for, according to it, four amendments proposed long ago—two in 1789, one in 1810 and one in 1861—are still pending and in a situation where their ratification in some of the States many years since by representatives of generations now largely forgotten may be effectively supplemented in enough more States to make three-fourths by representatives of the present or some future generation. To that view few would be able to subscribe, and in our opinion it is quite untenable. We conclude that the fair inference or implication from Article V is that the ratification must be within some reasonable time after the proposal.

Of the power of Congress, keeping within reasonable limits, to fix a definite period for the ratification we entertain no doubt. As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require; [12] and Article V is no exception to the rule. Whether a definite period for ratification shall be fixed so that all may know what it is and the speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification. It is not questioned that seven years, the period fixed in this instance, was reasonable, if power existed to fix a definite time; nor could it well be questoned considering the periods within which prior amendments were ratified.

The provisions of the act which the petitioner was charged with violating and under which he was arrested (Title II, §§ 3, 26) were by the terms of the act (Title III, § 21)

Footnotes at end of article.

to be in force from and after the date when the Eighteenth Amendment should go into effect, and the latter by its own terms was to go into effect one year after being ratified. Its ratification, of which we take judicial notice, was consummated January 16, 1919.[13] That the Secretary of State did not proclaim its ratification until January 29, 1919,[14] is not material, for the date of its consummation, and not that on which it is proclaimed, controls. It follows that the provisions of the act with which the petitioner is concerned went into effect January 16, 1920. His alleged offense and his arrest were on the following day; so his claim that those provisions had not gone into effect at the time is not well grounded.

Final order affirmed.

FOOTNOTES

[1] Some consideration had been given to the subject before, but without any definite action. Cong. Globe, 39 Cong., 1st sess., 2771; 40th Cong., 3d sess., 912, 1040, 1309–1314.

[2] Watson on the Constitution, vol. 2, pp. 1676–1679; House Doc., 54th Cong., 2d sess., No. 353, pt. 2, p. 300.

[3] House Doc., 54th Cong., 2d sess., No. 353, pt. 2, p. 317 (No. 243); Ohio Senate Journal, 1873, pp. 590, 666–667, 678; Ohio House Journal, 1873, pp. 848, 849. A committee charged with the preliminary consideration of the joint resolution reported that they were divided in opinion on the question of the validity of a ratification after so great a lapse of time.

[4] House Doc., 54th Cong., 2d sess., No. 353, pt. 2, pp. 300, 320 (No. 295), 329 (No. 399).

[5] 12 Stat. 251; House Doc., 54th Cong., 2d sess., No. 353, pt. 2, pp. 195–197, 363 (No. 931), 369 (No. 1025).

[6] Cong. Rec., 65th Cong., 1st sess., pp. 5648–5651, 5652–5653, 5658–5661; 2d sess., pp. 423–425, 428, 436, 443, 444, 445–446, 463, 469, 477–478.

[7] *United States* v. *Babbit*, 1 Black, 55, 61; *Ex parte Yarbrough*, 110 U.S. 651, 658; *McHenry* v. *Alford*, 168, U.S. 651, 672; *South Carolina* v. *United States*, 199 U.S. 437, 45; *Luria* v. *United States*, 231 U.S. 9, 24; *The Pesaro*, 255 U.S. 216.

[8] Article V, as before shown, contained a provision that "No amendment which shall be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article" One of the clauses named covered the migration and importation of slaves and the other deals with direct taxes.

[9] When the federal convention adopted Article V a motion to include another restriction forbidding any amendment whereby a State, without its consent, would "be affected in its internal police" was decisively voted down. The vote was: yeas 3—Connecticut, New Jersey, Delaware; nays 8—New Hampshire, Massachusetts, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia. Elliot's Debates, vol. 5, pp. 551, 552.

[10] See *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 324–325; *McCulloch* v. *Maryland*, 4 Wheat. 316, 402–404; *Cohens* v. *Virginia*, 6 Wheat. 264, 413–414; *Dodge* v. *Woolsey*, 18 How. 331, 347–348; *Hawke* v. *Smith*, 253 U.S. 221; Story on the Constitution, 5th ed., §§ 362–363, 463–465.

[11] Jameson on Constitutional Conventions, 4th ed., § 585.

[12] *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 326; *McCulloch* v. *Maryland*, 4 Wheat. 316, 407.

[13] Sen. Doc., No. 169, 66th Cong., 2d sess.; Ark. Gen. Acts, 1919, p. 512; Ark. House Journal, 1919, p. 10; Ark. Sen. Journal, 1919, p. 16; Wyo. Sen. Journal, 1919, pp. 26–27; Wyo. House Journal, 1919, pp. 27–28; Mo. Sen. Journal, 1919, pp. 17–18; Mo. House Journal, 1919, p. 40.

[14] 40 Stat. 1941.

COLEMAN ET AL. *v.* MILLER, SECRETARY OF THE SENATE OF THE STATE OF KANSAS, ET AL.

CERTIORARI TO THE SUPREME COURT OF KANSAS

(No. 7. Argued October 10, 1938. Reargued April 17, 18, 1939.—Decided June 5, 1939)

1. Upon submission of a resolution for ratification of a proposed amendment to the Federal Constitution, known as the Child Labor Amendment, twenty of the forty senators of the State of Kansas voted in favor of its adoption and twenty voted against it. The Lieutenant Governor, the presiding officer of the Senate, then cast his vote in favor of the resolution, and later it was adopted by the other house of the legislature on a vote of a majority of its members. The twenty senators who had voted against ratification challenging the right of the Lieutenant Governor to cast the deciding vote in the Senate, and alleging that the proposed amendment had lost its vitality because of previous rejection by Kansas and other States and failure of ratification within a reasonable time, sought a writ of mandamus to compel the Secretary of the Senate to erase an endorsement on the resolution, to the effect that it had been adopted by the Senate, and to endorse thereon the words "was not passed," and to restrain the officers of the Senate and House of Representatives from signing the resolution and the Secretary of State of Kansas from authenticating it and delivering it to the Governor. The State entered its appearance and the State Supreme Court entertained the action, sustained the right of the plaintiffs to maintain it, but overruled their contentions, upheld the ratification, and denied the writ. *Held:*

(1) The questions decided were federal questions, arising under Article V of the Constitution. P. 437.

(2) The complaining senators, whose votes against ratification have been overridden and virtually held for naught, although if they are right in their contentions their votes would have been sufficient to defeat ratification, have a plain, direct and adequate interest in maintaining the effectiveness of their votes. They have set up and claimed a right and privilege under the Constitution of the United States to have their votes given effect and the state court has denied that right and privilege. P. 438.

(3) This Court has jurisdiction to review the decision of the state court by certiorari, under Jud. Code § 237(b). P. 438.

2. The Court being equally divided in opinion as to whether the question presents a justiciable controversy, or is a political question, expresses no opinion upon a contention that the Lieutenant Governor of Kansas was not a part of the "legislature," and under Article V of the Federal Constitution could not be permitted a deciding vote on the ratification of the proposed amendment. P. 446.

3. In accordance with the precedent of the Fourteenth Amendment, the efficacy of ratification of a proposed amendment to the Federal Constitution by a state legislature which had previously rejected the proposal, is *held* a question for the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment. P. 447.

4. The legislature of Kansas having actually ratified the proposed Child Labor Amendment, this Court should not restrain the state officers from certifying the ratification to the Secretary of State, because of an earlier rejection, and thus prevent the question from coming before the political departments. There is found no basis in either Constitution or statute for such judicial action. P. 450.

5. R. S. § 205; 5 U.S.C. 160, presupposes official notice to the Secretary of State when a state legislature has adopted a resolution of ratification. No warrant is seen for judicial interference with the performance of that duty. P. 450.

6. The Congress in controlling the promulgation of the adoption of a constitutional amendment has the final determination of the question whether by lapse of time its proposal of the amendment had lost its vitality before being adopted by the requisite number of legislatures. P. 451.

7. In determining whether a question falls within the category of political, non-justiciable questions, the appropriateness under our system of government of attributing finality to the action of the political departments, and also the lack of satisfactory criteria for a judicial determination, are dominant considerations. P. 455.

146 Kan. 390; 71 P. 2d 518, reversed.

CERTIORARI, 303 U.S. 632, to review a judgment of the Supreme Court of Kansas denying a writ of mandamus, applied for in that court by senators of the State and members of its House of Representatives for the purpose of compelling the Secretary of the Senate to erase an endorsement purporting to show that a resolution for the ratification of a proposal to amend the Federal Constitution had passed the Senate, and to restrain the officers of the Senate and the other house of the legislature from signing the resolution and the Secretary of State of Kansas from authenticating it and delivering it to the Governor.

Messrs. Robert Stone and *Rolla W. Coleman*, on the reargument and on the original argument, for petitioners.

Mr. Clarence V. Beck on the reargument, and with *Mr. E. R. Sloan* on the origial argument, for respondents.

By special leave of Court, *Solicitor General Jackson*, with whom *Mr. Paul A. Freund* was on the brief, argued the case on behalf of the United States, as *amicus curiae*, urging affirmance.

By leave of Court, *Messrs. Orland S. Loomis*, Attorney General of Wisconsin, *Mortimer Levitan* and *Newell S. Boardman*, Assistant Attorneys General, filed a brief on behalf of that State, as *amicus curiae*, urging affirmance.

Opinion of the Court by MR. CHIEF JUSTICE HUGHES, announced by MR. JUSTICE STONE.

In June, 1924, the Congress proposed an amendment to the Constitution, known as the Child Labor Amendment.[1] In January, 1925, the Legislature of Kansas adopted a resolution rejecting the proposed amendment and a certified copy of the resolution was sent to the Secretary of State of the United States. In January, 1937, a resolution known as "Senate Concurrent Resolution No. 3" was introduced in the Senate of Kansas ratifying the proposed amendment. There were forty senators. When the resolution came up for consideration, twenty senators voted in favor of its adoption and twenty voted against it. The Lieutenant Governor, the presiding officer of the Senate, then cast his vote in favor of the resolution. The resolution was later adopted by the House of Representatives on the vote of a majority of its members.

This original proceeding in mandmaus was then brought in the Supreme Court of Kansas by twenty-one members of the Senate, including the twenty senators who had voted against the resolution, and three members of the House of Representatives, to compel the Secretary of the Senate to erase an endorsement on the resolution to the effect that it had been adopted by the Senate and to endorse thereon the words "was not passed," and to restrain the officers of the Senate and House of Representatives from signing the resolution and the Secretary of State of Kansas from authenticating it and delivering it to the Governor. The petition challenged the right of the Lieutenant Governor to cast the

Footnotes at end of article.

deciding vote in the Senate. The petition also set forth the prior rejection of the proposed amendment and alleged that in the period from June, 1924, to March, 1927, the amendment had been rejected by both houses of the legislatures of twenty-six States, and had been ratified in only five States, and that by reason of that rejection and the failure of ratification within a reasonable time the proposed amendment had lost its vitality.

An alternative writ was issued. Later the Senate passed a resolution directing the Attorney General to enter the appearance of the State and to represent the State as its interests might appear. Answers were filed on behalf of the defendants other than the State and plaintiffs made their reply.

The Supreme Court found no dispute as to the facts. The court entertained the action and held that the Lieutenant Governor was authorized to cast the deciding vote, that the proposed amendment retained its original vitality, and that the resolution "having duly passed the house of representatives and the senate, the act of ratification of the proposed amendment by the legislature of Kansas was final and complete." The writ of mandamus was accordingly denied. 146 Kann. 390; 71 P. 2d 518. This Court granted certiorari. 303 U.S. 632.

First. The jurisdiction of this Court.—Our authority to issue the writ of certiorari is challenged upon the ground that petitioners have no standing to seek to have the judgment of the state court reviewed, and hence it is urged that the writ of certiorari should be dismissed. We are unable to accept that view.

The state court held that it had jurisdiction; that "the right of the parties to maintain the action is beyond question."[2] The state court thus determined in substance that members of the legislature had standing to seek, and the court had jurisdiction to grant, mandamus to compel a proper record of legislative action. Had the questions been solely state questions, the matter would have ended there. But the questions raised in the instant case arose under the Federal Constitution and these by the state court. They arose under Article V of the Constitution which alone conferred the power to amend and determined the manner in which that power could be exercised. *Hawke* v. *Smith (No. 1)*, 253 U.S. 221, 227; *Leser* v. *Garnett*, 258 U.S. 130, 137. Whether any or all of the questions thus raised and decided are deemed to be justiciable or political, they are exclusively federal questions and not state questions.

We find the cases cited in support of the contention, that petitioners lack an adequate interest to invoke our jurisdiction to review, to be inapplicable.[3] Here, the plaintiffs include twenty senators, whose votes against ratification have been overridden and virtually held for naught although if they are right in their contentions their votes would have been sufficient to defeat ratification. We think that these senators have a plain, direct and adequate interest in maintaining the effectiveness of their votes. Petitioners come directly within the provisions of the statute governing our appellate jurisdiction. They have set up and claimed a right and privilege under the Constitution of the United States to have their votes given effect and the state court has denied that right and privilege. As the validity of a state statute was not assailed, the remedy by appeal was not available. (Jud. Code, § 237 (a); 28 U.S.C. 344(a)) and the appropriate remedy was by writ of certiorari which we granted. Jud. Code, § 237(b); 28 U.S.C. 344 (b).

The contention to the contrary is answered by our decisions in *Hawke* v. *Smith, supra*, and *Leser* v. *Garnett, supra*. In *Hawke* v. *Smith*, the plaintiff in error, suing as a "citizen and elector of the State of Ohio, and as a taxpayer and elector of the County of Hamilton," on behalf of himself and others similarly situated, filed a petition for an injunction in the state court to restrain the Secretary of State from spending the public money in preparing and printing ballots for submission of a referendum to the electors on the question of the ratification of the Eighteenth Amendment to the Federal Constitution. A demurrer to the petition was sustained in the lower court and its judgment was affirmed by the intermediate appellate court and the Supreme Court of the State. This Court entertained jurisdiction and, holding that the state court had erred in deciding that the State had authority to require the submission of the ratification to a referendum, reversed the judgment.

In *Leser* v. *Garnett*, qualified voters in the State of Maryland brought suit in the state court to have the names of certain women stricken from the list of qualified voters on the ground that the constitution of Maryland limited suffrage to men and that the Nineteenth Amendment to the Federal Consitution has not been validly ratified. The state court took jurisdiction and the Court of Appeals of the State affirmed the judgment dismissing the petition. We granted certiorari. On the question of our jurisdiction we said:

"The petitioners contended, on several grounds, that the Amendment had not become part of the Federal Constitution. The trial court overruled the contentions and dismissed the petition. Its judgment was affirmed by the Court of Appeals of the State, 139 Md. 46; and the case comes here on writ of error. That writ must be dismissed; but the petition for a writ of certiorari, also duly filed, is granted. The laws of Maryland authorized such a suit by a qualified voter against the Board of Registry. Whether the Nineteenth Amendment has become part of the Federal Constitution is the question presented for decision."

And holding that the official notice to the Secretary of State, duly authenticated, of the action of the legislatures of the States, whose alleged ratifications were assailed, was conclusive upon the Secretary of State and that his proclamation accordingly of ratification was conclusive upon the courts, we affirmed the judgment of the state court.

That the question of our jurisdiction in *Leser* v. *Garnett* was decided upon deliberate consideration is sufficiently shown by the fact that there was a motion to dismiss the writ of error for the want of jurisdiction and opposition to the grant of certiorari. The decision is the more striking because on the same day, in an opinion immediately preceding which was prepared for the Court by the same Justice,[4] jurisdiction had been denied to a federal court (the Supreme Court of the District of Columbia) of a suit by citizens of the United States, taxpayers and members of a voluntary association organized to support the Constitution, in which it was sought to have the Nineteenth Amendment declared unconstitutional and to enjoin the Secretary of State from proclaiming its ratification and the Attorney General from taking steps to enforce it. *Fairchild* v. *Hughes*, 258 U.S. 126. The Court held that the plaintiffs' alleged interest in the question submitted was not such as to afford a basis for the proceeding; that the plantiffs had only the right possessed by every citizen "to require that the Government be administered according to law and that the public moneys be not wasted" and that this general right did not entitle a private citizen to bring such a suit as the one in question in the federal courts.[5] It would be difficult to imagine a situation in which the adequacy of the petitioners' interest to invoke our appellate jurisdiction in *Leser* v. *Garnett* could have been more sharply presented.

The effort to distinguish that case on the ground that the plaintiffs were qualified voters in Maryland, and hence could complain of the admission to the registry of those alleged not to be qualified, is futile. The interest of the plaintiffs in *Leser* v. *Garnett* as merely qualified voters at general elections is certainly much less impressive than the interest of the twenty senators in the instant case. This is not a mere intra-parliamentary controversy but the question relates to legislative action deriving its force solely from the provisions of the Federal Constitution, and the twenty senators were not only qualified to vote on the question of ratification but their votes, if the Lieutenant Governor were excluded as not being a part of the legislature for that purpose, would have been decisive in defeating the ratifying resolution.

We are of the opinion that *Hawke* v. *Smith* and *Leser* v. *Garnett* are controlling authorities, but in view of the wide range the discussion has taken we may refer to some other instances in which the question of what constitutes a sufficient interest to enable one to invoke our appellate jurisdiction has been involved. The principle that the applicant must show a legal interest in the controversy has been maintained. It has been applied repeatedly in cases where municipal corporations have challenged state legislation affecting their alleged rights and obligations. Being but creatures of the State, municipal corporations have no standing to invoke the contract clause or the provisions of the Fourteenth Amendment of the Constitution in opposition to the will of their creator.[6] But there has been recognition of the legitimate interest of public officials and administrative commissions, federal and state, to resist the endeavor to prevent the enforcement of statutes in relation to which they have official duties. Under the Urgent Deficiencies Act,[7] the Interstate Commerce Commission, and commissions representing interested States which have intervened, are entitled as "aggrieved parties" to an appeal to this Court from a decree setting aside an order of the Interstate Commerce Commission, though the United States refuses to join in the appeal. *Interstate Commerce Comm'n* v. *Oregon-Washington R. & N. Co.*, 288 U.S. 14. So, this Court may grant certiorari, on the application of the Federal Trade Commission, to review decisions setting aside its orders.[8] *Federal Trade Comm'n* v. *Curtis Publishing Co.*, 260 U.S. 568. Analogous provisions authorize certiorari to review decisions against the National Labor Relations Board.[9] *National Labor Relations Board* v. *Jones & Laughlin Corp.*, 301 U.S. 1. Under § 266 of the Judicial Code (28 U.S.C. 380), where an injunction is sought to restrain the enforcement of a statute of a State or an order of its administrative board or commission, upon the ground of invalidity under the Federal Constitution, the right of direct appeal to this Court from the decree of the required three judges is accorded whether the injunction be granted or denied. Hence, in case the injunction is granted, the state board is entitled to appeal. See, for example, *South Carolina Highway Dept.* v. *Barnwell Brothers*, 303 U.S. 177.

The question of our authority to grant certiorari, on the application of state officers, to review decisions of state courts declaring state statutes, which these officers seek to enforce, to be repugnant to the Federal Constitution, has been carefully considered and our jurisdiction in that class of cases has been sustained. The original Judiciary Act of 1789 provided in § 25[10] for the review by this Court of a judgment of a state court "where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favour of such their validity"; that is, where the claim of federal right had been *denied*.

Footnotes at end of article.

By the Act December 23, 1914,[11] it was provided that this Court may review on certiorari decisions of state courts *sustaining* a federal right. The present statute governing our jurisdiction on certiorari contains the corresponding provision that this Court may exercise that jurisdiction "as well where the federal claim is sustained as where it is denied." Jud. Code, § 237 (b); 28 U.S.C. 344 (b). The plain purpose was to provide an opportunity, deemed to be important and appropriate, for the review of the decisions of state courts on constitutional questions however the state court might decide them. Accordingly where the claim of a complainant that a state officer be restrained from enforcing a state statute because of constitutional invalidity is sustained by the state court, the statute enables the state officer to seek a reversal by this Court of that decision.

In *Blodgett* v. *Silberman*, 277 U.S. 1, 7, the Court granted certiorari on the application of the State Tax Commissioner of Connecticut who sought review of the decision of the Supreme Court of Errors of the State so far as it denied the right created by its statute to tax the transfer of certain securities, which had been placed for safekeeping in New York, on the ground that they were not within the taxing jurisdiction of Connecticut. Entertaining jurisdiction, this Court reversed the judgment in that respect. *Id.*, p. 18.

The question received most careful consideration in the case of *Boynton* v. *Hutchinson Gas Co.*, 291 U.S. 656, where the Supreme Court of Kansas had held a state statute to be repugnant to the Federal Constitution, and the Attorney General of the State applied for certiorari. His application was opposed upon the ground that he had merely an official interest in the controversy and the decisions were invoked upon which the Government relies in challenging our jurisdiction in the instant case.[12] Because of its importance, and contrary to our usual practice, the Court directed oral argument on the question whether certiorari should be granted, and after that argument, upon mature deliberation, granted the writ. The writ was subsequently dismissed but only because of a failure of the record to show service of summons and severance upon the appellees in the state court who were not parties to the proceedings here. 292 U.S. 601. This decision with respect to the scope of our jurisdiction has been followed in later cases. In *Morehead* v. *New York ex rel. Tipaldo*, 298 U.S. 587, we granted certiorari on an application by the warden of a city prison to review the decision of the Court of Appeals of the State on *habeas corpus*, ruling that the minimum wage law of the State violated the Federal Constitution. This Court decided the case on the merits. In *Kelly* v. *Washington ex rel, Foss Co.*, 302 U.S. 1, we granted certiorari, on the application of the state authorities charged with the enforcement of the state law relating to the inspection and regulation of vessels, to review the decision of the state court holding the statute invalid in its application to navigable waters. We concluded that the state act had a permissible field of operation and the decision of the state court in holding the statute completely unenforceable in deference to federal law was reversed.

This class of cases in which we have exercised our appellate jurisdiction on the application of state officers may be said to recognize that they have an adequate interest in the controversy by reason of their duty to enforce the state statutes the validity of which has been drawn in question. In none of these cases could it be said that the state officers invoking our jurisdiction were sustaining any "private damage."

Footnotes at end of article.

While one who asserts the mere right of a citizen and taxpayer of the United States to complain of the alleged invalid outlay of public moneys has no standing to invoke the jurisdiction of the federal courts (*Frothingham* v. *Mellon*, 262 U.S. 447, 480, 486, 487), the Court has sustained the more immediate and substantial right of a resident taxpayer to invoke the interposition of a court of equity to enjoin an illegal use of moneys by a municipal corporation. *Crampton* v. *Zabriskie*, 101 U.S. 601, 609; *Frothingham* v. *Mellon*, *supra*. In *Helm* v. *McCall*, 239 U.S. 175, we took jurisdiction on a writ of error sued out by a property owner and taxpayer, who had been given standing in the state court, for the purpose of reviewing its decision sustaining the validity under the Federal Constitution, of a state statute as applied to contracts for the construction of public works in the City of New York, the enforcement of which was alleged to involve irreparable loss to the city and hence to be inimical to the interests of the taxpayer.

In *Smiley* v. *Holm*, 285 U.S. 355, we granted certiorari on the application of one who was an "elector," as well as a "citizen" and "taxpayer," and who assailed under the Federal Constitution a state statute establishing congressional districts. Passing upon the merits we held that the functions of a state legislature in prescribing the time, place and manner of holding elections for representatives in Congress under Article I, § 4, was a law-making function in which the veto power of the state governor participates, if under the state constitution the governor has that power in the course of the making of state laws, and accordingly reversed the judgment of the state court. We took jurisdiction on certiorari in a similar case from New York where the petitioners were "citizens and voters of the State" who had sought a mandamus to compel the Secretary of State of New York to certify that representatives in Congress were to be elected in the congressional districts as defined by a concurrent resolution of the Senate and Assembly of the legislature. There the state court, construing the provision of the Federal Constitution as contemplating the exercise of the lawmaking power, had sustained the defense that the concurrent resolution was ineffective as it had not been submitted to the Governor for approval, and refused the writ of mandamus. We affirmed the judgment. *Koenig* v. *Flynn*, 285 U.S. 375.

In the light of this course of decisions, we find no departure from principle in recognizing in the instant case that at least the twenty senators whose votes, if their contention were sustained, would have been sufficient to defeat the resolution ratifying the proposed constitutional amendment, have an interest in the controversy which, treated by the state court as a basis for entertaining and deciding the federal questions, is sufficient to give the Court jurisdiction to review that decision.

Second. The participation of the Lieutenant Governor.—Petitioners contend that, in the light of the powers and duties of the Lieutenant Governor and his relation to the Senate under the state constitution, as construed by the supreme court of the state, the Lieutenant Governor was not a part of the "legislature" so that under Article V of the Federal Constitution, he could be permitted to have a deciding vote on the ratification of the proposed amendment, when the senate was equally divided.

Whether this contention presents a justiciable controversy, or a question which is political in its nature and hence not justiciable, is a question upon which the Court is equally divided and therefore the Court expresses no opinion upon that point.

Third. The effect of the previous rejection of the amendment and of the lapse of time since its submission.

1. The state court adopted the view expressed by text-writers that a state legislature which has rejected an amendment proposed by the Congress may later ratify.[13] The argument in support of that view is that Article V says nothing of rejection but speaks only of ratification and provides that a proposed amendment shall be valid as part of the Constitution when ratified by three-fourths of the States; that the power to ratify is thus conferred upon the State by the Constitution and, as a ratifying power, persists despite a previous rejection. The opposing view proceeds on an assumption that if ratification by "Conventions" were prescribed by the Congress, a convention could not reject and, having adjourned *sine die*, be reassembled and ratify. It is also premised, in accordance with views expressed by text-writers,[14] that ratification if once given cannot afterwards be rescinded and the amendment rejected, and it is urged that the same effect in the exhaustion of the State's power to act should be ascribed to rejection; that a State can act "but once, either by convention or through its legislature."

Historic instances are cited. In 1865, the Thirteenth Amendment was rejected by the legislature of New Jersey which subsequently ratified it, but the question did not become important as ratification by the requisite number of States had already been proclaimed.[15] The question did arise in connection with the adoption of the Fourteenth Amendment. The legislatures of Georgia, North Carolina and South Carolina had rejected the amendment in November and December, 1866.[16] New governments were erected in those States (and in others) under the direction of Congress.[17] The new legislatures ratified the amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868.[18] Ohio and New Jersey first ratified and then passed resolutions withdrawing their consent.[19] As there were then thirty-seven States, twenty-eight were needed to constitute the requisite three-fourths. On July 9, 1868, the Congress adopted a resolution requesting the Secretary of State to communicate "a list of the States of the Union whose legislatures have ratified the fourteenth article of amendment," [20] and in Secretary Seward's report attention was called to the action of Ohio and New Jersey.[21] On July 20th Secretary Seward issued a proclamation reciting the ratification by twenty-eight States, including North Carolina, South Carolina, Ohio and New Jersey, and stating that it appeared that Ohio and New Jersey had since passed resolutions withdrawing their consent and that "it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid and therefore ineffectual. The Secretary certified that if the ratifying resolutions of Ohio and New Jersey were still in full force and effect, notwithstanding the attempted withdrawal, the amendment had become a part of the Constitution.[22] On the following day the Congress adopted a concurrent resolution which, reciting that three-fourths of the States having ratified (the list including North Carolina, South Carolina, Ohio and New Jersey),[23] declared the Fourteenth Amendment to be a part of the Constitution and that it should be duly promulgated as such by the Secretary of State. Accordingly, Secretary Seward, on July 28th, issued his proclamation embracing the States mentioned in the congressional resolution and adding Georgia.[24]

Thus the political departments of the Government dealt with the effect both of previous rejection and of attempted withdrawal and determined that both were ineffectual in the presence of an actual ratification.[25] While there were special circumstances, because of the action of the Congress in relation to the governments of the rejecting States (North Carolina, South Carolina and Georgia), these circumstances were not recited in proclaiming ratification and

the previous action taken in these States was set forth in the proclamation as actual previous rejections by the respective legislatures. This decision by the political departments of the Government as to the validity of the adoption of the Fourteenth Amendment has been accepted.

We think that in accordance with this historic precedent the question of the efficacy of ratifications by state legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment.

The precise question as now raised is whether, when the legislature of the State, as we have found, has actually ratified the proposed amendment, the Court should restrain the state officers from certifying the ratification to the Secretary of State, because of an earlier rejection, and thus prevent the question from coming before the political departments. We find no basis in either Constitution or statute for such judicial action. Article V, speaking solely of ratification, contains no provision as to rejection.[26] Nor has the Congress enacted a statute relating to rejections. The statutory provision with respect to constitutional amendments is as follows:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States." [27]

The statute presupposes official notice to the Secretary of State when a state legislature has adopted a resolution of ratification. We see no warrant for judicial interference with the performance of that duty. See *Leser* v. *Garnett, supra,* p. 137.

2. The more serious question is whether the proposal by the Congress of the amendment had lost its vitality through lapse of time and hence it could not be ratified by the Kansas legislature in 1937. The argument of petitioners stresses the fact that nearly thirteen years elapsed between the proposal in 1924 and the ratification in question. It is said that when the amendment was proposed there was a definitely adverse popular sentiment and that at the end of 1925 there had been rejection by both houses of the legislatures of sixteen States and ratification by only four States, and that it was not until about 1933 that an aggressive campaign was started in favor of the amendment. In reply, it is urged that Congress did not fix a limit of time for ratification and that an unreasonably long time had not elapsed since the submission; that the conditions which gave rise to the amendment had not been eliminated; that the prevalence of child labor, the diversity of state laws and the disparity in their administration, with the resulting competitive inequalities, continued to exist. Reference is also made to the fact that a number of the States have treated the amendment as still pending and that in the proceedings of the national government there have been indications of the view.[28] It is said that there were fourteen ratifications in 1933, four in 1935, one in 1936, and three in 1937.

We have held that the Congress in proposing an amendment may fix a reasonable time for ratification. *Dillon* v. *Gloss,* 256 U.S. 368. There we sustained the action of the Congress in providing in the proposed Eighteenth Amendment that it should be inoperative unless ratified within seven years.[29] No limitation of time for ratification is provided in the instant case either in the proposed amendment or in the resolution of submission. But petitioners contend that, in the absence of a limitation by the Congress, the Court can and should decide what is a reasonable period within which ratification may be had. We are unable to agree with that contention.

It is true that in *Dillon* v. *Gloss* the Court said that nothing was found in Article V which suggested that an amendment once proposed was to be open to ratification for all time, or that ratification in some States might be separated from that in others by many years and yet be effective; that there was a strong suggestion to the contrary in that proposal and ratification were but succeeding steps in a single endeavor; that as amendments were deemed to be prompted by necessity, they should be considered and disposed of presently; and that there is a fair implication that ratification must be sufficiently contemporaneous in the required number of States to reflect the will of the people in all sections at relatively the same period; and hence that ratification must be within some reasonable time after the proposal. These considerations were cogent reasons for the decision in *Dillon* v. *Gloss* that the Congress had the power to fix a reasonable time for ratification. But it does not follow that, whenever Congress has not exercised that power, the Court should take upon itself the responsibility of deciding what constitutes a reasonable time and determine accordingly the validity of ratifications. That question was not involved in *Dillon* v. *Gloss* and, in accordance with familiar principle, what was there said must be read in the light of the point decided.

Where are to be found the criteria for such a judicial determination? None are to be found in Constituttion or statute. In their endeavor to answer this question petitioners' counsel have suggested that at least two years should be allowed; that six years would not seem to be unreasonably long; that seven years had been used by the Congress as a reasonable period; that one year, six months and thirteen days was the average time used in passing upon amendments which have been ratified since the first ten amendments; that three years, six months and twenty-five days has been the longest time used in ratifying. To this list of variables, counsel add that "the nature and extent of publicity and the activity of the public and of the legislatures of the several States in relation to any particular proposal should be taken into consideration." That statement is pertinent, but there are additional matters to be examined and weighed. When a proposed amendment springs from a conception of economic needs, it would be necessary, in determining whether a reasonable time had elapsed since its submission, to consider the economic conditions prevailing in the country, whether these had so far changed since the submission as to make the proposal no longer responsive to the conception which inspired it or whether conditions were such as to intensify the feeling of need and the appropriateness of the proposed remedial action. In short, the question of a reasonable time in many cases would involve, as in this case it does involve, an appraisal of a great variety of relevant conditions, political, social and economic, which can hardly be said to be within the appropriate range of evidence receivable in a court of justice and as to which it would be an extravagant extension of judicial authority to assert judicial notice as the basis of deciding a controversy with respect to the validity of an amendment actually ratified. On the other hand, these conditions are appropriate for the consideration of the political departments of the Government. The questions they involve are essentially political and not justiciable. They can be decided by the Congress with the full knowledge and appreciation ascribed to the national legislature of the political, social and economic conditions which have prevailed during the period since the submission of the amendment.

Our decision that the Congress has the power under Article V to fix a reasonable limit of time for ratification in proposing an amendment proceeds upon the assumption that the question, what is a reasonable time, lies within the congressional province. If it be deemed that such a question is an open one when the limit has not been fixed in advance, we think that it should also be regarded as an open one for the consideration of the Congress when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment. The decision by the Congress, in its control of the action of the Secretary of State, of the question whether the amendment had been adopted within a reasonable time would not be subjected to review by the courts.

It would unduly lengthen this opinion to attempt to review our decisions as to the class of questions deemed to be political and not justiciable. In determining whether a question falls within that category, the appropriateness under our system of government of attributing finality to the action of the political departments and also the lack of satisfactory criteria for a judicial determination are dominant considerations.[30] There are many illustrations in the field of our conduct of foreign relations, where there are "considerations of policy, considerations of extreme magnitude, and certainly, entirely incompetent to the examination and decision of a court of justice." *Ware* v. *Hylton,* 3 Dall. 199, 260.[31] Questions involving similar considerations are found in the government of our internal affairs. Thus, under Article IV, § 4, of the Constitution, providing that the United States "shall guarantee to every State in this Union a Republican Form of Government," we have held that it rests with the Congress to decide what government is the established one in a State and whether or not it is republican in form. *Luther* v. *Borden,* 7 How. 1, 42. In that case Chief Justice Taney observed that "when the senators and representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal." So, it was held in the same case that under the provision of the same Article for the protection of each of the States "against domestic violence" it rested with the Congress "to determine upon the means proper to be adopted to fulfil this guarantee." *Id.,* p. 43. So, in *Pacific Telephone Co.* v. *Oregon,* 223 U.S. 118, we considered that questions arising under the guaranty of a republican form of government had long since been "definitely determined to be political and governmental" and hence that the question whether the government of Oregon had ceased to be republican in form because of a constitutional amendment by which the people reserved to themselves power to propose and enact laws independently of the legislative assembly and also to approve or reject any act of that body, was a question for the determination of the Congress. It would be finally settled when the Congress admitted the senators and representatives of the State.

For the reasons we have stated, which we think to be as compelling as those which underlay the cited decisions, we think that the Congress in controlling the promulgation of the adoption of a constitutional amend-

Footnotes at end of article.

ment has the final determination of the question whether by lapse of time its proposal of the amendment had lost its vitality prior to the required ratifications. The state officials should not be restrained from certifying to the Secretary of State the adoption by the legislature of Kansas of the resolution of ratification.

As we find no reason for disturbing the decision of the Supreme Court of Kansas in denying the mandamus sought by petitioners, its judgment is affirmed but upon the grounds stated in this opinion.

Affirmed.

Concurring opinion by MR. JUSTICE BLACK, in which MR. JUSTICE ROBERTS, MR. JUSTICE FRANKFURTER and MR. JUSTICE DOUGLAS join.

Although, for reasons to be stated by MR. JUSTICE FRANKFURTER, we believe this cause should be dismissed, the ruling of the Court just announced removes from the case the question of petitioners' standing to sue. Under the compulsion of that ruling,[32] MR. JUSTICE ROBERTS, MR. JUSTICE FRANKFURTER, MR. JUSTICE DOUGLAS and I have participated in the discussion of other questions considered by the Court and we concur in the result reached, but for somewhat different reasons.

The Constitution grants Congress exclusive power to control submission of constitutional amendments. Final determination by Congress that ratification by three-fourths of the States has taken place "is conclusive upon the courts."[33] In the exercise of that power, Congress, of course, is governered by the Constitution. However, whether submission, intervening procedure or Congressional determination of ratification conforms to the commands of the Constitution, calls for decisions by a "political department" of questions of a type which this Court has frequently designated "political." And decision of a "political question" by the "political department" to which the Constitution has committed it "conclusively binds the judges, as well as all other officers, citizens and subjects of . . . government."[34] Proclamation under authority of Congress that an amendment has been ratified will carry with it a solemn assurance by the Congress that ratification has taken place as the Constitution commands. Upon this assurance a proclaimed amendment must be accepted as a part of the Constitution, leaving to the judiciary its traditional authority of interpretation.[35] To the extent that the Court's opinion in the present case even impliedly assumes a power to make judicial interpretation of the exclusive constitutional authority of Congress over submission and ratification of amendments, we are unable to agree.

The state court below assumed jurisdiction to determine whether the proper procedure is being followed between submission and final adoption. However, it is apparent that judicial review of or pronouncements upon a supposed limitation of a "reasonable time" within which Congress may accept ratification; as to whether duly authorized state officials have proceeded propertly in ratifying or voting for ratification; or whether a State may reverse its action once taken upon a proposed amendment; and kindred questions, are all consistent only with an ultimate control over the amending process in the courts. And this must inevitably embarrass the course of amendment by subjecting to judicial interference matters that we believe were intrusted by the Constitution solely to the political branch of government.

The Court here treats the amending process of the Constitution in some respects as subject to judicial construction, in others as subject to the final authority of the Congress. There is no disapproval of the conclusion arrived at in *Dillon* v. *Gloss*,[36] that the Constitution impliedly requires that a properly submitted amendment must die unless ratified within a "reasonable time." Nor does the Court now disapprove its prior assumption of power to make such a pronouncement. And it is not made clear that only Congress has constitutional power to determine if there is any such implication in Article V of the Constitution. On the other hand, the Court's opinion declares that Congress has the exclusive power to decide the "political questions" of whether a State whose legislature has once acted upon a proposed amendment may subsequently reverse its position, and whether, in the circumstances of such a case as this, an amendment is dead because an "unreasonable" time has elapsed. No such division between the political and judicial branches of the government is made by Article V which grants power over the amending of the Constitution to Congress alone. Undivided control of that process has been given by the Article exclusively and completely to Congress. The process itself is "political" in its entirely, from submission until an amendment becomes part of the Constitution, and is not subject to judicial guidance, control or interference at any point.

Since Congress has sole and complete control over the amending process, subject to no judicial review, the views of any court upon this process cannot be binding upon Congress, and insofar as *Dillon* v. *Gloss* attempts judicially to impose a limitation upon the right of Congress to determine final adoption of an amendment, it should be disapproved. If Congressional determination that an amendment has been completed and become a part of the Constitution is final and removed from examination by the courts, as the Court's present opinion recognizes, surely the steps leading to that condition must be subject to the scrutiny, control and appraisal of none save the Congress, the body having exclusive power to make that final determination.

Congress, possessing exclusive power over the amending process, cannot be bound by and is under no duty to accept the pronouncements upon that exclusive power by this Court or by the Kansas courts. Neither state nor federal courts can review that power. Therefore, any judicial expression amounting to more than mere acknowledgment of exclusive Congressional power over the political process of amendment is a mere admonition to the Congress in the nature of an advisory opinion, given wholly without constitutional authority.

Opinion of MR. JUSTICE FRANKFURTER.

It is the view of MR. JUSTICE ROBERTS, MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and myself that the petitioners have no standing in this Court.

In endowing this Court with "judicial Power" the Constitution presupposed an historic content for that phrase and relied on assumption by the judiciary of authority only over issues which are appropriate for disposition by judges. The Constitution further explicitly indicated the limited area within which judicial action was to move—however far-reaching the consequences of action within that area—by extending "judicial Power" only to "Cases" and "Controversies." Both by what they said and by what they implied, the framers of the Judiciary Article gave merely the outlines of what were to them the familiar operations of the English judicial system and its manifestations on this side of the ocean before the Union. Judicial power could come into play only in matters that were the traditional concern of the courts at Westminster and only if they arose in ways that to the expert feel of lawyers constituted "Cases" or "Controversies." It was not for courts to meddle with matters that required no subtlety to be identified as political issues.[37] And even as to the kinds of questions which were the staple of judicial business, it was not for courts to pass upon them as abstract, intellectual problems but only if a concrete, living contest between adversaries called for the arbitrament of law. Compare *Muskrat* v. *United States*, 219 U.S. 346; *Tutun* v. *United States*, 270 U.S. 568; *Willing* v. *Chicago Auditorium Assn.*, 277 U.S. 274; *Nashville, C. & St. L. Ry. Co.* v. *Wallace*, 288 U.S. 249.

As abstractions, these generalities represent common ground among judges. Since, however, considerations governing the exercise of judicial power are not mechanical criteria but derive from conceptions regarding the distribution of governmental powers in their manifold, changing guises, differences in the application of canons of jurisdiction have arisen from the beginning of the Court's history.[38] Conscious or unconscious leanings toward the serviceability of the judicial process in the adjustment of public controversies clothed in the form of private litigation inevitably affect decisions. For they influence awareness in recognizing the relevance of conceded doctrines of judicial self-limitation and rigor in enforcing them.

Of all this, the present controversy furnishes abundant illustration. Twenty-one members of the Kansas Senate and three members of its House of Representatives brought an original mandamus proceeding in the Supreme Court of that State to compel the Secretary of its Senate to erase an endorsement on Kansas "Senate Concurrent Resolution No. 3" of January 1937, to the effect that it had been passed by the Senate, and instead to endorse thereon the words "not passed." They also sought to restrain the officers of both Senate and House from authenticating and delivering it to the Governor of the State for transmission to the Secretary of State of the United States. These Kansas legislators resorted to their Supreme Court claiming that there was no longer an amendment open for ratification by Kansas and that, in any event, it had not been ratified by the "legislature" of Kansas, the constitutional organ for such ratification. See Article V of the Constitution of the United States. The Kansas Supreme Court held that the Kansas legislators had a right to its judgment on these claims, but on the merits decided against them and denied a writ of mandamus. Urging that such denial was in derogation of their rights under the Federal Constitution, the legislators, having been granted *certiorari* to review the Kansas judgment, 303 U.S. 632, ask this Court to reverse it.

Our power to do so is explicitly challenged by the United States as *amicus curiae*, but would in any event have to be faced. See *Mansfield C. & L. M. Ry. Co.* v. *Swan*, 111 U.S. 379, 382. To whom and for what causes the courts of Kansas are open are matters for Kansas to determine.[39] But Kansas can not define the contours of the authority of the federal courts, and more particularly of this Court. It is our ultimate responsibility to determine who may invoke our judgment and under what circumstances. Are these members of the Kansas legislature, therefore, entitled to ask us to adjudicate the grievances of which they complain?

It is not our function, and it is beyond our power, to write legal essays or to give legal opinions, however solemnly requested and however great the national emergency. See the correspondence between Secretary of State Jefferson and Chief Justice Jay, 3 Johnson, Correspondence and Public Papers of John Jay, 486–89. Unlike the role allowed to judges in a few state courts and to the Supreme Court of Canada, our exclusive business is litigation.[40] The requisites of litigation are not satisfied when questions of constitutionality though conveyed through the outward forms of a conventional court proceeding do not bear special relation to a particular litigant. The scope and consequences of our doctrine of judicial review over executive and legislative action should make us observe fastidiously the bounds of

Footnotes at end of article.

the litigious process within which we are confined.[41] No matter how seriously infringement of the Constitution may be called into question, this is not the tribunal for its challenge except by those who have some specialized interest of their own to vindicate, apart from a political concern which belongs to all. *Stearns* v. *Wood*, 236 U.S. 75; *Fairchild* v. *Hughes*, 258 U.S. 126.

In the familiar language of jurisdiction, these Kansas legislators must have standing in this Court. What is their distinctive claim to be here, not possessed by every Kansan? What is it that they complain of, which could not be complained of here by all their fellow citizens? The answer requires analysis of the grievances which they urge.

They say that it was beyond the power of the Kansas legislature, no matter who voted or how, to ratify the Child Labor Amendment because for Kansas there was no Child Labor Amendment to ratify. Assuming that an amendment proposed by the Congress dies of inanition after what is to be deemed a "reasonable" time, they claim that, having been submitted in 1924, the proposed Child Labor Amendment was no longer alive in 1937. Or, if alive, it was no longer so for Kansas because, by a prior resolution of rejection in 1925, Kansas had exhausted her power. In no respect, however, do these objections relate to any secular interest that pertains to these Kansas legislators apart from interests that belong to the entire commonalty of Kansas. The fact that these legislators are part of the ratifying mechanism while the ordinary citizen of Kansas is not, is wholly irrelevant to this issue. On this aspect of the case the problem would be exactly the same if all but one legislator had voted for ratification.

Indeed the claim that the Amendment was dead or that it was no longer open to Kansas to ratify, is not only not an interest which belongs uniquely to these Kansas legislators; it is not even an interest special to Kansas. For it is the common concern of every citizen of the United States whether the Amendment is still alive, or whether Kansas could be included among the necessary "three-fourths of the several States."

These legislators have no more standing on these claims of unconstitutionality to attack "Senate Concurrent Resolution No. 3" than they would have standing here to attack some Kansas statute claimed by them to offend the Commerce Clause. By as much right could a member of the Congress who had voted against the passage of a bill because moved by constitutional scruples urge before this Court our duty to consider his arguments of unconstitutionality.

Clearly a Kansan legislator would have no standing had be brought suit in a federal court. Can the Kansas Supreme Court transmute the general interest in these constitutional claims into the individualized legal interest indispensable here? No doubt the bounds of such legal interest have a penumbra which gives some freedom in judging fulfilment of our jurisdictional requirements. The doctrines affecting standing to sue in the federal courts will not be treated as mechanical yardsticks in assessing state court ascertainments of legal interest brought here for review. For the creation of a vast domain of legal interests is in the keeping of the states, and from time to time state courts and legislators give legal protection to new individual interests. Thus, while the ordinary state taxpayer's suit is not recognized in the federal courts, it affords adequate standing for review of state decisions when so recognized by state courts. *Coyle* v. *Smith*, 221 U. S. 559; *Heim* v. *McCall*, 239 U. S. 175.

But it by no means follows that a state court ruling on the adequacy of legal interest is binding here. Thus, in *Tyler* v. *Judges*, 179 U.S. 405, the notion was rejected that merely because the Supreme Judicial Court of Massachusetts found an interest of sufficient legal significance for assailing a statute, this Court must consider such claim. Again, this Court has consistently held that the interest of a state official in vindicating the Constitution of the United States gives him no legal standing here to attack the constitutionality of a state statute in order to avoid compliance with it. *Smith* v. *Indiana*, 191 U.S. 138; *Braxton County Court* v. *West Virginia*, 208 U.S. 192; *Marshall* v. *Dye*, 231 U.S. 250; *Stewart* v. *Kansas City*, 239 U.S. 14. Nor can recognition by a state court of such an undifferentiated, general interest confer jurisdiction on us. *Columbus & Greenville Ry. Co.* v. *Miller*, 283 U.S. 96, reversing *Miller* v. *Columbus & Greenville Ry.*, 154 Miss. 317; 122 So. 366. Contrariwise, of course, an official has a legally recognized duty to enforce a statute which he is charged with enforcing. And so, an official who is obstructed in the performance of his duty under a state statute because his state court found a violation of the United States Constitution may, since the Act of December 23, 1914, 38 Stat. 790, ask this Court to remove the fetters against enforcement of his duty imposed by the state court because of an asserted misconception of the Constitution. Such a situation is represented by *Blodgett* v. *Silberman*, 277 U.S. 1, and satisfied the requirement of legal interest in *Boynton* v. *Hutcheson*, 291 U.S. 656, *certiorari* dismissed on another ground in 292 U.S. 601.[42]

We can only adjudicate an issue as to which there is a claimant before us who has a special, individualized stake in it. One who is merely the self-constituted spokesman of a constitutional point of view can not ask us to pass on it. The Kansas legislators could not bring suit explicitly on behalf of the people of the United States to determine whether Kansas could still vote for the Child Labor Amendment. They cannot gain standing here by having brought such a suit in their own names. Therefore, none of the petitioners can here raise questions concerning the power of the Kansas legislature to ratify the Amendment.

This disposes of the standing of the three members of the lower house who seek to invoke the jurisdiction of this Court. They have no standing here. Equally without litigious standing is the member of the Kansas Senate who voted for "Senate Concurrent Resolution No. 3." He cannot claim that his vote was denied any parliamentary efficacy to which it was entitled. There remains for consideration only the claim of the twenty nay-voting senators that the Lieutenant-Governor of Kansas, the presiding officer of its Senate, had, under the Kansas Constitution, no power to break the tie in the senatorial vote on the Amendment, thereby depriving their votes of the effect of creating such a tie. Whether this is the tribunal before which such a question can be raised by these senators must be determined even before considering whether the issue which they pose is justiciable. For the latter involves questions affecting the distribution of constitutional power which should be postponed to preliminary questions of legal standing to sue.

The right of the Kansas senators to be here is rested on recognition by *Leser* v. *Garnett*, 258 U.S. 130, of a voter's right to protect his franchise. The historic source of this doctrine and the reasons for it were explained in *Nixon* v. *Herndon*, 273 U.S. 536, 540. That was an action for $5,000 damages against the Judges of Elections for refusing to permit the plaintiff to vote at a primary election in Texas. In disposing of the objection that the plaintiff had no cause of action because the subject matter of the suit was political, Mr. Justice Holmes thus spoke for the Court: "Of course the petition concerns political action but it alleges and seeks to recover for private damage. That private damage may be caused by such political action and may be recovered for in a suit at law hardly has been doubted for over two hundred years, since *Ashby* v. *White*, 2 Ld. Raym. 938, 3 *id.* 320, and has been recognized by this Court." "Private damage" is the clue to the famous ruling in *Ashby* v. *White*, *supra*, and determines its scope as well as that of cases in this Court of which it is the justification. The judgment of Lord Holt is permeated with the conception that a voter's franchise is a personal right, assessable in money damages, of which the exact amount "is peculiarly appropriate for the determination of a jury," see *Wiley* v. *Sinkler*, 179 U.S. 58, 65, and for which there is no remedy outside the law courts. "Although this matter relates to the parliament," said Lord Holt, "yet it is an injury precedaneous to the parliament, as my Lord Hale said in the case of *Bernardiston* v. *Soame*, 2 Lev. 114, 116. The parliament cannot judge of this injury, nor give damage to the plaintiff for it: they cannot make him a recompense." 2 Ld. Raym. 938, 958.

The reasoning of *Ashby* v. *White* and the practice which has followed it leave intra-parliamentary controveries to parliaments and outside the scrutiny of law courts. The procedures for voting in legislative assemblies—who are members, how and when they should vote, what is the requisite number of votes for different phases of legislative activity, what votes were cast and how they were counted—surely are matters that not merely concern political action but are of the very essence of political action, if "political" has any connotation at all. *Field* v. *Clark*, 143 U.S. 649, 670, *et seq.*; *Leser* v. *Garnett*, 258 U.S. 130, 137. In no sense are they matters of "private damage." They pertain to legislators not as individuals but as political representatives executing the legislative process. To open the law courts to such controversies is to have courts sit in judgment on the manifold disputes engendered by procedures for voting in legislative assemblies. If the doctrine of *Ashby* v. *White* vindicating the private rights of a voting citizen has not been doubted for over two hundred years, it is equally significant that for over two hundred years *Ashby* v. *White* has not been sought to be put to purposes like the present. In seeking redress here these Kansas senators have wholly misconceived the functions of this Court. The writ of *certiorari* to the Kansas Supreme Court should therefore be dismissed.

Mr. JUSTICE BUTLER, dissenting.

The Child Labor Amendment was proposed in 1924; more than 13 years elapsed before the Kansas legislature voted, as the decision just announced holds, to ratify it. Petitioners insist that more than a reasonable time had elapsed and that, therefore, the action of the state legislature is without force. But this Court now holds that the question is not justiciable, relegates it to the "consideration of the Congress when, in the presence of certified ratifications by three-fourths of the States the time arrives for the promulgation of the adoption of the amendment" and declares that the decision by Congress would not be subject to review by the courts.

In *Dillon* v. *Gloss*, 256 U.S. 368, one imprisoned for transportation of intoxicating liquor in violation of § 3 of the National Prohibition Act, instituted habeas corpus proceedings to obtain his release on the ground that the Eighteenth Amendment was invalid because the resolution proposing it declared that it should not be operative unless ratified within seven years. The Amendment was ratified in less than a year and a half. We definitely held that Article V impliedly requires amendments submitted to be ratified within a reasonable time after proposal; that Congress may fix a reasonable time for ratification, and that the period of seven years fixed by the Congress was reasonable.

We said:

Footnotes at end of article.

"It will be seen that this article says nothing about the time within which ratification may be had—neither that it shall be unlimited nor that it shall be fixed by Congress. What, then, is the reasonable inference or implication? Is it that ratification may be had at any time, as within a few years, a century or even a longer period; or that it must be had within some reasonable period which Congress is left free to define?

"We do not find anything in the Article which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the States may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts, but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefor that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the States, there is a fair implication that it must be sufficiently contemporaneous in that number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do. These considerations and the general purport and spirit of the Article lead to the conclusion expressed by Judge Jameson [in his Constitutional Conventions, 4th ed. § 585] 'that an alteration of the Constitution proposed today has relation to the sentiment and the felt needs of today, and that, if not ratified early while that sentiment may fairly be supposed to exist, it ought to be regarded as waived, and not again to be voted upon, unless a second time proposed by Congress.' That this is the better conclusion becomes even more manifest when what is comprehended in the other view is considered; for, according to it, four amendments proposed long ago—two in 1789, one in 1810, and one in 1861—are still pending and in a situation where their ratification in some of the States many years since by representatives of generations now largely forgotten may be effectively supplemented in enough more States to make three-fourths by representatives of the present or some future generation. To that view few would be able to subscribe, and in our opinion it is quite untenable. We conclude that the fair inference or implication from Article V is that the ratification must be within some reasonable time after the proposal.

"Of the power of Congress, keeping within reasonable limits, to fix a definite period for the ratification we entertain no doubt. . . . Whether a definite period for ratification shall be fixed so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification. It is not questioned that seven years, the period fixed in this instance, was reasonable, if power existed to fix a definite time; nor could it well be questioned considering the periods within which prior amendments were ratified."

Upon the reasoning of our opinion in that case, I would hold that more than a reasonable time had elapsed [43] and that the judgment of the Kansas supreme court should be reversed.

The point that the question—whether more than a reasonable time had elapsed—is not justiciable but one for Congress after attempted ratification by the requisite number of States, was not raised by the parties or by the United States appearing as *amicus curiae;* it was not suggested by us when ordering reargument. As the Court, in the *Dillon* case, did directly decide upon the reasonableness of the seven years fixed by the Congress, it ought not now, without hearing argument upon the point, hold itself to lack power to decide whether more than 13 years between proposal by Congress and attempted ratification by Kansas is reasonable.

Mr. JUSTICE MCREYNOLDS joins in this opinion.

CHANDLER, GOVERNOR OF KENTUCKY, ET AL. AGAINST WISE ET AL.

CERTIORARI TO THE COURT OF APPEALS OF KENTUCKY

(No. 14. Argued October 10, 11, 1938. Reargued April 18, 1939.—Decided June 5, 1939)

Suit was brought in a state court to restrain the Governor and other state officials from sending to the Secretary of State of the United States a certified copy of a resolution enacted by the state legislature purporting to ratify the proposed Child Labor Amendment to the Federal Constitution, it being alleged that such attempted ratification was illegal and void. *Held:*

That although the state court had jurisdiction *in limine*, the act of the Governor in forwarding the certification to the federal Secretary of State after the beginning of the suit and after a restraining order and summons had been issued, but before actual service and without knowledge of the pendency of the proceeding, had left no controversy susceptible of judicial determination; and that a writ of certiorari from this Court to review the final judgment should therefore be dismissed.

271 Ky. 252; 111 S.W. 2d 633, dismissed.

CERTIORARI, 303 U.S. 634, to review the affirmance by the court below of a judgment entered pursuant to its opinion on an earlier review, 270 Ky. 1. The suit was brought by individuals—citizens, taxpayers, and voters in Kentucky—to restrain the Governor and officers of the General Assembly from sending to the Secretary of State of the United States a certified copy of a resolution of the legislature purporting to ratify the proposed Child Labor Amendment, and for a judgment declaring the legislative Act to be illegal and void because of a rejection of the same proposed amendment by an earlier legislature of the State, as well as by more than a majority of the legislatures of the several States, and further because more than a reasonable time for ratification had elapsed since the amendment was first proposed.

Mr. J. W. Jones, Assistant Attorney General of Kentucky, on the reargument and on the original argument, for petitioners.

Mr. Lafon Allen on the original argument, and with *Mr. Oldham Clarke* on the reargument, for respondents.

By special leave of Court, *Solicitor General Jackson* with whom *Mr. Paul A. Freund* was on the brief, argued the case on behalf of the United States, as *amicus curiae,* urging reversal.

By leave of Court, *Messrs. Orland S. Loomis,* Attorney General of Wisconsin, *Mortimer Levitan* and *Newell S. Boardman,* Assistant Attorneys General, filed a brief on behalf of that State, as *amicus curiae,* urging reversal.

Opinion of the Court by MR. CHIEF JUSTICE HUGHES, announced by MR. JUSTICE STONE.

In January, 1937, the legislature of Kentucky adopted a resolution purporting to ratify the constitutional amendment proposed by the Congress in 1924 and known as the "Child Labor Amendment." [1]

Respondents, citizens, taxpayers and voters in Kentucky, brought this suit in the state court to restrain the Governor of the Commonwealth and the officers of the General Assembly from sending certified copies of the resolution to the Secretary of State of the United States and the presiding officers of the Senate and House of Representatives, and for a judgment declaring the action of the General Assembly to be illegal and void. The complaint stated that in 1926 the proposed amendment had been rejected by the General Assembly of the Commonwealth and also by more than a majority of the legislatures of the States, and that the General Assembly could not thereafter legally reconsider and adopt the amendment; and, further, that its action was not taken within a reasonable time after the amendment was proposed.

Upon the filing of the petition, a restraining order was granted and summons was issued. On the same day, but before the Governor was actually served with a copy of the restraining order or summons, he forwarded by mail a certified copy of the resolution to the Secretary of State. It is not claimed that the Governor then knew of the pendency of the proceeding.

Plaintiffs then filed an amended petition setting forth the action taken by the Governor and sought a mandatory injunction to require him to notify the Secretary of State of the pendency of the suit and that the notice which he had sent was void and should be disregarded. That action was not taken. Defendants filed a general demurrer which was sustained in the Circuit Court but its judgment was reversed by the Court of Appeals. 270 Ky. 1; 108 S. W. 2d 1024.

The court gave opportunity on the remand to the Circuit Court, with directions to overrule the demurrer, for such further proceedings as were not inconsistent with its views. Upon that remand the defendants declined to plead further and judgment was entered in accordance with the opinion of the Court of Appeals. The judgment so entered set forth (1) that an actual controversy existed between the parties, that the plaintiffs had the right to maintain the suit and the court had jurisdiction; (2) that the resolution of the legislature purporting to ratify the proposed amendment was void, not having been ratified according to the provisions of the Constitution of the United States; (3) that the notice given by the Governor to the Secretary of State was of no effect; (4) that the clerk of the court should give official notice to the Department of State that the resolution purporting to ratify the amendment was invalid, that it had not been ratified according to the provisions of the Constitution of the United States, and that the notice given by the Governor was of no effect. The clerk was further directed to send a duly authenticated copy of the judgment to the Secretary of State by registered mail.

On appeal, that judgment was affirmed by the Court of Appeals. We granted certiorari. 303 U.S. 634.

We think that, while the state court had jurisdiction *in limine,* the writ of certiorari should be dismissed upon the ground that after the Governor of Kentucky had forwarded the certification of the ratification of the amendment to the Secretary of State of the United States there was no longer a controversy susceptible of judicial determination.

Dismissed.

MR. JUSTICE MCREYNOLDS and MR. JUSTICE BUTLER think that the judgment of the Court of Appeals of Kentucky should be affirmed on the authority of *Dillon* v. *Gloss,* 256 U.S. 368, and for the reasons stated in the dissenting opinion in *Coleman* v. *Miller, ante,* p. 470.

MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS, concurring:

For the reasons stated in concurring opinion in *Coleman v. Miller, ante,* p. 456, we do not believe that state or federal courts have any jurisdiction to interfere with the amending process.

We therefore concur in the dismissal.

Footnotes at end of article.

FOOTNOTES

[1] The text of the proposed amendment is as follows (43 Stat. 670):

"Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

[2] The state court said on this point:

"At the threshold we are confronted with the question raised by the defendants as to the right of the plaintiffs to maintain this action. It appears that on March 30, 1937, the state senate adopted a resolution directing the attorney general to appear for the state of Kansas in this action. It further appears that on April 3, 1937, on application of the attorney general, an order was entered making the state of Kansas a party defendant. The state being a party to the proceedings, we think the right of the parties to maintain the action is beyond question. (G.S. 1935, 75–702; *State, ex rel.* v. *Public Service Comn.*, 135 Kan. 491, 11 P. 2d 999.)"

[3] See *Caffrey* v. *Oklahoma Territory*, 177 U.S. 346; *Smith* v. *Indiana*, 191 U.S. 138; *Braxton County Court* v. *West Virginia*, 208 U.S. 192; *Marshall* v. *Dye*, 231 U.S. 250; *Stewart* v. *Kansas City*, 239 U.S. 14; *Columbus & Greenville Ry. Co.* v. *Miller*, 283 U.S. 96.

[4] Mr. Justice Brandeis.

[5] *Id.*, pp. 129, 130. See, also, *Frothingham* v. *Mellon*, 262 U.S. 447, 480, 486, 487.

[6] *Pouhuska* v. *Pauhuska Oil Co.*, 250 U.S. 394; *Trenton* v. *New Jersey*, 262 U.S. 182; *Risty* v. *Chicago, R. I. & P. Ry. Co.*, 270 U.S. 378; *William* v. *Mayor*, 289 U.S. 36.

[7] Act of October 22, 1913, 38 Stat. 219; 28 U.S.C. 47, 47a, 345.

[8] 15 U.S.C. 45; 28 U.S.C. 348.

[9] 29 U.S.C. 160(e). See, also, as to orders of Federal Communications Commission, 47 U.S.C. 402(e).

[10] 1 Stat. 73, 85, 86.

[11] 38 Stat. 790; see, also, Act of September 6, 1916, 30 Stat. 726.

[12] See cases cited in Note 3.

[13] Jameson on Constitutional Conventions, §§ 576–581; Willoughby on the Constitution, § 329a.

[14] Jameson, *op. cit.*, §§ 582–584; Willoughby, *op. cit.*, § 329a; Ames, "Proposed Amendments to the Constitution," House Doc. No. 353, Pt. 2, 54th Cong., 2d Sess., pp. 299, 300.

[15] 13 Stat. 774, 775; Jameson, *op cit.*, § 576; Ames, *op cit.*, p. 300.

[16] 15 Stat. 710.

[17] Act of March 2, 1867, 14 Stat., p. 428. See *White* v. *Hart*, 13 Wall. 646, 652.

[18] 15 Stat. 710.

[19] 15 Stat. 707.

[20] Cong. Globe, 40th Cong., 2d Sess., p. 3857.

[21] Cong. Globe, 40th Cong., 2d Sess., p. 4070.

[22] 15 Stat. 706, 707.

[23] 15 Stat. 709, 710.

[24] 15 Stat. 710, 711; Ames, *op cit.*, App. No. 1140, p. 377.

[25] The legislature of New York which had ratified the fifteenth Amendment in 1869 attempted, in January, 1870, to withdraw its ratification, and while this fact was stated in the proclamation by Secretary Fish of the ratification of the amendment, and New York was not needed to make up the required three-fourths, that State was included in the list of ratifying States. 16 Stat. 1131; Ames *op cit.*, App. No. 1284, p. 388.

[26] Compare Article VII.

[27] 5 U.S.C. 160. From Act of April 20, 1818, § 2; 3 Stat. 439; R.S. § 205.

[28] Sen. Rep. 726, 75th Cong., 1st Sess.; Sen. Rep. 788, 75th Cong., 1st Sess.: Letter of the President on January 8, 1937, to the Governors of nineteen non-ratifying States whose legislatures were to meet in that year, urging them to press for ratification. New York Times, January 9, 1937, p. 5.

[29] 40 Stat. 1050. A similar provision was inserted in the Twenty-first Amendment. *United States* v. *Chambers*, 291 U.S. 217, 222.

[30] See Willoughby, *op, cit.*, pp. 1326, *et seq.*; Oliver P. Field, "The Doctrine of Political Questions in the Federal Courts," 8 Minnesota Law Review, 485; Melville Fuller Weston, "Political Questions," 38 Harvard Law Review, 296.

[31] See, also, *United States* v. *Palmer*, 3 Wheat. 610, 634; *Foster* v. *Neilson*, 2 Pet. 253, 309; *Doe v. Braden*, 16 How. 635, 657; *Terlinden v. Ames*, 184 U.S. 270, 288.

[32] Cf, *Helvering* v. *Davis*, 301 U.S. 619, 639–40.

[33] *Leser* v. *Garnett*, 258 U.S. 130, 137.

[34] *Jones* v. *United States*, 137 U.S. 202, 212; *Foster* v. *Neilson*, 2 Pet. 253, 309, 314; *Luther* v. *Borden*, 7 How. 1, 42; *In re Cooper*, 143 U.S. 472, 503; *Pacific States Telephone Co.* v. *Oregon*, 223 U.S. 118; *Davis* v. *Ohio*, 241 U.S. 565, 569. "And in this view, it is not material to inquire, nor is it the province of the court to determine, whether the executive ["political department"] be right or wrong. It is enough to know that in the exercise of his constitutional functions, he had decided the question. Having done this, under the responsibilities which belong to him, it is obligatory on the people and government of the Union. . . . this court have laid down the rule, that the action of the political branches of the government in a matter that belongs to them, is conclusive." *Williams* v. *Suffolk Ins. Co.*, 13 Pet. 415, 420.

[35] *Field* v. *Clark*, 143 U.S. 649, 672.

[36] 256 U.S. 368, 375.

[37] For an early instance of the abstention of the King's Justices from matters political, see the Duke of York's Claim to the Crown, House of Lords, 1460, 5 Rot. Parl. 375, reprinted in Wambaugh, Cases on Constitutional Law, 1.

[38] See *e.g.* the opinion of Mr. Justice Iredell in *Chisholm* v. *Georgia*, 2 Dall. 419, 429; concurring opinion of Mr. Justice Johnson in *Fletcher* v. *Peck*, 6 Cranch 87, 143; and the cases collected in the concurring opinion of Mr. Justice Brandeis in *Ashwander* v. *Tennessee Valley Authority*, 297 U.S. 288, 341.

[39] This is subject to some narrow exceptions not here relevant. See *e.g.*, *McKnett* v. *St. Louis & S. F. Ry. Co.*, 292 U.S. 230.

[40] As to advisory opinions in use in a few of the state courts, see J. B. Thayer, Advisory Opinions, reprinted in Legal Essays by J. B. Thayer, at 42 *et. seq.*; article on "Advisory Opinions," 1 Enc. Soc. Sci. 475. As to advisory opinions in Canada, see *Attorney-General for Ontario* v. *Attorney-General for Canada* [1912] A. C. 571. Speaking of the Canadian system, Lord Chancellor Haldane, in *Attorney General for British Columbia* v. *Attorney General for Canada* [1914] A. C. 153, 162, said: "It is at times attended with inconveniences, and it is not surprising that the Supreme Court of the United States should have steadily refused to adopt a similar procedure, and should have confined itself to adjudication on the legal rights of litigants in actual controversies." For further animadversions on advisory pronouncements by judges, see Lord Chancellor Sankey in *In re The Regulation and Control of Aeronautics in Canada* [1932] A. C. 54, 66: "We sympathize with the view expressed at length by Newcombe, J., which was concurred in by the Chief Justice, [of Canada] as to the difficulty which the Court must experience in endeavoring to answer questions put to it in this way."

Australia followed our Constitutional practice in restricting her courts to litigious business. The experience of English history which lay behind it was thus put in the Australian Constitutional Convention by Mr. (later Mr. Justice) Higgins: "I feel strongly that it is most inexpedient to break in on the established practice of the English law, and secure decisions on facts which have not arisen yet. Of course, it is a matter that lawyers have experience of every day, that a judge does not give the same attention, he can not give that same attention, to a suppositious case as when he feels the pressure of the consequences to a litigant before him. . . . But here is an attempt to allow this High Court, before cases have arisen, to make a pronouncement upon the law that will be binding. I think the imagination of judges, like that of other persons, is limited, and they are not able to put before their minds all the complex circumstances which may arise and which they ought to have in their minds when giving a decision. If there is one thing more than another which is recognized in British jurisprudence it is that a judge never gives a decision until the facts necessary for that decision have arisen." Rep. Nat. Austral. Conv. Deb. (1897) 966–67.

[41] See the series of cases beginning with *Hayburn's Case*, 2 Dall. 409, through *United States* v. *West Virginia*, 295 U.S. 463.

[42] A quick summary of the jurisdiction of this Court over state court decisions leaves no room for doubt that the fact that the present case is here on *certiorari* is wholly irrelevant to our assumption of jurisdiction. Section 25 of the First Judiciary Act gave reviewing power to this Court only over state court decisions *denying* a claim of federal right. This restriction was, of course, born of fear of disobedience by the state judiciaries of national authority. The Act of September 6, 1916, 39 Stat. 726, withdrew from this obligatory jurisdiction cases where the state decision was against a "title, right, privilege, or immunity" claimed to exist under the Constitution laws, treaties or authorities of the United States. This change, which was inspired mainly by a desire to eliminate from review as of right cases arising under the Federal Employers' Liability Act, left such review only in cases where the validity of a treaty, statute or authority of the United States was drawn into question and the decision was against the validity, and in cases where the validity of a statute of a state or a state authority was drawn into question on the grounds of conflict with federal law and the decision was in favor of its validity. The Act of February 13, 1925, 43 Stat. 936, 937, extended this process of restricting our obligatory jurisdiction by transferring to review by *certiorari* cases in which the state court had held invalid an "authority" claimed to be exercised under the laws of the United States or in which it had upheld, against claims of invalidity on federal grounds, an "authority" exercised under the laws of the states. Neither the terms of these two restrictions nor the controlling comments in committee report or by members of this Court who had a special share in promoting the Acts of 1916 and 1925, give any support for believing that by contracting the range of obligatory jurisdiction over state adjudications Congress enlarged the jurisdiction of the Court by removing the established requirement of legal interest as a threshold condition to being here.

Nor does the Act of December 23, 1914, 38 Stat. 790, touch the present problem. By that Act, Congress for the first time gave this Court power to review state court decisions *sustaining* a federal right. For this purpose it made *certiorari* available. The Committee reports and the debates on this Act prove that its purpose was merely to remove the unilateral quality of Supreme Court review of state court decisions on constitutional questions as to which this Court has the ultimate say. The Act did not create a new legal interest as a basis of review here; it built on the settled doctrine that an official has a legally recognizable duty to carry out a statute which he is supposed to enforce.

Thus, prior to the Act of 1914, the Kentucky case, *post*, p. 474, could not have come here at all, and prior to 1916, the Kansas case would have come here, if at all, by writ of error. By allowing cases from state courts which previously could not have come here at all to come here on *certiorari* the Act of

1914 merely lifted the previous bar—that a federal claim had been sustained—but left every other requisite of jurisdiction unchanged. Similarly, no change in these requisites was affected by the Acts of 1916 and 1925 in confining certain categories of litigation from the state courts to our discretionary instead of obligatory reviewing power.

[43] Chronology of Child Labor Amendment:

[A State is said to have "rejected" when both Houses of its legislature passed resolutions of rejection, and to have "refused to ratify" when both Houses defeated resolution for ratification.]

June 2, 1924, Joint Resolution deposited in State Department. In that year, Arkansas ratified; North Carolina rejected. *Ratification, 1; rejection, 1.*

1925, Arizona, California and Wisconsin ratified; Florida, Georgia, Indiana, Kansas, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Vermont rejected; Connecticut, Delaware and South Dakota refused to ratify. *Ratifications, 4; rejections, 16; refusals to ratify, 3.*

1926, Kentucky and Virginia rejected. *Ratifications, 4; rejections, 18; refusals to ratify, 3.*

1927, Montana ratified; Maryland rejected. *Ratifications, 5; rejections, 19; refusals to ratify, 3.*

1931, Colorado ratified. *Ratifications, 6; rejections, 19; refusals to ratify, 3.*

1933, Illinois, Iowa, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Washington and West Virginia ratified as did also Maine, Minnesota, New Hampshire, and Pennsylvania, which had rejected in 1925. *Ratifications, 20; rejections, (eliminating States subsequently ratifying) 15; refusals to ratify, 3.*

1935, Idaho and Wyoming ratified, as did Utah and Indiana, which had rejected in 1925. As in 1925, Connecticut refused to ratify. *Ratifications, 24; rejections, 13; refusals to ratify, 3.*

1936, Kentucky, which had rejected in 1926, ratified. *Ratifications, 25; rejections, 12; refusals to ratify, 3.*

1937, Nevada and New Mexico ratified, as did Kansas, which had rejected in 1925. Massachusetts, which had rejected in 1925, refused to ratify. *Ratifications, 28; rejections, 11; refusals to ratify, 3.*

Six States are not included in this list: Alabama, Louisiana, Mississippi, Nebraska, New York, and Rhode Island. It appears that there has never been a vote in Alabama or Rhode Island. Louisiana house of representatives has three times (1923, 1934 and 1936) defeated resolutions for ratification. In Mississippi, the Senate adopted resolution for ratification in 1934, but in 1936 another Senate resolution for ratification was adversely reported. In Nebraska, the House defeated ratification resolutions in 1927 and 1935, but the Senate passed such a resolution in 1929. In New York, ratification was defeated in the House in 1935 and 1937, and in the latter year, the Senate passed such a resolution.

[44] 43 Stat. 670.

Mr. BAYH. Mr. President, I do not intend to spend a great deal of time discussing the eloquent presentation of my friend, the Senator from North Carolina.

What I am about to say appears earlier in the RECORD. But for the sake of our colleagues who may read this RECORD prior to the vote, I would like to say that as one Senator, and as floor manager of this particular constitutional amendment, it is the judgment of the Senator from Indiana that it does not subject women to the draft or to service in the Armed Forces unless the Congress of the United States requires them to serve.

There is nothing in the present Constitution, absent this amendment, that denies Congress the right to say that we have a national emergency or some contingency which we do not presently have—and hope and pray to God we never do have—that requires women in this country to serve in the military in the manner that men have traditionally served.

A number of women are now serving in an efficient manner in the armed services. This amendment would not prohibit them from having that opportunity.

It would provide for the unlimited voluntary service of women. That is important because some feel that women are discriminated against insofar as their ability to volunteer. However, House Joint Resolution 264, if it is embodied in the Constitution, would not automatically require women to be subject to the draft in the opinion of the Senator from Indiana.

What we are proposing—and I think we need to recognize this—is that if we accept a significant amendment such as this, we are greatly increasing the probability that this measure would have to go to a conference committee.

There are those who predict dire circumstances if the amendment ever gets into a conference committee. So, those who feel that this is merely a perfecting amendment need to be put on notice that those who have been working in this area for a long period of time see this as as the death knell for House Joint Resolution 264.

Let me try to put the fears of the Senator from North Carolina that women might be drafted—and I can understand that concern—at rest by suggesting that in the judgment of the Senator from Indiana, the floor manager of House Joint Resolution 264, the amendment does not—and let me emphasize that—does not and will not subject the women of this country to a draft unless Congress by statute declares that a national emergency exists and that the Nation needs their services.

That is the law today. It will not be changed one iota by the passage of House Joint Resolution 264.

Mr. ERVIN. Mr. President, the Senator from Indiana has just emphasized the danger in this resolution. Its own proponents disagree about what it means.

The document that I mentioned as having been printed in the RECORD at the instance of the able and distinguished Congresswoman from Michigan (Mrs. GRIFFITHS), on May 25, 1970, was prepared by a group supporting this proposal. This paper was presented to the council by its study group on equal legal rights: Sarah Jane Cunningham, chairman, Virginia R. Allan, Lorraine L. Blair, Rachel E. Scott, Irene Wischer; Mary Eastwood, technical staff.

They stated several times in very emphatic language that this amendment would require that women be drafted for military service if men were drafted for military service and that any law which drafted men but did not draft women for military service would be unconstitutional under this provision.

This illustrates why an amendment, whose own advocates do not know what it means—and which no one else knows what it means—should not be either submitted or ratified.

Mr. BAYH. Mr. President, I think the Senator from North Carolina should tell us who these women are, what sort of credentials they have and who they represent.

We are now making legislative history. The Senator from Indiana, as the floor manager of the measure, said that women would not be drafted. What credentials does the Senator from North Carolina rely on?

Mr. CURTIS. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. CURTIS. Mr. President, did the Senator read the name of Sarah Jane Cunningham?

Mr. ERVIN. I did.

Mr. CURTIS. Mr. President, I do not know what Miss Cunningham thinks about this amendment. I have not discussed it with her. However, I want the RECORD to show that she is a distinguished practicing lawyer of the State of Nebraska. Her name has been prominently mentioned for judgeships. She is a past president of the International Business and Professional Women of the country.

She is a very distinguished individual. She is active in the practice of law. She tries many cases and is well respected by the courts. Her father served with distinction in the House of Representatives, although as a Representative from the State of Iowa, for many years.

I am not at liberty to say anything about the position Miss Cunningham takes on this measure, because I have not discussed it with her. Nor have I received any communication from her with respect to it.

Mr. ERVIN. Mr. President, the Senator from Nebraska agrees with the Senator from North Carolina that this distinguished woman lawyer can be safely relied upon to give a correct interpretation of the proposed amendment even if she happens to be diametrically opposed to the views of the distinguished Senator from Indiana.

Mr. CURTIS. I agree with that statement. However, I do not know from my own knowledge what her position is.

I want also to make this clear, that the junior Senator from Nebraska would distinguish between the use of any lawyer's name in connection with an organization and a personalized speech that they might attach their names to. That is the reason I did not want to take a position for Miss Cunningham either way on this matter, but merely wanted to have the RECORD show that she is a person of unusual distinction.

Mr. ERVIN. Mr. President, the point I want to make is that if a distinguished lawyer like Miss Cunningham and a distinguished lawyer like the Senator from Indiana do not agree on what the amendment means, it indicates a lot of confusion that ought to be resolved so that the American people would know what is being proposed by the disagreeing proponents.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask the able Senator from North

Carolina whether he would be agreeable to a vote on his amendment this afternoon at a specific time.

Mr. ERVIN. Mr. President, I would prefer to have the vote in the morning because there are only nine Senators present in the Chamber. That means that 91 Senators are somewhere else. And those 91 Senators who are somewhere else could read the newspaper in the morning and find that the Senator from North Carolina had proposed an amendment that would exempt women from compulsory military service. I think that they would then be better able to vote with intelligence on my amendment than they would tonight. They are not here to find out what the amendment is calculated to do.

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator from North Carolina care to propound a unanimous-consent request with respect to a time tomorrow morning when the Senate might vote?

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate vote on my amendment immediately after the conclusion of the morning hour tomorrow.

Mr. BYRD of West Virginia. Does the Senator have reference to the morning hour or morning business, the morning hour being the expiration of the first 2 hours?

Mr. ERVIN. I would say to the distinguished Senator from West Virginia I would accept any suggestion he might have that would clarify that point. I would amend my unanimous-consent request to have the Senate vote on this amendment tomorrow at whatever time the Senator from West Virginia might suggest.

Mr. BYRD of West Virginia. Mr. President, in view of what the able Senator from North Carolina has just said, I will propound the following unanimous-consent request.

Under the previous order, the Senate tomorrow at the conclusion of routine morning business will proceed again to the consideration of the unfinished business, House Joint Resolution 264.

I ask unanimous consent that beginning tomorrow at the time the unfinished business is laid before the Senate under the previous order, there be a period of controlled debate on the amendment of the Senator from North Carolina, the time to be equally divided between the able Senator from North Carolina (Mr. ERVIN) and the able Senator from Indiana (Mr. BAYH), the manager of the resolution, the time to be limited to 30 minutes, equally divided, and that at the close of the 30 minutes a vote occur on the amendment of the Senator from North Carolina.

Mr. BAYH. Mr. President, reserving the right to object, this is a most interesting colloquy we have had here. In other words, the Senate has been denied the opportunity to vote on this measure this evening. Two or three of us have tried to get a unanimous-consent agreement to vote at 5 o'clock. We have been denied that because one Member wants to make sure that everybody has a chance to read in the newspapers what he says. If we do this on every amendment we will be here until the snow flies.

Mr. President, I object. I want to make it clear I have no objection to voting tomorrow. But we have some 74 Members of the Senate here right now. They were here on a vote earlier this afternoon. I respectfully suggest to the Senator from North Carolina that we vote now, up and down, and then proceed to the Senator's other thought-provoking amendments. Maybe we can vote on more of them tomorrow, and get them voted on without reading in the newspapers what the Senator has said.

Mr. ERVIN. My vision is 20/20, and, to save my life, I can see only 10 Senators here.

Mr. BYRD of West Virginia. Mr. President, the Senator from Indiana is correct. Earlier today 74 Senators voted on the amendment offered on Friday last by the able Senator from Alabama (Mr. ALLEN). That vote occurred at 1 o'clock. I have no doubt that a quorum is now within earshot. Therefore, I ask unanimous consent that the Senate proceed to the consideration of the pending amendment offered by the Senator from North Carolina (Mr. ERVIN), that there be a quorum call, and that at the close of the quorum call there be 10 minutes equally divided between the able Senator from North Carolina (Mr. ERVIN) and the able Senator from Indiana (Mr. BAYH), and that at the expiration of the 10 minutes the Senate proceed to vote on the amendment of the Senator from North Carolina.

Mr. ERVIN. Mr. President, if the Senator would modify that request to say "in the morning" I would agree to it, so that Senators would have a chance to read in the newspapers what is said about the amendment; not what I say, but the substance of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. I object. I have to.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I admire the tenacity of our colleague and leader, the Senator from West Virginia. Could the Senator ask his friend from North Carolina to indulge him by answering one question? Suppose we would propose the following unanimous-consent request.

I ask unanimous consent that at the hour of 4 o'clock a live quorum be called and that immediately upon the Senate being advised that a quorum is present to do business, that a half hour be allotted for further discussion of this amendment of the Senator from North Carolina, to be equally divided between the Senator from North Carolina and the Senator from Indiana, and that thereafter we have a yea-and-nay vote. I make this request with all respect to my friend, the Senator from North Carolina. I feel that he is anxious to explain the issues and see that all Members of the Senate be informed. I am positive that he can do this much more eloquently in person with a quorum present than would be the case if Senators have to rely on what is reported in the newspapers in the morning, with all due respect to the illustrious members of the press.

Mr. ERVIN. I object because I want Senators to have the opportunity to read it in the newspapers. I do not want them to come here not knowing what the amendment would do. I am willing that they come in tomorrow and vote up or down on the amendment.

Mr. BAYH. The Senator from Indiana is not going to take the time of the Senate further to try to convince the Senate that we should move forward more vigorously than we have. I thank the Senator from West Virginia for his tenacity in pursuing this matter.

I make one last remark. I am well aware of the talents of Miss Cunningham, a distinguished lady lawyer from Nebraska. I am glad our colleague has pointed out who she is. I thought it might be interesting for the Senator from North Carolina to tell the Senate who they were, since he seemed to be relying on their expertise explicitly.

As a former judge of his State, and an outstanding judge, I think he knows that it is not difficult to get two lawyers on different sides of a given issue. Some people feel the present amendment would subject women to the draft; an equal number, if not more, feel it would not.

However, in the case of ambiguity, we all know that the courts look at the legislative history. It is for the sake of that history that the Senator from Indiana persists in pointing out, as the floor manager of the bill, that this amendment would compel women to serve in the service just because men are being drafted. If Congress by law suggests there is a national emergency so that we are compelled to use women, it would have the right to do so. But House Joint Resolution 264, in the judgment of the Senator from Indiana, would not prohibit Congress from continuing to suggest, that the best interests of the Nation require men but not women to be drafted.

ORDER OF BUSINESS

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Connecticut.

S. 4459—ORIGINAL BILL REPORTED, TO ESTABLISH AN INDEPENDENT CONSUMER PROTECTION AGENCY—(S. REPT. NO. 91-1331)—REFERRAL OF BILL TO COMMITTEE ON COMMERCE

Mr. RIBICOFF. Mr. President, from the Committee on Government Operations, I report an original bill (S. 4459) The Consumer Protection Organization Act of 1970, with a report. I ask unanimous consent that the bill be referred to the Committee on Commerce and reported back to the Senate no later than November 23, 1970, and that it then be placed on the calendar without further action by the Senate or by the committee.

This has been cleared by the committee.

The PRESIDING OFFICER (Mr. DOLE). Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations which will be presented to the Senate by the able Senator from Maryland (Mr. TYDINGS), and I ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. There is a unanimous-consent request pending by the Senator from Connecticut.

Mr. BYRD of West Virginia. Mr. President, the Senator from Connecticut will withdraw his request temporarily.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia that the Senator from Connecticut withdraw his request temporarily? The Chair hears none, and it is so ordered.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Mr. TYDINGS. Mr. President, I ask that the Senate consider the 15 nominations to the District of Columbia Court of General Sessions, which were reported earlier today.

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk proceeded to read the nominations to the District of Columbia Court of General Sessions.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

DeWitt S. Hyde, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

Dyer Justice Taylor, of Virginia, to be an associate judge, District of Columbia Court of General Sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Justin L. Edgerton, deceased.

Normalie Holloway Johnson, of the District of Columbia, to be an associate judge, District of Columbia Court of General Sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Morris Miller, deceased.

Leonard Braman, of Maryland, to be an associate judge, District of Columbia Court of General Sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Milton S. Kronheim, term expired.

Paul F. McArdle, of Maryland, to be an associate judge of the District of Columbia court of general sessions for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Thomas C. Scalley, term expired.

Sylvia A. Bacon, of the District of Columbia, to be an associate judge, District of Columbia court of general sesisons, for the term 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

John F. Doyle, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

Eugene N. Hamilton, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

Stanley S. Harris, of Maryland, to be an associate judge, District of Columbia court of of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

Theodore R. Newman, Jr., of the District of Columbia, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

Nicholas S. Nunzio, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

John G. Penn, of Maryland, to be an associate judge, District of Columbia court general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

George H. Revercomb, of Virginia, to be associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

William E. Stewart, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, a new position created by Public Law 91–358, approved July 29, 1970.

James A. Washington, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of years prescribed by Public Law 91–358, approved July 29, 1970, a new position created by said Public Law 91–358.

Mr. TYDINGS. Mr. President, the 15 nominations before the Senate are for the trial judges of the District of Columbia court of general sessions which will become the new superior court, the trial court for the District of Columbia.

The nominations were submitted to the Senate of the United States by the President some 19 days ago. They were processed immediately by the District of Columbia Committee. A hearing was held this morning in which all nominees appeared, including three nominees for the District of Columbia Court of Appeals. Testimony was taken both in support of and in opposition to the candidates for the trial court and the appeals court for the District of Columbia.

The 15 nominations which are now before the Senate of the United States include only the nominations for the trial court. Four of the fifteen are to fill prior vacancies caused by death or the expiration of a term of office. One nomination is a reappointment. The remainder are new judgeships created by the District of Columbia Court Reform and Criminal Procedure Act of 1970.

The District of Columbia Committee met in executive session after the hearing this morning and unanimously reported favorably the 15 nominations for the trial court. The District of Columbia Committee also voted unanimously to take under further consideration the nominations for the three appeals court positions, pending the receipt and evaluation of information which the committee solicited from the appellate court nominees and from the American Bar Association.

I may point out that the present District of Columbia Court of Appeals has six appellate judges, and the additional jurisdiction conferred by the Court Reform Act will not be transferred to the appeals court until February, so there is no particular time pressure involved with respect to pending appeals court nominations as exists in the trial court by virtue of its staggering case backlog.

The District of Columbia is concerned with the urgent problem of having adequate courtroom space ready so the new judges will be able to go to work at once. In the hearing this morning before the District of Columbia Committee, all the members of our committee, including myself, were concerned by the fact that court facilities are not immediately ready for the new judges. We made that point to the Deputy Attorney General of the United States, Mr. Kleindienst and we met this afternoon with the chief judge of the court of general sessions, Judge Greene, in order to expedite the preparation of these facilities.

Once the Senate acts this afternoon, the District of Columbia Committee will have completed its work on the trial court nominees. However, I enjoin the Department of Justice and the Attorney General of the United States that they must move forward to get the courtroom facilities, desks, chairs, space, not to mention the supplemental appropriations to pay the new judges and supporting personnel, if we are going to have an effective court reform law.

I have assurances from the Deputy Attorney General that they will take these needs into consideration. I make the point here on the floor of the Senate that it is not enough just to enact court reorganization legislation and confirm the new judges. We need leadership from the Executive to make certain that there are places for them to hold court, that there are desks and equipment, that there are the basic tools for them to work with and that there are sufficient funds for personnel, if we are to clear up the backlog in the docket and if we are to achieve the objective of the court reform legislation.

I have taken up the matter of moving the confirmation of these nominations with the deputy minority leader (Mr. GRIFFIN). I understand it is acceptable to him that we waive the normal 1-day waiting period and get the confirmation of the nominations completed today.

Mr. GRIFFIN. Mr. President, if the Senator will yield briefly, I am very pleased that the Senator from Maryland and his committee moved so rapidly on these nominations. Unless there is an objection from any other Seantor, I join him in urging that the nomination be confirmed.

The PRESIDING OFFICER. The question is on the confirmation of the nominations, en bloc.

Mr. STENNIS. Mr. President, reserving the right to object, are these U.S. district judges?

Mr. TYDINGS. No. These are judges for what will become the new superior court for the District of Columbia, pres-

ently the court of general sessions. The new court is created under the District of Columbia Court Reform and Criminal Procedure Act of 1970.

Mr. STENNIS. I thank the Senator. I have no objection.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations, en bloc?

Without objection, the nominations are confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. RIBICOFF obtained the floor.

Mr. ERVIN. Mr. President, I wonder if the Senator will yield to me so that I may ask for the yeas and nays on my amendment.

Mr. RIBICOFF. I yield.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

REFERRAL OF BILL

Mr. RIBICOFF. Mr. President, from the Committee on Government Operations I report the Consumer Protection Act of 1970, with a report, and I ask unanimous consent that the bill be referred to the Committee on Commerce, that it be reported back to the Senate no later than November 23, 1970, and that it then be placed on the calendar without further action by the Senate or by the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION HONORING SENATOR JOHN L. McCLELLAN FOR HIS UNTIRING EFFORTS AND SUPPORT ON BEHALF OF THE FEDERAL DONABLE SURPLUS PROPERTY PROGRAM

Mr. RIBICOFF. Mr. President, my distinguished colleague, the senior Senator from Arkansas, JOHN L. MCCLELLAN, has recently been commended by the National Association of State Agencies for Surplus Property. This organization, by resolution unanimously adopted in executive session on July 27, 1970, expressed its deep appreciation for Senator MCCLELLAN's cooperation, devotion, and able assistance on behalf of the donable surplus property program.

I am personally familiar with Senator MCCLELLAN's enthusiastic support of this program. During my tenure as Secretary of Health, Education, and Welfare, I had the opportunity to closely observe the operation of the donable surplus property program and to become particularly aware of the tremendous assistance which accrue to its many beneficiaries.

Senator MCCLELLAN has been a vibrant force in the success of this program, which has substantially improved the quality of many educational and health facilities throughout this Nation by the transfer of Federal surplus property to public schools, colleges, and health and other nonprofit educational institutions. Since the enactment of the Federal Property Administrative Service Act of 1949, more than $7.3 billion worth of real and personal property has been made available to these institutions, benefiting millions of Americans.

Mr. President, this tribute to Senator MCCLELLAN is another of many he has received for his untiring and unstinting devotion to the public interest over the years.

Mr. President, I join in commending my colleague for his work in this area and ask unanimous consent that the resolution honoring Senator MCCLELLAN be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Honorable John L. McClellan, a distinguished member of the United States Senate from the State of Arkansas, has demonstrated his interest in and support of the Donable Surplus Property Program; and

Whereas, Senator John L. McClellan, Chairman, Senate Committee on Government Operations, has worked diligently through the years in support of legislation to improve the Donable Surplus Property Program;

Therefore be it resolved, that the members of the National Association of State Agencies for Surplus Property by copy of this resolution to Senator McClellan express their sincere appreciation and thanks for his untiring support of the Donable Program.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Nebraska (Mr. CURTIS) be recognized for the submission of a resolution and ask unanimous consent for the immediate consideration of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION OF A RESOLUTION DEALING WITH PRISONERS OF WAR

Mr. CURTIS. Mr. President, I send a resolution to the desk and ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution by title, as follows:

To express the sense of the Senate with respect to certain ceremonies designed to express publicly the concern of the people of the United States for individuals missing in action in Southeast Asia or being held captive as prisoners of war by the Government of North Vietnam and its allies.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CURTIS. Mr. President, I ask unanimous consent that the resolution in its entirety be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 475

Resolution to express the sense of the Senate with respect to certain ceremonies designed to express publicly the concern of the people of the United States for individuals missing in action in Southeast Asia or being held captive as prisoners of war by the Government of North Vietnam and its allies

Resolved, That it is the sense of the Senate that during the half-time activities in the football game between the United States Military Academy and the United States Naval Academy on November 28, 1970, there should be appropriate ceremonies and activities designed (1) to express publicly the concern of the people of the United States for those members of the Armed Forces of the United States who are missing in action in Southeast Asia and for such members and other persons who are held captive as prisoners of war by the Government of North Vietnam and its allies; and (2) to appeal to men of good will throughout the world to join the people of the United States in seeking the identification of those individuals held as prisoners of war, in calling upon the Government of North Vietnam and its allies to accord such individuals treatment that is fair, humane, and in accordance with the Geneva Conventions of 1920 and 1949, and in praying for the early release of such individuals.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this resolution to the Secretaries of the Army, the Navy, and the Air Force.

Mr. CURTIS. Mr. President, I offer this resolution in behalf of myself and 37 cosponsors. The distinguished majority leader (Mr. MANSFIELD) is a cosponsor, as is the distinguished minority leader (Mr. SCOTT).

This resolution would call upon the armed services to have special ceremonies between halves of the Army-Navy football game this year, which will be played on November 28, I believe.

Mr. President, we owe much to those brave individuals who have fought in Southeast Asia. Many of them are missing in action. Many of them are believed to be prisoners of war of the North Vietnamese and their allies.

We should do this for many reasons. There will be a vast crowd at this football game, but through the various media, millions of people will be participating. It will be an opportunity for millions of Americans to pause and show their respect and appreciation for these brave individuals, and our concern for them and their families, and also it will be an occasion for us to do what we can to mobilize world public opinion that these men receive justice and that the treaties be observed.

Mr. President, there are many wives, mothers and fathers, and loved ones of these men who have carried on most bravely. They have pursued every avenue to present their case to the world. One such wife, Mrs. Clifton Cushman of

Omaha, Nebr., originated this project, which was initiated by observances at the University of Nebraska at Omaha. It was her suggestion that it be carried to Washington, and that, at the traditional football contest between the Army and the Navy, we set the pace for the entire country of mobilizing the fans of our athletic events in this cause of serving these missing men and prisoners of war and their loved ones.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. CURTIS. I yield.

Mr. STENNIS. Mr. President, I commend the Senator from Nebraska highly for his originality, his thoughtfulness, and his great sincerity in getting this resolution together, and thinking it through.

Mr. CURTIS. Does the Senator wish to be a cosponsor?

Mr. STENNIS. I would be delighted, of course. I think it is a very timely way to present the thought that he has in mind, and I hope he will prepare the proper preliminary notices about it.

Mr. CURTIS. I thank the distinguished Senator. I might call to the attention of the Senate that the resolution itself calls upon the Secretary of the Senate to notify the Secretaries of the Army and the Navy, to the end that its provisions may be carried out. I also wish to report that I have been in communication with the Secretary of Defense, Mr. Laird, and he is wholeheartedly in support of the matter.

I ask unanimous consent that the name of the distinguished Senator from Mississippi (Mr. STENNIS) be added as a cosponsor.

Mr. STENNIS. I thank the Senator though that was not my purpose in speaking.

Mr. CURTIS. Also the Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CURTIS. Also the Senator from New Jersey (Mr. CASE) and the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I congratulate the Senator from Nebraska, because I am not sure there is another occasion when there will be more than 100,000 people in attendance and many millions who will watch it by way of television.

Second, I congratulate him because I think the time has come when the people of this country and the world should realize what this country is willing to do for its prisoners of war now being held by the North Vietnamese; because, as the Senator will recall, the President in his remarks the other night stated emphatically that we and the countries who are our allies in Southeast Asia wish to make an agreement immediately for the release of all prisoners of war.

I believe it is appropriate to state for the record at this point that the prisoners of war who are held by the South Vietnamese and ourselves number somewhere in the vicinity of 30,000, and those being held by the North Vietnamese number somewhere in the vicinity of 2,000. I suggest this is a good way to show the people of the world and of this country how highly we value the lives of our prisoners, that we would ask for the release of 2,000 and be willing to release 30,000 in exchange.

Mr. CURTIS. I thank the distinguished Senator. I call attention to the fact that there will be millions of people listening to this game on the radio and watching it on television, and that no doubt the armed services worldwide radio program will carry the game, either delayed or otherwise, and it is my hope that perhaps some of the very men about whom we are so concerned will somehow pick the program up when it is broadcast.

I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I join my fellow Senators in paying respect to the Senator from Nebraska and congratulating him on this idea. Coming, as it does, right on the edge of Thanksgiving, there is no more appropriate time for those of us in this country to set aside to pay our respects to these men and to express to the world our opinion that something should be done to get them back home.

Mr. CURTIS. I thank the Senator.

Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER (Mr. DOLE). The question is on agreeing to the resolution.

The resolution was agreed to.

ELMER M. GRADE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1313, H.R. 6114.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6114) for the relief of Elmer M. Grade.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 7, to insert a new section, as follows:

SEC. 3. Section 4 of Public Law 89–777 (80 Stat. 1356 et seq.), as amended by Public Law 90–435 (82 Stat. 449), is further amended by changing the first sentence of the language of that section which amends subsection 5(b) of the Act of May 27, 1936 (49 Stat. 1384), to read: "After November 1, 1970, no passenger vessel of the United States of one hundred gross tons or over, having berth or stateroom accommodations for fifty or more passengers, shall be granted a certificate of inspection by the Coast Guard unless the vessel is constructed of fire retardant material, except that this requirement shall not apply until November 1, 1973, with respect to a vessel operating solely on the inland rivers.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act for the relief of Elmer M. Grade, and for other purposes.".

Mr. COOK. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1295), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the first amendment is to extend for a period of 3 years the exemptions from marine safety standards as to a vessel operating solely on the inland rivers.

The second amendment is self-explanatory in that it changes the title to reflect the amendment.

PURPOSE

The purpose of the bill as amended is to pay Elmer M. Grade, of Annandale, Va., $900 in full settlement of his claims against the United States for reimbursement of expenses arising in connection with sale of his Denver, Colo., residence pursuant to his change of official station as an employee of the U.S. Department of Labor. The bill also extends timewise certain inland marine safety standards.

STATEMENT

The facts of the claim part of the bill contained in House Report 91–1550 are as follows:

"The Department of Labor in its report to the committee on the bill noted that Mr. Grade was misinformed by Labor Department personnel and stated that it favors the bill with a reduction of the amount to $900 as provided in the committee amendment.

"As is outlined in the report of the Department of Labor, Mr. Grade's claim consists of $900 for realty commission paid in connection with the sale of his residence, which would have been reimbursable had the sale and settlement been accomplished within 1 year of the change of official station, and $100 for title search, which would not have been reimbursable. The Department suggests an amendment of the bill to reduce the amount so as to delete the latter and the committee has recommended that amendment.

"Section 4.1d of Bureau of the Budget Circular A–56, as revised October 12, 1966, imposed a limitation of 1 year within which reimbursement could be obtained by a Federal employee for duty at a new official station. Section 1.3d of the same Budget Bureau circular permitted reimbursement of travel expenses which were paid within 2 years of the same change of official duty station.

"Mr. Grade reported for duty at his new official station on January 14, 1967. The settlement date on the sale of his residence in Denver was August 1, 1968, more than 1 year after he reported for duty. Mr. Grade was informed by personnel of the Department that a 2-year time period was applicable to the payment of these expenses.

"In indicating a favorable position on the amended bill, the Labor Department report stated:

" 'In view of the misunderstanding by this Department and Mr. Grade of the time within which Mr. Grade could be reimbursed for the expenses incurred in purchasing a new home after a permanent change of official station, I favor H.R. 6114 as the only means of correcting a misunderstanding which has resulted in hardship for Mr. Grade' "

The bill also allows time for a vessel on the inland waterways to build and construct a replica vessel which would conform to the safety standards under existing protective legislation. The extension of time for new construction and/or conversion of the existing vessel creates no hazards as the vessel never operates beyond the safe reach of a riverbank.

In agreement with the House report and the reasons set out for the amendment the committee recommends the bill favorably.

In the opinion of the committee it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR THE CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the Senator from Ohio (Mr. YOUNG) tomorrow, concerning which a special order for recognition has already been granted, there be a period for the transaction of routine morning business of not to exceed 10 minutes, and that at the conclusion of the period for the transaction of routine morning business, the unfinished business be laid before the Senate, and that debate on the pending amendment offered by the Senator from North Carolina (Mr. ERVIN) be limited to 10 minutes, the time to be equally divided and controlled by the Senator from North Carolina, the author of the amendment, and the manager of the resolution (Mr. BAYH); and that at the conclusion of the period of 10 minutes, the vote on the amendment, on which the yeas and nays have already been ordered, shall occur.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, and I shall not object, will the Senator yield to me to make a parliamentary inquiry of the Presiding Officer?

Mr. BYRD of West Virginia. Yes, I yield for that purpose.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HOLLAND. Of course, Mr. President, I have no objection at all to the consideration of the pending amendment exempting women from compulsory military service. I cannot understand how any Senator would object to such an exemption. But I want to be very sure that the adoption of that amendment does not preclude the offering of further substitutes relating to the exemption of values that are economic, that have to do with the holding and transfer of property, with labor and working conditions, or with the privacy of women. My parliamentary inquiry is this: If this proposed amendment were agreed to, is there still the right of any Senator to offer a substitute amendment which goes farther than that, and affects these other privileges of women to which I have referred?

The PRESIDING OFFICER (Mr. DOLE). The pending amendment is in the nature of a substitute, and would preclude any further amendments.

Mr. HOLLAND. Would preclude?

The PRESIDING OFFICER. Would preclude any further amendments.

Mr. BAYH. Mr. President, if the Senator will yield——

Mr. HOLLAND. Mr. President, my own feeling is that there will be no objection at all to passing upon this amendment if it be possible by amendment to the substitute amendment after it was adopted, to add these other features in the event a majority of the Members of the Senate chose to do so. I have been privately advised by the Parliamentarian that there would be no objection whatever from the parliamentary standpoint to the offering of the further amendments to which I have referred, and that is the reason why I am asking for a formal parliamentary ruling at this time.

Mr. BAYH. Mr. President, will the Senator yield for a word of explanation?

Mr. BYRD of West Virginia. I yield for that purpose.

The PRESIDING OFFICER. The Chair should like to respond to the Senator from Florida. The amendment discussed with the Parliamentarian is not the amendment that is now pending, the Chair is advised by the Parliamentarian. Therefore, a further amendment would be precluded.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ERVIN. In order not to preclude anyone, and to make it doubly certain, I ask unanimous consent that I may be permitted to modify my amendment so as to provide that it amends House Joint Resolution 264 in these three respects:

First, by inserting the words "within 7 years" between the word "ratified" and the word "by" on line 6 of House Joint Resolution 264.

Second, by inserting a second sentence in section 1, at the end of section 1, after the word "legislation":

> This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service.

Third, by inserting on line 6, section 3, of House Joint Resolution 264 the words "two years" in place of "one year".

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, the Senator from Florida has always understood that perfecting amendments do not, of course, preclude further perfecting amendments. But the Senator from Florida has understood that a substitute, when once adopted, does preclude further amendments, and that it would be imperative that those further amendments be offered to a substitute amendment while it is pending.

The Senator from Florida is completely in accord with his friend, the distinguished Senator from North Carolina, that women should be exempted from compulsory military service, but he has just as strong conviction that there are other exemptions which need to apply. For example, in my State, the right of married women to convey their own property without joinder of their husbands would be taken away from them, because a married man may not convey away his property without joinder by his wife, or else there is left unconveyed the dower interest in right. I could cite other instances which I am not able to cite today because of the condition of my throat.

I just want to make certain that these amendments are in the nature of perfecting amendments and not as a substitute amendment, because I fear that, if adopted as a substitute, further amendments might be precluded. That is the purpose of my parliamentary inquiry.

The PRESIDING OFFICER. Is the Senator from North Carolina changing his amendment in the nature of a substitute to a perfecting amendment?

Mr. ERVIN. Yes. I should like to change my amendment to read as follows:

> Amendment intended to be proposed by Mr. ERVIN to H.J. Res. 264, joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women:
>
> (1) On page 1, line 6, insert the words "within seven years" between the word "ratified" and the word "by".
>
> (2) On page 2, line 2, add a sentence reading as follows: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service."
>
> (3) On page 2, line 6, strike out the words "one year" and insert in lieu thereof the words "two years".

I ask unanimous consent that my amendment be modified accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. BYRD of West Virginia. I yield for that purpose.

Mr. HOLLAND. As I understand it, as so offered now by my distinguished friend, the Senator from North Carolina, the former request for a substitute amendment, or the former offering amendment of a substitute amendment has been changed, and instead the Senator from North Carolina is asking for three perfecting amendments. Am I correct?

The PRESIDING OFFICER. That is the understanding of the Chair. The Senator is correct. It is now in the nature of a perfecting amendment, rather than a substitute.

Mr. HOLLAND. I should like to ask one additional parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Assuming the adoption of one or all of these perfecting amendments, the amendment would still be subject to amendment, if I correctly understand the parliamentary proceeding. Am I correct?

The PRESIDING OFFICER. The Senator is correct. The resolution would be subject to further amendment.

Mr. HOLLAND. I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Without objection, the Senator from North Carolina can so modify his amendment.

Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent request, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to the further consideration of the amendment (No. 1049) by the Senator from North Carolina (Mr. ERVIN), as modified, to H.J. Res. 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women, after the conclusion of routine morning business on Tuesday, October 13, 1970 with debate to be limited to 10 minutes, to be equally divided and controlled by Mr. ERVIN and the Senator from Indiana (Mr. BAYH), after which the Senate will proceed to vote thereon.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendment as modified by the able Senator from North Carolina be printed and distributed on the desks of Senators in the morning, and that it also be printed in the RECORD.

Without objection, it is so ordered.

AMENDMENT NO. 1049

The modified amendment of the Senator from North Carolina (Mr. ERVIN) is as follows:

Amendment intended to be proposed by Mr. ERVIN to H.J. Res. 264, joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women:

(1) On page 1, line 6, insert the words "within seven years" between the word "ratified" and the word "by".

(2) On page 2, line 2, add a sentence reading as follows: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service."

(3) On page 2, line 6, strike out the words "one year" and insert in lieu thereof the words "two years".

Mr. BAYH. Mr. President, will the Senator recount the exact terminology of the unanimous-consent request, so that we will all be able to plan and advise others how to plan their schedules on tomorrow?

Mr. BYRD of West Virginia. Mr. President, I shall restate the request, not in the nature of a unanimous-consent request, but just for the purpose of the RECORD.

The Senate will adjourn at the close of business today, under the previous order, until 10 o'clock tomorrow morning. Following the disposition of the reading of the Journal and the disposition of any unobjected to items on the Legislative Calendar, the able Senator from Ohio (Mr. YOUNG) will be recognized for not to exceed 15 minutes.

Following the remarks of the able Senator from Ohio (Mr. YOUNG), there will be a period for the transaction of routine morning business, not to exceed 10 minutes; and I ask unanimous consent that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the conclusion of the period for the conduct of routine morning business on tomorrow, the unfinished business will be laid before the Senate but the time will be given over to consideration of the amendments as modified, of the Senator from North Carolina, for 10 minutes, with the time to be equally divided and controlled between the Senator from North Carolina (Mr. ERVIN) and the Senator from Indiana (Mr. BAYH). At the conclusion of the aforementioned 10 minutes, the vote will be taken on the amendments as modified by the Senator from North Carolina, and it will be a roll-call vote.

Mr. HOLLAND. Mr. President, I think one more step is necessary, if the Senator will yield, in that I suggest to the Senator from North Carolina that he might request his three amendments be considered en bloc.

Mr. ERVIN. Yes; Mr. President, I so request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BYRD of West Virginia. Mr. President, this would mean, therefore, that the vote on the pending amendments, as modified, would occur somewhere in the in the neighborhood of 10:40 a.m., to 10:45 a.m., tomorrow.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon completion of the vote tomorrow on the pending amendments, as modified, of the able Senator from North Carolina, the able Senator from Arkansas (Mr. MCCLELLAN) be recognized for not to exceed 30 minutes, for the purpose of introducing a resolution; and I ask unanimous consent now for its immediate consideration at that time.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

STATUS OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Now, Mr. President, I ask unanimous consent that, at the conclusion of the special order tomorrow for the recognition of the Senator from Arkansas (Mr. MCCLELLAN) and action by the Senate on the resolution to be introduced by him at that time, the unfinished business be temporarily laid aside and that it remain in that status until the conclusion of morning business on Wednesday next, and that the Senate then proceed on tomorrow to the immediate consideration of Calendar No. 1300, S. 2193, the so-called occupational health and safety bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. BAYH. Mr. President, I reserve the right to object, but I shall not object. I do not want to delay consideration of the other measures which the distinguished Senator from West Virginia has been diligently pursuing. However, I would like to observe that this will delay final action on this important Equal Rights Amendment.

I do hope that we will soon come to a vote on the merits.

Mr. GRIFFIN. Mr. President, reserving the right to object, as I indicated earlier to the distinguished acting majority leader, I must interpose an objection on behalf of other Senators who are very interested in this legislation and who consider it highly controversial. They want to be sure there is adequate time for debate. So, in my leadership capacity, I am not able at this time to agree with the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I understand and I respect the Senator's reasons for objecting. I take it, however, that this does not rule out the possibility of some resolution of the matter on tomorrow?

Mr. GRIFFIN. I think that is possible. I shall be glad to speak to the Senators who have spoken to me, to see if something can be worked out.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of New Jersey. I have been designated as manager of the bill on occupational health and safety and I certainly hope that the objection interposed by the Senator from Michigan can be worked out so that this bill can be dealt with tomorrow before we adjourn.

The urgency of this matter could not have been more strongly stated than by the President of the United States, who has sent us three messages on the need for occupational health and safety legislation. His most recent message, in September, stated that, "It does not exaggerate to declare that such a program should have become Federal law three generations ago."

It has been generally known that this legislation would be before us today. When I arrived here this morning, it was with the recollection that an announcement had been made as far back as September 30, and again on Wednesday of last and Friday of last week, that the bill would be brought to the floor of the Senate today. So there has been an abundance of time and notice that this measure would be before us.

I certainly hope that the objection can be worked out and that we will recognize the urgency of the matter.

Mr. GRIFFIN. With all due respect to the Senator from New Jersey, of course, the pending business before the Senate is the Equal Rights for Women constitutional amendment; any deviation or departure from debate on that amendment, which is the pending business, can take place only by unanimous consent. Many women believe the Senate should continue its consideration of the equal rights amendment, and it is not surprising that there would be one Senator who would object to setting it aside. And, that is the case, although the objection is not this Senator.

Mr. WILLIAMS of New Jersey. I realize that the parliamentary situation makes it difficult or impossible without unanimous consent to bring the bill before the Senate. Also, I recognize that the President of the United States——

Mr. BYRD of West Virginia. If the Senator will permit me to interject there, it does not make it impossible, just difficult.

Mr. WILLIAMS of New Jersey. That is what I thought I just said.

Mr. BYRD of West Virginia. The Senator said "difficult or impossible."

Mr. WILLIAMS of New Jersey. The Senator is also aware that the leadership of the Senate is mindful of those measures that the President has indicated are essential to consideration by Congress. This is one of them.

Mr. GRIFFIN. Let me say to the Senator that, personally, I am very much disappointed since I wish the Senate would act on this important legislation; I hope it will not be too long before we can.

Mr. BYRD of West Virginia. In fairness to the acting minority leader, may I say that the Senator from West Virginia, who presently has the floor, asked unanimous consent on Friday afternoon last to proceed to the consideration of Calendar No. 1300 today, no later than the hour of 3 p.m. An objection was heard, but it did not come from the Senator from Michigan (Mr. GRIFFIN).

Mr. HANSEN. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. HANSEN. May I ask the distinguished acting majority leader what the prospects are for some action on the farm bill—the farm program? It is my understanding that the House will take action on the conference committee report tomorrow. I would be hopeful that we might yet consider that bill. Also, as the Senator knows, in the West, a number of our farmers out there have a farm planning program and they have to be getting on with that job now. It will be too late, I regret to say, if they are denied the knowledge of what will be contained in the new farm legislation until after November 14 or November 16.

I therefore wonder whether the distinguished acting majority leader might hazard an opinion as to possible action on the conference report on the farm program.

Mr. BYRD of West Virginia. Mr. President, in response to the able Senator's inquiry, there will not be any action by this body on the conference report to which the Senator has alluded, until the Senate returns in November following the adjournment.

Mr. HANSEN. I do appreciate the fact that the Senate is subject to many disappointments. For some 6 weeks we debated the Church amendment. My understanding now is that the House conferees refused even further to consider this legislation; am I right about that?

Mr. BYRD of West Virginia. Mr. President, I cannot answer the Senator's question.

Mr. HANSEN. Mr. President, I thank the distinguished Senator.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to make the observation, not as floor manager, but as a Member of the Subcommittee Committee on Labor working under the able leadership of the floor leader and chairman of the Labor Subcommittee, the Senator from New Jersey, that I am following this bill with as much attention as I can. The occupational health safety bill is a complicated and controversial bill.

I know that the Senator from Michigan is for the objectives of the bill. I say this with all respect to the particularly able and well-informed Senator from Michigan. But, it is a question of belling the cat. I believe that the objections that have been raised in the committee and in the subcommittee and on the floor have been raised in general on the Republican side.

While I feel that I must make this observation, it is no reflection on the able acting minority leader.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, the Senator from Florida was exceedingly regretful to hear his friend, the Senator from West Virginia, say that there would be no action on the conference report on the farm bill until after our return. I was regretful for many reasons. However, one reason may be more acutely on the mind of the Senator from Florida than any other reason. Our agricultural appropriation bill has been awaiting conference since July 6. It may not even go to conference until after the farm bill has been approved, meaning until after action has been taken on the conference.

However, the Senator from West Virginia has stated exactly what the majority leader—who has been called away today on business—stated to the Senator from Florida.

The Senator from Florida wants to make it very clear that he regrets that action and has good ground for so regreting it, because it will further hold up even the opportunity to have a conference on the agricultural appropriation bill which we have been so delayed on. The principal reason, of course, for the delay has been the long delay in getting the farm bill.

The Senator from Florida wanted to make very clear that that announcement, while in strict accord with what the majority leader has told the Senator from Florida, still occasions him great regret.

Mr. BYRD of West Virginia. Mr. President, the concern of the able Senator from Florida is appreciated. I state my gratitude for his understanding and cooperation.

Mr. President, I shall not renew my request for unanimous consent with respect to the occupational health and safety legislation today. I recognize that Senators who have objected have acted entirely within their rights.

I hope that on tomorrow when the distinguished majority leader has returned, it may be possible to resolve this matter in such a way that the Senate can proceed to take action at that time.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief comment?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I was trying to restrain myself. However, in view of the fact that the comment of the Senator from Rhode Island had a slight partisan ring to it, I must state that I am very concerned and interested in obtaining enactment of the President's proposed legislation. However, I wonder if the Senator from Rhode Island supports the President's recommended legislation or does he support a different measure with a similar title?

Mr. PELL. Mr. President, we support a somewhat different bill, but with the same objectives and the same title. However, we think that a vote should be had on the matter as quickly as possible.

Mr. GRIFFIN. Mr. President, I thank the Senator.

DESIGNATION OF JANUARY AS "NATIONAL BLOOD DONOR MONTH"

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 223.

The PRESIDING OFFICER (Mr. DOLE) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 223) to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month" which were:

Line 5, strike out "annually".

Line 6, strike out "of each year" and insert "1971".

Amend the title so as to read: "Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as 'National Blood Donor Month'."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TURNING OVER A NEW LEAF IN CENTRAL EUROPE

Mr. PELL. Mr. President, on August 12 of this year a treaty was signed in Moscow by Chancellor Brandt of the Federal Republic of Germany and Premier Kosygin of the Soviet Union. The text of the treaty is brief and clear. The prefatory paragraphs refer to the favorable conditions for the development and strengthening of mutual relations and the determination of the two governments to improve and extend economic relations as well as scientific, technological, and cultural contacts. The treaty then goes on to state that the two governments will settle their disputes by peaceful means and will refrain from the threat or use of force and that they regard the frontiers of Europe, as they existed on the date the treaty was signed, as inviolable, "including the Oder-Neisse line which forms the western frontier of the People's Republic of Poland and the frontier between the Federal Republic of Germany and the German Democratic Republic." Accompanying the treaty was a letter from the West German Foreign Minister to his Soviet counterpart stating that the West German Government considers that the treaty does not conflict with the objectives of "a state of peace in Europe in which the German nation will recover its unity in free self-determination."

After signing the treaty, Chancellor Brandt, in a message from Moscow to the West German people, said:

The treaty endangers nothing and no one. It should help to open a path forward. And

if it does this, then it will serve peace, Europe, and all of us.

Let us hope that the treaty will open a path forward to peace, laying the groundwork for concessions by both parties that will serve to ameliorate, and perhaps in time eliminate, the dangers inherent in the situation that has existed in the center of Europe since the end of the war.

Almost 10 years ago, I advocated on the Senate floor that the Oder-Neisse line be accepted as the western frontier of Poland and that the continuing existence of two German governments be acknowledged on condition that the rights of land access to Berlin be clearly defined in a written agreement so that we would no longer be faced with periodic Berlin crises which have far too frequently raised the national temperature to an uncomfortable, and in some cases dangerous level. That proposal seems now close to becoming a fact. But, it is not yet a fact. The treaty accepting the Oder-Neisse line as the western frontier of Poland and accepting the present boundaries of the two Germanies has been signed. It has, however, not been ratified. In this regard, I believe the West German Government is absolutely correct in stating that it does not intend to ratify the treaty until a satisfactory solution is reached with regard to Berlin. That solution, it has been explained, would include agreement on land access to West Berlin, on the liberalization of travel and communication between East and West Berlin and on West Berlin's economic, financial, legal, and cultural ties with the Federal Republic of Germany.

I believe that it is not just desirable, but vital, that agreement be obtained on these questions before the treaty is ratified. These matters are among those being discussed by the American, French, British, and Soviet Ambassadors in Germany in the course of their talks on Berlin; talks which resumed on September 30. I believe, too, that it is essential that these agreements be in the form of contractual Soviet and East German guarantees. East German unilateral concessions or verbal agreements by the Soviet Union could always be subsequently repudiated or interpreted differently by the parties concerned and should not be considered sufficient. Soviet actions recently in the Middle East are painful reminders of the risks involved, although some degree of risk is inevitable. The objective should be to reduce that degree of risk to the minimum possible.

I trust that the executive branch will keep the Committee on Foreign Relations informed about the progress of these talks on Berlin

Once these Berlin problems have been resolved, and the West German-Soviet treaty ratified, then the way may be open for the admission of both West Germany and East Germany to the United Nations and to regular recognition of East Germany. The new agreements on Berlin, and the ratification of the Soviet-West Germany treaty, could also open the way for a European security conference, for talks between NATO and the Warsaw Pact on mutual balanced force reductions and for West German nonaggression and friendship treaties with Poland and Czechoslovakia.

Only then when there has been reduction of tension and detente in Central Europe, particularly between both Germanies, can there be any serious discussion and movement leading to German reunification.

Thus, 25 years after the end of the war, the two parts of Europe seems to be on the point of taking a large step toward each other. Chancellor Brandt noted in his broadcast to Germany after signing the treaty with the Soviet Union:

> Europe ends neither on the Elbe nor on the Polish eastern frontier. Russia is indissolubly bound up in the history of Europe, not only as an opponent and a peril, but also as a partner—historically, politically, culturally and economically.

He added:

> We have have the courage to turn over a new leaf at this point.

After 25 years, surely it is time for a new leaf.

STATUS OF HOUSE JOINT RESOLUTION 264

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Mr. President, for the record, upon the conclusion of the 30 minutes which have been granted under the special order for recognition of and action on the resolution to be offered by the Senator from Arkansas (Mr. McCLELLAN) tomorrow, am I correct in understanding that the unfinished business, House Joint Resolution 264, will be the business before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

VETO MESSAGE—S. 3637

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the veto message on S. 3637 be held temporarily at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I return herewith, without my approval, S. 3637, a bill to revise the provisions of the Communications Act which relate to political broadcasting.

This legislation is aimed at the highly laudable and widely supported goals of controlling political campaign expenditures and preventing one candidate from having an unfair advantage over another. Its fatal deficiency is that it not only falls far short of achieving these goals but also threatens to make matters worse.

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent officeholder over the officeseeker and gives an unfair advantage to the famous. It raises the prospect of more—rather than less—campaign spending. It would be difficult, in many instances impossible, to enforce and would tend to penalize most those who conscientiously attempt to abide by the law.

The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Hence, nothing in this bill would mean less campaign spending.

In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand.

There are other discriminatory features in this legislation. It limits the amount of money candidates for a major elective office may spend for broadcasting in general elections to 7¢ per vote cast for the office in question in the last election or $20,000 whichever is greater. This formula was arrived at through legislative compromise and is not based on any scientific analysis of broadcast markets. It fails to take into account the differing campaign expenditure requirements of candidates in various broadcast areas. In many urban centers, the $20,000 limitation would permit a congressional candidate to purchase only a few minutes of broadcast time, thus precluding the use of radio or television as an effective instrument of communication. On the other hand, $20,000 spent on television broadcasting in another district would enable a candidate to virtually blanket a large area with campaign advertising spots. For example, 30 seconds of prime television time in New York City costs $3,500; in the Wichita-Hutchinson, Kansas, area it costs $145.

S. 3637 raises a host of other questions of both principle and practice. It would require that broadcasters charge candidates no more than the lowest unit charge of the station for comparable time. This is tantamount to rate-setting by statute and represents a radical departure for the Congress which has traditionally abhorred any attempt to establish rates by legislation.

Among the other questions raised and left unanswered are these: How would expenditures of various individuals and organizations not directly connected with the candidate be charged? Would they be considered part of a candidate's allowed total expenditure, even if they were beyond the candidate's control? And how would money spent by a committee opposing a candidate be accounted? Would it be included in the total for that candidate's opponent, even though spent without his consent or control? This bill does not effectively limit the purchase of television time to oppose a candidate.

In the end, enforcement of the expenditure limitation would in most cases occur after the election. This raises the possibility of confusion and chaos as elections come to be challenged for violation of S. 3637 and the cases are still unresolved when the day arrives on which the winning candidate should take office.

There is another issue here which is perhaps the most important of all. An honored part of the American political tradition is that any little known but highly qualified citizen has the opportunity to seek and ultimately win elective office. This bill would strike a serious blow at that tradition. The incumbent—because he has a natural avenue of public attention through the news media in the conduct of his office—would have an immeasurable advantage over the "out" who was trying to get in. The only others who would share part of this advantage would be those whose names were well-known for some other reason.

What we have in S. 3637 is a good aim, gone amiss. Nearly everyone who is active or interested in the political process wants to find some way to limit the crushing and growing cost of political campaigning. But this legislation is worse than no answer to the problem—it is a wrong answer.

I urge that the Congress continue to analyze and consider ways to reach this goal through legislation which will not restrict freedom of discussion, will not discriminate against any communications medium, will not tend to freeze incumbents in office, will not favor the famed over the worthy but little-known, will not risk confusion and chaos in our election process and will not promote more rather than less campaign spending. Such legislation will have to be far better than S. 3637.

I am as opposed to big spending in campaigns as I am to big spending in government. But before we tamper with something as fundamental as the electoral process, we must be certain that we never give the celebrity an advantage over an unknown, or the officeholder an extra advantage over the challenger.

RICHARD NIXON.

THE WHITE HOUSE, *October 12, 1970.*

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 13, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 12, 1970:

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1973:

Dr. Homer Daniels Babbidge, Jr., of Connecticut.

Dr. Martha B. Lucas Pate, of Connecticut.

CALIFORNIA DEBRIS COMMISSION

Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice (P) Col. George B. Fink, Corps of Engineers; reassigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 1970:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

DeWitt S. Hyde, of Maryland, to be an associate judge of the District of Columbia court of general sessions, for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

Dyer Justice Taylor, of Virginia, to be an associate judge, District of Columbia court of general sessions, for term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970.

Normalie Holloway Johnson, of Washington, D.C., to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970.

Leonard Braman, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970.

Paul F. Mc Ardle, of Maryland, to be an associate judge of the District of Columbia court of general sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970.

Sylvia A. Bacon, of the District of Columbia, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

John F. Doyle, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

Eugene N. Hamilton, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

Stanley S. Harris, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

Theodore R. Newman, Jr., of the District of Columbia, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

Nicholas S. Nunzio, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

John G. Penn, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

George H. Revercomb, of Virginia, to be associate judge, District of Columbia court of general sessions, for the term of 15 years.

William E. Stewart, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years.

James A. Washington, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

EXTENSIONS OF REMARKS

VFW NATIONAL LEGISLATIVE COMMITTEE ACTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on September 28 and 29, 1970, the National Legislative Committee of the Veterans of Foreign Wars of the United States met here in Washington. This key committee of the 1,600,000-member veterans organization drew veterans leaders from throughout the Nation to review scores of resolutions approved by delegates to the Miami Beach, Fla., convention last August. It was during this convention that the more than 13,000 delegates elected Herbert R. Rainwater of San Bernardino, Calif., as their national commander in chief.

This VFW leader, known to his friends and comrades as Chief Rainwater, has a long and enviable record of service to our country and to those who have taken up arms in defense. Chief Rainwater has been in office now a little over a month and is currently on a worldwide factfinding trip that will take him into more than 15 countries. One of his major goals is seeking the release of American prisoners of war being held captive by Communist forces. With him go our blessings and a prayer that the 3 million signatures on petitions for the POW's release compiled by members of the VFW will impress the Communist leaders with the concern of Americans everywhere for those being held in captivity under inhuman conditions.

There can be little doubt from this that the VFW will be an even better organization under his dynamic leadership during the year ahead. Shortly before he left for overseas, Rainwater appointed members to the legislation committee.

These appointments are a good example of his ability to select those who will do the best job.

The main purpose of the meeting of the National Legislative Committee was to recommend a priority legislative program for this year. In addition, the committee unanimously approved a resolution that encompasses many of the objectives and concerns the VFW has experienced respecting its legislative program this past year and including approval of pending veterans legislation in this 91st Congress.

I am particularly pleased that the Veterans of Foreign Wars has extended its high commendation to the Congress for its efforts, which have resulted in $155 million being added to the VA hospital appropriation for this year, as provided in the vetoed Independent Offices appropriation bill.

The leadership and support of the Veterans of Foreign Wars has been crucial in helping to obtain congressional approval of a large number of veterans' measures, and especially additional funds and personnel for VA hospitals.

Mr. Speaker, the Veterans of Foreign Wars resolution recommended by its National Legislative Committee and approved by Commander in Chief Rainwater includes many of the current legislative concerns of this great organization, and I commend my colleagues' attention to it:

RESOLUTION

Whereas, the National Legislative Committee of the Veterans of Foreign Wars in its meeting of September 26–27, 1970 reviewed the status of all veterans' legislation considered and approved during the 91st Congress, and

Whereas, the record indicated that the 91st Congress has initiated, favorably considered, and approved a large number of veterans' bills, and

Whereas, the 91st Congress has under active consideration other very important bills which are aimed at helping veterans of the Vietnam war and veterans of previous wars, and

Whereas, practically all veterans' legislation was or is being opposed by the Administration, including legislation to update and improve major veterans' programs in need of immediate attention, and

Whereas, the President in a special message to Congress entitled "Federal Economy Act of 1970" has requested the Congress to eliminate compensation payments for residuals of service-connected TB and the $250 burial allowance to which every veteran is entitled, and

Whereas, Administration spokesmen continously rejected additional funds and personnel recommended by the Congress for VA hospital and medical care despite overwhelming evidence of deteriorating conditions and service in VA hospitals obtained by V.F.W., House Veterans' Affairs Committee, and Senate Committee on Veterans' Affairs, and

Whereas, the 91st Congress has approved an appropriation bill for veterans' programs for 1971, which included an extra $105 million added by the Congress for VA hospitals, which appropriation bill was vetoed by the President, and

Whereas, the President has stated to Commander-in-Chief Rainwater that he has no objection to the extra $105 million added by the Congress for VA hospitals for 1971, and

Whereas, the President stated to Commander-in-Chief Rainwater that the extra $105 million for VA hospitals was not a factor in his decision to veto the Independent Offices Appropriation bill for 1971;

Now, therefore be it resolved, by the National Legislative Committee of the Veterans of Foreign Wars that the veteran who has fought on the battlefield and returns home is special and deserves the highest consideration; that, accordingly, there should be an order of priorities by the Administration to assure there will be no unreasonable budgetary or personnel restrictions on programs to help veterans regain their health and make their way back to civilian society, and further that the Veterans Administration should have the same national priority for personnel and funds as the agencies which bear the brunt of the war—for the Veterans Administration is the one single agency of Government responsible for taking care of the aftermath of war; and

Be it further resolved, that Commander-in-Chief Rainwater continue the unrelenting campaign of the Veterans of Foreign Wars to have the deteriorating conditions to veterans' hospitals eliminated at the earliest possible time with the ultimate objective that each of the 166 VA hospitals can once again truthfully state that the hospital care being provided in all VA hospitals is second to none; and

Be it further resolved, that the Veterans of Foreign Wars continue its insistence that compensation, pension, and GI training and educational programs keep up with cost of living increases, that entitlement to GI home loan assistance be restored to World War II veterans; that there be established at least one national cemetery in every state under the jurisdiction of the Veterans Administration; veterans' burial allowances be increased, and that the GI home loan program be made to function in the same magnitude and effectiveness as it did for veterans of previous wars, and the most important unfinished business for the 91st Congress—Senate approval of the veterans' pension bill with its increase in payments and income limitations to assure that no veterans, widow, or dependent parent who received a 15% increase in social security payments, beginning January 1, 1970, will lose any of his VA pension, and

Be it further resolved, that the Veterans of Foreign Wars express its high commendation to the Congress for restoring most of the recommended Administration cuts to the 1970 hospital budget and adding an additional $7 million to the 1970 VA hospital budget and $105 million to the 1971 VA hospital budget and that appropriate action be taken by Commander-in-Chief Rainwater and his National Legislative staff to urge the Congress to approve a second 1971 VA appropriation bill not less than the one vetoed by the President, and

Be it further resolved, that Commander-in-Chief Rainwater and the more than 1,600,000 members of the Veterans of Foreign Wars of the United States extend every effort to obtain Administration support on veterans' legislation and adequate funds and personnel for VA hospitals, as contained in the mandates approved by the delegates to the recently-concluded Miami Beach National Convention.

VETERANS OF FOREIGN WARS, NATIONAL LEGISLATIVE COMMITTEE, 1970–71

Chairman: John J. Stang, Kansas.

Vice Chairman: Ted C. Connell, Texas; Robert E. Hansen, Minnesota; John W. Mahan, Virginia; and Timothy J. Murphy, Massachusetts.

Members: Ray R. Allen, Illinois; Vern Anderson, Minnesota; Ray H. Brannaman, Colorado; Mark D. Buchheit, Iowa; Jerry H. Cooper, Colorado; Charles C. Ford, Texas; Leonard E. Friedlander, New York; Morton Fromm, Pennsylvania; Frank G. Hahn, New Jersey; Olen E. Holmes, Maine; Oscar B. Jones, Texas; Samuel E. Leman, Indiana; W. Leroy Maddox, Maryland; Telfair J. Mashburn, Alabama; Edwin L. Myers, California; Lowell H. Norris, Pennsylvania; Richard E. Ress, Ohio; Frank H. Rice, Illinois; Richard L. Roudebush, Indiana; James E. Van Zandt, Virginia; Gene Walker, Tennessee; Joseph R. Walsh, Alaska; and Joe T. Wood, Georgia.

Director of National Legislative Service: Francis W. Stover, Washington, D.C.

BREZHNEV'S NEW DOCTRINE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHMITZ. Mr. Speaker, an article by Mr. Walter Darnell Jacobs, assistant professor of government and politics at the University of Maryland, which appeared in the October issue of Military Review published by the U.S. Army Command and General Staff College, is extremely interesting. Mr. Jacobs analyzes the strategy currently being employed against the non-Communist world by the Soviet Union with specific reference to the main target of this strategy—the United States.

Mr. Jacobs does a very good job of succinctly outlining the main tenets of what he refers to as the real Brezhnev Doctrine. "Brezhnev," he says, "is stressing the 'assault on capitalism inside its own citadels' due to the tremendous success which the Soviets have had in linking their proxy war in Southeast Asia with the unarmed struggle in the United States."

The politicalization, organization, and guidance of significant segments of American citizens, especially young adults, using the war in Vietnam as a focal point is of strategic significance to the Soviets.

Mr. Jacob's analysis would be borne out by the fact that at the meeting of international Communist and workers parties in Moscow, which took place in June of 1969. The Communists shifted their order of priorities from the order in which it had been established at the previous meeting of the international Communist movement in 1960. In 1960 the order of concentration was first, world socialist system—Soviet Union and appendages—second, wars of national liberation, and third, Communist parties in the advanced nations. In 1969 this was changed with the Communist parties in the advanced capitalist nations replacing wars of national liberation as the No. 2 area of interest. The Soviet motherland always comes first.

For those who are interested in reading an explanation for the reason for this shift from the Communist point of view I would refer you to the speech made by the delegate from Morocco at the international meeting in 1969. He explains the necessity for this change to his comrades from the third world area.

Mr. Jacobs article follows:

BREZHNEV'S NEW DOCTRINE

(By Walter Darnell Jacobs)

Leonid I. Brezhnev apparently has consolidated his hold on the levers of power in the Soviet Union. His installation as the unquestioned leader has been accompanied by an attempt to elevate him to the lofty ranks of the classicists of Marxism-Leninism.

The image of Brezhnev alongside Karl Marx, V. I. Lenin, and other "greats" of communism as a theorist and as an originator of operational ideology may be a difficult picture for some observers to accept. However, Brezhnev has made a contribution to the ideology which could rank with Marx' ideas on exploitation and alienation, with Lenin's theories of imperialism and revolutionary organization, and with Nikita S. Khrushchev's formulas on peaceful coexistence and about "no fatal inevitability" of war.

The Brezhnev contribution is the theory of the "assault on capitalism inside its own citadels." This, and not the earlier, so-called "Brezhnev doctrine" which allowed for intervention in other "Socialist" countries, or for their "limited sovereignty," is the true Brezhnev doctrine. It is a major contribution to the ideology of Marxism-Leninism and now is a major part of current Soviet operational strategy.

While Brezhnev rejects none of the earlier classical Marxist-Leninist ideas—imperialism, exploitation, and peaceful coexistence—he translates them all to terms of the 1970's and conceives of them as support for his theory of the "assault on capitalism inside its own citadels."

Brezhnev has completely reinterpreted the theory of peaceful coexistence in the years following his ouster of Khrushchev. To Khrushchev, the theory of peaceful coexistence was based on the idea that the "camp of socialism" was strong and getting stronger. The camp of imperialism was weak and getting weaker. Khrushchev thought that some of the more advanced elements inside the camp of imperialism could see this situation and might draw the necessary conclusions. These conclusions would be, so he thought, that the Socialists were going to win and that resistance was pointless.

VICTORY WITHOUT WAR

The result, in the Khrushchev view, was that victory would come to the Socialists without war—or could come without war. The advanced elements inside the Capitalist camp could, therefore, decide to accept socialism without fighting for their survival. Thus, Khrushchev's theory of peaceful coexistence envisioned the possibility of victory without war and, since war in the nuclear era might be so costly, operated on the theory that wars were no longer fatally inevitable.

The Khrushchev theory of peaceful coexistence was attacked by the Chinese Communists as a deal with the imperialists for the division of the world and as a revisionist failure to exploit the possibilities for revolution represented by Soviet strength.

The Brezhnev rewrite of the Khrushechev theory of peaceful coexistence is neither so crude as the Chinese argument nor so sanguine as the original Khrushchev idea.

DIFFERENT CONCLUSIONS

To Brezhnev, the possibility of Socialist victory without war is still present. He draws different conclusions from that hypothesis than did Khrushchev. Brezhnev also rejects the Chinese argument that the Soviet Union is failing to utilize and exploit its strength in dealing with the imperialists, and especially with the United States. In addition, Brezhnev finds nothing revisionist, and certainly nothing suggesting alliance with the imperialists, in his version of peaceful coexistence.

Peaceful coexistence, said Brezhnev in June 1969 to a meeting of Communist and Workers' Parties in Moscow:

". . . creates the most favorable conditions for building the new society in socialist countries, and for developing the revolutionary and liberation movement."

Peaceful coexistence, to Brezhnev, is "a necessary element of the strategy of the international proletariat during the period of transition from capitalism to socialism." In short, Brezhnev views "peaceful coexistence" as a part of the revolutionary armament of the Communist movement in its struggle to implant Socialist governments everywhere in the world.

An article in *Kommunist*, 18 November 1969, elaborated on the Brezhnev version of peaceful coexistence:

"The peaceful coexistence policy is a special form of class struggle in the international arena. Far from restraining the revolutionary struggle, it in fact promotes its upswing. The peaceful coexistence principle does not apply—and cannot apply—to the class struggle within the capitalist countries, to the ideological battles, and to the fight of the oppressed peoples against their oppressors."

This version of the principle of peaceful coexistence is basic to the new Brezhnev doctrine. The other elements of preliminary support to the new Brezhnev doctrine are the theories of the national liberation movement and of the inevitability of Communist victory in history.

Neither of these two theories is new with Brezhnev. He has retained them from past Communist leaders such as Khrushchev and Lenin, but has refurbished them for the new conditions of the 1970's. In the Brezhnev view, the national liberation movement is successful in Vietnam and elsewhere so long as it keeps the "imperialists" from winning and so long as it brings new recruits to the side of the international revolutionary movement.

Communist leadership and domination of the national liberation movement can come at its early stages or later—it is not so important just when the leadership of the Communists is established as it is that Communist leadership definitely will be established. The theory of the inevitability of Communist victory has been used by Brezhnev to mean that temporary alliance with imperialists—or even temporary concessions—are acceptable. Victory, after all, is coming so that Communists should not be afraid of dealing on a tactical basis with their opponents.

These three elements, then—the new version of the peaceful coexistence policy, the new version of the national liberation movement, and the continuation of the theory of inevitable Communist victory—form the supporting framework of the new Brezhnev doctrine.

On this supporting framework, Brezhnev posits his new doctrine. It can be stated as follows:

"The 1970s are the time when the citadels of capitalism can be assaulted from within. This assault should not be conceived of as the only method of waging revolutionary war. It is, however, now possible to wage such war inside the citadels of imperialism where it has been impossible or adventuristic in the past. With the other capabilities of the International proletarian revolution, the assault on the citadels of capitalism from within will lead us to the inevitable victory."

Because the new Brezhnev doctrine carries such pregnant implications for the security of the countries of the West and because it is so little understood, or even acknowledged, by Western leaders, it should be examined in some detail.

NEED FOR UNITY

The leading Brezhnev elaboration of the doctrine was made in his June 1969 speech entitled, "For Greater Unity of Communists, for a Fresh Upsurge of Anti-Imperialist Struggle." Bhezhnev spent some time talking about the need for unity in the movement which, of course, meant settling the dispute with China. He declared that this was a great aim for Communists, but that Communists could not wait for its solution before achieving a "fresh upsurge" in the anti-imperialist struggle. That struggle was overriding, he declared, and without China now, or with China later, it must go forward.

Brezhnev then talked about some of the new possibilities in the anti-imperialist struggle. He declared:

Comrades, one of the decisive sectors of the anti-imperialist struggle naturally runs through the capitalist countries themselves. The blows which the revolutionary forces are dealing imperialism in its very citadels are highly important for the whole of world development. The 1960s have introduced many new elements in the front of the struggle as well.

Brezhnev's ensuing discussion made it clear that he was talking not only about those "blows" which resulted from actions by Communist-led or Communist-dominated movements. He was considering, also, actions by the workers and by others who are disaffected with the Capitalist system. He said that the era of social peace was ended for all time in the Capitalist countries.

VICTIMS OF ILLUSION

Brezhnev also discussed those inside the "citadels of imperialism" who thought that change might be worked within the system by reform. He declared that these persons were victims of illusion:

"Quite a few people in many capitalist countries fall captive to these illusions. It is, after all, a fact, for instance, that at election time a sizable section of the workers cast their votes for capitalist candidates and their placement. But for all the machinations of the capitalists, the social struggle in the 1960s showed signs of shifts in favor of the revolutionary forces whose importance it is hard to exaggerate."

Brezhnev described these shifts in favor of the revolution as a sharp increase in the popular pressure for social change, and the intertwining of this with the class struggle. He also tied the popular pressure for change to action against the imperialists' military gambles, against the resurgence of fascism, and to other customary Communist slogans.

He discovered an antagonism between "imperialism, which intensifies social oppression and rejects democracy" and the people. He talked about "explosions" inside the United States which, he said, could be set off by a very small spark. He drew the appropriate "revolutionary" conclusion from his analysis of these events:

"Such explosions are becoming ever more frequent everywhere, including the United States, where the most acute social contradictions, the struggle against the war in Vietnam, and the fight for Negro civil rights are tangled in a tight knot."

Brezhnev's analysis of the situation inside the citadels of imperialism stressed the "violent forms of social protest" and the inability of the leaders of the imperialist system to deal with the protest. It is not without its significance that Brezhnev considered the most important trend of a revolutionary potential to be the tying together of the anti-Vietnam war movement and the civil rights movement.

REVOLUTIONARY ACTIONS

Brezhnev could easily have foreseen, as could many other observers, that attempts to organize social protest around the banner of ecology or antipollution or some other equally honorable but innocuous cause would be futile. Brezhnev recognized that social protest with a revolutionary protest must base itself on an issue which brought the entire system and its values into question.

Brezhnev said that the working class, in the conditions inside the United States or inside the citadels of imperialism which he had described, was being actively joined "ever more frequently [by] broad masses of peasant, intellectuals, white-collar workers, students and middle strata of the urban population." This was his way of saying, among other things, that the revolutionary actions of these non-Communist groups might be led, eventually, by the Communists and, until that time came, that the revolu-

tionary actions of peasants, intellectuals, and students should be recognized for the revolutionary content that they might have.

Brezhnev, as an experienced revolutionary leader, was not about to overestimate the importance of these types of actions, whatever their revolutionary potential in the long run. At the same time, he was not going to ignore or underrate the value of the actions in creating present or future problems for the leaders of the Capitalist countries. Brezhnev explained:

"In these conditions, it is inevitable that elements of surprise and spontaneity should arise in the course of the anti-imperialist struggle in the advanced capitalist countries. Experience shows that in such a situation special importance attaches to the problem of relations between the working class and its allies. This is a question both of jointly taking various concrete political actions and of planning long-term cooperation on a mutually acceptable basis."

UNDESIRABLE TRAITS

Surprise and spontaneity are undesirable traits in a revolutionary movement but must be accepted, Brezhnev is arguing, until such time as the "working class"—for example, the Communists—can gain effective control of the movement. In the meantime, specific political actions can be undertaken and long-term cooperation begun. This Brezhnev analysis sounds more like specific instructions to a disciplined subordinate group than like a simple analysis of events. It sounds like a detailed plan for action and little like a cold, objective analysis of what is going on.

Brezhnev claims that:

". . . the requisites are emerging for uniting all democratic trends in a political alliance capable of decisively limiting the role of the monopolies in the economy of the countries, putting an end to big capital rule and carrying out fundamental transformation which could ensure favorable conditions for the struggle for socialism."

To Brezhnev, the working class is the leading force of the political alliance and the only class capable of leading the alliance. Brezhnev tells how the working class or, in his vocabulary, the Communists, should work among "the most diverse mass organizations" including cooperatives, sports clubs, and "democratic circles of religious bodies taking part in the struggle for peace."

TROUBLESOME YOUTH

He makes clear that he recognizes the dangers of the alliance led by the working class. The dangers come from the nature of the allies. The peasants tend to be reliable allies, but must be led and motivated. The intelligentsia is suspect unless it is closely associated with the workers. Still, these and other groups should be admitted into the alliance because they can further the revolutionary movement. An especially troublesome ally is the youth.

Brezhnev recognizes the potential of the youth—but also their drawbacks. He said:

"It is natural that the fraternal parties now devote considerable attention to work among young people. It is a fact after all that the rising generation in the capitalist countries, including the students, is in revolutionary ferment."

Brezhnev recognized, at the same time, that the youth of our affluent society are not well disciplined. This can be overcome, he claimed, once "the young fighters against imperialism have mastered the theory of scientific socialism and have acquired experience in class battles."

With these caveats, Brezhnev concluded his analysis. "There is," he insisted, "every indication that the possibilities of the anti-imperialist struggle are extending." He said that on these possibilities "will largely depend world development in the closing third of the twentieth century." He concluded with the following promise:

"One cannot fail to see that not only the material but also the socio-political conditions are maturing for a revolutionary replacement of capitalism with the new social system, for socialist revolutions. By closing the ranks of staunch revolutionaries, carrying Marxist-Leninist ideology into the midst of the working-class masses, and rallying the allies of the working class round it, Communists fulfill their historic mission in the struggle against imperialism, for the triumph of socialism."

This is one area where Brezhnev and Mao Tse-tung seem to agree. If not so explicit as Brezhnev, Mao Tse-tung also has recognized the revolutionary potential of the movement inside the citadels of capitalism. After the demonstrations in this country following the decision by President Richard M. Nixon to send troops temporarily into Cambodia, Mao, in his speech of 20 May 1970, spoke of a "fresh upsurge in the struggle against United States imperialism" and noted that "Nixon's fascist atrocities have kindled the raging flames of the revolutionary mass movement in the United States."

The differences in the approaches of Leonid Brezhnev and Mao Tse-tung, if they must be sought, are found in the fact that Brezhnev disposes a complete and closed theory while Mao only issues exhortations and rallying cries. The Mao approach is no less real thereby as it is, in all probability, supported by a considerable network of agents and organizations both inside "the citadels of imperialism" and outside.

Still, the Brezhnev approach is undoubtedly more dangerous for United States and Western planners of national security policy because the Brezhnev approach is fully orchestrated and supported by an integrated military-political-industrial-agitational machine. That integrated machine is at the disposal of Brezhnev and is responsive to his commands.

The new Brezhnev doctrine recalls, in many particulars, the elaboration of the doctrine of wars of national liberation by Khrushchev in 1960 and 1961. At that time, Khrushchev had devised a method of weakening imperialism and furthering the cause of revolution without, at the same time, coming up against the great strength of the countries of the West.

Khrushchev's doctrine of national liberation wars was described in detail in a speech that President John F. Kennedy made required reading for all leading members of his administration. President Kennedy was, indeed, prescient in foreseeing that the national liberation doctrine would be the major problem of the 1960's. It was that. It remains a major problem of the 1970's.

The success of the Khrushchev doctrine of national liberation wars made possible the positing of the Brezhnev doctrine of the assault on capitalism from within.

Neither the Khrushchev doctrine nor the Brezhnev doctrine would have pertinence to the United States and to the West without the full-hearted and vigorous support of these doctrines by the Soviet leaders. With such support, the doctrine of national liberation wars has created a problem for which the United States has not yet devised a satisfactory and enduring answer. With that support, the doctrine of the assault on capitalism from within raises new security problems.

It is true that the two doctrines are recursive. The Brezhnev doctrine would be ineffective and of limited concern if a solution to the national liberation wars were at hand.

Until such a time as the national liberation war problem is solved, the new problem must be faced. The problems posed by the new Brezhnev doctrine are exacerbated by each internal disturbance, by each riot on campus, and by each massive demonstration against the leaders within our system.

The Brezhnev doctrine is by no means invincible. It is, rather, very susceptible to defeat. It will not, however, be defeated by ignoring its existence or by suggesting that it has been based on a faulty analysis of events inside the citadels of capitalism. The doctrine deserves examination, consideration, and a close study by all military and political leaders in the West.

PROBLEMS IN THE TAX REFORM ACT OF 1969 WHICH NEED ATTENTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. HUNGATE. Mr. Speaker, I recently introduced legislation to amend the Tax Reform Act of 1969. The following article from the Christian Science Monitor illustrates some of the problems in the act which need attention.

[From the Christian Science Monitor, Sept. 21, 1970]

TAX WATCHER: ADVOCATE OF EQUITABLE TAXATION WARNS OF ABUSES ENTRENCHMENT

(By David R. Francis)

WASHINGTON.—"When it comes to federal tax matters," says Thomas F. Field, "our system of government is better described as a corporate oligarchy than as a democracy."

That's a strong charge. But Mr. Field knows this nation's tax system well. Until early in 1970 he was an attorney-adviser on tax affairs in the Treasury. He has sat through many administrative hearings on tax issues. He has observed how the congressional tax committees meeting in closed sessions give tax breaks to special-interest lobbyists whose bosses are key campaign contributors.

Mr. Field left the Treasury to form a nonprofit group of attorneys and economists calling themselves Taxation With Representation. He regards the body as a "public-interest tax lobby."

Indeed, the United States tax system is so shot through with loopholes that one wag has said, "If you think taxation without representation is bad, you should see it with representation!"

TAX SYSTEM ASSAILED

Mr. Felds blasts the tax system in a speech prepared for delivery at the National Tax Association's annual convention in Honolulu.

Mr. Field makes it clear that the Tax Reform Act of 1969 didn't really get to the heart of tax reform, Rather, he terms it "a monument to the effectivenuess of the corporate tax lobbyist."

In fact, he says, it "may actually have entrenched existing tax abuses more firmly, by reducing the outrageous excesses that scandalized the public, while failing to eliminate the abuses themselves."

He goes on to point out how the present administration's commitment to the use of tax incentives could enlarge the tax burden faced by ordinary taxpayers lacking the use of expensive tax lobbyists.

"The lasting memorial of the present administration in the tax area," he says, "may be the tax preferences it creates, rather than the Tax Reform Act of 1969.

"The brave talk about greater fairness in the tax system seems to have been forgotten."

REASONS EXPLORED

Why is it that the Tax Reform Act of 1969 was to such a large extent a failure in closing loopholes and such a success in opening new tax escape hatches for industry? Why is tax reform so difficult?

Mr. Field's basic answer applies to many areas needing reform. The public is apathetic and uninformed. The lobbyist is alert and knowledgeable. The news media has largely failed to adequately cover tax issues and arouse action. Congress and the executive have let the special interests outweigh the general interest.

"Tax laws are changed," said Mr. Field, "because a politically influential person or group wants them changed."

The lobbyists employed by major corporations and their trade associations play a key role in changing tax laws.

He adds: "The campaign contribution is the ultimate source of the tax lobbyist's power. The cost of political campaigns has been rising very rapidly. Most of the money needed to pay these sharply increased costs comes from corporations that 'want something' from the federal government. What's wanted may be a tax favor."

APPEALS SELECTED

Mr. Field might have noted that direct political contributions by corporations are illegal. But highly paid corporate executives are heavy campaign contributors. And there are some indirect techniques for firms to make political donations.

Members of Congress, Mr. Field says, frequently find it difficult to distinguish between the public interests of their constituents at large and the special interests of a vocal individual or firm located in their constituency.

Knowing this, trade associations and tax lobbyists often present their arguments in the form of appeals from carefully selected persons located in key congressional districts.

"In this way, some congressmen become little more than marionettes in the hands of special-interest lobbies."

Examining the role of the executive in formulating tax policy, he held that the president is largely uninvolved. Thus the job usually falls to Cabinet and sub-Cabinet officials.

He declared that Attorney General John N. Mitchell, a lawyer specializing in the lucrative area of municipal and state bond law before leaving New York for Washington, was "the moving force" in making sure that the Tax Reform Act of 1969 did not touch the nontaxable status of these bonds. Secretary of Commerce Maurice H. Stans, he indicated, has been the "principal proponent of business-oriented tax incentives."

NEWS MEDIA CRITICIZED

Looking at Congress, Mr. Field charged that the tax-writing committees "have failed to equip themselves with staffs that have the time to undertake sustained research on tax questions."

Thus Congress must rely on the Treasury and lobbyists for tax expertise. Mr. Field cited numerous cases where lobbyists carved out special tax arrangements for their clients.

He criticizes the news media for its inadequacy in covering tax affairs. Because taxation is complicated, involving law, economics, and accounting, most newsmen are not equipped to write on the subject with accuracy.

Thus Taxation With Representation is setting up a companion group to provide "unbiased" information on federal tax matters to the media.

FEW SPEAK FOR PUBLIC

The general public can influence tax policy. And their letters do exert pressure when the public is jolted by scandal and clear evidence of tax inequities. But tax laws are so complex, ordinary citizens find it difficult to speak out intelligently.

Almost no one speaks for the general public at legislative hearings on tax matters. It has been years since anyone without an ax to grind has appeared at an administrative hearing on a proposed Treasury tax regulation, Mr. Field asserted.

"It should shock you," he says, "that the principal witnesses at legislative hearings are the same special-interest lobbyists who help to pay campaign expenses for many of the legislators who preside at those hearings.

"It should shock you that the typical medium-size corporation has better tax representation in Washington than does the public at large."

This being the case, many hope that Taxation With Representation does succeed as a 'public-interest tax lobby."

COLUMBUS DAY

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. CÓRDOVA. Mr. Speaker, today we honor the memory of a truly great man, one who after fighting adversity, scorn and even animosity, was able to accomplish one of the greatest feats in history: the discovery of America for Spain and the world and the establishment of the first permanent settlements by Europeans on the Western Hemisphere.

Two years ago this Congress passed a bill sponsored by my esteemed colleague, the distinguished gentleman from Illinois (Mr. ANNUNZIO), to declare the second Monday in October, beginning in 1971, a legal national holiday in tribute to Christopher Columbus. I rise today to express my admiration for this man and for his exemplary faith, courage, patience and self-reliance. Without these qualities he would never have reached the start of his long journey into the mysterious Atlantic, in search for what he thought to be a land of countless riches in the Orient.

We in America are rightly indebted to him, and we should be thankful that he was the type of a man I have just described. But when I say America I am speaking not only of this great nation of ours, blessed with all possible blessings. I mean those two great continents commonly known as the New World, whose peoples are bound together by destiny and history, even though at times it may seem we are moving along divergent paths, and the Spanish-speaking portions of which so proudly regard this anniversary as their own, "El Día de la Raza."

Perhaps this bill passed by the Congress had more significance than is usually attached to legislation of this kind, for the lessons Columbus taught in 1492 and in the years that preceded and followed his great feat still have a practical value for the modern man.

Those were troubled times: times of transition from the Middle Ages to the Renaissance, times of change and wars—Spain had been fighting the Moors for 800 years in her own territory; and yet out of them something great and magnificent came about, because this man had courage, will power, and—yes—in a way also prudence and discretion. To us, after almost five centuries, Columbus is still a subject for marvel, admiration, and certainly an example of deep, profound faith. Let us never lose that faith which should be his most richly valued legacy.

"A LEGEND OF GOODNESS"

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. DONOHUE. Mr. Speaker, there has probably never been a time in our national history when all of us, young, middle, and old, whatever our station or occupation, were more urgently in need of inspiring example which, after all, represents the truest teaching.

Such an example was and is provided by the life story and deeds of a noble creature, Raymond J. Callahan, of Framingham, Mass., who died suddenly last Wednesday night, October 7, 1970.

Throughout his days Ray Callahan enriched the lives of all his associates and fellow citizens and the spirit of his community by his hourly projection and persevering practice of those immaterial but everlasting virtues and values upon which this Nation was founded and without the revival of which its long endurance remains questionable.

Ray Callahan was deeply respected for his character and his integrity. He was widely acclaimed for his professional skill and competence. But he was universally beloved for his genuine unselfishness, his generous spirit, his kind heart, his unbounded compassion, his self-effacing modesty, his wholesome neighborly interest, his extension of encouragement to the faltering, his refreshing humor, his liking for children, his belief in youth, his good will toward everyone, his faith in his God, his loyalty to his community and his country, his steadfast friendship to those who were so privileged, and his complete dedication to his devoted wife and loving children.

Ray Callahan was a living, devastating rebuttal to those who attempt to tell us that these homely virtues have fled the American scene; that these idealistic values have no welcome place in modern American society.

On the very sad occasion of his passing a vast multitude of friends, neighbors, acquaintances, and professional associates demonstrated that the noble qualities in which Ray Callahan believed and for which he stood are still rightfully recognized and sincerely honored even in this overly material and sophisticated age. People came from everywhere to join in the most tremendous public outpouring of attendance, admiration, affection and sorrow that has ever occurred in the history of the Framingham region. It was a united, unique salute to a departed community leader who will everlastingly remain in their memory and their annals as a truly inspiring "legend of goodness."

Mr. Speaker, at this point I wish to include some of the tributes that were given to Raymond J. Callahan and some excerpts from the poignant, heart-stirring articles about his life and his death written by his esteemed associate, news city editor of the Framingham News, Mr. Charles Ayer, and they follow:

[From the Framingham-Natick News, Oct. 8, 1970]

FRAMINGHAM NEWS EDITOR RAYMOND J. CALLAHAN DIES

(By Charles Ayer)

FRAMINGHAM.—Raymond J. Callahan, veteran editor, town historian, Framingham official and financial leader, was stricken suddenly with a heart attack and died at his home, 125 Maple St., Framingham Centre, last evening. He would have been 75 today.

The widely known newsman, who had started his long career on the staff of The Framingham News as a paperboy, served continuously from 1915, a total of 55 years.

He became editor of The News in 1947, taking over the reins from the late Ralph Dewey with whom he had worked closely on The News staff for many years.

Mr. Callahan was a newspaper man in the traditional sense—that is, he was "on duty" 24 hours a day, and in addition to the long hours of regular coverage of the events of the town, responded to calls at all hours, including coverage of major fires, accidents and emergencies in all kinds of weather.

Even in the senior years of his editorship, he remained "on call" and covered many such stories of vital importance and interest to residents of the Framingham area.

The highest recognition to Mr. Callahan came in 1965 at the Framingham Chamber of Commerce annual banquet, which although staged as a tribute to The Framingham News, was in actuality an opportunity for praise to be accorded to the paper's editor for his long and valued service to the area.

A high point of this observance was the reading of the following telegram from then President Lyndon Johnson:

"I am happy to join," President Johnson said, "in the tribute to Raymond J. Callahan for his many outstanding contributions in both his private and professional life toward the advancement of the Framingham community. I am pleased to learn of the high integrity and responsible judgment which Raymond Callahan has brought to his career in American journalism. I know he will always sustain this enviable reputation."

The Chamber of Commerce on this occasion presented the veteran editor with a plaque "for a demonstration of concern to humanity and to his community in his unselfish and faithful service as managing editor of the Framingham News."

He was regarded as a warm friend by old and young alike, having played a major role in the development of park and recreational facilities for the town, and also in the more recent provision of public housing for veterans, low income families and the elderly.

Longtime residents of Framingham had come to think of Mr. Callahan as "Mr. Framingham", through his long association with many integral aspects of the Framingham area's growth and development.

Keenly interested in the town's history, he became an authority on this subject, and he served for many years as President of the Historical Society and was currently chairman of the board of managers of that society.

Mr. Callahan had served as Acting chairman of the 250th anniversary of the town's incorporation in 1950, directing the details of that colorful, week-long event which was climaxed with one of the largest parades in the town's history.

The Framingham selectmen recently named Mr. Callahan as chairman for the plans for the observance of the town's 275th anniversary and he had started organizing committees in preparation for that occasion.

In addition, he was engaged in the gathering of material for continued historical research which was designed to lead to publishing of an updated history of the town, the last definitive work having been produced by Temple in 1880.

In the past few years, Mr. Callahan was called upon to speak to many groups on the history and the significant growth and development of the town.

Notably, he was asked to address new teachers at orientation sessions held by the school department each fall, providing them with an understanding of the town's traditions and background in a manner which the new arrivals invariably found interesting and entertaining.

Mr. Callahan was a storehouse of anecdotes concerning the past events of the town and colorful and interesting characters of the past.

Besides his service to the town as Park Commissioner and Housing Authority member, he also was for many years a Commissioner of Trust Funds. He was a member of the original Council of the Aging.

MANY ORGANIZATIONS

He was called upon by Town Moderators and the Selectmen, to serve on a number of committees studying important questions.

He was on the panel which commissioned the Minute Man Statue and determined upon its location in Buckminster Square.

He served as Vice-chairman under the late Joseph R. Perini of the committee which proposed major grade crossing relocation plan for which the state agreed to commit $10 million in funds.

Mr. Callahan carried the ball in the presentation of this proposal to the town meeting, but that body declined to support the plan which would have relieved serious downtown traffic congestion and would have provided for revitalization of the central business district.

Mr. Callahan, in company with the late Dr. Edward Regan, was instrumental in bringing about the town's acquisition of the Bowditch field area, and later, as a member of the Park Board, with the late George Butterworth and Nathaniel Bowditch, he was instrumental in obtaining federal WPA funds for construction of the athletic field stands and the field house.

In his service as a member of the Housing Authority, he aided scores of young families, and later senior citizens in obtaining needed housing within their means.

A veteran of World War I, with two years of service overseas in France and Britain as a member of an Army medical unit, Mr. Callahan served his country in World War II as an integral cog in the Civil defense network which covered a large area in eastern central Massachusetts.

The headquarters was established at the field house at Bowditch field, and night after night Mr. Callahan stood vigil at this communications center, reporting to his regular news job as usual the next day.

LONG NEWSPAPER CAREER

His news writing career began while he was still a junior in high school. He was asked by the late Charles J. MacPherson, owner and founder of The News, to serve as correspondent and in this capacity reported not only school news but many athletic events.

When he graduated from Framingham High School, he was asked to become a full-time member of the news staff, and served until his entrance into the armed forces.

Even while in the Army, and overseas, he continued to send stories to The News. He rejoined the staff on a regular work schedule after the war.

Widely acquainted with many prominent officials on the level of the state government, Mr. Callahan was an original member of the Advisory board of the Framingham State College, and was currently serving as chairman of that group.

His interest in sports extended from the years when he was a center on the high school football team. He served as a member of the Athletic Advisory Council for the high school, in the period when John R. "Jack" Daniels coached many high school teams.

For many years, Mr. Callahan sat on the bench at each football game, covering the stories of games in addition to his regular newswriting duties.

He saw the "world" of news coverage undergo far-reaching changes, having first served in the days when radio and television had not appeared on the scene, and people learned of their current events by crowding into Irving Square to view election results and notice of other important events from chalk boards displayed in the window of The News office, then located there.

He saw the paper through the years of development which resulted in the establishment of a new News plant on Route 30, and he served as a key source of important data for residents, officials and others concerned with the community's growth and development.

In addition to his news coverage for the Framingham News, he also wrote for the Boston Globe, the Boston Herald-Traveler, The Worcester Telegram, and he also served both the United Press and the Associated Press.

He belonged to the Sigma Delta Chi professional newspaper society, the New England Editorial Writers Assn. and the U.P.I. Editors group.

A friend to those in all faiths, Mr. Callahan was the first individual ever to be awarded the Brotherhood award of the Bay State Lodge, B'nai B'rith. This was in 1957.

This award was given "in recognition of the unselfish service rendered by you for many years as a member of the Framingham Park Dept. and as a member of the Framingham Housing Authority . . . and in further recognition of the unlimited space made available by you as editor of the Framingham News to all religious groups and church affiliated organizations and the other unselfish and unrestricted services rendered by you to the peoples of Framingham and the surrounding communities."

An original member of the board of directors of the South Middlesex Cooperative Bank, Mr. Callahan ultimately became President of that Bank, 12 years ago, and it was during his administration that the financial institution moved into its present location on Union Ave.

He was a charter member of the James J. McGrath Post No. 74, American Legion.

He was also President of the Framingham Rotary Club and was President of the Framingham Civic League.

He was clerk of the board of directors of the Framingham Union Hospital for many years, maintaining the vital records of that institution during periods of major expansion of the facilities. He was also a corporator of the Children's Hospital in Boston.

Just recently he had been named as a trustee of the St. Patrick's Manor Nursing Home on Central Street.

The Framingham Heart Study which gathered massive amounts of key data in the effort to determine cause of heart disease and maladies, was a project of great interest to Mr. Callahan. He had been an active member of the committee which was established recently to attempt to save this vital research program which was due to be phased out.

He was a member of the Salvation Army's Advisory Board.

He was also a member of the Framingham Lodge of Elks, St. Bridget's Parish, having served on the building committee for the present church, the "Men of 200", Knights of Charity, and the LLL Club.

He was a member of the Framingham Country Club for over 40 years, and recorded the results of all matches for publication in The News, providing a continuous record over the years.

He was a member and strong supporter of the efforts of the Museum of Fine Arts and the Aquarium.

He actively aided the efforts of the Friends of the Framingham Reformatory, which formed originally to bring restoration of Supt. Dr. Miriam Van Waters, and then continued to spearhead efforts for penal reform.

AIDED MANY IN JOURNALISM

Through his role in the newspaper, he provided key assistance to annual fund drives of the Red Cross, the Community Chest and the United Fund.

Not the least of his service was his counselling and aid to scores of persons entering on careers in journalism. Many of these individuals have moved on to key positions in the publishing world and in public relations.

Mr. Callahan was a native of Framingham, the son of William and Bridget (Finn) Callahan.

Besides his interest in career and community service, Mr. Callahan was a man who devoted much time to his family. He was the husband of Marie M. (Carroll) Callahan.

Besides his wife, he leaves one son, Rev. Raymond J. Callahan, S. J. Headmaster of Xavier School in Concord, and five daughters, Joan, who is Mrs. John B. Gilbert of 95 Barnard St., Watertown, Commander C. Jane Callahan, of 145 Benham Road, Groton, Conn., dietitian at the U.S. Coast Guard Academy, New London, Conn., Martha, wife of Atty. Francis G. Dewar, of 6417 DelPaso Ave., San Diego, Cal., Moira who is Mrs. Rudolph J. Minnucci of 23 Belridge Dr., Shrewsbury, and Miss Darragh E. Callahan, of Lajuna, N. Mex.

Also surviving is a brother, W. Frank Callahan of South Natick, four sisters, Miss Mildred Callahan, Sister Mary Paschal, C. S. J., Mrs. John McLoud and Mrs. John J. Sheehan all of Framingham, and several nieces and nephews.

MANY TRIBUTES FOR MR. CALLAHAN

FRAMINGHAM.—Judge Arthur M. Mason started today's court session with an unusual "moment of reflection" for the late Raymond J. Callahan, editor of the News.

Judge Mason said Mr. Callahan "was a source of strength and inspiration in the community for many years. He will be sorely and sadly missed in the community." Judge Mason said, "Mr. Callahan was a friend of my family for many years and of my predecessor, the late Judge Farley, for many years."

Judge Mason observed he had known and associated with Mr. Callahan and the News since World War I.

REV. R. DUNCANSON, INTERFAITH CLERGY ASSOCIATION

Rev. Richard Duncanson, secretary of the Framingham Interfaith Clergy Assn.

"In the person of Raymond J. Callahan, the area, especially its churches and temples, lost a great friend and a man of faith. His strong belief that religious institutions were for the common good and betterment of our communities made him the most ecumenical editor in the country. His door was always open to men, women and children of every creed. As Catholics, Jews and Protestants we mourn his passing. He has now gone on to his eternal rest and reward. We pray God's blessing upon him and his devoted family. He will be sorely missed by all of us."

DR. JUSTIN M'CARTHY, FSC PRESIDENT

"I feel a sense of untold loss in the passing of Raymond J. Callahan. The College and I personally have lost a staunch and true friend. He gave of his time and talents generously, willingly and with no thought of recognition. Whether heading the college advisory board, helping our students from his vast fund of knowledge about the history of Framingham, or serving us in the press, he stood alone. His character and influence reflect themselves in the fine family which brought him such joy and pride. His life was a full one. His loss leaves the deepest of voids. We will never forget him."

BERNARD L. ROACH, C. OF C. EXEC. SEC.

Bernard L. Roach, Executive Vice President of the South Middlesex Area Chamber of Commerce, said today that the region has lost a great and dedicated leader in the passing of Ray Callahan. "He was an inspiration to all of us who worked with him on community endeavors over the years. His family, the community, Chamber of Commerce, and myself personally have lost a true friend. His counselling and wisdom were always given freely and of a great value to all of us who were privileged to know him.

"My deepest sympathy and that of the entire Chamber are extended to Mrs. Callahan and his children in this time of sorrow."

JAMES MACPHERSON JR., PUBLISHER FRAMINGHAM NEWS

It is difficult not to be redundant in speaking of a man who became a legend in his own time.

In acknowledging the service and devotion—and, I am sure, at times, forbearance—that Raymond Callahan bestowed on four generations of my family it must be especially noted that his capacity as my own teacher included that of "custodian of our standards."

If I were to hazard that the only immortality any man has a right to is the extent to which his personality and character have grown so as to properly influence his family, his friends and his acquaintances, Raymond Callahan would have to be the preeminent candidate.

It's like plunking a stone in the water, and the ripples start going out; so that the man influenced in turn passes it on in better order.

EDWARD M. KENNEDY, U.S. SENATOR

The Framingham community has lost a great friend with the death of Raymond J. Callahan. And so has the journalism profession.

The Framingham News was his life. He devoted his energies and his great talents to The News, and it is in a very real sense a monument to him.

And with his death, we have lost as well, his great personal qualities of warmth and sincerity.

He was a kind and gentle man, as all of us who were privileged to know him could attest.

"His death is a loss to us all."

REPRESENTATIVE HAROLD DONOHUE, U.S. CONGRESS

"I was deeply shocked and saddened to hear this morning of the sudden and the unexpected death of my longtime dear friend, Raymond J. Callahan, editor of the Framingham News.

"He was a rock of personal and professional integrity.

"In these tumultuous and ultra-sophisticated times he was the type of professional journalist to whom people turned for the honest facts and the reassuring word.

"He was a devoted husband and an inspiring father. In his work and in his private life his own mark was excellence, and he brought out the best in everybody who was ever privileged to be associated with him.

"He motivated people to their best effort not by speech, but by action. Not by command, but by personal example. For his unique character, competence, and compassion, he was beloved by multitudes in this area and throughout the Commonwealth.

"He literally gave up his life in the honorable service of his neighbors and his friends, his community, and his country.

"Ray Callahan's life constitutes a legend of goodness in the Framingham area that will remain forever, and I doubt very much that this poor world will soon see his like again.

"My heart goes out to his wife, Marie and his wonderful children in this hour of the deepest sorrows a loving family can ever experience."

[From the Framingham-Natick News, Oct. 11, 1970]

HUNDREDS PAY FINAL RESPECTS TO MR. CALLAHAN

(By Charles Ayer)

FRAMINGHAM.—Tributes of the last three days from thousands of friends and associates to Raymond J. Callahan as an outstanding newsman, town official and financial leader were climaxed Saturday morning at a Mass of the Resurrection which emphasized his role in life as one who loved, above all, his fellow man.

The widely-known journalist and community leader who had served the Framingham News for 55 years, as editor since 1947, died suddenly Wednesday night when stricken suddenly with a heart attack.

Recognition of his service to his town and his state, and to scores of persons through individual acts of kindness, has come during the calling hours Thursday and Friday at the McCarthy Funeral Home. There has been the largest turnout of individuals ever to attend visiting hours held there.

Among those who paid their respects were such long-time friends as U.S. Senator Edward Kennedy, Attorney General Robert H. Quinn, Secretary of State John F. X. Davoren of Milford, and Middlesex County District Attorney John J. Droney.

At the graveside services in Edgell Grove Cemetery, the flag was received from five members of the James J. McGrath Post, American Legion by Congressman Harold D. Donohue of Worcester, a close friend of many years' standing, who in-turn presented the flag to Mrs. Callahan.

There were messages of condolence from many other leaders, including Gov. Francis Sargent and Congressman Philip Philbin.

Over 700 persons filled the church for the solemn ceremonies.

The casket was brought into the church between a uniformed formation consisting of Framingham policemen, Framingham firemen and State Troopers.

The central theme of the brief homily delivered by Rev. Raymond J. Callahan, Jr., son of the late editor, and principal celebrant of the Mass, was Christ's dictum "love one another as I have loved you".

He noted that Christ "has gone before us and left us with a pattern to follow."

This was the very simple manner of life of Dad. He felt that the words of St. Paul to the Christians at Ephesus were truly meant for him: that he was one chosen by God in Christ to be holy and spotless and to live through love in his presence.

"This is how he lived with his family, with his fellow workers and with all people who entered his life. He was a gentle and kind man with a ready wit. He would be embarrassed by all the wonderful tributes paid him, for he felt his life was based on faith and hope and he felt that he was nothing more than a man trying his best to follow in the footsteps of Christ and therefore needed no accolades."

Scriptural readings were given by Rev. Richard Duncanson, assistant minister of the Plymouth Congregational Church, and Dr. D. Justin McCarthy, President of the Framingham State College, both longtime friends of Mr. Callahan.

MANY CLERGY ATTENDED

The large crowd attending the rites included a great many Framingham town officials, business and community leaders, and there were many present representing the various faiths. The fact that the Jewish holidays were concluding this week-end prevented many of Mr. Callahan's Jewish friends from being in attendance. He had been the first recipient of the Bay State Lodge's B'nai B'rith award in 1957 in recognition of his contributions toward the churches and the religious life of the community.

Many Sisters were present from the Congregation of St. Joseph, of which Mr. Callahan's sister, Sister Pashal is a member, the Sisters of Charity, the Carmellite Sisters, who operate the St. Patrick's Manor Nursing Home on whose board of trustees Mr. Callahan was serving, and other groups.

All members of the Board of selectmen who had proclaimed yesterday as a day for residents to recognize the long and valued service for Mr. Callahan to his community, were at the rites.

One of the significant features of the visiting hours was the number of young people who were included among the callers symbolizing the interest which Mr. Callahan had in the town's younger youth.

COLUMBUS DAY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. COUGHLIN. Mr. Speaker, on this Columbus Day, 1970, I want to reflect for a moment on the achievement of the man we credit with discovering this continent, and the contributions of other Italian-Americans to the growth of our Nation during the five centuries since Christopher Columbus sailed.

Columbus was not bound by the superstition of the Dark Ages which held that the world was flat and that he who sailed too close to the ocean's edge would be lost.

Columbus looked beyond dogma. He had faith and courage. His desire for knowledge was greater than any fear of the risks. In these ways he exemplified many of the qualities possessed by others of his countrymen, and would-be Americans from all corners of the world. These qualities have proved indispensable to the development of the greatest civilization the world has ever know.

We have come a long way since Columbus spent 2,000,000 mavarri—$52,000—to the time of the $24 billion Apollo program. But both voyages, the venture of three small ships into uncharted waters and the sophisticated technological effort which climaxed in the landing of the *Eagle*, were landmarks in the history of man. These accomplishments are tributes to the eternal spirit of discovery which inspires human beings to brave the unknown.

I think it is no accident of fate that the first men on the moon were Americans. Our leadership in space, as in other areas of endeavor, is a result of the pooling of the talents of people from all nations who possessed the drive, optimism, and know-how to follow Columbus to America.

Our ancestors had the imagination, motivation, and constructive restlessness that is needed to build a new nation, and as they lived and worked on these shores they created a new kind of man—the American.

The American's special characteristics may have destined him for his present world leadership, but we must never forget that the origins of his unique abilities were in the nations we lead. The American is a magnificent composite of all the peoples of the world. Because there is no nation which is not represented in the building of America, we owe the world a debt of gratitude, respect, and responsibility.

On this day I especially want to call attention to the contributions of Italian-Americans to our Nation's art, music, literature, science and technology, and other endeavors indispensable to the quality of our national life.

We as Americans have inherited a tradition of courage and faith. Although the opportunities for pioneering and exploration by great numbers of people are more limited now than they were when our forebears unshackled themselves from the Old World, there are still unconquered frontiers.

Few of us can go to the moon or the planets. But the challenges of poverty, ignorance, war, tyranny, and catastrophe are frontiers which are open to us all, and they are frontiers which never close.

Let us use our special heritage in tackling them.

COLUMBUS DAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. EDWARDS of California. Mr. Speaker, Columbus Day is upon us once again, and with it the opportunity to renew our awareness of a singular man and his Italian countrymen who today share the American heritage. Beginning with such notables as Columbus and Amerigo Vespucci, the Italian-American community has closely involved itself with the history of this Nation since its early days as explorers, priests, traders, and partners in the American Revolution.

In modern times, they have fought alongside us in wars, participating in famous battles, producing Medal of Honor winners, and having U.S. naval ships named in honor of their heroes. They have gone on to give us important Italian-American politicians, high officials, scientists, musicians, painters, and singers.

Today I am proud to say that the Santa Clara Valley in California shares the modern heritage with many Italian-American fellow citizens. They are a strong community preserving their distinct Italian-American way of life through organizations like the Sons of Italy, newspapers like L'Eco d'Italia and various other social and service organizations.

This day not only honors Italian-Americans, however, but by implication stresses the principle that our roots are diverse and that our heritage was made rich by the many groups in earlier years that locked together in similar pursuits and welded that heritage from coast to coast. Still, that process is not complete—the process, Mr. Speaker, is not complete. We must yet welcome into full status those of our brothers who were left behind because of our mistakes.

On this Columbus Day, then, let us call forth those qualities of faith, courage, and determination that made it possible for one man many centuries ago to move out and forge ahead, though the future was far from clear. He went forth. We, too, accept the challenge.

ALWAYS REMEMBER MOTHER AND I LOVE YOU

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BRAY. Mr. Speaker, more than 1,600 American servicemen are listed as prisoners of war or missing in action in Southeast Asia. I deplore the incredibly inhumane and barbarous attitude of the Communist enemy in their disregard of the basic standards of human decency and continued indifference to the feelings of the families of these prisoners.

Maj. Carl Lasiter has languished in a North Vietnamese prison for 2½ years. Until last April his family had received no word of him or from him. He is but one of these hundreds of men who have been subjected to abuse and humiliation because of North Vietnam's continued refusal to abide by the terms of the Geneva Convention.

At this point I insert the Indianapolis News' September 26, 1970 article about Major Lasiter, whose devotion to duty has torn him from his family and country:

ALWAYS REMEMBER MOTHER AND I LOVE YOU

(By John Carpenter)

A girl on her 13th birthday is overwhelmed with tears as she reads a letter.

A proud father of a man in the Air Force sobs and tries to hold back emotions that have clogged his life for more than two years.

A soft-spoken, but strong woman says, "He just has to come home."

"We don't want him or others like him to be forgotten," Mrs. Carl Lasiter, mother of four children, says.

Her husband has been a prisoner of war in North Vietnam for 2½ years.

Maj. Lasiter, an outstanding athlete at Southport High School in 1952, made the Air Force his career in 1957.

He realized possible consequences when he began his "job," but little did he know of the suffering it would bring him, his family and relatives.

He was shot down on his 64th mission north of Hanoi Feb. 5, 1968 in an Air Force F105.

After being reported missing in action for about two years he was included on the official prisoner of war list.

Lasiter had been based in Korat, Thailand, since Oct. 12, 1967, before disaster struck.

His family had no word of him nor from him until last April 3.

Until a week ago, his wife, Eleanor, had received two letters and one card—all taking approximately three months to arrive in the United States.

The Lasiters have four children, Tammy, 13; Kim, 12; Susie, 11, and John 9.

In a telephone interview this week with Mrs. Lasiter, who now is living in San Diego

with the children, she said, "It looks encouraging—I've received three letters in the last four days from Carl."

The most recent letter touched deeply the heart of Lasiter's oldest daughter who was trying as well as possible to celebrate her 13th birthday without her father by her side.

"Tammy usually does not show much emotion, but when she read the letter from her daddy she was overwhelmed with tears," Mrs. Lasiter said.

The letter, in part read:

"Happy birthday, teen-ager.

"Wish I could help you celebrate.

"Hope your future is full of happiness and success.

"Set your life goals high and plan for the future.

"Enjoy growing up.

"Try to set a good example for others.

"Always remember mother and I are proud of you and love you . . ."

Mrs. Lasiter, director of nurses for the Home of Guiding Hands, a hospital for the mentally retarded in Lakeside near San Diego, said, "We have very strong children and they have all done well, but we all miss Carl so very much."

"Carl has missed out on so much. The girls are growing up and his little boy is growing into a fine young man."

"John is following in his father's footsteps.

"He is playing first string flanker back in the Pop Warner football league and batted .455 in Little League baseball this summer." Mrs. Lasiter said.

Lasiter was a four-year letterman in baseball, basketball and football at Southport. He attended Ball State University one year and played footall at the University of North Dakota. After graduating from North Dakota, he was a high school head football coach in Warren, Minnesota before entering the Air Force in 1957.

"In his letters Carl says he is uninjured and in good health, but I don't feel he is in good health with the diet they have over there," Mrs. Lasiter said.

His wife said the menu consists of rice, pumpkin soup and pig fat.

The 31 long months have left a mark of almost unbearable grief for his mother and father in Indianapolis.

Lasiter's father, Ralph, 9901 Pendleton Pike, a security officer at Winona Hospital, apologizes as his voice trembles when asked about his son.

Choking back tears, his father said, "All we can do is hope Carl returns home safely . . . I can't talk anymore about it . . .I'm sorry."

Carl's wife has attended committee meetings in Washington with other POW wives, and they are urging the American public become more concerned about the treatment of our prisoners.

"This concern is important. World opinion might force Hanoi to honor basic codes of human decency and possible release of prisoners," Mrs. Lasiter said.

She said she plans to go to Washington again Friday with a group of other wives whose husbands are prisoners of war. "This time I'm taking my two oldest daughters with me," she said.

"If you want to help the men many Americans have forgotten, you can. Your letters will help.

"Write to senators, representatives or to United We Stand, Box 100,000, Dallas, Tex. 75235, saying you are concerned about the inhumane treatment of American Prisoners of War—that Hanoi should live up to the spirit of the Geneva Convention by putting into practice the convention's rules on the treatment of war prisoners.

"Your letter could be the one that spells the difference," Mrs. Lasiter said.

THE HERITAGE GROUPS DIVISION OF THE REPUBLICAN NATIONAL COMMITTEE AND ITS DIRECTOR, LASZLO PASZTOR

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. WOLD. Mr. Speaker, the Sunday Star of October 11, 1970, carries an article on the Republican National Committee and on its dynamic chief, Laszlo Pasztor.

I insert the article in the RECORD with my remarks:

THE GOP GOES ETHNIC AND IN A BIG WAY WAY

(By Kenneth Ikenberry)

The Republican Party has gone ethnic with a vengeance. Making up, perhaps, for all those years when the average immigrant probably thought of the GOP as a collection of Mayflower-descendant bankers in Coolidge collars, the party is fathering Italian and Polish and Hungarian Republican clubs all over the urban East and the industrial Midwest.

For the first time, the Republican National Committee has a permanent nationalities division working away in its Capitol Hill headquarters, and high hopes of severing the many ties that bind ethnic groups to the Democrats.

The GOP has what it thinks are some heavy issues—crime, campus radicals, moral rot—and a man it knows is a shining folk hero—Spiro T. Agnew. Republicans hope to change ethnic voting patterns enough this November to win in some important states.

The head of the nationalities division (or Heritage Groups Division as it is called) is Laszlo C. Pasztor, a pleasant, earnest, properly partisan man who in many ways probably represents the attitudes of the people the Republicans intend to bring into the fold.

Pasztor was a strong opponent of the Communist regime in Hungary and spent several years in prisons. He was active in the uprising of 1956 and escaped to this country when it was put down. A pharmacist, he took graduate courses in chemistry at the University of Pittsburgh while working for the J & L Steel Corp. there. He was a research supervisor when he left the company last year to take the GOP job.

Pasztor is devoutly conservative, and he thinks most members of nationality groups share his attitudes. "As the Democrats were taken over in some areas by liberals, ultra liberals and extreme liberals, the more these people (the ethnic groups) felt the party slipping out from under their feet," he said.

He said that first and second generation immigrants, many of whom hold down a second job to send their children to college, are enraged by campus disturbances. (Pasztor's son is at Harvard, where, the father complains, he and his conservative friends are excluded from the usual channels of student communication, such as the newspaper.)

ANGER ERUPTS

The anger he speaks of came boiling up last weekend at the second annual Heritage Groups conference here. Rep. Donald Riegle of Michigan, a member of the party's liberal wing, was angrily denounced by many of the 300 delegates after his keynote speech, in which he implied criticism of Vice President Agnew and said he supported Sen. Charles Goodell of New York in his campaign for reelection.

Later, in the resolutions they passed, the delegates spoke of "the triple threat of crime in the streets, narcotics and pornography" and stated their "rejection of permissiveness in American society."

The resolutions backed the President on Vietnam and warned of Communist activities in the Middle East, Latin America and elsewhere. They urged "the speedy creation of a permanent congressional committee on Captive Nations." There was a resolution of support for Agnew for "exposing the bias of national news media" and "condemning leftist radicals, in our streets and in our universities."

The nationalities division covers every group from Albanians and Ukrainians to Mexican-Americans and American Indians, and Pasztor speaks glowingly of the party's possibilities among each and every one of them.

But the area from which the Republicans hope to draw for their "emerging majority" is clearly made up of the European immigrants in the eastern and Great Lakes states—people in the great middle and lower-middle class that figures so largely in the calculations of the analysts.

To a large extent, this bloc—or group of blocs—is Roman Catholic, and while it may respond to the attacks on "permissiveness," there is no harm in turning a sympathetic ear to appeals for government aid to parochial schools, as the Nixon administration is doing.

Laura-Anne Genero, who works for the nationalities division and is considered the "resident expert" on the Catholic vote, lists five key states where the Republicans hope to make gains with their ethnic approach:

New Jersey (50 percent ethnic/Catholic—Italian, Irish, Polish, Hungarian), New York (45 percent ethnic/Catholic), Connecticut (50 percent), Ohio (26 percent), Pennsylvania (30 to 35 percent) and Maryland (20 percent).

The Republicans, financially well-off and hoping to make some changes in the composition of Congress, are not stinting on their new effort to win over the nationalities. They have a full-time staff of five working in headquarters to coordinate and encourage nationalities work throughout the country.

A BIG TASK

One of the chief tasks is helping state GOP committees create nationality organizations. To this end the Heritage Groups Division has put out a handbook for organizers, full of very specific advice ("Agree on the name of the club and its geographical area. The name of your club can be anything that your committee may decide, but it should be definitive and appealing to prospective members. Suggestions include such names as Polish-American Club for . . ."). It tells how to make up news releases and membership cards, and offers a suggested club constitution and bylaws.

The division also is helping individual Republican candidates go after the ethnic vote. Among its services to this end: Historical profiles on nationality groups for use in speeches; calendars of nationality holidays; advisors who can put out news releases and campaign literature in other languages, and advice on what issues are of primary interest to the particular nationality group being considered.

Pasztor's division also has its voice in GOP patronage councils, although he insists that the effort will not be built on jobs for the faithful.

On the back of their organizer's handbook, the Republicans have printed a credo that begins: "As a naturalized U.S. citizen I am a Republican because. . . ." Among the "becauses": "I believe that Socialism and the 'welfare state' would destroy the incentives of free enterprise, limit my opportunities to succeed, weaken the nation and are contrary to the concepts of our Constitutional form of government."

Solid conservative Republican doctrine, of course, but is it really what the "nationalities" want? Lloyd Bedik, who works for the nationalities division of the Democratic National Committee, thinks it will be the GOP's stumbling block.

The Democratic liaison with the ethnic groups was formed over a long period of time, he said, and it involved personal work in the wards and legislation that represented the interests of the groups, much of it contributing to the "welfare state."

"The blue collar worker really needs some help now," he said. "But the Republicans are unwilling to spend the money to give him the things he needs."

Kevin Phillips, author of a book ("The Emerging Republican Majority"), that has become a semisacred text for some GOP strategists, thinks the party is revealing a "Captive Nations preoccupation" in its ethnic effort.

In his syndicated newspaper column yesterday, Phillips argued that even most ethnic Americans of Eastern European background are relatively apathetic about politics in their old homelands. "Most of ethnic America has moved from Little Italys, Kerry Patches and Polish Hills to solid two-family house neighborhoods or beyond to suburbia," he wrote. This has served to reinforce their social conservatism, and as never before, they are ripe for participation in a Middle American-based political constituency that demonstrates real concern for their socio-economic welfare."

COLUMBUS DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. PEPPER. Mr. Speaker, we pause today to commemorate Columbus Day and to recall that when Columbus set sail on October 12, 1492, he hoped to discover a new route to the riches of the East Indies. He discovered, instead, our western hemisphere, verdant and rich in natural resources and potential material rewards for all mankind, far exceeding Columbus' dreams.

As we celebrate the 478th anniversary of his landing in our hemisphere, we need to remind ourselves that discovery is a never-ceasing human enterprise. We, in these troubled times, may all be discoverers of America in terms of our immense riches and possibilities. I refer not only to the elimination of poverty and injustice, both of which are possible in this generation; but the rediscovery of the rights and the kinship of all men, irrespective of race, color, creed, sex, or nationality. We need the rediscovery of the community between the generations, each contributing to the other's needs; the rediscovery of the beauty of our Nation, ridding it of the pollution of water and the land, and even of the pollution of the mind.

This kind of rediscovery is unceasing since the problems that confront us are ever present and ever changing.

In honoring this great explorer today, we salute his Italian forebearers—the people from whom he drew the character that made his expedition possible.

The Italy that gave us Columbus has provided us with millions of our finest citizens—whether they are average people, decent and patriotic—or poets, musicians, writers, statesmen, judges, or leaders of business and labor, they are pillars of America and we honor them today.

When we now attempt to pioneer in the social, political and economic seas, we are given the same discouraging advice: it is too dangerous, disaster will result.

But, we Americans who have flown to the moon, split the atom, created the wonders of science and technology, should emulate the determination and courage that guided Columbus.

AUTO SAFETY: BUMPERS—NO. 5

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHWENGEL. Mr. Speaker, an article contained in the Des Moines Register for March 31, 1970, attributes an employee of the National Highway Safety Bureau with a statement that "Detroit would not offer much resistance to standards, in this area," referring to bumper standards. If this is the case, it is difficult to understand why standards have not yet been promulgated. The article follows:

UNITED STATES IN STEP TO REQUIRE SAFER BUMPERS ON CARS

(By Dan Fisher)

WASHINGTON, D.C.—The National Highway Safety Bureau (NHSB) will take an important step Thursday toward requiring automobile bumper designs that could save lives and drastically reduce the cost of low-speed collisions.

The bureau will hold a public meeting in Washington—a key step in the setting of a new standard that would force auto makers to improve bumper designs. After digesting testimony at the meeting, procedure calls for issuance of a proposed standard, then a final version.

FIRST-STEP

While low-speed collision promises some safety benefits—and is the first step toward "crashworthiness" standards that Transportation Secretary John Volpe has estimated could save 5,000 lives a year—the more immediate benefit for consumers could be in lower insurance and repair costs.

NHSB has issued a discussion paper on a new "exterior protection" standard, designed to serve as a base for Thursday's meeting. It would require that cars withstand the equivalent of a 5 mile-an-hour collision without any damage or displacement of sheet metal, headlights, hood and trunk latch systems, and fuel, cooling and exhaust systems.

Tests by the Insurance Institute for Highway Safety show that damage on typical U.S.-built 1969 four-door sedans ranges from $134 to $305 in a 5 m.p.h. impact.

Auto insurance companies have been increasingly vocal in calling for Detroit to design cars with repairability in mind to cut accident losses.

Two weeks ago, Allstate Insurance Co. began a 20 per cent offering premium discount on collision insurance for vehicles that can sustain 5 m.p.h. front and rear impacts without damage.

INTENSIFY EFFORTS

Facing such facts, auto makers have intensified efforts to design future cars with functional bumpers, as well as with other features to ease repair.

Alex M. Calaluca, safety standards engineer at NHSB, says comments received so far on the discussion paper indicate Detroit won't offer much resistance to standards, in this area, even though "now, no one makes a car to meet this standard."

By standardizing bumper heights and configurations, the "impact zone" in collisions can be localized, enabling the bureau to focus attention on the whole system for impact absorption in accidents.

The key to reducing injuries generated by the impact is so the passenger doesn't have to.

Combined with air bags that will be required on future cars, crashworthy vehicles could dramatically cut the death toll, and make even very high speed collisions—in excess of 60 m.p.h.—survivable, it is believed.

The first energy-absorbing bumpers are likely to appear on 1972 model cars.

A REVIEW OF THE RECORD OF THE 91ST CONGRESS

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. HUTCHINSON. Mr. Speaker, when the returns of the 1968 election were in, the American people had elected a new President of one political party and both Houses of Congress in the firm control of the other. It was necessary to look back in history 120 years to find a parallel circumstance. In 1848, the country had elected General Zachary Taylor, a Whig, as President, and with him a Democratic House and Senate. That 31st Congress stayed in session 302 days during its first session, the longest on record to that time. The precedent of the 31st indicated that the 91st Congress, too, would be in session throughout its term. The present Congress has not overturned that precedent. Instead, it has reinforced it. The earlier Congress held a lameduck session by constitutional mandate. The present Congress will be in session following the election of its successor as a matter of choice. As a matter of further historical interest, the reconvening of this Congress on November 16 will be the first time in two decades that any Congress has sat after its successor has been chosen.

Although the work of this Congress is not complete, the American people must judge it now. In an effort to inform, I briefly review some of the record of the 91st Congress, mentioning issues which appear of major public interest.

The present Congress has been as willing, in my opinion, to create new and costly Government programs as was its immediate predecessor, though neither the 90th nor the 91st Congress showed the proclivity along that line that the 89th Congress demonstrated. At the same time, this Congress has been as understandably reluctant as its predecessors to provide the added revenues through taxation needed to fund those programs. As a result, Congress has been obliged to raise the public debt limit, once in 1969 and again in 1970. The actual expenditure of appropriated funds is within the control of the Executive, and President Nixon has been applying the brakes on

Federal spending at all practical points. The time came, however, when this Congress mandated the President to spend on some programs. He vetoed that bill but his veto was overridden.

As of now, all of the regular 1971 appropriation bills have passed the House, but most of them are still to be acted upon in the Senate. Those who defend the appropriations record here will point out that the House action is within the President's budget. I think it fair to point out that some items greatly exceed the budget. Other appropriations are less than the President recommended. Perhaps the excesses and the savings about cancel each other, and the variation represents a difference in national priorities between the President's administration and the Congress in control of the political opposition.

FOREIGN POLICY

This Congress, in its legislative actions, has supported President Nixon in his foreign policy. The Senate, acting unilaterally but pursuant to power vested in either House of Congress by the Gulf of Tonkin Resolution, repealed that resolution; but it acted to do so only after the administration stated the repeal of the resolution would cause no embarrassment in our foreign relations. Only one of the several amendments aimed at altering our policy in Southeast Asia which were offered in the Senate and given wide publicity reached the House, and the House refused to agree to it. The House has adopted resolutions of support for the President's policy. It has passed resolutions calling upon the North Vietnamese Government to respect the prisoner of war conventions.

TAXES

We all receive complaints about how high the taxes are, and indeed they are high. This Congress, however, will be heard to point out that it has reduced the Federal tax rates. It allowed the income tax surcharge to expire, and passed a tax reform measure which afforded tax relief in lower and moderate tax income brackets. At the same time, Congress was compelled to increase the base on which social security taxes are paid in order to finance social security benefit increases, and administratively the Government was forced to increase the charges for medical care for those over 65 in order to cover increased costs.

THE ENVIRONMENT

President Nixon's first official act in the decade of the 1970's was to sign into law an act of this Congress passed late in 1969 creating a Council on Environmental Quality. Later in the year, by reorganization plans approved by this Congress, the President established the Environmental Protection Agency, transferring to that agency various governmental programs to overcome pollution in air and water. This Congress is more keenly aware of the threats to our environment than any of its predecessors, and has been most active in legislation conserving our natural resources.

CRIME

The alarming increase in crime in recent years has engaged the Federal Congress in concerns for criminal law enforcement, a function previously left to the States and localities except in its interstate aspects. The 90th Congress created a Law Enforcement Assistance Administration and appropriated funds to assist States and local law enforcement agencies in upgrading and improvement of technique. The present Congress has enlarged that program. It is also in the final stages of putting on the Federal statute books a strong new law against organized crime, and providing new tools of law enforcement. The previous Congress made it a Federal crime to cross State lines for the purpose of instigating or fomenting riot. This Congress is in the last stages of making bombing a Federal crime, and federally regulating the manufacture and sale of explosives. This Congress has taken action to withhold Federal grants and loans to those who engage in campus disruption. The 91st Congress has enacted greatly needed crime legislation in the District of Columbia, and has reorganized the court system in the District. Congress has provided for needed additional Federal judges throughout the country in an effort to reduce the time between arraignment and trial. It is enacting a comprehensive new Federal law for the tightened control of drugs. Congress has recently enacted legislation to bar the use of the mails for the solicitation of minors in the sale of pornographic materials, and the House has passed legislation barring the unsolicited advertisement of salacious materials through any of the channels of interstate commerce.

LEGISLATIVE REFORM

This Congress passed the first act of legislative reform since 1946. Under it, the next Congress will operate under different rules in several particulars.

POSTAL REFORM

Congress enacted the Nixon administration's proposal for reform of the postal service. The Post Office Department will be succeeded by the U.S. Postal Service, headed by a commission appointed by the President. Its chief administrative officer will be a Postmaster General who will not be a member of the President's Cabinet. The Service is to be an independent agency within the structure of Government, with powers to regulate itself, even to fixing postage rates, and bargaining with its employees as to rates of pay and conditions of employment. There will be no right to strike, however, and the Postal Service must maintain an open shop.

ATTENDANCE AND VOTING RECORD

During the 1969 session there were 353 rollcalls in the House. Of these, 176 were quorum calls. I answered 170 of them. There were 177 rollcall votes, and I voted in 176 of them.

In the 1970 session, from its convening on January 19 through September 30, there were 325 rollcalls in the House. One hundred and forty of them were quorum calls, of which I answered 137. Out of 185 rollcall votes, I voted in 178 of them.

THIS IS THE WAY THE WORLD ENDS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BOLLING. Mr. Speaker, some day the world will end in a whimper, some say a bang, according to Roger Starr writing in the October 1970 issue of American Heritage. His thoughtful article, entitled "This Is the Way the World Ends," deals with environmental factors and stresses individual involvement in saving the earth. The article follows:

THIS IS THE WAY THE WORLD ENDS

(By Roger Starr)

A few weeks ago my eighteen-year-old son went to bed after me, leaving the lamps burning and the radio playing all through the night. I conclude from this that the human race is indeed doomed. Lest I be taken for something of a crank, let me explain that—

My son had spent the earlier part of the evening haranguing me about the destruction of man's environment. He indicted the corporate society for polluting the sweet air with noxious automobile exhausts and corrupting the healing rivers in a frenzy to generate electricity. His familiar accusation frightened me far less than the melancholy discovery that the bill of particulars stopped short of incriminating his own carefree consumption. The world may indeed be trending toward an early end, and my son may know how to change it, but knowledge has not yet affected his behavior.

I do not claim that his few blithely squandered kilowatt-hours will shatter the ecological system of the planet, but rather that many of those most deeply outraged by the spoliation of their habitat have scarcely begun to measure the changes that would be required—not merely of General Motors but of themselves—to bring the spoliation to a stop.

In short, I am afraid that if the world is in fact ending—for any of the reasons currently heard—men and women will sooner let it end than make the changes in their ways necessary to save it. The institutional and behavioral rearrangements, the challenges to implicit value judgments, and the inversions of habit that would be required to save the environment are so serious, so devastating to popular notions of personal freedom, that we may surrender to inertia and keep on as we are even as the world dies around us.

Do we agree that the world is in fact ending? So far, at least, few of us have risen to oppose the testimoney of scientists on the speed with which the common physical environment is deteriorating. But do we really believe the implications of such testimony? Judging by past performance, if we really perceived a threat to our life-style—imagining our steak reduced to wheat germ, half the horsepower subtracted from our Mustang—we would rush to challenge the prophets of doom.

But the environmental experts have so far been sheltered from criticism behind a pair of misapprehensions. First, that the technique and aims of serious conservation are simple. Second, that only Bad People—polluters, big business, etc.—will be hurt. Even those leaders who have glimpsed that something crucial is at stake have politely wrapped in soft slogans the fist of the political clout they will need to save the natural environment. The nation, they tell us, requires a "rearrangement of its priorities," a suggestion that remains reassuringly bland because most of us have got fairly well along into adult life without ever learning who established

the priorities we have or what they are. After all, if we didn't know they were there, how could changing them hurt us? Or we are told the nation requires active steps to improve the "quality" of American life—a supposition that disarms opponents who cannot be expected to remember that the last major effort to improve the quality of American life resulted in the Eighteenth Amendment, which outlawed drinking alcohol.

If all the criteria that are urged today as the hallmarks of sound legislation—high moral purpose, dedication to an improvement of the quality of life, and a business-be-damned animus—were indeed vouchers of legislative wisdom. Prohibition would have been the outstanding triumph of the government of free man. But these moss-covered reflections are hidden from a new generation that is prepared to undertake new Noble Experiments as readily as it accepts a new rock combo.

But the size of the problem we face is proportional to its cause: the success of the human species, a success so overpowering that it threatens not only every other form of life on the planet but ultimately even man himself. A serious program of environmental conservation must therefore reinterpret the very success of the species as a kind of failure and redirect human activity accordingly—a radical job.

Undeterred, a large and growing number of scientists insist the danger to life is real, though they may disagree among themselves over what constitutes the most pressing danger. Some, upset by significant changes in the basic chemistry of the air or transfixed by man's delight in concocting deadly chemicals, subscribe to variants of a sort of Bang Theory—that all will end in a crash. Others, observing the relentless growth of population and the staining of the earth with the wrack and offal tossed off by human concentrations, accept a Whimper Theory—that earth's life-giving resources will gradually be eroded until men fall before generations of bacterial predators or slay each other in a vain scramble for the remaining crumbs.

Dr. Lamont C. Cole, of Cornell University, spells out one of the more spectacular variants of the Bang Theory. He points out that the chemical industry already produces extremely powerful herbicides and defoliants, chemicals that extinguish plant life even in highly dilute solutions. Dr. Cole imagines several tankers filled with such solutions foundering in a section of the Atlantic Ocean especially rich in diatoms—the minute, single-celled algae that throw off vital oxygen while photosynthesizing organic compounds. Plankton—microscopic forms of sea life—feed on diatoms; crustaceans and fish feed on plankton; ultimately, higher animals and man depend on this same chain for their own food. Dr. Cole points out that such a herbicide accident might deplete the diatom population of the ocean beyond recovery, severing the chain of life itself.

If you are unpersuaded that this is a clear and present danger, consider a slow-motion version of the Bang Theory: the consequence of a change in the carbon dioxide content of the air as industrial man revs up his ally, friend, and prime mover, the internal-combustion engine. As any good garage mechanic knows, all internal-combustion engines are driven by the explosion of gasoline vapor and air inside the cylinders of the engine block. Whence comes the gas? From petroleum, which is itself the fluid hydrocarbon residue of countless corpses of tiny sea animals, accumulated over millions of years in crevices and pools in the earth's crust. How did these sea animals build the hydrocarbon compounds that we are so busily exploding to drive our engines? By absorbing carbon dioxide, a gas, from the atmosphere removing and releasing the oxygen, and retaining the carbon in their bodies. What has been happening in the past one hundred years? A tremendous share of the stored hydrocarbon compounds has already been recombined with oxygen in the process of driving giant diesel-powered oil-burning ships across the seas or two-cycle gasoline-powered mowers across our lawns.

What is the significance of this reversal of the chemistry that created the life-sustaining atmosphere? A confirmed Banger will offer a variety of alternatives, depending on how he weighs the evidence that informs his prophecy. One possibility is that the soiling of the atmosphere by the by-products of combustion will block some of the solar heat energy passing through the atmosphere to the earth. The temperature on the earth will drop. A small drop in mean temperature produces a mighty change in climate; *ergo*, a new ice age. Other qualified observers point out that the earth loses heat by radiation and heat radiates less efficiently as the CO_2 in the atmosphere increases. If earth-heat cannot so easily penetrate the gaseous bubble that surrounds the earth, the earth will become hotter, not colder; *ergo*, not a new ice age but a new flood, resulting from the melting of the polar icecap. The oceans would rise considerably. Two hundred feet seems like a reasonable guess, a change in sea level that would obliterate New York, London, Tokyo, Calcutta, Venice, and just about every other coastal city you can think of.

The frustrating point of these and similar prophecies is that by the time we receive unequivocal warnings of what is happening, it will already be too late to do much about reducing the carbon dioxide content of the atmosphere. The Bangers offer us an undertone of anxiety to carry with us wherever we go.

The Whimper theorists, who infer from accelerating overpopulation a threat to survival, tantalize us with a hope; but the hope hangs on social changes that will be extremely difficult to arrange and even more difficult to enforce.

Specialists in population trends, working in the wake of British economist Thomas Malthus, the original alarmist, have been worried about the vast population increase since the middle of the eighteenth century in Western Europe; more recently, throughout the world. Not that women have become more fertile, but that the humane introduction of modern public-health and medical techniques has enabled more infants to survive and reach reproductive age, and the population has increased explosively.

To help offset the accompanying havoc, the demographers have anticipated that the overpopulated, underdeveloped countries would imitate the agricultural miracles of the industrialized West. Of these, two of the most miraculous have been the development of chemical insecticides (read DDT) and fertilizers (read phosphates and nitrogen compounds.) These cheery expectations have curdled since the word has gotten out that while DDT is remarkably effective as a short-term insecticide, it is even more effective as an environmental poison. To make the case even worse, it is almost impossible to limit DDT to local application, and it decomposes with tragic slowness, meanwhile interferring with the vital processes of fish and animals.

Now that the United States government has finally moved to restrict the use of DDT, others—not only those involved in the manufacture of DDT have warned that the ban itself has serious human consequences. Spokesmen for several African countries claim that DDT is the only chemical available to protect their food supply from insect marauders. They claim that its ban would seriously reduce the already inadequate diet of their people *now*, without waiting for some distant time when the possible genetic effects of the chemical might make themselves felt at the human level.

The recipe devised for feeding the underdeveloped countries requires fertilizers as well as insecticides. While the fertilization problem may have seemed simple to the demographers of twenty years ago, new problems have now emerged. Fertilizers are nitrogen and phosphorous compounds stretched with inert fillers. The fertilizers do not remain in the topsoil into which they have been folded. Rainfall and irrigation leach them down into the aquifers and ultimately into the streams and rivers. These compounds are equally effective in stimulating plant life in water, where the resulting growth slows stream flow, affecting the oxygen-bearing capacity of water in which the decaying vegetation competes for dissolved oxygen with human and animal wastes and aquatic animals. Ultimately, the water becomes unfit for any but the simplest forms of life. The sad condition of Lake Erie is a famous case in point.

Another problem arises from the need to transport bulky, heavy fertilizers to these countries, which so often lack the mineral resources and/or the electric power for local high-volume production. The tonnages to be carried and the distances over which they must move, according to Professor Georg Borgstrom, of Michigan State University, present a logistical challenge greater than all of the war transport of World War II.

It is, of course, possible that technological achievements yet hardly dreamed of might enable men in the near future to supplement their food intake by artificial photosynthesis or by turning inedible organic compounds—lumber, for example—into edible form. But unless one is willing to hazard, at least in theory, the future starvation of the race (preceded, no doubt, by political turmoil on a collosal scale, supplemented by war), the only reasonable alternatives are stopping population growth or minimizing by rigid controls the demands made by a larger population on dwindling resources. Or both.

What can be done to arrest further growth of population? One thinks immediately of education and propaganda to encourage voluntary limitation on family size. So far no one knows how this job should be done, or how effective it might be, or what demographic changes it might entail. Furthermore, there would be strong resistance to the mounting of such a program at governmental expense, and not only because of the Roman Catholic Church. Racial and class considerations intrude. Malthus, in his day, was greeted with virulent criticism by liberal champions, who claimed that his advocacy of limits on population growth obscured his real intent: to prevent the dilution of concentrated wealth among growing numbers of children of the poor.

Similarly, within the United States birth control and family planning have been criticized by some black leaders as a masked attempt to stunt the growth of black population—and political muscle.

Is there any simple way out? The most direct way to reduce the birth rate would involve compulsory measures: sterilizing mothers who have produced two children, for example; or implanting, as has been suggested, some hormonal device in each male at birth that would keep him sterile until he obtained a temporary neutralizing agent, to be dispensed by the state only to those who have fewer than two living offspring. Such denial of choice could scarcely be imposed by a freely elected government until the population had already reached disastrous levels, which is another way of saying that free men would accept such a limitation on their families only after it had become futile.

It is possible to dream up part-way schemes—such as the denial of the six-hundred-dollar tax deduction for any child after the first two. But would such an attack succeed in reducing average family size? Nobody knows; it is safer to predict, however, that in a free society there would be a reaction against any official policy that discriminated so clearly in favor of the rich. The population-control measures suggested—a mixture of tax incentives and education—

bulk very small against the natural fecundity of a healthy species living in acceptable conditions. In short, stabilization of the population by adjustments in the birth rate would be chancy, unpredictable.

If population growth can scarcely be curbed by the means at our disposal, man's efforts to preserve his environment depend on lowering the demands made by each of us. While most people talk as though the environment were simply to be preserved by a process teaching good manners to anonymous corporations, this is the easiest part of the job. If, taking the United States as our first target, we decide that the continued construction of electric generating waterways, a limit must be placed on their stations threatens the atmosphere and the construction. But if the population keeps growing, such a limit can exist only if the population is prepared to cut back its per capita use of electric power. In the United States, 90 per cent of the new power production since 1940 has gone to feed increased per capita appetites, not to provide electricity for new population.

But should the electricity allowance vary, depending on the appetite for electric power in different consumers? That hardly seems fair. How else could it be managed? How could any limit be set on the use of electric power in industry, especially if industry were constantly expanding its manufacturing processes in order to provide products for a growing population?

Because most of the current talk about environmental protection concerns the pollution of air and water by the effluents of urban populations and of industrial plants, most attention has been paid to the alleged reluctance of municipalities and manufacturers to pay the bill. Whenever I suggest that protecting the environment from a constantly growing horde of humanity will require personal sacrifice as well as a punch in the nose of General Motors, my listeners are astounded. In truth, some manufacturers have only reflex objections to pollution control, and some wholeheartedly support the idea provided that their customers pay any added costs and that all competing manufacturers be similarly burdened. This would require national pollution standards for manufacturing plants, standards that would prove devilishly difficult to establish and enforce.

But establishing legal standards for plant effluents would turn out to be the easiest part of the job. It would be much more difficult to ensure that no one produced anything that could menace the environment, either in its direct use or in its eventual disposal.

Ultimately, to protect the environment from pollution by waste products generally, the manufacture of everything would have to be licensed, a cumbersome bureaucratic constraint that at the very least would severely inhibit the best of inventive capitalism along with the worst.

The unavoidable upshot of all this is that if numbers of people cannot be reduced, the natural environment will be protected only by reducing the material standards of their lives. Since the products of combustion threaten the atmosphere men breathe, the use of combustion must be kept as low as possible. This means, for only one example, that the number of internal-combustion engines must be limited and priorities assigned to their use and manufacture. If these engines in automobiles, boats, and airplanes are to be limited, then travel itself must be rationed or diverted to more efficient public conveyances. Naturally, the size of automobiles and their engines will have to be controlled along with their number.

We must recognize that the deliberate lowering of the standard of living would have to continue not only through such pleasant but relative tangential pursuits as high-speed travel and the manufacture of nondistinguishable containers, but also to food, clothing, and housing. If the United States must reckon with a constantly increasing human population, it must consequently provide for a constantly increasing animal population, for our countrymen are in the habit of deriving their proteins largely from meat. The cattle and poultry, naturally, eat vegetable products in the course of manufacturing in their bodies the proteins destined for human consumption. To feed more animals would require more agriculture; which would require more fertilizers, probably more intensively used; which would cause more water pollution, among other problems.

Clothing also is largely produced from animal and vegetable fibers, wool and cotton being only the prime examples. A larger population requiring additional sheep or cotton plants would also place a heavy burden on the productive capacty of the land itself, land that, incidentally, already shows signs of erosion due to overgrazing and loss of fertility due to continuous cotton production. Increased use of artificial fibers could probably make possible the abatement of wool raising, which could then be replaced by meat production. The manufacture of artificial fibers, however, is a chemical process requiring large amounts of electric power and producing harmful chemical by-products.

As for housing, the nation has announced goals of 2.6 million units per year for the next ten years, a goal that is more than double the present pace of construction. But the figure represents the minimum number of units necessary to replace housing that is currently considered officially substandard and to provide for increased population. It is beginning to become clear that the required quantity of housing cannot be built unless standards are reduced, if four hundred million people are to live in the United States by the year 2030, only sixty years from now—one current prediction. This judgment is based on the apparent fact that the ready sources of materials needed in housinig construction—such as iron, nonferrous metals, limestone, clay, sand, and stone—will have become exhausted or have been protected from further exploitation in an effort to preserve the quality of the environment near man's habitations. This has already foreclosed the use of dredged sand and terrestrial sand pits in and around the New York area, for example. In the past these sources furnished a large part of the concrete aggregates that built New York City. The more remote the material sources, the more energy must be used to transport the materials to the place they will be used (pollution again). Eventually, sheer material shortages will cut the amount of living space allowable to each individual.

Nothing about this is new; we are coming full circle. What we look forward to is a newly poverty-stricken world, a re-creation of the world in which everyone—or nearly everyone—lived before the Industrial Revolution. Then men were poor because they did not know how to exploit the natural resources of the planet. In the late twentieth century men will approach poverty again, because the remaining natural resources of the planet cannot be exploited at the old per capita rate for a new population without irreversible damage to the environment as a whole.

It was hard enough for men to endure poverty when they had no choice; it is infinitely harder to become poor by an act of will, knowing what one has abandoned, and its luxurious lure, but choosing to set it aside.

Some seem to believe that men and women will cut down their standard of living freely, keeping it down not merely for an emergency, but permanently. As proof, they often point to groups of the young who have proclaimed their adherence to a simpler life style, believing themselves liberated from the "thing" thralldom of their parents. I may be blinded by generational suspicions, but I have been unable to shed the notion that the freedom from "things" means for most of the young rather freedom from the effort of producing them. They expect that others will provide the guitars while they will make the music.

Equally suspect is the moral refusal of some of the young to impose behavioral standards on others. Thus it has been reported to me as a profound ethical truth that in the good life every man should be allowed not merely to say and think whatever he wishes but to do as he wishes. Interference with man's total license is life-destroying; its absence, life-creating. My problem with this is that it constitutes an odd foundation on which to base the reversal of environmental spoliation, for it was precisely in this spirit that the land was opened up to the rapaciousness of its ruggedly individualistic pioneers. I suspect that growing interest in ecological matters among the young will eventually overcome their lust for license. Ultimately, the voluntarists will emerge on the familiar plateau of authoritative restraint, having discovered that war on spoliation will ultimately involve the same tactics of discipline that economists and public officials developed during the military wars of the twentieth century: rationing.

The suggestion that man's survival depends on his willingness to accept a lower standard of living, licensed and rationed, runs directly against the grain of Western history since the Renaissance. The spiral of rising expectations has been accompanied—and sustained—by rising productivity. One reason that men have been generally satisfied with theoretical equality in the face of gross actual inequality is because of their faith that generally rising standards of living will tend to mitigate the inequalities. What will happen when this possibility is foreclosed by the downward drift of production in an effort to save the environment? Must society then rest on a foundation of authoritarianism? Survivors in a lifeboat can, without relinquishing their egalitarian beliefs, cut down their equally shared water consumption from a pint to a half pint per day to preserve themselves in the hope of eventual salvation; but can any consensual method permanently halve the water ration on Life Raft Earth when the common danger is not commonly recognized and when this may leave some men with more than they can drink while others thirst?

Ultimately it seems that a serious program for saving the environment can depend on nothing other than authoritarianism, if only because the threat to the environment itself is announced to us not directly yet but largely through authority. The problems of carbon dioxide in the atmosphere, radiation, eutrophication of water, scarcely affect our senses. We must be told of the dangers by authorities, and the predictions of future trends depend entirely on the soundness of the forecasts of those people who may know more than the common run of men, but who have in the past often been wrong.

Will young people continue to treasure a program for conserving the environment when they find that it pinches their equally treasured right to do exactly as they please? And that it derives from the very authority that, above all other sources of knowledge, they distrust? Will it not seem more reasonable to them to expect that if authority knows so well what will happen, authority will also devise ways—painless, of course—to avoid fate? That it will extract nourishment, fuel, water, and air from the environment by ways not yet envisioned? Will it not be easier to believe that the present population forecasts will be no more reliable than tonight's forecasts of tomorrow's weather?

Rather than accept life on terms totally inconsistent with the values we have inherited from generations past, will we not prefer to dance to the old music right out to the edge of the world, and then over it?

MISS JOSEPHINE NICHOLSON McDONELL CONCERNED ABOUT OUR SERVICEMEN'S PROBLEMS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. CHAMBERLAIN. Mr. Speaker, while almost every American is deeply concerned about the problems of our servicemen and would like to alleviate some of the hardships many endure, there is a remarkable, compassionate, gentle lady who lives in Owosso, Mich., who is devoting her life to this very thing.

Miss Josephine Nicholson McDonell's name is familiar to many, many men who have served in our Armed Forces over the years and have benefited in a warm and personal way from her indomitable efforts in their behalf. Miss McDonell has created and carried on almost single-handedly since 1948, an organization known as "Joe's Operation Telephone Home" which provides free telephone calls for enlisted men in the five lowest pay grades and for wounded men, regardless of rank, serving overseas. All calls are made through the military affiliate radio system with Miss McDonell paying the bill for the commercial phone from our coasts' reception points to the servicemen's homes. "Jo's Operation Telephone Home" is financed by donations from all over the country with all donations going directly into the fund. Miss McDonell pays all administrative expenses herself and has never accepted any compensation for her work although the program is indeed a full-time project. It is difficult to envision the redtape and paperwork Miss McDonell plows through to keep things going although she is quick to say that military officers have been most cooperative and eager for the services she has provided their men.

"Jo," as she likes to be called, was only 16 years old when she began helping to entertain troops at military installations throughout Michigan. During World War II, she volunteered and served as a servicemen's adviser and following the war she worked as a volunteer at Percy Jones Hospital at Custer Air Force Base in Michigan until it closed in 1955. She was responsible for opening the first chapel within a military stockade in the 5th U.S. Army area and has been honored for her work by the 2d Infantry Division stationed in Korea when she was presented with the Division's Warriors Statue and Injun Scout Insignia, usually given only to those who serve on the Korean Demilitarized Zone. But the tributes she appreciates the most are the letters from "her men" and their families telling how much a particular call meant such as the message she received recently from the parents of a young man who was killed in Cambodia on May 25. They wanted her to know that through her good work and concern, they had been able to talk with their son the day before he died and that they will never forget that memory.

Miss McDonell has been recognized on other occasions for her efforts which also include the sponsorship of a Governor's proclamation ceremony in the State Capital of Lansing, Mich., each year in observance of Armed Forces Day and many good deeds for active and Reserve military men. However, I think she deserves a national salute for her hours and days and years of dedication and for this reason, I insert a moving article, by Vera Henry, which appeared in the Detroit Sunday News magazine of July 5, 1970, in the RECORD so that many may know of what one lady is doing for our men in the Armed Forces:

MISS JOSEPHINE NICHOLSON MCDONELL CONCERNED ABOUT OUR SERVICEMEN'S PROBLEMS

(By Vera Henry)

When the call came from California, that black January day, my son's beloved young voice said, "We're leaving now, Mom. Goodbye and thanks for everything. It was real good.

"Thanks for the warm fragrance of cookies, for footprints in the summer sand; for band-aids and bicycles and Christmas trees; for the times we scolded and the times we didn't; for the smell of popcorn on a rainy day and a room that was often astoundingly untidy."

For love.

I hung up the telephone receiver knowing I might never again hear his voice. Knowing that if he came back he would not be the same person.

I tried to follow him on a globe that had suddenly become at one time too large and too small.

Hawaii—Wake Island—Guam—Manila—Vietnam.

Vietnam—a country that, when I went to school, had not even been called that. A part of French Indo-China, where, I had a vague impression, they raised water buffalo and rice.

The first of the envelopes bearing a blue map of Vietnam in the corner arrived. He was stationed close to the Cambodian border, northeast of Saigon.

"These poor Vietnamese make me think of a starving kitten someone has fed so it hangs around the door, hoping for another handout," he wrote.

I thought of the stray animals and even people he had brought home because they needed help. I knew beyond question that he had courage, but compassion and a reverence for life are uneasy companions for a soldier.

There is a picture of my son in cub scout uniform saluting the American flag.

There is another picture of him taken during basic training, looking very serious and handsome in his infantry uniform and behind him the Stars and Stripes.

I came to recognize the duplicate of that pose often on the obituary page.

I wrote daily letters which I hoped were cheerful.

Once a week I sent a small package with bullion cubes, foot powder, safety pins, saturated pads, anything that might make even a moment's comfort for a man living in 100-degree heat, his only possessions in the pack on his back.

Mail delivery was the most important part of the day. He wrote often, although, unusual for him, his letters were brief. Sometimes there would be a long delay between letters, then four in a batch. My understanding mailman might wave from down the street, or else, handing me a batch of miscellaneous mail, say, "Nothing today."

When a letter came, I looked at the date. Ten days ago, two weeks—he had been alive and uninjured.

My own day started with the seven o'clock morning newscast and ended with the eleven o'clock news at night. I read every word of war news. From the first, it was apparent that my son was in a heavy combat area. His job as squad leader was a dangerous one.

My cheerful letters cannot have been as successful as I thought.

"You aren't to worry," he wrote. "The numbers on my mailing address are much like a regular civilian address. The infantry division number is about the equivalent of the state where you live. When there is a casualty in this infantry division, it is about the same as saying someone in Michigan was killed in a traffic accident."

That helped a little, but quite by accident I saw on TV the devastated firebase camp where he was stationed, the morning after it had been hit in a heavy raid. The battered remnants of the company lined up, a last salute was fired over six empty helmets.

Not my son! Not my son! Only if not mine, then the loss is that of another woman.

That was a long, long week.

When I finally heard from him, he did not mention the attack although I learned later one of his best friends had been killed.

Sunday was always the worst day. There was no mail. All during training, he had phoned once a week. Our telephone bills had been astronomical but worth it.

On this particular Sunday, the news broadcast had showed the ambush of a group of American soldiers, fighting their way through the jungle.

Then my telephone rang.

"Sgt. Henry calling from Saigon," the operator said. "Will you accept the call?"

Would I accept it? If it cost everything I owned!

The operator tried to explain. The call was being relayed by radio. Only one person could talk at a time. I must give my message, then say "Roger" and wait for the other person to speak.

There was a pause on the line, then a voice, tired but unmistakable, said, "Hi, Mom."

Time was so short! There were so many important things to say!

I asked if the box of cookies I had sent had arrived safely. I told him what the weather was like and asked what time it was in Saigon.

The inane words didn't really matter. All that did matter was that for this moment, my son was as near as the sound of his voice.

For the first time in months I know beyond doubt that at that very minute he was alive.

After I hung up, I who no longer believed in prayer and who never cried, did both.

I had no idea how much an overseas call might be, I expected it to be enormous.

A few days later, I had another surprise. A letter from my son's commanding officer told me that the phone call that had brought me so much peace of mind was the gift of Jo's Operation Telephone Home.

"Jo" I discovered was a magnificent tiny lady, Miss Josephine McDonell, of Owosso. She is a sixth generation Detroiter and military to her bones. She comes from a long line of British officers including several generals and the commander of the English frigate squadron at the Battle of Trafalgar in 1805. Her affiliation with Selfridge AFB dates back to its beginning, when her mother made the first windproof goatskin vest for pilots.

"Jo" claims to be 69 years old. She doesn't look it. She might have had a very pleasant sheltered life. Instead she has what must be one of the most impressive records of volunteer service to the military in the country.

Of her many splendid achievements, Jo's Operation Telephone Home is her special pride.

Started 22 years ago as a Christmas project, it now extends over the entire year. Enlisted men in grades E–7 and under who serve in combat or have been wounded, may telephone free of charge. The fund also includes telephone calls from servicemen aboard American vessels around the world.

Selection of individual servicemen is made on the basis of need, battle record or time in combat. He may also be selected by the lottery system.

Each commercial call from Vietnam costs approximately $25. When MARS (Military Affiliate Radio System) is used, the charge on the call is rated on the distance it travels in this country, similiar to any continental long-distance call.

The call is completed when the military makes a ham operator "patch," which connects the Vietnam radio message with the Bell system's wire network over here. The cost is paid by "Jo's Operation Telephone Home."

"Jo is fiercely proud of the integrity of her fund. Since she volunteers her own time and she herself pays all administration costs, every penny contributed is used directly for the benefit of the troops. She refuses to accept cash. Checks in amounts from five dollars up, are made payable to "Jo's Operation. Telephone Home" and and sent to "Jo's Operation Telephone Home," c/o Postmaster Owosso, Michigan 48867.

"Jo" puts in from 12 to 16 hours a day on her project. As long as our men are in Vietnam, she says she can not take a holiday. The drain on her strength must be tremendous. Her reward is the plaques from the various branches of the service that line her apartment and grateful letters from servicemen and their families.

War brings more than misery and maiming and death to the men in uniform. It is impossible to estimate the toll in terms of shattered happiness, the anguish of separation and of uncertainty, the constant fear that corrodes like acid. Who can take their measure or estimate the loss?

One determined civilian found her own way to fight back. Through the ugly violence of war comes the ring of a bell. Jo's operation Telephone Home is calling. Across thousands of miles of sea and foreign land, another serviceman, like my own son, for a few precious minutes is back home.

ELECTION-YEAR SOCIAL SECURITY PLOY

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to call attention to the election-year social security ploy being perpetuated by the party across the aisle. It constitutes a fraud and deception of America's 20 million social security recipients. After grabbing headlines with proposed 10 percent increased benefits, they have quietly shelved the bill until the lame-duck session in November, after the elections. Of course, millions of people think that they are going to start getting increased benefits right away. This election-year vote buying with counterfeit promises illustrates the need to take social security out of the political arena.

The Republican Party for the past 2 years has been pushing for a cost-of-living increase for social security recipients. President Nixon has recommended this approach. Our senior citizens should not be subjected to election-year tug of wars. They could have been getting bigger checks for the past year if the majority party had been thinking of their welfare instead of scheming to manipulate their social security checks for political purposes. It is time for this Congress to give the older generation a break by making social security a retirement aid, not a political football.

GROUNDBREAKING CEREMONY—SAN MARCOS FOUNDATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. EDWARDS of California. Mr. Speaker, there is a genuine need for low-cost housing in many of our cities today, and this is particularly true in Santa Clara County, Calif. It is a happy instance, therefore, when a stride forward can be justly claimed.

Such a stride forward is the housing project sponsored by the San Marcos Foundation of San Jose, Calif. The groundbreaking ceremony that took place October 1, 1970, was an event that caused many in the Ninth District to sit up and take note. Indeed, the ceremony had a profound significance. It meant that families would now have homes at prices they could afford. Homes not only adequate, but beautiful, with a unique range of services structured into the total community. It is a project that I have followed with deep interest.

This is neither the beginning nor the end, Mr. Speaker. There have been other efforts and there will continue to be efforts made toward low-cost housing as long as the need exists. We are pledged to it, and with institutions like the San Marcos Foundation that pledge will surely be redeemed.

The following is the article that appeared in the San Jose Mercury-News, Wednesday, September 30, 1970:

SAN MARCOS HOUSING GROUNDBREAKING SLATED

Groundbreaking ceremonies for the first in a series of low-middle income housing complexes, sponscred by the San Marcos Foundation, will take place at 4 p.m. tomorrow in South San Jose site.

Representatives of the Mexican-American community, industry, the City of San Jose, the county and the FHA will be on hand to dedicate the breaking of ground for Villa San Pedro, a 100-unit early California style development.

It will be constructed at the corner of Bendorf and Carryback avenues near Edenvale Elementary School, south of Capitol Expressway between Bayshore Freeway and Monterey Highway. The public is invited to attend the ceremonies.

Victor H. Camacho, founder and first chairman of the non-profit San Marcos Foundation; Carlos Perez-Medina, chairman; S. W. Burriss, president of Lockheed Missiles & Space Co.; San Jose Mayor Ronald R. James; Santa Clara County Supervisor Sig Sanchez; and Robert Gillan, chief underwriter of the FHA Regional Insuring Office in San Francisco, will participate in the ceremonies.

The $1,550,000 project will cover a five-acre site, with extensive landscaping and special care taken to preserve a stand of apricot trees and the rural nature of the area. Four two-story historical adobe-style apartment structures of 16 units each and nine four-unit town houses will be built around a central plaza containing a 1700-square-foot community center.

Villa San Pedro will provide rentals for low-middle income families of one, two, three and four bedroom units from 660 to 1,200 square feet. The project is funded by FHA and is designed to provide healthful suburban living within walking distance of shopping, schools and other necessary facilities.

A unique facet of the San Marcos program provides special services at Villa San Pedro, such as child care, assistance in pre and post natal care, a preventive medicine program in cooperation with Stanford Medical Center, legal, immigration and other social services.

Contract for Villa San Pedro has been let by the Foundation board to Baskin Development Co., with construction scheduled to begin this month for completion in May 1971. Architects are Van Bourg-Nakamura & Associates.

The San Marcos Foundation board of directors is composed of representatives from the Mexican American community, education, social services, six local corporations—FMC, Hewlett-Packard, Pacific Telephone Co., Syntex, Varian and Lockheed—and the Joint Drywall Training Committee of California representing the building trades.

INFLATION HURTS ELDERLY WITH FIXED INCOMES WORST

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the burden of inflation lies heavily on all Americans, but most heavily on elderly retirees who must live on fixed incomes. Wages, to a degree, have kept up with the inflationary spiral, but those living on pensions, social security, annuities, and savings accounts are falling further and further behind.

The dollars they saved during their working years to support them in retirement have been eroded so badly by inflation that many senior citizens today live near or below the poverty level.

The present administration, which is so free with money for the Pentagon, for corporate farmers, for banks and for big business, shows little sympathy for the plight of the elderly.

As a presidential candidate in 1968, Mr. Nixon pledged "policies of sound fiscal management so as to end the alarming inflation which eats up so much of the savings and pensions of the elderly."

After 22 months in office, the results have hardly lived up to this promise. The rate of inflation has doubled, the cost of living has soared beyond belief, and interest rates have hit their highest levels in more than 100 years.

These cold economic statistics are translated for senior citizens into the hard reality of having less and less money for food, rent, taxes, clothing, and medical care.

Again, in 1968, Presidential Candidate Nixon recognized the need of older Americans "for better housing, specially designed for their particular needs, located close to shopping, medical, cultural and transportation facilities, and offering opportunities for human contact with a broad range of age groups."

Thoughtful words, but again followed by unthoughtful action. President Nixon vetoed the 1971 appropriations bill for the Department of Housing and Urban Development, which would have provided money for that housing he had promised earlier. I joined with many others here in the House in an attempt to override that veto, but we were not successful.

President Nixon justified his veto on the grounds that it would help combat inflation. What an irony for the elderly retirees. They must bear the brunt of inflation twice over. First, they see their savings and income deflated by inflation, and then they are the ones who must suffer again so that inflation can be halted.

Bank profits have risen in the past 2 years. Why not let them carry the burden? Why not the big oil companies, who still enjoy the depletion allowance? Why not the corporate landowners who receive billions of dollars for letting their land remain idle? Why not the huge industrial empires which rake in billions from military contracts?

I propose that we stop making promises that we do not intend to keep to our senior citizens and start keeping some of the promises which we have already made. We have time and time again committed ourselves to the principle that no senior citizen, having worked hard and paid taxes for many years, should be required to live in poverty. Yet, nearly five million senior citizens now fall below the poverty line; more than two million are on welfare; and medicare, even though it has brought great help to millions, still only covers 45 percent of their health care expenditures.

We should extend medicare to cover prescription drugs. We should improve social security widows' benefits coverage, raise the earnings ceiling, provide cost-of-living protection, increase the Government contribution and raise present benefit levels. I have introduced legislation to provide these changes and will continue to work for its passage.

I supported the 15-percent increase in social security benefits that went into effect earlier this year, despite the President's threat to veto the increase as too inflationary. The Senate Finance Committee has just announced a decision to recommend another 10-percent increase, with a $100 monthly minimum benefit, effective next January. This will eventually have to be reconciled in a joint House–Senate conference with the House-approved 5-percent increase and $67.20 minimum monthly benefit. I will support the higher increases when this bill comes back to the House for further consideration, and I will oppose any Presidential veto in the name of inflation control.

The President has been given tools by this Congress to control inflation, which he has refused to use. I will not stand by and see senior citizens made the sacrificial scapegoats to fight inflation while available controls have never been used and other segments of the economy are continuing to prosper.

Mr. Speaker, as you know, Congress has passed legislation, in addition to social security increases, which provides needed assistance to senior citizens. Among these are:

The Civil Service Retirement Financing Act, which provided needed improvements for Federal employees.

The bill providing needed hospital construction money, under the Hill-Burton Act, which was successfully passed over a Presidential veto.

The appropriation for the Department of Health, Education, and Welfare, which will continue successful senior citizen programs such as Foster Grandparents, legal assistance for the elderly, and Operation Mainstream, although funding levels are still too low to allow these programs to reach many senior citizens who could benefit from them.

The amendments to the Older Americans Act, to authorize continued funding and to expand service and volunteer programs under the act for senior citizens.

There is still much more to be done if we are to keep the promises already made to our senior citizens. I have proposed the following legislation to this end:

A bill to establish an older workers community service program to promote and foster useful part-time work opportunities in community service activities for senior citizens.

A bill to provide fair and reasonable financial assistance for relocation to those who are forced to move from their homes by urban renewal, highways and other federally financed construction projects. All too often, it is our senior citizens who are forced to relocate because of these projects.

A bill to provide reduced air fares for senior citizens so that they may visit relatives and friends more easily and more often.

We must not only keep our past promises, but also look to our future obligations to the senior citizens of tomorrow. Their years of hard work have surely earned them the right to adequate incomes, quality medical care, decent housing and a dignified and comfortable retirement.

CONGRESSMAN BOW REPORTS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BOW. Mr. Speaker, at the close of each Congress I prepare a summation for circulation to the people on the work we have done.

This is my report to the people of my congressional district on the work that I have done in the 91st Congress and the work of Congress generally. This is the 10th biennial report.

There have been 5,052 rollcalls during my service in Congress. I have answered over 90 percent of all rollcalls despite the fact that the demands of the district and official business occasionally require me to be away while the House is in session. Few men are on public record on as many critical issues.

I have worked for adequate Federal services to the people and against unnecessary Federal programs or Federal interference in our personal lives and local governments. I have campaigned against debt and inflation and for economical operation of the Government with the lowest possible tax burden. My record shows that I have voted consistently in accordance with the principles on which I have asked and received public support. My voting record on the major bills of this Congress is included in this report.

As senior member of the Appropriations Committee in my party, the expenditure of tax dollars is a major concern. Taxpayers are shortchanged when Members of Congress vote to provide Government agencies with too much money. It seems to be almost irresistable to many men and women to support extravagant sums whether or not there is money in the Treasury. The resulting debt builds inflation and reduces the value of the dollar appropriated.

During this Congress we have had a rollcall vote on passage of 21 major appropriation bills. I have voted for 14 of them. I have voted against six of them because they were too big. Three have been vetoed by the President because they were inflationary. I have voted to sustain those vetoes. Two of the vetoes were sustained.

These votes against appropriations do not indicate objection to the programs concerned. They are protests against waste.

NEW PRIORITIES IN FEDERAL BUDGETS

For the first time in 20 years the 1971 Nixon budget provided more money for human needs and domestic programs than for defense. In each of the 2 years of the Nixon administration we have reduced funds for the Defense Department while increasing funds for school lunches, education, housing, pollution control, and other constructive programs. This is a trend that will continue. The following table illustrates the trend:

	1970 Johnson budget	1971 Nixon budget	Change
Defense	$77,740,200,000	$68,745,666,000	−$9,994,534,000
Income security	43,832,000,000	50,384,000,000	+6,552,000,000
Education	3,566,212,000	3,996,824,000	+400,612,000
Health	14,957,000,000	13,265,000,000	+1,692,000,000
Housing, independent offices	15,525,182,000	17,468,223,500	+1,943,041,500

The $10 billion saved in defense is only a beginning. President Nixon is rapidly bringing the war in Southeast Asia to an end and reducing our commitments worldwide. Foreign aid is cut in half. We should be able to end the draft next year. In these policies he has my entire support. As war savings grow, additional money will be available to apply to other priority programs, to cut taxes and reduce the public debt.

ENVIRONMENT

Provisions of three Bow bills to strengthen control of air pollution, improve solid waste disposal and create new parks and recreation areas and im-

prove conservation of the public lands are included in measures that have passed the House and Senate this year. Two other Bow bills on the environment are still under study. One would establish the Environmental Financing Authority to assure communities the funds for their share of pollution control projects. The second would expand Federal aid for waste treatment plants and related projects.

My interest in environment goes back to my first term in Congress. I authored the original Saline Water Conversion Act, establishing an intensive research program for reclaiming brackish and salt water. This program has tremendous value now when water supply has become a serious environmental problem. At the same time we established the Taft Water Resources Center in Cincinnati which has provided us the technology to control water pollution. I support the President's effort to put all environmental agencies into a single department.

Those who believe that the environmental damage of 100 years can be corrected overnight will be disappointed. Those genuinely concerned will buckle down to the long and costly struggle to end additional pollution and restore clean air and water. Despite millions spent on research for 20 years there remain problems we do not know how to solve.

REVENUE PROBLEMS

I am cosponsor of the Federal revenue-sharing proposal initiated by President Nixon and endorsed by most of the local government bodies in the 16th district. It would reduce local tax burdens by returning a portion of our tax dollars to our counties and cities—over $1.5 million in the 16th district the first year. This is a logical development from the Bow bill of 1957 when I proposed returning to the States for education 1 percent of all income tax collected in each State. That idea would have produced more dollars for education than is now provided without red tape.

JUSTICE, LAW AND ORDER

In this Congress I have supported five major legislative proposals by President Nixon to improve our system of justice, hasten trials and reestablish the rule of law. They include the District of Columbia Court Reform and Criminal Procedure Act, the Organized Crime Control Act, the bill to create 50 additional Federal judgeships, and the bill to control the sale and use of explosives, a measure that I cosponsored which became an amendment to the crime control bill.

In addition we amended and improved the Law Enforcement Assistance Administration and increased its appropriation in 2 years from $63 million to $480 million. Nearly $200,000 of this sum has come back to our district for our new narcotics program, juvenile detention and rehabilitation and police equipment. For the first time in history, my Subcommittee on Justice Department appropriations recommended and Congress approved over $1 billion in crime-control funds.

On a related subject, I introduced two anti-pornography bills, one of which has passed the House. It would forbid mailing obscene material to homes where there are minors.

GENERAL LEGISLATION

I also sponsored the postal reform bill which became law, the Equal Rights amendment which passed the House, four bills to regulate international trade and control imports of steel, electronics, and other items which are right now putting people out of work in this district. Some of the provisions of my bills are included in the Trade Act of 1970 which will be debated by the House in November.

I introduced again my bill for cost-of-living increase in social security payments. The provision was adopted during debate in the House but with a financing provision to which I object. The bill is pending in the Senate and is a first order of business, along with the House-passed Welfare Reform Act, of which I am also a sponsor, in November.

Other measures I sponsored which have not received attention include a bill to prohibit appropriations for the SST, establish additional national cemeteries, the revenue sharing plan, and a new American merchant marine program.

As usual, my capable staff has assisted me in handling hundreds of problems for veterans, servicemen, immigrants, persons on social security, students needing information or assistance, and others who must turn to the Federal Government for aid.

The mayor of Canton recently compiled a list of Federal aid, housing, sewer, highway, and other programs with which I have helped, showing over $400 million to that city in recent years. At least an equal amount has gone with my assistance to other communities and the counties. If we are going to pay a disproportionate share of the Federal aid burden, I intend that we shall receive every necessary and available Federal dollar to match local money on needed projects.

Article I of the Constitution creates the Congress as the citadel of our Liberty. This Capitol Dome is the symbol of the right of every American to have a voice in his Government. I am privileged to be that voice for 500,000 good Americans in Stark and Mahoning Counties. This is my voting record on major issues.

1ST SESS.

Rollcall No.	Bill No.	Subject	Date	Bow Vote	Action
47	H.R. 514	Elementary and secondary education	Apr. 23, 1969	Yes	Passed.
113	H.R. 11651	Expand School Lunch Act	July 21, 1969	Yes	Do.
149	H.R. 13270	Income-tax reform	Aug. 7, 1969	Yes	Do.
158	H.R. 12085	Amend Clean Air Act	Sept. 4, 1969	Yes	Do.
177	H.J. Res. 681	Electoral college reform	Sept. 18, 1969	Yes	Do.
181	H.R. 12549	Council on Environmental Quality	Sept. 26, 1969	Yes	Do.
317	H.R. 4249	Voting Rights Act	Dec. 11, 1969	Yes	Do.

2D SESS.

Rollcall No.	Bill No.	Subject	Date	Bow Vote	Action
22	H.R. 15165	Commission on Population Growth	Feb. 18, 1970	Yes	Passed.
56	H.R. 16196	District of Columbia crime control	Mar. 19, 1970	Yes	Do.
63	H.R. 4148	Water pollution control amendments	Mar. 25, 1970	Yes	Do.
83	H.R. 16311	Family Assistance Act	Apr. 16, 1970	Yes	Do.
136	H.R. 17550	Social security amendments	May 21, 1970	Yes	Do.
152	H.R. 17867	Foreign aid appropriations	June 4, 1970	No	Do.
315	H.R. 18583	Drug Abuse Control Act	Sept. 24, 1970	Yes	Do.
332	S. 30	Organized crime control	Oct. 7, 1970	Yes	Do.

PRESIDENT NIXON SHOULD REJECT THE MAJORITY REPORT OF THE PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. ROONEY of New York. Mr. Speaker, President Nixon most certainly should reject the majority report of the President's Commission on Obscenity and Pornography. The majority members of this Commission chaired by Willian B. Lockhart have produced an idiotic monstrosity which should be promptly disavowed by every sane right-thinking Member of the Congress.

Under the permission heretofore granted me, I include a newspaper item from the Washington Sunday Star of yesterday entitled "34 GOP Senators Hit Obscenity Panel Report" as well as an item from The National Catholic Register of the same date entitled "Clergymen Tell Senate: Ignore Smut Report":

34 GOP SENATORS HIT OBSCENITY PANEL REPORT

A majority of Senate Republicans has urged President Nixon to reject findings of a presidential commission which suggested repeal of laws prohibiting distribution of sexual material to consenting adults.

In a letter sent to Nixon yesterday, 34 GOP senators, including the entire Republican Senate leadership, expressed "strong disagreement" with some of the recommendations contained in the commission's recent report on obscenity and pornography.

The commission, created during the Johnson administration, 10 days ago recommended repeal of censorship laws affecting adults, but the panel urged new state legislation to curb material available to children.

"We respectfully request that you disavow this report, for we believe strongly that a vast majority of Americans will reject completely the findings and recommendations of the commission," the senators' letter to Nixon said.

"We especially deplore the recommendation to repeal all laws prohibiting the distribution of explicit sexual material to consenting adults," it said.

Senate GOP Leader Hugh Scott of Pennsylvania led the list of signers. Others included Assistant GOP Leader Robert P. Griffin of Michigan, and the three officers of the Senate conference and policy committee.

The only Republican senator from nearby Maryland or Virginia, Charles McC. Mathias of Maryland, was among the 34 signers.

CLERGYMEN TELL SENATE: IGNORE SMUT REPORT

WASHINGTON.—Members of Congress have been urged "to file in the wastebasket" the upcoming majority report of the President's Commission on Obscenity and Pornography.

Two dissenting members, both clergymen, of the 18-member commission made the recommendation in testimony before the Senate subcommittee on juvenile delinquency.

The report, was expected to recommend repeal of all laws that prohibit consenting adults from obtaining sexually explicit books, films and pictures.

Father Morton A. Hill, S.J., of New York City told the subcommittee that the commission has not "carried out the mandate of the Congress to recommend means to regulate effectively and constitutionally the traffic in obscenity and pornography."

A United Methodist minister from Nashville, the Rev. Winfrey C. Link, told the Senate unit:

"Any recognition of the validity of the majority report will be to the detriment of the nation and will lead to an ultimate breakdown of all that we have held sacred through the years."

The clergymen accused the commission's chairman, Dean William B. Lockhart of the University of Minnesota Law School, of coercion, repression and censorship.

BILL CURBS POLITICAL TV SPENDING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an editorial appearing in the October 8, 1970, issue of the West Side Courier, a respected publication in the Detroit metropolitan area.

This excellent editorial pointed out convincing reasons why the legislation recently approved by Congress. S. 3637, to curb political spending for television, is strongly in the public interest and why its veto would be an act of crass disregard of the public interest and shameless partisanship.

TV SPENDING BILL

Though it contains some questionable provisions, the recently-passed bill to curb political spending on television is a far-reaching reform of political campaign financing which was badly needed.

In brief, the bill bars candidates from spending more than seven cents for each vote cast in the last election for the office involved. This limitation is somewhat offset by the requirement that television stations charge political candidates the lowest commercial rate charged major advertisers for air time.

The bill also repeals the present equal-time requirement which has often prevented political debates between major party candidates. It will probably not affect this Fall's elections (it goes into effect 30 days after being signed by the President).

The basic merit in the bill is the fact that it will enable poor as well as rich to offer for certain public offices. In recent years the cost of television has grown to such figures that, in some cases, candidates without private wealth or large outside sources of funds have been severely handicapped.

IS THE CORPORATION DEAD?

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. MESKILL. Mr. Speaker, I am inserting in the RECORD today a speech made by Dan W. Lufkin before the New England Council at Cheshire, Conn. I was unusually impressed by the refreshing combination of honesty and optimism in his outlook on today's society. Mr. Lufkin recognizes not only that the profit incentive is still the most vital ingredient in corporate success but that corporate survival is dependent upon the application of humane and ethical values. In a society plagued with environmental destruction, an urban crisis, a youth rebellion, a protracted war and increasing reliance on crime, violence and drugs, a constructive and positive approach such as this is essential if the challenge is to be squarely met.

The speech follows:

IS THE CORPORATION DEAD?

(By Dan W. Lufkin)

Twenty years ago, the playwright Arthur Miller shocked the American public with his modern tragedy, *Death of a Salesman*. In that play, an individual was destroyed by the system. A man who had given his life to the corporation was chewed up and spit out by that soulless organization when his usefulness had ended. As grim and as inhuman as Willie Loman's fate seemed, few doubted that the portrayal was accurate. The corporation seemed all-powerful, a blend of technology and human ambition which, in satisfying the demands of the mass, was moving rapidly away from dependence on the individual.

Twenty years ago, the tragic truth of Willie Loman was also underscored by the unfolding miracle of cybernetics. Not only was the individual increasingly meaningless to the corporation, but the computer and the automated machine seemed destined to replace him even in his highest creative tasks.

Throughout the 1950's and early 1960's the concept of corporate supremacy pervaded every aspect of American life—though there were some disturbing signs to be perceived, it is true. William H. Whyte wrote of the "organization man" in relatively unflattering terms; educators complained of apathy and conformity on the campus; personnel officers reported that applicants put a higher priority on the corporate retirement plan and benefit program than in the challenge of the job itself of moving down life's green fairways to the 19th hole in the sky. But even these small imperfections could not outweigh the massive promise of everlasting prosperity. Corporate profits surged ahead in a seemingly endless ascending arc. Cities overflowed into the countryside. Highways crowded out the small landowner—and automobiles clogged the highways. Factories worked 24 hour peacetime shifts to provide enough goods to satisfy the rapacious demands of a nation of consumers. Large corporations swallowed smaller ones as the conglomerate—headed by a seemingly infallible business wizard—became the symbol of the endless vitality and diversity of the American economy.

Then something began to happen to tarnish the brightness of this American dream. Television comics had joked about smog and the terrors of the Los Angeles freeway. But now millions began to experience them. Junior executives whose companies shipped them like freight to a succession of cracker-box suburbs began to find that life's amenities were always somewhere beyond the horizon. The poor, the black, the disadvantaged, the Puerto Rican, the Mexican American began to demand their due from the profits of the corporate state. And then, in Archibald MacLeish's poetry "quite suddenly the top blew off." The soaring sixties began to sputter and die—caught in the morass of a protracted war—a decaying environment—an urban crisis—a youth rebellion—and a rising crescendo of crime, violence, drugs, and assorted obscenities. Twenty years after Willie Loman was destroyed by the establishment, his grandson was throwing rocks at it, planting bombs in it, advocating its overthrow. Is it any wonder that thoughtful men can seriously ask "Is the Corporation Dead?" and not really be certain of the answer.

For those businessmen whose life is bounded by the Yacht Club on the east and the Country Club on the west, complacency is still possible. But few such isolated executives still exist. And if they do, their children are reminding them, sometimes most painfully, that "The times are indeed changing." From the top of our society down there is a lack of faith in authority and a disbelief in old dreams. In a recent poll of students, 66% said they believed the President was not telling the truth. A majority felt that their education was irrelevant and they admitted to a total lack of a value system. They thought that American society was rapidly becoming a mere technocracy, without nobility of purpose—and they felt that most of our troubles stem from economic competition which puts profit above service.

Twenty years ago, by refusing to pay him $40 a week, the corporation was able to dispose of Willie Loman and hound him to his death. It is dramatic irony, to say the least, that this year giant General Motors paid $400,000 in damages to Ralph Nader as the price for its failure to hound him into silence. All the Willie Lomans of the world must have cheered at the news. And the corporate ideal received yet another nail in its coffin.

Although the nation's business schools and liberal arts colleges are still filled with young men and women eager to hitch their wagons to a corporate star, the new management generation is far less docile and unquestioning than any before. The values of the young, reared in affluence, are a far cry from those of their fathers whose sweat created the affluence. As Tony Athos has written in a provocative article for the Harvard Business Review entitled "Is the Corporation Next to Fall?", "The rewards of achievement . . . savored by the fathers who wrought it are merely taken for granted by the sons who have benefited from it." Instead of satisfaction with their own success and security, the new generation demands that corporations share their wealth with the poor and contribute more directly to righting the wrongs that our industrial society has created.

Although there are only sporadic signs of actual revolt against the corporate bureaucracy, a growing restlessness and dissatisfaction are manifest among the best of our youth—and even some of their elders as well. Tony Athos' vision of junior executives on the rampage—disrupting meetings, singing songs, demanding defiance of decisions they disagree with—may be somewhat farfetched at the moment—but a generation whose hero is Ralph Nader is not going to tolerate for long corporate neutrality on the most urgent issues of the day.

Many of these issues fall under the general heading of "quality of life." Born under the shadow of the hydrogen bomb—reared during a long and cheerless war—educated by television in all the horrors of poverty, violence, and pollution—the generation now entering the corporate world will never swallow the line that earnings per share is the measure of all things good. Sweetening the stockholders equity is to them insufficient

justification for corporate existence. Though the generation of jobs and wealth is still regarded by them as the major concern of business, a growing number of young managers feel acutely that the profit motive and social responsibility are often in conflict. They argue persuasively that moral neutrality is inevitably immoral, just as we have argued for years that profitability without growth is inevitably loss. The corporation, they say, cannot operate in an ethical vacuum, but must include social responsibility in its decision-making process.

Without attempting to argue the merits of our policies in Southeast Asia, I would say that industrial involvement in Viet Nam war production has been a prime factor in alienating youth from the corporate establishment. While President Eisenhower's warning against the dangers of a military-industrial complex was abstract and philosophical, the sight and sound of destruction by bomb, bullet and napalm produced by that complex has created a crisis of conscience among most Americans. As an advertisement displayed in a recent magazine proclaims, "Who opposes the ABM? The scientists who may have to build it, that's who!"

But armament manufacturers have always been a target for the idealists of every society and every generation. Anti-war sentiment alone cannot explain the deep and widespread concern and discontent that is prevalent today. Its source is far closer to home—in the air we breathe—the water we drink—the land we live on. It is where quantity of production meets quality of life that the battle line against the modern corporation has been drawn. A decade ago, this conflict was dramatized by one lonely David ranged against the Goliath of organized industry. Today, consumerism is a rallying cry for millions—and no corporation has yet proven immune to the slingshots of its dedicated enemies. Every day's headline or television news program brings new evidence of corporate complicity in the rape of the environment and the destruction of the good life. From detergents to DDT; from mercury in the water to fly ash in the air; from oil spill in the Pacific to fish kill in Lake Erie—the American industrial giant seems to stumble from disaster to disaster. The cigarettes it produces by the billions cause cancer; the breakfast foods it seductively urges upon small children are apparently without total nutritional value; its automobiles turn the atmosphere into a lethal fog and its waste matter threatens to transform the pleasant land into a junk yard.

Faced with this hideous vision of the future that is in store for them, the young people of today can hardly be blamed for seeking the source of the problem, and for believing they have found it in the profit-oriented corporation. Rich, successful, geared to mass production and mass distribution, the corporation makes a tempting target. And all too often, as the General Motors settlement so poignantly illustrates, the corporation hasn't the slightest notion of how to fight back.

Unfortunately, in almost every sphere of social concern, the corporation which is so bright and capable in its field of technical competence, has been sluggish, inept and unresponsive. Over the past two decades, corporate spokesmen have given an infinite number of speeches in praise of their new sensitivity to social responsibility. With ardent self-congratulation they have pointed out how far business has come from the "public be damned" days of the nineties or the "give 'em any color they want as long as it's black" despotism of the twenties. Unfortunately, this new awareness has not extended much beyond its public relations and marketing activities. True, the corporation has become more market oriented. It runs tests and conducts surveys and then hastens to satisfy the demands it either uncovers through research or generates through advertising. But when it comes to sensing the deeper needs of people and institutions, the American corporation has been guilty of criminal neglect, an offense that could, if uncorrected, be fatal.

It can, of course, be argued that the responsibility of business is simply to mind the store, while it is the function of government to deal with society. Many businessmen today object strenuously to corporate involvement in not-for-money-profit social endeavors, or even profit endeavors with a socially responsible overtone. These, they feel sincerely, are properly the concerns of government or foundations, or churches, or other non-profit institutions. I disagree. I hold with Peter Drucker that the job of government is to propose directions for society and to legislate the rewards and penalties into being. But it is the role of enterprise to act, to manage, to innovate and to bring about social change. This, after all, is what business men are supposed to be good at doing. As a matter of historical fact, one of the reasons why we have big government today is because private enterprise, lacking the perception of its own mission, shirked for so long its environmental and social responsibilities. The corporation could perhaps ignore the humanity of one Willie Loman, but it cannot ignore the humanity of an entire nation. And this is the charge which the young are now leveling against us. If we do not listen seriously to what they are saying and react to it with intelligence, the corporation as we know it today may indeed be the next to fall.

In a discussion of the future role of the businessman, Asa Knowles, President of Northeastern University, says that industry will find that social considerations will far outweigh technical concerns in the 1970's. The businessman of the future, he says, will be spending less time on the technical operation of his enterprise and more time on the social environment in which he must exist. And, to the more conservative businessmen who regard such a view as heresy, he says, "What seems economically irresponsible to today's cost conscious executives will look very responsible to tomorrow's managers, who will consider additional values."

It is this consideration of additional values that the profit-oriented corporate manager has traditionally been unwilling to undertake—to his great and everlasting detriment.

He failed to regard the working man as more than another tool of production, and brought about the rise of the labor union.

He failed to take account of his responsibility for the safety and quality of his product and brought about federal legislation which imposed harsh standards upon him.

He failed to understand that child labor was creating an unbearable social cost, though it kept his own wage levels down and so he brought about unrealistic child labor laws.

He did not care to invest in equipment to create safe surroundings for his workers, and so he produced a public outrage and still punitive worker safety measures.

He did not recognize his obligation to train and hire the minority members of our society—and he and we are reaping the whirlwind of that neglect.

He did not think it necessary to provide equality of opportunity for women, and he is now being forced by law and outcry to do so.

He did not respond to the revulsion of the public against pollution of land, air and water until he was forced to take heed. And even now, he only grudgingly takes first steps to reduce his most obvious insults to the environment.

The list is long and not very pleasant to contemplate. It is not a record of statesmanship, but one of the narrowest parochialism, an abdication of social responsibility in the name of profits.

As Dr. Knowles says, cost effectiveness in the future must be measured in terms of total impact. No corporation can measure results solely in terms of its own earnings. It will be held accountable for the larger implications of its business activities: its internal environment; its concern for employee welfare; its ecological relationship with the communities in which its plants and offices are located; its responsiveness to the pressing needs of the nation; its contribution to the rebuilding of the human habitation; its willingness to help break down the social and economic barriers which still exclude large groups of Americans from full participation in the benefits of our economic system; . . . and finally it will have to display forbearance and self-discipline in evaluating the fruits of its own technology so that socially and physically harmful products are not manufactured simply because they can be manufactured.

I believe we must apply a value system for technology in some form if we are to survive the "future shock" which now has us in its grip. Otherwise, we will be overwhelmed by change—buried by our own excessive ingenuity and productivity. If a new process, or product, or system or mode of transportation or method of communication or form of habitation is to be created, it must meet six criteria, or approximations of the same:

(1) *Is it useful*—rather than wasteful, redundant, or actually superfluous?

(2) *Is it efficient*—rather than simply noisy, garish, or ornamental?

(3) *Is it flexible*—rather than forcing permanent changes on the environment to accommodate it?

(4) *Is it an amenity*—does it enhance life rather than contribute to strain and discomfort?

(5) *Is it relevant*—does it serve real needs rather than those which have been artificially induced simply to create a market?

(6) *Is it modest*—is it human in its scale, adaptable to comfortable modes of life—or will it escalate the dehumanization of society through speed, noise, size or power?

These are not the only criteria that can be applied to the works of man, but they are as good as any, and better than most we have been using in the past. The profit incentive is still the most vital ingredient in corporate success—and I do not suggest that we abandon it. But values—humane and ethical—are the essential requirement for corporate *survival*. And it is the message of values *added* to profit that I would leave with you today. In the name of corporate profit, there is no rational excuse for exercising our dominion over nature in such a way that nature is finally conquered—paved over—crowded out—robbed of lesser life—of animals, plants, birds and fish—just so that we can impose our technological mastery upon it.

The humane, creative, successful business organization in a free society can be one of the highest forms of human enterprise. The corporation need not die—unless it is blind to the threats to its survival—unless it becomes responsive to a vision of a humane society in which every Willie Loman is counted and in which every Willie Loman counts. The corporation can no longer hold itself aloof from society, nor can the corporate manager measure his success in costs cut or profits maximized. "Business as usual" is obsolete, and we must recognize this stern fact before, as Norman Cousins has said, modern man becomes obsolete as well.

I quote Lady Barbara Ward Jackson who has said, "We stand in a new history. The history when there is abundance. The history when science and technology can put at mankind's disposal something less grim and less ugly than the means of atomic de-

struction. The history when we can recreate the face of the earth. When we can use this vast wealth, this vast science, to see fields coming back under rich harvest."

This, gentlemen, is no vision of Utopia. It is within our power to achieve. It is the means by which the corporation and our civilization may escape death. I believe, and the world hopes, that we, as business men, will accept the challenge of this vision and make it the work of all of our lives.

Thank you.

BLACK PANTHERS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. DICKINSON. Mr. Speaker, all Americans are alarmed when we hear of the anarchic tactics employed by groups such as the Black Panthers. Their philosophy declares that they are above the law, and those who have the responsibility of enforcing the laws are listed as "the enemy." Revolutionaries are not new to the United States but we must recognize this group for the potential murderers that they have become.

Mr. Speaker, a recent editorial on this subject was aired on WBRC-TV and WBRC Radio in Birmingham. At this time, I would like to insert into the RECORD. I commend it very highly to you.

WBRC-TV AND WBRC RADIO EDITORIAL: BLACK PANTHERS

If there is any doubt that the revolution is on, that doubt should be dispelled with the flick of a dial on a TV or radio set or the turn of a page of a newspaper. With alarming frequency we hear and read of the wanton killing of policemen by elements of the Black Panther party.

If there is any doubt of the seriousness of the situation, let us pose this question: "Did you know that in parts of the country pamphlets are being circulated proclaiming a week in the near future as "Kill a Pig Week?" The reason given is that "Pigs have framed some of our soul brothers."

During the same seven days, a southern city is scheduled as the scene for a "solidarity week to support the struggle in the south." Among those scheduled to participate is that savory character, William Kunstler.

In testimony before the House Subcommittee on Appropriations, F.B.I. Director, J. Edgar Hoover, said: "A free society is in trouble when blatant propaganda so overshadows the truth that the rule of law is jeopardized. Currently, law enforcement agencies throughout the country are wrongly accused of harassment by many well-intentioned but uninformed voices echoing outright lies generated by the lawless Black Panther party."

Hoover continued, "Police have been lured into ambush by Panthers carrying out cold-blooded assassination plots. Negro and white police are treated alike. Panthers say they make no distinction between black and white policemen."

The term "Pig" at one time referred exclusively to policemen. Now it apparently extends to anyone in authority. Mr. Hoover states that the Black Panthers have openly called for the assassination of the President and the violent overthrow of the government.

This threat to society is not one that can be ignored by the silent majority.

THE UNITED STATES AND YUGOSLAVIA—JOINED IN THE CAUSE OF PEACE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BLATNIK. Mr. Speaker, the ties of international friendship that join the United States and Yugoslavia were further strengthened this past month, when in a historic gesture President Nixon became the first American President to visit Yugoslavia. The cordial and friendly exchange between the two Presidents contributed to a deeper mutual understanding and will be remembered as a positive step forward in the quest for peace.

Particularly notable was President Tito's warm and sincere address to President Nixon which went largely unreported in the American press. From the newspaper accounts I read and heard, one could rightly conclude that President Tito just said "hello" on behalf of the Yugoslavs and left it at that.

There was much more than a superficial exchange of pleasantries. President Tito gave an enlightening and historical view of the cultural, political, and social connection of our two countries which had its fruitful beginning back in the 19th century.

United States and Yugoslav friendship is nothing new. The United States extended legation status to Serbia in 1887 under President Grover Cleveland. Later, President Wilson's efforts to provide for the "self-determination of all people" resulted in the creation of the Kingdom of Serbia, Croatia, and Slovenia, later called Yugoslavia. When in June of 1948 Stalin tried to make Yugoslavia a subservient tool of Moscow, President Truman was quick to see that the Yugoslav people backed their determined leader and resolved to help this brave country. Each succeeding President, whether Republican or Democrat, has continued this constructive policy.

Of particular interest is the great tribute President Tito paid to our Declaration of Independence and to three of our outstanding Presidents. Especially commendable was the cordiality President Tito showed President Nixon in personally escorting him to Zagreb—the capital of Croatia, and to the little village of Kumrovec, President Tito's birthplace. No other head of State has been accorded this privilege. It should be remembered that this kindness was extended to our President at a time when other heads of State were attending President Nassar's funeral.

Mr. Speaker, I include President Tito's memorable address in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

MR. PRESIDENT, MRS. NIXON, LADIES AND GENTLEMEN: On behalf of the people and the Government of Yugoslavia, and in the name of my wife and myself I am happy to be able to greet you as the first President of the United States of America to visit our country.

I give you, your wife and your associates a cordial welcome.

I had a very cordial meeting with President Eisenhower in 1960, and had friendly and useful discussions with President Kennedy in 1963 when I visited your country. These talks contributed to the advancement of relations between our two countries. We value, Mr. President, your personal interest and contribution to the promotion of cooperation between Yugoslavia and the United States of America. Your visit undoubtedly marks a very important date in the annals of these relations and gives an impetus to their continuing development.

Relations between Yugoslavia and the USA have a long history and a positive, friendly tradition, dating back to the establishment of relations between the USA and Serbia, and to the conclusion of the Consular and Trade Relations convention in 1881. Our two countries were allies in the First World War. And in the Second World War we fought together and each contributed his share in the struggle against the darkest powers that threatened mankind.

In those arduous days of war, our Partisans, among others, prevented hundreds of American pilots from falling into enemy hands. We for our part do not forget the considerable assistance and support which the American people extended to us during the national liberation struggle and after the war.

Your country, Mr. President, is a community made up of many nationalities. Men and women from our part of the world have also made a substantive contribution to the development of America with their work, talents and intellect. These men and women were miners, fishermen and manual labourers. They were there at the time when the foundations of your country were being laid. There was Nikola Tesla, Louis Adamic, Mihailo Pupin and many others who figured prominently in the American scientific community, cultural and public life. American citizens of Yugoslav origin have always been—and we hope they will remain—one of the bridges linking the two countries.

Your great country is preparing to celebrate two hundred years of its independence. The world has always held in esteem the deeds of the great sons and minds of your country, such as, Washington, Jefferson, Lincoln and many others. Your Revolution and Declaration of Independence have become a component part of the freedom-loving and democratic aspirations and progress in the world.

Mr. President, we are living in an integrated world, a world that is becoming smaller, which—as witnessed by the bold space explorers—resembles a small ship, whose fate, in the end, we all share. The achievements of every nation become the heritage and inspiration of the world at large.

It is with an epochal development of science and technology—to which your country also has made an historical contribution—that the world has come to the threshhold of the twenty-first century.

However, a large part of the world is still living in poverty, and many peoples are not yet liberated and do not enjoy genuine independence. In many parts of the world wars continue to destroy precious human life and to wipe out achievements that have been attained with such difficulty. The present-day world is characterized, on the one hand by inexhaustible possibilities for comprehensive development and prosperity, and on the other, by dire need, injustice and problems, which so heavily and dangerously weigh upon international relations.

Mr. President, it is only natural that from such a large and developed country as the United States of America, men throughout the world expect a great contribution to the welfare of the people and peace in the world. We welcomed your significant words in your inaugural address when you said that hu-

manity "instead of confrontation should enter an era of negotiations." This has always been our cause. In 1961 the Belgrade Conference of Non-Aligned Countries addressed an appeal to all great powers to engage in a dialogue in order to avoid a general catastrophe.

Yugoslavia feels that the present orientation of the great powers toward negotiation is a positive one.

In view of the fact that the great powers have at their disposal weapons of high potential which could destroy the world, these powers bear the prime responsibility for the fate of the world. For this reason they are expected to utilize this power and force for the benefit and wellbeing of man.

We are all agreed that the world is becoming smaller and more interdependent. Everything happening in it—whether good or bad—is reflected on a broad scale. Every conflict or crisis has global repercussions. The entire post-war experience demonstrates that peace and stability in the world cannot be preserved by the great powers alone. Therefore, all countries, irrespective of their size and power, should take an active part in the affairs of the world community, not only because it is their right to do so, but because this is a vital precondition to the safeguarding of peace and the advancement of international cooperation. And just as "big" peace cannot for long rest upon "small" wars, neither can international cooperation progress by way of anyone's monopoly and the denial of the legitimate interests of other peoples and countries. Without the peace and progress of small and insufficiently developed nations, there can be no durable peace, or stable development of the big and developed countries.

There is prevalent, it seems to us, an increasing concurrence in the world to the effect that mere negotiation and the avoidance of conflicts between the great powers are not enough. Unless solutions are found to the vital world issues, unless the pressing problems of development and disarmament are settled and the policy of force and interference in the internal affairs of others are eliminated, and the overcoming of the bloc division of the world is undertaken, with full responsibility, we shall only have shorter or longer breathing spells between periods of cold war, accompanied by a constant threat of conflict with unpredictable consequences. Actually, the post war development, demonstrates that durable peace and cooperation cannot rest upon the balance of force and fear.

For all these reasons, Mr. President, we are exerting our efforts to have negotiation and peaceful settlement of disputes become a generally acceptable practice in international relations among all countries. The small and medium-sized nations like all the developing countries, are fully aware of their commitments and responsibilities, both in terms of their own development, and the settlement of international issues.

More specifically, what I have just outlined actually constitutes the substance of the message of the recently held Conference of the Non-Aligned Countries in Lusaka. The non-aligned countries were unanimous in their demands for democratisation of international relations, for the respect and attainment of the inalienable rights of peoples to independence and sovereignty, for the accelerated development of the insufficiently developed countries, for the strengthening of the United Nations and the realization of its universality, etc. They also manifested their determination to do their utmost to contribute toward the achievement of these goals.

Mr. President, our views are known on the most ominous trouble spots, more specifically, the protracted war in Vietnam, which has been extended to a new area of Indo-China, and the crisis in the Middle East, which is becoming more dangerous and more complicated. The peoples of these regions are subjected to terrifying suffering and misery. This situation at the same time endangers the peace and security of all. We have always endeavored, within the limits of our possibilities, to contribute to the search for just solutions, and we shall continue to do so. Our position has always been that the preconditions for this are the cessation of the intervention by every foreign power and the ensuring of the legitimate rights of the peoples of these countries to full independence and unobstructed development, without outside interference.

When speaking about the Middle East, I wish to tell you that we received the news of the death of the outstanding statesman and indefatigable fighter for peace, President Gamal Abdel Nasser, with deep sorrow and distress. His passing away, especially at this critical moment for the Middle East, makes it incumbent upon all of us to exert maximum efforts with a view to achieving a peaceful and just political solution, which President Nasser championed consistently and with full dedication to the last moment.

Mr. President, we are also for the immediate liquidation of colonialism still prevailing over wide areas of Africa. This constitutes the greatest disgrace to mankind in this century of general emancipation of peoples, generations and races.

The present positive processes in Europe, which have brought about a certain relaxation of tensions, are opening avenues to the gradual overcoming of bloc divisions and the establishment of European security on new foundations. Yugoslavia as an independent and non-aligned country, which has in practice opted for the policy of open borders and a free exchange of ideas and goods, is vitally interested in the comprehensive development of cooperation with all European countries. We cannot conceive of a stable system of European security in a permanently divided Europe.

At the same time, as a European and a Mediterranean country we are always aware of the close interdependence between the European continent and the entire Mediterranean region. For this reason it is understandable that we are directly interested in peace in the Middle East, which is so close to us, as well as in having the entire Mediterranean transformed into a sea of peace and international peaceful cooperation, with full respect for the rights and interests of the peoples inhabiting its coasts.

Mr. President, I am confident that I share your views when I say that world peace and cooperation can be strengthened only through consistent respect of the principles of the United Nations. The principles of independence, sovereignty, equality, non-interference, territorial integrity, etc. must be respected, without any exception whatsoever, in relations among all states, and the violation of these principles cannot be justified by political, ideological, or any other motives.

I am happy that it is precisely upon such principles and in mutual respect that the friendly relations between the Socialist Federal Republic of Yugoslavia and the United States of America are developing.

The mutually beneficial cooperation between our countries is going ahead favourably. There have been problems from time to time, which is only natural but through a realistic approach and mutual good-will we have succeeded in preserving continuity and ensuring constant advance.

There has been good progress in relations between our two countries in recent years which can be partly ascribed to high level contacts and exchanges of views between the representatives of the two countries and, in our opinion, there are great possibilities for further advancement, especially in the field of industrial cooperation, joint ventures, etc. We attach great importance to the further development of scientific, and in particular to the intensification of technical, cooperation.

We have, Mr. President, always worked for good relations with all states and it is our persistent desire not to promote relations with one country at the expense of others. In the promotion of friendly and stable relations with the greatest possible number of countries in Europe and in the entire world—commencing with our neighbours—we see a premise of our more rapid development, as well as of the strengthening of security and international position of Yugoslavia. In this context we attach great significance to the development of all-round and good relations with your country and we feel that this constitutes an important factor of stability and peace in this part of the world and elsewhere, as well as of our economic, scientific and technological progress.

I would like to point out that the status of Yugoslavia as an independent, non-aligned and socialist country—constitutes an irreplaceable foundation of our entire policy and our approach to international relations and problems. We are determined to safeguard our independence for which we so dearly paid. A guarantee of this we see, above all, in the unity of our country and in the readiness of our peoples to defend their independence and unobstructed internal development from any threat or attack.

Mr. President, relations between the USA and Yugoslavia, a big and a small country, with different social systems, demonstrate the reality of a policy of peace-loving and active coexistence and, this in itself, is a significant contribution to broader international cooperation.

True, there have been and still are differences of opinion and positions on specific international questions, differences which, generally speaking, we have in relations with other countries. These differences, however, have not been an obstacle to the promotion of friendly relations and cooperation between our two countries.

Mr. President, we look forward with pleasure to our talks which will offer us an opportunity to exchange views with you on the international situation and on the further advancement of our bilateral relations.

You will, in the course of your visit, see some of the things that have been achieved in our country. We are sorry that your visit is so short and that you will be unable to see more of the achievements of our people and the beauties of our country.

I wish you a pleasant stay with us.

I raise this glass to your health, Mr. President, to the health of your esteemed wife and distinguished associates, to friendship and cooperation of the peoples of Yugoslavia and the United States of America.

ANTIBOMBING LEGISLATION

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. HUTCHINSON. Mr. Speaker, the critical need for the administration's antibombing legislation is shown by a recent 18-month survey taken by the Treasury Department. The survey shows that during this period there were 4,330 explosive or incendiary bombings; 1,475 bombing attempts; and 35,129 threats of bombings.

In addition, the General Services Administration has reported that bombing and arson incidents increased from 13 in the 12-month period ending June 30,

1969, to 38 in the corresponding period ending in 1970—a threefold increase.

Mr. Speaker, we should have little patience with those who dismiss these bombings as idealistic acts of conscience or those who imply that while they deplore the method they sympathize with the cause.

These bombings have caused death and severe injury to innocent people who just happen to be in the area, and they have caused an uncountable loss in property damage, including the destruction of humanitarian research projects whose loss cannot be figured in dollars. We are dealing with anarchy and we should treat it as such. The administration's antibombing legislation should help put an end to these acts of terrorism.

THE VALUABLE SERVICES HAM OPERATORS PERFORM

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. WEICKER. Mr. Speaker, I would like to call to the attention of all Members the valuable service performed by our ham radio operators. Operating their own private radio stations, hams render emergency assistance in providing communications during disasters such as Hurricane Celia. We have all read accounts of such activities and are well aware of the invaluable help these volunteers provide. What is not so well known is the continuing assistance hams provide in alleviating a most human problem—the loneliness and suffering that comes from the separation and lack of communications between our servicemen and their families. Those of us who daily see our wives, children, and close friends forget that there are hundreds of thousands of young people whose contact with their families is limited to letters and occasional photographs. Like the concerned public servants they are, hams have stepped forward to lend their aid and provide radio communications facilities so that servicemen abroad can talk to their loved ones at home. Using "phone patch" equipment coupled directly to their own radio receivers and transmitters, hams call friends and parents of servicemen on the telephones and let them talk to their absent soldier in Vietnam who use military radio facilities over there. Acting as the vital link, the ham provides a much needed human contact between individuals separated by the war.

The following articles which appeared in Parade magazine and American Red Cross Journal are worthy of the attention of all Members as well as citizens all over the country:

[From Parade, June 21, 1970]

THIS IS YOUR SON CALLING FROM VIETNAM

(By John G. Rogers)

MILLINGTON, N.J.—Without even leaving their peaceful mountaintop home in northern New Jersey, Mr. and Mrs. Alexander A. Yankaskas and their children are intimately and busily in touch with the Vietnam war nearly every day of the year.

Yank, as he is called, and his wife Helen are amateur ham radio operators and on some days their powerful short wave equipment installed in a den off the living room relays as many as 140 telephone calls to parents, wives and sweethearts from U.S. military men in Vietnam.

HOUSEWORK WAITS

"When reception is good and the calls are piling up," says attractive Helen, "the housework just doesn't get done. It has to wait for a break."

"Most of the conversations are happy ones full of love, hope and emotion," says Yank, Pilot for the private planes of the Ronson Corp. "We know because we have to listen in order to flip the switch, whenever one of the parties says, 'Over.' But sometimes you get a sad one. The other day this guy asked his wife, "Why haven't you been writing me?" And she told him, 'You'll find out in a few days when the divorce papers arrive.' "

Yank's station—AFB2DBF—is one of 165 in the U.S. which take part in the program known as MARS—Military Affiliate Radio System. Most of the members are hams, like Yank and Helen with their receivers and transmitters right in the home. One of the most prominent of them is Sen. Barry Goldwater of Arizona, who operates from his hilltop residence in Phoenix. While the basic business of MARS is to provide a backup communications network in case of emergency, the MARS hams are principally occupied these days with the Vietnam phone calls.

"I've sat here at the set as long as five hours without even getting up," says Yank. "With all those phone calls waiting to be handled, you don't just tell Vietnam you're closing down. And I wouldn't want to, either. This is my way of being involved. There's a great kick in bringing a boy in touch with his mother from halfway around the world."

MARS has handled some 3 million calls from Vietnam since December, 1965. The procedure is this. The serviceman goes to one of the 76 MARS stations maintained by the military in Vietnam and waits in line. Meanwhile, he gives the MARS operator his name and the telephone number he wants to reach in the U.S. The MARS operator sends those names and numbers to a U.S. operator such as Helen Yankaskas. PARADE watched her at work the other day. She dialed the first phone number—it was Raleigh, N.C.—and when someone answered she explained who she was and asked whether the Raleigh number would accept a collect call from Millington, N.J., from Sgt. Billy Smith. The reply was an emotional affirmative. Helen told the Vietnam operator to put Sergeant Smith on and the conversation began—by short wave radio from Vietnam to the Yankaskas home and by commercial telephone on to Raleigh. The only cost was the phone bill.

"Sometimes," says Helen, "they're expecting the call and sometimes it's a complete surprise out of the blue. A mother or a wife may gasp and then become speechless. If that happens we sort of settle them down a bit so they can get started talking."

SHORTWAVE DRAMA

The variety of calls is as broad as life. A girl friend pleads, "When the next letter arrives tear it up. I don't mean those things." A soldier's wife in a maternity ward tells him he has a new son or daughter. Many young men call to reassure families that their wounds are slight. One call was from a sergeant who said that a young soldier was out of control and needed advice from his father. So dad got on and from Cleveland, U.S.A., spoke the few words to his son that straightened him out in a remote Vietnam military base. There have even been a few marriages performed over MARS.

Yank and Helen have placed phone calls to all 50 states and 12 foreign countries. The two oldest of their six children live away from home but Kurt, 18, is a skilled operator and pitches in to help. The contribution of Jean, 16, is to run the kitchen when her mother is tied up at the radio. Mary Christine, 9, and Alexander Jr., 7, like to hang around the den—"ham shack" is the correct term—and listen in on conversations. As they arrived home from school the other day, they watched their mother complete the 23,892d call handled by the Yankaskas station.

AROUND THE CLOCK

Senator Goldwater's station in Phoenix has a club of more than 25 operators which enables it to spread out the work and operate 24 hours a day. But the Yankaskas family operation ranges from 10 to 18 hours. When he isn't flying, Yank puts in a long schedule and Helen serves him many a meal at the set. He, in turn, is greatly appreciative of her help and understands that sometimes she may put radio ahead of housework. "Only dull people have immaculate houses," says Yank. Their ham togetherness extends even to their personal call letters. He's WA2DBF. She is one letter away at WA2DBG.

It's a long and arduous devotion the MARS operators contribute but they love it and feel fully rewarded by letters such as this one Yank and Helen received from a mother last December: "God bless you. Hearing his voice and knowing he is all right was the most wonderful Christmas present we could have had."

[From the American Red Cross Journal, January 1968]

HAMS IN DISASTER

(By Roy S. Popkin)

The winds whipping the Texas coastal town were nearing hurricane force, and the floodwaters of the storm-caused tidal surges were beginning to flow through the streets, well ahead of the big storm's major impact. Inside a school that was being used as a Red Cross shelter, the volunteer shelter manager checked his food supplies and realized that he was running low on milk and bread.

Supplies were available in Houston, more than 40 miles away, but how could he get them? Telephone? The town's telephone service was no longer functioning; too many lines were down. The shelter manager walked into the room where the local amateur radio operators had set up a broadcasting unit as part of the Red Cross-Civil Defense disaster plan.

The urgent request for milk and bread was broadcast through the storm to another station at Red Cross headquarters in Houston. From there it was relayed to a mobile unit traveling with a convoy of trucks that was carrying supplies to shelters in outlying areas. Within minutes a truck was headed for the isolated shelter, and the milk and bread were delivered.

In Alaska, amateur radio operators in Fairbanks provided the major communications link with the rest of the world when the flooding Chena and Tanana rivers inundated almost all of that central Alaskan city last fall. Only one telephone line remained, and that was jammed with urgent priority traffic.

Amateur radio operators handled messages from the international airport dealing with emergency supplies and rescue operations, and from various Red Cross shelters. Later, they handled all the communications involved in the evacuation of hundreds of children to Anchorage, 450 railroad miles away, relaying their messages by way of far-off Wake Island and Guam when the mountains between the two Alaskan cities blocked their signals.

Shortwave radio is a key factor in Red Cross disaster communications. Scores of Red Cross chapters house amateur stations, using volunteer services of amateurs to man

them. Many Red Cross disaster vehicles are radio-equipped to guarantee communications during storms, fires, isolated search-and-rescue operations, and other disasters.

There is a cooperative understanding between the Red Cross and the American Radio Relay League, which states: "The American Red Cross recognizes that the amateur radio service, because of its excellent geographical station coverage, can render valuable aid in maintaining continuity of communications during disasters and emergencies when normal communications facilities are disrupted or overloaded."

Every day, somewhere in the United States, this cooperative understanding becomes a living reality when disaster strikes, as amateur radio operators play their vital volunteer role as part of the Red Cross Disaster Service.

REVOLUTION IN EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. RARICK. Mr. Speaker, most of the American people are becoming increasingly aware that the race mixers and their mentors are spurred on to agitation through coercion, not in the interest of brotherhood, civil rights, or morality, but rather because of personal profits. Race agitation has been most profitable to the leaders and their parasitical supporters. The fact that this little crowd of elite does not practice what it preaches is that its rules are always made for someone other than themselves.

School desegregation has now developed into a coerced racial percentage of attendance. Busing is now displayed as an important part of the educational curriculum. Those who want quality education flee and can still get it at a price. Blockbusting of neighborhoods has proven most profitable to the realtors, landowners, and contractors, as the urban population swells.

A rewriting of children's textbooks, especially history, math, and the so-called social studies, has proven profitable to the researchers and the textbook publishing companies alike. Integration of labor unions, now progressed into ratio-hiring quotas, may be destructive of labor seniority and organization but cost-plus contracts which permit deadheads on the job, despite the ever-present safety factor, has proven profitable.

The courts, once established to defend individual liberty and property, are now being used as the whipping boy for the race-mixing revolution. Court backlogs and new racial cases constantly justify more and more judges, courts, and employees. So, the race baiters have rewarded their court friends as well as the law book publishers who must constantly go to print so that our young lawyers can know how the Constitution is to be interpreted from political goal to political goal.

But, what is not being told is the truly American story of those fathers and mothers and many other good citizens who are now being forced to band together and in many instances create a parallel government within their own government in order to exist and exercise their freedom, which is their right.

Private schools are really not private—they are independent. Independent, that is, of bureaucratic tyranny and suppression of individual preferences and parental duty.

This new evolvement to escape the unconscionable suppressions of their Government finds these many fine citizens having to sacrifice, suffer intimidation, harassment, and unheard of punishment from the race mixers and their bureaucrats as they attempt to build their own establishment in accordance with their ideals of acceptance.

Interestingly enough, this progress in building has now reached the state of profitable enterprise in communities where they can expect more and more acceptance from their friends and neighbors and their movement can be expected to mushroom.

The frantic effort of the so-called race-mixing commission and tax-free groups by their latest demands for police-state activity to snuff out individual liberty can be but further evidence of planned destruction of the once great institutions of our land which force additional freedom-loving citizens to take refuge by joining the ever-growing society of free people within our Government.

If Reverend Hesburgh, the titular head of the civil right commission, is to be considered an authority on racial matters, his first area of operation should be to cure the escalation of racial strife in South Bend, Ind.—his own backyard.

Mr. Speaker, I submit a letter from Mr. Keith Montague of Charlotte, N.C., a newsclipping from the Clarion-Ledger, a report on Ohio house bill No. 1219, and a newsclipping from the Washington Star:

CHARLOTTE, N.C.,
September 15, 1970.

DEAR FOLKS: I have written and talked to some of you about the forced school transfers taking place. A Federal District Judge passed down his personal opinion as a court order that all schools in Charlotte should be 30% black and 70% white. He has imposed a plan mass busing over 10,000 black and white children, criss-crossed through the city. His Honor is a very smart fellow because he knows all about what is best for everyone, knows all about running schools, knows how to arrive at false figures on the number of buses required, has publicly stated that the quality of education is less important than the magic 30%–70% ratio, and has labeled it all the law of the land. He said he is going to check the situation periodically to make certain the ratio is kept. I assume this means children, during the year may be switched around to keep the numbers game going. He is also a deeply religious person, reflecting back on his ultimatum that judges have been making laws since the days of Moses. I have been misled, because I have always thought our courts were supposed to interpret the law.

Briefly, what is happening to my family is that my eleven year old daughter will get to a designated point before daylight the best way she can, be put on a bus to her neighborhood school, then put on another bus for a twelve mile ride across town to a school in an all black section. Our other three children will look forward to the same experience in the near future. The colored children are getting equal rights by being forced to bus to my neighborhood. The neighborhood school has been carefully destroyed.

You, like some others may think it serves the South right. Most of us here agree that the Negroes should be helped to advance themselves, but feel this court action is as unjust for them as it is for us. Charlotte has had a freedom of choice plan in which black children can be bused to the school they wish to attend, or be allowed to stay in their neighborhood school. Now, this Court decision expounds upon the difference in the races, and categories the races by numbers like apples and oranges. Any successful integration must make race differences insignificant.

In America, we have a tendency to shrug off an asinine and unconstitutional verdict because with a great court system such as ours, even if a ruling was made by a mentally incapacitated judge, the check and balance system offers chance of appeal. Our case went to an appellate court which came to the conclusion that the Charlotte ruling was more severe than necessary, but the case went back to a panel for hearing, with our favorite original judge on that panel. An effort has been made to appeal to the Supreme Court where it has been conveniently scheduled in October after their vacations and after the deadline for the court order to go into effect. The Supreme Court refused to issue a stay of the implementation until after their decision, which means hundreds of buses have had to be acquired that will not be needed if the ruling is reversed. This might lead a suspicious person to believe they have made up their minds, but just haven't clued us in on it formally or listened to our case. Making the issue even more upsetting and confusing is the fact that judges in different districts have handed down conflicting decisions, opinions, and interpretations about what should be done about integration of schools. Still the Supreme Court is silent.

We believed in Mr. Nixon when he campaigned in North Carolina and helped put him in office. Likewise, we have turned to him for help and have tried to remind him that when visiting Charlotte on that campaign, he stated he was against forced busing for the purpose of integrating schools. Our school board, our Congressman, and a delegation of concerned parents bearing over 80,000 black and white signatures against busing have been snubbed in Washington by the President. He has graciously let some of his aides talk to the poor peopel of Charlotte. These aides reportedly have been astonished at the court decision, but if they have even bothered to tell their wives the amusing story, I do not know.

What this boils down to is that our school system and children have been raped by pressures put on bureaucrats by the N.A.A.C.P. and God knows who else through the Health, Education, and Welfare Office, whose job seems to be telling the majority of the people what they have to do to comply. One of our particular misfortunes in Charlotte is that we are under the jurisdiction of a judge, who it seems, may want to win favor with the institution where other famous Southern judges have failed.

So you would probably ask why I am so upset by a little busing. It has to happen to you as a parent as it is happening to me before you can realize the impact. My first instinct was for the safety of my children shipped against my will to a strange place, out of reach, to an area where crime rate is high and where the population, for all I know may be hostile to whites. School buses at best are dangerous. Now, buses are being taken out of the junk heap to go rattling through town at the peak of traffic, many with inexperienced drivers. This initial fear, however, is secondary to a deeper concern that I and many others have. I can see the whole mess as a sick dictatorial take-over not only of our schools but of Americans' most cherished freedom, personal liberty. What is more sickening is that it is being done under the smokescreen of racial equal-

ity for all, using the Southern Negro as a cover-up scapegoat who has no more to gain by busing than I do. They will lose the same rights I do and will have increased taxes just as I will to pay the millions of dollars extravagantly spent for the whole scheme. I am not a racist. In fact, this court order has put me in the same position that an honest silent majority of Negroes have found themselves in the past by unfair justice. It has actually made me more sympathetic toward them. Two wrongs do not make a right.

What are we doing, now that school has started? Some are sending their children to school because they think it is right. Some are, against their wishes, sending their children because they think it is the law. I and many others are keeping our children at home because we feel the court ruling is wrong and a boycott is the only way left for us to peacefully defy what we consider to be unconstitutional, not yet law, and certainly not endorsed by a majority of people. You may say we are harming the education of our children. That is very true, but the court plan can wreck our school system permanently. No political machine can defy the public opinion of masses and survive for long. However, in most cases only some directly affected by criss-cross busing are participating in the boycott. Some others seem to think it will go away before their children get the treatment. I sincerely fear that if this court experiment on our children works, the Supreme Court will stall a decision, and allow our local ruling to become a precedent for the Nation. Aren't most of our court decisions based on past rulings? Our judge friend says he got his brainchild from a past case. If all fails, perhaps we will have learned to be more particular about who our public officials are, what their past records are, what their feelings on current issues are, who they appoint, and make sure by public pressure they mean and do what they say. Some strong political leaders in the Nation and our own school board have been willing to stand up for their convictions against this and similar court rulings. Others have waited to see how the tide turns.

If you think all of this will never affect you, you had better give it a second look because H.E.W. has already announced they intend to force full integration in all the country and enforce it by police action. If this swindle is "pulled off in Charlotte" (to use the Judges own words), you will certainly be in line for the same, no matter where you are, and odds for you seem even better if you live in the South. If the monster we have created can force this busing on us, it can tell us where to live, where to go to church, where to work, how much money we can make, and on and on to what end? At what point will the American people wake up?

I assure you it is very frightening to be sucked in by a political machine, all pleas for help ignored, to be shunned by some of your friends not immediately affected by the order who consider you an extremist if you are willing to say what you think and be willing to try to do something about it. In traveling over a large portion of the country during the past several years, I have found that people, me included, have been passive about what is going on around them until something hits personally, close to home. Some of the news media is telling the Nation what is happening to our schools here and in other areas, but after all, it is being done in a very quiet orderly manner, is being swallowed by the silent majority, and is not as exciting as a riot, a sky jacking, or a good ball game. Read the Communist Doctrine and you will find this passive attitude in America is the major weapon in their effort to eventually let us defeat ourselves. They have repeatedly told us they will get to us through our schools and children! I have already seen here, neighbors splitting friendship over the situation.

I am sending this letter to two-hundred acquaintances around the country and copies to every influential person in the country I can think of. I have argued, prayed, cried and lost sleep over this catastrophe for over a year and feel I am going to burst if I don't scream about it to anyone who will lend an ear. A National organization, the Unified Concerned Citizens of America, organized in Atlanta is being formed that has large membership, money and legal counsel to try to battle the forced busing. Perhaps such an organization can become a voice for the silent majority who have been silent too long. We need to take action against idiotic costly programs that are chewing us to bits and are being pushed upon us by loud forceful, radical minorities. Let's investigate the organization and support it if we like it. The wheel that squeeks the loudest has been getting the grease. Let's get together and make a few squeeks ourselves. You may just read this long wordy letter and decide that old Keith has finally gone off the deep end. If you like, just throw it in the trash. But if you are not willing to take up a personal peaceful fight for what you believe, no matter what your convictions are, just relax as we have been doing in the past and in about five years, contemplate on what has happened to your Country and weep.

Of course this is all just the opinion of a not too well off, but working taxpayer. If you disagree with what I have said, I will be only too happy to have you prove me wrong. There is a popular patriotic bumper sticker that says love America or leave it. Perhaps it should read if you love America and don't want to leave it, fight for it.

Sincerely,

KEITH MONTAGUE.

JUSTICE BRADY SAYS PRIVATE SCHOOLS BOON TO BUSINESS

Jackson's lead last year over other U.S. cities in raising retail sales coincided with the sudden growth here of private schools, Justice Tom P. Brady of the Mississippi Supreme Court pointed out Wednesday in urging support for the $1.75 million expansion drive of Council School Foundation.

Brady, who along with U.S. Senator James O. Eastland is heading the drive, cited a recent article in U.S. News & World Report (Sept. 14, 1970) which showed Jackson first among central U.S. cities in increase of department store sales for the fiscal year ending June 30, 1970.

Up 25 per cent over the 12-month interval, Jackson gained more than twice as much as any other city in the South, Houston, Texas, up 12 per cent, and New Orleans up 11 per cent. Average increase for cities in the whole central region, from the Gulf to the Canadian border, was 6 per cent.

In the entire United States only two cities, Portland, Maine with 26 per cent and Tucson, Arizona with 33 per cent, exceeded Jackson in growth of department store sales. This was also pointed out in the September issue of "Building Jackson," a publication of the Jackson Chamber of Commerce.

During the school year covered by the figures, Judge Brady pointed out, the three Council Schools then operating went from 500 to 3,200 in enrollment. Later increases have raised the number of operating schools to 5 and total enrollment to 5,250. The whole economic effect of private schools on the economy of the city is stimulating and healthful, Judge Brady said.

MEMORANDUM

The Supreme Court justice's remarks were made in connection with the issuance of a memorandum to campaign workers in the Council School Development Fund drive on the "Relevance of Private Schools to the General Local Economy." The campaign has been quietly under way for several weeks.

Besides Judge Brady as chairman, and Senator Eastland as honorary chairman, leaders of the campaign include B. C. Rogers of Morton, vice chairman, and subcommittee chairman Tom Virden, John R. Wright, George G. Bell, Al Fred Daniel, and William Girod of Jackson.

A steering committee is composed of former Governor Ross Barnett, Al Fred Daniel, Charles H. Dean, Jr., Scott H. Fowler, W. G. Gilchrist, Jr., Judge M. M. McGowan, Dan H. Shell, E. W. Smalley, and former Mayor Allen C. Thompson.

Approximately one-third of the $1.75 million goal has been achieved, said Judge Brady. The importance of the drive to the whole community, he continued, lies in the vital impact private schools have on the general economic life, as well as in their cultural value.

In calling on businessmen to support the drive necessary for further expansion of the Council Schools, Brady made these points:

The Mississippi public is demanding quality private education.

Private schools are one of the purest examples to be found of keeping money at home in the local market.

Failure to support a flourishing private school system depresses the economy in areas hard-hit by the federal courts' disruption of public schools.

Full support of an alternate system of education is required from every business and professional man who has an interest in the economic future of Jackson.

FAMILY CONTROL

In urging support of the fund drive, Judge Brady said, "The private school is the one sure guarantee that the sacred right of parents to say by whom, with whom, and what their children shall be taught will be preserved."

Following a partial text of Justice Brady's comments:

"The public has shown that it is willing to patronize Council Schools. Tuition is set to cover operating costs and to retire normal indebtedness. Tuition is not adequate to support an overnight expansion program of the magnitude required to meet the present demand.

"Basically, the interest of community leaders in private schools is the same as their interest in public schools. Schools are necessary institutions in American society as we know it.

"Our people expect certain advantageous services from schools, and will not live or work in communities where these are not available. As public confidence in public schools lessens, the demand for private schools increases.

"Public schools alone are no longer adequate to meet the general community need—at any rate a great many parents so feel—and it is hardly practical to argue with them about it. They are not likely to change their minds because of advertising rhetoric. The public will not vote bonds for new 'public' schools. It will pay tuition for new private schools. (And) the whole community will suffer if the demand is not met.

NOT SUBTRACTED

"A misleading belief has gotten abroad that tuition and contributions to private schools is money subtracted from retail sales and other indices of business activity in the local market. Nothing could be further from the truth.

"Private schools are one of the purest examples to be found anywhere of keeping money at home in the local market.

Colonel Mim, "Money in Mississippi"—should give a big fat prize to the Mississippi Private School Association.

"Private schools have no profit margin; sooner or later they spend everything they take in. Moreover, because of the urgency under which they have been organized, they spend it practically as fast as they get it.

"Teachers' salaries . . . go into the retail market just as fast from private-school as from public-school teachers.

"Construction money in the private school area returns to the local retail market as fast as that from public schools.

"Every student of economics knows that the economy is not depressed simply because money passes through additional hands . . . recent reports show Jackson with one of the sharpest rises in the country in retail sales—25 per cent—at the very time when Jackson was also leading in new enrollment in private schools.

"It is widely recognized that intervention into public-school administration by the Fifth Circuit and other Federal courts has been damaging to the economy of many cities in the Deep South."

"The damage has been less in Jackson than in any other city of comparable size and situation: because Jackson has the largest private school development of any such city.

"More generally, all cities in which court orders requiring integration have dislocated the functioning of the public schools, have experienced widespread anxiety which has some tendency to dry up the economy, as people consider what to do next—move or what? In such a period of suspense they hold up on spending and save—not necessarily invest—instead of spending.

"PART FROM SAVINGS

"On the other hand, a flourishing private school system not only relieves this anxiety, but calls for positive outlay of funds often drawn in part from past savings. This means that the retail market is stimulated in cities where private schools prosper, but is hard hit in areas without private schools.

". . . there is general recognition that federal insistence on massive school integration has been extremely damaging in the areas of education and race relations, but so far inadequately recognized that the federally enforced revolution in the public schools has also had, or threatened to have, damaging economic effects.

"In the past, industry has been drawn to Mississippi in part because heretofore we have had unusually attractive and excellent public schools. That those formerly attractive public schools have now been, are still being, revolutionized is no secret—and thus one drawing card for industry to come to Mississippi has been removed from the scene, unless it can be replaced by equally attractive and excellent private schools.

"For such replacement to be practicable, full support is required from every business and professional man who has an interest in the economic future of Jackson."

THE DESTRUCTION OF AMERICAN INSTITUTIONS: INTERNAL AND EXTERNAL ANARCHY IN HIGHER EDUCATION

(By William E. Warner)

PREFACE

A free society is composed of many independent institutions designed to serve the people concerned, whereas a totalitarian society brings these under the control of the state. In order to maintain its dictatorship.

There is also the issue of realism versus the academic or Oxford tradition in higher education, which the authors of the Land-Grant Act resolved by focusing on "Agriculture and Mechanic Arts" as the basic departure for their new system in America. This was signed into law by Abraham Lincoln in 1862 and has produced 59 institutions, which in turn have dominated the American trend.

All went well until the decade of the depression and the period of World War II, when many evidences of changes or revolution began to occur. These concerned staff as well as curriculum, each of which has increasingly deteriorated during the past forty years. For example, administrative authority has been maneuvered, surrounded, diluted and even intimidated by leftist and/or "liberal" forces into making decisions that serve to weaken or destroy their responsibilities. The attacks have been psychological and have involved semantics as well as emotionalism. Well established security measures have been neglected or ignored, all of which have served to stimulate anarchy.

The trend has become cancerous and the impact on the Universities more critical than meets the eye. The need is for a far more subtle treatment than a single Legislative Act, even though this is certainly desired, as in the case of House Bill No. 1219. The present report has been prepared at the invitation of Ohio House Speaker, Charles F. Kurfess, and is concerned primarily with the *internal* problem of *preventive* security, rather than with the more obvious provisions of a *punitive* nature, such as those listed in the present statue, which are designed to cope with the perpetrators of overt acts and the accompanying displays of physical anarchy.

FBI Director, J. Edgar Hoover, advises that the USSR assigned 1957 intelligence officers to the UN and their American embassies in 1965 and expanded this number to 2626 in 1969. These are considered to be back of the 850 demonstrations on 225 campuses with over 4000 arrests last year and should be evidence enough of the critical nature of the internal problem, as well as to clarify the purpose of this report. Only one type of institution, namely higher education is presented, whereas many others are under attack today, including the Home, and Church, the Common Schools, the Courts, all Communications Media, and many other types which must remain free, if our nation is to survive.

WILLIAM E. WARNER,
Chairman.

I—OBJECTIVES

The focus on world domination

People are shortsighted indeed, who cannot interpret the present surge of student riots, because many types of psychological, or physical and political warfare, have been with us since the Soviet Revolution at the end of WW I, as witness the following well known tactics:

"Corrupt the young, get them away from religion, interest them in sex, make them superficial, destroy their ruggedness.

"Get control of all means of publicity, harp on "controversial" matters, hold leaders up to contempt and ridicule.

"Preach 'true' democracy, but seize power as fast and as ruthlessly as possible.

"Encourage government extravagancy, destroy credit, produce inflation with rising prices, unemployment and discontent.

"Foment strikes, civil disorders and a lenient government. Cause the breakdown of moral virtues, honesty, sobriety, continence, faith in the pledged word and ruggedness.

The institutions of the USA have been gravely weakened and are now considered to be from half to two-thirds influenced by such things as the above as witness not only higher education, but the press, radio and screen, not to mention the churches, courts, trade unions. . . .

All of Asia appears to be lost with the exception of Nationalist China, South Korea and Australia. Europe has deteriorated with the possible exception of Portugal, Spain, Switzerland, and the Netherlands. The same is true of South America with the exception of Argentina, Brazil, and Paraguay. Africa, and especially the Arab world is tragically influenced with the exception of Rhodesia and South Africa—so the hour is very late and Lenin's prediction of the early twenties is upon us.

The strategy is to destroy from within and the tactics are largely psychological, as well as economic, as witness the student riots, the spread of crime, narcotics and sex, and of constantly yielding to the calculated "demands" of the minorities. Our $200 billion giveaway extravaganza on an international scale and the weakening of our defenses have contributed to the above and to the inflationary spiral that has accompanied it. The only conclusion possible is that our leaders either do not understand, or have gone soft, because the result is clearly along the lines planned.

Pages 4 and 5 which follow include first-hand experiences of more than forty years of faculty service at Ohio State, a federal security agency consultancy in Washington at the start of World War II, nearly two years of general staff security experience at Supreme Headquarters, AEF, including the "Battle of the Bulge" in Europe, and nearly three years in general charge of the Ohio security program during the Korean crisis, in which 42 emergency plans were produced and coordinated.

II—STATUTORY AND ADMINISTRATIVE ESSENTIALS

While a riot demonstrates an *external* and more obvious type of security problem, a much older and more subtle type is *internal*, like that presented in the paragraphs which follow:

Faculty selection and service.—These require: (1) a professionally administered security check and record of service of new, as well as present employees for a period of at least fifteen years, (2) a contractual arrangement that explicitly defines the loyalties expected and services to be rendered, and by the same token, what is not to be attempted for each academic year, (3) a well defined agreement of all elements of load cleared by all concerned, (4) a biennial publication of all professional biographies, and (5) abolishment of tenure.

Student selection and focus.—The universities of the State of Ohio have been generously subsidized by the people, not as "common" schools, but as institutions for the preparation of its future leaders. They are centers of *higher* education where attendance of clearly qualified and periodically checked students shall be recognized as a privilege, not a right. Selection, therefore, includes an evaluation of all student, family, employment, service, psychological, and interest records for that percent of the population considered by the Regents to be representative of the intellectual reservoir and need or quota. Student interests and potentialities are to be identified within the first or freshman year and a program of professional orientation (or of postponement, pending more maturity) planned to reflect these findings. The present program of two years duration cannot be justified, because it unduly favors the academic and only serves to delay and restrict the basically important professional preparation. A carefully organized program of professional preparation in a major interest shall follow, accompanied by a highly useful series of studies involving the fundamentals of health, morality, political and economic security in a free society. These are to be concluded by a senior evaluation seminar where each student's progress and readiness for graduation shall be determined by the University and the public or professional leaders concerned.

Facilities.—These involve the entire university and all its outside security contacts concerning the physical plant, including all valuable resources and records that must be kept operational. They involve: (1) a completely secure Control Center that is in continuous operation, (2) a series of well identified, lighted and appropriately designed or constructed buildings, each staffed continuously by, (3) a Guard, Warden, or Custodian especially of sensitive spots such as Water supply, Coal, Inflammable materials, Power, Tunnels, Telephone exchanges and Communication Lines, Shelters and Toilets or Sewage.

Records.—These concern the computerization of all personal, personnel, instructional,

institutional, inventory, historic and disaster records (involving insurance or governmental refunds). Some of these need to be in duplicate and placed in completely secure storage vaults, while others may and should be more readily accessible, but in files or lockers that are burglar and fireproof.

Policy leaders.—These include: The Governor and Lt. Governor, the Legislative, the Higher Courts, the Board of Control, The Chancellor, the University Presidents and Vice Presidents, the Deans and Department Heads. The State does not now clearly define or certify the status of these people, but is exceedingly careful to select, train and certify many others such as attorneys, police cadets and an increasing variety skilled personnel prepared in a wide variety of public and private vocational schools. The subtle, internal, and highly critical nature of the Ohio security problem in higher education requires that one or more high level short courses of a confidential nature be arranged periodically for the "policy leaders" named above, that can be conducted by highly qualified security specialists at the Academy or at an equally appropriate spot.

Program validity.—The philosophy and mandate of the Land-Grant Act of 1862, concerns the realistic focus of The Ohio State University, but which has evolved in patch quilt fashion into an institution of sixteen colleges, the last six of which are academic and because of that, are questioned. The Legislature and/or Regents need to clarify the focus of each state supported school and indicate the organization required. An even more vital problem concerns the validity of all instruction, in which a periodically revised series or guidelines and syllabi need to be produced by the Regents that would assure the necessary depth, as well as political perspective and other necessary safeguards essential to the leadership of a free society in which a "Black Studies" program currently pressed upon the Trustees at Ohio State, is considered to be unfortunate and illustrative of the security issue. The question of awards and honors is also in need of safeguards, because several of the recipients would not have been awarded if their security records had been consulted.

Student life and extra-curricular programs.—These concern, (1) the wider endorsement and use of endowed or privately supported resources for constructive purposes, such as the Museums, Mershon Philanthropy, and the regular system of social and honorary fraternities and sororities, (2) all forms of intramural and intercollegiate sports, in which some football games have been exploited for political purposes, e.g. the UN, Mental Health, Peace in Vietnam, (3) Student Unions which are regularly exploited by socalled "art" and "cultural" presentations, with browsing centers containing liberal, but very few examples of conservatism and the American tradition or ideal, (4) socalled "religious" centers which condone political agitation, e.g. on how to avoid the draft or on how to stage a riot, (5) certain houses or institutions focused on student exploitation or dissipation that border college campuses, including centers of agitation, drugs and sex, (6) the wasteful use of leisure time has become a problem and needs to be answered by stimulating a wider variety of recreational and cultural interests of a realistic nature, and even for course credit, (7) the recognition and/or solicitation of student donations or memberships for WSSF, NSA, SDS and for any plausibly sounding but inappropriate purpose, such as in the current requests of students for thousands of dollars to defray certain court and other costs of the riots, (8) the use of University resources, supplies, or personnel for private or agitational purposes such as by the Campus Newspaper, Graduate Student Council, and the like, (9) single course enrollments or "legitimacy cover," such as Savio in Philosophy at Berkeley whose interest was political, not professional or educational, (10) the individual or group publication of agitational causes such as handbills, so-called news items and editorials in campus newspapers, or organizational newsletters . . .

III—CONCLUSIONS

Members of the Legislature and everyone else concerned, were understandably embarrassed and angered by the recent series of student riots on Ohio college campuses and quickly passed House Bill #1219 as a stop gap until a more deliberate study could be made of the problem. Thirty-one other states have followed suit.

An Ohio Un-American Activities Commission was first proposed in 1949, but some 500 communists descended on the Legislature from all parts of the state to agitate against it and were successful. It was not until 1951–52 that such a commission was established and extended for two more years in 1953, after which an unfortunate ruling by the Warren Court stopped it. The Wylie Act of 1963 concerning Off-campus Speakers was the only other accomplishment to date.

The present report contains a considerable variety of security problems that have been accumulating in Higher Education over the past forty years. They are grouped under seven headings on pages 4 and 5. The most critical concern the *teaching corps* and the *validity* of what is taught, in which a series of well defined guidelines by an advisory commission of the Legislature, with help from the Regents and Security people is a must, and especially concerning the instructional level achieved in academic subjects at first and second year levels.

Attention also needs to be focused on the effectiveness of the Policy Leaders and Student Life programs, because these are clearly not producing the results required. All individuals and groups that seek in any way to influence the quality of what the Universities seek to accomplish, must be regularly checked, because far too many mistakes of both omission and commission have been made. The sharpest of penalties need to be available for use on individuals found guilty of promoting personal interests or of sabotaging the best interests of the universities and the State. Reference is made here to those who use emotionalism or subversion in any form, i.e., who seek to weaken the ROTC program or who threaten either to attack or weaken accreditation. . . .

A number of other points occur, such as the use of inexperienced and untrained students in policy of instructional spots, or for the sole reason of their minority group status. All state policy and security measures should be uniformly developed and administered. The number of out-of-state students should be reduced and more carefully supervised, especially those who were turned away from entrance to eastern colleges. The point of all this concerns what is produced: rioters?, or Ohio's future professional leaders?

Get Tough on Bias, Nixon Urged: U.S. Panel Hits Federal Effort on Civil Rights

(By Philip Shandler)

The President should provide new mechanisms and leadership to advance racial justice, the Civil Rights Commission said today.

In a report to President Nixon and Congress, the commission urged a tougher and more resourceful effort by the entire federal government, from the top down, to improve compliance with civil rights law.

The commission in a year-long study, concluded that federal agencies consistently have failed to bring about equality of opportunity.

Throughout the 40 agencies studied, the commission found staff shortages, lack of authority or unwillingness to acknowledge authority, and "undue emphasis on a passive role."

COORDINATION LACKING

But "the most serious flaw in the federal civil rights enforcement effort has been the failure to provide overall direction and coordination," the commission said. "In fact, a total civil rights policy has not been developed, nor have overall national civil rights goals and priorities been established to govern the component parts of the federal civil rights effort."

"In the final analysis, the achievement of civil rights goals depends on the quality of leadership exercised by the President in moving the nation toward racial justice," the 1,100-page report concludes.

"The commission is convinced that his example of courageous moral leadership can inspire the necessary will and determination, not only of the federal officials who served under his direction, but of the American people as well."

PROBLEMS NOT NEW

The commission says inadequacies did not originate with the Nixon administration—"nor was there any substantial period in the past when civil rights enforcement uniformity was at a high level of effectiveness."

The commission is headed by the Rev. Theodore M. Hesburgh, president of Notre Dame University, who was named chairman last year by Nixon. The panel was created in 1957 as an advisory body.

The commission recommends that the President establish two major mechanisms to provide direction and coordination in civil rights from the executive level:

A civil rights subcommittee for the White House Counsel on Domestic Affairs.

A Division of Civil Rights within the new Office of Budget and Management, formerly the Budget Bureau.

To further enhance concern for civil rights, the report urges the President to:

Direct agency heads to elevate their civil rights offices to the level equal with the officials who are in charge of agency programs in most cases that would be the assistant secretary level.

Direct these top officials to submit legislative proposals for bigger civil rights staffs.

Develop a reorganization plan establishing the Equal Employment Opportunity Commission as a "single independent agency" with responsibility for fighting job discrimination. The new EEOC should be given both the contract-compliance powers of the Labor Department's Office of Federal Contract Compliance and the civil rights litigation responsibility now held by the Justice Department, the CRC says.

Give the Justice Department power to direct other agencies to require state compliance with non-bias requirements in their use of federal assistance, and give the department the power to cut off funds, if necessary.

Ensure that low-income housing, which is open to minority groups is available as a prerequisite for establishment of new federal facilities.

The commission's study examined how the government uses its roles as employer, purchaser of goods and services, financial supporter of state and local governments, and regulator of industries to enhance equal opportunity.

Since the study began, the commission notes—though it claims no credit—some agencies have made significant changes.

Particularly, the commission cites changes by the Civil Service Commission and the Defense Department—the former to boost minority employment in government, the latter to stimulate minority hiring by industries with which it does business.

But wider gains will require the setting of numerical hiring goals and timetables and the use of sanctions for noncompliance, the report says.

The civil rights subcommittee recommended for establishment as part of the White House Domestic Affairs Council would identify problems, set government-wide priorities, policies and timetables, and determine the need for any new legislation or executive action.

The Budget Office civil rights division would work with the subcommittee to develop implementation of these goals.

Specifically, its examiners would check agency budgets for civil rights considerations, help them set adequate civil rights targets, and evaluate their compliance and coordination machinery.

Besides the changes recommended for action by the President, here is what the commission suggests for agency improvement:

The government's personnel agency, the Civil Service Commission, should establish a firm policy requiring agency racial-hiring and promotion goals. Stricter punishment of discriminating supervisors, more uptraining of minorities and recruiting outside for high-level jobs are urged.

The Office of Federal Contract Compliance should require the same kind of specific goals by industry, with thorough on-site reviews and greater use of sanctions, such as debarment and contract termination.

The Department of Housing and Urban Development also should be given cease-and-desist power against discriminatory housing practices.

AGENCY PERFORMANCE

Here is what the Civil Rights Commission says about specific agencies, in its report on the Federal Civil Rights Enforcement Effort.

WHITE HOUSE

"White House coordination of (civil Rights) still is not conducted on a systematic and comprehensive basis . . .

"Although there are some specific White House staff members currently assigned to civil rights enforcement, some have other duties which require significant amounts of their time. . . .

"There is no systematic effort to evaluate the enforcement activities of federal agencies, to coordinate their civil rights efforts, or to set goals or priorities for the agencies."

BUDGET BUREAU

This agency, now called the Office of Management and Budget, has "not officially acknowledged that it has any civil rights coordinating role, nor has its staff received any civil rights training.

"Through its central role (over agency budgets, it) can play a significant role in improving the effectiveness of civil rights compliance and enforcement, (but) it has failed to do so."

JUSTICE DEPARTMENT

Justice "has undertaken an aggressive enforcement program" in housing but has "failed to coordinate its law suits into a total government effort to eliminate employment discrimination." In both fields, it hasn't paid as much attention to other minorities as it pays to blacks.

The department, which is responsible for ensuring that states use U.S. funds in a nondiscriminatory-manner, "has not done an effective coordination job."

"The status of the official responsible . . . has been systematically downgraded. . . . Currently it is being carried out by a junior attorney in the Civil Rights Division."

The division views its role as "narrowly, focusing on litigation rather than assuring effective administrative enforcement by the various federal agencies."

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

HUD "has not made full use of the enforcement tools at its command, nor has it made the most effective distribution of available resources" in the open-housing effort. But the department has begun to demonstrate the leadership which the CRC says it should assume. For example, it is urging other government agencies to require collection of racial data on government-backed loans.

But HUD "did not decide to collect such data regarding its own programs until April 1970," and apparently isn't collecting them yet.

In regard to its responsibilities to assist other public and private agencies to oppose bias in housing, it "has done little systematically."

DEFENSE DEPARTMENT

The Pentagon "did not perform effectively" until this year, when it made "significant changes" in its dealings with industry on job bias. In recent months, it has helped develop a model compliance plan for the aircraft industry, and has issued more than 35 show-cause orders, a step toward invoking sanctions for non-compliance.

Historically, "only a small fraction of its contractors are reviewed at all." Although "non-compliance is found frequently, follow-up reviews to determine whether violations have been corrected almost never are done . . .

"The sanctions of contract termination or debarment never have been imposed by compliance agencies" against companies.

Requirements set a few years for non-discrimination in off-base housing have helped minorities, but "in fact . . . the degree of integration is still low." Base commanders generally rely on complaints, without initiating surveys among their troops on housing problems.

OFFICE OF FEDERAL CONTRACT COMPLIANCE

(Labor Department)

Recent actions, requiring industry to set minority hiring goals and streamline the monitoring of compliance, "show promise."

But a "continuing weakness" is the agency's failure to impose sanctions. This "lessens the credibility of the government's compliance program and weakens the . . . effort."

Between its creation in 1965 and 1970, the office referred only eight cases to the Justice Department for litigation.

It has been "grossly" understaffed.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plagued by staff shortages and turnover, EEOC has "further restricted its effectiveness by adopting a passive role," relying too much on complaint processing.

It has made "relatively little use of its initiatory capabilities, such as public hearings and commissioner-initiated charges, to broaden its attack on job bias."

Faster complaint-processing procedures recently were developed. Heretofore, processing has taken 16 months to 2 years.

The few hearings EEOC has held haven't been coordinated with other related agencies and haven't been followed up systematically.

CIVIL SERVICE COMMISSION

In the past year, the CSC has displayed "increasing vigor and imagination" in the areas of minority job recruiting, test revamping, promotion procedures, racial-data collection, supervisor sensitivization and complaint-procedures.

But "weaknesses remain" in training minorities for top jobs, where they're the most scarce. The report suggests more hiring from the outside for these jobs.

"Rigid adherence to the existing merit system by the . . . commission and other federal departments has impeded achievement of the goal of equitable representation of minorities in the federal service."

FEDERAL HOUSING ADMINISTRATION AND VETERANS' HOUSING

In open housing, both have relied too much on consumer complaints, instead of putting pressure on industry.

Reinstatement of a disqualified builder requires only a new agreement not to discriminate—"an agreement he already has violated."

Unlike FHA, the VA still exempts one and two-family owner-occupied houses from its non-bias requirements, and doesn't require certification of non-discrimination before insuring loans for property covered by discriminatory covenants.

GENERAL SERVICES ADMINISTRATION

Last year, GSA established a policy requiring low-income housing to be available at the offices of new federal installations. But it "is silent" on assurances of minority access to such housing.

(An executive order that broadened the policy similarly is silent.)

THE REGULATORY AGENCIES

(Federal Power Commission, Interstate Commerce Commission, Federal Communications Commission, Civil Aeronautics Board.)

The industries regulated by this agency have "uniformly poor" records of minority hiring, yet "only one of the regulatory agencies (FCC) has issued rules prohibiting employment discrimination."

"Because of the agencies' cumbersome procedures regarding issuance of licenses, which serve mainly to protect the economic interest of existing licensees, many minority-group members are effectively barred. . . .

None of the four agencies offers free legal help to license challengers, and none has "instituted the mechanisms necessary to assure against . . . discrimination" in industry facilities and service.

For example, Federal Trade Commission has "not carried out the responsibility (of aid to the ghetto poor) with sufficient vigor or imagination."

Its anti-trust reviews have not been concerned with the impact of corporate actions, like mergers on services in the ghetto.

And it has "not sufficiently exercised its authority to protect minority businessmen from investing in economically unsound franchises."

AIRCRAFT HIJACKING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. PICKLE. Mr. Speaker, I am compelled to state my concern with H.R. 19444, the aircraft guard bill which passed the House on September 30. Because of a longstanding prior commitment, I was not present during the floor debate. However, when this legislation was considered before the Rules Committee, I appeared and asked that an open rule be granted so that amendments could be offered. My request was denied.

Although I have some doubts about the wisdom of placing armed guards on airplanes, I am certainly in favor of taking positive action which will prevent skyjacking. In fact, I have introduced legislation on this subject, H.R. 19307.

My objection to the bill this House passed involves the increasing of the passenger tax to pay for these guards. The tax on domestic fares was increased from 8 to 8½ percent and international flights were increased from $3 to $5.

I am not aware of any other time in history, that U.S. citizens had to pay to be protected from international pirates.

Air passengers are already paying a heavy tax. Although it is difficult to say that there is one motive behind the rash of air piracies, I think it is safe to say that these skyjackings have been aimed at U.S. governmental policies, and not at the air passengers or the owners of the

aircraft. Since I believe these air piracies are aimed at the U.S. Government, I think it is extremely unfair to ask the passenger to pay for protection.

This measure was moved through the House very quickly. I hope the Senate will take more time to consider this special tax on passengers to pay for protection from a problem brought about by governmental policy.

PULASKI DAY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. DADDARIO. Mr. Speaker, I take this opportunity today to call to the attention of the House a recent resolution adopted by the Polish-American Congress at their meeting in Hartford, Conn., on Pulaski Day, October 11, 1970.

This group of Americans of Polish extraction has long been active in Connecticut in voicing the feelings and concerns of their members. They have been strong spokesmen for their views and have frequently called to our attention the problems and frustrations of those millions who live under the repression of Communist rule in the captive nations of eastern and central Europe. The struggles of these people in their attempts to preserve freedom during difficult times are an inspiration to all of us who value liberty, law, and justice.

Pulaski Day serves to remind us all of the invaluable contributions of Count Casimir Pulaski to our own struggle for freedom in the Revolutionary War. His deeds serve as a model of courage and dedication to all Americans, but most especially to Americans of Polish descent.

I commend the Polish-American Congress for its efforts and urge my colleagues to consider carefully the proposals and positions that group has endorsed:

RESOLUTION

Adopted by the Polish American Congress, District of Connecticut, on Pulaski Day, held in Hartford, Connecticut, on October 11, 1970

1. We support the efforts of the United States Government to bring a just peace with order and stability in Middle East and Southeast Asia, where the Vietnam conflict has put to a historic test American determination to defend freedom from communist aggression.

2. Deeply concerned with internal crises that afflict our nation, pledge our unreserved support to programs that will strengthen the viability of the United States in terms of social stability and civic wisdom in all sectors of American life, which we pray will result in law, order and justice to all.

3. We call upon the Government of the U.S. and we appeal to the conscience of the free world to use all means and efforts to restore freedom and independence to Poland, other nations in eastern and central Europe, suffering under the imposed communist regimes and neo-colonial Russian exploitation.

4. We urge that Polish Regained Western Territories be recognized by the U.S.A. Government as an integral part of Poland and the present Odra-Nyssa line be ratified de jure as the final boundary of Poland. In regards to eastern boundary of Poland, we do not recognize the seizing of the eastern half of Poland by Russia during the last war and we insist on the border as mutually established by the Riga Treaty.

5. Bearing in mind the important part played by Poles and Americans of Polish descent in the fight for America's independence and also their vast and lasting contribution to the present greatness of America, we urge that Americans of Polish descent be given well deserved, greater representation in the federal and state governments.

6. Honoring today the memory of General Pulaski, the great Polish patriot and the hero of the American War of Independence and the 50 anniversary of the Battle of Warsaw, we pay tribute to all those brave men who fought on numerous battlefields and gave their lives in defense of freedom and liberty under the noble motto of our forefathers: "For your freedom and ours."

GLASS RECLAMATION PROJECT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. HANNA. Mr. Speaker, I have often stated before this body my feelings that significant progress against environmental pollution can only be made by a total commitment by the various factors in our economic and social structures. It was in this light that I recently commended to my colleagues the clean air car race put on by the students at MIT and Cal Tech in Pasadena, Cailf.

It is with this same concept in mind that I now commend to my colleagues a glass recycling program which is experiencing unprecedented success in my home district in reclaiming waste glass and reusing it in container production. As a matter of fact, this program has been so successful it is being expanded to encompass the Nation's major urban areas.

This program is being sponsored by the Glass Container Manufacturers Institute and deserves our full support. Equally significant, in my mind, are the efforts being made by the Institute to develop other means of disposing of our Nation's solid waste. New methods of separation are being explored to permit reclaiming of diverse types of waste. Research is also being done in areas of secondary uses for nonreclaimable glass waste. Construction brick, glass wool insulation, and "glasphalt" are all areas under development.

Mr. Speaker, I believe that the glass container industry of the United States should be commended for its efforts in attempting to help solve the serious crisis facing our Nation. Following is a resolution recently approved by the Los Angeles City Council relating specifically to the reclaiming effort I noted earlier. I believe it merits the careful attention of my colleagues.

RESOLUTION

Whereas, the Glass Container Manufacturers Institute initiated a program of reclamation of used glass containers in April, 1970; and,

Whereas, this program is aimed at solving the problem of solid waste, eliminating litter, promoting neighborhood cleanliness, and recycling glass containers to help preserve our natural resources; and,

Whereas, the Southern California Glass Reclamation Program and its eight participating glass container manufacturers are now collecting over one million glass containers per week in Los Angeles; and,

Whereas, the Los Angeles pilot program has met with such an enthusiastic response by citizens of Los Angeles that it now serves as the model for glass reclamation all over the United States:

Now, therefore, be it resolved that the Los Angeles City Council commends the Glass Container Manufacturers Institute and its Southern California Glass Reclamation Program for its role in seeking a solution to solid waste disposal and in preserving our natural resources by recycling used glass containers and thanks them for their contribution in keeping our City's parks, beaches, streets, and neighborhoods clean and beautiful.

Presented by:

EDMOND D. EDELMAN,
Councilman, Fifth District.

Seconded by:

MARVIN BRAUDE,
Councilman, 11th District.

CITIZEN INVOLVEMENT NEEDED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BURTON of Utah. Mr. Speaker, crime has burgeoned into one of Utah's major problems. In the past year, Utah's crime rate has grown twice as fast as the rest of the Nation's.

I am in complete agreement with those authorities who believe that the solution to this critical problem requires more than the mere allocation of additional money. Citizen involvement on a large scale is crucially needed if we are to reverse the crime trend, in Utah and elsewhere in the Nation.

The Deseret News, Salt Lake City, Utah, expressed editorial concern with respect to this problem recently. The editorial follows:

HOW UTAHANS CAN HELP THE POLICE CURB CRIME

If Utahans are to come to grips with a growing crime rate, they will have to spend more money for better police protection.

When an organization as careful and conservative about tax dollars as the Utah Foundation comes to pretty much that conclusion, as it did the past weekend, those who hold the purse-strings should sit up and take notice.

But then what other conclusion can one come to when Utah's crime rate in 1969 grew twice as fast as the rest of the nation.

When the chance of a Utahan's becoming the victims of a crime has gone from one in 89 in 1960 to one in 46 last year.

When the Salt Lake City police force, for example, is handling nearly twice as many cases today as it did 10 years ago with 19 fewer line officers.

When police salaries in Salt Lake City are said to be about $150 a month below the average for cities of comparable size.

When crime fighting equipment becomes more expensive as it becomes more sophisticated to meet more demanding situations.

Or when the cost of not doing a better job

of enforcing the laws must be measured not only in dollars and cents but also in terms of human life, bodily injury, and mental anguish?

As Utahans focus on these aspects of the crime problem, they should not overlook the Foundation's observation that:

"Authorities are in general agreement that the full answer to the problem is not money alone, and that if a community, state, or nation were provided unlimited funds it could not immediately end the problem of crime."

More money, while necessary, is no substitute for more direct citizen interest and involvement in combatting crime.

As the President's Commission on Law Enforcement and Administration of justice has observed, each time a citizen fails to report an offense, declines to take commonsense precautions against crime, is disrespectful to an officer of the law, shirks his duty as a juror or performs with a biased mind or a hate-filled heart, he contributes to crime.

Moreover, when we turn our backs on those being attacked by a criminal . . . when we insist that the individual isn't personally responsible for his actions and that society is to blame for whatever goes wrong . . . and when we shout down those who disagree with us and refuse to grant them the common courtesies we demand for ourselves, again we inevitably contribute to lawlessness and national decay.

More constructively, one can keep alert to suspicious circumstances that may indicate a crime is being committed, and call police right away. And one can participate in crime-fighting programs like Salt Lake City's Women Alert campaign.

With contributions of time and effort as well as money, alert Utahans can be a most effective weapon in the struggle against crime.

RODINO URGES ALL-OUT WAR ON NARCOTICS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. RODINO. Mr. Speaker, I have introduced legislation giving the President of the United States broad emergency powers to use any facility of our Government that he deems necessary to conduct an all-out war against narcotics addiction.

During my 22 years in Congress, it has only been when our country has been involved in wars abroad that I, and the majority of my colleagues in both political parties, have agreed to give to the President broad emergency powers of this nature. In my view, narcotics sellers are now threatening the security of our Nation as much as could any actual military attack, and emergency measures such as I have proposed are essential.

Every segment of our society is now being endangered by heroin and other deadly hard narcotics. However, the greatest devastation is in the major industrial centers of our Nation—in such cities as New York, Newark, Philadelphia, New Orleans, Detroit, and Los Angeles. In these cities and their suburbs the narcotics plague has reached critical proportions. In New York, for example, overdoses of heroin are now the largest single cause of death for persons under 35. Each month hundreds of juveniles are dying either directly from heroin, or from diseases produced by the filth of unsterilized needles jammed into abscessed arms and weakened veins.

Last year alone, more than 1,000 babies born in New York City were addicted to heroin at birth because of the addiction of their mothers during pregnancy. Some 300,000 to 400,000 heroin addicts loose in the United States, desperate to feed their habits, are turning our cities and their suburbs into crime-infested jungles.

Mr. Speaker, if our youth is to be preserved, our society to remain healthy, and our streets to be made safe, then I am convinced that an all-out war against hard narcotics must be waged. For that reason, I have developed a comprehensive plan and have been doing everything in my power to generate support for this plan, not only from my colleagues in Congress but also from the administration, national organizations, and local community groups.

THE RODINO PLAN

For the benefit of my colleagues, I would like to briefly review the current status of my plan.

The Rodino plan calls for a vigorous three-pronged attack on all hard narcotics such as heroin and cocaine. First, under my bill H.R. 17269, any person known to be an addict would be placed under medical supervision and control by Public Health officials. Such treatment would be mandatory and could involve confinement of the addict if and when medical officials consider it necessary. The Judiciary Committee is holding hearings on this proposal, and it has already received the support of the American Medical Association as well as a number of State and local narcotics officials.

Mr. Speaker, in my judgment the compulsory medical treatment of narcotics addicts is not only sound social philosophy, in terms of preventing lives from being destroyed and families ruined—it is also sound economics. Statistics released recently in the District of Columbia indicate that the crime rate in this city has decreased by 19 percent since an extensive addict-treatment program was instituted. The economics of this program are highly significant. An untreated addict steals at least $50,000 worth of property per year. Even if we assume that there are only 100,000 addicts in the United States, this amounts to an economic loss of $11 billion per year.

To incarcerate an addict in prison for 1 year costs between $5,000 and $10,000 at present. To provide the same addict with the kind of treatment that is being administered in the District of Columbia, and which is being used effectively to reduce crime, costs only $2,000 per year.

Under the circumstances, the medical treatment of the addict is not only something that we must do for moral reasons, it is also something that should be done for economic reasons.

Obviously, the treatment of narcotics addicts is in itself not enough. The second prong of our attack must be directed at the most heinous criminals of our times—the narcotics pushers who peddle their horrors on the streets; the organized drug rings; and international narcotics entrepreneurs who operate on a worldwide scale. Under my plan, law enforcement officials would be freed to conduct vigorous crackdowns in these areas. My bill would make it possible for more law enforcement officials to use other measures that have been developed by the House Judiciary Committee on which I serve. In particular, they could concentrate on the strong powers provided in the Organized Crime Control Act approved by our committee and passed by the House on October 7. With enactment of H.R. 17269, the administration would also be enabled to make greater use of provisions of the Drug Abuse Prevention and Control Act, which has passed both House and Senate and now awaits conference agreement.

The third thrust of my attack is in an area which has been too long neglected by both the administration and the Congress—the area of international control over narcotics. It is shocking to realize that all of the illegal narcotics in the United States come from abroad and that 80 percent of the heroin in the United States originates from opium grown in Turkey and processed in France. Yet, despite the fact that such countries as Turkey have been a major source of the contamination that is threatening our whole country, the administration persists in giving foreign aid to Turkey with no strings attached. Recently, for example, President Nixon approved a $40 million development loan to Turkey even though the Turkish Government has not complied with our request to eliminate opium production.

To deal with this appalling situation, I have introduced H.R. 18397, which would impose economic sanctions on foreign governments that fail to take adequate steps to curb the illegal production and processing of opium, heroin, cocaine, or morphine. It would also provide affirmative assistance to countries which do cooperate. I have written personally to every Member of the House of Representatives to call this matter to their attention, and I am gratified that as a result 141 Members of the House—both Republican and Democratic—have given me their wholehearted support by cosponsoring my bill. It is now pending before the House Committee on Foreign Affairs. Although the administration has not yet taken a public position on this issue, I am hopeful that my bill can be enacted in the near future.

Mr. Speaker, I believe that a three-pronged attack of the type that I have formulated is essential. These are times when our Nation is divided—there are disagreements among young and old, between blacks and whites, management and labor. But the narcotics contamination affects all of our institutions. As a result, every responsible member of our society should be willing to unite in such a war against narcotics. I, for one, have pledged to the people of the 10th Congressional District of New Jersey that, as their Representative, I will do my utmost to muster the full resources of the Federal Government in this fight. I intend to keep that pledge.

CUTTING THE DEFENSE BUDGET

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BOLLING. Mr. Speaker, the Kansas City Star in an editorial concerning defense budget cuts makes some sound points both pro and con on this question but concludes that so far it does not appear that we are repeating the past mistakes of inadequate preparedness. The editorial of Sunday, October 4, follows:

CUTTING THE DEFENSE BUDGET WITHOUT EXCESS RISK

Defense spending is on its sharpest swing downward since the end of the Korean fighting 17 years ago. This development brings a variety of reactions—elation that more billions will be available for education, housing, transportation, the control of crime and pollution and possible tax relief; the distress of more than 500,000 families and individuals already hurt by the elimination of defense jobs, and fears in some quarters that the military cuts, are excessive and could risk the nation's survival.

Any defense budget involves a measure of calculated risk. Total security is beyond achievement by any nation. That was true when wars were fought with crossbows and ramrods and it is true in this jittery era of nuclear warheads and intercontinental ballistic missiles.

This country's Vietnam experience has produced disillusionment. Gone is the assumption that a superpower can use its armed might to win any kind of war. Americans now understand that a guerrilla war is a special case. It may be indecisive and unwinnable—as Vietnam is—when the great power limits a conflict by imposing restrictions on itself in order to avoid a larger war. Thus the U.S. has refrained from invading North Vietnam or obliterating it from the air lest Red China intervene with its endless legions. The 1950 lesson of attempting to invade and conquer North Korea has stuck.

Now the United States is on its way out of the war in stages. By the middle of 1971 the South Vietnamese will be wholly responsible for the land defense of their country. U.S. help is making this possible and it was an American expeditionary force that saved South Vietnam from Communist conquest in the critical years from 1965 to 1968. Thus anyone who claims that the U.S. had no valid purpose in Vietnam or failed to accomplish it ignores the facts.

VIETNAM LOAD DIMINISHES

But the Vietnamese involvement is marching into history, and the United States finds itself able to retrench heavily on both military expenditures and manpower. The following is a summary of cuts made and in prospect:

From a peak of 81.2 billion dollars in the fiscal year ended June 30, 1969, defense outlays have been reduced more than 7.5 billion. At the same time the cost of weapons has increased and men in uniform have been granted pay raises. When these are excluded, defense spending dropped from 78.7 billion in fiscal 1969 to 65.9 billion in the current fiscal year, a decline of about 16 per cent. Defense spending absorbs 34.6 per cent of the federal budget compared with 43.2 per cent in 1968.

By another measure, total defense expenditures in the current fiscal year are expected to decline to 7 per cent of the gross national product, the lowest level in 20 years. At the height of the Vietnam war, about 9 per cent of GNP was going to defense; at the peak of the Korean war, about 13.5 per cent. It was more than 40 per cent at the height of World War II.

The 1971 defense budget is for a little over 71 billion, with a possibility that the level may fall below 70 billion in fiscal 1972. Even larger cuts are possible depending on the political climate. After several years of rubber-stamping most Pentagon requests, Congress is now taking a hard look at all major items and rejecting some of them. Most recently the legislators scuttled a 152-million-dollar start on a third nuclear-powered aircraft carrier.

In addition to the half-million workers who have lost thier jobs at defense plants in the last year, another 500,000 are expected to be laid off during the next 12 months. Civilian payrolls in the Defense department are being cut by 100,000 perhaps more.

By next June the total number in uniform will have declined to 2.9 million, compared with the Vietnam war peak of 3.5 million in 1968. Three more divisions will be cut from the standing Army, bringing the number of divisions to the lowest point (13⅔ divisions) in more than 10 years. The Air Force, the Navy and the Marine Corps are also undergoing personnel cuts. In Vietnam the American forces will be down to 284,000 or fewer by next May. The highest figure was 543,000.

At a time when the Soviet navy is expanding rapidly, especially in submarines, the U.S. Navy is shrinking. A total of 286 ships has been announced for mothballing or scrapping since April of 1969. Fifty per cent of the Navy's surface vessels are more than 20 years old. The building of modern ships has lagged during the Vietnam war.

By one measurement—nuclear megatonnage—the United States is reported to have fallen behind the Soviet Union in strategic military strength. The Russians may also have more "delivery vehicles" for atomic warheads. But there is also the grim fact that both countries have sufficient nuclear might to destroy each other several times over. Moreover, the deployment of multiple warheads in the MIRV missile system will enlarge the U.S. capability.

QUESTION OF SOVIET MIGHT

Thus there is no apparent basis for the alarm registered by Rep. L. Mendel Rivers, chairman of the House armed services committee, and some others in Congress that there is present danger from being eclipsed by Russia as the world's strongest military power. The real concern is whether the hard line recently taken by the Soviet Union may continue. The main test will be the outcome of the U.S.-Stoviet talks on the limitation of strategic arms. If this effort to freeze the arms race should fail, the United States would have to take a new reading on its military requirements.

But for now it seems that the recent curb on unlimited military spending—a big factor in taxes and a cause of inflation—is justified. The time had come to trim the military budget and Secretary Laird of the Defense department is doing that with the help of Congress. There are unfortunate dislocations for individuals losing their jobs, for communities where defense plant jobs are important and for an economy in which one in every 10 jobs stemmed from defense less than two years ago.

Yet the impact of defense cuts on the economy should never be the decisive consideration. It has been shown since World War II that there are acceptable nonmilitary alternatives to wars and defense spending in order to keep the economy from stagnating. By cutting taxes or increasing investments in social needs, the government can achieve much the same result.

So it comes down to a question of whether the United States is providing sufficiently for its self-defense and its international commitments. The course of retrenchment so far followed does not appear to be repeating the past mistakes of inadequate preparedness.

AUTO SAFETY: BUMPERS—NO. 4

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHWENGEL. Mr. Speaker, as I have indicated earlier, the National Highway Safety Bureau started actively working on the problems of poorly designed bumpers with their advance notice of proposed rulemaking issued October 14, 1967. The only specific accomplishment was a public hearing held on April 2, 1970. We still have no notice of proposed rulemaking, the next step toward implementing a formal regulation.

To complete the record on this subject, I insert in the RECORD at this point the text of a discussion paper prepared by the Bureau for use at the April meeting:

EXTERIOR PROTECTION (BUMPERS)

On October 14, 1967, the Federal Highway Administrator issued an advance notice of proposed rule making (32 F.R. 14278), establishing dockets to receive comments on the height of motor vehicle bumpers, Docket No. 1–9, and on bumper effectiveness, Docket No. 1–10. On April 2, 1970, the National Highway Safety Bureau will hold a public meeting beginning at 9:00 a.m. in the Department of Commerce Auditorium, 14th and E Streets, N.W., Washington, D.C., to discuss bumpers and other aspects of front and rear low speed collision protection. It is expected that the information presented at the meeting will aid the prompt development of a final rule in this area.

In order to focus the issues as sharply as possible, the Bureau has drafted a discussion paper, in the form of a motor vehicle safety standard, representing the Bureau's concept of the form and content of a final rule. Copies of the discussion paper may be obtained on request from Mr. Clue Ferguson, Director, Office of Standards on Crash-Injury Reduction, National Highway Safety Bureau, 400 7th Street, S.W., Washington, D.C. 20591.

DISCUSSION PAPER

Exterior protection—passenger cars, multipurpose passenger vehicles, buses, and trucks w/gross vehicle weight rating of 10,000 lbs. or less

S1. *Purpose and scope.*—This standard establishes requirements to provide an effective front and rear low speed collision interface between vehicles and between vehicles and fixed objects.

S2. *Applicability.*—This standard applies to passenger cars, multipurpose passenger vehicles, buses, and trucks with gross vehicle weight rating of 10,000 pounds or less.

S3. *Definition.*

S3.1. "Vehicle corner" means a point or line on the vehicle established by a vertical plane that is tangent to the vehicle and at an angle of 45° to the vehicle's longitudinal centerline (see Fig. 1).

S4. *Requirements.*

S4.1 When tested according to S5:

A. No portion of the vehicle shall make contact with any of the vertical surfaces of the pendulum impact face.

B. The vehicle's lamps, reflective devices and associated equipment as specified in MVSS No. 108 shall incur no damage nor displacement so as to affect their function

and/or exceed the as installed adjustment capability specified by the vehicle's manufacturer.

C. The vehicle's hood and trunk latch systems, and the fuel, cooling, and exhaust systems shall incur no damage so as to impair their as installed operational performance.

S5. *Demonstration Test.*

S5.1. *Preparation of Test Vehicle.*—The vehicle shall be at curb weight and on a level, hard surface with the front wheels in a straight-ahead position. Each road wheel shall be equipped with the manufacturer's standard size original equipment tires inflated to the vehicle manufacturer's recommended pressure for the indicated loading. The wheels shall be blocked to keep the vehicle in one test position. In addition, if desired, the vehicle's parking brakes may be engaged and the transmission placed in lock or neutral.

S5.2. *Preparation of Test Device.*—Prepare a pendulum type impact device containing a mass equal to vehicle curb weight. The mass shall:

(a) Be affixed to one end of a rigid shaft such that the distance between its fulcrum and the center-of percussion of the mass shall measure 132± 1 inches.

(b) Be capable of swinging in a circular arc in a vertical plane and through a prescribed angle.

(c) Have affixed to it an impact face consisting of a rigid non-deforming contoured surface as detailed in Fig. 3. Line-A of the contoured surface and the center-of percussion of the pendulum shall lie in the same horizontal plane when the pendulum is freely hanging. Also when the pendulum is freely hanging, a clearance of not more than 6 inches shall exist between the bottom of the steel contoured surface and the ground.

S5.3. *Method of Impacting the Vehicle.*

S5.3.1. Prepare to strike the vehicle with the pendulum impact face by swinging the pendulum away from the vehicle to a position that when released to free-fall it will produce a striking velocity of 7⅓ feet per second. Line-A of the pendulum's impact face at the instant of impact shall:

(a) Impact the vehicle when it intercepts a vertical plane that is tangent to the vehicle surface being impacted, and

(b) Be 20 inches above ground level.

S5.3.2. Impact the front and the rear of the vehicle with the pendulum positioned according to S5.3.1 as follows:

(a) Parallel to the vehicle's longitudinal centerline commencing at the vehicle's centerline and repeated at each 16-inch interval both to the right and left of vehicle centerline until the width of the vehicle bounded between vehicle corners has been impacted.

(b) At the vehicle corner in a direction that makes an angle of 45 degrees with the vehicle's centerline.

S5.3.3. Repeat S5.3.1 and S5.3.2, except Line-A of the pendulum's impact face shall be 14 inches above ground level at the instant contact is made with the vehicle.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

WORDS OF BORIS PONOMARYOV SHOW SOVIET INTENTIONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHMITZ. Mr. Speaker, to supplement an article by Mr. Walter Jacobs appearing elsewhere in the RECORD which deals with Soviet strategy I would like to bring to the attention of my colleagues an article which appeared in the June issue of International Affairs magazine. This magazine is published by the Agit-Prop section of the Soviet Politboro. Since this article is quite lengthy it will not be read in but rather I will comment on certain portions of the article which are particularly interesting in the light of current events. Any of my colleagues who wish to read the article in full can obtain a copy from the Library of Congress.

International Affairs magazine serves as an instrument by which Communist cadres in the English speaking nations receive detailed instructions on the more complex issues involved in waging rear warfare in the United States. It transmits the Communist line. An interesting historical sidelight on this particular publication is that Donald MacClean, the English diplomat who fled to the Soviet Union in 1951, was the editor of International Affairs for several years. He was subsequently moved to a position on the English desk of the Soviet foreign section.

The article which I wish to comment on was authored by one Boris Ponomaryov, secretary of the Communist Party of the Soviet Union and head of the foreign section. Mr. Ponomaryov is an old hand at international subversion. Stalin thought so much of his ability in conducting operations in the non-Communist nations that he appointed him to head the Communist International, as the mechanism for coordinating global subversion was known in Stalin's day. Mr. Ponomaryov was also charged with organizing the Cominform and today heads the international organization of Communist and Workers parties in its present refined form.

Ponomaryov makes a statement which has particular significance at this point where there seems to be a competition developing to see who can dismantle our defense system the fastest. Mr. Ponomaryov says:

> In present day conditions account must also necessarily be taken of the fact that external factors, that is, the general world balance of forces, the possibility of getting support from the world socialist system and, on the other hand, the degree of danger of imperialist export of counterrevolution, have a considerable role to play in determining the concrete ways of revolution.

For those not familiar with Communist jargon the "world socialist system" is basically what we think of as the Soviet Union and its colonies. When it is remembered that this article is aimed at cadre members of the English speaking parties, including naturally the CPUSA, we can see that what Ponomaryov is doing is offering the U.S. Communist party military assistance. He is telling the Communist cadre in the United States that they can count on a nuclear boost to power from the good old Soviet motherland when the time is right and they should plan their operations accordingly. As the balance of forces continues to shift in the Soviet favor this possibility of assistance grows.

Now one might imagine that statements of this type from the head of the Soviet Foreign Section might tend to strain relations between the United States and the U.S.S.R. Mr. Ponomaryov does admit further along in the article that promoting friendly relations between governments at one level and at the same time directing, supporting, and assisting a subversive organization designed to overthrow that same government, to the point of promising them direct military assistance, does present a bit of a problem. He said:

> To the CPSU has fallen the lot of being the first to tackle *in practice* (emphasis original) the problem of relations between a socialist state and the revolutionary movement of the working movement in the camp of imperialism, the problem of combining the struggle for peaceful relations with the capitalist states with *the direct support and assistance for this movement* (emphasis mine). It is not necessary to prove that this is no simple matter, that it requires the skillful combination of principle and flexibility in politics. The CPSU has worked consistently on this task.

I would be the first to agree that it is no simple matter to establish the spirit of "detente" with the Government of the United States and promote the spirit of conquest at all other levels of contact. Ever since the cold war, better known as unarmed warfare, disappeared from the minds of the men in the State Department and in some other policy formulating echelons, though hardly from the real world, this task has been immeasurably easier. We tend to ignore the unbridled hostility manifested by the Soviets both in word and in deed for the occasional soothing words of one of her diplomats. We relegate all the obvious signs that the Soviet Union is proceeding handily toward its stated goal of global conquest to the realm of fancy and hang on the words of such proven liars as A. Dobrynin.

It has gotten to the point where it seems that the notion that we can somehow mystically evoke peace is actually being taken seriously. That we can call it up from some mysterious historical process, as it were. That our wishes and interests coincide with Soviet interests and objectives. This is not the case.

It is my hope that those who are in doubt about Soviet intentions will study the words of Mr. Ponomaryov. That the next time the military budget comes around, it is clearly understood by all concerned that the Soviets are on record, in this instance and many others, as stating that when they get the necessary bang we are going to be left holding the proverbial buck. Those of us who are left, that is.

VOTING RECORDS FOR 91ST CONGRESS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. SCHADEBERG. Mr. Speaker, it has been my custom at the close of each session of Congress to outline my voting record and to report my stewardship to constitutents of the first district.

I introduced 92 public bills. Over 42 percent received action either by being totally or partially enacted, passed by the House and awaiting either Senate or conference action. My staff and I have handled approximately 47,900 pieces of first-class mail which included opinions of constituents, requests for information and publications, military problems, and other items of personal concern.

A large share of my time has been devoted to problems involving pollution abatement projects and environmental quality. Municipalities in my district have initiated 55 projects in these vital areas with the lowest request for funds being $1,500 and the highest $4,360,600. I am happy to say that the first district received $7,275,766 in Federal funds for these projects. With 24 projects still incomplete, additional requests for $4,055,500 are receiving my personal attention.

I have stayed abreast of the changing conditions in the first district by returning to Wisconsin from Washington 60 times during the 91st Congress. These trips have allowed me to keep in constant touch with local as well as Federal officials in order to expedite community requests and head off possible trouble areas. My overall attendance record on the House floor is 93 percent.

To better serve my constituents I have maintained two full-time district offices. They are staffed by full-time secretaries. In addition, my field secretary represents me at citizen meetings and conferences when my duties in Washington prevent me from attending these most important community functions.

Mr. Speaker, the following is my voting record for the 91st Congress, including the session held on Wednesday, October 7. It would be impractical and costly to include every recorded vote since some votes were on minor legislation and some were on parliamentary procedures which would necessitate lengthy discourse to make clear. I am proud of my record. It reflects my desire to be a careful steward of my constituents' tax dollars; my determination to bring spending within the national budget; to restore and promote security within and without; to improve the quality of our environment; and to strengthen the framework of law.

VOTING RECORD FOR 91ST CONGRESS

AGRICULTURE

Voted in support of:

(a) Limiting single farm subsidy payments to $20,000.

(b) The Agriculture Act of 1970.

COMMERCE

Voted in favor of:

(a) Amending the Merchant Marine Act of 1936 to establish a ten-year merchant marine ship construction subsidy program.

(b) Authorizing funds to build and operate American merchant ships so that our Merchant Marine fleet can become competitive with other nations upon whose shipping

(c) The Airport and Airway Development we are becoming increasingly dependent. Act of 1970, authorizing a long-range program for improving the United States' aviation system.

(d) Establishing a program for preserving additional historic property throughout the United States.

(e) The Federal-Aid Highway Act of 1969, extending the due date for a fina. cost estimate of the interstate highway system.

(f) Authorizing funds for motor vehicle and tire safety programs and enacting new safety regulations for tires and motorcyclist's headgear.

Voted against:

(a) The appropriations bill for the Department of Transportation and related agencies because of inflationary increases which had been added to the budget request.

(b) The radio-TV campaign spending bill which would discriminate against broadcasters and against minor candidates.

DEFENSE AND SECURITY

Voted in favor of:

(a) The Foreign Military Sales Act to assist other Nations in the defense of the free world.

(b) Defense Department appropriations.

(c) Military Procurement Authorization for fiscal 1971 including a proposal to cut $550 million.

(d) Military construction for the Department of Defense.

(e) Allowing the President to institute a lottery system for selecting persons for induction into the Armed Services.

(f) The "Toward Peace with Justice in Vietnam" Resolution supporting President Nixon's effort to negotiate a "just peace" in Vietnam and requesting the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war.

(g) Resolution calling for humane treatment and release of prisoners of war held by North Vietnam.

(h) The Defense Facilities and Industrial Security Act of 1970, authorizing measures to protect defense production and classified information released to defense industry against subversion.

(i) Retaining $345.5 million for procurement of and $400.0 million for research for the Safeguard Antiballistic Missile System.

(j) Reducing United States contributions to the Arms Control and Disarmament Agency.

Voted against:

(a) Foreign aid appropriations for fiscal 1970 and 1971, which proposed spending approximately $4 billion on military and economic foreign aid programs.

(b) The bill replacing existing export control laws with new legislation designed to ease controls on exports of goods to Communist nations.

(c) The National Aeronautics and Space Administration authorization bill for fiscal 1971 which contemplated spending too large a sum for advanced space exploration programs at a time when Federal spending on non-essential programs msut be reduced.

EDUCATION

Voted in favor of:

(a) Authorizing $24.6 billion for three years to implement Federal education programs.

(b) Authorizing funds for three years to operate the National Foundation on the Arts and Humanities.

(c) The National Science Foundation Authorization, voted earlier to reduce final amount of funding.

(d) The Health, Education and Welfare-Labor Appropriations bill for fiscal 1970 as passed the House.

(e) Authorizing funds for the Public Broadcasting Corporation, after voting to reduce total funding.

(f) The bill providing emergency student loan guarantees.

(g) The Amendment to deny Federal interest subsidies on college construction loans to colleges which fail to cut off Federal aid to students who willfully violate college regulations of a serious nature and contribute to substantial disruption.

(h) The bill to authorize a 3-year program of research, advanced training, and remedial programs to help children with learning disabilities.

(i) The amendment prohibiting use of Federal funds to force busing and providing for freedom of choice plans.

(j) The bill establishing a National Commission on Libraries and Information Sciences.

(k) Authorizing indefinite amounts of funds for the President's Council on Youth Opportunity.

(l) The Office of Education Appropriations bill for fiscal 1971.

(m) Creating a center to develop teaching materials and methods for the handicapped.

Voted against:

(a) A highly inflationary $1 billion Amendment to the Health, Education and Welfare-Labor Appropriations bill for fiscal 1970 which would have added nearly $600 million for impacted aid programs.

(b) Against overriding the President's veto of a highly inflationary conference report of the Health, Education and Welfare-Labor Appropriations bill for fiscal 1970.

(c) Against overriding the President's veto of a highly inflationary conference report of the Office of Education Appropriations bill for fiscal 1971.

ENVIRONMENTAL QUALITY

Voted in favor of:

(a) Amending the Clean Air Act to extend the program of research relating to fuels and chemicals.

(b) Establishing the Council on Environmental Quality.

(c) Authorizing $348 million to protect public waters from oil and sewage pollution for a three year period.

(d) The bill authorizing feasibility investigations of certain water resource development projects.

(e) Establishing the Apostle Islands National Seashore.

(f) Establishing the Sleeping Bear Dunes National Lakeshore.

(g) The Emergency Community Facilities Act of 1970 authorizing an additional $1 billion for construction of water and sewer facilities.

(h) Legislation authorizing the Secretary of the Interior to establish nationwide air pollution standards.

(i) Extending and increasing authority to undertake research in solid waste disposal.

(j) Creating a Commission on Population Growth and the American Future.

(k) The bill establishing legal requirements for cleaning up the Nation's rivers.

(l) Public Works appropriations for pollution control.

(m) Department of Interior appropriations.

(n) Authorizing $45 million through fiscal 1973 to establish programs on environmental education.

(o) The bill providing for conservation of anadromous fishing resources.

(p) Restoring the Golden Eagle program to the Land and Water Conservation Fund Act.

Voted against:

(a) Funding of the proposed SST.

(b) The consideration of the National Timber Supply and Management Act which would have allowed increased logging and

intensify forest management in the national forests.

GOVERNMENT OPERATIONS

Voted in favor of:

(a) The Federal Employees Salary Act of 1970 providing for a 6% pay increase retroactive to December 27, 1969, for Federal postal and other civil service employees.

(b) The Federal Salary Comparability Act.

(c) An amendment to the legislative branch appropriations to authorize a $4.5 million restoration of the west front of the U.S. Capitol instead of a $45 million expansion.

(d) Resolutions providing monies for investigative activities of the House Internal Security Committee.

(e) Requiring Members of the House to report honorariums of $300 or more, and unsecured loans for more than 90 days in excess of $10,000.

(f) The Legislative Reorganization Act, which reformed procedures for the House of Representatives.

(g) The Postal reform bill which converted the Post Office Department into an independent U.S. Postal Service.

(h) Authorizing an additional 600 positions on the White House police force to be used for the protection of foreign embassies in D.C.

(i) The President's reorganization plan to create a Domestic Council and expand the Bureau of the Budget to create an Office of Management and Budget.

Voted against:

(a) The Civil Service Retirement Fund Financing Act. Included in the bill was a provision liberalizing retirement benefits for Members of Congress and Congressional employees.

(b) The Legislative Branch Appropriations Bill for 1970 since it contained payment for increased Congressional Salaries.

(c) The resolution to adjourn over Lincoln's Birthday in 1969, thereby foreclosing the possibility of considering the matter of Congressional pay increase. This increase was untimely, ill-advised and contributed to inflation.

(d) Providing an additional employee for each Member of the House.

(e) Authorizing the Education and Labor Committee to conduct foreign studies.

(f) Authorizing additional funds for the construction of the James Madison Memorial Building of the Library of Congress.

(g) Fiscal 1971 Independent Offices and H.U.D. appropriations after efforts to reduce amounts were unsuccessful. Supported the President's veto of even higher inflationary conference report.

(h) Additional funds for the Kennedy Center for Performing Arts in Washington. What had once started as a private building was becoming a publicly supported building for the benefit of a few living in and around Washington.

HEALTH

Voted in favor of:

(a) Extending the Hill-Burton hospital construction aid program for three years. Later voted to override the President's veto because of the dire need for medical facilities in this country.

(b) The Community Mental Health Centers Construction Act with provisions for mentally-ill children.

(c) The Health Act Extension bill for research and training in the fields of heart disease, cancer, stroke, and other diseases.

(d) Amendments to the Mental Retardation Facilities and Community Health Centers Construction Act of 1963.

(e) Authorizing the Secretary of H.E.W. to provide education programs on drug abuse.

(f) The medical library assistance bill extending federal assistance for an additional three years.

(g) Expanding and making permanent legislation to provide milk for school children at reduced cost.

(h) Extending for three years the programs of assistance for training in the allied health professions.

JUDICIAL AND LAW ENFORCEMENT

Voted in favor of:

(a) Justice Department and judiciary appropriations.

(b) Amending statutory provisions relating to the judicial machinery of the Custom Court.

(c) Amending the Federal Deposit Insurance Act to require insured banks to maintain certain records and to require reporting of certain transactions in currency and monetary instruments to the Treasury Department to prevent use of financial institutions and foreign bank accounts in criminal activity.

(d) The bill providing statutory standards for camping activities in the National Park System in order to prevent illegal demonstrations and camp-ins.

(e) Creating a Select House Committee to investigate crime in the United States.

(f) Prohibiting mailing of obscene material to persons under 17 years-of-age and permitting persons who object to receiving such mail to list their names with the Post Office Department.

(g) Authorizing $3.15 billion in Federal Law Enforcement Assistance funds for three years.

(h) Prohibiting the use of interstate facilities for transportation of unsolicited salacious advertising.

(i) The Drug Abuse Prevention and Control Act which will strengthen the controls over the proliferation of drugs in the United States.

(j) The Organized Crime Control Act of 1970 which will increase the ability of the Justice Department to control organized crime. Contained in the bill is provision for dealing with terrorist bombings.

(k) Authorizing funds for airline security operations.

(l) The Voting Rights Act which provided for nationwide standards for voting eligibility and which set up a nationwide 30-day residency requirement for presidential elections. Voted against final bill since it contained completely different provisions from the House passed version, and since it contained an unconstitutional provision requiring all States to adopt an 18-year old voting age.

(m) Amendment to Constitution providing for election of the President and the Vice President by direct popular vote, after supporting the District Plan.

LABOR

Voted in favor of:

(a) The Coal Mine Safety Act providing for additional safety standards, requiring closing of unsafe mines, and providing compensation for miners suffering from black lung disease.

(b) Increasing by 15% the benefits paid to retired workers under the Railroad Retirement Act of 1937.

(c) The unemployment compensation bill to provide coverage for an additional 4.5 million workers.

(d) The railroad retirement act amendments providing for retirement at age 65 with an extension of certain retirement benefits.

(e) Raising Social Security benefits by 15%.

(f) The 1970 Social Security Act increasing payments by 5% and providing for cost-of-living benefit increase and increasing to $2,000 the outside earnings limitation.

Voted against:

(a) Requiring employer contributions to joint promotion funds for construction materials in the construction industry.

TAXES AND ECONOMIC RESPONSIBILITY

Voted in favor of:

(a) Providing tax relief to most taxpayers and to close many tax loopholes. Major provisions included: Increase in personal income tax exemption from $600 to $750 over the next three years; reduction in the depletion allowance on gas and oil from 27.5 to 22%; and increase in all stages the maximum standard deduction for taxpayers who do not itemize from the present 10 percent of income with a $1,000 ceiling to 15% with a $2,000 ceiling, fully effective in 1973.

(b) Providing additional mortgage credit and authorizing the President to control credit, lower interest rates, and fight inflation.

(c) Authorizing $4.8 billion for housing and urban development programs.

Voted against:

(a) An amendment to the Defense Production Act Extension to require the President to freeze prices, rent, wages, salaries and interest at their May 25, 1970 level and against $2 billion to carry out the provisions of the freeze.

(b) The Defense Production Act Extension which would destroy small business participation in Defense contracts by creating a cost-accounting board, and which would grant to the President unwanted authority to impose wage and price controls.

(c) The second supplemental appropriations bill which would have imposed a flexible federal expenditures limitation.

(d) The bill to raise the temporary and permanent debt ceilings thereby allowing Congress to further policies of deficit spending.

(e) Extending the temporary surtax at 10% through December 31 and at 5% through June 30, 1970.

WELFARE

Voted in favor of:

(a) The substitute O.E.O. bill, which would have turned control of the antipoverty programs over to the Senate.

(b) The school lunch program, making $100 million available for meals for needy children.

(c) The antipoverty conference report making appropriations for fiscal 1970 and fiscal 1971.

(d) Extending the National Council on Indian Opportunities for five years and increasing the authorizations.

(e) Establishing a cabinet committee on opportunities for Spanish-speaking peoples.

(f) Repealing the freeze on aid to families with dependent children (A.D.C. program).

Voted against:

(a) The Family Assistance Plan. The final version did not contain enough positive reform to justify adding some 10 million new persons to welfare at an additional cost of $4 billion/year.

VETERANS AFFAIRS

Voted in favor of:

(a) Providing increases for disability compensation and updating the criteria for determining eligibility of widows for benefits.

(b) Increasing availability of guaranteed home loan financing and providing additional mortgage guarantees for veterans and increasing the income of the National Service Life Insurance Fund.

(c) Providing increased benefits for veterans and their widows and exempting the Veterans Administration from employment cuts.

(d) Modifying the reporting requirement and establishing additional income exclusions relating to pensions for veterans and their widows, updating the bar on payment of benefits to remarried widows of veterans, and liberalizing the oath requirement for hospitalization of veterans.

(e) Increasing education benefits for 736,000 veterans.

Bills totally or partially enacted into law:

To limit the questions in the decennial census of population and to remove criminal and civil liability for refusing to answer questions.

To increase the amount of income tax deductions.

To remove limitations on income earnings for Social Security beneficiaries.

To update additional income exclusions on veterans pensions, benefits to remarried widows, and to liberalize the oath requirement for hospitalization of veterans.

To improve operation of the Nation's water quality control facilities.

To continue the National Council on Marine Resources and Engineering Development.

To improve the legislative branch operations.

To provide funding for the National Council on Marine Resources and Engineering Development.

To prohibit the mailing sexually provocative material through the mail.

To appropriate funds to complete the Federal commitment due 45 hospitals.

To provide for automatic annual cost-of-living adjustments in benefits paid of Social Security beneficiaries.

To appeal to North Vietnam and to the National Liberation Front of South Vietnam to comply with the Geneva Convention relative to treatment of prisoners of war.

To express the support of the House in the President's attempts to negotiate a just peace in Vietnam.

Bills passed the House and awaiting Senate or Conference action.

To provide additional income tax deduction for dependents of permanently disabled.

To provide greater penalties for illegal fishing in U.S. territorial waters.

To authorize the Council on Environmental Quality to conduct studies and make recommendations regarding reclamation and recycling of material from solid wastes.

To extend the duration of the Clean Air Act, and to provide for national standards of ambient air quality, and to regulate fuels and fuel additives.

To include Great Lake ports in the Merchant Marine Act.

To provide for increased Federal disaster assistance.

To strengthen the law concerning illegal use, transportation, and possession of explosives and to strengthen the penalties thereto.

To provide for uniform relocation assistance for the Federal Highway System and to improve the management of the System.

Bills upon which Committee hearings have been held.

To study the need of increased expenditures for public works in smaller urban areas to reverse migratory trend towards large metropolitan areas.

To add additional mileage in the National System of Interstate and Defense Highways.

To provide for a more equitable Federal policy relative to real property acquisitions by Federal programs.

To include privately owned property in Federal participation in the cost of protecting the shorelines of the United States.

To license personnel on certain vessels.

To provide indemnification to cheese manufacturers as a result of pesticide residues.

To provide highway appropriations for 1974–76.

To provide for the orderly trade of textile articles and leather footwear.

CHICAGO'S 1970 COLUMBUS DAY PARADE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. ANNUNZIO. Mr. Speaker, October 12, 1970, marks the 478th anniversary of a memorable achievement—the discovery of America by the great Italian navigator, Christopher Columbus. In the annals of history, there is no discovery more spectacular than Columbus', for he opened the door not only to the development of the Western Hemisphere but also paved the way for the establishment of our own great country.

Columbus Day is a happy, proud and glorious occasion for all Americans, regardless of ethnic origin, race, or creed, for it is a day when we share a common pride in Columbus' courageous deed and reflect on the great advances mankind has made since the eventful moment that the great Italian Navigator first set foot in the New World.

In my own city of Chicago, Columbus Day is celebrated each year with a gigantic parade on our main street, State Street. Over 200 units marched today in the parade, representing every branch of the U.S. military forces. Hundreds of floats participated in the procession, as well as various school bands, scores of marchers, drum and bugle corps, and women and children wearing authentic Italian costumes.

The costumes are handmade by the ladies in the community and are authentic to the most minute detail. They are modeled at one of the most popular activities held in conjunction with the Columbus Day festivities—the Festa Della Moda fashion show—which this year was held on October 4 at the Sheraton Chicago Hotel. More than 150 persons, including children and adults, participated in the fashion show and displayed authentic Italian costumes depicting the native dress of the various regions in Italy. The Authentic Italian Costumes Subcommittee of the 1970 Columbus Day Parade Committee, which sponsored this event, includes the following officers and members: Dr. Mary Ellen Batinich, chairman; Mrs. Frank Amico, Mrs. Maria DeSerto, and Mrs. Elena Frigoletti, cochairmen; Mrs. Norma Battisti, Mrs. Stella Boschelli, Mrs. Mary Ann Cervi, Mrs. Judy Guzaldo, Mrs. Josephine Lavorata, Mrs. Ann Menconi, Mrs. Violet Loicono, Mrs. Ann Parisi, Mrs. Marie Pedi, Mrs. Annette Salvatore, Mrs. Mary Spallita, Mrs. Ange Tufano, and Mrs. Ann Yelmini.

The theme of the 1970 parade was "The Heirs of Columbus" and therefore, in addition to honoring Columbus, the parade also recognized the many other great Italians who have made significant contributions to the advancement of our culture and civilization.

In this year's parade, we made a special effort to recognize those men of Italian ancestry who have made significant contributions in recent times to our way of life in politics, in the sports world, in business, in the theater, and in many other fields. These great Italo-Americans, whose names are familiar to millions of young people throughout America, include: Hon. John A. Volpe, Jimmy Durante, Vincent Lombardi, Judge John J. Lupe, Rocky Marciano, Brian Piccolo, Frank Sinatra, Tony Bennett, Enzo Stuarti, Sergio Franchi, Joni James, Connie Francis, Vic Damone, Ron Santo, St. Francis X Cabrini, Medal of Honor winner Sgt. John Basilone, Chicago police officers James A. Alfano, Anthony Rizzato, and others who were killed in the line of duty, Amadeo Giannini, and Italian Americans serving in the U.S. Congress.

In addition to the contemporary heirs of Columbus, we paid tribute to the eminent contributions made to world civilization by the great Italians of earlier years, including: Americus Vespucci, Enrico Fermi, Michelangelo, Filippo Mazzei, William Paca, Giacomo Puccini, Giacomo Beltrami, Giovanni Caboto, Dr. Maria Montessori, Constantino Brumidi, Guglielmo Marconi, Enrico Tonti, and Francesco Vigo.

Chicago's Columbus Day parade is one of the most eagerly awaited patriotic events in our city. On State Street it attracts over 1 million people, and is televised for 1½ hours. An additional 2 million people view the procession on television, which WGN–TV has televised again this year as it has in past years. Sponsors of the telecast are Anthony Paterno of the Pacific Wine Co.; Dominick Di Matteo, of Dominick's Finer Foods; and Frank Armanetti, of Armanetti Liquor Stores.

The Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations, in cooperation with other groups, annually sponsors the Columbus Day parade as well as many other activities honoring the greater explorer. Mr. Anthony Sorrentino, consultant for the Joint Civic Committee of Italian Americans, has capably served in this post for many years and has done a fine job in helping to coordinate the various events scheduled in observance of Columbus Day.

Leading the parade today were Hon. Richard J. Daley, Mayor of Chicago, Hon. Richard Ogilvie, the Governor of Illinois, Hon. Giuseppe Avitabilt, Consul General of Italy in Chicago, as well as myself. Following in the line of march were political dignitaries, civic leaders, members of the judiciary, and outstanding businessmen from the community.

Some of the leaders in the Italian community who participated in the parade were Anthony Bottalla, president of the Joint Civic Committee of Italian Americans; Charles C. Porcelli, first vice president; Anthony Fornelli, second vice president; Dr. James F. Greco, third vice president; James Coli, fourth vice president; Dr. N. J. Bruno, fifth vice president; John G. Rovetto, treasurer; and Ettore DiVitos, secretary. Also participating were past presidents Peter R. Scalise, Anthony Paterno, Dr. Mario O. Rubinelli, and Victor J. Failla; and Reverend Armando Pierini, P.S.S.C., director of the Italian Old Peoples' Home in Melrose Park, Ill.

The honorary chairman of the 1970 parade were Mayor Daley and Dr. Avitabile. The general chairman of the Columbus Day Parade was Anthony Terlato, whose untiring efforts and complete devotion to the responsibilities of chairman of the parade resulted in providing Chicago with one of the most outstanding parades in the history of our city. Special assistants to the general chairmen included Joseph Bottalla, Eugene Pullano, Ralph Massey, Ron Santo, Dominick Bufalino, Frank Marianni, and Michael Galasso.

The cochairmen for the parade were Congressman FRANK ANNUNZIO of the Seventh District of Illinois, Frank Armanetti, Fred Bartoli, Anthony Bottalla, Martin R. Buccieri, James Coli, Dominick

Di Matteo, Victor J. Failla, Nello V. Ferrara, Anthony Paterno, Arthur S. Pullano, and Dr. Mario O. Rubinelli.

Also participating were Louis P. Farina and Anthony Fornelli, cochairmen of the speakers platform subcommittee; Hon. John D'Arco, Hon. Peter C. Granata and Hon. Vito Marzullo of the public officials subcommittee; Mrs. Elena Frigoletti, president of the women's division of the Joint Civic Committee of Italian Americans, and Mrs. Anthony Sorrentino, president of the west suburban chapter; Mathew J. Alagna, chairman of the finance and souvenir book subcommittee, as well as his cochairmen Frank N. Catrambone, Sr., Joseph DeLetto, Mrs. Serafina Ferrara, and Ralph Massey; Eugene Pullano, chairman of the business and professional subcommittee, and cochairman Dominick Dolci; Hon. Victor A. Arrigo, chairman of the program and arrangements subcommittee, and cochairman Dominick Bufalino; Domenick DiFrisco, chairman of the publicity and queen contest subcommittee, and cochairmen Ron Santo and Judge Philip Romiti; Joseph DeSerto, chairman of the religious program and organizations subcommittee.

John G. Rovetto, chairman of the floats subcommittee, and cochairmen Sam Canino and Joseph Rovetto. Lawrance Spallitta, chairman of the float personnel subcommittee; Dr. James F. Greco, chairman of the bands, marchers, and transportation subcommittee, and cochairmen Joseph Bottalla and Michael Galasso; James Coli, chairman of the labor subcommittee, and cochairman John Leto; Grand Marshal Marco De Stefano and assistant marshals Fred Bartolia, Sam Canino, Ettore DiVito, Louis Del Medico, Louis Rago, and Vito Siciliano.

The other members of these subcommittees were: Dominick M. Alberti, Anthony Apa, William Boschelli, Sam Canino, Louis P. Farina, Joseph Fusco, Peter Lavorata, Vincent Lucania, Fred Mazzei, Joseph Nicoletti, George Salerno, Tom Ardino, Vic Bondi, Louis Bonelli, Joseph Bottalla, Sam Cerniglia, Carl Cipolla, Rocco D'Alessandro, Charles P. De Vito, Anthony Fornelli, Robert Hicks, Albert Litterio, Vincent F. Lucchese, Michael Marianni, Arthur Monaco, Anthony Partipilo, John Paterno, Paul Paterno, Charles C. Porcelli, Louis Pullano, Gerald Sbarboro, Peter R. Scalise, Louis Seno, Horatio Tocco, Jerry Zurla, Charles Carosello, Joseph Comella, Dr. Joseph H Di Leonarde, William Fantozzi, Rosario Lombardo, Joseph Sirchio, Amedeo Yelmini, Joseph Alagna, Louis Del Medico, Dominick Gentile, Charles Cannon Giannone, Joseph Lucania, Frank Mariana, Fred Randazzo, Vincent Saverino, Daniel A. Becco, Dominick Dolci, Carl Ferina, Michael R. Fortino, Louis Moretti, John Spatuzza, Louis Moretti, Joseph Pope, Tom Ardino, Nick Bianco, Russell Bonadonna, Stephen Fiorentino, Mrs. Lawrence Spallitta, Joseph Tolitano, Peter Barbero, Frank Bottigliero, Dr. Nicholas J. Bruno, John Epifanio, Joseph Fontana, Frank Mariana, Peter Realmuto, Edward Coco, Henry L. Coco, Bruno Pillipini, Paul Laccino, and John Parise.

One of the highlights of the Columbus Day celebration is the selection of a beautiful young lady to reign as queen of the parade. This year, 20-year-old Patty Casselo, 3233 West Eastwood, Chicago, was chosen from 12 semifinalists for this honor. The prizes awarded to the queen included a free round trip ticket to Italy via Alitalia Airlines; complimentary dinners for the queen and her court at the Italian Village, at Gino's East, and at the Ivanhoe; gown and accessories from Gamble-Aldens; and free admission to various theaters in Chicago.

Members of the queen's court were Diane Benedetti, 25 West 200 Denise Avenue, Naperville, Ill.; Linda J. Polelle, 665 West Diversey Parkway, Chicago; Charlotte Luporini, 1612 South 51st Avenue, Cicero, Ill.; and Cheryl Tomaro, 710 Annabella Street, McHenry, Ill. Prizes for the queen's court included complimentary dinners at the Italian Village, at Gino's East, and at the Ivanhoe; gowns and accessories from Gamble-Aldens; and free admission to various theaters in Chicago.

The judges for the queen's contest were Judge Philip Romiti; Ron Santo, third baseman for the Chicago Cubs; Louis Del Medico, House of Igon Salon; Miss Ingrid Pesler, of Gamble-Aldens; Attorney Anthony Scotillo; and Dr. Mary Ellen Batinich, principal of the Schmidt Public School in Chicago.

The main event of the Columbus Day celebration is the Columbus Day parade, which began on State Street at 12 noon. Immediately before the parade, at 9 a.m., Solemn High Mass was celebrated at Our Lady of Pompeii Church. The Most Reverend Alfred L. Abramowicz, auxiliary bishop of Chicago, was the principal celebrant. Other celebrants included Msgr. Edward Pellicore, pastor of St. Angela; Very Rev. Peter Sordi, C.S., Scalabrini Fathers Provincial; Rev. Leonard Mattei, pastor of St. Peter Canisius; Rev. Gino Dalpiaz, C.S., pastor of Our Lady of Pompeii Church; Rev. Nicholas Carsello of Our Lady of Victory; Rev. Philip Fusco, St. Patrick Church, East Chicago, Ind.; and Rev. Paul Asciolla, C.S., assistant administrator of Villa Scalabrini and coeditor of Fra Noi.

Special wreath-laying ceremonies took place at 10:30 a.m. at the Columbus Statue in Vernon Park and at 3 p.m., following the parade, at the Columbus Monument in Grant Park.

The Columbus Day festivities were brought to a close at a reception at 4 p.m. at the Chateau Royale, 5743 West Chicago Avenue, Chicago, Ill. Mrs. Serafina Ferrara was the official hostess at the reception which was held in honor of all of the committee chairmen and committee members who participated in making the 1970 parade a tremendous success. Leaders of the Italo-American organizations from Illinois were present at the reception, as well as officials from the city of Chicago, from Cook County, and from the State of Illinois.

Mr. Speaker, I was certainly pleased to participate in this observance of Columbus Day, and I look forward not only to the 1971 celebration when my fellow Americans for the first time in the history of our country will observe this special day as a national legal holiday, but also to the quincentennial celebration of Columbus' discovery of America.

In this connection, I have introduced in the Congress House Joint Resolution 1364, which would recognize the State of Illinois as host in 1992 of the official quincentennial celebration of the discovery of America by Christopher Columbus. Illinois served as the official host State in 1892 for the 400th anniversary celebration of Columbus' discovery, and would be the ideal choice to serve again as host State for the 500th anniversary celebration.

Mr. Speaker, in conclusion, I want to commend all of the officers and members of the joint civic committee of Italian Americans for sponsoring this gigantic patriotic celebration in Chicago and for demonstrating to the world that the great majority of Americans are indeed proud of our great heritage, our free institutions, and the democratic principles which form the pillars of our society. To those who participated in Chicago's outstanding civic and patriotic event, the 1970 Columbus Day parade, I extend my sincerest congratulations, for these are the people who have made a genuine contribution to our democratic way of life.

BUSINESS PROSPERITY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. COLLINS. Mr. Speaker, let us look forward to the seventies being our great decade of advancement, so we need a list of priorities. We need to keep business prosperous. The man with the job is a useful, taxpaying citizen, but America must have business busy and prosperous so we can have jobs with a future.

The big opportunity is to encourage business to expand its research and development programs. With reduced defense commitments, we need to channel these funds into research. Defense firms have a tremendous brainpower availability that can concentrate its efforts on our greatest national challenges.

Pollution requires immediate action. Too much academic discussion is being exercised. The talk is on education details. We already know some severe problems. Let us get action on water, pollution, and conservation. Let us get more done on gasoline exhaust. And, immediately, we must find utilization of trash, bottles, scrap metals. Let us get research into action, as the time is now.

One of the most effective incentives to business is tax stimulus. Industry will work on pollution—if we give them a 4-year period to charge it off.

When business buys new, modern equipment, let us allow them the 7-percent tax credit they did receive.

With gas declining in reserves, we need more agressive drilling. Let us raise the depletion level, so independents will take chances and widen their exploration areas.

Capital building gets a spirited boost when depreciation schedules are more

realistic. Inflation is a foregone reality, so business prefers to charge off investment with present dollars. If you put 100-percent dollars in a deal, it is not a pleasant thought to have 50-percent dollars as a depreciation figure about 10 years from now. The answer is to accelerate depreciation.

And keep capital active. Capital gains tax should encourage capital turnover and not freeze it. Let the winner pay a 25-percent tax on his capital investment and keep it turning. Do not freeze capital. Action keeps America moving forward.

America is on the move today. Interest rates dropped from 8.5 to 7.5 percent. The stock market sees enthusiastic turnover. Remember when we reduced business taxes in the early sixties, and the increased national production brought in a greater total tax revenue with this incentive? Let us build with business encouragement. We all know that when we keep business prosperous, we keep America prosperous.

HON. JAMES V. MANGANO, PROUD TO BE ITALIAN-AMERICAN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. ROONEY of New York. Mr. Speaker, tonight at the annual dinner of the Italian-American Business and Professional Men's Association in the grand ballroom of the Hotel St. George in Brooklyn, the Honorable James V. Mangano, administrative director and general clerk of the Kings County Supreme Court and my good friend for over 30 years will be honored as the Italian-American Man of the Year.

In this connection, there was published in yesterday's New York Sunday News an item by Jack Leahy entitled "Proud To Be Italian-American" which I shall insert as part of these remarks:

PROUD TO BE ITALIAN-AMERICAN

(By Jack Leahy)

Tomorrow night, James V. Mangano, will be honored as the "Italian-American Man of the Year" at a Columbus Day dinner in Brooklyn's St. George Hotel. A son of Italian immigrants, Mangano has been a leading figure in New York political circles for more than 35 years. Since 1954, he has served as Administrative Director and General Clerk of the Kings County Supreme Court.

"We chose Mr. Mangano for this honor because as a civic leader, he is a good representative of those of Italian descent who have accomplished so much in and for the city of New York," says Jack Zangara, a prominent lawyer and the president of the Italian-American Business and Professional Men's Association, which is sponsoring the fund-raising dinner. About 1,000 people are expected to be on hand for the $25 a plate affair, with proceeds going to the Italian Cultural Center of St. John's University and other worthwhile causes.

On the eve of the Italian equivalent of St. Patrick's Day, Mangano was asked whether or not there was any validity to recent protests against alleged anti-Italian discrimination.

"Of course there is," said the 64-year-old native of New York's "melting pot." "Some of the protests are undoubtedly misguided, but the mere existence of them is an indication that something is wrong with our society.

"When I was a boy, discrimination was practiced more overtly. Today, there are laws . . . bigots may be a bit more tactful, but that doesn't mean they have changed their stripes.

"I was brought up in South Brooklyn," he continued. "In that area, we had imaginary boundary lines . . . demilitarized zones, if you will . . . between Italian, Irish and Jewish neighborhoods. If you didn't look right, you crossed those lines at your own peril.

"To this day, I don't know the reason for the antagonism, other than the fact that there were differences in our ethnic backgrounds. As we kids got older and attended schools together and played ball together, we learned to respect each other's abilities and the antagonism tended to disappear.

"In recent years, however, a new wave of anti-Italianism seems to have reared its ugly head. In my opinion, it's due to a degree of envy on the part of a certain segment of our population which resents the achievements of the children and grandchildren of parents who happened to be from another country.

"All too often, if a man makes a name for himself in business or politics, and that name happens to end in a vowel, he is immediately suspected of being backed by organized crime. Unfortunately, when someone of Italian extraction does become involved in misconduct the media tend to magnify the case with unfair ethnic implications. Those who are already inclined to be prejudiced are quick to jump at any supposed justification for their irrationality."

Even though the actual date was Sept. 16, Mangano and his wife, Rose, will also celebrate their 42d wedding anniversary tomorrow night. The couple have one son, Guy, a New York State Supreme Court Justice, and five grandchildren. All will be on hand to hear the acceptance speech of the family's senior member.

"I'm still not sure what I'm going to say," revealed Mangano. "But I know what message I would like to get across.

"It's my belief that people have a basic instinct to be helpful toward one another. Unfortunately, they allow artificial ethnic, racial and religious barriers to block that instinct. Legislation won't lower those barriers. What we need is love and understanding and those things come from within.

"If all of us opened our hearts to our fellow men, hate and discrimination would disappear from the face of the earth."

MAYOR RICHARD G. LUGAR IN NATIONAL SPOTLIGHT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. BRAY. Mr. Speaker, under the adept leadership of Mayor Richard G. Lugar, Indianapolis, now the 10th largest city in the United States—surpassing Cleveland, San Francisco, Boston, and recognition

President Nixon selected Mayor Lugar to be the representative to NATO's meeting of its Committee on the Challenges of Modern Society and he is consulted regularly by the President about urban policy matters. Since his election in 1967, Mayor Lugar has exhibited outstanding leadership in meeting the needs of the Indianapolis community.

I am pleased to insert Business Week's fine article from October 3, 1970, about Mayor Richard G. Lugar:

A BRASH MAYOR STIRS INDIANAPOLIS

CONSERVATIVE MAYOR LUGAR SHOWS THE WAY WITH A NEW METRO CONCEPT

Recently, on one of those hot and humid mornings that seem to bleach central Indiana in late July and August, Indianapolis Mayor Richard G. Lugar talked frankly to 35 college students working for his city during the summer. Between sips of coffee, he spoke, as usual, without notes or pauses on one of his favorite subjects: local government and the people who try to make it work. With uncharacteristic emphasis, he stressed one point: "Local government should not be a repository for people who cannot make it any other way."

If any elected local official lives up to that conviction, it is 38-year-old Lugar himself. His career already sparkles with a string of academic, business, and governmental successes unequaled by any big-city mayor today. In two months, he will add another credit to his list if delegates to the National League of Cities annual conference elect Lugar, now vice-president, their president. But perhaps his most important triumph, and the one that has helped gain him national attention, was his masterful campaign for the consolidation of the Indianapolis and Marion County governments.

Now 18 months old, "Unigov," the Orwellian shorthand local officials use to describe the metropolitan area-wide government, makes Indianapolis the 10th largest city in the U.S., with a population of 742,613—larger than Cleveland, San Francisco, Boston, and St. Louis. "Lugar and Unigov have city in the last couple of years," says J. Kurt Mahrdt, vice-chairman of the Indiana National Bank.

A friend. Lugar and Indianapolis have not gone unnoticed in Washington, either. Campaigning in Indianapolis in 1968, candidate Richard Nixon praised the mayor more than the mayor praised him. Now President Nixon consults him regularly on urban policy matters and includes him in almost every White House meeting of mayors. And when the President decided to take his Urban Affairs Council on the road last February, he brought it to Lugar and eight other mayors gathered in Indianapolis. Two months later, Lugar—at Nixon's behest—represented the cities of the U.S. at a meeting of the North Atlantic Treaty Organization's Committee on the Challenges of Modern Society. Says Lugar, whose city also is one of the 10 participating in the Nixon Administration's Operation Breakthrough housing program: "The President has been extraordinarily generous. Indianapolis is receiving attention in each of the new programs where there is innovation."

Local acceptance of this recognition and the very existence of a metropolitan government are surprising in light of the city's historic conservatism. Indianapolis' past is scarred by a brand of right-wing politics Lugar would like to forget. The John Birch Society was born in Marion County and the Ku Klux Klan thrived there during the 1920s. As late as 1965, the city refused federal aid in a stance that fused fear of big government with a "we-can-do-it-ourselves" attitude.

Today, while it has moderated, mid-western conservatism still flourishes. "This part of Indiana is Middle America in every sense," notes John T. Lieli, director of metropolitan studies at Indiana University-Purdue University-Indianapolis (IUPUI). The city is the

national headquarters of the American Legion, and its numerous war memorials are revered—and not used as sites for Vietnam War protests. Recently, a group of citizens even petitioned Lugar to ban a local performance of the Broadway rock musical *Hair*. And "Nixon's the One" bumper stickers still abound, reminders of the President's 1968 victory in the state. Says Lugar: "There is a considerable appreciation of prudence here, even in the use of words. We don't emphasize rhetoric or action to the brink of despair."

Honors. Elected mayor in 1967, when he defeated a Democratic incumbent, Lugar reflects those conservative qualities in many ways. He believes that big-city mayors look too frequently to Washington for solutions to their problems and, unlike most of his counterparts elsewhere, he staunchly defends Nixon's urban policy. "Lugar is the prototype Jaycee," chuckles one Washington-based urban lobbyist.

Indeed, Indianapolis' Jaycees did name him their outstanding young man of the year in 1966. Lugar is a fourth-generation Hoosier who graduated first in his 600-student high school class, then duplicated the feat at Denison University in Ohio where he served as co-president of the student body. (He later married the other co-president.) After that he became Denison's first undergraduate to receive a Rhodes Scholarship. At Oxford, he received two degrees, served as president of the 250-man American Students Assn., and although he was the only American enrolled, was elected president of the student body at Pembroke College. In 1957, he attended U.S. Navy Officers' Candidate School and, during most of his three years of active duty, served as intelligence briefer for Admiral Arleigh A. Burke, then Chief of Naval Operations.

Lugar returned to Indianapolis in 1960 to rebuild two family enterprises, one a 604-acre livestock and grain farm, the other a producer of automated food machinery. "Revamping those businesses was the *sine qua non* for what I am doing now," he claims. "My campaign for mayor was built on the city's potential, on miraculous business management, on a general theme of excellence. We got a lot of mileage out of my business background and the fact that I had been extraordinary in a wide variety of activities.

Elected with 53.1% of the vote and substantial support from Indianapolis' conservative business community, Lugar wasted little time in capitalizing on the enthusiasm built up for him during the campaign. In October 1968, he named a citizens' committee to draft Unigov legislation for the next session of the Indiana State legislature. Then, in a flurry of activity that included private lunches with 10 or 12 legislators at a time he began to campaign for his program and collect political IOU's that had accrued during the 1968 election year? "There were the obvious arguments against Unigov," he recalls. "Blacks feared dilution of their political power, and the Democrats figured I was consolidating both the city and county and my own power base." But a more fundamental argument, he says, was rooted in the anti-urban feelings of many suburbanites. "People had spent thousands of dollars to divorce themselves from the problems of the city. It's difficult to convince them that one big, happy city is to their benefit."

Compromise. The resulting legislation contained a host of compromises designed to deflate such opposition and draw the widest possible support. On the one hand, it expands the city's boundaries from 82 sq. mi. to 402 sq. mi., consolidates four dozen or so city and county departments under six agencies, and will create a new 29-member city council in the 1971 local election. On the other hand, it does not affect several elements, including school corporations, the county courts, and the assessor's office. Police and fire departments were not consolidated initially, although the legislation provides a mechanism for city annexation of suburban districts in both. And he pledged to suburbanites that their taxes would not be increased, a promise he has been able to keep, mainly because of the city's expanded tax base and increases in such levies as taxicab licenses and parking meter violations.

Unigov, of course, has not been the panacea for all that ails Indianapolis. Unemployment among inner-city black youth often runs as high as 60%, and the city's school system has been cited by the Justice Dept. as highly segregated. Liell of IUPUI figures that about 156,000 poor people—45% of them white—live in the metropolitan area. And Indianapolis' downtown, despite a new Hilton hotel, usually is deserted after 6 p.m., although a convention center, now under construction, will stimulate traffic.

Lugar leans on the Greater Indianapolis Progress Committee, a five-year-old, business-backed group, to help provide solutions to such problems. Shortly after taking office, he officially embraced the committee by moving its offices from the 21st floor of the City-County Building to the 25th, within a few yards of his own. The PC's task forces have produced, among other things, the draft of Unigov legislation, a comprehensive manpower program, and a drug abuse control project. Says Daniel F. Evans, president of L. S. Ayres & Co., Indiana's leading retailer: "The needs of this community have been obvious. We seem to have a mayor now who knows how to utilize leadership to meet those needs."

CITIZENS OF GRAZ: WELCOME TO MONTCLAIR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. RODINO. Mr. Speaker, this past week marked the 20th anniversary of the founding of a sister-cities program between Graz, Austra, and Montclair, N.J.

The purpose of the program as described by Montclair Mayor Matthew Carter is to engender international understanding and the deepening of friendships between the citizens of the two communities.

The occasion was celebrated by week-long festivities in Montclair and the delegation of Graz citizens was led by Graz Mayor Gustav Scherbaum. The beautiful harmony of the Styrian singers was a special attraction for the residents of Montclair.

The tribute of entertainment and sightseeing brought the Graz citizens to New York City as well as to Washington, D.C., under the leadership of Dr. Allan B. Crunden, Jr., head of the committee which planned the festivities and Mr. and Mrs. Vincent P. Thomas of Montclair. Graz week climaxed in Montclair with an evening of Austrian art and entertainment which began at a reception given by Dr. and Mrs. Crunden and Montclair State College President and Mrs. Richardson.

Mr. Speaker, I was privileged to have met with this unique delegation of ambassadors from Graz and to have participated in a number of the festivities in my district.

Montclair's tribute to her sister city was indeed worthy of the warmth and friendship which stem the tides of the Atlantic. And, I commend to my colleagues a recent editorial from the Montclair Times which so aptly characterizes the spirit shared by the citizens of Graz and Montclair.

The editorial follows:

CITIZENS OF GRAZ: WELCOME TO MONTCLAIR

A very welcome addition, even though only temporary, to the Autumnal scene in Montclair this week is the presence of 41 visitors from Graz, Austria, headed by the distinguished Mayor of the second largest city in Austria, Gustav Scherbaum.

For the past 20 years Montclair and Graz have enjoyed a sister-city relationship which has served as the model for many other ties between American cities and municipalities in other countries.

Through the years, those on both sides of the ocean separating Montclair and Graz have emphasized that international friendships are dependent upon mutual understanding and trust.

The presence of the 41 visitors from Graz in Montclair under the auspices of Overseas Neighbors and its Austrian counterpart should remind everyone of the validity of the message brought 10 years ago to Montclair by Mayor Scherbaum:

Mutual understanding between peoples of different languages, mores, philosophies and forms of government is the single most vital factor in the promotion of a lasting and effective world peace.

A CHANCE TO DEAL FIRMLY WITH DRUG ABUSE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the Comprehensive Drug Abuse Prevention and Control Act of 1970 could well be the most important piece of legislation before the 91st Congress.

This bill squarely faces up to the monumental threat which increasing drug abuse poses to the youth of our Nation. Anyone who doubts the enormity of the threat which drug abuse poses for the health and moral fiber of our country has been conveniently burying his head in the sand for the past few years.

Let me cite a few unpleasant, but very real statistics. There are over 67,000 known narcotics addicts who have not only ruined their own lives but have also undermined the society around them by commiting crimes to support their habit.

In 1968, 162,177 persons were arrested by State and local authorities for drug violations, which means a 322-percent increase over the number of drug arrests made in 1960. Of those arrested, 43,200 were under the age of 18 and 6,243 were under the age of 15.

There are strong indications that a leading cause of death among teenagers in the United States in many major metropolitan areas today is overdosage of heroin.

It is estimated that between 8 and 10 million persons have tried marihuana. Some studies indicate that as many as 50 percent or more of college students have abused drugs at one time or another. Substantial numbers of high school students and in some cases grammer school students are involved in the abuse of drugs.

Instances of marihuana violations have risen 200 percent between 1967 and 1969.

It is estimated that almost 50 percent of the 9 billion amphetamines and barbiturates produced legitimately in this county were diverted into illicit channels.

And then there is organized crime. We cannot be certain but it is safe to assume that organized crime annually reaps at least $300 million in profits from the illicit drug trade.

We have reached the point where 8 to 10 million persons have illegally used drugs and young people all over the country are being encouraged to take drugs that may so injure their chromosomes that they can never have their own family, drugs that can make them into physical and mental cripples. It is long past time that we took action and very strong action to put an end to the national mania for self-destruction.

It is time that we stopped treating the use and sale of deadly drugs tolerantly as a passing fad that will go away if we ignore it long enough. The illegal traffic in drugs should be attacked with the full power of the Federal Government. The price for participation in this traffic should be prohibitive. It should be made too dangerous to be attractive.

The Comprehensive Drug Abuse Prevention and Control Act of 1970 will do this. This bill revises the entire system of classification of dangerous drugs on a rational basis. It revises the present penalty system and provides stiff sentences for illegal sales, manufacture, and distribution of illicit drugs. It strengthens existing law-enforcement authority in the field of drug abuse, increases research into and prevention of drug abuse and drug dependence, and provides for treatment and rehabilitation.

This bill is long overdue and I give it my wholehearted support.

AMERICAN HARD HATS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. RARICK. Mr. Speaker, it is altogether fitting and proper that the constructive activities of one of the productive segments of our society—the American builders, the producers, the hard hats—would eventually become the basis for inspirational poetry. These men who work long and arduous, while being exposed to many dangers, have truly earned the right to be eulogized.

I include the poem, "American Hard Hats," by E. Merrill Root, as it appeared in the American Opinion magazine for October 1970, as follows:

AMERICAN HARD HATS

(By E. Merrill Root)

They are the men who build into the sky
Thin mountain-nets of steel where the winds cry
Like vain invisible wolves. At work, they walk
Girders so high that clouds, like misty chalk,
Are almost neighbors. Firm and nonchalant,
They tread the dangerous heights, cohabitant
With sun and wind—and death at the foot's end.
In their stern world they do not condescend
To dizziness or fear: If so, they plunge
Downward, to lie a shattered bloody sponge.
They do and build. Erected toward the stars,
Their handiwork, set in earth's granite scars
Blossoms in steel and stone, cement and glass,
Superb and steadfast though the years harass.
So they say *Yes* to life and set man's will
Strong, where the sprawling earth was void and nil.

They know that life makes war on chaos, so
Their faith is clear and steadfast. And they know
The earth they build on is their native land,
The firm foundation on which life must stand
And where life's roots go down for sustenance.
They know that evil is to thrust a lance
Of doubt into the center of the world:
Then suns go out, then nullity is hurled
On forests, prairies, cities: Sullen, then,
Chaos and ancient night descend on men.
They build and they believe; so they mistrust
All dilettantes, who palter and who rust
The passion and the pulse of life; their souls
Are full of the white fire of the sun that rolls
Central in heaven. And many of them are
Mohawks, whose fathers knew a distant star—
The splendid heritage Amerindian,
Courage that is the glory-will of Man.

But in the streets below their heady danger,
A new breed comes—the alien and the stranger
And the betrayer. There the American flag
Torn from its staff, a scorned and dirtied rag,
Is passed from hand to hand and rent to bits.
"Tear it up, kill it!" a young girl screams, "See, it's
Dead! The flag's dead!" And in another mob,
A Yippie strikes a match and lets flame throb
Up the brave folds. And one sets muddy feet
On the prone banner trampled in the street.
Mass-produced Robinson Crusoes on a binge,
Shaggy and rank as Crusoe's goats, life's fringe
Of impotence, they froth and seethe and shriek
Obscenities that fairly drip and reek.
A mob, dishevelled and recalcitrant,
Usurps the streets, to bicker and to slant
The high flag downward to half-mast, to mourn
"The Kent State Four." They vent indecent scorn
On all the Hard Hats love. They tear and spit
On the innocent flag that's our land's symbol: it
Is like a fair girl fouled by jackals. So
America (they think) finds overthrow.

But on this day, rising in anger, see
The Hard Hats in their thousands, militantly,
Throng New York's streets—spontaneous, passionate—
At last a *Yes* to love, a *No* to hate.
They part the noisy brawlers. High and proud,
They bear the Flag safe from the bawdy crowd.
They carry, too, their tools—and brawn. They cleave
The screaming mob, who only half-believe—
Many are dupes, with whom a few conspire.
The mob, foul-armed with stones and sleeping fire
Encased in glass, too used to cowardly
Tolerance, are amazed at what they see—
Men, *men* at last, the resolute Hard Hats come
Like Charlemagne's Paladins of Millennium.

Deep in their hearts they know: "This Flag is mine—
And should be yours. It is an outward sign
Of all our inward love. We set it there—
Beautiful rainbow in the stormy air.
It means our children. It's our life. It is
Symbol and sacrament of our loyalties.
You threaten our lives, insult our souls, when you
Defile the red, the white, the lovely blue,
You desecrate the graves of those who died
To keep our land indeed the Pilgrim's pride.
Sick petulant children, whimpering in your whim.
You stamp, and scream, and fill the world's sour brim
With your 'I want!' and 'Give me!' *We* have rights
As well as you! Ours the star-spangled nights,
The sun-crowned days . . . the love by which we say
'The U.S.A.—our country—all the way . . .
In peace, or war.' And we are quite fed up
With all your 'protests.' In the bitter cup,
The grapes of wrath are seething. We've enough
Of your brash roughness—we too can be rough!
We too are 'rising angry,' we the people.
Waken the bells in every silenced steeple
Be jubilant our feet! Now hear us sing
'God bless America' . . . . Let the word ring:
'My Country 'tis of thee . . . .Thus be it ever . . . .'
You choose your way. And if you must dissever
America from Americans, on *your* heads
Be all the warfare that the country dreads—
The wounded and the dead. On *you* war lies.
God helping us, we can do no otherwise."

Joe Kelly marches. And he proudly bears
Aloft the gold-fringed flag—and no one tears
The flag Joe carries. For two hours, he
Bears the great standard. "If I live to be,"
He says, "one hundred, I shall never know
Anything like that hour." The thousands flow
In epic rhythm through the new-cleansed street.
The very air, it seems, at last is sweet.
Like rivers from high mountains, cold and pure,
They cleanse the street of human caricature,
Filth and pollution. From the heights, a flood
And spate of Nature rolls in hardihood.
The sidewalks of New York, in glory, are
Once more a portion of America.
And on and on the Hard Hats surge. They roar
"Good-bye to Lindsay!" And as white birds soar,
The ticker-tape is brilliant in the air.
From every building over the thoroughfare.
Clerks, office-workers, Mr. Everyman,
Join with the men who walk the airy span.
Now City Hall, where flags at half-mast fly,
As if dispirited. "Up, up!" they cry—

And up the flags go, "Listen, I never saw
Anything like this ever! I felt an awe,"
Joe Kelly says, "You had to blink your eyes
Twice, and three times, or more, or otherwise
You'd not believe. Incredible and true,
Here history was being made, and you—
You, Joe and Mac and Tommy—were a part
Of a new rhythm in our Country's heart!"
And when a stubborn few "protesters" chant
"We will not go!" and seek again to slant
Flags downward, and—O folly!—charge
The Hard Hats they discover it's too large
A thing to try. These men work every day
With iron and steel; they do not idly play
With words and ideologies. "You make,
Childish and dumb and silly, a mistake!
But if you wish a test of strength, come on—
And we'll oblige you! Do not hope to con
Men such as we." They give them blow for blow;
Like straws in surf, they hustle them to and fro.
"You bid the people 'rise in anger'—well,
You have your wish. And, if you still can spell,
Then read the warning on the wall. Beware
Of men who work with iron and steel, who dare
The girders seventy stories up, for we
Do not play games called 'ideology.'
We do and build, and our deep wills affirm
America. That word's no mincing term;
It is the outward and the visible sign
Of all our love for her—the high, benign
Country we serve . . . Country we love . . . And so,
If you dissent, at least we know you know
There are Americans who dare to say:
'*We are Number One* . . . And *we* are U.S.A.!'"

HEW'S RICHARDSON: COOL, TOUGH, DEFT

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1970

Mr. WOLD. Mr. Speaker, the Wall Street Journal in its October 9, 1970 issue, carried an excellent feature article on the tough minded and highly effective Secretary of Health, Education, and Welfare, Elliot Richardson. For the benefit of my colleagues and readers of the RECORD, I include the article with my remarks:

HEW'S RICHARDSON: COOL TOUGH, DEFT

(By Jonathan Spivak)

WASHINGTON—After nearly four months of avoiding publicity, Secretary of Health, Education, and Welfare Elliot Richardson has begun publicly displaying the qualities that serve him well in his strife-tossed department: Political deftness, diligence and drive.

So far, Mr. Richardson has not sought to make major changes in the policies or programs he inherited or even to set priorities; thus his big tests are yet to come. But he is off to a surprisingly successful start because of something more subtle—a winning administrative style.

The style combines:

A coolness under criticism and an ability to turn aside, articulately, tough and embarrassing questions from the press;

A willingness to do his homework, and a remarkably detailed grasp of the department's array of programs;

A lawyer's ability to cleave to the Administration's conservative line on domestic issues, coupled with a social concern that manages to suggest far more liberal sentiments;

And, most important, an intellectual toughness and political shrewdness that have helped him avoid so far the crippling controversies that made life miserable for many of his predecessors.

"The guy is impressive as hell, not only in his analytic mind and decision-making, but his ability to communicate the points he wants to make," exclaims one veteran HEW staffer who now works closely with Mr. Richardson.

Much of this became apparent during a spate of recent sessions with the press, the Secretary's first full-scale public exposure since taking office last June. Characteristically, Mr. Richardson prepared meticulously beforehand; and characteristically, he disposed of the questions—mostly from reporters who could hardly be classed as ardent Administration admirers—with dispatch and seeming directness.

A SMOOTH PERFORMANCE

There was no stumbling, no misstatement and no need for aides to rescue him when obscure questions wafted his way, such as one on his reaction to an intramural feud between officials in HEW's air pollution agency. Mr. Richardson stuck closely to the President's position on school desegregation, which some critics have termed overly legalistic and stand-pat. But he coupled that policy with support for quality education for all children, and somehow it all sounded progressive and productive of social good.

He promised to rely on professionals to reform and revitalize HEW's education programs—an attitude sure to endear him to the powerful education lobbies in town—yet he avoided any specifics. He opposed a crash and potentially costly German measles vaccination campaign advocated by the Democrats, but in an oblique way that did not challenge their humanitarian objectives.

Obviously, Mr. Richardson is scrupulously avoiding public commitments he can't carry out—realistic strategy in an Administration that has little enthusiasm for most HEW programs and scant willingness to solve the departments desperate need for dollars. Robert Finch, his predecessor, never realized the need for such self-restraint, and frequently promised new programs and policies he was then unable to sell to the White House, much to his public mortification.

Clearly, Mr. Richardson doesn't like to take on a fight unless he's reasonably sure of winning. He's fond of pointing out, for example, that as under secretary of state every one of his selections for ambassadorial posts was approved. His first major test at HEW probably will arise over his choice of Sidney Marland Jr. for commissioner of education.

Indeed, one reason for the Secretary's rash of recent meetings with the press is to publicize the case for Mr. Marland, who is bitterly opposed by organized labor. The AFL–CIO contends that as superintendent of schools in Pittsburgh, Mr. Marland opposed collective bargaining, and it vows to pull out all the stops to block his Senate approval.

But one suspects that Mr. Richardson already has calculated the odds and believes the logic of his argument for Mr. Marland will prevail. He notes that the commissioner of education, though the nation's highest school official, has no influence over labor matters that determine teachers' salaries and working conditions. "These are the legal concern of state and local governments," he insists. And to make things clearer for the AFL–CIO Mr. Richardson emphasizes his own support for collective bargaining. "The Federal Government respects the right of government employees to organize and bargain collectively," he declares.

Whatever the outcome of the Marland fight, Mr. Richardson already may have come out ahead. Many officials assumed the White House would insist on installing a suitably conservative school official after its unhappy experience with James Allen, who was summarily dismissed for his liberal views. Mr. Richardson's ability to persuade Mr. Nixon to support Mr. Marland, a liberal, helps establish him as master within his own department—a message that carries considerable weight throughout Washington.

To avoid missteps on Capitol Hill, Mr. Richardson has mastered details of the Administration's complex and confusing family assistance program. Though the proposed program is still in deep trouble, politicians in both parties praise the Secretary's grasp of its technicalities and his ready response to their queries. Even if welfare reform founders, Mr. Richardson will have gained the confidence of key Congressmen on the Senate Finance Committee, a valuable asset in future fights.

The Secretary also has shored up the morale of the anguished civil servants at HEW. Many had become increasingly embittered by what they felt was unnecessary interferences by Republican politicians in HEW affairs. From the beginning Mr. Richardson went out of his way to convince the bureaucrats that he believed in them and would depend on their expertise.

PRAISE FROM STAFF

One staffer was amazed and delighted recently to find a position paper he had written on drug procurement policies had not only been read by the Secretary but was returned the next morning with copious notations for follow-up on the margins—along with corrections of typographical errors. "He's not just obsessed with details; he really cares intellectually," the bureaucrat remarked. Old HEW hands are also buoyed by the Secretary's staff sessions. He sticks to the substance of the issues, which he knows surprisingly well, and ignores the politics, they say.

There are, however, some signs of potential trouble ahead for Mr. Richardson. In public he displays an aloof reserve and a tendency to over-intellectualize that can easily lose his listeners. He prefers to cautiously approach and exhaustively analyze issues, probably at the cost of dampening the enthusiasm of some subordinates. HEWs organizational difficulties are far from disposed of; so far Mr. Richardson has attacked only those problems within his immediate office; tough problems remain unsolved.

Vacancies remain to be filled, while some holdovers from the Finch period may have to be eased out, a painful process at best. The young, angry activists in HEW are still withholding judgment, but they won't hesitate to resume protests if they think Mr. Richardson is soft on civil rights or the other social issues that concern them.

So while Mr. Richardson is off to an auspicious start, he's hardly assured of success. He has built a good base of support within the bureaucracy, but the public's ultimate judgment will hinge on his ability to effectively handle the problems that perplex them:

Reforming the present bankrupt welfare system; controlling inflationary health care costs; providing higher quality, more convenient medical care; and solving the deepening financial crises of American schools and colleges.

Any one of these tasks would test a HEW secretary severely. Mr. Richardsons greatest problem is that he must confront all of them at the same time.

SENATE—*Tuesday, October 13, 1970*

NOTICE

There will be no editions of the Congressional Record printed during the adjournment unless otherwise ordered by the Joint Committee on Printing.

Members of Congress desiring to purchase reprints of material submitted for Record printing during the adjournment may do so through the Congressional Record Clerk, Room H–112, in the Capitol.

These reprints may be ordered during the adjournment; they will be published subsequently in the Record.

By order of the Joint Committee on Printing.

SAMUEL N. FRIEDEL, Chairman.

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend John A. Limberakis, pastor, Church of the Annunciation, Greek Orthodox Parish of Philadelphia, Elkins Park, Pa., offered the following prayer:

We turn heart and mind, O Lord God and Heavenly Father, to offer fervent supplication of praise and thanksgiving for Thy beneficence bestowed upon our Nation. Envelop with Thine infinite protection this august body of Senators. and their pages who serve them so diligently. Inspire them to discharge their duties with uprightness so that the concerns of this great Nation may be met in accordance with the spirit of Thy holy statutes.

We pray that our Nation, among the nations of the earth, may provide that leadership which remains consistent with the moral precepts of our Founding Fathers. Make us sensitive to the things that are yet unsolved and which bring so much anguish to our fellow man here and in faraway places. Grant us strength to proceed with singleness of purpose to those resolutions which Thy justice and love would condone.

Enable us to appreciate the vigor of youth, the prudence of age, and in unison lead us, we beseech Thee, toward those imperatives incumbent upon us.

Unto Thee are due all honor and glory, to the Father, and the Son, and the Holy Spirit, now and forevermore. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 13, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 12, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL RECORD—PRINTING DURING ADJOURNMENT

Mr. JORDAN of North Carolina. Mr. President, may I direct the attention of the Members of the Senate to the box appearing in the upper left-hand corner of today's edition of the CONGRESSIONAL RECORD, outlining the printing procedures applicable to the CONGRESSIONAL RECORD during the adjournment.

In the manner prescribed, Members will retain the prerogative to purchase the reprinting of material as though it had already been published in the CONGRESSIONAL RECORD, thereby assuring their privilege of having such reprints produced by the Government Printing Office. In all instances those reprints will be published in the CONGRESSIONAL RECORD subsequently.

Apropos of the general intent not to print any editions of the CONGRESSIONAL RECORD during the adjournment, it should be noted that in the event the Joint Committee on Printing is advised by the Public Printer that a noticeable accumulation of the copy has been received by the CONGRESSIONAL RECORD Clerk for inclusion in the Extensions of Remarks, a printing will be ordered forthwith.

The Joint Committee would consider it imperative to take such an action in order to preclude the possibility of adversely affecting the timely production of those editions of the CONGRESSIONAL RECORD which will be scheduled for printing following the return of the Congress from its adjournment on November 16.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1327 through Calendar No. 1334.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE DISTRICT OF COLUMBIA

The bill (S. 3748) to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Council is authorized to make all such reasonable and usual police regulations as it may deem necessary to require every person in charge or control of any building, lot, or parcel of land in the District of Columbia, fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, or lessee, within eight hours after the ceasing to fall of any snow or sleet, to remove and clear away, or cause to be removed and cleared away, such snow or ice from so much of said sidewalk as is in front of or abuts on said building, lot, or parcel of land; but in the event of inability to remove such accumulation of snow and ice without injury to the sidewalk, by reason of the hardening of said accumulation, the Council may by regulation make it the duty of said person, within the first eight hours after the snow or sleet ceases to fall, to make such sidewalks reasonably safe for travel, or cause them to be made reasonably safe for travel by sprinkling thereon abrasives or other appropriate substances, and, as soon thereafter as the weather shall permit, to clean said sidewalks, or cause them to be cleaned.

SEC. 2. Upon failure of the owner or person in charge or control of the abutting property to remove, or cause to be removed, any accumulation of snow or ice from the sidewalk on which such property abuts, or to sprinkle thereon abrasives or other appropriate substances, when circumstances do not permit the removal of same without damage to the sidewalk, within eight hours after the ceasing to fall of any snow or sleet, the Commissioner or his designated agent may in his discretion authorize the removal of such accumulated snow or ice, or the sprinkling of abrasives thereon, without any other notice to the owner of the property than is provided by the falling of the snow or sleet.

SEC. 3. The cost of the removal of accumulated snow or ice by the District of Columbia shall be assessed by the Commissioner or his designated agent as a tax against the abutting property: *Provided,* That the taxes authorized to be levied and collected under this Act may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

SEC. 4. The Act entitled "An Act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia", approved September 16, 1922 (42 Stat. 845; D.C. Code, title 7, ch. 8), is repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1310), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (S. 3748) is to provide a more effective snow removal law than the current law—the act approved September 16, 1922 (42 Stat. 845; D.C. Code, title 7, ch. 8)—by authorizing the District of Columbia Council to make all usual and reasonable regulations requiring removal of snow and ice from paved sidewalks, with the costs of such removal to be assessed as a tax against the abutting property in case of noncompliance.

The regulations made pursuant to this proposed legislation would not extend the police power of the District of Columbia to operations of the Federal Government.

NEED FOR LEGISLATION

The current snow removal law, enacted in 1922, requires that any person (including the District government and agents of the United States) in charge or control of any building or lot of land within the fire limits of the District of Columbia, fronting or abutting on a paved sidewalk, shall, within the first eight hours of daylight after the ceasing to fall of any snow or sleet, remove from such sidewalk the accumulated snow or ice, or cause it to be removed. If the snow or ice cannot be removed without damage to the sidewalk, then the hardened snow or the ice shall be sprinkled with sand or ashes so as to make such area reasonably safe for travel, and such area shall be thoroughly cleaned as soon thereafter as the weather shall permit.

When the persons in charge or control of lots or buildings abutting sidewalk areas (other than areas adjacent to District or Federally owned or leased property) fail to remove the snow or sleet therefrom or to make such areas reasonably safe for travel by sprinkling them with sand or ashes, the District government is authorized to remove the sleet or snow from such areas. In cases where, under the foregoing, the District takes the indicated action, the corporation counsel is authorized to sue for and recover from the defaulting persons the cost to the District of Columbia of removing the sleet or snow or making reasonably safe areas of the sidewalks covered by ice or hardened snow.

Experience has indicated that the provisions under existing law are unworkable. The funds available to the District for snow removal have never been sufficient to permit the District to remove the snow and ice from the sidewalks throughout the city, as well as from the roadways. The draft bill solves this problem by authorizing the Commissioner to assess the cost of removal by the city as a tax against the abutting property, as in the case of work done by the District on unsafe or insanitary buildings. Additionally, under existing law the duty imposed upon the corporation counsel of bringing and prosecuting such civil suits as might be required to obtain judgments for the cost of such snow and ice removal, with the further work of attempting to collect the judgments after they were obtained, would, if such authority were exercised, necessitate a considerable addition to the staff of the office of the corporation counsel, and, also, would impose a very considerable burden on the District of Columbia court of general sessions.

HISTORY OF THE LEGISLATION

S. 3748 represents the most recent effort to provide an effective snow removal law for the District of Columbia. Beginning in 1895, Congress on four occasions enacted bills dealing with snow removal, and the former Board of Commissioners on one occasion adopted a snow removal regulation. However, none of these efforts has proved satisfactory.

The present law, enacted by Congress in 1922, seeks to deal with the problem by requiring the owner or occupant of the property abutting a paved sidewalk to remove or make safe any snow or ice on the sidewalk. In the event any such person fails within a specified time to take the required action, then the District government is required to remove the snow or ice or make the sidewalk safe, and must then sue to recover the cost of such work, together with a penalty not exceeding $25. Obviously, the requirements of existing law are unworkable. The District does not have the funds or the manpower to remove the snow and ice from the sidewalks throughout the city, as well as from the roadways. And neither the District government nor the courts can handle the large number of suits that would have to be filed if the District undertook generally to proceed in accordance with existing law.

Seeking to remedy the current situation, the bill (S. 3748) was introduced by Senator Bible April 23, 1970, at the request of the District government. Hearings were held by the Judiciary Subcommittee July 27, 1970, at which time a representative of the office of the District of Columbia Corporation Counsel testified in support of the legislation. No opposition to the bill has been made known to the committee. This bill is one of the priority legislative items submitted to the Congress by the District government.

RELATING TO OFFENSES AGAINST HOTELS, MOTELS, AND OTHER COMMERCIAL LODGINGS IN THE DISTRICT OF COLUMBIA

The bill (H.R. 10335) to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1131), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (H.R. 10335) is to strengthen the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors by means of forgery, issuance of bad checks, or by departing without payment for the goods or services received.

PROVISIONS OF THE BILL

Existing law, enacted in 1901 (District of Columbia Code sec. 22–1301; 31 Stat. 1326), provides criminal penalties for defrauding lodging proprietors and relates to the "value of money or property" but not to "services" provided to a guest or patron. Section 1 of the bill would make the provisions of law, as otherwise amended, equally applicable to "services."

The fines which may be assessed under this section where the amount of value involved is less than $100, are increased from $200 to $1,000.

The amendments in section 1 also provide that whoever obtains from a commercial lodging proprietor items of value or credit by the use of false pretenses in the amount of $100 or more commits a felony. The penalties provided are a fine of not more than $3,000 or imprisonment of not more than 3 years, or both. If the unpaid amount is less than $100, the offense is a misdemeanor with penalties of a fine of not more than $1,000 or imprisonment of not more than 1 year, or both.

The amendment further provides that when proof is given that a person obtained the items of value or the credit and failed to make full payment on demand, or when such person departed and removed his baggage without the consent of the proprietor and without payment of any amounts due, such proof is prima facie evidence of the intent to defraud.

Section 1 of the bill provides, in further amendment, that whoever registers under a false name or address with intent to defraud shall be guilty of a misdemeanor. It is not the intent that the act of so registering be an offense, but only where such act is accompanied with the intent to defraud the proprietor of the lodging establishment.

A problem frequently confronting the commercial lodging proprietor is where a guest has shown clear intent to leave the premises without paying his bill. If the amount involved makes the offense a misdemeanor, an arrest may not be accomplished without a warrant unless the misdemeanor is committed in the presence of a police officer. If steps are taken to secure a warrant to effect an arrest, the guest most probably will have fled the jurisdiction. Section 2 of the bill would remedy this situation by providing that a police officer may make an arrest for such misdemeanor without a warrant.

The final section of the bill amends existing law relating to crimes involving the issuance of checks, drafts, and orders for the payment of money (act of July 1, 1922, 42 Stat. 82, District of Columbia Code sec. 22–1410) so as to make the terms of the law applicable to modern situations and credit practices. The amendment in section 3 would make the terms of the present law applicable to "other instruments." The amendment also provides that where the amount involved in such acts exceeds $100, the offense shall be a felony, the penalties for which shall be a fine of not more than $3,000 or imprisonment of not less than 1 year or more than 3 years or both. Where the amount involved in the offense is less than $100 it is a misdemeanor and punishable by a fine of not more than $1,000 and imprisonment of not more than 1 year or both.

HISTORY OF THE LEGISLATION

A hearing on the bill (H.R. 10335) was held by the Judiciary Subcommittee April 28, 1970 at which time a representative of the Office of the District of Columbia Corporation Counsel and the executive vice president of the Hotel Association of Washington, D.C., testified on the legislation.

TAXATION IN THE DISTRICT OF COLUMBIA IN THE CASE OF THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

The bill (H.R. 14982) to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1312), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (H.R. 14982) is to provide complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium (INTELSAT), its foreign participants, and any successor organization to INTELSAT.

The proposed legislation will not affect in any way the tax liability of the U.S. participant in INTELSAT, the Communications Satellite Corp. This corporation (COMSAT), which was incorporated under the laws of the District on February 1, 1963, receives and is liable in the District for taxes on approximately 53 percent of INTELSAT's net income. The bill expressly excludes COMSAT from applicability of the exemptions sought by this legislation.

DESCRIPTION OF INTELSAT

INTELSAT is a 75-nation consortium formed in 1964 to establish a global commercial communications satellite system. It was created under terms of an intergovernmental agreement and a related special agreement between the member telecommunications entities, both of which opened for signature in Washington in 1964. The U.S. participant is the Communications Satellite Corp. (ComSat), which was designated by the President pursuant to the Communications Satellite Act of 1962.

INTELSAT exists in large measure because of U.S. initiative and support. In furtherance of the national policies set forth in the Communications Satellite Act, we have fostered and supported its growth and development. INTELSAT's technical achievements have made an effective, operating commercial communication satellite system available to countries around the world in less than 5 years.

Most of the 74 foreign members of INTELSAT are governments or government communications ministries. Some foreign partners, however, are either private corporations or entities wholly owned by governments but entirely separate in form, that is, government-owned corporations.

Under existing laws, foreign governments or ministries are not subject to District of Columbia taxes, but foreign private or governmental corporations could conceivably be taxed while the substantial majority were not, and such a situation could adversely affect the operation of the system.

THE EFFECTS OF THE BILL

The adoption and promulgation of this bill will clarify the tax situation in several areas. The proposed legislation is directed primarily at the District of Columbia franchise tax (District of Columbia Code, title 47, sec. 1580). This law imposes a franchise tax on every corporation and unincorporated business which carries on or engages in trade or business in the District. The measure of the tax is "that portion of the net income of the corporation and unincorporated business as is fairly attributable to any trade or business carried on or engaged in within the District and such other net income as it derived from sources within the District."

INTELSAT is managed by a corporation located in the District, but its primary business—and consequent source of revenues—is operating satellites in outer space to work with earth stations around the world. Since little, if any, business revenue is generated in the District, and that portion of it which accrues to foreign government members of INTELSAT is exempt from taxation, the tax loss in this particular case would be *de minimis* from the viewpoint of District government revenues. As a matter of fact, the District of Columbia government has advised your committee that the enactment of H.R. 14982 would not result in any significant revenue loss to the District.

In addition to the franchise tax, the proposed legislation is also directed at real property tax, license tax, sales tax, and other similar taxes which might be enacted.

Your committee was advised that INTELSAT does not presently own any property in the District, and does not contemplate acquiring any in the future. Hence no potential real property taxes would be lost by the District by this exemption. Likewise, the revenue loss from the exemption from personal property tax, sales and use tax, and the unincorporated business license tax, would apparently be insignificant.

Further, the proviso in section 2 makes it clear that the exemption from taxes shall not apply to any property which shall not be used for the purposes of INTELSAT and any successor organization, not to any income, operations or other transactions which shall not be related to the purpose of said consortium or successor organizatoin. The purpose of this proviso is to establish that the ownership or operation of such a communications satellite system is exempt from District of Columbia taxation, regardless of whether INTELSAT or its successor, or any foreign participants therein, are "carrying on or engaging in any trade or business within the District" or receiving income "from sources within the District," within the meaning of section 47–1580 of the District of Columbia Code, and regardless of whether such system would otherwise be subject to tax.

FEDERAL EXEMPTION ALREADY GRANTED

During the 90th Congress a companion bill to H.R. 14982 was introduced to establish exemptions for INTELSAT from Federal taxation.

This bill was passed and was signed into law on October 22, 1968, as Public Law 90–622 (82 Stat. 1311). Passage of H.R. 14982 will bring the District of Columbia law into agreement with the Federal law on this subject.

NEED FOR THE LEGISLATION

Your committee urges early Senate approval of this bill (H.R. 14982). Negotiations are currently underway among the 75 member countries of INTELSAT concerning, inter alia, the location of the permanent headquarters of the INTELSAT organization. The INTELSAT headquarters is presently located in the District, and it would be in the national interest to continue to have INTELSAT located in the United States, and in the District of Columbia. Other countries which grant tax exemption in such cases are desirous of having the headquarters of INTELSAT within their borders, and the State Department has stated that it would be in a stronger position of assuring the continued location of the headquarters in Washington if this legislation is enacted.

The State Department has also suggested that passage of this legislation would be helpful in reducing the pressure from other member countries for immunity provisions that would be unacceptable to the United States.

LIABILITY OF HOTELS, MOTELS, AND SIMILAR ESTABLSHMENTS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and simliar establishments in the District of Columbia to their guests which had been reported from the Committee on the District of Columbia with an amendment on page 6, line 20, after the word "section", strike out "1236" and insert "1261".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1313), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, H.R. 10336, is to revise certain civil laws in the District of Columbia Code relating to the liability of (1) commercial lodging proprietors for the property of their guests or patrons, (2) the lien rights of such business establishments as to the property of their guests and patrons, and (3) to improve the procedures for the disposal of unclaimed personal property left with such lodging operators.

PROVISIONS OF THE BILL

Section 1 of the bill provides for a limitation on the liability of operators of commercial lodging establishments for the property of their guests.

A lodging establishment may limit its liability if it provides a suitable depository for the safekeeping of personal property, displays conspicuous notice of the availability of such depository, and notice of the limitation on the proprietors' liability if valuable personal property is not placed in such depository. When personal property of a guest or patron is placed in a designated depository for safekeeping, the maximum liability of the lodging establishment for loss or destruction of, or damage to, property shall be the fair market value of the property but not in excess of $1,000. This limitation on liability does not apply to losses to personal property retained by a guest in his room if the property left in his room is such as is usual or prudent for a guest to keep in his room.

This section of the bill likewise limits the liability of the lodging establishment for loss of, damage to, or destruction of property placed in a checkroom. If the checkroom is conspicuously designated as such place for depositing personal property, and such designation is likewise accompanied with a printed copy of this section of the act, the proprietor is liable only for the fair value of the property but not to exceed $200.

PROTECTION OF LIEN RIGHTS

The lien rights of commercial lodging establishments would be strengthened by the amendments to existing law provided in section 2 of the bill.

Existing law provides that the lodging establishment shall have a lien upon, and may retain possession of, baggage and effects of any guest or patron who fails to make payment for any amount due. If such lien is exercised, and the property retained excedes the value of $50, then the lodging establishment must institute a court proceeding for handling the sale of the property held under the lien.

The amendments in section 2 would provide the lodging establishment with a lien on any personal property in possession of a guest, the value of which does not exceed $1,000. When property has been retained under the provisions of this section, and the owner of such property fails to pay the amount due for lodging, food, or value received by the guest within 30 days, the property retained may be sold at a public sale.

Prior to such sale, demand shall be made by registered or certified mail for the payment of the amount due, and notice of such sale published once a week for 3 successive weeks in a daily newspaper in the District of Columbia. Such notice shall (1) state that the sale is to satisfy the lien; (2) state the amount of the charges including any storage charges; (3) state the day, time, and place of the sale; and (4) give a description of the property, along with a full and complete description and information concerning any motor vehicle which may be included in the notice of sale. Notice of such sale shall also be given to any person having an interest, lien, or other claim on a motor vehicle which is recorded by registration within any State. A notice of sale must precede the sale by at least 15 days.

The proceeds of any such sale shall be applied (1) to cover the expenses of storage and sale of the property; (2) to discharge any security interest, lien, or other claim in order of priority provided for by the law; and (3) any remainder paid to the party entitled if the party is known and can be located or otherwise at the end of 1 year after the date of sale the remainder shall be paid to the government of the District of Columbia.

SALE OF UNCLAIMED PROPERTY

Personal property of guests at a lodging establishment, which had been deposited for safekeeping, checked, or left otherwise unclaimed for a period of 90 days or more, may be disposed of under the provisions of section 3 of the bill. The provisions of this section regarding the sale of such property are similar to those described above for the execution of a lien, except that no sale may be conducted in less than 90 days plus a 15-day period of notice. The residue of any such sale after satisfaction of all other claims in order of priority provided by law is to be paid within a reasonable time to the government of the District of Columbia.

The final section of the bill, section 4, as amended, provides the necessary technical amendments to existing law.

HISTORY OF THE LEGISLATION

The bill (H.R. 10336) passed the House February 24, 1970, and was subsequently referred to the Senate District Committee. A hearing on the bill was held April 28, 1970, at which time a representative of the Office of the District of Columbia Corporation Counsel and the executive vice president of the Hotel Association of Washington, D.C., testified on the bill.

VALIDATION OF CERTAIN DEEDS IMPROPERLY ACKNOWLEDGED OR EXECUTED IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia which had been reported from the Committee on the District of Columbia with an amendment on page 1, line 8, after the figure "1,", strike out "1962,"," and insert "1969,",".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1314), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (H.R. 13565) is to validate certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969.

NEED FOR THE LEGISLATION

The bill (H.R. 13565) has the effect of correcting certain specified defects which may have occurred inadvertently in the execution and acknowledgment of deeds affecting property transactions. In validating the records of the Office of the Recorder of Deeds prior to January 1, 1969, in the manner prescribed, the bill has the further effect of removing potential clouds on the titles of properties conveyed in the District.

Under present law, documents recorded prior to January 1, 1902, have been validated (District of Columbia Code, sec. 45-408) despite certain defective acknowledgments and executions. The seven classes of defects corrected by existing law are: executions or acknowledgments by married women, by attorneys in fact, and before specified officials in foreign jurisdictions, as well as those wherein certain agents failed to declare the execution to be the act of the grantor; and those not having certain technicalities of acknowledgment.

There has been no legislation to cure defective acknowledgments and executions in the District of Columbia since 1902.

Your committee believes it is in the public interest that such inadvertent and technical defects in titles to real property be cured by appropriate legislation such as the reported bill, which follows the practice in many States.

HISTORY OF THE LEGISLATION

The bill (H.R. 13565) was passed by the House on October 27, 1969, and, subsequently, referred to the Senate District Committee. A hearing on the bill was conducted by the Judiciary Subcommittee on April 28, 1970, at which time a representative of the office of the Corporation Counsel of the District of Columbia presented testimony favoring enactment of the bill. The bill has also received the endorsement of the District of Columbia Metropolitan Area Land Title Association. No opposition to the bill has been made known to the committee.

COMMITTEE AMENDMENT

Your committee has amended the bill (H.R. 13565) by providing that the date before which deeds improperly acknowledged or executed may be validated be changed to January 1, 1969. This amendment is in accordance with the recommendation of the Commissioner of the District of Columbia and coincides with the bill as originally reported by the House District Committee (Report No. 91-589).

MAJOR PROVISIONS OF THE BILL

The bill (H.R. 13565) provides for validation of acknowledgments and executions recorded in the District of Columbia prior to January 1, 1969, that contain any of the seven categories of defects enumerated in existing law.

In addition, it amends the category dealing with technicalities of acknowledgment. The present law, in this respect, relates only to omission of the legal certificate as to the official character of the person taking the acknowledgment. This provision is amended to include also omission of the seal of the notary public before whom the acknowledgment was taken; failure to follow the prescribed form in the certificate of acknowledgment; acknowledgment before persons not properly authorized; and omission of official designation of the person taking the oath.

The bill also provides a safeguard against abuse of such validations. It states that it shall not be construed to validate deeds for which the acknowledgment or execution has been obtained by fraud or misrepresentation.

DISTRICT OF COLUMBIA ADMINISTRATION OF ESTATES ACT

The Senate proceeded to consider the bill (S. 3747) to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates which had been reported from the Committee on the District of Columbia with amendments on page 2, line 1, after the word "TO", strike out "CHAPTER 21 OF"; in line 2, after the figure "20", insert "AND TITLE 15"; in line 8, after the word "thereof", strike out "$1,500"."; and insert "$2,500"."; after line 9, strike out:

SEC. 102. Section 20-2105 of the District of Columbia Code (relating to fees for the administration of small estates) is amended by striking out "$5" and "25 cents" and inserting in lieu thereof "$15" and "$1.00" respectively.

And, in lieu thereof, insert:

SEC. 102. (a) Section 15-707(a) of the District of Columbia Code, as amended by section 144(10)(A) of the District of Columbia Court Reorganization Act of 1970, is amended by striking out "Superior Court" and inserting in lieu thereof "court having jurisdiction over probate matters in the District of Columbia."

(b) Section 15-707(b) of the District of Columbia Code, as amended by section 144(10)(A) of the District of Columbia Court Reorganization Act of 1970, is amended to read as follows:

"(b) Where the estate does not exceed five hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed twenty-five hundred dollars in value the fees may not exceed fifteen dollars."

(c) The amendments made by subections (a) and (b) of this section shall take effect on the first day of the seventh calendar month which begins after the date of enactment of the District of Columbia Court Reform and Criminal Procedure Act of 1970.

SEC. 103. The last sentence of section 20-2105 of the District of Columbia Code (relating to the administration of small estates) is amended to read as follows: "The Register of Wills may demand and receive for services performed by him under this chapter such fees as shall be set by the court having jurisdiction over probate matters in the District of Columbia."

On page 3, at the beginning of line 19, strike out "(1)"; in line 20, after the word "thereof", strike out "$1,500", and"; and insert "$2,500".."; and after line 21, strike out:

(2) by striking out in the third sentence of subsection (a) "$200" and inserting in lieu thereof "$600".

So as to make the bill read:

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Administration of Estates Act".

TITLE I—AMENDMENTS TO TITLE 20 AND TITLE 15 OF THE DISTRICT OF COLUMBIA CODE

SEC. 101. Sections 20–2101, 20–2102, 20–2106, and 20–2107 of the District of Columbia Code (relating to the administration of small estates) are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$2,500".

SEC. 102. (a) Section 15–707(a) of the District of Columbia Code, as amended by section 144(10)(A) of the District of Columbia Court Reorganization Act of 1970, is amended by striking out "Superior Court" and inserting in lieu thereof "court having jurisdiction over probate matters in the District of Columbia."

(b) Section 15–707(b) of the District of Columbia Code, as amended by section 144(10)(A) of the District of Columbia Court Reorganization Act of 1970, is amended to read as follows:

"(b) Where the estate does not exceed five hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed twenty-five hundred dollars in value the fees may not exceed fifteen dollars."

(c) The amendments made by subsections (a) and (b) of this section shall take effect on the first day of the seventh calendar month which begins after the date of enactment of the District of Columbia Court Reform and Criminal Procedure Act of 1970.

SEC. 103. The last sentence of section 20–2105 of the District of Columbia Code (relating to the administration of small estates) is amended to read as follows: "The Register of Wills may demand and receive for services performed by him under this chapter such fees as shall be set by the court having jurisdiction over probate matters in the District of Columbia."

TITLE II—AMENDMENTS TO SECTION 19–101 OF THE DISTRICT OF COLUMBIA CODE

SEC. 201. Section 19–101 of the District of Columbia Code (relating to the family allowance) is amended—

By striking out in subsection (a) and subsection (e) "$500" and inserting in lieu thereof "$2,500".

TITLE III—TRANSFER OF TITLE TO MOTOR VEHICLES

SEC. 301. Section 2 of title IV of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 40–102) is further amended by adding at the end of subsection (d) thereof the following:

"When the only assets of a decedent's estate requiring administration consist of not more than two motor vehicles, the Commissioner of the District of Columbia may upon proof satisfactory to him that all debts and taxes owed by the decedent have been paid or provided for, transfer the title to such motor vehicles to the person or persons entitled thereto or their nominee; and in such case, no administration of the decedent's estate, or other proceedings, need be had. In the event that any of the persons entitled to the transfer of title hereunder shall be a minor, the custodian or the legal guardian of said minor may nominate transferees on behalf of such minor."

TITLE IV—AMENDMENTS TO SECTION 20–334 OF THE DISTRICT OF COLUMBIA

SEC. 401. Section 20–334 of the District of Columbia Code (relating to the order of preference of persons entitled to administer estates) is amended—

(1) by striking out in clause (3) of subsection (a) "the father shall be preferred; and, where there is no father, the mother shall be preferred", and inserting in lieu thereof "the father or mother shall be preferred"; and

(2) by deleting in such subsection (a), clauses numbered (5), (9), and (10), and redesignating clauses numbered (6), (7), and (8) as (5), (6), and (7), respectively.

TITLE V—SALES OF REALTY WITHOUT REFERENCES TO THE AUDITOR

SEC. 501. Section 20–1106 of the District of Columbia Code (relating to the authority of the court regarding sales of realty) is amended—

(1) by inserting in the third sentence immediately after the word "or" the following: ", except where consents have been filed with the court as hereinafter provided,"; and

(2) by adding the following:

"Upon a proper showing by the fiduciary of an estate that the personal estate of a decedent is insufficient to meet all of the aforesaid charges and that all or part of the decedent's real estate must be sold to pay all or part of the said charges, the court may order the sale of all or any part of said real estate without reference to the auditor, provided all persons who have an interest in the real estate to be sold shall have filed with the court their consents to sale thereof. In the event a person having an interest in the said real estate is not sui juris, the court may accept on his behalf the consent of a fiduciary duly appointed for the estate of said person, or may appoint a guardian ad litem who shall have the right to file a consent on behalf of said person"; and

(3) by adding at the end of the section heading, immediately following the word "report", a semicolon and "sales without reference to the auditor".

SEC. 502. The item relating to section 20–1106 in the analysis of chapter 11 is amended by inserting immediately before the period at the end of the word "report", a semicolon and "sales without reference to the auditor".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1315), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (S. 3747) is to update and modify procedures dealing with the settlement of estates in the District of Columbia in order that they might more accurately reflect current economic conditions and that those persons wishing to settle small estates may do so in an expeditious manner with a minimum of cost. Your committee feels that this legislation is essential for the District of Columbia to maintain a realistic legal framework for the transaction of probate matters, as well as those settlements which do not require the probate process.

Title I of the bill increases from $500 to $2,500 the jurisdictional amount under which small estates may be administered pursuant to procedures of Chapter 21 of the District of Columbia Code. This title also authorizes the court having probate jurisdiction in the District of Columbia to set fees charged by the Register of Wills for administering estates either in probate or under the provisions of the Administration of Small Estates Act of the District of Columbia Code.

Title II of the bill amends section 19–101 of the District of Columbia Code to increase from $500 to $2,500 the amount of the family allowance to which a surviving spouse is entitled out of the personal estate of a decedent for the personal use of such spouse and any minor children.

Title III of the bill permits the transfer of title to not more than two automobiles registered in the name of a decedent without necessity of formal administration of the estate in cases where the automobiles are the only assets of the estate requiring administration.

Title IV of the bill amends that provision of law relating to the order of preference to be utilized by the probate court in granting letters of administration, so as to delete certain provisions requiring the appointment of males over females or a femme sole over a married woman.

Title V of the bill will eliminate the necessity of a reference to the auditor for the sale of the real estate of a decedent in those cases where it is satisfactorily shown to the court that there is a deficiency of personal estate to pay debts, expenses, taxes and legacies, provided consents to the sale are obtained from all interested parties.

NEED FOR LEGISLATION

The bill (S. 3747) contains five titles designed to update and to some extent modify existing procedures estabilshed for the administration of estates in the District of Columbia. Most of the changes in existing law concern estates in which the assets are limited and provide for the expeditious and relatively inexpensive administration of such estates. In addition to meeting the need for the improvement in procedures for handling small estates, this bill also more accurately reflects the purchasing power of the dollar today as compared with that of 1949 when the original jurisdictional amount for small estates was established at $500. Raising the jurisdictional amount to $2,500 for both small estates and family allowances also follows the pattern set in other States which have recently increased the maximum limit for small estates and family allowances, including Maryland and Virginia.

Title 1 amends sections 20–2101, 20–2102, and 20–2106 of the District of Columbia Code to increase from $500 to $2,500 the jurisdictional amount under which small estates may be administered pursuant to the simplified procedures of chapter 21 of the Code. Section 20–2107 of the District of Columbia Code is also amended by title I to increase from $500 to $2,500 the maximum penalty for the filing of a false affidavit or for violations of an order of the Probate Court.

Under existing law the surviving spouse or minor children of a person who dies leaving an estate consisting only of personal property of value not exceeding $500 may petition the probate court for an order which, among other things, eliminates the necessity of a formal administration of the estate or the probate of a will. Also under existing law the person entitled to be preferred in the appointment of an administrator may, in the case of a person who dies intestate leaving an estate consisting only of personal property of a value not in excess of $500, and there is no surviving spouse or minor child, similarly petition the probate court for an order waiving formal administration and permitting an expeditious settlement of the estate.

Also under this title the court having jurisdiction over probate matters in the District of Columbia is given the authority to set the fees charged by the Register of Wills for the administration of small estates as well as those which are probated. Section 15–707(b) of the D.C. Code is amended to limit the maximum fee to $15 where the estate does not exceed $2,500, and no fee may be charged for estates of under $500 which are probated.

Title II of the bill amends section 19–101 of the D.C. Code to increase from $500 to $2,500 the amount of the family allowance to which a surviving spouse is entitled out of the per-

sonal estate of a decedent for the personal use of such spouse and any minor children.

The small estates and family allowance provisions were enacted into law by the act approved June 24, 1949 (63 Stat. 269). Your committee believes that changes in economic conditions since that time have acted to make the present amounts of $500 unrealistic in terms of present day values and requirements. The interrelation of the maximum for the administration of a small estate with the family allowance amount appears to make it desirable, in order to more accurately reflect the current cost of living, that an increase in both the small estates maximum and the family allowance now be made.

The proposed increase in the jurisdictional amount for small estates should materially aid in relieving the probate court as well as the Office of the Register of Wills of the detailed procedures and the time-consuming processes now required in the administration of all estates having assets of more than $500, and additionally provide a greater number of persons with this relatively inexpensive and expeditious method of winding up the affairs of a decedent. The proposed increase in the family allowance to a more realistic sum of $2,500 should prove to be of significant benefit to the surviving spouse and dependent children whose needs are most immediate and pressing.

Title III of the bill amends section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680), as amended (D.C. Code, sec. 40–102), to permit the transfer of title to not more than two automobiles registered in the name of a decedent without the necessity of formal administration of the estate in cases where the automobiles are the only assets of the estate requiring administration.

Until title to the vehicle is transferred to a new owner, the vehicle may not lawfully be operated. This means, of course, that a vehicle on which a family is dependent for its transportation and which is titled only in the name of the decedent, cannot lawfully be used by that family until the estate has been administered. Accordingly, in order to make it possible to transfer title to the vehicle promptly so as to allow it to be used legally by the person or persons entitled thereto, title III amends the District of Columbia Revenue Act of 1937 to authorize the Commissioner of the District of Columbia, upon proof that all debts and taxes owed by the decedent have been paid or provided for, to transfer the title to the vehicle to the person or persons entitled to it.

Title IV amends that provision of law relating to the order of preference to be utilized by the probate court in granting letters of administration, so as to delete certain provisions requiring the appointment of males over females or a femme sole over a married woman. These distinctions are outdated and discriminatory, and the removal is a desirable improvement in the law.

Title V of the bill amends section 20–1106 of the District of Columbia Code by adding a fifth sentence thereto to provide for the sale of the real estate of a decedent situated in the District of Columbia without reference to the auditor of the U.S. District Court. Existing law authorizes the probate court to require the sale of the realty of a decedent whenever necessary for the payment of funeral expenses, debts, costs of administration, taxes, and legacies. Prior to approval of the sale of such realty, the auditor of the court must have ascertained and reported the debts and legacies, the deficiency of personal assets, and the real estate necessary to be sold for the payment of such charges and legacies.

Title V will eliminate the necessity of a reference to the auditor in those cases where it is satisfactorily shown to the court that there is a deficiency of personal estate to pay debts, expenses, taxes, and legacies, and provided consents to the sale are obtained from all interested parties and that all interested parties are sui juris.

Reference to the auditor in all instances where there is a deficiency of personality is a time-consuming and often expensive process. In most cases there are no objections by the parties in interest where it is evident that such a sale is necessary. The proposed amendment is permissive. Should the court or the Register of Wills entertain any question as to the allegations of the parties involved, reference to the auditor would be required in accordance with present law.

HISTORY OF THE LEGISLATION

The bill (S. 3747) was introduced by Senator Bible April 23, 1970, at the request of the District of Columbia government. Hearings on the bill were held by the Judiciary Subcommittee July 27, 1970, at which time the bill received the support of the District of Columbia government and the Bar Association of the District of Columbia. No opposition to the legislation was presented to the committee. This bill is one of the priority legislative items submitted by the District government to the Congress.

COMMITTEE AMENDMENTS

Your committee amended section 101 of title I of the bill to increase the jurisdictional amount under which small estates may be administered to $2,500 rather than the $1,500 figure in the bill as originally proposed. This action was taken in part on the recommendation of the District of Columbia Bar Association which testified at the hearing on the bill that a larger jurisdictional amount would be desirable to be consistent with the amounts established in the surrounding jurisdictions. The jurisdictional amount for the administering of small estates is $2,000 in Maryland and $2,500 in Virginia. The District government does not object to this increase.

Section 102 of title I was amended to reflect the intent of Congress to allow the court having probate jurisdiction the latitude of establishing the fees charged by the Register of Wills for the administration of estates. Section 144(10)(A) of the District of Columbia Court Reorganization Act of 1970 amends section 15–707(a) of the District of Columbia Code by authorizing the newly established Superior Court to set the fees charged by the Register of Wills for services performed in the administration of estates. However, since the complete transfer of probate jurisdiction will not occur until 30 months after the effective date of the District of Columbia Court Reorganization Act of 1970, it was necessary to add this corrective amendment to prevent one court from setting fees for an activity not within its jurisdiction.

Subsection (b) of section 102 was added to amend the District of Columbia Court Reorganization Act of 1970, section 144(10)(A), to make it conform with the provisions of this bill (S. 3747) limiting the maximum fees charged by the Register of Wills for the administration of small estates. The amendment limits the maximum fee to $15 for estates not exceeding $2,500 in value and provides that no fees will be charged for the administration of estates which do not exceed $500. Your committee feels that this is a reasonable limitation on the amount the Register of Wills may charge for services performed, and at the same time provides the flexibility necessary to establish fees which are pro rated according to the size of the estate.

Under the current provisions of the D.C. Code (sec. 15–707(b)) the Register of Wills may not charge for services connected with the administration of estates which do not exceed $200 in value, and may not receive more than $10 for the administration of estates which do not exceed $500 in value. Your committee feels that the upward adjustment of the amount below which no fees may be charged and the increase in the maximum amount that can be charged for the administration of smaller estates is made necessary by the increase in the maximum amount under which an estate may be handled without necessity of probate and the increased number of estates which are of less than $500 in value.

Subsection (c) of section 102 is a conforming amendment which provides that the provisions of subsections (a) and (b) will take effect concurrently with the District of Columbia Court Reorganization Act of 1970.

Section 103 was added to allow the court having probate jurisdiction the same flexibility in setting fees for the administration of small estates (under D.C. Code 20–2105) as it has in establishing the fees charged by the Register of Wills for estates which are probated. Your committee feels that this provision, coupled with the earlier section, will eliminate the necessity of the District government seeking congressional authority each time conditions warrant an adjustment in the fees charged by the Register of Wills for the administration of estates.

Section 201 of title II was amended to increase the amount of the family allowance from $500 to $2,500, rather than $1,500 as in the legislation submitted by the District government. In testimony before the Judiciary Subcommittee both the officials of the District government and representatives of the D.C. Bar Association stated that the interrelation of the maximum for the administration of small estates and the family allowance makes it desirable that the same figure apply in both cases. Therefore, since the maximum amount for small estates administration was increased to $2,500, your committee has also raised the amount of family allowance to $2,500. The District government has notified the committee that it has no objection to this increase.

Subsection (2) of section 201 was deleted by your committee because the necessity for increasing the amount of the family allowance which may be subjected to the payment of funeral expenses from the present $200 to $600 was not demonstrated by any evidence presented for the committee's consideration. Under current provisions of the D.C. Code the executor or administrator of an estate may authorize $600 for payment of funeral expenses, and for good cause shown the court, an additional $400 allowance may be made. Under special circumstances then, the total amount that may be made available for payment of funeral expenses is $1,200. Your committee felt this was sufficient compensation especially in consideration of the fact that the total amount of the family allowance is often very small and insufficient to meet the immediate and pressing needs of the surviving spouse or children.

Finally, your committee has amended the bill in a technical fashion to reflect the inclusion of amendments to title 15 of the District of Columbia Code in title 1 of the bill.

DISTRICT OF COLUMBIA CRIMINAL ACTIVITIES ACT OF 1970

The Senate proceeded to consider the bill (S. 3749) relating to crime in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, on page 1, after line 6, strike out:

SEC. 101. Section 14 of the Act approved July 8, 1932 (47 Stat. 650, 654; D.C. Code, sec. 22–3214), relating to the possession of certain dangerous weapons, is amended

(a) by inserting "Molotov cocktail," immediately after "switch blade knife," in subsection (a); and

(b) by striking out "with a blade longer than three inches," in subsection (b) and inserting in lieu thereof ", an incendiary device such as a firebomb, fire torch, flare gun, or flare gun cartridge,".

And, in lieu thereof, insert:

SEC. 101. Subsection (b) of section 14 of the Act approved July 8, 1932 (47 Stat. 650, 654; D.C. Code, sec. 22–3214(b)), relating to the possession of certain dangerous weapons, is amended by striking out "or knife with a blade longer than three inches" and inserting in lieu thereof "knife".

On page 2, after line 10, strike out:

TITLE II—PROHIBIT ASSAULTS ON FIREMEN AND REDUCE PENALTY FOR RESISTING ARREST

SEC. 201. Section 432 of the Revised Statutes relating to the District of Columbia, as amended (D.C. Code, sec. 22–505), is amended to read as follows:

"SEC. 432. (a) Whoever assaults any officer or member of any police force operating in the District of Columbia, or any officer or member of any fire department operating in the District of Columbia, or any officer or employee of any penal or correctional institution of the District of Columbia, or any officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confirmed pursuant to law in any facility of the District of Columbia, whether such institution or facility is located within the District of Columbia or elsewhere, while engaged in or on account of the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than five years or both.

"(b) Whoever in the commission of any of the acts referred to in subsection (a) uses a deadly or dangerous weapon shall be imprisoned not more than ten years."

And, in lieu thereof, insert:

TITLE II—PROHIBIT ASSAULTS ON FIREMEN

SEC. 201. Subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505(a)) is amended by inserting "or any officer or member of any fire department operating in the District of Columbia," immediately after "District of Columbia" where the term first appears.

On page 3, after line 14, strike out:

TITLE III—FORFEITURE OF CONVEYANCES USED IN NARCOTIC VIOLATIONS

SEC. 301. Section 17 of the Uniform Narcotic Drug Act approved June 30, 1968 (D.C. Code, sec. 33–423), is amended by inserting the subsection designation "(a)" immediately before the first word of such section and by adding the following new subsection:

"(b) Any conveyance, including an aircraft, vehicle, or vessel, which is used, or intended for use, in violating any provision of this Act shall be subject to seizure by any member of the Metropolitan Police force or the United States Park Police, or by the United States marshal for the District of Columbia or any of his deputies, and any such conveyance so seized, regardless of its value, shall be proceeded against in the District of Columbia Court of General Sessions by libel action brought in the name of the District of Columbia by the Corporation Counsel or any of his assistants, and shall, unless good cause be shown to the contrary, be forfeited to the District of Columbia and shall be made available for the use of any agency of the government of the District of Columbia, or otherwise disposed of as the District of Columbia Council may, by regulation, provide, except that (a) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under this Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this Act; and (b) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of the District of Columbia, or of any State. If there be any bona fide lien against the property so forfeited, the government of the District of Columbia may make payment of such lien and retain the property, or the property shall be disposed of by public auction. The proceeds of the sale of such property shall be available, first, for the payment of all expenses incident to such forfeiture; and, second, for the payment of such liens; and the remainder shall be deposited in the Treasury of the United States to the credit of the District of Columbia. To the extent necessary, liens against said property so forfeited shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property."

On page 5, at the beginning of line 11, change the title number from "IV" to "III"; at the beginning of line 14, change the section number from "401" to "301"; at the beginning of line 19, change the section number from "402" to "302"; on page 9, at the beginning of line 3, change the title number from "V" to "IV"; and at the beginning of line 4, change the section number from "501" to "401"; so as to make the bill read:

S. 3749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The District of Columbia Criminal Activities Act of 1970".

TITLE I—DANGEROUS WEAPONS ACT AMENDMENT

SEC. 101. Subsection (b) of section 14 of the Act approved July 8, 1932 (47 Stat. 650, 654; D.C. Code, sec. 22–3214(b)), relating to the possession of certain dangerous weapons, is amended by striking out "or knife with a blade longer than three inches" and inserting in lieu thereof "knife".

TITLE II—PROHIBIT ASSAULTS ON FIREMEN

SEC. 201. Subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505(a)) is amended by inserting "or any officer or member of any fire department operating in the District of Columbia," immediately after "District of Columbia" where the term first appears.

TITLE III—DISTRICT OF COLUMBIA AUTHORIZED TO ADHERE TO INTERSTATE PAROLE AND PROBATION COMPACT

SEC. 301. As used in this title, the term "State" means any of the several States of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and the term "Governor" means the chief executive officer of any such jurisdiction.

SEC. 302. The Commissioner of the District of Columbia is hereby authorized to execute a compact on behalf of the District of Columbia with any of the States legally joining therein in the form substantially as follows:

"A COMPACT

"Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America (4 U.S.C. 112) given to states (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the District of Columbia) to enter into compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies.

"The contracting states solemnly agree:

"(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state'), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called 'receiving state'), while on probation or parole, if

"(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

"(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person's being sent there.

"Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

"A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

"(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

"(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be taken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of the states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: *Provided, however,* That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such a state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

"(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

"(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

"(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

"(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in

writing of its intention to withdraw from the compact to the other states party hereto."

TITLE IV—SEPARABILITY

SEC. 401. If any provision of his Act (including the amendments made by this Act), or the application thereof to any person or circumstances be held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1316), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

In title I, section 101 is amended to read:

SEC. 101. Subsection (b) of section 14 of the Act approved July 8, 1932 (47 Stat. 650, 654; D.C. Code, sec. 22–3214(b)), relating to the possession of certain dangerous weapons, is amended by striking out "or knife with a blade longer than three inches" and inserting in lieu thereof "knife".

Title II is amended to read as follows:

TITLE II—PROHIBIT ASSAULTS ON FIREMEN

SEC. 201. Subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505(a)) is amended by inserting "or any officer or member of any fire department operating in the District of Columbia," immediately after "District of Columbia" where the term first appears.

Title III of the bill, relating to the forfeiture of conveyances used in narcotics violations, is omitted.

On page 6, line 1, strike out "Title IV" and insert "Title III".

On page 6, line 4, strike out "Sec. 401" and insert "Sec. 301".

On page 6, line 9, strike out "Sec. 402" and insert "Sec. 302".

On page 10, line 1, strike out "Title V" and insert "Title IV".

On page 10, line 2, strike out "Sec. 501" and insert "Sec. 401".

PURPOSE OF THE BILL

The purpose of the bill (S. 3749) is to amend statutes relating to the possession of certain dangerous weapons and interference with firemen in the performance of their duties. In addition, the bill authorizes the Commissioner of the District of Columbia to enter into the Interstate Parole and Probation Compact.

NEED FOR LEGISLATION

This bill (S. 3749) is needed to correct certain deficiencies that now exist in the District of Columbia Criminal Code with respect to possession of certain dangerous weapons, assaults on firemen in the performance of their duties, and to authorize the District to enter into the Interstate Parole and Probation Compact with the other States.

Under title I of the bill all knives would be classified as dangerous weapons when coupled with the intent to use them unlawfully against another. Under the current statute only knives with blades "3 inches or longer" are considered dangerous weapons, thus a person possessing a smaller knife, even with the intent to use it unlawfuly against another, is excluded from prosecution under the possession of dangerous weapons provisions in the code. Your committee feels that this situation should be corrected with legislation to eliminate the potential for not prosecuting a case on the grounds of a technicality.

Title II, expanding existing law relating to assaults on policemen and corrections officers so as to include firemen, is necessary by reason of the rather considerable number of assaults on firemen responding to emergency calls. The Fire Department reports that during the first 6 months of 1970 there were 10 reported incidents of this kind, and 57 during calendar year 1969.

At the present time assault on a fireman or interference with a fireman while he is performing his duties in connection with extinguishing a fire are not the subject of specific statute. Prosecution must be brought under the general assault, disorderly conduct, or rioting statutes. Title II would rewrite subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505(a)), presently applying to assaults on police officers and employees of penal, correctional, or juvenile institutions, and extend its coverage specifically to officers and members of the District of Columbia Fire Department and any other fire department operating in the District of Columbia.

In emergency situations involving interference with firemen in the performance of their duties, prompt and effective enforcement of a statute specifically covering these situations is necessary to prevent widespread destruction of property. No change is proposed in the penalty provision applicable to one who uses a deadly or dangerous weapon in the commission of any of these offenses (D.C. Code, sec. 22–505(b)). Whether violent or nonviolent, the penalty provided for one who uses a deadly or dangerous weapon in the commission of any of the acts specified is imprisonment for not more than 10 years.

Your committee feels strongly that firemen in the District of Columbia should be provided with the same statutory protection from assault as are policemen and corrections officers.

Title III would authorize the District of Columbia to become a signatory member of the Interstate Parole and Probation Compact, thereby enabling the District to participate in a nationwide program in which the States, Puerto Rico, and the Virgin Islands cooperate and serve as each other's agent in the supervision of persons on probation or parole.

The compact is applicable to all adult probationers and parolees. It would enable the District of Columbia to place its potential parolees, mandatory releasees, and probationers in their resident jurisdictions in a more orderly and effective manner. It would also provide for the more orderly placement, return, and control of adult probationers and parolees who come from other jurisdictions to live in the District of Columbia.

Adherence to the compact, as authorized by this legislation, would also enable law enforcement agencies in the District of Columbia to remove fugitives and violators from the District of Columbia with greater speed and less cost than at the present time. Authorities in other jurisdictions would also be better able to return parolees and probationers from other jusirdictions to the District of Columbia when such persons have been declared to be violators.

The District of Columbia is the only remaining jurisdiction eligible to become a signator to the pact that has not done so. Enactment of this legislation and signing of the compact will provide for the more uniform administration of parole and probation procedures throughout the United States.

Title IV would provide that if any provision of this act were held invalid, the other provisions would not be affected thereby.

HISTORY OF THE LEGISLATION

The bill (S. 3749) was introduced by Senator Bible April 23, 1970, at the request of the District government. A hearing on the bill was held July 27, 1970, before the Judiciary Subcommittee at which time a representative of the Office of the District of Columbia Corporation Counsel and the Chairman of the D.C. Board of Parole and Probation testified in support of the bill. No opposition to the bill was presented to the committee.

COMMITTEE AMENDMENTS

Your committee amended title I of the bill to eliminate the provision which would have included "molotov cocktails" and other incendiary devices in the District of Columbia Code provision which prohibits the carrying of dangerous weapons if there is intent to use them unlawfully.

The District of Columbia Court Reform and Criminal Procedure Act of 1970, which was signed into law July 29, 1970, contains in section 209 a new section to be added to the Dangerous Weapons Act, making it an offense to manufacture, transfer, use, possess, or transport a molotov cocktail, defined broadly to include all incendiary devices other than those lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose. Accordingly, since this problem in the criminal code is taken care of in the Court Reform and Criminal Procedure Act, there is no longer need to include it in S. 3749. The District government has no opposition to this amendment.

Title II of the bill was amended to simply include firemen in the provision of the District of Columbia Code (sec. 22–505) relating to assaults on policemen and corrections officers in the performance of their duties. As originally drafted by the District government, this provision would, in addition to including firemen in the section relating to assaults on policemen and corrections officers, have substantially rewritten the statute to eliminate language with respect to resisting, opposing, impeding, intimidating, or interfering with a policeman or corrections officer.

However, in view of the fact that section 206 of the Court Reform and Criminal Procedure Act amends existing law relating to assaults on policemen and corrections officers to add at the end thereof a statement that—

It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such arrest is made by an individual he has reason to believe is a law enforcement officer, whether or not such arrest is lawful.

It would now seem inappropriate to delete this language or any of that language in the current statute. The District government concurs in this amendment.

Your committee has amended the bill by eliminating title III from the bill as originally introduced. This title provides that vehicles used in any violation of the Uniform Drug Act approved June 30, 1968 (D.C. Code, sec. 33–423), would be subject to seizure by members of the Metropolitan Police Department, the Park Police or any other U.S. law enforcement officer. The committee deleted this provision from the bill because of the consideration Congress is now giving to new, comprehensive narcotics legislation. The issue of which offenses may be serious enough to warrant seizure of motor vehicles is still undecided, along with many others. Therefore, the committee felt it best to delay final action on this provision until it can be determined exactly how it might conform with the final result of the current deliberations on narcotics legislation.

Should additional legislation be warranted following passage of the Federal narcotics bill, your committee will report this provision to the Senate as separate legislation.

Finally, your committee has amended the bill by renumbering title IV as title III, and title V as title IV consistent with the elimination of the original title III. In addition the appropriate section numbers have been changed to reflect the renumbering of the titles.

MINAM RIVER CANYON WILDERNESS AREA

The Senate proceeded to consider the bill (S. 1142) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 5, after the word "containing", strike out, "not to exceed one hundred thousand acres in the Wallowa-Whitman National Forest in Oregon adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in township 1 south, range 41 east; township 1 south, range 42 east; township 2 south, range 41 east; township 2 south, range 42 east; township 3 south, range 41 east; township 3 south, range 42 east; township 4 south, range 41 east; township 4 south, range 42 east of the Willamette meridian.", and insert "approximately eighty thousand acres within the Wallowa-Whitman National Forest in Oregon in the Minam River drainage adjacent to the Eagle Cap Wilderness as generally depicted on a map entitled 'Proposed addition to the Eagle Cap Wilderness dated August 1970' which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture."; on page 2, line 14, after the word "the", strike out "Congress" and insert "Interior and Insular Affairs Committees of the United States Senate and the House of Representatives"; in line 16, after the word "the", insert "addition to the"; in line 18, after the word "this", strike out "Act." and insert "Act: *Provided,* That correction of minor clerical and typographical errors in such legal description and map may be made."; in line 2, after the word "such" strike out "wilderness area" and insert "addition"; in line 22, after the word "the", where it appears the first time, insert "Eagle Cap Wilderness of the"; and in line 25, after "1964", strike out "(78 Stat. 890)." and insert "(78 Stat. 890), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act."; so as to make the bill read:

S. 1142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as additional wilderness those national forest lands containing approximately eighty thousand acres within the Wallowa-Whitman National Forest in Oregon in the Minam River drainage adjacent to the Eagle Cap Wilderness as generally depicted on a map entitled "Proposed addition to the Eagle Cap Wilderness dated August 1970" which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture shall promptly after such classification transmit to the Interior and Insular Affairs Committee of the United States Senate and the House of Representatives a map and legal description of the addition to the wilderness area and such description shall have the same force and effect as if set forth in this Act: Provided, That correction of minor clerical and typographical errors in such legal description and map may be made. Upon its classification, such addition shall be deemed to be a part of the Eagle Cap Wilderness of the National Wilderness Preservation System and shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1317), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, S. 1142, as amended, would add up to 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, and which was established by the Wilderness Act of 1964. The Minam River Canyon area borders the northwest corner of the Eagle Cap Wilderness. The latter area embraces some of Oregon's highest peaks—up to 10,000 feet in elevation—and includes some of the best fishing waters in eastern Oregon.

DESCRIPTION

The Minam River itself is pure, cold, and crystal clear, splashing and wandering through spectacular multicolored canyon walls, merging with the Wallowa River at the town of Minam. Originating at Minam Lake on the alpine slopes of the north-central Wallowa Mountains, the Minam River courses nearly 50 miles and drains approximately 240 square miles.

The bill would designate as wilderness that part of the drainage within the Wallowa-Whitman National Forest, from the boundary, approximately 8 miles from the mouth of the Minam, upstream to the boundary of the Eagle Cap Wilderness. The elevation decreases from approximately 7,500 feet at Minam Lake to 2,540 feet where the Minam enters the Wallowa. In 1968 more than 5,000 persons enjoyed over 30,000 days of wilderness-type hunting and fishing in the Minam. This is one of the remaining quality elk hunting areas in Oregon where large mature bulls may still be found, and where trophy buck deer hunting is enjoyed by hunters willing to climb the steep and rugged ridges of the canyon. The river provides an important spawning and rearing area for a substantial run of Columbia River chinook salmon and steelhead. Other wildlife found in the canyon include cougar, mountain goat, bear, bobcat, fisher, marten, turkey, ptarmigan, bald eagle, and harlequin ducks.

Fears have been extensive that this area might be roaded, which could give rise to slides and earth movements that would cause siltation, result in destruction of the spawning beds of salmon, steelhead, and trout, and place barriers across natural game trails to prevent their use by the Minam River elk herd and other animals. The Minam fishery is of major significance. Steelhead, one of the most highly prized game fish in the Nation, enter the Columbia River from the Pacific Ocean in the summer months and reach the Minam and its tributaries the following May. Chinnook and some Coho salmon arrive and spawn in the summer and early fall. Formerly, 29 percent of the salmon which passed McNary Dam spawned in the Snake River system above Hells Canyon Dam. Now no fish are able to pass Hells Canyon Dam, giving greater importance to the remaining spawning areas in the lower rivers such as the Minam.

The beauty of the lower Minam is partly in its gentle character, and the ease with which people, especially families with children, can hike through the valley. There are numerous flats and parklike areas in the evergreen forests along the sparkling stream. The climate is superior to the high lakes and accessible during the spring and early summer when the higher regions are blocked by snowdrifts and flooding streams.

Two other canyon areas, the Little Minam and Bear Creek, are part of the Minam watershed, and offer remote wilderness experience, with unique beauty spots. They contain numerous meadows, family camping areas, and offer smaller waters for good fishing.

LEGISLATIVE HISTORY

The bill, S. 1142, was introduced by Senator Hatfield on February 25, 1969, and referred to the Senate Committee on Interior and Insular Affairs. Senator Packwood is a cosponsor of the legislation. Hearings were conducted in Washington on July 11, 1969, and field hearings at La Grande, Oreg., on July 27, 1970, by the Senate Subcommittee on Public Lands.

At the Washington hearing, as at La Grande, there was extensive support from conservation and outdoor organizations favoring inclusion of the Minam in the wilderness system. The Forest Service, at the Washington hearing, voiced objection on grounds that the area had not been subject to the review procedures set out in the Wilderness Act, and pointed out there were remaining stumps as evidence of old logging activity, and that there were two private resorts in the canyon each served by an airplane landing strip. There was enthusiastic local support for the proposal at the La Grande hearing, although lumbering, and other interests expressed concern that wilderness classification for the Minam might result in reduction of the allowable timber harvest on the area's national forest land. Prior and subsequent to the La Grande hearing the Senate committee received a large volume of correspondence from Oregon residents urging approval of S. 1142.

AMENDMENTS

The committee amended the bill to reduce the wilderness area authorization from a maximum of 100,000 to 80,000 acres. It also deleted the legal description of the area in favor of a map reference. A requirement that after classification the Secretary of Agriculture transmit to the Congress a map and legal description was changed to direct that these be submitted to the Interior and Insular Affairs Committees of the U.S. Senate and House of Representatives, provided that correction of minor clerical and typographical errors in such legal description and map may be made. Another amendment would make the area part of the Eagle Cap Wilderness.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

BUREAU OF MINES

The assistant legislative clerk read the nomination of Elburt Franklin Osborn, of Pennsylvania, to be Director of the Bureau of Mines.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

AUTHORITY FOR CERTAIN COMMITTEES TO MEET DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance and the Subcommittee on Strategic Arms Limits Talks of the Committee on Armed Services be authorized to meet during the session of the Senate today.

Mr. GRIFFIN. Mr. President, reserving the right to object insofar as the Committee on Finance is concerned, several Senators have spoken to me about this. I take it upon my own responsibility to agree that there would not be any objection to the committee's sitting until the vote on the Ervin amendment occurs today, but I am not in a position to agree that the committee sit beyond that point.

Mr. MANSFIELD. Mr. President, I modify my request to contain that stipulation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF INTENTION TO CALL UP PROPOSED OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished acting minority leader and the Senate, I think I should state that it is my intention, at an appropriate time this afternoon, to ask unanimous consent and, if need be, to move that the Senate proceed to the consideration of Calendar No. 1300, S. 2193, a bill to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for men and women, and so forth.

In this connection, I was approached by Members of the Republican side of the aisle early last week with the request that this particular proposal not be brought up last week but be put over until Monday of this week.

On returning from Montana, I find that objections have been entered, and I am disappointed and disturbed because I thought at least we had a tacit understanding to accommodate two Senators who were vitally interested in the proposal and who were not here on Thursday and Friday last, and as an accommodation to them, not thinking there would be any objection on yesterday, it was agreed to put it over until Monday. I find, on reading the RECORD, that objection has been raised. So I want to assure the distinguished acting minority leader and the Senate that it is my intention to try to bring it up this afternoon in one form or another because, in some way, somehow, the Senate will have to face up to this matter.

Mr. GRIFFIN. Mr. President, I appreciate the notice given by the distinguished majority leader concerning his intention so that it will be possible to contact those Senators who are keenly interested, some of whom unfortunately are not in the city today, and alert them. As I am sure the distinguished majority leader realizes, there are absent Senators on both sides of the aisle who are deeply and keenly interested in this legislation, some are for certain provisions and some are against them. To call the bill up at this point in the session presents a difficult and complex problem for many Senators. I appreciate the concern of the distinguished majority leader. I think he is justified in his reaction to the action on Monday, particularly since he made an adjustment last week to accommodate certain Senators I understand and I can appreciate his attitude today.

Mr. MANSFIELD. Mr. President, I appreciate the comments of the distinguished acting minority leader. However, it seems that we will be faced with a lot of problems like the one just enunciated—for example, the conference report on the farm bill. There will be Senators, I am sure, who will be absent and may delay the consideration of that bill. However, I personally would like to see it brought up. But if there are Senators in positions of significance and importance on this particular bill, the Senate will have to be prepared for any eventuality which may occur, regardless of how the majority leader personally feels on this matter.

I would, of course, hope that before we go out, we would be able to take up the appropriations for military construction for the Department of Defense. That is on the calendar. It is an important bill. I would hope that we would be able to clear the calendar as much as possible.

The way we are dillydallying and delaying and holding back and stalling, I do not know what we will do before we go out, let alone what we will do when we come back. We have a lot of business on the calendar. It is a heavy workload. There has been too much stalling and too much delay.

I hope that the Senate, regardless of individual campaigns, will face up to its responsibility and that Senators will be in attendance today and tomorrow so that the business of the Senate and of the Nation can be conducted as expeditiously as possible and, in that way, be disposed of one way or the other.

Mr. GRIFFIN. Mr. President, I am glad that the majority leader did not overlook in his comments the conference report on the farm bill.

The occupational health and safety bill is very important, and should be acted upon. It is equally important to the Nation as a whole that we take action on the farm legislation.

I was disappointed, as I know many other Senators were, when there was an indication that the conference report on the farm abill will not be taken up after the recess. Like the majority leader, I would hope that we could take action on both the farm bill and the occupational health and safety bill before the recess.

Mr. MANSFIELD. Mr. President, I want to assure the acting minority leader that the majority leader will do his very best to clear the calendar and dispose of as many of the conference reports as possible.

Unfortunately, situations arise which create difficulty. I must express my disappointment, for example, that the House has taken so long to face up to its consideration of the conference report on the farm bill. If I remember correctly, it was agreed to last Tuesday or Wednesday and is only being taken up in that body today.

We have a lot of things to consider—objections of individual Senators, the possibility that we may or may not have a quorum tomorrow. All things have to be taken into account to understand the situation which confronts the joint leadership at this time.

Mr. GRIFFIN. Mr. President, if the majority leader would permit an observation and then a request, it is my understanding that under the unanimous consent agreement entered into yesterday, there is only, as I recall, 10 minutes to a side available for debate on the proposed Ervin amendment to the equal rights amendment.

The ACTING PRESIDENT pro tempore. There is 5 minutes to the side on that amendment.

Mr. GRIFFIN. Mr. President, I am glad that the Senator from Indiana (Mr. BAYH) is on the floor—particularly in the light of a letter over his signature circulated this morning to Senators; a letter which includes this sentence: "Under the equal rights amendments, without any additional language, women would not be subject to the draft."

Since all of the legislative history, including the reports on this proposal issued by the Subcommittee on Constitutional Amendments, of which the distinguished Senator from Indiana is the chairman, contradict that statement, I would like to make a unanimous-consent request.

Before doing so, let me quote from a report dated December 16, 1969, issued by the subcommittee chaired by the Senator from Indiana, referring to affects of the equal rights amendment, if adopted. The report said:

> It could be expected that women will be equally subject to military conscription.

In view of the contradictory letter circulated this morning, I believe some time is needed to discuss this point. After conferring with the sponsor of the amendment, the distinguished Senator from North Carolina. I ask that there be at least 15 minutes allotted to the side for discussion of this very important amendment.

Mr. ERVIN. Mr. President, I was under the impression that there was 10 minutes to the side.

Mr. GRIFFIN. There is only 5 minutes to a side.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, with the concurrence of all concerned, I ask unanimous consent that there be a time limitation of 30 minutes on the Ervin amendment, the time to be equally divided.

Mr. BAYH. Mr. President, with all due respect, I do not want to object. But if the majority leader will withhold that request for a moment——

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I withhold my request for the time being.

COMMITTEE MEETING DURING SESSION OF THE SENATE TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REFERRAL OF BILL TO COMMITTEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (S. 4451) to establish a national transportation trust fund and for other purposes, introduced by the Senator from Massachusetts (Mr. KENNEDY), be referred to the Committee on Commerce, and, if and when reported, it be referred to the Committees on Public Works, Banking and Currency, and Finance for their consideration of the subject matter in the bill coming within their respective jurisdictions. I do this by request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the able and distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 15 minutes.

MURDER AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, apparently only one Kent State student of 19,000 students at that fine university in Portage County adjoining my home in Cuyahoga County has made a statement that Ohio National Guardsmen were not to blame for the tragedy that occurred there last May 4. This 20-year-old student, James Young, of White River Junction, Vt., in an interview over a radio station in his State said that the Ohio National Guardsmen "had to fire to defend their lives." This fellow, James Young, either is gifted with an all-pervasive imagination or needs psychiatric treatment.

He claims he was looking out of the dormitory window 150 yards distant and that the students were an angry mob and guardsmen had to fire to defend their lives. He even added his speculation that if the guardsmen tried to fight their way out the angry mob would have beaten them to death. He stated they had no alternative but to shoot. This fellow even said that some of the students rioting were throwing pieces of concrete and links of pipe at the troops who were only about 20 feet away from the soldiers. He said the guardsmen had used up all their tear gas. If this fellow James Young were to testify in court stating under oath the fantastic story he gave out in that interview, he should and, very likely, would be indicted for the crime of perjury.

According to the report of the President's Commission on Campus Unrest:

> The leading edge of the crowd appeared to have advanced to a point no closer than 60 feet from the guardsmen, with the main body 180 to 225 feet away, before the gunfire began.

How could this one student possibly claim the guardsmen "had to fire to defend their lives?"

Also, the Commission reported:

> The national guardsmen on the Kent State campus were armed with loaded M–1 rifles—high-velocity weapons with a horizontal range of almost 2 miles. As they confronted the students, all that stood between a guardsman and firing was the flick of a thumb on the safety mechanism, and the pull of an index finger on the trigger. When firing began, the toll taken by these lethal weapons was disastrous.
>
> The guard fired amidst great turmoil and confusion, engendered in part by their own activities. But the guardsmen should not have been able to kill so easily in the first place. The general issuance of loaded weapons to law-enforcement officers engaged in controlling disorders is never justified, except in the case of armed resistance that trained sniper teams are unable to handle.
>
> This was not the case at Kent State, yet each guardsman carried a loaded M–1 rifle.
>
> Even if the guardsmen faced danger, it was not a danger which called for lethal force. The 61 shots by 28 guardsmen certainly cannot be justified. Apparently no order to fire was given, and there was inadequate fire-control discipline on Blanket Hill. The Kent State tragedy must surely mark the last time that loaded rifles are issued as a matter of course to guardsmen confronting student demonstrators.

This is a statement included in the report of the President's Commission on Campus Unrest.

Also, the extensive FBI investigation concluded:

> Most of the national guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire. We have reason to believe that the claim by the national guard that their lives were endangered by the students was fabricated subsequent to the event. The apparent volunteering by some guardsmen of the fact that their lives were not in danger gives rise to some suspicions. One guardsman admitted that his life was not in danger and that he fired indiscriminately into the crowd. He further stated that the guardsmen had gotten together after the shooting and decided to fabricate the story that they were in danger of serious bodily harm or death from the students.
>
> The guardsmen were not surrounded. Regardless of the location of the students following them, only a very few students were located between the guard and the commons. No guardsman claims he was hit with rocks immediately prior to the firing.

Last week at a time when I was in Europe this young man's statement was adverted to in a Senate speech. I agree with the statement made in that speech that if this 20-year-old student is called as a witness his only responsibility is to tell the truth.

Mr. President, seven investigative reporters of the Knight newspaper chain, publishers of the Akron Beacon Journal, Miami Herald, Detroit Free Press, and other nationally known metropolitan newspapers, were assigned to investigate the shooting on the commons of Kent State University on a beautiful sunshiny day, May 4, 1970, shortly after 12 noon at a time when classes were being held and also following the time when Governor Rhodes had called the Ohio National Guardsmen to Kent State University. This, despite the fact that President White of that university was not consulted and definitely did not want National Guardsmen on his university campus. He has so stated. These seven investigative reporters for 2 weeks interviewed students, National Guardsmen, townspeople of Kent, deputy sheriffs and members of the Ohio State Highway Patrol who were present on the campus and whose helicopters were flying back and forth over the dormitories throughout May 4. They reported:

> The two boys and two girls who were killed by bullets fired by national guardsmen did nothing that justifies their deaths. They threw no rocks nor were they politically radical. No sniper fired at the national guard. No investigative agency has yet found any evidence sufficient to support such a theory. The guardsmen fired without orders to do so. Some aimed deliberately at students, while others fired in panic or in follow-the-leader style. It was not necessary to kill or wound any students at the time of the shooting. The guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

Mr. President, these investigative reporters stated in detail that the two girls and two boys who were killed were on the campus commons where they had every right to be. Not one was engaging

in any acts of violence at that time nor had they previously engaged in any acts of violence.

Also, Mr. President, under direction of Attorney General Mitchell and top officials of the Department of Justice, 100 FBI agents over a period of 2 weeks made a most thorough inquiry interrogating numerous witnesses including students, both boys and girls, faculty members, national guardsmen and officers, and hundreds of members of the Ohio Highway Patrol and citizens living near the Kent State University campus and officials and policemen of Kent. This, Mr. President, was a most thorough official investigation and it is stated that the summary of the report of officials of the Department of Justice covered 7,500 pages. This document has been signed by the Chief of the Civil Rights Section of the Department of Justice, Jerris Leonard.

Mr. President, some of the highlights and readily provable statements contained in this report are:

First. The shootings by national guardsmen were not necessary and not in order.

Second. No guardsmen had been hurt by flying rocks, and none was in danger of his life at the time of the shooting.

Third. The guardsmen had not run out of tear gas, as was widely reported at the time, and could have controlled the situation by using tear gas or making arrests.

Fourth. One guardsman fired at a student who was making an obscene gesture. A second fired at a student preparing to throw a rock. This notwithstanding that the distance separating the frontline of the guardsmen and this student and other students was so considerable that a thrown stone would not have struck any guardsman with sufficient force to cause injury. A third national guardsman is reported to have run around immediately after the incident shouting hysterically:

I shot two teenagers! I shot two teenagers!

Fifth. The memorandum of the FBI advised Ohio officials that six guardsmen could be held criminally responsible for their part in the shootings. And it listed the six by name, rank, unit, and home address.

It is evident that either James Young of Vermont is guilty of making outlandishly false allegations or he is unstable mentally. The 100 FBI agents and also the President's Commission on Campus Unrest in its report entitled "Special Report of Kent State Tragedy" clearly prove that James Young stands alone in giving out an interview and reporting his conclusions which are fantastically untrue and directly contrary to the facts. As to his allegation of students throwing rocks, links of pipes, and pieces of concrete at guardsmen when they were only 20 feet away from the soldiers, 100 FBI agents reported that of the four students killed and nine seriously wounded by National Guardsmen's bullets not one participated in any disorder in Kent or in the burning of the ROTC building on the commons of the university at any time during the preceding Friday, Saturday and Sunday nights. Also that there was no rioting on the campus of Kent State University at any time on May 4, that fatal day. Of the four students killed, Jeff Miller's body, according to the FBI report and according to the special report of the President's Commission on Campus Unrest, lay a distance of between 85 to 90 yards from the first line of guardsmen. Allison Krause fell some 110 yards distant. Sandy Scheuer, one of the first killed, was on the university commons walking to her speech therapy class. She was shot and killed at a distance 130 yards from the front line of guardsmen. Her school books lay on the ground beside her blood-stained body. Joseph Lewis who was wounded was closest of all the students to the front line of the guardsmen. He was about 60 feet from the front line of the guardsmen. He had thrown no rocks. He had resorted to no violence whatever. He made an obscene gesture and a guardsman named Shafer shot him.

John R. Cleary, also among those closest to the front line of National Guardsmen, was 110 feet distant. He was not facing the guardsmen. He was standing laterally to the guardsmen and the bullet entered his left upper chest at the side and exited from the right upper chest. This was a dum-dum bullet; outlawed and prohibited for use by members of our Armed Forces.

Donald MacKenzie was shot in the back of his neck. He was seriously wounded. He was 750 feet from the front line of National Guardsmen. The bullet entered the left rear of his neck.

Alan Canfora was in the parking lot 300 feet distant when he was shot.

James Dennis Russell was standing in an area 90 degrees removed from the location of the other students who were shot. He was 375 feet from the front line of National Guardsmen.

Thomas Grace was seriously wounded. He was at a distance of perhaps 300 feet from the guardsmen. Whether he was closer than that was immaterial. The guardsmen's bullet entered the rear of his left ankle and the bullet penetrated downward and this projectile disintegrated or exploded and parts of this projectile exited from the top of his foot.

Of all those 13 boys and girls killed and wounded only Joseph Lewis and Jeff Miller were shot from the front. Regarding seven of these young students the bullets entered from the side and four had their backs turned to the guardsmen. The bullets entered their bodies from the rear.

William Schroeder, an honor student from Lorain, Ohio, was killed while apparently in a prone position facing away from the guardsmen.

Douglas Wrentmore was 330 feet from the guardsmen. The bullet entered the left side of his right knee and existed on the right side of the knee inflicting a compound fracture of his right tibia.

Robert Stamps of Cleveland was also seriously wounded and no doubt permanently injured. He was 609 feet distant from the front line of national guardsmen. That distance is more than twice the length of a football field. The bullet struck him in the rear in the buttock about 3 inches below his belt, penetrated his body, missed his spinal column by about an inch, and exited from the front part of his body.

Also Dean Kahler who is still hospitalized and is paralyzed from his waist down was likewise facing away from the national guardsmen and at a distance of 300 feet.

Vice President AGNEW has stated that murder was committed at Kent State University by national guardsmen. He knows the facts. He stated that Ohio National Guard officers responsible should be charged with murder—not murder in the first degree but murder, he said. He stated that guardsmen overreacted. These killings and serious wounding of students, not one of whom had participated in any rioting, should be the subject of investigation by a special Federal grand jury to be convened later this year in the Federal Building in Cleveland to determine whether or not the civil rights of these students have been violated. This is in accord with U.S. Criminal Code 18, section 252.

Ohio National Guardsmen fired a volley of at least 61 shots. This is according to the report of the President's Commission on Campus Unrest.

The President's Commission on Campus Unrest, concluding its report, stated:

The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable.

Then if James Young of White River Junction, Vt., is subpenaed he would be well advised to tell the truth and nothing but the truth; else he should be charged with the crime of perjury.

I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed, for a period of not to exceed 10 minutes, to the consideration of routine morning business, with a 3-minute limitation on speeches.

Mr. GRIFFIN. Mr. President, has the morning business been concluded?

The ACTING PRESIDENT pro tempore. This is in accordance with the previous order, in which the period for the transaction of routine morning business was limited to a total of 10 minutes, with a 3-minute limitation on speeches of individual Senators.

Is there morning business to be transacted?

TEMPORARY EXTENSION OF THE FEDERAL HOUSING ADMINISTRATION'S INSURANCE AUTHORITY—REPORT OF A COMMITTEE (S. REPT. NO. 91-1334)

Mr. PROXMIRE, from the Committee on Banking and Currency, reported an original joint resolution (S.J. Res. 242) to provide for the temporary extension of the Federal Housing Administration's insurance authority, and submitted a report thereon, which report was ordered to be printed.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the immediate consideration of the joint resolution, Senate Joint Resolution 242. It is necessary to dispose of this matter in the Senate today so that the House of Representatives may also consider the resolution and pass it before Congress adjourns tomorrow.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution (S.J. Res. 242) by title, as follows:

A Senate joint resolution to provide for a temporary extension of the Federal Housing Administration's insurance authority.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PROXMIRE. Mr. President, under the law, certain FHA insurance authorizations were due to expire on October 1, 1970. When we realized it was impossible to have final action taken on 1970 housing legislation prior to October 1, a temporary extension of 30 days of these programs was authorized pursuant to Senate Joint Resolution 1366. At the time Senate Joint Resolution 1366 was considered, we were under the impression that Congress might adjourn by October 16 and we further felt that 1970 housing legislation would be disposed of prior to that date. Things have now changed, however, and we now know that 1970 housing legislation will not be considered until after the upcoming congressional recess. This being the case, another temporary extension of the FHA insurance authorizations is necessary if certain programs are to continue during the congressional recess and until 1970 housing legislation is finally disposed of by Congress. I hope that will be before December 1.

The FHA programs which would be extended by this resolution are:

FHA title I home improvement program.

FHA general mortgage insurance authorization covering section 203, single famliy sales housing, and section 207, multifamily rental housing, and so on.

FHA section 221 program, housing for moderate income and displaced famiies.

FHA section 809 program, single family housing for civilians employed at certain research and development installations.

FHA section 810 program, multifamily rental housing for civilians and armed service personnel at certain research and development installations.

FHA section 1002 insurance authorization for mortgages for land development.

FHA section 1101 insurance authorization for mortgages for group practice facilities.

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment.

Are there amendments to be offered?

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ERVIN. What is the pending business?

The ACTING PRESIDENT pro tempore. The clerk will please state the joint resolution by title.

The assistant legislative clerk read the joint resolution by title, as follows:

A Senate joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

Mr. ERVIN. Mr. President, is there any controlled time on this matter?

The ACTING PRESIDENT pro tempore. No, it is not under controlled time. It was brought up by unanimous consent.

Mr. ERVIN. Mr. President, I wish to speak.

Mr. BAYH. Mr. President——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Does the Senator understand that we are operating in the period for the transaction of routine morning business and that the Senator from West Virginia was recognized for 3 minutes?

Mr. ERVIN. I did not know that. I thought it was the morning hour.

Mr. BYRD of West Virginia. It is morning business. The Senator from Wisconsin obtained the floor and asked unanimous consent to consider a joint resolution.

Mr. ERVIN. I certainly would not want to interfere with the Senator from Wisconsin. I apologize. I thought he had yielded the floor.

Mr. PROXMIRE. No. I just wanted action on the joint resolution, which provides for an extension of 30 days for authority for certain FHA mortgage insurance.

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The joint resolution (S.J. Res. 242) was passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "November 1, 1970" in the first sentence and inserting in lieu thereof "December 1, 1970".

(b) Section 217 of such Act is amended by striking out "November 1, 1970" and inserting in lieu thereof "December 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "November 1, 1970" in the fifth sentence and inserting in lieu thereof "December 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, is my understanding correct that I am recognized for 3 minutes?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of the Ervin amendment, instead of the 5 minutes agreed to yesterday on each side, there be 15 minutes of debate on each side before we proceed to vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAYH. I object, Mr. President, and ask unanimous consent that the morning hour be dispensed with at this time.

Mr. ERVIN. I object to that.

Mr. GRIFFIN. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor. Is there further morning business?

Mr. BAYH. I would like to try to accommodate all Members——

The ACTING PRESIDENT pro tempore. The Senator from Michigan still has the floor.

Mr. BAYH. If the Senator will yield for just one observation, I do not like to appear arbitrary, but, having sat here or stood here all day yesterday, trying to get this matter to a vote, it is rather difficult for me to understand now how any Senator can feel we did not have enough time to discuss it. If we could put aside the morning hour now——

Mr. GRIFFIN. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. GRIFFIN. The Senator from Indiana is speaking on my 3 minutes.

It is incredible to me that the Senate would move to a vote on an issue that will determine whether women are to be subject to the draft on the basis of a debate limited to 10 minutes. But, apparently, we are in that situation, and, because the Senator from Indiana will not agree even to a 15-minute extension, the Senate will be required to cast this very crucial and important vote after only 10 minutes of debate. I cannot understand it.

The situation disturbs me because I thought the Senator from Indiana conceded that the Equal Rights Amendment, if adopted, would subject women to the draft; and I thought he was in favor of that. Now, as a result of the letter delivered to Senators this morning, which included the sentence, "Under the Equal Rights Amendment, without any additional language, women would not be

subject to the draft," he raises a point which should be debated.

I say that because three different reports of the Subcommittee on Constitutional Amendments, chaired by the distinguished Senator from Indiana, including the report dated December 16, 1969, dealing with this matter, have each included this sentence:

It could be expected that women will be equally subject to military conscription.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. So, three reports which have been issued by the subcommittee chaired by the Senator from Indiana have stated in explicit language that the so-called equal rights amendment, if adopted, would subject women to the draft. Indeed, spokesmen for the several women's groups who testified in support of the so-called equal rights amendment made it clear that they believe it would subject women to the draft, and that was the position taken by the principal sponsor in the other House, my distinguished colleague from Michigan, Representative GRIFFITHS.

Now, we are confronted with a statement by the Senator from Indiana indicating that the amendment would not have the effect intended by its principal sponsor and most of its supporters. We are left with a serious question as to what the language of the proposed amendment really means.

We must resolve this doubt. Until this morning, I have assumed that Senators generally recognized and agreed with the views of witnesses testifying before the subcommittee, both pro and con, who stated flatly and unanimously, as I recall, that one effect of the so-called equal rights amendment would be to subject women to military conscription.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON LIMITATION ON BUDGET OUTLAYS FOR FISCAL YEAR 1971

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on fiscal year 1971 budget outlay limitations (with an accompanying report); to the Committee on Appropriations.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Chairmn, U.S. Atomic Energy Commission, reporting, pursuant to law, on the overobligation of an appropriation; to the Committee on Appropriations.

PROPOSED LEGISLATION TO AMEND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES

A letter from the Acting Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary, Department of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department without formal advertisement for the period January 1, 1970, through June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCOTT, from the Committee on the Judiciary, with amendments:

S. 1079. A bill consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes (Rept. No. 91–1333).

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 18515. An act making appropriations for the Department of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1335).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington (Rept. No. 91–1337);

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes (Rept. No. 91–1336); and

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte Project (Rept. No. 91–1338).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes (Rept. No. 91–1339).

By Mr. DOMINICK, from the Committee on Labor and Public Welfare, with amendments; rereferred to the Committee on Foreign Relations, by unanimous consent:

S. 939. A bill to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps (Rept. No. 91–1340).

(The remarks of Mr. DOMINICK when he reported the bill appear later in the RECORD under the appropriate heading.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

David Ogden Maxwell, of Pennsylvania, to be General Counsel of the Department of Housing and Urban Development.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of four flag and general officers in the Navy and Army. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Vice Adm. Jackson D. Arnold, U.S. Navy for commands and other duties determined by the President, for appointment to the grade of admiral while so serving;

Lt. Gen. Jonathan Owen Seaman, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general;

Gen. Ferdinand Joseph Chesarek, Army of the United States (major general, U.S. Army) to be placed on the retired list in the grade of general; and

Lt. Gen. Austin Wortham Betts, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general.

Mr. STENNIS. Mr. President, in addition, I report favorably 2,471 promotions in the Air Force in grade of major and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

George B. Aaron, and sundry other officers, for promotion in the Regular Air Force; and

William S. Harada, and sundry other persons, for appointment in the Regular Air Force.

By Mr. MAGNUSON, from the Committee on Commerce:

David S. Dennison, Jr., of Ohio, to be a Federal Trade Commissioner.

By Mr. EASTLAND, from the Committee on the Judiciary:

Nauman S. Scott, of Louisiana, to be a U.S. district judge for the western district of Louisiana;

Carl O. Bue, Jr., of Texas, to be a U.S. district judge for the southern district of Texas;

Robert H. Schnacke, of California, to be a U.S. district judge for the northern district of California;

James R. Miller, Jr., of Maryland, to be U.S. district judge for the district of Maryland;

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York;

John William Mahan, of Montana, to be a member of the Subversive Activities Control Board;

Paul H. Roney, of Florida, to be a U.S. circuit judge, fifth circuit;

Samuel Conti, of California, to be a U.S. district judge for the northern district of California;

Gordon Thompson, Jr., of California, to be a U.S. district judge for the southern district of California;

J. Clifford Wallace, of California, to be a U.S. district judge for the southern district of California;

Peter T. Fay, of Florida, to be a U.S. district judge for the southern district of Florida;

James L. King, of Florida, to be a U.S. district judge for the southern district of Florida;

Gerald B. Tjoflat, of Florida, to be a U.S. district judge for the middle district of Florida;

Charles A. Moye, Jr., of Georgia, to be U.S. district judge for the northern district of Georgia;

William C. O'Kelley, of Georgia, to be a U.S. district judge for the northern district of Georgia;

C. Rhodes Bratcher, of Kentucky, to be a U.S. district judge for the western district of Kentucky;

Clarkson S. Fisher, of New Jersey, to be a U.S. district judge for the district of New Jersey;

John J. Kitchen, of New Jersey, to be a U.S. district judge for the district of New Jersey;

Frederick B. Lacey, of New Jersey, to be a U.S. district judge for the district of New Jersey;

Robert B. Krupansky, of Ohio, to be a U.S. district judge for the northern district of Ohio;

Nicholas J. Walinski, Jr., of Ohio, to be U.S. district judge for the northern district of Ohio;

George J. Long, Jr., of Kentucky, to be U.S. attorney for the western district of Kentucky; and

Lester Engler, of Arizona, to be U.S. attorney for the district of the Canal Zone.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 4460. A bill entitled "National Public Employee Relations Act"; to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN:

S. 4461. A bill for the relief of Mary Margaret Threadgill (Tran-Thi Hong); to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 4462. A bill for the relief of Merton A. Searle and George W. Bowers; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. JACKSON, Mr. MOSS, Mr. MANSFIELD, Mr. PEARSON, and Mr. YOUNG of North Dakota) (by request):

S. 4463. A bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. JACKSON and Mr. PEARSON) (by request):

S. 4464. A bill to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad and their car furnishing subsidiaries in acquiring such general service railroad rolling stock; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. ANDERSON, Mr. CANNON, Mr. CRANSTON, Mr. FANNIN, Mr. GOODELL, Mr. GORE, Mr. GURNEY, Mr. HART, Mr. HOLLINGS, Mr. INOUYE, Mr. MCGEE, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MURPHY, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. STEVENS, Mr. TYDINGS, and Mr. YOUNG of Ohio):

S. 4465. A bill to establish a National Environmental Bank, to authorize the issuance of United States Environmental Savings Bonds, and to establish an Environmental Trust Fund; to the Committee on Banking and Currency.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S. 4466. A bill for the relief of Colleen Agatha Parkinson; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 4467. A bill for the relief of Sam C. H. Shum; to the Committee on the Judiciary.

By Mr. LONG:

S. 4468. A bill for the relief of Central Gulf Steamship Corp.; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. STEVENS):

S. 4469. A bill to authorize the establishment of a system of National Indian Cultural and Ceremonial Shrines on federally owned lands which are used by, and which are of unique cultural and ceremonial significance to recognized American Indian tribes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear below under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 4470. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear below under the appropriate heading.)

By Mr. HANSEN:

S. 4471. A bill for the relief of Alispa Rosita Bradley; to the Committee on the Judiciary.

By Mr. GURNEY:

S. 4472. A bill to preserve the concept of the neighborhood school in American public elementary and secondary education; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GURNEY when he introduced the bill appear below under the appropriate heading.)

By Mr. FANNIN:

S. 4473. A bill to provide for the conveyance of certain real property situated in the State of Arizona; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. FANNIN when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS:

S. 4474. A bill for the relief of James Walton Owens, and his wife, Margaret; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority; considered and passed, without amendment.

(The remarks of Mr. PROXMIRE when he reported the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 4463—INTRODUCTION OF NATIONAL FREIGHT CAR CORPORATION ACT: S. 4464—INTRODUCTION OF EQUIPMENT OBLIGATION INSURANCE ACT

Mr. MAGNUSON. Mr. President I introduce for appropriate reference two bills relating to the railroad industry. The first would create a quasi-governmental, nonprofit corporation to acquire and maintain a pool of general service freight cars to be made available to shippers in times of car shortages. The second bill would amend the Interstate Commerce Act to authorize the Secretary of Transportation to insure the railroad equipment obligations of railroads and their car-furnishing subsidiaries in order to promote acquisition of equipment. The following Senators have joined with me in sponsoring the National Freight Car Corporation Act: Senator JACKSON, Senator MOSS, Senator MANSFIELD, Senator PEARSON and Senator YOUNG of North Dakota.

Senators JACKSON and PEARSON have also joined me in sponsoring the Railroad Equipment Obligation Insurance Act.

The PRESIDING OFFICER (Mr. EAGLETON). The bills will be received and appropriately referred and, without objection, the article and the bills will be printed in the RECORD.

Mr. MAGNUSON. Mr. President, in large measure, railroading is a sick industry. The largest road, the Penn Central, collapsed into reorganization last spring; ominous reports proclaim that even the relief from debt service provided thereby may not be enough to keep it operating. Federal money may be needed to pay its wages and suppliers. Other railroads stand in line behind it for aid.

Once proud passenger trains are only a memory from another era. The industry was not creative enough to deal with changing demands for transporting people. The Senate has proposed that the Federal Government pick up the challenge of passenger service with the National Rail Passenger Service Act of 1970.

For years, as we struggled with passenger service issues, the railroads pointed to freight service as their proper function and never lost an opportunity to tell us that the money they were making on freight was being absorbed by passenger service. It now appears, however, that even freight does not provide a secure underpinning for the railroads' health. Freight rate increase follows upon the heels of the previous increase. And each one diverts a little more traffic to other modes of transportation. We see the same pattern of requests for discontinuances of service with which we became familiar in the passenger service era repeating itself here.

Despite the continuing efforts by Congress, freight car shortages continue to exist and to grow worse. Industries in every region in every season now suffer with the farmers. Piles of products at factories join wheat piled on the ground for lack of shipment.

New car purchases by the railroads have not kept pace with the retirement of obsolete and wrecked cars, let alone the expanding needs of our economy. The fleet has declined by 14 percent in the past 10 years. It is significant to note that shippers and car companies have expanded their ownership of private cars in the last decade. They have lost faith in the ability of railroads to provide enough cars to service their needs. In addition to a dwindling car fleet, the railroads have been unable, because of fragmented ownership, to provide adequate utilization and distribution of the cars they do have.

Legislative efforts to improve car service must provide for more efficient utilization and better distribution of freight cars as well as for an enlarged fleet. It now appears necessary to embark upon a totally new approach which both en-

courages and assists the railroad industry in acquiring new cars through the private financing mechanism and insures improved utilization. Old concepts, even fortified by large amounts of Government money, are not likely to energize an industry frozen in the practices and ideas of the last century. The time has come to consider in detail what restructuring of the industry is necessary to meet modern needs. Let me emphasize that restructuring does not simply mean merging old roads, producing larger, but just as old and inadequate, roads.

The National Freight Car Corporation Act would establish a quasi-governmental corporation to own and operate a pool of general service railcars. The corporation would initially begin with acquisition of general service boxcars but then could develop a broader pool of any or all general purpose railcars which are in short supply and which are not equipped or built to make them usable for only one particular commodity. Initial capitalization would not be provided by Government funding, but rather by the railroads through a 50-cent surcharge on per diem charges on all foreign cars on their lines, to be repaid by 30-year debenture bonds bearing 8-percent annual interest. The success of this type of car pool would be assisted by providing a tax-free status for those operations limited exclusively to freight car shortages and by providing a Federal guarantee of the debt and interest of the corporation for capital and car building loans.

The car pooling corporation would be managed by an 11-man board of directors consisting of six railroad representatives, two shipper representatives appointed by the President, and three Government representatives.

The second bill is independent of the National Freight Car Corp., but is a complementary concept. It would provide assistance to individual railroads and their car-furnishing subsidiaries so that they could continue to purchase their own cars and upgrade their fleets. It would establish a Federal insurance program to assist them in obtaining private financing for the acquisition of freight cars and locomotives. It is modeled after the successful Federal ship mortgage insurance program contained in title XI of the Merchant Marine Act of 1936. That act has been so successful in encouraging the construction of U.S.-flag merchant vessels that the Senate last week acted to increase the ceiling on the program from $1 billion to $3 billion. The conditional sale agreements, equipment trust agreements, and other obligations of railroads and their 80-percent owned car furnishing subsidiaries would be insured through a revolving fund. A premium fee of one-fourth of 1 percent per annum of the unpaid principal balance of each insured obligation would be charged to build up the fund. All obligations would be secured by the rolling stock financed and must be payable within 30 years.

Both bills aim at prompt alleviation and eventual solution of the worsening car supply problems in this country. Both bills permit a pooling mechanism to achieve greater car utilization. In the National Freight Car Corp., the mechanism is provided by a federally chartered corporation. In the Railroad Equipment Obligation Insurance Act, it is provided through car-furnishing subsidiaries of railroads. Several existing railroad subsidiaries have achieved success in promoting car utilization through pooling of equipment among lines owning and using such fleets.

Either bill, or a combination of the most desirable features of both bills, could provide for planned distribution of general purpose cars more efficiently than is now possible with cars in fragmented, individual railroad ownership. The bills are not in competition with one another. The many other advantages of the pooling in acquisition, financing, distribution and repair of freight cars were carefully explained by General John P. Doyle in his 1967 article National Policy and the Rail Freight Car Shortage. The Doyle Report—National Transportation Policy Report of the Senate Committee on Commerce by its Special Study Group on Transportation Policies in the United States, June 25, 1961—also pointed out the benefits of pooling.

I have introduced the two bills in order to bring their concepts into the congressional forum for public analysis and scrutiny. The National Freight Car Corp., was drafted through efforts of the National Industrial Traffic League; the Railroad Equipment Obligation Insurance Act by the Association of American Railroads. The ideas of these two vitally involved segments of the public certainly deserve our consideration.

I would like to make clear, however, that I consider the two bills to be "working papers." They and any other reasonable ideas that come to light will be the starting points for our work on the subject next year. It follows, of course, that I am not committed to either bill and will welcome suggestions for their improvement. I will not be surprised to see changes or, perhaps, totally different approaches proposed as a result of hearings and deliberations on them.

I ask unanimous consent that the article by General Doyle and the text of the bills be printed in the RECORD at this point.

The bills, introduced by Mr. MAGNUSON (for himself and other Senators), were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4463

A bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Freight Car Corporation Act of 1970"

PURPOSES

SEC. 2. The Congress hereby declares that the purposes of this Act are:

(a) To eliminate, insofar as possible, regional shortages of general service freight cars.

(b) To eliminate chronic nationwide shortages of general service freight cars and to alleviate seasonal or temporary nationwide shortages.

DEFINITIONS

SEC. 3. As used in this Act, unless the context requires otherwise:

(a) "General service freight car" means a plain, unequipped railroad car such as a boxcar, gondola car or flat car without special equipment or other features that would tend to limit its use to the transportation of a particular commodity. Any type of railroad car that is determined by the Board of Directors of the National Freight Car Corporation to be a general service freight car shall be considered to be such for the purpose of this Act.

(b) "Shipper" means any person, partnership, corporation or other legal entity that regularly ships freight in or on general service freight cars.

(c) "The Corporation" means the National Freight Car Corporation.

CREATION OF THE NATIONAL FREIGHT CAR CORPORATION

SEC. 4. There is hereby created a body corporate, to be known as the National Freight Car Corporation. It shall have succession until dissolved by Act of Congress, and shall maintain an office in the District of Columbia and be deemed to be a resident thereof subject to and governed by the District of Columbia Business Corporation Act to the extent consistent with this Act.

PURPOSES AND POWERS

SEC. 5. (a) The Corporation shall acquire and maintain a fleet of general service freight cars and make such cars available to common carrier railroads for use of shippers, as contemplated by this Act. Initially, this fleet shall consist entirely of general service boxcars, but when it is determined by the Board of Directors of the Corporation that the acquisition of other types of general service freight cars is in the interest of shippers and the railroad transportation system, then the Board may add other types of general service cars to the fleet.

(b) The Corporation shall have all of the powers allowed under the District of Columbia Business Corporation Act, including the power to acquire, own, use or convey real property. The Corporation shall also have the power to acquire property by condemnation for repair, maintenance and storage facilities and for other operating purposes, except that it shall not have power to condemn property that is already devoted to a public use or use by a common carrier or utility company. The Corporation shall keep its books and records in accordance with generally accepted accounting principles as determined by an accredited firm of certified public accountants appointed by the Board of Directors.

(c) The Corporation shall have the power to establish rates and collect charges for the use of its cars as provided in Section 9 hereof, and to establish car service rules and issue orders governing the use, movement and distribution of its cars, as provided in Section 10 hereof.

CAPITALIZATION

SEC. 6. (a) A per diem surcharge of 50 cents per car day is hereby levied upon all plain unequipped boxcars, Association of American Railroads mechanical designation XM. In the event that the surcharge as hereby levied or as subsequently reinstated in accordance with Section 5(c) of this Act is not paid when due, the Corporation may bring an action in any District Court for the United States to recover the amount due. The surcharge shall be paid to the Corporation by every common carrier railroad subject to Part I of the Interstate Commerce Act, except switching and terminal railroads, for each day that such a carrier accrues a car-hire charge payable to another railroad for use of the other railroad's type of XM boxcar, except that no one railroad, or group of railroads under common management and control, shall make total payments in excess of 10% of the total amount paid by all rail-

roads. The surcharge shall be payable on the tenth day of the second month succeeding the month in which the charge accrues, but shall accrue starting with the first day of the month following the effective date of this Act and continuing until the Board of Directors of the Corporation determines that not less than $10 million nor more than $30 million will be due or will have been paid to the Corporation as of a certain date, whereupon the surcharge will cease as of that date. If it should be determined that any one railroad, or any group of railroads under common management and control at the time of payment, has paid in excess of 10% of the total amount paid by all railroads, the Corporation shall refund the excess payments.

(b) In exchange for each 50 cents per diem surcharge payment the Corporation shall issue one share of stock without par value and which shall not bear or pay dividends, and one 50 cents par debenture, which shall bear and pay interest at the rate of 8 percent annually and the par value of which shall be due and payable December 31 of the thirtieth (30th) year after the date of issuance unless such date shall be a Saturday, Sunday or holiday, in which event said par value shall be payable the next full business day, which shall not be either a Saturday, Sunday, or holiday. Said debentures shall be debts of the Corporation but shall be subordinate to all other debts of the Corporation. Neither the par value nor the interest on said debentures shall be guaranteed by the United States of America or otherwise be construed to be within the provisions of Section 7 of this Act. In the event that adjustments are made between railroads under the railroad per diem rules, as in the case of a per diem reclaim by one railroad against another, the stock and debentures shall be issued to the railroad that actually bears the cost of the surcharge. The stock and debentures shall be transferable only between common carrier railroads subject to Part I of the Interstate Commerce Act, but in no event may any one railroad, or a group of railroads under common management and control, vote more than 10% of the outstanding stock.

(c) If the Board of Directors subsequently determines that additional capitalization is necessary, the surcharge may be reinstated by a vote of not less than nine of the eleven Directors for such period of time as such Directors shall find to be necessary to accomplish the purpose of this Act, and additional stock and debentures shall be issued in exchange therefor as in the case of the original issue. The surcharge may be made applicable to any type or types of general service freight car that has been or is to be acquired by the Corporation.

(d) In the event of partial or complete liquidation of the Corporation, any assets remaining after payment of the Corporation's obligations and expenses will be distributed pro-rata to the debenture holders up to the par value of their debentures, plus any due but unpaid interest, and the remainder will be paid into the Treasury of the United States and credited to miscellaneous receipts.

BOARD OF DIRECTORS

SEC. 7. (a) The Corporation shall have a Board of Directors consisting of eleven members, as follows:

The Secretary of Transportation or a person designated by him, in writing,

The Secretary of the Treasury or a person designated by him, in writing,

The Chairman of the Interstate Commerce Commission,

Two members representing shippers, to be appointed annually by the President of the United States,

Six members to be elected annually by the railroads that are stockholders of the Corporation, on the basis of one vote for each share of stock. Two of these six Directors shall be elected by stockholders affiliated with Eastern Railroad Territory (including New England), two by stockholders affiliated with Western Railroad Territory and two by stockholders affiliated with Southern Railroad Territory. No stockholder shall vote for Directors from more than one Territory.

(b) Since there will be no stockholder at the time the Corporation is created, the initial Board of Directors will include six members elected by the Directors of the Association of American Railroads, two being elected to represent each of the three railroad territories, and these six members of the Board will remain Directors of the Corporation until their successors are elected at the first meeting of stockholders as provided in the by-laws of the Corporation.

(c) Within 90 days after the effective date of this Act, the Board of Directors shall meet to adopt by-laws, elect officers and transact other business.

(d) Directors shall serve until their successors are elected or appointed. Vacancies shall be filed by election or appointment as provided in 6(a).

GUARANTEE OF BORROWED CAPITAL

SEC. 8. The Federal Government will not make any contribution to the capital of the Corporation or purchase any stock in the Corporation, and will not be responsible for the acts, defaults or debts of the Corporation except as set forth in this Section 7.

(a) In addition to its other powers, the Corporation is hereby empowered to incur debt for capital purposes, in such amounts and upon such terms and conditions as the Board of Directors shall determine, which may be backed by the general credit of the Corporation and secured by any or all of its assets, and shall be fully and unconditionally guaranteed both as to interest and principal by the United States of America.

(b) Debt may be incurred under this Section only by unanimous vote of the Board of Directors.

(c) Such debt may be incurred in the form of bonds, equipment trust certificates, conditional sale agreements or any other form of securities, agreements or obligations.

(d) Securities issued under this Section shall be lawful investments for all fiduciary, trust and public funds, and shall be issued in such form and under such terms and conditions as the Board of Directors may determine and shall not be subject to regulation by the Interstate Commerce Commission or the Securities and Exchange Commission. The limitations and restrictions as to a national or state bank dealing in, underwriting or purchasing investment securities for its own account, as provided in Title 12 U.S.C. § 24 and § 335, shall not apply to securities issued under this Section.

(e) In the event that the Corporation shall be unable to pay when due the principal or interest on any debt incurred in accordance with this Section, the Secretary of the Treasury shall pay to the creditor the amount due, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of such creditor.

TAXES

SEC. 9. For Federal income tax purposes, the Corporation shall be a tax-exempt nonprofit corporation. Any gifts to the Corporation shall be allowable as deductible contributions for Federal income tax purposes. The Corporation and its property shall be deemed to be instrumentalities of the United States engaged in furtherance of interstate commerce and shall be exempt from all state and local taxation.

CHARGES FOR USE OF FREIGHT CARS

SEC. 10. Charges for cars supplied by the Corporation shall be assessed on the same basis and at the same rates as the charges that are assessed for use of railroad owned cars at the same time under similar circumstances, except that the charges by the Corporation shall be increased by a surcharge in the form of a percentage. The Board of Directors shall establish from time to time the amount of such surcharge percentage. Such surcharge shall be set at a rate which in the judgment of a majority of the Board will most effectively enable the Corporation at least to earn sufficient income to pay all of its costs and expenses, including depreciation and debt carrying charges. In the event that charges established by the Board under this Section are not paid when due, the Board may request the Interstate Commerce Commission to enforce payment whereupon the Interstate Commerce Commission shall promptly make an investigation and, if it determines, with or without a hearing, that the charges are in accordance with this Act and are due and payable, shall order the charges to be paid with interest and if necessary shall enforce such order by the imposition of penalties as prescribed in Section 16(8)–(10) of the Interstate Commerce Act (49 U.S.C. § 16(8)–(10)).

CAR SERVICE RULES

SEC. 11. (a) The Board of Directors shall establish and may amend from time to time such just and reasonable car service rules, regulations and practices as shall in the judgment of the Board best serve the purposes for which the Corporation is established. Such rules, regulations and practices, and car distribution directions issued thereunder, shall take precedence over any conflicting rules, regulations or practices established by any railroad or group of railroads or by the Interstate Commerce Commission. Upon petition of any railroad affected by any such rule, regulation or practice the Interstate Commerce Commission shall make an investigation and, with or without a hearing, shall order any rule, regulation or practice that it finds not to be in conformity with this Act cancelled, annulled or amended, as the Commission shall find to be appropriate.

(b) In the event that any common carrier by railroad subject to Part I of the Interstate Commerce Act shall fail or refuse to obey or follow any rule, regulation or practice established under this Section, or any car distribution direction issued thereunder, such failure or refusal may be prosecuted by the Interstate Commerce Commission as provided in Section 16(8)–(10) of the Interstate Commerce Act, 49 U.S.C. § 16(8)–(10).

LIMITATION OF LIABILITY

SEC. 12. No person shall be liable to the Corporation for any loss or damage suffered by it on account of any action taken or omitted to be taken by that person as a director, officer or employee, of the Corporation in good faith, if that person relied upon financial statements of the Corporation represented to him to be correct by the President or by the officer of the Corporation having charge of its books of account, or stated in a written report by an independent public or Certified public accountant or firm of such accountants fairly to reflect the financial condition of the Corporation, or if that person considered the assets to be of their book value or relied upon the advice of legal counsel for the Corporation.

INITIAL REGISTERED OFFICE AND REGISTERED AGENT

SEC. 13. The initial agent of the Corporation shall be the Federal Railroad Administrator, Department of Transportation, Washington, D.C., and his office shall be the initial registered office.

REPORT TO CONGRESS

SEC. 14. The Board of Directors of the Corporation shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

S. 4464

A bill to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad and their car furnishing subsidiaries in acquiring such general service railroad rolling stock

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Equipment Obligation Insurance Act of 1970".

SEC. 2. Congress finds that provision of modern, efficient freight cars and locomotives is a necessary part of our transportation system and that regional and nationwide shortages of such equipment exist.

SEC. 3. The Interstate Commerce Act is amended by adding the following new part at the end thereof:

"PART VI—DECLARATION OF PURPOSE

"SEC. 601. It is the purpose of this Part, by facilitating the enlistment of private capital, to provide for assistance to common carriers by railroad subject to the Interstate Commerce Act and their car furnishing subsidiaries in acquiring and maintaining adequate general service freight cars and locomotives and in such a manner to encourage the maintenance and growth of a private national transportation system adequate to meet the needs of the commerce of the United States, and of the national defense.

DEFINITIONS

"SEC. 602. For the purposes of this part—

"(a) 'Secretary' means the Secretary of Transportation.

"(b) 'Railroad' means a common carrier by railroad, as defined in section 1(3) of part 1 of this Act (40 U.S.C. 1(3)).

"(c) 'Car Furnishing Subsidiary' means a corporation at least 80 per cent of the voting stock of which is owned by one or more Railroads.

"(d) 'Rolling Stock' means (i) new or rebuilt standard gauge railroad freight cars suitable for use by more than one railroad in normal interchange under the Interchange Rule of the Association of American Railroads and (ii) standard gauge railroad locomotives.

"(e) 'Equipment Obligations' means bonds, notes, conditional sales agreements, equipment trust certificates, and other obligations issued or guaranteed by railroad or car furnishing subsidiaries to finance or refinance rolling stock.

"(f) 'Holder' means the holder of an equipment obligation, except that where a bank or trust company is acting as agent or trustee for the holder of the equipment obligation, such bank or trust company shall be deemed to be the holder.

"(g) 'Interest' means the interest or dividends payable pursuant to the provisions of an Equipment Obligation.

"(h) The term "obligor" includes the original borrower under an equipment obligation and his successors and assigns approved by the Secretary.

"FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

"SEC. 603. There is created a Federal Railroad Equipment Obligation Insurance Fund (hereinafter referred to as the 'fund') which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

"AUTHORIZATION OF SECRETARY TO INSURE EQUIPMENT OBLIGATION

"SEC. 604. (a) INSURANCE.—The Secretary, upon application by the obligor, is authorized to insure as hereinafter provided the interest on and the unpaid balance of the principal of, any Equipment Obligation offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary may prescribe, is authorized to make commitments to insure any such obligation prior to the date of execution or disbursement thereon.

"(b) BENEFICIARY OF INSURANCE CONTRACTS.—Each insurance contract made under this section shall run to and be for the benefit of the holder of the equipment obligation.

"(c) PLEDGE OF UNITED STATES.—The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each equipment obligation insured under this Act.

"(d) LIMIT ON OUTSTANDING AMOUNT.—The aggregate unpaid principal amount of the equipment obligations insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

"CONDITIONS AND LIMITATIONS

"SEC. 605. (a) No equipment obligation shall be insured under Section 604 of this Act unless—

"(1) the equipment obligation is secured by rolling stock to be financed or refinanced by such obligation;

"(2) the terms of such obligation require full payment within 30 years from the date thereof.

"(b) PREMIUM CHARGES.—The Secretary is authorized to fix a premium charge for the insurance of obligations under this Act at not exceeding one-quarter of 1 per centum per annum of the principal amount of the equipment obligation outstanding. Premium payments shall be made when moneys are first advanced under the obligation and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

"(d) DISPOSITION OF MONEYS.—All moneys received under the provisions of Sections 601–608 of this Act shall be deposited in the fund.

"DEFAULTS

"SEC. 606. (a) RIGHTS OF HOLDER.—(1) In the event of any act or failure to act which gives the holder the right to accelerate the maturity of an equipment obligation, any such events being herein called defaults, and failure on the part of the obligor to remove and remedy the default within thirty days, the holder shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for obligated insurance, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of such obligation and of the unpaid interest thereon to the date of payment: *Provided,* That an assignment of the obligation be tendered to the Secretary at the time such demand is made. The Secretary may at any time during the continuance of any default notify the holder in writing, specifying the default, that by reason of such default the Secretary intends to terminate the insurance contract sixty days after such notice is received by the holder, and the holder shall be entitled to demand payment by the Secretary as above provided at any time during such sixty-day period, whether or not the default is removed and remedied, and if the holder shall fail to make such demand, the insurance contract may be terminated by the Secretary on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary shall accept the assignment and promptly pay to the holder the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided,* That, except in any case in which the Secretary has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

"(b) PAYMENTS; ISSUANCE OF NOTES OR OBLIGATIONS.—Any amount required to be paid by the Secretary pursuant to subsection (a) of this section shall be paid in cash. If at any time the moneys in the Federal Railroad Equipment Obligation Insurance Fund authorized by Section 603 of this Act are not sufficient to pay any amount the Secretary is required to pay by subsection (a) of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transaction of the United States. Funds borrowed under this section shall be deposited in the Federal Railroad Equipment Obligation Insurance Fund and redemptions of such notes and obligations shall be made by the Secretary from such Fund.

"(c) FORECLOSURE PROCEEDINGS; ACTION AGAINST BORROWER OBLIGOR.—In the event the Secretary shall accept the assignment of an equipment obligation upon the default of the obligor pursuant to subsection (a)(1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the rolling stock forthwith and take such other action against the obligor as, in his discretion, may be required to protect the interests of the United States or of the holder, as they may appear. Any suit may be brought in the name of the United States or in the name of the holder and the holder shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary shall determine that the interests of the United States do not require foreclosure of the obligation, he may make such agreement with the obligor as in the opinion of the Secretary will result in remedying the defaults. The Secretary shall have the right in his discretion to accept a conveyance of title to and possession of the rolling stock from the obligor, and in the event of a sale under foreclosure proceedings, may purchase the rolling stock for an amount not greater than the unpaid principal amount of such obligation and unpaid interest thereon. In the event the Secretary shall receive through the sale of the rolling stock an amount of cash in excess of any payment made to the holder under subsection (a)(1) of this section, and the expenses

of collection of such amount, he shall pay such excess to the borrower obligor.

"(d) SECRETARY TO COMPLETE AND SELL PROPERTY.—Notwithstanding any other provisions of law relating to the acquisition, handling or disposal of property by the United States, the Secretary shall have the right in his discretion to complete, recondition, renovate, repair, maintain, and sell property acquired by him pursuant to the assignment as provided in this section.

"(e) TERMINATION OR CANCELLATION OF INSURANCE CONTRACT; CONCLUSIVE EVIDENCE.—Any contract or commitment of insurance entered into by the Secretary under the provisions of this Act shall not be terminated, cancelled, or otherwise revoked for any reason, except as provided in this section of this Act, and shall be conclusive evidence that the obligation complies fully with the provisions of this Act and of the approval of the principal amount, interest rate, and all other terms of the obligation and of the holder or borrower and of the obligor or lender; and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract of commitment is entered into, except for fraud, duress, or mutual mistake of fact.

MODIFICATIONS

"SEC. 607. The Secretary may consent to the modification of the provisions of an Equipment Obligation as to rate of interest, time of payment of interest or principal, security, or the terms and conditions of any contract or commitment of insurance which he shall have entered into pursuant to this part, or the renewal or extension or any such contract or commitment of insurance, whenever the Secretary shall determine it to be equitable to do so; provided, however, that such consent shall not be given unless any consent of the holder, which may be required pursuant to the provisions of an Equipment Obligation, shall have first been obtained."

APPROPRIATIONS

"SEC. 608. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter."

The article presented by Mr. MAGNUSON is as follows:

NATIONAL POLICY AND THE RAIL FREIGHT CAR SHORTAGE

(By Maj. Gen. John P. Doyle)

(NOTE.—Anthony F. Arpais, lawyer; internationally known writer and speaker on transportation matters; formerly Vice President for International Affairs of REA Express; and Ex-Chairman of the Interstate Commerce Commission; is currently a consultant in the City of New York. He is regarded as a dean of transportation experts)

The subject of freight car ownership and utilization is of great importance to the railroads and to the national economy. For the railroads, freight cars are the primary source of revenue. As with all pieces of equipment, they earn nothing when idle or empty. Despite years of operating experience, the railroads have been able, it has been calculated, to move rail cars under load an average of only 6.2 percent of the useful life of a car.

The Congress and the Interstate Commerce Commission have struggled with the fact of car shortage for years. Incentive per-diem rates have been authorized in the hope of enlarging car ownership of terminal, bridge, and short-line railroads. Demurrage for delay of cars has been increased. The basic problems remain unanswered and the results are not satisfactory. Such measures do not go to the heart of the difficulty.

The author of this article, Major General John P. Doyle, has given many years to the study of transportation policy. He directed preparation of the widely respected report on National Transportation Policy for the Committee on Commerce of the U.S. Senate. Published in 1961, this exhaustive report, known as the "Doyle Report" included a discussion of car shortages. General Doyle here follows through with some very lively and imaginative suggestions for the cure of this persistent and difficult problem.

NATIONAL POLICY AND THE RAIL FREIGHT CAR SHORTAGE

Railroad freight car shortages have been with us a long time. Once seasonal, temporary and local in nature, shortages have become chronic and national in scope. Shipper complaints, Interstate Commerce Committee investigations and Congressional hearings have accomplished little more than fill page after page of printed reports. Once primarily an inconvenience to grain shippers, car shortages in the past year have directly affected producers and workers in other fields. It is not unreasonable to conclude that some basic fault in the system exists and that a new approach should be tried.

It is important to all discussions of transportation problems that we recognize and remember that government, through the centuries, has been determined that transportation must serve the reasonable needs of the people, whether as a result of private enterprise or otherwise.

Long before the United States became a nation, the peculiar nature of transport service and its effects upon the public had been recognized. Obligations designed primarily to foster security and carrier responsibility were imposed and, in England, became embedded in the common law.

With the advent of railroads the public interest in transportation led to government ownership of carriers, wholly or in part, in most countries of the world. From 1887 our nation followed the path of statutory regulation administered by an independent commission created by and responsible to the national legislature.

While our country fortunately opted for private ownership of carrier organizations it was early recognized that there were some things carriers could not do alone, either because of capital requirements or for other reasons. Our government has, consequently, assisted transportation in many ways since the days of the Cumberland Road. Rail land grants; artificial waterways; improved natural waterways; air line subsidies; merchant marine subsidies; air and water navigation aids; and the national airway, airport and highway programs are but some of the manifestations of public interest in transportation. That some of these things have been paid for wholly or in part by specific user charges while others have come from the public purse is immaterial to this discussion, important as it may be in the competitive arena.

It is interesting to note the different forms of government assistance and intervention. Once financial help was limited to providing the facility used by multiple diverse interests—roads, waterways—and this has expanded to include the airways and airports of today. Aid to specific carrier companies started with railroad land grants. It continued in merchant marine, airline and, now, transit operating subsidy. Although much early air transport design was largely an outgrowth of military bomber programs, equipment was generally left to the users, except for defense features of subsidized deep sea ships. Today we see government active in the design of high speed rail transport, the supersonic jet, federal aid highways and safety features of automobiles and trucks. All of this boils down to the fact, which seems obvious but is often ignored, that government will inevitably move to supply a need when, in its opinion, a vacuum exists—regardless of the reasons therefor. It seems that programs initiated by private enterprise can be assisted by government with a minimum of government control whereas those which are left to government initiation invite a high degree of governmental direction from the start.

At this point it would be well to define what is meant by general purpose freight cars as the term is used in this discussion. Some railroad men limit the meaning to plain box cars. That definition is not adequate here. In this paper a general purpose freight car is any type or size of car suitable for interchange and not restricted by special equipment installed therein to the transport of a particular commodity for a particular shipper.

It is recognized that general purpose cars can be placed in assigned service or be owned or leased by a shipper for his exclusive use. Unless there is a requirement for specialized installed equipment such practices tend to reduce the overall utilization of the car fleet except in the case of unit trains. There should be no thought of attempting to block the growth of specialized equipment which will increase the suitability of a car to serve individual shippers at a reasonable rate of utilization. If speed and convenience of loading and unloading; safety of the lading or other factors outweigh the cost of installed equipment and empty return the specialized car in assigned service is economically justified.

In any discussion of freight car shortage we should carefully avoid focusing all of our attention on the number of cars owned by any one railroad or in the total car fleet. There are many other factors which affect the ability of a shipper to obtain the type and size car he needs, when and where he wants it. Flexibility and utilization of the car supply are of vital importance and it is in these areas that fragmented ownership does the greatest damage. Nor should we blindly concentrate on statistics of bygone years. Railroading is a dynamic industry. Today railroads are moving greater tonnages over longer hauls than before, with fewer total cars. The optimum mix of the freight car fleet is changing, with less dependence on the plain box car. Less-carload traffic is moving to piggy-back or leaving the rails entirely. However, as long as economic loss is occasioned by inability to spot a suitable car where and when needed car shortage is a fact that cannot be wished away nor, without excessive, wasteful investment, cured simply by building more freight cars.

The railroads are not alone responsible for the car shortage. Some shipper practices contribute thereto. The general condition of our car building and car repair capacity is a factor. Where the railroads are at fault, most of the conditions stem from financial weakness or from causes beyond the control of any individual railroad and which can only be cured by concerted action, hopefully on railroad initiative. This is one area where the leadership of our new Department of Transportation and its Railroad Administration could be helpful. Regardless of the blame, however the total result is increasing shortages; static utilization and excessive overage equipment.

Shippers contribute to car shortages in a variety of ways. Sometimes more cars than needed are ordered so that, in times of shortage, the shipper is assured satisfaction of his real needs. When such orders are filled car days which could have been used by others are wasted. Some shippers fail to clean cars properly after unloading, thus forcing an additional switching operation to the cleaning track and delaying the car's availability. Some shippers use cars as an extension of their warehouse capacity by failing to unload promptly or by deliberately circuitous routing. General Tom Rice, President of the Atlantic Coast Line, used to tell a story about a string of his cars on a Florida siding during watermelon season—apparently being loaded. He congratulated his local agent but was told, "They're just using the cars for sorting. They'll ship by truck." Shippers normally operate their receiving

and shipping facilities on a forty-hour week while railroads operate around the clock. Lost car days are the inevitable result. The fact that some of these practices result in extra charges to the shipper is not material. The charges have proven inadequate deterrents. Car availability is compromised and the car fleet is not adequate to absorb the wasted car days.

Railroads could sharply curtail these wasteful practices if they would, but some seem to fear that a crackdown would alienate the shipper and loss of traffic would result.

Many shippers, of course, do everything in their power to avoid contributing to poor car utilization. They, along with the general public, suffer at the hands of the violators.

The railroad car building industry has had a long history of feast and famine. Orders for new rolling stock are among the most controllable of all railroad expenditures. These are among the first to get the axe when management is faced with reduced revenues. Lack of production stability over the years has retarded expansion and modernization of facilities. Laying off a trained work force is not only costly but it tends to drive the better men to other employment. A way must be found to smooth out the production peaks and valleys in this vital industry through production planning on a national scale over extended time periods.

It has been unfair and inaccurate to make railroad management the only whipping boy for car shortages in the public eye. As outlined above, shippers are due a share of the blame. Constructive mergers that would have reduced the fragmentation of the car fleet have been opposed by government because of what *might* happen, despite regulation. Government has helped syphon off needed revenue by insisting on favored rate treatment for itself and by creating a horde of unregulated for-hire competitors who pick and choose their traffic with no obligation to serve the public as a whole. Government has subsidized competitors through furnishing operating facilities free of charge. There can be, however, no question that the railroads as an industry have failed to do much that they could have done collectively, regardless of the fine records many of them have compiled as individuals.

It is interesting and encouraging to note that, at this writing, the railroads have accepted for implementation recommendations of the distinguished president of the New York Central, A. E. Perlman, which should lead to a truly national electronic car identification, data transmission and data processing system. This will be the essential tool for improved car utilization by doing away with the 70,000 "lost" cars whose whereabouts, at any given time, are not known. The Car Service Division of the Association of American Railroads if given the authority (which seems unlikely) should be able to program car distribution efficiently. The system will not, however, attack the other causative factors of car shortages.

There seems to be a basic difference in the railroad world that will not resolve itself and which, to date, has helped prevent industry accord on a plan to solve the car shortage question. This is the problem of non-owning roads. Railroads which originate substantially more traffic moving in interchange than they terminate favor high per diem, applied under current practices, because their interline per diem account is on the profit side. Roads which receive more traffic from interchange than they originate to go off-line in their own cars pay out more per diem than they receive and hence favor low per diem rates. Additionally, railroads terminating more traffic than they originate have, at all times, more cars on their tracks belonging to other railroads than they can load out. Economics dictates these cars be moved out as soon as possible to reduce per diem costs. Under such circumstances there is no incentive for a terminating railroad to own rail cars. The fact that, under fragmented ownership, car service rules of the Association of American Railroads specify that foreign cars be moved in the direction of the "home" road compromises the flexibility of car employment but is an unavoidable consequence of individual car ownership.

The fact of traffic imbalance, causing accumulation of cars on terminating roads, is a consequence of our national distribution of population, agriculture and industry; is beyond control of the railroads; and is basic to the problem of efficient total car utilization. It will not be changed by high per diem rates; high demurrage charges; by any system of mandatory car ownership quotas or in any other fashion short of planned national resettlement, which would be absurd. Since imbalance is with us the question is how to minimize its effects.

Railroads have long been aware of and sensitive to the problems of imbalance and non-owning roads. During the study of national transportation policy for the U.S. Senate published in 1961, the study group found evidence of a number of plans to attack the non-owning road question which were considered by the railroads. Each depended on compulsory ownership by individual railroads of a quota of freight cars to be determined and enforced by some outside agency. Each plan grounded and sank on this mandatory quota reef. As long as car ownership is fragmented the reasoning behind a mandatory quota is obvious. No railroad will buy cars in number or of a type it does not need, regardless of how badly they may be needed nationally. It is equally obvious that a private enterprise economy has no reasonable way to establish and enforce a mandatory ownership quota. The requirements of numbers, sizes and types of cars in the total car fleet can only be forecast on a national basis by an agency having a strong profit motive toward accurate and timely prediction.

One plan designed to avoid the mandatory quota called for the Federal Government to buy rail cars for lease to individual railroads as needed. Perhaps fortunately for private enterprise, this plan never received serious formal consideration. It would have transferred part of the capital costs of car supply to the taxpayer. Presumably, when not needed, the cars would have been returned to government yards for storage and maintenance. Responsibility for daily maintenance would have been divorced from ownership, probably resulting in higher bad-order rates. It is probable that railroad ownership would have declined even more than it did if cars could be rented more cheaply than the full cost of ownership. It would have forced an even greater involvement of government in operations.

Car service rules of the AAR were devised to overcome difficulties due to unbalanced interchange but, as the Interstate Commerce Commission has stated, the Car Service Division of AAR has no effective power and car service rules are honored as much in their breach as by observance. The ICC itself exercises redistribution powers only during a national emergency or, after-the-fact, when a shortage has become acute. It does nothing to avert shortages, its orders, in effect, share the shortage or, as some railroads have claimed, rob Peter to pay Paul. Such relief as the ICC affords is temporary in nature and does not deal with the basic causes of shortages.

While many of the causes of car shortage are beyond the control of railroads as presently organized they cannot escape responsibility for actions and failures to take action which have contributed to the problem. Each railroad management tends quite naturally to be most concerned with the well being of its own railroad. Secondarily it may be concerned with its connections, for in that direction lies reciprocity. Rarely, if ever, are managerial decisions based on needs of the national railroad system, the interests of which should take priority over the interests of any single rail entity.

It would be unfair to condemn this attitude in a private enterprise economy but this is not to say that, in the overriding public interest, it should not be modified. There is no *national* need for any railroad or for a rail system except as it serves a *national* requirement. There is a need for system thinking along public utility lines in railroad management, in the regulatory and promotional agencies and in the Congress. It is here, perhaps, that our new Department of Transportation and its Railroad Administration could make their greatest contribution toward realizing the full potential of rail transportation to the profit of all.

The "my road comes first" attitude has led to a wide variety of actions taken in the short range interest of individual roads but detrimental to the national system. A few examples include:

1. Failure to comply with car service rules, as previously mentioned.

2. Opposition to soundly conceived mergers or acquisitions which, as a by-product, would have helped concentrate car ownership and control.

3. A railroad originating little grain traffic stripped linings from boxcars, making them unsuitable for such traffic, to help insure prompt return to the home road.

4. Circuitous routing to maximize mileage on the originating road, thus causing unnecessary car miles and lack of car availability to serve other shipments.

5. Failure to correct an unnecessarily high national bad-order car rate. Some railroads have shown what can be done to keep cars in good running order.

6. Failure to standardize car design to the extent reasonably possible, thus increasing car costs and parts inventories. It is recognized that an increasing number of sizes and types is needed to serve public demand.

7. Location of storage yards and repair facilities for individual rather than system advantage.

The list is long and could be longer. The purpose, however, is to point up the need for collective action, not to indict individual managements. It is to be hoped that collective action will result from railroad initiative, as in the case of the Rail Data System previously mentioned.

There is much to be said on the credit side of rail managements as individual entities. The idea of marketing their services through customer satisfaction is replacing the concept of running a railroad for its own sake. Large capital investments are being made to improve the rail plant. Less is being said in favor of restriction of other modes and more of competition with them. Greatly increased expenditures for research are being made.

There has been a rebirth of innovation. Some managements, in the face of almost incredible opposition, have sought system improvement through consolidation. Some have succeeded. All of this is to the good. It should benefit the nation and some of the actions should improve car supply even if shortages remain. Most of it, however, has been predicated upon individual, rather than system, benefit.

Consideration of the long history of freight car shortages; the plans that have been suggested to cure them; the inability of the railroads to agree on any plan; the temporary, inadequate and non-conclusive actions of the regulatory agency to deal with a recurring problem, other than on a share-the-shortage, after-the-fact basis; and the reasonable public demand that car shortages be alleviated; leads to the conclusion that car shortages stem primarily from fragmented management of the national car fleet. This fragmented management is responsible for poor car utilization, averaging fifty miles per day; high bad-order rates, averaging five percent; and inadequate long-range planning

of car building and overhaul to meet projected requirements on a national scale.

Unification of car fleet management seems to be dependent on formation of a single car owning agency. Some may advocate a federal agency along the lines of an expanded Symes Plan but this appears both unnecessary and undesirable. The precedents of the Pullman Company and REA Express have provided a general pattern and the Car Service Division of AAR would provide the nucleus of a railroad controlled general purpose freight car owning company. The principle requirements for such a company would be that its charter insure that it dealt at arms length with each and every railroad, regardless of size. It would require the power and the will to penalize railroads and shippers who violate published car service rules.

Were a national freight car company to be formed, what would be its functions? What rolling stock would it own? What car building and repair facilities? Would it interfere in ownership of specialized cars for assigned service by individual railroads? Ownership or lease by shippers for their exclusive use? What about car leasing companies? The details of these and other questions including protection of the interests of small roads would have to be carefully worked out and specified in the charter.

Given a determined and cooperative approach, they could be. The general shape of the answers seems apparent today.

The basic function of a national freight car company would be to furnish on call to any railroad the number, type and size of freight cars specified by the railroad at the time and place desired. In the performance of this function the company would:

1. Own all general purpose freight cars, as defined above, suitable for interchange service.

2. Establish, maintain and operate storage yards at strategic locations as required.

3. Establish, maintain and operate car repair facilities and mobile teams of varying capabilities at strategic locations as required. The facilities should be available to service specialized cars owned by railroads and private owners on schedule or in emergencies as requested with reasonable expedition and at reasonable cost.

4. Standardize, centralize and operate car reporting service by electronic and other means.

5. Perform interline accounting services when railroad owned or privately owned cars move in interchange.

6. Establish a five year program of car replacement, to be updated annually.

7. Standardize details of car design and construction to the maximum degree practicable.

8. Enforce car service rules and collect penalties for violations thereof from carriers and shippers alike.

9. Direct the movement of empty cars in redistribution of car supply.

The national car owning company would not:

1. Own, operate or maintain locomotives other than yard switching equipment for its own use.

2. Furnish wrecker service. Assistance by the mobile car repair teams should be available to any railroad as required.

3. Own specialized cars or cars in assigned service.

4. Own extensive car building facilities in excess of capacity needed for repair.

5. Charge per diem to railroads during movement of empty cars for redistribution purposes. Rather it would pay railroads a switching and mileage charge for such movements.

Major changes should bring major benefits. The gains to be expected would include:

1. Equitable solution to the problem of non-owning roads.

2. Release of railroad capital for needed improvements to rail plant.

3. Planned distribution of the total general purpose car inventory matched with total requirements.

4. Planned car building and major overhaul programs based on centralized utilization and requirement forecasts of the total national requirements. Stabilization of the car building industry.

5. A planned distribution of car repair facilities avoiding both regional duplication and shortage of capacity. Reduction of national bad-order rate.

6. A major reduction of empty car miles resulting in improved utilization and lower costs. Avoid loss of flexibility due to the "home road" concept.

7. Development of the full national potential of electronic car identification, data transmission and processing so that the location, condition and availability of every car in the fleet would be instantly available.

8. Centralized car accounting.

9. Identification of system bottlenecks for corrective action, resulting in faster, more dependable service.

10. Improved standardization and modernization.

11. Improved emergency control of car supply. A built-in emergency "cushion" could be provided through planned utilization rates below the maximum possible, financed as a defense expenditure.

12. Reduction of duplicated storage tracks and yards.

13. Realistic penalties for shippers who fail to observe car service rules, uniformly applied without fear or favor.

14. A national car pool would be more flexible in adjusting to changing regional demands caused by changing customer requirements.

As in the case of the corporate charter the details of financing would have to be worked out. It is probable that some assurance of credit from government would be required. The depreciated value of rail cars should be paid to the present owners, part in cash and part in debentures of various terms. Such yards and associated plant, including car repair shops, as would be needed by the company, would be paid for in the same way. The company should have the right to refuse to purchase cars suitable only for salvage. Disputed evaluations should be subject to arbitration.

There is historic opposition on the part of the railroads to any form of national car pool and a tendency to depreciate the effect of car shortages. Some objections have been:

1. "Each railroad wants to control car supply to its shippers, especially in time of shortage." This is understandable, however, first come-first served is the rule and enforcement by an agency independent of the originating railroad would be easier than the present system.

2. "Railroads claim that a car pool would require all cars be brought to a high order of repair, engendering excessive costs." This presupposes that the management of a car pool would remain forever ignorant of local needs which, in this day of electronic data retrieval, is unrealistic. A high state of repair for the total fleet is a desirable long-range goal more likely to be achieved by pooling.

3. "Railroads cannot afford a car supply equal to serve peak requirements." From a national point of view, essential peak requirements must be met, even if priorities must be imposed by government. Fragmented ownership is less responsive to peak demands due to less flexibility than would exist in a national pool, in which the planned utilization rate could be adjusted to provide a total "cushion" at far less cost to the economy than if attempted by individual railroads.

4. "Railroad spokesmen claim it unreasonable to expect rails to meet all peak demands when no such requirement is placed on other modes of transport." In the public interest all modes should be able to meet emergency peaks within their sphere of service. Railroads draw the most concern because, though governmental actions seldom seem based thereon, rail transportation still is the essential backbone of national freight transportation.

5. "Car shortages usually effect only a short deferral of demands." This argument is likely to be quite unimpressive to owners whose grain deteriorates in the open; to lumber mill workers laid off because the product cannot be moved; or to those who lose sales because a public service facility cannot move their goods on time. This path seems to invite increased intervention by government.

6. "Car pooling would be a step in the direction of a single nationalized railroad system." Historically, in our country, nationalization has been proposed as an answer to specific failures or serious financial difficulties.

Chronic shortage on whatever scale must be interpreted as a shortcoming of the present system. Actions taken to relieve shortages through improved utilization, greater national flexibility and reduced system costs should tend to avoid, rather than invite, nationalization.

In summary, what we have had for many years is a history of declining total ownership and poor utilization. Despite all efforts, and the superior performance of some individual railroads, the industry has not made even a dent in the problem overall. It is time to try a new approach.

What is needed is management of the total general purpose car fleet as a single national asset. This, apparently, can be achieved only by an agency capable of dealing at arms length with individual railroads and shippers. Such an agency could, but need not, be an agency of government.

There is precedent for the concept of a railroad owned general purpose car company in the Pullman and REA Express Companies. Care in drawing the charter would be essential to protect the smaller railroads and to avoid past mistakes.

Enabling legislation might be required to avoid anti-trust problems and it is probable that some federal financial assistance in the form of long term loans would be necessary.

Finally, the public interest demands that the car shortage problem be solved while at the same time excessive investment in rolling stock is avoided and wasteful operating practices minimized. It could be done now—while there is yet time for railroad industry initiative.

REFERENCES AND ADDITIONAL READING

1. Public Law 89–430, 89th Congress (S. 1098, May 26, 1966; Senate Report No. 386, 89th Congress; and Hearings, Committee on Commerce, Freight Car Shortage Subcommittee, Serial No. 89–23. (All 1965)

2. "ICC Report on Car Shortage," *Traffic World*, June 27, 1964, p. 162; and Ex Parte 241, Investigation of Adequacy of Railroad Freight Car Ownership, Utilization, Distribution, Rules and Practices, ICC, June 22, 1964.

3. Freight Car Shortage, Hearings on S. 1063, Committee on Commerce, U.S. Senate, 88th Congress, June 17, 1963.

4. National Transportation Policy, Senate Report 445, 87th Congress, January 3, 1961.

5. Freight Car Shortage, Hearings on S. 886 and S. 1840, Committee on Commerce, U.S. Senate, 87th Congress, June 13, 1961.

6. Docket No. 29669, ICC, Car Service, Freight Cars, 268ICC 687, July 25, 1947.

STATEMENT OF SENATOR PEARSON IN SUPPORT OF BOXCAR LEGISLATION

Mr. PEARSON. Mr. President, I am happy to join the distinguished chairman of the Commerce Committee in cosponsoring these two bills.

The recurring boxcar shortage—perhaps more than any other matter—has been a subject of personal concern to me ever since I came to the Senate.

The chairman and I have held hearings, introduced legislation, prodded Federal agencies, and otherwise grappled with this problem for years. The shippers and carriers and consumers of this Nation have been well served by his leadership.

While I recognize that these proposals are serious and thoughtful efforts to improve our present situation, nevertheless I join Senator MAGNUSON with the understanding that these bills will serve as working papers for the committee. We are not wedded to any of the provisions of either proposal.

Speaking for the farmers and grain shippers of my State and the Middlewest, these bills, and the work involved in drafting them, are gratifying indications of the importance of bettering this Nation's ability to transport our essential commodities.

I thank the Senator for extending me this opportunity to join with him.

S. 4465—INTRODUCTION OF A BILL TO ESTABLISH NATIONAL ENVIRONMENTAL BANK

Mr. MAGNUSON. Mr. President, the growing concern and alarm over the fate of our environment is not only well-justified, it is overdue. As a nation we have moved from ignorance and apathy to the problems of pollution to a state of reasoned anxiety based on a knowledgeable understanding of the gravity of the threat presented. Such a cultural transformation is an essential step to survival, but it is only the first step. The second step necessitates a recognition that any meaningful inroad on environmental degradation requires a substantial and continued commitment of resources. The third step to environmental survival is an awareness that the problem of pollution can be effectively solved only by innovative restructuring of our institutions and by terminating inflexible, fragmented structures.

Mr. President, I introduce today, for appropriate reference, the Environmental Financing Act of 1970, which addresses itself to these three steps. This bill will provide the financial ability to insure a livable environment now and for future generations by authorizing and establishing an Environmental Bank, an Environmental Trust Fund, and environmental savings bonds. This bill will provide both a challenge and an unparalleled opportunity for all levels of government and for all citizens to join hands in their quest for ecological survival.

Increasingly, cities, States, and other public bodies are finding it difficult, if not impossible, to finance environmental programs. Inflation, with its invariable counterparts of tight money and high interest rates, voter rejection of bond issues, inability to secure good bond ratings, statutory interest rate ceilings, and the normal allocative priorities on spending are all imposing severe constraints both on the plans and the programs of local and State governments that are attempting to come to grips with the problems of pollution. As the list of unmet need continues to grow, the citizen is threatened by increased air, water, noise, and solid waste pollution. The Environmental Bank will assist these governmental units by providing long term, low interest loans for the construction of waste treatment plants, for the separation of combined storm-sewer systems, for the establishment and enforcement of air and noise pollution standards, for the creation and maintenance of solid waste disposal programs, and for other urgently needed programs and services that will preserve, protect, and enhance the environment.

Effective abatement of present contamination and proper planning to meet future menaces of nature's milieu are contingent on an ongoing, guaranteed source of funds. All too often cities and States have been faced with billion dollar authorizations and million dollar appropriations.

In many cases these governmental entities have temporarily extended themselves and prefinanced some or all of the Federal share only to find that the Federal share was impounded, delayed, or less than promised. Under the Environmental Trust Fund there will be a perpetual, insured, and growing source of funds guaranteed for one and only one purpose—trying to save our environment. Initially, funds will be used to underwrite the difference between what the Environmental Bank loans money out at and what the bank borrows money at. The Environmental Trust Fund will not be limited, however, to the use of the bank only, for the fund is flexible enough that should new problems arise or should new uses of the fund be desirable, Congress can so decide that the funds could be appropriated for other ecologically essential purposes. The Environmental Trust Fund then will function both as a vehicle for immediate action now and as a protection and insurance for the future against the poor planning and haphazard action that jeopardizes our limited resources.

In the illustrious tradition of war bonds, the authorization of U.S. environmental savings bonds is a statement by the Congress that the quality of life demands a new and tremendous investment on the part of all the citizenry. A livable environment costs money, and environmental savings bonds offer the citizen a chance to buy a share in cleaner air and cleaner water. For the first time, there will be an answer to the frequent question of "What can I do?" Now the citizen can make a direct, personal investment in the future of the environment; now the citizen can make a start to ensure that we have the resources to fight both today's and tomorrow's environmental battles.

Each of us has been and will continue to be a polluter, but now with environmental savings bonds, each of us will have a chance to be an environmentalist. Best estimates have stated that 30 million people participated in Earth Day. If only two-thirds of these had bought a $25 environmental savings bond, $500 million in capital would be generated toward clean air and clean water.

While the moneys invested are critical to environmental solutions, we should not forget or gloss over the other benefits that will result from the inauguration of environmental savings bonds. Citizens will become more aware of and involved in both the problems of and the solutions to environmental quality. Environmental savings bonds, backed and guaranteed by the U.S. Treasury, will revitalize the existing bond program where presently redemptions are far outstripping the sales of bonds. Not only will these bonds be anti-inflationary by increasing the Nation's savings, but they will decrease the direct cost of environmental programs to all levels of government. Moreover, these bonds will be a move toward getting government closer to the people, for the people will decide whether they are willing to pay the price of a healthy environment. We have slowly come to the realization that the best things in life are not always free. Clear air, clean water, quietude, parks and open space all cost money and the question becomes whether the citizen is going to be satisfied with rhetoric and pollution or whether he is going to directly invest his money in air he can breathe and water he can drink.

As should be apparent from my remarks, the Environmental Bank, the Environmental Trust Fund, and environmental saving bonds are not three separate programs. Rather they are a comprehensive and integrated whole. Citizens will buy bonds and the proceeds of the bonds will be placed in the trust fund. The trust funds will then be used as the capital to finance the loans made by the Environmental Bank. As the cities, States and other public bodies pay back their loans, those moneys will be utilized to pay the citizens when they redeem the bonds at maturation.

Mr. President, when more than 95 million Americans drink water which is inferior or of unknown quality, when 94 percent of the Nation's land disposal sites are unacceptable and breeding grounds for vermin and disease, when 34 States have inadequate air pollution programs, and when authoritative sources have stated that it will take $71 billion to clean up the environment, it is time for some new ideas and new programs. These new programs should include all levels of government and all the citizens; these new programs should include an attack on all forms of pollution; and these new programs should guarantee meaningful and substantial allocations of money. I believe that the Environmental Financing Act of 1970 is just such a program.

Resolving in essence the quest of human survival and the quality of human life on a planet of fragile hospitality—this must and is rightfully becoming the issue of paramount concern to all segments of society. Life loses its point, its relish, its sense of direction and even its vitality when it is spent amidst a haphazard squalor that God never made, nature never evolved, and man never intended. The battle for a clean environment is indeed a battle for basic survival, but it is even more than that—it is a quest for a psychic life of spirituality where man and nature live in mutual harmony. Clean and sparkling rivers, lush green countrysides, and invigorating air are basic to life itself; moreover, these qualities are truly what adds zest to one's life and make it really worth living. No goal is more worthy of the attention and the action of the Congress

than making life worth living, and I suggest that my Environmental Financing Act of 1970 is a major step toward achieving that goal.

I ask unanimous consent that the full text of the Environmental Financing Act of 1970 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4465) to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an Environmental Trust Fund, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This act may be cited as the "National Environmental Financing Act of 1970".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress makes the following findings:

1. There is an increasing need for funds to finance State, regional, and local programs designed to insure a livable environment for the present and for the future.

2. Inflation, tight money, high interest rates, and strained tax bases make it increasingly difficult for State and local governments to financially meet critical environmental needs.

3. The inability of the States and the localities to finance needed environmental programs jeopardizes the environment and thereby constitutes a clear and present danger to the public health and welfare.

4. It is necessary and in the national interest for the Federal Government to assist State and local governments in financing needed environmental programs.

5. It is necessary to encourage and stimulate greater citizen participation in the environmental future of our country.

6. It is essential to increase the investment in our Nation's ecological future so that man and nature can live in mutually productive harmony.

7. An ongoing, guaranteed source of funding for environmental programs is in the national interest.

(b) It is the purpose of this Act to establish a National Environmental Bank to make and guarantee long-term loans to State and local governments and other agencies authorized by law to finance environmental programs to control or abate pollution. It is the further purpose of this Act to authorize the issuance of Environmental Savings Bonds to increase citizen investment and participation in environmental programs. It is the further purpose of this Act to establish an Environmental Trust Fund to provide a perpetual and guaranteed source of funds for environmental programs of the present and the future.

DEFINITIONS

SEC. 3. As used in this Act—

1. The term "Bank" means the National Environmental Bank established by section 4.

2. The term "Bond" means the Environmental Savings Bond established by section 19.

3. The term "Trust Fund" means the Environmental Trust Fund as established in section 20.

4. The term "environmental program" means the construction of waste treatment plants, the establishment and enforcement of air pollution standards, the creation and maintenance of solid waste disposal programs, the establishment and enforcement of noise pollution standards, and other programs and services which will preserve, protect, or enhance the environment as designated by the board of directors of the National Environmental Bank.

5. The term "local public body" means any State, county, municipality or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake the environmental programs for which assistance under this Act is sought.

6. The term "State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF BANK

SEC. 4. There is hereby created a body corporate to be known as the National Environmental Bank.

MANAGEMENT OF THE BANK

SEC. 5(a). The management of the Bank shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health, Education and Welfare, the Secretary of Agriculture (or the designees of the respective Secretaries,), the Director of the Environmental Protective Agency, the Chairman of the President's Council on Environmental Quality, the Director of the National Oceanic and Atmospheric Agency, and six other persons who shall be appointed by the President with the advice and consent of the Senate. Persons so appointed shall include representatives of State and local governments, private enterprise, and members of the general public. In making such appointments the President shall select persons who, among other relevant considerations, are knowledgeable in the field of environmental needs and problems.

(b). The terms of the directors appointed by the President shall be four years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term.

(c). Members of the Board who are otherwise compensated by the United States for full-time service shall serve without compensation in addition to that received for their full-time service. Other members of the Board shall receive compensation at the rate of $125 per day for each day engaged in the performance of their duties as directors. All directors shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by law.

APPOINTMENT OF OFFICERS AND EMPLOYEES

SEC. 6. The board shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of Chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board and may participate in meetings of the Board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

CONFLICT OF INTEREST

SEC. 7 (a). No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership or association in which he is directly or indirectly personally interested.

(b). The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

GENERAL CORPORATE POWERS

SEC. 8. Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

PRINCIPAL OFFICES: BRANCHES

SEC. 9. The principal office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

CAPITAL STOCK

SEC. 10 (a) The bank shall have capital stock of $500,000,000 subscribed by the United States, payment for which shall be subject to call in whole or in part by the Board.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board, shall purchase stock in amounts designated by the Board up to a total of $500,000,000.

BORROWING AUTHORITY

SEC. 11 (a) The Bank may issue notes, debentures, bonds, and other evidences of indebtedness in such amounts and on such terms and conditions as the Board may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank at any time, including contingent liabilities on outstanding guarantees, may not exceed twenty times the paid in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the fact thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any of its lawful obligations, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

LOANS TO CARRY OUT ENVIRONMENTAL PROGRAMS

SEC. 12 (a) The Bank may make or guarantee loans (including the purchase of obligations) to local public bodies to finance environmental programs. Financial assistance under this section shall be provided in accordance with standards and criteria established by the Board to ensure a priority of assistance with respect to those programs where the need is most critical or which involve new and improved methods of waste disposal or pollution, or which directly abate the pollution of the environment.

(b) The effective interest rate for financial assistance extended under this section shall not exceed the lesser of (1) 5 per centum per annum, or (2) the total of one-eighth of 1 per centum per annum added to the average rate of interest paid by the Bank on funds borrowed by it pursuant to Section 11.

(c) Loans made or guaranteed by the Bank shall have maturities not exceeding twenty-five years; except that the Bank may in its discretion extend the period of payment on any loan.

(d) Loans made or guaranteed by the Bank shall be of such sound value or so secured as reasonably to assure repayment.

TECHNICAL AND OTHER ASSISTANCE

SEC. 13 (a) The Bank may provide to borrowers whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

(b) To assure fulfilling the purposes of this Act, the Bank shall direct an adequate number of staff members to seek out and confer with the representatives of local public bodies to provide information about the services furnished by the Bank and to provide whatever assistance is necessary for the utilization of such services.

TAXABLE STATUS

SEC. 14. The Bank, its property, its franchise, capital, reserves, surpluses, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State and local taxation to the same extent as the obligations of private corporations are taxed.

INVESTMENT STATUS OF OBLIGATIONS OF BANK

SEC. 15. All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer thereof.

PURCHASE OF ASSETS BY TREASURY

SEC. 16. The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 17. The General Accounting Office shall audit the financial transactions of the Bank and for this purpose shall have access to all its books, records, and accounts.

ANNUAL REPORT

SEC. 18. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

ENVIRONMENTAL SAVINGS BONDS

SEC. 19. The Second Liberty Bond Act is amended by inserting after section 22B a new section as follows:

"Section 22B. (a) In addition to the United States savings bonds, and retirement and savings bonds authorized under sections 22 and 22A, respectively, the Secretary of the Treasury is authorized to issue from time to time United States Environmental Savings Bonds, the proceeds of which shall be deposited in the trust fund established by Section 20. Such bonds shall bear interest at such rates, be issued in such forms and in such manner, be offered in such amounts (subject to the overall debt limitation imposed by section 21) and be subject to such other terms and conditions (including restrictions on transfer) as the Secretary of the Treasury may from time to time prescribe.

ENVIRONMENTAL TRUST FUND

SEC. 20. There is hereby established within the Treasury of the United States an Environmental Trust Fund. All proceeds from the sale of bonds under section 19 shall be deposited in the fund.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 21. There are authorized to be appropriated from (1) the Environmental Trust Fund, and (2) to the extent that there is an insufficiency of sums credited to such Fund, from any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act. Any sums so appropriated shall remain available until expended. Sums appropriated under this section shall be available, as specified in Appropriation Acts—

(a) to enable the Secretary of the Treasury to carry out his functions under sections 10 (b) and 11 (d);

(b) to enable the Bank to pay the difference, if any, between the interest paid by it on its obligations and the interest received by it on its loans; and

(c) to pay the administrative and operating expenses of the Bank in carrying out its functions under this Act.

S. 4469—INTRODUCTION OF NATIONAL INDIAN CULTURAL AND CEREMONIAL SHRINE ACT OF 1970

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Indian Cultural and Ceremonial Shrine Act of 1970.

The purpose of this measure is to establish a national policy for preserving and protecting areas which are of unique cultural and ceremonial significance to American Indian communities. At present, there is no declared congressional policy and no system of policy implementation which allows Indian people to maintain their traditional heritage and traditional practices on federally owned lands which have special cultural or ceremonial significance.

In past, the practice has been to deal with the desires of particular Indian communities on a case-by-case basis. In some cases administrative action has provided temporary solutions. In others, congressional action has been required. In far too many cases, however, the legitimate desires and expectations of Indian communities to use Federal lands for traditional cultural and ceremonial uses have simply been ignored or have been frustrated by management practices which are incompatible with the uses the Indian community has customarily made of the land.

The measure I introduce today would rectify this haphazard case-by-case approach. It would establish a uniform procedure whereby all recognized Indian tribes would have an opportunity to petition the Secretary of the Interior and request him to recommend to the Congress the establishment of a National Indian Shrine for their use and benefit. The procedure is fair and just to all concerned parties and insures that their views will be considered and that their interests will be protected.

Members of the Senate are aware that special legislation dealing with the claims of the Pueblo de Taos Indians of New Mexico to lands within the Carson National Forest, which they consider to be sacred lands, will be before the Senate in the near future. The claims of the Pueblo de Taos Indians to this large area of national forest lands presents many important questions of national policy as well as fundamental questions of justice and equity concerning the future use and administration of the lands claimed to be sacred and of great religious significance to the Pueblo de Taos Tribe. The Senate Interior Committee has carefully reviewed all aspects of the Pueblo de Taos claims and has reported H.R. 417 with an amendment in the nature of a substitute. The amendment, in my view, provides a fair and just resolution of this longstanding controversy. In most respects it follows the House bill and in some areas goes beyond the provisions of the House bill in providing for continued protection and exclusive tribal use and management of the lands in question. I am hopeful that the Senate will act favorably on this measure.

It should, however, be recognized that H.R. 417 as reported by the Interior Committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a longstanding conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 417 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy which would allow the fulfillment of the legitimate aspirations of particular Indian communities and, at the same time, protect the rights of the public in the administration and management of the country's national parks, forests, monuments, and public lands.

The measure I introduce today constitutes a first effort to define the parameters of a national policy for Federal recognition and continued protection of publicly owned lands which are of unique cultural and ceremonial significance to recognize Indian tribes. The legislation as presently drafted represents my preliminary judgment as to the types of a national program and policy which is needed. I look forward to and welcome any suggestions which representatives of concerned organizations may have for improving the measure.

The problem presented is difficult and complex. Finding a sound and reasonable solution will require a careful balancing of a great many conflicting desires and interests in the uses to be made of federally owned lands. The issues which are of concern include, but are not limited to—

The legitimate desire of Indian communities to be legally safe and secure and free from interference in the use of Federal lands which are of unique historical, cultural, and ceremonial significance to their members.

The protection of the rights of other members of the public who may have legal interests in the same lands claimed by an Indian community;

Avoiding any Federal action which abridges in any manner the Constitution's first amendment ban which provides that "Congress shall make no law respecting an establishment of religion";

The public interest in maintaining the high management principles established for national parks, forests, monuments, and recreation areas, and insuring that these areas remain open and accessible to all Americans;

The need for conservation management programs which will continue to insure that all Federal lands are free from the ravages of fires, erosion, and pollution; and

The necessity of avoiding the establishment of a policy, a system or a precedent which could result in great portions of the Nation's national parks and recreation areas being closed to the general public or being commercially developed at some future date.

Developing a national policy which deals with these issues and appropriately recognizes and allows for the continuation of the great contributions Indian culture has made to American society will not be an easy task. It does, however, represent an important challenge and one which must be met. Hearings on this measure early in the 92d Congress will be a first step toward defining the scope of the challenge and developing legislation to meet the challenge.

Mr. President, I ask unanimous consent that the text of the "National Indian Cultural and Ceremonial Shrine Act" be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4469) to authorize the establishment of a system of National Indian Cultural and Ceremonial Shrines on federally owned lands which are used by, and which are of unique cultural and ceremonial significance to recognized American Indian tribes, introduced by Mr. JACKSON (for himself and Mr. STEVENS), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Indian Cultural and Ceremonial Shrine Act of 1970".

CONGRESSIONAL FINDING

SEC. 2. Congress hereby finds that increased pressures on areas of cultural and ceremonial significance to the American Indian people threaten the continuation of traditional practices and the transmission of traditional Indian heritage to succeeding generations; that fulfillment of the social and human potential of the American Indian people requires the protection and preservation of land areas and natural objects of cultural and ceremonial significance; and that the establishment of a national system which will preserve and protect Federal lands which are used by and which are of great cultural and ceremonial significance to recognized American Indian Tribes will assist Indian people to preserve their traditional culture while at the same time developing their maximum potential as individuals.

DECLARATION OF POLICY

SEC. 3. There is hereby established a "National System of Indian Cultural and Ceremonial Shrines," all units of which shall be designated, preserved and managed in accordance with the provisions of this Act. National Indian Cultural and Ceremonial Shrines shall be designated by Congress as "Indian Shrine Areas" and shall be preserved and administered for the use of recognized Indian Tribes in such manner as will afford full protection for the natural condition of the designated lands and afford the members of the Tribe an opportunity to maintain their traditional practices and their cultural and ceremonial heritage.

PETITION BY A RECOGNIZED INDIAN TRIBE

SEC. 4. (a) Upon the petition of a recognized Indian Tribe in accordance with section 4(b) of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is directed to undertake a study pursuant to the procedures set forth in section 5 to determine the facts and to make recommendations to the Congress on the establishment of a National Indian Cultural and Ceremonial Shrine.

(b) Any recognized Indian Tribe may, by a majority vote of its members, request the Secretary to undertake a study of Federal lands used by the Tribe which are of unique cultural and ceremonial significance to the members of the Tribe. The request shall be in the form of a petition and shall set forth:

(1) the place, time and results of the vote by the members of the Tribe to request the study;

(2) a description and documentation of the unique cultural and ceremonial significance, including origin, duration and usage, of the area and natural objects on the Federal lands in question;

(3) a description of the lands proposed for designation as a unit in the System of National Indian Cultural and Ceremonial Shrines which in all cases shall be confined to the area compatible with proper care and management of the land and natural objects to be protected;

(4) a suggested management plan for the proposed Indian Shrine Area which will insure continued protection of the traditional values of the lands with a minimum disruption of the uses and purposes for which the lands are now managed;

(5) such other facts as the Tribe believes to be relevant.

STUDY AND RECOMMENDATION

SEC. 5. (a)(1) Upon receipt of a petition which is in accord with section 4(b) the Secretary shall undertake a study of the lands described in the petition and their use and significance to the members of the petitioning tribe. Upon the request of other concerned parties having an interest in the use and management of the lands in question the Secretary shall hold a public hearing at or near the area involved and shall receive the views of all interested parties.

(2) At least thirty days before the date of any hearing and prior to the transmittal of his study and recommendations the Secretary shall advise the Governor of the State and the governing board of each county in which the lands are located, and Federal departments and agencies concerned, of the pending petition and invite these parties to submit their views on the proposed action to the Secretary. Views submitted pursuant to this subsection shall be included with any recommendation to the President and to the Congress with respect to the establishment of an Indian Shrine Area.

(b) During the period of the study and pending Congressional action on his recommendations the Secretary is hereby authorized, at his discretion, to segregate the lands described in the petition or any portion of these lands he feels is appropriate, from lease, entry or location under the public land laws. Such lands so segregated shall in all cases be confined to the area compatible with the proper care an management of the natural objects to be protected.

(c) Following the study the Secretary shall review the evidence and shall make a recommendation to the Congress within one year after receipt of the petition as to whether the establishment of a National Indian Cultural and Ceremonial Shrine is feasible and justified. In making this recommendation the Secretary shall consider the following factors:

(1) the present management status of the land;

(2) the long range management and use plans of the agency having jurisdiction over the lands and of other affected agencies;

(3) the use made of the lands by the members of the tribe, members of other tribes and members of the general public;

(4) the impact which creation of a National Shrine would have on recreation, conservation, and the historic uses for which the lands have been managed; and

(5) the desirability of vesting management authority for all or a part of the proposed Indian Shrine area in the members of the Tribe.

(d) If the Secretary recommends the establishment of a National Indian Cultural and Ceremonial Shrine he shall transmit a report to the Congress on the lands in question together with proposed legislation to implement his recommendations. The report and proposed legislation shall include:

(1) authentication of the cultural and ceremonial significance of the area and natural objects to be preserved to the petitioning tribe;

(2) a land use management plan which will enable members of the tribe to pursue their traditional uses of the land;

(3) all appropriate and necessary provisions to insure proper conservation and environmental management of the proposed National Shrine lands, including, but not limited to, fire protection, watershed control, pollution, erosion and disease control; and

(4) provisions to insure that the rights of persons having valid existing rights, leases or permits in the lands in question are protected.

MANAGEMENT

SEC. 6. If the Secretary recommends the establishment of a National Shrine on lands under the management of another Federal Department or agency he shall include the views of that Department or agency in the report. The proposed legislation shall include detailed provisions for future management of the lands involved and, unless Congress provides otherwise, such lands shall continue to be managed by the agency or Department having jurisdiction over the lands in question. The agency or Department having jurisdiction shall report to the Congress if such usage or significance of the lands ever ceases and shall recommend termination of the Shrine and appropriate disposition of the lands.

MAPS AND CHANGES IN STATUS

SEC. 7. The Secretary shall, upon designation of an Indian Shrine area by the Congress, file a map and legal description of the area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives and with other appropriate Federal and State agencies. Correction of clerical and typographical errors in these legal descriptions and maps may be made by the Secretary after giving notice to the Committees and other concerned parties. Any modification or adjustment of boundaries, and any change in management of any Indian Shrine area and any termination of Shrine status of any portion of an Indian Shrine area shall be made only in accordance with the procedure followed in the original designation of a Shrine area as provided in this Act.

RIGHTS OF THIRD PARTIES

SEC. 8. (a) Lands designated as an Indian Shrine Area shall not be used for any commercial purpose which would result in an appreciable disturbance or alteration of the natural condition of the land: *Provided, however,* That this provision shall in no way diminish the rights of persons having valid existing rights upon the date of such designation.

(b) Lessees or permittees of an area designated under this Act shall be given the op-

portunity to renew their leases or permits under rules and regulations of the department or agency administering the area to the same extent and in the same manner that these leases or permits could have been renewed had the designation of the Indian Shrine area not occurred: *Provided*, That the Indian tribe involved shall have the right to obtain the relinquishment of any or all of these leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable.

DEFINITION

SEC. 9. As used in this Act, "recognized Indian Tribes" and "recognized American Indian Tribe" means an Indian tribal organization to the members of which the Federal Government provides special programs and services because of their identity as American Indians. No group shall constitute a "recognized Indian Tribe" unless the tribe is organized and governed by a democratically elected tribal organization, as determined by the Secretary.

S. 4470—PROPOSED AMENDMENT OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado, (Mr. ALLOTT) and myself, I introduce for appropriate reference proposed legislation submitted by the Attorney General of the United States to amend the Revised Organic Act of the Virgin Islands to delete certain language in section 27 of the act relating to the appointment of assistant U.S. attorney for the Virgin Islands.

I ask unanimous consent that the letter to the Vice President from Attorney General Mitchell, dated October 5, 1970, be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4470) to amend the Revised Organic Act of the Virgin Islands, introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., October 5, 1970.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal "To amend the Revised Organic Act of the Virgin Islands."

Section 27 of the Revised Organic Act of the Virgin Islands, as amended, (73 Stat 569; 48 U.S.C. 1617) provides that chapter 35 (formerly chapter 31) of Title 28, United States Code, which deals with the office of the United States Attorney, shall apply to the Virgin Islands. The only exception to this application is the phrase in section 27 that the "Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands."

The enclosed legislative proposal would remove this exception, and hence 28 U.S.C. 542, as a part of chapter 35, would apply in the Virgin Islands. Section 542 provides that the "Attorney General may appoint one or more assistant United States attorneys in any district when the public interest so requires."

Enactment of this proposal would give the Attorney General the same discretion in this matter within the Virgin Islands as he presently has in the districts of the United States.

The following table indicates that the case flow of the Virgin Islands, with one assistant, is near the average for the five United States districts having two assistants.

Total filings:	
Virgin Islands	141
Districts with two assistant U.S. attorneys	152
Total Terminations:	
Virgin Islands	101
Districts with two assistant U.S. attorneys	119
Pending:	
Virgin Islands	219
Districts with two assistant U.S. attorneys	142

Furthermore, Public Law 91-292, the Omnibus Judgeship Act, established an additional judgeship within the Virgin Islands. This addition, with its attendant increase in the court's workload capacity, would seem likely to impose even greater demands upon the office of the United States attorney.

It is apparent from these statistics that the restriction on appointment of assistant United States attorneys should be eliminated so the Attorney General may appoint additional attorneys if he determines the public interest so requires.

The Department of Justice recommends the prompt enactment of this measure.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

———— ————,
Attorney General.

S. 4472—INTRODUCTION OF THE NEIGHBORHOOD SCHOOL ACT OF 1970

Mr. GURNEY. Mr. President, I am introducing a bill today entitled "Neighborhood School Act of 1970." It is legislation designed to preserve our traditional neighborhood schools.

It is also a formula, I believe, for solving the crisis that exists today in our school system.

Public education is in turmoil. Our students and our teachers are caught in the crossfire between total integration on the one hand, and total destruction of the neighborhood schools on the other.

Somewhere between these two concepts there must be a sane, sensible answer for providing quality education for blacks and whites and a sensible way to get on with desegregation as well.

I believe my bill will provide the means for restoring sound judgment to the issue and eliminate some of the emotionalism which is surrounding public education.

We are a nation which has been to war many times and sacrificed the lives of our fighting men to preserve our concept of democracy.

And yet today we sit quietly with our hands folded in our laps as the Department of Health, Education, and Welfare decrees our children do not have the right to attend their neighborhood school.

It is our duty to assure the American public that the education and welfare of their children will not be forsaken for the benefit of achieving some arbitrary numerical balance of minorities and majorities in the classroom.

In recent years, we have seen many judicial decisions and decrees, plans, proposals, and guidelines handed down by experts in the field of educational planning.

However honorable the intention of these policymaking plans may have been, the only positive result has been more confusion, strife, and turmoil.

Racial tensions have not been eased. In fact, almost without exception, for worse. Education for both blacks and whites has had to take a back seat to the subject of "planned brotherhood."

In these years we have also witnessed a growing dislike and distrust between parent and Government.

It troubles me that parents are being denied rights in this country, rights which we are fighting to attain for other countries.

The voice of the taxpaying public has been drowned by the decrees of HEW.

The right to set school policy has been snatched from the hands of the local school board and awarded to the bureaucratic self-styled expert whose guidelines are dictated by statistical charts.

The rules of the game also keep changing. Often what is permissible in some sections of the country is not allowed in others. The umpires in this instance, keep moving the bases and the strike zone.

It is no wonder so many people are concerned about the quality of education. This issue has been lost along the wayside.

It is time we set forth a sound policy to guide us.

My proposal will allow a student to remain in his neighborhood school unless he wants to transfer.

This provides a right of choice to the student. It would mean no student would be denied admission to a school for the purpose of integrating with students of a different race. And it would insure a student would not be assigned to a school in another neighborhood simply because his race was in the minority there.

He would not be bused across city and country to another school to be put on display like an exhibit.

The result would be a concentration on quality education, not quality transportation. This legislation will stop HEW playing with our children like pawns in a chess game.

I am stressing the preservation of the neighborhood school in the bill because I feel that destruction of the local school as we know it will eventually lead to destruction of public education.

Our schools, like our Nation, were not built with tax dollars alone. They were built by the sweat of the brow and a bend of the back. How many donation drives, barbecues, cake sales, benefit programs, and numerous fund-raising projects of the PTA are responsible for the purchase of equipment and supplies, the construction of classrooms, gyms, stadiums, and band halls?

The contributions of concerned parents, teachers, and interested citizens cannot be measured.

Neither can this contribution be replaced by Federal dollars. We cannot afford to lose the concerned parent or teacher—in this rush for surface satisfaction of providing moral leadership through association in the classroom between races.

Busing children is not the answer. Cutting the ties of parents and students with neighborhood schools is doing great harm to the whole school system.

I agree with the former Commissioner of Education, James E. Allen, Jr., that the best schools are those where parents and other local people can have and do take a real interest in what is being taught and how it is taught.

This bill will set forth the right of the student to select the school if he wants to go where his race is a minority. But it will not force the student to go to a school miles away in a neighborhood where he has no friends or ties for the purpose of satisfying a numbers game devised by a social revolutionary, bubble-headed bureaucrat.

Additionally, teachers are handicapped by the present assignment system. In some sections of the country well-trained, qualified teachers are unable to teach because the color of their skin does not match the scheme selected by HEW.

It is time we addressed ourselves to the seriousness of the times. Student disturbances in the grammar school, junior high, and high schools have taken on the modified character of college campus unrest, and these disturbances are growing daily.

A growing percentage of the Nation's schools are experiencing trouble in the classroom.

In a story printed October 4, in the New York Times on a report prepared for the Office of Education, it was noted 85 percent of 700 schools surveyed had some type of disruption during the last 3 years.

Disruption, as they called it, included arson, student-teacher physical confrontations, and rioting.

It is obvious we cannot legislate brotherhood. We can, however, assure students they will have equal opportunities for equal education.

This bill protects students from being bused.

This bill provides the right for any student in public school to transfer from a school to which he has been assigned where his race is in the majority to another school where his race is a minority.

My plan is to leave pupil assignment to the school districts and to the freedom of the individual but guarantee civil recourse for those individuals or groups who have been denied the best this country can afford in education.

The administration has asked the Supreme Court to rule that communities might base their desegregation plans on the premise of the neighborhood schools. The Fourth and Fifth Circuit Court of Appeals have ruled on cases in Charlotte, N.C., and Mobile, Ala., that massive busing is not required to achieve racial balance, and that only "reasonable measures can be required in efforts to integrate the schools."

Gentlemen, this bill will be a measure for and not against good education. This bill requires all public schools to comply with a unitary school system.

If we are to have harmony, we must strike cords of consent. We cannot decree love but we can avoid creating chaos.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 4472) to preserve the concept of the neighborhood school in American public elementary and secondary education, introduced by Mr. GURNEY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4473—INTRODUCTION OF A BILL RELATING TO CONVEYANCE OF CERTAIN REAL PROPERTY IN THE STATE OF ARIZONA

Mr. FANNIN. Mr. President, for a number of years, a nonprofit corporation organized by Arizona Lions International has held a special use permit from the Sitgreaves National Forest for 23 acres upon which has been erected buildings and camping facilities for handicapped persons and over a period of 10 years, in our opinion, has carried out its purpose magnificently.

Camp Tatiyee desires to have this property deeded to it and it is recognized that such conveyance could be made if it were in a position to trade like acreage. However, this group has no means of acquiring other property for the purpose of trading, being barely able to meet its operating budget.

In view of this, Mr. President, I am introducing today a bill to make this land available for the Arizona Lions International to continue to carry out their good work with handicapped persons.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred.

The bill (S. 4473) to provide for the conveyance of certain real property situated in the State of Arizona, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1812

At the request of the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. YARBOROUGH) was added as a cosponsor of S. 1812, to amend title XVIII of the Social Security Act so as to include chiropractic services among the benefits provided under subpart (B) of this title.

S. 3632

At the request of the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3632, to amend the Internal Revenue Code of 1954 to limit the number of personal exemptions allowable for children of a taxpayer who are born after 1972.

S. 4307

At the request of the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. GURNEY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 4307, to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board.

S. 4359

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 4359, to amend chapter 84 of title 18 of the United States Code, relating to the injuring or killing of police officers because of their official character, and for other purposes.

S. 4459

At the request of the Senator from Illinois (Mr. PERCY), his name was added as a cosponsor of S. 4459, the Consumer Protection Organization Act of 1970.

SENATE JOINT RESOLUTION 192

At the request of the Senator from Michigan (Mr. GRIFFIN), on behalf of the Senator from Pennsylvania (Mr. SCOTT), the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 192, proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

SENATE JOINT RESOLUTION 225

Mr. DOLE. Mr. President, I ask unanimous consent that a statement by the Senator from Illinois (Mr. SMITH) be printed in the RECORD.

There being no objection, Senator SMITH's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SMITH OF ILLINOIS

Mr. SMITH of Illinois. Mr. President, when I introduced S.J. Res. 225, Law Officers Appreciation Week, the distinguished Senator from Wyoming, Mr. Hansen, requested that he be included as a co-sponsor. Through an oversight in my office the Senator's name was inadvertently omitted from the list of Senators who co-sponsored S.J. Res. 225.

I welcomed Senator Hansen's co-sponsorship of my resolution. I know that having served as Governor of his State he is fully aware of the fine work done by law enforcement officers on all levels of government.

Mr. President, I ask unanimous consent that the permanent Record show that except for an error in my office Senator Hansen would have been included as a co-sponsor of S.J. Res. 225.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 240

At the request of the Senator from Arizona (Mr. FANNIN), the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of Senate Joint Resolution 240, a proposed amendment to the U.S. Constitution, requiring a balanced budget.

SENATE RESOLUTION 476—ORIGINAL RESOLUTION REPORTED AND REFERRED TO COMMITTEE ON RULES AND ADMINISTRATION

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 476); which was referred to the Committee on Rules and Administration:

S. RES. 476

Resolved, That the Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate $50,000 in addition to the amount, and for the same purposes and during the same period, specified in S. Res. 312, Ninety-first Congress, agreed to February 9, 1970, authorizing an investigation of various matters within its jurisdiction.

SENATE RESOLUTION 477—ORIGINAL RESOLUTION SUBMITTED AND AGREED TO

Mr. McCLELLAN (for himself, Mr. MANSFIELD, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BIBLE, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HOLLAND, Mr. HOLLINGS, Mr. HRUSKA, Mr. JACKSON, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. LONG, Mr. MAGNUSON, Mr. McINTYRE, Mr. METCALF, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. RANDOLPH, Mr. RUSSELL, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. STENNIS, Mr. STEVENS, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, and Mr. YOUNG of North Dakota) submitted a resolution (S. Res. 477) declaring that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography, which was considered and agreed to.

(The remarks of Mr. McCLELLAN when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 478—ORIGINAL RESOLUTION REPORTED, CONSIDERED AND AGREED TO

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 478) authorizing the chief counsel of the Senate Internal Security Subcommittee of the Committee on the Judiciary to respond to a notice of deposition in the case of *United States Servicemen's Fund, et al.* v. *James O. Eastland, et al.*, civil action No. 1474–70, which was considered and agreed to.

(The remarks of Mr. EASTLAND when he reported the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 475

Mr. CURTIS. Mr. President, on yesterday I offered Senate Resolution 475 which was immediately considered. That resolution passed the Senate.

The resolution dealt with having an appropriate service in behalf of the prisoners of war and men missing in action between halves during the Army-Navy football game this year.

A number of Senators have expressed an interest in sponsoring the resolution and have asked to be cosponsors. The information did not get to me prior to the time I made the presentation on the floor.

Mr. President, I therefore ask unanimous consent that, at the next printing, the names of Senators FANNIN, FONG, JAVITS, PELL, SPONG, and HOLLINGS be listed as cosponsors of Senate Resolution 475.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Concurrent Resolution 80, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

AMENDMENT NO. 1051

Mr. ERVIN submitted an amendment, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1052

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 1053 THROUGH 1060

Mr. DOMINICK submitted eight amendments, intended to be proposed by him, to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 1061

Mr. JAVITS submitted an amendment, intended to be proposed by him, to Senate bill 2193, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 858, H.R. 18515

At the request of the Senator from New York (Mr. JAVITS), the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of amendment No. 858 to H.R. 18515, the HEW-Labor appropriations bill, to provide greater appropriations for the poverty program.

ADDITIONAL STATEMENTS OF SENATORS

SOVIET ACTIVITIES OFF U.S. ATLANTIC COAST

Mr. THURMOND. Mr. President, Secretary of Defense Melvin Laird appeared on the program "Issues and Answers" on Sunday and discussed the dangers posed by a Soviet submarine base capacity in Cuba. As quoted in yesterday's newspaper, he said that Soviet submarines off U.S. shores would pose a threat whether or not they used the Cienfuegos base, but that the size of the threat would be increased if they could be serviced in the Western Hemisphere, instead of having to spend a large part of their time traveling from home.

Mr. President, I congratulate Mr. Laird for his frankness in telling the American people of this danger. I realize that in his official position, he must be very cautious in his statements. But I think that these statements must be studied against he full context of the situation.

Mr. Joseph Alsop, in his column of October 7, brought out a key point in this matter. He pointed out that the real advantage of a Soviet base in Cuba would be a facility for the repair and adjustment of the ballistic missiles which the Soviet "Yankee" class submarines carry.

However, we must also be aware that a constant Soviet nuclear presence off our coastal waters will require an enormous investment of time and effort to keep continuous track of all Soviet moves. As the number of Soviet "Y" class submarines increases, we will have to put more and more of our equipment on their trails, tying down the Navy to an unprecedented degree. The Soviets are outbuilding us in ship and submarine construction. Their navy is practically brand new. Our ships are old and, as is openly acknowledged, face maintenance problems. In a crisis situation, this could be disastrous.

Thus we must see in this missile base not only a facility to aid the fleet plans of the Soviet submarines, but also, as Mr. Alsop points out, a facility for the repair and adjustment of the delicate guidance systems of the Soviet "Yankee" submarine missiles.

The implication of this move, therefore, bring out a whole new strategy which is based on a capacity in the foreseeable future to take offensive actions against the United States. I believe that Mr. Alsop is correct when he equates the submarine base as provocative as the installation of missiles in Cuba in 1962, and I am sorry to see these actions going forward at a time when Congress is about to take an adjournment.

We must look upon this step not only as a specific, provocative thrust against the United States, but as providing the Soviets with an additional option for offensive strategy, alone or in combination with other options, whenever the Soviets might choose to take such action. What we see, in many parts of the world, is the Soviets are developing multiple capacities to attack the United States, a situation which could be dangerous whenever they feel that they have achieved a dominant or commanding position in international affairs. With the achievement of superiority in ICBM's, the development of space weapons, the rapid buildup toward superiority on the seas, and the elaborate and sophisticated support given to nationalist movements and even to subversive elements within the United States, the Soviets are obviously building a grand design in which they will call upon many capacities to attempt to force us to do their will.

For some time, now, the Soviets have been conducting an elaborate program of espionage against our military and space installations all long the Atlantic coast. If we want to understand the dimensions of the Soviet purpose, we can get some idea from the extent of the Soviet program of monitoring carried on against all of our military activities on the eastern seaboard.

The Soviets are very arrogant about their espionage program, and make no secret about their movements. As Senators are undoubtedly aware, the Port of Charleston is one of the bases for our Polaris nuclear submarines. Soviet spy ships have been repeatedly sighted near the harbor waters at Charleston, sometimes anchoring right by the harbor buoy at the entrance to the port, to record the "sonic signatures" of the Polaris submarines and other naval vessels entering and leaving Charleston harbor.

A notorious case concerns the activities of the Soviet trawler *Laptev*, in its attempts last July and August to monitor the test firings of the Poseidon missile from the U.S.S. *James Madison*, which is based out of Charleston. The harassment by the *Laptev* actually caused the postponement of the Poseidon test launch. I have investigated the *Laptev* case very thoroughly, and I want to share with Senators the details of the incident, in order to impress upon them the provocative behavior of the Soviets, which is of the utmost importance in assessing the reports relating to the construction of the Soviet nuclear submarine base in Cuba.

The *Laptev* is a Soviet intelligence collection ship—AGI—and only nominally a trawler. Designated as the *Khariton Laptev*, this Soviet intelligence vessel is listed by Jane's as an oceanographic survey ship of the *Nikolai Zubov* class.

The *Laptev* arrived in the Cape Kennedy area on July 24, 1970, and remained until after the initial, successful launch of the Poseidon, on August 3, 1970. Before its arrival in the Cape Kennedy area, *Laptev* had been operating off the east coast of the United States since early June. In the course of routine operations, U.S. naval ships and aircraft sighted this Soviet AGI on numerous occasions during that time, in the area of the Virginia Capes and off Charleston. From July 24 until after the successful launch on August 3, this Soviet AGI loitered in the launch area, observing the preparations under way for the launch exercise.

Several times during this period, the *Laptev* maneuvered in close proximity to the U.S.S. *James Madison*. On July 24, for example, the Soviet AGI passed down the port side of the surfaced submarine, at one point only about 240 yards away; on July 25, the AGI closed in on an almost parallel course less than 400 yards away; and, on July 27, the *Laptev* changed course to cross the U.S.S. *James Madison's* bow, causing the U.S. submarine to take extreme action to avoid the Soviet intelligence ship. During the same day, when the U.S. submarine was submerged, the *Laptev* operated in the near vicinity.

On August 3, shortly after the launch of the missile by U.S.S. *James Madison*, the Soviet AGI intruded into the immediate launch area in an attempt to retrieve materials connected with the launch which were then floating in the sea. In so doing, the *Laptev* maneuvered in a manner to bring about a dangerous situation, in hazard to U.S. ships present and interfering with their operations.

Specifically, the Soviet intelligence ship moved toward the launch point, overtaking the U.S.S. *Calcaterra*, and steering a course to pass ahead of this ship at a distance and in a manner which presented the risk of collision. The *Laptev* then crossed ahead of U.S.S. *Observation Island* which was obliged to sound the danger signal prescribed by international code of signals. When the Soviet AGI disregarded this signal, U.S.S. *Observation Island* was compelled to back at full speed in order to avoid a collision. The decision to back was based upon the relative position and proximity of the *Calcaterra*, as well as the unknown intentions of the *Laptev* approaching the launch point.

Laptev then slowed and unsuccessfully attempted to pick up pieces of the plastic missile tube cover. Boats launched from U.S.S. *Observation Island* recovered all the cover pieces. *Laptev* then circled astern of U.S.S. *Observation Island;* later the Soviet AGI passed close on the port side—about 200 feet—and departed the area in an easterly direction. No Soviet intelligence collection ship was in the area when the U.S.S. *James Madison* made a second successful launch of a Poseidon missile on August 17, 1970.

The Soviet Union has deployed intelligence collection ships in electronic surveillance operations against U.S. naval and land targets, however, since the mid-1950's. Soviet AGI's have operated along the east coast of the United States for at least the past 10 years. A normal patrol for a Soviet intelligence collector in this region lasts about 2 months. The main areas of Soviet interest have been the Virginia Capes, amphibious training areas off the North Carolina littoral, naval operating areas off Charleston, and Cape Kennedy. Such patrols also cover the Puerto Rico naval operating areas and U.S. space vehicle recovery areas.

The Soviet vessels which make these patrols are sometimes referred to as "trawlers" or "oceanographic survey ships," because the hulls used in the construction of Soviet AGI's are comparable to those types. However, Soviet AGI's are distinct from the fairly large Soviet fishing fleets and are specifically configured and equipped for their role in gathering intelligence information.

During the past year, Soviet AGI's operated off the east coast of the United States in normal patrols, as follows:

1 Jul 69–3 Sep 69 *Repeter.*
12 Aug 69–1 Nov 69 *Teodolit.*
28 Oct 69–3 Jan 70 *Krenometr.*
20 Jan 70–2 Apr 70 *Lotlin.*
31 Mar 70–13 Jun 70 *Teodolit.*
2 Jun 70–Present *Laptev* (now south of Cape Cod).

I understand that the State Department has protested the activities of the *Laptev*, yet the Soviets do not indicate that they are bothered in the least.

Mr. President, whether we like it or not, the Soviets are moving into confrontation with us in all parts of the globe and even right on our doorstep. We can negotiate with them for peace, but we must realize that the Soviets employ confrontation as part of the negotiations. We must not blind ourselves with idealistic illusions about the Soviet's intentions. We must recognize that the Soviets are testing our will, and that we must demonstrate the will to survive if we are to survive.

I believe that we must now take bold steps to challenge openly the construction of the Soviet submarine base. If the Soviets can taunt us by adopting a collision course in our coastal waters, we can at least announce that we are stationing observation ships at the limit of international waters off Cuba. We must make it clear to the world that we are observing this development closely.

Moreover, when the President is satisfied that the construction of the Soviet base is continuing, we must take steps to stop its construction. We must prevent the delivery of the components to the site. We must make it clear to the world that we cannot accept a nuclear confrontation.

If we do not stop the Soviets in the act of building this first base, they will be tempted to create a system of naval support points for a very dangerous military-political confrontation. The point is not whether the Soviets have the intention for immediate use of the system, but the very fact that they have it gives them a dangerous capacity to threaten us, and to obtain political leverage over us. If we

allow the Soviets to get such a lever over us, we will be open to permanent political blackmail.

Now we have a serious situation developing right on our own doorstep. If this submarine base is completed, the Soviets will be in a far better position to threaten us, with our lives and our property. We must act now. Words are not enough. I say that if the Soviets see by our actions that we are serious in this matter, they will back down immediately. They cannot afford to risk a confrontation, for they are not yet ready. Yet, little by little they are getting ready. They are taking steps. The submarine base is one such step. The Soviets must learn that we cannot allow such activity.

Mr. President, I ask unanimous consent that the column entitled "That Soviet Base in Cuba," written by Joseph Alsop, and published in the Washington Post, October 7, 1970, be printed in the RECORD at the conclusion of my remarks.

Mr. President, another columnist, the outstanding military analyst, Col. R. D. Heinl, Jr., has also written a penetrating analysis of the Soviet submarine base in Human Events, October 10, 1970, in an article entitled "Will U.S. Minimize Soviet Sub Base Threat?" I ask unanimous consent that Colonel Heinl's column also be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THAT SOVIET BASE IN CUBA

When members of the Senate Foreign Relations Committee were briefed on the new Soviet submarine base now being built in Cuba, Senator Frank Church of Idaho produced a splendid example of his amiable idiocy about such matters. How could we be sure, he asked, that this was really going to be a *Soviet* base?

Well, there is a simple answer that even Senator Church may perhaps comprehend. Because of the past influence of the horrible American imperialists, Cubans to this day are mainly baseball players, whereas Russians are passionate soccer players. And the sports facilities with which the new base at Cienfuegos is being provided, very conspicuously center on a fine soccer field.

There are, of course, other, less simplistic reasons why the U.S. government is quite certain that the new submarine base is intended exclusively for Soviet use. Above all, it is being built to handle the largest and most advanced Soviet nuclear submarines, of the "Yankee" class, carrying 16 nuclear missiles apiece.

The real question, in fact, is not whether the base is strictly for Soviet use. The real reason is why the Soviet war planners want such a base, when they have always before handled their distant submarines as we do, by ships specially built as submarine-tenders.

The only possible answer is extremely disagreeable. In brief, there are certain kinds of repair and maintenance—particularly on the submarines' vital nuclear missiles—that are extremely difficult to carry out at sea, at least in large volume and continuously.

Hence a base like Cienfuegos is needed, when really large numbers of nuclear submarines are to be continuously at sea and far from home. That is the true explanation of the base. And the explanation means, in turn, that the Soviets are now planning continuous deployment of very large numbers of "Yankee" class and other nuclear submarines in the Caribbean and along the American coast.

They will have plenty of them to deploy, God knows! Norman Polmar, one of the authoritative editors of "Jane's Fighting Ships," forecasts that the Soviet nuclear submarine fleet will be as large as our own by the end of this year. He further forecasts that the Soviets will have 50 more nuclear submarines than we do by the year 1974.

In the circumstances, the construction of the Cienfuegos base is an even more ominous development that the attempted deployment of Soviet nuclear missiles on Cuban bases in 1962. It reveals an undoubted Soviet intention to gain a solid capability to knock out the entire land-based bomber component of the U.S. deterrent, plus the controls of the "Safeguard" ABM system.

The most horrifying single aspect of the story of the Cinfuegos base is the response the bad news has met within this country. Consider a simple comparison.

In 1962, the U.S. Senate was in flames over mere rumors of Soviet missiles in Cuba, long before the presence of those missiles was confirmed by U–2 reconnaissance photographs. Contrast this with Senator Church's amiable idiocy, and the senatorial silence that has engulfed the news from Cienfuegos ever since!

Or think of the Kennedy administration's memorable reaction to the undesired and, indeed, the quite unexpected bad news in 1962. And then think of the Nixon administration's response to this news that is even worse!

It is being said, of course, that the administration let the Soviets know we knew about their intended submarine base, "as a signal." The signal, it is claimed, will stop the further construction of the base, with no more fuss. If you can believe that, however, you can believe anything at all, including the theories of world politics held by men like Senator Church and Sen. J. William Fulbright.

Meanwhile, Secretary of Defense Melvin Laird has now clamped down an iron lid on any further Defense Department discussion of the Cienfuegos base and its ominous meaning. The obvious intent was, and is, to prevent the public from growing alarmed, when we should be deeply alarmed. And this intent is natural, in view of the progressive American disarmament being shockingly carried on in the face of growing danger!

WILL U.S. MINIMIZE SOVIET SUB BASE THREAT?

(By Col. R. D. Heinl, Jr.)

Russian establishment of a nuclear submarine base at Cienfuegos on the south coast of Cuba confronts the United States with the gravest Communist challenge since the Cuban missile crisis of 1962.

In terms of U.S. vital interests—the security of the continental United States, the security and inviolability of the Western Hemisphere, the essentiality of unthreatened lines of communication through the Caribbean—the presence of an unfriendly naval base in Cuba (especially for missile-firing submarines) represents a more frontal, dangerous and brutal Russian provocation than Khrushchev's installation there of medium-range ballistic missiles in 1962.

This naked thrust of Russian seapower and nuclear missile power into what has been an "American lake" comes against the backdrop of two other truculent and conspicuous exercises of Soviet military muscle at American expense during the past two months. Russian deployment in August of SAM–2 and SAM–3 missiles into the Suez cease-fire zone (after having lied to the United States in the bargain) is one.

The other, of course, was the recent unleashing of Syria's 300 Russian T–54 and T–55 tanks into an attack on Jordan, our nearest Arab ally.

In its direct implications for the security of the United States, neither of the foregoing (nor Russia's brutalization of Czechoslovakia, for that matter) approaches the Cienfuegos submarine base by several orders of magnitude.

The Russians only three months ago opened a new "Yankee"-class missile-submarine station in our backyard off Greenland. ("Yankee" is the designation for Russia's Polaris-type nuclear submarine, which they are building at a rate of one a month. We have not built a Polaris submarine since 1966.)

When their Cuban base is completed and operational, the Soviets will have still another "Yankee" missile submarine station, this in our Caribbean underbelly, able not only to reach targets throughout our South, Southwest and Midwest, but also the Panama Canal and much of Central and South America.

Incidentally, nuclear missiles fired against the United States from a Caribbean launching area would, of course, outflank our multi-billion-dollar land-locked IBM defenses sitting in Montana and Dakota cornfields, and again raise the question—somewhat more urgently now—as to why we do not immediately put part of our IBM defenses at sea in the Navy's mobile SABMIS system that the Pentagon has been sitting on for several years.

But the threat of Russian subs in Cienfuegos is by no means limited to that posed by Yankee-class missile boats, deadly as they are.

The Caribbean is our principal highway for transportation of South American strategic raw materials to the United States, which is no longer the plenteously endowed mountain of natural resources and raw materials it was even 30 years ago. The Caribbean is also the Atlantic approach to the Panama Canal, and the route that tankers must traverse to move Venezuelan oil to the United States and Europe.

Those old enough to remember World War II will never forget the fiery carnival of blazing tankers and torpedoed merchantmen which a very few German submarines were able to produce in the Caribbean and its Atlantic entrance, the Windward Passage, between Cuba and Hispaniola.

With no Western Hemisphere base (such as the Russians are now building at Cienfuegos), German submarines in 1942 sank 285 American merchant ships in the Windward Passage alone. The submarine threat to our Caribbean communications was so great between 1942 and 1945 that the U.S. Navy had to convoy more ships through the Windward Passage than through any other sea area except the approaches to New York.

Because of the sickness of our domestic society at war with itself, our New Left, peace-at-any-price Senate, our war-weariness, and our neo-isolationism, we may expect that the direness of the Cienfuegos development will be minimized just as our own government, only last month, wishfully minimized and at first even denied the Suez missile cheating and lies by the Russians.

For public consumption, Pentagon spokesmen are saying we "are not sure" what is developing at Ceinfuegos. Others, are saying, "Well, there aren't any Yankee submarines there—yet." Still other apologists are already laying out the fallback line: "How can we blame the Russians for this if we have Polaris submarine bases in Scotland (Holy Loch) and Spain (Rota)?"

One short answer to the last question is that Holy Loch and Rota are a thousand miles from metropolitan Russia while Cienfeugos is 150 miles from the United States.

The pretense that our intelligence and reconnaissance machinery isn't "sure" what is happening at Cienfuegos is misleading rubbish. It can be stated on high authority that the Joint Chiefs of Staff have a disturbingly clear picture of what the Russians are up to and are deeply concerned as to what, if anything, we can do about it.

Once and for all, as we ought to have learned from 1962 if nothing else—the only thing the Russians respect is power.

In the Cuban missile crisis we had, depending on how one reckoned it, anywhere from a 5-to-1 to a 10-to-1 strategic missile superiority over Russia.

Today, due to Robert S. McNamara's hideous misjudgment of the 1960s, the Soviets have more ICBMs than we have. At the time of Cuba, we had a fighting Navy in its prime and Russia had virtually no navy at all. Today, the new and muscular Russian fleet cruises the Gulf of Mexico, thumbing its nose at our over-age, rust-bucket fleet with its ancient guns, no surface-to-surface missiles at all, and World War II diesel-powered submarines such as Russia junked a decade ago.

To expel Russian missiles from Cuba in 1962, President Kennedy had to go to a general mobilization and point every one of our nuclear weapons down Nikita Khrushchev's throat.

In 1970, since it appears we have neither the heart nor the strength to do what Kennedy did, the country may have to reconcile itself to living with Russian submarines and their nuclear missiles targeted at our cities from a base on what we once called an "American lake."

SENATOR RANDOLPH URGES CONGRESS TO PROVIDE PRIORITY TO PASSAGE OF FUELS AND ENERGY COMMISSION BILL—HIGH COAL PRODUCTION IS NEEDED

Mr. RANDOLPH. Mr. President, when Congress returns to work in mid-November, one of its very highest priorities, it seems to me, should be to pass legislation to establish by law a National Commission on Fuels and Energy.

Sixty Senators are cosponsoring S. 4092, which I introduced July 16, 1970, and on which hearings have been held by the Subcommittee on Minerals, Materials and Fuels of the Committee on Interior and Insular Affairs, with an executive session on the measure said to be imminent in the full committee.

The bill would establish a fuels and energy commission, to be composed of officials of the executive branch, chairmen of specified independent agencies, Members of Congress, and experts from the public sector. The purpose of the commission would be "to recommend programs and policies intended to insure that United States requirements for low cost energy will be met, and to reconcile environmental quality requirements with future energy needs."

In the face of threatened fuel shortages and electric power deficiencies, the country's requirements for fuels and energy will not be solved by charges and countercharges. Fallacious charges, for example, allege that oil companies which have acquired coal reserves and coal producing units are mainly responsible for higher coal prices and low supplies of coal at critical power producing points. There are other implications involving oil and natural gas supplies, as well as coal, that need to be investigated and studied carefully and realistically by a competent commission. It should be so constituted that it would be nonpartisan and representative of the executive, legislative, and quasi-judicial—independent agency—segments of the Federal Government, and further balanced with nongovernmental expert members from the public sector. Such a commission would be the best instrumentality to recommend to the President and to the Congress of the United States sound fuels and energy policies for the Nation.

I point out, Mr. President, that two of the oil firms—Continental Oil Co., and Occidental Petroleum Corp.—which have acquired and have been operating large coal-producing businesses in West Virginia have presented written testimony to the Senate Committee on Interior and Insular Affairs favorable to the fuels and energy commission legislation. They have given indisputable evidence that coal production has been increased, not reduced or kept stagnant, since their acquisition of the coal properties they operate in several States, especially in West Virginia, Pennsylvania, Ohio, Kentucky, and Virginia.

Continental Oil acquired the Consolidation Coal Co. in 1966, and Island Creek Coal Co. was merged with Occidental Petroleum in January 1968.

Testimony by C. Howard Hardesty, Jr., senior vice president of Continental, and William Bellano, president of Occidental, to the Senate Interior Committee is forthright and, in the words of Mr. Hardesty, "makes abundantly clear that diverse activities by petroleum companies have actually increased rather 'han decreased competition."

Mr. Hardesty, former General Counsel of Consolidated Coal Co., is knowledgeable on fuels matters. His letter of testimony to the Interior Committee on behalf of Continental Oil and Consolidation Coal Co., makes a clear case for Consolidation Coal's growth since its association with Continental in 1966, especially in the following paragraph:

> In the three years, 1967 through 1969, capital outlays and commitments for new mines and expanded capacity at existing mines totaled $174 million. This compares with $65 million spent by Consol for the same purpose in the th e years prior to the merger. Since 1966, we have built or are building 15 new mines and are forecasting annual coal production of approximately 80 million tons by the end of 1972. In other words, Continental has almost tripled the rate of capital investment in order to double coal production since the merger. If the industry had expanded production at the same rate as Consol between 1966 and 1970, there would be a surplus coal production in 1970 of approximately 150 million tons rather than a threatened shortage.

I call attention to the fact that Mr. Bellano is in an unusually good position to make a judgment on the growth of Island Creek Coal Co. since it merged with Occidental Petroleum. Mr. Bellano was president of Island Creek Coal before its purchase of Occidental and, since March of this year, has been president of the parent company, Occidental. I quote from the Bellano testimony as follows:

> When Island Creek was purchased it had a net worth of approximately $81 million, was producing 26 million tons of coal annually and sold ony 4.7 percent of the market. Our long range programs left Island Creek with relatively limited expansion plans. Once we were purchased by Occidental, our plans changed virtually over night. Indeed, within the first year, our plant investment doubled when Occidental made available $175 million in new building funds, a sum since vastly increased and is due to approximate $500 million in the years ahead.
>
> With that one decision, Occidental moved Island Creek into a stronger competitive position within the coal industry, permitting us to open a number of new mines with resultant increased supplies for all coal users, as well as a new metallurgical source for sales overseas. In the next 5 years, by example, we will open 21 new mines and by 1975 will have tripled production. Our sales to utilities will grow from 3 percent of the market to 9 percent as we produce 35 million tons of steam coal. Overall, we will produce a total of 61 million tons, another instance of almost tripling production, which will raise our share of the market from 4.7 percent to 9 percent.

Frankly, Mr. President, I have been concerned to hear and to read charges mainly from Tennessee Valley Authority and New England areas with warnings that fuel production is increasingly falling into the hands of a small number of companies, and with implications of dire consequences.

I made inquiries concerning coal aspects, especially as they relate to capital investments and production prior to mergers and subsequent to mergers. The facts that were revealed refuted the allegations. I recommended to officials of both Continental Oil Co. and Occidental Petroleum Corp. that they shape their facts in the form of letters of testimony to the chairmen of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), and of the Subcommittee on Minerals, Materials, and Fuels, the Senator from Utah (Mr. Moss). Both firms did submit testimony by letter, even though the hearings on S. 4092 had been closed and the hearing record had been printed.

Mr. President, because of the fact that the Interior Committee hearings were printed prior to receipt by that committee of the testimony by Mr. Hardesty for Continental Oil and Mr. Bellano for Occidental Petroleum, I ask unanimous consent that the letters of both gentlemen to the chairman of the Interior Committee be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONTINENTAL OIL CO.,
New York, N.Y., October 12, 1970.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Continental Oil Company wishes to express its support of S. 4092 which would establish a Commission on Fuels and Energy. The stated purpose of this legislation—"to recommend programs and policies intended to insure that United States' requirements for low cost energy will be met, and to reconcile environmental quality requirements with future energy needs"—establishes a goal of highest priority and importance to this nation.

Such a comprehensive overview and coordinated approach to the many governmental policies relating to fuels is vital if we are to insure the availability of adequate supplies of energy. Public policy must reflect the insatiable energy needs of a dynamic society. Continuity and stability of policies affecting all aspects of adequate energy supplies—taxes, import programs, environmental controls, availability of capital, trans-

portation facilities—are essential ingredients of long-range planning.

In recent weeks, public attention has been focused on a threatened shortage of fuels. There is a belated but growing recognition that wishful thinking will not produce and bring to the consumer adequate supplies of gas, oil and coal.

Attempts to assign reasons for the threatened shortages have in many instances ignored real causes. Uniformed sources have charged that some petroleum companies are responsible because they are engaged in production and marketing of coal and uranium. A careful analysis of the facts makes abundantly clear such diverse activities by petroleum companies has actually increased rather than decreased competition.

Because the acquisition by Continental of Consolidation Coal Company has been specifically mentioned, permit me to detail the growth of this company since its association with Continental in 1966. In the three years, 1967 through 1969, capital outlays and commitments for new mines and expanded capacity at existing mines totaled $174 million. This compares with $65 million spent by Consol for the same purpose in the three years prior to the merger. Since 1966, we have built or are building 15 new mines and are forecasting annual coal production of approximately 80 million tons by the end of 1972. In other words, Continental has almost tripled the rate of capital investment in order to double coal production since the merger.

If the coal industry had expanded production at the same rate as Consol between 1966 and 1970, there would be a surplus coal production in 1970 of approximately 150 million tons rather than a threatened shortage.

Prices of coal have increased for obvious reasons. Society has properly demanded improved mine health and safety, rigid reclamation of surface lands, and amelioration of air and water pollution. This accompanied by higher labor, interest, building and supply costs can only result in higher production costs. As a nation we are now paying the cost for the cheap fuels which we have enjoyed throughout our history.

It is significant to note that 88% of Consol's sales to electric utilities are governed by long-term contracts providing for price rises only in response to higher costs. Escalation clauses require that we must satisfy our customers that higher costs are in fact being incurred.

For those who desire to face facts, there are clear reasons some coal consumers are experiencing coal shortages.

First.—The demand for electricity in the last half of the 1960's was seriously underestimated. The 1964 National Power Survey by the Federal Power Commission, widely used as a planning document, projected an average annual growth in U.S. electricity demand of 6.9% between 1965 and 1970. Instead, electricity demand growth averaged 8.1% per year between 1965 and 1969. This higher level of demand alone necessitated the use of 25 million tons coal equivalent in 1969 above the earlier FPC forecasts.

These estimates adversely affected investments in new coal mines as well as in transportation and other utility fuels. It takes three to four years to bring a coal mine into production, and no amount of wishful thinking can speed up the process.

Second.—Had nuclear generating capacity come on stream as projected and scheduled in 1970, some 19 million tons of coal would not be needed.

Heavy government research into nuclear power preceded the announcement in 1963 of the first purchase by a utility of a nuclear plant without direct government subsidy (which subsidies by 1967 had amounted to $2.3 billion). Throughout the period of 1963–1967 published studies indicated that nuclear plants possessed a cost advantage over fossil-fueled plants and that this advantage would widen in time unless coal were sold at much lower prices. The papers were full of announcements by a number of utility executives that their systems would not build any more coal-fired plants. Nuclear "overkill" was not caused by petroleum and coal companies.

Third.—Railroad coal car shortages cost the U.S. some seven million tons of coal production in 1969. Car shortages have continued to be widespread in 1970.

The railroad industry in its planning was also faced with the same oversell of nuclear energy as well as the abolition of quotas on imported residual oil. Consolidation Coal Company, along with some other producers, has tried to alleviate the problem through private ownership of cars. Through efficient planning and operation, the 774 cars which Consol owns or leases are able to haul as much coal as almost 5,000 coal cars in normal use.

Fourth.—During 1969, as much as 20 million tons of bituminous coal production was lost through wildcat strikes in the industry and only in recent months has this situation improved.

Labor peace and more efficient use of railroad equipment can solve threatened coal shortages.

Fifth.—This nation's need for an improved environment had its first manifestations in very strict sulfur oxide emission standards. The restrictions came at a time when there were no proven economical stack gas control devices to remove SO_2 following combustion of coal in the boiler. Rather than develop or install these devices, energy consumers turned to cleaner fuels—natural gas and residual fuel oil. The switch so dramatically changed the demand picture for gas and fuel oils that the East Coast now depends almost entirely (93%) on foreign sources for its residual oil and demand for gas exceeds supply. Worldwide dislocations of oil and transportation facilities have further affected availability and cost of residual and other low sulfur fuel oil.

Sixth.—Federal Mine Health and Safety Legislation enacted in 1969 has reduced the productivity of most underground mines. Provisions of the law should be carefully studied in light of operating experiences during 1970 and those provisions which do not enhance health or safety but affect productivity should be revised.

The geological, geophysical, research and engineering capabilities of Continental have been of assistance to the coal mining activities of Consol. These added talents already have and will continue to hasten the economic viability of synthetic oil and gas from coal. Certainly, the broadened financial base enhances Consol's ability to engage in long-range planning so necessary to help meet this nation's fuel requirements.

Continental has prospected for and found commercial reserves of uranium. When its mill is completed, it will furnish a prospective 1.2% to 2.4% of the uranium market demand. Since Continental produces only 1.8% of U.S. crude oil and only 1.4% of U.S. marketed gas production, the marketing of which is largely controlled by others, is it realistic to allege that it occupies a monopoly position in these intensely competitive industries?

We hope that this information will be helpful as you proceed with consideration of S. 4092.

Respectfully,

C. HOWARD HARDESTY, Jr.,
Senior Vice President.

OCCIDENTAL PETROLEUM CORP.,
Los Angeles, Calif., October 12, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In recent weeks, the energy problems resulting from improper prior planning by the utilities have prompted a wide-ranging attack on the Coal Industry. During this period, the rhetoric escalated to such a point that a gross misrepresentation of the facts resulted.

It is not the purpose of this letter to defend the Coal Industry, since in response to rhetoric the industry has replied reasonably and factually to set the record straight. Nor is there within these pages any attempt to defend this company, for we were not named during the furor. However, that episode served as a reminder to me that many of you may not be aware of the remarkable growth of Island Creek Coal Company since it merged with Occidental Petroleum in January of 1968.

Reviewing our new five year plan, the benefits as a result of that alliance are important enough that I would like to point them out.

As an aside, I might add that I am in an unusually good position to make a judgment on this, since I was President of Island Creek before its purchase by Occidental and, since March of this year, have assumed the presidency of Occidental.

When Island Creek was purchased it had a net worth of approximately $81 million, was producing 26 million tons annually and sold only 4.7% of the market.

Our long range programs left us with relatively limited expansion plans. Once we were purchased by Occidental, our plans changed virtually overnight. Indeed, within the first year, our plant investment doubled when Occidental made available $175 million in new building funds, a sum since vastly increased and due to approximate $500 million in the years ahead.

With that one decision, Occidental moved Island Creek into a stronger competitive position within the industry, permitting us to open a number of new mines with resultant increased supplies for all coal users, as well as a new metallurgical source for sales overseas.

In the next five years, by example, we will open twenty-one new mines nationally and by 1975 will have tripled production.

Our sales to utilities will grow from 3% of the market to 9% as we produce 35 million tons of steam coal.

Overall, we will produce a total of 61 million tons, another instance of almost tripling production, which will raise our share of the market from 4.7% to 9%.

Very obviously, this kind of immediate growth will have an affect, not just on the company but on the entire field of coal, for in the case of 21 new mines alone, we have committed an initial investment of $226,300,000, creating 8,724 new jobs, adding an additional $83,730,000 in payroll and providing an additional 37 million tons of coal to meet any shortages.

More specifically, this will mean in West Virginia alone that in addition to our already thriving operations there, Island Creek, using these additional funds made available by Occidental, will commit an initial investment of $39,800,000 for five new mines, creating 1,870 new jobs, adding $18 million to the state's payroll structure and a new coal production of 7,940,000 tons, of which 5,400,000 will go to utilities.

This kind of figure is indicative of the progress that Island Creek was immediately able to make once it merged with a larger natural resources firm.

I am grateful for your attention to this brief letter about Occidental and Island Creek.

Naturally, we will be pleased to add any further statistics that may be of interest to you and, from time to time, I hope that it will be possible to us to continue to keep you apprised of our development.

Sincerely yours,

WILLIAM BELLANO,
President.

WHY PICK ON THE GI?

Mr. YOUNG of Ohio. Mr. President, a news item in the Columbus Dispatch of September 20 relates the story of a young boy serving his military obligation to his country in our army in Vietnam. This 18-year-old youth lost his M–16 rifle while on a helicopter assault mission. Army officials told the young soldier he will be required to pay $130 for the loss of the rifle or that amount would be deducted from his pay. The boy and his family consider this unfair. Incidentally, the boy's father served 17½ years in the Navy. Can you imagine the outcry from the Pentagon if our generals and admirals were held responsible for billions of dollars in wasteful weapons systems? Those generals and admirals would be broke before they finished paying for their super boondoggle—the so-called Safeguard anti-ballistic-missile system.

COOPERATIVE INSPECTION OF COLORADO MINES

Mr. DOMINICK. Mr. President, I noted with great interest the recent announcement by the Department of the Interior that it had reached an agreement with the State of Colorado regarding cooperative inspection of metal and nonmetal mines in Colorado. Since I advocated that approach several years ago as the most sensible method of implementing mine safety laws, it is gratifying to see that it is finally being put into effect.

The agreement was entered pursuant to the Federal Metal and Nonmetallic Mines Safety Act, which authorizes the Secretary of the Interior to set health and safety standards for noncoal mines. Mandatory Federal standards under that act became enforceable July 31, 1970. Under the agreement, the Colorado Bureau of Mines will be responsible for enforcing health and safety standards established by Colorado which provide protection equivalent to the Federal standards. Mine inspections will be regularly conducted by the Colorado Bureau of Mines to assure that the standards are being complied with. Each noncoal mine will be inspected once annually by the U.S. Bureau of Mines.

Colorado is the second State to enter such an agreement, Arizona being the first. In order to qualify for participation in this joint inspection program Colorado had to satisfy several conditions specified in the act:

First, submission of a State plan agreement to be administered by the Colorado Bureau of Mines; and

Second, assurance that the Colorado Bureau of Mines has adequate legal authority, funds, and qualified personnel to enforce existing health and safety standards, which are substantially as effective as the Federal standards.

To continue participating, Colorado must submit reports upon which the Secretary of the Interior can evaluate the Colorado Bureau of Mines' performance under the agreement. And as the Federal standards are modified by the Secretary of the Interior, Colorado standards must be revised so that they continue to provide equivalent protection.

I strongly supported this joint inspection approach which gives the States primary responsibility for developing and enforcing their own mine health and safety standards when the Federal Metal and Nonmetallic Mines Safety Act was before the Senate in 1966. I felt that, given the lack of uniform Federal health and safety standards and the difficulty in developing and applying such standards throughout the diverse mining industry, it would be unwise not to give each State the basic responsibility of developing and enforcing its own standards. Although the Senate did not adopt that approach, such a provision was included in the House bill, and it was retained by the conferees.

The act became law on September 16, 1966. The fact that the Department of the Interior did not complete its promulgation of mandatory Federal standards until July 31, 1970, almost 4 years later, underlies the validity of my point regarding the difficulty of developing uniform Federal health and safety standards throughout the mining industry.

At any rate, Colorado has always been at the forefront in the area of mine health and safety, and I am very pleased that it is one of the first States to enter a cooperative inspection agreement with the Department of the Interior pursuant to the Federal Metal and Nonmetallic Mines Safety Act. I ask unanimous consent that the news account of this agreement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLORADO AGREES TO MINE SAFETY

Colorado has become the second state in the Union to enter an agreement for federal cooperation in the health and safety inspection of metal and nonmetal mines, the Department of Interior announced Friday.

Under the new agreement signed by Gov. Love and Earl T. Hayes, acting director of the U.S. Bureau of Mines, the Colorado Bureau of Mines will enforce standards equivalent to the regulations established by the secretary of the interior.

The U.S. Bureau of Mines also will make one inspection a year of every Colorado underground noncoal mine.

The agreement is authorized by the Federal Metal and Nonmetal Mine Safety Act which empowers the secretary of the interior to set health and safety standards for America's noncoal mines.

THE CONSUMER MOVEMENT—ADDRESS BY FEDERAL TRADE COMMISSIONER ELMAN

Mr. HART. Mr. President, Commissioner Philip Elman is completing a distinguished term as a member of the Federal Trade Commission. On Wednesday, October 6, 1970, the Commissioner spoke to the Marketing Conference of the National Association of Manufacturers. He cautioned businessmen that they "must make a dramatic turn to the more traditional forms of competition—price, quality, and service. Tomorrow's consumers will be more concerned with the safety and ecology aspects of a soda bottle than its color, size, or accompanying jingle."

His speech traced the development of the consumer movement and urged that the business community work to upgrade consumer legislation and to improve practices in the marketplace through greater voluntary effort.

As the Senate heads toward adjournment, I urge Senators to consider the comments of Commissioner Elman and to return with a fresh commitment to make the American marketplace work for businessmen and consumers alike.

Mr. President, I ask unanimous consent that Commissioner Elman's excellent speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CONSUMER MOVEMENT—AND WHAT IT MEANS FOR BUSINESS

(By Philip Elman)

I

The real revolutions in world history have been the revolutions in human values, ideas, feelings, and tastes. Mankind is passing through such a cultural revolution now. Unmistakable signs of its presence are all about us, here at home and abroad, in all parts of the globe and among all classes of people. Generated primarily by the young, its essence is a new birth of freedom for the individual; a joyous liberation of the human spirit; an insistence on truth and honesty in personal relations, and a total rejection of hypocrisy and cant; a renewed concern for the uses to which power, public and private, is put, and a fixed determination that it be used to preserve and enrich life, liberty, and the pursuit of happniess, not to destroy them, to protect the beauties of nature and the good earth, not to lay them waste. Its consequence, we may hope, will be to close at last the ancient gap between the ideals men preach and the injustices they practice in their daily lives. Its sure effect, in any event, will be to transform radically the structures and institutions of society, political and economic as well as social.

I should like to speak to you today about one phase of this revolution, small perhaps in its relation to the whole, but large in its significance for you as businessmen marketing products to the new type of individual who, with increasing rapidity, is emerging as your principal customer. His expectations of you, your products, and the way you sell and advertise them, will be vastly different from those of his parents; and you will do well to mark these differences and to respond to them.

II

The 1960's saw the beginning stages of the new consumer movement. Now, in the 1970's, we are seeing a fresh stage—with less talk and more action, focusing upon the practicalities, the procedures, the funding, and the institutional changes believed necessary.

One action front is Congress, where consumer legislation will surely be forthcoming in the near future. Pending bills, if passed, would create substantially new legal rights and obligations extending far beyond existing requirements of law. Other bills would establish new private and public remedies and procedures for providing expanded consumer protection.

A second front is represented by the private action of consumer groups and concerned citizens. Consumers are not merely complaining about problems but are taking to the courts to remedy their grievances. Consumer lawsuits are being filed in growing numbers. And consumer groups have begun to intervene and plead the public interest before federal and state agencies. All of these actions are supported by a small but burgeoning legion of able and dedicated public interest lawyers.

On a third front are the expanding consumer protection activities of the federal agencies. Today these agencies are under attack from consumer advocates, who feel that their interests are not being sufficiently heeded. There are increasing indications that the agencies are responding to these concerns. The Federal Trade Commission, for

example, has chosen not to await Congressional extension of its powers, but to exercise fully its remedial authority under existing law. The Commission has already asserted its power to require a respondent's future advertising to include affirmative disclosures designed to overcome and dissipate any residual deceptions of the public resulting from past misrepresentations. And it is now in the process of establishing its authority to require respondents to make appropriate redress to consumers injured by unfair trade practices—by giving refunds and paying damages. The Commission is sensitive to the criticism that its authority has been limited to polite wrist-slapping and negotiation of weak promises of future good behavior. Businessmen should also anticipate new and innovative substantive regulatory policies from the FTC. For example, in a recent complaint, the Commission—instead of challenging a dubious advertising claim as false—has alleged the making of such an unsubstantiated claim to be unfair. The theory of this complaint is simple but far-reaching—advertisers must not make equivocal, arguably true, or unprovable claims, but only those which they can substantiate with definite factual proof.

On a fourth front has been the activism of state and local agencies. Prodded by consumer advocates, by the liaison work of the FTC, and by the simple fact that increased consumer protection is not only desirable in the public interest but makes good political sense, numerous cities, counties, and states have enacted and are vigorously enforcing strong consumer legislation.

In sum, on these four separate fronts, the consumer movement is proceeding with a definite course of action, not merely talk. The goals have been agreed upon and the support consolidated. The future—much nearer than many suppose—will bring (1) broader and stricter regulation of business conduct as it relates to consumers; and (2) much more effective remedies and penalties for violation of these regulations. Whether these new sanctions and requirements come about by federal legislation, by action of federal agencies, by state and local action, or by private consumer action, or by a combination of all of these, I assure you that they will come—in some form and at some time soon. Admittedly, the various possibilities range in severity from mild reform to radical change. But even such limited proposals as the Administration's triggered class action bill would dramatically increase the cost of deception. Moreover, the existence of consumer action on at least four separate fronts is assurance that while progress may be stifled or defeated on one front, it will emerge on another front. Expansion of the Federal Trade Commission's powers and available sanctions will come—if not by federal legislation, then by court decisions upholding the Commission's own assertion of these powers. Members of the private bar will be suing companies for damages whether or not state and federal class action legislation is passed.

III

In light of all of these developments, what should be the response of the business community?

Two years ago, when I spoke to this same gathering, I gave the following advice:

"Whether there will be additional consumer legislation or regulation is in a real sense up to you. Do nothing, ignore the genuine grievances of consumers, pretend that the revolution in marketing has not created problems that need attention, and you can be sure that government will move into the vacuum. On the other hand, your actions to meet these problems could be more effective than government regulation and obviate the need for it. In this field, as in others, government and business working together can do more than either could do separately."

I think that advice is still sound today. In 1970, just as in 1968, there is much that businessmen can and should do—indeed must do.

First, marketers and businessmen can and should work for improvement, not defeat, of pending consumer legislation—in order to make these new laws and regulations reasonable, realistic, and fair. If you simply dig in your heels and say "no, never," you will serve neither your own interests nor those of the general public. You will only ensure that the actions that will come—over your opposition—will be more severe and less accommodating. If, on the other hand, you join in the search for sensible and practical reforms, all could benefit greatly.

Secondly, individual businessmen must make a far greater effort to avoid stepping over the line of illegality in their marketing practices. By this, I do not mean "legal brinkmanship"—that is, obeying only the most narrow and niggardly interpretation of the law. I mean the exact opposite. Businessmen should, whenever possible, act upon that view of the law which most favors honesty, full disclosure, and fair treatment of consumers. In this regard, I commend to your attention a statement made by Mr. Louis D. Brandeis in 1915 before his appointment to the bench:

"I have been at times counsel for a few trusts. The president of one of the largest of them, when we were discussing the law some four or five years ago—and he was full of his attacks against the Sherman Law—said to me, 'Now, you have been speaking in favor of this Sherman Law, and I have been going around and trying to find out what I can do, and I can't get any advice as to what I can do.' And he said, in rather a pleasant enough way, but in certain ways rather sneering, 'Perhaps *you* can advise me,' I said, 'I can advise you perfectly, but it is a question what advice I can give you. If you ask me how near you can walk to the edge of precipice without going over, I can't tell you, for you may walk on the edge, and all of a sudden you may step on a smooth stone, or strike against a little bit of a root sticking out, and you may go over that precipice. But if you ask me, how near you can go to that precipice and still be safe, I can tell you, and I can guarantee that whatever mishap comes to you, you will not fall over that precipice. * * * You must not expect from the Sherman Law any more than you do from any other law you are dealing with. You must not expect that you can go to the verge of that law without running any risks. Why should you? You do not in any other relation of life that I know of."

In his own self-interest, a prudent businessman should maintain a safe distance from the precipice of illegality. With new remedies and penalties, and with new enforcement procedures and methods, if you should fall off the cliff, the abyss below will be much deeper. In the future, sanctions will be more frequent, more demanding, and more publicized. Businessmen will be ordered not merely to halt unlawful practices, but to pay substantial penalties for past violations and to compensate consumers injured by such conduct. No longer will unfair trade practices be hidden in the secret archives of federal agencies. The activities of these agencies will be open to the public, and orders may require respondents to spend their own advertising dollars to inform the public of their past wrongdoings. In short, unfair and deceptive practices will also be unprofitable public relations and business practices.

Third, business must make a dramatic turn to the more traditional forms of competition—price, quality, and service. I am convinced that the younger generation—soon to be the primary consumers of business wares and ultimately the leaders of this country—will not be persuaded by, nor tolerate, the silly commercials and advertising gimmicks that are so prevalent today. Tomorrow's consumers will be more concerned with the safety and ecology aspects of a soda bottle than its color, size, or accompanying jingle. With higher levels of education than any previous generation of Americans, these consumers of the future will want food products that have a full complement of nutrients and not merely a pretty package. Business must adjust—and soon—to a generation that is no longer overawed by the flashiness of television; a generation that questions, rather than blindly accepts, the gospel of the modern-day hawkers; a generation that will not sit idly by if products are not honestly advertised or do not perform as promised.

The fourth area in which business should act is in creating the private institutions to resolve consumer problems on a continuing and permanent basis. One such step would be the establishment of satisfactory internal mechanisms for handling consumer grievances. Industry should also take steps toward providing a greater degree of self-regulation and self-policing of trade practices. The antitrust laws may provide some obstacles, but surely they do not bar a far greater degree of voluntary action by businessmen to raise the standards of the marketplace. If business fails to act, the full burden will fall upon the government. And that will inevitably mean more expensive, more strict regulation.

IV

All of these steps I urge upon you—but not merely as your public relations gesture of 1970. The consumer movement presents business of the 1970's with additional responsibilities. You are asked to worry not merely about labor costs, profits, and sales statistics, but about ecology, safety, nutrition, and consumer welfare. But your task is really no more difficult than that of any other modern institution. The consumer movement is only part of a larger social movement in this country, the implications of which are profound for everyone including business. We are living in a time of true social revolution. And all institutions—indeed all persons—must adjust to the pressing need for a broader perspective in reaching private decisions. We must all consider the effects of our own activities upon the larger public interest—upon the environment, upon social justice, upon individual freedom, upon the growth and progress of society.

Yet, while the task may be a difficult one, it is also challenging and exciting. It is not often that a people are given the opportunity and obligation to look beyond the petty concerns of everyday life and business to the broader needs of forming a more just society and a better world.

CAMPAIGN BROADCAST REFORM

Mr. PEARSON. Mr. President, I am deeply disappointed that this important and needed piece of legislation has been vetoed.

The cost of running for public office in this country today is staggering, and the proposed legislation would have been a major step toward curing this gathering crisis in our present political system of representative democracy.

The amount of money spent on political broadcasting in the last political year—1968—was $58.9 million. One can only wonder at what might have been done to improve our country had even a portion of this tremendous sum been channeled into more productive and essential areas.

The bill would have reduced appreciably the overall cost of campaigns and would have opened the way for many qualified men and women of modest means to enter the public arena.

Then, too, the bill did establish a reasonable and enforceable ceiling on

broadcast expenditures for congressional, senatorial, and gubernatorial candidates.

Without limitations a free elective process is no longer free.

Our form of government is based on the assumption that representatives of the people are chosen on the basis of merit and ability rather than on their financial worth or access to large sums of money.

Mr. President, I recognize that the bill has been criticized for its shortcomings in various aspects. I also recognize that the bill unfortunately has been debated in an atmosphere of partisanship.

But, Mr. President, the principle upon which this proposal stands and the conviction which prompted me to introduce it in the Senate is one which the majority of this body would not question; namely, that every man or woman in the United States of America should have an equal opportunity to serve their Nation.

The bill did not provide a complete answer to all the problems we face in the field of electoral reform, but by providing for controls over spending for political purposes on radio and television, and by insuring that candidates would be charged reasonable rather than exorbitant rates, it represented a positive step forward.

To delay until the perfect and all-encompassing instrument of reform is devised is, in my judgment, to delay forever. And the longer we delay, the more unconscionable will become the distortions in our election process.

In this land of government of the people, I must confess concern when the prospects of attaining public office are directly proportional to the amount of money in one's pocket rather than the amount of ability, determination and integrity in one's being. History may record that all Americans, not just a few candidates of limited means, lost by this veto.

TAX SUPPORT FOR ENVIRONMENTAL AND CONSUMER PROTECTION ORGANIZATION

Mr. RIBICOFF. Mr. President, a recent announcement by the Internal Revenue Service threatens to curtail seriously this Nation's efforts to achieve racial justice, preservation of the environment, and protection of the American consumer. For many years, legal action organizations have been in the forefront of the quiet battle to bring meaning and substance to our laws through the time-honored method of asking the courts to protect the rights of their clients. Such groups as the NAACP legal defense fund have strengthened the efforts of racial minorities to achieve justice within the American system. In recent years, other such groups have formed to use legal means to protect the environment and the consumer. These groups have been supported by the charitable contributions of millions of Americans.

On Friday, October 9, the Internal Revenue Service announced that, pending a study, it was suspending its customary assurance that contributions to such organizations qualify for tax deductions. By this action, the Service threatened the very existence of these charitably supported groups. It has been estimated that, without the charitable classification, contributions to these groups would shrink by 90 percent. The failure of this support virtually assures the end of this nature of legal representation.

The purposes and methods of these public service organizations are in the highest tradition of American democracy—seeking change through the courts, not in the streets. They seek merely to employ the legitimate means established by our Constitution for resolving conflicts. Their legal activities attempt no more than to enforce the laws which have been established by democratically elected legislatures. Indeed, the U.S. Supreme Court has held that such litigation is protected under the first amendment of the Constitution.

The action of the Internal Revenue Service conflicts sharply with the administration's own stated policies. In the past year and a half, the President has sent eight special messages to the Congress dramatizing his concern for restoring the environment. He has said that the job of cleaning up the environment "requires the help of every citizen," and he has called for a "total mobilization of all of us" in the fight to end pollution. Russel Train, Chairman of the Council on Environmental Quality, has been quoted as saying:

> Litigation brought by private groups which must rely on contributions for their support . . . [has] strengthened and accelerated the process of enforcement of anti-pollution laws.

Mr. Train has further stated that:

> Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reinforcing Government environmental protection programs.

Now the Internal Revenue Service seeks to cripple perhaps the most important vehicle for bringing citizens into the national crusade.

At the very least, the action by the Internal Revenue Service will severely curtail environmental and consumer protection litigation. It would also cut sharply into the ability of civil rights organizations to use our courts to enforce constitutionally protected rights. Most Americans, black and white, would be deprived of effective advocacy against those who deprive them of their civil rights, pollute their air and water, and cheat them through deceptive advertising or shoddy goods. Some of the most respected voices for justice in each of these areas would be affected, including the Southern Christian Leadership Conference, the National Welfare Rights Organization, the Audubon Society, the Wilderness Society, and many others.

The Internal Revenue Service has stated that it does not wish to confer a tax advantage upon just one side of these national issues. The truth is, however, that effective advocacy by public interest law firms can, at best, only restore a balance to the resolution of these problems.

Today, the average individual who seeks to resolve his differences within the legal system must bear the cost of legal assistance out of his own pocket. The corporation, however, is permitted a tax deduction for its expenses, which at the regular corporate tax rate results in a tax savings of almost 50 cents on the dollar. Thus, the corporate treasury is able to obtain twice the legal representation of its case for the same amount expended by the private citizen for whom there is generally no available deduction. To permit charitable deductions for contributions to public law firms is to do no more than restore simple tax equality.

Recognition of the charitable character of environmental and other public interest law firms can only begin to redress much more fundamental imbalances before the courts. The resources of the businesses and governmental bodies involved in such suits are massive. Even with tax exempt status, the funds of public interest groups can hardly be expected to be of comparable magnitude. In addition, much of the country's best legal talent will be prevented by conflict-of-interest rules from representing the public interest in environmental and consumer matters. As a consequence, the public interest law firm represents one of the few ways to redress the essential inequality between the public interest and corporate power.

The strongest antidote for the politics of confrontation is the speedy resolution of legitimate grievances. All of us here have spent many words condemning violence and promoting solutions to our problems through the established system. But rhetoric is no substitute for effective and constructive action.

A dynamic society must prove itself able to meet new challenges and provide new answers through accepted and even traditional means. But our legal system can only be responsive to public and private grievances with the effective advocacy of both sides of the issue.

In order to enable growing public concerns to be redressed by a responsive system of justice, I urge the Internal Revenue Service to take immediate action to restore charitable classification to organizations which employ litigation to advance their charitable objectives.

MOTION PICTURES OF QUALITY RECEIVE FAVORABLE RECOGNITION

Mr. RANDOLPH. Mr. President, recently a noted movie viewer observed that too few American movies depict the virtues of goodness, glory, and heroism. He feels, and I concur, that much of today's product is aimed below the belt, and that the antihero is celebrated as a model for today's youth.

There are, however, creative people working within the industry who try to offset the subculture of skin flicks and make artistic products that are both inspiring and entertaining. Recognition for such work has come to one of America's foremost writers, producers, and directors.

Carl Foreman has produced such notable films of enduring value as "Guns of Navarone," "High Noon," and "Born

Free." In recent years, this American artist has been a resident of London and, as the following comments of the Right Honorable Sir Alec Douglas-Home will attest, he has won the respect of the citizens of Great Britain. Recently the Foreign Secretary presented to Mr. Foreman the badge of a Commander of the Most Excellent Order of the British Empire. His remarks at the presentation give testimony to the goodwill that American-made films of high quality generate globally.

Mr. President, I ask unanimous consent that the words of Sir Alec be printed in the RECORD:

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY THE RIGHT HONORABLE SIR ALEC DOUGLAS-HOME

In recent years, Mr. Foreman, students of international affairs have come to use a term which they have borrowed from your profession—the "scenario".

I have always found this a misleading word.

Because it implies a degree of control over the actors in our productions which, often to my regret, I have never found to exist.

Not only do our actors insist on interpolating lines of their own: they have even been found on occasion to be suffering under the delusion that they are directing the production themselves!

But since I returned to this particular set last month, I can truthfully say that this is the most pleasant task I have had to perform.

The film industry has been one of the most notable areas for the pooling of American and British talent since the early days when so many of our citizens settled in Hollywood.

That is why we have so much welcomed your settling here as a citizen of the United States.

Your work with the Writers' Guild of Great Britain, the British Film Production Association and the British Film Institute has made a major contribution to what I may perhaps be allowed to call this Anglo-American profession.

And what is even more important, your films have made a major contribution to our Anglo-American culture.

For all these reasons, it gives me the greatest pleasure in the presence of so many old friends to present to you, in Accordance with the Commands of Her Majesty The Queen and on Her Majesty's behalf, The Badge of a Commander of the Most Excellent Order of the British Empire, which Her Majesty has been pleased to confer on you.

FUNDS FOR RADIO AND TELEVISION BROADCASTING BY POLITICAL CANDIDATES

Mr. BAKER. Mr. President, President Nixon yesterday sent to the Congress a message explaining his veto of S. 3637, a bill to limit the expenditure of funds by political candidates for radio and television broadcasting. The President listed a number of reasons for his veto, among them the fact that the bill discriminates against the broadcast media and that it would not effectively accomplish its purpose of limiting campaign spending.

I have consistently opposed this measure, both in the conference committee and on the floor of the Senate, and I am very much pleased that the President has vetoed it. As I have said before, I feel that by requiring radio and television stations to grant to political candidates the lowest applicable unit rate available to any advertiser, the bill creates a political subsidy for politicians and constitutes ratesetting by statute. The effect of the measure would not be a limitation or reduction of total campaign spending. Candidates forced by the bill to limit broadcast spending would simply increase their use of other advertising media. The cost of campaigning for political office would continue to rise and those candidates with fewer financial resources and who are less known to the general public would continue to be at a disadvantage.

The President feels, as I believe most of us do, that some appropriate limitation on the excessive expenditure of funds for political campaigns is needed. The question is whether or not this bill would provide that limitation in a manner that is fair, effective, and enforceable. I feel that it would not, and I am confident that the Senate will see fit to sustain the President's veto of S. 3637.

NINE MONTHS SINCE PRESIDENT ASKED FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we are all aware of and deeply concerned about many of the serious voting and economic rights issues which are pending in this session of Congress. Issues, such as woman's rights, welfare reform, and electoral reform are pending in the Senate.

But we must not overlook other human rights matters which are also pending, but have not received the large amounts of recent publicity afforded these other issues.

In particular, I have reference to the Genocide Convention, which is still pending before the Committee on Foreign Relations. On February of this year, the President asked for the ratification of this convention. Since that time, this action by the President has been allowed to slide into the background. I feel that this is most unfortunate. Certainly, an issue as important as this human rights document of the United Nations, deserves our strict attention.

We must act on this important issue as soon as possible. It can not be allowed to slip into the background. Our country must take a firm stand once and for all against this inhumane crime, by ratifying the Genocide Convention.

I urge the Foreign Relations Committee to bring this Convention to the floor of the Senate as soon as possible.

UNIT PRICING COMES TO KANSAS

Mr. PEARSON. Mr. President, it was my distinct privilege to participate this past weekend in the announcement that a unit-pricing program would be undertaken by a major supermarket firm in my State.

Dillon Supermarkets, under the leadship of my friend, Dick Dillon, launched a significant consumer advance on Saturday by voluntarily inaugurating a unit pricing system on 550 items in their inventory at stores in Wichita. Other stores at Lawrence, Manhattan, Junction City, Topeka, and Salina, Kans. will be similarly completed over a period of approximately 4 weeks. Moreover, this program is presently scheduled to expand to over 1,000 items.

Mr. President, I was on hand at one of Dillon's stores in Wichita last Saturday and observed firsthand the reaction of many shoppers. I am most happy to report that the housewives with whom I spoke were enthusiastically in favor of this new step in the supermarket industry.

As one who is familiar with the need for better information for the consumer, and as one who is aware of the difficulty faced by the shoppers of this Nation in trying to find the best buy for their money, this important breakthrough by one of the major supermarket firms in my State represents not only an act of business statesmanship but is also a source of personal encouragement to me. I am sure the people of Kansas join me in saluting the management of this fine company.

LOW-COST ALCOHOLISM CONTROL PROGRAM FOR FEDERAL CIVILIAN EMPLOYEES

Mr. HUGHES. Mr. President, at the request of the Subcommittee on Alcoholism and Narcotics, the Comptroller General of the United States recently issued an illuminating report on the millions of dollars that could be saved by the Federal Government by the institution of an effective, low-cost alcoholism control program among its civilian employees.

The kind of prevention and control program to which the Comptroller General referred has been tested and found successful in a number of large private industries. At a time when these industries are desperately trying to cut costs, alcoholism control offers a charted course for savings.

On July 31 of this year, Lewis F. Presnall, manager of the Corporate Alcoholism Control Services, National Loss Control Service Corp. of Chicago, delivered a speech at the Addiction Institute of Carthage College, which casts further light on the potential for savings in systems for controlling alcoholism and problem drinking among employees.

This is an outstanding message on the subject; in fact, it might be classified as a basic "how to do it" manual on combating alcoholism in industry. As such, it seemed to me worthy of being incorporated into Federal reference literature. Accordingly, I ask unanimous consent that this informative speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WE CAN HALT THE HUGE DRAIN CAUSED BY BEHAVIORAL PROBLEMS

(By Lewis F. Presnall)

In 1968 the National Council on Alcoholism made an estimate of the prevalence and cost of alcoholism among employees of U.S. industry and civilian government. At that time, according to figures of the U.S. Bureau of Labor Statistics, there were about 58 million persons on these payrolls, exclusive of small

businesses, domestic help, self-employed, professionals, the armed forces and farm labor.

Using conservative estimation formulae and data available from representative firms whose alcoholism programs had achieved high ratios of case identification, NCA calculated that not less than 5.3% of that work force suffered from some stage of the illness. It was also estimated, on the basis of current wage and fringe benefit compensation levels, that the annual cost to employers on cases yet untreated was not less than 4 billion dollars.

The cost of other behavioral problems—other drug dependencies, emotional disturbances, and severe family problems, such as alcoholism among spouses of employed persons—has never been similarly estimated. However, from the best data available to me from many industrial studies, I would hazard an estimate that these other problems do not cost employers less than another 6 billion dollars annually.

That is a total bill for employers of not less than 10 billion dollars and the cost is probably considerably higher.

The supreme irony of these facts is that for a decade the knowledge has been readily available, and demonstrated in practice, that enables us to extend the useful lines of employees and reduce these huge losses by a net, above control measure costs, of about 30%. If labor and management across the country were to apply the best technical knowledge now available, this would mean a net gain of about 3 billion dollars annually.

Beginning in 1944, a number of companies began developing various types of alcoholism and other behavioral problem control measures. By the early 1950's a great deal of trial and error experience had been accumulated about what could be accomplished through various control methods.

In 1952 a behavioral problem control program was developed in a medium sized plant of 2,300 employees. The approaches used utilized what had previously been learned through other company control efforts, but also contained a number of features that were unique at that time, and which obtained much better results in earlier case identification and loss reduction than had been obtained through earlier programs in other company's plants.

The unique features of the plan were:

1. The control efforts were not directed at alcoholism exclusively, but focused upon the whole range of behavioral-medical problems affecting work performance.

2. Before structuring the control measures, they sought and secured the active cooperation and advice of all ten union locals representing hourly-paid employees.

3. Special procedures for supervisory action on suspected cases of alcoholism were avoided. Instead, performance problem action and efforts to motivate employees to seek diagnosis and treatment were integrated completely into standard methods of personnel administration, particularly with respect to corrective discipline, absenteeism control, fringe benefit loss control, union-management communication, line/staff coordination, and routine follow-up with line management to assure that company behavioral and alcoholism policy was being implemented consistently.

4. Constant up-grading of company staff knowledge and coordination with respect to behavioral problems.

5. Consistent efforts to increase informal involvement, as helping people, among employees who had benefited from the program.

6. Use of both company and union leverage in up-grading the quality of community recovery resources. This included informal encouragement of AA and Alanon group formation.

7. Consistent employee health education regarding alcoholism, periodically introduced through standard employee education media.

8. Availability of employee counseling services on a 24 hour, seven day a week basis. (Employees did not abuse this emergency service. Most work was handled during daylight office hours.)

9. Deliberate steps to help managers and supervisors, to avoid the uncomfortable roles of "amateur counselor" and "amateur diagnostician."

10. Primary efforts regarding the supervisory role were directed at securing consistent *action* within the plant in conformity with policy on alcoholism, rather than attempting to change actions by first changing supervisory *attitudes* toward alcoholism.

11. The specific distorting effects of the mystique of alcoholism upon work performance documentation, disciplinary action, and administrative decisions were identified and steps were taken to remove these by positive action, as far as possible.

The plant happened to be in an old-line, heavy industry, where most of the employees were male and the average age was about 42 years. So, naturally, the alcoholism prevalence was high—about 10% of the population.

After five years operation the control program identified and offered treatment to 207 employees with alcoholism, one of the higher case identification percentages that has ever been recorded.

Treatment services in the area were not the best, but the recovery rate on these cases was about 50%. The 207 alcoholism cases represented 44% of the total case load. The remaining 56% were other behavioral problems: emotional disturbances, severe family problems affecting employee efficiency and about 8% of the cases were drug dependencies, other than ethyl alcohol.

Increasingly, companies are now beginning to adopt, with excellent results, the type of control measures which were evolved in that plant from 1952 to 1957.

However, in spite of the fact that we know how to achieve an annual net saving of from five to ten dollars annually for each control dollar spent, probably not more than 250 to 300 corporations in the entire country have done anything toward installing control methods. Furthermore, most of these have what James Davidson, Executive Director of the Alcoholism Council of Greater Los Angeles, has called "pop-up toaster" programs. That is, if an alcoholic reaches the late middle stage of the illness and happens to pop up where he is visible, they grab him and try to get him to accept treatment.

In planning for maximum loss reduction, it is important to understand the work behavior characteristics of the various stages of alcoholism progression, since this illness is by far the largest single behavioral-medical problem among employees.

For descriptive convenience, alcoholism progression can be divided into early, middle and late stages. It is rare to encounter a person with late stage alcoholism on the active payroll of a company. At this stage there is usually some pronounced and permanent damage to vital organs, such as the liver; the person's work capacity is at or below 25% of his previous healthy capabilities; he or she has become unemployable by any firm on steady basis without extensive treatment; and chances of the recovery through treatment may not be higher than 10% to 15% for people in this late stage group.

When we speak of alcoholism among employees, we are referring to early and middle stage cases.

In the early stage and often for some of the middle stage, the drinking patterns that can be seen by the casual observer may not appear to be much different from those of the regular social drinker. The significant difference is that the person having alcoholism is increasingly beginning to lose the ability to follow through on his *serious intentions* about how much he drinks, the occasions for drinking and when he or she intends to stop drinking once he starts.

Early stage alcoholism is the period when more frequent occasions of drinking to cope with life begin to occur. This is followed by an increased tolerance for alcohol, sneaking extra drinks before or at the party without knowledge of associates, an increased urgency about getting the first drink, some feelings of guilt about one's drinking or resentment when the subject is mentioned and, in many cases, the first experiences of memory blackout during heavy drinking.

During the last half of this early stage, work performance changes will usually begin to occur. The more common of these changes are: 1) occasional and poorly explained lapses in fulfilling responsibilities, 2) occasional spasmodic work pace and, at times, unusually high work output on the part of a previously steady employee, 3) minor decline in overall work quality, 4) increased tendency to "look good with superiors," 5) either marked improvement or some deterioration in personal grooming, dress and demeanor, and 6) in the case of hourly-paid production workers, occasional attendance problems; such as tardiness, failure to report on or off, and subtle changes in former attendance patterns.[1]

In the middle stage, the person's loss of control of drinking patterns will increase. Grandiose and aggressive behavior often occur. Repeated efforts at self-control fail. The individual develops an elaborate alibi system in an attempt to maintain self-respect and the respect of associates. Methods for sneaking drinks and protecting liquor supply become more elaborate. Work problems, money problems and family difficulties become more severe and more frequent. The person suffers from persistent remorse and often develops many resentments. Finally, in the last half of the middle stage, *drinking or signs of intoxication often appear during working hours.*

On the job, it will be observed during the second half of the middle stage that spasmodic work has become severe and frequent, overall performance may have dropped to 25% to 50% of normal, and lost time caused by off-the-job accidents are frequent in some cases. Absenteeism may have been chronic among hourly paid persons and "on-the-job absenteeism" is observed among salaried employees, who are more apt to be present in body, but not functioning up to par.

In order to control and reduce these work problems effectively, many of which may also be caused by other behavioral-medical conditions, it is essential to recognize some organizational problems that tend to block action at all levels.

It seems incredible, but labor unions, management and the individual suffering from alcoholism all have one thing in common.

They all have a similar proclivity for denying or minimizing the size and seriousness of the problem. They all develop elaborate alibis for explaining their reluctance to take action early enough. And when they are finally persuaded to act, they maneuver every possible way to act on the basis of half-measures.

Why is this?

When rational people behave irrationally and against their own self-interest, there are always reasons, if we take the trouble to look for them.

The reason in this case is what might be called the effects of the mystique of alcoholism. By mystique is meant the collection of misinformation, folklore, social stigma and emotional prejudice with which this subject has been shrouded for decades, indeed centuries, in our societies.

Let me state, then, a proposition upon which I shall base the following comments

[1] "Detour, Alcoholism Ahead", pamphlet published by Kemper Insurance, Chicago, December 1969, revision.

about the practical steps for controlling alcoholism and the other behavioral problems among employees.

The purpose of control measures is to remove the effects of mystique upon company policies and practices, union practices, and upon the choices of individuals suffering from alcoholism. If we can accomplish this within a plant, we will also make it possible for people suffering from all types of behavioral disorders to get into treatment, and get effective help earlier.

In considering practicalities, it will be helpful to divide the discussion into two main parts. First, what are some of the effects of mystique upon plant practices? Second, what are the most direct steps for removing these effects and, thus, reducing behavioral problem losses.

IN-PLANT EFFECTS OF MYSTIQUE

On the management side of the ledger, the first effect of mystique is to produce an unwritten, unrecognized, but operational management policy on alcoholism. Every company, large or small, in these United States, which does not have a modern alcoholism program, is presently operating under this policy.

If phrased in the customary company language, the policy could be written as follows:

"The company will pay an economic premium to employees (and supervisors) for the successful concealment of alcoholism from the attention of management. This economic premium will be paid in job security, promotion opportunities and fringe benefits. When the employee's alcoholism reaches the stage when it can no longer be concealed from the attention of management, his services will be terminated."[2]

On the labor union side of the ledger, there is also an unwritten policy, resulting from the mystique of alcoholism. If written, the union policy might read something as follows:

"It shall be the security objective of this union to protect the job of every employee suffering from alcoholism, even at the cost of his life, sparing him through every possible device allowable under labor contract from the social obligation to seek treatment, which would normally be expected if he had some 'respectable' illness. When a brother's alcoholism has reached the stage where he is no longer capable of performing at more than twenty-five percent of his normal efficiency and management tries to fire him, the union will plead for as many 'last chances' as possible. His job security and the possibility of qualifying for a permanent and total disability pension are of more importance than saving his life through treatment."

With management paying fifty dollar bills to employees for concealing their condition, the unions putting job security ahead of life-saving, not to mention the moralistic nagging of the spouse at home, who also thinks alcoholism is a character defect, is it any wonder that alcoholics develop elaborate alibis for their behavior and are highly resistant to admitting their problems?

But there are other effects of mystique upon practices and actions within industrial plants.

One of these results from the stereotype of the person having alcoholism as the late stage, falling-down-drunk, or the employee who was fired last year and who died three years later because his liver stopped functioning or because his heart muscle would no longer carry the load.

This bit of mythology prevents us from recognizing that it is not the late stage case, but the early and middle stage case that is employed in industry.

The effect of this stereotype is to block our recognition of the true prevalence of alcoholism, and so we are unaware of how much it costs, or of the necessity to spend some money and effort controlling it.

Another effect of mystique is to produce an unrecognized sub-rosa set of practices to implement the unwritten policies mentioned earlier. In-plant studies have clearly demonstrated that these sub-rosa practices are usually followed far more consistently than are the company's standard personnel procedures. The result of sub-rosa practices is to retain employees with untreated alcoholism on the payrolls for an average of fifteen years of alcoholism history without corrective action being taken. In effect, these practices kill alcoholics with misguided kindness.

A final serious effect of mystique is that upon the language we use in talking to and about alcoholics. Recently there was a series of articles on alcoholism and highway accidents in one of the country's better newspapers. The author was obviously sympathetic to the treatment of alcoholism, yet in quoting some statements made by Senator Hughes, he referred to him as "a reformed alcoholic." It is difficult to imagine anyone referring to a person as a "reformed diabetic" or even a "reformed psychotic?" We talk about "recovery," not "reformation," when we speak of treatable illness.

We are not going to deal very effectively with alcoholism among employees unless we learn to act as though it is treatable and talk as though it is treatable.

POSSIBLE SOLUTIONS

With these broad, but essential, considerations in mind, what steps must be taken within a plant, and in cooperation with outside resources to reduce the human and economic losses involved?

The one method that will not succeed is to try to change in-plant practices through distribution of educational pamphlets to employees. We are dealing with deep-seated emotional prejudices, re-enforced by an elaborate system of sub-rosa practices.

It is far more effective to change in-plant practices and, for the time being, not to waste much effort trying to change everyone's attitude.

First, one should get two or three key people in labor and management to take a fresh look at the facts. This can seldom be done by calling a sizable meeting of labor and management people together and presenting them with the facts. Mystique produces all kinds of fears. Deep-seated fears are seldom aired or removed in meetings where more than three or four people are meeting in conference.

To give some examples of common fears and their effects:

I recall a luncheon in a sizable city where I was asked to present the considerations of alcoholism control to a group of eight or ten executives, representing the largest companies in the area. No one below the level of a corporate vice-president was present.

During the discussion, a vice-president in charge of personnel flatly stated that they had little or no alcoholism among their employees. Yet, because his firm had predominantly a male population, their alcoholism prevalence was undoubtedly higher than in any firm represented in that room. It was obvious from his other comments and his position that he was a highly intelligent, experienced man in his line of work. I would guess that educationally he had a Masters degree in business administration, or its equivalent. But there is not a single school of business administration in the country that adequately covers alcoholism among employees in its curriculum, nor is the subject covered adequately in any basic text on industrial relations.

Therefore, it was apparent that the effects of his fears and prejudices about alcoholism had colored his remark. When I used the word "alcoholic," he probably pictured the late stage case in his mind. Running through his mental memory banks, he could not recall seeing any skid-row types on the payroll. Also, he was probably unaware that there is no method or combination of methods, by which early and middle stage alcoholics can be screened out by personnel staff in the recruitment and hiring process. With these thoughts in mind, he may have been saying to himself, "The admission that we have a problem, or might have a problem, in our plants would be a reflection upon my competence as vice-president of personnel."

If there had been the opportunity to meet with this man privately in his own office, these fears could have been removed and there would have been a good chance that he would now be quietly selling other key people in his firm on installing effective control measures. But now he has committed himself in front of people he sees every week at clubs and the golf course. It would be embarrassing if he subsequently took a fresh look at alcoholism in his firm. The chances are now that he will do nothing.

To line up two or three people in one's plant to begin investigating, it is advisable to do it quietly and privately, so that each one will have an opportunity to face his fears and unrecognized prejudices without embarrassment.

Similar fears and resistance will be encountered among line managers, union officials and occupational health staff members.

Once one or more key people are willing to investigate the subject more fully, there are several ways they can do this. In a small plant, it can be done through attending several open Alcoholics Anonymous meetings to learn the semantics of alcoholism. Additional ways are to send one or two people to the industrial seminars at Utah School of Alcohol Studies or Rutgers Summer School, read some basic books on alcoholism, and/or have interviews with staff at a Council on Alcoholism.

A second and parallel step is to determine the specific sub-rosa practices that have actually been followed by management and unions in cases of alcoholism. In a small plant, management can do this by tracing back the records of two or three long-service employees, who had lost their jobs as a result of alcoholism. If one follows these records back to the first date of employment, one can see what happened to the performance after alcoholism developed.

Check on the actions that were taken or not taken to correct the problems. See what subterfuges were used by the alcoholic, by supervisory personnel and the union to cover up or gloss over the situation. Observe what the immediate supervisors did or failed to do regarding performance documentation and disciplinary action.

If the plant has 1,000 or more employees, time and considerable money will be saved if professional consultation is engaged to accomplish the two steps mentioned.

Step three involves setting up a small task force, preferably a labor-management group if the shop is unionized, to develop a simple policy statement.

The policy is needed to replace the old unwritten policy.

As far as procedures are concerned, if the plant or company has fewer than 500 employees, it is advisable to avoid development of written procedures. Such guidelines are only necessary in larger operations as a means of assuring uniformity of operation throughout all departments. In a smaller plant, where things are done more often, on a face-to-face communication basis, it is better to avoid overly elaborate procedures.

However, line management people at all levels must assume responsibility for moni-

[2] "Folklore and Facts About Employees with Alcoholism," L. F. Presnall. Jour. of Occupational Medicine, Vol. 9, No. 4, April, 1967.

toring the execution of policy in terms of actual practice.

The guiding principle that must be followed in personnel administration is extremely simple: in all actions within the plant, supervision will now deal with performance problems, where alcoholism and other behavioral problems are suspected, in a manner consistent with the way "respectable" illnesses are already being handled.

Simple as this may seem, the effects of the mystique of alcoholism are so deeply rooted that actions of all kinds will constantly tend to slip off the track, especially at first.

Even recovered alcoholics within a plant, who should know better, will sometimes give incorrect advice to management on various actions. For instance, they have been known to advise that the three-day suspension be revoked, if an employee accepts treatment for alcoholism at that point in the disciplinary procedure. If the employee has been told at previous steps of the disciplinary procedure that he may have an illness and told how to get help, the three-day suspension should not be revoked. If he has an illness, he is responsible for getting treatment for it. On the other hand, if management finds that the employee's supervisor failed to indicate on previous warning and discipline occasions how the employee could secure a diagnostic interview with a qualified person, then the three-day suspension should be waived and management should reprimand the employee's supervisor for failing to follow the intent of the company's policy.

Another situation that commonly occurs, after introduction of an alcoholism policy, concerns documentation of performance problems. A supervisor will come to management and say he wants to discharge an employee whose work has become totally unsatisfactory. Yet when the information in the employee's personnel folder is examined, no notations of declining performance are to be found. The supervisor then usually resorts to the alibi, "Well, he hasn't really been doing his job for the last year or two, but I thought he might have a drinking problem. He's one of the best men on the crew when he's here, and I kept thinking he might straighten up."

Again, the supervisor should be reprimanded on the basis that (a) he did not follow policy guidelines and (b) this is not the way he would act if a "respectable" illness where involved in the performance decline.

For instance, if he observed that an employee had developed shortness of breath when lifting heavy objects,

(1) The supervisor would not call the employee into the office and say, "Jim, I want to talk with you about your coronary condition or your emphysema."

(2) He would say, "I have noticed you are short of breath lately. I want you to go to the doctor and have an examination."

(3) If the employee refused on the basis of religious convictions or other reasons to see a doctor, and the shortness of breath became more acute, the employee's service with the company would probably be terminated without much delay.

In firms having fewer than three hundred employees, someone in line management can have the part-time responsibility of monitoring personnel practices, advising others in the company on the "nuts and bolts" of motivating employees to seek help, and serving as a liaison between the company and community diagnostic and treatment services. Such an individual should be designated on the basis of his thorough knowledge of the firm, his empathy with people and his specially acquired knowledge of alcoholism and other behavioral problems. If such a person is a recovered alcoholic, he will have the advantage of deep personal understanding of the problem.

In companies of 300 to 1,000 employees, there may be a staff person who, with some special training, will be capable of undertaking such an assignment. It may require up to one-half of his work time in a plant of 1,000. Or the responsibility may be shared by a union person and a company person.

Regarding any supervisory orientation or training that may be undertaken, only a limited amount of instruction should be given on the disease aspects of alcoholism. The main points that need to be clear are:

1. It is a slowly progressing illness that usually takes 12 to 25 years development before death.

2. It starts out mildly, appearing not too different, as far as drinking patterns are concerned, from ordinary social drinking.

3. Performance changes and declines will usually be observable within three to five years after initial beginning of the condition. By the time overt drinking shows up noticeably during working hours, the alcoholism has usually progressed well into the middle stages.

The bulk of any supervisory training should be addressed to what procedures the company requires:

1. In normal performance review.

2. In performance documentation.

3. In application of corrective discipline and union-management communication.

4. In what special help is available through the program coordinators and how to make use of this.

Special care must be taken at all points to assure that supervisory personnel, at all levels, stay out of the roles of "amateur diagnostician" and "amateur counselor."

More recent program research has shown that supervisory roles should not be defined in this way. Management should identify work performance problems and deal with them, but should not try to determine or deal with the illnesses that may be the cause, unless overt behavior, such as drinking or use of drugs on the job, indicates that referral to someone qualified to handle such problems should be done immediately.

In industry today we have many problems. Unlike some of them, we already have the know-how for halting the drain caused by behavioral problems. It costs money to make these techniques operational within a plant, but there is no humanitarian endeavor where we can do so much *good* and, at the same time, do so *well* financially.

THE U.S. COURT OF CLAIMS—ADDRESS BY HON. MARION T. BENNETT

Mr. MATHIAS. Mr. President, on September 17, 1970, a distinguished Marylander addressed the National Convention of the Federal Bar Association here in Washington. Chief Commissioner Marion T. Bennett, head of the court's trial division, spoke on the subject "The U.S. Court of Claims—a 50-Year Perspective."

In 1855, Congress created the Court of Claims and consented to suits against the Federal Government in that court. The court has been of particular interest and importance to Congress ever since.

It hears and determines some of the largest and most complex civil suits in the Nation. The court's appellate division consists of seven judges on a level comparable to those in U.S. Court of Appeals. They review decisions of the 15 commissioners, who constitute the trial division.

Private claims before Congress which require adversary proceedings to establish the facts are referred to the Chief Commissioner of the trial division, who sends them back to Congress with a recommendation regarding the merits of any claimed equitable right of recovery. In instances where it is determined that there is a legal right of recovery, suits are filed in the court in the ordinary manner and are processed through the trial and appellate divisions to final judgment. Only the Supreme Court can reverse the Court of Claims, which was created by Congress under article III of the Constitution.

This system has worked well and protects the rights both of the sovereign and of the citizen. The court has had an interesting and significant history and reflects the growth and development of the Nation at large in the types of cases it handles. It has had a progressive attitude toward procedures to expedite the administration of justice in recent years, reflected in its current appellate docket. It is sometimes surprising that the court is not better known, considering its important place in the Federal judiciary.

Since his appointment in 1949, Commissioner Bennett has been a leader in the court, disposing of a heavy share of the caseload in well reasoned and careful fashion. Named Chief Commissioner in 1964, he and Chief Judge Wilson Cowen, a former resident of Maryland, have been instrumental in bringing the court's caseload and procedure up to date. The issuance of a new set of rules on September 1, 1969, is something of which the court is justly proud.

Commissioner Bennett, a former Member of the House of Representatives, related interesting court history and valuable suggestions in his speech before the convention. As a fellow member of the Federal Bar Association, I take particular pleasure in calling the attention of my colleagues to the Commissioner's address.

There are a number of ways to help answer the incredible quantitative and qualitative demands made on the Federal judiciary; none will prove more effective than finding men of Marion Bennett's competence and dedication for the Federal bench.

Mr. President, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE U.S. COURT OF CLAIMS—A 50-YEAR PERSPECTIVE

(Address by Marion T. Bennett)

The United States Court of Claims congratulates the Federal Bar Association upon this, its 50th Anniversary. The Association has been in the forefront supporting many significant efforts in behalf of the Government lawyer and for improvement in the administration of justice. The court has benefited from this cooperation, as has the nation and the bar. It is appropriate, in response to your invitation, that we take a look at the last 50 years in the life of the court which has had such a close relationship with the Federal Bar and for 115 years has been the principal forum for adjudication of suits against Uncle Sam. Benefiting from such a perspective, I will venture some suggestions for the journey in years ahead.

Any 50-year review of the court must, necessarily, be quite selective. I have dealt with this subject in much greater depth in an article to be published in the next issue of the FEDERAL BAR JOURNAL. Today I will limit myself largely to discussion of some prior court

procedures, as they relate to those of today. The last half century, while less than half of the court's life, covers the most important and productive period in the court's existence.

Where was the nation and the court 50 years ago? The court, to be sure, was hale and hearty at a mature 65 years of age. Perhaps for this reason it did not really get caught up in the age of excitement which characterized the "roaring" Twenties which many remember mostly for jazz, the Charleston, the flapper, post-war boom and bust, the Model "T" Ford and bathtub gin. The Great War was recently over. The 14-year national experiment with Prohibition had just started. Eighty thousand fans paid 1.8 million dollars to see Dempsey beat Carpenter. Florida swamp land turned into gold, and some reverted to swamp. Valentino died. So did Sacco and Vanzetti after a famous trial. The first radio station opened and the new medium made stars out of Rudy Vallee and Graham McNamee. Great figures of sport emerged in the 1920's—Red Grange, Helen Wills, the Four Horsemen of Notre Dame, Gertrude Ederle. Girls hummed "It Ain't Gonna Rain No More" while they strummed ukes, smoked cigarettes, and wore dresses so short that Utah wanted to pass a bill that would imprison a woman who wore skirts higher than three inches above the ankle.

In one serious respect the court shared prevailing institutional attitudes in the post-World War I era. It was sure that "normalcy" had returned, as President Warren G. Harding promised, and it did not anticipate any developing crisis. But, the signs were on the horizon. Soon it was seen that the court's machinery was of the Model "T" variety, and it did not meet the needs or desires of its "consumers." A flood of post-war procurement cases began to hit the court at about this time. Why the court was unable to meet the challenge presented by these cases, without the drastic reforms which it undertook, can only be understood by reference to what it was in 1920 and how it then handled its business.

In 1920 the court occupied the old Corcoran Art Gallery Building at Pennsylvania Avenue and 17th Street, N.W., now the Smithsonian Renwick Museum, where it had been since 1899 and remained until 1967. There were only 30 people on the payroll, about one-third the present number. The court's appropriation in 1920 was only $82,000. This year it was $1,872,000. In round numbers, in 1920 plaintiffs claimed 14½ million dollars and received judgments for $1,173,000. This court year they claimed 95 million dollars and won judgments for over 11 million. In 1920 defendants won $14,000 on counterclaims and this court year over $700,000.

THE REPORTS

An examination of the Court of Claims reports of 50 years ago helps to tell us much about the court of that day. The opinions of the 1919–20 court year are found in volumes 55–56 of the court's official reports. Their format is interesting. Headnotes precede opinions, even as they do today. But, there follows, usually, *"The Reporter's* statement of the case." This is, generally, a summary of the arguments and authorities. Sometimes the reporter, when too busy, lazy, or unable to understand the case, simply says: "The subject matter is fully set forth in the opinion of the court." The 1920 cases sometimes, but not always, include findings of fact. When made, the findings are numbered with Roman numerals. Then follows a short opinion, but not always. There were findings without opinions and opinions without findings in merits cases and many judgments with neither findings nor opinions on cases which were heard on the merits. Opinions when written were generally short—two or three pages. There were no dissents in 1919–20. Frequently an opinion of that period was entitled "Memorandum by the Court." Today we would call these orders of the court, or orders of a commissioner, or a memorandum opinion by the court or commissioner on a procedural question. In 1920 the court made findings in eight congressional reference cases and certified them back to Congress. None were accompanied by opinions.

In 1920 the World War I caseload was just gestating. The court was still more concerned with Civil War and Spanish-American War claims and Indian depredations.

Twenty-five contract cases predominated in the 1920 decisions. The year's 53 reported opinions in 1920 equal only about one-third of the output in 1970 when the cases were more difficult and required longer opinions and more detailed findings. The first 65 years of the court represent one-third of its output of opinions and the last 50 years, two-thirds. The last 20 years represent three-fourths of the output of the last 50 years.

SUPREME COURT REVIEW

In 1920 the Court of Claims was moving placidly along approaching the greatest crisis in its history, but it was not alone in failing to anticipate the need for a drastic overhaul in its procedures. At this time the Supreme Court still allowed what was almost an automatic appeal from the Court of Claims.

The Court of Claims Reports, volumes 55–56, for the court year 1919–20, list 43 cases in which the Supreme Court rendered opinions in that one term on appeals from the Court of Claims! They reveal that the court was affirmed in 34 cases. In the last term of the Supreme Court it granted certiorari in no Court of Claims cases. It denied 17 petitions for certiorari, and 11 petitions were pending but not acted upon when the Court went into the 1970 summer recess.

RULES OF THE COURT

To appreciate how far the Court of Claims has come in the last 50 years, mention must be made of its rules. The early rules are contained in the bound volumes of the Court of Claims Reports, beginning with volume 1 in 1863.

The first real overhaul of the rules did not come until 1951 when they were made to conform to the Federal Rules of Civil Procedure for trial of nonjury cases in the United States district courts. They were further refined and republished—most recently on September 1, 1969. Beginning with the 1951 revision, the court has had the great assistance of the Court of Claims Committees of the Federal Bar Association and the District of Columbia Bar Association in perfecting its rules, as well as valuable help from the Department of Justice. Time will not permit any extensive discussion of the rules here. Suffice it to say, the court is justly proud of its rules and any lawyer familiar with the practice in the United States district courts should have no difficulty finding his way around in Court of Claims procedures. There are a few modifications of the Federal Rules because of the nationwide jurisdiction of the Court of Claims and because of its commissioner system.

No accolade for the rules was justified before 1951. There were very few significant changes in the rules in the preceding 96 years. There was no reference in the rules to Summary Judgement, Discovery, Pretrial Procedures, and so many of the things the modern legal practitioner takes for granted. When this speaker came to the court in January 1949, the 1945 rules were in effect, all 36 pages of them. (There are 119 pages now, not including the index.) Where there were no rules for a given situation we made them up as we went along, on case-by-case basis. The situation under the 1916 rules, which were in effect in 1920, was even more primitive. One rule which had continued in force for several generations required the clerk (whose office was open on Saturdays) to maintain a docket called the "watch book," later referred to as the "notice book." At any time after the petition was filed, even though issue had not been joined by an answer, counsel could enter his case in this book and state that testimony-in-chief on the part of the claimant had been closed, that is to say that plaintiff's deposition had been filed, for all testimony was by deposition, and directing that the case be entered upon the trial docket of the court. This meant that the court could start to consider it, for the so-called trial docket, until fairly recently, was the court docket of ready cases. This must have been a rule which gave great encouragement to the Government to get ready if it had any evidence it wanted to be considered. The procedure seems very strange today but can be explained by the fact that in those days the cases were not always handled on a truly adversary basis and some were not defended at all. Parties had the option of filing briefs; they were not required in the beginning. Originally, three attorneys in the Department of Justice gave defendent such representation as it had in the Court of Claims, where the Government is always the defendant. Mongomery Blair was the Chief Solicitor. This staff had grown to 35 by 1920. The Department of Justice advises me that it has 130 attorneys assigned to defend cases in the court today.

The rules today and for some time now have provided that each side might have 30 minutes for oral argument before the court, subject to enlargement or restriction by court order. Fifty years ago the rules said nothing about a time limitation, and it was not uncommon for the court to allow lawyers to talk until they simply ran down. This practice apparently prevailed from the beginning because Presiding Judge John J. Gilchrist in his first report to Congress on the work of the court, on June 23, 1856, said that one case occupied three weeks in the argument and another two weeks. In 1930, when one lawyer had spoken for 2 hours without particularly enlightening or entertaining the court, one judge passed a note to Chief Justice Booth, stating: ". . . this fellow should go home and run for the Senate."

Other contrasts could be drawn between now and the "good old days" of practice in the court 50 and more years ago. But, there is one particular contrast which overshadows all others. I refer to the evolution of the commissioner system of the Court of Claims.

COURT OF CLAIMS COMMISSIONERS

From its very beginning on February 24, 1855, the Court of Claims has been authorized to appoint and use commissioners to gather evidence. The first ones were appointed on July 21, 1855. There were 192 of these commissioners, several in each of the 30 states then constituting the Union, in its five territories, and three commissioners were in England. One of these first commissioners was Benjamin Harrison, of Indianapolis, Indiana, later a Brigadier General in the Union Army, a United States Senator and President of the United States. Harrison, incidentally, was 22 years of age when appointed a commissioner and had been admitted to the bar only the year before. He was still listed as a commissioner in 1863, according to the court's official *Journal*. His father was a Congressman. His grandfather was President William Henry Harrison.

In the beginning, however, the commissioners of the court, who were not always lawyers, merely presided at the taking of depositions, as that was the form in which all evidence was required to be presented to the court. The commissioners had no control whatever over what went into the record for the court's consideration. They were paid on a fee basis by the party at whose instance the deposition was taken. The fee was $3 per day, plus 20 cents per folio of 100 words

taken in longhand. If the commissioner had the added competence of knowing shorthand he got an extra 10 cents. This extra sum was later reduced to five cents but a $5 minimum fee was established per case. These commissioners were sometimes known as "Reporter-Commissioners." They were appointed for permanent terms or could be appointed for specific cases only. They were not required to certify or file a deposition and accompanying exhibits until paid by the parties. The testimony could, also, be taken before a judge but this too was just a deposition proceeding. These procedures are reflected in the early statutes and in the early rules of the court.

The year 1925 marked the passage of legislation which has done more than any other to shape the subsequent years of the court's organizational history. The Act of February 24, 1925, seventy years to the day from the court's creation, authorized the court to appoint seven "competent persons, to be known as commissioners" to serve for a term of three years "to afford the Court of Claims needed facilities for the disposition of suits brought therein. . . ."

The 1925 development was brought about because of the flood of litigation following World War I. Under the original system of reporter-commissioners, the court was confronted with a mass of undigested depositions, exhibits, requested findings of fact, briefs and arguments by counsel. The trial, if it could be called that, was the deposition taking. The judges had usually not seen or heard any witnesses up to this point. The records were full of incompetent evidence. Judges were swamped by these poorly prepared and massive records.

The net result of this procedure was inevitable when the post-World War I procurement cases began to appear. The court fell behind in its work. Claimants were restive. Complaints were made to Congress. Suggestions were made to dismantle the court and to transfer its jurisdiction to the district courts. Still another suggestion was to increase the number of judges on the Court of Claims. The problem was resolved by the Act of February 24, 1925, authorizing appointment of commissioners who were to "have and perform the general duties that pertain to special masters in suits in equity." They were to "fix the times for hearings, administer oaths, examine witnesses, and receive evidence." Subpoenas were available from the court to compel attendance of witnesses before commissioners. They were authorized to operate under such rules and orders as the court might promulgate. Commissioners were required to report findings of fact to the court with the testimony upon which the findings were based. Exceptions and a hearing before the court were provided for on a commissioner's report.

Although the functions of the commissioners have been greatly extended by rule under the broad authority of the law, the 1925 statute, now 28 U.S.C. § 2503, has remained essentially unchanged for the past 45 years except in three major respects: (1) The reference to special masters was dropped from the statute in 1948 as no longer properly descriptive. (2) At the same time, the commissioners were given authority to make recommendations for conclusions of law, as well as findings of fact, when directed by the court. Such recommendations have been mandatory since 1964, by court order and rule, in all cases in which the commissioner makes findings and in such other cases as the court may direct. (3) The cases known as congressional references, wherein there is no legal right to recover, but perhaps an equitable right, which arise as private claims before Congress, are no longer referred by it to the court but rather to the Chief Commissioner of the court for a recommendation back to the Congress after a trial on the merits.

Since 1925 the court has evolved into Trial and Appellate Divisions of responsibility. Yet, there are recurrent proposals that judgments of the court should be reviewable by the circuit courts of appeals because there is no appeal from the Court of Claims unless the Supreme Court will grant certiorari, which it infrequently does. This ignores the true fact that there is now an appeal from a trial level decision. The confusion here arises from the title "Commissioner" which is now a misnomer and an anachronism. Reference to the current rules and statutes makes it plain that the commissioners are trial judges in fact if not in name.

A RECAPITULATION

In summary, 50 years ago the Court of Claims was a small organization, poorly housed, modest in output of work, burdened with primitive rules and inefficient procedures; it handled cases frequently nonadversary in nature; it took all evidence by deposition and had no true trials for determination of facts; it had a staff of widely scattered reporter-commissioners who did not have to be lawyers and who were paid on a fee basis; and its decisions were reviewed by the Supreme Court as a matter of course. Within this frame of reference, the dedication and abilities of judges and staff, so encumbered, were inadequate to the challenges of the post-World War I era. The old order had to give way. In the past 50 years the court sought and received from Congress, with the support of the bar, some sweeping reforms in its size and status as a court, in the powers and status of its commissioners, in its jurisdiction, in its organizational structure, and in the authority and scope of its rules. The fresh, brisk winds of judicial reform in the last 10 years have swept away many cobwebs. The Court of Claims Trial Division stands ready today to schedule a trial whenever the parties are ready, or can be made to get ready to proceed, and the Appellate docket is current. Any delays are usually for convenience of the parties.

But, this is not a complacent court content to rest on its laurels. It is well aware that there are problems ahead. It is aware that in the past some of the steps taken to meet problems were taken just in the nick of time. It wants to plan for the future and to keep alive its progressive outlook which has made it possible in the past half century to embrace new ideas and procedures. It welcomes all informed suggestions. Taking advantage of this spirit, and in harmony with the admonition of the Chief Justice that those in the Judiciary should speak up about what the courts need to do a better job, I shall venture a few opinions of my own. In so doing, I am well aware that there may be dissents. Hopefully, my long experience with, and affection for, the court will lend some credibility to this testimony. The following suggestions are not listed with any thought of priorities but are believed to be desirable and attainable goals. They would require legislation. I submit them as my personal views.

LOOKING AHEAD

Conscious of the ever-increasing costs of litigation to the parties, the court sought and received in 1970 statutory authority to pay for its own copy of the transcript of trial proceedings. 84 Stat. 298. When implemented by an appropriation this will equate it to other federal courts in this regard. Another step in the right direction would be to devise some way, with the help of Congress and the bar, for poor parties to have proper legal counsel.

I believe that the original purpose of the court as the main forum for adjudication of suits against the Government must be vigorously reasserted and that the court should have all the jurisdiction any federal court has for this purpose, although not necessarily exclusively.

As we enter an era where the court has been given some jurisdiction involving suits concerning the environment in which we live, and where patent and contract cases grow more complex, the court's jurisdiction must be clarified by Congress in the area of third-party practice.

I hope for the day when retired commissioners, like retired judges, may be recalled for active duty on a limited basis when their services are needed. It is a shame that the experience of such commissioners, in good health, should be thrown away when their services are needed on congressional reference cases and on protracted trials which disturb and delay the dockets of full-time commissioners. An improved retirement system would also facilitate appointments of commissioners from the private bar, now almost impossible.

Although the delegation of judicial authority from the court to commissioners to rule on procedural motions has not been challenged, and probably could not be successfully challenged, as long as the right of review is preserved, the situation would be improved if the authority to rule on these motions was statutory instead of by delegation and was subject to review on the same "clearly erroneous" basis that circuit courts review procedural rulings of district courts in suits against the Government.

It would be in the public interest for commissioners to be appointed for a term of years rather than to serve at the pleasure of the court. The commissioners would benefit by definite tenure and the court would benefit by assurance that commissioners were always on their toes, or else could exit gracefully. Modern thinking in judicial appointments is in this direction. Witness the new provisions for selection, tenure, retirement, and removal of judges of the District of Columbia courts.

Hopefully, the day will come when the Court of Claims has statutory authority to make declaratory judgments and has remand authority and reinstatement authority to implement its judgments for back pay in civilian personnel cases.

If Congress should make good its threats not again to renew the life of the Indian Claims Commission, that jurisdiction should revert to the Court of Claims.

The court could also very well assume the cases from the Renegotiation Board which now go to the Tax Court. I understand the latter court would interpose no objection.

The Court of Claims with its widely admired fact-finding machinery is probably better prepared than any other court to handle the larger claims under the Federal Tort Claims Act, where there are witnesses in several states and beyond the jurisdiction of any single United States district court.

Much confusion has been generated in the adjudication of contract claims against the Government as a result of certain Supreme Court decisions and the language of the standard Government procurement contract. Further, entirely too much time is now required to be spent resolving procedural snarls instead of on the merits of these cases. If we are to preserve our traditional concept of judicial justice the citizen must again be guaranteed his right to his day in court and to a speedy, inexpensive proceeding there if he wishes it, within proper limitations and with due respect for some necessary administrative process. Since most contract claims are for less than $25,000, why not make the decisions of boards of contract appeals final on those claims, but for the larger, more complex ones requiring an adversary proceeding, give the contractor an option of proceeding to finality either before the board or in court? The Court of Claims would not be burdened by such a solution and the worthwhile administrative process for claims would not be disregarded. It is pretty hard now for the court to make a worthy judicial determination on records made before the boards

which are not under the Administrative Procedure Act, for valid reasons.

The commissioner system of the Court of Claims is now being widely copied outside the area of courts created under Article III of the Constitution. Accepting the compliment of the Armed Services and of the Tax Court in this regard, their commissioners have such limited authority in comparison to those of the Court of Claims that a distinction in these titles would seem to be appropriate. The Executive and Legislative "courts" have adopted the title "judge" which, at the very least, should not be abandoned by the constitutional Judiciary. The public confusion between commissioners of the Judicial and Executive departments also should be clarified by appropriate nomenclature.

If it is a legitimate goal to speed up cases and reduce the cost of litigation, should not the right of automatic appeal from decisions of commissioners be reexamined in certain types of cases such as those turning entirely on the facts or below certain amounts claimed?

Further, since we have a Court of Claims with a nationwide jurisdiction which hears cases in every state, why shouldn't the sovereign be able to sue as well as be used in this court?

Finally, whatever has happened to vitiate the idea that the citizen will always be entitled to his day in court and that the sovereign should be subject to suit like any private citizen? More and more this idea is being eroded away with a sort of neo-totalitarian concept that the sovereign ought to be the judge of its own mistakes and to adjust administratively and finally, if at all, any disputes to which it is a party. If, as has often been said, that the Court of Claims is the "keeper of the nation's conscience," can it be that this conscience is less acute than it was 50 years ago?

Whatever the caprice with which the sovereign has expanded or contracted its consent to be sued over a span of years, there still exists, and will always exist if our society remains free, some opportunity to bring the Government to account before the bar of justice. Certainly today, with the exception of contract cases, it can be done with greater effectiveness procedurally than ever before. The nature of claims may vary with the times but the original purpose of the Court of Claims remains—to hold the Government to the standard of basic fairness in dealing with its citizens. As President Lincoln said in speaking of the court: "It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between private individuals."

The court has kept Lincoln's charge to it. Free from local influences, mobile, with access to the records of Government, familiar with the workings of bureaucracy, armed with modern rules and procedures, assisted by an outstanding bar, it works hard to do equal justice "for the Republic and for its Citizens," as its official seal says. The court's real record, of course, is to be found in its decided cases. That is another story, and it is being constantly told in the literature of the legal profession and by the cases themselves. The story I have told here is one that has not been told before.

The official census figures show that in 1855, when the court was established, the population of the United States was just under 25 million people. By 1920, it had grown to about 106 million and today it is almost twice that number. We have quite a different country than we used to have and while, as previously said, the original purpose of the court remains, so does the need for it. In a time when the Government is becoming ever more centralized and powerful, the need for and value of, such a court increases in importance. For those of us who have had the privilege of serving the court, helping in its mission to protect the individual against the excesses of big Government and protecting the Government against unreasonable demands of some citizens, the work continues to have about it an element of inspiration.

THE RIGHT TO VOTE FOR ALL OUR YOUNG PEOPLE—SERVICEMEN, WORKERS, AND STUDENTS

Mr. PELL. Mr. President, as one who has long advocated lowering the voting age to 18, I naturally welcomed the President's action in signing the bill designed to insure this privilege to all younger Americans. It is also my hope that the courts will speedily uphold the constitutionality of that legislation, and that these more than 10 million currently disenfranchised Americans will soon be full participants in our system of government.

At the same time, there appears to be considerable misgiving among some of our older citizens concerning the wisdom of this development—and it is to those doubts that I now address myself.

Many of those who question the wisdom of enfranchising our younger adults derive their concern from reports of unrest and demonstrations on our college campuses. This is reflected in my own conversations and correspondence with constituents in Rhode Island, as well as in a nationwide opinion poll which shows campus unrest to be of concern to more Americans than even the war in Vietnam or the continuing inflation. This linking of the voting rights of 10½ million Americans with the activities of a few thousand school-age militants seems to me both unfortunate and unjust.

It is unfortunate, because it plays into the hands of that small minority of violent militants whose illegal methods we rightly deplore. Although only a small group within our student population, they have attempted to recruit others and to justify their violence on the ground that it is impossible to accomplish anything with the system. The best reply to that specious argument is to bring as many of our young people as possible into the system and let them see for themselves that it works. I can think of no more effective way to do this than to give them the franchise and a sense of responsibility in the choice of their own leaders.

The second reason for not withholding the vote from millions because of the transgressions of a few is that it would be unjust. To cite just one example—there are far more young men who have fought in Vietnam, or are fighting there now, than have ever ransacked an ROTC building on a college campus. Is it just to deny these young servicemen the right to vote on matters of war and peace because of the extra-legal activities of a few back home? Moreover, less than half of our young adults, 18 to 21 years old, are students, either in secondary schools or colleges. More than half of our young adults are neither students nor demonstrators: They are wage earners paying taxes—and there are more of them than there were Americans on this continent when tea was dumped into Boston Harbor to protest "taxation without representation."

Is it just to continue to disenfranchise millions of hardworking young Americans because of the activities of a few irresponsible young agitators?

Of all the areas of potential misunderstanding and conflict in our national life, it is hard to imagine one so unnecessary—and so filled with potential sorrow—as the so-called "generation gap." Much of the difficulty arises, I suspect, from the all-too-human tendency to create categories where none, in fact, exist. The addition of these young adults to the voting rolls will increase the total electorate by some 10 percent—and that 10 percent is no more monolithic than the 90 percent of their elders now eligible to exercise the franchise. There is, for example, no reason whatever to believe that youth is radical. We saw an example of this recently across the Atlantic. In the last British election, 18-year-olds had the vote for the first time—and the election went to the conservatives.

During my 10 years in the Senate, I have made a special point of bringing as many young people as possible into the mainstream of political life. In fact, my intern program, the largest on Capitol Hill, has involved several hundred young students working closely with us in our offices here or in Rhode Island. I can assure you that, in their private political convictions, they run the entire gamut from liberal to conservative, or whatever may be the fashionable labels of the moment. The one thing they share in common is an intense interest in being part of the country. We find them invariably idealistic, interested in learning about their Government in its day-to-day operations, and anxious to make a personal contribution. In all those 10 years I have yet to meet a young intern who was unready to exercise maturity and judgment as a voting citizen.

Over the years I have also observed the increasing sophistication and knowledgeability of our young associates. Every analyst or educator with whom I am acquainted is of the opinion that the present generation of young adults is more mature, more aware, and better educated than previous school-age generations. My own experience confirms this.

The great English statesman, Edmund Burke, had he been heeded might well have given the American colonies freedom and representation without the turmoil of revolution. And it was Burke who said:

> Tell me what are the prevailing sentiments that occupy the minds of your young men, and I will tell you what is to be the character of the next generation.

I support the vote for 18-year-olds for the same reason that I instituted our intern program 10 years ago when first elected to the Senate—an election, incidentally, in which I was myself a relatively young insurgent running against the regulars and the older generation. I know from personal experience what can be accomplished by working within the system.

To my own contemporaries, now that we have ourselves become members of the older generation, I would say: There is no real conflict between ourselves and our younger compatriots; but even if there were, we could not win. The actu-

arial tables are always on the side of youth. This country will someday be theirs, to do with as they please. Is it really too soon to take them into our confidence, to give them their own share of responsibility for the future of our country, and the world, in which they have the greatest stake of all?

RETIREMENT OF JOHN S. FORSYTHE AS GENERAL COUNSEL OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. YARBOROUGH. Mr. President, one of the most able and dedicated staff members of the U.S. Senate, Mr. John S. Forsythe, is retiring as General Counsel of the Committee on Labor and Public Welfare. I know that every present member of the committee, as well as other Members of the Senate who have worked with Jack during his 15 years of service to this body, share with me a deep regret to see Jack Forsythe leave the service of the Senate. His expert advice and wise counsel will be sorely missed by the members of the Committee on Labor and Publice Welfare.

Mr. Forsythe has had a distinguished career in the Government. After his graduation from Duke University Law School he began the private practice of law, from 1939 to 1941. During the Second World War, from 1942 to 1945 he served in the U.S. Navy and presently holds the rank of commander in the U.S. Naval Reserve. From 1945 to 1949 he was employed as an attorney in the Appellate Litigation Division of the Department of Labor, and as an attorney in the Policies and Review Division of the National Labor Relations Board. In 1949 he was appointed the General Counsel of the Committee on Education and Labor of the U.S. House of Representatives, and served in that capacity until the beginning of 1953. From early 1953 through 1954 Mr. Forsythe served as General Counsel of the Federal Coal Mine Safety Board of Review.

Then in January of 1955 Senator Lister Hill appointed Mr. Forsythe as general counsel to the Committee on Labor and Public Welfare. He has served with distinction in that post to the present time, spending much of his time working on education legislation. Beginning with the National Defense Education Act of 1958, there is not a single piece of education legislation that has not benefited from his thoughtful draftsmanship. His especial interest in the problems of handicapped children has benefited the members of the committee immeasurably and his background in labor law has enabled him to advise the committee in this most controversial of legislative areas.

As general counsel to the Committee on Labor and Public Welfare, Jack Forsythe had to work for 17 Senators having sometimes widely differing political views. He had to be able to handle an incredibly wide variety of subjects involving almost all of the domestic concerns of the Nation, ranging from education and health through the financing of these programs to pensions and welfare plans, the problems of poverty and manpower training, the elderly, and scientific research in the United States to collective bargaining and labor standards legislation. Jack Forsythe was able to handle his difficult assignment with extraordinary competence and ability.

I know that all members of the committee join me in wishing Jack Forsythe well on his decision to retire and become associate general counsel of the Life Insurance Association of America. Although we hate to see him leave, we wish him all possible success in his new endeavor.

NOMINATION OF ROBERT H. McWILLIAMS TO U.S. 10TH CIRCUIT COURT OF APPEALS

Mr. DOMINICK. Mr. President, I am very much pleased that the nomination of Robert H. McWilliams to be a judge on the 10th Circuit Court of Appeals has been confirmed by this body. In view of his excellent qualifications, the speed with which his nomination was confirmed is gratifying.

In addition to having a distinguished academic record, Mr. McWilliams has wide experience, both as a lawyer and a judge, upon which to draw in deciding the diverse and complex issues which will be presented to him on the court of appeals. He has engaged in the private practice of law and has served as a district attorney. He has served as a judge on Colorado courts, both trial and appellate, for a period of more than 18 years. He has served as a justice on the Colorado supreme court since 1961, and has presided as chief justice since 1969. He is held in high regard by the Colorado bar for his fine legal opinions.

I ask unanimous consent that a brief résumé of Mr. McWilliams' background be printed in the RECORD at this point.

I think Mr. McWilliams will be an outstanding addition to the 10th Circuit Court of Appeals, and to the Federal judiciary.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AN AUTOBIOGRAPHICAL STATEMENT FROM ROBERT H. MCWILLIAMS, CHIEF JUSTICE OF THE COLORADO SUPREME COURT

I was born on April 27, 1916 in Salina, Kansas, which was at that time a midwestern wheat town of approximately 15,000. My Father was then serving as principal of the local high school. He later became a professor at Kansas Wesleyan University, which is and was a small Methodist denominational college in Salina, Kansas. I attended the public schools in Salina, Kansas until 1927. In 1927 my Father accepted a teaching position as head of the Sociology department at the University of Denver, and our family then moved to Denver, Colorado. Thereafter, I attended the Denver Public Schools, namely, University Park grade school, Grant Junior High School, and South Denver High School, graduating from the latter institution in 1934. I attended the University of Denver from 1934 to 1941, receiving by A.B. degree in 1938 and my LL.B degree in 1941.

Both in high school and college I was very active in athletics, and made varsity letters in both basketball and tennis for three years at the University of Denver. I am still a very active tennis enthusiast and play regularly at the Denver Tennis Club. In my senior year at the University of Denver I was president of the student body. Scholastically, I ranked number one in my graduating class in both high school and college, and number three in my law school class. I was admitted to the Colorado Bar in 1941 by written examination and received the highest grade of the seventy-one persons taking the examination.

Immediately upon my admission to the Colorado Bar I was appointed to serve as a deputy district attorney in Denver. I served in that office until January 1949, excepting for the approximately four years I spent in military service. As concerns my military service, I served for approximately two years as a Special Agent in the Office of Naval Intelligence and later served for about two years in the United States Army, where I attained the grade of Staff Sergeant and was assigned to the Office of Strategic Services and served in the China Theatre. Altogether then, I served as a trial lawyer in the office of district attorney in Denver for about three years and during this period of time I tried several hundred criminal cases.

In January 1949 I voluntarily left the office of Denver District Attorney and was in that month appointed to serve as a municipal judge in Denver. The office of municipal judge was then a half-time employment situation, and accordingly while serving as a municipal judge I also engaged in the private practice of law, and officed with Mr. Donald B. Robertson and Mr. Raymond B. Danks. This arrangement continued until July 1952, when I was appointed by the then Governor of Colorado, Dan Thornton, to serve as a district judge for the Second Judicial District, which district is the City and County of Denver. The district court, incidentally, is the highest trial court in the state. In November 1952 I was elected to serve the unexpired portion of the term of office to which I had been appointed, namely two years, and then in November 1954 I was elected to a full six year term on the Denver District Court. During my eight year term on the Denver District Court I was Presiding Judge of the entire court for two years. During my tenure in the Denver District Court I presided over the trials of literally hundreds of cases, civil, as well as criminal. Also, during this time I was a member of the Colorado District Judges Association and served one year as President of that organization.

In 1960 I ran for the office of Justice of the Colorado Supreme Court, and in November of that year was elected by a very substantial margin to a ten year term on that court. I was sworn in as a Justice of the Colorado Supreme Court in January 1961 and have served on that court continuously since that date. In 1964 I was elected by my fellow justices to serve one year as Chief Justice of the Colorado Supreme Court. And then in January 1969 I was again elected by my fellow justices to serve as Chief Justice for an indefinite term, in which position I am presently serving.

Insofar as family background is concerned, my Mother and Father were born on Kansas farms and they met when they were students at Baker University, a small Methodist college located in Baldwin, Kansas. As above indicated, my Father was a member of the faculty at the University of Denver from 1927 until his retirement in 1946. In 1947 at the age of 67, my Dad was elected to the Denver City Council and he served in that body for eight years. He declined to run in 1955. My father died in 1959 at the age of 78. My Mother later died in 1967 at the age of 80. I initially had two younger brothers, one of whom, Edward, was killed in action in World War II in the South Pacific. My other brother, David, is married, has two children, resides in Denver and is an administrative assistant to Dr. Robert Gilberts, Superintendent of the Denver Public Schools.

I married Catherine Ann Cooper in 1942 and we have one son, Edward, age 21, who is a senior at the University of Colorado. My wife is a graduate of the University of Colorado. Her Father, now deceased, and her

brother, Richard H. Cooper, were for many years engaged in the building materials business in Denver under the firm name of Threewit-Cooper Cement Company, a family owned business which is now owned and operated by my wife's brother.

I am a member of Kappa Sigma social fraternity and am likewise a member of both Phi Beta Kappa and Omicron Delta Kappa, national honorary fraternities. Also, I am a member of the Denver Rotary Club and the Denver Gyro Club and have served as President of each. I belong to the Colorado and American Bar Associations, the American Judicature Society and have served on the Board of Trustees for the Denver Bar Association and the Board of Governors for the Colorado Bar Association.

I am a member of the Episcopal Church and in the past have served both on the vestry and as senior warden in my particular parish, as well as serving for several years as a lay member of the Board of Trustees, which is the governing body for the Episcopal Church in Colorado.

PROPOSALS FOR SELF-REGULATION ADMINISTERED BY THE AMERICAN ADVERTISING FEDERATION

Mr. MAGNUSON. Mr. President, in the past few weeks some very significant proposals have been set forth by advertising industry leaders to establish a meaningful mechanism for self-regulation to be administered by the American Advertising Federation.

These plans have been introduced by western regional chairman of AAF Fred Baker, chairman of F. E. Baker—N. W. Ayer Inc., Seattle, and by AAF chairman Victor Elting, Jr., vice president for advertising of the Quaker Oats Co., Chicago.

They are similar in scope and have identical objectives. They seek to establish a voluntary and substantive program for effective self-regulation in the advertising profession. This has long been needed. The leadership of the federation is to be complimented for its constructive thinking.

With great enthusiasm I wholeheartedly endorse these proposals and urge the advertising and business community to give them the most serious consideration at the highest levels.

In these difficult times, the public is looking to industry for meaningful responses to issues of concern. This is an opportunity that should not be overlooked for advertising to resist burdensome legislative pressure by substituting its own program.

The time has come to see whether real self-regulation can work to protect both the public's and the industry's best interests.

Although, I have not had the opportunity to meet Mr. Elting, I do know Fred Baker well. And I know of no one, in or out of Government, with a greater sensitivity to the public interest and the social responsibilities of the advertising industry. His is a voice that should be heeded.

I ask unanimous consent that the address by Fred Baker and the address by Victor C. Elting Jr., be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF FREDERICK E. BAKER

I am very grateful to Lydia Reeve for inviting me to be with you at Newport Beach. I am grateful to you for taking time from your own business and personal affairs to spend this time together.

If I appear overly serious it is because I am highly concerned. I owe much to the field of advertising and perhaps you do too. For most of my adult lifetime it has provided me my livelihood, a chance to expand and grow and broaden my interests and knowledge.

My message today is a very simple one. Advertising is not at the crossroads—it is past the crossroads. Unless you and I, and thousands of others, act promptly with courage, vigor and intelligence, the advertising business as I have known it is a thing of the past. We have had practically complete freedom in the marketplace. Our art of communications has contributed mightily in the development of the American economy. People live better because of our work. People are healthier and physically more comfortable because of our work. Our nation is stronger because of this.

Most of what we have done has been constructive and honest, and in good taste. Some has not. Because some has not much of the public has lost a good share of confidence in what we do. We are suspect on many more counts than one. The elected representatives of the people, and the appointed officials, find us fair game. If we think we have been harassed in the past few years by confining laws and stringent regulations, I assure you we have only seen the beginning and a small beginning at that.

Unless we meet the situation head-on and regain the confidence of the American people—not by our words, but by our acts and by our deeds—we will become a completely contained, regulated, government-controlled industry.

Our problems must be successfully met on both the local and national levels. Our program must be viable everywhere—not just in several isolated areas or instances. To succeed, all in advertising must constructively participate. Our ad clubs are key to the local level for several reasons. Locally, the focal point in self regulation is your Better Business Bureau. This is their business, their reason for existence. Many Bureaus are doing an excellent job right now, with or without the help and support of the local ad club. I do not pretend to have an accurate reading on this but I have had considerable contact around the United States with the local Bureaus, either with the manager or an officer or board member. If I had to be specific I would estimate that at least a quarter or perhaps a third of the approximately 100 BBBs in the country are really in good shape. I will further observe that in the communities where this is true you find little or no consumer unrest or active consumer movements. The reason is obvious—the offended consumer has a place to go—knows the place is the Better Business Bureau and the Bureau handles the complaint to the reasonable satisfaction of the consumer.

As to the other two-thirds or three quarters of the Bureaus, they really need our help. They may need it by way of a task force from the ad club designing a program for increased Bureau membership and financial support. Some bureaus are so overwhelmed with calls that only half, or slightly better, of the people calling can get through to register their complaint. We usually find in such instance, that only a moderate proportion of the business community is supporting the bureau. Many more would if they had the story—properly presented. More dollars means more staff people, more complaints adequately handled.

They may need our help by way of a task force from the ad club to formulate a program that will make the local people aware of the Bureau—its purpose and what they should do if they have a legitimate complaint. Or, there may be other ways in which we can assist.

It has occurred to me that the ad club might mount a campaign encouraging housewives to voluntarily man the Bureau phones for a day or two a week. This would be consumers helping consumers and could free Bureau funds for additional investigative service.

Your AAF National Ethics Committee is urging all ad clubs to have an active Ethics Committee. Principal purpose of this committee is to assist the local Better Business Bureau in every practical way possible. We are not the policeman—the Bureau is.

In some cities where we have ad clubs no Bureau exists. There are about 70 such communities. In practically every case, however, the Chamber of Commerce functions similarly to a Better Business Bureau through a department, or division, for this purpose. Here we provide our expert help, as professional communicators, just as we would to a Bureau.

Of late, good things are taking place with the BBBs. In the past they have been fragmented nationally. Now they are all together—one national organization—the Council of Better Business Bureaus Incorporated. Ward Quall, who will be speaking to you later, today, was one of the key persons who accomplished this.

The local Bureau does everything possible to get the offending advertiser or marketer to see the error of his ways and voluntarily correct his situation. In most cases this works. In many it does not, which leaves the consuming public still unprotected from fraudulent or misleading advertising or practices.

This is why we in AAF have sponsored our Model Deceptive Practices Act. Nearly half the 50 states now have effective Consumer Protection statutes. Until the remaining states have adopted our Model Law, or a reasonably effective likeness, our job is not finished. We are making progress in the West. California has a fine law; so has Washington, Colorado, Arizona, Hawaii and New Mexico. To the best of my knowledge our states of Alaska, Idaho, Montana, Nevada, Oregon, Utah and Wyoming do not have statutes for adequate consumer protection. Our process is simple. Through the Better Business Bureau we first strive for voluntary compliance. If thwarted, the file is then turned over to the State Attorney General's office for Consumer Protection. Under our Model Law they can prosecute as a civil action.

At our Bakersfield Conference, Charles Thurber, Rose Mary White and Mike Jordan will make clear in workshop session the details on getting the job done at the local level.

Now let's think about the toughest problem of all. How do we clean up advertising and marketing nationally? Let me repeat my early remarks—most of what we have done (in advertising) has been constructive and honest and in good taste. Some has not.

Our challenge is to straighten out the *"some has not."* We must do this promptly, not because it is the *nice* thing to do—which it is—not because it is better advertising and marketing—which it is—not because we will all be prouder of our occupation—which we will—but because we will eventually lose all our basic freedoms to perform in the marketplace if we do not succeed.

A brief look at the past. We in AAF (then AFA and AAW), together with the Association of Better Business Bureaus International, created and promoted The Advertising Code of American Business. As you know, our Code contains nine points. Each is clearly defined and well expressed. If all agencies, advertisers and media abided

100% by our code we would have no problem with the consumers or the government. None whatsoever.

But we have those who do not comply—in high places as well as low in the advertising and business spectrum. Our Code is beautiful. It is the nine commandments of advertising. But, to far too many it is merely meaningless platitudes. We have no power of enforcement. It is respected by the good guys and laughed at by the bad guys.

Canada has a Code also. In some ways it is better than ours. It has *twelve* commandments. In general the areas covered are similar to our own. But each standard begins with this language, "No advertisement shall be prepared, or be *knowingly accepted*, which . . ." and it then defines the code standard involved.

The Canadian Code of Advertising Standards was prepared by the Canadian Advertising Advisory Board. This is a non-profit organization representing all phases of the advertising industry in Canada.

Its main objectives are:

A. To develop, promote and encourage adherence to approved national advertising standards and practices, including the "Canadian Code of Advertising Standards";

B. To contribute to the continuing improvement of avertising effectiveness by assisting in the development of appropriate educational and training programs;

C. To sponsor and support research into advertising, including its social and economic effects;

D. To improve public awareness of the contributions of advertising to Canada's economic and social well being; and

E. To serve the common interests of the Canadian advertising industry.

The Canadian Code of Advertising Standards has been reviewed and approved in principle by all the basic Canadian trade organizations of media, advertising agencies, advertisers and advertising and sales clubs.

The Canadian Code is better promoted than ours. It has more active support from media, agencies and advertisers than ours. However, it also offers no practical method of enforcement.

My personal feeling, as of this date, is that our Code is a very earnest attempt by the clubs in the American Advertising Federation, together with the Better Business Bureaus, to establish ethical standards that would truly protect the consumer and enhance the positive image of the advertising industry. It is my opinion that this effort is not being taken too seriously by many agencies, advertisers and media. There are exceptions to this statement and to those exceptions I am most grateful.

The reason neither our Code nor the Canadian Code really works is because there are no teeth in either. I have talked about the good guys and the bad guys in advertising. The good guys instinctively create, if an agency, authorize or direct, if an advertiser, and permit publication or broadcast, if a medium, only advertising messages which are truthful, ethical and in good taste.

The bad guys couldn't care less.

The primary excuse our industry presents for not adopting, *and enforcing*, a voluntary Code of Advertising Standards is that such a practice would be illegal—in restraint of trade and not permitted by the Federal Government.

Have we taken a real program to the Federal Government and requested exclusion of the advertising industry from anti-trust laws so far as our Code enforcement is concerned? To the best of my knowledge we have not. I happen to believe that if we, and by we I mean all of advertising, adopted a Standards program such as Great Britain has, the Justice Department and the Congress would welcome us with open arms and provide the legal relief necessary so we could function effectively. Before I discuss the British Code of Advertising Practice permit me to acknowledge that my information has been provided primarily by our AAF president, Howard Bell, and very importantly by my close associate and warm personal friend, Neal O'Connor, president of N. W. Ayer. Neal O'Connor is presently chairman of the Committee on Improving Advertising for the 4As. He spends considerable time in Europe on agency business and in recent months has devoted substantial time in England studying the actual structure and operation of the British Code. He has provided me with the bulk of my specific information.

The remarks I am projecting today are my own thoughts and are not necessarily supported by anyone else. *In principle*, Howard, Neal and I are thinking along similar lines. So is Victor Elting, *our* fine AAF National Chairman. So is our AAF National Ethics Committee. But, there is a great amount of "Nitty-gritty" that will have to be worked through before we have a really effective program of advertising standards stoutly supported by *all* elements of the advertising industry.

This is my fourth consecutive year as your chairman of the AAF National Ethics Committee. Our original consideration was to develop an effective program at the club level. From my earlier remarks you can properly gather than I believe we are now on the right track—the right track but with a very long way to go.

My concluding comments concern advertising standards nationally. First, due credit must be given the NAB Code effort and other evidences of self discipline within the advertising industry. Unfortunately, these are the exceptions rather than the rule.

It is now my firm opinion that we must explore to a successful conclusion a control system similar, if not identical, to the British. Theirs was established in 1962. It works.

Its purpose, and I quote, is "The promotion and enforcement throughout the United Kingdom of the highest standards of advertising in all media so as to ensure in cooperation with all concerned that no advertising contravenes or offends against these standards" unquote.

The detailed British Code of Advertising Practice is specific beyond belief. I can find nothing they fail to cover, including very specific position on medicines, treatments and appliances. It leaves no room for doubt or argument.

The British Code is under the general supervision of the Advertising Standards Authority. It is financed by grant from the advertising associations, but functions with total independence.

Seventeen major advertising trade organizations support the Code and their representatives constitute the Code of Advertising Practice Committee. These include all important media, advertisers and agencies.

The Advertising Standards Authority is the policy body. The chairman is appointed by the Advertising Association. He is currently, and must be, a man of great acceptance, courage and integrity. He appoints the other ten members, five experienced in advertising and five not from the advertising business.

This Advertising Standards Authority determines principles and policy, amends and extends the Code of Advertising Practice and keeps the Code of Advertising Practice Committee under surveillance. Hence, the Advertising Standards Authority is defined as the policy body.

The executive body is the CAP, the Code of Advertising Practice Committee. This committee, made up from the 17 supporting organizations, representing all three major sides of the advertising industry—advertisers, media and agencies—investigates cases, decides interpretation of the code, sets rules and refers policy matters to the Advertising Standards Authority.

To make all this work, the CAP employs an investigative unit—the Advertising Investigation Department. The AID processes complaints from: consumer bodies, governmental bodies, trade associations, competitors, the public at large.

It monitors all media to pick up offending copy.

You can see the role in Britain is specific, yet broad. They work within the advertising industry, they work with government and the departments of government, with consumer bodies, the trade associations and with individuals. This includes not just advertising per se but trade practices as well, such as guarantees, warranties, the use of "free,' etc.

Now—get this. Any ad judged to be in violation of the Code of Advertising Practice, either as a result of a complaint, or the monitoring, *must be withdrawn.*

As to the advertiser—*media will not accept banned copy.*

As to the agency which persists in violating the CAP—*media withdraws recognition*, which clearly means loss of commissions.

It's as simple as that. It is working. It is financed by the advertising industry, but run in the public interest. The governmental bodies respect it.

The British consumer is truly protected.

Please permit me to repeat something I said very early in these remarks.

Unless we meet the situation head-on and regain the confidence of the American people—not by our words, but by our acts and by our deeds—we will become a completely contained, regulated, government-controlled industry.

It required the complete dedication and cooperation of all facets of the advertising industry in Great Britain for them to establish the one program of self regulation in the entire free world that really works.

Isn't it much better for American advertisers, media and agencies to do likewise voluntarily, rather than be forced to by government?

In preparing these remarks I have been speaking only for myself. Just before leaving Seattle I reviewed the talk Victor Elting gave before the Chicago Advertising Club on September 17. On that same day Neal O'Connor met with his 4A committee in New York and presented the full material on the British Code. You can see the pot is boiling—the key elements in advertising are serious indeed.

In reading Victor Elting's talk, and in previous conversations with him, I know his deep feelings on this subject. Victor is suggesting to our AAF Ethics Committee that we give serious consideration to creating an independent Advertising Review Council. His suggestions follow the lines of the British system—a code with teeth.

I will first present the proposition to our Ethics Committee that U.S. advertising establish a program like Britain's. If the opinion of the Ethics Committee is substantially affirmative we will then bring the matter to our AAF Executive Committee and Board at the November meeting. If they concur, we will explore in great depth the positions of the 4As, the ANA, the other affiliated trade associations, and media. In my personal view this must be a collective effort with AAF taking a very great share of the responsibility.

At the proper time, assuming the leaders of advertising have agreed on a program, we will take it to the AAF membership for approval. At the very latest this would be our June convention in Honolulu.

In the meantime it behooves us in AAF to materially strengthen our financial situation. We are running on a very tight budget. In our Western Region we have a strong Company Membership Development Committee headed by Don Cunningham. Don has my pledge that I will do everything within my power to assist him and his committee in obtaining new Company members and retaining those we now have.

Careful study of our present company members indicates to me there is at least $30,000 more available to AAF annually from

the Western Region new company members if we each do our best.

If AAF is to play a leading role in the proposition I have discussed today, we simply must be in position to provide our fair share of the monies required should the system of financing be similar to the British.

We have a big job cut out for us. The next year, or so, is crucial. If we win, all of advertising and all consumers win. If we fail, the consumers will win anyway. Government will take care of that.

Let's get at it!

ADDRESS BY VICTOR C. ELTING, JR.

This is a crucial time in the history of the advertising industry. I'm sure all of us sense the stir of change and the pressures for more change . . . from within our industry, from social critics, from government, from housewives and other consumers. Just like many other aspects of our way of life, advertising is in a ferment of questioning and innovation.

Certainly an industry that has done so much to change our society from primitive scarcity to vast abundance must welcome a climate of new thinking. But we must also be wise enough to seek out the means of directing change into constructive and socially desirable channels.

Although like all industries we have our own internal questions—such as shifts in media patterns, technological innovations, new offshoots of the advertising agencies, and others—there can be no question that the overwhelmingly crucial problems facing us involve the social climate.

The internal matters may determine *how* we function; the social pressures will determine *whether* we function.

We are being accused of building false values in our people, of making them a drug-dependent society, of exploiting rather than serving the consumer, of pushing goods that pollute our air, water and soil. We are charged with building unattainable expectations among the poor that breed violent frustration, and of covering up adulterants and safety hazards.

You are all aware of these charges and of the serious consideration in government and consumerist organizations for limiting or prohibiting the use of advertising in many ways, just as it has already been prohibited for cigarettes on TV.

The problems besetting this industry, like most of the problems in America, are the direct result of our success.

The very freedom and competitiveness of our business system have transformed us from a provincial people obsessed with scarcity into a nation made up mostly of affluent urbanites facing new problems of abundance. This freedom and competitiveness have produced our success by concentrating on putting our full momentum behind achieving profitable sales. We have succeeded remarkably—we have created the great American miracle of comfort and security for 95% of our people that is unmatched in history.

But now that clearly is not enough. The momentum of focusing so hard on profitable sales has carried us past the turning point of our society. The effects of much of our success are now the targets of the questions being raised by both responsible and irresponsible social critics—our wives as consumers, the teachers of our children, the doctors who are concerned for our hearts and our lungs, as well as the radical activists and the demagogues.

So we must recognize that advertising is under fire because many people are raising questions about where we are headed . . . and because we have succeeded so well in making people aware that advertising is one of the greatest forces in directing where we go in our society.

Undoubtedly, the overriding need for our best thinking, our best organization, our best *action* is bringing the standards and ethics of all aspects of this industry into confluence with the new realities of our times.

These are serious matters for all of us—as consumers and citizens of this country, and as members of the advertising industry.

It would be easy to over react to these sweeping and often uninformed castigations of our system. We must be sure that, even while we determine what more we must do, we do not lose sight of what we have done and the progress we are making.

The great majority of advertisers, agencies, and media are responsible factors in our society. They have elevated their practices and standards well above what they have ever been in the past. Through their own voluntary actions and through cooperation in various associations and professional societies they have established standards and codes that demonstrate their integrity and awareness of their influence on people's lives.

We at Quaker, for example, have always been cognizant of our influence on people. We have set our standards high and have constantly evaluated them to keep them abreast of new needs. We are not unique in this, nor do I think we are unique in our current activities aimed at reaching advanced goals of responsibility.

First, we are improving our commercials, with an eye to their effect on children as developing persons, as well as consumers of our products.

Second, we are emphasizing as much as possible the selection of quality programs. I am emphasizing television advertising to children because of its importance to our business. We know that children will watch television. It is now a vital part of their lives. Studies show that poor children, especially, watch and grow on TV. If children do not have programs prepared specifically for their interest, they will watch other, less-suitable shows. They cannot be confined to a "children's ghetto" on TV. So their need and our opportunity are the same: Good programs that nurture their psyches as a vehicle for us to introduce them to good foods that, properly prepared, will nurture their bodies and minds.

Third, since the existence of the commercial vehicles of communication to children are a great asset to us as marketers, we feel we have a responsibility to also foster public TV in its role as an educator of children. We are now contributing $100,000 a year to the Corporation for Public Broadcasting to enable "Sesame Street" to be seen by the children in three major cities.

This new and innovative children's program has demonstrated how effective public television programing can be when it is well-conceived and well-financed. It seems reasonable that each advertiser who uses the commercial channels should allot perhaps 1% of its TV budget, through its philanthropic mechanism, to support such programing. In this way the public is given a choice in its viewing and industry shows its sense of responsibility for the privilege of the airways.

If all the creative, constructive things that are being done by individual firms were to be known, the public would be less likely to feel alarm at the charges of our critics. We need to keep on doing more, and to use our communications skills in getting credit for what we do.

Within the advertising industry—in all its segments—there exist some of the most creative, most forceful, and most responsible thinkers in America. Together, and coordinated to unify their effect, they are a tremendous potential for constructive advancement of our industry and our society. Through the American Advertising Federation, of which I have the privilege to be Chairman this year, we have a unity of the whole spectrum of the field—the only national association that is based on all segments—advertisers, advertising agencies, media and, most importantly, 180 local and regional advertising clubs with some 40,000 members, and more than 30 affiliated associations.

This membership includes a proportionate share of small, medium, and large companies—35 of the 50 largest advertisers, 24 of the 30 largest advertising agencies, 7 of the 10 largest newspapers, and the 3 national TV networks.

This structure of the AAF came about, after more than half a century of separatism in this industry, through the merger of the former Advertising Federation of America and the Advertising Association of the West. Its staff has been built up, with strong and capable leadership in Howard Bell, the president. The first two chairmen, Don Macdonald and Ken Laird, provided the leadership and inspiration to gain the support of the industry and shape a structure that can be effective.

The AAF has developed a forceful and direct Advertising Code for American Business that deals with truth . . . responsibility . . . taste and decency . . . disparagement . . . bait advertising . . . guarantees and warranties . . . price claims . . . unprovable claims . . . and testimonials. The Ethics Committee under Chairman Fred Baker is actively considering the best means for enforcing this code and putting teeth into it.

Also, let me assure you that the AAF is addressing itself vigorously to questions that face us from outside critics, through its Washington staff, its committees, and its other personnel.

So I can say that we are fortunate in this industry, unlike some others, in having a vital, aggressive instrument that harnesses the bulk of the industry's talents and resources, for functioning both at the national level and in 180 local communities throughout the United States.

It goes without saying, I believe, that everyone who hopes to have any future for this field must include himself and his organization in this instrument.

But we can no longer count on the voluntary course alone to protect us. A few abuses and breaches of good taste are taken by our activist critics as cause to flagellate the whole advertising industry. We who are professionals in catching the eye and attention of the public with our messages need to direct our course to suit the active, visible temper of the times. We must make *sure* that we all do what is best for our society—and that we clearly and visibly *enforce* the high standards that are raised by the responsible people in our industry.

It seems to me there are three ways to do this.

One, of course, as I have mentioned, is to scrupulously elevate the standards in our own companies and in the advertising industry as a whole.

In the second area, there are many businesses—members of both the AAF and the Better Business Bureau—who have worked hard to help revitalize the BBB concept of consumer protection into the new Council of Better Business Bureaus. The organization has 140 units working directly with business to develop trade practice programs and better servicing of products. In the automotive field, for example, it launched a BBB Automotive Warranty Servicing Program to step up action on complaints that were bogged down at local and regional levels.

The strengthened alliance between local ad clubs and BBB's offers one building block in the greatly needed self-regulatory effort that can't be touched by any other association. Financed by business, yet pursuing the interests of the consumer, its effective operation would demonstrate that the private regulation of business *can* work.

We must also recognize the Television and Radio Codes of the National Association of Broadcasters as instruments of great potential—and ways to strengthen their efficacy

deserve serious study. Their policies are formulated by the respective television and radio code boards made up of broadcasters who meet regularly. They have had an effect on the amount and nature of commercials.

Speaking yesterday before the International Radio & Television Society, FCC Chairman Dean Burch said his concern was "directed to the contrast between typical fare—which just fills the child's time and serves as a background to the commercial—and TV programming which makes a positive contribution to the child's growth, his awareness of reality."

Networks and independent stations can improve this by mutual efforts—with government assistance toward inventive programming and responsible advertising policies, Burch said, and perhaps may have to do it "regardless of whether cereal or toy sales reach new heights or not."

Noting that in many families television serves a "baby-sitter" function at times when parents are busy, Burch said "I recognize that to a substantial extent, this 'sitter' must and should just entertain—be the equivalent of chewing gum for the eyes. But also to a substantial extent, it must fulfill its promise as a child's 'window to the world.' "

Burch said the times will not permit criticism to be ignored, and the Federal Communications Commission cannot just "slough off" challenges such as a pending petition requesting the government to require daily programming for children and to ban commercial sponsorship of children's programs.

But self-reform offers a "middle ground," Burch said, and the industry must explore it.

The third way to direct change rather than be overrun by change is to imaginatively and boldly bring forth our own innovations to meet the needs of new times.

Where is such innovation needed?

You and I know that it is mostly in television. A number of hearings are already scheduled for this term of Congress where questions about television and TV advertising will be spotlighted. In addition, a private group dedicated to enriching the content of telecasting will meet in New York in mid-October. It seems likely that some of its proceedings will be directed against television commercials, including those involving children.

We can criticize the flamboyant way in which some critics of TV commercialism act. We can go into a panic and worry about the political effects of the hearings—possibly the political consequences have been somewhat exaggerated.

. . . Or we look at the situation as I believe it is. Let's have no delusions. There *are* problems with advertising, just as there are problems in almost every phase of our way of life.

Armed with this thought . . . that advertising like everything else in this world needs help, and that what it doesn't need is government over-regulation . . . let me outline a step that, in some respects, is a departure from the past.

I am suggesting to the Ethics Committee of the AAF to give serious consideration to creating an independent Advertising Review Council—not a creature of industry, of government, or media, or of any other interest, but a body that combines the broad knowledge and judgment of all concerned.

It would be set in motion by the AAF with suggestions for members to come from all concerned elements of our society, such as the law or judiciary, education, advertising media, labor, women's groups, minority groups, advertisers, religious groups, consumer education bodies, health care, advertising agencies, child psychologists, and others.

Three of the seven members provide the expertness and the background of the advertising industry that will be needed. The other would afford a diversity of knowledge and interests from the various aspects of the public at large, including the other elements mentioned.

The members would be appointed at first for terms of one, two, and three years to afford a staggered tenure, and thereafter for three-year terms.

Because some of the members would be busy people in their other activities, provision would be made for each of them to assign a designee at any meeting where he or she could not be present. This would assure that all elements would be heard equally at all times.

An assessment of a small percentage of total advertising expenditure would be made on each manufacturer, advertising agency, and medium to provide a budget of about $1,500,000 a year for staff, meeting facilities, office, correspondence and other requirements.

Complaints or inquiries from any legitimate group or person would be filed with the Review Council. It would be empowered to explore each case and deal with the companies, media, and agencies involved.

When the Council determines that an abuse exists and voluntary compliance with its standards is not forthcoming, it would be empowered to bring about compliance in two ways: (1) By publicizing the abuse and its findings, in order to direct public scorn at the violators; and (2) by calling on all media to refuse to carry the specific ads involved (or the producer to refuse to prepare them, in the case of direct mail and other types of media). Congress would be urged to vote for exemption from anti-trust legislation that now rules that such agreement among media is in restraint of trade. This is already the case in Britain, where strong and active codes of practice are being carried out.

The British Code of Advertising Practice is in many respects analogous to our proposal. It is explicit and is administered by a committee of people experienced in advertising and drawn from some 17 organizations in the communications field. The working of the Code is supervised by the Advertising Standards Authority in England, an independent body set up by the advertising industry to maintain standards of advertising in all media.

This British control system has been in existence since 1962. It is financed by an adequate budget and, the important point I want to make here, it has the agreement of media with respect to enforcement. No advertising can appear in England that is not approved by the C.A.P. Committee.

In an age of great public sensitivity to the social responsibilities of business . . . when stockholders are questioning more than a company's dividend rate . . . when activist groups appear daily to picket various organizations . . . when it is harder and harder to attract good young people with their social consciousness, a company that willfully allowed itself to be held up to such scorn would be shortsighted indeed.

Let me point out that unlike almost all the proposals for controlling our industry that come from consumerists and government, this one need not interfere with the full freedom of any of us in business to pursue our tasks responsibly.

It would do for all of us what we want done but cannot do alone—eliminate the pressures to go too far in our zeal because a competitor is using unethical methods.

It should not reduce by one dollar the income of any agency or medium, because we can be sure that the abuser who is blocked from using unsavory methods will find sound methods on which to spend his budgets.

There is another aspect of this proposal that must also be stressed. Business has been castigated increasingly for failures in self-regulation. But even the most avid liberals are now in full cry about the even greater failures of government as a regulator. It is refreshing to see that Ralph Nader is most visible among these critics of the regulatory agencies. His "Raiders" have focused as much exposure on the inability of these agencies to regulate as he has on the alleged failures of business.

Our youth are also disenchanted with government's ability to manage or regulate. Many of the angry young believe that there has been a pollution of promises made by government officials and aspiring officials . . . promises that not only fail to improve what they are aimed at, but build up new layers of unresponsive establishment.

This is a timely move; only the thought of having it originate with industry is novel. As Stanley Cohen pointed out in *Advertising Age:*

"We are inventing a whole cluster of 'quasi-public' devices in an effort to open up our society a bit, and for a moment at least, this new 'quasi-public' sector is attracting unusually hard-working young people and some remarkably good brains."

This Council would be a means of bypassing the weakness of self-regulation and of government regulation. It would not be of the *private* sector or of the *government* sector, but of the *independent entirety* of our population. Richard Nixon and Robert Finch have made much of their thesis that it is in the independent sector that we must look for the workable steering forces of our high-speed society. Here is a way to put that thesis into action and to make it work.

In suggesting this innovation—Robert Stuart, president; Kenneth Mason, group vice president for grocery products, and I, to mention those Quakers at the speakers' table today—are doing so for the purpose of provoking careful consideration and refinement by the advertising industry. It's an action-instead-of-words approach to a vital problem. All of us, I think, are weary of the constant reiteration of the problems with only vague or general suggestion as to their enforcement. Hence this proposal.

Our effort is not a radical one but more in the direction of conserving our system in heading off the alternatives that are being propounded all around us . . . alternatives that would destroy our freedom to think and create, destroy the way advertising and marketing skills have been developed to bring us to our problems of plenty, destroy the force of competition and incentive, destroy the pluralism of many interacting forces in our society, and turn over to government the power to unilaterally determine everything that goes over the air to reach the minds of children.

If we refuse, then we will be the real radicals . . . for our refusal may well result in bringing about drastic changes—changes that will be forced upon us. And we can be sure that if those changes originate outside our industry, we will find it difficult to live with them.

I hope that will get the careful attention of all of you here, of the media who reach everyone in this industry, and of the responsible and concerned members of this industry in refining this plan and setting it in motion in a working and constructive form, as soon as feasible.

There are ticking sounds that we hear in all the pressure groups, Congressional hearings, and other forums that are meeting to decide our fate. Let's defuse them by having the strength and courage to determine our fate for ourselves.

SWEAT ON, TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, at present, the Army, Navy, and Air Force have 4,200 officers enrolled full time for periods of up to 3 years in graduate

studies. A recent General Accounting Office study shows that it costs taxpayers between $16,000 and $22,000 a year to send an officer to graduate school. This is approximately $70 million a year of taxpayers' money and it is increasing. Once they return with their tax-paid Ph. D.'s and master's degrees, many of the newly trained captains, majors, and colonels are not assigned to jobs requiring their specialized knowledge. The Department of Defense should put an end to this waste of taxpayers' dollars. Instead, Pentagon officials state that more graduate training is needed and the Army estimates that 75 percent of all career officers will receive graduate degrees, while the Navy expects that nearly all career officers will receive postgraduate education. They will then retire on half pay after 20 years and then have lucrative administrative positions in that military-industrial complex.

THE PRESIDENT'S VETO

Mr. DOLE. Mr. President, President Nixon's veto of S. 3637, a bill to revise provisions of the communications act relating to political broadcasting was not—as some have charged—a "ducking of the issue."

Rather, the President faced the issue head on and arrived at the only equitable decision.

The bill was discriminatory and unrealistic and would not have meant less campaign spending.

The bill would have limited spending on only radio and television. Spending on other forms of political advertising—newspaper advertising, direct mailings, balloons and buttons would not have been affected.

Indeed, had the bill been approved, spending on the latter items would have undoubtedly increased greatly to make up for the lack of direct radio-television communication with the voters.

The limitation on the amount of money that could be spent for broadcasting in general elections did not take into account the great disparity in the amount charged for broadcast time in various parts of the country.

As the President pointed out, 30 seconds of prime television time in New York City costs $3,500; in the Wichita-Hutchinson area of my own State, that amount of time costs $145.

The high cost of campaigning needs to be curbed. But S. 3637 is not the answer.

I voted against the bill when it came before the Senate and will vote to sustain the President's veto.

ABANDONED CARS—A HEADACHE FOR CITIES

Mr. JAVITS. Mr. President, the New New York Times of October 12, 1970, contains a story about the scope and impact of the abandoned car problem, and, while it comes as no surprise to me, it ought to be of interest to my colleagues because it shows how drastic the problem is, and that it is a national one requiring a national solution.

I have sponsored a measure, S. 4204, the Motor Vehicle Disposal Act, which would deal with this problem on a national basis.

I ask unanimous consent that the article from the New York Times, and the text of my bill, be printed in the RECORD.

There being no objection, the article and the bill were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 12, 1970]

ABANDONED CARS: A HEADACHE FOR CITIES

(By Agis Salpukas)

TRAVERSE CITY, Mich., Oct. 11.—John Spencer, a doctor who moved to this resort community to enjoy its natural beauty, recalled how often during a hike he would get so infuriated at the sight of an abandoned car that it would take several minutes for him to regain his temper.

"I'm a compulsive beer bottle picker-upper, but you'd see this hulk on the side of a road or in the field and there's nothing you could do. I'd get so angry," the tall, blond doctor said in a recent interview.

The doctor's feeling of frustration is shared by people in communities throughout the nation where the rusting hulks of abandoned cars have become a common sight in farm meadows, vacant lots of suburbs and side streets of cities.

Dr. Spencer, president of the Chamber of Commerce of Traverse City, channeled the anger by helping to organize a drive that rid his community of abandoned cars.

12 TO 20 MILLION JUNKERS

According to the Department of Health, Education, and Welfare, about 12 to 20 million abandoned cars have accumulated during the last 10 years. The chief reason is a depression in the price paid for scrap metal.

This year of the eight million cars to be taken out of service, an estimated seven million will be recycled and turned back into metal while about one million will be added to the backlog.

Almost every official from the scrap industry and governmental agencies who have looked into the problem agree that cleaning up the backlog will not be easy.

Even though prices for scrap have recovered since 1969, they said in interviews that there was no change to return to the happy days before 1958, when the scrap industry disposed of most of the nation's old cars at no cost to the general public.

CAR COMPANY HELPED

Now a community that wants to get rid of its abandoned cars will have to use its own money and manpower and work out its own program.

Traverse City has been a lucky exception. There the General Motors Corporation, concerned about the growing tendency of legislators throughout the nation to suggest that people pay a fee ranging up to $100 when they buy a car to pay for its disposal, went in and in an experimental program hauled out 3,100 abandoned cars from the resort community.

The corporation is now preparing a booklet which it will mail to Chambers of Commerce throughout the country outlining how they can copy the experiment and set up their own system by which each car can be disposed of for about $5.

A survey in major cities throughout the nation showed that Chicago, New York, Kansas City, San Jose, Milwaukee, Honolulu and St. Louis, Mo., were making headway in getting rid of abandoned cars.

AN EXTRA BURDEN

In each city, however, it has meant burdening the police and sanitation departments, often already short-staffed, with more work.

Also some of the programs have been effective only as long as the price paid for scrap metal remained high. In Chicago, there were days when the city had to stop hauling in abandoned cars since the local price for scrap fell and cars began piling up in the municipal pounds.

In St. Louis, where about 8,000 of the city's 10,000 abandoned cars were towed away since a drive opened in May of 1969, the program went into a state of limbo when the price of scrap went from $14 to $5 a ton.

The long depression of prices for scrap began in the late nineteen-fifties when steelmakers switched from open-hearth furnaces which used 50 per cent scrap metal to basic oxygen furnaces which take about 30 per cent. Prices dropped from about $40 a ton to $25 a ton.

It became cheaper to abandon a car than have it towed to a junkyard.

PRICE BACK UP

Mainly because of demand from foreign countries, the price of scrap has recovered. However, the backlog of abandoned cars cannot be solved by relying on private industry for the following reasons:

Hundreds of small collectors who used to scour communities for junk cars have gone out of business.

Cars have been abandoned in out-of-the-way places and it's too expensive for an auto wrecker to locate and tow away the vehicles.

Most of the cars are now rusted and stripped of their valuable parts, making them useless for parts.

A growing number of people, especially the poor, discouraged in the past when they were turned away by an auto wrecker, are now simply abandoning their cars.

G. A. Taylor, who is in charge of a police force that tows away abandoned cars in Richmond, Va., recalled that one family moved out of a poor section of the city and left five old cars in a yard. "They just backed up the truck to their door one night," he said, "put their furniture into it and took off. We never did find out where they went."

Those cities which have made the biggest progress in clearing up the backlog have had to set up and finance their own programs. In Chicago the police department has teamed up with the Department of Streets and Sanitation, which this year expects to remove 50,000 junk cars compared to 22,000 in 1960.

A special officer is assigned to each of the city's 21 districts to look for and ticket abandoned cars which are then picked up by tow trucks and brought to city pounds. If no one claims them after 15 days, the cars are sold at auctions. The city has also decided to take a calculated risk in towing cars off private property without prior permission.

The program has brought in $1.7-million in revenues this year, which meets the expenses of the Department of Sanitation but does not pay the salaries of the policemen.

NEW YORK PROGRAM

New York City which this year expects to get rid of 70,000 junk cars, set up a program in March, 1968, under which private scrap dealers place bids for contracts to tow away cars in 21 districts in the city's five boroughs.

Each district is patrolled by a sanitationman who puts a mark on an abandoned car and notifies the dealer. The car is usually towed away in five days.

New York, as most major cities, has found that the general public is very apathetic in helping to get rid of junk cars. The Sanitation Department offered a free tow-away service to anyone who called, but only one person has taken advantage of the service this year.

In its experiment in Traverse City, General Motors found that just to locate the cars scattered over 20 square miles required a military-type operation made up of teams of men who swept through the area.

CIVIC GROUPS HELPED

The drive was speeded up and costs were reduced considerably when local residents and civic groups such as the League of

Women Voters canvassed neighborhoods to find the cars.

Local towing companies, paid $10 per vehicle, piled collected junkers at one place. A portable car crusher—capable of handling 100 cars a day—was brought in and flattened the stripped hulks into 18-inch mattresses.

These were shipped by truck to a processor in Chicago and shredded for feeding steel furnaces.

General Motors estimated that the total operation cost about $5 per car beyond the money paid by the processor for the scrap.

The aim of General Motors was to head off proposals now being considered in many states to add a disposal tax or fee to the purchase price of a car.

In Maryland, a $1 fee has been imposed every time a person transfers title to a car. The fees are deposited in a central fund out of which the state pays scrap processors $10 for every car they bring in. The bounty encourages auto wreckers to seek out the abandoned cars even when they can make little in spare parts.

There is strong pressure from the steel industry on the Federal Government to place an embargo on the export of steel scrap, which would again bring down scrap prices and make it more difficult to rid the countryside of abandoned cars. The steel industry claims that there is a shortage of scrap that is causing inflation and unemployment.

The Institute of Scrap and Iron and Steel has argued, however, that present prices for scrap are not inflationary but have recovered to the level of 10 years ago. Also, the backlog of junk cars that has accumulated, the institute maintains, counters the steel industry's argument that there is a shortage of scrap.

S. 4204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Disposal Act".

DISPOSAL FEE REQUIRED

SEC. 2. (a) Each person within any State who owns a motor vehicle on the effective date of this title shall, within three months after the effective date of this title, pay to the Secretary the motor vehicle disposal fee required by the provisions of this title, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

"(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this title the motor vehicle disposal fee required by the provisions of this title, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENT OF DISPOSAL FEE

SEC. 3. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this title has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 2 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 2 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturers sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 4. (a) The Secretary shall prescribe the amount of the disposal fee required under this title in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of removing motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provisions for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 2 of this title and any disposal fees collected pursuant to this title shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this title. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 5. (a) After the effective date of this title, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this title.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States court of appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this title.

(e) (1) The Secretary is authorized to enter the facility of any person authorized under this title or any person applying for a license under this title and to inspect the premises and facilities on such premises at reasonable times within reasonable limits, and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this title. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

(f) Subject to such terms and conditions as the Secretary may by regulations prescribe, persons licensed under this section shall receive from the Secretary a fee, in an amount not less than $1 nor more than $5 for each car processed, to cover the cost of removal of the plate or device required by this title and the keeping of necessary records as required by this title.

REVOCATION OF LICENSES

SEC. 6. (a) Any license issued pursuant to this title may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license, or (2) the licensee fails or refuses to make the certifications required by this title.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If, after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this title or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 7. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this title.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraph (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this title and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 8. It shall be unlawful for any person—

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 2 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this title;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this title without the payment of the disposal fee for such vehicle under section 2 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this title;

(3) who is licensed under the provisions of this title, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 405;

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this title unless such person is authorized by the Secretary to do so; or

(5) to remove, destroy, or otherwise dispose of the plate or device evidencing payment of the disposal fee provided in section 2, except as authorized by this title or by regulations promulgated by the Secretary pursuant to this title.

PENALTIES

SEC. 9. (a) Any person who is required to pay the disposal fee pursuant to section 2 of this title and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 3 or paragraph (3), (4), or (5) of section 8, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this title shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

(e) In addition to the civil penalties provided hereunder, any person who willfully violates the provisions of paragraph (4) or (5) of section 8 shall be subject to imprisonment of not more than six months for each such violation.

ADMINISTRATION

SEC. 10. (a) In order to carry out the objectives of this title, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this title at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this title.

(c) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

(d) The Secretary shall have discretion, based on market or other conditions in any locality or area of the country causing an inability or unwillingness of any licensed disposal concern to accept vehicles for disposal, to license automobile wreckers, including any public agency of a State or political subdivision thereof acting as an automobile wrecker, to accept vehicles for disposal and issue receipts under section 7, on condition that such wrecker undertakes to deposit such vehicles with an authorized disposal concern within twelve months after the Secretary determines that such market or other local conditions have abated.

(e) The Secretary shall have discretion, if business practices make it advisable in a particular locality or area of the country, to authorize any person engaged in the business of hauling scrapped motor vehicles, after crushing, to licensed disposal concerns, to issue receipts under section 7, provided that such persons satisfy the Secretary of their undertaking to deposit such vehicles as required by this Act and applicable regulations issued by the Secretary.

DEFINITIONS

SEC. 11. As used in this title—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public street, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this title upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATION AND APPROPRIATION

SEC. 12. There is hereby authorized to be appropriated to the Secretary to carry out the provisions of this title not to exceed $500,000 for the fiscal year ending June 30, 1971.

NATIONAL MOTOR VEHICLE DISPOSAL COUNCIL

SEC. 13. (a) The Secretary shall establish a National Motor Vehicle Disposal Council which shall consist of seven members, of whom three members who shall be representatives of businesses engaged in processing junked motor vehicles into established grades of scrap for remelting purposes, three members representative of the general public, and one member representative of automobile wreckers. Representatives of the general public may include representatives of Federal, State, or municipal agencies working in the fields of environmental protection and control.

(b) The Secretary shall consult with the National Motor Vehicle Disposal Council with respect to all matters subject to regulations which may be promulgated under this title.

(c) Members of the National Motor Vehicle Disposal Council may be compensated at a rate not to exceed $100 per diem (including traveltime) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu subsistence as authorized by section 5703 of title 5, United State Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

EFFECTIVE DATE

SEC. 14. The provisions of this title shall take effect on September 1, 1971, except that sections 3, 10, 11, 12, and 13 shall become effective on the date of enactment of this title.

NATIONAL 4–H WEEK

Mr. THURMOND. Mr. President, "We Care," the theme chosen for the observance of National 4–H Club Week, October 4–10, appropriately describes the purpose of this fine organization of young people. Last week, nearly 4 million 4–H club members pledged their head, heart, hand, and health to their club, community, and country. Probably no organization presents a better tribute to the youth of our country.

The Lake City Post, Lake City, S.C., in an editorial entitled "4–H Youths Building a Better Way of Life," notes with pride the fine contribution these young people are making to our Nation.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

4–H YOUTHS BUILDING "A BETTER WAY OF LIFE"

The collective social conscience of nearly four million boys and girls is very much in evidence this week. These young people are 4–H members celebrating National 4–H Week, Oct. 4–10. More than 1,100 of them are right here in Florence County.

By pledging their head, heart, hands, and health to their club, community and country, these 4–H'ers demonstrate concern for their fellow man. Appropriately enough, they have selected as their theme for national observance "We Care."

Through their project work and club activities, they develop into responsible citizens, improve our environment, and build nutrition and health. They also engage in community development, strengthen family life, promote education, chart careers, and help spread the 4–H learn-by-doing idea around the world.

We note with pride the educational opportunities these young people receive through the 4–H program. Under the leadership of the Cooperative Extension Service, 4–H meetings and activities are conducted by County Extension agents and volunteer local leaders.

These action-oriented boys and girls from nine to 19 years old, and some 27 million men and women who once were 4–H members, know the meaning of involvement. To them we extend our sincere good wishes for success. We look forward to their continuing achievement in their varied projects in science, agriculture, home economics, personal development, community service, leadership,

and citizenship. They are building a better way of life for themselves and the world.

OVERVIEW OF OPERATIONS OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. MILLER. Mr. President, in testimony October 12 before the Subcommittee on Economy in Government of the Joint Economic Committee, Associate Administrator Richard Velde furnished an overview of the operations of the Law Enforcement Assistance Administration.

As Administrator Velde pointed out, LEAA "was created by Congress to provide financial and technical assistance to help improve the Nation's entire criminal justice system at the State and local level."

Overall, I believe LEAA is carrying out this mandate of Congress.

What Mr. Velde said is of vital interest to readers of the RECORD. I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY RICHARD W. VELDE

Mr. Chairman, I appreciate this opportunity to appear before your Subcommittee today to discuss the program of the Law Enforcement Assistance Administration.

Since its beginning slightly more than two years ago, LEAA has been the object of intense interest and considerable scrutiny, by both the public and private sectors.

Such attention is not only proper, but in a sense it is mandatory. Part of the reason is that LEAA awards in grants and contracts large amounts of funds. They are public funds, and the public has a right to know whether they are judiciously used and whether maximum value is extracted from every dollar.

But there is another reason, and it may be even more important. LEAA was created by Congress to provide financial and technical assistance to help improve the nation's entire criminal justice system at the state and local level. The reduction of crime and the improvement of law enforcement comprise one of the nation's most urgent domestic priorities.

It is a demanding and complex task. It also is one of considerable sensitivity, because the rights of people are involved—the rights of our citizens to be free from crime and the fear of crime, the rights of the people to be properly served by their criminal justice system, the rights of those who are defendants or convicted offenders to be treated fairly and humanely.

The nation's criminal justice system has long been in a state of disrepair, in large measure because there has been deep apathy on the part of both the public and public officials for decades. That apathy is ending, as it should, for lasting improvements in crime control can be fashioned only if there is deep-rooted and broad commitment to the enormous task of making this society safe and just for all of its citizens.

During the past two years, there has been both interest in and study of the LEAA program by the general public, public service organizations, public officials and their organizations, criminal justice officials, and the Congress. We not only welcome all scrutiny and criticisms of the LEAA program, but we encourage it as well. In addition, we pay attention.

Your Subcommittee, in inviting me to testify today, indicated it had questions involving a number of the areas embraced by LEAA's operations. I am pleased to respond and to answer all of the questions—some in this prepared statement, others in the questions and answers you indicated would follow my formal remarks.

Because of your Subcommittee's interest in LEAA, we have given considerable thought on how to best relay to you the facts about the crime control program and how to convey our views on those areas which seem of greatest significance.

With your permission, I would like to deal, in part, with a number of criticisms that have been made of the LEAA program.

It has been alleged, for instance, that block grants to the states were being dissipated because LEAA had not assumed a leadership role in guiding expenditures; LEAA had allowed too much money to be spent on police programs; states involved the community to a very small extent in preparation and development of programs to reduce crime. While we welcome criticisms, we feel those conclusions are inaccurate.

To put the total LEAA program in perspective, I think it is important to note that the first year budget, for fiscal 1969, was only $63 million—certainly not enough to meet the needs of all parts of the criminal justice system across the country, no matter how it was stretched. In addition, it should be remembered that this program began from scratch in fiscal 1969. Every state had to create a state planning agency, and then work in cooperation with its city and county governments to first draft statewide criminal justice improvement programs and then to implement them. When we consider this had to be done in every state, in a matter of months, it is clear it was a complex and demanding task. It also must be stressed that these things were accomplished, and the nationwide crime control program became a reality in its first year of operations.

In addition, fiscal 1969 was the year in which several months passed before Administrators were appointed and LEAA actually went into operation. We have never denied that this late start caused problems. We have never denied that because the police were equipped to make immediate requests they often received a larger share of their state's grant money from the state planning council than might have been the case had the council been operating for longer, had more experience or had more time. We never denied that other areas such as corrections and courts posed more difficult problems for criminal justice planners and were slower in seeking funds. We never denied the fact that a number of large cities were very slow to request funds from their state councils and therefore received inadequate funding, even though they often got everything they asked for. We never denied those problems existed—but we set out vigorously to correct them at the end of fiscal 1969.

We believe we made substantial progress in fiscal 1970 in dealing with those problems. Fiscal 1970 was not only the first full year of operation for LEAA, but also was a year during which our funding level was more than four times as great as in that first difficult year—a total of $268 million. In fact, as far as action grants are concerned, fiscal 1970 funding was nearly seven times as great as fiscal 1969—$215 million compared to $29 million. We would be the first to admit that fiscal 1969 funding, no matter how carefully distributed, was grossly inadequate when compared to the nation's criminal justice needs.

It has been alleged that the vast bulk of LEAA's funds have gone for police, with corrections and juvenile programs being virtually ignored. But for fiscal 1970, nothing could be farther from the truth. Far from ignoring corrections, during fiscal 1970, LEAA made improvement in the corrections area its major priority. The result we feel was an outstanding success. The facts are:

In fiscal 1970 we doubled the percentage of state block action grants devoted to corrections programs, from 13.5 percent to 27 percent.

In dollar terms that improvement was even more striking. We estimate that as a result of later re-programming, states may have devoted only $2 million of fiscal 1969 funds to corrections programs. In fiscal 1970, if discretionary funding, technical assistance and corrections-related programs such as juvenile delinquency prevention are included, the total spending for corrections programs was more than $68 million, more than 30 times the amount in fiscal 1969.

LEAA has a great concern about juvenile delinquency programs. We're proud of the fact that of that $68 million total, some $33 million went to fund various juvenile delinquency programs, substantially more than the total amount of money distributed in block action grants to states during fiscal 1969.

We are concerned over recidivism, for our corrections institutions simply don't correct. LEAA thus has put great emphasis on community-based programs to rehabilitate offenders, to get them back into the community as quickly as possible in a constructive way. Of that $68 million for corrections-related programs in fiscal 1970, some $22 million went for these various types of community-based corrections programs.

Last November, President Nixon directed Attorney General Mitchell to move immediately to mobilize federal resources to improve the national corrections situation. Corrections in the United States today is inhuman, it is a national disgrace and finally, I believe that many corrections institutions breed crime instead of rehabilitating prisoners. I am particularly proud of LEAA's record in corrections during fiscal 1970. There is much work that remains to be done. But I think that we have certainly met our obligations head on, and I believe that the corrections improvement program funded by LEAA in fiscal 1970 represents our outstanding achievement in that year.

Police programs occupied a large share of the money spent by states from their block action grants during fiscal 1969. This was the result of a number of factors including the very short time for preparation of grant requests, the fact that planning agencies were just getting organized and the fact that the police were probably better equipped than any other area to make specific requests. As a result some 75 percent of the state block action money in fiscal 1969 went for police programs.

However, it is very significant that during fiscal 1970 the percentage fell from 75 to 51 percent of state block action grant money devoted to police programs. That drop was directly the result of our emphasis on corrections as well as other factors. This year, fiscal 1971, we intend to emphasize court programs without letting up our pressure on corrections and so it's quite possible that the police share a state block action grant money might fall even lower.

Let me also stress that those figures do not include discretionary action grants—one of the best measures of LEAA leadership since LEAA itself determines how this money will be spent. In fiscal 1970, police programs accounted for only 31 percent of the $32 million LEAA distributed in discretionary grants.

Total federal, state and local expenditures for the criminal justice system in the United States are estimated at roughly $6.5 billion. Of this amount it has been estimated that roughly 67 percent goes to the police. Against that 67 percent figure nationwide, I believe that the 51 percent and 31 percent police program expenditure levels for LEAA in fiscal 1970 substantially refute any charge that LEAA overemphasizes police programs.

At the same time, LEAA certainly is not downgrading the importance of police, or ignoring their needs. We are well aware that police are the most important means of curbing crime, and as such have responsibility

for performing a major service in the community. We are working with the police to develop programs which will provide real improvement and innovation. In the fiscal 1970 plans, for instance, less than 25 percent of the police program block action money was earmarked by the states for equipment purchases—and more than half of that was for communications equipment.

It has been alleged that LEAA has given inadequate attention to the needs of cities with urgent crime problems. This committee has received testimony earlier from a distinguished police chief in which an eloquent plea was made for more funds for police equipment and training. I can assure this committee that LEAA and the states will continue to be responsive to these basic needs.

There have been problems in the crime control program. No nationwide effort in a field as complex as criminal justice could escape having some difficulties. But we have been aware of them and have moved promptly to resolve them. We have shared the concern that large cities with urgent crime problems might not receive enough action funds from state block grants, for fighting crime in the cities is a priority. Preliminary results of the Fiscal 1969 expenditures of block grants indicate that 60 percent of all action funds distributed by states to local government went to the nation's 411 cities of over 50,000 population. Those 411 cities contain less than 40 percent of the nation's population and about 62 percent of its serious crimes. Fund usage was running in nearly direct proportion to incidence of crime. It must be noted that the 60 percent figure includes only direct grants to cities and counties. The percentage would be larger if it included programs funded separately which are of substantial benefit to cities—for instance, programs to improve corrections and courts, which normally are operated by states but into which the cities send the bulk of offenders. There have been instances of inadequate participation by large cities. In some instances, states did not move quickly enough in sub-granting funds, but this is being resolved. In other instances, cities themselves did not take needed initiatives, but we are taking special efforts to help them become fully involved. Most of the criticism of large cities stemmed from the funds they received from the fiscal 1969 budget—which was only $63 million and included only $25 million in block action grants. That was not enough to satisfy the needs of anybody, no matter how it was stretched.

With the much larger budgets of last year and this year, we are confident the needs of the cities will be met adequately. Some responsibility for delay must also be borne by the federal government. No implementing agency was established by the prior administration until four months after the Safe Streets Act became law.

In our own Annual Report we published a table showing that the 15 cities with the highest crime index in the United States had, on the average, only about 44 percent of the crime in their state and received, on the average, only about 28 percent of the state block action grants distributed by the state councils to the communities in their states. Those were fiscal 1969 figures, and we all agree they are not good enough. Since the states have not distributed all their fiscal 1970 money, comparable figures for last year are not yet available.

I think it is important, however, to point out that a number of the cities which did not receive adequate funding did not receive it because they did not ask for it. A great deal was heard last Spring about the city in Indiana which received only a polaroid camera and a fingerprint kit. The simple fact is that at the time this was made public, that was all the city asked for.

Furthermore, city requests are often in the police area, since this is where they most frequently feel the pinch. Corrections programs are almost always state or county run. Therefore, if LEAA state block action grant money is spent on corrections, while the cities may receive the principal benefits, LEAA corrections money would not go directly to those cities.

LEAA considers adequate funds to the cities very important. Apart from urging state criminal justice councils to make this a matter of primary concern, LEAA set aside $11 million—more than a third of its total discretionary funds for fiscal 1970—solely for programs to help the large cities. Even in cases where direct funds had been given to cities through LEAA discretionary grants, some projects were still not started at the local level after six months. LEAA technical assistance efforts are available to cities on request. Furthermore, we recently made an award of almost a quarter of a million dollars to the League of Cities and the Conference of Mayors to find ways to help the nation's largest cities take advantage of the opportunities available to them under LEAA programs.

We have managed, in less than two years, to create and coordinate a nationwide criminal justice planning system, which has mounted a comprehensive attack on crime in every state and every major city in the United States. Certainly it will be some time before the results can be seen, but we believe the promptness with which this program took hold, and the breadth of response, compares favorably with almost any other federal grant program.

It has been alleged that LEAA has failed to exert proper leadership in the crime control program. But if anyone thinks that the share of action grants devoted to corrections was doubled without leadership from Washington they simply don't understand how state criminal justice programs operate. Striking evidence of LEAA leadership can be seen by comparing the fiscal 1969 plans submitted by all the state agencies with the fiscal 1970 plans. It isn't merely that the 1970 plans are more sophisticated. They are far more detailed, far more specific, far more insightful, far more comprehensive, far more integrated. At the same time, there is room for increased LEAA leadership in the future, and we intend to take advantage of it.

It must be remembered that the intent of Congress, and overwhelmingly so, is that the Federal government be a partner, not a dictator, in assisting states and local governments in improving law enforcement.

Critics often have completely ignored important parts of the LEAA program—including the discretionary grant program, the academic assistance program, and the research program carried out by LEAA's National Institute of Law Enforcement and Criminal Justice. During fiscal 1970, funds for those areas totalled approximately $60 million—more than twice the amount of money spent in fiscal 1969 on the entire block action grant program.

During fiscal 1970:

LEAA made 426 discretionary grants totalling $32 million (compared to 29 discretionary grants totalling $4.2 million in fiscal 1969.)

LEAA for the first time had appropriations of $1.2 million for technical assistance, of which more than a third, about $410,000, went for technical assistance in the area of corrections. Examples of other technical assistance expenditures included $228,000 for preparation and dissemination of technical assistance materials on bombs, bomb threats and related police procedures; and $128,000 to support a study of campus disorders.

LEAA spent $18 million for academic assistance to help finance college studies for some 50,000 persons—some 43,000 criminal justice personnel, and 7,000 students preparing for criminal justice careers.

The National Institute of Law Enforcement and Criminal Justice used its appropriation of $7.5 million to support more than 100 research and development projects in the areas of crime prevention, police operations, courts, prosecution, and prisoner rehabilitation.

During fiscal 1970, LEAA established the National Criminal Justice Information and Statistics Service with an appropriation from Congress of $1 million. One of the projects undertaken by the Service was Project Search: a System for Electronic Analysis and Retrieval of Criminal Histories. This project involves 15 states in a cooperative effort to pool information on criminal histories by establishing computerized information systems connected to a central coordinating point.

I also would like to submit, for the Committee's record, a copy of LEAA's Annual Report for Fiscal 1970, which covers our program in great detail.

From this summary, I hope a more accurate perspective has emerged regarding a number of key points in the LEAA program. Much already has been accomplished, thanks in large measure to the untiring efforts of state planning agencies and both criminal justice personnel and public officials at the local and state levels. However, much remains to be done. We cannot be content until the crime rates begin to drop. And not even then, for crime must be reduced to the absolute minimum, and we must greatly enhance the efficiency and fairness of the entire criminal justice system.

It is impossible to predict when crime rates might begin to decline nationally. But I believe that day will come, perhaps sooner than many of us suspect. Let me cite one example of what a dedicated, progressive police department can accomplish. Washington, D.C. recently reported a substantial reduction in its monthly crime rate—the first one in more than four years. Metropolitan Police Chief Wilson gave most of the credit for this reduction to two programs, increasing the number of police on the street and the use of methadone to control drug addiction. LEAA last year gave the District some $2 million—more than twice its total block action grant—solely to help fund these two important programs.

Some who have examined LEAA have criticized the fact so much of LEAA's action funds have gone for police programs. I have tried to make it clear that the LEAA program is dealing with the comprehensive improvement of the entire criminal justice system, and is making every effort to make certain that this mandate of Congress is carried out so that police, courts, and corrections have their proper share of funds.

But I would like to take a moment to discuss those criticisms of aid to police. For the most part, the criticisms have been broad-gauge—too much money has gone for police, and there is always the implication that the bulk of police funds have gone for equipment.

The police comprise the overwhelming bulk of the criminal justice system. Their needs are enormous. In addition, they comprise the first line of efforts in crime prevention and crime reduction. It will do little lasting good to improve the fairness and efficiency of the courts and the rehabilitation efforts of corrections if we fail to give police the aid they need to prevent more crime and apprehend more suspects.

The critics often overlook the fact that aid for police involves a variety of vital programs. Equipment certainly is important—and an examination of equipment purchases shows heavy emphasis on communications equipment. This type of gear, as well as other kinds of equipment, is designed to permit police to respond faster and more efficiently to crime, and to protect the lives of policemen.

Studies have shown, for instance, that the faster police arrive at the scene of a crime, the greater chance they have of solving it. Heavy emphasis has been placed by police

on training—from the rookie through the patrolman through the middle and upper-level command ranks. The training will not only make police more effective, it will make them fairer in their contacts with citizens. Emphasis has been placed on prevention and control of civil disorders—with prevention programs and training of personnel as priorities. Development of better relations with minority groups has also been given major attention, both through disorders prevention campaigns and through enhanced police-community relations programs. Organized crime control is another area of prime concern. Organized crime is not only a law enforcement problem, but in ghetto areas is a civil rights problem as well—for organized crime preys on the poor and disadvantaged.

Some of those who have examined the LEAA program seem to forget what the Congress said in creating the new national crime control program. Congress decided, first of all, that law enforcement is and must be primarily a local and State responsibility. Congress decided that the LEAA program is not one where the federal government implants its will on law enforcement throughout the country or begins development of a federal police force. Rather, the LEAA program is designed to give financial and technical assistance to state and local governments. It is up to those state and local governments to not only contribute much of the money for improvement programs, but bear the overwhelming burden of work as well.

The LEAA program is basically a block grant program. State and local governments set their own priorities, develop their own programs. Then each state receives a block action grant to carry out its statewide improvement plan, and gives most of the block grant funds to its local units of government. This is a partnership program. We work cooperatively with state and local governments to develop programs and program directions we feel are important—as in the area of corrections, as I cited earlier. But we do not dictate to state and local governments, and anybody who thinks we should had better go back and read title I of the Omnibus Crime Control and Safe Streets Act. Congress did not intend this to be a program of Federal dictation.

Concern also has been voiced that planning funds have been inadequate thus far in the program. All of the planning funds are given to the states in block grants, based upon population. States use these funds, in cooperation with their units of local government, to help draft and implement statewide law enforcement improvement programs and to help pay administrative costs of the state planning agencies. In the first year of the LEAA program, planning grants totaled $19 million, compared to $25 million for block action grants in fiscal 1970, planning grants were $21 million, compared to $182 million in block action funds. Our proposal for fiscal 1971 calls for $26 million in planning funds, some $350 million for block action grants. We feel the planning funds are adequate. Planning is of great importance, but a good base already has been created and the funds proposed are adequate to continue the work. I might add here that LEAA plans to request more funds for planning in fiscal 1972.

As I indicated earlier, we feel that plans submitted to LEAA so far have been generally of good quality. In the program's first year, it was something of a wonder that states were able to submit plans at all. Despite whatever other problems they may have had, the first-year plans were brutally candid in discussing shortcomings of the states' criminal justice systems. For fiscal 1970, we required the states to plan for more than one year—to begin development of long-range plans and goals. Generally, the long-range planning work was not as adequate as we felt it should have been. The third round of plans will be submitted to LEAA by next December 31. We have worked closely with the states to improve planning and we expect these next plans to be of uniformly high quality.

I would like to turn now to a discussion in some detail of two other important aspects of the LEAA program—The National Institute of Law Enforcement and Criminal Justice, and the National Criminal Justice Information and Statistics Service.

The National Institute is the research and development arm of LEAA. In fiscal 1970, the Institute had a budget of $7.5 million, and Congress has appropriated the same amount for this year. We do not feel that is enough, but Congress has indicated that it will permit us to request re-programming of some funds if we feel they can be adequately utilized by the Institute this year.

In many ways, police and courts and corrections all are still operating in the 19th century. We must bring them fully into the 20th century, and enable them to use the benefits of science and technology. Three basic elements are needed for intelligent research and development: first, there must be a solid, broad base of research projects, being done in cooperation with the states, that are built on a master plan of long-range goals; second, there must be great emphasis on technology transfer, applying to criminal justice the techniques and equipment already developed by private industry, the space program, and the Department of Defense (it will do us no good to simply go on re-inventing the wheel); and third, there must be impartial evaluations of the state of the criminal justice system today, its needs, and what is being done to meet them.

The federal government is a later-starter in regard to criminal justice research, both in terms of money and years. To cite only one example, the Department of Agriculture has been conducting agricultural research since 1862—the year the agency was created. Even before that—as far back as 1828—the old patent office conducted agricultural research. This fiscal year the Agricultural Department's pending budget request contains $255.2 million for research, and since 1862 it has spent $4 billion on research. That research and development has been a key factor in this nation's incredible productivity in foodstuffs. Research for criminal justice—properly funded and directed—could provide comparable results, and I believe it could be done in a fairly short time.

During the past fiscal year, the National Institute supported more than 100 research and development projects in the area of crime prevention, police operations, court procedures, and correctional methods.

One of the Institute's most promising efforts is the Pilot Cities Program, which emphasizes system-wide improvement of all criminal justice operations—police, courts, and corrections—in cities and metropolitan areas.

Pilot cities are being established throughout the country to test the impact of such across-the-board improvements. San Jose and Santa Clara County, California, and Dayton and Montgomery County, Ohio, are the first pilot sites selected for the program. Within the next two years, five additional municipalities will be selected. Eventually, one pilot program will be located in each of LEAA's seven regions.

There are several criteria for selecting pilot cities. One of the most important is size. The municipality must be large enough to have problems of street crime, drug addiction, drunkeness, and delinquency, yet small enough that a limited investment of LEAA funds can produce measurable improvement.

In each pilot city, a research team, in cooperation with law enforcement and community officials, studies criminal justice operations and identifies areas for improvement. A comprehensive group of action programs aimed at basic system-wide improvement is then designed and carried out. In this way, the pilot cities program will test the performance of the best criminal justice system that current knowledge and technology can offer.

LEAA's Office of Law Enforcement Programs is collaborating with the Institute on the program and is the principal source of funding for action programs. Nearly $1 million in LEAA funds has gone to this program so far.

The Institute is sponsoring a number of projects to improve police capabilities. One priority is better police communications. We are well on our way to developing a small, reliable transceiver radio which can provide communications for policemen away from the patrol car. The Institute has issued a request for proposals, and over 100 firms are competing for funding to build the best version, both technically and economically.

Other projects are developing robbery and burglary alarm systems linked directly to police communications centers.

Improvements in weapons systems have long been requested by many police officials. With Institute support, the International Association of Chiefs of Police has established a Police Weapons Center to conduct research and dissemination of information regarding police weapons—including non-lethal weapons. The Center will also provide information on bomb disposal equipment—one of a number of Institute projects designed to meet this growing threat to public safety. Other Institute efforts are being directed toward development of truly effective equipment and systems to locate, identify, neutralize and dispose of hidden explosive devices.

To help police control the widespread use of narcotics, the Institute is working on two projects to develop equipment capable of detecting hidden quantities of heroin.

The Institute's research efforts go beyond developing new equipment, however, crime prevention is a major focus of research supported by the Institute.

The University of California at Davis is using a $148,121 grant to develop effective methods for preventing and controlling robbery, muggings, and other forms of attacks on the person. Other projects are studying ways to make residences and commercial establishments less susceptible to robbery, burglary, and vandalism. The theory behind these projects is that architectural and environmental design can enhance the security of homes and businesses.

In corrections and rehabilitation programs, the Institute has focused on such areas as prison architecture, work-release, and alternatives to incarceration.

Reducing court delay, which many experts view as a crucial element in controlling crime, is a primary aim of several Institute projects. Notre Dame University received $200,000 for an operations research study of courts in Illinois and Indiana. To assist in the training of local prosecutors, the Institute granted $290,000 to the Council on Legal Education for Professional Responsibility to create special education programs in law schools and prosecutors' offices.

To develop sound improvement programs, we need sound planning programs. But to develop sound planning, we need comprehensive and reliable information and statistics on every part of the criminal justice system. Today, that information simply does not exist on a national scale. Record keeping is fragmented, at best, and not uniform. Some cities and states keep good records, but only on some portions of the system. Others keep hardly any reliable statistics. We don't even know for sure how much crime there is, or how many ex-offenders commit new crimes after release from prison.

The Uniform Crime Reports of the FBI represents the greatest advance to date in collecting information about crime. It is the best that exists. But it is forced to rely on the reports submitted to it by police departments—and some departments do not

report all the necessary information, and many don't report at all.

What is the cost of crime to victims? The costs of prevention and control? We must know in order to measure—in dollars—the value of various anti-crime efforts.

How many offenders are repeaters and with what frequency? What are the correlations with such factors as age, seriousness of crime, length of sentence? We must know so we may make sound decisions about rehabilitation programs.

There is such a dearth of information that no one knows the aggregate expenditures for criminal justice activities in this country. Few state law enforcement officials can say positively how many jails are in their states. Courts do not have data about the amount of time required to process criminal cases, average sentences, or even on their own personnel.

To develop a sound, nation-wide criminal justice data system we have created the Information and Statistics Service in LEAA.

LEAA is spearheading programs to create or improve information and statistics gathering. The agency has done this by earmarking substantial portions of its discretionary action funds for such programs, and by creating the Information and Statistics Service (NCJISS), which was established last year. This was a million-dollar program in fiscal 1970, and its requested budget this year is $4 million.

NCJISS helps states and local communities develop statistical systems and it guides the states in using computer and information systems. In essence, it is providing the national leadership that has been critically needed.

For example, NCJISS has begun pre-tests for a series of three surveys on crime victims. These surveys will examine the individual as a victim, businesses as victims, and governments as victims and will provide estimates on such matters as victims' characteristics, geographical distribution of crime, the number of crimes being committed.

As part of this effort, NCJISS is negotiating with the Census Bureau to include questions about victim experience in the Bureau's Quarterly Household Survey, conducted in January and July, 1971. If this is arranged, then this will be the first attempt to collect hard data on crime incidence at the national level. Then, in 1972, NCJISS expects to begin its extensive National Victimization Survey.

The important national survey of jails has just been completed and will soon be released. This survey report contains a wealth of information on jail facilities and prisoners.

Under another NCJISS project, the Census Bureau is preparing a directory of criminal justice agencies in the United States. The LEAA will publish this directory in March.

The LEAA has also arranged for the Census Bureau to expand its collection of statistics on criminal justice expenditures and employment. In December, when the Bureau publishes the annual compilation—*Employment and Expenditures in Criminal Justice for Fiscal 1969*—data on prosecution and indigent defense will be included for the first time.

The first step in LEAA's long range goal of developing national court statistics is a NCJISS survey of court organization. The initial phase will cover about 8,000 court systems in the nation—trial courts, courts of general jurisdiction, state appellate courts, courts of limited jurisdiction. An interagency agreement to conduct this survey is now pending; the LEAA expects to complete this agreement shortly so that it may begin the survey and finish it by the end of 1971.

The agency has already begun development of the first module of what will become a management information system for the LEAA itself. This is an important project for it will enable the LEAA to manage and monitor its rapidly growing grants-in-aid more effectively—not only improving the follow-through on individual grants but eliminating possible duplication or waste in the various grants.

The LEAA is establishing a criminal justice reference service. Among the information services now available there are wide gaps in coverage and in quality. LEAA's new service will be a service-oriented system filling the information needs of the entire law enforcement and criminal justice community—police, courts, corrections, prosecution, probation and parole. The National Institute has awarded a grant to George Washington University to define potential users and to assist in planning the new service. The University will complete this project in January.

NCJISS' statistical efforts figure importantly in the National Institute's pilot cities projects. The incidence of crime is being measured by NCJISS in these cities—a "before" and "after" project that will help determine the effectiveness of the demonstrations.

One of the most important LEAA efforts is encouraging the development of information systems which will serve the states' operational needs while providing—as a by-product—the required statistics. The LEAA surveyed the 50 states to assess the present status of existing systems, and will be guided by this data in further advising and assisting the states.

A number of prototype systems are being developed, for example, the public safety information sub-system in Long Beach, California, that is part of the Department of Housing and Urban Development's Municipal Information Systems Project.

The most significant of all such information system projects, of course, is Project SEARCH—System for the Electronic Analysis and Retrieval of Criminal Histories. SEARCH is designed to give criminal justice agencies needed information on offenders in a matter of seconds. It contains data on arrests, results of trials, prison sentences, etc. Using such a system, a state holding a suspect could query a central point, find out whether there is information on the person, and which state or states has it. The LEAA has thus far financed the project with some $1.5 million. SEARCH is being demonstrated by the project states—a demonstration that will continue through December—and the preliminary evaluation indicates that every goal of the demonstration has either been met or exceed. The 15 project states have made the decision to go operational. A system embracing all 50 states is essential.

In the SEARCH project, you see a cornerstone of information and statistics system for criminal justice. The development of this system is a landmark, auguring well for the future.

Mr. Chairman, I have attempted in this statement to discuss candidly many of the criticisms that have been raised about LEAA and to discuss a number of key parts of the program which often are overlooked. I would now be pleased to answer any questions.

ILUS DAVIS—A DISTINGUISHED MAYOR

Mr. EAGLETON. Mr. President, Mayor Ilus W. Davis, of Kansas City, Mo., has announced that he will not seek reelection for a third term in the municipal election next spring. "Ike" Davis has rendered distinguished service to Kansas City during many years of public life. For the past 8 years as mayor, he has provided exemplary leadership to his city. His comprehension of contemporary problems confronting all major cities and his commitment to the improvement of the quality of urban life for all citizens of Kansas City make him one of the outstanding mayors in the Nation today.

I join citizens of Kansas City in saluting Mayor Davis, and in looking forward to his continuing service to the civic weal.

I ask unanimous consent that editorials regarding Mayor Davis, published in the Kansas City Star of October 2, 1970 and the Kansas City Call of October 9, 1970 be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Kansas City Star]

THE 8 REMARKABLE YEARS OF ILUS W. DAVIS

By any standard of leadership and excellence, Ilus W. Davis must be ranked as one of the finest mayors who has served Kansas City in its long history. His decision to step aside after eight years is understandable. But there must also be a sense of regret, in light of the tremendous accomplishments that have taken place since April 10, 1963.

Those years have been dominated by problems on a scale without parallel in American municipal history. Inflation has wrecked local budgets. Minority groups have demanded their rightful place in the mainstream of American life. The migration to the suburbs, which began after World War II, approached tidal wave proportions. Congestion, blight, crime and pollution became matters of critical concern.

When Ike Davis took office, City hall was in shambles. The treasury was empty. In the four destructive years from 1959 to 1963, most of the professional staff had quit in disgust. The first job was to rebuild the administrative team; the second was to find new financing. Mayor Davis carried the fight for the earnings tax to the Missouri Legislature and then to the people, who overwhelmingly ratified the new levy at the polls.

For the mayor, minority rights were a deep personal concern. Six years ago Kansas City became the first major community in the United States to ratify a public accommodations ordinance at the polls. He never wavered in his stand on fair housing, even though some advisers said he was committing political suicide. The election on that controversial ordinance was never held. But not because Ike Davis ran for cover. Before the scheduled date, Congress made a vote unnecessary by proclaiming fair housing the law of the land.

ACCENT ON THE AIRPORT

As a traveler in this nation and abroad, Ike Davis recognizes that airports are the modern gateways to cities. The successful 150-million-dollar revenue bond election for K. C. I. reflected his desire to build in Kansas City one of the great aviation facilities of the world.

The physical appearance of the city has been been another major interest. One of his first acts as mayor was to revive the municipal art commission. Later he worked for new ordinances to give that body meaningful authority. Under the charter, the mayor names the park board which is responsible only to him. Although his role was behind the scenes, the visual transformation of the parks and boulevards came about largely because of his demand for improvement.

It is characteristic of Ike Davis that he would be the first to minimize his part in these accomplishments. During the two terms there have been outstanding people on the city council and the administrative staff has been rebuilt to its former professional level. Through it all, Mayor Davis has been the leader around whom others rallied.

Despite the limitations of a city charter that provides for deeply divided responsibilities, Davis has been a strong mayor. Granted, when the roll call is taken, the

mayor casts only one of 13 votes. However, since 1963 there has never been any doubt about who was the leader at City hall. In many crucial decisions, the major and council have stood together unanimously. This is a testament to the mayor's personal persuasiveness.

It has been said that on television Ike Davis takes on the image of a schoolmaster and sometimes he has. Those who have worked with him in person-to-person situations would disagree. He is a man of great personal warmth, with a real ability to cut to the core of issues.

CIVIC INTEREST FIRST

Again and again Mayor Davis has demonstrated he is prepared to tackle difficult problems head on, without regard for the political consequences. His view is that he was elected mayor of Kansas City to do what was best for the community, not to pass the buck. Municipal financing offers the best example. Ike Davis led the drive to increase the utility tax at a time when the city had no other place to turn for additional revenue. The move was unpopular with the public, but it did stave off financial disaster.

The Program for Progress election last December came at a time when tax revolt was sweeping the nation. It was defeated decisively. Although the mayor had no illusions about the chance of success, he believed it was his duty to put the issue to the voters. Another attempt will be made December 17 to win approval of a higher earnings tax. If City hall is denied the money to finance adequate municipal services, the blame will not check to the mayor.

Recently Ike Davis told an acquaintance that in his years on the city council and as mayor he had invested almost one out of every two days of his adult life in public service. His genuine affection for Kansas City led him to make that sacrifice. Although his tenure at City hall may be drawing to a close, this community cannot afford to lose the knowledge and experience of Mayor Davis.

Now the challenge will be to find another leader of equal stature. That can be done. But in view of the remarkable achievements of the last eight years, it will be a formidable assignment.

[From the Kansas City Call, Oct. 9, 1970]

THE CITY TO LOSE A GOOD MAYOR

We know that people can't and shouldn't stay in office indefinitely, but we are sorry that Mayor Ilus W. Davis has decided not to run again in the coming spring city election.

Ike Davis has been a good mayor—a progressive and an understanding one. He has shown concern for the every day human problems of all segments of the population as well as the physical and financial growth of his metropolis. We hate to see Ike bow out of city government but after 15 years of active service, first in the City Council for seven years and now eight years in the top, and often trying, position, we can see his point of view. But we see him go with regret.

The black community has a special respect and fondness for Mayor Davis because of the leadership which he gave in the campaign for the public accommodations ordinance in 1963 and in the succeeding movements for passage of fair housing and equal employment opportunity ordinances.

But it was the bitterly-fought contest over public accommodations in which Ike showed his true colors. It was a heated campaign with tough and rough opposition against the ordinance led by a group of white tavern owners who were joined by right wing organizations.

The issue was so controversial that a lesser man would have said that since he was mayor of all of the people, he should maintain a neutral position. But not Ike. He stood up strongly and forthrightly for the public accommodations law and spoke vigorously against the bigoted position taken by the tavern owners and the other opponents. Not only did he lend his voice and his active guidance to the campaign, but he took the leadership in raising money to finance the campaign to defeat the accommodations referendum.

We won by only a few votes, but we won and Ike Davis can share a great deal of the credit. Kansas City for the first major city in the country to defeat a public accommodations referendum.

No matter what he does in the future, we will never forget Ilus Davis for what he did in that 1963 campaign. The ordinances for fair housing and equal employment opportunity came years later and by then the climate of the city and the whole country had changed somewhat, so they did not arouse the bitter opposition that public accommodations did. Our vote on fair housing never came to a head because a federal law was passed which made a local election unnecessary.

Besides being an outstanding mayor in the field of racer elations, Ilus Davis was a standout in other areas as well. In the early days of his administration, he tackled the city's serious financial problem and was instrumental in persuading the voters to support a one-half per cent earnings tax.

During his two terms in office, Mayor Davis has led Kansas Citians to the polls 17 times and he lost only one election. That is a good record for any office holder. Under the leadership of Davis, Kansas Citians voted over $200,000,000 in bonds for physical improvements to the city including the development of an airport which Ike hopes will become second to none in the country.

As Davis said in announcing that he would not run for reelection, there is still much to be done in this city, both from human and physical points of view. But Ike Davis has more than done his part and it is understandable that he wants now to turn the reins over to someone else. We thank him sincerely for what he has done for his city and wish him Godspeed in whatever he undertakes in the future.

Ike did not say that he was through with politics. He is still a relatively young man and may in the future decide to put his hat in the ring for some state or national office. If he does, we want black Kansas Citians to remember that he is our friend.

In the meantime, with Davis out of the running, the field is thrown wide open and there will be dozens of men vying for the top spot in our city government. Although many names have been mentioned, no one strong candidate is immediately in sight. It will be interesting to see how the city campaign shapes up once the November 3 election is out of the way.

STATUS OF MICRONESIA

Mr. FULBRIGHT. Mr. President, on October 6, 1970, there were referred to the Committee on Foreign Relations two joint resolutions adopted by the Congress of Micronesia in August. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION No. 99

A Senate joint resolution declaring that the United States and the United Nations should take no action on any matters relating to the future political status of Micronesia without first obtaining the consent and approval of the Congress of Micronesia

Whereas, under the terms of the Trusteeship Agreement between the United States and the Security Council of the United Nations, the United States, as Administering Authority, is obligated to "promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the people concerned"; and

Whereas, it is generally recognized by both the United States and the United Nations that an act of self-determination, in the form of a plebiscite, must be exercised by the people of Micronesia before the Trusteeship Agreement can be terminated; and

Whereas, the Congress of Micronesia, as the elected legislative body of the people of Micronesia has recognized it obligation to safeguard the right of self-determination of the people of Micronesia, and has therefore conducted a study of the status issue for the past three years; and

Whereas, the primary purpose of the Congressional work on the status issue is to ensure that the people of Micronesia, when they finally exercise their right of self-determination, have the best possible alternative statuses from which to choose, and that they fully understand the implications of each form of status when they make their choice; and

Whereas, the Congress of Micronesia, in discussing the question of future political status, has followed recognized channels when dealing with the United States; and

Whereas, the Congress of Micronesia maintains that if the right of self-determination of the people of Micronesia is to continue to be respected and safeguarded, no action should be taken by either the United States or the United Nations on matters relating to the status issue, unless the consent and approval of the Congress of Micronesia is first obtained; and

Whereas, the Congress of Micronesia further maintains that any action by the United States or the United Nations on the matters relating to the future political status of Micronesia without the prior consent and approval of the Congress of Micronesia, would seriously undermine the efforts of the Congress of Micronesia to safeguard the rights of the people of Micronesia and would be both unjust and immoral; now, therefore,

Be it resolved by the Senate of the Third Congress of Micronesia, Third Regular Session, 1970, the House of Representatives concurring, that this Congress hereby declares that the United States and the United Nations should take no action on any matters relating to the future political status of Micronesia without first obtaining the consent and approval of the Congress of Micronesia; and

Be it further resolved that certified copies of this Joint Resolution be transmitted to the Secretary General, Security Council and the Trusteeship Council of the United Nations; the President of the United States, the Secretary of the State, the Secretary of Defense and the Secretary of the Interior of the United States; the President of the Senate and the Speaker of the House of Representatives, and the Chairmen of the Senate and House Committees on Interior and Insular Affairs of the United States Congress; and the High Commissioner.

A Senate joint resolution informing the United Nations of the present status of discussions between representatives of the Congress of Micronesia and representatives of the United States Government on the future political status of Micronesia, and welcoming any advice it might render to the Congress of Micronesia if requested by representatives of the Congress of Micronesia

Whereas, it is generally recognized that small territories have special problems to take into account when the time comes for each one to decide on its future political status, and it has been contended that some partici-

pation by the United States, before the final stages of self-determination are reached, might be beneficial to the people of the small territory; and

Whereas, because of small population, physical and cultural diversity, economic underdevelopment, dependence on financial assistance from the Administering Authority, and the overriding security interests of the Administering Authority, the people of the Trust Territory of the Pacific Islands have immense problems to overcome before determining their future destiny; and

Whereas, as elected representatives of the people, the Congress of Micronesia has strived for the past three years to take steps to safeguard the right of self-determination of the people of the Trust Territory of the Pacific Islands; and

Whereas, negotiation and discussions of the future political status of Micronesia have thus far been between representatives of the Congress of Micronesia and representatives of the United States Government; and

Whereas, the Congress of Micronesia now believes that discussions with the United States Government have reached the stage where some participation by representatves of the appropriate organ or organs of the United Nations might enhance the position of the Congress of Micronesia and the people of Micronesia; and

Whereas, the Congress of Micronesia therefore believes it advisable that the United Nations be officially informed as to the status of discussions on the future political status of Micronesia, and advised that any assistance and advice it might render to the representatives of the Congress of Micronesia on this issue will be greatly appreciated; now, therefore,

Be it resolved by the Senate of the Third Congress of Micronesia, Third Regular Session, 1970, the House of Representatives concurring, that the the United Nations, through the Secretary General, be and is hereby advised that the United States Government has thus far been either unwilling or unable to endorse a future relationship between the United States and Micronesia which recognizes certain principles and legal rights which the Congress of Micronesia maintains must serve as a basis to any future association between the United States and Micronesia when the Trusteeship ends; and

Be it further resolved that the United Nations is hereby informed that the United States Government is equally unwilling or unable to sponsor termination of the Trusteeship Agreement on the basis of Independence for Micronesia at this time, taking the position that the United States does not believe that Independence will be a realistically appropriate status for Micronesia for some time to come; and

Be it further resolved that the Congress of Micronesia welcomes any advice that representatives of the appropriate organ or organs of the United Nations might render on the status issue if requested by representatives of the Congress of Micronesia; and

Be it further resolved that certified copies of this Joint Resolution be transmitted to the Secretary General, Security Council and the Trusteeship Council of the United Nations; the President of the United States, the Secretary of State, the Secretary of Defense and the Secretary of the Interior of the United States; the President of the Senate and the Speaker of the House of Representatives, and the Chairmen of the Senate and House Committees on Interior and Insular Affairs of the United States Congress; and the High Commissioner.

Mr. FULBRIGHT. Mr. President, the first of these declares that the United States and the United Nations should take no action on any matters relating to the future political status of Micronesia without first obtaining the consent and approval of the Congress of Micronesia. The second informs the United Nations of the present status of discussions between representatives of the Congress of Micronesia and representatives of the Government of the United States on the future political status of Micronesia and welcomes any advice the United Nations might render to the Congress of Micronesia if requested by representatives of the Congress of Micronesia.

For some time, I have been following the negotiations on the future political status of Micronesia. My principal concern has been that the interests of the peoples of Micronesia be given full consideration. In that spirit, I wrote the Secretary of State, on August 24. I ask unanimous consent that this correspondence be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

AUGUST 24, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: At my request, Assistant Secretary of the Interior, Harrison Loesch, has been keeping the Committee on Foreign Relations informed on the U.S. discussions with the Future Political Status Delegation of the Congress of Micronesia. I had asked for this in view of the fact that the Trusteeship Agreement with the United Nations was approved by this Committee.

I am aware that the Department of State officials have been participating in these negotiations. My concern in writing is to make sure that the United States position in these negotiations is such that we will not be placed in a potentially embarrassing situation before the United Nations Trusteeship Council, which must ultimately approve any termination of the Trusteeship Agreement.

I would appreciate your views on this.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

SEPTEMBER 14, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of August 24 concerning our discussions with the Future Political Status Delegation of the Congress of Micronesia.

We fully share your concern that the United States be in a sound and defensible position when the time comes to terminate the trusteeship Agreement. We are mindful that, although the agreement can only be terminated with our concurrence, we are obligated to move the Trust Territory toward "self-government or independence," as appropriate to circumstances in the Territory and acceptable to the Micronesians. Our discussions to date with the delegation from the Congress of Micronesia have been directed toward a future political status which would accomplish this end and protect U.S. interests in the area.

You are probably aware that the Congress of Micronesia has responded in distinctly negative fashion to our recent proposals. We are now engaged in a restudy of our position to see what can be done to move toward a settlement acceptable to both sides. You may be assured that we are keeping in mind the importance of having Micronesian support for a future political status on which we would base the termination of the Trusteeship Agreement. We have previously informed the Trusteeship Council that the final political status of Micronesia would have to be approved by the electorate and we have assured the Council that we would expect United Nations observers to be present at that time.

If I may be of any further assistance to you on this matter, please do not hesitate to call upon me.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for
Congressional Relations.

Mr. FULBRIGHT. Mr. President, these two petitions received from the Congress of Micronesia serve to reinforce my concern, and I hope that the executive branch of our Government, to which they are also addressed, will give them careful attention during further negotiations on Micronesia's political status.

ORGANIZED CRIME CONTROL ACT

Mr. HANSEN. Mr. President, it is indeed gratifying to note that the House has finally passed the Organized Crime Control Act, S. 30, that this body sent over to them some 9 months ago. The quick action of the Senate which sent this legislation to the President yesterday, is an indication of the great need for this bill.

Early in this Congress the President asked for legislation to combat organized crime. High on his list of priorities, he placed: First, legislation to give the Attorney General broad latitude to assist State government in cracking down on illegal gambling—"the wellspring of organized crime's financial reservoir"; second, criminal legislation based on antitrust law theories to control the infiltration of crime into legitimate businesses in competition with our American system of free enterprise; and third, new or improved procedural laws relating to the prosecution of organized crime, including a new broad witness immunity law enforced by the availability of prison sentences for contempt.

In emphasizing the need for broad improvements in criminal procedure in order to bring about more successful prosecutions against members of the crime syndicates, President Nixon echoed the recommendations of the National Crime Commission, which said:

> From a legal standpoint, organized crime continues to grow because of defects in the evidence gathering process. Under present procedures, too few witnesses have been produced to prove the link between criminal group members and the illicit activities that they sponsor.

The Organized Crime Control Act which was passed by the Senate in January, and which the House has just acted upon, incorporates these three recommendations of the administration.

The grand jury is without peer as an instrument of discovery against organized crime. Title I of the act provides for the impaneling of special grand juries, in addition to regular grand juries, in districts containing more than 4 million inhabitants or where the Attorney General certifies that one is necessary because of criminal activity in the district. Such special grand juries would be empowered to select their own foreman and deputy foreman; extend their term

up to 36 months; and most significantly, have statutorily authorized their ancient power to issue public reports regarding crime in the community. These reforms would make this venerable institution less an arm of the court and more an independent body with an unfettered duty to seek out and destroy organized crime.

Other procedural reforms deal, respectively, with general immunity; recalcitrant witnesses; false declarations; protected housing facilities for housing Government witnesses; depositions; and special offender sentencing. These provisions are intended to insure that the Government will have the necessary quantity and quality of evidence sufficient for valid indictments and convictions of organized crime figures, and that they will receive sentences commensurate with the gravity of their crimes.

In addition to these procedural reforms, the act contains two substantive provisions of major significance. Title VII deals with the large-scale illegal gambling operations which provide the chief source of revenue for organized crime. Relying upon the fact that the activities are dependent upon the facilities of interstate commerce, the title makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," which is defined as, first, violating State law, second, involving five or more persons, and third, operating in excess of 30 days or having a gross revenue of $2,000 in any single day. It also makes it unlawful to engage in the operation of such an "illegal gambling business" itself. The title contains a finding by the Congress that illegal gambling affects and is dependent upon the facilities of interstate commerce, thus eliminating the need for specific proof of an interstate element in each case. As President Nixon stated in his April 23, 1969, message on organized crime:

> The purpose of this legislation is to bring under Federal jurisdiction all large-scale illegal gambling operations which involve or affect interstate commerce. The effect of the law will be to give the Attorney General broad latitude to assist local and state government in cracking down on illegal gambling, the wellspring of organized crime's reservoir.

The second substantive provision of this act is contained in title IX and deals with racketeer influenced and corrupt organizations. This title contains a rather novel, and in my opinion, a most promising proposal for crippling organized crime's recent emergence into the field of legitimate business and unions. Some measure of the actual and potential impact of this facet of organized crime's activities on our economic system may be gaged from the report of the President's Commission on Law Enforcement and the Administration of Justice, which found that organized crime has to an alarming degree acquired both open and concealed ownership in a broad variety of legitimate enterprises.

The New York Times of October 14, 1969, reported that a recent survey of the business interests of 113 of the major underworld figures in the Nation disclosed that 98 of them were found to be engaged in legitimate businesses, including extensive holdings in casinos and nightclubs, land investment and real estate, hotels and motels, vending machine companies, restaurants, trucking concerns, wholesale food distributorships, sports and entertainment, and financial institutions.

When organized crime infiltrates a legitimate business, its whole method of operation counters our theories of free competition. Whether a business is purchased from funds derived from its many unlawful activities, or whether it is acquired by extortion and violence, its aim is monopoly, and it employs physical brutality, fear and corruption to intimidate competitors and customers in its effort to achieve increased sales and profits. The economic power concentrated in this vast criminal conglomerate constitutes a dire threat to the proper functioning of our economic system.

Title IX is designed to remove the influence of organized crime from legitimate business. Stated simply, this legislation makes it unlawful for any person to acquire an interest in or establish an enterprise engaged in interstate commerce by the use of income derived from "a pattern of racketeering activity", which is defined in terms of a number of existing criminal offenses characteristic of organized crime activity. It would also prohibit any person from acquiring or maintaining any interest or control of a business enterprise by racketeering activity, and prohibit any person employed by or associated with a business enterprise from conducting its affairs by racketeering methods.

These unlawful acts would subject violators to strict criminal penalties of fines of up to $25,000 and prison terms of up to 20 years. However, the principal value of this legislation may well be found to exist in its civil provisions which employ the time-tested antitrust remedies of injunction, divestiture, dissolution, and reorganization which have been highly effective in removing and preventing harmful behavior in the field of trade and commerce. There is abundant precedent for applications of civil remedies to the conduct sought to be prohibited by this legislation. Similar civil remedies in antitrust cases have been sustained by the Supreme Court.

I believe that this title offers an extraordinary potential for striking a mortal blow against the property interest of organized crime. As President Nixon stated in his April 23, 1969, message to Congress on the subject of organized crime:

> The injunction with its power of contempt and seizure, monetary fines and treble damage actions, and the powers of a forfeiture proceeding, suggest a new panoply of weapons to attack the property of organized crime—rather than the unimportant persons (the fronts) who technically head up syndicate controlled businesses. The arrest, conviction and imprisonment of a Mafia lieutenant can curtail operations, but does not put the syndicate out of business. As long as the property of organized crime remains, new leaders will step forward to take the place of those we jail. However, if we can levy fines on their real estate corporations, if we can seek treble damages against their trucking firms and banks, if we can seize the liquor in their warehouses, I think we can strike a critical blow at the organized crime conspiracy.

Mr. President, the bill as we sent it to the House has undergone some changes, and a substantive title on bombing, containing provisions similar to those appearing in S. 3650, has been added. These changes and additions in no way weaken this legislation. I am delighted that the bill has now been sent to the President. I am confident that he will implement it immediately.

THE UNITED NEGRO COLLEGE FUND

Mr. PERCY. Mr. President, on October 5, 1970, the 36 member presidents of the colleges and universities which comprise the United Negro College Fund met in Chicago for the first time in the fund's 27-year history. This gathering was timed to coincide with the fund's Chicago corporate campaign and several affairs were held to officially introduce these black educators to the various Chicago communities.

UNCF was funded by 27 schools to make a joint annual appeal for funds. The fund has now expanded to 36 fully accredited 4-year colleges and universities located in 12 States. Last year, the fund raised $6.8 million and this year the goal is $10 million.

Mr. President, UNCF is truly a worthy organization. The funds raised through its public campaigns have enabled the member institutions to train many thousands of young people from less than affluent backgrounds. Over 20,000 UNCF alumni contribute to daily life in Illinois alone.

This year, the member colleges are caught in the same cost spiral that affects other institutions of higher learning. In recognition of this fact, President Nixon recently announced an additional allocation of $30 million to predominantly black institutions. Hopefully, this action, coupled with increased support from the private sector, will enable the UNCF member institutions to meet their financial need.

Mr. President, at a UNCF luncheon meeting in Chicago, the 200 assembled business leaders heard Mr. Vernon E. Jordan, Jr., UNCF's new executive director, outline the history and continued importance of the black colleges and universities which are members of the organization. While Mr. Jordan's remarks were made in Chicago, I believe they have national significance. Therefore, I ask unanimous consent that Mr. Jordan's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY VERNON E. JORDAN, JR., EXECUTIVE DIRECTOR, UNITED NEGRO COLLEGE FUND

The private Negro colleges have been one of the most—if not *the* most—important single factor in the progress of black Americans since the Civil War.

They have provided education where—at least at the beginning—there was none. In fact, in the early days it was *illegal* in some Southern States to educate black people.

And while the laws have changed, it is still true that some States of the old Confederacy have made it a practice systematically to deny educational opportunity to their black citizens.

There is a certain irony in the fact that this is a recognition of the power of education—and the fact that black people could and would—given the opportunity—seek the power that comes with the knowledge that education brings.

As they came into being—one by one—the Negro colleges not only demonstrated beyond question that the black man *could* pursue higher education successfully, they proved to be (with minor exceptions) the only source of teachers, ministers, physicians and other leaders with any higher education at all.

So, from the very beginning, it has been the private Negro colleges that have provided the leadership first for the black community and later for the community at large.

And they still bear much of that responsibility.

Early graduates of the Negro colleges, all of them private at the time, provided the teachers for such black elementary and secondary schools as existed at the time. They also provided the leadership—the administrators and faculties for the state-supported Negro colleges which began to come into existence about 1890.

Not one of the Negro state colleges offered courses in medicine. Black physicians were trained (with minor exceptions) at Shaw, Meharry and Howard. Even today, eight out of ten black physicians in the country are trained at Howard University and Meharry Medical School.

There was no such thing as a state-supported liberal arts college for Negroes until North Carolina purchased the National Training School in 1922 and converted it into what is now North Carolina Central University. Morgan State College in Baltimore, previously a private institution, was purchased by the State of Maryland in the 1930's.

In other words, the *only* liberal arts education provided for the black man in the South until the 1920's was provided by the private Negro college.

This accounts for the fact that these colleges and universities trained as undergraduates the vast majority of black doctors, dentists, lawyers, ministers, college teachers, college presidents and other leaders, not only in the past but in the present. In short, these colleges have produced the black intelligentsia of America.

Furthermore, it was not until after the Gaines Decision in 1938 that any state-supported Negro college offered graduate or professional work.

Until then the only schools of library science open to the black student in the South were at Hampton Institute and Atlanta University . . . the only collegiate schools of nursing were in private institutions—Tuskegee Institute, Dillard University and Hampton. Atlanta University and Howard had (and still have) the only black schools of social work.

In a draft of a preliminary report concerning black colleges prepared by the Carnegie Commission on Higher Education, the distinguished Commission says the following about the importance of the predominantly black colleges:

"The colleges founded for Negroes are both a source of pride to blacks who have attended them and a source of hope to black families who want the benefits of higher learning for their children. They have exercised leadership in developing educational opportunities for young blacks at all levels of instruction, and, especially in the South, they are still regarded as key institutions for enhancing the general quality of the lives of black people."

It is frightening to contemplate what the status of black Americans would be if there had been no private Negro colleges; it is sobering to contemplate how much poorer the Nation would be. From the outset these institutions have kept the black man's dream of citizenship, equality and opportunity very much alive. From their founding, with their enormous task, they have been short on resources but long in accomplishments.

It is in this context that the United Negro College Fund came into being in 1944. At that time 27 private, accredited, black colleges banded together in an attempt to make a national appeal for support—to reach an audience that singularly they could not reach.

The beginnings of UNCF by today's standards were modest—our first campaign in 1944 raised $765,563. Since that first campaign, UNCF has distributed more than $100 million to its member colleges. Last year we raised $6.8 million, the highest amount in the Fund's history. This year our goal is $10 million dollars.

How, then, do we justify such a goal? What are the needs and problems of blacks in higher education today? Consider these random facts on the matter—

Of the 2.4 million black people between the ages of 18 and 24 years old eligible for college, only 13.4 percent are enrolled, compared to 17.5 million whites eligible, 27.5 percent of whom are enrolled.

There are more than 300,000 black students in American colleges and universities today. That represents 6 percent of the total national college enrollment. One-half the total enrollment of black students is educated at predominantly black colleges, and the UNCF colleges enroll 24.9 percent of all black students in black schools, or 12.3 percent of the total national enrollment.

There are 300,000 more foreign students enrolled in American colleges and universities than black students.

62.3 percent of the freshmen in Negro colleges in 1968 had parents whose income was less than $6,000.

About 60 percent of all freshmen in black colleges have fathers who did not complete high school and 27 percent have fathers with grammar school education or less.

The occupational status of fathers of freshmen at black colleges reflects their educational deprivation. The fathers of freshmen at black colleges are overwhelmingly unskilled or semi-skilled—50.6 percent of the men and 43.2 percent of the women entering black colleges have fathers in these occupational categories.

The average tuition at UNCF colleges is $962, but even this low cost works a hardship on poor black families.

The average UNCF faculty salary is half the national average.

In 1968, of 21,700 degrees awarded black youth, 17,242 were from black institutions.

75 percent of all black Ph. D's had their undergraduate training in Negro colleges and universities.

At the graduate level, in 1969, the Nation's blacks accounted for less than one percent of doctoral candidates, only 2 percent of the law students, and 2.5 percent of the medical students.

Given these hard facts about the plight of black higher education in America, what has been the response of the sources of funds in this Nation?

Last year the corporate sector gave about $390 million to higher education in the United States—at UNCF we raised less than $3½ million from the corporate community.

A recent report of the Federal Interagency Committee on Education shows that the federal government in 1969 spent $4 billion for higher education, but only $119 million, or 3.5 percent, went to predominantly black colleges and universities. We note, with appreciation, that as late as last week additional federal funds for black schools were made available. Though inadequate, recent appropriations by the Administration represent a step in the right direction.

UNCF colleges are caught, along with everyone else, in the cost spiral. In just four academic years, 1964 to 1968, operating expenses climbed from a total of $40 million for all members colleges to $90 million. This year we estimate that the *combined operating budgets* only will total $110 million.

Clearly, these facts evidence both a quantitative and qualitative inequity in black higher education, not only in terms of support but in terms of the ability of private black colleges to continue to provide quality education to young black Americans. On this point the recent report of the Scranton Commission on Campus Unrest observes:

Adequate financial resources do not guarantee educational quality, but adequate educational quality cannot be attained and maintained without sufficient financial resources.

On the question of whether support to the United Negro College Fund is perpetuating "segregated" education, I refer you again to the Scranton Report:

Although most of the black colleges and universities were created to serve the educational needs of black Americans, they have never been segregating institutions. From the beginning, all have had white faculty members and almost all still do. Many had white presidents. Traditionally, they have enrolled proportionately more non-black students than white colleges and universities enroll non-white. Among institutions of higher learning, they are the most *open* and non-discriminating in the appointment of faculty and in the admission of students.

In our judgment, the question of the future usefulness and ability of predominantly black colleges and universities transcends the integration-segregation issue and relates primarily to the question of *quality education*.

In pursuit of the goal of quality education and in pursuit of $10 million to support that goal, the United Negro College Fund is in Chicago today.

Indeed Chicago has a vested interest in the United Negro College Fund. Some 20,000 UNCF alumni live and work here, and they are making significant contributions to the health, welfare and security of the Chicago community. UNCF graduates here, teach in the schools, treat the sick, seek justice in the courts, publish newspapers and magazines, serve in the government, administer social agencies, work in business and industry, and lead the community in the fight for justice and equality. These are educated black men and women proving daily that education is the equalizer of the conditions of men—the balance wheel in the social machinery.

So we petition you again to invest in UNCF—in 40,000 students—in young black people—in the Southern region and thus in the Nation itself. We ask that investment not just for the colleges, the teachers, the students—but for the constituency that they, with their education skills must serve, must help, must lead.

The constituency of which I speak is black people in America:

Those black people in the ghettos and rural places who have no hope, nor hope of hope.

Those black people who cry out today, not for freedom and equality but for a crust of bread and a morsel of meat.

Those little black children who cry out not for Black Power but for medicine for their festering sores and protection from the rats and roaches.

A constituency that includes the junkie and the pusher in the ghetto—

The unemployed father.

The underemployed daughter.

The welfare dependent mother.

The son who has no money for college.

Those who cry out to middle-class educated black America—asking, pleading—Is there no Balm in Gilead?

These are the constituencies that black college graduates must serve. These are the constituencies with whom we have an obligation to make common cause. These are our brothers and sisters.

To do that, we are in Chicago today, not begging money but rather providing this

community with another opportunity to invest in a rich human resource that will yield a better land and a greater Nation. The price is right—the investment sound—the dividend sure! Can we count on you—Chicago—in this critical time in black higher education in America?

MEDICAL CARE PROVIDED BY THE GOVERNMENT

Mr. CURTIS. Mr. Frank K. Woolley, executive director of the Association of American Physicians and Surgeons, Inc., has made a thorough study of those portions of H.R. 17550 which relate to medical care provided by the Government. He has prepared a statement on this which merits the consideration of all of the members of the Committee on Finance and the entire Senate.

I ask unanimous consent that Mr. Woolley's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. WOOLLEY

CLOSED PANEL PER CAPITA GROUP PRACTICE PLANS

The Association of American Physicians and Surpeons is dedicated to saving individual freedom and the highest quality medical care in the world by fighting for private practice. It has clearly pointed out to me why the federal subsidization of Closed Panel Per Capita Group Practice Plans would be unfair and would reduce the quality of medicine in America. The Statement follows:

PER CAPITA PREPAYMENT GROUP PRACTICE PLANS

(Kaiser-Permanente Type)

The principle of giving special privilege and special subsidies to Kaiser-Permanente type per capita prepayment group practice plans as contained in HR–17550 as it passed the U.S. House of Representatives, is wrong.

This would be another "foot in the door" operation to expand government interference with professional medical judgment.

In this legislation this special treatment is euphemistically called Health Maintenance Organizations (HMO). See Section 239 of the Bill.

Kaiser-Permanente type schemes would be paid a year in advance, the excuse being that it would provide an incentive to prevent illness and reduce the total cost of care. HEW says: The provision of a "full range of services from a *single source* in a coordinated, efficient manner" will reduce costs. No valid evidence supports this.

It is intended to encourage such prepaid care to citizens under 65 years of age. The Bill says to be eligible an organization (such as K–P) must have "enrolled members at least half of whom consist of individuals under age 65." (Sec. 239.)

Once again, the private free choice medical care system which has naturally developed in the United States will be subjected to morally and economically unsound pressures by government intervention. Government payment is the lever.

Advocates of the scheme have used government and labor union leader pressure to promote it for years. Even then it has not caught on. Less than 5% of the total population have voluntarily, without government special subsidy, chosen to obtain service in this manner.

The Report of the Committee on Ways and Means of the House of Representatives, gives a clue to what would happen. It reads:

"Under this new approach to payment of Health Maintenance Organizations, *there is expected to be a small increase in the first year or two in the amount of payment* by the program. (Emphasis added) p. 53.

(All government medical programs have cost outrageously more than promised.)

It is a closed panel operation. "The individuals with respect to whom such payment would be made would receive Medicare-covered services only through the Health Maintenance Organization, except in emergencies. If an enrolled individual received non-emergency care through some other means than the Health Maintenance Organization, he would have to meet the entire expense of such care." ibid p. 53.

SUBSIDY CAMOUFLAGED

"This payment is to be no more than 95% of the estimated amount (with appropriate adjustments to assure actuarial equivalents) that would be payable if such covered Medicare services were furnished outside of the framework of a Health Maintenance Organization." ibid p. 53.

NOT NEW

The scheme is not new—only the direct subsidy through Medicare and Medicaid is new.

1. A committee on the costs of medical care, organized in 1927 made two key recommendations in 1932. One was:

"Prepaid per capita practice subsidized by the national government." Current History, August, 1963, p. 77.

It was strongly opposed by doctors fearing it would: "—transform the doctor into a harassed, incompetent, salaried bureaucrat—"

2. Wilbur J. Cohen, as Under Secretary of HEW, in 1966 endorsed a book: "Group Practice and Prepayment of Medical Care" financed by "The Commonwealth Fund" through "The Group Health Foundation." From it we learn:

(A) "A final basic in the plan was the *elimination of the fee system.*" ". . . accomplished through a salary arrangement . . ." (GP&P of MC) p 20

(B) The Farmers Union in 1934 sponsored the Farmers Union Cooperative Hospital Association at Elk City, Oklahoma, ibid p. 22. It failed. (The book doesn't admit this.)

(C) "The U.A.W. . . . under the leadership of Walter Reuther . . . (established) the Community Health Association of Detroit." (A per capita prepaid group plan.) The new organization's executive director was Doctor Fred Mott, developer of medical programs for the Farm Security Administration, the Province of Saskatchewan (bankrupt)* and the United Mine Workers (sold to government after being in financial trouble)* ibid p. 51–52.

(D) In 1966 the group plans were interested in the Medicare Law feeling it "will be of great assistance" ibid p. 80–81.

(E) Terms considered necessary included: "The management of the entire operation must be tightly integrated and under *centralized policy guidance.*" Ibid. p. 86.

What could be more centralized than labors' plans being subsidized and forced into operation by HEW? Yet, Under Secretary of HEW, Veneman, in trying to sell this tight control scheme included in the Bill says:

"Public intervention would be reduced rather than increased." (Patient Care 8/15/70 p. 15)

Also, he said recently governmental intervention was guaranteed explaining:

"As long as *we* pay 37%, *we* ought to have some leverage in the system." (MNR 8/31/70 p. 1)

(F) Regular group practice excluded.

Even though regular group practice appears to be eligible—one better carefully look at who is behind it—who will administer it and the fine print because:

"There are many instances of physicians working in offices under one roof calling themselves groups, but since each manages the affairs of his own office and practices independently and in competition with his associates, their use of the term does not fit our definition." (GP&P of MC p. 89)

(G) Limitations for the physician are cited in the book partly quoted as follows:

(a) *"The sacrifices of certain freedoms . . .* their work schedules are made out to conform to an established pattern, office hours cannot be changed without the consent of someone else. They are forced to take care of someone else's patient and allow someone else to take care of theirs at certain times. They may be called upon to explain departures from the normal procedures or the need for special equipment. They must integrate their activity with those of the rest of the group." ". . . personality is being submerged . . ."

(b) ". . . the new physician finds himself running into the established order at every turn."

(c) "Sharing control of the patient."

(d) "Learning to live with others of diverse interests."

(e) "The sacrifice of status in the professional community is a factor not to be dismissed lightly."

(f) "Limiting consultants to those of the group."

(g) "Physicians income in the groups is sometimes the problem." ibid p. 93–96

Also, on page 109 we find a quote:

"Each physician is generally to be considered of equal value to the group."

(H) *Backers:*

"By now it is no shock to learn 'the organizational plan of H.I.P. (a K–P type of plan in New York) were underwritten by . . . the Albert and Mary Lasker Foundation and the Rockefeller Foundation'." ibid p. 33

Lasker and Rockefeller are behind the "Compulsory nationalized medical scheme" of U.A.W. now waiting in the wings as the Kennedy Bill.

HEW PROPAGANDIZING

HEW has been working for years to force the use of per capita, salaried, prepaid, group practice and in recent years has become quite obvious in its activities.

For example in October, 1967 it organized a National Conference on Group Practice in Chicago and reported on it in an official publication, Public Service Publication No. 1750 openly boasting how it was promoting "group practice."

(A) "All of us who are participating . . . have a common goal: the promotion of group practice as the optimum method of organizing our health manpower and resources to provide high-quality medical care for our nation's population." p. iii

(B) "In 'A Blueprint for Action,' Doctor Cashman's magnificent summary at the closing, we have concrete . . . proposals that can keep us all busy in the days ahead, not just the federal government. . . ."

(C) "Conference objectives (HOW to promote, not whether)." p. 2

(D) "Participation, by invitation of the Secretary, was limited to persons who were in the best position to promote group practice. . . ." p. 2

(E) William H. Stewart, M.D., Surgeon General PHS, at the time in a keynote address said:

"The record of accomplishment in fostering the spread of group practice, and especially prepaid group practice, *is not what many of us have hoped* it would be—a record of steady and accelerating growth." "The concept is not a new one;" p. 9

(F) *"The number of people covered* by prepaid group practice plans increased from 3.3 million in 1955 to 4.2 million in 1965—surely not a precipitous rise in a decade. . . ." He then went on to say:

"First, there are *legal restraints* which bar progress in a number of states, 17 states still prohibit the formation of consumer sponsored groups. . . ." *"Second,* there is urgent need for sources of organizing initiative. These must be strong enough to overcome overt opposition—" *"Fourth,* there is need for

*Notes added by AAPS.

more effective support and stimulation at the national level. *We in the federal government are exploring better ways of using our purchasing power to enhance this movement—"*

The entire report disclosed a clear cut conspiracy to control the nation's patients and doctors. Everyone interested in stopping tyranny should get a copy of this 70 page booklet and understand the nature of the promotion behind this scheme.

Finally, these statements are made about *State* Laws:

"Make advice and technical assistance available in the form of expert staff to support state and local movements in removing obstacles in state laws;" continuing "Explore the desirability of legislation to provide for optional federal chartering of health insurance organizations as a possible means of overcoming State or other existing restrictions" p. 32.

KAISER FOUNDATION HEALTH PLAN AND HOSPITALS

The director of the Foundation, Doctor Sidney R. Garfield, writing in the April issue of "Scientific American", admits many things which are quite pertinent to the issue at hand. For example:

(1) "Dramatic advances in medical knowledge and new techniques, combine with soaring demands created by growing public awareness, by hospital and medical insurance and by Medicare and Medicaid, are swamping the system by which medical care is delivered."

(2) "National health insurance, an attractive idea to many Americans, can only make things worse."

(3) "Medicare and Medicaid—equivalence of national health insurance for segments of our population—have largely failed. . . ."

(4) "It is folly to believe that compounding this demand by extending health insurance to the entire population will improve matters." "On the contrary, it is certain that further over-taxing of our inadequate medical resources will result in serious deterioration in the quality and availability of services for the sick."

(5) "All of this is not to say that U.S. medicine should change over to the Kaiser-Permanente pattern. On the contrary, freedom of choice is important; we believe the choice of alternative systems, including solo practice, is preferable for both the public and physicians. Any change to prepaid group practice should be evolutionary, not revolutionary."

(6) "We have come to realize that ironically the elimination of the fee has created a new set of problems." "Only after years of costly experience did we discover that the elimination of the fee is practically as much of a barrier to early sick care as the fee itself. The reason is that when we remove the fee we remove the regulator of flow into the system. . . ."

(7) "The impact of this demand overloads the system and, since the well and worried-well people are a considerable portion of our entry mix, the usurping of available doctors' time by healthy people actually interferes with the care of the sick.

"The same thing has happened at the broad national level the traditional medical-care delivery system, which has evolved rather loosely over the years subject to the checks and balances of the open market, is being overwhelmed because of the elimination of personally paid fees through the spread of health insurance. Medicare and Medicaid. This floods the system with a changed entry mix characterized by an increasing proportion of relatively well people." p. 15–19 "Scientific American," April, 1970.

CONTROL

It is an established principle that whatever government subsidizes it controls. Government interference is not the basis of this country's superior medical care. Closed-panel per-capita prepayment group practice plans should not be subsidized by government in America.

ALLEGED SAVINGS IN SPACE PROGRAM

Mr. ANDERSON. Mr. President, after reading the recent floor statement by the senior Senator from Wisconsin (Mr. PROXMIRE), which appeals in the RECORD of September 30, 1970, on page 34370, I find illogical the financial wizardry through which the Senator arrives at savings which, he asserts, have been made or can be made in the space program. Furthermore, I am quite concerned that the analysis and conclusions the Senator presented in effect accuse the National Aeronautics and Space Administration of inconsistencies and contradictions in information furnished to the Senator in response to his two inquiries, one of a year ago and another recently.

I carefully reviewed the NASA letter—which the Senator placed in the RECORD—and I find that the information furnished is an accurate presentation of the agency's Apollo program and the funding requirements therefor. This is as presented to and approved by the Committee on Aeronautical and Space Sciences and subsequently by Congress. Moreover, I find that NASA was fully responsive to the questions of the Senator from Wisconsin with respect to the impact on savings of reductions in the Apollo launch rate from three per year to two per year and from three per year to one per year—a savings of about $30 million and $45 million respectively. The question the Senator raised last year was directed solely to a change in launch operations—not a cutback in the total number of lunar flights previously planned. The letter from NASA states specifically that the advanced stages of hardware construction do not permit any savings because the termination costs at a point so near completion would offset the cost of completion. Therefore, as my friend from Wisconsin, who is an expert in economics, should recognize, it is better to have, under these circumstances, fully complete and finished units rather than partially complete units which are of no value to anyone. I would also point out that these launch vehicles and spacecraft are such highly specialized pieces of equipment, that there is no market for this hardware, and, further, that the dollar return from scrap of such hardware would be negligible. Therefore, it is clear there can be no dollars saved to be returned to the Treasury from this equipment which is already built.

NASA further advised the Senator from Wisconsin that if a decision were made to terminate manned space flight activity after the completion of the current hardware contracts and currently authorized lunar flights, significant real savings could be achieved. These would be achieved, however, by a complete shutdown of all production, test, and launch facilities. No—and I repeat, no—moneys would accrue to the U.S. Treasury from any unused hardware because, as I have already stated, it has little or no value for other than its intended purpose.

The Senator from Wisconsin on September 10, 1970, about a year later, asked NASA a question as to how much would be saved by the decision to cancel Apollo 15 and 19 and whether these funds would be available for other purposes.

I might say that this entire matter was publicly discussed in great detail in a press conference held by NASA on September 2, 1970. I find the NASA response of September 28, 1970, to the Senator's question to be completely in accord with the understandings of the space committee as to the reorientation of the lunar program.

The questions posed last year by the Senator from Wisconsin dealt with reductions in funding requirements as a result of reducing the annual launch rate. His recent question dealt with the decision to drop Apollo 15 and 19—two very different matters.

The decision to drop the Apollo 15 and 19 missions was a very difficult one and, as many of us who have received letters know, has been vigorously opposed by prominent members of the scientific community. Nevertheless, the fiscal year 1971 budget reductions and projects for the immediate years ahead required another critical review because of lead times and operational decisions that had to be made. Basic to this consideration, and a point which has been brought to the attention of the Senator from Wisconsin, is the fact that from an economic standpoint and, more important, from a standpoint of safety, as recently pointed out by the Aerospace Safety Review Panel, NASA should not operate the Apollo program below two launches per year. Therefore, the reorientation of the Apollo program dropping two flights enabled NASA to fly out the remaining lunar flights at the rate of two per year in 1971 and 1972. This will satisfy to the greatest possible extent the economic and safety considerations and complete the reduced Apollo lunar program prior to initiating the Skylab launches in late 1972. This reorientation will eliminate the necessity to maintain a lunar mission capability during the Skylab operations of 1973 and the attendant costs and risks associated with such a lunar holding period. However, I should like to emphasize here that under this plan there will be no United States manned flight launches after June 1973.

This recent decision to drop two of the Apollo missions does release two Saturn V launch vehicles and certain spacecraft for other missions—including lunar missions—not yet defined. However, it seems to me that in view of the decision to terminate all Saturn V large launch vehicle production—and with the Saturn 1–B production discontinued some time ago—it is very wise to have available some large launch vehicle capability during the mid–1970's to undertake missions which may become important but which are not foreseen today. This is an acceptable trade-off for foregoing the use of the lunar hardware for its designed purpose.

In its recent September 28, 1970, letter NASA advised the Senator from Wisconsin that the savings of $50.1 million in fiscal year 1971 resulted from the reduction in Apollo program operational costs

accruing from the decision to reorient the Apollo program as I have outlined it. This $50.1 million is real savings—but not the same savings—of the type which NASA reported to the Senator from Wisconsin would accrue from changes in launch rates a year ago. There is, therefore, no contradiction; there are no inconsistencies in the information which has been furnished to my friend from Wisconsin.

Mr. President, I indicated earlier that I was intrigued by the financial acumen of the Senator from Wisconsin. In response to a question from him, NASA put a price tag on the Saturn V launch vehicle and other units of space hardware—hardware that I reemphasize is already built. This hardware is, as I have said, highly specialized, not convertible to uses outside the space program and not convertible into cash for return to the U.S. Treasury. One can only characterize these two Saturn V's, which are to be placed in storage and to be maintained against storage deterioration, as a national asset—an asset which can be used only for space endeavors. They are an asset which under the previous program plan would have been used for their designed purpose; that is, lunar missions which have now been canceled much to the distress of the scientific community.

It is against this background that I am at a great loss to understand how my friend from Wisconsin can trumpet the great savings which are available in the Apollo program.

As I understand the word "savings," a savings has to represent dollars which can be used for other purchases. This certainly is not the case here. The only way that this Nation can realize a return on the dollars already spent for the Saturn V's and the other space hardware going into storage is by flying space missions. This would entail launch and other mission-related costs; and it is these costs which will not be incurred and it is these dollars which will be saved and will be available for other purposes. This is my interpretation of savings.

I do not agree that we save money that is already spent for the construction of equipment that is going to sit in a warehouse and is not convertible to cash by any stretch of the imagination. In fact, not only are there no savings, but the cost of preserving and maintaining these vehicles and other equipment to prevent deterioration while in storage must be underwritten.

Therefore, Mr. President, I must conclude that the Senator from Wisconsin has been unfair in his accusation that NASA is contradicting itself. I challenge his interpretation of the word "savings" and his statement that there are savings of $465 million resulting from the decision not to fly Apollo 15 and 19 as originally scheduled. If he disagrees, I can only say to my friend from Wisconsin that I would like to have him show the Senate how to produce the $465 million in real dollars from the cancellation of the Apollo 15 and 19 missions. If he can do that, I will be happy to get it to the Treasury for the benefit of the American people.

POSSIBLE SOLUTION TO THE RAILROAD PROBLEM

Mr. PERCY. Mr. President, over the past several years, and particularly since the Penn Central debacle, we have heard a great deal about the railroad problem. Many of us have been particularly concerned with the recurring labor-management disputes in the railroad industry. And, more recently, new questions have been raised about whether conglomerates should own railroads.

The principal suggestion that has been offered as a solution to the overall railroad problem is an unhappy one, Government ownership. Certainly no one in public life has articulated answers to the many difficulties faced by the railroad industry that a majority of us can endorse.

I am pleased, therefore, to bring to the attention of the Senate today a proposal which holds out at least the promise of a brighter future for the Nation's railroads. I think this proposal will receive considerable support, for it may end up to be the only viable alternative to Government ownership.

A group of employees of the Chicago and North Western Railway, headed by Larry S. Provo, has contracted to buy the assets of the railroad, which are owned by Northwest Industries, a conglomerate engaged in many activities other than railroading. It is a creative proposal which could improve the fortunes of a midwestern railroad based in Chicago and serving 11 Midwestern States. It certainly will make possible substantial improvements in railroad labor-management relationships. And it will result in a railroad with no ties to any other kind of manufacturing or service establishment.

Many students of our Nation's political and economic life have been concerned with the lack of employee participation in the capitalistic structure and with the need for making capitalism more relevant to the well-being of employees. A recent example of this concern is found in a speech by Fred Smith of Rockefeller Family and Associates, entitled "To Keep Life on the Move." The sentiments he expressed are particularly appropriate to the North Western proposal. He said:

> We must make Capitalism in our country more universal—less the province of the relatively few. Somehow we must make it possible for employees and wage earners to relate more directly to and share more importantly in the earnings of the nation's production facilities. Several suggestions have been put forth to accomplish this, at least in part. One widely publicized plan suggests the distribution of all corporate earnings to registered voters, which seems to many of us to be fundamentally unsound. • • • There are other proposals. None of them has widespread acceptance; but it is interesting that ideas currently being discussed originated chiefly with businessmen, not with radicals, intellectuals inexperienced in business or malcontents.
>
> The purpose of this needed addition to our economic system is not so much to share the wealth as to share responsibility for and the interest in producing, financing and distributing goods and services. Until there is a readily recognizable link between the responsibility of the man at the machine—as well as the man in the front office—and the Gross National Product, there will remain an all-but-unbridgeable chasm between labor and management, which will continue indefinitely to nurture distrust and disagreement, and will keep collective bargaining a battle for superiority rather than a mutually constructive effort to improve the nation's welfare.

The plan which I endorse here today is consistent with the timely views Fred Smith expressed. Under the plan, the 14,000 railroad employees could buy stock in the new employee company on the basis of their annual salaries. Employees earning $10,000 or less would be able to purchase up to $5,000 in stock while employees earning $30,000 or more could buy up to $100,000.

We should all be encouraged when individuals are so dedicated to their industry that they are prepared to commit their own resources to the development of the property on which they make their living. I have read the application of the employee company for approval of the Interstate Commerce Commission. The employees believe, as I do, that the railroad industry is particularly suited to employee ownership. As they have stated, much of the work on a railroad is done by unsupervised individuals and small crews. Employee shareholders will have a deeper appreciation of the importance of transportation service and the significance of developing appropriate long-term plans for the maintenance of a sound transportation system. Quite obviously, the type of service performed for the public is substantially affected by the attitude which the employee brings to his job. Employee ownership should thus be a substantial factor in developing increased efficiency, worker pride and improved service.

Mr. President, I know from my own experience in business the effect that employee ownership and profit sharing can have on the attitudes of the employees. Employees comprised the third largest stockholding group in my previous company, which resulted in extremely high morale and an unusually high level of dedication, factors which were in large measure responsible for the company's success.

I sincerely hope that the Interstate Commerce Commission will rule favorably and expeditiously on the plan for employee ownership of the Chicago and North Western Railway. Sometime ago I discussed the plan with Mr. Provo, and I share his hopes over the possibilities it offers.

Mr. President, the Chicago Tribune recently commented editorially on this possible solution to the "railroad problem." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> THE EMPLOYEES BUY A RAILROAD
>
> If present plans go thru, the Chicago and North Western Railway will become the first railroad and one of the few big companies of any type to be owned by its employees.
>
> An employee group has agreed to buy the line for $420 million, taking over $401 million in debt and paying the remaining $19 million over a 20-year period. The 14,000 em-

ployees will be invited to buy shares in the new company in limited amounts ranging from $5,000 to $100,000, according to the individual's salary. For 10 years, there will be certain restrictions on the payment of dividends and the use of profits.

Employee ownership is probably the closest a big company can come today to that primitive form of private enterprise in which the proprietor's profits are determined by his own efforts. Often today the shareholders and workers are far apart and view one another as adversaries, forgetting that the success of a company depends on both capital and labor and that the investor and the worker share an interest in the welfare of the company.

This trend is reflected in the fact that Larry Provo, president of the railroad, is also president of the employees' group. The North Western is part of a big complex owned by the shareholders of its parent company, Northwest Industries. Except to the extent that they may own shares in the parent company, the executives of the railroad are hired hands the same as anybody else.

Employe ownership means putting the eggs of management, labor and the owners all back in the same basket. Each will have a clear interest in the prosperity of the company and in doing the best job he can. The results should prove to the advantage of all three—not to mention those of us who depend on the North Western to get us to work.

It will be interesting to see how some of the issues that have divided the three groups will now be resolved. If profits rise, will there be a tendency to translate them into higher pay scales, thus holding down profits and corporate income taxes? Or will the emphasis be on dividends and capital improvements, thus adding to the value of the investment? What will happen when the national unions call a strike? Will employes strike against themselves?

It is good to know that several rail unions have endorsed the plan. We look forward to approval of the plan by the Interstate Commerce Commission and hope that most of the employes will participate. The experience should be profitable, not only for themselves but also as an example of what can be achieved when management, investors and labor recognize their common interest in the company they run, own and work for.

SAVING TREES IN THE WILDERNESS

Mr. MATHIAS. Mr. President, environmental protection has become the watchword of today. There is widespread alarm that our treatment of the natural environment, if not severely scrutinized and reformed, will hold the gravest of consequences for life on this planet. Hundreds of thousands of acres in this country are converted from farmland and forest to housing, highway, industrial, and commercial uses every year. Much of this conversion goes on under protest by those who would hope to have a particular area spared from the devastation of intensive use. Millions of trees are destroyed every year by the relentless bulldozers which too frequently spearhead man's invasions. Too often these trees are simply burned as refuse while hundreds or thousands of miles away other trees are being cut for building material.

I should like to share with the Senate an article about a man who has spent most of his life saving trees. He is not concerned with staying the bulldozers, nor does he entreat the woodsman to spare the tree, like the fabled little boy. His name is Charlie Mathis, and he has made a career of salvaging the trees which fall before the tide of suburbia. By putting these trees to use, he is saving other trees in the wilderness.

But Charlie Mathis is about to retire. Somehow his retirement is symbolic of the passing values in American life, particularly that of the frugality which meant so much in the building of the Nation.

I ask unanimous consent that the Washington Star's feature on Charlie Mathis be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SAWMILL SURVIVES AMIDST SUBURBIA

(By Lee Flor)

You'd expect to find an open-air sawmill in the sweeping timber ranges of the mountains to the west, where land costs $50 to $100 an acre.

There are many in the piney barrens on the Eastern Shore where some land is poor. Deserted for farming, it goes back to woodland.

But Charlie Mathis manages to operate his tiny, five-man sawmill on a quiet backroad in Montgomery County, where land sells for $2,000 to $5,000 an acre.

SITS IN SUBDIVISION

His sawmill is a page out of the past. You come around a slight bend on Muncaster Mill Road, and if you don't look sharp, you can miss it sitting there in the midst of a typical housing subdivision.

Charlie is like a page out of the past, too. At 63, he is rich with memories of a lifetime as a lumberjack and sawmill operator, but has few worldly goods.

He started out as a young man of 12, following his father into the woods to become a lumberjack.

BUSINESS CHANGES

He has seen vast changes come into the lumber business, with increasing labor costs driving small operators out of existence.

Charlie has survived by leaping into the teeth of suburbia. He moved to the present site between Rockville and Gaithersburg because it was near new subdivisions.

"I get most of my timber from subdevelopers, out of Washington," he explained.

There are about 18 to 20 hardy individuals who still work on a personal basis, going out to find timber tracts on land which developers want to clear for houses. The lumberjacks, almost all of them over 40, still cut the trees themselves and haul the logs to Charlie.

The Mathis sawmill is small, and operates on a subdued note. Charlie doesn't have a business telephone, and hires most of his labor on a day-by-day basis.

He uses his front-end loader to keep the 58-inch sawblade busy. He generally roughcuts timber, and ships it out to lumberyards where it is seasoned in the open for six to eight months. It then is heated in a kiln and finished into lumber for houses.

But suburbia is creeping on relentlessly, and it looks as though the Mathis sawmill is finally going to be a victim.

"The last land out here is going for subdivisions," Charlie said, sweeping his arm out in the direction of the encroaching houses.

"I've got one year and four months, and then I'll be 65, and I'm going to retire. After me, I don't think there will be anybody," he said.

PROFESSIONAL STANDARDS REVIEW—MEDICARE AND MEDICAID

Mr. BENNETT. Mr. President, last week, the Committee on Finance approved, in modified form, amendment No. 851 to the pending social security bill.

That amendment, which I submitted on August 20, would establish professional standards review organizations throughout the country to serve as the principal mechanism for physician review of care and services provided under medicare and medicaid.

There has been substantial misunderstanding as to the purposes and provisions of the PSRO amendment. I believe it would be helpful to all concerned if they understood the whys and wherefores of the proposed legislation—including changes made by the Finance Committee. Parenthetically, I might add that when the amendment was introduced, I invited constructive comments as to how the proposed professional standards review provisions might be improved. The modified version, as approved by the Finance Committee, incorporates a number of important improvements suggested by hospitals, physicians, and others. In a speech delivered to the Senate in July, I noted that—

> The American people are justifiably concerned over the tremendous costs of health care. Much of that concern, it seems to me, is a product of a very real feeling that we are not getting what we are paying for. I believe, equally, that much of the apprehension, anxiety, and suspicion now prevalent—for better or worse—with respect to those responsible for health care would disappear if professional standards review organizations were established and functioned effectively. It seems to me that the American people are entitled to know that American medicine shares their concern—and more importantly—proposes to do something substantial about it.

Mr. President, we simply cannot afford to continue down the high cost road we have been traveling. Right now, the Finance Committee is confronted with the extremely unhappy task of approving a $216 billion tax increase to cover a potential 25-year deficit in medicare's hospital insurance plan. And, that enormous increase in the taxpayers' burden is on top of increased hospital insurance taxes—which the Congress voted in 1967—above medicare's original financing.

The taxpayers—the average citizen and his employer—are on a treadmill when it comes to financing medicare and medicaid. They are asked to pay more and more simply to maintain present benefit levels.

My amendment to establish professional standards review organizations was intended as a responsible effort to establish a comprehensive commonsense means of slowing down—perhaps even stopping—that taxpayers' treadmill.

The principal answer to controlling medicare and medicaid costs which had been offered until introduction of my amendment was a call for increased and expanded efforts by Government and the private health insurers who serve as Government agents in administering

medicare. That would simply be more of the same kind of ineffective and often unacceptable review activity on a larger scale by bureaucrats and insurance company employees.

The Bennett amendment provides, I believe, a more rational—more professional—more acceptable—and more effective alternative.

Under the amendment, ongoing and comprehensive professional review of all health care provided under medicare and medicaid would be undertaken under the aegis of professional standards review organizations—which, in the main, would function at local levels.

The professional standards review organization would have the responsibility of determining—for purposes of eligibility for medicare and medicaid reimbursement—whether care and services provided were: First, medically necessary and second, provided in accordance with professional standards. Additionally, the PSRO, where medically appropriate, would encourage the attending physician to utilize less costly alternative sites and modes of treatment. The PSRO would not be involved with questions concerning the reasonableness of charges or costs or methods of payment nor would it be concerned with internal questions relating to matters of managerial efficiency in hospitals or nursing homes. The PSRO's responsibilities are confined to evaluating the appropriateness of medical decisionmaking so that medicare and medicaid payments will be made only for medically necessary services which are provided in accordance with professional standards of care.

The Secretary of Health, Education, and Welfare, as well as the statewide and national review councils established under the proposal, are expected to provide every possible assistance to the local PSRO's. In the unlikely event that a given PSRO does a poor job, it should be solely because of its own failings—not because it did not have access to the means to do a good job.

Reasonable questions might be: "How does a PSRO get organized?" and "What requirements must an organization meet in order to qualify as a PSRO?"

First, the Secretary of Health, Education, and Welfare, following consultation with national, State, and local public and private medical care organizations, would tentatively designate PSRO areas throughout the country. In smaller and more sparsely populated States, the designations would undoubtedly be on a statewide basis. Each area, defined in geographic or medical service area terms would have a minimum of 300 practicing physicians—in many cases substantially more than that number. Because of the minimum number of physicians required—intended to assure broad, diverse and objective representation—it is expected that there will be many multi-county PSRO areas.

After designation of the areas, the Secretary would provide prototype plans of organization and operation to prospective PSROs in each area. The prototypes would be developed in consultation with them and with various organizations presently operating comprehensive review mechanisms as well as national, State, and local medical organizations. Priority in designation as a PSRO would be given to organizations representing substantial numbers of practicing physicians at local levels who are willing and believed capable of progressively assuming responsibility for overall continuing review of institutional and out-patient care and services. To be approved, a PSRO applicant must provide for the broadest possible involvement in its activities on a rotating basis of physicians engaged in all types of practice in an area such as solo, group, hospital, medical school, and so forth.

Additionally, the PSRO would undertake to arrange with dental societies or qualified dentists for review of dental services. Arrangements would also be made by the PSRO for any necessary review with respect to other types of health care as well as for necessary consultation in medical specialties and subspecialities. With the assistance of the Secretary, necessary coordination and methods of interchange of information would be made with medicare carriers and intermediaries and medicaid agencies for regular access to and provision of provider, practitioner and patient profiles of care and services. Maintenance of those profiles are presently required by medicare. Of course, physician organizations or groupings would be completely free to choose not to undertake the responsibilities of PSRO. In such cases, the Secretary would then seek alternative applicants from among other medical organizations, State and local health departments, medical schools, and failing all else, contract with carriers and intermediaries or other health insurers for their assumption of the expanded responsibilities of a PSRO. In no case, however, could any organization be designated as a PSRO which did not have professional competence. And, in no case, could any final determinations with respect to the conduct or provision of care by a physician be made by anyone except another qualified physician.

In this context, it might be well to point out that the amendment requires that PSRO physicians engaged in the review of the medical necessity for hospital care and justification of need for continued hospital care must be active hospital staff members. The purpose here is to assure that only doctors knowledgeable in the provision and practice of hospital care will review such care.

A qualified PSRO applicant would be approved on a conditional basis for a period of approximately 2 years during which it would gradually develop and expand its review activities and capacity. During the conditional period, existing medicare and medicaid review operations would also continue so as to provide backup and standby capacity in the event a PSRO encounters difficulties or is terminated. At the end of the conditional period, the Secretary would have authority to waive any other professional review requirements imposed under present law and regulations where the PSRO has satisfactorily assumed responsibility for that review.

A PSRO's responsibilities will be substantially eased to the extent hospitals and other providers in its area have effective in-house review of admissions and the medical necessity of services provised in conjunction with the institutional care. A PSRO would have authority to approve the medical necessity of all elective hospital admissions in advance—solely for the purpose of determining whether medicare or medicaid will pay for the care. However, in practice, the PSRO is expected to apply that authority only so long and only where in-house review is regarded as inadequate with respect to given hospitals, given diagnoses, or given practitioners. In this regard, the PSRO is given discretion so that any prior approval of hospital and other institutional admissions will be required only to the extent deemed necessary by the PSRO to fulfill its responsibilities.

The PSRO would be responsible for reviewing certifications of need for continued hospital care beyond professionally determined norms directly related to patient's age and diagnoses, using criteria such as the types of data developed by the Commission on Professional and Hospital Activities sponsored by the American Hospital Association, the Amercian College of Physicians, and the American College of Surgeons. The professional-determined time of certification of need for continued care is a logical checkpoint for the attending physician and not to be construed as a barrier to further necessary hospital care. PSRO disapproval of the medical necessity for continued hospital care beyond the norm for that diagnosis does not mean that the physician must discharge his patient. The physician's privilege of determining the date of discharge as well as whether his patient is admitted in the first place are not taken from him by the PSRO. Their responsibility here is to determine whether the care should be paid for by medicare and medicaid.

The functioning of PSRO's in approving hospital admissions and need for continued care will avoid the present serious problems encountered in retroactive denial of payment after the care has been furnished. In the absence of a requirement of prior admission approval or where such approval has been given, medicare and medicaid payment for covered care would be assured. That is not the case today, where utilization review is virtually all retrospective. Of course, the amendment includes provision permitting prompt appeal by the attending physician of any initial adverse decision by the review organization.

To assist the PSRO in its work, it could employ such professional and clerical personnel as are reasonably required. The Government would not select those employees. They would be people in whom the PSRO has confidence.

The amendment as originally introduced provided for Federal ownership of all files and records of a PSRO. That provision has been deleted from the modified amendment approved by the Finance Committee. It had been incorporated originally to permit prompt transfer of responsibilities from a terminated PSRO to a successor organization, if that became necessary. We have since been advised that any necessary arrangements for such contingencies can be included in the contract with the

PSRO and that there was, therefore, no need to be starkly specified in the law.

Earlier, Mr. President, I noted that a PSRO must provide for the broadest representation and involvement of the physicians in its area in the review responsibility. Preferably, this would be achieved through orderly rotation in service as reviewers. There is an important purpose here. While the PSRO would presumably detect and see to the termination of any fraud or abuse in the provision of care, in the long run its real value in moderating the costs of health care will result from the educational value of broad and continuing exposure and involvement of practicing physicians with norms of care and treatment. Obviously, as physicians and institutions in an area become more and more familiar with those norms and utilize them, less physician review time will be required to curb overutilization.

Overutilization is not just a problem in medicare and medicaid—it affects private health insurance, as well. In this regard, a PSRO, if willing, would also be able to provide its review services to private plans and providers, with proportionate allocations of operating costs between medicare, medicaid, and others served by the review organization.

There is another important feature of the Bennett amendment which should not be overlooked. No civil liability would attach where a practitioner or hospital had acted in conformance with the requirements or norms of a professional standards review organization and where negligence was not established. Similarly, those persons involved in the reviewing effort itself, could not be held civilly liable for performance of required responsibilities.

Many physicians have indicated that they order and provide a costly surplus of care and service to patients simply because of the very real and very expensive threat of malpractice suits. The exemption from liability where the care and services are provided in accordance with the professionally determined norms employed by the PSRO should help avoid the malpractice problem along with much expense for excessive and unnecessary services.

To the extent that professional standards review organizations function effectively in preventing payment for unnecessary care and services, I see another important future plus. Everyone recognizes the value of providing a broader range of outpatient services in hospitals and physicians' offices as less costly alternatives to inpatient care. The problem in providing coverage of those services, heretofore, has been the lack of a proper professional review mechanism to avoid abuse. The PSRO can very well serve as that vital means of assuring proper utilization of outpatient and office care.

Mr. President, what I have tried to describe here today is by no means the full extent and details of the professional standards review organization amendment. In large part, these matters were previously discussed in speeches on July 1 and August 20.

My purpose, at this time, is to indicate to critics, constructive critics, and supporters the extent to which the amendment has been modified—and improved, I believe—as well as to emphasize important considerations which, perhaps, had not been sufficiently stressed in earlier statements.

Hopefully, those who criticized the original proposal on the basis of misinformation and misunderstanding will, in the interest of mutual concern and effort to solve serious, real and increasing problems, recognize that the focus and thrust of the Bennett amendment is to give private medicine a bona fide opportunity to do what must be done—and to do it at the local level. The alternatives to those objectives are not very inspiring.

Those who shared my concern over the need to develop a bold approach to solving a good part of our health care cost problems through organizing the talents and professionalism of those who know most about health care—physicians—will recognize their constructive input in the modified version of the Bennett amendment. In fairness, the genesis of this amendment was the professional review organization proposal of the American Medical Association.

And, the amendment, as approved by the Finance Committee, incorporates virtually every change recommended by the American Medical Association.

Finally, Mr. President, I want to thank the Catholic Hospital Association for its highly constructive attitude and thoughtful comments concerning the proposal. I have been in the Senate quite a few years, and I do not believe I have ever encountered a more selfless and less self-serving statement than that submitted by the Catholic Hospital Association on the Bennett amendment. They conceded the serious problems with hospital costs and utilization today. They acknowledged the need for a comprehensive review mechanism employing and applying norms of care and service. The questions they raised with respect to the original amendment were reasonable and legitimate and, I believe, satisfactorily resolved in the modified version of the bill.

The Catholic Hospital Association—whose member hospitals account for one-third of all short-term admissions in the United States—did not bury its head in the sand to avoid seeing the enormous problems confronting us. They recognized the hard facts of life and the need for major changes in the health care review process. I have every hope that the Bennett amendment, if enacted, will prove an effective and responsible answer to the present problems in controlling soaring health care costs.

The letter of September 21 addressed to the Senate Finance Committee by the executive council of the Catholic Hospital Association on amendment 851 contained a list of reasons which they believed, and rightly, underlay the Bennett amendment. I quote:

In studying the Bennett Amendment and its implications for CHA membership, it is recognized

(a) that there is a need for improved mechanisms to ensure adequate review and controls with respect to quality, quantity, and cost of health care;

(b) that while some hospitals have had effective utilization review and medical audit programs, for the most part there has not been adequate review of clinical performance;

(c) that the traditional hospital-centered controls, even if they were effective, do not meet the need for controls outside the hospital;

(d) that within the context of a total health systems concept, many aspects of this proposed Amendment have merit.

(e) that the proposal for a national advisory group of physicians to assist in the development and application of inter-hospital comparisons and norms of care and treatment is a worthwhile step towards the establishment of much needed national standards.

MILITARY COMMISSARIES IN EUROPE SWITCH FROM UNITED STATES TO EUROPEAN BEEF

Mr. CURTIS. Mr. President, I was shocked when I learned that the Army and Air Force commissaries in Europe were switching from U.S. beef to European beef. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in Stars and Stripes for September 9, 1970, and the text of my letter to Hon. Barry J. Shillito, Assistant Secretary, Installations and Logistics, Department of Defense.

Mr. President, this matter is of very serious concern. I hope that it will have the attention of the Congress and that this proposed action can be rescinded.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMMISSARIES SWITCHING TO EUROPEAN BEEF

(By Homer A. Cable)

WORMS, GERMANY.—U.S. beef is gradually being phased out of Army and Air Force commissaries in Europe, with high-quality meat from European sources scheduled to take its place, TASCOM officials said here Tuesday.

The switchover should not only save the U.S. government a large amount of money formerly spent for shipping the meat to Europe, but the commissary customer should benefit by lower beef prices, the officials said.

Beef supplied by packers in Ireland and Yugoslavia is presently being tested for customer acceptance at 11 stores in Germany and Italy, with initial reaction being favorable.

All of the beef must pass strict veterinary inspection and meet high U.S. standards. It is expected that packers in Denmark, the Netherlands and West Germany able to meet the standards will also bid for part of the business, TASCOM officials said.

European beef is available at commissaries in Worms, Wiesbaden, Ramstein, Vogelweh, Mannheim, Zweibruecken and Heidelberg, Germany and at Vicenza, Brindisi, Leghorn and Aviano, Italy.

The commissary system in Europe has been using about a half-million pounds of U.S. beef weekly, the bulk arriving at Rotterdam frozen. There, the beef was "tempered"—slowly thawed to chilled state—then delivered to commissaries. With procurement of European beef, all of it chilled, there will no longer be any need for the Rotterdam operation.

At present, about 20 per cent of commissary beef is being obtained from Ireland and Yugoslavia. By early next year the switchover to locally procured meat should be completed, with the entire monthly 2 million pounds coming from European sources.

A commissary official pointed out that, because of type feeding, differences in grass and cattle heredity, there are slight differences in European and U.S. beef. However, he said, European beef can be every bit as good as and sometimes better than, that coming from America.

Commissary officials were hesitant about predicting exact amounts that will be saved by customers through purchase of European beef, as cost prices will fluctuate. But some cuts of beef may drop by as much as 25 to 30 cents a pound as a result of the change, a TASCOM official predicted.

U.S. SENATE,
Washington, D.C., October 9, 1970.

HON. BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics, Washington, D.C.

DEAR MR. SECRETARY: I am very concerned about the proposed action of the Defense Department which would result in the Army and Air Force Commissaries in Europe discontinuing the sale of United States beef and selling European beef instead. I am attaching hereto and making a part of this letter an article from the September 9, 1970, issue of THE STARS and STRIPES. This article is entitle "Commissaries Switching to European Beef" and it is written by Homer A. Cable, City Editor.

According to this article, this is no small transaction. It means a loss of sales on the part of United States producers of beef of twenty-four million pounds a year.

Mr. Secretary, do you realize that this amount of meat is equivalent to forty thousand head of cattle?

It is difficult to believe that the Defense Department would strike a blow like this against American agriculture. At the present time it is part of the policy of our government to promote the export of agricultural products and particularly to promote the export of beef. The taxpayers' money is being used for this promotion and it is right that such expenditures be made.

The Congress is often told that the increasing of exports is an important part of our agricultural policy and is necessary in order to prevent prices from collapsing domestically.

This article indicates that considerable of this beef will be purchased in Ireland and Yugoslavia. Do you realize there is no way that an exporter in the United States can send one pound of beef into Ireland? I do not criticize Ireland for restricting imports, but that is no justification for the action taken by these commissaries.

This article recites that a commissary official stated that there are slight differences between this European beef and United States beef. This fact will not be supported by anyone who knows the quality of United States beef and who has traveled in Europe.

This action cannot be justified on any grounds of balance of trade or dollar drain because American agriculture should not be singled out for such a burden.

Earlier in this letter I pointed out that this market that is about to be taken away from American agriculture is equivalent to forty thousand head of cattle. It takes about sixteen pounds of feed grains to produce one pound of trimmed meat which is ready for the consumer. In other words, the twenty-four million pounds of meat involved in this action against American agriculture also represents a loss to the American farmer of a market for 304 million pounds of feed grains.

I sincerely urge that this action be rescinded.

I respectfully ask for a report on the situation.

Sincerely yours,

CARL T. CURTIS,
U.S. Senator.

BISHOP JAMES E. WALSH

Mr. MATHIAS. Mr. President, by his life, Bishop Walsh has become a unique witness, one characterized by the words of love, peace, and happiness with which he ended his ordeal in China and returned to his native city of Cumberland. With sentiments such as these, the Most Reverend James Edward Walsh was welcomed home yesterday by His Eminence, Lawrence Cardinal Shehan, by the faculty and student body of the Bishop Walsh High School, representatives of the Catholic, Protestant, and Jewish clergy of western Maryland, and by a great host of his fellow citizens.

Bishop Walsh's own words as well as those of Cardinal Shehan underscored the words of Dag Hammarskjold, quoted in the program:

Still a few years more, and then? The only value of a life is its content—for others. Apart from any value it may have for others, my life is worse than death. Therefore, in my great loneliness, serve others. Therefore: how incredibly great is what I have been given, and how meaningless what I have to "sacrifice."

Hallowed be Thy Name,
Thy kingdom come,
Thy will be done—

The Mass was distinguished by the remarkable music of the boys' choir and men's choir of Immaculate Heart of Mary Church under the direction of the pastor, the Reverend Arthur W. Bastress, and the choir director, Mr. Norman Sydnor.

The Mass, like the school in which it was held, was dedicated to Bishop Walsh, and I am privileged to ask unanimous consent to have printed in the RECORD the words of Brother Lawrence J. Colhocker, F.S.C., principal, together with a list of the participating clergy.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEDICATION

The release of Bishop James E. Walsh from his twelve-year imprisonment in China and his subsequent return to Cumberland are events of great significance especially to all of those who have been associated with the school named in his honor and located on Haystack Mountain. Ever since Bishop Walsh High School began operation in September, 1966, its students and faculty have prayed for what has now come to pass, an eventuality that for so long seemed improbable.

To most of the boys and girls attending Bishop Walsh High School, Bishop Walsh himself existed more in the dimension of myth than in reality. With the exception of the portrait of the youthful prelate hanging in the main lobby of the school, the Masses celebrated in anticipation of his release, the references made by teachers to his life and accomplishments, and the hopeful attitude of his family and friends, there was little evidence that Bishop Walsh, the man, the missionary priest, was really suffering the daily inconveniences and fears that resulted from imprisonment at the hands of the same people to whom he had devoted so many years of his apostolic life. Now that he has returned, his presence among us is the only testimony needed to demonstrate the truth of that life, a life that remained hidden for so long behind the walls of a primitive jail.

To the students and faculty of the high school, Bishop Walsh has remained and will continue to remain the embodiment of those values that form the philosophy upon which the school is founded. His lengthy career of service to the Church in China and his refusal to abandon the people he loved during a period of crisis is an example of the kind of commitment and fidelity needed if the Christian life is to continue to make the impact it must upon the world. The witness that Bishop Walsh has given by his life of dedication is sorely needed today, a period in which commitment and fidelity to a community of people and to an urgent cause have little appeal. In an era in which concern for self seems to have taken precedence over concern for others, Bishop Walsh exemplifies the paradox inherent in the assertion that the most fulfilling of lives is that which gives of itself until no more can be given. Ever since he departed for China on September 13, 1918, at the age of twenty-seven and as one of the first American Catholic missionaries to that country, Bishop Walsh has remained true to his Christian vocation.

Another outstanding aspect of Bishop Walsh's career that should be meaningful to high school students is the continuing interest he has manifested in developing all the dimensions of his human personality, particularly his intellect. His curiosity and openness to the world have provided him with the insight necessary to the fulfillment of his mission, a mission concerned with the salvation of earth-bound men. His devotion to all aspects of learning, evidenced particularly by the zeal with which he undertook the study of those languages needed to communicate with those peoples among whom he worked, is based most certainly upon his realization that the most perfect man is the most human man and that the most human man is the man who is in touch with himself, with his neigbhors, with his world, and with his God.

The students, faculty, and alumni of Bishop Walsh High School are proud to be associated, even so indirectly, with a man whose heroic approach to life emphasizes greater than anything else the need we have to strive with energy and love for the attainment of those Christian values we consider ultimate. Therefore, we welcome him with affection and in doing so, recommit ourselves to each other in the hope that together we can arrive at that peace and freedom that Jesus, once himself a prisoner, has earned for us all.

Brother LAWRENCE J. COLHOCKER, F.S.C.,
Principal.

PRINCIPAL CONCELEBRANTS

His Eminence, Lawrence Cardinal Shehan, Archbishop of Baltimore.

Most Rev. James Edward Walsh, M.M., Maryknoll Fathers, Maryknoll, New York.

CONCELEBRANTS

Rev. Nicholas P. Amato, Chaplain, Bishop Walsh High School.

Rev. Joseph C. Antoszewski, Pastor, St. Joseph's Church, Midland, Maryland.

Rev. John Donovan, M.M., Maryknoll Fathers, Maryknoll, New York.

Rev. Msgr. David I. Dorsch, Pastor, St. Mary's Church, Cumberland, Maryland.

Rev. Perrin Haft, O.F.M. Cap., Associate Pastor, Saints Peter and Paul Church, Cumberland, Maryland.

Rev. Edward B. Hemler, Associate Superintendent of Schools, Archdiocese of Baltimore, Maryland.

Rev. J. Joseph Hilliard, Pastor, St. Mary's Church, Lonaconing, Maryland.

Rev. James V. Hobbs, Associate Pastor, St. Mary's Church, Cumberland, Maryland.

Rev. Paul D. Jenkins, Pastor, Church of the Assumption, Keyser, West Virginia.

Rev. Regis Larkin, Pastor, St. Peter's Church, Oakland, Maryland.

Rev. Msgr. John U. Lyness, Pastor, St. Patrick Church, Cumberland, Maryland.

Rev. John J. Mackey, Pastor, St. Patrick Church, Mt. Savage, Maryland.

Very Rev. John J. McCormack, M.M., Superior General, Maryknoll Fathers, Maryknoll, New York.

Rev. Msgr. P. Francis Murphy, Secretary to His Eminence, Archdiocese of Baltimore.

Rev. Msgr. William C. Newman, Superintendent of Education, Archdiocese of Baltimore.

Rev. Thomas Quinn, O.F.M. Cap., Chaplain, Frostburg State College Newman Center, Frostburg, Maryland.

Rev. John L. Reinsfelder, Paster, St. Michael's Church, Frostburg, Maryland.

Rev. Francis Roscetti, O.F.M. Cap., Pastor, St. Anthony's Church, Ridgeley, West Virginia.

Rev. Joseph C. Simmons, Associate Pastor, St. Patrick Church, Cumberland, Maryland.

Rev. John T. Sleeman, Pastor, St. Peter's Church, Westernport, Maryland.

Rev. Richard Smith, Associate Pastor, St. Mary's Church, Cumberland, Maryland.

Rev. John Stankard, M.M., Maryknoll Fathers, Maryknoll, New York.

Rev. DeSales Young, O.F.M. Cap., Pastor, St. Ambrose Church, Cresaptown, Maryland.

ASSISTING MINISTERS

Rev. Bruce W. Barth, Pastor, Trinity Lutheran Church, Cumberland, Maryland.

Rev. William J. Cox, Pastor, Holy Cross Episcopal Church, Cumberland, Maryland.

Rev. William W. Crawford, Pastor, St. Mark's United Church of Christ, Cumberland, Maryland.

Rev. Goodwin Douglas, Pastor, Metropolitan A.M.E. Church, Cumberland, Maryland.

Rev. Vernon I. Naugle, Pastor, St. Luke's Lutheran Church, Cumberland, Maryland.

Rabbi Philip Rosenberg, B'er Chayim Temple, Cumberland, Maryland.

Rabbi Meier Samberg, Beth Jacob Synagogue, Cumberland, Maryland.

Rev. A. D. Tice, Pastor, Emmanual United Methodist Church, Cumberland, Maryland.

LECTORS

Brother Lawrence J. Colhocker, F.S.C., Principal, Bishop Walsh High School.

Mr. William Walsh, Nephew of Bishop Walsh, Cumberland, Maryland.

COMMENTATOR

Brother James A. Vendetti, F.S.C., Faculty Member, Bishop Walsh High School.

CANTOR

Rev. Arthur W. Bastress, Pastor, Immaculate Heart of Mary Church, Baltimore, Maryland.

ORGANIST

Rev. James M. Burns, Director of Music, St. Dominic's Church, Baltimore, Maryland.

The Boys' Choir and Men's Choir of Immaculte Heart of Mary Church, Baltimore, Maryland are under the direction of Mr. Norman Sydnor.

SECOND NATIONAL INDIAN EDUCATION CONFERENCE

Mr. MONDALE. Mr. President, at the end of August, the Second National Indian Education Conference was held in my home State, Minnesota. Some 800 American Indians and their friends attended the event.

A number of recommendations to the Federal Government for the improvement of American Indian education came out of the conference. In addition, the National Indian Education Association was organized. This group consists of 17 Indian people actively involved with education throughout the United States.

I am proud to report that the President of the organization is Mr. Will Antell, from my State. Mr. Dillon Platero, from the Navajo, was elected first vice president. He serves as the gifted director of the impressive Rough Rock Demonstration School. Mr. John Winchester, a Potawatomi Indian from Michigan, was elected second vice president. Mr. Sparlin Norwood, a Cherokee from Oklahoma, was elected secretary, and Mr. William Demmert, a Tlingit from Alaska, was elected treasurer.

I am happy to see American Indians from all parts of the country coming together to work on educational problems and pleased that Minnesota provided the forum for this great effort.

Also at the Second National Indian Education Conference, a major statement on national priorities was outlined in one of the workshops. This statement highlighted a number of crucial educational issues. I ask unanimous consent that the press release describing these events be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

AUGUST 28, 1970.

The Second National Indian Education Conference met in Minneapolis on August 26, 27, and 28 to assess programs in Indian education and to explore directions on a national scope.

A major workshop was National Priorities. The objective was to delineate a composite of Indian issues that are crucial to Indian people and the entire nation.

The U.S. Senate Special Sub-Committee on Indian Education said, "We have concluded that our national policies for educating American Indians are a failure of major proportions." It was stressed further that Congress, the U.S. Office of Education, and the Bureau of Indian Affairs implement these findings and those priorities as stated in the President's July 8th message to Congress.

Historically the Indian people have not been involved at federal, state or local levels in legislation and administrative decisions affecting their lives. The federal government now supports a policy of Indian self determination.

The followinig major priorities were listed by the workshop:

1. Scholarships for Indian students must be increased significantly on all levels. An equal emphasis should be placed on academic and vocational education. The appropriation for college scholarships should equal, if not surpass, the current $38 million appropriation for vocational training.

2. Indians must have a more articulate voice in the education of Indian people on the local, state, and federal levels. The newly formed National Indian Education Association can be a powerful lobbying agent to develop strategy for Indian conceived plans and programs. Further, the Office of Education and other federal agencies concerned with the education of Indian people should establish a permanent committee composed of members of this association to analyze and develop new policies and programs in Indian education. It is imperative that Indian people be on school boards in direct proportion to the number of students enrolled in those schools.

3. The creation of a special developmental fund of $4 million for demonstration and innovative moves in Indian education for the purpose of creating new educational systems, new methods of administration and specialized staff training operated and controlled by Indian groups, organizations and tribal governments.

4. Educational institutions should be assessed and restructured to make education more meaningful to Indian people. This must be implemented by native American communities. Indians must have a major role in this assessment and restructuring.

5. Indian studies programs and all research relating to Indians should be under the surveillance and control of Indian people.

6. The criteria for granting federal moneys should emphasize local Indian need and control as it affects the education of Indian children. All contracts for federal moneys concerning Indian education programs in urban and non-reservation areas should be with urban Indian organizations, centers and other local Indian organizations; and on reservations with Indian groups, with Indian organizations and tribal governments.

7. The federal government should set aside adequate construction facilities moneys so that Indian communities may develop local school facilities.

We suggest careful appraisal of these priorities and a personal commitment to their implementation.

WHO IS AFRAID OF BORIS AVERIANOV?

Mr. FULBRIGHT. Mr. President, who is afraid of Boris Averianov? Someone is, because on May 27 of this year the State Department announced that it had denied a visa to this Soviet labor leader. The United Auto Workers had asked the State Department to grant Mr. Averianov a visa so that he could attend a symposium sponsored by the United Nations and the United Auto Workers. The Department told the UAW that it would not recommend to the Justice Department that waiver be granted for Mr. Averianov but declined to say why. In a letter to Victor Reuther, Director of the International Affairs Department of the UAW, the Department stated that:

The United States Government has concluded that it is inadvisable at this time to change our long-standing policy on the admission of Soviet labor officials to this country.

Mr. Reuther wrote my office, commenting on the State Department decision and reporting on a conversation with U.N. Secretary General U Thant and U.N. Under Secretaries Ralph Bunche and Philippe de Seynes in which they indicated that the State Department action might be a violation of the convention between the United States and the United Nations. He asked that the Committee on Foreign Relations inquire into the denial of a visa to a delegate to a United Nations Conference solely on the ground that he was a Soviet trade union leader.

I therefore wrote Secretary Rogers on June 5, asking him to furnish me with a detailed explanation of the background and reasons for the decision. Mr. David M. Abshire, Assistant Secretary for Congressional Relations, replied on June 29. Instead of providing a detailed explanation of the background and reasons for the decision, Mr. Abshire's letter simply stated:

Among other factors, the Department of State must consider the view that Soviet trade unions are not independent organizations but rather are controlled instruments of Soviet policy. As you know, the AFL–CIO attaches the highest importance to this factor and has long and vigorously opposed contacts with Soviet labor officials.

I then wrote Mr. Abshire on July 10 asking him a number of specific questions including what specific criteria were used by the Department of State to determine whether the admission of a Soviet labor leader was consistent with the public interest, how the criteria of the public interest applied to the particular case of Mr. Averianov, why it made any difference whether Soviet trade unions were independent of or subordinate to Soviet policy, and which Soviet and other Communist labor leaders had been admitted to the United States in the last 5 years.

I also wrote Mr. Reuther and asked for his comments on the State Department's letters.

In his reply to my letter of July 10, Mr. Abshire stated that:

> To date and on balance, we have been unable to perceive a sufficient public interest in cases of this kind to justify a waiver recommendation.

Mr. Abshire stated that the policy had been reviewed, "in consultation with other concerned Government agencies" but in the case of Mr. Averianov it had been "determined that insufficient justifications existed at this time for changing our policy." Mr. Abshire's letter also said that the State Department did not keep statistical records by occupation on individuals to whom visas are issued. Its records showed, however, that five Soviet labor officials had toured the United States in April 1967 but had sought entry as tourists rather than as labor officials.

I wrote Mr. Abshire again on August 4, saying that while I appreciated these additional comments I would like the Department's answers to the first three questions I had posed in my letter of July 10. I also said that I would appreciate knowing whether the Department would have issued a visa to Mr. Averianov if he had applied for one as a tourist and, if so, why it would be in the public interest to have him visit this country as a Soviet tourist but not as a Soviet labor leader. Mr. Abshire's reply stated that:

> The Department's policy on the admissibility of Soviet labor leaders in their official capacities was a coordinated position of the Administration and further reflects consultation and discussion with American labor organizations which have an interest in this policy.

His letter referred specifically to the fact that "the AFL–CIO remains vigorously opposed" to the admission of Soviet labor leaders and added that if Mr. Averianov were to apply for admission as a tourist consideration would be given to recommending that a waiver be issued if his program and activities in the United States indicated "that tourism was in fact his purpose in seeking entry and that he would not be acting in his official capacity."

I sent a copy of this letter to Mr. Reuther and asked for any additional comments. In his reply, Mr. Reuther pointed out that the United States is now virtually isolated in the International Labor Organization and that U.S. relations with the ILO have reached such a low level that on the recommendation of the AFL–CIO, the chamber of commerce, and the Labor Department, U.S. funds to the ILO have been cut off. He also reminded me that when President Eisenhower invited Premier Khrushchev to visit the United States in 1959, he apparently felt that we were sufficiently strong to survive a direct exposure to Premier Khrushchev and that a dinner meeting with the 10 leading U.S. trade union leaders was arranged in San Francisco, Mr. Reuther commented that:

> It struck him as "rather ludicrous that whereas the Administration of General Eisenhower felt it constituted no threat to the internal democracy of our country and was in the overall interest of the Nation to expose a group of U.S trade union leaders to the views of the number one communist leader in the world and, in turn, expose him to U.S. workers' views, the Administration of President Nixon considers the issuance of a visa to a Soviet trade union official (minor in the Soviet hierarchy) somehow would endanger the internal security of the U.S.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD Mr. Reuther's letter of May 28 to my office, together with its enclosures; my letter of June 5 to Secretary Rogers, together with its enclosures; Mr. Abshire's reply of June 29; my letter to Mr. Abshire of July 10; a letter to me from Mr. Reuther dated July 15; a further letter to me from Mr. Abshire dated July 17; a letter from me to Mr. Abshire dated August 4; his reply dated September 10 and, finally, a letter to me from Mr. Reuther, dated September 25, together with its enclosures.

I urge Senators to read the documents placed at the conclusion of my remarks. They tell a sorry story, in my view, which does not reflect to the credit of either the AFL–CIO or the Department of State. But the documents do provide a clear answer to the question: "Who is afraid of Boris Averianov?" The answer is that the leaders of the AFL–CIO are afraid of Boris Averianov and the State Department is afraid of the AFL–CIO.

There being no objections, the items were ordered to be printed in the RECORD, as follows:

UNITED AUTO WORKERS,
May 28, 1970.

Mr. LEE WILLIAMS,
Administrative Assistant to Senator J. William Fulbright, Senate Office Building, Washington, D.C.

Subject: State Department Action Denying Visa for Soviet Trade Union Leader Scheduled to Participate in United Nations Conference at UAW Center in Onaway, Michigan, June 14 to 20, 1970

MY DEAR LEE: In accordance with my phone conversation with you yesterday, I wish to put into your hands the pertinent documentation relating to the denial of a visa by the State Department to a Soviet trade union leader scheduled to participate in the above mentioned UN Conference.

Enclosed is the following documentation:

1. Official UN press release of May 22, describing the nature of the Environmental Conference to be held by the UN with UAW as host.

2. Full text of the UN Aide Memoire, which was transmitted by the UN months ago to the State Department. This Aide Memoire clearly indicates that the invited ten trade union participants were to have the same status as the official government representatives of the twenty nations.

3. Letter from Victor Reuther to U.S. Ambassador to Moscow, Jacob D. Beam, dated February 13, 1970, informing him of the invitation extended to the Soviet trade union leader.

4 and 5. Text of Victor Reuther's letters to the Soviet and trade union leader extending an official invitation.

6. Response of Ambassador Beam.

7. Covering letter to Deputy Assistant Secretary, Emory C. Swank, dated February 13, officially notifying him of our invitation.

8. Response of State Department dated May 5, denying visas.

9. Release by U.S. State Department dated May 27, as carried by UPI to the effect that the visas had been denied, but declining to say on what grounds.

10. Two clippings from the *Washington Post* and *Evening Star* in 1966, indicating a previous controversy over visas for Soviet trade unionists. The final clipping indicates that the visas were granted and, in fact, the UAW did receive the Soviet trade union delegation.

At a public press conference this morning, the newly elected president of UAW, Leonard Woodcock, was asked about this action of the State Department. I enclose that portion of the transcript of his press conference, setting forth the question put to him and President Woodcock's response.

The above documentation clearly indicates the considerable effort made by our union to give proper notice to avoid the embarrassment to our government which has finally occurred. The United Nations itself, when it became aware that such difficulties might arise, has taken its own direct contacts at the very highest level.

Last Monday, May 25, I was invited by Secretary General U Thant to a luncheon at the United Nations and present also were Under Secretaries Ralph Bunche and Philippe de Seynes and the heads of various important divisions within the United Nations. U Thant, Ralph Bunche and de Seynes were most outspoken in this private luncheon meeting, indicating that in the UN's judgment this action by the State Department is a violation of the Convention between the U.S. and the UN, which obligates the U.S. to provide courtesies to official participants in UN meetings, and the Secretary General indicated that the United Nations could not tolerate such flagrant violation of this Convention. I am certain the UN itself is continuing its protests, as well as discussions with the State Department and the U.S. Mission to the UN.

Following the luncheon, I sought to reach U.S. Ambassador to the UN Charles W. Yost, and since he was not available, I spoke with his Deputy Ambassador, William B. Buffum, and related to him the substance of the conversation with the Secretary General and his associates. I told him that as far as the UAW was concerned, we were not seeking controversy, but we felt it impossible to comprehend a policy by the State Statement which ruled out an entire class of people, meaning all trade union leaders in the Soviet Union from eligibility for visas. The inference of such a policy is either that Soviet trade union leaders, per se, are more Communist than leading Soviet scientists, political leaders, journalists and educators, who frequently come to the U.S. on private invitations or that the UN, or the UAW, are more vulnerable to Communist subversion than the growers of corn in Iowa, the heads of U.S. corporations, educators, etc.

It has been the stated policy of successive U.S. administrations, including the present one, to seek to build bridges of understanding with the people of East European countries. Only a few weeks ago, I was invited by astronaut Borman to attend a high level conference in New York with U.S. State Department and other U.S. leaders and leading Soviet spokesmen. This invitation was extended by a private organization called the Fund for Peace. Under Secretary of State, Elliot T. Richardson, addressed the conference, as did Averell Harriman, George Ball and the leading Soviet figures. I was pleased to participate in this conference. This experience adds even more to my sense of shock and amazement at the inconsistencies of the State Department's action in this instance where a delegate to a United Nations conference to be held in the U.S. is denied a visa

solely on the grounds that he is a trade union leader. It was made quite clear to me by the State Department that this was not a decision against the individual, but it would have applied to any official designee of the Soviet trade union.

I shall be most grateful if you will call this matter to the attention of Senator Fulbright with the urgent request that he and this Committee on Foreign Relations inquire into this matter.

Sincerely yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

CENTRE FOR ECONOMIC AND SOCIAL INFORMATION,
May 22, 1970.

EFFECT OF URBANIZATION ON HUMAN ENVIRONMENT TO BE DISCUSSED AT INTERNATIONAL SYMPOSIUM IN UNITED STATES

MEETING JOINTLY ORGANIZED BY UNITED NATIONS AND UNITED AUTO WORKERS OF AMERICA

The first attempt at an attack on the problems of the human environment as a joint effort by organized labour and the United Nations will be made at an international symposium to be held in Onoway, Michigan, from 14 to 20 June.

At the seven-day meeting, Government officials, international experts, industrialists and trade union representatives will review a number of central issues affecting the human environment as a result of urbanization and growth of urban settlements throughout the world.

Specifically, they will consider major trends in world urbanization; experience in formulating national settlement policies; the ecological aspects of the urban environment; the human stake in environment improvement; and approaches to comprehensive planning for the human environment.

The symposium is being sponsored by the United Nations jointly with the United Automobile Aerospace and Agricultural Implement Workers of America (UAW).

Twenty-four of the participants were invited by the United Nations from some 20 countries of Africa, Asia, Middle East, Latin America, North America and Europe. The UAW has nominated 10 representatives as participants. In addition, six consultants have been selected to prepare discussion papers on the substantive agenda items.

As a prelude to the Symposium, a press conference will be held at the United Nations Headquarters, New York, on 26 May, jointly by Victor Reuther, Director of the International Affairs Department of UAW and Philippe de Seynes, United Nations Under-Secretary-General for Economic and Social Affairs.

THEME OF SYMPOSIUM

The theme of the symposium, according to a background paper circulated to the participants, is "the impact of urbanization on man's environment".

The increasing pressure on existing urban environment, the background paper says, results from population growth and urban migration and from "the ever-growing physical demands placed upon the environment by man's industrial and technological activities".

The most recent United Nations report on the subject[1] estimates that the world urban population will grow from 990 million in 1960 to more than 3,000 million by the year 2000, and will have exceeded total rural population by that time.

Individual countries and the human community as a whole must develop a more rational and constructive approach to further development, the background paper states. Many experts, it adds, have expressed doubt as to whether existing urban centres can be expected to expand indefinitely along current lines of physical, financial and administrative organization. Previous strategies for urban growth do not appear to offer the same safety valve in the decades to come as was thought to be the case in earlier periods, it points out.

OBJECTIVES OF SYMPOSIUM

In a section on objectives, the background paper says that the Symposium will focus on major issues relating to the effect of urbanization on the human environment.

The Symposium will also serve as a forum for an exchange of information and experience on these issues between experts, officials and trade union representatives from both developed and developing countries. It will make recommendations on policies and programmes to minimize the harmful impact of urbanization on the environment, and will propose guidelines for action in this area at the 1972 United Nations Conference on Human Environment.

BACKGROUND TO SYMPOSIUM

The Symposium has been organized in response to a series of actions taken by the General Assembly since 1965.

In guidelines laid down in a resolution[2] in December 1965, the Assembly recommended that Member States assume a major role in the solution of the housing problem and called for international assistance to developing countries in the field of housing, building and planning.

The United Nations Committee on Housing, Building and Planning was asked to work out "practical and effective measures" for carrying out the recommendations set out in the Assembly's resolution.

In a resolution[3] last year, establishing a preparatory committee for the 1972 United Nations Conference on the Human Environment, the Assembly invited interested intergovernmental and non-governmental organizations to lend every possible assistance in the preparations for the Conference.

In another action[4] last year, the Assembly decided to consider the question of housing, building and planning as a matter of priority at its 1970 regular session, and requested the Secretary-General to prepare a report for this purpose.

Specifically, the Secretary-General was asked to report and make recommendations on the problems and priorities confronting Member States in this field. He was also asked to make recommendations in building and financing costs and on the need for low-income housing, rural housing, community facilities and environmental improvements.

AGENDA OUTLINED

The main items for discussion will be as follows:

Major trends in world urbanization;

Experience in formulating national settlement policies and regional urbanization programmes;

(a) In a centrally-planned economy;
(b) In an industrially developed country;
(c) In a developing country;

Ecological aspects of the Urban Environment;

The human stake in environmental improvement;

Approaches to comprehensive planning for the human environment.

SYMPOSIUM ON THE IMPACT OF URBANIZATION ON MAN'S ENVIRONMENT

A. BACKGROUND

1. The United Nations in cooperation with the International Trade Union of the United Automobile Aerospace and Agricultural Implement Workers of America (UAW) will convene a meeting to review a number of central issues affecting the human environment as a result of urbanization and growth of urban settlements throughout the world.

2. Increasing pressure on the existing urban environment as a result of population growth and urban migration, and the ever-growing physical demands placed upon the environment by man's industrial and technological activities have made it clear that individual countries, and in fact the human community as a whole, must develop a more rational and constructive approach to further development. Nowhere is this more evident than in the rapidly growing urban areas of the world. The most recent United Nations report on this subject indicates that by the end of the present century the world will have changed from a basically rural organization to one that is predominantly urban; and the trend is expected to continue.[1] In numerical terms, the report estimates that the world urban population will grow from 990 million in 1960 to over 3,000 million over the year 2000, and will have exceeded total rural population by that time.

3. The United Nations and many other international organizations are seriously concerned about the environmental impact of an urban growth of this magnitude. Many experts have expressed doubt to whether existing urban centres can be expected to expand indefinitively along current lines of physical, financial and administrative organization. Previous strategies for urban growth such as new towns and the opening of new territories, limited as they are by the constraints of current investment trends, financing and political considerations, do not appear to offer the same safety valve in the decades to come as was thought to be the case in earlier periods. Current projections indicate that the vast majority of urban growth will take place in existing centres. This gives rise to the concern expressed above and such questions as: (a) What is likely to be the impact of the increased numbers, size and density of urban populations on a scale never before experienced in most parts of the world? The question raises implications regarding the capacity to provide employment, health (both mental and physical), housing and community facilities, education, recreation and other expected urban services. (b) On another level it is necessary to evaluate the probable impact on the natural ecological environment: air, water, vegetation and the quality of life in an urban world. Will the massing of so many people create entirely new conditions or will it merely extend the present ones? These are some of the issues which it is hoped the meeting will at least be able to begin to define.

4. The United Nations Conference on the Human Environment, which is to be held in Stockholm, Sweden, in June 1972, will also be considering problems arising from urbanization and the increased pressure upon human settlement. The problem of human settlements was identified by the Advisory Committee on the Application of Science and Technology to Development as one of the three main categories of problems to be considered by the Conference. In preparation for the Conference and in particular of those elements dealing with the urban influence

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[1] *Growth of World Urban and Rural Population*, 1920–2000. United Nations, New York, 1969; Sales Publication ST/SOA/Series A/44; Sales No. E.69.XIII.3.

[2] Resolution 2086 (XX) of 7 December 1965.

[3] Resolution 2581 (XXIV) of 15 December 1969.

[4] Resolution 2598 (XXIV) of 16 December 1969.

[1] *Growth of World Urban and Rural Population*, 1920–2000. United Nations, New York, 1969; ST/SOA/Series A/44; Sales No. E. 69. XIII.3

and the problems of human settlements, it is desirable to identify the specific influence of such problems in urbanizing countries. Relevant experience can be brought to bear on such issues and its application, particularly in developing countries, can be more clearly understood. The Symposium can also serve therefore as a first step towards identifying major issues, assembling information and preparing documentation relating to human settlements for the 1972 Conference.

5. In addition, the General Assembly approved, at its 24th session, a resolution in which it requested the Secretary General to submit a report ascertaining the problems and priorities confronting member states of the United Nations in the field of housing, building and planning, and in particular giving information on trends in building and financing costs and the need for low cost housing, community facilities and environmental improvements, together with his conclusions and recommendations on this matter.[2] The Symposium will assist in providing background material for the preparation of this report, and in focussing the discussion which takes place on the central issues which confront the world in relation to urbanization.

6. In response to these basic requirements, and to a growing world-wide interest in the problem of human settlements and their future development, the meeting has been organized in concert with the International Union of the United Automobile, Aerospace and Agricultural Implement Workers of America, which has offered full host facilities.

B. OBJECTIVES

1. The purpose of the meeting is to assemble leading professionals, government officials and industrialists from a number of countries, and trade union representatives to discuss the problem of urbanization and its impact on man's environment. Specifically, the objectives will be:

(a) To focus on the major issues involved in the direction and control of urbanization trends for the improvement of the human environment;

(b) To exchange information and experience on these issues between informed experts, officials and trade union representatives from both developed and developing countries;

(c) To formulate recommendations on policies and programmes to minimize the harmful impact of urbanization on the environment;

(d) to offer basic guidelines on the approach that the United Nations should follow in this field in relation to the 1972 Conference.

C. ORGANIZATION OF THE MEETING

1. The Symposium is being sponsored by the United Nations in cooperation with the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. Within the United Nations the meeting is sponsored by the Office of Technical Co-operation and the Centre for Housing, Building and Planning which will be responsible for the organization aid administrative arrangements for the Symposium. The Union will assume responsibility for the meeting facilities, food and lodging of all participants, the services of the Technical Secretary, and the provision of certain other sevices. The United Nations will invite 20 international experts and will select consultants to prepare the main discussion papers. It will also be responsible for the preparation and translation of the meeting documentation and other services. The Union will nominate 10 representatives as participants. Invitations will also be extended to a number of additional observers and other guests. The meeting will be chaired by two co-directors one appointed by the UAW.

2. The Symposium will consist of plenary meetings at which the discussion papers will be introduced for each item of the agenda, as well as films, exhibitions and the review of publications and other educational materials.

D. AGENDA

The main items for discussion will be as follows:

Item I. Major trends in world urbanization.

Item II. Experience in formulating national settlement policies and regional urbanization programmes:

(a) In a centrally planned economy;

(b) In an industrial developed country;

(c) In a developing country;

Item III. Ecological aspects of the Urban Environment;

Item IV. The human stake in environmental improvement:

Item V. Approaches to comprehensive planning for the human environment.

2. One main paper will be prepared for each agenda item (three under Item II). In addition to the author who will present the paper, there will be four panelists for each main item.

F. LANGUAGES

The working languages of the UN (English, French, Spanish, Russian) will be used for all working papers and interpretation facilities.

G. TIME AND PLACE OF MEETING

The Symposium is scheduled to take place in Onoway, Michigan, USA, from 14 to 20 June 1970. The UAW offered host facilities at its new Family Education Center at Black Lake.

H. PROJECT FOLLOW-UP

It is proposed that an edited version of the Symposium papers and discussion will be published as a document for wide dissemination in the four UN languages, thus providing a major contribution to the documentation for the 1972 Conference.

I. FINANCIAL ARRANGEMENTS

1. The United Nations will bear the following costs with regard to participants whom it invites:

Round trip economy class air transportation between the country of origin's airport of departure and the location of the meeting;

Round trip economy class air transportation between country of origin or duty station of expert consultants, interpreters, secretaries and other staff.

2. The United Auto Workers will provide food and lodging for all participants for the duration of the Symposium.

3. No expenditures for the travel or other costs incurred by dependents who may accompany participants; costs incurred by participants with respect to travel insurance, accident insurance, medical bills and hospitalization fees in connexion with their attendance at the meeting; or compensation in the event of death or disability of participants while attending the meeting, will be paid by the United Nations or the sponsoring organizations.

FEBRUARY 13, 1970.

Hon. JACOB D. BEAM,
The American Ambassador, Moscow, U.S.S.R., American Embassy—Box M, APO, New York, N.Y.

MY DEAR MR. AMBASSADOR: For some years the United Automobile Workers of America have been quietly pursuing contacts with trade union representatives in various Eastern countries, in addition to the very wide contacts which we already enjoy in Western countries and the developing countries. We have already had one delegation visit the Soviet Union, and we have received a trade union delegation as guests of UAW. This past year we were pleased to have, as our guests, very high level trade union delegations from Yugoslavia and Rumania. I recall the opportunity which I had on a recent visit to Moscow to speak with you briefly about what our intentions are in this regard.

The purpose of this letter is to inform you of an invitation which we have extended to Mr. Boris Averianov, Director of International Affairs for the All Union Central Council of Soviet Trade Unions. A copy of my letter of invitation to Mr. Averianov is enclosed. I wish to underscore the point that Mr. Averianov will be the guest of the UAW during his stay in the United States, and we will assume full responsibility for programming his stay.

I write you to solicit your cooperation in expediting the issuance of a visa for Mr. Averianov.

Respectfully yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

FEBRUARY 12, 1970.

Mr. BORIS A. AVERIANOV,
Director, International Department, All Union Central Council of Soviet Trade Unions, Moscow, U.S.S.R.

MY DEAR BORIS: I recall our conversation during my last visit with you in September, 1969, when we spoke of the possibility of your making a visit to the United States. We welcome this opportunity not only to meet and talk with you about matters of common concern, but we also welcome the opportunity to show you a bit of our country and our trade union activities as but a small measure of repayment for the kindness and generosity with which you have received numerous representatives of our organization.

As to the time of the visit, I know that you will be most occupied during the early days of May in conjunction with the annual First of May celebrations. When these are behind you and you are free to undertake a visit to us, we will be happy to receive you. The month of May should be a pleasant month in most parts of the United States, and it will be a good time when the leadership of our union will have a slight pause between our national convention and the beginning of major collective bargaining negotiations. Later in the summer will, of course, find all of our people deeply engrossed in the negotiations of major agreements.

As to the duration of your stay, this depends entirely upon your own desires and the time you can give to such a visit. Certainly, we would hope you could stay for at least three weeks.

Perhaps it has already come to your attention that the UAW has extended an invitation to the United Nations to act as host for an international planning conference on the subject of "The Impact of Urbanization on the Human Environment." We have suggested that this planning conference would meet at our new UAW Family Education Center in northern Michigan. The United Nations has agreed, in principle, and are contemplating participation by representatives of twenty countries and, of course, it has been suggested that we should feel free to invite prominent trade unionists from both the industralized and developing countries.

It is still our hope that this conference will be convened at our Center on May 10, and extend for five or six days. It is our hope also that your schedule would permit your arriving in sufficient time to participate in that meeting where you will also have the opportunity to meet not only key representatives of many nations, but also some key trade union personalities. There is, however, a possibility that the inner machinery of the United Nations may not move sufficiently

[2] General Assembly resolution 2598 (XXIV) of 12 December 1969.

fast to permit holding that meeting as early as May 10, and it may have to be rescheduled for early Fall. However, whether or not this meeting does take place in May, we are nevertheless prepared to welcome you and assist you in making such visits and holding such conversations as you may desire.

Do let me know at your earliest convenience as to what date would be most convenient for your arrival.

Please accept my very best personal wishes for you and your family, as well as for your colleagues in your union.

Very sincerely yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

FEBRUARY 26, 1970.

Mr. BORIS A. AVERIANOV,
Director, International Department, All Union Central Council of Soviet Trade Unions, Moscow, U.S.S.R.

Subject: Invitation to Attend and Participate in Conference of UN Experts on "The Impact of Urbanization on the Human Environment" to be held at UAW Family Education Center, Onoway, Michigan, June 14–20, 1970.

MY DEAR BORIS: The officers and members of our one million six hundred thousand member organization are enormously pleased that the General Assembly of the United Nations accepted the proposal of the Swedish government to convene in 1972 a world conference on the Human Environment.

Exactly one year ago, on January 14, 1969, Walter Reuther, the President of our organization, directed our interest and our support for this UN action. The growing concern throughout the world regarding the human environment reflects the growing interest not only of official governments, but likewise of non-governmental organizations and, of course, of many millions of private citizens throughout the world.

As an expression of our deep personal concern of our organization, the UAW expressed to the United Nations its interest in assisting in promoting the widest interest and support for this UN effort.

On November 13, 1969, the UAW extended a formal invitation to the UN, offering that our organization would serve as host for the convening of a small Planning Conference of the UN participants on an important aspect of the broad question relating to human environment. This proposed conference was to deal with "The Impact of Urbanization on the Human Environment" as part of the implementation of the UN General Assembly Resolution No. 2398.

The officers of the UAW are pleased to inform you that the United Nations has accepted with enthusiasm the offer of the UAW to serve as host for such a conference. Joint planning meetings at the staff level between Mr. Philippe De Seynes, Under Secretary of the UN; Mr. R. Joseph Crooks, Director of Centre for Housing, Building and Planning, and the UAW have been held. It has now been firmly established that the United Nations will invite technical experts from approximately twenty different member nations of the UN, as well as representatives from UN-related organizations.

The United Automobile Workers Union, as host for the conference, has been invited to extend invitations to a limited number of trade union leaders representative of the major continents as well as both the developing and the industrialized nations.

I have the great pleasure of extending to you, in behalf of President Walter Reuther and the officers of the UAW, a warm invitation to attend and participate in this most historic conference. We also welcome this opportunity to have you visit the new and unique Family Education Center of UAW. A brochure showing the facilities of the Center is enclosed. You will, of course, be a guest of the UAW for the duration of the conference. We sincerely hope that your schedule will permit your attendance. We know that problems of the environment are of pressing concern to workers and trade unions as well as governments around the world, and we know that your attendance and your participation will constitute a significant contribution to what must be a coordinated worldwide effort.

If you are able to accept our invitation, we shall immediately forward to you more details concerning the conference.

May we hear from you at your earliest convenience.

Sincerely yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

MOSCOW, U.S.S.R.,
February 25, 1970.

Mr. VICTOR G. REUTHER,
Director, International Affairs Department, UAW, Washington, D.C.

DEAR MR. REUTHER: I have received your letter of February 13 and am interested to learn that you have extended an invitation to visit the United States to Mr. Boris Averianov, Director of the International Affairs for the All-Union Central Council of Soviet Trade Unions.

Our Consulate tells me that as soon as Mr. Averianov's formal visa application is sent to the Embassy through the Ministry of Foreign Affairs, we will request an advisory opinion from the Department of State under current exchange procedures. The Department of State likes to have twenty days to process such cases.

I shall personally keep myself informed about this matter.

Sincerely,

JACOB D. BEAM,
Ambassador.

FEBRUARY 13, 1970.

Hon. EMORY C. SWANK,
Deputy Assistant Secretary for European Affairs, Department of State, Washington, D.C.

MY DEAR MR. SWANK: I wanted you to have a copy of a letter which I have just sent to Ambassador Beam in Moscow, together with a copy of the letter of invitation which we have extended to Mr. Boris Averianov of the Soviet Trade Unions, inviting him to come to the United States as guest of the UAW.

I would appreciate very much your cooperation in helping to expedite the prompt issuance of a visa for Mr. Averianov. When last we had a delegation from the Soviet Union a few years ago, the members of the delegation were kept waiting in the wings until the very eleventh hour before they knew whether visas would be issued. I would hope that we could avoid such embarrassment again.

It is for this reason that I am alerting both you and our Ambassador to Moscow at the very moment when our invitation has been extended.

With all good wishes, I am.

Sincerely yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

DEPARTMENT OF STATE,
Washington, D.C., May 5, 1970.

Mr. VICTOR G. REUTHER,
Director, International Affairs Department, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Washington, D.C.

DEAR MR. REUTHER: In the absence of Mr. Swank, who is presently traveling in Eastern Europe, I am replying to your letter to him of February 13 regarding the invitation extended by you to Mr. Boris Averianov to visit the United States as a guest of the UAW.

After careful consideration, the United States Government has concluded that it is inadvisable at this time to change our long-standing policy on the admission of Soviet labor officials to this country. You are, I am sure, familiar with the rationale underlying this policy.

The Department, therefore, does not plan to recommend that the Attorney General grant a waiver of Mr. Averianov's inadmissibility under the Immigration and Nationality Act, should he apply for a visa to come here under the circumstances outlined in your letter to Mr. Swank.

I know that this decision will disappoint you but perhaps you will find this information useful in connection with your invitation to Mr. Averianov.

Sincerely yours,

ADOLPH DUBS,
Country Director, Soviet Union Affairs.

WASHINGTON.—The State Department said today it has denied a visa to a Soviet labor leader who had wanted to attend a meeting of the United Auto Workers in Michigan in mid-June.

The Russian is Boris A. Averianov, director for International Affairs of the All-Union Central Council of Soviet Trade Unions. The UAW asked the State Department several months ago to grant him a visa so that he could attend a symposium being sponsored by the United Nations and the UAW June 14–20 at Onoway, Mich.

A department spokesman said the UAW was advised of the denial. The department also told the UAW it would not recommend to the Justice Department that a waiver be granted, as it has in the case of some Communists prohibited by law from securing visas through normal channels.

The Department spokesman declined to say why the Department would not ask a waiver. However, other officials said that in general it had been the policy to exclude Russian labor leaders unless they came as officials to attend some United Nations affair in New York.

[From the Washington Post, June 11, 1966]

REDS' VISAS BLOCKED BY AFL–CIO—SOVIET LABOR GROUP EXCHANGE THWARTED BY STATE DEPARTMENT AIDE

(By Stephen S. Rosenfeld)

The AFL–CIO, working through the State Department, has kept a Soviet labor group from coming to the United States on an exchange set up by a private American organization.

This is the most recent instance of an AFL–CIO block being placed across one of the "bridges" President Johnson says he would like to build to Communist countries.

It also helped determine United Auto Workers President Walter P. Reuther, earlier this week, to level an unprecedented public challenge to George Meany, head of the 13-million-member, politically powerful labor federation.

OBJECTS TO BOYCOTT

Reuther specifically objected to the AFL–CIO boycott of an International Labor Organization conference in Geneva, after a Pole was elected its first Communist president last week.

Meany held public silence yesterday on Reuther's challenge.

Nor would Meany comment on Geneva press reports that the AFL–CIO was contemplating a break with the ILO, a special United Nations agency. The labor delegation is expected to leave Geneva today.

VISAS DENIED

The thwarted labor exchange was worked out by a private New York based group, the Citizen Exchange Corps, headed by adman Stephen D. James. Eight Russians were to arrive June 8. On June 2, James said, he

learned their visa applications had been denied.

High Department sources made clear that AFL–CIO pressure was responsible for the denial. The Department's stated reason for the rejection mirrored the AFL–CIO stand: that the Soviet group included some union officials; that although they sought individual tourist visas, they were in fact a union delegation; and that admitting them would equate Soviet and American unions and lend unjustified status to the Russians.

Angry UAW officials, who had informally arranged the Russians' Washington and Detroit programs, are now lobbying for their visas in Upper Washington echelons.

OTHER GRIEVANCES

The UAW, the single big detente-minded union actively bucking the cold-war policies of the AFL–CIO, has other grievances:

The Federation throttled a proposal by the American Ambassador to Poland, John A. Gronouski, to send some Polish-speaking unionists from his home state of Wisconsin to Poland.

It warned locals to avoid a visiting Yugoslav union official last year and reportedly blocked a contemplated appearance by the man at American University. Said to be the only Communist union leader to get an American visa since the war, the Yugoslav was received informally by the UAW.

The AFL–CIO has stifled internal State Department efforts to funnel some of the American Government's foreign labor activities through separate American unions, instead of continuing to funnel them all through the AFL–CIO.

Sitting there as Meany's director of international affairs is Jay Lovestone, an ardent anti-Communist accused recently by his UAW counterpart and long-lasting foe, Victor Reuther, of being "involved" with the Central Intelligence Agency.

NOMINATED BY MEANY

Sitting at the State Department end of the labor-government conduit is George P. Delaney, Special Assistant to the Secretary and Coordinator of International Labor Affairs. Nominated by Meany for his job, Delaney formerly was an AFL–CIO international representative.

Delaney is one of two U.S. Government delegates to the Geneva ILO conference. Labor and business put up their own delegates. The U.S. pays the way for them all.

A State Department spokesman was asked yesterday whether Delaney was backing the AFL–CIO conference boycott or the U.S. Government position, which is to accept the tripartite delegation but to be against the boycott. The spokesman said "nobody knows" Delaney's position but it was "assumed" he supported the Government.

It is through Delaney that the AFL–CIO recommends candidates for the 80-odd labor attache posts in U.S. Embassies. Union sources say the attaches are generally union men dependent not on State but on the AFL–CIO for their careers.

That is why, informed critics say, the attaches tend to show the AFL–CIO distaste for unions it considers Communist or Communist-tainted, and why more Embassy overtures are not made to the democratic left abroad.

[From The Evening Star, June 14, 1966]

VISIT BY SOVIET UNION AIDES POSTPONED UNTIL SEPTEMBER

(By Lee Cohn)

A visit here by six Russian union leaders—blocked by the State Department and the AFL–CIO—has been postponed at least until September, American sponsors of the tour said today.

The Russians were denied visas for a visit scheduled to start June 6 under the cultural exchange program.

Upholding objections by AFL–CIO President George Meany, the State Department refused to allow the visit because the tour group looked too much like a trade union delegation.

Meany considers government-controlled unions in Communist countries a sham, and it is against State Department policy to recognize these unions as legitimate representatives of workers.

The department invoked this policy even though the six Russian union leaders and two rank-and-file workers who planned to accompany them had applied for visas as individual tourists, not as a delegation.

Stephen D. James of New York, head of the private organization sponsoring the tour, consulted department officials and said they indicated the unionists would receive visas if their group were enlarged to include more workers and representatives of the general community.

James, president of the Citizens Exchange Corps, advised the Russians to meet this condition.

In a cable received by James yesterday, Boris Averianov of the All-Union Central Trade Union Congress raised no objection to expanding the group. But Averianov said the visit should be postponed until September.

James had proposed rescheduling the visit to start this week, so it could be completed before the July 9 departure of 165 Americans for a tour of the Soviet Union. State Department officials told him, however, that it would be impossible to process the Russians' visas so quickly.

Although disappointed and embarrassed by the delay, James said he will proceed with plans for a September visit.

He said he will consult the State Department in an attempt to clarify policy, and will discuss tour plans with the Russians during his visit to the Soviet Union next month.

The dispute over the Russians' visit is expected to come up during a special meeting of the AFL–CIO executive council here Thursday. Walter P. Reuther, president of the United Auto Workers and a member of the council, objects vehemently to Meany's policy of trying to isolate Russian unions.

Meany called the council meeting mainly to thrash out a related quarrel with Reuther over the U.S. labor delegation's boycott of the International Labor Organization's conference, now in progress in Geneva.

With Meany's blessing, the delegation walked out of the conference because a Polish Communist was elected presiding officer. Reuther denounced Meany's role in the boycott in a letter last week.

The council, which normally is under Meany's firm control, is practically certain to uphold him in the dispute with Reuther.

PRESS CONFERENCE

Participants: Leonard Woodcock, President, United Auto Workers, and members of the press.

Question: Mr. Woodcock, in connection with pollution, problems of that sort generally, the United Nations and the UAW I understand are going to have a joint conference on environmental problems in Black Lake. The State Department yesterday made public the fact that it has rejected the application for a visa by the Russian trade union delegate.

Does the UAW plan to protest that?

Mr. WOODCOCK. Let me say I think that development was most unfortunate.

As I understand the release, it said they were refusing a visa to a Soviet labor delegate to come to an affair, an activity of the United Auto Workers at Black Lake in Onaway, Michigan.

The fact is, the United Auto Workers are the host, but the convenor of that conference, as you know, is the United Nations. This is a matter that lies between the United States Government and the United Nations.

As a layman, it is my understanding that the Convention which permitted the United Nations to be housed on American soil granted to them certain immunities as to the entry of necessary personnel. I am somewhat surprised that there seems to be only one class of personnel who are so barred, namely, labor personnel.

I can understand why a certain individual may be barred because of his personal past activity inimical to the United States, but this business of denying only certain, a certain class, namely, labor representatives, I suppose means either they think they are more red than the reds or that we in labor in the United States are more susceptible than a businessman or the farmer out in Iowa, who was the host to Chairman Khrushchev. I think it is most regrettable and I hope it can be reversed, and I certainly hope that the UN Conference can go ahead because the whole question of pollution of the atmosphere, this world being a total system, can only be done on an international basis.

Question: Mr. Woodcock, this increasing automation that you anticipate in the industry, what is that going to do to the auto workers and especially those on the assembly line, and do you, looking ahead, say, maybe to the next contract negotiations after this one, do you anticipate a situation in which you will have to press for a shorter work week in order to spread employment?

Mr. WOODCOCK. Well, let me add to it one illustration that I gave in response to Mr. Joyce, that it has always been axiomatic in the industry that an automobile assembly plant could only operate on a two-shift basis. So a few months ago in Norwood, Ohio, General Motors Corporation put into effect a third shift. It was widely expected that the third shift would fail, that they would not be able to do it, but every evidence shows that they are going to be able to . . .

JUNE 5, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Mr. Victor Reuther, Director, International Affairs Department, United Auto Workers, has sent me a copy of a letter dated May 5, 1970, which he received from Mr. Adolph Dubs, Country Director, Soviet Union Affairs. According to Mr. Dubs' letter, the United States Government has had a long-standing policy against the admission of Soviet labor officials to this country.

I would appreciate it if you would furnish me with a detailed explanation of the background and reasons for this policy, including a list of the foreign trade unionists (and their country of citizenship) whose visa applications have been denied within the past year. In addition, I would be interested in knowing what the prospects are for bringing about a change in our government's policy of excluding Soviet trade union representatives from the United States.

In this connection, I am enclosing a copy of an article dealing with this matter which appeared in the June 2 issue of the *Washington Post.* If you have any comments on the article, I would be glad to receive them.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

[From the Washington Post, June 2, 1970]

AFL–CIO CITED IN REFUSAL OF RUSSIAN'S VISA

(By Robert H. Estabrook)

UNITED NATIONS, June 1.—Intervention by the AFL–CIO is believed here to have prevented a United States visa for a Soviet trade union representative who was invited to a U.N.-sponsored conference.

The Soviet representative, Boris Averianov, had been invited by the United Auto Workers to participate in a meeting on the human environment sponsored jointly with the United Nations at Onaway, Mich., June 14–20.

According to the understanding here, Secretary of Labor George P. Shultz took the issue to President Nixon, who upheld the position of AFL–CIO President George Meany that Soviet trade union leaders represent the Communist government rather than bona fide labor organizations.

Following the decision, U.N. Secretary General U Thant raised the question with Ambassador Charles Yost, and a long series of conferences has been held between U.S. and U.N. officials.

Although the case of Avrianov himself is now considered academic because he is traveling elsewhere and would be unable to come to the U.S. in any event, the U.N. officials view the principle as important. A U.N. spokesman said today he thought the problem could be worked out.

Presumably this will affect the attendance of another Soviet representative, a government expert invited to deliver a paper. Some 40 heads from more than 20 countries are expected to attend the conference, which will be held in the UAW's new $14 million family education center.

OLD LABOR DISPUTE

Apart from reflecting Meany's strong feeling about the role of Soviet labor representatives, the case is also believed here to have involved the ideological feud between Meany and Walter Reuther, the late president of the UAW, who died in a plane crash last month. Reuther, who withdrew the auto workers from the AFL–CIO, was an anti-Communist but did not share Meany's aversion to contacts with Soviet labor.

Sources familiar with the case said no actual visa application on behalf of Avrianov was ever received by U.S. agencies. Instead, the UAW posed the question to the State Department on a "What would you do if . . .?" basis and received the negative response that the department disclosed last week.

ANOTHER ROUTE

Victor Reuther, UAW director of international affairs and brother of Walter Reuther, was told that the department could not waive its rule that visas are not granted to Soviet trade unionists. Avrianov's title is director for international affairs of the All-Union Central Committee of the Soviet Trade Unions.

One source familiar with the story said today that the State Department objection was not to Avrianov personally, and that the department apparently would be willing to issue a visa if he were to apply as a journalist or in any capacity other than as a trade unionist.

Ernest Lee, assistant director of international affairs of the AFL–CIO in Washington, disclaimed knowledge of the details but said the federation "would certainly applaud" a U.S. decision not to grant a visa to a Soviet labor representative.

"It sounds sensible to us," he declared.

A UAW spokesman in Washington said, however, that the rule had been waived in 1966 and that visas had been granted a delegation of Soviet trade unionists to visit the United States.

Despite the U.N. concern, some sources here question whether the decision violates the U.S.-U.N. headquarters agreement, since Avrianov was invited by the UAW rather than the U.N. The headquarters agreement applies mainly to U.N. activities in the New York area.

The Michigan conference on the effects of urbanization on the human environment is the first in which the U.N. and a labor union have joined in sponsorship, and there are no precedents about the status of invitees.

THIRTY-FOUR INVITED

The U.N. itself has invited 24 participants from 20 countries, and the UAW has nominated 10 others to attend at its expense. Six additional consultants are expected to read papers.

Presumably there would be no difficulty in obtaining a U.S. visa for a Soviet consultant representing the government. A UAW source said today that as far as the union knows such a representative will attend.

One candidate reportedly under consideration is Aleksy Kudvanavtsav, director of planning and urbanization of the State Committee for Civil Engineering and Architecture (Gostroy). Kudvanavtsav recently attended another conference in the U.S.

A second Soviet representative also said to be under consideration is Vyazheslav Shwaricov, director of Gostroy's central town planning research and design institute. G. Fomin, the Gostroy chairman, is expected to make the selection.

Conference planners have conferred with Soviet Ambassador Anatoly Dobrynin in Washington in an effort to expedite a decision.

DEPARTMENT OF STATE,
Washington, D.C., June 29, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Rogers has asked me to reply to your letter to him of June 5 concerning our policy on the admission of Soviet labor officials to this country.

Soviet officials generally are ineligible for visas under Section 212(a) (28) of the Immigration and Nationality Act. Such officials can be granted visas only if the Department of Justice approves waivers of ineligibility upon recommendations by the Department of State.

In the case of visa applications by Soviet labor officials coming to this country in their official capacity, the Department carefully reviews all relevant factors and determines whether or not entry in a given instance would be in the public interest. In the specific case referred to by you, we concluded that, on balance, it would not be in the public interest at this to change our long-standing policy in cases of this kind by recommending that the Attorney General grant a waiver of ineligibility. I can assure you that we gave the most careful consideration to this case and will continue to give our careful consideration to future cases of this kind.

Among other factors, the Department of State must consider the view that Soviet trade unions are not independent organizations but rather are controlled instruments of Soviet policy. As you know, the AFL–CIO attaches the highest importance to this factor and has long and vigorously opposed contacts with Soviet labor officials.

As regards your request for a list of the foreign trade unionists whose visa applications have been denied within the past year, no statistical records are kept either in the Department of State or at our Foreign Service posts abroad concerning requests for waivers filed pursuant to Section 212(d) (3) of the Immigration and Nationality Act. We are thus unable to provide you such a list.

I hope the above information will be helpful to you.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

JULY 10, 1970.

Hon. DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I refer to your letter of January 29 concerning the Administration's policy on the admission of Soviet labor leaders to this country. Your reply leads me to raise the following questions:

(1) What are the specific criteria used by the Department of State to determine whether the admission of a Soviet labor leader is consistent with the public interest? When were the criteria formulated? Did the Department of State formulate the criteria or was it formulated on an interagency basis? If the latter, which of the other agencies participated?

(2) Please explain the application of the "public interest" criteria to the particular case of Mr. Boris Averianov. What were the "relevant" factors in this case?

(3) Aside from the AFL–CIO's objection, what difference is made by whether Soviet trade unions are independent of or subordinate to Soviet policy? What is the Department's view? Does it differ from that of the AFL–CIO?

(4) Please provide me with the names of all Soviet (and other Communist) labor leaders admitted in the last five years (by year) to this country. In each case, please specify the reason(s) for the individual's admission.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

INTERNATIONAL AFFAIRS DEPARTMENT,
Washington, D.C., July 15, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washingon, D.C.

MY DEAR SENATOR FULBRIGHT: I thank you for your kind letter of July 9, transmitting the text of the letter from the State Department dated June 5 and signed by David M. Abshire, Assistant Secretary for Congressional Relations, setting forth the Department's somewhat confused rationale concerning the denial of a visa to Mr. Boris Averianov, a Soviet trade union official. I should like to submit to you these additional comments which may be helpful to you in pursuing this matter with both the State Department and the Justice Department.

I have carefully gone through the wording of the Immigration and Nationality Act and particularly Section 212(a) (28) to which the State Department referred, and while I am not a Philadelphia lawyer, it is clear to me that the language of the Act makes no special reference as guidelines to the handling of visa applications from Soviet trade unionists. There is a general reference to those who may be communists, or members of other organizations considered inimical to our country's principles. Hence I conclude that if a member of the Communist Party from the Soviet Union, who is a government official, or a journalist, a scientist, or an agricultural expert for whom this section is waived and a visa is granted, why are not similar waivers issued where the applicant is a trade unionist.

The State Department indicates, "in the specific case referred to by you, we concluded that, on balance, it would not be in the public interest at this time to change our long-standing policy . . ." The question is,

what is this long-standing policy that requires change?

I was given to understand by the State Department that in the case of Mr. Averianov they would have been quite agreeable to issue a waiver if he had been willing to come to the U.S. as a journalist, but he could not come as a trade union official. I assume there has been a practice, engaged in by many governments over many long years, that people are not always what their titles indicate, and if his coming as a trade union official would somehow threaten the stability of our fragile democracy, how would it be less threatened if he came wearing the hat of a journalist.

The fourth paragraph in the State Department letter makes specific reference to the vigorous opposition of the AFL–CIO to contacts with any Soviet labor officials. It is fully within the right of the AFL–CIO, or any other organization in our country, to choose with whom they wish to associate. We are all familiar with the policy of the AFL–CIO, but what we seek are clarifications of what the policy is of our government. I was not aware that the State Department or the Justice Department contracted out to private organizations, or individuals, their legal obligations as government representatives. I must say that I am somewhat amused by the State Department letter which states that "the Department of State must consider the view that Soviet trade unions are not independent organizations but rather are controlled instruments of Soviet policy." If that is the considered judgment of the State Department, are we to conclude that the trade unions of Yugoslavia and Roumania are free and independent institutions without any state or party control. I am certain Mr. Meany does not share this view and yet the State Department has granted visas to official trade union delegations from Yugoslavia and Roumania, who have been received by the UAW as our guests.

It is somewhat ironic that this argument should be used by our State Department when it has entered into formal agreement with the AFL–CIO in which it has contracted to use the services of the AFL–CIO and various of its institutions as "agents in support of U.S. government policy." I, of course, refer to the agreement between the AFL–CIO and the U.S.–A.I.D. Agency of the State Department. Furthermore, if the State Department is to make independent judgment on the degree of autonomy of a given trade union movement from influence by its own government, I am sure that I could provide the State Department with a long list of countries whose trade unions are complete instruments of their state, but who, nonetheless, are looked upon by the State Department as friendly and visas are expedited without question.

This whole controversy becomes daily more ludicrous because since I have had this exchange of letters with you a leading Soviet trade union official, having completed a visit to a country in Latin America, arrived in New York and spent three or four days being officially hosted by trade union organizations in the U.S.

As to the final paragraph of the letter from Mr. Abshire, he indicates the Department of State keeps no statistics concerning requests for waivers, filed. Who needs statistics? What is needed and what was requested, as I understand it, is a specific listing of visa applications which were approved or denied, under Section 212(a)(28) of the Immigration and Nationality Act. I cannot believe that the Department of State does not keep records on such matters.

I shall be most grateful to you for your assistance in vigorously pursuing this matter with the responsible U.S. government officials.

Respectfully yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

DEPARTMENT OF STATE,
Washington, D.C., July 17, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your letter of July 10 concerning the question of the admission of Soviet labor officials to this country.

As you are aware, the Department for a number of years has declined to recommend that the Department of Justice waive statutory prohibitions precluding visa issuance in the case of Soviet labor leaders seeking entry to the United States in their official capacities. Recommendation that such waivers be granted would represent an affirmative judgment on the part of the Department that the public interest would be served by their admission. To date and on balance, we have been unable to perceive a sufficient public interest in cases of this kind to justify a waiver recommendation. In each case, however, where the issue has been raised in the form of a visa application from a Soviet labor official, we have reviewed our policy in consultation with other concerned government agencies, in the interest of determining its current value and validity.

This review was most recently undertaken in connection with the visa application of Mr. Boris Averianov and it was determined that insufficient justification existed at this time for changing our policy. Similar reviews will, of course, be undertaken in the event of future applications for visas from Soviet labor officials.

As regards your request for the names of all Soviet (and other Communist) labor leaders admitted to the United States, we do not keep statistical records by occupation on individuals to whom visas are issued. Our records do, however, reveal that a Soviet tourist group which included five Soviet labor officials was admitted in April 1967. In that instance, unlike the case of Mr. Averianov, they sought entry as tourists rather than as labor officials and entry was therefore permitted.

I hope the above information will be helpful to you.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

AUGUST 4, 1970.

Hon. DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I have your letter of July 17 commenting further on Executive Branch policy with respect to the admission of Soviet trade union officials to this country.

Although I appreciate having these additional comments, I would like the Department's answers to questions 1 through 3 which I posed in my letter of July 10. Moreover, I would appreciate knowing whether the Department would have issued a visa to Mr. Averianov if he had applied for one as a tourist? If so, why would it be in the public interest to have Mr. Averianov visit this country as a tourist as verus visiting here as a Soviet labor leader?

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., September 10, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate

DEAR MR. CHAIRMAN: I refer to your letter of August 4 concerning the admission of Soviet labor officials to this country. Our comments follow on questions 1 through 3 raised in your letter of July 10.

(1) The Department's long-standing policy on the admissibility of Soviet labor leaders acting in their official capacities is a coordinated position of the Administration and further reflects consultation and discussion with American labor organization which have an interest in this policy.

(2) In the case of Mr. Averianov, the Department carefully reviewed the circumstances of his application for admission in the light of his inadmissibility under existing legislation. As indicated in my letter of July 17, a decision to recommend a waiver would have represented an affirmative judgment that the public interest would be served by his admission. We were not convinced that this was the case and therefore did not make such a recommendation.

(3) In developing and maintaining its policy on the admission of Soviet labor leaders, the Department has found it appropriate to consult with and obtain the views of US labor. We believe it is of some importance that the AFL–CIO remains vigorously opposed to their admission. You will appreciate that, among other factors, the Department must take into consideration possible repercussions which might make visits of Soviet labor officials counterproductive.

Finally, the Department's position is that the public interest is served by allowing Soviet tourists to visit the United States. The current (1970–71) US–USSR Exchanges Agreement specifically provides in Section XII that the "Parties agree to encourage arrangements for tourist travel between the two countries." Should Mr. Averianov apply for admission as a tourist, consideration would be given to recommending issuance of a waiver. Before making a decision, however, we would study Mr. Averianov's proposal program and activities in the United States to ensure that tourism was in fact his purpose in seeking entry and that he would not be acting in his official capacity.

I hope the above additional information will be helpful to you and the Committee.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

INTERNATIONAL AFFAIRS DEPARTMENT,
Washington, D.C., September 25, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR FULBRIGHT: I am most grateful for your continued interest in seeking clarity and a more reasoned approach by the State Department toward the issuance of visas to Soviet labor officials. You, of course, have my full permission to use any of the material which I have sent either directly to you or to your Assistant, Mr. Lee Williams.

I welcome your invitation to me to provide still further comments. I think to properly understand the rationale of the State Department on this matter one must view the visa problem in its much broader context. You are, of course, fully aware I am sure of the extent to which this controversy mirrors and reflects a deeper malaise which is an outgrowth and byproduct of the cold war. It is somewhat ironic however that the State Department should still remain a prisoner of this vestigial structure of the cold war at a time when they seek improved relations with the Soviet Union in a desperate search for a solution to the Middle East crises, the continued war in Southeast Asia and in pursuit of a broad agreement on Arms Limitations.

In no area is the negativism and destructive character of this attitude more apparent than in the events which have led to a virtual isolation of the U.S. within the International Labor Organizations. Events in this controversy provide interesting background information. I enclose for your information a public statement issued by Walter Reuther in behalf of the International Executive Board of UAW dated June 16, 1966. You will note from this statement that within the ILO, the AFL–CIO is now pursuing policies which they themselves previously admitted

to be self-defeating, would lead us into blind isolation, and would cause us to "fall into a Soviet trap." U.S. relations with the ILO have reached such a low level that on recommendations of the AFL–CIO, the Chamber of Commerce and the Labor Department, U.S. funds to the ILO have been cut off. I enclose for your further information the text of a letter sent by UAW President, Leonard Woodcock, to Senator Ellender, protesting this cutoff of funds to the ILO.

Another bit of interesting and related background information: In 1959 when President Eisenhower invited Premier Khrushchev to visit the U.S., the Administration apparently felt that U.S. democracy was sufficiently strong as to be able to survive a direct exposure to Nikita Khrushchev, even before farmers of the midwest. During Chairman Khrushchev's visit, he repeatedly complained to U.S. officials that he was spending too much time with businessmen and bankers and that he wanted to meet workers. I was informed the State Department phoned the headquarters of the AFL–CIO and suggested that perhaps a meeting be organized between group of trade union leaders and Chairman Khrushchev. There was, however, no positive response from AFL–CIO. I then received a direct appeal from the State Department asking whether Mr. Walter Reuther could assist in organizing such a meeting. Apparently the State Department, under a Republican President, felt it was in the interest of our country that the world's leading communist have an opportunity to hear directly from spokesmen for American workers. Walter Reuther responded to this appeal from the State Department and a dinner meeting was arranged in San Francisco for the evening of September 20, 1959. Ten leading U.S. trade union leaders, including among them seven presidents of international unions, met with Chairman Khrushchev and his entourage over dinner for a three-hour exchange. The text of this interview is enclosed.

It has been acknowledged many times by the State Department that this exchange served a most useful purpose and from the viewpoint of those of us who participated, it gave us the opportunity to appraise this Soviet leader under circumstances seldom available to professional diplomats. It strikes me as rather ludicrous that whereas the Administration of General Eisenhower felt it constituted no threat to the internal democracy of our country and was in the overall interest of the nation to expose a group of U.S. trade union leaders to the views of the number one communist leader in the world, and in turn, expose him to U.S. workers, views, the Administration of President Nixon considers the issuance of a visa to a Soviet trade union official (minor in the Soviet hierarchy) somehow would endanger the internal security of the U.S.

I have no further comment on the most recent letter from Mr. David M. Abshire, Assistant Secretary for Congressional Relations of the State Department, other than to say that it is the height of self-deception to presume that it is within the purview of our laws and within the interest of our country to invite an individual to come as a tourist, but to deny him permission to come wearing his hat as a trade union official. I have always assumed that even tourists who come to the U.S. from the Soviet Union may include among them devoted communists. I presume the Soviets likewise assume that all of our tourists may not be tourists. If there is a legitimate and sound basis for denying an individual entrance, it should require that he be denied entrance no matter what hat he wears. To blanket all Soviet trade unionists and trade union leaders as ineligible for visas is to impose restrictions on one segment of Soviet citizenry which applies to no other.

Respectfully yours,

VICTOR G. REUTHER,
Director, International Affairs Department.

STATEMENT BY UAW PRESIDENT WALTER P. REUTHER ON BEHALF OF THE INTERNATIONAL EXECUTIVE BOARD OF THE UAW—PRESENTED TO THE AFL–CIO EXECUTIVE COUNCIL, WASHINGTON, D.C., JUNE 16, 1966

The question before the Executive Council of the AFL–CIO is not a matter of personalities. It is a matter of policy and democratic procedure.

The leadership and the membership of the UAW, like many other Americans, are deeply disturbed about the growing negative character of AFL–CIO policy in the field of international affairs, of which the withdrawal of AFL–CIO delegates from the current International Labor Organization (ILO) Conference is but the latest expression.

The UAW International Executive Board believes that the action of the AFL–CIO delegates in walking out of the ILO Conference was unwise, undemocratic and unfortunate, and was a distinct disservice to the AFL–CIO, to the free world labor movement, to our nation, and to the cause of international understanding, peace and freedom.

The ILO was created on the initiative of the American labor movement and is a specialized agency of the United Nations. Affiliation with the ILO and full participation in its work have been the historic policy of our movement, because it provides a mechanism through which American labor can advance the cause of free trade unionism, social justice and democracy throughout the world.

In June 1955, when the U.S. employers were threatening to walk out of the ILO because of the application for admission by delegates from the Soviet Union, President George Meany of the AFL correctly stated:

"We are not going to walk away from the ILO. We are not going to fall into a Soviet trap and aid them in destroying this organization."

George P. Delaney, at that time AFL worker representative to the ILO, was reported on June 10, 1955 in the *AFL News-Reporter* to have stated in response to the threatened walkout by U.S. employer delegates:

"I can conceive of many reasons why the men in the Kremlin would like nothing better than to see the U.S. out of the ILO."

In 1960 Rudolph Faupl, a U.S. worker delegate to the ILO, in a foreword to a published case study of experience in the International Labor Organization by Alfred Fernbach, stated:

"One thing is certain. We will not win the support of the representatives of the newly independent uncommitted nations by trying to run away from the ideological battle with the Communists. The free employer representatives in the ILO seem to have had the idea that if you somehow ignore the Communists they will just go away. They are learning the hard way that the Communists are not easily discouraged by cold shoulder treatment."

Monsignor George Higgins, Director of the Social Action Dept. of the National Catholic Welfare Conference, in his column for release June 13, 1966, wrote:

"Apparently the (Johnson) Administration thinks—as Meany put it when the shoe was on the other foot—that boycotting the ILO for the reason alleged by the labor delegation is a most unfortunate and obviously self-defeating way of fighting communism. I think the Administration is dead right, and I sincerely hope that, by the time this column appears in print, the U.S. labor delegation will have decided to call off its boycott. The opposition of our labor delegates to communism does them credit, but boycotting the ILO (unless there is considerably more to this controversy than meets the eye—strikes me as being an ineffective, not to say a silly way of fighting communism. Indeed I think it could be argued persuasively that the election of a communist as chairman of the current ILO conference in Geneva is, if anything, an added reason for active U.S. participation in the meeting.

"In summary, then, I would say that if the U.S. labor delegates go through with their boycott, they will be cutting off their own nose to spite their face. And nothing, I should think, could possibly please the communists more, for, in the absence of the U.S. labor delegations, they can the more easily and the more successfully use the ILO as a sounding board for their own propaganda."

The walkout of the AFL–CIO delegates from the ILO Conference has isolated the American labor movement and further strained our relationship with the other democratic free trade union organizations whose delegates stayed in the ILO Conference. No other delegates of the Free World, whether worker delegates, employer delegates or government delegates, walked out.

Does the action of the AFL–CIO delegates suggest that all of the other representatives from democratic nations, whether worker, employer or government delegates, have compromised their principles or are less committed to the principles of democracy and human freedom?

To think thus is obviously dangerous nonsense.

Following the establishment of the United Nations in 1945 the ILO was reorganized as a specialized agency of the United Nations and invited into membership all nations which qualified under the United Nations Charter, including the Soviet Union and other Communist nations.

Responding to this broadened membership within ILO, the American labor movement continued its participation in and support of the ILO.

This basic policy decision was reinforced in 1955 when the American labor movement urged the U.S. employer delegates to stay in the ILO as the only effective means of meeting the Communist challenge.

This sound policy has been repeatedly reaffirmed by official AFL–CIO Executive Council and Convention action.

Having made the decision to participate in the ILO, the American labor movement as well as all other parties were morally obligated to accept the results of the democratic process in the ILO even when it was not to their liking.

It is a gross disservice to democracy for delegates to work out of an ILO Conference merely because the result of an election—about which no question of impropriety has been raised—is not to their taste. This is precisely the kind of action for which American labor has in the past justifiably condemned the Communists.

The unwise and undemocratic decision to walk out of the ILO Conference can be best judged if applied to the United Nations itself. If the official representatives of the United States Government were to walk out of the United Nations Security Council each time the representative of the Soviet Union assumed the chairmanship, or were to walk out of the General Assembly or any special agency of the United Nations whenever a person not to our liking is elected to the chairmanship of such body, we would in fact destroy the United Nations which is man's last and best hope for peace and survival.

The question of the withdrawal of the AFL–CIO delegates from the ILO Conference in Geneva is a matter totally unrelated to the question of the American labor movement's uncompromising opposition to Communism and all other forms of totalitarianism. The UAW yields to no one in its opposition to Communist tyranny. UAW leadership and membership have fought and resisted Communism within our own Union and within the American labor movement. We are expending great effort and resources in helping to build democratic trade unions throughout the world in order to raise living standards and to resist Communism and all other forms of tyranny.

The UAW is fully aware that, in the absence of democracy, so-called unions in the Communist countries are not free and independent representatives of the workers but rather instruments of their governments. This has been true since Communist nations first affiliated with the ILO and it is true today. The UAW shares the view that the cause of human freedom will be advanced, not by isolating ourselves from the hundreds of millions of people now under Communist domination, but rather by promoting relations with them that will enable us to demonstrate the superior value of democratic institutions.

We share a deep faith in the values of freedom and our democratic institutions and we believe that these values, the values of free men, are equal to the test of competition with Communism or any other form of totalitarianism.

The real significance of the AFL–CIO walkout from the ILO Conference must be evaluated in the broader context of the world in which we live and in which the leaders of our nation, in cooperation with others, are desperately searching to find means by which we broaden understanding, minimize world tensions, and effectively meet the problems of nuclear proliferation in the hope of achieving a durable peace.

John F. Kennedy, in his persistent pursuit of peace, understood the compelling urgency for reducing world tension when he stated before the U.N. on September 25, 1961:

"Mankind must put an end to war or war will put an end to mankind."

Pope Paul VI, in his historic address before the United Nations, on October 4, 1965 stated:

"Strive to bring back among you any who have separated themselves, and study the right method uniting to your pact of brotherhood, in honor and loyalty, those who do not yet share in it. Act so that those still outside will desire and merit the confidence of all; and then be generous in granting such confidence."

* * * * *

"If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms. Those armaments—especially those terrible arms which modern science has given you—long before they produce victims and ruins, nourish bad feelings, create nightmares, distrust . . ."

* * * * *

"No more war, war never again! Peace, it is peace which must guide the destinies of peoples and of all mankind."

In this spirit, President Johnson, before the U.N., committed our nation to the task of building bridges of understanding with the governments and the peoples of the world in an effort to move the world away from the dangers of nuclear war and self-destruction and toward the achievement of peace among the family of nations.

The walkout of AFL–CIO delegates undermines and runs counter to the spirit of this national effort and national commitment and it is for this reason that the UAW International Executive Board is deeply disturbed and urges the AFL–CIO to instruct its delegates to return to and to participate fully in the work of the ILO to the end that the AFL–CIO can make its contribution in cooperation with others to extend the frontiers of social justice and to make peace and human freedom secure.

The UAW International Executive Board is in sharp disagreement with the decision to boycott the ILO, which marks a sharp break and reversal of a long-standing policy of the AFL–CIO. We are equally in disagreement with the failure to respect and carry out democratic procedures in the making of this decision.

The free labor movement, like a free society, can achieve unity in diversity only if the democratic process is respected. This democratic process requires consultation, discussion and free and full debate in the determination of all basic policy matters. This essential democratic procedure was totally ignored in this situation.

A free labor movement belongs to all of its members and is not the private property of anyone. No other democratic trade union organization participating in the ILO followed the AFL–CIO example of boycotting the ILO Conference. It is moreover inconceivable and unthinkable that any democratic labor organization would make such a fundamental trade union decision with such far-reaching implications without prior consultation, deliberation and discussion among its leaders.

The leadership of the UAW first learned of the AFL–CIO boycott of the ILO Conference from a public statement by an AFL–CIO staff member in Geneva, which appeared in the Detroit press Sunday, June 5, 1966.

In the last twenty-four hours, the UAW has learned from authoritative sources that the boycott of the ILO by the AFL–CIO had been under consideration by the AFL–CIO headquarters for approximately a week prior to the walkout and it is, therefore, evident that there was ample time for consultation and discussion with the leadership of the AFL–CIO before any final decision was taken.

The UAW International Executive Board expresses its deep disappointment and concern about this unwise action of withdrawing from the ILO and we vigorously protest the violation of the democratic process within the AFL–CIO.

As an autonomous affiliate of the AFL–CIO, representing approximately 1,600,000 members, the UAW declares its intention to exercise is full democratic right to express its views on all policy matters, both foreign and domestic, that relate to the welfare of UAW members and the well-being of our nation.

SEPTEMBER 1, 1970.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: On August 24, 1970, the Senate voted to cut the appropriation for the State Department previously passed by the House by $3,700,000 representing monies which the United States is legally obligated to pay under the Constitution of the International Labor Organization (ILO).

On behalf of the UAW, I am writing to you and the other Conferees who will have the responsibility for reconciling the Senate and House versions of the bill to request urgently that you insist upon restoration of the full amount voted by the House.

Failure to restore that cut would not only be in violation of a legal commitment but would, in addition, jeopardize delicate negotiations in which our government is currently engaged that offer hope of relaxation of international tensions, conflict directly with the position our government has taken with respect to financial obligations to the United Nations, endanger the viability of intergovernmental organizations generally, inflict serious damage upon the ability of the ILO to carry on work in which the United States has an important stake and call into question the good faith and integrity of financial commitments made by the United States.

The Senate's action was precipitated by the appointment of a citizen of the Soviet Union to be one of eight assistant director generals of the ILO, serving under three deputy director generals and the director general of the Organization—in other words, to fill one of 11 posts in the top levels of the Organization, and in the third layer, at that.

It is difficult for me to understand how this can be considered sufficient reason for the action taken by the Senate. Citizens of the USSR fill comparable or more important posts in the United Nations and, I am advised, in all the specialized agencies of the UN, of which the ILO is one, except for the Food and Agricultural organization of which the Soviet Union is not a member. Certainly it cannot be the intention of all those who voted for the appropriation cut in the Senate to cut off our contributions to all these organizations. Why, then, if we can live with high-level Soviet staff members in the other UN agencies, must we take such drastic action when one is appointed in the ILO?

There is no question but that the appropriations cut, if permitted to stand, will embark the United States on an illegal course. That is made abundantly clear by the letter of William B. Macomber, Jr., Deputy Under Secretary of State for Administration printed at page 29879 of the CONGRESSIONAL RECORD for August 24, 1970. He pointed out that approval of the Constitution of the ILO by the Congress has the effect of a treaty under which the United States has undertaken a legal duty to pay assessments representing its share of the expenses of the ILO. He noted, also, that at the urging of the United States, the World Court had upheld the legal validity of similar assessments levied by the United Nations. The World Court ruling concerned the failure of France and the USSR to meet their obligations for financial support of the UN's peace-keeping operations—a matter which the United States is still attempting to resolve. Thus, if the Senate action should stand, while working to carry out the ruling with respect to the UN, we would be flouting it in the ILO.

Most serious, in my opinion, is the danger that the Senate action poses for the delicate negotiations in which the US and the USSR are currently involved concerning the Middle East and the proposed SALT agreement. These negotiations represent the first signs in a long time that there may be hope of relaxing tensions between the superpowers that, if continued, would threaten disaster to all mankind.

The reaction of the Senate to the appointment of a Soviet citizen to a post in an international organization would hardly be expected, in any event, to smooth the course of those negotiations. When, in addition, the vote of the Senate, if not reversed, would commit the United States to violation of a treaty obligation, the Soviets might well ask themselves what the value is of commitments made by a government that takes its obligations so lightly.

Moreover, if the appropriations cut is not restored, the viability of all intergovernmental organizations will be placed in jeopardy. No affiliate of any such organization is apt to be happy with every appointment made to its staff. If distaste for particular appointments were to become universally accepted as a reason for refusal to meet financial obligations to international organizations, no such organization would survive for very long. With the disappearance of such organizations—which are mechanisms for communication and cooperation among governments in the common interests of their peoples—would go one of humanity's last, best hopes for a just and peaceful world.

While the inviolability of commitments to support international organizations is a principle that must be upheld with respect to any such organization to which the United States voluntarily adheres, it is particularly distressing to our Union that the Senate proposes to breach the principle with respect to the ILO. It is now widely recognized that, aside from humane reasons, it is in the interests of the United States to promote the most rapid improvement possible in the living standards of workers throughout the world. Otherwise, as the nation with the world's highest living standards, we shall always be in danger of unfair competition on world markets based upon substandard labor conditions. The ILO was created for

and is dedicated to the purpose of improving labor standards on an international scale. The ILO has not done everything we would like to see it do in that regard. But, aside from direct union action which is not possible in all countries, it offers the best means available to eliminate or at least minimize exploitation of labor as a competitive factor in world trade.

For the reasons set forth above, to which a great deal more could be added, I earnestly hope you will work in Conference to restore the full appropriation for the United States contribution to the ILO.

Sincerely yours,

LEONARD WOODCOCK,
President, International Union, UAW.

FREE LABOR MEETS KHRUSHCHEV: TEXT OF INTERVIEW WITH PREMIER NIKITA S. KHRUSHCHEV, SAN FRANCISCO, CALIF., SEPTEMBER 20, 1959

(NOTE.—Besides Walter P. Reuther, American participants included James B. Carey, President of the International Union of Electrical Workers, and George L. P. Weaver of the IUE; Joseph Curran, President of the National Maritime Union; Karl Feller, President of the International Union of Brewery Workers; O. A. Knight, President of the Oil, Chemical and Atomic Workers International Union; Paul Phillips, President of the United Paperworkers of America; Victor Reuther of the UAW; and Emil Rieve, President Emeritus of the Textile Workers Union of America. Premier Khrushchev was accompanied by Foreign Minister Andrei Gromyko; Mikhail A. Menshikov, Soviet Ambassador to the United States; and other Soviet officials.)

Chairman Khrushchev and his party appeared in the Golden Empire Room exactly at 8 p.m., as previously arranged.

As the group went to the dining table, President Reuther pointed out to Mr. Khrushchev that it had been discovered that the table legs fell precisely at the center of the oval therefore he had shifted Mr. Khrushchev slightly to the right.

Mr. REUTHER. Even though I have shifted you to the right, Mr. Chairman, I assure you there is no political significance in it.

Mr. KHRUSHCHEV (laughing). No matter how much you move me, I will still hold to a basic Communist position. Everything is fluid and everything progresses toward Communism.

Mr. CURRAN. Has this part of your journey been fairly restful?

Mr. KHRUSHCHEV. What do you think?

Mr. CAREY. We are impressed by the statements you are said to have made at the Lincoln Memorial in Washington. We are afraid, however, that you may have seen too many bankers and businessmen.

Mr. KHRUSHCHEV. That is because you didn't want to meet me. (Laughter.)

Mr. REUTHER. Tell the Chairman we are happy he is going to the Garst farm. He must understand that here we eat corn as well as feed it to cattle. When my brother and I were in the Soviet Union in 1934 we went down the Volga to the Dongas and to Yalta and Batum and to Baku.

I'd like to tell this little story. We know you have made great progress in terms of food since we were there in the early thirties. In the stores there was always one kind of canned goods we could readily buy—Amerikanski corn, because the Russians did not eat corn. When we got to Baku we bought four cans of corn, took it home and found it was pork and beans. The cans were so old the labels had worn off. We went back and asked for eight more cans, specifying we preferred ones without labels. The man at the store said it was the same with the paper or without the paper, so we got eight without labels. We again found they were all pork and beans and as a result we lived like capitalists for a while. I bet they still don't eat corn to any extent in Russia.

Mr. KHRUSHCHEV. Not much. Some of our northerners can't conceive of eating corn. Some tried to eat it raw and found it impossible.

Mr. REUTHER. In Iowa you'll see big corn and we hope you will be able to use our techniques to raise more food and therefore raise living standards.

Mr. KHRUSHCHEV. That is so, and we thank you. But we want you to know we are at no lower level than the U.S. on corn growing.

Mr. REUTHER. Your major problem is with meat?

Mr. KHRUSHCHEV. Our hybrid corn is no worse than yours. Garst knows that. What we need is to extend the growing of corn. Now we are extending limits up to the farthest north. We now want to devote one-third of the land of those northern areas to corn.

Mr. CAREY (laughing). By the way, this chicken is corn-fed.

Mr. KHRUSHCHEV. I once said that to take away corn from Americans would be to starve them to death.

Mr. CAREY. No, not that, but certainly it's one of our most important grains, President Curran, here, of the Maritime Union, knows that. He raises cattle and knows the importance of corn.

Mr. REUTHER. I worked in the technical division of the Gorky auto plant. I trained Russians to do what I did in Detroit. I worked eighteen months and then made an 18,000-mile tour from one end of Russia to another. So I saw Soviet Russia during that period quite clearly. (Krushchev inquired about an engineer at Gorky who had worked at Ford, now a U.S.S.R. minister.)

Mr. REUTHER. What is the production in the Gorky auto plant these days?

Mr. KHRUSHCHEV. I don't think I could even suggest any figure.

Mr. CURRAN. In 1945, when I went through the Gorky plant, they were making chiefly trucks then. I sailed to your country in the early thirties, bringing Ford motor equipment and other materials to Russia.

Mr. KHRUSHCHEV. I remember in 1922 a group of United States workers came to the mines where they worked with their own tools. Fine men. A lot left when they saw the conditions.

Mr. REUTHER. I grew up in West Virginia, in a coal mine country and came to know mines, and I have been into mines all over the world. I paid special attention to the mines in the Donbas.

Mr. KHRUSHCHEV. The Donbas mines are the most difficult for workers.

Mr. REUTHER. Like the most difficult mines for the British workers that extend out under the seas. One thing we must do, most of all, in the future, is to harness the atom for peace and get all of the miners out of the earth.

Mr. KHRUSHCHEV. Our scientists tell me we are approaching that. They want to produce coal by utilizing the hydrogen atom.

Mr. REUTHER. This is a venture in which we would favor a mutual effort to pool the abilities and scientific knowledge of all nations.

Mr. KHRUSHCHEV. A very noble goal.

Mr. CAREY. We are familiar with the speech that the Chairman made at the United Nations and your splendid comments at the Lincoln Memorial. We are familiar with the eloquent speech you delivered to the U.N. General Assembly on disarmament. We are also familiar with the history of the past efforts to get agreement on effective control measures, which we of labor consider to be at the heart of the disarmament problem. Will you tell us what specific implementation you have in mind with respect to enforcement of any disarmament agreement?

Mr. KHRUSHCHEV. What is it you have difficulty understanding?

Mr. CAREY. It appears now that 25 per cent of Soviet production goes for military purposes, and 8 per cent to 10 per cent of U.S. production goes to military services. All nations of the world are spending now about $100 billion a year for military purposes. Of this, the U.S. spends about $40 billion a year, and the Soviet Union spends about $40 billion. The rest of the world spends about $20 billion. Certainly with disarmament a large percentage of this could be devoted to development of underprivileged nations and areas.

Mr. REUTHER. I think we can all agree that the most pressing problem is how we can preserve the peace. We all understand that the United States and the Soviet Union have produced the kind of weapons that make war inconceivable, that make war now a question simply of human survival. The question today becomes, what will we do in a practical sense. The only war America wants to fight is war against poverty, hunger, ignorance, and disease. It's the only war mankind can win

The Chairman has said repeatedly that he believes in no interference in the internal affairs of the United States and the kind of government we prefer to live under, and we share that feeling about the kind of government the Russians may prefer to live under. We think the people of Russia have a right to choose their own government and all other people should have the same right.

Therefore, as we see it, the "cold war" is not an attempt to change each other's systems of government, but to influence those that are uncommitted. Therefore, I want to ask the Chairman, is the Soviet Union prepared to contribute to the ending of the "cold war" by joining the United States and other countries through the United Nations in a cooperative effort to aid the underprivileged nations to abolish poverty and ignorance?

Mr. KHRUSHCHEV (talking very quietly and into his napkin). In our proposal, which I submitted on behalf of the U.S.S.R., it is made clear that the outlays on armaments would be greatly reduced and a certain percentage of the reduction switched from the amount saved to the under privileged countries.

Mr. REUTHER (reminds Khrushchev of a proposal Reuther submitted to the President of the United States in 1950 and passes a copy to him). It seems to me that if we wait for disarmament to start we lose great opportunities. Our proposal would create the better climate in which disarmament could be carried forward faster and more effectively.

Mr. KHRUSHCHEV. I am not familiar with your program so at this moment I cannot comment on it. But we are not waiting for disarmament to render this economic aid to needy nations.

Mr. ADZHUBEI (editor of *Izvestia*). We already render such aid through the United Nations and through the various funds, medical and food funds, and we have bilateral agreements to aid underprivileged countries. For example, we have contributed our designs and our equipment to chemical and pharmaceutical plants in India. (He continued to cite the Arab countries, Indonesia, Ethiopia and other who received Soviet aid. He placed emphasis especially on the thousands of students who are brought to Russia as part of the aid program.)

Mr. CAREY. Let us go back for a moment. When there is such a tremendously high percentage of the national incomes of both countries spent on military preparations, doesn't it become more and more demanding that we find a formula of control and inspection? Your country is spending $40 billion a year on the military, our country is spending $40 billion a year. If there were a completely safe inspection and control system how much more aid could we provide to the underprivileged countries of the world?

Mr. KHRUSHCHEV. We agree. And that's why we submitted our proposals.

Mr. REUTHER. There's no value in this, just going around the barn, as we seem to be now. I am familiar with the steel plant in India and other enterprises. When you do it, it's part of the "cold war." When we do it, you charge it's capitalist imperialism. Why can't we do it together? Through the U.N.? Do it together for their benefit, not for our separate advantage.

Mr. KHRUSHCHEV. We don't agree.

Mr. REUTHER. Why not?

Mr. KHRUSHCHEV. America has now surrounded us with military bases, alliances such as NATO and SEATO, and by these means the United States wants to obtain world domination. In the United Nations we are always outvoted. Thus it would be up to the United States to decide how the money would be used.

Mr. REUTHER. How about a U.N. commission with equal representation? Equal representation of Russia and the United States and U.S. friends and Soviet friends.

Mr. KHRUSHCHEV. That would already be progress, but it won't be accepted.

Mr. REUTHER. Why not expose the two positions to public air? That's what we do with unreasonable employers.

Mr. KHRUSHCHEV. So long as we are surrounded by U.S. bases, we can have no agreement on this.

Mr. REUTHER. Why can't we work together to fight poverty and hunger with the U.S. entitled to no advantage, and the U.S.S.R. entitled to no advantage?

Mr. KHRUSHCHEV. But we do take part in these programs.

Mr. REUTHER. You do it unilaterally, and that's the basis for the charge that you are penetrating economically and subverting politically.

MR. KHRUSHCHEV. When the U.S. sends arms and creates bases, what kind of penetration is that?

MR. REUTHER. But what we are proposing here is an equal commission with equal control. After all, most of the people who are hungry are workers and peasants.

MR. KHRUSHCHEV. Unilateral bread has no smell. If it has a Socialist smell, it is a pleasant smell.

MR. REUTHER. If it's politically motivated, it's not a pleasant small.

MR. KHRUSHCHEV. We've sent to Yemen thousands of pounds of wheat. That's not a Socialist country.

A few words more on the preceding subject, one more motive in my United Nations speech. The United States exploits the wealth of other countries, underdeveloped countries, for profits. England and France do the same. They exploit the wealth of countries that need aid. We do not exploit any country—we only engage in trade.

MR. REUTHER. You exploit the workers of East Germany.

MR. KHRUSHCHEV. Where did you dream that up?

MR. REUTHER. If you don't exploit them, why should 3 million of them cross the border into West Germany?

MR. KHRUSHCHEV. You are feverish. (Several voices interchanging across the table.)

MR. REUTHER. The workers in West Germany are free.

MR. KHRUSHCHEV. We are free, too.

MR. REUTHER. Do you have credentials to speak for the workers of the world?

MR. KHRUSHCHEV. Do you have credentials to poke your nose into East Germany?

MR. CAREY. This is part of our difficulty: the fear of the Chairman that the United States actually wants to dominate the world.

MR. KHRUSHCHEV. Not just wants—striving!

MR. CAREY. And the other way around, there is the fear in the United States, based on much evidence, that the Soviet Union wants to dominate the world.

MR. KHRUSHCHEV. The Soviet ruble does not kow-tow to the American dollar. [At this point, Khrushchev raised his voice loudly and vehemently.] You have been spoiled by everyone bowing down, by everyone cringing and crawling.

Mr. CAREY. It is a privilege having this sort of discussion. We have been given reason to wonder whether the Chairman's U.N. speech was chiefly for propaganda purposes. I want to reemphasize that unless we can find some way to implement the Chairman's disarmament proposals then we might have to start hunting all over again. A reduction in the $40 billion military budget of the Soviet Union and our $40 billion budget, that reduction could be devoted to helping underprivileged nations as the Chairman cited as the most desirable objective.

Mr. KHRUSHCHEV. It is not $40 billion, but $25 billion, and that's no small sum either. I, as a former miner, have to say that I pity you as representing the working class, but your thinking is not of the working class. When Hearst says it, I am not offended. But when a representative of the workers says it, it is different.

Mr. REUTHER. The key is universal inspection and control, and to stop hydrogen bomb testing. We expect the same conditions as you expect. We believe that neither nation should be treated as a second-class power. Why can't you agree?

Mr. KHRUSHCHEV. Why are you so familiar with the Dulles arguments and not with the Khrushchev proposals?

Mr. CAREY. Dulles is dead.

Mr. KHRUSHCHEV. We say what we are saying because we have already clarified these issues.

Mr. REUTHER. You will not agree to universal inspection and control?

Mr. KHRUSHCHEV. Have you been asleep all the time? That is what we are for. I am sure you haven't read my speech.

Mr. CAREY. Yes, we have read your speech, and other propaganda. But we failed to find the basis for implementing the proposals.

(Knight again raised the self-determination question.)

Mr. KHRUSHCHEV (interrupting): I've never liked fleas when they jumped all over.

Mr. REUTHER. We would prefer not to jump all over. We would prefer to exhaust one question at a time, but it's all a matter of time. Tell the Chairman we will go slower if he has the time.

MR. VICTOR REUTHER. The Chairman has said he wants to talk to workers, and there are workers' representatives.

MR. REUTHER. How much time will the Chairman be willing to give?

MR. CAREY. We want to be considerate of our guest but . . .

MR. KHRUSHCHEV. 10:30, another hour. Disarmament is the question of questions, and if you misunderstand this there is almost no way out. What the Americans propose is control first, and then disarmament. What does this mean? Nothing! Let us station our bases in Mexico and Canada, then maybe you will have an understanding.

(There was a fast two-or-three-minute interchange across the table. At one point Khrushchev, talking at Curran, exclaimed: "How can you open your mouth like that and represent the workers? Do you want a discussion, or is this a bazaar?" At this point Khrushchev became quite excited and pounded the table.)

MR. CAREY. Here is the question on disarmament (passing it across the table) as I have phrased it. We fear there is lack of attention being given by you and your colleagues to the whole question of inspection and control.

Mr. KHRUSHCHEV. I would like to tell you, gentlemen, so long as America continues to manifest a high-handed attitude toward other people there can be no agreement.

MR. CURRAN. We ought to talk sense here, and we're not talking sense yet. I don't want to be confused with statesmen. I am a worker speaking for workers and I'm pretty sure the rest of the guys here do.

(Rieve raised the question of Socialism versus Communism, and particularly public ownership under capitalism, pointing out that social ownership is compatible with the highest forms of political democracy as practiced in Scandinavia.)

Mr. KHRUSHCHEV. There is a different understanding between us. Capitalist countries can own production and it doesn't make them Socialists.

MR. REUTHER. It is more than a matter of degree. We think that the country in the free world nearest to democratic socialism is Israel. Yet the Russian attitude toward Israel has been most unfriendly.

Mr. KHRUSHCHEV. We don't have an instrument that could measure the Socialism there. (He tossed his head almost disdainfully here.)

Mr. REUTHER. You haven't been there, I have been there, and I have seen how Histadrut, the magnificent Israel labor movement, which owns 60 per cent of the production, supports the nation and aids its progress.

Mr. CURRAN. I appreciate the Chairman's fatigue. (Here came a heated interchange with Khrushchev, for the most part, apparently, over the interpretation of fatigue.)

Mr. REUTHER. Mr. Chairman, you are agitated again. You don't even understand a friendly question. Curran was inquiring about your weariness after a tough schedule.

Mr. CURRAN. Please accept my apologies. I was asking about your tiredness from your journey.

(Curran, returning to issues under consideration, mentioned his sailings to Russia in 1945. Curran's question was "Specifically, will workers be permitted to exercise freedom to secure redress of their grievances by the only test of industrial democracy, the right to strike, the right collectively to withhold their labor power? When will workers be able to negotiate agreements in Russia, including the right to strike?")

Mr. KHRUSHCHEV. I quite understand you, but you do not understand anything of the workings of the Socialist system. I do not want to offend you—You just do not know, you have not been there. You measure everything by U.S. standards. What I like about you is that you do have a class sense, that feeling, yes, they do have those rights. [Presumably this refers to the right to negotiate agreements and strike.] I understand your question. The working class does have the juridical right to strike. Does the worker have the right to exercise the right to strike? Yes. Have there been strikes since the October Revolution? Yes, I spoke at some of the strike meetings. Are there strikes now? No. Because workers and unions and the government have one thought, because in what other country would the government announce that wages would be raised and the working day reduced without pressure? In capitalist countries they would need to fight for this.

I would think that if our disarmament proposals were accepted—we are now planning a six-hour day in 1964—we could immediately reduce it to a six-hour day and raise wages. Our workers are all organized in unions and they are learned and they know the economic conditions and the economic possibilities in our country.

Mr. CURRAN. But in spite of that, knowing economic conditions and possibilities, do they have the right to strike?

Mr. KHRUSHCHEV. Juridically, yes.

Mr. REUTHER. I grew up in a working-class home in West Virginia.

(Interruption by Khrushchev, with hand waving.)

Mr. REUTHER. Is he afraid of my questions?

Mr. KHRUSHCHEV. I am not afraid of the devil and you're a man.

Mr. REUTHER. I worked with the anti-Hitler underground in Germany before going to

Russia. What bothers me about your social system is not that you're not making economic progress for the workers and peasants. You're making tremendous technical progress. And I know all about your rationale of workers not striking against themselves. But the Chairman himself exposed—in his exposure of Stalin's crimes—the cult and power of an individual. How could the worker in that period get justice if he would not strike or publicly protest?

Mr. KHRUSHCHEV. His trade union.

Mr. REUTHER. The union is an extension of government, the Soviet government. Does a union ever disagree with the government? Can you give us one single example in which one of your unions ever disagreed with government policy?

Mr. KHRUSHCHEV. Why poke your nose into our business?

Mr. REUTHER. Freedom is everybody's business. You are always expressing a concern for the workers of Asia. There is a thing called international labor solidarity. When I was in Russia I was a member of a union, and it was what we would call a company union.

(Fast and frequently indignant interchanges between the Chairman and the labor side of the table, too fast to be recorded.)

Mr. REUTHER. Every time we push a sharp question, the Chairman gets angry.

Mr. KHRUSHCHEV (Getting red in face, and just slightly loud). And what we call what you represent—capitalist lackeys.

Mr. REUTHER. Every time I ask a question he has no answer for he gets angry.

Mr. KNIGHT. Mr. Chairman, since it took me so long to get the floor, I want to exercise my democratic rights and ask two questions. Mr. Chairman, you have made repeated statements regarding self-determination and the freedom of people from outside interference.

We agree with you on both of these principles. However, we cannot understand, since you say you favor the right of the German people both East and West to decide for themselves on unification, how do you visualize the German people making this decision since you continue to oppose a free and democratic vote by the German people on this issue?

My second question is, in view of your statements favoring self-determination and noninterference in the internal affairs of other nations and your statements supporting peaceful coexistence, how do you reconcile these statements with the harsh military suppression of the Hungarian Freedom Fighters by the Soviet military powers?

Mr. KHRUSHCHEV. The Capitalists have certainly trained some very good cadres. May I just voice my thoughts aloud! Do you know anything about Germany? Have you ever been there? The German Democratic Republic is based on the most democratic foundations. There is no private ownership of the means of production.

Mr. KNIGHT. If it is on the most democratic foundations, then they should not be afraid of a democratic election.

Mr. REUTHER. In Eastern Germany there is only a one-party system.

(Interchange of ten voices.)

Mr. KNIGHT. Why do you oppose a democratic vote for reunification of Germany?

Mr. KHRUSHCHEV. It depends not on me but on the two Germanies.

Mr. KNIGHT. But you take a position against democratic reunification in your propaganda throughout the world.

Mr. KHRUSHCHEV. Tell me where I said that Hungary has its own constitution and laws, and is freely developing.

Mr. KNIGHT. Why did the Russians interfere in Hungary?

Mr. KHRUSHCHEV. There was no interference. There was a counterrevolution, thugs and hooligans who receive arms from outside and took power in Budapest. And the government asked us for aid and we gave it, and we're proud of it. We are proud of it as a feat. There would be Fascism there if we had not.

Mr. REUTHER. Was Nagy a Fascist, I thought he was a Communist?

Mr. KHRUSHCHEV. Don't mix things with dirt. (Exchanges around the table.) Have we exhausted the Hungarian question?

Mr. CAREY. We have touched on it; we have certainly not exhausted it.

(Phillips brought up the question of radio jamming of Radio Free Europe and Voice of America.)

Mr. KHRUSHCHEV. What do you prefer to have for dinner? [Looking at Phillips] What is your favorite dish?

Mr. PHILLIPS. Probably roast beef.

Mr. KHRUSHCHEV. I, borscht . . . You continue to enjoy roast beef, and I, borscht.

Mr. REUTHER. But you prescribe and insist on borscht for all.

Mr. KHRUSHCHEV (rising to his feet at 10:22 p.m.): If you don't read what I have stated, what can I expect?

Mr. REUTHER. You advocate more trade. How come you oppose a free flow of ideas?

Mr. KHRUSHCHEV. As head of the working class I will protect workers from capitalist propaganda.

(At this point, unexpectedly, Khrushchev, still on his feet, gave a burlesque demonstration of his idea of the can-can he witnessed during the Hollywood rehearsal of the forthcoming film *Can-Can*. He turned his back to the table, bent downward, flipped his coat up and gave an imitation of the can-can.)

Mr. KHRUSHCHEV. This is a dance in which girls pull up their skirts. You're going to see that, we are not. This is what you call freedom—freedom for the girls to show their backsides. To us is pornography. The culture of people who want pornography. It's capitalism that makes the girls that way.

(Khrushchev still on his feet while saying this.)

Mr. PHILLIPS. Does the Chairman think that the girls should be prohibited by law from showing their backsides?

Mr. KHRUSHCHEV. There should be a law prohibiting the girls from showing their backsides, a moral law.

Mr. CAREY. I may not see it, I may not want to see it . . .

Mr. KHRUSHCHEV. Your children will go to see it.

Mr. REUTHER. Perhaps it was a stupid movie—it was stupid of them to show it to you. But that has nothing to do with our question of why not a free flow of ideas between our countries.

Mr. KHRUSHCHEV. Why don't you want to trade with us? The sausage tastes the same in all countries.

(Khrushchev referred to the press conference statement by Georgi A. Zhukov on cultural exchange.)

Mr. CAREY. I will read this press statement and I'm sure that all of our colleagues will follow it up.

Mr. SATYUKOV (editor of *Pravda*). We printed in *Pravda* in full Reuther's statement at the unemployment conference in Washington. We didn't change a word, but at the same time the New York papers said that it was a Red scheme. We wrote back in *Pravda* there was no collusion between us and Reuther. The Voice of America didn't broadcast it. If it did, we wouldn't jam it.

Mr. REUTHER. No, you wouldn't because that report on unemployment would reflect upon us. But why didn't you and why don't you publish my May Day speech of this year in West Berlin? I invite you to publish and broadcast that speech.

Mr. KHRUSHCHEV. We only publish speeches that contribute to friendly relations between countries.

Mr. REUTHER. There were at least 600,000 workers who heard my speech in West Berlin, and I am certain that my speech was far less provocative than the May Day speakers in the Eastern Sector of Berlin.

Mr. CAREY. I think the Chairman answered the question, in part, in his reply to Spyros Skourus. Actually Skourus knows little about the problems of unemployment in the United States.

Mr. REUTHER. The record of struggle of U.S. unionism stands for itself. Personally, I have been shot and beaten. I have been criticized by the reactionary press as a Moscow agent and by you as a lackey of Wall Street.

Mr. KHRUSHCHEV. Without sharp edges, I would like to ask whether we cannot find a common approach. But we think differently. We pity you.

Mr. REUTHER. We don't want your pity.

Mr. CURRAN. Maybe the word he wanted was sympathize. Pity is a bad word. We don't want his pity.

Mr. KHRUSHCHEV. We are progressing toward Communism. You want to strengthen capitalism.

Mr. REUTHER. We are interested in how best to advance the interest of the workers under freedom. We disagree on how best to advance the interests of the workers.

Mr. KHRUSHCHEV. You have your point of view; we have ours. They are irreconcilable.

Mr. REUTHER. Why can't we believe in our system of individual freedom without your feeling it is a necessity to say we are betraying the workers?

Mr. KHRUSHCHEV. We did not come to this meeting to aggravate our relations. They are bad enough as they are. Let's not raise questions that disunite us. Let us join our efforts for peace. Let us not be hotheaded. Questions like Hungary are pinpricks. What good do they do? Suppose we raised the question of Guatemala?

Mr. REUTHER. We criticized the situation in Guatamala but the most important fact is that no one in Russia could or did criticize your intervention in Hungary.

Mr. CAREY. We are making some progress, however, when we can have meetings like this. This is more pointed than any discussion we have had in recent years. If this kind of discussion is continued it holds some hope for the future.

Mr. FELLER. Mr. Chairman, I cannot understand since the Communist party proclaims itself to be the liberator of the working class, yet we see mass exodus of workers in other countries following the Communist seizure of power. You have the example of 3 million workers fleeing from East Germany to West Berlin, and about 3 million fleeing from North Korea to South Korea, and, as mentioned a moment ago, 300 or so thousands of Hungarians braved arrest and death in escaping to freedom.

Mr. Khrushchev, can you tell us of a single instance where, following Communist seizure of power, there has been a mass influx of workers from surrounding non-Communist countries into the Communist country? If the Communist party is the liberator of the working class, why don't we see this phenomena?

Mr. KHRUSHCHEV. Is that all? Think it over. Drink your beer. Perhaps that will help you to find the answer to your question.

Mr. FELLER. That certainly is no answer and apparently nothing will make you understand why millions want to escape from Communism.

Mr. KHRUSHCHEV. I've told you, I'm not afraid of the devil.

Mr. CAREY. Wall Street says Reuther is a representative of the devil.

Mr. REUTHER. Wall Street says I am an agent of Moscow, and Moscow says I am an agent of Wall Street.

Mr. WEAVER. I would like to pose this question, Mr. Chairman. In fact, one of the problems as I see it and which you just referred to—for example, Hungary as a "pinprick"—is how do we establish a basis of trust which must precede understanding? Recently I

served as a labor representative at a conference of the World Association of United Nations, in Geneva. At this conference, the U.S.S.R. and the United States delegations agreed on a resolution attempting to diminish the tensions of the "cold war." However, at the same time the friends of the Soviet Union from the Eastern European countries were raising the kind of provocative questions you just referred to, that do not lead to understanding. How do we arrive at a basis of understanding with this kind of attitude? For our people the questions that have been raised here with you this evening must be answered.

Mr. KHRUSHCHEV. It is true that there are many issues on which we differ. Let us have more contacts. We may not solve all the issues at once but through contacts we can begin to settle the little issues which will lead to more progress. Let us not aggrevate our relations. It is only our opponents who will benefit. Do you want to see a change in the social order of our country? No! We don't want to see a change in the social order of your country. I confess I myself have never been a trade union functionary. But why shouldn't you gentlemen visit us? You won't become Communists.

Mr. CAREY. We've been there; we've seen your country, time and again. I've been there three times; our other colleagues have been there.

Mr. REUTHER. It is important that the Chairman understand that changes are occurring here in the United States and that we have people as dedicated to advancing the working class as there could be anywhere else (throwing across the table to Khrushchev U.S. wage rates). How can we say these people are wage slaves exploited by capitalism, making these kinds of wages in America? How can he say that they have nothing to lose but their chains !

Mr. KHRUSHCHEV. We saw what we do in retaliation for what you say about us. Take, for example, Meany's speeches. I read most of them. They sound like Dulles—they sound like Dulles.

Mr. REUTHER. We have our disagreements and we recall you had some disagreement with Molotov. However, when we have disagreements, no one is exiled.

Mr. CAREY. We thank the Chairman. I suggest our guest of honor has been quite generous with his time. We thank you for joining us, and may our two great countries work together for peace and the good of all mankind.

STUDY OF JUVENILE DELINQUENCY PREVENTION PROGRAMS IN WASHINGTON, D.C.

Mr. MATHIAS. Mr. President, juvenile delinquency is one of the most urgent and complicated problems confronting urban society. It is intertwined with virtually all of the social and economic difficulties of our cities, including the failures of urban public education, breakdowns in law enforcement, family dissolution, the persistence of poverty, and shortages of employment opportunities. In many cities today, in fact, it is hard for a young man or woman to grow up right and tragically easy to go wrong.

Washington, D.C., like all major cities, has made many efforts to prevent and combat juvenile delinquency, but can point to relatively few obvious gains. I believe the experience of Washington should be reviewed both for its own sake and as an example close at hand of the difficulties which may be faced by most American cities.

The Committee on the District of Columbia reviewed some aspects of the problem of delinquency while shaping the recently enacted D.C. crime legislation, particularly the badly needed reforms of the juvenile courts. I believe that equal attention should be given to reforming delinquency prevention programs, those efforts intended to help youth before they come within the jurisdiction of the courts.

In considering this field, I found that the first need was a simple inventory of delinquency programs in Washington and the efforts being made to evaluate these programs and to pull them together into a coordinated whole. Last winter the assignment of making such a survey was accepted by Mrs. Barbara Hartman, a 1970 graduate of the Maryland School of Social Work, who was affiliated with my office for several months through the school of Social Work's program of field placements for graduate students.

Given the dearth of written materials on D.C. delinquency prevention programs Mrs. Hartman relied heavily on a large number of interviews with individuals in many public and private agencies and organizations involved in youth programs. Her investigations focused on five specific programs and on a variety of coordinating efforts of the District Government. Perhaps predictably, her study raises more questions than it answers, and provides the basis for many additional inquiries.

Since Mrs. Hartman completed her research last spring, some improvements have been registered, notably in the enactment of major reforms of the juvenile court system and in the continuing reorganization of the District government. Her findings are, however, extremely pertinent and provocative, and I am pleased to make her study available to the Senate and the public.

I ask unanimous consent to include Mrs. Hartman's report in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE PREVENTION OF DELINQUENCY IN WASHINGTON'S URBAN GHETTO

This report is the result of an appraisal of a variety of programs, organizations and agencies in the District of Columbia which are concerned with the prevention of delinquency. The focus is on: 1) the adequacy or inadequacy of the prevention programs which exist; 2) the problems resulting from the proliferation of services for youth; and 3) the need for coordination of these services to increase effectiveness and decrease overlapping of programs.

DIMENSIONS OF DELINQUENCY

Juvenile delinquency contributes disproportionately to crime in the District. The reduction of crime is thus greatly dependent on the city's ability to reduce juvenile delinquency and youth crime. During fiscal year 1968, nearly 40% of the serious crime in Washington was committed by youngsters under 18 years of age. Juvenile crime increased in fiscal year 1969 by 29.4% over fiscal 1968.[1]

The most frightening increase is in the area of armed robberies: There were 183 in fiscal 1968 and 304 in fiscal 1969, an increase of 121. The use of drugs among the teenage population is spiraling upwards at a tremendous pace. Drug arrests of the city's youth in 1967 number 14 compared to 51 in 1968 and 121 in 1969. An estimated 75% of the youth in local high schools have used drugs at least once, and an undetermined amount of experimentation with drugs is carried on in junior high and elementary schools.

[1] *Annual Report, Youth Division of the Metropolitan Police Department,* Washington, D.C. Fiscal, 1969

DEFINITION OF DELINQUENCY

Delinquency has always been a difficult term to define:

The legal definition—"a violation of the law or municipal ordinance by a person under a certain age," includes neglected, wayward and habitually disobedient children as well as truants. Thus, children are labeled deliquent because of home conditions beyond their control. The stigma often does irreparable harm to a child's self-concept.

There is a disproportionate number of low income youth who show up in the official statistics because of the social class variable in how such problems are reported and handled. Comparison of urban and suburban crime becomes meaningless.

Many delinquent acts go unreported, so official statistics tend to be accurate only for the most serious crimes of violence which are nearly always reported.

An increase in the official statistics could reflect an increase in delinquency; but it also could represent a "get tough" approach by the police, Congressional pressure to reduce crime, or increased harassment of minority groups.

For purposes of this report, delinquency will be defined as unlawful behavior whether or not it brings the child to the attention of the police and courts. Official delinquency refers to those youth who come to the attention of the police and thus become part of official statistics.

THE CAUSE OF DELINQUENCY

Numerous studies have attempted to determine the cause of delinquency. A variety of characteristics, psychological and sociological, have been identified as significantly correlated with crime and delinquency—though few studies, if any, have been replicated or are undisputed.

The most common variable linked to delinquency is the emotionally inadequate home which engenders deep conflict in the child. This conflict often expresses itself in neurotic disorder and in delinquency. Emphasis on this factor should not, however, lead to neglect of other factors in the environment or in the personality of the child who becomes delinquent.

This report asks, how do certain programs which propose to prevent delinquency deal with the delinquent or potentially delinquent child? Are they successful? The approach is usually related to what a program's planners consider to be the cause of delinquency. For example, consider two types of approaches—both necessary and both valid.

(1) *The educational and therapeutic approach* places emphasis on identifying the child and family in need of help, and then providing education, casework and therapy directed toward modification of the behavior. It is a traditional approach, basic to programs developed by the more traditional agencies like the Welfare Department and the Public Schools.

(2) *The environmental approach* is based on the belief that delinquency might be prevented by improving unfavorable environmental conditions such as overcrowded nousing, poor schools, lack of jobs and inadequate health facilities. These environmental problems themselves are beyond the scope of this report, but the approach is relevant because the "opportunity theory," recently in vogue, places its emphasis on the environment as well as on the youth who is unprepared to

take advantage of opportunities if they were made available.

The "opportunity theory," devised by Richard Cloward and Lloyd Ohlin,[2] asserts that delinquency is the product of a lack of access to legitimate means and the availability of illegitimate means. Since education is the principal avenue to upward mobility in this country, Cloward and Ohlin noted a number of barriers, cultural and structural, which allow only limited access to the education route for lower class youth.

For example, one structural barrier is the economic one—the high cost of education. For most, college is out of the question. But the cost of high school is almost as prohibitive to many youth. Some are able to withstand the humiliation of lacking money for clothes, school supplies and everyday social activities. Many are not. The most crippling factor, however, is that most lower class youth have no choice but to attend the local public school, with little hope of graduating with anything that can be recognized as an education. The options of private school, or moving to the suburbs are not open to them.

When pressures from unfulfilled aspirations and blocked opportunities become sufficiently intense, many lower class youth turn away from legitimate channels, adopting other means to "success"—to getting money and status in the eyes of their peers. The poor are victims of incompatible demands. Society expects their conduct to be oriented toward upward mobility, and the prospect of wealth. But opportunities are effectively denied through normal institutions. Consequently, there is a high rate of deviant behavior. The apparently permanent quality of the dilemma—that is, the limited jobs available and the increasing requirement of education and technical training, plus racial discrimination—makes the situation all the more acute.

PREVENTION OF DELINQUENCY

Prevention as opposed to control of delinquency refers to measures taken before a delinquent act has actually occurred for the purpose of forestalling such an act. Control is a measure taken after a delinquent act has been committed. Few programs are purely preventive in nature. For example, projects in high delinquency areas usually attempt both to interrupt criminal careers already in progress and to forestall the involvement of new recruits in criminal activities.

The ambiguity of the concept of prevention is one of the main obstacles to discussing prevention meaningfully; to obtaining significant research data; and even to describing existing preventive programs. Peter Lejins, Criminologist at the University of Maryland, identifies three basic types of prevention.

(1) *Punitive Prevention* occurs where the threat of punishment presumably forestalls the criminal act. Supporters of this theory point out that its effectiveness depends on the certainty and severity of punishment. (The D.C. Juvenile Court System with a blacklog of 3,483—June 30, 1969—has had little preventive effect from this standpoint.)

(2) *Corrective Prevention* is based on the assumption that criminal behavior is influenced by certain factors, and is the result of a certain motivation. Preventive action means the elimination of those causes, factors or motivations before the criminal behavior has actually taken place.

(3) *Mechanical Prevention* emphasizes procedures which make it difficult or impossible for the offender to commit the offense: i.e. increased police protection, gun control measures, security measures such as dependable locking systems, bars on windows, and burglar alarms.[3]

Corrective Prevention, as it relates to the approaches mentioned above—Educational-therapeutic, and Environmental most closely identify the programs to be evaluated. It will become obvious, however, that most programs are a mixture of approaches. A caseworker or a roving leader may be dealing not only with delinquent personality factors, but also with locating a job, encouraging certain businesses to provide jobs, or proposing specialized training to appropriate institutions.

EVALUATION OF PREVENTIVE EFFORTS

Evaluation of programs through a review of their accomplishments is one approach. The limitation of this approach lies in the fact that few organizations or agencies adequately evaluate themselves in these terms, especially in the area of delinquency prevention. The reasons became obvious when past evaluative efforts of major delinquency prevention programs are analyzed.[4] It becomes apparent that there is no agreement on a definition of the "disease" for which a cure is sought.

There is no definitive description of the characteristics of those who are vulnerable to delinquency: There are no precise methods to be used in the prevention of delinquency; there is no agreed-upon criteria for determining the relative success of the cure.

Even when sponsors define precisely the nature of the services they intend to offer, designate the individuals or groups they plan to serve, they are usually stymied in spelling out their criteria of success. The sophisticated know full well that to rely on such indices as no further court appearances is deceptive. Furthermore, since the clients are not enclosed in test tubes, there is no certainty that the factor X (their service) rather than Y or Z alone or in combination may not be the responsible agent in changing the behavior, if change occurs.[5]

If there were a defined accomplishment, another approach might be to compare the programs in terms of the cost of such an accomplishment. The difficulty with this study is that the programs to be looked at are not comparable in any sense of the word, nor are they adequately evaluated to produce the data necessary for the most general comparisons.

Therefore, it must be kept in mind that the object of this report is not to compare these programs in terms of their effectiveness, although their effectiveness and their attempts to evaluate such will be questioned. The object here is not to condemn one program and praise another, though relative merits will become apparent. The object is to look at five of the main preventive programs in Washington, D.C., and in that context to raise questions about the broader implications of preventing delinquency:

1. Knowing that there is no panacea for preventing or reducing delinquency, where should efforts be focused in the effort to stem the tremendous increase in the use of drugs and in crime?

2. Given the programs which exist, how can the coordination of such efforts best be facilitated?

3. And finally, is there federally legislation or Congressional pressure which might help to improve the situation?

DELINQUENCY PREVENTION PROGRAMS

There are numerous programs in Washington, D.C., which directly or indirectly try to prevent delinquency. Five programs in operation or in the planning stage have been chosen for investigation because they are ghetto-wide, if not city-wide in nature, and have as a primary objective the prevention of delinquency. These five are:

1. *The Roving Leader Program*—D.C. Department of Recreation (in operation).

2. *The United Planning Organization*:

a. *Manpower programs* (in operation).

b. *Neighborhood Development Youth Program* (ended December, 1969), *Youth Development Division* (proposal).

3. *Project Progress*, Office of Youth Development Services (in operation).

4. *Action for Children in Trouble* (AGT), D.C. Department of Public Welfare (now being implemented).

5. *Pupil Personnel Services*, D.C. Public Schools (in operation).

A sixth "program" should also be mentioned—for to overlook it would be to ignore the designated public body concerned with the coordination and planning of programs for the prevention of delinquency under the Juvenile Delinquency Prevention and Control Act of 1968. This is:

6. *"An Integrated Neighborhood Services Program for the Prevention and Control of Juvenile Delinquency"*—The Office of Youth Development Services (a proposal).

I. THE ROVING LEADER PROGRAM

The Roving Leader Program of the D.C. Department of Recreation is perhaps the best known D.C. program planned for the prevention and control of delinquency. Its staff has grown from one worker in 1956 to 22 workers this year. The program is valued quite highly by the District government as can be seen by the request in the fiscal '71 budget for 200 more personnel for this program at a cost of $2 million.

Several goals provide an example of the program's focus:

To reduce the severity and frequency of offenses, i.e. gang warfare, murder, theft.

To redirect behavior into more socialized channels . . .

To locate conflict-producing elements in community life, and to secure cooperation in alleviating these situations.

To work out strategy for attacking community situations that produce delinquent behavior . . . (long range).

The Roving Leaders operate on flexible schedules; most of their time is spent in informal meetings with the gangs or individual youths. The worker attempts to help these youths solve their problems, adopt new values and use available community resources to accomplish legitimate goals. The annual report, 1968–69 offered the following summary:

Elementary Groups: 38.

832 elementary children served.

Positive improvement: 420 required continuous services, 412 made satisfactory social adjustment.

Teen Groups: 73.

63 male groups and 9 female groups.

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[2] Omitted.

[3] Peter P. Lejins, "The Field of Prevention" *Delinquency Prevention: Theory and Practice*, William E. Amous and Charles F. Wellford (editors) (Englewood Cliffs, N.J.: Prentice-Hall, Inc, 1967).

[4] Maude M. Craig and Philip W. Furst, "What Happens after Treatment: A Study of Potentially Delinquent Boys," *Social Service Review*, June, 1965, p 165–171; Sheldon and Eleanor T. Glueck, *One Thousand Juvenile Delinquents, Their Treatment by Court and Clinic* (Cambridge: Harvard University Press, 1934); Henry J. Meyer, Edgar F. Borgatta and Wyatt C. Jones, *Girls at Vocational High* (New York: Russell Sage Foundation, 1965); Edwin Powers and Helen Witmer, *An Experiment in the Prevention of Delinquency: The Cambridge-Sumerville Youth Study*, (New York: Columbia University Press, 1951); and C. Downing Tait Jr. and Emory F. Hodges, *Delinquents, Their Families, and the Community* (Springfield, Ill.: Charles C. Thomas, 1962).

[5] Sophia M. Robinson, "Why Juvenile Delinquency Preventive Programs Are Ineffective," *Federal Probation*, December, 1961, p. 41.

Positive improvements: 50 groups have made positive adjustments, 23 groups need more intensive services.

The number of elementary groups served by Roving Leaders has increased in recent years, reflecting a recommendation made by the D.C. Crime Commission Report that preventive measures be directed to this group. Children are referred to the group by the school teacher, counselor and principal. For teen groups, the Roving Leaders emphasize counseling services, sports, cultural and training activities, and stress the value of work, staying in, or returning to school and the importance of learning a skill which is currently in demand.

The most relevant service given is in the area of employment. In 1969 the Department of Recreation employed 518 "Roving Leader youth" for the summer, 46 of these on a year-round basis. They referred 2,500 youths to the U.S. Employment Service for summer employment and over 500 to private employment agencies. The report lists 34 private and public agencies which provided employment for 454 youths in fiscal 1969.

Evaluation

The Roving Leaders appear to serve as an ad hoc coordinator of community services for a few specified neighborhood "hot spots" of crime. Their effectiveness depends on their individual ability to make contacts with groups and individuals. It also depends on the quality of available services. They may work hard to get a teenager back in school but if the school lacks a relevant, stimulating program; if it lacks the vitality and innovation needed to hold the drop out and the potential delinquent, their efforts will be to no avail. The same goes for the availability of relevant jobs and job training, of mental health services, drug addiction treatment centers and family casework services.

The Roving Leader finds himself locating jobs if USES (the Manpower Administration) fails; coaching athletic teams, if the local recreation center leadership is inadequate; and counseling school children on study problems because of inadequate Pupil Personnel Services. Such services are essential because there are always youth (and their families) who either don't know where to turn, are unable to maneuver within the red tape of a system, or have given up trying to find legitimate channels of "survival". In this sense, the Roving Leaders try to fill the gaps between services, to motivate youth to use those services which exist, and are in a position to suggest changes in services which are not meeting the needs of ghetto youth.

The Roving Leader Program also provides a vital function of cooling tempers when things get "hot." They were invaluable during the April '68 riots because they were known and could circulate in riot areas to calm groups down. This aspect of their work prevents outbreaks of violence, and helps to control crime, but it does not prevent the development of delinquent habits and antisocial attitudes. Of course twenty-two Roving Leaders are not able to cover the city. A representative of that office has stated that 91 "hot spots" in this city are not covered by Roving Leaders.

Coordination of youth services will be considered later in this paper. It must be mentioned now, however, that as difficult as formal coordination of youth programs appears to be in this city, the Roving Leader Program is central to an informal network which touches most agencies serving local youth. The most pointed example of this is the development of joint inservice training and staff meetings between Roving Leaders and the Welfare Department's aftercare staff, who work with youth after they are released from institutions. They work together in designated areas of the city. As teams, they also work closely with the schools, police and other agencies in their areas.

Does the Roving Leader Program prevent delinquency? The Crime Commission Report (1966) recommended that "some attempt be made to evaluate the impact of the Roving Leader Program systematically." This in-depth comprehensive study has yet to be undertaken because of insufficient resources. As was stated earlier, there is no conclusive knowledge from previous research that a roving leader type program is effective in reducing delinquency. The director of the Roving Leaders has stated that, given funds for research staff, plans are being drawn up for a joint evaluative research project to be conducted with the Welfare Department ACT program and under the guidance of the Office of Crime Analysis. Such a project, carefully designed and carried out, would be a tremendous contribution to the whole field of delinquency prevention.

THE UNITED PLANNING ORGANIZATION

Manpower programs

UPO is Metropolitan Washington's arm for the War on Poverty. The main philosophy of this effort to erase poverty is the "opportunity theory" mentioned above—opportunity for education, training, jobs and legitimate means for obtaining a decent income. UPO's budget reflects this focus with over half coming from the Labor Department and being used for education and manpower training programs.

In fiscal '69, approximately $10.8 million was applied to manpower programs. It is difficult to determine what percentage of that figure was used for youth 16 to 21 years of age. Figures were provided by the manpower division of the youth involved in these programs from October 1, 1968 through September 30, 1969:

	Youth
1. Washington Concentrated Employment Program (WCEP)	9,409
2. Neighborhood Youth Corps (NYC) (regular program)	9,313
3. Neighborhood Youth Corps (summer program)	8,314
4. Job Corps	193
Total	27,229

Evaluation

The whole field of manpower programs and job development for the low income disadvantaged warrants a thorough investigation in relation to the prevention of crime and delinquency. It is a very complex field intimately related to such economic factors as inflation, as well as automation and technology which continually alter the employment picture. UPO has made an impact through aggressive recruitment efforts to attract the disadvantaged and through prevocational, vocational training and placement efforts to place persons in fulltime career type jobs. Programs include:

Washington Concentrated Employment Program (WCEP):[6]

From June 1967 to July 1969:

Placed directly on jobs	11,721
Placed after training	11,947
Drop-out rate	7%

In a given week, 170 persons pass through the intake center, half of whom are placed directly in jobs.

The "Work Experience in the Public Sector" program (WEPS) is a component of WCEP.[7]

Its goal is to help young men and women who would not previously have qualified even for entry level civil service jobs to get those jobs, keep them, and move up the civil service ladder.

The program is aimed at youths ages 17–25 who have been unable to get government jobs through normal channels.

[6] Community, (Newsletter of the United Planning Organization), Sept. 1969.

[7] *Community*, January, 1970.

WEPS currently operates under a $684,000 Labor Department grant, most of which goes for enrollees salaries.

At present WEPS operates *Project Value* which provides some 225 jobs in the Department of Defense.

There are many gaps in this information. It doesn't begin to describe the total scope of the program, the adequacy of different training programs, or the whereabouts of specific enrollees of two and three years ago. It doesn't begin to look at the hard questions of coordination, for instance, between UPO and the public schools. Is the vocational education department of the D.C. school system involved in manpower programs? Should it be? Does the public school's inadequacy promote the development of these special training programs? Such questions go to the center of the bureaucratic problems and tensions which exist between the D.C. Public Schools, the City Government and UPO.

The Neighborhood Development Youth Program (NDYP)

NDYP, another component of UPO, is in the process of being reorganized. Funds for this network of ten youth centers ran out December 31, 1969. Since then, some of the youth and staff have been developing a new proposal which would focus programs around skill development and prevocational training.

It is instructive to look at the history of NDYP, which was started expressly for the prevention of delinquency. The original funds for this program were drawn from a $5 million HEW grant for *comprehensive anti-delinquency programming* which was committed to Washington Action for Youth (WAY) in 1964. (WAY was the predecessor of UPO). UPO assumed responsibility for the grant in 1965 and in addition to filling the youth organization void with NDYP, promoted other demonstration programs to show existing institutions better ways of meeting the problems of youth. Among these were three types of halfway houses for "shelter," "probation," and "rehabilitation" for youth who have already been in trouble with the law. The Department of Public Welfare has since assumed complete responsibility for the program. There were two other demonstration projects—a Pre-release Guidance Center for youthful felons being released from Lorton Reformatory, and a rehabilitation program for misdemeanants at the Occoquan, Virginia, workhouse which included job training and remedial education.

Evaluation

The stated purpose of NDYP indicates why it is impossible to evaluate it:

NDYP seeks to provide a framework through which District youth have the opportunity to gain increased awareness of self, obtain a real knowledge of economic and political ssytems, think independently and objectively when choosing methods to solve their problems, and design, plan and operate programs aimed at gaining political-economic independence and power.[8]

The goals here are nebulous and impossible to measure. "Increased awareness" and independent thinking" may be important steps in moving from total alienation and isolation to a point where a youth feels motivated to train for and look for a legitimate job, but there is no objective way to measure success or failure based on that purpose.

The population being served by this program was, perhaps, the most difficult and challenging to work with: the school dropouts, youthful offenders and welfare recipients between ages 16 and 22. The following points are representative of the problems, failures and successes:

[8] *NDYP Proposal* (not dated), for the program running from June, 1968 through December 31, 1969. p. 18. The HEW grant totaled $1,500,000 for 157 staff members plus NYC's.

1. An evaluation of the programs cites as one of its major contributions the level of youth participation in the decision-making process. The makeup of the staff supports this conclusion: 58% of the administrative staff (22 of 38) were youth either full time or on a rotating basis, while most of the staff at the ten centers were youth.[9]

2. Beyond the staffing of the program, it has been impossible to find out how many other youth have been touched by the program or affected in any way. Few if any records were kept.

3. Some 250 "training sessions" in Negro History and U.S. Government Political Structure were held during the 20 months. The youth and adult staff were both involved in a learning and training capacity at least once a week but there is no indication that youth not on the staff became regularly involved in these sessions. They drifted in and out, coming to the centers mostly for recreation and social affairs.

3. One youth who was involved in the program for six years and in fact worked his way from an NYC (Neighborhood Youth Corps) position to Deputy Director (a youth position) of the program estimated that even within the youth staff, only about one-half really began to "pull themselves together" in terms of education and looking forward to better jobs; one-fourth is still searching for an "identity" and one-fourth is still "lost."

4. "Success stories" never give the whole picture of a program, but it must be admitted that some youth were significantly helped by NDYP. John (not his real name) the boy mentioned above illustrates what success can be. At the age of 20, he had already been incarcerated several times for robbery and house breaking. He got a job in the NYC so he wouldn't have to go back to court. He graduated from Cardoz but had never completely read a book and couldn't read well. At $1.25 per hour, he began recruiting youth to come to the NDYP leadership center for recreation and education. From there, one step at a time, he became a Community Developer, Senior Community Developer, Assistant Director and Center Director, and now the Deputy Director of the Youth Program, at $9.550 per year. John is now helping to develop the new proposal for a new Youth Development Division of UPO.

In evaluating the Neighborhood Development Youth Program, it must be remembered that one of the functions of UPO and of the War on Poverty was to experiment with new ways of reaching those youth who were drop outs or "push-outs" of society—youth not reached by the "old line" institutions. The problems of ghetto life have been too massive for most institutions to handle with available resources. UPO therefore has not only been asked to solve the problem of poverty, but because of Federal funding patterns, has also been forced to fight frequently for its own survival. Programs, as well as the administrative unit are sometimes pointed to as examples of failure when they never had adequate resources or community support; and when they were expected to solve problems which can never be solved with programs as such, but must be seen as problems of social policy rooted deeply in society's structure.

The Crime Commission Report of 1966 summed up the problems of UPO in relation to delinquency prevention in this way:

UPO has frequently supplemented inadequate or nonexistent public services for the poor in vtial areas such as housing, recreation, employment, and community organization. It has been *unable* to put into effect an integrated, broad spectrum of services for youth, before and after official delinquency contacts, in part because it is essentially a *private agency* whose leverage with public agencies consists solely of persuasion and money. In too many cases UPO has assumed the actual operation of isolated programs at the expense of its overall planning and coordination function. *As a non-governmental agency it has had no official status in urging improved treatment of youth by schools, police, courts, or juvenile institutions.* (Emphasis added.) [10]

This analysis is essentially correct and still appears to hold true. The coordination of a comprehensive program of delinquency prevention requires official status and sanction. (The question will be further dealt with it relation to coordinating efforts by the District Government.) It appears that UPO will never be in that position. Rather, UPO's major task is (or should be) to experiment with the kinds of programs that other agencies rarely have the money or the latitude to deal with. The most regrettable fact is that the programs it has set up (at least for youth) have been so poorly designed in terms of providing usable data for evaluation. Generally, the manpower programs supported by the Labor Department have been more specific in their objectives and thus have provided usable data for evaluation. HEW on the other hand has traditionally funded programs which are harder to objectify. Apparently, NDIP has learned from the weaknesses of past programs and is incorporating into the new proposal periodic evaluations of projected programs.

PROJECT PROGRESS

Project Progress is a group which operates ten leadership centers in ghetto areas of the city. It was started with a grant of $75,000 from the Washington Board of Trade in the fall of 1968. Their budget up to the present has totaled approximately $445,000, with other funds coming from various foundations, the Labor Department and private sources. At the moment (spring 1970) a grant of $240,000 from OEO is pending.

Project Progress is popularly known as the operating arm of the Mayor's Office of Youth Development Services. (The office was recently combined with the Youth Program Unit to form a single Youth Opportunity Office under the Mayor.) A "professional", paid by the D.C. Government, works out of each leadership center as a program director. They work closely with the directors of each center (who are exconvicts) to develop a program relevant to that community. The total staff numbers about 52, plus NYC's, College work/study students and volunteers.

The stated goal is the prevention of delinquency through counseling, tutoring, encouraging teenagers to stay in school or return to school and providing a variety of courses (Black History, English, Math, Sewing, Typing and Shorthand) at the centers. Through the use of street workers (also exconvicts or "street wise" NYCs), they actively search out the hard core dropout; the teenagers most in need of help. About 2,500 children and teenagers are or have been registered at the centers as "regulars." Every center has a Youth Board of Directors which has the responsibility or formulating rules and regulations and developing programs. Each is supported by an Adult Advisory Board made up of parents and businessmen from that community.

Evaluation (spring 1970)

Is this program successful at preventing delinquency? No one seems to know. They don't believe in keeping track of who is helped and in what way. They are not sure how many have been steered into jobs or back to school through Project Progress. In fact, there is an anti-bureaucratic reaction against any kind of paper work or serious evaluation. They only want to do a "job."

Project Progress represents a kind of development which has become more common in recent years. It is a grassroots organization—begun by a group of black men and women, including ex-convicts, school dropouts, ex-dope addicts and college graduates. The organization or lack of organization reflects their rejection of middle class agencies and approaches. They realize there is a hard-core group of ghetto dwellers who will not respond to the traditional agencies. So there is a conscious attempt to attract children and teenagers, and to help them provide for themselves alternatives other than crime and violence.

Like most grassroots organizations, they are eternally dependent on others for funds. They run their programs on a "shoestring;" have little money for emergencies (i.e. breakdown in plumbing or electricity) and work under the threat of having to close down in a month or so if money doesn't come through. (Present funds run out the end of June, 1970.) Their greatest asset, reports an employee, is that they are attracting the hard to reach. It is questionable, however, whether they are providing any substantial help in preventing delinquency. It has been said by observers that if Project Progress is ever closely examined, and their books audited, they would probably fold. OEO is apparently conducting such an examination at the present.

A tremendous gap exists between grassroots operations like Project Progress and the basic city institutions like Public Welfare, Recreation and the Public Schools. Some of the administrators of such institutions see little good coming from grassroots organizations, and object to the non-professional approach, the lack of records and evaluation, and the "hustling" which they feel is still going on among excons. Professional administrators may feel threatened at times by the "success" of such programs, (ie. the drug program of Colonel Hassan) which more easily attract the very people they are suppose to be helping. The result is a lack of trust and communication.

The lack of trust makes coordination of programs, exchange of ideas and mutual support of neighborhood based staff almost impossible. For example, last year, Project Progress was working very closely with the junior high and senior high schools, counseling troublesome youth, and generally patrolling some of the schools much as the new School Community Aides (guards) do now. In many cases, this was a healthy example of how the two types of organizations were able to work together. However, several on the D.C. School Board decided that Project Progress should not be in the schools counseling the youth. Shortly thereafter, the cooperation ended.

In contrast, the Director of the Roving Leaders feels that "someone at city hall" saw that the Roving Leader type of program was a good thing and could be expanded in a new way . . . using exconvicts, NYC's and "street wise" people under supervision of a professional. The biggest difference between Project Progress and the Roving Leaders Program is that the latter realizes the need for street workers to know what they're doing, and provides education in psychology, sociology and group work. Their standards are high, and most Roving Leaders have College degrees and are continuing their formal education while on the job. Their program is far superior to Project Progress in this way.

The established institutions also object to the fact that the Office of Youth Development Services is actually directing Project Progress. As will be discussed later in this report, OYDS was the office under the Mayor, responsible for coordinating efforts to prevent juvenile delinquency. Many assert that it is difficult, if not impossible, to coordinate

[9] *Summary of an Evaluation of the NDYP*, by Dorothy Gilliam, John Gibson and Roy Kennix (no date—approximately December, 1969).

[10] *Report of the President's Commission on Crime in the District of Columbia* (Washington, D.C.: U.S. Government Printing Office, 1966), p. 711.

the provision of certain services when the coordinating body, itself, operates a competing program.

Questions have been raised about the difficulties, and the risks of hiring for delinquency prevention ex-cons and teenagers who have already had problems of their own. The risks are always there. The factors that must be assessed are the selection process, the kind of supervision, and the quality of training which must be built into the program. The principle of hiring ex-drug addicts to help treat drug addicts, alcoholics to support other active alcoholics, handicapped persons to aid in the rehabilitation of similar individuals has been tried in a variety of fields and under qualified conditions resulted in definite success. The success is identified both in the increased ability of an agency to reach and treat the client and in the therapeutic effect on the ex-addict or ex-delinquent. The teacher often seems to learn even more than the student.

ACTION FOR CHILDREN IN TROUBLE, D.C. DEPARTMENT OF PUBLIC WELFARE

The Department of Public Welfare operated a pilot "pre-test Prevention Project" in the 6th Police District, April–November, 1969, and is now in the process of fielding six delinquency prevention teams and six diagnostic and evaluation teams in each of the six Police Districts. This is the newest program explicitly developed for the prevention of delinquency.

The basic function of both teams is to provide to both delinquency prone youth and their families directly or through referral, a variety of needed services including individual and/or family treatment which will prevent the youth from developing delinquent tendencies or becoming a delinquent.[11]

Initially, referrals will be made through the 379 forms from the Youth Division (Police Contact Forms).[12] Additional referrals will be accepted from anyone, including the schools, health clinics, churches, community organizations, neighbors and parents. The teams will be placed in strategic areas throughout the city in order to provide on-the-spot, immediate response.

Evaluation

This appears to be a much needed program. Right now, if a youth gets into trouble with the law, but is not referred to Juvenile Court for ajudication, he rarely gets any attention, counseling, therapy or job referral. If he does get this follow-up, it is because a Roving Leader happens to be working in his residential area and learns about his case from the police or the school. Or he may get referred to the Police Boy's Club at which time a Policeman will make contact with him and his family and try to get him involved in their recreational program.

Chances are he and his family will not get any official attention or help until he commits a serious enough crime to be channeled through Juvenile Court and their social service department. Even then, caseloads are such that he will only get superficial treatment; and his humiliation at becoming a "delinquent" is such that he probably won't cooperate willingly, but will begin the journey toward becoming a hardened criminal. The stigma of passing through the judicial system significantly affects a child's self-concept, making it that much more likely that he will return again and again.

The crux of delinquency prevention, from the standpoint of this program, is to deal with the deviations and problems of youth without dramatizing youngsters as evil, and hence cut short or even avoid their public definition and self-identification as delinquents. This program also places a great deal of importance on the coordination of neighborhood resources, especially among the police, the schools, the Health Department and local organizations. Other parts of the Welfare Department will be called upon to provide needed family services (i.e., shelter, food and financial aid). The treatment to be used by ACT will be group work and family therapy, as well as traditional casework and counseling.

The question to be raised again is, will this program prevent delinquency? Since it is too early to evaluate the program, all we have to go by is the proposal. The plan appears well thought out. Many of its features are selected to overcome the failures of past programs, and are building upon what are seen to be successful attempts to prevent delinquency.

For example, the staff of ACT will include a variety of backgrounds and degrees of formal preparation and experience from psychiatrists and social workers to youth workers and case aides. According to a recent article in the *Washington Post* (April 13, 1970) one of the youth workers will be a 20 year old boy who has "served time" at both the National Training School for Boys and the Laural Children's Center. Willie was an exceptional case of rehabilitation. It is felt that Willie (not his real name) and other non-professionals, under professional supervision, would be able to relate to the clientele and inspire the community confidence needed to make the program a success. A community advisory council is to work with each of the area teams, providing additional community support and involvement.

Another asset provided in this program but often missing in others including the Public School Pupil Personnel Teams, is the provision for a Diagnostic and Evaluation Section, which draws its expertise and supervision from the Georgetown University (two teams) and Howard University (one team), with other teams possibly being staffed and supervised by the Health Department and Catholic University. (The variations in the six teams will provide a comparison of the relative effectiveness of different professional approaches to treatment.) Children and their families requiring intensive treatment because of deep-seated behavior patterns and diagnosed social pathologies would receive it from the Diagnostic and Evaluation team.

Such an innovative program is fertile ground for evaluative research. The proposal suggests that an on-going evaluation will be established under guidance of an Evaluation and Research Committee which will be composed of consultants and research experts from area universities and other community resources. The potential is there for making a tremendous contribution to the field of delinquency prevention. The question is, will it work? Will the Welfare Department be able to coordinate effectively with other agencies in the city? Will it be able to overcome the image many lower income families have of such a department being hostile or irrelevant? (The open reception by residents of the pilot project suggests that this will be no problem.) These and other questions, however, can only be answered by time, since the program has only begun (February, 1970) and will expand gradually, reaching full strength by the end of the year.

PUPIL PERSONNEL SERVICES—TITLE I PROGRAM[13] D.C. PUBLIC SCHOOLS

In relation to the public school system, the temptation is to think in terms of the total educational process as being a preventive measure. Ideally it provides the child and youth with the educational and technical skills necessary for finding a job, earning a living, or raising a family and operating effectively in a complex urban community. Persistent criticism has been directed against the school for an apparent failure in teaching even the basic skills of reading, writing and arithmetic. The Passow Report supports this with comparative achievement scores which place ghetto schools consistently in the lower percentiles.[14] According to the opportunity theory, such a failure to provide the means for legitimate entrance into the main stream of life produces intense frustration among youth.

From another point of view, the schools must be seen in perspective as part of the total environment, and as part of the total failure of society to deal effectively with the economic and racial issues of urban areas today. No matter how you look at it, the schools are in trouble—bearing the brunt of public attack; surprising the tremendous financial loss through vandalism and robbery; and being under pressure to produce basic changes in the educational process to make it more relevant to urban minority groups.

Where does the pupil personnel service fit in the prevention of delinquency? Two answers were received for that question. An administrative official stated that the public school had neither the capability to recognize the pre-delinquent, nor the capacity for preventing delinquency. (He was referring to the breakdown in administrative machinery, where a teacher recognizes a "child-in-trouble"—a potential delinquent, and conveys this to the central office, whereupon immediate action can be taken to prevent further problems.) A few weeks later, one of the directors of the Title I Pupil Personnel Office replied that everything they do relates to the prevention of delinquency. Both answers represent the dilemma of this program.

The purpose of the Title I program as stated in the Annual Report is—the identification, prevention, and remediation of all factors which cause educational disabilities of the most seriously disadvantaged students identified by teachers, counselors and principals in the 34 Title I schools.[15]

A variety of supportive services are provided to those students who are referred to them for a number of reasons:

	Ranking	Number
1. Reading retardation	4	2,789
2. Arithmetic retardation	7	1,899
3. Speech and language handicap	9	1,413
4. Failure in class subjects	5	2,337
5. Absenteeism	3	3,109
6. Health problems	6	1,913
7. School transfer	10	993
8. Emotional and behavior problems	2	3,461
9. Economic need	1	4,947
10. Other, family problems	8	1,427
Total		10,513

A Pupil Personnel Aide or Social Worker (depending on the difficulty of the case) fol-

[11] *Action For Children in Trouble*, D.C. Department of Public Welfare, December 1969, p. 10.

[12] Police Department Form 379 is utilized by all police department personnel when they have contact with a juvenile involved in a minor offense. The 379's are then forwarded to the Youth Division where they are evaluated by an official. If the case indicates that follow-up investigation is required, a hearing is set by a Youth Division investigator to whom each such case is assigned. The 379's are placed in file at the Youth Division to establish that a contact has been made, but they do not constitute a criminal record and are destroyed when the offender reaches his eighteenth birthday. *Annual Report of the Youth Division*, Fiscal, 1969, Metropolitan Police Department, Washington, D.C.

[13] The Title I Program of the Pupil Personnel Services is responsible for 34 schools in low income areas of the city, serving approximately 12,200 children—50% of the student body in those schools—so far in fiscal 1970.

[14] The "Passow Report"—*Toward Creating a Model Urban School System: A Study of the Washington, D.C. Public Schools* (New York: Teachers College, Columbia University, 1967), pp. 96, 100 & 101.

[15] Department of Pupil Personnel Services, Annual Report, 1968–1969. District of Columbia Public Schools, Washington, D.C.

lows up on the specific problems until a solution is found. According to the figures of 1968–69, one-half of the Title I children referred were from families where economic need was identified; one-third had emotional or behavior problems; and one-third had problems with absenteeism. Many of these problems were overlapping, with only the problem causing the initial recommendation being registered here.[16]

The full range of activities covered by PPS will not be covered here. The evaluation would be too superficial to be meaningful. Such an examination needs to be carried out in relation to the entire school system because other departments, such as Special Education, also deal with "problem children" and such interrelation of activities is necessary for a full picture. The administration of the Public Schools has been recognized as a major problem by most agencies which must deal with the schools in one way or another. It would be a full-time job just to gather the relevant information about how the school really deals with "problem children," and then evaluate it, because the investigator must touch base with so many different persons and departments to get the total picture.

Evaluation

The Pupil Personnel Service operates an essential service for the school system. In its own way, it attempts to coordinate its specific needs with the neighborhood resources available. The main criticism of the services provided by PPS, made both by a representative of that office and by persons outside the system, is that their operation is and can only be a "bandaid" operation. They don't have the staff or facilities to provide indepth counseling or psychiatric services for the children, much less the family therapy or multiple family services which are needed and become apparent when individual cases are checked out. Thus they become a referral service which means they too are at the mercy of the other resources—Health, Welfare and Private agencies—present in the local neighborhoods. The referral of a client doesn't terminate the case, because all the cases are followed up to a "satisfactory" conclusion, but the referral becomes the means by which they expand the services they are able to offer.

They do offer tangible services which effect tangible results: eye glasses and hearing aides result in better ability to function; free lunch and clothing and family services remove impediments to school attendance; tutoring, remedial services and home visits are responses to academic problems. The frustration occurs because many problems go much further than is apparent in these categories. Chances are that the same group of children will show up in PPS records year after year—soon becoming the dropout or the delinquent. PPS officials admit that their services are not always enough, but believe they are doing the best they can with the personnel and resources available.

AN INTEGRATED NEIGHBORHOOD SERVICE PROGRAM FOR THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

THE OFFICE OF YOUTH DEVELOPMENT SERVICES

The Office of Youth Development Services was the office designated by the Mayor to develop a comprehensive plan of delinquency prevention as called for by the Juvenile Delinquency Prevention and Control Act of 1968. Approximately $150,000 was provided by HEW as a planning grant covering fiscal '69 and going through December, 1970. But what has happened to the plans?

Dr. Jones, new director of the combined Office of Youth Development Services and the Youth Program Unit—now called the Office of Youth Opportunity Services—stated (spring 1970) that the plans would be held in a state of limbo until he had time to gather the needed data on youth programming in this city and develop a rational basis upon which to propose a comprehensive program. He stated that this should have been done long ago. A representative of the planning team (now out-of-commission) has stated that Dr. Jones has completely rejected the entire package of plans, that three-fourths of the old staff has resigned, and that Dr. Jones has not been in communication with that office. The activities of the new Office of Youth Opportunities Services are considered in the section under coordination.

It is very difficult to evaluate what has really been accomplished with this planning money. Many meetings were held, and extensive plans were drawn up for 23 projects. At least eight agencies, two colleges and three contracted corporations were involved. The "integrated neighborhood service program" was to be a demonstration program to test the efficiency of an integrated team including representatives of Health, Welfare, Recreation, the Public Schools, Police, Courts, and Project Progress. They were to work on a neighborhood level, dealing with the day-to-day problems of youth and their families much as the ACT program plans to do.

It becomes understandable why agencies are so upset with the District's comprehensive planning efforts. A year of work has netted zero and cost $150,000 plus the time and efforts of many high level agency personnel who spent hours attending meetings helping to draw up the plans. Now someone else is starting out from the beginning again.

SUMMARY OF REVIEW OF DELINQUENCY PREVENTION PROGRAMS

This study, though not comprehensive, has reviewed the basic programs and touched base with some of the most knowledgeable people in the field of delinquency prevention in Washington. To summarize:

(1) *Investment in programs.*—A tremendous amount of money has been poured into these specific programs in the past few years, as summarized in Appendix I. The total investment in the five programs reviewed here appears to exceed $15 million, although a precise figure cannot be identified because it is impossible to determine how much of the total of over $5.7 million for WCEP was spent directly for manpower training for youths as opposed to adults. The general magnitude of the combined Federal, local and private spending for delinquency prevention programs, however, is such that it is reasonable to ask which of these programs could, if challenged, justify their cost with hard evidence of success, or even with indications of a contribution to the understanding and prevention of delinquency.

(2) *Evaluation capability.*—There is currently no adequate evaluation of any of the programs reviewed. This study suggests, however, the following capsule descriptions:

(a) Pupil Personnel Services produce at least short-range improvements in the students served, as seen by their teachers;

(b) The Roving Leader program has yet to be adequately evaluated;

(c) The Welfare Department's ACT program has the potential for a full evaluation of results as the program develops;

(d) UPO's NDYP appears to produce successful results primarily for some of the youth staff members, while other UPO programs can not be evaluated in terms of their impact on delinquency; and

(e) Project Progress has no date and has generated considerable criticism.

The problems resulting from a tremendous proliferation of services.—Aside from the cost result issue, the existence of many types of youth programs operating mostly alone, with informal coordination here and there, affects the District in a number of ways. The image produced is that of a recreation center or agency serving youth almost every other block, but with most of them understaffed; with staff under-trained; lacking equipment and resources; and, most serious, with low morale and motivation to tackle a problem which is more than they alone can handle. Meanwhile, the teenagers in question are not at these centers, but hanging around the neighborhood liquor store or pool hall, shooting craps, and taking heroin or dope. Of course there are many other teenagers at home, or on the job, or doing constructive things. But they are not the subject of this report. They and their parents may be equally confused, however, about where to go if they need which agency does what, and why many agencies don't do anything.

The tragic result which exposes such a situation is often reflected in a newspaper article about a teenager who has been in trouble with the police since his eighth birthday; who has had emotional difficulties all through school; whose family is known to numerous agencies which have never worked together on the case; and who now has been involved in a felony. The question is always asked: Didn't anyone know this boy or try to help him along the way? Do we have to wait for a crisis before we realize how bad the situation really is? Isn't there some way to coordinate the services to youth . . . or to coordinate all services, so that the effectiveness of programs could be improved, and the senseless overlapping of services and staff stopped? Could funds and people be put to better use?

COORDINATION

This report must ultimately deal with the problem of coordination. Obviously, there is a need for it in the District of Columbia. In fact, one look at a list of Mayor Washington's staff indicates, beyond a doubt, that he realizes the need exists, and that he is trying hard to develop coordinating structures. The question being raised frequently these days is who is going to coordinate the coordinators? One of the problems facing this attempt to analyze coordinating structures is the simple fact that things are in such a state of flux that what appears here for the month of May, 1970 may be changed by June or July. (Note the reorganization of the Office of Youth Opportunity Services, or the creation of the Department of Human Resources.)

To give this portion of the report a frame of reference, consider three types or models of coordination which are relevant to the situation in Washington, D.C.

INFORMAL COORDINATION

The informal network already mentioned in this report depicts an intermittent kind of coordination. It is developed by persons who see the need to interrelate their services with those offered by other departments. But unable to work through formal channels, or stymied by bureaucratic problems of organized formal channels, they develop an informal network. This way, the Roving Leaders have made connections with receptive persons in other city governments and agencies—police, schools, Welfare, Health and private agencies—to the benefit of their own program and clients. They have learned how to get the services—jobs, medical checkup, drug information, family financial assistance—they need for their clients.

Such coordination is spotty and insufficient to help very many people. It does mean,

[16] For example, a child may have been referred to PPS for absenteeism, with economic need and arithmetic retardation also noted as problems. Upon investigation, it was found that he was blind in one eye and losing sight in the other; plus family problems which aggravated his getting to school on time, having his eyes checked, or getting a tutor. These problems were attended to so that the boy now attends school regularly, has tinted glasses to cover the blind eye and is scheduled to be examined soon to determine condition of the other eye. (Taken from an actual case record.)

however, that there is a core group of people in communication with each other, who recognize the need for coordination and are ready to pull their various services and resources together on a formal basis when the right leadership comes along. The director of the Roving Leaders said that if the right kind of knowledgeable person were appointed to formally coordinate services, and were respected by the various agencies, he could name six to eight persons who would meet tomorrow and have a system operating within a week.

A small coordinating body situated in the Mayor's office.—This is the kind of coordination referred to above, by the director of the Roving Leaders. It would have to operate with the sanction of the Mayor's office, but even that sanction would be insufficient if the "coordinator" did not command the respect of the agencies and organization involved. This is the kind of coordination that agency heads really seem to want because it leaves them relatively free to develop their own service but with the added fact that they now have formal access to combined "service delivery systems" which alleviate gaps and overlapping. For example, the health department could assign its personnel to work in and with the school from August through October to ensure that every entering student gets a full examination. Or another example, suggested by a School Board member, would be the setting up of a system which regulates the identification of children with various problems (especially in the early grades) and has a systematic way of seeing that each is provided with the needed services. The Pupil Personnel Service begins to do this but they do not really coordinate their services with Welfare and Health Departments.

An additional problem with PPS is its confusion of roles resulting from inadequate coordination and reliance on welfare services. The school's main function is education and PPS should be mainly concerned with those children who have learning difficulties. Where the child needs health services, or he and his family need welfare or recreational services, there should be some mechanism to provide such to the degree necessary for the child as well as for his family—income, job training for his parents, parttime job for teenager—what ever it takes to solve the immediate problems of this child and begin to solve the long term problems of his family. This is the program that the Welfare Department is putting together in ACT. The Pre-delinquency Section helps to locate the youth, and receives referrals and initially assesses the needs of each child and family. The Diagnostic and Evaluation Team (one of which will include 3rd and 4th year psychiatric students, psychiatric social workers and possibly pediatricians) would provide the technical assessment and treatment of the more serious cases of emotional disturbance and family pathology. This service would be enhanced if it were one of a number of services being coordinated by a youth coordinating office under the Mayor.

Coordination through executive department grouping (Superagency).—The third type of coordination, of which there are many varieties, is the development of a superagency such as the Department of Human Resources which becomes an umbrella covering many agencies. This type of coordination has tremendous potential as well as possible pitfalls, The potential is seen in the creation of a centralized mechanism to coordinate actions and interactions of agencies related to the development of human resources. The pitfalls include the questionable building of a super-empire; an additional layer of bureaucracy which is interposed between agency heads and the mayor; and the possibility of this superagency seizing the authority to draw up the budget of individual agencies, essentially usurping their individual authority.

Having outlined three possible means of coordination, let us review the super-structure of the District Building (spring 1970), especially in relation to youth services.

COORDINATING UNITS IN D.C. GOVERNMENT

The Office of Criminal Justice Planning.—This office was established by the mayor in compliance with Section 203 of the Omnibus Crime Control and Safe Streets Act of 1968. Its basic functions are:

Comprehensive planning functions, including setting goals and objectives, description of problem areas and needs, determination of priorities, program development, and recommendations for implementation.

Continuing analysis and description of the system of law enforcement and criminal justice.

Monitoring and evaluation of action programs funded by the office and of other agency programs.

Action program proposal review and funding.

Technical assistance to agencies in action program proposal development and in planning.

Policy decisions are made by the Criminal Justice Coordinating Board, appointed by the Mayor and composed of 21 members who are representative of the criminal justice and law enforcement agencies as well as of the public at large in the District of Columbia. The board meets monthly to consider relevant problems and issues.

In relation to the youth programs discussed in the first part of this report, this office helped with the development of the Welfare Department's ACT program and is funding a comprehensive evaluation of a joint project between ACT and the Roving Leaders. They will also be involved in helping with or coordinating with the "comprehensive planning" of the Office of Youth Opportunities Services.

The Office of Community Services.—As stated in the Mayor's executive order, No. 69–183 (April 25, 1969):

The Director of the Office of Community Services shall, on behalf of the Commissioner, plan and establish a system of decentralized administrative and service facilities including multipurpose community or neighborhood service centers; relate the activities of such centers to other District departments and agencies: assist in coordinating the decentralization of municipal services by District departments and agencies; coordinates other municipal services with the District's Model Cities program; direct the operation of the Information and Complaint Center; and serve as the District's general liaison officer with the United Planning Organization and the Office of Economic Opportunity and between those organizations and District departments and agencies.

Through this office considerable work has been done and charted to show not only the multiple private, civic, community, D.C. and Federal programs and services which exist in Washington, D.C., but how they overlap in geographical territories as well as in provision of services. In graphic form, its findings illustrate the lack of coordination of services and the waste of Federal, D.C. government and private funds in many areas, not only in youth services.

Mayor Washington's goal is to establish District Service Areas to which all District departments, agencies and offices will conform in their organization of the delivery of services. He hopes eventually to establish Multi-service Centers which embrace the whole range of interrelated, coordinated public and private activities in a region. The problems of developing such are multifaceted and beyond the scope of this report. The question here is, how youth programs and preventive services will be fitted into this design, if the design is feasible at all? More important, how does this move fit into the total scheme of developments in the District building?

The Department of Human Resources.—As stated in the executive order No. 70–83 (March 6, 1970), which is an amendment to No. 69–96, the creation of the Office of Human Resources,

The Director of the Department of Human Resources is responsible for planning, implementing, and administering District of Columbia health and social service programs, services and facilities and for promoting other programs designed effectively to maintain and improve the health and well-being of the people of the District of Columbia, including the prevention and control of disease, provision of medical and health care, prevention and treatment of drug addiction, institutional care of the mentally ill and retarded, related medical and paramedical services, social welfare programs, vocational rehabilitation, and veterans services; and for maintaining primary liaison relationships with the District of Columbia Unemployment Compensation Board.

Maintain liaison with Federal Agencies and private agencies including the United Planning Organization.

The Department of Human Resources was originally developed as the Office of Human Resources (June, 1969) to coordinate those agencies which deal with human resources—health, welfare, vocational rehabilitation, promotion of the arts and recreation and to assure effective relationships between these programs and those serving youth and manpower development.

When the office became a department, the Recreation Department was left out, although it continues to meet with agency heads under the Department of Human Resources. The Director of the Recreation Department is "greatly concerned" about his department being placed under the newly formed Office of Youth Opportunity Services, because the Recreation Department serves all age groups and not just youth.

The Department of Human Resources has great potential if it is used as a central planning office for the better utilization of services and facilities. This kind of coordinating mechanism is necessary for developing comprehensive planning, a central data collection system, and a central "clearing house" kind of service which provide programming direction, eliminates gaps in services and decreases overlapping and consequent waste of money.

The pitfalls of this office are already evident. The department is becoming a superstructure where the span of responsibility is too great, as admitted by a representative of that office. The danger of such a development is in its becoming a monopoly on certain services, dictating direction and controlling budget, rather than coordinating services and freeing agencies to better accomplish thier major objectives.

A preoccupation with coordination may also become a substitute for service expansion, innovation and improvement in the service delivery system. It could end up protecting the status quo rather than moving ahead in vital areas. For this reason, there must remain within the Department of Human Resources a "checks and balance" system where agency heads maintain some autonomy and are "free" and encouraged to develop and innovate in their area of expertise. Coordination is not an answer to all the problems of the District and must not be seen at a fetish. It is a tool to be used, among others, to improve services.

The Office of Youth Opportunity Services.—The purpose of this office, as stated in executive order No. 70–93 (March 17, 1970), is:

Assist the Commissioner in his functions of planning, coordinating, and assuring maximum interrelationship and effectiveness among the District of Columbia's programs concerned with the counseling, employment, health, *recreation* and training of children and youth;

On behalf of the Commissioner in matters affecting children and youth of D.C., and in association with the Director of the Department of Human Resources, maintain liaison and continuing relationships with those public agencies . . . and with private agencies serving District of Columbia children and youth;

Recommend to the Commissioner a comprehensive plan for combatting juvenile delinquency and rehabilitating delinquent youth, embracing projects and programs proposed by local public or private organizations.

This office resulted from combining the Youth Program Unit, previously in charge of coordinating youth activities and the Neighborhood Planning Councils,[17] with the Office of Youth Development Services, which has been developing comprehensive plans for the prevention and control of juvenile delinquency in accordance with the Delinquency Prevention and Control Act of 1968, as well as running Project Progress on the side.

The direction in which this office is heading has caused wide skepticism on the part of the directors of those agencies and organizations dealing with youth. The impression is that these two offices in city hall, now combined, have been planning and operating (Project Progress and the Neighborhood Planning Councils) quite apart from the established structure of the major agencies (Health, Education, Welfare, and Recreation). When these agencies must be involved or consulted, it is not in a "coordinating way" they are told how they will fit into the scheme of things. It is for this reason that the comprehensive plans of the Office of Youth Development Services—which looked good on paper—are being scrapped, consequently delaying the development of a comprehensive plan and the receipt of a sizable grant from HEW. The agencies with the know-how for program operation were never central in the planning, felt coerced into going along, and never had (for these and other reasons) professional respect for the group doing the planning.

It is believed by many that there is "politics" involved in the latest move to develop the Office of Youth Opportunity Services. Why isn't it placed under the Department of Human Resources where it belongs? The Director of this office clearly stated he was not responsible to the Department of Human Resources, although he meets with the central planning group of agency directors. Why was the Recreation Department placed under this office (YOS) when it clearly deals with much more than youth services? The Director of the Recreation Department expressed the fear that this group under the Mayor's office would coopt recreation facilities and resources for its own purposes.

Some defend this kind of maneuver as a necessary use of executive authority in order to shake up a non-functioning department. They argue that the Recreation Department in many ways is not fulfilling its basic function and consequently such action from the Mayor is not all that bad.

To others, however, the move represents something much more ominous, with serious consequences if it is allowed to continue. The fear is that creation of this office is a move toward the development of some sort of Youth Authority which would become responsible for coordinating and maybe running all agencies or portions of agencies and institutions dealing with youth—with a section specially geared to prevent and control delinquency.

The most potent argument against such a development is that, based on past experience, delinquency has *never* successfully been prevented through services to the youth or child alone. Authorities, including those at the D.C. Department of Public Welfare realize the necessity for (1) identifying "children in trouble" at an early age; (2) providing universal services to them without producing any stigma which suggests "potential delinquent"; and (3) dealing with the total family constellation of problems which create or contribute to the "troubled child." A youth authority is limited in what it can provide in terms of total services. Its image leans toward repressive or diversionary tactics rather than preventive and rehabilitative measures, not because of philosophy, but because of the services generally at its command.

The Office of Youth Opportunity Services, in its reorganization, is developing a "Youth Strategy Room" (also called the "War Room" by one concerned person) which will, include desks (38 in all) for representatives of each agency or department which deals with youth. This room—to be operational in June 1970—will have specfic data and wall charts to indicate the "state" of youth programs and the progress of delinquency prevention and control. A separate room will include desks for representatives of private organizations (Health and Welfare Council, UPO, Council of Churches, etc.) to coordinate the same.[18]

Again, the basic idea is good—to collect data for the purpose of comprehensive planning. The questions raised at this point by concerned officials include: What's right to be done with the information, and who's going to make the decisions? If the Office of Youth Opportunity Services doesn't have the respect and the responsible agencies and officials the results could be serious for this city. For example: One high official in the ACT program has said that the wrong kind of "coordination" would ruin two years of hard work building cooperative relations with the various agencies and universities in planning for and developing these teams. If ongoing programs are thwarted by the development of a Youth Activity there would be less progress instead of more. There could be more delinquency instead of less.

SUMMARY OF EVALUATION OF COORDINATING EFFORTS AND NEEDS

This study suggests that one of the most urgent problems—nothing new in Washington, but growing more serious in recent years—is the credibility gap between established district agencies and those new structures being developed for the purpose of coordinating programs. A certain amount of resistance can usually be attributed to vested interests. But the proportion of the problem here, and the commonality of feeling and concern among a core of people in various agencies who are professionally capable, seriously doing a job and not "marking time and maintaining the status quo," gives credence to the problem.

The feeling of many is that the most effective approach would be a youth program coordinator with a small staff under the Department of Human Resources. The purpose would be to collect significant data on youth programs and gaps in service; to convene interagency meetings to facilitate the development of comprehensive programs; and, under sanction of the Mayor's office, to develop mechanisms which make the planning and coordinating of interagency programs easier. This coordinator would be able to draw on the full resources of agencies in the Department of Human Resources, and to maintain communications with other agencies and community groups.

The second point that needs to be made is the inappropriateness of assigning any coordinating office to operate a program. It is a well established principle in the field of social planning that a Youth agency set up to coordinate programs defeats its own purpose by operating a program to show the others how it should be done. The result is alienation and lack of cooperation.

CONCLUSION

The focus of this report is really the youth of the District of Columbia and the alternatives open to them when they need help. The conclusion is not a happy one. It appears that this city, despite all its programs and coordinators, has not yet developed a means of bringing consistent help to children or teenagers short of their committing a serious delinquent act.

The questions which persistently appeared in the course of this study involve both the substance of individual programs and the tangled relationships among them. There are serious gaps in data and a generally inadequate factual base for the evaluation of programs. There are insufficient evaluative plans in most cases and therefore an inability to learn from experience in any systematic way. There appear to be coordinators who do not coordinate well with each other, whose jurisdictions overlap tremendously, and whose planning efforts often seem to be divorced from operating agencies.

Without effective coordination, without overall focus on the goals and objectives of youth programming and delinquency prevention services, without an objective evaluation of results, progress is likely to be slow and sporadic.

Further inquiries are needed to develop a full understanding of the current scope, organization and effectiveness of youth programs in Washington, an understanding which is essential before any truly comprehensive program can be shaped. Hearings, either by a Congressional committee or by the D.C. City Council, might be one vehicle for seeking such an understanding.

Among the questions which should be investigated further are the following:

1. Questions prompted specifically by this study:

a. City "coordinators" could be asked to define their areas of operation explicitly in relation to existing programs and to each other.

b. Those agencies operating youth programs could be asked how they evaluate success or failure and how findings must be related to improvements in their programs.

c. Private agencies, especially the United Planning Organization and the Health and Welfare Council, could be asked to define their relationship to city-operated programs and their concepts of effective coordination.

2. Areas for broader investigation, beyond the scope of this study:

a. Health services:

1. What counseling services are available to disturbed youth?

2. What interrelation (overlap or coordination) exists among various types of counseling offered by the public schools, public health, psychiatric services, and the welfare department?

3. The drug addiction problem is just beginning to get the attention needed from the new Narcotics Treatment Agency. What is the extent of the problem among youth and how can agencies most effectively work together?

b. Welfare services:

1. What effect do institutional programs have on the prevention of further delinquent behavior? Do they, in reality, become a training ground for crime?

[17] NPC—born in 1966 out of the need for citizen involvement in planning and operating summer youth programs at the neighborhood level. Twenty NPCouncils were developed and subsequently elected in the 20 designated geographical areas. The past year has seen the program changed from summer funding to year round programming with varying degrees of success.

[18] A request for an interview with the Director of the Office of Youth Opportunity Services was flatly rejected because he "didn't have time" to sit down and talk about his plans, ideas and approach to the coordination of youth programming.

2. Does the Aftercare Program provide adequate supportive services for youth released from institutions?

3. How adequately are welfare services coordinated with Juvenile Court, the Public Schools, and other agencies and programs?

c. Public schools:

1. The public schools are fertile ground for additional research in this area:

The quality of education provided;

The adequacy of teacher training;

The relevance of vocational education;

The effectiveness of special programs like the Urban Service Corps; and

The impact of Community School and Model School programs.

2. What is being done to upgrade the efficiency of the school administration?

d. Higher education:

1. What is the real availability of higher educational opportunities for ghetto youth—especially at area institutions such as Federal City College, Washington Technical Institute, and Howard University?

2. What types of education does each offer, and how effective are special programs for poorly prepared high school graduates and dropouts?

e. Manpower training programs:

1. What is the extent of training provided in the various programs offered?

2. Are there relevant jobs at the end of the training?

3. What is the success record for the past and present programs?

f. Police department:

1. What are the criteria used for arresting ghetto youth, and what determines who must be held in the Receiving Home?

2. Are there alternatives to the present procedure? Could a task force of representatives from welfare, police, and juvenile court evaluate procedures in terms of cause and result of present backlog, and possible alternatives?

g. Recreation:

1. The recreation department comes in contact with many youth. What is their real and unique contribution to youth through special athletic programs, special training in arts and crafts, music, and other leisure activities?

2. Do recreation workers receive adequate supervision and training?

3. Is there any quality control of neighborhood and regional programs?

h. Health and Welfare Council:

1. What role does the Health and Welfare Council play in the planning and provision of youth services in Washington, D.C.?

2. What specific functions does or can HWC perform for the city—ie. the coordination of, and counselor training for summer camping programs for most District agencies?

i. United Planning Organization:

1. What is the original objective of UPO in relation to youth programming?

2. Do they overlap with the programming and provision of services performed by other agencies?

3. What contributions have they made to the provision of services for youth in this city?

j. Contribution of universities to youth programs:

1. Many universities in the Washington area make a variety of contributions to solving city problems—ie. special research; providing students as interns who are getting on-the-job experience in relation to their studies; social action groups which provide volunteers for various programs; etc. Has there ever been an evaluation of the quality, quantity or pattern of this contribution?

2. What factors encourage or discourage such involvement?

3. What are the connecting links of this involvement? (ie. Pupil Personnel Services has a contract with one University for an evaluation of their Title I program.)

k. Contribution of business:

1. What is the current contribution of the business community to youth programs and to the solution of problems highlighted in this report?

2. What is the potential for business involvement?

l. Federal programs:

1. What contribution does the overlapping of federal programs make to the chaos in youth programs?

2. How could Federal programs be strengthened to provide greater incentives for local coordination and comprehensive planning?

5 DELINQUENCY PREVENTION PROGRAMS

Funding		Staff		Program size	
ROVING LEADER PROGRAM					
Federal (Labor)	$34,075	Roving leaders	20	Elementary:	
District of Columbia	405,213	Youth aides	11	Groups	38
Private	5,849	Supporting staff	6	Individuals	832
Total	445,137	Total	37	Teenagers: groups	73
Pending (District of Columbia special appropriations) (fiscal 1969).	116,529				
UNITED PLANNING ORGANIZATION					
NDYP					
Federal (HEW) (June, 1968–December 1969)	$1,152,966	Adults	20	"Touched" approximately 5,000 hardcore youth in 3-year period.	
		Youth [1]	150		
		Clerical [1]	15		
		Total [1]	185		
MANPOWER					
Federal, Labor Department:					
WCEP (youth and adults).	$5,751,567			WCEP	9,409
NYC	4,450,072			NYC:	
Job Corps	126,000			Regular	9,313
				Summer	8,314
				Job Corps	193
Total (fiscal 1969)	10,327,639			Total (October 1968 to September 1969).	27,229
PROJECT PROGRESS					
Federal (Labor)	$240,000	Nonprofessional staff	52	2,500 children and youth registered at 10 centers.	
Private	205,000	Professional-Program Director plus NYC's college work/study volunteers.	8		
Total	445,000				
Pending (OEO)	240,000	Total	60		

ACTION FOR CHILDREN IN TROUBLE

District of Columbia	$1,352,719	Predelinquency section.	64	Just getting started.
		Executive direction	4	
		6 teams (10 members).	60	
		Supervisor	1	
		Youth worker	5	
		Case aides	2	
		Clerks	2	
		Total	10	
		An example of 1 team developed in consultation with Georgetown University.		
		Diagnostic and evaluation.	52	
		Executive direction	4	
		6 teams (8 members).	48	
		Psychiatrist	1	
		Psychologist	2	
		Psychiatric S.W.	2	
		Psychometrist	1	
		Clerk	1	
		Case aide	1	
		Total	8	

PUPIL PERSONNEL SERVICES TITLE I PROGRAM

Federal (HEW)	$1,200,000	Supervising directors	2	34 schools, population of about 24,000.
		Assistant directors	3	
		Pupil personnel workers.	63	12,200 cases in fiscal 1970.
		Pupil personnel aides	49	
		Clinical psychologists	9	
		Psychiatric S. W.	6	
		Clerical staff	10	
		Total	142	

[1] Approximately.

OREGON'S ASSISTANCE TO PERUVIAN CHILDREN ORPHANED BY EARTHQUAKE

Mr. PACKWOOD. Mr. President, Oregon is the first State in our country to take action to assist Peruvian children orphaned by the recent earthquake that killed an estimated 60,000 persons and left 300,000 homeless. Thirty thousand children lost their homes and families in that tragedy.

Oregonians, in cooperation with the Portland Chamber of Commerce, have undertaken a fund-raising drive to establish "Los Hermanos de Oregon," a children's town near Lima, Peru.

The goal of the drive is to raise $57,000 for the purchase of a hacienda manor and 20 acres of land. That amount also would assist in constructing and equipping five cottages and would help oper-

ate the orphanage for 1 year. Long-term support would be provided by St. Vincent de Paul and other international charity organizations.

So far, $7,000 has been donated to the Peruvian Orphans Fund at the Portland Chamber of Commerce.

At "Los Hermanos de Oregon," 50 children would be housed in groups of 10 with trained "parents" living in each cottage. Every effort would be made to provide a home-like atmosphere for the children while they receive an education and vocational training to prepare them for a normal and productive adult life. For most of the children, who are natives of impoverished Andean villages, the children's town would provide their first opportunity to receive an education. According to Mr. Teodulo Cruz, president of Peru's St. Vincent de Paul, the town would be similar to Nebraska's Boys' Town.

This effort is typical of Oregonians' concern for their neighbors and of their ability to take the lead and act for a worthwhile cause. I commend the people of Oregon for their humanity, and I hope that the citizens of other States will follow their example.

AMERICAN PRISONERS OF WAR IN VIETNAM

Mr. SCOTT. Mr. President, if it is true—as Campbell wrote in Hallowed Ground—that to live in the hearts we leave behind is not to die, then surely the spirit of tenacity, and bravery, and allegiance to an ideal is not dead. Today, more than 1,400 American men are held prisoner by the Government of North Vietnam in a manner which violates the Geneva Convention. When, we must ask, will the Government of North Vietnam join with the civilized nations of the world, and accord these men the minimum decencies of treatment? When, Mr. President, will the North Vietnamese learn the simple lessons of humanity?

PRESERVATION OF ENVIRONMENT ENDANGERED BY INTERNAL REVENUE SERVICE RULINGS

Mr. PACKWOOD. Mr. President, I wish to express my concern over a recent action by the Internal Revenue Service which presents a grave threat to our national struggle against environmental pollution.

The health and happiness of Americans is threatened by blighted landscapes, dirty air, and polluted water. President Nixon has accorded highest priority to maintaining the quality of life against this threat. Terming environmental protection "a cause as fundamental as life itself," the President this year called for "greater citizen involvement." He said:

> The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen.

Last Friday the Internal Revenue Service announced that it had suspended the issuance of tax exemption rulings to nonprofit organizations which engage in legal actions for the preservation of the environment. The Service indicated that it intends over the next 60 days to study whether such groups ought to be granted exemptions. The most serious consequence of denying tax exempt status to such groups would be that contributions to them would not be tax deductible to donors. Without qualification to receive deductible contributions, these organizations will suffer severe curtailment of their support. Therefore, a decision not to grant exemptions would substantially curb private legal action against threats to the environment.

Denial of tax-exempt status would be a reversal of well-established IRS policy. The Wilderness Society, the Audubon Society, the Environmental Defense Fund, and the Sierra Club Foundation, among others, all engage in litigation. In a recent letter to the Commissioner of Internal Revenue, Russell Train, Chairman of the President's Council on Environmental Quality, outlined the valuable contributions to environmental defense which these tax-exempt organizations have made:

> [L]itigation brought by private groups which must rely on contributions for their support have performed at least three key functions in aid of our environmental protection programs:
>
> They have strengthened and accelerated the process of enforcement of antipollution laws.
>
> They have identified gaps in our regulatory procedures as for example in our pesticide controls and spurred action to remedy these gaps, and
>
> They have brought before the courts the public's interest in enforcement of such new governmental procedures as the Section 102 environmental impact statement requirement.

The magnitude of the pollution problem has been generally recognized only in the last year. Public officials are moving rapidly to meet the challenge; but government at all levels suffers from understaffing in efforts to enforce existing pollution laws. Private assistance is required. The Legal Advisory Committee of the President's Council on Environmental Quality has adopted a resolution stating that:

> Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reinforcing government environmental protection programs.

In its announcement, IRS expressed concern about a lack of standards for litigation by charitable organizations. The Service overlooks the elaborate and effective standards which are inherent in the court system itself. The litigation process is governed by both procedural and substantive safeguards which have been evolved over a considerable period of time in Anglo-American jurisprudence. Hence, among other things, courts have effective means to deal with plaintiffs whose motives are harassment or other improper objectives. Suits which are frivolous or otherwise lack merit can be dismissed in the first pretrial stages. Courts can require that plaintiffs put up bonds. They can, with or without bond, impose the costs of the suit on plaintiffs who abuse their legal rights. In extreme cases, courts can find harassing plaintiffs in contempt. In class actions—and most major environmental litigation so far has consisted of such suits—improper cases may be dismissed on the ground that the plaintiff does not adequately represent the public or other class interest involved. Finally, harassing plaintiffs will be reported by defendants to the bar and the IRS for appropriate sanctions.

The Internal Revenue Service is at least to be commended for its intention to reach a decision within 60 days. Delay threatens the existence of organizations which can contribute significantly to the fight against pollution. One such group is the Natural Resources Defense Council. NRDC is an organization designed to preserve and protect natural resources through legal means. It was organized early in 1970 by Whitney North Seymour—now U.S. attorney in New York. Two weeks ago I wrote the Internal Revenue Service urging prompt and favorable action on NRDC's application for tax exemption. Delay in IRS action on the application threatens the existence of the organization. Several major pledged contributions await tax-exempt clearance. Without those contributions, the organization will lose most of its staff—a highly qualified group of lawyers, several of whom recently completed clerkships on the Supreme Court and other Federal courts. NRDC had originally applied for tax exemption in February 1970, and had renewed the application seeking expedited consideration in June. I hope very much that IRS will adhere to its resolution to reach a decision within 60 days. The Federal Government should not allow itself to cripple through administrative delay so promising a contributor to the battle against pollution.

NRDC and groups like it seek only to have legal rights and obligations enforced by courts. Their litigation is based on democratically created Federal, State, and local laws. Their actions would complement the efforts of public enforcement bodies. Ours is a pluralistic society which has long and wisely favored private as well as governmental responsibility in national concerns. As President Nixon observed in his message on the environment:

> The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone.

I strongly urge the Internal Revenue Service to conduct its study with all due speed and to end the present uncertainty by reaffirming its policy and the policy of the Federal Government to bring to bear all available resources necessary to save our Nation's beauty, clean air, and water for ourselves and future generations.

FOURTEENTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. BELLMON. Mr. President, on behalf of the distinguished Senator from Illinois (Mr. SMITH), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to the 14th anniversary of the Hungarian Revolution and also the final communique of the Sixth Congress of the World Federation of Hungarian Freedom Fighters.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Mr. SMITH of Illinois. Mr. President, next week marks the fourteenth anniversary of the Hungarian Revolution when the world watched as valiant men and women died in a brave attempt to restore freedom to their country.

Since then, more than 30,000 Hungarian refugees have sought the freedoms of our shores. And with them came the spirit of the Hungarian Freedom Fighters.

The Sixth Congress of the World Federation of Hungarian Freedom Fighters met in London, August 28-31st and restated their determination to see the restoration of freedom in their homeland.

This declaration was endorsed by the Executive Committee of the Hungarian Freedom Fighters Federation, U.S.A. at their meeting last week in Chicago.

I am proud of the fine work being done by the Hungarian Freedom Fighters. They remind us of the true value of the liberties we sometimes take for granted.

Mr. President, I ask unanimous consent that the Final Communique of The Sixth Congress of the World Federation of Hungarian Freedom Fighters be printed in the RECORD.

FINAL COMMUNIQUE OF THE SIXTH CONGRESS OF THE WORLD FEDERATION OF HUNGARIAN FREEDOM FIGHTERS HELD IN LONDON, UNITED KINGDOM, AUGUST 28–31, 1970

The VI. Congress of the World Federation of Hungarian Freedom Fighters is compelled to state that it cannot observe any appreciable changes in the state of Hungary since its last Congress held in Ottawa (Canada) in 1967. The country, lacking self-determination, is still occupied by divisions of the Red Army and the citizens of Hungary are deprived of their basic human and political rights.

The Congress therefore sees no reason to change the Federation's long-standing objectives, goals and policies.

The Federation observes the ongoing international negotiations with great reservation. It expresses its concern over the possibility that these negotiations seek relaxation by neglecting the principle of self-determination. The Congress is hopeful that the resulting agreements will consider the political independence of the Central- and East-European nations and the supreme human value: right of individual freedom.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The 10-minute period allotted to morning business has now expired, and, in accordance with the previous order——

Mr. BAYH. Mr. President——

The ACTING PRESIDENT pro tempore. For what purpose does the Senator from Indiana rise?

Mr. ERVIN. I thought we had a 3-minute period.

The ACTING PRESIDENT pro tempore. There was 3 minutes for each individual Senator. There was a 10-minute total limitation on the period for the transaction of routine morning business.

Mr. GRIFFIN. I ask unanimous consent that the Senator from North Carolina now have 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAYH. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. In accordance with the previous order——

Mr. BAYH. Mr. President, the Senator from Indiana would like to propose a unanimous-consent request that the previous order be laid aside and each side be permitted 10 minutes on the matter now before us.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I ask that the unfinished business first be laid before the Senate.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read the title, as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. BAYH. Mr. President, I renew my unanimous-consent request that the period for debate on the Ervin amendment be extended to 10 minutes on each side.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, the Senator from Michigan has raised a very good point. There has been a considerable amount of inconsistency on this one point, and, as the Senator from Michigan pointed out, I have been involved to some extent in that inconsistency.

But I think, if the Senator from Michigan would read in toto what the chief House sponsor had to say on this matter, and particularly if he had been on the floor when I made my speeches on this subject, he would have to admit that the Senator from Indiana has been absolutely consistent on this subject during floor debate.

We can differ as to what the impact would be, but I quote from a floor statement that I made a week or so ago, in which I said:

I disagree with the contention of some persons that if this measure becomes law, women will automatically be drafted.

I shall also read a statement of the lady from Michigan (Mrs. GRIFFITHS). She said:

Women would be equally subject to jury service and to military service, but women would not be required to serve in the Armed Forces where they are not fitted, any more than men are required to so serve.

Then she went on to make this further statement:

The real effect, before this amendment is finally passed, would probably be to permit both sexes to volunteer on an equal basis, which is not now the case.

I have been arbitrary about allowing additional debate because, although I am certain the Senator from Michigan does not fit into this category, I am concerned that there may be some who want to talk this matter to death. We had extensive debate yesterday, in which nothing new was brought before us. Nothing new is contained in the letter sent to all Senators by the Senator from Kentucky and myself. I said exactly the same thing for over 2 hours yesterday.

As floor managers of this bill, it is our contention that because of compelling reasons of public policy and national interest, Congress could reasonably exclude women from the draft. That is the position of the two floor managers of the bill. If the Senator from Michigan wants to assume a different position, of course, he is within his rights to do just that.

Mr. ERVIN. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) quoted a statement by Representative MARTHA GRIFFITHS, as follows:

The real effect, before this amendment is finally passed, would probably be to permit both sexes to volunteer on an equal basis, which is not now the case.

I would interpret that as meaning that we are moving toward, and may sometime have, an all-volunteer army. Of course, in the future that may or may not be the case. But the fact is that at the present time we do have military conscription. And, as I understand her position, if and while any draft law is in effect women would be equally subject to military service, if the proposed equal rights amendment should be adopted.

She is reinforced in that interpretation, as I have said, by a report of the Subcommittee on Constitutional Amendments, chaired by the Senator from Indiana (Mr. BAYH). As I have indicated earlier, that report from his subcommittee states:

It could be expected that women will be equally subject to military conscription.

Furthermore, Mr. President, as I have already indicated, two earlier reports by the same subcommittee included the same legislative history.

Mr. President, I ask that statements on this point made earlier this year by witnesses before the subcommittee and, by Representatives in the other body, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENTS MADE BY WITNESSES WHO APPEARED THIS YEAR BEFORE THE SUBCOMMITTEE

Adele T. Weaver, President-Elect, National Association of Women Lawyers, Statement before the Senate Subcommittee on Constitutional Amendments, May 1970: "Amongst other possible legal effects of the proposed Equal Rights Amendment would be the eligibility of young women for military service."

Mrs. Jacqueline G. Gutwillig, Chairman, Citizens Advisory Council on the Status of Women, Statement before the Senate Subcommittee on Constitutional Amendments, May 6, 1970: "But I wish to note that the Equal Rights Amendment would also equalize the responsibilities for jury service and Military Service."

STATEMENTS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES DURING THE DEBATE EARLIER THIS YEAR

Representative Martha Griffiths (August 10, 1970, Congressional Record, p. 28005): "Women would be equally subject to jury service and to military service, but women would not be required to serve—in the Armed

Forces—where they are not fitted any more than men are required to so serve."

Representative David W. Dennis, Indiana (Aug. 10, 1970, Congressional Record, p. 28011): "To me perhaps the most distasteful thing of all, is that, as long as we keep selective service on the books, or, if it is repealed, then at any time when we may reinstate it, women, along with men, must be equally subject to military conscription. Conscription is objectionable enough, many think, where men are concerned, but I can think of no more far-reaching social change, nothing more likely to destroy the family unit, nothing so likely to transform us into a national socialistic type of state, than to conscript American women into the Armed Forces."

Representative Donald M. Fraser, Minnesota (Aug. 10, 1970, Congressional Record, p. 28018): "Women would be equally subjected to military service, but they would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve when they are not fitted."

Representative Bill Chappell, Jr., Florida (Aug. 10, 1970, Congressional Record, p. 28022): "Military service—this amendment will open affirmatively the selective service laws extended to women. Many of the people in my district have told me that they are opposed to this action."

Representative Mrs. Shirley Chisholm, New York (Aug. 10, 1970, Congressional Record, p. 28028): "The selective service law would have to include women, but women would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve."

On three separate occasions in recent years the Senate Subcommittee on Constitutional Amendments has reported out the so-called Equal Rights Amendment in its present form, and in each such reports has stated: "It could be expected that women will be equally subject to military conscription . . ." (1963, 1965, 1969)

Mr. GRIFFIN. In light of all this legislative history, frankly, I am surprised by the argument made to the Senate this morning by the Senator from Indiana. It appears to me that all the legislative history, up to this point, leads to a conclusion exactly the contrary to the interpretation now suggested by the Senator from Indiana.

I yield back whatever time remains to the Senator from North Carolina.

Mr. ERVIN. I yield myself whatever time I have remaining.

Mr. President, a great many years ago, when some people believed that the earth was flat and others believed that the earth was round, a vacancy arose in the position of teacher of geography in a school down in North Carolina. An applicant appeared before the school board and applied for the vacant job as teacher of geography. The chairman of the school board said:

There is a good deal of controversy as to whether the earth is flat or whether the earth is round.

What would be your position as teacher of that subject, if we elect you as teacher of geography?

I am satisfied that this teacher belonged to the supporters of the women's liberation movement, because this teacher replied:

I'll leave that up to the school board. I teach either or both systems.

Here we have the distinguished Representative from Michigan, who teaches one system, and the distinguished Senator from Indiana, who teaches the other.

I hold in my hand a document inserted in the RECORD on March 25, 1970, by the distinguished Representative from Michigan (Mrs. GRIFFITHS). This document was prepared by a group headed by a lawyer whose testimony the distinguished Senator from Nebraska (Mr. CURTIS) assured us yesterday he would take in preference to that of the able lawyer from Indiana, the Senator from Indiana (Mr. BAYH).

This document says flatly that there are discriminations based on sex that the women want removed, and one of the discriminations based on sex that the women want removed is stated in these words: Exclusion of women from the requirements of the Military Service Act of 1967.

So the declaration of the women's liberation movement, insofar as its position is not voiced by the distinguished Senator from Indiana, is that the purpose of this amendment is to make women subject to military service and subject to the draft, just as men are.

The declaration did not stop with that. It proceeded further to discuss the question: What would happen if this amendment were adopted? It was stated in this document, placed in the RECORD in the House by the distinguished Representative from Michigan (Mrs. GRIFFITHS), that if this amendment were adopted, men and women would be equally subject to military service. That is what the declaration says. That is teaching that the earth is flat. But the distinguished Senator from Indiana now comes in and tells the Senate that the earth is round.

This illustrates that the backers of this amendment, as I said yesterday, stand in need of the most compassionate prayer ever uttered:

Father, forgive them, for they know not what they do.

One of them says that women will be subject to the draft; the other says that they will not be subject to the draft. The world is flat—the world is round.

It is not surprising that a very keen observer of the passing scene, Robert Sherrill, had this to say about the proposed amendment:

The equal rights amendment's journey down the corridors of Congress has so far been an impressive demonstration of what can be achieved through almost total ignorance.

Hence, we are asked to adopt a constitutional amendment in total ignorance—not only in our total ignorance but also in the total ignorance of its proponents.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Michigan the time I have remaining.

Mr. GRIFFIN. Mr. President, the Senator from Indiana says that he is not for conscripting women into the military service, and he interprets the so-called equal rights amendments as not doing that. His view, of course, happens to be a minority view, because the overwhelming weight of the legislative history is the other way. It can be said, at the very least, that a serious question or doubt now exists. I would think, in view of his position, that he would support the proposed amendment of the Senator from North Carolina so that there could be no question about the interpretation of the equal rights amendment.

I feel strongly that if the amendment offered by the Senator from North Carolina were adopted, the House of Representatives would accept it. I do not believe there would not be any problem at all about this particular point.

Indeed, I do not understand the opposition of the Senator from Indiana to the amendment offered by Mr. ERVIN if he does not believe that women should be conscripted into the military service. Unless that amendment is adopted, we will be at the mercy of the Supreme Court. While we cannot be sure as to what the Supreme Court would say, we must expect, at least, that the view indicated by the weight of opinion reflected in the legislative history may be adopted by the Court.

The ACTING PRESIDENT pro tempore. The time of the Senator from North Carolina has expired.

Mr. BAYH. Mr. President, I must say that I appreciate the argument put forth by the Senator from Michigan and the Senator from North Carolina. I do not agree with the final conclusion of their logic, however. But I, for one, would not suggest that either one of them has proceeded in total ignorance. I would hope that those of us in this body could have legitimate differences without suggesting that those who oppose or take a different position are victims of total ignorance.

The facts are these: There is a question, a legitimate question, about whether or not women will be drafted. The legislative history will be an important aid to the final determination of that question. We have been making and are now making that legislative history. A good deal has happened in legislative history since that report was written by the Senate Judiciary Committee, and it is for this reason that the Senator from Indiana has changed his mind.

The principal House sponsor, the Representative from Michigan (Mrs. GRIFFITHS), established what, in the opinion of the Senator from Indiana, is a new and different standard by which we should analyze the possibility that women would be drafted under this amendment. I read from what she said:

Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest.

"An overriding and compelling public interest." Who establishes that overriding and compelling public interest? I suggest that Congress does. Historically, it always has. If Congress establishes a standard that women should be drafted, they will be drafted. If Congress establishes a contrary standard, they will not be.

I do not believe that this body would draft women under the present circumstances. Someday, however, this body might change its mind, God forbid, we might be confronted with an international crisis or a national crisis in which we would need to draft women. But I think under the standards set by Representative GRIFFITHS, the language of this

bill permits that but does not require the drafting of women. I want to read once more what the distinguished lady from Michigan said:

> Women would be equally subject to jury service and to military service, but women would not be required to serve (in the Armed Forces) where they are not fitted any more than men are required to so serve.

Then she went on to say:

> The real effect before this amendment is finally passed would probably be to permit both sexes to volunteer on an equal basis which is not now the case.

Mr. President, I do not think the distinguished lady from Michigan was talking about a future volunteer army. I think she was talking about the very real facts of life which exist today. Women are being discriminated against if they try to volunteer for the Army yet any man who can breathe and is physically able can qualify and volunteer for the Armed Forces. A woman, however, must have a high school diploma in order to volunteer. That is not required of men. I think this clearly shows that there is real discrimination going on in the Army today insofar as a woman's being able to volunteer is concerned.

One last word, Mr. President, I think we should all realize the practical purpose and the practical effect of adoption of the amendment. If it is agreed to, we will have taken a major step toward killing it because the opponents of the measure want to hook on a significant amendment. Then it will have to go to conference and we are advised that, if it does, it will never see the light of day.

Therefore, we must decide whether we are going to risk this possibility or let the legislative history speak and interpret what the words of the amendment do, in fact, say.

I personally feel that we do not need more debate. The situation has been adequately covered. The Supreme Court will look not only at what the Senator from Indiana and the Senator from Kentucky say, but at what the Senator from Michigan says. I think that this standard of overriding and compelling public interest will decide the issue.

If we adopt the amendment of the distinguished Senator from North Carolina, if we specifically except women from the draft, then before the sun goes down tonight, there will be another amendment to except any laws applicable to women who are orphans or widows; then there will be another amendment applicable to mothers with children in the home; and then there will be another amendment applicable to the children themselves.

This has been the history of the equal rights amendment. We have set up these riders one after the other, just like the Hayden rider which giveth with one hand and taketh away with the other. Then it is sent to committee and the issue is dead, as it has been for 47 years.

Now, if that is what we want to do, that is what we will do. But this amendment should not be taken lightly. This proposed amendment to House Joint Resolution 264 is only the first step in an assault to see that this effort to give women equality before the law is dealt with the same way it has been dealt with for 47 years. Nothing has happened and nothing will happen if we allow this amendment to be accepted.

Mr. DOLE. Mr. President, I am pleased to support the movement for women's rights and specifically to be a cosponsor of the equal rights amendment, Senate Joint Resolution 61 which is identical to House Joint Resolution 264. I was also a cosponsor and advocate of a similar measure while I served in the House.

In supporting these measures, I am keeping in the tradition of the people of Kansas who have long been leaders in the fight for women's equality. Kansas, on November 5, 1867, had the distinction of being the first State in the Union to submit women's suffrage to a popular vote. Kansas, in 1912, enacted women's suffrage, and in 1919 it was the third State in the Union to ratify the 19th amendment. Moreover, two Kansans, Senator Charles E. Curtis and Representative Daniel R. Anthony first introduced in December, 1923, in the Senate and House a proposed constitutional amendment to grant equal rights to women—the forerunner of the amendment we are considering today. And it was another Kansan, Senator Arthur Capper who during the 1940's came forth as one of the chief proponents of this amendment.

There is one aspect of the House-passed amendment that concerns me and has been the source of some doubts in the minds of many women and supporters of equal rights in my State. I am referring to the so-called equal right of women to be required to serve in compulsory military service on the same basis as men. The question of whether women would be "equally subject to the draft" was raised in a widely circulated memorandum on the proposed equal rights amendment prepared by a study group of the citizens' advisory council on the status of women. It was submitted for the RECORD by Representative MARTHA GRIFFITHS on March 26 of this year. Mr. President, recently I supported a bill designed to end compulsory military service for men. It would be anomalous at this time to support a constitutional amendment that so easily lends itself to an interpretation requiring compulsory military service or even combat duty for women. Certainly, the simplest way to prevent women from becoming liable to the draft would be to accept the proposed langauge of Senator ERVIN's amendment.

Mr. President, there is nothing in this amendment that would prohibit Congress, during a period of grave national emergency, from conscripting women if such action were determined to be necessary to maintenance of national security. But this amendment simply prohibits the invalidation of any present law which exempts women from compulsory service. This amendment in no way abridges the inherent rights of any women, but clearly delineates current national policy of exempting women from the draft. Neither does this language introduced by Senator ERVIN restrict women from voluntarily enlisting in the military and joining with the tens of thousands of women who have distinguished the uniform of our country. On the contrary, it encourages their service by guaranteeing military women promotion rights and salary raises consistent with those enjoyed by men. After the ambiguity exposed yesterday on the floor regarding this amendment's relation to military service, it would seem that every Senator who favors the equal rights amendment would want to make his intent perfectly clear and vote for the Senator from North Carolina's perfecting amendment.

I support the two additional perfecting provisions offered by Senator ERVIN. The first provision requiring that the amendment be ratified within 7 years has been included in amendments proposed by Congress commencing with the 18th, and will prevent an anomaly amendment from lingering in limbo for an indefinite number of years. A section of the Bill of Rights passed by Congress in 1789 was submitted to the States in 1810, and as of today is still pending ratification. The second provision providing States 2 years instead of 1 to implement this amendment will prevent undue confusion for States where legislatures meet biannually.

Mr. President, in supporting these perfecting provisions of Senator ERVIN, I adhere to the long established tradition of the State of Kansas on behalf of women and the equal rights amendment, and in doing so, afford our women the equality they justly demand.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment No. 1049 of the Senator from North Carolina (Mr. ERVIN).

On this question the yeas and nays have been ordered, the amendments will be voted on en bloc, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and

Mr. PROUTY), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from New York would vote "nay."

The vote was recapitulated.

Mr. ERVIN. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 36, nays 33, as follows:

[No. 375 Leg.]

YEAS—36

Allen	Eastland	Metcalf
Allott	Ervin	Miller
Anderson	Fannin	Pearson
Baker	Griffin	Russell
Bennett	Hansen	Saxbe
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Spong
Cooper	Jackson	Stennis
Cotton	Jordan, Idaho	Talmadge
Dole	Long	Williams, Del.
Dominick	Magnuson	Yarborough
Eagleton	McClellan	Young, N. Dak.

NAYS—33

Bayh	Harris	Nelson
Bellmon	Hart	Pell
Bible	Hatfield	Percy
Boggs	Hughes	Proxmire
Brooke	Inouye	Randolph
Case	Javits	Ribicoff
Cook	Jordan, N.C.	Schweiker
Curtis	Mathias	Scott
Ellender	McGovern	Smith, Maine
Fulbright	McIntyre	Stevens
Gurney	Mondale	Young, Ohio

NOT VOTING—31

Aiken	Hartke	Packwood
Burdick	Hruska	Pastore
Cannon	Kennedy	Prouty
Church	Mansfield	Smith, Ill.
Cranston	McCarthy	Symington
Dodd	McGee	Thurmond
Fong	Montoya	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	Williams, N.J.
Gore	Murphy	
Gravel	Muskie	

So Mr. ERVIN's amendment (No. 1049) was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I regret that I was unable to be present this morning when the Senate voted on the Ervin amendment No. 1049 to House Joint Resolution 264. I had arranged my schedule so that I could be present. However, due to inclement weather and an abnormally high level of air traffic at Washington National Airport, the commercial plane in which I was riding was unable to land and I was delayed for over 1 hour.

I wish the RECORD to show, that if I had been present and voting, I would have voted "aye."

INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2224.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Investment Company Amendments Act of 1970".

SEC. 2. (a) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended as follows:

(1) Paragraph (5) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (19) through (35) are redesignated as paragraphs (20) through (36), respectively, and paragraphs (36) through (42) are redesignated as paragraphs (38) through (44), respectively.

(3) A new paragraph is inserted immediately after paragraph (18) to read as follows:

"(19) 'Interested person' of another person means—

"(A) when used with respect to an investment company—

"(i) any affiliated person of such company,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such company,

"(iii) any interested person of any investment adviser of or principal underwriter for such company,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such company has acted as legal counsel for such company,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had, at any time since the beginning of the last two fiscal years of such company, a material business or professional relationship with such company or with the principal executive officer of such company or with any other investment company having the same investment adviser or principal underwriter or with the principal executive officer of such other investment company:

Provided, That no person shall be deemed to be an interested person of an investment company solely by reason of (aa) his being a member of its board of directors or advisory board or an owner of its securities, or (bb) his membership in the immediate family of any person specified in clause (aa) of this proviso; and

"(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

"(i) any affiliated person of such investment adviser or principal underwriter,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such investment adviser or principal underwriter,

"(iii) any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such investment company has acted as legal counsel for such investment adviser or principal underwriter,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter.

For the purposes of this paragraph (19), 'member of the immediate family' means any parent, spouse of a parent, child, spouse of a child, spouse, brother, or sister, and includes step and adoptive relationships. The Commission may modify or revoke any order issued under clause (vi) of subparagraph (A) or (B) of this paragraph whenever it finds that such order is no longer consistent with the facts. No order issued pursuant to clause (vi) of subparagraph (A) or (B) of this paragraph shall become effective until at least sixty days after the entry thereof, and no such order shall affect the status of any person for the purposes of this title or for any other purpose for any period prior to the effective date of such order."

(4) A new paragraph is inserted immediately after redesignated paragraph (36) (formerly paragraph (35)) as follows:

"(37) 'Separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(5) A new paragraph is inserted immediately after redesignated paragraph (44) (formerly paragraph (42)) as follows:

"(45) 'Savings and loan association' means a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, and a receiver, conservator, or other liquidating agent of any such institution."

(b) Section 13(b) of such Act (15 U.S.C. 80a-13(b)) is amended by striking out "paragraph (40)" and inserting in lieu thereof "paragraph (42)."

SEC. 3. (a) The second sentence of paragraph (2) of section 3(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(b)(2))

is amended by inserting "in good faith" and "paragraph".

(b) Section 3(c) of such Act (15 U.S.C. 80a–3(c)) is amended as follows:

(1) The material preceding paragraph (1) is amended to read as follows:

"(c) Notwithstanding subsection (a), none of the following persons is an investment company within the meaning of this title:".

(2) Strike paragraph (8); redesignate paragraphs (5) through (15) as paragraphs (4) through (13), respectively; and strike "paragraphs (3), (5), and (6)" in redesignated paragraph (6) (formerly paragraph (7)) and insert in lieu thereof "paragraphs (3), (4), and (5)".

(3) Redesignated paragraph (5) (formerly paragraph (6)) is amended by inserting "redeemable securities," before "face-amount certificates".

(4) Redesignated paragraph (8) (formerly paragraph (10)) is amended to read as follows:

"(8) Any company subject to regulation under the Public Utility Holding Company Act of 1935."

(5) Redesignated paragraph (11) (formerly paragraph (13)) is amended to read as follows:

"(11) Any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of such section or the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code, and (B) advances made by an insurance company in connection with the operation of such separate account."

(c)(1) Section 8(b)(2) of such Act (15 U.S.C. 80a–8(b)(2)) is amended to read as follows:

"(2) a recital of all investment policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by shareholder vote;".

(2) Paragraphs (3) and (4) are redesignated as paragraphs (4) and (5), respectively.

(3) A new paragraph is inserted immediately after paragraph (2) to read as follows:

"(3) a recital of all policies of the registrant, not enumerated in paragraphs (1) and (2), in respect of matters which the registrant deems matters of fundamental policy;".

(d) Section 13(a)(3) of such Act (15 U.S.C. 80a–13(a)(3)) is amended to read as follows:

"(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to section 8(b)(3);".

SEC. 4. (a) That part of section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)) which precedes paragraph (1) is amended by inserting "employee," before "officer".

(b) Section 9 of such Act (15 U.S.C. 80a–9) is further amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) a new subsection to read as follows:

"(b) The Commission may, after notice and opportunity for hearing, by order prohibit, conditionally or unconditionally, either permanently or for such period of time as it in its discretion shall deem appropriate in the public interest, any person from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person—

"(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this title any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such registration statement, application, or report any material fact which was required to be stated therein; or

"(2) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(3) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes."

SEC. 5 (a) Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(a)) is amended to read as follows:

"(a) No registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company."

(b) Section (10b) of such Act (15 U.S.C. 80a–10(b)) is amended—

(1) by striking out "After one year from the effective date of this title, no" and inserting in lieu thereof "No"; and

(2) by striking out "affiliated", each place it appears in paragraph (2) and inserting in lieu thereof "interested".

(c) Section 10(c) of such Act (15 U.S.C. 80a–10(c)) is amended to read as follows:

"(c) No registered investment company shall have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank, except that, if on March 15, 1940, any registered investment company had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank."

(d) Section 10(d) of such Act (15 U.S.C. 80a–10(d)) is amended to read as follows:

"(d) Notwithstanding subsections (a) and (b)(2) of this section, and, in the case of a registered investment company which is a collective or other pooled fund maintained by a bank for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as managing agent, if such a collective or other pooled fund is otherwise permitted by law, notwithstanding subsections (b) (3) and (c) of this section, a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company, or are officers or employees of such company, if—

"(1) such investment company is an open-end company;

"(2) such investment adviser (A) is registered under title II of this Act and is engaged principally in the business of rendering investment supervisory services as defined in title II, or (B) is a bank;

"(3) no sales load is charged on securities issued by such investment company;

"(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

"(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

"(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

"(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

"(8) such investment company has only one class of securities outstanding, each unit of which has equal voting rights with every other unit."

SEC. 6. Section 11(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–11(b)) is amended to read as follows:

"(b) The provisions of this section shall not apply to any offer made pursuant to any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs."

SEC. 7. Section 12(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)) is amended to read as follows:

"(d)(11)(A) It shall be unlawful for any registered investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the 'acquired company'), and for any investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the 'acquired company'), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company;

"(ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of the total assets of the acquiring company; or

"(iii) securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of the total assets of the acquiring company.

"(B) It shall be unlawful for any registered open-end investment company (the 'acquired company'), any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the 'acquiring company') or any company or companies controlled by the acquiring company, if immediately after such sale or disposition—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and any company or companies controlled by it; or

"(ii) more than 10 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies and companies controlled by them.

"(C) It shall be unlawful for any investment company (the 'acquiring company') and any company or companies controlled by the acquiring company to purchase or otherwise acquire any security issued by a registered closed-end investment company, if immediately after such purchase or acquisition the acquiring company, other investment companies having the same investment

adviser, and companies controlled by such investment companies, own more than 10 per centum of the total outstanding voting stock of such closed-end company.

"(D) The provisions of this paragraph (1) shall not apply to a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions).

"(E) The provisions of this paragraph (1) shall not apply to a security (or securities) purchased or acquired by an investment company if—

"(i) the depositor of, or principal underwriter for, such investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such a broker or dealer;

"(ii) such security is the only investment security held by such investment company (or such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company); and

"(iii) in the event such investment company is not a registered investment company, the purchase or acquisition is made pursuant to an arrangement with the issuer of, or principal underwriter for the issuer of, the security whereby such investment company is obligated—

"(aa) either to seek instructions from its security holders with regard to the voting of all proxies with respect to such security and to vote such proxies only in accordance with such instructions, or to vote the shares held by it in the same proportion as the vote of all other holders of such security, and

"(bb) to refrain from substituting such security unless the Commission shall have approved such substitution in the manner provided in section 26 of this Act.

"(F) The provisions of this paragraph (1) shall not apply to securities purchased or otherwise acquired by a registered investment company if—

"(i) immediately after such purchase or acquisition not more than 3 per centum of the total outstanding stock of such issuer is owned by such registered investment company and all affiliated persons of such registered investment company; and

"(ii) such registered investment company has not offered or sold after January 1, 1971, and is not proposing to offer or sell any security issued by it through a principal underwriter to otherwise at a public offering price which includes a sales load which, when added to the maximum sales load applicable to the acquisition of its portfolio securities, is excessive within the meaning of section 22(b) of this Act.

No issuer of any security purchased or acquired by a registered investment company pursuant to this subparagraph shall be obligated to redeem such security in an amount exceeding 1 per centum of such issuer's total outstanding securities during any period of less than thirty days. Such investment company shall exercise voting rights by proxy or otherwise with respect to any security purchased or acquired pursuant to this subparagraph in the manner prescribed by subparagraph (E) of this subsection.

"(G) For the purposes of this paragraph (1), the value of an investment company's total assets shall be computed as of the time of a purchase or acquisition or as closely thereto as is reasonably possible.

"(H) In any action brought to enforce the provisions of this paragraph (1), the Commission may join as a party the issuer of any security purchased or otherwise acquired in violation of this paragraph (1), and the court may issue any order with respect to such issuer as may be necessary or appropriate for the enforcement of the provisions of this paragraph (1).

"(2) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security (except a security received as a dividend or as a result of a plan of reorganization of any company, other than a plan devised for the purpose of evading the provisions of this paragraph) issued by any insurance company of which such registered investment company and any company or companies controlled by such registered company do not, at the time of such purchase or acquisition, own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate, or as a result of such purchase or acquisition will own in the aggregate, more than 10 per centum of the total outstanding voting stock of such insurance company.

"(3) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act, unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans, and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities."

SEC. 8. (a) Section 15(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company, and—

"(1) precisely describes all compensation to be paid thereunder;

"(2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

"(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice in the investment adviser; and

"(4) provides, in substance, for its automatic termination in the event of its assignment."

(b) Section 15(b) of such Act (15 U.S.C. 80a–15(b)) is amended to read as follows:

"(b) It shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract—

"(1) shall continue in effect for a period, more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

"(2) provides, in substance, for its automatic termination in the event of its assignment."

(c) Section 15(c) of such Act (15 U.S.C. 80a–15 (c)) is amended to read as follows:

"(c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company."

(d) Section 15 of such Act (15 U.S.C. 80a–15) is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 9. (a) Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank (including in the case of a registered investment company which is a collective fund maintained by a bank (if such a collective fund is otherwise permitted by law), the bank maintaining such fund or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Subject to such rules, regulations, and orders as the Commission may adopt as necessary or appropriate for the protection of investors, a registered management company or any such custodian, with the consent of the registered management company for which it acts as custodian, may deposit all or any part of the securities owned by such registered management company in a system for the central handling of securities established by a national securities exchange or national securities association registered with the Commission under the Securities Exchange Act of 1934, or such other person as may be permitted by the Commission, pursuant to which system all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commis-

sion, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, or in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintained pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

(b) Section 17(g) of such Act (15 U.S.C. 80a–17(g)) is amended to read as follows:

"(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (unless the officer or employee has such access solely through his position as an officer or employee of a bank) be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe."

(c) Section 17 of such Act (15 U.S.C. 80a–17) is further amended by adding at the end thereof a new subsection as follows:

"(j) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent, such acts, practices, or courses of business as are fraudulent, deceptive or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices, or courses of business."

SEC. 10. Section 18(f)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–18(f)(2)) is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company, include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: Provided, That (A) such company has outstanding no class or series of stock which is not so preferred over all other classes or series, or (B) the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities. For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

SEC. 11. Section 19 of the Investment Company Act of 1940 (15 U.S.C. 80a–19) is amended by inserting "(a)" after "SEC. 19.", and by adding at the end thereof a new subsection as follows:

"(b) It shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954, more often than once every twelve months."

SEC. 12. (a) Section 22(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–22(b)) is amended to read as follows:

"(b)(1) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and notwithstanding the provisions of subsection (b)(8) thereof but subject to all other provisions of said section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price, as such rules may prescribe in order that the price at which such security is offered or sold to the public shall not include an excessive sales load but shall allow for reasonable compensation for sales personnel, for reasonable opportunity for profit for brokers and dealers and underwriters, and for reasonable sales loads to investors. The Commission shall on application or otherwise, if it appears that smaller companies are subjected to relatively higher operating costs, make due allowance therefor by granting any such company or class of companies appropriate qualified exemptions from the provisions of this section.

"(2) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, or after a securities association has adopted rules as contemplated by this subsection, the Commission may make such rules and regulations pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purpose of this subsection with respect to sales of shares of a registered investment company by broker-dealers subject to regulation under section 15(b)(8) of that Act: Provided, That the underwriter of such shares may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to this subsection by a national securities association specified in such notice, and thereafter the sales load shall not exceed that prescribed by such rules of such association, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such sales.

"(3) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, (or, if earlier, after a securities association has adopted for purposes of paragraph (1) any rule respecting rule excessive sales loads) the Commission may alter or supplement the rules of any securities association as may be necessary to effectuate the purposes of this subsection in the manner provided by section 15A(k)(2) of the Securities Exchange Act of 1934.

"(4) If any provision of this subsection is in conflict with any provision of any law of the United States in effect on the date this subsection takes effect, the provisions of this subsection shall prevail."

(b) Section 22(c) of such Act (15 U.S.C. 80a–22(c)) is amended to read as follows:

"(c) The Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsection (a) of this section in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable."

(c) Section 22(d) of such Act (15 U.S.C. 80a–22(d)) is amended to read as follows:

"(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

(d) Section 22 of such Act (15 U.S.C. 80a–22) is further amended by adding a new subsection at the end thereof as follows:

"(h) Subject to any provision of any law of any State or of the United States prohibiting the creation or operation of an investment company by a bank or banks or by a savings and loan association or savings and loan associations and also subject to any restrictions or requirements imposed by any law of any State or of the United States—

"(1) the creation or operation of a registered investment company by a bank or banks shall be unlawful unless such creation or operation is in compliance with any applicable regulations of the Comptroller of the Currency, and

"(2) the creation or operation of a registered investment company by a savings and loan association or savings and loan associations shall be unlawful unless such creation or operation is in compliance with any applicable regulations of the Federal Home Loan Bank Board, and

"(3) the underwriting, distribution, or sale by a bank, or by a savings and loan association, of securities issued by a registered investment company shall be unlawful

unless the registered investment company issues such securities only for distribution and sale by banks or by savings and loan associations,

and further provided that such securities issued by such investment company are sold at a public offering price which does not include a sales load and are sold only by officers and employees of banks and savings and loan associations who meet such standards with respect to training and experience as the Comptroller of the Currency and the Federal Home Loan Bank Board shall prescribe by regulations which are consistent with the rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934."

SEC. 13. (a) Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(d)) is amended to read as follows:

"(d) The exemption provided by paragraph (8) of section 3(a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3(a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions."

(b) Section 24 of such Act (15 U.S.C. 80a–24) is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within six months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares. The Commission may also adopt rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to permit the registration of an indefinite number of the securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust."

SEC. 14. Section 25(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–25(c)) is amended to read as follows:

"(c) Any district court of the United States in the State of incorporation of a registered investment company, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all security holders."

SEC. 15 (a) Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) a new subsection as follows::

"(b) It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

(b) Redesignated subsection (c) (formerly subsection (b)) of section 26 of such Act is amended to read as follows:

"(c) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not comply with the requirements of subsection (a) of this section, such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract or agreement have been filed with the Commission."

SEC. 16. Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding subsection (a) of this section, it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first year after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 20 per centum of the gross payments made by the certificate holder. The Commission may make rules and regulations applicable to such underwriters and depositors specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to cary out the obligations to refund sales charges required by this subsection.

"(e) With respect to any periodic payment plan certificate sold subject to the provisions of subsection (d) of this section, the registered investment company issuing such periodic payment plan certificate, or any depositor of or underwriter for such company, shall in writing (1) inform each certificate holder who has missed three payments or more, within thirty days following the expiration of ten months after the issuance of the certificate, or, if any such holder has missed one payment or more after such period but prior to the expiration of one year after the issuance of the certificate, at any time prior to the expiration of such one year period (or, if later, at any time prior to the expiration of ten days after such payment was missed), of his right to surrender his certificate as specified in subsection (d) of this section, and (2) inform the certificate holder of (A) the value of the holder's account as of the time the written notice was given to such holder, and (B) the amount to which he is entitled as specified in subsection (d) of this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection.

"(f) With respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within thirty days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as may be reasonably necessary in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

(g) Notwithstanding the provisions of subsections (a) and (d), a registered investment company issuing periodic payment plan certificates may elect, by written notice to the Commission, to be governed by the provisions of subsection (h) rather than the provisions of subsections (a) and (d) of this section.

"(h) Upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

"(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

"(2) more than 20 per centum of any payment thereon is deducted for sales load, or an average of more than 16 per centum is deducted for sales load from the first forty-eight monthly payments thereon, or their equivalent;

"(3) the amount of sales load deducted from any one of the first twelve monthly payments, the thirteenth through twenty-fourth monthly payments, the twenty-fifth through thirty-sixth monthly payments, or the thirty-seventh through forty-eighth monthly payments, or their equivalents, respectively, exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

"(4) the deduction for sales load on the excess of the payment or payments in any month over the minimum monthly payment, or its equivalent, to be made on the certificate exceeds the sales load applicable to payments subsequent to the first forty-eight monthly payments or their equivalent;

"(5) the first payment on such certificate is less than $20, or any subsequent payment is less than $10;

"(6) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C) of paragraph (2) of section 26 (a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

"(7) if such registered company is a unit investment trust the assets of which are securities issued by a management company,

the depositor of or principal underwriter for such trust, or any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe."

SEC. 17. Section 28 of the Investment Company Act of 1940 (15 U.S.C. 80a–28) is amended by adding at the end thereof a new subsection as follows:

"(i) The foregoing provisions of this section shall aply to all face-amount certificates issued prior to the effective date of this subsection; to the collection or acceptance of any payment on such certificates; to the issuance of face-amount certificates to the holders of such certificates pursuant to an obligation expressed or implied in such certificates; to the provisions of such certificates; to the minimum certificate reserves and deposits maintained with respect thereto; and to the assets that the issuer of such certificate was and is required to have with respect to such certificates. With respect to all face-amount certificates issued after the effective date of this subsection, the provisions of this section shall apply except as hereinafter provided.

"(1) Notwithstanding subparagraph (A) of paragraph (2) of subsection (a), the reserves for each certificate of the installment type shall be based on assumed annual, semiannual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed 3½ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first three certificate years shall amount to at least 80 per centum of the required gross annual payment for such years; the reserve payment or payments for the fourth certificate year shall amount to at least 90 per centum of such year's required gross annual payment; the reserve payment or payments for the fifth certificate year shall amount to at least 93 per centum of such year's gross annual payment; and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: Provided, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken.

"(2) Notwithstanding paragraphs (1) and (2) of subsection (d), (A) in respect of any certificate of the installment type, during the first certificate year, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than 80 per centum of the amount of the gross payments made on the certificate; and (B) in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by clauses (1) and (2) of subparagraph (D) of paragraph (2) of subsection (a), less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 80 per centum of the gross payments made on the certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate."

SEC. 18. Section 32(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–31(a)) is amended to read as follows:

"(a) It shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

"(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person, of a majority of those members of the board of directors who are not interested persons of such registered company;

"(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the vote of a majority of those members of the board of directors who are not interested persons of such registered company, cast in person at a meeting called for the purpose of voting on such action;

"(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

"(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof. If the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3), the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or, if not so filled, at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16(b), no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in section 16(b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal, the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (42) of section 2(a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection."

SEC. 19. Section 33 of the Investment Company Act of 1940 (15 U.S.C. 80a–32) is amended to read as follows:

"FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

"SEC. 33. Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgments filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise, or discontinuance of such action, and (3) a copy of such motions, transcripts, or other documents filed in or issued by the court or served in connection with such action or claim as may be requested in writing by the Commission. If any document referred to in clause (1) or (2)—

"(A) is delivered to such company or party defendant, such document shall be filed with the Commission not later than ten days after the receipt thereof; or

"(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery."

SEC. 20. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a–35) is amended to read as follows:

"BREACH OF FIDUCIARY DUTY

"SEC. 36. (a) The Commission is authorized to bring an action in the proper district court of the United States, or in the United States court of any territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has engaged within five years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

"(1) as officer, director, member of any advisory board, investment adviser, or depositor; or

"(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If such allegations are established, the court may enjoin such person from acting in any or all such capacities either permanently or temporarily and award such injunctive or other relief against such person as may be reasonable and appropriate in the circumstances, having due regard to the protection of investors and to the effectuation of the policies declared in section 1(b) of this title.

"(b) For the purposes of this subsection, the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser. An action may be brought under this subsection by the Commission, or by a bona fide security holder of such registered investment company on behalf of such company acting in good faith and with justifiable cause, against such investment adviser, or any affiliated person of such investment adviser, or any other person enumerated in subsection (a) of this section who has a fiduciary duty concerning such compensation or payments, for breach of fiduciary duty in respect of such compensation or payments paid by such registered investment company

or by the security holders thereof to such investment adviser or person. With respect to any such action the following provisions shall apply:

"(1) It shall not be necessary to allege or prove that any defendant engaged in personal misconduct, and the plaintiff shall have the burden of proving a breach of fiduciary duty by clear and convincing evidence.

"(2) In any such action approved by the board of directors of such investment company of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, and ratification or approval of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, by the shareholders of such investment company, shall be given such consideration by the court as is deemed appropriate under all the circumstances.

"(3) No such action shall be brought or maintained against any person other than the recipient of such compensation or payments, and no damages or other relief shall be granted against any person other than the recipient of such compensation or payments. No award of damages shall be recoverable for any period prior to one year before the action was instituted. Any award of damages against such recipient shall be limited to the actual damages resulting from the breach of fiduciary duty and shall in no event exceed the amount of compensation or payments received from such investment company, or the security holders thereof, by such recipient.

"(4) This subsection shall not apply to compensation or payments made in connection with transactions subject to section 17 of this title, or rules, regulations, or orders thereunder, or to sales loads for the acquisition of any security issued by a registered investment company.

"(5) Any action pursuant to this subsection may be brought only in an appropriate district court of the United States.

"(6) No finding by a court with respect to a breach of fiduciary duty under this subsection shall be made a basis (A) for a finding of a violation of this title for the purposes of sections 9 and 49 of this title, section 15 of the Securities Exchange Act of 1934, or section 203 of title II of this Act, or (B) for an injunction to prohibit any person from serving in any of the capacities enumerated in subsection (a) of this section."

SEC. 21. The last sentence of section 43(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-42(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 22. Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended—

(1) by striking out the next to the last sentence and inserting in lieu thereof "Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code."; and

(2) by adding at the end thereof a new sentence as follows: "The Commission may intervene as a party in any action or suit to enforce any liability or duty created by, or to enjoin any noncompliance with, section 36(b) of this title at any stage of such action or suit prior to final judgment therein."

SEC. 23. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended as follows:

(1) Paragraph (2) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency."

(2) Paragraphs (17) through (20) are redesignated as paragraphs (18) through (21), respectively, and a new paragraph is inserted immediately after paragraph (16) to read as follows:

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purposes of any portion or portions of this title, persons, including employees controlled by an investment adviser.'

SEC. 24. (a) Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended to read as follows:

"(b) The provisions of subsection (a) shall not apply to—

"(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

"(2) any investment adviser whose only clients are insurance companies; or

"(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an investment adviser to any investment company registered under title I of this Act."

(b) Section 203(c) of such Act (15 U.S.C. 80b-3(c)) is amended by striking out subparagraph (F) and inserting in lieu thereof the following:

"(F) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (e), and".

(c) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsection (d) as subsection (e), redesignating subsection (e) as subsection (g), and inserting after subsection (c) a new subsection as follows:

"(d) Any provision of this title (other than subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any investment adviser registered pursuant to this section or any person acting on behalf of such an investment adviser, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith."

(d) Redesignated subsection (e) (formerly subsection (d) of section 203 of such Act) (15 U.S.C. 80b-3(d)) is amended to read as follows:

"(e) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, or suspend for a period not exceeding twelve months, or revoke the registration of, an investment adviser, if it finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser or any person associated with such investment adviser, whether prior to or subsequent to becoming such—

"(1) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or

"(2) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (A) involves the purchase or sale of any security, (B) arises out of the conduct of the business of a broker, dealer, or investment adviser, (C) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (D) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code; or

"(3) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

"(4) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or title I of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(5) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision: *Provided*, That, for the purposes of this paragraph (5), no person shall be deemed to have failed reasonably to supervise any person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person; and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

"(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser, which order is in effect with respect to such person."

(e) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and inserting after redesignated subsection (e) a new subsection as follows:

"(f) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person or bar or suspend for a period not exceeding twelve months any person from being associated with an investment adviser, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section, or has been convicted of any offense specified in paragraph (2) of subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of

subsection (e). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with an investment adviser is in effect, willfully to become, or to be, associated with an investment adviser, without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with such investment adviser without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care should have known of such order."

SEC. 25. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. (a) No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contractor;

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

Paragraph (1) of this section shall not (A) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date, or (B) apply to an investment advisory contract with—

"(i) an investment company registered under title I of this Act, or

"(ii) any trust, collective trust fund or separate account referred to in section 3(c)(11) of title I of this Act, provided that the contract relates to the investment of assets in excess of $5 million, or

"(iii) any other person, provided that the contract relates to the investment of assets in excess of $1 million,

which contract provides for compensation based on the asset value of the company or the fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of clause (B) of preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise. As used in paragraphs (2) and (3) of this section, "investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account of another person other than an investment company registered under title I of this Act.

"(b) Subsection (a) shall not apply to any investment advisory contract with an investment company which (1) is not registered nor required to be registered under title I of this Act, (2) is not organized or otherwise created under the laws of the United States or of a State, and (3) does not make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer."

SEC. 26. The Investment Advisers Act of 1940 (15 U.S.C. 80b–1–21) is further amended by inserting immediately after section 206 a new section as follows:

"EXEMPTIONS

"SEC. 206A. The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

SEC. 27. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof two new paragraphs as follows:

"(13) The term 'insurance company' means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner, or a similar official or agency, of a State or territory or the District of Columbia; or any receiver or similar official or any liquidating agent for such company, in his capacity as such.

"(14) The term 'separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, the District of Columbia, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(b) Section 3(a)(2) of such Act (15 U.S.C. 77c(a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(c) Section 3(a)(5) of such Act (15 U.S.C. 77c(a)(5)) is amended to read as follows:

"(5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security; or (B) by (i) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1954, (ii) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or (iii) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in clause (i) or (ii);".

SEC. 28 (a) Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof, or by any agency or instrumentality of a State or any political subdivision thereof, or by any municipal corporate instrumentality of one or more States; and interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of

assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code; and such other securities (which may include, among others, unregistered securities the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'."

(b) Section 3(a)(19) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(19)) is amended to read as follows:

"(19) the terms 'investment company', 'affiliated person', 'insurance company', and 'separate account' have the same meanings as in the Investment Company Act of 1940."

(c) Section 12(g)(2) of such Act (15 U.S.C. 781 (g)(2)) is amended by adding at the end thereof a new subparagraph as follows:

"(H) any interest or participation in any collective trust funds maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (i) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (ii) an annuity plan which meets the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code."

SEC. 29. (a) Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end thereof the following new subsection:

"(g) All persons including officers, directors, and employees employed by a national securities exchange registered pursuant to the provisions of this Act and any officer, director, or employee of a clearing corporation affiliated with such registered national securities exchange employed on or after September 1, 1970, shall, as a condition of employment, be fingerprinted. Every set of fingerprints taken pursuant to this subsection shall be promptly submitted to the Commission. The Commission shall make rules and regulations to provide for the appropriate processing and use of these fingerprints."

(b) Section 15(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(1)) is amended by adding at the end thereof the following: "All persons including partners, officers, directors, and employees employed by a broker-dealer registered under this section employed on or after September 1, 1970, shall, as a condition of employment, be fingerprinted. Every set of fingerprints taken pursuant to this section shall be promptly submitted to the Commission. The Commission shall make rules and regulations to provide for the appropriate processing and use of these fingerprints."

SEC. 30. The provisions of the Securities Act of 1933 and the Investment Company Act of 1940 shall not apply, except for purposes of definition of terms used in this section, to any interest or participation (including any separate account or other funds providing for the sharing of income or gains and losses, and any interest or participation in such account or funds) in any contract, certificate, or policy providing for life insurance benefits which was issued prior to March 23, 1959, by an insurance company, if (1) the form of such contract, certificate, or policy was approved by the insurance commissioner, or similar official or agency, of a State, territory, or the District of Columbia, and (2) under such contract, certificate, or policy not to exceed 49 per centum of the gross premiums or other consideration paid was to be allocated to a separate account or other fund providing for the sharing of income or gains and losses.

SEC. 31. This Act shall take effect on the date of its enactment, except that—

(1) sections 5(a), (b), and (c); 9(a); 11; 18; 24(a); and 25; (amending sections 10(a), (b), and (c); 17(f); 19; and 32(a) of the Investment Company Act of 1940 and sections 203(b) and 205 of the Investment Advisers Act of 1940, respectively) shall take effect upon the expiration of one year after the date of enactment of this Act;

(2) that part of section 5(d) which substitutes "interested persons" for "affiliated persons" in section 10(d) of the Investment Company Act of 1940 shall take effect upon the expiration of one year after the date of enactment of this Act;

(3) sections 16 and 17 (amending sections 27 and 28 of the Investment Company Act of 1940) shall take effect upon the expiration of six months after the date of enactment of this Act; and

(4) that part of section 20 which adds a subsection (b) to section 36 of the Investment Company Act of 1940 shall take effect upon the expiration of eighteen months after the date of enactment of this Act.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. EAGLETON) appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MCINTYRE, Mr. BENNETT, Mr. TOWER, and Mr. PACKWOOD conferees on the part of the Senate.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Arkansas is recognized for 30 minutes.

RESOLUTION DECLARING THAT THE SENATE REJECT THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. McCLELLAN. Mr. President, under the previous order I send to the desk a resolution which is to be immediately considered. I ask that the resolution be stated.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk proceeded to read the resolution.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the resolution will be printed in the RECORD.

The resolution, with its preamble, reads as follows:

S. RES. 477

A resolution declaring that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography

Whereas the Congress, in response to the increasing volume and amount of traffic in obscene and pornographic material and the uncertainty of the state of the law regulating the flow of this material resulting from a series of decisions of the Supreme Court of the United States, has found and declared commercialized obscenity and pornography to be matters of national concern;

Whereas, in seeking a solution to the problems caused by obscene and pornographic materials, the Congress passed Public Law 90–100 in 1967 creating the Commission on Obscenity and Pornography;

Whereas the Commission on Obscenity and Pornography was required by law to report to Congress and to the President on its findings and recommendations with respect to four specific assignments:

"(1) with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

"(2) to ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

"(3) to study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

"(4) to recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.";

Whereas the Commission has now submitted its findings and recommendations in a report based on unscientific testing, inadequate review of such testing, and an attempted denial of the rights of the minority members of the Commission;

Whereas the Commission's own findings indicate that its recommendations, in many respects, are not based upon adequate research and information; and

Whereas the Commission has failed to carry out the mandate of Congress and its statutory duties by ignoring potential effects of long-term exposure to obscene and pornographic materials: Now, therefore, be it

Resolved, That the Senate specifically rejects the following findings and recommendations of the Commission on Obscenity and Pornography:

(1) that there is "no evidence to date that exposure to explicit sexual materials play a significant role in the causation of delinquent or criminal behavior among youths or adults";

(2) that "a majority of American adults believe that adults should be allowed to read or see any sexual materials they wish";

(3) that "there is no reason to suppose that elimination of governmental prohibitions upon the sexual materials which may be made available to adults would adversely affect the availability to the public of other books, magazines, and films";

(4) that "nor is there evidence that exposure to explicit sexual materials adversely affects character or moral attitudes regarding sex and sexual conduct"; and

(5) that "Federal, State, and local legislation prohibiting the sale, exhibition, or distribution of sexual materials to consenting adults should be repealed".

SEC. 2. The Senate declares that—

(1) generally the findings and recommendations are not supported by the evidence considered by or available to the Commission; and

(2) the Commission has not properly performed its statutory duties nor has it complied with the mandates of Congress.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I would like to note that the pending resolution is cosponsored by 26 Democratic Senators and 24 Republican Senators. It is a bipartisan resolution. It is an effort to have the Senate express its views regarding the findings and recommendations of a Presidential Commission that was created by Congress in 1967.

Mr. President, during the past decade, the Supreme Court, through a series of decisions, has emasculated obfuscated, and thrown into a complete state of confusion, laws relating to obscene and pornographic material. The merchants of smut and the purveyors of filth have taken advantage of this muddled situation to increase the volume of and trafficking in their salacious material. Public outrage over this deplorable situation was translated in 1967 into the enactment of legislation to establish a Commission on Obscenity and Pornography. Such a Commission was declared to be necessary because the Congress found the traffic in obscenity and pornography had, indeed, become a matter of grave national concern. In an effort to determine the dimensions of the problem and to frame remedial action, the Congress assigned four tasks to the Commission.

(1) To analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

(2) To ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

(3) To study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other anti-social behavior; and

(4) To recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

Now, 2 years and $2 million later, the Commission completed its work and has submitted a report that has been characterized as a "scientific scandal" and a "magna carta for pornographers."

In short, the majority report of the Commission has made recommendations which involve repeal of all laws pertaining to sale or distribution of pornography to adults, and the same for children—except for pictorial material.

Mr. President, the Congress might just as well have asked the pornographers to write this report, although I doubt that even they would have had the temerity and effrontery to make the ludicrous recommendations that were made by the Commission.

The Commission bases its conclusions on the following considerations:

First, that extensive empirical investigations, both by the Commission and by others, provides no evidence that exposure to or use of explicit sexual materials play a significant role in the causation of social or individual harms such as crime, delinquency, sexual or nonsexual deviancy, or severe emotional disturbances;

Second, that public opinion in America does not support the imposition of legal prohibitions upon the rights of adults to read or see explicit sexual materials. While a minority of Americans favor such prohibitions, a majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so; and

Third, that society's attempts to legislate for adults in the area of obscenity have not been successful. Present laws prohibiting the consensual sale or distribution of explicit sexual materials to adults are extremely unsatisfactory in their practical application.

I do not think that the Senate should allow this report—which would substitute hedonism for morality—to stand unchallenged.

Mr. President, I reject the conclusions and recommendations of this Commission, and I am introducing this resolution declaring it to be the sense of the Senate to likewise refute and reject the Report of the Commission on Obscenity and Pornography.

I am particularly concerned over this report because it was the Government Operations Committee, which I am privileged to chair, which processed the bill creating this Commission.

A brief review of this report, its major findings and recommendations, and the Commission's procedures, plainly shows why the Senate and public opinion must be mobilized to reject it.

Although two-thirds of the 18-member Commission agreed with these recommendations, strong dissent has been filed by three of its members.

I believe that the minority views of Reverends Hill and Link, in which Charles Keating concurs, represents a responsible position on the issues and a well reasoned response to the majority's position.

Even a cursory study of this document sustains the minority's charge that "it is slanted and biased in favor of protecting the business of obscenity and pornography, which the Commission was mandated by Congress to regulate."

Substantial justification for many of the Commission's findings, and specifically the request to repeal laws regulating the flow of this material, is based on their contention that:

A majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so.

Anyone who will examine the study which allegedly supports this statement will find this a flagrant distortion of facts. The Commission blandly fails to mention two national polls refuting such a conclusion.

In 1969 Louis Harris conducted a national study of moral attitude among Americans in an effort to "illuminate the changing U.S. moral climate." The result of his poll found Americans, in general, far more permissive about morals than they were only a few years ago. However, Mr. Harris found that by no means did a majority endorse "sexual revolution; 76 percent of those tested want pornography outlawed and 72 percent believe that erotica robs sexual relations of beauty."

Collaborating this conclusion is George Gallup's poll of June 1969, in which he found that most Americans favor stricter laws on pornography. Of every 100 adults interviewed in this survey, 85 said that they favored more stringent State and local laws dealing with salacious literature; and 76 of every 100 demanded a tougher stand on the types of magazines and newspapers available at newsstands.

In contrast to these concurring surveys, the Commission found only 2 percent of those questioned believed pornography a serious problem. The reason for this dichotomy is apparent when you consider the question that the Commission asked was: "Would you please tell me what you think are the two or three most serious problems facing our country today?" Such a blatant distortion of the significance of such a question and answer tests our credulity. This example sustains the minorities' outrage and their charge that "this sort of picking and choosing of favorable statistics is indefensible."

The keystone of the report is the finding that "empirical research designed to clarify the question has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youths or adults." This statement is refuted by all the minority members. Dr. Victor Cline, University of Utah psychologist and specialist in social science research methodology and statistics finds that conclusion lacking credibility and states that the Commission rejected data suggesting the linkage between pornography and sexual deviancy. Moreover, Dr. Cline calls the findings and recommendations of the Commission's effects panel a "scientific scandal." In one minority report, two dissenters flatly charge the majority with surreptitiously omitting information detrimental to this finding. In essence they charge that this conclusion is fraudulent.

There is evidence that a significant percentage of nationally recognized psychiatric authorities and many law enforcement officials at all levels disagree with this finding.

The previously mentioned dissenters, Father Morton A. Hill and Winfrey C. Link, state that this conclusion is ridiculous and that, in fact, "no adequate causal studies were done."

This brings us to another point, Mr. President, and that is that all of the dissenters criticize the limitations of the research done by the majority. Some of these are that: First, there were no studies on the long-range effects of exposure to pornography; second, there were no in-depth clinical studies; third, the omission of studies on "porno-violence" suggested by the Commission on the Causes and Prevention of Violence; and, fourth, omission of research suggesting a significant amount of learning occurs through watching and imitating the behavior of others.

The minority reports cite with particularity a series of relevant studies which they say contain detrimental evidence serious enough to question the findings of the majority.

The Commission downplays the relationship between the increase in crime and the flow of this material. Yet, one only needs to review the staggering available statistics to realize that crime and the volume of these materials are on a parallel upswing. The overwhelming bulk of erotica began in the early sixties and since that time verified reported rapes have been up 116 percent. Arrests for rapes between 1960 and 1969 for all ages is up 56.6 percent, prostitution and commercialized vice is up 80 percent. No one can deny these statistics, and they would appear to reflect some relationship between crime and pornography.

I fear that if we allow and encourage the flow of obscene material, there will be no stopping these sex offenders. This filth is stimulating to them, they feed on it, and the Commission would guarantee that they have their fill.

Although the Commission believes that pornography does not cause antisocial behavior, they give no serious or in-depth study into problems normally considered ancillary to the distribution of this material such as sexual promiscuity, abortion, divorces, or venereal disease.

The U.S. Public Health Service shows, for example, than gonorrhea veneral disease is up 76 percent since 1960. The rise in illegitimate births since 1940 has been a catastrophic 350-percent increase. What about these blights on our citizens? Are they insignificant to this report? I think not.

Mr. President, this body has shown grave concern over the deteriorating quality of our air, our water, and our other natural resources. To me, our greatest and most treasured natural resource is our youth, for they are the repositories of whatever values or norms we intend to leave history and future generations. We must be concerned about the "moral pollution" which might well inhibit and stunt their physical, mental, and moral well-being.

The Commission finds that constitutionally we cannot restrain the flow of this material to adults in order to halt its flow to minors. Second, they suggest that wide use of this material will not affect the malleable minds of our youth.

The Commission recommendations in this area, Mr. President, leave much to be desired. They recommend only against the sale of pictorial obscenity to children—specifically exempted are printed words or textural materials.

I seriously question the Commission's suggestion that our youth, who do not have the benefit of mature selectivity, will be able to emotionally withstand flagrant and licentious material and behavior. I agree with the words of minority member, Charles Keating, when he said:

> At a time when the spread of pornography has reached epidemic proportions in our country and when the moral fiber of our nation seems to be rapidly unraveling, the desperate need is for enlightened and intelligent control of the poisons which threaten us—not the declaration or moral bankruptcy inherent in the repeal of the laws which have been the defense of decent people against the pornographers for profit.

Mr. President, it is apparent why the minority has charged that "the entire report is suspect and lacking in credibility." The traffic in obscenity is increasing each passing day, and the adoption of the majority report will only open the floodgates wider for the commercializing of pornography. They minimize the volume of this traffic, yet they publish statistics which prove that the great majority of films showing in the country today have certain age restrictions because of their erotic content. The majority states that the previous estimates of gross sales of literature in this area are exaggerated, yet they find that sexually oriented periodicals alone grossed 163 million dollars in 1969 retail sales. Total sales of "adult only" publications accounted for $70 to $90 million in retail sales in 1969.

The Commission estimates that approximately $14 million was earned in retail mail sales in 1969. Another $4 to $10 million in retail sales was realized in foreign publications. The amount of trafficking of this material is most disturbing, and the Commission's response to the problem is wholly inadequate.

Americans receive over 21 billion pieces of mail each year which advertise products and solicit purchases. The Commission attempts to gloss over and to minimize the volume of sexually oriented materials by stating that less than 0.25 percent of the 21 million is of a salacious nature. Mr. President, this comes to approximately 52 million pieces a year, or, in other words, a full 25 percent of our people—man, woman, and child—can mathematically expect to receive a piece of this unsolicited garbage annually.

Equally disturbing is the Commission's summary statement that "professional workers in this area of human conduct generally believe that sexual materials do not have harmful effects." The minority members suggest that we disregard the significance of that statement because it is based on "a mail-back survey in which only a third of their sample responded." They also neglect to state, Hill, Link, and Keating tell us, "that 254 psychiatrists and psychologists had seen cases where they reported they had found a direct causal linkage between involvement with pornography and a sex crime, while another 324 professionals reported seeing cases where such a relationship was suspected."

Mr. President, these inconsistencies are an unacceptable infringement upon sound scientific methodology, or, as the minority reports:

> What the American people have here for the $2 million voted by Congress, and paid by the taxpayer, is a shoddy piece of scholarship that will be quoted ad nauseum by cultural polluters and their attorneys within society.

It is surprising that the Commission had the courage to recommend such sweeping reform based on its findings, yet are unwilling to accept full responsibility for their conclusions. They state in the final sections of their report that—

> The Commission's effort to develop information has been limited by time, financial resources, and the paucity of previously existing research. Many of its findings are tentative and many questions remain to be answered. We trust that our modest pioneering work in emperical research into several problem areas will help to open the way for more extensive long-term research based on more refined methods directed to more refined questions.

I believe, Mr. President, that America needs to protect its moral fiber; not tear it asunder or subvert it. The libertarian attitudes of this Commission are not new. We have seen them before, and they add up to a consistent and pervasive posture of permissiveness. It runs as a common thread in arguments against strict law enforcement, against punishment for criminals and anarchists who are bent on destroying our campuses, against new tools to fight organized crime and against many other constructive measures previously proposed. I can only say that such exaggerated "sophisticated permissiveness" will lead to certain further moral corruption.

Unfortunately, the Commission's procedures were as unsound as its substantive recommendations. Messrs. Hill and Link describe them in the following language:

> Using procedures wholly undemocratic, the Commission's Chairman has marched the Commission from a *preconceived* assumption along a *precharted* path to a *predetermined* conclusion.

From the outset the mandates of Congress were ignored. Although Public Law 90–100 required that a Chairman and Vice Chairman be elected by the Commission from its members, a White House press release dated January 2, 1968, reported that William B. Lockhart has been "selected" Chairman of the Commission, 5 months before the Commission even met.

The Commission from the outset felt it necessary to deny information to the public. Although the report admits that several commissioners requested public hearings, a majority chose a clandestine procedure, arguing that public hearings would not be a likely source of accurate data or a wise expenditure of its limited resources. Because this body refused to hear about how the people of this Nation really felt about obscenity, two of the Commissioners were forced to hold hearings in eight cities of this Nation. Astonishingly enough, the Commission voted not to reimburse these two Commissioners and refused to give consideration to their work. In the waning months of the Commission's life, 4 days of hearings were held to enhance its record.

The Commission was divided into four panels—legal, effects, traffic, and positive approaches. Each of these panels was to study designated problems and propose a separate report to the full Commission. From the conclusions reached by these reports, the full Commission would make its recommendations. A summary of all the panel reports and the various recommendations by the Commission was to be, and is, printed in a "overview report."

The panel reports were to represent an accumulation of the information and evidence gathered by the individual groups. At the outset the Commission determined that almost all of the previously gathered matter was inconclusive and unempirical in approach and "had

little anchoring in objective evidence." To supplement their own research, the Chairman and staff of the Commission, with the advice and consent of a few individual Commissioners, but not with the approval or knowledge of the whole Commission, contracted for various studies to be called "technical reports."

Although this procedure gives the appearance of good organization as well as providing a fair, logical, and educated procedure to evolve recommendations, it apparently did not work that way.

In fact, Mr. Keating informs us, all the Commissioners were not allowed to participate in the determination of what research should be performed, the technical reports were not finally completed to use as a basis for the panel reports, and unbelievable as it may seem, the four panel reports were not finalized prior to when the Commission had determined its conclusions and recommendations.

The situation became so grave that a minority member was forced to file suit against the Commission and request the Federal district court to grant him adequate time to compose and submit a minority report as well as adequate space to print it. Never before, to my knowledge, in the history of congressionally created Presidential commissions, have constitutional rights been so infringed upon that one of its members was compelled to seek judicial relief.

This matter, Mr. President, was finally resolved by stipulation, which has been filed with the court, allowing the dissenter reasonable time and realistic printing space. That same stipulation provides that "each and every technical report to be printed and published by the Commission shall bear the following legend: 'this technical report has not been reviewed or approved by the full Commission.' This legend is to be printed on the title page of each report." It is these unfinished and unreviewed "technical reports" which were the basis for the findings and recommendations of the majority report.

Minority members Hill, Link, and Keating find the entire report "irrelevant and deserving condemnation as inimical to the welfare of the United States, its citizens and its children." They requested that it be excluded from consideration by the Congress and States. I wholeheartedly concur. I, therefore, introduce for appropriate reference, a resolution rejecting certain findings and recommendations of the Commission on Obscenity and Pornography and declaring that the Commission has failed adequately to perform its statutory duties and to comply with the mandate of Congress.

The resolution states that the report is not based on adequate research and that it requests sweeping reform yet ignores potential effects of long-term exposure to obscene and pornographic materials. The resolution specifically rejects those findings of the Commission: First, that there is no evidence linking exposure to explicit sexual materials and juvenile delinquency and criminal behavior; second, that a majority of Americans believe in no censorship laws; third, that repeal of these laws will not affect or increase the availability of additional materials; fourth, that there is no evidence that exposure to explicit sexual materials adversely affects character or moral attitudes; and fifth, that all Federal, State and local legislation prohibiting this material to adults be repealed. The Senate would also find that the Commission did not adequately perform its statutory duties and that their findings are not supported by the evidence before the Commission.

Mr. President, this report should not be approved. If we affirm or even recognize its unfounded and unproven conclusions, even by silence, it will be a direct threat to this Nation's moral, mental and physical health, and it will also have been, on our part, an abdication of our duty to condemn it. I have no doubt that it will in the immediate future represent the "bible" to those who debase the true meaning and functions of sex, to those who wish to perpetuate excessive eroticism, to those who have a marked preoccupation with sex, and to those who wish to subvert our values by inciting immoral and antisocial activity.

I recall a quote from Mr. Reo Christenson which appeared on September 13, 1970, in the Washington Post on this point. Mr. Christenson said:

> A society can tolerate only so much emotional turmoil, so much disruption, so many assaults upon its sensibilities and its mores. At some point, the public's patience becomes exhausted; it cries "Enough." This denouncement may not be far off in America. When it comes, the entertainment industry should be assigned its full share of responsibility in the area of pornographic presentations for the general repression which follows.

Mr. Christenson continues:

> A final word, maybe all the "dumb people" are not so dumb after all. Maybe they are right in sensing that sex needs to be treated with some caution, that sexual privacy needs to be preserved from commercial contamination, that relations must not be divested of all sexual sanctity, all mystery, and reduced to the level of leer and titter.
>
> It is a disturbing democratic idea that the common man just might be smarter, now and then, than many of our avant-garde intellectuals.

Mr. President, our people have chosen to have laws regulating the dissemination of obscene and pornographic material for close to 200 years. Those laws were based on moral norms, designed to secure the family structure, and intended for the purpose of protecting the well being of all our people. They may well need to be clarified, and perhaps even modified, but they certainly need to be retained—not repealed, as recommended by this Commission.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks the following documents:

Public Law 90–100.

A list of the Commissioners on the Commission on Obscenity and Pornography.

A stipulation entered into by Commissioner Lockhart and Commissioner Keating.

Minority views of Commissioners Hill and Link, concurred in by Commissioner Keating.

An editorial entitled "Floodlights on Sex," published in the National Observer issue of October 12, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PUBLIC LAW 90–100, 90TH CONGRESS, S. 188, OCTOBER 3, 1967

An act creating a commission to be known as the Commission on Obscenity and Pornography

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDING OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the traffic in obscenity and pornography is a matter of national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to investigate the gravity of this situation and to determine whether such materials are harmful to the public, and particularly to minors, and whether more effective methods should be devised to control the transmission of such materials. The State and local governments have an equal responsibility in the exercise of their regulatory powers and any attempts to control this transmission should be a coordinated effort at the various governmental levels. It is the purpose of this Act to establish an advisory commission whose purpose shall be, after a thorough study which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective, and constitutional means to deal effectively with such traffic in obscenity and pornography.

COMMISSION ON OBSCENITY AND PORNOGRAPHY

SEC. 2. (a) ESTABLISHMENT.—For the purpose of carrying out the provisions of this Act, there is hereby created a commission to be known as the Commission on Obscenity and Pornography (hereinafter referred to as the "Commission"), whose members shall include persons having expert knowledge in the fields of obscenity and antisocial behavior, including but not limited to psychiatrists, sociologists, psychologists, criminologists, jurists, lawyers, and others from organizations and professions who have special and practical competence or experience with respect to obscenity laws and their application to juveniles.

(b) MEMBERSHIP OF THE COMMISSION.—The Commission shall be composed of eighteen members appointed by the President.

(c) VACANCIES.—Any vacancy in the Commission shall be filled by appointment by the President.

(d) ORGANIZATION OF COMMISSION.—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) QUORUM.—Ten members of the Commission shall constitute a quorum, but five members shall be sufficient for the purpose of taking testimony or interrogating witnesses.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) MEMBERS EMPLOYED BY UNITED STATES.—Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(b) OTHER MEMBERS.—Members of the Commission who are not officers or full-time employees of the United States shall each receive $75 per diem when engaged in the actual performance of duties vested in the Commission. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section

5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STAFF OF THE COMMISSION

SEC. 4. Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

DUTIES OF THE COMMISSION

SEC. 5. (a) INVESTIGATION AND RECOMMENDATIONS.—It shall be the duty of the Commission—

(1) with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

(2) to ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

(3) to study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

(4) to recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1970. The Commission shall cease to exist ten days following the submission of its final report.

POWERS OF THE COMMISSION

SEC. 6. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of the Act, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

(b) CONSULTATION.—In carrying out its duties under the Act, the Commission shall consult with other Federal agencies, Governors, attorneys general, and other representatives of State and local government and private organizations to the extent feasible.

(c) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(d) OBTAINING SCIENTIFIC DATA.—For the purpose of securing the necessary scientific data and information the Commission may make contracts with universities, research institutions, foundations, laboratories, hospitals, and other competent public or private agencies to conduct research on the causal relationship of obscene material and antisocial behavior. For such purpose, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

COMMISSIONERS—COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mrs. Barbara Scott, Commissioner, 300 West End Avenue, New York, New York.

Dr. Frederick H. Wagman, Commissioner 1407 Lincoln Avenue, Ann Arbor, Michigan.

G. William Jones, Commissioner, Building B–16, Apt. 7, New Slocum Heights, Syracuse New York.

Rev. Morton A. Hill, Commissioner, St. Ignatius Church, 980 Park Avenue, New York, New York.

Dr. Edward D. Greenwood, Commissioner, 1915 Webster, Topeka, Kansas.

Mrs. Cathryn A. Spelts, Commissioner, 414 Belmont Avenue, Rapid City, South Dakota.

Thomas D. Gill, Commissioner, 279 Sedgwick Road, Hartford, Connecticut.

Rabbi Irving Lehrman, Commissioner, 2925 Flamingo Drive, Miami Beach, Florida.

Dr. Joseph T. Klapper, Commissioner, 340 East 57th Street, New York, New York.

William B. Lockhart, Commissioner, 4300 Shoreline Drive, Minneapolis, Minnesota.

Charles H. Keating, Jr. Commissioner, 18th Floor, Provident Tower, Cincinnati, Ohio.

Otto N. Larsen, Commissioner, 5407 Ravenna, N.E., Seattle, Washington.

Dr. Morris A. Lipton, Commissioner, 2004 Lakeshore Drive, Chapel Hill, North Carolina.

Marvin E. Wolfgang, Commissioner, Room 203, 3718 Locust Street, Philadelphia, Pennsylvania.

Freeman Lewis, Commissioner, c/o Simon & Schuster, Inc., 630 Fifth Avenue, New York, New York.

Edward E. Elson, Commissioner, 5131 Northside Drive, N.W., Atlanta, Georgia.

Thomas C. Lynch, Commissioner, 98 Clarinden, San Francisco, California.

Rev. Winfrey C. Link, Commissioner, McKendree Manor, Hermitage, Tennessee.

[U.S. District Court for the District of Columbia, civil action No. 2671–70]

CHARLES H. KEATING, JR., COMMISSIONER, PLAINTIFF, *v.* WILLIAM B. LOCKHART, COMMISSIONER, ET AL., DEFENDANTS

STIPULATION OF DISMISSAL

It is hereby stipulated and agreed by and between Charles H. Keating, Jr., Commissioner, Commission on Obscenity and Pornography, plaintiff to this action and William B. Lockhart, Chairman, Commission on Obscenity and Pornography in behalf of the Commission on Obscenity and Pornography hereinafter called "Commission" this 14th day of September, 1970 as follows:

1. Each and every technical report to be printed and published by the Commission shall bear the following legend: "This technical report has not been reviewed or approved by the full Commission." This legend is to be printed on the title page of each report.

2. With respect to each technical report submitted by Commissioner Charles H. Keating, Jr. the following legend, which shall be printed on the title page, shall appear: "This technical report was submitted by Commissioner Charles H. Keating, Jr. on (date) and has not been reviewed or approved by the full Commission."

3. The technical reports submitted to the Commission by Commissioner Keating on or before November 1, 1970 not to exceed three hundred (300) pages, double-spaced type, 8½ x 11, shall be printed by the Government Printing Office along with all other technical reports of the Commission and shall be included in the same set of volumes.

4. The report of Commissioner Keating together with copies shall be delivered by Commissioner Keating to the Commission on or before 5 P.M., September 29, 1970 and shall not exceed two hundred and sixteen (216) pages, double-spaced, type, 8½ x 11. Thereafter Commissioner Keating's report and other reports of the Commission shall be delivered together by the Commission to the President of the United States, and the appropriate officers of the Congress.

5. The report of Commissioner Keating shall be published with the other separate statements of other Commissioners as a part of the total Commission report.

6. All technical reports available to the Commission shall be made available to Commissioner Keating by 5 P.M. this 14th day of September 1970. Other technical reports shall be made available to Commissioner Keating upon receipt by the Commission.

7. The final version of the Commission report and the final version of the four Panel Reports shall be made available to Commissioner Keating by 5 P.M. this 14th day of September, 1970.

8. All art work and single-spaced matter utilized by Commissioner Keating in his report and technical reports shall be prepared at Commissioner Keating's expense in such form as will be acceptable by the Government Printing Office for inclusion with the Commission report and statements of other Commissioners.

9. Commissioner Keating will secure and provide to the Commission copyright releases where necessary.

In view of the foregoing stipulation and agreement, the Clerk of Court will please dismiss this action.

CHARLES H. KEATING, JR.,
Commissioner, Commission on Obscenity and Pornography.

WILLIAM B. LOCKHART,
Chairman, Commission on Obscenity and Pornography.

RICHARD M. BERTSCH,
W. STANFIELD JOHNSON,
Counsel for Plaintiff.

JOSEPH M. HARMON,
Assistant U.S. Attorney, Counsel for Defendant: WILLIAM S. LOCKHART.

TEXT OF MINORITY REPORT OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

(Report of Commissioners Morton A. Hill, S.J., and Winfrey C. Link; concurred in by Charles H. Keating, Jr.* of the Commission on Obscenity and Pornography)

OVERVIEW

The Commission's majority report is a Magna Carta for the pornographer.

It is slanted and biased in favor of protecting the business of obscenity and pornography, which the Commission was mandated by the Congress to regulate.

The Commission leadership and majority recommend that most existing legal barriers between society and pornography be pulled down. In so doing, the Commission goes far beyond its mandate and assumes the role of counsel for the filth merchant—a role not assigned by the Congress of the United States.

The Commission leadership and majority recommend repeal of obscenity law for "consenting adults." It goes on, then, to recommend legislation for minors, public display and thrusting of pornography on persons through the mails.

The American people should be made aware of the fact that this is precisely the situation as it exists in Denmark today. The Commission, in short, is presumptuously recommending that the United States follow Denmark's lead in giving pornography free rein.

We feel impelled to issue this report in vigorous dissent.

The conclusions and recommendations in the majority report will be found deeply offensive to Congress and to tens of millions of Americans. And what the American people do not know is that the scanty and manipulated evidence contained within this report is wholly inadequate to support the conclusions and sustain the recommendations. Thus, both conclusions and recommendations are, in our view, fraudulent.

What the American people have here for the two million dollars voted by Congress,

*Mr. Keating, while concurring in this report is preparing a separate dissent.

and paid by the taxpayer, is a shoddy piece of scholarship that will be quoted ad nauseam by cultural polluters and their attorneys within society.

The fundamental "finding" on which the entire report is based is: that "empirical research" has come up with "no reliable evidence to indicate that exposure to explicitly sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults."

The inference from this statement, i.e., pornography is harmless, is not only insupportable on the slanted evidence presented; it is preposterous. How isolate one factor and say it causes or does not cause criminal behavior? How determine that one book or one film caused one man to commit rape or murder? A man's entire life goes into one criminal act. No one factor can be said to have caused that act.

The Commission has deliberately and carefully avoided coming to grips with the basic underlying issue. The government interest in regulating porongraphy has always related primarily to the prevention of moral corruption and *not* to prevention of overt criminal acts and conduct, or the protection of persons from being shocked and/or offended.

The basic question is whether and to what extent society may establish and maintain certain moral standards. If it is conceded that society has a legitimate concern in maintaining moral standards, it follows logically that government has a legitimate interest in at least attempting to protect such standards against any source which threatens them.

The Commission report simply ignores this issue, and relegates government's interest to little more than a footnote—passing it off with the extremist cliche that it is "unwise" for government to attempt to legislate morality. Obscenity law in no way legislates individual morality, but provides protection for public morality. The Supreme Court itself has never denied society's interest in maintaining moral standards, but has instead ruled for the protection of the "social interest in order and morality."

The Commission report ignores another basic issue: the phrase "utterly without redeeming social value." This language has been propagandized by extremists and profit-seekers, and it is so propagandized in this report as being the law of the land. It is not the law of the land, since no Supreme Court ever voiced such an opinion, yet this erroneous concept has been built into the statutes of the states as a result of extremists asserting that it is a necessary "test" enunciated by the Supreme Court. This erroneous conception has led to a vast upsurge in the traffic in pornography in the past four years. The fact is, it is nothing more than an opinion of three judges, binding on no one, neither court nor legislature.

In sum, the conclusions and recommendations of the Commission majority represent the preconceived views of the chairman and his appointed counsel that the Commission should arrive at those conclusions most compatible with the viewpoint of the American Civil Liberties Union. Both men single-mindedly steered the Commission to this objective.

In the interest of truth and understanding, it should be noted here that the policy of ACLU has been that obscenity is protected speech. Mr. Lockhart, the Chairman of the Commission, has long been a member of the American Civil Liberties Union. Mr. Bender, his general counsel, is an executive of the Philadelphia Civil Liberties Union.

The two million dollars voted by Congress have gone primarily to "scholars" who would return conclusions amendable to the extreme and minority views of Mr. Lockhart, Mr. Bender and the ACLU.

OUR POSITION

We stand in agreement with the Congress of the United States: the traffic in obscenity and pornography is a matter of national concern.

We believe that pornography has an eroding effect on society, on public morality, on respect for human worth, on attitudes toward family love, on culture.

We believe it is impossible, and totally unnecessary, to attempt to prove or disprove a cause-effect relationship between pornography and criminal behavior.

Sex education, recommended so strongly by the majority, is the panacea for those who advocate license in media. The report suggests sex education, with a plaint for the dearth of instructors and materials. It notes that three schools have used "hard-core pornography" in training potential instructors. The report does not answer the question that comes to mind immediately: Will these instructors not bring the hard-core pornography into the grammar schools? Many other questions are left unanswered: How assure that the instructor's moral or ethical code (or lack of same) will not be communicated to children? Shouldn't parents, not children, be the recipients of sex education courses?

Children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of animal. And if this Commission majority's recommendations are heeded, there will be a glut of pornography for teachers and children.

In contrast to the Commission report's amazing statement that "public opinion in America does not support the imposition of legal prohibitions upon the consensual distribution" of pornography to adults, we find, as a result of public hearings conducted by two of the undersigned in eight cities throughout the country, that the majority of the American people favor tighter controls. Twenty-six out of twenty-seven witnesses at the hearing in New York City expressed concern and asked for remedial measures. Witnesses were a cross-section of the community, ranging from members of the judiciary to members of women's clubs. This pattern was repeated in the cities of New Orleans, Indianapolis, Chicago, Salt Lake City, San Francisco, Washington, D.C., and Buffalo. (And yet, one member of the Commission majority bases his entire position for legalization on the astounding "finding" of the Commission survey that "no more than 35% of our people favor adult controls in the field of obscenity in the absence of some demonstrable social evil related to its presence and use.")

Additionally, law enforcement officers testifying at the Hill-Link hearings were unanimous in declaring that the problem of obscenity and pornography is a serious one. They complained that law enforcement is hampered by the "utterly without redeeming social value" language. The Commission's own survey of prosecuting attorneys indicates that 73% of prosecutors polled said that "social value" is the most serious obstacle to prosecution. The decision not to prosecute is usually a manifestation of this obstacle. This figure and information is strangely missing from the report's "Overview of Findings."

We point also to the results of a Gallup poll, published in the summer of 1969. Eighty-five out of every 100 adults interviewed said they favored stricter state and local laws dealing with pornography sent through the mails, and 76 of every 100 wanted stricter laws on the sort of magazines and newspapers available on newsstands.

We believe government must legislate to regulate pornography, in order to protect the "social interest in order and morality."

OUR REPORT

To the end that Congress asked for recommendations to regulate the traffic in obscenity and pornography, we will—at the close of this report—as much as it is in our power, carry out the mandate given us by the Congress to analyze the laws on obscenity (see Appendices), recommend definitions, and recommend such legislative, administrative and other advisable or appropriate action to regulate effectively and constitutionally the traffic in obscenity and pornography.

In addition, we will point up the astonishing bias of the Commission majority report by presenting to the President, the Congress and the American people, a history of the creation of the Commission, and a brief report on the heretofore secret operation of this Commission.

We shall document Commission bias and slant in the area of Effects, on which the entire report is based, and in the Legal area where the American people are asked to accept a misleading philosophy of law.

1. HISTORY OF CREATION OF COMMISSION

For several years prior to 1967 legislation to create a Commission on Obscenity and Pornography was introduced into the Congress. It passed the Senate each time, and each time died in House Committee.

Legislation was vigorously opposed by the American Civil Liberties Union, which reads the First Amendment in an absolutist way (cf. Annual Report, American Civil Liberties Union, July 1, 1965 to January 11, 1967, page 9). Their position that "obscenity as much as any other form of speech or press, is entitled to the protection of the First Amendment," can be found in an *amicus* brief in *Jacobellis v. Ohio*, 1964, among others.

In 1967, however, the feeling of the Congress was such that legislation to create a Commission was certain to pass. Now, the ACLU strategy changed. In April of that year, the Director of the Washington Office of the American Civil Liberties Union testified on such legislation before the House Subcommittee on Education and Labor.

He called for "scientific studies" in effects on the part of such a Commission, and maintained that *the public* and private groups should not be involved in the workings of the Commission.

A bill to create the Commission was considered by the Senate in May of 1967. The bill made no mention of effects studies, and drew for membership from both houses of Congress, from various governmental agencies, education, media, state attorneys general, prosecutors and law enforcement. It provided for public hearings and power of subpoena.

The bill which ultimately passed the Congress called for effects studies, drew heavily from the behavioral sciences for membership, and the power of subpoena had been removed. In other words, it was considerably weakened, and much more in line with the libertarian concept of such a Commission.

A White House press release dated January 2, 1968 reported that William B. Lockhart had been "selected" Chairman of the Commission, although public law 90–100 mandated that a chairman and vice-chairman be elected by the Commission from among its members.

Five months later, the Commission met for the first time. After five months, during which Mr. Lockhart had laid much groundwork, talking "effects" with several universities, the Commission voted to affirm his chairmanship.

Mr. Lockhart had present as an observer, at all sessions of the first Commission meeting, Mr. Paul Bender, who was later retained as general counsel to the Commission.

Mr. Lockhart has long contended that "scientific proof" of harmful effects is needed

before an item can be adjudged obscene. (See Lockhart-McClure articles, U. of Minn. Law Rev.) This reasoning, followed to its logical conclusion, would have all obscenity laws repealed, for it is virtually impossible to prove that one book or one film caused one person to commit an anti-social act or a crime. No court, nor any legislature, has ever demanded such "scientific proof" as requested by Mr. Lockhart and his civil libertarian confreres.

After the appointment of the Commission and the "selection" of the Chairman, no further word was heard, to our knowledge, from the Civil Liberties Union until October of 1969, when the same director of the Washington office testified before the House Subcommittee on Postal Operations. This time, he urged that no legislation against pornography be enacted *until the issuance of the Commission report.*

The Commission thus had its beginning in bias and never changed course. Using procedures wholly undemocratic, the Commission Chairman has marched the Commission from a preconceived assumption along a precharted path to a predetermined conclusion.

II. OPERATION OF COMMISSION

At this first meeting of the Commission, the Chairman asked for "confidentiality" or secrecy on the part of the members. The commission concurred.

No by-laws have ever been drawn up to our knowledge. No parliamentary procedure has been observed. There has not been a call for approval or amendment of minutes, distributed by mail. Because of this, one of the undersigned asked that meetings be taped or recorded. This request was refused.

Agenda for Commission meetings and for panel meetings were prepared by a handpicked staff, and received shortly before meetings, giving Commission members little time for preparation.

Two or three members who were in obvious and open disagreement with the Commission leadership was all but excluded from participation. From the beginning, Commission members heard only one viewpoint; seldom hearing alternatives.

Because of this, and because the Commission under its leadership had consistently refused to go to *the public* and hear other views firsthand, two Commissioners conducted public hearings at their own expense in eight cities throughout the country. At the completion of the hearings of Commissioners Hill and Link the Commission voted to refuse them reimbursement for expenses incurred, deciding to hold two "official" hearings lest their report not receive public acceptance. (Note above the libertarian specification that *the public* should not be involved in the workings of such a Commission. Note also Commission majority explanation for not having conducted hearings until the end of the Commission's life.)

Commissioners themselves were not put into direct contact with the problem of obscenity in the concrete. A few films were shown at the first meeting; samples were "available," but no Commissioner was asked to become conversant with the problem in the concrete, so that he could be equipped to make judgments.

At the first meeting the Commission was summarily divided into four "working" panels. Panel members were not aware of what was transpiring in other panels, except for oral reports at meetings and brief written reports distributed by mail.

Full Commission meetings were held approximately every other month in the beginning. However, from October 1969 to March 1970 there was a lapse of five months between full meetings.

III. CRITIQUE OF COMMISSION BEHAVIORAL RESEARCH

Dr. Victor B. Cline, University of Utah psychologist and specialist in social science research methodology and statistics, has called the Commission's Effects Panel Report—upon which the majority report and its recommendations are based—a "scientific scandal."

Dr. Cline is the author of over 40 published research papers, principle investigator on a number of research projects funded by the Office of Naval Research, National Institutes of Mental Health, Offices of Education, etc. He teaches courses in clinical, experimental and child psychology, and is a practicing clinical psychologist.

Testifying before the Commission in Los Angeles on May 4, Dr. Cline called for, and has since repeatedly called for, the assemblage of an unbiased panel of scientists to (a) evaluate the original research sponsored by the Commission, and (b) assess what conclusions might legitimately be drawn from the assembled evidence. The Commission leadership and majority have ignored his request. In view of this, the signers of this dissenting report asked Dr. Cline to serve as an unpaid consultant. He agreed to do so, in the interest of scientific honesty and truth.

Following is Dr. Cline's evaluation of the Commission report, Effects Panel report, and "findings."[1]

A careful review and study of the Commission majority report, their conclusions and recommendations, and the empirical research studies on which they were based, reveal a great number of serious flaws and grave shortcomings. There are so many, in fact, that the entire report is suspect and lacking in credibility.

Readers of the majority report are at the "mercy" of the writers of that report, and must assume that evidence is being presented fairly and in good faith on both sides of the issue. This is also true for most Commission members themselves. It should be stated that members of the Commission Minority were allowed to look at most of the Commission-sponsored 85 research studies but only after repeated, dogged requests. And then a number were finally and most reluctantly released to them perilously close to the Commission-set deadline for this dissent.

A number of the research studies upon which the report is based suggest significant relationships between pornography, sexual deviancy and promiscuity. Yet, time and again data suggesting this linkage are omitted or "concealed." Findings from seriously flawed research studies or findings which do not follow from the data are frequently presented as fact without mentioning their very serious limitations. The scholarship in the preparation of this report, in short, is unusually shoddy. Since most of their studies are unpublished it will be virtually impossible for any interested social scientists to adequately critique their report—at least at the present time.

A typical example of omission is found in a Commission-contracted study by Alan Berger and associates in Illinois. In the study, they surveyed 473 adolescents, primarily in the age range of 14–18 (from working class backgrounds) with an extensive questionnaire which asked questions about their exposure to pornography, their sexual behavior, etc. In carefully reviewing these findings, it is distressing to note that those data not "favorable" to the Commission leadership and majority point of view are either played down or not mentioned.

In the study of the 473 high schools students, they found a relationship between frequency of seeing movies depicting sexual intercourse and the adolescent engaging in intercourse (their table 46, page 101 is duplicated in part below.)

FREQUENCY OF SEEING MOVIES DEPICTING SEXUAL INTERCOURSE

[In percent]

	Not at all	1 to 4 times	5 to 10 times	11 or more times
Percent of males engaging in premarital intercourse	53	62	73	88
Percent of females engaging in premarital intercourse	10	29	44	----------

This data is in the Commission-financed technical report, but is not discussed[2] or presented, despite the fact that it has an important bearing on the "effects" question.

One example of improper reporting of research results is found in Chapter V of the Effects Panel Report. Here the Commission majority states:

"A comparison study of 39 delinquents and 39 non-delinquent youth (Berninghausen & Faunce, 1964) found no significant differences between these groups in the number of 'sensational' (obscene) books they had read. Non-delinquent youth were somewhat more likely (75%) than delinquent youth (56%) however, to report having read at least one 'possibly erotic' book."

What the Commission majority does not tell the reader is that:

(a) A significantly greater number of delinquent boys (than non-delinquent) had read two or more adults books (with erotic content); and a greater number of delinquents had read three or more erotic books than the non-delinquents.

(b) The authors of this particular research concluded that their primary measuring instrument (which determined what books were actually read) was unreliable. So the results appear to be worthless and should not be cited.

The writers of the Commission report make three errors: (a) They cite data to prove a point from a worthless study.

(b) They do not tell the reader that the study is flawed.

(c) They present only that evidence which favors their point of view. They fail to cite contrary findings.

Readers who will never read the original study will assume that the writers of the report are honestly supplying complete data. This is not the case.

The majority report of the Commission has made recommendations which involve repeal of all laws pertaining to sale or distribution of pornography to adults, and the same for children (except for pictorial materials).

However, whenever sweeping changes in social policy, laws, regulations, etc., are recommended, changes which might affect the health and welfare of the nation's citizens, the burden of proof for demonstrating "no harm" or "no adverse results" is ordinarily thought to be on the shoulders of the innovators. The innovators, the Commission majority, in this case, have not adequately demonstrated "no harm," and in fact have repeatedly "withheld" evidence suggesting negative effects, or potential deleterious consequences of being exposed to pornography.

A number of brief comments should be made about the research evidence which the Commission staff assembled and led them to

[1] Since the minority were allowed only a limited amount of space to respond to the Final Report and the 4 Panel Reports this critique will necessarily be very limited and deal only with some of the flaws and limitations found.

[2] Except for a single sentence.

conclude that they had "found *no* evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults . . . or that exposure to erotic materials is a factor in the causation of sex crimes or sex delinquency," when *no* adequate casual studies were done. And again—it should be emphasized: To say *"we have no evidence,"* as they do, is not sufficient when one is recommending major changes in law and social policy which might effect the health and welfare of the nation's citizens.

1. *No Longitudinal Studies.* There were no longitudinal studies contracted by the Commission, studying the long-range effects on sexual activities, sex offenses, changes in moral values, etc. Nearly all studies involved covered only a few days or weeks or less (and in many cases only an hour or two).

2. *No Clinical Studies.* There were no in-depth clinical studies of individuals assessing the impact of use of pornography on attitudes, sex offenses, character, anti-social, or other types of behavior.

3. *Omission of Studies on "Porno-Violence."* No attention was paid to the problem of porno-violence where pornography and violence are linked together in fiction and in motion pictures. This omission is particularly surprising since the Commission focused most heavily on "effects" and in view of the findings in the Final Report of the National Commission on the Causes and Prevention of Violence (1969) which link visual presentations of violence to aggressive acting-out behavior. Their findings would appear to have some important implications for situations where violence and pornography are combined (e.g., sexual abuse, assault, etc. directed toward the female).

4. *Omission of Studies and Evidence in "Imitative Learning" Area.* There is an omission of research, concern or even discussion of studies in the area of imitative and social learning by such investigators as Albert Bandura and his associates at Stanford University. Since this body of research suggests that a significant amount of learning occurs through watching and imitating the behavior of others, this would logically appear to have great relevance to any pornography effects" studies.

If Bandura's work (as well as others in this area) have any validity, it would suggest that certain types of pornography, involving whole sequences of behaviors, probably would effect some individuals if they saw it consistently modeled on the screen or in fiction. In view of this type of evidence and findings presented by the Bandura "school" it would seem, at the very least, that the Commission staff would indicate some cautions or concerns. There are none when one reads their recommendations.

5. *Over Reliance on Questionnaire and Verbal Self-Report Data.* Nearly all of the studies presented in evidence relied heavily on "verbal self report" without outside verification. A number of factors can make this data suspect, and caution must be exercised. (a) Subjects may consciously falsify or distort. (b) Questions in the sexual area in particular could lead to defensiveness, distortion, or "protective dishonesty" of responses. (c) It has been repeatedly demonstrated that slight changes in wording a question can make major differences in the number of people who will respond "yes" or agree with it. This was demonstrated in this study in a most dramatic fashion, when in the Commission-sponsored national survey of a national sample by Abelson, only 23% of the males admitted that pornography sexually roused them vs. 77% agreeing to this in the Kinsey studies. Whom can you believe? (d) Confusingly written questions or difficult vocabulary frequently render your data useless. Thus when in one study cited 40% of a male prison group denied ever having a "sexual orgasm," their response was most probably due to not knowing what the word "orgasm" meant.

The Commission writers tend to treat all "verbal report" as fact, and when there are discrepancies they tend to consider as significant only that data which favors their point of view.

Example:

Harris Poll (1969): 76% of U.S. wants pornography outlawed.

Gallup Poll (1969): 85% of U.S. favor stricter laws on pornography.

Commission Study (1970): 2% of U.S. viewed (Abelson) pornography as a serious problem.

However, when one looks at the question which Abelson asked in this Commission-financed study, it is not difficult to see why he came up with such a low percentage: "Would you please tell me what you think are the two or three most serious problems facing the country today?" It is doubtful that even the most concerned citizen would list pornography as among the first two or three when the country is faced with the problems of war, racial conflict, youth rebellion, law and order disruption, pollution, etc.

The Commission recommends abolition of nearly all laws regulating pornography, and justifies this by saying in their Legal Panel Report: *"A majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so."* They are basing this only on *some* of the responses of U.S. Citizens to Abelson's survey, but not on other data from the *same* survey (e.g. 88% would prohibit sex scenes in movies, when they were put there for entertainment). And, of course, they are rejecting out-of-hand results of the Harris and Gallup Polls who have been in business for several decades. This sort of picking and choosing of favorable statistics is indefensible, especially when most Americans, or even social scientists will probably never have an opportunity to view the original data on which their recommendations and conclusions are based.

Another example of flagrant distortion in the presenting of "results" is in the Legal Panel Report. For some reason they *also* review the empirical research findings on pornography's effects, public attitudes toward it etc., duplicating part of the Effects Panel Report.

While the writers of the Effects Panel Report have made major changes and modifications in which they say, but only after heavy fire and criticisms by the minority and others about "flawed methodology" etc., which has resulted in some modesty and more care in their presentation of results—the same cannot be said for Legal Panel Report. Any law student or other reader of that report will find data which has been systematically marshalled to favor one point of view. This is particularly true in the "public attitudes" toward pornography section. Key data giving opposing evidence is excluded.

6. *Flawed Methodology.* Some of the studies were badly flawed methodologically. These limitations were rarely mentioned when discussing their conclusions. In fairness it should be stated that since the writing of the first draft of the "Effects Panel Report", which was so severely criticized, a major attempt has been made to be more cautious, accurate, and scientifically modest.

Some of the studies did not have control groups. This means that if you expose people to pornography and get "before" and "after" measures of their sex behavior you never know for sure to what the changes or no changes may be attributed to.

Example: In the Mann (1970) study of married couples exposure to pornography, they found that after the study was over their couples reported being more "stimulated" by having to fill out a lengthy sex diary every morning (which listed a number of explicit sex activities which they had to check as to whether or not they were engaged in) than by the several erotic movies shown them. In this study which thoughtfully did use control couples (who were *not* exposed to pornography), they found the "control" wives *significantly* higher at the study's conclusion on self ratings of "being adequate as marital partners." These women had not been exposed to anything. This kind of startling and explainable finding is not unusual in social science research. If this kind of "spontaneous result" had occurred with the wives exposed to pornography it would have been tempting to conclude that pornography was the cause. Control groups attempt, though not always successfully, to minimize this type of error.

The Kutschinsky study

In the final "Effects Panel Report" the Commission staff wrote. *"A survey (Kutschinsky, 1970) of Copenhagen residents found that neither public attitudes about sex crimes nor willingness to report such crimes had changed sufficiently to account for the substantial decrease in sex offenses between 1958 and 1969."*

In the Final Report "summary section" they put it even more strongly,

"Other research showed that the decrease in reported sexual offenses cannot be attributed to concurrent changes in the social and legal definitions of sex crimes or in public attitudes toward reporting such crimes to the police, . . ."

The average reader or even social scientist will probably never get an opportunity to see what this Danish psychologist actually wrote in this report or what he did. He, of course, was studying the issue of why, with increasing pornography in Denmark, has the rate of sex crimes apparently dropped. Maybe pornography has a "therapeutic effect" on sex criminals. What Kutschinsky did, in fact, was intensively interview a carefully drawn sample of adult men and women throughout Cophenhagen surveying (a) whether they had even been a victim in a sex crime, (b) did they report it, (c) would they report certain types of sex crimes now (or ignore it, (d) have they "changed their mind" over the past few years about the seriousness of certain sex offenses, and (e) how did they feel about these same things 10 years ago. He found that 26% of the men and 61% of the women of Copenhagen had been victims of some category of "sex crime" (some minor, some serious). However, only 6% of the male viewed (Primarily homosexual molestation) and 19% of the female victims reported it to the police. This is consistent with statements made by the U.S. Department of Justice in their 1970 Unified Crime Reports referring to rape, "This offense is probably one of the most under reported crimes due primarily to fear and/or embarrassment on the part of the victims." This means overall that sex crime statistics are very "shaky" and have to be viewed with caution simply because most are probably never reported.

Kutschinsky concludes after a careful and extended analysis of his data that, "The decrease in (sexual) exhibitionism registered by the police during the last 10 years may be fully explained by a change in people's attitudes toward this crime and towards reporting it to the police." He concludes in about the same terms with regards to the sex crime of "indecency towards women" (which can involve anything short of a direct rape attempt on a female.) If the reader will go back and read again what the Commission said about Kutschinsky findings, we again get an example of critical omissions of important factual data. With regards to "peeping" a non-violent sex crime which has declined 79.9% in that last decade his data

suggest that the availability of all sorts of visual pornography, films and live sex shows probably have reduced the need of the peeper to risk arrest looking through people's windows when he can see much more in any porno shop. We would agree with this conclusion. In the only other sex crime which he evaluated, "Indecency toward girls" his data suggested little or no change in public attitudes towards its seriousness or lack of willingness to report it. The decline in this offense remains a puzzle with Kutschinsky suggesting pornography possibly being a (poor) substitute for little girls for this type of offender.

The Commissions presentation of the Denmark sex crimes data omits certain types of sex offenses such as incest which most people would regard as fairly serious. If as Kutschinsky's study suggests, there have been no real declines in sex crimes in certain categories, only a change in people's conception about their seriousness and a lessened inclination to report them, this should be given thoughtful and careful consideration. That Danish people have more liberal sex attitudes has been documented by various surveys including another by Kutschinsky which indicated that only 32% of Danes regard sex intercourse with an agreeable 14 year old as a crime, and only 12% would regard the rape of a female as a crime where she permitted the rapist to engage in prior petting.

The kind of sex crime most people would be concerned with would involve a personal assault as in rape, or on a child, or the situation involving exhibitionism which might "traumatize" some women and possibly effect their psychosexual feelings and attitudes negatively.

If we look at the Copenhagen rape statistics (combining rape, rape with robbery, attempted rape, and intercourse on threat of violence) which all involve a sexual assault on another—we get the following picture:

Rape (all categories)—Number of cases

Year:	
1958	57
1959	55
1960	37
1961	48
1962	53
1963	50
1964	39
PORNOGRAPHY FREELY AVAILABLE	
1965	42
1966	70
1967	44
1968	50
1969	35

If one looks at the table and notes that it was in about 1965 when pornography became generally available (even though legal recognition of this wasn't to come for several years) it presents a rather puzzling picture—in that until 1969, there were no major changes in rape rate other than the normal fluctuations common to preceding years. In any event it would certainly be injudicious to conclude that there has occurred a true change or decline in some sex crimes, at least yet, in the light of the above statistics or in view of Kutschinsky's findings that with certain sorts of sex offenses the "decline" can be partially or fully attributable to changes in people's attitudes about certain sex crimes and their changes in "reporting" practices. Other sorts of data which would be useful to have in studying this whole problem would be divorce rate figures for the past 10 years, venereal disease rates, changes in extra marital sex patterns, and prostitution figures for the decade.

The Propper study

The Commission in the summary of their Effects Panel Report conclude:

"In sum, the empirical research has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults. The Commission cannot conclude that exposure to erotic materials is a factor in the causation of sex crime or sex delinquency."

Based on the above paragraph, cited again and again in various forms throughout the whole report, we have the basis for recommending the removal of all pornography controls for adults and all controls (except pictorial pornography) for children.

Yet if we review the research of Propper, in his study of 476 reformatory inmates (see table 1 [3]) we note again and again a relationship between high exposure to pornography and "sexually promiscuous" and deviant behavior at very early ages, as well as affiliation with groups high in criminal activity and sex deviancy. This study was financed and contracted by the Commission, and while they refer to Propper's study often, no mention is made of any of these specific results in the Commission Report. This study was for many months in the hands of the professional committee that assembled and wrote the report as well as available for inspection of any of the Commission members who wished to read it (but no one else). As the reader can scarcely fail to note, there is a striking relationship between heavy use of pornography and various kinds of sexual "acting out," deviancy, and affiliation with high crime risk groups.

Davis and Braught study

Davis and Braught (1970) in a study of seven different populations of subjects comprising 365 people assessed the relationship between exposure to pornography and moral character, deviance in the home, neighborhood, sex behavior, etc. Samples of city jail inmates, Mexican-American college students, black college students, white fraternity men, conservative protestant students and Catholic Seminarians were studied intensively. In addition each had one female friend fill out a character scale about their behavior. In their study, which was impressive in its rigorous methodology and statistical treatment, they state, *"One finds exposure to pornography is the strongest predictor of sexual deviance among the early age of exposure subjects"*. (page 36). They note that since exposure in this subgroup is not related to having deviant peers (bad associations and companions) and similar type variables, it would be difficult to blame the sexual promiscuity and deviancy of these subjects on other influences such as being influenced by friends (rather than pornography) into these kinds of anti-social activities.

Once again it should be noted that this research report was contracted and financed by the Commission, was in the hands of the Commission staff, for many months, is referred to many times in their report—but not a single mention is made of these findings. This is a particularly important finding in that it suggests real dangers in exposing children and young adolescents to heavy quantities of pornography, the strong implication being that pornography can affect and stimulate precocious heterosexual activity and deviant sex behavior (homosexuality). Obviously more research must be done here, but like the studies linking smoking with lung cancer, it would seen incredibly irresponsible not to report such findings and especially in a report such as this where so few people have access to the original research, and where publication in the scientific literature, if it does occur, would be at least one or two years in the future. It is entirely possible that only one or two of the actual members of the Commission have read this report, and it is doubtful if many of the others would understand fully the scientific jargon and extended discussions of statistical treatment of the data.

The Mosher-Katz study

In another Commission sponsored study by Mosher and Katz (1970) studying male aggression against women in a laboratory setting, they concluded (page 23) that, "The data clearly support the proposition that aggression against women increases when that aggression is instrumental to securing sexual stimulation (through seeing pornography)." This finding was particularly true for men with severe conscience systems as well as for those feeling guilt about being aggressive. This suggests that the need for sexual stimulation (via pornography) can overrule conscience and guilt in "permitting" aggressive behavior towards women. And while this is only a laboratory demonstration, with many limitations, it still constitutes another "negative effects" type of evidence which no attention is paid to by the writers of the Commission report.

Berger's study

In Berger's study (1970) two of the most significant relationships in his research with young people was between exposure to large amounts of pornography and engaging in high levels of sexual activity. This was true for both high school students (gamm: .394 (males) page 48), and college age subjects (gamma: .380 (males) page 62). These relationships were lower (but still significant) for women. An example can be seen below.

Percent college males engaging in sex intercourse, etc.

Amount of pornography exposed to student:	
Hi 5–6	77
4	62
3	60
2	44
Lo 1	4

And while the Commission Report writers correctly point out that just because there is a high association between two variables this doesn't necessarily mean that one "caused" the other. But it does suggest the *possibility* of causation, as in the early smoking-lung cancer studies.

The Walker study

Another Example of Using Flawed Data:

In Chapter V of the Effects Panel Report the Commission reviews the research of Walker (1970) studying sex offenders and non-offenders.

"The mean age of first exposure (to pornography) of the rapists was ½ year or more later than that of the matched non-sex offenders in reference to eight of the 15 items (types of pornography) and ½ a year or more earlier in reference to two. The biggest difference between the groups occurred in relation to depiction of heterosexual intercourse for which non-sex offenders had a mean age of first exposure of 14.95 and rapists a mean age of first exposure of 18.19."

The Commission reports this as fact when a quick look at Walker's tables shows that it can possibly be true. The table below is produced directly from their data.[4]

To claim that the Non-Sex Offenders saw pictures of a male and female having intercourse 1.3 years before they first saw a picture of a male sex organ, or nude female with breasts exposed, etc., demands a great deal of credulity from the reader. It likewise stretches the imagination for one to believe that the Sex Offender group witnessed pictures of animal-human intercourse, oral intercourse, and homosexual relations a year or less before ever seeing pictures of male-female intercourse. These data are obviously in error. And while it's not too difficult to imagine a single typographical error, we have two independent errors here both occurring

[3] Table omitted.

[4] Table omitted.

in the same area. Common sense would dictate a recheck of this data by Walker or the Commission. This never occurred.

The issue of whether sex offenders come from sexually deprived backgrounds

The Commission in their Effects Panel Report, Final Summary Report and elsewhere again and again cite data to show that sex offenders come from conservative, repressed, sexually deprived backgrounds. Quotations from Chapter V, Effects Panel Report, capture well the essence of their conclusions:

"Sex offenders generally report sexually repressive family backgrounds, immature and inadequate sexual histories and rigid and conservative attitudes concerning sexuality."

Or another quote:

"The early social environment of sex offenders may be characterized as sexually repressive and deprived. Sex offenders frequently report family circumstances in which, for example, there is a low tolerance for nudity, or absence of sexual conversation, punitive or indifferent parental responses to children's sexual curiosity and interest. Sex offenders histories reveal a succession of immature and impersonal sociosexual relationships, rigid sexual attitudes, and severely conservative behavior."

Or still another quote:

"Suggest that sex offenders inexperience with erotic material is a reflection of their more generally deprived sexual environment. The relative absence of such experience probably constitutes another indicator of atypical and inadequate sexual socialization."

There are a number of things very wrong about these conclusions. In some of the studies where they compare sex offenders and non-offenders they, inexcusably lump all different types of offenders together "into one bag" (e.g., Cook & Fosen, & Johnson, et al., 1970). The problem here, as the Kinsey Institute studies well demonstrate, is that there are at least 21 categories of sex offenders, some of whom show striking differences in family, sexual and psychosocial backgrounds. To draw general conclusions about such a diverse group is like doing a study on what religious people are like and include in your group Catholics, Unitarians, Buddhists and Black Panthers, treating them as a single "type." For example, aggressive rapists are very impulsive, having extremely high levels of sexual activity from an early age with very high degrees of criminality. They are very dangerous. The "Peeper" on the other hand tends to have very low rates of sexual experience, tends not to marry, and is poorly socialized.

Another type of problem is the use of an inadequate control group. To illustrate how this might cause serious problems consider the following: "Protestants are a more criminally inclined group of citizens than atheists." We study a group of protestants at the state prison and compare them with atheists taken from the general population, and sure enough our conclusion is correct. Or another (again made purposely absurd to illustrate the point). "Men who drink carrot juice will have a high sex drive" and we compare men 20–25 years of age who drink carrot juice with men 90 and over who don't drink it on a variable like frequency of intercourse. If we conclude this study shows that drinking carrot juice is related to or causes a "higher sex drive," we are in error. It has demonstrated no such thing. If we report this and also fail to mention that we didn't have a comparable control or comparison group, or not mention that the controls exceeded 90 years of age, then we've made a second serious error.

One of the studies that the Commission cites as giving evidence that "sex offenders" come from sexually deprived backgrounds is that of Thorne and Haupt (1966). Six percent of their college students report true "I have never had a sexual orgasm" vs almost 30% for the rapists. While they don't have a matched control group to compare the rapists to, they do have data on murderers and property crimes offenders who one might guess would tend to be more similar in social class background, intelligence and age to the rapists (than the college students). When we look at their responses to this question we find an amazing 40% who indicate never having sexual orgasm. Since by the very nature of their offenses it would be difficult to believe that 30% of the rapist sample never had orgasm, and in view of the Kinsey findings, findings that very nearly all of rapists (which they studied) engaged in premarital intercourse and nearly 80% engaged in extramarital sex after they married, these findings appear even more difficult to believe. However, if one is aware of the fact that most rapists, murderers, and property crimes felons come from lower socioeconomic backgrounds, have lesser education, etc. a very simple explanation offers itself. A significant number of these men didn't understand what the term "sexual orgasm" meant. Again, incorrect conclusions are drawn from the data.

Thus one can see the extreme importance of having matched control groups. If we use the murderers and property crimes felons as controls for the rapist sample (a risky thing to do) and compare how this typical sex offender compares on sexual repression, deprivation, etc., we find that (because they are in jail) they do tend to feel more guilty about their sex behavior, but there are no real differences overall. However, if one compares all the prison population against the college students on attitudes we do find them a little more prudish in what they say—but not apparently in what they do, compared to the college students. This undoubtedly reflects the difference between current middle and lower class cultures out of which they emerge.

In the study of Goldstein and associates (1970) they attempted to obtain a good control sample to compare their sex offenders against. But unfortunately they were not too successful. His controls were significantly younger and better educated than his offender groups. (Example: nearly 80% of his controls were under 30 vs only 25% for one of the child molester groups). This makes it very dangerous to say that sex offenders are different or the same compared to "normals" when your comparison group is different. Remember the carrot juice and its relation to sexual activity?

The almost total disregard for these very elementary considerations in evaluating research findings by the Commission report writers leaves one very concerned about how they arrived at their conclusions.

Sex crimes in the United States data

The Commission after being criticized for inaccuracies in their early reports on incidence of sex crimes in America have made a number of corrections. However, a summary of this data would be in order here. Some have argued that because sex crimes have apparently declined in Denmark while the volume of pornography has increased, we need not be concerned about the potential effect in our country of this kind of material, because, essentially, of Denmark's benign experience. However, two considerations must be noted. First, we are a different culture with a major commitment to the Judeo-Christian tradition (which Denmark tends not to be); and secondly, we are actually only a year or so behind Denmark in the distribution and sale of pornography. Hardcore written pornography can be purchased anywhere in the U.S. now. Hardcored still pictures and movies can now be purchased over the counter in some cities. Anything can be purchased through the mails. And in a few cities people can attend hardcore pornographic movies. About the only thing we don't have, which Denmark has, are live sex shows. What is most relevant are sex crime statistics in this country, *not* Denmark. Since it was in about 1960, at the beginning of the decade that pornography began to flower in the U.S. relevant statistics should be examined carefully.

Reported rapes (verified): Up 116 percent 1960–69; up 93 percent 1960–69 per 100,000 females.

Rape arrests: Up 56.6 percent all ages, 1960–69; up 85.9 percent males under 18, 1960–69.

Prostitution and commercialized vice: Up 80.1 percent 1960–69 all ages; up 120.2 percent 1960–69 girls under 18.

Note: The bulk of prostitutes are 15–24 years, peak age: 22; only 13 percent of sex offenses (arrests) are women.

Source: "Unified Crime Statistics," 1970.

Illegitimate births—General note: During decade 1947–67 rate of illegitimacy doubled per 1,000 never married females. 1960–67 illegitimacy ratio up 71 percent (which is the number of illegitimate births per 1,000 live births).

Source: P. 31, 1970, "Natality Statistics."

Illegitimate births 1940 to 1967: Under 15, 2.1 to 6.9 (350 percent increase); 15–19, 40.5 to 144.4 (350 percent increase). During this period, the population of the United States increased 50 percent. "The greatest current rate of increase in illegitimacy is with 15–19 year olds" (source: p. 31, "Natality Statistics" 1970, U.S. Public Health Department).

VD—Gonorrhea—All ages: 1960–69: Up 76 percent; females 15–19: Up 52 percent, 1965–68; females 20–24: Up 36 percent 1965–68; females 25–29: Up 25 percent, 1965–68. VD fact sheet, 1969, U.S. Public Health Service.

"Sex offenses" (homosexual acts, statutory rape, etc.), All ages, 1960–69; Down 17 percent; under 18, 1960–69. Down 21 percent. This is spurious decline. Is due to change in law enforcement policy, primarily involving homosexual acts—Justice Department.

Source: "Unified Crime Report," 1970.

Divorce rate 1960, 393,000 (2.2 per 1,000 population); 1969, 660,000 (3.3 per 1,000 population).

Source: Monthly Vital Statistic Report, Mar. 12, 1970, U.S. Public Health Service.

From this data it would be difficult to argue for a decline in sex crimes and other social indicator data in the U.S. associated with an increase in all types of pornography. It would appear from all the social indicator data that our society is going through a period of considerable social upheaval and distress.

OPINIONS OF PROFESSIONAL WORKERS

In their summary section the Commission states, "Professional workers in the area of human conduct generally believe that sexual materials do not have harmful effects." While this appears to be true, these conclusions are based on a mail-back survey in which only a third of their sample responded. They also neglect to state that 254 psychiatrists and psychologists *had* seen cases where they reported they had seen/found a direct causal linkage between involvement with pornography and a sex crime, while another 324 professionals reported seeing cases where such a relationship was suspected. This totals, in actual numbers, 578. While these therapists represent a small group percentagewise, it would seem to this reviewer irresponsible to gloss over them as if they didn't exist. What if 900 of 1000 physicians indicated that they had found no relationship between cancer of the cervix and use of the coil contraceptive; but the other 100 physicians indicated that in their practice they had come across cases where there was a suspected or definite relationship. Do we discount the experience of the minority because they are outvoted where a possible health hazard is involved.

Additionally, they do not report (though they were aware of its existence) of another survey conducted by a religious group, the Archdiocese of New Jersey, in 1967 of professionals seeing a relationship between involvement with pornography and anti-social sex behavior. The majority of therapists here

reported noting such a relationship at some time during their practice. This study is also flawed because of a low return of "mail-backs" by the professionals. But such is also true of the Lipkin and Carns study. Such omission of contrary evidence is difficult to understand.

The Goldstein study

In another Commission financed study by Goldstein (1970)[5] a study was made of the exposure to pornography and its relationship to sex activities of groups of sex offenders and others. In all, nine separate groups of male subjects were studied and compared. They found that the rapists were the group reporting the highest "excitation to masturbation" rates by pornography both in the adult (80%) as well as teen (90%) years. Considering the crime they were imprisoned for, this suggests that pornography (with accompanying masturbation) did not serve adequately as a catharsis, prevent a sex crime or "keep them off the streets." Fifty-five percent of the rapists report being "excited to sex relations by pornography." When reporting on "peak experiences" in exposure to pornography during their teens, 80% of the rapists report "wishing to try the act" that they had witnessed or seen demonstrated in the pornography exposed to them. This is far higher than with any other group. When asked if in fact *they did follow through* with such sexual activity immediately or shortly thereafter 30% of the rapists replied "yes." An even higher number of blacks (38% replied "yes") which is consistent with many studies showing very high rates of sexual activity early in life for this group. Even among the "normal" controls 28% replied "yes." If we can accept what they say at face value, this would suggest that pornography potentially does affect behavior and possibly adversely. This would also suggest serious concerns about exposing young people, especially to pornographic-violence. Since the writers of the Commission Report base most of their findings on data using "verbal self report" there is little reason not to at least consider as partially valid what these people say about pornography and its influence in their lives. When one asks them about the adult years and to what extent they "tried out behaviorally" what pornography had suggested to them, the figures drop somewhat (15% for rapists, 25% for child molesters, etc.) but still suggests an "effect."

CONCLUSION

Since the Commission is recommending sweeping changes in laws and social policy, the burden of proof is on them to demonstrate "no harm" in suggesting exposure of wider sections of the population to more intense types of pornographic stimuli. This they never do. They can conclude only, as they do, that they have *found no evidence* that it causes harm. This is a shaky foundation for recommending such changes when a number of people *do* claim to have found such evidence including 254 clinical psychologists and psychiatrists (in the Lipkin and Carnes survey) a majority of law enforcement personnel, etc.

Their recommendations are especially surprising when one considers the possible "mental health" implications of the problem as well as the issue of values and "public morality."

With the absence of any significant data clearly demonstrating that pornography is generally "harmless or just a nuisance" and with the presence of a considerable body of data from their own studies that exposure to pornography IS related to a variety of anti-social and sexually deviant behaviors (which is not mentioned in the majority report) serious questions about credibility certainly must be raised about this report. There are a number of excellent studies available to the Commission which could yield a great deal of useful information. Instead, the Commission report is fraught with flaws, omissions, and inaccuracies.

The writer again strongly urges that an independent panel of unbiased social scientists competent in behavioral science research methodology, be called to review the original studies assembled, as well as review what conclusions could be drawn from them.

LEGAL "FINDINGS" OF COMMISSION

We vigorously object to the words "findings" with regard to legal issues. Section IV of the majority report is an attempt to foist upon the people and upon the President and the Congress a philosophy of law which is misleading at best.[6]

The section headed letter "C" states that the "prevailing view" in the Supreme Court is that to be classified as obscene an item must meet three—and all three—criteria. These criteria, the report claims, are: (1) the dominant theme of the material, taken as a whole, must appeal to the prurient interest of the average person; (2) the material must be patently offensive according to contemporary community standards; and (3) the material must lack redeeming social value.

This is a misinterpretation of the law, as counsel to the Commission must know, for he originally stated in his Legal Panel Report that No Majority of the U.S. Supreme Court has ever accepted the proposition that "utterly without redeeming social value" is a "test" for obscenity. To say that an item may not be adjudged obscene if it does not meet all three of these criteria is false. It is exactly the promotion of this canard which has brought us to the deplorable state we are in today in this nation insofar as obscenity is concerned. No Supreme Court opinion so holds. In fact, the *Roth* case says the opposite. This is the only case where the Supreme Court gives us a definition of obscenity. The "utterly without redeeming social value" language is assumed to have been built into the *Roth* test by an opinion in the *Memoirs* (Fanny Hill) case of 1966.

However, this was the opinion only of three Justices: Brennan, Warren and Fortas. It was not the opinion of the Court, and so is not the law of the land. It is a three-Justice out of nine opinion, not binding on anyone. In 29 American Jurisprudence 2nd, at Section 195 of the topic "Courts," we find the following:

"A decision by an equally divided court does not establish a precedent required to be followed under the stare decisis doctrine. And where the members of the court unanimously or by a majority vote reach a decision, but cannot even by a majority agree on the reason therefor, no point of law is established by the decision and it cannot be a precedent covered by the stare decisis rule."

The Supreme Court of the United States has said in 218 U.S. at 213 that unless a majority of the Supreme Court agrees on an opinion the case cannot become "an authority either in this or in inferior courts."

The *Roth* case gives us only the prurient interest test and this test has not been modified by *any* subsequent Supreme Court decision. In *Roth* the Court said, an item is obscene when to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.

This brings us to the Legal Panel Report, prepared by general counsel Bender and staff, with the apparent assistance of Mr. Lockhart, from which the "Legal Findings" section is drawn, and upon which legislative recommendations are based.

The Legal Panel Report should reflect the concepts of the Commission, their conclusions, their interpretations and analysis and their recommendations for legislative action. Instead, the Commission is asked to adhere to ideas, concepts, suggestions, analyses and recommendations prepared by staff members appointed by the Chairman and his general counsel, and reflecting their points of view.

This Bender-Lockhart Panel Report is misleading in many fundamental areas of the law, and so misleads the Commission, so as to cause those members, many of whom are unlearned in the law, to come to fundamentally erroneous conclusions of the state of the law. We object specifically to the following misleading statements in the Bender-Lockhart Legal Panel Report:

1. "Unless there is a basis for finding that certain sexually explicit materials create such a danger (clear and present danger of significant social harm), therefore, general prohibitions upon the dissemination of 'obscene' speech would appear constitutionally invalid under ordinary principles." We are told on the next page that this analysis was rejected in *Roth* by the Supreme Court. Why then do they state it as a fact and ask the Commission to accept it?

2. Shortly after this, the Panel Report begins to take after the United States Supreme Court decision in *Roth* and suggests that it is erroneous and should be reversed and in fact has in effect been reversed by the decision in *Stanley* v. *Georgia* in 1969. They discuss the meaning of *Stanley* vis-a-vis *Roth* as they interpret it and make the following statements:

(a) "Obscenity prohibitions were found constitutional in the *Roth* decision * * * without investigation into or conclusions regarding the actual social effect of the dissemination of obscene materials. It is the conclusion—that obscenity prohibitions regulating what even consenting adults may obtain may be upheld without any indication of social harm—that has been brought into question by * * * *Stanley*."

(b) "*Redrup* may be read as doubting whether *Roth* was actually still the law."

(c) "In *Stanley* * * * the Court threw greatly into doubt the continuing validity of the fundamental premise of the *Roth* case that the dissemination of 'obscene' materials may be prohibited without reference to First Amendment values, and suggested, instead, the strong constitutional significance of the question whether such materials are in fact socially harmful."

(d) "The question of the social effect of obscenity, which *Roth* had deemed irrelevant has assumed critical importance in *Stanley* 'in order to determine whether the state there had a valid regulatory interest sufficient to prohibit private possession of obscene materials.' The Court held in *Stanley* that it did not."

(e) "Prohibition upon the commercial dissemination of obscenity to consenting adults may interfere with the right of adults to read or see what they wish in their own homes."

(f) "*Stanley* appears to have held that government may not rest prohibitions upon what consenting adults may read or view upon a desire to control their morality."

(g) "It further held that adult prohibitions premised upon a desire to prevent crime or anti-social behavior must, at least, rest upon a solid empirical foundation."

A Commission member, reading these statements and the continual "pounding" of *Stanley* v. *Georgia* at every opportunity throughout the rest of this panel report, would naturally assume that these statements are true and that *Roth* in some way has been overturned in a very fundamental manner by *Stanley* v. *Georgia*. But as a matter of fact *Roth* has not been overturned.

[5] Table 9–10, pages 48, 50.

[6] On September 10, as this dissent was going to press, Mr. Lockhart called Commissioner Gill and instructed him to make certain modifications in these statements so that the legal panel report no longer reads the same as it did when the Commission was influenced by it to vote for the legalization of obscenity at their first meeting of August 11 and 12 and the final meeting of August 26 and 27.

It has been specifically confirmed in *Stanley* at 22 L. Ed. 2d 542, where the Court says:

"Roth and the cases following that decision are not impaired by today's holding. As we have said, the states retain broad power to regulate obscenity; that power simply does not extend to mere possession by the individual in the privacy of his own home."

If the Bender-Lockhart Panel Report was intended to give the Commission an unbiased view of the state of the law, why was not the meaning of this phrase expounded? Since *Roth* is still the law of the land, then the following are the true facts (as stated in *Roth*):

(1) It is not necessary to prove that "obscene material will perceptively create a clear and present danger of antisocial conduct or will induce its recipients to such conduct."

(2) That the basis for federal and state proscription for obscentity is "the social interest in order and morality."

It is also to be noted that the Court said its decisions following *Roth* are not impaired.

In *Ginsberg* v. *New York*, at 20 L. Ed. 2d 195, the Court said:

"Our conclusion in *Roth* * * * that the clear and present danger test was irrelevant to the determination of obscenity made it unnecessary * * * to consider the debate among the authorities whether exposure to pornography caused antisocial consequences."

The *Ginsberg* case was subsequent to *Roth*. Why was it not mentioned? Among other United States Supreme Court decisions subsequent to *Roth* that should have been mentioned are the following, all contradicting the Bender-Lockhart thesis that somehow *Stanley* has changed things:

1. *Times Film (1960)*—(State has right to censor obscene motion pictures.)

2. *Freeman v. Maryland (1965)*—(State may require prior submission of motion pictures to a Board of Censors.)

3. *Ginzburg v. U.S. (1966)*—(State has a valid interest in preventing pandering to "the widespread weakness for titillation by pornography" books and magazines.)

4. *Mishken v. New York (1966)*—(State has interest in protecting homosexuals from obscenity.)

5. *Interstate Circuit v. Dallas (1968)*—(Municipality may enact an ordinance regulating motion pictures for adults as well as children and censoring those obscene.)

Each of the statements made in (a), (b), (c), (e), (f), and (g) above in the Bender-Lockhart Report are incorrect when we look at *Stanley v. Georgia's* reaffirmation of *Roth* and cases thereafter. The statement made in (d) above is misleading that "private possession" is permissible because it fails to complete the quotation "in the privacy of his home."

It would appear that for purposes of the Bender-Lockhart Panel Report, the "wish is father to the thought." They would like *Stanley v. Georgia* to say what they say it says but that desire is not borne out by the facts of that case.

It is quite clear that *Stanley v. Georgia* stands for a very narrow position and that is that a state may not convict a person of a crime "for mere possession of printed or filmed matter in the privacy of a person's *own home*." 22 L. Ed. 2d 542. And again, at 22 L. Ed. 2d 551, the "right to be free from state inquiry into the contents of *his library*." The State has no business "telling a man sitting alone *in his own home*, what books he may read or what films he may watch."

It could not be much clearer that this was the narrow proposition decided. The Court said it *four* times while specifically upholding *Roth* and all subsequent decisions.

3. The Bender-Lockhart Panel Report hits us with two phrases. One appears to be the invention of the authors in lieu of the use of the word "obscene" and that is the phrase "explicit sexual material." The other phrase is the catchword "consenting adults" which is a euphemism to express the authors' position that there are no restraints on "explicit sexual material" as long as "consenting adults" patronize it. Translated simply, it means "Legalize Obscenity for Adults" and the authors of this report should have so labeled it since this is the net effect of their suggestions. Nowhere is it explained that neither of these terms is used in any Supreme Court opinion, nor is it explained that this is the phrase used by those who would have the Court legalize the showing of "I Am Curious (Yellow)" in both Massachusetts and Maryland where it has been held obscene. In fact, there is an amazing parallel between the Bender-Lockhart Panel Report and the language used in the briefs for the distributors of that motion picture. Both sing the same tune. The Panel Report suggests that adults have "a right to obtain [explicit sexual materials] they wish to see." They cite no justification for setting up this false premise. Certainly *Stanley v. Georgia* never said it. They then proceed to state the motivations of the government in regulating "explicit sexual materials" (which we translate to "obscene"). They fail completely, however, to give the real reason which is the "social interest in order and morality." Having set up two false premises, they then proceed to obfuscate the true situation. There is a bald misstatement of the law when the Panel Report says:

"In a series of cases subsequent to *Roth*, the Court made clear that where attempts were made to prohibit only specific distributional activities connected with sexual materials—and not to prevent consenting adults from obtaining material they wished to see—more inclusive definitional standards than that imposed in *Roth* would be permitted to be applied. The first case leading in this direction was *Ginzburg* v. *United States*. There the Court * * * permitted the conviction of the defendant to stand because he was found to have 'pandered' the materials in an offensive manner rather than merely to have sold them to persons who wished to obtain them. Thus the Court permitted a conviction which it would not have permitted had the defendant merely been engaged in neutral dissemination to consenting persons.

You would assume that Mr. Bender and staff, who ought to know, have told the Commission members what the *Ginzburg* case held. Nothing could be further from the truth. As they ought to know, this is *not* what *Ginzbury* held, since:

(a) The term "consenting adults" is nowhere used or implied in that case.

(b) The Court did not say anything about *Ginzburg* not having "merely sold them to persons who wished to obtain them." It didn't mention that at all.

(c) The implication that the case stands for the right to receive "obscenity" by consenting adults is misplaced. The Courts said in *Ginzburg* that the materials *were not* "obscene in the abstract".

4. The Bender-Lockhart Panel Report suggests that "some of" the federal mailing statute may be unconstitutional under *Stanley*. This is another non-sequitur. The mailing statute has nothing to do with invading a man's home.

5. The implication on page 13 that there is something in *Redrup* which proves a theory that "consenting adults" have a right to receive obscenity is also misplaced. *Redrup* found the materials not to be obscene.

6. On page 16, the Bender-Lockhart panel Report states that:

"*Stanley v. Georgia*, if given full effect, would mean * * * that the individual's right to see materials of his own choice may only be overcome where there is a substantial social basis for government regulation. As a result, many applications of general prohibitions may no longer be permissible. The *Roth* standard for determining the 'obscene' retains potential validity only in those areas where *Stanley* permits general prohibitions to apply."

Now, if this problem were not so important to our country, the immediate reaction to such a non-sequitur from *Stanley* v. *Georgia* would be to shrug it off as ridiculous. There is absolutely nothing in *Stanley* to warrant this misinformation.

***Roth* is supreme,"** says Stanley—not the other way around. *Stanley* cannot be exploited or expanded to help the pornographers in this fashion.

7. Eventually, the Legal Panel Report abandons the position that *Fanny Hill* has modified the *Roth* test and engages in the business of counting Justices who have adopted the "patently offensive" test. Four of these six Justices are no longer on the Court so this maneuver fails. The footnote reference to Black and Douglas also fails since they have never enunciated this standard. The reference to Stewart and Harlan refers to federal cases only. The reference to the American Law Institute standard is misleading since that Institute never used the phrase "patently offensive".

8. Again, the Panel Report abandons its original claim that the *Roth* test included an "utterly without redeeming social value" element, and now tries to give new dignity to the opinion of three Justices (two of whom, if we use his technique, we should note are no longer on the Court) by calling it a plurality opinion. As we point out in our discussion of "Fanny Hill," under the decisions of the United States Supreme Court, an opinion of three Justices is no precedent, does not establish the law and does not bind either the United States Supreme Court or "any inferior court."

9. The Legal Panel Report finally admits that *Memoirs* "utterly without redeeming social value" "test" is not a test at all, not having been adopted by a majority, but they suggest that it is nice to incorporate the same in statutes because Black and Douglas are on the bench and this is two strikes against you. They state, "So long as at least three other Justices employ the three-part test," no application of a general prohibition which does not employ this test will be upheld on appeal. What kind of specious reasoning is this? The Bender-Lockhart Legal Panel Report seems so intent on keeping this unnecessary language in our statutes (which contradicts *Roth*—see our comments under *Memoirs case*) that they employ the scare tactics that you only need two more people against you and you lose. Is this what our statutes should be based on in this vital area? Is this what this Commission was formed for, "to estimate percentages"? Fortas and Warren are gone, leaving only Brennan who adheres to this pernicious concept. Presumably then, eight out of nine Justices will adhere to *Roth*, which rejects this so-called test and says that once it is obscene by the *Roth test* (which has no social value language), then it is proscribable. But this is not our function. We are to interpret *Roth* honestly and give the country an honest definition of obscenity. Such a definition does not include the "Brennan" so-called "test". It is to be noted, that the Legal Panel Report does not quote the recent decisions in Maryland, Massachusetts and Arizona that say that there is no "social value" test in *Roth* (see our comments in Appendix under *Fanny Hill*) nor do they say that New York is proposing repeal of this part of their statute (see our remarks under *Fanny Hill*).

10. The Bender-Lockhart Panel Report states that the Supreme Court believes that the *Roth* standard does not permit a finding of obscenity to be made under a prohibition of what consenting adults may obtain with regard to a large class of pictorial material. Again we note that there is no opinion of

the Supreme Court that supports this statement that somehow "consenting adults" are a separate class under the *Roth* standard. That phrase is not used in any Supreme Court opinion.

V. CONCLUSIONS

We submit: That the Commission majority has not carried out the mandates of Congress.

We submit: That its legislative recommendations should be excluded from consideration by the Congress and States, since they are not responsive to the mandate of Congress to regulate the traffic in pornography. It is irrelevant legislation and deserves condemnation as inimical to the welfare of the United States, its citizens and its children.

We submit: That the purpose of the Commission's report is to legalize pornography.

In the pursuit of the mandates of the Congress, and in compliance therewith, we have made a review of the law and the decisions of the United States Supreme Court; and have analyzed the same in detail. This review is attached as Appendix I. In the light of that review and comment thereunder, and in view of our other mandates, we make the following recommendations.

VI. RECOMMENDATIONS

1. Recommended test or definition of obscenity

A thing is "obscene" if, by contemporary community standards, and considered as a whole, its predominant appeal is to the prurient interest. As a matter of public policy, anything which is obscene by the definition shall be conclusively deemed to be utterly without redeeming social importance. Any slight social value in such obscenity shall be deemed outweighed by the social interest in order and morality.

"Prurient interest" is defined as a shameful or morbid interest in nudity, sex or excretion which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for, or directed to a specially susceptible audience, the subject matter shall be judged with reference to such audience. When the subject matter is distributed or exhibited to minors who have not attained their 18th birthday, the subject matter shall be judged with reference to an average person in the community of the actual age of the minor to whom such material is distributed or exhibited. In all other cases, the subject matter shall be judged with reference to the average person in the community.

Comment

This formulation is taken from the *Roth* case which is the only case in which the Supreme Court defined obscenity and the *Ginsberg* case, in which the Supreme Court accepts the concept of variable obscenity as it applies to minors. It rejects the suggestion of three of the nine Justices that "utterly without redeeming social value" is a test for obscenity, since the Supreme Court has never adopted this suggestion. In fact, it is this unnecessary "test" that has caused the flood of hardcore pornography in motion pictures, books, magazines and other publications.

A complete review of the lack of constitutional necessity for this so-called "test" is found in Appendix I in our comments under the *Memoirs* (*Fanny Hill*) case.

The *Roth* Test, it is claimed by some is subjective. Upon examination, however, it is plain that the individual juror is not instructed to apply his subjective concept of what is obscene, but to determine something objective *viz.* "the prurient interest of the average person." This is very similar to what juries are called upon to do in negligence cases where the juror is asked to determine if a person used that degree of care that a "reasonably prudent man" would use. This determination has never been thought to be subjective nor too impractical or difficult to apply. We have confidence in the ability of the Anglo-Saxon jury system to determine obscenity if properly instructed. (See Judge's charge in *Roth* case Appendix I).

Our recommendations are squarely based on the concept that the State has, as the Supreme Court says, a right to enact obscenity legislation based on the "social interest in morality." There is a distinction that should be made between individual morality and the level of general morality which the state needs to protect.

A person's beliefs and practices depend on what he relies on for an authority as to what is right and best. As children grow up, they come under various authorities' influences: parents, relatives, friends, teachers, writers, actors, celebrities, clergyman and a host of others. They are also influenced in various ways by other forces of good and evil.

At every point in life a person has a certain moral character. It is the sum total of what he then believes and practices in the area of right and wrong. This overall moral character is constantly changing under the interplay of the aforementioned influences. Thus if a person accepts higher standards, his moral character improves; if he accepts lower standards, his moral character deteriorates.

Not only does every individual reflect a certain moral character, but so does every group of individuals, a club, a city, a state, or even a nation—*the essence of which is determined by a general consensus of individual standards.* It is, stated another way, the distillation of all the individual moralities or the *level* of morality generally. It is this level, this distillation, this average, this essence, which the state has an interest in protecting. The state protects this level from falling and creates an atmosphere by which it can rise. The obvious morals protected are chastity, modesty, temperance, and self-sacrificing love. The obvious evils being inhibited are lust, excess, adultery, incest, homosexuality, bestiality, masturbation and fornication.

A discussion of the background of the other aspects of this definition may be found in our comment on the Model State Obscenity Statute in Appendix II.

2. Recommended Federal legislation

We recommend:

(a) That the United States Codes Sections 1461, 1462, 1463, 1464, 1465, of Title 18, and Section 1305 of Title 19, and Section 4006 of Title 39 be amended to define "obscene" in accordance with our recommended definition of obscenity mentioned above.

(b) That so much of our recommended Model State Statute, found in Appendix II, which is suitable for incorporation in these federal statutes be therein incorporated.

(c) We recommend that Congress note that Section 4009 of Title 39, Prohibiting of Pandering Advertisements in the Mails, was specifically upheld by the U.S. Supreme Court in *Rowan* v. *U.S.*, decided May 4, 1970. This statute, it should be noted, gave a parent the right to require also, that the mailer stop sending mail to "any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee."

While the decision did not turn on this specific point, it is nevertheless an indication that the Supreme Court will accept at least an age 18, and possibly 19 or older, as a division line between minor and adult in the obscenity field. Certainly under 16 is too low.

(d) We have reviewed anti-obscenity legislation now before Congress which we believe will help, effectively and constitutionally, to regulate obscenity. This review is attached as Appendix III.

(e) We recommend legislation or a Presidential Directive establishing a Division, in the Office of the Attorney General of the United States, under the direction of a Deputy Attorney General, made up of a team of skilled lawyers ready and able to assist District Attorneys throughout the nation in prosecutions against sex exploiters. We have personal knowledge of the fact that district attorneys generally are desperately in need of this type of assistance. The urgent necessity for the same was enunciated in March of 1965 by the presiding Judge of Franklin County, Pa., Judge Chauncey M. Depuy, when he said:

"Whenever a prosecution for obscenity occurs in a country, the well-heeled purveyors of smut act with lightning alacrity to provide high-priced counsel for the defendant. Legal smut specialists are called into the county from the nationwide staff. These professionals soon place the local district attorney's staff, unacquainted with a highly specialized field of law, at a great disadvantage. The average district attorney or assistant is no match for these well-experienced 'pros' who move from county to county and state to state . . . There is no hope for government to serve the interest of the general citizen in managing this flood of pornography unless a massive effort is made at the Department of Justice level. An effective mechanism must be devised, on a permanent basis, as a division of the department, having . . . highly skilled lawyers ready to be loaned at any time . . . to assist the district attorney in connection with any prosecution against the sex exploiters."

It should be noted that if it is believed that such a mechanism could not be set up on the federal level without enabling legislation, such legislation could be based on the Commerce clause, since most obscenity is transported interstate or imported. A model could be found in language used in the Civil Rights Act of 1964.

(f) We recommend the establishment, by Federal legislation, of a National Crime Research and Reference Library on the Law of Obscenity. The Library will be unique, since the Librarian of Congress has indicated that after diligent search, "no reference to any special law library in this area has been found, and . . . such a library would be unique and unduplicated as a single collection."

The purpose of the library will be to service prosecutors nationwide to expedite preparation of cases. It will be available also to the judiciary, behavioral scientists, clergymen, writers and other professionals who can contribute to the effort to stem the flow of obscene material. The district attorneys of New York City are of the unanimous opinion that such a library will prove invaluable to law enforcement agencies. It will contain everything written on the law of obscenity: statutes, ordinances, decided cases, text, commentaries, etc. It will also contain a section on medical, psychiatric and psychological research relative to obscenity. Law enforcement officials believe that the convenience of finding all precedents, statutes, briefs, etc. in one location will save countless hours in case preparation.

3. Recommended State legislation

(a) *Model State Obscenity Statute.*—Attached to this Report as Appendix II is our recommended Model State Obscenity Statute based on the concept of variable obscenity and taking into consideration all U.S. Supreme Court cases. We believe it is a constitutionally effective statute that will effectively regulate the traffic in obscenity. The suggested statute is explained and annotated in the Appendix.

(b) We also recommend to the States that they establish, by legislation, a Board of Film Review which would require—under carefully prescribed rules based on Supreme Court decisions discussed in Appendix I—the

submission of all motion pictures for licensing prior to their exhibition. This proposed statute is taken from Maryland Statutes Article 66A which has been revised to comply with *Freedman* v. *Maryland*, a Supreme Court decision. In our opinion it will withstand constitutional attack. A copy of this proposed Model Statute on Film review is attached as Appendix IV.

(c) In addition, we suggest that some States might desire to permit local ordinances for the establishment of Film Review Boards, generally, or for the purpose of establishing classification of films as suitable or unsuitable for minors under 18. Such States should enact legislation confirming the existing right of municipalities to adopt such legislation, and permitting them to apply for injunctive relief in the courts; and requiring a prompt judicial determination of the issue. A suggested statute to be used as a model is Section 418A, again of the State of Maryland, found in Appendix V. It should be used as a supplement to any State statute or local ordinance on Film Review or classification. This model should be modified where used in aid of local ordinances to permit the Chief Legal Officer of the municipality, or the Film Review or Classification Board, to apply also for an injunction in the case of motion pictures.

(d) We recommend the employment of the injunctive remedy, found in 22a of the New York Statute or 418A of the Maryland Statute, to supplement the Model State Statute generally. This is a most effective weapon sanctioned by the decisions of the U.S. Supreme Court, and will reach all types of obscenity. See appendix V.

(e) We recommend that the Attorney General's Office be required to review for possible prosecution and type of suspected obscenity distributed or about to be distributed, of which he gains knowledge, and which falls into any of the descriptive categories listed below:

1. The Stag Film.
2. The Sexploitation Film.
3. The Commercial X-rated Film.
4. The Commercial Unrated Film.
5. Advertisements for X and Unrated Films.
6. Underground Sex Publications.
7. Underground Newspapers.
8. Mimeographed Underground Newspapers.
9. Sensational Tabloids.
10. Homosexual Magazines.
11. Sex-violence Magazines.
12. "Spreader" or "Tunnel" Magazines.
13. Teenage Sex Magazines.
14. Pseudo-Scientific Sex Publications.
15. So-called Nudist Magazines.
16. Lyrics on Commercially Distributed Rock Records.
17. Sex-action Photographs.
18. Sex-action Records.
19. Sex-action Slides and Tapes.
20. Mail Order Advertisements for the Above.
21. Paperbacks with themes of: Homosexuality, Sado-masochism, Incest, Bestiality.
22. Hardcover Books Devoted to Homosexuality, Sado-masochism, Incest.

(f) We advocate the establishment in the office of the Attorney General of each State, a team of one or more skilled attorneys, under the direction of a Deputy Attorney General, to be used to assist in the local prosecutions where intrastate commerce is involved or where federal assistance from the Department of Justice is not readily available.

(g) We advocate the establishment in State Police headquarters of a similar division, working closely with the legal staff just mentioned. The state police have experts in arson, ballistics and other specialties. The formation of a special unit on pornography is long overdue.

(h) We advocate the establishment of permanent State Commission to examine the laws on obscenity, to make recommendations to the legislature, and recommendations for more effective means of enforcement. A suggested statute is attached in Appendix VI, and is modeled on a statute of the State of Illinois, approved September 6, 1967.

(i) We recommended the establishment of a State Commission to review and classify Motion Pictures and printed materials for minors. A suggested statute in this respect, based on our review of *Bantam Books v. Sullivan* is attached as Appendix VII.

(j) As minimum legislation, we advocate elimination of the phrase "utterly without redeeming social value" in any State statute. A suggested statute is attached as Appendix VIII.

4. Recommended local ordinances

(a) We recommend a review of existing ordinances in the light of our review of U.S. Supreme Court decisions in Appendix I, and the modifying or amending of same to comply therewith, including the elimination of the phrase, "utterly without redeeming social value" whenever found.

(b) We recommend the adoption of local ordinances (wherever the State has not adopted a Film Review Statute) to review Motion Pictures—based on Maryland Statute recommended above.

(c) On an optional basis, or as part of a general ordinance on motion picture review, we recommend a Film Review and Classification Ordinance for minors. The suggested ordinance, attached as Appendix IX is liberally designed to meet Supreme Court requirements.

(d) We recommend an ordinance designed to protect minors from being exposed, on the highway or street, to drive-in movie scenes of motion pictures that are unsuitable for children. The suggested ordinance attached as Appendix X has been approved by the United States Court of Appeals for the Fifth Circuit in the case of *Chemline Ind. v. City of Grand Prairie*, decided August 8, 1966, 364 F 2d 721.

(e) We recommend a local ordinance to penalize the showing of obscene motion pictures, and to penalize the licensee found guilty. See Appendix XII, based on a second ordinance upheld in *Chemline* case above, containing pure *Roth* test.

5. Recommended private action by the public

(a) We recommend that private citizens join with or form private, non-sectarian, community organizations that take organized, but constitutional action against obscenity.

(b) We recommend citizens bring official legal complaints whenever evidence of obscenity comes to their attention.

(c) We recommend that citizens continually urge their municipal, State and federal officials, to prosecute obscenity cases. Here, again, this is best accomplished in an organized manner, working through an existing community organization.

NOTE.—Appendices are withheld.

[From the National Observer, Oct. 12, 1970]

FLOODLIGHTS ON SEX

"The very foundation of our society rests upon healthy sexual attitudes grounded in appropriate and accurate sexual information."

Thus declares the majority report of the commission authorized by Congress to study obscenity and pornography and their effects on American life. The statement is made in connection with a plea for more extensive sex education programs, and it exemplifies the commission's belief that the success of the pornography business is related to a popular reticence about sexual matters.

Throughout the commission's report is a recurring theme: Let's throw a bank of floodlights on the sex act. That way we can help to eliminate the mental repressions and other sources of unhappiness that sometimes arise from keeping the subject in a shadowy corner. And let's follow that by legalizing pornography because there's no proof it does any damage, and, anyway a lot of people want it.

Well, as we have stated in the past, we think a carefully prepared program of sex education, geared to the student's level of maturity, is desirable. But unlike the commission, we are unable to make the jump from that position to one advocating the free dissemination of exploitive sex materials. Thoughtful sex education enlightens the student and should ennoble the act. Pornography does the opposite.

While we question whether the social foundation rests upon "healthy sexual attitudes" (food, shelter, clothing, and the willingness to live in an orderly, lawful manner might be more reasonable "foundation" candidates), we question even more what the commission means by "healthy" and how pornography can contribute to that happy-sounding condition.

Too often these days "healthy" means an absence of restriction, a determination to obey-that-impulse. Certainly one risks fewer mental repressions that way. But human inhibitions are exactly what make the social order possible. We do not say everything we think; we do not act every way we feel.

In order to protect social stability, people make many unspoken agreements about what behavior is tolerable and what is not. Whether we call these agreements customs or taboos, their effect is the same. They serve to minimize the friction among individuals. When the matter is important enough, society makes laws to reinforce restrictions on behavior.

Most people believe that pornography, because it devalues human life and love, should be restricted by law. The First Amendment consideration is not a genuine issue, because there are many areas in which the law draws the line on what may be expressed in advertisements (misrepresentation), newspapers, magazines, and books (libel), and even in speech (slander).

It would be impossible, of course, to eliminate obscene materials altogether, no matter what final definition of the stuff is agreed upon or how heavy the penalties are made. But pornography can be controlled. It can be kept not only away from children, but out of public sight. If it could not be, indeed if the commission had its way, we might be approaching the time when the least pleasing representations of sexual activity were placed on subway cards and roadside billboards.

If a society is to have a "healthy" attitude toward sex, that society must have more than "right" information. It must continue to regard some areas of its humanity with delicacy and discretion. By tilting a rose-colored shade over the floodlights, a society does the decent thing. And probably the wise thing as well.

Mr. McCLELLAN. Mr. President, I hope the resolution will be unanimously agreed to.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished Senator. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. McCLELLAN. I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator. I first want to thank him for his fine interest in this subject, for his splendid analysis in his speech, and for the action that he has proposed here today. I commend him highly.

The Senator from Arkansas is exactly right: If by our silence we seek to duck this matter, or dodge it, or fail to act, it is the equivalent of giving it our ap-

proval, and it does not deserve the approval of this body, or any other body.

Mr. McCLELLAN. If I may interject, I say to the Senator it would certainly be interpreted that way by the public.

Mr. STENNIS. Certainly. That is the only interpretation that reasonable minds could put on it. I thank the Senator.

Mr. President, I cannot accept in any measure, in the slightest degree, that the Commission report reflects the beliefs and opinions of the American public, of the administration, or of the Congress. I consider the report irresponsible, and in effect degrading. In fact, I believe that this report does not reflect the opinions and beliefs of the American people. It does not reflect the sense of decency and morality of the great majority of the American people.

It seems to me that on the one hand the Commission went far beyond the role intended for it by the Congress, and at the same time fell woefully short of what could have been expected from such extensive deliberations.

The report offers what appears to be a series of opinions unsupported or flimsily documented, resting largely upon a philosophy of permissiveness. There is a pronounced lack of fact established by research, and much reference to the difficulty of obtaining factual evidence on many key aspects of the problem. The document purports to reflect the opinion of the majority of adult Americans, but fails to establish that premise. The dissenting minority of the Commission asserts strongly that the report does not, in fact, respond to public opinion as they heard it expressed in hearings.

I find some consolation in the fact that five of the 17 members of the Commission dissented. Two did so because of the shortage of persuasive evidence to support the Commission findings. Three differed completely from the entire philosophy, expressed in the report. They reject, I am glad to say, the Commission conclusion that all legislation should be repealed which denies to adults any obscene or pornographic materials which they might desire to obtain.

The report gives the impression that the majority of the Commission have essentially given up on human nature, and are prepared to accept a very cynical view of any inherent good in the human soul. They tend to blame people, rather than what is inflicted upon them in the way of offensive and degrading books, pictures and words. They concede without question the very doubtful assumption that if morally degrading material is not openly available and thrust upon people, then the people will seek it covertly. This is doubtless true with some individuals but I believe they represent only a small percentage of the people.

I sense a real confusion on the part of the majority of the Commission. I believe they are confusing the individual and society as a whole. They are preoccupied with the personal rights of the individual and negligent of the very legitimate concern of society in maintaining suitable moral standards for the public as a group. We have seen too much in recent years of the tendency to move toward excesses in permissiveness to the individual, to the detriment of the rights of the group.

The Commission would repeal existing legislation aimed at the distribution of obscene and pornographic matter to adults. They would offer the pornographic industry legal sanction, and strip the public of what slight protection it now enjoys. They would leave the country without standards of decency and without a sense of decency.

Mr. President, I hold that national morals are a matter of national concern. Therefore, they are a matter of concern to the Congress. The Commission report comes as a shock to the majority of American people. It should be condemned, and I do condemn it. It should be repudiated, as the Senator from Arkansas says, and I believe it will be repudiated by this body and by the American people. The fact that such a report can originate from an official commission is fair warning that we should work for practical and effective legislation for the control of obscenity and pornography.

The Commission seems to think that the American people have lost their sense of decency and have no sense of propriety. The American people have not lost their sense of decency nor their sense of propriety. They demand a worthy inheritance for their children.

I have absolutely no sympathy with the position or the approach of the majority of this Commission, and I think that, representing the American people, the Senate should repudiate this report and officially reject it by a resounding vote. We shall make a new start from that point, but we must start from the point of condemning and repudiating this Commission report.

I again commend the distinguished Senator from Arkansas for his work in this matter.

Mr. McCLELLAN. I thank the distinguished Senator from Mississippi.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 4 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the recommendations of the Commission on Obscenity and Pornography, which was appointed by President Johnson in 1968, are, to say the least, shocking and totally unacceptable.

The Commission's report should be tossed into the trash can along with all the foul and corrupting pornographic material that it would make available to the public.

The gist of the report is that erotic materials do not contribute to the development of character deficits, nor operate as a significant factor in antisocial behavior. Mr. President, the members of Congress and the American people simply do not agree with such a view.

The Congress on a number of occasions has indicated that the smut traffic in this country is a matter of national concern, and should be more effectively controlled. Indeed, it was primarily for this reason that Congress in 1967 adopted the resolution which authorized President Johnson in 1968 to appoint this Commission on Obscenity and Pornography.

After 3 years of study and expenditures of $2 million of the taxpayers' money, the Commission tells us, in effect, that Congress does not know what it is talking about.

The Commission report not only defies commonsense, it disregards the views of experts.

Purveyors of filth have extended their activities alarmingly. In several cities of Michigan, children can now walk into "porno shops" and buy material of the most offensive nature. An increasing number of citizens in small communities receive unsolicited filth in the mails.

The Commission report contains the amazing statement that "public opinion in America does not support the imposition of legal prohibitions upon the consensual distribution" of pornography to adults. I invite the Commission to examine the thousands of letters and telegrams on this subject which I have received from my constituents in the past several years. All of them urge stricter controls.

I was glad to note that not all the Commission members agreed with the views and recommendations set forth. Minority views were filed. Among those who dissented was the only member of the Commission appointed by President Nixon, an appointment made to fill a vacancy.

The real danger of the report is not that it will be accepted by Congress. It has been assailed by leaders of both parties in both Houses, and by spokesmen for the present administration. However, the report has served to provide ammunition to the self-proclaimed experts who are campaigning for even more pornographic permissiveness.

In order to make it clear to the American people that the Members of Congress do repudiate the Commission's recommendations, I urge the Senate to adopt the resolution of the Senator from Arkansas by an overwhelming vote. I commend him for the outstanding leadership he has provided on this issue.

Mr. McCLELLAN. I thank the distinguished Senator from Michigan.

Mr. ALLOTT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. McCLELLAN. I yield 1 minute to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 8 minutes on the subject of the pending resolution.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes remaining.

Mr. BYRD of West Virginia. The Senator from Colorado wishes how much time?

Mr. ALLOTT. I do not want to take the distinguished Senator's 4 minutes.

Mr. McCLELLAN. I do not intend to use any more time. Another Senator has asked for 1 minute. I can yield the Senator from Colorado 2 minutes. I have to yield 1 minute to the Senator from South Carolina.

Mr. ALLOTT. Three minutes, then.

Mr. McCLELLAN. All right, 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado has 3 additional minutes.

Mr. ALLOTT. Mr. President, I rise to support the resolution of the distinguished Senator from Arkansas.

I cannot imagine anything more revolting than the situation that has come before us, and I hope that this resolution will have a beneficial effect upon the people of this country.

Ever since I became a Member of Congress 16 years ago, we have been wrestling with the problem of pornography. Permissive court decisions, marshmallow-headed thinking, and I do not know what else have led us into a situation in which our law officers and our postal people are unable to cope with it.

This Commission was given a four-part mandate:

First, with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography.

Second, to ascertain the methods employed in the distribution of this material.

Third, to study the effect of obscenity and pornography on the public, particularly minors, and its relationship to crime and other antisocial behavior.

Fourth, to recommend such legislative, administrative, or other advisable and appropriate action as the commission deems necessary to regulate effectively the flow of such traffic.

Now we have a Commission report which says, in effect, that pornography has no effect upon anyone. I want to talk about one phase of this. First, I should like to say that I am getting a little worn out with some of these commissions, because they do not have the responsibility, nor do they have to take the responsibility, for implementing and accounting to constituents for the irresponsible things they do upon commissions.

The first thing that bothers me about this matter is that Cody Wilson, the director of this Commission, came to my office when the Commission was formed. I was astounded by his point of view. I was convinced then as to what the Commission would come out with. It has come out with exactly what I thought it would, and I have kept track of this ever since, through my appropriations work on the Committee on Post Office and Civil Service.

One of the things that was done was a ludicrous attempt and a flimsy so-called demonstration, arrived at by means of some experiments, which only demonstrate again the arrogant refusal of the Commission to abide by the stated will of Congress.

I must say that subsequent to this I had a long talk with Father Hill, and I heartily approved of the attitude which he demonstrated on the Commission.

But the so-called demonstrating is one of the worst abuses of Commission powers that I have ever seen. The ludicrous attempt to demonstrate the innocuousness of pornography involved paying young people to expose themselves to pornography. I shall not elaborate on the exact nature of this experiment, but it is a matter of record; and this was done despite the fact that the Chairman of the Commission had previously told Congress that such experiments would not take place. See page 1052 of the testimony given June 10, 1969, before the Senate Appropriations Committee, Senate Hearings, Treasury, Post Office, and Executive Office Appropriations, H.R. 11582, 91st Congress. He subsequently gave his personal authorization to these so-called experiments. Not to put too fine a point on it, the chairman's statements to Congress certainly did not match his subsequent behavior.

Mr. President, I heartily endorse the resolution of the Senator from Arkansas, and I sincerely hope that he will include me as a cosponsor of the resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, I am honored to be a cosponsor of this resolution, and I urge my colleagues to join me in supporting it. In my judgment, the report of the Commission on Obscenity and Pornography has tended to aggravate the serious problem of smut peddling in this country, rather than lessening it.

This report is an utter disgrace and should go straight into the trashcan. In my opinion, a majority of the Commission was motivated only by a desire to embarrass the Nixon administration. I want to make it perfectly clear that the President has already disavowed any responsibility for the Commission, which was set up by President Johnson.

I hope the Senate will overwhelmingly adopt the resolution repudiating the Commission's report.

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. EAGLETON). One minute remains to the Senator from Arkansas.

Mr. McCLELLAN. I thank the Chair.

Mr. President, let me make this one observation. There are 50 cosponsors of the resolution. A number of Senators are away campaigning, or absent on official business, and have had no opportunity to cosponsor the resolution. I am confident that, had they been present, many more Senators would have cosponsored it.

Mr. President, I hope the vote will be unanimous.

Mr. MONDALE. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONDALE. Mr. President, just a moment ago, I was advised of the pending matter which is, of course, extremely critical of the recent report of the Presidential Commission on Pornography under the chairmanship of the distinguished dean of the Minnesota Law School, William B. Lockhart.

I am not in a position, in this limited time, to debate the merits or even to feel in a position to know precisely the merits of all the recommendations of the Commission. I regret, in fact that the Senate has been forced to vote on a very serious resolution of condemnation of an exceedingly complex and controversial report of many pages without benefit of Committee study or hearings.

However, I do want to say that one of the most remarkable men in America today is the Chairman of that Commission, Dean William Lockhart. He is one of the Nation's most gifted attorneys. He is a balanced, responsible, and measured man, whose career has been one of prudence and responsibility and which stands for the highest standards of public service and commitment. As a citizen, he is an elder of the First Christian Church of Minneapolis and a teacher in their adult Sunday school program.

More than that, few men in this country have spent as many years as he has studying the explosive issue of obscenity and pornography in American life. He has written one of the basic case books on this issue. He has written and lectured widely on the subject. He has studied it deeply.

He is not an advocate of pornography. His acceptance of the great responsibility as Chairman of this Commission, I am sure, was motivated by an effort to grapple with an issue that perhaps cannot be grappled with in the light of the current temperament of this country.

Mr. President, I could not let this issue come to a vote without saying how deeply I believe in the Chairman's capacity, commitment, and responsibility.

I regret there was not more time for me to study the report and analyze the recommendations so that I could be in a better position to respond to all of its details. I do know that to characterize this report as sanctioning the full flow of pornography is grossly inaccurate. The summary recommendations call for strong legislative prohibitions against the sale of sexually oriented materials to young people, as well as legislation protecting any adult against sexual materials being thrust upon him through the mails or through open public displays.

It may well be that additional prohibitions are needed. This, of course, is the kind of determination that careful, reasoned deliberation could have decided.

But I do not believe that this movement should pass without some of us making clear the high quality, commitment, and understanding which the Chairman and, I would suspect, the members of the Commission have brought to this most troublesome, difficult, and explosive problem.

Mr. President, as an attorney general, and in the Senate, I have frequently tried to be with those forces seeking to limit the scourge of pornography and obscenity to the fullest extent that it could be. I want no doubt raised about that whatsoever. But, I do think there is an implication, probably not intended, in this effort which is, I think, unduly critical of the high quality of the Chairman, of the Commission, and of its membership.

I believe it would make a valuable addition to this RECORD at this point to include a recent editorial from the Minneapolis Tribune and a two-part analysis

of the report from the Minneapolis Star. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

REASONABLE APPROACH ON PORNOGRAPHY

The report of the President's Commission on Obscenity and Pornography drew presidential disassociation and congressional displeasure even before it was officially released. Such high-level expressions were expected in the face of present citizen concern over proliferating sex in movies and print. But after reviewing the commission's final report, released Wednesday, we cannot help but wonder what caused all the alarm.

The commission, after all, does not propose to remove controls and permit wide-open exhibition and sale of pornography, as has been done, for example, in Denmark. Rather, the commission proposes to prohibit sale of sexual material to young people, to outlaw the public display of such material and to prevent the mailing of the materials to unwilling recipients. What the commission does propose is to allow the distribution of sexually explicit materials to consenting adults.

The fact is that this approach is pretty much the practice today in many communities, including Minneapolis, under state and local laws, law-enforcement policy and a 1967 U.S. Supreme Court ruling. A recent analysis by The Tribune's Bob Lundegaard noted that the high court seemed to be saying in its Redrup decision that as long as the pornography was not made available to children, distastefully advertised or foisted on an unwilling public, the high court would not examine its contents to determine if it should be banned. The advantage of this approach, followed the other day by a federal judge in Minneapolis, is that it keeps pornography from becoming a public nuisance—or a threat, as some might consider unlimited distribution—while it avoids many of the difficult determinations of obscenity and maintains constitutional freedoms.

Actually, the commission probably has received more criticism for its research finding on the effects of pornography than on its recommendations. The commission said that it found no evidence that pornography played a significant role in causing sex crimes or emotional disturbances. Much as this may go against public opinion, the commission would have been remiss if it had failed to report the research results. Those results certainly are subject to challenge, but they were so overwhelming, said chairman William Lockhart, dean of the University of Minnesota Law School, that they caused him to change his previous position in support of controls over distribution of pornography to consenting adults.

The divided public opinion on those findings and on the commission recommendations reflects public ambiguity on the whole issue of pornography. The Gallup Poll found last year that three-fourths of the people want stricter censorship of pornography. But a commission survey also found that a majority feels that adults should legally be able to read or see explicit sex materials if they wish to do so. It's no wonder that local officials and the courts have so much trouble with the issue. The commission, it seems to us, has offered a reasonable course of action.

THE PORNOGRAPHY REPORT: MORAL ARGUMENTS VERSUS THE LAW

(By Austin C. Wehrwein)

The report of the Commission on Obscenity and Pornography came out at a time when the administration in power is making political capital of puritanical fervor.

It was therefore no surprise that administration figures disavowed the commission, created by Congress in the Johnson administration, and its recommendation that all laws prohibiting the sale, exhibition or distribution of "sexual materials" to consenting adults be repealed.

This recommendation is not as drastic, in light of Supreme Court decisions or the historical development of obscenity law, as it might seem.

In the English law, from which our law derives, the first case involving published obscenity was brought against a printer-publisher named Curl for his book, "Venus in the Cloister or the Nun in Her Smock."

The common law had not recognized published obscenity as a crime, but in 1727 Curl was convicted for "obscene libel," the House of Lords declaring that the judiciary was the "custosmorum," or moral guardian, of the king's subjects. This concept lies at the heart of the argument for protecting "public morals" to this day. But the case, as the book's title suggests, involved both sex and religion. The offense was as much against a religious body as against contemporary community standards.

For nearly a century thereafter, English cases were limited to materials that were a mix of sex and anti-religious views. Hard core materials as such were ignored by the courts.

The relationship between religion and opposition to explicit sexual materials is still much alive, though in a somewhat different context: now it is the assertion that religious values, especially the more fundamentalist views, are the antithesis of "smut." It was no accident that two of the three dissenting commission members are clergymen.

The third, Charles H. Keating, a Cincinnati lawyer and President Nixon's only appointee, said that for those who believe in God, "no argument against pornography should be necessary."

Postmaster General Winton M. Blount, joining the administration chorus, quoted Genesis to illustrate his view that pornography violates the "sanctity of the human spirit." But this is now a moral argument for the law, not the law itself. Courts do not enforce religious tenets as such in this country.

There is some irony in the fact that the commission chairman, Dean William B. Lockhart of the University of Minnesota Law School, is an elder of the First Christian Church of Minneapolis and an adult Sunday school teacher.

In any event, while the first anti-obscenity statute was passed in England in 1824, the first judicial definition of "obscene" came in the Hicklins case in 1868. This was the rule that obscenity tended to "deprave and corrupt." In effect it meant that if material was bad for children it was bad for everybody.

Meanwhile, in our colonial period, only Massachusetts enacted on obscenity law (in 1711) and there were no recorded prosecutions under it until 1821, when "Fanny Hill" was banned. Interestingly enough, this book made liberalized Supreme Court law in 1966, with its "redeeming social value."

The first of the state statutes that later blanketed the nation was Vermont's in 1821, and the first federal statute (an importation ban) came in 1842. The big push arrived in 1868 with Anthony Comstock's "Suppression of Vice" crusade, in which he enlisted the Protestant clergy and the YMCA. He was especially concerned with the "impure thoughts" that references to sex could implant in the minds of the young. This is again the crux of the Hicklins case, or, in a far different context, the idea that Aldous Huxley offered in "Eyeless in Gaza": "A filthy mind is a perpetual feast."

In 1957, the Supreme Court unanimously rejected the "bad for minors, bad for adults" Hicklins test and the same year said (in the Roth case) that sex and obscenity were not synonymous. While the Roth case upheld a federal statute, it gave "obscenity" a narrow definition, and in subsequent cases it held, in effect, that only hard core pornography is beyond First Amendment protection. What is "hard core"? Justice Potter Stewart said all he could say was, "I know it when I see it."

The divided court's formula remains vague, but the limit can be assumed to be pictures of actual penetration, orthodox or oral. Then last year, in Stanley versus Georgia (a stag film case), the court held that even if the material is obscene an individual has the constitutional right to possess it in his own home: He has the right "to read or observe what he pleases—the right to satisfy his intellectual and emotional needs in the privacy of his home."

At the same time the court has recognized Dean Lockhart's "variable" concept that the law can protect juveniles specifically, and that adults who object have a privacy right not to have obscenity "thrust" upon them, for example in unsolicited junk mail.

Whether the Burger court will extend the Stanley rule to cover the right to obtain as well as possess, for example by going to a theater, is open to debate.

But the commission infers from the Stanley case that government may not constitutionally deny consenting adults the right to read or view pornography in an attempt to control their morality, to prevent crime or anti-social behavior, at least in the absence of "a solid empirical foundation."

There is the root of the commission majority's theory. It found no solid empirical basis for law denying pornography to adults who want it, and, indeed, found evidence that it can be educational and entertaining, or both.

REPORT THAT CANNOT BE IGNORED

(By Austin C. Wehrwein)

The Commission on Obscenity and Pornography, headed by Dean William B. Lockhart of the University of Minnesota Law School, was created by Congress in 1967 on the premise that "traffic in obscenity and pornography is a matter of national concern."

On its face the mandate implied a desire for more, or at least more effective, control. All politicians, as the saying goes, are against sin, and the congressional eruption when the report was issued indicates little inclination to follow its suggestions . . . to put it mildly.

The normal political stance is to agree with the three dissenters on the 18-member body. They discern a moral imperative for public control. They rejected the research underlying the conclusions as "fraudulent," although from their position research is largely irrelevant.

Yet the research can't be ignored, and it needs no elaborate demonstration to assert that attitudes toward sex are in dizzying flux. The report is therefore a landmark, whatever its immediate impact on law, and the more so because it didn't deal with the typical question about where to draw the line but suggests new assessment of deeply ingrained but often vague and shifting taboos.

The majority, for example, found that neither individual morality nor "the moral climate in America as a whole" would be harmed by the lawful distribution of erotica to adults. That means "explicit sexual materials," including "hard core," that depicts actual sex acts.

Indeed, it not only rejected the common belief that there is a "significant" link between erotica and crime and delinquency, but said that "on the positive side" it can be entertaining, instructive and helpful in improving relationships.

In sum, the majority found legal control a failure and "unwise," and the already open availability of erotica an effect, not a cause of the "current flux in sexual values." The key recommendation was repeal of all laws attempting to prevent adults from access to erotica. (It did not, however, discuss "live"

pornography, such as nudity and sex acts on the stage.)

However, the majority's call for a "massive sex education effort" to promote "healthy attitudes" towards sex implies that there are "unhealthy" ones. It can't escape entirely the idea that there is a "moral climate."

Moreover, while at one point the majority said exposure to erotica plays no significant role in adult or juvenile crime, it added later that the evidence on children is "insufficient" and accepts the view of a "large majority" that laws should protect children from "certain sexual materials" if their parents don't want them to have it. Yet, the majority also found that present laws generally don't work and much of the material passes hand to hand rather than being purchased.

One difficulty in judging the report dispassionately is that while it is written in antiseptic sociological jargon, the subject is usually discussed with words like "smut, dirt, filth and immorality." But when the question is asked, "Should society restrict what adults read and view?" The Star's Metro-Poll found 64 percent saying, "No."

The commission's own national poll came out 60 percent "no" on the same question. Another commission national poll found half think anti-obscenity laws impossible to enforce. And it found that people assume others are more restrictive in their attitude than they are.

And while Vice-President Agnew (typically of those taking a restrictive view) has stated the national "need to restrain bad taste and outright vulgarity," the commission could find no censensus on what was merely sexually stimulating and that which was "offensive" and "pornographic."

It is noteworthy that Lockhart's view, prior to the research that changed his mind, was that pornography appeals only to the sexually abnormal or immature person whereas the normal person may be curious about it but the effect on him is not erotic stimulation; rather, he is repelled by it.

The majority also proposed a form of aesthetic zoning, a prohibition by law of blatant display (for example in a store window) on the ground that this would cause "offense" and "unwanted intrusion." Lockhart distinguishes between the view that pornography causes harm and "offense." The majority also endorsed control at the option of the receiver of unsolicited erotica in the mail.

All this, of course, must be assessed against not only what we all see (if not necessarily practice) in the changing society around us. The Supreme Court, at least prior to Chief Justice Burger, had opened the door to virtually all forms of explicit sexual materials, and the question posed by the report is whether repeal of anti-obscenity laws for adults would make much difference.

That is something the commission majority couldn't really answer, and the minority doesn't want to find out.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Nebraska (Mr. HRUSKA).

There being no objection, Mr. HRUSKA's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA

Mr. President, today the Senator from Arkansas (Mr. MCCLELLAN) joined by many of his colleagues in the Senate has introduced a resolution declaring that the Senate reject the findings and recommendations of the Commission on Obscenity and Pornography I am very happy to join my distinguished friend from Arkansas as a co-sponsor of this resolution.

In 1967 Congress became concerned with the traffic in this nation in obscene and pornographic materials and created a Presidential Commission to make an in-depth study of this problem and report its conclusions and recommendations back to Congress. For almost three years the Commission members labored over their research and report and on September 30 announced their findings. From this Senator's reading of the 875 page report of the Commission, I would say that the conclusions are not supported by the evidence contained in the Report and that the recommendations are not acceptable to Congress or the American people.

These statements, harsh as they may be, are based primarily on two statements made in the Commission report which I find naive and intolerable, a view which I firmly believe is shared by a majority of my fellow citizens.

First, the Commission "recommends that federal, state, and local legislation prohibiting the sale, exhibition, or distribution of sexual materials to consenting adults should be repealed." This statement is based on a number of findings including the alleged fact that there is no evidence that "exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults."

Second, the Commission reports that "public opinion in America does not support the imposition of legal prohibitions upon the right of adults to read or see explicit sexual materials."

The Commission report is voluminous in its scope but my reading indicates that much evidence supporting the concept that there is a direct and substantial link between exposure to obscene material and resulting criminal or other antisocial behavior was overlooked or ignored. The persuasive minority report appended to the majority's findings indicates this very strongly. In order to reach the conclusion that they did, I think the majority members of the Commission took a very circumscribed view of much of the testimony they heard and evidence they evaluated. To this Senator, it appears that some on the Commission may have had predetermined views on the subject of obscenity and may have used this bias toward permissiveness to shape the final conclusions of the majority. If this is the case, I think this attitude substantially undercuts the objectivity and therefore the usefulness of the report.

It is my earnest hope that Congress and the various State legislatures will think long and hard before adopting the major recommendation of the Commission: that all laws dealing with distribution of obscene material to adults be repealed. This Senator will never cast his vote for the abolition of Federal regulation in this field. Rather I am proud to be the co-sponsor of two bills in the 91st Congress designed to further control the trade in this type of material: S. 2073, which would prohibit the use of interstate facilities, including the mails, for the distribution of matter harmful to minors, or advertisements for such matter, to anyone under the age of 18; and S. 2074, which would prohibit the use of the mails for transportation of advertising designed to appeal to a prurient interest in sex. The Judiciary Committee has not had an opportunity to consider these bills this year, but I am hopeful that early hearings can be scheduled for 1971.

If the mail that I receive from Nebraskans and the comments that I hear as I tour my home state are any indication of the feelings of Americans on this subject, and I believe they are, then the Commission has badly misjudged the temper of the nation. Far from refusing to "support the imposition of legal prohibitions upon the rights of adults to read or see explicit sexual materials", as the Commission suggests is the popular sentiment in this nation, every indication that I have is that just the opposite is true. As I travel throughout Nebraska this fall, I hear from every quarter a plea for stronger laws to crack down on the peddlers of smut and obscenity. I hear a revulsion against the exhibitionism and permissiveness that is sweeping some parts of this nation with regard to pornographic material. My mail is running very heavily along this same theme.

It is for these reasons that I joined with 33 other Republican Senators last week in sending a letter to President Nixon expressing "our strong disagreement with some of the recommendations" of the Commission and asking the President to "disavow" the Report. Since this Administration had no hand in the creation nor selection of the Commission or its members, he would be free to do so. I am pleased to join today in the bi-partisan sponsorship of this resolution declaring that the Senate rejects the findings and recommendations of the Commission.

Just as it did in 1967, Congress knows today that the increasing volume of traffic in obscene and pornographic material is a matter of "national concern". Three years ago we thought that we might find some answers to this problem through the creation of a Commission to study this field. That Report is now in, and it is disappointing and unsatisfactory. Answers to this dilemma do not lie in following the recommendations of the Commission majority. I co-sponsor this resolution in the hope that it will make clear the intention of Congress not to abdicate responsibility in this field.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial from the Omaha World-Herald of October 3, 1970, dealing with this subject.

Mr. RUSSELL. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. NELSON). The Senate will be in order. Will the Members please take their seats.

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, I rise to support the resolution offered by the distinguished senior Senator from Arkansas (Mr. MCCLELLAN). I regret that a delayed flight arrival in Washington prevented my being on the Senate floor when the vote on this resolution was recorded.

The Commission has come forth with certain findings and recommendations that I find it impossible to support. In establishing this Commission through passage of Public Law 90–100 in 1967, the Congress handed a most important mandate to this Commission. I believe that the evidence that they considered does not justify the findings and recommendations dealing with the influence of pornography on delinquency and crime, or on the moral character of our youth. The continued exposure of our children to obscene and pornographic materials cannot be permitted. While the Commission rejects permitting our youth to have unrestricted access to this material, their other recommendations make it inevitable. Mr. President, it is with reluctance that I must conclude the Commission has not carried out the mandate Congress gave them in 1967.

CONGRESS AND CONTROL OF PORNOGRAPHY

Mr. MATHIAS. Mr. President, the problem of commercial trafficking in pornography has reached epidemic proportions. The number of outraged Marylanders who write me upon receiving such unsolicited material bears witness to this dismaying development.

On September 23, 1970, the Senate took a strong step to remedy this situation. I was pleased to support that measure, which would insure that postal patrons throughout the country can

open their daily mail with confidence that their sensibilities will not be shocked by the contents of unsolicited, innocent-looking envelopes. The bill would require all sexually-oriented advertising to be labeled as such and would allow any such unrequested advertisement to be returned to the sender at no cost to the addressee. The sender would have to pay a minimum service charge of 50 cents per item returned and would be liable for substantial penalties for violation of the bill's provisions.

In October 1967, Congress, in Public Law 90–100, declared traffic in obscenity "a matter of national concern." It deemed the Federal Government to have a "responsibility to investigate the gravity of this situation and to determine whether such materials are harmful to the public, and particularly to minors, and whether more effective methods should be devised to control the transmission of such materials." The Congress therefore established an advisory commission to make a study of the problem to recommend "advisable, appropriate, effective, and constitutional means" to deal with it.

Just recently, the Commission on Obscenity and Pornography issued its report, an 874-page document with a 171-page minority report. The Commission's internal procedures and policies have become nearly as controversial as some of the recommendations in the report. Based on my preliminary examination of the report and on hearings before the Juvenile Delinquency Subcommittee, I recently joined a number of my colleagues in the following letter to the President:

OCTOBER 7, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned, impelled by due respect for common decency and good morals, are moved to express our strong disagreement with some of the recommendations contained in the Report of the Commission on Obscenity and Pornography appointed in January 1968.

We especially deplore the recommendations to repeal all laws prohibiting the distribution of explicit sexual material to consenting adults.

We respectfully request that you disavow this Report, for we believe strongly that a vast majority of Americans will reject completely the findings and recommendations of the Commission.

Today, the Senate is considering Senate Resolution 477, which states that, first, the Commission report is "based on unscientific testing, inadequate review of such testing, and an attempted denial of the rights of the minority members of the Commission," second, the Commission's "findings indicate that its recommendations are not based upon adequate research and information," and third, the Commission has "failed to carry out the mandate of Congress."

The resolution goes on to specifically reject five findings and recommendations of the Commission.

I have great doubts, based upon available information, about the fairness of the procedures followed by the Commission. Substantial evidence that elementary due process notions were violated in a number of ways has been adduced. One wonders whether the entire Commission effort was an openminded search for truth or a closed-track railroad to a predetermined conclusion. As a Member of the Congress which created the Commission, I have substantial doubts that it has fully complied with its mandate.

It seems to me, however, that we must not react to this apparent steamroller effort by steamrollering off in the opposite direction. The Congress initially created the Commission to conduct a thorough, scholarly, objective study and to return with recommendations reflecting the results of such a study.

That the Commission may have failed to adequately and fairly complete its assigned task may require the Congress to reject the Commission's performance. But it does not require us to automatically adopt as policy the precise opposite of any statement the Commission may have made. Any of those statements which are patently false will be revealed as such by a proper study. It is my belief that the floor of Congress is no more appropriate for such a study than it was in 1967.

The Congress and the American people will grant to the report such weight as it deserves and no more. An improper study can only leave unanswered the same crucial questions Congress perceived in 1967. Those questions remain and deserve to be answered in an atmosphere of fairness and due process which the Commission has apparently not generated. Rather than taking upon ourselves the task originally assigned the Commission, I believe the Congress should redelegate this investigatory job to a body which can devote to it the intensive time and study which it requires and deserves, at the very least to the normal committee procedures of the Senate. I accordingly shall reluctantly vote against Senate Resolution 477.

Mr. CASE subsequently said: I cannot vote, in good conscience, for the resolution offered by the senior Senator from Arkansas.

Just a few days ago the report of the President's Commission on Obscenity and Pornography was made available to the Congress. The report is a voluminous document of nearly 1,000 pages and is the product of 2 years of work by the Commission. With the press of business being handled in the Senate during the last 2 weeks, I have not yet had an opportunity to read the complete report, nor, I suspect, have most other Members of this body.

Yet, we are being asked in this resolution to reject the entire report out of hand. To vote on such a resolution is an ill-considered, hasty action which does an injustice to the Commission members and to the public.

The traffic in obscenity and pornography is a very serious matter and should not be dealt with by castigating a presidential Commission, some of whose members have views differing from those of Members of the Senate.

During the last few years, we have received a number of reports of presidential Commissions on such important and controversial issues as the draft, welfare reform, civil disturbances, and crime in the streets. For the most part, Congress has dealt with them responsibly and deliberately, with appropriate consideration being given to their findings and recommendations in the legislative committees. The action we are being asked to take may well deter responsible citizens from serving on such groups in the future.

It is highly regrettable, therefore, that this most recent presidential Commission report is being given such short shrift, particularly when there are recommendations that deserve some attention. I refer, for example, to the Commission's proposal that States and local governments adopt legislation to protect young people from pornographic material, its recommendation to prohibit public displays of offensive material and its emphasis on the need for cooperation between the family, church, school, and other segments of society in dealing with this problem.

As a parent and grandparent, I share fully the concern of every mother and father over the filthy traffic in obscene material. That is why in the 87th, the 88th, and the 89th, and 90th Congresses I joined Senator MUNDT in cosponsoring legislation to establish a broadly representative Commission to look into all aspects of pornography.

That is why I have consistently supported efforts in the Senate during the past several years to crack down on smut peddlers and why I voted last June for Senator GOLDWATER'S amendment providing greater protection for individuals and families against purveyors of filth.

That is also why I voted 3 weeks ago for Senator MANSFIELD'S bill to further protect an individual's privacy and to place greater restrictions on sexually oriented advertising.

While I may strongly disagree with some of the findings of the presidential Commission report we have just received, I believe just as strongly that it deserves a fairer hearing than it is getting today.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MATHIAS (after having voted in the negative). On this vote I have a pair with the Senator from Nebraska (Mr. HRUSKA). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New

Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Nebraska (Mr. HRUSKA) has been previously announced.

The result was announced—yeas 60, nays 5, as follows:

[No. 376 Leg.]

YEAS—60

Allen	Ervin	Miller
Allott	Fannin	Nelson
Anderson	Fulbright	Pearson
Baker	Griffin	Percy
Bellmon	Gurney	Proxmire
Bennett	Hansen	Randolph
Bible	Harris	Russell
Boggs	Hatfield	Saxbe
Brooke	Holland	Schweiker
Byrd, Va.	Hollings	Scott
Byrd, W. Va.	Inouye	Smith, Maine
Cook	Jackson	Sparkman
Cooper	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stennis
Curtis	Long	Stevens
Dole	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Eagleton	McClellan	Williams, Del.
Eastland	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.

NAYS—5

Case	McGovern	Young, Ohio
Javits	Mondale	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—34

Aiken	Hart	Packwood
Bayh	Hartke	Pastore
Burdick	Hruska	Pell
Cannon	Hughes	Prouty
Church	Kennedy	Ribicoff
Cranston	McCarthy	Smith, Ill.
Dodd	McGee	Symington
Fong	Montoya	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	Williams, N.J.
Gore	Murphy	
Gravel	Muskie	

So the resolution (S. Res. 477) was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The preamble was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945, I hereby transmit to the Congress the Annual Report on United States participation in the United Nations. This report covers the events of the calendar year 1969, the first year of my Administration.

In my address to the 24th General Assembly on September 18, 1969, and in my Foreign Policy Report to the Congress on February 18, 1970, I reaffirmed America's enduring commitment to the support and strengthening of the United Nations Organization. In addition, I took note of some of the steps taken by the United States in 1969 to demonstrate and carry out this commitment. This report covers these matters in greater detail.

The United States strove in 1969, and will strive in the future, to contribute to the success of the United Nations in the fields of diplomacy and peacekeeping and in the promotion of arms control, international law, economic progress, and human rights.

It is gratifying to me, as we celebrate the 25th anniversary of the founding of the United Nations, to add this volume to the record of United States participation.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. NELSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 774. Concurrent resolution providing for an adjournment of the two Houses from October 14, 1970, to November 16, 1970;

H. Con. Res. 775. Concurrent resolution authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14, to November 16, 1970; and

H. Con. Res. 778. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 17654.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate will now resume the consideration of the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT NO. 1048

Mr. BAKER. Mr. President, I call up my amendment No. 1048 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 1, line 3, beginning with the word "That" strike out everything down through line 7 and insert in lieu thereof the following: "That the articles set forth in sections 2 and 3 of this joint resolution are proposed as amendments to the Constitution of the United States, and either or both articles shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after being submitted by the Congress to the States for ratification.".

On page 1, lines 7 and 8, insert the following:

"SEC. 2. The first article so proposed is the following:"

On page 2, after line 7, insert the following:

"SEC. 3. The second article so proposed is the following:

"ARTICLE —

"'Nothing contained in this Constitution shall abridge the right of persons lawfully

assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.' "

Mr. BAKER. Mr. President, this amendment is almost identical to the resolution introduced by the late Senator Dirksen, and it is almost identical to the measure introduced earlier this year by the Senator from Pennsylvania (Mr. SCOTT).

Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Senator SCHWEIKER, Senator HOLLAND, Senator FANNIN, Senator COTTON, Senator JORDAN of North Carolina, Senator BELLMON, Senator STEVENS, Senator ALLOTT, and Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at this time I am willing to state that I am perfectly agreeable to a limitation of time on this amendment. It will not take me very long to make my presentation. If the leadership has any suggestion in that respect, or if anyone else has any suggestion, I would be glad to hear it.

Mr. ERVIN. Mr. President, I will not agree to a time limitation at this time. I opposed the adoption of this amendment when offered by my late and beloved friend, the Senator from Illinois, and I wish to speak in opposition to it. I would not want to be restricted or confined within any kind of time limitation.

The PRESIDING OFFICER. The Senator from Tennessee has not requested a time limitation.

Mr. BAKER. Mr. President, under the circumstances, having great respect and familiarity with the position of his colleague, the Senator from North Carolina, the Senator from Tennessee will not ask for a unanimous-consent limitation of time. I understood the Senator to indicate he will have considerable comment on the subject, and I take it it will be in opposition to the amendment.

With that in mind, at this time I will not ask for a unanimous-consent agreement on a limitation of time. I will proceed to a presentation of some points I believe support the adoption of the amendment at this time, and then I shall await with expectation remarks of those who will follow.

Mr. President, as I stated earlier, this is an amendment to the pending business which, in effect, attempts to attach the Dirksen prayer amendment, and the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) at the beginning of this session, to the pending business.

The operative portion of the amendment reads:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Delaware (Mr. WILLIAMS) may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, hearings were held on the so-called Dirksen prayer amendment in the Senate on August 1, 2, 3, 4, 5, and 8, 1966. The printed record is a Senate document consisting of 834 pages. It contains the testimony of many distinguished witnesses, the comments of many of our colleagues who were members of the subcommittee and the Committee on the Judiciary, including one particular statement by one of our distinguished former colleagues which I would like to read in part. On page 13 of the hearing record is the statement by Senator Dirksen replying to certain testimony by witnesses adverse to the so-called prayer amendment.

Senator Dirksen stated in part:

> I have just got one observation to make, Mr. Chairman. This is a very sophisticated argument that Dean Drinan makes. He alludes to the hearings in the 88th Congress in the House of Representatives. I have the whole set here.
>
> Among those who testified were archbishops, church administrators, priests, ministers, rabbis, professors, lawyers, the American School for Democratic Action, church foundations, church councils, veterans' organizations, and the Civil Liberties Union, the American Farm Bureau Federation, professors of theology, labor leaders, divinity schools, religious institutes.

Continuing from his statement in that respect, Senator Dirksen characterized the testimony of the several witnesses in opposition to the so-called prayer amendment as follows:

> As I went through that, it occurred to me that somehow we had had every sophisticated argument except an argument from the common man of this country, who was defined as one who works and prays and pays his bills and goes to church, rears a family in decency as law-abiding children. Strange, in all this, we have not heard from any of those, and we are beginning to hear from him by the millions, and he is going to have his say.
>
> What is said here about the ambiguity of this amendment is just tortured interpretation, in my judgment. What is said about secularization is just going around Robin Hood's barn. I am interested in the people who own this country.

Then he continued to say:

> I see in one section of the country they are going to start fooling with the pledge of allegiance to the flag since the Congress itself authorized the inclusion of the words "under God."
>
> I am going—I hope I live to see just what the people of this country have to say.

Mr. President, I do not read this for any maudlin reason, but obviously Senator Dirksen did not live long enough to see what the people were going to do about that. The Dirksen prayer amendment was offered repeatedly in successive sessions of the Congress. It was not brought to a final determination on the floor of the Senate. I think it eminently appropriate that this statement be offered at this time for floor action by the Senate now at this point, which is near the last opportunity we will have to take substantive action on the amendment sponsored and fought for in the last session of the Congress in which he served.

That obviously is not reason enough to amend the Constitution. That obviously is not an argument on the merits of the proposal. But it is obviously a matter of some importance to me. I think that the remarks made by Senator Dirksen on page 14 of the hearing record before the Committee on the Judiciary are especially appropriate to our consideration of it at this time.

There is another document that appears in the hearing transcript which I think sets forth the argument in favor of an amendment to the Constitution to circumvent the present interpretation of the Constitution by the present Supreme Court more eloquently than I have ever read before, and that is the dissenting opinion of Mr. Justice Stewart, filed on June 25, 1962, in the case of Steven Engle, et al., against others; and with the indulgence of my colleagues, I intend to read certain portions of that decision as well.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank my colleague from Tennessee. As I understand the action that has already been taken today in adopting the previous amendment, the measure before us will have to go at least to the House, and probably to a conference. The adoption of the amendment of the Senator from Tennessee, then, would not delay the equal rights amendment that many of us have sponsored.

Does the Senator think his amendment—the Dirksen amendment—would strengthen the urgency for getting the amendment out of the conference this year?

Mr. BAKER. I am glad the Senator from Alaska makes those points.

Number 1, he is entirely right. After the adoption of the Ervin amendment, which the Senate just agreed to, it is clear that the so-called equal rights amendment will be returned to the House and to the committee of conference. Therefore, I think the argument that the prayer amendment will complicate the passage of the equal rights amendment is no longer available.

In reference to his second point, I also agree that since the matter is going to conference anyway, the passage of an amendment which has what I believe to be the overwhelming support of the people of this country, and which is strongly supported by so many Members of both bodies of Congress, I believe, would substantially improve chances for something to come out of the committee of conference to be submitted to the several States.

Mr. STEVENS. Mr. President, I wish to commend the Senator from Tennessee for offering his amendment.

Those of us who had the privilege, even for a short time, of serving with our former leader, the Senator from Illinois, know how much this amendment, which the Senator from Tennessee has offered, meant to him.

While I would have opposed the amendment before the adoption of the Ervin amendment, I am very pleased to be a cosponsor and to assist him in getting this amendment adopted now as an amendment to the equal rights amendment.

Mr. BAKER. I thank the Senator from Alaska.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. BAKER. I yield.

Mr. STENNIS. I commend the Senator for his efforts and for offering this amendment. Ordinarily, I would not favor voting on a constitutional amendment without the utmost consideration and discussion of it, but I think this one has been so considered. The idea has been here for several years, and it has been publicly discussed and understood. I shall warmly support the Senator in his amendment. I hope we can get a satisfactory vote.

Mr. BAKER. I thank the Senator from Mississippi. I deeply appreciate his support and help and assistance in this matter.

It is important that, in considering a matter of this gravity and importance, we not be unduly swayed by the emotionalism of the issue. Godliness is not at issue in this debate. The question really is whether or not the Constitution or the several amendments to it, prohibit the utterance of nondenominational prayers on a voluntary basis in public buildings, including our schools and other public buildings.

The Supreme Court, in its landmark decision of Engel, decided in the October term in 1961, held that it did. I believe it does not. But, being a part of the legislative department of Government, instead of the judicial part of Government, it is not within my province to interpret the Constitution in this respect. That is the purview and the responsibility of the Supreme Court.

Fortunately, it is within the authority of the legislative department to formulate proposed amendments to the Constitution which would have the effect of nullifying the decisions of the Court, and that decision of the Court.

Such is the purpose of this amendment; it cannot and ought not be clad in any other language. But, once again, I am not dealing in the emotionalism of the subject. I hope I am not arguing against separation of church and state. I am not arguing against the so-called wall of separation between religious influence and secular activities in governmental affairs. I am arguing against what Senator Dirksen characterized—and I agree with what he said—the tortured interpretation of the Court in this respect.

I am happy to say that one Justice of the Supreme Court shares that view, I believe. In his dissenting, opinion, Mr. Justice Stewart had some very relevant observations about the opinion of the majority in the Engel case. With the indulgence of my colleagues, I intend to read a part of the dissenting opinion of Mr. Justice Potter Stewart.

He said:

The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody's religion. For the state courts have made clear that those who object to reciting the prayer must be entirely free of any compulsion to do so, including any "embarrassments and pressures." But the Court says that in permitting school children to say this simple prayer, the New York authorities have established "an official religion."

With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.

Justice Stewart continues:

The Court's historical review of the quarrels over the Book of Common Prayer in England throws no light for me on the issue before us in this case. England had then and has now an established church. Equally unenlightening, I think, is the history of the early establishment and later rejection of an official church in our own States. For we deal here not with the establishment of a state church, which would, of course, be constitutionally impermissible, but with whether school children who want to begin their day by joining in prayer must be prohibited from doing so. Moreover, I think that the Court's task, in this as in all areas of constitutional adjudication, is not responsibly aided by the uncritical invocation of metaphors like the "wall of separation," a phrase nowhere to be found in the Constitution. What is relevant to the issue here is not the history of an established church in sixteenth century England or in eighteenth century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.

At the opening of each day's Session of this Court we stand, while one of our officials invokes the protection of God. Since the days of John Marshall our Crier has said, "God save the United States and this Honorable Court." Both the Senate and the House of Representatives open their daily Sessions with prayer. Each of our Presidents, from George Washington to John F. Kennedy, has upon assuming his Office asked the protection and help of God.

Quoting further from Justice Stewart's opinion:

The Court today says that the state and federal governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion. The third stanza of "The Star-Spangled Banner," made our National Anthem by Act of Congress in 1931, contains these verses:

"Blest with victory and peace, may the heav'n rescued land
Praise the Pow'r that hath made and preserved us a nation!
Then conquer we must, when our cause it is just,
And this be our motto 'In God is our Trust.'"

In 1954 Congress added a phrase to the Pledge of Allegiance to the Flag so that it now contains the words "one Nation *under God,* indivisible, with liberty and justice for all." In 1952 Congress enacted legislation calling upon the President each year to proclaim a National Day of Prayer. Since 1865 the words "IN GOD WE TRUST" have been impressed on our coins.

Countless similar examples could be listed, but there is no need to belabor the obvious. It was all summed up by this Court just ten years ago in a single sentence: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson,* 343 U.S. 306, 313.

I do not believe that this Court, or the Congress, or the President has by the actions and practices I have mentioned established an "official religion" in violation of the Constitution. And I do not believe the State of New York has done so in this case. What each has done has been to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago avowed their "firm reliance on the Protection of Divine Providence" when they proclaimed the freedom and independence of this brave new world.

Mr. President, what I have read, being the major portion of the dissenting opinion from Justice Stewart, has an appeal to me that I believe is almost uniformly appealing to the people of the United States, who are a God-fearing people. It also appeals in its clean logic and its straightforward reasoning. But unfortunately, Mr. President, the opinion that I have read is not the opinion of the Supreme Court of the United States by a majority of its members. The dissent that I have read in part was only a dissent, and is not the law of the land.

Mr. President, there are only two ways that that situation can be changed peacefully, and according to the framework of our lawful system of Government.

One is for the court to reconsider its decision in the Engel case, and to decide that the view expressed in the dissent of Justice Stewart is the correct view, and therefore issue a majority opinion which would make that the law of the land.

We have waited now since 1961, and I begin to despair that such a decision by the Supreme Court of the United States will be forthcoming in the near future.

The second way, Mr. President, is the way we are attempting to pursue here, and that is by amendment to the Constitution, the basic document of our Republic, upon which the Supreme Court must base its judgments when interpreting the several facts, and after which the court would be required to reconsider circumstances such as described and presented in the Engel case in the light of the new amendment.

Some may say that this is not the appropriate manner to consider a matter as important as a prayer amendment, or any amendment to the Constitution of the United States, because there have not been hearings in this session, or because it is being offered as an amendment to another resolution instead of as a separate amendment, by itself.

I must say, Mr. President, that I am not impressed with the procedural technicality that these arguments might presuppose. To begin with, there is no greater dignity to offering a resolution by itself rather than by an amendment to a resolution. In the second place, there have been hearings, both in the House of Representatives in the 88th Congress and in the Senate as late as August of 1966. The hearing record is more than 800 pages long. There were numerous witnesses. There were a great number of submissions of points of view by people throughout the country in the academic community, in the legal profession, in the courts, and otherwise. A compilation of those statements extends, in index form, single-spaced, for six pages.

Mr. President, I believe this is the time to adopt this amendment to the pending

resolution, and, hopefully, to agree to the resolution itself, so that the resolution, with the prayer amendment attached, may be submitted to the several States for their ratification or their decision not to ratify.

It is my firm judgment and opinion that the Supreme Court of the United States was in error, but that is not my jurisdictional responsibility to decide. I agree with the dissent of Justice Potter Stewart, but there is nothing I can do about it under the scope of our system of government except what I am doing now, and that is to offer to the Senate an amendment to the Constitution which is calculated to produce a different judicial result. That is what I propose at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO MESSAGE ON S. 3637

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the veto message on S. 3637, ordered held at the desk temporarily, be considered as having been read and be printed as a Senate Document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR MATHIAS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately after disposition of the Journal and any unobjected to items on the legislative calendar, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR GURNEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the able Senator from Maryland (Mr. MATHIAS) on tomorrow, the distinguished Senator from Florida (Mr. GURNEY) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the special orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business with statements therein limited to ? minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CHIEF COUNSEL OF INTERNAL SECURITY SUBCOMMITTEE TO RESPOND TO NOTICE OF DEPOSITION

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished chairman of the Committee on the Judiciary, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution No. 478, which he submitted earlier today. It is my understanding that this has been cleared on the other side of the aisle.

The PRESIDING OFFICER (Mr. NELSON). The resolution will be stated.

The resolution and its preamble were read, as follows:

Whereas the case of the *United States Servicemen's Fund, et al.*, v. *James O. Eastland, et al.*, civil action numbered No. 1474–70 is pending in the U.S. District Court for the District of Columbia; and

Whereas the Internal Security Subcommittee of the Committee on the Judiciary has in its possession by virtue of Senate Resolution 366 of the 81st Congress, 2nd Session, and Senate Resolution 341 of the 91st Congress, 2d Session, certain information and evidence relating to an investigation dealing with The United States Servicemen's Fund and other organizations and persons; and

Whereas the aforementioned Civil Action No. 1474–70 was filed in the United States District Court for the District of Columbia on June 1, 1970, at which time the plaintiffs, moved for a Temporary Order restraining the Subcommittee from enforcing a subpoena duces tecum issued by the Chairman of the Subcommittee and duly served upon the Chemical Bank of New York which motion for a temporary restraining order was heard and denied by the said court; and

Whereas the plaintiffs, thereupon appealed to the United States Court of Appeals for the District of Columbia, which court on June 4, 1970, stayed compliance with and enforcement of the said subpoena until such time, as the District Court shall have had an opportunity to consider, and act on the matter with the kind of consideration and deliberation that would be provided by the procedure of a hearing on an application for injunction as contrasted with a mere temporary restraining order; and ordered that consideration of the case be expedited by the District Court;

Whereas plaintiff's motion for a preliminary injunction was denied by the said United States District Court on June 30, 1970; and an appeal from this decision to the United States Court of Appeals is now pending; and

Whereas defendant's motion to dismiss was denied by the said United States District Court on June 3, 1970; and

Whereas the Chief Counsel of the Internal Security Subcommittee of the Committee on the Judiciary, Julien G. Sourwine, has received notice of deposition calling for his testimony regarding activities of the Subcommittee, and calling also for production of certain records and other papers of the Subcommittee; and

Whereas, a United States court has thus seen fit to stay the Subcommittee from enforcing a subpoena duly and properly served; and

Whereas, the order of the court represents an unwarranted abridgement of one of the basic principles of our governmental system, the separation of powers among the three branches of the Federal Government; and

Whereas, the right of the Congress to investigate for legislative purposes and to compel witnesses to appear and testify has always been upheld by the nation's courts; and

Whereas, by the privilege of the Senate and by Rule XXX of the Standing Rules of the Senate, information secured by staff employees of the Senate pursuant to their official duties as employees may not be revealed without the consent of the Senate; and

Whereas, by the privilege of the Senate of the United States, no document under the control and in the possession of the Senate of the United States can, by the mandate or process of the ordinary courts of justice, be taken from such control or possession but by its permission; and

Whereas, by the privilege of the Senate and by rule XXX of the Standing Rules of the Senate, no document shall be withdrawn from its files except by the order of the Senate: Therefore be it

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the Senate is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; and be it further

Resolved, That the Chief Counsel, Julien G. Sourwine, of the Senate Internal Security Subcommittee of the Committee on the Judiciary, is authorized to comply with an appropriate notice of deposition in the case aforesaid, but shall not testify respecting matters of which he obtained knowledge by virtue of his position or activities as Chief Counsel of the Subcommittee, which are not matters of public record and shall not without further action by the Senate surrender any papers or documents on file in his office or under his control or in his possession as Chief Counsel of the Senate Internal Security Subcommittee of the Committee on the Judiciary; and be it further

Resolved, That neither the Chairman of the Internal Security Subcommittee, nor any of the Subcommittee's members, nor the Subcommittee's Chief Counsel, nor any of its staff employees are to testify to or otherwise disclose in the aforementioned civil action any specific materials or information which may be in their possession which are not matters of public record; and be it further

Resolved, That neither the said Chairman, the said members, the said Chief Counsel, nor any staff employees are to testify to or otherwise disclose any documents, records, correspondence, memoranda, or other written or verbal information in the possession of said individuals or of the Subcommittee which are not matters of public record; and be it further

Resolved, That it is the sense of the Senate that the power of inquiry with process to enforce it is an essential and appropriate auxiliary to the legislative function, and that action by the courts which anticipatorily infringes upon or impedes the right of Congress to require the appearance of witnesses pursuant to its legislative powers, and thus contemplated Congressional action to be taken pursuant to its investigative processes violates the doctrine of separation of powers and would be an illegal and unwarranted infringement by the judicial branch upon the powers, responsibilities and duties of the legislative branch.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. ERVIN. Mr. President, in September 1966 the Senate of the United States considered at some length the amendment then offered by our late, lamented friend, Senator Dirksen of Illinois, and now offered by the able and distinguished Senator from Tennessee (Mr. BAKER).

In September 1966 I opposed the adoption of the Dirksen amendment on the ground that I believed it unwise in that it represented an attempt to abolish, in substance, part of what I considered to be one of the most basic principles of our Government—namely, the separation of church and State.

At that time I made an extended speech on the subject which set forth in detail my reasons for opposing the amendment. Since that time I have given much consideration to the question of amending the Constitution of the United States in the manner suggested by the Dirksen amendment as reintroduced by the distinguished Senator from Tennessee.

Mr. President, I find that my views in respect to this matter are still the same as I expressed on the floor of the Senate on September 20, 1966.

The amendment arises out of what we call the school prayer cases. I think that it has been exceedingly unfortunate for the country that the Supreme Court ever took jurisdiction in those cases. The children of the plaintiffs in those cases were not required to participate in the prayers or in the religious services which were involved in those cases. As a consequence, it seems to me that the Supreme Court ought to have exercised judicial restraint and refused to have taken jurisdiction in those cases on the well-established legal principle that the plaintiffs in those cases did not have any legal standing to bring the suits they brought. However, the Warren court exhibited in those cases a habit which it exhibited in far too many cases.

Prior to the advent of the Warren court, the Supreme Court of the United States took the position that it would not pass upon any constitutional question unless it found that the decision of the constitutional question was necessary to a decision in the case and that it would not permit persons to test constitutional principles if they had no legal standing to bring such suits. The Court required that the plaintiff be suffering some legal injury, and further that the decision could not be rendered without reaching the constitutional issues.

Nevertheless, the Warren court threw these sound practices of judicial restraint onto the judicial scrap heap and took jurisdiction in the school prayer cases, as it did in so many other cases raising constitutional questions, even though there was no legal need for them to do so.

Mr. President, I gave serious consideration to this question back in 1966. I had had a great interest in it for some time because I saw the Congress of the United States passing laws susceptible of the interpretation that it authorized the use of tax-raised Federal funds to support and establish institutions which are engaged in the teaching of religion.

I thought that such action on the part of Congress was not only unconstitutional and a flat violation of the first amendment, but also it was extremely unwise as a matter of policy.

Prior to the proposal of the Dirksen amendment in 1966, I had made a thorough—I think I am justified in so describing it—a thorough study of the reasons for the writing of the first amendment into the Constitution. On some five occasions, either by way of amendments to education acts or by way of Senate-passed bills, I supported efforts to make it certain that Federal courts should have jurisdiction in cases involving the constitutionality under the first amendment of grants or loans to religious institutions. The first time I offered such a measure by way of an amendment to an education bill we had an extremely hot floor fight in the Senate and the amendment was adopted by a narrow margin as an amendment to the House-passed education bill. However, it was thrown out in conference.

On another occasion I was able to have the amendment inserted in a House passed education bill by a very substantial majority, and that proposal for judicial review of these cases was likewise rejected in conference. As I recall, three times I secured the passage of a measure which was cosponsored by one of the ablest and most dedicated Members of the Senate, the distinguished Senator from Kentucky (Mr. COOPER). Those three bills passed the Senate on separate occasions by a substantial majority; and as I recall, on the last two occasions without any opposition, but when they reached the House they were quietly put to sleep in the House Committee on the Judiciary.

Some time later I was asked to file an amicus curiae brief in a Supreme Court case from New York State entitled Flast against Cohen, which squarely put in issue the question of the jurisdiction of Federal courts to entertain suits challenging the constitutionality under the first amendment of grants or loans of tax raised Federal moneys to religious institutions. The jurisdiction of the Federal courts in that respect has been put in doubt by a decision made by the Supreme Court in 1923 in the case of Frothingham against Mellon.

The attorney for the original parties in the Flast case, Leo Pfeffer, who is undoubtedly the most knowledgeable lawyer in this field of law in America, kindly consented to give me a portion of his time to make an oral argument before the Supreme Court as an amicus curiae for the Virginia State Baptist Association, and a school association in New York State.

I am delighted to say the Supreme Court handed down a decision which sustained the position taken by Mr. Pfeffer and myself in behalf of our clients. The Court agreed that the Federal courts do have jurisdiction to entertain suits challenging the constitutionality under the first amendment of grants or loans of Federal tax-raised money for religious activities. The court distinguished the case of Frothingham versus Mellon. It held that that case did not bar suits of this nature in respect to challenges of the disbursement by the Federal Government to religious institutions of tax-raised moneys.

This settled the problem of judicial review. As a result of the great amount of study I had put into this subject, both from a historical standpoint and from a legal standpoint, I was convinced that the amendment now proposed by the Senator from Tennessee and then proposed by the distinguished Senator from Illinois (Mr. Dirksen) ought to be defeated.

I recognize that one who interposes an objection of this kind puts himself in a position to be greatly misunderstood. The same thing applies to the position I have been taking with respect to the women's equal rights amendment. In that case I have been assailed as an enemy of women, notwithstanding the fact I know they do not have a better friend in Congress than the senior Senator from North Carolina. In opposing the women's equal rights amendment I was trying to keep the very fine women who advocate that amendment from doing what Justice Susie Sharp of the North Carolina Supreme Court said they were doing to themselves, and that is ambushing themselves. I was trying to make it certain that in their zeal they should not be robbed of the rights and the protections which they have won through many years of effort under the fifth and 14th amendments to the Constitution.

The same grounds for misunderstanding as exist in the case of the women's rights amendment existed in the case of those who had the temerity to oppose the adoption of the present amendment when it was offered by our late, lamented friend, Senator Dirksen, back in 1966.

I recognized the danger of being misunderstood in opposing such an amendment, and I would have to say that I prayed very fervently at that time that the Dirksen amendment go away off somewhere and not come back to bother me. While the Senator from North Carolina has had to fight on many occasions in this body, the Senator from North Carolina is a peace-loving man, and he would like to be spared all controversy; but, somehow or other, controversy comes. And notwithstanding my prayers

back in 1966 that the Dirksen amendment would go away off somewhere and not come back to haunt me, the Dirksen amendment did come back to haunt me. I had to face that issue, nothwithstanding the fact that I would like to have avoided it.

As a result of the fact that the amendment did come back to confront me, and to confront the Senate, I have had to put a somewhat derogatory interpretation upon the application of certain words of Scripture to myself. The Bible says, if I recall correctly, that the fervent prayers of a righteous man availeth much. My prayers that the Dirksen amendment go off somewhere and not bother me were not answered. I know those prayers were fervent but, since they availed me not, I had to conclude that I was not a righteous man.

The difficulty of opposing the Dirksen amendment is that people think the opposer does not have the proper conception of the importance of religion in the lives of the people of our Nation. To be against the prayer amendment is equated with being against prayer itself. I still believe, with all my heart and mind, what I said on September 20, 1966; namely, it is impossible to overmagnify the importance of faith in God. It is, in my judgment, the most potent force in the universe. Faith in God gives men and women the strength to face the storms of life and their consequences with a peace which passes understanding. In times of the greatest stress faith in God has a miraculous power to lift ordinary men and women to greatness.

In closing that speech, I made some observations concerning my attitude toward the subject of religion. In so doing, I quoted the remark attributed by the great English poet, Alfred Tennyson, to his immortal character, Ulysses. I quoted this phrase:

I am a part of all that I have met.

That statement, of course, is a recognition of the fact that each man is, in part at least, a product of his environment. I believe that each man is also, in part at least, a product of heredity. Hence we can say, and must say, that in addition to being a part of all that we have met, we are also a part of all that our ancestors have met. And in closing my speech on that occasion in opposition to the Dirksen amendment I made that very point.

Mr. President, I mentioned that the Supreme Court of the United States might well have avoided handing down the decisions in the school prayer cases because the plaintiffs lacked legal standing to sue. A serious consideration of those cases led me to conclude, however, that assuming the Supreme Court ought to have exercised jurisdiction, the Court made the only decision possible, and that was that the first amendment prohibited public schools from establishing religion and that the required saying of prayers constituted an establishment of religion within a constitutional sense.

I think the present amendment is wholly unnecessary, because there is nothing in the school prayer cases which holds that the first amendment outlaws voluntary prayers in the schools; and therefore we are attempting to circumvent a decision of the Supreme Court which has never been rendered.

The proposed amendment ostensibly permits persons gathered in a public building to participate in nondenominational prayers. There is no Supreme Court case and I venture to guess, no case in any American court—which bans prayer in public buildings. Indeed, the right to pray in a public building is not conditioned on the prayer being nondenominational. I find it hard to imagine a case in which the issue would arise, but I would suggest that were the Government to bar prayer in public buildings the Supreme Court would hold that to be a violation of the first amendment. And I would also suggest that this proposal, if passed as a statute, would itself violate the first amendment because Congress may not limit prayer in public buildings to nondenominational prayer alone.

Although I am reluctant to say this, I believe that the drafters of this amendment misconceive the import of the school prayer cases. These cases were based on the conviction that religious exercises as practiced in these cases were presented by the State, the prayers were written by the State, and so the State was practicing, or "establishing" religion. The cases do not bar prayers in public buildings. They only bar State-written, State-directed, State-sponsored prayer.

I do not care to repeat everything I said on September 20, 1966, in opposition to the Dirksen amendment, and for that reason I ask unanimous consent that my entire speech on that occasion be inserted at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRAYER IN PUBLIC SCHOOLS

Mr. ERVIN. Mr. President, I rise to oppose both the Dirksen amendment and the Bayh resolution.

I confess that it saddens me not to be in agreement with my good friend the Senator from Illinois [Mr. DIRKSEN] on the matter now pending before the Senate. The Senator from Illinois stood as firm as the rock of Gibraltar against the two most controversial measures to be considered by this Congress; namely, the proposal to repeal section 14(b) of the Taft-Hartley Act, and the proposal to enact a Federal forced housing law.

I stood shoulder to shoulder with him in both of these fights. I believe that he and I battled together on these two measures because we share a common devotion to local self-government and individual freedom.

Strange as it may seem, I believe that the motive which prompts him to offer his amendment and the motive which impels me to oppose it are identical. Each of us, I think, takes his respective position because of the realization of the importance of faith in God to our Nation.

It is impossible to overmagnify the importance of faith in God. It is, in my judgment, the most potent force in the universe. Faith in God gives men and women the strength to face the storms of life and their consequences with the peace which passes understanding. In times of greatest stress, faith in God has the miraculous power to lift ordinary men and women to greatness.

I oppose the Bayh resolution for a very simple reason. While each Senator or Representative may interpret Supreme Court opinions, Congress does not have authority as a collective body to do so.

The issues now before the Senate are concerned with the first amendment.

If we are to understand the first amendment, we must recur to history. This is so because we cannot understand the institutions and laws of today unless we understand the historical events out of which they arise.

As we recur to history, we will do well to remember that a nation which ignores the lessons history teaches is doomed to repeat the tragic mistakes of the past. Let us pray that America may not do this in respect to church and state relationships.

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy, of the Supreme Court of North Carolina, declared in the opinion he wrote in *State* v. *Beal* (199 N.C. 278):

"For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth [and] It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut."

The Founding Fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the cruelties of the Spanish Inquisition, the massacre of the Huguenots of France, the slaughter of the Waldensians in the Alpine Valleys of Italy, the hanging and jailing of English and Irish Catholics by Protestant England, the hunting down of the Covenanters upon the crags and moors of Scotland, the branding, hanging, and whipping of Quakers, and the banishing of Baptists by Puritan Massachusetts, and the hundreds of other atrocities committed in the name of religion.

The Founding Fathers knew, moreover, that even during their own lifetimes those who did not conform to the doctrines and practices of the churches established by law in the places where they lived, such as Scotch-Irish Presbyterians in the Ulster, Catholics in England and Ireland, and dissenters in various American colonies, had been barred from civil and military offices because of their faiths, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths, rather than before clergymen of the established churches.

The Founding Fathers were determined that none of these tragic historical events should be repeated in the nation they were creating.

To this end they inserted two provisions in the Constitution of the United States.

The first of these provisions appears in article VI and declares that "no religious test shall ever be required as a qualification to any office or public trust in the United States."

The second appears in the first amendment, and states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

What did the Founding Fathers intend to do when they embodied these words in the first amendment? The answer to this question becomes clear when we consider the events which preceded the writing of the first amendment.

At the time of the settlement of the Thirteen Original Colonies, virtually every nation in Western Europe and the British Isles had what were known as established churches. Those churches were established by law, and the law compelled all persons, including those who dissented from their religious beliefs, to

attend their services. The law furthermore required all persons to pay taxes for the construction of church buildings and the support of the clergy of the established churches.

An overwhelming number of the colonists who came from Europe to America came primarily to secure religious liberty and freedom from taxation for the support of established churches. Unfortunately, when those people came to America, they found that in many of the colonies predominant groups had set up established churches here, and that in consequence they were compelled, in such colonies, to pay taxes for the support of churches whose religious doctrines they disbelieved.

There is more than a modicum of historical truth in the statement of Artemus Ward to the effect that:

"The Puritans nobly fled from a land of despotism to a land of freedom, where they could not only enjoy their own religion, but could prevent everybody else from enjoying his."

The colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland had established churches, and the Anglican Church was the favorite under their laws.

In the colonies of Massachusetts, Connecticut, and New Hampshire, the Congregational Church was established by law.

In the colony of New York, the Dutch Reformed and Anglican Churches, in turn, were established by law.

The people who lived in those colonies were compelled to pay taxes for the support of religious institutions whose doctrines they disbelieved. Moreover, they were compelled to frequent the services of such religious institutions. They rebelled against those practices. They said, in the first place, that it was tyrannical for a government to attempt to regulate the relationship of worship between the individual man and his God. Then, as they pondered the words found in the 22d chapter of Matthew, verses 15 to 22, which declare that we are enjoined to "Render, therefore, unto Caesar the things which are Caesar's; and unto God the things that are God's" they also came to the conclusion that in addition to being tyrannical, the regulation of worship by government was also sinful. So they began to fight to separate church from state and to disestablish all churches. Their demand for the disestablishment of churches comprised two things: First, an end to the financial-legal connection between state and church; and second, a recognition of the rights of all persons to exercise freely their own modes of worship.

The process by which church and state became separated in the original States is an interesting story, and I wish time sufficed for me to detail it. However, the story has been told in a most accurate and most illuminating manner by R. Freeman Butts, in chapter 3, at pages 39–45, of his work entitled "The American Tradition in Religion and Education."

I ask unanimous consent that an excerpt from his book, in which he pictures how the people of the various original States secured the separation of church and state prior to the writing of the first amendment, be printed at this point in the body of the RECORD.

(There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:)

The historical meaning of separation of church and state cannot be determined by a narrow analysis of any specific event in any one place at any one time. It must be seen as a developing principle and practice that had its roots in the past and that took form on an uneven front throughout the new Nation that was struggling to come into existence during the Revolutionary and early national periods. It was a principle that emerged more rapidly in some States and more slowly in others. But the trend was unmistakable.

In some States where establishment had never gained a foothold and the practice of religious freedom was strong, there was little or no problem of separation as in Rhode Island, Pennsylvania, and Delaware. In other States where the establishment was strong, where the religious population was highly homogeneous, and where the tradition of religious freedom was weak, the principle of separation was slower in formulation and in practice, as in Massachusetts, Connecticut, and New Hampshire. In still other States where the establishment was strong but where the religious population was rapidly becoming heterogeneous, the process of separation and the formulation of the principle of separation was relatively rapid, notably in Virginia. Thus it took Virginia scarcely 10 years from 1776 to 1786 to complete the process by legal enactment, whereas it took Massachusetts more than 50 years from 1776 to 1833 to arrive at virtually the same stage in its constitutional development.

It was in the midst of this unmistakable historical process that the first amendment was debated in Congress in 1789 and finally ratified in 1791. The meaning of the first amendment cannot be discovered by a narrow examination of the meaning of its specific words at a specific time, but those words must receive their meaning from the more inclusive process in which they were formulated, debated, and approved. Any sound historical interpretation of the meaning of the first amendment should be derived from the larger cultural setting in which it was developed. No narrow historicism will suffice. The indisputable fact, as we shall see in the next few pages, is that the American people were moving from establishment to separation in the Revolutionary and early national periods; they were moving in different States at different rates and it is fair to say from different motives, but they were moving.

The first amendment was an integral part of this movement. It was sponsored by and fought for by persons who had been through the process in their own States or who otherwise clearly saw the direction of the trend as did the followers of the enlightenment. The framers of the first amendment were in the vanguard of the movement. The first amendment thus reflected the most advanced thinking on the subject of separation at the time of its adoption, and it in turn not only showed the way but speeded up the process in the laggard States.

In general, the process of separation from the pre-Revolutionary to the early national periods, went through three identifiable stages:

1. Toleration by the single establishments: Dissenting groups and the leaders who believed in religious freedom continued and speeded up the fight against the established churches in the effort to win the right to the free exercise of public religious worship. This right they wrung from the conservative groups in State after State in the form of concessions and the granting of privileges of free worship. Something of this process has been described in chapter 2.

2. Multiple establishments: The liberal groups believing in religious freedom discovered, however, that they were still in an underprivileged position because the legal support of taxes and property rights was still assigned by the state to the established churches. They discovered that free exercise was still a shadowy grant of toleration so long as the established churches had the support of tithes and so they renewed the fight to disestablish more completely the favored churches. The established churches, on their part, tried to compromise by persuading the legislatures to open up the tax privileges to the dissenting groups one by one. This meant that gradually more and more churches were admitted into the establishment and given the legal rights of taxation for their own public worship.

Thus, establishment came to be applied, not just to one church, but to any or all churches that had legal and financial connections with the state. This extended meaning of establishment was widely recognized at the time of the passing of the first amendment. Any cooperation between the state and any or all churches was considered to the establishment. In some States this compromise was agreed upon and was maintained for a relatively long time, as in Massachusetts, Connecticut, and New Hampshire; in other States the compromise lasted for only a short time, as in Maryland and South Carolina. In still other States the effort to achieve this compromise was defeated, notably in Virginia. It was this expanded meaning of multiple establishment that the first amendment was designed to prevent on the national level as well as to prevent the narrow establishment of a single church.

At the time of the formulation and ratification of the first amendment in the period 1789–91 all States that still had some form of establishment in effect had moved into the form of multiple establishment. As described in chapter 2, Massachusetts, Connecticut, and New Hampshire all provided for their distinctive town form of multiple establishment, and Maryland and South Carolina had provided for their respective State forms of multiple establishment. These were the only States in which establishment was still recognized in the basic laws of the several States, when the debates over the first amendment began in 1789. South Carolina quickly dropped its elaborate provisions for multiple establishment from its constitution of 1790, whereas Maryland did not amend its constitution until 1810.

Thus, in 1789 five of the original States still had authorized establishments. They were all multiple establishments. Before the first amendment was ratified in 1791, South Carolina had eliminated its constitutional provisions for multiple establishment. After the adoption of the first amendment in 1791 there were only four States whose basic laws embodied the principle of establishment. The Massachusetts constitution of 1780 and the Connecticut codified laws of 1784 made multiple establishment compulsory; Maryland's constitution of 1776 and New Hampshire's constitutions of 1784 and 1791 permitted multiple establishments at the discretion of the legislatures.

It is this meaning of multiple establishment which has been forgotten, conveniently overlooked, or never understood by the various groups today who urge that cooperation between church and state is admissible so long as the state treats all religious groups equally and fairly. That was exactly the purpose of the several colonial provisions for multiple establishment as described in chapter 2, and it was exactly the purpose of the attempts made in Virginia to achieve multiple establishment, as will be described in the following pages. Of course, they would have ruled out some sects which the dominant churches did not consider to be "safe" or legitimate religious groups, but the principle of multiple establishment is the same whether few, many, or all religious groups are taken into it. The state would always have to decide what was and what was not a religious group if it set out to "cooperate" with them all.

3. Separation: It was soon discovered that the compromise of establishing all recognized churches even on an equal or impartial basis was not sufficient. It might be possible to reconcile this kind of establishment with the outward forms of free exercise of public worship, but it was soon clearly seen that it could not be reconciled with genuinely equal rights of conscience. So long as the state was in the position of determining which churches should have legal and financial privileges of support,

there could be no real equality of religious conscience. It was still a grant of privilege by the state to a religious doctrine. Such a principle could not square with the growing belief fostered by the enlightenment that equal rights of conscience were natural and inalienable rights which the state could not infringe and which the state must protect.

Therefore, the struggle went on to sever all legal connections and to prohibit all financial support for any and all religious beliefs. It was recognized that if the state could grant a privilege, it could define which religious beliefs were entitled to that privilege. So the final stage in separation came when all forms of establishment were abolished. Thus, complete disestablishment of financial and legal support for religion by the state was necessary to achieve a genuinely free exercise of religion resting upon the solid grounds of equal rights of conscience.

This final step was clearly in the minds of those who proposed and struggled for the adoption of the first amendment of the Constitution. The first amendment was clearly an integral part of the larger definition of civil rights as contained in the other amendments which made up the American Bill of Rights.

The whole story of this historical process in the course of which the principle of separation of church and state emerged should be told in detail State by State, but the necessities of space limit us to presenting only one example of a State which had a strong establishment. This example, Virginia, shows the completion of the process before the first amendment was formulated, and is important because the leaders in Congress from Virginia were the ones who gave the primary form to the first amendment as it went through the various stages of debate and adoption.

Other examples among the original States could be given to show that the process of separation was well underway in a majority of States before the adoption of the first amendment. Separation had already been achieved in eight of the original States. This was accomplished in the constitutions of 1776 of New Jersey, Pennsylvania, Delaware, and North Carolina; in the constitutions of 1777 of New York and Georgia; by statute in 1786 in Virginia; and by original charter in Rhode Island.

"The fact that some States did not complete the process of separation until after the first amendment simply means that they were somewhat later in a process of which the first amendment was at once a reflection and also a formative influence. The first amendment was the application on the national level of the same principle that was developing in the States."

Mr. ERVIN. Mr. President, I shall not undertake to add to this story further details of the movements in the various original States to obtain religious freedom and freedom from taxation to support religious institutions. Suffice it to say that by the time the first amendment was written, the original States of Virginia, North Carolina, Georgia, New York, Rhode Island, Pennsylvania, Delaware, and New Jersey disestablished religion, and did so under constitutions and laws which forbade the establishment of any religion and the levying of taxation for the support of any religion.

So, Mr. President, at the time when the first amendment was drafted, the only States in which any establishment of religion was still in existence were Massachusetts—which continued such establishment until 1833; Connecticut—which continued such establishment until 1818; Maryland—which continued such establishment until 1810; New Hampshire—which continued such establishment until 1819; and South Carolina—which abolished such establishment in 1790. But in those five States there was no single established church at that time. There was an establishment of all of the churches which the people who dominated those States deemed to be respectable churches. They provided for an impartial use of taxes for the support of all of the churches which, in their view, were respectable.

However, it is interesting to consider the specific events in the State of Virginia which preceded the writing and the ratification of the first amendment. This is true because those most responsible for the writing into our Constitution of the first amendment were two Virginians—Thomas Jefferson and James Madison. By referring to the events in the State of Virginia which preceded the writing of the first amendment, we can find exactly what was meant, we can find exactly what was meant by the Founding Fathers when, in the first amendment, they provided that "Congress shall make no law respecting an establishment of religion."

This is true because the events in Virginia show exactly what James Madison meant when he insisted on writing into the first amendment the words "an establishment of religions."

In 1776, Virginia, as an independent Commonwealth, adopted a new constitution; James Madison was a member of the constitutional convention which drafted it. He succeeded in writing into the constitution of that great Commonwealth the proposition that all men are equally entitled to the free exercise of religion according to the dictates of conscience. After the adoption of that constitution, the Virginia Legislature met, and there ensued a great conflict between those who wanted religious freedom and freedom from taxation and those who wanted to retain an establishment of religion in that great Commonwealth. In the legislature of 1776, where the contest between those two groups began, Madison was able to persuade the legislature to provide that no dissenters should be compelled to pay any taxes to the established church of Virginia—the Church of England, which had been established there in 1629.

He also secured at that session the passage of a law which suspended for the time being the requirement that even members of the Church of England should pay taxes for its support. But the legislature of 1776 expressly reserved the most crucial question; namely, whether general taxes should be levied for the support of all of the denominations which the controlling element in the Virginia Legislature deemed to be respectable denominations. This question was reserved for subsequent legislatures.

In the Virginia Legislature of 1779 there occurred another great fight which centered around two bills. One was introduced by James Henry. It undertook to establish, by law, virtually all of the Christian churches as the established churches of Virginia, and to lay taxes for the support of all of them on an impartial basis. It is significant that in this bill references to an establishment of religion appear at a number of points, in contexts which clearly show that James Henry and the others of his day understood the term "an establishment of religion" to mean an official connection between the State and one or more churches, whereby the State recognized such church or churches and provided for taxation for its or their support.

In the same legislature, James Madison introduced Thomas Jefferson's bill for religious freedom in Virginia. It is one of the great documents which preceded the writing of the Constitution. It laid down two propositions: First, the proposition that there should be no religious qualification as a test for holding office; and second, the proposition that it is sinful and tyrannical to tax a man for the propagation of religious doctrine which he disbelieves. This document is of so much importance that it should be made available to all Members of the Senate before they vote on the amendment and the resolution. For this reason, I ask unanimous consent to have printed at this point in the body of the RECORD, as part of my remarks, Thomas Jefferson's bill for religious freedom in Virginia.

(There being no objection, the bill was ordered to be printed in the RECORD, as follows:)

THOMAS JEFFERSON'S BILL FOR RELIGIOUS FREEDOM

I

Whereas Almighty God hath created the mind free * * * to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness * * * therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it * * * to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil governments, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

II

Be it enacted by the general assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

III

The rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

Mr. ERVIN. Mr. President, the opposing forces in the Virginia Legislature of 1779 were so nearly equal in power that it was impossible to secure the enactment of either of those bills. So the contest, which had been renewed there, was renewed a third time in the legislature of 1784.

In that legislative body was introduced not only Jefferson's bill for religious freedom in Virginia, but also a new bill which was sponsored by Patrick Henry. That bill was entitled "A Bill Establishing a Provision for Teachers of the Christian Religion." It undertook to give official recognition to virtually all Christian churches and to provide taxes for their support. In order that we might

understand what Madison meant when he used the term "an establishment of religion," it is necessary that the bill to which I have referred should be called to the attention of Senators. I ask unanimous consent that the bill may be printed at this point in the RECORD as a part of my remarks.

(There being no objection, the bill was ordered to be printed in the RECORD, as follows:)

A BILL ESTABLISHING A PROVISION FOR TEACHERS OF THE CHRISTIAN RELIGION

Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of preeminence amongst the different societies or communities of Christians;

Be it therefore enacted by the general assembly, That for the support of Christian teachers—per centum on the amount, or—in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid by every person chargeable with the said tax at the time the same shall become due; and the sheriffs of the several counties shall have power to levy and collect the same in the same manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the revenues of this State; and be it

Enacted, That for every sum so paid, the sheriff or collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. The sheriff of every county, shall on or before the —— day of ——— in every year, return to the court, upon oath, two alphabetical lists of the payments to him made, distinguishing in columns opposite to the names of the persons who shall have paid the same, the society to which the money so paid was by them appropriated; and one column for the names where no appropriation shall be made. One of which lists, after being recorded in a book to be kept for that purpose, shall be filed by the clerk in his office; the other shall by the sheriff be fixed up in the courthouse, there to remain for the inspection of all concerned. And the sheriff, after deducting 5 per centum for the collection shall forthwith pay to such person or persons as shall be appointed to receive the same by the vestry, elders or directors, however denominated of each such society, the sum so stated to be due to that society; or in default thereof, upon the motion of such person or persons to the next or any succeeding court, execution shall be awarded for the same against the sheriff and his security, his and their executors or administrators; provided that 10 days previous notice be given of such motion. And upon every such execution, the officer serving the same shall proceed to immediate sale of the estate taken, and shall not accept of security for payment at the end of 3 months, nor to have the goods forthcoming at the day of sale; for his better direction wherein, the clerk shall endorse upon every such execution that no security of any kind shall be taken; and be it

Further enacted, That the money to be raised by virtue of this act, shall be by the vestries, elders, or directors of each religious society, appropriated to a provision for a minister or teacher of the gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever; except in the denominations of Quakers and Menonists, who may receive what is collected from their members, and place it in their general funds, to be disposed of in a manner which they shall think best calculated to promote their particular mode of worship; and be it

Enacted, That all sums which at the time of payment to the sheriff or collector may not be appropriated by the person paying the same, shall be accounted for with the court in manner as by this act is directed; and after deducting for his collection, the sheriff shall pay the amount thereof (upon account certified by the courts to the auditors of public accounts, and by them to the treasurer) into the public treasury, to be disposed of under the direction of the general assembly, for the encouragement of seminaries of learning within the counties whence such sums shall arise, and to no other use or purpose whatsoever.

This act shall commence, and be in force, from and after the —— day of —— in the year ——.

Mr. ERVIN. The importance of the bill sponsored in 1784 by Patrick Henry becomes apparent when we recall that it provoked one of the greatest documents vindicating the cause of religious freedom ever penned on the face of the earth. There was a bitter contest in the Virginia Legislature of 1784. The legislature was on the verge of passing the bill sponsored by Patrick Henry, which would have recognized the legal interest of the State in virtually all the Christian churches then functioning in Virginia, and which would have imposed taxes on all Virginians for the support of such churches. But Madison, at the last moment, was able to persuade the Legislature of Virginia to put off the final vote on the bill sponsored by Patrick Henry until the next session of the legislature, which was scheduled for November 1785. Between that time and the time when the legislature next met James Madison made one of the greatest of all appeals for religious freedom. It was called "The Memorial and Remonstrance Against Religious Assessments." The memorial of James Madison is crucial in determining what the Founding Fathers meant when they yielded to the insistence of James Madison and wrote into the first amendment the provision that Congress shall make no law respecting an establishment of religion.

On a number of occasions in his remonstrance, which was a protest against the bill sponsored by Patrick Henry during the preceding legislature to levy taxes for the support of virtually all Christian churches in Virginia, James Madison used the word "establishment" at least five times in contexts which showed that in the mind of James Madison "an establishment of religion" meant an official relationship between the State and one church or many or all churches and the imposition of taxation for the support of one church or many churches or all churches.

Mr. President, I ask unanimous consent that the memorial and remonstrance of James Madison against religious assessments be printed at this point in the RECORD as a part of my remarks.

(There being no objection, the memorial and remonstance were ordered to be printed in the RECORD, as follows:)

MEMORIAL AND REMONSTRANCE AGAINST RELIGIOUS ASSESSMENTS TO THE HONORABLE THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA

We, the subscribers, citizens of the said commonwealth, having taken into serious consideration, a bill printed by order of the last session of general assembly, entitled "A Bill Establishing a Provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said bill:

1. Because we hold it for a fundamental and undeniable truth, "that religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right toward men, is a duty toward the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe: And if a member of civil society, who enters into any subordinate association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular civil society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of religion, no man's right is abridged by the institution of civil society, and that religion is wholly exempt from the cognizance. True it is, that no other rule exists, by which any question which may divide a society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the society at large, still less can it be subject to that of the legislative body. The latter are but the creatures and vice gerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the coordinator departments, more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overleap the great barrier which defends the rights of the people. The rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are tyrants. The people who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteristics of the late revolution. The freemen of America did not wait until usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute 3 pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," all men are to be considered as entering into society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "equal title to the free exercise of religion according to the dictates of conscience." Whilst we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to men, must an account of it be rendered. As the bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their religions unnecessary and unwarrantable? Can their piety alone be intrusted with the care of public worship? Ought their religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet preeminencies over their fellow citizens, or that they will be seduced by them, from the common opposition to the measure.

5. Because the bill implies either that the civil magistrate is a competent judge or religious truth; or that he may employ religion as an engine of civil policy. The first is an arrogant pretension falsified by the contradictory opinions of rulers in all ages and throughout the world; the second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself; for every page of it disavows a dependence on the powers of this world: it is a contradiction of fact; for it is known that this religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of providence. Nay, it is a contradiction in terms; for a religion not invented by human policy, must have preexisted and been supported, before it was established by human policy. It is moreover to weaken in those who profess this religion a pious confidence in its innate excellence, and the patronage of its author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost 15 centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. Inquire of the teachers of Christianity for the ages in which it appeared in its greatest luster; those of every sect point to the ages prior to its incorporation with civil policy. Propose a restoration of this primitive state in which its teachers depended on the voluntary rewards of their flocks; many of them predict its downfall. On which side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of civil government. If it be urged as necessary for the support of civil government only as it is a means of supporting religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If religion be not within [the] cognizance of civil government, how can its legal establishment be said to be necessary to civil government? What influence in fact have ecclesiastical establishments had on civil society? In some instances they have been seen to erect a spiritual tyranny on the ruins of civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any sect, nor suffering any sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every nation and religion, promised a luster to our country, and an accession to the number of its citizens. What a melancholy mark is the bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority. Distant as it may be, in its present form, from the inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign regions, must view the bill as a beacon on our coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonored and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion, has produced amongst its several sects. Torrents of blood have been spilt in the Old World, by vain attempts of the secular arm to extinguish religious discord, by proscribing all difference in religious opinions. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American theater has exhibited proofs, that equal and complete liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the bill has transformed that "Christian forbearance, love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of a law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false religions; and how small is the former. Does the policy of the bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of (revelation) from coming into the region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of leveling as far as possible, every obstacle to the victorious progress of truth, the bill with an ignoble and unchristian timidity would circumscribe it, with a wall of defense, against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens, tend to enervate the laws in general, and to slacken the bands of society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens; and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the bill to the next session of assembly." But the representation must be made equal, before the voice either of the representatives or of the counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of government," it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred; either we must say, that they may control the freedom of the press, may abolish the trial by jury, may swallow up the executive and judiciary powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary assembly; or we must say, that they have no authority to enact into law the bill under consideration. We the subscribers say, that the general assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront His holy prerogative, or violate the trust committed to them; and on the other, guide them into every measure which may be worthy of His [blessing, may re]dound to their own praise,

the prosperity, and the happiness of the Commonwealth.

Mr. ERVIN. I make the assertion without fear of successful contradiction that no man can read James Madison's Remonstrance without coming to the conclusion that what James Madison and the other men of his generation had in mind when they wrote the first amendment was that there should be no official relationship of any character between government and any church, or many churches, or all churches, and no levying of taxes for the support of any church, or many churches, or all churches or any institutions conducted by any of them.

Madison caused his remonstrance to be widely distributed throughout the State of Virginia. As a result of his remonstrance, when the members of the legislature which was scheduled to convene in November 1785 were elected, those who supported Madison in his fight for religious freedom were in an overwhelming majority. They enacted into law by a large majority Jefferson's bill for religious freedom. We cannot overmagnify the importance which Thomas Jefferson and James Madison attributed to Jefferson's Statute for Religious Freedom or their demand that people should not be compelled by law to support in an official manner or by taxes any religious institutions.

I believe the clearest proof of the transcendent importance which Thomas Jefferson attributed to that statute is shown by the epitaph on the gravestone which he is said to have written himself.

As one ascends the hill which leads to Jefferson's home at Monticello, he passes the burial ground of members of the Jefferson family. He passes the spot where the mortal remains of Thomas Jefferson rest in the tongueless silence of the dreamless dust. On the gravestone of Thomas Jefferson is the epitaph which speaks with as much eloquence as Jefferson used in writing the Declaration of Independence or the Statute of Virginia for Religious Freedom. The statement is as follows:

"Here was buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Liberty; and father of the University of Virginia."

At the time that Jefferson decided that those were the words which he wished to have engraved on the stone which marks his last resting place, he had been a member of the Legislature of Virginia; he had been Governor of the State of Virginia; he had represented Virginia in the Continental Congress; he had served as American Minister to France; he had officiated as Secretary of State in George Washington's Cabinet; he had been Vice President of the United States under John Adams; and he had been twice elected to the highest office within the gift of the American people—the President itself.

Yet Thomas Jefferson was not concerned that he should be remembered for the high offices which he had filled, but he was concerned that he should be remembered as the author of the Virginia Statute for Religious Freedom, one of the greatest documents ever penned by man. It lays down the proposition that it is sinful and tyrannical to compel a man to make contributions of money for the propagation of opinions that he disbelieves.

After the drafting of the Constitution of the United States, many Americans were dissatisfied with it because it did not contain any bill of rights, and particularly because it did not contain any provision which would guarantee religious freedom beyond the provision which merely specified that no religious qualification should ever be required as a test for holding public office in our Nation. When New York, New Hampshire, and Virginia ratified the Constitution, they adopted resolutions which insisted that the Constitution should be amended by incorporating into it a guarantee of religious freedom and a guarantee of freedom from taxation for the support of religious institutions.

My own State of North Carolina and the State of Rhode Island both postponed ratifying the Constitution, and their conventions stated in substance that they would not ratify the Constitution unless it were amended so as to provide for a total disestablishment of religion.

As a result of the demands of these five States, and the demands of thousands of other Americans throughout the other original States, the Constitution was amended in this respect. It was amended at the instigation of James Madison, who was elected to serve in Congress from the State of Virginia in the First Congress which met under the Constitution. As soon as this Congress convened, he began his great fight to have the first amendment written into the Constitution.

I wish I had sufficient time to detail the fight which occurred in Congress on this point. There were some who wished to maintain some vestige of religious support by Government, and some who merely wished to put in the restriction that there should be no single established church. But Madison insisted at all times that the first amendment should embody in it the provision that Congress should pass no law respecting an establishment of religion or prohibiting the free exercise of religion.

James Madison triumphed after much fighting. On September 23, 1789, Madison made a report to the House of Representatives concerning the action of the conference committee of the Senate and House, which had been appointed to reconcile varying views as to the language of the first amendment. This conference committee agreed with Madison and recommended the words which now are incorporated in the first amendment.

So we can say that James Madison, whom historians call the father of the Constitution, was responsible for the phrasing of the first amendment. The meaning of the words of the first amendment that "Congress shall make no law respecting an establishment of religion" is crystal clear. By those words, James Madison and his contemporaries intended to prohibit the Government from establishing any official relation between Government and religion and to prevent the Government from using tax moneys to support or assist in the support of any religious institutions of any character whatsoever.

As Justice Black said in *Everson* v. *Board of Education*, 330 U.S. 1:

"The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group."

I have attempted to set out as clearly as possible the conviction of James Madison and his contemporaries that there should be no establishment of religion, and the meaning which they attributed to the words, "establishment of religion." Those words clearly implied to them that there should be no official relationship between Government and any religious organization and no support of any religious organization by tax moneys.

It is interesting to note that the Supreme Court of the United States has consistenly adhered to this meaning of this term, "an establishment of religion," when it has dealt with cases involving the first amendment.

I wish to read some excerpts from opinions of the Supreme Court dealing with this question. Justice Jackson declared in the Everson case.

"This freedom (i.e., religious freedom) was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the States' hands out of religion, but to keep religion's hands off the state, and above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Justice Rutledge, declared in the Everson case:

"Not simply an established church, but any law respecting an establishment of religion is forbidden * * *. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."

Justice Black, writing the majority opinion in *McCollum* v. *Board of Education*, 333 U.S. 203, said:

"For the first amendment rests upon the premise that both religion and Government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the Everson case, the first amendment has erected a wall between church and state which must be kept high and impregnable."

Justice Frankfurter asserted this, in the McCollum case:

"The great American principle of eternal separation—Elihu Root's phrase bears repetition—is one of the vital reliances of our constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.

"We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the State and best for religion."

Justice Douglas said in *Zorach* v. *Clauson*, 343 U.S. 306:

"There cannot be the slightest doubt that the first amendment reflects the philosophy that church and state should be separated. And so far as interference with the free exercise of religion and an establishment of religion are concerned, the separation must be complete and unequivocal. The first amendment within the scope of its coverage permits no exception; the prohibition is absolute."

So much for the statements of Justices of the Supreme Court of the United States in respect to the objective of the establishment clause of the first amendment. The greatest declaration as to the overall meaning of the provisions of the first amendment denying to Congress the power to make any laws respecting an establishment of religion, or prohibiting the free exercise thereof, is that contained in the majority opinion written by Justice Black in the Everson case. This is what he said:

"The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly, or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of

religion by law was intended to erect a wall of separation between church and state."

It was not until 1940 that the Supreme Court of the United States held, in the case of *Cantwell* v. *Connecticut*, 310 U.S. 296, that the 14th amendment made the 1st amendment applicable to the States.

On June 25, 1962, the Supreme Court handed down the first of the so-called school prayer cases, *Engel* v. *Vitale*, 370 U.S. 421.

On June 17, 1963, the Supreme Court handed down the second of the so-called school prayer cases, *Abington School District* v. *Schempp*, 374 U.S. 203.

When the press reported that the Supreme Court had handed down these decisions, a great deal of consternation was aroused throughout the country with respect to the nature and the scope of the decisions. I believe that this consternation was aroused in large measure by the supposed logic of the concurring opinion of Mr. Justice Douglas, in the Engel case.

I will have to confess that I was one of those persons who was much disturbed by the opinions and particularly by the supposed logic of the concurring opinion of Justice Douglas. I felt that this was an area in our national life in which the Supreme Court well might have given some weight to the concept embraced in the very homey adage, "Let sleeping dogs lie."

Since neither the plaintiffs in these cases nor their children were required to participate in the exercises which gave rise to the cases, I felt originally that the Supreme Court might well have avoided entertaining jurisdiction of these cases on the theory that the plaintiffs and the persons in whose behalf the cases were instituted did not have standing entitling them to sue.

I also felt that since the Court had seen fit to exercise jurisdiction in these cases, it should have adopted the practical interpretation placed upon the first amendment in the various areas of our country which are dominated by one or another of various religious groups; and that was that the mere recitation of prayers or the reading of holy writings by State authority in the public schools was not outlawed by the establishment-of-religion clause of the first amendment if participation in such prayers and reading were voluntary, and if they were nonsectarian, and no effort was made to proselyte any student toward any particular religious belief.

Since that time I have read and reread the decisions in the Engel and Schempp cases on many occasions. I have also found much consolation insofar as the supposed logic in the concurring opinion of Justice Douglas in the Engel case is concerned in the aphorism of the great jurist, Oliver Wendell Holmes, Jr., who told us that the life of the law has been experience and not logic.

As a result of reading and rereading the majority opinions in these cases and pondering Justice Holmes' aphorism I have altered my views in respect to the decisions.

I have scrutinized with great care both of the majority opinions which represent the decisions of the Court, and I am unable to find anything in either one of the majority opinions which holds that the establishment-of-religion clause of the first amendment prohibits voluntary prayers or voluntary study of holy writings.

I realize that these majority opinions are not readily available to all Americans, and for that reason, Mr. President, I ask unanimous consent that the majority opinion in the Engel case, which was written by Justice Black, and the majority opinion in the Schempp case, which was written by Justice Clark, be printed at this point in the RECORD as a part of my remarks.

(There being no objection, the opinions were ordered to be printed in the RECORD, as follows:)

SUPREME COURT OF THE UNITED STATES—STEVEN I. ENGEL ET AL., PETITIONERS, *v.* WILLIAM J. VITALE, JR., ET AL.—No. 468.—OCTOBER TERM, 1961

(On Writ of Certiorari to the Court of Appeals of New York)

[June 25, 1962]

Mr. JUSTICE BLACK delivered the opinion of the Court.

The respondent Board of Education of Union Free School District No. 9, New Hyde Park, New York, acting in its official capacity under state law, directed the School District's principal to cause the following prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency created by the State Constitution to which the New York Legislature has granted broad supervisory, executive, and legislative powers over the State's public school system.[1] These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools," saying: "We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program."

Shortly after the practice of reciting the Regents' prayer was adopted by the School District, the parents of ten pupils brought this action in a New York State Court insisting that use of this official prayer in the public schools was contrary to the beliefs, religions, or religious practices of both themselves and their children. Among other things, these parents challenged the constitutionality of both the state law authorizing the School District to direct the use of prayer in public schools and the School District's regulation ordering the recitation of this particular prayer on the ground that these actions of official governmental agencies violate that part of the First Amendment of the Federal Constitution which commands that "Congress shall make no law respecting an establishment of religion"—a command which was "made applicable to the State of New York by the Fourteenth Amendment of the said Constitution." The New York Court of Appeals, over the dissents of Judges Dye and Fuld, sustained an order of the lower state courts which had upheld the power of New York to use the Regents' prayer as a part of the daily procedures of its public schools so long as the schools did not compel any pupil to join in the prayer over his or his parents' objection.[2] We granted certiorari to review this important decision involving rights protected by the First and Fourteenth Amendments.[3]

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. The nature of such a prayer has always been religious, none of the respondents has denied this and the trial court expressly so found:

"The religious nature of prayers was recognized by Jefferson and has been concurred in by theological writers, the United States Supreme Court and State courts and administrative officials, including New York's Commissioner of Education. A committee of the New York Legislature has agreed.

"The Board of Regents as *amicus curiae*, the respondents and intervenors all concede the religious nature of prayer, but seek to distinguish this prayer because it is based on our spiritual heritage. . . ."[4]

The petitioners contend among other things that the state laws requiring or permitting use of the Regents' prayer must be struck down as a violation of the Establishment Clause because that prayer was composed by government officials as a part of a governmental program to further religious beliefs. For this reason, petitioners argue the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. We agree with that contention since we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and

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[1] See New York Constitution, Art V, § 4; New York Education Law, §§ 101, 120 *et seq.*, 202, 214–219, 224, 245 *et seq.*, 704, and 801 *et seq.*

[2] 10 N.Y. 2d 174, 176 N.E. 2d 579. The trial court's opinion which is reported at 18 Misc. 2d 659, N.Y.S. 2d 453, had made it clear that the Board of Education must set up some sort of procedures to protect those who objected to reciting the prayer: "This is not to say that the rights accorded petitioners and their children under the 'free exercise' clause do not mandate safeguards against such embarrassments and pressures. It is enough on this score, however, that regulations, such as were adopted by New York City's Board of Education in connection with its released time program, be adopted, making clear that neither teachers nor any other school authority may comment on participation or nonparticipation in the exercise nor suggest or require that any posture or language be used or dress be worn or be not used or not worn. Nonparticipation may take the form either of remaining silent during the exercise, or if the parent or child so desires, of being excused entirely from the exercise. Such regulations must also make provision for those nonparticipants who are to be excused from the prayer exercise. The exact provision to be made is a matter for decision by the board, rather than the court, within the framework of constitutional requirements. Within that framework would fall a provision that prayer participants proceed to a common assembly while nonparticipants attend other rooms, or that nonparticipants be permitted to arrive at school a few minutes late or to attend separate opening exercises, or any other method which treats with equality both participants and nonparticipants." 18 Misc. 2d, at 696, 191 N.Y.S. 2d, at 492–493. See also the opinion of the Appellate Division affirming that of the trial court, reported at 11 App. Div. 2d 340, 206 N.Y.S. 2d 133.

[3] 368 U.S. 924.

[4] 18 Misc. 2d, at 671–672, 191 N.Y. S. 2d. at 468–469.

1549,[5] set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England.[6] The controversies over the Book and what should be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happended to be in control at the time.[7] Powerful groups representing some of the varying religious views of the people struggled among themselves to impress their particular views upon the Government and obtain amendments of the Book more suitable to their respective notions of how religious services should be conducted in order that official religious establishment would advance their particular religious beliefs.[8] Other groups, lacking the necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion.

It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies.[9] Indeed, as late as the time of the Revolutionary War, there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five.[10] But the successful Revolution against English political domination was shortly followed by intense opposition to the practice of establishing religion by law. The opposition crystallized rapidly into an effective political force in Virginia where the minority religious groups such as Presbyterians, Lutherans, Quakers and Baptists had gained such strength that the adherents to the established Episcopal Church were actually a minority themselves. In 1785–1786, those opposed to the established Church, led by James Madison and Thomas Jefferson, who, though themselves not members of any of these dissenting religious groups, opposed all religious establishments by law on grounds of principle, obtained the enactment of the famous "Virginia Bill for Religious Liberty" by which all religious groups were placed on an equal footing so far as the State was concerned.[11] Similar though less far-reaching legislation was being considered and passed in other States.[12]

By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. They knew the anguish, hardship and bitter strife that could come when zealous religious groups struggled with one another to obtain the Government's stamp of approval from each King, Queen, or Protector that came to temporary power. The Constitution was intended to avert a part of this danger by leaving the government of this country in the hands of the people rather than in the hands of any monarch. But this safeguard was not enough. Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs. The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office. Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary which is largely based upon the contention that the Regents' prayer is "nondenominational" and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact the prayer may be denominationally neutral, nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government

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[5] 2 & 3 Edward VI, c. 1. entitled "An Act for Uniformity of Service and Administration of the Sacraments throughout the Realm"; 3 & 4 Edward VI, c. 10, entitled "An Act for the abolishing and putting away of divers Books and Images."

[6] The provisions of the various versions of the Book of Common Prayer are set out in broad outline in the Encyclopedia Britannica Vol. 18 (1957 ed.), pp. 420–423. For a more complete description, see Pullan, The History of the Book of Common Prayer (1900).

[7] The first major revision of the Book of Common Prayer was made in 1552 during the reign of Edward VI, 5 & 6 Edward VI, c. 1. In 1553. Edward VI died and was succeeded by Mary who abolished the Book of Common Prayer entirely. 1 Mary, c. 2. But upon the accession of Elizabeth in 1558, the Book was restored with important alterations from the form it had been given by Edward VI. 1 Elizabeth, c. 2. The resentment to this amended form of the Book was kept firmly under control during the reign of Elizabeth but, upon her death in 1603, a petition signed by more than 1,000 Puritan ministers was presented to King James I asking for further alterations in the Book. Some alterations were made and the Book retained substantially this form until it was completely suppressed again in 1645 as a result of the successful Puritan Revolution. Shortly after the restoration in 1660 of Charles II, the Book was again reintroduced, 13 & 14 Charles II, c. 4, and again with alterations. Rather than accept this form of the Book some 2,000 Puritan ministers vacated their benefices. See generally Pullan, The History of the Book of Common Prayer (1900), pp. vii-xvi; Encyclopedia Britannica (1957 ed.), Vol. 18, pp. 421–422.

[8] For example, the Puritans twice attempted to modify the Book of Common Prayer and once attempted to destroy it. The story of their struggle to modify the Book in the reign of Charles I is vividly summarized in Pullan, History of the Book of Common Prayer, at p. xiii: "The King actively supported those members of the Church of England who were anxious to vindicate its Catholic character and maintain the ceremonial which Elizabeth had approved. Laud, Archbishop of Canterbury, was the leader of this school. Equally resolute in his opposition to the distinctive tenets of Rome and of Geneva, he enjoyed the hatred of both Jesuit and Calvinist. He helped the Scottish bishops, who had made large concessions to the uncouth habits of Presbyterian worship, to draw up a Book of Common Prayer for Scotland. It contained a Communion Office resembling that of the book of 1549. It came into use in 1637, and met with a bitter and barbarous opposition. The vigour of the Scottish Protestants strengthened the hands of their English sympathisers. Laud and Charles were executed, Episcopacy was abolished, the use of the Book of Common Prayer was prohibited."

[9] For a description of some of the laws enacted by early theocratic governments in New England, see Parrington, Main Currents in American Thought (1930), Vol. 1, pp. 5–50; Whipple, Our Ancient Liberties (1927), pp. 63–78; Wertenbaker, The Puritan Oligarchy (1947).

[10] The Church of England was the established church of at least five colonies: Maryland, Virginia, North Carolina, South Carolina and Georgia. There seems to be some controversy as to whether that church was officially established in New York and New Jersey but there is no doubt that it received substantial support from those states. See Cobb, The Rise of Religious Liberty in America (1902), pp. 338, 408. In Massachusetts, New Hampshire and Connecticut, the Congregationalist Church was officially established. In Pennsylvania and Delaware, all Christian sects were treated equally in most situations but Catholics were discriminated against in some respects. See generally Cobb, The Rise of Religious Liberty in America (1902). In Rhode Island all Protestants enjoyed equal privileges but it is not clear whether Catholics were allowed to vote. Compare Fiske, The Critical Period in American History (1899), p. 76 with Cobb, The Rise of Religious Liberty in America (1902), pp. 437–438.

[11] 12 Hening, Statutes of Virginia (1823), 84, entitled "An Act for establishing religious freedom." The story of the events surrounding the enactment of this law was reviewed in *Everson* v. *Board of Education*, 330 U.S. 1, both by the Court, at pp. 11–13, and in the dissenting opinion of Mr. Justice Rutledge, at pp. 33–42. See also Fiske, The Critical Period in American History (1899), pp. 78–82 James, The Struggle for Religious Liberty in Virginia (1900); Thom, The Struggle for Religious Freedom in Virginia: The Baptists (1900); Cobb, The Rise of Religious Liberty in America (1902), pp. 74–115, 482–499.

[12] See Cobb, The Rise of Religious Liberty in America (1902), pp. 482–509.

and religion tends to destroy government and degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrepect and even contempt of those who held contrary beliefs.[13] That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith.[14] The Establishment Clause thus stands as an expression of principles on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.[15] Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand.[16] The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Uniformity was passed to compel all Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kind[17]—a law which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding "unlawful [religious] meetings . . . to the great disturbance and distraction of the good subjects of this kingdom. . . ."[18] And they knew that similiar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies.[19] It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion. The New York laws officially prescribing the Regents' prayer are inconsistent with both the purposes of the Establishment Clause and with the Establishment Clause itself.

It has been argued that to apply the Constitution in such a way as to prohibit state laws repecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion. And perhaps it is not too much to say that since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." It was doubtless largely due to men who believed this that there grew up a sentiment that caused men to leave the cross-current of officially established state religions and religious persecution in Europe and come to this country filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose.[20] And there were men of this same faith in the power of prayer who led the fight for adoption of our Constitution and also for our Bill of Rights with the very guarantees of religious freedom that forbid the sort of governmental activity which New York has attempted here. These men knew that the First Amendment, which tried to put an end to governmental control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor anti-religious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.[21]

It is true that New York's establishment of its Regents' prayer as an officially approved religious doctrine of that State does not amount to a total establishment of one particular religious sect to the exclusion of all others—that, indeed, the governmental en-

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[13] [A]ttempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority." Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, 190.

[14] "It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits. . . . [E]xperience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy." *Id.*, at 187.

[15] Memorial and Remonstrance against Religious Assessments, II Writings of Madison, at 187.

[16] [T]he proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. . . . Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous suffered under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles." *Id.*, at 188.

[17] 5 & 6 Edward VI, c. 1, entitled "An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm. This Act was repealed during the reign of Mary but revived upon the accession of Elizabeth. See note 7, *supra*. The reasons which led to the enactment of this statute were set out in its preamble: "Where there hath been a very godly Order set forth by the Authority of Parliament, for Common Prayer and Administration of Sacraments to be used in the Mother Tongue within the Church of *England*, agreeable to the Word of God and the Primitive Church, very comfortable to all good People desiring to live in Christian Conversation, and most profitable to the Estate of this Realm, upon the which the Mercy, Favour and Blessing of Almighty God is in no wise so readily and plenteously poured as by Common Prayers, due using of the Sacraments, and often preaching of the Gospel, with the Devotion of the Hearers: (1) And yet this notwithstanding, a great Number of People in divers Parts of this Realm, following their own Sensuality, and living either without Knowledge or due Fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their Parish Churches and other Places where Common Prayer, Administration of the Sacraments, and Preaching of the Word of God, is used upon *Sundays* and other Days ordained to be Holydays."

[18] Bunyan's own account of his trial is set forth in A Relation of the Imprisonment of Mr. John Bunyan, reprinted in Grace Abounding and The Pilgrim's Progress (Brown ed. 1907), at 103–132.

[19] For a vivid account of some of these Persecutions, see Wertenbaker, The Puritan Oligarchy (1947).

[20] Perhaps the best example of the sort of men who came to this country for precisely that reason is Roger Williams, the founder of Rhode Island who has been described as "the truest Christian amongst many who sincerely desired to be Christian." Parrington, Main Currents of American Thought (1930), Vol. 1, at p. 74. Williams, who was one of the earliest exponents of the doctrine of separation of church and state, believed that separation was necessary in order to protect the church from the danger of destruction which he thought inevitably flowed from control by even the best-intentioned civil authorities: "The unknowing zeale of *Constantine* and other Emperours, did more hurt to *Christ Jesus* his Crowne and Kingdome, then the raging fury of the most bloody *Neroes*. In the *persecutions* of the later, *Christians* were sweet and fragrant, like spice pounded and beaten in morters: But those *good* Emperours, persecuting some erroneous persons, *Arrius, &c.* and advancing the professours of some Truths of Christ (for there was no small number of *Truths* lost in those times) and maintaining their *Religion* by the material Sword, I say by this meanes *Christianity* was *ecclipsed*, and the Professors of it fell asleep. . . ." Williams, The Bloudy Tenent of Persecution, for cause of Conscience, discussed, in A Conference betweene Truth and Peace (London, 1644), reprinted in Naragansett Club Publications, Vol. III, p. 184. To Williams, it was no part of the business or competence of a civil magistrate to interfere in religious matters: "[W]hat imprudence and *indiscretion* is it in the most common affaires of Life, to conceive that *Emperours, Kings* and *Rulers* of the earth must not only be qualified with *politicall* and *state abilities* to *make* and *execute* such *Civill Lawes* which may concerne the common *rights, peace* and *safety* (which is worke and businesse, load and burthen enough for the ablest shoulders in the Commonweal) but also furnished with such *Spirituall* and heavenly *abilities* to governe the *Spirituall* and *Christian Commonweale*. . . ." *Id.*, at 366. See also *id.*, at 136–137.

[21] There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance.

dorsement of that prayer seems relatively insignificant when compared to the governmental encroachments upon religion which were commonplace 200 years ago. To those who may subscribe to the view that because the Regents' official prayer is so brief and general there can be no danger to religious freedom in its governmental establishment, however, it may be appropriate to say in the words of James Madison, the author of the First Amendment:

"[I]t is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" [22]

The judgment of the Court of Appeals of New York is reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed and remanded.

Mr. JUSTICE FRANKFURTER took no part in the decision of this case.

Mr. JUSTICE WHITE took no part in the consideration or decision of this case.

SUPREME COURT OF THE UNITED STATES—NOS. 142 AND 119—OCTOBER TERM, 1962

SCHOOL DISTRICT OF ABINGTON TOWNSHIP, PENNSYLVANIA, ET AL., APPELLANTS, 142 *v.* EDWARD LEWIS SCHEMPP ET AL.

(On Appeal From the United States District Court for the Eastern District of Pennsylvania)

WILLIAM J. MURPHY III, ETC., ET AL., PETITIONERS, 119 *v.* JOHN N. CURLETT, PRESIDENT, ET AL., INDIVIDUALLY, AND CONSTITUTING THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY

(On Writ of Certiorari to the Court of Appeals of Maryland)

[June 17, 1963]

Mr. JUSTICE CLARK delivered the opinion of the Court.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . . ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the states through the Fourteenth Amendment.

The Facts in Each Case: No. 142. The Commonwealth of Pennsylvania by law, 24 Pa. Stat. § 15–1516, as amended, Pub. Law 1928 (Supp. 1960) Dec. 17, 1959, requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parents or guardian." The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States are, have been, and will continue to be violated unless this statute be declared unconstitutional as violative of these provisions of the First Amendment. They sought to enjoin the appellant school district, wherein the Schempp children attend school, and its officers and the Superintendent of Public Instruction of the Commonwealth from continuing to conduct such readings and recitation of the Lord's Prayer in the public schools of the district pursuant to the statute. A three-judge statutory District Court for the Eastern District of Pennsylvania held that the statute is violative of the Establishment Clause of the First Amendment as applied to the States by the Due Process Clause of the Fourteenth Amendment and directed that appropriate injunctive relief issue. 201 F. Supp. 815.[1] On appeal by the District, its officials and the Superintendent, under 28 U.S.C. § 1253, we noted probable jurisdiction. 371 U.S. 807.

The appellees Edward Lewis Schempp, his wife Sidney, and their children, Roger and Donna, are of the Unitarian faith and are members of the Unitarian Church in Germantown, Philadelphia, Pennsylvania, where they, as well as another son, Ellory, regularly attend religious services. The latter was originally a party but having graduated from the school system *pendente lite* was voluntarily dismissed from the action. The other children attend the Abington Senior High School, which is a public school operated by appellant district.

On each school day at the Abington Senior High School between 8:15 and 8:30 a.m., while the pupils are attending their home rooms or advisory sections, opening exercises are conducted pursuant to the statute. The exercises are broadcast into each room in the school building through an intercommunications system and are conducted under the supervision of a teacher by students attending the school's radio and television workshop. Selected students from this course gather each morning in the school's workshop studio for the exercises, which include readings by one of the students of 10 verses of the Holy Bible, broadcast to each room in the building. This is followed by the recitation of the Lord's Prayer, likewise over the intercommunications system, but also by the students in the various classrooms, who are asked to stand and join in repeating the prayer in unison. The exercises are closed with the flag salute and such pertinent announcements as are of interest to the students. Participation in the opening exercises, as directed by the statute, is voluntary. The student reading the verses from the Bible may select the passages and read from any version he chooses, although the only copies furnished by the school are the King James version, copies of which were circulated to each teacher by the school district. During the period in which the exercises have been conducted the King James, the Douay and the Revised Standard versions of the Bible have been used, as well as the Jewish Holy Scriptures. There are no prefatory statements, no questions asked or solicited, no comments or explanations made and no interpretations given at or during the exercises. The students and parents are advised that the student may absent himself from the classroom or, should he elect to remain, not participate in the exercises.

It appears from the record that in schools not having an intercommunications system the Bible reading and the recitation of the Lord's Prayer were conducted by the homeroom teacher,[2] who chose the text of the verses and read them herself or had students read them in rotation or by volunteers. This was followed by a standing recitation of the Lord's Prayer, together with the Pledge of Allegiance to the flag by the class in unison and a closing announcement of routine school items of interest.

At the first trial Edward Schempp and the children testified as to specific religious doctrines purveyed by a literal reading of the Bible "which were contrary to the religious beliefs which they held and to their familial teaching." 177 F. Supp. 398, 400. The children testified that all of the doctrines to which they referred were read to them at various times as part of the exercises. Edward Schempp testified at the second trial that he had considered having Roger and Donna excused from attendance at the exercises but decided against it for several reasons, including his belief that the children's relationships with their teachers and classmates would be adversely affected.[3]

"Dr. Solomon Grayzel testified that there were marked differences between the Jewish Holy Scriptures and the Christian Holy Bible, the most obvious of which was the absence of the New Testament in the Jewish Holy Scriptures. Dr. Grayzel testified that portions of the New Testament were offensive to Jewish tradition and that, from the standpoint of Jewish faith, the concept of Jesus Christ as the Son of God was 'practically blasphemous.' He cited instances in the New Testament which, assertedly, were not only sectarian in nature but tended to bring the Jews into ridicule or scorn. Dr. Grayzel gave as his expert opinion that such material from the New Testament could be explained to Jewish children in such a way as to do no harm to them. But if portions of the New Testament were read without explanation,

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[1] The action was brought in 1958, prior to the 1959 amendment of § 15–1516 authorizing a child's nonattendance at the exercises upon parental request. The three-judge court held the statute and the practices complained of unconstitutional under both the Establishment Clause and the Free Exercise Clause. 177 F. Supp. 398. Pending appeal to this Court by the school district, the statute was so amended, and we vacated the judgment and remanded for further proceedings. 364 U.S. 298. The same three-judge court granted appellees' motion to amend the pleadings, 195 F. Supp. 518, held a hearing on the amended pleadings and rendered the judgment, 201 F. Supp. 815, from which appeal is now taken.

[2] The statute as amended imposes no penalty upon a teacher refusing to obey its mandate. However, it remains to be seen whether one refusing could have his contract of employment terminated for "wilful violation of the school laws." 24 Pa. Stat. (Supp. 1960) § 11–1122.

[3] The trial court summarized his testimony as follows:

"Edward Schempp, the children's father, testified that after careful consideration he had decided that he should not have Roger or Donna excused from attendance at these morning ceremonies. Among his reasons were the following. He said that he thought his children would be 'labeled as "odd balls" ' before their teachers and classmates every school day; that children, like Roger's and Donna's classmates, were liable 'to lump all particular religious difference[s] or religious objections [together] as "atheism" ' and that today the word 'atheism' is often connected with 'atheistic communism,' and has 'very bad' connotations, such as 'un-American' or 'anti-Red,' with overtones of possible immorality. Mr. Schempp pointed out that due to the events of the morning exercises following in rapid succession, the Bible reading, the Lord's Prayer, the Flag Salute, and the announcements, excusing his children from the Bible reading would mean that probably they would miss hearing the announcements so important to children. He testified also that if Roger and Donna were excused from Bible reading they would have to stand in the hall outside their 'homeroom' and that this carried with it the imputation of punishment for bad conduct." 201 F. Supp., at 818.

[22] Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, at 185–186.

they could be, and in his specific experience with children Dr. Grayzel observed, had been, psychologically harmful to the child and had caused a divisive force within the social media of the school.

"Dr. Grayzel also testified that there was significant difference in attitude with regard to the respective Book of the Jewish and Christian Religions in that Judaism attaches no special significance to the reading of the Bible *per se* and that the Jewish Holy Scriptures are source materials to be studied. But Dr. Grayzel did state that many portions of the New as well as the Old Testament contained passages of great literary and moral value.

"Dr. Luther A. Weigle, an expert witness for the defense, testified in some detail as to the reasons for and the methods employed in developing the King James and the Revised Standard Versions of the Bible. On direct examination, Dr. Weigle stated that the Bible was non-sectarian. He later stated the the phrase 'non-sectarian' meant to him nonsectarian within the Christian faiths. Dr. Weigle stated that his definition of the Holy Bible would include the Jewish Holy Scriptures, but also stated that the 'Holy Bible' would not be complete without the New Testament. He stated that the New Testament 'conveyed the message of Christians.' In his opinion, reading of the Holy Scriptures to the exclusion of the New Testament would be a sectarian practice. Dr. Weigle stated that the Bible was of great moral, historical and literary value. This is conceded by all parties and is also the view of the court." 177 F. Supp. 398, 401–402.

The trial court, in striking down the practices and the statute requiring them, made specific findings of fact that the children's attendance at Abington Senior High School is compulsory and that the practice of reading 10 verses from the Bible is also compelled by law. It also found that:

"The reading of the verses, even without comment, possesses a devotional and religious character and constitutes in effect a religious observance. The devotional and religious nature of the morning exercises is made all the more apparent by the fact that the Bible reading is followed immediately by a recital in unison by the pupils of the Lord's Prayer. The fact that some pupils, or theoretically all pupils, might be excused from attendance at the exercises does not mitigate the obligatory nature of the ceremony for . . . Section 1516 . . . unequivocally requires the exercises to be held every school day in every school in the Commonwealth. The exercises are held in the school buildings and perforce are conducted by and under the authority of the local school authorities and during school sessions. Since the statute requires the reading of the 'Holy Bible,' the Christian document, the practice . . . prefers the Christian religion. The record demonstrates that it was the intention of . . . the Commonwealth . . . to introduce a religious ceremony into the public schools of the Commonwealth." 210 F. Supp., at 819.

No. 119. In 1905 the Board of School Commissioners of Baltimore City adopted a rule pursuant to Art. 77, § 202 of the Annotated Code of Maryland. The rule provided for the holding of opening exercises in the schools of the city consisting primarily of the "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer." The petitioners, Mrs. Madalyn Murray and her son, William J. Murray, III, are both professed atheists. Following unsuccessful attempts to have the respondent school board rescind the rule this suit was filed for mandamus to compel its rescission and cancellation. It was alleged that William was a student in a pubic school of the city and Mrs. Murray, his mother, was a taxpayer therein; that it was the practice under the rule to have a reading on each school morning from the King James version of the Bible; that at petitioners' insistence the rule was amended [4] to permit children to be excused from the exercise on request of the parent and that William had been excused pursuant thereto; that nevertheless the rule as amended was in violation of the petitioners' rights "to freedom of religion under the First and Fourteenth Amendments" and in violation of "the principle of separation between church and state, contained therein. . . ." The petition particularized the petitioners' atheistic beliefs and stated that the rule, as practiced, violated their rights "in that it threatens their religious liberty by placing a premium on belief as against nonbelief and subjects their freedom of conscience to the rule of the majority; it pronounces belief in God as the source of all moral and spiritual values, equating these values with religious values, and thereby renders sinister, alien and suspect the beliefs and ideals of . . . Petitioners, promoting doubt and question of their morality, good citizenship and good faith."

The respondents demurred and the trial court, recognizing that the demurrer admitted all facts well pleaded, sustained it without leave to amend. The Maryland Court of Appeals affirmed, the majority of four justices holding the exercise not in violation of the First and Fourteenth Amendments, with three justices dissenting. 228 Md. 239, 179 A. 2d 298. We granted certiorari. 371 U.S. 809.

II

It is true that religion has been closely identified with our history and government. As we said in *Engel* v. *Vitale*, 370 U.S. 421, 434 (1962), "The history of man is inseparable from the history of religion. And . . . since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach* v. *Clauson*, 343 U.S. 306, 313 (1952), we gave specific recognition to the proposition that "[w]e are a religious people whose institutions presuppose a Supreme Being." The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the Alderman of the final supplication, "So help me God." Likewise each House of the Congress provides through its Chaplain an opening prayer, and the sessions of this Court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God. Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship. Indeed, only last year an official survey of the country indicated that 64% of our people have church membership, Bureau of Census, U.S. Department of Commerce, Statistical Abstract of the United States, 48 (83d ed. 1962), while less than 3% profess no religion whatever, *Id.*, at p. 46. It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are "earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the Universe . . . guide them into every measure which may be worthy of his . . . blessing. . . ." Memorial and Remonstrance Against Religion Assessments, quoted in *Everson* v. *Board of Education*, 330 U.S. 1, 71–72 (1947) (Appendix to dissenting opinion of Rutledge, J.).

This is not to say, however, that religion has been so identified with our history and government that religious freedom is not likewise as strongly imbedded in our public and private life. Nothing but the most telling of personal experience in religious persecution suffered by our forebears, see *Everson* v. *Board of Education, supra*, at 8–11, could have planted our belief in liberty of religious opinion any more deeply in our heritage. It is true that this liberty frequently was not realized by the colonists, but this is readily accountable to their close ties to the Mother Country.[5] However, the views of Madison and Jefferson, preceded by Roger Williams [6] came to be incorporated not only in the Federal Constitution but likewise in those of most of our States. This freedom to worship was indispensable in a country whose people came from the four quarters of the earth and brought with them a diversity of religious opinion. Today authorities list 83 separate religious bodies, each with memberships exceeding 50,000, existing among our people, as well as innumerable smaller groups. Bureau of Census, *op. cit., supra*, at 46–47.

III

Almost a hundred years ago in *Minor* v. *Board of Education of Cincinnati*,[7] Judge Alphonzo Taft, father of the revered Chief Justice, in an unpublished opinion stated the ideal of our people as to religious freedom as one of "absolute equality before the law of all religious opinions and sects. . . ."

"The government is neutral, and, while protecting all, it prefers none, and it disparages none."

Before examining this "neutral" position in which the Establishment and Free Exercise Clauses of the First Amendment place our government it is well that we discuss the reach of the Amendment under the cases of this Court.

First, this Court has decisively settled that the First Amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free

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[4] The rule as amended provides as follows:

"Opening Exercise. Each school either collectively or in classes, shall be opened by the reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer. The Douay version may be used by those pupils who prefer it. Appropriate patriotic exercises should be held as a part of the general opening exercise of the school or class. Any child shall be excused from participating in the opening exercises or from attending the opening exercises upon written request of his parent or guardian."

[5] There were established churches in at least eight of the original colonies, and various degrees of religious support in others as late as the Revolutionary War. See *Engel* v. *Vitale, supra*, at 423, n. 10.

[6] "There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth, or human combination, or society. It hath fallen out sometimes, that both Papists and Protestants, Jews and Turks, may be embarked in one ship; upon which supposal, I affirm that all the liberty of conscience I ever pleaded for, turns upon these two hinges, that none of the Papists, Protestants, Jews, or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practice any."

[7] Superior Court of Cincinnati, February 1870. The opinion is not reported but is published under the title. The Bible in the Common Schools (Cincinnati: Robert Clarke & Co. 1870). Judge Taft's views, expressed in dissent, prevailed on appeal. See *Board of Education of Cincinnati v. Minor*, 23 Ohio St. 211, 253 (1872), in which the Ohio Supreme Court held that:

"The great bulk of human affairs and human interests is left by any free government to individual enterprise and individual action. Religion is eminently one of these interests, lying outside the true and legitimate province of government."

exercise thereof" has been made wholly applicable to the states by the Fourteenth Amendment. Twenty-three years ago in *Cantwell* v. *Connecticut*, 310 U.S. 296, 303 (1940), this Court, through Mr. Justice Roberts, said:

"The fundamental concept of liberty embodied in that [Fourteenth] Amendment embraces the liberties guaranteed by the First Amendment. The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws. . . ."[8]

In a series of cases since *Cantwell* the Court has repeatedly reaffirmed that doctrine, and we do so now. *Murdock* v. *Pennsylvania*, 319 U.S. 105, 108 (1943); *Everson* v. *Board of Education, supra; Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, 210–211 (1948); *Zorach* v. *Clauson, supra; McGowan* v. *Maryland*, 366 U.S. 420 (1961); *Torcaso* v. *Watkins*, 367 U.S. 488 (1961); and *Engel v. Vitale, supra.*

Second, this Court has rejected unequivocally the contention that the establishment clause forbids only governmental preference of one religion over another. Almost 20 years ago in *Everson, supra*, at 15, the Court said that "[n]either a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." And Mr. Justice Jackson, dissenting, agreed:

"There is no answer to the proposition . . . that the effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could be directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense . . . This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity." *Id.*, at 26.

Further, Mr. Justice Rutledge, joined by Justices Frankfurter, Jackson and Burton, declared:

"The [First] Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the Colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion." *Id.*, at 31–32.

The same conclusion has been firmly maintained ever since that time, see *Illinois ex rel. McCollum, supra,* at pp. 210–211; *McGowan* v. *Maryland, supra,* at 442–443; *Torcaso* v. *Watkins, supra,* at 492–493, 495, and we reaffirm it.

While none of the parties to either of these cases has questioned these basic conclusions of the Court, both of which have been long established, recognized and consistently reaffirmed, others continue to question their history, logic and efficacy. Such contentions, in the light of the consistent interpretation in cases of this Court, seem entirely untenable and of value only as academic exercises.

IV

The interrelationship of the Establishment and the Free Exercise Clauses was first touched upon by Mr. Justice Roberts for the Court in *Cantwell* v. *Connecticut, supra*, at 303, where it was said that their "inhibition of legislation" had "a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be."

A half dozen years later in *Everson* v. *Board of Education, supra*, at 14–15, this Court, through Mr. Justice Black, stated that the "scope of the First Amendment . . . was designed forever to suppress" the establishment of religion or the prohibition of the free exercise thereof. In short, the Court held that the Amendment "requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them." *Id.*, at 18.

And Mr. Justice Jackson, in dissent, declared that public schools are organized "on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion." *Id.*, at 23–24.

Moreover, all of the four dissenters, speaking through Mr. Justice Rutledge, agreed that

"Our constitutional policy . . . . [D]oes not deny the value or necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the two-fold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private." *Id.*, at 52.

Only one year later the Court was asked to reconsider and repudiate the doctrine of these cases in *McCollum* v. *Board of Education*. It was argued that "historically the First Amendment was intended to forbid only government preference of one religion over another . . . . In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the 'establishment of religion' clause of the First Amendment applicable as a prohibition against the States." 333 U.S. at 211. The Court, with Mr. Justice Reed alone dissenting, was unable to "accept either of these contentions." *Ibid.* Mr. Justice Frankfurter, joined by Justices Jackson, Rutledge and Burton, wrote a very comprehensive and scholarly concurrence in which he said that "[s]eparation is a requirement to abstain from fusing functions of government and of religious sects, not merely to treat them all equally." *Id.*, at 227. Continuing, he stated that:

"The Constitution . . . prohibited the government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages." *Id.*, at 228.

In 1952 in *Zorach* v. *Clauson, supra*, Mr. Justice Douglas for the Court reiterated:

"There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter." 343 U.S., at 312.

And then in 1961 in *McGowan* v. *Maryland* and in *Torcaso v. Watkins* each of these cases was discussed and approved. Chief Justice Warren in *McGowan*, for a unanimous Court on this point, said:

"But, the First Amendment, in its final form, did not simply bar a congressional enactment *establishing a church;* it forbade all laws *respecting an establishment of religion.* Thus this Court has given the Amendment a 'broad interpretation . . . in the light of its history and the evils it was designed forever to suppress. . . .'" 366 U.S., at 441–442.

And Mr. Justice Black for the Court in *Torcaso*, without dissent but with Justices Frankfurter and Harlan concurring in the result, used this language:

"We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against nonbelievers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs." 367 U.S., at 495.

Finally, in *Engel v. Vitale*, only last year, these principles were so universally recognized that the Court without the citation of a single case and over the sole dissent of Mr. Justice Stewart reaffirmed them. The Court found the 22-word prayer used in "New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer . . . [to be] a religious activity." 370 U.S., at 424. It held that "it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government." *Id.*, at 425. In discussing the reach of the Establishment and Free Exercise Clauses of the First Amendment the Court said:

"Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce non-observing individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Id.*, at 430–431.

And in further elaboration the Court found that the "first and most immediate purpose [of the Establishment Clause] rested on a belief that a union of government and religion tends to destroy government and to degrade religion." *Id.*, at 431.

[8] Application to the States of other clauses of the First Amendment obtained even before *Cantwell*. Almost 40 years ago in the opinion of the Court in *Gitlow* v. *New York*, 268 U.S. 652, 666 (1925), Mr. Justice Sanford said: "For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgement by Congress—are among the fundamental personal rights and 'liberties' protected by the Due Process Clause of the Fourteenth Amendment from impairment by the States."

When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs "the hatred, disrespect and even contempt of those who held contrary beliefs." *Ibid.*

v

The wholesome "neutrality" of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits. And a further reason for neutrality is found in the Free Exercise Clause, which recognizes the value of religious training, teaching and observance and, more particularly, the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state. This the Free Exercise Clause guarantees. Thus, as we have seen, the two clauses may overlap. As we have indicated, the Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Justice dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof. The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. *Everson* v. *Board of Education, supra; McGowan* v. *Maryland, supra,* at 442. The Free Exercise Clause, likewise considered many times here, withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion. The distinction between the two clauses is apparent—a violation of the Free Exercise Clause is predicated on coercion while the Establishment Clause violation need not be so attended.

Applying the Establishment Clause principles to the cases at bar we find that the States are requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison. These exercises are prescribed as part of the curricular activities of students who are required by law to attend school. They are held in the school buildings under the supervision and with the participation of teachers employed in those schools. None of these factors, other than compulsory school attendance, was present in the program upheld in *Zorach* v. *Clauson.* The trial court in No. 142 has found that such an opening exercise is a religious ceremony and was intended by the State to be so. We agree with the trial court's findings as to the religious character of the exercises. Given that finding the exercises and the law requiring them are in violation of the Establishment Clause.

There is no such specific finding as to the religious character of the exercises in No. 119, and the State contends (as does the State in No. 142) that the program is an effort to extend its benefits to all public school children without regard to their religious belief. Included within its secular purposes, it says, are the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature. The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian. The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Bible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

The conclusion follows that in both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners.[9] Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. See *Engel* v. *Vitale, supra,* at 430. Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "It is proper to take alarm at the first experiment on our liberties." Memorial and Remonstrance Against Religious Assessments, quoted in *Elverson, supra,* at 65.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach* v. *Clauson, supra,* at 314. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion.[10] While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone,* it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624, 638 (1943):

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment. Applying that rule to the facts of these cases, we affirm the judgment in No. 142. In No. 119, the judgment is reversed and the cause remanded to the Maryland Court of Appeals for further proceedings consistent with this opinion.

It is so ordered.

Mr. ERVIN. Mr. President, I take much consolation from the fact that my considered interpretation of the majority opinion in the Engle case, and the majority opinion in the Schempp case are shared by others.

One of the ablest constitutional lawyers in the United States is Phillip B. Kurland, who is professor of law at the Law school of the University of Chicago. I have followed the legal writings of Professor Kurland for some years, and I have found them to be sound, and I have such a high respect for them that I repose great confidence in any opinion which he expresses in respect to any constitutional question.

Professor Kurland has this to say about the majority decisions in these two cases.

"This, and only this, is certainly to be derived from the Engel and Schempp cases. The States may not prescribe the conduct of religious ceremonies in their public schools."

The correctness of my interpretation of the Engel case, and the correctness of the interpretation placed upon it by Professor Kurland is made manifest by reading these words in the majority opinion.

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[9] It goes without saying that the laws and practices involved here can be challenged only by persons having standing to complain. But the requirements for standing to challenge state action under the Establishment Clause, unlike those relating to the Free Exercise Clause, do not include proof that particular religious freedoms are infringed. *McGowan* v. *Maryland, supra,* at 429–430. The parties here are school children and their parents, who are directly affected by the laws and practices against which their complaints are directed. These interests surely suffice to give the parties standing to complain. See *Engle* v. *Vitale, supra.* Cf. *McCollum* v. *Board of Education, supra; Everson* v. *Board of Education, supra.* Compare *Doremus* v. *Board of Education,* 342 U.S. 429 (1952), which involved the same substantive issues presented here. The appeal was there dismissed upon the graduation of the school child involved and because of the appellants' failure to establish standing as taxpayers.

[10] We are not of course presented with and therefore do not pass upon a situation such as military service, where the Government regulates the temporal and geographic environment of individuals to a point that, unless it permits voluntary religious services to be conducted with the use of government facilities, military personnel would be unable to engage in the practice of their faiths.

"We agree with the contention since we think that the total prohibition against laws respecting the establishment of religion must at least mean that in this country it is no part of the business for any group of the American people to recite as a part of a religious program carried on by the government."

When all is said that is what was held by the majority and all that was held by the majority in the Engel case.

A like observation may be made in reference to the Schempp case. All that was held in this case by a majority of the Court was that the State could not require the recitation of prayers and the reading of a religious book as a part of a religious exercise carried on under the auspices of the State itself.

Mr. President, when I was privileged to be an Associate Justice of the Supreme Court of North Carolina, I worked very closely with the clerk of that court, Adrian Newton, who is an excellent lawyer as well as a devoutly religious man.

When I was a young lawyer practicing law in my hometown of Morgantown, N.C. I came to know a young Baptist minister, W. Perry Crouch, who was the minister of a local church. He has since risen to high rank among the ministers of my State. Adrian Newton and Perry Crouch joined a learned citizen of North Carolina, Dr. E. W. Price, in a statement concerning the Dickens prayer amendment, which was inserted on page 644 of the hearings on the amendment.

They placed upon the Engle case and the Schempp case exactly the same and interpretation which Professor Kurland and myself have placed upon them.

Here is what they said in part:

"The court has declared that Government agencies should not impose, regulate, or organize religious exercise in the schools. With this decision, our Baptist people are in full agreement."

Mr. President, I ask unanimous consent to have the complete statement of Adrian Newton, Dr. Price, and Perry Crouch printed in the RECORD.

(There being no objection, the statement was ordered to be printed in the RECORD, as follows:)

CONCERNING THE DIRKSEN PRAYER AMENDMENT

This statement is signed by Mr. Adrian Newton, an attorney of Raleigh, North Carolina and chairman of the Committee on Public Affairs of the North Carolina Baptist State Convention; Dr. E. W. Price, President of the General Board of our Baptist State Convention; W. Perry Crouch, Executive Secretary-Treasurer of the North Carolina Baptist State Convention.

Our Baptist State Convention is composed of 3,443 churches, with a membership of approximately one million people. We work very closely with our people and know something of their convictions and beliefs. Apparently there is little or no interest, or concern, for the Dirksen Prayer Amendment. We do not believe the Supreme Court has ever acted on any case involving the "free exercise of religion" in the public schools. The court has declared that government agencies should not impose, regulate, or organize religious exercise in the schools. With this decision, our Baptist people are in full agreement.

We have checked with our state office of Public Education, and have been told that no changes have been made in regard to religious activities in the schools of North Carolina as a result of the Supreme Court's decision concerning prescribed prayer.

It is our firm conviction that the majority of our Baptist people in North Carolina believe that the first amendment offers full and ample protection for our religious liberty, and that any amendments will only weaken its structure and lead to false interpretations and questionable practices. This belief of our Baptist people in North Carolina is in agreement with our nearly eleven million Baptists from 50 other states, as indicated by resolutions passed by various Baptist State Conventions and twice passed by the Southern Baptist Convention in annual session; first in 1964 and second in 1966.

We do not believe it is within the power of any government agency to "allow" or "not to allow" prayer. The first amendment guarantees religious freedom. We strongly believe that we have all of the guarantee we need in the first amendment and the Bill of Rights. We reaffirm our faith in these documents, and in the great American Principle of Religious Freedom and Separation of Church and State.

ADRIAN NEWTON,
Attorney, Raleigh, North Carolina, Chairman Committee on Public Affairs, Baptist State Convention of North Carolina.
President General Board, North Carolina Baptist State Convention.
W. PERRY CROUCH,
Executive Secretary-Treasurer, North Carolina Baptist State Convention.

(At this point Mr. CANNON took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I wish to cite at this point another interpretation placed upon these decisions by a very profound commentator on the passing scene—James J. Kilpatrick. In so doing, I refer to an article written by him entitled "Ramifications of Proposed 'Prayer Amendment'," published in the Washington Evening Star for August 7, 1966:

Mr. Kilpatrick had this to say:

"The thing is, that given the facts in these particular cases, the court could not possibly have decided them any other way."

Mr. President, I ask unanimous consent to have the entire article written by Mr. Kilpatrick printed in the RECORD.

(There being no objection, the article was ordered to be printed in the RECORD, as follows:)

[From the Washington (D.C.) Star, Aug. 7, 1966]

RAMIFICATION OF PROPOSED "PRAYER AMENDMENT"

(By James J. Kilpatrick)

More than 130 years ago, John Randolph of Roanoke laid down a rule that many persons earnestly wish Senator DIRKSEN would take to heart today.

"A great cardinal principle that should govern all wise statesmen," said Randolph, "is never without the strongest necessity to disturb a thing at rest."

For the past several days, a Senate subcommittee has been holding hearings on DIRKSEN's proposed "prayer amendment" to the Constitution. The Senator has promised that regardless of the sub-committee's action, willy-nilly he will compel a vote on the floor. In violation of the Randolph precept, he is thus disturbing an issue that has been at rest for the past three years. There is no necessity for disturbing it; and nothing good will come of the fight.

The amendment sponsored by DIRKSEN (and 48 others) is intended to nullify two opinions of the U.S. Supreme Court prohibiting the States from providing for religious exercise in public schools. The first of these, rendered on June 25, 1962, knocked out the non-denominational "regents' prayer" that had been authorized for use in the schools of New York. The second, handed down a year later, killed the Bible reading statutes of Pennsylvania and Maryland. The court found it immaterial that participation in these exercises was theoretically voluntary. The practices were "wholly inconsistent" with the First Amendment, which prohibits the Federal government—and by extension, the States—from providing any establishment of religion, voluntary or otherwise.

The Dirksen resolution would prohibit public officials from prescribing "the form or content of any prayer," but it would leave State and local administrators free to "provide for or permit the voluntary participation by students or others in prayer."

To call up this proposal for floor debate will serve only to precipitate the very clash of unreason and emotion that the high court nervously foresaw in its two judgments. As Mr. Justice Brennan remarked in a concurring opinion, few constitutional issues are "more intricate or more demanding than that of the relationship between religion and the public schools." Fixing the permissible line between government and religion, Mr. Justice Goldberg added, "is a most difficult and sensitive task, calling for the careful exercise of both judicial and public judgment and restraint."

All this will go by the boards once the moment approaches when the clerk calls the roll. In the eyes of several million devout church-goers, it will be as if God were running for office in an August primary; you are for Him or against Him, and the Senator who publicly opposes the Dirksen amendment will be risking the kind of fundamentalist, Bible-quoting mail that makes a politician turn positively pale.

If the amendment should win a two-thirds majority in the Senate, a tremendous head of steam would be generated for immediate action in the House. If the resolution emerged from the House Judiciary Committee, a divisive floor fight would be precipitated there. Multiply these congressional conflicts by the debates of 50 state legislatures, and one winds up in a religious civil war that neither side could win.

But both freedom and religion would lose. The thing is, that given the facts in these particular cases, the court could not possibly have decided them any other way. In each of the three jurisdictions, the state actually was involving itself affirmatively in providing for a religious exercise. The involvement was limited: a 22-word prayer in New York, 10 Bible verses daily in Pennsylvania, a chapter from Scripture in Maryland. Yet if the involvement was small, the principle was large; for the power to decree the "voluntary" recital of an innocuous prayer is the power to decree the "voluntary" recital of prayers that are not so innocuous. It is a road that must lead to a weakening of free government, as school officials are subjected to the passions of competing religionists; and it is a road that must lead equally to a weakening of the church, as it becomes more and more dependent upon assistance from the state.

The high court acted with great wisdom in blocking the road at the first opportunity. In seeking to remove the barrier, Senator DIRKSEN and his well-intentioned colleagues are inviting new and wider controversy, for "school prayer" is only the beginning. What of tax exemption for churches? What of the words "under God" in the pledge of allegiance? What of the employment of legislative chaplains? What of the very motto on our coins? Do any of these serve either to advance or to inhibit religion? If so, then "the enactment exceeds the scope of legislative power as circumscribed by the Constitution."

The Dirksen amendment settles none of these peripheral questions—questions which the court itself sought to dampen with judicial rhetoric. They are controversies that surely will be aggravated if this amendment is pressed. There are times when Senators, even Senators as distinguished as DIRKSEN, should follow the rule of Randolph and leave well enough alone. This is one of them.

Mr. ERVIN. Mr. President, unfortunately, the exact holdings of the Supreme Court in the Engel and Schempp cases have not been widely understood in this country.

Some have said that the opinions are destructive of religious life in this country, and that the opinions prevent school children from engaging in voluntary prayers and

voluntary readings from holy books. Others say that unless we have religious exercise required by the States in the public schools, we will have a religion of secularism.

I quote on this point from observations made by Supreme Court Justice Clark in the majority opinion in the Schempp case:

"It is insisted that unless these religious exercises are permitted a 'religion of secularism' is established in the schools. We agree of course that the State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach* v. *Clauson, supra,* at 314. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion."

The question of the relationship between the public schools and religion under the first amendment was considered by the Supreme Court in a case which antedated the Engel and Schempp decisions by more than a decade.

I refer to the case of *Zorach* v. *Clauson,* 343 United States 306. The holding in that case is accurately reflected in the headnotes, which I read:

"Under § 3210 of the New York Education Law and the regulations thereunder, New York City permits its public schools to release students during school hours, on written requests of their parents, so that they may leave the school buildings and grounds and go to religious centers for religious instruction or devotional exercises. The same section makes school attendance compulsory; students not released stay in the classrooms; and the churches report to the schools the names of children released from public schools who fail to report for religious instruction. The program involves neither religious instruction in public schools nor the expenditure of public funds. Held: This program does not violate the First Amendment, made applicable to the States by the Fourteenth Amendment . . .

"By this system, New York has neither prohibited the 'free exercise' of religion nor made a law 'respecting an establishment of religion' within the meaning of the First Amendment."

Mr. President, I ask unanimous consent that the majority opinion of the Zorach case be printed at this point in the body of the RECORD.

(There being no objection, the opinion was ordered to be printed in the RECORD, as follows:)

SYLLABUS

ZORACH ET AL. *v.* CLAUSON ET AL., CONSTITUTING THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, ET AL.—APPEAL FROM THE COURT OF APPEALS OF NEW YORK—No. 431

(Argued Jan. 31–Feb. 1, 1952 decided Apr. 28, 1952)

Under § 3210 of the New York Education Law and the regulations thereunder, New York City permits its public schools to release students during school hours, on written requests of their parents, so that they may leave the school buildings and grounds and go to religious centers for religious instruction or devotional exercises. The same section makes school attendance compulsory; students not released stay in the classrooms; and the churches report to the schools the names of children released from public schools who fail to report for religious instruction. The program involves neither religious instruction in public schools nor the expenditure of public funds. *Held*: This program does not violate the First Amendment, made applicable to the States by the Fourteenth Amendment. *McCollum* v. *Board of Education,* 333 U.S. 203, distinguished. Pp. 308—315.

(a) By this system, New York has neither prohibited the "free exercise" of religion nor made a law "respecting an establishment of religion" within the meaning of the First Amendment. Pp. 310–315.

(b) There is no evidence in the record in this case to support a conclusion that the system involves the use of coercion to get public school students into religious classrooms. Pp. 311–312. 303 N.Y. 161, 100 N.E. 2d 463, affirmed.

The New York Court of Appeals sustained N.Y. Education Law § 3210 and the regulations thereunder permitting absence of students from the public schools for religious observance and education, against the claim that the program thereunder violated the Federal Constitution. 303 N.Y. 161, 100 N.E. 2d 463. On appeal to this Court, *affirmed,* p. 315.

COUNSEL FOR PARTIES

Kenneth W. Greenawalt argued the cause for appellants. With him on the brief were *Leo Pfeffer* and *Edwin J. Lukas.*

Wendell P. Brown, Solicitor General, argued the cause for the Commissioner of Education of the State of New York, appellee. With him on the brief were *Nathaniel L. Goldstein,* Attorney General, and *Ruth Kessler Toch* and *John P. Powers,* Assistant Attorneys General.

Michael A. Castaldi argued the cause for the Board of Education of the City of New York, appellee. With him on the brief were *Denis M. Hurley, Seymour B. Quel, Daniel T. Scannell* and *Arthur H. Kahn.*

Charles H. Tuttle argued the cause for the Greater New York Coordinating Committee on Released Time of Jews, Protestants and Roman Catholics, appellee. With him on the brief was *Porter R. Chandler.*

Briefs of *amici curiae* supporting appellees were filed on behalf of the States of California, by *Edmund G. Brown,* Attorney General, *William V. O'Connor,* Chief Deputy Attorney General, and *Howard S. Goldin,* Deputy Attorney General; Indiana, by *J. Emmett McManamon,* Attorney General; Kentucky, by *J. D. Buckman, Jr.,* Attorney General and *M. B. Holifield,* Assistant Attorney General; Maine, by *Alexander A. LaFleur,* Attorney General; Massachusetts, by *Francis E. Kelly,* Attorney General, *Charles H. Walters,* Assistant Attorney General, and *William F. Marcella;* Oregon, By *George Neuner,* Attorney General, *Robert F. Maguire* and *William E. Dougherty;* Pennsylvania, by *Robert E. Woodside,* Attorney General, and *Harry F. Stambaugh;* and West Virginia, by *William C. Marland,* Attorney General, and *Thomas J. Gillooly, T. D. Kauffelt* and *Eston B. Stephenson,* Assistant Attorneys General.

OPINION OF THE COURT

Mr. JUSTICE DOUGLAS delivered the opinion of the Court.

New York City has a program which permits its public schools to release students during the school day so that they may leave the school buildings and school grounds and go to religious centers for religious instruction or devotional exercises. A student is released on written request of his parents. Those not released stay in the classrooms. The churches make weekly reports to the schools, sending a list of children who have been released from public school but who have not reported for religious instruction.[1]

This "released time" program involves neither religious instruction in public school classrooms nor the expenditure of public funds. All costs, including the application blanks, are paid by the religious organizations. The case is therefore unlike *McCollum* v. *Board of Education,* 333 U.S. 203, which involved a "released time" program from Illinois. In that case the classrooms were turned over to religious instructors. We accordingly held that the program violated the First Amendment[2] which (by reason of the Fourteenth Amendment)[3] prohibits the states from establishing religion or prohibiting its free exercise.

Appellants, who are taxpayers and residents of New York City and whose children attend its public schools,[4] challenge the present law, contending it is in essence not different from the one involved in the *McCollum* case. Their argument, stated elaborately in various ways, reduces itself to this: the weight and influence of the school is put behind a program for religious instruction; public school teachers police it, keeping tab on students who are released; the classroom activities come to a halt while the students who are released for religious instruction are on leave; the school is a crutch on which the churches are leaning for support in their

[1] The New York City released time program is embodied in the following provisions:

(a) N.Y. Education Law, § 3210, subdiv. 1(b), which provides that "Absence for religious observance and education shall be permitted under rules that the commissioner shall establish."

(b) Regulations of the Commissioner of Education of the State of New York, Art. 17 § 154 (1 N.Y. Official Code Comp. 683), which provide for absence during school hours for religious observance and education outside the school grounds [par. 1], where conducted by or under the control of a duly constituted religious body [par. 2]. Students must obtain written requests from their parents or guardians to be excused for such training [par. 1], and must register for the training and have a copy of their registration filed with the public school authorities [par. 3]. Weekly reports of their attendance at such religious schools must be filed with their principal or teacher [par. 4]. Only one hour a week is to be allowed for such training, at the end of a class session [par. 5], and where more than one religious school is conducted, the hour of release shall be the same for all religious schools [par. 6].

(c) Regulations of the Board of Education of the City of New York, which provide similar rules supplementing the State Commissioner's regulations, with the following significant amplifications: No announcement of any kind will be made in the public schools relative to the program [rule 1]. The religious organizations and parents will assume full responsibility for attendance at the religious schools and will explain any failures to attend on the weekly attendance reports [rule 3]. Students who are released will be dismissed from school in the usual way [rule 5]. There shall be no comment by any principal or teacher on attendance or nonattendance of any pupil upon religious instruction [rule 6].

[2] The First Amendment reads in relevant part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

[3] See *Stromberg* v. *California,* 283 U.S. 359; *Cantwell* v. *Connecticut,* 310 U.S. 296; *Murdock* v. *Pennsylvania,* 319 U.S. 105.

[4] No problem of this Court's jurisdiction is posed in this case since, unlike the appellants in *Doremus* v. *Board of Education,* 342 U.S. 429, appellants here are parents of children currently attending schools subject to the released time program.

religious training; without the cooperation of the schools this "released time" program, like the one in the *McCollum* case, would be futile and ineffective. The New York Court of Appeals sustained the law against this claim of unconstitutionality. 303 N.Y. 161, 100 N.E. 2d 463. The case is here on appeal. 28 U.S.C. § 1257(2).

The briefs and arguments are replete with data bearing on the merits of this type of "released time" program. Views pro and con are expressed, based on practical experience with these programs and with their implications.[5] We do not stop to summarize these materials nor to burden the opinion with an analysis of them. For they involve considerations not germane to the narrow constitutional issue presented. They largely concern the wisdom of the system, its efficiency from an educational point of view, and the political considerations which have motivated its adoption or rejection in some communities. Those matters are of no concern here, since our problem reduces itself to whether New York by this system has either prohibited the "free exercise" of religion or has made a law "respecting an establishment of religion" within the meaning of the First Amendment.

It takes obtuse reasoning to inject any issue of the "free exercise" of religion into the present case. No one is forced to go to the religious classroom and no religious exercise or instruction is brought to the classrooms of the public schools. A student need not take religious instruction. He is left to his own desires as to the manner or time of his religious devotions, if any.

There is a suggestion that the system involves the use of coercion to get public school students into religious classrooms. There is no evidence in the record before us that supports that conclusion.[6] The present record indeed tells us that the school authorities are neutral in this regard and do no more than release students whose parents so request. If in fact coercion were used, if it were established that any one or more teachers were using their office to persuade or force students to take the religious instruction, a wholly different case would be presented.[7] Hence we put aside that claim of coercion both as respects the "free exercise" of religion and "an establishment of religion" within the meaning of the First Amendment.

Moreover, apart from that claim of coercion, we do not see how New York by this type of "released time" program has made a law respecting an establishment of religion within the meaning of the First Amendment. There is much talk of the separation of Church and State in the history of the Bill of Rights and in the decisions clustering around the First Amendment. See *Everson* v. *Board of Education*, 330 U.S. 1; *McCollum* v. *Board of Education, supra*. There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the "free exercise" of religion and an "establishment" of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamation making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

We would have to press the concept of separation of Church and State to these extremes to condemn the present law on constitutional grounds. The nullification of this law would have wide and profound effects. A Catholic student applies to his teacher for permission to leave the school during hours on a Holy Day of Obligation to attend a mass. A Jewish student asks his teacher for permission to be excused for Yom Kippur. A Protestant wants the afternoon off for a family baptismal ceremony. In each case the teacher requires parental consent in writing. In each case the teacher, in order to make sure the student is not a truant, goes further and requires a report from the priest, the rabbi, or the minister. The teacher in other words cooperates in a religious program to the extent of making it possible for her students to participate in it. Whether she does it occasionally for a few students, regularly for one, or pursuant to a systemized program designed to further the religious needs of all the students does not alter the character of the act.

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to serve a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here.

This program may be unwise and improvident from an educational or a community viewpoint. That appeal is made to us on a theory, previously advanced, that each case must be decided on the basis of "our own prepossessions." See *McCollum* v. *Board of Education, supra*, p. 238. Our individual preferences, however, are not the constitutional standard. The constitutional standard is the separation of Church and State. The problem, like many problems in constitutional law, is one of degree. See *McCollum* v. *Board of Education, supra*, p. 231.

In the *McCollum* case the classrooms were used for religious instruction and the force of the public school was used to promote that instruction. Here, as we have said, the public schools do no more than accommodate their schedules to a program of outside religious instruction. We follow the *McCollum* case.[8] But we cannot expand it to cover

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[5] See, *e. g.*, Beckes, Weekday Religious Education (National Conference of Christians and Jews, Human Relations Pamphlet No. 6); Butts, American Tradition in Religion and Education, pp. 188, 199; Moehlman, The Walls of Separation between Church and State, pp. 123, 155 ff.; Moehlman, The Church as Educator, pp. 103 ff.; Moral and Spiritual Values in the Public Schools (Educational Policies Commission, 1951); Newman, The Sectarian Invasion of Our Public Schools; Public School Time for Religious Education, 12 Jewish Education 130 (January, 1941); Religious Instruction on School Time, 7 Frontiers of Democracy 72 (1940); Released Time for Religious Education in New York City's Schools (Public Education Association, June 30, 1943); Released Time for Religious Education in New York City's Schools (public Education Association, June 30, 1945); Released Time for Religious Education in New York City Schools (Public Education Association, 1949); 2 Stokes, Church and State in the United States, pp. 523–548; The Status of Religious Education In The Public Schools (National Education Association).

[6] Nor is there any indication that the public schools enforce attendance at religious schools by punishing absentees from the released time programs for truancy.

[7] Appellants contend that they should have been allowed to prove that the system is in fact administered in a coercive manner. The New York Court of Appeals declined to grant a trial on this issue, noting, *inter alia*, that appellants had not properly raised their claim in the manner required by state practice. 303 N.Y. 161, 174, 100 N. E. 2d 463, 469. This independent state ground for decision precludes appellants from raising the issue of maladministration in this proceeding. See *Louisville & Nashville R. Co.* v. *Woodford*, 234 U.S. 46, 51; *Atlantic Coast Line R. Co.* v. *Mims*, 242 U.S. 532, 535; *American Surety Co.* v. *Baldwin*, 287 U.S. 156, 169.

The only allegation in the complaint that bears on the issue is that the operation of the program "has resulted and inevitably results in the exercise of pressure and coercion upon parents and children to secure attendance by the children for religious instruction." But this charge does not even implicate the school authorities. The New York Court of Appeals was therefore generous in labeling it a "conclusory" allegation. 303 N.Y., at 174, 100 N. E. 2d, at 469. Since the allegation did not implicate the school authorities in the use of coercion, there is no basis for holding that the New York Court of Appeals under the guise of local practice defeated a federal right in the manner condemned by *Brown* v. *Western R. of Alabama*, 338 U.S. 294, and related cases.

[8] Three of us—THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE BURTON—who join this opinion agreed that the "released time" program involved in the *McCollum* case was unconstitutional. It was our view at the time that the present type of "released time" program was not prejudged by the *McCollum* case, a conclusion emphasized by the reservation of the question in the separate opinion by MR. JUSTICE FRANKFURTER in which MR. JUSTICE BURTON joined. See 333 U.S., at 225 where it was said, "Of course, 'released time' as a generalized conception, undefined by differentiating particularities, is not an issue for Constitutional adjudication. Local programs differ from each other in many and crucial respects. . . . It

the present released time program unless separation of Church and State means that public institutions can make no adjustments of their schedules to accommodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion.

Affirmed.

Mr. ERVIN. Mr. President, the Zorach case points out how the parents of schoolchildren can provide for religious instruction of their children in accordance with their religious beliefs without offending the provisions of the first amendment.

Since the school prayer cases, there has been a decision in the U.S. District Court for the Western District of Michigan, *Reed v. Van Hoven*, 237 Fed. Sup. 48, which points out another way in which schoolchildren can receive the benefits of religious instructions without offending the provisions of the first amendment.

For the sake of time, I shall read the analysis of this opinion, made by the publisher of the volume of the Federal supplement in which it appears. This analysis correctly reflects the ruling of the court. I read the analysis:

"Parents of public school children brought suit against superintendent of schools and members of board of education to enjoin religious exercises in the public schools. The District Court, Fox, J., held that public school students who wish to say prayer or read scripture according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercise at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period."

Mr. President, I ask unanimous consent that the opinion in the case of Reed against Van Hoven be printed at this point in the body of the RECORD.

(There being no objection, the opinion was ordered to be printed in the RECORD, as follows:)

CHARLES E. REED, JOYCE REED, VERDA GOUDZWAARD, RUTH DYKSTRA, LORRAINE DYKHOUSE, TINO J. CAVIGGIOLA, JOAN CAVIGGIOLA AND ROBERT L. HULSEBUS, PLAINTIFFS *v.* JACK VAN HOVEN, JACK E. KALEE, CORNELIUS DODD, GRANT W. SILER, PAUL R. STEIMLE, GLENN NYKERK, AND JENISON PUBLIC SCHOOL DISTRICT NO. 30, DEFENDANTS

(Civ. A. No. 4787—U.S. District Court, W. D. Michigan, S.D., Jan. 8, 1965)

Parents of public school children brought suit against superintendent of schools and members of board of education to enjoin religious exercises in the public schools. The District Court, Fox, J., held that public school students who wish to say prayer or read scriptures according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercises at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period.

Injunction denied.

1. Constitutional Law—84

The First Amendment to the Federal Constitution insures to parents the security that children attending public elementary schools are not officially taught tenets of religion other than that of parents, and such insurance is protection to both majority and minority, and it is essential safeguard to protection and free exercise of religion. U.S.C.A. Const. Amend. 1.

2. Schools and School Districts—165

When time of public grade schools is given over to religious practices, there is interference with fundamental right of parents to see to education of their children, or continued observances, being repetitive, when joined with authority of local school, can easily constitute a teaching of particular practices and beliefs involved. U.S.C.A. Const. Amend. 1.

3. Constitutional Law—84

When religion is included in regular program in public schools in such way as to become connected with learning process, other than within framework of general, objective course on religion as religion, parents have every right to object on constitutional grounds, for espousal of particular religious doctrine is not function of public grade schools. U.S.C.A. Const. Amend. 1.

4. Constitutional Law—84

School authorities in public grade schools and those accommodated must not violate rights of free exercise of religion of those not in accord with practices of the accommodated. U.S.C.A. Const. Amend. 1.

5. Constitutional Law—84

Every individual in society has right to free exercise of his religion according to dictates of his own conscience, and there is corresponding duty on public authority as well as other individuals to recognize and respect that right in such way that individual is free from coercion of any kind. U.S.C.A. Const. Amend. 1.

6. Constitutional Law—84

There need be no coercion on minorities in order for there to be a violation of provision of Constitution that Congress shall make no law respecting establishment of religion, and it is only necessary that practice or enactment have net effect of placing official support of local or national government behind particular denomination or belief. U.S.C.A. Const. Amend. 1.

7. Constitutional Law—84

If state or federal government espouses particular philosophy or secularism, or secularism in general, there is violation of provision of Constitution that Congress shall make no law respecting establishment of religion. U.S.A. Const. Amend. 1.

8. Schools and School Districts—165

As between theistic and humanistic religions, public schools must carefully avoid any program of indoctrination in ultimate values. U.S.C.A. Const. Amend. 1.

9. Schools and School Districts—165

Public school students who wish to say prayer or read scriptures according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercise at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period. U.S.C.A. Const. Amend. 1.

10. Schools and School Districts—165

During regular school day at public schools, there should be no reading from Bible, no Bible stories, and no assignment of themes on such topics as why student believes or disbelieves in religious devotions, U.S.C.A. Const. Amend. 1.

11. Schools and School Districts—164

Pledge of allegiance and patriotic songs or readings are permissible in public schools at any time, provided that they are voluntary. U.S.C.A. Const. Amend. 1.

12. Schools and School Districts—165

Role of teacher at preschool or postschool religious sessions is strictly that of one charged with responsibility of maintaining order, and no teacher shall be called on to select prayer which should be said, or to select readings which may be used, and students should determine what should be done. U.S.C.A. Const. Amend. 1.

Warner, Norcross & Judd, Grand Rapids, Mich., Harold S. Sawyer and Thomas J. McNamara, Grand Rapids, Mich., of counsel, for plaintiffs.

Varnum, Riddering, Wierengo & Christenson, Grand Rapids, Mich., Laurent K. Varnum, Grand Rapids, Mich., and Jon F. DeWitt, of counsel, for defendants.

Fox, District Judge.

Plaintiffs are parents of children currently enrolled in the public schools of the Jenison School District, Ottawa County, Michigan. Defendant Nykerk is the Superintendent of Schools for the Jenison Public Schools; the other defendants are members of the Board of Education of the Jenison Public Schools.

Plaintiffs instituted suit under the First and Fourteenth Amendments to the Constitution of the United States, claiming that certain practices in the Jenison Public Schools violate both the free exercise and establishment clauses of the First Amendment.

Subsequent to the filing of this suit, a new policy with respect to the religious practices was adopted and put into operation in the Jenison Public Schools. Defendants claimed that the controversy was ended by that policy, and moved for a summary judgment.

Plaintiffs have requested an injunction to prevent any exercises of a religious nature from being conducted.

At a hearing, this court denied the defendants' motion for a summary judgment, and did not grant plaintiffs' request for an injunction, suggesting to the parties a substitute policy which laid out the broad outlines of a program allowing an accommodation to those children who wished to pray, provided such exercises were conducted and completed outside the hours of the regular school day.

After a short period of time, the plaintiffs again appeared before the court, objecting to the substitute policy as implemented by the school board.

The board, in attempting to apply the policy, was faced with a school bus problem in allowing the exercises to take place in the morning, before school began.

The buses serving the Jenison School District also serve the neighboring school districts, and therefore, the bus schedules were rigid, and children attending the Jenison Schools continued to arrive at the same time as they had before the attempt to carry out the court-suggested policy.

Consequently, in order to provide for a working accommodation, the School Board changed "the bell and beginning of school timing" as illustrated by the procedure inaugurated in the Sandy Hill School; at 8:40 A.M. a warning bell sounds, followed by another bell at 8:45 A.M. to indicate that the

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is only when challenge is made to the share that the public schools have in the execution of a particular 'released time' program that close judicial scrutiny is demanded of the exact relation between the religious instruction and the public educational system in the specific situation before the Court."

home rooms are open for the use of those children desiring to pray. At 8:50 A.M. a third bell rings, signifying the end of the voluntary prayer period and additionally, that school is about to begin. At 9:00 A.M. a bell signifying the actual start of the class day is rung.

Plaintiffs object to these practices, claiming that they raise problems of excusal and segregation which are constitutionally prohibited.

By this opinion, the court will attempt to clarify its suggestion for an interim procedure.

The policy initially proposed by defendants purported to establish a position of neutrality on the part of the Board of Education with respect to religion.[1]

The Supreme Court of the United States, in the cases of Engel v. Vitale, 370 U.S. 421, 82 S. Ct. 1261, 8 L. Ed. 2d 601, and Abington School District v. Schempp, 374 U.S. 203, 83 S. Ct. 1560, 10 L. Ed. 2d 844, has been called to rule upon the constitutionality of prayers and Bible reading in the public schools.

In the Engel case the court ruled that the recitation of a prayer composed by the New York State Board of Regents, at the direction of the local Board of Education, violated the establishment clause of the First Amendment.

In the Schempp case, the court held that a requirement that the school day open with a reading, without comment, of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison, was also a violation of the establishment clause. This was so even though attendance at the exercises was not compulsory.

The establishment clause of the First Amendment has two important characteristics. First, the relationship between government and religion; by that relationship the First Amendment, by its position of neutrality, protects both religion and government. Secondly, the establishment limitation serves as an instrument to the second provision of the First Amendment, namely, the free exercise clause. It is designed in this respect to insure to all the free exercise of their religion, free from the influential interference of government.

Nothing in the Engel or Schempp decisions inhibits in the slightest way an individual in the free exercise of religion in his home, in his church, or in any assembly with the particular denomination to which he belongs, either in the practice or the teaching of that religion.

[1] On the other hand, the First Amendment insures to parents the security that children attending public elementary schools are not officially taught the tenets of a religion other than that of the parents. This insurance is a protection to both the majority and the minority, and it is an essential safeguard to the protection and free exercise of religion. In the fast-changing circumstances of our day, today's majority may be tomorrow's minority.

The natural right of the parents to educate their children was recognized by Mr. Justice McReynolds in Pierce v. Society of Sisters, 268 U.S. 510, 45 S. Ct. 571, 69 L. Ed. 1070.

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from the public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to prepare him for additional obligations." Id. at 535, 45 S. Ct. at 573.

[2] When the time of the public grade schools is given over to religious practices, there is an interference with this fundamental right of parents to see to the education of their children, for continued observances, being repetitive, when joined with the authority of the local school, could easily constitute a teaching of the particular practices and beliefs involved.[2]

[3] By sending their children to the public schools, parents tacitly approve of the education which the children will receive there. However, when religion is included in the regular program in such a way as to become connected with the learning process, other than within the framework of a general, objective course on religion as religion, the parents have every right to object on constitutional grounds, for espousal of a particular religious doctrine is not the function of the public grade schools in our society.

[4] Children attending public grade schools are effectively captives. Thus, in seeking an accommodation, school authorities, and those accommodated, must not violate the rights of free exercise of those not in accord with the practices of the accommodated.

[5] Each individual in society has the right to free exercise of his religion according to the dictates of his own conscience. There is a corresponding duty upon public authority as well as other individuals to recognize and respect that right in such a way that the individual is free from coercion of any kind.[3]

Mr. Justice Clark, in the majority opinion in the Schempp case, succinctly stated the basis for the belief in separation of government from any one form of religion when he quoted from the Engel case, supra: "* * * the 'first and most immediate purpose (of the Establishment Clause) rested on the belief that a union of government and religion tends to destroy government and to degrade religion.' (Citation omitted.) When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs 'the hatred, disrespect and even contempt of those who held contrary beliefs.' Ibid." (Abington School District v. Schempp, supra, 374 U.S. at 221, 83 S.Ct. at 1571.)

In Schempp, it was contended that to require the elimination of religious exercises in public schools was an interference with the religious liberty of those children who wished to participate. In this respect, Justice Clark said:

"Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone* it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628:

" 'The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to * * * freedom of worship * * * and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.'

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment." (Abington School District v. Schempp, supra, 374 U.S. at 225–226, 83 S. Ct. at 1573–1574.)

[6] An examination of the establishment clause in light of the Schempp and Engel cases, supra reveals that there need be no coercion upon minorities in order for a violation of the establishment clause to exist. *It is only necessary that the practice or enactment have the net effect of placing the official support of the local or national government behind a particular denomination or belief.* Abington School District v. Schempp, supra, 374 U.S. at 222, 83 S. Ct. 1560. See also Engel v. Vitale, supra, 370 U.S. at 430–436, 82 S. Ct. 1261.

[7] Similarly, were state or federal government to espouse a particular philosophy of secularism, or secularism in general, the

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[1] Upon the request of any student or parent of a student in any particular class that the individual be allowed prayer and/or Bible reading as a regular religious exercise at the opening of school, the teacher must devise reasonable rules and regulations controlling such exercise.

2. The rules and regulations devised to implement the requested exercises may vary, depending on the number of children or parents so requesting, from allowing a moment of reverent silence to allowing prayers in unison, aloud. In the event the teacher finds that divergent, requests preclude reasonable control, the teacher may always allow as a satisfactory substitute, a moment of reverent silence.

3. Depending upon the form of requested exercise permitted in the discretion of the teacher, those who object shall remain in the class, or be excused from the requested exercise, or may arrive at class late, as the teacher feels will best serve classroom procedures and minimize embarrassment. (Jenison Public Schools District No. 30, Statement of Policy, pp. 1–2.)

[2] See: Prayer, Public Schools and the Supreme Court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at Page 1065:

"Viewed with respect to the precise problem before the Court, the decision in Engel is not a disturing one, when evaluated in terms of underlying policy considerations. Prayer, religious faith, and the freedom of religion are not damaged by the Court's holding. On the contrary, the decision maintains the dignity and religious significance of prayer by keeping it free from state compulsion and interference, and, by the same token, it preserves the freedom of both the believer and the non-believer in respect to prayer. Nor should it be of consequence that the prayer was 'nonsectarian.' Even such a prayer can be productive of religious divisiveness, not only because it is objectionable to non-believers or non-theistic religionists, but also because theistic believers may find it an offense to conscience to engage in prayer except in accordance with the tenets of their own religion. Moreover, religionists can have little enthusiasm for an officially sanctioned nonsectarian expression of religious belief which at most reflects a vague and generalized religiosity. Any usefulness of a prayer practice in public schools as symbolic of the religious tradition in our national life, of the values of religion to our society, and of religious ideas shares in common, must be weighed against the peril that the official promotion of common-denominator religious practices, conspicuous by their vagueness and syncretistic character will contribute to the furtherance and establishment of an official folk or culture religion which many competent observers regard as a serious threat to the vitality and distinctive witness of the historic faiths."

[3] Brown, Observer in Rome, Appendix B, p. 261.

establishment clause would be violated. Zorach v. Clauson, 343 U.S. 306, 314, 72 S. Ct. 679, 96 L. Ed. 954, Abington School District v. Schempp, supra, 374 U.S. at 225, 83 S. Ct. 1560.

However, there do exist areas in which the interplay between government and religion does not constitute an establishment of religion. This is the field of accommodation, first expressed in the Zorach case, and explored at great length by Mr. Justice Brennan in a concurring opinion in Schempp. Abington School District v. Schempp, 374 U.S. 203, 230, 83 S. Ct. 1560, 10 L. Ed. 2d 844, 862. It has also been noted in articles by leading commentators.[4]

As set forth in Zorach v. Clauson supra, the principle was stated:

"When the state encourages religious instructions or cooperates with religious authorities by adjusting the schedules of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs." Id. 343, U.S. at 314, 72 S. Ct. at 684, 96 L. Ed. at 962.

[8] It may well be that this court will be called upon to decide ultimately whether or not the actual operation of a particular practice is a permissible form of accommodation. However, for the present, it seems clear that, in light of the decided cases, the public schools, as between atheistic and humanistic religions, must carefully avoid any program of indoctrination in ultimate values.

The touchstone in both Engel v. Vitale, supra, and Abington School District v. Schempp, supra, was the support given to the practices by the local school authorities. In both cases, the exercises were directed to be held at the opening of the school day. Students who chose not to participate were required to absent themselves at the start of the school period or remain and silently endure a ceremony which violated their constitutional rights.[5]

[9] Now, it is this court's proposal that the students who wish to say a prayer or read scriptures according to their choice in the morning before the school day begins and after the school day ends, be permitted to do so; provided, however, that they meet in a room other than their regular home room, and complete their exercise at least five minutes before the regularly scheduled class day, or at least five minutes after the completion of the regular school class day.

Furthermore, no bell signifying the start of a prayer exercise should be rung. This exercise is voluntary, and those wishing to avail themselves of the opportunity provided should learn the time when it is offered to them and appear at the designated location without the aid of a school bell. The first bell should signal that school is about to begin.

This plan is an attempted accommodation, and since it is an accommodation, it must in no way affect those who do not wish an accommodation. For this reason, the practices which are observed must be free of any possible elements of coercion. Those who do take the opportunity to participate in the program must be separated from the official activity of the school, as of course must be the program itself. This is the reason for the directed time gap between the end of the practices and the official start of school, and between the end of the school day and the beginning of the practices after the close of the school day.

Furthermore, to fully insure that separation, this court will require that at the completion of the morning exercises there be a general commingling of the entire student body on the way to class, just as there would be were there no exercises whatsoever. That is, all rooms will be empty before the bell rings for the start of the school day. Thus, home rooms, or whatever room students use to commence the official school day will be filled in the usual way, and no student will enter a room containing a group which has previously congregated there for the purpose of prayer—all students will enter simultaneously upon the signal for the start of the school day.

For example, those children wishing to pray before school begins, and who would ordinarily begin the class day in home room A, might meet for prayer in home room B; and, in like manner, those students from home room B who desire to pray might meet in home room A. Thus, when the first bell sounded, all students would proceed to their regular classrooms.

If a prayer is to be said during the lunch period, it shall be a silent prayer, during a few moments of silence set aside for private meditation at the start of that period.

If any reading is to be done, let it be a selection from one of our historical documents, such as the Declaration of Independence, or the Northwest Ordinance; or, for example, speeches of our martyred Presidents, such as Lincoln's Gettysburg Address, or John F. Kennedy's inaugural address; or any one of the Thanksgiving proclamations of any President, or of any Governor.[6]

These writings would be lessons in the impact of religion upon the men who were leaders of our nation, and in turn, through them, upon the nation's affairs and history. The annals of our nation are replete with indications of the essentially religious character of this country[7]—belief in a Supreme Being,[8] belief that the rights of man are not the creation of government[9]—and

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[4] See, for example, Religion and the Public Order, pp. 17–23 (edited by Giannela, 1963); Prayer, Public Schools and the Supreme Court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at pp. 1066–1068.

[5] See: Prayer, Public Schools and the Supreme Court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at page 1066:

"'The issue raised in Engel is symptomatic of the problem we face in a religiously pluralistic society * * *

"Religionists have ground for complaint if the public schools by studied indifference teach that belief in God is irrelevant to life. The Engel decision does not require such indifference. Consistent with it the schools may follow practices and teaching programs that help to create awareness, appreciation and understanding of the religious factor in the life of the nation and its citizens. They may create respect for the moral values which reflect the community consensus and which illuminate the purposes and processes of our democratic society. But it is not their responsibility or function to cultivate an official faith or ideology, whether religious or humanistic in character, or to indoctrinate students in any system of beliefs and values that rests on a claim of insight into ultimate truth with respect to the meaning and purpose of life. Parents who desire religious instruction for their children as part of a school program have the option of sending them to parochial schools. One effect of the school prayer decision is to highlight the importance of private schools and of the parents' freedom of choice in our free and pluralistic society that does not recognize governmental monopoly of the educational process. But the majority of Americans who are concerned with the relevancy of religious teaching to the total educational program do not see the parochial school as the answer to the problem. Their interest may lie in the further development of dismissed- or released-time programs in connection with the operation of the public school systems. Moreover, in view of the present impasse with respect to the parochial school situation, it may well be that the shared-time plan offers the greatest promise for reconciling the felt needs for religious instruction with the secular limitations placed on the public school systems. All proposals of this kind deserve careful study. Needless to say, any constructive solution to the problem will require a generous measure of sympathetic understanding, good will and tolerance on the part of all concerned elements of the community.

"Whatever the merits of plans for accommodating the educational system to programs of formal religious instruction, they should not serve to obscure the fundamental consideration that the cultivation of religious faith is the responsibility of home and church. If secularism triumphs as the dominant American ideology, it will not be because of the Constitution or the Supreme Court or because the public schools have failed in their limited tasks, but because meaningful and vital religious faith has lost its place in the hearts and lives of the people. The Engel decision is a forceful reminder to parents and the churches that theirs is the task and responsibility of making prayer, worship and religious instruction rich and meaningful in the lives of their children."

[6] For an example of some of the past presidential speeches which would be acceptable for this purpose, see Footnote 3 to Mr. Justice Stewart's dissenting opinion in Engel v. Vitale, 370 U.S. 421, 446–448, 82 S. Ct. 1261, 8 L. Ed. 2d, 601, 617–618.

[7] See, for example, Abington School District v. Schempp, 374 U.S. 203, 213, 83 S. Ct. 1560, 1566, 10 L. Ed. 2d 844, 853: "It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people * * *" See, likewise, President Lincoln's Inaugural Address of March 4, 1865: "* * * Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

And from the Inaugural Address of President Kennedy, January 20, 1961: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

[8] "We are a religious people whose institutions presuppose a Supreme Being." Zorach v. Clausen, 343 U.S. 306, at 313, 72 S.Ct. 679, at 684, 96 L.Ed. 954, at 962.

See also, Joint Congressional Resolution of July 30, 1956, 70 Stat. 732, declaring the national motto to be "In God We Trust."

[9] See, for example, the Declaration of Independence: "When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, * * *."

the pronouncements of the Supreme Court of the United States demonstrate that the nation is not hostile, nor are any of its governmental units hostile to religion as such.[10]

Those children who may themselves dissent, or whose parents may dissent from their participating in the exercises, would be required only to report for school at the regular opening time of school and would be permitted to leave school at the regular closing time.

Certainly the period of silent prayer before lunch affords the students an opportunity to say their own denominational prayer, and all would be privileged to say any prayer which their own denomination may have taught them. Those who do not share the prayer would be free to contemplate anything which they desired.

[10] During the regular school day, there will be no reading from the Bible, nor Bible stories, and no themes will be assigned on such topics as "Why I believe or disbelieve in religious devotions."

[11] Additionally, the pledge of allegiance and patriotic songs or readings are permissible at any time, provided they are voluntary.

[12] The role of the teacher at these pre- or post-school sessions is strictly that of one charged with the responsibility of maintaining order. No teacher shall be called upon to select the prayer which should be said, or to select the readings which may be given. The students would determine, by means of their own choosing, what should be done in this respect. The burden would not be cast upon the teacher to make the decision, nor to stand up and be counted.

This approach is by no means a final judgment of the court, nor should it be taken as a preliminary indication of a final judgment. In suggesting this plan, the court is merely trying to arrive at an interim accommodation, having foremost in mind the natural, God-given rights of each parent to determine the course of religious education for his child, but also considering the fact that the present proposal of the school board does relate to a serious effort to reconcile divergent opinions in an area where rigid, dogmatic positions too often abound, with the effect that a problem of continuing importance results in increased misunderstanding and bitterness, a situation which must certainly be regretted by all, regardless of religious affiliation, or lack of it.

The Engel and Schempp cases, supra, were decided on the basis of the establishment clause of the First Amendment. The accommodation suggested in this opinion is an attempt to avoid the nexus between official authority and religion which constitutes a violation of the establishment clause.

However, even should the program successfully escape the prohibitions of the Establishment Clause, as administered it may possibly result in abridgment of rights of free exercise, and for this reason testimony may be required to determine precisely the effect which such a program has.[11]

I direct that provision be made for the keeping of a record of the happenings during the interim period, as an aid to the court, in reaching a final judgment on the merits in this case.

There is available a vast store of examples of our national leaders lifting up their minds and hearts for worship, guidance, supplication, and thanksgiving—all of which would be permissible. But a program incorporating such examples into the school day does require conscientious effort on the part of teachers and students. It will have its own reward, in enhancing a knowledge of our history, informing sound moral tenets, and providing a true regard for man's individual relationship to God.[12]

In this sensitive area of constitutional law, our jurisprudence must be prudential. If there be a solution, it may be found only at the end of a period of patient trial, success, error experience. Ultimate results may be worth the ironic effort.

I am not granting the injunction requested in this case. I am setting forth this policy during the pendency of this suit, and I expect it will be followed. If it is not followed, I will then consider the granting of an injunction.

Mr. ERVIN. Mr. President, I am firmly of the opinion that the diversity of religions in America makes it imperative that we retain religious freedom for all men as a way of life. This can only be done in the manner pointed out by the first amendment, which declares, in effect, that the state must not undertake to control religion and religion must not undertake to control the state.

The history of man's struggle for political and religious freedom makes this clear. Political freedom cannot exist in any land where religion controls the state, and religious freedom cannot exist in any land where the state controls religion.

Justice Clark alluded to the reason why I say that the diversity of religions in America makes it imperative that we retain the separation of church and state decreed by the first amendment.

I refer to his opinion in the Schempp case, and I quote these words from it:

This freedom to worship was indispensable in a country whose people came from the four quarters of the earth and brought with them a diversity of religious opinion. Today authorities list eighty-three separate religious bodies, each with memberships exceeding 50,000, existing among our people, as well as innumerable smaller groups.

We have today in America three major religious groups. One may be designated as Protestants, another may be designated as Catholics, and the third may be designated as Jewish.

Our country can derive great strength from our diversity of religious beliefs, if we maintain the principle that all men of all faiths are to enjoy freedom of religion without let or hindrance from government. On the other hand, the diversity of our religious groups may operate as a divisive force if, under our system of government, each of these groups may strive to control a State or a school board for the purpose of imposing its particular religious beliefs upon the school children attending public schools.

The decisions of the majority in the Engel case and the Schempp case remove this temptation from our three major religious groups and from all other religious groups by saying that the state must keep its hands off religion, and religion must keep its hands off the state.

When James Madison wrote his great "Memorial and Remonstrance Against Religious Assessments," he had something to say on this point. I quote these words of James Madison from his "Memorial and Remonstrance Against Religious Assessments":

"[I]t is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to con-

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See also, the Inaugural Address of President Kennedy, January 20, 1961: "* * * the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God."

And, also, from the address of President Kennedy delivered in Dallas, Texas, November 22, 1963: "We in this country, in this generation, are, by destiny rather than choice, the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength and wisdom with restraint, and that we may achieve in our time and for all time the ancient vision of 'peace on earth, good will toward men.' That must always be our goal—and the righteousness of our cause must always underlie our strength. For as was written long ago: 'Except the Lord keep the city, the watchman waketh but in vain.'"

[10] "But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence." Zorach v. Clauson, supra, 343 U.S. at 314, 72 S.Ct. at 684.

"It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course could be more wrong. The history of man is inseparable from the history of religion." Engel v. Vitale, supra, 370 U.S. at 433–434, 82 S.Ct. at 1268.

"We agree of course that the State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.'

* * * * *

"Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." Abington School District v. Schempp, supra, 374 U.S. at 225, 83 S.Ct. at 1573.

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home the church and the inviolable citadel of the individual heart and mind." Id. at 226, 83 S.Ct. at 1574.

[11] "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause. * * *" Engel v. Vitale, 370 U.S. 421, at 430, 82 S.Ct. 1261, at 1266, 8 L. Ed. 2d 601. "Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion." Abington School District v. Schempp, 374 U.S. 203, at 223, 83 S.Ct. 1560, 10 L.Ed. 2d 844.

[12] For a lucid comment on the problem generally, see Ramsey, "Teaching 'Virtue' in the Public Schools"—Religion and the Public Order, pp 37–8 (edited by Giannela, 1963).

"Voluntary or prescribed readings may be edifying without being devotional and no less educational than instruction about the history of religion.

"From Plato and Aristotle to our own time, one question that may never have been answered conclusively is: Can virtue be taught? Our achievement is no longer to ask the question, but to proceed upon the unexamined assumption that the way to teach virtue is to inform and discipline what we mistakenly called the 'intellect.'

"In response to the Court's prayer and Bible-reading decision, should there not be numerous and radically new experiments in public education on how to teach anybody to become someone? It is incidental that in the course of this the pupils might glimpse for the first time the meaning in the fact that one who has borne the human contenance became someone by first becoming and being religious. They might learn, in an entirely free, unimposed, and unembarrassing way, what religion is all about. Then the public schools could remain entirely secular. without secularizing."

tribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?"

The great English poet, Alfred Tennyson, has his immortal character, Ulysses, say this:

"I am a part of all that I have met."

That statement, of course, is a recognition of the fact that each man is, in part at least, a product of his environment. I believe that each man is also, in part at least, a product of heredity. Hence we can say, and must say, that in addition to beinig a part of all that we have met, we are also a part of all that our ancestors have met.

Some of my ancestors were among the Scottish Covenanters who were run down and murdered upon the crags and moors of Scotland because they dissented from the doctrines of the established church in that land. Others of them were Scotch-Irish Presbyterians, who were denied political and religious liberty in Ulster. Some of them were among the Huguenots, who were massacred in France merely because they worshipped Almighty God according to the dictates of their own consciences instead of the dictates of the ecclesiastical and political rulers of France. Some of them were English Pilgrims, who were driven from their native England by way of Leyden, Holland, to Plymouth, because they did not want to use the prayers which the Church of England had inserted in the prayer book established by the act of Parliament. Some of them were Quakers, who were despised because of the simplicity of their religion and way of life.

All of them came to America to obtain the simple right to bend their own knees and raise their own voices to their own God in their own way. I believe their experiences had some relation to the creation of my abiding conviction that religious liberty is the most precious of all freedoms.

I think that the greatest book, from a literary as well as from a religious standpoint, ever made available to mankind, is the King James version of the Bible. As soon as my forebears obtained the King James version of the Bible, they adopted it as a guide for their religious faith, and they recorded within its covers their marriages, their births, and their deaths. They found something within that old Book which revealed to them the promises of God, and something which made them fear God and nothing else. I think that perhaps they found there what Annie Johnson Flint has described for us in her little poem entitled "What God Hath Promised":

God hath not promised
Skies always blue,
Flower-strewn pathways
All our lives through;
God hath not promised
Sun without rain,
Joy without sorrow,
Peace without pain.

But God hath promised
Strength for the day,
Rest for the labor,
Light for the way,
Grace for the trials,
Help from above,
Unfailing sympathy,
Undying love.

I covet freedom of religion for all men. Let them study their holy writings and meditate upon their teachings without let or hindrance from government. I cherish this freedom for myself as well as for others.

I find these words of the ancient Hebrew Psalmist in the King James version of the Bible:

"The heavens declare the glory of God; and the firmament showeth his handywork."

I look at the universe and behold with wonder the lifegiving sun, which rises in the east at morn, travels across the sky by day, and sets in the west at even-tide; the galaxies of stars, which twinkle in the infinite heavens; the clouds, which bring the soil-refreshing rain; the majestic mountains with hills at their knees; the rivers, which water pleasant valleys and fertile plains and run endlessly to the sea; the tall trees, which lift leafy arms heavenward to pry; the arbutus and dogwood, which brighten springtime, and the marigolds and roses, which ornament summer; the glory of the leaves and ripened crops of autumn; the crystal snowflakes, which descend so gently in winter; and the other beautiful things past numbering, which adorn the earth.

I note with awe the order and regularity of the processes of life and nature as the tide ebbs and flows, as the harvest succeeds the seedtime, and as the heavenly bodies move in their orbits without mishap in conformity with natural laws. I observe with reverence that, despite the feet of clay on which he makes his earthly rounds, man is endowed with the capacity to obey conscience, exercise reason, study holy writings, and aspire to righteous conduct in obedience to spiritual laws.

On the basis of these things, I affirm with complete conviction that the universe and man are not the haphazard products of blind atoms wandering aimlessly about in chaos, but, on the contrary, are the creations of God, the Maker of the universe and man.

Religion adds hope to man's desire for immortality. This desire is not to be attributed simply to the egotism of men, or their fear of the unknown beyond the grave, or their repugnance to the thought of their nothingness after death.

The pessimistic philosopher Schopenhauer was sadly in error in his caustic comment that "to desire immortality is to desire the eternal perpetuation of a great mistake." The longing for immortality is prompted by most meritorious motives.

Life on earth at best is all too short and unfinished. Man entertains high hopes for an abundant life with his loved ones and undertakes worthwhile things for them and his generation. His high hopes vanish as he is robbed of those he loves by death, and his hands drop the working tools of life while his undertakings are incomplete.

As a consequence of these things, our hearts cry out that there must be some place after life's fitful fever is over where tears never flow and rainbows never fade, where high hopes are realized and worthy tasks are accomplished, and where those we "have loved long since and lost awhile" stay with us forever.

I revere religion. I revere religion because it gives us these promises and this hope. I would protect and preserve the right of freedom of religion for all men.

In closing, I ask these questions: Why did the Founding Fathers incorporate freedom of religion in the first amendment? What purpose did the Founding Fathers have in view when they did this?

The answer to these questions, it seems to me, appears with great clarity in the opinion of the late Justice Jackson in *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624, 638.

I read what he has to say on this point:

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to * * * freedom of worship * * * and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

Let us keep it that way. Let us preserve for all Americans of all generations the right to bow their knees and lift their voices to their own God in their own way.

We can do this by standing by the first amendment as it has been written and interpreted.

I close with a prayer that the Senate will do exactly this and no more.

Mr. ERVIN. I would like to say a few words, however, to show my attitude toward religion, to show why I am such a strong advocate of the separation of church and state, and why I am such a strong supporter of the first amendment, which prohibits the Government either to establish religion or to prohibit its free exercise. For I believe that the surest protection for religion lies in adherence to the precepts of the amendment. To tamper with the amendment is to weaken religion not to strengthen it.

I mentioned a while ago that I believe we are not only a part of everything we have met, but also a part of all that our ancestors have met.

Some of my ancestors were among the Scottish Covenanters who were run down and murdered upon the crags and moors of Scotland because they dissented from the doctrines of the established church in that land. Others of them were Scotch-Irish Presbyterians, who were denied political and religious liberty in Ulster. Some of them were among the Huguenots, who were massacred in France merely because they worshipped Almighty God according to the dictates of their own consciences instead of the dictates of the ecclesiastical and political rulers of France. Some of them were English Pilgrims, who were driven from their native England by way of Leyden, Holland, to Plymouth, because they did not want to use the prayers which the Church of England had inserted in the prayer book established by the act of Parliament. Some of them were Quakers, who were despised because of the simplicity of their religion and way of life.

All of them came to America to obtain the simple right to bend their own knees and raise their own voices to their own God in their own way. I believe their experiences had some relation to the creation of my abiding conviction that religious liberty is the most precious of all freedoms.

I think that the greatest book, from a literary as well as from a religious standpoint, ever made available to mankind, is the King James version of the Bible. As soon as my forebears obtained the King James version of the Bible, they adopted it as a guide for their religious faith, and they recorded within its covers their marriages, their births, and their deaths. They found something within that old Book which revealed to them the promises of God, and something which made them fear God and nothing else. I think that perhaps they found there what Annie Johnson Flint has described for us in her little poem entitled "What God Hath Promised":

God hath not promised
Skies always blue,
Flower-strewn pathways
All our lives through;
God hath not promised
Sun without rain,
Joy without sorrow,
Peace without pain.

But God hath promised
Strength for the day,
Rest for the labor,
Light for the way,
Grace for the trials,
Help from above,
Unfailing sympathy,
Undying love.

I covet freedom of religion for all men. Let them study their holy writings and meditate upon their teachings without let or hindrance from government. I cherish this freedom for myself as well as for others.

I find these words of the ancient Hebrew Psalmist in the King James version of the Bible:

The heavens declare the glory of God; and the firmament showeth His handywork.

I look at the universe and behold with wonder the lifegiving sun, which rises in the east at morn, travels across the sky by day, and sets in the west at eventide; the galaxies of stars, which twinkle in the infinite heavens; the clouds, which bring the soil-refreshing rain; the majestic mountains with hills at their knees; the rivers, which water pleasant valleys and fertile plains and run endlessly to the sea; the tall trees, which lift leafy arms heavenward to pray; the arbutus and dogwood, which brighten springtime, and the marigolds and roses, which ornament summer; the glory of the leaves and ripened crops of autumn; the crystal snowflakes, which descend so gently in winter; and the other beautiful things past numbering, which adorn the earth.

I note with awe the order and regularity of the processes of life and nature as the tide ebbs and flows, as the harvest succeeds the seedtime, and as the heavenly bodies move in their orbits without mishap in conformity with natural laws. I observe with reverence that, despite the feet of clay on which he makes his earthly rounds, man is endowed with the capacity to obey conscience, exercise reason, study holy writings, and aspire to righteous conduct in obedience to spiritual laws.

On the basis of these things, I affirm with complete conviction that the universe and man are not the haphazard products of blind atoms wandering aimlessly about in chaos, but, on the contrary, are the creations of God, the Maker of the universe and man.

Religion adds hope to man's desire for immortality. This desire is not to be attributed simply to the egotism of men, or their fear of the unknown beyond the grave, or their repugnance to the thought of their nothingness after death.

The pessimistic philosopher Schopenhauer was sadly in error in his caustic comment that "to desire immortality is to desire the eternal perpetuation of a great mistake." The longing for immortality is prompted by most meritorious motives.

Life on earth at best is all too short and unfinished. Man entertains high hopes for an abundant life with his loved ones, and undertakes worthwhile things for them and his generation. His high hopes vanish as he is robbed of those he loves by death, and his hands drop the working tools of life while his undertakings are incomplete.

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I read what he has to say on this point:

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Let us keep it that way. Let us preserve for all Americans of all generations the right to bow their knees and lift their voices to their own God in their own way.

We can do this by standing by the first amendment as it has been written and interpreted.

I close with a prayer that the Senate will do exactly this and no more.

I yield the floor.

Mr. YARBOROUGH subsequently said: Mr. President, I vigorously oppose the amendment offered by the junior Senator from Tennessee (Mr. BAKER) which would permit nondenominational prayer in public buildings because there is presently no such law which would prohibit prayer in public buildings and also because this amendment poses a major threat to religious freedom in America.

The adoption of this amendment would seemingly limit prayers in public buildings to "nondenominational prayers." What is "nondenominational prayer" and who would prescribe it? The very wording shows that a governmental authority would prescribe the form of prayer and whether or not it was denominational. Then this amendment would put the Government in the religious activity in determining what was a proper prayer in a public building.

This is the type of governmental regulation of religion the first amendment of the Constituiton prohibits. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The present proposed amendment, the so-called Baker amendment, modifies and weakens the first article of the Bill of Rights. It gives the Government power to rule on what is and what is not a "nondenominational prayer." It chips away at the cornerstone of constitutional separation of church and state. This Baker amendment would abridge and limit the broad religious freedom of the Bill of Rights; it limits the words "or prohibiting the free exercise of religion." When the Congress establishes a "nondenominational prayer"—that prayer becomes a congressional or governmental prayer, not a religious prayer.

Is a nondenominational prayer a Catholic or a Protestant prayer, a Jewish or Gentile prayer, a Quaker prayer or a Mormon prayer, a Christian Scientist prayer or a Unitarian prayer?

As the Constitution now stands, each of these and all other religious churches, faiths, beliefs or groups are free to pray to God in their own way. The adoption of this Baker amendment would limit that freedom once a prayer was offered in "any public building which is supported in whole or in part through the expenditure of public funds."

These buildings include every public school building in America, every city hall, every tax-supported town hall community or civic center, public hospital or mental health center built with or supported by the expenditure of public funds. Ministers and priests and rabbis and other religious leaders of all denominations are now free to enter those hospitals and pray with and for ill persons. It would be a tragic day in America if these religious leaders, on entering a public hospital to visit an ill parishioner, were limited in prayer to a nondenominational or governmental or congressional prayer.

The Baker amendment breaks down what Thomas Jefferson called "the wall of separation between church and state." I favor retention of that wall, and the religious liberty and freedom of the American people.

I oppose these governmental limitations on prayer in public buildings, as proposed in the Baker amendment.

I urge all my colleagues to cast their vote against this amendment which would endanger our sacred tradition of freedom of religion.

Mr. THURMOND. Mr. President, the Supreme Court has, in recent years, struck ruthlessly at the hearts of many of the customs and traditions most Americans hold dear; but in my opinion, the Court could have done no greater disservice to our people than to interfere with their education. Not only has the Supreme Court thrown our educational system into turmoil and confusion through unreasonable court orders which have placed the operation and control of our schools under Federal control, but they have blatantly interfered with our citizens' natural interest for a balanced education for their children. I am referring, Mr. President, to an education which would develop their souls and spirits as well as their minds.

The Supreme Court, in the consideration of the first amendment, took the language found there and interpreted it to mean that our school children cannot be allowed to bow their heads in a morning prayer. Almost in the same breath, the Supreme Court used this exact language to rule that a meaningful prosecution cannot be brought against many smut peddlers whose por-

nographic wares fall into the hands of these same children.

Mr. President, we have an opportunity today to correct this injustice which has been forced upon the American people. The time has come to clear the air. The millions of children in the public schools should have an opportunity to pray if they wish. The passage of this amendment will assure them of that right.

Concerned parents of this country want their children to realize that recognition of and respect for a Supreme Being are matters of such transcending importance that they are not to be relegated to only one day of the week. They want their children to see that people pause to consider their faith as they go about their work during the week, not just to church. In fact, the Senate of the United States has a chaplain who opens each day's session with a prayer. This is just not a "ceremonial occasion," but a routine procedure. Congress, moreover, has by law specified the oath of office to be taken by Federal judges. The prescribed words of this oath end: "So help me God."

Mr. President, in my judgment, the Congress of the United States cannot afford nor should it have the right to deny our school children the opportunity to receive spiritual guidance. I urge the Senate to approve this amendment which will allow non-denominational prayer in our public schools.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SAXBE (after having voted in the negative). On this vote I have a pair with the junior Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Ohio (Mr. YOUNG), and the Senator from California (Mr. CRANSTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Ohio (Mr. YOUNG) would each vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Illinois (Mr. SMITH) has been previously announced.

The result was announced—yeas 50, nays 20, as follows:

[No. 377 Leg.]

YEAS—50

Allen	Eastland	Pearson
Allott	Fannin	Percy
Baker	Griffin	Randolph
Bellmon	Gurney	Russell
Bennett	Hansen	Schweiker
Bible	Holland	Scott
Boggs	Hollings	Smith, Maine
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Jordan, N.C.	Spong
Church	Jordan, Idaho	Stennis
Cook	Long	Stevens
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Curtis	McClellan	Williams, N.J.
Dole	McIntyre	Williams, Del.
Dominick	Miller	Young, N. Dak.
Eagleton	Packwood	

NAYS—20

Anderson	Hatfield	Mondale
Brooke	Hughes	Nelson
Case	Inouye	Pell
Ellender	Javits	Proxmire
Ervin	Mathias	Ribicoff
Harris	McGovern	Yarborough
Hart	Metcalf	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Saxbe, against.

NOT VOTING—29

Aiken	Gore	Murphy
Bayh	Gravel	Muskie
Burdick	Hartke	Pastore
Cannon	Hruska	Prouty
Cranston	Kennedy	Smith, Ill.
Dodd	McCarthy	Symington
Fong	McGee	Tower
Fulbright	Montoya	Tydings
Goldwater	Moss	Young, Ohio
Goodell	Mundt	

So Mr. BAKER's amendment was agreed to.

Mr. BAKER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. THURMOND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT subsequently said: I am delighted that the Senate has taken favorable action on a constitutional amendment to permit voluntary prayer in public schools and public buildings.

We all know of the long and hard battle that the late Senator Dirksen led on this vital matter. I was proud to carry on that battle by introducing the Scott school prayer amendment. My amendment was patterned after the Dirksen amendment but contained two strengthening provisions. First, it mentions specifically "schools" as among those public buildings in which voluntary prayer would be permitted. Second, my resolution permitted "meditation" as a substitute for voluntary, nondenominational prayer. By so doing, my resolution addressed itself to the basic issue in a manner which still permits the greatest possible flexibility for a divergence of religious belief. Individual or group prayer or meditation on a voluntary basis need not be formalized or institutionalized, but at the same time, such activities should not be penalized.

Twenty-five Senators joined me in my effort and cosponsored the Scott constitutional prayer amendment. On the basis of this overwhelming groundswell of support, I had requested hearings before the Senate Judiciary Subcommittee on Constitutional Amendments because I believed that this issue's importance merited the subcommittee's attention. Regretfully, these important hearings were not scheduled and the Senate faced again the prospect of not taking up this pressing legislation in spite of the strong and favorable sentiment that existed.

Therefore, in view of the reluctance to schedule hearings, it became essential to bring this issue to the Senate floor directly and promptly rather than risk further—and undoubtedly fatal—delay. Thus we decided to bring up the school prayer constitutional amendment as an amendment to the pending equal rights resolution. Today's favorable vote indicates the overwhelming support for the school prayer amendment.

The people of my Commonwealth of Pennsylvania have been especially outspoken on this issue. They have petitioned the courts for years, and despite setbacks there, have in some communities recently reinstituted voluntary prayer. In at least one school, the exercise centers on the daily prayer from the CONGRESSIONAL RECORD, a reminder of the fact that we, as national leaders in Congress, begin each daily session with the opportunity for prayer. It is this same opportunity for prayer that our vote today would make available to others, and particularly to the Nation's schoolchildren who otherwise are denied a privilege we in Congress take for granted.

I believe in the separation of church and state. I do not believe in the separation of children from the opportunity for prayer or meditation.

The Senate can truly be proud of the action we have just taken.

ADJOURNMENT OF CONGRESS FROM OCTOBER 14, 1970, TO NOVEMBER 16, 1970

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 774.

The PRESIDING OFFICER (Mr. HUGHES). The Chair lays before the Senate House Concurrent Resolution 774, which will be read.

The legislative clerk read the concurrent resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, October 14, 1970, they stand adjourned until 12 o'clock meridian on Monday, November 16, 1970.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Con. Res. 774) was considered and agreed to.

AUTHORIZATION FOR THE SIGNING OF ENROLLED MEASURES DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 775.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House on House Concurrent Resolution 775, which will be read.

The legislative clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding any adjournment of the House until November 16, 1970, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

In line 4, after the word "Senate", insert a comma and "the President pro tempore, or Acting President pro tempore".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 775) as amended was agreed to.

CORRECTIONS IN ENROLLMENT OF H.R. 17654

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 778.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 778, which will be stated.

The legislative clerk read the House concurrent resolution by title.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 778) was considered and agreed to, as follows:

H. CON. RES. 778

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, the Clerk of the House of Representatives is authorized and directed—

(1) in paragraph (6)(c) of Rule XXV of the Senate, as amended by section 132(d) of the bill, to strike out "subparagraph (a)" each place it appears and insert "subparagraph (b)"; and

(2) in section 601(1) of the bill, to insert ", and section 105(e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act" after "section 321 of this Act" rather than after "title IV, of this Act" as directed by Senate amendment numbered 52.

ENVIRONMENTAL QUALITY EDUCATION ACT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18260.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance which was in lieu of the matter inserted by the Senate amendment, insert the following:

That this Act may be cited as the "Environment Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance poses a serious threat to the strength and vitality of the people of the Nation and is in part due to poor understanding of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating and informing citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curricula to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in environmental education at the elementary and secondary levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community, labor, and industrial and business leaders and employees, and government employees at State, Federal, and local levels; to provide for the planning of outdoor ecological study centers; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance; and to provide for the preparation and distribution of materials by mass media in dealing with the environment and ecology.

ENVIRONMENTAL EDUCATION

SEC. 3. (a)(1) There is established, within the Office of Education, an office of environmental education (referred to in this section as the "office") which, under the supervision of the Commissioner, through regulations promulgated by the Secretary, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to environmental education. The office shall be headed by a Director who shall be compensated at a rate not to exceed that prescribed for grade GS–17 in section 5332 of title 5, United States Code.

(2) For the purposes of this Act, the term "environmental education" means the educational process dealing with man's relationship with his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment.

(b)(1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, regional educational research organizations, and other public and private agencies, organizations, and institutions (including libraries and museums) to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance, except that no grant may be made other than to a nonprofit agency, organization, or institution.

(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(A) the development of curricula (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(B) dissemination of information relating to such curricula and to environmental education, generally;

(C) in the case of grants to State and local educational agencies, for the support of environmental education programs at the elementary and secondary education levels;

(D) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology, and for public service personnel, government employees, and business, labor, and industrial leaders and employees;

(E) planning of outdoor ecological study centers;

(F) community education programs on environmental quality, including special programs for adults; and

(G) preparation and distribution of materials suitable for use by the mass media

in dealing with the environment and ecology. In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section.

(3) (A) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Secretary shall prescribe by regulation and shall be approved only if it—

(i) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(iv) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds.

(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably required and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(B) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(C) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(4) Federal assistance to any program or project under this section, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall not exceed 80 per centum of the cost of such program for the first fiscal year of its operation, including costs of administration, unless the Commissioner determines, pursuant to regulations adopted and promulgated by the Secretary establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this section. The Federal share for the second year shall not exceed 60 per centum, and for the third year 40 per centum. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.

(c) (1) There is hereby established an Advisory Council on Environmental Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to, academic, scientific, medical, legal resource conservation and production, urban and regional planning, and information media activities as they relate to our society and affect our environment, and shall give due consideration to geographical representation in the appointment of such members: *Provided, however,* That the Committee shall consist of not less than three ecologists and three students.

(2) The Council shall—

(A) advise the Commissioner and the office concerning the administration of, preparation of general regulations for, and operation of programs assisted under this section;

(B) make recommendations to the office with respect to allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary of Health, Education, and Welfare, in cooperation with the heads of other agencies with relevant jurisdiction, shall, insofar as practicable upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher education, agencies of local, State, and Federal governments and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which are related to environmental quality and ecological balance.

SMALL GRANTS

SEC. 5. (a) In addition to the grants authorized under section 3, the Commissioner, from the sums appropriated, shall have the authority to make grants, in sums not to exceed $10,000 annually, to nonprofit organizations such as citizens groups, volunteer organizations working in the environmental field, and other public and private nonprofit agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded).

(b) Priority shall be given to those proposals demonstrating innovative approaches to environmental education.

(c) For the purposes of this section, the Commissioner shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual report on Federal funds expended.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

ADMINISTRATION

SEC. 6. In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Commissioner shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, conservation organizations, and other organizations and individuals involved in enhancing environmental quality and maintaining ecological balance.

AUTHORIZATION

SEC. 7. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973, for carrying out the purposes of this Act.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. NELSON. Mr. President, the Environmental Education Act which passed the Congress today is a landmark piece of legislation. It is a timely demonstration that the Congress and the executive branch are determined that the current tremendous public concern for preserving our fragile and threatened life support systems will not become the first fad of the 1970's.

I have recently introduced a sense of the Senate resolution which will declare the third week of April Earth Week and the National Governors Conference passed a resolution urging the designation the third week in April as an annual observance of Earth Week. When I first introduced the Environmental Education Act last November, I said that one of the aims of this bill would be to make every day a Teach-In Day by helping assist our nearly 3 million teachers to introduce environmental-ecological concepts into the curriculum.

There is no better assurance that short- and long-range corrective measures will be taken to improve our endangered environment, than by introducing environmental studies into the curriculum from preschool to continuing education.

This act would give the Office of Education a firm mandate to support broad and imaginative programs in environmental education.

The Environmental Education Act marks the beginning of the new and critical effort to provide American citizens with the knowledge and understanding necessary for the well-being of the Nation.

The bill states that the office shall be "under the supervision of the Commission."

The intent is that this office should be located within the immediate Office of the Commissioner. This was the intent of the Senate Subcommittee on Education and the full Committee on Labor and Public Welfare as evidenced in the report on the Senate bill. This bill passed the Senate unanimously 64 to 0 and, therefore, one could only conclude that the intent of the Senate was identical to the intent of the committee report.

In that report, on page 4, it is stated:

The field of environmental education is so new that the committee believes that its development will be, to a great extent, influenced by the persons charged with administrative responsibility for the program authorized by the bill; therefore the program

ought not be dispersed throughout the Office of Education, not administered by bureaus which are also responsible for other programs involving greater amounts of grant money.

The Committee believes that the environment education program should have viability and that its Director should have sufficient stature as to have direct access to the Commissioner. Moreover, the administrative unit charged with responsibility for the program ought to be staffed with a sufficient number of specialists. If the environmental education program is placed in one of the present bureaus, its Director would be at least three degrees removed from the office of the Commissioner and would have to compete with other programs for personnel, at a time when adequate staffing and proper administrative direction are difficult problems for the Office of Education.

It is for these reasons that the committee recommends the establishment of the Office of Environmental Education by law. Further, the committee recommends, in section 3(d), language which permits appropriations to be used for the administration of the program.

The intent of Congress to establish an independent office in the Office of the Commissioner is unequivocably clear.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate turn to the consideration of Calendar No. 1300, S. 2193, and that it be made the pending business.

Several Senators addressed the Chair.

Mr. RUSSELL. Mr. President, may we please have order?

The PRESIDING OFFICER. The Senate will be in order. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes.

Mr. MANSFIELD. Mr. President, if I may, in moving that the pending business be laid aside temporarily, I ask that it remain in that status until the conclusion of the morning business tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. DOMINICK. Mr. President, I would like to make sure what the situation is. Do I understand that the Senator is asking for unanimous consent on this request?

Mr. MANSFIELD. The Senator is correct.

Mr. DOMINICK. I object.

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1300, S. 2193, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be reported.

The assistant legislative clerk read as follows:

A bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of the bill.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, am I correct in assuming that the motion is debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. JAVITS. Mr. President, I would like to be recognized, if I may, for a moment. Will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield the floor.

The PRESIDING OFFICER. The Senate will be in order. Senators and staff members will take their seats.

Mr. JAVITS. Mr. President, I am the ranking minority member of the committee. I have labored long and hard with the Senator from New Jersey (Mr. WILLIAMS), the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCHWEIKER), and many other Senators on this bill.

Mr. President, I have been very deeply interested in the bill. It is an extremely important measure. It covers almost all the workmen of the country. It is a landmark piece of legislation; it contains many fine provisions. Undoubtedly it will become law, whatever may happen to it today.

There has been a very unfortunate connotation placed upon the matter of whether the bill should be brought up at this time so that it could be considered before tomorrow night. It has been alleged that some Senators are trying to stall it off.

I do not think that is fair. There is a difference between the labor and management point of view. Management seems to feel very strongly that the procedure outlined by the administration—and I authored the administration's original bill; so I ought to know about it—to wit, a procedure for a Board to set standards and a Commission to deal with enforcement is the more intelligent way to proceed. On the other hand, the point of view of organized labor is that the Secretary of Labor should perform both functions.

Mr. President, in the dispute which has arisen over certain provisions of this bill there has been a complete failure to recognize the potentiality of the bill and the fact that it is generally an excellent bill and contains some very important safeguards. However, there is a great deal of difference of opinion on certain matters. Although I have my views—and I tried to work them out on the committee—I think there is some substance to the disagreement. But the fundamental point is that the bill is extremely important and extremely desirable for all the workers.

I doubt very much that the bill could be finished in the 24 or 36 hours we have remaining. The Senator from Colorado (Mr. DOMINICK)—whether he does so by a substitute or by amendment—he has some 19 amendments, I understand. Every one of them is substantive and is not a facade or an effort to delay the matter.

However, Mr. President, I hope the Senate will proceed to the consideration of the bill. At the very least, if we cannot finish it by tomorrow night, it will be the pending business when we return.

We can pass the bill, and it should be passed. It is a critically important piece of legislation.

I hope that Senators will not be confused and believe that the amendments represent management-labor differences. In all honesty, most of them do not.

The bill should be passed.

Mr. President, I think it is important and fair to rebut any idea that any Senators have sought to stall the bill and not come to grips with it. The idea that this should be challenged and debated and that it should have the deliberate consideration of the Senate is only fair.

Mr. President, the bill has not been acted on in the other body. It obviously will not be. So, there is no prejudice to the American workingman if it is considered by the Senate after the recess.

Efforts will be made to amend the bill. I will oppose most of them.

I hope very much that the Senate will vote to consider the bill.

The PRESIDING OFFICER (Mr. CASE). The question is on agreeing to the motion of the Senator from Montana.

Mr. DOMINICK. Mr. President, I have listened with great interest to the comments made by the distinguished Senator from New York. We are really being asked to consider an extremely important bill, important to the unions, to the working men, and also to the country as a whole, because it affects every business in the country. We are being asked to do this in the closing days of this session before recess when we have before us not only this bill, but also the military construction authorization conference report, an agricultural bill, and very likely other bills, all of which are of enormous importance to the country.

We have, as far as this bill is concerned, a number of amendments which will be offered by different members of the committee, which will require votes. We have a substitute which I have introduced, but not authored, which takes a different approach to the problem and which I think is a far more equitable approach than the approach of the committee reported bill.

It seems to me, with all these really important factors, consideration of the bill at this time will be a pretty bad mistake.

I know that there are Members on our side and on the other side of the aisle that feel the same way. That was why objection was made to the unanimous-consent request that had been propounded on two other occasions.

I certainly do not want to be in a position where we are being held up to the world as though we are against occupational health and safety. That would be a pretty dumb position to take. I do not think that any of us are that dumb.

We are trying to deal with an enormous problem in our country.

The bill covers every business affecting commerce in the entire United States, ranging anywhere from a big steel company to a shoeshine shop.

I think it would be a mistake on such an important bill, affecting commerce as it does, to try to bring it up no more than 24 hours before we adjourn to go home for the recess, when we know that the House is not going to act on it at all before the recess.

I suppose that the motion having been made the leadership probably is not going to want to withdraw it, but I feel we are not approaching this in a proper way or with the proper opportunity to consider the bill. The report on the bill has been out about 1 week. I wish to ask the Senator from New Jersey if that is correct.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. DOMINICK. We have also been engaged in an enormous amount of other business in the meantime so that the concentration of Senators has not been on this matter up to this point.

I am not going to take a negative position on bringing it up if the leadership insists it should be done. Obviously it is for them to determine what is before the Senate. It is not for me to say, but rather it is for the leadership to say.

I think in presenting these arguments we have many amendments and an entire substitute for the bill. There is no doubt in my mind that if anyone wanted to follow that course, this matter could go over until after the recess, probably without ever coming to a vote. I have indicated from time to time that I am willing to vote on a substitute, but I have been told there will be many clarifying amendments to the original bill and many clarifying amendments to the substitute, and the chances of getting unanimous consent to have a vote on the substitute on an up and down basis is not likely.

Under those circumstances it seems to me we are kind of exercising a lot of lung power without getting anywhere, when we could put this over until after the recess when Senators will have had a chance to read the bill and study it in the interests of the working man and the rest of the country.

Mr. WILLIAMS of New Jersey. Mr. President, it should be pointed out that the Occupational Health and Safety Act has been introduced and has been before the Senate for well over a year. The urgency of considering this vital measure has certainly been highlighted by the President. This legislation is on the list that is considered to contain matters of greatest importance to the administration.

Of course, there are differences among some of us as to one detail—and many details have been worked out in long committee sessions—in that we have not worked out accommodation with the administration. The President indicated in his last message, which was about 5 weeks ago, that this bill, this entire legislative package dealing with occupational health and safety in an area where accidents are mounting and disease is mounting, is vital to the country. As the President said, we are three generations overdue in enacting this measure.

Rather than coming to us in haste, this measure has been before us a long time. The committee has labored long and productively in bringing this bill to the floor of the Senate today, with this motion to take up the matter.

Mr. JAVITS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. WILLIAMS of New Jersey. I yield.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that the minority counsel of the committee, Eugene Mittelman, be admitted to the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I do not wish to delay the Senate but I strongly endorse the observation made by the distinguished Senator from New Jersey in support of the motion of the majority leader to take up the occupational health and safety bill. I know of no other measure which has been more carefully analyzed by the Committee on Labor and Public Welfare and the subcommittee, than this measure. We have understood the serious and profound necessity of having reforms in the field of occupational health and safety.

I remind Senators that it is estimated that 55 workers die every day because of the failure to have adequate occupational health and safety legislation; that 14,000 Americans lose their lives every year because of the failure to have the kind of legislation we should take up today; and that 2.5 million workers suffer serious and permanent disability because of the failure to have this kind of legislation.

We have worked long and hard on this matter. I do not think there is any measure before this body that is anywhere near as important or which rates a higher priority than this legislation. I believe the Senate has a duty after these months of efforts, exhaustive hearings, and long and fully exploratory executive sessions, and after this measure has been pending before the full Senate for several days, to bring up this matter, act on it, and do justice to American workers.

We can act on this measure and we should. To delay would be regarded as failure by this body to deal with one of the most heartbreaking and compelling issues of our times.

I cannot too strongly speak in support of the majority leader's motion.

ORDER OF BUSINESS

Mr. LONG. Mr. President, will the Senator yield to me briefly?

Mr. WILLIAMS of New Jersey. I yield.

COMMITTEE MEETING DURING SENATE SESSION

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance may meet during the session of the Senate this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, will the Senator yield to me briefly?

Mr. WILLIAMS of New Jersey. I yield.

VISIT TO THE SENATE BY A DELEGATION FROM THE PARLIAMENT OF INDIA

Mr. SPARKMAN. Mr. President, I have asked for this time in order that I might have the privilege of presenting to the Senate a very distinguished group of parliamentarians who are visiting us at this time. I refer to five members of the legislative bodies of India, led by the Honorable Gurdial Singh Dhillon, the Speaker of the Lok Sabha, or what we would call the Speaker of the House, and four of his colleagues.

A year ago the Interparliamentary Union met in New Delhi. Many of us had the opportunity to know these gentlemen. Speaker Dhillon presided over the session of that Interparliamentary Union Conference while we were there. These gentlemen are really paying us a return visit. They arrived just last night. They plan to be in this country about 3 weeks and to visit many parts of the United States.

Mr. President, it is a genuine pleasure to have these representatives of that great country here today. I ask unanimous consent that I may have printed in the RECORD a short sketch regarding each of our distinguished visitors.

There being no objection, the sketches were ordered to be printed in the RECORD, as follows:

INDIA: GURDIAL SINGH DHILLON, SPEAKER OF THE LOK SABHA

Sardar Gurdial Singh Dhillon, former lawyer, journalist and army officer, was unanimously elected Speaker of the Lok Sabha (lower house of Parliament) on August 8, 1969. Since 1967 he has been a member of the Lok Sabha and has served as chairman of its Public Undertakings Committee. A member of the Congress Party since 1937, Dhillon resigned from the Party on his election as Speaker in order to act impartially at parliamentary sessions.

Dhillon, the son of an aristocratic Sikh family of the Punjab, was born on August 6, 1915 in the village of Panjwar. In 1935 he received a B.A. degree from Government College in Lahore and in 1937 ad LL.B. degree from the University Law College in Lahore. In about 1936 he was commissioned in the army and also became active in the independence movement. Because of his activities, the British expelled him from the Dehra Dun Military Academy. During 1937–47 he intermittently practiced law in the Armitsar area. It is not known whether he still retains his commission but in 1953 was listed as a colonel in the Indian Army.

Dhillon joined the Congress Party in 1937 and until 1952 was active in local Armitsar politics and in the freedom movement. He was twice imprisoned for anti-British activities, one time during 1946–47 in Lahore for leading an independence protest. He served

as president of the Congress Election Tribunal during 1945–46 and as president of the Armitsar District Congress Committee during 1949–52.

In the years following independence in 1947, Dhillon was involved in journalistic work in the Punjab. He was chief editor of the Urdu daily *Shere-bharat* during 1947–54 and the Punjabi daily, *Vartman,* during 1947–52. He also served as managing editor of the National Sikhs Newspapers Limited, member of the State Press Advisory Committee, and president of the Armitsar Working Journalists Union.

Dhillon began his government career in 1952 with his election to the Punjab Legislative Assembly. He served as Deputy Speaker (1952–54) and Speaker (1954–62) of the Assembly. He was chairman of the Non-Agricultural Land Taxation Committee in 1964 and chief whip and general secretary of the Congress Party in the legislature during 1965–66. Dhillon served in the Punjab Legislative Assembly until his election to the Lok Sabha.

Throughout his career Dhillon has traveled widely. He has visited the United Kingdom, the USSR, France, East Germany, Australia, Japan, the Philippines, Rhodesia, Kenya and Ghana. In 1961 he was an International Visitors Program Grantee in the United States. During September-October 1969 he again visited the United States, attended the Conference of Commonwealth Presiding Officers in Ottawa, and headed the Indian delegation to the Commonwealth Parliamentary Conference in Trinidad. In January 1970 he visited Nepal.

A man of integrity, Dhillon is soft-spoken unassuming and friendly. In 1953 he married the former Shrimati Ranbir Kaur. He is the author of many pamphlets and has written a book, *Dhani Ram Chatrik,* on the life of the Punjabi poet. In October 1969 he served as president of the Interparliamentary Union meeting in New Delhi.

Dhillon has been associated with various clubs and organizations. He is a past president of Rotary International. He is vice president of the Indian Recreation Association and a member of the Punjab University Senate. He is interested in flying and serves as president of the Chandigarh Gliding and Aviation Club.

INDIA: KOTHA RAGHURAMAIAH, MINISTER OF SHIPPING AND TRANSPORT; MINISTER OF PARLIAMENTARY AFFAIRS

On June 26, 1970 lawyer and career civil servant Kotha Raghuramaiah became Minister of Shipping and Transport and Minister of Parliamentary Affairs. Since February 1969 he had served as Minister of State for Shipping and Transport and for Parliamentary Affairs. Raghuramaiah has been a member of the Congress Party since 1951 and a member of the Lok Sabha (lower house of Parliament) since 1952.

Kotha Raghuramaiah was born on August 6, 1912 in Sangamjagarlamudi, Andhra Pradesh (formerly part of Madras State). He is a member of the Kamma caste (a low Hindu caste predominantly found in Andhra). He received his early education at Andhra Christian College in Guntur. He holds M.A. and LL.B. degrees from Lucknow University. Admitted to the Bar from the Middle Temple in 1937, Raghuramaiah practiced law at the Madras High Court during 1937–41.

In the early 1940's Raghuramaiah became active in the labor union movement and was the founder and later vice president of the Madras Corporation Labor Union. In 1954 he was a member of the Railway Corruption Enquiry Committee and president of the Andhra Pradesh Post and Telegraph Workers Union. During 1955 he was a member of the Andhra Life Insurance Salaried Workers Association and the All-India Postal Employees Union in Andhra.

In 1941 Raghuramaiah joined the (Madras) Provincial Judicial Service and during 1941–46 was assistant secretary in the Madras Legal Department. In 1946 he was temporarily assigned to the national government and served as assistant director of employment in the Resettlement Directorate of the Ministry of Labor and as assistant solicitor in the Ministry of Law. During 1947–51 Raghuramaiah was deputy secretary and joint secretary in the Madras Legal Department and legal secretary to the Madras Government.

In 1951 Raghuramaiah resigned from the Provincial Judicial Service and began his national government career with his election to the Lok Sabha in 1952 on the Congress Party ticket. During 1952–57 he served as convenor of the External Affairs Standing Committee in Parliament and as a member (1954) and secretary (1955) of the Executive Committee of the Congress Party in Parliament. During 1955–59 he was a member of the All-India Congress Committee and of its legal advisory committee in 1956.

Concurrently with his parliamentary career, Raghuramaiah held various subcabinet level positions during 1957–69, including: Deputy Minister of Defense (May 1957–April 1962), Minister of State for Defense (April 1962–June 1964) in charge of production (November 1962–June 1964); Minister of State for Labor and Employment (June 1964–January 1966); Minister of Supply and Technical Development in the Ministry of Industry and Supply (June 1964–March 1967); Minister of State for Petroleum and Chemicals and for Social Welfare (March 1967–February 1969); and Minister of State for Planning (March–September 1967). During August–November 1968 Raghuramaiah served as Acting Minister of Petroleum and Chemicals after the resignation of Asoka Mehta.

During the 1950's Raghuramaiah traveled to the Far East, Europe and the Middle East. In 1954 he headed a trade delegation to Thailand, Hong Kong, Malaysia, Japan and Communist China for negotiating tobacco contracts. He attended the UN General Assembly in 1956 and 1957 and represented India on the Trusteeship Committee and the Committee on Information from Non-Self-Governing Territories in 1956. Raghuramaiah accompanied the late Prime Minister Jawaharlal Nehru on a state visit to Saudi Arabia in 1956 and attended meetings of the Inter-Parliamentary Union in Yugoslavia (1956) and France (1957). Raghuramaiah was a member of the Law of the Sea Conference in Geneva in 1960 and during July–August 1965 toured Czechoslovakia, the United Kingdom and West Germany.

Raghuramaiah is influential with the tobacco growers and merchants in Andhra Pradesh. He was a member (1953–57) and vice president (1955–56) of the Indian Central Tobacco Committee.

Raghuramaiah's wife, Laxmi, is an author and is very active in social welfare work. She has written three novels and numerous articles for Telugu journals and has founded seven institutions concerned with children's and women's welfare. She has a B.A. degree in philosophy from Madras University. She is general secretary of the All-India Women's Conference. Mrs. Raghuramaiah speaks English and Telugu and reads and writes Tamil, Kannada, Hindi and French. The Raghuramaiahs have been married since 1937 and have one daughter.

Raghuramaiah speaks English well.

INDIA: BHAURAO DEWAJI KHOBRAGADE, DEPUTY CHAIRMAN, RAJYA SABHA

Bhaurao D. Khobragade was elected Deputy Chairman of the Rajya Sabha (upper house of Parliament) on December 17, 1969. A seasoned parliamentarian with a firm grasp of procedures, Khobragade was first elected to the Rajya Sabha in 1958 and re-elected in 1966. The first Harijan (Untouchable) to be elected to this office, Khobragade is a non-controversial, liberal politician with a long record of service to the people. He was a founding member of the Republican Party which has since split into a number of factions.

A Buddhist, B. D. Khobragade was born on September 25, 1925 in Chanda in Maharashtra State. He attended Morris College, graduating in 1945, and then traveled to the United Kingdom where he was called to the Bar from Lincoln's Inn.

Khobragade first became interested in politics in 1943 when he joined the Scheduled Castes Federation. Since that time he has been a leading figure in the anti-untouchability movement and the Scheduled Caste Federation. He became secretary general of the All-India Scheduled Caste Federation in 1955 and was its president from 1956 to 1957.

Khobragade is interested in reading, collecting books, music, the cinema and drama. He has visited the United Kingdom, Ireland, France, Switzerland and Italy. He speaks Marathi, Hindi and excellent English.

INDIA: DHARANIDHAR BASUMATARI, MEMBER, LOK SABHA

Dharanidhar Basumatari has been a member of the Lok Sabha (lower house of Parliament) since 1957. Basumatari, a member of the ruling Congress Party, is especially interested in uplifting tribal and rural communities, social welfare, education and development activities. He serves as chairman of the parliamentary committee on welfare of the scheduled castes and tribes.

Dharanidhar Basumatari was born in the village of Dalaigaon in the Goalpara District of Assam in 1914. He was educated at Cotton College and Gauhati and Rongpur College. Basumatari was arrested for his participation in the 1942 anti-British movement. He has held numerous positions in Assam including: member, Gauhati Local Board; member, Legislative Assembly (1945–57), also whip of Congress Party; member, Constituent Assembly (1946–50); member, Advisory Committee for Community Development Project (1952–57); secretary, Congress Party in the Legislative Assembly (1953–55); member, Working Committee, Assam Pradesh Congress Committee. He also worked for the establishment of Panchayat Schools, dispensaries and cooperative societies in the tribal communities.

In 1959 Basumatari was elected one of the whips of the Congress Party in Parliament and served until 1961. His other national career includes: member, Executive Committee, Congress Party in Parliament (1960–61 and 1965); member, Advisory Council for Tribal Welfare (1957–62); member, Central Scholarship Board for the Castes and Scheduled Tribes (1957); member, Nomadic Tribal Enquiry Committee (1959); member, Scheduled Areas and Scheduled Tribes Commission 1960.

Basumatari traveled to West Germany as a member of a seven-man parliamentary delegation in May 1964. He has also traveled to Bahrain, Egypt, Burma, Pakistan, Ghana, Nigeria and the Sudan.

Basumatari's hobbies are riding, reading and sight-seeing. He enjoys playing badminton and tennis and likes indoor games.

INDIA: ERA SEZHIYAN, MEMBER, RAJYA SABHA

An intelligent and able politician, Era Sezhiyan, 47, has been a member of the Lok Sabha (lower house of Parliament) since 1962. He is a member of the Dravida Munnetra Kazhagam (DMK), a regional political party of Tamil Nadu (formerly Madras) State. Sezhiyan is one of the key men in formulating the DMK's policy in Parliament, and has considerable influence in Tamil Nadu state politics.

Era Sezhiyan was born in Thanjavur District, Tamil Nadu. He was an outstanding student at Annamalai University. He is an editor of Namnadu, the official daily of the DMK. In 1943, Sezhiyan was a founding member of the Dravidian Students' Federation. He also is president of the South Zone Insurance Employees' Federation.

Sezhiyan is typically Madrasi in the intonation of his speech. He champions any cause that will advance the interests of the southern states in general and Tamil Nadu in particular. He enjoys movies, soccer, basketball, traveling and reading Tamil classics. Sezhiyan is a writer of some note and has written several books of short stories, one-act plays and dramas and articles on political and economic subjects. He married his wife, Prema, in 1959. He is a vegetarian and a teetotaller. His brother, V. R. Nedunchezhian, is the DMK ideologue and Tamil Nadu Minister of Education and Health. Sezhiyan has visited Malaysia, Singapore, Thailand, Cambodia, Honk Kong and Japan.

INDIA: RAJENDRA PRATAP SINHA, MEMBER OF THE RAJYA SABHA

Rajendra Pratap Sinha has been a member of the Rajya Sabha (upper house of Parliament) since 1952. Originally an Independent, Sinha joined the Praja Socialist Party (PSP) in 1953 and the Congress Party in 1964. He was parliamentary secretary of the Congress Party from 1968 to 1969.

R. P. Sinha was born on August 15, 1915 in Arrah. After attending Allahabad University he became involved in business and agriculture. Before he entered politics Sinha spent most of his time in rural uplift, village reconstruction and adult education.

Sinha has held numerous posts since he joined the Rajya Sabha. He was joint secretary of the PSP (1956–58), treasurer of the PSP, and a member of the Executive Committee of the Congress Party (1965–67). He also has been a member of the Direct Taxes Administration Enquiry Committee, the Coffee Board and Marketing Committee, the Central Silk Board and the Committee on Public Undertakings of Parliament.

Interested in politics and economics, R. P. Sinha spends much of his spare time in social work. He enjoys music and movies. Sinha married his wife, Sharda, in 1946 and has two sons and two daughters. A member of the 1966 UN General Assembly delegation, and an International Visitor to the United States in 1967, Sinha also has visited Scotland, Hungary and East Germany. He was secretary general of the Indo-United Arab Friendship Association in 1958.

INDIA: BHABENDRA NATH BANERJEE, SECRETARY RAJYA SABHA

A career civil servant, Bhabendra Nath Banerjee has been secretary to the Rajya Sabha (upper house of Parliament) since 1963. He was deputy secretary and joint secretary of the Rajya Sabha Secretariat from 1956 to 1963.

B. N. Banerjee was born on January 8, 1916. He attended University Law College, Calcutta, and the London School of Economics. He was called to the Bar from the Inner Temple. Banerjee visited the USSR and Hungary in 1968 as a member of a parliamentary delegation.

Banerjee began his career when he joined the Bengal Judicial Service in 1942. He also was assistant solicitor in the Ministry of Law (1950–52), legal adviser to the Indian High Commissioner in London (1952–55) and deputy secretary in the Law Ministry (1956).

Mr. YARBOROUGH. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. YARBOROUGH. Mr. President, I think it is worthy of note that the chairman of this distinguished delegation is the Speaker of the Lok Sabha, which is their House. He will be joined tonight by the Honorable B. D. Khobragade, Deputy Chairman of the Rajya Sabha, who would be the President pro tempore of their Senate.

This is a distinguished group. I was in New Delhi last fall with the delegation headed by the distinguished Senator from Alabama. At that time we enjoyed the hospitality of the Indian Government, a government which we think played the part of a great host in handling the interparliamentary delegation.

I also think it is worth mentioning that the leader of the delegation, the Honorable Gurdial Singh Dhillon, who, as I said, was the Speaker of their House, was a friend of the former Speaker of our House of Representatives, Sam Rayburn.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Senators may greet our visitors.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 2 o'clock and 30 minutes p.m., the Senate took a recess until 2:33 p.m. During the recess, members of the delegation from the Parliament of India were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from New Jersey (Mr. CASE).

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader.

Is there further discussion?

Mr. SAXBE. Mr. President, I am not in support of the motion to take this measure up at this time. I am in sympathy with the purposes of the bill, and I know that the administration is interested in getting a health and safety bill.

I personally, at the beginning, questioned whether we were not taking the States a little bit fast in moving into this area. But I have been convinced that it is necessary that we move into this area and give the States a relief valve so that they can move back into it if they will set up a comprehensive health and safety program.

I do not suppose there is a Member of this body who has visited more industrial plants than I have, and I am quite aware that there is a serious health and safety problem. I am also quite aware that the breathing of dust, not only from coal but from asbestos, and breathing noxious fumes in many of our plants lead to a far greater number of incapacitated workers than we have ever reported or have believed in the past.

In this bill there is, for the first time, an effort to study the various and differing workmen's compensation laws of the several States, to see if they provide adequate benefits, because at the present time many States have very good benefits, and others have deplorable benefits, where an accident at work literally puts the family on relief or at least makes it a public charge at some time in the future.

Well, then, why question bringing it up at this time? I think the best answer is the last vote. We had 70 Members of the Senate here. I do not suppose there is one measure that has come before the Senate that has a greater effect upon the entire assembly of States than this bill. It is a very significant bill and a very far-reaching bill. It extends the Federal Government, through the Department of Labor, into every factory, every plant, every place of employment in the United States.

With 70 Senators here, I think we are avoiding the discussion that should evolve on the bill.

I am quick to point out areas where I question this bill. For one thing, at the present time the bill requires that the Secretary of Labor—with the advisory groups, that is true, but the Secretary of Labor has the prime responsibility—to set safety standards. These standards, once set, will be enforced by whom? The Secretary of Labor. If a violation is found in a plant and a complaint is made, to whom do they go? The Secretary of Labor. And if the plant needs to be closed, there is a provision for a court procedure, but there is also a relief valve providing that the Secretary of Labor can close the plant if it is an emergency.

A number of us feel a disinterested group should be set up to establish the standards that will operate under this bill; that the Secretary of Labor then take those standards and be the enforcing officer; that he hire the many inspectors involved—and I do not believe the difficulty of acquiring those inspectors, in the number needed, has been discussed—and that then there be a panel to hear alleged violations. Following that, if there is an emergency, the inspector, together with the regional supervisor or the Department of Labor, through the Secretary, immediately go into Federal court and seek injunctive relief.

We are prepared to offer amendments. I am quite familiar with the Steiger bill, which is the so-called compromise version of the Daniels' bill before it came out of committee. Something happened so that it did not come out. I know there is a suggestion that it be offered as a substitute bill.

I, for one, would rather see the individual amendments come up. Although I would vote, as a last resort, for a substitute bill, the so-called Steiger bill, which is available and will be submitted, I would prefer to go through this bill with the corrective amendments which I believe would make it a better bill, not only for the employees of this country, who are the real movers in this effort, but also, through these measures, to give the employer, the man who provides the working place, an opportunity to have his day in court. No one has talked about that.

Any bill of this nature must be a balanced bill. We cannot just have a bill set

up for the employee and not worry about the employer, because someone has to provide the job.

The biggest complaint that I have about this bill on its face is that it would make it appear that the employer is not interested in safety, that the employer is an exploiter who is squeezing the last dime out of this employee and this plant, and is not concerned about safety.

We all know that is not true. We know that the employer who has a poor safety record has more troubles than the one with a good safety record, and the bigger the employer, the more emphasis is put on safety. In fact, if there is any safety for employees today, it is with the larger corporation, where safety is given the prime attention.

For example, I know of one steel plant in my State where a safety meeting is held every morning at 8 o'clock by a committee of the union, the safety inspectors, and the management; and it is not just a man appointed for the job, it is rather the plant managers who attend this meeting. If a man has so much as a mashed thumb or a rash that could have arisen from some chemical with which he came in contact, or if there is any apparent source of injury, it is brought up, discussed, and dealt with immediately. Any small injury is taken up and covered in these safety meetings.

So I know that safety is given prime attention. But I am also aware that there are so-called alley shops, there are marginal shops—and I have been in them—where heavy, dangerous, and unguarded equipment is used. I know there are elevators and there are various cement plants and building materials plants where employees breathe air that is polluted by the dust or fumes of the operation, and I know such situations do need attention.

But I also submit that when safety is used as a tool to move in on an employer, or is set up in such a way that it could be used for harassment, then it should be identified for just what it is. I think there is a danger that this present bill could be utilized in that manner. I think it can easily be amended so that those dangers could be removed.

We have seen great industrial nations which have lost their ability to compete. By that I do not mean to indicate, in connection with this bill, that we have to have a dangerous operation or an unsafe operation to compete. But I do know that in the competitive world of business today, we should not attach to safety unnecessary or harassing measures that would, in effect, limit production in areas that are not necessarily going to increase safety.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield to me for a unanimous-consent request, without losing his right to the floor?

Mr SAXBE. I yield.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Mr. Robert Harris, who is the staff director of the Committee on Labor and Public Welfare and has worked extensively on this bill, be permitted to be present in the Chamber while the measure is under debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. I have talked with a Member of the Senate who was in business in England, for example. About 12 years ago, they adopted a number of safety bills that were very idealistic in their concept, but so restraining to the place of work and so restraining on the assignment of employees that they served not to make the plant safer and to increase production, but rather to make the business less competitive, and, as a result, it lost business to German manufacturers producing the same item.

This is something that we must be objective about. We want ideal and safe working conditions. At the same time, we must have one eye on this and the other eye on permitting the manufacturer to be competitive, not at the expense of the workmen, but rather in a cooperative effort.

In my State of Ohio, the most successful safety plans and the most successful plans for spreading safety-minded people throughout the plant have been where it has been done by cooperation. I hope that we will not destroy this attitude of cooperation. I think that by moving so vigorously into this area with this bill, we are going to surprise a lot of people.

If we act here on a Tuesday afternoon, when everyone knows that we are going to adjourn on Wednesday, and I daresay by tomorrow morning at 8 o'clock we will not have a quorum, I do not believe that people are going to be sufficiently aware of the intent of this attempt to pass this bill, to properly contact and talk to their Senators, and as a result, the matter is not going to get the full consideration that it should receive.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. DOMINICK. I have been listening to the Senator's discussion, and I think he has done an excellent job. I have also listened to the discussion of the Senator from Minnesota, which is why I asked if the Senator would yield while he is still present in the Chamber.

I do not think anyone ought to be under the impression, nor should the record imply, from the Senator's remarks or mine, or those of the Senator from New York (Mr. JAVITS), the conclusion that we are against an occupational health and safety bill.

This is the impression I more or less understood that the Senator from Minnesota would try to give when he made his comments, because he talked about the urgent need for this legislation, but he knows as well as I do that the House of Representatives is not going to take it up now, so nothing will happen until the end of November.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. The Senator from Ohio has the floor.

Mr. SAXBE. I yield to the Senator from Minnesota.

Mr. MONDALE. I do not underestimate the controversial nature of this proposal. It is a fundamental, basic attempt to deal with one of the Nation's greatest problems, occupational hazards, which annually cause some 14,000 deaths and some 2.5 million permanently injured Americans. All I am saying is that I think we ought to just take it up, go to work on it, and give it the debate and the consideration that it deserves, and we ought to be mindful—I am not saying any Senator is not, but we ought to be mindful of the fact that each day's delay will cost lives. I do not say anything more than that I wish this legislation had been adopted 30 years ago.

I am not saying any more than that, and I do not see why we cannot lay it before the Senate and take it up. I see it as a very important proposal. I do not recall any proposal this year in Congress, at least before the Senate Labor Committee, which was more thoroughly considered than was this one. It has been before the Senate now a week, which is not an inconsiderable period, as most legislation goes. We have had plenty of time to consider the record and the amendments. Most of the amendments that are going to be considered were thoroughly considered before the committee, and I feel very strongly that now is the time for the Senate to stand up and act on this matter, and that is all I intended to say.

Mr. SAXBE. I can only say this: I recognize that perhaps we should go ahead. But what I am saying is that if we do this, we are not going to get out of here tomorrow night. We have frittered away 4 months this summer on two bills, and here is one that has an impact on everybody in this country who employs anybody, and it is suggested that we bring it up on the last day, in the afternoon, and that we have to do it before we go home on Wednesday. The wheels came off some place, because this is not the concept.

I should like to read an editorial published in the Washington Post of October 3:

> You would not expect even the most callous doctors to fritter away time arguing over the best way to save a dying patient while the blood drains from his veins. Yet politicians and labor lobbies are doing just that in the case of the crucial job safety bill. Each year, by low estimate, 14,500 Americans are killed by work-related accidents; 2.2 million are disabled. No politician or labor leader would ever say that he favors death and injuries among the nation's 80 million workers. Yet the stalling and pettiness of a few of them say exactly that. Far from the scenes of gore that are loudly decried, it appears that the parties in the dispute are so deadlocked that the legislation may not pass at all.
>
> The position of the AFL–CIO, which does not even have an industrial safety department, is mulishly firm: unless the Secretary of Labor has final power to set and enforce safety standards, then no law should be passed. The House and Senate bills—proposed by Rep. Daniels and Sen. Harrison Williams—are largely agreeable to the AFL–CIO. But compromise legislation was devised to gain Republican support. It would empower an independent board to set and enforce standards, rather than the Labor Department. For the workers, the compromise meant a hope that the killing and maiming would be decreased. What does it matter if the standards are set and enforced by the Labor

Department or by a President-appointed board?

The AFL–CIO, always touchy when its power seems remotely threatened, knows it could more easily pressure the Labor Department than the board. To its credit, the Nixon administration has been flexible and fair in accepting compromises. The high hopes of Democrats and Republicans in getting out a bill, however, are now blocked by the AFL–CIO, the one group that should be most concerned about worker safety.

It is another story for another time as to why the AFL–CIO can tie up the United States Congress in this manner. Perhaps it is asking too much, but nothing would help more than for the involved Democrats to politely tell the AFL–CIO to stick to running the unions, not the Congress.

When we dig through the many reasons why this matter is hung up here, on who is going to be the rule-setting board and whether people are going to be covered by a National Occupational Health and Safety Board, I think this is the basic reason, and I deplore it.

How much has politics to do with this? Some Senators on both sides of the aisle are candidates and want to vote for it or against it. That is the only reason why we are here late in the afternoon, without proper time to consider this matter; and I do not think it is unreasonable to disclose that, as to why we are. Some want to vote; some would rather not. They think it is going to help their chances to vote.

I am not a candidate, but I do say that to take this matter up with less than 70 Senators in the Senate—because two have left, that I know of, since the last vote—this monumental job of moving into the industrial safety field, is not advisable, and I just will not go along with it.

If we want to start on the 20 amendments I am prepared to offer, I suppose we can get on with it. But I certainly am not going to join any unanimous-consent request for a shortcut on this bill.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Boe Martin, counsel for the Committee on Labor and Public Welfare, may have the privilege of the floor during the discussion of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, this is no rush-through job. This is no eleventh hour speedup. The Occupational Health and Safety bill has been before Congress for at least 4 years. In the 90th Congress, I introduced the bill as chairman of the labor subcommittee. I introduced the health and safety bill that had the strong support of the Secretary of Labor, Willard Wirtz. We held hearings, but we had slowdowns. We have heard of labor slowdowns. Labor does not know how to slow down things compared with the slowdown performed on the health and safety bill to protect labor from the crushing rate of 7 million people injured in industry every year.

As the distinguished Senator from Minnesota has pointed out, 2,200,000 people are disabled for long periods of time. Seven million are injured and some 14,500 die.

We hear of strikes, and we have rushed through, in my years on the labor committee, bill after bill because it was said a strike was going to wreck the economy of this country. Ten times more mandays of work are lost in this country every year by industrial accidents and deaths than by all strikes, lockouts, and wildcat strikes combined.

We have no national safety standards in industry. This is a shocking thing. The greatest industrial Nation on earth is so callous that it has no safety standards in its industry. We have limited ones. We have a mine safety bill, we have a longshoremen's safety bill, and we have certain safety bills for products manufactured for use by the Federal Government; but generally in industry, where most of the accident occur—and they are heaviest in the building trades—there is no Federal safety legislation.

We passed a limited act this year for construction workers applicable to Federal or a federally related project. But that was miniscule. This bill is designed to be fair to all employers, to set an overall standard. Some employers want to put safety devices in their plants. But some who can get a few more production hours by not having a safety device on a machine are not doing it. Some have done it.

The National Safety Council has supported legislation such as this for years, and they have talked some employers—a few large companies in this country—into putting safety devices in their plants. Those few companies have saved enough money because of the decrease in injuries to keep their best trained workmen working and have saved enough on workmen's compensation premiums to pay for the safety devices.

Unfortunately, a vast number of employers in this country of 50 States, stretching so wide to the east and the west that the sun never sets on the United States, cannot come to that voluntarily. So it becomes necessary for the Government to set a uniform standard applicable alike to every employer in every State, making it fair and even. Of course, it will cost a little more per item to produce a washing machine. Those of us who use washing machines will pay for the increased cost, but it is worth it, to stop the terrible death and injury rate in this country.

While I was the principal author of this legislation in the 90th Congress as chairman of the labor subcommittee, when I became chairman of the full committee this year, the Senator from New Jersey (Mr. WILLIAMS) as my successor as chairman of the labor subcommittee has taken over and so ably handled the matter. He is the principal author and I am one of the six cosponsors with him. The full labor committee carefully considered this bill. There was executive session after executive session of the full Committee on Labor and Public Welfare.

Mr. President, there are many amendments to the bill offered and agreed to by Members of both parties. It is not a one-man bill or a six-man bill. It was entirely lined out there on the first 13 pages, and then the substitute was adopted, so that it runs twice as long as the first original copy because of the new amendments.

The Senator from New York (Mr. JAVITS) offered many amendments and I think many of them were good amendments. Many other amendments were adopted to clarify procedural points and to provide for notice of hearings, and so forth, so that we could be as fair as possible to all employers.

Mr. MONDALE. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MONDALE. The point was made earlier about how this was a one-minded, arbitrary, labor-dominated, bludgeoning bill; but I note in the Senate report, the views on pages 57, 58, and 59, there is pointed out in great detail many of the wonderful changes which have been wrought by amendments which were offered by the Senator from New York (Mr. JAVITS), which make this a fine bill, as well as by the Senator from Colorado (Mr. DOMINICK), and the Senator from Ohio (Mr. SAXBE). Amendment after amendment that was proposed by them was accepted by the committee in order to make this a better bill.

I have never attended an executive session of a committee where I recall more amendments were adopted than to this bill.

Mr. YARBOROUGH. Mr. President, whoever wrote that statement in the Washington Post referred to by the Senator from Ohio (Mr. SAXBE) just did not know what went on. It was an entirely inaccurate report. I am shocked to find such a great inaccuracy in a statement published in one of the great newspapers of this country.

This is certainly not a one-man bill. While I am proud to be a coauthor of it, many more Senators have contributed to it with more amendments and more language, Senators whose names are not on the bill. As the Senator from Minnesota has just pointed out, they have placed in the report their contributions and have bragged about it and I think they were good amendments and this is a better bill as a result of them. This is not a one-man or a one-party bill. The bill came out of committee, as I recall it, with only two dissenting votes. I may be in error on that and I shall check the record and if I am, I shall be glad to correct it. But it was an overwhelming vote. I shall not state who they were. But out of the 17 members of the committee, 15 voted for the bill. Thus, it was a bill that was brought out of committee with a majority of both parties and they are entitled to great credit for it.

The bill has waited for too many years. We have now come up with an end result which is good, after a great deal of work on it. But now that we get it off the ground, so to speak, because it is a big bill, it gets slowed down. But, there are 80 million American workers out there, many of whom are being killed and injured without the protection which this bill would give them.

Of course, many States have safety laws, and they are good ones, but the only way to be fair, as interstate as our commerce is in America, is that there must be equal protection of the law and

equal rights. We must have the same standards for all.

As has been pointed out, on page 57 of the report, the contributions are outlined there, especially by the Senator from New York (Mr. JAVITS) and others—more Members contributed amendments and modifications. All through here it is clear that this was an effort to write many good contributions into the bill by the 17 members of the committee.

This committee was a working committee. I am very proud that I have had the privilege of serving as chairman of the subcommittee, because it is a working committee. It is not a committee where two or three members write the legislation and then, after obtaining a quorum, vote it out. This was a working committee. All its members are workers. I am proud that the newer members also put in time and effort on it.

Mr. President, I shall not read the Washington Post editorial, for I do not wish to take up the further time of the Senate, but on page 18 of the Washington Post for Monday, October 12, 1970, the letter to the editor entitled "AFL–CIO Replies to 'Stalling on Job Safety'" so completely refutes the erroneous statements made not just by the Senator from Ohio as he merely read what the Washington Post said, but it refutes the errors that the Washington Post made.

The Washington Post was fair enough to print the letter to the editor in a three-column spread. It did not try to hide its error. At this point, since the Senate is only debating the motion to take up, I shall not not take up the time of the Senate further, but ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AFL–CIO REPLIES TO "STALLING ON JOB SAFETY"

(By Jacob Clayman)

WASHINGTON.—Your editorial of Oct 3, "Stalling on Job Safety," does little credit to your fine newspaper. You mercilessly castigate the AFL–CIO for refusing to accept the administration's occupational safety and health proposals and darkly suggest that this is being done because unions feel their "power . . . threatened."

This is sheer dogmatic nonsense to which I would not normally respond except that you do incalculable, though I am sure unwittingly, harm to millions of workers in America's shops and factories who are victims of death, injury and disease on the job. Those industrial interests which have always fought against any modernization of state or federal legislation to protect life, limb and health of American workers will undoubtedly hail your editorial with unrestrained glee. They are not used to receiving such a bonanza from your paper.

What we have tried for years is to get the best possible bill to preserve life and health on the job. The administration has aimed for a *de minimus* bill, for the least common denominator with which they might get by politically, but with life and health of millions of workers at stake this is not enough.

Since some of your articles have cited Ralph Nader, I would like to quote to you what Mr. Nader had to say about the administration bill when he testified before the Senate Subcommittee on Labor on Dec. 15, 1969:

"I think it would be extremely facile to take the administration bill S. 2788, and break it down provision by provision and show what an utter fraud it is . . ."

Mr. Nader further said to that subcommittee:

"I would not want any bill like S. 2788 to pass. It would be worse than no legislation at all."

The so-called "compromise" legislation which you so heartily approve is a slight improvement over the administration bill but still no more than a warmed over version of the administration's proposals in S. 2788.

The employers and the administration are united in demanding that occupational safety and health codes shall be promulgated by an independent board and enforced by an independent panel. We have rejected this approach because all the experience in recent years with independent boards and commissions tells us that such boards are lacking in clear, quick and positive action; diffuse and confuse responsibility among multiplicity of board members, each hiding behind the anonymity of the others and smother sound administration in a mess of red tape and legalisms.

The Williams-Daniels bills call for placing clear-cut responsibility in the Secretary of Labor, relying on professional advice, to set safety and health standards and to effectively enforce the law. Here we have responsibility placed in the hands of a cabinet member specifically charged with the responsibility of handling labor-management problems.

This is not a mere difference in words or theory, but the real difference between effective, meaningful and practical fulfillment of the spirit of any sound occupational safety and health bill. To place the administration in an independent board and panel is to condemn the act, in its inception, to foot-dragging, evasion and indecision. This would be fatal.

Let me cite just one of the *many* serious differences between the Williams bill and the so-called "compromise" bill . . . the Williams bill proposes that a representative of the employees and the employer shall be permitted to accompany the government's safety inspector through the plant. This was written into the bill to eradicate the dismal but widespread practice in many states in which inspectors have not even consulted the affected workers pertaining to the hazards in the jobs. This is an unhappy fact which is common knowledge among all industrial safety and health experts. Not withstanding, the "compromise" bill *does not* provide this obvious safeguard. This single item, typical of many serious differences between the bills, should give you some of the flavor and essential direction of the "compromise" bill.

You charge that the AFL–CIO is "mulishly firm" in its position. Are you not aware that the Secretary of Labor has publicly taken the position that he would rather have no bill than the Williams-Daniels measure? Do you define this as sweet reasonableness or "mulishly firm?"

Finally, I do hope that you will reconsider your editorial stance on this issue. Maybe on careful afterthought you will discover that the AFL–CIO is making an honest and earnest effort to provide a meaningful federal presence in an area of grave humane concern; that we are fighting for the better not the lesser bill; that we are right in not being content with a pretty facade without substance, a sham, a hollow shell—for that is what the "compromise" bill adds up to.

I am sorry that this is a long letter but it hardly begins to sum up the gravity of the problem, and the need for truly sound legislation rather than phony political gestures.

Mr. YARBOROUGH. Mr. President, I congratulate the able Senator from New Jersey on a job well done, on a job fairly done and on a job where he patiently sat day after day getting the ideas of every Senator on both sides of the aisle in his effort in the subcommittee and in the full committee and not to steamroller the bill. That is why it is so late in this session coming up before the Senate, because the chairman was so fair about it.

Mr. President, I ask that the bill be laid before the Senate and given its full and proper consideration.

Mr. WILLIAMS of New Jersey. Mr. President, on that last point, the bill, as I indicated, has been before us for a long, long time.

On May 16, 1969, I introduced a bill, S. 2193, for myself, Senators YARBOROUGH, MONDALE, and KENNEDY. Then, on August 6 of last year, a bill designated as the administration bill was introduced by the Senator from New York (Mr. JAVITS).

Following the introductions and the referrals of those measures, we began hearings back in September of 1969. The first day of the hearings was on Tuesday, September 30, 1969. Periodically since then, hearings were held whenever it was indicated by individuals, or associations, that they wanted to be heard. The final hearing was held in May of this year.

Following that, we have had long, long sessions in the subcommittee and the full committee. There were periods of long deliberation. I have not logged the number of hours I sat as chairman of the subcommittee waiting for quorums so that we could do business, but it was many long hours in both the subcommittee and the full committee. The patience of the chairman of the full committee was needed, too. This is not stated as a matter of complaint but as a matter of fact, that this has been a long and deliberative process.

This is major legislation, as has been so clearly stated here already this afternoon. The question now is to take up the measure that is so high on the list of the priorities of this administration—yes, in the closing hours of adjournment here. The point was made that there were only 70 Members present for the last rollcall vote. The pundits who watch the Senate scene suggest, after adjournment and the elections, and we come back, that perhaps there will be even less than 70 Senators on hand in what they call a lameduck session.

This bill is a major matter. It calls for a major effort on the part of the Senate in its closing hours before adjournment.

Mr. DOMINICK. Mr. President, I do not intend to take very long but I do want to make one or two points.

I have listened to what my distinguished chairman has said with great interest, that there is a great need for an occupational health and safety bill and no one is denying that. As a matter of fact, the substitute that I offer will call for national safety standards. This is the point we are trying to make. The question is that it is tough enough to promulgate those standards and it is going to be hard to enforce them. How will we make sure it is not used as a harassing tactic by someone who may be disgruntled in a plant? My bill will obviate most of those problems. The committee bill will not.

I do not think that we ought to be carried away with rhetoric on the grounds that those who are against considering this measure at the present time are against health or motherhood or any of the other connotations that might be made from some of the comments that have been made.

A great number of Senators have referred to the urgent need for speed on this matter. We have to take it up in the last day of the session, in the last 24 hours, before we recess. The committee bill itself says that there will not even be any health and safety standards put into effect until 2 years after the bill has passed. Nor can we get the bill passed until November because the House is not going to work on it until November.

Why in the world are we spinning our wheels, if I might say so, here, when we have a lot of other matters to take up? This measure cannot become effective until November. It will be 2 years after that until we get any standards at all.

It seems to me that what we have been talking about may make some good emotional appeal. I am sure that it does. However, let us be realistic. I am as concerned about the health and safety of the people working all around the country as is anyone else. But when we propose to inject the Federal Government into every business in the United States, we had better do it with care. Otherwise, we might find the whole bill rejected out of sheer resentment when the bill gets implemented.

We were happy that we were able, as pointed out by the Senator from New Jersey, to include a few revisions and amendments in the bill. I am glad that the Senator from New York and his very able staff put those together and outlined them so that Senators could see what we were concerned about.

The bill when originally presented and considered in the committee would have covered every employee of the State and local governments in the entire country and would have required that the States, before they could administer any kind of State plan, must make sure that all employees of all local agencies abided by the standards that had been established.

The difficulty with that is that in many cases the States do not have jurisdiction of some of those local employees. We were able, I am happy to say, to get them exempted from the bill in cases where States do not have jurisdiction. They do not have to require this because they do not have the power.

It seems to me that those are pretty good proposals. There were a lot of others that those on the majority side were happy to accept, and they did accept. That was not by rollcall vote. It was only when the majority side was willing to accept them that the committee accepted them.

I am not naive enough to say that we can win in committee when the majority side is against us.

Let me repeat that here we are 24 hours, hopefully, before adjournment, and we have debated this now on the motion to proceed to consider the bill, I believe, for about an hour.

We debated the Church-Cooper amendment for 42 days. We debated the military procurement bill, as far as I can recall, for 29 days. We debated the direct vote ad infinitum, it seems to me. Three cloture motions were filed. Two votes were taken and we could not get cloture.

We have now been debating the equal rights for women amendment. We have adopted two amendments. We have been engaged in this for weeks.

Why, in a bill that is of this crucial importance, can we not have a little time to try to get everyone up to date on the provisions of a very intricate bill?

It is for that reason that I thought I ought to have this time in which to explain my feelings on the lack of wisdom on the part of the Senate in bringing up this bill at this time.

I am not dumb enough to say that I am going to vote against the whole thing. We will go ahead and debate it if that is the majority wish and the bill is brought up. But it seems to me to be an exercise in futility at this moment.

Mr. GRIFFIN. Mr. President, I want to indicate that when the pending motion of the majority leader to call up the occupational safety bill is presented, I shall support the majority leader. However, I must say that I share the views of the Senator from Colorado (Mr. DOMINICK) and the Senator from Ohio (Mr. SAXBE) that it is most unfortunate and untimely to place this complex and controversial 91-page bill before the Senate in the closing hours just before the recess when many Senators, some of whom are keenly interested in the measure, will be absent.

Of course, it is the prerogative of the majority leadership to determine the order of business of the Senate. Without doubt, if the majority leader presses his motion, he would have the votes. The leadership on this side will not oppose the majority leadership on this procedural matter if it is pressed.

I share the expressed doubt that the Senate could finish the debate and vote on this complex bill before we recess tomorrow.

That being the case, Mr. President, it is likely that we will have to start all over again on this measure when we do come back following the recess. In the meantime, if we proceed now to consider the occupational safety bill I assume that we will then be unable to act between now and tomorrow night on other matters, routine and otherwise, that could well have the attention and action of the Senate.

Mr. President, with those remarks, I state again that I shall support the motion of the majority leader if it is put to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. COOPER. Mr. President, I recognize, as does every Senator, that the pending bill is one of the most important bills that will be before the Senate at this time or in the session when we reconvene in November.

It is a far-reaching bill. It affects the safety, as has been said, of every worker in this country, other than those now covered by the coal mine safety bill and, I believe, one other group of employees.

We know that the Labor and Public Welfare Committee has given this matter very thorough consideration. What committee members have said today indicates their thorough knowledge of the bill.

But, all of us must vote on the measure whether or not we serve on the committee. We, too, would like to know the provisions of the bill and their adequacy in providing safety for those who labor and their effect upon management.

I have been concerned about the hasty disposition of important measures by the Senate in the last 2 or 3 weeks.

First, we considered a constitutional amendment, the so-called direct election amendment, which would change the basic structure of our Government as far as the Federal principle is concerned. The debate went on at a time when 35 Members of the Senate are candidates and at times away from the Senate. I have not thought it best to take action upon a measure of this importance in the waning days of the session.

In the last few days, we have been engaged in debate on the constitutional amendment concerning equal rights for women.

I do not think the proposed amendment has been treated very well, whatever one's views may be. While it has been discussed seriously, it has also been made the butt of criticism and laughter.

I have some prior experience in connection with safety bills. As a member of the Committee on Labor and Public Welfare for 5 years, we considered these matters, and we reported several fine bills dealing with mine safety. I have had a particular interest in that legislation because Kentucky is the second largest producer of coal in the Nation, with thousands of miners. Time after time we tried to report bills which would be fair, protect the miners and yet not be punitive.

During the last year a bill was reported to the Senate and debated for 5 days. I voted for the bill, but since its passage, statements made during the debate by those of us who opposed certain provisions in the bill have been proven—unfortunately—accurate.

We argued, on the economic side, that to include in the so-called gassy mine category all the nongassy mines and require them to expend huge sums of money for equipment needed in gassy mines, would not advance the safety of the miners but would force the small operators to shut down. That has happened to some of the small mines in my State.

With the closing of the small nongassy underground mines we also predicted it would cause stripping of large areas of coal. That has happened, without providing any added protection to the men who work in the nongassy mines. Many were driven to seek employment in the gassy mines—mines proven to be the most dangerous.

The record for Kentucky will show that since this bill was passed last year that more persons have died in the mines than in the year before. As I recall, and

this is pertinent to the bill before us, in 16 years, in about 3,000 nongassy mines there were 52 ignitions or explosions and 27 deaths, and in the 400 gassy mines there were 381 ignitions and explosions and 374 killed. Yet the mine safety bill treats them alike, and is forcing the nongassy mines to close.

I made these statements during the debate. But the committee insisted that its bill be approved. There were 5 days of debate, but even so, it was difficult to debate, because it was highly technical. My predictions, and those of my colleague from Kentucky (Mr. COOK), and the Senator from Tennessee (Mr. BAKER) have come true. More people have been injured since that bill was passed.

Mr. President, I want to vote for a strict safety bill, but how can those of us who are not on the committee and who have had little chance to study it during the last few days since its report, vote with any real knowledge of its effect and consequences? This is the case, the problem when these very important bills are brought before the Senate, in its closing hours.

Yesterday, I was very much interested when the senior Senator from Arkansas brought up the crime bill, S. 30, which was passed by the Senate several months ago. We remember that in the debate at that time many questions were raised about certain provisions of the bill. The bill was termed by some as an instrument of oppression and many of us were doubtful about the constitutionality of certain provisions.

The House amended the bill last week. It was brought before the Senate yesterday, and with a few Members sitting in the Chamber the Senate passed it by unanimous agreement, including not only those provisions which were so vigorously argued against earlier this year but with provisions added by the House of doubtful constitutionality. In many respects the bill is excellent, but its consideration in approximately one-half hour illustrates the objection I make to considering the pending bill at this time.

Mr. President, I give these examples: the crime bill as passed yesterday, the mine safety bill, which at least had 5 days of debate, the debate on Senate Resolution 1, and the equal rights amendment, which illustrate, I believe, that there is no possibility that this bill can be considered now, as it should be—fairly and adequately.

Mr. DOMINICK. Mr. President, I really appreciate the comments of the Senator from Kentucky. I think this adds great weight to the comments made by the Senator from Ohio, the Senator from Michigan, and me.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that during further proceedings on this bill a member of the minority staff, Richard Weiss, may remain in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I wish to join in the remarks of my senior colleague and say that on the coal mine safety bill, after 5 days of debate, it was impossible to get at some of the problems in that bill that have now caused one of the most serious crises in the country.

I might say that as a result of closing many mines in our State that did not fall within the category of the tests that had previously been laid down on what constituted gassy or nongassy mines, we in the Commonwealth of Kentucky now face a far greater problem, and I would like my senior colleague to back up this statement: we have now issued more licenses for strip mining in the period of time from the passage of the bill until now than we had at almost any other comparable time in the history of the industry in our State.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. COOPER. There have been four times as many permits issued in Kentucky since the bill became effective April 1 than were granted during the entire year of 1969. I am informed that over 100 permits for strip mining have been issued.

Mr. COOK. I thank the Senator. Mr. President, I might say there are those in the Chamber who not only talked at great length about how that bill should not have been changed, but who are also its greatest ecological advocates. We now face that provision but we provide for them in the East the means to turn on their lights and television.

Then, we come to this proposition. Will we take up one of the most major pieces of legislation in a 24-hour period? Between now and November 3 will we be able to brag about the fact that we wanted to take it up and somebody else wanted to stop it?

I agree with the distinguished Senator from Texas. He spent a great deal of time on the measure as did the Senator from Colorado, the Senator from New Jersey, and the Senator from Ohio.

But I am not on that committee and my senior colleague is no longer on that committee. We are not going to have a chance to study it. We are going to have a chance to sit here and listen to amendment after amendment; and then try to figure out what it looks like when we get all finished. We will be able to figure it out and we will wind up starting all over again next year so somebody can brag about it. Somehow, I do not feel that is what I came to the Senate for.

Contrary to those who will be criticized for trying to hold up this matter and taking it up at a reasonable time, I want to congratulate them because at least they can say to all their constituency, not just a part, "I tried to look at it on all fours and study it and make a good judgment to represent all the people, rather than just a particular part."

So for my part I want to thank the Senator from Ohio, the Senator from Colorado, the Senator from Michigan, and my senior colleague because they are the ones doing this country and the Senate a service.

Those who understand and realize that there is not a major piece of legislation in the history of this country that was worth its salt that was passed in 24 hours will understand that they have had a good colloquy and a good start on it and they will ask that it be made the pending order of business on the 16th of November. If they do not ask for it, then I can only say that if something goes on the statute books, then we will have many suits and we will debate it and we will have much discussion, and we will have no way of ascertaining exactly what was done, and we will go through the whole harangue and the whole discussion, and then someone in the bureaucratic system will come to the conclusion that he did not write the bill; all he was told to do was make the regulation; and there we will be.

I must say that in this hurry and in the last 3 or 4 weeks we have had witnesses before some of our committees, one of them the Judiciary Committee, and I will repeat what I said the other day. When he looked at the piece of legislation that was pending before the entire committee, this professor from Columbia University said it was the worst draft of legislation he had seen since the first draft of legislation for the Sherman Antitrust Act in 1889. If one wants to brag about that, it is in the record.

I want to say that if there are 20 amendments to a bill, and if 10 or 11 get in the bill, and then somebody tells me that as a result of getting them into the bill we will produce the kind of legislation this body ought to produce, that is not the way I learned the legislative process.

Again I say I do not want to stop debate on this matter, but I think we at least have a responsibility to give a tremendous piece of legislation an appropriate time for discussion on the floor of the U.S. Senate.

Mr. SAXBE. Mr. President, I thank the Senator from Kentucky for his kind remarks.

In regard to the remarks made by the chairman of the committee, the gentleman from New Jersey (Mr. WILLIAMS), it is true that the subcommittee did a thorough job of hearings on this matter, and it is also true that the subcommittee was interested in trying to get the views of the minority and of the majority who opposed some of the provisions. I believe the subcommittee accepted something like 17 amendments, which went to various contested parts of the bill, which indicated that they were interested in trying to clean up some of the points of discussion and eliminating them.

The chairman of the full committee (Mr. YARBOROUGH) was also open-minded, and accepted amendments by members of the full committee. There were substantial changes, or it would not be as good a bill as it is today.

However, on various points that we think are important in this area, absolutely no ground was given.

When it came to the question of who was going to establish the standards for safety, there was absolutely no interest in opening this question up; it had to be left in the Office of the Secretary of Labor.

When it came to a panel for hearing—and really we think it is like an NLRB—the answer was absolutely "No."

So to say that there was not time for an attempted understanding is not true. There was. But it brings us right back to the point that we are in conflict on several elements that we think destroys this bill as being useful to both the employee and the employer.

There has been considerable talk about to whom this bill will apply. I think there is some misconception about it. The bill will apply to everyone engaged in interstate commerce except those employees covered by certain other Federal laws, such as the Coal Mine Health and Safety Act. To review, if you will, some of the recent cases on interstate commerce, if one operates a restaurant and he serves a truck driver driving a rig from another State, there is the suggestion that he is engaged in interstate commerce. I well recall a case in Ohio in which a man of very limited means bought old automobiles, picked them up when the police or used car dealers sold them to him, and his main job was to take the tires and generators from these used cars and sell them. He worked with a man, on a part-time basis, stripping these cars. The Federal Government came along, after he had been doing that for a couple of years, and found that he was engaged in interstate commerce.

One might wonder by what stretch of the imagination a man who was handling one or two junked cars would be engaged in interstate commerce. He was said to be engaged in interstate commerce because the iron which he might sell—he had not sold any; it was piling up—would be sold as scrap that would go into steel, which would be in interstate commerce.

If we are ready to accept that interpretation and the one about the restaurant and the one about the bus stop, and if we are willing to accept that interpretation with regard to farm products which go into interstate commerce, then everything is covered with the exception of a household article that is sold to a neighbor.

So here is a safety bill which we think of applying to a General Motors plant with 10,000 employees, where they probably already have pretty good safety standards. But we do not think of the impact it is going to have on people that are not presently covered under the wages and hours standards because of the restrictions as to number of employees, or perhaps those who are not even covered by unemployment compensation. We do not think of the impact, perhaps, under the arbitrary power of the Secretary of Labor, who would set up the standards that would probably be very well geared to a General Motors plant, but which ought to be adjusted and fitted to the man who employs one part-time employee.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. DOMINICK. When I was serving in the State legislature in Colorado, one of our problems had to do with a boat safety act which had been passed by Congress and one of the committees insisted that it become a part of our laws. They defined a boat as anything that floated, which meant that a canoe or a life raft which floated on the Colorado River was covered by that bill. Standards were established that they had to have emergency lights, fog horns, and lifesaving boats, and everything else. How that equipment was supposed to fit on a one-man rubber life raft or a canoe, I was never able to comprehend.

This is the same kind of problem that arises when we try to employ massive safety requirements for people who work in a General Motors plant and also those operating bus stop restaurants—which I do not think makes sense.

Mr. SAXBE. Well, I think that that is going to come as quite a surprise to a great many of the people of this country who have not even heard of this bill that we propose to pass this last day, in the afternoon, here in the Senate. And probably there are other measures that demand a great deal more attention.

What disturbs me is the idea that we come down here to the last day, in the afternoon, with the assumption that we are going to let this bill go through, with 70 Senators present—that those of us who oppose it are somehow going to go home or go to sleep or do something, and that the bill is going to be passed.

I assure Senators, if they think they have had trouble on Senate Joint Resolution 1, they are going to have more trouble on this, and for the same reason: Because we are going to offer 20 amendments. We are not going to agree to any time limit, and we are going to stay here until next Sunday if we need to.

I want to review at this time some of the things that are in this committee-reported bill, S. 2193. As I said, it covers practically all employees engaged in business affecting interstate commerce.

The Senator from Colorado pointed out an interesting thing when we got into this question of covering of State, county, and local employees. Here was the Federal Government that was going to presume to move in on the sovereign States and their political subdivisions, and set standards of health and safety.

Now, granted, there may be operations at those levels that are unsafe and should be corrected. I think the Senator from Colorado will agree that the problem that immediately faces us is, how are they going to engage in interstate commerce, for example, running a mental institution? The problem of extending jurisdiction on a broad basis over all these political subdivisions was finally worked out by the committee by just doing away with it.

The question of exemptions and variances: Very obviously, there had to be relief and a safety valve in this procedure, and these variances could be granted if an employer provides working conditions just as safe as the Federal-standard conditions.

It has been suggested, and we will offer an amendment on this, that a board rather than the Secretary of Labor should be the entity that would grant such a variance. We think it is unseemly that the Secretary of Labor should be the only one that could grant a variance on a safety standard or a safety rule. It comes right back to the same board again on the overall standards.

The National Occupational Safety and Health Board would be separate and independent of other agencies. This, of course, can be determined, and we would have some various views on it; but we suggest that it could be five members. It could be seven or it could be nine, but the suggestion was that it be five members. They would have to be qualified by previous training and experience in the field of occupational safety and health. They would be appointed by and serve at the pleasure of the President.

We are well acquainted with another important element in labor problems: The National Labor Relations Board, a body that is appointed and serves for a term, but subject to approval by the Senate.

What kind of standards are we going to talk about? What types of standards would this board come up with? The committee bill says that the Secretary of Labor, properly advised, would come up with standards.

National consensus standards—that is, consensus on standards of health, in plants and out, that are readily acceptable all over. Then there are existing Federal standards in some fields, and standards promulgated prior to the date of enactment of this act by national organizations on a nonconsensus basis.

The first two types of standards must be issued by the Secretary as soon as practicable, within 2 years following the effective date, unless the Secretary determines that their promulgation will not result in improved safety or health for certain employees.

During the same period, the Secretary may also promulgate the nonconsensus standards.

The Secretary, under his authority to set permanent standards, is empowered to "promulgate, modify, or revoke."

In the substitute bill, it is made somewhat simpler by listing the national consensus standards and already existing Federal standards, as in the other one, but then it says they are to be issued by the board within 3 years following the effective date, unless the board determines that such standards will not assure safer and more healthful working conditions.

Here we are, talking about health standards 2 years away, or 3 years away, and yet, on Tuesday afternoon, we are supposed to be able to pass this bill, because we want to go on a recess over election.

I would agree to put this down as the first order of business on November 16. I intend to vote for this bill. I also believe that we should get these standards adopted by a board rather than by the Secretary of Labor, and this is what we intend to do.

What are the different types of standards? We have early standards, emergency temporary standards, and permanent standards.

The early standards are promulgated by the Secretary by rules, and the Administrative Procedure Act does not apply except in the case of nonconsensus standards, where informal Administra-

tive Procedure Act rulemaking procedures apply—that is, submission of written views with informal hearings on the Secretary's discretion.

I think that this, again, is a deviation that we should certainly discuss and look over in great depth, because we might want to require the formal procedures of the Administrative Procedure Act, to apply to the adoption of these standards. It would apply with a board if we did not specifically exempt it; and I do not think there is any inclination to do that.

In the committee reported bill, permanent standards are promulgated by the Secretary under informal rulemaking procedures of the Administrative Procedure Act, but a hearing is required, and I think this is proper, if an interested person objects to a proposed standard. And I am sure, with the wide latitude of this bill, that in time there will be those who object.

In the substitute, the permanent standards are set by the board, using formal rulemaking procedures of the Administrative Procedure Act. In other words, it operates within the formal procedures of the Administrative Procedure Act.

On permanent standards, under the bill as set up in the Senate committee, the Secretary is required to issue a standard within 60 days after the expiration of the period provided for the submission of views, as required by the Administrative Procedure Act, or within 60 days after the hearing, required where an objection is made, ends.

The board is required, under the substitute, to promulgate a standard 60 days after the formal hearing ends, if an advisory committee is utilized. The advisory committee is separate from the board, and if the advisory committee operates without the board, it has no power in itself. It only can advise, and it can be dismissed and operate only at the pleasure of the Secretary of Labor.

What are the tests for standards? In setting standards, the Secretary, under the Senate bill as reported, is required to set the ones which most adequately and feasibly assure that no employee will suffer any impairment of health or functional capacity or diminished life expectancy, even if such employee has regular exposure to the hazard dealt with by such standards for the period of his working life.

This part is in the bill as reported, and one of the reasons why I would prefer to amend the bill as reported rather than accept the substitute, although I would vote for the substitute, is that I believe this to be a good provision.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. SAXBE. I yield.

Mr. DOMINICK. In other words, if we tried to get an agreement under which we would have a time certain to vote on the substitute today, it is the Senator's feeling that this would not be advisable, because he would want clarifying amendments to the bill itself, as opposed to voting on the substitute. Is that correct?

Mr. SAXBE. That would be my attitude, because I would rather amend the reported bill than accept the so-called Steiger bill. I would vote for it because it generally contains the things in which I am interested. But the administration bill, as introduced by the Senator from New York (Mr. JAVITS), also contained many of the provisions that are now in the reported bill, and I like that. I also like the amendment which Senator JAVITS submitted in the committee, which has to do with an enforcement panel.

Mr. DOMINICK. The Senator recognizes that both the board and the panel are in the substitute bill.

Mr. SAXBE. They are in the substitute bill.

Mr. DOMINICK. I just wanted to make this certain, because there had been suggestions that perhaps we could reach an agreement whereby we would vote on the substitute some time tonight. I was not sure that I was going to reach agreement on the substitute but that does not seem to be a fruitful course of action because there would be so many clarifying amendments before the substitute would be considered.

Mr. SAXBE. In the provision which has to do with diminished life expectancy, it is pretty difficult to establish what is going to diminish one's life expectancy. Working itself is apt to diminish one's life expectancy. If one wants to stay home in bed, he probably will live longer than by standing at the plant and doing his job. It is a difficult thing to establish. I think that would have to be clarified.

There is no question in my mind that if one works as an insulation installer on steampipes or hot air pipes and is using asbestos in any shape or form, there is no way in which he can avoid a shortened life expectancy, under the present safety rules. It is a real question to me as to whether asbestos can be used at all, whether it can be handled.

When asbestos was first mined, it came in great sacks, like wool sacks, and little boys were used to tramp the asbestos down into the sack. Their life expectancy was approximately 2 years, and they were only 10 years old.

We have come to the point now that protective breathing apparatus is used, but the asbestos fiber is very fine, and it builds up in the lungs over a long period of time. Asbestos, unlike other dust or fibers, is never assimilated and it is never removed from the lungs. It stays there, and it can only become more difficult to breathe the longer one works with it.

As Senators know, last year in our committee we had extensive hearings as to the buildup of coal dust. Some evidence was presented that even though it is built up over a period of time, it did tend to diminish if one were removed from exposure, and there was some question as to whether it actually reduced life expectancy.

But in this paragraph, where we are talking about functional capacity or diminished life expectancy, any type of exposure is going to affect it. One example is working in a paint shop or working in an automobile line, a final assembly line, or on a paint line. A great deal of study has been made of these things. Yet, substantial skill is required to be an automobile painter, which means that the person who acquires this skill already has a substantial buildup of inhaled paint particles before he achieves the skill required to hold a steady job. This is true of many installers of asbestos and other fibers: By the time they reach the skill that is required, they already have an impaired life expectancy.

In the committee bill, with respect to labels and warnings and monitoring or measuring and medical tests, it provides that standards shall prescribe the use of labels, warnings, and, where appropriate, employer monitoring or measuring of employee exposure to hazards, plus types and frequency of medical examinations or other tests which shall be made available by the employer, at his cost.

Mr. President, I was speaking on the point, how are we going to control these things? Again I point out that one of the difficulties in trying to discuss this bill at length in such a short period of time is that the substitute bill, which is known as the Steiger bill, provides that standards must be prescribed for the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of the hazard and of suggested methods of avoiding or ameliorating them, and that standards promulgated under this substitute may also provide for medical examination, monitoring, and the measuring of employee exposure to hazards.

What kind of measuring? Well, in the area of exposure to atomic nuclear equipment of any kind, standards have been attempted, but it has caused a great deal of confusion.

Exposure to nuclear material is measured in roentgens. The geiger counter can give the intensity at any one time, but the geiger counter does not give, over a long period of time, the cumulative effects of the exposure, which means that the safety experts had to devise a means to obtain a cumulative effect so that there could not be a fatal or serious buildup of roentgens within the human body.

The exposure to nuclear material does dissipate itself. Therefore, limited exposure, such as we got from X-ray equipment in hospitals or doctors' offices, is kept under control, and is not a serious danger.

But the difficulty has been, as we have brought this into more and more industrial use, that at the beginning they were not aware that the cumulative effect over a period of time carried the great danger it does. So, in the early days, there were numerous exposures that have appeared only in later years.

If we are going to do this in regard to nuclear exposures, we are going to have to do it to a great many other of the latent insecticides, pesticides, and fungicides that we now use so commonly. In other words, the cumulative buildup resulting when one of these materials has a long half-life, and stays in the tissues of the body or stays in the tissues of animals which we now use for food, or in the bodies of fish, is a development that we have been completely unaware of until recent years.

A few months ago, no one ever heard of the mercury problem resulting from the mercury buildup in fish.

Why did we not hear of that problem?

The primary reason was that mercury, being one of the heaviest elements, when it was released in waste from certain factories, was presumed immediately to sink to the bottom of whatever river or lake the drainage emptied into, and would never again be a problem. But we were very much surprised to find that when this same mercury was ingested in breathing or as a result of eating fish, there was the very unusual—strange, I might say—chemical reaction which made the mercury become available in the body of the man who ate the fish.

So, we had the great mercury scare last year.

The fish in Lake Saint Clair, which is between Lake Huron and Lake Erie, were declared to be inedible and, for awhile, they even closed off the fish in that body of water; and then the commercial fisheries on Lake Erie were closed, and on the rivers leading into western Lake Erie. Then it began to appear that this was in a great many other streams and rivers, not just in the Great Lakes region, that the mercury had built up everywhere.

This happens in the bodies of people exposed not just to mercury but to other forms of subtle poisons, of which we are completely unaware today.

There is a great deal of research still necessary in this health field, which is one of the reasons I was persuaded we needed a health and safety bill on a national scale, because of what can be done on a national scale as a result of this kind of legislation.

I was first of the opinion, and I think this is a natural reaction of those who have been involved in State governments, that this was a field where the States had done rather well. I know that, in my own State of Ohio, everyone is safety conscious in the bigger industries, and that safety is in the best interests of profit-making for any corporation. There is no corporation that will permit an unsafe operation because it is a money-losing proposition to do that. It is not a money-making proposition. Yet, I was reluctant to have the Federal Government usurp still yet another field which the States have occupied and, in many cases—I do not say this about all States—have done an admirable job in providing safety standards and safety enforcement.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield at that point?

Mr. SAXBE. I yield.

Mr. DOMINICK. I am extremely interested in this. I participated with the Senator from Kentucky on the Coal Mine Safety Act, serving both on the committee and on the floor here, trying to maintain a distinction between gassy and nongassy mines; but more important than that, so far as our State of Colorado was concerned, was the consideration of the Nonmetal or Metallic Mine Safety Act. In committee, I pointed out to the Senator from New Jersey and the other members that Colorado had standards under the act which were similar or superior to the Federal standards, and that if the Federal standards were in effect, Colorado's standards were going to be eliminated and had to come under the Federal program. I also pointed out that the Federal Government did not have the inspectors to be able to take care of the safety problems once they took it out of the hands of the State.

We had specific evidence of that. Testimony from the Bureau of Mines, as a matter of fact, elicited that it would take about 4 years to get a sufficient number of inspectors. Thus, I asked that there be included a provision in the bill as it came out of committee, that where a State had standards which were satisfactory, to the Department of the Interior or the Bureau of Mines, they would be permitted to continue their own inspection procedures. To my total amazement, the majority of the committee turned it down. As a matter of fact, I just made a brief speech on that this morning, during the morning hour. They turned it down, but the House insisted on it. We finally did get it through, but it has been 4 years since that bill was passed before we have gotten agreement with the Bureau of Mines that the State can do its own inspection in its own mines where their standards are higher than those of the Federal Government.

This again is one of the things involved. The Senator from Ohio brought this type of thing up in this particular case. What will happen where we have a conflict between State and Federal health laws? Will the Federal Government be able to take over?

I do not know whether there is any adequate provision in this bill. Does the Senator from Ohio know?

Mr. SAXBE. Mr. President, I do not know. However, I do feel that in the years that are permitted for the States to get back into this field, they can again take over their enforcement if and when they might or should establish standards.

Mr. DOMINICK. Standards which have not even been set as yet and will not be for 2 years.

Mr. SAXBE. It will be extremely difficult to establish standards that are going to be adaptable to the States when we have a 3-year delay before they are established and then an additional 3 years before they will have a chance to get back in.

What will these inspectors do at the State level in the meantime?

Mr. DOMINICK. Mr. President, I think that the Senator from New Jersey wants to answer that question.

Mr. WILLIAMS of New Jersey. Mr. President, I was going to ask a question and not going to answer the question raised by the Senator. We are talking about the relationship of Federal programs to State plans.

Mr. DOMINICK. Mr. President, I asked a question concerning wherever we have a State that has safety standards which are strict and effective in a particular industry at this time and the Federal Government has not promulgated any standards in that particular field, what happens and who has jurisdiction.

Mr. WILLIAMS of New Jersey. Mr. President, reading from the analysis of the committee report on the bill and the substitute bill, S. 4404, in this area on page 11—and it was filed by the Labor Department—it is their position that in this area, the committee report on the bill and the substitute bill are the same.

Mr. DOMINICK. Mr. President, that may be. But I do not know if that answers the question. What do we do about it?

Mr. WILLIAMS of New Jersey. Well, we could read what it says about the State plans. Where they desire to set their own standards, they may submit a plan to the Secretary of Labor. If approved by him, the State standards and their enforcement by the State control.

Mr. DOMINICK. Mr. President, I thank the Senator from New Jersey for pointing that out. I also see the other statement that says that where no standards exist, the State standards will apply and be enforced.

I am not clear about who enforces them or what happens when they are in the process of establishing standards and the State already has standards.

Mr. WILLIAMS of New Jersey. Mr. President, if there are no Federal standards and the State has standards, in the interim period the State would enforce its own standards.

Mr. DOMINICK. Mr. President, I appreciate the statement of the Senator from New Jersey.

Mr. SAXBE. Mr. President, one of the other areas that are somewhat similar concerns a standard appeals section whereby if these standards are promulgated by either the Secretary or a board, they have a right to relief if they believe that they, under the Constitution, do not comply with the due process standards or are confiscatory. They can go to court. In this area I would foresee that in many areas there would be enough substantial change—and I am talking now primarily in the high-hazard area—that there will be sufficient change if we have litigation, for the purpose of litigation, to keep these avenues open. How long this delay will be is another thing.

That raises a question concerning our haste at this time. I would foresee that Federal courts of appeals would grant stays or otherwise slow down action on this matter if any plaintiff can come in and show that the imposition of these standards are going to put them out of business or that they will seriously affect their rights to compete, or if they can show that such standards were adopted without provision for their day in court—that is, without due process.

It seems to me that we can avoid that point being raised by the Board which would have within itself, as a quasi-judicial body, the ability to hear appeals and, operating under the Administrative Procedures Act, it would avoid a great many of these future court cases in the court of appeals and the delay that will result from holding this up for a long period of time.

Judicial review, of course, is a necessary part of any act of this kind. We will have it whether we put it in here or not. But it seems to me that the Court of Appeals of the District of Columbia is the only forum and that it does make some sense and that the time period being reduced to 30 days will cut down the period of time that this litigation will be hung up in the court.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolutions of the Senate:

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

The message also announced that the House had agreed to the amendment of the Senate numbered 1 to the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; and that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 2 to the bill.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12475) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 18731) to increase from $20 to $40 per day the per diem allowance authorized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. RODINO, Mr. ROGERS of Colorado, Mr. MCCULLOCH, and Mr. POFF were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oregon;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 17146. An act supplemental to the Act of February 9, 1821, incorporating the Columbia College, now known as The George Washington University, in the District of Columbia and the Acts amendatory or supplemental thereof; and

H.J. Res. 1388. Joint Resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. BELLMON). The nominations will be stated.

FEDERAL TRADE COMMISSION

The assistant legislative clerk read the nomination of David S. Dennison, Jr., of Ohio, to be a Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The assistant legislative clerk read the nomination of David Ogden Maxwell, of Pennsylvania, to be General Counsel of the Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. DISTRICT COURTS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. district courts.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of Paul H. Roney, of Florida, to be a U.S. circuit judge, fifth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ATTORNEYS

The assistant legislative clerk read the nomination of George J. Long, Jr., of Kentucky, to be U.S. attorney for the western district of Kentucky; and the nomination of Lester Engler, of Arizona to be U.S. attorney for the district of the Canal Zone.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

SUBVERSIVE ACTIVITIES CONTROL BOARD

The assistant legislative clerk read the nomination of John William Mahan, of Montana, to be a member of the Subversive Activities Control Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. SAXBE. Mr. President, I was pointing out that there is nothing we can do to limit appeals on the constitutionality of any act we do here. However, it seems to me that if a board were set up with quasi-judicial power to have hearings under the formal procedures of the Administrative Procedure Act, that would avoid some of the pitfalls we might come up against here.

Mr. COOK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. COOK. Mr. President, with relation to the matter of judicial review, let us assume that under section 18 of S. 4404 of the committee report, which would be section B, a State has a plan that had been accepted by the Secretary of Labor. As I understand this, the Secretary of Labor, notwithstanding the fact that he has approved a plan, can automatically take a position that it is not an approvable plan any longer. And that the only judicial review is to the U.S. court of appeals in the circuit in which the State is located; and then, the only plea of the State is that the actions of the Secretary of Labor are arbitrary and capricious. Forget about the constitutional question because they could always plead the constitutional question. But the only plea the State could make is that the actions of the Secretary of Labor have been arbitrary and capricious, and the burden is on them to prove it.

Mr. SAXBE. That is the way I see it. That is one of the problems.

Mr. COOK. Did not the Senator feel, when he was attorney general of the State of Ohio, that one of the hardest things to prove is that actions were arbitrary and capricious or that the actions of a governmental body or elected body were arbitrary and capricious, and is it not true that the Senator could count victories on that ground on one hand?

Mr. SAXBE. That is true. I also question the ability of a State to come in and successfully maintain an action against the Federal Government because, at least in the beginning, I do not see how a State can perfect a plan to equal a plan that they do not know will be the plan. In other words, they will lose their first round.

Mr. COOK. They not only have to establish that their plan is better in regard to a Federal plan that is not in existence, but also that the Secretary of Labor acted arbitrarily and capriciously.

Mr. SAXBE. That would appear to be true. I am taking the Senator at his word that he eliminates the constitutional provision.

Mr. COOK. Oh, yes.

Mr. SAXBE. This was subject to great discussion, and the Senator will find it in the minutes of the hearings. It has been the subject of great discussion since that time that some States are presently running good health and safety departments. Maybe they are not as broad as the Federal plan might be or as worked up by the Secretary or the board, but one that is doing a good job. As pointed out there is a great divergence in the State activities in this area. Some spend $2.75 for every worker and some spend less than $1.02 per worker.

But in this area of the "good State" they have a number of inspectors, safety examiners, that can go around and perform the various tests and also make regular visits to these plants. This would necessarily be interrupted. There is a probability where the State has a good system and intends to get back into it, that they will hang on to those people. For a period of time, anyway, they will have a dual system that we hope, in most instances, will be superseded by the State regaining control; that is, they will have equal or better.

The only disturbing thing is that history does not report this happens very often. Once the Federal Government goes into an area of safety or whatever it might be, it is with extreme reluctance it ever gets out. It is questionable in my mind, if the Federal Government is running and paying for this program, whether the hard up States will want to get back into it again because of the tremendous expense to revitalize the system which might not have been operating during establishment of the federal system.

I know Republican members on the committee, and all minority Members here to whom I have spoken, do not question that we need something in this area. I know that some Members of the majority spoke on this matter. We were reluctant in the beginning to acknowledge the fact that a great many States were doing a poor job.

Some of us come from industrial States where they are proud of the job they do. But we acknowledge there are areas, as the chairman of the committee, the Senator from Texas, pointed out, where the safety standards are used for competitive advantage. In other words, this is especially true as to hours of labor, where fatigue comes in, noxious fumes, dust, and lint—where it is to the economic advantage to neglect it. We gradually came around to the realization that the States, regardless of what they said to us in the committee, were not living up to their promises. In some States it was a political football. When the administration would change the inspectors would change. They were not always career people who were qualified. Many times they were local politicians who were offered a job without any real training in health and safety.

We discovered that sometimes when an inspector would be coming around to a plant they would know a week ahead of time when he was going to come. Employees testified that deficiencies at the plant or worksite were corrected for the visit of the inspector and afterwards were allowed to rapidly deteriorate.

It was pointed out that there are certain types of work incentives that contribute to unwise practices. I am thinking specifically of some of the work schedules where it was to the man's advantage to neutralize the safety device on his machine so that he could get a greater production. I have seen machines, and so has the Senator where there was involved some kind of metal fabrication, where there was a press and the operator would have to have one foot and both hands in a certain position to make that press operate. How easy it is for a man who is trying to speed up on his piecework rate to wire one of those switches down.

Mr. COOK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. COOK. Mr. President, I wish to thank the Senator for his explanation, particularly that part about review, because if we are limiting the States' authority to a cause of action based on the arbitrary and capricious attitude of the Federal Government or the Department of Labor, we should advise all 50 States, and their labor departments that it will be very, very strange if they can ever win a case.

I might say to the Senator that this really bothers me because the distinguished Senator from New Jersey handled a manpower training bill not too long ago that was passed by this body. The bill was handled on the floor of the Senate not too long ago. There was one section in that bill on the question of an employee and it provided that if anyone on the hearing panel or the staff of the hearing panel gave out any information on the case he would be subject to a serious fine and imprisonment. It provided in that measure that the decision of the panel was not appealable to any court. This just about shocked me right out of my shoes.

When we now come to a situation in which we are saying to the respective States, in regard to the regulatory action of the Secretary of Labor, or his administrators, that when the United States is in violation, the only course of action that State has is to go to the court of appeals in his circuit, and that the only plea can be that the action of the Secretary was arbitrary and capricious, we can just say to the respective States that they just are not going to win any lawsuits.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. WILLIAMS of New Jersey. I observe that the provisions in the committee bill and the bill introduced by the Senator from Colorado are the same in this regard.

Mr. COOK. I am delighted that I am present to hear that. Otherwise I would not have known it. Certainly the Senator from Kentucky would offer an amendment to see that the latitude of the States was protected other than by a single plea of arbitrary and capricious action on the part of the Secretary.

Mr. SAXBE. I know this is old grist for the mill of the Senator, but the substitute bill—and this is why I do not warmly embrace the substitute bill—allows for appeals in the District of Columbia Court of Appeals.

Mr. WILLIAMS of New Jersey. I realize that the substitute bill does that, whereas the committee bill permits appeal to the circuit courts in the States.

Mr. SAXBE. That is correct. I invite the attention of the Senator to the fact that in the substitute bill—and again, if we adopt the substitute I hope this part will be amended—the States are limited to the Court of Appeals for the District of Columbia. If the case arose in California, those seeking relief would have to come to the Court of Appeals in the District of Columbia to assert their right.

Mr. COOK. I do not have any objection to that, because I do not think it is any problem for a State to come to the Court of Appeals in the District of Columbia, but I must confess that I think the trip is made just that much longer and lonelier if the only cause of action

when the person gets here is to plea that the Secretary of Labor acted arbitrarily and capriciously in regard to the denial of a plan. I think the latitude of the respective States, other than the constitutional rights under the act—which rights are always guaranteed—should be broader than that particular cause of action.

Mr. SAXBE. I think the Senator from Colorado (Mr. DOMINICK) will bear me out on this. If there were a board to set the standards, the board would operate, as I pointed out awhile ago, under the formal procedures of the Administrative Procedure Act. There would then be an opportunity to have a day in court there, with all the benefits under the Administrative Procedure Act, as to the setting of standards.

Mr. DOMINICK. The Senator is correct, and that is the major difference between the two bills—having the ability to use the formal procedures of the Administrative Procedure Act in setting standards as opposed to having a very informal procedure, and practically no Administrative Procedure Act—some, but not all, in setting of standards under the committee bill.

One of the things that bothered me—and I would like the Senator from Ohio to comment on this—is some of the language that appears on page 39 of the bill reported by the committee. We discussed it in committee when I was there, but not at great length, and I would like to get the Senator's viewpoint on it. It states on page 39:

> The Secretary, in promulgating standards under this subsection, shall set the standard which most adequately and feasibly assures, on the basis of the best available evidence, that no employee will suffer any impairment of health or functional capacity, or diminshed life expectancy even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

How in the world are we ever going to live up to that? What are we going to do about a place in Florida where mosquitoes are getting at the employee—perish the thought that there may be mosquitoes in Florida? But there are black flies in Minnesota and Wisconsin. Are we going to say that if employees get bitten by those for the rest of their lives they will not have been done any harm at all? Probably they will not be, but do we know?

Mr. SAXBE. I can only answer by referring to a case we had in Ohio which resulted in the biggest single verdict in a civil case that had ever been returned. This was 20 years ago. I am sure the size of the verdict has been greatly exceeded since that time.

I am reminded that if there is negligence, the employer is liable, just as he is today. But in this particular case a railroad brakeman working trains in an area where there was a slough filled with trash and water, was bitten by some mysterious creature which evidently had been hatched in and flew up out of the slough. As a result, the brakeman got an infection in his leg and he lost the leg.

He sued the railroad for a fantastic amount for the time, which I believe was $500,000, because the criminal railroad had permitted this swamp to fester and produce such abominable creatures as the one that had come out and bitten him—which they never identified, by the way.

When we come to saying that an employer must guarantee that such an employee is protected from any possible harm, I think it will be one of the most difficult areas we are going to have to ascertain. But I am willing to go down that road a way. I might add as an aside that it is going to be one of the greatest havens and mortgage lifters for lawyers for the next 20 years that has ever come about.

I believe the terms that we are passing back and forth are going to have to be identified.

I call attention to another one we talked about, which is "free from recognized hazards so as to provide safe and healthful working conditions." What, under the law, is a "recognized hazard?" I know there are labor laws written on what is a recognized hazard. It is not improved a great deal by the substitute.

Mr. DOMINICK. It is "readily apparent" in the substitute. We will not have a meat cleaver on the shelf with use of the term "readily apparent."

Mr. SAXBE. "Readily apparent" to whom? An experienced pipefitter can say that an arrangement of pipes is a dangerous condition, and to you and to me it looks like a bunch of spaghetti, but he is an expert, and he can say it is readily apparent that it is a dangerous thing. It could be or it could not be readily apparent to one, but to another person it would be readily apparent.

I think the definition "recognized hazard" comes nearer to identifying it as something that would be recognized by all people—not just readily apparent to an expert in that particular field.

A minute ago I wanted to mention something in regard to the recording of injuries and deaths. I believe there was mention of 14,500 deaths, and there were approximately 2.2 million time-loss injuries which resulted in some degree of permanent disability. These figures encompass everybody from the truckdriver who is involved in a road accident to a person who takes a guard off a machine and puts his hand in it.

There could be the best possible safety standards on a machine, or there could be the best possible air pollution controls in a plant, and perhaps economic pressure, or perhaps carelessness or indifference, would cause someone to take the guard off, leave the door open, or leave the filter off, which would permit the working condition over which he has control as an employee.

The employer has given him the facilities to make this place safe, but the employee has control over the area, and he permits it to deteriorate and to become an unsafe working area.

I do not know how we are ever going to stop this. It is a common practice; carelessness creeps into a job, and indifference to safety.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield there?

Mr. SAXBE. I yield.

Mr. WILLIAMS of New Jersey. Employees must also comply with the requirements of the act.

Mr. SAXBE. I know.

Mr. WILLIAMS of New Jersey. I wonder if this would be a convenient place for me to ask a question of the Senator.

Mr. SAXBE. Yes.

Mr. WILLIAMS of New Jersey. First, as I understand the parliamentary situation, a motion was made to take the bill up, and that is the motion before the Senate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of New Jersey. I have been listening attentively and with great interest. It seems to me that we are now getting into the merits and demerits of the legislation. I wonder if it would not be better, I ask the Senator from Ohio, to deal with the motion, and have the bill before us, rather than getting into the merits of the bill in this fashion.

Mr. SAXBE. Yes; I recognize we are getting into the merits of the bill, but what I am doing by getting into the merits of the bill is calling attention, as the Senator from Kentucky said, to the many facets that are involved in this bill.

I do not think we should proceed, in the dying days of this part of the session, to take up a bill of the magnitude that we have here. I voted to get it out of committee; and I shall vote to pass the bill. I think it is a step in the right direction. The Senator and I are, there is no question about it, head on about the provision that he wishes to place under the Secretary of Labor, and I think it could best be handled under an independent board.

I compliment the Senator from New Jersey and the Senator from Texas (Mr. YARBOROUGH) on recognizing the merits of some of the amendments that they accepted in committee. The Senator recognized the merit of these amendments and accepted them.

Mr. WILLIAMS of New Jersey. Those are minor matters, though, put into the bill by committee action. Certainly the question of the National Institute of Occupational Health and Safety is a major matter.

Mr. SAXBE. Oh, yes.

Mr. WILLIAMS of New Jersey. And the whole study of workmen's compensation was very much aided by the senior Senator from New York (Mr. JAVITS), who has worked most assiduously and with great wisdom on this bill.

Mr. SAXBE. Yes; and his staff has done a tremendous job, of which I am well aware.

Mr. WILLIAMS of New Jersey. The Senator mentioned the Senator from New York and his staff. To do him credit, he chose a wise and able staff, and directs them with consonant wisdom.

Mr. SAXBE. That is quite true. My attitude is simply this: We had an opportunity last week to get to this bill. I was prepared to offer amendments and to talk on it. Instead, even after it was disclosed that there were not the necessary votes on the equal rights amendment, we have still spent this time on that.

I think now that we are down in the last minutes, that I want to tell, and I want it to be in the RECORD for people to read tomorrow morning, why I do not believe we should vote and make this important determination with 70 or fewer Senators in Washington. I also point out that the House of Representatives is not going to act, that nothing will be gained; that the temperament of the application of this bill is such that we have got 2- and 3-year gaps, and therefore the things I am talking about are background reasons why we should not undertake consideration of this bill at the present time.

I will agree and go along and insist on immediate consideration when we come back here on the 15th or the 16th, and I believe that we can get it passed and to the President, who, I am informed, is most eager to get this legislation, well before our final adjournment for the year.

So that is the attitude that I have on this matter at the present time. But I was speaking of the difficulty in accumulating statistics. We can come up with many different figures that point out that the industrial area is an extremely dangerous area, but at the same time the man who gets up and goes to work at the factory is often going into a safer environment than the housewife who stays home and does her housework. We know that there are hazards associated with all types of activities, and it has been pointed out repeatedly that the home is indeed a dangerous place.

However, we still have to make every effort to make the place of employment not only as safe as possible, but also a place where the effectiveness is not impaired, the work is not impaired, by fear of dangerous fumes or accidents; but, of course, the man who is the casualty of the automobile wreck, where he was observing all the standards and was driving with a company car, and was killed by a drunken hit-skip driver, is still a casualty that goes down as one of our great business and industrial casualties. So we have to temper all this.

One of the areas that has been suggested as an area of harassment is the part where any employee, when he believes that a dangerous situation exists, can serve notice and require the presence of an inspector. While this has been modified by later amendment in the committee, nevertheless there exists an area for harassment at a time of union difficulties or negotiation and one that has no place in health and safety practices within a place of employment.

We cannot be detracted by any other interest, of either the union or the employer, from our primary purpose of saving lives and preventing injury to employees.

If the employer would want to make conditions so unfavorable that his plant would be closed down and he would be saved from unemployment compensation, this has been taken care of in this bill. He would not benefit by such type of actions, and that part is very good. At the same time, I think we should fully discuss the position of the employee who wishes to take advantage of the opportunity to harass the employer by a series of complaints on safety standards that would affect the continued operation of the plant.

I should like to explain some of the nomenclature that is used in this measure at the present time and in my discussion today.

When I talk about "plant," when I talk about "factory," and when I talk about "mill," my remarks are also to apply to all the other businesses that are going to come under this measure. Many of them would be outside activities where there is limited amount of machinery but exposure to other safety hazards.

In my State, the risk factor for workmen's compensation is at its greatest in two areas—farming and quarrying. Farming, which one would think would be a relatively safe operation, is one of the most hazardous. Why? Because an individual is out there without an employer to tell him to put the guard on the machine, without an employer to tell him to keep away from the moving machine, without an employer to tell him to do all the things which the employer tells him to do makes him do in a plant. So farming is a very high risk in workmen's compensation.

In talking about plant, factory, and so forth, the place of employment could be the cab of a truck, the place of employment could be a private automobile, or the place of employment could be that of one who moves around from one place to another, such as an installer in a home or in a factory. All these are covered under this measure.

Mr. President (Mr. COOK), when we talk about the factory, we are not just limiting ourselves to thinking about a man who stands there and works on a great press or another piece of machinery, or who works in a kiln or in a part-producing factory.

If we first accept that the general duty of the employer is to provide a place that is safe and free from recognized hazards or, as in the substitute bill, readily apparent hazards, the next step, of course, is to define these rules. We come down to a point that is going to be of great moment and an issue we are finally going to have to decide: Who determines just what is a hazard and how to protect from it? This seems to me to go to the very depth of our individual and collective concern in government and its place in lives of people and the States in which they live.

If the Secretary of Labor, advised by panels, is going to be the one to do this, I think we have to recognize the advantages and recognize the shortcomings. The Secretary of Labor, as an individual, it is true, is going to be freer of the pressures, perhaps, that would come from a board that would be selected as most boards are somebody from the union, somebody from the employers, somebody as a public member, as it is called, although I never have been able to determine just exactly what that is.

But there will be people who are extremely liberal in regard to safety legislation and those who are extremely conservative. The use of those words is difficult, because "liberal" means one who wants very tight and very restrictive legislation; whereas, the more conservative person might say, "We don't need that tight a restriction."

In a panel, you are going to get people from both ends of the spectrum, and then you are supposed to get public members. If you have five, you would have two of employer, two of employee or union, and one public member. It would mean that you would have a great deal of pull and haul, and it would be difficult to work with and control, as all such boards are.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (H. Con. Res. 779) to authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

POLITICS FIRST

Mr. DOLE. Mr. President, I wish to announce to the Senate that a few minutes ago the House, by a vote of 190 to 146 with one Member voting "present," adopted the conference report on H.R. 18546, the Agricultural Act of 1970.

I wish to express my disapproval of the announced intentions by the majority leadership of the Senate to delay and possibly kill the conference report on H.R. 18546, the Agricultural Act of 1970.

For nearly 2 years, Congress has been considering this legislation. This bill passed the House in August by a vote of 212 to 171—the largest margin on a farm bill I can recall in the 10 years I have been a Member of Congress. It has the support of the administration.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from President Nixon to Representative BELCHER, dated October 8, 1970, in which the President indicates that the conference report is acceptable.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 8, 1970.

Hon. PAGE BELCHER,
House of Representatives,
Washington, D.C.

DEAR PAGE: I appreciate the fine work that you and your colleagues have done in bringing the farm bill through the Conference Committee.

As I indicated in my earlier letter to you, I considered the farm bill reported by the House Committee on Agriculture good legislation. I expressed the hope that it would be enacted promptly and with minimum change. Although the bill proposed by the Conference Committee does make a number

of changes, I believe it is the best compromise that could have been attained under the circumstances and one that this Administration can accept.

The scope and significance of this farm bill indicate that it is truly a team effort, and I congratulate you and the other conferees on the contributions you have made.

Sincerely,

RICHARD NIXON.

Mr. DOLE. The 212 House Members voting for the bill included the leaders of both parties, and of the 212, 126 were Democrats, 86 Republicans.

While the Senate has traditionally supported farm legislation, this action by the leadership now jeopardizes the whole farm program.

THE WINTER WHEAT PRODUCER NEEDS TO KNOW

Mr. President, I recognize that some segments of agriculture will not be immediately affected by the delay, but, the winter wheat producer will certainly suffer and bear the brunt of this political delay. In addition, the orderly planning and continuation of Public Law 480—the food for peace program—the National Wool Act and the special dairy programs for the armed services and veterans hospitals are all thrown into jeopardy.

Year after year, the winter wheat producer plants without knowing what the exact provisions of the program may be, or whether there will be a program at all. It is inconceivable to me that action on the already-delayed farm bill should be delayed even further. From a political standpoint, I can see no advantage to Democrats for holding up the bill. In fact, I am of the opinion that farmers recognize that Democrats control the Senate and that the Democrat leadership is certainly in a position to call up the conference report at any time after it is acted upon by the other body and when it reaches the Senate.

There has been no assurance given that the leadership intends to act even after the election recess, but in the meantime, the damage has been done, and the will of the majority of the Senate, as well as the will of the House and the administration, has been again frustrated.

Mr. CURTIS. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. The Senator from Ohio has the floor.

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senator from Kansas may yield to other Senators and that the Senator from Ohio (Mr. SAXBE) then continue to hold the floor at the end of that time.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. DOLE. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator from Kansas.

Mr. President, I want to commend the distinguished Senator from Kansas for speaking up on this subject.

I, to, hope that the majority leadership will change its mind and call up the conference report and do it tomorrow.

Agriculture always faces many hazards, the hazards of weather, the hazards of the marketplace, and the hazards of not knowing what the Government is going to do or whether the Government is going to act at all.

This goes far beyond mere disappointment and frustration, the fact that we do not know whether there will be any farm legislation.

Two weeks ago, the business manager of a college in my State came to see me. He said that the endowment fund of the college owned a farm in western Nebraska in the wheat country. They had the wheat sowed. The farmer had paid $2,000 down—earnest money. But he came back and surrendered his contract and waived his $2,000 because he said he could not find out whether Congress would enact a farm bill. That is not an isolated incident. While most farmers are not in the process of buying land, they are faced with the same decision of planting acreage allotments and making arrangements for next year and the like, as this gentleman found himself.

The time for planting winter wheat has gone by for several weeks now, but other plans are involved. No farm bill is ever a perfect bill. There is competition within agriculture. There is disagreement among individual farmers as to what should be done. There is also disagreement among farm organizations.

Thus, after all that process is gone through and we finally agree on a bill, the conferees agree, and the House accepts, to deny the Senate a prompt vote on it is not just a disservice to the administration or to the minority party, it is a disservice to the institution of agriculture itself and especially is it a disservice to the individual farmer.

Again I express the hope that the leadership will change its mind and before we go out of here tomorrow night that the conference report can be called up and acted upon.

I thank the distinguished Senator from Kansas for giving me this opportunity to make these comments.

Mr. DOLE. I thank the distinguished Senator from Nebraska.

Mr. HANSEN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. HANSEN. Mr. President, I want to thank my distinguished colleague from Kansas for yielding.

I, too, rise to express my regret and dismay that, so far, the leadership has apprised us of its unwillingness to consider the conference report from the conferees on such an important piece of legislation as the farm bill.

Farming is the second greatest industry in Wyoming. The western part is characterized by grazing of livestock—both cattle and sheep. Other areas also are well known for their fine herds and flocks. The lower portions of the State are characterized by different kinds of row crops, including corn, sugar beets, and beans. A number of small grains are raised in Wyoming as well.

The choice that the farmer has today, as we all know, is not what amounts should be raised, or how to raise them, but it depends on what we in Congress do. Thus, it is with considerable dismay that I note the failure to take action on this important piece of legislation.

I am aware of the fact that we have spent much time on legislation that has taken us into the late fall, one of the exercises, seemingly futile, that engaged us for some 6 weeks being the debate on the Cooper-Church amendment. I am told now that the House conferees refused even to meet with the Senate conferees, further to discuss that amendment. So it would seem reasonable to assume that all the time we spent on that amendment, some 6 weeks, which we gave almost exclusively to debate on that issue, which some in this body felt was so important, has gone for naught; because if what I hear is true, there will be no further consideration by the House conferees on that piece of legislation.

When we talk about the farm bill, we are talking about something important not only to the second most productive industry in Wyoming, insofar as the financial return is concerned, but we are also speaking about something that involves very directly the working men and women of America.

There are any number of bills before this body—as it is equally true that there are many bills before the other body—which would make available greater amounts of money to retrain those who are out of jobs. There has been a great exodus, as the distinguished Presiding Officer, the Senator from Alabama (Mr. ALLEN), knows at this moment, from the rural areas of America—especially the South and the farmlands of America—to the cities. These people have few skills that are merchantable in the cities of America. These people from the farms and rural areas of America have contributed most importantly to the rising number of unemployed in the great cities of America. They add very decidedly to the increasingly burdensome weight of welfare.

How we can contemplate this seeming indifference, as currently expressed in our failure to consider now, timely and appropriately, the agricultural bill, amazes me.

I submit that we are making more difficult the providing of jobs in sufficient amounts and numbers to keep as many people as we possibly can in the rural areas of America. That can have only one effect: to add to the number of unemployed and to the burden of caring for people on the welfare rolls.

I hope most sincerely that before we adjourn by tomorrow evening, whenever we do adjourn, that we will have gotten around to the decision that we are going to act upon this report by the conferees on the agriculture bill. To do less would be a great disservice to America. It would be a great disservice to the people whom we are most concerned about, those who are unemployed and on welfare.

I thank the distinguished Senator for yielding.

Mr. DOLE. Mr. President, I thank the Senator. I was on the floor yesterday when the Senator from Wyoming raised the question about when the conference report would be considered. The Senator from Wyoming was informed by the Senator from West Virginia that the conference report would not be considered until after the election recess.

I share the hope of the Senator from Wyoming that perhaps before we adjourn tomorrow afternoon there will be

a change of plans and that consideration will be given to the conference report.

We are not only involved in delay of the conference report, but also the matter of delaying a wheat referendum. There has been delay in getting the conference report approved by Congress. However, in the event the report is not approved and we conduct a referendum, it could mean a loss of $870 million to the wheat farmers.

It is estimated that 80 percent of the winter wheat has already been planted. It is the same story the farmer faces every year. He never knows what the program will be or even if a program will be enacted.

There are plans that the farmer must make. It is essential that he have this information.

Mr. HANSEN. Mr. President, let me say that my State of Wyoming, of course, is a winter wheat operation, as the distinguished Senator knows. We have only half of our ground in actual wheat production in any one year. The other one-half is in summer fallow.

It is too bad that we have been denied this long the opportunity of knowing what the Government's program would be.

What the Senator from Kansas says is most appropriately applied to the State of Wyoming.

I thank the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I yield now to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank the distinguished Senator from Kansas for yielding. He is a fellow member of the Senate Committee on Agriculture and Forestry. I know the distinguished leadership which the junior Senator from Kansas has given in the development of farm legislation.

I join my colleagues in expressing hope that the leadership of the Senate will make it possible for the Senate to vote on the conference report before we adjourn.

Mr. President, I come from one of the principal winter-wheat-producing States. We are one of the Southern States. We are still in the process of planting wheat. Much of it has been planted. However, still many farmers do not know what the production might be. However, they can still modify their plans to fit the bill if it is enacted into law.

Mr. President, for the past 5 months winter wheat farmers throughout the midwest have been held in a state of suspended animation—awaiting action on the new farm program. For this large number of food producers, the information as to the number of acres of winter wheat which they are allowed to plant and the number of acres which they must set aside is a matter of great importance. It is information which they should have had no later than July 1, this year.

It may not be fully understood by some Members of the Senate that the crop year for winter wheat growers begins in June—almost a full year before the harvest. It is then that they must begin tillage operations leading up to planting which begins in September.

Mr. President, winter wheat growers deserved to know the laws under which they would be planting their crop for harvest in 1971 before they began preparation for planting in June, 1970. They needed this information so they would know how to plan their tillage and fertilizer operations and for the efficient management of their farms.

Unfortunately, action on the farm bill has been delayed and winter wheat farmers have had to proceed without knowing the rules in planting of their 1971 crop. However, action by both the House and Senate has now been taken, and the House has approved the conference committee report. It is unconscionable for the Senate to consider a 30-day recess without acting on the conference committee report, and in this way giving winter wheat growers the information on the farm program which they should have had 5 months ago.

Mr. President, in the new farm program, there was language in the Senate bill which would prevent dilemma for winter wheat growers in 1974, when the new farm program expires. Under those terms, the Secretary of Agriculture would have authority to extend the program for an additional year, in case the Congress again fails to take timely action.

Mr. President, America owes a tremendous debt to agriculture, and especially the winter wheat growers. These food producers have provided American consumers and our friends abroad with abundant food through war and peace. By constantly increasing efficiency, they have served to help fight inflation and to hold down the cost of living to the point that American workers are able to feed their families more economically than any other workers on earth. The Congress cannot, in good conscience, refuse to act upon this bill before it adjourns and subject winter wheat growers to further delay and to continued uncertainty. America's food producers deserve fairer treatment from the Senate.

Mr. President, I thank my friend, the Senator from Kansas for yielding. I congratulate him for calling to the attention of the Senate the importance and timeliness of this action.

I join in expressing the hope that the leadership of the Senate will make it possible for us to vote on this important measure before we adjourn.

Mr. DOLE. Mr. President, I thank the Senator from Oklahoma. He is a member of the Agriculture and Forestry Committee and perhaps knows more about winter wheat production than all of us combined as he is a producer of winter wheat in the great State of Oklahoma.

I realize that acting on the conference report at this time might be politically sensitive to some Members of the Senate who are seeking reelection. However, it appears to me that the first concern should be the American farmer and particularly, in this instance, those in the area of winter wheat production who, as has been indicated by the Senator from Oklahoma, should have had this information 4 or 5 months ago.

There is still no information available. We do not know what the final program will be. The Senate could reject the conference report. However, I hope not. There is no reason to further delay action on the conference report which passed the other body earlier today by a vote of 190 to 146.

I would hope that the Senate in its best tradition would act tomorrow so that the farmers would know even at this late date how they might plan for the future.

I yield now to the Senator from Arizona.

Mr. FANNIN. Mr. President, I thank the Senator from Kansas. I commend him and the other Senators who have entered into this colloquy on their comments regarding the holding up of the conference report.

Many States will suffer, but the Western States will probably suffer tremendously because of this delay. Their planting, their financing, and all of their planning has been left in jeopardy.

They have been patiently awaiting action by Congress. This disruption can be disastrous, for not only is the farmer at the mercy of the weather, but we are adding further to his troubles.

The consumer will pay the penalty, too, as a result of this irresponsible action if it continues.

We are asking the farmer to employ a greater number of people. But we are placing barriers in the paths of the farmers.

By the action being taken, we are exporting jobs to foreign countries that will be taking over the production of crops we have planned.

I trust that the Senate will act on the conference report before we adjourn on tomorrow.

Mr. DOLE. Mr. President, I thank the Senator from Arizona, and share the hope that the Senate will act tomorrow on the conference report. There is basic agreement as the conferees did resolve the major differences in the House and Senate versions.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief summary of the conference report as set forth in the report of the conferees.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BRIEF SUMMARY

There follows a brief summary of the principal provisions of the conference substitute:

TITLE I—PAYMENT LIMITATION

1. Establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains.

2. The limitation imposed considers all payments made for price support, set-aside, diversion, and public access, as well as marketing certificates.

3. The Secretary is authorized to adjust set-aside acreage and is directed to issue regulations necessary to insure fair and reasonable application of this title.

TITLE II—DAIRY

1. Amends and extends the authority for the Dairymen's Class I Base Plan in Federal milk market order areas and provides that any area covered by the program during the next three years could continue to have it in effect up to December 31, 1976.

2. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

3. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.

4. Provides authority to make indemnity payments to dairy farmers and dairy processors who, through no fault of their own, have their milk or dairy products contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

1. Extends the National Wool Act of 1954, as amended, through December 31, 1973.

2. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

1. Suspends marketing quotas and acreage allotments for 1971, 1972, and 1973.

2. Provides domestic marketing certificates for farmers participating in the set-aside program in an amount equal to U.S. food consumption (not less than 535 million bushels annually).

3. Sets the face value of these domestic certificates at the difference between the wheat parity price (currently $2.85 per bushel) and the average price received by farmers during the first five months of the wheat marketing year (which starts on July 1).

4. Provides for a "preliminary" payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment (if any) would be paid after December 1. If the Secretary's estimate were too high, no refunds by farmers would be required.

5. Continues the cost of certificates to wheat processors at 75 cents per bushel.

6. Authorizes the Secretary to set non-recourse loans to participating farmers from $1.25 per bushel to 100 percent of the parity price for wheat.

7. Establishes a set-aside program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary. The 1971 set-aside would be 13.3 million acres. The 1972 and 1973 set-aside could not exceed 15 million acres.

8. Authorizes additional set-aside and public recreational access payments.

TITLE V—FEED GRAINS

1. Establishes a voluntary feed grain (i.e., corn, grain sorghum, and barley) program for 1971, 1972, and 1973.

2. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between the higher of (a) $1.35 per bushel or (b) 70 percent of the parity price (for corn) and the average market price for the first five months of the marketing year (which starts on October 1 on corn and grain sorghum and July 1 on barley). In no event, however, would these payments be less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley).

3. Authorizes the Secretary to set the non-recourse loan level for corn from $1.00 per bushel to 90 percent of parity.

4. Authorizes additional set-aside and public recreational access payments.

5. Establishes a set-aside program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

6. Provides for a preliminary payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first five months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—COTTON

1. Provides payments on the estimated production from 11.5 million acres for the 1971 crop, In 1972 and 1973 the base acreage allotment would be set by the Secretary, and total payments would be adjusted accordingly.

2. Provides participating cotton farmers with loans and payments. The loan would be 90 percent of the average world price for two previous years. The payment would be the difference between the higher of 65 percent of parity or 35 cents and the average market price for the first five months following the beginning of the marketing year (which begins August 1), but in no event less than 15 cents per pound. No refunds by farmers would be required. Small farms would be eligible for 30 percent bonus payments.

3. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes or on additional voluntary set-aside acreage.

4. Provides for a set-aside of cropland (not to exceed 28 percent of the cotton allotment) as a condition of eligibility for benefits under the program.

5. Establishes a voluntary program under which marketing quotas, and penalties would be suspended for three years.

6. Requires participating farmers to plant cotton to receive payments, with two exceptions: (a) if unable to do so because of natural disaster or other condition beyond producers' control; (b) if not less than 90 percent of allotment is planted.

7. Provides for cotton research and promotion program.

8. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

9. Authorizes anniversary-type loan program under which the Secretary shall, after being presented with warehouse receipts reflecting accured storage charges of not more than 60 days, make non-recourse loans for a term of 10 months from the first day of the month the loan is made.

TITLE VII—PUBLIC LAW 480

1. Extends the provisions of P.L. 480 (the "Food for Peace" program) which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations.

TITLE VIII—GENERAL AND MISCELLANEOUS

1. Continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program.

2. Extends permanently the exemption from marketing quotas for boiled peanuts.

3. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a government program to voluntarily relinquish it. (This would be a permanent provision.)

4. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

5. Permit producers to plant, harvest, and bale hay grown on wheat, feed grain, and cotton set-aside or diverted acres and store such hay for future emergency periods declared by the Secretary. The Secretary could also make loans for baled hay storage facilities.

6. Amends the Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306 (association loans and grants) and for direct real estate loans to farmers and ranchers shall remain available until expended. Also provides that unused authorizations for appropriations shall carry over from year to year.

TITLE IX—RURAL DEVELOPMENT

1. Commits Congress to a sound rural-urban balance and provides for various reports on planning assistance, technical assistance, government services and utilities, and financial assistance. Also requires a Federal policy that new offices and facilities be located, insofar as practicable, in communities of lower population density.

Mr. DOLE. Mr. President, I yield now to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator from Kansas.

Mr. President, the Senator from Kansas has rendered a very valuable service to the Senate in calling this matter to the attention of the Senate at this time.

Mr. President, I come from a farming country in western Colorado. This whole area, as everyone knows, is one of the great wheat producing areas in the country.

I do not know how many times in the last few weeks my phone has rung.

Some farmers I have known a long time have said, "Gordon, what in the world"—although they usually use stronger language than that—"shall I do with respect to my wheat plantings?"

Here we are at October 13. The wheat in the Great Plains area, and the Senator from Kansas and the Senator from Oklahoma are certainly included in that area, should have been planted at least in September, a month ago. Some of it was planted as late as October with the farmer just taking a chance. But for the best growing conditions in our area it should have been planted by September. Now, here we place these farmers in this situation.

Having gone through the dust bowl of the 1930's and the 1950's with these people, I have great sympathy and understanding for them because, in going through those two times, I think the farmers of this area exhibited as great a personal and collective courage as any group has even exerted in this country. It seems to me the farmers have increased the productiveness of their particular vocation beyond any other facet or phase of American life.

As was just said a few moments ago, as a result the American citizen today is devoting less of his earned income to food than he ever has in his life before, and yet year after year as we come to consider the agriculture program we meet them not on a long-term basis, although there is an attempt to do that in this bill, but rather on a short-term basis; and year after year when we have before us the consideration of the farm bill the phone starts ringing and people start asking, "Senator, what in the world are we going to do? More important, what is Congress going to do about the farm bill?"

Now, we have a farm bill. I have not seen the conference report as of this moment. I have not had time, having been in other meetings. But regardless of whether one decides to support the conference report, and at this moment I am inclined to do it, if it contains what I think it does, it is about time we quit using the agriculture people of this country as one of the whipping boys of our economy and also trading off their inter-

ests, particularly against the interests of the so-called consumer, because we are all consumers.

In the meantime, Congress has taken other steps which increase constantly the costs to the farmers. The cost of labor has gone up dramatically in the past 10 to 15 years; the cost of machinery has gone almost out of sight; it is impossible for anyone to even commence a farm operation now, at least, in our part of the country. With an investment in machinery of $50,000, it takes away the concept of the family farm, the farmer starting out in business himself which we have talked about for many years.

So now, the Agriculture committees of the respective Houses have met and reached an agreement upon a farm bill. It seems to me that the least we can do is to bring the conference report up for a vote now. If we wait until we return from this very unfortunate recess that we are having—a recess which, in my opinion, could have been avoided and should have been avoided—we are not going to decide this conference report, in my opinion, on November 16, but it is going to be a week or 2 weeks, 4 weeks, 5 weeks after that before it is finally decided.

So, then we foreclose any action by the farmers who might plant still a little winter wheat in a few places, and we leave them sitting out on the end of a limb which Congress is trying to saw off as fast as it can.

I think the Senator from Kansas has done an eminent job in calling this matter to the attention of the Senate today. I wanted to express my opinion about this matter because to me there seems to be a situation in this country where the farmer and the agriculture people of this country are the fall guys for all of our problems. They are not that. They have been the most productive and they have increased their production more than any group in this country while the expenses of that production have grown as dramatically as they have grown in any area of our economy.

For that reason I would hope the leadership of the Senate would see fit to call up this conference report either this afternoon or before the Senate adjourns tomorrow.

I thank my friend for yielding.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, the Senator from Iowa was a conferee. I would observe for Senators now in the Chamber that another conferee, the distinguished Senator from Florida, is present also. I am pleased they are both present because they performed monumental work in connection with the conference report and in bringing about a solution to many of the problems faced in conference.

I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I thank my colleague from Kansas for yielding. While most of those who have been speaking on this matter represent substantial wheat interests, there are other farmers in the Nation besides wheat farmers who have a great amount of concern about the conference report on the agriculture bill. My own feed grain people in Iowa and throughout the country, the dairy people, the woolgrowers, the cottongrowers all have a tremendous stake in this legislation.

As one of the 14 conferees—seven from the Senate and seven from the House—I spent the better part of 2 weeks every morning and every afternoon in very long, difficult, and sometimes tortuous sessions in an effort to resolve the differences between the House-passed bill and the Senate amendments. There were times when it appeared we might not get a bill, but finally as a result of the great leadership on the part of the Senator from Florida (Mr. HOLLAND) we did come to grips with some of the most difficult features of the bill and managed to get passed what I consider a reasonably sound farm bill.

The activities in the conference committee were completely and utterly bipartisan. I think the vote by which the House this afternoon adopted the conference report, with a vote of 190 to 146, demonstrates the bipartisanship displayed in the conference.

I would guess that overall in the Senate Chamber the attitudes toward the farm bill would be bipartisan. This has usually been the way it has been.

But I am advised that two of the Senators from the other side of the aisle who are involved in reelection campaigns have asked that this bill be held up. Now, if it is to be held up until tomorrow so that they might return to vote on the bill, that is one thing; but if the request to hold up the bill is to prevent the Senate from acting on this report before the latter part of November, that is another thing. No one knows the purpose, but we will know by tomorrow.

I deeply regret that the Senate leadership, the Democratic leadership which is in control of the Senate, has not seen fit yet to accept the conference report from the House.

I hope that the Democratic leadership will exercise its responsibility and direct the Senate Parliamentarian to notify the House that the Senate is ready to receive the report, along with the accompanying documents. I hope this will be done at once, and in any event not later than tomorrow morning, so the Senate may act on this most important conference report. As I said, this has been bipartisan legislation all the way through, on the House side, in the Senate Agriculture and Forestry Committee, in the conference committee, and in the House adoption of the conference report this afternoon. But the delay is very much partisan. If the Democratic leadership does not permit the Senate to vote on the report tomorrow, it will be nothing but partisan politicking at the expense of the Nation's farmers, and the Nation's farmers will know it, and I for one intend to see that they know it.

I think the delay so far is most unfortunate. It has given foundation to all kinds of rumors. It has put a great many farmers in a quandary. The farm organizations do not know what to tell their members. The Agriculture Department officials do not know what kind of orders to prepare. There are some unusual features in the program this time, such as the set-aside. It is going to take time to work that out in publications and to get them out to the various States and local communities so that the farmers and the USDA local officials will know exactly what these new programs mean.

To hold all of them up until the latter part of November would be, I think, most selfish and shortsighted. It cannot do anybody any good at all. It can only do harm.

As I said, with the exception of the inaction which I am sure has resulted from certain understandings by the leadership with the other body, we ought to have acted on this measure this afternoon. The House has taken prompt action on it. There is no reason why the Senate cannot. But if, because of certain absent Senators who will return tomorrow, it will be held up so that they can vote tomorrow, that is fine. The Senator from Iowa would have no objection to that. The only problem is, Why have not we been told this? Usually, when we are anxious to pass some legislation, we are told that perhaps two or three of our colleagues are absent, but they will be back tomorrow; will we please hold up action so that they can be recorded on a very important measure? As a matter of getting on with each other, usually most of us agree, "All right, we will delay until tomorrow." But we have not had that situation at all. All we have is silence, along with some rumors and reports.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BYRD of West Virginia. The distinguished Senator has not just gotten silence. The able majority leader, on the floor this morning, indicated that he personally would like to see the conference report brought up. He stated that there are some Senators who have very important and significant positions in connection with the conference report, however, who ought to be here. He indicated that he hoped we could clear up the calendar as much as possible, and he also indicated that he would do everything he could possibly do to dispose of matters on the calendar and to dispose of as many conference reports as he could on tomorrow before the Senate adjourned until November 16.

So, the Senator from Iowa has not just gotten silence. The majority leader expressed his hopes earlier today. I am sure he did so in good faith. He will read the record of today, and I am confident that, if it is within his power to move the conference reports forward, and if Senators who hold important positions in connection with the Agriculture conference report are here, the majority leader will do just what he said—he will do everything he can to clear the calendar of all conference reports. So let not the record show that the Senator has just met with silence. The majority leader has spoken, and he means to keep his word.

Mr. MILLER. The Senator from Iowa will stand corrected on the "silence" matter, although I must say that the distinguished majority leader might just as well have remained silent as far as the meaningfulness of what he had to say with respect to acting on this measure tomorrow is concerned. The Senator from West Virginia well knows that day

after day in this body we have an understanding right down here at the well of the Senate Chamber between the leadership that we are going to take action tomorrow or next day on certain very important measures. We do not have that understanding at all. The Republican leadership is ready, willing, and able to work on this measure, but all we have received is an expression of hope from the majority leader.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MILLER. I have tried to make clear that we have on record hold orders relating to two of our Members who are standing for reelection, and do not relate to any other Senator. I tried to make that distinction so that it would be made clear that I am not talking about others who have a vital leadership role in this legislation. But, if my eyes did not deceive me, those other Members of the Senate from that side of the aisle who have a leadership position with respect to this legislation were very much present this afternoon. My understanding is that they will be present tomorrow. I think it is just a matter of the leadership not expressing a hope, but taking decisive action to enable the Senate to act on this measure tomorrow.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BYRD of West Virginia. The Senator will recall that the able majority leader spoke this morning, prior to the passage by the House of the conference report this afternoon, so when the majority leader spoke, he was not aware, of course, of developments which have since transpired in the House, and I assume all of that will be taken into consideration.

I wonder if the Senator would care to venture a guess as to whether or not we might be able to reach a unanimous-consent agreement in connection with not only the conference report on the farm bill but also the occupational health and safety bill, so the Senate can vote on both tomorrow.

Mr. MILLER. May I say the Senator from Iowa cannot speak for this side of the aisle with respect to a time limitation. As I understand it, there are serious reservations on both sides of the aisle with respect to some features of the health and safety measure. I would hope that the fact that there are serious reservations, which could cause some serious debates in connection with amendments, that that would not be a cause for any delay on the conference report, which I would guess, in view of the House action this afternoon, would be accepted by the Senate. I would hope we would not hold up action on the conference report because of some legislation that is pending. I would guess there would be no difficulty in obtaining a time limitation for discussing the conference report, but here again the Senator from Iowa is not in a position to do so, although he would certainly join with the Senator from West Virginia in a motion to have a time limitation on the conference report.

Mr. BYRD of West Virginia. Mr. President——

Mr. DOLE. Mr. President, I think the Senator from Kansas has the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Kansas yield, without losing his right to the floor?

Mr. DOLE. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I merely thought it might be a suggestion worthy of consideration overnight and that it might be possible to work out some agreement whereby action could be completed on both measures at a reasonable hour tomorrow.

Mr. DOLE. Mr. President, let me say that there are some 19 amendments to the Occupational Health and Safety Act. The action on the conference report would be a rejection or approval of the conference report, an up or down vote, without going through the amendment process. The farm bill is of great importance to my State and to all the wheat and feed grain producing States. I hope there is an interest in the leadership in expediting it, although the Senator from West Virginia indicated yesterday the conference report would not be considered until after the recess.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BYRD of West Virginia. The Senator from West Virginia is not attempting in any way to negate anything the Senator from West Virginia has said. What the Senator from West Virginia said yesterday was prior to the action this afternoon by the House on the conference report, just as in the case of what the majority leader said this morning.

Mr. DOLE. The Senator from Kansas would not want to hold the farm bill hostage in connection with the safety bill, because it is of vital importance.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator who is perhaps more responsible than anyone else for having a conference report and for having the bill which passed the House today by a vote of 190 to 146.

I am happy to yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator.

I was one of those, with the Senator from Iowa and others from both sides of the aisle, who worked very hard to have a conference report, and we all played our parts in getting that report. I probably have a greater interest in having speedy action on it that anyone else, because, if Senators will look at the back page of the Calendar of business for today, they will find that the agricultural appropriations bill has been ready for conference since July 9, which was the date that the Senate passed that bill, and we cannot take up that conference. As a matter of fact conferees have not been appointed by the House of Representatives, and probably will not be appointed until this farm bill becomes law. Since I have some duties in connection with that particular conference, I am most eager to have this conference on the farm bill we are talking about gotten out of the way with the greatest possible speed.

However, I have been advised by the majority leader that there is strong objection on the part of perhaps two Senators, and I know perfectly well what the Senate rules are. I know perfectly well that determined opposition on the part of a couple of Senators can defeat all of our well-laid plans—well-laid at least as far as I am concerned—to wind up this preelection session tomorrow night.

I am sure that the majority leader would be very happy if there was to be no determined opposition, and I am sure he is working to that end. I just want Senators to realize that there are some of us who must be patient about this matter. I do not think anyone is more anxious for a successful conclusion of this farm conference report than I. I have been negotiating with various Senators and with the majority leader and others, and nobody can question the fact that the Senator from Florida does want to get this conference out of the way, because, by simply looking at the calendar, he could see that we have been having to wait since July 9 in order to take up the conference on the agriculture appropriation bill, waiting patiently on the passage of the farm bill.

So if Senators will be patient, and if we all work together, I hope we may get this out of the way before we go home for the election. If that is not possible, the Senator from Florida will seek to bring it up the first day we come back.

I am not going to bring it up without the approval of the majority leader, when the majority leader tells me that, under the present analysis of the situation, it would be a futile thing, and would simply tie us up all day tomorrow and get us away from here not only without the passage of the farm conference report, but without the passage of other matters which could possibly be passed tomorrow.

So I ask the Senator from Kansas to possess his soul with patience. I am endeavoring to do just that, and the Senator from Iowa, who played a very real part in getting the conference report, I am sure, knows what the situation is. We will all just have to remember the rules of the Senate and, having in mind the very small amount of time remaining between now and adjournment tomorrow night, operate accordingly.

Nothing could be clearer than the fact that this is not a partisan matter, because the Senator from Iowa, the Senator from Florida, the Senator from Vermont, and the Senator from Mississippi all worked together very hard to get this conference report out, and neither party can claim any partisan credit, nor does so. We are all anxious to get this perfectly nonpartisan matter, of great importance to hundreds of thousands of farmers, disposed of. No one is more anxious than I, and I hope my friend from Kansas will also be patient, because we are up against a situation that none of us can change unless, by persuasion, we can be sure that there will not be stubborn resistance to the conference report.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, I thank the Senator from Florida. I have just been informed that a story attributed to the

distinguished chairman of our committee, the senior Senator from Louisiana, has announced that the conference report will not come up until after the adjournment, and he is quoted as saying that has been definitely decided.

If that is the case, the leadership will perhaps not make an effort to resolve this matter before the adjournment tomorrow.

But it is not a question of the patience of the Senator from Kansas, nor that of the Senator from Florida, nor any other Senator. I again commend the distinguished Senator from Florida for his efforts in resolving some of the difficult problems faced by the conferees in a period of 1 or 2 weeks. The question is the patience of the American farmer, who, year after year, is asked to wait on a Congress, whether it is a Democratic Congress, which it has been for many years, or perhaps a Republican Congress, or on a Democratic or a Republican President.

It is difficult, as the Senator from Colorado indicated a few moments ago, particularly for the winter wheat producer, to understand why, year after year, we cannot come to grips, in Congress, with a farm program, and complete action upon it before planting time.

I understand those who may be opposed to bringing it up before election are in a tight battle for reelection. I frankly do not understand how delaying action on the farm bill will inure to their benefit. Most farmers understand that the Senate is controlled by the Democrat Party. Most farmers understand that there are some who would rather wait to vote until after the election. But by and large, the American farmer supports the farm program, and supports this bipartisan bill. Perhaps not all the farm leaders favor the conference report, but the farmer by and large supports it.

Most farmers are realistic. Most farmers understand that we may be in an era of the last farm program in American history, because Congress is more and more dominated by urban Members, particularly in the other body, who have less and less interest in agriculture.

The question of payment limitations has been a very difficult one, and when this bill expires, if it should be enacted, in 3 years, then there will be a difficult question whether there will be another farm program, where there are payment incentives to producers of cotton, wheat, feed grains, and other commodities.

But the question now concerns the best interests of farmers. It is not a question of the patience of the Senator from Kansas, the Senator from Iowa, the Senator from Florida, or anyone else who has spoken. It is a question of the best interests of the American farmer, and I find nothing, political or otherwise, that would indicate it is in the best interests of the farmer to walk away tomorrow and wait 30 days or more, before acting on the conference report.

Mr. President, I should like to pose a parliamentary inquiry at this point.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The Senator will state his parliamentary inquiry.

Mr. DOLE. Has the conference report, acted upon by the other body, reached the Senate floor?

The ACTING PRESIDENT pro tempore. It has not.

Mr. DOLE. Can the Parliamentarian advise the junior Senator from Kansas whether it is in the process of coming to the Senate floor?

The ACTING PRESIDENT pro tempore. The Parliamentarian does not give Senators advice. It comes from the Chair.

Mr. DOLE. A further parliamentary inquiry. I am advised that the papers have left the other body.

The ACTING PRESIDENT pro tempore. The Chair is not advised of that fact.

Mr. DOLE. Assuming that that is correct, they would come then to the Senate? Is that correct? Or could they be detoured between here and the House?

The ACTING PRESIDENT pro tempore. When the messenger came to the door, the Chair would recognize him.

Mr. DOLE. The main Chamber door?

The ACTING PRESIDENT pro tempore. If no Senator had the floor and a messenger came to the door, and at a convenient point in the business of the Senate, as the Chair understands, he would be recognized.

Mr. DOLE. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I should like to make a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MILLER. If the conference report, as I am advised, has left the House by messenger and the messenger has arrived immediately outside the main Chamber door, do I correctly understand that at that point the Senate has not yet received the conference report?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MILLER. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MILLER. In other words, it is not until the door opens and the messenger appears in the door when it is opened that the Chair recognizes that the conference has come over from the house?

The ACTING PRESIDENT pro tempore. The Senator from Iowa has seen on many occasions the messenger standing inside the door, and the Chair did not recognize him until he was able to do so, at a convenient lull in the proceedings.

Mr. MILLER. Did the Chair wish to elaborate on the ruling?

The ACTING PRESIDENT pro tempore. No.

Mr. MILLER. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senate will state it.

Mr. MILLER. What is necessary to get the Chair to recognize the messenger as he is standing outside the door, so that he will come in and the Senate will receive the conference report?

The ACTING PRESIDENT pro tempore. The Chair does not believe that that is a proper parliamentary inquiry. The Chair will follow the rules of the Senate; and if the Chair saw fit to recognize someone, he would certainly have had to gain admittance to the Senate Chamber, and there would have had to be a lull in the proceedings so that he could be recognized.

Mr. MILLER. Mr. President, I yield to the Senator from Kansas.

Mr. BYRD of West Virginia. Mr. President——

Mr. DOLE. Mr. President, I have the floor.

The ACTING PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. DOLE. If I may inquire in advance, without losing my right to the floor, for what purpose does the Senator wish me to yield? Not for the purpose of adjourning the Senate.

The ACTING PRESIDENT pro tempore. Will the Senator from West Virginia state for what purpose he desires the floor?

Mr. BYRD of West Virginia. Not for the purpose of asking a question.

Mr. DOLE. Under those circumstances, I will discuss further how important this proposal is to the farmers of America. I respectfully decline to yield to the Senator from West Virginia at this time, because I have an impression he may attempt to adjourn the Senate.

I yield to the Senator from Oklahoma to discuss the wheat section of the bill, because winter wheat producers are particularly being damaged by further delay. Inasmuch as the junior Senator from Oklahoma is a bona fide wheat producer, it will be helpful to the Members of the Senate to know what the conference report means to the winter wheat producer.

I yield to the Senator from Oklahoma.

Mr. BYRD of West Virginia. Mr. President, I demand regular order.

The ACTING PRESIDENT pro tempore. The regular order has been demanded.

Mr. DOMINICK. Mr. President, who has the floor?

Mr. SAXBE. Mr. President, I believe I have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. SAXBE. Mr. President, I should like to return to the business that we were discussing, which concerns the question of whether we should proceed to hear the health and safety bill at this time.

AMENDMENTS NOS. 1053 THROUGH 1060

Mr. DOMINICK. Mr. President, will the Senator yield to me?

Mr. SAXBE. I yield.

Mr. DOMINICK. Mr. President, I should like to have the Senator yield, without losing his right to the floor, for the purpose of a unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, I have before me some eight amendments, together with a printed statement and a brief for each of those eight amendments,

with respect to the bill which is now pending before the Senate, or which has been moved to be pending before the Senate. I ask unanimous consent that the amendments be printed together with the explanatory text on each one of them.

The ACTING PRESIDENT pro tempore. The amendments will be received and printed and will lie on the table.

The explanations, presented by Mr. DOMINICK, are as follows:

AMENDMENT NO. 1053

Amendment No. 1053 would establish a separate, independent "Occupational Safety and Health Board" with responsibility for developing occupational safety and health standards. The Board would be a top-echelon body, composed of five members appointed by the President who would designate the Chairman from among the Board members. A background in the field of occupational safety and health would be required for all of the Board members.

The responsibility for developing occupational safety and health standards involves increasingly technical and complex problems requiring professional expertise and competence. An independent Board, whose members would be competent professional experts is, I believe, essential to the effective operation of an occupational safety and health program of the scope contemplated in the bill we are considering.

The separate Board, through its procedures will provide a wide range of judgment required for developing the diverse and varying standards to be applied for the first time on a national scale and on a multi-industry basis.

The job safety and health field is not only wide-ranging, but it involves several Departments of the Federal Government, two of these—HEW and Labor—extensively.

Health has always been centered in HEW: safety in the Labor Department.

I believe it is highly important to make sure no gaps exist between the safety and health areas of our Federal program; it is important to assure that a reasonably uniform level of effort is achieved with both, and important to keep policy consistent between the two. By joining the safety and health features of the program into a cohesive Federal focus, the Board will serve a useful and essential purpose.

Setting up a separate Board with standards-setting powers, with the Labor Department exercising administrative functions also provides for a balanced governmental structure.

The establishment of this Board, Mr. Chairman, is the keystone of this legislation, not only because it provides a nexus between the responsibilities of the Labor Department and HEW, but because it is the principal means of breaking up the undesirable monopoly of functions which some of the members of this body are seeking to create in the Labor Department. The Board would distribute functions, Mr. Chairman, by placing the standards-setting function in the new Board and the function of administering the Act in the Secretary of Labor.

Mr. President, the fact that this legislation is concerned with working men and women is not a valid reason for placing the standard-setting function under the Labor Department. The National Mediation Board, the Federal Mediation and Conciliation Service, and the National Labor Relations Board, for example, are completely concerned with matters pertaining to labor. Nevertheless, these agencies are entirely independent of the Labor Department. So. Mr. President, there is a great deal of precedent for this independent Board which my amendment would establish.

One more point, the members of the Board will not be appointed because they are Democrats or Republicans, pro-management or pro-labor. That sort of approach has unfortunately been too often followed in making appointments to Federal positions. The problems we seek to resolve in this legislation should be cast in political terms; they do not involve issues where there are deep policy differences. Quite the contrary, the problems are almost entirely technological and technical. The appointment of an independent Board whose members must be highly competent professionals in a field where the subject matter is wholly objective and lends itself to genuinely scientific and technical analysis, judgment, and decision, would create the utmost confidence in every segment of the American work community.

AMENDMENT NO. 1054

Amendment No. 1054 deletes the requirement in section 6(b)(5) that the Secretary will establish occupational safety and health standards which most adequately and feasibly assure to the extent possible that *no* employee will suffer *any* impairment of health or functional capacity, or diminished life expectancy even if the employee has regular exposure to the hazard dealt with by the standard for the period of his working life.

This requirement is inherently confusing and unrealistic. It could be read to require the Secretary to ban all occupations in which there remains *some* risk of injury, impaired health, or life expectancy. In the case of all occupations, it will be impossible to eliminate all risks to safety and health. Thus, the present criteria could, if literally applied, close every business in this nation. In addition, in many cases, the standard which might most "adequately" and "feasibly" assure the elimination of the danger would be the prohibition of the occupation itself.

If the provision is intended as no more than an admonition to the Secretary to do his duty, it seems unnecessary and could, if deemed advisable be included in the legislative history.

For similar reasons, the amendment deletes the words, "the highest degree of" on lines 12 and 13.

AMENDMENT NO. 1055

Reasons for Amendment No. 1055 to Section 8 to Eliminate Excessively Burdensome Employee Notification Requirements Relating to Exposure to Toxic or Harmful Agents:

Section 8(c)(3) now provides that each employer promptly notify any employee who has been or is being exposed to toxic materials or harmful agents in concentration or at levels in excess of those prescribed by an applicable standard. It further requires that the employer inform any such employee of the corrective action being taken. These requirements would apply regardless of the length of the exposure, the degree to which the concentration exceeded applicable standards, or how long ago the exposure occurred.

The proposed amendment would eliminate these employee notification requirements. They could place an impossible burden on the employer, since they would apparently apply to all those employees who had some exposure to excessive concentrations of these harmful agents in the indefinite past. Moreover, in the case of employees with limited exposure to these substances, there may be no countervailing employee interest justifying the imposition of the requirements.

Furthermore, this provision indirectly requires excessive employer monitoring of his entire operation to determine toxicity, and further, imposes upon him an unrealistic notice requirement. The Act anticipates enforcement by the Secretary of Labor. Let us rely upon that reasoned approach and not take the unrealistic step of trying to require an employer to be his own policeman, judge and jury.

AMENDMENT NO. 1056

Reason for Amendment to Subsection 8(e) Relating to Employer-Employee "Walk-Around":

This amendment deletes the requirement that the Secretary must give the employer and authorized employee representatives an opportunity to accompany him while conducting inspections. Where there is no authorized employee representative, the inspector must consult with a reasonable number of employees.

The proposed amendment would substitute the requirement that the inspector, in conducting inspections, must meet and consult with a reasonable number of affected employees and any authorized employee representatives. The consultation should be at such times as will not unduly interfere with the employees' work.

The amendment is intended to restore proper balance to the inspection procedure. In connection with inspections, the Secretary should have the full benefit of the views of affected employees. The amendment, through its consultation requirement, assures that these views will be available to the Secretary. At the same time, the bill's procedures should provide for minimum disruptions to the inspector in the performance of his work and no undue interference with the conduct of the employer's business.

The mandatory "walk-around" provisions now in the bill could, under some circumstances, lead to "collective bargaining" sessions during the course of the inspection and could therefore interfere both with the inspection and the employer's operations. Whether employers or employee representatives accompany the inspector should be left to the inspector, as is provided in the substitute amendment.

AMENDMENT NO. 1057

Reasons for Amendment No. 1057 to Eliminate Employee Right to Obtain a Hearing on the Reasonableness of the Abatement Period Fixed in the Citation.

The provision for a hearing demanded by an employee on the reasonableness of the abatement period for a violation is an administrative step in the procedures of the Act that is cumbersome, renders meaningless the judgment of the Secretary, and is, again, based upon the unwarranted notion that the Secretary will not carry out the mandates of this Act.

Employees are not prohibited from communicating with the Secretary concerning an alleged violation either before the citation is issued or thereafter.

In determining the reasonableness of an abatement period the Secretary would, of course, consider all aspects of the matter including the interests of the employee. To require a hearing places an unwarranted burden upon the Secretary, for he will be required to not only justify his position, but will tie-up resources needed elsewhere to effectively administer the Act.

It should also be pointed out that this issue could be raised at the hearing resulting from an employer's contesting the citation.

AMENDMENT NO. 1058

Reasons for amendment No. 1058 to section 18(a)(2). Re S/HEW's "tests" for establishing criteria to be used in promulgating standards.

Mr. President, my amendment would delete the requirement in section 18(a)(2) that the Secretary of HEW in developing criteria for the use in standard setting shall develop "such criteria which if applied will assure that no employee will suffer impaired health or functional capacities, or diminished life expectancy as a result of his work experience."

Such a requirement is simply unrealistic. This requirement is not qualified by the words *adequately* and *feasibly* as is a similar requirement for standards-setting in section 6(b)(5) of the Committee bill.

This requirement is not only unrealistic, it is confusing. What is meant by no impairment of Health or functional capacity? Simply being in a work environment where one is responsible for certain duties seems to me to produce in most people impaired health, and it certainly diminishes life expectancy to some extent.

These requirements are simply unrealistic and should be stricken.

The duty to set standards and produce criteria for standard-setting implies that the criteria and the standards will be as effective as possible; not that they will produce a perfect environment. No human effort can produce a perfect environment no matter how hard we try.

AMENDMENT NO. 1059

Reasons for Amendment No. 1059 to Section 18 to allow discretion to the Secretary of HEW in handling request for testing potentially toxic effects.

Section 18(a)(4) of S. 2193 requires studies and determinations by the Secretary of HEW concerning the toxicity of substances found in the workplace. As drafted, this paragraph contains provisions which would seriously interfere with the orderly conduct of these studies.

The paragraph requires the Secretary of Health, Education, and Welfare to publish and maintain a list of all substances used or found in the workplace and known to be potentially toxic, including the concentrations at which such toxicity is known to occur. The provision requires the Secretary of HEW to make a study of the toxicity of a substance when he is requested to do so by an employer or employee representative in writing and with reasonable particularity as to the grounds for the request. He must submit his determinations to employers and affected employees as soon as possible.

The provision requiring the Secretary to respond to all detailed written requests is unnecessary in view of the broad mandate given the Secretary under paragraph (4) to publish a list containing all known toxic substances. It is implicit in the duty to prepare such a list that if a request for a determination was received by the Secretary, and there was a reasonable basis for it, the Secretary would make every effort, consistent with his available resources and good administrative practice, to make such a determination.

In addition, this "command performance" provision, plus the requirement that the Secretary of HEW furnish all employers and affected employees with his determinations, would place an unreasonable administrative burden on the Department of HEW. The task of performing studies at the request of *any* employee or employee representative is obviously an overwhelming one. Moreover, the problem of identifying and notifying all employees who may be affected by each determination is a massive, if not impossible, task.

AMENDMENT NO. 1060

Reasons for amendment No. 1060 to make general duty requirement more specific.

We would be remiss in our duty, Mr. President, if any worker were killed or seriously injured on the job because he was unprotected under this bill owing to the fact that no *specific* safety or health standard covered the circumstances which caused his injury. Therefore, in addition to requiring employers to comply with the specific standards promulgated by the Board, the amendment I am offering would require each employer to furnish his employees employment and a place of employment *which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees.*

The general duty embodied in this amendment, which applies only to dangerous situations *readily apparent* to an employer is vastly preferable to the more ambiguous mandate now in the Committee bill.

There are essentially two features which make the substitute's general duty requiremore clearly spelled out (and would thus be understandable to employers and inspectors) to include specifically those situations which "are causing or likely to cause death or serious physical harm to employees, the Committee bill places no similar limitation on the type of hazard contemplated;" and (2) the term "readily apparent" connotes that the hazard must be easily discoverable by a reasonably prudent man under similar circumstances; whereas the Committee bill uses the phrase "recognized hazards" which is rather ambiguous and open-ended, e.g. "recognized" by whom?—a concerned and prudent employer, a safety engineer, a trained doctor, a scientist, etc.?

In summary, Mr. President, the offensive feature of the Committee bill's present general requirement is that it is essentially unfair to employers to require compliance with a vague mandate applied to highly complex industrial circumstances. Under such a requirement, the employer will simply have no way of knowing whether he is complying with the law or not, nor will the inspector have any concrete criteria, either statutory or administrative, to guide him in finding a violation.

The major thrust of the Act contemplates the establishment of specific standards. The existence of a vague general requirement increases the risk that its enforcement will form the basis for the law's enforcement to the detriment of the setting of specified standards.

AMENDMENT NO. 1061

Mr. JAVITS. Mr. President, will the Senator yield to me for the same purpose?

Mr. SAXBE. I yield.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the Occupational Health and Safety Act which deals with enforcement of the act. It is essentially the compromise that I offered in committee which was unhappily and unfortunately rejected and has brought us so much trouble, I think, because it was rejected. I think that we might find some way of composing our differences and producing a bill with the aid of this particular method of compromise.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1061

On page 52, beginning on line 10 strike all down through line 11 on page 59 and insert in lieu thereof the following:

"PROCEDURES FOR ENFORCEMENT

"SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 14 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time the citation and the assessment, as proposed, shall be deemed as final order of the Panel and not subject to review by any court or agency, except upon request of an employee or representative of employees pursuant to subsection (c).

"(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Panel in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), or has failed to comply with an order issued under section 11(b), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 14 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of the notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Panel and not subject to review by any court or agency.

"(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under section 10 (a) or (b), or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatment of the violation is unreasonable, the Secretary shall immediately advise the Panel of such notification or determination, and the Panel shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Panel shall thereafter issue an order, based on findings of fact, affirming, modifying or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final fifteen days after its issuance. The rules of procedure prescribed by the Panel shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

"(d) Any person adversely affected or aggrieved by an order of the Panel issued under subsection (c) or (f) may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Panel and to the other parties, and thereupon the Panel shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Panel and enforcing the same to the extent that such

order is affirmed or modified. The commencement of proceedings under this section shall not, unless ordered by the court, operate as a stay of the order of the Panel. No objection that has not been urged before the Panel shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Panel with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Panel, the court may order such additional evidence to be taken before the Panel and to be made a part of the record. The Panel may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(e) The Secretary may also obtain review or enforcement of any final order of the Panel by filing a petition for such relief in the court of appeals for the circuit in which the violation occurred or in which the employer has its principal office, and the provisions of subsection (d) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (d), is filed within sixty days after service of the Panel's order, the Panel's findings of fact and order shall be conclusive in connection with any petition for enforcement, which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Panel under subsection (a) or (b), the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (d), the court of appeals may assess the penalties provided in section 14, in addition to invoking any other available remedies.

"(f) No person shall discharge or in any other way discriminate against an employee because of the exercise by such employee on behalf of himself or others of any right afforded by this Act, including action to determine the extent of employee exposure to hazardous substances, or for leaving a workplace upon the order of the Secretary or a district court issued pursuant to section 11. Any employee who believes that he had been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall so notify the Panel and the Panel shall afford an opportunity for a hearing as provided in subsection (c). If the Panel finds that such violation did occur, it shall order such affirmative action as may be appropriate, including, but not limited to, the rehiring or reinstatement of the employee to his former position with back pay.

"THE OCCUPATIONAL SAFETY AND HEALTH REVIEW PANEL

"SEC. 11. (a) The Occupational Safety and Health Review Panel is hereby established. The Panel shall be composed of three members who shall be appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Panel under this Act. The President shall designate one of the members of the Panel to serve as Chairman.

"(b) The terms of members of the Panel shall be five years except that (1) the members of the Panel first taking office shall serve, as designated by the President at the time of appointment, one for a term of three years, one for a term of four years, and one for a term of five years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Panel may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(94) Members, Occupational Safety and Health Review Panel.'

"(d) The principal office of the Panel shall be in the District of Columbia. Whenever the Panel deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

"(e) The Chairman shall be responsible on behalf of the Panel for the administrative operations of the Panel and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Panel's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification and General Schedule pay rates: *Provided*, That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

"(f) For the purpose of carrying out its functions under this Act, two members of the Panel shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(g) Every official act of the Panel shall be entered of record, and its hearings and records shall be open to the public. The Panel is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties.

"(h) The Panel may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Panel. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

"(i) For the purpose of any proceeding before the Panel, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Panel.

"(j) A hearing examiner appointed by the Panel shall hear, and make a determination upon, any proceeding instituted before the Panel and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Panel, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Panel within thirty days after such report by the hearing examiner, unless within such period any Panel member has directed that such report shall be reviewed by the Panel."

On page 63, strike line 1 and insert in lieu thereof: "the date of the final order of the panel in the case of any review proceeding under section".

Mr. JAVITS. Mr. President, this amendment deals only with enforcement, not with standards, which are left in the hands of the Secretary of Labor. Under the amendment an independent panel of three members, appointed for staggered 5-year terms, with the advice and consent of the Senate, would be established to hear and determine enforcement cases under the act. The members of the panel would be appointed solely on the basis of their professional qualifications.

There are several reasons why enforcement through such a panel is to be preferred to enforcement by the Secretary, as provided in the original bill:

First, under the procedures established by the amendment, speed of enforcement would be greatly increased. In most contested cases, between 6 months and 2 years would be saved under the provisions which provide for true self-enforcing orders and discretionary review of trial examiner decisions.

Under the committee bill, no enforceable order to correct a violation would issue until the completion of all administrative and judicial review proceedings. This would involve, at a minimum in a contested case: First, hearings by a trial examiner; second, mandatory review of the decision by the Secretary or his designee; and third, review by a court of appeals. It is doubtful that this process could be completed in less than 18 months—2 years would be a more realistic estimate—in a seriously contested case.

Under my amendment, an enforceable order would issue at the end of the administrative review stage, rather than after judicial review—unless the court of appeals issued a stay. Furthermore, the months in many cases by making the administrative review stage itself would be shortened by 3 to 6 months in many cases by making review by the panel of trial examiners' decisions discretionary. If review were denied, the trial examiners' decision would automatically become the final order of the panel and enforceable as such.

Second, hearing and determination of enforcement cases by an independent panel more closely accords with traditional notions of due process than would hearing and determination by the Secretary. In the latter case the Secretary is essentially acting as prosecutor and judge. Any finding by the Secretary in favor of a respondent would be essentially a repudiation by the Secretary of his own Department's employees. While this type of enforcement has been used

in connection with other statutes, is contemplated by the Administrative Procedures Act, and is not jurisdictionally defective on due process grounds, the awkward mechanics it imposes upon heads of departments who wish to exercise their adjudicatory power personally in order to preserve due process has not generally been appreciated. What happens is that one official of the Department—such as the Deputy Solicitor—will take the position of prosecutor and another official—such as the Solicitor—will take the position of a neutral in order to advise the Secretary.

More important, because of the awkwardness of this procedure and the heavy burden of personally reviewing hundreds of enforcement cases, it is highly likely that the Secretary of Labor will not even exercise his power under the committee bill personally, but will delegate it to a panel of officials within the Department. That is precisely what the Secretary of Interior has done under the Coal Mine Health and Safety Act of 1969. The net result will be enforcement by a panel anyway, but not one which is independent, and without the benefit of the shortened procedures which my amendment would provide.

These considerations, it seems to me, outweigh any possible benefits which might be gained from the better "coordination which would allegedly occur if the adjudicatory power, as well as the prosecutorial and standards setting powers were given to the Secretary. Such coordination as is necessary would seem just as readily attainable with a panel as with the Secretary. It is the prosecutors upon whom this burden will primarily fall and under either approach they will be under the Secretary's control.

In short, the adjudicatory scheme of the committee bill can be made to work, and due process can be preserved under it, but the independent panel approach would do the same job faster, perserve due process more easily, and thereby instill much more confidence in the whole program in workers and businessmen alike.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

Mr. JAVITS. Mr. President, if no other Senator wishes recognition, I have some business to transact.

Mr. SAXBE. Mr. President, I refuse to yield the floor at the present time.

The ACTING PRESIDENT pro tempore. The Senator from Ohio still has the floor.

Mr. SAXBE. Mr. President, I have been requested by the Senator from Rhode Island to yield specifically to speak upon the bill on a question of whether to take it under consideration. I ask unanimous consent to yield to him, at his request, solely for the purpose of speaking for approximately 2 minutes on this specific matter, without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

TIME TO PROTECT WORKINGMAN

Mr. PELL. Mr. President, two issues have dominated the American political consciousness this past year—a never-ending war in Vietnam and the so-called unheeded voices of the silent majority, the blue-collar workers.

We have all deplored the deaths of over 50,000 Americans in Vietnam.

We have all stated that we now hear the voices of the silent majority.

Mr. President, I think if we could hear those voices today on the Senate floor, they would tell us to act now upon the measure we have before us. For it is a tragic irony that those supposed supporters of the Vietnam war have suffered more deaths in the factories than our young men have suffered in the jungles of Vietnam.

Former Secretary of Labor, George Shultz, has stated that an average of 14,500 workers die in industrial acidents each year.

I believe it has long past the time to end the needless killings in Vietnam and I also believe just as strongly that it has also long past the time to stop the needless deaths in our factories.

Mr. President, the Senate Labor and Public Welfare Committee has labored many long hours in the development of the occupational health and safety bill before the Senate today. I believe it represents a balanced consideration of the health interests of the Workers and the economic interests of the employers. I urge that we vote upon it without amendment forthwith.

I thank the Senator for yielding.

A UNANIMOUS-CONSENT REQUEST

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may yield to me for a unanimous-consent request, without losing his right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senate may temporarily lay aside the pending business to take up H.R. 18126, which is a bill that came over from the other body. It is a matter of the Judiciary Committee. It is a matter of agreement which I have come to with the Senator from Mississippi (Mr. EASTLAND), the chairman of the committee. I understand that there is no objection to it whatever. I ask unanimous consent that upon completion of the consideration of the bill, the floor again be restored to the Senator from Ohio, without any impairment of his position.

Mr. MILLER. Mr. President, reserving the right to object, I regretfully state that I am going to object. It seems to me that when it has been apparent to anyone who wants to open his eyes that the Clerk from the House was right in front of the Senate Chamber——

REGULAR ORDER

Mr. BYRD of West Virginia. I demand regular order.

The ACTING PRESIDENT pro tempore. Regular order is demanded.

Mr. MILLER. I object.

Mr. BYRD of West Virginia. The Senator can object all he wants. I demand the regular order.

The ACTING PRESIDENT pro tempore. Regular order has been called for. The Chair recognizes the Senator from Ohio.

Mr. SCOTT. Mr. President, will the Senator from Ohio yield to me for a question, without losing the right to the floor?

Mr. SAXBE. I am glad to yield, without losing my right to the floor.

Mr. SCOTT. I should like to inquire of the distinguished Senator from Ohio, first of all, if it is not his understanding that the pending business is, of course, the Occupational Health and Safety Act?

The ACTING PRESIDENT pro tempore (Mr. ALLEN). That is not correct.

Mr. SAXBE. The pending business is whether to consider the Occupational Health and Safety Act?

Mr. SCOTT. Whether to consider the Occupational Health and Safety Act, yes.

Mr. SAXBE. That is correct.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. SCOTT. May I then ask the Senator if he would have any objection to yielding the floor during consideration of this point, provided his yielding the floor is upon the condition that the messenger who waits outside from a coequal body, the House of Representatives, to deliver the farm bill, which has been passed by the House on the day before adjournment, whether he would be willing to yield the floor with the understanding that the farm bill, a privileged matter, may be received by this body in good order, and may then be treated as a privileged matter on which the Senate is free to act? Would the Senator have any objection?

Mr. SAXBE. I would have no objection.

Mr. SCOTT. I am glad the Senator has no objection because this is an unprecedented situation, one where the majority has exercised its will with a kind of disregard for the farm bill, the farmers of America, and their right to have legislation at this time.

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order.

The ACTING PRESIDENT pro tempore. The regular order has been called for.

Mr. SCOTT. I am addressing a question to the Senator from Ohio and I will hold the floor until I am told to sit down, as I am addressing a question to the Senator. My question to the Senator is: Does he not feel, if he could yield under the circumstances of putting an end to this unprecedented position which is frustrating the will of the people and the will of Congress, that he would, under those circumstances, be glad to yield the floor?

Mr. SAXBE. I would.

Mr. SCOTT. I thank the distinguished Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Ohio yield to me?

Mr. SAXBE. I am happy to yield to the Senator from West Virginia without losing my right to the floor——

Mr. SCOTT. Yield to him for a question; do not yield otherwise.

Mr. SAXBE. Mr. President, I yield to the Senator from West Virginia for a question.

The ACTING PRESIDENT pro tempore. The Senator has the right to yield.

Mr. BYRD of West Virginia. I ask the Senator to yield to me for a series of unanimous-consent requests with the understanding that he will not lose his right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow morning, following the remarks of the able Senator from Maryland (Mr. MATHIAS), the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President——

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. MILLER. Mr. President, reserving the right to object, as I tried to make clear earlier, until the farm bill conference report is received by the Senate, it seems to me that no further business should be conducted here. I say that most reluctantly. All that would have to be done is for the farm bill conference report to be received by the Senate and the Senator from Iowa will remove his objection.

Mr. BYRD of West Virginia. I hope, in deference to Senators on both sides of the aisle who wish to be recognized under special orders, that the Senator would not object to this unanimous-consent request.

ORDER FOR RECOGNITION TOMORROW OF SENATORS YOUNG OF OHIO, CHURCH, AND GURNEY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon completion of the remarks of the Senator from Maryland (Mr. MATHIAS) on tomorrow, the Senator from Ohio (Mr. YOUNG) be recognized for 15 minutes; that he be followed by the able Senator from Idaho (Mr. CHURCH) for not to exceed 30 minutes; and that he then be followed by the able Senator from Florida (Mr. GURNEY) for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MILLER. Mr. President, reserving the right to object, if my very good friend from West Virginia, as the acting majority leader, will use his authority to see to it that the farm conference report is received by the Senate, the Senator from Iowa will not object, but until that happens, the Senator from Iowa feels compelled to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

DISCHARGE OF COMMITTEE ON H.R. 15770 AND REREFERRAL TO COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the consideration of H.R. 15770, the water bank bill, and that the bill be rereferred to the Committee on Agriculture and Forestry which has under consideration an identical bill, S. 4192.

This request is made with the understanding that it should not be considered a precedent in determining the committee jurisdiction of the bills involving wild fowl or related matters.

Mr. JAVITS. Mr. President, reserving the right to object, I would like to ask the Senator from Iowa (Mr. MILLER) whether he would not let me first, as a matter of the routine business that it being gone through here, to handle a small Judiciary Committee bill at the same time.

Mr. MILLER. Well, Mr. President, if I may be permitted to answer that, the Senator from Iowa can see no particular reason for objecting to a referral from one committee to another, such as was indicated by the unanimous-consent request just made by the Senator from West Virginia. The Senator from Iowa does not want to see any further business carried on on the floor of the Senate, even though it may be a relatively small matter until the conference report which the House messenger is ready to bring into this Chamber is received by the Senate, which can happen "a instante" and the leadership permits it to be done.

Mr. JAVITS. Mr. President, I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING ADJOURNMENT OF THE SENATE—OBJECTION

Mr. BYRD of West Virginia. Mr. President, if the Senator from Ohio will yield for a further unanimous-consent request, I ask unanimous consent that during the period of adjournment of the Senate from October 14, 1970, until 12 noon on November 16, 1970, the Secretary of the Senate be permitted to receive messages from the House of Representatives.

Mr. SCOTT. Mr. President, reserving the right to object for the moment, I regret the necessity for objecting. My amiability and affability I think are well known in this Chamber, but I am sorry, until we have some reservation of the farm bill, I am constrained to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Ohio for yielding.

The ACTING PRESIDENT pro tempore. The Chair now recognizes the Senator from Ohio (Mr. SAXBE).

FILING OF REPORT ON S. 939—THE U.S. FOREIGN SERVICE SCHOLARSHIP PROGRAM ACT

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield to me for a brief statement and a unanimous-consent request, without his losing his right to the floor?

Mr. SAXBE. Mr. President, without losing my right to the floor, I yield to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, I should like to file a report on S. 939, the U.S. Foreign Service Scholarship Program Act, reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

I ask unanimous consent that S. 939 be referred to the Committee on Foreign Relations for consideration and report thereon. I so request such referral pursuant to agreement between myself and the chairman of the Committee on Foreign Relations and with the full knowledge of the members of the Committee on Labor and Public Welfare.

Mr. President, I also do this without waiving my own reservation concerning the jurisdiction of the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Without objection, the bill, S. 939, will be referred to the Committee on Foreign Relations for consideration and report thereon.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. SAXBE. Mr. President, before the rhubarb, the Senator from Rhode Island had raised some interesting points concerning whether we should consider the occupational health and safety bill at this time.

Some of his points are extremely well taken, but in his entire discussion he did not once mention our points of difference which I maintain are to such a degree that we cannot begin to handle it with the present time limitation and, I might say, the mood of the Senate.

The mood of the Senate is extremely important at such a time. One of our more senior Senators told me the other day that he had never seen the mood of the Senate worse for consideration of important legislation than now. He has been here 25 years.

Therefore, I oppose this on the ground that to proceed to this legislation with a minimum number of Senators here and with the limited knowledge that the Members have, the limited patience that they have, and the recognition by, I think, all of us that fatigue makes cowards of us all, we are not going to be able to turn out an occupational health and safety bill.

I am also forced to say at this time that the very thought that the Senate in its present mood would go to the mat and try to vote out this bill is just abhorrent to me. I do not think there is any way in which we could be objective or in which we could consider the great body of evidence we heard on this bill.

The Senator from New Jersey has pointed out the many hearings that were had on this matter. We started last fall and continued through the fall into the early spring. I think the first hearing was in September and the last one was in April.

During that period of time, we had people of diverse interests give numerous diverse recommendations. A lot of them we were able to reconcile. However, we were not able to reconcile this particular one. That is the one where we cannot decide, at least to our mutual satisfaction, whether we should have a board, whether we should have a Secretary of Labor with an advisory commission, or whether we should have a board and a panel.

This, it seems to me, is one of the deepest schisms that we have had on any bill that has come out of our committee.

Mr. SCOTT. Mr. President, will the Senator from Ohio yield for a question without losing his right to the floor?

Mr. SAXBE. I yield.

Mr. SCOTT. Mr. President, I ask the the Senator if he would be willing to yield the floor if the objective which is currently being sought by the National Grange could be achieved by his so consenting.

The National Grange did send a telegram for the information of the Senator so that he can answer this question.

The telegram reads:

The National Grange although not entirely satisfied with conference report on farm bill finds report acceptable. We are opposed to postponing action until after election as we feel this could endanger future of all farm programs by forcing Department of Agriculture to return to act of 1938 and by increasing possibility of a lower limitations on payments. We therefore urge that you be on the floor on Tuesday, October 13, to vote for conference report.

Mr. President, if this entirely praiseworthy effort of the National Grange on behalf of many thousands of the farmers of America could be achieved by virtue of the Senator's yielding the floor, would the Senator be willing to do that so that the messenger from the House who still lingers without—that is, without recognition and without instructions as to what to do next—is without a lot of things—could enter the Chamber. The only thing he is with is a message. Under those circumstances, would the Senator from Ohio yield the floor in order that that objective might be attained?

Mr. SAXBE. I would under those circumstances.

Mr. BYRD of West Virginia. Mr. President, would the Senator from Ohio yield to the Senator from West Virginia just to allow the Senator from West Virginia to ask a question of the Senator from Pennsylvania?

Mr. SAXBE. I would so yield.

Mr. BYRD of West Virginia. Mr. President, would the Senator from Pennsylvania come to the middle of the aisle and look through the door to see if the messenger is indeed outside the doors?

Mr. SCOTT. Well, if the messenger from the House has left during our participation in this dialog, it is because the messenger has been discouraged by someone whose purposes in chasing the messenger rather precipitately back to the other coequal body has motivations which totally escape me.

All I am trying to do is to help the farmers get a farm bill. The Members on this side are willing to cooperate.

While I looked out the door, I must assume that Sheridan is more than 20 miles away, but I am sure that he would return pronto and promptly if encouragement were given by the majority leadership.

I again urge that the majority reconsider that the mood of this Chamber is evidently not to let any other bill be acted on until it can consider the farm bill.

Mr. BYRD of West Virginia. Mr. President, the Senator has answered my question and the record has been made clear. The messenger from the House does not stand outside the door.

Mr. MILLER. Mr. President, would the Senator from Ohio yield to the Senator from Iowa for the purpose of making a unanimous-consent request?

Mr. SAXBE. Mr. President, I yield to the Senator from Iowa to make that request without losing my right to the floor.

Mr. MILLER. Mr. President, for the purpose of ascertaining where the purpose of this body lies, I ask unanimous consent that the Chair be directed to advise the House messenger that the Senate doors are ready and waiting for him to come into the Chamber.

Mr. BYRD of West Virginia. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SAXBE. Mr. President, I want to speak at this time concerning another provision of the bill.

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order. I ask that the Senator from Ohio not yield except for questions or for serious unanimous-consent requests.

Mr. MILLER. Mr. President, I think I am entitled to make a comment. I believe that the acting majority leader's comment about serious unanimous-consent requests was directed to the Senator from Iowa. There is nothing more serious than to get the farm bill here.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has the floor. He can only yield by yielding the floor except by unanimous-consent request.

Mr. HANSEN. Mr. President, would the Senator from Ohio yield for a question.

Mr. SAXBE. I yield for a question only.

Mr. HANSEN. Mr. President, I would like to say, though I have not been here without interruption all afternoon, that it occurs to me, having listened to the dialog and the questions that have been asked, that apparently a messenger tried to present to the Senate a message from the other body.

The ACTING PRESIDENT pro tempore. The Senator was recognized to ask a question.

Mr. HANSEN. Mr. President, I am asking a question. May I continue with my question?

The ACTING PRESIDENT pro tempore. Very well.

Mr. HANSEN. Mr. President, I gather this is the situation. I would like to ask my distinguished colleague from Ohio if it is his opinion that the bearer of a message from the other body did indeed try to present that message and that the messenger from the other body was probably accosted by someone from the other side of the aisle and was informed in quite explicit terms, either orally or by actions that carried a very clear implication as to the wishes of the majority that he would not be welcome, that that message would not be received with any appreciation by the majority party. Is this the feeling that the Senator from Ohio has?

Mr. SAXBE. Mr. President, I am so informed.

Mr. HANSEN. Mr. President, I would like further to ask my distinguished friend, the Senator from Ohio, if he shares my opinion that this is a rather sad commentary on this body and if he views with dismay the callous disregard for the reception of a message from the other body, and if he looks with displeasure and with sore misgivings upon the motivation that would prompt one of our distinguished colleagues from the other side of the aisle to take such action. Does my friend, the Senator from Ohio, share my feeling?

Mr. SAXBE. Yes. And I deplore such actions. But I might point out further that it is in keeping with the matter that I am discussing here that with the present mood of the Senate, as indicated by the questions and replies and the heated words we have had, that this is not the time to involve ourselves with serious legislation that will affect every employer and employee in this country. This is not the time that we should try to put together a major piece of legislation that we are all interested in, that the administration has indicated their interest in, and that would affect 90 percent of the working men in this country.

I think that to be fair and completely objective we should put this off until such time as we can give it the type of treatment to which it is entitled. As I have said repeatedly, I would be willing to make this the first order of business when we return on November 16.

Now I will admit that as one of the cosponsors of the coal mine safety bill I had great hopes that we were striking a real blow for safety in this country. I am distressed by what the Senator from Kentucky has pointed out to me that as a result of the stringent regulations against the nongassy mines we have driven the miners into the gassy mines where the danger is greater than it was in the original place of employment.

Mr. WILLIAMS of New Jersey. I have two questions. What was the effective date of the coal mine safety bill? My second question is, during that entire period have we had a director of the Bureau of Mines? Those are my two questions.

Mr. SAXBE. I will answer those questions. The effective date was not the thing that drove them from the gassy mines. There was an economic fact involved. They had to make a decision whether to stay there and get the approved equipment or to make a further expenditure. It was in the future but they made the decision to go out of there and as a result we have the increase in strip mining.

As to the appointment to the head of this department, I do not question the fact that this was certainly a mistake. We should have had this man.

As the Senator knows, there was an abortive attempt to get a man. He did

not turn out to be satisfactory and after all this delay we finally have someone.

On that same score, there is the job of getting inspectors. You do not just put and ad in the newspapers and go out and hire inspectors.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield further?

Mr. SAXBE. I yield.

Mr. WILLIAMS of New Jersey. The Senator is well aware, I am sure, that there were 300 men who passed the examination to become inspectors and they were not placed on the rolls as inspectors. This bill authorized the money well in advance, an unprecedented action by the Senate in anticipating, authorizing, appropriating, and the men passed the examination and were not put on.

The committee of which I am chairman went to Pennsylvania and held field hearings. That was one of the matters that dramatically brought to the problem greater attention and it had something to do with putting men on the rolls as inspectors.

Mr. SAXBE. Yet in this bill that the Senator wants brought up the Senator wants to give sole responsibility to the same Department of Labor in the industrial health and safety bill which you propose to bring up.

Mr. WILLIAMS of New Jersey. The Senator does not mean "the same department." It is the Department of Labor.

Mr. SAXBE. The Department of Labor.

Mr. WILLIAMS of New Jersey. Yes.

Mr. SAXBE. I suggest that with all their other problems that the setting of the standards and hearing the cases should be separate from that job of the Secretary of Labor.

Mr. WILLIAMS of New Jersey. This is a matter of merit and can be reached by amendments. We have a committee bill before us, if it is taken up. That would go to the merits. That is why we are trying to get the bill before the Senate, for the amending or perfecting process.

Mr. SAXBE. I am aware of that and I say the amending or perfecting process cannot be carried on in the atmosphere that pervades the Senate at the present time. We have all this matter here about the agriculture bill. We never heard of it until this afternoon when we started.

Mr. WILLIAMS of New Jersey. I have a few questions myself about the farm bill. When is winter wheat planted, by the way?

Mr. SAXBE. In the winter, I suppose. [Laughter.]

Mr. DOMINICK. Mr. President, will the Senator yield on that point?

Mr. SAXBE. No. I will tell the Senator exactly when it is planted. It is planted just after the fly date. If the Senator does not know what the fly date is, I will explain it. It is the date set by the Department of Agriculture when the planting would be free of infestation by the Hessian fly, and this is usually, in our State, around the first of October. In other States it goes clear up to the first of December.

Mr. WILLIAMS of New Jersey. What does this farm bill do? Does it extend credit for planting winter wheat?

Mr. SAXBE. No. The acreage control established under this bill applies to that wheat that is planted. It is planted in accordance with a program that is approved.

Mr. WILLIAMS of New Jersey. It seems to me this body knows a great deal more about accidents on the job than the fly date and the period for planting winter wheat. Let us get back to industrial health and safety. Everybody knows about this, as one of the major matters. There have been three Presidential messages urging us to take it up and bring standards of safety to the working place.

Mr. SAXBE. I know the Presidential message urges a similar bill. The bill that the Senator from New York (Mr. JAVITS) introduced was the administration bill, and many elements of it are in the committee reported bill. I am well aware of that.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield on this same matter.

Mr. DOMINICK. Is it not true that the House already indicated it will not take up the occupational health and safety bill until November and hence, any consideration by us at this point does not speed up passage of the bill at all? Is that true?

Mr. SAXBE. That is true.

Mr. DOMINICK. Is it not also true that even after the bill is enacted, under the committee bill it would take 3 years before the health and safety standards are promulgated; it has to be done by 2 years under the committee bill before the rules and standards are set up; and hence before the health and safety standards can go fully into effect, it will be 2 years after the date of enactment?

Mr. SAXBE. That is right.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. DOMINICK. So the urgency is not here as it is in the farm bill.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to point out that in the committee bill on page 36, at the top, it is stated:

> The Secretary shall, as soon as practical—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has called for the regular order.

Mr. WILLIAMS of New Jersey. What is the regular order?

The ACTING PRESIDENT pro tempore. The Senator from Ohio can yield only for a question.

Mr. SAXBE. Another question of serious discussion is the question of who has the right to demand an inspection and what is the response to this inspection. If an employee writes a letter and says that there is a safety problem in the plant where he works, or in an area of the plant, he can request the Secretary to make an inspection. On the face of it, it looks like this is a very good provision because it gives the man an opportunity to identify a safety hazard and to know that there will be a response, because it is also required that if they feel that imminent danger is present, they have to make this inspection.

The problem is with the shortage of inspectors, and there will never be enough. They will have to have one in every plant of any size. How in the world is the enforcement arm going to plan their inspections so that the plants are all covered, at the same time having an available source of inspectors who can respond to complaints?

Imagine also the question that is raised as to harassment. If the employee wants to be a harassing agent, of course he can send in a complaint every day, and then the Secretary would have to determine whether it is genuine. In other words, is he crying wolf and, therefore, not entitled to an inspector, or is it genuine? But it would pose a terriffic problem for the Secretary to determine whether he should send a man in there.

Suppose he did not send a man in there and serious injury resulted from an accident that resulted from faulty equipment, or from failure to follow proper safety practices.

These are areas of discussion.

While I personally favor the response required in the committee bill, when a man puts in writing that safety hazards exist and that the Secretary, or a regional officer of the Labor Department, feel they are of sufficient interest to assign an inspector, I think that is good. I think he should go. It is going to take more inspectors. But I think this matter should be fully discussed. I doubt if we could even clear up that point in the short time we are going to have available in the morning.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. DOMINICK. Is it not also true that if an inspection is conducted on a complaint by the employee, and then the inspector, through the Secretary, decides that there really was not a violation, or at least that it was so de minimis that they really did not have to worry about it, at that point the employee is entitled, under the committee bill, to demand and require that the Secretary of Labor issue a written report, and as to every complaint which he sent, issue a citation.

Mr. SAXBE. I am informed that that is the way it would operate.

Mr. DOMINICK. It would seem to me—and would it not so seem to the Senator from Ohio?—that this also opens the door for not only an enormous amount of paperwork, but a good deal of harassment, if there were a real labor-employer series of bitter disagreements going on from time to time in a particular plant or in a particular business.

Mr. SAXBE. Yes; and this could be an element that would prevent a settlement of disputes.

Mr. DOMINICK. And I think would create animosity between the parties.

I gather, from listening to the Senator from Ohio, that he would agree with the Senator from Colorado that the best method of getting health and safety practices into effect is through one of cooperation and not one of antagonism between the groups.

Mr. SAXBE. As I pointed out in my remarks, safety, to be effective, must be a closely coordinated, cooperative effort between the management of a plant and the employees that are under it. The elements that create safety hazards have to be removed or identified or somehow made less harmful to those people who come into that area.

At the present time, if the Senator has observed in the plants that he has gone into, there are a great deal of visual aids for the use of the employees. The first sign one sees when he walks into a plant is that "We have had so many accident-free days in this plant," and the other slogans that are current, such as, "Safety is everybody's business," that are plastered all over the place. That is the beginning of the education. In other words, the employee must first be made safety conscious. Then, when he goes into his place of work, come the protective clothes, the steel-toed shoes, the hard hats, for women the hair nets or other covers to keep them from being caught in a machine, the discrimination against—the outlawing, in fact—of loose clothing that might become caught in moving machinery.

These are the things that are done even before the man gets to his place of employment. He is warned. He is educated to some degree. He is clothed in such a manner as to be in as safe as possible a condition when he gets to his job.

Then, as he goes to his job in the modern plants, the light and air are all controlled. In the less modern plants, a great deal is still left to be desired. If he is working on a machine that creates particles, they have a vacuum fitted on there to take those off. If it creates fumes, or he is working over tanks of volatile material, say in plating, those fumes are carefully monitored at all times, and taken away.

These, again, are things that have been worked out over a long period of time, and this is what our standards are going to be on.

Then he is given rest periods. He is given a special area to smoke in. He is protected against falls, because falls are the greatest source of injury in any plant. It is not the machinery or equipment he gets into; it is a simple fall. He steps on something on the floor, falls, and has a resulting back injury.

Mr. DOMINICK. Mr. President, will the Senator yield for another series of questions?

Mr. SAXBE. I yield.

Mr. DOMINICK. Is the Senator acquainted with the mining industry, and the road construction connected with it?

Mr. SAXBE. To some degree, in quarrying.

Mr. DOMINICK. In our area—and I do not know whether the Senator has been there; I can ask him a question at the end if that would help—in uranium mining in particular, we find that, in exploration for and finding of uranium, you always find it in the most unlikely places.

One company I was connected with many years ago found that there was a necessity to build a road from the top down, because you could not get down to the bottom any other way. This meant you had to carve out your road out of a 1,200-foot sheer wall, and the only safety mechanism we could figure was to buy each of the cat drivers a parachute harness, which we did. Then we drove the parachute into the side of the cliff. We took out extra insurance on them, so that, if the road went away, they would be hung by a piton into the cliff by a parachute.

There are not many other standards I can think of that would take care of that situation.

Mr. WILLIAMS of New Jersey. What is the question?

Mr. DOMINICK. But this was interstate commerce. We had only one man lose his hat, and he was saved by this mechanism. So we were pretty lucky.

The ACTING PRESIDENT pro tempore. The Senator from Ohio yielded for a question. Is the Senator from Colorado about to propound a question?

Mr. DOMINICK. Yes. Is it not true that it would be extremely difficult, in situations of this kind, to find any kind of health and safety regulation which would really meet the criterion in here which says that you have got to put them in so that there is no risk to people?

Mr. SAXBE. It would have to be done in that manner; there is no question about it.

I am better acquainted with industrial plants than I am with this type of operation; but in these plants, where a man goes to work, the light, the air, all of those qualities that can be controlled are usually controlled by union agreement, or by safety engineers of the plant, who make a time study and a safety study at the same time of the operation.

Some machines are quite adaptable to safety devices. With your large brakes that press metal, obviously, you have to have a dual control to handle that shear —that is, you have to have both hands on a control so you cannot get one hand in that machine at the time you are pushing those buttons. These are prescribed, usually, by outside safety regulations as well as the plant's regulations; and the other developments on some of these machines are indeed ingenious. They have a great many machines that I have seen and am aware of that have actual leather cuffs attached to chains, so that, when that press comes down, an eccentric drags that hand out of there; if the workman puts that cuff on, there is no way he can get that hand under that press.

This is particularly true in the machinery that develops high-speed production, because with high-speed production, many safety devices are necessary because the time is all-important. You just cannot grab a blank piece of steel and put it in there and forge it, and grab it out of there; it has got to be done with some degree of efficiency.

One of the elements that keeps stirring into this and stirring into it is, of course, the piecework incentive system. There have been more injuries created from piecework incentives or time incentives, in a coal mine, than almost any other factor. It makes the man forget; he gets a little greedy and forgets his well-learned safety standards. He shoots a little more powder than he should, or he takes that cuff off so he can get his hands in and out of there a little faster, and first thing you know, he has a calamity. But these things are all done at the present time in practically all industrial States, and in all major plants.

In what is sometimes referred to as an alley shop—and I certainly do not mean that all alley shops are of inferior planning or design, but most of them are—you have a number of machines jammed together without proper planning, proper time study, or proper working conditions, and usually you have no safety minded person on duty there all the time.

Again, you may have a one- or two-man operation, and under this condition, this man tends to try to do more, because, he says, "Well, I am not subject to these safety regulations; that is for the hired help, and I am the employer," and he and his son and a couple of others work there.

That is one thing about this bill: There is no question that he would be just as covered here as he should be, and in many cases is not covered, today.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. WILLIAMS of New Jersey. Let me say it is appreciated that the Senator is so familiar with safety practices in industry.

I wonder if the Senator realizes that in the application of standards, there is a difference between the committee bill and the substitute. Does the Senator know that in the establishment, promulgation of early standards is of three types under the committee bill: First, national consensus standards; second, already existing Federal standards; and third—and this is important—standards also promulgated prior to the date of enactment of this act, not by national organizations, but by a nonconsensus method? These are referred to as proprietary standards, and the question is, Does the Senator realize that that third, or the proprietary standard provision, is not included in the substitute bill?

Mr. SAXBE. Yes; and, as I say, that is one of the reasons I would rather amend the committee bill than necessarily accept the substitute bill.

But one other thing I think the Senator will agree with, too, in there: Regardless of whether it is in the committee bill or the substitute bill, we are going to have to accept these consensus standards and proprietary standards wholesale, to start with, because we will not have the real opportunity to go into each State and start from scratch.

Mr. WILLIAMS of New Jersey. If the Senator will permit, I would certainly agree, and that is why there will not be a 2-year delay in effective standards after the enactment of the occupational health and safety bill.

Mr. SAXBE. But there will be a delay in establishing what they are going to be, according to the advisory committee to the Secretary of Labor.

Mr. WILLIAMS of New Jersey. This is not for the early standards. This is for the promulgation of later standards.

Mr. SAXBE. Of the temporary standards.

Mr. WILLIAMS of New Jersey. What the Secretary would do would be to accept standards that exist now in the three categories, and they would be applicable at an early date after the effective date of the bill.

Mr. SAXBE. Where we are going to have our trouble in enforcement of this is in the alley shop, the small foundry, and places of that kind. It will also occur in the areas where people are not confined in a regular place of employment.

As the Senator knows, service industries are the fastest growing industries in this country, and probably the one area where there is less safety control next to farming and some of those that probably will not be covered. It is one of the greatest areas, because a man and his helper go out on a truck in the morning and they go to a home as plumbers, and this is going to be difficult.

But I think we are going to find that most of them are covered under the interpretation of being in interstate commerce, especially when they go out and fix the plumbing at a hotel engaged in interstate commerce, at a factory engaged in making interstate products, and so forth. For the first time, there is going to be a requirement for them to have definite safety standards, and it is going to come as quite a shock I think because I do not think they realize at this time that they are going to be covered.

We have talked around and about the question of why should we not take this bill up until after we get back. I think —and I will say again my reason for opposing it—that the attendance is such that we are not going to get an opportunity to present it fairly to all the Members of the Senate, that the depth of the concern is more casual than I would like to see at this time.

Mr. WILLIAMS of New Jersey. May I ask the Senator at that point what he means as to a depth of concern?

Mr. SAXBE. Of the membership of the Senate. I think there would be much greater concern and more depth of concern if they had the time to spend on hearing the arguments involved.

I am always distressed, as I know the Senator is, that more Senators are not on the floor to hear arguments on a great many bills. But on this particular bill I have gone to Senator after Senator and I have said, "Do you know what is in this bill?" The reply has been, "No, I don't know what is in it."

I have then asked, "Do you know that it is going to affect this and this and this, and this is going to be the result?" The reply has been, "No, I didn't know this."

Mr. WILLIAMS of New Jersey. If the Senator will yield, if that test were applied to everything, the farm bill, believe me, would not be up this year. We all know all the details of the farm bill.

Mr. BELLMON. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. BELLMON. Mr. President, on page 32 of the bill, subsection (d), the term "employer" is defined. It says that the term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the U.S. Government or any State or political subdivision of a State.

My question is this: In the judgment of the Senator from Ohio, does this definition bring under the terms of this act all farmers who have employees? Farmers do engage in business that affects commerce. They produce wheat and corn.

Mr. SAXBE. As the Senator knows, this is a question that has not yet been determined. There are some cases—this is in regard to the minimum wage—in which a farmer engages in business such as the seed business in connection with his farm operation. There is no question that they are involved in interstate commerce, and have been so held.

Mr. BELLMON. This says nothing about interstate commerce. It says, "in business affecting commerce."

Mr. SAXBE. What I am saying is that this Federal bill can only be applied to the individual States by referring to those businesses engaged in interstate commerce. Businesses not engaged in interstate commerce become fewer and fewer every year, and extremely few are left.

The cases on this arise because of the question of the minimum wage, which applies to any business in interstate commerce. The cases have said that a farmer who just runs a regular farm operation is not engaged in interstate commerce. But a farmer who is engaged in processing seed that moves in interstate commerce is involved and must pay the minimum wages, and therefore it would be the same interpretation that would put him under this bill. Then it would apply to the farmer, and it would apply to that operation. There is no specific exemption unless it is specifically granted.

Is that not correct?

Mr. WILLIAMS of New Jersey. I believe it is correct.

I am advised that a case that does rather define employees in occupations affecting commerce arose out of a case in Ohio, in a prison, where the inmates were growing vegetables for use in the prison.

Mr. SAXBE. That is correct.

Mr. WILLIAMS of New Jersey. The question came up as to whether the Secretary of Agriculture's program had an effect here. It was found that it affected commerce. They were growing vegetables in the prison farm in Ohio and were eating it there; otherwise, they would have bought it.

Mr. SAXBE. Not only that, but in that case the question was raised that they were also making shoes, clothing, and sheets, which they were selling to themselves—that is, the prison-made goods did not go on the market. But because they provided themselves, this stuff would have gone in.

So I think we have an ever-reducing group of employers who are not engaged in interstate commerce.

As the Senator will recall, the restaurants and hotels just came under it 4 or 5 years ago, by court decision. Hotels always held that they were not part of interstate commerce. Someone has a hotel and asks, "How am I involved in interstate commerce, in selling a meal and renting a bed?" He is told, "This man comes from Indiana and puts up in a hotel in Ohio, and therefore you are engaged in interstate commerce."

Mr. BELLMON. Mr. President, if the Senator will yield further, suppose a hog farmer in Ohio fattens hogs and sends them across the State line, to Chicago, to be slaughtered. Is he in interstate commerce?

Mr. SAXBE. That has yet to be decided, but I suppose that would be the next step.

Mr. BELLMON. Even though, under the terms of the present court interpretation of the term "interstate commerce," such a farm might be exempted, at any time a court decision could change that. Is that correct?

Mr. SAXBE. That is correct.

Frankly, the courts have leaned over backward to keep from bringing farms into this thing; not only farms but also other agricultural enterprises—nurseries. Nurseries now are taking advantage of this, because they are not under the Federal Wage and Hour Act; and I see that it will not be long before they will even lose this agricultural exemption, because nurseries are exploiting to some degree on the farm labor field. Competition has raised wages to the point that perhaps it is not the issue it once was. Nevertheless, it is an area that I would guess would fall under this at some time in the future, not now.

Mr. BELLMON. If the Senator will yield, does the Senator know how many individual farmers there are in this country?

Mr. SAXBE. I have no idea. I could only guess.

Mr. BELLMON. There are several million.

Mr. SAXBE. This is correct.

Mr. BELLMON. How many inspectors would it take, under the terms of the proposed legislation, properly to supervise, say, 1 million farmers?

Mr. SAXBE. Well, of course, is there not a saying that when the number of employees in the Department of Agriculture exceed the number of farmers then they will have a cutoff? I would guess, if they employed the number of safety inspectors necessary, it would rapidly reach that number where Department of Agriculture employees and the safety inspectors would exceed the number of farmers.

I point out again to the Senator—he knows it as well as I—that one of the most unsafe places to work in this country is on the farm, because of lack of supervision and dangerous equipment. The Senator would find in his State of Oklahoma that the premium rate for workmen's compensation for farmers is as high as any other perilous occupation; that is, it is as high as pouring which is regarded as one of the most perilous of occupations. But farming is extremely high on the list. A farmer works with edge tools, which is always a safety problem; he works with machines, and he works with animals. Thus, he has three of the elements that always bring a great deal of hazard to anyone working with them.

There are other perilous occupations that show up in workmen's compensation, in the trades, such as the building trades and the steel workers. There are other perilous jobs, but none of them compares to the job of the farmer.

One of the good things about the bill, which I am hoping will survive, is the study required on workmen's compensation.

As an attorney general for the State of Ohio, I was a defender of the fund, which means that they had a board, an industrial commission that went into the matter of any injury. They made the case before the board, and the board gave an award as to the number of weeks they were entitled to and the benefits.

They did not give lump-sum awards but they would say, "You are entitled to 5 weeks total disability and 50 weeks 20 percent disability."

Even though Ohio has one of the better systems, it is not a satisfactory way to handle it because in many instances the man would come in and say, "I want a lump sum settlement," and he would walk out with a thousand dollars or $1,500, but would have a permanent disability and have no recourse to go back in there. Or a man would have a back injury and a 50-percent disability and he would get a lump sum payment for that disability, with no recourse to the fund again.

I am hoping that within the bill, when it becomes law, the study that is proposed will bring about a uniform system of workmen's compensation that will be as uniform as it can be. I do not doubt that we will have to weight it, because a wage earner in New York perhaps earns more money than one in Alabama and necessarily, his benefit schedule would have to be greater. But I think that there should be uniformity as to weighing. I think, although it is not directly related here, minimum compensation benefits should be uniform, with weighing for regional differences.

It is a sad thing to see some of our State prerogatives drifting away. Sometimes we begrudge them and declare that our State prerogatives are very dear to us, but when it comes to health and safety, workmen's compensation, and minimum compensation, we hate to see them used as trading stock in competition over location of businesses. To say to an employer in Ohio, "Come to Oklahoma where workmen's compensation is only 50 percent," or, "You do not have to have as much on safety," that is not the kind of thing we want. This bill would bring uniformity on that score.

I think that it has a great many good things in it and I hope that we pass it. I certainly will use my good offices to collect as many pledges of votes as I can for its passage.

As I have said many times during this afternoon, I suggest that we should give Senators an opportunity to approach this matter objectively, and that we should not do it under a time restriction, especially when we have so much legislation that is of such great importance.

I cannot help remarking on the attitude of the membership here, that it would make consideration most unpleasant. That is to be deplored, as all of us here recognize the value of harmony in a legislative body.

Mr. MILLER. Mr. President, will the Senator from Ohio yield so that I may make a parliamentary inquiry?

Mr. SAXBE. Mr. President, I yield——

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order.

The ACTING PRESIDENT pro tempore. The regular order is called for.

Mr. SAXBE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 378 Leg.]

Allen	Dole	Miller
Bellmon	Dominick	Proxmire
Byrd, W. Va.	Griffin	Saxbe
Curtis	Mansfield	Williams, N.J.

The ACTING PRESIDENT pro tempore. A quorum is not present.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in adjournment under the previous order.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 14, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1970:

U.S. ATTORNEY

Lester Engler, of Arizona, to be U.S. attorney for the district of the Canal Zone for the term of 8 years, vice Rowland K. Hazard, resigned.

U.S. NAVY

Rear Adm. George E. Moore, II, Supply Corps, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

DIPLOMATIC AND FOREIGN SERVICE

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975, vice Elizabeth Jane Kuck, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 13, 1970:

BUREAU OF MINES

Elburt Franklin Osborn, of Pennsylvania, to be Director of the Bureau of Mines.

FEDERAL TRADE COMMISSION

David S. Dennison, Jr., of Ohio, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1970.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David Ogden Maxwell, of Pennsylvania, to be General Counsel of the Department of Housing and Urban Development.

U.S. CIRCUIT COURTS

Paul H. Roney, of Florida, to be a U.S. circuit judge, fifth circuit.

U.S. DISTRICT COURTS

Samuel Conti, of California, to be a U.S. district judge for the northern district of California.

Robert H. Schnacke, of California, to be a U.S. district judge for the northern district of California.

Gordon Thompson, Jr., of California, to be a U.S. district judge for the southern district of California.

J. Clifford Wallace, of California, to be a U.S. district judge for the southern district of California.

Peter T. Fay, of Florida, to be a U.S. district judge for the southern district of Florida.

James L. King, of Florida, to be a U.S. district judge for the southern district of Florida.

Gerald B. Tjoflat, of Florida, to be a U.S. district judge for the middle district of Florida.

Charles A. Moye, Jr., of Georgia, to be U.S. district judge for the northern district of Georgia.

William C. O'Kelley, of Georgia, to be a U.S. district judge for the northern district of Georgia.

C. Rhodes Bratcher, of Kentucky, to be a U.S. district judge for the western district of Kentucky.

Nauman S. Scott, of Louisiana, to be a U.S. district judge for the western district of Louisiana.

James R. Miller, Jr., of Maryland, to be U.S. district judge for the district of Maryland.

Clarkson S. Fisher, of New Jersey, to be a U.S. district judge for the district of New Jersey.

John J. Kitchen, of New Jersey, to be a U.S. district judge for the district of New Jersey.

Frederick B. Lacey, of New Jersey, to be a U.S. district judge for the district of New Jersey.

Robert B. Krupansky, of Ohio, to be a U.S. district judge for the northern district of Ohio.

Nicholas J. Walinski, Jr., of Ohio, to be U.S. district judge for the northern district of Ohio.

Carl O. Bue, Jr., of Texas, to be a U.S. district judge for the southern district of Texas.

DEPARTMENT OF JUSTICE

George J. Long, Jr., of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years.

Lester Engler, of Arizona, to be U.S. attorney for the district of the Canal Zone for the term of 4 years.

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years.

SUBVERSIVE ACTIVITIES CONTROL BOARD

John William Mahan, of Montana, to be a member of the Subversive Activities Control Board for the term expiring March 4, 1975.

HOUSE OF REPRESENTATIVES— *Tuesday, October 13, 1970*

The House met at 12 o'clock noon.

The Reverend Father Thomas G. Fahy, president, Seton Hall University, South Orange, N.J., offered the following prayer:

Let us pray.

Almighty and most merciful Father, the rights of Your people and the power to govern them came from Your hand. Shed Your grace and Your light abundantly on those who rule us in Your name, our President, our Congress—especially this distinguished House—and our courts. Grant them length of days, health of body, inspiration of mind, and

strength of will to strive ever harder in these difficult times to provide for our citizens the peace, the prosperity, the happiness, the freedom, and the equality which our forefathers envisioned for Your people when they founded this Nation nearly 200 years ago. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 7, 1970:

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program;

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project;

H.R. 17123. An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; and

On October 8, 1970:

H.J. Res. 236. Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 17146. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the Acts amendatory or supplemental thereof; and

H.J. Res. 1388. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 6114. An act for the relief of Elmer M. Grade;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

H.R. 12671. An act to amend the act of May 29, 1928, to facilitate and encourage the employment of minors in the District of Columbia between the ages of 14 and 16 during the summer and other school vacation periods, and for other purposes; and

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 30. An act relating to the control of organized crime in the United States; and

S.J. Res. 223. Joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month."

The message also announced that the Senate insisted on its amendment No. 1—already disagreed to by House—and agreed to the House amendments to Senate amendment No. 2, with an amendment, to the bill (H.R. 693) entitled "An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes," and recedes from its amendment to the title of the foregoing bill.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate No. 2 to the bill (H.R. 9634) entitled "An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources," and also agreed to the amendment of the House to the Senate amendment to the title of the bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

S. 3010. An act to authorize in the District of Columbia a program of public-day-care services;

S. 3940. An act for the relief of certain employees of the Department of Defense; and

S. 3944. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel.

TRIBUTE TO THE REVEREND THOMAS G. FAHY

(Mr. MINISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINISH. Mr. Speaker, today my colleagues have had the opportunity to personally view the Reverend Thomas G. Fahy, Ph. D., who delivered the opening prayer in the House of Representatives.

Father Fahy, who was elected to the presidency of Seton Hall University in South Orange, N.J., will be formally inaugurated tomorrow as its 14th president. His selection as head of Seton Hall reflects the coming of age of the decision-by-consensus process on the university's campus. To elect a president, concerned faculty and students joined forces with administration and alumni representatives in forming a presidential search committee. After compiling four names which were submitted to the nominating committee of the board of trustees, the board chose Father Fahy unanimously.

Father Fahy was ordained to the priesthood in 1947. He is an alumnus of Seton Hall, from which he received his bachelor of arts degree in 1943. Thereafter he earned his M.A., and Ph. D. degrees in classical philology from Fordham University with a dissertation on the tragedies of Aeschylus.

After serving as an instructor in Greek and Latin at the Seton Hall Preparatory School, where he also held the title of director of athletics, he then joined the staff of Seton Hall University. He has been an assistant professor, an associate professor, and professor of classical languages, a director of athletics, as well as dean of men. From 1963 to 1970, he served as vice president of instruction. In that role, he was instrumental in upgrading faculty and instituting curriculum changes that have marked Seton Hall's forward thrust in the last decade.

Moreover, Father Fahy has given every indication that he wants the university community to participate as fully as possible in decisions affecting them. The present school year opened with a "town meeting" in Walsh Auditorium at which faculty students, administration, alumni,

and parents were free to raise any issue they wished.

Father Fahy is obviously a humanist, a scholar, and an able administrator. I believe that he is destined to leave his imprint not only on Seton Hall University, but on the larger community served by it.

ENVIRONMENTAL QUALITY EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Environmental Quality Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance poses a serious threat to the strength and vitality of the people of the Nation and is in part due to poor understanding of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating and informing citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to encourage the development of educational processes directed toward increasing the awareness, concern, motivation, and training with respect to the total environment, natural and man-made, which will enable our citizens to improve the environment and better the quality of their lives; to disseminate information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community, labor, and industrial and business leaders and employees, and government employees at State, Federal, and local levels; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance.

ENVIRONMENT EDUCATION

SEC. 3. (a) (1) There is established, within the Office of Education, an Office of Environmental Education (referred to in this section as the "Office") which, under the supervision of the Commissioner, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to environmental education. The Office shall be headed by a Director who shall be compensated at the rate prescribed for Grade GC–17 in section 5332 of title 5, United States Code.

(2) For the purposes of this section, the term "environmental education" means the educational process dealing with man's relationship with his natural and manmade surroundings, and includes the relation of population, pollution resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment.

(b) (1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, regional educational research organizations, and other public and private educational institutions (including libraries and museums) to support research, demonstration, and pilot projects and operational programs designed to educate the public on the problems of environmental quality and ecological balance, except that no grant may be made other than to a nonprofit agency, organization, or institution.

(2) Funds appropriate for grants and contracts under this section shall be available for such activities as—

(A) the development of curriculums (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(B) dissemination of information relating to such curricula and to environmental education, generally;

(C) preservice and inservice undergraduate and post-graduate training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology;

(D) programs and projects designed to familiarize public service personnel, government employees, and business, labor, and industrial leaders and employees with the problems of environment and ecology and with the means by which such problems may be solved; and

(E) community education programs.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section.

(3) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved only if it—

(A) provides that the activities for which assistance is sought will be administered by, or under the supervision of, the applicant;

(B) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section; and

(C) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application.

(c) (1) There is hereby establishd an Advisory Council on Environmental Quality Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to, academic, scientific, medical, legal, resource conservation and production, urban and regional planning, and information media activities as they relate to our society and affect our environment, and shall give due consideration to geographical representation in the appointment of such members.

(2) The Council shall—

(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of programs assisted under this section;

(B) make recommendations to the Office with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications, and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

(d) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary of Health, Education, and Welfare, in cooperation with the heads of other agencies with relevant jurisdiction, shall, upon request, render technical assistance to local educational agencies, public and private organizations, institutions of higher education, agencies of local, State, and Federal Government and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which are related to environmental quality and ecological balance.

Amend the title so as to read: "An Act to authorize the United States Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, I would ask the distinguished gentleman from Kentucky if he intends to take time, either under this reservation or otherwise, to explain this rather lengthy statement of policy of the Congress on the part of the other body?

Mr. PERKINS. I will be delighted to explain.

Mr. Speaker, the Senate amendment struck all of the language of the House-passed bill after the enacting clause and substituted a new text. With the exception of minor technical and stylistic differences, the substantive differences between the Senate amendment and the House-passed bill, together with the resolution of those differences by the proposed amendment to the Senate amendment, are as follows:

First. The Senate amendment vested primary administrative control of the grant program in the Office of Environmental Education under the Commissioner, requiring that the post be at the grade GS–17. The House-passed bill placed administrative control of the program in the Secretary. The proposed amendment would place administration of the program in the U.S. Office of Education in an Office of Environmental Education, the head of which could not be a grade above GS–17.

Second. The House-passed bill required non-Federal matching. The Senate

amendment did not. The proposed amendment restores the matching feature contained in the House-passed bill.

Third. The House-passed bill authorized a small grant program. The Senate amendment did not. The proposed amendment would retain this feature of the House-passed bill.

Fourth. The House-passed bill would have started the program in fiscal year 1971 with a $5 million authorization which increased to $15 million for fiscal year 1972 and $25 million for 1973. The Senate amendment contained no authorization for fiscal year 1971, and authorized $6 million for fiscal year 1972, $10 million for fiscal year 1973 and $10 million for fiscal year 1974. The proposed amendment would adopt the provisions of the House-passed bill.

Fifth. The House-passed bill authorized training programs not only for teachers and other education related personnel but also community, labor, industrial, and business leaders and employees and government employees at State, Federal, and local levels. The Senate amendment limited training programs to education personnel. The proposed amendment would adopt substantively features of the House-passed bill.

Sixth. The House-passed bill would have authorized grants and contracts for community education programs on environmental quality and the preparation and distribution of materials suitable for use by mass media in dealing with environment and ecology. The Senate amendment contained neither of these features. The proposed amendment includes these provisions of the House-passed bill.

Seventh. Both the House-passed bill and the Senate amendment made provision for an Advisory Council on Environmental Quality Education. The House bill but not the Senate amendment required that the Council shall consist of not less than three ecologists and three students. This language is retained in the proposed amendment.

Eighth. The House-passed bill limited supporting environmental education programs to the elementary and secondary level. The Senate amendment broadened it to include such education in institutions of higher education. The proposed amendment retains the provisions of the House-passed bill.

Mr. HALL. Mr. Speaker, further reserving the right to object, I will ask the distinguished Chairman of the Committee on Education and Labor if the proposed House amendment, in lieu of concurring with the amendments of the other body, does vest control in the Secretary of the Department of Health, Education, and Welfare, and keep its Director at a GS–17 level.

Mr. PERKINS. That is correct.

Mr. HALL. Mr. Speaker, I will ask further if this recommendation and the proposed amendment has been cleared with the minority side.

Mr. PERKINS. It has been cleared with members on the minority side. There has been no objection from the minority. I regret to say that I did not take it up with the leadership, but the leadership on our side and on the minority side are well aware of this action, and there is no objection.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. REID of New York. Mr. Speaker, I wish merely to compliment the distinguished chairman for his clear presentation of the several changes now proposed in the Environmental Quality Education Act. It is important to emphasize that the essential purpose of this bill remains unchanged; namely, to make environmental education a basic element of the curriculum in our elementary and secondary schools and in adult community education programs.

Included in the bill is an important provision recommended by the Audubon Society providing for the planning of outdoor ecological study centers.

For the record, I would like to indicate that the administration has stated, through a letter from Secretary Richardson, to me that—

> We are in accord with the bill's objectives and do not oppose its enactment.

This relates both to the House-passed version of the bill and to the compromise now before us.

Mr. BRADEMAS. Mr. Speaker, the gentleman from Kentucky (Mr. PERKINS), the distinguished chairman of the Committee on Education and Labor, has just described the differences between the Senate amendment to H.R. 18260 and the modification of that amendment now proposed to the House.

Mr. Speaker, as sponsor of the Environmental Education Act together with my distinguished colleagues, the gentlemen from New York, Messrs. SCHEUER and OGDEN REID, and the gentleman from Idaho (Mr. HANSEN), all of whom, together with the distinguished Senator from Wisconsin, the Honorable GAYLORD NELSON, are due many thanks for their contributions to this significant legislation, I would like to make this observation.

Essentially, Mr. Speaker, there is little difference between the proposed modification and the original bill which passed this House by a vote of 289 to 28 on August 3, 1970. Indeed, I am quite pleased that in discussions between Members of the House and Senate who have been keenly interested in this measure that much of the original House bill was retained.

I am also pleased that we incorporated the House provision allowing small grants to be given to citizens' groups, volunteer organizations working in the environmental field, and other public and private nonprofit agencies for innovative programs of environmental education.

In my remarks on the floor at the time this bill was originally passed, I said:

> The bill, as presently written, offers the opportunity for a variety of non-establishment programs which will not suffer from the inevitable restrictions found in formal educational institutions.

I believe, Mr. Speaker, that the small grants program offers exciting possibilities for new approaches to environmental education.

Mr. Speaker, there is one other point that I want to make clear. The Senate bill, as originally passed, established an Office of Environmental Education within the Office of Education to be headed by a Director at the GS–17 level. For a number of reasons, the administration raised objections to this provision and the House responded by lowering the case of the letters describing the Office of Environmental Education and by inserting language which provided that the Director of the Office was to be compensated at a rate "not to exceed that of a GS–17."

It should be noted by officials at the Office of Education that the action by the House in making the changes I have just described does not indicate that the House would tolerate burying the new Office of Environmental Education within one of the various bureaus of the Office of Education where it will receive little focus. It is the clear intention of the House that activities in environmental education be coordinated chiefly under the control of the new Office of Environmental Education and that the Office have a prominence within the Office of Education which will insure that it has the authority effectively to carry out the programs authorized by this act.

I make this point only to assure the Office of Education that in the future review of this program, Congress will exercise diligence to make very certain that the Office of Environmental Education will not become merely a powerless group located within the sprawling Office of Education bureaucracy.

Mr. Speaker, I believe that the environmental education bill we are passing today is an historic measure for all concerned with meeting the challenges to the quality of the environment and that it can set the pace for new directions in American education. Its ultimate benefit, however, will depend upon how effectively it is administered by the Office of Education.

Mr. Speaker, let me here take a moment to summarize the principal provisions of the Environmental Education Act. This legislation would provide up to $45 million over the next 3 fiscal years for: developing materials for teaching environmental studies; preservice and inservice training programs for teachers, other educational personnel, community, business, labor, and industrial leaders, and government employees at all levels of government; support of programs in environmental education at the elementary and secondary school levels; adult and community education programs; preparation and distribution of materials on the environment and ecology for use by the mass media; and the planning of outdoor ecological study centers.

Mr. Speaker, although we are now in the midst of a severe environmental crisis in this country, our educational system is poorly equipped to teach about the fundamentals of man's relationship to his natural and manmade environment. We want future generations to be able to prevent the ecological problems caused by smog, water pollution, and the

other contaminants now poisoning our atmosphere.

We have already waited too long.

The bill we pass today makes provision for what one witness called education for survival. As the committee report noted:

Environmental education is not simply another name for conservation education; it is much more. Environmental education is an umbrella term which may include approaches and materials from the natural sciences, the social sciences, and the humanities coordinated into a total view of man's relationship with his surroundings.

I believe that the new authority created by this bill, if utilized seriously by the Office of Education, can determine whether we are going to have a citizenry informed and educated about the whole spectrum of issues that we have come to call environmental and can have a profound effect on our basic attitudes toward the environment and man's place in it.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to concur in the Senate amendments with an amendment as follows:

"In lieu of the matter inserted by the Senate amendments, insert the following:

"That this Act may be cited as the "Environmental Education Act".

"'STATEMENT OF FINDINGS AND PURPOSE

"'SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance poses a serious threat to the strength and vitality of the people of the Nation and is in part due to poor understanding of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating and informing citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

"'(b) It is the purpose of this Act to encourage and support the development of new and improved curricula to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in environmental education at the elementary and secondary levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community, labor, and industrial and business leaders and employees, and government employees at State, Federal, and local levels; to provide for the planning of outdoor ecological study centers; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance; and to provide for the preparation and distribution of materials by mass media in dealing with the environment and ecology.

"'ENVIRONMENTAL EDUCATION

"'SEC. 3. (a) (1) There is established, within the Office of Education, an office of environmental education (referred to in this section as the "office") which, under the supervision of the Commissioner, through regulations promulgated by the Secretary, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to environmental education. The office shall be headed by a Director who shall be compensated at a rate not to exceed that prescribed for grade GS-17 in section 5332 of title 5, United States Code.

"'(2) For the purposes of this Act, the term "environmental education" means the educational process dealing with man's relationship with his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment.

"'(b) (1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, regional educational research organizations, and other public and private agencies, organizations, and institutions (including libraries and museums) to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance, except that no grant may be made other than to a nonprofit agency, organization, or institution.

"'(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"'(A) the development of curricula (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

"'(B) dissemination of information relating to such curricula and to environmental education, generally;

"'(C) in the case of grants to State and local educational agencies, for the support of environmental education programs at the elementary and secondary education levels;

"'(D) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology, and for public service personnel, government employees, and business, labor, and industrial leaders and employees;

"'(E) planning of outdoor ecological study centers;

"'(F) community education programs on environmental quality, including special programs for adults; and

"'(G) preparation and distribution of materials suitable for use by the mass media in dealing with the environment and ecology.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section.

"'(3) (A) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Secretary shall prescribe by regulation and shall be approved only if it—

"'(i) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

"'(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"'(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"'(iv) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds.

"'(v) provides for such fiscal control and funds accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"'(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"'(B) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"'(C) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

"'(4) Federal assistance to any program or project under this section, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall not exceed 80 per centum of the cost of such program for the first fiscal year of its operation, including costs of administration, unless the Commissioner determines, pursuant to regulations adopted and promulgated by the Secretary establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this section. The Federal share for the second year shall not exceed 60 per centum, and for the third year 40 per centum. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.

"'(c) (1) There is hereby established an Advisory Council on Environmental Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to, academic, scientific, medical, legal, resource conservation and production, urban and regional planning, and information media activities as they relate to our society and affect our environment, and shall give due consideration to geographical representation in the appointment of such members: *Provided*, however, That the Committee shall consist of not less than three ecologists and three students.

"'(2) The Council shall—

"'(A) advise the Commissioner and the office concerning the administration of, preparation of general regulations for, and operation of programs assisted under this section;

"'(B) make recommendations to the office with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

"'(C) develop criteria for the review of applications and their disposition; and

"'(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

"'TECHNICAL ASSISTANCE

"'SEC. 4. The Secretary of Health, Education, and Welfare, in cooperation with the heads of other agencies with relevant jurisdiction, shall, insofar as practicable upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher education, agencies of local, State, and Federal governments and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which are related to environmental quality and ecological balance.

"'SMALL GRANTS

"'SEC. 5. (a) In addition to the grants authorized under section 3, the Commissioner, from the sums appropriated, shall have the authority to make grants, in sums not to exceed $10,000 annually, to nonprofit organizations such as citizens' groups, volunteer organizations working in the environmental field, and other public and private nonprofit agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded).

"'(b) Priority shall be given to those proposals demonstrating innovative approaches to environmental education.

"'(c) For the purposes of this section, the Commissioner shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual report on Federal funds expended.

"'(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

"'ADMINISTRATION

"'SEC. 6. In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Commissioner shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, conservation organizations, and other organizations and individuals involved in enhancing environmental quality and maintaining ecological balance.

"'AUTHORIZATION

"'SEC. 7. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973, for carrying out the purposes of this Act.'

"Amend the title so as to read: 'An Act to authorize the United States Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.'"

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the motion just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INCREASING PER DIEM ALLOWANCE IN LIEU OF SUBSISTENCE FOR MEMBERS OF AMERICAN BATTLE MONUMENTS COMMISSION WHEN IN A TRAVEL STATUS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18731) to increase from $20 to $40 per day the per diem allowance authorized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 9 and 10, strike out "by deleting therefrom '$20' and inserting in lieu thereof '$40'." and insert "to read as follows:

"'The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem of $40 in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under section 5703(c)(1) of title 5, United States Code, may be paid to them from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.'

Amend the title so as to read: "An Act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Reserving the right to object, Mr. Speaker, I do not object, but I do request the gentleman from Texas to make a brief explanation for the RECORD at this point.

Mr. TEAGUE of Texas. Mr. Speaker, the bill H.R. 18731, as passed by the House, authorized a per diem for members of the American Battle Monuments Commission of $40 a day. The Senate has amended the bill to retain this figure but has provided that for travel within the United States, the rate shall be $25 and when overseas $40.

Mr. TEAGUE of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RELATING TO STATEMENTS BY VETERANS OF INABILITY TO PAY COSTS OF CARE IN VETERANS' ADMINISTRATION HOSPITALS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, with the Senate amendments to the House amendments to the Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments to the Senate amendments, as follows:

In lieu of the matter proposed by the House amendment to the Senate amendment No. 2 insert the following:

On page 2 of the Senate engrossed amendments, strike out lines 1 and 2, and insert in lieu thereof the following:

On page 2 of the House engrossed bill, beginning with the word "served" in line 23, strike out all down through line 16 on page 3, and insert in lieu thereof the following: "is sixty-five years of age or older."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, again I would ask the gentleman from Texas to offer a brief explanation, and I yield to the gentleman from Texas for that purpose.

Mr. TEAGUE of Texas. Mr. Speaker, when the House passed H.R. 693 on June 2, 1969, it provided:

First. That a veteran who is 72 years of age or older will no longer be required to sign a statement of inability to defray necessary hospital or domiciliary expenses to gain admission to a VA hospital or domiciliary for treatment of a non-service-connected disability.

Second. Authorize furnishing of outpatient care and such other medical services as are reasonably necessary to any veteran who is in receipt of pension or compensation based on need of regular aid and attendance of another person, or who is permanently housebound.

Third. Permit the Veterans' Administration to furnish drugs and medication to veterans who are receiving the housebound rate of compensation or pension. Existing law permits furnishing of drugs and medication to those in receipt of the aid and attendance rate.

Fourth. Extend eligibility for medical care for non-service-connected disabilities to veterans who served on the Mexican border during the period beginning May 9, 1916, and ending April 6, 1917.

The Senate, in passing the bill on October 21, 1969, amended the proposal by writing into the bill what is already VA policy; namely, that receipt of pension from the Veterans' Administration

shall constitute sufficient evidence of inability to pay as to permit the veteran to be admitted without making any statement regarding his ability to pay the cost of hospitalization. Veterans' Administration regulation today assumes that any person who is drawing pension is in need of hospital care and eligible for such insofar as economic factors are involved.

The Senate amendment also removed the proposed eligibility of Mexican border veterans for medical care.

On May 4, 1970, the House accepted the Senate amendments which restored the bill by providing that every applicant who is 72 years of age or older will no longer be required to sign any statement of inability to pay for hospitalization when he applies for admission to a Veterans' Administration hospital. The House also provided on that date restoration of the medical care feature for Mexican border veterans which had been stricken by the Senate action.

On October 12, 1970, the Senate accepted part of the amended House bill but refused to go along with medical care for veterans who served on the Mexican border in the period immediately preceding World War I. The Senate did, however, propose language which, in effect, says that anyone who is age 65 or over may receive care in a Veterans' Administration hospital without the necessity of signing a statement of inability to defray necessary hospital or medical care.

Mr. Speaker, I regret the action of the Senate with regard to the Mexican border veterans but due to the lateness of the session, I urge the acceptance of the Senate action so that this measure can be submitted to the White House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, do I understand the Senate amendment or the amendment to be offered by the gentleman from Texas, the chairman of the Committee on Veterans' Affairs, will give presumptive evidence of the inability to pay for certain Veterans' Administration care for all veterans 65 years or over just by virtue of attaining that year of age?

Mr. TEAGUE of Texas. That is exactly correct.

Mr. HALL. In lieu of the House-passed version, setting it at 72 years of age?

Mr. TEAGUE of Texas. That is correct.

Mr. HALL. Does the gentleman not consider that this is of considerable import as far as cost to the Veterans' Administration is concerned?

Mr. TEAGUE of Texas. It is not. There is very little change in cost.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. TEAGUE of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of the gentleman's motion to accept the Senate amendments to H.R. 693.

H.R. 693, as it initially passed the House, contained provisions that eliminated the so-called pauper's oath in the case of a veteran age 72 years or older seeking admission to a Veterans' Administration hospital for treatment of a nonservice connected condition. The other body proceeded to amend the bill by eliminating the pauper's oath only in the case of those veterans who were entitled to pension benefits.

Unfortunately, this limitation was not acceptable to the House. Now, after further consideration the bill has been amended in a form that is acceptable to both bodies. By supporting the gentleman's motion, we will have sent to the President a bill that eliminates the so-called pauper's oath in the case of any veteran who is 65 years of age or older or any younger veteran if he is in receipt of monthly pension benefits.

This legislation, Mr. Speaker, has considerable merit and it is long overdue. It is patently ridiculous to permit any citizen to enter the hospital of his choice if he is eligible for medicare benefits with no questions asked about his income. Yet, an older veteran, in seeking admission to a Veterans' Administration hospital for treatment of conditions unrelated to his military service, must disclose his intimate financial details and certify that he is unable to afford the costs of hospitalization. The older veterans of this Nation deserve better consideration and this bill will afford it. I urge that it be passed.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House recede from its disagreement to Senate amendment No. 1 and concur therein.

The motion was agreed to.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendments to the House amendments to Senate amendment No. 2.

The motion was agreed to.

A motion to reconsider was laid on the table.

VETERANS HOUSING ACT OF 1970

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement of loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans' Housing Act of 1970".

SEC. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 percentum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans' Housing Act of 1970 is hereby restored and shall not expire until used."

(c) Subsection (b) of such section 1803 is amended by striking out "1810 and 1811" and inserting in lieu thereof "1810, 1881, and 1819".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, wherever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance an existing mortgage loan which is secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by

regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsections (a) and (b) and inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by striking out "1810 of this title" in subsections (c)(1) and (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(5) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section."; and

(6) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the fund reserved for such builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. (a) Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"Eligibility for Loan Guaranty

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veterans from all further liability to the Administrator with respect to such loan.

"Lot and Site Preparation

"(b) Subject to the limitation in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad, provided a first lien on such lot is obtained for the total loan amount.

"Automatic Guarantee of Certain Loans

"(c)(1) Any loan made to a veteran eligible under subsection (a) of this section, if made pursuant to the provisions of this chapter, by a lender of a class specified in the first sentence of section 1802(d) of this title, shall be automatically guaranteed by the Administrator if the loan is for the purpose of purchasing a new mobile home or if the loan is for the purchase of a used mobile home and such used mobile home is the security for a prior loan guaranteed under this section or is the security for a loan guaranteed or insured by another Federal agency. Any loan to be made for such purpose by a lender not specified in the first sentence of section 1802(d) of this title shall be submitted to the Administrator for approval prior to loan closing.

"Prior Approval of Certain Loans

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

"Payment of Loan Guaranty

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator shall allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as the Administrator may establish and such costs and expenses as he determines to be reasonable and proper.

"Loan Guaranty Limitations

"(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and for the necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amount and the term for which the loan is made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, or

"(B) $15,000 (but not to exceed $5,000 for lot acquisition) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitable lot on which to place such home, and

such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation. Such limitations on the amount and term of any loan, however, shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of a loan.

"LOAN GUARANTY REQUIREMENTS

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"Interest Rate

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"Restoration of Entitlement

"(g) Entitlement to the loan guaranty benefit used under this section may be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veteran from all further liability to the Administrator.

"Regulations

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations shall specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed under other sections of this chapter.

"Quality Standards

"(i) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. Standards prescribed by the Administrator relating to scenic and environmental conditions shall be developed by the Administrator in consultation with the Secretary of Housing and Urban Development and with representatives of other appropriate Federal, State, and local agencies or instrumentalities, taking into consideration the particular or unique conditions or physical characteristics which may exist in any geographic or local area. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and shall submit questionnaires to veteran owners and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"Warranty Requirement

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"Authority To Deny Guaranteed or Direct Loan Financing

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"Authority To Disapprove Mobile Home Sites or Purchases From Certain Dealers

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veterans purchasers.

"Annual Report to Congress

"(m) The Administrator shall submit to the Congress, no later than one year after the date of enactment of the Veterans' Housing Act of 1970 and annually thereafter, a report on operations under this section, including the results of inspections and questionnaires required by subsection (i) of this section and experience with compliance with the warranty required by subsection (j) of this section.

"Applicability of Certain Provisions of Law

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making mobile home loans guaranteed under this section and to holders of such loans.

"Termination Date for Mobile Home Loan Program

"(o) No loans shall be guaranteed or made by the Administrator for the purposes described in the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

(b) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 6. Section 5 of this Act shall become effective sixty days following the date of enactment of this Act.

Amend the title so as to read: "An Act to amend chapter 37 to title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans and persons for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefit under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, again I request the gentleman from Texas to make a brief explanation of what is involved.

Mr. TEAGUE of Texas. Mr. Speaker, this accepts the House bill with two very minor changes. It would put disabled veterans in the mobile homes amendment, and it would make it an open-ended bill so far as the disabled veterans are concerned.

Mr. Speaker, the housing bill, H.R. 16710, which passed the House unanimously on September 21, restored the eligibility for loan guaranties and direct loans for those World War II and Korean veterans whose eligibility had recently expired. It also provided for a new guarantee program and direct loan program for mobile homes and also authorized service-connected paraplegic and quadriplegic veterans to obtain direct housing assistance in addition to the $12,500 grant for the construction of special homes suited to their individual needs.

The Senate in passing the bill on September 25 passed legislation which was essentially similar to the proposal I have just described but with certain differences. The terminal date for the direct loan program was made open ended. My proposal accepts this Senate provision. The Senate also provided for direct loan areas for mobile homes while the House provision provided for direct housing areas to be the same for direct mobile home areas. My substitute accepts in essence the Senate language.

The proposed substitute seeks to make clear that an eligible veteran may have two mobile homes and one regularly constructed home if the previous loans have been repaid in full.

The Senate version had directed the Administrator of Veterans' Affairs to consult with the Department of Housing and Urban Development on scenic and environmental conditions. The proposed substitute permits him to do so if he wishes but not on a mandatory basis.

The Senate version authorized a yearly report on the operation of the mobile housing program and directed the Administrator of Veterans' Affairs to submit questionnaires to users of mobile homes. The substitute requires pertinent information on this program to be included in the annual report of the Administrator and removes the requirement as to the possible use of questionnaires.

The warranty provision of the two bills were essentially similar. Most of the provisions of the Senate version have been incorporated into the proposed substitute.

Mr. Speaker, I think the proposed substitute adopts the best features of both versions and I hope that the other body will see fit to concur in our action here today.

Mr. Speaker, I include as a part of my remarks at this point in the RECORD a comparative print of H.R. 16710 showing it in the form as passed by the House on September 21 and as it passed the Senate on September 25 and the proposed substitute:

COMPARATIVE PRINT OF H.R. 16710

HOUSE PASSED (SEPTEMBER 21, 1970) VERSION

That this Act may be cited as the "Veterans Housing Act of 1970".

SEC. 2. The last sentence of section 1802(b) of title 38, United States Code, is amended to read as follows: "Entitlement restored under this subsection may be used at any time."

SEC. 3. (a) Subsection 1803(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans Housing Act of 1970 is hereby restored."

(b) Section 1803(b) of title 38, United States Code, is amended by deleting "sections 1810 and 1811 of this title," and substituting in place thereof "sections 1810, 1811, and 1819 of this title,".

SENATE PASSED (SEPTEMBER 25, 1970) VERSION

That this Act may be cited as the "Veterans' Housing Act of 1970".

SEC. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of laws in effect prior to the date of enactment of the Veterans' Housing Act of 1970 is hereby restored and shall not expire until used."

(c) Subsection (b) of such section 1803 is amended by striking out "1810 and 1811" and inserting in lieu thereof "1810, 1818, and 1819".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, wherever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance an existing mortgage loan which is secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan an an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such

SUBSTITUTE

That this Act may be cited as the "Veterans' Housing Act of 1970".

SEC. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans' Housing Act of 1970 is hereby restored and shall not expire until used."

(c) Section 1803 of such title is amended—

(1) by striking out "1810 and 1811" in subsection (b) and inserting in lieu thereof "1810, 1811, and 1819"; and

(2) by inserting immediately after "years" in the first sentence of subsection (d)(1) the following: "except as provided in section 1819 of this title".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, whenever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance an existing mortgage loan or other leins which is secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan an an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

SEC. 4. Section 1811 of title 38, United States Code, is amended as follows:

(a) by striking out subsection (h) and inserting in lieu thereof the following:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

(b) by striking out subsection (i) and inserting in lieu thereof the following:

"(i) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwelling meet minimum requirements of structural soundness and general acceptability."

(c) by striking out subsection (j) and inserting in lieu thereof the following:

"(j) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsection (a) and (b) and inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by striking out "1810 of this title" in subsections (c)(1) and (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(5) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section."; and

(6) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specialty adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment

SUBSTITUTE—continued

veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsection (a) and (b) and inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by inserting after "guaranteed home loans" the phrase "or mobile home loans, as appropriate" in subsection (c)(1), and by striking out in such subsection "1810 of this title" and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by inserting after "guaranteed home loans" in subsection (d)(1) the phrase "or mobile home loans, as appropriate";

(5) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(6) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section.";

(7) by striking out "1810 of this title" in subsection (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate"; and

(8) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

SEC. 5. Section 1818 of title 38, United States Code, is amended (1) by striking out subsections (c) and (d); (2) by redesignating subsection (e) as (c) and amending it to read as follows:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

SEC. 6. (a) Subchapter II of chapter 37, title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes

"(a) Notwithstanding any other provisions of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the guaranteed or direct mobile home loan benefit provided in this section. Use of such mobile home loan benefit shall preclude the use of any home loans guaranty entitlement under any other section of this chapter until the guaranteed or direct mobile home loan has been paid in full.

"(b) No direct loan for the purchase of a mobile home shall be made from funds available in the direct loan revolving fund unless the site for such home is located in an area designated by the Administrator pursuant to section 1811(b) as a 'housing credit shortage area' for the purpose of providing direct loan financing for the purchase of other than mobile homes. Any such direct loan shall be subject to such requirements and limitations prescribed in this section for guaranteed mobile home loans as may be applicable.

"(c) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 percentum of the value of the construction in place."

SEC. 5. (a) Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"Eligibility for Loan Guaranty

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veterans from all further liability to the Administrator with respect to such loan.

SUBSTITUTE—continued

may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

other respects with the requirements of this section. Loans for such purpose shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender, or class of lenders, from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption. Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator may issue a commitment to guarantee such loan and shall thereafter guarantee the loan made if such loan qualifies therefor in all respects.

"(d) The Administrator's guaranty liability to the holder of the loan shall be 30 per centum of the principal balance of the loan as of the date of the first uncured default in payment as defined by the Administrator. Payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator may allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as he may establish, and such costs and expenses as he determines to be reasonable and proper.

"(e) Whenever a new mobile home is to be purchased with the proceeds of a proposed loan, the Administrator may forego a determination of the property's reasonable value and establish a maximum loan amount based on the manufacturer's invoice cost to the dealer plus such cost and other factors as the Administrator considers proper to take into account for such purpose. In respect to loans to purchase used mobile homes the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. No mobile home loan shall be guaranteed if the amount thereof exceeds $10,000 or if the term of the loan exceeds twelve years and thirty-two days. Such limitations on the amount and term of the loan, however, shall not be deemed to preclude the Administrator from consenting to necessary advances for the protection of the property or the holder's security interest, or to a reasonable reamortization or extension of the term of the loan.

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

"Lot and Site Preparation

["(b) Subject to the limitation in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad, provided a first lien on such lot is obtained for the total loan amount.

"Automatic Guarantee of Certain Loans

"(c) (1) Any loan made to a veteran eligible under subsection (a) of this section, if made pursuant to the provisions of this chapter, by a lender of a class specified in the first sentence of section 1802(d) of this title, shall be automatically guaranteed by the Administrator if the loan is for the purpose of purchasing a new mobile home or if the loan is for the purchase of a used mobile home and such used mobile home is the security for a loan guaranteed or insured by another Federal agency. Any loan to be made for such purpose by a lender not specified in the first sentence of section 1802(d) of this title shall be submitted to the Administrator for approval prior to loan closing.

"Prior Approval of Certain Loans

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

SUBSTITUTE—continued

"(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

"(c) (1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

"Payment of Loan Guaranty

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator shall allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as the Administrator may establish and such costs and expenses as he determines to be reasonable and proper.

"LOAN GUARANTY LIMITITIONS

"(d) (1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and for the necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amount and the term for which the loan is made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only,

"(B) $15,000 (but not to exceed $5,000 for lot acquisition) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitable lot on which to place such home, and

such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation. Such limitations on the amount and term of any loan, however, shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of a loan.

SUBSTITUTE—continued

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and he shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as he may determine and such costs and expenses as he determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

"(d) (1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maxium loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amounts and the term for which the loans are made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

"(B) $15,000 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

"(C) $17,500 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

"(3) Such limitations set forth in paragraph 2 of this subsection on the amount and term of any loan shall not be deemed to preclude the Administrator, under regu-

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

"Loan Guaranty Requirements

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"Interest Rate

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"Restoration of Entitlement

"(g) Entitlement to the loan guaranty benefit used under this section may be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veteran from all further liability to the Administrator.

"Regulations

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations shall specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed under other sections of this chapter.

"Quality Standards

"(i) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. Standards prescribed by the Administrator

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

SUBSTITUTE—continued

lations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of such loan.

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installations;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(g) Entitlement to the loan guaranty benefit used under this section shall be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full.

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans guaranteed or made under other sections of this chapter.

"(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards,

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

relating to scenic and environmental conditions shall be developed by the Administrator in consultation with the Secretary of Housing and Urban Development and with representatives of other appropriate Federal, State, and local agencies or instrumentalities, taking into consideration the particular or unique conditions or physical characteristics which may exist in any geographic or local area. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and shall submit questionnaires to veteran owners and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"Warranty Requirement

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"Authority To Deny Guaranteed or Direct Loan Financing

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"Authority To Disapprove Mobile Home Sites or Purchases From Certain Dealers

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

SUBSTITUTE—continued

the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

"(f) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk;

"(3) the loan will be secured by a first lien (or equivalent security interest) on the property;

"(4) the amount of the loan is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator may prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is on a site which is acceptable to the Administrator;

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(g) The Administrator shall establish such maximum rate of interest for mobile home loans as he determines to be necessary to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(h) A loan to purchase a mobile home to be guaranteed under this section may be increased (or augmented by a separate loan) not in excess of $5,000 or the reasonable value of the lot as determined by the Administrator, whichever is less, for the acquisition of a fully developed lot on which to place the mobile home. In any such transaction the 30 per centum maximum guaranty authorized in subsection (d) shall be based on the total or combined loan amounts. If a lot owned or to be acquired by the veteran does not have the amenities necessary to make it acceptable to the Administrator as a mobile home site, the loan (or loans) may include funds to pay reasonable costs of such amenities but in any such case the total included in the mobile home purchase loan (or loans) for the acquisition of the undeveloped lot and for the cost of site amenities may not exceed $5,000. The Administrator may authorize the real estate portion of a mobile home loan to be amortized over a term of fifteen years and thirty-two days.

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

"Annual Reports to Congress

"(m) The Administrator shall submit to the Congress, no later than one year after the date of enactment of the Veterans' Housing Act of 1970 and annually thereafter, a report on operations under this section, including the results of inspections and questionaires required by subsection (i) of this section and experience with compliance with the warranty required by subsection (j) of this section.

"Applicability of Certain Provisions of Law

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making mobile home loans guaranteed under this section and to holders of such loans.

"Termination Date for Mobile Home Loan Program

"(o) No loans shall be guaranteed or made by the Administrator for the purposes described in the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

(b) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SUBSTITUTE—continued

"(m) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (i) of this section, experience with compliance with the warranty required by subsection (j) of this section, and the experience regarding defaults and foreclosures.

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

"(i) Entitlement to the benefit used under this section is restored upon repayment of the guaranteed obligations in full.

"(j) The Administrator is hereby authorized and directed to promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and in such regulations he may include any of the provisions in other sections of this chapter as he determines to be applicable or appropriate for loans guaranteed or made under this section. The Administrator shall have such powers in respect to matters arising under this section as he has in respect to loans guaranteed or made under other sections of this chapter.

"(k) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home meets or exceeds standards for planning, construction, and general acceptability as prescribed by the Administrator. For the purpose of assuring compliance with such standards the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans with guaranteed or direct loan financing, and shall make random on-site inspections of mobile homes purchased under this section.

"(l) The Administrator shall require the manufacturer to become a warrantor of any new mobile home purchased with guaranteed or direct-loan financing under this chapter and to furnish to the veteran purchaser a written warranty in such form as the Administrator shall require. Such warranty shall specifically state that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (k) of this section. Such warranty shall further provide that the warrantor's liability to the veteran purchaser is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from the date of purchase and the veteran purchaser gives written notice to the warrantor not later than ten days after the end of the warranty date. The warranty prescribed herein shall be in addition to and not in derogation of all other rights and privileges which such purchaser may have under any other law or instrument and shall so provide in the warranty document.

"(m) The Administrator is authorized to deny guaranteed or direct loan financing in respect to mobile homes constructed by any manufacturer who declines to permit the inspections provided for in subsection (k) of this section; or which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer fails or is unable to discharge his obligations under the warranty.

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

"(n) The Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person or entity whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans to veterans to purchase mobile homes offered for sale by any dealer in such homes as to which substantial deficiencies have been discovered, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or the methods, procedures, or practices pursued by the dealer in the marketing of such properties were unfair or prejudicial to veteran purchasers.

"(o) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

SUBSTITUTE—continued

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(o) No loans shall be guaranteed or made by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 6. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount

HOUSE PASSED (SEPT. 21, 1970) VERSION—continued

SEC. 8. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes."

SEC. 9. Section 6 of this Act shall become effective ninety days following the date of enactment.

Amend the title so as to read: "An Act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, authorize direct loans for certain disabled veterans, and for other purposes."

SENATE PASSED (SEPT. 25, 1970) VERSION—continued

"(p) No loans shall be guaranteed by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 7. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 6. Section 5 of this Act shall become effective sixty days following the date of enactment of this Act.

Amend the title so as to read: "An Act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans and persons for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

SUBSTITUTE—continued

of the unpaid balance, if any, at the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 7. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 8. Section 5 of this Act shall become effective sixty days following the date of enactment.

Amend the title so as to read: "An Act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the ues of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

That section 1811 of title 38, United States Code, is amended by adding after subsection (k) the following new subsection:

"(l) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

SEC. 2. Section 1811(i)(1) of title 38, United States Code, is amended by inserting after "housing credit shortage area," the following: "or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title,".

Mr. TEAGUE of California. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the text of the bill with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That this Act may be cited as the "Veterans' Housing Act of 1970"

SEC. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans' Housing Act of 1970 is hereby restored and shall not expire until used."

(c) Section 1803 of such title is amended—

(1) by striking out "1810 and 1811" in subsection (b) and inserting in lieu thereof "1810, 1811, and 1819"; and

(2) by inserting immediately after "years" in the first sentence of subsection (d)(1) the following: "except as provided in section 1819 of this title".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and

inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, whenever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsection (a) and (b) inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by inserting after "guaranteed home loans" the phrase "or mobile home loans, as appropriate" in subsection (c)(1), and by striking out in such subsection "1810 of this title" and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by inserting after "guaranteed home loans" in subsection (d)(1) the phrase "or mobile home loans, as appropriate";

(5) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(6) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section.";

(7) by striking out "1810 of this title" in subsection (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate"; and

(8) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

"(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

"(c)(1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and he shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as he may determine and such costs and expenses as he determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

"(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amounts and the term for which the loans are made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, and such additional amount as is determined by the

Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

"(B) $15,000 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

"(C) $17,500 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

"(3) Such limitations set forth in paragraph (2) of this subsection on the amount and term of any loan shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of such loan.

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(g) Entitlement to the loan guaranty benefit used under this section shall be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full.

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans guaranteed or made under other sections of this chapter.

"(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under warranty.

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

"(m) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (i) of this section, experience with compliance with the warranty required by subsection (j) of this section, and the experience regarding defaults and foreclosures.

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(o) No loans shall be guaranteed or made by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 6. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 7. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 8. Section 5 of this Act shall become effective sixty days following the date of enactment.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO AMEND TITLE OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion with respect to amending the title of the bill.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the title of the bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks in the RECORD on H.R. 16710.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL AID IN WILDLIFE RESTORATION ACT AND FEDERAL AID IN FISH RESTORATION ACT AMENDMENTS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12475) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Amendments:

Page 8, line 24 strike out "4(h)" and insert "4(b)".

Page 8, line 24, strike out "50" and insert "75".

Page 16, line 19, after "Guam," insert "the Governor of American Samoa,".

Page 16, line 23, after "Guam," insert "American Samoa,".

Page 17, line 2, after "centum" insert ", for American Samoa one-third of 1 per centum,".

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. ARENDS. Mr. Speaker, reserving the right to object—and I shall not object—will the gentleman please explain these amendments? I understand the ranking Republican member of the committee.

Mr. DINGELL. Mr. Speaker, the gentleman is entirely correct. The matter has been discussed in detail with my friend and colleague the gentleman from Washington (Mr. PELLY), the ranking minority member of the subcommittee, and we are in harmony that the bill should be passed with the Senate amendments.

The amendments are as follows:

With respect to the funds that would be apportioned to the States supporting hunter safety programs, H.R. 12475, as it passed the House, would authorize the Federal Government to pay up to 50 percent of the cost of carrying out such programs. The Senate amended this provision of the bill to authorize the Federal Government to pay up to 75 percent of such cost. The amendment would have the effect of making the program consistent with wildlife restoration programs which are now carried out under the act on a 75–25 basis.

H.R. 12475 amends both the Federal aid in Wildlife Restoration Act—Pittman-Robertson Act—and the Fish Restoration Act—Dingell-Johnson Act. The Senate amended the bill to authorize American Samoa to be eligible to receive benefits under the Dingell-Johnson Act only. This puts American Samoa on an equal basis with Guam. Also, there was one technical amendment, to change "(h)" to "(b)" on page 8 line 24 of the bill.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

Mr. DINGELL. I thank my good friend.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO AGREEMENT BETWEEN FLORIDA AND GEORGIA ESTABLISHING BOUNDARY BETWEEN SUCH STATES

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 165) granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. POFF. Mr. Speaker, reserving the right to object—I do so not because I am opposed to the resolution; rather, I support it—I do so in order that the distinguished gentleman from Wisconsin may make a severely abbreviated statement of the purposes of the joint resolution.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield under his reservation, I will be pleased to inform the House as to what this joint resolution does.

Mr. POFF. I yield to the gentleman.

Mr. KASTENMEIER. Mr. Speaker, this joint resolution grants the consent of Congress to an agreement between Florida and Georgia establishing their mutual boundary. A companion House measure, House Joint Resolution 992, was referred to and is pending in the Committee on the Judiciary. The agreement is evidenced by identical legislation approved by the two Governors in 1969.

Copies of these enactments are in the committee's files. They both provide that the legislation shall not become effective until and unless by November 1, 1970, the Congress shall consent thereto.

Therefore, if we fail to act this week, the two States will have to start over from the beginning.

Because of this time urgency I am making this unanimous-consent request which has been cleared with the minority.

Mr. POFF. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 165

Whereas the Legislature of the State of Florida passed an act amending section 6.09 Florida Statutes, relating to the boundary between the States of Florida and Georgia, which was approved by the Governor of the State of Florida on April 25, 1969; and

Whereas the Legislature of the State of Georgia passed an act amending Georgia Code section 15–105, relating to the boundary between such States, which was approved by the Governor of Georgia on April 25, 1969; and

Whereas such acts both provide in substance that such acts would be effective only if the Congress of the United States ratifies, confirms, adopts, or otherwise consents to the effect of such acts by November 1, 1970; and

Whereas such acts both provided in substance that the boundary between such States at the mouth of the Saint Marys River and adjacent thereto should be as follows: From a point 37 links north of Ellicotts Mound on the Saint Marys River; thence down said river to the Atlantic Ocean; thence along the middle of the presently existing Saint Marys entrance navigational channel to the point of intersection with a hypothetical line connecting the seward-most points of the jetties now protecting such channel; thence along said line to a control point of latitude 30 degrees 42 minutes 45.6 seconds north, longitude 81 degrees 24 minutes 15.9 seconds west; thence due east to the seaward limit of Georgia and Florida as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90-degree bearing so far as a need for further delimitation may arise; and

Whereas such acts of the States of Florida and Georgia constitute an agreement between such States establishing a boundary line between them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby granted to such agreement and to the establishment of such boundary, and such acts of the States of Florida and Georgia are hereby approved.

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the State of Florida and State of Georgia, and so much of the interior boundary as is considered necessary by the two States, and the necessary appropriations for this work are hereby authorized.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POINT OF ORDER WITHHELD

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold his point of order until unanimous-consent requests are heard?

Mr. HALL. I will ask the Chair if we intend to transact any more legislative business before the important business of establishing a quorum.

The SPEAKER. Will the gentleman withhold his request at this time?

Mr. HALL. I will withhold it, Mr. Speaker, providing there is no call for additional legislative business.

The SPEAKER. The gentleman can rest assured on that premise.

Mr. HALL. Then, I will withhold my point of order, Mr. Speaker.

THE APOSTLE PAUL ON PROVIDING GUARANTEED INCOMES

(Mr. PASSMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, in this day, when the Federal Government is talking about providing a guaranteed income for everyone, regardless of whether or not he works, we wonder what the Apostle Paul of Christ's time on earth would have said on that subject.

To find out what Paul thought in the day in which he did live, we have only to read II Thessalonians, chapter 3, verses 10 and 11, in which he said:

For even when we were with you, this we commanded you, that if any would not work, neither should he eat. For we hear that there are some which walk among you disorderly, working not at all, but are busybodies.

Mr. Speaker, I want to commend our President for his announcement that the wasteful, ineffective, corrupt, unnecessary, so-called war on poverty program, OEO, which also places a premium on laziness, will be reduced by 50 percent. It is to be regretted he did not make it 100 percent.

PRESIDENT'S VETO A TRIUMPH FOR THE "HIDDEN PERSUADERS"

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, in vetoing the political broadcasting bill yesterday, President Nixon has opted for politics over reform.

In the crunch of a midterm election, it was perhaps too much to expect anything else. But Mr. Nixon may discover that his effort to play "smart" politics is in fact the worst possible politics.

Intended, no doubt, to protect and perpetuate the financial advantage of Republicans, the veto gives a green light to all the big spenders. It tells the Salvatoris, the Lamar Hunts, the Clement Stones: "You can buy anything, including your Government."

I sense the American public looks with cynicism on the ever-mounting cost of political campaigns. In my home city of San Diego, we have just seen the indictment of nine leading local political figures on charges of bribery and conspiracy stemming mainly from the raising of campaign funds.

The contention that this bill somehow discriminates against broadcasters just does not wash. The bill recognizes the obvious: that skyrocketing campaign expenses are due primarily to the growing use of television—the major source of news for most Americans in political campaigns.

The legislation Mr. Nixon has vetoed reflected determination by Congress to meet this problem. I regret that the President has turned his back on congressional Republicans and Democrats alike, heeding instead the "hidden persuaders."

PRESIDENT NIXON'S VETO OF CAMPAIGN EXPENDITURE LEGISLATION

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I for one was not surprised at all at the President's veto of the campaign expenditures election legislation because I would have thought he would want the best Republicans elected that money could buy.

POLITICAL BROADCASTING BILL

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, yesterday, the President of the United States went on record as antireform and pro-excessive spending. By vetoing the political broadcasting bill, Mr. Nixon was rejecting the most promising reform in the area of campaign spending since the Corrupt Practices Act. He was rejecting a bill which was supported by a firm majority in each House of Congress, was supported by the Federal Communications Commission and by a good cross-section of prominent business and union leaders.

Surely the President does not think he can dupe the people of America who are fed up with fancy rhetoric, in his attempts to cover up partisan, self-serving actions. Mr. Nixon's words talk of reform and noninflationary spending, but his actions prove otherwise. By vetoing the political broadcasting bill, the President is telling the country that he does not really believe Americans want a change in campaign policies and that they are not sick and tired of politicians "buying" elections. This move by the President is clearly a mistake.

One wonders why the President has become so self-assured that he thinks he can flaunt the will of the people and give them platitudes instead of genuine reform. The political broadcasting bill is a truly innovative piece of reform legislation aimed at limiting outrageous campaign spending. It also repeals the equal-time provisions of section 315(a) of the Communications Act of 1934 with respect to presidential and vice presidential candidates. This is clearly in the interest of the public, which deserves to be kept informed in order to make an intelligent choice on election day.

One also wonders whether the President is living in the shadow of the 1960 television debates with John F. Kennedy, and now is choosing, by this veto, to isolate himself from the possibility of being embarrassed into another debate in 1972. It is a sad commentary that the President should put this own partisan and personal interest over that of the people he was elected to serve and represent.

On September 11, 1970, President Nixon issued a call for cooperation to the Congress of the United States. At that time he stated his belief that "as we enter the seventies we should enter also a great age of reform of the institutions of American Government." It is inconceivable that the President can urge the Congress to cooperate in reform, while he blatantly fails to cooperate in the reformation of runaway campaign spending which goes to the heart of good government.

President Nixon's reasons for the veto are so shabby that they do not even deserve the courtesy of a detailed rebuttal. It is unfortunate that the leader of our Nation has decided to take a reactionary and partisan tack, rather than come out for a step toward true reform.

As long as the President continues to kill off genuine reform legislation in the campaign area, vested interests and the superrich will continue to buy elections outright and control candidates, while the public is forced to wait and wonder. The course which the President has chosen is that of the politician and not that of a true leader.

POINT OF ORDER WITHHELD

The SPEAKER pro temopre. Does the gentleman from Missouri (Mr. HALL) renew his point of order that a quorum is not present?

Mr. HALL. Mr. Speaker, I withhold that request.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ALBERT) laid before the House a message from the President of the United States.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. FASCELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 339]

Adair	Fallon	Moorhead
Alexander	Farbstein	Morse
Aspinall	Fisher	Murphy, N.Y.
Beall, Md.	Ford, Gerald R.	O'Konski
Berry	Ford, William D.	Olsen
Blaggi	Fulton, Tenn.	O'Neal, Ga.
Blanton	Gallagher	Ottinger
Blatnik	Gialmo	Patman
Boggs	Gilbert	Pelly
Brock	Goldwater	Philbin
Brooks	Green, Oreg.	Pollock
Burke, Fla.	Griffiths	Powell
Burton, Utah	Gross	Preyer, N.C.
Bush	Gubser	Price, Tex.
Button	Gude	Purcell
Cabell	Haley	Reid, N.Y.
Casey	Halpern	Reifel
Celler	Hanley	Rhodes
Chamberlain	Hanna	Robison
Chisholm	Hansen, Wash.	Rodino
Clancy	Harvey	Roe
Clark	Hébert	Rogers, Colo.
Clay	Heckler, Mass.	Rosenthal
Collins	Helstoski	Roudebush
Conyers	Henderson	Rousselot
Corman	Horton	Ruppe
Cowger	Hunt	Scheuer
Cramer	Jarman	Shipley
Crane	Jones, N.C.	Sikes
Daddario	King	Skubitz
Davis, Ga.	Leggett	Snyder
Dawson	Lloyd	Stratton
de la Garza	Lowenstein	Symington
Delaney	Lujan	Taft
Diggs	Lukens	Talcott
Dowdy	McCloskey	Taylor
Dulski	McDade	Teague, Tex.
Dwyer	MacGregor	Thompson, N.J.
Eckhardt	Maillliard	Tunney
Edmondson	Meskill	Udall
Edwards, La.	Mills	Weicker
Erlenborn	Mizell	Wold
Evans, Colo.		Wright

The SPEAKER pro tempore. (Mr. ALBERT). On this rollcall 301 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNUAL REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 91-280)

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will read the message from the President of the United States.

The Clerk read as follows:

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945, I hereby transmit to the Congress the Annual Report on United States participation in the United Nations. This report covers the events of the calendar year 1969, the first year of my Administration.

In my address to the 24th General Assembly on September 18, 1969, and in my Foreign Policy Report to the Congress on February 18, 1970, I reaffirmed America's enduring commitment to the support and strengthening of the United Nations Organization. In addition, I took note of some of the steps taken by the United States in 1969 to demonstrate and carry out this commitment. This report covers these matters in greater detail.

The United States strove in 1969, and will strive in the future, to contribute to the success of the United Nations in the fields of diplomacy and peacekeeping and in the promotion of arms control, international law, economic progress, and human rights.

It is gratifying to me, as we celebrate the 25th anniversary of the founding of the United Nations, to add this volume to the record of United States participation.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1970.*

The message of the President, together with accompanying papers, was, without objection, referred by the Speaker pro tempore (Mr. ALBERT) to the Committee on Foreign Affairs and ordered to be printed.

EMPLOYEES FORM CORPORATION TO BUY CHICAGO AND NORTH WESTERN RAILROAD

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, a corporation formed by a group of North Western railroad employees, headed by Larry S. Provo, has executed a contract to buy the assets of that railroad. The employee corporation has filed an application with the Interstate Commerce Commission for approval of the transaction covered by the contract.

The Chicago and North Western railroad is based in Chicago and serves important industrial and rural areas in Illinois, as well as in 10 other States. It is well over 100 years old and has had good times and bad, but at all times it has been vital to the economy of the Middle West. It is noted throughout the United States for providing one of the Nation's best commuter services. We are proud of that railroad and I speak today because this new development makes me even more proud.

Almost all of the top 40 railroad officers have committed themselves to purchase stock in the new employee company. Stock will be offered to every employee of that corporation on the same terms once the Interstate Commerce Commission approves the purchase. In these times when we hear about a bankrupt Penn Central, crisis after crisis in railroad labor-management relations and complaints about conglomerate ownership of railroads, this proposal before the Interstate Commerce Commission is a most encouraging sign. If the Commission approves this transaction promptly, I foresee a renewal in one segment of the railroad industry. I believe that an employee-owned railroad will be dedicated to improved service, will be aggressive in finding ways to perform profitably that improved service, and will point the way to the solution of chronic labor-management crises. I know that my colleagues in the other 10 States served by the North Western join with me in supporting this transaction.

CONFERENCE REPORT ON H.R. 17604, MILITARY CONSTRUCTION AUTHORIZATION, 1971

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1970.)

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief with this report, since there is no controversy or opposition to it.

Mr. Speaker, on May 20, 1970, the House passed the fiscal year 1971 military construction authorization bill, H.R. 17604, in the total amount of $1,999,365,000.

On September 29, 1970, the Senate considered this legislation and provided new authorizations in the total amount of $1,654,527,000.

As a result of a conference, House and Senate conferees worked out the differences and agreed to a new adjusted authorization for military construction for fiscal year 1971 in the amount of $1,667,154,000.

The Department of Defense and the respective military departments had requested a total of $2,060,094,000 for new construction authorized for fiscal year 1971. This amount included $334 million for ABM-related construction later transferred by the Senate to the military procurement bill. The action of the conferees, therefore, with the transfer of $334 million to the procurement bill, reduces this departmental request by $58,940,000 rather than $392,940,000 as would first appear.

The Senate, during their consideration of the bill, added certain provisions with which the House conferees could not agree, and compromise language was worked out. One of the sections added by the Senate would provide assistance to local communities near Grand Forks Air Force Base, N. Dak., and Malmstrom Air Force Base, Mont., which will have to provide increased services and facilities arising from the construction and operation of the proposed ABM sites. House conferees agreed that financial assistance to these small communities would be necessary, but the Senate language provided open-ended authorization with no limitation on the amount to be spent from moneys appropriated for ABM purposes. House conferees insisted that the section be amended to provide that beginning with fiscal year 1972, no funds could be used unless specifically authorized in an annual military construction authorization act.

Another section added by the Senate was one to require an in-depth study of the Culebra problem that has been under discussion for some time now. One section of the Senate amendment was a direction to the Navy to terminate all range activity on or near the cays off of the east coast of the island of Culebra and within 3 nautical miles of the east coast not later than January 1972 unless the President of the United States made a determination that the national security requires continuation of such activities beyond that date. House conferees were in agreement with the study which is to be completed and sent to the President and the Committees on Armed Services of the Senate and House of Representatives not later than April 1, 1971. However, House conferees insisted that the section directing the Navy to terminate all activity by a certain date must be stricken. The Senate receded.

In the language regarding architectural and engineering contracts in Section 604, it is the intendment of the Congress that architectural and engineering contracts should not be awarded through the competitive bidding procedure, as now proposed in a pilot program by the Department of Defense, unless specifically authorized by the Congress. It was the unanimous and enthusiastic agreement among the conferees that contracts for the services of architectural and engineering firms should continue to be awarded in accordance with presently established procedures, customs, and practices.

As in all conferences, it was necessary to compromise on individual line items

requested by the services, and in some instances valid items were left out of the program. However, your conferees did the best they could and believe that they have brought to the House a good bill that will provide adequately for construction needs of the military during this fiscal year, and I urge the adoption of the conference report.

Mr. RIVERS. Mr. Speaker, I yield 7 minutes to the Resident Commissioner of Puerto Rico (Mr. CÓRDOVA).

Mr. CÓRDOVA. Mr. Speaker, I would be remiss in my duty to my people and to the Congress if I did not express here the feeling of disappointment and uneasiness, if I may be permitted the luxury of understatement, with which the news of the conference recommendations respecting the people of Culebra in the report now before this House was received by me and by my constituents over all of Puerto Rico.

I know that the distinguished chairman of the House Armed Services Committee, and indeed all of the House conferees feel that the recommendations are reasonable and fair. It is certainly true that while the report contains the recommendations that the evacuation of Culebra and the resettlement of its people elsewhere be considered in a comprehensive report to be prepared by the Department of Defense covering the Navy activities in Culebra it is provided that the Culebrans will not be resettled unless a majority of their electors approves the resettlement.

That, on the face of it, and to those who are not aware of the background against which this proposal is made would seem to be fair enough. Why fear the results of a report if you are given a chance to approve or reject it?

The answer is that the report will cover all phases of the Navy activities in Culebra, all phases of the use of Culebra as a weapons range by the Navy; that is, it will permit the Department of Defense to dictate to the Culebrans the alternative to resettlement. They may vote on resettlement, but they may not vote on the alternative. And the people of Culebra have already been told in the past, when the Navy was insisting on resettlement, what the alternative would be. Here is the alternative, in the words of the commanding officer of the Navy at the time, in a letter which he addressed less than a year ago to a citizen of Puerto Rico who proposed to construct weekend cottages on a part of Culebra:

> Culebra Island is a keystone in the Atlantic Fleet weapons range, which encompasses Naval Station Roosevelt Roads, nearby Vieques Island and thousands of square miles of ocean area. This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days of the week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic.

It is disheartening to learn that the Department of Defense will now have the opportunity to prepare a report which may well offer what the Department may consider a generous resettlement, but which the Culebrans must know will also tell them that their alternative will be to live under the conditions described in the letter from which I have quoted.

I fully realize, Mr. Speaker, that the report to be prepared by the Department of Defense is to be made after consultation with the government of Puerto Rico and the people of Culebra. That can hardly allay the fears of anyone. After consulting, it is obvious that the Department will pay to the Culebrans, to the people of Puerto Rico and to the Governor of Puerto Rico no more attention than that Department has given them up to now.

Fortunately, the conference report also provides that the report of the Department of Defense will be submitted to the President and to both Houses of Congress for their consideration. I have faith in the fairness of our colleagues and of the President. I know of their good will toward Puerto Rico, a feeling which, as far as this House was concerned, was so eloquently expressed on September 15 on the floor of the House by so many of its Members. But I feel it necessary to request whatever assurance the distinguished chairman of the House Committee on Armed Services can give the people of Puerto Rico that the Department of Defense will not dictate terms on Culebra, that it will submit a report which will be considered carefully in committee and by this House. I know that if the Department of Defense is made aware from the beginning that there is no intention of allowing it to make terms for Culebra, the report will be quite different than it otherwise might be. I might add, Mr. Speaker, that it has been particularly unfortunate to bring up again the question of the resettlement of the people of Culebra. Only a few weeks ago on September 23, 1970, the Secretary of the Navy wrote the Honorable HENRY M. JACKSON a letter containing the following paragraph:

> Despite many instances of good community relations in the past, it is fair to say that the Navy did not pay sufficient attention to the needs and desires of the people of Culebra. Part of the reason was that the Navy for many years expected the Culebrans to be resettled to some other location in Puerto Rico, both for their benefit and the benefit of the Navy. As you know, we abandoned that plan earlier this year, and now the Navy is making renewed efforts to adjust its training schedules to the desires of the people of Culebra. These efforts are being made in good faith, and we feel that in time most Puerto Ricans will accept them in that light.

It is regrettable that, after announcing publicly that it had abandoned plans to resettle the people of Culebra, the Navy should be now directed to consider anew a plan so dear to its heart.

That is the reason, Mr. Speaker, why the news of this conference report has been so dismaying to me and to my people, and has caused us uneasiness. We are not about to give up the fight for our integrity. We are not about to surrender to any demands the Navy may choose to make. On the other hand, as Americans, we do not want to have to fight the Navy. We would feel much easier in our minds if the Congress understood the situation and if the people of Culebra and of all of Puerto Rico were assured that this conference report does not mean that the Congress proposes to let the Navy have its way.

I cannot overstate the importance of reassuring the people of Culebra that the Congress will make its own evaluation and take its own action on any Navy report for Culebra. It is important that the Culebrans share the assurance that I have of studied consideration of their plight and eventual resolve of their problem.

But we must recognize that damage has already been done, in the best of faith and by the best intentioned of people. I also know that there is still time to repair the damage and to still the fears aroused in my people. Certainly you will find the desire to repair it in the overwhelming majority of the people of Puerto Rico, led by our Governor, Luis A. Ferré, and I need not reiterate my own position. I know that any one of our colleagues can match my loyalty to the Nation, but I am sure none can exceed it. That is why I have felt it my duty to speak out as clearly and frankly as I have spoken.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT) to answer one question.

Mr. BENNETT. Mr. Speaker, I want to have the record clear with regard to this new settlement idea, which is the subject of a bill I have introduced. This is not something anybody is imposing upon the people of Culebra. This is a bill which would provide for a commission to set up for resettlement, if the people of Culebra desire it. Under that bill there would be $10,000 for heads of families and $5,000 for people not heads of families, something which is not given to the ordinary American citizens who live on the mainland whose land is condemned.

It is not a threat, it is not a bribe, but it is an opportunity if the people of Culebra desire it. If this bill is not passed, these benefits would not be available to them.

The people then would have to do as my constituents have to do. They would be paid for the value of the land taken under the condemnation laws of our country. They would get no additional benefits in the way of cash and no additional benefits in the way of resettlement.

American citizens in my district are also endangered because of ammunition stored near them and because of flights over them. There are many people in areas in the United States who have been disturbed by target firing, more so than the people of Culebra, much more disturbed. Some of them have lived in their homes for hundreds of years—and I know of none such on Culebra.

Mr. Speaker, this matter should be considered in perspective. The bill which I have introduced should not be used as a symbol of either threat or bribe. It involves additional benefits for the people of Culebra if they ask for them, benefits which have never before been given to American citizens on the mainland or anywhere else in the world. So I do think this bill I have introduced should not be construed as something imposed on Culebrans or unfavorable to Culebrans.

They do not have to have its provisions if they do not wish them. It provides for a plebiscite. It is up to them to speak.

Mr. CÓRDOVA. Mr. Speaker, will the gentleman yield.

Mr. BENNETT. I yield to the Resident Commissioner.

Mr. CÓRDOVA. Mr. Speaker, I wish to make it clear that I was not referring to the gentleman's bill. I was referring exclusively to the conference report. The bill of the gentleman from Florida does not tie resettlement to a Navy report on the use of the weapons range in Culebra. The conference report does tie the two things in, and that, to me, is vital. That, to me, is extremely important. Under the bill introduced by the gentleman from Florida, the people of Culebra will have full say on whether they will accept the resettlement which the gentleman from Florida offers, or not. They will not be under the threat of the alternative of a plan of what will happen to them if they do not accept the resettlement which is being offered by the gentleman from Florida.

That is the difference. That is why I offered no criticism. On the contrary, I must recognize the good faith of the gentleman from Florida, who is interested in the welfare of the people of Culebra, and who has offered this settlement which is deeply ingrained in the interests of the people of Culebra. I think there is a good possibility a plan of that nature could be in the best interests of the people of Culebra, if it were not tied to the threat of shelling of the people of Culebra by the Navy of the United States.

Mr. RIVERS. Mr. Speaker, I want to say to the distinguished gentleman from Puerto Rico that on page 22 of the conference report he will find some answers to the question, and also on page 34. These are some of the elements in the study. I do not know who will be chairman of the Armed Services Committee in their next session.

Whoever is, I suspect, will read this report and act accordingly. The resettlement question is simply one element in the study which the DOD is directed to make.

Mr. CÓRDOVA. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. CÓRDOVA. I wish to express to the gentleman my recognition of the assurance he has just given.

Mr. RIVERS. Furthermore, the distinguished gentleman has acted in the greatest of cooperation with all of us. We regard these people as being just as valuable as any other American, and we regard the gentleman as just as fine a representative as I have seen from Puerto Rico since I have been in Congress. I can assure the gentleman our committee is not going to run over anybody in Culebra nor permit the Department of Defense to do so.

Mr. CÓRDOVA. I thank the gentleman.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of the committee, the gentleman from Illinois (Mr. ARENDS).

(By unanimous consent, Mr. ARENDS was allowed to speak out of order.)

CITATION FOR MERITORIOUS SERVICE OF 1ST LT. JAMES C. MAY

Mr. ARENDS. Mr. Speaker, I do not believe that the general public recognizes that many Members of Congress serving here today have sons wearing the uniform of our country, fighting in Vietnam, and courageously offering their lives in defense of freedom and for the realization of permanent peace.

I rise to extend to our distinguished colleague, CATHERINE MAY, of Washington, my heartiest congratulations on her son, 1st Lt. James C. May, having been recently awarded the Bronze Star "for meritorious service in connection with combat operations against the enemy in the Republic of Vietnam while serving with the 3d Battalion, 1st Marines, 1st Division from September 18, 1968, to May 8, 1970." Those are words from the citation given him by the President of the United States. It sets forth in detail the nature of his courageous leadership and devotion to duty, stating that "he repeatedly distinguished himself by his courage and composure under fire." Congresswoman MAY's son is 24 years old. He attended the University of Washington and in June of 1967 enlisted in the Marine Corps. He entered the officer training program and volunteered for extended duty overseas for a period of 20 months.

I know that CATHERINE MAY is proud of her son. She has every reason to be. We share her pride.

Not only is this an example of distinguished service of a son of one of our colleagues, it seems to me to also be an example of the quality of our American youth generally. All of us recognize I am sure that the noisy militant minority of young people given to violence and terrorism are by no means representative of the vast majority of our youth. Lieutenant May exemplifies what I believe to be a typical American boy. As long as we have young men like Lieutenant May we need not fear for the future of our country. I ask unanimous consent that the entire citation be made a part of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The citation is as follows:

The President of the United States takes pleasure in presenting the Bronze Star Medal to First Lieutenant James C. May, United States Marine Corps Reserve, for service as set forth in the following citation:

"For meritorious service in connection with combat operations against the enemy in the Republic of Vietnam while serving with the Third Battalion, First Marines, First Marine Division from 18 September 1968 to 8 May 1970. Throughout this period, First Lieutenant May performed his duties in an exemplary and highly professional manner. Initially assigned as a Platoon Commander with Company I, he diligently trained his men and quickly molded them into an effective fighting team fully capable of responding to all tactical situations. While participating in several major combat operations, including Operations Oklahoma Hills, Meade River, and Pipestone Canyon, he repeatedly distinguished himself by his courage and composure under fire. On 10 November 1968, while leading his men on a patrol near the Dodge City Area, the platoon came under intense enemy automatic and small arms fire. Quickly assessing the situation, First Lieutenant May deployed his men and maneuvered them into a position to deliver accurate flanking fire at the hostile position. Simultaneously, he directed the delivery of artillery and 81mm mortar fire with devastating accuracy, forcing the enemy to break contact. Reassigned as Executive Officer of Company K on 16 March 1969, and reassigned as Assistant Battalion Operations Officer on 25 October 1969, he worked tirelessly and with meticulous attention to detail to expeditiously accomplish all assigned tasks and consistently provided his unit with outstanding combat support. Subsequently reassigned as the Commanding Officer of Company L on 14 February 1970, he continued to distinguish himself by the superior performance of his duties in an area of vastly increased responsibility. First Lieutenant May's bold initiative, aggressive leadership, and steadfast devotion to duty throughout his tour in the Republic of Vietnam were in keeping with the highest traditions of the Marine Corps and of the United States Naval Service."

The Combat Distinguishing Device is authorized.

For the President,

WILLIAM K. JONES,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Indiana.

Mr. BRAY. I, too, feel a great sense of pride in the great patriotism and the job done by the son of our colleague, and I want to tender to CATHERINE and her son my deepest congratulations and appreciation for a job well done.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from South Carolina.

Mr. RIVERS. I want to associate myself with the remarks of the gentleman and to congratulate Mrs. MAY on her wonderful son who has done so much for his country. I know her heart bursts with pride, and we want to share that, because he is a great American.

I am glad the gentleman has made these remarks, Mr. Speaker, and again I wish to associate myself with them.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New York.

Mr. CONABLE. As an old marine, Mr. Speaker, I should like to thank the gentlewoman from Washington for having contributed a son to the best traditions of the Marine Corps. We are proud of him, as we are proud of her for her service in this House.

Mrs. REID of Illinois. Mr. Speaker, as the mother of a former marine, I am very happy to join in paying tribute to Lt. James C. May, the son of our colleague and my good friend, the Honorable CATHERINE MAY.

Lieutenant May's exemplary service record certainly reflects great credit on himself, his family, and his country. As long as our Nation is blessed with young men of his character, integrity, and devotion to duty, our freedom will always be preserved.

Mr. PIRNIE. Mr. Speaker, those of us who have been privileged to know Lt. James C. May, share, with deep sincerity,

pride in his distinguished service record highlighted by the recent award of the Bronze Star for meritorious service in Vietnam. Twelve years ago I entered the Congress with the distinguished mother of this fine marine, the Honorable CATHERINE MAY, of Washington. Thus I have known this lad as he grew from boyhood to real manhood. I have followed his career through boot training, his commissioning, and subsequent service. He has fulfilled the high hopes he early inspired. Just as his mother has rendered outstanding service to her country as a Member of this body, Jim has rendered loyal and efficient service to the Marine Corps. I am confident this well-deserved award is merely a forerunner of comparable recognition to be earned in the years ahead. We congratulate Jim and our colleague.

Mr. RIVERS. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 316, nays 20, not voting 93, as follows:

[Roll No. 340]

YEAS—316

Abbitt	Clawson, Del	Gaydos
Abernethy	Cleveland	Gettys
Adams	Cohelan	Giaimo
Addabbo	Collier	Gibbons
Albert	Colmer	Gilbert
Alexander	Conable	Gonzalez
Anderson, Calif.	Conte	Goodling
	Corbett	Gray
Anderson, Ill.	Coughlin	Green, Pa.
Anderson, Tenn.	Crane	Griffin
	Culver	Grover
Andrews, Ala.	Cunningham	Gubser
Andrews, N. Dak.	Daniel, Va.	Gude
	Daniels, N.J.	Hagan
Annunzio	Davis, Wis.	Hall
Arends	de la Garza	Halpern
Ashbrook	Delaney	Hamilton
Ashley	Dellenback	Hammer-schmidt
Ayres	Denney	
Baring	Dennis	Hanley
Barrett	Dent	Hansen, Idaho
Belcher	Derwinski	Harsha
Bell, Calif.	Devine	Hastings
Bennett	Dickinson	Hathaway
Betts	Dingell	Hays
Bevill	Donohue	Helstoski
Biester	Dorn	Hicks
Bingham	Downing	Hogan
Blackburn	Dulski	Holifield
Blatnik	Duncan	Hosmer
Boland	Eckhardt	Howard
Bolling	Edwards, Ala.	Hull
Bow	Ellberg	Hungate
Brademas	Erlenborn	Hutchinson
Brasco	Esch	Ichord
Bray	Eshleman	Jacobs
Brinkley	Evins, Tenn.	Jarman
Broomfield	Fascell	Johnson, Calif.
Brotzman	Feighan	Johnson, Pa.
Brown, Mich.	Findley	Jonas
Brown, Ohio	Fish	Jones, Ala.
Broyhill, N.C.	Flood	Jones, N.C.
Broyhill, Va.	Flowers	Jones, Tenn.
Buchanan	Flynt	Karth
Burke, Mass.	Foley	Kazen
Burleson, Tex.	Ford, William D.	Kee
Burlison, Mo.		Keith
Burton, Calif.	Foreman	Kleppe
Byrne, Pa.	Fountain	Kluczynski
Byrnes, Wis.	Fraser	Kuykendall
Caffery	Frelinghuysen	Kyl
Camp	Frey	Kyros
Carter	Friedel	Landgrebe
Cederberg	Fulton, Pa.	Landrum
Celler	Fuqua	Langen
Chappell	Galifianakis	Latta
Clausen, Don H.	Gallagher	Lennon
	Garmatz	Long, La.
Long, Md.	Pettis	Stanton
McCarthy	Pickle	Steed
McClory	Pirnie	Steiger, Ariz.
McClure	Poage	Steiger, Wis.
McCulloch	Podell	Stephens
McDade	Poff	Stubblefield
McDonald, Mich.	Preyer, N.C.	Stuckey
	Price, Ill.	Sullivan
McEwen	Price, Tex.	Symington
McFall	Pryor, Ark.	Taylor
McMillan	Pucinski	Teague, Calif.
Macdonald, Mass.	Purcell	Teague, Tex.
	Quie	Thompson, Ga.
Madden	Quillen	Thomson, Wis.
Mahon	Railsback	Tiernan
Mann	Randall	Udall
Marsh	Rarick	Ullman
Martin	Reid, Ill.	Van Deerlin
Mathias	Reuss	Vander Jagt
Matsunaga	Riegle	Vanik
May	Rivers	Vigorito
Mayne	Rodino	Waggonner
Meeds	Roe	Waldie
Melcher	Rogers, Colo.	Wampler
Mikva	Rogers, Fla.	Watson
Miller, Calif.	Rooney, Pa.	Watts
Minish	Rostenkowski	Whalen
Mink	Roth	Whalley
Minshall	Roybal	White
Mize	Ruth	Whitehurst
Mizell	St Germain	Whitten
Mollohan	Sandman	Widnall
Monagan	Satterfield	Wiggins
Montgomery	Saylor	Williams
Moorhead	Schadeberg	Wilson, Bob
Morgan	Scherle	Wilson, Charles H.
Morse	Schmitz	
Morton	Schneebeli	Winn
Moss	Schwengel	Wolff
Murphy, Ill.	Scott	Wyatt
Myers	Sebelius	Wydler
Natcher	Shriver	Wylie
Nedzi	Sisk	Wyman
Nelsen	Skubitz	Yates
Obey	Slack	Yatron
O'Hara	Smith, Calif.	Young
O'Neill, Mass.	Smith, Iowa	Zablocki
Passman	Smith, N.Y.	Zion
Patten	Springer	Zwach
Pepper	Stafford	
Perkins	Staggers	

NAYS—20

Brown, Calif.	Hechler, W. Va.	Reid, N.Y.
Carey	Kastenmeier	Rooney, N.Y.
Chisholm	Koch	Rosenthal
Clay	Miller, Ohio	Ryan
Edwards, Calif.	Mosher	Scheuer
Harrington	Nix	Stokes
Hawkins	Rees	

NOT VOTING—93

Adair	Evans, Colo.	Mills
Aspinall	Fallon	Murphy, N.Y.
Beall, Md.	Farbstein	Nichols
Berry	Fisher	O'Konski
Biaggi	Ford, Gerald R.	Olsen
Blanton	Fulton, Tenn.	O'Neal, Ga.
Boggs	Goldwater	Ottinger
Brock	Green, Oreg.	Patman
Brooks	Griffiths	Pelly
Burke, Fla.	Gross	Philbin
Burton, Utah	Haley	Pike
Bush	Hanna	Pollock
Button	Hansen, Wash.	Powell
Cabell	Harvey	Reifel
Casey	Hébert	Rhodes
Chamberlain	Heckler, Mass.	Roberts
Clancy	Henderson	Robison
Clark	Horton	Roudebush
Collins	Hunt	Rousselot
Conyers	King	Ruppe
Corman	Leggett	Shipley
Cowger	Lloyd	Sikes
Cramer	Lowenstein	Snyder
Daddario	Lujan	Stratton
Davis, Ga.	Lukens	Taft
Dawson	McCloskey	Talcott
Diggs	McKneally	Thompson, N.J.
Dowdy	MacGregor	Tunney
Dwyer	Mailliard	Weicker
Edmondson	Meskill	Wold
Edwards, La.	Michel	Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Sikes with Mr. Beall of Maryland.
Mr. Philbin with Mr. Burton of Utah.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Henderson with Mr. Burke of Florida.
Mr. Blanton with Mr. Harvey.
Mr. Brooks with Mr. Michel.
Mr. Fisher with Mr. Snyder.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Hanna with Mr. Talcott.
Mr. Shipley with Mr. Clancy.
Mr. Nichols with Mr. Floyd.
Mr. Murphy of New York with Mr. Hunt.
Mr. Leggett with Mr. Mailliard.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Aspinall with Mr. Weicker.
Mr. Biaggi with Mr. Horton.
Mr. Cabell with Mr. Cowger.
Mr. Edmondson with Mr. Rhodes.
Mr. Olsen with Mr. Rousselot.
Mr. O'Neal of Georgia with Mr. Lukens.
Mr. Roberts with Mr. Wold
Mr. Haley with Mr. Pelly.
Mr. Edwards of Louisiana with Mr. Berry.
Mr. Casey with Mr. Taft.
Mr. Clark with Mr. Bush.
Mr. Lowenstein with Mr. Conyers.
Mr. Ottinger with Mr. Powell.
Mr. Evans of Colorado with Mr. McCloskey.
Mr. Stratton with Mr. Button.
Mr. Pike with Mr. O'Konski.
Mr. Wright with Mr. Ruppe.
Mr. Mills with Mr. Gross.
Mr. Corman with Mr. Goldwater.
Mr. Davis of Georgia with Mr. Roudebush.
Mr. Dowdy with Mr. Reifel.
Mr. Daddario with Mr. Meskill.
Mrs. Green of Oregon with Mr. McKneally.
Mr. Patman with Mr. Lujan.
Mrs. Griffiths with Mr. King.
Mrs. Hansen of Washington with Mrs. Heckler of Massachusetts.
Mr. Fallon with Mr. Chamberlain.
Mr. Tunney with Mr. Pollock.
Mr. Collins with Mr. Cramer.
Mr. Farbstein with Mr. Diggs.

Mr. ROONEY of New York changed his vote from "yea" to "nay."

Mr. RIEGLE changed his vote from "present" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROONEY of New York. Mr. Speaker, you will probably notice that I have cast a negative vote on the conference report just adopted. My only reason for doing so is the fact that this conference report contains an authorization for $3,440,000 to transfer functions of the Brooklyn Army Base to Bayonne, N.J. The House, in its wisdom, upon passage of the military construction appropriation bill for 1971, did not carry such an appropriation and it is my hope and trust that when the conference report on the appropriation bill which I have just mentioned is brought up after the recess to November 16, there will likewise be no funds in it for this ill-advised transfer of activities.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A future message from the Senate, by Mr. Arrington, one of its clerks, an-

nounced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

APPOINTMENT OF CONFEREES ON H.R. 17825, OMNIBUS CRIME CONTROL ACT OF 1970

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. CELLER, RODINO, ROGERS of Colorado, MCCULLOCH, and POFF.

AUTHORIZING LOAN OF BUST OF JOHN QUINCY ADAMS TO NATIONAL PORTRAIT GALLERY OF SMITHSONIAN INSTITUTION

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 779) to authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 779

Whereas the National Portrait Gallery of the Smithsonian Institution was established as a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the United States and of the artists who created such portraiture and statuary, and

Whereas from November 6, 1970, to January 3, 1971, the National Portrait Gallery will exhibit "Life Portraits of John Quincy Adams," which will be the first time that all the life portraits of the sixth President of the United States will be assembled in one exhibit, and

Whereas the United States Capitol has in its collections a 20¾ inch, white marble bust of President Adams by John C. King, and the National Portrait Gallery has expressed a desire to include such bust as part of its tribute to the sixth President of the United States, and

Whereas the Smithsonian Institution, in carrying out the purposes of the National Portrait Gallery, is empowered to borrow portraiture, statuary, and other items for exhibition in such Gallery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized and directed, on behalf of the United States Congress, to lend the John C. King marble bust of President John Quincy Adams to the Smithsonian Institution for the National Portrait Gallery exhibit "Life Portraits of John Quincy Adams," under procedures that will assure its proper preservation, display, and return: *Provided,* that such loan is to be effected no later than October 15, 1970, and terminated on or before February 1, 1971.

Mr. BRADEMAS. Mr. Speaker, I am introducing today with the gentleman from New Jersey (Mr. THOMPSON) a concurrent resolution, which will be introduced in the other body by the Senator from Rhode Island (Mr. PELL), to provide for the temporary loan of the John Crookshanks King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

Mr. Speaker, in 1962, Congress created the National Portrait Gallery to "function as a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the United States." Certainly it is in keeping with this mandate that the Director of the Gallery, Marvin S. Sadik, has chosen as one of his first major exhibitions to show the life portraits of John Quincy Adams, our sixth President.

Mr. Speaker, 43 of the 60 life portraits of Adams are presently known, and one of them is the King bust which now stands in the ladies retiring room of the Capitol. Many eminent individuals and institutions will loan to the Portrait Gallery these works of art for its exhibit. For example, the French Government has agreed to loan the famous George Healy portrait of Adams which is in the Chateau de Belancourt.

Mr. Speaker, this is the first and probably only time that the life portraits of President John Quincy Adams will be gathered into one exhibition. The Adams show is, therefore, of great significance, and a scholarly catalog of the exhibit including reproductions of all the known life portraits of Adams will be published by the Harvard University Press.

Mr. Speaker, it is because a standing rule of the Joint Committee on the Library prohibits the loan of works of art in the Capitol that Mr. THOMPSON and I seek the support of this body in making a special exception for the Adams bust at this time. The resolution we propose seems appropriate in light of Congress' role in establishing and supporting the National Portrait Gallery, and it would in no way modify the wise, general policy preventing the loan of the great treasures of art deposited in the Capitol.

I would point out that the bust is now in an inconspicuous location in the Capitol, and that by loaning the bust to the National Portrait Gallery—only blocks away—we will make the bust more available to the public. Moreover, adequate provision has been made for the safety of the bust, which would be on loan only from October 15, 1970, to no later than February 1, 1971.

Mr. Speaker, because the Adams show will open at the Portrait Gallery on November 6, 1970, I ask for prompt consideration of this concurrent resolution so that the National Portrait Gallery will have the time it needs to assure proper display of the bust.

Mr. Speaker, in conclusion, I would hope that many of my colleagues will visit the National Portrait Gallery between November 6 and January 3, 1971, the dates of the Adams exhibition, which promises to be an excellent example of how that museum is fulfilling the purposes which Congress envisioned.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR TEMPORARY EXTENSION OF FEDERAL HOUSING ADMINISTRATION'S INSURANCE AUTHORITY

Mr. BARRETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 242) to provide for the temporary extension of the Federal Housing Administration's insurance authority.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, I reserve the right to object simply to ask for an explanation of the Senate joint resolution to which we are agreeing in view of the fact that it was not read by the Clerk.

Mr. BARRETT. If the gentleman will yield, Mr. Speaker, this resolution is similar to House Joint Resolution 1390, which extends all of the Federal Housing Administration's insurance authority from November 1, 1970, to December 1, 1970. This resolution is needed to keep our Federal housing programs operating until Congress completes action on the 1970 housing bill. I move the adoption of Senate Joint Resolution 242.

This covers all the insurance authority on the housing legislation.

Mr. HALL. And there is no additional cost involved?

Mr. BARRETT. No; there is not.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 242

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 2(a) of the National Housing Act is amended by striking out "November 1, 1970" in the first sentence and inserting in lieu thereof "December 1, 1970".

(b) Section 217 of such Act is amended by striking out "November 1, 1970" and inserting in lieu thereof "December 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "November 1, 1970" in the fifth sentence and inserting in lieu thereof "December 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS OF 1970

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (S. 2695) to provide for the retirement of officers and members of the Metropolitan Police Force, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and certain officers and members of the U.S. Secret Service, and for other purposes and ask for immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Committee on the District of Columbia explain the Senate bill so that the House may know to what it grants unanimous consent?

Mr. McMILLAN. Mr. Speaker, if the gentleman will yield, I would like to state to the distinguished gentleman from Missouri that the House District of Columbia Committee has reported out a similar bill but it has not been called up on the floor of the House.

This bill, S. 2695, grants to the widows of policemen and firemen the same treatment that other District employees enjoy and receive.

Mr. HALL. Mr. Speaker, the gentleman from South Carolina believes that after hearings and after action on our part on a similar piece of proposed legislation that this is equitable and fair, and that there will be no great increase in cost to the District of Columba or the Federal Treasury?

Mr. McMILLAN. Mr. Speaker, if the gentleman will yield further, I really think it is a better bill than the House bill. I say this for the simple reason that this bill becomes effective upon the date it is signed by the President. Our bill, if enacted, would become effective as of July 1, 1970. In other words, this bill contains no retroactive feature.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of S. 2695 because it is essential that the Congress provide proper retirement benefits for our police and firemen as well as their survivors and widows before we recess for election.

It has been 15 years since the retirement program for these guardians of public safety has been updated, and if we are going to maintain efficiency in the area of public safety for the District of Columbia we must recognize that a proper retirement program for police and firemen is necessary in order to attract good recruits and encourage our existing police and firemen to remain on the job.

I want to point out that what we are doing at this time is updating the retirement program for police and firemen in the same proportion as we have already updated the retirement program for classified employees, both in the District of Columbia and the Federal Government, and for the District of Columbia schoolteachers.

The Committee on the District of Columbia has reported favorably on S. 2695 and recommends passage because the purposes of the bill are both justifiable and necessary.

The legislation has six salient features. They relate to, first, the raising of the maximum optional retirement pension to 80 percent; second, the elimination of the age tie-in so that retirement may be elected at any time subsequent to 20 years of service; third, the changing of the formula by which the pension is computed so that each of the first 20 years is equated to 2½ percent with 3 percent for each of the next 10 years; fourth, an increase in widows' and children's pensions; fifth, special compensation for widows of those members who have died in line of duty; and sixth, a cost-of-living clause attached to widow's pensions.

The increase in maximum pension which is sought is occasioned by the fact that public safety officers are presently disadvantaged vis-a-vis other governmental employees—70 percent versus 80 percent—and there is no logical reason why this condition should exist. It is true that these public safety employees would arrive at the maximum retirement earlier than the average Government employee but we are comparing employees who are daily involved in situations of hazard and risk with employees whose work is of a more sedentary nature.

The removal of the mandatory age requirement, thus making retirement possible after 20 years, is a move which has already been found necessary and desirable in a large number of our cities such as Boston, Oklahoma City, Phoenix, New Orleans, and New York. It is calculated to improve the problems of both recruitment and retention for in the first instance it is a tangible talking point for enlistment, and in the second instance it is a powerful inducement for a young member, with perhaps 8 or 10 years already served, to stick it out for the remainder of a 20-year period. We cannot afford to continue wasting the time and money necessary to train and give reasonable experience to our young recruits, and then have their training and potential expertise go down the retention drain. In these days, when the harassment of hostile crowds is added to the natural risks of police and fire duty, the job is becoming increasingly unpalatable. We believe that a provision such as this will aid in convincing these younger members that they should try to weather the storm.

The formula change from 2 to 2½ percent for each of the first 20 years is designed to provide a realistic floor of 50 percent for optional retirement, since any lesser percentage can hardly be contemplated from a practical standpoint. This change in effect, hangs upon the point just made. If we concede the logic of a 20-year retirement plan regardless of age, we cannot hamstring it with a retirement benefit so ineffectual as to be meaningless. If this line of thinking is correct, then it would be expected that each of the cities mentioned in the preceding paragraph as affording 20-year retirement regardless of age should also provide a 50-percent annuity. They do.

The widows of the members have for a long time been deserving of more generous treatment. For those widows currently on the rolls as survivor annuitants, the bill provides an increase from the present floor of $1,800 to $3,144 per annum, or to 35 percent of the members applicable salary basis, if that be greater. For widows who become such after enactment, the legislation provides an annuity equal to 40 percent of the member's salary at death or 40 percent of the basis upon which his retirement compensation was being computed but not less than 40 percent of the salary of a 7-year private. For all children on the rolls, both current and future, the yearly allocations will rise from $600 to $996 for each child with a surviving parent and from $720 to $1,200 for orphans—up to a maximum of three children in each instance. In all proposed survivor annuitant pensions, the District of Columbia government has been mindful of its obligation to achieve parity with civil service and District teacher retirement legislation.

Special compensation for widows of members dying in line of duty seems to be long overdue. Such a feature is presently incorporated within the pay and retirement systems of all classified workers, Federal and District, plus that of the District of Columbia teachers. The extra compensation suggested by the government of the District of Columbia for such cases was a lump sum of $50,000. The Fire and Police associations have concurred with this.

Again, the cost-of-living provisions of this legislation are based on current standard provisions of all classified and District teacher retirement legislation.

There are other minor features of the bill which, again, simply seek to restore parity between fire and police survivor annuitants and those of the Federal and District classified and District teacher retirement systems.

The overall intent of the legislation, then, is to provide, first, increases in retirement benefits for firemen and police officers of the various police forces covered by the Policemen and Firemen's

Retirement and Disability Act, as amended; and second, increases in benefits for survivors both current and prospective. Increases in retirement benefits should accelerate the recruitment, as well as aid in the retention, of policemen and firemen. The upgraded survivorship benefits will provide annuity increases for widows—or widowers—and children, a group which has for 14 years endured a retirement system which has treated them shabbily. Thus, 322 of the present 885 adult survivors are attempting to exist on $150 per month.

The cost of the bill for the first year will be $1,030,000 of which $319,000 will be provided by the increased retent of the members, thus leaving the net cost to the District at $711,000. It should be borne in mind that increased benefits for widows and children will exceed $800,000 for this year.

Assuming enactment on or about November 1, 1970, the cost, for the remainder of this fiscal year, to the District will be $474,000. The District has indicated in a letter to the chairman of the Committee on the District of Columbia that the cost of the bill to the District "would be partially funded through absorption and within the availability of resources in our fiscal 1971 financial plan."

I urge the adoption of this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended (D.C. Code, sec. 4–521 et seq.) is amended as follows:

(1) Paragraph (4) of subsection (a) of such section (D.C. Code, sec. 4–521) is amended to read as follows:

"(4) The term 'widower' means the surviving husband of a member who was married to such individual while she was a member.".

(2) Paragraph (5) of subsection (a) of such section (D.C. Code, sec. 4–521) is amended to read as follows:

"(5) (A) The term 'child' means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the member in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who, because of physical or mental disability incurred before the age of eighteen, is incapable of self-support.

"(B) The term 'student child' means an unmarried child who is a student between the ages of eighteen and twenty-two years, inclusive, and who is regularly pursuing a full-time course of study or training in residence or in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.".

(3) Subsection (d) of such section (D.C. Code, sec. 4–524) is amended as follows:

(A) Paragraph (1) of such subsection is amended to read as follows:

"(1) On and after the first day of the first pay period which begins on or after the effective date of the Police and Firemen's Retirement and Disability Act Amendments of 1970 there shall be deducted and withheld from each member's basic salary an amount equal to per centum of such basic salary. Such deductions and withholdings shall be paid to the Collector of Taxes of the District of Columbia, and shall be deposited in the Treasury to the credit of the District of Columbia.".

(B) Paragraph (3) of such subsection is amended by inserting immediately before the period at the end thereof a colon and the following: *"Provided,* That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia.".

(C) Such subsection is amended by adding at the end thereof the following new paragraph:

"(4) In order to facilitate the settlement of the accounts of each former member coming under the provisions of this section who dies after retirement (1) leaving no survivor entitled to receive an annuity under the provisions of this section and (2) before the aggregate amount of the annuity paid to such former member equals the total amount deducted and withheld for retirement from his salary as a member, the Commissioner shall pay the difference to the person or persons surviving at the time of death in the following order of precedence, and such payment shall be a bar to recovery by any other person of the amount so paid:

"First, to the beneficiary or beneficiaries designated in writing by such former member, filed with the Commissioner and received by him prior to the death of such former member;

"Second, if there be no such beneficiary, to the child or children of such deceased former member and the descendants of deceased children by representation;

"Third, if there be none of the above, to the parents of such former member, or the survivor of them; and

"Fourth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased former member, or if there be none to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased former member: *Provided,* That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia."

(4) Subsection (g) of such section (D.C. Code, sec. 4–527) is amended by deleting "2 per centum" wherever it appears therein and inserting in lieu thereof "2½ per centum".

(5) Paragraph (1) of subsection (h) of such section (D.C. Code, sec. 4–528) is amended—

(A) by striking out "attains the age of fifty years and"; and

(B) by striking out "2 per centum" and inserting in lieu thereof "2½ per centum".

(6) Paragraph (3) of subsection (h) of such section is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum."

(7) Subsection (j) of such section (D.C. Code, sec. 4–530) is amended by deleting "fifty-five" wherever it appears therein and inserting in lieu thereof "fifty".

(8) Subsection (k) of such section (D.C. Code, sec. 4–531) is amended to read as follows:

"(k) (1) In the event that any member dies in the performance of duty, and such death is determined by the Commissioner to have been the sole and direct result of a personal injury sustained while performing such duty, leaving a survivor who received more than one-half his support from a member, such survivor shall be entitled to receive a lump sum payment of $50,000: *Provided,* That if such death is caused by the willful misconduct of the member or by the member's intention to bring about the death of himself, or if intoxication of the injured member is the proximate cause of such death, no such lump sum payment shall be made: *And provided further,* That if such member is survived by more than one person who received more than one-half of his support from the member, each such survivor shall be entitled to receive an equal share of such lump-sum payment.

"(2) In case of the death of any member before retirement, or of any former member after retirement, leaving a widow or widower, such widow or widower shall be entitled to receive an annuity in the greater amount of (1) 40 per centum of such member's basic salary at the time of death, or 40 per centum of the basis upon which the annuity, relief, or retirement compensation being received by such former member at the time of death was computed, or (2) 40 per centum of the corresponding salary for step 6, subclass (a), class 1 of the District of Columbia Police and Firemen's Salary Act salary schedule currently in effect at the time of such member or former member's death: *Provided,* That such annuity shall not exceed the current rate of compensation of the position occupied by such member at the time of death, or by such former member immediately prior to retirement.

"(3) Each surviving child or student-child of any member who dies before retirement, or of any former member who dies after retirement, shall be entitled to receive an annuity equal to the smallest of (1) 60 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) $996; or (3) $2,988 divided by the number of eligible children: *Provided,* That such member or former member is survived by a wife or husband. If such member or former member is not survived by a wife or husband, each surviving child or student-child shall be paid an annuity equal to the smallest of (1) 75 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) $1,200; or (3) $3,600 divided by the number of eligible children.

"(4) Each widow or widower who, on the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1970, was receiving relief or annuity computed in accordance with the provisions of this subsection shall be entitled to receive an annuity in the greater amount of (1) $3,144; or (2) 35 per centum of the basis upon which such relief or annuity was computed. Each child who, on said effective date, was receiving relief or annuity computed in accordance with the provisions of this subsection, shall be entitled to benefits computed in accordance with the provisions of paragraph (3) of this subsection.

"(5) The annuity of any widow or widower under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity or any right thereto shall terminate upon the survivor's death or remarriage before age sixty: *Provided,* That any annuity terminated by remarriage may be restored if such remarriage is later terminated by death, annulment, or divorce. The annuity of any child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto shall terminate upon (A) his attaining age eighteen, unless incapable of self-support, (B) his becoming capable of self-support after age eighteen, (C) his marriage, or (D) his death. The annuity of any student-child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto shall terminate upon (i) his ceasing to be a student, (ii) his attaining age twenty-two (iii) his child whose birthday falls during the marriage, or (iv) his death. Such student-school year (September 1 to June 30) shall be considered not to have reached age twen-

ty-two until July 1 following his actual twenty-second birthday.

"(6) Any member retiring under subsection (f), (g), or (h) of this section, may, at the time of such retirement, elect to receive a reduced annuity in lieu of full annuity, and designate in writing the person to receive an increased annuity after the retired annuitant's death: *Provided,* That the person so designated be the surviving spouse or child of the retiring member. Whenever such an election is made, the annuity of the designee shall be increased by an amount equal to the amount by which the annuity of such retiring member is reduced. The annuity payable to the member making such election shall be reduced by 10 per centum of the annuity computed as provided in subsection (f), (g), or (h). Such increase in annuity payable to the designee shall be reduced by 5 per centum for each full five years the designee is younger than the retiring member, but such total reduction shall not exceed 40 per centum. The increase in annuity payable to the designee pursuant to this paragraph shall be paid in addition to the annuity provided for such designee pursuant to paragraph (2) or (3) of this subsection and shall be subject to the same limitations as to duration and other conditions as the annuity paid pursuant to paragraphs (2), (3), and (5) of this subsection. If, at any time after such former member's retirement, the designee dies, and is survived by such former member, the annuity payable to such former member shall be increased to the amount computed as provided in subsection (f), (g), or (h).

"(7)(i) Each month after the effective date of this subsection the Commissioner shall determine the per centum change in the price index. On the basis of this determination, and effective the first day of the third month which begins after the price index shall have equaled the rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable under this subsection which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(ii) The monthly installment of annuity after adjustment under this subsection shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least $1.

"(iii) For purposes of this subsection, the term 'price index' shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month for which the price index showed a per centum rise, forming the basis for a cost-of-living annuity increase."

SEC. 2. The provisions of this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment.

SEC. 3. This Act may be cited as the "Policemen and Firemen's Retirement and Disability Act Amendments of 1970".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask if committee action has been completed on the proposed legislation, which the gentleman seeks to file by midnight tonight?

Mr. ANDERSON of Tennessee. Mr. Speaker, if the gentleman will yield, committee action has been completed this morning on the railroad passenger train bill and we are taking up almost immediately again this afternoon the manpower bill and it may be reported out this afternoon.

Mr. HALL. Mr. Speaker, I will ask the gentleman from Tennessee if this involves the Comprehensive Manpower Planning Act? Does the gentleman's unanimous-consent request and permission to file until midnight tonight involve the Comprehensive Manpower Planning Act, or does it involve only the railway legislation?

Mr. ANDERSON of Tennessee. It involves the latter.

Mr. HALL. Mr. Speaker, I would ask that the gentleman from Tennessee divide his request and include only that on which action has been completed by the Committee on Rules, as I stated to the distinguished chairman of the Committee on Rules. Otherwise, I shall be constrained to object.

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent to amend my unanimous-consent request to include only the bill pertaining to railway passenger service.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 15073, BANK RECORDS AND FOREIGN TRANSACTIONS; CREDIT CARDS: CONSUMER CREDIT REPORTING

Mrs. SULLIVAN. Mr. Speaker, I call up the conference report on the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in the U.S. currency be reported to the Department of the Treasury, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 8, 1970.)

Mrs. SULLIVAN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 15073 as agreed upon in conference retains all of the major features of the House-passed bill of the same number dealing with the use of secret foreign bank accounts or the transfer of funds abroad for the purpose of evading or violating U.S. laws. The House bill has been strengthened in several respects by Senate amendments the House conferees accepted or succeeded in modifying. The first four titles of the conference bill are aimed at organized crime and at "white collar" crime involving schemes to hide funds abroad for the purpose of defrauding Federal or State governments on taxes, or to circumvent the securities laws or other statutes. Together, the first four titles of the conference bill constitute an important weapon to be available to our Government in tracing criminal practices which have heretofore been largely safe from U.S. prosecution because of the secrecy which surrounds banking practices in some other countries.

SECRET FOREIGN BANKING TRANSACTIONS SPOTLIGHTED BY CHAIRMAN PATMAN

The major credit for this legislative accomplishment belongs to the chairman of the House Committee on Banking and Currency, the Honorable WRIGHT PATMAN, who uncovered some of the scandals in secret banking abroad, instigated an intensive committee investigation into this matter and came forward with the legislative proposals which were passed in somewhat different form in both Houses and have now been brought into conformance by this conference bill. Upon enactment, titles I through IV of H.R. 15073 will give to the Justice Department and to the Treasury Department tools they do not presently have, but which are urgently needed, to combat criminal conspiracies which have used secret havens abroad for billions of dollars of stolen funds, or funds on which U.S. taxes were not paid. These moneys have often been used to make more money in the United States, through other illegal means, or to infiltrate legitimate business behind a foreign front.

As originally passed by the House, H.R. 15073 dealt only with transactions of U.S. nationals and U.S. financial institutions in other countries. As passed by the Senate, however, it contained three new titles consisting of three separate bills previously passed by the Senate. One such title consisted of a mass transit bill, another was a credit card bill, and the third a bill dealing with credit reporting bureaus.

The mass transit title was eliminated in conference because by the time H.R. 15073 went to conference both Houses had completed action on a separate mass transit bill. The other two titles added by the Senate necessarily had to be considered as part of the conference deliberations. Both new titles were subsequently agreed to in conference after modifications or improvements proposed by the House conferees.

The final version of the bill, the conference substitute, now represents, in my opinion, a victory for the people of the United States as citizens, as taxpayers, and as consumers. It also contains ap-

propriate safeguards for legitimate business, while striking powerful blows at criminal business elements, the so-called white collar criminal, whose depredations are often in the millions.

MAJOR ACHIEVEMENTS OF CONEFRENCE BILL

Let me list briefly, Mr. Speaker, the major accomplishments of H.R. 15073 as agreed to in conference.

First. It provides a mechanism by which the law enforcement agencies of this country can investigate the legitimacy of funds sent abroad and uncover illegal transactions, by requiring the maintenance by insured banks of records on all transactions involving transfers of money out of the country, and by authorizing the Secretary of the Treasury to require reports from individuals on currency and foreign transactions. These provisions will save the Department of Justice and the Treasury Department vast amounts of time, effort and money in digging into the ramifications of foreign transactions which involve violations of American law, and make prosecution more feasible. Without the tools this bill will now provide, our enforcement agencies have faced an almost impossible task in tracing funds out of and back into the country of violation of our laws.

Second. It closes a gaping loophole in our securities laws dealing with the regulation of margins in stock transactions. As the hearings disclosed, money illegally sent abroad has often been used to invest in stocks, or to manipulate stocks, without regard to margin requirements, by borrowing the funds abroad, frequently having the foreign bank purchase the stock in its own name rather than in the name of the individual trader.

Third. It protects consumers from the worrisome and often expensive consequences of being sent credit cards they do not want and which they have no intention of using. It establishes, for the first time, a limit of liability of $50 for the unauthorized use of a credit card, while making it a Federal crime to traffic in or use stolen credit cards for purchases of $5,000 or more. The conference bill endorses and writes into law restrictions now being imposed by the Federal Trade Commission on the distribution of unsolicited credit cards and applies this prohibition to all credit card issuers, including banks, airlines, and other issuers which may or may not—interpretations have varied—have been covered by the FTC trade rule.

Fourth. It provides consumers, also for the first time, with statutory rights to find out what material of a personal or financial nature has been circulated about them by credit reporting bureaus which may have been a factor in the rejection of an application for insurance, employment, or consumer or real estate credit. Furthermore, it obligates credit reporting bureaus to protect the confidentiality of such information, to establish and maintain proper procedures for assuring maximum accuracy of the information, to correct demonstrated inaccuracies, to eliminate obsolete material, and otherwise to operate their businesses in a responsible manner commensurate with the intimate nature of the personal data on individual consumers which forms the "merchandise" which such agencies sell for a fee.

THE SPECTER OF THE IMPERSONAL COMPUTER

It would be difficult to predict which of the many provisions of H.R. 15073 will turn out to be the most significant from a long-range standpoint; all of the sections of H.R. 15073 have importance to some aspect of our economy and to the public interest. But in an era of expanding consumer credit and proliferating techniques for managing or handling such extension of credit, and in view of the increasing importance to the individual of having access to insurance, as well as the vital necessity of being able to find employment, I believe that the sections of this bill dealing with credit and personal data reporting will have the greatest overall impact. The reason I say that is that with the trend toward computerization of billings and the establishment of all sorts of computerized data banks, the individual is in great danger of having his life and character reduced to impersonal "blips" and keypunch holes in a stolid and unthinking machine which can literally ruin his reputation without cause, and make him unemployable or uninsurable, as well as deny him the opportunity to obtain a mortgage to buy a home. We are not nearly as much concerned over the possible mistaken turndown of a consumer for a luxury item as we are over the possible destruction of his good name without his knowledge and without reason.

The loss of a credit card can, of course, be expensive, but, as Shakespeare said, the loss of one's good name is beyond price and makes one poor indeed. This bill's title VI deals with that problem.

THE ISSUES BEFORE THE CONGRESS

Mr. Speaker, as I said earlier, the credit card title and the credit reporting title added to H.R. 15073 by the Senate were necessarily before the conference and had to be considered by the House conferees. We could, of course, have said that we refused to even consider them because the new rules of the House which are to go into effect next year frown on—but do not forbid—conference committee consideration of issues not previously considered in the House. That would have broken up the conference. The Senate conferees were insistent that we consider the package in view of the lateness of the session and the possibility that credit card and credit reporting bills would otherwise die.

A credit card bill had been acted on by the House last month, but it was not a bill from the House Banking Committee and dealt only with the mailing of credit cards. The Senate bill went much further, into areas not considered in the House. The credit reporting title added by the Senate dealt with an issue which the House has not itself taken up in this Congress, although we have had comprehensive hearings on the issue in our committee and have been working on such a bill. Rather than deadlock the conference before it even got underway, the House conferees agreed to consider those issues which were properly before us in conference, accept those provisions we believed were good legislation or modify them to bring them into conformance with what we judged the legislation should require.

HOUSE CONFEREES NOT OPERATING IN DARK ON ADDED ISSUES

In this connection, I want to point out to our colleagues, Mr. Speaker, that we were not operating in the dark on these additional measures. All of the issues involved in them had been thoroughly reviewed over a period of time by the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, and five of the seven House conferees serve on that subcommittee as regular or ex officio members, including all three conferees on the minority side. Congresswoman DWYER, who has signed the conference report, has been a leading advocate of legislation to prohibit unsolicited credit cards and has introduced bills similar to the Senate-passed bill which 26 Members of the House from both parties have cosponsored. Chairman PATMAN held hearings on unsolicited credit cards in 1967, and we went into this matter also in the hearings on the Consumer Credit Protection Act.

As for the credit reporting bill, we were faced with the realities of a legislative situation which demanded action by the conferees. After many months of consideration of every aspect of this issue in subcommittee, we came to the point of recommending legislation to the full committee only to fail on 2 consecutive days to summon a quorum able to act. That was the last opportunity in which we could have acted in time to obtain full committee consideration and House action prior to the then-anticipated end of this Congress.

And so, for the same reasons that there was a bipartisan move in the Senate to tack this bill and the credit card bill onto H.R. 15073 as riders—because in the final days of a Congress some legislative shortcuts sometimes have to be taken—a majority of the House conferees voted to offer amendments to the Senate conferees to bring the two vitally important consumer measures, the credit card and credit reporting bills, into such form as we could in good conscience recommend them to the House as part of the conference report on H.R. 15073. I think we did a good job in improving both measures.

IMPORTANT NEW CONSUMER PROTECTION

What was originally, therefore, a House bill dealing with recordkeeping by insured banks, and by individuals engaging in currency transactions abroad, and of interest primarily to law enforcement agencies, now becomes, by action of the conference committee, a measure of utmost importance to every person in the United States—in his role as a consumer.

While we all would have preferred to have these consumer issues discussed and debated fully on the House floor as separate bills, as we had hoped to do, I trust that my colleagues will recognize that we are now confronted with a challenge and an opportunity which are of great economic importance to every man and woman in each congressional district. If the conference report were rejected, your constituents, Mr. Speaker, and those of every Member would find it very difficult to understand why a bill

such as this—representing such unanimity on the part of the Senate conferees who thoroughly understood these issues and by the Senate, and representing the compromise views of a bipartisan majority of House conferees also familiar with the issues—a bill containing the most important new consumer protections which can be enacted in this term of Congress, could possibly be defeated on the basis of procedural objections.

IMPROVEMENTS MADE BY HOUSE CONFEREES IN SENATE CREDIT REPORTING BILL

The provisions on credit reporting in the conference bill are not nearly as strong as I felt they should be—and as a majority of the House conferees attempted to make them—but they are, in my opinion, a major improvement on S. 823 as passed by the Senate.

The Senate conferees would not agree to two key proposals of the House conferees: one to require credit reporting companies to notify all consumers once of the existence of an active file containing personal data about them; and the other to give the Federal Trade Commission power to issue regulations to implement the act and to meet changing circumstances as they develop. Neither omission is fatal to the effectiveness of the legislation, but both proposals would have been extremely useful in helping consumers to protect their good names. We agreed at the termination of the conference that if experience shows that these key provisions proposed by the House conferees are, in fact, as important to the purposes of the law as I believe them to be, we will, of course, reopen the legislation for those and any other improvements experience shows are necessary.

The House conferees succeeded in assuring immediate notification to any individual, who is rejected for credit, insurance, or employment because of information in a credit report, of the name and address of the agency which made the report on him. Thus, his right to access to his file is made more meaningful—he will automatically be told where to look for information which may be causing him needless harm. The Senate bill would have required the consumer who had been rejected for credit, insurance, or employment because of adverse information in a credit file to request, in writing, the name and address of the credit reporting bureau, in order to check further into the information which may have caused his rejection. It was our feeling that this was a needless technicality which would have resulted, from a practical standpoint, in some, or many, individuals, for timidity or other reasons, failing to exercise their rights to find out where to go in order to have a damaging credit report reevaluated and, if wrong, corrected. Some of the consumer witnesses at our hearings made a particular point of this.

In addition, we assured the individual a means through court action to get to the bottom of any charge against him which he cannot refute without knowing where it came from. And we succeeded in making the reporting firms liable for damages for harm done by the firm's own negligence. Also there is now no limit on the punitive damages which a court could assess under the amended bill. The Senate bill had limited such damages to $1,000.

Employees of credit reporting firms who willfully violate the provisions of the bill dealing with the required confidentiality of information in the files are made liable for their acts, under another House amendment.

We also succeeded in giving the full protection of the bill to individuals applying for up to $50,000 of life insurance, instead of the $25,000 limit set in the Senate bill. This relates to the removal of data in their files which is more than 7 years old—other than medical information. The difference is more important than a mere dollar distinction, since the hearings revealed that there are few requests for insurance investigations where less than $25,000 is involved. Thus, our amendment has made this provision have some meaning, in practice, rather than have meaning in theory only.

FINAL RESULT A USEFUL MEASURE

There were other changes made to the Senate-passed bill at the suggestion of the House conferees to tighten up the consumer protections, but it is not, as I said, as strong a bill as a majority of the House conferees tried to make it. In view of the situation which had developed in the House subcommittee, where we failed twice to get a quorum to act on our own bill, and in view of the plans of the Congress to recess this week until after election, the House and Senate Members interested in having strong legislation enacted to protect consumers' good names in the data banks and computerized credit bureaus now developing intimate personal and financial data on millions of Americans, felt this bill, as agreed to in conference, would do enough real good to make it worthwhile passing in this form.

DIFFERENCES BETWEEN HOUSE AND SENATE VERSIONS

The important differences between House and Senate versions of H.R. 15073 as compromised in conference, and which are outlined in the statement of the managers on the part of the House, are further explained as follows:

TITLES I THROUGH IV—BANK SECRECY AND REPORTS

First, on the bank secrecy portion of the bill—titles I through IV:

RECORDKEEPING AND REPORTS ON FINANCIAL TRANSACTIONS ABROAD

There were major differences between the House and Senate bills in the area of bank recordkeeping and reports and records of foreign transactions. Fortunately, however, the Senate bill retained the basic legislative scheme so that the differences were easily pinpointed and satisfactorily resolved. It is our feeling that the compromise arrived at leaves us with a legislative proposal which will enhance and improve law enforcement in the so-called white collar crime area and, equally important, will deter Americans and those subject to our laws from the use of secret foreign financial facilities for illegal purposes.

Many of the differences in the two versions of the bill were either of a technical nature or involved instances in which the other body strengthened specific provisions and were quickly agreed to by the House conferees since these changes comported with the intention of the House when it considered its version. However, there were some basic disagreements which had to be resolved.

DISCRETIONARY POWERS OF SECRETARY

The most important of these related to the degree of discretion to be given the Secretary of the Treasury in carrying out his responsibilities under the act. Under the House legislation, it was felt that the Congress should mandate the type of records maintained and reports made. Having done so, the Secretary of the Treasury was given sufficient flexibility to avoid burdensome or useless recordkeeping requirements. The Senate version, on the other hand, permitted the Secretary to determine, in the first instance whether these records should be kept at all. The House, of course, resisted this view as a dangerous grant of congressional responsibilities to the administrative agency. Moreover, we felt that with a firm congressional statement of purpose the Secretary could more efficiently administer the provisions of the statute. The matter was resolved in title I by retaining the basic congressional purpose and relegating to a subsequent section our intent to afford the Secretary broad discretion in the use of his powers in order to avoid unnecessary or burdensome regulation.

Likewise, in title II dealing with reports of currency and foreign transactions, the Senate version gave the Secretary the same type of discretion. Again, the House insisted on its approach and the Senate agreed.

EXPORT IMPORT LIMITATIONS APPLY ONLY TO SINGLE TRANSACTONS

A second area of major differences appears in title II, chapter 3, which deals with exporting and importing monetary instruments. The House bill provided that reports had to be filed when over $5,000 was exported or imported at any one time, or $10,000 in any 1 year. The Senate version of the legislation eliminated the yearly limitations. Because of a rather inconsistent position by the Justice Department, which first endorsed the yearly aggregate idea only to abandon it 2 months later, the House conferees reluctantly receded to the Senate provision.

HOUSE INSISTS ON REPORTING REQUIREMENTS

Another major difference was contained in title II, chapter 4, covering the records and reports of financial transactions with foreign financial agencies. The Senate version eliminated the authority of the Secretary to require reports and left the provision as an individual recordkeeping matter. The House insisted on its amendment because of our feeling that the reports required would be of immeasurable assistance to law enforcement authorities in seeking to curb these costly and illegal usages of secret foreign financial institutions by Americans.

LEGAL PROCESS REQUIRED TO OBTAIN RECORDS

At this point it should be noted that the Senate version of the bill incorporated into the legislation language which assured that the records could not be obtained except through an appropriate legal process. This, of course, had al-

ready been made clear in the legislative history on the House side.

TITLE V—REGULATION OF ISSUANCE OF CREDIT CARDS

Turning to other provisions in the conference report, I would like to explain briefly the Senate amendment to H.R. 15073 amending the Truth-in-Lending Act to regulate the issuance of credit cards and to establish limits of liability for their misuse. Credit card legislation had been reported out by the House Post Office and Civil Service Committee on March 26, 1970, and was passed by the House on September 9, 1970.

The House should be aware of the fundamental differences in approach between the House-passed credit card bill and the provisions of the conference report on H.R. 15073. The Senate version of the legislation permits the mailing of credit cards only in enumerated cases, thus, by negation, prohibiting the mailing of unsolicited credit cards. The House-passed bill had permitted the mailing of unsolicited credit cards by registered mail. The House conferees agreed to the Senate version because we felt that while the mailing of unsolicited credit cards by registered mail would operate as a protection against the theft or loss of such card during its initial delivery, it placed the consumer under an undue burden. We felt that a consumer who never ordered or requested a credit card should not have to go through the inconvenience with which we are all familiar in receiving registered mail, coupled with the additional convenience of destroying or sending back cards which are unwanted.

Moreover, the Senate version of the bill cleared up uncertain questions of liability for the unauthorized use of credit cards by persons other than the card owner.

The conferees agreed to an amendment recommended by the Department of Justice providing criminal penalties for the unauthorized use of credit cards to purchase goods and services over $5,000. The Senate bill had made any unauthorized use of a credit card a Federal crime, a provision the Justice Department considered too extensive to enforce.

TITLE VI—CREDIT REPORTING

Title VI of the conference bill amends the Consumer Credit Protection Act by adding at the end of that act a new title VI dealing with consumer credit reporting.

The purpose of the fair credit reporting bill is to protect consumers from inaccurate or arbitrary information in a consumer report, which is used as a factor in determining an individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial, or professional purposes.

The new title attempts to balance the need by those who extend credit, insurance or employment to know the facts necessary to make a sound decision, and the consumer's right to know of adverse information being disseminated about him, and the right to correct any erroneous information so disseminated. The requirements of the legislation permit the free flow of information about a consumer, while providing the consumer at the same time the ability to rectify any errors causing his unwarranted difficulties.

The new title will protect the consumer from inaccurate reports, but our amendments seeking to protect individual privacy were rejected by the conferees from the other body. Thus, this bill will not adequately, in my opinion, protect the right to privacy of our citizens. H.R. 16340 and H.R. 19403 would have offered such provisions to protect privacy. I hope the new law can be amended in the next Congress to protect this invaluable right more effectively.

Nevertheless, while the conferees did not adopt a number of important amendments put forth by the House conferees, it is my opinion that the bill as reported will accomplish its intended result. The major provisions of this title are as follows.

NOTIFICATION OF EXISTENCE OF FILE

First, the consumer is given the right to be told of the name and address of the consumer reporting agency when he is rejected for credit, insurance or employment at the time of such denial. In this manner, the individual would be made aware of the existence of any adverse information and could avail himself of the right of access to the information in his file. The House conferees attempted to add a provision requiring consumer reporting agencies to notify an individual of the existence of a file on him the first time a request is made for a consumer report after the effective date of the act, so as to provide an opportunity to examine, and correct if necessary, any erroneous information before any damage to him occurs. Regrettably, this amendment was not adopted.

ACCESS TO INFORMATION IN A CREDIT FILE

Second, the consumer is given free access to examine the nature and substance of the information in his file at the consumer reporting agency. All information should be available to him, with the exception of the sources of investigative information which can only be obtained through the appropriate discovery procedures of the court in which an action is brought to enforce compliance with the act. The term "nature and substance of all information" was discussed by the conferees, and it was agreed that the only prohibition intended by the term was to limit the individual from physically handling his file.

In view of statements in the CONGRESSIONAL RECORD in connection with the other body's consideration of the conference report that "nature and substance" is supposed to mean just what it says, and that the clarifying views in the statements of the managers on the part of the House goes beyond the understanding of one of the Senate conferees in interpreting this language, I want to stress that when we offered our amendment to strike the words in question, we were informed that the words "nature and substance" were necessary in order to make clear that the actual file itself, with identification of sources of investigative information, was not to be required to be made available. This was in conformance with the House conferees' position, that the file itself did not have to be turned over to the consumer.

At the same time, since the words "nature and substance" have no legal definition, we stressed that the consumer should have access to all information in any form which would be relayed to a prospective employer, insurer or creditor in making a judgment as to the worthiness of the individual's application for such benefits.

Despite the claimed uncertainty as to the conferees' intent, which they have resulted from the fact that this item was the last matter to be disposed of in a conference which had begun at 10:30 a.m. and continued with frequent interruptions until 5:30 p.m., and covered scores of points in controversy, it is the firm opinion of the House conferees that there was agreement that "nature and substance" means all information in the file relevant to a prudent businessman's judgment in reviewing an individual's application for credit, insurance or employment, other than material clearly excluded, such as the sources of investigative information. It is not intended that the credit reporting firm should have a free hand in excluding from the consumer's access information other than medical information it just does not want to give him, but will give to a client-user.

Thus, if a credit reporting agency intends to relay to a prospective insurer charges that the individual "uses marihuana"—an automatic reason for turndown by some insurance companies—it would not meet the requirements of this section for the reporting agency to allow the individual to know only that the file shows "traits of moral laxity" or something of that nature.

REINVESTIGATION OF DISPUTED ENTRIES

The bill also contains the requirement on the consumer reporting agencies to reinvestigate disputed items of information and correct if found inaccurate. If the dispute is not resolved, the reporting agency must note the existence of the dispute and enclose a brief statement of the consumer's explanation regarding the dispute.

ADVANCE NOTIFICATION OF TYPE OF INVESTIGATION TO BE MADE

Fourth, the bill requires those entities who procure or prepare investigative reports which deal with highly sensitive and personal information to inform the consumer before the investigation is begun of the nature of such an investigation. Upon request, the agency must furnish more detailed information, a "complete and accurate disclosure of the nature and scope of the investigation requested." Just as disclosure of the "nature and substance" of all information in the files means disclosure of all information in the files but without physical handling of the files, so also disclosure of the "nature and scope" of the investigation means disclosure of all the items or questions which the investigation will cover. The best method of meeting this criterion is for the agency to give the consumer a blank copy of any standardized form used. In addition, adverse investigative information must be reverified before it is included in a subsequent report.

CARE AND ACCURACY

Also, there is the general requirement that consumer reporting agencies must maintain reasonable procedures to assure that recipients of the reports are authorized to receive them. These procedures must also be maintained to assure maximum possible accuracy of all consumer reports.

ELIMINATION OF OBSOLETE DATA

The bill also requires the discarding of information after a certain number of years. The industry has recognized this problem and the bill makes it mandatory on all agencies to follow these practices.

ADVERSE PUBLIC RECORD INFORMATION

Reporting agencies must also notify the consumer when adverse public record information, such as suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments, and the like, are being reported to a potential employer. In lieu of this requirement, reporting agencies must maintain strict procedures to verify the current status of such public record items.

OBTAINING INFORMATION IN A FILE BY FALSE PRETENSE

Criminal penalties for obtaining information from consumer reporting agencies under false pretenses and unauthorized disclosure of information by officers and employees of those agencies are included in the bill.

LEGAL RECOURSE

The private enforcement provisions permit the consumer to sue for willful noncompliance with the act with no ceiling on the amount of punitive damages. The consumer may also sue for ordinary acts of negligence resulting in actual damage to him. Attorney's fees, as determined by the court, will be allowed for both forms of action. A 2-year statute of limitations from the date liability arises is provided, except that where the defendant has willfully misrepresented information material to the establishment of defendant's liability, the statute does not begin to run until discovery of such a misrepresentation.

Suit may be brought in any appropriate U.S. district court without regard to the amount in controversy, or other court of competent jurisdiction.

The bill bars defamation and invasion of privacy suits against an agency, but only if the individual bases his suit on the information disclosed under the act. If the individual uses information obtained through independent sources, whether he has also obtained disclosures under the act or not, he may of course bring any action allowed by common law or statute. It is not intended that the bill grant any immunity to an agency from such suits by individuals whenever the agency has furnished information under this act. In my opinion, this is made clear by the discussion in the Senate committee report.

ENFORCEMENT BY FEDERAL TRADE COMMISSION

Compliance is further enforced by the Federal Trade Commission with respect to consumer reporting agencies and users of reports who are not regulated by another Federal agency. The Federal Trade Commission can use the cease-and-desist authorities and other procedural, investigative and enforcement powers which it has under the FTC Act to secure compliance. Compliance on the part of financial institutions or common carriers regulated by another Federal agency would be enforced by that agency, using its existing enforcement authorities to bring about compliance.

While the conferees did not agree to the House amendment to give the Federal Trade Commission the authority to issue regulations, it is strongly urged that the FTC employ their existing regulatory authority to the greatest possible extent to assure wide-scale compliance with the act.

INCONSISTENT STATE LAWS

State laws which are inconsistent with the Federal law would be preempted only to the extent of the inconsistency. No State law, however, would be preempted unless compliance with that law would entail a violation of Federal law. In short, State laws requiring additional duties should not be affected by the passage of this law.

PRIVILEGE TO SERVE AS CONFERENCE CHAIRMAN

Mr. Speaker, it was a privilege and honor for me to serve as chairman of the conference committee during the second half of our deliberations, after Congressman PATMAN, who had previously served as chairman, was required to be absent.

A conference committee has been described as a third House of Congress, because of the wide latitude it possesses in seeking to compromise highly controversial or highly technical issues in dispute between the two Houses. The responsibilities which go with this latitude are serious, and I think all of us were aware of them.

I want to pay tribute to the fine work done on this legislation by the Senate conferees as well as by the House Members who served on this conference. Just as Congressman PATMAN deserves the greatest share of the credit for the bank transactions and recordkeeping provisions of the original bill and for the improvements made in conference, so Senator PROXMIRE of Wisconsin, can take great pride in the credit card and credit reporting features for it was on his initiative that these measures first passed the Senate and were later incorporated in this bill.

I ask approval of the conference report.

Mr. BOW. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Ohio.

Mr. BOW. I should like to ask a question for clarification, if I may. Title VII of the bill, relating to credit reporting agencies, was originally passed by the Senate as a separate bill, S. 823. In reporting that bill, the Senate Committee on Banking and Currency described the bill as covering "reports on consumers when used for obtaining credit, insurance or employment" and expressly stated that it "does not cover business credit reports or business insurance reports." Since we do not have a report from the House committee, and since the conference report does not mention this exclusion, I would like to inquire if the intent of the present bill is the same—that is, to exclude business reports from its coverage.

I read from the Senate report:

> The bill covers reports on consumers when used for obtaining credit, insurance or employment. However, the bill does not cover business credit reports or business insurance reports.

Does the gentlewoman agree that we do exclude from this bill business reports from its coverage?

Mrs. SULLIVAN. I am happy to inform the gentleman that that is exactly my understanding and our understanding of the bill. Business reports are not included.

Mr. BOW. Are not included?

Mrs. SULLIVAN. That is correct. Insofar as reports of a business nature are concerned, this point was raised continually in our hearings on H.R. 16340 in the Subcommittee on Consumer Affairs, and I think we always made clear that we were not interested in extending this law to credit reports for business credit or business insurance. The conference bill spells this out, furthermore, in section 603(d), which defines a "consumer report" as a report, and so on, "which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes" and so forth.

Mr. BOW. Would the gentlewoman permit the gentleman from New Jersey also to respond so that we can have complete clarification of congressional intent?

Mrs. SULLIVAN. I am happy to yield to the gentleman from New Jersey.

Mr. WIDNALL. I thank the gentlewoman for yielding to me. The answer is the same. There is no intention to include business reports.

Mr. BOW. I thank the gentlewoman for yielding and for her response.

Mr. WIDNALL. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield such time as he may require to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, I want to point out that the House conferees were not unanimous in concurring in the conference report on H.R. 15073. Our failure to concur does not relate so much to dissatisfaction with the legislation as to the means by which it has been brought before us. The only reason I am not going to oppose the acceptance of the conference report is that the lateness of the session makes it unlikely that the needed provisions could be separately resolved. In addition, I recognize as a result of the passage of the congressional reorganization bill the other body's tendency to attach nongermane amendments to our bills will be minimized.

Titles I through IV of H.R. 15073 deal with the problems occasioned by secret foreign bank accounts. The Senate amendments in which your conferees agreed represent an improvement in the bill. By compromising the language in the statement of purpose in title I we have made it clear that the Secretary of the Treasury will have discretion in determining which types of records will have a high degree of usefulness in crim-

inal tax and regulatory investigations and proceedings. At the same time we have made it clear that Congress intends that he shall require the maintenance of microfilm or other appropriate records of those transactions which will be useful.

From both the public's point of view and the Government's this is a more practical approach than was originally embodied in H.R. 15073. With discretion to determine what records will be useful the Secretary can be selective and flexible. As conditions, or criminal practices, change he can alter the recordkeeping requirements. Banks on the other hand will not be required by an inflexible law to photocopy all records but only those which will be useful in criminal investigations or proceedings. For many this will reduce the cost of complying with the law and from the law enforcement officer's point of view it will materially reduce the number of records which must be reviewed during an investigation.

The House bill had an exemption from the photocopying requirement for all checks under $500. There was much objection to this exemption in some quarters on the basis that checks of under $500 had actually proved useful in some criminal investigations. This amendment has been dropped in view of the broad discretion given to the Secretary to determine what records will be useful plus an additional amendment granting the Secretary broad exemptive powers so long as exemptions granted do not counteract the purposes of the act.

Title II of the bill establishes authority to require certain records and reports of currency and foreign transactions. Amendments to the declaration of purpose to which your conferees agreed restore a proper perspective to this title. This is, after all, a bill designed to assist in the investigation and prosecution of criminal activities. The problems to which we addressed ourselves during its consideration were not related to the supervision of financial institutions nor the collection of statistics necessary for the formulation of monetary and economic policy. It was not the financial institutions which were at fault but those who utilized the various services of financial institutions to escape our laws. The problem lay in the fact that a lack of adequate records in financial institutions has hampered efforts to prosecute these people. The purpose of this title as now written is specifically directed to requiring reports and records which will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. I believe this is a major improvement.

Other amendments explained in the statement of managers are more technical than substantive but I am satisfied that in toto we have reached a favorable accord on this subject.

Title V prohibits the unsolicited mailing of credit cards. The House had previously passed a bill, H.R. 16542. The House bill also prohibited the unsolicited mailing of credit cards unless sent by registered mail under certain specified conditions which were set forth in the bill. During the conference we asked the Senate to accept this exception as an amendment to section 132 of the bill but it was rejected.

As indicated on page 20 of the conference report the House agreed to an amendment limiting Federal jurisdiction in cases involving fraudulent use of credit cards to those instances involving $5,000 or more.

Title VI contains the language of S. 823, the Fair Credit Reporting Act. Bills relating to this subject which have been before our committee for several months have proved so controversial that no concensus has been achieved, and hence no bill has been reported or acted upon. It is impossible to say whether the provisions of title VI would, or would not, have been acceptable had it been brought to the floor in the normal manner. All that can be said is that as presented here today it represents only a minor change from the bill originally passed in the other body last November, a bill which Mrs. Virginia Knauer endorsed in hearings before our committee. For this reason I am inclined to the conviction that it is adequate unto the moment as an initial attempt to assist consumers. However, I have not signed the conference report because I will not support the enactment of such controversial legislation by a means that denies the committee and the House a free opportunity to work their will.

The problems raised by doing so are no better illustrated than by reviewing the other body's action this past Friday as it considered the conference report and the statement of our managers.

On page 28 of the conference report it says:

> Your conferees also intend that the definition of "consumer credit report" not include protective bulletins issued by local hotel and motel associations, and circulated only to their members, dealing solely with transactions between members of the associations and persons named in the report.

This language was included because evidence submitted to members of the Consumer Affairs Subcommittee disclosed that hotels and motels are plagued by people who skip without paying bills—or pay with checks that bounce. To protect themselves against such undesirable occupants they circulate their names, and sometimes their photos, among themselves. It would be impossible for hotels or motels to comply with requirements of the bill involving notices to these consumers because, for obvious reasons, they do not provide addresses where they can be located. To us it does not seem logical to restrict an honest businessman's efforts to protect himself against persons who are obviously dishonest. Hence the language in the report.

But last Friday as the other body debated the report the Senator from Wisconsin stated:

> To the extent that a local hotel or motel association compiles credit *or other* information from its members and makes such information available to its members, it is making consumer reports as defined under section 603(d) and is acting as a consumer reporting agency as defined under section 603(f).

On the other hand the Senator from Utah said:

> Such bulletins can, under the bill as I interpret it, be circulated within the various branches of a nationwide chain without any difficulty and without any restrictions.

How does anyone interpret congressional intent with this kind of a record? I do not believe there are many of us here in the House who would deliberately vote to restrict the dissemination of the names of known criminals yet as a result of bypassing our prescribed legislative procedures we are not certain what we are voting for in title VI of this bill. It is my sincere hope that the courts and enforcement agencies will interpret this bill in light of its real objectives as set forth in the statement of findings and purpose in section 602.

Mrs. SULLIVAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentlewoman from Missouri for yielding.

Mr. Speaker, I am not opposed to the acceptance of the conference report on H.R. 15073, this is a motherhood bill. But, I would be remiss if I did not explain why I did not sign the conference report and to express dismay as to the way certain provisions were considered and, most especially, chapter VI, which deals with consumer credit reporting.

Chapter VI was added to the bill known as the secret Swiss bank account bill by the Senate as a nongermane amendment.

The House recently adopted a rule in the legislative reorganization bill that nongermane Senate amendments would need a two-thirds vote of the House for acceptance. The Senate agreed to this and it has now been sent to the President for signature. But, beyond that, this matter had been taken up in an executive session of the House Banking and Currency Committee and the committee instructed the chairman to object to the inclusion of what was, in reality, S. 823 as a nongermane amendment. Despite assurances to the contrary, I heard not one word of opposition to the consideration of title VI except those voiced by me. And this reveals the real power lodged in the other body. The procedure in the Currency Committee is a clear indication that the members of the Banking and Currency Committee were justified in their objection to the acceptance of title VI. As noted previously, title VI is essentially S. 823 passed by the other body last year and referred to our committee on November 12, 1969. On March 5 of this year, the gentlewoman from Missouri, the chairman of our Consumer Affairs Subcommittee, introduced her own bill—H.R. 16340—and during March and April we held 6 days of hearings on these measures.

Those hearings were revealing in an interesting variety of ways. Let me point some of them out.

First, it was obvious that mistakes do occasionally occur in various types of credit reports, which mistakes are harmful to consumers in their efforts to obtain credit, insurance or employment.

Second, it was contended that many people who are so harmed are unaware of the fact that misinformation in a credit report has harmed them.

Third, it was clearly apparent that at least in a minimal number of instances, consumers who were aware of reports or that reports contained misinformation, found it difficult to impossible to find out the nature of information in reports being issued about them or to get misinformation corrected.

It is my judgment that on the basis of this information, our subcommittee was in agreement that legislation to correct these problems would be appropriate. On the other hand, the hearings also disclosed some other interesting facts.

First, is the fact that even among those complaining of abuses of the credit reporters, there was unqualified agreement that credit reporting services are essential to the conduct of business and commerce. It was obvious that most reports are accurate and facilitate the consumer's acquisition of credit, employment and insurance. To a significant number of our subcommittee, this fact suggested that any legislation should be carefully drawn so as not to impede this essential and helpful flow of credit information.

Second, we were made aware of the fact that an awesome variety of firms and techniques are employed for the exchange of what I have broadly categorized throughout these remarks as "credit information." This made it apparent beyond any doubt that great care had to be exercised to draw the legislation so that all those engaged in the dissemination of consumer credit reports relating to a consumer's eligibility for employment or credit and insurance for personal family or household use were covered under the legislation but that activities conducted by banks, for instance, for its own use, protective bulletins issued by local hotel and motel associations and circulated only to members, should not.

Between April 14 and August 6, the subcommittee met, formally or informally, in five executive sessions, considering S. 823, H.R. 16340, and a series of committee drafts in an attempt to reach agreement on a bill that would provide the consumer with the needed protections without disrupting the efficient flow of information. A draft dated August 17 was circulated to all groups which we knew to be affected because up until that time, there was no consensus in the subcommittee regarding the other bills before us. On the basis of the comments we received on this draft, we were able to draw up a bill which we thought met the need. I was pleased to introduce this as H.R. 19410 along with the gentleman from Pennsylvania (Mr. WILLIAMS), the gentleman from Georgia (Mr. STEPHENS), and the gentleman from California (Mr. HANNA). It was a truly bipartisan effort to stimulate agreement so this legislation could be moved ahead. I regret to say that it has not been possible to convene the subcommittee to consider this bill. The result was that we were required to go to conference to consider a measure which the subcommittee did not think was adequate—regarding a question on which the full House has never expressed a view. I am convinced we could have brought a better bill to the floor.

I take exception to that portion of the statement of managers entitled "Disclosure to Consumers." As a conferee it was not my intent that section 609(1) be interpreted to require the disclosure to a consumer of all information in his file. For example, we have specifically agreed that medical information as defined in the first House amendment should not be disclosed. In addition, it is clear from the definition of "consumer report," and it was certainly clear in all the discussions in our subcommittee meetings, that we were concerned about information which is used or expected to be used or collected in whole or in part for the purposes of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes, or employment purposes. It is perfectly possible that certain firms may have information in their files which relates to business transactions, court proceedings, frauds or other matters which would not be used in consumer credit reports. It was not my intent, nor do I believe it was the intent of other members of the Consumer Affairs Subcommittee, to make any provisions of this legislation applicable to reports or information concerning anything other than employment or personal, family, or household uses. The managers, in making the statement in the report that it is to require disclosure of all information have done so without benefit of the committee's vote and contrary to what I judged to be its feeling.

In addition, the managers on the part of the House have suggested that the definition of a consumer credit reporting agency should not include insured financial institutions whose lending officers merely relate information about an individual with whom they have had direct financial transactions. The CONGRESSIONAL RECORD for October 9, during the consideration of the acceptance of the conference report by the Senate, indicates considerable confusion as far as the Senate conferees are concrened about this.

I refer to the language on page 35942 where Senator BENNETT said:

> During our discussions in the Senate, the problem which could be created by this legislation for the transfer of information between correspondent banks was discussed very thoroughly. It was my position that correspondent banks should be allowed to transfer information on their customers to banks with which they had a correspondent relationship without being considered a consumer reporting agency or the information being considered a consumer report. It was argued, however, that if a complete exemption were granted, banks could in effect establish consumer reporting agencies without being subject to the same restrictions which would govern the activities of other consumer reporting agencies not affiliated with a bank.

Additionally, it was never the intention of anybody in the Consumer Affairs Subcommittee to include the technical bulletins issued by local hotel and motel associations, and this intent is expressed in the statement of the managers on the part of the House. Again, the Senate conferees, in presenting the bill to the Senate expressed complete surprise at this language and acted as if they never heard of it. The point I am making is that this is not the proper way to legislate. The procedure of adding nongermane amendments available to the Senators should not be acceded to by the House without mention. I objected to taking up this bill until the House had acted but was obivous that the skids were greased and that the conferees on the other side of the aisle had already decded the outcome.

It is really unfortunate that we must legislate in a manner such as this which leaves so many questions unanswered. Be that as it may, the question of accepting the conference report is now before us. Inasmuch as there will probably be no bill on consumer credit reporting this year unless we accept the provisions of title VI, I reluctantly recommend acceptance of the report.

Mrs. SULLIVAN. Mr. Speaker, I must rise to correct a statement made by the gentleman from Ohio.

The Committee on Banking and Currency did not instruct its chairman to refuse to consider S. 823. Several members of the Committee on Banking and Currency did make observations concerning this legislation, and also the credit card title, but the Chair was not instructed nor, in fact, under the rules of the House could the membership of the Committee on Banking and Currency have instructed any of the conferees.

I have talked to members of the conference from the other body and a majority of the House conferees were convinced that if this matter were not considered in conference, there would be no conference bill at all. Therefore, the decision was made to go ahead with the conference and include the matter of credit bureaus and credit cards.

Mr. WYLIE. Mr. Speaker, will the distinguished gentlewoman yield on that point?

Mrs. SULLIVAN. Yes.

Mr. WYLIE. I would stand corrected. We did have discussion of it in the Committee on Banking and Currency in executive session and it was my impression that the Members felt the consumer credit reporting bill should be reported out by the full committee first. There was no formal action in committee, to be sure. I think the point was also made on the floor of the House that the consumer credit reporting bill should not be included in the conference because of the fact that it was added as a nongermane Senate amendment.

Mrs. SULLIVAN. I know that there were observations made by members of the committee, I would say to the gentleman, but there were no instructions given.

Mr. WYLIE. I thank the gentlewoman.

Mrs. SULLIVAN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I am sorry the Legislative Reorganization Act which we have passed will not be effective until January. If it were in effect today and we were afforded the opportunity of separate votes on the nongermane titles of this bill—H.R. 15073—I doubt seriously that title VI would pass. While most of us recognize the desirability of legislation establishing standards for consumer credit reporting and clear rights and privileges

for consumers to protect themselves against the dissemination of misinformation, most of us who have studied this problem are aware of the deficiencies of the bill the other body is now ramming down our throats. Certainly, those of us who have worked closely with this legislation as members of the Consumer Affairs Subcommittee are aware of its shortcomings. I will go further and say that based on the discussions which took place within our subcommittee, we would have reported out a bill treating the problem much better than does the Senate bill.

As the gentleman from New Jersey has pointed out, there is considerable confusion about how this bill will be interpreted. The definitions are so vague that no one is certain what is included as a "consumer credit report" nor who or what is to be construed as a "consumer credit reporting agency." In the findings and purpose section—602(3)—of title VI, we find the statement:

> Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

On the basis of this, I assume that the other body shared the view which clearly prevailed in our subcommittee that the exchange of information on consumers was desirable and necessary to the conduct of business and commerce. Yet, this very exchange is now to be jeopardized by vague legislative language. Neither Senators, Representatives, nor lawyers for affected businesses can agree what it means.

The colloquy which has just occurred on the floor between the gentleman from Ohio (Mr. BOW), the gentlewoman from Missouri (Mrs. SULLIVAN), and the gentleman from New Jersey (Mr. WIDNALL), is ample evidence of this confusion between the intent and what has been written in haste in the bill. Despite rules of interpretation, this Member would admonish all to resolve any questions of interpretation in favor of the intent expressed.

As an example of what "consumer reporting agency" as defined in the bill does not mean, the managers for the House included in the conference report on page 28 a statement regarding financial institutions. Senators from both sides of the aisle commented on the inclusion of the statement in the report but a close examination of their views in the RECORD of October 9, pages 35941 and 35942 leaves me with the conviction that there was no real objection to, or contradiction of, the meaning of this statement but merely to the fact that it was not discussed more fully by the conferees.

I think we are all agreed that when an institution or business, regardless of what it calls itself, be it a bank, a detective agency, credit bureau, merchant's association, or what have you, regularly engages in the business or the practice of issuing credit reports on individuals, it should be construed as a credit reporting agency. On the other hand, there was ample evidence submitted to our subcommittee to justify, even dictate, exemption from the definition of consumer reporting agency of those businesses or institutions whose transmission of information relative to individuals is incidental to their regular activity and where the information transmitted is related to the relationships between that institution and the individual. To me this is what the report says. It is unfortunate that the language of the legislation is vague on this point, but notwithstanding the fact that the other body has objected to something in the report which may not have been discussed sufficiently in the conference, I find nothing in the discussion which has followed, to indicate any disagreement on the intent.

Mr. Speaker, I yield back the balance of my time.

Mrs. SULLIVAN. Mr. Speaker, I would like to inform the House that the Nixon administration not only favors this legislation but wanted, and testified before us in favor of, a stronger bill.

Such testimony was given at our hearings both by Mrs. Virginia Knauer, the President's Special Assistant for Consumer Affairs, and Mr. Weinberger who was then the Chairman of the Federal Trade Commission and is now a high ranking official of the administration in the successor agency to the Budget Bureau. They both supported H.R. 16340, Mrs. Knauer doing so specifically in behalf of the Nixon administration.

Mr. BROWN of Michigan. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman.

Mr. BROWN of Michigan. I totally concur with the gentlewoman from Missouri. I think it was agreed in the subcommittee that the legislation was necessary. There have been abuses in the industry and I am sure the administration totally concurs with respect to the necessity for legislators.

I am not criticising the aim or intent. But, what I am criticising is the haste with which the language was adopted. Certainly, the Senate did not spend as much time on this legislation as you and I did. All I am saying is we could have had a better bill had the gentlewoman and the subcommittee had an opportunity to report one out.

Mrs. SULLIVAN. I will say that had we acted as we would rather have acted, we would have had a better and stronger bill. But we were faced either with accepting the two or three items that were put in the conference report or rejecting all of them.

Mr. WIDNALL. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman.

Mr. WIDNALL. Mr. Speaker, I would like to compliment the gentlewoman from Missouri for the hard work that she has put in on the credit reporting section of this bill.

Actually, all members of the subcommittee worked many, many hours with the staff to try to develop a bill on our side, and because of their own sense of fairness and wanting to do a real job, I think that is what occasioned the delay in reporting one on our side.

Mrs. SULLIVAN. I thank the gentleman.

Mr. WYLIE. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman.

Mr. WYLIE. Mr. Speaker, again I would be remiss if I did not associate myself with the remarks of the gentleman from New Jersey (Mr. WIDNALL) and compliment the gentlewoman from Missouri for her diligent, conscientious, arduous and hard work in attempting to bring a bill out of the subcommittee.

I want to say, I am in no sense being critical of what the gentlewoman from Missouri did so far as this bill is concerned.

Mrs. SULLIVAN. I thank the gentleman. All of the minority members of the Subcommittee on Consumer Affairs, including the gentleman from Ohio (Mr. WYLIE), the gentleman from Michigan (Mr. BROWN), and others, devoted a great deal of time to this issue and I deeply appreciated their interest. All of us on the subcommittee worked hard on it. But when the gentleman from Ohio indicated earlier that a bill be introduced in the final stages of our subcommittee work, H.R. 19410, represented a consensus bill, or an effective bill, I would have to disagree. Anyone wishing to compare that bill with the several bills I introduced, or with this final version of the legislation, would, I am sure, not imagine that H.R. 19410 would have been a more effective piece of legislation—that is, if we are talking about consumer protections.

Mr. Speaker, in view of the discussion about possible confusion over the statement of the managers on the part of the House accompanying the conference report as to the applicability, or nonapplicability, of the credit reporting title to insured financial institutions whose loan officers merely relate information about an individual with whom they have had direct financial transactions, I feel I should make this clarifying statement.

The comment in the report was not intended to give a blanket exemption to all credit reporting activities of insured financial institutions regardless of the circumstances. Obviously, a bank cannot establish a credit bureau as one of its departments and escape the coverage of this statute, as the bill itself makes clear.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. SCHMITZ. Mr. Speaker, the banking portions of the bill now before us, H.R. 15073, are a blueprint for "Big Brotherism" in the financial transactions of American citizens. It gives blanket authorization to the Secretary of the Treasury to require every bank in the United States insured by the Federal Deposit Insurance Corporation—which means, for all practical purposes, all banks—to keep "a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification of the party for whose account it is to be deposited or collected" and any other records of individual financial transactions which the Secretary may require to be kept.

This is not merely an authorization for examining the financial records of persons suspected of or charged with crime, rather, it sets up a mechanism whereby every bank transaction—even every canceled check—of every American citizen can and will be brought un-

der the purview of Government. This is "Big Brother is watching you" with a vengeance.

If the Federal Government has reason to believe that a specific individual or corporation is violating the law or making away with funds illegally obtained, then Federal investigators should be able to gain access to bank records, under proper controls. But the overwhelming majority of American citizens who are not criminals are entitled to look to their Government for protection, not invasion, of their right to personal and financial privacy. So far as bank accounts go, they lose that right once and for all if this bill becomes law.

Mr. PEPPER. Mr. Speaker, the House Committee on Banking and Currency should be commended for its excellent work on H.R. 15073, a bill requiring bank recordkeeping and the setting of a limitation on the use of secret foreign bank accounts for illegal and illicit purposes.

As chairman of the House Select Committee on Crime, I have become increasingly alarmed as I have traveled throughout the country at the appreciable increase in white collar and sophisticated crimes perpetrated not only by so-called organized crime figures but also by people who have an alleged reputation for responsibility and rectitude within our society. I can state without the slightest reservation that this bill, as reported from conference, will go far in reducing the alarming increase in white collar and financial crimes. These crimes, although less spectacular of public notice and press coverage than so-called street crime, have a greater deleterious effect upon our society than street crime since they tend to undermine the confidence which people have in the ability of Government to respond to the lawlessness of the rich and powerful who control organized and syndicated crime.

The use of secret foreign bank accounts to conceal and perpetrate illicit activities that violate our securities, fraud and tax laws is not new.

Robert M. Morganthau, former U.S. attorney for the southern district of New York, has testified at length before Chairman PATMAN'S committee as to the variety of crimes perpetrated through the use of foreign secret Swiss bank accounts; not only by organized crime figures but also by people in positions of power and responsibility in our society.

Furthermore, the secrecy provided by these accounts has become an essential and indispensable tool for the perpetration of sophisticated criminal acts. Although not as spectacular as the crimes of violence, acts perpetrated through the use of secret Swiss and Liechtenstein bank accounts, have for several years served as a protective umbrella against the prosecution and detection of criminal elements within our society.

Our New York hearings, which focused upon the multiple questions of heroin importation, distribution, and packaging substantiates beyond a peradventure of doubt that organized crime often turns to the use of Swiss bank accounts to hide their illicit control and dominion over international narcotics trafficking.

Ralph Salerno, a recognized authority on organized crime, has repeatedly testified that organized crime is a multi-billion-dollar business.

Robert M. Morganthau, Esq., has categorically stated that his 9-year involvement into investigation and prosecution of organized crime has led him to the inescapable conclusion that organized and syndicated crime grosses in excess of $50 billion a year, a large portion of which must be attributable to white-collar crimes.

The total take from such organized or syndicated crimes totals amounts in excess of the combined profits of our major American corporations. It is only natural that as white-collar crimes have become more complex and sophisticated, the amounts of money involved in such activities have become larger and, therefore, the use of financial transactions abroad to hide such vast amounts of money have become indispensable in effecting international criminal conspiracies.

Prior to the investigations and hearings leading up to the passage of this bill, everyone was willing to admit that these problems existed. However, no one seemed willing to provide a legislative response to curb these flagrant abuses.

It is for this very reason that I strongly applaud the legislative effort of the House Banking and Currency Committee, and particularly commend Chairman PATMAN for his unflinching efforts in this regard.

Mr. Speaker, I would like to speak briefly about one of the problems that is causing this country great concern and how this legislation will alleviate some of the present difficulties facing criminal prosecutors throughout the United States. I speak particularly of the shocking narcotics problem. I know from my own committee investigations that smuggling and selling of hard drugs contributes to much of the violent crimes in the streets.

It is impossible to speak about "street crime" without acknowledging the fact that hard drug addiction is inexplicably interwoven into the problems underlying every assault, mugging, robbery, and burglary committed by our Nation's growing addict population. Drug use is sapping the will of many of our young people. The crippling effects are too often permanent. There is no limit to what an addict will do to obtain money to feed his craving for narcotics, nor what he may do under their influence. However, few people are aware of, or willing to admit, that the problem lies much deeper than the addict or the local pusher. I refer to its source, the supplier. The sale and distribution of these very dangerous and insidious drugs is big business. It requires large financing and yields enormous profits. Profits which are used to penetrate and eventually control many of our legitimate businesses.

Our New York hearings established clearly how organized crime not only controls and monopolizes most of the significant heroin trafficking into this country, but also uses the classical channels of international banking to protect its vast profits and shelter its financial machinations. Often, respectable financial institutions are unwittingly used by organized crime to perpetrate their worldwide heroin operations.

We have heard from several witnesses who testified at our New York and Washington heroin hearings that problems of investigation, detection, and ultimate prosecution are difficult, if not impossible, since organized crime utilizes every conceivable financial channel plus the advantages offered by the secrecy laws of Switzerland, Panama, and the Bahamas.

Several leading prosecutors who have testified before the House Select Committee on Crime have stated that it has been difficult, if not impossible, for their respective offices to deal with organized criminal activity since organized crime figures avail themselves of the finest minds who skillfully utilize the channels of international finance conveniently aided and abetted by the various secrecy laws of Switzerland, Liechtenstein, Panama, Belgium, and the Bahamas.

One of the reasons for this difficulty is the lack of evidence. Our own domestic institutions have not been retaining records of these complicated financial transactions and, once the illicit money is in a foreign secret bank account, either by transfer from an American bank or by courier to a foreign bank, the shield of secrecy provided is almost impregnable.

This bill requires that our own financial institutions keep certain records and reports concerning the importing and exporting of large amounts of money. Additionally, the bill requires the keeping of records of foreign transactions. Such information will be helpful to our law enforcement officers in their pursuit of the illicit profiteers, who make vast sums of money by their multiple criminal machinations.

I do not mean to suggest that the legislation goes as far as I would like it to go. Much responsibility and discretion has been given to the Secretary of the Treasury. His administration of its provisions will determine much of its effectiveness and his early experience, I am sure, will enable Congress to improve on it. I have no doubt that the Secretary will immediately endeavor to devote his energies and his agencies resources to the proper implementation of this meritorious legislation.

Mrs. SULLIVAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the conference report just adopted.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON H.R. 18546, AGRICULTURAL ACT OF 1970

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R.

18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. POAGE)?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1970.)

Mr. POAGE. (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. POAGE) is recognized.

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want first to express my thanks to the numerous Members who are present this afternoon at considerable sacrifice of their own convenience and expense.

Many of our Members are here for the purpose of passing this conference report. We deeply appreciate the interest, and I believe the American farmers and I trust the American consumers will appreciate that interest because this is a bill which we believe is essential to the welfare not only of American agriculture but it means some $10 billion to American consumers in the way of lower costs in the grocery store.

We believe that this is an essential piece of legislation and one which cannot well be long postponed; certainly I hope that it will not be the fault of this body if the matter should be postponed any further.

Mr. Speaker, yesterday we printed in the RECORD, on page 36132 and succeeding pages, the entire report, so that those who want to understand exactly what is involved here have had the opportunity and will continue to have the opportunity to read all of the changes.

I do not think that the membership of the House cares to engage in a long discussion of the details of this report. May I merely say that the conferees on the part of the House feel that we were reasonably successful in maintaining the position of the House. Certainly the basic position of the House was maintained. Certainly the basic ideas of the farm program passed by the House are still embodied in this conference report.

The only changes that were made were changes which increased the opportunities of farmers over the country to enjoy a somewhat better livelihood as a result of the legislation. But the basic legislation, founded upon the set-aside principle, is still the basis of this conference report. The idea that we would make payments only for production for domestic use is retained in this report. There will, under this report, be no payments for not growing crops. Payments will be made for production for domestic use. We believe that these are sound innovations. We believe that we have a bill that will maintain farm income, that will tend to hold the cost of living somewhere down lower than if we did not have the bill. We believe we have a bill which is essential to all parts of America.

Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. BELCHER) whose cooperation has been so vital in securing both the passage of the bill and the agreement on the conference report.

Mr. BELCHER. Mr. Speaker, and Members of the House, I do not believe that any conference has ever been held between the House and the Senate in which the House has prevailed as much as we did on this particular bill. This bill, when it passed through the House, had stronger backing than any farm bill that has ever gone through here in the 20 years I have been here. It was supported by the chairman of the committee, the ranking member of the committee, the majority leadership, the minority leadership, the President of the United States, the Secretary of Agriculture, and the Bureau of the Budget. No bill has ever gone through this House since I have been here that had that much support.

I have in my hand a letter from the President of the United States. It states as follows:

THE WHITE HOUSE,
Washington, D.C., October 8, 1970.

Hon. PAGE BELCHER,
House of Representatives,
Washington, D.C.

DEAR PAGE: I appreciate the fine work that you and your colleagues have done in bringing the farm bill through the Conference Committee.

As I indicated in my earlier letter to you, I considered the farm bill reported by the House Committee on Agriculture good legislation. I expressed the hope that it would be enacted promptly and with minimum change. Although the bill proposed by the Conference Committee does make a number of changes, I believe it is the best compromise that could have been attained under the circumstances and one that this Administration can accept.

The scope and significance of this farm bill indicate that it is truly a team effort, and I congratulate you and the other conferees on the contributions you have made.

Sincerely,

RICHARD NIXON.

I also have in my hand a statement from Secretary Hardin on the conference report on the farm bill which completely supports the conference report. Mr. Speaker, I ask unanimous consent that it be printed at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The statement is as follows:

STATEMENT BY SECRETARY HARDIN ON FARM BILL CONFERENCE REPORT

I am extremely pleased that the House and Senate conference committee has been able to agree on the provisions for a new 3-year farm bill.

The President has indicated that the proposed bill is acceptable to the administration. I am optimistic that it will enhance the economic position of farmers in the years ahead. It goes a long way toward meeting the four basic agricultural goals of the administration: (1) To protect and improve farm income; (2) To provide more flexiblity for farmers in making their own farm operating decisions; (3) To develop greater reliance on the marketplace, enabling producers to become less dependent on Government programs; and (4) To balance our supply of agricultural products with the demands of the marketplace and consumer.

The new bill represents an extraordinary amount of effort by a great many people interested in the future of our agriculture. It also represents compromises on the part of the conferees and all committee members, as well as the administration. Farm organizations, listening conferences, producer and trade meetings, and months of conferences with members of Congress have all made their contribution and had their influence.

I congratulate the committee on a very fine effort.

I should add that early action by the House and Senate is urgently needed so that farmers can finalize their 1971 planting plans. Some of the crops to be harvested in 1971 are already in the ground, and others are fast approaching planting time. I hope that the conference committee bill can shortly be presented for approval in both Houses of Congress.

Mr. BELCHER. Mr. Speaker, I believe this is good legislation. I say that, and Members know I represent an urban area. There are very few farmers in my district, if any, who will receive any part of the benefits from this program. However, I feel that at this time to fail to pass a farm bill could bring on a depression, and when we bring on a depression, not only the farmers suffer, but also the people in the urban areas suffer. I represent a very highly industrial area and therefore I feel that, even though I have no personal interest as far as the farmers I represent, it is completely essential to the economy of this country to be able to retain a $50 or $60 billion farm market. Without this legislation I believe this farm market would gradually disappear. Any time it disappears, then the people in the cities are going to be hurt just as much as the people in the country.

In addition to that, the farm programs help the consumers as much as they help the farmers themselves, if not more. For that reason I represent a great many consumers and I feel completely justified in supporting this bill.

Mr. Speaker, I hope the conference report will be approved.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Speaker, as one who has served on this committee for approximately 26 years and who has seen many bills come and go through the committee, I would like to say I have never seen the leadership in our committee do a better job than they have done on this particular measure. The gentleman in the well of the House, the gentleman from Oklahoma (Mr. BELCHER), the ranking Republican member of the committee, and the gentleman from Texas (Mr. POAGE), our highly regarded and respected chairman, have worked in a cooperative manner over a period of 18 months to bring this bill to the floor of this House.

We have had some disagreements, but they have all been resolved. I do not believe I ever have seen a better job done than has been done by the chairman and the gentleman from Oklahoma. On behalf of my farmers and the people of my State and agriculture in general I want to express to both gentlemen my thanks and extend to them my compliments.

Mr. BELCHER. Mr. Speaker, I want to say to the gentleman from Mississippi, who was chairman of the Cotton Subcommittee, that I believe the President stated it well when he said this farm bill is an expression of teamwork. There has been teamwork not only in the administration and the Department of Agriculture and the Bureau of the Budget, but also among all members of the full committee and the chairmen of the subcommittees, as well as the leadership on both sides of the House.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Speaker, the provisions of the conference report on the Agricultural Act of 1970 are not all that many of us would like to have seen, including myself, but certainly they are a great deal better than nothing at all, and a lot better than reverting back to the old, permanent legislation of the 1930's as amended through the years.

Further delays in the enactment of the bill will cause American farmers added inconvenience and loss. It is already very late in the season for many farmers to finalize their production plans for 1971. Some of the crops to be harvested in 1971 are already in the ground, and others are fast approaching planting time. Delaying action as now proposed by the Senate will hit hard at wheat producers and, at the same time, work a hardship on feed grain producers.

Based on the latest figures furnished to me by the U.S. Department of Agriculture, under the Agricultural Act of 1970, the gross wheat income for North Dakota is estimated to be $453 million; under the old legislation, and if the farmers approve the wheat referendum, gross wheat income would be approximately $356 million. And, under the old, permanent legislation, with the farmers voting "no" on the referendum, gross wheat income would only reach $279 million. At best, North Dakota farmers would lose $97 million; at worst, they would lose $174 million, if the Agricultural Act of 1970 is not approved by both Houses of Congress within the next few days.

Nationally, the figures are even more alarming. If this legislation is not passed, we revert to the old law, and with the farmers voting "no" on the wheat referendum, the resultant gross income for U.S. wheat producers would be nearly $2 billion. Wheat certificates under this alternative would be zero.

The estimated gross farm income under the set-aside program for 1971 is approximately $2.8 billion, including wheat certificates valued at $824 million.

The loss to American farmers, using the figures I have just referred to, amounts to $961 million.

If farmers would approve the wheat referendum under the old legislation, gross farm income for 1971 can be estimated at nearly $2.2 billion—a loss of $600 million.

Turning to the feed grain section of the Agricultural Act of 1970, under the set-aside program, we estimate the gross income to feed grain producers to be approximately $8.5 billion. Assuming that the bill before us today does not pass both Houses before the recess, and with farmers reverting to the old act, the estimates on gross returns to feed grain farmers in 1971 ranges between $6.9 and $7 billion. Here we have an estimated loss ranging from $1.5 billion to $1.6 billion.

I urge my colleagues to join me in voting for final passage of the Agricultural Act of 1970. I do this because I feel this legislation is considerably better than nothing at all, and because I would not want the Members of this body to be responsible for the added inconvenience and loss that will be experienced by this Nation's farmers if this bill does not become law shortly.

Our national prosperity is directly linked with our farm prosperity. Without a sound agricultural economy we are not going to have a sound total economy. The assistance we provide in the Agricultural Act of 1970 will be repaid many times over to American taxpayers and consumers. This bill represents the best bill possible at this time, even though it is not the best possible bill.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I thank the gentleman for yielding and rise in support of the conference report. I commend the gentleman from Oklahoma (Mr. BELCHER), ranking minority member, and the distinguished chairman of the Agriculture Committee (Mr. POAGE) for their leadership in working in conference to obtain agreement on this bill which is a reasonable compromise of widely varying views.

Fortunately for the farmers of this country the conference committee did not follow the lead of those who said they preferred to have no farm program at all when their own particular version of the farm bill failed to muster the necessary support. Such an attitude was completely irresponsible and was in effect playing Russian roulette with the economic well-being of the American farmer.

While the bill we are voting on today is not perfect, it is an improvement over the expiring 1965 act in that it combines higher price supports with greater flexiblity and freedom of choice for the individual farmer. It is accompanied by a firm commitment from the administration to maintain total commodity payments at not less than present levels for the next 3 years. Let there be no misunderstanding about it, the alternative to our accepting this bill today is to pass no farm bill at all in the 91st Congress and to see all commodity programs expire at the end of the year.

Like all reasonable compromises, the bill falls short of the maximum goals of most Members representing agriculture districts including myself. But I would remind my colleagues that this bill is infinitely better than no bill at all which is the only practical alternative facing us today. I therefore speak in favor of the bill as approved in conference and urge my colleagues to vote "no" against the motion to recommit and "aye" on final passage.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Speaker, over the past 2 years, I have worked hundreds of hours in subcommittee, in committee, on the floor of the House, with Members of the Senate and with the Senate-House Conference Committee to get a workable and improved farm bill.

I, like many others, am disappointed in some features of the new bill which I know should be strengthened and improved.

I am pleased that the conference report retained the parity principle for feed grains which I worked so hard to get adopted. However, this came out at 70 percent instead of the 77 percent I had recommended.

The Zwach dairy amendment which guarantees competitive access by dairy producers to Class I base plan markets throughout the Nation was retained.

A floor under the loan for corn was set at $1. This, too, was lower than the figure which I supported.

A ceiling on payments was retained at $55,000. I supported a lower figure than $55,000, but at least in this area we are headed in the right direction.

Another improvement in the conference bill was the inclusion of a rural development title to more nearly balance rural-urban Federal planning and assistance.

An additional set-aside and public access payment for recreational purposes was established and this is especially important in our State of Minnesota.

Barley was added to the feed grain program.

The Secretary of Agriculture was authorized to make indemnity payments to dairy producers and processors and to beekeepers for losses suffered, through no fault of their own from pesticides and herbicides.

Mr. Speaker, most certainly I would have liked a better farm bill, but reality dictates that a better one could not have been obtained in this session of Congress, so I heartily support the conference report.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to compliment the gentleman from Oklahoma. I have received many calls today with regard to what the parliamentary situation would be on the limitation of payments. I would like to have this colloquy with the gentleman. The House passed a $55,000 limitation. Many on this side of the aisle, including myself, and on the other side of the aisle were disappointed that we did not get our way, that is a $20,000 payment limitation, together with restrictive

language. The Senate accepted the $55,000 limitation. That is where it stands, both the House and Senate having accepted the $55,000 limitation nothing further can be done in regards to payment limitations in this bill.

Mr. BELCHER. Yes.

Mr. Speaker, I thank the gentleman from Massachusetts for his cooperation on this bill.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, I will be brief. It has been said that a true compromise agreement can be identified by one single characteristic—that no one can be found who is happy with it. If this is true, Mr. Speaker, then I think the farm bill very definitely fits into this category.

But, even though many of us will agree that this is not the farm bill we would prefer, or would draft if it were left completely to us, I hope and trust we can all agree on the importance and the necessity of approving it as it is—as the conference committee agreed on it. No farm legislation is ever perfect or ideal, and this bill is no exception. But it is the best bill that can be produced at this time, under these circumstances, and I say this as a member of the Agriculture Committee and of the conference committee where we spent mornings and afternoons for most of 3 weeks trying to resolve the differences between the two bills.

Farm legislation is already months overdue, and any further delays can only cause further hardships to producers—such as the wheatgrowers of the Pacific Northwest who have already planted—and, delay in all likelihood, would result in a less satisfactory bill for U.S. farmers.

In my estimation, this is a better bill than that reported by our House Agriculture Committee and passed by this House several weeks ago. A number of improvements have been added in the conference committee which will make this legislation more effective for farmers. We need a bill, Mr. Speaker, and we need it now, so I urge my colleagues in the House to support the report of the conference committee.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Idaho.

(Mr. McCLURE asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. McCLURE. Mr. Speaker, the House is about to take final action on the farm bill, and once again I want to emphasize that this is not just a bill to help a few rich farmers. Every citizen of this country has a very important interest in this legislation, and every single Congressman must be aware that the bill affects his constituents—not in the insistent demand for lower prices for food or to keep the cost of living down, but in recognition of the fact that the farmer is in trouble. The long-range best interests of every Congressman and of the people he represents can be served only by maintaining a healthy agricultural economy. To do otherwise would be tragically shortsighted. Because it is stated so well, and because it is so pertinent to our present deliberations, I include at this point an editorial which appeared in the Idaho Statesman of Sunday, June 21, 1970:

FARMING: IDAHO'S "SICK INDUSTRY"

Farming is described as a "sick industry," both in Idaho and in the nation, by an Idaho State University economics professor.

Some city people may be skeptical about complaints from farmers about their plight. Here is an appraisal by an academic authority based on economic studies of the farm situation.

Prof. Cornelius Hofman made his comments in testimony before the Public Utilities Commission on a proposed power rate increase. He said it would hurt pump irrigators.

Aside from the power rate question, his facts and figures are interesting for what they say about farming. Agriculture is Idaho's most important industry. If farmers are in trouble, other people are in trouble, too.

Prof. Hofman cited a study indicating that a Cassia County farmer, pumping from 375 feet on 200 acres, can afford to pump if (1) his land cost is no more than $400 an acre (2) he accepts a 5 per cent return on capital (3) he accepts an 8 per cent return on operating capital (4) wages for his labor of $1.50 an hour and (5) no return for his management.

If you consider that $1.50 is a poverty level wage, that 5 per cent can be earned on ordinary savings accounts and that the farmer could be paying 8 per cent or more to borrow operating capital, the picture isn't very bright.

Since many farmers are paying high interest costs on land and equipment, even these figures don't tell the full story. Prof. Hofman feels a rate increase would have dire effect on the state's economy, and possibly on agricultural expansion.

This is only part of the testimony to be considered by the PUC. It deals with only one aspect of the farmer's economic situation.

Whatever its significance in the power rate case, however, it should tell the public that farmers who complain about thin operating margins aren't crying wolf.

These figures on pump irrigation may help explain the tremendous migration of people from rural areas as revealed in the preliminary 1970 census figures. Rising costs are "plowing up" some of Idaho's farmers.

Mr. MIZELL. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I am happy to yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Speaker, I rise today to commend the conferees who have reported to this body the Agriculture Adjustment Act of 1970. For those of us who have worked on the farm bill since its beginnings more than 18 months ago, it is indeed gratifying to see the legislation before the House today in its final form.

We see before us today the product of many long and fruitful discussions involving the two bodies of Congress, the Department of Agriculture, the Agriculture Committee, and countless peripheral industries and interested parties.

Compromises have been made on every side in an effort to produce legislation which will truly benefit the farmer, as well as all American consumers.

This is a good bill—one which will provide farmers with the benefits of a solid farm program, while aiming at a gradual phaseout of dependence on the Federal Government and a return to market-based prices. I believe this goal has been reached in the Agriculture Adjustment Act of 1970—a delicate balance of many divergent views.

The American family has been blessed with the privilege of spending less of its income on food on a proportionate basis than any other family in the world. I feel confident that the legislation we have before us today will serve as a vital base for maintaining this distinction, as well as providing our farmers with a solid farm program with which they can continue to provide us with the finest commodities produced anywhere.

Mr. POAGE. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, the other body today amended the equal rights for women bill to include an amendment for voluntary prayer in schools. I wish to commend the other body on its action and trust that this House in its wisdom will do likewise. This action really reflects the will of the people of the United States and the majority of this House.

I thank the distinguished gentleman for yielding.

Mr. MIZE. Mr. Speaker, I urge all Members to support the 1970 farm bill when it comes before the House today for final passage. Congress should approve this legislation promptly, for the Department of Agriculture must have adequate time to issue regulations and distribute information to farmers on programs for the 1971 crop year.

Every Member, urban or rural, should cast his vote in favor of the Agriculture Act of 1970. This bill reflects an honest effort to provide wholesome food to consumers at reasonable prices, bolster the rural economy, maintain farm income, control surpluses, and provide farmers with increased flexibility in managing their own farms. These have been the goals of the Agriculture Committee and the administration—made especially difficult to achieve by intense competition for a larger share of the taxpayer's dollar.

FARM BILL IMPROVED IN CONFERENCE

The legislation before us is a compromise between the House and Senate passed versions of the Agriculture Act. More responsive to the needs of agriculture and rural America than either of the original bills, this act should provide a foundation for agricultural prosperity in the decade of the 1970's and beyond.

Those of us from agricultural districts have worked for greater income protection than was contained in the original House bill. Fortunately, the conference committee has approved several important Senate amendments designed to protect the farmer's income, while retaining provisions of the House bill which guarantee farmers greater "freedom of choice" in farm management.

Those prophets of doom who believed the urban-oriented Congress would abandon agriculture in this critical period of transition have been proved wrong again.

The final version of the Agriculture Act does not contain all the income protection and farmer-flexibility that I would have preferred, had I been drafting an ideal farm program in an ivory

tower. I have been a farmer and rancher. I have lived my life in a farming area, and have represented thousands of farmers in Congress for 6 years. I know farmers do not get fair return for their massive investment, highly developed skills, and long hours of work performed. But when responsible legislators are demanding minimum Federal spending to fight inflation, and kept taxes as low as possible—farm programs as well as urban programs must be drafted with realistic limitations in mind.

The members of the conference committee are to be congratulated for presenting an act which will meet the requirements of agriculture in these difficult times, and also have a reasonable chance of passing the House of Representatives where 70 percent of the Members are from metropolitan areas.

PAYMENT LIMITATION

Since the Agriculture Act of 1970 is an extremely complex and comprehensive bill, covering a variety of commodities and agriculture-related programs, I believe it would be helpful to discuss some of the more important provisions prior to the final rollcall vote.

This bill, for the first time, established a realistic limitation on payments to producers of cotton, wheat, and feed grains. Many large farming organizations have been harvesting literally millions in Federal payments for producing these commodities. Farm payments were designed in the first instance to protect the family farmer's income, not the profits of major corporate competitors.

The largest farming corporations have an advantage in the economies of scale, and therefore do not require payments so essential to family producers. Accordingly, an annual ceiling on farm payments of $55,000 per crop has been established by the Agriculture Act of 1970. This provision deserves the strongest possible support from Members who share the view that the family farm is an American tradition and part of our finest heritage.

DAIRY PROGRAM IS EXTENDED

This legislation amends and extends the authority for the dairyman's class I base plan in Federal milk market order areas, and provides that any area coming into the program during the next 3 years could continue to have it in effect through December 31, 1976. The Secretary's authority to donate dairy products owned by the CCC to the Armed Services and Veterans' Hospitals is continued, while authority to make indemnity payments to dairy farmers and processors who suffer loss from pesticide contamination is extended.

WHEAT PROGRAM IS IMPROVED

The new wheat program is of extreme importance to my constituents in Kansas, as well as farmers throughout the Midwest and Northwest. This legislation before the House today guarantees wheat farmers 100 percent of parity on all domestic wheat—currently $2.83 per bushel. Annual domestic consumption should average 530 million bushels in the years ahead.

On wheat produced for export, the bill guarantees farmers at least $1.25 per bushel by establishing a minimum loan at that level. Should export markets continue to expand, of course, the cash price received by farmers could be significantly higher than $1.25 throughout most of the year. As in the past, farmers must depend upon aggressive promotion of U.S. wheat sales abroad to maintain a strong cash price at the elevator. I am pleased with the success this administration has had in developing overseas markets for commodities and have been assured by Secretary Hardin and Assistant Secretary Palmby that every effort will be made to keep American wheat competitive and to expand sales even further.

The wheat program for crop years 1971–73 will inaugurate the administration's "set-aside" proposal. Set-aside for the 1971 wheat program will be 13.3 million acres—about equivalent to the mandatory diverted acreage for 1970. The set-aside for 1972 and 1973 may not exceed 15 million acres. After subtracting his conserving base, plus about 30 percent of his 1970 wheat allotment—an amount to be promulgated by USDA—the farmer will be allowed to plant whatever he chooses on his remaining cropland acres.

Thus, rigid wheat allotments have been eliminated in a step toward greater flexibility in farm management.

Wheat farmers may continue to substitute wheat for feed grains, and preliminary payments will be advanced to producers as soon as possible after July 1 of each year, in an amount estimated by the Secretary to be 75 percent of the value of the domestic certificate.

FEED GRAINS

The "set-aside" for feed grains, as with wheat, will be approximately equal to the mandatory diverted acreage under last year's program.

Payments may not dip below 32 cents per bushel for corn, with corresponding rates for grain sorghum and barley. Preliminary payments will be made to feed grains farmers as soon as possible after July 1 of each year. These preliminary payments will be in the amount of 32 cents per bushel. If the difference between the average market price and $1.35 per bushel for corn is more than 32 cents during the first 5 months of the marketing year, an additional payment will be made. In no event will refunds be required from farmers—should the average price actually received—plus payments—exceed $1.35 for corn, or a corresponding rate for other feed grains.

PUBLIC LAW 480

Compassionate Americans who have an appreciation of the aspirations and needs of developing nations will be gratified that this legislation extends those provisions of "Food for Peace" which authorize donations, and long-term dollar credit and foreign currency sales of U.S. farm commodities overseas.

Since this humanitarian program was initiated under President Eisenhower, over $17 billion in American agricultural commodities have been shipped to the needy overseas under its terms. Literally millions have been spared from starvation and malnutrition under its authority. With this extension of Public Law 480, the Congress has wisely decided to continue Government sales and donations of food to promote peace and stability, and to relieve suffering throughout the underdeveloped world.

OTHER PROVISIONS

The Agriculture Act of 1970 also initiates an experimental program of long-term land retirement specifically designed to help older farmers. Should an older farmer desire to retire from active farming, but continue to live on the land, this program would permit him to enter into a contract with the Government to retire his land from production for a fair annual payment. Authorized at a level of $10 million annually, the pilot program will give Congress the information it needs to analyze carefully various long-term land retirement programs that have been proposed in recent months. Should older farmers welcome this retirement program, perhaps the Congress could consider an expansion of its benefits in 1972 or 1973.

Finally, title IX of the Agriculture Act of 1970, sponsored by Senator BOB DOLE of Kansas, for the first time commits Congress to a sound program of rural-urban balance. Title IX provides for various annual reports on planning assistance, technical assistance, Government services, and utilities, and financial assistance to rural America. The title will require the Federal Government to locate new offices and facilities, insofar as practicable, in communities of lower population density.

This final title could well become the most far-reaching and significant provision in the entire package. Certainly those of us from rural America know the "long-term answer" to relief for our troubled economy is greater economic diversification and industrial expansion in rural regions.

With the commitment of title IX as "National Policy," perhaps Congress can proceed to consider a broad range of proposals designed to expand the tax base and improve opportunity in the less populated regions of the Nation.

I urge all my Colleagues to support the Agriculture Act of 1970. Rural America, no less than urban America, requires a commitment from Congress to improve human opportunity and assure an atmosphere conducive to economic development and farm prosperity in the years ahead.

Mr. OBEY. Mr. Speaker, this bill is a far cry from the kind of bill that we should be able to vote on today.

What is wrong with it was spelled out clearly in the first House debate on it by people like Mr. MELCHER and Mr. ZWACH, and many others. It had been my hope that in conference the bill could be strengthened and improved. That has happened to a small degree and because of that, it is with great reluctance that I vote for this bill today.

I vote for it not because I think it is a good bill, but rather because the one area of the bill that is fairly satisfactory is the dairy section and I represent dairy farmers to a very great degree.

I am gratified, however, that the conference substitute presented to us today, with all its obvious shortcomings, will at least include manufacturers of dairy products under the indemnity program now available to dairy farmers who are ordered to remove their milk from the market because it contains pesticide residues.

Established in 1964, the indemnity program authorizes the Secretary of Agriculture to make such payments at fair market value to farmers whose milk, through no fault of theirs, was contaminated by and condemned because of the presence of residues of DDT or other chemicals. It has saved numerous dairy farmers from bankruptcy in the past few years.

Now, by including the words "and manufacturers of dairy products," the conference substitute should make possible such indemnity payments to manufacturers whose cheese or butter have to be removed from the market because of pesticide residues. Thus, the indemnity program can be a useful safety valve for manufacturers throughout the country, for if the worst happened, and contaminated milk were used in the making of cheese or butter, these products could be removed from the market and the manufacturer would suffer a tremendous economic loss.

Mr. Speaker, last year eight members of the Wisconsin delegation and one each from Minnesota and Montana joined me in sponsoring a bill to extend the indemnity payments program to dairy manufacturers. I am pleased to note that the conference substitute achieves our purpose.

Mr. MACGREGOR. Mr. Speaker, I rise in support of the conference report to the Agricultural Act of 1970. I, like many others, am somewhat disappointed in some features of the new bill, but I also know that the members of the House Agriculture Committee have worked persistently over the last 2 years to obtain the best farm bill possible at this time.

While I favored a lower payments ceiling, the $55,000 limit passed by the House and the Senate is the first positive move in the right direction.

An important feature of the conference report is that it provides for parity of feed grains at 70 percent. My good friend and colleague, JOHN ZWACH, offered an amendment in the House to the feed grains section of the bill for 77 percent of parity. I was disappointed when the House defeated this amendment, which I supported. However, the Senate later adopted a 75 percent of parity provision for feed grains, and the conferees compromised at 70 percent.

Another key feature of the conference report is the retention of the "Zwach Dairy Amendment" to guarantee competitive access to Minnesota dairy farmers to class I base plan markets throughout the Nation.

An important provision of the conference bill for rural Minnesota was the inclusion of a rural development title which more nearly balances Federal help in rural planning with urban planning. Previously, Federal planning has emphasized urban planning at the expense of rural planning. Economic and population distribution problems require sound rural planning in conjunction with urban planning.

The final bill also makes provision for additional set-aside and public access payment for recreational purposes, which is particularly beneficial for many Minnesota farmers.

The Secretary of Agriculture has been authorized to make indemnity payments to dairy producers and processors, and to beekeepers for losses suffered from pesticides and herbicides.

I have found these and other provisions of the bill sufficiently helpful to the farmer to give the conference report my full support.

Mr. PICKLE. Mr. Speaker, tomorrow the full impact of the conference action on the agriculture bill will begin to sink in. Tomorrow, we will begin to get the predictable mixed comment, the reaction from our constituents.

Already, I have been advised that many people in my district—both urban and rural—would like to see more in this legislation. Or less, even. I can agree that this agricultural bill is not perfect. For example, one troublesome spot for me is the section which gives the Secretary of Agriculture additional powers—however, time will judge this provision.

But, Mr. Speaker, I can say that the full Agriculture Committee, the subcommittee and the conferees did, indeed, devote their full energies to this bill; this bill which will prove to be one of the most important from the 90th Congress. For more than 2 years, we have witnessed the give and take of compromise as the committee worked with the administration. Then, we noted that the conferees spent nearly a full month in an effort to reach some consensus legislation which not only would be the most acceptable—but the most passable.

This bill does present us some changes; however, the amount of Government assistance will remain at about the same level. I am not as happy with this bill as I would be if I could have been the author. But I am proud of the way the Agriculture Committee stayed with the job and gave us a workable farm bill that we can live with.

Mr. FINDLEY. Mr. Speaker, while I did not support the House version of the farm bill and do not feel the conference report represents the type advance my farmer constituents want and deserve, I nevertheless welcome this opportunity to compliment the House conferees on sustaining the House position. In fighting off virtually every attempted change emanating from the Senate, they saved the taxpayers a lot of money and kept bad legislation from getting decidedly worse.

Chairman POAGE and Representative BELCHER, who headed House conferees, negotiated effectively and resolutely. Senate provisions for cotton would have added annual costs of about $200 million to a program that is already scandalous in terms of cost.

My principal regret concerning the bill in its final form is that it represents no significant advance from where we stand agriculturally to what must be our goal for the future: an agriculture that derives its full crop income from the marketplace and its direction as to what commodities to plant from the consumers.

Mr. RANDALL. Mr. Speaker, I will vote for H.R. 18546 with strong doubts as to whether it will improve farm income.

Each Member has within his congressional district farmers of different types devoting their energies to the production of different agricultural products. For some it is cotton, for others there will be wheat, for some wool, and others dairy. Any comment I may make is concerned with the provisions for feed grains. In our district there is only a small amount of wheat, no cotton, little wool, some dairy, but a lot of feed grains.

At first blush, the provisions of the feed grains program appear to be acceptable and even attractive, in that it appears there are price support payments to participating farmers on one-half of their feed grain base, in the amount of the difference between the figure of $1.35 per bushel or 70 percent of the parity price for corn, and the average market price for the first 5 months of the marketing year. There is the provision that these payments will be no less than 32 cents per bushel for corn, with corresponding rates for grain, sorghum, and barley.

It is my understanding the final provisions of the conference report constitute a compromise between conferees favoring 68 percent of parity and those favoring 70 percent or more. Actually, the facts are the Senate provided for 75 percent of parity, and those of us who have a real and sincere concern for the income of the farmer applauded that stand. It was our hope that the conferees would agree to at least 75 percent of parity.

Repeating, let me suggest again that the provisions of the new bill as they apply to feed grains look pretty good on paper, and sound pretty good when talked about, but the important question is, are they really that good and do they really bolster farm income as much as the proponents of this bill would argue?

It is not my conclusion alone, but the conclusion of the leaders of some of our largest farm organizations, that the answer is "No" and in fact when compared to the legislation which will soon expire, the condition of some of our small feed grain farmers will actually be worse instead of better.

It is appropriate to ask the question—why under the circumstances outlined above, could a Member who has the interest of the farmer at heart support the conference report on H.R. 18546?

The answer is, this farm bill is better than no farm bill at all. Then we must answer the query—Why can't we do better? The plain, unvarnished truth is that the rural population of the agricultural areas has declined year by year to where the proponents of farm legislation just do not have the votes to pass a strong farm bill.

Moreover, the administration through its Secretary of Agriculture and through the Bureau of the Budget, sent the word to our Agriculture Committee and the committee of the other body that the administration would veto any kind of farm bill that was more expensive than a preagreed cost in terms of dollars, and even sent the word that the President would veto a farm bill which provided for advance payments.

It would seem that this threat of a veto actually amounts to an affirmation or perhaps the correct terminology is a reaffirmation of the old Benson philosophy of low farm prices. It expresses a determination on the part of the administration to keep farm prices low, in order to buoy exports and thus serve as a partial solution to the balance-of-payments problem, without any regard for the level of income of the American farmer.

It is significant to note at this time, as we vote upon the conference report, that always in the past the Secretary of Agriculture has sent up a farm bill to Capitol Hill. Neither in 1969 nor in 1970 has this happened. It was not until October of 1969 that there was even a suggestion from Secretary Hardin. Even he agreed that such a suggestion should not be regarded as a proposal. The facts of the matter are that our Agriculture Committee and the committee of the other body had to start from scratch to piece together a bill as best they could, without any proposal or help of any kind from the Secretary or anyone else in the administration. On the other hand, after our committee commenced its work on a farm bill, the Bureau of the Budget was the first to object to its expected cost, and Mr. Hardin repeated again and again that provisions for the benefit of our farmers had to be pared down or else there would be an inevitable veto. It would seem that all of those in the executive branch set as a controlling guideline, not the level of income of the farmer, but the effect that the farm bill would have on the budget. This kind of an approach is as bad as the Benson farm program, because it perpetuates low farm prices.

Those who would attempt during this political season, exactly 3 weeks away from election day, to cast blame on a Democratic Congress for the failure to pass a farm bill which would improve the lot of the farmer rather than leaving him where he is or even in a worse condition, should remember well the repeated threats of the executive veto as transmitted to the Congress by the Secretary, by the Bureau of the Budget, and others. The fact that the majority party in the Congress has barely enough votes to pass a farm bill is not the point. The real point is that rather than having the votes to fight for a strong bill, the majority must accept what would otherwise be an unacceptable bill, in recognition of the reality that it takes two-thirds of the Congress to override a Presidential veto. It becomes, then, not a matter of optimism or even pessimism, but a question of reality in the recognition that the minority party in the Congress would easily regiment all of their Members to sustain a veto and there would be no way whatsoever to hope to have enough support on the floor of either body of the Congress to override a Presidential veto.

Well, to repeat, H.R. 18546 is better than no bill at all. I hope there are some safeguards in the so-called set-aside program to avoid the death of those small rural towns that would be surrounded by vast acreages in the set-aside program. Let us hope there are enough safeguards to keep alive most of our small farm communities.

Finally, it is most regrettable that those in the Congress who have befriended the family farmer over the years must now reconcile ourselves to accepting a bill that is barely better than no bill at all. As we look back, we realize now that we should have expected something about like this to happen. The reason is that our present Chief Executive in none of his public pronouncements has expressed any concern about the level of income of the American farmer. Nowhere in our President's inaugural address was there time for the farmer. In the state of the Union message there was no time given to discussing the problems of the farmer. Not even in the so-called state of the economy message of the President was there a statement about the economic plight of our farmers. After such nonhappenings, it would not be an unreasonable conclusion to wonder whether the present administration entertains a genuine concern for the economic welfare of our American farmers.

Mr. SPRINGER. Mr. Speaker, as many Members of the House know, I am one of the five authors of Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, more commonly known now as the "food-for-freedom program" and the "food-for-peace program."

I represent one of the richest agricultural areas of the world. The 22d Illinois Congressional District grows more corn and soybeans than any comparable area in the world. Our farmers have an important stake in world trade. They are distinctly aware of the fact that the food production from 1 out of every 4 acres of farmland in their congressional district goes overseas. It is difficult to name any other industry in the United States that has as much at stake in our export program as does the American farmer.

As President Johnson said more than 3 years ago:

> The Food-for-Peace Program is one of the most inspiring enterprises ever undertaken by any nation in all of history.

It is through this program famine has been prevented. It has helped alleviate hunger and malnutrition. At the same time this program has proved to be a boon to American farmers. We have shipped overseas more than $17 billion under this program in the last 16 years. There has been also a tremendous increase in exports of farm production through regular trade channels. Our total agricultural exports increased from $5 billion in 1962 to almost $8 billion in 1968.

Populations are growing and incomes are rising throughout the world. As a result, the worldwide demand for our farm products will continue to rise. I think it is a safe prediction that our agricultural exports will hit $10 billion per year in the years just ahead.

The production genius of the American farmer has not been fully appreciated in recent years. His technical achievements seemed overshadowed in the public mind by the problem of managing the surpluses his skills built up. But now the picture has changed. The burdensome surpluses in corn have vanished and the markets for the farmers' goods are rapidly expanding. In addition, this new program will open up markets that are not now available other than on a cash basis. I feel sure that many nations which are now buying surplus commodities under title I would prefer to take advantage of the extended dollar credit authorized in the long-term supply contract provisions.

The U.S. surplus disposal program is not entirely altruistic. We believe it to be just as much in the interest of the American farmer through exports to keep down accumulated stocks. In this, we hope to improve the economic position of the American farmers. I realize full well that an economically strong and progressive agriculture is vital to the United States.

The Public Law 480 program is strengthening agriculture and providing a market beyond our borders for the food surpluses of this country. It is a practical program geared to 1970. It is a program that deserves not only the commendation of the farmers of this country but the approval of every Member of this House who is genuinely interested in the future of American agriculture.

We intend to continue our goal of exporting the food production from 1 out of every 4 acres of farmland in the United States.

The success of this program did have more to do with giving the farmer a fair price in his marketplace at home than anything I can conceive of at this time. One of the strongest parts of the Agricultural Act of 1970 as passed by the House is title VII which extends title I and II of Public Law 480 and amends them in such a way as to improve the "food for freedom" and "food for peace" programs.

Mr. POAGE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. TEAGUE of California moves to recommit the conference report on the bill (H.R. 18546) to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KOCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 191, nays 145, answered "present" 1, not voting 92, as follows:

[Roll No. 341]

YEAS—191

Abbitt	Friedel	Passman
Abernethy	Fuqua	Patten
Addabbo	Galifianakis	Pepper
Albert	Garmatz	Perkins
Alexander	Gettys	Pickle
Anderson, Ill.	Gonzalez	Poage
Anderson, Tenn.	Griffin	Podell
Andrews, Ala.	Hagan	Poff
Andrews, N. Dak.	Hall	Pollock
Annunzio	Hamilton	Preyer, N.C.
Arends	Hammer-schmidt	Price, Tex.
Belcher	Hansen, Idaho	Pryor, Ark.
Betts	Harsha	Purcell
Bevill	Hathaway	Quie
Blackburn	Hays	Quillen
Blatnik	Henderson	Randall
Boggs	Holifield	Rees
Boland	Hull	Reid, Ill.
Bow	Hungate	Riegle
Brasco	Hutchinson	Rivers
Brinkley	Ichord	Rogers, Colo.
Brotzman	Jarman	Rogers, Fla.
Brown, Ohio	Johnson, Calif.	Rooney, N.Y.
Broyhill, N.C.	Jonas	Rostenkowski
Buchanan	Jones, Ala.	Ruth
Burke, Mass.	Jones, N.C.	Schadeberg
Burleson, Tex.	Jones, Tenn.	Scherle
Burlison, Mo.	Kastenmeier	Schwengel
Burton, Calif.	Kazen	Sebelius
Byrnes, Wis.	Kleppe	Shriver
Caffery	Kluczynski	Sisk
Camp	Kuykendall	Skubitz
Carter	Kyl	Smith, Iowa
Cederberg	Landrum	Springer
Chamberlain	Langen	Stanton
Clausen, Don H.	Latta	Steed
Colmer	Lennon	Steiger, Ariz.
Culver	Long, La.	Steiger, Wis.
Cunningham	McClory	Stephens
Daniel, Va.	McClure	Stubblefield
Davis, Wis.	McFall	Stuckey
de la Garza	McMillan	Sullivan
Denney	Mahon	Symington
Dickinson	Mathias	Taylor
Dingell	Matsunaga	Teague, Tex.
Donohue	May	Thompson, Ga.
Dorn	Mayne	Thomson, Wis.
Downing	Meeds	Udall
Dulski	Melcher	Ullman
Duncan	Miller, Calif.	Vigorito
Eckhardt	Miller, Ohio	Waggonner
Edwards, Ala.	Mink	Wampler
Edwards, La.	Mize	Watson
Esch	Mizell	Watts
Evins, Tenn.	Mollohan	White
Feighan	Montgomery	Whitehurst
Flowers	Moorhead	Whitten
Flynt	Moss	Wilson, Bob
Foley	Murphy, Ill.	Wilson, Charles H.
Ford, Gerald R.	Myers	Winn
Foreman	Natcher	Wylie
Fountain	Nelsen	Young
Frelinghuysen	Obey	Zwach
	O'Neill, Mass.	

NAYS—145

Adams	Cleveland	Frey
Anderson, Calif.	Cohelan	Fulton, Pa.
Ashbrook	Collier	Gallagher
Ashley	Conable	Gaydos
Ayres	Conte	Giaimo
Baring	Corbett	Gibbons
Barrett	Coughlin	Goodling
Bell, Calif.	Crane	Gray
Bennett	Daniels, N.J.	Green, Oreg.
Biester	Delaney	Green, Pa.
Bingham	Dellenback	Grover
Brademas	Dennis	Gubser
Bray	Dent	Gude
Broomfield	Derwinski	Halpern
Brown, Calif.	Devine	Hanley
Brown, Mich.	Edwards, Calif.	Harrington
Broyhill, Va.	Eilberg	Hastings
Byrne, Pa.	Erlenborn	Hawkins
Carey	Eshleman	Hechler, W. Va.
Chappell	Fascell	Helstoski
Chisholm	Findley	Hicks
Clawson, Del	Fish	Hogan
Clay	Flood	Hosmer
	Fraser	Howard
Jacobs	Nix	Scott
Johnson, Pa.	O'Hara	Smith, Calif.
Karth	Pettis	Smith, N.Y.
Keith	Pike	Stafford
Koch	Pirnie	Staggers
Kyros	Price, Ill.	Stokes
Landgrebe	Pucinski	Teague, Calif.
Long, Md.	Railsback	Tiernan
McCarthy	Rarick	Van Deerlin
McCulloch	Reid, N.Y.	Vander Jagt
McDade	Reuss	Vanik
McDonald, Mich.	Rodino	Waldie
McEwen	Roe	Whalley
Macdonald, Mass.	Rooney, Pa.	Widnall
Madden	Roth	Wiggins
Martin	Roybal	Williams
Mikva	Ryan	Wolff
Minish	St Germain	Wyatt
Minshall	Satterfield	Wydler
Monagan	Sandman	Wyman
Morgan	Saylor	Yates
Morse	Scheuer	Yatron
Morton	Schmitz	Zablocki
Mosher	Schneebeli	Zion
	Shipley	
	Slack	

ANSWERED "PRESENT"—1

Rosenthal

NOT VOTING—92

Adair	Fallon	Michel
Aspinall	Farbstein	Mills
Beall, Md.	Fisher	Murphy, N.Y.
Berry	Ford, William D.	Nedzi
Biaggi	Fulton, Tenn.	Nichols
Blanton	Gilbert	O'Konski
Bolling	Goldwater	Olsen
Brock	Griffiths	O'Neal, Ga.
Brooks	Gross	Ottinger
Burke, Fla.	Haley	Patman
Burton, Utah	Hanna	Pelly
Bush	Hansen, Wash.	Philbin
Button	Harvey	Powell
Cabell	Hébert	Reifel
Casey	Heckler, Mass.	Rhodes
Celler	Horton	Roberts
Clancy	Hunt	Robison
Clark	Kee	Roudebush
Collins	King	Rousselot
Conyers	Leggett	Ruppe
Corman	Lloyd	Sikes
Cowger	Lowenstein	Snyder
Cramer	Lujan	Stratton
Daddario	Lukens	Taft
Davis, Ga.	McCloskey	Talcott
Dawson	McKneally	Thompson, N.J.
Diggs	MacGregor	Tunney
Dowdy	Mailliard	Weicker
Dwyer	Marsh	Whalen
Edmondson	Meskill	Wold
Evans, Colo.		Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Olsen for, with Mr. Rosenthal against.

Mr. Thompson of New Jersey for, with Mr. Biaggi against.

Mr. Blanton for, with Mr. Leggett against.

Mr. Nichols for, with Mr. Hanna against.

Mr. Hébert for, with Mr. Clark against.

Mr. Cabell for, with Mr. Marsh against.

Mr. Fisher for, with Mr. Farbstein against.

Mr. Brooks for, with Mr. Corman against.

Mr. Edmondson for, with Mr. William D. Ford against.

Mr. Fulton of Tennessee for, with Mr. Gilbert against.

Mr. Davis of Georgia for, with Mr. Kee against.

Mr. Roberts for, with Mr. Lowenstein against.

Mr. Sikes for, with Mr. Conyers against.

Mr. Wright for, with Mr. Adair against.

Mr. Fallon for, with Mr. Button against.

Mr. MacGregor for, with Mr. Hunt against.

Mr. Wold for, with Mr. King against.

Mr. Rhodes for, with Mr. Horton against.

Mr. Lloyd for, with Mr. Clancy against.

Mr. Lujan for, with Mr. Cowger against.

Mr. Michel for, with Mrs. Dwyer against.

Mr. Snyder for, with Mr. Goldwater against.

Mr. McKneally for, with Mrs. Heckler of Massachusetts against.

Mr. Ruppe for, with Mr. Robison against.

Mr. Bush for, with Mr. Whalen against.

Mr. Brock for, with Mr. Talcott against.

Mr. McCloskey for, with Mr. Beall of Maryland against.

Mr. Burton of Utah for, with Mr. Harvey against.

Mr. Pelly for, with Mr. Burke of Florida against.

Mr. Reifel for, with Mr. Rousselot against.

Mr. Tunney for, with Mr. Powell against.

Mr. Aspinall for, with Mr. Nedzi against.

Mr. Casey for, with Mr. Diggs against.

Mr. Celler for, with Mr. Dawson against.

Mr. Evans of Colorado for, with Mr. Ottinger against.

Until further notice:

Mrs. Griffiths with Mr. Mailliard.

Mr. O'Neal of Georgia with Mr. Berry.

Mr. Murphy of New York with Mr. O'Konski.

Mr. Mills with Mr. Gross.

Mr. Daddario with Mr. Meskill.

Mr. Davis of Georgia with Mr. Lukens.

Mr. Patman with Mr. Collins.

Mr. Haley with Mr. Cramer.

Mr. Dowdy with Mr. Roudebush.

Mr. Stratton with Mr. Taft.

Mrs. Hansen of Washington with Mr. Weicker.

Messrs. TIERNAN, BYRNE of Pennsylvania, ANDERSON of California, and RAILSBACK changed their votes from "yea" to "nay."

Mr. ROSENTHAL. Mr. Speaker, I have a live pair with the gentleman from Montana (Mr. OLSEN). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members have 5 calendar days in which to revise and extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 774. Concurrent resolution providing for an adjournment of the two Houses from October 14, 1970, to November 16, 1970; and

H. Con. Res. 778. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 17654.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 775. Concurrent resolution authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14, to November 16, 1970.

The message also announced that the Senate agrees to the amendment of the House to the amendments of the Senate to a bill of the House of the following title:

H.R. 18260. An act to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2224) entitled "An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MCINTYRE, Mr. BENNETT, Mr. TOWER, and Mr. PACKWOOD to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1252, Rept. No. 91–1602), which was referred to the House Calendar and ordered to be printed:

H. RES. 1252

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes, and all points of order against sections 502, 515, and 522 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CONFERENCE REPORT ON H.R. 18583, COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse:

CONFERENCE REPORT (H. REPT. 91–1603)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 21, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—REHABILITATION PROGRAMS RELATING TO DRUG ABUSE

"PROGRAMS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT RELATING TO DRUG ABUSE

"SECTION 1. (a) Part D of the Community Mental Health Centers Act is amended as follows:

"(1) Sections 251, 252, and 253 of such part (42 U.S.C. 2688k, 2688l, and 2688m) are each amended by inserting 'and other persons with drug abuse and drug dependence problems' immediately after 'narcotic addicts' each place those words appear in those sections.

"(2) Clauses (A) and (C) of section 252 of such part are each amended by inserting ', drug abuse, and drug dependence' immediately after 'narcotic addiction'.

"(3) The heading for such part is amended to read as follows:

"'PART D—NARCOTIC ADDICTION, DRUG ABUSE, AND DRUG DEPENDENCE PREVENTION AND REHABILITATION'

"(b) Part E of such Act is amended as follows:

"(1) Section 261(a) of such part (42 U.S.C. 2688o) is amended by striking out '$30,000,000 for the fiscal year ending June 30, 1971, $35,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973' and inserting in lieu thereof '$40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, and $80,000,000 for the fiscal year ending June 30, 1973'.

"(2) Section 261(a) of such part is further amended by inserting ', drug abuse, and drug dependence' immediately after 'narcotic addiction'.

"(3) Sections 261(c) and 264 are each amended by inserting 'and other persons with drug abuse and drug dependence problems' immediately after 'narcotic addicts'.

"(4) The section headings for sections 261 and 263 are each amended by striking out 'AND NARCOTIC ADDICTS' and inserting in lieu thereof ', NARCOTIC ADDICTS, AND OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS'.

"(c) Part D of such Act is further amended by redesignating sections 253 and 254 as sections 254 and 255, respectively, and by adding after section 252 the following new section:

"'DRUG ABUSE EDUCATION

"'SEC. 253. (a) The Secretary is authorized to make grants to States and political subdivisions thereof and to public or nonprofit private agencies and organizations, and to enter into contracts with other private agencies and organizations, for—

"'(1) the collection, preparation, and dissemination of educational materials dealing with the use and abuse of drugs and the prevention of drug abuse, and

"'(2) the development and evaluation of programs of drug abuse education directed at the general public, school-age children, and special high-risk groups.

"'(b) The Secretary, acting through the National Institute of Mental Health, shall (1) serve as a focal point for the collection and dissemination of information related to drug abuse; (2) collect, prepare, and disseminate materials (including films and other educational devices) dealing with the abuse of drugs and the prevention of drug abuse; (3) provide for the preparation, production, and conduct of programs of public education (including those using films and other educational devices); (4) train professional and other persons to organize and participate in programs of public education in relation to drug abuse; (5) coordinate activities carried on by such departments, agencies, and instrumentalities of the Federal Government as he shall designate with respect to health education aspects of drug abuse; (6) provide technical assistance to State and local health and educational agencies with respect to the establishment and implementation of programs and procedures for public education on drug abuse; and (7) undertake other activities essential to a national program for drug abuse education.

"'(c) The Secretary, acting through the National Institute of Mental Health, is authorized to develop and conduct workshops, institutes, and other activities for the training of professional and other personnel to work in the area of drug abuse education.

"'(d) To carry out the purposes of this section, there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $14,000,000 for the fiscal year ending June 30, 1973.'

"(d) Such part D is further amended by adding at the end thereof the following new section:

"'SPECIAL PROJECTS FOR NARCOTIC ADDICTS AND DRUG DEPENDENT PERSONS

"'SEC. 256. (a) The Secretary is authorized to make grants to public or nonprofit private agencies and organizations to cover a portion of the costs of programs for treatment and rehabilitation of narcotic addicts or drug dependent persons which include one or more of the following: (1) Detoxification services, or (2) institutional services (including medical, psychological, educational, or counseling services) or (3) community-based aftercare services.

"'(b) Grants under this section for the costs of any treatment and rehabilitation program—

"'(1) may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and

"'(2)(A) except as provided in subparagraph (B), may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day; and

"'(B) In the case of any such program providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year

after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"'(c) No application for a grant authorized by this section shall be approved by the Secretary unless such application is forwarded through the State agency responsible for administering the plan submitted pursuant to section 204 of this Act or, if there be a separate State agency, designated by the Governor as responsible for planning, coordinating, and executing the State's efforts in the treatment and rehabilitation of narcotic addicts and drug dependent persons, through such latter agency, which shall submit to the Secretary such comments as it deems appropriate. No application for a grant under this section for a program to provide services for persons in an area in which is located a facility constructed as a new facility after the date of enactment of this section with funds provided under a grant under part A or this part shall be approved unless such application contains satisfactory assurance that, to the extent feasible, such program will be included as part of the programs conducted in or through such facility.

"'(d) The Secretary shall make grants under this section for projects within the States in accordance with criteria determined by him designed to provide priority for grant applications in States, and in areas within the States, having the higher percentages of population who are narcotic addicts or drug dependent persons.

"'(e) There are authorized to be appropriated to carry out this section not to exceed $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $35,000,000 for the fiscal year ending June 30, 1973.'

"BROADER TREATMENT AUTHORITY IN PUBLIC HEALTH SERVICE HOSPITALS FOR PERSONS WITH DRUG ABUSE AND OTHER DRUG DEPENDENCE PROBLEMS

"SEC. 2. (a) Part E of title III of the Public Health Service Act is amended as follows:

"(1) Section 341(a) of such part is amended by adding immediately after 'addicts' the second time it appears the following: 'and other persons with drug abuse and drug dependence problems'.

"(2)(A) Sections 342, 343, 344, and 346 of such part are each amended by inserting 'or other persons with drug abuse and drug dependence problems' immediately after 'addicts' each place it appears in those sections.

"(B) The section heading of section 342 of such part is amended by inserting 'OR OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS' after 'ADDICTS'.

"(3) Sections 343 and 344 of such part are each amended by inserting 'or other person with a drug abuse or other drug dependence problem' immediately after 'addict' each place it appears in those sections.

"(4) Sections 343, 344, and 347 of such part are each amended by inserting ', drug abuse, or drug dependence' immediately after 'addiction' each place it appears in those sections.

"(5) Section 346 of such part is amended by inserting 'or substance controlled under the Controlled Substances Act' immediately after 'habit-forming narcotic drug'.

"(6) The heading for such part is amended to read as follows:

"'PART E—NARCOTIC ADDICTS AND OTHER DRUG ABUSERS'

"(b) Section 2 of the Public Health Service Act (42 U.S.C. 201) is amended by adding after paragraph (p) the following new paragraph:

"'(q) The term "drug dependent person" means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.'

"RESEARCH UNDER THE PUBLIC HEALTH SERVICE ACT IN DRUG USE, ABUSE, AND ADDICTION

"SEC. 3. (a) Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended by adding after and below paragraph (2) the following.

"'The Secretary may authorize persons engaged in research on the use and effect of drugs to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals.'

"(b) Section 314(d)(2) of the Public Health Service Act is amended—

"(1) by striking out "and" at the end of subparagraph (I);

"(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and"; and

"(3) by adding after subparagraph (J) the following new subparagraph:

"'(K) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem.'

"(c) Section 507 of The Public Health Service Act (42 U.S.C. 225a) is amended.

"(1) by striking out 'available for research, training, or demonstration project grants pursuant to this Act' and inserting in lieu thereof 'available under this Act for research, training, or demonstration project grants or for grants to expand existing treatment and research programs and facilities for alcoholism, narcotic addiction, drug abuse, and drug dependence, and appropriations available under the Community Mental Health Centers Act for construction and staffing of community mental health centers and alcoholism and narcotic addiction, drug abuse, and drug dependence facilities', and

"(2) by inserting immediately before the period at the end thereof the following: ', except that grants to such Federal institutions may be funded at 100 per centum of the costs'.

"MEDICAL TREATMENT OF NARCOTIC ADDICTION

"SEC. 4. The Secretary of Health, Education, and Welfare, after consultation with the Attorney General and with national organizations representative of persons with knowledge and experience in the treatment of narcotic addicts, shall determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts, and shall report thereon from time to time to the Congress."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the Amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Restore the matter stricken out by the Senate amendment with the following amendment: On page 36, line 12, of the House engrossed bill insert "(except an injectable liquid)" after "substance".

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(4) Notwithstanding paragraph (1)(B) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in subsections (a) and (b) of section 404."

And the Senate agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
W. L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

HAROLD E. HUGHES,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
JAS. O. EASTLAND,
JOHN L. MCCLELLAN,
SAM J. ERVIN, Jr.,
THOMAS J. DODD,
JACOB K. JAVITS,
PETER H. DOMINICK,
ROMAN HRUSKA,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, and conforming changes: 1, 2, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20. With respect to these amendments the Senate recedes in order to conform to other action agreed upon by the committee of conference.

Amendment No. 3: The Senate amendment struck out title I of the House passed bill, relating to programs under the Community Mental Health Centers Act, treatment authority in Federal hospitals for drug dependent persons, research under the Public Health Service Act, and medical treatment of narcotic addiction. The Senate amendment substituted for the provisions of title I of the House bill a new program establishing a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, to administer planning, coordination, statistics, research, training, educational, and reporting functions with respect to drug abuse and drug dependence. The amendment would have established programs relating to drug abuse and drug dependence among Federal employees, would have established a program of formula grants and project grants for the States on drug abuse and

drug dependence problems; would have established a National Advisory Council, and an Intergovernment Coordinating Council, on drug abuse and drug dependence, and proposed continuation of the programs set forth in the House-passed title I.

The House-passed title I authorized a total of $164 million in new appropriations, and the Senate amendment authorized a total of $190 million in new appropriations.

With respect to this amendment, the managers on the part of the House receded with an amendment, restoring the features of the House-passed title I, but with appropriation authorizations totalling $189 million; requiring the inclusion in State public health comprehensive plans of programs to deal with drug abuse and drug dependence, and increasing the authorization for and scope of project grants for narcotic addicts and drug dependent persons.

There has recently been established in the National Institute of Mental Health a division charged with the responsibility for administering all programs of the National Institute of Mental Health dealing with drug abuse and drug dependence problems. The managers on the part of the House wish to emphasize their concern that this new division be adequately staffed and funded to meet its growing responsibilities in the field of drug abuse and drug dependence. As is stated in the report of the Committee to the House (House Report 91–1444, page 6) "drug abuse in the United States is a problem of ever-increasing concern, and appears to be approaching epidemic proportions". Strong leadership is necessary to deal with the rehabilitative and prevention aspects of this problem, and the managers on the part of the House feel that this division needs to be aggressive in its action and innovative in its approaches.

A number of new concepts were presented in the Senate amendment, and the managers on the part of the House felt that, although hearings had been held before the Senate Committee on Labor and Public Welfare on this subject, it was desirable that hearings be held on the House side to explore the many ramifications of this problem. It is intended by the House managers that hearings will be held on legislation in this area during the next Congress.

The substitute agreed to also incorporates provisions contained in the Senate amendment providing for the inclusion in State comprehensive health plans of provision for services for the prevention and treatment of drug abuse and drug dependence commensurate with the extent of the problem.

The Senate amendment would have established a program of project grants with authorizations totalling $135 million for programs for prevention and treatment of drug abuse and drug dependence, including educational projects and services. The House bill authorized $29 million for educational programs, and a total of $60 million for special project grants, in this area.

The conference agreement authorizes $29 million in funds for drug abuse education programs, with $4 million of the funds authorized for fiscal year 1971 transferred to fiscal years 1972 and 1973. It also authorizes an expanded program of special projects for drug dependent persons at a total authorization of $85 million over three years. This program contains a requirement that where programs of limited scope are established under the amendment and new facilities serving the same area are constructed hereafter, to the extent feasible the programs established hereunder will be consolidated with the programs of the newly constructed facilities.

The reference to a facility "*newly* constructed" after the enactment of section 256 of the Community Mental Health Centers Act (added by this title of the bill) is intended not only to exclude facilities constructed before the enactment of the section but also to make clear that, notwithstanding the definition of "construction" in section 401(e) of the Mental Retardation Facility and Community Mental Health Centers Act of 1963 (42 U.S.C. 2691(e)), the requirement does not apply with respect to a structure existing before such enactment merely because of its having been acquired, expanded, remodeled, or altered after enactment with the aid of a grant under part A or part D of such Act.

The Senate amendment would also have listed as the types of services which could be provided under programs set forth in the bill intermediate care services, outpatient services, and prevention, treatment, and rehabilitation services (including but not limited to telephone counselling and information services, informal, open-admission facilities for support, guidance, referral, and other facilities) for drug dependent persons, primarily organized and operated by persons from similar social, cultural, and age backgrounds as the person served, in community based and easily accessible facilities. The managers on the part of the House felt that the existing authority of community mental health centers, and the program for narcotic addicts and drug dependent persons contained in the House-passed bill, are broad enough in their scope to include programs such as those referred to above.

Amendments Nos. 4 and 5: These amendments proposed to transfer all amphetamines, phenmetrazine, and methylphenidate from schedule III to schedule II, thereby imposing stricter requirements for licensing of manufacturers, quota requirements, order forms, and other tighter controls, together with restrictions on the refilling of prescriptions, on these drugs.

The conference substitute limits this transfer to schedule II to liquid injectable methamphetamine, widely referred to as "speed". The legislation contains authority for the Attorney General to transfer drugs between schedules, upon making the appropriate findings and following the procedures prescribed in the legislation. It is the understanding of the managers that proceedings will be initiated involving a number of drugs containing amphetamines after the legislation has become law, but exceptions will be made for a number of amphetamine-containing drugs.

Amendment No. 9: The Senate amendment proposed to insert in schedule IV the following drugs: Chlordiazepoxide and Diazepam. Administrative proceedings for the control of these drugs were initiated in 1966, and final administrative action is scheduled to be taken within a matter of weeks. Section 702(c) of the bill provides that, if, upon the completion of these proceedings (including judicial review), these drugs are listed for control, they shall automatically be included within the coverage of the bill and placed in the appropriate schedule.

With respect to this amendment, the Senate recedes.

Amendment No. 19: This amendment provided that any person who distributed a small amount of marihuana for no remuneration should be subject to the penalties provided for simple possession of marihuana for personal use. The managers on the part of the House receded with a clarifying amendment.

Amendment No. 21: This amendment provides that not later than March 31 of each calendar year the Secretary of Health, Education, and Welfare shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House a report on the activities of advisory councils established or organized pursuant to the Public Health Service Act, or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

With respect to this amendment, the House recedes.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
W. L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 11833, RESOURCE RECOVERY ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Oct. 7, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, this legislation passed the House on June 23, 1970, by a vote of 377 to 0. The Members of the House will be glad to learn that the Members of the other body have already agreed to accept four of the most important features of the Resource Recovery Act of 1960, as passed by the House.

First, the program will be limited to a 3-year period—fiscal years 1971, 1972, and 1973—instead of a 4-year period as called for in the bill originally passed by the other body. This shorter period will give the Congress an opportunity to review the program after it has been operating for about 2 years before deciding whether it should be extended in its present form or modified in some respects.

Second, the other body accepted the appropriation authorizations provided for in the House bill for fiscals 1972 and 1973, but agreement was reached to cut appropriations for fiscal year 1971 by 50 percent. This is justified in view of the fact that only approximately 6 months are still left of the present fiscal year, and therefore, few if any funds are likely to be needed to pay for major construction projects that would be authorized by this legislation.

Third, the other body agreed to authorize construction grants for new or improved solid waste disposal facilities. Such projects must advance the state of the art by applying new and improved techniques designed to reduced the environmental impact of solid waste disposal, to achieve recovery of energy or resources or to recycle useful materials. The projects would be carried out in communities of varying sizes in order to assure that the state of the art be developed so as to solve community waste problems of urban-industrial centers, metropolitan regions as well as rural areas, under representative geographic and environmental conditions.

Fourth, the bill agreed to by the conferees would retain the present authority of the Secretary of the Interior with regard to solid waste disposal research related to fossil fuels and minerals as was provided in the House bill. The bill as passed by the other body would have eliminated this separate authority and placed responsibility for all solid waste activities in the Secretary of Health, Education, and Welfare.

The House conferees have agreed to accept provisions which were contained in the bill as passed by the other body and which provide for the following:

Demonstration grants for resource recovery systems,

Grants for training of personnel,

A national disposal sites study, and

The creation of a temporary National Commission on Materials Policy.

I firmly believe that the bill agreed to by the conferees constitutes an improvement over the bills passed by the two bodies, and I urge Members of the House to approve the conference report. In so doing we shall take an important step in advancing the handling of solid waste in this country. The increasing amounts of solid waste present difficult problems for our citizens throughout the country regardless of the size of the communities in which they live. These problems must be tackled energetically and the legislation before us will make this possible.

Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, this is what would be known in better parlance as the Solid Waste Disposal Act of 1970. It was debated at great length on the floor as to how we would go about handling solid wastes of all kinds. I will admit that most of this problem occurs in the cities. I am talking about the towns of 20,000 to 25,000 on up to those with millions of people. I do not mean that it is of no importance in communities of less than that, because I think we will be able to adapt some of these recycling devices which we are experimenting with now for use in communities of all sizes. However, it is in the larger cities that we are having the most argument on how to cope with this problem.

I believe that we made what I deem to be a fair compromise with the Senate. This is substantially the House bill. We did keep the emphasis on improvement. In other words, if a grant is made, then that amount of money must be spent in an effort to improve a technique already in existence. We have not yet reached the point where we are making grants to communities to follow on with what somebody else has done but are still in the experimental stage of making grants in order to improve systems. We are not making grants to copy systems already in existence.

Mr. Speaker, we made only one change in this whole effort. The change was that if there is a grant made to improve an existing system, then they could install the existing system if they had an effort made also to improve on that system and make it show that through that effort it would be done.

The authorization is $48.25 million less than it was when it left the House.

I believe we made a good compromise with the Senate. I believe this is a good conference report and ought to be approved.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I will be glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I wanted to ask the distinguished gentleman, my colleague from Illinois, if he can confirm the statement that in this conference report there is no delegation of the powers of the Congress and that anything added by the other body is germane? The gentleman has already confirmed the fact that there is no increase in cost. In fact, there is a decrease.

Mr. SPRINGER. The gentleman is correct. There is no extraneous matter in this conference report.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Speaker, I rise to urge the House to adopt the conference report on H.R. 11813, the Solid Waste Disposal Act.

All too little attention has been given to the problem of land misuse and the resulting spoilage of our environment because of the mismanaged and obsolete disposal of our solid waste.

Despite the enormous amount of solid waste we annually produce, we have been overlooking the eventual consequences that will result if we do not halt the present practice of dumping our garbage and other wastes in dumps and other such areas.

In H.R. 11813 I think we have preserved the main points in the House bill. We give the main thrust of the legislation to finding new and innovative methods of disposing of our solid waste and at the same time put this theory, if sound, to practical use through construction grants to the States and municipalities.

I think that this bill will prove to be the first step of significance in bringing into control the mountains of waste which we, as an affluent, user-Nation are producing. Of course the main object is to produce some type of recycling which will allow us to become more complete users and thus eliminate waste altogether.

I hope that my colleagues will join with me and the committee in voting for passage of the conference report with the same enthusiasm as when this House passed the original bill.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2846, DEVELOPMENTAL DISABILITIES

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originatiing in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 8, 1970.)

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report presently before the House is a continuation and expansion of the program initially established in 1963 of grants for the construction and staffing of facilities designed to deal on a broad basis with the serious problem of mental retardation.

The 1963 legislation provided for the establishment of three types of facilities; regional research facilities, university affiliated facilities, and State and local facilities. A number of regional facilities have been constructed, or are in the process of being constructed for broad scale research into the causes and treatment of mental retardation. In addition, a number of university affiliated facilities have been constructed, or are under construction, to provide for the training of researchers, and of persons to work with the retarded. The third program involves construction of facilities for the care of the mentally retarded, and in 1965 this program was expanded to include grants for the staffing of this latter type of facilities.

At the time the 1963 legislation was passed, it was understood that research and training grants through the National Institutes of Health, would provide substantial funding for the staffing and operation of the regional research facilities and the university affiliated facilities.

The bill we are presently considering will continue and expand this 1963 program so as to provide assistance for facilities and programs designed to serve the needs of persons having disabilities requiring treatment similar to that required for the mentally retarded. The program will hereafter cover persons suffering from developmental disabilities which, in addition to mental retarda-

tion, can include cerebral palsy, epilepsy, or other types of neurological handicapping conditions.

The Senate bill authorized for this program a total of $375 million over a 3-year period. The House bill provided a total of $250 million, and the conference substitute authorizes $295 million for this purpose.

Under the conference agreement, these sums are allocated to the States according to a formula based upon their population, need, and need for facilities. The available funds can be used for construction, with Federal matching grants up to two-thirds of the cost, except in poverty areas, where the matching can be up to 90 percent. In the case of services for the developmentally disabled, the conference agreement provides Federal matching on a declining basis, with 75 percent being available for two fiscal years, declining to 70 percent for the third year, except in the case of poverty areas, where the Federal matching for projects may be up to 90 percent for 2 years, and 80 percent for the third year. We expect to take another look at this program in 3 years to determine what future modifications may be required in this formula.

Both bills, and the conference agreement, provide for continuation of the authorization for the program of matching grants for construction of university affiliated facilities, and the House version of the legislation providing authority for grants for demonstration and training facilities was accepted by the conferees, including the priority set out in the House bill for programs at facilities which are operated by or in conjunction with a college or junior college.

Mr. Speaker, the conferees were unanimous in agreeing to the conference report presently before the House, and we recommend its adoption.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois.

Mr. SPRINGER. This has to do, may I say to my colleagues in its irreducible form, to the Mental Retardation Act. However, we use the words "Developmental Disabilities Services and Facilities Construction Amendments of 1970." This is simply an extension and improvement upon the Mental Retardation Act which we have passed in recent years.

Now, some of you have had occasion in your community to know about the operation of this program, and you know what is accomplished by having a mental retardation center in your community.

Four weeks ago last Sunday I dedicated one of these facilities in Cairo, Ill., and 2 weeks ago Saturday I dedicated one in Charleston, Ill., the site of Eastern Illinois University.

Mr. Speaker, unless one actually sees a mental retardation center in action, it is impossible to convey to others what is going on there. These are usually modern facilities. I would not say they have anything fancy about them, but they are doing a job in the communities in which they are located.

May I say to my colleagues who have in mind locating something like this in your own community, the Federal share is substantial. The Federal share is two-thirds on construction and if it happens to be a poverty area it is 90 percent.

On other projects for staffing it is 75, 75, and 70 percent over a 3-year period. In the poverty areas it is 90, 90, and 90 percent. So we have taken into consideration those communities which we feel are better able to help provide these facilities than in poverty areas where we realize it is almost impossible to obtain local assistance.

Now, may I come to the funding, and this is one where we split with the Senate, but I think the House came out very well.

The authorization as finally approved is $45 million more than the House figure, but it is $80 million less than the Senate figure. So if you want to calculate the difference between the House and the Senate those are the exact figures. I believe we made a good compromise. Every single one of these issues was discussed at great length so that there was no misunderstanding about the future of the program or the needs of the program, and I believe the conference report ought to be approved.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida, Mr. ROGERS.

Mr. ROGERS of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I urge the adoption also of this conference report.

Mr. ROGERS of Florida. Mr. Speaker, for the major part of this decade, since President Kennedy first proposed the original program, the Congress has kept pace with its responsibility to those of our citizens who have suffered from a mental retardation.

The House Subcommittee on Public Health has, in renewing and extending this legislation, S. 2846, expanded the coverage to others who are suffering from developmental disabilities originating in childhood. This includes such disabilities as epilepsy, cerebral palsy, and other neurological disorders which now afflict between 8.5 and 10 million Americans.

Those who are eligible for help under this program are so because of the similarity of treatment which is needed.

This legislation which I had the honor of sponsoring in the House provides construction moneys and for staffing and services.

We are encouraging the States to develop and implement a comprehensive and continuing plan for meeting the current and future needs for services to these people with disabilities.

If we adopt this program and expand it to include others who are now in need, I think we will continue to meet our responsibility to helping our less fortunate citizens. I urge the adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17570, REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HAYS). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Oct 8, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before the House today is, in form, the Senate amendments to one bill of the House, but in substance it includes the provisions of three measures already passed, H.R. 17570—regional medical programs; H.R. 18110—comprehensive health planning and H.R. 15961—licensing of biological products.

The bill on which this conference report is filed, as passed by the House, provided a 3-year extension of the heart, stroke, and cancer program, generally known as regional medical programs. The House bill expanded the program to include kidney disease whereas the Senate version would have included other major diseases and conditions. The conference substitute is the same as the House bill in this regard, but we have called for a study by the Secretary of Health, Education, and Welfare together with his recommendations, concerning the appropriate scope of the program in connection with future legislation extending it.

The House bill authorized a total of $475 million over a 3-year period for this portion of the program, whereas the Senate amendment would have authorized $600 million. The conference substitute provides $525 million for this purpose.

The Senate amendment would have authorized expansion of the program to include new construction. When this program was initially established in 1965, the issue of inclusion of new construction proved to be one of the most controversial elements in the legislative proposal. Fundamentally the issue was whether the program was intended to provide a nationwide network of federally operated health centers, or whether the program was to be a grass-

roots program, building upon the cooperation and expertise of the local health agencies and organizations nationwide.

After considerable discussion, the conferees on the part of the House agreed to the inclusion of new construction authority in the legislation, but have limited the amount of new construction to not more than $5 million per year. We feel that this will permit limited construction in those areas where it appears to be essential, without changing the thrust of the program in other respects.

Both the House and the Senate bills provide an extension of the existing program of research and demonstrations of new and innovative methods of delivery of health services. The House bill authorized a total of $231 million for this program over a 3-year period; the Senate bill authorized $259 million for the same period, and the conference substitute splits the difference authorizing a total of $245 million over a 3-year period for this program. The Senate proposed to extend the program for 5 years, whereas the House bill provided a simple 3-year extension and the conference agreement is the same as the House bill.

Several modifications of the program authorizing grants and contracts for research and demonstrations were contained in the Senate bill and agreed to by the House conferees. These provisions relate to the provision of home health services and research into new systems for the delivery of health care.

In addition, there have been a number of bills introduced in the past 2 years calling for the establishment of national health insurance plans. The conference agreement adopts a modified version of the Senate amendment with respect to these proposed programs, and provides for a study by the Secretary, through the systems analysis method of various plans for health care systems to meet the health needs of the United States, and for a thorough study of all bills introduced proposing a national health insurance plan. The study will be conducted in order to determine the costs of such a plan and the adequacy of the benefits proposed to be provided thereunder. The Senate amendment authorized $4 million for this purpose, and the conference substitute authorizes $2 million therefor.

As I mentioned earlier, the House has passed legislation extending the comprehensive health planning and services program (H.R. 18110), and the Senate amendment to H.R. 17570 proposed an extension of this program. The Senate amendment provided a 5-year extension of the program, whereas the House bill provided a 3-year extension. The conference agreement is limited to a 3-year extension, with a number of minor administrative modifications in the overall program.

Mr. Speaker, in general, this explains the major differences between the House and Senate bills as resolved in the conference agreement. The House conferees were unanimous in agreeing to the report, and we recommend its adoption by the House.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think that there are only two things that ought to be mentioned. We seem to change the titles of these bills. This one happens to be called the Regional Medical Programs and Comprehensive Health Planning and Services Act of 1970, but as a matter of fact this is simply the old heart, stroke, and cancer and the partnership for health bills we passed 4 years ago.

We have made two changes of any substance. First we have added kidney and related diseases to the program so that we now have heart, stroke, cancer, and kidney.

The Senate bill varied substantially from the House bill in that it included these three words, "other major diseases."

It is the feeling of the subcommittee that had this, and the feeling of our committee, we were familiar with the fact that the Senate had put this in when we considered it and decided at this point in history it was not well to include a whole list of other diseases and confuse the program and to dilute it to the point that we do not do as much about these four major diseases that we started out with.

Therefore, the Senate did recede, and we took out the words "other major diseases."

There is just one other substantial change from the Senate bill and that is that theirs was a 5-year program. Ours is a 3-year program. We agreed on a 3-year program. It has been the policy of our committee not to go beyond 3 years, and in each one of these instances to review this periodically in order that we not only know what the program is doing, but how and where the money is being spent.

I believe we made a good settlement with the other body, and I recommend the passage of the conference report.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

I do not want to be a gadfly, asking the same question repetitiously, but does the gentleman feel that the amendments added by the other body are or would be considered germane under the rules of the House?

Mr. SPRINGER. I can assure the gentleman that that was considered in conference and they are germane.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, page 22 of the report, in the statement of the Managers on the part of the House, the first paragraph says: "the conference substitute is the same as the Senate version."

The Senate amendment contained an amendment to section 35 of the Public Health Service Act making clear that the authority of that section includes authority to license vaccines, blood, blood components or derivatives, and allergenic products.

I can full well understand the authority to license vaccines and allergenic products, and drugs and so on and so forth, which are handled under separate legislation.

But blood, of course, is a human tissue and if I am proper in my concept, prior to this time we have more or less exempted or excluded human tissues from such handling by third parties or from the Federal Government intervening in this area. Could the gentleman enlighten me on that?

Mr. SPRINGER. As far as the past history is concerned, this was passed by the House as a separate bill and was referred to the other body. No action was taken by the other body until it was made a part of this bill. We have passed it on the House before.

Mr. HALL. In the opinion of the gentleman, and for the sake of the legislative record, does the gentleman feel that this will maintain or save the experience in the handling of the American National Red Cross blood centers, for example, in dealing with blood, without undue restrictions on the part of the Government, as they operated therein?

Mr. SPRINGER. I could not visualize that there would be any restriction that I can think of. Maybe the gentleman can think of one, but I cannot think of a single restriction that would be placed on the American Red Cross by virtue of this language.

Mr. HALL. I appreciate the gentleman's statement and I am glad to have made this record.

I will say to the gentleman, I am not in the business of trying to find restrictions. I thoroughly believe in my heart that this ought to be a matter of voluntary contribution and free use and that the profession itself will handle any question of contaminants or illicit use or trade.

I think it is a wonderful chapter that has been written on the part of the American people in voluntarily contributing of their blood under the aegis of the Red Cross centers and others. I have nothing against private blood donor centers and have, indeed, sold blood myself as a medical student, and so forth. I simply want to be sure that there is no restriction in this licensure of blood and blood components.

Mr. SPRINGER. May I say to the distinguished gentleman from Missouri, it is my understanding that there is no restriction.

Mr. HALL. I thank the gentleman. Now—

Second, in the next paragraph on page 22 of the report under "Authority for Group Practice"; is it true that for the first time by accepting the other body's amendment, it does bring in the question of accepting preinsurance group practice for the benefit of certain areas such as fringe benefits, retirement funds or others—and, if so, is this a departure?

Mr. SPRINGER. It is a departure that was put into the bill after a great deal of thought. I am not exactly sure that this would be my position if I considered it separately, but this was the position of the conference, and what the gentleman has stated is true.

Mr. HALL. I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield whatever time he may require to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. I thank the gentleman for yielding. Mr. Speaker, I urge adoption of the conference report.

Mr. Speaker, I urge my colleagues in the House to support the report submitted by the joint House-Senate conference on the Health Training Improvement Act of 1970.

As one of the House conferees and the sponsor of the comprehensive planning bill and a cosponsor of the regional medical bill which passed the House, I can earnestly say that the concepts embodied in the House versions of these bills have been for the most part retained in the report.

The Senate accepted my proposal for a National Council on Comprehensive Health Planning which would assist the Secretary of Health, Education, and Welfare in administering the program and would add to the prestige and national recognition of the program's accomplishments.

The conferees agreed to broaden the scope of the regional medical program to include kidney disease and related diseases. Under present law the program covers heart disease, cancer, and stroke. It was our feeling that we should not broaden the program to all major diseases at this time because of inadequate funding at a level considerably below congressional authorization.

The regional medical program has met with tremendous success during its years of operation. As my colleagues well know, the thrust of the program is to organize, research, and uniformly distribute throughout all of the geographical areas of the Nation, the latest concepts for the treatment of the major killer diseases, so that all physicians may utilize the latest technology and have access to the latest equipment in dealing with patients afflicted by these diseases.

The idea behind the comprehensive health planning program is to render assistance to the States and communities to provide for adequate planning of the appropriate distribution of medical facilities and personnel in accordance with the areas' needs.

I urge my colleagues to adopt the conference report on this vitally important program which attempts to give the people of this Nation quality health care.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3586, HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 8, 1970.)

Mr. STAGGERS. Mr. Speaker, this conference report deals with the overall subject of providing increased medical manpower for the United States, primarily in the allied health professions.

It has been estimated that there is a shortage of between 300,000 and 400,000 persons in the United States today to serve in the allied health professions. Every person serving as a medical technologist, a physical therapist, an occupational therapist, and X-ray technologist, or as a member of any of the literally hundreds of groups of allied health professionals helps provide health care for the American people, by making more efficient the services of physicians.

In 1966 the Congress first passed legistion establishing a program of Federal assistance for the training of allied health professions manpower, and the legislation we have before us today is designed to extend that program, with improvements in it that experience has shown to be desirable.

There were a number of differences between the Senate and the House versions of this bill, but in general, the conference agreement is the same as it relates to the program of assistance to the allied health professions schools.

Six other amendments were added by the Senate to the bill. An amendment providing assistance for new health professions schools was agreed to by the conferees. Under existing law, formula grants are made to new health professions schools based on their enrollment. In the case of a new school, the formula does not work, since there is no past enrollment on which to compute the amounts the school should get. The conference agreement provides that in determining the amount of this first-year payment, the Secretary of Health, Education, and Welfare shall compute the eligibility of the school for this formula grant on the basis of the first-year enrollment. This should provide additional assistance to new medical, dental, and other health professions schools in the first year of their operation.

The second amendment which was in conference, known as the Javits amendment, would have authorized up to $100 million in appropriations for grants to medical and dental schools in serious financial distress. The conference agreement does not contain this authorization, in view of the fact that there is available now over $50 million in authorizations which can be used for this very purpose. The conference agreement provides that if sums are appropriated out of this additional authorization, they may remain available until June 30, 1972, in order to provide the Secretary of Health, Education, and Welfare with flexibility in the use of these funds.

The Senate amendment established a program of grants for scholarships, loans, and work-study programs for students attending allied health professions schools. The conference agreement transfers part of the scholarship authorization to the loan program but otherwise is the same as the Senate amendment. It is our intent that this authority be used to provide assistance to students at schools training allied health professionals to the extent that such assistance is not available under other programs.

The Senate amendments also called for a study of the allied health professions programs, and for a report with reference to problems involving licensure of health personnel, and these amendments were accepted by the House conferees. We feel that the recommendations we will receive based upon these studies will be of help to us in future consideration of health manpower legislation. Another Senate amendment which was agreed to authorizes appropriations for health professions programs to be made in such a way as to be more consistent with the school years, so as to provide for better planning by the schools for the use of Federal funds.

Mr. Speaker, your House conferees have submitted a unanimous report, and we recommend that the House adopt it.

I yield whatever time he might require to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, there is only one major difference in the conference report from the bill. The so-called Javits amendment would have added $100 million emergency assistance to medical schools, and practically the whole conference was taken up in discussing whether or not we were going to agree to that $100 million. We made a compromise on this in which we omitted the Javits amendment with the $100 million, but we added four categories in which we felt that assistance was justified. We put in a $3 million program for a total of 3 years to discover and encourage persons suited for allied health and training.

This is not for doctors. This is allied health personnel. Second, we did add scholarships to this. The Senate amounts were reduced to $4 and $5 and $6 million for 6 years. This is new in this conference report. Third, work-study programs were added, limited to 3 years, at $2, $4, and $6 million. Fourth, student loans were added to the allied health programs. On authorizations, a cut from the scholarships were put into the 3-year loan program for a total of $3.5 million, $5 million, and $10 million. These substantially are the changes between the House bill and the compromise we bring to the House today.

Mr. Speaker, I believe our arrangement with the Senate on this bill was good. I think the conference report ought to be approved.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of the conference report on the Health Training Improvement Act of 1970.

As one of the House conferees and as a sponsor of this legislation I can hon-

estly say that the main thrust of the House legislation embodied by H.R. 1300, which passed this body on July 30, 1970, has been maintained in the report.

In addition to the worthwhile programs for junior and senior colleges in the area of the allied health professions, the conference report contains a provision to expressly designate $55 million for special project grants to medical schools in financial distress. The conferees feel that the situation facing many privately owned medical and dental schools is critical and therefore urge the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which these schools require.

Because of the critical manpower shortage in the allied health or paramedical professions, it was the sense of the House to vastly expand the amount of Federal support and the scope of the program in this area.

In furtherance of this desire, the House provided for increases in construction grants of teaching facilities, improvement grants for general operation, special grants for projects to assist training centers in development of new curriculums and more capably utilizing manpower in the health area of our armed services. In addition, the conference report provides for traineeships for the advanced training of allied health professions personnel to insure that the supply of teachers will increase in numbers consummate to the Nation's needs.

Welcome additions to the conference report from the Senate bill include scholarship grants, work-study programs and loans for paramedical students.

Again, I wish to stress the importance of implementing a program such as this to help narrow the gap of our medical and paramedical manpower shortage. Only through programs such as this can we provide the people with quality health care and at a price everyone can afford to pay.

I urge my colleagues to vote for the conference report on the Health Training Improvement Act of 1970.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the four conference reports just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PASSENGER TRAIN SERVICE

Mr. COLMER, from the Committee on Rules, reported the following resolution (H. Res. 1251, Rept. No. 91–1600), which was referred to the House Calendar and ordered to be printed:

H. RES. 1251

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17849) to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII are hereby waived. After general debate, which shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order, under clause 7, Rule XVI, the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said committee substitute shall be read by titles instead of by sections. At the conclusion of the consideration of title VIII of the amendment in the nature of a substitute for amendment, title IX of said substitute shall be considered as having been read for amendment. No amendments shall be in order to title IX of said substitute except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1251 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 1251?

The question was taken; and (two-thirds having voted in favor thereof), the House agreed to consider House Resoution 1251.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, I assume that it is not necessary to further explain the rule, since it has just been read. I believe the Members are familiar with it.

In the interest of time, my remarks upon the merits of the bill itself shall be very brief.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my distinguished friend from Missouri.

Mr. HALL. Mr. Speaker, I understand the need for haste, and I understand the need for the bill, and I understand the proper procedure on the part of the distinguished gentleman from Mississippi, the chairman of the Committee on Rules, and certainly of the Chair, in bringing up this resolution which has just been filed within the last few minutes or hours under this procedure; and, indeed, the Chair ruled at least two-thirds voted in favor of consideration of the rule today.

I wonder if the gentleman would explain in a little more detail the two areas wherein points of order are waived and thus the individual rights of Members are precluded as to making points of order against the bill.

Mr. COLMER. Yes, I shall be happy, Mr. Speaker, to attempt to comply with the request of my friend.

The first reason for waiving a point of order is possibly because of the speed with which the bill was reported as the Ramseyer rule was not complied with. The second reason relates to the nongermaneness of the committee substitutes and the tax section of the bill.

In both cases points of order would lie unless they were waived by the rule.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. It would be a fair further presumption to presume that the speed necessitates bringing the rule up without a copy being available for all Members; is that correct?

Mr. COLMER. Let me reply to my friend to the best of my ability.

I generally am in accord with the inferences raised by the question of the gentleman from Missouri. It seems to me that this bill could have been reported at an earlier date, assuming that it is necessary to enact this type of legislation. I do not like the procedure of enacting legislation hastily. But our committee was told by the legislative committee that the demand for this was so urgent that some effort should be made to expedite it. That urgency, I am sure it is not necessary to remind my friend from Missouri, is due to the fact that there has been a continuous erosion going on in the area of furnishing passenger service transportation in this country. The passenger trains have been diminished down to the point where there are possibly fewer than five percent—and I cannot speak for the accuracy of that figure—of the passenger trains now operating that were operating just a few years ago.

The railroads have been constantly losing money on the operation of the passenger trains. The various communities throughout the Nation are all desirous of having the trains operate through their communities regardless of their size. The railroads have been having constant trouble with the Interstate Commerce Commission because of protests that were filed as well as with the

States on intrastate operations and with the railroad commissions of the various States. They have testified that they are losing millions of dollars on the operation of these passenger services.

To get right down to what is involved in this bill, a corporation is created which the railroads will take stock in, in return for equipment. They are the purchaser thereof. The Government backs the corporation for $100 million in grants and loans up to $200 million, as I recall the figure. In other words, the whole thing is directed at trying to put some life back into the passenger train service of this country.

Mr. Speaker, I do not like this Government participation any more than some of the other people around here. However, we have gotten to the point where something is going to have to be done. Railroads are going bankrupt or are threatened with bankruptcy, and this is the answer that the legislative committee came up with.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate the gentleman's statement.

Is it contemplated that there will be action in the other body of the Congress concomitant with this in time to make this effective before we recess on the completion of business tomorrow?

Mr. COLMER. My understanding is—and, of course, I can only speculate, as the able and distinguished gentleman from Missouri can, that this is a very live subject over in the other body, and it is hoped that the matter may be consummated before we recess.

Mr. HALL. One final question, Mr. Speaker.

Is it contemplated that we will complete debate on this today under the rule, or is it contemplated, as said earlier in the programing, that this would go over until tomorrow?

Mr. COLMER. I would be pleased to yield to my good friend from West Virginia, the chairman of the committee, who can better answer that question.

Mr. STAGGERS. I am sure there is an understanding that this bill will not be completed today. If we start on it, it will only be through several pages of it.

Mr. HALL. Is it contemplated that we will complete all general debate on it today, or will there be some portion of general debate left over until tomorrow?

Mr. STAGGERS. We had hoped that we could complete general debate, but, if not, it will be left over until tomorrow. But, of course, anybody who will want to have anything to say could talk on it under the 5-minute rule.

Mr. HALL. That is not the point. The point is that based on the original programing and plans, early in the afternoon some of us advised our constituents and others that the plan was to take this bill up tomorrow if the rule were passed today. Of course, I am not one of those who are privy to the plans of the leadership nor should I necessarily be advised of the change in plans, but it does put so many of us in an embarrassing position who have advised our constituents otherwise.

Mr. STAGGERS. I can understand the gentleman's concern and say to him that only in trying to expedite the adjournment of the Congress tomorrow was it even contemplated to take this up this afternoon. It was done with the understanding that the consideration of it would be confined to general debate, and that alone.

Mr. HALL. Would the gentleman care to go so far, Mr. Speaker, as to say that all general debate will not be consummated before we convene tomorrow?

Mr. STAGGERS. Mr. Speaker, if the gentleman from Mississippi will yield further, I could do that. I do not know of too much general debate on this issue. I believe we can explain it very briefly and then if there are any issues or questions I am sure we can take them up tomorrow, if need be. However, I would be ready for the Committee to rise at any time after a reasonable amount of general debate.

Mr. HALL. I thank the gentleman.

Mr. COLMER. Mr. Speaker, technically speaking, House Resolution 1251 provides a rule with 3 hours of general debate, waiving all points of order for failure to comply with clause 3, rule XIII—the Ramseyer rule. Two hours of the general debate shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce and 1 hour of the debate shall be controlled and equally divided by the chairman and ranking minority members of the Committee on Ways and Means. It shall be in order to consider without the intervention of any point of order, under clause 7, rule XVI—germaneness—the committee substitute as an original bill for the purpose of amendment and the substitute shall be read by titles instead of by sections. At the conclusion of the consideration of title VIII of the committee substitute for amendment, title IX shall be considered as having been read for amendment and no amendments shall be in order to it except those offered by direction of the Committee on Ways and Means.

The purpose of H.R. 17849 is to establish a National Railroad Passenger Corporation to provide modern, efficient, intercity rail passenger service. The corporation would be responsible for providing all intercity rail passenger service and all railroads would be eligible to join the corporation. Upon joining, they would be relieved of the responsibility of providing passenger service.

The Secretary of Transportation would be required to submit a preliminary report within 30 days after enactment of the legislation setting forth recommendations for a basic national rail passenger system. The ICC, State public utility commissions, railroads, and unions would have 30 days thereafter to submit their comments on the Secretary's preliminary report and the Secretary would submit his final report within another 30 days, or 90 days after enactment.

The corporation would be a quasi-private, for-profit corporation—not an agency or establishment of the Federal Government—authorized to operate or contract for the operation of intercity rail passenger trains and to conduct research and development related thereto. It will operate under some ICC regulations.

The corporation would have a 15-member board of directors, eight of whom would be appointed by the President with the advice and consent of the Senate, three of whom would be elected by the common stockholders, and four by the preferred stockholders. The board of directors would appoint the officers. The common stock—$10 a share—may be initially issued only to railroads and preferred stock—$100 a share—only to other than railroads.

Each railroad operating intercity passenger trains would be offered a contract on and effective on March 1, 1971, to relieve it of responsibility to provide intercity rail passenger service. Such contracts would be offered again on or after March 1, 1973; no contract will be offered after January 1, 1975.

A contracting railroad would be required to pay the corporation amounts computed in accordance with either one of three formulas most favorable to the railroad:

First, 50 percent of the fully distributed passenger deficit of the railroad for calendar year 1969;

Second, 100 percent of the avoidable loss of all intercity passenger service operated by the road during calendar year 1969; and

Third, 200 percent of the avoidable loss of intercity passenger service operated by the road over routes between points within the basic system during calendar year 1969.

Payments may be made at the option of the corporation either in cash, in equipment, or by providing future service, for which the railroad will receive common stock unless it waives all rights to receive stock. Cash payments shall be made monthly the first year and thereafter as agreed to by the parties.

If consistent with good management, intercity passenger service may be provided in addition to the basic system and would become a part of the basic system if provided for more than 2 years. Any State, regional, or local agencies may request additional services, upon payment of not less than 66⅔ of the losses attributable to such service.

The corporation is required to provide service within the basic system for a 3-year period.

An appropriation is authorized in the amount of $40 million to enable the Secretary of Transportation to make grants to the corporation to assist it in organizing. Also, the Secretary would be authorized to guarantee loans totaling $100 million to the corporation with which to acquire new rolling stock, to upgrade roadbeds, and so forth; he would be authorized to make loans or loan guarantees totaling $200 million outstanding at any one time to railroads to enable them to perform contracts entered into under the legislation.

The railroad and the corporation must make equitable arrangements to protect the interests of the employees affected by discontinuance of service.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 17849 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1251 was just passed by the Rules Committee today with the view that this particular bill and the manpower bill will be completed before we recess tomorrow night. It was agreed to bring it up today under the order under which we are proceeding.

It is my understanding that the other body has passed a similar bill. However, there are some differences between the bill passed by the other body and this bill. It is entirely possible that the other body may accept the bill as written by the House.

This particular bill is in fact a committee amendment in the nature of a substitute, with the result that points of order would lie against the original bill because title IX of the substitute was not in the original committee bill. That would make it subject to a point of order and if one part of the substitute is subject to a point of order, then the entire committee substitute is subject to a point of order.

In addition to that, the Ramseyer rule was not complied with on title IX. Because of that points of order are waived. Title IX was handled by the Committee on Ways and Means while the balance of the bill was handled by the Committee on Interstate and Foreign Commerce. Title IX does have provisions dealing with the revenue code which would open up the entire code and, accordingly, points of order are waived as to that and it is closed so that no other amendments may be offered to title IX.

Mr. Speaker, it is my understanding that the subcommittee reported out this bill unanimously, as did the full committee.

The purpose of the bill is to create a new corporation charged with the responsibility of providing a minimum of rail passenger service on intercity routes and certain specific population corridors.

Today, the Nation is faced with the immediate threat of a complete curtailment of all rail passenger service. In 1929, there were some 20,000 passenger trains in the United States. By 1946, some 9,000 of these had disappeared. In the last 24 years so many had been canceled or discontinued that today there are less than 500 passenger trains—and over 100 of these remaining few are currently in the process of discontinuance proceedings before the Interstate Commerce Commission. In 1969, the rail passenger deficit of the American railroads was about $200 million. Unless positive action is taken at an early date there will soon be no rail passenger service.

The bill would create the National Railroad Passenger Corporation, a private corporation which would not be an agency of the Government. It will be directed by a 15-member Board of Directors, eight appointed by the President, with the advice of the Senate, three members elected by the common stockholders and, the remaining four directors elected by the preferred stockholders.

The corporation would be authorized to operate or contract for the operation of intercity rail passenger trains. Each railroad company operating such passenger trains would be offered a contract to perform such services for the corporation after March 1, 1971. If it entered into such a contract, it would be fully relieved of all responsibility to offer such service itself.

Upon entering into such a contract, the corporation would assume the responsibility for and would operate—most likely by contracting with the railroad previously charged with the responsibility in each particular case—passenger trains between basic points where service is required, necessary and desirable. All other passenger trains could be discontinued merely by giving 30 days notice.

In consideration for being relieved of the responsibility of providing passenger train service, the railroad would be required to pay to the corporation sums computed on a formula basis. Three formulas are provided and payment would be based on the one most favorable to the railroad. Sums paid to the corporation could be paid in cash, equipment, or by providing future service, the choice to be at the option of the corporation. In return the railroad would receive common stock equal in par value to the payment made to the corporation.

Upon enactment of the bill, a 5-year moratorium is declared on passenger train discontinuance by any railroad which has not entered into contracts with the corporation. This should bring in all railroads with passenger service.

The corporation, in addition to its basic system, may add additional passenger service when it believes desirable, and trains which are a part of the basic system may be discontinued anytime after July 1, 1973, that the corporation finds such service is no longer necessary.

Under the bill, the Secretary of Transportation can make grants totaling $40 million to the corporation. Additionally, he is authorized to guarantee loans of the corporation up to $100 million for the acquisition of rolling stock, improve roadbeds, et cetera. Finally, the Secretary is authorized to make loans or guarantees on loans up to $200 million outstanding at anytime to railroads for the purpose of assisting them to perform contracts between themselves and the corporation.

The bill is supported by the administration. There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the State of the Union for the consideration of the bill (H.R. 17849) to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17849, with Mr. BURLESON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that this bill does create a National Railroad Passenger Corporation for intercity railroad passenger service to revitalize a vital transportation mode that, as one of the members of the Committee on Rules said, has been rapidly dying. In 1929 we had over 20,000 passenger trains and today we have less than 500, and many of those are proposed for discontinuance.

Someone said that if we did not have a passenger train service it would be invented.

The administration urged us to pass this legislation.

I might say that not only is the administration for the bill, but the railroads of the country are for it, and so are the railroad unions for it. We had no opposition to the bill. I believe most reasoning people in this country realize that something must be done, and must be done quickly.

The bill will create a corporation which will be a private for-profit corporation, and we hope that it will be a profitable organization, and I believe that it will in the long run.

The bill authorizes $40 million to get the corporation off the ground, and then after that if need be, there are provisions for guaranteed loans up to a total of $300 million.

We know that in starting off they are going to have some trouble, but I expect that after a very few years it will be a prosperous organization, because we have begun to develop high-speed trains, better railroad cars, with more commodious service that people will use, as has been exemplified by the Metroliner that runs between Washington and New York now. The people are using these trains be-

cause they are acceptable, they are clean, and they afford rapid transportation from the heart of one city to the heart of another. I believe that with this as an example, this corporation will be able to move forward, and make a go of it.

The railroads do not have to join. But we contemplate that most of them, if not all of the railroads, will join. They either have to put money into it or services, or equipment. This should help to get it started.

Mr. Chairman, not much more need be said with the exception that it is going to take 2 or 3 years in order to get started.

This is not a Government agency. The way it is formed is the President appoints three incorporators and those three incorporators choose eight public members of the Commission. Then the common stockholders, I believe, appoint three and the preferred stockholders appoint four members, to make up the 15-member Commission.

This will be private, as I said, a private corporation to be run for profit.

A similar bill passed the other body and we believe that if this bill passes the House, it will take our bill.

One thing they did not have in their bill was the tax part of it since that had to originate in the House. The Committee on Ways and Means was busy, as all of us know, with very important matters, and at the very first opportunity they passed their portion and brought it to our committee and we kept our committee in session after 12 o'clock—1 day in order to accept that portion which they brought to us, and which we incorporated in the bill. We voted it out of our full committee unanimously, as it was out of the subcommittee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from West Virginia (Mr. STAGGERS) has consumed 7 minutes.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, rail passenger service in the United States is rapidly becoming as extinct as the Dodo. The reasons are many and not always agreed upon by observers from different vantage points. There is no doubt that automobiles and airplanes have made long distance travel much faster and far more convenient than rail. Decreasing patronage has made many passenger trains clearly uneconomic. Whether this has been accelerated by poor service and the desire of the operators to be rid of the nuisance is a point of contention. Regardless of one's point of view as to why, we can scarcely argue successfully that railroad passenger service is alive and happy.

Should we then allow it to pass into oblivion and take its place alongside the horse and buggy in the museum? Is there good and sufficient reason to salvage or rebuild at least some of this service? I think so.

Realistic projections of the travel needs of the Nation, a scant 20 years hence, reveal that somewhere along that route the capacity of planes and autos to handle the traffic will be exceeded. Where, then, will we get an alternative? We already have it in the form of rail service if we can make it viable meanwhile. How to do it? How, indeed. There have been many schemes and suggestions, and Congress has looked at all of them. It has become apparent that saving the entire nationwide network of passenger trains, even all of those still extant, is impossible. Federal subsidies of astronomical proportions would be necessary to keep all those empty, long-haul trains operating. And it would be a monument to economic waste.

There do remain areas of the country where rail service should be useful and economically sound at the present time. The example which usually comes to mind is the Northeast Corridor, but it is not the only place. To preserve and improve such service is the objective of this legislation. I am not at all sure that it will be entirely successful. There is even a vague cloud of Government interference or Government operation involved. Too much Federal money seems to be required to make it work. But if the system has faults, it is still the best solution which has been suggested, and I think that we are duty bound to try it out.

Let me outline briefly how this system is intended to operate and then each Member will have to decide for himself, even as the members of our committee had to decide, whether the scheme deserves the change. I support it because it is the best of many bad answers to a tough but immediate problem.

First off, the Department of Transportation will be called upon to designate a basic intercity rail network which should be operated. This will not, as I have already intimated, be a nationwide network as we have known it in the past. It will necessarily concentrate upon corridors of high density travel which can presently have some hope of supporting rail service if it is properly promoted and properly run. I cannot say how many trains this might include, but I would expect that it would be a small proportion of the remaining 500 passenger trains now operating across the land.

A private corporation is created to take over and run those trains. The corporation will be managed by a 15-member board of directors, eight of whom will be appointed by the President. Three other directors will be designated by the railroads which hold common stock in the company. The remaining four directors will be chosen by the preferred stockholders who will be the members of the general public owning stock. This corporation will be the owner and operator of the system of passenger service. Initially it will operate the network designated by DOT, but this may be altered later as conditions warrant. Trains may be added if it seems practical, and uneconomic trains can be run if local agencies feel they are worth enough to the area to absorb some of the loss involved in the operation.

Although it is intended to be a corporation run for profit, the harsh realities indicate a massive infusion of money from the Government to make it go. Although there is provision for the railroads to pay for the privilege of getting out of the passenger business, we also know that most railroads are not in position to lay out much cash. Equipment and services can be used in lieu of cash, but the basic weakness of the industry will make improvement of service most difficult without some new capital. The bill provides an authorization of $40 million to get the corporation off the ground. Obviously it will be faced at once by the need for new and improved equipment and better roadbeds. An authorization of $100 million for guaranteeing loans for this purpose is included. As the corporation contracts with railroads to actually operate the equipment they face financial problems in complying. The bill authorizes a sum of $200 million for guaranteed loans to the railroad companies where it may be needed to assure the performance of these contracts.

If a railroad does join the corporation it will be relieved of the responsibility for operating passenger trains. Any runs not included in the basic system and which it will operate only as an arm of the corporation may be discontinued by merely filing the 30-day notice under section 13(a) of the Interstate Commerce Act. A railroad need not join the corporation, but if it does not do so, it must then continue to operate any passenger trains it may have for at least 5 years.

Payment into the corporation by the railroads is a complicated series of options based upon the losses they are now experiencing in the passenger business. There are three such options which do not justify detailed description here. By paying into the corporation under one such formula the railroad will obtain common stock in the corporation. If the railroad does not want stock but does want to participate in the system, it may use the payment as a deduction for tax purposes. Title IX of the bill covers this situation and is the handiwork of the Committee on Ways and Means.

All of this may seem like a pretty complicated way to accomplish the job. Perhaps it is. Certainly a straight handout and hope for the best would not make much sense in the light of past performance. A new approach, aimed directly at the passenger service problem and divorced as far as possible from present management, seems sensible. This is not meant to throw rocks at all railroad management, but if it were to be left there and did not work out, we would have all of the same arguments, charges, and defenses which befog the issue today. We need a clean slate, and this device of the corporation supplies that slate.

I sincerely hope it works. I do not want to see the money and effort required by this legislation go down the drain. I do not want to see railroad passenger service completely disappear. This is our best hope as we now see it, and I recommend that the House accept the work of our committee and pass H.R. 17849.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Chairman, what we are doing today is simply trying to save the passenger trains.

Many of us grew up in communities which were known as "railroad towns." I did, in a little town in west Texas, Big

Spring. We had a roundhouse and were a key part of the T. & P. Railroad system. In a sense, I come from a railroad family. My father-in-law, Tracy Bolton, was a conductor on the Southern Pacific for some 40 years. He knew the glory and the majesty of the trains. He epitomized the finest in transportation, as in all other areas.

I have a feeling, and always will have, for the old trains, but outside of the nostalgia which comes to an individual when we talk about trains we are trying to save the passenger train because there is a need for it.

What we present to the House today, coming from the subcommittee of which I am a member, is an attempt to bring together various segments of the industry with the public, which would make this a workable entity.

I like to think of it in terms of a partnership, because we have brought the railroads into it, as they will have the opportunity to become partners in it through the purchase of common stock.

We have brought the banking and the financial institutions into it by virtue of their right to hold preferred stock. We have made the employees and the workers a part of the system because they can now know at least the system can be kept in existence. We have reached out and said to management "You must give up some of the old rights you have held in order to make this a workable organization." So I think we have made it a partnership.

Mr. Chairman, there is no pretention that we come to you with a perfect piece of legislation. I do not think anybody on the committee will say we are trying to oversell you on this bill. We think it is the best approach we have been able to come up with, because it does join hands with the different segments and keeps the passenger trains running until we can find new ways to improve this type of transportation.

That is the point I would like to make to the Members here. We can save the passenger trains, and this is very important. It has been proven over and over that the cheapest, the most economical and most efficient way to move large bodies of people is by rail or high-speed ground transportation. Our railroad system has gone down because we have not kept pace with the times. We have to find new methods of moving people. I would call your attention to the great strides that we are making in this area. We have a demonstration project under way on the west coast. We have a linear induction motor method, where you take a linear motor, a motor which you put on a straight line, flat, and the car is moved forward by magnetic propulsion. It can be a lot smoother and quieter and more efficient means of moving a train than present methods. We have demonstrations operating in other parts of the country, and we have work underway for a tracked air vehicle where by levitation we move the train off the tracks for 1 inch or more and move it forward by some means of power. At this time there is a rail demonstration using a turbine or a jet.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I will in just a second.

But we will see a combination, I believe, of train movement by linear induction and tracked air cushion vehicles where we can literally lift the train off the track and use it as a guideway and propel it forward with linear induction power. Then you have no pollution, no rocks, no roadbeds, and have great speed and comfort. We really can have something going for us there.

I now yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Is it not true that the first of the action demonstration projects on the linear induction with tracked air cushion methods will be in the Los Angeles area between their airport and downtown?

Mr. PICKLE. Yes. I believe that is correct. The only project we have in the LIM area which is advanced at all is in the Los Angeles area, and the actual test will be at the point the gentleman mentioned. We do have a big demonstration project underway in Colorado, also. We lost 2 precious years on this, and it is very regrettable, but it is underway at last now. Although we did not get extra money when this measure was before us last week, we are making headway now. I hope next year we can put as much funds as possible into finding new ways to move people, because this is coming to be the big problem. Rail travel cannot compete with the airlines on the question of speed. I do not think anybody contends that. But if we will make it effective, we will find that we will be able to compete reasonably without this speed. If we can do it through the methods that I have mentioned, we will find that people prefer to move that way, and they will follow their preference. It is something we must look into and must look forward to. In that system of tubular methods or something similar we will see merit, but in the meantime we have to save the passenger trains in order that we can go to this area that we are looking at.

I hope we can pass this bill, because I believe it is very important for the future of our country.

Under this bill, the Secretary of Transportation will first submit within 30 days, his report for a basic national transportation system, specifying points between which intercity passenger trains would be operated, routes over which service would be provided, and the schedules and equipment characteristics of trains operating between these points. Then the ICC, State public utility commissions, railroads, and labor unions will have 30 days to comment on the report. Within 90 days, the final recommendations will be submitted to Congress. After the basic system is designated, a National Passenger Corporation, as a private, profitmaking corporation will be set up to deliver the service to the basic system.

The corporation will offer to each railroad operating intercity passenger trains a contract to relieve it after March 1, 1971, of its entire responsibility for the provision of intercity rail passenger service. The contracts will be offered on March 1, 1971, and again on or after March 1, 1973. No contract will be offered after January 1, 1975. Upon entering the contract, the corporation will operate passenger service between basic points of the system presently served by the railroad and the railroad will be allowed to discontinue all passenger service not within the basic system by simply giving 30 days' notice.

In return for being relieved of its duty to operate passenger trains, the railroad will contribute an amount to the corporation derived at by a choice of three formulas that link the amount of the contribution to the losses suffered by the railroad operating passenger trains in 1969. The railroad can make payments in cash, equipment, or by providing future service.

For making a contribution the railroads will have their choice of taking stock or receiving an income-tax write-off.

Upon a request by a State, regional, or local authority that is willing to bear two-thirds of the losses attributable to such service, the corporation can operate trains outside the basic system.

Also, there is a provision in the bill that provides that arrangements must be made to assure fair and equitable treatment to employees affected by discontinuances of trains.

The Federal Government is authorized in this legislation to put up $340 million in grants and loans. Between this Federal backing and the funds contributed by the railroads, the corporation will hopefully be financially sound.

Mr. Chairman, I would say all in all this bill is a sound start toward balancing our national approach to transportation. We have already passed a substantial air line bill, and we are considering a highway bill. We need to pay attention to this third leg of the transportation stool, also. Many other countries have gone a long way toward developing their rail systems and have found them a good, efficient, inexpensive way of moving people around among the more heavily populated areas of their countries. I think that high speed ground transportation is a must for our own heavily populated areas, and I urge my colleagues to support this bill.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I would like to join the distinguished chairman and ranking minority member of the committee in support of this legislation, which came from our Aviation and Transportation Subcommittee.

May I pick up two or three minor points that should be developed for information here.

In addition to the appropriation of a part of the money for the capitalization of this corporation, each railroad that turns its passenger service over to the corporation will be assessed an amount of money equivalent to part of its passenger loss last year. They will be allowed to pay this amount of money to the corporation in several different ways which the Committee on Ways and Means will discuss when they take up their part of the bill.

Some people may ask, "Well, how in the world can Penn Central which is already bankrupt be assessed to join the corporation?"

One of the ways is that the money may be paid to the corporation for their assessment in services rendered because the corporation will, obviously, lease tracks and will lease locomotives and sometimes even crews from the railroads themselves and the railroads will be allowed to pay their assessment to the corporation in kind and in service if they are not financially able to pay their assessment.

Mr. Chairman, here is another point I want to make just in passing and in order to clarify a matter: Again, let me say that when the railroad decides to release its passenger service, it releases all of its passenger trains to the corporation. The corporation will by that time have decided what the basic system is to be and what corridors are to be used as a part of the basic system. The trains that are not a part of that basic system will then be discontinued by the corporation within 30 days.

The corporation may itself, if it happens to have a train in the system which is totally unneeded, impractical and unprofitable, discontinue its operation under certain very special circumstances in 2½ years.

Now, Mr. Chairman, to get into the area which was discussed by the gentleman from Texas (Mr. PICKLE), we do not anticipate spending a lot of money on refurbishing worn out equipment. I think the Metroliner between here and New York, the turbo trains that are already running in the Nation, the linear induction experiments that are already being conducted in Southern California, the test tracks that will be in operation in Colorado, in the next few months will show what the future holds.

Mr. Chairman, if anyone asks, "Do you think that with the present equipment can this passenger corporation be profitable?" the answer is "absolutely not." It cannot be profitable with the present equipment. By by starting with equipment like the Metroliner and going rapidly ahead into the really sophisticated equipment of the future, it can be and will be a profitable operation.

Mr. Chairman, one of the reasons for keeping the passenger trains is to keep the rights-of-way. The linear induction motor with the cushioned air vehicles will probably run on part of the same rights-of-way that are now being used for passenger service.

In conclusion to people who ask you, "Why does this have to be?" you can ask them to just look at the airways between here and Boston, look at the airways in Chicago and look at the congested airway system of this country. We know that the airways are already congested to the point where we are having to develop new and sophisticated and different ways of handling air traffic. Further, we can look at the highways and the crowded conditions on the highways, plus the air pollution caused by all of the automobiles now and probably in the foreseeable future, at least with the old automobiles, and one can see that there is not only the matter of safety in the airways, safety on the highways, the crowded conditions on both the airways and the highways as well as the environmental problem which is created and which is a part of this problem, and see why we must maintain and operate a really successful high speed ground transportation system.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I thank the distinguished chairman for yielding and I congratulate all the members of the great Committee on Interstate and Foreign Commerce for bringing this ingenious and constructive bill to the floor. I know that it will pass overwhelmingly.

I note the purpose of the bill is to revitalize rail passenger service where it needs to be, particularly with new equipment and advanced vehicles.

Just this week on October 8 your Committee on Government Operations got out a report entitled "Environmental Pollution, Discharge of Railroad Human Waste From Railroad Trains", in which we took note of the untidy practice on many trains in this country of discharging untreated human waste on the right-of-ways. Not only is this unesthetic, not only is this a very poor working condition for the railroad workers, but since these wastes are dumped into the streams and on the rights-of-way where human beings other than railroad workers may come into contact with them, it represents a real health hazard.

I would, therefore, ask the distinguished Chairman whether it is not in his mind, and in the minds of the other members of the committee, as I hope it is, that this new equipment, when installed on this excellent new system, will have provision as all the trains of Europe and Canada today do, for adequately treating human or other wastes which are discharged from the trains.

Mr. STAGGERS. Mr. Chairman, I can assure the gentleman from Wisconsin that this would be true because I cannot even conceive of any mode of transportation system not taking care of this matter, especially when we are today trying to take care of our environment in every way. And I can assure the gentleman that this will be fully considered.

Mr. KUYKENDALL. Mr. Chairman, if the gentleman will yield, the equipment that we already have running under the supervision or under the direct sponsorship of the DOT, like the turbotrain and the Metroliners, all have sophisticated and hygienic facilities so there is no danger whatsoever of this rather ancient practice being continued.

Mr. REUSS. Mr. Chairman, I am delighted to hear this, and I yield back the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS), a member of the subcommittee that considered the bill.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding.

This bill does represent, as has been stated by the chairman and by the ranking minority member, many, many months of work in trying to put together various parts of a system that unfortunately throughout the years has fallen apart.

There are many people in this Congress who started out as long ago as 2 years ago in working together in trying to correct the quality of service problems on the passenger trains, and also the discontinuance problems that have developed, and this now, with the combined efforts of the Secretary of Transportation and many others, had evolved in this independent corporation.

Mr. Chairman, I think the remarks of the gentleman from Texas (Mr. PICKLE) are very important, and that it will require an updating of equipment to make this program work. We really have established a 5-year interim program for this Congress to move from chaos in railroad passenger service to an orderly type of program.

None of us, and I want to re-echo the words of the gentleman from Tennessee (Mr. KUYKENDALL) and the gentleman from Texas (Mr. PICKLE) as well as the chairman and the ranking minority member, that none of us know specifically all of the things that will happen to the railroad passenger service of America as it evolves through the next 5 to 10 years. We are going to have to continue working on this. The matter will be before this Congress again, I am certain, within this next decade.

We are going to have to be looking at what has been done and what will be done in the countries such as Japan and those in Europe, so as to know how they can run their passenger trains at rates of up to 200 miles per hour. We know that a designated system by the Secretary of Transportation is going to have to have some flexibility. This was built into this bill. It allows communities, if they feel that they need service, and that they have not been placed into the designated system, to come in and obtain that service if they are willing to pay for the losses.

It also provides that during the course of the next few years, the corporation itself may designate, and then may change portions of this system, to meet the changing needs of America.

My particular interest in this bill is the fact that many people when they analyze the transportation problems of America are not aware of the fact that the airplane only carries between 5 percent and 10 percent of the people who travel intercity. The railroad trains are down to 3 percent or 4 percent. The bus has only about 11 percent.

Most of the people who travel now between our urban centers have to go in and out of them by automobile. Any of you who have traveled into the urban centers recently know that they have become more and more congested to the point where it is becoming impossible to travel into these cities by normal vehicle traffic. So we have to maintain these rights of way throughout the country. That is what this bill is for. We have developed a system of rights of ways with less than 5-percent grades connecting the cities of America. The problems of national defense and the problems of increasing urbanization and of moving the people who cannot afford to fly—those problems have to be covered by some kind of ground transportation.

As the gentleman from Texas pointed out, we have available now equipment

that can run 200 or 300 miles an hour. We have to find methods to correct the road beds so that this can be done. We have to be certain we maintain these rights of way so that the connections can take place.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. PICKLE. Mr. Chairman, I want to say that the gentleman from Washington has made a very great contribution to this bill which has been before us and to the passenger train service system. We have met many long hours and I guess we have spent as much time on this one program or approach as we have on any bill before the committee. The gentleman from Washington has made a very important contribution to this bill that we now have before us, and I want to congratulate the gentleman.

Mr. ADAMS. I thank the gentleman from Texas. The gentleman has been one on our committee who has combined not only parts of this bill, but the vision of the high speed ground transportation bill which we recently passed in this House, where we are trying to develop new equipment that will go on this system. We do realize that new equipment will be required.

This is a novel approach—the creation of this new corporation and I certainly wish it every success. I hope the Members of the House during the next 5 years, as it operates will do as I have done, go out and ride these trains and see what is occurring. I have ridden the Metroliner and I have ridden the other service to New York. I think we are definitely going to have to strengthen this type of service throughout the United States.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. EILBERG) for a question.

Mr. EILBERG. Mr. Chairman, there are several members of the Brotherhood of Railway and Airline Clerks who live in my district and a representative from that union talked to me yesterday about a concern that they have with section 405(e) of the bill. This section, as I understand it, provides that the corporation cannot contract work out if employees covered by a collective-bargaining agreement with the corporation or a railroad are laid off as a result of the contracting out. The concern of the Brotherhood representatives in Philadelphia, is that whenever the company has attempted to contract work out in the past, whether or not a layoff has resulted, they have been successful in protecting the rights of their members to perform the work in question. Does this language mean that if a layoff does not result that they can no longer protect against such subcontracts?

Mr. STAGGERS. I am glad that you asked that question. This language is contained in the bill to protect against employees being laid off as a result of the passage of this bill and any subcontracting that the corporation created might deem necessary. It is not intended to, nor does it interfere with, existing collective bargaining relationships between some of the unions and the carriers. If a union has been able to protect against subcontracting by other means this clause does not take away this right.

That is covered on page 11 of the report and the gentleman may read that to be reassured on this point.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. As the gentleman from Texas and the gentleman from Washington both stated, the work on this bill was extremely long and quite tedious at times, and the brotherhoods were outside in the wings at all times. There were many, many instances, including this specific one, in which arrangements to protect the rights of the brotherhoods were worked out, and I can assure you that, with them, with the judgment of both the brotherhoods that were working with us and the members of the committee, these matters were considered and I think handled to the satisfaction of all parties.

Mr. STAGGERS. Mr. Chairman, we have no further requests for time on this side of the aisle.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, with the separation of title IX of the bill pending before the committee, the gentleman from Oregon (Mr. ULLMAN) will be recognized for one-half hour and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for one-half hour, controlling the time for general debate for the Committee on Ways and Means. The Chair recognizes the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, the Ways and Means Committee part in this legislation is a relatively minor one, dealing only with the proper tax treatment to be accorded to the contributions in the form of cash, equipment, or services which the railroads may make to the National Railroad Passenger Corporation.

Under present law, a corporation may deduct for tax purposes ordinary and necessary expenses it incurs in carrying on a trade or business. However, this does not generally include amounts paid to acquire stock, such payments being treated as nondeductible capital expenditures. The payments required to be made to the passenger corporation by railroads under this legislation appear to be, in reality, more in the nature of an ordinary and business expense than a capital expenditure, and where the railroads forgo the receipt of any stock the "ordinary and necessary business" aspect of these payments becomes quite clear. Title IX of the pending bill, which is the only portion of the bill being handled by the Committee on Ways and Means, therefore, provides that a railroad which makes a payment in cash, equipment, or services is to be allowed to deduct the payment for tax purposes in the year in which it is made, but this deduction is available only if no stock in the passenger corporation is issued to the railroad. If the railroad subsequently acquires stock in the passenger corporation, then this tax deduction is to be denied retroactively.

This principle of permitting a deduction where the payments in reality represent a business expense rather than a capital contribution is recognized under present law in the treatment of capital contributions which lenders must make to the Federal National Mortgage Association. Congress recognized, in this case, that part of the payment for the stock of the Association in reality was not a contribution to capital but rather actually was a payment made by the subscriber so that he would be permitted to sell mortgages to the Association. As a result, it provided that any excess of the issue price of the stock in these cases over its fair market value is to be treated as an ordinary and necessary business expense. The problem presented in this bill is essentially the same except that the value of the stock of the Passenger Corporation cannot be determined. However, the Committee on Ways and Means is of the opinion that in those cases where the railroad is willing to forgo entirely the receipt of capital stock for its payment, it is clear that the nature of this payment is essentially that of relieving them of the obligation to carry on railroad passenger service and, therefore, represents an ordinary and necessary business expense.

Another justification for permitting a deduction of the payments made to the Passenger Corp., in those cases where capital stock is not issued lies in the fact that these payments remove the requirements for the provision of passenger service by the railroad, which would have resulted in tax deductible losses. To a railroad which deducts a passenger service loss against income derived from other lines of service, it is clear that this loss is only approximately one-half as significant as a loss which cannot be offset in this manner. It would appear that permitting the payment—which is measured by the passenger service loss—to be deducted as provided in title IX better reflects the real net obligation the railroad is being relieved of.

The Committee on Ways and Means is of the further belief that the allowance of deduction in these cases is essential if the railroads are to offer the passenger corporation a sufficient proportion of all passenger car service in the country to enable it to develop a viable nationwide service.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think it is necessary to add a detailed explanation to the remarks made by the gentleman from Oregon (Mr. ULLMAN).

The Committee on Ways and Means received from the Committee on Interstate and Foreign Commerce a request to consider changes in the tax law, and these changes are included in title IX of the bill. The philosophy of title IX did not originate in the Ways and Means Committee, although we did study the proposal and found it meritorious.

I think the tax provisions of the bill will lend encouragement to the railroads to join in this program and the success of the program depends upon the support of the railroads. What the tax provision really does is give another

alternative to a railroad that desires to turn over its passenger service and pay the corporation for taking over that responsibility.

The bill permits the railroads to relieve themselves of the passenger service operations they are currently required to provide in exchange for payments they are required to make under the bill. They can do this by turning over the routes they have to the new corporation and paying—under the general method prescribed in the bill—one-half of the loss that they sustained during 1969. In return for that payment, either in cash, equipment, or services, they would be given stock.

We understand that there are railroads not attracted by this option that would favorably consider paying the obligation in money, kind, or services if they are permitted, instead of taking the stock, to take a tax deduction for the value of their contribution. This is an additional alternative that we provide in title IX.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, in the subcommittee we had a discussion of one of the points. I want to find out if it was discussed in the gentleman's committee. That is the question of who will take each option. It occurred to us that possibly the non-moneymaking railroads would take stock, and the moneymaking railroads would not take stock. Therefore, we would end up with the moneymaking railroads with no ownership whatsoever in the corporation and the railroads that do not know how to make money with ownership in the corporation, and it seemed to us we would be defeating our purpose a little bit with this idea. Was this discussed?

Mr. BYRNES of Wisconsin. It was. Frankly, the general feeling was that we could not make a judgment as to what alternative any given railroad would take.

Mr. KUYKENDALL. So the committee did not consider this a potential danger to the corporation?

Mr. BYRNES of Wisconsin. I think the feeling we had was that the important goal was to get a corporation established, as proposed by this legislation, that would manage the severely declining passenger service network in the United States on a viable basis, so that the people would be assured of service rather than end up a few years from now with no rail transportation.

Somebody is going to have to step into the present vacuum. I think we were more concerned with the necessity to encourage development of the new corporate structure that is desired than we were with speculating as to who might take stock and who might not.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Oregon.

Mr. ULLMAN. I believe we were also concerned that all the roads come in, not just the losing roads or the profitable roads. This alternative tax treatment, we felt, would bring in all the roads and thus would bring in management capability.

Mr. KUYKENDALL. Mr. Chairman, if the gentleman will yield further, there was no question in my mind that the two main goals were to be sure the corporation would exist and to give equitable tax treatment to encourage everyone to join. The only point I mentioned to the gentleman from Wisconsin was one we discussed, and he does assure me it was discussed thoroughly.

Mr. BYRNES of Wisconsin. I might suggest to the gentleman that one of the factors determining whether a specific railroad might desire to have stock or desire to have the loss writeoff is that if a railroad is consistently losing money it is not paying any taxes so the writeoff is of no particular assistance. A railroad currently in a loss posture would probably take stock. Then at some future date, if the stock were not worth anything, they could dispose of the stock and take a capital loss.

The only point I am trying to make is that we cannot say what the moneymaking railroads will do, whether they will take stock as against the writeoff, or what the railroads operating at a loss will do. They will have to carefully evaluate their current and anticipated operations over a considerable period of time.

We could not make a judgment as to who would do what. We therefore looked at the overall merits and equity of the proposal, and the desirability of trying to assist in the development of this new corporate network to render passenger service.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. We appreciate very much the work that has been done by the Ways and Means Committee. I just wanted to be certain in the debate it was reflected that it was the thought from the Committee on Interstate and Foreign Commerce, and particularly the subcommittee which worked on this, that we wanted all the railroads in that corporation if it were at all possible. We did want to give them the relief that they could write off their losses, and even as the gentleman from Tennessee mentioned the moneymaking ones, because we felt without the strength of the moneymaking roads being reflected on that board, both as directors and as officers, we might have trouble making the corporation viable. I hope that thought runs through this debate, so that those dealing with the corporation in the future will understand what was our intent in creating this corporation in this bill, which is to give the best of American railroading, to get those people to run the passenger system.

Mr. BYRNES of Wisconsin. I believe that was the viewpoint which existed in the Ways and Means Committee in considering this proposal. We wanted to provide encouragement to provide coverage on an equitable basis of 100 percent of the passenger service, if that is possible, under the new corporate structure, or to come as near to this goal as we can.

I believe the gentleman feels that is the essential ingredient. We got that message from his committee. Therefore, in considering the tax aspects of this proposal, we kept this basic objective in mind.

Mr. ADAMS. At the end of 3 years, if they have completed and washed out their agreement with the corporation, it is my understanding they could then buy stock if they wanted to. During the 3 years they could not, or the deduction would be lost, but once they had cleared out their contract they could do so.

Mr. BYRNES of Wisconsin. That is correct.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 17849 which would preserve intercity rail passenger service by creating a National Railroad Passenger Corporation. I have long followed with dismay the ever-decreasing quality and quantity of rail passenger service in the United States. As the ranking minority member of the House Appropriations Subcommittee on Transportation, I have had ample opportunity to study this tragedy and to recognize its very serious consequences for the Nation as a whole.

That is why I have repeatedly called for an end to it. On September 23, 1969, I joined some of my colleagues in legislation that would have authorized the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service. I see no need, Mr. Chairman, to elaborate on the current quality of this service in the United States. My record at hearings before the Transportation Appropriations Subcommittee is very clear. I think the quality of passenger service is terrible, and I urge those who entertain doubts about this to get on any regular passenger train here and compare it to the trains that criss-cross the European continent.

But it may take some doing to find a passenger train anymore. The committee report notes that of some 20,000 passenger trains in 1929 in the United States, only 500 are left—and over 100 of these are presently in the process of discontinuance proceedings before the ICC.

The situation in New England, and specifically in the First District of Massachusetts, which I represent, is very, very bad.

On April 24, 1970, I testified to the ICC in Springfield, Mass., in opposition to the proposal by Penn Central Railroad to curtail service from New York City to New Haven and Springfield and Boston, Mass. Among other things, I said:

> It is apparent to me that this curtailment is only the latest chapter in the recent annals of increasingly intolerable railroad passenger service. There is absolutely no excuse for this downward spiral of passenger service quality and quantity to continue.

I also sent a telegram to Chairman George M. Stafford of the ICC to the same effect.

On May 21, 1970, I testified to the ICC in Pittsfield, Mass., to oppose the proposal by Penn Central to discontinue trains numbered 427 and 428 which ran from Albany through Pittsfield and Springfield to Boston. I said then:

> From my point of view and that of the many who still rely on this service, no time

would be the right time for the end of the Eastern States Express.

And then on July 13, 1970, I again stated to the ICC in Pittsfield to protest the proposal to eliminate the last four trains between Pittsfield and Danbury, Conn.

There must be an end to this tragic decline in rail passenger service. For that reason, Mr. Chairman, I strongly support the proposal to create a Rail Passenger Corporation and urge my colleagues to do likewise.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Oregon.

Mr. ULLMAN. I believe the record should show, in answer to the question of the gentleman from Tennessee, that the makeup of the Board will be as follows: eight members of the Board are to be selected by the President, three by the common stockholders, and four by the preferred stockholders. The railroads would only have access to three of the Directors, whereas the President would be appointing eight. So I do not think you could say this would be managed by losing railroads.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Rhode Island.

Mr. ULLMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, title I through title VIII of the committee substitute printed in the reported bill will be read for amendment under the 5-minute rule. The rule also provides that title IX shall be considered as read and that no amendments are in order to that title of the committee substitute except amendments offered by direction of the Committee on Ways and Means.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Act of 1970".

Mr. STAGGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17849) to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high-speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, had come to no resolution thereon.

AUTHORIZING SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 775) authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14 to November 16, 1970, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "House" and insert "Congress".

Page 1, line 4, after "Senate" insert ", the President pro tempore, or the Acting President pro tempore,".

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING TO RECEIVE MESSAGES FROM SENATE NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until November 16, 1970, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING PRINTING OF REPORTS FILED WITH CLERK FOLLOWING ADJOURNMENT BY COMMITTEES AUTHORIZED TO CONDUCT INVESTIGATIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until November 16, 1970, by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 91st Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 16, 1970, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY, NOVEMBER 18, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, November 18, 1970, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished majority leader why this request comes, and at this particular time?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we have three bills that are up for consideration tomorrow, and there may be other minor matters. It is only to accommodate the membership so they will not have to stay around for a late session tomorrow night. That is the only reason. There is no special reason.

Mr. HALL. I would like to point out to the distinguished majority leader it may accommodate the membership as a whole, but it raises havoc with committees that are scheduled and people and witnesses who have planned to appear before those committees in the morning.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, of course, I normally do not like to make this request. I was of the opinion that at this stage of the game there probably would not be many committee sessions.

Mr. HALL. I can only speak from my own personal experience, Mr. Speaker. It certainly involves me in two different instances insofar as subcommittees of the Committee on Armed Services are concerned.

Mr. ALBERT. Would the gentleman from Missouri be less inclined to resist if we made it 11 o'clock, and if there were committee meetings, they could at least do 1 hour's work?

Mr. HALL. I would be very much less inclined to object.

Mr. ALBERT. Mr. Speaker, I change my request and ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PICKLE. Mr. Speaker, reserving the right to object, I was not on the floor, but as I understand it one of the

bills that might be scheduled tomorrow is the manpower legislation?

Mr. ALBERT. The gentleman is correct.

Mr. PICKLE. Is it anticipated that the bill will be brought up and be voted on to conclusion tomorrow?

Mr. ALBERT. That is my understanding.

Mr. PICKLE. Mr. Speaker, further reserving the right to object, how much debate is allowed on this issue?

Mr. ALBERT. It has a 2-hour rule.

Mr. PICKLE. I would not want to certainly interfere with the plans but this is a matter which has met with considerable objection, at least from my State level, and I was hoping that we might have considerable time to go into it. But if you bring it up tomorrow and in 2 or 3 hours dispose of it, we might not have an opportunity to really hear from the various State agencies and mine in particular.

Mr. ALBERT. Well of course it has been programed since last week. The 2-hour limitation only affects general debate. It does not affect the 5-minute rule and amendments offered thereunder during the consideration of the bill.

Mr. PICKLE. Mr. Speaker, I was in the hope that it might be carried over until after the recess, but the plan now is to take it up tomorrow?

Mr. ALBERT. That is the plan.

Mr. PICKLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTE PAID TO DR. M. D. MOBLEY

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. LANDRUM. Mr. Speaker, recently, on August 11, Dr. Jack P. Nix, the distinguished and able superintendent of schools for the State of Georgia, paid tribute to Dr. M. D. Mobley at the unveiling ceremony of an oil portrait donated by his family at the building named in his honor at the Georgia FFA–FHA youth camp. Dr. Mobley was the forceful executive secretary of the American Vocational Association for many years and his personal visits and expert committee testimony will be recalled by many Members of the House of Representatives and the Senate, so I believe many of you will be interested in the remarks of Dr. Nix. They follow:

SPEECH BY JACK P. NIX

Farmer, teacher, state supervisor, teacher educator, state director, executive secretary, author, editor, orator, politician and humanitarian are all terms that fit the description of M. D. Mobley's career in public education. We in Georgia are honored that his career began in this state.

Mayor Dennis Mobley was born on May 2, 1899, on a small farm in Paulding County, Georgia. It was his love of the land and his desire to work with people that prompted him to study to be a teacher of vocational agriculture. After completing work for a B.S. degree in agriculture at the University of Georgia, he served as a teacher of agriculture for five years. He then served as associate professor of agriculture at the University of Georgia for two years. In 1928, he was made assistant state supervisor of agricultural education. This was the year he organized the Future Farmers of America in Georgia and became the first state advisor.

In 1930 Dr. Mobley earned the Master of Science Degree at Cornell University and returned to Georgia where he was assigned new duties as assistant state director of vocational education. In 1936 he was named state director of vocational education—supervising and directing all phases of vocational education, including vocational agriculture, home economics, trades and industry, distributive education and occupational guidance.

Dr. Mobley's unique sense of timing, of protocol and the need for action functioned perfectly to motivate his statesmanship in vocational education. It was during his tenure as state director that a new outlook for vocational education developed.

This man experienced the value of vocational education himself and found that the program reached into the very heart of America's greatness—the dignity of the individual. This is perhaps a clue to his successful career, for he never lost sight of the fact that vocational education is highly socio-economic in in its orientation—it helps people to find jobs in which they can succeed and it does in fact raise the standard of living.

One of Dr. Mobley's talents was his ability to get to know people and to establish the most cordial of relationships—personal and professional.

He had a warm relationship with legislators, Governors and others in state government and never failed to put his shoulder to the wheel for vocational education.

It was because of Dr. Mobley's outstanding leadership and devotion to vocational education that he was asked to serve as executive secretary of the American Vocational Association in 1951. Even though we in Georgia lost him at the state level, there was never any doubt that vocational education nationally would benefit from having this great man as a leader.

It has often been said that the great asset of the American people is not their tremendous natural wealth but their ability to organize and utilize the country's human resources. The Mobley talent in organizing the human resources of AVA members was without equal. He could muster the right team on a moment's notice for any occasion and he could urge the team into action.

For 30 years, beginning with the George-Deen Act, M. D. Mobley was personally involved in every bit of vocational education legislation—the bills and the appropriations. Members of Congress consulted with him frequently on a variety of measures. His reputation as "Washington's most successful lobbyist" was well founded.

Four Presidents and a decade and a half of Senators and Representatives learned that when they got the word from Dr. Mobley, it was the truth. In every session of Congress, committee hearings on education at one time or another take up the matter of vocational education. Dr. Mobley provided the committees with personal testimony from vocational educators throughout the nation. The points of view of teachers, supervisors, local directors, state staff personnel, university professors and in fact, of every facet of vocational education were provided for these committees; Dr. Mobley saw to it that vocational education problems were examined in depth. This approach, the committees liked.

Of course Dr. Mobley was "on call" for testimony and supporting documents whenever individual Congressmen or committees desired to review some particular aspect of vocational education and its related problems. On one occasion, when cuts in vocational education funds were under consideration, Dr. Mobley was asked to comment on the effect a small cut would have on vocational education. He told this story.

"One morning the circus was unloading its 10 elephants at the railroad station. They moved out of the railroad yard single file, with each elephant holding by its trunk to the tail of the one ahead. Before the last elephant could cross the mainline track, a fast express hit him broadside. Now you could rationalize that the owner lost only 10 percent of his elephants—that isn't much—he still had 90 percent of them left. But, Mr. Senator, when that train hit the last elephant the impact was so hard that it jerked the tails out of the other nine."

The cut was restored.

Dr. Mobley had a deep and abiding interest in international education and was a participant in the international program of vocational education. Shortly after World War II he was a consultant to the War Department in Georgia; for several months in 1957 he served as consultant in Pakistan. His contribution to international education included service in India, Thailand, the Philippines and Jamaica. He was called to Turkey to review a plan for the re-development of vocational education in that country. He never doubted that vocational education is essential to the social and economic development of the nations of the world and encouraged the participation of vocational educators of the United States in international programs of education.

There is no end to the honors that have been extended to M. D. Mobley. He worked with educational groups in all but two of the 50 states; his membership on committees and commissions was long indeed. Metal plaques and printed citations by the dozens accord him honor. This FFA–FHA Camp is living tribute to this great American and the genuine love he had for people—especially young people. I think perhaps the last time he visited the Camp was in 1960 when he took part in an open house program. Those of you who were in attendance that day may recall how he told with deep emotion of his pride in the Camp and in the youth of this State. I think it is only fitting that his portrait should hang in this building bearing his name to remind boys and girls and other visitors to the Camp of M. D. Mobley's true devotion to his state, his nation and to all mankind.

He truly made the world a better place in which to live because he had the privilege of living in it. I am confident this was his ultimate goal in life and he attained his goal.

Dr. Mobley's philosophy was summed up in this poem, "A Boy," Author unknown.

"A BOY

"I took a piece of plastic clay
And idly fashioned it one day;
And as my fingers pressed it still
It bent and yielded to my will.
I came again when days were past
The bit of clay was hard at last;
My early impress it still bore
And I could change its form no more.

"You take a piece of living clay
And gently form it day by day;
Moulding with your power and art
A young boy's soft and yielding heart.
You come again when years are gone
It is a man you look upon
Your early impress still he bore
And you can change him nevermore!"

(Author unknown.)

This was M. D. Mobley.

WORLD LAW DAY—NOVEMBER 25

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, I am introducing a resolution today asking the President to designate November 25 as World Law Day. The proclamation initiating World Law Day has already been passed by the United Nations General Assembly, and ceremonies are scheduled to be held in Paris in cooperation with the Center for World Peace Through Law and UNESCO. By giving due recognition to this day, this Congress and the President would be demonstrating America's firm support for the principles behind this important effort.

In the context of recent international and domestic events, we might perhaps ask whether such a proclamation can have any meaning. When citizens can be harassed and their lives endangered by the act of a few individuals consumed by hate and bent upon willful destruction, should we give recognition to something called World Law Day?

I say that it is because of these violent events that World Law Day must be made to have meaning. We must realize that man does not live merely for the present. Indeed, one of the things that has kept civilization alive in its darkest hours is the hope for a better future. Very often, this hope for a better future was intimately tied to the hope for the rule of law. Today, there is this same hope, and it revolves around the rule of law—with the important qualification that this law be just.

The specific thrust of the resolution emphasizes the need for legal education. It has long been recognized that a well-trained and adequate-sized legal profession is mandatory for peaceful and orderly development within a society. It is further recognized that rights of individuals can be guaranteed only where the rule of law exists. Given this context, I believe that we must insure the existence of a well-trained legal profession.

Yet today, there are ill winds in our society. Many feel that we have been moving further away from adherence and respect for the law. Rather, it appears that more people are showing more overt contempt for our legal system than ever before. The reasons for this are not inherently obvious, but some hypotheses may be offered.

It may be that acts which coerce obedience from a man by unlawful means is by definition an act of oppression. Our criminal justice system, for example, in an attempt to coerce this type of obedience may actually destroy any respect for the legal system. The fact that 70 percent of all crime in this country is committed by recidivists—those individuals who at some other time had a run-in with the law—seems to demonstrate that something is seriously wrong with the process by which we are trying to instill some respect for a code of legal justice.

At the same time, the work of the law enforcement official is crucial for the preservation of our society. The law itself must be vigorously enforced, for to do otherwise would be to enforce license in our society. Where law is not enforced in a society, the society in question is signing its own death warrant.

When then is the reconciliation between these two needs which seem polar opposites? The answer is difficult, but it seems to lie somewhere in the principles contained in World Law Day. The legal system as we know it in this country remains basically invisible until there is the necessity for some sort of confrontation between an individual and the processes that comprise the system. Problems arise when the individual suddenly becomes caught up in the process.

Inherent in a democratic society should be the devising of methods for involving members of the community in order to make known the machinery for handling complaints. These methods do not exist today. Here the lawyer and the law enforcement official can work together to educate and give the people confidence in the processes involved in criminal justice. They can act to insure that the complaints be handled properly and speedily.

The recent riots in New York's prisons seem to demonstrate that these complaints are not being handled adequately. Right to counsel, speedy trials, better living conditions, and bail reform are just some of the grievances expressed by the prisoners.

What we must recognize is the rectification of these injustices is intimately tied to the ultimate goal of respect for the law and that the latter will follow from the former. We must demonstrate, if our system is to have any meaning in the future, that justice does work, and does not infringe upon individual liberties and detract from personal self-respect in the process.

It is in this context that I am introducing the resolution to recognize November 25 as World Law Day. Although our society is far better than most systems in the world community of nations, it is far from perfect. World Law Day may provide the context for some closer scrutiny of our own system.

A man trained in the law can be instrumental in bringing about any needed reforms. He needs to be given sufficient enforcement and trust. The passing of this World Law Day resolution would provide this recognition.

PUBLIC SERVICE BY DRUG FAIR DRUGSTORES

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is sad but true that this body's Select Committee on Crime, which I have the honor of serving as chairman, has of late had few kind words for those in the drug industry. Our extensive hearings into the problem of drug abuse has shown that legitimate businesses often contribute, usually unknowingly, to the problem by supplying the drugs or materials used to package them.

We have found, for example, that ethical drug companies produce millions more amphetamines than are needed to fulfill the legitimate need. And, as our hearings in New York and those in Washington have shown, pharmaceutical firms often find themselves in the position of being suppliers of empty gelatin capsules, dextrose, lactose, and quinine to heroin pushers.

Therefore, I was particularly pleased when I saw in yesterday's edition of the Washington Post a full-page advertisement headed: "Parents—we think you should know as much about drugs as the average pusher."

This advertisement, published as a public service by Drug Fair, the Washington-based drug chain, is a lucid explanation of the kinds of drugs used today and the various symptoms they cause. It is a highly valuable piece of public service advertising and I am sure that many of the newspaper's readers learned a great deal. Since education is one of the most important tools in the fight against drug abuse, I must say that Drug Fair, and Dr. Milton L. Elsberg, president of the company, are in the front lines of the fight.

I might add that during our heroin paraphernalia hearings here last week, we called a representative of Drug Fair in order to clearly establish for the record that no legitimate drugstore needed the No. 5 gelatin capsules used to package heroin. Drug Fair does not sell these capsules, and they do not sell them because they know what they are bieng used for. This, Mr. Speaker, seems to me to be just the kind of public-spirited attitude on the part of businessmen that can materially help to solve our Nation's problems.

That Drug Fair spent about $3,000 of its own money to help alert citizens to the dangers of drug abuse strikes me as an attitude worthy of emulation by other businesses.

Mr. Speaker, so that my colleagues may share this fine advertisement, I include it in the RECORD at this point:

PARENTS—WE THINK YOU SHOULD KNOW AS MUCH ABOUT DRUGS AS THE AVERAGE PUSHER

Sometime soon you're going to have to talk to your teenagers about drugs. The sooner the better. We hope this page gives you something to start talking about. Because we want you to get to your kids. Before someone else does.

THE OPIATES

When most people refer to "narcotics" this group of drugs is what they are talking about. Opiates are used medically as pain killers. On the street they cause pain for the user and society in general.

Opium: A white powder from the unripe seeds of the poppy plant. Opium can be eaten, but it is usually smoked in an opium pipe.

Morphine is extracted from opium. It is one of the strongest medically used pain killers, and is strongly addictive.

Heroin: This strongly addictive drug is prepared from morphine. Outlawed even from medical use, heroin is the most commonly used drug among addicts. It can be sniffed, injected under the skin, or into a vein. Street slang for heroin includes "scag," "smack," "H," or "junk."

"On the Nod" or nodding. The state produced by opiates. Like being suspended on the edge of sleep.

Mainline or "to shoot up"—injecting a drug into a vein.

"A Hit": Street slang for an injection of drugs.

Works: the apparatus for injecting a drug. May include a needle, and a bottle cap or spoon for dissolving the powdered drug.

A Fix: one injection of opiates, usually heroin.

Junk: heroin, so named because it is never pure as sold on the street.

Junkie: an opiate addict.

Skin Popping: to inject a drug under the skin.

A Bag: packet of drugs, or a single dose of an opiate. Amount of the drug in the bag is denoted by price, a nickel bag ($5), a dime bag ($10).

"Cold Turkey" describes the withdrawal that occurs after repeated opiate use. The addict can become irritable, fidgety, perspiration increases, there is a lack of appetite. The main problem in discontinuing opiate use is not *getting* off the drug, it's *staying* off.

Track: scars on the skin left from the repeated injection of opiates.

Overdose: cause of over 200 teenage deaths in New York City last year. Death is caused because the part of the brain that controls breathing becomes paralyzed.

Addiction: physical dependence on a drug, so that when the drug is taken repeatedly, and stopped suddenly, physical withdrawal occurs.

THE STIMULANTS

These drugs stimulate the system, or make a person more lively. While they are not physically addictive like the opiates, they produce a psychological dependence or craving.

Amphetamines: these stimulants are taken in tablet or capsule form, or injected into the blood stream. Among the widely used amphetamines are:

Dexedrine—or "dex" or "dexies".
Benzedrine—or "bennies".
Methedrine—or "speed"
or "crystal meth".
Biphetamine—or "footballs".

Speed Freak: person who repeatedly takes amphetamines or "speed," usually intravenously.

Mental Effects of "Speed": amphetamines produce a decreased sense of fatigue, increased confidence, talkativeness, restlessness, and an increased feeling of alertness. As dosage increases amphetamines can produce irritability, distrust of people, hallucinations, and amphetamine psychosis.

Amphetamine Psychosis: a serious mental illness caused by overdoses or continued use of amphetamines. The person loses contact with reality, is convinced that others are out to harm him. The most frightening part—this psychosis sometimes continues long after the person has stopped taking the drug.

Rush: the brief heightened state of exhilaration at the beginning of a high.

Crashing: withdrawal from amphetamines, the swift descent from an amphetamine high to severe lows of depression.

Cocaine: another kind of stimulant, derived from cacoa leaves. It is sniffed as a white powder, or liquefied and injected into a vein. It produces a fast and powerful feeling of elation. Cocaine does not produce physical dependence (addiction), but does produce a strong psychological craving.

Coke: street slang for cocaine.

PSYCHEDELICS

The medical classification of all mind altering substances. "Phychedelics" change a persons perception of his surroundings.

Hallucinogens: Those psychedelics which cause hallucinations.

LSD: probably the most powerful psychedelic. Reactions to LSD are extremely unpredictable. Distortions in time and space. Brighter colors. Vivid sounds. Feelings of strangeness. A sense of beauty in common objects. Sometimes fear and panic. Sometimes even psychosis.

Flashback: a user can be thrown back into the LSD experience months after the original use of the drug. Other possible risks of LSD, which are being thoroughly researched, include brain damage and chromosome breakage.

Acid: a slang term for LSD. A frequent LSD user is an "acid head."

Drop: to take any drug orally. LSD is usually dissolved in water, and may be placed on a sugar cube. The term is to "drop acid."

DMT: a powerful psychedelic prepared in the laboratory as a powder or liquid. It is usually injected into the vein or smoked along with marihuana or in cigarettes.

Psilocybin: this psychedelic comes from a mushroom. It is less potent than LSD and takes a larger dose to get the effect.

Peyote: from the peyote cactus, causes pronounced visual effects. It is used in a religious ritual by some Southwestern U.S. and Mexican Indians and its use in these rituals is legal.

Mescaline: "mesc" is the common name for this drug which also comes from the peyote cactus. Stronger than peyote itself, mescaline also causes vivid visual impressions.

DOM: called STP by users. The effects of STP can last for two or three days.

Marihuana: the crushed and chopped leaves and flowers from the hemp plant. Sometimes smoked in cigarette form. Sometimes smoked in pipes. Reactions can be: a giddy feeling like drunkeness; changes in perception and mood; feelings of well-being or fear; and possibly hallucinations. Slang terms for marihuana are "grass" or "pot".

Joint: a marihuana cigarette.

Roach: the butt end of a joint.

Stoned: describes the intoxicating effect of marihuana, or really any drug, or alcohol.

Hashish: called "hash". Also prepared from the flowering tops of the hemp plant. Hashish is smoked in a pipe or taken orally, and is more powerful than marihuana.

THC: tetra hydro cannabinol. Purified extract of the resin of the hemp plant. Also made in the laboratory. It is thought to be the substance in marihuana and hashish that causes the mind altering effects of these substances.

Trip: a name for the reaction that is caused by a psychedelic drug. A bummer is an unpleasant or frightening trip.

Head: someone who uses drugs frequently.

THE DEPRESSANTS

The category of drugs that depresses the functions of the brain.

"Downs": street slang for depressants.

Alcohol: ethyl alcohol, a depressant because it slows the functions of the brain that control thinking and coordination. In high doses it produces drowsiness and sleep. Alcohol is an addictive drug, since after prolonged or continued use, it can cause physical dependence (alcoholism), and when discontinued, causes withdrawal symptoms at least as serious as the other addictive drugs.

Barbiturates: these drugs are in the group called sedatives—medicines to make you sleepy. Barbiturates are taken in capsule or tablet form. They cause physical dependence (addiction), and after repeated use, physical withdrawal does occur when these drugs are discontinued. Among the common commercial names for barbiturates are: *Seconal* or "red devils," *Nembutal* or "yellow jackets," *Amutal* or "blue havens" or "blue-devils," *Luminal* or "purple hearts," *Tuinal* or "rainbows" or "double trouble."

Barbiturate Overdose: more people in the United States die as a result of an overdose of barbiturates (usually suicide) than of any other single substance.

Intoxication: sedative or tranquilizer intoxication is similar in its symptoms to alcohol intoxication. Driving while intoxicated can be extremely dangerous, and is thought to cause at least 25,000 traffic fatalities a year.

Tranquilizers: drugs that calm tension and anxiety. These drugs do not cause sleep except in high doses. Tranquilizers are taken in capsule or tablet form. Some common commercial names for tranquilizers are: *Equanil, Milltown, Librium,* and *Valium.*

INHALANTS

Among substances which are inhaled and produce a high are: glue, gasoline, lighter fluid, and refrigerants. Continued inhaling has been reported to cause severe anemia, liver damage, brain damage, and death.

Prepared as a public service for the Boston Globe in consultation with David C. Lewis, M.D. Dr. Lewis is the author of *The Drug Experience: Data for Decision-Making,* a course for schools and community groups, published by CSCS, Inc., Boston.

Published as a public service by Drug Fair.

FOOD STAMP PROGRAM HAS BECOME DISTORTED

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I am distressed over recent reports announcing that Federal food stamps are being handed out to some 30,000 striking members of the United Auto Workers who are striking against General Motors in Detroit.

I was the only Congressman who offered minority views in House Report No. 91–1402, the report relating to H.R. 18582, amendments to the Food Stamp Act of 1964, and, frankly, I was feeling a little lonely. Now, it is interesting to note, many of my colleagues are taking another look at this food stamp program and wondering if the program is sound. In addition, I am beginning to receive mail in my congressional office speaking out against issuing food stamps to strikers. I am no longer feeling quite so lonely.

Mr. Speaker, there is not a Member in this House of Representatives who objects to any deserving individual receiving assistance under the food stamp program, and originally the plan was conceived to help those who were confronted with economic distress because of no fault of their own. When a person goes on strike, however, he does it of his own free will or in accord with the dictates of his union, and his unemployment occurs not because of misfortune but rather through choice.

Frankly, I object to such use of food stamps for two reasons. First, it is a doctrine basic to our American system that the Federal Government should not play any favorities. Uncle Sam is obligated to treat all of his citizens alike. Under this program where food stamps are being handed out to strikers, however, the Federal Government is abandoning the theme of equal treatment and is being partial to the striker over the employer. In short, the Federal Government is taking sides. This raises the serious question of whether or not General Motors should not expect special treatment from the Federal Government for any losses resulting from this strike.

Second, we must remember that there is one person footing the bill for the food stamp program, and that is the taxpayer. Should one taxpayer who is, by choice, gainfully employed be expected to subsidize another taxpayer who is, by choice, unemployed? I have received

letters from taxpayers who strenuously object to this, one of which stated as follows:

They say the workers in Detroit need help because their income has stopped. Well, that is too bad. Let them go back to work.

Over and above all of this, such use of food stamps can act to prolong the automobile strike and, in the process, visit an economic negative on our total economic structure. For instance, one worker paid $18 and received stamps with which he can buy $162 worth of groceries, and he was prompted to say:

They can't starve us out now that we're getting these food stamps. We can go on forever.

Such a use of food stamps also shatters the concept of collective bargaining, where each party to a labor dispute is supposed to use his own competence in effecting a resolve of the problem. Collective bargaining becomes protective bargaining under this arrangement.

Mr. Speaker, the food stamp program has become distorted as I feared it might. It is incumbent on us, as legislators, to right this wrong. I will continue in the present and future, as I have in the past, to attempt to restore the program to its proper "assistance to the needy" form, which was the program's original concept.

DISTRICT OF COLUMBIA STADIUM IS HUGE FINANCIAL MILLSTONE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. GROSS) is recognized for 15 minutes.

Mr. GROSS. Mr. Speaker, some may recall that from time to time over the years I have risen in this Chamber to protest the unconscionable use of the taxpayers' money to build a sports arena here in Washington that benefits only the local residents.

I warned many years ago that the District of Columbia Stadium—since renamed—would be a huge financial millstone around the necks of both the residents of the District of Columbia and the rest of the taxpayers across the Nation whose money so heavily subsidizes the government of this city.

Now, Mr. Speaker, we have the latest and perhaps the most brazen of the attempts to make the long-suffering wage earners elsewhere in the country pay for this local sports palace.

I refer, of course, to the pitiful bleats emanating from the wealthy owner of the Washington Senators, Robert E. Short.

It seems that Mr. Short—incredibly—wants the Congress to subsidize a major league baseball team and, not coincidentally, to bail him out at the same time.

Well, I, for one, am at the end of my patience with this sort of thing.

The taxpayers of the Third District of Iowa have had their pockets picked to subsidize ballet dancing and concerts on the banks of the Potomac, and to help build a sports stadium at the other end of town and now here we have an arrogant demand—beefed up by a bald-faced blackmail threat—that they help pay the freight for a baseball team that never plays any closer to their homes than Milwaukee.

Mr. Short has been running his business in exactly the same way that certain politicians have been runnning this country for the last decade—constantly spending far more than was coming in.

The result—as I and a few others have predicted—is financial calamity.

If Mr. Short chooses to run his business in such a fashion, that is strictly his affair and absolutely none of mine.

But when he attempts to saddle the Nation's taxpayers with the result of his folly, it is time to inform him that he has just struck out.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Total horsepower of all prime movers—such as mechanical engines and turbines—in the United States from 1940–69 increased from 2,773 million to 18,781 million.

CONGRESSMAN WHALEN SUPPORTS THE PRESIDENT'S VETO

The SPEAKER. Under a previous order of the House, the gentlemen from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, it was with great reluctance that I voted against S. 3637 on September 16. I say this because there is a great need to keep political campaign spending within reasonable bounds. Candidates for public office should not be in a position to buy their election through the expenditure of huge sums of money for media exposure.

Unfortunately, S. 3637 fails to achieve this objective. Further, as passed by Congress, it discriminates against certain types of media and is inequitable in its treatment of nonincumbent candidates.

Specifically, I vote against S. 3637 for three reasons.

First, it limits television and radio advertising but places no restriction upon expenditures for billboards, direct mail, newspaper advertisements, and other forms of solicitation.

Second, total advertising expenditures are not limited. Thus, the wealthy candidates, or the office seeker who has substantial financial backing, can increase his use of other media to compensate for the limitation which S. 3637 imposes on radio and television advertising.

Third, S. 3637 is obviously a proincumbent bill. During their tenure in office, most incumbents receive literally thousands of dollars of free radio and television exposure. Then, as election day draws near, the incumbent's adversary is piously told, in effect:

Despite the fact that your opponent has received thousands of dollars of free coverage during the past 21 months, you are prohibited by law from attempting to compensate for his advantage.

I am pleased to note that on October 12, President Nixon, for substantially the same reasons, vetoed S. 3637. I plan to vote to sustain the President's veto if, and when, this measure reaches the House floor.

THE PRESIDENT'S VETO OF THE POLITICAL BROADCASTING ACT

The SPEAKER. Under a previous order of the House, the gentleman from Delaware (Mr. ROTH) is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, I would like to express my regret that the President has seen fit to veto S. 3637, the Political Broadcasting Act. For 45 years Congress has wrestled with the problem of how to legitimately control expenditures in political campaigns. With the advent of television campaign broadcasting the cost of political campaigns has increased at an unprecedented pace. In 1967 every witness appearing before the Senate Finance Committee lamented the fact that campaign spending was getting out of hand. My colleagues will recall that those hearings were held subsequent to the Senate's shelving of the Presidential Campaign Fund Act passed a year earlier.

We in Congress became even more aware of the incredible and awesome proportions of campaign spending following the 1968 elections. The best estimates we have indicate that somewhere around $300 million was spent by political candidates at all levels in that year. This figure represents a 50-percent increase over expenditures in 1964, which were estimated at $200 million. Since 1952, the first year for which we have anything approaching a reasonable estimate, campaign expenditures have increased by more than 100 percent. Returning to 1968, we have a firm estimate of about $100 million being spent on the presidential election alone. Included in that figure are expenditures prior to the national conventions.

We know that a major contributor to soaring costs is television and radio advertising. On the basis of reports made to it by the media, the Federal Communications Commission reported that $58.9 million was spent on political broadcasting activities related to elections in 1968, a 70-percent increase over comparable 1964 figures. Television broadcasting accounted for 64.5 percent of the 1968 total.

The Political Broadcasting Act was not a perfect bill, but it was a start, the proverbial foot in the door. For this reason, I must take exception to the President's veto.

We are in an era of institutional reform and this legislation was a reform greatly needed.

CAMPUS SPEAKERS TURNED FUGITIVE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, on scores of occasions over the past decade I have cited the peril to our domestic order contained in the very small but effective coalition of Communists and radi-

cal leftists on American campuses. Utilizing the confrontation device, these radicals have made many college administrators back down in face of administration building takeovers, guns on campus, and even seizure of administration officials.

The Communist and radical leftist speaker on campus has been a particular problem. They have inflamed many of our youth to actions which have directly or indirectly resulted in arson, property destruction, college shutdown, and possibly even death. Who is to say which particular match lit the fuse but it is clear that fomenting violent action has been the major goal of many of these purveyors of social unrest.

Take Kent State University, for example. Jerry Rubin spoke a short time before the student radical action resulted in the deaths of four. His rhetoric was inflammatory. He said, in part:

> We have to disrupt every institution, break every law, we've got to become criminals. Work is a dirty word. I don't work. You are not a real revolutionary until you are prepared to kill your parents. The first oppressors are your parents.

Yes, as he said, "we've got to become criminals." Many of his fellow leftists have done just that.

Yale congratulated itself for a nonviolent weekend last May 1 when Black Panther leader David Hilliard spoke. Overlooked was the obscene, violent denunciation of our society in his speech. That according to the Yalies did not count. But it does count—it all takes its toll, it all adds up to the situation we now have.

The highly controversial report of the President's Commission on Campus Unrest covered the campus speakers issue in a not unsurprising fashion. Reiterating the permissive policies of acquiescing school administrators, the Commission recommended that private as well as public universities "should not impose restrictions on meetings or rallies or marches that almost any court would strike down, such as bans on "subversive" speakers or on those "who advocate overthrow of the Government by force and violence." According to the Commission the Eldridge Cleavers, Jerry Rubins et al should be permitted to vent their spleens before student audiences, tearing down our historical traditions and urging any form of violence. To this, most Americans say "bunk." As one American, I certainly say this report is permissive bunk at its worst.

HIGH PAID AGITATORS

More and more Americans are coming to understand the problem concerning the militant on campus. What most Americans do not understand is that high priced honorariums paid by colleges have fed these radicals and provided a major source of revenue to them in their battle to bring down the establishment, in effect, the very colleges feeding them. In one case in my own area, for example, a militant was paid over $1,000 to deliver a slanderous and obscene tirade in a campus chapel, no less, while a patriotic American in the same series of speeches was offered a $50 honorarium. Why do colleges seem bent on subsidizing the militant?

Many of these fashionable leftist militants are now fugitives from justice. Last year's smash hits on the campus are now in the most wanted list of the FBI and our law enforcement officials. How well I remember the criticism from liberals in my own district when I spoke out against Angela Davis, a Communist, being allowed to teach in California. Freedom of speech and academic freedom was the cry of these protesting professors. Now Miss Davis is a fugitive from justice after a murder of a California judge implicated her and her associates.

I heard Eldridge Cleaver on campus once. It was so obscene and disgraceful that my remarks here could not possibly convey his sick invective to the youth who heard him. Cleaver is now a fugitive from justice. Do not these liberals ever learn? Bernardine Dohrn and Mark Rudd were big drawing cards on campus for many months but both are now fugitives from justice.

The House Committee on Internal Security conducted a limited staff inquiry into campus speakers and has developed a most interesting document regarding the popularity of the New Left speakers on campus. It indicates clearly that these speaking engagements, in addition to providing an opportunity to foment contempt for our institutions and even violence, provided a good source of income to them.

Alumni would be well advised to check their own alma maters and see who is being paid what. Why do the colleges feel it necessary to subsidize these militants? What sort of logic drives them to build up those who would tear their very institutions down? I do not profess to know what drives them to do this but I do understand the phenomenon and include some of the speakers in these remarks.

There is now an effort to divert the blame to those who do not condone violence or advocate it. This is a typical ploy and cannot succeed. There is no way the Jerry Rubin, Angela Davis, Eldridge Cleaver, and Mark Rudd crowd can make the President Nixon and Vice President Agnew-type Americans the blame for the violent actions they themselves advocated and, in some cases, perpetrated themselves.

THE VICE PRESIDENT'S ROLE

At the conclusion of the confrontation between Vice President AGNEW and the students first telecast on September 25 on "the David Frost Show," the Vice President destroyed the charge that his rhetoric was a major element in causing campus agitation and violence. He pointed out that he was still back in county government when the Berkeley campuses exploded several years ago. President Nixon, he added, had not been even inaugurated when Columbia University had its share of campus trouble. Mr. AGNEW ended the exchange with the students with these words:

> Now, to use me as some convenient bete noire for the violence that's existed in this country because of the disgusting permissive attitudes of the people in command of the college campuses is one of the most ridiculous charges that I've ever heard.

Of course, the Vice President put in perspective the 10-year buildup of student agitation and violence which began with the advent of the 1960's a 10-year build up I have pointed out along the way, from the Free Speech Movement of the early 1960's to now. The Students for a Democratic Society was in its first year of existence when student riots erupted in May 1960, in San Francisco at hearings of the House Committee on Un-American Activities. In June, 1961, FBI Director J. Edgar Hoover warned of the modus operandi which made the student riots a success in the eyes of members of the Communist Party USA:

> A most significant single factor surrounding the mob demonstration was the Communist infiltration of student and youth groups engaged in protest demonstrations against this congressional committee. Through this infiltration, Communists revealed how it is possible for only a few Communist agitators, using mob psychology, to convert peaceful demonstrations into riots.

As the decade of the 1960's progressed the CPUSA gave way to other revolutionary types, but their pattern of disruption was adopted by other more youthful agitators and demagogs. In 1962, several years before the SDS was to capture the headlines, the Progressive Labor Party was founded by extremists who broke away from the CPUSA. More disciplined than the later free-wheeling activities of the SDS, the PLP seized upon situations ripe for violence as revealed by its role in campus violence and disturbances and by its attempted takeover of the SDS during its national convention in June 1969 at Chicago, Ill.

Until its split in 1969, the SDS provided the main thrust of the new left movement. At its zenith it claimed 225 chapters and a membership of 40,000. The radicalism of SDS reached its height at the demonstrations it sponsored in Chicago in 1969 to protest the trial of the "Chicago Eight," those individuals who were placed on trial for their disruptive activities during the Democratic National Convention in August 1968. Leaders of one militant faction of the SDS known as the Weatherman group sponsored a series of violent demonstrations in which extensive vandalism and numerous injuries resulted and which culminated in the arrest of 275 individuals, including Mark Rudd, the leader of the Weatherman faction. This is the organization which for a number of years had been plying its message of nihilism and anarchy on college campuses, contributing immensely to the buildup of radicalism in educational institutions across the country.

While SDS has lost its effectiveness as an organized effort, other groups are still on the scene to infect impressionable youth of college age.

Like the PLP, the Social Workers Party—SWP—was formed by members who were expelled from the CPUSA in 1938. Although for many years this group was a small, ineffectual and virtually forgotten entity, it has been revitalized in recent years. In an article in the September issue of VFW, the Veterans of Foreign Wars magazine, FBI Director Hoover states:

> But the tables have now turned. The Trotskyists, especially its youth group (YSA was founded in the late 1950's), have shown a vast membership growth and resurgence in the last 24 months until YSA is today the

largest and best organized youth group in left-wing radicalism. Trotskyist influence is especially strong in the youth field, particularly on the college campus.

The YSA, the Young Socialist Alliance, like members of the PLP, are disciplined, calculating and efficient, in contrast to the members of SDS in later years. The SWP and YSA gained control in 1968 of the Student Mobilization Committee—SMC—which evolved out of the National Student Strike for Peace Conference in December 1966, a conference organized originally by the CPUSA. The SMC provides the pipeline to college campuses for Trotskyist influence, and one indication of SMC's effect can be judged from the role it played during the October and November 1969 demonstrations against the Vietnam war here in Washington and elsewhere.

Another revolutionary group, the Black Panther Party, has recently turned its attention to the campuses to spread its message of anarchy and to reap its share of available speaking fees offered at educational institutions. In 1969, BPP speakers made 189 appearances at secondary schools, colleges, and universities and received up to $1,900 for each engagement as well as transportation costs. In 1967, BPP speakers made but 11 appearances at educational institutions. As should be generally known by now, the BPP is guided by Marxist-Leninist doctrines and work for the violent overthrow of our Government. Needless to say, the new left and the CPUSA have lent their support to BPP antipolice and anti-Government policies.

While most of the above-listed organizations contributed greatly to campus agitation and disruptions in recent years, the role of left-wing faculty members has unfortunately never been adequately explored. In 1969 a House subcommittee, the Special Subcommittee on Education, held hearings over a period of 4 months on campus unrest. The chairman of the subcommittee, Representative EDITH GREEN, was quoted in the October 5 issue of U.S. News & World Report as stating:

I am convinced there would be no campus riots if it weren't for some faculty members.

During these hearings this question was asked of Dr. S. I. Hayakawa, acting president of San Francisco State College:

Do you feel that the disturbances you have had on your campus could have continued as long and as violent as they have without some active support on the part of faculty members?

Dr. Hayakawa responded:

I believe the faculty has a lot to do—certain elements in the faculty have a lot to do with student dissidence and student activism. I think the faculty includes people who take intellectual pride in their alienation from the culture and they pass on that sense of alienation to their students and they teach their students, very often it is practically a moral duty to rebel against the entire system and what they call the establishment.

Dr. Hayakawa went on to say that an estimated 50 to 100 teachers out of the faculty total of 1,300 were involved, with certain departments like English, philosophy, and speech having the greatest concentration.

When further questioned as to whether student unrest could continue without the faculty support, Dr. Hayakawa said:

I doubt that very much. As I was saying to Mr. Erlenborn, there is an active encouragement of disaffection and striking on the part of students. The reason I don't want an automatic system of punitive measures to be taken against students for striking is that some of them are striking strictly under instruction from their teachers. In fact, they are threatened with dire consequences if they don't go on strike, by some of our radical teachers.

Later in the hearings Dr. Walter P. Metzger, professor of history at Columbia University, was asked to comment on the relationship of the faculty and the Columbia disruptions:

There is no doubt that some members of the faculty, young ones, played, not a connecting-link role, but a double-agent role; they were part of the faculty deliberation, and then they went to the strike committee and told them what we were about. This presents some very grave problems for us. I think the problems will grow more acute as younger, more radical faculty members take their place in the institutions of higher learning.

For want of a comprehensive study on the involvement of faculty members in campus disorders, it would be unwise and unfair to speculate on the extent to which faculty have aided and abetted school disorders. It would be safe to say, I believe, that the vast majority neither support or condone radical campus activities which obstruct the pursuit of educational goals. A small disruptive minority has aided and abetted campus radicalism.

The lack of discipline and firm insistence on order by school administrations have been cited many times as major factors in encouraging and prolonging campus disturbances. In addition, acquiescence to extreme student demands has supported cumulatively the radical proposition that disruption, violence, and illegal activities succeed. The slogan "demand, achieve, and then demand more" gains wider currency in direct ratio to the number of institutions buckling under to extreme demands.

One case in which school administrators might possibly be lax in cracking down on student and faculty troublemakers concerns present statutes which provide for discontinuance of Federal funds to those guilty of campus disruptive activities. At the close of the school year the Office of Education compiles a report of actions taken by schools in accordance with Federal provisions. Out of 2,600 institutions only 87 reported taking any action against students or faculty seriously involved in disturbances. There is certainly room for doubt as to whether of all the radical actions on campus from the end of June 1969, to the end of June 1970, involving teachers or students receiving Federal assistance, amounted to the small sum of 87 institutions.

Another area in which schools have contributed to the radicalism of campuses is the providing of speaker's forums for radical and left-wing organizations and individuals. William Kunstler, a leading radical lawyer, is reported to have said: "We raise most of the money for our movement through speaking engagements."

FBI Director Hoover earlier this year commented on the use that the Black Panther Party has lucratively made of speaking engagements which have netted the BPP as much as $1,900 per appearance. Aside from the financial support provided, the exposure and possible indoctrination of sincere but inexperienced students cannot be discounted. A revolutionary or radical speaker need but instill in the student some degree of alienation from our system and way of life to help neutralize any inclination toward positive and meaningful action. Unfortunately, it is impossible to establish to what extent the words of radical speakers on campus have sowed the germs of antisocial discontent among teachers and students or to what extent such teachers have contaminated students in later years.

From 1961 on, apostles of anarchy and revolution have graced the sphere's podiums of our educational institutions throughout the country. Old-line Communist Party members, dissident Communist organization speakers, representatives of the New Left and Black Panther Party functionaries have been well received on campus selling their message of destruction. It is indeed ironic that their revolutionary counsel has been absorbed by students to be later used against that very element of the "establishment" which exposed them—the educational institution.

The following lists of speaking engagements on campuses by members of the Communist Party USA and the Black Panther Party were compiled by the FBI, the House and Senate Internal Security Committees and other sources.

SPEAKING ENGAGEMENTS ON COLLEGE CAMPUSES BY COMMUNIST PARTY LEADERS IN 1963

SCHOOL, SPEAKER, AND DATE

Muskingum College (debate), Arnold Johnson, January 9, 1963.

Michigan State University, Herbert Aptheker, January 17, 1963.

Wayne State University, Carl Winter, January 17, 1963.

Brandeis University, Herbert Aptheker, February 5, 1963.

University of Virginia, Gus Hall, February 8, 1963.

Yale University, Gus Hall, February 13, 1963.

Brown University, Benjamin J. Davis, February 13, 1963.

University of California, Herbert Aptheker, February 20, 1963.

San Francisco State College, Herbert Aptheker, February 21, 1963.

Brandeis University, Gus Hall, March 11, 1963.

University of Michigan, Herbert Aptheker, March 12, 1963.

Roosevelt University, Herbert Aptheker, March 13, 1963.

Howard University, Herbert Aptheker, March 20, 1963.

City College of New York, Herbert Aptheker, March 21, 1963.

University of Wisconsin, Herbert Aptheker, March 27, 1963.

University of Chicago, Herbert Aptheker, March 28, 1963.

Rhode Island University, Hyman Lumer, April 3, 1963.

Colorado State College, Mortimer Daniel Rubin, April 8, 1963.

University of Connecticut, Arnold Johnson, April 23, 1963.

University of Massachusetts, Arnold Johnson, April 24, 1963.
Oberlin College, Benjamin J. Davis, May 6, 1963.
Yale University, Herbert Aptheker, May 6, 1963.
Ohio Wesleyan University, Carl Winter, May 7, 1963.
University of Connecticut, James E. Jackson, May 8, 1963.
Western State College, Mortimer Daniel Rubin, May 9, 1963.
Macalester College, Hyman Lumer, May 9, 1963.
University of Michigan, Carl Winter, May 16, 1963.
Cornell University, Marvin Markman, May 16, 1963.
Bard College, Herbert Aptheker, June 12, 1963.
University of California (at Berkeley), Albert J. Lima, July 22, 1963.
Marin Junior College, Albert J. Lima, October 8, 1963.
Muhlenberg College, Hyman Lumer, October 10, 1963.
Harvard University, Hyman Lumer, October 16, 1963.
California Institute of Technology, Dorothy Healey, October 16, 1963.
University of California (at Los Angeles), Dorothy Healey, October 18, 1963.
University of the Pacific, Albert J. Lima, Herbert Aptheker, October 28, 1963.
San Jose State College, Herbert Aptheker, October 29, 1963.
University of California (at Berkeley), Herbert Aptheker, October 30, 1963.
Oakland City College, Herbert Aptheker, October 30, 1963.
University of Oregon, Herbert Aptheker, October 30, 1963.
City College of New York, Benjamin J. Davis, October 31, 1963.
City College of New York, Herbert Aptheker, November 12, 1963.
Bethany College, Arnold Johnson, November 15, 1963.
University of California (Riverside campus) Dorothy Healey, November 18, 1963.
Yale University, Herbert Aptheker, December 11, 1963.

SPEAKING ENGAGEMENTS ON COLLEGE CAMPUSES BY COMMUNIST PARTY LEADERS, CALENDAR YEAR 1964

SCHOOL, SPEAKER, AND DATE

University of California (Santa Barbara campus), Dorothy Healey, January 13, 1964.
Wayne State University, Herbert Aptheker, February 19, 1964.
Lake Forest College, David Englestein, February 19, 1964.
University of Wisconsin, Herbert Aptheker, February 21, 1964.
Santa Rosa Junior College, Albert J. Lima, February 28, 1964.
University of Wisconsin, James E. Jackson, March 1, 1964.
Yale University, Hyman Lumer, Arnold Johnson, March 15, 1964.
Upsala College, Daniel Rubin, March 16, 1964.
DePauw University, Gilbert Green, March 17, 1964.
New York University, Herbert Aptheker, April 3, 1964.
Earlham College, Herbert Aptheker, April 6, 1964.
Harvard University, Elizabeth Gurley Flynn, April 8, 1964.
Lycoming College, Arnold Johnson, April 13, 1964.
American River Junior College, Albert J. Lima, April 17, 1964.
University of New Hampshire, James E. Jackson, April 24, 1964.
Shimer College, James West, April 25, 1964.
Penn State University, Herbert Aptheker, April 29, 1964.
Rutgers University, Arnold Johnson, April 29, 1964.
College of San Mateo, Albert J. Lima, April 30, 1964.
Amherst College, Herbert Aptheker, May 4, 1964.
College of San Mateo, Albert J. Lima, May 5, 1964.
University of Las Vegas, Dorothy Healey, May 6, 1964.
Union University, Herbert Aptheker, May 8, 1964.
University of Wisconsin, Claude Lightfoot, May 10, 1964.
Brown University, Elizabeth Gurley Flynn, May 11, 1964.
Wake Forest College, George Meyers, May 13, 1964.
City College of New York, William Patterson, May 15, 1964.
Stanford University, Albert J. Lima, May 19, 1964.
California State College, Dorothy Healey, May 20, 1964.
San Jose City College, Albert J. Lima, May 28, 1964.
San Francisco State College, Henry Winston, September 28, 1964.
University of California, Henry Winston, September 28, 1964.
Reed College, Henry Winston, October 7, 1964.
Portland State College, Henry Winston, October 9, 1964.
University of Washington, Henry Winston, October 12, 1964.
University of Wisconsin, Henry Winston, October 21, 1964.
University of Hawaii, Gus Hall, October 23, 1964.
Oberlin University, Henry Winston, October 24, 1964.
University of Buffalo, Herbert Aptheker, November 13, 1964.
State University College (Cortland, N.Y.), Herbert Aptheker, November 17, 1964.
Western Reserve University, Hyman Lumer, December 3, 1964.
Syracuse University (Utica, New York branch) Herbert Aptheker, December 8, 1964.
Miami University, Oxford, Ohio, Herbert cember 13, 1964.
University of Wisconsin, Fred Blair, December 13, 1964.

During the academic years from 1961 to 1965, party speakers averaged 50 campus appearances each year. Unfortunately, speaking engagements from January 1965 through the months of the 1965 school year until October have not been listed. The following listing resumes the school year in October 1965, and from then until May 1966, a total of 69 appearances were made by members of the CPUSA.

COMMUNIST PARTY—U.S.A. PUBLIC APPEARANCES OF PARTY LEADERS SCHOOL YEAR 1965–66

SCHOOL, SPEAKER, AND DATE

Ohio State University, Columbus, Ohio, Herbert Aptheker, October 18, 1965.
University of Bridgeport, Bridgeport, Conn., Herbert Aptheker,, October 27, 1965.
Ventura College, Ventura, Calif., Dorothy Healey, November 3, 1965.
City College of New York, New York, N.Y., Gil Green, November 4, 1965.
City College of New York, New York, N.Y., Herbert Aptheker, November 5, 1965.
University of Utah, Salt Lake City, Utah, Mortimer Daniel Rubin, November 9, 1965.
University of Pennsylvania, Philadelphia, Pa., Herbert Aptheker, November 13, 1965.
San Fernando Valley State College, Northridge, Calif., Herbert Aptheker, November 15, 1965.
University of California at Santa Barbara, Goleta, Calif., Herbert Aptheker, November 16, 1965.
Princeton University, Princeton, N.J., James Jackson, November 16, 1965.
California State College, Goleta, Calif., Herbert Aptheker, November 16 ,1965.
California State College, Los Angeles, Calif., Herbert Aptheker, November 17, 1965.
University of Southern California, Los Angeles, Calif., Herbert Aptheker, November 17, 1965.
University of Minnesota, Duluth, Minn., Arnold Johnson, November 18, 1965.
University of California, Berkeley, Calif., Herbert Aptheker, November 19, 1965.
Baldwin Wallace College, Berea, Ohio, Anthony Krchmarek, November 20, 1965.
City College of New York, New York, N.Y., Herbert Aptheker, December 3, 1965.
Fairleigh-Dickinson University, Rutherford, N.J., Gus Hall, December 13, 1965.
Columbia University, New York, N.Y., Gus Hall,, December 15, 1965.
Michigan State University, East Lansing, Mich., Hyman Lumer, January 7, 1966.
Great Neck Senior High School, Great Neck, N.Y., Herbert Aptheker, January 27, 1966.
University of Michigan, Ann Arbor, Mich., Herbert Aptheker, February 10, 1966.
Tuskegee Institute, Tuskegee, Ala., Gus Hall, February 11, 1966.
Wayne State University, Detroit, Mich., Herbert Aptheker, February 11, 1966.
Michigan State University, East Lansing, Mich., Herbert Aptheker, February 11, 1966.
Brooklyn College, Brooklyn, N.Y., Herbert Aptheker, February 16, 1966.
University of Texas, Austin, Tex. (off campus), John Stanford, February 21, 1966.
Hunter College, New York, N.Y., Herbert Aptheker, March 2, 1966.
Rutgers University, New Brunswick, N.J., Herbert Aptheker, March 5, 1966.
Duke University, Durham, N.C., Herbert Aptheker, March 8, 1966.
University of North Carolina, Chapel Hill, N.C. (off campus), Herbert Aptheker, March 9, 1966.
Queens College, New York, N.Y., Herbert Aptheker, March 11, 1966.
Boston University, Boston, Mass., Herbert Aptheker, March 13, 1966.
Brandeis University, Waltham, Mass., Herbert Aptheker, March 13, 1966.
St. Francis College, Biddleford, Maine, Herbert Aptheker, March 16, 1966.
St. Andrews Presbyterian College, Laurinburg, N.C., Arnold Johnson, March 18, 1966 (a.m.).
St. Andrews Presbyterian College, Laurinburg, N.C., Arnold Johnson, March 18, 1966 (p.m.).
Bryn Mawr College, Bryn Mawr, Pa., Herbert Aptheker, March 21, 1966.
Central Michigan University, Mt. Pleasant, Mich., Thomas Dennis, March 24, 1966.
University of Wisconsin, Madison, Wis., Herbert Aptheker, March 24, 1966.
University of California, Los Angeles, Calif., Dorothy Healey, March 25, 1966.
Mundelein College, Chicago, Ill., Louis Diskin, March 29, 1966.
Harpur College, Binghamton, N.Y., Herbert Aptheker, March 30, 1966.
Hunter College, New York, N.Y., Herbert Aptheker, March 31, 1966.
New York University, New York, N.Y., Herbert Aptheker, April 6, 1966.
Syracuse University, Syracuse, N.Y., Claude Lightfoot, April 18, 1966.
University of Miami, Coral Gables, Fla., Herbert Aptheker, April 20, 1966.
Harvard University, Cambridge, Mass., Herbert Aptheker, April 21, 1966.
Rutgers University, New Brunswick, N.J., Herbert Aptheker, April 23, 1966.
De Paul University, Chicago, Ill., Louis Diskin, April 24, 1966.
University of California, Los Angeles, Calif., Dorothy Healey, April 29, 1966.
Northwestern University, Evanston, Ill., Herbert Aptheker, April 30, 1966.
University of Chicago, Chicago, Ill., Herbert Aptheker, May 2, 1966.

Loyola University, Chicago, Ill., Herbert Aptheker, May 2, 1966.
Hampton Institute, Hampton, Va., George Meyers, May 3, 1966.
Indiana University, Bloomington, Ind., Herbert Aptheker, May 3, 1966, (a.m.).
Indiana University, Bloomington, Ind., Herbert Aptheker, May 3, 1966, (p.m.).
University of Wisconsin, Madison, Wis., Claude Lightfoot, May 3, 1966.
University of Pittsburgh, Pittsburgh, Pa., Herbert Aptheker, May 4, 1966.
Fairleigh-Dickinson University, Rutherford, N.J., Gil Green, May 5, 1966.
Albion College, Albion, Mich., Gus Hall, May 5, 1966.
Briar Cliff College, Sioux City, Iowa, Herbert Aptheker, May 10, 1966.
California State College, Los Angeles, Calif., Dorothy Healey, May 11, 1966.
University of Maryland, College Park, Md., George Meyers, Arnold Johnson, May 16, 1966.
Harvard University, Cambridge, Mass., Gil Green, May 17, 1966.
Temple University, Philadelphia, Pa., Herbert Aptheker, May 17, 1966.
Kent State University, Kent, Ohio, Herbert Aptheker, May 19, 1966.
San Fernando Valley State College, Northridge, Calif., Dorothy Healey, May 25, 1966.
University of California, Irvine, Calif., Dorothy Healey, May 27, 1966.

PUBLIC APPEARANCES OF PARTY LEADERS ON COLLEGE CAMPUSES, SCHOOL YEAR 1966–67

SCHOOL, SPEAKER, AND DATE

College of Marin, Kenfield, Calif., Bettina Aptheker Kurzweil, September 27, 1966.
Beloit College, Beloit, Wis., Fred Bassett Blair, September 29, 1966.
St. Vincent College, Latrobe, Pa., Herbert Aptheker, October 4, 1966.
California Western University, San Diego, Calif., Dorothy Healey, October 4, 1966.
Brooklyn College, Brooklyn, N.Y., Herbert Aptheker, October 10, 1966.
City College of New York, New York, N.Y., Herbert Aptheker, October 20, 1966.
DePaul University, Chicago, Ill., Louis Diskin, October 25, 1966.
Chicago Teachers College—North Chicago, Ill., Louis Diskin, October 27, 1966.
Pitzer College, Claremont, Calif., Dorothy Healey, November 14, 1966.
City College of New York, New York, N.Y., Arnold Johnson, December 1, 1966.
University of Minnesota, Minneapolis, Minn., Art Shields, December 1, 1966.
Clark University, Worcester, Mass., Herbert Aptheker, December 5, 1966.
Long Island University, Brooklyn, N.Y., Herbert Aptheker, December 16, 1966.
Rice University, Houston, Tex., Mortimer Daniel Rubin, January 8, 1967.
St. Edward's University, Austin, Tex., Mortimer Daniel Rubin, January 9, 1967.
Lawrence University, Appleton, Wis., Herbert Aptheker, January 10, 1967.
University of Texas, Austin, Tex., Mortimer Daniel Rubin, January 10, 1967.
Franconia College, Franconia, N.H.,[1] Herbert Aptheker, January 24, 1967.
Franconia College, Franconia, N.H.,[1] Herbert Aptheker, January 24, 1967.
University of Western Ontario, London, Canada,[1] Herbert Aptheker, February 17, 1967.
University of Western Ontario, London, Canada,[1] Herbert Aptheker, February 17, 1967.
University of Illinois, Circle Campus, Chicago, Ill.,[2] Herbert Aptheker, February 27, 1967.
State University of New York, Buffalo, N.Y., Herbert Aptheker, March 1, 1967.
University of Bridgeport, Bridgeport, Conn., Arnold Johnson, March 3, 1967.

[1] Two separate appearances on same day.
[2] Outdoor lecture center; stopped when threatened by Clabaugh Act.

Oberlin College, Oberlin, Ohio, Herbert Aptheker, March 5, 1967.
Everett Junior College, Everett, Wash., Milford Adolf Sutherland, March 7, 1967.
University of Wisconsin, Waukesha Center, Waukesha, Wis., Fred Bassett Blair, March 14, 1967.
Gettysburg College, Gettysburg, Pa., Henry Winston, March 15, 1967.
San Francisco State College, San Francisco, Calif., Herbert Aptheker, March 15, 1967.
Gettysburg College, Gettysburg, Pa., Robbert Heisler, March 16, 1967.
University of Wisconsin, Madison, Wis., Michael Zagarell, March 21, 1967.
University of Illinois, Urbana, Ill., Louis Diskin, March 23, 1967.
California State College at Long Beach, Long Beach, Calif., Dorothy Healey, March 27, 1967.
Trinity College, Hartford, Conn., Herbert Aptheker, April 4, 1967.
University of California, Los Angeles, Calif., Bettina Aptheker Kurzweil, April 4, 1967.
Marquette University, Milwaukee, Wis., James Kennedy, April 5, 1967.
Santa Monica City College, Santa Monica, Calif., Bettina Aptheker Kurzweil, April 5, 1967.
University of Illinois, Circle Campus, Chicago, Ill., Louis Diskin, April 6, 1967.
University of Redlands, Redlands, Calif., Bettina Aptheker Kurzweil, April 6, 1967.
University of Nebraska, Lincoln, Nebr., Louis Diskin, April 6, 1967.
Pasadena City College, Pasadena, Calif., Bettina Aptheker Kurzweil, April 6, 1967.
Pomona College, Claremont, Calif., Bettina Aptheker Kurzweil, April 6, 1967.
Bucknell University, Lewisburg, Pa., James Jackson, April 7, 1967.
California State College at Long Beach, Long Beach, Calif., Bettina Aptheker Kurzweil, April 7, 1967.
California State College at Los Angeles, Los Angeles, Calif., Bettina Aptheker Kurzweil, April 7, 1967.
University of California, Riverside, Calif., Bettina Aptheker Kurzweil, April 11, 1967.
State University College at Geneseo, Geneseo, N.Y., Herbert Aptheker, April 13, 1967.
Ohio State University, Athens, Ohio, Gus Hall, April 19, 1967.
Lehigh University, Bethlehem, Pa., Arnold Johnson, May 9, 1967.
College of Wooster, Wooster, Ohio, Herbert Aptheker, May 11, 1967.
Loyola University, Los Angeles, Calif., Herbert Aptheker, May 15, 1967.
University of Notre Dame, South Bend, Ind., Herbert Aptheker, May 16, 1967.
Vanderbilt University, Nashville, Tenn., Michael Zagarell, May 17, 1967.
Portland State College, Portland, Oreg., Donald Hamerquist, May 24, 1967.

PUBLIC APPEARANCES OF PARTY LEADERS ON CAMPUSES, SCHOOL YEAR 1967–68

SCHOOL, SPEAKER, AND DATE

Brooklyn College, Brooklyn, N.Y., Claude Mack Lightfoot, September 27, 1967.
University of Santa Clara, Santa Clara, Calif., Herbert Aptheker, October 17, 1967.
University of Santa Clara, Santa Clara, Calif., Herbert Aptheker, October 18, 1967.
University of Santa Clara, Santa Clara, Calif., Herbert Aptheker, October 19, 1967.
Gonzaga University, Spokane, Wash., Milford Sutherland, November 2, 1967.
John Carroll University, Cleveland, Ohio, Philip Bart, November 9, 1967.
Portland State College, Portland, Oreg., Donald Lee Hamerquist, November 15, 1967.
Los Angeles Valley College, Van Nuys, Calif., Dorothy Healey, November 21, 1967.
University of the Pacific, Stockton, Calif., Bettina Aptheker Kurzweil, November 28, 1967.
Raymond College of the University of the Pacific, Stockton, Calif., Bettina Aptheker Kurzweil, November 28, 1967.
Brooklyn College, Brooklyn, N.Y., Bettina Aptheker Kurzweil, January 10, 1968.
Queens College, Flushing, N.Y., Bettina Aptheker Kurzweil, January 11, 1968.
University of British Columbia, Vancouver, British Columbia, Canada, Herbert Aptheker, January 11, 1968.
University of Alberta, Edmonton, Alberta, Canada, Herbert Aptheker, January 12, 1968.
St. Cloud State College, St. Cloud, Minn., Arnold Johnson, January 17, 1968.
Carroll College, Waukesha, Wis., Arnold Johnson, January 22, 1968.
University of Dayton, Dayton, Ohio, Herbert Aptheker, January 24, 1968.
Brown University, Providence, R.I., Herbert Aptheker, February 5, 1968.
Hofstra University, Hempstead, N.Y., Herbert Aptheker, February 6, 1968.
California State College at Hayward, Hayward, Calif., Bettina Aptheker Kurzweil, February 8, 1968.
Wayne State University, Detroit, Mich., Herbert Aptheker; February 10, 1968.
Assumption College, Worcester, Mass., Herbert Aptheker, February 15, 1968.
Denison University, Granville, Ohio, Herbert Aptheker, February 20, 1968.
University of Oregon, Eugene, Oreg., Bettina Aptheker Kurzweil, February 21, 1968.
Case Western Reserve University, Cleveland, Ohio, Victor Perlo, February 23, 1968.
Indiana State University, Terre Haute, Ind., Herbert Aptheker, February 24, 1968.
Valparaiso University, Valparaiso, Ind., Herbert Aptheker, March 19, 1968.
University of Wisconsin, Madison, Wis., Herbert Aptheker, March 27, 1968.
Marquette University, Milwaukee, Wis., Herbert Aptheker, March 28, 1968.
University of Minnesota, Minneapolis, Minn., Herbert Aptheker, March 29, 1968.
University of South Dakota, Vermillion, S. Dak., Herbert Aptheker, April 1, 1968.
Stanislaus State College, Turlock, Calif., Bettina Aptheker Kurzweil, April 3, 1968.
University of Connecticut, Storrs, Conn., Herbert Aptheker, April 3, 1968.
College of the City of New York, New York, N.Y., Gus Hall, April 11, 1968.
University of Kentucky, Lexington, Ky., Herbert Aptheker, April 22, 1968.
Eastern Michigan University, Ypsilanti, Mich., Herbert Aptheker, April 26, 1968.
John Carroll University, Cleveland, Ohio Philip Bart, May 5, 1968.
Williams College, Williamstown, Mass., Herbert Aptheker, May 6, 1968.
San Fernando Valley State College, Northridge, Calif., Dorothy Healey, May 7, 1968.
San Fernando Valley State College, Northridge, Calif., Dorothy Healey, May 11, 1968.
University of North Dakota, Grand Forks, N. Dak., Gus Hall, May 14, 1968.
Purdue University, West Lafayette, Ind., Herbert Aptheker, May 14, 1968.
Bowling Green State University, Bowling Green, Ohio, Herbert Aptheker, May 15, 1968.
University of Illinois, Circle Campus, Chicago, Ill., Louis Diskin, May 16, 1968.
Shasta Junior College, Redding, Calif., Bettina Aptheker Kurzweil, May 21, 1968.
University of Minnesota, Duluth, Minn., Arnold Johnson, May 23, 1968.
Indiana University, Bloomington, Ind., James West, Ted Pearson, May 31, 1968.
Indiana University, Bloomington, Ind., James West, Ted Pearson, June 1, 1968.

PUBLIC APPEARANCES OF PARTY LEADERS ON CAMPUSES, SCHOOL YEAR 1968–69

SCHOOL, SPEAKER, AND DATE

Notre Dame University, South Bend, Ind.; Michael Zagarell; September 15, 1968.
Valley State College, Northridge, Calif.; Charlene Mitchell; September 19, 1968.
University of New Mexico, Albuquerque, N. Mex.; Charlene Mitchell; September 25, 1968.

Susquehanna University, Selinsgrove, Pa.; Charlene Mitchell; September 26, 1968.

Temple University, Philadelphia, Pa.; Michael Zagarell; September 26, 1968.

Standard Evening High School,* Philadelphia, Pa.; Michael Zagarell; September 26, 1968.

University of Illinois, Circle Campus, Chicago, Ill.; Charlene Mitchell; October 3, 1968.

University of Illinois, Circle Campus, Chicago, Ill.; Louis Diskin; October 3, 1968.

Northwestern University, Evanston, Ill.; Charlene Mitchell; October 4, 1968.

Mundelein College, Chicago, Ill.; Charlene Mitchell; October 7, 1968.

University of Washington, Seattle, Wash.; Charlene Mitchell; October 8, 1968.

Bloomfield College, Bloomfield, N.J.; Michael Zagarell; October 10, 1968.

University of Minnesota, Minneapolis, Minn.; Charlene Mitchell; October 14, 1968.

Marquette University, Milwaukee, Wis.; Charlene Mitchell; October 15, 1968.

Northeastern University, Boston Mass.; Michael Zagarell; October 15, 1968.

Brandeis University, Waltham, Mass.; Michael Zagarell; October 15, 1968.

Colby College, Waterville, Maine; Michael Zagarell; October 16, 1968.

University of Maine, Orono, Maine; Michael Zagarell; October 16, 1968.

University of Maine at Portland, Portland, Maine; Michael Zagarell; October 16, 1968.

University of Wisconsin, Milwaukee, Wis.; Charlene Mitchell; October 16, 1968.

Knox College, Galesburg, Ill.; Herbert Aptheker; October 16, 1968.

Northwest Missouri State College, Maryville, Mo.; Herbert Aptheker; October 17, 1968.

University of Wisconsin, Memorial Union, Madison, Wis.; Charlene Mitchell; October 17, 1968.

City College of New York, New York, N.Y.; Charlene Mitchell; October 18, 1968.

Brown University, Providence, R.I.; Michael Zagarell; October 18, 1968.

University of Rhode Island, Kingston, R.I.: Michael Zagarell; October 18, 1968.

University of Texas, Austin, Tex.; Charlene Mitchell; October 23, 1968.

Fisk University, Nashville, Tenn.; Charlene Mitchell; October 24, 1968.

San Jose State College, San Jose, Calif.; Charlene Mitchell; October 28, 1968.

Merritt College, Oakland, Calif.; Charlene Mitchell; October 28, 1968.

University of Minnesota, Minneapolis, Minn.; Michael Zagarell, October 28, 1968.

Temple Buell College, Denver, Colo.; Michael Zagarell; October 29, 1968.

Stanford Universtiy, Stanford, Calif.; Charlene Mitchell; October 29, 1968.

California State College, Hayward, Calif.; Charlene Mitchell; October 30, 1968.

Lowell State College, Lowell, Mass.; Charlene Mitchell; October 31, 1968.

Harvard University, Cambridge, Mass.; Charlene Mitchell; October 31, 1968.

Boston State College, Boston, Mass.; Charlene Mitchell; November 1, 1968.

Yale University, New Haven, Conn.; Charlene Mitchell; November 2, 1968.

Howard University, Washington, D.C.; Charlene Mitchell; November 4, 1968.

Knox College, Galesburg, Ill.; Michael Eisenscher; November 12, 1968.

University of Delaware, Newark, Del.; Herbert Aptheker; December 12, 1968.

St. Norbert's College, De Pere, Wis.; Herbert Aptheker; January 9, 1969.

Tougaloo College, Tougaloo, Miss.; Herbert Aptheker; February 5, 1969.

California Lutheran College, Thousand Oaks, Calif.; Herbert Aptheker; February 6, 1969.

New York University, New York, N.Y.; Michael Myerson; February 13, 1969.

University of Maine, Orono, Maine; Charlene Mitchell; February 18, 1969.

*High school.

Lafayette College, Easton, Pa.; Herbert Aptheker; March 3, 1969.

University of Miami, Coral Gables, Fla.; Charlene Mitchell, March 6, 1969.

University of New Mexico, Albuquerque, N. Mex.; Claude Lightfoot; March 11, 1969.

Littleton High School,* Littleton, Colo.; Robert Trujillo; March 14, 1969.

University of Northern Iowa, Cedar Falls, Iowa; Herbert Aptheker; April 8, 1969.

Idaho State University, Pocatello, Idaho; Herbert Aptheker; April 10, 1969.

Bradley Univerity, Peoria, Ill.; Richard Criley; April 14, 1969.

Elmhurst College, Elmhurst, Ill.; Herbert Aptheker; April 15, 1969.

Marshall University, Huntington, W. Va.; Herbert Aptheker; April 18, 1969.

University of Rhode Island, Kingston, R.I.; Herbert Aptheker; May 13, 1969.

Central State University, Wilberforce, Ohio; Charlene Mitchell; May 17, 1969.

Federal City College, Washington, D.C.; Claude Lightfoot; May 25, 1969.

Pennsylvania State University, University Park, Pa.; Arnold Johnson; May 25, 1969.

Beloit College, Beloit, Wis.; Claude Lightfoot; June 27, 1969.

SPEAKING APPEARANCES OF BLACK PANTHER PARTY LEADERS AT SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES DURING CALENDAR YEAR 1969

DATE, SCHOOL, AND SPEAKER

January 7, 1969, University of California, Berkeley, Calif.; Bobby Seale.

January 8, 1969, University of Colorado, Boulder, Colo.; Lauren R. Watson.

January 8, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton, Bobby Rush.

January 9–10, 1969, University of Illinois, Champaign, Ill.; Fred Hampton, Bobby Rush, Diane Dunn.

January 9, 1969, Wright Junior College, Chicago, Ill.; Rufus Walls, Bobby Rush, Fred Hampton.

January 14, 1969, Central YMCA Community College, Chicago, Ill.; Fred Hampton, Bobby Rush.

January 15, 1969, California State College at Long Beach, Long Beach, Calif.; Alfred Jones.

January 17, 1969, Loop City College, Chicago, Ill.; Fred Hampton, Robert White.

January 24, 1969, Nasson College, Springvale, Maine; Thomas D. Pawley, Carla Ford.

January 25, 1969, Denver University, Denver, Colo.; Joe Martin.

January 27, 1969, Western Illinois University, Macomb, Ill.; Bobby Rush.

January 28–29, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

January 31, 1969, University of Washington, Seattle, Wash.; Kathy Jones.

February 7, 1969, Fairfield University, Fairfield, Conn.; Jose Gonzalvez.

February 7, 1969, Woodlawn Senior High School, Baltimore, Md.; Warren Hart.

February 9–15, 1969, University of Colorado, Boulder, Colo.; Lauren R. Watson.

February 10, 1969, St. John's College, Annapolis, Md.; Warren Hart.

February 10, 1969, Eastern Washington State College, Chaney, Wash.; Aaron Dixon.

February 10, 1969, University of Illinois, Circle Campus, Chicago, Ill.; Robert Brown.

February 10, 1969, Malcolm X Jr. College, Chicago, Ill.; Rufus Walls.

February 13, 1969, Indiana University, Bloomington, Ind.; Joe Martin, Stanford Patton, Fred Crawford.

February 13, 1969, Northern Illinois University, DeKalb, Ill.; Fred Hampton.

February 14, 1969, California State College at Los Angeles, Los Angeles Calif.; Raymond Hewitt, Elaine Brown.

February 15, 1969, Valparaiso University, Valparaiso, Ind.; Joe Martin, Robert O'Bannon.

February 15, 1969, San Diego State College, San Diego, Calif.; Kenneth Lee Denmon, Walter Wallace, Jr.

February 16, 1969, University of Denver, Denver, Colo.; Lauren R. Watson.

February 16, 1969, Hollywood High School, Los Angeles, Calif.; Donald Cox.

February 17, 1969, Crane High School, Chicago, Ill.; Billy Brooks, Bobby Rush, Fred Hampton, Rufus Walls, Jewel Barker.

February 19, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton.

February 20, 1969, Central Missouri State Teachers College, Warrensburg, Mo.; Felix O'Neal.

February 20, 1969, Chicago State Teachers College, Chicago, Ill.; Bobby Rush, Billy Brooks.

February 20, 1969, Northeastern University, Chicago, Ill.; Fred Hampton.

February 20, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton, Robert Lee, Jerry Dunnigan.

February 21, 1969, Roosevelt University, Chicago, Ill.; Rufus Walls.

February 21, 1969, Colorado College, Colorado Springs, Colo.; Lauren Watson.

February 21, 1969, Lee High School, New Haven, Conn.; Emilio Bermiss.

February 21, 1969, New York State University, Brockport, N.Y.; George Mason Murray.

February 22, 1969, Columbia University, New York N.Y.; Raymond Hewitt.

February 24, 1969, Baltimore Community College, Baltimore, Md.; Warren Hart.

February 25, 1969, Northern Illinois University, DeKalb, Ill.; Fred Hampton.

February 26, 1969, Midwestern College, Denison, Iowa; Eddie Bolden.

February 28, 1969, Irving High School, Maywood, Ill.; Fred Hampton.

March 5, 1969, University of Missouri, Kansas City, Mo.; Keith Hinch.

March 6, 1969, University of California at Los Angeles, Los Angeles, Calif.; Delmar Mossett.

March 7, 1969, Crossmont Junilor College, El Cajon, Calif.; Kenneth Denmon, Walter Wallace, Jr.

March 8, 1969, Horace Mann Junior High School, San Francisco, Calif.; David Hilliard.

March 10, 1969, Towson State Teachers College, Towson, Md.; Warren Hart.

March 10, 1969, Morgan State College, Baltimore, Md.; Warren Hart.

March 10, 1969, Maryland Institute, Baltimore, Md.; Elijah Boyd.

March 10, 1969, Loop City College, Chicago, Ill.; Fred Hampton.

March 11, 1969, Johns Hopkins University, Baltimore, Md.; Warren Hart.

March 12, 1969, Bellevue High School, Bellevue, Wash.; Carnell Garden, David Hendrix.

March 12, 1969, University of Aarhus, Copenhagen, Denmark; Raymond Hewitt.

March 12, 1969, Helsinki University, Helsinki, Finland; Raymond Hewitt.

March 12, 1969, Yale University, New Haven, Conn.; Jose Gonzalvez.

March 13, 1969, Goucher College, Towson, Md.; Warren Hart.

March 13, 1969, Northeastern High School, Baltimore, Md.; Elijah Boyd.

March 17, 1969, Oslo University, Oslo, Norway, Raymond Hewitt.

March 18, 1969, State University of New York, Buffalo, N.Y.; Westley Brown.

March 19, 1969, University of Maryland, College Park, Md.; Warren Hart.

March 19, 1969, Central Senior High School, Kansas City Mo.; Felix O'Neal, W. H. Whitfield, June Charles Sims.

March 20, 1969, John Hopkins University, Baltimore, Md., Elijah Boyd.

March 21, 1969, Mount St. Agnes College, Baltimore, Md., Elijah Boyd.

March 21, 1969, Helsinki University, Helsinki, Finland; Bobby Seale, Raymond Hewitt.

March 21, 1969, Mills College, Oakland, Calif.; Kathleen Cleaver.

March 24, 1969, Beloit College, Beloit, Wis.; Fred Hampton, Nathaniel Junior.

March 25, 1969, Barnard College, New York, N.Y.; Richard Moore.

March 26, 1969, Roosevelt University, Chicago ,Ill.; Fred Hampton, Bobby Rush, Alscino Shinn.

April 2, 1969, Milwaukee Technical College, Milwaukee, Wis.; Walter Chesser.

April 4, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

April 10, 1969, Indiana University, Bloomington, Ind.; Fred Crawford, Lawrence Roberts, Will Martin.

April 11–21, 1969, Lincoln High School, San Diego, Calif.; Kenneth Denmon.

April 13, 1969, Los Angeles Trade and Technical College, Los Angeles, Calif.; Raymond Hewitt.

April 14, 1969, University of Colorado, Boulder, Colo.; Lauren Watson, Russ Simpson.

April 15, 1969, Los Angeles Trade and Technical College, Los Angeles, Calif.; Bobby Seale.

April 16, 1969, St. Paul School of Theology, Kansas City, Mo.; Henry Finley.

April 17, 1969, Northwestern University, Evanston, Ill.; Fred Hampton.

April 18, 1969, Helms Junior High School, Richmond, Calif.; Bobby Seale.

April 21, 1969, Fayetteville State Teachers College, Fayetteville, N.C.; Carver Gene Neblitt.

April 22, 1969, Edward Williams College, Teaneck, N.J.; Carl Conrad Nichols.

April 23, 1969, University of California, Berkeley, Calif.; Bobby Seale.

April 24, 1969, Englewood High School, Chicago, Ill.; Billy Brooks.

April 27, 1969, City College of New York, New York, N.Y.; Emory Douglas, Kathleen Cleaver.

April 28, 1969, Park College, Parkville, Mo.; Keith Hinch, Henry Finley.

April 28, 1969, Whitman College, Walla Walla, Wash.; Elmer Dixon.

April (exact date unknown), State University of New York at Oswego, Oswego, N.Y.; Westley Brown.

May 1, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

May 2, 1969, Muskingum College, New Concord, Ohio; Carl Conrad Nichols.

May 5, 1969, Johns Hopkins University, Baltimore, Md.; Warren Hart.

May 5, 1969, California State College at Long Beach, Long Beach, Calif.; Raymond Hewitt.

May 6, 1969, University of Washington, Seattle, Wash.; Aaron Dixon, Anthony Ware.

May 8, 1969, St. Peter's College, Jersey City, N.J.; James York.

May 8, 1969, Lutheran Seminary, Gettysburg, Pa.; Warren Hart.

May 8, 1969, University of Maryland, College Park, Md.; Elijah Boyd.

May 13, 1969, Wichita State University, Wichita, Kans.; Henry Finley.

May 13, 1969, University of Los Angeles, Los Angeles, Calif.; Raymond Hewitt.

May 14, 1969, Sacred Heart University, Bridgeport, Conn.; Ericka Huggins.

May 14, 1969, Morgan State College, Baltimore, Md.; Elijah Boyd.

May 15, 1969, Somerset County College, Somerville, N.J.; Carl Conrad Nichols.

May 15, 1969, Central Washington State College, Ellensburg, Wash.; Aaron Dixon.

May 17, 1969, Yale University, New Haven, Conn.; Lonnie McLucas, Ericka Huggins, Larry Townsend.

May 19, 1969, Yale University, New Haven, Conn.; Bobby Seale.

May 19, 1969, Roosevelt High School, Des Moines, Iowa; James Drew.

May 19, 1969, San Diego State College, San Diego, Calif.; Kenneth Denmon.

May 19, 1969, Los Angeles City College, Los Angles, Calif.; Raymond Hewitt.

May 19, 1969, Malcolm X Junior College, Chicago, Ill.; Fred Hampton.

May 20, 1969, University of Wisconsin, Madison, Wis.; Fred Hampton.

May 21, 1969, University of Wisconsin-Milwaukee, Milwaukee, Wis.; Dakin Gentry.

May 22, 1969, University of California at Los Angeles, Los Angeles, Calif.; Joseph Brown.

May 28–29, 1969, El Camino Junior College, Gardena, Calif.; Delmar Mossett.

June 5, 1969, San Diego Mesa College, San Diego, Calif.; Walter Wallace, Jr.

June 6, 1969, University of California at Los Angeles, Los Angeles, Calif.; Raymond Hewitt.

June 7, 1969, University of Southern California, Los Angeles, Calif.; Raymond Hewitt.

June 28, 1969, University of Wisconsin-Beloit, Beloit, Wis.; Odell Montgomery.

July 10, 1969, San Diego State College, San Diego, Calif.; Walter Wallace, Jr.

August 4–8, 1969, Drake University, Des Moines, Iowa; Charles Knox.

August 6, 1969, Wisconsin State University-Eau Claire, Eau Claire, Wis.; Lovetta Brown.

August 9, 1969, Mathewson Junior High School, Wichita, Kans.; Felix O'Neal, Philip Crayton, Henry Finley, Tom Robinson, Archie Simmons, Keith Hinch.

August 13, 1969, University of Colorado, Boulder, Colo.; Elbert Howard.

August 14, 1969, University of Washington, Seattle, Wash.; Bobby White, Earl Brooks, Roberta Alexander.

September 6, 1969, University of Missouri, Kansas City, Mo.; Felix O'Neil, Brian O'Neil, Henry Finley, Tom Robinson, Andre Weatherby.

September 9, 1969, Tufts University, Medford, Mass.; Douglas Miranda.

September 12, 1969, Howard University, Washington, D.C.; Robert Lee.

September 13, 1969, American University, Washington, D.C.; Robert Lee.

September 14, 1969, Intermediate School, New York, N.Y.; Robert Lee.

September 17, 1969, University of North Carolina, Chapel Hill, N.C.; Robert Lee.

September 17, 1969, University of Maine, Orono, Maine; Eugene Jones.

September 21, 1969, University of Wisconsin, Madison, Wis.; Lovetta Brown, Howard Haralson.

September 22, 1969, State University of New York at Buffalo, Buffalo, N.Y.; Robert Lee.

September 25, 1969, Marquette University, Milwaukee, Wis.; Donald Jackson.

September 25, 1969, University of Wisconsin-Milwaukee, Milwaukee, Wis.: Dakin Gentry.

September 25, 1969, Yale Law School, New Haven, Conn.; Roscoe Lee, Elizabeth Bragg.

September 29, 1969, Waseda University, Tokyo, Japan; Elbert Howard, Roberta Alexander.

October 1, 1969, Memorial Junior High School, San Diego, Calif.; Kenneth Denmon.

October 3, 1969, Case Western Reserve University, Cleveland, Ohio; David Hilliard.

October 6, 1969, Northwestern University, Evanston, Ill.; Fred Hampton.

October 9, 1969, Glendale Community College, Glendale, Calif.; Elaine Brown.

October 11, 1969, Princeton University, Princeton, N.J.; Carl Conrad Nichols.

October 14, 1969, University of Connecticut, Storrs, Conn.; Douglas Miranda.

October 14, 1969, San Jose State College, San Jose, Calif.; Connie Matthews.

October 15, 1969, Ripon College, Ripon, Wis.; David Young, Donald Jackson.

October 15, 1969, Leeward Community College, Honolulu, Hawaii; Elaine Brown.

October 15, 1969, University of Hawaii, Honolulu, Hawaii; Elaine Brown.

October 16, 1969; University of Calgary, Calgary, Canada; Raymond Hewitt, Emory Douglas.

October 21, 1969; Temple University, Philadelphia, Pa.; Clarence Peterson, Rene Johnson.

October 21, 1969; San Diego Mesa College, San Diego, Calif.; Otis Moran.

October 28, 1969; State University of New York at Buffalo, Buffalo, N.Y.; James Caston.

October 28, 1969; St. Cloud State College, St. Cloud, Minn.; Earl Leon Anthony.

October 28, 1968; Rio Grande College, Rio Grande, Ohio; Rufus Walls.

October 29, 1969; Ball State University, Muncie, Ind.; Donald Campbell, Robert O'Bannon, Milan Busby.

October 29, 1969; Illinois State University, Normal, Ill.; Mark Clark, Edward McChriston,, Leon Harps, Fred Hampton.

October 30, 1969; University of California at Davis, Davis, Calif.; David Hilliard.

October 30, 1969; Sacramento State College, Sacramento, Calif.; David Hilliard.

October 30, 1969; Western Washington State University, Bellingham, Wash.; Connie Matthews.

October 31, 1969; University of Washington, Seattle, Wash.; Connie Matthews.

November 4, 1969; Massachusetts Institute of Technology, Cambridge, Mass.; Douglas Miranda.

November 7, 1969; Portland State University, Portland, Oreg.; Kent Ford.

November 7, 1969; Ricker College, Houlton, Maine; James Coston, Al Carroll.

November 14, 1969; Washington State University, Pullman, Wash.; Anthony Ware.

November 14, 1969; Southern Illinois University, Carbondale, Ill.; Fred Hampton.

November 17, 1969; at two universities in Montreal and Edmonton, Canada; Fred Hampton, Willie Calvin, Jeri Eldridge.

November 20, 1969; Central State University, Wilberforce, Ohio; Fred Hampton, Willie Calvin, Jeri Eldridge.

November 20, 1969; Boston University, Boston, Mass., Floyd Hardwick.

November 20, 1969; University of California, Berkeley, Calif.; David Hilliard.

November 20, 1969; Los Angeles Valley College, Los Angeles, Calif; Elaine Brown.

November 23, 1969; University of Illinois, Circle Campus, Chicago, Ill.; Fred Hampton.

November 29, 1969; University of Illinois, Circle Campus, Chicago, Ill.; Fred Hampton.

December 4, 1969; Malcolm X Junior College, Chicago, Ill.; Rufus Walls.

December 4, 1969; University of Chicago, Chicago, Ill.; Bobby Rush.

December 5, 1969; Portland State University, Portland, Oreg.; Kent Ford.

December 7, 1969; Yale University, New Haven, Conn.; Douglas Miranda.

December 8, 1969; Northeastern Illinois State College, Chicago, Ill.; Rufus Walls.

December 9, 1969; New Haven College, New Haven, Conn.; Charles Pinderhughes.

December 10, 1969; University of Missouri, Columbia, Mo.; Andre Weatherby.

December 10, 1969; Portland State University, Portland, Oreg.; Kent Ford.

December 10, 1969; University of Washington, Seattle, Wash.; Kathleen Halley.

December 10, 1969; Niles North High School, Niles, Ill.; Bobby Rush.

December 11, 1969; Indiana University, Bloomington, Ind.; Robert O'Bannon, Keith Parker.

December 12, 11969; Trinity College, Hartford, Conn.; Robert Webb.

December 14, 1969; American University, Washington, D.C.; Stephen McCutchen.

December 15, 1969; San Francisco State College, San Francisco, Calif.; David Hilliard.

December 15, 1969; Portland State University, Portland, Oreg.; Kent Ford.

December 16, 1969; Malcolm X Junior College, Chicago, Ill.; Bobby Rush.

December 17, 1969; Cornell University, Ithaca, N.Y.; Charles Scott.

December 17, 1969; University of Hartford, Hartford, Conn.; Charles Pinderhughes.

December 18, 1969; College of San Mateo, San Mateo, Calif.; David Hilliard.

December 20, 1969; Malcolm X Junior College, Chicago, Ill.; Bobby Rush.

December 21, 1969; Case Western Reserve University, Cleveland, Ohio; David Hilliard.

ENVIRONMENTAL POLICY ACT OF 1969

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. In keeping with the Environmental Policy Act of 1969, I am today introducing legislation to require Federal contractors to comply with Federal, State, and local air and water pollution standards in the performance of their contracts.

The Environmental Policy Act of 1969—Public Law 91–190—declares:

> It is the continuing policy of the Federal Government, in cooperation with State and local governments, to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

This broad mandate has been utilized by President Nixon to insert necessary environmental considerations into the decisionmaking processes of the executive branch. Executive Orders 11507 and 11514 are prime examples. Executive Order 11507 requires that the Federal Government design, operate, and maintain its facilities with full consideration given to their environmental impact. Executive Order 11514 requires that the Federal agencies institute measures needed to direct their policies, plans, and programs so as to meet national environmental goals. Mr. Speaker, it is my belief that the Congress has been too slow in following the President's example. The bill I am introducing today is designed to move the Congress in that direction.

The purpose of the bill is to require that persons or corporations contracting with the Federal Government in an amount to exceed $10,000 in any fiscal year violate no Federal, State, or local pollution laws, standards, or ordinances. Payment on contracts under the act shall be contingent upon certification of the Environmental Protection Agency—when effective—that the contractor has complied with the provisions of the act. The bill also provides that contractors violating their obligations under this act will be barred from further Federal contracts for a 3-year period or until the EPA certifies that the contractor has provided satisfactory assurances against further disregard of such obligations. It is my intention that such decisions should be subject to review pursuant to the provisions of title 41 United States Code.

Mr. Speaker, the Government enforces basic policy decisions in many areas. Federal contractors must now pay federally established minimum wages, not discriminate in hiring, and must provide safe working conditions for their employees. The bill I am introducing today is consistent with the rationale of these existing requirements.

In short, we must insure that the Federal Government does not indirectly violate its own standards and those of State and local governments in the course of conducting its business.

MONTH-BY-MONTH REVIEW OF 91ST CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 15 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, I have prepared a month-by-month review of this second session of the 91st Congress to date for the people I am privileged to represent.

JANUARY

As the second session of the 91st Congress convened, President Nixon stressed control of pollution, inflation, and crime in his state of the Union message. I voted to sustain the President's veto of the fiscal 1970 Labor-HEW appropriations bills, as I wrote in my newsletter at that time, because compromises assured by the President and proposed reforms in programing were in the best interest of education in North Dakota. We later secured some of the modifications.

FEBRUARY

The President sent a $200.8 billion fiscal 1971 budget to Congress and predicted a surplus of $1.3 billion. For the first time in years the amount to be spent to meet domestic human needs exceeded amounts going for military operations.

Our Appropriations Committee began hearings. The Labor-HEW money bill for fiscal 1970 was finally approved as was a bill to exempt potatoes for processing from marketing orders. We also authorized $30 million for the national school lunch program, extended the Community Mental Health Centers Construction Act and three grant programs for public health training.

MARCH

We approved a program for preservation of additional historic property throughout the United States, the Water Quality Improvement Act to clean up our Nation's waterways and the District of Columbia crime bill, which includes pretrial detention for those accused of major crimes and mandatory sentences for repeat offenders.

Also approved were supplemental pensions for 60,000 retired rail workers and cigarette advertising was removed from radio and television effective January 2, 1971.

In my March report to constituents I endorsed the President's innovative 37-point program to begin the task of cleaning up our environment and, as I have every year I have been in Congress, I was appointed to the delegation attending the Canada-United States Interparliamentary Conference.

APRIL

We approved a 3-year, $24.6 billion extension of the Elementary and Secondary Education Act, including aid to federally impacted schools and passed the welfare reform bill, with work training provisions to help people get off the welfare rolls.

We also approved a $4.1 billion education appropriations bill, after a number of us managed to get this part of the bill separated from Labor, Health, and Welfare so it could be enacted in time for administrators planning the 1970–71 school year.

The House also voted to increase railroad retirement by 15 percent, exclude sexually oriented material offered for sale to minors from the mail, authorize $17.5 million for the Arms Control and Disarmament Agency and adopt a resolution designating May 1 as a day for an appeal for international justice for the GI's who are prisoners of war in Southeast Asia.

MAY

We secured approval of an amendment authorizing $2.5 million to solve the critical fiscal situation facing Grand Forks and other school districts in their efforts to educate children of military personnel. The House also approved an expanded and improved lunch program for needy schoolchildren, the Airport and Airway Development Act, the National Traffic and Motor Vehicle Safety Act, plus a $527,630,000 authorization for the National Science Foundation. We voted to increase and liberalize social security benefits, providing also that future adjustments be keyed to the cost of living and made automatically. Additionally, the House approved a $2.5 billion appropriataion for the Department of Transportation, including $290 million for the SST to which I strenuously objected—although we lost the fight in a close vote. The House approved a resolution, which I cosponsored, establishing a Joint Committee on the Environment and extended the National Foundation on the Arts and Humanities.

JUNE

The House extended the Hill-Burton program for hospital construction and approved bills to establish nationwide pollution standards, liberalize benefits for veterans and their widows, set up a 3-year pilot Youth Conservation Corps program, extend the Voting Rights Act while lowering the voting age to 18, adopt the postal reorganization plan creating an independent Government agency called the U.S. Postal Service, restore the Golden Eagle program and the Emergency Home Financing Act to provide additional funds for home mortgages.

In the Appropriations Committee we approved the public works bill providing funds for key projects in North Dakota, including Garrison Diversion, and with a significant boost over the budget, Pipestem Dam.

JULY

The House passed legislation to permit custom slaughterers to engage in retailing and wholesaling meat, to provide $3.15 billion in Federal law enforcement assistance funds in fiscal 1971, 1972, and 1973, and on July 9 defeated the Senate-passed Cooper-Church amendment designated to reduce the President's control over our Armed Forces.

We also voted to increase the availability of guaranteed home loan financing for veterans, extend unemployment compensation to some 4.8 million additional workers and extend and improve programs for assisting and training in the allied health professions, and to amend and improve the Mental Retardation Facilities and Community Health Centers Construction Act.

AUGUST

The House passed the Environmental Education Act, the Federal Railway

Safety Act, the Comprehensive Health Planning and Service Act of 1970, and a resolution providing for a constitutional amendment on equal rights for women.

Also passed was the Agriculture Act of 1970, a bill frankly disappointing to those of us who led the fight for the coalition bill which had the backing of all North Dakota farm organizations and 33 national agriculture groups.

I voted to override Presidential vetoes on the Education and independent offices—HUD appropriations bills.

SEPTEMBER

We approved a major Congressional reform bill and authorized $165 million in grants for communicable disease control, restricted the mailing of unsolicited credit cards, authorized an additional $1 billion for construction of community water and sewage facilities, plus a comprehensive Drug Abuse Prevention and Control Act.

The House and Senate met jointly to hear Presidential representative Frank Borman speak on Americans held captive in Vietnam.

Also approved were the Urban Mass Transportation Act, a bill to provide guards on U.S. commercial aircraft and a conference report establishing uniform Federal railroad safety standards.

OCTOBER

Before the recess, the House passed the Organized Crime Control Act, which contains six specific proposals to battle crime I cosponsored three years ago, and completed action on the Legislative Reorganization Act.

As a sponsor of the water bank bill I was gratified we were able to get House approval of this proposal which provides an alternative to continued draining of wetlands so important to migratory waterfowl and other wildlife.

We also passed a comprehensive Manpower Act, and finally the conference report on the Agriculture Act of 1970. The Senate made some significant improvements in the House agriculture bill and, while the final falls short of what we fought for, it contains, I believe, the best programs we could get at this time.

While, of course, there can be no total on outlays until after action is completed on all funding bills, the largest single item—defense—will amount to about 34 percent of the total budget compared to a level of approximately 44 percent during the peak Vietnam war year of fiscal 1968. Spending on Vietnam that year reached nearly $30 billion, but this year it will be around $14 billion. During the last 4 years, our Appropriations Committee has cut nearly $15 billion from the overall Defense budgets. This does not mean the defense posture of our Nation is weakened, but it does reflect the reduction of our involvement in Vietnam, the insistence by the Congress that the Pentagon adopt a more responsible attitude about spending money, and a revision of our national priorities toward domestic needs.

The 91st Congress, based on its record to date, will be remembered for many things—some good and some bad.

Despite some inspired leadership by the administration and some very hard work on the part of many Members of Congress, we are not seeing the rapid improvement we seek in the quality of life in America. It can be said, however, that things are not getting worse as fast as they were in 1960's.

The national crime rate is still climbing, but not at the horrible rate it did in the last decade.

We still have inflation, but prices are not going up as fast as they did a few years ago.

While the war in Vietnam continues, the casualty figures are the lowest in years and we have started to bring our GI's home in increasing numbers. We all hope the President's proposal for a cease-fire is successful.

These are just some of the topics which Congress has been dealing with that are covered on a month-to-month basis in this recess report to the people of North Dakota's First Congressional District I am privileged to represent.

PANAMA CANAL: "THE NUCLEAR BULLDOZER" REVEALED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the interoceanic canal problem is a fascinating subject because it is inexhaustible, with new angles steadily appearing. Among such angles that I have repeatedly discussed in addresses and statements to the House are the nuclear, environmental, and ecological. It has, therefore, been both interesting and gratifying to note in my recent reading how some of the ideas voiced before this body have permeated lay writings.

The most recent example of such thinking is a section in the 1970 volume by Gordon Rattray Taylor entitled "The Doomsday Book," published by Thames and Hudson, London, England, 1970. In this, Mr. Taylor summarizes information about the nuclear and ecological aspects of the interoceanic canal problem, emphasizing that the fresh water Gatun Lake is the real barrier protecting both the Atlantic and Pacific oceans against the dangers of biological catastrophe, but he fails to mention any valid way to meet the threat of a sea level construction project.

As I have pointed out many times, the only sensible way to solve the problem of increased transit facilities at least cost and without treaty involvement is the major modernization of the existing Panama Canal according to what is known as the terminal lake-third locks plan. This plan, developed in the Panama Canal organization as the result of World War II experience, would not only supply the best operating canal at least cost but would enlarge the present fresh water Gatun Lake and thus avoid the ecological hazards feared by marine biologists.

It is interesting to note that in the references cited by Mr. Taylor is an article by Dr. John C. Briggs on "The Sea-Level Panama Canal: Potential Biological Catastrophe," which I quoted in an address to the House in the CONGRESSIONAL RECORD of August 4, 1969.

As the indicated excerpt in the Taylor book is illuminating, I include it as part of my remarks as follows:

EXCERPT FROM THE DOOMSDAY BOOK BY GORDON RATTRAY TAYLOR; THAMES AND HUDSON, LONDON, 1970

THE NUCLEAR BULLDOZER

I was Harold Brown, the director of the Livermore Laboratory in Berkeley, California, who first put forward the idea of using nuclear explosives to dig a canal. The year was 1956, and the Israeli-Arab war had closed the Suez Canal. Brown suggested that the world's shipping could be saved its enforced journeys round the Cape of Good Hope by digging a new canal across the Sinai Peninsula, running from the Gulf of Aqaba to the Mediterranean. This could be easily done by using nuclear explosives to blast a furrow through the desert.

Though the idea was politically impractical, the idea of using nuclear explosions as a super bulldozer, capable of moving masses of earth rapidly, took root. Always anxious to find new justification for its existence, the Atomic Energy Commission set up a team under the general heading Project PLOWSHARE. One of the applications dreamed by this group was to dig a harbour at Cape Thompson. The journal *Environment*, published by the American Committee for Environmental Information, tersely summarized the risks thus: "There were no compelling economic reasons for the harbour, and Alaskan Eskimos were already getting more radio-activity in their diet than other people. Eskimos eat caribou; caribou eat lichen; lichen concentrates cesium–137 and strontium–90 from fallout."

The Eskimos and others protested so strongly against the radiation risks that the idea was dropped.

The American AEC prefers the term 'geographical engineering' for its PLOWSHARE-type activities. '"Geographical engineering" describes the use of nuclear explosives to change the geography of our planet,' it says in a booklet issued by its division of technical information, 'digging sea-level canals between oceans, stripping overburdens from deep mineral deposits, cutting highway and railway passes through mountains, creating harbours and lakes where none existed before, and altering watersheds for better distribution of water resources. Nor do proposals for peaceful uses of nuclear explosives stop with large-scale earth-moving. Also envisioned are constructing underground reservoirs, increasing gas-well productivity, and controlling subterranean water movement. Eventually, the energy from nuclear explosives may even be used for underground desalting of seawater, for producing steam, and for creating basic industrial chemicals directly from mineral deposits.' They also mention the kind of mining operations I have already described and add, 'The shattering effect and heat of nuclear explosions may one day enable recovery of vast oil reserves from sand and shale formations that are now uneconomical to exploit.'

The AEC does not give any indication of how much radioactivity all these various operations are likely to release, and probably does not know, but the resumption is that it would be considerable. It concedes that this would be a danger 'if not properly controlled' and also mentions possible risks from 'ground shock', 'base surge' and 'air blast'. It does not mention earthquakes.

The first nuclear explosion specifically for the PLOWSHARE programme was Project GNOME, which melted 2,400 tons of rock, leaving a cavity of nearly a million cubic feet capacity underground. The intention was to explore the possibility of using the heat developed as a source of power. Water would be pumped into the scorching hot cavity and turned to steam which could, in principle, be made to drive dynamos or do other work. GNOME was a mere 3.1 kiloton shot. It proved rather a disappointment. Thirteen thousand tons of colder rocks 'were blown or collapsed into the molten pool from the walls and ceiling. As a result the melted material was

cooled suddenly and the heat distributed throughout a much larger mass. Thus it was not possible to recover any appreciable amount of the heat. Moreover, studies indicated that the steam produced was very corrosive.' It would not, the AEC concluded, be economic to use it.

Seven months after GNOME, a much more ambitious project, SEDAN in which 200 kilotons (equivalent) were exploded, took place. Says the AEC, "The effect of the SEDAN explosion was awesome.' Though the charge was fired an eighth of a mile below the surface, it excavated a crater 1,200 feet in diameter with a volume of 5.5 million cubic yards. The Defense Department helped out with two more shots in 1962, HARDHAT and DANNY BOY. HARDHAT yielded so little radioactivity that it was felt that industrial nuclear mining was 'on'.

In his book *Project Plowshare,* Ralph Sanders lists many specific ideas, such as blasting new harbours on the west coast of Africa or in South America. These could be so deep that much larger ships than any now in use would use them, which might reduce the cost of ocean transport. 'The imagination and effort devoted to the PLOWSHARE program must be great and relentless,' concludes the AEC with relentless fervour.

Meanwhile the idea came up of blasting a harbour in northern Australia, near Cape Keraudren. This region is rich in natural resources, such as nickel and iron, but they are hard to get out as there is no large harbour for a thousand miles. However, Port Hedland harbour, already equipped for ore-handling, is only 100 miles off, and could be enlarged. A feasibility study was launched jointly by the Australians and the Americans in 1966. The plan called for the explosion of five 200-kiloton shots buried offshore. All was going well, with early 1970 in view as the firing date, when the principal customers for the iron ore, the Japanese, indicated that they thought the price of the ore would be too high. This was as well, since the date set allowed little or no time for studies of the effect on the environment, or on people. No public announcement was made of how many people would be at risk, and how many people would have to be evacuated. There are no nuclear explosions without the release of some radio-activity to the environment, but nothing was said about the possible effect on sheep and cattle, on which Australia so largely depends. It would also be essential to discover whether any plants concentrate cesium or other nuclides in the way lichen does, and what of the danger that contaminated soil might be blown to great distances and there descend? In the dry, torrid climate of Northern Australia, the risk is far more serious than in the Arctic. Just before the Japanese pulled out the props, three Australia scientists from Sydney University, Professor A. E. Alexander, Professor L. C. Birch, a physical chemist and a biologist respectively, together with N. A. Walker, the Associate Professor of Biology, issued an appeal for a two-year ecological study of land and sea areas involved, and for evaluation to be carried out by an independent body. Menwhile, the Australia and American atomic energy commissions have said that they will study the possibility of using nuclear excavation at other sites in the area.

Unwilling to abandon the rich iron deposits, the mining companies have now come up with another plan: to extract the ore itself with nuclear explosives. This time the plan is to place three to five 10-kiloton charges 800 feet down, which is about 450 feet below the ore body, spaced at intervals. It is hoped this would shatter some 45 million tons of ore. It would then be necessary to wait for up to six months for the radio-activity to subside somewhat. The hope is that much of it will have been trapped in a glassy mass of once-molten rock. The charges foreseen for this plan, know as the Wittenoom plan, are certainly much smaller than for the harbour, but they are large enough and ecological surveys should certainly be made and independently evaluated.

In the US, Kennecott Copper has been investigating a similar project with AEC co-operation, at Safford, Arizona, about 150 miles north-east of Tucson. In this case, after the blasts, the metal would be leached out chemically, thus limiting exposure of personnel to radio-activity.

Meanwhile, an even more grandiose idea had surfaced: to dig a ditch across the Isthmus of Panama, thus making a sea-level canal, which need have no costly and time-consuming locks to raise ships to higher levels, such as there are on the existing Panama Canal. When this was opened in 1914, its 110-foot by 1,000-foot long locks seemed big enough. Today they are too small for the world's 500 biggest ships, many of which are mammoth oil tankers.

In 1964, President Johnson established a Canal Study Commission to report on the need for such a canal and the cost of making it, and the best position. Though originally due to report in 1968, the date of the final report has been postponed until December 1970.

Meanwhile, the AEC began making test explosions, with soothing code names like SULKY and PALANQUIN. Since some thirty possible sites for the new canal have been suggested, it is impossible to be definite about the amount of nuclear exposive required, but for Route 17, the most popular candidate, a total of 166 megatons would be needed, according to a recent calculation. (For purposes of comparison, the San Francisco earthquake was equivalent to a 100 megaton explosion.) As the largest cratering test so far conducted is only 100 kilotons, one thousand times smaller, the AEC can only guess ("extrapolate" is the polite word) what the effects of this fantastic sequence of blasts would be. According to one authority, large explosions are less effective at earth moving than small ones, so that one 50-megaton and three 25-megaton shots might have to be fired together with many smaller ones to fill the gaps.

A team from ESSA (Environmental Science Services Administration), sent to study the meteorological aspects, found a complex pattern of winds, and ESSA's E. A. Martell foresees an "extended east-west radio-active cloud source for which the fall-out pattern would be widespread and unpredictable. Areas which may receive significant fall-out include Costa Rica, Panama, northern Colombia, and north-west Venezuela." And he goes on to say: "The fact that Central America is an active earthquake area further magnifies the difficulty of predicting effects. There is a real possibility that the nuclear detonations would trigger large earthquakes at great distances." It would also be difficult, he says to predict the effect of the waves which would be caused, while the air-blast might damage inhabited areas hundreds of miles away.

Professor LaMont Cole of Cornell University goes further. He calculates that the cesium fall-out from the explosions would provide 26.5 limiting doses for everyone on earth, since the radio-active cesium would enter the food-chains and end up everywhere. It might also affect the hurricane pattern, ruin the fishing and shift or destroy the Gulf Stream. This may be too pessimistic, but it does call in question the right of one nation to expose the rest of the world to such a risk.

This is no place to explore the engineering and other problems associated with this project, but something must be said about the people who would have to be evacuated. "Preliminary evacuation plans anticipate that over 30,000 people from areas near Routes 17 and 25 would have to be resettled elsewhere for a few years." Of course, if the radio-active cloud descended unexpectedly in some area supposed safe, there would have to be emergency evacuations as well. In the case of Route 17, people affected would be the Cuna Indians at the Caribbean end, the Choco Indians in the central and southern areas and various Colombian immigrants and colonists from central and western Panama. Martell observes that construction of the canal on Route 17 "would all but destroy the Cuna Indians and their culture". Some would hide in the jungle and be killed by the blast, but those that did not could never return to their haunts, which would be taken over for defence areas and supporting communities.

Finally, there is the ecological risk. Since the tides on the Pacific side run to much greater heights than the Atlantic tides, strong currents would flow through the channel, carrying many species from one ocean to the other, and perhaps lowering the temperature of the Caribbean. Ira Rubinoff, the Assistant Director of the Marine Biology Department of the Smithsonian Tropical Research Institute at Balboa, says that only one fish is known to have got through the existing canal and to have bred. The fresh-water lake in the middle is the real barrier, not the locks; similarly in the Suez Canal, the salty Bitter Lakes constitute a barrier. He adds that when two species interbreed, the result can sometimes be extinction of both, if the "crosses" which result are inferior to the parent lines.

When the Welland Canal to the Great Lakes was opened, the sea lamprey got in. Nearly a hundred years later, a lamprey population explosion occurred, decimating the white fish and trout in the lakes. The fishing industry lost millions of dollars, and the US and Canada chipped in $16m. in an attempt to solve the problem. Says Rubinoff: "Spectacular as some of these cases may have been, they are minor by comparison with what would be expected to result from the construction of a sea-level canal in Central America. The mutual invasions of Atlantic and Pacific orgaisms should be much more extensive, numerous and rapid, and their ultimate consequences should be quite incommensurable with any biological changes ever recorded before."

Seeing that this is only the first of many such proposals, I join with him in urging the appointment of an independent Commission for Environmental Modification, with adequate funds and power to review all alterations of the environment, on a worldwide basis. Late in 1969, following this and many other protests, the National Academy of Sciences set up a Committee on Ecological Research at the request of the Canal Study Commission to go into the problem—a step in the right direction.

When a Panama canal was first proposed, in the nineteenth century, some argued that such a project would be against God's will, as he had clearly intended the Atlantic to remain separated from the Pacific or he would not have left a strip of land joining the two Americas. Today western man is not troubled by any such scruples and he is sublimely indifferent to those, less arrogant, who prefer the planet the way it is. But his ambition does not stop at joining oceans, he would even abolish the ice-caps.

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CONGRESSMAN KEE'S REPORT TO THE PEOPLE OF THE FIFTH CONGRESSIONAL DISTRICT OF WEST VIRGINIA

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 60 minutes.

Mr. KEE. Mr. Speaker, I have asked for this time to address the House in order to present my official report on my service in the 91st Congress to the residents of the Fifth Congressional District of West Virginia.

While the record of the 91st Congress as a whole cannot be fully analyzed until the second session draws to a close, I want to take this opportunity to set forth very briefly an outline of my service, some of the main issues faced by the Congress, and how they were handled up to the present time.

On March 26, 1970, I asked for time to address the House in order to present my official report to the residents of the Fifth Congressional District of West Virginia, to cover my legislative activities during the first session of the 91st Congress, and that part of the second session up to and including March 26.

Overall, the 91st Congress can best be described as a responsible, working Congress that made far-reaching contributions to the Nation and one that will be remembered for its legislative "firsts" in several important areas.

From the very beginning the temper of the American people had penetrated this body. Legislation ranging over a large spectrum of problems facing the average American citizen were considered and enacted. Such issues as tax reform, inflation, environmental and conservation measures, crime and law enforcement, equal rights for women, education, national defense, draft lottery, legislative reform, health, including the all-important Coal Mine Health and Safety Act of 1969, which includes Federal compensation for pneumoconiosis, medicaid, housing, unemployment compensation, social security benefits, as well as the needs of our veterans.

For the first time since World War II, there was the most searching congressional inquiry into and debate on the foreign and military spending policies of the executive branch of the Government, thus renewing one of the most powerful roles of the Congress under the separation of powers provided by the Constitution. In large measure, the length of the first session, which was the longest since 1963 and the sixth longest in history, was due to the extended debate on defense procurement authorization and appropriation bills.

Congressional participation in establishing national policies is a healthy thing for our Nation. It can be particularly beneficial when there is at the same time full realization by Congress of the responsibilities involved when it extends the power of the purse over the shaping of foreign policy. Open debate can provide the necessary guidelines for proper congressional control over appropriations, subject to the Executive veto power. It is in this way that Congress can limit military spending, which they did by cutting billions from the President's defense budget in both sessions without affecting funds for food, clothing and any other necessities required to protect our troops.

Continuing their realization of the importance of our foreign policy, the Congress on September 29, 1970, expressed their concern over the threat of Russia's building up the military power of the Arab countries in the Middle East to such an extent that they would enter upon a war determined to destroy the State of Israel, by authorizing the President to furnish Israel with aircraft and other weapons as she may need to ward off and defend herself against any aggression that might occur. The clear and present danger to world peace from such involvement is a matter of grave importance to the United States.

In analyzing the legislative "firsts" the House acted to modernize the process by which the American people elect their President and Vice President. In a historic action, the House on September 18, 1969, passed an amendment to the Constitution which would provide, upon passage by the Senate and ratification by the necessary number of States, for direct election of the President and Vice President. This action to abolish the electoral college, which has elected the President since the beginning of the Republic, meets with the approval of fully 80 percent of the American public. I think the House was well advised in its action. The Senate, after considerable debate on this legislation, on September 29, 1970, postponed action on it.

For the first time in a quarter of a century the House sought to reform its rules and procedures. By a record vote of 326 yeas to 19 nays the House passed H.R. 17654 to improve the operation of the legislative branch of the Federal Government. It has been some 24 years since a reorganization bill has been passed by the House of Representatives. But this bill is even of greater significance in that, so far as the House is concerned, it changes the House rules. Some of the amendments which were passed provided that teller votes be recorded by clerks or electronic devices on demand of one-fifth of a quorum; required that a record of all rollcall votes in committees be available to the public; prohibits proxy voting in committees; and permits the use of electronic devices to record rollcall votes. I am pleased to report that I voted for this bill.

Likewise, for the first time since 1923, when it was first introduced the House approved the equal rights amendment. I signed the discharge petition to bring it to the floor of the House for debate. I was glad to support this measure because I feel the time is long past due to remove from our laws any discrimination on account of sex.

The desirability of providing a constructive outlet for the tremendous commitment and energy which our Nation's young people have demonstrated over the recent months and years brought about the extension by Congress of the Voting Rights Act, one of the landmark civil rights laws, by approving the vote for 18-year-olds. There could be no clearer indication from the Congress that we welcome the interest and participation of these young Americans in the political process.

The most comprehensive tax reform bill in history became law, largely through the initiative and work of the Congress. It is a judicious mix of reform and relief. It includes a whole new concept in the tax law, a "minimum tax" aimed at preventing wealthy individuals or corporations from completely escaping the Federal income tax. It passed the House 395 to 30 on August 7, 1969, and was signed into law December 30, 1969. I voted for the passage of this bill.

The postal reform bill is another achievement of the 91st Congress. The new law abolishes the Post Office Department and creates in its stead the U.S. Postal Service, within the executive branch, to own and operate the postal service. The new service is to be governed by a commission serving rotating terms of office. The law also contains prohibitions designed to end political influence in the postal service.

On the whole, the new law demonstrates an effort by the Congress to eliminate huge postal deficits and represents an action which the postal workers and general public appear to favor. I voted for the bill because I was hopeful it would bring improvements in our overall postal system.

The 91st Congress shifted our national priorities by providing increased funding of needed health, education, and welfare programs. In the process, there was one Presidential veto of the Health, Education, and Welfare appropriation bill, upheld by a narrow margin, and a later veto of hospital construction funds which was overridden. More recently, the President vetoed the education and independent offices appropriation bills. The education veto was overridden by the House while the independent offices appropriations veto was sustained. I voted to override these vetoes.

Some of the highlights of the almost continuous first and continuing second sessions which, on the whole, is seeking to be responsive to the needs of the Nation are the following:

HEALTH

In the first session, Congress took a strong step to strengthen protection for the health and safety of the more than 144,000 coal miners in the United States. It had become clearly evident that if we were to have any impact on the high accident rate, we needed a law that would give the broader enforcement powers to the inspector and thereby provide stronger incentives for management and labor to think of safety at all times. It was for this reason that I introduced the first legislation dealing with these problems. My bill, H.R. 9850, which provided for the payment of benefits for death or total disability due to pneumoconiosis—or black lung—was incorporated into the Federal Coal Mine Health and Safety Act of 1969, which was signed into law on December 30, 1969, under title IV.

Since Congress took this strong step to strengthen protection for the health and safety of the coal miners, according to

the Social Security Administration, the State of West Virginia as a whole has received $5,575,000 in benefits; and the Fifth Congressional District is receiving benefits totaling $586,788 per month. To date 3,058 miners and widows and 2,962 wives and children have received benefits in my district.

I also introduced a bill to amend the Social Security Act to make provision for the payment of benefits to coal miners afflicted with pneumoconiosis, as well as to disabled railroad employees. H.R. 10499 would also extend the medicare program to individuals receiving cash benefits based on disability without regard to their age.

There has been a fresh impetus for a national health care system, for it is clear that changes are needed not only in the way in which medical care is financed in this Nation, but in the way in which it is delivered. Congress should make possible a 20th century health care system to provide 20th century health care services. There is no doubt that health care reform should be a top priority issue for the Federal Government. I have, therefore, introduced H.R. 19284 to create a national health security program.

SOCIAL SECURITY

Congress during the first session provided for an across-the-board increase of 15 percent in social security benefits. However, since social security payments were increased a year and a half ago, the cost of living had increased 10 percent. Therefore, this token increase at that time left the majority of social security recipients living on incomes below the subsistence level. At present there are 1.2 million elderly social security recipients who must rely on old-age assistance. Inasmuch as there is no provision in their benefits for escalation in line with the steady increase in the cost of living the House passed legislation providing for a 5-percent increase in social security benefits, and also including new provisions for an automatic adjustment of benefits geared to the cost of living. The 5 percent would become effective January 1, 1971, and also increase the income payment base from the present $7,800 to $9,000.

The Senate Finance Committee on October 1, 1970, approved a 10-percent across-the-board increase plus a boost in the minimum monthly payment from $64 to $100. This action will require approval on the Senate floor and then in a House-Senate conference. In the event this legislation is enacted into law the administration is actively considering the postponement of this social security tax increase. I am opposed to this deferment and strongly feel that the Congress should retain control of the social security program which was initiated by your Congress.

ECONOMIC DEVELOPMENT

In an effort to improve economic conditions Congress is continually fighting for economic development by passing amendments to the Public Works and Economic Development Act which extends the Appalachian Region Development Act until June 30, 1971 and to authorize, exclusive of highway construction funds, $294 million for the 2-fiscal-year period; as well as extending the highway portion of the act until June 30, 1973, and to authorize $695 million for the 4-fiscal-year period.

As a Member of the House of Representatives my assignments on the House Public Works Committee include membership on the Special Subcommittee on Economic Development Programs and the Ad Hoc Subcommittee on Appalachia. These subcommittees are directly concerned with Appalachia and economic development, where I served as cosponsor on these legislative measures.

It was through the Appalachian regional program that provision was made for Federal participation and the construction of Appalachian regional highways, as well as other programs, such as hospital construction, health services, water and sewerage improvements. On September 30, 1970, I made available to my constituents a report on the projects approved for the Fifth Congressional District under the Appalachian Regional Act from the inception of this program through May 1970, with the exception of the amounts obligated for Appalachian Development highways, in the total amount of $14,148,521. Also, on August 27, 1970, the Montgomery General Hospital was granted additional Federal funds for bed addition and modernization.

Under the Economic Development Administration Act, which has a field office in Oak Hill, both grants and long-term, low-interest-rate loans are provided for the establishment of private enterprise. The Fifth Congressional District established the very first multicounty economic corporation in the United States with headquarters in Bluefield. Such projects as Hawks Nest State Park in Fayette County with a total Federal investment of $1,917,000; Twin Falls State Park in Wyoming with a total Federal investment of $4,423,000; and Pipestem Addition, Bluestone State Park in Mercer and Summers Counties with a total Federal investment of $13,103,000 have been set up under this act.

A Federal investment exceeding $600 million has been granted to our district since 1965.

Motivated by the congestion in our cities and suburbs, while our rural population declines the House Public Works Committee, of which I am a member, on October 2, 1970, reported out H.R. 19504, the Federal Aid Highway Act of 1970, which I cosponsored. The bill authorizes the Secretary of Transportation to make grants for demonstration projects for the construction, reconstruction, improvement, planning, surveying, and investigation of highways that would lead to the development of economic growth centers and surrounding areas. The basic purpose of this provision and the end toward which its administration should be aimed is the improvement of all aspects of the rural areas and small communities of this Nation so as to encourage a more balanced population pattern.

The Federal share of the cost of any projects is a maximum of 70 percent with the funding provided by the highway trust fund, and does not require the States to reshuffle their existing Federal-aid priorities in order to participate.

As stated in the report:

It is the intent of the Committee that in progressing to the future highway program and increased federal participation that whenever traffic volumes are in the order of magnitude of those of the Interstate System and whenever practical, comparable projects for primary highways should be built to Interstate. Such routes as Rte. 52 in West Virginia and Rte. 219 in Pennsylvania are typical of routes badly in need of improvement which could benefit from this section.

Due to the loss in population in States like West Virginia over the past 10 years and the steady rise in unemployment, the Congress is pushing for the enactment of this legislation before the end of the 91st Congress.

HOUSING

America faces a disastrous housing shortage; the worst since the end of World War II. This is caused by skyrocketing interest rates. As a matter of fact, the average mortgage rate on homes has just reached a still higher level, exceeding 8 percent. In turn, this is devastating the homebuilding and construction materials industries. Most authorities agree that America requires a minimum of 2.6 million new homes annually to keep pace with population growth and loss of existing housing units.

The news media for some reason fails to remind the public that last December the Congress by a substantial vote in both House and Senate gave the President absolute authority under Public Law 91–151 to roll back interest rates 2½ percent and control all aspects of credit transactions in order to curtail inflation. That bill was signed by the President last December and has been dormant and molding in the files of the White House. The record of the administration on interest rates illustrates in unmistakable terms, the economic failures of the past 20 months. Prices and the cost of living continue to climb and interest rates remain at record levels. The law is left untouched while homebuilding continues to decline.

Recently, the House and Senate gave the President standby authority to stabilize prices, wages, rents, living costs, and so forth. The President signed this legislation on August 15. There has been no action since the President was given this authority.

I have worked for and supported every housing bill coming before the House during my service.

LABOR

In the field of labor, the Congress provided for the collection of Federal employment taxes on a quarterly basis, as well as legislation to promote health and safety in the construction industry in all Federal or federally financed or federally assisted construction projects. This legislation requires that no construction contractor or subcontractor may require an employee to work under any conditions that are unsanitary, hazardous, or dangerous to his health or safety.

Legislation to extend unemployment to, first, workers in agricultural processing activities; second, employees of nonprofit organizations; third, employees of State hospitals and universities; and fourth, employees of an American employer, who perform services outside of

the United States, as well as legislation to amend the Railroad Retirement Act to provide a temporary 15-percent increase in annuities, were enacted into law. I supported both measures.

CRIME AND LAW-ENFORCEMENT

Ever mindful of the increase in crime throughout the Nation the House on June 30, 1970, passed a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 which is tailored to combat effectively the type of crime which threatens the average citizen on our city streets, such as rape, robbery, assault, and murder. It affords substantial genuine support to the frontline soldier in the war on crime—the man on the beat. It makes available in the coming year of $650 million in Federal grants to strengthen local police departments in their fight against crime. An additional $1 billion is authorized under this bill for this purpose for 1972 and $1.5 billion for 1973.

This bill has been pending in the Senate Judiciary Committee, but was reported out on September 29, 1970.

I also strongly supported the recently enacted District of Columbia crime and court reorganization bill because it constitutionally balances the needs of law-abiding citizens against the already-protected rights of the criminal. By letting criminals free on inadequate bail without adequate protection for the community at large, would be increasing the crime rate and sacrificing the safety of the law-abiding victim of criminals. One out of every three robbery suspects released on bail in the District is arrested for another offense before coming to trial.

DRUG ABUSE

Congress likewise realizing that the drug abuse in the United States was reaching alarming proportions passed by a unanimous vote of 290 to 0 a Drug Abuse Education Act of 1969 which authorized $29 million over 3 years for Federal grants to train teachers, lawmen, and other officials who, in turn, will carry truth about the drug misuse to children and their parents.

I also felt that one of the best ways to combat this problem is through a frank and straightforward presentation of the facts. This I attempted to do. In the spring of 1970 meetings were set up throughout my district for this purpose where I conducted a seminar with a group of knowledgeable men who presented the facts and encouraged discussions. I am pleased to report that not only were these meetings successful, but the information motivated interest by local groups and students. I plan to continue to hold similar meetings.

On September 26, 1970, the House followed through with additional legislation with the Drug Abuse Prevention and Control Act of 1970 which provides for sentencing procedures under which dangerous special drug offenders could be sentenced to increased punishment. This bill was ordered placed on the Senate Calendar on September 28, 1970.

ENVIRONMENT AND CONSERVATION

This Congress enacted the Water Quality Improvement Act providing for marine sanitation, removal of oil from navigable waters, and waste treatment works. The Clean Air Act amendments, also enacted will extend research on fuels and vehicles. A timber bill that purported to conserve forests while permitting increased cutting was kept back by a concerted House effort. And the 91st Congress quadrupled the administration's request for water pollution funds for fiscal 1970.

EDUCATION

Both sessions of the 91st Congress provided increased funding for education programs and this produced the severe tests between a new President and a Congress with the opposition party in control. Two Presidential education vetoes were overridden and in addition, the Congress renewed the Elementary and Secondary Education Act and increased the authorization for the NDEA student loan, workstudy and education opportunity grant programs, all very important to the Fifth District, our State and Nation, which I thought merited my support.

DRAFT

Criticism of the draft system led the President to request that Congress remove the prohibition against a draft lottery. This we did. Under the random-selection method, each eligible young man enters a lottery pool during his 19th year. If he is not drafted that year, it is very unlikely that he ever will be. By utilizing the lottery system, we have eliminated one of the major criticisms of the previous draft system—the extended period during which a young man has been kept in doubt about probable induction into the military.

VETERANS

The problems of our Nation's veterans, particularly the disabled ones, are great indeed. We here in Congress must never lose sight of the fact that many of the veterans problems were created because they answered America's call for help in two world wars, Korea, and now in Vietnam. We here in Congress have a solemn obligation to help those valiant men who have sacrificed so much so that they might have the opportunity to retain and fully enjoy our democratic freedoms.

The House of Representatives, in passing House Resolution 661, voted to commend the American serviceman and veterans of Vietnam for his efforts and sacrifices and let him know that Members of the House, regardless of their opinions about the national policy concerning the conflict, take note of the bravery and dedication in the service of his country that the American serviceman has exhibited.

This Congress has passed a series of very important bills aimed directly at improving benefits for veterans. The administration has opposed practically all of this legislation. Early in the Congress work was begun on a series of improvements in the education and training program. Most important among these was a proposal to raise education allowances by about 35 percent. Despite attempts by the administration to prevent improvement and expansion of the GI bill and its education program, a bipartisan Congress passed this legislation virtually without dissent, leaving the President with no recourse but to sign it.

During the past year over the objections of the administration we also acted to provide increased compensation for veterans' survivors. Public Law 91-96 changes the formula.

Congress has been greatly concerned with problems relating to the veterans hospital program, and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President.

Another bill, H.R. 15911, which passed the House on September 21, 1970, increases the monthly benefit rates and the annual income limitations applicable in payment of non-service-connected disability and death pension to wartime veterans and their widows in the current program. Under this proposal the same would also apply to payments of service-connected dependency and indemnity compensation to parents of deceased veterans. While the bill has several significant features, one of the most important is that if H.R. 15911 were enacted into law, it would mean that those individuals who had social security increases of 15 percent, effective the first of this year, will not lose any of their VA non-service-connected pension. Moreover, on the whole, pension increases will average 9.5 percent, taking into account the 15 percent social security increase. This legislation is pending in the Senate Finance Committee at the present time.

Another bill, H.R. 16710, which passed the House on September 21, 1970, and the Senate on September 25, 1970, would authorize the Administrator of Veterans Affairs to make guaranteed and direct loans to paraplegic veterans for the purchase of mobile homes in those instances where the mobile homes are to be used for permanent dwellings.

POVERTY

As I stated in my previous report, we in the Congress recognize the need for strong governmental action to attack those problems of poverty and we have shown awareness of the need for substantial resources that must be committed to fight it. The Economic Opportunity Act was extended for 2 years. Sufficient success has been achieved by OEO in its experimental operation in the coordination of Federal agencies. Its services were never designed to be all inclusive and long range in the war on poverty, but to initiate programs which would immediately lift poor people out of poverty programs which require Government subsidies. These subsidies total $2,195 billion for fiscal 1970, and $2,295 billion for fiscal year 1971. Programs to which funding applies are Headstart, Follow Through, legal services, comprehensive health, emergency and food and medical program, family planning, senior opportunities, alcoholic recovery, and drug rehabilitation.

At present, about 25,400,000 persons, representing 13 percent of the population, live in virtual poverty. Of this large poverty population 42 percent are children, under 18, and 18 percent are elderly, over 65.

Congress passed, and the President signed into law on November 13, 1969, House Joint Resolution 934 which authorizes $610 million for the food stamp

program. This law does not change the program itself, but provides the Secretary of Agriculture with funds to deal with the problems of hunger and malnutrition.

MISCELLANEOUS

I have at all times been vitally interested in trying to help solve many other problems affecting the Fifth Congressional District of West Virginia. As a result, I introduced legislation to authorize a survey of the Gauley River and tributaries in West Virginia, in the interest of flood control, water supply, and recreation—this survey was authorized by the Public Works Committee; a bill to provide for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965; a bill to encourage the growth of international trade on a fair and equitable basis; a bill providing for Federal railroad safety; a bill to authorize a study for a waterway connecting the Kanawha River, West Va., and the James River, Va.; a bill to provide medicare benefits for disabled coal miners without regard to their age; a bill to extend the powers of the Federal Insurance Administration to make crime protection insurance available to small business concerns; cosponsored a concurrent resolution concerning prisoners of war or missing in action, as well as successfully providing an additional district judgeship for southern West Virginia.

CONCLUSION

In conclusion, permit me to state that these and other activities and concerns of your Congressman are matters which have made it a welcomed opportunity and a high privilege to serve in this office in the 91st Congress. I want to express my appreciation for all the letters and suggestions I have received during these sessions. Be assured that I welcome your continuing interest and recommendations for new legislation. I have, to the best of my ability, rendered conscientious service to our district. This is my legislative record in the 91st Congress.

SECRETARY LAIRD'S GUARD AND RESERVE POLICY DESERVES STRONG CONGRESSIONAL SUPPORT

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, in a memorandum issued on August 21, 1970, Secretary of Defense Melvin Laird announced an important and far-reaching shift in national defense policy. Secretary Laird said that future reductions in defense expenditures "will require reductions in overall strengths and capabilities of the active forces, and increased reliance on the combat and combat support units of the Guard and Reserves."

Secretary Laird directed that emphasis be given "to concurrent consideration of the total forces, active and reserve, to determine the most advantageous mix to support national strategy and meet the threat." He said:

A total force concept will be applied to all aspects of planning, programming, manning, equipping and employing Guard and Reserve Forces. Application of the concept will be geared to recognition that in many instances the lower peacetime sustaining costs of reserve force units, compared to similar active units, can result in a larger total force for a given budget or the same size force for a lesser budget. In addition, attention will be given to the fact that Guard and Reserve Forces can perform peacetime missions as a by-product or adjunct of training with significant manpower and monetary savings.

He said that in any future emergency requiring a rapid and substantial expansion of the Active Forces Guard and Reserve units and individuals of the Selected Reserve will constitute the initial and primary source for augmentation of the Active Forces. In order to prepare for such a contingency the Assistant Secretary of Defense—Manpower and Reserve Affairs—will coordinate and monitor actions in order to achieve the following objectives:

Increase the readiness, reliability, and timely responsiveness of the combat and combat support units of the Guard and Reserve and individuals of the Reserve.

Support and maintain minimum average trained strengths of the Selected Reserve as mandated by Congress.

Provide and maintain combat standard equipment for Guard and Reserve units in the necessary quantities; and provide the necessary controls to identify resources committed for Guard and Reserve logistic support through the planning, programing, budgeting, procurement, and distribution cycle.

Implement the approved 10-year construction programs for the Guard and Reserves, subject to their accommodation within the currently approved TOA, with priority to facilities that will provide the greatest improvement in readiness levels.

Provide adequate support of individual and unit reserve training programs.

Provide manning levels for technicians and training and administration reserve support personnel—TARS—equal to full authorization levels.

Program adequate resources and establish necessary priorities to achieve readiness levels required by appropriate guidance documents as rapidly as possible.

Mr. Speaker, I enthusiastically applaud Secretary Laird's action. His memorandum is all the more welcome because many of us in Congress have long been advocating just such a policy. Reaction among my constituents has also been uniformly favorable.

During this period of continued threat to our national security Secretary Laird's announced determination to achieve a high degree of combat readiness of Guard and Reserve forces and to assure their capability to be responsive to any contingency for which they are needed are deserving of our support in Congress including adequate funding.

I have long had a personal interest in the Reserve components of our Air Force and know of the extraordinary service that many units and individuals have rendered to our country during times of need. The Air Force backup forces consist of the Air National Guard and the Air Force Reserve. Both organizations have flying, support, and medical units. The Air Force Reserve is unique in that it also has some 7,000 individual mobilization augmentees. These Reservists are in a category called the Ready Reserve and are available for immediate mobilization in the event of an emergency. These individuals support the Air Force in a myriad of activities, ranging from professional medical reservists to enlisted postal clerks. Their efforts are not only military in nature but are also being utilized in the area of community service, such as the CHAP—children have a potential—program and to conduct marriage clinics for young couples contemplating marriage. The Air Force Academy has more than 1,100 Reservists who assist in counseling high school graduates toward a military career through either the Academy or ROTC. These Reservists receive no pay but instead a few points toward retirement when they reach age 60. In 1969 these Reservists visited about 34,000 high schools, addressed about 535,000 people, spent about 242,000 hours in doing so, drove 1,992,000 miles in their personal cars and took an average of $198 out of their own pocket.

What can Congress do to help implement this important policy? We must insist that the Air National Guard and the Air Force Reserve are equipped with the planes and resources to accomplish their mission. In addition, we must recognize that our backup force also includes the mobilization augmentees who have been carefully selected and are accomplishing a mission which would be required in the event of mobilization.

Public Law 90–168, an outgrowth of congressional concern that is similar to the concern manifested by Secretary Laird in his memorandum, places responsibility with the respective Secretaries of the Military Departments for the readiness of Guard and Reserve units to respond to contingency requirements. Congress has also established a specific drill pay floor for the Reserves. On the basis of information available to us there is good reason to believe that the various services are treating the floor as a ceiling. This would be in direct contradiction of expressed congressional intent. Secretary Laird should reiterate to the various Service Secretaries the congressional intent to establish these as a floor and not as a ceiling for purposes of the Reserve training program.

Mr. Speaker, to further illustrate the nature and extent of the service rendered to our country by the Air National Guard and Air Force Reserves, I include the following as a part of my remarks:

AIR RESERVE FORCES ACCOMPLISHMENTS DURING MOBILIZATIONS

KOREA

Between June 1950 and December 1952, 187,000 members of the Air Reserve Forces were recalled to active duty. This included 45,500 Air National Guardsmen and 141,000 Air Force Reservists. The Air Guard contributed 22 of its 27 flying wings plus communications squadrons, engineer-aviation units, radar calibration detachments, and aircraft warning groups. The Air Force Reserve furnished all of its 29 flying wings plus some 118,000 individual Reservists not assigned to units.

Although some of the units were deployed to the combat zone almost immediately after recall, it was necessary to dissolve certain units in order to use their personnel more effectively in other organizations.

Of the 23 jet aces of the Korean war, 8 were from the Air Reserve Forces.

BERLIN

In October and November 1961, the Air Force ordered to active duty 27,000 members of the Air Reserve Forces, of which 21,000 were in Air National Guard units, 3,500 were in Air Force Reserve units, and 2,500 were Air Force Reservists called as individuals to fill vacancies in the recalled units.

Air National Guard units included four tactical reconnaissance squadrons, 18 tactical fighter squadrons, three fighter interceptor squadrons, six air transport squadrons, and a tactical control group plus headquarters and supporting elements. Air Force Reserve units included five heavy troop carrier squadrons with supporting elements.

Some 11,000 officers and airmen in the tactical control group and 11 of the flying squadrons were deployed to Europe. The initial phase of this deployment involved the largest single overseas flight of jet fighters in history when more than 200 ANG jets flew from the United States to Europe without accident or incident.

The three fighter interceptor squadrons were flying operational missions in Europe within 24 days after they reported for active duty.

General Curtis E. LeMay, then Chief of Staff of the Air Force, commented, "Never before has the United States Air Force depended so heavily upon the ability of the Air National Guard and Air Force Reserve to respond so quickly and effectively. Never before have the Air Reserve Forces met a challenge with such speed and efficiency."

All units recalled for the Berlin crisis were released from active duty by the end of August 1962.

In addition to the units recalled, ten Air Force Reserve air rescue crews volunteered for 60 days active duty to support the Air National Guard deployment to Europe.

CUBA

On the night of October 27, 1962, an order was issued calling up 24 Air Force Reserve troop carrier squadrons for duty during the Cuban crisis. The 14,000 Reservists involved in this recall reported for active duty the next morning, and, according to the Secretary of Defense, "Were operational and deployable within 30 hours" after the recall order. This was the most rapid mobilization of reserve forces since the American Revolution. Mr. McMamara called it a "fantastic performance" and went on to say, "This is the standard of performance that has been built into Air Force's Reserve and Guard program."

All recalled units were released from active duty by November 28, 1962.

Air Force Reservists called to active duty

KOREAN WAR 1950

Troop carrier wings	20
Light bombardment wings	5
Individual Reservists	118,000
Total recalled	141,000

BERLIN CRISIS 1961

Individual Reservists	2,947
5 troop carrier units	2,660
Total recalled	5,607

CUBAN CRISIS 1962

Troop carrier squadrons	24
Aerial port squadrons	6
Total recalled	14,000

PUEBLO CRISIS 1968

January:	
Military airlift wings (C-124)	2
Military airlift groups (C-124)	5
ARR Sq (HC-97)	1
Officers	812
Airmen	4,039
Total	4,851
May:	
Tactical airlift group	1
Aerial port squadron	3
Aeromedical evacuation squadron	1
Medical service squadron	1
Officers	134
Airmen	621
Total	755
Totals	5,606

POSTAL STRIKE OF 1970

200 Reservists (Postal Units): 2 Gps and 8 Flts.

DISASTER ASSISTANCE (C-119 UNITS)

Hurricane Camille (Aug-Sept 69): 54 missions, 380.6 hours, 215.90 tons, 140,611 ton-miles, 89 pax, 61,518 pax-miles.

Hurricane Beaulah (1967): 7 missions, 48 hours, 42 tons, 29,777 ton-miles, 16 pax, 8,083 pax-miles.

Operation Haylift (1967): 206 missions, 892 hours, 52 tons, 31,181 ton-miles, 102 pax, 45,609 pax-miles, 858 tons airdropped.

Hurricane Betsy (1966): 132 missions, 832 hours, 429 tons, 279,741 ton-miles, 518 pax, 220,112 pax-miles.

FOURTH WORLD ANTI-COMMUNIST LEAGUE CONFERENCE SUPPORTS THE CAPTIVE NATIONS

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the World Anti-Communist League, which is headquartered in Seoul, Korea, consists of representative organizations from over 70 free world countries. Its prime base still remains in free Asia, but since its inception in 1966 the league has rapidly expanded in membership and representation. In Asia it enjoys a broad popular base and reflects a solid anti-Communist solidarity that may well be realized on an intergovernmental level leading to the formation of a powerful regional security arrangement. This popular movement may well serve as the catalyst of a PATO, a Pacific Asian Treaty Organization.

The Fourth World Anti-Communist League Conference was recently held in Kyoto, Japan, on September 15–17. Its theme was mobilizing the forces of world freedom. As in all previous conferences, this one emphasized, too, the strategic importance of the captive nations, including those in the Soviet Union, for the fulfillment of world freedom. In accordance with our Congressional Captive Nations Week Resolution—Public Law 86–90—WACL unanimously adopted the resolution submitted by Dr. Lev E. Dobriansky of Georgetown University and chairman of the U.S. National Captive Nations Committee for a world-wide observance of Captive Nations Week in July 1971. It is hoped that the Fifth WACL Conference, scheduled for Manila, the Philippines, in 1971 will be coincident with Captive Nations Week, July 18-24. Its effect throughout the Red empire would be electrifying.

For the studied consideration of our Members and the readership of our citizenry, I submit the following selected material of this conference, which in large part gives an insight into what free Asians and their supporters are thinking about and actively working for: first, the address by the Honorable STROM THURMOND of South Carolina at the WACL rally in Toyko and the "Declaration of Peace" adopted by the rally's 20,000 participants; second, the opening address to the conference by the WACL chairman, Gen. Praphan Kulapichitr of Thailand; third, messages and greetings from Vice President SPIRO T. AGNEW, Prime Minister John Gorton of Australia, President Chiang Kai-shek of China, President Park Chung Ha of Korea, Prime Minister Thanom Kittikachorn of Thailand, President Nguyen Van Thieu of Vietnam, Vice President Fernando Lopez of the Philippines, and Secretary-General Jesus Vargas of SEATO; fourth, addresses by Dr. Ku Cheng-kang of China, Dr. Sungsoo Whang of Korea, Dr. Lev E. Dobriansky of United States, and Mr. Yaroslav Stetsko of Ukraine; and fifth, WACL's adopted resolutions on Captive Nations Week in 1971, and Soviet Russian colonialism, as well as its joint communique.

The material follows:

ADDRESS BY SENATOR STROM THURMOND

MR. CHAIRMAN AND HONORED DELEGATES:

This is an exciting time for the Free World, and I am happy to be here to talk to you about the future of the anti-Communist countries, particularly in Free Asia. In the past year, the fight for freedom has taken on some important new developments which have completely changed the prospects for this region.

In particular, I want to point to the revitalized role now being played by South Vietnam in its long fight against Communist aggression. Beset by internal problems and hobbled by the hesitancy of U.S. policy, Vietnam was unable to take the proper initiative on the battlefield.

Not until 1969 did the Vietnamese army get the training and the weapons which were befitting to its courage and tenacity. By the end of 1969, this program, labeled by President Nixon as "Vietnamization," was already beginning to show the positive results of this new thrust and new kind of support. Today the Vietnamese troops have clearly proven that they are composed of tough fighting men led by officers of ability and character.

The tremendous improvement as a result of Vietnamization is shown in the fact that in December of 1968 only 76 percent of the people lived in secure areas; one year later, 93 percent lived in secure areas; and the figure is continuing to improve. A similar improvement is shown in the decrease in the number of South Vietnamese civilians abducted by the Viet Cong. In the first quarter of 1969, 3,219 were kidnapped; in the last quarter of 1969, only 629. This is why the hope and trust of the people indisputably lies today with the government in Saigon.

Thus the propaganda of defeat has been clearly shown to be a tissue of falsification and distortion. Those who have continually maligned our Asian allies have had to turn to other deceptions and techniques. The propaganda battle is not yet won, but the truth of our policies has been proved on the battlefield of war and in the hearts of our South Vietnamese allies.

Then in March of this year came President Nixon's courageous decision to open a coun-

ter-offensive in the border areas of Cambodia. I have taken note of the World Anti-Communist League's wonderful resolution in support of that action, approved at your meeting in May, and I want you to know that this resolution is deeply appreciated in the United States among all those who believe in or engaged in the fight for freedom.

The Communists have charged that South Vietnam and the United States violated the sovereignty of Cambodia in that action and extended the war. The fact is that the Communists violated Cambodia's sovereignty almost five years previously when they made Cambodian territory a base for war. For all practical purposes, Cambodia was not allowed to exercise its sovereignty in the war zone, until the victories of the South Vietnamese and U.S. troops returned control of the territory to the Cambodian government's hands.

The Cambodian operation demonstrated the success of the Vietnamization policy in two ways.

First, the Communists apparently chose to step up activity in Cambodia because they were losing ground in South Vietnam. Secondly, it showed that the South Vietnamese troops, properly armed and trained, had a fine capability not only for pacification, but also for offensive action against the enemy.

Moreover, the Cambodian operation also demonstrated the potential for cooperation between Cambodia and South Vietnam, a cooperation which the malignant critics had also said was impossible. Despite some inevitable minor problems, the two nations have worked together in a mutual system that has enabled a *free* Cambodia to survive in the face of intense *military* and *subversive* pressure. Again, the left-wing critics had said that the government of Premier Lon Nol couldn't last a month in the face of the Communist offensive; yet it has survived, and the capital remains free, providing an inspiration to freedom-loving nations throughout the world.

When *one* move in the right direction is successful, it makes it easier for another such move to follow. For this reason, we in the United States took great heart from the action of Indonesia's Foreign Minister Adam Malik in convening the free Asian nations at Jakarta. There are some people who said that the United States frowned upon such a conference because we did not participate in the planning or the sessions. On the contrary, we felt that the initiative of the free nations of Asia in acting *along* was a commendable sign of assuming responsibility; and the more so since Indonesia is a nation which has only recently thrown off the Communist conspiracy. The sessions at Jakarta were described as tentative and general in tone; but the important point is that they were held at all. The *beginning* is the most difficult part. The Jakarta Conference set up a commission, consisting of the foreign ministers of Indonesia, Malaysia, and Japan, to work for peace in Cambodia. Thus Jakarta can be the seed of continuing cooperation, particularly the kind of cooperation to work for one another's mutual security. If peace comes to Cambodia, it will come only when Cambodia gets the mutual assistance it needs from its neighbors.

It is of particular significance that Japan was a participant in the Jakarta Conference, and that Japan elected to become a part of its *continuing* work on the Cambodian commission. This was viewed in America as a welcome sign that Japan is taking an increasingly wider view of its role among the free nations of Asia. Again, it would be wrong to suppose that the Jakarta Conference will necessarily be the ultimate vehicle for mutual cooperation. What impressed us in America was the spirit of the Conference, and Japan's role in participating in it. In the past some have felt that Japan was willing to let others share the burden; but more and more we notice signs of Japan's leadership, and we welcome that development.

Indeed, it appears that Japan's new spirit of leadership, and the new feeling of cooperation throughout Southeast Asia, is backed up by an increasing economic base. Japan's economy is now third in the free world. It must now be counted among the most developed nations of the world. Free China has enjoyed a truly *amazing* economic and social development. South Korea is enjoying a new prosperity, despite a new war having ravaged its territory. Indeed all the free nations of the regions see *new* opportunity ahead. The potential that this opportunity presents is even greater when we think of the multiplying effect of a spirit of mutual cooperation and trust.

This fact in itself shows the superiority of the *free* system. The greatest progress in Asia has come to those nations which have chosen free economic systems, and which have allowed the creative force of individual enterprise come into play. The Communists believe that *private property* must be abolished, and that *private freedom* must be stamped out. They are willing to destroy, plunder, enslave, and murder in order to impose *their* form of society. Once in power, they believe that only rigid central direction and control can keep the economy going.

Yet the free system has not only proved to be *more* progressive; it has also shown that it allows greater development of the individual human personality. The free system preserves the virtues of the family, and the great religious traditions of the people. It fosters individual thought and ingenuity. It provides the freedom of choice in everyday life that befits the dignity of the human person.

The Communist cannot allow the free system to develop and prosper along side of the failures of Communism. The *ultimate* goal of the Communists is to *dominate* the world.

For this reason, the Communists have continually built up an *aggressive* military machine to support their conquests. After World War II, the United States quickly demobilized its troops and abandoned its military equipment; the Soviet Union did just the opposite and kept its army mobilized. The United States offered to share its atomic secrets with the world, provided *no* nations were allowed to develop arms in secrecy; the Soviet Union turned down the offer. After the signing of the cease fire, the United States worked to *rebuild* the occupied nations in freedom; the Soviet Union to this day still occupies East Germany, Poland, and Czechoslovakia and keeps an iron hand on the *other* nations of the Warsaw Pact.

Red China also maintains its military apparatus, but at the present time the *main* threat is the Soviet Union. We must *not* suppose that the *free* nations of Asia are exempt from Soviet intentions. As South Vietnam knows so well, only the Soviet Union is capable of supplying *revolutionaries* with the quantity and quality of weapons for the conduct of conventional warfare today. There is *nothing* that the Soviet Union fears *more* than independent and free nations, capable of defending themselves against aggression.

For we must not imagine that economic and social progress in Free Asia can continue, right in the very face of Communism, without bringing on the jealous aggressive reaction of the Soviet Union. If free societies are to continue to prosper in peace, then the nations which enjoy such prosperity must be willing to *defend* their people.

As the economic giant among the nations of Free Asia, Japan must be willing to undertake a *greater* proportion of the leadership necessary to the defense of the region. But above all, there must be a greater mutuality and cooperation in all these defense matters. Japan cannot sit much longer under the umbrella of U.S. protection, without becoming more involved in the area defense. For one thing, of all the *Free* Asian nations, *only* Japan has the technological capacity and the capital to produce the defense materials needed. Through mutual planning, this production can be distributed and integrated into appropriate Asian countries with mutual economic assistance and advice, but in the long run, only a *defense* effort that grows out of local *capacities* and local *willingness* to sacrifice will provide a sound base of defense.

We are now in a different era than we were after World War II. The nations of Asia are in a more advanced stage of development and economic maturity. The attitudes of the former era are no longer appropriate. Japan is presently spending only less than one percent of its gross national product on self defense. But Japan's economic development cannot continue unless its free neighbors *share* in the development, *support* it, and in turn are supported in the defense of the *common* interest. The main thrust of Soviet policy today in Asia is not to dominate Japan immediately, but at first to neutralize Japan, and gradually to make her technology and economy dependent on the Soviet market and economic system. If such were to happen, Japan would become another Finland—courageous, but unable on a practical level to resist Soviet demands. This will never happen if the countries of this region continue to expand their mutual cooperation.

As for the United States, we pledge that we will hold to *all* of our commitments. When President Nixon came into office, it might have been politically expedient for him to liquidate the mistakes of the previous Administration, and forget about freedom in Asia. He did *not* do so. Instead, he enunciated the *Guam Doctrine*, which not only strengthens those commitments, but places greater trust in the capacities and growth of our allies.

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To *Cambodia*, I say that the survival of your country is of great importance to the cause of freedom everywhere. It took great courage to throw off the Communist noose, just as it was descending upon your neck. The U.S. Vice President was correct when he said that the survival of your country was of great tactical importance to the struggle in Vietnam. You have shown the way to decisive action and cooperation in Free Asia, and it is now up to the *other* Free Asian nations to support *your* example.

Finally, to *Vietnam*, I say that the past year has been of immense significance in your struggle. I urge you to hold on for victory so that the struggle will not have been in vain. Vietnam has been a testing ground not only for *your* people, but for the *whole* world.

Ladies and Gentlemen, the struggle against Communism is a struggle which intimately involves *all* free nations. No part of freedom can be diminished without bringing tyranny that much closer to the rest of us. The forces of anti-Communism must remain resolute, even in the face of internal, as well as external subversion. It is significant that no nation in history has ever freely chosen a Communist government. Let us work together, then, so that our freedom is not undermined by complacence and inaction.

There are times when the future looks dark and uncertain. But, as the past year has shown, in such times, one nation, with Right on its side, can constitute a majority. If the people of a nation have the courage and the fortitude to stand up for what they believe in, this alone can often turn the tide. Many nations are struggling today, but struggling people often develop a religious attitude—

an attitude which is of great assistance to them in fighting a Godless and atheistic materialism.

The Free World, therefore, must stand together in this struggle. We must do what we can to encourage those nations in Eastern Europe, enslaved by Communism, to resist that tyranny. Nor must we forget the millions behind the bamboo curtain, trapped by an illegal regime which has set out to destroy an ancient culture and an ancient society. Before Communism can be destroyed, we must have the will to destroy Communism. We must never accommodate ourselves to a ruthless imperialism dedicated to our own destruction. Free men must have the will to be free.

With mutual trust and cooperation, a realization of our obligations to each other, and a will to be free, Communism *can* and *will* be defeated. The victory will not come easy, but the benefits of a free society made the battle worthwhile. Let us pledge today to stand united in this common struggle and resolve to continue the fight until the goal of a truly free world becomes a reality.

DECLARATION OF PEACE

WACL WORLD RALLY,
September 20, 1970.

"Communism is wrong!" We have been appealing with these words as the voice of justice in history.

History should have begun in peace; the goal of history should be the pursuit of peace. The ideal of peace was given by God, yet it has been trampled in the dust by man throughout history. Even now, Korea, Vietnam and China are torn between north and south, and Germany between east and west. This earth has been bathed in human blood and is covered with the tangled national grudges. This same earth has been the center of God's anxiety throughout the long years of history.

The tide of tension is rolling from Europe to the Far East. The bottomless flow of the lava of ignorance has exploded through the volcano of Red China, whose ambition of world revolution is burning up half of Indonesia and the Korean Peninsula. Its roaring has reached even to the islands of the Far East. The peace of Asia is now suffering from the tidal wave of that threat. There is no guarantee that nations which have constitutions of peace are the builders of peace. The easy appeasement policy between East and West can become the spark of war.

We now need a confrontation without compromise. Absolute peace is not found in coexistence or in endless negotiations. Peace can only be achieved by challenging and defeating threats to it.

Therefore we here propose the idea and strategy for peace.

Peace is not simply the abolishment of armaments. World peace cannot be achieved apart from the inner peace of man. To achieve inner peace, man's instinct must be conquered by his conscience, which again must transcend self-interest.

We have entered the age of common destiny among nations. Nations are either to be saved or destroyed collectively.

True love of country does not lie in haughty isolationism based on a blind security, but in choosing the undying honor of sacrifice and service, in bearing the cross of other countries who wander the borderline of death.

The Communist regime most fears those who march on bravely through the valleys of death with sacrificial love. Indeed, love, courage, and forgiveness are the mightiest weapons given to us.

Therefore we should not ask what other nations can give to us, but instead let us pursue what we can give to mankind, who are crying out in poverty and starvation.

What is the enemy which hinders true peace? It is ignorance. This ignorance is nationalism for the sake of nationalism which blocks the way to peace by creating national barriers, racial prejudice, and holding historical grudges. We need today more than any other time the wisdom that all men are brothers under God. Ignorance robs man of freedom. Before we can achieve external freedom and liberty, we must first be free from the internal bondage of ignorance and lay the foundation of absolute peace in liberty by knowing the truth of God.

However, true peace cannot be reached without world unity. The obstacle is nationalism.

Therefore, the way to world peace is the spirit of WACL, which surpasses Communist ideology and can make mankind into one body. We of WACL are those who believe that mankind are fellow citizens beyond the barriers of nations and states, yet respecting the national characteristics of every nation; who treat the ideology of Communism with absolute intolerance but without hatred for its people; who embrace the weak and needy, but not out of a "superiority complex"; who have compassion for those who suffer but are also willing to serve them in order to deliver them out of their poverty and pain, with tears for mankind more than those who suffer.

Now the flag of the battle to achieve peace is passed on to the youth, who hold the future. Therefore, peace must be established by the love, intelligence, and energy of youth. This spirit will fulfill the words, "Blessed are the peacemakers, for they shall be called children of God."

Today history is pointing toward Asia, especially toward Japan. The WACL World Rally has been victoriously held in Japan, whose sun is about to rise. On this occasion we declare together to the world, that the peace of God, by God, and for God is the reality of peace for which all nations are longing.

OPENING ADDRESS OF GEN. PRAPHAN KULAPICHITR, CHAIRMAN OF WACL, THAILAND

His Excellency, Distinguished Guests, Fellow Delegates, Observers and Ladies and Gentlemen: As the Chairman of the World Anti Communist League, I feel highly privileged to extend my greetings and warm welcome to you all who come all the way to this famous and ancient city of Kyoto of this country to attend the fourth Conference of the World Anti Communist League scheduled from today onward.

As you may all know, this Conference is hosted by WACL's Chapter in Japan under the leadership of Dr. Tetsuzo Watanabe, the President, Mr. Osami Kuboki, the Vice President, and Prof. Juitsu Kitaoka Secretary-General. This is the first time that WACL hold its fourth Conference in Japan, but, nevertheless, for Japan, it is the second time that she has been the host to such anti-communist movement like this. The first one was that of eighth Conference of the Asian People Anti Communist League in 1962.

With your permission, I wish to introduce to you: Dr. Tetsuzo Watanabe, President of the Japan Chapter, Mr. Osami Kuboki, Vice President of Japan Chapter. Mr. Osami Kuboki, is also the President of the International Federation for Victory Over Communism which is now the principal organization of the Japan Chapter and has been throughout responsible for the preparation of this Conference; Prof. Juitsu Kitaoka, Secretary-General of Japan Chapter, and finally Mr. Masatoshi Abe, Secretary-General of the IFVC.

On behalf of distinguished guests, fellow delegates and observers, ladies and gentlemen, I wish to state that we are very proud and feel honoured to be given an opportunity to be here in your famous and lovely ancient city of Kyoto, and, allow us, to express our gratitude and thankfulness to you, and to all of your colleagues, young men and women, whose efforts, services and genuine dedication for the cause of victory over Communism have successfully rendered possible the fourth WACL Conference of this year as we have eye-witnessed at this very moment.

We wish also to express our appreciation for personal care, attention, courtesy and comfort we all have and will enjoy throughout the period of this Conference. Our grateful appreciation and thanks are also due to the Japanese Government and people for their cooperative efforts, understanding support and encouragement to our movement in general and this conference in particular.

The success of this Conference, my dear fellow delegates, is lying before you. I pray that with the pool of great endeavour, enthusiasm, careful and thorough consideration, experience, intellectual thinking and intelligence, the success in terms of practical application and real achievement of WACL's objective and purposes, eventually emerge out of the Conference in this old city.

A global look at the situation during the preceding one year period has convinced us that the war between the Communist imperialists and its agents and the peace and freedom loving people has been increasing in both scale and intensity to the stage where the world over can be able to see the failure and decline of Communist ideology while the rising expectation of freedom loving people is steadily gaining ground and winning over the people subjugated and enslaved or about to be subjugated and enslaved under the Communist rule throughout the world on one hand. On the other, the response to Communist aggression, either military or overt or covert action, by superior measures and collective efforts in all fronts has forced the opposite to review, revise and change their policy measures with the adoption of new policy and strategy only with a view to maintaining their existing situation and sphere of influence which tend to give way to gradually increasing demand and call for freedom and independence by the people under their domination while the free nations of the world are now gathering momentum in giving more and more attention to problem solving of each nation on the basis of self-help or self determination with due respect given to each other.

Our call last year for Solidarity for Freedom proved to have a satisfactory response when 11 Nations met in Djakarta in an effort to seek and bring peace to Cambodia. It is premature at this state in venturing to say that the unability of 3 nations committee to persuade USSR to lend their good office to facilitate or open a preliminary talk with North Vietnam and Red China would close all our hope and prospect to bring peace to Cambodia. For this will not be only one way to solve such a difficult international task. More will be attempted by these nations at appropriate time. Further, SEATO's position has been somewhat strengthened at least when Great Britain and the Republic of France have hitherto changed their attitude toward becoming more positively cooperative and supportive to the threatened nations of the Regions. This change can at least be taken not merely as a moral support from SEATO but also as a positive encouragement to all the nations concerned in an effort to put an end to the conflicts in the former French Indo-Chinese territories for the mutual interest and benefits of the free and peace loving people in these three small and independent states.

As to the activity of WACL in the last preceding 12 months, although we have at time some problem which apparently seem to hinder our progress. Nevertheless, these difficulties have been overcome to some extent as the result of your cooperative effort. Further details will be reported by the Secretary-General later.

I solemnly hand over chairmanship of WACL to the new President, Mr. Osami Ku-

boki. I also wish to take this opportunity to transfer this symbol to him. Finally, I wish you, Mr. President, and the Conference for all success.

It is with sincere pleasure that I extend to all the participants of the Fourth Annual Conference of the World Anti-Communist League my warm personal greetings.

I am very much aware of the importance of your conference and deeply appreciate the dozens of letters which I have received from many members of your organization.

Your theme, "Mobilizing the Forces of World Freedom," is indeed very timely and appropriate today and will continue to be of great significance for years to come.

You and your associates have my best wishes for most successful deliberations.

SPIRO T. AGNEW,
Vice President.

MESSAGE FROM THE PRIME MINISTER OF AUSTRALIA

My best wishes for a successful conference. With Australia and Japan forging increasingly closer links in a wide variety of endeavours, it is a pleasure for me to have this opporunity to send you greetings. Australia and Japan have a common interest in countering Communist expansion in our part of the world. I wish you a fruitful conference.

JOHN GORTON.

PRESIDENT CHIANG KAI-SHEK'S MESSAGE TO THE FOURTH WACL CONEFRENCE

SEPTEMBER 15, 1970.

Chairman Kuboki and Distinguished Delegates to the Fourth Conference of the World Anti-Communist League: It is greatly reassuring to note today's opening of the Fourth Conference of the World Anti-Communist League. This meeting promises the solidification of free forces everywhere for the struggle against Communism and appeasement. The united endeavors of free men are raising a mighty tide of anti-Communism to wipe out the source of scourges. We shall move forward into the Great Commonwealth of liberty and peace.

Your significant undertakings command the respect and admiration of the free world. You have made great progress in these last three years. Yet all of us know that Communism has not yet been vanquished. Courage and dedicated service will be needed as we move along the road toward victory. I am confident that millions of men of goodwill will be marching with the World Anti-Communist League under its banner of "Mobilizing the Forces of World Freedom." Right and justice are on our side. We cannot fail. I wish every success to the Conference and to those who are joining together in this great crusade for freedom.

CHIANG KAI-SHEK,
President, Republic of China.

MESSAGE FROM HIS EXCELLENCY PARK CHUNG HEE, PRESIDENT OF THE REPUBLIC OF KOREA

SEPTEMBER 16, 1970.

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen: It is my privilege and pleasure to extend my warm felicitations and best wishes to each and all of you who have gathered at the Fourth Conference of the World Anti-Communist League, re-dedicating yourselves to the cause of strengthening further the unity of the free peoples and to demonstrating our united strength in our determined campaign to thwart the communists in their sinister, aggressive underhand designs.

I know how sacrificingly and devotedly you have fought and will continue to fight to defeat communism and to preserve our hard-won freedom.

I also know that as we become stronger in solidarity and activities, the communists are trying to disguise themselves in a peace offensive, simultaneously making resort to their old-fashioned aggression.

However, we know through our bitter experiences that their peace offensive aims only at slacking and ultimately disintegrating the free world.

Therefore, it is fitting that this meaningful gathering should demonstrate our adamantine unity and unshakable friendship to them, by mustering the forces of freedom throughout the world in our concerted efforts to thwart the communists' intrigues and to contribute to the cause of bringing freedom to the captive nations.

Let us pledge anew to make victory ours.

MESSAGE FROM HIS EXCELLENCY FIELD MARSHAL THANOM KITTIKACHORN, PRIME MINISTER OF THAILAND

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen: The convening of the Fourth Conference of the World Anti-Communist League today marks another important milestone in the history of the League which, since its establishment four years ago, has met with great success in its endeavours to advance the cause of freedom based on democracy, justice and human dignity. After the Third WACL Conference successfully held in Bangkok last year, this annual Conference demonstrates once again the strength and determination of the free peoples of the world dedicated to the defense of their freedom and democratic institutions against Communist expansion and aggression.

As we are all aware, the present world tension stems from aggressive and expansive Communism which, on account of its totalitarian nature, seeks relentlessly to destroy democracy and thereby to dominate the world. Through its techniques of terrorism and deceit, the international communist movement has been trying to spread its ideology to all parts of the globe, creating in the process political, economic and social upheavals, even armed conflicts and untold miseries, in so many countries and regions, especially in Southeast Asia. Where naked lies and deceit fail to produce results, it normally recourses to threat and the use of force to subdue resistance. Such being the case, it is therefore the duty of every individual who cherishes liberty and peace to be on guard against this danger and, using all means at his disposal, to join forces with other citizens in mounting effective resistance against Communist expansionism and imperialism so that peace, freedom and democracy may be safeguarded. For this reason, the endeavours and achievements of the world.

On this auspicious occasion, I wish to extend to you, Mr. Chairman, and to all distinguished delegates and participants in the Fourth Conference of the World Anti-Communist League my sincere congratulations and best wishes for the successful deliberation of this Conference, so as to contribute to the cause of world peace and human dignity.

MESSAGE FROM HIS EXCELLENCY NGUYEN VAN THIEU, PRESIDENT OF THE REPUBLIC OF VIETNAM

Mr. Chairman, Honorable Delegates, Ladies and Gentlemen: The opening of the Fourth Annual Conference of the World Anti-Communist League and the Sixteenth Conference of the Asian People's Anti-Communist League at Kyoto today has brought along hope, confidence and encouragement for freedom-loving peoples all over the world and especially for the Vietnamese people.

This year, the WACL and APACL General Conferences are being held in Japan. This can be considered as an evidence that the Japan Chapter has successfully implemented the moral rearmament of the Japanese youth to counter the Communist influence.

Our people have been fighting against the Communist aggressors not only for our own independence and freedom but also for the security of Southeast Asia and the Free World. With generous assistance from friendly nations in many parts of the world, we have defeated the Communist attempts to overthrow the legal and constitutional government of the Republic of Viet-Nam and to impose upon our people the yoke of Communist tyranny.

In strong contrast to the authoritarian regime in the North in less than three years since the promulgation of the Constitution in April 1967, we have successfully developed Democracy at all levels of Vietnamese life. In the social field, landless farmers have become landowners thanks to the promulgation of the "Land-to-the Tiller" law, which has become one of the most effective weapons against Communist propaganda in rural areas. Because of this law, the centuries old aspirations and dreams of Vietnamese peasants to till their own lands have come true.

Thanks to tremendous sacrifices made by our people and Armed Forces, especially after the elimination of Communist sanctuaries in Cambodia, the overall military situation in Viet-Nam has improved satisfactorily. The Pacification and Development Program has been progressing better and better. Many war refugees have been able to resettle in their former villages. Our Armed Forces have been modernized and are strong enough to take over territorial defense. As a result of these achievements, American combat troops can be redeployed and reduced substantially.

On every field the Communists are being defeated. Being a traditionally peace-loving people, we participated in the Paris Peace Talks with the Communists in search for a peaceful settlement of the war waged by Hanoi and supported by the whole Communist world. But for two years, the Communists have kept on stubbornly demanding Allied Forces to withdraw immediately and unconditionally and to set up a "coalition government" in Viet-Nam, which means that they want our people and government to surrender.

We cannot and shall not accept these conditions.

Our people are fighting for self-defense. After decades of war, we are longing for peace. But the peace we seek is a just and lasting peace, not a surrender to the Communists.

The presence of the delegates and observers from so many countries to this Fourth WACL Conference is a meaningful encouragement for our people. You are representatives of freedom-loving peoples of the world who have dedicated themselves to the cause of human dignity, democracy and peace based on justice, self-determination and independence of nations. Our people are fighting on the front-line for these ideals, and appreciate deeply the moral support which we have received from the League in the past and which we are confident that we will continue to receive in the future.

The convening of the WACL and APACL Conferences in Japan this year reflects the determination of the League, especially of the Japanese people to launch a counter-attack against Communist propaganda and influence in the most politically democratic and economically powerful nation in Asia. Freedom-loving people everywhere are encouraged by the fact that many organizations in Japan are now developing into nation-wide movements for the purpose of establishing a united front against Communist expansion.

On behalf of the people and government of the Republic of Viet-Nam and in my own name, I extend my warmest greetings to all the delegates and observers to this Conference and I wish you success in promoting freedom and a just and lasting peace all over the world.

MESSAGE FROM THE OFFICE OF THE VICE PRESIDENT OF THE PHILIPPINES, MALACANANG

It is a great honor for me to extend hearty greetings to the officers and delegates to the 4th World Anti-Communist League and the 16th Asian People's Anti-Communist League joint conferences being held in Kyoto, Japan, from September 15 to 19, 1970.

Needless to say this joint conference, which is conducted under the highly competent direction of expert political scientists on communism, furnishes another tangible token of the great service being rendered by both organizations in the preservation and defense of our democratic way of life. For indeed the most extensive and intensive discussion of the communist set-up and all its dangerous aspects demand that the quest for the means to combat it must be coupled with the formulation and implementation of courses of action that would reflect faithfully the best of democratic traditions as embraced by the free countries of the world.

For setting this precedent and providing the much needed initiative in this direction in Asia, the WACL and APACL deserve the recognition as well as the earnest participation of the free countries around the globe. To those who are taking part in this conference, I send my warmest congratulations.

FERNANDO LOPEZ,
Vice-President.

MESSAGE FROM THE SOUTH-EAST ASIA TREATY ORGANIZATION, OFFICE OF THE SECRETARY-GENERAL

To the WACL/APACL Delegates: I take great pleasure in extending to the delegates to and the observers at this year's annual conferences of the World Anti-Communist League and the Asian People's Anti-Communist League, and to all others associated with these meetings, my warmest and most cordial greetings. To the hosts in particular, the WACL/APACL Japan Chapter go my most profound congratulations for the excellent arrangements, without which this impressive assembly of the world's anti-Communist fighters would not have been possible.

It is well that the anti-Communist movement is global in scope and unwaivering in character. This is consonant with the well-recognized dictum that the Communist threat to peace and freedom anywhere in the world imperils peace and freedom everywhere else. It is resonant with the unremitting character of that threat, and with the well-known persistence and intransigence of the Communist leaders themselves.

There is no denying the fact that the World Anti-Communist campaign spearheaded by the WACL/APACL is the best single movement that has ever visited free peoples anywhere. It must be borne constantly in mind, however, that the wealth of ideas, the body of counter-subversion and insurgency measures and the resolutions that accrue from your annual conferences will only come to naught unless and until they are translated into positive action. I suggest that at your conferences this year a particularly conscious effort be exerted in that direction.

I am confident that, with so much know-how and selfless dedication assembled this year, the present annual WACL/APACL Conferences will be among the Movement's most successful and rewarding assembly.

JESUS VARGAS,
Secretary-General.

ADDRESS BY WACL HONORARY PRESIDENT KU CHENG-KANG

Mr. Chairman, Honorable Delegates and Observers, Distinguished Guests, Ladies and Gentlemen: We are here today for the auspicious opening of the 4th Conference of the World Anti-Communist League.

As you are all aware, WACL came into being as a continuation and outgrowth of the Asian People's Anti-Communist League in the late 1960s. The birth of this league was correctly in line with the trend of times. We met in Taipei in September of 1967 for our first conference, next in Saigon in December of 1968, and then in Bangkok last December. From the Republic of China to Vietnam, Thailand and now here in Japan, WACL has been directing its efforts to wherever anti-Communist combats are needed.

As history has now started to record the events of the '70s, it is of very special political significance that Japan is hosting this league meeting. We are confident that our march toward victory for freedom in the present decade will gather speed. We are sure we will win.

WACL's endeavors have been extraordinarily strenuous. We have had to fight the evil influences of Communism on the one hand and the countercurrents of appeasers on the other. But in uniting anti-Communist leaders throughout the world, in arousing the silent masses of various nations, in organizing the strengths of youths and in promoting all other types of anti-Communist activities, we have made great achievements in the last three years. I thank you and respect you very much for making these achievements possible.

With regard to the prospects of the '70s, many nations have professed their views and plans. The one that has attracted the most attention is President Nixon's message titled "United States Foreign Policy for the 1970s—A New Strategy for Peace." This paper, presented on February 18 this year, has produced powerful effects on the world trend.

Late last month, President Nixon sent Vice President Agnew to Asia for visits to the Republic of Korea, China and Vietnam as well as Cambodia and Thailand. The tour was to see how these staunch anti-Communist nations were taking and reacting to President Nixon's new peace strategy and Asian policy. We are sure that Mr. Agnew learned a great deal through his talks with government leaders in these countries. I now want to state frankly my personal views and the opinions of many anti-Communist leaders I have contacted.

Regarding America's peace strategy and Asian policy, we approve and support the aspect that can affirmatively contribute to free world causes. But we disapprove and are very much concerned about the negative side that lacks constructiveness. This side that worries us is obviously in the working.

The constructive side is represented by the affirmation that peace requires partnership and strength. This reminds us of two things that the free world must closely follow. First, instead of relying heavily or entirely on the United States, each nation must act more and more on its own and bring out all its force for the protection of its freedom, security and independence. Second, regional security organizations are absolutely necessary for the pooling of strong and effective defense forces. These two guidelines are completely in line with free world interest and the trend of times. They are what many Asian leaders have been advocating for a long time. Both WACL and APACL have always endeavored along these lines.

The negative side of the American policy has several conspicuous phases. The first is America's over-emphasis on negotiation as a substitute for confrontation. This may make free world people confuse enemies as friends and badly affect their anti-Communist fighting spirit. Next comes the excessive desire on the part of Washington to improve relations with Soviet Russia and to establish contacts with the Chinese Communists. This can fan up the air of appeasement and may even start a race of flirtation toward Communist countries. Thirdly, although withdrawal does not necessarily mean a return to isolationism, military gaps may be created to the advantage of Communist aggressors if U.S. troops are pulled out from overseas points to soon or too fast before the countries concerned are ready to defend themselves.

These unconstructive measures are producing undesirable results throughout the free world and Asia is being most seriously affected. The coup in Cambodia last March and the subsequent marching of U.S. and South Vietnamese troops into that country could have led to a new development in Asia's joint anti-Communist endeavor. But the actual turn of events has been far from being satisfactory because of the unconstructive approaches of the American policy. This can produce further serious effects. If individual free nations were made meek and submissive in the face of Communism, the whole freedom camp would soon collapse spiritually, permitting the evil powers of Communism to make unobstructed advances.

Now that the situation is as it is, the United States and all the other free world nations should positively play up the constructive sides of their policies and cut down on unconstructive approaches if they are to protect their freedom effectively. Concerted actions are necessary if we are to turn the tide of world situation in favor of freedom-loving people.

To be constructive rather than destructive, the United States not abandon its stand for freedom as it continues its search for peace. Negotiations must not be allowed to harm freedom in any way. At the same time, the United States must actively endeavor for the establishment of joint defense and regional security systems. All the necessary economic and military assistance must be provided. The United States must also abide by its commitments with its allies. Vigilance must be heightened against enemy traps. The United States must not speak or act in any way to dampen the fighting spirit of its friends and benefit the enemies. We sincerely hope that through voting and other methods, America's silent masses and just forces can publicly express their views, actively support the constructive aspects of the Nixon Doctrine, and positively counter the appeasers' fallacious words and deeds.

In order to reach for their goals positively rather than passively, free people of Asia must suppress the psychology of reliance and convince themselves that they must stand up and fight for themselves and their fellow Asians. Threatened by Communist aggressors, Asians must help each other, hit back together and establish a strong unity of deterrent forces. Active and effective support must be given the Republic of Vietnam, Laos and Cambodia in their anti-Communist fights to protect their freedom and independence. All traces of self-confinement, neutralist line and non-alignment policy must be discarded. All the people must then work together for the early establishment of a regional security organization for Asia and the Pacific. Japan, with its immense economic power, should more actively assume the responsibility of safeguarding Asian freedom and security.

Lastly, for the free world as a whole to be actively constructive, all the people must hold fast to their stands and refrain from doing anything to harm their collective security or welfare. Overeagerness can make one blind. Momentary peace and temporary benefit may be easily gained but true disasters can follow. Furthermore, all the free world regions must have their security organizations and all such systems must be continuously strengthened. Nations that maintain diplomatic ties with Peiping have learned their lessons the hard way. No other nation should take that mistaken road. And no one should continue to entertain illusions about trade with Communist countries. Trade embargo must not be violated. No one should act in the interest of the enemy. The Chinese Communists have been branded by the United Nations as aggressors. All the plots to admit them into the world body must be smashed.

If all of the free world strives as one in the direction I have just pointed out, the present ebb tide will soon be replaced by a high tide and we all will be marching positively toward our goals. I sincerely hope that all of us members of WACL and APACL will provide the main motivating power for this new and vigorous surge toward a total victory for freedom in the 1970s.

ADDRESS BY DR. SUNGSOO WHANG OF THE REPUBLIC OF KOREA

Mr. Chairman, Honorable guests, fellow delegates, Ladies and Gentlemen: It is my honor and pleasure to come back to this conference of the World Anti-Communist League and Asian People's Anti-Communist League, and to address the leaders of our common cause who are gathered together from all corners of the globe.

The Asian People's Anti-Communist League which was established in June, 1954, at Chinhae, Korea, by the delegates from eight nations and areas was developed in 1968 after 12 years into an organization of 26 member nations, 23 observers, and 16 anti-Communist international organizations. In 1967, this Asian Organization was enlarged into the World-wide Anti-Communist League.

This development and enlargement has shown hope and courage to the freedom loving peoples of the world by creating new era of unity of free world with brave determination and macroscopic insight.

In the pre-amble of World Anti-Communist League, we pledge to contribute to the dignity of mankind, peace and democracy based on justice, self-determination and freedom. The freedom-loving peoples of the World, realizing the ever-increasing threats of communist aggression all over the world, renew the determination to defend peace and freedom and to destroy the communist ambition to enslave mankind.

Through our own bitter experiences, we firmly believe that compromise with Communism is impossible and that the schism within the Communist arena does not diminish the threat of Communist aggression against the free world.

To quote Dr. Hu Shuh from his article, "China in Stalin's Grand Strategy," when he explained the Long March of 1934 by the Chinese Communists.

"It was Stalin who, in his best known work, 'Problems of Leninism' had laid down the strategical line of a maneuvering of reserves designed for a correct retreat when the enemy is strong and when retreat is inevitable, when we are beforehand aware of the disadvantages of engaging in battle which the enemy imposes on us, when, given the ratio of forces, retreat is the only means of preventing a blow in the vanguard and maintaining the reserves behind it. Here Stalin quoted Lenin for support: 'The revolutionary parties must complete their education. They have learned how to attack. Now they must understand that it is necessary to supplement this by knowledge of how best to retreat. They must understand that victory is impossible without learning both how to attack and how to retreat properly.' The object of this strategy, concludes Stalin, is to gain time, to decompose the enemy, and to assemble forces so as to take the offensive later."

This is exactly what happened in the past in China, but also what is happening in Korea, in Vietnam, and in Suez Canal.

I would like to quote a word of the 16th century French savant Michel de Montaigne:

"The Spartan King Cheomenes made a seven-day truce with the people of Argos, then attacked them on the third night while they were asleep and expecting no harm. The excuse: the seven-day truce made no mention of nights."

I hope the good peoples of the United States and other free nations shall not be deceived by the Communist strategy of "trickery, deceit, law-breaking, withholding and concealing truth" as Lenin himself termed it.

Who knows? Not only the dignity and freedom of mankind but the survival of innocent people might be mercilessly trampled down by the gigantic king from the Kremlin if the free people of the world do not watch and prepare:

It is true that the international situation has been changed.

The fear of nuclear weapons and the balance of power have promoted the appearance of co-existence. The approach by the United States to the Communist China and the treaty by Federal Republic of Germany with Soviet Russia have turned the bilateral negotiations into the multi-lateral world.

This may be misinterpreted as a sign of the world which is progressing toward peace, but the Communists which aim the destruction of free democracy ultimately only falsely pretend peace and negotiations as a strategic retreat as mentioned above.

The competition between Russia and Communist China does not guarantee world peace but such illusion will only weaken the unity of democratic nations. The ambition of Russia to conquer the world did not only appear over Communist China but also over Czechoslovakia in 1968 when it tried to take a democratic reform. On the other hand, Communist China tries to persuade the northern Korean puppets to war and to instigate aggression. The northern puppets, now appreaching to Communist China, are desperate in preparing war of aggression. In spite of this critical crisis, the United States and some free nations seem to put hope and goodwill to such appeasement.

The withdrawal of American forces from Asia, for instance, can hardly be understood by Asian peoples. Of course, we realize that the Nixon doctrine is called upon from the superiority of Capitalism and strong national power. However, it also causes the anxiety that it may mean a step retreat by the Anti-Communists.

As you all know, Korea was divided before the joy of liberation on August 15th, 1945, was, spread throughout the country, and our fellow-countrymen in the North have to suffer under that Communist imperialism. On June 25th, 1950, the Northern puppets committed the act of aggression against the fellow-countrymen and the act of bloodshed all over the country. By the help of United Nations Crusade and free nations, we could repel the aggressor and have successfully developed the economic situation through two remarkable 5 year plans under the great leadership of our president Park Chung Hee.

On the other hand, Vietnam was a sort of testing stone for the free nations to examine their unity, and ability to protect freedom. The freedom and peace of Asia is the key to the permanent peace and prosperity of the world.

The Republic of Korea has sent troops to Vietnam to protect freedom and independence of Vietnam and to secure peace and security in the Pacific area, renewing the anti-Communist struggle and international cooperation.

Asia is the key to decide whether mankind may enjoy peace and prosperity or may be enslaved by endless war and fear. You are the brave anti-Communist leaders who understand the mission of Asian peoples.

If the world correctly understood the meaning of Korean armistice at Panmunjum, they might have prevented the Vietnam situation. Now, if we do not definitely establish freedom in Vietnam by destroying the Communist aggression thoroughly, we may lose whole Asia to them. Sixteen years ago, you correctly grasped the historical situation, and for the common cause to prevent Communist aggression, you established the Asian People's Anti-Communist League. Your spirit of Anti-Communism and farsighted role have brought the development of the League.

At times, you passed timely resolutions and declarations, exchanged informations and materials to expose the falsehood of Communists and cruelty of their tactics.

You have established the Freedom Center, the only anti-Communist study center which has contributed to decision-making of Anti-Communist policy, to the anti-Communist enlightment of free peoples, and to the education and training of anti-Communist enlightenment of free peoples, and to the education and training of anti-Communist elite.

To assist the strengthening of anti-Communist League, our president Park Chung Hee led to establish ASPAC. The most sincere desire of mankind is to create a secure abundant society where they can enjoy peace, freedom and prosperity. However, hate and struggle are agitated by the Communists everywhere in the world. The dark cloud of violence is covering the sky, threatening life, liberty and pursuit of happiness. This is the destructive activities of international Communists who challenge against the human reason and international order.

Consequently, the road which the free peoples should desperately choose is the way to mutual cooperation and strong unity.

If we get together as the rivers pour into the sea and pour our utmost power, we shall be able to sweep away the fear and poverty from this area, and to create welfare state longed for by all the peoples.

The imperative task which our generation is facing is to overcome the realities of turmoil in Asia and to build up a new Asia of peace, freedom and prosperity free from threat of aggression. For this ideal, we have been gathering year after year with trust and comradeship.

The threat of Communist aggression is now expending from Pacific area into Middle East and Africa, and even to Latin America and Western Europe. The Anti-Communist spirit must be aroused throughout the world, and our activities must also advance from mere protection of freedom to the positive expansion of freedom.

All the isolated and divided Anti-Communist fronts must be unified as a world-wide system of freedom under this World Anti-Communist League to fight Communism most effectively in this era of space.

However, our road is still facing many obstacles and trials. Our front is not yet so strong as to overcome our weaker links in the chains where the Communists are infiltrating day after day. Following the trends of the times, and with the excuse of raison d'etre, certain nations claim the separation of the economics from politics to do business with the Communists.

However, if such business is inevitable, such nations must wait until the Communists stop the use of violence and show the act of fair competition.

On August 15, our president Park Chung Hee showed a new way of peaceful unification of Korea, and a positive and realistic approach to the so-called peace offensive. Our President emphasized that the northern puppets should give up their present acts of aggressive and war-provoking violations of law. Their peace talk is a lie, deception and disguise until they give up the war and respect the authorities of the United Nations. The northern puppets must show the sincere intention by action. They must stop the infiltration of armed spies and agents, kidnapping of ships, planes and crews. They must declare that they have given up the plan of overthrowing the Republic of Korea by the Communist revolution of violence. They must not sacrifice our people in the North by enslaving them into the useless war-industry and war-preparation. They must come to the fair competition of national development, constructions, and creation.

The national development in the Republic of Korea under the leadership of our great

President has shown unprecedented progress in Korea during the last ten years and, by the end of the third five year plan in the late 70's, the GNP of the Republic of Korea shall be four times of that in the north. The freedom, national sovereignty and economic progress in the Republic of Korea shall influence the people in the north so that they may cause to change the social system in the north.

Such idea of our President may apply to Vietnam and also to China.

However, as we foresaw, the northern puppets refused this positive idea of our President. This means that the northern puppets are exposing their ambition for the Communist unification by violence and this shows that they do not respect the authority of the United Nations.

The northern puppets are zealous of the economic development and international enhancement of the Republic of Korea, and are continuing desperate destruction and unlawfulness. They kidnapped our civil Korean Airline plane and have not yet returned the remaining guests and crews. They also kidnapped our Navy ship which was peacefully protecting our fishing boats. They have tried to assassinate our government leaders by placing explosives at our national cemetery. The number of their violations of armistice provisions since July 27, 1953, mounts to 7,713 cases and incidents. The northern puppets have plotted even the bacteriological warfare. In January, they concluded contracts to import Cholera from certain companies, and on April 8, the armed spies caught in paju carried poisonous bacteria. They have no respect of Geneva convention which prohibited the use of poison and bacteria in war.

This also shows that all the Communists of the world including the northern puppets are continuing their ultimate objective of communizing the whole world by violence. This also is a warning bell to some leaders of free nations who think that the Communist may be appeased.

The Communists have shown that they are the wolves with the disguise of sheep.

We have seen in Czechoslovakia that even within the camp of Communism, any attempt to freedom is trampled down. We have seen in Russia and in satellite nations that cliques try to mercilessly destroy the comrades. We have seen in free nations that the smile by the Communism is a trap and temptation which would weaken and destroy anti-Communist front and freedom.

Therefore, we should all the more watch and prepare when the Communists pretend to be soft and peace-seeking.

We have gathered here to represent the desires of free peoples and are determined to enhance justice and law as against injustice and unlawfulness, and to liberate the peoples behind the curtain of oppression and fear.

We must carry on the great task toward the peaceful world with our unified "power of freedom". We firmly believe that your intelligence and decision, unity and cooperation, shall accomplish our goal for the freedom, peace and prosperity of mankind.

Thank you.

THE NATIONAL CAPTIVE NATIONS COMMITTEE, U.S.A., IN ANNUAL ACTION FOR WORLD FREEDOM

(By Dr. Lev E. Dobriansky)

Mr. Chairman and Distinguished Delegates to the Fourth Conference of the World Anti-Communist League, it is my privilege again to report concisely and essentially on the concrete annual action taken by the U.S. National Captive Nations Committee for world freedom—in Asia, Eastern Europe and Cuba. As in the many years past, it is our policy here not to dwell on ideological rhetoric and theoretic abstractions, but rather to highlight in an essentialist operational framework the major and specific deeds of NCNC and its affiliate members toward the grand and consummate objective of world freedom, eternally rid of the cancer of Soviet Russian imperio-colonialism and so-called Communist imperialism.

Also as in the past, words in themselves are inadequate to express fully and completely our profoundest gratitude to the Japanese Chapter of WACL for making this historic conference in Japan possible. It is assuredly no note of societal flattery in one case or slight in other cases to state that Japan and its dedicated people is conferred by sheer economic power and industry to assume the critical responsibility of insuring freedom in Asia as these requisities have imposed a similar politico-moral responsibility on my country to insure freedom in other parts of our world. The remarkable work of the Japanese Chapter is a solid step toward this politico-moral responsibility, and we pay overwhelmingly tribute to its historic performance.

Despite the over-publicized troubles we have in the United States, NCNC has maintained a steady course in pointing to the most basic realities of the world situation that substantially have not changed these past three decades. Many see ever-present change of a Heraclitean form in transient superficialities and have shown themselves to be blind to the conditional, permanent structure of the Red Empire, with its some 27 captive nations. The prime objective of NCNC in this period has been, and is, to maintain the level of sobriety and realism concerning this structure, and we have no doubt that the time will come when from this current objective we shall move to one of operational goals directed at the liberation and freedom of the captive nations. On this score, the spiritual and moral resources of my country are boundless, and only require the emergence of a situation of critical confrontation with the main enemy to be tapped into an explosive force. At that time, the superficial problems of the present will be viewed as so many societal winds.

It has been in this interpretative context that this past year NCNC has realized the following accomplishments and activities:

(1) The veritable privilege of having addressed the Third WACL Conference in Bangkok, Thailand on the subject of "Enslaved Peoples Under Communism" was quickly capitalized in its publication by a number of widely circulating periodicals and organs. The address and major documents of the Conference were published in the U.S. *Congressional Record* of February 5. In the following months, the address was also published in the *WACL Bulletin*, the *ABN Correspondence*, the *Ukrainian Bulletin* and other publications. This diverse publication led to numerous inquiries about WACL and several engagements for lectures and addresses.

(2) Prior to the Third WACL Conference we managed to have another Congressional resolution passed, calling for the printing of 10,000 copies of the official book which we compiled and edited under the title of *The Captive Nations Week Movement*. At the beginning of this year the widest distribution was given to this informative book in the United States, the U.N., and the world capitals. Through the auspices of NCNC many of you present here received a copy of this work. The reaction to this background work was most salutary and interesting.

(3) As in all previous years, NCNC supported the celebration of Freedom Day by the Republic of China. The important January 23 event was observed by inspired messages, American representation in Taipei, and publication of the event's activities and addresses in the U.S. *Congressional Record*. Dr. Ku Cheng-kang received most deserving tribute for his leadership in this vital political observance.

(4) Concurrent with these operations, NCNC propagated immediately after the Third WACL Conference the strategic concept of Asianization, Not Vietnamization, of the Indo-China war. Long before the Cambodian development, we advanced this concept on December 10, 1969 in a lecture to the U.S. Army Mobilization Group at the National Press Club in Washington, D.C. The head of this group is the Honorable Bryce Harlow, a close aide to President Nixon. In Miami, Florida, this was further discussed over the Alan Courtney show over NBC's WIOD on December 23 and 30. Following Cambodia, it was refreshingly re-discussed over the same show on May 27. It was also argued on a panel consisting of the Honorable John R. Rarick and two Department of State representatives on March 12 over the Georgetown University TV-Radio Forum. In addition, lectures were delivered on the subject during the spring before Republican Women's clubs, Lions International and others. And the February 15 issue of the Miami periodical *Insight Into The News* carried an article on the subject by me, which the Honorable E. Ross Adair of Indiana and high-ranking Member of the U.S. House Foreign Affairs Committee introduced into the *Congressional Record* on August 14, with remarks as to its foresight and perspective.

(5) Conveying the spirit and sentiments of WACL, NCNC was a main participant in the formation of the American Council for World Freedom. The week-end formative conference on February 27–March 1 was a milestone in the direction of a WACL chapter in the U.S. At this conference and a subsequent executive board meeting on June 1, NCNC consistently upheld this necessary direction and shall persistently work for its consummation in cooperation with all other responsible American anti-communist groups.

(6) In the course of these many months, NCNC has steadfastly upheld the actions of President Nixon in Vietnam, Cambodia, and against the myopic isolationist elements in the U.S. By direct messages, releases and consultations NCNC's record on this score is clear and unequivocally supporting. At a State dinner in the White House on August 4, honoring President Mobutu of the Democratic Republic of the Congo, it was my privilege to reassure President Nixon of our complete support of his policy in Asia and our hopes for a developed Asianization program designed to secure all of non-communist Asia and liberate its communist portions.

(7) Throughout the year and to the very present, NCNC has gained the support of numerous American legislators for the objectives and actions of WACL. As a measure of this, material bearing on WACL's Freedom Academy in Korea, the Third Conference in Bangkok, the observance of Captive Nations Week in Asia and other activities have been prominently featured in the *Congressional Record*. It is truly remarkable the responses, both favorable and hostile, that are precipitated in the U.S. and even beyond through this official publication.

(8) With President Nixon's urging the ratification of the Genocide Convention by the U.S. Senate, NCNC participated on April 27 in hearings on this issue before the Senate Foreign Relations Committee. On May 14, the Honorable Edward J. Derwinski introduced NCNC's testimony in favor of the convention into the *Congressional Record*. Here, as in many other spheres, the U.S. has lagged behind other countries in politically and morally preventing the most heinous of crimes that Mao Tse-tung, the Russian imperio-colonialists and other Red totalitarians have callously indulged in. The importance of this U.N. convention for all of our countries cannot be too strongly emphasized.

(9) In mid-spring of this year NCNC embarked on another educational and informational project with a world-wide distribution of the Congressional reprint "Captive Nations in the 70's." With the material support of one of its member organizations, the Ukrainian Congress Committtee of America, NCNC had this piece reprinted from the April 20th *Congressional Record* and over 5,000 copies were sent to opinion-makers in the U.S. and abroad. Here, too, many of you received this reprint which spells out clearly the strategic importance of the captive nations in Eastern Europe, the USSR, Asia and Cuba to the world struggle against the Red regimes.

(10) Following this, and as in all previous years since July, 1959, NCNC launched upon preparations for the usual nation-wide observance of the 1970 Captive Nations Week. These preparations, extending from requests to the White House down to guidance of local committees and groups throughout our broad country, are time-consuming and costly. In the long run of our struggle, they are crucially important. Despite the changing political climates in the U.S., every President since the Eisenhower Administration eleven years ago has issued a Presidential Proclamation of the Week. And when Dr. Henry A. Kissinger stated in a letter to NCNC on July 2 that "I can assure you . . . of the President's personal interest in the Proclamation and that it will be issued shortly," we in NCNC were reassured of the prudent and fundamental course being pursued by our Government.

(11) Under the guidance of NCNC the 1970 Captive Nations Weeks Observance in the U.S. realized reasonable success. The President issued a well-worded Proclamation, and as always the response in Congress was enthusiastic. On July 15, the Speaker of the House of Representatives, John W. McCormack paid special tribute to NCNC in these words:

"A special tribute is in order, I feel, to the National Captive Nations Committee of Washington, D.C., who for 12 years have spearheaded this annual observance of Captive Nations Week."

In New York, Cleveland, Chicago, Philadelphia, New Orleans and many other cities the observance was well conducted. The NCNC Chairman was with Mayor Sam Yorty in the Los Angeles observance. In Washington, D.C. a special lecture was delivered on the captive nations by the Honorable Edward J. Derwinski at Georgetown University. The *Congressional Record* for July and August is replete with published material on the 1970 Week. Also, Congressman Philip Crane of Illinois represented NCNC at the Week's observance in the Republic of China, which on record is the finest anywhere.

(12) Strongly relevant to critical problems in the Sino-Russian rift, the democratic reconstruction of Asia, the Middle East and Central/Eastern Europe, the issue of the captive non-Russian nations in the USSR has been of concentrated interest to NCNC. It is supporting, among many interrelated matters, H. Res. 979 in the U.S. Congress dealing with Ukraine, the largest captive non-Russian nation in the USSR as well as in Eastern Europe. Similar efforts are being directed at the U.S. Senate. The strategic importance of these captive nations in the USSR cannot be overly stressed, for they bear on the power of Moscow and its world-wide exercise, as seen, for example, in the Russian rape of Czecho-Slovakia in 1968.

(13) The educational undertaking of NCNC for the creation of a Special House Committee on the Captive Nations in the U.S. Congress continues unabated. This objective was widely expressed during the 1970 Captive Nations Week observances. It has also been repeatedly written about and broadly circulated. Starting with the 1970 Captive Nations Week, a signature campaign has been under way for the establishment of this crucial committee. With the Congressional races in November, the issue will be pressed in districts about the country and should be of considerable importance come the next Congress in 1971. NCNC keeps abreast of every aspect and development of this.

(14) Albeit of indirect significance, a measure in the U.S. Congress which should be of considerable interest to both the peoples in the Free World as well as those in the Red Empire is the Ethnic Studies Centers bill. NCNC has also concentrated its efforts on the passage of this bill so that Americans generally will become more sympathetically familiar with the traditions, customs and aspirations of the peoples of the world. In the United States every national and racial strain is representative—this is the uniqueness and historical experiment of mankind in America—and these contemplated ethnic studies centers, starting from the secondary schools upward, would bring a greater and more appreciative understanding and feeling of the cultures and wants of the peoples of Asia, the Middle East, Africa, Latin America and elsewhere on our common globe. Because of its foreign policy implications as well as purely cultural purposes that incidentally would lighten the burden of every Ambassador in Washington, NCNC submitted testimony on March 25 to the U.S. House Subcommittee on Education in full favor of this vital measure. It has also used its facilities to educate popular favor of the bill. This is a continuing action aimed at fruitful success in the period ahead.

(15) And, with the invaluable assistance of the Ukrainian Congress Committee of America, an organizational member of NCNC, we are preparing for wide distribution of the new book written by the chairman under the title of *USA and The Soviet Myth*. The introduction to the work is provided by the Honorable William G. Bray of Indiana, who is a high-ranking Member of the U.S. House Armed Services Committee. The book presents an unusual structure of world power politics that affects the interests of every country represented here. Due for publication this fall, NCNC is presently preparing for its world-wide distribution far beyond what it set for the chairman's earlier publication on *The Vulnerable Russians* in 1967.

In conclusion, Mr. Chairman and distinguished delegates, these are the highlights of NCNC's performance in the struggle against the Red totalitarian imperialism throughout the world. Moscow's strategic psycho-political policy of "peaceful coexistence" is reaping the benefits of time, military-technologic catch-up, and subversive incursions on all continents for the Red Empire. Those in official or private circles who are not aware of this subtle development are really, one must regretfully admit, playing into Moscow's hands. We in NCNC are certain without an iota of doubt that this deceptive policy by the Russians will exceed itself at some point when the full importance of the captive nations for the survival of the Free World will be thoroughly and completely realized. Our fervent prayer is that this realization will prevail before an otherwise inevitable confrontation emerges between the Free World and the Red Empire. In short, to prevent this otherwise inevitable outcome, with its unpredictable results, NCNC will continue to advance a concept and operational scheme designed both to deepen the insecurity of the Red Empire and to advance the borders of world freedom both in Asia and Eastern Europe. It will do so in concrete deed, not just in rhetoric. By concentrating on the captive nations in toto—in Asia, in the USSR, in Eastern Europe, in Latin America—we sincerely feel that the greatest catalyst for mobilizing the forces of world freedom is in the freedom of the captive nations. What so-called revolutionary, in the Free World bearded or otherwise, could possibly profess a higher idealism than this!

AN ALTERNATIVE TO THE THERMONUCLEAR WAR—ADDRESS BY JAROSLAV STETSKO, CHAIRMAN OF THE ORGANIZATION OF UKRAINIAN NATIONALIST (OUN), PRESIDENT OF ABN, FORMER PRIME MINISTER OF UKRAINE

I. INITIAL POSITIONS OF THE REVOLUTIONARY UKRAINIAN LIBERATION MOVEMENT (OUN)

Our goal: Reestablishment of a sovereign and independent united Ukrainian State, through the liquidation of the Russian empire, namely its dissolution into national, independent, democratic states of the presently subjugated nations within their ethnic boundaries and the destruction of the Communist system.

Reestablishment of Ukrainian independence and because of this, dissolution of the Russian empire, would result in revolutionary changes on the political map of the world. Russia would lose access to the Mediterranean Sea, to the Near and the Middle East, to Africa, and with a possible independence of Siberia, also her position on the Asian continent.

The geopolitical situation of independent Ukraine, the Caucasus and Turkestan has exceptional significance for a new arrangement of political forces in the world.

The revolutionary anti-Russian and anti-Bolshevik concepts propagated by Ukraine, the indestructible human potential and human resources of Ukraine—are component elements of the exclusive position enjoyed by Ukraine at present and in the future.

Our road to liberation: Synchronized national liberation revolutions and armed uprisings in Ukraine and in other subjugated nations. The reality of this road, even in a terroristic, totalitarian system, was confirmed by the Hungarian Revolution, the uprisings in Poznan and East Germany, and, in particular, by the uprisings of Ukrainian and other prisoners in 1948 (Vorkuta) and in 1953–59 in various concentration camps of Siberia and Kazakhstan. A temporary failure of these uprisings does not mean their permanent failure or their unfeasibility as the means of liberation.

In the West the very possibility of an uprising has been questioned for decades. But life has shown otherwise. Now we are not concerned with proving the feasibility of an uprising as such, but the possibility of a successful, victorious uprising. The failure of the Hungarian or East German uprising was caused by their isolation and lack of coordination with uprisings in other subjugated countries, as well as *total orientation* upon armed assistance from the West. It is not enough to appeal exclusively to the West. The Hungarian insurgents should have concentrated their attention upon combining the interests of the subjugated nations with the interest of the Hungarian people and not on propagating a separate liberation. They should have supported the liberation of all subjugated nations. An appeal to the soldiers of the Soviet Army in Ukraine and elsewhere would have brought more success than the desperate cries for help to the West, which was not even able to render political support.

An opportunity for an uprising could be provided either by a favourable external or internal political situation or both simultaneously. The Berlin blockade (an uprising in Vorkuta in 1948), the death of Stalin, the liquidation of Beria, the war in the Middle East, an armed conflict between Russia and her external enemy—all these are opportunities for insurrections, provided the situation in the empire is ripe and the peoples are prepared psychologically and morally for a revolutionary act, either spontaneous or organized in advance. From this side of the Iron Curtain it is necessary to conduct systematic, long-range ideological training and activization of the broad popular masses in

order to create an internal revolutionary situation of preparedness to take advantage of a favourable opportunity or to create psychological and moral preconditions for a revolutionary act. It is impossible to predict the time of the outbreak of the national uprising or to determine the components of the situation. The potentials of human or national soul cannot be made to conform to some fatalistic or rationally calculated principles. Neither the Hungarian, nor the East German, nor the national liberation uprisings of the past have been rationally calculated, but came as the result of the strenuous, many-sided preparatory struggle, in particular, the ideological mobilization of the people and the accumulation of revolutionary dynamic and agitation. All the more under conditions of totalitarian, terroristic regime, the frontal and multiple pressure of the occupant in all phases of life and on each individual creates the situation of resistance of each and all oppressed members of the subjugated nation. Through the accumulation of hatred and systematic passive resistance and parallelly more and more intensive outbursts, the conditions are ripening for a nationwide explosion. An opportunity cannot always be foreseen. It can be created.

The territories of Siberia, Turkestan and the Caucasus are in particular well-suited for insurgent actions, for they are populated by millions of nationally and politically conscious Ukrainians, who were deported from Ukraine—an element which is particularly capable of engaging in revolutionary acts. The political mobilization of Ukrainians and members of other subjugated nations, who live in these countries as well, must be part of our plan of psychological warfare.

A possible spontaneous explosion does not necessarily mean an uncalculated outburst, but a discharge of concentrated, accumulated revolutionary potential, which had been steadily collected by the leading political and cultural revolutionary elements through their activities. They do not have to be members of an underground revolutionary liberation organization like the one which existed until now. The fact that the leading revolutionary cadre is present cannot be denied by the absence of an underground organization, built on the old model. The leading cadres of the revolution—both political and military—exist regardless of the fact whether it is possible or impossible to organize them into an old-type underground organization. In the midst of struggle the leading revolutionary elements—military and political—are going to assume organized forms under the protection of their armed force.

In a terroristic system a revolutionary organization must limit itself to the following three elements which make up a revolutionary organization:

(a) an agreement of its cadres as to principles,

(b) an agreement on political guidelines of action,

(c) technical and organizational contacts, which are to serve for successful realization of tasks *a* and *b*.

But on the basis of our concept of liberation revolution, in which we are not counting on a palace revolt of the Pretorian Guard or on some plot which would decide on the success of the national liberation revolution, but on the struggle of the people, on mass struggle, the technical and organizational ties are not decisive. Here the development of dynamic national and political consciousness and self-reliance of the broad popular masses, with the accent on aggressive mass actions, comes into play. It is hardly necessary to conceal such actions, when the masses are taking part in them. For this very reason it is necessary to have perfected technological means for the organization of struggle and the transmission of instructions-guidelines. A description of this or that acton, as for example in Novocherkask in 1964, broadcast on the radio becomes a guide for action in other centers of Ukraine and elsewhere.

Even a description of a demonstration by our youth in front of the Russian Embassy in London or Ottawa, transmitted to Ukraine or Turkestan, becomes a stimulus for a modified but analogous form of action in Kyiv or Tashkent. The young people in Ukraine are technically well-trained and it is not a chance occurrence that hundreds of radio hams, who transmitted foreign radio broadcasts on their own transmitters, were arrested in Ukraine as "hooligans of the air."

Therefore it is enough to have hitching posts. An organizational network is not absolutely necessary in the age of advanced technological progress. We are concerned with efforts in the direction of psycho-moral, political and ideological revolutionization of all strata of society, differentiating the psycho-political struggle of relatively different elements within the subjugated peoples: (a) youth, (b) members of the Soviet Army, (c) members of the Komsomol, (d) workers in the field of culture, (e) technocrats, (f) blue collar workers, (g) collective-farm workers, (h) intellectuals, (i) members of the Communist party, (j) civil servants, etc. Within the empire the conflicts are going to become bigger and bigger. They are stemming from its national composition and the anti-naturalness of the Communist system, as the Russian way of life. And thus there are the subjugated nations and the ruling nation; the terrorist system and the human longing for freedom; the threat of a permanent explosion of the oppressed individual and nation; the intensification of contradictions and the widening of gaps and conflicts between the ruling Russian and the quisling strata on the one hand, and the freedom-loving forces of the peoples on the other; social injustice and wrongs and the new class of exploiters and Communist magnates; many-sided resistance to the anti-natural collectivistic system on the part of the subjugated nations and individuals, and so forth.

II. THE SUBJUGATED NATIONS—KEY ISSUE IN WORLD POLITICS

In practice a battle is being fought for the subjugated peoples, although they are never spoken of, and no reference is ever made to them in negotiations between the super powers.

The essential problem is not arms limitation but the gaining of the souls of those who carry these arms, in order to make them turn them against the Russian oppressor. The non-Russian peoples make up the majority of the population of the USSR and for this reason the majority of soldiers in the Soviet Army are non-Russians. Together with the satellite countries the power ratio is way above 1:2 in favour of the non-Russians.

Thus the free world should place its stakes upon the break-up of the Russian empire and the despotic Communist system from within, i.e. it should count upon the national revolutions, finalized by an armed uprising. Gen. J.F.C. Fuller's concept of modern warfare should not only be the object of study by military experts of the free world, but of practical application. In essence it is close to our own revolutionary liberation concept. Ideas, says Gen. Fuller, are stronger than atomic bombs. Atomic bombs cannot be dropped at revolutions and revolutionaries, at uprisings and insurgents, for the Russian occupation forces would be liquidated at the same time and the radioactive fallout would also destroy the Russians, not only in Ukraine, but also on their own ethnographic territory. Therefore the national liberation revolutions and armed uprisings are also an alternative to thermonuclear war. Moreover, the situation in Vietnam proves how hard it is, even for a super power, to be victorious in a practical confrontation with a guerrilla-insurgent concept, the most modern type of warfare in the thermonuclear age.

Thermonuclear age is at the same time an ideological age. The insurgent-guerrilla age is adequate for the ideological age. With the growth of military technology, its modernization and the ever newer inventions of more and more destructive weapons, increases the importance of the armed people (with simple weapons at times). And this is comprehensible and life-saving for humanity, for, regrettably, the ethical and cultural armament of the human race, its morality and spiritual culture, do not go hand in hand with technological progress. The more powerful and all-destructive the thermonuclear weapons become, the greater becomes the role and the significance of an individual in the struggle for freedom or in defense of freedom.

Western support of the revolutionary liberation processes will not lead to thermonuclear war, but instead will make the latter more unlikely since the Russians are going to be threatened by a possible attack from outside, as for example from Red China.

Russia is actively and militarily supporting the so-called national liberation "anti-colonial" guerrilla formations and acts in various countries—and no nuclear war ensues. Russia is building up an internal front in the USA (student revolts, Negro unrest, marches on Washington to protest against White House policies, and so forth)—and no nuclear war ensues. The pro-Russian front is penetrating the entire free world, cutting across free nations, parts of whose members are supporting the Russian interests, in opposition to their own national interests.

The hopes placed upon Communism's evolution toward democracy or the fall of the Russian empire of itself are a dangerous illusion for which the free world could pay with total thermonuclear destruction or capitulation before the Russian tyranny.

With their presence alone the US armed forces are not always capable of stopping the Russian expansion. For example, the presence of the Russian fleet in the Mediterranean Sea and the construction of military bases around it, prove this clearly. Only a confrontation, as was the case during the blockade of Cuba, could be successful. But where is the *casus belli* of a democratic power—is often hard to determine, even for its government. But under such conditions Russia can commit the error of miscalculation as Hitler miscalculated with his attack upon Poland, who also did not take the central problem of that time into consideration, which is even a greater problem today: the subjugated nations.

The Russian empire is growing in the age of so-called peaceful coexistence. Russia's constant drive forward under pressure from the subjugated nations, without a counteraction by the USA, in the sector of Ukraine and other nations subjugated in the Russian empire, will lead sooner or later to an armed clash between Moscow and Washington. The concept of the polarization of the world is unrealisitc, for new forces are always arising which cannot be controlled by force. This concept requires that the USA together with Russia act as bogeyman for all. But this is contrary to the nature of the American people and in the long run is objectively incapable of being maintained. The American nation, which is composed of citizens with various ethnic backgrounds, more than any other nation of the world, must base its policies on ethical principles, for otherwise it would be hard for it to find a common denominator for its citizens of English, Irish, German, Jewish, Polish, Ukrainian, Latvian, Slovak, Hungarian, Italian, etc. descent in their defense of the interests of their former

homelands. It is most probable that the United States might have to fight against Russia in order to keep Israel from collapsing. In the Cuban situation the same threat was present. And how many more such situations are awaiting the USA in view of the systematic, continuous aggression of Russia, which now has a fleet second only to the United States and submarine bases on various continents. And yet, not so long ago, Russia could hardly be considered a sea power, only a land power.

In order to stop Russian expansion (which now extends to the Indian Ocean and Latin America, her submarines appear in Australian waters, and even in those of the USA and Canada, all the more since Great Britain—regrettably—is giving up its military bases and Russia is filling the vacuum here and there, for the USA, it seems, cannot be present everywhere) it is mandatory to support the national liberation revolutionary processes within the Russian empire in order to bring about its dissolution from within and consequently the fall of Communism, without an atomic war.

The subjugated nations are the Achilles' heel of every empire, and even more of the despotic Russian prison of nations and individuals. To count upon them is to count on something permanent, for the striving for freedom and state independence cannot be stifled by any tyrannical system of rule, which is clearly proved by the present processes in Ukraine and in other subjugated countries (the struggle of the intellectuals, cultural leaders, poets, youth, etc.) Prisoners never defended their prison. For this reason the subjugated peoples are not going to defend the empire under any conditions, but are going to search for ways and means of its destruction, undertaking in extreme cases, a two-front war, as was done by the Ukrainian Insurgent Army (UPA) in its fight against both Germany and Russia, should the conditions prevalent in World War I repeat themselves.

It is a historically proven fact that Russia was always defeated in internal revolutions, not in external wars. Some examples: In the 1904–5 war with Japan and in 1917–18 Russia, a member of the victorious Entente, lost the war because of national uprisings and liberation wars of the subjugated peoples, which, headed by Ukraine, reestablished their independent states. Napoleon and Hitler lost the war because they did not take into consideration the Achilles' heel of the empire—the subjugated nations, and the support of their national aspirations.

The counting of some in the West on the fact that Russian expansion can be stopped by a Russo-Chinese war, may be erroneous for both sides are conscious of the fact that in this type of a situation the U.S.A. would be victorious. On the other hand, a common front of the U.S.A. and Russia would be a repetition of the Allies' error in World War II: a common front with the Russian tyranny against the Nazi tyranny. Churchill aptly remarked later, "We have slaughtered the wrong pig". In our view, it was necessary to slaughter "both pigs" in a common front of the Allies and the peoples subjugated by Berlin and Moscow. The West had that chance when the U.S.A. joined the great coalition.

The war between Russia and Red China could be either thermo-nuclear or conventional. It cannot be a guerrilla war on the territory of the USSR on the part of Red China. Red Chinese guerrillas cannot expect any support from the people of Ukraine, Turkestan, the Caucasus or Byelorussia. They cannot expect this support in Siberia either, where there are millions of nationally and politically conscious deportees from Ukraine and other subjugated countries. A guerrilla war of the Red Chinese is only possible in Asia where there are Chinese settlements and sections of nations sympathetic to Communism which are racially close to the Chinese (Red Vietnamese, Cambodians, Thais, etc.), but so far, conscious of anti-Chinese sentiments among the Asian peoples threatened by Red China, the Red Chinese did not export their guerrillas anywhere in large numbers.

A Russo-Chinese conflict is in our interest, as are all complications faced by Russia in the field of foreign policy, but we do not share the view that the enemy of our enemy is necessarily our friend. Hitler was not our friend, although he was an enemy of Moscow.

Ukraine is not going to fight for the preservation of the Russian empire, nor for its "democratization", but for its liquidation. However, she will not fight on the side of Red China either, whose colonial aims are analogous to those of Nazi Germany. We are going to take advantage of all conflicts in which Russia is involved in order to topple the empire. We are not going to defend the prison of nations. All external difficulties of Russia are creating a favourable situation for the revolutionary liberation movements in their attempts to unfold revolutionary activities and to intensify the revolutionary struggle. The dispatching of Soviet divisions to the Far East, their decrease in Ukraine, the opening of an American and Red Chinese fronts against Russia—all these are in our interest. The more fronts Russia has the better for us. But this does not mean at all that we are orienting ourselves upon any of Russia's enemies. We are orienting ourselves upon our own forces, upon the common front of the subjugated nations, which share our fate. And finally, the counting of some upon a Russo-Chinese war is only one of the possibilities, which may not come true, when Russia will facilitate Peking's southward expansion and its expansion into Southeast Asia, as was contended by Gen. J. F. C. Fuller. Then the USA might have to fight a two-front war against Russia and against Red China.

The U.S.A. does not only have the alternatives: to side with Russia against Red China, or with Red China against Russia; it has also the most lasting, anti-imperialistic alternative: to side with the subjugated nations against the aggressors. This very alternative was ignored by the Allies in World War II, thus helping the Russian aggressors to conquer not only half of Europe but in fact to build Russia into a world power.

RESOLUTION ON 13TH OBSERVANCE OF CAPTIVE NATIONS WEEK IN 1971

Whereas the U.S. Congressional Resolution on Captive Nations Week, which President Dwight D. Eisenhower signed into Public Law 86–90 in 1959, has been a major obstacle to the Communist objective of obtaining Free World acquiescence to the captivity of 27 nations in the Red Empire; and

Whereas this Resolution emphasizes the basic strategic importance of all the captive nations, including those in the Soviet Union, to the security of the Free World; and

Whereas the Resolution also symbolizes hope and encouragement to the one billion captives in Central Europe, the Soviet Union, Asia and Cuba in their eventual liberation and national freedom and independence; and

Whereas WACL, since its inception, has steadfastly upheld the annual Captive Nations Week provided by the resolution and many of its members, particularly those in Asia, have conducted the Week's observance to the detriment of Communist propaganda and objectives and toward the fulfillment of the aspirations of the captive peoples;

Therefore, be it resolved that all participants in the 4th WACL Conference make early preparations for the 13th observance of Captive Nations Week in July, 1971 and that for the publication of their respective activities in the U.S. CONGRESSIONAL RECORD materials be sent to the National Captive Nations Committee in Washington, D.C.

RESOLUTION ON SOVIET RUSSIAN COLONIALISM AND THE SUBJUGATED NATIONS

Whereas, the present-day Russian imperialism as continuation of the tsarist one, after the liquidation of the national state independence of Ukraine, Byelorussia, Georgia, Azerbaijan, Armonia, Turkestan and other nations subjugated in the USSR in the 1920's, during and after World War II forcefully annexed Lithuania, Latvia and Estonia to the USSR and transformed other nations of Central and Eastern Europe (Hungary, Bulgaria, Poland, East Germany, Rumania, Croatia and others) into its satellites and from this imperial base further expanded its aggressive plans and actions into Latin America (Cuba), Asia (Vietnam, Korea, Laos, Cambodia), Africa (Tanzania), earlier helping the Communist Party to come to power in China;

Whereas, Bolshevik imperialism, fulfilling the dreams of the tears, may dominate the Mediterranean Sea, in particular the Middle East and North Africa, and building up its fleet almost to the size of the U.S. fleet, is now threatening Western Europe from the south, and with its submarines is penetrating the Indian Ocean and the waters of the U.S. and Canada;

Whereas, Soviet Russian imperialism may block the delivery of oil from the Arab lands to Western Europe at any time, gradually turning Islamic countries into its satellites and planning to carry out genocide against the state of Israel;

Whereas, Soviet Russian imperialism, aiming to conquer the whole world, is systematically preparing Communist revolts in Latin America, Africa, Asia, threatening Western Europe with nuclear weapons, and at the same time corrupting free countries by class struggle, racial unrest, the so-called student revolts and ideological demobilization of the intellectual elite, in order to dominate them from within, as well as inspiring Communist guerrilla warfare and peripheral wars;

Whereas, Russian imperialism hinders the reunification in freedom of Vietnam, Korea and Germany, aiming at their Bolshevization, and has conquered ethnographic Japanese territories, as a stepping stone to the Japanese mainland;

Whereas, Russian imperialism is consolidating and intensifying the terrorist regime in the countries subjugated by it ever more, committing systematic spiritual (Russification, Bolshevization) and physical genocide toward them in order to stifle the aspiration for freedom and state independence of the subjugated nations, crushing, for example, the East German and the Hungarian revolts and the uprising of the Ukrainian and other prisoners in the Russian concentration camps, as well as the struggle of the Czechs and Slovaks;

Whereas, Russian imperialism is getting away with each new territorial conquest or attempted Red aggression by threatening to use thermo-nuclear arms against the free world.

Therefore, be it resolved:

The Fourth WACL Conference:

1. Condemns Soviet Russian colonialism and imperialism and its aggressive aims, wars and actions, bent on the destruction of the God established world order, Russification and genocide of the subjugated nations, national and religious, political and cultural subjugation, persecution and oppression, economic exploitation and the stifling of free creativity of the intellectual elite;

2. Stands for the reestablishment of national state independence and human rights of all nations subjugated in the USSR and the satellite states and supports their national liberation struggle;

3. Considers that through destruction of the tyrannical Communist system and the Russian empire from within, by way of national liberation revolutions of the subjugated peoples, it is possible to avoid thermonuclear war;

4. Urges the free world to support the national liberation struggle of the subjugated nations, the reunification in freedom of Germany, Vietnam and Korea, the liberation of the Chinese mainland, Cuba and all other nations subjugated by Communism from Communist tyranny, as well as the returning to Japan of its ethnographic territories conquered by Russian imperialists;

5. Appeals to the governments of the free countries of the world to counteract by all possible means the ever-increasing Russian aggression, to liquidate their influence in the Black and the Mediterranean Seas, the Middle East, North Africa, the Indian and the Pacific Oceans and everywhere else, outside their own ethnic territory where Russian aggressors have appeared or are yet to appear, to prevent the transformation of the Arab states into Moscow's satellites and Moscow's attempts to perpetuate genocide against the state of Israel, as well as to use all efforts to obtain the release of political prisoners—fighters for human and national rights—from the Russian prisons and concentration camps;

6. Confirms that only through a) the rebirth of the heroic concept of life, faith in eternal human values, patriotism, the love of country, and the realization of social justice, can Communist and Russian ideological diversion be defeated inside the freedom-loving nations of the world, b) the common front of the free and the subjugated nations, is it possible to destroy the Communist system of tyranny and the Russian colonial empire and to guarantee a lasting peace and security in the world.

JOINT COMMUNIQUE OF THE FOURTH WACL CONFERENCE

PREAMBLE

Communism is the source of much human suffering in the world today. For Communism is an evil ideology based only on materialism, to the exclusion of all spiritual values. This is why Communism brings only the subjugation of humanity and the destruction of human dignity under dictatorship. Now that the menace of Communist forces is expanding everywhere, our task is to fight and ultimately destroy it.

In this first year of the 1970's, representatives of the World Anti-Communist League's 67 national and organizational member units and 29 observer groups gathered in Kyoto, Japan, September 15–17 for the League's 4th General Conference. The Conference theme was "Mobilizing the Forces of World Freedom."

With a profound understanding, and a high fighting spirit in the face of Communism, the participants brought their discussions to fruitful conclusions. Searching examinations of the many phases of the current world situation produced the following unanimous observations:

1. Confrontation is by no means ended. Communist forces, unless they are wiped out completely, will never give up their insidious attempts to enslave the whole of mankind;

2. Peace is what all peoples long for. But freedom is just as important a goal. We must continue to oppose peace through appeasement at the cost of freedom, for peace gained through compromise and capitulation cannot endure;

3. Free nations must recognize the futility of non-alignment, be under no delusion that national unification may be attained through negotiations, and desist from flirtations with the Communists.

As further elaboration of the main theme, "Mobilizing the Forces of World Freedom," important resolutions of the Conference specifically called for:

1. The unification of the masses of all countries in a joint effort for the victory of freedom;

2. The raising up of young people as a main force against Communist enslavement, and for participation in the fight to protect freedom;

3. The smashing of all Communist attempts at infiltration and subversion;

4. A victorious resolution of the crisis in Southeast Asia, preserving the freedom and independence of the Republic of Vietnam, and of Laos and Cambodia, and discarding any suggestion of coalition governments in that area;

5. An appeal to the United States to implement fully the constructive side of its new Asian policy;

6. The promotion of peace in the Middle East and a heightened vigilance against Communist Chinese attempts to incite new wars in the area;

7. Support for the efforts of the Latin American nations against Communism and Castroism with a consistent record of broken pledges to the Cuban people;

8. The whole-hearted participation of the African nations in the fight for freedom and against Communist tyranny;

9. Encouragement of freedom movements among the enslaved peoples of Eastern Europe and Soviet Asia, and of their struggles for national independence and self-determination, and of the revolutions by the peoples enslaved in the Soviet Russian empire. Included are such liberation movements as those existing in Ukraine, Azerbaijan, Georgia, Turkestan, Armenia, North Cuaoasia, Byelorussia, Bulgaria, Hungary, Lithuania, Latvia, Estonia, Rumania and Croatia;

10. Call for Support of the Republic of China's political offensive against the Red Chinese, and concrete measures to liberate the oppressed masses on the Chinese mainland, as well as implacable opposition to U.N. admission of Red China;

11. Call for Support of the Republic of Korea's unification program for Korea, and to liberate the enslaved people of North Korea according to the U.N. resolutions;

12. The establishment of further regional security organizations to prevent further Communist aggression;

13. The mobilization of freedom forces and the establishment of a global anti-Communist united front.

The success of this General Conference shows that Japan is resolved to fight valiantly against Communist forces in the future. Particularly significant is the contribution of the young people of Japan as an active force in the nation's fight against Communism.

It is the unanimous view of the participants that the WACL Conference which has just taken place in Japan, bears witness to the continuing and increasing role of Japan in the world anti-Communist movement.

The WACL conferences are deeply indebted to the Japan Chapter for its excellent conference arrangements and its gracious hospitality. Heartfelt thanks go also to the Japanese government and people for their enthusiastic welcome of WACL delegates and observers.

Particularly impressive were the arrangements for the World Anti-Communist Rally in Tokyo on September 20.

The Conference has decided to hold the 5th Conference of the World Anti-Communist League in Manila in July, 1971.

Convinced of the bright prospects of the present decade, and of the inevitable trend toward victory, the World Anti-Communist League dedicates itself to the achievement of an era of peace and freedom for all men and nations.

U.S. COMMISSION ON CIVIL RIGHTS ISSUES LANDMARK REPORT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, after the congressional recess, the House will have before it the authorization bill (S. 2455) for the U.S. Commission on Civil Rights. I think no agency in the Federal Government so well deserves the support of the Congress, and I would regard unanimous passage of S. 2455 as its just due.

The independence, dedication, and integrity exhibited by the Civil Rights Commission and by its staff are a commendable lesson to those who feel that Government today must necessarily be unresponsive.

The Commission, whose Chairman is the Reverend Theodore M. Hesburgh, C.S.C., and whose Staff Director is Howard A. Glickstein, has no enforcement powers. Its purposes are to collect and study information, investigate complaints, submit reports, appraise Federal laws and policies, and serve as a national clearinghouse for information regarding denial of equal protection of the laws.

This year alone, the Commission has published several notable studies, including "Federal Installations and Equal Housing Opportunity," "Mexican Americans and the Administration of Justice in the Southwest," and "Spanish Surnamed American Employment in the Southwest." Its most recent study, released on October 12, is a monumental survey entitled "Federal Civil Rights Enforcement Effort."

Last year the Civil Rights Commission was responsible for the publication of several equally significant documents. These included "Cycle to Nowhere," the report of hearings held in Alabama; "For all the People—By All the People," a report on equal opportunity in State and local government employment; and "Jobs and Civil Rights," a study of the role of the Federal Government in promoting equal opportunity in employment and training.

The Commission has done all Americans a service by helping us all to recognize the discrimination which shames our country, and by helping to point the way to ending that shame.

The Commission's most recent publication, "Federal Civil Rights Enforcement Effort," is one of which I have some particular knowledge. Two years ago, I undertook, in concert with six of my colleagues, to hold ad hoc hearings on discrimination in Federal employment and by Federal contractors. The report of these hearings, entitled the "Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment," has been inserted in the CONGRESSIONAL RECORD by me. This report, inserted in three portions, may be found in the September 15, 1970, CONGRESSIONAL RECORD at pages 31900–31903, the September 18 CONGRESSIONAL RECORD at pages 32659–32669, and the October 9 CONGRESSIONAL RECORD at pages 36074–36102.

Having some expertise in the field, I feel that I can safely say that the Com-

mission's publication is a thorough and expert study. It documents the current status of civil rights enforcement activities of virtually every Federal department and agency having civil rights responsibilities. I am including a summary of the Commission's report. I urge every Member to most carefully study this, as well as the complete report itself.

What must be understood by every American, whether legislator or private citizen, is that equal rights for all is the moral and legal imperative which must be recognized, understood, and followed. Thus far, the Federal Government has failed in effecting equal opportunity for all. This failure cannot continue.

In its conclusion to its report on "Federal Civil Rights Enforcement Effort," the U.S. Commission on Civil Rights states:

The basic conclusion of this report is that the great promise of the civil rights laws, executive orders, and judicial decisions of the 1950's and 1960's has not been realized. The Federal Government has not yet fully geared itself to carry out these legal mandates of equal opportunity.

The Federal arsenal of civil rights protections is impressive. In nearly every aspect of life—voting, jobs, housing, education, access to places of public accommodation and facility, and participation in the benefits of all Federal programs—equal opportunity is guaranteed to every American as a matter of legal right. In many areas, however, the Government has not yet developed the mechanisms and procedures necessary to secure this right *in fact* as well as in legal theory.

To some extent, the failure to fulfill the promise of equal opportunity can be traced to impediments in the civil rights laws under which Federal agencies must operate. Coverage, while generally broad, is not always all-encompassing. For example, in the areas of housing and private employment, there are statutory exceptions which exclude millions of jobs and homes from the ambit of civil rights protection. Similarly, the remedies provided under some of these civil rights laws are inadequate to secure in fact the rights that are guaranteed by law. Often, the only recourse available to persons discriminated against is litigation, which can be a time-consuming and expensive method of securing relief.

Impediments in coverage and enforcement provided under the laws themselves, however, have not been the major obstacles to more effective administration of civil rights laws. Rather, the principal problem has been that the departments and agencies having civil rights responsibilities have failed to make maximum use of the procedures and mechanisms available to them. As a result, there is danger that the great effort made by public and private groups to obtain the civil rights laws we now have will be nullified through ineffective enforcement. The focus of civil rights must shift from the halls of Congress to the corridors of the Federal bureaucracies that administer these laws.

The Federal Government is not a monolith. It consists of a large number of departments and agencies that administer a wide variety of programs and carry different sets of responsibilities. By the same token, the civil rights problems facing these departments and agencies are not at all the same and the techniques necessary to meet them often vary depending upon the kind of program the agency administers and the kind of civil rights laws it carries out. Further, implementation by these agencies of civil rights laws has by no means been a total failure. Some agencies have enjoyed marked success in carrying out their civil rights responsibilities. In addition, agencies have been successful in carrying out certain aspects of their responsibilities and unsuccessful in carrying out others. Nonetheless, the Commission's study has revealed that there are a number of fundamental weaknesses and inadequacies in civil rights compliance and enforcement that are common to most agencies, regardless of the programs they administer or the civil rights laws they enforce. Among these shared weaknesses are:

Inadequate staff and other resources to conduct civil rights enforcement activities with maximum effectiveness.

Lack of authority and subordinate status of agency civil rights officials.

Failure to define civil rights goals with sufficient specificity or breadth.

Failure to coordinate civil rights and substantive programs.

Undue emphasis on a passive role, such as reliance on receipt of complaints, in carrying out civil rights compliance and enforcement responsibilities.

Undue emphasis on voluntary compliance and failure to make sufficient use of available sanctions to enforce civil rights laws.

Failure to provide adequate coordination and direction to agencies having common civil rights responsibilities.

Failure to collect and utilize racial and ethnic data—in planning and evaluating progress toward goals.

Some of these weaknesses may be the result of the trial-and-error efforts of agencies attempting in good faith to meet responsibilities in a relatively new area of concern. The Commission has made detailed findings and recommendations concerning each of the subject areas examined in its report, suggesting ways in which agencies can strengthen existing compliance and enforcement mechanisms.

Many of these weaknesses, however, also reflect more deepseated problems—problems of hostile bureaucracies that view civil rights as a threat to their prerogatives and programs, problems of inadequate or misordered priorities—which cannot be resolved solely through modification of specific compliance and enforcement mechanisms. For example, the failure to make sufficient use of strong sanctions, such as fund termination and contract cancellation, is less a reflection of inadequate enforcement mechanisms than the triumph of program bureaucrats in the artificial conflict between the exercise of program responsibilities and civil rights and substantive programs in a joint effort to achieve social and economic justice, in most agencies, the two have been separated and civil rights programs have operated in isolation from those that provide substantive benefits.

By the same token, the failure to provide sufficient resources for civil rights enforcement and the subordinate position in which civil rights officials are placed in agency hierarchies, undoubtedly are less a result of a lack of understanding of what is necessary for effective civil rights enforcement than a reflection of the deeper problem of misordered agency priorities in which civil rights is relegated to a position of secondary importance.

These problems suggest that more is needed than a strengthening and modification of compliance and enforcement mechanisms utilized by particular agencies. They suggest that the most serious flaw in the Federal civil rights enforcement effort has been the failure to provide overall direction and coordination—that the basic mechanisms that have been lacking have been those necessary to develop a cohesive, Government-wide civil rights policy and to assure that this policy is faithfully carried out.

In fact, a total civil rights policy has not been developed, nor have overall national civil rights goals and priorities been established to govern the component parts of the Federal civil rights effort. Agencies have operated independently with little recognition or understanding of what the Government's total civil rights program is or the role they should play in carrying it out. For the most part, they have been only dimly aware of their responsibilities in their own areas of concern. No substantial attempt yet has been made to coordinate the various civil rights laws and policies into a total, coordinated Federal civil rights effort. The Commission also has addressed itself to this problem and has made recommendations to facilitate development of national civil-rights goals and policies and to permit effective coordination of the entire civil rights program as well as its separate parts.

This report has dealt primarily with problems of structure and mechanism in the Government's efforts to enforce civil rights laws. The Commission recognizes, however, that achievement of civil rights goals and the full exercise of equal rights by minority group members will involve more than adjustments in civil rights enforcement machinery. It will require dedication and resolve on the part of Government officials and the American people, alike. The Commission's recommendations in this report are addressed only to ways in which the mechanisms of civil rights enforcement can be strengthened, not to ways in which national will and resolution can be inspired.

In the Government, this is the responsibility of each Cabinet secretary or agency head, who must take the steps necessary to assure that his subordinates honor and support the principle of equality. It also is the responsibility of public and private groups—groups that labored hard and successfully to get civil rights laws passed, that pushed for the issuance of needed executive orders, and that won the crucial court decisions that established the principle of equality as basic constitutional doctrine. They must now undertake the more difficult job of seeing to it that these laws are faithfully and vigorously carried out.

In the final analysis, achievement of civil rights goals depends on the quality of leadership exercised by the President in moving the Nation toward racial justice. The Commission is convinced that his example of courageous and moral leadership can inspire the necessary will and determination, not only of the Federal officials who serve under his direction, but of the American people as well.

I am including in the RECORD the release issued on October 12 by the U.S. Commission on Civil Rights regarding "Federal Civil Rights Enforcement Effort," which notes several of the specific suggestions made by the report: excerpts from the statement published in today's New York Times of Father Hesburgh, Chairman of the Commission, regarding the report; and an editorial from today's New York Times. These follow:

U.S. COMMISSION ON CIVIL RIGHTS RELEASE OF OCTOBER 12, 1970

Federal departments and agencies having civil rights responsibilities have failed to make maximum use of procedures and mechanisms available to them, thus raising the possibility that present civil rights laws will be nullified through ineffective enforcement, the United States Commission on Civil Rights declared today in a report, "The Federal Civil Rights Enforcement Effort".

Representing one of the most ambitious undertakings in the history of the Commission, the report is based on a study of some 40 departments and agencies. It was undertaken to determine how effectively the Government as a whole has geared itself to carry out civil rights responsibilities embodied in the various constitutional requirements, congressional legislation and Presidential Executive orders which govern its activities.

"The plain fact is that some of these [civil rights] laws are not working well" the Commission said, but it noted that the inadequacies did not originate with the present Administration, "nor was there any substantial period in the past when civil rights enforcement uniformly was at a high level of effectiveness."

"Rather, the inadequacies are systemic to the Federal bureaucracy and it is only through systemic changes that the great promise of civil rights laws will be realized."

The most serious flaw in the enforcement effort has been the lack of overall direction and coordination which has resulted in agencies operating independently with little recognition or understanding of what the Government's total civil rights program is or the role they should play in carrying it out, the Commission said.

To help correct this deficiency the Commission recommended that the President establish a special civil rights Subcommittee of the White House Council on Domestic Affairs and give it specific responsibilities in this area. These would include identification of civil rights problems, development of specific national goals and establishment of governmentwide priorities, policies and timetables for their achievement.

The Commission also recommended the establishment of a Division on Civil Rights within the newly created Office of Budget and Management which would work closely with the civil rights Subcommittee of the Domestic Affairs Council.

This new division would provide civil rights guidance and direction to budget examiners and other units. In addition, the Commission recommended that the various OMB units be directed to give high priority to civil rights considerations in their dealings with Federal departments and agencies.

Existing compliance and enforcement mechanisms would be evaluated by the OMB and where necessary, appropriate changes would be recommended to assure vigorous and uniform civil rights implementation.

Coordination between the operation of substantive programs and civil rights enforcement would also be evaluated by the OBM which would make recommendations, where necessary, for changes to improve coordination.

In addition, the Commission recommended that the chief civil rights officer of every federal department and agency be upgraded to the level of that of officials in charge of agency programs, that the departments and agencies be provided with the increased staffs and financial resources necessary to carry out their civil rights responsibilities with maximum effectiveness, and that civil rights compliance and enforcement efforts be increased to assure adequate attention to the problems of such groups as Spanish surnamed Americans, American Indians and women.

Additional recommendations to strengthen the Federal civil rights enforcement effort were made in the areas of employment, housing, the administration of Federal programs and the activities of Federal regulatory agencies (the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Power Commission, the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission.)

Differences in the degree of effectiveness of civil rights enforcement efforts were found among various departments and agencies, but the Commission said this did not indicate the implementation by these agencies of civil rights laws had been a total failure.

"Some agencies have enjoyed marked success in carrying out their civil rights responsibilities. In addition, agencies have been successful in carrying out certain aspects of their responsibilities and unsuccessful in carrying out others."

The study did, however, reveal a number of fundamental weaknesses in civil rights enforcement that are common to most agencies, regardless of the programs they administer or the civil rights laws they enforce.

Among these weaknesses are:

Inadequate staff and other resources to conduct civil rights enforcement activities with maximum effectiveness.

Lack of authority and subordinate status of agency civil rights officials.

Failure to define civil rights goals with sufficient specificity or breadth.

Failure to coordinate civil rights and substantive programs.

Undue emphasis on a passive role, such as reliance on receipt of complaints, in carrying out civil rights compliance and enforcement responsibilities.

Undue emphasis on voluntary compliance and failure to make sufficient use of available sanctions to enforce civil rights laws.

Failure to provide adequate coordination and direction to agencies having common civil rights responsibilities.

Failure to collect and utilize racial and ethnic data—in planning and evaluating progress toward goals.

Concentrating as it did on the mechanics of the Federal enforcement effort, the report did not attempt to measure the precise gains made by minority group members as a result of civil rights action by the Federal Government.

In its recommendations in specific subject areas the Commission suggested that in employment:

The Civil Service Commission should clarify its current policy, emphasizing specific goals in the Federal equal employment opportunity effort and develop a Government-wide plan designed to achieve equitable minority group representation at all wage and grade levels within each department and agency.

The Office of Federal Contract Compliance (charged with the responsibility of insuring nondiscrimination on the part of Government contractors) should extend its current program planning to develop a comprehensive equal employment opportunity plan on an industry-by-industry basis, aimed at securing equitable representation of minority group members in all industries and at all job levels.

Congress should amend Title VII (governing discrimination in private employment) of the Civil Rights Act of 1964 to authorize the Equal Employment Opportunity Commission to issue cease and desist orders to eliminate discriminatory practices through administrative action.

The President should issue a reorganization plan transferring the contract compliance responsibilities of OFCC and the litigation responsibilities of the Department of Justice to the Equal Employment Opportunity Commission so that all responsibilities for equal employment opportunity will be lodged in a single independent agency.

Among the recommendations in the housing area were:

Congress should amend Title VIII of the 1968 Civil Rights Act (dealing with equal housing opportunity) to authorize the Department of Housing and Urban Development to issue cease and desist orders to eliminate discriminatory housing practices through administrative action.

The Department of Housing and Urban Development should strengthen its efforts as the leader of the entire Federal fair housing effort to assure that all other departments and agencies that have programs and activities relating to housing and urban development administer them so as to facilitate achievement of fair housing goals.

The Veterans Administration and the Federal Housing Administration should require federally aided builders to advertise housing and develop marketing policies and practices aimed at attracting minority group as well as majority group purchases.

To implement Title VIII's prohibition against discrimination in mortgage financing, the Federal agencies which supervise and benefit mortgage lending institutions (savings and loan associations, commercial banks, and mutual savings banks) should require these institutions to maintain racial and ethnic data on loan applications—those rejected as well as those approved—and develop instructions and procedures for examiners to enable them to detect patterns of discriminatory practices by these institutions.

Such agencies should develop procedures for the imposition of sanctions against institutions in violation of Title VIII. These sanctions should include issuance of cease and desist orders and, in appropriate cases, termination of Federal insurance or charters.

Among the recommendations related to Federal programs were:

All agencies that administer programs subject to Title VI of the Civil Rights Act of 1964 (prohibiting discrimination in the administration of programs financed in whole or in part by Federal funds) should strengthen their compliance system by assuring that effective compliance activities are carried out. Their compliance activities should include, among other items, (a) systematic onsite review of recipients, (b) comprehensive guidelines for compliance reviews, and (c) pre-approval compliance reviews conducted by agencies that administer programs involving construction of facilities, such as public housing projects, recreational facilities, and highways, to assure that these facilities, through location and design, will serve minority group members on an equitable basis.

Agencies should place specific limits on time permitted for voluntary compliance and should make greater use of the sanction of fund termination.

Agencies that administer programs of insurance and guaranty should institute mechanisms to determine compliance with existing nondiscrimination requirements of lending institutions and other intermediaries between the Federal Government and borrowers.

Agencies which administer programs of direct Federal assistance should issue regulations and establish specific mechanisms to assure against racial and ethnic discrimination by Federal officials that operate these programs.

Among the regulations dealing with regulatory agencies were:

The Interstate Commerce Commission (ICC), the Civil Aeronautics Board (CAB), and the Federal Power Commission (FPC) should join the Federal Communications Commission (FCC) in issuing rules prohibiting employment discrimination by their licensees and in implementing such equal employment opportunity rules by the institution of appropriate mechanisms.

The FCC and the ICC should amend their procedures concerning issuances of licenses, which currently tend to protect the economic interests of existing licensees, in order to facilitate minority group entrance as entrepreneur and to permit them to compete for licenses on an equal basis with existing licensees.

To implement existing requirements of nondiscrimination in services and facilities by the industries they regulate, the FCC, the ICC, CAB and FPC should abandon reliance on complaint processing and establish affirmative compliance mechanisms.

The FTC should expand its efforts to protect the ghetto poor from unscrupulous businessmen and should work in close cooperation with local consumer groups, community action representatives, and other public and private groups concerned with alleviating the exploitation of the poor.

The Securities and Exchange Commission should amend its regulation prohibiting stockholders from raising questions involving "general, economic, political, racial, re-

ligious and social considerations" as a means of stimulating greater concern and activity by corporate enterprises in civil rights and related areas.

The U.S. Commission on Civil Rights is an independent, bipartisan, factfinding agency created by Congress in 1957. Rev. Theodore M. Hesburgh, C.S.C., President of the University of Notre Dame, is Chairman of the Commission.

[From the New York Times, Oct. 13, 1970]

A FAILURE OF GOVERNMENT

The report of the Commission on Civil Rights adds up to an appalling indictment of the Federal establishment, both its politically chosen leadership and its career bureaucracy. At best, enforcement of the major civil rights laws passed between 1957 and 1968 has been uneven and mediocre. At worst, it has been nonexistent.

The commission surveyed the Government in its multiple role as employer, buyer of goods and services, financial patron of state and local governments, and regulator of railroads, airlines, radio, television and other industries. Wherever it looked, it found the Government's performance unsatisfactory.

The Office of Federal Contract Compliance is "grossly understaffed" and patently reluctant to use its authority. It has never terminated a contract or debarred a contractor from further Government work because of racial discrimination. Between 1965 and 1970 it referred only eight cases to the Justice Department for litigation.

The Equal Employment Opportunity Commission relies passively on injured parties to file complaints. It rarely initiates an attack on job bias on its own. Even in processing complaints, the commission until recently took from sixteen months to two years to act.

If such passivity has been characteristic of two agencies specially charged with combating racial discrimination, it is not astonishing that most of the regular departments and commissions have done an even worse job. In only two departments—Justice and Housing—is the official concerned with civil rights at the level of an Assistant Secretary. In most departments he is a middle-level official with severely circumscribed authority. Veteran bureaucrats, knowing that vigorous enforcement of civil rights is often unpopular with committee chairmen in Congress and with powerful local politicians, try to shortcircuit enforcement for fear it will make their particular program "controversial."

As the Rev. Theodore M. Hesburgh, the Civil Rights Commission chairman, has emphasized, this widespread refusal to enforce the law is not a special failure of the Nixon Administration. These laws have never been well and systematically enforced, even under President Johnson, who in the Senate and in the White House sponsored most of them. Nevertheless, only President Nixon can now provide the vigorous leadership needed to correct the deep deficiencies which the commission has spotlighted.

If Negroes and other minorities are to achieve genuine equality in American life, Government must demonstrate that lawful processes do work and that the majestic promises of the nation's laws can become the reliable realities of everyday life.

[From the New York Times, Oct. 13, 1970]

EXCERPTS FROM HESBURGH'S STATEMENT ON RIGHTS ENFORCEMENT

(Following are excerpts from a statement by the Rev. Theodore M. Hesburgh, chairman of the United States Commission on Civil Rights, regarding the commission's release of a report on civil rights enforcement by the Federal Government:)

The report we are releasing this morning. "The Federal Civil Rights Enforcement Effort," is one of the most important documents the commission has issued in its 13-year history. What the commission has attempted to do in this report is identify with precision the current status of civil rights enforcement activities of virtually every federal department and agency having civil rights responsibilities.

This report, in a very real sense, is addressed not only to the President and Congress, but to the American people, who have the right to know whether the laws that govern us are working.

Our examination of various laws, executive orders, and judicial decisions has disclosed that there is indeed an impressive array of civil rights guarantees that provide protection against discrimination in virtually every aspect of life—in education, employment, housing, voting, administration of justice, access to places of public accommodation, and participation in the benefits of federally assisted programs. There is, however, a gap between what these guarantees have promised and what has actually been delivered.

We are a result oriented nation. We judge the effectiveness of institutions on the basis of the results they achieve. By this yardstick, progress in ending inequity by the application of law has been disappointing. In many areas in which civil rights laws afford pervasive legal protection—employment, housing, education—discrimination persists and the goal of equal opportunity is far from achievement.

MANY GAINS FOUND

The commission has examined the Federal civil rights enforcement effort and found it wanting. Each civil rights law that has been passed, each executive order that has been issued, and each court decision favorable to the cause of civil rights, has been viewed as another step along the road to full equality for all Americans.

But perhaps what has been lost sight of is that these legal mandates in and of themselves cannot bring about a truly open society, that they must be implemented—and it is at this point that we have found a major breakdown.

It is important to recognize that despite the shortcomings pointed out in this report, the civil rights laws have by no means been a total failure. In many areas—voting, education, hospital services, public accommodations—these laws have contributed substantially to ending discrimination. But despite the progress made possible by the various civil rights laws and policies, discrimination is still with us.

I want to stress two important points about the report. First, while the report necessarily discusses the programs and activities of particular departments and agencies, the purpose is not to single out any of them for blame—or, for that matter, for praise. The commission's concern in this report is with the system of Federal civil rights enforcement and our purpose is to identify the problems which are systemic and to seek systemic changes.

Second, while the report deals primarily with the current civil rights posture of the Federal Government, it should be understood that the inadequacies described have roots that lie deep in the past. These inadequacies did not originate in the current Administration, nor was there any substantial period in the past when civil rights enforcement was at a uniformly high level of effectiveness.

STAFFS SEEN INSUFFICIENT

The commission's study has revealed a number of weaknesses and inadequacies in civil rights enforcement that are common to most agencies, regardless of the programs they administer or the civil rights laws they enforce.

It is these inadequacies that are of principal concern. They cannot be corrected through actions of individual departments and agencies, but only through more basic, systemic changes involving the entire Federal bureaucracy. These are some of the major weaknesses the commission has found in the Federal civil rights enforcement effort.

First, the commission has found that no agency has been provided with sufficient staff and other resources to carry out its civil rights responsibilities with maximum effectiveness. In most departments and agencies, the chief civil rights officer is of relatively low rank and reports to someone other than the head of the agency. This necessarily impedes the efforts of civil rights officials to assure that civil rights needs and goals are accorded an appropriately high priority among agency activities.

There are other impediments, systemic to the Federal civil rights enforcement effort, which would prevent agencies from fully carrying out their civil rights responsibilities even if staff and status were at a sufficiently high level.

Most agencies have failed to state the goals of their civil rights program with sufficient specificity to enable them adequately to shape their civil rights policies and procedures. Other agencies, while they have stated civil rights goals, have stated them narrowly—often merely tracking the language of the civil rights laws which they administer.

Lacking civil rights goals of sufficient breadth and specificity, the inevitable result often is that agencies fail to establish systematic compliance priorities and strategies. They concentrate their efforts on processing individual complaints, rather than attacking institutional patterns of discrimination and inequity.

AGENCIES CALLED PASSIVE

In many agencies, civil rights and substantive programs are carried out in isolation from one another. Civil rights officials often are excluded from the decisionmaking process governing the operation of substantive programs and many of these programs tend to perpetuate racial and ethnic inequity. In some agencies, civil rights responsibility is assigned to program officials, many of whom lack civil rights training and are unsympathetic with civil rights goals.

One of the major weaknesses in the Federal civil rights enforcement effort has been the passive role that many agencies have adopted in carrying out their civil rights responsibilities. In some cases, agencies have been content to rely on assurances of nondiscrimination and make no effort to determine for themselves whether these assurances are in fact being honored. A number of agencies rely on the receipts of complaints as the principal or sole indicator of civil rights compliance.

Another major weakness has been the failure to make sufficient use of the sanctions available to enforce civil rights laws. In the contract compliance program, for example, the sanctions of contract termination and debarment never have been used.

Under Title VI, many of the agencies that administer programs subject to that law never have imposed the sanction of fund termination, the principal weapon available to enforce nondiscrimination requirements. Instead, agencies have placed undue emphasis on obtaining voluntary compliance, permitting delays and interminable negotiations.

Further, the Government has not instituted a sufficient number of lawsuits to make litigation a viable alternative to the imposition of administrative sanctions. As a result, the credibility of the Government's total civil rights effort has been seriously undermined.

PERMANENT UNIT URGED

There also has been a failure to provide over-all coordination and direction to the entire Federal civil rights enforcement effort. This, in the commission's view, has been the most serious flaw in the administration of the Federal civil rights program.

The commission believes that the President's recent reorganization of the White House and his executive office presents a unique opportunity for establishing the kind of systematic coordination and direction of Federal civil rights enforcement that is so badly needed.

Under the reorganization plan, the President has created a Council on Domestic Affairs, chaired by the President and including as members the Vice President and the heads of all Cabinet departments except the Departments of State, Defense, and the Post Office.

The Domestic Affairs Council has the potential of structuring and institutionalizing many important civil rights functions that previously were performed on an ad hoc basis by the President's personal staff. We believe it is important for the President to establish a permanent civil rights subcommittee of the council to assure systematic direction and coordination of civil rights goals, policies, and priorities. The commission has made this its first recommendation in considering ways of strengthening the Federal Government's total civil rights effort.

The President has also reorganized another of his principal staff arms—the Bureau of the Budget. The President has established the Office of Management and Budget to replace the old Bureau of the Budget and has directed that its duties will focus on such matters as program evaluation and coordination. Thus while the Council on Domestic Affairs is concerned with the concern of O.M.B. is with how these policies should be carried out and how well they are carried out.

The commission believes that the Office of Management and Budget can play a significant role in assuring that civil rights laws and policies are carried out with maximum effectiveness. The commission recommends establishment of a division of civil rights within the Office of Management and Budget to work closely with the civil rights subcommittee of the Council on Domestic Affairs and to provide civil rights guidance and direction to budget examiners and other office units within O.M.B.

The commission also recommends that the various office units of O.M.B. be directed to rights considerations in their dealings with Federal departments and agencies.

UP TO THE PRESIDENT

The commission realizes that achievement of civil rights goals and the full exercise of equal rights by minority group members will involve more than adjustments in civil rights machinery. Many of the weaknesses we have identified also deflect more deep-seated problems—problems of hostile bureaucracies that view civil rights as a threat to their prerogatives and programs, and problems of inadequate or misordered national priorities.

These problems can be resolved only through dedication and effort on the part of Government officials, private civil rights organizations, and the American people, alike. The commission concludes in its report:

In the final analysis, achievement of civil rights goals depends on the quality of leadership exercised by the President in moving the nation toward racial justice. The commission is convinced that his example of courageous moral leadership can inspire the necessary will and determination, not only of the Federal officials who serve under his direction, but of the American people as well.

We feel that the matters raised in this report have grave implications. As a nation firmly rooted in the rule of law, we are firmly committed to the principle that laws must be enforced.

Failure to implement those court decrees, executive orders, and legislation relating to civil rights, weaken the fabric of the nation. Those who look to the law as an impartial arbiter of right and wrong and find that some laws are implemented while others are not despair of the fairness of the system.

This cannot be allowed to happen. What we have proposed is nothing more than that use be made of existing laws to assure all Americans equal opportunity.

FEDERAL TRADE COMMISSION ENDORSES BIPARTISAN CONSUMER PROTECTION LEGISLATION

Mr. RYAN. Mr. Speaker, the Federal Trade Commission has recognized effective consumer protection legislation and has embraced it, if only in part. On Thursday, October 8, the Federal Trade Commission issued a proposed trade regulation rule which is in direct response to two bills which I have introduced, both within recent months. Rarely, I think, has legislation so quickly received the imprimatur of executive endorsement.

My two bills, embodied in proposed Rule 430.1—which is published in the October 8 issue of the Federal Register, volume 35, No. 196—are H.R. 18271 and H.R. 18793. H.R. 18271, which is a modified version of my bill H.R. 15060, was introduced by me on June 30; it attacks the "shrinking billing period" problem. H.R. 18793, the Fair Credit Billing Act, was introduced by me on August 4.

I think the proposed rule well conjures up that old saw, "imitation is the highest form of flattery." "Flattery" aside, however, I do not think the proposed rule sufficiently incorporates my bills. Thus, while I welcome the Federal Trade Commission's action, I believe legislative action on my bills is still necessary.

H.R. 18271 requires that billing statements must be mailed by creditors at least 21 days prior to the date by which payment must be made in order to avoid imposition of the finance charge. It is a direct remedy for the abuse perpetrated by creditors on innocent consumers who, if only given reasonable notice that their debt was due on their credit account, would pay promptly.

This abuse arises from the practice engaged in by creditors—whether by intention or inadvertence—of delaying sending out their billing statements. The penalty is suffered by the consumer—she or he receives the statement only a day or two before payment is due; there simply is no time to make the payment before the due date; and the result is imposition of a finance charge.

The Federal Trade Commission has agreed with my conclusion that governmental action is necessary to stop this practice. I should also like to note that 33 of my colleagues likewise agreed with this conclusion and joined in cosponsoring my bill when I introduced it as H.R. 18451 and H.R. 18452. These 33 Members are:

Mr. ASHLEY of Ohio.
Mr. BROWN of Michigan.
Mr. BROWN of California.
Mr. BURTON of California.
Mr. CONYERS of Michigan.
Mr. DADDARIO of Connecticut.
Mr. DELLENBACK of Oregon.
Mr. ESCH of Michigan.
Mr. FARBSTEIN of New York.
Mr. FEIGHAN of Ohio.
Mr. FISH of New York.
Mr. FRASER of Minnesota.
Mr. HALPERN of New York.
Mr. HARRINGTON of Massachusetts.
Mr. HAWKINS of California.
Mr. HOWARD of New Jersey.
Mr. HUNGATE of Missouri.
Mr. KOCH of New York.
Mr. LOWENSTEIN of New York.
Mr. LUKENS of Ohio.
Mr. MIKVA of Illinois.
Mrs. MINK of Hawaii.
Mr. MOORHEAD of Pennsylvania.
Mr. MORSE of Massachusetts.
Mr. MURPHY of New York.
Mr. OTTINGER of New York.
Mr. PODELL of New York.
Mr. ROSENTHAL of New York.
Mr. RUPPE of Michigan.
Mr. ST GERMAIN of Rhode Island.
Mr. TIERNAN of Rhode Island.
Mr. TUNNEY of California.
Mr. CHARLES WILSON of California.

The content of H.R. 18271 is embodied in subsection (b) of section 430.1 of the proposed rule, which I am including at the end of my statement. However, because the Federal Trade Commission lacks the necessary jurisdiction, this rule would not apply to commercial banks. Therefore, it is inadequate. In fact, it may have the signal effect of detering small volume creditors, while encouraging concentration of the credit industry in the commercial banking field. I would consider any such eventuality very much misplaced. Thus, while this first step is to be commended, I am convinced that it is too short and too tentative. Passage of H.R. 18271 is mandated—the Federal Trade Commission has admitted the problem requires governmental action; my bill insures that action will be effective.

My other bill, H.R. 18793, is also embodied in the proposed rule. While the Federal Trade Commission has made a wise first step here, again it has not adequately supported the provisions of H.R. 18793.

This bill, the Fair Credit Billing Act, was introduced in the other body by the senior Senator from Wisconsin, Senator PROXMIRE—who is always in the vanguard where consumers' rights are concerned. This bill not only embodies my earlier bill—H.R. 18271, the "shrinking billing period" bill—but also aims at insuring that consumers obtain prompt corrections on their credit accounts when they have been erroneously billed.

I am sure we have all encountered the situation in which we have received a billing statement which is wrongly computed, and then have engaged in repeated correspondence in what sometimes appears to be a Sisyphean effort to obtain a correct accounting. By proposing a structure of penalties, H.R. 18793 ends this situation.

H.R. 18793 requires that within 10 days after a creditor's receipt of a notice of error from a consumer, the creditor must acknowledge this receipt. Within 60 days of receipt of the notice, the creditor either has to make the correction and send a corrected statement to the consumer, or justify the original statement as to which the consumer is complaining.

The bite in this approach arises from the provisions which establish that if the creditor fails to send the 10-day acknowledgement, or the 60-day account adjustment or justification, it forfeits the right to collect the amount claimed to be in error. And if the consumer can then prove that an error had in fact taken place, he could collect actual damages, treble punitive damages, and reasonable attorneys' fees.

The penalties are stringent, but they are necessary. The exasperation of the wrongly billed consumer, faced with a barrage of dunning letters sent out by a computer bent on collection and not correction, is sufficient warrant for them. But even more severe is the bad credit rating with which this innocent consumer is unjustifiably labeled, merely because he refuses to pay an erroneous bill.

The Federal Trade Commission regulation at least recognizes the problem—perhaps tardily, but late is better than never. The issuance of this proposed rule is a response to the Fair Credit Billing Act, in which 11 of my colleagues joined me when I reintroduced H.R. 18793 as H.R. 18986 and H.R. 19218. These 11 Members are:

Mr. BURTON of California.
Mr. FARBSTEIN of New York.
Mr. HALPERN of New York.
Mr. HARRINGTON of Massachusetts.
Mr. HAWKINS of California.
Mr. LOWENSTEIN of New York.
Mr. MOORHEAD of Pennsylvania.
Mr. MORSE of Massachusetts.
Mr. ROSENTHAL of New York.
Mr. TIERNAN of Rhode Island.
Mr. TUNNEY of California.

This rule will not apply, however, to commercial banks—a deficiency which I have already noted in the context of H.R. 18271. Second, this rule does not give the consumer the same rights of initiating action as does H.R. 18793. At best, the Federal Trade Commission could issue a cease-and-desist order. H.R. 18793 enables the bedeviled consumer to go into court and obtain damages—a quicker, more direct approach far more likely to curtail creditors' abuses than the drawn out administrative process.

The Federal Trade Commission's proposed rule acknowledges the existence of the problems. My bills meet the problems and remedy them. Given the impetus of the proposed Federal Trade Commission rule, I think the time eminently appropriate for the passage of H.R. 18271 and H.R. 18793.

The proposed rule, as it appeared in the Federal Register, vol. 35, No. 196, on October 18, 1970, at pages 15842–15843, follows:

[Federal Trade Commission, 16 CFR Part 430]

BILLING PRACTICES ARISING OUT OF ADMINISTRATION OF CUSTOMER ACCOUNTS BY CREDIT CARD ISSUERS AND OTHER RETAIL ESTABLISHMENTS

(Notice of public hearing and opportunity to submit data, views, or arguments)

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule addressed to the subject of the certain billing practices followed in the administration of customer accounts by credit card issuers and other retail establishments.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 430.1 THE RULE

(a) In connection with the administration of customer accounts by credit card issuers and other retail establishments engaged in commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice:

(1) To fail upon receipt of notification in writing by the customer account holder to hold in abeyance further billing statements for the charge or charges questioned or disputed until an individual inquiry into the facts has been conducted and an explanatory response in clear and definite terms is furnished, which response may be sent simultaneously with a succeeding billing;

(2) To fail to credit customer accounts with all finance or other charegs accruing on disputed billing charges when such disputes are subsequently resolved in the customer's favor;

(3) To fail to specify the vendors and/or creditors, the amount, and dates of each extension of credit or the date such extension of credit is debited to the account during the billing cycle, and a brief identification, either on the statement or on an accompanying slip or by symbol of any goods or services purchased or other extension of credit;

(4) To convey to third parties, including credit bureaus, credit reporting agencies and retail establishments participating in a credit card operation, adverse credit information concerning a disputed amount allegedly owed by a customer account holder without first notifying the customer account holder of the parties to whom such information will be conveyed, together with a copy of the report to be conveyed.

(b) Further, in connection with the administration of customer accounts by credit card issuers and other retail establishments who issue billing statements on a monthly basis, in commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair trade practice:

(1) To impose finance charges or late payment charges on accounts where the statement of account was mailed less than 21 calendar days before the date by which payment must be made in order to avoid the imposition of finance charges or late payment charges;

(2) To fail to post payments to a customer's account based on the date of actual receipt by the creditor or his agent;

(3) To hold money collected from a credit customer in instances where the customer has transmitted to the creditor funds in excess of the total balance due on an account unless the creditor has disclosed on the periodic statement that the customer has an opportunity to request that the excess money either be refunded to him or credited to his account;

(4) To fail to include on the billing statement the name, address, and telephone number of a person authorized to act as a contact between the customer and the retail establishment for the purpose of receiving requests by the customer to correct mistakes or make adjustments to the customer's billing statement.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed Rule with the Assistant Director, Division of Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than January 25, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed Rule at a public hearing commencing each day at 10 a.m., e.s.t., January 25 and 26, 1971, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director, Division of Industry Guidance, not later than January 18, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director, Division of Industry Guidance on or before January 18, 1971.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All interested persons including retail department stores, marketers of gasoline, travel and entertainment credit card establishments, bank and other credit card issuers, book, magazine, and record club establishments, other retail establishments and the consuming public are urged to express their approval or disapproval of the proposed Rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: October 8, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–13304; Filed, Oct. 7, 1970; 8:45 a.m.]

TAXES AND THE OIL INDUSTRY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

INTRODUCTION

Mr. KOCH. Mr. Speaker, last year I testified before the House Ways and Means Committee regarding some of the gross inequities which have accumulated in our tax system. The legislation which emerged from the debate on tax reform, I regret to say, leaves many abuses unaffected. I am speaking particularly with respect to the oil industry. The loopholes available to this, the darling of the protected industries, remain a national disgrace. Following the most concerted effort for genuine tax reform in recent years, oil continues to sap revenue from the public treasury on the strength, if it can be called that, of unsupportable or long forgotten historical arguments. This not only costs the U.S. Government money which it could otherwise put to good use, such as cleaning up some of the pollution caused by the oil industry, but also it perpetuates a blatantly unfair tax structure.

Let me elaborate on the way in which the tax structure works to the advantage of the oil oligopoly.

In general, taxpayers are not permitted to take a current deduction for the cap-

ital costs of business operations. Instead, capital costs are spread over the expected life of the capital assets involved and deducted from the business income earned by the taxpayer during such period.

Oil and gas well operators are treated differently in two respects: First, most capital costs—known in the industry as intangibles—can be deducted immediately rather than being deducted over the life of the asset; and, second, the annual deduction for depletion is measured by reference to the taxpayer's income rather than cost, and thus can exceed the actual cost of the assets used up, often by many times.

CURRENT DEDUCTION

The following costs of developing oil and gas productive capacity can be deducted for tax purposes as they are incurred:

First. Intangible drilling costs—other than the cost of drilling equipment which must be depreciated over the life of the asset—whether the hole is dry or producing.

Second. Lease rentals.

Third. Costs of general exploration studies not related to an area of interest.

Lease acquisition costs and exploration costs—for example, geological and geophysical studies—on nonproductive properties cannot be deducted currently, but can be charged off when the nonproductive property is abandoned.

DEPLETION ALLOWANCE

Lease acquisition costs and exploration costs on productive properties can be deducted as cost depletion unless percentage depletion is used. Cost depletion is computed by combining the capitalized cost of the productive property; that is, lease acquisition cost plus the specific property exploration costs less prior depletion—cost or percentage—and taking a portion of this year equivalent to the ratio of oil or gas extracted to the estimated recoverable reserve on the property. Percentage depletion is computed as the lesser of 22 percent of the gross value of oil or gas at the well or 50 percent of the net income from the property. The taxpayer is permitted to deduct each year the greater of cost depletion or percentage depletion. In general, percentage depletion will exceed cost depletion except on ε property that was purchased when it was already a successful producer.

The depletion allowance is unique in the tax law in that the taxpayer's deduction for a wasting asset is permitted to exceed his actual unrecovered capital cost. This arises because a large part of the actual capital cost is permitted to be deducted as incurred, and then depletion is allowed as a percentage of receipts without regard to the remaining unrecovered costs. In no other industry is the taxpayer granted so liberal a tax benefit.

REVENUE LOSS

It is estimated by the Treasury Department that if percentage depletion had been disallowed completly in 1968, the tax increase to the oil and gas industry would have been $1.5 billion—the rate of percentage depletion in 1968 was 27½ percent. If percentage depletion had never been allowed, the cost depletion in 1968 would have been higher, and the revenue gain might have been about $1.3 billion.

If exploration and development expenses were required to be capitalized, the revenue gain in 1968 would have been about $0.75 billion; but this would fall in the future to perhaps $0.3 billion as cost depletion deductions were taken.

In total, the special tax advantages of depletion and current expensing of intangibles resulted in loss of revenue to the Treasury of $2.25 billion in 1968, the last year for which estimates are available. If percentage depletion and expensing of exploration and discovery costs had never been permitted, cost depletion deductions would have been larger and the revenue loss at 1968 levels of activity would have been $1.6 billion.

OIL RESERVES AND THE NATIONAL SECURITY

The case for eliminating the depletion allowance and the current deduction for intangibles as a matter of tax equity is very clear. What then are the arguments in favor of retaining these tax advantages and what validity, if any, do these arguments have?

The principal and time-honored argument in favor of retaining the special tax provisions relating to oil and gas is that loss of such tax benefits would remove an important incentive for drilling exploratory holes and would thereby adversely affect exploration and decrease the amount of known oil and gas reserves in this country. In fact, this was the primary justification for the introduction of the depletion allowance into the tax law in 1927.

While estimates as to the amount of the reduction in the level of reserves have differed, there is general agreement that some reduction would occur. What then is the significance of a higher reserve in terms of the national interest?

The level of known reserves has potential value for defense purposes. This value, however, would appear limited since the capacity of presently existing wells considerably outstrips current production rates and refinery capacity. The national security argument also ignores the possibility that our energy policy could always be changed in the event of a potential national emergency so as to stimulate new exploration. Furthermore, there is a question as to whether more useful ways could be found to produce things of defense potential with a Government expenditure of $1.6 billion per year—the revenue loss for 1968 attributable to the special tax provisions. It would seem, for example, that this amount spent directly on reserves, transportation and refinery capacity keyed to defense needs might be more beneficial to defense capacity and national security. Further, the increasing importance of nuclear fuels, possible synthetic oil from coal or shale, and rocket fuels raises questions about oil needs in the future for defense. In fact, it would appear that the percentage depletion allowance for oil and gas, by encouraging petroleum development and thus indirectly handicapping efforts toward development of shale oil and liquefaction of coal, may be slowing the development of these enormous supplementary fuel sources which could also be used for our strategic needs.

Aside from the question of defense, it could be argued that higher reserves are needed to meet a potential shortage of supply for domestic consumption. Assuming for purposes of analysis that such a shortage is reasonably foreseeable, which it is not, it would appear that the excess demand could be met through a market adjustment—higher price and thus increased output—or by some consumers shifting to substitutes. In either case, Government management of the oil supply through preferential tax treatment would be unnecessary. Moreover, as noted directly above, such preferential tax treatment would appear to inhibit the development of substitute forms of energy which could be used in the event of a shortage.

CONCLUSION

In conclusion, the arguments supporting the present tax structure are not persuasive. Indeed, upon analysis our tax policy toward the oil industry simply does not serve any rational purpose. The supposed contribution of this policy to our national security is largely illusory, and the dangers of consumer price increases are either overstated or, in any event, are an acceptable and rational result of our economic system. The present Tax Code enables the large oil companies to pay taxes at rates below those of other industrial corporations as well as being below the rates at which many individuals are taxed. The perpetuation of the present tax structure is a tribute to the lobbying power of a strong vested interest; and it is a sad commentary on the adequacy of our legislative process.

TAX EQUITY FOR SINGLE PERSONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, presently I am a cosponsor of legislation which would make the Federal income tax rates imposed on single persons equal to the rates applicable to married persons filing joint returns. Although the Tax Reform Act of 1969 accomplished that objective in part, unfortunately it did not go far enough. I propose the further amendment of the Internal Revenue Code so that a single person will pay the same tax as a married couple with the same income.

The discrimination in tax rates against single people is the result of a historical quirk and has been increasingly recognized as untenable. It came about in the first place because of a legal technicality arising in the 1940's. Since some States had community property laws, one-half of the income of a person from one of those States was deemed to have been earned by that person's spouse. The effect of this legal fiction was to lower the tax burden on married taxpayers in community property States. Congress responded by lowering the tax rates for married people in all States, neglecting to take account of the economic punishment thereby inflicted on the unmarried.

The attempts to mitigate this harsh result through the special, but limited, head of household status and, much more important, through the provisions passed last year, are not totally adequate. While a start has been made toward proper tax rate equity for single taxpayers, we must press for further reform.

I propose that one of the first items of business in the next session be to amend the Internal Revenue Code to provide that single persons shall not be taxed at a rate greater than the rate paid by a married couple earning the same income. In order to take into account the fact that married couples have additional living expenditures not incurred by singles, I shall also urge continuing review of the personal exemption allowances and deductions for such items as child-care expenditures.

UNFAIR ATTACK ON MASS MEDIA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on September 22, 1970, on page 33239 of the CONGRESSIONAL RECORD, Extensions of Remarks, there was published an article by Gary Allen entitled "Teleslick—Television and the Mass Slicks," which appears in the October 1970 issue of American Opinion, Belmont, Mass.

This article charges the mass media with being un-American and in essence accuses them of a willful conspiracy to undermine our country's institutions and Government. It portrays the leaders of the broadcast industry, the editors and publishers of our major magazines, and even our journalists as being agents of treason.

It is tragic that an individual can have such a distorted and paranoid view of the efforts of so many distinguished Americans. And it is regrettable that such a piece should be reprinted and distributed at the Government's expense.

RALPH NADER AND THE CORVAIR: THE TRUTH EMERGES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on September 16, 1970, I introduced in the RECORD at page 32253 the existing public correspondence on the safety of the 1960–64 Corvair automobile. The principal part of this correspondence involved an exchange of letters between Mr. Ralph Nader, the General Motors Corp., the Department of Transportation, and Senator RIBICOFF. This controversy had arisen when Mr. Nader made serious charges that General Motors had undertaken a program of suppression of certain of their own test data in a "hot" file which was then kept from the U.S. Senate, the Department of Transportation, and parties who had requested such information in court cases involving litigation over the safety design of the Corvair.

Now, new evidence on this controversy has appeared in an exclusive interview in the Washington Post on Sunday, September 27, 1970. This evidence consists of a long interview by Mr. Morton Mintz of the Washington Post with a Mr. Carl Thelin, an ex-General Motors employee, who at the time of his employment by General Motors had responsibility for, and custody of, the engineering documents and results that Mr. Nader has alleged were suppressed. Mr. Thelin now confirms that General Motors did indeed have a "hot documents" file, which contained the information which General Motors felt was prejudicial to General Motors' claims of safe design of the Corvair, the contents of which were withheld from all parties, and which conflicts with General Motors' public statements.

I believe that this interview sheds new and important light on this controversy and should be made generally available, and I therefore offer it here for the further evaluation of all the concerned parties:

ENGINEER SAYS GM SUPPRESSED ADVERSE DATA ON CORVAIR

(By Morton Mintz)

A former General Motors engineer who played a key role in opposing lawsuits resulting from roll-over accidents involving 1960–63 Corvairs, says that GM suppressed its own adverse test reports to prevent them from surfacing in the courts.

GM, in a denial yesterday, said in Detroit that it "has identified or produced all documents which, in the opinion of its legal counsel, it was required to identify or produce."

The engineer, Carl F. Thelin, said that a superior once produced from "a back closet" a three-inch stack of previously secret proving ground documents—but with a directive to Thelin not to copy them and to withhold them from GM's legal defense files and potential witnesses.

"Thus a witness could say he never heard of it," he told The Washington Post in a four-hour interview.

Thelin described the documents as "dynamite." He said that one of them, No. 17103, proved that with suspension systems such as those on later models the early Corvairs it would have been "almost impossible to roll over."

These and similar statements tended to support recent charges by Ralph Nader that GM executives possessed but concealed proving ground test data and films, unfavorable to the Corvair. Nader charged that these "conclusively proved" the early Corvairs to be "dangeously unstable."

Yet, Thelin feels that the early Corvairs, driven sensibly, are safe, especially in the hands of a public that, he believes, is by now familiar with criticisms of their handling characteristics.

In addition, he rejects—on engineering, practical and financial grounds—Nader's contention that the government should recall for correction the estimated 600,000 1960–63 Corvairs still on the roads.

Three weeks ago, GM president Edward N. Cole said that the test data and films cited by Nader were of "engineering development tests in which Corvairs, specially equipped with experimental parts, were intentionally overturned by experienced test drivers using violent maneuvers designed to overturn them."

That is correct, Thelin said. "The cars were intentionally overturned. That was the whole point, to make them less prone to roll over."

As a result, he said, GM modified the 1963 Corvairs to stop roll-overs and corrected subsequent models so that they would "neither roll over nor 'spin out.' The '65 was an all-new Corvair."

But none of this, Thelin said, means that Nader made "irresponsible and false charges," as Cole asserted on Sept. 7 in a letter to Secretary of Transportation John A. Volpe.

RECOLLECTION HAZY

Thelin said that four years have elapsed since the documents episode. Moreover, it occurred during a long, confused period of transition from one boss to another.

For these reasons, Thelin said, he is not now certain whether the superior who produced the "dynamite" documents and ordered them suppressed was R. A. Gallant or C. D. Simmons

Gallant was staff engineer of the "Product Analysis Group" the cover name for the "Corvair defense groups" in GM's Chevrolet Division, Thelin said. Simmons succeeded Gallant.

Gallant, reached in Detroit, said, "I don't remember anything about it." Simmons could not be reached.

Thelin was among the GM employes who were "entitled to have access" to the papers "as and when required in the performance of their duties," the company said yesterday.

The papers had been "in the custody of his superiors and presumably were made available to Mr. Thelin and other employes by his superiors on that basis," GM said.

Thelin, in the interview, described in detail various methods used by the Corvair defense group to frustrate plaintiff's lawyers' interrogatories—the written questionnaires which the courts require be answered.

"We felt that some of these guys were planning to screw GM just because it had billions of dollars," he said.

The defense group never used as witnesses the "old fogies who designed this car," Thelin said. "We were told that some of these guys had to be kept off the stand because they would look like fools."

That's why GM recruited the defense group, in which he was one of about a dozen engineers, Thelin said.

"Our witnesses were very knowledgeable, very expert; more than that, they had good rapport with jurors. They would avoid engineering words; talk to the jury, not past them. They were anxious to testify and had good speaking voices."

STAR WITNESS

The "most effective witness" was Frank J. Winchell, Thelin said. "He could wow that jury."

Winchell, then director of Chevrolet's research and development engineering center in Warren, Mich., and now a special assistant to GM president Cole, had recruited Thelin in September, 1965, for the Corvair defense group.

Winchell has "personal magnetism," Thelin said. "He is a good engineer and a hell of a man. He's a leader. Whatever the word 'leader' means, he's that kind."

Thelin emphasized his belief that serious design problems in the Corvair were neither inherent nor unavoidable. They resulted, rather, from engineering incompetence at middle-management levels, he said.

Young engineers, he said, could look at the car and instantly spot a needless design fault.

Thelin had first told his story to Gary B. Sellers, legal consultant to Ralph Nader. Then he told it to Frank W. Allen, a GM lawyer and, finally, to a reporter. In each case his cooperation was requested, not volunteered.

"I've got to tell the truth," he told the reporter at his home near Buffalo, N.Y.

He recalled that GM lawyers, discussing how to behave on the witness stand, had advised him, "Never attempt to lie. Just tell the truth—what you know. Then you don't have to keep track of what you've said."

"I'll always live by that," Thelin told me. "It's a good way to live. If I'm asked a question I'll go straight down the middle."

Thelin began his travels "down the middle" of the Corvair controversy when Sellers, acting for Nader, came to see him the night of Sept. 3.

This was on the eve of Nader's public charge—made in a letter to Secretary of Transportation Volpe—that GM had for about eight years suppressed adverse proving ground reports and films on the early Corvairs.

Nader had first come to prominent public attention as a Corvair critic. This was almost five years ago, when his book, "Unsafe at Any Speed," was published. Then, early in 1966, came the famed "snooping" episode. Finally, in May, 1969, with sales way down, GM stopped making the car. With that, the controversy apparently faded away.

In recent months, however, secret sources have been supplying Nader and Sellers with new information and documents in which Thelin's name repeatedly cropped up, Sellers said.

Sellers undertook a search for corroboration. It was for this purpose that he went to see Thelin, who now heads the vehicle test and design section of the Cornell Aeronautical Laboratory, Inc., in Buffalo (of which GM is a client).

Five days later—after news media had carried stories on the Nader and Cole letters to Volpe—Sellers made a second visit to the Thelin home. This time, Thelin invited him to dinner.

The next day, Sept. 10, Frank Allen, the GM lawyer with whom Thelin had worked closely in the Corvair defense group, phoned. He began with a cheerful "Hi, Carl, old buddy," and then led up to the Nader and Cole letters.

In the conversation with Allen, Thelin volunteered that "Nader's people" had contacted him.

Thelin said he told Allen, in "a brief resume," that he had confirmed the authenticity of materials which Sellers had brought to him. These included copies of the "dynamite" documents.

Allen said, "Oh, boy."

He proposed to see Thelin in Buffalo. Thelin agreed.

The next day, at the same dining room table where Sellers had questioned Thelin, Allen interviewed the engineer for "a solid four hours without interruption."

"We remain friends," Thelin remarked.

Thelin, 40 is a graduate of the University of Wisconsin, a mechanical engineer, a "car buff," a Republican, an active Baptist layman and former head of the safety council of St. Clair Shores, Mich.

He came to GM in 1955 and became a front-wheel-drive, chassis and steering specialist on the engineering staff. His design innovations culminated in the experimental models of the Oldsmobile Toronado—"my claim to fame."

At the time, members of the American Trial Lawyers Association (ATLA) had filed the initial batch of what ultimately would become more than 300 lawsuits in behalf of persons injured or killed in Corvair roll-over accidents.

"We felt that ATLA was seeking to expand the product-liability business, and that they singled out the Corvair because of its uniqueness," Thelin said.

The Corvair was the first mass-produced American car with an engine in the rear—and an air-cooled engine at that. It entered the economy-car market in the fall of 1959.

And so Thelin went to work for Frank Winchell as if he were joining in a "French Foreign Legion" type of adventure, an enthusiast anxious to make a "sacrificial effort to defend the right of engineers to make design innovations."

In addition, Thelin felt he was aiding the cause of "fundamentalist" design engineers, who had been "low men on the totem pole," against the cause of the production engineers.

Thelin's assignment was engineering liaison with GM's legal staff, especially Frank Allen, but he had certain specific primary and secondary missions.

First of all, he had to "provide engineering support for the defense of any Corvair case," such as accident investigation.

RE-CREATING CRASHES

He traveled a lot to look at wrecked Corvairs and to try to figure out what had happened. Many times at the GM proving ground in Milford, Mich., he tried to duplicate the accident site. "It was fun, man, an exciting job," Thelin said.

After a time, he also became responsible for producing 16-millimeter wide-screen sound movies to be shown to trial juries.

Thelin would make such movies after a plaintiff in a pre-trial deposition had described in his own words how an accident had occurred—say, on a curve on a country road.

With the plaintiff's description as a shooting script, Thelin and his colleagues would duplicate the accident—sometimes even at the original site and with competitive economy cars of the same model year as the particular Corvair.

"Everything was entirely on the up-and-up," Thelin said.

"We would show that the Corvair went through this like all the other cars," Thelin said. "Then we would show, as a clincher, how recklessly you had to drive in order to have an accident, although our skilled test drivers could prevent one.

"Our defense was principally, almost always, that you had to drive in a very reckless manner in order to take the Corvair beyond the 'limit of control,' and that limit was higher for the Corvair than for competitive models of the same year," Thelin continued.

"The camera was in the back seat, viewing over the driver's shoulder, with a wide-screen lens giving close to normal vision," he said. "The movies would knock your eye out, they were so good."

EDUCATING LAWYERS

Thelin also had a couple of continuing "background" missions.

One was "to conduct seminars on vehicle dynamics for the benefit of lawyers, who had to be given a survey course in the subject so they could question witnesses intelligently." The defense lawyers were not only those on GM's staff, but also those from law firms the company retains in every state.

A second "Background" job was "to acquire, index and write critiques" of materials that might be construed to be critical of the Corvair.

Some of these materials were "internally originated," such as reports on proving ground tests and Corvair shop manuals and sets of specifications. Others were "public originated," such as the Nader book and articles in car buff magazines.

In any event, Thelin's job was to process all of these materials for the legal defense files, so that GM witnesses "could study and rebut" criticisms.

Some of the "internal" materials were "freely offered" to plaintiffs' lawyers, Thelin said.

But there was a feeling, which he shared, that "we owed them no favors, and we had to give them what the law required and no more."

In a Chicago case, the decision was to "pile on the answers, snow them, bury them under material," Thelin said. The defense group shipped out a wall-full of boxes of technical materials that the plaintiff's attorney "couldn't understand" and that would leave him "glassy-eyed in two hours," he added.

GM, in its statement yesterday, said that as an engineer, Thelin "had no legal training or experience qualifying him to construe discovery questions, subpoenas and other court documents."

DEVIL'S ADVOCATE

As Thelin continued to search for critical material, playing the role of a self-scribed "devil's advocate," he said, "I eventually got to the point where I was looking for some material I couldn't find."

He came to believe, for example, that there must exist proving ground test reports that he hadn't seen. He persisted in making inquiries about this.

"Somebody—Simmons or Gallant—finally said, 'Here they are,'" Thelin said. That was when the "dynamite" documents came out of the closet and when he was told that, above all, he must not show these papers to potential witnesses. After that, he himself was "kept out of cases where he might be called," he said.

Thelin said the documents, which oddly included some in the public domain, consisted of proving ground reports and films on Corvair "skid path" tests and other "runs" made as early as 1961.

These materials have "purposeful attention" to handling characteristics, particularly roll-over possibilities, with various types of equipment, he said.

Thelin said he put the documents in a binder or folder. "I'm not a counter-espionage guy," he remarked.

The binder or folder was "not identified in a provocative manner," he said. He kept it in an open bookcase in his office. A few others in GM, including his office assistant, knew of it, he said.

Thelin said that one document in particular was "damning." It was "never offered to any plaintiff's attorney," at least while he was at GM, he said. Yet, in his view, GM was obligated to produce it in response to certain interrogatories.

KEY DOCUMENT

This document was No. 17103, the one which, according to Thelin, established that the early Corvairs would have been "almost impossible to roll over" had they had different—and differently positioned—suspension equipment similar to that on 1963 and later models.

All internal GM references to the document "misidentified" it, Thelin said. Therefore, "I could say there was no 17103."

The "mis-identification" was caused by an extra zero, the origin of which is unknown to him, Thelin said.

The extra digit transformed "17103" into "170103." Ultimately, Thelin said, he discovered that it had been established at GM some time earlier—in writing—that "170103 is really 17103."

GM, in its statement yesterday, said it had not produced 17103 "because in the opinion of our counsel, it has not been called for." However, GM said it has turned over this and related materials to the Department of Transportation and a Senate subcommittee.

"That's when my stomach started to churn," Thelin said. "That's when I knew I was getting into deep water. Ignorance is a wonderful thing."

He said that the gung-ho feelings he had brought to his mission at Chevrolet now were sounding "a little bit hollow."

It began to seem to him that there was a possible pattern emerging from such elements as the "dynamite" documents, the exclusion of Corvair designers as GM witnesses and the odd addition of a digit to the 17103 paper.

Another important point increasingly troubled Thelin. He believed, as his own work for GM had shown, that the Corvair was not more prone to accidents than comparable cars of the same model year. Indeed, he said, a Corvair driver "had a better chance of avoiding single-car accidents, because of better brakes and handling."

What struck him, however, was more and more evidence that when there is an accident of a kind that generates "lateral acceleration, or side force" tending to overturn the vehicle, the consequences in an early Corvair are "more severe."

He put it another way: In an emergency situation in which a driver, say, seeks to avoid an accident, there may come a point at which certain maneuvers take a car out of control. Then it will no longer do what he wants it to do.

In such a situation, Thelin said, conventional cars tend to continue more or less straight ahead. The early Corvairs tended to "spin out to either side, but could also turn over," he said.

Thelin said that although he was "bothered" he continued to work.

In December, 1966, GM settled a large number of Corvair cases brought by a Los Angeles law firm. This Thelin said, "took the pressure off, or relaxed it."

At about that time, he continued, GM management "perceived an oncoming recession," with the result that it ordered a 10 per cent reduction in the workforce.

THELIN QUITS

Thelin was transferred to a body drafting job at Chevrolet, "a kind of work I intensely disliked." In addition, he no longer had the use of a company car and similar perquisites. After two months of "humiliation" he quit.

Thelin went to Uniroyal, the tire company, and stayed a year and a half. Then, in March, 1969, he grabbed a chance to move to Cornell Aeronautical, where he does automotive safety work.

Thelin was himself the owner of a Corvair, a 1962 model. He was then not yet aware of any controversy about its safety and considered it a "cute little car."

He read Nader's "Unsafe at Any Speed" early in 1966.

"My initial reaction was the straight party line," he said. "Here was a smart aleck out to make a lot of money criticizing our good little car. We thought he was paid by ALTA."

BOOST TO ENGINEERS

He feels differently today. "Ralph Nader, through his book and other activities, has enabled 'fundamentalist' engineers to have greater design responsibility for the finished car," he said.

And because Nader "helped to elevate, to free, the design engineer," Thelin said, the cars of recent vintage are much safer vehicles than those of only a few years ago.

When Nader released his letter to Volpe, a GM spokesman said, "We deny his charges and reiterate that the Corvairs are safe and effective cars to drive."

Later, GM president Cole, in his reply to the secretary, said, "I want to assure you that General Motors and its executives have been faithful to their public trust."

In March, 1966, after the "snooping" episode, the Senate Subcommittee on Executive Reorganization held a hearing. The Corvair and its safety was a central issue.

GM president (now chairman) James M. Roche, testifying under oath, put into the hearing record a highly favorable report on the Corvair which Chevrolet's Frank Winchell had previously given to a Michigan State Senate committee.

Now Nader, in his letter to Volpe, has attacked the Winchell report and has asked Sen. Abraham A. Ribicoff (D-Conn.), the subcommittee chairman, to re-open the hearing. An aide said Ribicoff has not reached a decision.

CENSUS APPRECIATION DINNER

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, Saturday, October 10, was a red-letter day for the census enumerators and staff in Huntington, W. Va. On that evening, I had the honor to host an appreciation dinner for nearly 100 census workers in the Huntington area, led by their district manager, Mrs. Larry Booth.

When the preliminary results revealed a drop of more than 10,000 in Huntington's population between 1960 and 1970, there was understandable concern voiced by the news media, civic and municipal leaders and others who had been mesmerized by unofficial estimates which seemed to point to a larger city population than reported. Acting on the pleas of responsible leaders, I made arrangements to allow a volunteer block-count over a period of several weeks with the Regional Census Office in Charlotte, N.C., cooperating to identify all those who were not counted. A very careful check revealed only 90 additional people—or about one-tenth of 1 percent error in the preliminary count. This is cause for a celebration.

HONORING ALL FEDERAL EMPLOYEES

In addition to inviting all the census enumerators and staff to a steak dinner at my expense, I decided to use the occasion to honor all Federal employees. Present at the October 10 dinner were Col. Maurice Roush, District Engineer, U.S. Corps of Engineers; Bernard Killeen, Manager of the Huntington Social Security Office; Postmaster Roy Hatton; Maurice Howells, Regional Director of the Veterans' Administration; and Dr. Lucius Powell, Administrator of the Huntington Veterans' Administration Hospital. Through these officials, we honored the dedicated efforts of all Federal employees.

It was indeed refreshing, in this day and age when vitriolic attacks and colorful langauge grab the headlines, to point with pride to Huntington, W. Va., where Federal employees are commended instead of condemned.

Dr. Aldred Wallace of the Johnson Memorial United Methodist Church delivered the invocation and benediction, a grand time was had by all.

We were honored to receive the following telegram from Hon. Charles H. Wilson, chairman of the Subcommittee on Census and Statistics, House Committee on Post Office and Civil Service:

Please accept this telegram as a substitute for my presence as other matters prevent me from being with you today. Congratulations to the fine census workers who worked so efficiently and diligently in your city of Huntington. As a Member of Congress who has been deeply involved in the 1970 census, I can think of no better way to pay tribute to these fine Americans than to recognize their contribution to their country.

ADDRESS BY DIRECTOR OF THE CENSUS

The highlight of the evening was the appearance of the Director of the U.S. Bureau of the Census, Dr. George H. Brown. Dr. Brown left Washington on Friday and drove through southern West Virginia, passing through White Sulphur Springs, Lewisburg, Beckley, and motoring on the Charleston and Huntington on Saturday. After a stirring address to the assembled guests, the top census man in the Nation remained overnight, and then drove back to Washington via the northern route along the Ohio River Valley to Parkersburg and thence east across Route 50 to Washington, D.C. on Sunday.

Following is the text of Dr. Brown's remarks to the census enumerators and staff who were honored in Huntington, W. Va. on October 10:

ADDRESS TO CENSUS WORKERS BY DR. GEORGE HAY BROWN

Although things are still in high gear at the Bureau of the Census in Suitland, I am happy to come and be here to thank all of you personally for an outstanding job in conducting the 1970 census.

What you did here for the census certainly ranks with the best in any community of the Nation.

There were many, many others with splendid records, of course. I could not possibly go to every city to express my personal appreciation, so I have chosen to regard Huntington as representative of all those areas where citizens accepted a difficult, often thankless task and persevered until it was accomplished. I am certain you experienced at least a part of the frustrations which cropped up to some extent in all cities.

I know that your devotion was due more to a sense of duty than to hope of financial gain. We faced the job with an adequate budget—no budget could obtain the loyal effort we received from you.

We were responsible for the largest statistical survey ever undertaken in this country—perhaps in the world. And the result, I am confident, is the most accurate census ever taken in the United States since the first head count in 1790.

Our success owes much to an old-fashioned quality—love of country. It may be currently unpopular in some circles but the overwhelming majority of our people will still work hard and willingly for those things on which the Nation's well-being and advancement relies. And few will dispute the fact that an accurate census is of very great importance to our future.

Your dedication to accuracy here in Huntington was, in one respect, not a happy task. You had to report a decline of more than 10,000 in city population and a lesser drop in your Standard Metropolitan Statistical Area. And you did so knowing that the story would probably please no one.

Those who honestly doubted the accuracy of the preliminary figures and sought a thorough recheck were right to do so. The census results are too important in any area to accept them without knowing that every possibility of error has been explored.

Fortunately, the Census Bureau is never engaged in a contest with local estimates. Both the Bureau and our public officials want a count as nearly perfect as possible. This is the reason for our existence.

It is to the credit of the census process, including the part you played in it, that no more than 90 persons could be added to the rolls in spite of a vigorous campaign to locate missed persons. I am sure that your patient efforts and your proven high percentage of accuracy have earned the respect of your fellow townsmen. Although the recheck added only about one-tenth of one percent of Huntington's total, each person added is important.

I know there is sometimes a tendency to be concerned about any decline, however temporary, of a community or area. But America is forever in a state of transition. This is a part of the growth process.

In the case of Huntington, indeed of all West Virginia, the shift in fuel sources is, directly or indirectly, the greatest single factor in the decline.

The loss of the enormous railroad market to oil was a major factor, but there were

various other reasons for the slump in the coal market. You people undoubtedly know more about those other factors than I do.

The demand for coal, however, is again on the rise. The coal industry might be compared to a fighter who, knocked down, gets off the canvas again before the count of ten and comes back swinging. It seems unlikely that American technology and inventiveness will fail to find a need for the billions of tons still underground and to use this great resource with safety to both the miner and the environment.

All this is indicative of the constant change that is America. Fluctuations such as this have been recorded since the founding of the Republic. But there is no reason why the depressed areas of one decade cannot be the seat of growth in later decades. You have people here and in Washington with the far-sightedness and planning resources needed to study this problem.

The industrial aftermath of the Civil War saw Huntington rise from a cluster of riverside dwellings to a power in the manufacturing, business, and distribution. The slowing down period covers only a small fraction of the century during which the area developed steadily.

The present condition is by no means permanent. No one who knows this community and its people can doubt that there will be a resurgence, possibly during the next decade.

If I am still a part of the Bureau of the Census in 1980, I fully expect to return here to thank the census workers for another outstanding effort and to congratulate them on their devotion to accuracy and completeness.

LIST OF THOSE ATTENDING

In addition to those mentioned above, a nearly complete list of those attending the census appreciation dinner follows:

Mr. and Mrs. Larry Booth, Mr. and Mrs. Ralph W. Honaker, Mrs. Mildred Holliday (a permanent employee of the Bureau of the Census and Mrs. Booth's supervisor in West Virginia), Mrs. Barbara W. Wilson, Mr. Daniel McCallister, Mrs. Lee Stryker, Mrs. Nora Callebs, Miss Jo Ann Estep, James L. Morrison, Betty Kay McFarland, Vivian P. Martin, Laura B. Beard, John B. Spears, Mrs. Thelma Brown, Carolyn Bocook, Dorothy Y. Brangham, Edgar F. Price, Marion Sue Price, Mary Bond, Ruth Keener, Mary L. Rickard, Grace E. Adkins, Merlyn Diddle, Ruth Cumbea, Ina Mae Ayers, James Bennett, Margaret M. Godschalk, Betty S. Dunkle, Betty Crickard, Barbara J. Hayden, Elizabeth R. Bromley, Virginia I. Gregory, Mildred P. Holliday, Helen S. Lynch, Elizabeth Schultz, Ruth H. Horton, Marjorie Selvey, Nancy A. Keeling, Brenda Ervin, Peggy Ann Gibson, Michael D. York, Helen Allen, Florence Hinchman, Ester H. Seiber, Frances A. Conley, Betty Gullickson, Marie Roe, Jean L. Dickenson, Frances P. Ripley, Ruth P. Burton, Geneva Schramm, Michael Carrigan, Margaret Rice, Patricia Sale, Mary Lovejoy, Grace Lambert, Harry Brooks, Mae G. Reffeitt, Ethel Stiltner, George Bardall, Nancy Leaberry, Elizabeth Schultz, Carole Miller, Mary Keneipp, Dennis Poe, and Roger M. Lilly.

TO OVERRIDE THE VETO OF THE POLITICAL BROADCASTING BILL

Mr. MONAGAN. Mr. Speaker, the President's veto of the political broadcasting bill is difficult to comprehend except in terms of political expediency.

In recent campaigns media spending has reached exorbitant proportions. Each contest has established a new high in television and radio costs. The National Committee for an Effective Congress estimates that in 1970, an off-year election, congressional candidates are spending $100 million. Between $40 and $50 million of this sum will go toward television air time. Clearly American politics is rapidly becoming a forum restricted to the wealthy. Those candidates who can buy the most television are often the most effective in gaining an unreasoning support in the manner of breakfast cereals or toothpaste. "Packaged" candidates are fast becoming the norm of political campaigning.

In spite of these dangers, the President has vetoed a bill which would reasonably and fairly have limited political broadcast spending by candidates in general elections to 7 cents a vote or $20,000, whichever was greater. Under these provisions, media spending by the 1972 presidential candidates would be limited to $5.1 million each, a far cry from the publicly revealed figures of $12.7 million spent by the Nixon-Agnew campaign and the $6.1 million spent by the Humphrey-Muskie team in 1968. Wealthy congressional candidates would be denied the unfair advantage of a TV blitz. Those candidates qualified by experience and expertise, as well as wealth, would have an equal opportunity to present their case to the electorate.

The Senate passed the conference report to the political broadcasting bill by a 60 to 19 margin, the House passed it 247 to 112. Many Republicans, including the distinguished minority leader, saw fit to support this measure as a democratic reform. The bill reduces media spending, the prime source of high campaign costs. One can only conclude that the President vetoed a significant and necessary piece of reform legislation for a partisan political reason, the ability of the Republican Party to finance such campaigns now and in 1972.

The political broadcasting bill took one further significant step in that it suspended the equal time provisions of the Communications Act of 1934, thereby allowing broadcasters to present debates by major party nominees without giving equal time to all minor candidates. This would have permitted 1972 television debates similar to the Nixon-Kennedy debates in 1960. Unless Congress overrides this veto, such political forums, providing free equal time to all the major candidates will not occur.

Partisan interest must not prevent significant democratic reform. It cannot be denied that media campaign spending has gotten out of hand. One need only look at this year's primary elections to understand the effect of excessive TV spending. Campaign spending must be held at reasonable levels. The British certainly do this without sacrificing basic liberties or voter interest. The political broadcasting bill would accomplish this and create more equal time debates. For these reasons I will support passing the bill over the President's veto.

GUN LOBBY GROUP IS IRRESPONSIBLE

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, as one who has been an ardent advocate of the right of the individual citizen to peaceably bear arms and a consistent opponent of compulsory registration of firearms, I feel it is necessary to speak out against an irresponsible gun lobby group. Over the past 3 years, I have seen several advertisements of a group which calls itself Right to Bear Arms, Inc., and gives the address of Box 102, Allegan, Mich., 49010. Their irresponsibility was first brought to my attention in 1968 when they ran ads in some gun media attacking many of us for being against the gun owner.

On checking, I found they listed every Member of Congress in their advertisement and I sent the following letter to one of my friends and supporters who had called their ad to my attention:

OCTOBER 14, 1968.

DR. JON H. COOPERRIDER,
Loudonville, Ohio

DEAR JON: Thank you for writing and I have enclosed a copy of the letter I sent to Mr. Cooper. They must have made some mistake because they included all 535 Members of Congress. I have never voted for any of the gun legislation proposals which impinge on the rights of the responsible citizen. This group is totally irresponsible.

Look forward to seeing you soon and, again, thanks for writing and sending along the ad.

Best regards,

JOHN M. ASHBROOK,
Representative to Congress, 17th District.

The letter to which I referred was addressed to Mr. Frank Cooper who listed himself as president of this questionable group. The letter to him was as follows:

OCTOBER 14, 1968.

MR. FRANK COOPER,
President, Right to Bear Arms, Inc.,
Allegan, Mich.

DEAR MR. COOPER: I have recently been contacted by some of my gun collectors in the 17th Ohio District. They inform me that you ran an ad indicating that I was one of the "anti-gun people in Washington, D.C."

As one of the few who voted against all of the gun proposals that have come before the Congress to date, I am wondering what bills you referred to. I voted against the Conference Report on the gun bill which passed 160–129 on October 9 and I voted against this bill when it went to the Senate.

It would be most helpful if you would indicate to me what you are using for a basis of your remarks. I am enclosing several speeches on gun legislation.

Best regards,

JOHN M. ASHBROOK,
Representative to Congress, 17th District.

P.S.—After looking at your ad it appears to me that you have listed *every* Member of Congress—House and Senate. Either you people are some kind of nuts or totally irresponsible. I deem it my responsibility to inform all my gun collectors of your irresponsible action.

This letter was never answered. In fact, two other letters to this organization were never answered. I could only conclude that it was a fly-by-night outfit. I was particularly struck by their tactics in 1968. They did not specify any vote or issue which struck their ire but merely said, "These are the antigun people and we must defeat them." Unfortunately, many good people seeing the name of the outfit—in this case, "Right To Bear Arms, Inc."—do not look behind the familiar call to arms and mistakenly conclude that the legislators listed were indeed antigun people.

I will have to admit, Mr. Speaker, that I was amazed to find that this outfit is

still in business and still up to the same questionable tricks. Like the old bad penny that comes back, they are still irresponsibly attacking legislators. While I did not make their hate list this time, the tactics still must be challenged by those of us who feel we are responsible. Some of the strongest advocates of the private right to own and use arms are included in their latest purge list.

Again, as in 1968, they irresponsibly cater to the gun owner without placing any substantive information in their ad to indicate their criteria for opposing various Representatives and Senators. Their ad appeared in the September 1970 Shooting Industry magazine and carries this specious call to arms:

The name of the game is grab your guns and *right to bear arms* is going to stop it. The following is a list of United States Congressmen who are up for re-election this year and who have supported Federal Gun Control Legislation. . . . Vote against them!

Again, note the blanket nature of their charge. Many of us favor some type of gun-control legislation. I think it is proper to outlaw submachine guns and other military-type weapons which have no justifiable use by the man who is interested in having a gun for defense, hunting, sport, or any of the other good reasons for owning a firearm. I think it is proper, as do many of my colleagues, to prevent felons and mentally deranged people from securing firearms. There are justifiable limitations on any right we have up to and including freedom of speech. The right to bear arms is the same. To take the position that no form of control at all is proper is bad enough but to blanket a condemnation of legislators without specifying what this attack is based upon is even more irresponsible.

I think, Mr. Speaker, that the record of the Right To Bear Arms, Inc., speaks for itself. They are irresponsible and deserve no consideration from the rational, good people who are concerned about registration of firearms and improper limitation on possession and use of firearms.

I note that one of the very responsible organizations in the field, the National Rifle Association of which I am proud to be a life member, also has expressed its concern about this group. They have written them twice and to date have not received a reply. They probably will not if my experience is any indication of this group. The NRA letters are included at this point:

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., October 11, 1968.

Mr. FRANK COOPER,
President, The Right To Bear Arms, Inc., Allegan, Mich.

DEAR MR. COOPER: Our attention has been drawn to advertisements which your organization has placed in the Sacramento Bee, Shotgun News, and perhaps other publications, calling for the defeat, in the November elections, of those members of the Senate and U.S. House of Representatives who voted for the Omnibus Crime Control Bill (Safe Streets Act). This apparently, on the assumption that those members of the Congress who voted for the Crime Control Bill were all anti-gun in sentiment. This assumption could not be more wrong or unjust.

H.R. 5037, as its name implies, is an omnibus crime control bill. The section pertaining to interstate commerce in pistols was almost of minor significance compared to other provisions of the act. The sentiment in the Congress for enactment of the crime measure was so strong that a vote against it would have been comparable to a vote against motherhood and for sin. As witness to this fact, I point out to you simply that the vote to approve the crime bill in the Senate was 72 to 4 and in the House of Representatives, 377 to 23. Virtually every friend we have in the Senate and House of Representatives voted for the crime bill.

Many of our best friends and supporters voted for the crime bill, including its pistol provision in the honest and firm belief that in doing so they were taking the only possible step to head off the drive being made by the White House and the Department of Justice for the federal registration of all firearms and the licensing of all firearms owners. In the light of what has transpired, I think they very well might have been right.

In any event, to categorize these people as "anti-gun" is manifestly unfair and unjust.

A much fairer way of approaching this sort of political action would be to encourage the sportsmen of this country to determine where their candidates stand on the subject of restrictive firearms legislation and then vote accordingly, but not to prejudge 95 percent of the Congress on the basis of their vote on the Omnibus Crime Control Bill.

Sincerely,

FRANK C. DANIEL,
Secretary.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., August 14, 1970.

Mr. CLIFFORD M. LARSON,
Executive Director,
Right To Bear Arms,
Allegan, Mich.

DEAR MR. LARSON: We are being asked by some of our members and readers about your full-page ad in the magazine "Guns" for September, 1970 urging the defeat of a long list of U.S. Senators and U.S. Representatives.

That this list is sadly out of date, and misleading in many respects is evident to anyone who has kept up with the legislative situation. The first name on it, for example, is that of Senator Paul Fannin of Arizona, an NRA Member who was recently out on the Black Canyon Range near Phoenix scoring pistol targets in 110-degree heat, as a short article in our September issue sets forth.

Among other names on your list, we note Senator Hruska of Nebraska and Representative McCulloch of Ohio, two gentlemen who have just sponsored Administration explosives control bills which would specifically exempt small arms ammunition and components and a quantity of black powder—this for the shooting sportsman.

There are other instances too numerous to mention. Your list reaches the point of absurdity when you urge the defeat of Congressman Melvin R. Laird of Wisconsin. As most people know, he has been Secretary of Defense for quite some time now.

As far back as October 11, 1968, one of our officers wrote Mr. Frank Cooper, your president, at 130 Cook Street, Allegan, calling attention to the extremely misleading effect of this same advertisement.

My purpose in writing you now is to say that we may find it necessary, for the benefit of NRA Members and legitimate firearms owners in general, to publish something in our magazine in the near future to clarify the situation. Therefore if you have any comment or response to this letter, we would be most interested in considering it.

Cordially,

ASHLEY HALSEY, JR.,
Editor, The American Rifleman.

There are many people in this country, Mr. Speaker, who look upon the so-called gun lobby as extremists and a bunch of dangerous nuts. I know this is not the case because I know many of the fine people in my district and throughout the Nation who make up this group. The hunter, the farmer and his son, the skeet and trap shooter, and the gun collector are, for the most part, good responsible Americans. I associate myself with these fine people and their views. I have done this for the entire 10 years I have been in Congress so it is no latecomer status for me. I was against these controls when the going was tough and have never altered my position.

I readily admit, and the Right To Bear Arms, Inc. proves, that, unfortunately, there are some irresponsible people who attach themselves to this otherwise fine and honorable group of Americans who do not want unnecessary and unwise gun restrictions. It is our duty to point them out and keep them outside of the ranks of those who diligently and constructively work for the legislative ends we want. In these remarks I accept my responsibility and hope to do just that. If this group will break their irresponsible silence, we might learn more of them. Two years is a long time to wait and my patience has grown thin.

SAFE WATER TRANSPORTATION OF HAZARDOUS MATERIALS

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. BETTS. Mr. Speaker, as a Congressman whose district borders one of the Great Lakes, I have a particularly keen interest in reducing water pollution. Contributing to pollution in a large navigable lake such as Lake Erie are the chemical and petroleum materials discharged accidentally or by direction of private water carriers. An oil spill on Lake Erie is a real threat, I believe. The quantity of chemicals transported across the lakes makes such material a hazard to water quality and marine life.

I am pleased that the principal Federal agency responsible for safety and property in and around navigable waters, the U.S. Coast Guard, is indeed concerned about this problem. What is more, they are doing something about it. Recently, an excellent address by W. C. McConnaughey, entitled "Safe Water Transportation of Hazardous Materials," came to my attention. This speech was presented at the American Chemical Society symposium on "Coping with Chemical Disasters," in New York City on September 8, 1969.

Mr. Speaker, for the study of my colleagues and others concerned about transportation of hazardous materials on our waterways, I include Mr. McConnaughey's remarks at this point:

SAFE WATER TRANSPORTATION OF HAZARDOUS MATERIALS*

(By W. E. McConnaughey)

Gentlemen, it's a pleasure to have this opportunity to discuss the Coast Guard's activities and thinking as they relate to the prevention of chemical disasters. As the Federal regulatory agency assigned the basic responsibility for safety of lives and property

on and around navigable waters, we have been concerned for some years now about the potential for disaster that exists in water transportation of chemicals. As a part of the Department of Transportation, we work in close cooperation with the other administrations on intermodal aspects through the Hazardous Materials Regulation Board. However, for bulk transportation by water we operate autonomously and, since this type of transport offers the greatest potential for disaster, I will confine my remarks to that area—although much of the thinking has general application.

Let me say at the outset, this paper will not present a pat solution to the problem of preventing chemical disasters in water transportation. This is much too complex and fast changing an area for that, so I will only attempt to describe conditions as we see them and to discuss some of the actions aimed at casualty prevention which we are taking as a result of this appraisal.

It's not worth noting that much of what we do is based on our strong belief in the preventive approach rather than the more traditional corrective approach and, as you will see, we expend a considerable effort in predicting hazards without waiting for them to become casualty statistics. Of course, we study the past for its lessons, too, but constantly changing cargoes and conditions as well as the potential magnitude of casualties involving modern bulk chemicals in water transportation make statistical studies only one of the tools to be applied. We can't afford even one more Texas City disaster, or *Sulphur Queen* disappearance, or chlorine barge sinking if advance thinking and analysis can prevent it. Admittedly, it's extremely difficult to anticipate all the casualties which might occur with widely varying chemical cargoes but much can be accomplished by developing principles and fundamentals which can be used to evaluate and compare the hazards of commodities as they are proposed for bulk shipment.

To practice the preventive approach to safety, it's obviously necessary to understand—or, at least, try to understand—what is going on now and what is likely to happen in the future.

I think all of us agree that the essence of our times is change. It is becoming increasingly difficult to keep abreast of new conditions and make valid predictions for the future on the basis of past experience but, in every line of modern endeavor, it's essential to at least identify the factors involved. In bulk dangerous cargo transportation, the area of primary importance at present is changing cargoes and changing methods of transporting them. Four major factors in this change are the chemical industry, advancing marine technology, population growth, and the decline in U.S. flag ocean shipping. I'd like to comment on each of them.

The chemical industry has several characteristics which are significant to water transportation. The first is its extremely rapid growth rate in recent years. In both the inorganic and organic category, production has essentially doubled in this period and the rate appears to be increasing. The so-called "explosive" growth of population is very moderate by contrast. So does the production of petroleum products which normally parallels general industrial production.

Without belaboring the point, I think this illustrates the well known fact that the chemical industry has been a booming segment of our economy in the recent past. How about the future? Can we expect this type of growth to continue? Of course, our foresight is much poorer than our hindsight but available information supports the idea that, so far as chemicals are concerned, "we ain't seen nothing yet."

Another characteristic of the chemical industry which is of interest to us is that it is strongly research oriented. Innovation is essential to economic success in this extremely competitive business and, as a result, a great deal of effort is devoted to developing new products and rapidly translating laboratory chemicals into tonnage commodities. Yet another characteristic is that the industry is water oriented and most chemical plants are located either on or near waterways. This is for several reasons but important among them is the desire for cheap water transportation. This water orientation is illustrated by the fact that, in 1965, chemical plants were the largest single class of plant construction occurring along waterways—approximately 29% of the total.

What can we conclude from this picture of the chemical industry so far as water transportation is concerned? I think it's reasonable to say we can expect a major increase in both the amount and the variety of chemicals moved in U.S. waters and that we are still in the early stages of this growth. Also, we can expect that chemicals will become an increasingly large percentage of all bulk dangerous cargo transported—although this is partly based on factors that I haven't mentioned such as the shift of petroleum products from water transportation to pipelines. The significance of this chemical growth to those of us concerned with safety is that we will have to deal increasingly with a variety of hazards in addition to the traditional fire and explosion of petroleum.

The second of the three major factors in changing bulk dangerous cargo transportation is advancing marine technology. This is a difficult subject to document and even harder to predict. However, I think we can make some useful observations of what is going on around us. Until fairly recently, design and construction of bulk dangerous cargo vessels was quite simple. Barges were merely boxes made of common welded steel and ships were quite uniform in arrangement and structural materials. Safety questions were relatively simple and there was much experience to draw on in answering them. Now, however, many new materials and techniques are appearing and safety questions frequently must be answered without the benefit of marine experience—and, indeed, frequently without much experience anywhere. Let's take a quick look at some examples of current barge and ship questions to illustrate this situation.

1. Low temperature tank metals and new types of insulation are being used to transport refrigerated anhydrous ammonia and liquid oxygen by barge and these practices are raising new questions about brittle fracture of tank and hull materials, the performance and reliability of insulation in the marine environment, cargo venting, etc.

2. Unmanned, relatively complex equipment is being used to maintain low cargo temperatures on barges and this has raised new questions about proper sizing and reliability of machinery for safety purposes.

Very large pressurized cargo tanks (in one case, 15 feet in diameter by 332 feet in length) have raised new questions regarding methods of stress analysis and relief valve sizing.

New structural metals are being used (such as in all-aluminum-alloy barges) and these are raising difficult new questions about fire resistance, compatibility with chemicals, etc.

Nor are new questions confined to barges. Ships carrying liquid ethylene at −155° F in 1 millimeter thick stainless steel tanks are raising difficult new questions about metal fatigue, quality control, tank integrity, inspection procedures, etc.

This is by no means an analysis of advancing marine technology but I think it is sufficient to make it obvious that we are no longer dealing with standardized barges and ships with standardized answers to safety questions.

The third major factor affecting bulk dangerous cargo transportation is the growth of population. Although this was minimized in the earlier curves, it really is an important phenomenon. More people mean several things to water transportation. It means more congestion on waterways and in ports and, hence, more chances for accident. It means greater public exposure to dangerous materials and greater likelihood of serious consequences from any given casualty. And, finally, it means the appearance of new types of concern such as air and water pollution. Let me cite some illustrative situations. Complex traffic patterns such as a simultaneous meeting, passing and overtaking involving four tows along the Gulf Intracoastal Waterway are becoming commonplace and, of course, they inevitably increase collision probabilities. Barge and ship encounters in port areas such as New Orleans are increasingly common and they involve considerable public exposure. Another type of hazard which can result from the heavy use of waterways is illustrated by an incident near Chicago when 50 barges broke loose from their shore lines in heavy wind and ended up in a jackstraw situation. Fortunately only one chemical barge was involved (and it was empty) but the consequences might have been different if the pile-up had consisted of chemical barges commonly seen on the waterways.

With regard to new types of concern, it is interesting to note that there are 40 stations along the Ohio River between Paducah and Pittsburgh which monitor the chemical and biological quality of the water and evaluate the results in terms of drinking water standards and the well-being of aquatic life. This goes well beyond the historic marine industry concern with oil pollution alone. And there is similar concern with air pollutants which may come from marine activities such as cargo venting, gas-freeing, etc.

The final factor affecting bulk dangerous cargo transportation is primarily in the areas of economics and national defense. However, it has important safety aspects as well. This is the accelerating decline in the U. S. flag ocean-going fleet. For a period of about 13 years, waterborne trade on the high seas has approximately tripled for both the U. S. and the world at large. However, in the same period, both the number of U. S. flag ships and their total tonnage has decreased—in sharp contrast with the rest of the world. Obviously, more and more cargo—including the dangerous variety—is being carried by ships which are not certificated by the Coast Guard and which are manned by personnel who probably do not have U. S. mariners' papers. We are not officially concerned with the economics of this situation, although I'm sure we all individually deplore anything that adversely affects our merchant marine. However, we are concerned with the growing number of ships carrying exotic cargoes which visit U. S. ports and present some very challenging safety questions to the Coast Guard. The problem arises from the fact that there are no international standards for shipping bulk commodities having properties and potential hazards markedly differing from conventional liquid petroleum products. I think this is simply a case of changes occurring too rapidly for international conventions (i.e., SOLAS) and classification societies to keep up, and certainly we can sympathize with that problem. However, in the context of change, we are facing new problems in carrying out our regulatory duties for protecting U. S. lives and property in U. S. ports and waters because of our less direct relationship with foreign flag ships.

What do we conclude from this picture of modern bulk dangerous cargo transportation? First, it seems evident that we are in the early stages of a period of rapid change in types of cargo carried and methods of carrying them, with chemicals becoming an increasing part of total dangerous cargoes carried by water. Second, safety is becoming much more complex and we cannot relax and assume that our past practices are nec-

essarily adequate for the future. Finally, the growth in both inland and ocean-going traffic in chemicals and the increase in foreign flag ship operation in our waters will require increasing emphasis on port safety activity by the Coast Guard.

This, then, is what we see and what we conclude. What do we believe should be done about it? First, we need good techniques for evaluating and understanding the hazards of highly diversified chemicals in water transportation. Second, on the basis of this knowledge, we need to develop effective regulations which provide minimum standards of safety for the design and operation of ships and barges carrying bulk chemicals. And, third, we need to provide for the training and education of industry operating personnel and our own Coast Guard marine inspection and law enforcement personnel. Let me discuss our current activities in each of these areas.

Under the general heading of "hazard evaluation," we have a number of projects that interrelate. Several of these are being carried out for us by our Advisory Committees on Hazardous Materials and Toxicology under the National Academy of Sciences. The most fundamental endeavor has been for these groups to develop a system which provides a hazard profile of individual cargoes and establishes a technique for appraising new materials on a consistent and comprehensive basis. This system is described in a report to us entitled "Evaluation of the Hazard of Bulk Water Transportation of Industrial Chemicals". The inherent hazards of commodities are evaluated without regard to their method of containment or handling. In fact, the purpose is to provide a rational basis for establishing containment and handling requirements. Four major types of hazard are considered—fire, health, water pollution, and reactivity—with a total of ten subtypes. Ratings are on a scale of 0 to 4, with 4 being the most severe. Each number is defined in the report for each subtype of hazard. The system has proven very helpful to the Coast Guard in the development of new regulations that I will mention later and it has received world wide attention as a pioneering effort on a complex problem. A total of 209 commodities have been rated to date.

One of the hazard elements is entitled reactivity with other chemicals. Ratings here indicate the general reactivity of the chemical with other chemicals. While this provides valuable initial information, it is frequently necessary to evaluate the hazard of accidentally mixing specific pairs. This type of hazard is especially important in water transportation where 30–40 large tanks are common on one tanker. We recently started using a compatibility chart to guide decisions on safe loading arrangements for ships and barges. This, again, is a pioneering effort to deal with a complex subject and we fully expect the chart to change as we develop a better understanding of chemical behaviour in water transportation and a better definition of hazardous reactivity. However, it represents the best information available to us and it is based, in part, on the work of our NAS Committee on Hazardous Materials. Cargoes are assigned to one of the 24 numerical groups and X's are used to indicate potentially unsafe combinations of groups. The chart and groupings are based on professional judgment, experience, and readily accessible literature but a standard procedure is needed for cases where knowledge is lacking. Since neither the Coast Guard nor our advisory committee has the manpower resources for a concerted effort required to develop such a procedure, an outside contract has just been awarded to carry out this work. The result is expected to be a combination of theoretical and experimental techniques which will provide an orderly guide to determining compatibility of unknown combinations—perhaps conceptually similar to a qualitative chemical analysis "tree."

One question in the area of hazard evaluation that has been especially difficult for the Coast Guard has been "should there be an upper limit on the quantity of dangerous cargo permitted on a ship or barge and, if so, on what basis should the limit be set?" For example, chlorine is carried in 1100–1200 ton quantities on barges. Should we approve ships carrying 20,000 tons? In other words, how much is too much and why? Again we have turned to our NAS Hazardous Materials Committee for the basic study. The problem quickly falls into two parts. First, how does one determine the consequences of massive releases of various quantities of widely varying cargoes (i.e., their disaster potential) and, second, where should we draw the line? The first part is a relatively straightforward—although complex—task. The second part is so philosophical and sociological in nature that we may never get a clean answer to our original questions. However, the size question is real and must be faced rationally, emotionally, or irrationally so we feel study is warranted regardless of associated frustrations. Work on disaster potential aspects is expected to provide some useful techniques for various applications. For example, standardized models for downwind and downstream hazard estimation are being developed for volatile, toxic or flammable materials and soluble, toxic materials respectively. Blast radii and flammable liquid spread for chemicals are also being studied for possible standardization of estimation techniques. One of the problems with toxic materials is in establishing limits for public exposure—short term, once in a lifetime, nonoccupational exposure for the general public. As you probably know, short term occupational limits are quite scarce (TLV's are not applicable) and public limits are nonexistent. However, through the NAS Committee on Toxicology we are hoping to get values which can be used for *estimation* purposes (not as regulatory standards). Our goal is to computerize the anticipated disaster potential estimation techniques along with physical, chemical, and toxicological property data for cargoes in water transportation so that rapid estimations can be made for marine casualties where the cargo name and amount and environmental conditions are known.

Another aspect of hazard evaluation that we are investigating is the behaviour of liquefied natural gas (LNG) and chlorine in massive spills into water. Both of these commodities are becoming major items of water commerce but amazingly little is known about their behaviour in the event of a large release into water. Would 1000 tons of LNG at −258° F immediately flash due to the immense heat reservoir of a waterway or would it encapsulate in ice and boil off relatively slowly? How would the small but significant solubility of chlorine affect its vapor evolution into air, starting at its boiling point of −28° F? This work is being done for us on a theoretical and experimental basis by the Bureau of Mines and the results are expected to provide a much better understanding of the hazards of low temperature liquefied gases in general. LNG and chlorine provide an interesting contrast in properties which provides a good basis for generalization. LNG is insoluble, light, has an extremely low boiling point, and is flammable and non-toxic. Chlorine is partially soluble, heavy, has only a moderately low boiling point, and is non-flammable but toxic.

In addition to these primary efforts, we are involved in several other areas that fit under the general heading of hazard evaluation. One facet that must occasionally be considered is thermal compatibility. Heat transfer calculations become extremely complex when hot cargoes (e.g., naphthalene at 200° F) are carried on the same ship with ambient temperature liquids (e.g., methanol, styrene monomer). The thermal coupling with adjacent tanks, the hull, and seawater and the physical and thermodynamic properties of the cargoes are among the variables to be considered. For this problem, the Coast Guard has been collaborating with the Keystone Shipping Company in a study being made by A. D. Little which, it is hoped, will provide standardized estimation techniques to avoid excessive heating of volatile and unstable cargoes. We are also actively participating in the work of ASTM Committee E–27 on Hazard Potential of Chemicals which is attempting to develop standardized techniques for hazards other than health and reactivity between cargoes.

This indicates the nature of our efforts to understand the hazards of chemicals in bulk transportation. The second of the needs mentioned earlier is for effective regulations and controls based on such information. The primary work here is the development of major new regulations for bulk cargoes having significant hazards other than or in addition to the conventional flammability and exposibility of petroleum products. These are being developed in close cooperation with industry through our Chemical Transportation Advisory Panel using the hazard evaluation techniques mentioned above—primarily those of our Academy of Sciences advisory committees. The product will be a new subchapter ("Subchapter O") covering bulk liquids, solids, and liquefied gases carried in ships, barges, and portable tanks. This is a major undertaking with work being broken into phases. The first phase was presented at our March public hearing and the regulations become effective next January. They cover liquids and liquefied gases carried in unmanned barges—an area of considerable importance to the Coast Guard and industry. A number of new concepts are being used. First, there is no reference to cargo classification. Instead, barges are broken down into cargo containment elements and requirements are specified for each cargo on the basis of its properties and hazards. For example, under Cargo Segregation/Tank we establish three types of concern: segregation from the surrounding water (on the basis of water pollution potential), from other cargoes (on the basis of reactivity), and from machinery spaces and other sources of ignition (on the basis of flammability). Under Tank/Gaging Device, we control the degree of cargo vapor containment from complete (i.e., "closed gaging") to none (i.e., "open gaging") on the basis of health hazard to operating personnel. Decisions on requirements for these elements of cargo containment are guided (but not rigidly controlled) by the NAS Hazard Evaluation Guide in the interest of consistency and adequacy.

Subchapter O work is continuing through two new industry-Coast Guard task groups developing regulations following the same concepts for liquids and liquefied gases for ships and transportable tanks. Subchapter O is important, not only because of its major effect on U. S. regulations, but because it is providing guidance for the development of international standards by the Intergovernmental Maritime Consultative Organization (IMCO). Coast Guard personnel represent the United States in IMCO and it is pleasing to have our concepts and approaches accepted, at least at the working level, by personnel from major foreign maritime nations. Subchapter O and hazard evaluation is also guiding the Coast Guard's administration of a foreign vessel inspection program which was established to protect U. S. lives and property from foreign ships coming to U. S. ports and presenting unusual risks by reason of the cargoes carried or unconventional methods of carrying them. This is an interim program which is expected to phase out after international standards for chemical carriers have been developed and adopted. However, at present, it is an important and complex problem area.

The third Coast Guard need that was mentioned earlier is providing for information and training for industry and our own field personnel directly concerned with safe water

transportation of dangerous cargoes. So far as industry personnel are concerned, our approach is to develop rules and standards that must be met by persons in charge of cargo transfer and dangerous cargo vessel movements. For example, in the previously mentioned Subchapter O, cargo transfer personnel must provide documentation that they are specially qualified in handling any cargo regulated there. In addition, a cargo information card must be "on scene" and read and understood for cargo transfer and barge movement and tie-up. It is planned to establish Coast Guard examinations to further assure the adequacy of key personnel's knowledge and experience for the newer type of bulk cargoes.

Because of the lack of convenient and readily available information on chemical type bulk cargoes, the Coast Guard has prepared and published a book entitled "Chemical Data Guide for Bulk Shipment by Water". Although this was intended to assist our own Rescue Coordination Center Watch Officers, Port Safety personnel, and Merchant Marine Safety personnel, it has proven to be a world-wide best seller among people and organizations who must make decisions in situations involving bulk chemical shipments. This book provides a compilation of basic physical, chemical, and toxicological data and emergency information. A revised edition covering 191 commodities has been prepared and will be available in the fall.

This is by no means an exhaustive description of the Coast Guard's activities in regulating bulk dangerous cargo transportation. However, I think it is sufficient to indicate our thinking—and, hopefully, to solicit your interest in our problems. The American Chemical Society is a reservoir of technical and safety knowledge which we would like to utilize as fully as possible.

AMERICAN CHEMICAL SOCIETY,
August 6, 1969.

Mr. W. E. MCCONNAUGHEY,
Technical Advisor,
U.S. Coast Guard, Washington, D.C.

DEAR MR. MCCONNAUGHEY: We were happy to learn from Dr. Frederick Bellinger, Chairman of the ACS Board Committee on Civil Defense and Disaster, that you will participate in the special symposium on "Coping with Chemical Disaster," to be held at the ACS New York Meeting in September. We have further learned, from the hotel, that the one preceding it on uniform identification of hazardous materials has been changed. According to latest information we will meet in the *Oriental Room,* Park-Sheraton Hotel, New York, Monday, September 8, 1969 from two to five p.m.

The schedule of speakers, at thirty minutes, is:

The New Look of OEP, Gen. Lincoln, Director.

Role of OCD in Local Disasters, Gov. J. E. Davis, Director.

Safe Land Transportation of Hazardous Materials, Mr. W. C. Jennings, Director, Office of Haz. Mtls., D.O.T.

Safe Water Transportation of Hazardous Materials, Mr. W. E. McConnaughey, Tech. Adviser, U.S. Coast Guard.

A Local Section in Action, Mr. C. E. Matthews.

Open: Questions and Answers.

If you will require any special equipment, such as a projector, for your presentation, please send your requests to me right away. Because of the size and complexity of ACS meetings, arrangements for such equipment require advance planning.

We are hoping that it will be possible for the speakers in the Civil Defense and Disaster symposium to get together for lunch on Monday, just before the symposium. Please let me know if you will be free to join us; details will be sent to you later.

As soon as I have your admission badge, I'll send it to you. I look forward to meeting you and hearing your views on this important subject.

Sincerely,

ROBERT K. NEUMAN,
Staff Liaison Committee
on Civil Defense.

CONGRESS HAS BECOME INCREASINGLY CONCERNED WITH THE PROBLEM OF CONTROLLING POLLUTION

(Mr. STUCKEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STUCKEY. Mr. Speaker, Congress has become increasingly concerned with the problem of controlling pollution. Contamination of our environment not only as to the air we breathe, the water we drink and the disposal of garbage and trash in our cities, but also animal waste in our agricultural and animal husbandry communities, industrial wastes in our great manufacturing complexes and other waste materials have created a very serious national problem.

Since 1965 Congress has passed a number of laws involving the creation of commissions to study pollution abatement. However, the cost of installing adequate pollution control systems, devices and equipment in various industrial and commercial plants and in certain States and municipal activities such as the generation of power and the disposal of refuse are beyond the economic capacity of either the private sector or of subordinate government bodies and agencies.

Shareholders and individual owners of businesses must use their capital to produce goods and services which can be sold profitably in the marketplace. Pollution control and abatement, while vital to the welfare of our Nation, is nonproductive and extremely costly. Therefore, despite stringent Federal and State laws, it appears to me the iron laws of economics and of the profit-and-loss system are such that we will not make the rapid progress necessary without making some kind of Federal loan insurance program to encourage private enterprise to develop and assist the private sector in overcoming pollution.

To this end I am introducing today the Emergency Pollution Control Act of 1970, which would provide a $10 billion evolving fund to finance a Federal loan insurance program for owners and lessees of industrial and commercial enterprises, including State and municipal governmental agencies, finance the cost of pollution control and abatement systems devices.

I have patterned this legislation largely on the highly successful mortgage insurance programs which Congress provided under the National Housing Act in the 1940's.

The housing loan insurance program of Federal insurance on long-term mortgages to provide costly apartment houses has been a spectacular success. It is self-liquidating. Every penny originally advanced by the Federal Government has been repaid and the loss ratio experience has been about one-fourth of 1 percent. The cost of the loan insurance in that program has been borne by the users and beneficiaries of the housing, that is, by the owners who were able to build housing with long-term loans provided by lending institutions under the umbrella of Federal loan insurance.

Federal loan insurance is a financing device which has proven to be highly successful at no expense to the taxpayers. It is for this reason that I have based the Emergency Pollution Act of 1970 on the same principle of Federal insurance on long-term loans by private lending institutions to owners or lessees of industrial or governmental facilities which are causing air, water or solid waste pollution, so that they can employ engineers and finance the cost of effective pollution control and use the pollution control system they purchase with the loan as security for the loans. I hope this bill can become the vehicle for active discussion and suggestions of other approaches whereby we can use the incentives of private enterprise and the lending institutions of the private sector to finance on a long-term basis effective pollution control and abatement without any ultimate cost to the taxpayer.

ADDRESS OF THE HONORABLE ROBERT T. STEVENS

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the Honorable Robert T. Stevens, who served with great distinction as Secretary of the Army under President Eisenhower, recently delivered a splendid and timely address to the North Carolina Textile Association. Mr. Stevens is a respected patriot who has long advocated restraint on textile imports because of their adverse effects on the defense and security of our country. Mr. Speaker, additionally, Secretary Stevens has been greatly concerned with the job security of the American textile employee and the economy of our Nation. Mr. Stevens delivered the following outstanding address on October 1, 1970, which I commend to the attention of my colleagues:

REMARKS OF ROBERT T. STEVENS

A few months ago Bob Twitty, your outstanding President, asked me if I would appear on the program some time during the course of your Annual Meeting. He caught me in an unguarded moment and, being the long-time close friend that he is, I could not refuse. That part was easy but, as today drew nearer, the question became more binding as to what a textile veteran like me could say of interest to a sophisticated 1970 textile gathering like this.

Yes, I could reminisce, going back to my start in textiles 49 years ago in September of 1921. We had just three fibres in those days—cotton, wool and silk. So-called "artificial silk," later renamed rayon, was just around the corner. The cotton and wool industries were big. Silk manufacturing was moderate in size. All three were almost unrelated in manufacturing processes and machinery. Blends were unheard of.

Compare that with today and the hundreds of fibres currently available for every conceivable purpose. Quite a change. And quite a challenge! One could get by in those earlier days without too much of a technical staff. Look at it now—research, development, technology, quality control, pollution control, automation and computers are the order of the day. All of this raises a big question.

What is the textile industry going to be like 49 years from now? We all know we are living in an age of more rapid change than ever before. Therefore, it is obvious that our industry, despite the vast changes we have seen, particularly in recent years, will change even more rapidly from here on out. We are all going to have to move fast even to stand still! Technical considerations are bound to play a larger and larger part.

It would take a far wiser man than I to project what our American textile and apparel industry is going to look like even 10 or 20 years from now, to say nothing of a half century hence. Of one thing, however, I am absolutely certain. The American people, through the Congress, are going to have to make up their minds as to whether they want this great industry to retain its leading position as a job provider in the American economy or whether they are willing to sacrifice jobs to permit access to our markets of ever increasing floods of textile products made offshore by cheap foreign labor.

The combined industry with its 2,000,000 employees is listening very attentively right now to catch the voice and the opinion of the American people on this subject so vital to where our industry goes from here. The chips are down. The case has been argued for more than a decade. Study after study has been made. It is now in the hands of the Congress. The White House has sought action to limit textile and apparel imports. Secretary Stans has battled valiantly to achieve this. The verdict will, in my opinion, have a profound effect on textile and apparel planning for the future. It is for this reason that I hope the Senate will proceed immediately to attach the textile apparel amendment to pending legislation. Let's get on with the job.

Failure to act will stimulate offshore manufacturing by American companies for the American market. In this connection, Mr. Eugene E. Stone, III, President of Stone Manufacturing Co. was quoted recently as saying, "I'll believe we will get import relief when the Mills Bill is signed and sealed—and not before. If that relief is not forthcoming, my company will have no choice but to go offshore." That is surely a definitive statement. The Stevens Company has not and does not use foreign made fabrics. But we may have to review that policy.

Other textile companies will be reviewing their policies too. Will they increase capital expenditures overseas? Will they reduce these expenditures here in the United States? These and many other related questions will soon be up for consideration by textile and apparel planners, if import limitations do not materialize.

We all know there is very formidable opposition to limitation on imports of textiles and many other manufactured products. From the sheltered, non-competitive, confines of the classroom, for example, the economist preaches free trade. He gives little consideration, if any, to the fact that free trade does not exist except in theory. The American market is open to the products of the world. The vast majority of foreign markets are not.

We are all familiar with the dozens of devices that have been created as non-tariff barriers by foreign countries. American goods are discriminated against almost everywhere. Japan is a prime example of a discriminator against American products.

For instance, they can ship their small automobiles to the United States in unlimited quantities by the payment of a nominal 4½% tariff. American cars, on the other hand, are, to all intents and purposes, barred from the car market in Japan. Is this free trade? Must we do all of the giving?

Besides the opposition of the economists, there are other groups that have a business interest in being able to saturate the American market by using low cost offshore labor. These groups include some American manufacturers with overseas plants, high mark-up retailers, meat importers, foreign steel users, and others. While some unions, especially in textiles, apparel, shoes and steel, have shown an increasing awareness of the inroads on United States employment of the current flood of imports, it would seem that a much stronger and broader posture might be taken.

Eighteen years ago, in September of 1952, I had the honor of acting as Chairman of the American delegation to the International Cotton Textile Conference in England. This came to be known as The Buxton Conference and was attended by all of the principal cotton textile producing countries of the free world. During the course of the Conference it became increasingly clear to the members of the American Delegation that Japan would, in all probability, become a most disturbing element in international trade in cotton textiles down the road in the future.

Our feeling on this point was despite the concluding paragraph of the opening address by the Chairman of the Japanese delegation. This ran as follows:

"As I mentioned at this morning's session, our greatest hope is placed on increasing world cotton textile trading through international cooperation, and I assure you that our coming to England from distant Japan has for its object the planning of the furtherance of Japan's interests on the basis of the principle of live-and-let-live and acting hand-in-hand with all of the countries concerned."

It has been difficult to observe over recent years just where the principle of "live-and-let-live" or action "hand-in-hand" has been in evidence where Japan's relations with the United States on the subject of textiles have been concerned. Rather, it has appeared that Japan is determined to gobble up directly or indirectly, more and more of the American textile and apparel markets. Not just in cottons, which they have done, but in woolens and worsteds, which they have done, and now in man-mades, which they are rapidly doing.

Coming back to the economist, this gobbling up process appears to be O.K. with him. Most of them would just let the textile companies fall by the wayside and suggest training our employees, at Uncle Sam's expense, for some other job. Usually, they do not say what other job, where it is to be located or indicate what degree of adaptability they hope to achieve. It's an easy solution to propound. It is probably impossible to accomplish. In any event the fine people who work in these plants deserve a better fate than the depersonalized shifting about which the economists suggest.

I often wonder, when foreign governments fight so hard to protect and build up their industries, why American foreign policy seems willing at times to have many of its industries suffer severely under the banner of alleged free trade. And the bogeyman of retaliation is always set forth by opponents of any limitation on imports. It is the golden dollar market in the United States that foreign countries have their eyes on and they are not about to do anything which could adversely affect their access to our markets.

Then there is another point the free trader persistently tries to evade or ignore. Suppose our country should find itself faced with an all-out military emergency some time in the future. What would we do then? With our textile and many other industries decimated by free trade, would it be a good way to face that emergency by having to rely on Japan or some other distant country for military fabrics and other essential war requirements?

I doubt if the American people would be content with military dependence on overseas production, if they realized this is the position the free trader might put us in. Where would we have been in World War II if we had to depend on foreign sources of military fabrics and other vital war products. We might not have survived—that is how critical the well being of strong domestic industries can be. I hope we don't take any such awesome chance.

Having served in Army procurement throughout World War II and as Secretary of the Army during the latter phases of the Korean War, I feel qualified to a degree to discuss and stress this defense aspect of our industry. I have testified before committees of the Congress on this subject and am prepared to do so again whenever called. Referring to the woolen and worsted industry, my testimony includes a statement that what is left of this part of our industry could no longer fulfill the military and essential civilian requirements of an all-out emergency. This is a serious matter for our country.

Another consideration that opponents of import limitations overlook is the position of the American farm and ranch producer of cotton and wool. What would the American farmer do without the cotton textile industry? Surely he could not replace domestic consumption with profitable exports. And, as for the wool producer, he has only one customer—the United States woolen and worsted industry. Would the free traders wipe him out completely? Where then would wool come from in time of war? Is it not possible for the free traders at least to concede that a substantial fibre-growing segment of American agriculture is a desirable thing?

Let's look at another segment of American agriculture—the beef producers. Judged by the pressures around Washington from foreign beef producing countries, we really don't need a large cattle production here. I presume the free trader agrees with this because the cost of producing beef in the United States is much higher than in Australia, New Zealand, Canada, Mexico, Argentina, Uruguay and other countries.

Again, in an emergency, where would we get our beef? Or, without an emergency, what will the housewife pay for beef when the foreigners have taken charge of our supply of beef? Plenty, you may be sure, thus showing again the folly of theoretical free trade. Let's at least preserve the farm production necessary to feed, as well as clothe, our growing nation.

This may be my swan song in public appearances and, if so, I am sure there are a lot of free traders who will be delighted. I have argued with them in public and in private ever since I was an undergraduate at college. In my opinion, they overlook the fact that our forebears made a very major decision 150 to 160 years ago. They decided that the United States was going to be an industrialized nation and whatever measures were needed, would be taken. Since we could not compete with Britain and Europe at that time, they deliberately adopted a course of protection of American industry.

If they were wrong, please blame them—not us for feeling the same way they did. After all, their keen foresight resulted in the creation of an industrial machine which twice during our lifetimes, has made possible the preservation of freedom and prevented our possible defeat by dictators. If they were wrong in their policies, then I am perfectly willing to be wrong with them now. The preservation of an all-around, strong, healthy industrial and agricultural complex is even more important now than in some of those dangerous days in the history of our country.

While on this subject, I would be derelict if I did not interject that the so-called military-industrial complex is, in my opinion, the basic foundation of our national security. That complex, controlled by our duly elected civilian leaders, is the best insurance we can have for the survival of our freedom. In their understandable desire to cut government expenditures, it is to be hoped that the Administration and the Congress will not cut our defenses too deeply.

It might surprise you to know that the Navy, in the budget for the 1972 fiscal year now under consideration, may, according to the Armed Forces Journal, have fewer ships than the Navy of 1934! That concerns me in this world of 1970 and, especially so, in view of the rapid emergence of a large, completely modern, Russian Navy.

Just three days ago Chairman L. Mendel Rivers of the House Armed Services Committee warned the nation that unless the "deterioration in our military capability" is reversed, he foresaw the United States being "pushed out" of the Mediterranean, forced to accept a Soviet submarine base in Cuba and eventually unable to deter Soviet aggression. He said, "We are on the brink of disaster." And he urged that our nation provide itself with a modern Navy second to none. I join him as I am sure you do in that great hope.

Now then, the Stevens Company is an old one—157 years to be exact. Its history closely parallels that of the nation. We've gone through every war since the War of 1812, every depression, every boom and bust and have succeeded in rolling with the punches. We intend not only to maintain our business but, one way or another, changing with the times, to grow in the future as we have in the past.

With this in mind, we have recently broken ground for an important new Stevens plant. And where will it be located? Why, not surprisingly, in North Carolina! It will be our 23rd plant in this wonderful state.

And now, I thank you very sincerely for the privilege of appearing before you this morning. It is a great pleasure to be here with so many good Tar Heel friends. I wish all of you continued success in this great industry to which we are all so devoted. I am confident our combined efforts will find solutions to our problems that will mean we are, once again, on the way to greater things.

THE CIVIL RIGHTS COMMISSION REPORT

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Speaker, it seems that whenever a high-level commission issues a report, we too often have a tendency to become hung up and sidetracked by political charges and countercharges and we consequently lose sight of what the Commission may desperately be trying to tell us about our Government, our society, and our Nation. We lift from context this sentence or that paragraph as they may suit or conform to our own narrow partisan or ideological interests. In so doing, a few may reap immediate, short-term political benefits, but the Nation suffers and loses in the long run.

I think it is unfortunate, and indeed tragic, that this same thing is already occurring over yesterday's issuance of the Civil Rights Commission report, "The Federal Civil Rights Enforcement Effort." The timing of the release has certainly not helped to prevent this from becoming a political football even though the report itself is balanced and nonpartisan in its criticisms of the Federal enforcement effort. While I have not yet had an opportunity to read the entire 1,115-page report, it is my understanding that its central concern is the breakdown in the implementation of the impressive array of civil rights laws now on the books. This failure cannot be pinned to any one administration, or agency, or group of individuals, past or present. As Commission Chairman, Rev. Theodore M. Hesburgh, stated yesterday:

> While the report deals primarily with the current civil rights posture of the Federal Government, it should be understood that the inadequacies described have roots that lie deep in the past. These inadequacies did not originate in the current Administration, nor was there any substantial period in the past when civil rights enforcement was at a uniformly high level of effectiveness.

The important point is, there is today a substantial gap between promise and delivery on civil rights. In the words of the Commission's report:

> It is clear that the full potential of civil rights laws and policies has not been realized. The promise of equal protection of law for all citizens has not been redeemed.

As the civil rights struggle shifts from legislation to administration and enforcement, it is apparent that we must tighten and strengthen our administrative and enforcement procedures to make them fully effective. The Commission report states that the most serious flaw in the enforcement effort has been the lack of overall direction and coordination. Consequently, agencies tend to operate independently with little recognition or understanding of what the Government's total civil rights program is or the role they should play in its implementation.

Mr. Speaker, I think the present administration is in a unique position to deal with these inadequacies and shortcomings: it is not bound to the bureaucratic structures and operating procedures of the past decade, and it has declared its commitment to making this a decade of Government reform. Indeed, the Civil Rights Commission has made two recommendations which fit neatly into the recently formed Domestic Affairs Council and the reorganized Office of Management and the Budget. It has proposed that a civil rights subcommittee be formed in the Domestic Affairs Council to assure systematic direction and coordination of civil rights goals, policies and priorities; and that a division of civil rights be established within the Office of Management and the Budget to provide civil rights guidance and direction to budget examiners and other units. I think these suggestions are well taken and deserve the serious attention and consideration of the administration as we seek vigorous and uniform civil rights implementation.

THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the U.S. Commission on Civil Rights yesterday published one of the most important reports issued by that body in its 13 year history. The report, "The Federal Civil Rights Enforcement Effort," deserves the close attention of every Member of Congress. It painstakingly documents the systemic weaknesses and failures of the civil rights enforcement programs of 40 departments and agencies.

As the Commission points out in its report, the various civil rights laws, executive orders, and judicial decisions constitute a formidable array of civil rights guarantees against discrimination in virtually every aspect of life—yet the Federal civil rights enforcement effort has been inadequate to redeem fully the promise of true equality of the law for all Americans.

Father Theodore M. Hesburgh of Notre Dame University, Chairman of the Commission, observes that—

> Legal mandates in and of themselves cannot bring about a truly open society, they must be implemented—and it is at this point that we have found a major breakdown.

Among the weaknesses shared by most Federal departments and agencies, the Commission found the following:

Inadequate staff and other resources to conduct civil rights enforcement activities with maximum effectiveness.

Lack of authority and subordinate status of civil rights officials.

Failure to define civil rights goals with sufficient specificity and breadth.

Failure to coordinate civil rights and substantive programs.

Undue emphasis on a passive enforcement role, such as reliance solely on complaints.

Failure to provide adequate coordination and direction to agencies having civil rights responsibilities.

Failure to collect and utilize racial and ethnic data in planning and evaluating progress toward goals.

Some of these weaknesses may be the result of the trial and error efforts of agencies attempting, in good faith, to meet their responsibilities in a relatively new area of concern. To this end the Commission made detailed findings and recommendations on each of the subject areas in the report suggesting ways in which agencies can strengthen existing compliance and enforcement mechanisms.

As Members of Congress who have sponsored and voted for civil rights legislation, we are seriously concerned with the implications of the findings of the Commission that departments and agencies have failed to carry out the mandates contained in the civil rights laws passed by Congress. The failure of the bureaucracy, however, also suggests a failure of the oversight responsibility of Congress to inform itself and to see to it that civil rights laws and policies are being implemented by the executive branch.

We believe that the Commission on Civil Rights has made a major contribution to the effective operation of government under law by its careful and dispassionate analysis of the specific weaknesses and failures in the Federal civil rights enforcement effort. We believe this is not a time to engage in baiting on responsibility for the failures of Government. There is and should be strong support from Members of both parties for the recommendations of the Commission.

The report of the Commission is truly a blueprint for overhauling the Nation's civil rights enforcement effort and getting it back on the tracks in sound operating condition.

The Commission's recommendations and findings are fully summed up in the statement of Father Hesburgh made on the release of the report. We urge that it be carefully read by all Members.

The following Members of the House of Representatives joined in this statement:

Phillip Burton, Donald Fraser, Edward R. Roybal, Patsy Mink, Edward I. Koch, Shirley Chisholm, Jonathan B. Bingham, Robert Kastenmeier, Augustus F. Hawkins, George E. Brown, Jr., Jerry Waldie, Jerry Cohelan, Benjamin S. Rosenthal, Thomas M. Rees, William F. Ryan, Abner K. Mikva, Louis Stokes, William Clay, John Conyers.

STATEMENT OF FATHER THEODORE M. HESBURGH, CHAIRMAN, U.S. COMMISSION ON CIVIL RIGHTS, OCTOBER 12, 1970

The report we are releasing this morning, "The Federal Civil Rights Enforcement Effort," is one of the most important documents the Commission has issued in its 13 year history. What the Commission has attempted to do in this report is identify with precision the current status of civil rights enforcement activities of virtually every Federal department and agency having civil rights responsibilities. This report, in a very real sense, is addressed not only to the President and Congress, but to the American people, who have the right to know whether the laws that govern us are working.

Over the years, the Commission has conducted hearings and investigations, and has issued numerous reports evaluating the civil rights activities of individual departments and agencies in carrying out specific civil rights laws and policies. These hearings, investigations, and reports revealed a variety of shortcomings in agency civil rights enforcement.

The Commission's experience persuaded us of the importance of conducting an across-the-board investigation of the Federal civil rights enforcement effort—of discovering for one given period of time the status of Federal civil rights enforcement and the extent to which the problems are systemic to the entire Federal establishment, rather than unique to individual departments and agencies.

Our examination of various laws, executive orders, and judicial decisions related to civil rights has disclosed that there is indeed an impressive array of civil rights guarantees that provide protection against discrimination in virtually every aspect of life—in education, employment, housing, voting, administration of justice, access to places of public accommodation, and participation in the benefits of federally assisted programs. There is, however, a gap between what these guarantees have promised and what has actually been delivered.

We are a result oriented Nation. We judge the effectiveness of institutions on the basis of the results they achieve. By this yardstick, progress in ending inequity by the application of law has been disappointing. In many areas in which civil rights laws afford pervasive legal protection—employment, housing, education—discrimination persists and the goal of equal opportunity is far from achievement.

The Commission has examined the Federal civil rights enforcement effort and found it wanting. In the language of the report, "The Federal civil rights effort has been inadequate to redeem fully the promise of true 'equal protection of the laws for all Americans.'"

Each civil rights law that has been passed, each executive order that has been issued, and each court decision favorable to the cause of civil rights, has been viewed as another step along the road to full equality for all Americans. But perhaps what has been lost sight of is that these legal mandates in and of themselves cannot bring about a truly open society, that they must be implemented—and it is at this point that we have found a major breakdown.

It is important to recognize that despite the shortcomings pointed out in this report, the civil rights laws have by no means been a total failure. In many areas—voting, education, hospital services, public accommodations—these laws have contributed substantially to ending discrimination. But despite the progress made possible by the various civil rights laws and policies, discrimination is still with us. The recurrence of this fact in the ordinary course of the Commission's work raises serious questions about the way Federal departments and agencies are carrying out their civil rights responsibilities.

Have these agencies established adequate civil rights goals and priorities?

Are the mechanisms and procedures adopted to secure compliance adequate to the task?

Have the officials responsible for the enforcement pursued their duties vigorously enough?

Are the efforts of Federal agencies adequately coordinated to assure maximum effectiveness?

These are some of the questions which the substance of our report attempts to answer. To the extent civil rights compliance and enforcement are not adequate, the report also seeks to identify what the weaknesses are and to recommend changes that will overcome them.

I want to stress two important points about the report. First, while the report necessarily discusses the programs and activities of particular departments and agencies, the purpose is not to single out any of them for blame—or, for that matter, for praise. The Commission's concern in this report is with the *system* of Federal civil rights enforcement and our purpose is to identify the problems which are *systemic* and to seek *systemic* changes.

Second, while the report deals primarily with the current civil rights posture of the Federal Government, it should be understood that the inadequacies described have roots that lie deep in the past.

As we point out in the Preface to the report these inadequacies did not originate in the current Administration, nor was there any substantial period in the past when civil rights enforcement was at a uniformly high level of effectiveness.

The Commission has made detailed findings and recommendations regarding each of the subject areas discussed in the report. We hope these findings will be studied carefully by the executive branch and that the recommendations for strengthening civil rights enforcement in these areas will be adopted.

The Commission's study, however, has revealed a number of weaknesses and inadequacies in civil rights enforcement that are common to most agencies, regardless of the programs they administer or the civil rights laws they enforce. It is these inadequacies that are of principal concern. They cannot be corrected through actions of individual departments and agencies, but only through more basic, systematic changes involving the entire Federal bureaucracy. These are some of the major weaknesses the Commission has found in the Federal civil rights enforcement effort.

First, the Commission has found that no agency has been provided with sufficient staff and other resources to carry out its civil rights responsibilities with maximum effectiveness. We also have found that of all the departments and agencies having civil rights responsibilities, in only two—the Department of Justice and HUD—is the chief civil rights officer at the Assistant Secretary level. In most departments and agencies, the chief civil rights officer is of relatively low rank and reports to someone other than the head of the agency. This necessarily impedes the efforts of civil rights officials to assure that civil rights needs and goals are accorded an appropriately high priority among agency activities.

Important as the factors of inadequate staff and low position of the civil rights chief are, it would be a mistake to conclude that they are the sole, or even major, obstacles to effective civil rights enforcement. There are other impediments, systemic to the Federal civil rights enforcement effort, which would prevent agencies from fully carrying out their civil rights responsibilities even if staff and status were at a sufficiently high level. Most agencies have failed to state the goals of their civil rights programs with sufficient specificity to enable them adequately to shape their civil rights policies and procedures. Other agencies, while they have stated civil rights goals, have stated them narrowly—often merely tracking the language of the civil rights laws which they administer. Lacking civil rights goals of sufficient breadth and specificity, the inevitable result often is that agencies fail to establish systematic compliance priorities and strategies. They concentrate their efforts on processing individual complaints, rather than attacking institutional patterns of discrimination and inequity.

In many agencies, civil rights and substantive programs are carried out in isolation from one another. Civil rights officials often are excluded from the decision-making process governing the operation of substantive programs and many of these programs tend to perpetuate racial and ethnic inequity. In some agencies, civil rights responsibility is assigned to program officials, many of whom lack civil rights training and are unsympathetic with civil rights goals.

One of the major weaknesses in the Federal civil rights enforcement effort has been the passive role that many agencies have adopted in carrying out their civil rights responsibilities. In some cases, agencies have been content to rely on assurances of nondiscrimination and make no effort to determine for themselves whether these assurances are in fact being honored. A number of agencies rely on the receipt of complaints as the principal or sole indicator of civil rights compliance. Few agencies have initiated actions on their own to inform themselves in detail of the state of civil rights compliance so as to be in a position to take the necessary corrective action.

Another major weakness has been the failure to make sufficient use of the sanctions available to enforce civil rights laws. In the contract compliance program, for example, the sanctions of contract termination and debarment never have been used. Under Title VI, many of the agencies that administer programs subject to that law never have imposed the sanction of fund termination, the principal weapon available to enforce nondiscrimination requirements. Instead, agencies have placed undue emphasis on obtaining voluntary compliance, permitting delays and interminable negotiations. Further, the Government has not instituted a sufficient number of lawsuits to make litigation a viable alternative to the imposition of administrative sanctions. As a result, the credibility of the Government's total civil rights effort has been seriously undermined.

In view of the lack of staff and other resources to carry out civil rights responsibilities with maximum effectiveness, it is essential that agencies having civil rights responsibilities in the same area work closely together and coordinate their activities. In fact, mechanisms have been established in areas such as employment, housing, and Title VI, to assure effective coordination among the various agencies that have civil rights responsibilities in common. These

mechanisms have not worked adequately and agencies have tended to operate independently, with different goals, different orientations, and different levels of compliance activity.

There also has been a failure to provide overall coordination and direction to the entire Federal civil rights enforcement effort. This, in the Commission's view, has been the most serious flaw in the administration of the Federal civil rights program.

The Commission believes that the President's recent reorganization of the White House and his Executive Office presents a unique opportunity for establishing the kind of systematic coordination and direction of Federal civil rights enforcement that is so badly needed. Under the reorganization plan, the President has created a Council on Domestic Affairs, chaired by the President and including as members the Vice President and the heads of all Cabinet departments except the Departments of State, Defense, and the Post Office. The plan also provides for an executive director and a staff, and its purpose is to serve as a coordinator of executive policy. Its concern will be with what the Federal Government should do and it is contemplated that subcommittees will be established with jurisdiction over specific areas of domestic concern.

Creation of the Domestic Affairs Council has the potential effect of structuring and institutionalizing many important civil rights functions that previously were performed on an *ad hoc* basis by the President's personal staff. We believe it is important for the President to establish a permanent civil rights subcommittee of the Council to assure systematic direction and coordination of civil rights goals, policies, and priorities. The Commission has made this its first recommendation in considering ways of strengthening the Federal Government's total civil rights effort.

The President also has reorganized another of his principal staff arms—the Bureau of the Budget. Pursuant to recommendations of his Advisory Council on Executive Reorganization, the President has established the Office of Management and Budget to replace the old Bureau of the Budget and has directed that its duties will focus on such matters as program evaluation and coordination. Thus while the Council on Domestic Affairs is concerned with what policies are established, the concern of OMB is with how these policies should be carried out and how well they are carried out.

The Commission believes that the Office of Management and Budget, with its new focus on more effective management, can play a significant role in assuring that civil rights laws and policies are carried out with maximum effectiveness. The Commission recommends establishment of a Division of Civil Rights within the Office of Management and Budget to work closely with the civil rights subcommittee of the Council on Domestic Affairs and to provide civil rights guidance and direction to budget examiners and other office units within OMB. The Commission also recommends that the various office units of OMB be directed to give high priority to civil rights considerations in their dealings with Federal departments and agencies.

It is important to recognize that this report has dealt primarily with problems of structure and mechanism. The Commission realizes, however, that achievement of civil rights goals and the full exercise of equal rights by minority group members will involve more than adjustments in civil rights machinery. Many of the weaknesses we have identified also reflect more deepseated problems—problems of hostile bureaucracies that view civil rights as a threat to their prerogatives and programs, and problems of inadequate or misordered national priorities. These problems cannot be resolved solely through modification of compliance and enforcement mechanisms. They can be resolved only through dedication and effort on the part of government officials, private civil rights organizations, and the American people, alike. The Commission concludes in its report:

"In the final analysis, achievement of civil rights goals depends on the quality of leadership exercised by the President in moving the Nation toward racial justice. The Commission is convinced that his example of courageous moral leadership can inspire the necessary will and determination, not only of the Federal officials who serve under his direction, but of the American people as well."

We feel that the matters raised in this report have grave implications. As a Nation firmly rooted in the rule of law, we are firmly committed to the principle that laws must be enforced.

Failure to implement those court decrees, executive orders, and legislation relating to civil rights, weaken the fabric of the Nation. Those who look to the law as an impartial arbiter of right and wrong and find that some laws are implemented with others are not, despair of the fairness of the system.

This cannot be allowed to happen. What we have proposed is nothing more than that use be made of existing laws to assure all Americans equal opportunity.

[From the New York Times, Oct. 13, 1970]

A FAILURE OF GOVERNMENT

The report of the Commission on Civil Rights adds up to an appalling indictment of the Federal establishment, both its politically chosen leadership and its career bureaucracy. At best, enforcement of the major civil rights laws passed between 1957 and 1968 has been uneven and mediocre. At worst, it has been nonexistent.

The commission surveyed the Government in its multiple role as employer, buyer of goods and services, financial patron of state and local governments, and regulator of railroads, airlines, radio, television and other industries. Wherever it looked, it found the Government's performance unsatisfactory.

The Office of Federal Contract Compliance is "grossly understaffed" and patently reluctant to use its authority. It has never terminated a contract or debarred a contractor from further Government work because of racial discrimination. Between 1965 and 1970 it referred only eight cases to the Justice Department for litigation.

The Equal Employment Opportunity Commission relies passively on injured parties to file complaints. It rarely initiates an attack on job bias on its own. Even in processing complaints, the commission until recently took from sixteen months to two years to act.

If such passivity has been characteristic of two agencies specially charged with combating racial discrimination, it is not astonishing that most of the regular departments and commissions have done an even worse job. In only two departments—Justice and Housing—is the official concerned with civil rights at the level of an Assistant Secretary. In most departments he is a middle-level official with severely circumscribed authority. Veteran bureaucrats, knowing that vigorous enforcement of civil rights is often unpopular with committee chairmen in Congress and with powerful local politicians, try to short-circuit enforcement for fear it will make their particular program "controversial."

As the Rev. Theodore M. Hesburgh, the Civil Rights Commission chairman, has emphasized, this widespread refusal to enforce the law is not a special failure of the Nixon Administration. These laws have never been well and systematically enforced, even under President Johnson, who in the Senate and in the White House sponsored most of them. Nevertheless, only President Nixon can now provide the vigorous leadership needed to correct the deep deficiencies which the commission has spotlighted.

If Negroes and other minorities are to achieve genuine equality in American life, Government must demonstrate that lawful processes do work and that the majestic promises of the nation's laws can become the reliable realities of everyday life.

FLORIDA PRESS ASSOCIATION HONORS SPESSARD L. HOLLAND

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on October 3 the Florida Press Association, at its annual meeting at the Causeway Inn in Tampa, Fla., set apart a luncheon in honor of Senator SPESSARD L. HOLLAND, senior Senator from Florida, who is voluntarily retiring from the Senate at the end of this session. The editor of the Tampa Tribune, one of the outstanding newspapers of Florida and the country, Mr. J. A. Clendinen, paid tribute to Senator HOLLAND at the luncheon. Mr. Clendinen, in his moving words of honor and respect to Senator HOLLAND, spoke not only the sentiments of the Florida Press Association, composed of almost 100 daily and weekly newspapers of Florida, but all of the people of Florida. This was a rare tribute to a rare man. For Senator HOLLAND has spent 45 years in public service in Florida, from county judge through the Florida State Senate, the governorship of Florida, and 24 years in the U.S. Senate; and he has never been defeated for public office. Throughout his public career, he has been dedicated with indefatigable zeal to those whom he officially served and to his country. He has been the soul of honor and integrity, and he has had no master but his own judgment and conscience. Mr. Clendinen recites some of his particular accomplishments, although not nearly all.

SPESSARD L. HOLLAND has walked among men all of his life as a man of particular ability, and character, and grace. Florida and America will suffer an immeasurable loss when Senator HOLLAND leaves the Senate. So Mr. Clendinen spoke well when he paid his glowing tribute to Senator HOLLAND and delivered the beautiful plaque with its noble inscription, "Citizen, heroic soldier, statesman, gentleman." SPESSARD L. HOLLAND richly deserved it all.

Mr. Speaker, I include the tribute of Mr. Clendinen and the inscription on the plaque awarded by Mr. Clendinen, at the close of his address before the Florida Press Association, to Senator HOLLAND, following my remarks:

REMARKS CONCERNING SENATOR SPESSARD HOLLAND

(By J. A. Clendinen, editor, Tampa Tribune, before Florida Press Association, October 3, 1970)

When a politician bites a newspaper, it's not news.

When a newspaper bites a politician, it's not news.

But when the collective Press of an entire state *honors* a politician, that's news.

I use the term "politician" in its best sense—"one versed in the art or science of government."

This is a remarkable man we honor today.

A Phi Beta Kappa and a four-letter athlete in college, holder of the Distinguished Service Cross for heroism in World War I, elected to four different public offices in which he has compiled 45 years of service. And retiring not by will of the voters but by *his own choice.*

That's Spessard L. Holland of Bartow, now senior United States Senator from Florida.

In his 24 years in Washington, Senator Holland has made two lasting contributions to the nation.

One was the Tidelands Act, which settled the long controversy between federal and state governments on jurisdiction over coastal waters.

The other was the 24th Amendment abolishing the poll tax as a prerequisite for voting in Federal elections.

He was the author and tireless sponsor of both measures.

Now, when you consider that in the last 175 years only 15 amendments have been added to the Constitution, you realize that it is a rare honor for any man to have been responsible for one.

And it is particularly appropriate, I think, for history to record that it was a Southerner who authored repeal of the poll tax, which in many instances was used to impede or prevent Negro voting.

No man, of course, can be perfect.

So I must concede that there have been times when I found Senator Holland in disagreement with me on some questions of governmental philosophy.

But however mistaken I knew *him* to be, I also knew his position represented his personal conviction and not an expedient reach for votes.

It has never been necessary to use radar to determine Senator Holland's position on any controversial issue. You knew where he stood last week or last year and you could be pretty certain that's where you would find him today.

He has great respect for the Constitution. You could call him, I guess, a "strict constructionist". That philosophy has not been too fashionable in recent years among some judges, legislators and even newspaper editors. But I think all of us in the profession do want a strict construction of that part of the Constitution prohibiting any law "abridging freedom of speech or of the press."

Where the Press is concerned, it has needed no government-in-the-sunshine law or court order to gain access to Senator Holland's office.

During his term as Governor and his four terms as Senator I cannot recall any complaint by newsmen that he suppressed or distorted any information the public had a right to know.

He has been as much a stickler for the facts as the most exacting City Editor.

He has never fallen victim to the delusion, which so readily afflicts some politicians, that the office belonged to him and not to the public.

Nor, in his long tenure in Washington, did he come to believe that the District of Columbia was his constituency and the Washington Post an accurate mirror of American opinion. Florida and its people remained his first concern.

The people of Florida have never found cause to question his official integrity or to apologize for his personal conduct.

It is no disparagement of the two Senate candidates who appeared before us yesterday to say that I'm afraid we will not see the like of this man again.

Senator Holland, the Florida Press Association is quite willing to put into writing the sentiments I have tried to convey. So we have prepared a plaque summarizing the reasons for this unusual action by an organization representing the daily and weekly newspapers of this state. We hope you can find a place for it among your many other emblems of honor . . .

I would like to read the inscription:

"Presented to Spessard L. Holland in recognition of his contribution to Florida and the nation during 45 years of public service as Polk County Prosecutor, County Judge, State Senator, Governor and United States Senator. The nation will remember him as the author of the 24th Amendment and the Tidelands Act; his fellow Floridians honor him for his lifelong devotion to public duty and his consistent defense of Constitutional principles, including the preservation of a free press.

"THE FLORIDA PRESS ASSOCIATION.

"October 3, 1970."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLANTON (at the request of Mr. JONES of Tennessee), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAMP) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GROSS, for 15 minutes, on October 13.

Mr. PRICE of Texas, for 30 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. ROTH, for 5 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. STEIGER of Wisconsin, for 5 minutes, today.

Mr. ANDREWS of North Dakota, for 15 minutes, today.

(The following Members (at the request of Mr. FOLEY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. KEE, for 60 minutes, today.

Mr. ADDABBO, for 60 minutes, on October 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TEAGUE of Texas to include tabular material with his remarks made today on H.R. 16710.

Mr. MAHON and to include certain tables.

Mr. ARENDS to revise and extend his remarks made today on James C. May and to include extraneous matter and all Members to extend their remarks.

Mr. ROONEY of New York following the vote on H.R. 17604.

Mr. MADDEN, and to include extraneous material.

Mr. BROYHILL of Virginia, immediately prior to the passage of S. 2695 today.

(The following Members (at the request of Mr. CAMP) and to include extraneous material:)

Mr. RAILSBACK.
Mr. RUTH.
Mr. WOLD.
Mr. BRAY in six instances.
Mr. FINDLEY.
Mr. HORTON in eight instances.
Mr. MCEWEN in 10 instances.
Mr. GUDE.
Mr. CONABLE.
Mr. SCHMITZ in three instances.
Mr. SHRIVER.
Mr. WYMAN in four instances.
Mr. LANDGREBE in two instances.
Mr. CUNNINGHAM in five instances.
Mr. MIZE.
Mr. ANDERSON of Illinois.
Mr. ASHBROOK in two instances.
Mr. FISH.
Mr. MORTON.
Mr. ANDREWS of North Dakota in two instances.
Mr. DELLENBACK in two instances.
Mr. PRICE of Texas in four instances.
Mr. LANGEN.
Mr. SCHWENGEL in two instances.
Mr. MCCLURE in two instances.
Mr. WHITEHURST.
Mr. CARTER.
Mr. KLY.
Mr. POFF.
Mr. CONTE.
Mr. DUNCAN in four instances.
Mr. ROBISON in two instances.
Mr. HOSMER in two instances.
Mr. MCCLORY.
Mr. HOGAN.
Mrs. HECKLER of Massachusetts.
Mr. MORSE.
Mr. MESKILL in three instances.
Mr. DON H. CLAUSEN in two instances.
Mr. BURTON of Utah in five instances.
Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. BIAGGI in 10 instances.
Mr. EILBERG in three instances.
Mr. FLOOD in three instances.
Mr. STOKES in three instances.
Mr. CORMAN.
Mr. COHELAN in four instances.
Mr. MIKVA in six instances.
Mr. VANIK in two instances.
Mr. WALDIE in three instances.
Mr. PRYOR of Arkansas.
Mr. DADDARIO in five instances.
Mr. ULLMAN in five instances.
Mr. NICHOLS in two instances.
Mr. RARICK in six instances.
Mr. PODELL in five instances.
Mr. PHILBIN in six instances.
Mr. PATMAN.
Mr. HAMILTON in five instances.
Mr. FOUNTAIN in three instances.
Mr. KLUCZYNSKI in two instances.
Mr. FRASER in 10 instances.
Mr. MOLLOHAN in five instances.
Mr. DENT.
Mr. ROONEY of Pennsylvania.
Mr. REES in three instances.
Mr. WOLFF in five instances.
Mr. OBEY in six instances.
Mr. BENNETT.
Mr. MACDONALD of Massachusetts in two instances.
Mr. BINGHAM in five instances.
Mr. HATHAWAY in two instances.
Mr. DONOHUE in two instances.
Mr. SHIPLEY.
Mr. CHAPPELL in two instances.
Mr. ANDERSON of California in two instances.
Mr. PEPPER.
Mr. ROONEY of New York in two instances.
Mr. BURLISON of Missouri.
Mr. EVINS of Tennessee in six instances.
Mr. PATTEN.
Mr. BROWN of California.
Mr. FOLEY in three instances.
Mr. GALIFIANAKIS in two instances.
Mr. ALBERT in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes; to the Committee on the District of Columbia.

S. 3010. An act to authorize in the District of Columbia a program of public-day-care services; to the Committee on the District of Columbia.

S. 3944. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age.

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 17146. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof;

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes; and

H.J. Res. 1388. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on October 12, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients.;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered;

H.R. 12870. An act to provide for the establishment of the King Range National Conservation area in the State of California;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska.

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; and

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 14, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2456. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1971, together with a letter from the Office of Management and Budget (H. Doc. 91–404); to the Committee on Appropriations and ordered to be printed.

2457. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of the limitation on budget outlays for fiscal year 1971, for the period through September 30, 1970, pursuant to section 501 of the Second Supplemental Appropriations Act, 1970 (H. Doc. 91–403); to the Committee on Appropriations and ordered to be printed.

2458. A letter from the Secretary of the Air Force, transmitting a report on Air Force military construction contracts awarded without formal advertisement, for the period January 1 through June 30, 1970, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

2459. A letter from the Acting Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follow:

Mr. DENT: Committee on House Administration. Senate Joint Resolution 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions (Rept. No. 91–1598). Referred to the Committee of the Whole House of the State of the Union.

Mr. ICHORD: Committee on Internal Security. H.R. 19163. A bill to amend the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950) (Rept. No. 91–1599). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1251. Resolution for consideration of H.R. 17849, a bill to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes (Rept. No. 91–1600). Referred to the House Calendar.

Mr. PICKLE: Committee on Interstate and Foreign Commerce. H.R. 19599. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine (Rept. No. 91–1601). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 1252. Resolution for consideration of H.R. 19519, A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes (Rept. No. 91–1602). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 18583 (Rept. No. 91–1603). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 1238. Resolution relating to the Speaker of the House of Representatives in the 91st Congress (Rept. No. 91–1604). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest (Rept. No. 91–1605). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 19684. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information

concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 19685. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 19686. A bill to amend section 367 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 19687. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. BUCHANAN:

H.R. 19688. A bill to protect the personal security and academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to govern the treatment of disruptive campus violence by students, staff, and other employees, as a precondition to Federal assistance, and to assist such institutions in their efforts to prevent and control campus disorders; to the Committee on Education and Labor.

By Mr. BYRNE of Pennsylvania:

H.R. 19689. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., non-navigable; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 19690. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 19691. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 19692. A bill to amend the Fair Packaging and Labeling Act; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 19693. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 19694. A bill to amend the Tennessee Valley Authority Act of 1933 to assure that a fair share of the contracts and purchases made by the Tennessee Valley Authority will be placed with small business concerns; to the Committee on Public Works.

By Mr. FINDLEY:

H.R. 19695. A bill to amend the Public Health Service Act to encourage physicians, dentists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. ULLMAN, Mr. MATHIAS, Mr. DON H. CLAUSEN, Mr. MCCLURE, Mr. JOHNSON of California, Mr. OLSEN, Mr. HANSEN of Idaho, Mr. DELLENBACK, and Mr. WOLD):

H.R. 19696. A bill to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture; to the Committee on Agriculture.

By Mr. FULTON of Pennsylvania:

H.R. 19697. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 19698. A bill to provide relief from Dutch elm disease by amending the Forest Pest Control Act; to the Committee on Agriculture.

By Mr. LANDRUM:

H.R. 19699. A bill relating to the exemption from the excise tax on trucks of equipment designed primarily for certain use on farms; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H.R. 19700. A bill to amend section 152 of the Internal Revenue Code of 1954 to remove the residence requirements applied in determining whether an individual who is not a citizen of the United States qualifies as a dependent for income tax purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 19701. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. SCHEUER:

H.R. 19702. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 19703. A bill to suspend until the close of December 31, 1972, the duty on certain articles of germanium; to the Committee on Way and Means.

By Mr. TEAGUE of California:

H.R. 19704. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. TEAGUE of California (for himself and Mr. BELL of California):

H.R. 19705. A bill to establish in the State of California the Toyan National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. VANIK (for himself, Mr. ADDABBO, Mr. BRASCO, Mrs. CHISHOLM, Mr. CLARK, Mr. CLAY, Mr. CONYERS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. EILBERG, Mr. GAYDOS, Mr. HALPERN, Mr. MADDEN, Mr. MOORHEAD, Mr. OLSEN, Mr. PATTEN, Mr. PIKE, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. TUNNEY, Mr. WOLFF, Mr. YATES, and Mr. REES):

H.R. 19706. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLD:

H.R. 19707. A bill to encourage States to establish junked motor vehicle disposal programs, and for other purposes; to the Committee on Interstate and Foreign Committee.

By Mr. BENNETT:

H.R. 19708. A bill to provide for mobile home facilities at various military establishments; to the Committee on Armed Services.

By Mr. BROCK:

H.R. 19709. A bill to establish a Department of Environmental Protection, to transfer certain existing agencies and programs concerned with environmental quality to such Department, and for other purposes; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 19710. A bill to amend the act of August 20, 1954, authorizing the Talent division of the Rogue River Basin reclamation project, Oregon (68 Stat. 752), as amended (76 Stat. 677), in order to increase the amount authorized to be appropriated for such work; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.R. 19711. A bill to promote higher education at the graduate level through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.R. 19712. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 19713. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 19714. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 19715. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of loans on account of service in Headstart programs; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 19716. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 19717. A bill to amend the Social Security Act of 1936 as amended to modify the nursing requirements in small capacity hospitals; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 19718. A bill to establish a Federal Broker-Dealer Insurance Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. STAFFORD:

H.R. 19719. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 19720. A bill to amend the Interstate Commerce Act, to grant certain additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 19721. A bill to require Federal contractors to comply with air and water pollution control regulations; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 19722. A bill to encourage improvement in pollution control standards and conditions, to provide a system of mutual loan insurance, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARRINGTON:

H.R. 19723. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 19724. A bill to establish a system for the sharing of certain Federal tax revenues with the States; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 19725. A bill to breakdown hindrances and remove obstacles to the employment of partially disabled persons honorably discharged from our Armed Forces following service in war by making an equitable adjustment of the liability under the workmen's compensation laws which an employer must assume in hiring disabled veterans; to the Committee on Veterans' Affairs.

By Mr. PRICE of Texas:

H.R. 19726. A bill to prohibit assaults and other crimes on State law enforcement officers, firemen and judicial officers; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 19727. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIEL of Virginia (for himself and Mr. ABBITT):

H.J. Res. 1399. Joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of students in the public schools by a freedom of choice system; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 1400. Joint resolution urging the U.S. Arms Control and Disarmament Agency to prepare and present to Congress a preliminary plan for alleviating unemployment caused by reduced defense spending; to the Committee on Education and Labor.

By Mr. HUNGATE (for himself, Mr. ANDERSON of Illinois, Mr. FARBSTEIN, Mr. PRICE of Illinois, Mr. RODINO, and Mr. SYMINGTON):

H. Con. Res. 780. Concurrent resolution urging review of the United Nations Charter; to the Commtitee on Foreign Affairs.

By Mr. PODELL:

H. Con. Res. 781. Concurrent resolution that November 24, 1970, be declared World Law Day; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H. Res. 1253. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19728. A bill for the relief of Mayo Goff; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 19729. A bill for the relief of Ruhollah Sayyah; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 19730. A bill for the relief of the estate of Sampson Godfrey Dalkowitz and of the trusts created under his will; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19731. A bill for the relief of Mrs. Rosaria A. Cappadona and daughter, Graziella Cappadona; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

620. By Mr. RYAN: Petition of Parents Lead Poisoning Action Group—Mrs. Ethel Jamison, president, containing 356 signatures in support of H.R. 9191, H.R. 9192, and H.R. 11699, concerning lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

621. By the SPEAKER: Petition of the Philadelphia Historical Commission, Philadelphia, Pa., relative to the preservation and restoration of the Thaddeus Kosciuszko home; to the Committee on Interior and Insular Affairs.

HOUSE OF REPRESENTATIVES—*Wednesday, October 14, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Colossians 3: 14: *Above all put on love which binds everything together in perfect harmony.*

Eternal God, our Father, ere our recess begins we pause to pray for the coming of Thy kingdom of righteousness, peace, and good will. In the midst of a swiftly changing order may our faith in Thee and our obedience to Thy laws continue to move us as we seek to usher in a new day of human brotherhood.

Direct our people as they elect our leaders. Grant that their choices may promote Thy glory and the welfare of our Nation. To those elected give courage, wisdom, and good will that they may lead our citizens in the ways of life and liberty for all, and may those not elected continue to labor faithfully for the good of our Republic.

Bless all those in the service of our country, particularly our prisoners of war. Strengthen them to meet each day with the realization that Thou art their refuge and underneath are the everlasting arms.

May Thy peace and Thy love abide in our hearts now and always. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair understands there is a message from the Senate, which the Chair, acting for the House, will receive.

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; and

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests; and

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1142. An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes;

S. 3747. An act to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates;

S. 3748. An act to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 3749. An act relating to crime in the District of Columbia.

CONGRESSIONAL RECORD—PRINTING DURING ADJOURNMENT

Mr. FRIEDEL. Mr. Speaker, I understand that unanimous consent will be requested today so that Members may be permitted to make insertions in the Extensions of Remarks of the RECORD following the adjournment of Congress; their request will also be in accordance with the notice of the Joint Committee on Printing, and the statement by the Senator from North Carolina, Mr. JORDAN, which were published on the first page of the RECORD dated October 13, 1970.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 16, 1970, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete

such Extensions of Remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ASSURANCES MADE DURING DEBATE ON APPROPRIATIONS FOR DEFENSE DEPARTMENT HAVE BEEN DISPROVED

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, with the announcement from the State Department yesterday, it has become apparent that all the assurances made during the debate on appropriations for the Department of Defense a few days ago, concerning a Russian submarine base in Cuba, have been disproved by events.

Mr. Speaker, there is no Member of this House I know of—and certainly not the Member in the well—who is not prepared to vote for every penny of defense appropriations required to defend this country we love. On the other hand, in the name of national defense, or in the name of education or of health or any other subject, unnecessary spending is just plain wrong. The Congress should be given accurate facts before it votes on important appropriations in order that it can make accurate judgments.

I believe that this situation points up again the crying need for the House of Representatives to obtain accurate information on its own behalf in determining how it will spend the people's money to protect the people's interests.

THE MOST SACRED OBLIGATION OF AMERICAN CITIZENSHIP

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, on this coming November 3, just less than 3 weeks from today, the American people throughout our Nation will have their privilege—the most sacred obligation of American citizenship—to cast their ballots during the 1970 elections.

America has been blessed with the finest form of government ever conceived by the mind of men with the help of divine guidance. It is up to our citizens who have the privilege to express their decision in the ballot box for the election of their public servants.

We should never forget that U.S. citizenship is a privilege. We all have a sacred obligation to live up to the high standards of achievement established by our fathers and forefathers, the high standards of being responsible U.S. citizens.

There has never been a period in our Nation's history when the principles of liberty under our Constitution have been more seriously threatened. We need only to look to the nations being attacked by the Communists, or to the millions of people living under Communist domination, who have no rights of self-determination where the state controls every aspect of their lives, to realize the truly great privilege that is ours. This privilege guarantees to each of us, native born and naturalized, all of the rights protected by our Constitution. Surely the duty of responsible citizenship imposed by our Constitution is a very small price to pay in return for those guarantees.

President Grover Cleveland summed it up when he said:

> As we rejoice in the patriotism and devotion of those who lived a hundred years ago, so may others who follow us rejoice in our jealous love of constitutional liberty.

We should never forget that our obligations as U.S. citizens are to safeguard our constitutional liberties in order that our children and grandchildren may also enjoy these privileges in the years to come.

Therefore, Mr. Speaker, I cannot too strongly urge American citizens—regardless of their political faith—to exercise this sacred privilege which is theirs on November 3.

THE EXAGGERATION WITH RESPECT TO THE RUSSIAN SUBMARINE BASE IN CUBA

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I should like to commend the gentleman from Indiana (Mr. JACOBS) for calling the attention of the House to the discrepancy between what we heard in debate on the military appropriation bills and what now turns out to be the fact.

We were asked to make judgments involving billions of dollars; it is indeed unfortunate that we were misled into thinking that a submarine base was totally equipped and practically in operating order down in Cuba: Now it turns out that this was a gross exaggeration: there is no such base, and our State Department and the Russians have agreed in fact that the agreement made in 1962 under President Kennedy's administration is being respected.

I believe it would well behoove the Members of the House to find some means of obtaining better sources of information than we now have, so that when we make these multibillion-dollar judgments we can make them on something more accurate and better grounded than what we have been doing in the past.

STANDARD OF CONDUCT IN CAMPAIGNS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I have never known a Member of this body who does not revere Congress as an institution or who has not wanted to conduct the business of this body in such fashion that it deserves the faith of the American people. From now until November 3 every Member who is seeking reelection has an opportunity to build a greater faith in this institution through waging a responsible campaign for reelection.

Unfortunately, there are many candidates in this Nation for various offices who think that anything is fair in politics; who think that winning justifies any kind of misrepresentation, smear, or mudslinging.

The people of this country expect public officials with public trust to operate with complete integrity, honesty, and responsibility. They have the same right to expect the same high standards of people who campaign for those offices.

Mr. Speaker, I believe the people of the United States are well aware that the individual who is an irresponsible person in a campaign on November 2 will be the same kind of public official, if elected, on November 3.

CONFERENCE REPORT ON H.R. 18583, COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 13, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before the House today was signed by all the conferees, and we think it involves a reasonable compromise between the House and Senate provisions on this bill.

In broad summary, Mr. Speaker, last year the Senate passed a drug bill dealing with the drug abuse problem in the United States from the law enforcement approach, making a number of improvements in the existing structure of our criminal laws relating to the drug problem.

Our Subcommittee on Public Health and Welfare considered this problem at great length, holding 11 days of hearings, both morning and afternoon, and 37 executive sessions, both morning, af-

ternoon, and night. They reported to our full committee a bill which combined law enforcement provisions and rehabilitation provisions which the House later passed in substantially the same form as the subcommittee had recommended.

When the House bill was considered by the Senate, the rehabilitation, prevention, and research provisions of the House bill were substantially revised by the Hughes amendment which would have substituted a very broad-scale program in this area. In addition, amendments were added on the Senate floor relating to the scheduling of amphetamines and Librium and Valium, and relating to the treatment of distribution of small amounts of marihuana for no remuneration. An additional amendment providing for a report on advisory councils was also agreed to.

With respect to the amendment on amphetamines, the conference agreement is the same as the House bill, except that injectable methamphetamine in liquid form is placed in schedule II. On Librium and Valium, the conference agreement is the same as the House bill, and we accepted the Senate amendments relating to advisory councils and the distribution of small amounts of marihuana for no remuneration.

The remainder of the conference adjusts the House passed title I to the Hughes amendment. This amendment was 53 pages long, and although full hearings had been held before the Senate Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, no hearings had been held on the House side with respect to this far-reaching proposal. The House conferees were in agreement that we would hold hearings on this proposal next year.

Overall, the Senate amendment would have established a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, to administer planning, coordination, statistics, research, training, educational, and reporting functions with respect to drug abuse and drug dependence. The amendment would have established programs relating to drug abuse and drug dependence among Federal employees, would have established a program of formula grants and project grants for the States on dug abuse and drug dependence problems; would have established a National Advisory Council, and an Intergovernment Coordinating Council, on drug abuse and drug dependence, and proposed continuation of the programs set forth in the House-passed title I.

The conference agreement would expand the programs contained in the House-passed title I in several respects, provides specifically for formula grants to the States for drug abuse and drug dependence problems within the overall public health formula grants, and would expand the program of special projects for drug dependent persons contained in the House bill both as to financing, and as to the projects authorized.

The conference agreement would amend section 314(d) of the Public Health Service Act to provide specifically for inclusion in state public health plans of services for the prevention and treatment of drug abuse and drug dependence. This will make formula grants provided under the general authorization of section 314(d) available for these programs, and, since section 314(e) of the act provides that project grants for public health services within a State shall be made only if the services are provided in accordance with State plans, project grants may be made for such services.

In addition, the House bill contained an amendment by the gentleman from New York (Mr. HASTINGS), adding a new section 256 to the Public Health Service Act providing for special projects for the treatment and rehabilitation of narcotic addicts or drug dependent persons. As passed by the House, this amendment required that the programs aided must include detoxification services, institutional services, and community-based after-care services. Twenty million dollars a year was authorized for 3 years.

The conference agreement increases the authorization under the Hastings amendment to $20 million for fiscal 1971, $30 million for fiscal year 1972, and $35 million for fiscal 1973, and permits grants for programs which include one or more of the services referred to above, instead of requiring that all these services be provided in the same program.

It is necessary to make compromises in conference in order to reach agreement. The House managers felt that programs such as those called for by the Hastings amendment should be as complete as possible in the services which they provide; however, in order to reach agreement, it was necessary to agree to the modification of the amendment to permit one or more of these services in special projects rather than the full range. However, the revised amendment provides that where limited services are provided hereafter under one of these special projects, and thereafter new construction is established for a program serving drug dependent persons in the same area, the projects covered by the new construction are, to the extent feasible, to include the more limited projects established earlier.

Mr. Speaker, to summarize, the Senate passed a bill (S. 3246) which was limited to law enforcement aspects of the drug abuse problem. The House revised this bill to include more input from the scientific and medical community into the law enforcement decisions, and provide for increased emphasis on prevention and rehabilitation. The conference agreement in general is the same as the House-passed bill, except it provides somewhat more emphasis on rehabilitation, treatment, education, and prevention.

We think the conference agreement will establish a greatly improved program on the Federal level to deal with drug abuse and drug dependence and we urge its adoption by the House.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. MEEDS. As the gentleman is well aware, we passed in the House in October, the Drug Abuse Education Act, H.R. 14252, which is presently in the Senate and on the calendar. I have just been to the Senate, and the chances of passage of that legislation even today are very good. There may appear to be some overlapping in these two bills. There may be in the bill which we are discussing today, the conference report, some overlapping in the fields of elementary, secondary, and higher education, which was brought before the Committee on Education and Labor. There may be in H.R. 14252 some overlapping into what constitutes the jurisdiction of the gentleman's committee.

Does the gentleman indicate to us that he feels that all fields of education have been covered in the conference report before us?

Mr. STAGGERS. I would say to the gentleman that our bill carries exactly the same dollar amount of authorizations for education as the bill the gentleman is talking about. We feel that we have covered every phase of education on drug addiction and the dangers of it that can be covered with any amount of money.

Mr. MEEDS. The gentleman is not trying to get into the field of elementary and secondary education, is he? Or into the field of higher education?

Mr. STAGGERS. No, we are not trying to get into that. We are trying to bring to the attention of the American people our great concern in educating people to the dangers of drugs—people of all ages, and in every stage of life—and we think this can be done by those in the health department who have the know-how.

Mr. MEEDS. So that later, perhaps even today, when the Drug Abuse Education Act which we passed unanimously in this House comes back to us with perhaps some of these overlaps cut out; in dealing with elementary, secondary, and higher education the field should be pretty well covered since both of them are under the control of the Secretary of Health, Education, and Welfare. Is that correct?

Mr. STAGGERS. Yes, I would say so. But I would say it would be very difficult to cut out the overlap because our legislation takes into consideration all ages in the health field and covers the complete field.

Mr. MEEDS. It is not the intent of your committee and this conference report to deal with the field of elementary, secondary, and higher education; is it?

Mr. STAGGERS. I might say it deals with all fields wherever action is needed in health matters. We are just saying we do not eliminate anybody—either a 2-year-old—if we can teach him—or a person 90 years old, if we can teach him—because this is in the field of health.

I would say to the gentleman, I would not object if his bill comes back with the overlap in it. But I do emphasize that our bill does cover the complete field where health is concerned.

Mr. MEEDS. That is clearly the jurisdiction of the gentleman's committee.

Mr. STAGGERS. That is right.

Mr. MEEDS. Education is the jurisdiction of the Committee on Education and Labor, and the Drug Abuse Education Act directs itself to that.

Mr. STAGGERS. We did not object to the bill when the bill was on the House

floor before, and I certainly would not object now. But I do emphasize to the gentleman that our legislation does go to every field. Education is not eliminated—we just say our bill covers health education for all Americans. We claim that anyone, every individual in America who even is tempted to use drugs ought to be educated to the dangers of it and on getting over the use of drugs and being cured and so forth.

Mr. MEEDS. Mr. Speaker, I would like to comend the gentleman and his committee for the excellent work, particularly in the field of rehabilitation where they have done a very fine job. The only problem is with the education section, as the gentleman is well aware, and I appreciate the fact that the gentleman does not object.

Mr. STAGGERS. In response to that, I would say that we could not write a complete drug bill unless we did say to the American people that we have to educate them and try to the best of our ability to educate them about the dangers of drugs and we are trying to do that in every field.

Mr. MEEDS. I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SPRINGER), the ranking minority member of the committee, whatever time he requires.

Mr. SPRINGER. Mr. Speaker, I think there was a serious difference here between the Senate and House versions which chiefly had to do with what is commonly known as the Hughes amendment.

The Hughes amendment would have changed the major thrust of the bill, in my opinion, into an education and rehabilitation program. The Hughes amendment was not successful. It would have established a new institute, an advisory council, formula grants, project grants, and programs for Federal employees.

All of these went far beyond the bill which the House went to conference with. In essence, the House version was retained and the thrust of the House version remains in the conference report.

There were some minor difference on which we receded, but nothing of any great importance. Essentially this is the House bill.

I wish to congratulate the members of the subcommittee on both sides of the aisle for the time that they spent in consideration of the report. May I say they were beset by almost everyone in this country of any influence with reference to this bill. Every segment of interest was heard, and I think we have come up with a bill that is in the public interest, and that is the kind of conference report that we brought back to you to vote on here today.

This was, I believe, one of the most difficult conferences I have ever been through because we were up hill and down dale on the whole question of the abuse amendment which would have changed the bill entirely. We have retained the House bill and the thrust of the House bill, and that was the important point that I have to report to the House. That is why I believe it is a good conference report, and I certainly approve it.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. WIGGINS. I understand the conference report includes a provision with reference to the use of amphetamines. Will the gentleman explain that provision?

Mr. SPRINGER. The conference report singles out the worst of these substances, which are the liquid, injectible methamphetamines, and puts them into schedule II. This at least does a part of what the gentleman wanted done when he was here on the floor of the House when we were discussing the bill originally. This is in essence a compromise between what you wanted and what we finally arrived at in putting these methamphetamines over in schedule II. That is what you wanted.

Mr. WIGGINS. Yes. If I may ask a further question, was it the intent to include in schedule II liquid amphetamines, methamphetamines, or those amphetamines which may be reduced to a liquid?

Mr. SPRINGER. I understand what you mean. There was a great deal of discussion in the conference as to what should be done with that provision, and there was some argument over it. We felt the best thing to do was to take the liquid injectibe methamphetamines now, and put them in schedule II, but to leave the question to HEW to determine whether or not others ought to be moved from schedule III and put in schedule II.

Mr. WIGGINS. I wish to compliment the gentleman and the other members of the conference for at least commencing a study of this problem. It is a most serious problem that besets our country. Your conferees are to be congratulated for the steps they have taken in this regard.

Mr. Speaker, because of time limitations at the time the conference report was brought up on H.R. 18583, the comprehensive Drug Abuse, Prevention, and Control Act of 1970, I was not able to discuss several additional facts that I feel should be a part of the legislative history and congressional intent with respect to this bill.

My colloquy with the able gentleman from Illinois was helpful to some extent in that respect. As my colleagues know, there are almost no "street sales" of vials of liquid methamphetamines. The sales of "meth" to the kids on the streets are either in tablet or crystal form. The tablets are, in almost every case, originally legally manufactured and then through devious means are obtained by the illegal peddler. Crystals, on the other hand, are the product of clandestine laboratories. Both the tablets and crystals are soluble in water, and both can be injected into the veins. It is, therefore, heartening to know that at least with respect to methamphetamines, all of those drugs that are capable of being injected into a person's bloodstream will be subject to schedule II treatment.

Lest Congress be lulled into feeling that they have dealt in a comprehensive manner with the problem of "speed," I feel that I must state that we have applied a band-aid where we need a tourniquet. As the Surgeon General of the United States has stated, dextroamphetamines are just as harmful as methamphetamines. Dextroamphetamines are a part of the amphetamine family. The Surgeon General has also pointed out that other central nervous system stimulants are subject to abuse.

As my colleagues know, phenmetrazine and methylphenidate have caused serious addiction problems not only in the United States, but in other countries around the world. For instance, phenmetrazine—preludin—became so widely abused in Sweden that that country was forced to completely ban the production and sale of not only that drug, but amphetamines, methamphetamines, and methylphenidate. It would be my hope that we would not have to await an increased epidemic with respect to those substances before vigorous action is taken.

In that regard, I am heartened by a letter from John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, dated September 15, 1970, addressed to Claude Pepper, in which he stated:

> It is the Bureau's position that the rampant abuse of amphetamines, particularly methamphetamines, is creating a serious public health and law enforcement problem in the United States. You can be assured that the Bureau does anticipate utilizing the new provisions of H.R. 18583 to insure that the proper regulatory controls are imposed over those amphetamines found to require the imposition of quotas.

Mr. Speaker, you can be assured that we will watch the actions of the Attorney General with interest when H.R. 18583 finally becomes law.

Mr. SPRINGER. May I say to the distinguished gentleman from California that you and other Members, including the distinguished gentleman from Florida (Mr. PEPPER), have done a great job in going into this particular problem. I want you to know that we gave the most careful consideration to all the findings you had with reference to your crime investigation and what you felt the effect of drugs were in this field. You have rendered a great public service in not only what you did in traveling from city to city to find out what the problems were, but also advising our committee as to how we could make a better bill.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of the conference report on H.R. 18583, the Drug Abuse Control Act of 1970.

We have attempted to stem the rising use of drugs in this Nation for the most part of this century. And this struggle has intensified in the past 5 years as records have shown a greater involvement in the drug culture.

It has become evident, however, that we cannot properly deal with the drug abuse problem by simply producing an enforcement bill. If we are to halt drug abuse, we must find out why people turn to drugs, how we can halt this and how we can help those who are captive to drugs, and what is the best possible way

to find and prosecute those who deal in other people's misery for profit.

I think we have reached a legislative plateau which will yield us these goals in H.R. 18583. When the Senate passed its bill it went mostly to the problem of enforcement. In the House version, which I had the honor to sponsor, we tried to cover the areas of rehabilitation, and treatment research, prevention, education, and enforcement. In fact, we have increased the penalties for the pusher.

I think that we have an effective bill and certainly the most comprehensive ever proposed. The Senate has, in conference, agreed to rescind on its major disagreements and in general, we will be voting on a conference report which embodies the House version. I think the committee has done a great service in its extensive work on this bill. And I commend the Senate for its contribution. I know the American public will reap the benefits of this work.

Mr. PEPPER. Mr. Speaker, as you know, my colleagues and I in the House Select Committee on Crime have had considerable interest in H.R. 18583. Generally speaking, it is a good bill. However, it is woefully inadequate in certain critical areas.

As the Members will recall, several weeks ago our committee attempted to amend that bill on the House floor when we were sitting in the Committee of the Whole House on the State of the Union by moving amphetamines, methamphetamines, phenmetrazine, and methylphenidates from schedule III to schedule II.

The net effect of that amendment, if we had been successful, would have been to place stronger control over all of these admittedly dangerous drugs.

For a brief time, that desirable end was achieved when the other body by record vote of 40 to 16 adopted such an amendment. Unfortunately, for all intents and purposes, the conference report is so watered down on this issue as to be virtually meaningless.

I have before me a copy of the conference report on H.R. 18583, and wish to read that portion of the report that deals with the area of disagreement. It reads as follows:

> The conference substitute limits this transfer to schedule II to injectible methamphetamine, widely referred to as "speed." The legislation contains authority for the Attorney General to transfer drugs between schedules, upon making the appropriate findings and following the procedures prescribed in the legislation. It is the understanding of the managers that proceedings will be initiated involving a number of drugs containing amphetamines after the legislation has become law, but exceptions will be made for a number of amphetamine-containing drugs.

The specific language in amendment No. 4 to H.R. 18583 is as follows:

> (c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

Originally based on the colloquy between Mr. SPRINGER and Mr. WIGGINS, I was hopeful when I first saw the conference report that the intent of the conferees was to include under quota control of the Attorney General all methamphetamine and amphetamines which are manufactured in liquid form or that could be put in solution and then injected into the bloodstream. These substances are commonly known as "speed."

But now looking at the language of the substitute and hearing the statement of the able members of the conference, and hearing from the gentleman from Illinois (Mr. SPRINGER), it is clear that the conferees provided that only liquid injectable methamphetamines will be put in schedule II and subjected to quota control by the Attorney General.

That means that only an insignificant percent of the total methamphetamines are subject to any quota control by this bill, according to the Director of the Bureau of Narcotics and Dangerous Drugs.

At this point, I would like to insert a letter that I received last night from the Bureau of Narcotics and Dangerous Drugs on precisely this issue. The letter is as follows:

> U.S. DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
> *Washington, D.C., October 13, 1970.*
>
> Hon. CLAUDE PEPPER,
> *Chairman, Select Committee on Crime, House of Representatives, Washington, D.C.*
>
> DEAR CHAIRMAN PEPPER: Pursuant to the telephone request of October 13, 1970, from Miss Hastings of your staff the following information is supplied.
>
> We are aware of a total of 72 products domestically marketed which contain the drug methamphetamine (desoxyephedrine). Of this total 31 are essentially identical having methamphetamine as the sole ingredient. Five out of the 72 products are liquid injectables. The remaining 41 are also essentially identical to each other, i.e., methamphetamine in combination with amphetamines, barbiturates or both. A very few of these 41 also contain vitamins and/or one or more other ingredients which do not limit abuse potential.
>
> We estimate that there are approximately 1000 to 1500 products essentially identical in that each contains some generic isomer or salt of amphetamine as the sole ingredient.
>
> We also estimate there are marketed and available approximately 2500 combination amphetamine products which are again essentially identical to each other, i.e., containing some isomer of amphetamine in combination with one or more barbiturates or other ingredient.
>
> In general the four classes mentioned above carry the same medical indications and contra-indications.
>
> Our most recent annual survey disclosed that basic methamphetamine production in the United States for 1969, totaled 11,716 kilograms. This is equivalent to 1,171,600,000 dosage units (average dosage unit, 10 milligrams). We are unable to state with certainty at this time what percent of this basic production was converted into injectable liquid forms (parenteral). Only 5 of the 72 methamphetamine products available are of the injectable type. It therefore can be safely concluded that injectables represent an insignificant percent of the total methamphetamine dosage forms.
>
> Sincerely,
>
> JOHN E. INGERSOLL,
> *Director.*

This morning I talked with Dr. Dorothy Dobbs, who is a specialist in the Food and Drug Administration on amphetamines. She advised me that liquid methamphetamines are sold only to hospitals, and there are no uses for thoses products as far as over-the-counter sales go. Obviously there is almost no diversion into illegal channels of this form of the drug.

It should be noted that amphetamines and methamphetamines are bulk produced domestically by four companies. They are also imported in limited amounts. These bulk products are shipped to dosage form manufacturers who produce the pills either under their own labels or under a number of wholesale distributor labels. The pills are then sent to wholesale distributors who in turn send them to pharmacists. To attempt to control any of the dosage form producers would require the control of over 2,700 companies. Selective control of amphetamine and methamphetamine drugs would, therefore, require a great expenditure of man-hours and effort on the part of the BNDD; but control of the bulk producers would require a fraction of such time and effort. It is estimated that there are between 1,000 and 1,500 drugs on the market that are entirely made up of amphetamines and methamphetamines. The reason for the vast number is that that figure incorporates different brand names of identical drugs and different strengths of those identical drugs.

In addition, there are approximately 2,500 drugs being marketed that include either amphetamines or methamphetamines as a part of the compound.

Liquid injectable methamphetamine drugs are produced by five companies, and there are only five such drugs on the market. Using these BNDD figures, one can calculate that liquid injectable methamphetamines amount to twelve one-hundredths of 1 percent of the total amphetamine and methamphetamine drugs being produced.

Since the bill does not take into account the fact that most all amphetamines and methamphetamines are sold in solid form and are soluble and therefore injectable, any statement claiming that "speed" has now been slowed down is blatantly misleading. I am sorry to say that this bill contributes almost nothing into stopping the flow of "speed" into the veins of the young people of this country. As those who have examined the problem in depth know, "speed" is the street term applied to intravenous injection of amphetamines and amphetamine-like compounds. Therefore, the "speed" problem is barely touched by this amendment.

For instance, in a letter of March of this year, the Surgeon General of the United States, Dr. Jesse L. Steinfeld, stated:

> Considerable research on the effects of amphetamines has been accomplished at the NIMH Addiction Research Center at Lexington, Kentucky. The Center has found the methamphetamine and dextroamphetamine have approximately the same order of abuse potential. Other amphetamines and related stimulants have a somewhat lesser abuse potential but of a degree serious enough to warrant the same degree of regulation under law.

Therefore, I am sorry to say having failed to do so, unless the Attorney General moves expeditiously against amphetamines, phenmetrazines, and methylphenidates—the "speed drugs"—we still will not have significantly reduced

the problem of abuse of central nervous system stimulants with all their attendant injuries and dangers.

As my colleagues know, these three drugs can also be shot into a person's veins and produce the same euphoria, bizarre behavior, et cetera, and with many of the same detrimental side effects.

It would be my hope that as soon as this bill is signed into law by the President, the Attorney General, consistent with the representations he has made to the Congress, would immediately move against all of these drugs that are seriously undermining the health of this country. Suffice it to say that the passage of this bill will not end our committee's interest in this matter.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 15041 UNTIL MIDNIGHT FRIDAY

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight Friday night to file a report on H.R. 15041, to provide for a coordinated national boating safety program.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PASSENGER TRAIN SERVICE

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17849) to provide financial assistance and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17849, with Mr. BURLESON of Texas in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through line 11 on page 28, which is the first section of the committee amendment.

Mr. CRANE. Mr. Chairman, while I do not want to be a "doomsayer" about the pending bill, I insert an article from the Wall Street Journal of October 12 in the CONGRESSIONAL RECORD.

In this very astute article, the author, Albert H. Karr. rightly points out some of the complications which are the inevitable result of well-intentioned legislation.

The article follows:

SUBSIDY, REGULATION AND UNCLE SUGAR

(By Albert R. Karr)

WASHINGTON.—In their views on the proper relationship of government to industry, some business leaders seem to know what they want: To make money.

That, at least, seems to be the best explanation for the contradictions in the positions some very big businessmen are taking here. Quick to insist that bureaucratic interference with their activities is not in the national interest, they have been equally quick to seek government help when those activities have run into trouble.

This contradictory stance, which is by no means new, was the subject of a recent caveat by Arthur Okun, chairman of the Council of Economic Advisers under President Johnson. "Those who advocate and practice private enterprise should be especially cautious in soliciting aid from the Government. . . .," Mr. Okun said. "People who keep asking the Government to do things for them may find it impossible later to prevent the Government's doing things to them."

Mr. Okun was talking specifically about the contention of the aircraft industry, seconded by the Nixon Administration, that the Government must pay most of the estimated $1.5 billion development cost of the civilian supersonic transport because the plane-makers and airlines can't afford to. Government acceptance of such arguments, it seems, will only increase the Government's problems.

In the first place, Government financing of the SST prototype may force development of a product that might not succeed, at least not for several years, if left to a decision of the marketplace. The very fact that aircraft manufacturers and their airline customers beg off from paying the bill suggests as much.

SST backers argue that the Government's projected $1.34 billion outlay is a loan, not an outright subsidy. Sale of 300 SST planes will repay the loan, and additional sales will furnish royalties, they argue. But while they now say 800 to 1,000 planes will probably be sold in the 1978–1990 period, against their earlier estimate of 500 planes, other studies have forecast sales of only 350 planes or less. The taxpayer is still taking the risk, not the planemaker. And SST critics insist that the $1.34 billion figure, itself much higher than the Government's originally expected tab, may escalate a lot more by the time production starts.

Government subsidization of SST development could encourage the airlines to seek major Government aid of other kinds in the future. Already airline executives are worried that the SST will hurt earnings because of its high initial cost and the difficulty of filling its seats without diverting passengers from older, conventional jets. Some Senate sources say, in fact, that some major airlines have indicated they wouldn't be unhappy if the Senate rejected continued SST funding when that issue comes to a vote soon.

OTHER AID SOUGHT

Meanwhile, airlines officials are seeking Government aid in other areas—including backing for a competition-curbing reduction in the number of routes and flights they now offer. Local-service airlines want increased subsidies to pay for continued service to small towns, and the Civil Aeronautics Board and key members of Congress seem sympathetic.

The airline requests are part of a broader picture. Declares one Washington transportation expert: "We seem to be moving inevitably toward Government takeover of all transportation, and subsidy is a major step in that direction."

Historically, railroads got an early Government-aid start in land grants for right-of-way but have lagged behind most other forms of transportation in winning aid since then. Now they are back in the act. The Penn Central seeks Government loan guarantees, and the entire industry has requested a yearly $1.5 billion package of Government subsidies and loan backing.

The railroads insist they would be better off if the Government's heavy regulatory hand were lifted. Interstate Commerce Commission regulation in particular, they say, prevents them from competing with truckers. "I'd say the No. 1 trouble is Government messing in our business . . . telling us how to run our affairs," declares Thomas M. Goodfellow, president of the Association of American Railroads.

But when it comes to the billions that the railroad industry feels it needs for lagging capital improvements and maintenance, Mr. Goodfellow takes a different tack. "The Federal Government must get involved financially and otherwise," he says; the industry's package is "a statement of reasonable rights and expectations" for an industry the nation needs.

What critics of the railroads find especially ironic is that the roads want Government assistance for lagging railroad operations, yet they have been unenthusiastic about buttressing those operations themselves. The Penn Central, for one, directed most of its efforts into real estate and other non-transportation activities, allowing its railroad to slide into bankruptcy court.

Similarly, railroad executives oppose any suggestion of nationalization. Yet they are quite willing to allow the Government to set up a semipublic corporation to take over the money-losing passenger business that they have generally neglected.

TRUCKING INDUSTRY POSITION

The trucking industry isn't pleased with the railroads' bid for Government subsidy. It especially opposes recommendations to set up a general transportation trust fund that would enable rails to use some of the auto gasoline taxes that now go into the Highway Trust Fund, and the alternate proposal to use 10% of the highway fund to pay for improving or eliminating railroad-highway grade crossings. Frank L. Grimm, president of American Trucking Associations, labels the railroad package "a letter to Santa Claus." Truckers, for their part, benefit from use of highways built by the Government, though they claim they pay such heavy taxes that there's no net subsidy involved.

The truckers aren't the only ones enjoying or wanting Government subsidization, of course. Airlines benefit from subsidies for airport construction. Shipping companies have long enjoyed Federal capital and operating subsidies. Other industries, including oil, steel and textiles, have tried to fend off Government intervention in their affairs but haven't been adverse to asking it to help fight foreign competition.

A number of industries get Federal subsidy through various tax breaks, the most notable being the depreciation allowance for oil companies. Many tax watchers feel that personal income tax deductions for, say, medical expenses constitute a subsidy to the medical profession, which can boost charges with the realization that the patient will pass a good chunk of the bill along to Uncle Sam.

Publishers of newspapers, magazines and books enjoy low postal rates, though the original intent was to facilitate the exchange of information.

HOUSING AND BANKS

The Federal Government subsidizes the housing industry in a variety of ways. Among them: Offering below-market interest rates

on loans to apartment operators and others, and buying up mortgages to keep interest rates down. The U.S. Treasury also provides a form of subsidy to most banks, by maintaining Federal bank accounts; the banks use these accounts as part of their reserves, against which they lend money.

Industry has long been subsidized in even less-obvious ways. Alan Greenspan, a New York economist consultant who served President Nixon as a 1968 election-campaign adviser, contends, "For years many companies have been using our rivers, our waterways, and our atmosphere as cost-free depositories for their industrial wastes. This has amounted to an implicit subsidy offset on the companies' income statements by the failure to register an appropriate cost item for disposal."

Within all these industries, decisions to seek Government aid haven't always been unanimous. Some steel producers rebelled for years at asking the Government to set quotas on steel imports, for fear that Uncle Sam would thereby become too involved in their business. But the more protection-minded finally won, and in 1967 the industry closed ranks and made its bid (unsuccessfully) for import quotas. Similarly, many railroads long opposed a subsidy bid; two years ago the roads joined ranks, and they have been on the subsidy trail ever since.

The aircraft industry in the past has received a subsidy through Government funding of military plane research and development, with commercial plane makers then drawing on that technology. Aircraft makers have sought Federal support for civilian research and development too, but with less success—until the SST.

The Senate will soon decide on the SST, ending a long and bitter debate. But regardless of the decision in this case, the larger question of the proper relationship of government and industry won't be settled. And indications are that this question will increasingly occupy the Government in the future.

Warns Richard R. Nelson, Yale economics professor who was formerly a Read Corp., economist: "After the particular (SST) program in question is completed, there will be a next generation of programs posing virtually the identical policy issues. More important, there will be projects in other technological fields presented as candidates for this kind of subsidy."

At this point, I place in the RECORD the text of an advertisement which appeared in the Chicago Tribune of October 13:

IT'S TIME TO TELL YOU THE SAD NEWS ABOUT A FAMOUS IC TRAIN

Starting November 23, with ICC approval, our Panama Limited will be only a memory. No longer will this well-known train make its daily run between Chicago and the cities of the South.

When this day comes, no one will be sadder than IC.

We made this choice because our only alternative was to lose a lot of money. And that's no way to run a railroad. No sensible person would expect us to keep on spending $1.30 for every dollar we earn from passenger operations. But this is exactly what happened in 1969.

In spite of promotion, advertising, and restructuring our service to attract more riders, the Panama Limited alone racked up an out-of-pocket loss last year of more than one million dollars.

Beside losing money, this train is losing the battle with wear-and-tear. Although we've kept it in good repair, it soon must be replaced. But to spend millions to lose more millions just doesn't make sense.

We'd like to make improvements in the trains that people ride often, such as those that run between Chicago and Carbondale, Illinois. But our ability to do so is seriously affected by the crushing financial burden of the Panama Limited.

What are the causes of this dilemma?

Operating costs keep going up. A few trains are well-filled, but far too many are almost empty. Fewer people take long trips on our trains. More people prefer the speed of subsidized carriers or the flexibility and convenience of their private cars. For these same reasons, we expect even larger financial losses in the future.

Annual losses like this can lead to serious troubles. For example, in the two years before Penn Central failed to clear its financial hurdles, that railroad's passenger service suffered a huge loss each year. What happened to Penn Central must not happen to IC.

And so, with great reluctance, and after careful consideration of our obligation to communities served by this famous train, we plan to bring its service to an end.

Some day, perhaps the public policies that brought us superhighways and jumbo jets will change to help bring back intercity passenger trains. That will be a great day, indeed.

ILLINOIS CENTRAL RAILROAD.

The final item which I would like to insert in the CONGRESSIONAL RECORD are excerpts of a speech by W. Graham Claytor, Jr., president of the Southern Railway System. These excerpts appeared in the October 9, 1970, issue of the Wall Street Journal:

To point up some of the pitfalls of nationalization, let me draw a few brief parallels between the government-owned British Railways and an American rail system with which I am fairly familiar—Southern Railway. We will have to deal with this in terms of the operating results for the year 1968—the latest for which we have information from our British counterparts—and translate British pounds into comparable dollar figures.

British Railways and Southern Railway are roughly comparable in route mileage—12,447 miles for the British and 10,163 for Southern. But there the resemblance ends. One of the more striking differences is in pay scales. The salary for full-time clerical employes on British Railways in 1968, for example, was $2,745 a year on the average. On Southern Railway the pay averaged nearly $7,900 a year for comparable jobs—almost three times as much. Another startling contrast is in the number of people needed to operate the railway. Southern in 1968 had just under 20,000 employes while British Railways had over 296,000 people, or nearly 15 times as many. Incidentally, as a footnote, Penn Central with twice our route miles has nearly five times as many employes—but still only one third as many as the much smaller British Railways.

Equally striking comparisons can be found in freight statistics. Southern Railway System produced more than 37.3 billion ton-miles of freight service in 1968 and the British Railways approximately 14.6 billion, less than 40% as much. On the other hand, looking at revenues, Southern took in less than $488 million in freight revenues, in that year, while the nationalized British Railways received more than $490 million. To put it another way, the average charge for handling a ton of freight one mile on British Railways was nearly three times as much as the average charge by Southern.

Now, what kind of financial results did the total operations of each system produce? Despite higher average and gross freight revenue, British Railways ended 1968 with a deficit of more than $217 million, not including, of course, any taxes. Southern, on the other hand, earned a net income in 1968 of nearly $43 million and in addition paid more than this—some $50 million—in Federal, state and local taxes. Enormous British passenger losses were partly responsible, but even without these the comparison is startling.

If I were simply a taxpayer and had no connection with railroads at all, such results would make me glad that America's railroads are in private hands and inspire me to do all I could to keep them there.

Mr. ROTH. Mr. Chairman, I intend to vote for H.R. 17849, the passenger train service proposal. We have allowed this important public transportation service to reach almost the vanishing point here in 1970. Once there were many thousands of railroad passenger trains in daily operation, now we are down to a little over 400. Between 100 and 150 are involved in discontinuance proceedings right now before the Interstate Commerce Commission.

And if the pattern established by the Commission during the last 15 or so years is followed, we will lose most, if not all, of those being considered for discontinuance.

My point here is not to pass judgment on the Commission as being right or wrong in the disposition of discontinuance cases. Rather, it is to emphasize that if Congress is to preserve the remaining elements of railroad passenger transportation it will have to be through legislation.

The proposal before us today, H.R. 17849, is designed to accomplish this. The bill will create a National Railroad Passenger Corp., which will be responsible for providing intercity rail passenger service to the Nation. All railroads will be eligible to join the corporation, and those who join thereby are relieved of further responsibility in providing such service. Note that this participation in the program is voluntary on the part of the railroads.

It will be the responsibility of the corporation to revitalize train service including the introduction of new equipment. Above all, this program should settle the controversy as to whether the railroads have deliberately downgraded passenger service to make it unpopular and decrease patronage. I am certain the corporation managers will keep this point in mind in administering the Federal program.

The new program is a departure from past procedure. However, ground has been broken in this direction in the implementation of the high-speed ground transportation program. The high-speed corridor program has been valuable as experience, and very useful as a guide. During its operation of well over a year, we have seen it receive favorable response by the public in the form of gratifying patronage. I can attest that this service is popular in Wilmington and throughout Delaware. The lesson we have learned is that people will travel on passenger trains if the service is convenient, comfortable, reliable, and fast. It is entirely possible that an alert, imaginative program, thoroughly promoted and publicized, can recreate an acceptable image for railroad passenger travel, and bring this mode of transportation back into profitable use.

Mr. Chairman, I urge the House to approve this important bill which may be our last chance to save railroad passenger service.

Mr. BOLAND. Mr. Chairman, I rise to express my personal interest and enthusiasm for the Railroad Passenger Corp.

legislation before us. It is an extremely important bill. Intercity passenger trains have dwindled from 1,500 to fewer than 400 over the past 10 years. Many of the remaining trains are also up for discontinuance. And just as important, the total demand for intercity transportation service already is putting tremendous strains on our airway and highway systems. It is absolutely clear, therefore, without positive action now we will lose intercity trains—an essential transportation alternative.

We really have only two choices in the matter. First, establish a public subsidy program to assure continuation of rail service. Second, restructure the existing rail passenger system into a truly national system responsive to the public need.

Obviously, doing nothing more than covering up a problem with money will not solve the problem. We must strike out on the bold approach—create new structure, staff it with bold people, capitalize it sufficiently, establish a sensible national rail system and let the corporation go to work. This is the thrust of the rail passenger service bill.

Obviously, the establishment of the corporation will not result in dramatic overnight changes in rail passenger service. It will have to contract with the railroads for operating crews, trackage and equipment maintenance. But as a result of consolidating service, it is expected that there will be a general upgrading of the equipment to be used. There will also be immediate improvements in a number of areas including ticketing and reservation. For the long term, we can expect new equipment, improved roadbeds, modernized terminals and other public service improvements. All in all, I think it is a good bill, and urge all of my colleagues to support it.

Mr. REID of New York. Mr. Chairman, I rise in strong support of the Rail Passenger Service Act of 1970.

Railroads have historically been the backbone of our Nation's transportation system. Yet over the past several years, as improved highway and air transportation services have made deep inroads into the rail passenger traffic, rail passenger service has gone down while costs have gone up. Clearly, positive action and a completely new direction is required now. The legislation before us today, if passed, can restore the railroads to a new high position of efficiency, comfort, and safety.

This bill would authorize the establishment of a National Railroad Passenger Corporation—a private, for-profit corporation, which would be authorized to operate or contract for the operation of intercity rail passenger trains and to conduct related research and development. In addition, the bill provides needed Federal financial assistance to the Corporation: $40 million in direct grants, $100 million in Federal loan guarantees, and $200 million in Federal loans to railroads to buy stock.

The vital importance of trains must not be underestimated. For instance, a stretch of track can carry 10 to 20 times as many people as one lane of highway. In addition, trains do far less harm to the environment around them than either air or highway travel—a consideration of not a little importance in light of the threat of a fully paved eastern seaboard and banks of jet smoke resting overhead.

For far too long, the railroads have shown shocking disregard for their public responsibility, and for too long the public interest has gone unheard. What is also shocking, however, is that where other modes of public transportation are Government-subsidized, the railroads have traditionally been neglected and have been totally responsible for their own operations and maintenance. It is little wonder that recently they have faltered.

For the future, we must consider the need to change the whole structure of our transportation system so that railroads can be made competitive and can combine their duties with various other modes of transportation—trucks, planes, and ships—as they have done in Canada. This would promote the efficiency which we so clearly lack today.

Today, however, let us accept this strong and needed step toward improved rail service. By establishing an independent corporation and by maintaining a basic minimum network of intercity service, it will lay the groundwork for truly modern rail service for the future.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 17849. I am a cosponsor of this legislation, and I am a very strong supporter of the bill because I believe that a fully operational and functioning railway system is necessary to a thriving economy, and also rail travel offers advantages that cannot be matched either by air travel or highway driving.

Let me note for my colleagues the congressional findings on the rail dilemma:

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

Bearing in mind our colleagues' diligent effort and hard work in reaching these findings, let me run over very briefly the four primary objectives of the legislation.

First, it authorizes the establishment of a national rail passenger system in accordance with certain congressionally prescribed criteria as set forth in this bill. Second, it provides for appropriate Federal financial assistance to the Nation's railroads for the performance of essential passenger service. This assistance takes two distinct forms: Reimbursement for direct operating losses incurred by those passenger trains and services designated by the Secretary of Transportation as part of the national rail passenger system; and provision of new and rehabilitated rail passenger equipment for lease to railroads and regional transportation agencies whenever needed. Third, the bill explicitly authorizes the Secretary of Transportation and the Interstate Commerce Commission to require railroads to provide adequate standards of service on passenger trains. Fourth, the bill provides for stronger controls by the Interstate Commerce Commission over the discontinuance of passenger trains included within the national rail passenger system, and at the same time facilitates discontinuance, by the railroads, of those trains which are not included in the system, in the absence of State, regional, and/or local financial support.

In particular, I call your attention to section 802 of the bill which provides as follows:

Upon enactment of this Act, no railroad may discontinue any passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

As a representative of the Pittsburgh area in the Congress, I know I am speaking for my constituents when I say this legislation is vital, necessary and the House should join the Senate in giving our Nation and its citizens a railway system that works and works well.

Mr. OTTINGER. Mr. Chairman, I wish to express my support for the comprehensive bill under consideration that will provide the organization and the financial means to upgrade our disappearing railroad passenger service. I have been sponsoring legislation to this end for years, particularly the Intercity Rail Passenger Service Act of 1969, which was designed to authorize the Department of Transportation to purchase and lease passenger equipment to railroads or regional transportation authorities, and other bills to establish Federal minimum standards for passenger service.

The Railpac bill we will vote on today appears to me to be a feasible and effective means to revitalize an important part of our national transportation system. The recent declaration of bankruptcy by Penn Central served to underscore a problem that has been intensifying for years, every since the railroads have been downgrading and eliminating passenger trains for the more profitable freight business. It is timely for Congress to move into this gap now, since neither roalroad management nor the Interstate Commerce Commission appears to understand the importance of maintaining a viable rail passenger service.

In the past 40 years almost 20,000 passenger trains have been discontinued, and the ICC is allowing further elimination at such a rate that the remaining 500 trains may well dwindle away to none. H.R. 17849 will hopefully reverse this alarming trend by directing the Department of Transportation to designate

a basic intercity rail network for regular operation of passenger routes and by creating a private corporation to take over and run those trains. Rail companies will be allowed to relinquish their responsibility for providing passenger service by joining the corporation and paying for the right to do so. Any railroad not joining the corporation will be required to operate existing passenger trains for at least 5 years. The public will be able to purchase stock in the new corporation, which will be run by a 15-member board of directors and which will hopefully make a profit through its operations.

Nevertheless, the corporation will be required to run passenger trains over some unprofitable routes when necessary in the public interest, so it is possible that this new program will have to be funded by the Congress on an annual basis. Initially, $40 million will be authorized to get the corporation into operation, in addition to another $100 million in loan guarantees for new and improved equipment and roadbeds and $200 million in loan guarantees for contracts to operate passenger trains. Hopefully new developments in high speed rail technology will enable the National Railroad Passenger Corporation to eventually become solvent, and the initial seed money from the Federal Government is a worthwhile investment to enable us to find out if railroad pasenger service can be self-sustaining. Almost 100 million passengers use intercity trains each year and the congestion on our highways and at our airports give us compelling reasons to look to the future by providing for continuing railroad passenger service. I urge speedy approvel of H.R. 17849 and the earliest possible implementation of its provisions so that the public may have available the quality and number of trains it deserves.

Mrs. HECKLER of Massachusetts. Mr. Chairman, the rail passenger for many years now has suffered the worst kind of discomfort and indignities. Rail passenger services have degenerated rapidly since the halcyon days of American railroads in the post-World War II period. The United States may not quite have achieved the world's worst railroad system; however, it has been moving quickly toward the day of having no rail services at all. It is possible for Congress to reverse that trend, as the Rail Passenger Service Act of 1970 will do, by insuring the survival of essential rail passenger services.

I consider it urgent that we save essential rail passenger services, particularly for the commuter for whom intercity rail service is not a luxury but often a necessity. I consider it vital to develop alternate modes of transportation, as a means of escape from the speed-slowing congestion which is steadily increasing on our highways and airways.

Consequently, I have supported the efforts to achieve these goals. Last year I cosponsored legislation to upgrade and improve conditions on passenger trains. I have been active with the New England delegation in seeking to preserve rail services for our constituents. In fact, the New England delegation has been most influential in bringing about action on the present bill. Because I considered it inexcusable—at precisely the time when Congress was ready to act on the present bill—for the Penn Central to propose the discontinuance of urgently-needed Boston-Providence commuter services, I personally testified against the proposal at recent Interstate Commerce Commission hearings. I felt this was still another indignity being imposed without rhyme or reason on my constituents in the 10th Congressional District of Massachusetts.

The bill creates a new quasi-private National Railroad Passenger Corporation charged with the assignment of maintaining a minimum of rail passenger service on intercity routes in certain population corridors.

Railroad management by corporation is not unusual. The French railroad system is run by a commercial corporation in which the government holds 51 percent of the stock. Italy and West Germany have government owned and operated railroads. Japan's system is managed by a public corporation under supervision of the Minister of Transport. The general efficiency of the Japanese and West European railroads is well-known, and they have pioneered in developing new forms of high speed ground transportation.

The U.S. railroad industry's annual net profit is less than 2.3 percent, and largely derived from nontransportation investments. Thus, the railroads have neglected low revenue-producing passenger services in favor of more lucrative freight services. They have hardly assumed with great relish the challenge of experimental high-speed rail systems, such as the East Coast's Metroliners and New England's Turbo-Trains.

The bill invites the railroads to join the National Railroad Passenger Corporation, which assumes the responsibility with the help of Government loans and grants for operating the unprofitable intercity rail passenger services. This approach seems workable.

I believe that the proposed moratorium on rail service discontinuancies regardless of their status is especially important. In the case of trains within the corporation's system, no service could be discontinued until after July 1, 1973. Trains operated by nonjoining carriers could not be discontinued until after January 1, 1975. First, of course, the survival of essential rail services must be assured.

The bill, in addition to authorizing research and development to design, construct, and operate future high-speed rail systems, would permit the publicizing of rail passenger services. I have no doubt that passengers can be attracted back to railroads which offer clean and efficient services.

Our Nation, Mr. Chairman, has long endorsed the concept of balanced transportation. This involves more than air and highway mobility. High-speed ground mobility, which utilizes the existing rail network, is an integral part of a balanced system.

I believe that the public will be well served by the revival of railroads, and the national effort to upgrade and improve existing services. I strongly urge the passage of this vital bill.

Mr. MESKILL. Mr. Chairman, I fully support passage of the Rail Passenger Service Act of 1970. In an age when we send men to the moon we move people on our railroads in antiquated and poorly scheduled equipment. Present railroad service is shamefully inadequate to meet even current needs. It is a pity that it took the bankruptcy of the Penn Central to awaken Americans to our rail transportation crisis.

The country needs all modes of transportation, operating at maximum efficiency, if in the 1970's Americans are to be able to travel from city to city safely, comfortably, and in reasonable time.

In 1929 we had some 20,000 passenger trains in operation. Today we have less than 500 regularly scheduled intercity passenger trains.

In its 1968 report the Interstate Commerce Commission pointed out the following facts:

In the last 10 years—

The number of regular intercity trains has declined more than 60 percent from the 1,448 trains operated in 1958.

Fourteen railroads have abandoned all intercity service, and six have only one pair of trains left.

Intercity service over 36 percent of the 1958 routes has been completely eliminated.

Noncommutation passengers have decreased 40 percent, and first-class passengers have dropped nearly 70 percent.

Rail investment in new equipment for intercity service has nearly ground to a halt and the quality of service has deteriorated in a number of instances.

Despite these adverse developments, I firmly believe that a new market for rail passenger service exists. I believe the American public is ready to take a second look at the trains they abandoned for the airplane and the automobile. For trains are the cheapest, safest, most dependable way to transport people. Moreover, trains offer the best solution to the pollution problem associated with the transportation of individuals throughout our Nation.

Facts simply do not support those who suggest that other means of transportation can replace the intercity rail passenger transportation. Our air and highway systems have reached the saturation point. Traffic congestions and tieups on expressways, and takeoff and landing delays at airports have become commonplace, especially in the densely populated urban corridors. While significant improvements will be and must be made in our highway and airway systems, it is apparent that we cannot rely upon the automobile and the plane exclusively for future travel needs.

I believe that the creation of a quasi-public corporation to assume the operation of trains within a national rail passenger system is a most feasible plan to revitalize our entire national rail passenger service. This corporation to be created will not be inhibited by traditional attitudes about rail passenger service. Rather, the new managerial approach will be totally dedicated to passenger travel and will supply the needed innovation and leadership.

Mr. Chairman, unless positive Government action is taken soon, railroad passenger service in many parts of the country will be a thing of the past. The Rail

Passenger Act of 1970 is of great importance to the Nation in terms of meeting the transportation needs of a growing and mobile population. I urge House passage of this legislation, establishing the importance of rail lines as the basis of future intercity transit systems.

Mr. BINGHAM. Mr. Chairman, I have long been concerned about the decline of intercity rail passenger service, and I want to congratulate my colleagues on the Interstate and Foreign Commerce Committee for bringing this very bold and comprehensive legislation before the House. In my judgment, it provides a much-needed foundation upon which to revive and restore rail passenger service in this country to the important role it certainly should have in our total transportation mix.

In every Congress since 1965, I have introduced legislation (H.R. 133) designed specifically to protect and improve rail passenger service for commuters. That legislation sought to stop the alarming trend of commuter service terminations in New York and elsewhere, and to increase available Federal assistance for such service by prohibiting the Interstate Commerce Commission from approving service terminations until the possibility of Federal assistance had been exhaustively explored. The legislation also authorized funds for Federal loans and grants to preserve commuter rail service.

I am pleased to note, Mr. Chairman, that the purpose of my legislation will, in effect, be accomplished by the legislation currently before the House. I am particularly gratified to see that provision is made that will prevent any further discontinuance of rail passenger train service, and that the bill as a whole provides a framework for increased Federal and private investment through the proposed National Railroad Passenger Corporation in improved passenger rail service.

In my judgment, this legislation provides a real opportunity for this Nation to upgrade and hopefully to expand the role of the railroads in the passenger transportation field. That will constitute a considerable service to commuters and long-distance travelers alike, and on that basis I am delighted to vote for the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country; that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

SEC. 102. DEFINITIONS

For the purposes of this Act—

(1) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(2) "Secretary" means the Secretary of Transportation or his delegate unless the context indicates otherwise.

(3) "Commission" means the Interstate Commerce Commission.

(4) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II and section 403(a) of this Act.

(5) "Intercity rail passenger service" means all rail passenger service other than (A) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and (B) auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of this Act.

(6) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, as determined by the Interstate Commerce Commission pursuant to the provisions of section 553 of title 5, United States Code.

(7) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

(8) "Regional transportation agency" means an authority, corporation, or other entity established for the purpose of providing passenger service within a region.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

SEC. 201. DESIGNATION OF SYSTEM.

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for the basic system. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the basic system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending the basic system the Secretary shall take into account the need for expeditious intercity rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall viability of the basic system; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes of transportation; the relationship of public benefits of given services to the costs of providing such services; and potential profitability of the service. The exclusion of a particular route, train, or service from the basic system shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under section 13a of the Interstate Commerce Act (49 U.S.C. 13a).

SEC. 202. REVIEW OF THE BASIC SYSTEM.

The Commission, the State Commissions, the representatives of the railroads, and labor organizations duly authorized under the Railway Labor Act to represent railroad employees shall, within thirty days after receipt of the preliminary report of the Secretary designating the basic system, review such report consistent with the purposes of this Act and provide the Secretary with their comments and recommendations in writing The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act, submit his final report designating the basic system to the Congress. Such final report shall include a summary of their recommendations together with his reasons for failing to adopt any such recommendation. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

SEC. 301. CREATION OF THE CORPORATION.

There is authorized to be created a National Railroad Passenger Corporation. The Corporation shall be a for-profit corporation, the purpose of which shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

SEC. 302. PROCESS OF ORGANIZATION.

The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

SEC. 303. DIRECTORS AND OFFICERS.

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President and at all times at least one such member shall be

a consumer representative. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the Corporation. The members of the board appointed by the President and those elected by common stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining four members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at any such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation. Such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect four directors and the preferred stockholders shall be entitled to elect three directors; upon the conversion of one-half of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to elect two directors; upon the conversion of three-fourths of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one director; and upon conversion of all outstanding shares of preferred stock, the common stockholders shall be entitled to elect seven directors. Any change of directors resulting from such stock conversion shall take effect at the next annual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad during the time of his employment by the Corporation.

SEC. 304. FINANCING OF THE CORPORATION.

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than (1) a railroad or (2) any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

(A) COMMON STOCK.—Common stock shall have a par value of $10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(B)(1) PREFERRED STOCK.—Preferred stock shall have a par value of $100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum per annum, and shall be cummulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

(ii) Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

(iii) Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorporation shall provide.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or by any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of this Act.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, non-voting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(f) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

SEC. 305. GENERAL POWERS OF THE CORPORATION.

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity trains operated for the purpose of providing modern, efficient, intercity transportation of passengers and to carry mail and express on such trains; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall, consistent with prudent management of the affairs of the Corporation, rely upon railroads to provide the employees necessary to the operation and maintenance of its passenger trains and to the performance of all services and work incidental thereto, to the extent the railroads are able to provide such employees and services in an economic and efficient manner. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

SEC. 306. APPLICABILITY OF THE INTERSTATE COMMERCE ACT AND OTHER LAWS.

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and services and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between carriers and their employees, employee retirement, annuity and unemployment systems, and other dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

SEC. 307. SANCTIONS.

(a) If the Corporation or any railroad engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act, refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any employee affected thereby, including duly authorized employee representatives, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

SEC. 308. REPORTS TO THE CONGRESS.

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its

annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

SEC. 401. ASSUMPTION OF PASSENGER SERVICE BY THE CORPORATION; COMMENCEMENT OF OPERATIONS.

(a) (1) On or before March 1, 1971, the Corporation is authorized to contract and, upon written request therefor from a railroad, shall tender a contract to relieve the railroad, from and after March 1, 1971, of its entire responsibility for the provision of intercity rail passenger service. On or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract, and upon written request therefor, shall tender a contract to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service and such relief shall become effective upon the date on which such contract is entered into. Contracts may be entered into on or before March 1, 1971, notwithstanding the fact that the decision of the Commission under section 102(f) of this Act with respect to avoidable loss has not become final. Any contract entered into before such decision of the Commission has become final shall be subject to adjustment to assure that the contract is consistent with such final decision of the Commission. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any State or other law relating to the provision of intercity passenger service: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the Corporation, the railroad shall agree to pay to the Corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. Unless the railroad waives all rights to receive stock in exchange for its payments, the railroad shall receive common stock from the Corporation in an amount equivalent in par value to each payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969, covering all intercity service over the routes between those points between which the Secretary, under sections 201 and 202 of title II of this Act, has specified that intercity passenger trains shall be operated within the basic system.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad and the railroad shall surrender to the Corporation an amount of stock, at par value, equivalent to such payment. If the railroad and the Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission, upon investigation, shall decide the issue within ninety days following the date of referral, or within such additional time as the Commission may order not to exceed an aggregate of one hundred and eighty days following such date of referral, and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided (i) either by a railroad with which it has not entered into a contract under subsection (a) of this section or (ii) by a regional transportation agency, provided such agency gives satisfactory assurance to the Corporation of the agency's financial and operating capability to provide such service, and of its willingness to cooperate with the Corporation and with other regional transportation agencies on matters of through train service, through car service, and connecting train service. The Corporation may at any time subsequent to March 1, 1971, contract with a regional transportation agency to provide intercity rail passenger service between points within the basic system included within the service of such agency.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route over which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

SEC. 402. FACILITY AND SERVICE AGREEMENTS.

(a) The Corporation may contract with railroads or with regional transportation agencies for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable, and the rights of the Corporation to such services or to the use of tracks or facilities of the railroad or agency under such order or under an order issued under subsection (b) of this section shall be conditioned upon payment by the Corporation of the compensation fixed by the Commission. If the amount of compensation fixed is not duly and promptly paid, the railroad or agency entitled thereto may bring an action against the Corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by the Corporation within the basic system, the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

SEC. 403. NEW SERVICE.

(a) The Corporation may provide intercity rail passenger service in excess of that prescribed for the basic system, either within or outside the basic system, including the operation of special and extra passenger trains, if consistent with prudent management. Any intercity rail passenger service provided under this subsection for a continuous period of two years shall be designated by the Secretary as a part of the basic system.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 66⅔ per centum of, nor more than, the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

SEC. 404. DISCONTINUANCE OF SERVICE.

(a) Unless it has entered into a contract with the Corporation pursuant to section 401(a)(1) of this Act, no railroad may discontinue any intercity passenger train whatsoever prior to January 1, 1975, the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, a Federal or State court, agency, or authority to the contrary notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b)(1) The Corporation must provide the service included within the basic system until July 1, 1973, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Except as provided in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after July 1, 1973, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however*, That at least thirty days prior to any change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in

every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 66⅔ per centum of, nor more than, the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the purposes of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

SEC. 405. PROTECTIVE ARRANGEMENTS FOR EMPLOYEES.

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees affected by discontinuances of intercity rail passenger service whether occurring before, on, or after January 1, 1975.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements. No contract under section 401(a)(1) of this Act between a railroad and the Corporation may be made unless the Secretary of Labor has certified to the Corporation that the labor protective provisions of such contract afford affected employees fair and equitable protection by the railroad.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation. The certification by the Secretary of Labor that employees affected have been provided fair and equitable protection as required by this section shall be a condition to the completion of any transaction requiring such protection.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by a railroad employee. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

SEC. 501. APPOINTMENT OF ADVISORY PANEL.

Within thirty days after enactment of this Act, the President shall appoint a fifteen-man financial advisory panel. Six members of the panel shall represent the business of investment banking, commercial banking, and rail transportation. Two members shall be representatives of the Secretary of the Treasury and seven members shall represent the public in the various regions of the Nation.

SEC. 502. PURPOSE OF ADVISORY PANEL.

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

SEC. 503. REPORT TO CONGRESS.

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

SEC. 601. FEDERAL GRANTS.

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

(1) the initial organization and operation of the Corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

SEC. 602. GUARANTY OF LOANS.

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by the Corporation or agency of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $100,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $100,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

SEC. 701. INTERIM AUTHORITY TO PROVIDE EMERGENCY FINANCIAL ASSISTANCE FOR RAILROADS OPERATING PASSENGER SERVICE.

(a) For the purpose of permitting a railroad to enter into or carry out a contract entered into under this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroad, or (2) guarantee any lender against loss of principal or interest on any loan to such railroad.

(b) Before making a loan or a guarantee under this section, the Secretary must find, in writing, that—

(1) the loan or guarantee is necessary to carry out the provisions of this Act;

(2) the proceeds of any loan made or guaranteed under this Act will be used solely to carry out contracts entered into under this Act;

(3) the loan or guarantee is not otherwise available on reasonable terms and conditions; and

(4) there is reasonable assurance that the business affairs of the railroad will be conducted in a prudent manner.

(c)(1) In any case in which there is a liquidation of the assets of any railroad which is the recipient of a loan made or guaranteed under this Act, the United States shall have the first right to redeem that portion of such assets consisting of those of rights-of-way, tracks, and other facilities designated by the Secretary to be necessary for the purpose of providing intercity rail passenger service, including services employing innovative technology, within the basic system.

(2) It is the intent of the Congress that, in the case of a loan guarantee under this Act, the United States shall stand in the same position with respect to other creditors as in the case of a direct loan by the United States giving the United States priority over secured and unsecured creditors.

(d) Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loans adjusted to the nearest one-eighth of one per centum.

(e) The maturity date on any loan made or guaranteed under this section, including renewals and extensions thereof, shall not be later than five years from the date of issuance.

(f) The aggregate amount of loans and loan guarantees made under this section shall not exceed $200,000,000.

SEC. 702. AUTHORIZATION FOR APPROPRIATIONS.

There are hereby authorized to be appropriated such amounts not to exceed $200,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. ADEQUACY OF SERVICE.

The Commission is authorized to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

SEC. 802. EFFECT ON PENDING PROCEEDINGS

Upon enactment of this Act, no railroad may discontinue any intercity rail passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

SEC. 803. SEPARABILITY

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 804. ACCOUNTABILITY

Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by striking out "and" immediately preceding "(5)" and by inserting immediately before the period at the end thereof the following: "and (6) the National Railroad Passenger Corporation".

SEC. 805. RECORDS AND AUDIT OF THE CORPORATION

(1)(A) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person.

(B) The report of each such independent audit shall be included in the annual report required by section 308(a) of this Act. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(2)(A) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transaction and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

(B) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time submitted to the Congress.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. Chairman, of course this would be excluding title IX, which the Ways and Means Committee will handle.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Staggers:

Page 43, line 17, strike out "March 1" and insert in lieu thereof "May 1".

Page 43, line 20, strike out "March 1" and insert in lieu thereof "May 1".

Page 44, line 3, strike out "March 1" and insert in lieu thereof "May 1".

Page 46, line 21, strike out "March 1" and insert in lieu thereof "May 1".

Page 47, line 8, strike out "March 1" and insert in lieu thereof "May 1".

Mr. STAGGERS. Mr. Chairman, the amendment was requested by the Department of Transportation. It is merely a change in the date for the offering of contracts by the railroads for rail passenger service. In view of the present date and the fact that we have not yet completed this legislation, it now seems appropriate to advance the starting date for the Corporation from March 1, 1971 to May 1, 1971. The reason for this is to give the Corporation time to get the whole Corporation prepared and get ready for the contracts. I think it is a reasonable request, and it is only 2 months' extension.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

The CHAIRMAN. Under the rule, title IX of the committee substitute amendment shall be considered as having been read for amendment.

Title IX is as follows:

TITLE IX—TAX DEDUCTION FOR CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 901. (a) Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

"SEC. 250. CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.

"(a) GENERAL RULE.—If—

"(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the 'Passenger Corporation') pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act of 1970, and

"(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a), then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

"(b) WHEN PAYMENT IS MADE.—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

"(c) EFFECT OF CERTAIN SUBSEQUENT ACQUISITIONS OF STOCK.—

"(1) DISALLOWANCE OF DEDUCTIONS.—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

"(2) COLLECTION OF DEFICIENCY.—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

"(d) MEMBERS OF CONTROLLED GROUP.—Under regulations prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a)(2) and (c) shall be applied by treating all members of such controlled group as one corporation."

(b) The table of sections for such part VIII is amended by adding at the end thereof the following:

"Sec. 250. Certain payments to the National Railroad Passenger Corporation."

(c) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

The CHAIRMAN. Under the rule, no amendments are in order to title IX of said substitute except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments to title IX to be offered by direction of the Committee on Ways and Means?

Mr. BURKE of Massachusetts. Mr. Chairman, there are no committee amendments from the Committee on Ways and Means.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17849), to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, pursuant to House Resolution 1251, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill and conference report just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

LEGISLATIVE ACTIVITY OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I should like to tell the House something of what our committee has done so far. I believe the cooperation of the 37 Members has been the greatest I have ever known in Congress, since I have been here for my 22 years, and this is true on both sides of the aisle.

I should especially like to compliment the minority leader on the opposite side of the committee, the gentleman from Illinois (Mr. SPRINGER) and all who serve with him; and also especially all subcommittee chairmen.

I should like to review briefly some of the measures which have been considered by our committee.

There have been referred to our committee 1,875 bills and resolutions.

There have been 82 public hearings held covering 429 bills.

Thirty-two bills have become public law, including one passed over the President's veto.

Two bills are in conference committee.

Three conference reports covering five bills have been agreed to by the House and returned to the Senate.

Four bills are now pending in the Rules Committee.

Nine bills are before the Senate for consideration.

Five bills are at the White House for signing.

Two more bills have been approved by the committee and reports are being prepared on them.

This is one of the greatest records our committee has ever had in its history, and I want to say "Thanks, thanks a million," to each member of the committee.

In addition, I especially would like to commend again members of the Interstate Committee staff for the outstanding manner in which they carried out their duties. My sincere gratitude to Ed Williamson, the extremely capable and conscientious clerk, and members of the professional staff, James Menger, Kurt Borchardt, William Dixon, Robert Guthrie, and Theodore Focht. My sincere appreciation as well to each of the other men and women of the staff who served so well with the subcommittees and the main committee.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Illinois.

Mr. SPRINGER. I wanted to say to my distinguished chairman that in all of our hearings, both open and executive, he has been extremely fair to the minority. He has tried to work with them, as I am sure our side has tried to work with him, in getting out legislation in the public interest.

I have served on this committee for 18 years, and I have never seen a year like this one. Regardless of what my colleagues may think, it is my understanding that our committee has had out on this floor more than three times as many bills as any other committee, and I include in that statement the Committee on Appropriations, which I understand generally has the most legislation on the floor.

Much of this legislation has been landmark legislation. It has not been just ordinary legislation. It has involved not hundreds of millions of dollars but billions of dollars of our Nation's money. We have tried to make that money stretch as far as possible and tried to do the best we could for everyone. I may say I have seen about as little selfish interest this year as at any time since I have been on the committee. This committee has been public minded. The diligence with which the subcommittees have worked has been remarkable. There have been weeks when we have had four subcommittees going at one time, and I do not know of any other committee that has had a schedule like that.

Mr. Speaker, I want to thank my distinguished chairman for the fine treatment he has given me during all of this session. It has been a hard and most difficult one, and I am appreciative of it and glad to pay tribute to him for it.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Illinois very kindly, because, as I said, we have done so much and the whole committee has worked hard to get these bills before the House.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. STAGGERS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 342]

Abbitt	Edwards, La.	May
Adair	Evans, Colo.	Michel
Anderson, Tenn.	Fallon	Miller, Calif.
	Farbstein	Mills
Aspinall	Feighan	Mizell
Ayres	Fish	Murphy, N.Y.
Baring	Fisher	Nichols
Beall, Md.	Flowers	O'Konski
Bell, Calif.	Ford, Gerald R.	Olsen
Berry	Ford, William D.	O'Neal, Ga.
Biaggi	Fulton, Tenn.	Ottinger
Blackburn	Gallagher	Patman
Blanton	Gilbert	Pelly
Bow	Goldwater	Philbin
Brock	Griffiths	Pollock
Brooks	Gross	Powell
Broyhill, N.C.	Gubser	Price, Tex.
Burke, Fla.	Gude	Purcell
Burlison, Mo.	Haley	Reid, N.Y.
Burton, Utah	Hanna	Reifel
Bush	Hansen, Wash.	Roberts
Button	Hébert	Rooney, Pa.
Cabell	Hicks	Roudebush
Casey	Holifield	Rousselot
Celler	Howard	Ruppe
Chappell	Jacobs	Ruth
Chisholm	Jones, N.C.	Satterfield
Clancy	Kastenmeier	Scheuer
Clay	Keith	Sikes
Collier	King	Smith, N.Y.
Collins	Kleppe	Snyder
Corman	Landrum	Steiger, Ariz.
Coughlin	Langen	Stratton
Cowger	Leggett	Taft
Cramer	Lloyd	Talcott
Cunningham	Long, La.	Taylor
Daddario	Lowenstein	Teague, Tex.
Davis, Ga.	Lujan	Thompson, N.J.
Dawson	Lukens	Thomson, Wis.
Devine	McCarthy	Tunney
Diggs	McCulloch	Whitehurst
Dowdy	McFall	Winn
Dwyer	MacGregor	Wold
Edmondson	Maillliard	
Edwards, Ala.		

The SPEAKER. On this rollcall 298 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE REPORT ON H.R. 19333, SECURITIES INVESTOR PROTECTION ACT, UNTIL 5 P.M. OCTOBER 21

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce

have until 5 p.m. October 21 to file a report on H.R. 19333, the Securities Investor Protection Act.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. GRAY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 343]

Abbitt	Edmondson	Martin
Adair	Edwards, Ala.	May
Addabbo	Edwards, La.	Meskill
Anderson, Calif.	Erlenborn	Michel
	Evans, Colo.	Mikva
Anderson, Tenn.	Fallon	Miller, Calif.
	Farbstein	Mills
Aspinall	Feighan	Mizell
Ayres	Fish	Montgomery
Baring	Fisher	Murphy, N.Y.
Beall, Md.	Flowers	Nichols
Berry	Ford, Gerald R.	O'Konski
Biaggi	Ford, William D.	Olsen
Blackburn		O'Neal, Ga.
Blanton	Fulton, Tenn.	Ottinger
Bow	Fuqua	Passman
Brock	Galifianakis	Patman
Brooks	Gallagher	Pelly
Brown, Calif.	Gaydos	Philbin
Broyhill, N.C.	Gilbert	Pollock
Burke, Fla.	Goldwater	Powell
Burlison, Mo.	Griffiths	Price, Tex.
Burton, Utah	Gross	Purcell
Bush	Grover	Rees
Button	Gubser	Reifel
Cabell	Haley	Roberts
Casey	Hanna	Roudebush
Celler	Hansen, Wash.	Rousselot
Chappell	Harrington	Ruppe
Chisholm	Hébert	Ruth
Clancy	Hicks	Sikes
Clark	Ichord	Smith, N.Y.
Clay	Jacobs	Snyder
Collier	Jones, N.C.	Stanton
Collins	King	Stratton
Corman	Kleppe	Taft
Cowger	Landrum	Talcott
Cramer	Langen	Teague, Calif.
Culver	Lloyd	Teague, Tex.
Cunningham	Long, La.	Thompson, N.J.
Daddario	Lowenstein	Thomson, Wis.
Davis, Ga.	Lujan	Tiernan
Dawson	Lukens	Tunney
Delaney	McCarthy	Widnall
Devine	McFall	Wilson, Charles H.
Dowdy	MacGregor	
Dwyer	Mailliard	Wold

The SPEAKER. On this rollcall 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1252 and ask for its immediate consideration.

CALL OF THE HOUSE

Mrs. GREEN of Oregon. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 344]

Abbitt	Edwards, Ala.	Michel
Adair	Erlenborn	Mikva
Addabbo	Evans, Colo.	Miller, Calif.
Anderson, Tenn.	Fallon	Mills
	Farbstein	Mizell
Ashley	Fish	Moorhead
Aspinall	Fisher	Morse
Ayres	Flowers	Murphy, N.Y.
Baring	Ford, Gerald R.	Nichols
Beall, Md.	Ford, William D.	O'Konski
Berry		Olsen
Biaggi	Frey	O'Neal, Ga.
Blackburn	Fulton, Tenn.	Ottinger
Blanton	Fuqua	Passman
Bow	Gallagher	Patman
Brock	Gilbert	Pelly
Brooks	Goldwater	Pepper
Brown, Calif.	Griffiths	Philbin
Buchanan	Gross	Pollock
Burke, Fla.	Grover	Powell
Burlison, Mo.	Haley	Price, Tex.
Burton, Utah	Halpern	Purcell
Bush	Hanley	Railsback
Button	Hanna	Rees
Byrnes, Wis.	Hansen, Wash.	Reifel
Cabell	Hébert	Roberts
Carey	Heckler, Mass.	Rooney, N.Y.
Casey	Helstoski	Roudebush
Celler	Hicks	Rousselot
Chappell	Horton	Ruppe
Clancy	Howard	Ruth
Clark	Jones, N.C.	Sandman
Clay	King	Sikes
Collier	Kleppe	Smith, Iowa
Collins	Landrum	Snyder
Colmer	Langen	Stafford
Corman	Leggett	Stanton
Cowger	Lloyd	Stratton
Cramer	Long, La.	Taft
Daddario	Lowenstein	Talcott
Davis, Ga.	Lujan	Teague, Calif.
Davis, Wis.	Lukens	Teague, Tex.
Dawson	McCarthy	Thompson, N.J.
Dent	McFall	Thomson, Wis.
Devine	MacGregor	Tiernan
Dickinson	Mailliard	Tunney
Diggs	Martin	Weicker
Dowdy	May	Widnall
Downing	Mayne	Wilson, Charles H.
Dwyer	Melcher	
Edmondson	Meskill	Wold

The SPEAKER. On this rollcall 279 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

The SPEAKER. The Clerk will read the resolution.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 345]

Abbitt	Baring	Brock
Adair	Beall, Md.	Brooks
Addabbo	Berry	Broyhill, N.C.
Alexander	Biaggi	Burke, Fla.
Ashbrook	Blackburn	Burlison, Mo.
Ashley	Blanton	Burton, Utah
Aspinall	Blatnik	Bush
Ayres	Bow	Button
Cabell	Hanna	Pelly
Casey	Hansen, Wash.	Pepper
Celler	Hays	Philbin
Chappell	Hébert	Pollock
Clancy	Heckler, Mass.	Powell
Clark	Hicks	Price, Tex.
Clay	Horton	Pucinski
Collier	Howard	Purcell
Collins	Jarman	Railsback
Conte	Jones, N.C.	Rees
Corman	King	Reid, Ill.
Cowger	Kleppe	Reid, N.Y.
Cramer	Kuykendall	Reifel
Daddario	Landrum	Roberts
Davis, Ga.	Langen	Roudebush
Dawson	Lloyd	Rousselot
Denney	Long, La.	Ruppe
Devine	Lowenstein	Ruth
Diggs	Lujan	Sikes
Dingell	Lukens	Skubitz
Dowdy	McCarthy	Snyder
Downing	McFall	Springer
Dwyer	McMillan	Staggers
Edmondson	MacGregor	Stanton
Edwards, Ala.	Mailliard	Steed
Edwards, La.	May	Stephens
Evans, Colo.	Melcher	Stratton
Evins, Tenn.	Meskill	Stuckey
Fallon	Michel	Symington
Farbstein	Miller, Calif.	Taft
Fisher	Mills	Talcott
Flowers	Minshall	Teague, Calif.
Ford, Gerald R.	Mizell	Teague, Tex.
Ford, William D.	Mollohan	Thompson, N.J.
	Moorhead	Thomson, Wis.
Fulton, Tenn.	Morse	Tiernan
Fuqua	Murphy, N.Y.	Tunney
Gallagher	Nichols	Weicker
Gilbert	O'Konski	Whitehurst
Goldwater	Olsen	Whitten
Griffiths	O'Neal, Ga.	Widnall
Gross	Ottinger	Wilson, Charles H.
Haley	Passman	
Hanley	Patman	Wold

The SPEAKER. On this rollcall 275 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution——

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. A quorum has just been established. The Clerk has not finished reading a sentence. The Clerk will proceed with the reading of the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability——

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will always protect the rights of the gentleman under the rule. The Clerk will continue.

The Clerk read as follows:

with his highest potential and capability, and for other purposes——

CALL OF THE HOUSE

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from California makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I withdraw the resolution.

The SPEAKER. The Chair will state that it is too late now.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 346]

Abbitt	Fallon	O'Konski
Adair	Farbstein	Olsen
Addabbo	Fisher	O'Neal, Ga.
Alexander	Flowers	Ottinger
Ashley	Ford, Gerald R.	Passman
Aspinall	Ford, William D.	Patman
Ayres	Fulton, Tenn.	Pelly
Baring	Fuqua	Philbin
Barrett	Gettys	Podell
Beall, Md.	Gilbert	Pollock
Berry	Goldwater	Powell
Biaggi	Gray	Price, Tex.
Blackburn	Griffiths	Purcell
Blanton	Gross	Railsback
Bow	Haley	Reid, Ill.
Brock	Hanley	Reid, N.Y.
Brooks	Hanna	Reifel
Brown, Mich.	Hansen, Wash.	Roberts
Broyhill, N.C.	Hays	Rodino
Burke, Fla.	Hébert	Roe
Burlison, Mo.	Hicks	Rosenthal
Burton, Utah	Jarman	Roudebush
Bush	Johnson, Calif.	Rousselot
Button	Jones, N.C.	Ruppe
Cabell	King	Ruth
Casey	Kleppe	Satterfield
Celler	Landrum	Schadeberg
Chappell	Langen	Sikes
Clancy	Leggett	Smith, Iowa
Clay	Lloyd	Snyder
Collier	Long, La.	Springer
Collins	Long, Md.	Stanton
Corman	Lowenstein	Steed
Cowger	Lujan	Stephens
Cramer	Lukens	Stratton
Cunningham	McCarthy	Stuckey
Daddario	McFall	Symington
Davis, Ga.	MacGregor	Taft
Dawson	Mailliard	Talcott
Dellenback	May	Teague, Tex.
Denney	Melcher	Thompson, N.J.
Devine	Meskill	Thomson, Wis.
Diggs	Michel	Tunney
Dingell	Miller, Calif.	Weicker
Dowdy	Mills	Whitehurst
Dwyer	Minshall	Whitten
Eckhardt	Mizell	Wilson, Charles H.
Edmondson	Moorhead	Wold
Edwards, Ala.	Mosher	Wright
Edwards, La.	Murphy, N.Y.	
Evans, Colo.	Nichols	
Evins, Tenn.		

The SPEAKER. On this rollcall, 277 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

Mr. MADDEN. Mr. Speaker, because the House passed a resolution a week or so ago to recess today and since a number of the Members are out of the city, I withdraw the resolution (H. Res. 1252) which would make in order the consideration of the bill, H.R. 19519, the manpower bill.

Mr. Speaker, House Resolution 1252 provides an open rule with 2 hours of general debate for consideration of H.R. 19519. The Comprehensive Manpower Act, and, due to a transfer of funds, all points of order are waived against sections 502, 515 and 522 of the bill.

The purpose of H.R. 19519 is to develop workers' abilities, to create jobs which will make the most of these abilities and to match workers and jobs. This bill will eliminate redtape, streamline many programs and curtail duplication and will train and qualify every American seeking work.

Since the enactment of the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964, individual programs have lost much of their flexibility. Proliferation of training programs has led to overlapping and uncoordinated services.

H.R. 19519 provides for a comprehensive manpower services program to provide for referral to employment, training and related services for unemployed and underemployed persons, veterans and prison inmates, and improvements in the labor market by developing information systems and reducing impediments to employment.

The bill establishes a program of financial assistance to designated prime sponsors, or other public or private employers to help such employers train their employees for higher level jobs.

A public service employment program is authorized and a number of Federal manpower programs are provided; $2 billion is authorized for fiscal year 1972, $2.5 billion for fiscal year 1973, and $3 billion for 1974.

In addition, a National Manpower Advisory Committee is provided for comparative evaluation of different manpower programs. This legislation has the support of the administration and passed the Labor and Education Committee by a vote of 25 to 3.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. Speaker, the above statement explains excerpts of the manpower bill which was withdrawn because of an organized "filibuster" of quorum calls made by opponents of this much needed legislation.

Mr. COHELAN. Mr. Speaker, I rise in strong support of H.R. 19519, the Comprehensive Manpower Act. I am an original cosponsor of H.R. 11620, a similar manpower measure. Many of the provisions of my original bill are incorporated in the legislation that this Chamber is considering today.

This bill, the Comprehensive Manpower Act of 1970, represents a major advance over the existing approaches in manpower programs. Let me briefly summarize the provisions of this bill:

In title I there is the consolidation of manpower programs; specifically those under the Manpower Development and Training Act of title I of the Economic Opportunity Act. This streamlined approach to manpower training will be under the Secretary of Labor. The Secretary can provide these services through local prime sponsors, that is, State officials, city officials of cities having a population of 100,000 or more, and officials representing a combination of cities of 100,000, and so forth. It is to be noted that the local area applications take precedence over those of the State. This could be a distinct advantage—having the program administered at the local level with oversight at the Federal level. This increased flexibility of delivery will hopefully assure a better end product.

It is to be noted that the conditions of employment of the trainees are protected. There is a specific provision for proper working conditions, workmen's compensation, and training allowances that approach the minimum wage.

In title II of this legislation there is a specific provision for occupational upgrading. This feature of this bill is a definite addition to existing manpower programs. There is nothing more frustrating than a worker being locked into a position without possibilities for advancement. I am hopeful that this legislation will make upward mobility a reality for the many workers who have the motivation to advance but no opportunity for continued training.

Mr. Speaker, in an economy that has a 5½-percent unemployment rate, it would be unreasonable to place all our efforts on job training for nonexistent jobs. Yet, even with a high unemployment rate, many vital tasks are not being completed in areas such as education, health, environment, neighborhood improvement, and mass transportation. These areas need qualified personnel but there remains a lack of funds for such programs. Title III of this bill attempts to provide personnel for jobs in such areas that I have mentioned as well as provide training so that employees can upgrade their skills. This public service employment provision holds great potential for the future.

There is no universally applicable method for job training but this bill provides new direction in this area. In title I there is a provision for increased local control of programs, subject to Federal review: Title IV provides for continual research and development in manpower programs and for the centralization of labor supply and demand information.

Mr. Speaker, I urge my colleagues to adopt this far-reaching legislation today.

Mr. DANIELS of New Jersey. Mr. Speaker, as chairman of the Select Subcommittee on Labor, which conducted the hearings on various comprehensive manpower bills which resulted in the full House Education and Labor Committee favorably reporting H.R. 19519, I desire to enter into the record a brief explanation of the principal provisions of the bill.

I am indeed disappointed that the House was prevented from considering this bill today due to the obstructionist tactics of a few Members.

H.R. 19519 consists of a statement of purpose and 5 titles:

Title I provides for a comprehensive manpower services program to provide for referral to employment; training and related services for unemployed and underemployed persons, veterans, and prison inmates; and improvements in the labor market by developing information systems and reducing impediments to employment. This program includes at least: education, orientation, employability skills, occupational training, and a range of activities designed to increase

employment potential; employment programs for low-income youth, new careers for the chronically unemployed poor in beautification and similar programs; programs to stimulate job opportunities by incentives for public and private employers; and improvements in the labor market through employment centers and relocation payments.

Title II establishes a program of financial assistance to prime sponsors designated under title I or other public or private employers to help such employers train their employees for higher-level jobs.

Title III—authorizes a public service employment program. The employment must be by Federal, State, or local government agencies and must provide a useful public service. Employees must have been unemployed for at least 5 weeks or have been employed part time for at least 10 weeks. Special consideration is given persons with family responsibility. Employees must be paid the applicable minimum wage or the prevailing rate for the work, whichever is higher.

The employment program must be tied in with other manpower training programs and have specified objectives for moving employees into nonsubsidized employment. Federal support is 80 percent of the cost of the program, but this may be reduced if the goals for moving employees into regular employment are not met.

Title IV provides for a number of Federal manpower programs including: Research and development, labor market information, improvement of manpower utilization, evaluation, and training and technical assistance. It also establishes a national computerized job-bank program and a new program to improve employment opportunities for the disadvantaged in federally assisted programs. The existing Job Corps program is transferred to the Secretary of Labor under this title.

Title V authorizes $2 billion for fiscal year 1972; $2.5 billion for fiscal year 1973; and $3 billion for fiscal year 1974. In addition, this title also provides for a National Manpower Advisory Committee for comparative evaluation of different manpower programs. Title V also contains numerous technical and miscellaneous provisions including appropriate repeals of existing law.

Mr. O'HARA. Mr. Speaker, I believe it is very unfortunate that the House was not permitted to discuss the provisions of H.R. 19519, the Comprehensive Manpower Act, today. I think it is unfortunate because I do believe that if the bill had been brought before the House, H.R. 19519 would have passed by a virtually unanimous vote.

The opponents of H.R. 19519 have delayed House action on this legislation by a month or so but they have not, I am confident, prevented or even seriously threatened approval of this bill by the House. I am confident and my discussions with colleagues on both sides of the aisle have strengthened my confidence, that the strong support given this legislation by the administration, by almost all Republican and Democratic members of the Committee on Education and Labor, by the Chamber of Commerce, by the AFL–CIO, by the Mayors and many of the Governors, and by those manpower experts and practitioners who have in fact read the bill, will continue unabated and we will simply take up a month from now where we left off.

So my initial disappointment stems from the loss of time and effort put in by Members and staff to prepare us for a sensible and open discussion of the bill's merits on this floor today.

But much more serious a cause for regret is the fact that hundreds of thousands of the unemployed, who could have been helped by this bill, and who would have taken the speedy and enthusiastic passage of this legislation as a symbol of congressional concern, may now begin to lose some part of the hope which our committee action, and the action of the other body, had given them.

It would be difficult enough, Mr. Speaker, to go home and try to explain to the people who every day are losing jobs why the Congress had rejected a program to help put them to work—if we had rejected it. But it will be a good deal harder, Mr. Speaker, to explain to them why we were not even allowed to bring this bill up for consideration.

A few short days ago, Mr. Speaker, I put in the RECORD, a list of labor markets in which the unemployment rates had reached true emergency proportions. It was alarming to note that these rates had reached as high last June as 7.5 percent in the Detroit labor market; as high as 9 percent in some parts of California, as high as 10 percent in some parts of Kansas, well over 6 percent in most Texas labor markets, well over 6 percent in some Virginia labor markets, over 10 percent in the Seattle area, and over 6.7 percent in the Portland, Oreg., area. The rates are higher in virtually every district now than they were in June. We have no cause for complacency, no cause for believing we can put the problem off for a month or sweep it under the rug.

Mr. Speaker, as a reminder of what could have been discussed and what we could have turned our attention to today, I would like to call the attention of my colleagues to that earlier insertion, which appears on page 35231 of the RECORD for October 6.

Mr. PEPPER. Mr. Speaker, I rise in support of the manpower bill, H.R. 19519, as a means of carrying out the commitment of this Congress to provide employment for all citizens willing and able to work. Since the 1946 Full-Employment Act, I have welcomed every opportunity to vote for a measure which would move toward fulfilling this statement of public policy. This bill is a move toward that end.

We are aware there are differences in the approach to this legislation in the Senate bill and in the House bill, but I speak today about the principle and our responsibility to provide the strongest legislation possible to guarantee the right to an employment opportunity for all American citizens—men, women, the young, the middle aged worker and the senior citizen.

We must accomplish two purposes: First, to provide skills for people who do not have them; and, second, to provide work so they can use these skills. It is useless and wrong morally to raise the hopes of people by inducing them to take training and then leave them without work when their training is completed.

I wish to call the attention of my colleagues to the fact that under the Economic Opportunity Act we have had some demonstrations. Notable and successful examples include the senior aides programs, sponsored by the National Council of Senior Citizens, and programs of a similar nature sponsored by the National Council for Aging and the American Association of Retired Persons in Florida have shown the tremendous potential these older workers have and the breadth of support that this type of program has at the community level.

These programs are providing solutions to problems that beset the older person who is in need of income and is physically and mentally able to work. Those who claim that because a man or woman who has passed his 56th birthday is no longer eligible for training and manpower programs, simply have not been out in the districts to see what employment and training can mean for the older man and woman. The service they do is so essential and so important, and they do such an excellent job, that all segments of the community say, "This is a wise expenditure of public money."

Green Thumb, a fine organization, does similar work to help provide work for senior citizens in rural and farming areas. In doing this we not only provide work, but we add to the total of wealth created.

We are all aware there is another group—the youth of this Nation—which is in desperate need of help at this time. Many young people have never had an opportunity to work; and I can assure you, as I stated in my testimony in behalf of this bill before the House Select Subcommittee on Labor, there is a close correlation between youth unemployment and youth crime. This has been substantiated time and time again in hearings before the House Select Committee on Crime, of which I am chairman. Organized crime costs this Nation between $30 billion to $50 billion a year. The typical man who is in prison today, came from a broken home, is a school dropout, unemployed, and formerly an inmate of prison.

This year, youth employment, ages 16 through 19, was 16.8 percent for the month of September, according to statistics furnished by the Department of Labor. A year ago, in September 1969, the rate for this same group was 12.9 percent. This is a frightening statistic and the rate of increase, approximately 4 percent this year over last, is even more frightening when we realize that one out of every 17 of our young men and women in this age category is jobless.

I am convinced that by providing adequate training and guaranteeing jobs we would be doing a great deal to reduce crime in our cities. This bill seeks to provide not only training but to make it possible for governments to provide new public service jobs in communities where there are not a sufficient number of employment opportunities in the private sector. This combination is necessary, and I am pleased to urge my col-

leagues to join me in the support of this bill.

Mr. LANGEN. Mr. Speaker, I offer my support of the Comprehensive Manpower Act, H.R. 19519, in particular the mainstream program.

Public Service employment under the mainstream program can be run effectively and efficiently, as exemplified by the Green Thumb program. Almost 3,000 older, low-income rural men and women who normally could not find employment are now working with this service-oriented organization, which has sought to improve our country through projects dealing with ecology, beautification, conservation, and general community improvements. Ranging in age from 55 to 94, the average age of participants in the Green Thumb program is 69—well above normal employment age standards.

In Minnesota alone, the 288 Green Thumbers have noticeably improved the appearance of the highways through their beautification efforts. When flash floods hit the Zumbro Falls area, Minnesota enlisted the aid of Green Thumbers to clean up after that disaster.

Green Light, the distaff side of the Green Thumb program, has 46 people in Minnesota helping State and local agencies perform community service tasks more efficiently and more effectively. These women work as lunchroom and teacher aides, senior citizen center aides, and commodity food stamp aides.

Mr. Speaker, it is clear that a program such as this ought to continue and it is the task of this Congress to see that provisions are made for it in the legislation presently under consideration. The variety of services provided by Green Thumb are needed not only in Minnesota but also in the other areas which Green Thumb serves.

As an example of Green Thumb versatility, I would like to point out a tornado warning system constructed in Cass County, Minn., by a Green Thumb crew using automobile horns and batteries. With a maximum of economy and ingenuity, an effective warning system was made available. The following is a newspaper article describing this effort:

GREEN THUMBERS HELP BUILD TORNADO WARNING SIRENS

A Green Thumb crew has been providing the manpower to build warning siren units which will help Cass County communities establish a tornado warning system.

The Green Thumb workers, who normally are employed in public works such as park development and roadside beautification, are in this instance helping the Cass county Civil Defense director, John Rohr, in assembling units for a unique warning system.

Mr. Rohr had since early 1968 been seeking to find an economical source of warning sirens which could be purchased and installed by village and township governments in order to achieve area-wide coverage of tornado or other storm warnings.

Unfortunately, he could not find commercial siren units at prices within the means of the local units of government and so Mr. Rohr set about trying to design a system which could be built without great cost.

The tornado disaster which hit the county in August, 1969, gave impetus to the search for a practical and also emphasized the need for a system which would work when power sources were interrupted.

Finally, he hit upon a scheme of ganging together a group of automobile horns and powering them with an ordinary car battery.

With the help of several Cass county businesses and industries he was able to accumulate some of the needed materials and the basement of a business building was obtained as a workshop location.

Green Thumb workers became involved because of the considerable skilled help needed to assemble the units.

Altogether, the Green Thumb workers have assembled about 50 of the warning units, each equipped with a gang of eight auto horns.

It is hoped that, when time from other projects will permit, the Green Thumbers will be able to complete another 50 of the units.

Green Thumb is the work program devised by Farmers Union, in which elderly low-income persons are employed in a variety of public betterment projects. The program operates in Minnesota and 13 other states. In Minnesota, it operates in 18 counties.

Farmers Union contracts with the U.S. Labor Department to supply the working force for the projects. Hiring is done through the state employment service in the counties involved in the Green Thumb program.

Mr. ULLMAN. Mr. Speaker, the public service employment bill (H.R. 19519) currently under consideration will prove a boost to the presently sluggish American economy. As an example of the potential of well-administered public service employment, I would cite the organization of Green Thumb.

Now in 17 States, Green Thumb is funded by the Federal Government and administered by the National Farmers Union. The project got under way in 1966 and now employs almost 3,000 men across the Nation.

The efforts of Green Thumb members in Oregon were recently recognized by the organization's reception of the Merit Award of the Soil Conservation Society of America. The honor was given in recognition of Green Thumb's outstanding service in advancing the art and science of wise land use.

Green Thumb members, usually retired farmers whose ages average 69, put in a solid 8-hour day 3 days a week on useful ecological, beautification, and conservation projects. In Oregon, they have been responsible for extensive improvement along State highways and fairgrounds. They have planted and maintained countless trees, flowers, and shrubs in an attempt to enhance the natural beauty of the area's parks and roadways.

Members have also assisted in the restoration of at least three historical Oregon sites: Bush Pasture Park, Spongs Landing, and Pioneer Cemetery.

Members of Green Thumb have exemplified the value of properly-administered Public Service Employment programs. I submit the following article from the Albany, Oreg., Democrat Herald for the attention of my colleagues:

"COUNTRY BOY" SPEAKS ABOUT "GREEN THUMB"

(By Dan Jones)

A "country boy" from the Dever-Conner district north of Albany went to Washington, D.C., and has come back excited to tell other retired men the merits of the Green Thumb program.

Charlie R. Billings, who has had farms in the Albany area for the past 23 years, is a crew foreman in the Green Thumb program. As a foreman, he was selected to represent the 142 Green Thumbers of Oregon at a national briefing in Washington in late June.

The session dealt with expanding the program and gaining federal appropriations for more manpower. Also proposed is a "Green Light" program for women, but this may take a few years to establish.

Green Thumb, Inc., was founded in 1965 as a subsidiary of the National Farmers Union. The corporation, working with the federal Office of Economic Opportunity, established demonstration programs in Oregon, Arkansas, Minnesota and New Jersey.

The program was to test the training of and future employment possibilities for over 300 older men with low incomes and farming backgrounds as workers in community development and beautification projects.

Billings read about the program in a newspaper three years ago and became interested. Application is made through the state employment office, followed by a personal interview. Acceptance comes from the state's Green Thumb office in Salem. Wanford Page, of Albany, is area supervisor.

Men selected are paid $1.75 an hour and work three days a week. Billings said as a foreman he earns a little more, but still less in a year than he is permitted to earn and still draw full social security benefits.

There are now three Green Thumb crews in Linn County of seven men each. Two of the crews work for the State Highway Department and the third is directed by the Linn County Parks Department.

The crews take care of highway landscaping, park development and planting, maintaining lawns and gardens at parks and highway rest areas and tending the floral beds and shrubs in the dividers along interstate 5.

Nation-wide, Green Thumbers have worked on a total of 350 parks in the 14 states where the program operates. The national program has a monthly newsletter for employees with helpful tips for the semiretired person.

Billings said the program is considered a "training ground." Men are encouraged to take other work which becomes available because of their experience as Green Thumbers. Such work includes park caretakers, landscape assistants, and industrial gardeners.

Billings said the program is for retired low income men. He sees a great deal of value in the program and hopes Congress authorizes expansion of the program, both in the manpower and in the number of states participating.

Mrs. GREEN of Oregon. Mr. Speaker, it is with a great deal of reluctance that I have opposed the consideration of this bill today. I believe the 22 different manpower training programs need to be coordinated and reorganized and I strongly support the full utilization of this Nation's manpower. I had desperately hoped that the Select Subcommittee on Labor, which had original jurisdiction of this legislation, would have designed a bill that could have accomplished that.

But this bill promises no such utilization of manpower.

Unfortunately, it offers a renewal of the same old familiar programs that have offered training without jobs and have spent money without tangible evidence of success.

If there were some compelling reason why this multibillion-dollar proposal had to become law before the recess without full and careful consideration,

then I would not protest. I find no such compelling reason. It may or may not be all right to create propaganda before an election, but I suggest to legislate in this manner on such an important matter—affecting the lives and pocketbooks of millions of people—does not have to be done on this closing day of the session with few more than a quorum present.

This 71-page bill, reported out by the full Commitee on Education and Labor the same day it was introduced, is the "late-into-the-night" product of a coalition of a Democratic and a Republican member of the committee, some committee staffers, and administrative spokesmen for the Labor Department.

They labored, it was reported, until 3:30 a.m. on the day the bill was approved and with the help of scissors and staples they tore into pieces five previously introduced House bills plus S. 3867, the Senate-passed Employment and Training Opportunities Act of 1967.

What emerged was a confusing array of old authorizations, new authorizations, new ideas sandwiched between old ideas, and a grand bag of authorizations for studies, pilot projects, evaluations, surveys, and so forth, that would promise to make even more incomprehensible the multiplicity of programs we have now.

Significantly, when the chairman called the committee together on September 30 at 10:30 a.m., the members did not know what was in it. I do not believe any but the two authors had ever had a copy to read of the pieced together 71-page bill Xeroxed only 7 hours earlier; not 7 days or 7 weeks earlier; but, I repeat, completed only 7 hours earlier. It was not read in the committee.

Yet demands were made that the bill be reported out by 11 a.m. Only a parliamentary squabble delayed the session to later in the afternoon.

It was reported out, but with several members of the committee dismayed at the tactics used. It did not improve the integrity of the committee system, nor the image of the House, as "the greatest deliberative body in the world."

As an aside—I think the integrity of the committee system is far more important in terms of congressional reform than is the much criticized seniority system. When—in this committee and others—quorums too often cannot be obtained, when sometimes only one out of 35 attends hearings to gain the necessary information; when 71-page amendments—as in this case—are not even available to members of the committee—and when the new 71-page amendments are not known or read—we need to consider committee integrity in congressional reform.

To casual one-time visitors in the gallery, we explain away the small number in the House Chamber by saying: "You have to understand the real work is done in committee." If we are not willing to do that real work in the committee, then that explanation will fast lose its credibility. And certainly it adds a persuasive reason for not considering it in the closing hours when everyone is more concerned about going home than reorganizing manpower programs.

I repeat, most of the committee members did not really know the provisions of the bill or what they called for. Assured that all of the material in the bill had in fact been included in much discussed legislation and the subject of many hearings in both House and Senate committees, the committee approved the bill.

The 71-page amendment in the form of a substitute was not read in the committee—and it obviously had not been read by many members before the committee meeting—because copies were not available.

But the cut-and-paste job on the six previously introduced bills produced an interesting mix of additions and deletions.

There was, in fact, the inclusion of new language not contained in the other bills in at least six different places in the bill, plus the inclusion of revised language in at least eight other places.

Although these new words were not subjected to a line-by-line scrutiny in committee, they are minor concerns compared to whole sections of the Senate bill—S. 3867—which were quietly dropped into the bill and never the subject of question before the House Committee on Education and Labor.

For instance:

In five different places in the early part of the bill requirements are made that community action agencies be intimately involved with any local manpower program. CAP agencies are supposed to be represented on manpower service councils, are involved in writing the applications for financial assistance, may be come prime sponsors of all the various manpower training programs themselves and are to be included in the conduct of any program in their areas.

No program is to be approved unless the local CAP agency has reviewed it.

In my mind these requirements make it impossible to have a meaningful delivery of manpower programs at the local level.

But they were never discussed in the committee.

Similarly, a downgrading of the role of State governments was effectively done in this bill by simply making a clever mix of House and Senate legislation, a little rewriting here and there and some clever deletions; such as the line in Mr. STEIGER'S bill, H.R. 10908—conveniently discarded—which would have simply stated that responsibility for a State plan is to be vested in the Governor.

The committee report then emphatically states that no Governor's veto is intended nor allowed in any manpower program operation in a State.

This is curious because the majority of the committee was so ignorant of the provisions of the bill that it is impossible that it could have been emphatic about anything.

One of the House bills used in the writing of the legislation was H.R. 19377.

This bill contained proposals for a public employment service. From this bill was constructed title III of today's proposed legislation.

But there was at least one major deletion. It provided that in evaluating applications for public service projects the Secretary of Labor shall:

(a) consider the savings to the United States and other participating governmental bodies under each such contract in the areas of:

(1) potential reductions in public assistance costs;

(2) potential reductions in unemployment compensation outlays;

(3) potential added tax revenues to the United States and other participating governmental bodies.

By dropping this language, an important concept was dropped.

The concept had been that the Government be the employer of last resort and that jobs, not the dole, be the answer for unemployment. It had been hoped by some, including myself, that eventually we could have a program where jobs would take the place of welfare and unemployment compensation and the multitudinous manpower training programs, that too often train for jobs that do not exist, could be reorganized.

Quite clearly the committee bill provides for jobs, welfare, and unemployment compensation, too.

It had never been the intent to create make-work jobs, but then neither had it been the intent to create a new bureaucracy.

Unfortunately, that is exactly what this bill would do.

The original idea has now become so perverted that this new program of public employment can now become a permanent new way of life. The Government is not just the employer of last resort. The bill would guarantee unemployment insurance, workman's compensation, the minimum wage or the prevailing wage, whichever is higher, promotional opportunities, and career employment. If a $15,000 engineer or GM employee in Detroit becomes unemployed, under this bill he could become a city engineer with the above benefits.

We create a new federal system parallel to civil service. What is the incentive for anyone to leave? Is this really what we want as the answer to reorganization of manpower programs and current unemployment?

The Federal Government would foot 80 percent of the entire cost.

Mr. Speaker, this bill has become so unrecognizable and so diverted from the original ideas in the reform and improvement of our manpower training system that I cannot, in all conscience, lend it my support. I do hope that in November or in the next Congress that a thorough and proper review will be given this program and that we will not pass up a real opportunity to make the needed changes.

The SPEAKER. The resolution is withdrawn.

GENERAL LEAVE TO EXTEND

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM AND APPOINTMENT TO U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER laid before the House the following resignation from the U.S. Group of the North Atlantic Assembly:

OCTOBER 14, 1970.

The HONORABLE THE SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation from the United States Group of the North Atlantic Assembly.

Sincerely,

L. C. ARENDS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of Section 1, Public Law 689, 84th Congress, as amended the Chair appoints as a member of the U.S. Group of the North Atlantic Assembly the gentleman from Wisconsin, Mr. THOMSON to fill the existing vacancy thereon.

PROVIDING FOR CONSIDERATION OF H.R. 16408, AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1230 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1230

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16408) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. COLMER. Mr. Speaker, House Resolution 1230 provides an open rule with 1 hour of general debate for consideration of H.R. 16408 to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The Commission was established on July 4, 1966, to study and make specific recommendations for the commemoration of the bicentennial and of events related thereto.

One of the purposes of H.R. 16408 is to authorize an appropriation of $373,000 for the Commission for fiscal year 1971. Heretofore the authorization for appropriations has been open ended.

In addition, the legislation adds the Secretaries of HUD and of Transportation as members of the Commission. It is felt that their participation is desirable in planning bicentennial activities, including a possible international exposition.

Another purpose of the bill is to permit the Commission the exclusive use of distinctive logos, symbols, or marks to be designed as the hallmark of the commemoration and to provide penalties for unauthorized manufacture, reproduction, or use thereof.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I concur in the remarks made by the distinguished Chairman of the Rules Committee, the gentleman from Mississippi (Mr. COLMER). The rule is an open rule, providing for 1 hour of debate. The Bureau of the Budget supports the legislation. There are no minority views. I certainly hope we win this resolution the next time around. I hope we will not lose it this time.

Mr. Speaker, I move the adoption of the rule.

Mr. COLMER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16408) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16408, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from California (Mr. WIGGINS), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado (Mr. ROGERS).

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 16408, which provides for a series of amendments to the joint resolution which established the American Revolution Bicentennial Commission.

This measure has been recommended to us by the administration and was referred to the Committee on the Judiciary in the form of an executive communication.

The American Revolution Bicentennial Commission was established on July 4, 1966, under the provisions of Public Law 89–491. That statute gives to the Commission the responsibility of planning, encouraging, developing, and coordinating the commemoration of the 200th anniversary of our Nation's birthday.

As the Commission is presently structured, it includes 17 members from private life who are appointed by the President, one of whom is designated by the President as Chairman of the Commission. In addition to members from private life, the Commission also includes 18 members representing various branches and agencies of the Federal Government.

In connection with the discharge of its responsibilities, the Commission has been directed to develop a national plan of commemorative activities throughout the Nation. This plan has been formulated and was submitted to the President in report form on July 4 of this year.

The purpose of the proposal now pending before you is to make several changes in the Statute which established the Commission. Summarized in brief, these changes are as follows:

First, the proposed bill provides authorizations for appropriations for fiscal year 1971. Although in the proposal as recommended by the Commission authorization for appropriations would have been openended for the duration of the entire life of the Commission through 1983, under the amendment adopted by your committee the authorization is limited to fiscal year 1971. Under the committee amendment the authorization is also limited to $373,000. Although the Commission had originally requested $375,000, it was determined that there would be a $2,000 carryover from 1970, Correspondingly, in the committee's amendment, the authorization has been adjusted accordingly.

Second, the bill would add the Secretary of Transportation and the Secretary of Housing and Urban Development as members of the Commission.

Third, the bill would permit payment to consultants of the amount permitted under the general provisions of law in lieu of the $75 maximum permitted under the present section 6(c) of the act.

Fourth, the bill would permit the Commission the exclusive use of distinctive logos, symbols or marks which will be designed as the hallmarks of the official bicentennial commemoration.

The Judiciary Committee held hearings on this proposal on May 6, 1970, and has considered the proposal carefully. In our view, this bill would serve a very worthy objective.

The Senate, on June 26, 1970, passed a bill, S. 3630, which is identical except for certain typographical errors.

Finally, I would like also to call attention to the fact that the appropriations authorizing this legislation have already

been approved by Congress. Under Public Law 91-361, the Department of the Interior Appropriations Act, $373,000 has been appropriated for 1971 subject to the enactment by Congress of H.R. 16408, S. 3630, or similar legislation.

Mr. Chairman, this legislation is highly meritorious, the appropriations have already been agreed upon and I, therefore, urge that we give this proposal prompt and favorable consideration today.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield for some questions?

Mr. ROGERS of Colorado. I am pleased to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I should like to know: Is it the intention of the Commission to seek to raise funds through the sale of commemorative medals—which, of course, would be a valid idea?

Mr. ROGERS of Colorado. Yes; they may be able to do that.

Mrs. SULLIVAN. As the chairman of the subcommittee of the House Committee on Banking and Currency which has jurisdiction over coinage matters and commemorative medals, I want to assure the gentleman that we would certainly consider sympathetically any proposals of the Commission for authorization of national medals, and perhaps even for special commemorative coins—although that is a very controversial aspect. But I hope that in any planning which might go into this matter on the part of the Commission, it is kept firmly in mind that as a public agency, a governmental body, it should assume direct responsibility for the distribution of such items, under conditions which will enable the widest possible number of citizens to obtain copies or sets at reasonable prices. I mention that because I suspect there will be a tremendous effort made to have the Commission turn out merchandise for sale by private sellers and dealers, and in that situation there is always a possibility of having the output limited in quantity in order to make the items more valuable in the collector market. Can the gentleman assure me that any official souvenir items manufactured under the authority of the Commission, and offered for sale to the public, will not be so limited in quantity that individual collectors are unable to obtain copies or sets except at very high premiums in the coin or medal markets?

If the gentleman really does not have a complete answer on that question I wish he would put it in the RECORD.

Mr. ROGERS of Colorado. I should like to yield to the gentleman from Virginia (Mr. MARSH) who is a member of the Commission.

Mrs. SULLIVAN. May I just finish with one more question, and then I shall be glad to have the gentleman comment?

Mr. ROGERS of Colorado. Yes.

Mrs. SULLIVAN. I know that this legislation does not touch directly on the point I have just raised, but in view of all of the interest on the part of private firms seeking to capitalize on the bicentennial, I thought it would be useful to establish the fact that the Commission's first interest is in the public's participation, rather than in how much money can be raised or what profits can be enjoyed. I am sure that is the intention of the members of the Commission and of the managers of this bill.

Mr. ROGERS of Colorado. That certainly is the intention of the managers of the bill.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. MARSH).

Mr. MARSH. I thank the gentleman for yielding. I particularly thank the gentlewoman from Missouri for the points she has made.

The questions raised have been raised in their first stage in the Commission. I serve on the Commission, as does the gentleman from Pennsylvania (Mr. SAYLOR). This is one of the things I suspect will be a subject of discussion at the October meeting of the Commission.

The points you make are the type of guidance which I think are quite helpful to the Commission in its consideration of the matter. I can assure the gentlewoman that I will bring these points to the attention of the Commission. I very much appreciate your calling it to the attention of the House today.

Mrs. SULLIVAN. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Pennsylvania, who is a member of the Commission.

Mr. SAYLOR. I want to say to the gentleman from Colorado and to the distinguished gentlewoman from Missouri, as our colleague from Virginia said, this item is on the agenda for our meeting in the latter part of this month. One of the guidelines which some of the members of the Commission have already sent in as preliminaries is in line with what you have suggested. We want the broadest base possible for all Americans to participate and do not want this to be a moneymaking arrangement for anyone. One of the things we have recommended before it comes to the Congress is that no firm, corporation, or individual will be given a monopoly to sell any of the items so that they can make a profit—and it would be a tremendous profit—at the expense of the public.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Pennsylvania.

Mr. DENT. I do not mind so much the price of the article, but I was wondering if there was any way that you could incorporate in the regulaitons some criteria or whatever you might call it about the souvenirs and mementos and commemorative types of coins or liberty bells or replicas of the event and such things that might be and will be used. I just hope that we do not get a basketball replica of the liberty bell coming in from Japan so that our grandchildren will come in many years from now and say that this commemorated the 200th birthday of the American Revolution.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Colorado. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to say that the original firm in England which made the Liberty Bell has already produced a replica on sale in this country for an outstanding price. I might say, much to my surprise, there have been several hundred already sold in this country.

Mr. DENT. Will the gentleman yield further?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. DENT. I am not so worried about that. They did have a small part in that revolution. I am more disturbed about what has happened to our Christmas ornaments and many other things of that nature. It is awfully difficult sometimes. As a matter of fact, if I had not saved some from our early days—mother and I did save some from way back—I do not think that my children would have one Christmas bauble to put on our tree that was not made in Japan, and they do not even believe in it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

I will say to my good friend from Pennsylvania who just spoke that under this adjournment we are talking about, if he reconvenes after the recess is over, he will be around here until Christmas to see lots of baubles and Christmas ornaments when we run until that season. Of course, I did not rise or ask the gentleman to yield for that purpose.

I wonder if this is the legislation I recognize on which the distinguished gentleman from Colorado and I have engaged in colloquy on many past occasions, which was originally instituted by the Congress on the basis of free-will donations only, and which was not to cost the taxpayers a single cent.

Mr. ROGERS of Colorado. The gentleman is correct. The original bill, provided for donations to be made.

Mr. HALL. Would the gentleman inform the members of the Committee of the Whole how much has been contributed in the form of donations and how much the taxpayers have been called on to furnish up to now, including this authorization and/or appropriation?

The amended legislation authorized appropriations and there was appropriated the sum of $150,000 to the Commission for fiscal year 1969, $77,000 of which was carried over to fiscal year 1970. The fiscal year 1970 appropriations to the Commission amounted to $175,000, giving the Commission a total of $252,000 available during 1970. That is the amount that has been authorized and appropriated.

Mr. HALL. That is correct, except the gentleman forgot to supply me with the figure on outside or voluntary donations.

Mr. ROGERS of Colorado. Well, I do not have the exact information immediately available to me. However, it was only a nominal amount.

Mr. HALL. I will say to the distinguished gentleman, Mr. Chairman, that the amount is $5,000 that has been contributed, according to a report in the other body and according to a report from the Comptroller General which I just happen to have available.

The gentleman tells me we are acting after the fact because we have already

agreed on the amount that is going to be appropriated in fiscal year 1971. Could the gentleman tell us how much that is?

Mr. ROGERS of Colorado. That is $373,000.

Mr. HALL. Meaning that is an accumulative figure plus the $2,000 holdover? This is in addition to the other figures which the gentleman gave me, and the $5,000 contribution?

Mr. ROGERS of Colorado. The gentleman from Missouri is correct.

Mr. HALL. Is there any estimate as to how much this bicentennial celebration is going to cost the Treasury of the United States before it is all over?

Mr. ROGERS of Colorado. I have no estimates and no estimate has been submitted. The plan, according to the report that was given to the President on the 4th of July this year, was very extensive in its nature, to cover almost every part of the United States. So to anticipate exactly what the cost connected therewith would be would be speculative at this time.

Mr. HALL. I am awfully glad that the gentleman brought that up because actually, Mr. Chairman, that was my next question.

If the gentleman will recall and refer to the RECORD of October 6, 1969, and the colloquy in which the gentleman and I engaged, the gentleman will find it had to do primarily—and it is on page 9047—with the question of whether all the States of the Union were going to engage in this bicentennial, or whether just the Thirteen Original Colonies and their derivative States were going to engage in it.

Can the gentleman advise me as to whether this is going to be a total U.S. effort and celebration?

Mr. ROGERS of Colorado. May I direct the gentleman's attention to the report submitted to the President, dated July 4, 1970, where they outlined the fact that it is to be something dealing with the entire Nation. And, I may further point out that in this bill we are authorizing an appropriation only for this year, and are not asking for an open-ended authorization as was originally requested.

Mr. HALL. Oh, Mr. Chairman, I do appreciate that, as one who is and has been traditionally a watchdog of the Treasury and foursquare against back-door raids on the Treasury and open-ended funding. However, let us go a little bit further in order to establish the legislative history and the legislative action preceding this request.

As I understood it originally, and based upon the gentleman's own report, this Commission had a hard time getting off the ground. Perhaps that was because they were depending upon voluntary contributions originally, instead of the taxpayers' good old "moola." However, according to the record they did not meet for a year. In fact the Commission members were not appointed for 8 months after the enactment of the legislation and they only had one more meeting in the next 14 months or so, and then they all resigned with the change of administration. Seven were continued on, and we now have a new Commission that is meeting almost monthly with the next meeting being set for this month, and they are doing a lot. This is the same basic Commission, is it not?

Mr. ROGERS of Colorado. Yes. I think the gentleman from Pennsylvania (Mr. SAYLOR) probably has the honor of having attended all these meetings, and know what activities have taken place, and he could probably enlighten the gentleman from Missouri on any particular question.

Mr. HALL. If the gentleman will continue to yield to me, let me say that I know that my distinguished colleague (Mr. TAYLOR), is going to make a speech, and I am glad that he and the gentleman from Virginia are on the Commission. I think probably that augers well for the Commission, and indeed is why it is now functioning properly after all these years of backing and filling. But I think the taxpayers ought to know what trouble this Commission had aborning. It indeed went through the travails and labours of a very well-fixed outlet in the process of birthing. One of those processes were complaints by the great State of North Carolina and the Commonwealth of Pennsylvania, and indeed the Smithsonian Institution, about who should do what in the celebration; and indeed there are in the record many allegations toward not only the expense and the way it was to be funded, but the mission and objective of the Bicentennial Commission, namely, was it going to be a social agency? Was it going to emphasize such things as slum clearance? Was it going to get into the political field and the sociological field? Was it going to emphasize through the 200th anniversary our environment and ecology, or the rights of minorities? Maybe all of these, taken singularly, would be worthwhile objectives, but hardly the basis, in my opinion, of a Commission for celebration of our Nation's independence.

Does the gentleman from Colorado know if those problems have all been ironed out?

The CHAIRMAN. If the gentleman from Colorado will permit, the Chair would like to advise the gentleman from Colorado that he has about 10 minutes remaining of his allotted time, having consumed 20 minutes.

Mr. ROGERS of Colorado. I thank the Chairman.

Mr. Chairman, may I direct the attention of the gentleman from Missouri to the report that was given to the President by this Commission, and on page 2 they say:

> Specifically, Congress instructed the Commission to:
>
> Plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the American Revolution.

The mandate as set forth in the report is what this commission intends to do. So I am certain that what we are going to try to do is to instill a little patriotism and understanding among the American people of the importance of the revolution we had.

Mr. HALL. I think that would be a very worthwhile thing. Indeed, it would ill behoove any person to object to such a worthy mission. But does the gentleman's committee or subcommittee maintain surveillance, review, and oversight of this commission?

Mr. ROGERS of Colorado. I would say we do not.

Mr. HALL. Does the Congress have any surveillance to review, or have an oversight function with regard to the commission or the celebration?

Mr. ROGERS of Colorado. Yes; in this, that they must come, if we adopt this bill, before any appropriations can be had, they must come to Congress and Congress can then pass upon it.

Mr. HALL. In other words, we will only exercise the function of purse strings control?

Mr. ROGERS of Colorado. The gentleman is correct.

Mr. HALL. In which we are notably week and laggardly.

Mr. ROGERS of Colorado. We at least can control that part.

Mr. HALL. One final question, and I will relent, because of the time situation. I do notice, and I have read the committee report word for word, that the commission has not selected any bicentennial symbol. I believe the gentleman addressed himself to this matter a while ago.

What is the "hallmark"—with no pun or anything like that intended—what is the intended hallmark of the celebration, or the Centennial Commission, and please define for me what is the "logos"?

We are protecting that by this legislation, practically legislating into being the copyright and patent.

Mr. ROGERS of Colorado. That is right. Anything this commission may come up with to help to promote the celebration would then be the property of the commission.

Mr. HALL. Is that the meaning of the word "logos"?

Mr. ROGERS of Colorado. Emblem—emblem—that is what it means.

Mr. HALL. I presume that it came from the Greek word meaning logic, or emblematic, or something like logorrhea—a running off of the mouth. Is this about the same protection that we give to the Civil War Centennial Commission?

Mr. ROGERS of Colorado. I would not know about the matter of protection, but it is about the same protection we gave to Smokey the Bear.

Mr. HALL. Well, if it is the same as Smokey the Bear—we can be against that? I have accomplished my purpose and wish the best to the Commission.

The CHAIRMAN. The gentleman from Colorado has consumed 23 minutes.

Mr. WIGGINS. Mr. Chairman, I rise in support of H.R. 16408.

The primary purpose of this bill is to authorize the expenditure of $373,000 by the American Revolution Bicentennial Commission for fiscal year 1971. This money has already been appropriated, subject to passage of authorizing legislation.

This Commission was established in 1966 to plan the celebration of the 200th anniversary of the American Revolution in 1976. The original executive communication requested $200,000 for the first 2 years of the life of the Commission, but the House Judiciary Committee amended the resolution to provide that the Commission be financed entirely by donated funds.

At its first meeting on February 22, 1967, the Commission decided to seek an

open-ended authorization for appropriation of funds. Once again, the Judiciary Committee had a watchful eye on the taxpayers' dollar and limited the authorization to $450,000 through the end of fiscal year 1969. This $450,000 authorization was subsequently extended through the end of fiscal year 1970, with no additional funds being sought. Out of this $450,000 authorization, $325,000 was actually appropriated—$150,000 for fiscal year 1969 and $175,000 for fiscal year 1970.

The latest request by the Commission was for an open-ended authorization for the life of the Commission; that is, until 1983. The Judiciary Committee then limited the authorization to an amount certain for 1 year only—$373,000 for fiscal year 1971. The other body subsequently accepted this amendment.

In terms of actual expenditures, $73,000 was obligated in fiscal year 1969 and $263,000 in fiscal year 1970. The projected figure of $373,000 for fiscal year 1971 thus does not appear as formidable an increase over last year if the expenditure figures, rather than the amounts appropriated, are considered.

The funds up through fiscal year 1971 are essentially for salaries and administrative overhead. Unfortunately, it is not possible to state at this time the extent of Federal funds which will be needed beyond fiscal year 1971. The Commission's recent report to the President expressly declined to estimate the cost of the programs recommended, but promised to do so in future reports.

In addition to authorizing expenditure of funds, H.R. 16408 would add the Secretaries of Housing and Urban Development and Transportation to the Commission and would make unauthorized reproduction of symbols used in connection with the bicentennial celebration subject to a $250 fine and a 6-month jail term. The bill would also remove the present $75 per day limit on the maximum amount payable to consultants to the Commission and permit the Commission to pay consultants up to the amount allowed under the Administrative Expenses Act, which is currently $107 per day.

While the work of the Bicentennial Commission has and will continue to cost a considerable amount of money, I submit that it is money well spent. This celebration will be as relevant to the present and future, as it will be to the past. This point is well illustrated by a portion of the Commission's report to the President, which I would like to quote:

We desire peace, yet find ourselves at war. We believe in justice and equality, yet there are wrongs and injustices in the land. We proclaim reverence for our God-given environment, yet tolerate its pollution. We believe in the brotherhood of man, yet there is violence in the streets, prejudice of the mind, distress and discord on the campuses.

As we move to solve the problems which confront us, we should derive strength and courage from our past. The ideals of human freedom which made us an independent nation in 1776 still live, vital and daring, but are now put to new tests. Can this society indeed achieve equal opportunity and full citizenship for all its members, and will it commit itself to that task?

The program which the Commission submits for the Bicentennial celebration is formative and flexible, as it should be if it is to accommodate changes that will occur during the Bicentennial Era. No program can change the past: the past is a matter of record. But there is in that record much that was new in its day, much that is noble—so new and noble that it provided inspiration, in this country and elsewhere, for those who strove to advance the cause of human freedom. The Commission believes that this record has not lost its power to inspire and that it will do so during the Bicentennial Era as Americans tackle the problems of today and prepare to enter Century III of American life. No one should forget, ignore, or neglect what is good about America.

Mr. Chairman, today many Americans question the validity of American society and its values and mores. Some even hurl bombs and talk of revolution.

But the vast majority of Americans love their country and want to celebrate its 200th birthday. H.R. 16408 would help bring this celebration about and I therefore urge its adoption.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. PEPPER. Mr. Chairman, I thank the distinguished gentleman.

Mr. Chairman, I want to commend the committee on bringing forth this legislation.

Also, I want to commend the Bicentennial Commission for the splendid work it has done thus far in carrying out its high purpose in seeing to it that our country appropriately celebrates the 200th anniversary of this Nation.

I am sure that at a subsequent time when they get their plans more fully developed, they will come back to the Congress and indicate more fully what we can do to help them in their great work.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I wonder if the distinguished gentleman from Florida thinks that this will work out better than the Interama bill?

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. PEPPER. Interama never had such a bright future as it has today. I hope that the gentleman from Missouri will honor us by coming down and seeing it and the great plans that are moving so majestically forward toward completion day, which I hope the gentleman will attend.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Chairman, after more than 9 months this august legislative body finally acts upon a relatively small authorization measure dealing with the American Revolution Bicentennial Commission. This action, first on H.R. 16408 and then S. 3630, came on the very last day before the election recess.

Mr. Chairman, the Bicentennial Commission was created by the Congress July 4, 1966—Public Law 89-491—to provide for the proper commemoration of one of the world's greatest and most important events—the 200th year of American freedom.

No other country in the world exists today with the same form of government for so long a period of time.

We are in what is known as the bicentennial era of our country.

In 1976 we shall have had 200 years of freedom.

Does the Congress think this event worthy of a special commemoration across our land, in every one of the 50 States, in every county, city, town, and school as is planned?

When the Bicentennial Commission was created in 1966 the Nation was given to understand that special recognition would be given to our 200th year of freedom. Is there anyone who does not think this is worthwhile?

Mr. Chairman, I challenge anyone to say 200 years of freedom is not something to observe; to commemorate; to recall the ideals and principles of our forefathers; to recapture today some of the principles which may have been forgotten.

Yet, Mr. Chairman, the Congress has dragged its feet ever since it created the Commission.

The Commission and its dedicated staff are struggling. It is a wonder the public members of the Commission have not given up in disgust for lack of congressional support. And remember, they serve without pay; they serve only as a public duty.

The latest authorization bill was passed after the appropriation measure already had passed both Houses. Thanks to the gentlewoman from Washington State (Mrs. HANSEN) provision was made so the Commission would obtain this small appropriation upon authorization. The Senate acted swiftly and passed the authorization; this Chamber has let it slide for months and months.

Why?

If 200 years of freedom are not worth anything, then it is time to stand up and dare to say so.

If not, then let us act promptly in the coming session.

The Commission may need $5, 6, 7, or 8 million; I do not know at this point. But it is going to need money for the proper commemoration of our bicentennial. Remember: it was the Congress which created it.

The time has come for the Congress either to properly finance this Commission for the work the Congress instructed it to do, or else just plain eliminate it entirely. Who is trying to kid whom about what the Congress directed in 1966

After it became law in 1966, the law just sat there, in a manner of speaking.

Finally, in 1967 the Commissioners were named, including eight Members of the Congress. I have been a member of this Commission since its start. I have pled. I have begged. I have repeatedly asked that this important Commission be given the right to act as the Congress directed.

After the Commissioners were named in 1967, it was almost exactly one year

from the day the law was enacted that the Congress got around to providing $150,000 so work could get started. And it was in October of 1969 before Congress granted any more funds.

The Bicentennial Commission staff operation is an excellent one, despite the handicaps forced upon it by lack of money.

The congressional intent was that this Commission was the only Federal agency charged with the responsibility of handling this commemoration. It is on a nationwide basis.

It took 10 years for a similar Commission to plan and execute the national celebration of our 100th birthday.

Here we are, in the middle of October, 1970, our 200th birthday only a few years away and the Congress has not provided adequately for the commemoration.

What are we to tell our children?

That we don't give a hoot about our freedom? Our 200 years of freedom; our birthday?

What do we tell those abroad? That we are ashamed of our freedom so we won't commemorate it because it might make someone in Russia mad?

I repeat: the Congress should get "on the ball" as soon as possible; give this Commission the funds needed; authorize the Commission for the length of the bicentennial era, not just year by year.

Authorizing the life of this Commission in 1-year snatches must look fishy to those abroad, as well as to many of us at home.

Anyone ashamed? Anyone afraid?

I beg of you, Mr. Chairman, let us do the right thing, the American thing, and give the Commission which we created the tools it needs. If it needs money, let us appropriate it. It is only a short-lived Commission, remember. If it needs authorization for the bicentennial era, let us do it immediately. If the Commission needs a corporation, let us give our approval. These people have worked hard. The public members come from all walks of life; Congressional Members have any and all facts about the working of the Commission at any time by just asking or attending Commission meetings.

If we do not do this—and only a short time remains—then the Congress itself will let all our citizens and all the world know it does not give a hang about our ideals, principles, or 200 years of freedom. Or for that matter, our form of government.

Mr. Chairman, here is the legislative history, the appropriation history through the year 1969, the powers granted the Commission by Congress, and also I outline a calendar of events leading to this legislation which I think would be most informative.

First, the legislative history of the legislation creating the Commission with dates and names of sponsors in both the Senate and House:

March 10, 1966: Presidential message to Congress proposing such a commission;

March 16, 1966: Introduced in House as House Joint Resolution 903 by Mr. CELLER and referred to Committee on the Judiciary;

May 19, 1966: Introduced in Senate as Senate Joint Resolution 162 by Mr. EASTLAND and Mr. BURDICK and referred to Committee on the Judiciary;

May 24, 1966: Favorable report from Department of Justice—House Committee on the Judiciary;

June 24, 1966: Reported to Senate by Mr. Dirksen—Senate Joint Resolution 162;

June 27, 1966: Reported to House by Mr. ROGERS of Colorado—House Joint Resolution 903;

June 28, 1966: Passed by Senate—Senate Joint Resolution 162;

June 29, 1966: Passed Senate Joint Resolution 162 in lieu of House Joint Resolution 903; and

July 4, 1966: Approved as Public Law 89–491.

A copy of a legislative history of Senate Joint Resolution 162 giving citations to committee reports, congressional documents, and the CONGRESSIONAL RECORD is attached.

Second, just how broad the powers of this Commission are, and specifically if the Commission has the sole right to select and recommend to the President a possible site for a world's fair in 1976.

Specifically, the enactment creating the American Revolution Bicentennial Commission sets forth the duties of the Commission as follows:

(a) It shall be the duty of the Commission to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observance and activities commemorating the historic events that preceded, and are associated with, the American Revolution.

(b) In preparing its plans and program, the Commission shall give due consideration to any related plans and programs developed by State, local, and private groups and it may designate special committees with representatives from such bodies to plan, develop, and coordinate specific activities.

(c) In all planning, the Commission shall give special emphasis to the ideas associated with the Revolution . . .

(d) Not later than two years after the date of enactment of this Act, the Commission shall submit to the President a comprehensive report incorporating its specific recommendations for the commemoration of the bicentennial and related events . . .

(e) The report of the Commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the Commission . . .

Third, opinion as to the actual legislative intent of the legislation: In reporting the resolution to the Senate, the Committee report—Senate Report 1317, 89th Congress—stated in part:

The Commission would (1) provide a creative and helping hand to State, local and private groups in their commemorations; . . . (3) plan for celebrations at the national level . . .

The House committee, in reporting the House Resolution—House Joint Resolution 903—adopted an excerpt from the Senate report which included the above quoted language—House Report 1672, 89th Congress.

This language indicates intent on the part of the Congress to create a single Commission to plan and coordinate on a most comprehensive basis the commemoration of the American Revolution bicentennial.

Fourth, dates and amounts of authorizations for appropriations: In proposing the legislation enacted as Public Law 89–491 the President recommended an authorization of $200,000 for "the 24-month period beginning on the date of the enactment." See House Report 1672, 89th Congress. However, the proposed resolution was amended by the committee on the Judiciary of both the House and Senate to delete the authorization of funds. It was felt in such committees that—

Because of the great interest of all Americans . . . the Commission should be privately financed by public donations. (See S. Rept. 1317 and H. Rept. 1672, 89th Congress.)

It was not until December 12, 1967, when section 7(a) of the act was amended that funds—$450,000—were authorized for the Commission for the period through fiscal 1969 (Public Law 90–187). On October 10, 1969, this authorization was extended for 1 additional year, through fiscal 1970 (Public Law 91–84).

Fifth, dates and amounts of actual appropriations: The first Federal funds available to the Commission—$150,000—were appropriated on July 9, 1968, some 2 years after enactment of the basic legislation, Public Law 90–392. Additional funds, $175,000, were appropriated on October 29, 1969, by Public Law 91–98. Thus a total of $325,000 of the $450,000 authorized through fiscal 1970 has been appropriated.

The material referred to follows:

LEGISLATIVE HISTORY OF PUBLIC LAW 89–491

JOINT RESOLUTION TO ESTABLISH THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Presidential message to Congress: House of Representatives (H. Doc. 408, 89th Congress), 112 Cong. Rec. 5573; Senate, Id 5597.

Introduced in Senate by Mr. Eastland and Mr. Burdick as S.J. Res. 162 and referred to Committee on the Judiciary, Id 10990.

Reported in Senate, with amendments (S. Rept. 1317, 89th Congress) by Mr. Dirksen, Id 14182.

Passed over in Senate, Id 14372.

Passed by Senate, amended, Id 14512.

Passed by House in lieu of H.J. Res. 903, Id 14627.

Approved as Public Law 89–491.

House Joint Resolution 903, 89th Congress

Introduced (identical to S.J. Res. 162) in House by Mr. Celler and referred to Committee on the Judiciary, Id 6058.

Reported in House, amended by Mr. Rogers of Colorado (H. Rept. 1672, 89th Congress), Id 14589.

CALENDAR OF EVENTS LEADING TO THE CREATION AND HISTORY OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

March 10, 1966: Presidential message to Congress.

March 16, 1966: Introduced in House as H.J. Res. 903 by Mr. Celler and referred to Committee on the Judiciary.

May 19, 1966: Introduced in Senate as S.J. Res. 162 by Mr. Eastland and Mr. Burdick.

May 24, 1966: Report from Department of Justice.

June 24, 1966: Reported to Senate by Mr. Dirksen.

June 27, 1966: Reported to House by Mrs. Rogers of Colorado.

June 28, 1966: Passed by Senate.

June 29, 1966: Passed by House.

July 4, 1966: Approved as Public Law 89-491.

December 12, 1967: Act creating commission amended to include Secretary of Commerce as ex officio member, extend time for filing report for one year (until July 4, 1969), and authorize funds ($450,000) for the period through fiscal 1969.

June 18, 1968: Hearings before Subcommittee of Senate Committee on Appropriations, requesting an appropriation of $225,000.

July 9, 1968: Approved, Second Supplemental Appropriation Act, 1968, appropriating $150,000.

March 26, 1969: Hearings before Subcommittee of the House Committee on Appropriations, requesting an appropriation of $265,000.

March 27, 1969: Hearings before Subcommittee of the Senate Committee on Appropriations requesting an appropriation of $265,000.

October 10, 1969: Act creating commission amended to extend authorization for funds through fiscal 1970.

October 29, 1969: Approval, Department of the Interior and Related Agencies Appropriation Act, 1970, appropriating $175,000.

Mr. MARSH. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman

Mr. MARSH. Mr. Chairman, I want to commend the members of the subcommittee for the work the committee has done and the subcommittee chairman on bringing this bill to the floor.

Earlier our colleague, the gentleman from Missouri (Mr. HALL), mentioned the legislative oversight by the Congress of various programs of the Bicentennial Commission. I would point out that those programs that would come forward from various agencies or departments of Government would be subject, of course, to congressional approval and legislative oversight. In that regard, the Congress would have an overview of the activities of the various agencies of Government when we implement the Bicentennial programs.

Mr. WIGGINS. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

(By unanimous consent, Mr. ARENDS was allowed to speak out of order.)

THE FARM BILL

Mr. ARENDS. Mr. Chairman, it is not very often that I have found occasion to criticize the action of the other body. I have always felt that my responsibility here in the House, as is the case with every Member of this body, was to maintain the spirit of comity.

But yesterday and today that spirit was closer to comedy than it was to comity.

In due deliberation and in the regular order yesterday, the House considered and approved the conference report on the farm bill. The official papers on that legislation plus the papers on other bills were carried by a House employee to the other body, in conformity with the normal practice.

Strangely enough, the path was blocked in a fashion reminiscent of the action of Gov. George Wallace who one day stood in the schoolroom door.

This morning the same sorry scene was repeated as our House employee was again abruptly turned away.

Finally, we now hear the farm bill papers have been accepted, but alas, the farm bill is not going to be considered prior to the election recess.

In my time in the House I can recall no instance of this nature—whatever one may think of the farm bill.

What I cannot understand, Mr. Chairman, is why the leadership of the other body would refuse to even consider the farm bill.

But why, I ask, is this bill any better after the election than it is before it?

If this is a good bill in November, why is it not a good bill in October?

What assurance do we have, Mr. Chairman, that after the election the "lame ducks" will be able to hatch the egg?

No, Mr. Chairman, this action—or more appropriately this paralysis of action—is more an effort to kill meaningful farm legislation than it is to cure it.

And in the absence of new legislation, the old and outmoded programs of the past will creak and grind back into operation.

Strict controls will be back in effect for cotton and wheat.

Price support and diversion payments on corn and feed grains will end.

Public Law 480, the food for peace program, will expire.

The armed services dairy program will end.

The Wool Act will expire.

The Veterans Hospital special dairy program will be no more.

I certainly think this whole dismal affair has pointed up very dramatically the need for change in the other body—a change from pettiness to substance that will make it both responsible and responsive to public interest.

Mr. WIGGINS. Mr. Chairman, I have no further requests for time, and reserve the balance of my time.

Mr. ROGERS of Colorado. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 16408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

(1) by adding in section 2(b)(3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(2) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code.";

(3) by adding an additional section 6(g) to read as follows:

"SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided,* That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

(4) by deleting section 7(a) and inserting in lieu thereof the following:

"SEC. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

Mr. ROGERS of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will state his parliamentary inquiry.

Mr. HALL. Does the gentleman from Colorado mean to include in his unanimous-consent request that the bill be open to amendment at all points?

Mr. ROGERS of Colorado. Oh, yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, strike out lines 20 through 22, and insert:

"SEC. 7.(a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971."

Mr. ROGERS of Colorado. Mr. Chairman, the amendment is for the purpose of authorizing appropriations in the amount of $373,000 for the fiscal year 1971.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 2, lines 6 and 7, strike the word "manufacturers" and insert in lieu thereof the word "manufactures".

Mr. ROGERS of Colorado. Mr. Chairman, the amendment is offered for the purpose of correcting a typographical error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to be offered?

Mr. ROGERS of Colorado. We have no further amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker (Mr. ALBERT) having assumed the Chair, Mr. GONZALEZ, chair-

man of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16408) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, pursuant to House Resolution 1230, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 304, nays 1, not voting 125, as follows:

[Roll No. 347]

YEAS—304

Abernethy	Clark	Frey
Adams	Clausen,	Friedel
Addabbo	Don H.	Fulton, Pa.
Albert	Clawson, Del	Galifianakis
Alexander	Cleveland	Gallagher
Anderson,	Cohelan	Garmatz
Calif.	Colmer	Gaydos
Anderson, Ill.	Conable	Gettys
Andrews, Ala.	Conte	Giaimo
Andrews,	Conyers	Gibbons
N. Dak.	Corbett	Gonzalez
Annunzio	Coughlin	Goodling
Arends	Crane	Gray
Ashbrook	Culver	Green, Oreg.
Ashley	Daniel, Va.	Green, Pa.
Ayres	Daniels, N.J.	Griffin
Barrett	Davis, Wis.	Grover
Belcher	Delaney	Gubser
Bell, Calif.	Dellenback	Gude
Bennett	Denney	Hagan
Betts	Dennis	Hall
Bevill	Dent	Hamilton
Biester	Derwinski	Hammer-
Bingham	Dickinson	schmidt
Blatnik	Dingell	Hanley
Boggs	Donohue	Hansen, Idaho
Boland	Dorn	Harrington
Bolling	Downing	Harsha
Brademas	Dulski	Harvey
Brasco	Duncan	Hastings
Bray	Eckhardt	Hathaway
Brinkley	Edwards, Calif.	Hechler, W. Va.
Broomfield	Eilberg	Heckler, Mass.
Brotzman	Erlenborn	Helstoski
Brown, Calif.	Esch	Henderson
Brown, Mich.	Eshleman	Hogan
Brown, Ohio	Evins, Tenn.	Holifield
Broyhill, Va.	Fascell	Horton
Buchanan	Feighan	Hosmer
Burke, Mass.	Findley	Howard
Burleson, Tex.	Fish	Hull
Burton, Calif.	Flood	Hungate
Byrne, Pa.	Flynt	Hunt
Byrnes, Wis.	Foley	Hutchinson
Caffery	Ford,	Ichord
Camp	William D.	Jacobs
Carter	Foreman	Jarman
Cederberg	Fountain	Johnson, Calif.
Celler	Fraser	Johnson, Pa.
Chamberlain	Frelinghuysen	Jones, Ala.
Jones, Tenn.	Natcher	Sisk
Karth	Nedzi	Skubitz
Kastenmeier	Nelsen	Slack
Kazen	Nix	Smith, Calif.
Kee	Obey	Smith, Iowa
Keith	O'Hara	Smith, N.Y.
Kluczynski	O'Neill, Mass.	Springer
Koch	Patten	Stafford
Kuykendall	Pepper	Staggers
Kyl	Perkins	Steed
Kyros	Pettis	Steiger, Ariz.
Landgrebe	Pickle	Steiger, Wis.
Latta	Pike	Stephens
Leggett	Pirnie	Stokes
Lennon	Poage	Stratton
Long, La.	Podell	Stubblefield
Long, Md.	Poff	Sullivan
McClory	Preyer, N.C.	Symington
McCloskey	Price, Ill.	Taylor
McClure	Pryor, Ark.	Teague, Calif.
McCulloch	Pucinski	Teague, Tex.
McDade	Quie	Thompson, Ga.
McDonald,	Quillen	Tiernan
Mich.	Railsback	Udall
McEwen	Randall	Ullman
McKneally	Rarick	Van Deerlin
McMillan	Rees	Vander Jagt
Macdonald,	Reid, Ill.	Vanik
Mass.	Reid, N.Y.	Vigorito
Madden	Reuss	Waggonner
Mahon	Rhodes	Waldie
Mann	Riegle	Wampler
Marsh	Rivers	Watson
Martin	Rodino	Watts
Mathias	Roe	Whalen
Matsunaga	Rogers, Colo.	Whalley
Mayne	Rogers, Fla.	White
Meeds	Rooney, N.Y.	Whitten
Mikva	Rosenthal	Wiggins
Miller, Ohio	Rostenkowski	Williams
Minish	Roth	Wilson, Bob
Mink	Roybal	Wilson,
Minshall	Ryan	Charles H.
Mize	St Germain	Winn
Monagan	Sandman	Wolff
Montgomery	Saylor	Wyatt
Moorhead	Scherle	Wydler
Morgan	Scheuer	Wylie
Morse	Schmitz	Wyman
Morton	Schneebeli	Yatron
Mosher	Schwengel	Young
Moss	Scott	Zablocki
Murphy, Ill.	Sebelius	Zion
Myers	Shriver	Zwach

NAYS—1

de la Garza

NOT VOTING—125

Abbitt	Edwards, La.	Mollohan
Adair	Evans, Colo.	Murphy, N.Y.
Anderson,	Fallon	Nichols
Tenn.	Farbstein	O'Konski
Aspinall	Fisher	Olsen
Baring	Flowers	O'Neal, Ga.
Beall, Md.	Ford, Gerald R.	Ottinger
Berry	Fulton, Tenn.	Passman
Biaggi	Fuqua	Patman
Blackburn	Gilbert	Pelly
Blanton	Goldwater	Philbin
Bow	Griffiths	Pollock
Brock	Gross	Powell
Brooks	Haley	Price, Tex.
Broyhill, N.C.	Halpern	Purcell
Burke, Fla.	Hanna	Reifel
Burlison, Mo.	Hansen, Wash.	Roberts
Burton, Utah	Hawkins	Robison
Bush	Hays	Rooney, Pa.
Button	Hébert	Roudebush
Cabell	Hicks	Rousselot
Carey	Jonas	Ruppe
Casey	Jones, N.C.	Ruth
Chappell	King	Satterfield
Chisholm	Kleppe	Schadeberg
Clancy	Landrum	Shipley
Clay	Langen	Sikes
Collier	Lloyd	Snyder
Collins	Lowenstein	Stanton
Corman	Lujan	Stuckey
Cowger	Lukens	Taft
Cramer	McCarthy	Talcott
Cunningham	McFall	Thompson, N.J.
Daddario	MacGregor	Thomson, Wis.
Davis, Ga.	Mailliard	Tunney
Dawson	May	Weicker
Devine	Melcher	Whitehurst
Diggs	Meskill	Widnall
Dowdy	Michel	Wold
Dwyer	Miller, Calif.	Wright
Edmondson	Mills	Yates
Edwards, Ala.	Mizell	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Adair.
Mr. Hébert with Mr. Price of Texas.
Mr. Blanton with Mr. Reifel.
Mr. Fulton of Tennessee with Mr. Collier.
Mr. Olsen with Mr. Berry.
Mr. Nichols with Mr. Robison.
Mr. Cabell with Mr. Schadeberg.
Mr. Fisher with Mr. Cramer.
Mr. Brooks with Mr. Edwards of Alabama.
Mr. Edmondson with Mr. Gerald R. Ford.
Mr. Davis of Georgia with Mr. Stanton.
Mr. Biaggi with Mr. Whitehurst.
Mr. Hanna with Mr. Ruppe.
Mr. Sikes with Mr. Pelly.
Mr. Flowers with Mr. Beall of Maryland.
Mr. Ottinger with Mr. Roudebush.
Mr. Evans of Colorado with Mr. Snyder.
Mr. Casey with Mr. Devine.
Mr. Tunney with Mr. Goldwater.
Mr. Aspinall with Mr. Blackburn.
Mr. O'Neal of Georgia with Mr. O'Konski.
Mr. Murphy of New York with Mr. MacGregor.
Mr. Daddario with Mr. Jonas.
Mr. Patman with Mr. Bow.
Mr. Haley with Mr. Rousselot.
Mr. Dowdy with Mr. Clancy.
Mrs. Hansen of Washington with Mr. Burke of Florida.
Mr. Mills with Mr. Mizell.
Mr. Corman with Mr. Langen.
Mr. Farbstein with Mr. Ruth.
Mr. Gilbert with Mr. Cunningham.
Mr. Hays with Mr. Taft.
Mr. Chappell with Mr. Wold.
Mr. McFall with Mr. Mailliard.
Mr. Jones of North Carolina with Mr. Lloyd.
Mr. Passman with Mr. Meskill.
Mr. Diggs with Mr. Carey.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Fallon with Mr. Powell.
Mr. Abbitt with Mr. Bush.
Mr. Anderson of Tennessee with Mrs. Dwyer.
Mr. Clay with Mr. Lowenstein.
Mr. Yates with Mr. Weicker.
Mr. Fuqua with Mr. Cowger.
Mr. Rooney of Pennsylvania with Mr. Dawson.
Mr. Philbin with Mr. Gross.
Mr. Melcher with Mr. Button.
Mr. Mollohan with Mr. Halpern.
Mr. Wright with Mr. Collins.
Mr. Hicks with Mr. King.
Mr. Baring with Mrs. Chisholm.
Mr. Burlison of Missouri with Mr. Lujan.
Mr. Miller of California with Mr. Talcott.
Mr. Landrum with Mr. Kleppe.
Mrs. Griffiths with Mr. Thomson of Wisconsin.
Mr. Purcell with Mr. Lukens.
Mr. Roberts with Mrs. May.
Mr. Satterfield with Mr. Michel.
Mr. Shipley with Mr. Pollock.
Mr. Hawkins with Mr. Widnall.
Mr. McCarthy with Mr. Broyhill of North Carolina.
Mr. Stuckey with Mr. Burton of Utah.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 3630, to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3630

An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

(1) by adding in section 2(b)(3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(2) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code."

(3) by adding an additional section 6(g) to read as follows:

"SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution bicentennial or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided,* That this section shall be applied upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

(4) by deleting section 7(a) and inserting in lieu thereof the following:

"SEC. 7. (a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971."

MOTION OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROGERS of Colorado moves to strike out all after the enacting clause of S. 3630 and to insert in lieu thereof the provisions of H.R. 16408 as passed, as follows:

"That the joint resolution entitled 'Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes', approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

"(1) by adding in section 2(b)(3) the words 'the Secretary of Housing and Urban Development and the Secretary of Transportation,' after the words 'the Secretary of Commerce,';

"(2) by deleting in section 6(c) everything after the word 'section' and inserting in lieu thereof the words '3109 of title 5, United States Code.';

"(3) by adding an additional section 6(g) to read as follows:

"'SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided,* That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.';

"(4) by deleting section 7(a) and inserting in lieu thereof the following:

"'SEC. 7. (a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971.'"

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16408) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the Eastern District of New York at Westbury, N.Y.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17604) entitled "An act to authorize certain construction at military installations, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to a bill of the House of the following title:

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for the purposes.

AUTHORIZING VOLUNTARY ADMISSION OF PATIENTS TO DISTRICT OF COLUMBIA INSTITUTION PROVIDING CARE, EDUCATION, AND TREATMENT OF MENTALLY RETARDED PERSONS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4182) to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 2, strike out "'mentally" and insert "'substantially".

Page 2, lines 9 and 10, strike out "'mentally" and insert "'substantially".

Page 3, line 6, strike out "'mentally" and insert "'substantially".

Page 3, line 16, strike out "'mentally" and insert "'substantially".

Page 4, line 1, after "admit" insert "a person".

Page 4, line 2, strike out all after "Haven" down to and including line 7.

Page 4, line 10, strike out "mentally" and insert "substantially".

Page 5, line 4, strike out "mentally retarded".

Page 6, strike out lines 1 to 4, inclusive, and insert:

"'(e) The District of Columbia Council is authorized to issue regulations to carry out the purposes of this section."

Page 6, after line 4, insert:

"'(f) The authority contained in this section shall extend to January 1, 1975, unless repealed prior to that date.'"

Page 6, line 15, strike out "'"mentally" and insert "'"substantially".

Page 7, line 21, strike out "'mental" and insert "'substantial".

Page 8, line 6, strike out "'mentally" and insert "'substantially".

Page 8, line 15, strike out "'mentally" and insert "'substantially".

Page 9, line 2, strike out "'MENTALLY" and insert "'SUBSTANTIALLY".

Page 9, line 3, strike out "21e" and insert "21".

Page 9, line 6, strike out "'Mentally" and insert "'Substantially".

Amend the title so as to read: "An Act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING COMMISSIONER OF DISTRICT OF COLUMBIA TO SELL OR EXCHANGE CERTAIN REAL PROPERTY OWNED BY THE DISTRICT IN PRINCE WILLIAM COUNTY, VA.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18086) to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 16, strike out "or bog." and insert "bog, pothole, swale, glade, slash, overflow land of river flats, pool, slough, hole, as well as those areas necessary to protect the natural features of a contiguous wetland area. The area encompassed by the definition of wetlands is to be determined jointly by the Commissioner and the Secretary of the Interior."

Page 2, line 24, strike out "one year" and insert "three years".

Page 3, line 5, strike out "one year" and insert "three years".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE ON APPROPRIATIONS

The SPEAKER laid before the House the following resignation from the Committee on Appropriations:

OCTOBER 14, 1970.

Hon. JOHN MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation from the House Appropriations Committee.

The associations with the Chairman, ranking member and other members of this great Committee have been the most enjoyable and satisfactory experience of my years in the Congress.

Sincerely yours,

BEN REIFEL,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF NOVEMBER 16

(Mr. ARENDS asked and was given permission to address the House for one minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as to the legislative program on our return after the recess.

Mr. ALBERT. Will the gentleman yield?

Mr. ARENDS. I am glad to yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority whip, the program for the House for the week of November 16, 1970, is as follows:

Monday is Consent Calendar day. There are four suspensions:

S. 2455, to authorize appropriations for the Civil Rights Commission;

S. 3785, to authorize assistance to wives of prisoners of war;

House Resolution 1147, relating to certain allowances of Members, officers, and committees of the House of Representatives; and

Senate Joint Resolution 236, authorizing the printing of a revised edition of the Constitution of the U.S.A.—Analysis and Interpretation.

May I advise the House that bills may be added to the suspension list during the recess. To the fullest extent possible, Members will be advised of additions by a supplemental whip notice.

Tuesday is Private Calendar day.

There is also for the consideration of the House H.R. 19510, the Comprehensive Manpower Act, under an open rule with 2 hours of general debate.

For Wednesday and the balance of the week the program is as follows:

H.R. 18970, the Trade Act of 1970, under a closed rule with 8 hours of general debate, and if time is remaining the following bills will be considered:

H.R. 19504, the Federal-Aid Highway Act of 1970, subject to a rule being granted;

H.R. 18214, the Consumer Protection Act of 1970, subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, if the gentleman will yield further, rules will be forthcoming and should we finish the announced program sooner than anticipated, we will add bills which already have rules to the program, but we will give the Members of the House notice of that in due time.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I will be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. A bill for which a rule has been granted but which is not scheduled for action during the week of November 16 is H.R. 16785, the Health Safety Act.

When may we expect that bill to be scheduled for the consideration of the House?

Mr. ALBERT. That bill will be programed, but we have major legislation to be considered, including the trade bill, but the bill to which the gentleman has made reference will be programed.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the distinguished minority whip will yield further, would it be fair to expect that if neither the consumer bill nor the highway bill are granted a rule, then we could expect the programing of the safety health bill?

Mr. ALBERT. I am not able to give the gentleman that information at this time. We will, however, give as much advance notice as we can. The trade bill is set to come up and it certainly will take—unless it moves faster than we expect—2 days.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, I would like to ask the distinguished majority leader whether or not one could anticipate the safety health bill would be scheduled for the second week when we come back?

Mr. ALBERT. As far as I can go at this time is to state to the gentleman that the bill will be programed, but I cannot give him a definite date as to when it will be programed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I have listened to the remarks of the distinguished majority leader with interest. I want to clarify whether or not the gentleman intended to imply that bills might be added to the Consent Calendar which will be eligible for consideration on Monday, November 16, or not?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, the additional bills which may be listed for consideration are suspensions and are not Consent Calendar bills.

Mr. HALL. I thank the distinguished gentleman.

Mr. ALBERT. Mr. Speaker, if the distinguished minority whip will yield further, as much notice as possible will be given to the Members as to any bills which will be added for the consideration of the House.

Mr. HALL. It is the gentleman's understanding that we will at least have the bills and reports in hand if they are added so we can study them for a few days before they are considered?

Mr. ALBERT. That is correct.

Mr. ARENDS. I thank the distinguished majority leader.

THE TRADE ACT OF 1970

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I have requested this time in order to respond to some questions of the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from South Carolina.

Mr. RIVERS. It is our understanding that the textile bill will come up on the 18th?

Mr. ALBERT. The gentleman is talking about the trade bill?

Mr. RIVERS. The gentleman is correct.

Mr. ALBERT. Yes, on the 18th. At the request of the distinguished chairman of the Committee on Ways and Means it was set down for the 18th of November with 8 hours of general debate.

Mr. RIVERS. I thank the distinguished majority leader.

LEGISLATION TO PROVIDE FOR IMPROVED SYSTEM OF EGG INSPECTION

(Mr. STUBBLEFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STUBBLEFIELD. Mr. Speaker, I am today introducing legislation to provide for an improved system of egg inspection in this Nation.

My new bill is the result of hearings held by the Dairy and Poultry Subcommittee on September 14 and 15, 1970.

As chairman of the subcommittee, I followed the testimony of the various witnesses that appeared; and in my new bill I have tried to include provisions which not only reflect the views expressed at the hearings, but also those which will improve and strengthen the bill.

It is my hope that my new bill can be reviewed and studied during the recess and that it will then be considered early in the special session following the congressional election.

The following amendments to my original bill (H.R. 16092) are incorporated in my new bill:

AMENDMENTS TO H.R. 16092

Page 13, line 2, insert the following wording after the word "appropriate": (and in

the case of shell egg packers, packing eggs for the ultimate consumer, at least once each calendar quarter).

Pages 17 and 18, Sec. 8 (5) and (6) and (7) delete the word "knowingly" in each subsection.

Page 24, paragraph 6, line 7, insert the words "not to exceed two years" following the word "time" and preceding the word "during".

Page 24, line 11, insert a new paragraph (7) as follows:

(7) the sale of eggs by any egg producer with an annual egg production from less than 500 hen flock.

Page 32, lines 6 through 10 (subparagraph (b)), delete lines 6 through 10 and insert in lieu thereof the following:

(b) For eggs which have moved or are moving in interstate or foreign commerce, (1) no State or local jurisdiction may require the use of standards of quality, condition, weight, quantity, or grade which are in addition to or different from the official federal standards, and (2) no State or local jurisdiction other than those in noncontiguous areas of the United States may require labeling to show the State.

Page 34, Sec. 24, line 3, insert a new section 24 (b) to read as follows:

(b) The term "holiday" for the purposes of assessment or reimbursement of the cost of inspection performed under this Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, Title 5 of the United States Code.

Page 34, insert the following:

SMALL BUSINESS ASSISTANCE

SEC. 25. (a) Section 7 (b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Eggs and Egg Products Inspection Act, the Wholesome Poultry and Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

(b) The third sentence of section 7 (b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4 (c) (1) of the Small Business Act is amended by inserting "7 (b) (5)," after "7 (b) (4),"

Page 34, insert the following:

ANNUAL REPORT

SEC. 26. (a) Not later than March 1 of each year following the enactment of this Act the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to—

(1) the processing, storage, handling, and distribution of eggs and egg products subject to the provisions of this title; the inspection of establishments operated in connection therewith; the effectiveness of the operation of the inspection, including the effectiveness of the operations of State egg inspection programs; and recommendations for legislation to improve such program; and

(2) the administration of section 16 of this Act (relating to imports) during the immediately preceding calendar year, including but not limited to—

(A) a certification by the Secretary that foreign plants exporting eggs or egg products to the United States have complied with requirements of this Act and regulations issued thereunder;

(B) the names and locations of plants authorized or permitted to export eggs or egg products to the United States;

(C) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (B) hereof and the frequency with which each such plant was inspected by such inspectors;

(D) the number of inspectors that were licensed by each country from which any imports were received and that were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled; and the frequency and effectiveness of such inspections;

(E) the total volume of eggs and egg products which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this title; and

(F) recommendations for legislation to improve such program.

Renumber the following sections on page 34:

From Section 25 to Section 27
From Section 26 to Section 28
From Section 27 to Section 29

THE PRESIDENT'S INITIATIVES FOR PEACE IN VIETNAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, I would like to briefly discuss today the President's initiatives for peace in Vietnam. Since the President's speech last week, many people have been debating the merits of the President's proposals, and I am pleased to note that most persons have expressed approval for the President. Before looking at the proposals made by the President, I would like to briefly discuss the success of the Cambodian operation, the troop reductions, the level of combat deaths, and past proposals for peace made by the President.

To begin with, the great success of the Cambodian operation can be seen in the 35-percent decrease in American deaths in Vietnam. It should also be pointed out that even the pre-Cambodian deaths were at a level 60 percent below the same period in 1969. This is, as he made clear, an indication of progress being made to wind down the war.

I would like to point out to my colleagues that President Nixon has made several promises of troop reductions. He has kept each promise. A chart in the current issue of U.S. News & World Report, October 19, 1970, points out the troop reductions that have occurred during the Nixon administration. The chart follows:

April 1969, 543,400, Peak.
August 1969, 524,500, End of first Nixon cutback.
December 1969, 484,000, End of second Nixon cutback.
April 1970, 434,000, End of third Nixon cutback.
October 1970, 384,000, End of fourth Nixon cutback.
May 1971, 284,000, Goal announced by President Nixon.

I would like to point out that the reductions came after years and years of troop buildups by the previous administration.

Last Thursday, October 8, 1970, it was announced that American combat deaths in Vietnam dropped to their lowest point in nearly 4½ years. The toll of 38 deaths was the lowest since April of 1966, when 37 were killed. This is just another indication that the Nixon administration is ending the war in Vietnam.

A look at the weekly deaths in Vietnam over the last 5 years will show conclusively that the President's policy in Vietnam is working. I would like to insert in the RECORD another chart that was published in the current issue of U.S. News & World Report.

The chart follows:

Year and weekly average:
1966, 96 deaths.
1967, 180 deaths.
1968, 280 deaths.
1969, 181 deaths.
1970, 95 deaths.

This chart shows that since Richard Nixon became President, we have indeed been successful in cutting back on the loss of American lives in Vietnam, after years of increasing casualties during the Johnson administration.

On many occasions, the administration has detailed the program of Vietnamization which is essentially an effort to turn over the defense of South Vietnam to the people of South Vietnam. The South Vietnamese are assuming a larger role in the defense of their country, which is proof that the President's Vietnamization policy is working.

In the past, many persons have made the point that the President will not forget the importance of ending this war through negotiations. A week ago, the President announced a major new peace initiative for Vietnam. On last Thursday—October 8—the President's proposal was laid on the table at the peace talks in Paris.

Before going into a discussion of what the President proposed last week, I think it is important to keep in mind what the President proposed on May 14, 1969. At that time, the President made an eight-point peace proposal, which I would like to briefly outline now:

As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

Over a period of 12 months, by agreed upon stages, the major portions of all U.S., allied, and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied, and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

The remaining U.S. and allied forces would move to complete their withdrawals as the

remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

This international body would begin operating in accordance with an agreed timetable, and would participate in arranging supervised cease-fires.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

Arrangements would be made for the earliest possible release of prisoners of war on both sides.

All parties would agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia and the Laos Accord of 1962.

Despite these generous proposals, little progress was made at the Paris peace talks. In order to get the talks moving again, the President proposed new plans for peace last week in his address to the Nation.

To begin with, the President proposed a cease-fire in all of Indochina. As the President noted, such a cease-fire would have to be effectively supervised and should not be the means by which one side builds up its strength. Of course, the international supervisory body recommended by the President in May of 1969 could serve as the supervisor of the cease-fire.

Second, the President proposed an Indochina Peace Conference, to meet concurrently with the peace talks in Paris. This proposal was made in realization that the Communists have used the other states of Indochina as pawns to carry on their war against South Vietnam.

Third, the President reiterated the willingness of the United States to negotiate an agreed timetable for complete withdrawals as part of an overall settlement.

Fourth, we seek a political settlement in Vietnam which is fair to all sides. We must realize that any agreement must be fair so that both sides will have an interest in preserving the settlement.

Finally, the President proposed the immediate and unconditional release of prisoners of war held by both sides. As the President pointed out, this should be done out of simple decency and humanity. But it could do more than that. The release of all prisoners of war could serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation.

In concluding his address to the Nation, the President spoke from his heart when he said:

There is no goal to which this nation is more dedicated, and to which I am more dedicated than to build a new structure of peace in the world where every nation including North Vietnam as well as South Vietnam can be free and independent with no fear of foreign agression or domination.

I believe every American deeply believes in his heart that the proudest legacy the United States can leave during this period when we are the strongest nation in the world is that our power was used to defend freedom, not to destroy it; to preserve the peace, not to break the peace.

It is in that spirit that I make this proposal for a just peace in Vietnam and in Indochina.

I ask that the leaders in Hanoi respond to this proposal in the same spirit.

Let us give our children what we have not enjoyed during this century, a chance to enjoy a generation of peace.

We can end the war in Vietnam if all Americans unite behind the President's generous proposals for peace. We must demonstrate to the North Vietnamese that America does stand behind our President, and we do.

FINANCING OF REVOLUTIONARY ACTIVITIES

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, earlier this year William Kunstler, counsel for the Chicago-7, stated:

We raise most of the money for our movement through speaking engagements.

In May of this year, the House Committee on Internal Security authorized a limited voluntary survey of educational institutions for the purpose of obtaining information as to the extent of honoraria being used as a source of financing the revolutionary activities. Last Wednesday the Committee on Internal Security ordered the results of such survey reported to the House. In some way unknown to me a copy of the unpublished report came into the hands of the American Civil Liberties Union. A suit was filed yesterday in the U.S. District Court of the District of Columbia for the purpose of enjoining me as chairman of the House Committee on Internal Security from filing the report in the House of Representatives.

The case was heard by Judge Gerhard Gesell, and it is my understanding that though the judge at this moment has not signed the order, that Judge Gesell does intend to enjoin the Public Printer from publishing the report.

Mr. Speaker, this is the first time in the history of the American Republic that this has happened. The matter is now out of my hands, but I would admonish the House that the anticipated action of Judge Gesell is in blatant disregard of the "speech and debate" clause of the Constitution—article I, section 6. The Court, if the order is issued and permitted to stand, will have done something indirectly which it could not do directly. Such an order can only ultimately lead to a tyranny of the judicial. Apparently, we have reached a point in this country where radical speakers, many of whom are advocating violent overthrow of our Government, have the absolute right of free speech, but this privilege does not extend to Members of the U.S. House of Representatives.

Mr. Speaker, I will extend my remarks in the Extensions of Remarks of the RECORD setting out this whole matter in detail.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, was the gentleman served with this notice?

Mr. ICHORD. This was an ex parte proceeding, I would advise the gentleman from Pennsylvania, but the case was directed against me as chairman, all the members of the House Committee on Internal Security, the chief counsel of the House Internal Security Committee, as well as the Superintendent of Documents and the Public Printer, Mr. James L. Harrison. This is apparently a mistake of identity because James L. Harrison is no longer Public Printer.

It is my understanding that the order has been prepared and Judge Gesell does intend to issue the order enjoining the Public Printer from printing this report which I will file at 12 o'clock noon today.

Mr. DENT. When the gentleman is filing this, is he asking that the copies be printed for the benefit of the House?

Mr. ICHORD. Under the rules of the House, copies will be printed for the benefit of the Members of the House. Of course, that will probably come to the committee of the gentleman from Pennsylvania. Let me say that there will be copies furnished the Members of the House regardless of what ultimately occurs because the order does not preclude me from reproducing the report but only the Public Printer from printing the same.

Mr. DENT. If the House goes along with the proposition, I am sure that the order to print will come from the committee.

THE RISING RETAIL PRICE OF HAMBURGER

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, a little over 2 months ago, I called the attention of the House to the fact that the retail price of hamburger had been increasing over the high price of last year for that product which is vitally important to the American consumer. At the same time, I referred to the slight increase in the meat import quota authorized by the President a month earlier.

What is the present picture?

The price of hamburger at retail has shown a continuous increase since the beginning of 1970. Last year, the retail price of hamburger stood at 65.6 cents a pound in September and October. During the winter, the price slid back somewhat but by March of this year, it had reached 65.5 cents, just below last year's high. In April of this year the climb began, reaching 66.3 cents, above last year's high. For May and June the price was 66.7 cents and 66.5 cents. In July and August the price rose respectively to 66.9 cents and 67.2 cents per pound. In the last 5 months under discussion, the price of hamburger even though the rise has not been radical, has been above the high price of that product in 1969. At the same time, the retail price of choice beef has not approached the high price it attained during June, July, and August of 1969. It would only be reasonable to assume that as the price of choice beef went down, the price of hamburger would be subject to a similar decline, but this has not been true.

The shortage of lean beef for hamburger, which the above price relation seems to indicate, cannot be overcome, as in the case of manufactured goods, by

running extra shifts in a factory to meet unprecedented demand. Clearly, the supplies of beef that cannot be raised inside the United States, should be made available from other sources while the need lasts.

The import picture shows total imports for the first half of the quota year at 581 million pounds. The President established a quota of 1,140 million pounds in his proclamation last June, which leaves 559 million pounds available for import during the second half of the quota year. July and August saw a total of 223 million pounds imported under the quota, leaving only 336 million pounds for the last 4 months of the year. Thus far this year, the monthly rate of imports has averaged over 100 million pounds without resulting in any reduction in the price of hamburger.

With the permissible level of imports under the quota averaging only 84 million pounds per month for the last 4 months of the year, some upward effect on the price of hamburger can reasonably be anticipated. It is significant that while such meat imports in 1969 increased 8 percent over 1968, the 1970 increase allowed is only 5 percent over the 1969 total. Against this is the fact that domestic cow slaughter, the major source of domestic lean beef, for the first half of 1970 is 10 percent below the first half of 1969 and is not expected to increase very much for the second half of 1970.

HOUSING CRISIS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, the Nixon administration inherited a severe housing situation when it took office in January 1969. In fact, the severity of this crisis in meeting the Nation's housing needs was already well documented. The Housing and Urban Development Act of 1968, itself the product of a Democrat administration and a Democrat-controlled Congress, estimated the need for housing at 26 million units over the next 10 years—1968–1978. This goal was reaffirmed by President Johnson's National Commission on Urban Problems in its 1968 report.

Not only did the previous Democrat administration bequeath a severe housing crisis, but it also passed on near-record inflation which has caused the housing problem to persist. This inflation, the product of unwise guns-and-butter overspending during the Johnson administration, has hit the housing problem from several directions all at the same time. It has caused the cost of homebuilding, including land, labor, materials, management, and financing to increase 10-percent since 1968. It has made financing home purchases more difficult and costly. And it has increased the price of existing housing, often pricing it out of the market for which it was intended.

The Nixon administration, I am glad to say, has taken several specific steps to meet the housing crisis. These steps are beginning to bring tangible results.

The most important step to take in curing the housing crisis is to curb inflation. As Federal Reserve Board Chairman Arthur Burns said on February 7, 1970:

> There can be no doubt whatever that the single most important contribution toward improving housing market conditions would be success in the present struggle to check inflationary trends and expectations. Nonetheless, it must be recognized that it takes time to overcome an inflationary momentum that has gathered headway over a span of years dating all the way back to 1964.

The Nixon administration has instituted a number of fiscal and monetary changes designed to bring inflation under control. We recently heard the heartening news that the prime interest rate had dropped from 8 to 7.5 percent and that the cost-of-living figures held steady in August and September, signaling a break in the upward spiral. The President's antiinflationary policy, it appears, is paying off. This success should be reflected in an easing of the housing finance situation in the near future. The lower prime rate especially should mean that very soon home mortgages will be down to the point where the average family can begin to afford to buy a home. Unfortunately, the Democrat-controlled Congress did not see fit to adhere to the President's fiscal policy which called for a $1.3 billion surplus in fiscal year 1971. Such a surplus would also have had the effect of making more money available for investment and thereby forcing down interest rates. Rather than a surplus, however, the Democrats have passed legislation which so far has added $2.7 billion to the President's fiscal year 1971 budget.

The administration has also increased the flow of funds into mortgages by extending the Fannie Mae commitment and by adjusting interest rate ceilings on FHA and VA mortgages.

Attacking the housing problem from another direction, the President also took steps to stabilize the cost of building materials. The Department of Agriculture was directed to use a supplemental appropriation for fiscal year 1969 and an increased appropriation for 1970 to provide additional timber from national forests. The Department of Interior was directed to make available increased timber for sale. And the Interstate Commerce Commission issued orders to relieve the shortage of boxcars used to move lumber and plywood from the Northwest. As a result of these measures, the sharp increase in prices which had seriously affected the building costs for single family homes and small apartments was reversed. Lumber and plywood prices have declined from their high levels of a year ago.

Working to relieve the labor shortages that have helped push housing costs up, the Nixon administration has initiated special job training programs to make entrance into the labor market easier. At present, 250,000 students are enrolled in construction training; the Department of Labor is encouraging local surveys and reports on specific manpower needs; and the Department of Health, Education, and Welfare is helping States develop plans for vocational education in secondary schools, postsecondary schools, and cooperative education programs which emphasize preparation for the construction industry.

In addition to attacking inflation, materials costs, and labor shortages, the Nixon administration has launched an imaginative program, Operation Breakthrough, which aims at developing entirely new ways to go about meeting our housing needs. Operation Breakthrough seeks to apply the principles of mass production to homebuilding so that the discoveries of industrial research and technology can be used to move homebuilding out of the Middle Ages. As this succeeds, volume production and economy of scale will become possible, permitting greater efficiency in the design, production, transfer, financing and management of our national housing effort. This will mean attractive, well-built homes at prices familes can afford.

Because of these efforts by the Nixon administration, the housing outlook is a lot brighter than it was when the President took office in January, 1969. His efforts to control the inflation which the Democrats bequeathed to the Nation in the 1960's means that soon the housing problems that accompanied the inflation will begin to respond. Already, in fact, homebuilders are beginning to sound a bit more optimistic. Housing starts improved in July and August. The Council of Housing Producers, whose 13 members are among the major home builders in the United States, say that its members expect to build about 33 percent more units in 1970 than a year ago. Individual building corporations express similar expectations.

Thus, we must conclude that the Nixon administration efforts, both to improve the state of the economy, as well as additional efforts to control materials costs and labor shortages and to develop new housing construction approaches will help us beat the Nation's housing shortage in the 1970's.

CAMPUS UNREST

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CAMP. Mr. Speaker, looking back over the conclusions and recommendations of the Commission on Campus Unrest, I was struck by an interesting paradox. Since January 1969, the Nixon administration has been accused of using words rather than actions. Now, we find that the Scranton Commission is saying, in effect, it is not so much what the Nixon administration does, but what it says, that counts. It urges him to "seek to convince," "take the lead in explaining," "articulate and emphasize," and "point out."

Well, it seems to me that actions as well as words are needed and that the President has thus far compiled a solid record in coping with this crisis in higher education. Without exhaustively reviewing the record, one can cite quite a few things he has done recently to express his concern over campus problems and try to restore order to our colleges and universities.

He journeyed to Kansas State University a week before the Commission made its report, to make a speech which

carried out the Commission's recommendation that he "take the lead in explaining to the American people the urgency of our present situation, articulate and emphasize those values all Americans hold in common, and point out the importance of diversity and coexistence to the Nation's health." In that lengthy address, the President explained the urgency of our present situation. He said:

In some of the geat universities small bands of destructionists have been allowed to impose their own rule of arbitrary force. Because of this, we today face the greatest crisis in the history of American education.

He articulated and emphasized those values all Americans hold in common, and pointed out the importance of diversity:

I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong in America . . . Automatic conformity with the older generation . . . is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular . . . not to follow their lead . . . . Making (America's) promise real requires an atmosphere of reason, of tolerance, and of common courtesy, with that basic regard for the rights and feelings that is the mark of any civilized society . . . . Idealism lies in the respect each shows for the rights of others.

The President has also seen to it that the administration reaches out to learn the concerns of the young people on the Nation's campuses. He has sent young White House staff members out across the country to visit colleges and universities and to talk with students. After the Cambodian action, when thousands of students flocked to Washington to make their views known, he instructed administration officals at all levels to open their offices to these students. This resulted in availability of public officials, including cabinet officers, to students that is unprecedented in the history of this Government.

President Nixon appointed two special advisers, G. Alexander Heard, chancellor of Vanderbilt University, and James E. Cheek, president of Howard University. Their role was not only "to increase the volume of communications about campus points of view, convictions or types of behavior, but also to interpret these matters so that there will be an increase in understanding on the Part of the President and those around him," according to Heard.

Finally, it is to his credit that throughout his administration, the President has resisted almost overwhelming pressures to recommend that Congress assume major responsibility for dealing with the campus crisis. His has consistently been a voice of moderation and reason.

This is not to say, however, that President Nixon has avoided the firm measures needed to end the wanton and destructive violence threatening academic life and the safety of college students and teachers. On September 22, he asked Congress to permit prompt intervention by the FBI in cases involving explosives on college and university campuses, and the timelines and need for this legislation were evidenced by the speed with which both House and Senate acted upon the measure.

The President's record in handling the campus problem is clear. He has, to borrow the language of the Scranton commission's report, effectively articulated the underlying causes and emphasized the values that all Americans hold in common. He has "lent his personal support and assistance to American universities to accomplish" needed changes. He has "taken steps to assure that he is continuously informed of the views of students and blacks." He has "met with Governors of the States, with university leaders, with law enforcement officers and with black and student leaders." In short, President Nixon has already done a fine job of implementing the recommendations set down for him by the Scranton commission.

One suspects that perhaps the Commission was so busy getting its report into final shape that it did not have time to notice that the President was already implementing its recommendations, before they were even made.

Before the Commission's report was released, the President had already taken the lead in contacting campus presidents, to provide them with leadership and support in their efforts to bring peace and academic freedom to the Nation's campuses. In a letter to 900 college presidents, he encouraged them to "accept the responsibility for order and discipline on campuses." Accompanying these letters and warmly endorsed the President was a cogent and direct article by Professor Sidney Hook. The outline for action expressed in this article followed many of the Commission's recommendations—the formulation of guidelines affecting the expression of dissent, the judicious use of force to maintain order, the assumption of responsibility by campus officials, and the resumption of academic freedom.

Earlier in the year, the President called a meeting of black college presidents who conveyed to him the disenchantment of blacks with our society and with the Federal Government, and their dissatisfaction with the portion of Federal funds allocated to black institutions of higher education. Not long after, the Department of Health, Education, and Welfare made additional funds from existing programs available to these colleges, and this week HEW announced that a total of $30 million will be provided in supplemental funds this calendar year to help predominantly black colleges and their students.

At a different meeting with college officials, this one with representatives of the American Association of Universities, the President was able to learn the views and concerns of the academic community at large. One of his responses to this meeting was to increase the budget request for the National Defense Education Act, title VI—Language Development and Area Center program. More recently, the President met for an hour with Sol Linowitz and Logan Wilson, representatives of the American Council on Education's special committee on campus unrest.

RECENT RULING BY THE INTERNAL REVENUE SERVICE WITH RESPECT TO ENVIRONMENTAL LITIGATION ORGANIZATION

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I have for some days been concerned about the proposed IRS ruling with regard to environmental litigation organizations.

I must report to the House with some sadness and concern that it appears that the Internal Revenue Service of the United States is seeking to deny the tax-exempt status of these organizations which engage in litigation for the protection of consumer rights for conservation and for the protection of a decent wholesome environment.

Mr. Speaker, the practical effect of a recent IRS ruling which is discussed in this morning's Washington Post and Times Herald will be just that, to sterilize these agencies, to prevent citizens from binding together to litigate on questions of this kind.

Mr. Speaker, I feel that this is an outrageous ruling. It is an attempt to do something that is not in conformity with statutes passed by the Congress of the United States and it is in direct violation of the Environmental Protection Act whose policy statement and clear langauge requires all Government agencies to construe their responsibilities to achieve the the end of a wholesome environment. I intend, as chairman of the subcommittee with jurisdiction over these matters, to bring that statute and sections 103 and 102(c) vigorously to the attention of the Internal Revenue Service.

Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD at this point the text of the Internal Revenue Service press release on this matter, as well as an excellent editorial appearing in this morning's Washington, D.C., Post entitled "The Law, the IRS and the Environment," pointing out the outrageous effects of this ruling:

WASHINGTON, D.C.—The Internal Revenue Service announced today that it has temporarily suspended the issuance of rulings on claims for tax exempt status by "public interest law firms" and other organizations which litigate or support litigation for what they determine to be the public good in some chosen area of national interest, such as preservation of the environment, protection of consumer interests, and the like.

The "public interest law firm" is a new phenomenon rapidly proliferating on the American scene.

The IRS said it now has pending before it applications from a number of such groups seeking recognition of exemption from federal income tax as charitable organizations, and deductibility of contributions by their donors. Action on these applications will depend upon conclusions reached in a study now underway.

Section 501(c)(3) of the Internal Revenue Code grants exemption to groups organized and operated exclusively for charitable purposes. However, the IRS distinguished the "public interest law firm", organized to initiate, stimulate and handle litigation broadly in the public interest, from the familiar legal aid group which provides representation for

specifically identified persons or groups, such as poor and underprivileged people that are traditionally recognized as objects of charity. At the same time, the IRS said it is not questioning the status of organizations engaged in research on environmental and other problems of public concern which qualify as "educational" under the tax exempt provisions of the Code.

The IRS expressed concern about the lack of standards or controls if tax exemption and deductibility of contributions were provided for every group desiring to litigate on behalf of the public interest. Not infrequently opposing sides in a law suit involving substantial private interests claim that they are acting in the public interest.

The IRS said it has received suggestions from several interested and informed sources on standards to be observed to assure operations exclusively in the public interest, but these differed in numerous respects. Pointing out that this lack of agreement demonstrated the need for examination of the issue, the IRS said it would welcome the presentation of views by interested foundations, applicants, public agencies and other appropriate sources.

The IRS is in no position at this stage to make any judgment about the deductibility of contributions made during the period of the study to currently tax exempt firms of the type being studied. To minimize this uncertainty, the IRS said it expects to conclude the study and announce a position within the next 60 days.

THE LAW, THE IRS AND THE ENVIRONMENT

In a move both surprising and ominous, the Internal Revenue Service announced last week that it was temporarily suspending tax exemptions to public interest law firms that wage court battles on environmental issues, consumer protection and similiar areas. A 60-day study by the IRS is under way to decide finally on the matter; until then, donors to the public interest firms have been warned that ther contributions are no longer deductible.

The impact is clear. Since many of the firms take cases for which there is no pay, they must rely on grants and gifts; but since the IRS now says the donations are not tax deductible, the water is cut off. Benefactors will look elsewhere to give their money.

The action of the IRS comes at an odd moment. First, as an article elsewhere on this page shows, the work of a public interest law firm can be useful and important. They accept cases that no other firms go near. Even before the IRS move was made public, private opposition to it was strong. Russell E. Train, chairman of the Council on Environmental Quality, wrote to Randolph W. Thrower, Commissioner of Internal Revenue, two weeks ago that the environment was being well served by the public interest lawyers. "Litigation brought by private groups which must rely on contributions for their support . . . (has) strengthend and accelerated the process of enforcement of anti-pollution laws."

The timing of the IRS move could hardly be worse; at no time has the establishment ever been preaching more loudly the work-within-the-system sermon to the young. Exactly when a few young lawyers and law students do work within the system, they are whammed over the head by the most financially powerful part of that system, the IRS. A third irony involves the contrast between the detailed supervision the IRS is giving the public interest law firms and its casualness in examining the recent tax-exemption claims of the Southern white academies that tried to evade desegregation laws.

Although not all the facts are yet out—if all of them ever will be—a number of urgent questions need to be asked about the IRS decision. Who is behind it? This decision is a major move, one that will prevent qualified lawyers acting on recognized laws going into established courts. It is no secret that major corporations, already buffeted by tight money, a bear market and strikes, feel harassed by court cases in anti-pollution and consumer areas. From the board room, the outlook is even more grim; currently in Congress are two class action bills that would restore to the public the protection it needs from pollution and fraud. With public interest lawyers all too eager to use the law to protect both the environment and the consumer, the thought occurs—though these things are hard to prove—that business interests may have sent an SOS to the Nixon administration, saying in effect, get the kids off our backs.

The truth of the matter is, of course, that the public interest lawyers aren't on the corporations' backs. Filing a suit against a business or a federal agency meant to regulate it means nothing in itself. The judge decides whether a case can be made. It is true, of course, that more than a few corporations resent even being hauled into court and in many ways their resistance is understandable. For years, no one said a thing about the rivers or air being polluted; the companies were only providing America with the good things of the good life. But suddenly, the public sees that progress has a price and is no longer willing to pay it. Wisely, most judges and even most public interest lawyers are not demanding that all law breaking businesses be forced to close instantly. If anything, businesses are treated with great tenderness. Because the IRS action bears directly on the crucial question of environment and on the quiet, constructive efforts of conscientious people to do something about policing it, a few senators are talking about hearings on the whole subject. They are needed—fast.

Mr. Speaker, one of the most fundamental rights of American citizens is the precious right to gather together and petition their government for redress of grievance. This IRS proposal strikes very directly at citizen endeavors to join together to litigate regarding questions of consumer protection, conservation of natural resources, and preservation of a wholesome environment.

Because of the long experience of IRS with questions involving tax deductibility of organizations, one can only come to the unhappy conclusion that IRS intended to sterilize private litigation of questions involving the environment, conservation, and consumer protection.

The ruling has already had the unfortunate effect of shutting off funds to most organizations which have not yet achieved tax deductible status and is beginning to have an adverse affect on consumer, conservation, and environmentally directed organizations which have already achieved tax deductibility.

It appears that the polluters, those who seek to defile the environment, those who would do violence to the consumer and consumer rights, have won a remarkable victory.

Of late the Congress and the courts have been moving vigorously to protect the rights at which this ruling would strike. It seems that the polluters, the defilers of our environment, and those who would fleece the consumer, having failed in the courts and in the legislative halls, now have secured the first step toward sterilizing citizens organizations in asserting their rights in the courts.

Citizens litigation is so fantastically expensive and complicated that an ordinary citizen alone cannot assert his right in the courts. Citizens organized and banded together can and have been doing so with increasing effectiveness. It is at this kind of organized citizen action, that this unfortunate IRS ruling strikes most directly.

Mr. Speaker, I insert at this point an excellent article by Mr. Colman McCarthy entitled, "Laws, Lawyers and the System," appearing in today's Washington, D.C., Post discussing in detail the IRS action to which I have been alluding. This outrageous action must be set aside. The article follows:

LAWS, LAWYERS AND THE SYSTEM

(By Colman McCarthy)

For some time now, many parents, teachers and politicians have been telling young activists of conscience that the way to change the system is to work peacefully within it. Don't riot in the streets, throw bombs, shoot cops or tie up professors; the system only hardens with those no-win stunts. Instead, get on the inside and work for social change from there. You'll be surprised what you can pull off.

Among those taking that advice were a growing number of law students and young lawyers. For the past three or four years, they have formed or joined what are called public interest law firms, often arguing cases against corporations that pollute the environment or cheat the consumer. Just as the establishment said, the young lawyers were surprised at what they could pull off.

Last week, public interest law firms were in the news. The Internal Revenue Service announced a 60-day study that will decide whether or not to revoke their tax exempt status, especially those taking corporations to court on pollution, consumer and other cases. The IRS move would leave the firms without money because contributors would get no tax deductions on their grants or gifts.

Among those firms which may be affected by the IRS decision is the Center for Law and Social Policy, a Washington-based group that opened shop in August 1969. Its director is Charles Halpern, a graduate of Yale Law School and the son of a late New York judge. Nearly everything about the firm suggests the utmost in decorum and discretion. Its board of trustees include phisohex lawyers like Francis T. P. Plimpton, former president of the New York City bar association; Mitchell Rogovin of Washington's Arnold and Porter; Ramsey Clark; J. Lee Rankin, New York City chief counsel; Joseph L. Sax, a Michigan lawyer who wrote the Hart-McGovern bill that would allow class action pollution suits. In addition, the Center has arrangements with the law schools of Stanford, Yale, Michigan, Pennsylvania and UCLA whereby sudents come to Washington for six months for clinical training and legal education. A full semester credit is given by the schools. Prompted in part by all this establishment support, the Ford Foundation granted the Center $275,000 last July that will last 18 months.

"We are called public interest lawyers," said Charles Halpern, "but less pompously we're just lawyers for unrepresented people, the ones who are getting clobbered but with no one there to protect them. These people are all over the place—not just the poor, but also the victims of pollution, the victims of corporate arrogance or maybe just the odd guy who wants to eat his pickles without DDT in them."

Halpern's reference to DDT is not a joke. Earlier this year, on behalf of the Sierra Club, the National Audubon Society, the Izaak Walton League and others, the center took on the Secretary of Agriculture. A petition was filed urging him to suspend

the use of DDT and to begin canceling registration of products containing that poison. On May 28, the D.C. Court of Appeals ruled in favor of the center. In effect, the court restrained the government from barging ahead on the DDT question with no concern for the environment. Moreover, the court told Agriculture that the views of the citizens were crucial to governmental decisions, since the citizens were the ones who swallow DDT.

"We were delighted with the decision," said Halpern, "even though the stuff is still on the market. The court gave now power to the average guy dealing with the traditionally impassive government. Previously, only industry got the bureaucrat's ear."

A second center activity that has upset, even infuriated, a rich and tough industry involves the construction of the Trans-Alaskan pipeline system. The giant pipeline, 800 miles long and four feet wide, would present enormous technical and environmental challenges never faced before. The oil companies involved in the project include Union, Phillips, Mobil, Hess, Atlantic Richfield and Humble. On behalf of conservationists, the center brought a suit to stop the Secretary of Interior from issuing permits to the oil companies for construction. Last April, the District Court agreed with the center; a preliminary injunction was issued, based on the National Environmental Policy Act of 1969 and the Mineral Leasing Act of 1920.

For now, the oil companies have put away their bulldozers and dynamite. A government-industry task force is examining whether or not TAPS can be built without ruining the countryside. According to a recent and slightly bitter article in Barron's Weekly, out-of-pocket loss to the oil companies is $100,000 a day, with $50 million worth of machinery and supplies sitting idle.

A third success for the center involves the largest corporation of them all, General Motors. Representing the Center for Auto Safety and others, a complaint was entered against the National Highway Safety Bureau to reopen a case involving a GM recall of 50,000 defective truck wheels. The center argued that 150,000 other trucks displayed the same defects and should also be called in. The court ordered the NHSB to reopen the investigation, rejecting the agency's view that it alone, with no citizen consultation, should decide recalls.

Although public interest lawyers like Charles Halpern cause unceasing bother and financial pain to both large and small corporations, they do it in the simplest and perhaps least dramatic way—using recognized, often dormant laws in established courts. As Halpern describes it, "it was really an open field. On one hand, you had the old line regulatory agencies—FTC, FDA, FCC, ICC and the others. They were created to protect the public and to keep a strict eye on the marketplace. But for so many years, the opposite was true. The agencies looked out for the industries and corporations, not the public. The adversary system, which was a big subject in law school, was nowhere to be found in Washington. The laws were on the books waiting to be used."

The origins of public interest law go back to a 1966 decision by a then little known Washington judge, Warren E. Burger, now Chief Justice of the Supreme Court. A group of poor and black Mississippians challenged a Jackson television station on its biased news coverage. The Federal Communications Commission, which supposedly protects the interests of viewers—including the poor and black—tried to brush off the plaintiffs, on the grounds that it alone knew what was best. Judge Burger said no, the commission must listen to the complaints of the viewers in its administrative decisions.

Last week, following the announcement of the IRS, many lawyers at the Center for Law and Social Policy were dismayed. They saw the IRS study as a direct attack on public interest law, the agency being used by someone as a lethal political weapon against the forces for peaceful change.

A worry of Halpern went beyond the future of his own operation. He had just returned from a number of universities and law schools where he was often greeted as a sucker for the establishment—for believing that one can change the system from within and from below. Halpern had always thought he was something of a reformer, but next to some of the students he met, he was only a non-returnable dreamer. "What do I tell these people now?" he asked, referring to the IRS decision which forcefully confirmed their cynicism. Halpern has no answer.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the gentleman from Michigan for bringing this outrageous ruling of the Internal Revenue Service to the attention of the House and I hope his efforts are successful in getting it reversed.

Mr. DINGELL. I thank my good friend from West Virginia.

REPORT TO THE PEOPLE OF THE THIRD DISTRICT OF PENNSYLVANIA

(Mr. BYRNE of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BYRNE of Pennsylvania. Mr. Speaker, as the 91st Congress moves into its final months, it is my duty to report to the people of the Third Congressional District of Pennsylvania on what we have accomplished during this 2-year period.

In all, despite some disappointments, the 91st Congress has been a most productive one—and I speak with the experience of serving in nine Congresses. Needless to say, all of the legislation I had hoped for did not become law during this period—through a number of factors.

Nevertheless, I think history will record our record as one of progress. I have had the honor of sponsoring and cosponsoring much of the legislation which was acted upon.

Of course, it is impossible to list all the actions taken by this Congress—that could fill volumes. Nor is it feasible to list the 147 bills and resolutions which I sponsored or cosponsored. But at this time I would like to touch upon some of the most important actions of this Congress, and outline those areas in which we need further movement.

HOSPITALS

I think almost everyone in this country appreciates the need for increased medical care facilities. Recognizing this, the Congress extended through the fiscal year of 1973 a program and grants and guaranteed loans for hospital construction. Unfortunately, the President vetoed the measure, but this veto was overridden and the bill is now law.

This is, admittedly, only a start. It is strange that in the richest country in the world a sick person must wait for a bed to become available in a hospital.

We need a massive health program to insure preventive medicine for each person to keep them well and curative medicine when they become ill.

POLLUTION

The Congress has taken a number of active steps toward ending pollution in the United States. Among these are the tightening of controls for water pollution through oil and sewage from ships, discharges from mines and thermal action by atomic energy plants. This is now law.

Another phase is the "Clean Air Act," passed by both Houses of Congress in different forms, requiring 1975 automobiles to achieve a 90-percent reduction of 1970 standards for emission of hydrocarbons, carbon monoxide, and nitrogen oxides.

It is time that everyone realizes that we have only one world and we are rushing toward its destruction. We must start cleaning up, and the best place to start is our own country. We must repurify the air we breathe, the water we drink and the soil that gives us our food.

DRUGS

The proliferation of drugs—especially among our young people—is one of our greatest domestic problems. To help combat this vicious traffic and to attack the criminals behind these operations, Congress has passed a series of laws.

Among the actions performed by these bills, the Attorney General is given the right to classify drugs according to danger and judges are given greater latitude in disposing of drug cases—in some cases raising the penalties for chronic offenders and in others lowering the term for first offenders.

Much more needs to be done in this field—and we hope to do it in the near future.

VETERANS

My record is clear on seeking a speedy conclusion to the Vietnam war. But our concern cannot end there. We must realize that if we have wars, we are going to have wounded veterans.

As a senior member of the Armed Services Committee, it is clear to me that we do not have sufficient facilities at veterans' hospitals to fulfill the needs of wounded and sick veterans.

Surely, if there is one single group that this Nation owes a special debt, it is to the veterans.

MIDDLE EAST

Peace is needed desperately in the Middle East—but it must not come at the expense of our only ally in that part of the world—Israel. Israel needs the means with which to protect itself. It does not ask for our men. It wants only those weapons needed for self protection.

Toward this end, the Congress recently passed a bill—and spelled out in language no one could misunderstand that Israel was to be able to purchase all the arms it needs at favorable credit terms.

ELECTORAL REFORM

The House of Representatives overwhelmingly passed a constitutional amendment providing for the direct election of the President by the people. Unfortunately, this bill—at this time—has been tied up in the Senate by a filibuster

of Southern Senators and conservatives. This means it is improbable that action will be taken this year. If not, I feel sure the House will reactivate the measure in the next Congress—and—hopefully—secure passage through the Senate as well.

SCHOOL AID

The Congress passed—and the President signed—a law extending aid to schools for another 2 years. This, however, merely scratched the surface of need, as far as I am concerned.

Massive Federal aid is needed for schools if they are to survive. And it should be in bloc-grants—directly to the school districts, without the States siphoning off funds.

INFLATION

Our number one domestic problem is inflation—higher and higher prices eroding the savings and earnings of our people. This inflation must be halted.

Meanwhile, social security, on which many millions of our elderly depend upon as their sole income, must be brought in line with the true value of the dollar today.

The House passed an automatic 5-percent increase for social security benefits in 1971 and they are completing action in the Senate. The Senate has increased these benefits to 10 percent.

But this is nowhere enough. Ask anyone on social security. These benefits must be upgraded and pegged to the actual cost of living.

UNEMPLOYMENT

Anyone who thinks higher unemployment will cure inflation is living in a dream world—not the United States of America in 1970. Our unemployment rate has already grown to the dangerous stage. Some economists in Government may think that this is desirable, but they better not try to convince the thousands of jobless in my district.

We must move toward full employment again—regardless what the administration thinks is a "healthy economy."

HOUSING

Housing in our cities continues to age and crumble, but there are no adequate replacements. I suggest what is needed today is a massive housing program which can provide homes to those who want and need them.

There is little mortgage money in the market. The building trades workers are without work, adding to the already dangerous unemployment rate.

I believe it is our responsibility to get housing programs in action again—and now.

GENERAL

I fully realize that programs cost money—but I believe there is sufficient money available for all of these projects. Where are the funds to come from? From the unneeded and wasteful programs which the people really do not need or want.

The money can come through ending the war in Southeast Asia, where billions of dollars and thousands of lives have been siphoned off.

The funds can come through diversion from unneeded weapons research and manufacture—such as the ABM and the MIRV. They can come by scrapping unneeded manned space flights. They can come from wasteful projects such as the supersonic jet plane—which we don't need as much as "people projects."

Hopefully, these unsolved problems will be acted on expeditiously in the next Congress. Our people need and demand it.

NEW DUTIES BEING PERFORMED BY THE VICE PRESIDENT OF THE UNITED STATES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker and Members of the House, on behalf of the gentleman from Ohio, Mr. WAYNE HAYS, and myself, I intend to present at the end of my remarks a copy of a constitutional amendment which will be printed for the information of the Members of the House.

Mr. Speaker, inasmuch as there has been a new dimension added to the duties of the Vice President far beyond any ever performed by the Vice President before, we have discovered that since the beginning of the session or since his ascendancy to the office of Vice President he has served exactly 14 hours and 50 minutes in his official capacity as President of the Senate.

However, according to the news reports he has performed some very serious duties which in the opinion of many people he is performing very well.

So, in the interest of fair play and equal opportunity for both political parties, and in the face of the fact that the President has seen fit to veto the limitation of $20,000 to be expended on television time and in view of the plight of the finances of the Democratic Party and the booming coffers of the Republican Party due to the activities of the Vice President, we decided that there be a constitutional amendment creating two Vice Presidents, one for the Democrats to raise money and one for the Republicans. However, we have some safeguards contained therein as to what the qualifications of the Vice President would be.

No. 1, no person who speaks in terms other than those without meaning, in terms other than those evidencing superfluousness, redundancy, and so forth, in terms other than those of the most basic nature shall be eligible for the office of the Vice Presidents.

No person whose facial characteristics do not make him an easy target for cartoonists and pundits shall be eligible for the Office of the Vice Presidents.

No person whose basic intellectual capacity is such that the average citizen finds him understandable shall be eligible for the Office of the Vice President.

He must be furnished a complete list of all those who are potential contributors for one reason or another but, certainly, for the reason of wanting to know someone high in office and in power in the Government at the same time. We feel this is the only way that the Democratic candidates would have an opportunity to spend over $20,000 in campaign funds for television alone.

I do not know where the rest of you fellows come from, but where I come from if you spent $20,000 to get elected, they would run you out of office.

The material referred to is as follows:

U.S. Reps. John H. Dent (D., Pa.) and Wayne L. Hays (D., Ohio) today presented a Constitutional amendment inspired by the President's veto of a bill to place a $20,000 limitation on the television expenditures of Congressional candidates.

Dent said the amendment was suggested by "concerned citizens" who pointed out that "the Vice President seems to spend all of his time raising funds—reported to be in the neighborhood of $11 million—for Republican Congressional candidates. While this amendment is not in keeping with our concept of serious legislative enactments, neither is a full-time Vice Presidential money raiser." According to the official record, Mr. Agnew has presided over the United States Senate for 14 hours and 50 minutes out of the 950 hours it was in session.

"If the Vice President continues to spend the bulk of his time soliciting contributions for Republican campaigns, his salary should come from these very coffers. One would expect that those who filled these coffers, for instance job hopefuls, businessmen, and free trade advocates, would not oppose such action.

"This amendment will be read for the record to highlight the President's veto, the fund raising activities of Vice President Agnew, and the relationship between the two. The amendment proposal (which follows) is as serious as Vice President Agnew's attention to his Constitutional duties has been."

The text of the amendment follows:

Mr. Dent and Mr. Hays (by request) introduced the following Joint Resolution.

Proposing an amendment to the Constitution of the United States relative to the election of two Vice Presidents of the United States.

Section 1. Purpose of the Article. Whereas the function of the Vice President of the United States appears to be the solicitation of funds for political purposes by attending dinners, rallies, and any and all similar gatherings, and whereas the number of these gatherings has increased throughout the years with the resultant effect that demands on the Vice President's time have become exorbitant and have made it impossible for one man to attend all the necessary functions of both major political parties, be it resolved that, with the exception of the provisions of Section 4 of this Article, two Vice Presidents be elected for a four year term to run concurrently with that of the President of the United States.

Section 2. Duties of the Two Vice Presidents. Of the two persons elected to serve concurrently in the Office of the Vice Presidents of the United States, one shall be assigned to raise funds for the Democratic Party; the other person shall be assigned to raise funds for the Republican Party.

Section 3. Qualifications. (a) No persons except those who meet the age, residency, and citizenship requirements established for the President of the United States, as stated in Article II, Section 1 of the Constitution of the United States shall be eligible for the Office of the Vice Presidents.

(b) No person who speaks in terms other than those without meaning, in terms other than those evidencing superfluousness, redundancy, etc. In terms other than those of the most basic nature shall be eligible for the Office of the Vice Presidents.

(c) No person whose facial characteristics do not make him an easy target for cartoonists and pundits shall be eligible for the Office of the Vice Presidents.

(d) No person whose basic intellectual capacity is such that the average citizen finds him understandable shall be eligible for the Office of the Vice Presidents.

Section 4. Special Election. Whereas the current Vice President has been able to find the time to collect funds for the Republican Party only, and whereas the United States has traditionally supported the doctrine of equal time and equal rights for all, and whereas another Presidential election is not scheduled until November, 1972, a special election shall be held 24 hours after the passage of this article for the purpose of choosing a co-Vice President of the United States. The individual so chosen shall, immediately upon election, assume the duties of the Democratic Vice President as provided in Section 2 of this article.

Section 5. This amendment shall take effect immediately upon ratification of three-fourths of the several States, or immediately after the current Vice President attends another political fund-raising event, whichever is sooner.

H.J. Res. —

Joint resolution proposing an amendment to the Constitution of the United States relative to the election of two Vice Presidents of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

Article —

Section 1. Purpose of the Article.—Whereas the function of the Vice President of the United States appears to be the solicitation of funds for political purposes by attending dinners, rallies and any and all similar gatherings, and whereas the number of these gatherings has increased throughout the years with the resultant effect that demands on the Vice President's time have become exorbitant and have made it impossible for one man to attend all the necessary functions of both major political parties, be it resolved that, with the exception of the provisions of section 4 of this article, two Vice Presidents be elected for a four-year term to run concurrently with that of the President of the United States.

Sec. 2. Duties of the Two Vice Presidents.—Of the two persons elected to serve concurrently in the Office of the Vice Presidents of the United States, one shall be assigned to raise funds for the Democratic Party; the other person shall be assigned to raise funds for the Republican Party.

Sec. 3. Qualifications.—(a) No persons except those who meet the age, residency, and citizenship requirements established for the President of the United States, as stated in article II, section 1 of the Constitution of the United States shall be eligible for the Office of the Vice Presidents.

(b) No person who speaks in terms other than those without meaning, in terms other than those evidencing superfluousness, redundancy, etc., in terms other than those of the most basic nature shall be eligible for the Office of the Vice Presidents.

(c) No person whose facial characteristics do not make him an easy target for cartoonists and pundits shall be eligible for the Office of the Vice Presidents.

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Sec. 5. This amendment shall take effect immediately upon ratification of three-fourths of the several States, or immediately after the current Vice President attends another political fund-raising event, whichever is sooner.

BIPARTISAN SUPPORT FOR NATIONAL ECONOMIC CONVERSION BILL

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, on October 1, my colleague from New York (Mr. Bingham) and I introduced a bill designed to facilitate the transition to a peacetime economy and to alleviate the problems now being experienced by many industries and communities throughout the Nation as a result of the failure of business and Government alike to plan for the effects that the predictable decline in levels of military and space spending is having on our economy.

Since the introduction of this legislation 2 weeks ago, a number of our colleagues in the House have indicated their support for the prompt and concrete governmental action to ease the shift to civilian production and for the assistance to those who are caught in the forces of economic change which this bill, the National Economic Conversion Act, H.R. 19557, would provide.

Mr. Bingham and I greatly welcome and much appreciate this strong demonstration of bipartisan interest, and are delighted to be able to offer this legislation again today with the following 39 cosponsors:

Brock Adams, Democrat of Washington.

Joseph P. Addabbo, Democrat of New York.

John F. Anderson, Republican of Illinois.

Frank J. Brasco, Democrat of New York.

George E. Brown, Jr., Democrat of California.

Daniel E. Button, Republican of New York.

Shirley Chisholm, Democrat of New York.

William Clay, Democrat of Missouri.

John R. Dellenback, Republican of Oregon.

Don Edwards, Democrat of California.

Joshua Eilberg, Democrat of Pennsylvania.

Marvin L. Esch, Republican of Michigan.

Leonard Farbstein, Democrat of New York.

Donald M. Fraser, Democrat of Minnesota.

Seymour Halpern, Republican of New York.

Michael Harrington, Democrat of Massachusetts.

Augustus C. Hawkins, Democrat of California.

Ken M. Hechler, Democrat of West Virginia.

Frank Horton, Republican of New York.

Hastings Keith, Republican of Massachusetts.

Edward I. Koch, Democrat of New York.

Allard K. Lowenstein, Democrat of New York.

Paul N. McCloskey, Jr., Republican of California.

Joseph M. McDade, Republican of Pennsylvania.

Abner J. Mikva, Democrat of Illinois.

Richard L. Ottinger, Democrat of New York.

Bertram L. Podell, Democrat of New York.

Thomas M. Rees, Democrat of California.

Howard W. Robison, Republican of New York.

Benjamin S. Rosenthal, Democrat of New York.

William P. Ryan, Democrat of New York.

Herman T. Schneebeli, Republican of Pennsylvania.

Fred Schwengel, Republican of Iowa.

Louis Stokes, Democrat of Ohio.

Robert Taft, Jr., Republican of Ohio.

Frank Thompson, Jr., Democrat of New Jersey.

Morris K. Udall, Democrat of Arizona.

Charles W. Whalen, Jr., Republican of Ohio.

Lester L. Wolff, Democrat of New York.

DRUG ABUSE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the Drug Abuse Prevention and Control Act before the House today is a significant step in the fight against the national crisis of drug abuse. But more needs to be done, Mr. Speaker. I intend to introduce legislation that will double the criminal sanctions against the drug pusher and the profiteer who lead our young people into this 20th century form of involuntary servitude. The pusher and the profiteer now operate on the campus of elementary, junior high, or high schools. The pusher's filthy profits now fund the activities of the criminal underworld. All this must be stopped by effective legislation. Mr. Speaker, one of the outstanding features of the bill now before the House is the heavier sentence it provides for one who possesses dangerous drugs for the purpose of selling to others. The help-

less addict often merits our sympathy, Mr. Speaker, but the pusher and the profiteer deserve only our contempt.

VETO OF POLITICAL BROADCASTING BILL EMBARRASSES HOUSE REPUBLICANS

(Mr. MACDONALD of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACDONALD of Massachusetts. Mr. Speaker, the President's veto of the Political Broadcasting Act could best be described as an inexplicable, partisan political maneuver of the first magnitude. It also would seem to be a repudiation by the President of the leadership of his own party in the House of Representatives, who supported the bill down the line, and who now have been left high and dry by the President's action.

We all know that there has been an astonishing lack of coordination between the White House and the Congress. By this veto the President has struck down a measure seen as beneficial to the Nation by such Republican leaders as GERALD R. FORD, House minority leader, who supported the legislation both on the vote for final passage and on subsequent adoption of the House-Senate conference report, and the Republican whip, Congressman ARENDS, who also voted in favor of adoption of the conference report. Congressman ROGERS C. B. MORTON, the Republican National Committee chairman, voted for the passage of the bill. Also voting for the bill were Chairman JOHN ANDERSON, Vice Chairman WILLIAM CRAMER, and Secretary RICHARD POFF, of the House Republican Leadership Conference.

Other important House Republicans have also been abandoned by the White House action. The ranking minority member of the House Commerce Committee was vigorous in his support of the legislation during House debate. All the Republicans on the Communications Subcommittee, of which I am chairman, cosponsored the bill as they had helped write the bill. The bill was reported out of the subcommittee unanimously and out of the full committee with only one voting in the negative.

The President's apparent indifference to the wishes of his Republican leadership in the House raises difficult questions. Who provided the pressure on the President to veto the bill? What arguments could have prevailed to cause the President to hand such a rebuke to the hard-working and responsible Republicans in Congress who supported the measure?

In floor debate, the ranking Republican of the committee in answer to a question indicated he knew of no opposition to the bill except "the radio and TV stations and ownership thereof." But he correctly noted that the bill had struck a moderate position with regard to broadcasters; there have been many who urge that stations be required to give free time for campaign messages, he observed.

One speculation is that Mr. Nixon has vetoed the bill because it contained the repeal of section 315 of the so-called equal-time provision, which the networks have urged for a long time. The suspension of that section in 1960 made possible the great Kennedy-Nixon debates of 1960. As one who traveled with President Kennedy on the 1960 campaign, and personally saw the direct effect of the debates on the public all over the country, I could understand some reluctance on Mr. Nixon's part to engage in other debates. Ironically, the bill as passed does not require debates. But in the public interest it would make them possible, or at least provide for separate appearance of the major presidential candidates on free prime time donated by the networks. Incidentally, they support these debates willingly in the public interest. Should the titular leader of this country shy away from providing full television exposure of the candidates who control the very lives of the American public?

Other questions suggest themselves. I have read that the White House and many of the top-level advisers of the Nixon administration is staffed with a large number of ex-broadcasting and advertising industry members. Of course, how they stand on this bill is unknown. But after reading Joe McGinness' "The Selling of a President" one wonders.

It should be noted that the official administration spokesman at the Federal Communications Commission, Chairman Dean Burch, supported the basic goals of the bill in testimony before the Subcommittee on Communications. It is also obvious that Mr. Burch's credentials as a Republican political figure are impeccable. In his testimony he stressed "the importance of the need for legislation in the area of political broadcasting" along the lines of the bill before the subcommittee.

The preponderance of former advertising and broadcasting personnel around Mr. Nixon raises the possibility that concern for former and future employers outweighed the public interest in the President's inner councils. How else explain the decision in favor of higher broadcasting and advertising packaging profits against the position of practically the entire Republican leadership and their rank and file in the House of Representatives?

The number and fine caliber of the House Republicans who have been so left out on a limb argues forcibly that the House will override the President's veto. He has once again thrown down the gauntlet, not only to the majority, but to his own minority members. His congressional relations, which have not earned high marks with either party, must now sink to an all-time low. We have for a precedent that Hill-Burton veto, a veto of another public interest bill. I believe that to make a partisan measure out of a public interest bill is a grave mistake. This bill merely protects the public's right to know. It is a bill which would provide that the candidate be elected after a firsthand look at their merits—not an accounting of their financial assets. Government service should not be turned into a rich man's game.

The bill he vetoed was a bill for good government and against the special interests—those who would buy elections with runaway spending on saturation TV campaigns. With his veto, I believe, he has misjudged the legitimate concern of the American people and their elected representatives of both parties.

PRISON RIOTS AND THE NEED FOR PRISON REFORM

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, since I last spoke on this floor on August 12 concerning the need for prison reform, there have been more prison riots in the city of New York. They are no longer restricted to the Manhattan Detention Center for Men known as the Tombs, but have spread to other detention centers in the city including the Queens and Brooklyn houses of detention for men.

These detention centers house primarily men awaiting trial and who are by law presumed to be innocent unless and until their guilt is established after trial. Everyone, and that includes the Governor of the State of New York and the mayor of the city of New York and the respective corrections commissioners and all of those State senators and assemblymen who have investigated the prisoners grievances, agree that those grievances are justified. Those grievances relate to long periods of detention without bail or trial, overcrowded physical facilities where sometimes three men sleep in a cell built for one, and alleged physical brutality practiced upon some prisoners by some guards.

In the October 10 prison riot, one prisoner said and it bears repeating:

> We are not animals. We are human beings. We are trying to get attention to what is going on.

But no one has listened and as soon as the riot has been quelled the plight of these men is forgotten by those who are charged under the law with responsibility for providing justice for the individual as well as protection for society.

The most regrettable official act of all is the barring and restricting of the prison chaplains by both the city and State commissioners of correction from performing their duties in the prisons. State Commissioner of Corrections Paul D. McGinnis, restricted and has sought to intimidate Father William O'Brien, Catholic chaplain in the State Correctional Institution at Napanoch. Why, you may ask. Because that Catholic Chaplain saw it as his duty to come to a hearing which I conducted on prison reform in my district and testify to outrageous conditions in the Napanoch State facility. Father Lawrence Gibney, Catholic Chaplain in the Tombs, who sought to ameliorate the dangerous situation existing in the Tombs where the prisoners had taken hostages and sought to calm

and mediate the situation, has been removed and barred by Commissioner George F. McGrath from entering the Tombs. It is clear that what is taking place is that both State and city officials on the highest levels wish to quash and quell any independent voices crying out against injustice. Yes, injustice exists when men not convicted, and even where convicted, are treated in a barbarous way. The treatment given to these prisoners awaiting trial can have no defense. Indeed, Governor Rockefeller and Mayor Lindsay have criticized their own official practices and yet they permit those practices to continue.

Mr. Speaker, I have been informed that the only comparable case in which clergymen regularly ministering to prisoners have been barred is that which took place in Nazi Germany when Adolph Hitler barred chaplains from attending to and administering last rites to those prisoners who were charged with the conspiracy of seeking to assassinate him.

Prison reform is required and one way we may achieve it would be for this Congress to pass H.R. 16794 which would establish minimum standards for correctional institutions and provide Federal financial assistance to State and local prisons in meeting these standards.

CONGRESSMAN JOSEPH P. ADDABBO REPORTS ON 91ST CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 60 minutes.

Mr. ADDABBO. Mr. Speaker, as soon as possible at the end of each Congress, I summarize the activities of the Congress for the 2-year period, reprint it from the CONGRESSIONAL RECORD at my expense, and mail it to my constituents. This is my ninth such report and I am submitting it at this time because although Congress has not completed its legislative tasks for the year, I feel that my constituents have a right to review my record before November.

In addition to sending a summary of the year's activities, each Congress I send to my constituents a questionnaire on the issues expected to come before the Congress. From the answers received to those questions, from the mail received in my office, and from personal contacts in the district, I believe I learn the majority thinking of those I represent. This is helpful to me in deciding how to vote on various measures as well as in other duties connected with my representati n of the Seventh Congressional District. I try to reflect the will of my constituents and I believe that I have been successful to a large degree.

QUESTIONNAIRE RESULTS

This Congress I sent out approximately 190,000 questionnaires and received a return of approximately 15 percent which, by any standard, is considered quite good. I am very pleased to represent an active and informed constituency. Following are the questions asked and the answers received:

[Answers in percent]

Which of the following should be U.S. policy in Vietnam? (Please check only one answer):	
(a) Speed up the policy of "Vietnamization" to assure withdrawal of all U.S. troops by the end of 1970	28.7
(b) Continue present policy and present rate of withdrawal	46.2
(c) Increase military activities to force a negotiated settlement	18.6
Which of the following should be U.S. policy in the Middle East? (Please check one or more):	
(a) Continue efforts to reach a Big Four agreement on a proposed peace settlement	35.1
(b) Insist on direct negotiations between Israel and the Arab Nations	32.3
(c) Pursue a position of neutrality in any Middle East conflict	19.6
(d) Pledge economic and military aid to Israel but send no U.S. troops to the Middle East	41.8
(Please answer each question)	
Do you favor a Constitutional Amendment to lower the voting age to 18?	
Yes	63.4
No	28.2
Do you favor a volunteer army to replace the draft-lottery system?	
Yes	74.7
No	19.4
Do you favor wage and price controls to halt inflation?	
Yes	52.4
No	41.1
Would you support a $1 billion program to fight water pollution?	
Yes	49.2
No	21.7
Do you favor the proposed welfare reform, including a $1,600 minimum annual family assistance level?	
Yes	43.6
No	34.1
Do you favor Postal Corporation to take over Post Office operation?	
Yes	46.2
No	37.1
Do you believe military spending should be (Check one):	
Increased	3
Decreased	41.2
Remain the same	46.3
Do you believe expenditures for space exploration should be (Check one):	
Increased	12.6
Decreased	34.7
Remain the same	37.1

You will note that many of the percentages do not total 100—the missing percentages represent those who failed to answer and on which I have assumed they are undecided.

At the present time the Congress is in recess but will reconvene in November in a lameduck session. Pending final action on several important bills, I can report to you on some of the legislation passed this year which is of interest to the people of the Seventh Congressional District.

FOREIGN AFFAIRS

This past year Congress made clear its desire to play a more active role in determining foreign policy. Immediately following the Cambodia controversy, I joined with a large number of other Congressmen in sponsoring resolutions expressing the views of the House that Congress should be consulted before U.S. troops are sent into any other nation. While these resolutions did not pass the Congress, the feelings of a substantial number of Congressmen were effectively communicated to the President.

The crisis in the Middle East continues to dominate the news and remains the No. 1 threat to world peace. During the past year I have made several statements in the House and in communications to the President, expressing my concern over deteriorating relations between the United States and Israel. The vague and often delayed statements of the President with respect to Israel's request for economic and military assistance have, in my opinion, been unjustified. The United States should take a firm position in support of the state of Israel and pledge to provide Israel with Phantom jets and other aid necessary to assure the defense capabilities of that nation.

I was able to work for the inclusion of funds for this purpose when the House Appropriations Committee on which I serve drafted the 1971 defense appropriations bill.

As public concern over the Middle East crisis increases, it is imperative that we do not allow our troop commitments in South Vietnam to drag on unnecessarily. I will continue to speak out for acceleration of U.S. troop withdrawals from Vietnam and for more effective negotiating tactics at the Paris peace talks. The President's latest peace proposals were responsible and I hope this marks a new period of constructive diplomacy in Vietnam.

In order to make more facts available to the public concerning our commitments abroad and other factors on which our foreign policy is based, I sponsored legislation to create a Joint Congressional Committee on Classified Information. Such a committee could recommend ways to reduce the amount of classified information which is kept from the public even though its disclosure would not have an adverse impact on our security. I am convinced that the power to classify information has been abused and should be more closely controlled by the Congress.

DEFENSE SPENDING

The 91st Congress was determined to reduce nonessential defense spending and I was able to participate in the deliberations on this subject as a member of the House Appropriations Committee and its Defense Appropriation Subcommittee. During this Congress appropriations for defense were reduced well below $70 billion. The $5.2 billion cut in fiscal 1970 and the House cut of $6 billion in fiscal 1971 defense budgets were the largest since the Korean war.

I am convinced that these reductions were in our Nation's best interests and will not have an adverse impact on our defense posture. Among the items for which funds were cut or reduced were the anti-ballistic-missile program. New sites have been limited to missile sites only where there was overfunding and research and development funds.

The 91st Congress has served notice on the Department of Defense that the legislative branch plans to scrutinize future budget requests from the Pentagon more closely and where possible to cut or postpone expenditures until we are convinced of both the necessity and the feasibility of these programs.

THE ECONOMY

The most dangerous trend in 1970 was the steady increase in the Nation's unemployment figures at a time when inflation continues to hit every consumer. The most recent statistics released by the Government indicate that unemployment has reached 5.5 percent. On Long Island where a substantial part of the economy is dependent on defense and space contracts, the unemployment level has passed 6 percent.

The fiscal policies of the administration have failed to bring the shaky economy under control and new efforts are desperately needed to hold back a period of recession and spiraling inflation. I have supported congressional efforts to provide Federal funds for public employment at the local level; to create a National Commission on Economic Conversion to direct the Nation's conversion from a wartime to a peacetime economy and to protect workers who are caught in the conversion squeeze; to lower interest rates; and to provide new incentives for the construction of low- and middle-income housing—both apartments and private dwellings.

I will continue to press for legislative and administrative action to curb rising unemployment and stem inflation.

EDUCATION

In August 1970 the Congress voted to override a Presidential veto of the $4.4 billion Office of Education appropriation bill. I voted to override the veto and supported this legislation because I believe our Nation should assign a high priority to education. The appropriation measure was $453 million above the amount requested by the President, but failure to approve this amount would have placed the extra burden on the local taxpayer who must support the increased costs of elementary and secondary education.

HOUSING

A second Presidential veto was overridden by the Congress when we approved an $18 billion Housing and Urban Development appropriation bill—$541 million more than requested by the administration. Again on the basis of priorities I voted to override the veto and supported the appropriation. While Congress did increase some budget requests, it should be kept in mind that reductions were made in defense spending, as discussed above, in amounts large enough to make up for these increases.

The housing crisis in Queens and across the Nation, particularly in our urban areas, requires greater emphasis on new incentives. With interest rates at such high levels, the prospective purchaser of a home or an apartment has little choice. We must increase the availability of financing at reasonable terms.

DRUG ABUSE

The narcotics problem has become one of the most serious issues facing our society. The House has approved a Drug Abuse Prevention and Control Act—H.R. 18583—which will provide some Federal leadership and assistance in combating this drug crisis. I have supported efforts to increase criminal penalties for drug pushers. In addition, I have introduced legislation to cut off foreign economic and military aid to any nation which fails to cooperate with the United States in curbing the illegal importing of heroin and other narcotic drugs. We know where the heroin supply is coming from but to date we have not been able to curb its importation. Now is the time to take stronger steps to require the nations involved to help us stop the illegal heroin traffic.

CRIME CONTROL

The 91st Congress has assigned a high priority to crime control, authorizing more funds under the Safe Streets Act than requested by the President. The need for improved law enforcement techniques and better educated officers at the local level must be met quickly. Our judicial and prison systems have not kept pace with changing times. More manpower and more effective manpower to enforce and administer our laws is the most urgent requirement if we are to be successful in curbing crime. I have supported efforts to provide the funds necessary for this attack on the growing criminal activity in this Nation.

VOTING RIGHTS ACT

Public Law 91–285 extends for 5 years the landmark Voting Rights Act enacted in 1965. In addition the legislation lowers the voting age to 18 for all elections beginning January 1, 1971. I voted for this bill and believe that by broadening the base of eligible voters in this Nation we will also broaden the understanding of democracy and bridge the communication gap among our citizens.

HEALTH

A third Presidential veto was beaten back by Congress when it approved the legislation extending the Hill-Burton program for the construction of hospitals and other health facilities. I voted to override this veto because of the shortage of hospital beds in our country and particularly in our own communities in Queens. This legislation—Public Law 91–296—will enable localities to plan for needed construction projects to provide care to all our citizens.

I have also sponsored legislation to create a national health insurance program so that all Americans can have access to quality health care. Our health system needs a complete overhaul and modernization program so that health care costs can be controlled within a system which offers care to all who need it.

FOREIGN AID

Another area in which the House reduced spending was foreign aid. Early in 1970, the House passed a $2.5 billion foreign aid appropriation bill, nearly $900,000 less than requested by the President. The Senate has not yet acted on this legislation but a substantial reduction in spending in this area can be anticipated.

THE ENVIRONMENT

The House and Senate have passed a stricter air pollution control bill which requires automobiles to achieve a 90-percent reduction of present emission standards by 1975. The legislation also provides that all new factories must install and use the best technological pollution control devices available at the time of construction.

Congress also passed a Clean Water Act and has authorized new programs to control discharges from vessels and thermal pollution from atomic powerplants.

The Interior Department has proposed the establishment of the Gateway National Recreation Area to include about 20,000 acres of land and water at the entrance to New York Harbor, including Breezy Point and Jamaica Bay. I have supported this proposal and have introduced legislation to create this national park. My bill would also prohibit the use of any of this area for airport expansion—a provision which I inserted in the legislation after Interior Secretary Hickel refused to take a strong stand against the proposed extension of runways at Kennedy into Jamaica Bay. I have opposed such expansion because it would mean more noise, more pollution, more air traffic congestion and more destruction of the unique resources of Jamaica Bay.

AIRPORT NOISE AND POLLUTION

Throughout 1970, I have tried to prod the Department of Transportation and the Federal Aviation Administration to move more quickly and with greater determination in enforcing the 1968 Aircraft Noise Abatement Act which I cosponsored. As of this date I remain disappointed by the failure of the Federal Government to increase pressure on the airlines to spend additional money to reduce aircraft noise and pollution.

Various experiments with revised flight patterns at Kennedy Airport have provided no meaningful relief to residents of our airport communities and I believe relief will only come when the Government insists that the airlines purchase noise abatement equipment and quieter engines. I will continue to keep as much pressure on the FAA in order to achieve this goal.

I voted against the appropriation of funds for development of the supersonic transport because of the threat to the environment as well as the lack of economic justification for Federal financing of this project. The backlog of neglected domestic programs is too long to permit the luxury of continuing on the SST program and a growing number of experts and commissions have opposed the SST on these grounds. While the House has approved funding for the SST, I will continue to urge Federal officials to delay the use of these funds.

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
5. State-Justice-Commerce-Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,465,814,937	2,429,579,937	−36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign Assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military Construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public Works-AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor-HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
15. Supplemental	(380,844,000)		
Subtotal, House bills	137,138,661,822	134,627,396,817	−2,511,265,005
Deduct: Independent Offices-HUD bill (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
Net total, House bills	119,921,838,322	117,237,184,517	−2,684,653,805
In the Senate:			
1. Legislative	421,414,899	413,889,653	−7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent Offices-HUD	17,468,223,500	18,655,019,500	+1,186,796,000
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
6. Agriculture	7,748,354,500	8,475,935,100	+727,580,600
7. Public Works-AEC	5,263,433,000	5,258,695,000	−4,738,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,122,080,500	−129,119,500
9. Treasury-Post Office (net of estimated postal revenues appropriated)	$3,046,693,000	$3,018,079,000	−$28,614,000
10. Military construction	2,134,800,000	[1] 2,057,871,000	[1] −76,929,000
11. Labor-HEW	(18,759,377,000) [1]	(19,070,964,078) [1]	[1] (+311,587,078)
Subtotal, bills cleared Senate	45,250,005,499	47,728,716,253	+2,478,710,754
Deduct: Independent Offices-HUD bill (veto sustained by House)	17,468,223,500	18,655,019,500	+1,186,796,000
Net total, bills cleared Senate	27,781,781,999	29,073,696,753	+1,291,914,754
Enacted:			
1. Education (veto overridden by House)	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,900
3. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
4. Independent Offices-HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
5. Legislative	421,414,899	413,054,220	−8,360,679
6. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,004,711,000	−41,982,000
7. Public Works-AEC	5,263,433,000	5,238,715,000	−24,916,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,108,074,500	−143,125,500
Subtotal, bills cleared Congress	35,366,850,999	36,138,439,720	+771,588,721
Deduct: Independent Offices-HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
Net total, bills enacted (7 bills)	17,898,627,499	18,128,914,420	+230,286,921

[1] As reported.

Source: Prepared Oct. 12, 1970, in the House Committee on Appropriations.

MY WASHINGTON AND NEW YORK OFFICES

One of my most important duties as your Representative is to assist the people of the Seventh Congressional District with their individual problems involving the Federal Government. I try to be available at all times to constituents who wish to speak with me and as time permits, I attend meetings and other functions of various civic, fraternal, veterans, and religious organizations in the district.

For the convenience of my constituents, I maintain a full-time district office and my office in Washington is always ready to assist you. Please write or call me at room 2440, Rayburn House Office Building, Washington, D.C. 20515 or at 96–11 101st Avenue, Ozone Park, N.Y. 11416.

CALL FOR ACTION BY CONGRESS TO REVIEW PHILADELPHIA URBAN RENEWAL POLICY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE) is recognized for 30 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, in August of 1966, I called to your attention my concern about the direction which our city planners were taking on a matter of vital importance to the people of Philadelphia and particularly to the residents of my district. I then pointed out that an area in my district, the Franklin Square-Northern Liberties area, had been designated for exclusively industrial renewal, in flagrant disregard of its cultural heritage, of the interests of the people who reside in the area, and of the hopes of so many other families who could make their home in the area, if only the designation were removed. I then pointed out that the designation makes no sense, even if Philadelphia needs industry as much as it needs housing. I pointed out that the Franklin Square-Northern Liberties area is not an area where extensive industrial development can be expected to occur. In this regard my views have been fully confirmed. No significant industrial development has occurred in this area since 1966. Instead, the residents and the many cultural and religious institutions that grace the area have been exposed to the ravages of another 4 years of waiting until the planners' false dream can materialize.

I bring this matter to your attention again because it is part of a larger pattern I see developing in the renewal of our city, a pattern that would call on the modest people of the city to sacrifice their present hopes for better housing to an ever receding future. I would like to speak on this subject now. What I say here is especially applicable to the Kensington-Richmond, South Philadelphia, Ludlow, and other areas in my district.

In August of 1968, the Congress adopted a new approach to urban renewal—to be known as the neighborhood development program. The purpose of this program was to permit local public authorities to start on the improvement of neighborhoods immediately, without having to wait until all of the details of an entire project have been settled. Under the law as it stood before August of 1968, a local public authority could not begin any work on rehabilitation, spot clearance, and improvement of a neighborhood without first submitting many detailed plans and documents to the Department of Housing and Urban Development relating to the entire project and waiting until the entire project had been approved in every last detail. This was a process that took many years to complete. Meanwhile, a neighborhood that could have been improved and saved would be exposed to the ravages of speculation—properties would be purchased by speculators, drained of their income potential, abandoned, and vandalized. People in the project area would become discouraged, the prospects of improvement being so near and yet so far. That is why Congress authorized the new program—to let the local public authorities start the work immediately and proceed, in the words of the statute: "on the basis of annual increments" to the improvements of an entire neighborhood.

The testimony before Congress indicates, without exception, that the neighborhood development program was designed and intended to benefit neighborhoods, to benefit people who need housing. Indeed, its title bears witness to the purpose—a neighborhood to me means a place where people live as well as work and I doubt not that it means the same to you.

Why do I take this occasion to remind myself and you of the purpose which Congress had in mind when it authorized the neighborhood development program?

Because I find in the city of Philadelphia little sign that the program is being utilized in the direction which Congress intended. Philadelphia has converted all

of its urban renewal projects to the new neighborhood development approach. That program is entering its second year and the city has submitted its application to the Department of Housing and Urban Development describing what it proposes to do in this next year.

It is not difficult to pick the figures out of the mass of data submitted by the city and to distort their meaning. Yet, I am bound to note that out of a total of approximately $46 million requested for next year's program, the city proposes to spend $17 million on Market Street East—a vast shopping and commercial complex in center city. Many of our citizens ask whether this is an appropriate priority for our times. Could not the funds be better employed to improve the living conditions of our people?

As you know, urban renewal money is not available directly for the construction of new housing. Yet the land that is now lying fallow in the condemned areas in my district awaiting the unlikely arrival of industry could be made available for a mixed complex of housing and related commercial and industrial uses planned in accordance with the best concepts of land use and development so successfully employed by the larger developers in the suburbs—as a city within the city catering to a whole range of incomes and individual tastes but particularly to the modest citizen of Philadelphia whose interests have been forgotten. I believe that given the will and the energy of our financial community, and given support from the city and the Federal Government, such a concept for the condemned areas in my district could be translated from a dream to reality.

Instead, our city proposes to follow a pattern for the next year which is alarming. More than one-half of the land which is to be disposed of by the redevelopment authority in the next year will be devoted to commercial and institutional use. Only a small fraction of the remaining acreage will be made available for housing which the modest wage earner can afford.

I personally believe that a lot more could be done. What I find particularly disturbing is the fact that the redevelopment authority expects to displace another 2,831 families and 1,100 individuals by its various projects in the coming year. The redevelopment authority admits that it has a backlog of 7,000 families and individuals seeking relocation into decent housing. It now proposes to add another 3,931 families and individuals to this figure. I find this continued disregard for the human suffering produced by the urban renewal programs alarming. I find it particularly distasteful that these programs are being processed under the title "neighborhood development."

I note that Congress has before it a new housing measure, the Housing and Urban Development Act of 1970. While the current bill consolidates and simplifies the existing housing legislation and introduces some welcome flexibility to make the existing programs more effective, it does not propose any major changes in the approach thus far taken to urban renewal and housing. I believe that it is high time that Congress reviews some of its policies in this field.

SIXTH VIETNAM ROLL OF HONOR

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, President Nixon's announcement that 40,000 additional U.S. troops will be withdrawn between now and Christmas is the best Christmas tidings these men and their families could possibly receive, and certainly cause for rejoicing by all Americans.

According to the announcement this represents an acceleration in the withdrawal rate of 30,000 men.

A survey of my constituency during the spring and early summer of this year showed very clearly a very broad support for the President's withdrawal policy. Even more significant, it showed that those responding want no turning back from the withdrawal policy even if South Vietnam shows weakness in defending itself.

On my questionnaire, I posed this multiple-choice question:

President Nixon has described the Vietnamization program (withdrawal of troops) as "irreversible." If South Vietnam's government shows weakness as it assumes full responsibility for ground action, what should we do about our troops?

	Totals
Continue to withdraw them	8,397
Send more in	820
Halt further withdrawals indefinitely	3,571

Of the 12,788 participating in the survey, 65 percent definitely want no turning back from the policy of withdrawing troops.

Only 6 percent want the withdrawal policy reversed if South Vietnam shows weakness as it assumes full responsibility for ground action.

I cite this survey as evidence that the American people will support the troop withdrawal policy even if the going gets rough.

Up to this point, the withdrawal program has been extraordinarily smooth. It is a tribute to the skilled leadership in Vietnam of both American and ARVN forces, as well as to the overall policy direction by the President and his staff.

While all of us wish that the withdrawal of our troops could have been completed long ago, and note with deep regret that much of the task—perhaps the most trying and difficult period—remains ahead, we can properly note the progress achieved.

The list of American men killed by hostile action fortunately has been shortened very greatly in recent months. When I first started listing war dead in early 1969, deaths were averaging over 1,000 men each month. Presently, monthly casualties are less than half that number. Last week, the number of Americans killed was 38—the lowest number in the last 4 years of war. For that we can all be thankful.

Yet, each death is total to the family and friends involved. Each takes from our society a young man just approaching his prime of life and achievement. And surely each additional name on the Vietnam roll of honor must weigh very heavily upon our Commander in Chief.

With these remarks I insert an additional listing of the roll of honor. This brings to 43,426 the number of men killed in hostile action which I have listed in the CONGRESSIONAL RECORD on six different occasions. I do so as a means of personal tribute to these 2,875 young men who have made the supreme sacrifice for their country and its national purposes. Also, it explains why the President has seen fit to accelerate the pace of withdrawal. He realizes better than any of us that so long as our combat forces remain in Vietnam the roll of honor inevitably will lengthen.

The list follows:

DEATHS RESULTING FROM HOSTILE ACTION IN SOUTHEAST ASIA FROM JANUARY THROUGH JUNE 1970 NOT PREVIOUSLY RECORDED IN THE CONGRESSIONAL RECORD

ALABAMA

Army

Austin, Willie, Jr., Mount Vernon.
Barnes, Richard Louis, Five Points.
Bartlett, Donnie Stephen, Opelika.
Bass, Roy Lee, New Brockton.
Benoski, Joseph, Jr., Birmingham.
Bentford, Ananias, Leighton.
Carver, Jerry Dewayne, Tuscaloosa.
Connell, Oscar Allen, Montevallo.
Downs, James Larry, Toney.
Grayson, Ramon Lee, Dixons Mills.
Hawkins, Dannie Lee, Hanceville.
Hayes, Harry Ellis, Alexander City.
Hendon, John Lewis, Carbon Hill.
Herman, Lawrence John, III, Ozark.
Higginbotham, Richard Lee, Scottsboro.
Hill, Thomas Marvin, Jr., Tarrant.
Holland, Robert Joseph, Mobile.
Howard, Edward Emanuel, Tuskegee.
Isaac, Will, Jr., Coatopa.
Jones, Larry Neal, Oakman.
Lasseter, Kenneth Ray, Boaz.
Lee, James Franklin, Gallion.
McBride, Grady E., III, East Gadsden.
Miller, Green Edward, Jr., Enterprise.
Moiren, Richard Allen, Mobile.
Nelson, Leroy, Theodore.
Nisewonger, Edward Earl, Flomaton.
Roberson, Joseph Thomas, Columbia.
Russell, Charles Terry, Florence.
Sanders, Jessie Franklin, Hollytree.
Sanders, Rodney Rayford, Phenix City.
Schofield, Cecil Clayton, Andalusia.
Sims, Clint Joseph, Birmingham.
Smith, Gary, Jefferson County.
Smith, John Lee, Millbrook.
Smith, Thomas Timothy, Demopolis.
Stanley, James Mitchel, Gadsden.
Stanley, James Steven, Opp.
Stokes, Kenneth Larry, Stapleton.
Tolbert, Roderick Kenneth, Fairfield.
Walker, Willie Terry, Jr., Abbeville.
Watson, Johnny Mack, Mobile.
Weed, Moragn William, Decatur.
Wood, Larry David, Huntsville.

Air Force

Huggins, Bobby Gene, Troy.
Scott, Travis Henry, Jr., Montgomery.

Marine Corps

Jackson, Adam, Birmingham.
Kitchens, Frank M., Jr., Birmingham.
McAuley, Guy Thomas, Mobile.
McDonald, Joseph Wayne, Letohatchie.

Navy

Brewton, John Cooke, Mobile.
Edwards, Freedie Lee, Jr., Prichard.

ALASKA

Army

Cook, Clinton Arthur, Hydaburg.
Fewel, Timothy Floyd, Porterville.
Walters, William Francis, Anchorage.

ARIZONA

Army

Anderson, Gary John, Tucson.
Bennett, Wayne, Scottsdale.
Broadston, Scotty Ray, Lake Havasu City.
Calderon, Richard Torres, Silverbell.
Christman, Lawrence Paul, Phoenix.
Corpus, David Joseph, Glendale.
Davidson, Charles Allen, Tucson.
Davis, Donald Allen, Wickenburg.
Davis, Cary Lynn, Phoenix.
Davis, James Mark, Flagstaff.
Foote, Walter Bruce, Safford.
Garcia, Larry Robert, Eloy.
Gayne, Jeffrey Lee, Phoenix.
Hood, Terrance Lee, Yuma.
Hulse, Richard David, Flagstaff.
Kee, Wilson Begay, Chinle.
Melius, John Sterling, Phoenix.
O'Brien, Willard Donald, Tucson.
Olson, Erick Owen, Tucson.
Paulsen, Michael, Tucson.
Perry, Elmer Reid, Tucson.
Santa Cruz, Jose Angel, Glendale.
Serna, Herman, Buckeye.
Sharpe, William A., Jr., Tucson.
Solis, David Tobias, Winslow.
Tillou, John Frederick, Jr., Yuma.
Torres, Manuel Romero, Phoenix.
Vance, Kerry Laverne, Show Low.
Verno, John Arthur, Phoenix.
Wilbanks, Leslie Joe, Gila Bend.

Air Force

Jenkins, Paul Laverne, McGehee.
Miller, Michael Andrew, Tucson.
Warren, Tommy Ray, Tucson.

Marine Corps

Bludworth, Michael Vernon, Phoenix.
Garcia, Arthur Martinez, Jr., Mammoth.
Hawkins, Robert Lewis, Tucson.
Pena, John L., Tucson.
Romero, Michael Andrew, Sells.

Navy

Lopez, Robert Dias, Tolleson.

ARKANSAS

Army

Baggett, Charles Richard, Rison.
Branscum, Arlis Ray, Missouri.
Burnley, John Moore, Pine Bluff.
Crelia, Billy Duane, Huntington.
Crow, Kenneth Leland, Stonewall.
Dacus, William Floyd, Bono.
Dill, Garvin Wayne, Manila.
Epperson, Steven Bill, El Dorado.
Garner, Ernest Leroy, Wickes.
Goss, Danny Leon, Cove.
Harmon, Edewin Cleo, Corning.
Harris, Noel Austin, Jr., Strawberry.
Hebert, Syriac, Jr., Pine Bluff.
Hicks, James Ben, Strong.
Holman, Donald Woods, England.
Housley, James David, Van Buren.
Hughes, James Alvin, Little Rock.
Hunter, John Robert, Texarkana.
Ingrum, John Daniel, Springdale.
Keleher, Kevin Reynolds, Ft. Smith.
Lewis, Roy Robert, Farmington.
Long, Raymond Leon, Jr., Little Rock.
Melody, Edward Bruce, Fayetteville.
Moreau, Thomas Michael, Pine Bluff.
Parrish, Connie Wayne, Osceola.
Polk, Gary Don, Conway.
Ray, Michael Wayne, Cabot.
Tettleton, David Dewayne, Eureka Springs.
Whaler, Archie Leon, Siloam Springs.

Air Force

Bell, Marvin Earl, Blytheville.

Marine Corps

Childress, J. M., Lonoke.
Ford, Harold Joseph, Redfield.
Hardin, Phillip Ralph, Marion.
Ward, Garry Wallace, Monticello.

CALIFORNIA

Army

Aguilera, Daniel, Cutler.
Alegre, Daniel Albert, San Francisco.
Allen, Jerry Joe, Los Angeles.
Anella, James David, Spring Valley.
Armstrong, Donald Glenn, Ukiah.
Auston, Kenneth Joe, Santa Clara.
Aznoe, Kenneth Eugene, Sacramento.
Backman, Robert Eugene, Mountain View.
Baptista, Paul Alipio, San Leandro.
Barkley, Stephen Richard, Norwalk.
Beardsley, Jeffrey Thomas, San Jose.
Beaudette, Larry Michael, Ventura.
Bedsworth, Billie Michael, Palo Alto.
Beek, John Lawrence, Oakland.
Belon, Marc Bradley, Lompoc.
Bennett, Philip Mark, Sacramento.
Berg, Myron Waldo, Woodland Hills.
Blowers, Richard Lyle, Los Angeles.
Bonner, William Robert, Los Angeles.
Borges, Michael Edward, Fairfield.
Bowen, Thomas Ray, Forestville.
Brantley, Mark Curtis, El Monte.
Bratton, Freddy Lamar, Sepulveda.
Brown, Tanner Martin, Jr., Van Nuys.
Bush, Mark Joel, Anaheim.
Butcher, Gale W., Jr., Hayward.
Caldwall, Everette Brent, San Diego.
Capuano, George Anthony, San Diego.
Carrillo, Jimmy, Bakersfield.
Carson, Clarence Jasper, Jr., San Bernardino.
Charlesworth, Chad Allen, Ojai.
Chavez, Carlos, Jr., Oxnard.
Clayton, Tommy Makin, Los Angeles.
Cole, Wayne Michael, Covina.
Combs, James Miles, San Jose.
Connelly, Richard John, Long Beach.
Conner, Jack William, El Monte.
Coppernoll, David William, San Diego.
Corona, Frank Rodriguez, Reedley.
Cox, Richard Paul, Rialto.
Crowe, Carl Wayne, Granada Hills.
Culver, Robert Wayne, Eureka.
Cunningham, Joseph W., Jr., Oceanside.
Cusson, Thomas Lee, Essex.
Daniels, Harlan Eugene, Redding.
Daniels, Larry Phillip, Santa Ana.
Davis, Danny Craig, Rio Linda.
Davis, James Mike, Whittier.
Davis, Jeffery Lynn, Pleasanton.
Day, Douglas Wayne, Hacienda Heights.
Deeble, James Frederick, Nevaca City.
Delgado, Francisco Pena, Coachella.
Dervishian, Sarkis, Los Angeles.
Diorio, Mark Steven, Salinas.
Donahe, Warren Lee, Milpitas.
Dotson, Dennis William, El Centro.
Downing, John Frederick, Redwood City.
Duffy, Vincent Edward, Arcadia.
Eckenrode, Daniel Edney, Downey.
Farr, David Earl, Thousand Oaks.
Figueroa, Frank Nunez, Santa Ana.
Flores, Daniel, San Diego.
Folsom, Terence J., Rancho Cordova.
Fox, Thomas Joseph, Jr., Sacramento.
Frey, Dean Lee, Oceanside.
Frey, Jesse Clifford, Bell Flower.
Garcia-Garay, Juan, Downey.
Garza, Arnold Garza, McFarland.
Garza, John Angel, Porterville.
Gear, Gary Wayne, Fairfield.
Geiser, David Jerome, San Diego.
Gilbertson, Carl Louis, El Monte.
Giles, James, Los Angeles.
Gilmore, Peter Warren, San Diego.
Golsh, Stephen Arthur, La Crescenta.
Gomes, Michael Charles, Redding.
Gonzales, Jose Alberto, Norwalk.
Gray, Kenneth Mervin, San Francisco.
Green, Clifford Newton, Pittsburg.
Greenway, Roger Kenneth, Los Angeles.
Gribbin, James Michael, Navato.
Griffin, Gerald Lee, Jr., Covina.
Griffith, Mickey Eugene, San Gabriel.
Guerrero, Frank Robert, Los Angeles.
Gullari, Sammy Manuel, Los Angeles.
Guzman, Peter David, Los Angeles.
Haakinson, William H. III, Santa Cruz.
Harding, David Lee, Rohnert.
Harley, John Lewis, San Jose.
Haslet, Thomas Earl, Redondo Beach.
Hayes, Dennis Leo, Lakewood.
Heimark, Don Ray, Lomita.
Henderson, Garlin Jeris, Jr., Rialto.
Herndon, Robert Edward, Cudahy.
Herrera, Larry, Chino.
Hirokaia, Rocky Yukio, Gardena.
Hobbs, Gary Lee, Lemoore.
Hults, Phillip Frank, Stanton.
Hunter, Dennis Wayne, Santa Ana.
Jackson, Michael Charles, Simi.
Jenewein, Mark Ardell, Garden Grove.
Johnson, Daniel Cope, Garden Grove.
Jojola, Harry Daniel, Santa Clara.
Jones, Griffith Alfred, Marysville.
Joseph, Jeffrey Joel, Paicines.
Joy, Dennis Earl, Imperial.
Juarez, Jesse Gomez, Wasco.
Ketter, Terry Lee, Exeter.
Kimmel, Stanley Regan, Summit City.
Klinger, Henry Chester, Saugus.
Lamborn, Kenneth Howard, Auburn.
Le Bars, Steven, Hayward.
Lewter, Donald Eugene, La Puente.
Lockhorst, John Eldon, Jr., Lodi.
Long, John Wade, Jr., Salinas.
Lopez, John Edward, Jr., San Jose.
Loprino, Terry Steven, North Hollywood.
Lord, Neal Alexander, Jr., Whittier.
Lugo, Anthony Santana, Torrence.
Mariani, John Roy, Stockton.
Marquez, John, Fresno.
Marsh, Herbert Lynn, Lancaster.
Martinez, John Anthony, San Francisco.
Masseth, Robert Eugene, Norwalk.
McAndrew, Robert Charles, Tarzana.
McCarty, Kenneth Leon, Hanford.
McCauley, Stephen Arthur, Pomona.
McConnaghy, William P., Sepulveda.
McGuire, James William, Cucamonga.
Meehan, Dale Patrick, Santa Maria.
Meza, Jesus James, San Bernardino.
Miles, Mark Scott, Brea.
Miller, Cleve Davis, Altadena.
Miller, Richard Hershel, Lakewood.
Mincey, Robert Earle, Meadow Vista.
Mitton, William James, San Gabriel.
Montana, Jimmy Carlus, Lamont.
Monterrubio, Armando, Glendale.
Morford, Larry Howard, Carmichael.
Munoz, David, Sunnyvale.
Murphy, Michael Patrick, San Diego.
Nichols, Rande Lee, Hermosa Beach.
Norris, Weiland Clyde, Rolling Hills.
O'Connor, Robert Lee, Los Angeles.
Ogden, David Ellis, Paramount.
Orwig, Michael John, Whittier.
Palmer, David Leslie, North Highlands.
Partridge, Alan Brian, Los Angeles.
Patterson, George Francis, Pacificia.
Pearson, Robert Leon, Porterville.
Percomo, Kris Mitchell, Newport Beach.
Petersen, Lawrence Lee, Eldridge.
Petrie, James Allan, Carlsbad.
Pohlman, John Howard, North Edwards.
Poole, Thomas Lynn, Inglewood.
Prieto, Trinidad Gutierrez, Azusa.
Pullen, Melbin Lewis, Felton.
Pursell, Charles Alan, Fresno.
Ramey, Joe Don, Arroyo Grande.
Rasmusson, Michael Alfred, Antioch.
Ratcliff, Terry Ward, Oceanside.
Reid, David Stirling, San Pedro.
Reyes, Edward Thomas, San Leandro.
Richardson, Charles A., Atwater.
Rick, John Scott, Fullerton.
Rivera, Silvestre Martinez, Kerman.
Robinson, Gus Blakely, Hemet.
Rodgers, John Thomas, Los Angeles.
Rodriguez, Oscar Francisco, Los Angeles.
Rose, Paul Warren, La Mesa.
Salmon, Larry Anthony, Lakeside.
Sandlin, Steven Ray, Chowchilla.
Santa-Cruz, David Frank, San Jose.
Saunders, Nicholas Gabriel, Glendora.
Scott, Buster Leroy, Pacoima.
Sherman, John Calvin, Seaside.
Silbas, Rosendo Flores, San Jose.
Silva, Thomas Joseph, Napa.
Skeins, Rodrick Allan, Oakland.
Smith, Wayne Keith, Venice.
Snee, Francis Joseph, Jr., Torrance.

Souza, Raymond Joseph, San Leandro.
Steele, Steven Patrick, Lake View Terrace.
Stefanski, Steven Russell, San Diego.
Stelzer, Curtis Edwin, Lodi.
Stone, Harry James, Anaheim.
Street, Brent Anthony, Inglewood.
Stribling, Victor Bernard, Los Angeles.
Sullivan, Thomas Howard, Los Angeles.
Supnet, Emilio Cabrera, Jr., Stockton.
Swanson, Donald Lloyd, Millbrae.
Thomas, Kenneth Ben, Ontario.
Thomas, Richard Alan, Fresno.
Tovar, Atilano Uriegas, Wasco.
Tuff, Michael Stephen, Anaheim.
Van Horn, Charles Albert, Rialto.
Vaughan, Daniel Joseph, Lompoc.
Vrooman, Nicholas Whittier, Spring Valley.
Wall, Robert Albert, Jessup.
Ward, Dennis Charles, Baldwin Park.
Warf, Lawrence Robert, Visalia.
Watson, Leslie James, Los Angeles.
Watson, Thomas Edward, Los Angeles.
Weber, David Gerald, Chino.
Wedlow, Kenneth Edwin, Compton.
White, William Joseph, Jr., Orange.
Whiteman, Richard Lee, Pasadena.
Whitlow, Thomas James, Jr., Palos Verdes Penin.
Willey, John James, West Covina.
Williams, Brian John, San Bernardino.
Williams, Thomas John, North Hollywood.
Wimer, Floyd Daniel, Visalia.
Yamashita, Shojiro, Berkeley.
Yochum, Lawrence Wayne, Burney.
Young, John Edward, Santa Clara.
Young, Larry Clayton, Sunnyvale.
Zaragoza, Victor, Holtville.

Air Force

Cowell, Richard John, Lemoore.
Dean, Michael Frank, La Piente.
Jaeger, Julius Patrick, Fairfield.
Shinn, William Charles, Woodland.

Marine Corps

Annis, Charles Douglas, Bell.
Bell, Henry Daniel, Jr., Daly City.
Biemeret, Arthur Thomas, Maywood.
Brace, Bruce Wayne, Roseville.
Castle, Robert Edward, Santa Ana.
Chaney, Thomas Clifford, Greenfield.
Cortez, Albert Romero, Los Angeles.
De Roo, Lance Aaron, Colma.
Dickson, Thomas George, Norwalk.
Ferguson, Warren John, Jr., Fullerton.
Fleischmann, Dale Frank, Jr., Huntington Beach.
Frey, Daniel Alan, Altadena.
Gonzalez, David, Ventura.
Green, Charles Vernon, Santa Monica.
Herrin, Delmar Joyce, Jr., Santa Ana.
Hiatt, Barry Clinton, Fremont.
Hinton, Charles Coleman, Jr., Fremont.
Mildner, Robert Marc, Santa Ana.
Morales, Angelo Raymond, San Jose.
Murphy, Vincent Patrick, Jr., San Francisco.
Nyberg, Leonard Eric, Cucamonga.
Parsons, Henry Bennett III, Fairfield.
Pullam, James Lee, Oakland.
Quinn, Melvin Daryl, Merced.
Ragsdale, Gary Wayne, Kerman.
Rivera, Ernest Arballo, Jr., Los Angeles.
Smith, Donald Bruce, Bakersfield.
Thornburg, Vincent Robert, Los Angeles.
Thornley, Rex Edwin, Bell Gardens.
Valenzuela, Carlos, Selma.
Wade, Donald James, San Jose.
Ward, George Warren, San Diego.
Whitmore, Richard Allen, Hawthorne.
Whitson, Jimmy Alan, San Bernardino.
Young, William Gary, Woodland Hills.

Navy

Barton, Jere Alan, San Diego.
Cariveau, William Joseph, Santa Maria.
Copp, Thomas Elliott, Northridge.
Duessent, Charles Paul, Elmonte.
Giovannelli, Gary Lee, San Leandro.
Hobbs, Douglas Ernest, Bakersfield.
Mitchell, James Carroll, Jr., Torrance.
Wootten, Carl Dee, Ontario.

COLORADO

Army

Aguirre, Raymond, Gardner.
Barela, Bartolo Amador, Jr., Denver.
Benjamin, Jeffrey James, Keenesburg.
Bowell, Terrance Lee, Littleton.
Burton, James Edward, Jr., Colorado Springs.
Chavarria, John Marez, Lamar.
Chavez, Gregory Anton, Colorado Springs.
Davis, Dudley, Antonito.
Fitzhugh, Robert Paul, Collbran.
Geiger, Lawrence Raymond, Colorado Springs.
Gray, Gerald Dan, Commerce City.
Greene, Ellis Davis, Denver.
Hobson, Christopher Mark, Colorado Springs.
Ketels, Floyd Dale, Loveland.
Liddell, Robert Morgan, Mancos.
McConnell, William C., IV, Denver.
Miller, William Angus, Colorado Springs.
Munson, Allen Arthur, Commerce City.
Peery, Norman Douglas, Golden.
Racey, Bradford Greg, Denver.
Ruybal, Danny Gilbert, Avondale.
Shields, Russell Allen, Lamar.
Smilie, Blaine Patrick, Ft. Collins.
Snover, David Darrell, Pueblo.
Vigil, David Lorenzo, Granada.
Welch, David Russell, Grand Junction.

Air Force

Hackett, Charles K., Jr., Denver.

Marine Corps

Hawkins, Mickey Lee, Lyons.
McVey, Lavoy Don, Lamar.
Montano, Jose Clemente, Pueblo.
Pfeifer, Dennis Wayne, Littleton.

Navy

Doronzo, Paul Frank, Denver.

CONNECTICUT

Army

Bailey, Loring M., Jr., Stonington.
Burke, David Moy, Jr., New Canaan.
Ciesielski, Stanley M., New Britain.
Contino, Raymond Frank, Haddam.
De Carlo, James Anthony, Windsor.
Del Greco, Victor, Jr., Manchester.
Desillier, Richard Gill, Pawcatuck.
Dunning, William Martin, Bridgeport.
Gaidis, Alfred James, Bristol.
Hines, Jonny, Bridgeport.
Illingworth, John James, New Haven.
Lavoie, Clarence, Rosaire, Hartford.
Pastore, James Joseph, Jr., Stamford.
Pendergast, Robert Lee, Norwich.
Reitwiesner, John Charles, New Fairfield.
Rines, Everett Edward, Manchester.
Rogers, David Alan, Waterford.
Tighe, Thomas Daniel, Milford.
Vagnone, Michael John, Stamford.

Marine Corps

Brooks, William Francis, Hadlyme.
Cooley, Robert Karl, New London.
Geer, Stephen James, Bolton.
Lilienthal, Mark Allen, Meriden.
Marks, John, East Hartford.
Pealer, Elias Benson, Jr., Newington.

DELAWARE

Army

Aikin, George Lee, Wilmington.
Bowman, Richard Alan, Newark.
Bunting, William Joseph, Frankford.
Dadisman, Michael Raymond, Newark.
Dempsey, Gary Lee, Yorklyn.
Gaworski, Francis Xavier, New Castle.
Murphy, William Joseph, New Castle.
Protack, Thomas John, Wilmington.
Webb, Earl Ray, Jr., Newark.
Wilson, Rodney Wayne, Georgetown.

Marine Corps

Di Pascuantonio, Michael, Wilmington.

Navy

Miller, Glenn Willard, Wilmington.

DISTRICT OF COLUMBIA

Army

Croom, Marion, Jr., Washington.
Gardner, Richard George, Washington.
Garnett, Leon, Jr., Washington.
Kolb, Ronald Victor, Washington.
Ruffin, Charles Nathaniel, Washington.
Square, Gregory, Washington.

Air Force

Smith, Robert Wilbur, Washington.

Marine Corps

Scott, Robert Eugene, Washington.

FLORIDA

Army

Beckwith, Walter Lee, Jr., Deerfield Beach.
Birdwell, George Alfred, De Land.
Brady, James Homer, Merritt Island.
Bright, Ralph North, Doctors Inlet.
Brown, Gary Wayne, Treasure Island.
Cobb, Roy William, Avon Park.
Connell, Charles Anthony, Mango.
Copas, Ardie Ray, Fort Pierce.
Cummings, James Edward, Pierson.
Dornellas, Richard Allison, Pensacola.
Fletcher, Donnith Howard, West Hollywood.
Floyd, Robert Gene, Fort Myers.
Fonseca-Vargas, Horacio A., Key West.
Forte, Frederick C., Jr., Fort Myers.
Gallion, David Andrew, Jacksonville.
Garcia, Miguel Ramos, Auburndale.
Gardner, James Dale, Daytona Beach.
Ginn, Michael Patrick, St. Petersburg.
Gorske, Robert Edward, Jacksonville.
Haile, Richard Gustave Jr., De Funiak Springs.
Heide, Henry Nicholas II, West Palm Beach.
Howell, James Laurence, Babson Park.
Jackson, Gerald Arthur, Jacksonville.
James, Paul Joseph, Miramar.
Landersheim, Larrie John, Jacksonville.
Lawrence, Billy Everett, Jacksonville.
Levins, Frederick Richard, Naples.
Lovell, Patrick Darren, Winter Haven.
Lutz, Joseph Patrick, Deerfield.
Maslinski, Dwight Andrew, West Palm Beach.
McCurley, Timothy Lewis, Hollywood.
McKinney, Ivory Lee, Pompano Beach.
Millender, Robert Clifford, Carrabelle.
Miller, Edward Martin, St. Petersburg.
Nails, Eddie Lee, Jr., Lakeland.
Newman, Ronald Ellis, Starke.
Olson, James Robert, Miami.
Partin, Daniel Ross, Christmas.
Pilk, Robert Harrison, Wewahitchka.
Pirkle, William Ithel, Hollywood.
Pritchard, Robert Bruce, Jacksonville.
Rabren, Larry Wayne, Valparaiso.
Rembert, Leslie Eugene, Gainesville.
Riley, Don Robert, Eau Gallie.
Rogers, Roy James, Jacksonville.
Ruiz, Pastor Francisco, Fort Pierce.
Russ, James Alvin, Panama City.
Sheldon, Kimball Hayes, Boca Raton.
Smith, Barney McCoy, Holly Hill.
Smith, William, Satellite Beach.
Speer, Richard Michael, Plant City.
Stafford, Ronald Wade, Lake Monroe.
Stephens, Willie Douglas, Marianna.
Stokes, James Michael, Hialeah.
Teal, Raymond Wilson, Haines City.
Vaughn, John Carl, Satellite Beach.
Wallace, Leroy, Jacksonville.
Welch, David, Oakland.
Whiddon, Tommy Leon, Elgin AFB.
White, John Arthur, Miami.
Wiggins, Aubrey Alan, Orlando.
Wiggins, Vernon Mikell, Ocala.
Williams, Robert Earl, West Hollywood.
Wolfe, Jack Lee, Jacksonville.
Wright, Henry Bertram, Hawthorne.

Air Force

Meacham, Richard W., Miami.
Suprenant, Charles E., Jr., Tampa.
Sutton, William Carl, Fort Walton Beach.

Marine Corps

Bowens, Frank, Miami.
Dominique, Gary Mark, West Palm Beach.

Hewitt, Charles Glen, Lake Park.
Kelley, Mahlon Lewis, Orlando.
Ladner, Jay Wesly, Juniper.
Leffler, Richard John, Miami.
Martin, Steve Lail, Ocala.
Nelson, Jan Houston, Clearwater.
Overton, Danny Wayne, Brooksville.
Walden, James Larry, Opa Locka.

Navy

Hagerich, William Clyde, Opa Locka.
Scott, Don Russell, Green Grove Spring.

GEORGIA

Army

Arnold, Philip Fred, Columbus.
Barber, Mannie Alfred, Lenox.
Barnes, Tommy Lee, La Grange.
Barrett, Donald, Dalton.
Barrett, John Harold, Ft. Valley.
Bell, John Darvin, Ludowici.
Bishop, Edgar Lee, Decatur.
Blanks, Thomas Lee, Riverdale.
Brinson, Hubert F., Statesboro.
Brock, Daniel Lee, Forest Park.
Byrd, William Larry, Rossville.
Chasin, Stephen C., Decatur.
Cline, William Louis, Decatur.
Cook, Charles, Columbus.
Croy, Willard Winston, Gainesville.
Dowd, Carter Wayne, Lilburn.
Duncan, Glenn Christie, Tucker.
Everest, Robert K. III, College Park.
Floyd, Alvin Winslow, Augusta.
Fowler, James Robert, Winder.
Fox, James Darryl, Springfield.
Francis, Oscar Thomas, Brunswick.
Gay, William Ellis, Jr., Atlanta.
Giles, Claude Vernor, Clayton.
Glenn, Michael Robert, Smyrna.
Godowns, Roy Willard, Louisville.
Graves, Larry, Carrollton.
Green, Harold Alfred, Dalton.
Harrison, Larry Thomas, Atlanta.
Herren, Everett Delroy, Albany.
Higdon, Leonard Thomas, Ft. Benning.
High, Theodore W. IV, Augusta.
Hooks, Wiley Dean, Metter.
Hughie, Warner Prater, Newnan.
Kimbrell, Gordon T., Jr., Athens.
King, Charles Ray, Millwood.
Lamb, Donald Carol, Jr., Savannah.
Lamb, Larry Nesbit, Gibson.
Lance, Samuel Stephen, Chickamauga.
Lee, Homer Virgil, Rockmart.
Mattox, John Richard, Stephens.
McCarley, Charles D., Jr., East Point.
McCranie, David Carroll, Conley.
McDowell, Gerald Lee, Fortson.
Miller, J. D., Montrose.
Morris, Raymond Murphy, Austell.
Olson, Carl Andrew, Martinez.
Parham, John Holt III, Atlanta.
Penman, John Richard, Columbus.
Phillips, Robert Littleton, Oxford.
Phillips, William Leroy, Toccoa.
Poole, Earl Leroy, Acworth.
Porter, Robert Lee, Gordon.
Rabb, Robert Ira, Darien.
Rice, Donald Jerome, Gay.
Roberts, Lonnie Barry, East Point.
Roland, James Curtiss, Atlanta.
Rowell, Roger James, Hoboken.
Scarborough, George Thomas, Augusta.
Shuler, Harold William, Murrayville.
Smith, John Raymond, Columbus.
Smith, Thomas Clinton, Jr., Ludowici.
Spillefs, George Thomas, Chula.
Sprewell, John Spurgeon, Carrollton.
Staley, Ronald Alex, Atlanta.
Stokes, Guy Lynn, Jr., Commerce.
Swain, Tommy Herman, Dahlonega.
Thornton, Lynwood Keeton, Damascus.
Walden, David, Columbus.
Wall, George Robert, Wrens.
Wallace, William Thomas, Jr., Forest Park.
Wehunt, Billy Dean, Cartersville.
Wood, Robert Abbott, Savannah.
Young, Bobby Arthur, Nelson.

Air Force

McLamb, Harry Lawrence, Ludowici.

Marine Corps

Allen, Larry Michael, Decatur.
Arthur, William Prescott, Fitzgerald.
Brant, Richard F., Jr., Savannah.
Calhoun, Roderick Wesley, Atlanta.
Clark, Arthur, Atlanta.
Davis, Eligah Lamar, Cecil.
Fraley, Charles Albert, Milledgeville.
Hester, Steven Lewis, Chamblee.
Sharpless, John Paul, Macon.
Thomas, William Henry, Jr., Senoi.
Walker, Willie B., Jr., Cordele.
Willis, Glenn Lee, Macon.

Navy

Estes, Nedward Clyde, Jr., Hiram.

HAWAII

Army

Ban, Herman Halemanu, Halaula.
Brighter, Jerry Kaopua, Kaneohe.
Hedemann, Wayne Howard, Kealakekua.
Kalili, Melvyn Hamana, Hauwla.
Serain, Calvin Ernesto, Cokala.

Air Force

Lee, Glenn Hung Nin, Honolulu.

IDAHO

Army

Emery, Louis Craig, Parma.
Garcia, Albaro Quezada, Nampa.
Mackay, Neile Cooper, Weiser.
Moulton, Lester Neal, Victor.
Piva, James Edward, Challis.
Williams, Bill Gene, Hailey.

Marine Corps

Jones, David Samuel, Fernwood.
Merrell, Steven Dee, Pocatello.
Smart, Fred Steven, Meridian.

ILLINOIS

Army

Aquino, Raymond John, Chicago.
Armstrong, Barry Lee, Freeport.
Babb, Richard Clark, Jr., Chicago.
Bahl, Richard Howard, Jr., Chicago.
Barcon, Bruce Harold, Quincy.
Barker, Bobby Lee, Harvey.
Bauer, Carl Timothy, Rock Island.
Bauer, Craig Arlen, Waukegan.
Bazel, Michael George, Chicago.
Berner, Edgar Davidson, Marshall.
Bierbaum, Lawrence Anthony, Springfield.
Boyer, Larry Dean, Carmi.
Boyev, Peter Kestutis, Chicago.
Burgoyne, James Joseph, Alton.
Byrd, Eatterson, Jr., Sycamore.
Carrington, Fred Emery, Plainfield.
Clark, Henry Patrick, Chicago.
Clinch, Joseph Russle, Chicago.
Collins, Vernel, Blue Island.
Cowan, Harold Eugene, Cahokia.
Crawford, Lawrence Joe, Joy.
Daugherty, Dennis Michael, Roselle.
Dawson, Michael Dale, Fairfield.
Di Santis, William Richard, Aurora.
Didier, John Paul, Jr., Rockford.
Dimarzio, Martin John, Rockford.
Dolik, Paul Edward, Palatine.
Ericson, Gary Wayne, Galesburg.
Fike, Roger Wesley, Cambridge.
Flannery, Brian Michael, Chicago.
Fogleman, George Edward, Quincy.
Foht, Stephen Craig, East Dubuque.
Foster, Steen Bruce, Waukegan.
Fozzard, Robert Lee, Murphysboro.
Franta, Michael John, Chicago.
Gaus, Bradley Kent, Quincy.
Gilman, Frederick Eugene, Warrensburg.
Goethe, Spencer Alan, Chicago.
Goselin, Robert Martin, Bourbonnais.
Granati, John Edward, Jr., McHenry.
Hall, Delbert Eugene, Oregon.
Hardimon, Ernest, Jr., East Chicago Hts.
Harms, Frederick W., Jr., Peoria.
Hartl, Joseph Michael, Chicago.
Henningsen, Reid Charles, Shiller Park.
Hensey, Lawrence Louis, Jr., Springfield.
Housman, Robert Charles, Bradley.
Huntley, Edward Glenn, Du Quoin.
Huska, Martin Sam, Chicago.
Isaacson, Milford Don, Stronghurst.
Johnson, Marlin James, Decatur.
Johnson, Michael Arthur, Moline.
Kabara, Dennis Floyd, Aurora.
Kaugars, John, Chicago.
Kefer, Charles Henry, Jr., Chicago.
Kieselburg, Gary Robert, Harvard.
Kimble, Lester Wilson, Beardstown.
Knecht, Paul Herbert, Springfield.
Kos, John Joseph, Rockdale.
Kovarik, Fred George, Downers Grove.
Krueger, David Russel, Freeport.
Kuhn, Robert William, Chicago.
Kuropas, Michael Vincent, Chicago.
Ladd, Larry Robert, Havana.
Lassiter, William O., III, Arcola.
Leach, William Edward, Chicago.
Lisowski, Andrew Zbigniew, Evanston.
Lohenry, Robert Raymond, Chicago.
Lopez, Leopoldo Ayala, Chicago.
Lukens, Donald Glen, Moline.
Luttrell, John Walter, Lake Zurich.
Madden, Thomas Andrew, II, Chicago.
Majowski, Donald Henry, Chicago.
Manstis, Anthony Wayne, Chicago.
Martinez, Peter John, Jr., Chicago.
Matthews, Kent Douglas, Clinton.
McKay, Gerald Eugene, Grayslake.
McKee, Donald Wayne, Pleasant Hill.
Meyer, Val Gregory, Brighton.
Miller, Dennis Carl, Peru.
Miller, Robert Henry, West Chicago.
Myles, Anton Caesar, Chicago.
Nitzsche, Leonard Arthur, Ellisgrove.
O'Brien, Edward Terry, Barrington Hills.
Olsen, Olaf Thomas, Melrose Park.
Olson, William James, Chicago.
Padilla, Thomas, Chicago.
Paquette, Richard Walter, Chicago.
Pedersin, Clark Russel, Steger.
Perry, Kenneth Merle, Chicago.
Peyton, William Allen, Shipman.
Puetz, Michael Duane, Tonica.
Ramsden, Randall Edward, La Salle.
Rayborn, Danny Keith, Mt. Carmel.
Redmond, Joseph Vern, Savanna.
Rimmer, James Edward, Oregon.
Sachaschik, James Harry, Dolton.
Santellano, Luis Adrian, Chicago.
Sapp, Jon Charles, Ottawa.
Schell, Terry Lee, Chicago.
Schmidt, Ronald Eugene, Forrest.
Schultz, Dennis Melvin, Elgin.
Seargent, Robert Lee, Chicago.
Shaw, Gordon Allen, Auburn.
Shipman, Robert Duane, Danville.
Shukas, James Chris, Chicago.
Simmons, Randall Robert, Chicago.
Sipka, Ronald Wayne, Chicago.
Smith, Curtis, Chicago.
Smith, Donald Woodrow, Rantoul.
Smith, Robert Michael, Peoria.
Snodgrass, Dallas Ray, Brussels.
Stone, Edward Wilson, Manito.
Strother, Chatwin Arnold, Lockport.
Tapp, Newton Lee, Granite City.
Taylor, Donald Claude, Chenoa.
Tennis, Thomas Roy, Chicago.
Thoele, Nicholas Eugene, Teutopolis.
Troye, Daniel Robert, Sterling.
Wainwright, Michael Albert, Princeton.
Walls, Kenneth Marion, Jr., Georgetown.
Watts, Russell David, Cottage Hills.
Webster, Robert Lewis, Moline.
Wilkerson, George Oliver, East St. Louis.
Wilkerson, Richard Lee, Chana.
Willett, Robert Lee, Springfield.
Williams, Raymond Lewis, Neoga.
Williams, Russell Lowell, Harrisburg.
Wilson, Robert Lee, Chicago.
Witek, Edward Joseph, Chicago.
Zach, Wayne Steve, Brookfield.

Air Force

Anderson, Gregory Lee, Wheaton.
Gaylord, Gordon Manson, Harvard.
Schaneberg, Leroy Clyde, Ashton.
Wolf, Durwyn Lee, Forest Park.

Marine Corps

Beeler, Russell Richard, Cairo.
Bonilla, Herminio Amelio, Chicago.
Brown, Clyde Alvin, Chicago.

Copley, Henry Eugene Jr., Flora.
Foster, Mark Anthony, Rock Island.
Hemmingson, Nels Ivar, Geneseo.
Lackey, Keith Bernell, Stoy.
Lozano, Joseph Alfred, Chicago.
Mathews, Charles Leon, Chicago.
Peek, Dennis Lee, Carlyle.
Perry, Kenneth Edward, Chicago.
Richardson, Ossie, Chicago.
Rogus, Andrew Joseph Jr., Chicago.
Sirousa, Michael Angelo, Chicago.
Skibbe, David William, Des Plaines.
Spohn, John Scott, Chicago.
Terrell, Eddie Gean, Chicago.

Navy

Baker, Edward Jeffrey, Rapid City.
Braico, Nicholas John, Chicago.
Golz, John Bryan, Rock Island.
Jackson, Glen Alan III, Lockport.
Rogers, Rodney Robert, Kewanee.

INDIANA

Army

Arnett, Mahlon Ronnie, Indianapolis.
Blaskovich, Steve, Jr., Highland.
Boehne, Stephen Bruce, Evansville.
Borgman, Norris Ray, Greenfield.
Bundy, Park Stephen, Bedford.
Carey, Ronald Duane, Romney.
Carter, Michael Stephen, Beech Grove.
Castillo, Phillip, Gary.
Chappey, John Michael, Hammond.
Cole, Robert Kenneth, Richmond.
Covey, Charles Allen, Vincennes.
Crabtree, Randall Lewis, Muncie.
Dayton, John Emery, Washington.
Debolt, Willard Clinton, Warsaw.
Devaney, Brian John, Indianapolis.
Dills, Ronald Eugene, Valparaiso.
Farley, Michael Lee, Tipton.
Garrity, William Kenneth, Indianapolis.
Gordon, Lawrence Lee, Noblesville.
Gowers, Thomas Anthony, DePauw.
Hartwell, Patrick Alan, Anderson.
Heater, Daniel Neil, Gas City.
Hinson, Reggie Westel, Logansport.
Hockett, David Allen, Richmond.
Howell, Hancil Evert, Jr., Farmland.
Hurt, Ronald Wayne, Owensville.
Jefferson, Gary Donald, Muncie.
Johnson, Jimmie Lee, Anderson.
Johnson, Thomas Wayne, East Gary.
Kays, David Coleman, Indianapolis.
Kelly, Michael Eugene, Rolling Prairie.
Kendall, Kenneth Bruce, Mooreland.
Lakins, James Earl, Henryville.
Lambdin, Marvin Douglas, Fort Wayne.
Leaser, Roger Ray, Eckerty.
Littlepage, Thomas Earl, Princeton.
Lochner, Keith Alan, Marion.
Lundgren, Lawrence Emil, La Porte.
Luttel, Kenneth Bernard, Greensburg.
Moore, Allan John, La Porte.
Mueller, Joseph Bernard, West Bend.
Neeley, Marvin Eugene, Indianapolis.
Nemeth, Joseph Steven, South Bend.
Nunn, Joseph Loran, Rochester.
Nye, Avery Merrill, III, South Whitley.
Osborn, Lynn Arthur, Fort Wayne.
Padgett, Jon Leslie, Markleville.
Powell, James Richard, Greensburg.
Renner, Steven Ray, Wheatland.
Retseck, John D., Jr., Michigan City.
Rice, John Michael, Indianapolis.
Rigney, Larry James, Greenwood.
Rippe, Larry Allan, Chesterton.
Schmidt, Danny Ray, Evansville.
Schwuciow, Gerald Lee, Hobart.
Shelton, Robert Wayne, Noblesville.
Smith, David William, Lafayette.
Stopher, Gale, Jr., Fort Wayne.
Swango, James Ray, Connersville.
Treesh, James M., Kendallville.
Vandivier, John Daniel, Indianapolis.
Vaught, William H. III, Indianapolis.
Weisheit, Lonnie Harold, Lynnville.
Wiseman, Richard Lee, Elkhart.
Young, Jeffrey Jerome, Indianapolis.

Air Force

Asbury, Benton Francis, New Albany.
Pyle, Jerry William, Spencer.

Marine Corps

Bundy, Glenn Edward, Indianapolis.
De La Garza, Emilio A., Jr., East Chicago.
Gilbrech, Russell Earl, Plainfield.
Johnson, Thomas Eugene, Lynn.
Kinser, Arthur William, Indianapolis.
Pell, Randall Lee, Wabash.
Riley, Dennis Harlen, Tell City.
Worrel, Thomas Duane, Roanoke.

Navy

Kaufman, Wayne Eldon, Peru.
McIntosh, Donald Ray, La Porte.

IOWA

Army

Adams, Glenn Arthur, Indianola.
Atkinson, Gerald Thomas, Dubuque.
Borneman, Dean Allen, Dumont.
Bruns, Verlyn Carl, Waverly.
Buddi, Thomas Louis, Sioux City.
Carson, Paul David, Leland.
Clayton, Cecil Roger, Fairbank.
Coons, Gregory Mac, Sioux City.
Cozad, William Morris, Muscatine.
Crouch, Albert B., Numa.
Davis, Robert Roy, Mason City.
Defenbaugh, Kenneth Leroy, Woodward.
Earlywine, Gary James, Mondamin.
Edwards, Steven Frank, De Soto.
Embree, Ronald Eugene, Thurman.
Farnham, Robert Dale, Algona.
Frasher, Gary Dean, Worthington.
Giberson, Jerry Guy, Donnellson.
Goll, David Robert, Garner.
Green, Timothy Lee, Fort Dodge.
Gunderson, David Craig, Mason City.
Haines, Dennis Allen, Sioux City.
Haney, Robert Bruce, Jr., Fairfield.
Heitmann, Kenneth Harry, Victor.
Heller, Michael Leo, Dunlap.
Henrich, Myllin Gerald, Akron.
Hindman, Tommy Ivan, Cedar Rapids.
Janish, David William, Cedar Rapids.
Johnson, Danny Wayne, Lehigh.
Johnson, James Dean, Letts.
Koerner, Rodney Lee, Le Mars.
Kosanke, Paul Jon, Eldora.
La Dage, Dennis Allen, Cedar Rapids.
Ledlie, Donald Ralph, Des Moines.
Lonsdale, John David, Stuart.
Marlin, Earl William, Jr., Koekik.
Mast, Randy Lee, Marshalltown.
McDonald, Robert Wilfred, Des Moines.
Okland, Vernon Leo, Lake Mills.
Podnar, Robert John, Reinbeck.
Porter, Thomas Alan, Waverly.
Quinlan, Frank Joseph, Jr., Davenport.
Reilly, John Michael, Fairfax.
Ristinen, Armand Ervin, Burlington.
Ritter, Dennis Lee, Ankeny.
Rogers, Craig Ray, Waterloo.
Roth, La Roy Frederich, Wall Lake.
Sagers, Ronald Ray, Maqucketa.
Sams, John Wilbur, Jr., Knoxville.
Searles, Jeffrey Paul, Lamoni.
Shannon, Robert Joseph, Clinton
Smith, Jack Rae, Clarion.
Smith, Robert Carl, Earlham.
Staton, Frank Lynn, Winthrop.
Steele, Robert Franklin, Selma.
Stinn, John Richard, Panama.
Stoltz, Steven Ray, Hampton.
Torrey, Steven Michael, Guttenberg.
Vergamini, Douglas Silvic, Council Bluffs.
Webb, Donald Ray, Des Moines.
Wutzke, Wayne Gary, Vinton.
Zimmerman, Gordon F., Sioux City.

Marine Corps

Carter, John E., Jr., Des Moines.
Gardner, Gerald Lee, Cedar Rapids.
Schrader, Franklin Daniel, Newton.
Wilson, Jeffrey Lynn, Waterloo.

Navy

Anderson, Wayne Richard, Bettendorf.
Pena, Jesse Joseph, Davenport.

KANSAS

Army

Anderson, Lannie Ray, Lincoln.
Barnett, Gary Joe, Mission.
Burgess, Lawrence Dean, Ottawa.
Calvin, Stanley Dean, El Dorado.
Canady, Troy Veral, Kansas City.
Craig, Edward Lee, Liberal.
Dilorenzo, Raymond John, Edna.
Embrey, Ralph Curtis II, Virgil.
Guillen, John David, Wichita.
Harbour, Dexter Duane, Ulysses.
Hassett, James Peter, Shawnee.
Haug, Ronald Lee, Wichita.
Nicks, Benjamin Arnold III, Shawnee.
O'Connor, Gerald Francis, Herington.
Oatney, Allen Eugene, Waterville.
Petersen, Danny John, Atchison.
Reynolds, William Lawrence, Winfield.
Schulz, Ronald Douglas, Hunter.
Shue, Russell Dale, Oswego.
Taylor, Walter Lee Jr., El Dorado.

Air Force

Mather, Alvin Eugene, Topeka.

Marine Corps

Badway, Victor Wolf Jr., Wichita.
Ruckle, Clinton Gean, Wichita.
Wilson, Billie Joe, Valley Center.

Navy

Case, Daniel Charles, Wichita.

KENTUCKY

Army

Ash Paul, English, Jr., Louisville.
Batterton, Troy Hillis, Pleasureville.
Brewer, William Jackson, Jr., Erlanger.
Burton, Harold Ray, Louisville.
Campbell, Ronald Edward, Richmond.
Collett, Robert Lee, Jr., Ages.
Creech, Phillip Gene, London.
Davis, Marcus Raymond, Evarts.
Dobson, Cecil Lee, Lexington.
Fuller, Floyd Edward, Jr., Lexington.
Furgerson, James Murphy, Evarts.
Hall, Chester Gene, Robinson.
Hawkins, William Edward, Madisonville.
Helton, Gleason Cay, Rockholds.
Hines, George McDonald, Somerset.
Horsman, Joseph Bernard, Louisville.
Kaufman, Thomas Jay, Lexington.
Kays, Jerry Allan, Sulphur.
Kidd, Rhea Marshall, Munfordville.
Lucas, Billy Ray, Maysville.
Marshall, Jimmie Ray, Louisville.
Mattingly, Osborne, Jr., California.
McIntosh, Estill R., Booneville.
Medley, Charles Michael, Springfield.
Miller, Leon Abner, Louisville.
Moon, Lowell Edwin, Anchorage.
Parker, Billy Ray, Owenton.
Phipps, Robert Earl, Hopkinsville.
Portwood, James, Jr., Lexington.
Powell, Bobby Wayne, Robards.
Roberts, Theodore Irwin, Valley Station.
Rutherford, Larry Scott, Horse Cave.
Rutherford, Melvin Neal, Nicholasville.
Sargent, Billy Ray, Williamsburg.
Schoborg, Gary Allen, Covington.
Sebastian, Billy Joe, Lancaster.
Smith, Carrell, Manchester.
Smith, Patrick Leroy, Louisville.
Stepp, William Howard, Inez.
Stevenson, Charles Royce, Louisville.
Stringer, Roy Lee, West Somerset.
Taulbee, Danny Joe, Lee City.
Terry, Ancel James, Watergap.
Thomas, Michael Francis, Louisville.
Trainer, Dorris Wayne, Hopkinsville.
Washington, Lawrence O., Henderson.
Wells, Gene Gordon, Pulaski.
Wells, Richard Arthur, West Van Lear.
Wells, Tinsley, Jack, Jr., London.
Williams, Billy Joe, Marion.
Woosley, Perry Lee, Louisville.

Marine Corps

Berning, Thomas Joseph, Newport.
Carroll, Douglas, Anneta.
Hopson, Roe, Jr., Milo.
Jones, Otis Robert, Donerail.
Walters, David Morgan, Sadieville.

Navy

Johns, Joseph Darryl, Louisville.

LOUISIANA

Army

Abbott, James Edward, Shreveport.
Baldini, Michael Louis, New Orleans.
Benaim, Gilbert Albert, New Orleans.
Benoit, Garland Dave, Lake Arthur.
Blanchard, Andrus James, Church Point.
Buford, Ralph Joseph, St. Martinville.
Cambas, Victor Byron, New Orleans.
Coleman, Joshua, Winnsboro.
Davis, Melvin Ernest, Saline.
Dillard, John Albert B., Jr., Lake Charles.
Flashner, Kenneth Michael, New Orleans.
Flint, Troy Lee, Dunn.
Foreman, Robert Jr., Lake Charles.
Halbert, Patrick Henry, Poydras.
Hampton, Ralph Lamar, Arcadia
Hester, Charles Richard, Shreveport.
Johnson, McArthur, Baton Rouge.
Knieper, Philip George Jr., Slidell.
Le Leaux, Michael James, Westwego.
Loncon, Larry Joseph, New Iberia.
Manning, Ronald, Calhoun.
Martin, Donald Lawrence, Jackson.
McMahan, Charles Darnell, Larose.
Onishea, Jesse James, Pelican.
Pellegrin, O'Neil J, Jr., Gretna.
Ragland, Mason Erwin, Harahan.
Richard, Byron Matthew, New Orleans.
Rogers, Robert Lee, Cut Off.
Roussell, Ralph S. Jr., Bogalusa.
Sanchez, Herman Paul, Belle Rose.
Santinac, Lawrence Harold, New Orleans.
Sistrunk, Donald Wayne, Eunice.
Smith, Winston John, Lake Charles.
Stutes, James Ronald, Lafayette.
Taylor, John Lewis, New Orleans.
White, Auldon Keith, Baton Rouge.
Wolfe, Thurman William, Robeline.
Young, Herman Deal, White Castle.

Air Force

Belcher, Robert Arthur, Baton Rouge.
Fehrenbach, Theron Carl, II, Lake Charles.
Follon, William Ellyn, Everly.

Marine Corps

Anderson, Von Steven, Tioga.
Bergeron, Roy Louis, New Roads.
Carter, Shelby M., Cry Prong.
Goldman, Sammy Wayne, Metairie.
La Coste, Thomas Emile, Morgan City.

Navy

Hughens, Frederick Edward, Shreveport.

MARYLAND

Army

Armentrout, Charles F., Baltimore.
Atchison, James Mitchell, Frederick.
Aud, Francis Matthew, Great Mills.
Barthelme, Albert Lewis Jr., Towson.
Bond, William Ross, Relay.
Brown, Michael Francis, Baltimore.
Burrier, Paul Thomas, Catonsville.
Capasso, John Alan, Rockville.
Cole, Rainer Louis, Gambrills.
Cunningham, Richard Savage, Spencerville.
Dastoli, Joseph Peter, Chillum.
Dixon, William Allen, Accident.
Doss, Luther James Jr., Glen Burnie.
Drake, Timothy Calvin, Riverdale.
Dunsmore, Frank Melvin Jr., Lanham.
Gardner, Robert Wayne, Wheaton.
Heard, James Benedict, Hollywood.
Hill, Jimmy Arnold, Bladensburg.
Humphrey, Richard David, East Riverdale.
Krantz, Franklin Joshua Jr., Frederick.
Lamm, Jonathan Lee, Mayo.
Las, Hermes Phillippe Luc, Annapolis.
Lorber, Donn Michael, Baltimore.
Muir, Thomas Wayne, Baltimore.
Noetzel, William Wesley, Lutherville.
O'Connell, Robert Gene, Camp Springs.
Parker, James Allen, Prince Frederick.
Pinkney, Harvey Tyrone, Lothian.
Pritt, Thomas Eugene, Aberdeen.
Pruitt, Francis John J., Baltimore.
Randolph, Michael James, Cumberland.
Ratliff, Everett Duel, Baltimore.
Roberts, John Wilson III, Baltimore.
Ronnebirg, Hugh Julius, Hagerstown.
Shaller, William Howard, Baltimore.
Sochurek, Ferdinand J. III, Baltimore.
Turowski, Joseph Marion Jr., Baltimore.
Umstot, Clarence Edward, Cumberland.
Walker, Linwood Alferonia, Baltimore.
Zumbrun, James Henry, Manchester.

Air Force

Kieffer, William Lewis Jr., Greenbelt.

Marine Corps

Blend, Clifford Craig Jr., Brandywine.
Dorsey, Gardener, Crownsville.
Dyer, Larry Eugene, Oxon Hill.
Green, Larry, Baltimore.
Jones, Kenneth Roland, Lansdowne.
Russell, Bernard, Baltimore.
Stamps, Oliver Clifton, Baltimore.
Yeager, Michael Joseph, Baltimore.

MAINE

Army

Buner, Brian Leroy, Albion.
Childs, Christopher J., III, Augusta.
Drew, Theodore Glenn, Freedom.
Gagnon, Percy Charles, Caribou.
Higgins, Kenneth Lee, Fort Fairfield.
Hurd, Colin Plummer, Lovell.
Lovley, Thomas Grant, Presque Isle.
Manchester, Gary Oral C., Farmington.
O'Reilley, Tarry Thomas, Plymouth.
Pelkey, Raymond Nelson, Presque Isle.
Pickles, Michael Richard, Sanford.
Savoy, Clayton Edward, Crono.
Smiley, Ronald Owen, Bethel.
Wills, Robert Emery, Hollis Center.

Air Force

Sanders, William Stephen, Winthrop.

Marine Corps

Fogg, David Bruce, Bangor.
Hutchinson, Allen Melvin, Auburn.

MASSACHUSETTS

Army

Aaron, Charles Edward, Forge Village.
Alamed, William Robert, Jr., Southwick.
Barry, George Francis, Jr., Dorchester.
Berry, Alan Wayne, Palmer.
Blake, Dale Adams, Holden.
Bond, Francis Arthur, Westminster.
Bouchard, Michael Philip, Fairview.
Bridgman, Cleaveland Floyd, South Dartmouth.
Chaves, John Clifford, Belmont.
Cook, Peter Allan, North Adams.
Daigle, James Charles, Hull.
Delmont, James Loves, Revere.
Dolan, James Edwin, Scituate.
Dowds, Robert Raoul, Chicopee.
Emery, Stephen Bradford, Winchester.
Favuzza, Louis Anthony, Somerville.
Fell, George Francis, Jr., North Quincy.
Frink, Paul Joseph, Billerica.
Hazard, James Joseph, Lynn.
Hodge, William John, Lowell.
Hussey, George Ellery, Swampscott.
Itri, Douglas John, South Boston.
Johnson, Alan Paul, Medford.
Keenan, John Scott, Lowell.
Keller, James Mason, Rockland.
Lane, Stephen Leslie, Gloucester.
Loughlin, Edmund Michael, Auburn.
Magrass, Joel Michael, West Roxbury.
Marcin, Paul John, Framingham.
Moran, Paul Robert, Stoneham.
Moreau, John Alfred, Roxbury.
Morrill, Dennis Leroy, Jamaica Plain.
Nolan, Peter Francis, Springfield.
O'Reilly, Francis Joseph, Hyde Park.
Peixoto, Gilbert Cora, Falls River.
Pennucci, Peter James, Lynn.
Rivest, Mark Henry, Springfield.
Rodrigues, Richard, Fall River.
Rohr, John Willard, New Bedford.
Sas, Theodore Francis, Springfield.
Schultz, George Clifton, Jr., Stoneham.
Spiers, Stephen Arthur, Lexington.
Steel, John Allen, Hopedale.
Wirth, Joseph William, Hanson.

Air Force

Shea, Harold Joseph, South Hadley Falls.

Marine Corps

Allen, Francis Monroe, Jr., Worcester.
Dufault, Paul, Fall River.
Guzzetti, Michael T., Jr., Cambridge.
Leonard, William, Marlborough.
Martin, Bruce Edward, Brockton.
Moore, Thomas Richard, Jr., Malden.
Ociorne, George Alfred, Lynn.
Rhodes, Robert David, Scituate.
St. Lawrence, Albert Alfred, Mansfield.

Navy

Tuller, Eric Lawrence, Buzzards Bay.

MICHIGAN

Army

Adams, Paul Vernon, Detroit.
Ade, Dwight I., Owosso.
Aeschliman, David Keith, Camden.
Airlie William Clark, Detroit.
Alfredson William Richard, Menominee.
Anders, John Royle, Flint.
Baker, Harry E., Jr., Plymouth.
Barber, Richard Joseph, Warren.
Barnes, James Alan, Detroit.
Barrus, David William, Charlotte.
Bebo, Wayne Richard, Menominee.
Beebe, Larry Dwayne, Cresco.
Bennett, Kenneth Devon, White Pigeon.
Blondin, Michael Anthony, Westland.
Bloomfield, Michael Lee, Flint.
Boeskool, Robert Ray, Holland.
Borrousch, Dean Walter, Hawks.
Bosowski, Michael Alan, Grand Rapids.
Bovan, Paul Clayton, Farwell.
Bowers, Danny Ward, Card.
Bowman, Paul Barkley, Newaygo.
Brda, Justin Paul, Detroit.
Brocks Everett Lewis, Detroit.
Brueck, Richard Allen, Berrien Springs.
Busse, Donald Gene, Pontiac.
Butler, Gerald Thomas, Kalamazoo.
Campbell, David Graham, Southfield.
Clark, William Howard, Jr., Parchment.
Colatruglio, Robert F., Warren.
Comis, Larry Melvin, Garden City.
Conklin, Michael Lee, Midland.
Cook, James John, Gladstone.
Copeland, Jerry Don, Detroit.
Craft, Harold Glen, Stockbridge.
Crull, Raymond H., Marshall.
Darling, John Edward, Jr., Fremont.
Davis, James Leonard, Dearborn.
DeBoer, Lawrence Neil, Grand Rapids.
Demorow, Alan George, Allen Park.
Dewey, Danny Lee, Tipton.
Dixon, Carl Dean, Niles.
Duszynski, Andrew Joseph, Munith.
Elliott Phillip Allen, Alpena.
Erickson, Joseph Frank, Central Lake.
Falk, David John, Warren.
Fern, John Charles, Detroit.
Ferrell, Billy, Ypsilanti.
Fillion, William Henry, Escanaba.
Giusta, Joseph Michael, Westland.
Goosen, Robert Henry, Muskegon.
Gross, Alan Harry, Warren.
Guinn, Robert George, Lincoln Park.
Hahn, Bruce Edward, Ossineke.
Haney, Bobby Gene, Ft. Wayne.
Harris, Philip Anthony, Detroit.
Hatfield, Michael James, Grayling.
Hayes, Neil Burgess, Jr., Grosse Pointe Farm.
Herrington, Richard Lee, Jr., St. Clair Shores.
Hill, Robert Hardy, Jr., Grand Rapids.
Hodge, Ronald Ellsworth, Pontiac.
Holston, Arvell Bernard, Inkster.
Howe, John Allan, Mt. Plesant.
Hunter, Michael Woodrow, Ann Arbor.
Jarrett, James, Flint.
Johnson, David Keith, Flint.
Kangas, Arthur Nelson, Detroit.
Kelly, John Williams S. G., Detroit.
Kimzey, John Albert, Melvindale.
Kitrilakis, John Andrew, Detroit.
Koning, Douglas Lee, Holland.
Kuzilla, Donald G., Detroit.
La Rocca, Vincent Michael, Petersburg.
Largent, John Alyn, Rochester.
Lindemann, James William, Bridgman.

Loisel, James Lee, Swartz Creek.
Maidens, Michael Robert, Detroit.
Maniere, Michael John, Roseville.
McCarthy, Brian Edward, Detroit.
McDaid, John Murl, Ithaca.
McPherson, Michael Lee, Roseville.
Mead, Lenus Edward, Flint.
Meehan, Michael Allen, Cafter.
Miller, Eugene Stuart, Warren.
Mills, Rodney Kenneth, Alma.
Molnar, Nicholas Michael, Flint.
Moore, Ernest Lawrence, Spring Lake.
Mussin, Robert James, Detroit.
Neeson, Bruce Robert, Kalamazoo.
Noon, Jack Alden, Lowell.
Parks, Alan Hugh, Bronson.
Patterson, Michael Richard, Dearborn.
Petela, Thomas Joseph, Warren.
Plumb, Charles Donald, Jr., Jackson.
Pollack, John Joseph, Battle Creek.
Pontius, Mark Durwood, Coral.
Potas, Alexander Frank, Detroit.
Preuss, Carl John, Detroit.
Rich, Jon William, Menominee.
Richmond, Robert Stanley, Marcellus
Rockey, Michael Craig, Muskegon.
Rowley, Donald Albert, Dearborn.
Russ, James Erwin, Grayling.
Selman, Charles George, Farmington.
Sharpe, Charles Dennis, Almont.
Sheeler, Gregory William, St. Clair Shores.
Sloat, Benny David, Ovid.
Spencer, Arlie Jr., Westland.
Steffler, Charles Ervin, Clio.
Stephens, Dennis Arthur, Pontiac.
Thomas, Melvin Ray, Ada.
Tomlinson, Gerald Douglas, Traverse City.
Topolinski, Dennis Michael, Mount Morris.
Utrialnen, Gary Albert, Warren.
Van Benkering, Ronald Dale, Kalamazoo.
Van De Walker, Richard L., Eau Claire.
Van Haitsma, Randall Craig, Ada.
Van Wieren, Jack Alan, Holland.
Weid, Richard George, Jr., Monroe.
West, Charles Robert, Detroit.
West, Jerald Dale, Bloomingdale.
Widmer, Richard James, Temperance.
William, Ronald Wayne, Hoxie.
Wilson, Thomas Edward, Mount Morris.
Wishon, Donald Ray, Berkley.
Wortman, Douglas Frederick, Linden.

Marine Corps

Angel, Tommie Ray, Dearborn.
Brown, Syres Mattson, Midland.
Carter, Terry Alfred, Marquette.
Collins, Sylvester, Detroit.
Creager, Ronald Lee, Grand Rapids.
Dorse, Robert Edward Jr., Waterford.
Genitti, Charles Thomas, Detroit.
Jesse, Clifford Earl, Saginaw.
Lacost, Regnold Joseph, Ironwood.
Markey, Christopher Hugh, Birmingham.
Murphy, Donald Joseph, Owosso.
Nixon, Len Everett, Wayne.
Nowak, John Thomas, Ferndale.
Rodriguez, Roman Duran, Flint.
Scott, Richard Lee, Jackson.
Walker, Frank Mark, Flushing.
Wilderspin, Dean Allyn, Flint.
Williams, Richard Warren, Detroit.
Zoodsma, Jack Allen, Grand Rapids.

Navy

Ackerman, Leonard Michael, Fraser.
Blandino, Howard, Warren.
Cuthbert, George Richard, Detroit.

MINNESOTA

Army

Anderson, Gordon Guy, Minneapolis.
Bernier, Roger Jerome, Plummer.
Besch, Robert Dean, Thief River Falls.
Biegert, Ronald Lee, Minneapolis.
Burgess, Richard Albert, Tower.
Burns, Robert Allen, Minneapolis.
Cawley, Patrick Francis, Prior Lake.
Christopherson, David Lyn, St. Cloud.
Clickner, Michael Duane, Wabasha.
Dehn, Arthur Andrew, Anoka.
Donahue, John Thomas, Minneapolis.
Fleming, Michael John, St. Paul.
Graham, Donald Terry, Minneapolis.
Green, Steven Lynn, Albert Lea.
Gunhus, Gordon Marlo, Kenyon.
Hall, Warren Stuart, New Brighton.
Hanson, Darrell Wayne, Detroit Lakes.
Hennen, Patrick Ernest, Watkins.
Holler, Roger Emil, Long Prairie.
Huberty, David Jerome, Minneapolis.
Jenniges, Ronald Arthur, Wanda.
Jenson, Michael Gregory, Fergus Falls.
Kaiser Frank Melvin, Madison.
Kalis, Gerald Leonard, Little Falls.
Kiger, Dennis Delmar, Minneapolis.
Klancke, Charles William, St. Paul.
Krebsbach, Ronald Alphonse, St. Paul.
Lally, Michael John, Red Wing.
Larson, Duane Clifford, Fridley.
Lorimer, William IV, St. Cloud.
Lundequam, David James, St. Paul.
Lundy, Gerald Vernon, Anoka.
Marthaler, Robert Frank, Sauk Centre.
Matheis, Richard Alan, Adams.
McInerny, Roger James, Jr., Richfield.
Neudahl, Michael Lloyd, St. Paul.
Notermann, Michael William, Victoria.
Olson, Gene John, Minneapolis.
Ordner, John Albert, Rush City.
Parsons, Gregory Allen, Ada.
Peterson, Duane A., Isanti.
Peterson, Marlin Trent, Williams.
Riles, Donald Eugene, Austin.
Ringhofer, Curtis Edward, Owatonna.
Ringoen, Marvin Lee, Glenville.
Russell, Jerry William, Bigelow.
Saba, Lester Paul, Minneapolis.
Schmitt, Phillip Nicholas, St. Cloud.
Seeman, Steven Carl, New Ulm.
Shanor, Gerald Delmar, Minneapolis.
Shortley, Douglas Lyle, Mound.
Shurr, Robert James, Ellsworth.
Sullivan, Timothy Emmett, New Ulm.
Thorson, Ernest Leroy, Minneapolis.
Widen, John George, Owatonna.
Wilson, Daniel Keith, Elkton.

Marine Corps

Benson, Martin Joseph, Wayzata.
Hartung, Charles Leonard, Cologne.

MISSISSIPPI

Army

Allen, Danny Ray, Gulfport.
Beckley, George Edward, Potts Camp.
Carlisle, Billy Pat, Pelahatchie.
Cofer, Everette Earl, Water Valley.
Crosby, Robert Barry, Greenville.
Donald, Harmon Odell, Jr., Meridian.
Douglas, Leslie Forrest, Jr., Verona.
Ellis, Sylvester, Columbus.
Fulmer, Ronnie Dale, Lakesville.
Grafton, James Calvin, Laurel.
Grantham, Ely, Jr., Magee.
Green, Robert Earl, Purvis.
Greene, Raymond Miller, Gulfport.
Greer, Harry Charles, Louisville.
Hand, Larry Edward, Saltillo.
Harlow, David Hugh, Amory.
Hayes, Willie James, Greenville.
Horst, Phillip Metz, Jackson.
Howard, Chester Theo, Jr., Winona.
Howell, William Eray, Lucedale.
Jennings, James Dale, Brandon.
Layton, Calvin Jerome, Greenville.
Lofton, Jerry Wayne, Natchez.
Magee, Boyd, Bogalusa.
Mauney, Gerald Clinton, Baldwyn.
McCarthy, Timothy Clay, Biloxi.
Melton, Charles Earl, Clarksdale.
Miller, Lawrence Scott, Biloxi.
Moore, Herman, Jr., Pickens.
Palmer, James Hester, Meridian.
Rawson, James Hilton, Daleville.
Roberson, Jimmy Darrell, Flora.
Ross, Harvey Turner, Jr., Clarksdale.
Shumpert, Charles McClame, New Albany.
Sistrunk, Creighton Wayne, Monticello.
Smith, Spencer, Charleston.
Smith, William Eugene, Gautier.
Swain, Milton Truman, Carthage.
Terry, Cornelius, West Point.
Walker, Winston Charles, Stovall.
Walters, Charles Allen, Moss.
Wells, John Elmore, Pascagoula.
Witt, Danny Keith, Pontotoc.
Wozencraft, Warren Lynn, Lucedale.
Wright, Charles Henry, Gulfport.

Air Force

Lehecka, John Arthur, Macon.
Wall, George Michael, Houston.

Marine Corps

Andrews, William Larry, McComb.
Brown, John Wayne, Bruce.
Cummings, Harold Van, Jr., Jackson.
Easley, David Roy, Brookhaven.
Smith, Dennis Gerald, Columbus.

MISSOURI

Army

Aspey, Darrell Wayne, Belton.
Baker, Gary Paul, Monroe City.
Ballay, James Vincent, Monett.
Bax, Bernard Herman, Dixon.
Bruton, Carl Leon, Seligman.
Buffington, Larry Daniel, St. Louis.
Bullerdick, Gary Allen, Arnold.
Caffery, Howard Eugene, St. Louis.
Carnett, Dennie Lynn, Kennett.
Cheshire, Gary Allen, St. Louis.
Claggett, John Allen, Union.
Clarkson, Jay Owen, Creve Coeur.
Coffman, Clyde Lee, Warrensburg.
Corp, Jerry Marsh, Tecumseh.
Crook, Cren Lee, Coniphan.
Cross, Thomas John, Bevier.
Davis, Clifford Morris, Jr., Raytown.
Davis, Michael De-Wayne, Independence.
Dicus, Richard Lee, Steelville.
Dougan, Charles Garvin, Graham.
Finke, Stephen Paul, St. Louis.
Franklin, Floyd Stanley, Braggadocio.
Gaither, Curtis, St. Louis.
Gray, Roy Virgil, Milan.
Harper, George Dale, St. Clair.
Harris, Harold Ray, Poplar Bluff.
Helsel, Rodney Glenn, St. Joseph.
Holmes, James Robert, Hannibal.
Keith, Richard Henry, St. Louis.
Kethe, Henry James, Lancaster.
King, David Michael, St. Louis.
Klein, James Morton, Creve Coeur.
Lollar, Thomas Arthur, Kansas City.
Mann, Nathan James, Warsaw.
Marco, Jerry Roy, Ferguson.
Mayberry, Michael Joseph, St. Louis.
McCluskey, John David, Bernie.
McFall, Robert Dale, Cape Girardeau.
McGuire, Michael Joseph, Chesterfield.
Moore, Charles Thomas, Memphis.
Petrechko, Edmund A., Jr., Richmond.
Pollard, Gerald Ray, Jr., Florissant.
Quick, Ralph Richard, Jr., Gerald.
Rathbun, Craig, Grandview.
Riden, Frank Lee, Kansas City.
Roberson, Samuel Louis, Bland.
Rutherford, Richard Eugene, Montgomery City.
Siegler, Bobby Truman, Gideon.
Smith, Kenneth Raymond, Pelbyville.
Spiers, Randolph, Maysville.
Stacey, Gary Ross, Ridgedale.
Starks, Warner, St. Louis.
Stemmons, Birch Udell, Columbia.
Templeton, Clarence Wayne, Sikeston.
Tharp, Earl Watson, Jr., Cape Girardeau.
Young, Dennis Lee, St. Louis.

Air Force

Chorlins, Richard David, University City.
Davenport, Robert Dean. Jefferson City.
Goeglein, John Winfred, Kirkwood.
Hults, Gary Dean, St. Louis.
Voris, Russel Earl, Jefferson City.

Marine Corps

Batts, Percill, St. Louis.
Campbell, William L., Jr., Kansas City.
Carrico, Chester Calvin, Jr., Joplin.
Garner, Gary Harold, Chillicothe.
Gudishwitz, Eugene Richard, Ferguson.
Hill, Alan, Jr., Sikeston.
Livingston, Leslie E., III, Eureka.
McCoy, Peter Joseph, Berkeley.
Pryor, Larry Roy, St. Louis.
Stoddard, Russell Merrill, Kansas City.
Waterfield, Richard F., Kansas City.

Navy

Brown, Howard Eugene, Jr., Lebanon.

MONTANA

Army

Bercier, Kenneth Sanford, Butte.
Cech, Leroy Charles, Harve.
Ehnes, Richard Lee, Great Falls.
Fasching, Leroy James, Wibaux.
Johnson, Calvin Lee, Fairview.
Kultgen, Alan Joseph, Cut Bank.
Milne, Ronald James, Terry.
Robertson, Raymond L., Jr., Butte.
Tanner, Ronald Russell, Missoula.
Volk, Barclay Leonard, Billings.

Marine Corps

Little, William Gregory, Kalispell.
Mattocks, George Eli, Miles City.
Taylor, William Eugene, Billings.

NEBRASKA

Army

Barnett, Carl Eugene, Grant.
Cozad, Jerry Lee, Lincoln.
Dangberg, Robert Lee, Winside.
Doolittle, John Hiliare, Omaha.
Dugan, Edward Michael, St. Paul.
Farrell, Timothy Charles, Omaha.
Fisher, Carl Nelson, Jr., Tilden.
Keller, Kenneth Lavern, Omaha.
Knippel, Larry Don, Lincoln.
Kotrous, Eudell Leo, Verdigre.
Matson, Willmer Arden, Loomis.
Meirose, David Allen, Bloomfield.
Nachtigall, David Joseph, Omaha.
Novak, Clarence Joseph, Dwight.
Ohm, Eric George, Ashland.
Orr, Merlin George, Lexington.
Pearson, Mickey Don, Wausa.
Spencer, Frank III, Omaha.
Strube, Steven Drew, Norfolk.
Taylor, Lester Keith, Jr., North Platte.
Thompson, Robert Charles, Lincoln.

Marine Corps

Carpenter, Donald Eugene, Scottsbluff.
Keith, Miguel, Omaha.
Robinson, Larry Warren, Randolph.

Navy

Warnick, Leonard Charles, Polk.

NEVADA

Army

Davis, Thomas Joseph, Las Vegas.
Draken, Otto James, Las Vegas.
Evans, Ray Francis, Reno.
Hammond, Frank Dale, Eureka.
Jackson, Lloyd Wilner, Austin.
Kirk, Robert Lee, Las Vegas.
Parker, Larry, Winnemucca.
Perkins, Stephen John, Overton.

Marine Corps

Hutchins, Dale Eugene, Minden.

NEW HAMPSHIRE

Army

Davis, Ronald Charles, New Boston.
Geister, Michael Lewis, Rye.
Howard, Ralph Arthur, Hillsboro.
La Fave, Russell Thomas, Manchester.
O'Neil, William Wayne, Chesterfield.
Paradis, Raymond Louis, Nashua.
Schunemann, James Edward, Manchester.

Marine Corps

Clough, Arthur Edward, Grantham.
Cummings, Ralph Ronald, Portsmouth.
O'Neill, Thomas Philip, Dover.
Vezeau, Thomas Joseph, Derry.

NEW JERSEY

Army

Abbatemarco, John Benjamin, Hackensack.
Battel, Anthony Brian, Oradell.
Bedrock, Alan, Fords.
Bezega, Michael Stephen, Rahway.
Borden, Timothy Zane, Trenton.
Brady, Edward Francis, III, Newark.
Branch, William Anderson, Belleville.
Brewster, Glenn Richard, Newark.
Colon-Santos, Rafael, Hamilton.
Delikat, Edward John, Jr., Bayonne.
Dell, Alena Richard M., Egg Harbor.
Diduryk, Myron, Somerville.
Ford, Richard Edward, Surf City.
Gasko, Robert John, Jr., Mays Landing.
Gatti, Dennis Joseph, Keyport.
Godfrey, Charles Fairchild, Toms River.
Gray, Robert Lee, Cologne.
Heck, Ronald David, Grenloch.
Henry, John Patrick, Paramus.
Keller, Francis Joseph, Bayonne.
Keller, Leonard, Bayonne.
Kirby, James Kent, Glen Ridge.
Klingaman, Bruce David, Elizabeth.
Knaus, John Richard, Newark.
Kozak, David Michael, Hackensack.
Lawlor, Patrick Eugene, Oakland.
Le Blanc, Fred Joseph, Bayonne.
Lebron, Luis Angel, Newark.
Marter, Ezra Budd, Burlington.
Martin, Dennis Phillip, Swedesboro.
McCarthy, John Joseph, Collingswood.
Meister, William Alfred, Morris.
Miller, Stanley Joseph, Jr., Elizabeth.
Moorhouse, William Curtis, Maple Shade.
Nash, David Robertson, Mountain Lakes.
Pippenbach, Joseph, Pleasantville.
Reddick, William Carl, Paterson.
Robinson, Mitchell, Newark.
Scatuorchio, Dominic, N., Jr., Spring Lake.
Sheppard, Robert Porter, Lebanon.
Stefko, William Charles, Bayonne.
Tetkoski, Leon Anthony, Roebling.
Vohringer, William Thomas, Vincentown.
Walker, Lawrence Percell, Newark.
Worthington, Robert Ward, Trenton.

Marine Corps

Comly, William Alvin, Collingswood.
Giegel, James Lloyd, Wycoff.
Hagelstein, James David, Glassboro.
Handerian, Paul Wayne, Fords.
Osenfeld, Otto John, Linden.
Torstello, Wayne Louis, Union.

NEW MEXICO

Army

Andler, Marion Bryan, Albuquerque.
Chaves, David Cruz, Las Cruces.
Cisneros, Charles Castulo, Cerro.
Defoor, Freddie Carvial, Tatum.
Demarco, Billy Joe, Las Cruces.
Foley, Charles Daniel, Hobbs.
Garcia, David Jose, Santa Fe.
Garcia, Isidro, Albuquerque.
Keffalos, Chris Albert, Bloomfield.
Lovato, Rudolph Daniel, Albuquerque.
Madrid, Frank Dodge, Puerto De Luna.
Nabours, Jimmie Floyd, Deming.
Platero, Raymond, Canoncito.
Romero, Timoteo Fred, Taos.
Salazar, Mel Ernest, Jr., Albuquerque.

Air Force

Keller, George Richard, Farmington.

NEW YORK

Army

Adams, George Hartwell, Binghamton.
Aldag, William Arthur, Tully.
Allison, Darrell Gene, Byron.
Antwine, Ronald Michael, New York.
Bailey, Kenneth Norman, Jr., Binghamton.
Berger, Robert Francis, Rock Tavern.
Bigelow, Lawrence Carroll, Lake View.
Bigelow, Ralph William, Celevan.
Blackmon, James Arthur, New York.
Blottenberger, Michael J., New York.
Bray, Bernard, New York.
Bridge, William David, New York.
Brown, Steven Merle, New York.
Burke, Thomas Charles, Bayport.
Burns, John James, Jr., Buffalo.
Cain, Robert Emmett, Levittown.
Caines, Frederick Alfred, New York.
Callaghan, Dennis Patrick, Hamburg.
Cameron, Darrell Alden, Marathon.
Caraballo, Hector Luis, New York.
Carvajal, Francisco Teroni, New York.
Cerio, Joseph Anthony, Cortland.
Chamberlain, Michael John, Waverly.
Chisolm, Ronald, Hollis.
Cole, Patrick Lerville, New York.
Conners, Lee Alexander, Kennedy.
Cooney, James, New York.
Coons, Robert Wayne, Johnstown.
Correa, Michael Steven, New York.
D'Angellico, Joseph M., Ft. Edward.
De Himer, Martin James, Rome.
Dee, Kenneth Samuel, New York.
DiGregorio, Joseph, Niagara Falls.
Dockery, Roosevelt George, Buffalo.
Dodge, Jeffrey Bruns, Yonkers.
Drum, Thomas, Johnson City.
Duffner, William Frank, Cohoes.
Durant, Richard Henry, Vernon.
Eisert, Harold Bernard, Jr., Lawrence.
Elliott, Richard, Elmira.
Forte, Richard Michael, East Northport.
Franklin, Keith Koy, Salamanca.
Garcia, Benjamin, New York.
Gardelis, Nicholas Lewis, New York.
Gary, Cye, New York.
Giardina, Stefano, Buffalo.
Gibbons, John Michael, Sayville.
Graver, Raymond Charles, Jr., Wantagh.
Grifasi, James Anthony, Tonawanda.
Grouf, Jack Steven, East Northport.
Hannigan, William Francis, New York.
Heinz, Dennis Ralph, Springville.
Heitner, Dennis Edward, Syracuse.
Hogenboom, Dennis Norman, Schoharie.
Hopson, Frederick Wayne, Islip.
Hovey, Vernon Fletcher, III, Schenectady.
Ingleston, Staret John, Martville.
Inslee, Raymond Stephen, Levittown.
Jackowski, Dennis Eugene, Inwood.
Janoska, John Jay, Jr., Plainview.
Jennings, John Michael, Utica.
Johnson, Alan Howard, South Ozone Park.
Jones, John Monroe, Jr., Selden.
Kastencieck, William Peter, Lindenhurst.
Keogh, Martin Jerome, Mamaroneck.
Kernan, Michael Robert, Pearl River.
Kester, Richard Lee, Angola.
Knight, Bryan Theotis, Buffalo.
Komarowski, Peter Mark, Barker.
Ladouceur, Lanny Guy, Rensselaer.
Lagodzinski, Roger Thomas, Buffalo.
Lasher, Ernest Reginald, Jr., Germantown.
Lassen, David Henry, Clarence.
Less, Reuben Anthony, New York.
Lowe, Thomas Michael, Rodman.
Luther, Robert Benjamin, Grand Island.
Lyons, John Joseph, Yonkers.
MacNeil, Douglas Gerald, Queens Village.
Magruder, David Byron, Utica.
Maley, Charles Thomas, Glendale.
McCagg, Carlton F., Jr., Chatham.
McDonald, Harold J., New York.
Moden, Richard Sheldon, Bliss.
Montagie, William Joseph, Valley.
Moore, Charles Edward, Jr., Rensselaer.
Mullens, Robert Joseph, Jr., New York.
Murray, Robert Charles, Tuckahoe.
Nelson, Dennis Wayne, Flushing.
Olivo, Rafael, New York.
Olsen, George Thomas, New York.
Orlandi, Joseph Elisio, Jr., New York.
Ouellette, Lewis Charles, Albany.
Palladino, Thomas Arthur, East Patchogue.
Patterson, Richard Alan, Levittown.
Perez-Rivera, Milton, New York.
Perry, Frank Michael, Jr., Patchogue.
Pickens, Johnnie, Jr., New York.
Porter, William Roy, Oneida.
Postiglione, Joseph John, Utica.
Pulaski, Peter, Jr., Howard Beach.
Quinones, Jose Luis, New York.
Rappaport, Harold Kenneth, New York.
Rarrick, John Edward, Beaver Dams.
Ringholm, John Azel, Middletown.
Rizzo, John Michael, Jr., Oceanside.
Robbins, Arnold Lee, Salamanca.
Robinson, John, Jamaica.
Roche, Matthew Peter, Jr., New York.
Russ, Paul Edward, Niagra Falls.
Salter, James William, Westbury.
Sanceverino, Gary Anthony, New York.
Schmidt, Richard Carl, Johnson City.
Shaffer, John Andrew, Syracuse.
Slayton Charles Dewann, Huntington.
Snyder, Roy Harrison, Fabius.
Solis, Felix, New York.
Spear, Michael Sheldon, Niagara Falls.

Spence, Alex, Jr., Tonawanda.
Spisto, Justin Richard, Patchogue.
Stemper, Philip Jon, Lockport.
Stieve, William John, Leonardsville.
Susi, Andrew Paul, Saint Johnsville.
Swartz William Joseph, Seaford.
Tarbell, Clifford Lawrence, Bombay.
Tatarski, Leslie Miles, Buffalo.
Taylor, Eric Wyckoff, New York.
Thomas, Nathaniel, Elmira.
Tinney, Donald Warren, Jr., New York.
Underdown, George Michael, Medina.
Ward, Richard Henry, Philadelphia.
Washington, Robert, New York.
Watson, James Thomas, New York.
Westphal, James Francis, North Merrick.
Wheeler, James Christopher, Oneonta.
Wiesneifski, Peter Robert, New York.
Wilenski, Stanley, Jr., Hicksville.
Wilkinson, James Joseph, Jr., New York.
Wrobel, Robert Joseph, Syracuse.
Wynne, Thomas Edward, Bay Shore.
Yontz, Stephen Leo, Horseheads.
Zimpfer, Fred Charles, Buffalo.

Air Force

Justice, William Paul, Niagra Falls.
Lesser, Leonard Charles, Floral Park.
Reese, Gomer David, III, Scarsdale.

Marine Corps

Barry, Craig Nicholas, Yorktown Heights.
Beattie, Erick Walter, New York.
Brown Edward Frederick, Jr., Plattsburgh.
Brown, William Anthony, Hudson.
Burns, Rocky August, Rochester.
Carlin, James Cook, Binghamton.
Devlin, Joseph William, Merrick.
Fitzgerald, Robert Michael, Yonkers.
Grace, Dennis Frederick, Niagara Falls.
Harrison, Robert Alan, Delevan.
Hoyt, Lawrence William, Cato.
Jacobs, Christopher, New York.
Koch, Kenneth Edwin, Macedon.
Lewis, Eric Oakley, Buffalo.
Mandraccia, Paul Scott, Holley.
Mangual, Jose Manuel, New York.
McClurg, James Walter, New York.
Muntz, Giraud Domenico, Haverstraw.
Oddo, Anthony Phillip, Commack.
Ortiz, Eugenio, New York.
Partington, William Jay, Marlboro.
Richards, Daniel Paul, Syracuse.
Rozell, Edward Arnold, West Seneca.
Soto, Ismael, New York.
Surette, William Warren, Jr., Endicott.
Wakulich, Gregory Paul, Smithtown.

Navy

Day, Oscar Alfred, Hermon.
Jacarueo, Frank, Spring Valley.

NORTH CAROLINA

Army

Barnes, William Edward, Rocky Mount.
Bethea, Charles Duncan, Fayetteville.
Boney, Allen Lewis, Warsaw.
Brown, Clarence F., Jr., Seagrove.
Bryson, Terry Adam, Greensboro.
Bulla, Robert Franklin, Jr., Asheboro.
Cahoon, Morgan Lane, Fairfield.
Carter, Eugene, Warrenton.
Cearnel, Harry Lee, Creedmoor.
Colglazier, Donald Robert, Havelock.
Cranford, Charles Rya, King.
Dawson, Robert Clark, Garner.
De Vaney, James Price, Goldsboro.
Debrew, James Edward, Whitakers.
Duncan, Joseph Willie, Millers Creek.
Eatmon, Eddie Ray, Micro.
Eaton, Gary Clifton, Belew Creek.
Fesperman, Harold Philip, Albemarle.
Ford, Jackie Lewis, High Point.
Foster, Larry Austin, Gastonia.
Franklin, Garry Lynn, Greensboro.
Franks, Warren Gamaliel, Jr., Pollocksville.
Gammons, Harlan Kenneth, Jr., Mt. Airy.
Garrett, Robert Junior, Grifton.
Gee, Eugene Paul, Oxford.
Godwin, Kenneth Ray, Chadbourn.
Graves, William Ralph, Jr., Murphy.
Green, Phillip William, Jr., Tryon.
Grieme, Richard Joseph, Raleigh.
Griffin, Thomas Dwain, Mayodan.
Haithcox, Richard Allen, Statesville.
Henderson, Robert Lee, Spring Lake.
Herring, Pedro, Cofield.
Jackson, Edward, Jr., Durham.
Jackson, Paul Nash, St. Pauls.
Jones, Bobby Eugene, Tarboro.
Kelly, George Thomas, III, High Point.
Leonard, Ronald Fred, Lexington.
Locklear, Foster, Shannon.
Lyne, Michael William, Fayetteville.
Martin, Ray Thomas, Winston-Salem.
McEachern, Leo, St. Pauls.
Melton, Wesley Eugene, Black Mountain.
Menscer, William David, Statesville.
Miller, Jeff, Todd.
Morrison, Sammy Ray, Grover.
O'Ham, Rocky Pearson, Kinston.
Pickard, Harry Davis, Greensboro.
Plattenburger, Sidney E., Charlotte.
Reagan, Dickie Walter, Lumberton.
Robinson, Ronald Eugene, Mooresville.
Rufty, Joe Hearne, Salisbury.
Scarboro, Thomas Allen, Asheville.
Sigmon, William Spencer, Jr., Lincolnton.
Smith, William Henry, Jr., Charlotte.
Soldato, Shane Nunzio, Fayetteville.
Stepp, Paul Robert, Jr., Flat Rock.
Stone, Larry Evans, East Laurinburg.
Stout, Mitchell William, Sanford.
Tannenbaum, Donald Charles, Fayetteville.
Waddell, William Thomas, Rockingham.
Willard, Charles R., Jr., Charlotte.
Williamson, William N., Wendell.
Wilson, Richard Herbert, Marble.
Womble, David Lee, Bear Creek.
Wray, Van Thomas, Stoneville.

Marine Corps

Bowers, James Richard, Jr., Lenoir.
Lineberry, Jerry Eugene, Wadesboro.
Lowder, Ricky Norman, China Grove.
Morse Ansel Wendell, Charlotte.
Propst, Richard Hugh, China Grove.
Rhea, Scotty Henry, Granite Falls.
Yarboro, Donald Ray, Laurinburg.

NORTH DAKOTA

Army

Berger, Carl Stephen, Jr., Mandan.
Crary, Joseph William, Fargo.
Emineth, Norman Anthony, Baldwin.
Hardmeyer, Lowell George, Mott.
Johnson, David Francis, West Fargo.
Larson, David Allen, Belcourt.
Lundin, John Charles, Sentinel Butte.
Wold, Bruce Lloyd, Minot.

OHIO

Army

Baner, Donald Allen, Harrison.
Ball, Dwight Herbert, Sardis.
Bartek Donald Eugene, Vienna.
Bartley, Walter Charles, Jr., Akron.
Beasley, Roy Claude, Bellevue.
Bobanich, Joseph A., Jr., Westerville.
Braggs, Roosevelt Junior, Painesville.
Brassfield, Andrew Thomas, Sylvania.
Brockmeier, Thomas Michael, Marietta.
Brown, Gary Lee, Warren.
Butcher, David Austin, Marion.
Chambers, Donald Edward, Kimbolton.
Chambliss, Jimmy Lee, Springfield.
Charlesworth, James W., Jr., Girard
Chase, Michael Lyn, Cleves.
Clark, James Roger, Wadsworth.
Cline, Ronald Greer, Columbus.
Coffman, Roger Leroy, Columbus.
Coplin, Scott Rondal, Marietta.
Corlett, Gerald Ernest, Oregon.
Dasen, Gerald Randal, III, Toledo.
Denkins, Fred Jr., Cincinnati.
Devers, David Ronald, Sr., Paulding.
Dice, Robert Floyd, Akron.
Ealy Carl, Cleveland.
Eicheler, Gary Ernest, Seville.
Endress, William James, Geneva.
Fisher, Darreld Edward, Fremont.
Fleck, Gary Lee, Niles.
Flores, Ramon, Jr., Cleveland.
Fosnaugh, Carey Allen, Willshire.
Foutz, Kenneth Lee, Dennison.
Freeman, Jeffrey Alexander, Lakewood.
Gibson, James Val, Columbus.
Greavu, Billy Joel, Canton.
Gronsky, Dale Andre, Wakeman.
Hainley, William Robert, Sandusky.
Hall, Donald Dale, Urbana.
Hamilton, Ronald Joaquine, Cleveland.
Hammack, Orla Daniel, Columbus.
Hann, Charles Edward, Northfield.
Hay, Gerald Wayne, Cincinnati.
Heintz, Ned Richard, De Graff.
Hill, Robert Allen, Lowell.
Hurley, Jerry Lee, New Concord.
Janeda, Steven Michael, New Matamoras.
Keaton, Everett Dennis, Waverly.
Kesterson, David Michael, Port Clinton.
Kettering, Robert Paul, Canton.
Kitchen, Orville Eugene, Jr., Dayton.
Klug, Herbert Wheeler, Dayton.
Knapp, Richard Charles, Warren.
Koon, Charles Marion, Piqua.
Kos, John James, Canfield.
Kotora, John Lewis, Vermilion.
Kriegel, Paul Henry, Cleveland.
Layfield, Donald Edward, Leavittsburg.
Lees, Paul Eric, Cuyahoga Falls.
Lovett, Glenn Alan, West Liberty.
Lowe Robert Ernest, Ostrander.
Mabee, Douglas Craiglow, Mansfield.
Mader, Richard Michael, Cleveland.
Malcolm, William Edward, Jr., Toledo.
Marheka, Duane Joseph, Kensington.
Martin, Alan David, Maple Heights.
Maynard, Gregory John, South Point.
Maze, David Lee, Pataskala.
McCord, Harold Raymond Jr., New Lexington.
McDonald, Thomas Michael, Brewster.
McKiddy, Gary Lee, Miamsburg.
McMahan, Daniel Jackson, Cleveland.
Merriman, Thomas Bruce, Paulding.
Morris, Gary William, Lancaster.
Neaves, Clayton Willard, Dayton.
Oen, Michael Lynn, Wapakoneta.
Parker, Lester Eugene, Urbana.
Parsons, Ronald Neal, Wapakoneta.
Peacock, Thomas Edward F., McArthur.
Petty, Roy Andrew Jr., Akron.
Phipps, Roy Lester, Zanesville.
Proctor, Daniel Vaughn, Cleveland.
Purdon, Gerald Wayne, Cincinnati.
Reed, Ralph Eugene, Lexington.
Reising, Dale, Dayton.
Roberts, Wallace, Piketon.
Rogers, Kenneth Faulkner, Cincinnati.
Rohler, Sidney Earl, Wadsworth.
Root, Clyde Dean, Canton.
Schalk, Thomas Michael Sr., Cincinnati.
Semple, William Eugene, Winchester.
Skala, David Francis, Canton.
Smith, James Delvin, Circleville.
Smith, Phillip Joe, Toledo.
Smith, Stephen Jay, Convoy.
Snelson, John William, Cleveland.
Snider, Marvin Dale, Tiltonsville.
Snyder, Gary Foster, Toledo.
Sombati, Robert Stephen, Akron.
Staats, Gerald Martin, Dayton.
Still, Richard Louis, Mt. Vernon.
Stoppelwerth, David Henry, West Chester.
Sweet, David Arthur, Dayton.
Taylor, Gary Lynn, Cincinnati.
Taylor, Henry Luscious, Dayton.
Theis, Lawrence William, New Riegel.
Tonti, Mark Edward, Columbus.
Triplett, Ralph Morgan, Portland.
Tucker, Barry Glenn, Pioneer.
Urbassik, Robert John, Cleveland.
Ussery Michael Monroe, Brook Park.
Valentine, Frank Michael, Litchfield.
Van Hock, Randolph Martin, Dayton.
Vardy, Alex Victor, Cleveland.
Vaspory, William Louis, Dayton.
Vinciguerra, James Vincent, Akron.
Vore, Kenneth Stephen, Casstown.
Walker, Martin Jr. Masury.
Ware, Francis Louis III, Youngstown.
Waulk, James Harold Jr., Washington Court H.
Weaver, Barry Kent, Solon.
Whatley, Charles, Cleveland.
Whitcher, Clayton Donald, Cuyahoga Falls.
Wilcox, Rick Alan, Marion.

Williams, Dale Edward, Attica.
Wilson, John Stephenson, Bedford Heights.
Winder, David Francis, Mansfield.
Wood, William Lee, Newark.
Wood, William Wayne, Alliance.
Young, Ronald Eugene, Fremon.
Ziegenfelder, Frederick P., St. Marys.
Zonar, Frank Charles Jr., Cleveland.

Air Force

Cross, James Emory, Warren.
Dilley, Dana Allen, Duncan Falls.
Drake, Carl Wilson, Roseville.
Enderle, Clyde Wilson, Port Clinton.

Marine Corps

Burke, James Edward, Middletown.
Cravens, Thomas Lloyd, Cincinnati.
Dawson, Frank William, Cleveland.
Francis, Carris Michael, Elyria.
Hargreaves, John James, Brook Park.
Highland, Forest G., Jr., Massillon.
Hughes, Lewis Eugene, II, Bellefontaine.
Justice, Edward James, Cincinnati.
Lundell, Jackie Linn, Norwalk.
Mattingly, John Eugene, Dresden.
Moorhead, Michael Eugene, North Baltimore.
Morgan, Ronald Curtis, Cleveland.
Neal, Robert Eugene, Marion.
Turner, William Brent, Cedarville.
Underwood, Thomas Wayne, Zanesville.
Varansky, James Nelson, Magnolia.
Whitmer, Kenneth Eugene, Somerset.
Williamson, Larry Gail, Columbus.
Wilson, Roy Lee, Lyons.

Navy

Baumer, James Charles, Huron.

OKLAHOMA

Army

Antle, Michael Louis, Tulsa.
Avera, John Adams, Tulsa.
Ballew, Chester Lloyd, Thomas.
Baxter, Terry Don, Tulsa.
Bogle, Dennis Dean, Oklahoma City.
Byrns, Gerald Winston, Jr., Duncan.
Caldwell, Larry Eugene, Bristow.
Campbell, Jimmy Lee, Wagoner.
Casey, Michael Dale, Sallisaw.
Coleman, Robert Lewis, Oklahoma City.
Cox, Lewis Earl, Ponca City.
Davis, John Louis, Tulsa.
Fry, Nash, Oklahoma City.
Garrett, Allen Matthew, Edmond.
Gilmore, William F., Jr., Wagoner.
Henderson, Robert Knapp, Jr., Oklahoma City.
Henshaw, Larry Roy, Sapulpa.
Hope, Michael Clint, Oklahoma City.
Ishmael, Johnnie Leroy, Laverne.
Johnson, Dennis Van, Ada.
Johnson, Ronnie Lloyd, Meeker.
Kipp, Raymond Sidney, Oklahoma City.
Lauinger, Joseph Mark, Tulsa.
Lawrence, Clyde Wesley, Jr., Oklahoma City.
Leopard, Jack David, Tulsa.
Linam, Maxie Dean, Tulsa.
Mason, George Arden, Ringwood.
McIntire, Don Ray, Bennington.
McMillan, James M., Jr., Vinita.
Morgan, Larry Gene, Norman.
Moyers, Murl Alvin, Pauls Valley.
Phillips, Randall Scott, Sand Springs.
Pulliam, Edgar Russell, Jr., Broken Arrow.
Pulse, Doyle Gean, Stigler.
Ragsdale, Donald Ray O., Dewey.
Sanders, Jimmy Doyle, Del City.
Sloat, Donald Paul, Coweta.
Stedman, Lee Allen, Lawton.
Steward, Steve Lee, Oklahoma City.
Stizza, John Bonat, McAlester.
Sumter, Forrest Darryl, Oklahoma City.
Tyner, James Anthony, Pawhuska.
Wade, Boyd Lee, Ringling.
White, Allen Thomas, Choctaw.
Williams, Mark Everett, Oklahoma City.
Wright, Robert Carrol, Elk City.

Air Force

Hudgens, Edward Monroe, Tulsa.

Marine Corps

Blackfox, Robert Lee, Talequah.
Briseno, Johnny Charles, Waynoka.
Brown, Larry Lee, Sand Springs.
Burnes, Robert Wayne, Edmond.
Yancey, Craig Martin, Tulsa.

OREGON

Army

Anderson, Dale Arthur, Portland.
Arneson, Keith Sam, Portland.
Britton, Gary William, Newport.
Brown, Timothy John, Myrtle Point.
Dafler, Dean Blain, Portland.
Davis, William Wesley, Brookings.
Foutz, Michael George, Roseburg.
Frost, Robert Dean, Duncan.
Fulton, Johnny Lee, Medford.
Gassner, Larry Michael, Blodgett.
Gray, Carlton Coe, Eugene.
Jensen, William Norman Jr., Grants Pass.
Judy, David Leroy, Bend.
Kolb, Calvin William, Hubbard.
Le Clerc, Perry Andre, Central Point.
Mambretti, Daniel Irvin, Milwaukie.
Mathes, Edward Arthur, Roseburg.
Meade, David Ernest, Portland.
Moreland, Terry Lee, Portland.
Muth, James Ray, Coos Bay.
Popp, David Fred, Milwaukie.
Rava, Henry Tony, Mount Angel.
Schneider, Dennis Patrick, Mehama.
Schrock, Vernon Earl, Corvallis.
Sherry, Thomas, Beaverton.
Smith, Philip Edwin Jr., Waldport.
Sutton, Lawrence Edwin, Portland.
Thompson, Robert Noel, Mt. Vernon.
Trussell, Larry Hugh, Forest Grove.
Ulm, Douglas Raymond, Lebanon.
Williams, Steven James, Portland.
Wilson, Brian Lyle, Amity.
Wiseman, Lane Wayne, Roseburg.
Wood, Darrell George, Jr., Corvallis.

Marine Corps

Ellefson, David John, North Bend.
Temple, Kirk Irwin, Portland.

PENNSYLVANIA

Army

Addis, Francis Ray, Connellsville.
Alnasy, Robert, Corapolis.
Anderson, James Gerald, Schuylkill Haven.
Antonelli, Joseph Paul, Bobtown.
Bartholomew, William H., Jr. Catasauqua.
Basehore, Harold Edward, Jr., Cornwall.
Bischoff, Edward Allen, Beaver.
Booth, William Douglas, Ivyland.
Bowers, Jerome Edward, Jr., Ridgeway.
Boyle, William, Watrous.
Bracken, Alan Lee, Bethlehem.
Brown, James Brent, York.
Bucka, Walter Herbert, Jr., Ambridge.
Businda, Charles Arthur, Orrtanna.
Byerly, Jay Martin, Conestoga.
Chisko, Joseph John, Dallas.
Clough, Tony, Philadelphia.
Combs, David John, York.
Connell, Michael Joseph, Upper Darby.
Cook, Robert Emery, Honesdale.
Di Santi, Raymond James, Verona.
Diamond, Charles Edward, Philadelphia.
Dile, Steven Orlando, Chambersburg.
Diller, Jay Thomas, Chambersburg.
Doering, Robert, Clairton.
Dragosavac, David George, Meadville.
Dupell, Robert Joseph, Jr., Philadelphia.
Enos, Blaine Wilbert, Jr., Latrobe.
Erkes, William James, Jr., Upper Black Eddy.
Feeser, John Raymond, Philadelphia.
Fennell, Robert Harry, Ebensburg.
Flannery, James Kenneth, Pittsburgh.
Forsythe, Dale Richard, Nescopeck.
Frank, Timothy George, Dubois.
Garstkiewicz, Walter J., Jr., Philadelphia.
Gates, Monte Leroy, Corry.
Golaszewski, Walter, Philadelphia.
Griffith, Larry Donald, Somerset.
Hampton, Robert Post, Jr., Levittown.
Hawley, Richard A., Jr., Devon.
Held, Keith Arthur, Mount Morris.
Henry, Terry Lynn, Clarion.
Hensel, David William, Pittsburgh.
Honan, Joseph Paul, Scranton.
Hopper, Barry Vorrath, Montrose.
Jenerson, Ralph Matthew, Philadelphia.
Jones, David Lawrence, Pittsburgh.
Jurich, William Agner, Industry.
Keesler, Stephen Joseph, Hazel Hurst.
Knight, Claude Arthur, Pittsburgh.
Koehler, Robert Thomas, Philadelphia.
Kulikowski, Edward Joseph, Simpson.
La Chance, Arthur Elvin, Chester.
Laughlin, Thomas John, Philadelphia.
Leopold, Frederick Eric, Norwood.
Lewis, Frank Frederick, Affton.
Lownes, Charles David, Newtown.
Ludwig, Galen George, New Holland.
Lynch, Gerald James, Donora.
Maloney, Charles Deo, Altoona.
McDaniel, Patrick Elswood, Easton.
McMahen, Raymond Paul, Cushore.
McMinn, Richard Lee, Marietta.
Mebs, Frank Martin, Newtown.
Merrill, Charles Le Roy, Jr., Jersey Shore.
Miller, Jeffrey Harold, Hanover.
Miller, Ted Roger, Boyertown.
Millineaux, Barry Thomas, Ambler.
Mohr, Richard Allen, Barto.
Molettiere, Barry Alan, Hatfield.
Moore, Dennis Wesley, Bodines.
Mose, Terry Lee, Barto.
Moylan, David John, Bryn Mawr.
Murphy, Ralph Oliver, III, Grove City.
Nichols, Bruce Joseph, Lower Burrell.
Nierer, John Edward, Slattington.
Nolt, Calvin Eugene, Mount Joy.
Novak, Walter Mark, Nanticoke.
Palmer, Larry Dale, Greensburg.
Parkhill, Francis Edwin, Jr., Upper Darby.
Peluso, Paul Renato, Jr., New Castle.
Plank, James Duane, Westfield.
Prentice, David Gray, Pittsburgh.
Reinhardt, James Michael, Philadelphia.
Rickert, Glenn Dale, Souderton.
Rockower, Henry Neill, Merion Station.
Ropchock, Theodore Mattaiw, Philipsburg.
Rovinsky, Richard Michael, Kingston.
Sabo, Leslie Halasz, Jr., Ellwood City.
Sciarretti, Vinture, Pittsburgh.
Shrader, James Gaylord, Pittsburgh.
Slagle, Larry Ray, Johnstown.
Smeltzer, Charles E., III., York.
Sprenkle, Dennis Allen, York.
Stewart, James Wesley, Philadelphia.
Swartz, Gary Lee, Erie.
Swift, James Thealbeart, Jr., Philadelphia.
Thomas, Gregory Joseph, Upper Darby
Unruh, James Howard, Stevens.
Verlihay, Frank T., Jr., Pittsburgh.
Waddle, William Samuel, Blairsville.
Wanto, John Paul, Hibbs.
Weiss, William Conrad, Jr., Hershey.
Wharton, Thomas Michael, Dunmore.
Williams, Duane Gregory, Philadelphia.
Williams, Richard C., Langhorne.
Wink, Melvin Ralph, Lititz.
Winter, Edwin Thomas, Erie.
Witycyak, Glen Robert, Reading.
Yadock, Daniel Joseph, Philadelphia.
Yapsuga, Edward F., Jr., Northampton.
Yinger, Wayne Leroy, Jr., Mechanicsburg.
Zerr, Kent Martin, Sinking Spring.

Air Force

Hartzel, Gerald Lester, Graters Ford.
Terla, Lothar Gustav T., Scranton.

Marine Corps

Angert, Paul Edward, Butler.
Burton, Samuel Nurrell, Philadelphia.
Bush, Frank Kenneth, York.
Chapman, Ronald James, Hazelton.
Coons, Richard William, Honesdale.
Cronrath, Steven Mark, Lansdowne.
Evans, Gordon Edward, Philadelphia.
Fuhrman, James Michael, York.
Gober, Clarence, Jr., Philadelphia.
Greene, Bruce Gregory, Leetsdale.
Lecrone, Paul Albert, Hanover.
Morris, Robert Dean, Eldred.
Myers, Daniel Leroy, Lock Haven.

Persely, Ricky Edward, Masontown.
Phillips, Andrew Mark, Lansdale.
Pierce, Donald James, Jr., Aliquippa.
Rathmell, Henry Porter, Muncy.
Savage, Daniel, Philadelphia.
Schuler, Harold Richard, Wilmerding.
Sexton, Richard Jarrett, II, Easton.
Smoyer, Joseph Ronald, Pottstown.
Swartz, James Albert, Jr., Elliottsburg.
Vancosky, Michael Anthony, Scranton.
Williams, Thomas Albert, Wilkes-Barre.

Navy

Bachman, Albert Carl, Jr., Turtlepoint.
Hartzell, Donald F., Jr., Bethlehem.

RHODE ISLAND

Army

Adams, Carroll Edward, Jr., Pawtucket.
Alsup, Stephen John, Rumford.
Brule, Richard Charles, Warren.
Dyer, Richard, Pawtucket.
Evans, David Paul, Lincoln.
Haslam, Albert William, Central Falls.
La Scola, Valentino J., Jr., Pawtucket.
Maloney, John Francis, Jr., Pawtucket.
Moretti, Antonio Louis, West Kingston.
O'Neill, John Joseph, Jr., Providence.
Smith, Andrew David, III, Wakefield.
Taylor, Robert Thomas, Pawtucket.
Vaillancourt, Edward John, Pawtucket.

SOUTH CAROLINA

Army

Bowers, Grover Coleman, Jr., Westville.
Bowman, Melvin, Iva.
Burton, Henry Lee, Lydia.
Chandler, Thomas Leroy, Mrytle Beach.
Chastain, Donnie Ray, Greer.
Chestnut, Leland McLane, Conway.
Davis, Fandy Mayo, Bishopville.
Davis, Wilson, Winnsboro.
Ellis, Raymond Dean, Columbia.
Frierson, Kenneth, Alcolu.
Garrett, Alonzo, Belvedere.
Golson, Anthony, Salley.
Hill, Ralph Owen, Columbia.
Huggins, Eugene, Conway.
Hunter, Leroy, Orangeburg.
Jackson, Benjamin Franklin, Darlington.
Johnson, Cleveland Osborne, Mullins.
Johnson, Willie, Walhalla.
Lazicki, Joseph Charles, Charleston Heights.
Magaha, Danny Roy, Greenwood.
McCullough, Billy Ray, Lowndesville.
Messer, Jack William, Inman.
Norwood, Thomas Lee, Jr., Abbeville.
Peagler, Wayne Donald, Charleston.
Phillias, Charles W., Jr., Charleston.
Quick, George Dewey, Jr., Bennettsville.
Schaffer, Billy Joe, North Charleston.
Schoper, Gregory Carlylle, Greenwood.
Scott, Randolph, Anderson.
Staton, David Walden, Travelers Rest.
Stewart, Dan Rogers, Florence.
Truesdale, Charles Kenneth, Columbia.
Williams, Calvin, Belvedere.
Yedell, David, Greenwood.
Young, Clarence, Columbia.

Air Force

Anthony, Paul Wayne, Fort Mill.
Tucker, Joe Nathan, Mount Carmel.

Marine Corps

Blas, Frank, Charleston.
Howe, James Donnie, Liberty.
Kilburn, William Hunter, Aiken.
McKinney, Thomas Alan, Cayce.
Norwood, William Arnold, Darlington.
Pogue, Joseph Donald, Cayce.
Smith, William Harry, Greenville.

SOUTH DAKOTA

Army

Horner, Mark Roland, Watertown.
Jorgensen, Samuel Joseph, Pukwana.
Kuster, Steven Mark, Rapid City.
Larson, Fred Duane, Pollock.
Olilla, Donald Warren, Sturgis.
Zimprich, Denis James, Watertown.

Navy

Porter, Roger Lee, Huron.

TENNESSEE

Army

Arms, Willie Dewitt, Columbia.
Armstreng, Bruce Ellis, Chattanooga.
Asher, Samuel Earl, Oak Ridge.
Barnett, David William, Bristol.
Batchelor, Charles Edward, Jackson.
Branam, Larry Anthony, Cleveland.
Childress, Benjamin V., Jr., Knoxville.
Childress, Robert, Jr., Nashville.
Chitwood, Harold Lynn, Newbern.
Cliburn, Halqua Dale, Lafayette.
Coggins, William Ray, Memphis.
Creekmore, Jesse Carl, Alamo.
Darnell, Michael Edward, Woodlawn.
Davis, Richard Harold, Memphis.
Dougherty, Lon, Jr., Nashville.
Dumas, Samuel Alexander, McKenzie.
Edwards, Gary Lee, Oliver Springs.
Floyd, Charles Grady, Nashville.
Gentry, Lennis Clyde, Powell.
Gilbert, Carl Edward, Cookeville.
Grissom, Harold Glenn, Spring Creek.
Guthrie, Robert Eldridge, Red Bank.
Harrison, Billy Gerald, Memphis.
Hodge, Kenneth Ray, Johnson City.
Horner, Herbert David, Kingsport.
Horton, Donnie Edward, Lutts.
Huddleston, Robert Joseph, La Follette.
Huffman, Walter Lee, Memphis.
Hylmon, James Edward, Jonesboro.
Jones, Danny Lee, Memphis.
Keasling, Elmer Leo, Hillsboro.
Lamb, Floyd Watsel, Jr., Chuckey.
Lane, Robert Harrison, Jr., Concord.
Lemons, Bobby Joe, Dyersburg.
Long, Bill Brooks, La Follette.
Marine, David Harlon, Knoxville.
Marlow, Donald Ray, Memphis.
Metcalf, Tom Andrew, Memphis.
Nelms, Daniel Earnest, Hixson.
Newman, Larry Edward, Memphis.
Patten, Carl Eugene, Memphis.
Perry, Randall Earl, Dayton.
Rauiston, Charles Allen, South Pittsburg.
Reed, Wilbert, Knoxville.
Richardson, Darek N., Clarksville.
Roberts, Danny Ray, Etowah.
Rutledge, James Robert, Jr., Memphis.
Scott, William Henry, Knoxville.
Sensine, John Leslie, Clarksville.
Shell, Marvin, Johnson City.
Shiller, Martin Sully, Jr., Memphis.
Smalling, Charles Lee, Lafayette.
Smith, Boyd Wayne, Knoxville.
Smith, Jerry Lynn, Knoxville.
Standley, Thomas Gary, Nashville.
Stephens, Thomas Allen, Signal Mountain.
Straub, Mark Alan, Memphis.
Swatsell, Donnie Jay, Greeneville.
Vickery, Michel Clarence, Gatlinburg.
Warfield, Phillip Ray, Erin.
Wilson, John William, Loudon.
Worley, Garry Lee, Bristol.

Air Force

Conner, Michael Ray, Knoxville.
Cotten, Larry William, Nashville.
Davis, Luther Eugene, Oak Ridge.

Marine Corps

Adams, Frank Houston, Nashville.
Beckman, Kenneth Bryant, Shelbyville.
Blakely, Bruce William, Knoxville.
Boyd, John Joseph, Jr., Nashville.
Crawford, James David, Memphis.
Glass, Billy Wayne, Covington.
Haggard, William Elmer, Powell.
Martin, Kenneth Wayne, Manchester.
McCormick, Ronnie Leon, Middleton.
Mullins, Larry Eugene, Shelbyville.
West, John Edward, Jr., Johnson City.

Navy

Crabtree, George Ronald, Jamestown.

TEXAS

Army

Aalund, James Downing, Houston.
Adame, Arthur Pina, San Antonio.
Aguilar, Nick Alfred, Jr., Houston.
Alaniz, Luis Angel, Endinburg.
Alexander, Sammie Edward, Milton.
Allbright, Ronald Harrison, Trinity.
Arrants, Michael Lorrell, Austin.
Baird, Michael Harry, San Antonio.
Barns, Lawrence Ray, Denton.
Baxter, Roger Bruce, Junction.
Bennett, George Willy, Jr., Dallas.
Berrier, Danny Clarence, Grand Prairie.
Beyer, Edward Hugo, Schulenburg.
Blue, Ronald Michael, Corsicana.
Bonifazi, Gerard Rex, Bryan.
Bovio, Richard Steven, Galveston.
Bow, Michael Wayne, Whitewright.
Bradley, Larry Alan, Verhalen.
Brewer, Richard Dennis, Big Spring.
Brooks, James Edward, Corpus Christi.
Cardenas, Paul H., Jr., San Antonio.
Carrizales, Dionisio G., Normanna.
Christian, Peter Karl J., Richardson.
Clay, Herman Allen, Jr., Richmond.
Cobb, Charles Michael, Dallas.
Conn, James Douglas, Houston.
Currie, Anthony Eugene, Bryan.
Curry, Douglas Ray, Dallas.
Davis, Richard Bouche, Jr., Dallas.
De La Cruz, Fernando, Harlingen.
De Leon, Jesus Hernandez, San Antonio.
De Los Rios, Pablo G. P., Jr., Knox City.
Denton, Robert Anthony, Wichita Falls.
Dulak, Raymond Robert, Jr., Corpus Christi.
Duran, Salvador Gutierrez, Fort Stockton.
Elsenburg, Willie Edward, Waco.
Evans, Edward Louis, Fort Worth.
Fellers, Roger Wayne, Quanah.
Garcia, Carlos Hill, San Antonio.
Garcia, Raul, Jr., Donna.
Gomez, Oscar Joe, D'Hanis.
Gomez, Valentine Bermea, Jr., Dallas.
Gonsalez, Mario, San Angelo.
Gonzales, Oscar Joseph, Hidalgo.
Greenlee, Steven Joseph, El Paso.
Hardin, James Richard, Pasadena.
Heath, Richard Farley, Goldthwaite.
Henderson, Willie, Dallas.
Herrington, Carwain L., Kilgore.
Hibbler, Richard Wayne, Rosenberg.
Higginbotham, Michael Joe, Lancaster.
Holt, Ronald Walter, Jacinto City.
House, John Lee, Houston.
Howard, James George, Jr., Nederland.
Howe, Olan Joseph, Houston.
Hughes, John Raymond, III, Houston.
Hughes, John Scarborough J., Fort Worth.
Johnson, Robert Henry, College Station.
Johnston, Gary Clarence, Archer City.
Kaiser, Larry Kurt, Bay City.
Kirkland, Larry James, Dallas.
Knoblock, Glen Lester, Lolita.
Lewis, Tedd McClune, Dallas.
Locket, Robert, Jr., Houston.
Lockhart, Floyd Barney, Jr., Fort Worth.
Lopez, Arturo, Jr., El Paso.
Luna, Armanco Cervera, Crystal City.
Macomber, Clifford F., Jr., Cotulla.
Maddox, Marcus Wayne, Converse.
Mareck, Raymond Donald, Deer Park.
Martin, Ralph, Burleson.
May, Larry Allan, White Deer.
Mays, Raymond, Jasper.
McCorkle, Douglas P., Jr., Abilene.
Meacor, Phillip Wayne, Fort Worth.
Milburn, Albert, Houston.
Mitcheltree, Robert G., Jr., Longview.
Montana, Rosendo, Big Springs.
Moore, Eldon Wayne, Oklaunion.
Morton, William Ace Billy, Sweetwater.
Mossner, David Campbell, Austin.
Myers, Donald Wayne, Houston.
Pace, James Taylor, Richardson.
Palmore, Robert Duane, Houston.
Pannell, Phillip Randall, Plainview.
Patrick, Derek Wilkerson, Houston.
Pike, Nixon Dewayne, Houston.
Poe, Clifford Earl, Jr., Kempner.
Ponce Benito Andrade, Crystal City.
Reed, William Val., Laredo.
Richards, Paul Allen, San Antonio.

Richardson, Robert Earl, Douglassville.
Richardson, William F., Waskom.
Riddle, Charles Lloyd, Dallas.
Risinger, Jerry Leroy, Seagoville.
Rivas, Jose Luis, Los Fresnos.
Rivera, Joe Lewis, Kermit.
Roberts, Billy Jack, Mesqlite.
Rodriguez, Robert, Wichita Falls.
Roy, David Paul, Pampa.
Ruelas, Mateo, Alice.
Sanchez, Joseph Sebastian, Von Ormy.
Sanders, Clyde Douglas, Rosharon.
Serenil, Ricardo, Galveston.
Sharp, Preston Douglas, Orange.
Slough, Russell Eugene, Dimmitt.
Smith, Albert Charles, Belton.
Solis, Oscar Abrego, Harlingen.
Sowder, Bernard Allen, Potter.
Spieker, Gary Lynn, Ballinger.
Steindam, Russell Albert, Plano.
Stephens, William F., Jr., Bellaire.
Stout, Kevin Arley, Higgins.
Swanson, Bobby Gene, Jr., Houston.
Thornton, Charles Edward, Bryan.
Tidwell, Earl Carl E., Jr., Arlington.
Tom, George William, Stanton.
Turner, Clarence S., III, Sweetwater.
Uberman, Rodney Ray, Dallas.
Valusek, Dennis Wayne, Galveston.
Vassaur, Frankie Carl, Tyler.
Voigt, Arno Joseph, New Braunfels.
Wilbanks, James Hardy, Grand Saline.
Wortmann, Frederick Edward, El Paso.

Air Force

Bell, Holly Gene, Beaumont.
Bonner, John Sidney, Jr., McAllen.
Estrada, Carlos Albert, Jr., Brownsville.
Greenwood, James William, Pasadena.

Marine Corps

Allen, John Doss, Mercedes.
Baker, Billy Ray, Leesville.
Bishop, Ted Jason, Lufkin.
Boegli, Steven Warren, Dallas.
Borrego, Ruiz Francisco J., Harlingen.
Bradshaw, Robert S., III, Lufkin.
Cantu, Adam, Fort Worth.
Emmons, John Warren, Jr., Wichita Falls.
Gonzalez, Guadalupe, Alice.
Griffis, William A., III, San Angelo.
Grimes, Gary Lynn, Amarillo.
Haley, Clifford Eugene, Beaumont.
Hammonds, Roy Lee, Waxahachie.
Higginbotham, John Bill, San Saba.
Jergenson, Rickey Layne, Carrouzett.
Kersey, Arden Ellsworth, Jr., Abilene.
Ledesma, Encarnacion, Corpus Christi.
Little, Norman Earl, San Angelo.
McLendon, Kenneth Hayes, Dripping Springs.
Mendiola, Ricardo, San Antonio.
Moya, Ramon, Jr., Kingsville.
Padilla, Gilberto, Corpus Christi.
Perez, Ascension Rosales, San Antonio.
Peters, Beryl Gene, Fort Worth.
Pohl, Ehrhard Konrad, Denison.
Rodrigeuz, Julian Robles, San Benito.
Smith, Clifton Thomas, Houston.
Vance, James Sidney, San Antonio.
Webber, Floyd Dean, Conroe.
Wilson, Harry Truman, Grand Prairie.
Ybarra, Samuel Garcia, Austin.

Navy

Athanasiou, Ronald S., Jacksonville.
Brooks, Charles Edward, Athens.
Gage, Norman Glenn, Pampa.

UTAH

Army

Ackerman, Bill R., Salt Lake City.
Brock, Robert Lee, Montezuma Creek.
Brown, Michael Dean, Kearns.
Carpenter, Bill Duayne, Salt Lake City.
Day, Jefrold Bernell, Salt Lake City.
Everts, Jack Charles, Ogden.
Fielding, Craig Pyper, Salt Lake City.
Gardiner, Roy William, Vernal.
Lamkin, Stuart Bassett, Salt Lake City.
Mace, James Doyle, Deseret.
Maxwell, Ken Swain, Glendale.
Moon, Raymond Ross, Salt Lake City.
Mower, Gary Ruel, Fairview.
Richardson, Roy Lee, Salt Lake City.
Tafoya, Victor Arnaldo, Tooele.
Tippets, Lenny Maurice, Ogden.
Ufford, Robert Lynn, Vernal.
Vincent, Mark Dee, Provo.
Walker, Kurtess Howard, Parowan.
Young, Robert Francis, Hooper.

Air Force

Christensen, Dale Elling, Murray.

Navy

Snyder, Frederick Don, Moab.

VIRGINIA

Army

Barone, Sandro Nicholas, Falls Church.
Carter, Richard Thomas, Charlottesville.
Cole, Fred Vincent, Fort Belvoir.
Cooley, Dickey Larue, Galax.
Cordle, Charles Linwood, Richmond.
Earnhardt, Clifford Jerry, Hillsville.
Emmans, William Robert, Virginia Beach.
Fentress, Leon Aubrey, Norfolk.
Fletcher, Lawrence Eugene, Winchester.
Francis, Larry Edward, Lynchburg.
Graham, Bruce Elliot, Alexandria.
Hamilton, Charles Henry, Woodbridge.
Harrison, Daniel Wallace, Arlington.
Hawkins, Johnny Lee, Fairfax.
Helm, David Franklin, Sterling.
Hill, John Edwin, Buchanan.
Hudnall, William Leon, Richmond.
Hurt, Vassar William III, Roanoke.
Johnson, Charles Edward, Newport News.
Jones, Ronald Wayne, Chesapeake.
Kendrick, Richard Smith, Clintwood.
Kidwell, Roger Gene, Front Royal.
Kuykendall, Richard Wayne, Richmond.
Leichliter, Vyrl Eugene Jr., McLean.
Lester, Grady Rudolph Jr., Wicomico Church.
Lewis Robert Raymond, Annandale.
Long, Phillip Michael, Radford.
Lowe, Ronald Sidney, Norfolk.
Mashburn, Tschann Scott, Alexandria.
McCarron, Michael Joseph, Alexandria.
McNulty, Charles Richard, McLean.
McRay, Wayne Dabney, Charlottesville.
Meekins, Raymond C., Chesapeake.
Millner, Carlton Brandard, Keeling.
Moles, Thomas Harry, Richmond.
O'Callaghan, Brian Joseph, Alexandria.
Overbay, Clarence M., Jr., Alexandria.
Pardee, Scott Kenton, Springfield.
Richardson, Harold Owen, Palmyra.
Riek, Jeffry Randal, Falls Church.
Samuels, Donald Ray, Fredericksburg.
Sayers, Paul Frederick, Tazewell.
Scanlan, Warren Lee, Jr., Exmore.
Schlieben, Klaus Dieter, Richmond.
Smith, Winfred Lee, Greenville.
Spencer, Buford Ronald, Swords Creek.
Sullivan Michael Nelson, Fairfax.
Sumner, Buford Ellis, Richmond.
Sweat, Loran Edgar, Jr., Virginia Beach.
Sybert, Roscoe, Jonesville.
Waller, Casey Owen, Cumberland.
Wheelhouse, Clifton J., Jr., Virginia Beach.
White, Eddy Eugene, Roanoke.
Woodward, Douglas Morris, Berryville.

Air Force

Clement, James Wilfred, Coeburn.
Pruett, William David, Bluefield.

Marine Corps

Blakey, Howell Frank, Free Union.
Gosselin, Robert Joseph, Fairfax.
Harrell, Raymond Dale, Fribs.
Hoagland, Jeffrey Kay, Arlington.
Holland, Kermit W., Jr., Alexandria.
Hopkins, Michael Wayne, Wise.
Jones, Paul Elden, Kinsale.
Lowery, William Lee, Norfolk.
Wood, Daniel Lewis, Culpeper.

WASHINGTON

Army

Alura, Rudolfo Resta, Tacoma.
Ator, Richard Dennis, Moses Lake.
Bartlett, Larry Paul, Tacoma.
Bloomer, Donald Hugh, Kelso.
Burns, Carrell Edward, Everett.
Busby, Stephen Lee, Arlington.
Clark, John James, Spokane.
Dailey, David Leon, Vader.
DeVere, Monte Raoul, Nordland.
Denny, Jerry David, Spokane.
Farren, Mark, Tacoma.
Fisher, James Ted, Okanogan.
Fitzgerald, Ronald Eugene, Auburn.
Flieger, Harry Gregg, Pasco.
Flynn, Daniel Leopold, Seattle.
Fox, Craig James, Seattle.
Fulton, Ronald Joe, Walla Walla.
Hesketo, Bruce William, Spokane.
Hibler, Russell Cranston, Anacortes.
Hicks, Jimmy Ishmael, Bremerton.
Hopkins, Ronald Frank, Puyallup.
Howley, Wesley Charles, Jr., Ft. Lewis.
Jones, Douglas Robert, Yakima.
Kellogg, Peter Patrick W., Seattle.
Kinne, Allen Gene, Mesa.
Kittleson, Randy Gene, Seattle.
Klein, Stephen Louis, Seattle.
Kulm, Gerald Albert, Ritzville.
McCurdy, Robert Lowell, Tekoa.
Neal, Dennis Wade, Wenatchee.
Nelson, Richard Dean, Richland.
Pipkin, Dennis Newman, Cashmere.
Pompella, Patrick Owen, Arlington.
Powers, John Roger, Chehalis.
Shriner, Thomas John, Royal City.
Silvesan, Dennis Ray, Longview.
Slye, George Dale, Tacoma.
Smith, David Walter, Everett.
Strength, Norman Howard, Spokane.
Sutherland, Scott Eugene, Bremerton.
Taylor, Thomas Eugene, Richland.
Thode, Lawrence Gregory, Seattle.
Waalen, John Howard, Seattle.
Wainwright, Michael James, Vancouver.
Wall, William Penn, III, Tekoa.
Walmsley, William Morris, Walla Walla.
Weightman, Greg Eugene, Tekoa.
Wimmer, James Allen, Spokane.
Wright, Michael Lee, Tacoma.

Marine Corps

Adair, William Michael, Bellevue.
Ayers, Carrell Eugene, Alderwood Manor.
Dunbar, Robert Sidney, Outlook.
Kadow, Patrick Dennis, Vancouver.
Schwintz, Bobbitt, Tacoma.
Smith, Richard Deane, Bellevue.
Smith, William Thomas, Port Townsend.

WEST VIRGINIA

Army

Ankrom, Everett Lee, Pennsboro.
Boggs, Robert Sidney, Frankford.
Bunner, Lester Earl, Parkersburg.
Collins, Robert Orville, Eskdale.
Craig, Roger Gene, Clear Fork.
Dailey, Larry Eugene, Vienna.
Dailey, Paul Marion, Parkersburg.
Gill, Kenneth Lee, Triadelphia.
Goodson, Carl Bradford, Cedar Grove.
Haynes, Michael Wayne, Charleston.
Hess, Thomas G., Elkins.
Holt, Merril, Matoaka.
King, Jay William, Newhall.
Lemons, Robert Lee, War.
Lockett, James Edward, Ansted.
Lowther, Larry Joseph, Volga.
McCormick, Ronald Lee, Clarksburg.
Miller, James Calvin, Martinsburg.
Mosgrove, Robert Boyd, Wellsburg.
Smith, Billy Jake, Gassaway.
Thonen, James Leo, Wheeling.
Weekly, Gary Wayne, Middlebourne.

Air Force

Brown, Wendell Lee, Keyser.
Rexroad, Loel Franklin, Clarksburg.
Sklug, Paul Francis, Grafton.

Marine Corps

Boward, Kenneth William, Martinsburg.
Bragg, Raymond Dale, Stanford.
Legg, Rodger Dale, Charlston.
McDonald, James Matthew, Harrisville.

Mollett, Chester Aubrey, Peytona.
Olson, Charles Robert, Wheeling.
Tucker, George Leslie, Jr., Wheeling.

WISCONSIN

Army

Bauer, Leonard William, Durand.
Becker, John Paul, Kenosha.
Bohrman, Michael Dennis, Celafield.
Borzych, David Russell, Pulaski.
Brantmeier, Bernard George, Kewaunee.
Chamberlin, Dennis Dean, Elkhorn.
Cotter, Kenneth James, Milwaukee.
Diedrich, James Nicholas, Hilbert.
Erdman, Dale Arthur, Augusta.
Foreman, Terry William, Ft. Madison.
Garski, Kenneth James, Stevens Point.
Gauthier, Gerald Alan, Manitowoc.
Gillett, Jerry Cecil, Cornell.
Gorges, Richard John, New London.
Hansen, Stanley Raymond, West Bend.
Hauswirth, Gerald Richard, Greendale.
Hessing, James William, Bayfield.
Kalhagen, Philip Alfred, Madison.
Klaves, Jeffrey John, Wauwatosa.
Kleppin, Kenneth Thomas, Milwaukee.
Klever, Mark Edward, Milwaukee.
Krebs, John Thomas, Jr., Browntown.
Kurth, James Peter, Darlington.
Longmire, Kent William, Walworth.
Ludvigsen, Leo John, Jr., Sheldon.
Mesich, Michael Stephen, Milwaukee.
Mousel, Wayne Charles, Eau Claire.
Murphy, Thomas Joseph, River Falls.
Norman, Timothy John, Beloit.
Overbeck, Philip Morey, Sturgeon Bay.
Pavlacky, Louis A., Jr., Delavan.
Peat, Gary Laverne, Rewey.
Pickart, Ronald Ernest, Fond du Lac.
Rids, Severiano, Oak Creek.
Rogalske, Paul Frank, Kewaunee.
Rudolf, Mark Phillip, Milwaukee.
Ruenger, Carl Dennis, North Prairie.
Schachtner, James Aloysius, Somerset.
Seversen, Thomas Eugene, New Richmond.
Smith, Jack Russell, Mequon.
Smith, Kenneth Eugene, Woodville.
Smith, William Thomas, Marshfield.
Swager, Gene Stanley, Balsam Lake.
Taylor, Andrew James, Milwaukee.
Uthemann, Robert Erick, Milwaukee.
Valdez, Francis Pedro, Oshkosh.
Veser, Edward, Milwaukee.
Wagner, Michael James, Watertown.
Warden, Richard John, Sheboygan.
Wasson, Steven Edward, Spring Valley.
Webb, Johnny Lee, Milwaukee.
Zydzik, Frank, Jr., Phillips.

Marine Corps

Delaat, David William, Burlington.
Dobosz, David George, Clear Lake.
Guelig, Paul Joseph, Glenbeulah.
Hackett, James Francis, Jr., Milwaukee.
Libersky, Willilam Bertram, Bloomer.
Peterson, Darwin Stuart, Pleasant Prairie.
Webber, James Thomas, Eau Claire.

Navy

Daane, Douglas Jack, Oostburg.
Kanaman, Kenneth Harvey, New London.

WYOMING

Army

Balland, Ernest Claude, Cheyenne.
Green, Joe Worth, Buffalo.
McCormick, William T., Thermopolis.
Scott, Roger Lee, Powell.
Snyder, Roy Jasper, Ft. Washakie.
Stewart Ronald Richard, Glenrock.

Marine Corps

Dykes, Lonnie Allen, Buffalo.
Haggerty, Edward Charles, Riverton.

AMERICAN SAMOA

Marine Corps

Levi, Lane Fatutoa, Fagatogo.

GUAM

Army

Escano, Juanito Maiquez, Agana.
Esteves, Fernando Barcinas, Merigo Village.
San Nicolas, Victor P., Inarajan.
Santos, Rafael Salas, Agana.

PUERTO RICO

Army

Barbosa-Oyola, Eugenio, Bayamon.
Colon-Diaz, Juan, Comerio.
Colon-Rodriguez, Golguis, Juan Diaz.
Concepcion-Nieves, David, Arecibo.
Cuevas-Rivera, Ernesto, Ponce.
Davila-Torres, Maximiliano, San Juan.
De Jesus-Rosa, Raul, Juncos.
Encarnacion-Colon, Jesus M., Bayamon.
Fret-Camacho, Juan Alberto, Vega Baja.
Galvez-Pastrana, Manuel, San Juan.
Maldonado-Lluberas, Albert, Santurce.
Ramos-Lopez, Roberto, Mayaguez.
Rios-Maldonado, Fernando, Ponce.
Santiago, Martinez Andres, Aguada.
Santiago-Castillo, R., Jr., Mayaguez.
Santos-Lopez, Jose Luis, Ceiba.
Torres, Arcadio, Villalba.
Vazquez, Jose Gilberto, Santurce.

Air Force

Ortiz, Jose Hector, Rolling Hills.

U.S. VIRGIN ISLANDS

Army

Wheatlby, John Albion, St. Thomas.

REVIEW OF PROGRESS MADE IN VETERANS AFFAIRS DURING 91ST CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TEAGUE) is recognized for 30 minutes.

Mr. TEAGUE of California. Mr. Speaker, the 91st Congress will soon be history. Although we will return to Washington after a recess of a month to finish out our second session I think it would be well to review the progress that has been made in veterans affairs during the period of the 91st Congress.

The principal purpose of such a review should be to report to the people. And to be meaningful our report should be submitted to the people at this time, in advance of the coming elections.

The 91st Congress has been notable to me and to my colleagues on this side of the aisle because it was the first Congress in 8 years to have had the opportunity to work with a Republican President. We are proud of the record of that Republican administration and gratified that in the area of veterans affairs much has been accomplished by the Congress and the administration in improving medical care and other benefits for our veterans.

On occasion I have seen comments to the effect that the men who are becoming veterans today are in large part forgotten. There is no question but that our veterans of Vietnam are not returning home to the tune of blaring bands and patriotic fanfare. I am certain, however, that the fine young men who have carried the burden of fighting, and who have had to live with the extra burden of disagreement and dissention on the home front over Vietnam, have not been forgotten by the Members of this Congress and the administration.

The membership of the House can look back on the past 2 years with a tremendous sense of accomplishment. From the opening day of the 91st Congress we here in the House were prepared to consider and approve new legislation necessary for our returning war veterans and for veterans of other wars. There was a natural marking of time until the incoming administration made its appointments and adjusted its sights on its goals for veterans. As they were developed, the administration's goals were farsighted and generous and very much to the point.

The Republican administration's concern with our Vietnam veteran was made immediately apparent with the appointment of Don Johnson as Veterans' Administrator. Coincident with that appointment he was also appointed Chairman of the President's Committee on the Vietnam Veteran. The work of that Committee has since been translated into legislative recommendations that are in the process of becoming law. While this has been going on, Don Johnson in his capacity as Administrator of Veterans' Affairs has seen that the needs of Vietnam veterans as established by the commission are being administratively met by his dedicated team of VA employees.

During the period this constructive effort was going on there was a good deal of attention given here in the Congress, and in the press, to alleged deficiencies in medical care being provided veterans in VA hospitals. I would point out that it was clearly established in a hearing of the House Veterans' Affairs Committee that the problems that Don Johnson has had to deal with in the medical program of the VA were clearly inherited by him at the time of his appointment. Neither he nor those of us who have given him our unequivocal support have attempted to point any finger of blame. It is a great credit to Don Johnson he was not concerned in looking back when he took office. His attitude was forward looking and the results of that attitude are already evident.

Don Johnson's concern has been to improve an essentially sound medical program—a program, however, that had developed problems. Solving those problems was not strictly a matter of more money. Washington has more than its share of so-called problem solvers who have a single answer to any difficulty—spend more money. It so happens that the VA under Don Johnson has programed more funds for the VA medical program than had his predecessors. It was necessary to obtain these added funds because salaries and wages have increased over the years in order to permit Federal employees to cope with the inroads of the long inflationary period prior to the Nixon years in the Presidency. The cost of medical equipment and construction also skyrocketed during the pre-Nixon period and it must be said that medical technology has advanced so tremendously that the cost of providing veterans with the finest in medical care has risen precipitously. So while Don Johnson has seen that his administration needed more dollars and provided them as a partial solution to the problems he faced. He has also made administrative changes and improvements so that each of those dollars will be used to the best advantage.

All of us who have a primary concern with veterans matters are very dollar conscious as my colleagues well know.

The major expenditure of dollars on veterans matters is payable to the many veterans receiving service-connected compensation or pension. These dollars are placed directly into the hands of our veterans or their survivors. Here, also, the inroads of inflation were severe. The Nixon administration has fought diligently to end the inflationary spiral and the effect of its efforts is becoming clear.

Any objective appraisal of the administration's efforts in the field of veterans affairs clearly establishes that progress has been made.

The constituency, as it were, of the House Veterans' Affairs Committee, the Congress itself, and the Veterans' Administration is some 27,692,000 veterans. Add to this figure the eligible members of their families and we have a total of almost half of the population of the United States.

The agency established by the Congress to administer veterans benefit laws is the largest independent agency of the Federal Government and third largest of all U.S. Government agencies. It operates the largest hospital network in the world with 166 hospitals and is staffed by 5,100 doctors and 15,000 nurses. It provides treatment each year to well over 800,000 veterans in these hospitals and in non-VA hospitals under contract. It processes nearly 7 million visits each year by veterans to VA outpatient clinics and to fee basis physicians.

Total appropriations requested for VA's fiscal year 1971 operations is $8.9 billion—the highest sum in the history of veterans affairs.

Included in the fiscal year 1971 budget is more than $1.7 billion for medical care, an increase of $69 million over fiscal year 1970 and $228 million over fiscal year 1969.

At the request of VA Administrator Donald E. Johnson, President Nixon approved an additional $15 million in fiscal year 1970 and $50 million more in fiscal year 1971 to improve medical care.

Shifting to another field, VA which has helped more than 7 million veterans of previous wars to own their homes through the GI loan program, has aided more than 230,000 veterans purchase homes through the VA program in the last fiscal year alone.

VA, with the distinction of being the third largest ordinary life insurance company in the world, conducts five insurance programs with about 5.6 million policyholders and oversees the administration of a sixth program involving insurance for present and future members of the U.S. armed services.

VA pays nearly $6 billion a year in benefits to almost 5 million veterans and dependents, involving compensation for veterans with service-connected disabilities, pensions for veterans—whose disabilities are not due to military service—or payments to their survivors.

The overall magnitude of the VA operation can be seen from the fact that VA replies to 2 million letters a year, answers 60,000 telephone calls a month and meets with 10,300 veterans every day. VA's voice is heard on 3,500 radio stations each week and on 650 TV stations, while its informative news releases are used by 1,800 daily and 7,000 weekly newspapers.

Not waiting until the present group of young men in military service actually reaches discharge date and becomes veterans, the VA, through its representatives, has assisted and advised more than 1.3 million combat soldiers, sailors, marines, and airmen in Vietnam.

Back in the States, VA contact representatives in the past 1½ years have made some 20,000 visits to military hospitals and conducted more than 300,000 interviews with wounded and disabled servicemen, urging them to complete their education with VA financial assistance if they have not already done so.

More than 11,000,000 veterans, from World War II to Korea and Vietnam, have taken advantage of the GI bill education programs administered by the VA. During 1970 alone, the VA will provide education and rehabilitative assistance to 1.3 million veterans, 45,700 children of deceased and disabled veterans, and 14,500 wives and widows of deceased and disabled veterans at a total cost of $958 million.

The Outreach program, a massive effort to reach returning Vietnam era veterans, to inform them of their benefits and to persuade them to use their education and training benefits, has developed during the past year into one of the major efforts of the Veterans' Administration. It not only holds great hope for the welfare of the individual veteran but will serve to better the living conditions of their families, their communities, and the Nation as a whole.

I have hardly touched upon the VA's program of medical care. In addition to its 166 hospitals the VA is now operating 63 nursing home care units, 16 domiciliaries, 200 outpatient clinics, and six restoration centers.

Half of VA's hospitals now contain intensive care units for the watchful care of patients with coronary and other severe medical and surgical conditions, compared with only 64 such units a year ago.

There is much more to report in the way of progress. Perhaps one more example will suffice to provide a measure of the progress that has been made under the present administration.

Through the personal concern of President Nixon and with his approval the VA under Donald E. Johnson has started adding 5,700 additional medical employees in this fiscal year, which will bring full time medical employment in the VA to nearly 138,000—the biggest work force in the history of VA's Department of Medicine and Surgery.

I think it can be said that the executive branch of the Government is faithfully discharging its responsibilities for administering the laws approved by the Congress to meet the needs of our veterans. I think acknowledging this confidence in the administration is a necessary preliminary to a review of what the 91st Congress has done for veterans. We have looked at the administration of laws. What of the Congress?

Over the same period of time the Congress has enacted and the President has approved major legislation of significant impact on veterans. I think it is important that this major legislation be carefully reviewed for I believe that such a review provides the clearest possible insight into the concern which this Congress has for the veterans of America. Therefore I submit, Mr. Speaker, summaries of the major public laws enacted in the 91st Congress of interest to veterans:

SUMMARIES

PUBLIC LAW 91–22. SPECIAL HOUSING FOR PARAPLEGICS

Extends the program of assistance to severely disabled veterans in acquiring homes equipped with special facilities made necessary because of the nature of their disabilities to those veterans suffering from the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

Increases the amount of the paraplegic housing grant from $10,000 to $12,500.

Increases the amount of the direct loan program for an individual home from $17,500 to $21,000.

Relaxes the first lien requirements for guaranteed home loans to permit guaranty of homes for veterans where basic financing requires first lien security for monthly charges to home purchasers for development of community, municipal and recreational facilities. Approved June 6, 1969.

PUBLIC LAW 91–32. PROTECTION OF DISABILITY RATING

Prohibits the reduction of a veteran's statutory disability award which has been continuously in effect for 20 years. Approved June 23, 1969.

PUBLIC LAW 91–96. DEPENDENCY AND INDEMNITY COMPENSATION

Establishes a new concept for payment of D.I.C. to widows of servicemen and veterans whose death was service-related. In lieu of the present formula of $120 per month plus 12 percent of the basic pay of the deceased veteran, there would be a specified dollar rate of D.I.C. based on the pay grade of the veteran, ranging from $167 monthly for the widow of a veteran in grade E–1 to $426 for widow of a veteran in grade 0–10.

Allows an additional $20 monthly for each minor child.

Also, awards an additional monthly benefit of $50 to a widow receiving D.I.C. or death compensation who is a patient in a nursing home or in need of regular aid and attendance. Approved October 27, 1969.

PUBLIC LAW 91–101. NURSING HOME CARE FOR SERVICE-CONNECTED VETERANS

Authorizes community nursing home care at VA expense for veterans whose hospitalization was primarily for a service-connected disability without limitation as to the length of time such care may be provided. Approved October 30, 1969.

PUBLIC LAW 91–102. OUTPATIENT CARE FOR CERTAIN SERVICE-CONNECTED VETERANS

To make available to any war veteran who has a permanent total disability resulting from a service-connected condition, complete medical services for a non-service-connected disability. Approved October 30, 1969.

PUBLIC LAW 91–219. VETERANS EDUCATION AND TRAINING AMENDMENTS ACT OF 1970

Increases the benefit rates by approximately 34.6 percent for veterans who are receiving institutional, flight, cooperative, farm cooperative, correspondence course, apprenticeship or other on-the-job training, for servicemen pursuing a program of education while on active duty, for wives, widows and children pursuing programs of education under the war orphans' and widows' educa-

tional assistance program, and for those eligible persons pursuing full-time courses of special restorative training. Increases the subsistence rate by approximately 22.7 percent for veterans receiving vocational rehabilitation. (Effective February 1, 1970)

Provides new programs of special assistance for educationally disadvantaged veterans. The purposes of the new programs are (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue post-secondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

Provides a new program to be known as the Predischarge Education Program (PREP). The purpose of this program is to encourage and assist servicemen with more than 180 days of service, in preparing for their future education, training, or vocation by providing them with the opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces.

Provides an expanded program of outreach services for the purpose of insuring that all veterans, especially those who have been recently discharged or released and who do not have a high school diploma and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid them in applying for and obtaining such benefits and services. Further provides that the outreach services program is for the purpose of charging the Veterans Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services. Specifically, the VA is to advise each veteran at time of discharge, by letter and if possible by personal interview, of benefits to which he is entitled, and render assistance in making application for such benefits. The VA is authorized to establish veterans' assistance offices at such places as are deemed necessary to carry out the purposes of this expanded outreach services program, and is to work with other Federal, State or local governmental agencies, or national or other organizations in utilizing services available from those agencies or organizations, particularly with the Department of Labor and State employment services, to render assistance in obtaining employment for veterans. Authorizes the Administrator to utilize special telephone service for the purpose of making these outreach services as widely available as possible.

Provides that a program of education may include more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a veterans' single career field.

Permits veterans' education and training at the elementary school level.

Provides that a veteran's academic high school course, requiring 16 units for a full course, shall be considered a full-time course when a minimum of 4 units per year are required.

Allows the Administrator, in the case of veterans enrolled in courses in educational institutions not leading to a standard college degree, to make the initial payment of the educational assistance allowance (not to exceed one full month) upon receipt of a certificate of enrollment.

Permits the payment of educational assistance allowance to certain veterans pursuing courses on a less than half-time basis, or servicemen while on active duty, in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran or serviceman has enrolled in and is pursuing a program at such institution.

Eliminates the hour equivalency requirement as prerequisite for flight training, thus would require a private pilot's license before a veteran could pursue flight training. Authorizes flight training when generally recognized as ancillary to the pursuit of some other vocational endeavor.

Authorizes the approval of a program of training on-the-job when such training is based upon skills learned through organized and supervised training conducted by a qualified instructor.

Reduces the minimum number of college undergraduate semester hours that veterans and dependents will need to qualify for full-time educational assistance allowance. It accords maximum flexibility to the educational institution concerned in defining a full-time course of study. Permits counting of certain non-credit courses necessary to correct an educational deficiency toward the minimum number of semester hours required for payment of the educational assistance allowance.

Specifically prohibits, as to both eligible veterans and dependents the approval of bartending and personality development courses, or sales or sales management courses which do not provide specialized training within a specific vocational field unless certain justification is received.

Permits the pursuit of an educational program under the war orphans' and widows' educational assistance program on less than half-time basis. (Effective February 1, 1970)

Requires the Administrator to notify the parent or guardian of each eligible child of the educational assistance available to such person under the war orphans assistance program.

Provides for computation of educational assistance allowance for an eligible dependent of a veteran pursuing a program of education at an institution in the Republic of the Philippines, at a rate in Philippine pesos equivalent to $0.50 for each dollar.

Provides that in the case of a child of a veteran the period of eligibility would run from whichever last occurs—the date the Administrator first finds total service-connected disability, permanent in nature, or date of death, whichever is more advantageous to the eligible person—and would define the term "first finds" in the case of a child or wife of such a veteran to mean the effective date of the rating or notification, whichever is more advantageous to the eligible person.

In the case of programs of apprenticeship where the training establishment is a carrier directly engaged in interstate commerce providing training in more than one State, authorizes the Administrator to act as a State approving agency.

Modifies the educational benefit nonduplication bar by having it apply only to certain persons receiving training while on active military or Public Health Service duty and Federal employees receiving their full salaries while training. Repeals two statutes made obsolete by the revision of the nonduplication bar (Sec. 504, Public Law 90–574 and Sec. 506, Public Law 90–575). Approved March 26, 1970.

PUBLIC LAW 91–241. RECOUPMENT OF DISABILITY SEVERANCE PAY

Provides that the recoupment of disability severance pay from disability compensation shall be at a monthly rate not in excess of the compensation to which the veteran would be entitled based on the degree of disability as determined on the initial VA rating. Approved May 7, 1970.

PUBLIC LAW 91–262. DEFINITION OF ADOPTED CHILD

Permits the recognition of an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree and authorizes benefits on behalf of such child from the date of that decree, if otherwise eligible.

Increases by 10 percent the monthly payments to children where there is no widow entitled to receive dependency and indemnity compensation, and to certain children age 18 and over. Approved May 21, 1970.

PUBLIC LAW 91–291. SERVICEMEN'S GROUP LIFE INSURANCE

Increase from $10,000 to $15,000 the maximum amount of insurance authorized under the servicemen's group life insurance (SGLI) program.

Extends coverage to all reservists, members of the National Guard, and ROTC members while engaged in authorized training duty and while traveling to and from such duty.

Provides an extension of SGLI coverage for members who are rendered uninsurable, or die, within 90 days after assuming an obligation to perform (for less than 31 days) authorized duty.

Provides that the insurance coverage would terminate (1) 120 days after discharge or release from active duty of 31 days or more unless the member is totally disabled in which event coverage would continue for one year; (2) at the end of the 31st day of AWOL, or confinement by civilian authorities, or confinement by military authorities involving total forfeiture of pay and allowances; coverage would be automatically restored on return to duty; (3) at midnight of the last day of active duty or active duty for training of less than 31 days unless the member is suffering from a service-connected disability which results in his death or renders him uninsurable within 90 days after such date; or (4) at the end of an inactive duty training period unless the member is suffering from a service-connected disability which results in his death or renders him uninsurable within 90 days after such date.

Provides for conversion of SGLI for members on active duty for 31 days or more at the end of the 120-day period or if totally disabled at the termination of such disability or one year, whichever is the earlier.

Permits the conversion of SGLI for members on active duty or active duty for training for less than 31 days or on inactive duty training if they are rendered uninsurable in which event they would have 90 days to convert.

Provides for the collection of premiums other than on a monthly basis from members on active duty for training of less than 31 days and from members performing inactive duty training.

Provides a new formula for determining the costs of SGLI traceable to the extra hazard of active duty to assure that the Government will bear all such costs. Effective date of this provision January 1, 1970.

Authorizes payments of SGLI directly to a minor widow or widower.

Specifically exempts SGLI from taxation and claims of creditors on the same basis as is now provided for NSLI.

Adds the Secretary of Transportation to the Advisory Council on SGLI.

Authorizes, in every case, reinstatement and renewal of NSLI and USGLI term policies within 5 years from the date of lapse.

Prevents stale claims for NSLI dividends declared prior to January 1, 1952.

Authorizes settlement of the cash values and matured endowment contracts of NSLI and USGLI in monthly installments or as a refund life income. This provision would take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

Permits the beneficiary to receive the higher dependency and indemnity compensation payment, where the veteran died with NSLI or USGLI under an in-service waiver of premiums, in those cases where the amount paid under the policy and any amounts paid as death compensation is equal to or less than the total amount which would have been payable as dependency and indemnity compensation but for the in-service waiver. To receive dependency and indemnity compensation an election by the beneficiary is required and such election shall be final. Approved June 25, 1970.

PUBLIC LAW 91-376. VETERANS' COMPENSATION

Increases the rates of compensation payable to veterans whose disabilities are rated at 10 to 40 percent disabling by approximately 8-percent, 50 to 90 percent disabling by approximately 10-percent, and for the totally disabled and above total by approximately 12-percent. Increases by approximately 11-percent the additional compensation for veterans with dependents. These increases become effective July 1, 1970.

Provides that a veteran held as a prisoner of war for six months or more during World War II, the Korean conflict, or the Vietnam era and who suffered from dietary deficiencies, forced labor, or inhumane treatment (prisoners of war of Japan, Germany, North Korea, North Vietnam or the Vietcong are presumed to have suffered from these conditions) with a presumption of service-connection for certain diseases and an extension of the presumption for service-connected psychosis to two years.

Removes the bar to benefits in the case of a remarried widow upon termination of the remarriage by death or divorce; and removes similar bars, past and present, based on marital or adulterous conduct of a widow where such conduct has been terminated, effective January 1, 1971.

Restates the statutory provisions excluding from judicial review determinations with respect to benefits of a noncontractual nature provided for veterans and their dependents and survivors so as to clarify the law that on and after October 17, 1940, no official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise.

Prohibits the payment of dependency and indemnity compensation, death compensation, or death pension which, because of a widow's relationship with another man before enactment of Public Law 87-674 (September 19, 1962), would not have been payable by the Veterans Administration under the standard for determining remarriage applied by the agency before that enactment. Approved August 12, 1970.

Our work is not yet done despite all the progress that has been made. We must move quickly to further assist the VA in providing needed benefits for our veterans. One area in which we must act is to provide the VA with additional flexibility so that it may further improve medical care and treatment of veterans. I would hope that when we return in November we can give consideration to this matter.

I commend my colleagues in the House for the accomplishments of the 91st Congress in the field of veterans affairs. I particularly commend the distinguished chairman of the House Veterans' Affairs Committee, Congressman OLIN E. TEAGUE of Texas, and the other members of the House Veterans' Affairs Committee. I look forward to having the opportunity to serve with them again and to accept the challenges of the new Congress.

REPORT ON THE 91ST CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

PEACE EFFORTS

Mr. WILLIAMS. Mr. Speaker, President Nixon has kept his promises to withdraw U.S. troops from Vietnam on an orderly, scheduled basis. He kept his promise to withdraw 110,000 by April 15, 1970, and to withdraw another 50,000 by October 15, 1970. He is on schedule to keep his promise to have another 100,000 out of Vietnam by the end of May 1971. He kept his promise to withdraw all U.S. forces from the April-launched Cambodian "clean out" incursion of June 1970.

President Nixon's address to the Nation on October 7, 1970, just after he returned from his visit to the Middle East and Europe in the interest of peace, gave further dramatic evidence of this administration's dedication to a lasting peace. The President's proposal for an immediate "cease-fire in place," without conditions, indicates our dedication to achieving that peace. No thinking American can fault with the high purpose set forth in the concluding line of the President's message:

Let us give our children what we have not had in this century, a chance to enjoy a generation of peace.

The U.S. efforts for a lasting peace have been apparent in the Mideastern cease-fire proposed and achieved through our efforts. A full-scale Mideastern war undoubtedly was averted by the President's strong warnings to Soviet Russia and Syria when Syria was invading Jordan. After the diplomatic warning, the U.S. 6th Fleet was strengthened in the Mediterranean to show our determination to assure peace in the Middle East. It will be interesting to note the reaction of the Communist countries to our obvious efforts to assure a long-range peace.

CENSUS

The 1970 census by the U.S. Census Bureau was conducted by a mail survey instead of the personal, door-to-door enumerator interview system used in the 1960 census. The mail survey system resulted in numerous errors. For example, the borough of Bethel Park, Pa., had a 1960 census of 23,000; the 1970 census gave Bethel Park a population of 17,019. A recount gave Bethel Park a population of 32,218. The Montgomery County Planning Commission estimates that approximately 60,000 Montgomery County residents were not counted in the 1970 census. These errors are important; such things as certain Federal grants and liquid fuel tax payments by the State to municipalities are based on population. If you were not counted in the 1970 census, or if you know of anyone who was not counted, please forward this information to my Washington office.

CRIME CONTROL

The Organized Crime Control Act of 1970 (S. 30) passed the House October 7, 1970. It will give law enforcement officers the tools to deal with organized crime's highly sophisticated, diversified, widespread activities. These flagrantly illegal actions annually drain billions of dollars from the U.S. economy and victimize millions of our citizens. Needless to say, this much-needed legislation had my wholehearted support.

The House added an amendment which made it a Federal crime to commit bombings and arson by incendiary devices at colleges and universities receiving Federal aid. Virtually all of these institutions receive Federal aid in some form. In fact, an average of 85 percent of the total research budgets of these institutions comes from the Federal Government.

One of the most critical features of this amendment will permit the FBI to launch immediate investigations of bombings and arson at these federally aided schools. This means that some of the additional 1,000 FBI agents which the Crime Control Act authorized for overall FBI activities will be available for immediate service when such heinous campus actions occur. This should do much to stop the deadly violence by the few who are attempting to accomplish the anarchistic goal of destroying our higher educational system.

COMMISSION REPORTS

On September 26, 1970, the President's Commission on Campus Unrest published its report. On September 30, 1970, the President's Commission on Obscenity and Pornography published its report. The Commission on Obscenity and Pornography was appointed by President Johnson in January 1968. The Commission on Campus Unrest was appointed by President Nixon in June 1970.

The obscenity and pornography report recommends repeal of all laws prohibiting distribution of explicitly sexual materials to consenting adults. It claims to find no evidence that such matter plays a significant role in causing crime, deviancy, or emotional disturbance among youths or adults. This conclusion cannot be accepted; a high percentage of those apprehended for committing criminal and illegal acts have sexual material in their possession. Vice President AGNEW says the views of this report do not represent the thinking of the Nixon administration and so long as Richard Nixon is President, Main Street is not going to turn into smut alley.

While the campus unrest report is more precise and balanced, it places more blame on those assigned to quell riots than on those who foment them, and it calls on President Nixon to use his influence to stop campus riots. It is the responsibility of academic administrators to see that conditions that lead to riots and violence are not permitted. Vice President AGNEW says the campus unrest report is "sure to be taken as more pablum for the permissivists."

IMPORTANT LEGISLATION

With my support, the House passed a number of particularly important measures before recessing for the general election. These included: H.R. 11913, providing authorization for grants for communicable disease control; H.R. 18306, authorizing U.S. participation in increasing resources of certain international financial institutions for loans to developing countries; H.R. 14678, strengthen-

ing penalties for illegal fishing in U.S. territorial waters; H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970; H.R. 18585, providing long-term financing for expanded urban mass transportation programs; H.R. 19444, providing for armed guards on U.S. commercial aircraft.

The House also passed H. Res. 1220 to cite Arnold S. Johnson for refusing to be sworn and to take affirmation to testify regarding New Mobe activities, financing, and connections when he was subpenaed to appear before a subcommittee of the House Internal Security Committee on August 13, 1970. Mr. Johnson is the U.S. Communist Party's public relations director and a New Mobe steering committee member. He will now be prosecuted in the manner provided by law.

FINANCIAL PICTURE

In late September, major banks reduced their prime interest rate to 7½ percent from the 8 percent established March 25, 1970. The prime rate covers predominantly short-term loans. It is the interest banks charge preferred customers, mostly major corporations. This action is seen as the beginning of a general scaledown of interest rates which will benefit individual customers and small corporations. In is the paving of the way for restoring the home mortgage as an attractive investment and freeing long-term money for financing the commercial and industrial expansion which creates jobs.

The rate of inflation has decreased. Industrial commodity prices rose only two-tenths of 1 percent in September, the same as in August and July. From February through May these commodity prices increased three-tenths of 1 percent a month; a year ago they were increasing at the rate of four-tenths of 1 percent and one-half of 1 percent a month. This decrease in interest rates and inflation is an encouraging sign for our economy.

The Nixon budget for fiscal year 1971 allocated 41 percent for human resources and 37 percent for defense, whereas fiscal year 1968's budget allocated 44 percent for defense and only 34 percent for human resources. During this transition from a wartime to a peacetime economy, over 1 million people have been released from the armed services and defense plants. The slightly increased unemployment rate will decrease as more people are absorbed into human resource industry.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Americans do care. Their increasing desire to help others is reflected in the fact that in 1950 $193 million was raised by United Fund campaigns compared to $755 million raised in 1969.

CONTROL TOWER

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, on Sunday, October 11, the Reverend James A. Gaiser, D.D., pastor of Elm Park United Methodist Church in Scranton, Pa., delivered a most moving and eloquent sermon in the Cadet Chapel at the U.S. Military Academy.

Dr. Gaiser's memorable address speaks for itself with more conviction and compassion and courage than any address I have ever read. Dr. and Mrs. Gaiser's son gave his life for the people of this Nation in the conflict in Vietnam. I commend this message to my colleagues in the Congress and to the people of our country:

CONTROL TOWER

"The name of the Lord is a strong tower; the righteous man runs into it and is safe." Proverbs 18:10.

This morning I come to you as a seeker after the truth. It is not my desire or intention to thunder out any proclamations saying "Thus saith the Lord." To the contrary I speak out of my own personal experience, and I want to share with you the theology which I learned from my contacts with West Point.

It all began that July morning in 1964 when we drove to West Point with our son who was a member of the incoming class of cadets. We entered by way of Washington Gate, made our way down Thayer Road to the parking lot which was reserved for parents of entering cadets. Then we walked the short distance to the walk that led past the cadet barracks in front of Washington Hall and then took a right hand turn to the gymnasium where the fledglings were to report. The sign dangling from the rope at the walk on Thayer Road informed us that visitors were not permitted beyond that point. We watched our son walk that lonely road, alone, carrying his one small suit-case. Later we were informed that near the hour of five p.m. we could watch the ceremonies of induction at Trophy Point. It was also made quite clear that we would have no opportunity to speak with our son. How can I explain to you what took place in this father's heart? As we drove back home across Pennsylvania that evening the words kept coming to my mind, "My God, my God, why hast Thou forsaken me?" For the first time in my life I began to have a faint understanding of the terrible loneliness which God must have felt when He sent His Son into the world. God must have watched His Son even as I watched mine. And God must have felt that He wanted to save His Son from the wrath of mankind, from the cruelty, from the pain and suffering; even as I wanted to carry my son's burden. But all I could feel was a vast sense of loneliness. To be separated from God, is for mankind, the same loneliness that parents feel when they watch a son walking down that lonely road to his first day at West Point.

But "beast barracks" come and go, and the routine of the regular academic year sets in. Then comes the Army-Navy game and a chance for a happy reunion. The spring semester seems to be the longest and the hardest. When the weather permits, outdoor inspection and parades begin again. This morning it was cold. It had been weeks since the inspection was out of doors. My son was almost cleared by the inspecting officer when a tear from his watering eyes dropped on his jacket. The tear was simply the result of the cold. The officer promptly said, "Spot on jacket, one demerit." Then just as he was to move on to the next man another tear dropped. The officer said, "Damn, Gaiser, your eyes sure water, one more demerit." What a letter I received from my son, telling me of this incident. As his father and also as his pastor I wrote a couple of typewritten pages in reply. I told him that he had learned more genuine theology in fifteen seconds than I learned in several years in a theological seminary. Then I went on to explain the difference between justice and mercy. Almighty God does not merely give us the justice which we deserve. If He did we would all be in trouble. God tempers His justice with a quality known as mercy. The officer had done what the rules called for him to do. This was correct, this was just. The officer had no reason to be concerned with mercy. But God is not like an officer, He is a merciful God.

Time has a way of moving on, and in June of 1968 the class of 1964 was graduated. To our home came a copy of THE HOWITZER and on the cover in gold letters were these words, "To My Loving Parents for 4 Years of Encouragement." When I saw this cover I suddenly felt the hot trickle of tears running across my cheeks. The many letters which had been written. The times when a trip to The Point seemed to be the needed thing. The many times when we wondered if he knew how deeply we cared. My mind could not keep out those words, "This is my beloved Son, in whom I am well pleased." It was not just that my son had been graduated from West Point. It was the fact that he had won a battle with himself, and he had recognized that even when we were separated from him we were with him all the way, and our love was his encouragement to continue and to succeed. How God must wonder at times if we are aware of the fact that He is constantly loving us, and that we have His support as we travel the pathway of life. Truly we are all His sons.

Where do we go from here? The assignment was Viet Nam. Our boy told his intimate associates that he was glad to be going where the action is, and the reason was that he was so well trained that he felt he could honestly help to save the lives of his comrades in arms. Well do I remember the day he took off in that plane. Across the United States and then out over the great Pacific. Some years before we had flown the same route as a family making a trip around the world. There was no apprehension on my part. My son was just following his assigned duty. Letters, pictures, plans for the future. Then that November night after an evening vesper service when a friendly Colonel called at our home. He never had to explain his mission, because I knew. My son had made the supreme sacrifice, he had given his life. It was then that I learned by greatest lesson in theology.

My mind went back to the time when our family had been invited to visit the control tower of the Miami International Airport. There in the dark of night we had watched as the man in that tower directed the planes to come in for a landing or to take off. That night I had discovered that there are directed flights and free flights. The directed flight pattern is one in which the plane is under constant radar surveillance from the time it takes off until it lands at another airport. Then there is the free flight pattern when an individual plane or a chartered plane may change its destination. Such a plane would radio in from a considerable distance asking for clearance. Regardless of the pattern each plane would eventually be picked up on the radar scope. The important thing, and that which I want you to see this morning is that regardless of the pattern the plane was flying the time always arrived when it sought clearance from the control tower.

After we had watched this operation for a couple of hours we went down to the radar room. There were three radar screens and two of them were manned while the third

operator took a break. Just as we entered the room a streak went down across the radar scope. Immediately one of the men picked up a phone and asked Cape Kennedy if they had just set off another rocket, or if a rocket could have just fallen into the ocean. But even as he was calling the voice of a pilot came over the radio saying that several miles to the south he had seen something crash and burst into flames. We heard the pilot's voice so clearly saying that he thought a plane had gone down. Immediately the plane that had radioed in was spotted on the radar screen. It was just a tiny spot of light, but they knew exactly where it was. It was over the Everglades. With this information the third man in the room called the Coast Guard, and helicopters were dispatched. Thus the lives of three army men were saved as they parachuted from their bomber which had subsequently crashed.

If this could happen in the control tower of a great airport, how much more could it happen in the great control tower of life where God looks after the flight of each one of our lives. My boy had died in Viet Nam, but his flight was directed by a good God in the control tower. Thus my faith was tested and tried. Shortly after his burial in the cemetery at West Point we attended another Army-Navy game. As the cadets moved out onto that football field at the beginning of the ceremonies I knew the meaning of the long gray line. Certainly I had heard about it before, but now I knew what it meant, and my son was part of it.

This summer we were in Germany. A woman who had heard about our loss came and expressed her sympathy. Then she said, "But didn't this cause you to lose faith in God?" I told her that to the contrary it had strengthened my faith. That night as I knelt beside my bed in a hotel in a German town, the woman's words kept coming through to me. As I prayed a note of bitterness crept into my prayers and I said, "God, why did you have to take my son?" Then just as clearly as if the words had been spoken aloud in that room I heard the voice of God say, "He is my son, too." So I finished my prayer by thanking God for our son.

In the week's time when we were notified of his death and the body was returned for burial I had a lot of time to think. In the confines of my study I took pen and paper and I wrote these words:

"LETTERS FROM MY SON

"I've been in the Viet Nam battle,
And heard the mortars explode,
And I've listened to armored tanks rattle
Down dust and mud mired road.

"I've seen the glorious sun rise
From out the horizon's rim,
I've seen it set in glory
And also on battles grim.

"I've seen strained looks on faces
When the battle was at its height,
And prayed God in heaven
To keep away the night.

"I've heard the CO's praises
And his shout from the Bunker, 'Well done'
And the cheers from the mud-splattered faces
When our battle was fought and won.

"I've fought in the terrible conflict
In times of rain and sun
Yes, I've been across the great Pacific
Through letters from my son."

Yes, I have come here today to simply share with you. I have come with the hope that I could leave you with a positive witness that "The name of the Lord is a strong tower; the righteous man runs into it and is safe."

EXPLANATION OF VOTE ON DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN), is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, last Thursday, October 8, I was one of 31 Members of the House of Representatives who voted against the Department of Defense appropriations bill. My vote in no way was intended to denigrate the Appropriations Committee's efforts in paring $2 billion from the administration's budget request. Nor should it be construed as a blanket rejection of needed weapons systems.

Rather, I rejected H.R. 19590 on the grounds that approximately one-fourth of the funds authorized therein—over $15 billion—is allocated to our continuing Vietnam involvement.

As I stated on the House floor on December 8, 1969, in explaining my position on the 1970 fiscal year military appropriations measure, our Vietnam effort represents a tragic misallocation of resources, both human and financial. This war, whose purpose has never been defined, has cost more than 50,000 American lives, over 300,000 American wounded. It is the principal source of the inflation which has plagued our Nation since 1966—the Consumer Price Index has advanced 24 percent since January 1, 1966. Too, our Vietnam folly has materially weakened our strategic military posture. Like the father who fritters away the family's bread money at the racetrack, we have squandered much of our military resources in Vietnam.

My principal reason, however, in voting against H.R. 19590 was a personal one. I simply do not want on my conscience the responsibility for the needless deaths of several thousand additional Americans which the passage of this bill authorizes.

WE MUST ENACT LEGISLATION TO PROTECT OUR ENVIRONMENT

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA), is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, President Nixon in his message, "A Call for Cooperation," on September 14 said:

> The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live.

I wholeheartedly agree as I am sure all of my colleagues on this side of the aisle do. From the rhetoric of my friends on the other side of the aisle, it would seem that they also agree. However, the Democratic leadership of the House of Representatives has totally ignored the President's legislative package which is designed to be more effective in preserving and enhancing our precious waters.

The administration's legislative proposals on water pollution control were outlined in the President's message on the environment on February 10, and set forth in specific proposals sent to the Congress on the same date.

In almost 8 months not even a single day's hearing has been scheduled. Valuable time has been and is continuing to be lost while our waters continue to deteriorate because present law is inadequate.

The President's proposals relate to four major areas of concern: Enforcement, financing, and State programs and research. Nearly one-third of the Members of the House cosponsored these legislative proposals before this House under bills numbered H.R. 15903, H.R. 15904, H.R. 15905, H.R. 15906, and numerous subsequent bill numbers. As of October 6, 1970, 121 Members have cosponsored H.R. 15903 or similar bills, while 155 Members have cosponsored H.R. 15904, the Clean Waters Financing Act, or similar bills; 143 Members have cosponsored H.R. 15905 or similar bills, and 141 Members have cosponsored H.R. 15906 or similar bills.

If these proposals had been enacted, tough new enforcement provisions would now be effective and would cover among other waters all navigable waters in addition to interstate waters. The major portion of our waters is not now subject to Federal water quality standards.

Water quality standards would be strengthened. New requirements would be established by the States, and the efforts to develop such requirements would now be underway so we could control these discharges. Enforcement procedures would be streamlined, and fines up to $10,000 per day of violation of water quality standards would be authorized.

Time-consuming and cumbersome enforcement procedures remain in the law. The need for the President's proposals to cover additional waters and to expedite enforcement becomes greater day by day.

The administration's second proposal would provide a 4-year Federal funding program of $4 billion for the cost of the construction of waste treatment facilities. The Federal Government would enter into "grant agreements" with the municipalities up to $1 billion a year for 4 years. These "grant agreements" would be obligations of the Federal Government to be satisfied as any other debt obligation. The problem of "reimbursables" would be solved, and local and regional authorities would be able to plan on a long-range basis. The allocation formula would be revised so the money could be used where it would do the most good in enhancing the quality of our waters.

Municipalities and regions are encountering increasing pressures for commitments for waste treatment facilities. Assurance of funds is necessary for adequate planning, and they still do not have the benefit of this assistance.

To assist local communities to participate in the Federal program, this program would be complemented by the Environmental Financing Authority, which would be established in the Treasury Department. EFA would have authority to purchase waste treatment bonds from municipalities which are unable to sell their bonds on the open market at a reasonable rate, provided such treatment

works qualify for Federal financial assistance under the $4 billion program.

Without EFA those communities which are financially strapped remain so, and thus are unable to go ahead with plans for waste treatment facilities even though the need grows daily.

The fourth proposal would provide additional financial assistance to State and interstate programs so that substantial improvements could be made. Funds for this purpose are now limited to $10 million. This amount would be tripled over a 5-year period.

Again, lack of funds resulting in lack of adequate resources hinders the development of State and interstate water pollution programs.

I cannot understand the Democratic leadership's apathy in a matter of such vital importance to each and every man, woman and child in our Nation, and to all future generations as well.

The demand for our water resources grows daily. Pollution of our waters is serious throughout the Nation and in many areas is crucial.

Despite the rhetoric and the urgent need for high priority consideration of the President's program to abate water pollution, the Democratic leadership has shelved it without any consideration whatsoever. At best, the battle not only to save our waters from further degradation but also to enhance their quality will be long and difficult. The President's programs are needed today—not tomorrow.

At the same time that the Democratic leadership has been giving lip service to the need for control of water pollution and patting themselves on the back for their "holier than thou" attitude, the President and those working for him have been attempting by administrative action to accomplish the cleanup of America's waterways. To illustrate this, I have a chronological list of the actions taken by the Nixon administration to clean up the waterways. This list fills five type-written pages and contains some approximately 30 actions taken by the Republican administration in the area of water pollution since last fall. Despite the diligence on the part of the Nixon administration and the Republican Members of this House, we have been unable to budge the leadership in obtaining hearings on these necessary and vital proposals. I would like to invite the attention of the Members of the House to the fact that both Representative WILLIAM C. CRAMER, the ranking minority member of the committee, and myself, have repeatedly requested these hearings both in person and by letter—yet no hearings have been scheduled.

I ask one question of this body and that is "How long?" How long are we to be ignored? How long are the conditions of the Nation's waterways to be neglected? How long are we to hide our heads in the sand and presume that legislation that was enacted by Congress has no need of revision; particularly when the wisdom gained by observation or experience, by reports from the General Accounting Office, and by our own eyes and even noses tell us that examination of our water pollution control programs is necessary? How long are we to ignore the advice of our experts—and that is not only the experts downtown in the administration, but the experts responsible to Congress in the General Accounting Office?

Mr. Speaker, I say that the Democratic leadership of this body has ignored this condition too long. It is time to act and to act swiftly. The situation that has been created by the willful disregard of the need for investigation of the President's suggestions has become intolerable. I say, Mr. Speaker, it must be ended now.

ESTABLISHING THE DWIGHT DAVID EISENHOWER SQUARE IN WASHINGTON, D.C.

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING), is recognized for 10 minutes.

Mr. GOODLING. Mr. Speaker, I am proud to make the announcement that I have today, on Dwight D. Eisenhower's birthday, introduced a joint resolution that would establish the Dwight David Eisenhower Square in Washington, D.C., generally located at the intersection of Connecticut Avenue and Kalorama Road, Ashmead Place and Belmont Road NW., and incorporating Federal Park Reservation 303A and B, consisting of 19 one-hundreths of an acre of U.S. park land as shown on the National Park Service location may for the District of Columbia.

Dwight D. Eisenhower was, as we are all so keenly aware, a remarkable individual who became an institution in his own lifetime.

Here was a man whose entire adult life was dedicated to the service of his country—first, as a soldier, culminating in his defense of human liberty as commanding general of the Allied Expeditionary Force in Europe during World War II; then, at home, as president of Columbia University; later, as the first supreme commander of the forces of the North Atlantic Treaty Organization; still later, as President of the United States for 8 years, between 1953 and 1961; and finally, in retirement, as author, elder statesman, and respected counselor to the Nation.

It is customary in France and other countries of Europe to name streets and squares after great countrymen. It is, indeed, ironic that no such designation has been effected in the Capital City of Washington, D.C., because here is a man who unquestionably left a mark of greatness on this city. My resolution is designed to correct this deficiency.

I feel it is proper for me to introduce such a resolution paying a modest tribute to Dwight D. Eisenhower because I had the high honor of having him as my constituent in the 19th Congressional District of Pennsylvania. Interestingly, too, the ancestors of Dwight D. Eisenhower sought refuge in the Commonwealth of Pennsylvania in 1732 from the recurring wars of Europe, having settled along the banks of the Susquehanna River in an area that is in my congressional district. These forebears remained in that area until 1878, when they left to settle in Kansas.

I would also like to report that my resolution provides for the erection of an appropriate statue in the Dwight David Eisenhower Square. Such a structure would provide a proper emphasis for this square.

I consider it a high honor to introduce this resolution that is designed to pay proper tribute to Dwight D. Eisenhower who, as one of seven sons of a mechanic in the Midwest, made a great contribution to all of mankind and who, in turn, won the respect and love of citizens throughout the world.

I sincerely hope the Congress extends this legislation the expeditious consideration it deserves.

EDUCATIONAL PROGRAMS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 20 minutes.

Mr. HOGAN. Mr. Speaker, during the 91st Congress this body has been called upon twice to override vetoes on appropriation bills containing funds for assistance to the Nation's educational programs. My votes on both of these occasions represented very difficult decisions, inasmuch as I agree with President Nixon that we must cut Federal spending and maintain a balanced budget to curb inflation.

On the other hand, I place a high priority on the education of the children of this Nation. While we must cut spending, education is one area which most richly deserves generous funding. Providing education for our children is to give them the greatest gift of all: The means to make their own way in the world. Halfhearted backing of their education is no gift at all—but rather a denial of their future and that of our Nation.

For these and other reasons, I also supported the Joelson amendment to the fiscal year 1970 HEW appropriation bill which increased by $894.5 million the education funds in that bill for impact aid programs, school libraries, equipment, guidance and counseling, supplemental education centers, vocational education, undergraduate construction, and student loans.

When voting on these occasions, in addition to considering the best interests of the Nation as a whole, I weighed carefully the educational interests of the Fifth District of Maryland these funds and their appropriation to be of vital importance to Prince Georges and Charles Counties.

Because of the concentration of Federal facilities and jobs in close proximity to or within the Fifth District, the Prince Georges and Charles County school systems have regularly received large amounts of funds under the impact aid authority of the Elementary and Secondary Education Act. In supporting the Joelson amendment, I voted to increase to 90 percent the funding of the authori-

zation for impact aid, and to restore funds for category B students—children whose parents work but do not live on Federal property—which were completely eliminated from the appropriation bill. Since it is from this funding category that Prince Georges and Charles Counties derive the large majority of their funds, their deletion from the bill would have meant a loss of over $8.5 million for Prince Georges and Charles Counties.

I defended the funding of section B at that time by pointing out that the argument that no impact aid money should be given for those students whose parents pay real estate taxes to the local jurisdiction begs the question. The Federal facility which employs those parents pays no real estate taxes. On the contrary, these Federal installations occupy land which would usually be occupied by commercial or industrial taxpayers. To me, that argument is specious. The school systems, in Prince Georges and Charles Counties particularly, are under tremendous stress as a result of population growth which has required the construction, equipping, and staffing of new schools at an unprecedented rate. Because this population growth is due in large measure to growth of the facilities of the Federal Government where parents of so many of the children in our schools are employed, it seems inequitable for local school systems to shoulder the financing of this growth.

At the time President Nixon vetoed the fiscal year 1970 appropriation bill, our schools were already more than half way through the school year and both counties in my district had counted on having these funds for the 1970 school budget.

As the representative for a district which receives more than $12 million in impact aid funds, I feel that it would be irresponsible to pull the rug out from under the school systems by eliminating such a large dollar amount in one action. Gradual phasing-out of category B funds is a more realistic solution than immediate elimination of all such funds as the President's budget proposed. In my statement to the Education Subcommittee of the House Education and Labor Committee in connection with its hearings into impact aid reform, I stressed this point strongly.

With one exception—where the issue of busing students was involved—I have voted for all educational bills considered by the House during the 91st Congress. These included the following:

A 2-year extension of aid to elementary and secondary education programs at $5.3 billion per year.

Extension of financial aid for medical libraries through fiscal year 1973.

The Joelson amendment adding $894.5 million to the fiscal year 1970 education appropriation bill.

Pay raise bill for District of Columbia teachers.

Authorizing a National Center on Educational Media and Materials for the Handicapped.

Incentive payments up to 3 percent to lenders making guaranteed student loans at 7 percent.

Grants and assistance to education programs for talented and gifted children.

Remedial education programs and supportive services to help children with specific learning disabilities.

Special education programs and activities concerning the use of drugs.

National Commission on Libraries and Information Science.

To override President Nixon's veto of HEW fiscal 1970 appropriation bill.

Revised HEW fiscal 1970 appropriation bill.

To override President Nixon's veto of fiscal year 1971 education appropriation bill.

In regard to the exception, my "nay" vote was cast, not in opposition to funding or the basic provisions of the appropriations bill involved, but in protest against certain language relating to the buying of students to achieve artificial racial balance in the schools.

The fiscal year 1970 Labor-HEW appropriation bill passed the House on July 31, 1969, containing provisions which I supported to prohibit the use of funds to force busing of students, abolishment of any school, or assignment of any elementary or secondary school student against the students' or parents' choice, and forbidding busing as a condition precedent to obtaining funds.

When the conference report on this legislation returned to the House on December 22, however, it had been amended by the Senate so as to render ineffective the antibusing provisions which I supported. Therefore, I voted against this conference report. This was the bill later to be vetoed by President Nixon.

I have stated time and time again that while I am vigorously opposed to school segregation, I am also equally opposed to interfering with the education of children to artificially achieve integration through busing.

The long-term problem is the underlying social malignancy of racial prejudice. It makes absolutely no sense to mix the problem of education with the problem of racial prejudice. It is grossly unfair to the children to bus them from all-black neighborhoods to an all-white school for the purpose of bringing the races together, when, at the end of the school day, the Negro children are bused back into the all-black neighborhood.

We must solve the overriding societal problem of eradicating the all-black neighborhoods and the flight of whites deeper into suburbia, rather than gloss over this problem with a short-term school desegregation proposal. We must solve the problems of the communities, of housing, of job opportunities, as well as the problem of integrating our educational system.

Even in my work with the House District Committee I have had an opportunity to look into the problem of the District of Columbia school system and consider related legislation.

As a member of the District Committee I proposed and fought for legislation to increase the salaries of teachers, officers, and other employees of the Board of Education in the District of Columbia retroactive to September 1969. Although I was successful in securing approval of my pay scale by the subcommittee, it was knocked out on the floor of the House by a committee amendment. I felt it would have gone a long way toward eliminating or reducing the teacher turnover problem, particularly in the middle steps where turnover is the greatest. Unfortunately, the District of Columbia in the past has lost many valuable teachers because the pay scales for the District school system could not offset the attractive salaries and working conditions elsewhere. The pay scale I had proposed would have better enabled the District to compete with these other schools for the best teachers. I consider this a very necessary step toward curing the ills of the District schools. I strongly urged prompt enactment of the House-passed bill and supported it in conference and in the House.

In the further interests of the District of Columbia school program, I have cosponsored legislation to authorize the District of Columbia to enter into the interstate agreement on qualification of educational personnel, which will increase the availability of education resources and manpower for the District.

Also, I have cosponsored legislation making available certain properties in the district for use as a site for the Washington Technical Institute.

In May 1969, I joined 21 other Members of Congress in a study and discussion tour of over 50 college campuses across the country, obtaining firsthand information regarding the problems of our campuses and receiving a more enlightened understanding of the problem of unrest among our young people.

I personally came away from this study with a much greater sense of awareness—awareness, not only of the myriad problems on our campuses, but of the urgency of the problem. I was alarmed to discover that this problem is far deeper and far more urgent than most realize and that it goes far beyond the efforts of organized revolutionaries. At the same time, I was encouraged by the candor, sincerity, and basic decency of the vast majority of the students we met.

Those of us who are outside the university community have a vital stake in the effects of campus unrest on our society so we must keep open all channels of communication which are available to us.

I was most impressed with the widespread spectrum of alienation. The awesome finding is that the alienation does not affect only the vociferous, dissident 2 percent, but rather, our observation is that the so-called "apathetic" 98 percent are also becoming alienated from and disenchanted with the society which we are bequeathing to them. Even more frightening is the fact that many of these dedicated, bright students have not rejected completely the view that they should resort to violence. Unfortunately, they can point to some campuses where violence has produced results. The idea that campus violence comes from only a few is thus reduced to the realm of myth.

It is this finding which particularly underscores my repeated emphasis on increased communication because these young people are intelligent, and socially aware. The crux of our problem is that to a large extent they are an alienated generation.

Among the specific recommendations made by the group to President Nixon were: Lowering of the voting age to 18, draft reform, establishment of a Commission on Higher Education, open communication between Federal officials and the university community, encouragement of student participation in politics, expansion of opportunities for student-community involvement, and coordination of all present Federal youth programs through one central office. Many of these things have been accomplished since then.

Subsequent to the tour, I joined several of the participating Congressmen in introducing the Student Teacher Corps Act of 1969, thereby carrying out one of the recommendations of the Task Force. I and the other Members feel the student-teacher concept in concert with the Teacher Corps, can be a valuable tool to tap student potential and expand the learning opportunities for the disadvantaged.

President Nixon was also impressed by the Student Teacher Corps proposal, and in giving his endorsement he said:

> It represents the kind of helping hand needed across the Nation.

The one conclusion which received the overwhelming support of all the Congressmen who participated in that study mission, was that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression. It can no more be tolerated in the educational community than in the community at large. If there is to be orderly progress and a redress of legitimate student grievances, student violence must be averted.

I repeat that lawlessness cannot be tolerated. Laws are the very fibers which hold a civilized society together and, while everyone has the right to try to change the laws through the prescribed legislative process, until they are changed they must be obeyed by all citizens.

It is my firm belief that there is no room on our college campuses for those who wish to protest through violence, destruction and injury. My disappointment with many college administrators is that they have not taken steps to deal with the disruptive element on the campuses. For this reason I supported an amendment to the HEW appropriation bill for 1970 which excluded any use of funds appropriated therein for a loan, loan guarantee, grant or salary for any individual at an institution of higher learning engaging in conduct involving the threat, use of, or assistance to, others in the use of force, or the seizure of college property to interfere with college curriculum, or to prevent college personnel from engaging in their duties or pursuing their studies. In addition, this amendment prohibited funds to any institution of higher learning not complying with existing law in regard to the treatment of campus disruption.

The damage done to our higher education system by the violent and disruptive minority is not limited to loss in dollars or even lives, but includes the irreparable loss of the support of the American people for education. This faith of the American public must be restored and to accomplish this, it will take the combined energies of the apathetic and concerned, law-abiding majority of our student bodies to make certain that order is maintained on our campuses.

I hope in the next Congress we can make more progress than we did in this one toward solving these problems.

OPERATION KEELHAUL, THE FREEDOM OF INFORMATION ACT AND THE CASE OF EPSTEIN AGAINST RESOR

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, the legal documents which follow these remarks include the briefs, memorandums, and decisions in the case of Epstein against Resor in which the appellant, Julius Epstein, an historian and now research associate at Stanford University's Hoover Institution on War, Revolution, and Peace, sought release of a U.S. Army file on the forced repatriation of Soviet citizens from German camps during and after World War II. The plaintiff's arguments were based on the Freedom of Information Act which went into effect on July 4, 1967, and which specified various classifications of information which could not be withheld from the public.

The case of Epstein against Resor deserves our consideration because it calls into question the workability of the Freedom of Information Act as now constructed. More important, Mr. Epstein estimates that between 2 and 5 million people in prison camps in Germany, Great Britain, Canada, and the United States were forcibly shipped back to the Soviet Union against their wishes to face death or concentration camps at the hands of the Soviet slavemasters. What American officials were responsible for the forced repatriation and what were the arguments used to justify this policy? Can such arguments be used today to repatriate against their wishes POW's from North Vietnam now in South Vietnamese camps? Or, which is more feasible can the North Vietnamese point to the fate of the Operation Keelhaul victims to discourage their own troops from defecting to the Americans and South Vietnamese?

On May 7, 1953, the late Gen. Dwight D. Eisenhower summarized what I believe are the feelings of most Americans on the policy of forced repatriation:

> People that have become our prisoners cannot by any manner of means be denied the right on which this country was founded . . . the right of political asylum against the kind of political persecution they fear . . . consequently, to force those people to go back to a life of terror and persecution is something that would violate every moral standard by which America lives. Therefore, it would be unacceptable in the American code, and it cannot be done.

Why, then, did the United States participate in such a program as outlined in the Operation Keelhaul file, and how was this episode in our history brought to public attention? I cannot, of course, answer the first question, but it was mainly through the efforts of Julius Epstein that Operation Keelhaul has received publicity.

Educated at the Universities of Jena and Leipzig in Germany, Mr. Epstein fled Nazi Germany in 1939 and later served with the Office of War Information as an editor. Still later, as a foreign correspondent he contributed articles to various publications, including the New York Herald Tribune, the Los Angeles Times, and National Review. In 1949 Mr. Epstein did battle with Soviet apologists in the United States when he charged in a series of articles that the Soviets and not the Nazis killed thousands of Poles in the Katyn Forest massacre. Elmer Davis, who had headed the Office of War Information during the war, and others held that the Germans perpetrated the butchery. When a select committee of the House of Representatives held extensive hearings on the massacre, they found that the Soviets had indeed committed the crime, confirming Mr. Epstein's claims. Because of his interest in immigration and refugee problems, he has testified before various congressional committees, and in 1959 was appointed by the Eisenhower administration as a member of the White House Conference on Refugees. It was in 1954 that Mr. Epstein by chance disscovered a reference to a file entitled "Operation Keelhaul" and since that time has sought unsuccessfully to review the file for his historic research. He will soon have published a book on this subject with the title "Operation Keelhaul—The Story of Forced Repatriation."

Due to the pending release of his book and because of the length of the following legal documents, a detailed account of the forced repatriation and the Epstein against Resor case is inadvisable. However, three recent insertions on the subject appear in the CONGRESSIONAL RECORD on July 22 at page 25505 September 24 at page 33720, and September 30 at page 34487.

The case of the Soviet nationals in German custody at the end of the war was unique. Many had fled to the Germans after June 1941, when Nazi Germany launched her attack against the Soviet Union. Stalin, upon learning of the large numbers who were surrendering, issued a top secret order in which he admitted that "on all fronts there were people given to panic, going over to the enemy and throwing away all their weapons." In a later order he declared that all Soviet soldiers who became German prisoners were judged to be traitors. Svetlana Alliluyeva in her book "20 Letters to a Friend" commented on the treatment of Russian soldiers taken by the Germans:

> Yakov's little girl Gulia was reunited with her mother, who had spent two years in prison under the statute providing for punishment of relatives of those who had been taken prisoner. (Everyone who was taken prisoner, even if they'd been wounded, Yakov was, was considered to have 'surrendered voluntarily to the enemy.')—Is it any wonder that when the war ended many of them didn't want to come home?

One large group of Soviet nationals who had additional reasons for not returning to the Soviet Union were the more than 2 million who had joined the

so-called Vlasov army, organized by Gen. Andrei Vlasov, who before his capture by the Germans in 1942, had been decorated by Stalin for his role in the successful defense of Moscow. With the help of the Nazis, General Vlasov publicly proclaim a Russian national liberation movement and invited other of his compatriots to join in overthrowing the Stalin regime. With other Soviet nationals, General Vlasov, in his Smolensk manifesto made 13 demands of the Soviet regime which included the abolition of forced labor and all collective farms, freedom of religion, conscience, speech, assembly and press, among other things. One can only conjecture how many more millions would have joined General Vlasov if the invading Nazis had not turned out to be as brutal to the Russian people as had the Soviet leaders in the years before.

According to Mr. Epstein, the Vlasov army had less than 50,000 men actually armed and organized as a fighting unit, and after one battle on the eastern front and without the approval of the Nazis they turned and marched west to Czechoslovakia. In May 1945, Vlasov's troops liberated Prague from the Nazis. An American correspondent's eye-witness account, appearing in the Saturday Evening Post, stated in part:

Prague really was liberated by foreign troops, after all. Not by the Allies who did not arrive until the shooting was all over, but by 22,000 Russian outlaws wearing German uniforms. The leader of these renegades was General Vlasov, a former hero of the Red Army.

Mr. Epstein, in his synopsis of his forthcoming book, reports that General Vlasov after the German capitulation in May 1945, marched south toward the American forces in answer to the Allies invitation that surrender would result in fair treatment according to the Geneva Convention. Before the downfall of the Nazis, the Americans and British had dropped million of leaflets and so-called safe-conducts, signed by General Eisenhower inviting the Germans and those who had fought with them, including the Vlasov troops, to lay down their arms in exchange for fair treatment. Mr. Epstein, in his book states that the War Department at first promised the Vlasov troops in its leaflets "speedy return to your beloved fatherland"—the very fate they feared most. Later other leaflets were dropped on Vlasov's troops promising that "we shall never return you to the Soviet Union."

Vlasov's troops, sad to say, were among those Russian nationals who were forcibly repatriated to the Soviet Union.

To say that U.S. policy toward the repatriation of Soviet nationals was confused from 1944 on is to put it mildly. Dr. Frederic N. Smith, whose dissertation for a doctorate of philosophy at the Graduate School of Georgetown University was expressly on the American role in the forcible repatriation of Soviet citizens after World War II, states that the fate of the Soviet nationals after the war was being given serious consideration in 1944:

By September, it was abundantly clear that the defeat of Nazi Germany was near. A member of the International Red Cross delivered to the United States Legation in Switzerland a lengthy memorandum relative to the problem which Russians and others of Soviet citizenship would face after the impending Allied victory. Being of Baltic parentage, and having good contacts with both the Germans and the Soviets, he was able to present a very astute analysis, which proved to be a remarkably accurate forecast of what actually took place.

Dr. Smith went on to say that—

In his memorandum he gave a figure of 1,500,000 as the number of Soviet citizens who had been recruited for service with the Germans. He went on to mention the work of the National Alliance of Solidarists or the NTS among these people, which I have previously mentioned. He further expressed the opinion that the NKVD or secret police would deal harshly with these persons, based upon their performance in areas "liberated" from the Germans up until that time. He went on to state that these people "have been told again and again that, should they surrender, they risk being delivered by the Anglo-Saxons into the hands of their Soviet ally." (The preceding quote is from a letter from the U.S. Legation in Switzerland to the State Department dated September 30, 1944.)

Dr. Smith concluded this passage with this provocative observation:

The memorandum ends with a plea that the International Red Cross work through the Allied governments in order to save these people. Obviously, this memorandum was ignored or not properly considered. I can say, however, that it was seen by those responsible for policy in this regard, as I did observe their initials on the communication.

If the research of Mr. Epstein is correct, the above memorandum was several months late, for Mr. Epstein in the synopsis of his book states:

The truth is that forced repatriation of Soviet nationals by the Americans and British started in June, 1944, eight months before the Yalta Agreement was signed.

To add further to the confusion, on February 1, 1945, 3 days before the Yalta Conference, Acting Secretary of State Joseph C. Grew told the Soviet representative in Washington in writing that—

We will never return these people. We cannot repatriate these people, because this would be a gross violation of the Geneva Convention. They were captured in German uniforms, and the Geneva Convention does not permit us to look behind the uniform.

When Mr. Grew informed Secretary of State Stettinius of the note to the Soviet diplomats here in Washington, Mr. Stettinius wired back from Yalta that the United States had to sign the agreement on the exchange of prisoners in order to get back American POW's captured by the Germans and then in Soviet custody.

Upon recent inquiry, I was informed by a source serving in the State Department at that time that the exchange of Soviet nationals to the U.S.S.R. was to be limited to those actually caught wearing German uniforms.

In April 1945, according to U.S. Army documents cited by Mr. Epstein, the policy of forcible repatriation was officially carried forth. In one document compiled under the authority of the Army chief historian and chief archivist, this passage appears:

The principle of forcible repatriation of Soviet citizens was recognized in Supreme Headquarters in April 1945. Although the Yalta Agreement did not contain any categorical statement that Soviet citizens should be repatriated regardless of their personal wishes, it was so interpreted by the Joint Chiefs of Staff. On instructions from the latter, Theater headquarters ordered repatriation regardless of the individual desire.

The Chairman of the Joint Chiefs of Staff at that time was Gen. George C. Marshall.

The second document cited by Mr. Epstein was distributed to all our European Army posts in May 1945, and read in part:

After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes.

Another excerpt from the document stated:

Enemy and ex-enemy displaced persons, except those assimilated to United Nations status, will be returned to their countries of nationality or former residence without regard to their personal wishes.

As the above statement from the first document states, and as Mr. Epstein has pointed out, the Yalta Agreement did not expressly provide for the use of force to repatriate Soviet citizens. Furthermore, if one of the conditions for repatriation was being apprehended in a German uniform, it is pertinent to ask how many Soviet civilians not caught in German uniforms were actually shipped back to the U.S.S.R.

The importance of the Epstein against Resor case stems from the fact that it is the first test case to be carried to the U.S. Supreme Court concerning the Freedom of Information Act of 1967. Journalists, historians, legislators, lawyers, and Government officials have an interest in the workability of the act and whether amendments to enhance its utility are in order. The historic problem of national security versus the public's right to know is central to the issue. Briefly stated, the Operation Keelhaul file has been classified as "top secret" under an executive order which protects Government records classified in the interest of national security or foreign policy. Mr. Epstein argues that the file is over 20 years old and the national security or foreign policy restriction seemed to be absurd. Mr. Epstein further contends that under the Freedom of Information Act it was the intent of Congress that a U.S. district court would review the file and make a judgment as to whether it was properly classified. The courts have ruled that this was not the intent of Congress. It is evident, then, that the case history of Epstein against Resor is of the utmost importance in further clarifying by amendment, if necessary, the intent of Congress regarding this act or other changes deemed necessary to protect both the interests of the Nation regarding national security and the availability of Government information to which the public is entitled.

A summary of the Epstein against Resor case appears on pages 34487 through 34492 of the September 30 CONGRESSIONAL RECORD, and there follows the texts of the various legal documents which comprise this all important case.

The aforementioned material follows:

[United States District Court for the Northern District of California Southern Division]

JULIUS EPSTEIN, PLAINTIFF, VS. STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANT.

COMPLAINT

1. This action arises under the Administrative Procedure Act of 1946, as amended, Section 3, 60 Stat. 238, U.S.C., Title 5, Sec. 1002. The jurisdiction of this Court is founded on those sections. Plaintiff in fact resides in the County of Santa Clara, State of California, within the Southern Division of the Northern District of California.

2. On or about July 22, 1967, and at times thereafter, plaintiff requested that defendant make available to plaintiff a file in the possession and under the control of defendant, described as "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul."

3. Plaintiff's request was made pursuant to Section 3 of the Administrative Procedure Act of 1946, as amended, 60 Stat. 238, U.S.C., Title 5, Sec. 10002.

4. Plaintiff has been willing to perform all conditions on his part to perform in order to obtain said file.

5. Defendant has improperly withheld said file from plaintiff contrary to the provisions of said Act.

Wherefore, plaintiff requests judgment enjoining the defendant from withholding from plaintiff the file entitled "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul"; and for costs incurred in this action.

Dated: March 20, 1968

AFFIDAVIT

John E. Moss, being first duly sworn, deposes and says: That I am a United States Congressman from the State of California; that on June 9, 1955, a House Government Information Subcommittee, with myself as Chairman, was established to investigate charges that Federal agencies had withheld information from those entitled to receive it; namely, the American public; it was discovered by the subcommittee that agencies, in refusing to permit public disclosure, were citing as authority 5 U.S.C. Section 301, which provided that the head of each department was authorized to establish regulations concerning the performance of his department business and the use of its records; Congress amended that statute in 1958 to make it clear that the statute could not be relied upon as legal authority for the withholding of information from the public; the agencies, however, then began relying on the restrictive reading of Section 3 to deny this disclosure; subsequent hearings on the availability of Government information were held by my subcommittee and by the Sentae Subcommitee on Administrative Practice and Procedure; since 1957, each succeeding Congress had before it a bill to substantially revise Section 3 of the Act; after nine years of hearings and debate before the two Subcommittees, Congress passed a new Public Information Law; it was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions.

[United States District Court for the Northern District of California, Southern Division, Civil No. 48962]

JULIUS EPSTEIN, PLAINTIFF, VS. STANLEY RESOR, ET AL., DEFENDANTS

MEMORANDUM IN SUPPORT OF THE MOSS AFFIDAVIT

Plaintiff, in defense of its position that the Government must prove the proper classification of "Operation Keelhaul" as Top Secret, has submitted to the Court an Affidavit from Congressman John E. Moss, Chairman of the House Committee under which the Freedom of Information Act was initiated, and the author of the bill. The Government has challenged the relevancy of the Affidavit.

The primary rule of construction of statutes is to ascertain and declare the intention of the legislature. See for example, *U.S.* v. *Cooper Corp.*, 312 U.S. 600, and *U.S.* v. *Alpers*, 338 U.S. 680. It is clear that committee reports may be considered in determining the intent of the legislature where a doubt as to the statute's proper meaning exists. See for example, *Wright* v. *Vinton Mountain Trust Bank*, 300 U.S. 440.

As a general rules, it is permissible in the construction of a statute to resort to statements by members of the Congress, generally a committee member or chairman in charge of having the bill passed. The courts generally regard explanatory statements by such persons as belonging to the same category as committee reports. See *Wright* v. *Vinton*, ante; *Helvering* v. *Bell Oil Syndicate*, 293 U.S. 312; and *Union Starch and Refining Co.* v. *N.L.R.B.*, CA 7th 186 fed. 2nd 1008.

Statements by the author of a bill have been held proper for consideration as showing the conditions or history of the period or the "mischief which it was intended to remedy and thus, throw light on its proper interpretation." *Jennison* v. *Kirk*, 98 U.S. 453; *Helvering* v. *Griffiths*, 318 U.S. 371; and *N.L.R.B.* v. *Wine, Liquor and Distillery Union*, (2nd Cir.) 178 2nd 584.

It is clear from the above case law that Congressman Moss' Affidavit can be properly considered by the Court in determining the intent of Congress.

[U.S. District Court for the Northern District of California, Southern Division]

JULIUS EPSTEIN, PLAINTIFF, *v.* STANLEY RESOR, ET AL., DEFENDANTS

Civil No. 48962, memorandum in opposition to defendant's motion to dismiss.

I. PRELIMINARY STATEMENT

Plaintiff, an historian who is now a research associate at Stanford University's Hoover Institution on War, Revolution and Peace, has filed suit pursuant to Section 3 of the Freedom of Information Act, 5 USC § 552, seeking the production of a 1948 U.S. Army report entitled "Operation Keelhaul" from the Department of the Army. Plaintiff, who was educated at the Universities of Jena and Leipzig, Germany, served as an editor with the Office of War Information, and later became a foreign correspondent after fleeing Germany in 1939. He has contributed articles to various publications including the *New York Herald Tribune*, the *Los Angeles Times* and the *National Review*, among others, and is presently preparing a book on forced repatriation of anti-Communists to the Soviet Union after World War II. (See Exhibit A, Affadavit of Plaintiff). In 1959, he was appointed by the Eisenhower Administration as a member of the White House Conference on Refugees. In this regard, he drafted a bill for the creation of a select House committee to investigate past and present forced repatriation. (See Exhibit B)

In 1956, plaintiff, in testifying before a Senate subcommittee about the existence of "Operation Keelhaul" said that he had been trying to obtain the file since 1954. Members of the subcommittee were also unable to obtain it. The file is believed to contain information dealing with about 900,000 Communist Russians who were allegedly forceably repatriated from Germany to the Soviet Union at the end of the war, and who are believed to have been either executed or died in slave camps after their repatriation.

The file has been classified "Top Secret" since 1948, and remains so classified today, even though the file is twenty years old and obviously has no present bearing on national defense, foreign policy, or any other requirement for such a classification.

II. STATEMENT OF FACTS

In view of the public ignorance about "Operation Keelhaul", plaintiff accepts generally the statement of facts set forth in the Department's opening brief. It is not disputed that the file was "generated by the Allied Force Headquarters". Classification of the Allied Force Headquarters as an "international organization" is challenged, however.

It is agreed that the documents requested by plaintiff have been classified "Top Secret" pursuant to the provisions of Executive Orders 10501 and 10964. Exception is taken, however, to the Government's position that the documents are not subject to unilateral regrading by the United States and that they are "Top Secret in the interest of national defense or foreign policy", a prerequisite to such classification. Its continued classification is in violation of the requirements of the Executive Orders.

The facts as set forth on pages 5 and 6 of the Department's brief are correct except the allegation that plaintiff's request has not been denied. It has been denied continuously from 1954. (See Exhibit C, Correpondence, especially the Department's letters of August 3, 1955, April 6, 1966, August 7, 1967 and October 4, 1967) The Court's attention is called also to the numerous references to the unlimited amount of time during which plaintiff must wait for the Department to take up these matters with the British Government, review each document, one by one, and proceed then with an unduly long and unnecessary administrative appeal.

III. THE STATUTE INVOLVED

5 USC § 552, effective on Independence Day, 1967, provides in part that each agency shall make information available to the public as follows:

(3) . . . each agency, on request for identifiable records . . . *shall* make the records *promptly* available to any person. On complaint, the District Court of the United States . . . has jurisdiction to enjoin the agency from withholding any records improperly held . . . in such a case the court *shall* determine the matter *de novo* and the *burden is on the agency* to sustain its action. . . . Except as to causes the court considers of greater importance, proceedings authorized by this paragraph take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

But the above does not apply to matters that are "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy."

IV. THE ISSUES TO BE DETERMINED

The three major issues to be determined by the Court are the following: (1) Does the classification of documents as "top secret" within the above-mentioned executive orders automatically prohibit their disclosure pursuant to the first exception of the Act (Section 4(b)(1)), as the Department urges (see defense brief, page 12, lines 8–20) or may the District Court look behind the classification at its reasonableness in order to give effect to the plain language, purpose and intent of the Act? We believe the latter view must prevail if the Freedom of Information Act is

not to be repealed by judicial decision or governmental bureaucracy.

(2) Has the Department carried its burden of proof as required by the Act on the issues raised below?

(3) Must plaintiff wait another 14 years to have his request determined by the Department and before he may bring suit? We believe the plain language of the Act in addition to its purpose and intent requires a negative answer to issues 2 and 3.

V. ARGUMENT

A. *Jurisdiction to Review.*—First, it is clear that the District Court has the power to examine the basis of and apply a test of reasonableness to the Department's contention and conclusion that the documents being sought fall within the Executive privilege exemption. Section 3 of the Act specifically orders the court to conduct a trial *de novo* and examine the facts, documents and files in question in order to make a determination of whether the claimed privilege and exemption are proper—i.e., whether the Department has sustained its burden of proof.

The Supreme Court of the United States in *U.S.* v. *Reynolds*, 345 US 1 (1953), held that when a government privilege was claimed, the court has jurisdiction to determine whether the circumstances are appropriate and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. In proscribing a test, the Supreme Court stated that the District Court could review the documents in issue to determine the privilege unless "injurious disclosure would result." In the *Reynolds* case, newly developed secret Air Force electronic devices were in issue and the court took judicial notice that it was "a time of vigorous preparation for national defense." In the case at bar, a twenty year old file dealing with the repatriation of prisoners in World War II is in issue. Clearly, nothing here reaches the question of national defense or foreign policy which might result in injurious disclosure.

The above, coupled with the express language of the Statute placing the burden of proof on the agency to sustain its refusal, clearly gives the District Court power to examine and review the file itself, to determine whether the privilege should be granted or whether the documents should be disclosed.

B. *Policy Demanding Review.*—After determining it has power to examine the reasonableness of the Department's claim of privilege, the court must decide whether it should exercise that power. We believe that power must be exercised in order to give effect to the Act.

The purpose of the Act and its history are clearly set forth in Senate Report No. 813, 89th Congress, 1st Session (1965). Senator Long, after noting the desirability of "public information" and the necessity for an informed electorate being vital to the operation of a democracy, stated that the prior Section 3 was "full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information is withheld only to cover embarrassing mistakes or irregularities . . . It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure . . . and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld . . ."

It was the intention of the Senate to make the new Section 3 a "disclosure" rather than a "withholding" act.

An interesting analysis of the Act and its legislative history is found in 34 University of Chicago Law Review 761 (1967) in an article entitled "The Information Act: A Preliminary Analysis". The Attorney General's Memorandum printed in June 1967, which analyzes the Act sentence by sentence and is intended to guide the agencies' practice under the Act, reflects the point of view of the agencies, all of whom opposed enactment. The courts, however, must use the Senate Committe report and the plain language of the Statute as a guide for interpretation and preservation of the Act.

The language of the Act is as plain, simple and straight-forward as is its purpose. Only in its application do problems arise, due primarily to the reluctance of the various governmental agencies to abide by its purpose and intent.

C. *The Department's Failure to Carry Its Burden of Proof.*—The Department has denied plaintiff's request based upon the language of the Act, which specifically exempts from disclosure information required by Executive Order to be kept secret in the interest of national defense and foreign policy. Plaintiff does not contest the validity of such an exception, only its application herein. The above legislative history was set forth to show the purpose of the Act and to further show the general attitudes of noncompliance of the agencies. The Department proceeds with its argument through a series of quotations from various documents. Analysis indicates a general intention to circumvent the Act.

In quoting Executive Order 10501, official information which requires protection "in the interest of national defense" is limited to three classifications, one of which is "Top Secret". The use of the "Top Secret" classification is to be authorized, however, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation, such as . . . an armed attack, . . . or the compromise of military or defense plans, . . . or scientific or technological developments vital to the national defense.

First, the Department has not attempted to show that the classification of the file sought as Top Secret satisfies the above requirements. No effort was made to carry the burden of proof on this issue because the information sought by plaintiff can in no way be considered to fall within those requirements.

The Department then goes on to quote from Section 3 on classification: "Unnecessary and over-classification shall be scrupulously avoided". Again, no effort is made to prove that this requirement has been satisfied in view of the information being sought.

In support of itself, the Department quotes sub-section (c). To fall within this requirement, it must be shown that we are dealing with (1) defense information of a classified nature, (2) furnished to the United States by a foreign government or international organization. No proof has been offered that these requirements are satisfied. We believe they are not.

Counsel's brief then goes on to Section 4 of the Executive Order dealing with declassification and downgrading. It appears to rely on Section 4(a)(1) Group 1, which states that information originated by foreign governments or international organizations and over which the United States has no jurisdiction cannot qualify for automatic downgrading. Plaintiff also denies that "Operation Keelhaul" falls within the above section. The Department has not proved that any of the information was originated by a foreign government or international organization over which the United States has no jurisdiction." It has stated merely that a joint allied command was responsible for these documents, and apparently, for "Operation Keelhaul" itself. The government has arbitrarily designated the Allied Headquarters an "international organization", but no definition, authority or convincing argument is set forth to justify this arbitrary designation. It is suggested that that phrase refers to an agency such as UNESCO, the International Red Cross or similar agencies.

This allegation surely cannot mean that the U.S. Government was not a part of the Combined Chiefs of Staff and it cannot mean either that the file does not contain documents of purely American origin. In fact, one must presume that the greater part of the "Operation Keelhaul" file consists of American documents, dealing, as the title indicates, with the American operation of forced repatriation of Soviet nationals, prisoners of war and displaced persons.

It cannot be assumed that the British Government should have any legal power to prevent the American people from learning the truth from these American documents. These documents have been under the American Government's administration which classified them "Top Secret" and which, therefore, has the sole authority to declassify and to release them.

Unless the Government can prove that their declassification and release could result in "a definite break in diplomatic relations affecting the defense of the United States, and armed attack against the United States or its allies, a war or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense", the "Operation Keelhaul" file has to be declassified and released.

It should also be borne in mind that the Combined Chiefs of Staff was a war-time creation which ceased to exist in 1945, more than 23 years ago and rules which may have been applied under strict war-time regulations cannot be applied today, 23 years later. This holds true especially in view of the "Freedom of Information" Act which came into force on July 4, 1967. The purpose of this Act is exactly the prevention of overclassification and the providing of a judicial remedy to the public in cases of unnecessary classification.

Lastly, in support of its argument, the Government relies on the Wickam affidavit, paragraphs 3 and 4, which states the "Operation Keelhaul" file was originally classified "Top Secret" because it contained documents which were "top secret". The illogic of this circular definition speaks for itself. Incredibly, however, the Wickam affidavit goes on to say "they have retained the top secret classification because as combined or foreign records they are characterized as Group I documents . . . and are not subject to unilateral regrading action by the United States". No effort is made on behalf of the Government to show that the documents still qualify as "Top Secret." No effort is made to show that they have any present bearing on national defense or foreign policy. The only reason set forth for continued classification as "Top Secret" is bureaucratic red tape—these documents are "Top Secret" now because they were classified as Group I long ago—or is the real reason because their disclosures could prove embarrassing to certain people, which is not a ground for non-disclosure according to the Department's own regulations (AR 345–20, 1967, page 1—"Information from Army files will not be withheld . . . because it may reveal or support error or inefficiency.") This approach is a blatant effort to circumvent the intent and purpose of the Freedom of Information Act and is the very reason why the United States District Court has been empowered to grant injunctions through a trial *de novo* and force disclosure of documents into the public realm which no longer need to be classified.

D. *Subject Matter to be Disclosed.*—As stated above, plaintiff has no knowledge of what is specifically in the file other than its general subject matter. With respect to the question of forced prisoner repatriation, certain statements should be helpful to the court in determining a policy of disclosure. (See statements of President Eisenhower attached herein as Exhibits D and E, of President Truman attached herein as Exhibit F and excerpt from the *Congressional Record*, July 3, 1968, attached herein as Exhibit G.) Only the Department knows what documents, if any, in the file were originated by a foreign government. These documents should be identified for and made available to the court. Their declassification and release cannot depend upon British consent. If British consent were necessary to declassify American Government documents improperly classified, it would make a mockery of the Freedom of Information Act.

E. *Procedural Questions.*—In addition, the Department has asked plaintiff to continue to be patient while it reviews the file on a piecemeal basis and discusses it with the British Government, stating the request is now neither approved nor disapproved. The Department states that this delay might be indefinite. It then has the audacity to add that the plaintiff must exhaust his administrative remedies by appealing the Department's refusal to the District Court.

First, plaintiff's request has been denied (See Exhibit C). Only *after* the Act came into effect did the Department order a reexamination. Why was this not done 14 years ago if it can be done today.

We contend that the Information Act does not contemplate such interminable delay or require an administrative appeal. The Act states that the agency "*shall* make the records *promptly* available to any person." It orders the District Court to have a trial *de novo* and place said trial on the active trial calendar prior to any other causes "at the earliest practicable date and expedited in every way."

Nor does the Act contemplate limiting the court's view of plaintiff's status as a member of the general public only as the Department's brief suggests (Page 3, line 14). Plaintiff is a renowned historian doing important work at a famous institution. The President's Executive Order, as revised in 1959, takes this fact into consideration. (See Exhibit H, *John Foster Dulles: The Last Year*, Eleanor Langsing Dulles (1963), pp. 4 and 5, which states in part " 'Executive Order is not intended to deny access to classified information to trustworthy persons engaged in historical research.' Thus a positive approach was embodied in the wording that emerged, designed to 'encourage historical research'.")

V. CONCLUSION

The Department has attempted to satisfy its burden of proof with a conclusion—i.e. that the file plaintiff seeks has been classified top secret and is therefore exempt under Section 4(b)(1). This conclusion is not enough. The Department must justify such a classification. It has failed to carry its burden of proof on all issues necessary to bring the file within the exemption of Section 4(b)(1).

Plaintiff respectfully requests the court to order the Department to produce for the court's inspection the "Operation Keelhaul" file for a determination of which, if any, of the documents are subject to exemption and non-disclosure.

To date Operation Keelhaul is invalidly classified and kept secret, not in the interest of national defense or security, but in order to protect former administrations from possible embarrassment. As pointed out above, this is not enough to prevent declassification.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Santa Clara, ss.

Julius Epstein, being first duly sworn, deposes and says:

I am an historian by profession and now a research associate at Stanford University's Hoover Institution on War, Revolution and Peace; my special interest concerns war refugees, with particular attention given to the period from 1939 and thereafter; I am presently preparing a book on forced repatriation of anti-Communist Russians to the Soviet Union after World War II; I discovered by chance a reference to a file entitled "Operation Keelhaul", which I believe deals with the above-mentioned topic; I have sought the production of this file for my historical research since 1954, and since that time have been continually denied access to it; I was educated at the Universities of Jena and Leipzig in Germany; I served as editor with the Office of War Information and later became foreign correspondent after fleeing Nazi Germany in 1939; I have contributed articles to various publications, including the New York Herald Tribune, the Los Angeles Times and the National Review; in 1949 I published a series of articles about the Katyn Forest Massacre, the murder of more than 4,000 Polish officers by the Soviets; I have testified before various Congressional committees on immigration and refugee problems; in 1959 I was appointed by the Eisenhower Administration as a member of the White House Conference on Refugees and I have drafted legislation for the creation of a select House Committee to investigate past and present forced repatriation, which bill was unsuccessfully introduced three times by Congressman Bosch of New York; the Operation Keelhaul file will be of invaluable help in the work in which I am presently engaged.

JULIUS EPSTEIN.

Subscribed and sworn to before me this 8th day of August, 1968.

MARY M. HOUCK,
Notary Public in and for said County and State.

[In the U.S. District Court for the Northern District of California]

JULIUS EPSTEIN, PLAINTIFF *v.* STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANT

Civil action No. 48962.

DEFENDANT'S MEMORANDUM IN REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Plaintiff, as a member of the public, seeks to require defendant, Stanley R. Resor, Secretary of the Army, to make available to him pursuant to 5 U.S.C. § 552 a file which plaintiff has described as "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." Defendant has moved to dismiss plaintiff's action upon the ground that the file sought is classified as "top secret" and is, therefore, specifically exempt from the Act's provisions.

In his brief filed in opposition to defendant's motion to dismiss or, in the alternative, for summary judgment, plaintiff agrees that the jurisdiction of this Court under 5 U.S.C. § 552 "does not apply to 'matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.' " Plaintiff's Memorandum, p. 3. Plaintiff likewise agrees "that the documents requested by plaintiff have been classified 'Top Secret' pursuant to the provisions of Executive Orders 10501 and 10964." Plaintiff's Memorandum, p. 2. Having conceded the facts necessary to establish that the Court lacks jurisdiction, plaintiff then explains his position as follows:

Exception is taken . . . to the Government's position that the documents are not subject to unilateral regrading by the United States and that they are "Top Secret in the interest of national defense or foreign policy," a prerequisite to such classification. (Plaintiff's Memorandum, p. 2.)

Since the clear language of the statute and its legislative history leave no doubt that Congress intended by Exemption 1 to exclude from the jurisdiction of the Court under the Act records classified by the Executive pursuant to Executive Order 10501 (see Defendant's Memorandum in Support of Motion to Dismiss Or, in the Alternative, for Summary Judgment [hereinafter referred to as "Defendant's Memorandum"], pp. 8–9), plaintiff's position reduces itself to the untenable argument that this Court should assume jurisdiction not granted by 5 U.S.C. § 552 or any other provision of law and thereby allow plaintiff to maintain an unconsented suit against the United States.

The Undisputed Facts Establish That The Court Lacks Jurisdiction And Plaintiff's Contentions To The Contrary Are Without Merit.

a. Plaintiff Concedes that the Record sought is specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.

Executive Order 10501, as amended, provides in pertinent part as follows:

Whereas the *interests of national defense require* the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

Whereas it is essential that *certain official information affecting the national defense be protected uniformly against unauthorized disclosure;*

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows

* * * * *

Section 1. Classification Categories. Official information which requires protection *in the interest of national* defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, or Confidential. . . . (italic added.)

Plaintiff unequivocally concedes that the file which he seeks ". . . has been classified 'Top Secret' . . . pursuant to the provisions of Executive Orders 10501 and 10964." Plaintiff's Memorandum, p. 2. It thus is apparent at the outset that the record sought by the plaintiff has been specifically required by Executive Order to be kept secret in the interest of national defense and that the Court lacks jurisdiction under 5 U.S.C. § 552 or any other law to proceed with any further inquiry.

b. Plaintiff's Action for Access to a Record specifically Classified pursuant to Executive Order 10501, as amended, is an unconsented suit against the United States over which the Court lacks jurisdiction.

Records of an executive agency are clearly property of the United States which could not be obtained by an original court action prior to the effective date of 5 U.S.C. § 552 because there was no statute giving consent of the United States to be sued for access to the records of its agencies. See cases cited in footnotes 2 and 4 of Defendant's Memorandum. Section 552(a)(3) of 5 U.S.C. created a new cause of action against the United States which would allow any member of the public under certain circumstances to obtain some types of agency records by injunction under the Act. Congress specifically determined, however, that this consent of the United States to be sued should not extend to nine categories of records set forth in 5 U.S.C. § 552(b).

Obviously entertaining no doubt that a member of the public should not be allowed to maintain an action against the United States for access to files classified by the Executive in the interest of national defense or foreign policy and specifically focusing upon the authority exercised by the President in the issuance of Executive Order 10501, Congress, in the very first exemption, eliminated this class of records from the consent to suit granted for the first time by the Act.

5 U.S.C. § 552(b) provides that the Act * * * does not apply to matters that are—

* * * (1) Specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

As demonstrated above and in defendant's earlier memorandum, defendant need only demonstrate, as he indisputably has done in the present case, that the record requested has been . . . specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy . . . "to establish that the Court lacks jurisdiction under 5 U.S.C. § 552 or any other law. In recognition of the traditional discretion exercised by the Executive in matters involving military and foreign affairs Congress clearly intended by Exemption 1" . . . that any . . . documents that are of sufficient significance to the security of this Nation or to the interests of this Nation as it deals with other nations can, *by appropriate designation*, be excluded from the provisions of this Act." Hearings before the Subcommittee of the House Committee on Government Operations, on H.R. 5012–21, *Federal Public Records Law*, 89th Cong., 1st Sess. (1965), p. 14, (Chairman Moss) (Emphasis added.) Congressman Gallagher (a member of the Moss Subcommittee) reiterated the point on the floor of the House in the following terms:

"The bill in no way affects categories of information *which the President * * * has determined* must be classified to protect the national defense or to advance foreign policy. These areas most generally are classified under Executive Order No. 10501." [112 Cong. Rec., H. 13026, daily ed. June 20, 1966.] (Emphasis added.)

See also, Davis, *The Information Act*, 34 U. Chi. L. Rev. 761, 784–85 (1967) ("Under the Act the President may withhold information about national defense or foreign policy with the approval of Congress previously lacking").

Early decisions under the Act have confirmed that where, as here, a Government agency has demonstrated that the record requested falls within one of the statutory exemptions, the Court lacks jurisdiction to proceed further and the agency is entitled to an immediate dismissal of the action.

In *Collins* v. *Federal Highway Administration, et al.*, Civil Action No. 6486, E.D. Va. (July 29, 1968) (Copy of opinion and order attached hereto as Appendix "A"); plaintiff sought to require the Federal Highway Administration to make available to him pursuant to 5 U.S.C. § 552 records identified in an Affidavit of the Administrator of the Federal Highway Administration as:

". . . reports . . . compiled by the Office of Audits and Investigations of the Federal Highway Administration of an investigation to determine facts relative to whether or not there has been a violation of law."

Upon the basis of this identification the Court held as follows:

"We conclude that the records sought in this case fall within the exemption of 5 U.S.C. § 552(b)(7), as investigatory files compiled for law enforcement purposes, and the defendants' motion to dismiss should be granted."

See also *Bristol-Myers Co.* v. *Federal Trade Commission*, Civil Action No. 2905–67, D.D.C. (Opinion filed May 24, 1968 attached hereto as Appendix "B"); *Barcelonets Shoe Corp.* v. *Compton*, 271 F. Supp. 591 (D.P.R. 1967).

In the present case, as in *Collins*, the essential facts establishing the applicability of the exemption and the consequent lack of jurisdiction in the Court have been demonstrated by defendant's affidavit. (Wickham Affidavit, Par. 4.) In addition, plaintiff has expressly conceded these facts. Plaintiff's Memorandum, pp. 2 and 3. Here, as in *Collins*, defendant is entitled to an immediate dismissal of the action.

c. Plaintiff's Additional Contentions are without merit.

Having, in effect, conceded at the outset that the Court lacks jurisdiction, plaintiff devotes the balance of his memorandum to a series of unsupported and irrelevant contentions.

First, plaintiff urges (Plaintiff's Memorandum, p. 4) that the District Court should ". . . look behind the classification (of the file by the Executive pursuant to Executive Order 10501) at its reasonableness. . . ." This contention is, of course, completely without merit as contrary not only to the specific language of Exemption 1 and its legislative history but also as contrary to the traditional disclaimer by the courts of any jurisdiction to interfere with the discretion of the Executive Department in the areas of military secrets and foreign relations. See *Chicago and Southern Air Lines* v. *Waterman S.S. Corp.* 333 U.S. 103, 111–112, wherein the Supreme Court, in holding that presidential approval of foreign air routes under 49 U.S.C. § 646 was immune from judicial review, commented as follows:

"It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit *in camera* in order to be taken into executive confidence. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry."

Next(plaintiff urges (Plaintiff's Memorandum, p. 5.) that the Court ". . . review the file itself to determine whether the documents should be disclosed." This contention is directly refuted by the only case cited in Plaintiff's Memorandum. In *United States* v. *Reynolds*, 345 U.S. 1 (1953) [cited at page 4 of Plaintiff's Memorandum], the Supreme Court held that where:

"there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged . . . the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers." [345 U.S. 10]

The courts have consistently recognized that *in camera* inspection of matters touching upon military and foreign policy secrets is improper. See, *e.g.*, *Totten* v. *United States*, 92 U.S. 105 (1875) (Action upon contract to perform espionage dismissed on pleadings because subject matter was state secret); *Carl Keiss Stiftung* v. *V.E.B. Carl Keiss, Jena*, 40 F.R.D. 318, 324, 328 (D.D.C. 1966), *affirmed*, 384 F.2d 979 (D.C. Cir. 1967), cert. *denied*, 389 U.S. 952; *Boeing Airplane Co.* v. *Coggeshall*, 290 F.2d 654, 662 (D.C. Cir. 1960).

Finally, plaintiff argues that, in any event, he, as a "renowned historian," (Plaintiff's Memorandum, p. 11) should be entitled to greater "status" under the Act than other members of the general public. In reply to this contention defendant need only note that the relevant statutory language and legislative history is directly contrary.

CONCLUSION

For the reasons set forth above and in defendant's prior memorandum, defendant respectfully submits that the Court lacks jurisdiction and that his motion to dismiss or, in the alternative for summary judgment should be granted.

[In the U.S. District Court for the Northern District of California]

JULIUS EPSTEIN, PLAINTIFF v. STANLEY RESOR, AND SO FORTH, DEFENDANT

Civil No. 48962, Supplemental memorandum in support of defendant's notice to dismiss.

On August 21, 1958 this Court vacated the submission of the above-entitled cause to allow the plaintiff "to file affidavits concerning statutory interpretation." The plaintiff has filed the affidavit of the Honorable John E. Moss, which purports to serve as an authoritative guide to the interpretation of 5 U.S.C. § 552(b)(1). In this regard the Congressman's affidavit provides in part:

"Specifically, it was my intent as the principal co-author of the legislation to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section (c) were meant to include rather than exclude the exemptions."

Upon initial consideration, one pauses to ask what better guide in the often difficult task of discerning legislative intent than a witness personally involved in the legislative process? There is, however, a basic distinction between the contemporaneous utterances of a legislator and *ex post facto* testimony in the form of affidavits or otherwise.

A most pertinent illustration of the application of this rule is the District Court's opinion in *State Wholesale Grocers* v. *Great Atlantic & Pacific Tea Co.*, 154 F. Supp. 471 (N.D. Ill. 1957), *aff'd in part and reversed in part on other grounds*, 258 F. 2d 831 (7th Cir.), *cert. denied*, *General Foods Corp.* v. *State Wholesale Grocers*, 358 U.S. 947. In that case, the court had occasion to rule upon the propriety, in the urging of a particular statutory construction, of the parties' reliance upon a book written by Congressman Patman subsequent to the enactment of the Robinson-Patman Act. The court commented in pertinent part as follows:

"While resort by the courts to such a novel procedure by resolving an issue might be a convenient way of disposing of these Robinson-Patman Act cases, it is a practice which would amount to an abandonment by the courts of their judicial function and, as such, cannot be condoned. Although legislative histories may be considered by the courts, a book subsequently written by a legislator, even though he be a co-author of the Act, and with all respect to his good intentions in writing such a book, should be given no consideration by a court in determining whether there has or has not been a violation of a particular act. * * *"— 145 F. Supp. at p. 485.

The policy underlying the rule has also been emphasized by the Court of Claims. In *National School of Aeronautics* v. *United States*, 142 F. Supp. 933 (Ct. Cl. 1956), the plaintiff produced as a witness, ostensibly for the purpose of showing legislative intent, a former member of the Senate who had been Chairman of the Senate Sub-committee which had considered the legislation then before the court for review. The court commented as follows:

"At first blush it might seem that this would be the ideal way to learn the intent of a legislative body, to get it straight from the mouth of a responsible member of the legislature. Second thought leads to the conclusion that the practice would be intolerable. A legislature speaks through statutes, and, in cases where the statutes require interpretation, through committee reports and debates. No member of a legislature, outside the legislature, is empowered to speak with authority for the body. If he may testify voluntarily, other members of his legislative body with different views or different recollections may be summoned to give their differing versions. The debate, which, so far as the lawmaking body is concerned, should have been ended by the enactment of the statute, would be transferred to the court, with disturbing possibilities of embarrassment and friction." 142 F. Supp. at p. 938

Whatever may be the facts which the Government must show in order to demonstrate that a record falls within the other exemptions contained in 5 U.S.C. § 552(b), the statutory language as well as the contemporaneous expressions of legislative intent upon which both the Congress and the President relied in the enactment of the Act uniformly support the Government's position as to the applicability of exemption 1 in the present case. Indeed, the Congress was repeatedly assured by members of the Moss Subcommittee that the bill was ". . . not intended to impinge upon the appropriate power of the Executive . . ." (112 Cong. Rec. 13008, June 22, 1966 Statement of Congressman Moss). Indeed Congressman Dole expressed the view that the "bill gives full recognition to the fact that the President must at times act in secret in the exercise of his constitutional duties . . ." (112 Cong. Rec. 13022, June 20, 1966). It would be presumptuous to conclude that Congress acted without full awareness of the traditional discretion accorded the Executive in the classification of documents involving military secrets and foreign relations. (See cases cited at pp. 6–7 of Defendants' Reply Memorandum.)

For the foregoing reasons, it is respectfully submitted that the material sought by the plaintiff is specifically exempted from coverage by the Public Information Act and the motion to dismiss must be granted since the court is without jurisdiction.

[In the U.S. District Court for the Northern District of California, Southern Division]

JULIUS EPSTEIN, PLAINTIFF V. STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANT CIVIL ACTION NO. 48962.

AFFIDAVIT OF MAJOR GENERAL KENNETH G. WICKHAM

COUNTY OF ARLINGTON, *State of Virginia, ss:*

Kenneth G. Wickham, being duly sworn, deposes and says:

1. I am The Adjutant General of the Army. The authority to release information from, or copies of, retired defense classified files of the Department of the Army in response to requests by members of the public has been vested in me and my designees by the Secretary of the Army.

2. In the above-captioned action, filed pursuant to Section 3 of the Administrative Procedure Act, as amended, 5 U.S.C. § 552 (Public Law 90–23, 81 Stat. 54), effective July 4, 1967, the plaintiff is seeking access to a file containing documents described by plaintiff as "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The records requested by plaintiff are in the physical custody of the National Archives and Records Service, General Services Administration. These records were transferred to that agency in accordance with normal Department of the Army disposition and retirement procedures. Under the terms of the transfer, however, the Department of the Army reserved the right to examine all requests for the records and to rule on their declassification or release. The Adjutant General of the Army exercises this responsibility for the Department of the Army.

3. The documents in question are photographic reproductions (photoprints) made from the microfilm copies of records generated by the Allied Force Headquarters (AFHQ), an international organization (combined headquarters in World War II parlance) directing the allied military operations in the Mediterranean Theater of Operations. By direction of the Combined Chiefs of Staff, the original AFHQ records were released to the British Government and microfilm copies of the records were released to the United States Government (the War Department).

4. The files of these documents as originally received bore an overall classification of TOP SECRET. This classification was required because the files contained many individual TOP SECRET documents of combined or British origin. They have retained the TOP SECRET classification because as combined or foreign records they are categorized as Group 1 documents under AR 380–6 (Executive Order 10501, as amended by Executive Order 10964) and are not subject to unilateral regarding action by the United States. Pursuant to Executive Order 10501, as amended by Executive Order 10964, the record here sought by plaintiff is specifically classified as "TOP SECRET" in the interest of national defense or foreign policy.

5. By letter dated July 22, 1967, a copy of which is attached hereto as Exhibit 1, plaintiff wrote the Department of the Army requesting a document described as "the Army Document: Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul" filed under number "383.7–14.1".

6. By memorandum dated July 31, 1967, a copy of which is attached hereto as Exhibit 2, plaintiff's letter was referred to the Modern Military Records Division, National Archives and Records Service for reply.

7. By letter dated August 7, 1967, a copy of which is attached hereto as Exhibit 3, the Acting Assistant Director, Modern Military Records Division, National Archives and Records Service, advised plaintiff that the document was "security classified and cannot be made available for unofficial research purposes at the present time."

8. By letter dated August 14, 1967, a copy of which is attached hereto as Exhibit 4, plaintiff requested that the Acting Assistant Director, Modern Military Records Division, National Archives and Records Service, effect a reconsideration of the security classification.

9. By letter dated August 23, 1967, a copy of which is attached hereto as Exhibit 5, Acting Assistant Director, Modern Military Records Division, forwarded plaintiff's request to Department of the Army along with a photoprint copy of the document sought by plaintiff.

10. By letter dated September 1, 1967, a copy of which is attached hereto as Exhibit 6, The Adjutant General of the Army, wrote plaintiff that the file was in his office for review and necessary action in consultation with other departments and agencies concerned, that the review would take some time, and that plaintiff would be notified of the completion of that action.

11. By letter dated September 27, 1967, a copy of which is attached hereto as Exhibit 7, plaintiff acknowledged the review being made by Department of the Army.

12. By letter dated October 4, 1967, a copy of which is attached hereto as Exhibit 8, plaintiff was advised by The Adjutant General of the Army that the requested document file could not be declassified.

13. By letter dated February 6, 1968, a copy of which is attached hereto as Exhibit 9, Roger L. Mosher, as attorney for plaintiff, requested the file entitled "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul," "in accordance with Section 3 of the Administrative Procedure Act." This request was treated as an initial request pursuant to 5 U.S.C. § 552(a)(3) and, accordingly, by letter dated February 14, 1968, a copy of which is attached hereto as Exhibit 10, plaintiff's attorney was advised by The Adjutant General of the Army that a complete reexamination of the file had been directed.

14. By letter dated February 19, 1968, a copy of which is attached hereto as Exhibit 11, plaintiff's attorney responded that plaintiff had been advised on October 4, 1967, that a re-examination of the file was complete and the factors that dictated retention of the security classification remained unchanged. Plaintiff's attorney, however, contended that no basis existed for the continued classification of the file.

15. By letter dated February 29, 1968, a copy of which is attached hereto as Exhibit 12, The Adjutant General of the Army explained that the earlier review of the document file was predicated upon the content of the file in its entirety and that a current review of the file was proceeding on a single paper basis, rather than the file as an entity; the file was originated by a Combined (Allied) Headquarters; the original copies were in the custody of the British Government and coordination with that Government would take time; plaintiff would be advised when the review was completed; and plaintiff could appeal to the Secretary of the Army the results of the Army's action taken after the latest review was completed in accordance with AR 345–20. Plaintiff was furnished a copy of AR 345–20, the Army's Regulation which implements 5 U.S.C. 552. A copy of the regulation is also attached hereto as Exhibit 13.

16. A current review of the file requested by plaintiff is now in progress on a paper-by-paper basis. This review of individual papers has been completed within the Department of the Army and coordination is now in progress with the Joint Chiefs of Staff and the Department of State to verify the position of the United States Government with respect to each paper. The outcome of this effort will determine the possibility of requesting a review and redetermination of the classification of some or all of the documents by the British Government. This Department will continue on its present course of coordinating the declassification of the files with the concerned agencies. The complexity of interests in these files indicates considerable time will pass before a final determination is made. In the meantime, the documents remain classified Top Secret in accordance with Executive Order 10501, as amended by Executive Order 10964 and those Army Regulations which implement these Executive Orders, i.e., AR 380–5 and AR 380–6. Copies of Executive Order 10501 and the pertinent Amendments thereto are attached hereto as Exhibits 14, 15, 16 and 17. Copies of AR 380–5 and AR 380–6 are attached hereto as Exhibits 18 and 19 respectively.

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, NO. 48962, MEMORANDUM AND ORDER

(*Julius Epstein*, Plaintiff, v. *Stanley Resor*, Secretary of the Army, Department of the Army, Department of Defense, Defendants)

Plaintiff, an historian who is now a research associate at Stanford University's Hoover Institution on War, Revolution and Peace, brings this action pursuant to Section 3 of the Administrative Procedure Act, 5 U.S.C. § 552, to enjoin the Secretary of the Army from withholding a file described as "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The file was generated by the Allied Force Headquarters

of World War II and has been classified Top Secret since 1948. The classification was made pursuant to the provisions of Executive Order 10501, 3 C.F.R. 484, (Supp. 1968).

Subsection (a) of Section 3 of the Administrative Procedure Act provides in part:

"[E]ach agency, on request for identifiable records . . . shall make the records promptly available to any person. On complaint, the District Court of the United States . . . has jurisdiction to enjoin the agency from withholding any records and to order the production of any agency records improperly held. . . . In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action . . ."

Subsection (b) of Section 3 provides:

"This section does not apply to matters that are—

"(1) specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy; . . ."

The defendants have moved to dismiss the action for lack of jurisdiction of the subject matter, or, in the alternative, for summary judgment. Plaintiff contends that the Top Secret classification on the file he seeks, is unwarranted and that this Court has the power to hold a trial de novo on the merits of this classification. He contends that such power is based on Section 3 of the Administrative Procedure Act. The Court is of the opinion that Congress did not intend to subject such classifications to judicial scrutiny to that extent.

Before discussing the purpose and effect of Section 3 of the Act, the Court directs its attention to the affidavit of Congressman John E. Moss, which plaintiff filed in support of his contentions. The affidavit has been introduced to give aid to the Court in interpreting the provisions of Section 3 of the Act. Congressman Moss' affidavit states:

"[S]pecifically, it was my intent as the principal co-author of the legislation to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section '(c)' were meant to include rather than exclude the exemption."

Statements made by legislators in debate can be a part of the legislative history which guides courts in statutory construction. See *Bindczyck* v. *Finucane*, 342 U.S. 76 (1951). On the other hand, statements made by a legislator after enactment of a statute and not a part of the records of the legislative body are entitled to little or no weight at all. *National School of Aeronautics* v. *U.S.* 142 F. Supp. 933 (Ct. Cl. 1956). See also, *United States* v. *United Mine Workers of America*, 330 U.S. 258 (1947). Such statements are not offered by way of committee report and are not offered for response by other members of the law-making body. The intent which is helpful in interpreting a statute, is the intent of the legislature and not of one of its members. For purposes of statutory construction, a legislative body can only speak through a statute, with the words that are used in light of the circumstances surrounding its enactment. For this reason, the Court has not considered the affidavit prepared and submitted by the Honorable John E. Moss solely for purposes of this lawsuit after the legislation in question was enacted.

Prior to amendment of Section 3 of the Act in 1966, this Section was described by Senator Long as:

"Full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information is withheld only to cover embarassing mistakes or irregularities . . . " Senate Rep. No. 813, 89th Cong. 1st Ses., 111 Cong. Rec. 26821 (1965).

Senator Long went on to say in support of the amendment:

"It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld . . ." *Id.* at 26821.

This purpose of full disclosure was accomplished by giving the United States District Courts jurisdiction to determine de novo whether information was being properly withheld with the burden of the withholding agency to sustain its action. 5 U.S.C. § 552(a)(3). This jurisdiction does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3. To hold that the agencies have the burden of proving their action proper even in areas covered by the exemptions, would render the exemption provision meaningless. If a determination de novo is made by this Court on whether the Top Secret classification by the Department of Army is proper, with the burden on the Secretary to sustain its action, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not. Apparently, Congress did not intend such a result.

It may be argued that the exceptions enumerated in Section 3 are set forth merely to designate the various grounds on which information may be withheld and that the burden is on the agency to show that the information properly falls within the exception, with the district court having jurisdiction to make the determination de novo. That this position is unwarranted is shown by the clear expression of Congress in Subsection (b) of Section 3, "This section *does not apply* to matters that are [listed below.]" It is further shown by the statements of Congressman Gallagher on the floor of the House:

"There has been some speculation that in strengthening the right of access to Government information, the bill, as drafted, may inadvertently permit the disclosure of certain types of information now kept secret by Executive order in the interest of national security.

"Such speculation is without foundation. The committee, throughout its extensive hearings on the legislation and in its subsequent report, has made it crystal clear that the bill in no way affects categories of information which the President—as stated in the committee report—has determined must be classified to protect the national defense or to advance foreign policy. These areas of information most generally are classified under Executive Order No. 10501." 112 Cong. Rec. 13659 (June 20, 1966).

On the other hand, it is equally without merit to say that Congress intended absolutely no effect by the Act on information that falls within the areas covered by the exemptions. The district courts at least have jurisdiction to determine whether the exemption applies in a given situation. In furtherance of this jurisdiction, it is reasonable to say that Congress intended the courts to determine whether classifications within the first exemption is clearly arbitrary and unsupportable. Otherwise, the agencies could easily frustrate the purpose of full disclosure intended by Congress merely by labeling the information to fall within the exemption.

In determining when information need not be disclosed if *classified* "top secret in the interest of national defense or foreign policy," guidance is set forth in the Act itself. Section 3 provides that the section does not apply to matters that are *"specifically required* by Executive order to be kept secret in the interest of the national defense or foreign policy." The Secretary of the Army has asserted the privilege of nondisclosure pursuant to Executive Order No. 10501 which reads in part:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret Classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense." Exec. Order 10501, § 1(a).

Section 2 of the Executive Order further provides:

"In the [Department of the Army] the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose."

By this Executive Order, the President has delegated authority to the Department of Army to classify matters Top Secret. The exercise of this authority is, as it must be, discretionary in nature. Judgment in this area is best rendered by those best equipped with the necessary facilities to do so. The function of this Court is similar to that described in *United States* v. *Reynolds*, 345 U.S. 1 (1953), by Mr. Chief Justice Vinson:

"The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. . . . Regardless of how it is articulated, some like formula of compromise must be applied here. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers." *Id.* at p. 8–10.

The *Reynolds* case was decided before the amendment to Section 3 of the Administrative Procedure Act was adopted and dealt with information being sought by discovery procedures. There is no reason for denying application of the principles announced in *Reynolds* to this case. Professor Davis seems to accept this viewpoint in his discussion of the first exemption in Section 3 of the Act:

"The Department of Justice as recently as 1965 took an official position that in withholding information 'the Executive is accountable only to the electorate. Under the separation of powers concept, Congress cannot transfer responsibility for Executive records to the courts.' That position seems to me extreme, just as is the opposite position that the courts may take the whole power away from the executive would be extreme; the long-term constitutional solution is likely to follow the middle position of the *Reynolds* case that the executive determines the scope of the privilege, subject to a judicial

check whenever a court has jurisdiction." Davis, The Information Act: A Preliminary Analysis, 34 U. Chi. L. Rev. 761, 764–5 (1967).

It is the opinion of this Court that Congress has granted it jurisdiction to determine whether the first exemption of Section 3 applies in this case. Plaintiff admits that the information he seeks has been *classified* Top Secret by the Department of the Army. The question remaining is whether or not this information is "required by Executive order to be kept secret in the interest of the national defense or foreign policy." In answering this question, the Court is limited to determining whether the Secretary of the Army has acted capriciously in exercising the authority granted to him by Executive Order 10501.

Although the information before the Court is not extensive, it is sufficient for rendering a decision on the issue of summary judgment. The ultimate facts are practically uncontested. The affidavit produced by Major General K. Wickham states that the documents in question are photographic reproductions made from microfilm copies of records generated by the Allied Force Headquarters which directed the allied military operations in the Mediterranean Theater of Operations. It further states that by direction of the Combined Chiefs of Staff, the original records were released to the United States Government. Top secret classification "was required because the files contained many individual top secret documents of combined or British origin." Plaintiff, in his brief, states that the file is believed to contain information dealing with about 900,000 anti-Communist Russians who were forcibly repatriated from Germany to the Soviet Union at the end of the Second World War, and were either executed or died in slave camps after their repatriation.

The general subject matter of the file in question is described in the preamble to House Resolution 24, 86th Congress, 1st Sess. (1959). Plaintiff has appended to his brief a daily copy of the Congressional Record which describes Congressman Bosch's presentation of the remarks prepared by plaintiff in support of H.R. 24. In these remarks, the plaintiff himself had quoted and used the preamble to H.R. 24 which reads:

"Whereas this forced repatriation of prisoners of war and civilians cannot be justified by the agreement on prisoners of war, made public by the Department of State on March 8, 1946; and

"Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinion of the Judge Advocate General of the Army, as expressed during the last 40 years; and

"Whereas the forced repatriation of millions of anti-Communist prisoners of war and civilians represent an indelible blot on the American tradition of ready asylum for political exiles; and

"Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukrainian, Polish, Hungarian, Baltic, and other origin is still poisoning our spiritual relations with the vigorously anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy . . ." 105 daily Cong. Rec. A3226 (1959).

The Court concludes that the information above speaks for itself and thus finds that the circumstances are appropriate for the classification made by the Department of the Army in the interest of "the national defense or foreign policy"

Accordingly, the motion to dismiss the complaint is denied, and the motion for summary judgment is granted in favor of the defendants.

Dated: February 19, 1969.

OLIVER J. CARTER,
U.S. District Judge.

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, CIVIL NO. 48962, FINDINGS, CONCLUSIONS, AND JUDGMENT

(Julius Epstein, plaintiff v. Stanley Resor, etc., defendant)

This action having come regularly on befor the Court on the alternative motions of the defendant for dismissal for lack or jurisdiction or summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure; and

The motions having been made and argued by the attorneys for the respective parties, and supplemental memoranda and affidavits thereafter presented and the motions duly submitted; and

The Court being fully advised in the premises, entered its Memorandum and Order on February 19, 1969 which is hereby incorporated as though fully set forth herein, and pursuant to which the Court hereby *finds* and *concludes* that:

1. The Court has jurisdiction of the action under Title 5, United States Code, Section 552(a)(3); and

2. There is no genuine issue as to any material fact and the defendant is entitled to a judgment as a matter of law.

Wherefore, it is hereby ordered, adjudged, and decreed that:

1. The motion of the defendant to dismiss the action for lack of jurisdiction is denied; and

2. The alternative motion of the defendant for summary judgment in his favor and against the plaintiff is granted, and this judgment shall be entered accordingly with costs and disbursement to be taxed by the Clerk in favor of the defendant.

Dated: April 14, 1969.

OLIVER J. CARTER,
U.S. District Judge.

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that a copy of the attached form of proposed Findings, Conclusions, and Judgment was mailed today to the plaintiff's attorneys at their office address of record herein.

Dated: April 4, 1969.

WILLIAM B. SPOHN,
Assistant U.S. Attorney.

NO. 24275: IN THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

(Julius Epstein, Appellant, v. Stanley Resor, Department of Defense, Appellee)

ISSUES PRESENTED FOR REVIEW

I. Must the Department carry the burden of proof to show the documents sought were *properly* classified within one of the exceptions to the statute not requiring their disclosure to the public, or is the mere classification itself sufficient to withhold documents?

II. Does the District Court have the power to determine *de Novo* the propriety of the classification?

III. Is the affidavit of John E. Moss (Ct 235) entitled to consideration by the trial court?

STATEMENT OF THE CASE

I. Nature of the Case: Appellant, hereafter referred to as Plaintiff, an historian who is now a research associate at Standford University's Hoover Institute on War, Revolution and Peace has filed suit pursuant to Section 3 of the Freedom of Information Act, 5 U.S.C.A. § 552(a)(3), seeking the production of a 1948 U.S. Army report entitled "Operation Keelhaul" from the Department of the Army. Plaintiff's major area of interest as an historian has concerned war refugees. He served the Eisenhower administration as a member of the White House Conference on Refugees and drafted a bill for the creation of a select House Committee to investigate past and present forced repatriation (Ct 184). Plaintiff has, since 1954, continually sought from the Department of the Army review of the "Operation Keelhaul" file, which file was believed to contain information dealing with about 900,000 anti-Communist Russians who were allegedly forcibly repatriated from Germany to the Soviet Union at the end of World War II and who are believed to have been either executed or died in slave camps after their repatriation (Ct 183).

The file has been classified "Top Secret" since 1948 and remains so classified today, even though it is over twenty years old and has been retired to the National Archives (Ct 7).

II. The Course of the Proceedings: The Freedom of Information Act, 5 U.S.C.A. § 552, as amended, became effective on Independence Day, 1967. Section 552(a)(3) provides as follows:

"Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

Section 552(b) states in part: "This section does not apply to matters that are—(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;". On March 26, 1968, Plaintiff filed his Complaint (CT 1) seeking an Order enjoining the Department of the Army from withholding from Plaintiff the file entitled "Operation Keelhaul". On June 28, 1968, the Department of the Army filed Motions to Dismiss or for Summary Judgment (CT 3), alleging the file is exempted by Section (b)(1) of the Act. The matter was briefed by both sides (Defendant's memorandum CT 6–171; Plaintiff's memorandum in opposition CT 172–206; Defendant's reply CT 207–232) and argued.

III. Disposition in the District Court: On February 19, 1969, the Honorable Oliver J. Carter filed his Memorandum and Order granting Defendant's Motion for Summary Judgment (CT 246), holding that the burden of proof on the withholding Department does not apply beyond establishing that the documents are classified within one of the exemptions set forth in paragraph (b) of the Act. The Court also stated that it is limited to determining only whether the Agency acted "capriciously" in exercising its authority to classify documents within an exempt category.

Findings of Facts, Conclusions of Law, and the Judgment were entered on April 15, 1969 (CT 254).

IV. Facts Relevant to Issues Presented for Review: The documents sought by Plaintiff were generated by the Allied Force Headquarters directing allied military operations during World War II. Plaintiff denies that AFHQ was an "international organiza-

tion", a conclusion alleged by the Department (CT 8). The original records were released to the British government and microfilm copies were released to the United States War Department (CT 24, paragraph 3). These records were then transferred to the Department of the Army. The file has retained a "Top Secret" classification and the Department alleges the file is not subject to unilateral re-grading by the United States. This latter conclusion is also contested by Plaintiff.

Plaintiff's efforts to secure the "Operation Keelhaul" file are well documented, extending from July 1954, through October, 1967, (Exhibit C to Plaintiff's Complaint, CT 185 through 199). These documents indicate a continued and overt policy of the Department of the Army to stall Plaintiff and withhold the information from him, giving whatever excuses could be found at the time. The Court's attention is especially directed to the Department's letters of August 3, 1955, April 6, 1966, August 7, 1967, and October 4, 1967 (CT 186, 193, 195, and 199).

ARGUMENT

I. The Freedom of Information Act requires the Defense Department to prove its classification within an exemption was reasonable and proper and not merely that the material sought has been so classified.

This is a case of first impression of the Disclosure Act with respect to the relationship between that part of the statute which requires disclosure (Section (a) (3)) and that part which exempts certain documents from disclosure (Section (b) (1)). Plaintiff admits that the documents sought have been classified "Top Secret". Plaintiff argues, however, that the Act requires the Department to prove that the classification of documents within Section (b) (1) was proper and further contends that the District Court, by trial de novo may examine the classification to see if it has, in fact, been proper. Plaintiff believes the classification to be improper and unreasonable.

A. Legal authority allows the district court to determine the reasonableness of the classification

While the District Court stated that it had no power to look behind the classification "Top Secret" except where the Department had acted "capriciously", case authority holds otherwise.

Section 3 of the Act specifically orders the Court to conduct a trial *de novo* and examine the facts, documents, and files, in question in order to determine whether the claim, privilege, and exemption are proper, i.e. whether the Department has sustained its burden of proof as required by Section 3 in denying the documents.

The Supreme Court in *U.S.* v. *Reynolds*, 345 U.S. 1 (1953), held that when a government privilege was claimed, the Court had jurisdiction to determine whether the circumstances were appropriate and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. In proscribing a test, the Supreme Court stated that the District Court could review the documents in issue to determine the privilege unless "injurious disclosure would result". In the *Reynolds* case, newly developed secret Air Force electronic devices were in issue and the Court took judicial notice that it was "a time of vigorous preparation for national defense". Here, a twenty-one-year-old file dealing with the repatriation of prisoners in World War II is in issue. Clearly, the District Court could find nothing which reaches the question of national defense or foreign policy which might result in "injurious disclosure".

The above, coupled with the express language of the statute placing the burden of proof on the agency to sustain its refusal, clearly gives the District Court power to examine and review the file itself, to determine whether the privilege should be granted or whether the documents should be disclosed.

B. Policy demands the exercise by the district court of its power to review such a classification

The purpose of the Act and its history are clearly set forth in Senate Report No. 813, 89th Congress, 1st Session (1965), and should guide the Court in its decision. Senator Long of Missouri, after noting the need for an informed electorate in a democracy, stated that the prior Section 3 was:

"Full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information is withheld only to cover embarrassing mistakes or irregularities . . . It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure . . . and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld . . ."

It was the intention of the Senate to make the new Section 3 a "disclosure" rather than a "withholding" Act as it was prior to amendment.

The language of the Act is plain, simple, and straightforward, as is its purpose. Only in its application do problems arise, due primarily to the reluctance of the various governmental agencies to abide by its purpose and intent.

The District Court held that, since the Executive Order delegated authority to the Department to classify information, it should not review the "experts" conclusions. But the record discloses the Department did not even follow the rules applicable.

C. The Department of Defense has not followed the rules set by Executive Order 10501

In Executive Order 10501 (CT 67–86), official information which requires protection "in the interest of national defense" is limited to three classifications, one of which is "Top Secret". The use of the "Top Secret" classification is to be authorized, however:

"Only for defense information or material which requires the highest degree of protection. The "Top Secret" classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation, such as an armed attack, . . ., or the compromise of military or defense plans, . . ., or scientific or technological developments vital to the national defense." (CT 68).

First, the Department has not attempted to show that the classification of the file sought as "Top Secret" satisfies the above requirements. No effort was made to carry the burden of proof on this issue because the information sought by Plaintiff can in no way be considered to fall within those requirements.

Section 3 of the Executive Order on classification states in part: "Unnecessary classification and over-classification shall be scrupulously avoided." (CT 68). Again, no effort was made to prove that this requirement has been satisfied in view of the information being sought.

In support of itself, the Department quotes Section 3(e) (CT 69) dealing with information originated by an international organization. To fall within this requirement, it must be shown that we are dealing with: (1) defense information of a classified nature, (2) furnished to the United States by a foreign government or international organization. No proof has been offered that these requirements are satisfied. Plaintiff believes they are not.

Section 4 of the Executive Order as amended (CT 82–3) deals with de-classification and downgrading. The Department relied on Section 4(a)(1), Group 1, which states that information originated by foreign governments or international organizations and over which the United States has no jurisdiction cannot qualify for automatic downgrading. Plaintiff denies that "Operation Keelhaul" falls within the above Section. The Department did not prove that any of the information was "originated by a foreign government or international organization over which the United States has no jurisdiction". It has stated merely that a joint allied command was responsible for these documents, and apparently for "Operation Keelhaul" itself. The Department has arbitrarily designated the Allied Headquarters as an "international organization", but no definition, authority, or convincing argument is set forth to justify this arbitrary designation. It is suggested by Plaintiff that that phrase refers to an agency such as UNESCO, the International Red Cross, or similar agencies.

This allegation surely cannot mean that the United States government was not a part of the Combined Chiefs of Staff and it cannot mean either that the file does not contain documents of purely American origin. In fact, one must presume that the greater part of the "Operation Keelhaul" file consists of American documents dealing, as the title indicates, with American participation in forced repatriation of Soviet nationals, prisoners of war, and displaced persons.

It cannot be assumed that the British Government should have any legal power to prevent the American people from learning the truth from these American documents. These documents have been under American administration and were classified "Top Secret" by our government. If the Department has sole authority to classify, it must have sole authority to de-classify and to release the file.

Unless the Department can prove that its de-classification and release could result in "a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States, or its allies, a war or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense", the "Operation Keelhaul" file must be declassified and released pursuant to Section 1(a) of the Executive Order (CT 68).

It should also be borne in mind that the Combined Chiefs of Staff was a war-time creation which ceased to exist in 1945, more than twenty-three years ago and rules which may have been applied under strict war-time regulations cannot be applied twenty-three years later. This is especially true in view of the *Freedom of Information Act*, the purpose of which is to prevent over-classification and to provide a judicial remedy to the public in cases of unnecessary classification.

Lastly, in support of its argument, the Department relied on the Wickham affidavit, paragraph 4 (CT 24), which states the "Operation Keelhaul" file was originally classified "Top Secret" because it contained documents which were "Top Secret". The illogic of this circular definition speaks for itself. Incredibly, however, the Wickham affidavit goes on to say "they have retained the "Top Secret" classification because as combined or foreign records they are characterized as Group 1 documents . . . and are not subject to unilateral re-grading action by the United States". No effort is made on behalf of the Department to show that the documents still qualify as "Top Secret" within Executive Order 10501. No effort is made to show that they have any present bearing on national defense or foreign policy. The only reason set forth for continued classification as "Top Secret" is bureaucratic red tape—these documents are "Top Secret" now because they were classified within Group 1 long ago—or is the real reason because their disclosure could prove embarrassing to certain people,

which is not a ground for nondisclosure according to the Department's own regulations (AR 345–20, 1967, page 1—"Information from Army files will not be withheld . . . because it may reveal or support error or inefficiency".). This approach is a blatant effort to circumvent the intent and purpose of the *Freedom of Information Act* and is the very reason why the United States District Court has been empowered to grant injunctions after a trial *de novo* and force disclosure of documents into the public realm which no longer need to be classified.

This background is set forth to show this Court the basic requirements with which the Department must comply to validly classify documents "Top Secret" and bring them within the exemption of 5 U.S.C.A. § (b)(1). The Department made no effort to carry its burden of proof in this regard, and the District Court has improperly held that it need not. The District Court in its Memorandum Decision concluded that the circumstances were appropriate for the classification made by the Army (CT 253), but in fact had no basis upon which to form such an opinion.

II. The Moss affidavit should be considered by the court.

With respect to the Moss affidavit (CT 235), the Court has held that statements by Legislators after the enactment of a statute are not part of the record and are entitled to no weight in the interpretation of the statute. It did not consider it in making its decision.

As a general rule, it is permissible in the construction of a statute to resort to statements by members of Congress, generally a Commitee member or Chairman in charge of having the Bill passed. The Courts generally regard these statements as belonging to the same category as Committee reports, *Wright v. Vinton Mountain Trust Bank,* 300 U.S. 440; *Helvering v. Bell Oil Syndicate,* 293 U.S. 312.

Statements by the author of a bill have been held proper for consideration as showing the conditions or history of the period or the "mischief which it was intended to remedy and thus throw light on its proper interpretation", *Jennison v. Kirk,* 98 U.S. 453; and *Helvering v. Griffiths,* 318 U.S. 371.

It is clear from the above case law that Congressman Moss' affidavit can and should be properly considered by the Court in determining the intent of Congress.

CONCLUSION

It is clear from the legislative history that the *Freedom of Information Act* was intended to have the broadest and most liberal interpretation to achieve its goal of full disclosure to the public. To hold that the District Court must accept without reveiw a Department's classification of documents so that it falls within one of the exemptions of the statute totally emasculates the statute's effect and thwarts its intended purpose. The history of the Government agencies in opposing this legislation is well known and the specific documents sought herein seem to be withheld more to avoid embarrassment to the Government than for legitimate reasons.

The opinion of the District Court should be reversed with instructions that it conduct a trial *de novo* to determine if any of the documents have been properly and reasonably classified "Top Secret" and, if so, which of them, are subject to exemption and nondisclosure.

Respectfully submitted,

MICHAEL KLYNN,
Attorney for Plaintiff and Appellant.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 801 Welch Road, Palo Alto, California 94304.

On July 18, 1969, I served the within Brief for Appellant on the Appellee in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at Palo Alto, California, addressed as follows:

William B. Spohn, Esq., Assistant United States Attorney, Chief, Civil Division, 16th Floor, Federal Building, Box 36055, 450 Golden Gate Avenue, San Francisco, California 94102.

[In the United States Court of Appeals for the Ninth Circuit, No. 24,275]

JULIUS EPSTEIN, APPELLANT, VS. STANLEY RESOR, SECRETARY OF THE ARMY; DEPARTMENT OF THE ARMY; DEPARTMENT OF DEFENSE, APPELLEES

On Appeal from the United States District Court for the Northern District of California.

Brief of amicus curiae on behalf of appellant.

STATEMENT OF ISSUES

1. Did the trial court correctly rule that its jurisdiction to review the Army's claim to an exemption under the Freedom of Information Act was limited to determining whether the Secretary of the Army acted capriciously in classifying the file requested as top secret? If not, what is the proper test under the statute of the district court's jurisdiction?

2. Did the Army sustain its statutory burden of establishing that its withholding of the information requested by plaintiff was proper, *i.e.* that every document in the Operation Keelhaul file is specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy?

STATEMENT OF AMICUS CURIAE

The American Civil Liberties Union of Northern California is a non-partisan, nonprofit organization dedicated solely to the protection and preservation of the individual liberties guaranteed by the Bill of Rights. We have traditionally been especially concerned with the free exercise of opinion and argument upon which the First Amendment and our form of representative democracy are based.

The exercise of opinion and argument so necessary to a free and open society means little if the relevant facts of government are hidden from the people. In recognition of this, Congress in 1967 passed the Freedom of Information Act so that public access to the facts of government could be guaranteed. In that same spirit, because access to information is critical to an enlightened electorate and essential to the exposure of truth in the marketplace of ideas, we submit this brief in the conviction that it will aid this Court in determining the important issues here presented.

STATEMENT OF THE CASE*

Over 20 years ago, the Allied Force Headquarters of World War II generated a file called "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The British government received the original; the United States Department of the Army (hereinafter "the Army") received a photoprint copy. (CT 24.) The file contains a number of individual documents. (CT 23–27.) The Army states that some of the individual documents in the file are of British origin or combined US-British origin. (CT 24.) The Army's file was identified by number 383.7–14.1 and, after storage as a historical record with the Army (CT 186, 188), was finally stored at the National Archives and Records Service, General Services Administration (CT 23, 195) subject to review by the Army for declassification or release. (CT 23–24.)

Upon receipt, the Army classified the entire file as top secret. (CT 24.) The Army claims that, under Executive Order 10501 and Army Regulations, top secret classification is still required and it has not yet declassified the document. (CT 26–27.)

Starting in 1954, the plaintiff Julius Epstein sought to have the files on repatriation of Soviet nationals released. (See CT 185–199; 31–45.) The Army has replied that a decision was made in 1954 to retain the top secret classification for the file and that the file cannot be declassified and released. (See CT 199, 186.)

Epstein is a historian and a research associate at Stanford University's Hoover Institution on War, Revolution and Peace. His special interest concerns war refugees. He is preparing a book on forced repatriation of anti-Communist Russians after World War II and needs to examine the Army's Operation Keelhaul file for this purpose because he believes that it contains information not otherwise available. He was educated at the Universities of Jena and Leipzig in Germany, has served as an editor for the Office of War Information and as a foreign correspondent has contributed articles to various publications and has testified before Congressional Committees on immigration and refugee problems. In 1959, he was appointed by the Eisenhower Administration as a member of the White House Conference on Refugees. (CT 183, 194, 196.)

On July 22, August 14, and September 27, 1967, Epstein again requested the Operation Keelhaul file from the Army, (CT 29, 35, 42, 194, 196, 198.) He was first told that the document was still classified and could not be released for "unofficial research purposes." (CT 195.) He was then told that the file would be reviewed again "in consultation with the departments and agencies concerned. This may take some time." (CT 40, 197.) Later he was informed by Major General Wickham, Adjutant General, U.S. Army, that the review was completed and that "the factors that dictated the retention of the security classification in 1954 have not changed. Accordingly, the Operation Keelhaul file cannot be declassified." (CT 44, 199.)

On Independence Day, July 4, 1967, the new Freedom of Information Act (80 Stat. 383, 81 Stat. 54, codified in 5 U.S.C., Section 552), became effective and on May 26, 1968, Epstein sued thereunder for release of the Operation Keelhaul file. (CT 1–2.) The Army moved for summary judgment (CT 4) and filed an affidavit by Major General Wickham (CT 23–27) which in essence stated that the Operation Keelhaul file was still classified top secret because the files contained some individual top secret documents of British origin or combined U.S.-British origin; that the entire file was therefore a "Group one" document under Army Regulations (AR 380–6, reproduced at CT 159–170); and accordingly that without action by the British, a U.S. Army file could not be declassified or released to a scholar in this country. Major General Wickham's affidavit also states that "A current review of the file requested by plaintiff is now in progress on a paper-by-paper basis. This review of individual papers has been completed within the Department of the Army and coordination is now in progress with the Joint Chiefs of Staff and the Department of State to verify the position of the United States Government with respect to each paper. The outcome of this effort will determine the possibility of requesting a review and redetermination of the classification of some or all of the documents by the British government. This Department will continue on its present course of coordinating the declassification of the file with the concerned agencies. The com-

Footnotes at end of article.

plexity of interests in these files indicates considerable time will pass before a final determination is made." (CT 26.)

In addition to its motion for summary judgment, the Army moved to dismiss for lack of jurisdiction on the grounds that the file was within a specific exemption under the act; that Epstein had failed to exhaust his administrative remedies; and that he was attempting to maintain an unconsented suit against the United States. (CT. 4.)

The trial court, on February 19, 1969, entered its Memorandum and Order (CT 246) and, on April 14, 1969, denied the Army's motion to dismiss and granted its motion for summary judgment. (CT 254.) The conclusions of the trial court were:

1. The court had jurisdiction under 5 U.S.C. Section 552(a) (3). (CT 254.)

2. There was no genuine issue as to any material fact. (CT 254.)

3. The defendant was entitled to summary judgment as a matter of law (CT 254), *i.e.*

(a) Although the court has jurisdiction under 5 U.S.C. Section 552 (a) (3) to determine de novo whether information is being improperly withheld, this jurisdiction does not apply to the exemptions set forth in Section 552(b). (CT 248.)

(b) With respect to the Operation Keelhaul file and the Army's claim for an exemption under Section 552(b) (1) on the ground that the file is "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy", the court "is limited to determining whether the Secretary of the Army has acted capriciously in exercising the authority granted to him by Executive Order 10501" to classify the document top secret. (CT 252.)

(c) Without looking at the Operation Keelhaul file but based on:

(1) General Wickham's affidavit:

(2) Plaintiff's statement in his brief (CT 173) that the file is believed to contain information dealing with about 900,000 anti-Communist Russians who were forcibly repatriated from Germany to the Soviet Union at the end of World War II and were either executed or died in slave camps after their repatriation; and

(3) Plaintiff's remarks (CT 184) in support of a congressional resolution in 1959 (H.R. 24, 86th Cong., 1st Sess.) and the preamble thereof to the effect that the forced repatriation was contrary to the Yalta Agreement on prisoners of war and the opinion of the Judge Advocate General and was "an indelible blot on the American tradition of ready asylum for political exiles" and is still poisoning relations with anti-Communist peoples behind the Iron Curtain and "therefore impending our foreign policy";

"The Court concludes that the information above speaks for itself and thus finds that the circumstances are appropriate for the classification made by the Department of the Army in the interest of 'the national defense or foreign policy.'" (CT 253.)

4. The trial court also ruled (CT 247–248) that it would not consider Congressman Moss' affidavit (CT 236–237). The affidavit states that Congressman Moss was Chairman of the House Government Information Subcommittee; that he had held hearings on access to information; that he was a co-author of the Freedom of Information Act; and that it was his intent "to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation bringing documents within an exemption."

On April 17, 1969, Plaintiff Epstein noticed this appeal from the summary judgment for the defendant Army. (CT 257.)

On August 25, 1969, this Court granted the American Civil Liberties Union's motion for leave to file a brief as Amicus Curiae on behalf of Appellant Epstein.

ARGUMENT

I. The judgment must be reversed because the trial court applied an unauthorized and overly restrictive test of judicial review of an agency's claim of exemption and failed to discharge its statutory responsibility to determine whether the record requested was improperly withheld.

Introduction

1. The question in this case

The crucial question in this case concerns the responsibility of the district court under the Freedom of Information Act to determine whether a requested record has been improperly withheld and, in particular, the scope of judicial review of an agency's claim that the withholding of the record is justified by a statutory exemption.

In brief, the answers herein advanced are that the trial court erred, first by holding that it did not have jurisdiction to review de novo the Army's claim to an exemption and, second, by fabricating and applying a stringent and special jurisdiction, not found in and precluded by the statute, to reject the Army's claim only if the court could find that the Secretary of the Army acted capriciously. Under the statue, the trial court instead should have used its own judgment and determined whether the Army had sustained its burden of establishing that the information requested under the statute was properly withheld, *i.e.* that the information was within the specific statutory exemption claimed for matters "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." The statute gave such jurisdiction and responsibility to the trial court but the court failed to exercise it.

2. The Freedom of Information Act

The Freedom of Information Act provides in 5 U.S.C. Section 552(a) (1) for publication of organizational data, procedures, and rules; in Section 552(a) (2) for public inspection and copying of opinions, statements of policy and interpretations, and administrative staff manuals and instructions; and in Section 552(a) (3), the section in question, for making identifiable records accessible on proper request by any person.[1]

Section 552(a) (3) provides as follows:

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

Section 552(b) sets forth nine exemptions from the Act. The one in question is the first one which provides:

"(b) This section does not apply to matters that are—

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;"

The Freedom of Information Act is striking and fundamental departure from the earlier law. Under the earlier law, disclosure was not required "of information held confidential for good cause found" or matters relating to "any function of the United States requiring secrecy in the public interest," and there was no provision for judicial review of an agency's decision that there was "good cause" or a need for secrecy. Act of June 11, 1946, ch. 324, Section 3, 60 Stat. 238.

The Freedom of Information Act was designed to provide for judicial review of these executive decisions to reverse the thrust of the earlier statute which had been construed to authorize widespread withholding of agency records. S. Rep. No. 813, 89th Cong. 1st Sess. 5 (1965). The "secrecy" exemption in particular was changed to "delimit more narrowly the exception and to give it a more precise definition." S. Rep., *supra* at 8.[2]

The basic purpose of the Freedom of Information Act is plain, namely to provide wider public access to government records and promote the policy that, as President Johnson said in signing the bill, "the United States is an open society in which the people's right to know is cherished and guarded." See AG Memo ii. As aptly and simply stated by Commissioner Elman of the FTC: "To me, the basic provision of this statute is the provision which says that the records and actions of the agencies are public and are to be made available, and that if they are withheld improperly, the courts should decide, and the burden of proof shall be on the agency to justify the withholding." *Symposium*, 20 Admin. L. Rev. 1, 32 (1967). See also Sen. Jud. Comm., Subcomm. on Admin. Pract. & Proc., *The Freedom of Information Act (Ten Months Review)*, p. 3, 90th Cong., 2d Sess. (1968) ("it was Congress' overriding concern that disclosure be the general rule, not the exception").

A. The trial court erred by holding that it did not have jurisdiction to review de novo the Army's claim to an exemption and by fabricating and applying a stringent and special jurisdiction, not found in and precluded by the statute, to reject the Army's claim only if the court could find that the Secretary of the Army acted arbitrarily and capriciously

This is the first case in which it is necessary to struggle with some of the statute's more difficult interpretive problems. The key words and phrases which cause the difficulty are italicized below:

Section 552(a) (3):

"On complaint, the district court . . . has *jurisdiction* to enjoin the agency from withholding agency records and to order the production of records *improperly* withheld from the complainant. In such a case the court shall *determine the matter de novo* and *the burden is on the agency* to sustain its action. . . ."

Section 552(b):

This section does not apply to matters that are —

(1) specifically required by Executive order to be kept secret in *"the interest of the national defense or foreign policy."*[3]

Section 552(c):

"This section does not authorize withholding of information or limit the availability of records to the public, *except as specifically stated in this Section.*"

The problem is: What is the district court's responsibility when it receives a complaint that an agency has improperly withheld information?[4]

In this case, the trial court drastically limited its responsibility by making it turn on

Footnotes at end of article.

the introductory language to subsection (b), "This section does not apply to . . .," and the exemptions which follow. The trial court held that language to mean that if the information sought was within one of the exemptions, the main provision, section 552 (a)(3), did not apply. In the court's words:

"This jurisdiction [of section 552(a)(3)] does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3 [*i.e.*, Section 552]. To hold that the agencies have the burden of proving their actions proper even in areas covered by the exemptions, would render the exemption provision meaningless." (CT 248–249.)

The difficulty with the trial court's reading is that it renders the rest of the statute meaningless, particularly the clause in Section 552(a)(3) that the district court "shall determine the matter de novo and the burden is on the agency to sustain its action. . . ." That language indicates that the court is *not* to defer automatically to an agency decision to withhold.

The statute requires the court to order the production of documents "improperly" withheld. Under what circumstances would withholding of an identifiable record requested in accordance with appropriate procedure be "improper"? The only possible answer is: When it is not within one of the exemptions stated in (b).

An example under exemption (b)(2) will illustrate the point. Suppose that the complainant has asked for the rules or regulations determining who is entitled to parking privileges in the Federal Building in San Francisco. This may be a matter within the exemption in (b)(2) "related solely to the internal personnel rules and practices of an agency".[5] If the construction placed on the act by the trial court is correct, the court's role in such a case is simply to accept the allegation of the government that the matter sought is within (b)(2) and the case is concluded. But what if the information sought is slightly different, for example the monthly cost of parking facilities in the Federal Building? Is the district court to accept at face value the assertion that this matter also is "related solely to the internal personnel rules and practices of an agency"? The trial court's opinion compels a "yes" answer. Congress, however, gave the trial court a greater responsibility. Section 552(a)(3) requires the court to use its own judgment on such a record as is presented to it (that is what de novo means) with the burden on the government to show that the particular information sought fits the exempting language "related *solely* to the internal personnel rules and practices of an agency."

Another example, this time under exemption (b)(3), further illustrates the point that Congress gave the courts responsibility to exercise judgment, not to defer, as the trial court did, to the agency's judgment. The exemption in (b)(3) is for matters "specifically exempted from disclosure by statute." By its terms, subsection (b)(3) picks up all specific statutory provisions for nondisclosure. When added to (b)(1)—those matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy—there are substantially no claims of privilege left to be asserted.[6] In other words, the exemptions have swallowed the statute and there is nothing left for the district court to act on, if the trial court correctly concluded that if a matter is within one of the exemptions, the court has no jurisdiction under subsection (a)(3). Compare *American Mail Line Ltd. v. Gulick*, 411 F. 2d 696 (D.C. Cir. 1969) (disclosure required; exemption denied).[7]

The Committee reports do not bear directly on the trial court's interpretation but the Attorney General's memorandum explicitly excludes it. Discussing the language granting jurisdiction to the district court, the Attorney General said:

"Any person from whom an agency has withheld a record after proper request under subsection [(a)] may file a complaint in the appropriate United States district court. The agency then has the burden to justify withholding, *which is can satisfy by showing that the record comes within one of the nine exemptions in* subsection [(b)]." A.G. Memo, 27. (Emphasis added.)[8]

That is precisely our position: The Army in this case had the burden of justifying its position that the Operation Keelhaul file and the individual papers within it were within the terms of exemption (b)(1). The trial court adopted a quite different position, however.

Up to this point we have characterized the trial court's opinion as treating matters within one of the exemptions as if they were totally without the statute. That is what Judge Carter said at one point (quoted above) but, later in his opinion, he retreated somewhat by saying that:

"On the other hand, it is equally without merit to say that Congress intended absolutely no effect by the Act on information that falls within the areas covered by the exemptions. The district courts at least have jurisdiction to determine whether the exemption applies in a given situation. In furtherance of this jurisdiction, it is reasonable to say that Congress intended the courts to determine whether classifications [sic] within the first exemption is *clearly arbitrary* and *"unsupportable."* (CT 249–250.) (Emphasis added.)

In other words, the trial court fabricated a jurisdiction to determine whether the withholding was "clearly arbitrary" or, as he later said, to determine whether the Secretary of the Army acted "capriciously." (CT 252.) It is not at all clear where that jurisdiction comes from. It is not found in the statute and would seem to be precluded by it, particularly the express language in Section 552(a)(3) requiring de novo review. Furthermore, if Section (a)(3) were inapplicable, it seems unlikely that the plaintiff would have standing to obtain judicial review. A litigant might have standing, as in *United States v. Reynolds*, 345 U.S. 1 (1953), but a simple citizen whose only concern was to obtain disclosure of government information probably would not. See L. Jaffe, *Judicial Control of Administrative Action*, c. 12, (1965).[9]

Putting aside the standing issue, however, the trial court admittedly was applying a different test for the scope of review than that provided in Section 552(a)(3). The trial court was anxious to defer to the view of the military—"Judgment in this area is best rendered by those best equipped with the necessary facilities to do so" (CT 250–251)—and refused to interfere unless it were shown (presumably by the plaintiff) that the withholding of information was "clearly arbitrary" or "capricious". Section 552(a)(3), however, requires that the court exercise de novo review and that the burden be on the government to justify withholding. Those responsibilities were not discharged in this case. The trial court's judgment must therefore be reversed.

B. The trial court should have rejected the Army's claim of exemption or, at the very least, required the Army to produce the Operation Keelhaul file for review in camera and independent judgment by the court

The trial court was doubtless concerned by what it conceived, we believe wrongly, to be an impossible dilemma: How could a judge possibly evaluate a claim for secrecy—especially if it related to the national defense or foreign policy—without either deferring heavily to the judgment of others (here the Army) or thrusting itself into the middle of policy questions of the state and defense departments? Congress did not want the trial court to defer routinely to the agency judgment—the grant of de novo jurisdiction to courts was to prevent that—but it does not follow, as the trial court apparently felt, that it is necessary to compromise the integrity of coordinate branches of government.

The case that proves that the trial court's dilemma is a false one is the case the trial court itself cited, *United States* v. *Reynolds*, 345 U.S. 1 (1942). The documents there sought were reports concerning experimental electronic equipment on a military airplane that crashed. The court held that it was not necessary to see the reports to determine that the information was of immediate and current value to the military and that its disclosure might compromise the nation's defense. Also, the claim of secrecy was made by a cabinet level officer after a personal review of the file. Finally, there were alternative sources of information available, the surviving crew members, which the government offered to make available. Given that context and the alternative sources of information, in camera review was deemed unnecessary.

The same kind of circumstantial review perhaps is possible in this case but it leads to the opposite result: It seems implausible, for example, that the British will go to war with us if the Operation Keelhaul file is disclosed to a reputable historian; conversely our government is totally dependent upon the British for secrecy because they have the original of the file. If our relations with other nations might be affected, we are at the mercy of Her Majesty's government. It is possible, perhaps, that some nation or nations would be upset to learn what we and others did 20-odd years ago, but not overwhelmingly likely. The Army can scarcely be said to have carried its burden of showing that it is essential that this information be "kept secret in the interest of the national defense or foreign policy."

It is remotely possible that the Army could show, by an in camera disclosure to the trial court, that a few documents should be kept secret. Showing the file to the trial judge and having him react to the assertion that our national defense or foreign policy will be compromised will not be a significant breach in the security wall. It is admitted that the file exists, and that the British have the original. The file has only historical value because it has been moved to the National Archives. A careful in camera examination cannot possibly harm the nation's national defense or foreign policy interests and that kind of examination is precisely what Congress wanted when it passed the Freedom of Information Act.[10]

If we are concerned, as the court was in the *Reynolds* case and as Congress was in passing the Freedom of Information Act, "that executive caprice might be substituted for honest judgment, the only way for the court to probe the claim of privilege is to take a look at the information in question. . . . In the last analysis, if the court does not examine the information to weigh need for disclosure against the public interest in secrecy, the executive determines the question of privilege." Hardin, *Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 894–895 (1962). Congress put the responsibility for finally determining the question of privilege in the federal district courts, not the agencies, but the trial court in this case failed to discharge that responsibility. If the trial court could not reject the Army's claim entirely, it could, at the least, have required the Army to produce the file for review in camera and independent judgment by the court. *See, e.g., Benson* v.

Footnotes at end of article.

General Services Administration, 289 F. Supp. 590 (W.D. Wash. 1968) (in camera review, disclosure then ordered).

For the foregoing reasons, the judgment below must be reversed.

II. The summary judgment of the trial court must be reversed because the Army did not sustain its burden of establishing that every document in the Operation Keelhaul file is specifically required by executive order to be kept secret in the interest of the national defense or foreign policy and because there is a substantial issue of fact whether the exemption claimed by the Army is available.

The Freedom of Information Act requires the agency that withholds a requested record to sustain the burden of showing that the record was properly withheld, *i.e.*, that it falls within a specific exemption. In this case, the Army has the burden of showing that every document in the Operation Keelhaul file is a matter "specifically required by Executive order to be kept secret in the interest of national defense or foreign policy." 5 U.S.C. Section 552(b)(1). The Army did not sustain its burden and there is a substantial issue of fact whether the claimed exemption applies. The summary judgment for the Army must therefore be reversed.

The Army's showing, via General Wickham's affidavit, was essentially as follows: Upon receipt, the entire file was classified top secret by the Army; in 1954 the file was reviewed and top secret status was and has been retained primarily on the ground that the file is considered a "Group one" document because it contains individual documents of British or combined origin: the file and the individual documents therein are currently undergoing review on an individual document basis; this review may require coordination with the British and other governmental agencies and will take a long time; pending this review the entire file must be withheld.[11]

It bears emphasis that the Army did not produce the Operation Keelhaul file for in camera inspection by the court, or show that the file itself or any document therein was specifically identified in an Executive order for secrecy, or establish that each individual document in the file is required by the Executive order to retain top secret status, or make the claim of privilege by the Secretary of the Army.[12]

A. The Army failed to lodge a formal claim of privilege by the Secretary of the Army or the Secretary of Defense

The Army's claim to the exemption in subsection (b)(1) is essentially a claim of executive privilege. The Freedom of Information Act, as shown above, narrowed the previous exemption for secrets, and clearly did not relax the strict procedural requirements for asserting the claim of privilege. Those requirements are clearly set forth in *United States* v. *Reynolds*, 345 U.S. 1, 7–8 (1953) as follows:

"The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer."

Quoting with approval from *Duncan* v. *Cammell, Laird & Co.* (1942) AC 624, 638, (1942) 1 All E.R. 587–H.L. on this procedural point, the Court stated:

"'The essential matter is that the decision to object should be taken by the minister who is the political head of the department, and that he should have seen and considered the contents of the documents and himself have formed the view that on grounds of public interest they ought not be produced . . .'" 345 U.S. at 8 n. 20.

In the *Reynolds* case, the claim was lodged formally by the Secretary of the Air Force and supported by an affidavit of the Judge Advocate General. See also *Machin* v. *Zuckert*, 316 F.2d 336, 338 (D.C. Cir) (formal claim of privilege by Secretary of the Air Force), *cert. denied*, 375 U.S. 896 (1963); *Carl Zeiss Stiftung* v. *V.E.B., Carl Zeiss, Jena*, 40 F.R.D. 318, 323 (D.C. D.C 1966), *affirmed per curiam* 384 F2d 979 (D.C. Cir.), *cert. denied*, 389 U.S. 952 (1967) (affidavit of Attorney General in his capacity as head of the Department of Justice) (citations to similar cases).

Although Major General Wickham may be the Adjutant General of the Army and charged with the authority to release information from the archives (CT 23) he is not head of the Department of the Army or the Department of Defense. His affidavit does not reflect the personal action of the head of the department affected that is necessary to obtain the privilege in the exemption in subsection (b)(1).

B. NO EXECUTIVE ORDER SPECIFICALLY REQUIRES THE OPERATION KEELHAUL FILE ITSELF OR THE INDIVIDUAL DOCUMENTS THEREIN TO BE KEPT SECRET IN THE INTEREST OF NATIONAL DEFENSE OR FOREIGN POLICY

The Army does not claim that an Executive order specifically requires the Operation Keelhaud file itself or the individual documents therein to be kept secret in the interest of national defense or foreign policy. Rather, the Army claims that under an Executive order which generally provides for top secret and other classification of certain documents (E.O. 10501, as amended), this particular file by the Army is required to be classified top secret.

It is not necessary for Amicus Curiae to urge that the exemption is only applicable when a particular document has been identified by the President and made the specific subject of an executive secrecy order.[13] However, it bears noting that the agencies have been well advised, if they determine that a matter should be kept secret that is not otherwise protected, to "seek appropriate exemption by Executive Order, to come within the language of subsection (b)(1). A.G. Memo 30. See also President Kennedy's statement—"Executive privilege can be invoked only by the President and will not be used without specific Presidential approval"—quoted by the principal author of the Freedom of Information Act. Moss, *Public Information Policies, The APA and Executive Privilege*, 15 Admin. L. Rev. 111, 120 (1963).

Simply because the Act may not condition the exemption (this point is not conceded) on a specific determination by the President that the particular document requires secrecy, however, does not prevent a useful distinction from being drawn between acts of the President and acts of his delegates who purport to act under his general orders. For example, if the President himself had specifically determined and ordered that the Operation Keelhaul file or individual papers therein be kept secret in the interest of the national defense or foreign policy, that determination would most likely convince the court absent a strong showing for disclosure. See *United States v. Burr*, 25 Fed. Cas. 187, 191–192 (No. 14694) (C.C. Va. 1807) (Marshall, C.J.); Berger, *Executive Privilege v. Congressional Inquiry*, 12 U.C.L.A.L.Rev. 1044, 1107–1110 (1965); Hardin, *Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 899–900 (1962).[14] On the other hand, if one of his subordinates, even a member of the cabinet, so withheld the document, the courts would and should give far less deference to the claim for nondisclosure. See, *e.g.*, *United States v. Reynolds*, 345 U.S. 1, 8–10 (1953); see L. Jaffe, *Judicial Control of Administrative Action*. 363–364 (1965).

Stated in terms of the statute, the agency's burden of sustaining its action is more easily met when the President has specifically determined that the item in question must be kept secret than when his delegate purports to act under a general Executive order. In the latter case, the agency at the very least must show not simply that it labeled a document top secret but that its classification meets the requirements of the Executive order. The Army has made no such showing in this case.

C. The Army has not shown that it has complied with Executive Order 10501; instead the Army appears to have violated that order

1. Executive Order 10501 (made part of General Wickham's affidavit and reproduced in the transcript) Section 1(a) provides a strict standard for top secret classification:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense." (CT 68.)

Section 3 provides that persons delegated authority to classify information "shall be held responsible for its proper classification" and that "unnecessary classification and over-classification shall be scrupulously avoided. (CT 68.)

The Army has made no showing, either in open court of in camera, that the defense aspect of the Operation Keelhaul file is paramount and that unauthorized disclosure of it could result in exceptionally grave damage to the nation of the type specified in Section 1(a) of the Executive Order. It seems highly unlikely that a document over 20 years old would have these characteristics.[15]

2. Executive Order 10501, Section 3(b), provides that:

"The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification." (CT 69.)

The foregoing requirement would appear limited to such matters as documents printed on both sides or bound folders and charts. It would appear inapplicable to a group of photoprints which for convenience are collected but not physically connected in one file. Otherwise, for example, 100 unclassified documents could be stapled to one top secret document and obtain top secret status as "physically connected." Such a construction would defeat the basic purpose of avoiding unnecessary classification and over-classification and the requirement in Section 3(a) that "documents shall be classified according to their own content and not necessarily according to their relationship to other documents." (CT 68.) Simply because one or more photoprints in the Operation Keelhaul file might be top secret does not mean that all the photoprints therein are top secret. (See also Appendix A, showing the easy separability of the items.)

3. Executive Order 10501, Section 3(c) provides:

"A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one overall classification, notwithstanding that pages, paragraphs, sections, or com-

Footnotes at end of article.

ponents thereof bear different classifications." (CT 69.)

The foregoing provision would appear to refer, for example, to such items as a page which contains a top secret paragraph, or a bound document which contains several top secret pages. It would not appear to authorize the placement of the only copies of separate documents that are not top secret in a file which effectively gives them top secret status by association and denies access to them except to a few officials cleared for top secret and entitled to see the file. It is understandable that in some instances it would be convenient to have an integrated file which contains some individual documents that are classified top secret together with other documents which are unclassified or lower classified but which therefore must be top secret. Obtaining this convenience, however, does not justify denying access to the documents that are not top secret; it is a simple matter to make copies for the total file of convenience and keep access open, according to the classification or if there is no classification, to those other documents. The Army's position, however, seems to be that access can be denied to any number of otherwise unqualified separate documents simply by associating them loosely in a file with one top secret document. Such an approach is not permitted by the Executive Order and does not reflect the scrupulous care in classification that is required by that order.[16]

4. Executive Order 10501, Section 3(e) provides that:

"Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information." (CT 69.)

It is not clear from General Wickham's affidavit whether the British government specifically assigned top secret classification to a few documents and therefore these documents must be classified top secret. Rather General Wickham states that the file was generated by Allied Force Headquarters and that "the files of these documents as originally received bore an overall classification of top secret. This classification was required because the files contained many individual top secret documents of combined or British origin." (CT 24.) The affidavit does not allege specifically that such information is "defense information" or that the British government assigned top secret classification to it.[17] If they were true, such allegations could have been made simply and easily. In its ambiguous phrasing, the affidavit suggests that something other than "defense information" is involved and that the classification may not have been made by the British at all but by AFHQ. It is asserted in the affidavit that the AFQH is an "international organization" (CT 24) but this is merely a conclusion that is not supported by facts or legal authorities. Indeed, it appears clear that "international organization" within the meaning of the Executive order would be an organization such as the United Nations, not a military headquarters.[18] In any event, the "foreign government" or "international organization" requirement, even if it applied, would not justify top secret classification of the other documents in the file.

5. Executive Order 10501, Section 4 (as amended by E.O. 10964) provides for downgrading or declassification of information on a systematic basis as appropriate "to preserve the effectiveness and integrity of the classification system and to eliminate classification of information or material which no longer require classification protection." (CT 82.)

Footnotes at end of article.

Section 4(a) provides for automatic downgrading at periodic intervals but excludes "Group 1" information which is defined as:

"Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act, and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification." (CT 82.)

The Army claims that the Operation Keelhaul file is a "Group 1" document (CT 24) but again makes no showing that the British government or other foreign government actually originated the file, or that Allied Force Headquarters (AFHQ) is an "international organization", or that all the photoprints in the file were originated by a foreign government or international organization, or that the United States lacks any jurisdiction over the AFHQ if it is an "international organization." Accordingly, it has not shown that the file, or at least the documents therein not originated by a foreign government or international organization, are "Group 1" documents excluded from the automatic downgrading process.

6. For top secret material, there are special requirements for storage (Section 6 as amended by E.O. 10964, CT 84), accountability (Section 7), and transmission (Section 8). (CT 72–73.) Presumably, one of the purposes of requiring scrupulous care in classification is to avoid these onerous requirements unless they are necessary. The Executive order does not encourage wholesale lumping of materials into a file and classfying it top secret simply because a few documents within it are top secret.

7. Executive Order 10501, Section 15 (as amended by E.O. 10816) provides, as an exception to the rule for access only to proper officials but subject to the other provisions of the order, that:

"[T]he head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the information will be clearly consistent with the interests of national defense, and (b) the person to be granted access is trustworthy: *Provided*, that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised." (CT 77.)

The Army has not shown that it made any determination (a) that providing access to the information to Mr. Epstein would not "be clearly consistent with the interests of national defense" or (b) that he is untrustworthy.

8. Finally, Executive Order 10501, Section 18 requires that:

"The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith." (CT 75.)

The Army appears to have reviewed the file in 1954. General Wickham's affidavit says that after Mr. Epstein's request in 1967, the file was in his office for review but that review would take considerable time. (CT 3, 4.) The details of the review are not established. It is evident that the "continuing review" has not been made that is required by the Executive order "to insure that no information is withheld hereunder which the people of the United States have a right to know." What appears to have happened instead is that the file was reviewed once approximately 15 years ago and subsequently sent to the archives, that it was not under continuing review in the interim, and that it was only Mr. Epstein's request in 1967 that prompted another review, a review that has now been going on for over two years. These are the natural inferences to be drawn from General Wickham's affidavit. If, in fact, the Army had been reviewing the Operation Keelhaul file continually since 1948, presumably it would have said so. (See also Appendix A.)

The foregoing analysis demonstrates that the Army has not shown that it has complied with Executive Order 10501. Instead, the Army has shown that it appears to have violated the President's order.

D. The Army has not shown that it has complied with its own regulations; instead it appears to have violated them

The Army's regulations are binding on it. *Service v. Dulles*, 354 U.S. 363 (1957); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). The Army claims that its regulations implement Executive Order 10501 and that top secret classification is required under them. (CT 26–27.) Accordingly, the Army's regulations (which were made part of General Wickham's affidavit and are reproduced in the clerk's transcript) deserve examination to determine whether the Army has shown its own compliance with them. The Army has not shown that it has complied with its own regulations; instead it appears to have violated them, as the following examples illustrate:

1. AR 345–20, paragraph 2, provides that Army policy "is that maximum information shall be made available from Army records . . . All requests for information will be acted upon fairly, completely, and expeditiously. Delay will not be permitted . . . Information within a category which is normally exempt from public disclosure . . . shall be made available if no legitimate purpose exists for withholding it from the public. Information from Army files will not be withheld from the public because it may reveal or suggest error or inefficiency." (CT 54.)

The foregoing admirable policies appear to have been disobeyed rather than followed in this case: Maximum information has been denied. The plaintiff has been denied access since 1954. No legitimate purpose has been shown for withholding. Is there a possibility that disclosure of the file may reveal error and that it is being withheld for that reason? (See also n. 10, *supra*.)

2. AR 380–5, paragraph 8b, provides that "since the value of military information is subject to change, it must be reexamined periodically to determine whether it requires continued classification or whether its assigned classification should be changed or canceled." (CT 99.) The Army has made no showing that the value of military information, if any, in the Operation Keelhaul file has remained unchanged or that it has reexamined the file periodically while it sat in the archives under a top secret label.

3. AR 380–5, paragraph 9, warns against overclassification and emphasizes "that Army originated documents must be classified according to their own content and not necessarily according to their relationship to other documents." (CT 99.) According to General Wickham's affidavit, however, the entire file was classified top secret because it contained individual top secret documents of combined or British origin. (CT 24.) It is not indicated from General Wickham's affidavit whether or how many documents in the file were "Army originated" or whether they were classified according to their own content rather than their relationship to other documents.[19]

4. AR 380–5, paragraph 19d requires a security control officer in each command to "maintain an aggressive program of declassification, downgrading, and destruction." (CT 108.) Keeping a file in storage at the archives under top secret classification of

many years and taking more than two years after the last request to review the file does not appear to be the kind of "aggressive program" contemplated by the regulation.

5. AR 380–5, paragraph 43a provides:

"Top Secret documents normally will not be retired to records centers. Those Top Secret records which cannot be downgraded or destroyed in accordance with approved records disposition standards will be handled in accordance with paragraph 62, AR 345–210 and paragraph 49, AR 345–215, as appropriate." (CT 119.)

Paragraph 62, AR 345–210 provides that top secret documents "which cannot be destroyed under approved disposal standards will not be retired to a records center until reduced to a lower classification." An exception is provided for top secret files of overseas commands which "will be retired to records centers in accordance with approved disposition standards." (Not reproduced in transcript.)

Paragraph 8–10 (effective 1/1/68 and apparently the successor to paragraph 49) of AR 345–215 provides that top secret files which "have a retention period of longer than six years will not be retired to a records center until reduced to a lower classification . . . When Top Secret files become eligible for retirement to a records center, the unit commander will review them for possible regrading or declassifying." An exception is provided for "Top Secret files of units in overseas commands. These files will be retired to records in accordance with retirement standards in Appendix A, this regulation. [Appendix A provides for file disposition standards for various types of files by subject matter.] However, Top Secret documents will be regraded to the maximum extent practicable prior to retirement." (Not reproduced in transcript.)

Notwithstanding the foregoing regulations, the Army made no showing that the Operation Keelhaul file was reviewed for declassification or downgrading, to the maximum extent practicable before being retired to a records center or the archives.

6. AR 380–5, Appendix III, is a general classification guide. It sets out the strict standards for top secret classification and examples of items that may appropriately be classified as top secret such as war plans; certain operations plans; major intelligence production efforts; particular intelligence or special operation plans, the compromise of which "could result in exceptionally grave damage to the Nation—not just to individuals or groups of individuals"; and essential information concerning "radically new and extremely important equipment (munitions of war)." (CT 145–146.) The old Operation Keelhaul file stands in marked contrast to the foregoing items.

7. AR 380–6, paragraph 4, excludes "Group 1" material from automatic downgrading and declassification procedures and defines "Group 1" material to include material:

"Originated by or containing classified information *clearly* attributed to foreign governments or their agencies, or to international organizations and groups, including the Combined Chiefs of Staff. This does not include US classified information hereafter furnished to a foreign government or international organization; the US classified information shall be grouped and marked as otherwise prescribed herein." (CT 161.) (Emphasis in original.)

The reference to "international . . . groups, including the Combined Chiefs of Staff" appears to be an unauthorized extension of the term "international organization" in Executive Order 10501 and should therefore be disregarded, particularly when, as in the instant case, the "group", *i.e.*, Allied Force Headquarters (AFHQ), apparently no longer exists and when the regulation neglects to include the limitation in Executive Order 10501 that the United States have no jurisdiction over the "international organization". (See also n. 18, *supra*.)

There are two pertinent requirements under the Army's "Group 1" definition, however, that have not been established by the Army:

(a) There is no showing that the Operation Keelhaul file contains "Group 1" documents exclusively, *i.e.* that there is no U.S. classified information that should be grouped separately.

(b) There is no showing that the documents for which "Group 1" status is claimed are "clearly attributed" to a foreign government or an international organization. *Cf.* also *Zimmerman v. Poindexter*, 74 F.Supp. 93, 936 (D.C. Hawaii 1947) (similar Army regulation interpreted not to apply to production of documents in court).

8. AR 380–6, paragraph 4b, provides that "Group 1" material "may be downgraded or declassified only by the originating authority, or by an official higher in the same chain of command." (CT 161.) Even if the Army's claim were correct that AFHQ is an "international organization" and still an "originating authority" even though the war has long been over, it would not follow that the United States is precluded from downgrading an AFHQ file without British consent. The Supreme Allied Commander was General Eisenhower and whatever authority he had to classify and downgrade an Army file should now be vested in his United States successors, particularly when the British have their own file.

E. The Army has shown no attempt by it to obtain declassification authority from the British or to ascertain whether the document has already been declassified or downgraded by the British

For the purpose of this argument it is assumed without conceding that some documents in the Operation Keelhaul file are of British origin, that the British classified and transmitted them to the Army on a top secret or equivalent basis, that they contain defense information, and that at one time they were properly "Group 1" documents under Executive Order 10501.

Simply because a foreign government, many years ago, classified and transmitted a photoprint to us on a top secret basis does not mean that the United States has no obligation under the Freedom of Information Act or Executive Order 10501 with respect to that document. It does not mean that a person seeking access to that document must wait years for the unilateral action, whim, or caprice of a foreign official. Nor does it mean that a document can rest unseen and under top secret security in the national archives without any effort being made by an official of the United States to review whether the foreign government has declassified or downgraded the document. The Army makes no showing of any specific British restrictions on the document that are now in force; of any attempt by the Army to determine their status under the British; or of any attempt by the Army to seek declassification at downgrading by the British. Without such a showing, a claim that over 20 years ago the British classified a document top secret and thereby foreclosed access to a U.S. Army file to an American scholar proceeding under a U.S. statute in a U.S. court seems frivolous. It would be ironic indeed if the Freedom of Information Act, which became effective on a day celebrating nearly 200 years of independence from the British, were interpreted to mean that British consent to the release of a 20-year old file is required before Congress' purpose of making United States records public can be served.

F. The Army has made no showing that a claim of privilege by a British official would be sustained by a court

Since the Army asserts a supposed privilege of the British, it is relevant to ask whether a court would sustain the withholding of any documents of British origin in the Operation Keelhaul file if a British minister claimed executive privilege for them. It is very doubtful whether a court in either the United States or England would pay the kind of deference the Army appears to have paid to the security classification supposedly made by a British official more than 20 years ago.

In *Crosby* v. *Pacific S.S. Lines*, 133 F.2d 470, 475 (9th Cir.), *cert. denied*, 319 U.S. 752 (1943), the question was whether Walsh, the San Francisco representative of the British Ministry of Shipping, who was a witness in a court case here, could assert a privilege to withhold relevant correspondence on the grounds that it belonged to the British government and that he was instructed to keep it confidential and not disclose it to anyone outside the British government. The Court held that the correspondence should have been disclosed. "We think the rule to be applied is the one we would apply to a similar department of government here:"

"[I]t was error to refuse to compel Walsh to produce the correspondence for the inspection of the special master to determine their admissibility in evidence, because of an absence of showing: (1) existence of a rule of the British Ministry of Shipping that all correspondence between its officers is confidential; (2) existence of a direction, by an officer superior to Walsh, to Walsh that the correspondence is confidential; (3) existence of a direction to Walsh by an officer superior to Walsh authorizing the latter to determine what correspondence is confidential; and (4) how the correspondence would in any manner jeopardize the public interest, safety or security."

Under the *Crosby* case, there at least should have been a showing in the instant case that British originated documents were still properly classified top secret and that disclosure of them now would jeopardize the public interest, safety or security. The Army made no such showing in this case. See also *Conway v. Rimmer* (1968) 1 All E.R. 874–H.L., which established the principle of substantial judicial review of claims of executive privilege and effectively overruled *Duncan v. Cammell, Laird & Co., Ltd.*, (1942), 1 All E.R. 587–H.L.

G. The Army has not shown why its subsidiary papers must remain hidden from view when the far more sensitive, important, top secret, and directly related Yalta papers were opened to public view almost 15 years ago

In 1955, pursuant to the "custom of the United States Government to release to the public, after a suitable lapse of time, a substantially complete documentary record of our country's diplomacy," the State Department in 1955 released the Yalta papers on the Yalta conference in 1945 between President Roosevelt, Prime Minister Churchill and Prime Minister Joseph Stalin. Dept. of State Public. 6199, *Foreign Relations of the United States, The Conferences at Malta and Yalta 1945* (1955), p. iii.

The Yalta papers, as so published in 1955, include many documents, initiated at the presidential level and the highest military and diplomatic levels, which were previously classified top secret and concerned matters of the gravest importance and greatest sensitivity. The published papers contain, for example, copies of signed agreements, minutes of meetings of Roosevelt, Churchill and Stalin, informal notes exchanged, and other previously top secret records of the Yalta Conference. These documents and records deal with such sensitive questions as the dismemberment of Germany, reparations to be obtained from Germany—both in kind and in manpower—division of German territories, the Polish question, and many other items of far reaching significance.

In preparing the publication, the Department of State "obtained the assistance of the Department of Defense in locating and releasing documents from the military records of these conferences. This type of material consists of papers documenting the official position or advice of the War and Navy Departments on politico-military subjects discussed at the international level, as presented by the civilian leaders of those departments and by the American Joint Chiefs of Staff and the Anglo-American Combined Chiefs of Staff, together with instructions and interpretations on such subjects given to those departments by the President . . . In the selection of military papers the emphasis has been placed upon those relating to subjects with significant implications for the foreign relations of the United States." *Id.* at xiii. A limited number of omissions were made "(1) to avoid giving needless offense to other nationalities or individuals, (2) to protect defense information in accordance with Executive Order 10501, and (3) to condense the record . . ." *Id.* at xx.

One of the important subjects at the Yalta Conference was the repatriation of Soviet nationals. See, *id., e.g.,* 414–415, 416–418, 440, 445, 455, 697, 754–756, 985–987 (the signed agreement on repatriation which was released to the press on March 8, 1946).

The Army document involved in this case by title concerns the "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul" and presumably deals with the implementation, by subsidiaries, of the presidential and similarly high level directives at Yalta for repatriation. Perhaps there is an outside chance that the Army file contains a few papers "the disclosure of which could result in exceptionally grave damage to the nation" (E.O. 10501).[20] In view of the disclosure of the far more sensitive, important, top secret, and directly related Yalta papers almost 15 years ago, however, the Army should make a convincing showing to the court, in camera or otherwise, that every one of its subsidiary documents should continue to remain in storage and hidden from view. The Army has made no such showing.

CONCLUSION

The judgment below must be reversed because the trial court did not discharge its statutory responsibility to determine the propriety of the Army's withholding of the requested information and because the Army did not sustain its statutory burden of establishing its claim to an exemption. The express language and the fundamental purposes of the Freedom of Information Act require a reversal.

Dated, October 7, 1969.

Respectfully submitted,

PAUL N. HALVONIK,
CHARLES C. MARSON,
Staff Counsel, American Civil Liberties Union of Northern California.
MICHAEL TRAYNOR,
PREBLE STOLZ,
DONATAS JANUTA,
By MICHAEL TRAYNOR,
Attorneys for Amicus Curiae on behalf of Appellant.

(Appendix A follows.)

APPENDIX A

DEPARTMENT OF THE ARMY,
OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C., August 23, 1969.

Mr. JULIUS EPSTEIN,
Hoover Institution
Stanford University,
Stanford, Calif.

DEAR MR. EPSTEIN: The review of the "Operation KEELHAUL" files, referred to in my letter of 20 December 1968, has been completed. It has been determined that four documents may be declassified. These have been declassified and copies are attached herewith for your use.

I regret to inform you that the other documents in these files must remain classified, as determined again by this latest paper-by-paper review, and thus are exempt from release under the provisions of paragraph 10a, AR 345–20 (copy attached).

If you wish, however, you may submit a final appeal in writing to the Secretary of the Army. If you decide to do this, please send your appeal to this office for transmittal to the Secretary.

Sincerely,

KENNETH G. WICKHAM,
Major General, USA, The Adjutant General.

AFHQ MESSAGE CENTER [21]

INCOMING MESSAGE

Filed: 0312259; AFSC 473/3.
Top Secret
From: FSS.
To: Comgenmed.
Ref no this message: FRS 12942.
AUGUST 3, 1946.

Cite BFATC.

Reference operation KEELHAUL conversation between Captain PRAIL this Headquarters and Lt. Colonel PATEUGILL, ALCOM in ROME, indicates the following.

ALCOM is unable to furnish interpreters at Separation Points or any person who will be able to identify individuals wanted imperative that individuals qualified to perform the above mentioned duties be furnished that Headquarters in order that mission may be accomplished.

Action: JAG.

Information: C–I G–5 C/S NTO.

Circular Stamp: Unclassified, Secret, Unclassified, Regarded, Order Sec Army, by Tag Per, 70802.

Paraphrase Unnecessary.

MC IN 263 3 Aug 46; 2332B Ref No. PBS 12932 fl.

Top Secret, Copy No. —.

Printed: The Making of an Exact———

Printed: The making of an exact copy of this message is forbidden.

AFHO MESSAGE CENTER

INCOMING MESSAGE

Filed: 041510E; AFSC N 147/4.
Paraphrase Unnecessary
Secret
From: Comet ——— ———
To: AGWAR.
Info: CMDUS, USFA COMGENMED.
Ref No this message: SN 67–17
DECEMBER 4, 1946.

Cite ———

Reference to your WX–89544 of 20 December 1945.

Subject is repatriation of Soviet citizens who are subject to forcible repatriation under the Yalta Agreement.

1. At the present time Soviet citizens constitute a static group with respect to those unwilling to return to the Soviet Union. It is again requested that (see our 3–3796 of 17 September with respect to exit of Soviet Mennonites for resettlement in PARAGUAY) authorization be given this Headquarters to permit the immigration of those Soviet citizens who leave the Zone under the sponsorship of an accredited agency (such as IGCR) and who do NOT, in the opinion of this Headquarters, fall within the terms of the Yalta Agreement as being subject to forcible repatriation.

2. In connection with the foregoing IGCR here has made mention of a United Nations resolution, reputed to have been adopted, which precludes the necessity of submitting nominal rolls of prospective immigrants to Governments of countries of origin or citizenship before authorizing their immigration.

Request test of such resolution, if adopted, together with interpretation as to its effect on the Brazilian and similar immigration programs. (Continued)

Paraphrase unnecessary
MC IN 179; Secret.

MC IN 179; Secret.

Circular Stamp; Regraded Order, Sec. Army by Tag per 70802, Copy No. 1.

The making of an exact copy of this message is forbidden.

Ref No this message: 31.6717 (Cont'd), 4 December 1946.

Note: WX–89544 no longer held in AFHQ M/C files; 3–3796 not identified in AFHQ M/C files.

Action: G–5.

Information: C/3 MKO G–1 G–2 US POLAD.

MC IN 179 4 Dec 46 —2— 2330A.

Ref No BX 6717 jvd/A.

AFHQ MESSAGE CENTER

INCOMING MESSAGE

Paraphrase unnecessary
Filed: 3120122; AFSC 4361.
Secret
From: AGWAR From WOSCA
To: USFET Info: USFA CMDUS COMGENMED.
Ref No this mesage: WX–88676.
DECEMBER 31, 1946.

Reference your radio December SX 6717 and reference our radio December W 87198.

Authority request para 1 your radio granted in our radio.

Reference your radio para 2, resolution as such not adopted but UN has consistently upheld principle of NOT giving names of prospective immigrants to countries of origin prior authorizing immigration.

All proposals to submit names of prospective immigrants to countries of origin have been defeated.

Note: SX 6717 MO IN 179 4/12/46 G–5 W 87198 not identified in AFMC M/C files.

Action: C–5

Information: C/5 MTO G–1 G–2 US POLAD

Paraphrase unnecessary.

MC 10 1 Jan 47; Secret; 1730 A Ref No. WX 88676.

Circular Stamps: Unclassified, etc.

The making of an exact copy of this message is forbidden.

HEADQUARTERS MEDITERRANEAN THEATER OF OPERATIONS, UNITED STATES ARMY, APO 512
JANUARY 16, 1947.

AG 323. 7/7/000 E–O.

Subject: Certificate for ex KEELHAUL Personnel

To: Commanding General, Peninsular Base Section, APO 762.

Individuals released from "KEELHAUL" as non-Soviets to revert to Displaced Persons status will be issued a certificate of four paragraphs, substantially:

1. A description of the individual in sufficient detail to prevent ready usage of the document by another person.

2. Signature of the recipient.

3. "(Name), described above, has been subjected to military interrogation at Prisoner of War Enclosure 339, Pisa, Italy, and is believed to be a national of (Country). This finding has been confirmed by the Supreme Allied Commander, Mediterranean Forces, at Caserta.

4. Signature of the C.G., AITC, and PBS authorization.

By Command of Lieutenant General Ike:

U. G. PETTERMAN,
Major, ADC, Asst. Adjutant General.

Stamped. Unclassified, etc.

G–5 383.7–14.1.

FOOTNOTES

* The statement of the case is based on the Memorandum and Order (CT 246–253) and Findings, Conclusions, and Judgment (CT 254) of the trial court except as supplemented by references to other material in the Clerk's Transcript of Record (CT).

[1] The Freedom of Information Act was enacted by P.L. 89–487, 80 Stat. 383, and codified without substantive change in 5 U.S.C.

Section 552 by P.L. 90–23, 81 Stat. 54. The Act became effective July 4, 1967.

The prior law was Act of June 11, 1946, ch. 324, Section 3, 60 Stat. 238.

The principal legislative history of the Freedom of Information Act is found in the Senate Report and the House Report. S.Rep. No. 813, 89th Cong., 1st Sess. (1965); H.R. Rep. No. 1497, 89th Cong., 2d Sess. (1966). For major floor arguments in Congress see 104 Cong. Rec. 6547–75, 15688–99; 110 Cong. Rec. 17086–89.

The Attorney General published an Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (1967) (hereafter cited as AG Memo), a 47-page pamphlet which sets forth guidelines for the agencies and some analysis of the act and the legislative history.

There have been several articles written on the Act. See *e.g.*, Davis, *The Information Act: A Preliminary Analysis*, 34 U.Chi.L. Rev. 761 (1967); Note, *The Freedom of Information Bill*, 40 Notre Dame Law. 417 (1965) (extensive discussion of bill and related earlier proposals); Note, *Freedom of Information: The Statute and the regulations*, 56 Georgetown L.J. 18 (1967); Note, *The Information Act: Judicial Enforcement of the Records Provision*, 54 Va.L.Rev. 466 (1968).

Professor Davis cautions that "In general, the Senate committee is relatively faithful to the words of the Act, and the House committee ambitiously undertakes to change the meaning that appears in the Act's words. The main thrust of the House committee remarks that seem to pull away from the literal statutory words is almost always in the direction of nondisclosure. The *Attorney General's Memorandum* consistently relies on such remarks by the House committee." Davis, supra, 34 U.Chi.L.Rev. at 763.

[2] Some background on the derivation of the revised and more limited secrecy exemption is set forth in the comprehensive Note, *The Freedom of Information Bill*, 40 Notre Dame Law. 417, 421, 443–445 (1965) as follows:

The Senate Judiciary Committee held hearings and after reviewing the broad "secrecy in the public interest" test of the prior law reported in 1964 that:

"The phrase 'public interest' in section 3 (a) of the Administrative Procedure Act (and in S. 1666 as it was introduced) has been subject to conflicting interpretations, often colored by personal prejudices and predilections. It admits of no clear delineations, and it has served in many cases to defeat the very purpose for which it was intended—the public's right to know the operations of its Government. Rather than protecting the public's interest, it has caused widespread public dissatisfaction and confusion. S. Rep. No. 1219, 88th Cong., 2d Sess. p. 3 (1964). . . ."

After the hearing, the proposed rewording of the test was "any function of the United States requiring secrecy for the protection of national security." *Id.* "However, as pointed out in the hearings, *national security* can also become a vague and confusing standard. An administrator could conceivably interpret *national security* so as to frustrate the purpose of this exemption as he has done *within the public interest*. Consequently, in S.1160 the proposed Senate bill], the exemption has now been further narrowed to extend to matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy." 40 Notre Dame Law., *supra* at 421. (Emphasis in original.) With the substitution of "in the interest of" instead of "for the protection of", the test was substantially similar to the test proposed by the American Civil Liberties Union, namely "any matter specifically required by Executive Order to be kept secret for the protection of the national defense or foreign policy." *Id.* at n. 26 citing *Hearings Before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary*, 88th Cong., 2d Sess., pp. 75, 79 (1964).

[3] Two additional exemptions not claimed by the Army but used for analysis and illustration herein are (2) and (3), *i.e.*, matters:

"(2) *related solely* to the *internal personnel rules and practices* of an agency;

(3) *specifically exempted from disclosure by statute;*"

[4] Before getting to the question of exemption, there is a possible preliminary question in some cases under the statute, but not in this case, that may be disposed of quickly, *i.e.*, whether the procedural standards of Section 552 (a)(3) have been met. For example, if the complainant failed to request an "identifiable" record or did not comply with published time and place rules or pay the proper fee, the agency could urge that its records were properly withheld without necessarily claiming an exemption under Section 552(b). These requirements have been met and the trial court did not hold that any of them justified withholding of the records in this case.

[5] The example of parking regulations was deliberately chosen since it is referred to in the Senate Report. S. Rep. No. 813, 89th Cong., 1st Sess. at 8 (1965), as a matter within the exemption. As Professor Davis suggests, both the House Report and A.G. Memo seem to go beyond the statutory language in discussing this exemption.

[6] Privileges, that is, of the government itself. There are other provisions relating to trade secrets and other confidential information obtained by the government from private sources designed essentially to protect those sources. Many of these are in the statutes covered by subsection (b)(3); others would be included in the exemptions of (b)(4), (6), (7), (8), and (9).

[7] The trial court's position would reduce the issues to be considered to the few procedural requirements contained in Section 552(a)(3); *e.g.*, did the complaint seek an "identifiable" record; did the plaintiff tender the proper fees; was the venue correct? See n. 4, *supra*. It is inconceivable that Congress intended that the de novo review by the district courts be restricted to issues of such minor consequence.

[8] The Attorney General's memo cited the statute as it passed Congress; the brackets are to the statute as codified.

[9] The foregoing point on standing seems true even if it is assumed that Section 10 of the A.P.A. (now codified as 5 U.S.C. Sections 701, 704) could be construed to authorize judicial review. Note that the trial court did not purport to rest jurisdiction on 5 U.S.C. Sections 701 and 704, but rested it on 5 U.S.C. Section 552(a)(3). (CT 254.)

[10] Presumably, the Army's principal expertise on the implications of disclosing the file would be in the national defense area rather than the foreign policy area. However, the file is very old and the national defense implications, if any, of releasing it seem remote. Presumably also, the Army's reluctance to release the file does not arise out of any desire to hide error or inefficiency of the Army or an allied component of Allied Force Headquarters (AFHQ) such as the British, for to do so would directly contradict Department of Defense policy that a claim that information is exempt from disclosure under the Freedom of Information Act "in no event" shall be "influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass a component or an official of that component." 32 C.F.R. Section 286.4(c), reproduced in House Comm. on Gov't Operations, *Freedom of Information Act (Compilation and Analysis of Departmental Regulations)*, p. 46, 90th Cong., 2d Sess. (1968). One would think also that the Army might be glad to release the file to clear away any suggestion that it might have used force or cooperated in the use of force in the repatriation of persons to the Soviet Union. Repatriation by force was not provided for in the Yalta agreements, and official Army history makes clear that Allied policy was to protect "displaced persons from forcible repatriation." Coles & Weinberg, *United States Army in World War II, Civil Affairs: Soldiers Become Governors*, Department of the Army (1964), pp. 582, 648; Dept. of State Public. 6199, *Foreign Relations of the United States, The Conferences at Malta and Yalta 1945*, pp. 985–987 (1955). It would seem unlikely also that the Army desires to protect Soviet Communists from disclosure about their use of force. It needs no citation to state that the Army is opposed to Communist aggression. Moreover, a decision to protect Soviet Communists would not seem to be one of national defense. Besides, the story of the Communists' use of force has already been documented in some detail. See, *e.g.*, the four-volume collection, translated from the German, entitled *Documents on the Expulsion of the German Population from Eastern and Central Europe* (Schneider ed., 1960–61); Bouscaren, *International Migrations Since 1945*, pp. 47–66 (1963).

[11] After the judgment was entered and by letter dated August 22, 1969, Major General Wickham informed Mr. Epstein that the review had been completed, that four documents were declassified, and that the remaining papers still could not be released. Appendix A to this brief contains copies of General Wickham's letter and a transcription of the four documents to the extent feasible. (Copies of the four documents were also appended to the typewritten amicus brief previously filed herein.) In summary, the four documents, which were withheld from public view for over 20 years, are: 1) a request for interpreters, 2) a request (originally classified secret) for authorization concerning immigration of certain Soviet citizens who do not "fall within the terms of the Yalta Agreement as being subject to forcible repatriation", 3) a message (originally classified only as secret) confirming that "all proposals to submit names of prospective immigrants to countries of origin have been defeated", and 4) a letter indicating the form of certificate to be issued to "individuals released from KEELHAUL as non-Soviets."

[12] It is noted in passing that the Army did not attempt to justify its withholding on the ground that the material might simply be secret rather than top secret. The Army's restraint is correct for two reasons: 1) A showing that documents are only "secret" or less would involve an admission that a declassification had been made which would contradict the Army's basic assertions that the entire file was top secret pending review on a paper by paper basis. 2) Having adopted the stricter "top secret" approach, the Army is bound to justify it. See *Service v. Dulles*, 354 U.S. 363, 388 (1957), a case involving the crucial security question of a key employee's loyalty: Although "the Secretary was not obligated to impose upon himself these more rigorous substantive and procedural safeguards, neither was he prohibited from doing so, and having done so he could not, so long as the Regulations remained unchanged, proceed without regard to them." See also *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (regulations validly prescribed by a government administrator are binding upon him as well as the citizen even when administrative action under review is discretionary).

[13] The exemptions in Section 552(b) begin with a reference to "matters" rather than to "identifiable records", the more specific phrase in Section 552(a)(3). The House Report specifically refers to "matters classified pursuant to Executive Order 10501" as an example of a potential exemption under subsection (b)(1). Congress may not have imposed on the President the burden of qualifying each particular document for the exemption with a particular Executive Order or attempted to act, except constitutionally,

with respect to the President's claimed consitutional power to withhold secrets. *Cf.* Statement by President Johnson upon signing P.L. 80–487, AG Memo 11 (1967), that "this bill in no way impairs the President's power under our Constitution to provide for confidentiality when the national interest so requires." See Wozencraft (then Asst. Atty. Gen), *Symposium*, 20 Admin.L.Rev. 1, 46 (1967): "[I]t is very clear here from the fact that the President did sign this bill . . . that the earlier contention that judicial review of these decisions would be an invasion of an executive prerogative is not now being pressed. The separation-of-power concept is obviously something that the executive branch did not intend to press when the President signed the bill."

[14] As noted in the cited articles, President Jefferson promptly produced all the documents requested in the Aaron Burr trial conducted by Chief Justice Marshall except for one letter, and as to that letter he was willing to submit it to Marshall to review.

[15] The Army apparently considered that a request for interpreters required top secret status for 23 years. See Appendix A. It bears asking whether there might be similar documents in the file, the disclosure of which the Army feels might "result in exceptionally grave damage to the Nation." Are the courts supposed to defer to the military judgment on such matters without even looking at the documents? Overclassification, of course, has been severely criticized. See, *e.g.*, Bar Ass'n City of New York, *Report of the Special Committee on the Federal Loyalty Security Program*, 69–73 (1956).

[16] Note that two of the recently released documents reproduced in Appendix A were originally classified only as secret, not top secret.

[17] The United Kingdom apparently uses "Top Secret" as a classification comparable to the U.S. "Top Secret". AR 380–5, App. V. (CT 92.)

[18] Section 288 of Title 22 of U.S.C., dealing with foreign relations, provides that "the term 'international organization' means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designed by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided" in certain listed statutes. The President, by Executive orders, has designated various organizations as "international organizations". The designations are listed in 22 U.S.C.A. after Section 288. They include such organizations as the United Nations, the Inter-American Development Bank, and the International Monetary Fund. No military group or allied commands appear to be listed as "international organizations".

AFHQ appears to have been disbanded shortly after the Treaty of Peace Between Italy and the Allied and Associated Powers of 1947 went into effect. Coles & Weinberg, *U.S. Army in World War II, Civil Affairs: Soldiers Become Governors*, Department of the Army, 645–649 (1964).

[19] See Appendix A which reveals that at least two documents were originally classified only as secret, not top secret.

[20] Compare, however, the request for interpreters reproduced in Appendix A, which the Army kept in top secret status for 23 years, *with* the top secret minutes of presidential meetings and top secret notes and information which were made public almost 15 years ago with publication of the Yalta papers. See discussion at n. 10, *supra*.

[21] Copies of the documents as furnished by General Wickham were appended to the typewritten amicus brief previously filed. The copies are hard to read and accordingly are transcribed herein to the extent feasible.

[In the United States Court of Appeals for the Ninth Circuit, No. 24275]

JULIUS EPSTEIN, APPELLANT *vs.* STANLEY RESOR, ET AL., APPELLEES

ADDENDUM AND AFFIDAVIT FOR AMICUS CURIAE IN RESPONSE TO ASSERTIONS OF APPELLEE UNITED STATES OUTSIDE THE RECORD

Michael Traynor, being sworn, says: I am one of the attorneys for Amicus Curiae, the American Civil Liberties Union of Northern California. During the oral argument on November 19, 1969, I stated that the government's contentions did not support the trial court's judgment and were unresponsive to the arguments of appellant and amicus curiae. At the close of oral argument, Judge Koelsch asked me if I had any further response to the government's contentions. I replied that the government's reference, *Federal Records of World War II*, did not support its contentions, and I was going to conclude my answer with the following short argument had time permitted:

The government's "intelligence and cryptography" contention was raised for the first time on appeal; is not supported by General Wickham's affidavit or the record; is an implausible afterthought given the many years since the file was made; and is just the sort of claim the district court should consider independently in camera or otherwise in a trial instead of in a cursory summary judgment proceeding. I object to the government's unverified and cavalier assertions of such factual matter outside the record and to its attempt to burden the Court with a belated concern for old cryptography that could have and should have been brought to the attention of the trial court had it been of any significance at all.

Because of the late filing of the government's brief, the court asked whether we wanted to file a reply brief. I did not ask to do so thinking that the government's contentions could be disposed of orally and briefly. Time did not permit the foregoing argument to be made, however, and I respectfully request that this Addendum and affidavit be filed in response to the Court's invitation and in lieu of reply brief.

Appellant's counsel, Michael Klynn, informs me that he joins in the foregoing statement.

Dated: November 20, 1969.

Respectfully submitted.

MICHAEL TRAYNOR.

[In the United States Court of Appeals for the Ninth Circuit, No. 24, 275]

JULIUS EPSTEIN, PLAINTIFF-APPELLANT *v.* STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANT-APPELLEE

STATEMENT OF THE QUESTION PRESENTED

Whether the requested file, which is security-classified pursuant to Executive Orders 10501 and 10964, falls within the exemption in the Freedom of Information Act for matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." 5 U.S.C. 552(b)(1) (Supp. IV, 1965–68).[1]

STATEMENT OF THE CASE

1. For a number of years plaintiff Epstein has been attempting to secure the disclosure to him of a file which he describes as "Army document: 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul,'" File No. 383.7–14.1 (R. 29).[2] Plaintiff's requests were denied because of the "current high security classification" of the file (R. 185–193).[3] After Congress enacted the Freedom of Information Act, effective July 4, 1967, plaintiff invoked that Act in support of his request for disclosure (R. 35, 46). Plaintiff's request for disclosure pursuant to the Information Act was also denied—on the ground that the requested file is exempt from disclosure under the Information Act, as matter which is "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." 5 U.S.C. 552(b)(1). (R. 24–52).

Plaintiff thereafter brought this action in the district court, pursuant to the Information Act, to compel the defendant Secretary of the Army to disclose the requested file to him (R. 1–2). The district court granted the Government's motion for summary judgment, and dismissed the action, on the ground that the Government had appropriately invoked the exemption in the Information Act for matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." 5 U.S.C. 552(b)(1). (R. 246–255).[4]

2. In support of the motion for summary judgment, defendant filed the affidavit of Major General Kenneth G. Wickham, The Adjutant General of the Army (R. 23–27). The Adjutant General's affidavit states that the requested file is security classified in the interest of national defense or foreign policy, pursuant to Executive Orders 10501 and 10964 (R. 23–24, 26–27). The basis for that classification, as explained in The Adjutant General's affidavit, is set forth below.

The Allied Force Headquarters ("AFHQ") was the unified inter-allied command (British and American) that planned and supervised ground, air, naval, and service operations and military government during World War II in the North African Theater of Operations and the later Mediterranean Theater. See *Federal Records of World War II, Vol. II, Military Agencies* (General Services Administration, 1951), p. 767. After AFHQ was discontinued, the Combined Chiefs of Staff[5] directed that AFHQ's original records be transferred to the British Government, and that microfilm copies of the records be released to the War Department of the United States Government. See *Federal Records of World War II, Vol. II, Military Agencies, supra*, p. 769; Adjutant General's affidavit, R. 24. The Adjutant General of the Army states in his affidavit that the file requested by plaintiff is part of the foregoing AFHQ microfilm records that were released to the United States War Department by the Combined Chiefs of Staff, and that the requested file, as received by the War Department, bore an overall classification of "Top Secret" since it contained many individual "Top Secret" documents of combined (British and American) and British origin (R. 24).[6] The Adjutant General's affidavit also states that the requested file, in the possession of the United States Government, has continued to bear an overall classification of "Top Secret" because of the requirements of Executive Orders 10501 and 10964, and that the requested file is "not subject to unilateral regrading action by the United States" (R. 24, 26–27).

Executive Order 10501, issued by President Eisenhower in 1953,[7] provides, *inter alia* [Section 3]:

(b) Physically Connected Documents. The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. * * *

(c) Multiple Classification. A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one overall classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(e) Information Originated by a Foreign Government or Organization. Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a

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Footnotes at end of article.

degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

By Executive Order 10964, issued in September 1961,[8] President Kennedy amended Executive Order 10501 to provide for automatic downgrading or declassification of certain kinds of information or material. However, Executive Order 10964 excludes from automatic downgrading or declassification "Group 1" material, *i.e.*, "information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act, and information or material requiring special handling, such as intelligence and cryptography" (Section 4(a)(1)). (R. 82). Army Regulation 380–6, issued by the Secretary of the Army in October 1962, implemented provisions of Executive Order 10964, and specifically states that "Group 1" documents include, *inter alia*, material originated by or containing classified information clearly attributed "to foreign governments or their agencies, or to international organizations and groups, including the Combined Chiefs of Staff" (R. 161).[9]

The affidavit of The Adjutant General of the Army specifically states that the file requested by plaintiff has continued to bear an overall classification of "Top Secret" because it is "categorized as Group 1 documents under AR 380–6 (Executive Order 10501, as amended by Executive Order 10964)" and that it is "not subject to unilateral regrading action by the United States" (R. 24).

3. As just seen, Executive Order 10501, as amended by Executive Order 10964, forbids the disclosure to plaintiff of the file requested by him, for this file was received by the United States Government from the Combined Chiefs of Staff as a security-classified document, and it must remain a security-classified document until the United States Government and the British Government (the other member of the Combined Chiefs of Staff) agree to remove the security classification of the file. Moreover, independently of the international nature of the file, we are informed by the Department of the Army that the file must remain security-classified because of considerations of intelligence and cryptography. See Section 4(a)(1) of Executive Order 10501, as amended by Executive Order 10964, *supra*, p. 6.

It should also be stressed that the Department of the Army has reviewed the file continuously, in cooperation with other agencies of the United States Government, in the hope that a procedure could be developed to declassify all, or a portion of, the papers in the file (see R. 24–52, 185–193). To date, those efforts have yielded the declassification of only four United States-originated items, involving no problems of intelligence or cryptography, which were furnished to plaintiff on August 22, 1969 (see Appendix A to Brief of Amicus Curiae). The Department of the Army is also currently in the process of attempting to develop a procedure whereby copies of the documents could be furnished the plaintiff and other members of the general public—*minus the security-classified data*. Development of this procedure involves complex and costly studies, and coordination with a number of United States agencies and with representatives of the British Government. The Department of the Army, of course, cannot represent, at this time, that this effort will ultimately result in the release of some or all of the material desired by plantiff.

Footnotes at end of article.

ARGUMENT

The file requested by plaintiff, which is security-classified pursuant to Executive Orders 10501 and 10964, falls within the exemption in the Freedom of Information Act for matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy". 5 U.S.C. 552(b)(1).

The Freedom of Information Act exempts from the coverage of the Act matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." 5 U.S.C. 552(b)(1). As seen above (*supra*, pp. 3–7), Executive Order 10501, as amended by Executive Order 10964, forbids the disclosure to plaintiff of the file requested by him, for the file—which plainly pertains to "defense information"—was received by the War Department of the United States Government from the Combined Chiefs of Staff (an "international" war organization composed of British and American representatives) as a security-classified document; and the file must remain as a security-classified document until the United States Government and the British Government (the other member of the Combined Chiefs of Staff) agree to remove the security classification of the file. Of course, these United States international commitments must be honored.[10] Moreover, independently of the international nature of the file, the Department of the Army informs us that the file must remain security-classified, pursuant to Section 4(a)(1) of Executive Order 10501, as amended by Executive Order 10964 (*supra*, p. 6), because of considerations of intelligence and cryptography.

Plaintiff argues that the district court should have reviewed the correctness of the Executive judgment that documents of the type here involved must be kept secret in the interest of the national defense or foreign policy (Brief for Appellant, pp. 5, *et seq.*). That contention, however, is contrary to the language and legislative history of the Information Act, which exempts matters "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." 5 U.S.C. 552(b)(1). As stated by the House Government Operations Committee, "* * * citizens both in and out of Government can agree to restrictions *on categories of information which the President has determined* must be kept secret to protect the national defense or to advance foreign policy, *such as matters classified pursuant to Executive Order 10501.*" H.R. Rept. No. 1497, 89th Cong., 2d Sess., pp. 9–10 (emphasis added).

Similarly, Representative Gallagher, a member of the House Government Information Subcommittee, explained the exemption as follows:

There has been some speculation that in strengthening the right of access to Government information, the bill, as drafted, may inadvertently permit the disclosure of certain types of *information now kept secret by Executive order in the interest of national security.*

Such speculation is without foundation. The committee throughout its extensive hearings on the legislation has made it crystal clear that *the bill in no way affects categories of information which the President*—as stated in the committee report—*has determined must be classified* to protect the national defense or to advance foreign policy. *These areas of information most generally are classified under Executive Order No. 10501* [CONGRESSIONAL RECORD, vol. 112, pt. 10, p. 13659; emphasis added].

And Representative Moss, Chairman of the House Government Information Subcommittee, stated during Hearings that: [11]

We do not challenge that right to withhold for the national interest, because we specifically require it by Executive order to be kept secret in the interest of the national defense or foreign policy. *Now, that is very broad.* That means that *any of these documents that are of sufficient significance to the security of this Nation or to the interests of this Nation as it deals with other nations can, by appropriate designation, be excluded from the provisions of this act.*

We do not challenge that right to withhold certain needs to keep some of this information locked up. And *the Executive order which is applicable in this instance I believe is Executive Order 10501, where the President authorizes the departments and agencies to appropriately classify and lays out the guidelines for classification* * * *

The whole object of the Executive order is to have a category in which you can place and identify this information, so that it is secure.

Now, what hardship is imposed there? What infringement of the Executive right or responsibility is diminished by this provision of the proposed legislation? [Emphasis added].[12]

We should also add that plaintiff's contention flies in the face of the settled principle of judicial refusal to review the discretion of the Executive Department in the area of national defense and foreign relations. As Mr. Justice Jackson declared in *Chicago and Southern Air Lines* v. *Waterman S.S. Corp.*, 333 U.S. 103, 111 (emphasis added):

* * * The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services *whose reports are not and ought not to be published to the world.* It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken *on information properly held secret. Nor can courts sit in camera in order to be taken into executive confidences.* But even if courts could require full disclosure, *the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry.*[13]

Finally, we note that plaintiff can derive no comfort from *United States* v. *Reynolds*, 345 U.S. 1. The *Reynolds* case did not involve the Freedom of Information Act, but concerned, instead, a formal claim of Executive Privilege asserted by the Government as a defense to discovery in a Tort Claims Act suit. The claim of Executive privilege was sustained by the Court, without requiring *in camera* inspection, where there were circumstances "indicating a reasonable possibility that military secrets were involved * * *." 345 U.S. at 10–11.[14] The instant case, however, involves an exemption to the Information Act (5 U.S.C. 552(b)(1)), which, Congress made clear, is independent of the doctrine of Executive Privilege. See the legislative history cited *supra*, pp. 10–12, and Hearings Before a Subcommittee of the House Committee on Government Operations on H.R. 5012, et al., 89th Cong., 1st Sess., Part 1, March 1965, pp. 13–14, 65, 104–105, 108. See, also, *General Services Administration* v. *Benson*, C.A. 9, No. 22,862, decided August 26, 1969, Slip Opin., p. 2. Moreover, as seen above (pp. 9, *et seq.*), the Government in the instant case has appropriately established that the file requested by plaintiff falls within the exemption to the Information Act.[15]

CONCLUSION

For the foregoing reasons, the judgment of the district court should be affirmed.

Respectfully submitted.

WILLIAM D. RUCKELSHAUS,
Assistant Attorney General.
CECIL F. POOLE,
United States Attorney.
MORTON HOLLANDER,
LEONARD SCHAITMAN,
Attorneys, Department of Justice.

FOOTNOTES

[1] All references to the Information Act in this brief are to the statute as it appears in 5 U.S.C. Supp. IV, 1965–68.

[2] "R." refers to the Clerk's Transcript of Record on this appeal.

[3] As the record makes clear (R. 24–27; see also *supra*, pp. 7–8), there is no substance in plaintiff's assertion that the Department of the Army has engaged in a "continued and overt policy * * * to stall plaintiff * * *" (Brief for Appellant, p. 5).

[4] The court also denied the Government's motion to dismiss for lack of jurisdiction (R. 246–255).

[5] The Combined Chiefs of Staff was established by the President of the United States and the British Prime Minister as a result of a United States-United Kingdom military staff conference held shortly after Pearl Harbor. The Combined Chiefs of Staff, which continued throughout the war, reported to the President and the Prime Minister. It collaborated in the formulation and execution of policies and plans concerning the strategic conduct of the war, the broad program of war requirements, the allocation of munitions resources, and the requirements for overseas transportation for the fighting services of the allied nations. See *Federal Records of World War II, Vol. II, Military Agencies*, supra, pp. 2–3.

[6] The file is stored in the National Archives (R. 23). A great number of other classified documents are also stored in the National Archives and its record centers, including documents dating to 1966.

[7] 18 Fed. Reg. 7049, 3 C.F.R., 1949–1953 Comp., p. 979. Executive Order 10501 is also reprinted at R. 67–75.

[8] 26 Fed. Reg. 8932, 3 C.F.R., 1959–1963 Comp., p. 486. Executive Order 10964 is also reprinted at R. 82–85.

[9] An identical definition of "Group 1" material is provided in Department of Defense Directive 5200.10, p. 5, issued July 26, 1962. Similarly, Department of Defense Directive 5200.9, p. 4, issued September 27, 1958, evidences the common understanding that the Combined Chiefs of Staff is an "international" group.

[10] Exemption 4, 5 U.S.C. 552(b)(4), recognizes the obligation of the United States Government to honor the confidentiality of documents submitted by *private citizens*. See. *General Services Administration* v. *Benson*, C.A. 9, No. 22,862, decided August 26, 1969. Slip Opin., p. 6. *A fortiori*, the United States Government must honor its *international* comments.

[11] Hearings Before a Subcommittee of the House Committee on Government Operations, on H.R. 5012, et al., 89th Cong., 1st Sess., Part 1, March 30, 1965, pp. 14–15.

[12] Mr. Moss also stated during the House Hearings that Exemption 1 (5 U.S.C. 552(b)(1)) "was specifically intended to recognize that Executive order [No. 10501]" (p. 52), and is drafted "in conformity with that Executive order" (p. 105).

Plaintiff relies upon Mr. Moss's statement, made in an affidavit filed in this action, that he personally intended "to grant to the appropriate District Court the broadest latitude to review all agency acts * * *", including the correctness of a designation of whether a document falls within an exemption (R. 235–237). However, the district court correctly concluded that this general statement could be of no value since it was made after enactment of the Information Act, and is "not a part of the records of the legislative body * * *" (R. 247–248). See 2 Sutherland, *Statutory Construction*, § 5013 (1943 and 1969 Supp.). See, also, the cases cited in our memorandum below (R. 241–242).

[13] See, also, *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 320, 321–322:

It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. *Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results.* * * *

When the President is to be authorized by legislation to act in respect of a matter intended to affect a situation in foreign territory, the legislator properly bears in mind the important consideration that the form of the President's action—or, indeed, whether he shall act at all—may well depend, among other things, upon the nature of the confidential information which he has or may thereafter receive, or upon the effect which his action may have upon our foreign relations. This consideration, in connection with what we have already said on the subject, discloses the unwisdom of requiring Congress in this field of governmental power to lay down narrowly definite standards by which the President is to be governed [Emphasis added].

And see *Johnson* v. *Eisentrager*, 339 U.S. 763, 789 ("Certainly it is not the function of the Judiciary to entertain litigation—even by a citizen—which challenges the legality, the wisdom, or the propriety of the Commander-in-Chief in sending our armed forces abroad or to any particular region"; the President is "exclusively responsible" for the "conduct of diplomatic and foreign affairs"); *Orloff* v. *Willoughby*, 345 U.S. 83; and *Panama Canal Co.* v. *Grace Line, Inc.*, 356 U.S. 309, 317–318. Also see *Luftig* v. *McNamara*, 373 F. 2d 664, 665–66 (C.A.D.C.), certiorari denied, 387 U.S. 945:

The fundamental division of authority and power established by the Constitution precludes judges from overseeing the conduct of foreign policy or the use and disposition of military power; these matters are plainly the exclusive province of Congress and the Executive.

[14] *Cf. Freeman* v. *Seligson*, 405 F. 2d 1326, 1339, fn. 65 (C.A.D.C.): "* * * we have adopted the *in camera* inspection as the procedure for accommodating claims of privilege *where no military or diplomatic secrets are involved*" (Emphasis added).

In *Crosby* v. *Pacific S.S. Lines*, 133 F.2d 470 (C.A. 9), certiorari denied, 319 U.S. 752, cited by the *amicus curiae*, the claim of Privilege by the British Government was effectively waived. See *United States* v. *Ragen*, 180 F.2d 321, 326–327 (C.A. 7), affirmed, 340 U.S. 462. *Conway* v. *Rimmer* (1968) 1 All E.R. 874 (H.L.), also cited by the *amicus curiae*, held that routine reports on a probationary constable by a junior officer should be produced for judicial inspection notwithstanding a claim of Crown Privilege. *Conway* did not involve any question of national defense or foreign policy. Indeed, Lord Reid recognized that "Where public or political consequences of disclosure are apprehended,* * * the Minister is the best judge." 1 All E.R. (1968), at 883–884. Similarily, Lord Pearce stated "If the Crown on the ground of injury to the public objects to the production of the plans of a submarine, as in *Duncan's* case, it is obvious that the court would accept the matter without further scrutiny." 1 All E.R. (1968) at 909.

[15] Under the Information Act, "the burden is on the agency to sustain its action" in denying disclosure. 5 U.S.C. 553(a)(3). The House Government Operations Committee explained that "The burden of proof is placed upon the agency which is the only party able to justify the withholding. A private citizen cannot be asked to prove that an agency has withheld information improperly because *he will not know the reasons for the agency action.*" H.R. Rept. No. 1497, 89th Cong., 2d Sess., p. 9 (emphasis added). The Senate Judiciary Committee similarly explained that the burden of proof provision was added because the citizen "will not know the reasons for the agency action." S. Rept. No. 813, 89th Cong., 1st Sess., p. 8. Here, the Government has explained why the file sought by plaintiff falls within Exemption 1, 5 U.S.C. 552(b)(1).

We should also add that plaintiff's claim under the Information Act is not affected by his status as a historian (see Brief for Appellant, pp. 1–2). Indeed, one of the fundamental purposes of the Information Act was to eliminate the test of whether an individual is "properly and directly concerned." As stated by the Senate Judiciary Committee (S. Rept. No. 813, *supra*, pp. 5–6), the Information Act:

* * * eliminates the test of who shall have the right to different information. For the great majority of different records, the public as a whole has a right to know what its Government is doing. There is, of course, a certain need for confidentiality in some aspects of Government operations and these are protected specifically; but outside these limited areas, *all citizens* have a right to know [Emphasis added].

Accord: H.R. Rept. No. 1497, *supra*, p. 1. Pursuant to Executive Order 10816 (May 12, 1959, 24 Fed. Reg. 3777, R. 77), certain kinds of classified documents can be made available for use by scholars; but, in the instant case, a determination was made that, because of the highly sensitive nature of the requested file, no such exception could be made here (see R. 193).

[In the United States Court of Appeals for the Ninth Circuit]

JULIUS EPSTEIN, PLAINTIFF-APPELLANT, VS. STANLEY RESOR SECRETARY OF THE ARMY; DEPARTMENT OF THE ARMY; DEPARTMENT OF DEFENSE, DEFENDANTS-APPELLEES.

This suit was brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(3)[1] to enjoin appellee, as Secretary of the Army, from continuing to withhold from appellant documents contained in an Army file.

Appellant, a historian, is research associate at Stanford University's Hoover Institution on War, Revolution and Peace. His special interest concerns war refugees. He is preparing a book on the forced repatriation of anti-Communist Russians following World War II, and for this purpose desires to examine the Army file designated "Forcible Repatriation of Displaced Soviet Citizens-Operation Keelhoul."

This file was generated over twenty years ago by the Allied Force Headquarters of World War II. That agency had classified the entire file as top secret. At the close of the war, the British Government received

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Footnotes at end of article.

the original and the United States Department of the Army received a photoprint copy. The file contains a number of individual documents, some of which are of British or combined United States-British origin. Upon its receipt the Army maintained the top secret classification under Executive Order 10501 and it has not yet been declassified.

After storage as a historical record with the Army the file was finally stored with the National Archives and Records Service, General Services Administration. The classification of the file was reviewed by the Army in 1954 and the classification was retained. In 1967 appellant sought declassification. The file again was reviewed and again the classification was retained.

In February 1968 appellant again requested release of the file. In response he was advised by the Adjutant-General of the Army that a complete re-examination of the file had been directed; that the 1967 action had been based on the contents of the file in its entirety; that the current review of the file was proceeding on a paper-by-paper basis. In March, 1968, this action was brought.

Appellees sought summary judgment. In support of their motion they filed an affidavit of the Adjutant-General. That affidavit, under date of May 29, 1968, stated that the paper-by-paper review of the file was still in progress. It went on:

"This review of individual papers has been completed with the Department of the Army and coordination is now in progress with the Joint Chiefs of Staff and the Department of State to verify the position of the United States Government with respect to each paper. The outcome of this effort will determine the possibility of requesting a review and redetermination of the classification of some or all of the documents by the British Government. This Department will continue on its present course of coordinating the declassification of the files with the concerned agencies. The complexity of interests in these files indicates considerable time will pass before a final determination is made. In the meantime, the documents remain classified TOP SECRET * * *."

The District Court granted summary judgment in favor of appellees. 296 F. Supp. 214 (N.D. Cal. 1969). The American Civil Liberties Union of Northern California, as amicus curiae, appears in support of appellant.

The appeal presents a question as to the scope of judicial review. Section 552(a)(3) provides that the court shall determine the matter de novo and the burden is on the agency to sustain its action.

Appellees insist, however, that this subsection does not apply here. They point to § 552(b) which states that "[t]his section does not apply to matters" in nine enumerated categories.[2] Appellees contend that agency determination that the material sought falls within one of the nine exempted categories takes the case out of subsection (a)(3) and precludes the broad judicial review provided by that subsection. They assert that we are here faced with an agency determination that the (b)(1) exemption applies.

Unquestionably the Act is awkwardly drawn. However, in view of the legislative purpose to make it easier for private citizens to secure Government information, it seems most unlikely that it was intended to foreclose an (a)(3) judicial review of the circumstances of exemption. Rather it would seem that (b) was intended to specify the bases for withholding under (a)(3) and that judicial review de novo with the burden of proof on the agency should be had as to whether the conditions of exemption in truth exist. *See American Mail Line, Ltd.* v. *Gulick*, 411 F.2d 696, 702 (D.C. Cir. 1969). The District Court was, then, in error in holding to the contrary, 296 F. Supp. at 217.

This being so, appellant argues, the District Court should have taken the file for a determination *in camera* as to whether, under (b)(1) and the applicable executive standards, this file should, after twenty-four years, still be classified as "top secret" in the interests of the national defense or foreign policy.

Here we part company with appellant.

Section (b)(1) is couched in terms significantly different from the other exemptions. Under the others (with the exception of the third) the very basis for the agency determination—the underlying factual contention—is open to judicial review. *See General Services Administration* v. *Benson*, 415 F. 2d 878 (9th Cir. 1969); *American Mail Line, Ltd.* v. *Gulick*, 411 F. 2d 696, 702 (D.C. Cir. 1969). Under (b)(1) this is not so. The function of determining whether secrecy is required in the national interest is expressly assigned to the executive. The judicial inquiry is limited to the question whether an appropriate executive order has been made as to the material in question.

This is not inconsistent with the legislative purpose. It simply recognizes the proposition that the question of what is desirable in the interest of national defense and foreign policy is not the sort of question that courts are designed to deal with. As has been stated, the judiciary has neither the "aptitude, facilities, nor responsibility" to review these essentially political decisions. *Chicago & Southern Air Lines, Inc.* v. *Waterman S. S. Corp.*, 333 U.S. 103, 111 (1948); *see also United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 320–22 (1936).

Upon the narrow question remaining for judicial review, we note that the executive determination of top secret classification does not rest on an ancient order unrelated to the conditions of today. The classification has been updated and the process of current review is continuing. Nor is the agency hiding material under a filing system that gives top-secret classification to material simply because it relates, for filing purposes, to other material that is truly top secret. A paper-by-paper review was in operation in May, 1968. Nor do we find a foot-dragging passing of responsibility for ordering declassification to other departments or nations. The Army has reached a decision and is seeking verification by the Joint Chiefs of Staff and the Department of State. Intercession with the British Government would, we are assured, follow a favorable decision by the agencies of the United States.

The District Court ruled that under (b)(1) it had authority to determine whether classification was arbitrary or capricious. It held that upon appellees' showing, classification could not be so characterized. In both respects we agree with the court's rulings. Further we agree that judicial inquiry into this narrow area does not, at least in this case, warrant in camera examination of the file.

The origin of the file's contents itself is sufficient to dispel any suggestion that the original classification was arbitrary or capricious. While the passage of time may cast doubt on the continuing need for secrecy, appellees have made more than a sufficient showing that questions bearing on that need persist and require resolution by the executive.

We conclude that subsection (b)(1) has been shown by the Army to apply and to justify withholding the material in question.

Judgment affirmed.

FOOTNOTES

[1] (*Page 1*) "* * * [E]ach agency, on request for identifiable records made in accordance with published rules * * * shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action." For a discussion of the Act, *see* Davis, *The Information Act: A Preliminary Analysis*, 34 U. Chi. L. Rev. 761 (1967).

[2] (*Page 3*) "(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and date, including maps, concerning wells."

[Supreme Court of The United States, October Term, 1969]

JULIUS EPSTEIN, PETITIONER, v. STANLEY RESOR, Secretary of the Army; DEPARTMENT OF THE ARMY; DEPARTMENT OF DEFENSE, RESPONDENTS

Petition for a writ of certiorari to the U.S. Court of Appeals for the Ninth Circuit.

The petitioner Julius Epstein respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit entered in this proceeding on February 6, 1970.

OPINION BELOW

The opinion of the Court of Appeals, not yet reported, appears in the Appendix hereto. The opinion of the District Court for the Northern District of California, appears in 296 F. Supp. 214 (N.D. Cal. 1969), and also in Appendix hereto.

JURISDICTION

The judgment of the Court of Appeals for the Ninth Circuit was entered on February 6, 1970. No petition for rehearing was filed. This petition for Certiorari was filed within 90 days of the date the judgment of the Court of Appeals was entered. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

QUESTIONS PRESENTED

1. What is the scope of judicial review of the Army's claim to exemption from disclosure requirements of the Freedom of Information Act where exemption is allegedly premised on interests of national defense or foreign policy?

2. Has the Army satisfied its statutory burden respecting premissible withholding of records where it establishes only its own good faith belief in the propriety of its claim to exemption?

STATUTORY PROVISIONS INVOLVED

United States Code, Title 5:

Sec. 552. Public information; agency rules, opinions, orders, records, and proceedings.

(a) Each agency shall make available to the public information as follows:

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency on re-

quest for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to the causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(b) This section does not apply to matters that are—

(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress. Pub.L. 89–554, Sept. 6, 1966, 80 Stat. 383; Pub.L. 90–23, § 1, June 5, 1967, 81 Stat. 54.

STATEMENT OF THE CASE

Petitioner, an historian who is currently serving as a research associate at Stanford University's Hoover Institution on War, Revolution and Peace, has filed suit pursuant to Section 3 of the Freedom of Information Act, 5 U.S.C.A. Section 552(a)(3), seeking to enjoin the continued withholding of documents contained in Army file #383.7–14.1 entitled "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul."

Since 1954, petitioner has continually requested permission from the Department of the Army to review the contents of the Operation Keelhaul file in connection with a book he is preparing on the subject of forced repatriation of anti-Communist Russians after World War II. Petitioner's primary area of interest as an historian has concerned war refugees. In 1959, he was appointed by the Eisenhower administration as a member of the White House Conference on Refugees. He has drafted a bill for the creation of a select House Committee to investigate past and present forcible repatriation, and has testified before Congressional Committees on immigration and refugee problems. (Record, pp. 183, 194, 196). Petitioner believes that the file which remains prohibited to him will provide information, not otherwise available, as to approximately 900,000 anti-Communist Russians who were allegedly forcibly repatriated from Germany to the Soviet Union at the end of the World War II, and who are believed to have either died or been executed in slave camps after such repatriation. (Record, p. 183).[1]

The file in question was generated over 20 years ago by Allied Force Headquarters of World War II. On discontinuation of that body at the end of the War, a microfilm copy of its records was made for the use of the United States, and the records were then transferred to the Historical Section of the British Cabinet Office in London.[2] The file, originally stored as an historical record with the Army, was finally transferred to the National Archives and Records Service, General Services Administration, "in accordance with normal Department of the Army disposition and retirement procedures." (Record, pp. 186, 188, 23). The Army takes the position, as it has since 1954, that it has the right to prohibit release of this twenty year old file to an American historian who is badly in need of it for the completion of his work on forcible repatriation.

Petitioner's efforts to secure release of the file in question are well documented (Record, pp. 185 through 199), and bear almost audible testimony to the earnestness of petitioner's efforts to secure this information through available channels. The Army's initial refusal, by letter of August 5, 1965, stated that the current high security classification of the documents was required to be maintained indefinitely. (Record, p. 186). After a series of further requests (Record, pp. 187, 190, 192) and a series of vacillating replies (Record, pp. 189, 191, 193) extending over the period from 1955 to 1966, petitioner again requested the operation Keelhaul file from the Army on July 22, August 14, and September 27, 1967. (Record, p. 194, 196, 198). He was first told that the information was Security Classified and could not be made available for "unofficial research purposes" at the present time. (Record, p. 195). He was subsequently told that the file would be reviewed again "in consultation with the departments and agencies concerned. This may take some time." (Record, p. 197). Finally he was informed by Major General Wickham that re-examination of the file had been completed and "the factors that dictated the retention of the Security Classification in 1954 have not changed." Thus, the file could not be reclassified. (Record, p. 199).

On Independence Day, Fourth of July, 1967, the Freedom of Information Act, codified in 5 U.S.C. § 552, became effective.[3] "In February, 1968 [petitioner] again requested release of the file. In response he was advised by the Adjutant-General of the Army that a complete re-examination of the file had been directed; that the 1967 action had been based on the contents of the file in its entirety; that the current review of the file was proceeding on a paper-by-paper basis." (Ninth Circuit's findings of fact. Appendix p. 21).

On March 26, 1968, petitioner filed his complaint (Record, p. 1) seeking an order enjoining the Army from continuing to withhold the file. The Army moved for summary judgment, and Major General Wickham filed an affidavit (Record, pp. 23–27) stating, in essence, that the over-all classification of "top secret" "was required because the file [as originally received] contained many individual TOP SECRET documents of combined or British origin." The affidavit continues that the combined or foreign origin of some of the documents contained in the file necessitates retention of its over-all "top secret" classification. Because the file contains some individual "top secret" documents of British or combined U.S.-British origin, the affidavit asserts that, under Army regulations (Army Reg. 389–6, Record pp. 159–170) this Government cannot declassify or release the file to an American citizen without the permission of the British Government. Major General Wickham's affidavit continues:

"A current review of the file requested by plaintiff is now in progress on a paper-by-paper basis. This review of individual papers has been completed within the Department of the Army and coordination is now in progress with the Joint Chiefs of Staff and the Department of State to verify the position of the United States Government with respect to each paper. The outcome of this effort will determine the possibility of requesting a review and redetermination of the classification of some or all of the documents by the British government. This Department will continue on its present course of coordinating the declassification of the file with the concerned agencies. The complexity of interests in these files indicates considerable time will pass before a final determination is made." (Record, p. 26.)

The District Court for the Northern District of California granted a summary judgment in favor of the Army. 296 F. Supp. 214 (N.D. Cal. 1969). Although Section 552(a)(3) of the Freedom of Information Act directs that "the court shall determine the matter *de novo* and the burden is on the agency to sustain its action," the District Court held that "this jurisdiction does not apply to information that falls within the exemptions" specified by the statute. (Appendix, p. 28). The Court also held that its jurisdiction was limited to determining whether the Army acted capriciously in asserting its claim for exemption. Referring to General Wickham's affidavit, the nature of the general subject matter of the file, and certain remarks prepared by petitioner in support of a House Resolution quoting the preamble thereof, the District Court concluded that the nature of the information alone renders the circumstances appropriate for the Army's claim of exemption in the interests of national defense and foreign policy. See Appendix hereto.

On April 17, 1969, petitioner noticed his appeal from the District Court decision. On November 19, 1969, proceedings were had before the United States Court of Appeals for the Ninth Circuit, and on February 6, 1970, the Ninth Circuit entered its judgment affirming the holding of the District Court. The American Civil Liberties Union of Northern California appeared in support of petitioner in the Ninth Circuit as *amicus curiae*.

The Ninth Circuit opinion upholds, in theory only, the statutory provisions for *de novo* review of the conditions of exemption. The court proceeds to distinguish the exemption based on national defense or foreign policy in such a way as to emasculate the Freedom of Information Act. The Ninth Circuit, in essence, holds that the only prerequisite to a claim for such exemption is the Army's own good faith belief that it is entitled to it. The opinion narrows the permissible scope of the court's inquiry, in express contradiction to the language of the Act, to the question of whether the Army's claim for exemption is "arbitrary or capricious". In the sum, the Court abdicates its responsibility, under Section 552(a)(3) to determine whether records have been "improperly withheld."

REASONS FOR GRANTING THE WRIT

1. The decision below diverges sharply from constitutional principles of judicial review regarding the extent of executive autonomy in matters of foreign policy.

The Army claims exemption from the statutory disclosure requirements of the Freedom of Information Act on the basis of Section 552(b)(1), which exempts from disclosure matters that are "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy."

The issue in this case is the scope of judicial review of the Army's determination that it is entitled to claim such exemption.

The Ninth Circuit gives lip service to the statutory requirement of de novo judicial review by holding in principle that "judicial review de novo with the burden of proof on the agency should be had as to whether the conditions of exemption in truth exist." See p. 23 of Appendix hereto. The court's subsequent discussion and holding, however, confines the scope of judicial review to the narrow question of whether a claimed exemption is "arbitrary or capricious."[4] See p. 25 of Appendix hereto. The court purports to create its own exemption to the explicit statutory standard of *"de novo"* review by distinguishing the exception provided in the interest of national defense or foreign policy from the other exceptions provided in § 552(b).[5] It makes this distinction

Footnotes at end of article.

on the ground that "[u]nder the others (with the exception of the third) the very basis for the agency determination—the underlying factual contention—is open to judicial review (Citations). Under (b)(1) [the exemption in question] that is not so." Appendix p. 24. The rationale of the court's distinction—that the factual basis underlying executive determinations in the international realm is foreclosed to judicial scrutiny—conflicts with constitutional principles of judicial review.[6]

The Ninth Circuit opinion proceeds to analyze the Army's claimed exemption according to whether it is "arbitrary or capricious." In so doing it unilaterally formulates a special and restrictive standard of review not contemplated and, in fact, expressly excluded by the applicable statutory language. However, even in applying such special standard the Ninth Circuit's opinion conflicts with accepted constitutional principles respecting the judicial duty and obligation to ascertain whether the executive has exercised its decision-making prerogative in a reasonable manner.[7]

In this case the Ninth Circuit appears to have charted a different course for the court because of the Army's claim that considerations of national defense and foreign policy apply. The Ninth Circuit agreed with the District Court that the Army's claim to exemption was neither arbitrary nor capricious, based upon the Army's showing. In so holding it was satisfied "that judicial inquiry into this narrow area does not, at least in this case, warrant *in camera* examination of the file." Appendix p. 25. Thus the Ninth Circuit relied, as did the District Court in reaching its decision, on the Army's own conclusion that it is entitled to the exemption for secrecy in the interest of national defense or foreign policy.

The circumstances of the instant case are not comparable to those existing in other cases in which courts have shielded the executive from disclosure without requiring substantiation of the privilege. Where courts have not seen fit to examine the factual basis asserted for an executive exemption, the urgency of surrounding circumstances has obviated the need for such an inquiry by disclosing the existence of some reasonable basis for the executive claim.[8] The Supreme Court, in *United States v. Reynolds*, 345 U.S. 1 (1953) affirmed its obligation to determine the reasonableness of a claim of privilege,[9] and was able to fulfill that obligation without examining the document in question because of the overly sensitive and threatening nature of the surrounding circumstances.[10] In the instant case, however, there are no such apparent or demonstrated circumstances on which the Ninth Circuit could premise its finding of reasonableness.[11] Moreover, that court actually recognized that existing circumstances suggest a contrary finding in conceding that "the passage of time may cast doubt on the continuing need for secrecy. . . ." (Appendix). Notwithstanding such doubts and the absence of any evidence or affirmative showing of jeopardy, or even consequence to the national defense or foreign policy, the court found that the Army, by its claim to exemption alone had made "more than a sufficient showing." (Appendix).

The question is whether a reviewing court can properly discharge its responsibility under the Information Act to determine whether material has been "improperly withheld" by relying solely on the unsupported claims of the agency which seeks to avoid disclosure. Even in terms of its own specially-invoked standard of "arbitrary or capricious," the Ninth Circuit's holding conflicts with the constitutional standard of judicial review; the holding represents a rejection of the court's responsibility to require a reasonable basis for executive action. "A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law." *Federal Radio Comm'n. v. Nelson Bros., B. & M. Co.*, 289 U.S. 266, 277 (1932). The unique standard of judicial deference thus fabricated threatens the careful delineation on which the doctrine of separation of powers is premised and subverts the clear intent of a statute which expressly provides for *de novo* judicial review in cases where information is withheld. For these reasons petitioner requests that certiorari be granted to review the judgment below.

2. The decision below presents an important first impression issue of statutory construction by severely constricting the public's right to obtain information under the Freedom of Information Act.

"In exercising the equity jurisdiction conferred by the Freedom of Information Act, the court must weigh the effects of disclosure and nondisclosure according to traditional equity principles and determine the best course to follow in the given circumstances. The effect on the public is the primary consideration. *Gen. Servs. Administration v. Benson*, 415 F. 2d 878, 880 (9th Cir. 1969).

Supreme Court review of the Ninth Circuit's opinion is necessary to enable the public to utilize the Information Act in accordance with legislative intent.[12] Since the effect on the public is the primary concern, courts abdicate their responsibility to the public interest by deferring to an agency, which by refusing to disclose, has already subordinated the public's interest.

The court below deferred entirely to the Army's judgment in this case, without even addressing the following questions as to the Army's authority, under applicable rules, to withhold information.

(1) Does the Act require a specific Presidential determination that requested information be kept secret?

No Executive Order specifically decrees that the Operation Keelhaul file or the contents thereof be kept secret in the interests of national defense or foreign policy. The Army, rather, premises its claim to exemption on the asserted authority of an Army official to conclude that secrecy in a particular instance is required under the terms of an Executive Order which generally provides for classification of certain documents.[13] Thus the instant case raises the question of the extent of agency prerogatives in classifying materials when direct Presidential sanction is wholly lacking.[14]

Major General Wickham, who signed the affidavit asserting exemption from disclosure is neither the head of the Department of the Army nor of the Department of Defense. Thus, the case also raises the issue of whether the official claiming the exemption may be someone other than the political head of the department having control over the matter, as required by *United States v. Reynolds*, 345 U.S. 1, 7–8 (1953) and the case cited therein.

These companion questions relating to the degree of deference which a court should properly accord a claim of exemption will remain unanswered and troublesome in future cases unless this Court undertakes to resolve them.

(2) Does information generated by Allied Force Headquarters derive from an "international organization"?

The Army asserts that Allied Force Headquarters is an "international organization" within the meaning of Executive Order 10501.[15] With respect to information originated by "international organizations," sections 3(e) and 4(a) of such order provide a means of circumventing the stringent standards governing top secret classifications[16] by requiring, respectively, as protective a classification by the United States as that required by the originating entity, and excluding such material from automatic downgrading or declassification. The Ninth Circuit accepted the Army's assertion on this point without discussion, and this significant question of statutory construction deserves this Court's attention.

(3) The most far-reaching and crucial question in terms of the efficacy of the Freedom of Information Act in accomplishing its avowed purpose[17] is whether a United States agency can deny access to information by asserting a foreign privilege. The Army maintains that British permission is a necessary precondition to divulgence of the requested file.[18] The basis of the Army's assertion is Army Regulation 380–6, paragraph 4(b), providing that records of combined or foreign origin "are not subject to unilateral regrading action by the United States." (Major General Wickham's Affidavit, Record p. 74). Under the Army's construction of its regulations, disclosure requirements can be effectively thwarted by merely "attributing" information to any one of a wide variety of foreign governments or entities.[19]

The Ninth Circuit assumed, without discussing, the validity of requiring a foreign government's approval of disclosure, a requirement which would quickly destroy the force of the Information Act since the Army would hold that such approval must be obtained before the Information Act applies.[20] In effect, such a requirement would subject an American citizen's rights under a U.S. statute to the sovereignty of a foreign power, regardless of the reasonableness of requiring a foreign government's approval under the circumstances of each individual case. Thus an American citizen's rights may be effectively defeated by a requirement that, in any given case, lacks a reasonable basis for its imposition. There may be no rational ground for requiring another government's approval, as in this case where no showing has been made of any British restrictions currently in force, on any basis for British objection to disclosure.[21]

The Ninth Circuit's approach, if followed, would unreasonably render rights conferred by the Information Act subject to recognition by a foreign government which has no rational interest in preventing disclosure. The resulting anomaly between the Act's legislative purpose and such restrictive implementation is apparent. Because the Information Act was designed to apply the democratic conviction in the free market place of ideas and an open society to the individual citizen, its application is of immediate significance to the nation as a whole. It is imperative that this Court examine and resolve the varying statutory interpretations in order that the purpose which the Act was intended to achieve may be ascertained and realized.

CONCLUSION

For these reasons, Petitioner requests that certiorari be granted to review the judgment of the Court of Appeals for the Ninth Circuit.

FOOTNOTES

[1] Reference is to the certified transcript of record in this case, previously transmitted to the Court.

[2] NATIONAL ARCHIVES AND RECORDS SERVICE, GENERAL SERVICES ADMINISTRATION, VOL. II FEDERAL RECORDS OF WORLD WAR II, MILITARY AGENCIES 769 (National Archives Pub. No. 51–8, 1951).

[3] The relevant provisions of the Information Act are set out above under the heading "STATUTORY PROVISIONS INVOLVED."

[4] A review standard based on the criteria "arbitrary and capricious" is severely restrictive in scope in comparison with the standard of *"de novo"* determination provided by the Freedom of Information Act. *"De novo"* signifies "anew, afresh; a second time." BLACK'S LAW DICTIONARY 483 (4th ed. 1951). The Supreme Court, in *Fed. Radio Comm'n* v. *Nelson Bros. B. & M. Co.*, 289 U.S. 266, 276 (1932), found the "capricious and arbitrary" standard to be a "limitation . . . the District Court to receive additional evidence and enter a new judgment based on what it considered just.

[5] The other exemptions are contained in § 522(b)(2)-(9) as follows:

"(b) This section does not apply to matters that are—

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells."

[6] This Court has established that, although the President's power in the field of international relations is "delicate, plenary and exclusive," it is one "which, of course, *like every other governmental power*, must be exercised in subordination to the applicable provisions of the Constitution." *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936) (Emphasis added).

[7] Because executive action is subject to the constitution, *id.*, the court must determine the reasonableness of such action in order to find that the requirements of due process are satisfied.

[8] *See United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936) (involving a charge of conspiracy to sell arms of war to a belligerent in violation of a Joint Resolution of Congress and a presidential proclamation); *Chicago & S. Air Lines* v. *Waterman S.S. Corp.* 333 U.S. 103 (1948) (involving the operation of air routes in overseas and foreign transportation) in which the Court stated:

"That aerial navigation routes and bases should be prudently correlated with facilities and plans for our own national defenses and raise new problems in conduct of foreign relations, is a fact of common knowledge" (at p. 108);

and *United States* v. *Reynolds*, 345 U.S. 1 (1953) (involving newly developed secret Air Force electronic devices and a "time of vigorous preparation for national defense").

[9] Mr. Chief Justice Vinson emphasized:

"Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. . . . It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate. . . ." (at pp. 9–10).

[10] The Court noted "In the instant case we cannot escape judicial notice that this is a time of vigorous preparation for national defense." 345 U.S. at 10.

[11] It is now fifteen years after release of the papers concerning the Yalta Conference, treating among other sensitive subjects, the repatriation of Soviet nationals. See Dept. of State Public. 6199, FOREIGN RELATIONS OF THE UNITED STATES, THE CONFERENCES AT MALTA AND YALTA *1045* (1955). In addition, the four documents that were declassified after twenty years of secrecy reveal no basis for the Army's continued withholding of others. Their nature, in fact, provides strong basis for questioning the Army's reasonableness in withholding them so long. These documents consist of (1) a request for interpreters, (2) a request for authorization concerning immigration of Soviet citizens not encompassed by the forcible repatriation provisions of the Yalta Agreement, (3) a message confirming the defeat of proposals to submit names of prospective immigrants to countries of origin, and (4) a letter describing the form of certificate to be issued to individuals found to be non-Soviets. (Items number (2) and (3) were originally classified only as secret.)

[12] "It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure. . . ." S. REP. No. 813, 89th Cong., 1st Sess. (1965). Professor Davis, referring to the differences between the Senate and House committee reports (H.R. REP. No. 1497, 89th Cong., 2d Sess.) states:

"In general, the Senate committee is relatively faithful to the words of the Act, and the House committee ambitiously undertakes to change the meaning that appears in the Act's words. The main thrust of the House committee remarks that seem to pull away from the literal statutory words is almost always in the direction of nondisclosure. The *Attorney General's Memorandum* consistently relies on such remarks by the House committee." Davis, *The Information Act: A Preliminary Analysis*, 34 U. CHI. L. REV. 761, 763 (1967).

[13] Exec. Order No. 10,501 as amended, 3 C.F.R. 979, 50 U.S.C.A. § 401 (1970 Supp.) (1953), Record, pp. 67–85.

[14] The statutory burden of showing the necessity of a secrecy classification is more easily discharged where Presidential expertise is invoked as supportive of such classifications, even indirectly. The degree of Presidential involvement in decision-making is directly related to the court's willingness to defer. (*See, e.g., Chicago & S. Air Lines v. Watermann S.S. Corp.*, 333 U.S 103, 109 (1948) in which the Court refused to overturn a Civil Aeronautics Board order denying the right to one applicant to operate foreign overseas air routes, emphasizing that, with respect to such applications, "Presidential control is not limited to a negative but is a positive and detailed control over the Board's decisions, unparalleled in the history of American administrative bodies".

[15] 22 U.S.C.A. § 288 provides a definition of "international organization" as "a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress . . . and which shall have been designated by the President by appropriate Executive order. . . ." Allied Forces Headquarters does not fall within this definition of "international organization," and there has been no Presidential designation.

[16] *See,* Exec. Order No. 10,501 §§ 3(e), 4(a) as amended, Record, pp. 69, 82. Section 1(a) of such order otherwise provides:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

[17] "An exploration of the legislative history behind this enactment reveals that the premier purpose of the Act was to eludicate the availability of Government records and actions to the American citizen. In addition, Congress sought to eliminate much of the vagueness of the old law (citation." *American Mail Line, Ltd. v. Gulick*, 411 F2d 696, 699 (D.C. Cir. 1969).

[18] The Army makes this argument with respect to the entire file, notwithstanding the fact that Major General Wickham's affidavit states only that the file contained "many"—not all—individual top secret documents. In addition, it is possible that some of the file's contents are entirely American-originated, since records of "unintegrated United States Staff sections" were transferred to the U.S. FEDERAL RECORDS OF WORLD WAR II, *supra* note 2.

[19] Under Army Regulations 380–6 material. "Originated by or containing classified information *clearly* attributed to foreign governments or their agencies, or to international organizations and groups, including the Combined Chiefs of Staff" may be declassified only by the originating entity. Record, p. 147.

[20] Such a construction would clearly conflict with the legislative purpose of "eliminating vagueness", *American Mail Line, Ltd.* v. *Gulick*, 411 F2d 696, 699 (D.C.Cir. 1969) in that the American citizen can hardly be expected to have a very clear understanding of foreign laws relating to information disclosure.

[21] Even at the end of the war the British apparently considered the file to be of only historical significance since, when transferred to Britain, it was relegated to the Historical Section of the British Cabinet Office, FEDERAL RECORDS OF WORLD WAR II, *supra* note 2. The Army's claim of British privilege is especially incongruous in view of the fact that it transferred the file to the National Archives, reserving only the right to rule on requests for disclosure. Major General Wickham's Affidavit, Record, pp. 73, 74.

[Appendix—United States Court of Appeals for the Ninth Circuit]

JULIUS EPSTEIN, PLAINTIFF-APPELLANT, v. STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANTS-APPELLEES

[February 6, 1970]

No. 24,275 On Appeal from the United States District Court for the Northern District of California.

Before: Merrill, Koelsch and Hufstedler, Circuit Judges.

Merrill, Circuit Judge:

This suit was brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (a) (3)[1] to enjoin appellee, as Secretary of the Army, from continuing to withhold from appellant documents contained in an Army file.

Appellant, a historian, is research associate at Stanford University's Hoover Institution on War, Revolution and Peace. His special interest concerns war refugees. He is preparing a book on the forced repatriation of anti-Communist Russians following World War II, and for this purpose desires to examine the Army file designated "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul."

This file was generated over twenty years ago by the Allied Force Headquarters of World War II. That agency had classified the entire file as top secret. At the close of the war, the British Government received the original and the United States Department of the Army received a photoprint copy. The file contains a number of individual documents, some of which are of British or combined United States-British origin. Upon its receipt the Army maintained the top secret classification under Executive Order 10501 and it has not yet been declassified.

After storage as a historical record with the Army the file was finally stored with the National Archives and Records Service, General Services Administration. The classification of the file was reviewed by the Army in 1954 and the classification was retained. In 1967 appellant sought declassification. The file again was reviewed and again the classification was retained.

In February, 1968, appellant again requested release of the file. In response he was advised by the Adjutant-General of the Army that a complete re-examination of the file had been directed; that the 1967 action had been based on the contents of the file in its entirety; that the current review of the file was proceeding on a paper-by-paper basis. In March, 1968, this action was brought.

Appellees sought summary judgment. In support of their motion they filed an affidavit of the Adjutant General. That affidavit, under date of May 29, 1968, stated that the paper-by-paper review of the file was still in progress. It went on:

"This review of individual papers has been completed with the Department of the Army and coordination is now in progress with the Joint Chiefs of Staff and the Department of State to verify the position of the United States Government with respect to each paper. The outcome of this effort will determine the possibility of requesting a review and redetermination of the classification of some or all of the documents by the British Government. This Department will continue on its present course of coordinating the declassification of the files with the concerned agencies. The complexity of interests in these files indicates considerable time will pass before a final determination is made. In the meantime, the documents remain classified Top Secret * * *."

The District Court granted summary judgment in favor of appellees. 296 F.Supp. 314 (N.D. Cal. 1969). The American Civil Liberties Union of Northern California, as amicus curiae, appears in support of appellant.

The appeal presents a question as to the scope of judicial review. Section 552(a)(3) provides that "the court shall determine the matter de novo and the burden is on the agency to sustain its action."

Appellees insist, however, that this subsection does not apply here. They point to § 552(b) which states that "[t]his section does not apply to matters" in nine enumerated categories.[2] Appellees contend that agency determination that the material sought falls within one of the nine exempted categories takes the case out of subsection (a)(3) and precludes the broad judicial review by that subsection. They assert that we are here faced with an agency determination that the (b)(1) exemption applies.

Unquestionably the Act is awkwardly drawn. However, in view of the legislative purpose to make it easier for private citizens to secure Government information, it seems most unlikely that it was intended to foreclose an (a)(3) judicial review of the circumstances of exemption. Rather it would seem that (b) was intended to specify the bases for withholding under (a)(3) and that judicial review de novo with the burden of proof on the agency should be had as to whether the conditions of exemption in truth exist. *See American Mail Line, Ltd. v. Gulick*, 411 F.2d 696, 702 (D.C. Cir. 1969). The District Court was, then, in error in holding to the contrary, 296 F.Supp. at 217.

This being so, appellant argues, the District should have taken the file for a determination *in camera* as to whether, under (b)(1) and the applicable executive standards, this file should, after twenty-four years, still be classified as "top secret" in the interests of the national defense or foreign policy.

Here we part company with appellant.

Section (b)(1) is couched in terms significantly different from the other exemptions. Under the others (with the exception of the third) the very basis for the agency determination—the underlying factual contention—is open to judicial review. *See General Services Administration v. Benson*, 415 F. 2d 878 (9th Cir. 1969); *American Mail Line, Ltd. v. Gulick*, 411 F. 2d 696, 702 (D.C.Cir. 1969). Under (b)(1) this is not so. The function of determining whether secrecy is required in the national interest is expressly assigned to the executive. The judicial inquiry is limited to the question whether an appropriate executive order has been made as to the material in question.

This is not inconsistent with the legislative purpose. It simply recognizes the proposition that the question of what is desirable in the interest of national defense and foreign policy is not the sort of question that courts are designed to deal with. As has been stated, the judiciary has neither the "aptitude, facilities, nor responsibility" to review these essentially political decisions. *Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp.*, 333 U.S. 103, 111 (1948); *see also United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320–22 (1936).

Upon the narrow question remaining for judicial review, we note that the executive determination of top secret classification does not rest on an ancient order unrelated to the conditions of today. The classification has been updated and the process of current review is continuing. Nor is the agency hiding material under a filing system that gives top-secret classification to material simply because it relates, for filing purposes, to other material that is truly top secret. A paper-by-paper review was in operation in May, 1968. Nor do we find a foot-dragging passing of responsibility for ordering declassification to other departments or nations. The Army has reached a decision and is seeking verification by the Joint Chiefs of Staff and the Department of State. Intercession with the British Government would, we are assured, follow a favorable decision by the agencies of the United States.

The District Court ruled that under (b)(1) it had authority to determine whether classification was arbitrary or capricious. It held that upon appellees' showing, classification could not be so characterized. In both respects we agree with the court's rulings. Further we agree that judicial inquiry into this narrow area does not, at least in this case, warrant *in camera* examination of the file.

The origin of the file's contents itself is sufficient to dispel any suggestion that the original classification was arbitrary or capricious. While the passage of time may cast doubt on the continuing need for secrecy, appellees have made more than a sufficient showing that questions bearing on that need persist and require resolution by the executive.

We conclude that subsection (b)(1) has been shown by the Army to apply and to justify withholding the material in question.

Judgment affirmed.

FOOTNOTES

[1] "* * * [E]ach agency, on request for identifiable records made in accordance with published rules * * * shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action." For a discussion of the Act, *see* Davis, *The Information Act: A Preliminary Analysis*, 34 U. Chi. L. Rev. 761 (1967).

[2] "(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells."

[U.S. District Court for the Northern District of California]

JULIUS EPSTEIN, PLAINTIFF, *v.* STANLEY RESOR, SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, DEPARTMENT OF DEFENSE, DEFENDANTS

No. 48962, memorandum and order.

Plaintiff, an historian who is now a research associate at Stanford University's Hoover Institution on War, Revolution and Peace, brings this action pursuant to Section 3 of the Administrative Procedure Act, 5 U.S.C. § 552, to enjoin the Secretary of the Army from withholding a file described as "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The file was generated by the Allied Force Headquarters of World War II and has been classified Top Secret since 1948. The classification was made pursuant to the provisions of Executive Order 10501, 3 C.F.R. 484, (Supp. 1968).

Subsection (a) of Section 3 of the Administrative Procedure Act provides in part:

"[E]ach agency, on request for identifiable records . . . shall make the records promptly available to any person. On complaint, the District Court of the United States . . . has jurisdiction to enjoin the agency from withholding any records and to order the production of any agency records improperly held . . . In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action . . ."

Subsection (b) of Section 3 provides:

"This section does not apply to matters that are—

"(1) specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy; . . ."

The defendants have moved to dismiss the action for lack of jurisdiction of the subject matter, or, in the alternative, for summary judgment. Plaintiff contends that the Top Secret classification on the file he seeks, is unwarranted and that this Court has the power to hold a trial de novo on the merits of this classification. He contends that such power is based on Section 3 of the Administrative Procedure Act. The Court is of the opinion that Congress did not intend to subject such classifications to judicial scrutiny to that extent.

Before discussing the purpose and effect of Section 3 of the Act, the Court directs its attention to the affidavit of Congressman John E. Moss, which plaintiff filed in support of his contentions. The affidavit has been introduced to give aid to the Court in interpreting the provisions of Section 3 of the Act. Congressman Moss' affidavit states:

"[S]pecifically, it was my intent as the principal coauthor of the legislation to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burdens placed upon the

Government in Section '(c)' were meant to include rather than exclude the exemption."

Statements made by legislators in debate can be a part of the legislative history which guides courts in statutory construction. See *Bindczyck v. Finucane*, 342 U.S. 76 (1951). On the other hand, statements made by a legislator after enactment of a statute and not a part of the records of the legislative body are entitled to little or no weight at all. *National School of Aeronautics v. U.S.*, 142 F. Supp. 933 (Ct. Cl. 1956). See also, *United States v. United Mine Workers of America*, 330 U.S. 258 (1947). Such statements are not offered by way of committee report and are not offered for response by other members of the law-making body. The intent which is helpful in interpreting a statute, is the intent of the legislature and not of one of its members. For purposes of statutory construction, a legislative body can only speak through a statute, with the words that are used in light of the circumstances surrounding its enactment. For this reason, the Court has not considered the affidavit prepared and submitted by the Honorable John E. Moss solely for purposes of this lawsuit after the legislation in question was enacted.

Prior to amendment by Section 3 of the Act in 1966, this Section was described by Senator Long as:

". . . full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information is withheld only to cover embarrassing mistakes or irregularities. . . ." Senate Rep. No. 813, 89th Cong. 1st Sess., 111 Cong. Rec. 26821 (1965).

Senator Long went on to say in support of the amendment:

"It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld. . . . *Id.* at 26821.

This purpose of full disclosure was accomplished by giving the United States District Courts jurisdication to determine de novo whether information was being properly withheld with the burden of the withholding agency to sustain its action. 5 U.S.C. § 552(a)(3). This jurisdiction does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3. To hold that the agencies have the burden of proving their action proper even in areas covered by the exemptions, would render the exemption provision meaningless. If a determination de novo is made by this Court on whether the Top Secret classification by the Department of Army is proper, with the burden on the Secretary to sustain its action, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not. Apparently, Congress did not intend such a result.

It may be argued that the exceptions enumerated in Section 3 are set forth merely to designate the various grounds on which information may be withheld and that the burden is on the agency to show that the information properly falls within the exception, with the district court having jurisdiction to make the determination de novo. That this position is unwarranted is shown by the clear expression of Congress in Subsection (b) of Section 3, "This section *does not apply* to matters that are [listed below.]" It is further shown by the statements of Congressman Gallagher on the floor of the House:

"There has been some speculation that in strengthening the right of access to Government information, the bill, as drafted, may inadvertently permit the disclosure of certain types of information now kept secret by Executive order in the interest of national security.

"Such speculation is without foundation. The committee, throughout its extensive hearings on the legislation and in its subsequent report, has made it crystal clear that the bill in no way affects categories of information which the President—as stated in the committee report—has determined must be classified to protect the national defense or to advance foreign policy. These areas of information most generally are classified under Executive Order No. 10501." 112 Cong. Rec. 13659 (June 20, 1966).

On the other hand, it is equally without merit to say that Congress intended absolutely no effect by the Act on information that falls within the areas covered by the exemptions. The district courts at least have jurisdiction to determine whether the exemption applies in a given situation. In furtherance of this jurisdiction, it is reasonable to say that Congress intended the courts to determine whether classifications within the first exemption is clearly arbitrary and unsupportable. Otherwise, the agencies could easily frustrate the purpose of full disclosure intended by Congress merely by labeling the information to fall within the exemption.

In determining when information need not be disclosed if *classified* "top secret in the interest of national defense of foreign policy," guidance is set forth in the Act itself. Section 3 provides that the section does not apply to matters that are *"specifically required* by Executive order to be kept secret in the interest of the national defense or foreign policy." The Secretary of the Army has asserted the privilege of nondisclosure pursuant to Executive Order No. 10501 which reads in part:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret Classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense." Exec. Order 10501, §1(a).

Section 2 of the Executive Order further provides:

"In the [Department of the Army] the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or governmental unit concerned or by such responsible officers or employees as he, or his representative may designate for that purpose."

By this Executive Order, the President has delegated authority to the Department of Army to classify matters Top Secret. The exercise of this authority is, as it must be, discretionary in nature. Judgment in this area is best rendered by those best equipped with the necessary facilities to do so. The function of this Court is similar to that described in *United States* v. *Reynolds*, 345 U.S. 1. (1953), by Mr. Chief Justice Vinson:

"The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. . . . Regardless of how it is articulated, some like formula of compromise must be applied here. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matter which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers." *Id.* at p. 8–10.

The *Reynolds* case was decided before the amendment to Section 3 of the Administrative Procedure Act was adopted and dealt with information being sought by discovery procedures. There is no reason for denying application of the principles announced in *Reynolds* to this case. Professor Davis seems to accept this viewpoint in his discussion of the first exemption in Section 3 of the Act:

"The Department of Justice as recently as 1965 took an official position that in withholding information 'the Executive is accountable only to the electorate. Under the separation of powers concept, Congress cannot transfer responsibility for Executive records to the courts.' That position seems to me extreme, just as is the opposite position that the courts may take the whole power away from the executive would be extreme; the long-term constitutional solution is likely to follow the middle position of the *Reynolds* case that the executive determines the scope of the privilege, subject to a judicial check whenever a court has jurisdiction." Davis, The Information Act: A Preliminary Analysis, 34 U. Chi. L. Rev. 761, 764–5 (1967).

It is the opinion of this Court that Congress has granted it jurisdiction to determine whether the first exemption of Section 3 applies in this case. Plaintiff admits that the information he seeks has been classified Top Secret by the Department of the Army. The question remaining is whether or not this information is "required by Executive order to be kept secret in the interest of the national defense or foreign policy." In answering this question, the Court is limited to determining whether the Secretary of the Army has acted capriciously in exercising the authority granted to him by Executive Order 10501.

Although the information before the Court is not extensive, it is sufficient for rendering a decision on the issue of summary judgment. The ultimate facts are practically uncontested. The affidavit produced by Major General K. Wickham states that the documents in question are photographic reproductions made from microfilm copies of records generated by the Allied Force Headquarters which directed the allied military operations in the Mediterranean Theater of Operations. It further states that by direction of the Combined Chiefs of Staff, the original records were released to the United States Government. Top secret classification "was required because the files contained many individual top secret documents of combined or British origin." Plaintiff, in his brief, states that the file is believed to contain information dealing with about 900,000 anti-Communist Russians who were forcibly repatriated from Germany to the Soviet Union at the end of the Second World War, and were either executed or died in slave camps after their repatriation.

The general subject matter of the file in question is described in the preamble to House Resolution 24, 86th Congress, 1st Sess. (1959). Plaintiff has appended to his brief a daily copy of the Congressional Record which describes Congressman Bosch's presentation of the remarks prepared by plaintiff in support of H.R. 24. In these remarks, the plaintiff himself had quoted and used the preamble to H.R. 24 which reads:

"Whereas this forced repatriation of prisoners of war and civilians cannot be justified by the agreement on prisoners of war, made public by the Department of State on March 8, 1946; and

"Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinion of the Judge Advocate General of the Army, as expressed during the last 40 years; and

"Whereas the forced repatriation of millions of anti-Communist prisoners of war and civilians represent an indelible blot on the American tradition of ready asylum for political exiles; and

"Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukrainian, Polish, Hungarian, Baltic, and other origin is still poisoning our spiritual relations with the vigorously anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy . . ." 105 Cong. Rec. A3226 (1959).

The Court concludes that the information above speaks for itself and thus finds that the circumstances are appropriate for the classification made by the Department of the Army in the interest of "the national defense or foreign policy."

Accordingly, the motion to dismiss the complaint is denied, and the motion for summary judgment is granted in favor of the defendants.

Dated: February 19, 1969.

[U.S. District Court for the Northern District of California]

JULIUS EPSTEIN, PLAINTIFF *v.* STANLEY RESOR, ETC., DEFENDANT

Civil No. 48962, findings, conclusions and judgment.

This action having come regularly before the Court on the alternative motions of the defendant for dismissal for lack of jurisdiction or summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure; and

The motions having been made and argued by the attorneys for the respective parties, and supplemental memoranda and affidavits thereafter presented and the motions duly submitted; and

The Court being fully advised in the premises, entered its Memorandum and Order on February 19, 1969 which is hereby incorporated as though fully set forth herein, and pursuant to which the Court hereby *finds* and *concludes* that:

1. The Court has jurisdiction of the action under Title 5, United States Code, Section 552(a)(3); and

2. There is no genuine issue as to any material fact and the defendant is entitled to a judgment as a matter of law.

Wherefore, it is hereby ordered, adjudged, and decreed that:

1. The motion of the defendant to dismiss the action for lack of jurisdiction is denied; and

2. The alternative motion of the defendant for summary judgment in his favor and against the plaintiff is granted, and this judgment shall be entered accordingly with costs and disbursement to be taxed by the Clerk in favor of the defendant.

Dated: April 14, 1969.

[In the Supreme Court of the United States, October Term, 1969, No. —]

JULIUS EPSTEIN, PETITIONER, *v.* STANLEY RESOR, SECRETARY OF THE ARMY; DEPARTMENT OF THE ARMY; DEPARTMENT OF DEFENSE, RESPONDENTS

Brief of Amicus Curiae in Support of Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

Amicus Curiae urges that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Ninth Circuit, entered in the above entitled case on February 6, 1970.

STATEMENT OF AMICUS CURIAE

This brief is submitted with consent of the parties as provided under Rule 42 of the Rules of this Court. Letters of consent from each party's counsel are on file with the Clerk of this Court.

The American Civil Liberties Union of Northern California is a non-partisan, nonprofit organization dedicated solely to the protection and preservation of the individual liberties guaranteed by the Bill of Rights. We have traditionally been especially concerned with the free exercise of opinion and argument upon which the First Amendment and our form of representative democracy are based.

The exercise of opinion and argument so necessary to a free and open society means little if the relevant facts of government are hidden from the people. In recognition of this, Congress enacted the Freedom of Information Act, effective Independence Day, 1967, so that public access to the facts of government could be guaranteed. In that same spirit, because access to information is critical to an enlightened electorate and essential to the exposure of truth in the marketplace of ideas, we submit this brief in the conviction that it will aid this Court in determining the important issues here presented.

REASONS FOR GRANTING THE WRIT

I. This case affords an opportunity to articulate rules that will prevent the freedom of information act from being vitiated by indiscriminate claims for exemptions.

INTRODUCTION

"Openness is a natural enemy of arbitrariness, a natural ally in the fight against injustice." Davis, Discretionary Justice 226, 111–116 (1969). "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." Brandeis, Other Peoples Money 62 (1933).

The old Army file in this case, however, has not seen the light of day for over 23 years. Mr. Epstein began requesting it for his historical research in 1954 (R. 185–199; 31–45) and formally requested it several times again in 1967 and 1968. (R. 1–2, 29, 35, 42, 196, 198.) The Army replied that the entire file is top secret and that declassification review will take "considerable time." (R. 26, 40, 197.)[1]

The courts below, however, excused the Army from any "foot-dragging" and, without even looking at the file, concluded that the Army's action was not arbitrary or capricious and hence should be upheld summarily.

The summary judgment for the Army, affirmed on appeal, is wrong: It vitiates the purpose of the Freedom of Information Act that "disclosure be the general rule not the exception."[2] It pays lip service only to the de novo test of judicial review required by the statute, 5 U.S.C. § 552(a)(3), and substitutes a virtually unenforceable "arbitrary and capricious" test for reviewing claims to the secrecy exemption, § 552 (b)(1); this test is not found in the statute and is precluded by it. The judgment defeats the statutory purpose of expeditious disclosure, § 552(a)(3), and encourages long delays whenever a department official thinks he can show that "questions bearing on that need [for secrecy] persist and require resolution by the executive." (Slip. Opn. p.5.) It encourages classification and retention of documents as "top secret" in direct disregard of the strict tests of Executive Order 10501 (see f.n. 1, supra). It breathes life in the notion that judges cannot review claims of secrecy because they are "essentially political" (Slip. Opn., p. 4) even though this notion has been squarely rejected by this Court, *United States v. Reynolds*, 345 U.S. 1 (1953) and was rejected early in our country's history by Chief Justice Marshall at the trial of Aaron Burr. *United States v. Burr*, 25 Fed.Cas. 30, 37–38 (No. 14692d); 187, 191–192 (No. 14694) (C.C. Va. 1807). See Berger, *Executive Privilege v. Congressional Inquiry* 12 U.S.L.A.L. Rev. 1044, 1107–1110 (1965); Hardin, *Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 899–990 (1962).

Finally, the judgement makes no sense. How can judges decide important questions without having the crucial facts before them? There was no compelling national interest to be served by precluding not only disclosure in court but also review in camera of the old file. A citizen's right to know, a historian's scholarly research, the open disclosure policy of Congress, and the interest, vital to our judicial process, of having an adequate record to review were all sacrificed for a false sense of security.

1. Rules governing exemption claims and judicial review under the Freedom of Information Act should be but have not yet been articulated by this Court.

The judgement below, unless reversed, will encourage indiscriminate claims for exemption and defeat the purpose of the Freedom of Information Act. This Court can prevent such a result by granting the writ, reversing the judgment, and articulating rules governing exemption claims and judicial review under the Freedom of Information Act.

This Court has not articulated such rules. The absence of rules encourages conflict, confusion, and frustration of the statutory purposes of open disclosure. See, *e.g.*, two recent reviews of the lower court cases which reveal that the agencies and the lower courts have acted too often to uphold secrecy and deny disclosure. Note, *The Freedom of Information Act: A Critical Review*, 38 Geo. Wash. L. Rev. 150 (1969); *The 1966 Freedom of Information Act—Early Judicial Interpretations*, 44 Wash. L. Rev. 641 (1968–69). The exceptions are few and far between. *American Mail Line Ltd. v. Gulick*, 411 F. 2d 696 (D.C. Cir. 1969); *General Services Administration v. Benson*, 415 F. 2d (9th Cir. 1969) (in camera review).

Three pertinent rules could be articulated, for example, for cases such as this one:

(a) A federal agency that claims that its information must be kept secret in the interest of the national defense or foreign policy must satisfy a federal district court on de novo review that such secrecy is specifically required by Executive Order; the court's responsibility is not limited to determining whether the agency action was "arbitrary" or "capricious". 5 U.S.C. §§ 552(a)(3), 552(b)(1); S. Rept. No. 813, 89th Cong., 1st Sess. (1965); Exec. O. 10501; *United States v. Reynolds*, 345 U.S. 1 (1953); *American Mail Line v. Gulick*, 411 F. 2d 696 (D.C. Cir. 1969).

(b) The Court reviewing the claim for exemption must have an opportunity to examine the document in camera unless a compelling national interest would be imperiled by even such limited disclosure. *United States v. Reynolds*, 345 U.S. 1 (1953); *General Services Administration v. Benson*, 415 F. 2d 878 (9th Cir. 1969). If we are concerned, as we must be, and as the court was in the *Reynolds* case, and as Congress was in passing the Freedom of Information Act, "that executive caprice might be substituted for honest judgment, the only way for the court to probe the claim of privilege is to take a look at the information in question. . . . In the last analysis, if the court does not examine the information to weigh need for disclosure against the public interest in secrecy, the executive determines the question of privilege." Hardin, *Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 894–895 (1962).

(c) A claim to the secrecy exemption, like a claim of executive privilege, is not to be lightly invoked. There must be a formal claim for it, lodged by the head of the department which has control over the matter, after actual personal consideration by

that officer. *United States v. Reynolds*, 345 U.S. 1, 7–8 (1953); see point II, *infra*.

The foregoing is simply a suggested formulation. The overriding point is that it is time for this Court to advance the statutory purpose of disclosure by reversing the unjust result in this case and providing guidance to the lower courts and to the agencies so as to clarify this important but confused area of the law.

2. Freedom of information is an increasingly vital check on arbitrary government action.

Without adequate information, arbitrary government action cannot be effectively reviewed. Effective review is aided by the trend "toward enlargement of the class of people who may protest administrative action", *Ass'n of Data Processing Service Organizations, Inc. v. Camp*, 38 L.W. 4193 (1970), but it will be frustrated if the agencies can effectively deny information to those with standing to protest. "A popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance; And the people who mean to be their own governors, must arm themselves with the power which knowledge gives." Ltr. from James Madison to W. T. Barry, Aug. 4, 1822, in The Complete Madison 337 (Padover ed. 1953).

3. The formulation of guidelines will facilitate judicial review.

It is reasonable to anticipate that agency records and disclosure actions will improve if the agencies have a clear responsibility not to make indiscriminate claims to exemptions under the Freedom of Information Act and to justify the claims they do make before a federal court if they are challenged. Improved agency records and action will reduce the need for judicial review and will facilitate the judicial review that remains necessary.

II. This case affords an opportunity to harmonize the secrecy exemption under the Freedom of Information Act with this court's rules on executive privilege.

In *United States v. Reynolds*, 345 U.S. 1 (1953), a litigant sought reports concerning experimental electronic equipment on a military airplane that crashed. The government's claim of secrecy under the executive privilege doctrine was made by a cabinet level officer after a personal review of the file.[3]

The Court in *Reynolds* found that the information was of immediate and current value to the military; that under the facts there involved this could be determined without seeing the report itself; that its disclosure might compromise the nation's defense; and that alternative sources of information were available, namely the surviving crew members, which the government offered to make available. Given that context and the alternative sources of information, in camera review was deemed unnecessary.[4]

The instant case affords an opportunity to harmonize the secrecy exemption under the Freedom of Information Act with the rulings of the *Reynolds* case on executive privilege.

These rulings should be applied as minimum standards for claiming the secrecy exemption and reviewing such claims under the Freedom of Information Act.

Prior to the Freedom of Information Act, disclosure was not required "of information held confidential for good cause found" or matters relating to "any function of the United States requiring secrecy in the public interest," and there was no provision for judicial review of an agency's decision that there was "good cause" or a need for secrecy. Act of June 11, 1946, ch. 324, Section 3, 60 Stat. 238. The Freedom of Information Act was designed to reverse the thrust of the earlier statute which had been construed to authorize widespread withholding of agency records. S.Rep. No. 813, 89th Cong. 1st Sess. 5 (1965). The "secrecy" exemption in particular was changed to "delimit more narrowly the exception and to give it a more precise definition." S.Rep., *supra* at 8. The Act gave standing to ordinary citizens to obtain judicial review of agency nondisclosure no less than the review available to litigants under the *Reynolds* case.

Applying the standards of the *Reynolds* case will fulfill these statutory purposes, clarify the rules for claiming the secrecy exemption, and facilitate judicial review of such claims.

The foregoing analysis can be tested by applying the *Reynolds* standards to the instant case.

In this case the secrecy privilege was claimed by the Adjutant General of the Army. Although he is charged with the authority to release information from the archives (R. 23), he is not the head of the Department of the Army or the Department of Defense. His affidavit does not reflect the personal action of the head of the department affected that is necessary to obtain the privilege of the secrecy exemption.

On the merits, the same kind of circumstantial review made in *Reynolds*, without examining the documents themselves, perhaps is possible in this case but it leads to the opposite result: It is implausible, for example, that the British will go to war with us if the Operation Keelhaul file is disclosed to a reputable historian; conversely our government is totally dependent upon the British for secrecy because they have the original of the file. If our relations with other nations might be affected, we are at the mercy of Her Majesty's government. It is possible, perhaps, that some nation or nations would be upset to learn what we and others did 20-odd years ago, but not overwhelmingly likely. The Army can scarcely be said to have carried its burden of showing that it is essential that this information be "kept secret in the interest of the national defense or foreign policy." It is ironic indeed that the Freedom of Information Act, which became effective on a day celebrating nearly 200 years of independence from the British, has been interpreted below to uphold the United States Army's notion that British consent to the release of a 23-year old file is required before Congress purpose of making United States records public can be served.[5]

It is remotely possible that the Army could show, by an in camera disclosure to the trial court, that a few documents should be kept secret. Showing the file to the trial judge and having him react to the assertion that our national defense or foreign policy will be compromised will not be a significant breach in the secrecy wall. It is admitted that the file exists, and that the British have the original. The file has only historical value because it has been moved to the National Archives. A careful examination cannot possibly harm the nations national defense or foreign policy interests and that kind of examination is precisely what Congress wanted when it passed the Freedom of Information Act.[6]

Under the *Reynolds* case and the statute, the courts below failed to discharge their statutory and judicial responsibilities to determine the question of secrecy. If the courts could not reject the Army's claim entirely, they could, at the very least have required the Army to produce the file for review in camera and independent judicial judgment. *United States* v. *Reynolds, supra; General Services Administration* v. *Benson*, 415 F. 2d 878 (9th Cir. 1969); *Hardin, Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 894–895 (1962).

CONCLUSION

A rational determination of the issues in this case is essential to ensure that citizens will have the access to information that the Freedom of Information Act was meant to give and to prevent the Act from being vitiated by indiscriminate claims to secrecy and administrative delay. The petition for a writ of certiorari should be granted and the judgment of the Court of Appeals reversed.

Dated, May 6, 1970.

Respectfully submitted.

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FOOTNOTES

[1] After the trial, the Army released four documents from the file (reproduced as Appendix A in the brief of amicus curiae in the 9th Circuit). These documents are: a request for interpreters; two papers originally classified "secret" only; and one paper originally unclassified. These papers, hidden from view for over 23 years, reflect the Army's judgment, accepted without question by the courts below, of what meets the President's test that "Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or technological developments vital to the national defense." Exec. O. 10501 § 1(a) (R.68). In the Court of Appeals, amicus curiae set out the numerous failures of the Army to comply not only with the Executive Order but also with its own regulations governing classification and declassification of documents. (AC brief pp. 24–49.)

[2] Sen. Jud. Comm., Subcomm. on Admin. Pract. & Proc., *The Freedom of Information Act (Ten Months Review)*, p. 3, 90th Cong., 2d Sess. (1968); S.Rep. No. 813, 89th Cong., 1st Sess. (1965); Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act ii (1947) quoting President Johnson's statement in signing the bill that "the United States is an open society in which the people's right to know is cherished and guarded." See Davis, *The Information Act: A Preliminary Analysis*, 34 U.Chi.L.Rev. 761 (1967); Note, *The Freedom of Information Bill*, 40 Notre Dame Law. 417 (1965) (extensive discussion of bill and related earlier proposals); Note, *Freedom of Information: The Statute and the Regulations*, 56 Georgetown L.J. 18 (1967); Note, *The Information Act: Judicial Enforcement of the Records Provision*, 54 Va. L.Rev. 466 (1968); Note, *The Freedom of Information Act: A Critical Review*, 38 Geo. Wash. L.Rev. 150 (1969).

[3] "The privilege belongs to the government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer." 353 U.S. at 7–8. See also *Machin* v. *Zuckert*, 316 F. 2d 336, 338 (D.C. Cir.) (formal claim of privilege by Secretary of the Air Force), *cert. denied*, 375 U.S. 896 (1963); *Carl Zeiss Stiftung* v. *V.E.B., Carl Zeiss, Jena*, 40 F.R.D. 318, 323 (D.C.D.C. 1666), *affirmed per curiam* 384 F. 2d 979 (D.C. Cir.), *cert. denied*, 389 U.S. 952 (1967) (affidavit of Attorney General in his capacity as head of the Department of Justice).

[4] See also *United States* v. *Burr*, 25 Fed. Cas. 187, 191–192 (No. 14694) (CC. Va. 1807) (Marshall, C.J.); Berger, *Executive Privilege*

v. *Congressional Inquiry*, 12 U.C.L.A.L. Rev. 1044, 1107–1110 (1965); Hardin, *Executive Privilege in the Federal Courts*, 71 Yale L.J. 879, 899–900 (1962); L. Jaffe, *Judicial Control of Administrative Action* 363–364 (1965).

[5] It bears noting that the Army made no showing that a claim of privilege by a British official would be sustained by a court. See *Crosby* v. *Pacific S.S. Lines*, 133 P. 2d 470, 475 (9th Cir.), *cert. denied*, 319 U.S. 752 (1943) (claim of British official to privilege denied). See also *Conway v. Rimmer* (1968), All. E.R. 874–H.L., which established the principle of substantial judicial review of claims of executive privilege and effectively overruled *Duncan* v. *Campbell, Laird & Co., Ltd.* (1942), 1 All. E.R. 587–H.L.

[6] Presumably, the Army's principal expertise on the implications of disclosing the file would be in the national defense area rather than the foreign policy area. However, the file is very old and the national defense implications, if any, of releasing it seem remote. Presumably, also, the Army's reluctance to release the file does not arise out of any desire to hide error or inefficiency of the Army or an allied component of Allied Force Headquarters (AFHQ) such as the British, for to do so would directly contradict Department of Defense policy that a claim that information is exempt from disclosure under the Freedom of Information Act "in no event" shall be "influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass a component or an official of that component." 32 C.F.R. Section 286.4(c), reproduced in House Comm. on Gov't Operations, *Freedom of Information Act (Compilation and Analysis of Departmental Regulations)*, p. 46, 90th Cong., 2d Sess. (1968). One would think also that the Army might be glad to release the file to clear away any suggestion that it might have used force or cooperated in the use of force in the repatriation of persons to the Soviet Union. Repatriation by force was not provided for in the Yalta agreements, and official Army history makes clear that Allied policy was to protect "displaced persons from forcible repatriation." Coles & Weinberg, *United States Army in World War II, Civil Affairs: Soldiers Become Governors*, Department of the Army (1964), pp. 582, 648; Dept. of State Public. 6199, *Foreign Relations of the United States, The Conferences at Malta and Yalta 1945*, pp. 985–987 (1955). It would seem unlikely also that the Army desires to protect Soviet Communists from disclosure about their use of force. The Army surely is opposed to Communist aggression. Moreover, a decision to protect Soviet Communists would not seem to be one of national defense. Besides, the story of the Communists' use of force has already been documented in some detail. See, *e.g.*, the four-volume collection, translated from the German, entitled *Documents on the Expulsion of the German Population from Eastern and Central Europe* (Schneider ed., 1960–61); Bouscaren, *International Migrations Since 1945*, pp. 47–66 (1963).

[In the Supreme Court of the United States, October Term, 1969, No. 1533]

JULIUS EPSTEIN, PETITIONER, *v.* STANLEY RESOR, SECRETARY OF THE ARMY, ET AL.

(On petition for a writ of certiorari of the U.S. Court of Appeals for the Ninth Circuit)

Brief for the respondents in opposition

OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 20–25) is reported at 421 F.2d 930. The opinion of the district court (Pet. App. 26–34) is reported at 296 F. Supp. 214.

JURISDICTION

The judgment of the court of appeals was entered on February 6, 1970. The petition for a writ of certiorari was filed on May 6, 1970. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTION PRESENTED

Whether the requested file, which is security-classified pursuant to Executive Orders 10501 and 10964, falls within the exemption in the Freedom of Information Act for matters that are "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy."

STATUTE INVOLVED

In pertinent part, the public information section of the Administrative Procedure Act (the "Freedom of Information Act"), P.L. 90–23, 81 Stat. 54 (5 U.S.C. (Supp. IV) 552 *et seq.*), provides:

"Public information; agency rules, opinions, orders, records, and proceedings.

"(a) Each agency shall make available to the public information as follows:

* * * * *

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. * * *

* * * * *

"(b) This section does not apply to matters that are—

"(1) specifically required by Executive order to be kept in the interest of the national defense or foreign policy."

* * * * *

STATEMENT

1. For a number of years petitioner has been attempting to obtain the disclosure to him of a file which he describes as "Army document: 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul,'" File No. 383.7–14.1 (R. 29).[1] Petitioner's requests were denied because of the "current high security classification of the file" (R. 185–193). After Congress enacted the Freedom of Information Act, which became effective on July 4, 1967, petitioner invoked that statute in support of his request for disclosure (R. 35, 46). That request was also denied, on the ground that the requested file is exempt from disclosure under the Act as matter which, under 5 U.S.C. 552(b)(1), is "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy" R. 24–52).

Petitioner thereafter brought this action in the district court, pursuant to the Freedom of Information Act, to compel the respondents to disclose the requested file to him (R. 1–2). The district court granted a motion for summary judgment and dismissed the action, on the ground that the respondents had appropriately invoked the foregoing exemption (Pet. App. 26–34). The court of appeals affirmed, holding that "[t]he origin of the file's contents itself is sufficient to dispel any suggestion that the original classification was arbitrary or capricious," and that the respondents had "made more than a sufficient showing" that questions bearing on "the continuing need for secrecy * * * persist and require resolution by the executive" (Pet. App. 25).

2. The basis of the security classification of the requested file is set forth in an affidavit of Major General Kenneth G. Wickham, Adjutant General of the Army (R. 23–27). The Allied Force Headquarters ("AFHQ") was the unified inter-allied command (British and American) that planned and supervised ground, air, naval and service operations and military government during World War II in the North African Theatre of Operations and later the Mediterranean Theatre.[2] After AFHQ was discontinued the Combined Chiefs of Staff[3] directed that AFHQ's original records be transferred t the British Government and that microfil copies of the records be released to the Wa Department of the United States Govern ment. The Adjutant General's affidavit state that the file requested by petitioner is pa of the foregoing AFHQ records that were re leased to the United States War Departmen by the Combined Chiefs of Staff, and tha the requested file, as received by the Wa Department, was classified as "Top Secret since it contained many individual "To Secret" documents of combined (British an American) and British origin. The Adjutan General's affidavit further states that th requested file, in the possession of the Unite States Government, has continued to b security-classified because of the require ments of Executive Orders 10501 and 1096 (see Pet. App. 22; R. 24, 26–27).[4]

Executive Order 10501, as amended by Ex ecutive Order 10964, requires the securit classification of, and exempts from auto matic downgrading or declassification, cer tain defined categories of information, in cluding defense "[i]nformation or materia originated by foreign governments or inter national organizations and over which th United States Government has no jurisdic tion, information or material provided fo by statutes such as the Atomic Energy Act and information or material requiring specia handling, such as intelligence and cryptography."[5] Army Regulation 380–6, which implements these executive orders, lists the "Combined Chiefs of Staff" as an example of an international organization which is outside the jurisdiction of the United States (R. 161).[6]

Executive Orders 10501 and 10964 forbid the disclosure to petitioner of the requested file for two reasons. First, the file was received by the United States Government from the Combined Chiefs of Staff, an "international" organization, as a security-classified "defense" document, and the British Government (the other member of the Combined Chiefs of Staff (has refused to remove the security classification of the file.[7] Second, independently of the international nature of many of the papers in the file,[8] we are informed by the Department of the Army that the file has been security-classified, pursuant to Executive Orders 10501 and 10964, because of considerations of intelligence and cryptography (see Section 4(a)(1) of Executive Order 10501, as amended by Executive Order 10964). It should also be added, as the court of appeals noted (Pet. App. 24–25), that the Department of the Army has reviewed the file continuously, in cooperation with other agencies of the United States Government, in the hope that a procedure could be developed to declassify all, or a portion of, the papers in the file (see R. 24–52, 185–193). To date, however, those efforts have yielded only the declassification of four United States-originated items, involving no problems of intelligence or cryptography, which were furnished to petitioner on August 22, 1969.[9]

ARGUMENT

The Freedom of Information Act expressly exempts from its coverage matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy" (5 U.S.C. 552(b)(1)). The court of appeals was plainly correct in holding that this exemption applies to the file sought by petitioner. The requested file—which pertains to "defense" information—was received by the War Department of the United States Government from the Combined Chiefs of Staff (an "international" organization composed of British and American representatives) as a security-classified document. And, insofar as the file contains papers originated by the British Government (the other member of the Combined Chiefs of Staff), Executive Order 10501, as amended by Executive Order 10964, forbids the disclosure of the file until

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Footnotes at end of article.

such time as the British Government agrees to remove the security classification. Certainly, our nation's foreign policy cannot be conducted effectively if it fails to honor its international commitments.[10] Moreover, independently of the international nature of the file, the foregoing executive orders forbid the disclosure of the file because of considerations of intelligence and cryptography.

There is no merit in petitioner's contention (*e.g.*, Pet. 10) that the courts below should have reviewed the correctness of the executive judgment that documents of the type here involved must be kept secret in the interest of the national defense or foreign policy. As the court of appeals noted, under the exemption involved here the "function of determining whether secrecy is required in the national interest is expressely assigned to the executive," and "[t]he judicial inquiry is limited to the question of whether an appropriate executive order has been made as to the material in question" (Pet. App. 24). The correctness of this reading of the Act is confirmed by the express language of the exemption, by its legislative history,[11] and by the settled principle of judicial refusal to review the discretion of the executive in the areas of national defense and foreign relations. See, *e.g.*, *Chicago & Southern Air Lines* v. *Waterman S.S. Corp.*, 333 U.S. 103, 111; *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 320–322; *Johnson* v. *Eisentrager*, 399 U.S. 763, 789; *Orloff* v. *Willoughby*, 345 U.S. 83; *Panama Canal Co.* v. *Grace Line, Inc.*, 356 U.S. 309, 317–318.

Finally, we note that petitioner can derive no comfort from *United States* v. *Reynolds*, 345 U.S. 1. The *Reynolds* case antedated the Freedom of Information Act and concerned instead a formal claim of executive privilege asserted by the government as a defense to discovery in a Tort Claims Act suit. The claim of executive privilege was sustained by this Court, without requiring *in camera* inspection, where there were circumstances "indicating a reasonable possibility that military secrets were involved * * *" (345 U.S. at 10–11). The instant case, however, involves an explicit exemption to the Freedom of Information Act which, Congress made clear, is independent of the doctrine of executive privilege (see note 11, *supra*). Moreover, as the court of appeals correctly concluded, the government in the instant case has appropriately established that the file requested by petitioner falls within the exemption to the Act on which it relied.[12]

CONCLUSION

For the reason stated, the petition for a writ of certiorari should be denied.

Respectfully submitted.

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JUNE 1970.

FOOTNOTES

[1] "R." refers to the record in the court of appeals, a copy of which has been lodged with the Clerk of this Court.

[2] See *Federal Records of World War II, Vol. II, Military Agencies* (G.S.A., 1951), pp. 767, 769.

[3] The Combined Chiefs of Staff was established by the President of the United States and the British Prime Minister as a result of a United States-United Kingdom military staff conference held shortly after Pearl Harbor. The Combined Chiefs of Staff, which continued throughout the war, reported to the President and the Prime Minister. It collaborated in the formulation and execution of policies and plans concerning the strategic conduct of the war, the broad program of war requirements, the allocation of munitions resources, and the requirements for overseas transportation for the fighting services of the allied nations. See *Federal Records of World War II, Vol. II, Military Agencies, supra*, pp. 2-3.

[4] The file is stored in the National Archives (R. 23). A great number of other classified documents are also stored in the National Archives and its record centers, including documents dating to 1966.

[5] Section 3 of 18 Fed. Reg. 7049, 3 C.F.R. (1949–1953 Comp.) 979; Section 4(a)(1) of 26 Fed. Reg. 8932, 3 C.F.R. (1959–1963 Comp.) 486.

[6] The common understanding that the Combined Chiefs of Staff is an "international" group is also evidenced by Department of Defense Directive 5200.10, p. 5 (July 26, 1962), and Department of Defense Directive 5200.9, p. 4 (September 27, 1958).

[7] As a result of recent inquiries by the United States Government, the British Government has agreed to change the file's classification from "Top Secret" to "Secret". However, the British Government has refused to remove entirely the security classification (now "Secret") of the file.

[8] As noted below, certain of the papers were originated solely by the United States Government and are subject to disclosure by the United States to the extent that other security considerations (*e.g.*, cryptography and intelligence) are not applicable.

[9] The fact that these items (reprinted in Appendix A to the brief of the *amicus curiae* in the court of appeals) were originated solely by the United States Government permitted the United States to disclose them to petitioner once it was determined that United States intelligence and cryptography considerations were not an obstacle to disclosure.

[10] 5 U.S.C. 552(b)(4), another exemption provision, explicitly recognizes the obligation of the United States Government to honor the confidentiality of documents submitted by *private citizens*. *See General Services Administration* v. *Benson*, 415 F.2d 878, 881 (C.A. 9). *A fortiori*, the government must honor its *international* commitments.

[11] See, *e.g.*, H. Rep. No. 1497, 89th Cong., 2d Sess., pp. 9–10; 112 Cong. Rec. 13659 (Rep. Gallagher). Moreover, Representative Moss, Chairman of the House Government Information Subcommittee, stated, during Hearings Before a Subcommittee of the House Committee on Government Operations, on H.R. 5012, *et al.*, 89th Cong., 1st Sess., Part 1, March 30, 1965, pp. 14–15, that:

"We do not challenge that right to withhold for the national interest, because we specifically require it by Executive order to be kept secret in the interest of the national defense or foreign policy. *Now, that is very broad.* That means that *any of these documents that are of sufficient significance to the security of this Nation or to the interests of this Nation as it deals with other nations can, by appropriate designation, be excluded from the provisions of this act.*

"We recognize that there are going to be certain needs to keep some of this information locked up. And *the Executive order which is applicable in this instance I believe is Executive Order 10501, where the President authorizes the departments and agencies to appropriately classify and lays out the guidelines for classification* * * *.

* * * * *

"The whole object of the Executive order is to have a category in which you can place and identify this information, so that it is secure.

"Now, what hardship is imposed there? What infringement of the Executive right or responsibility is diminished by this provision of the proposed legislation?" [Emphasis added.]

Representative Moss also stated during the House hearings that 5 U.S.C. 552(b)(1) "was intended to specifically recognize that Executive order [No. 10501]" (*id.* at 52), and is drafted "in conformity with that Executive order" (*id.* at 105).

[12] We recognize that, under the Freedom of Information Act, "the burden is on the agency to sustain its action" in denying disclosure (5 U.S.C. 552(a)(3)). The House Government Operations Committee explained that "[t]he burden of proof is placed upon the agency which is the only party able to justify the withholding. A private citizen cannot be asked to prove that an agency has withheld information improperly because he will not know the reasons for the agency action." H. Rept. No. 1497, 89th Cong., 2d Sess., p. 9. The Senate Judiciary Committee similarly explained that the burden of proof provision was added because the individual "will not know the reasons for the agency action." S. Rep. No. 813, 89th Cong., 1st Sess., p. 8. But here the government has explained why the file sought by petitioner falls within 5 U.S.C. 552(b)(1). Moreover, petitioner's claim under the Act is not affected by his status as a historian. Indeed, one of the fundamental purposes of the Act was to eliminate the test of whether an individual is "properly and directly concerned" (see S. Rep. No. 813, *supra*, pp. 5–6; H. Rep. No. 1497, *supra*, p. 1).

In any event, pursuant to Executive Order 10816 certain kinds of classified documents can be made available for use by scholars; in the instant case, however, a determination was made that, because of the highly sensitive nature of the requested file, no such exception could be made here (see R. 193).

OFFICE OF THE CLERK, SUPREME COURT OF THE UNITED STATES,
Washington, D.C., June 15, 1970.

Re *Epstein* v. *Resor, etc., et al.*, No. 1533, October Term, 1969.

PAUL N. MCCLOSKEY, Sr., Esq.
Menlo Park, Calif.

DEAR SIR: The Court today entered the following order in the above-entitled case:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

Very truly yours,

JOHN F. DAVIS, *Clerk.*
By C. T. LYDLENE,
Assistant Clerk.

URBAN PROPERTY INSURANCE BILL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

(Mr. HALPERN asked and was given permission to revise and extend his remarks.)

Mr. HALPERN. Mr. Speaker, I rise in support of the pending Housing and Urban Development Act of 1970 and, in particular, that provision in the act which calls for the direct Federal writing of essential property insurance.

I want to urge, first, that we make this bill our first item of business when we reconvene in November. It is absolutely essential for the property owners and businesses in my district, as well as in the entire Metropolitan New York City area and in the major cities of at least six other States. According to this week's issue of Time magazine, it has become virtually impossible for the individual homeowner or businessman to obtain insurance coverage against crime and vandalism in these cities across the Nation.

We must protect our citizens from the increasing crime rates. Now, when a family or business is robbed or burglarized,

they become double victims—first, a victim of the actual losses occurred, and second, they become a victim of the insurance industry which will immediately cancel their crime insurance policy after a claim is received, leaving them virtually defenseless against any subsequent crime losses.

I strongly urge support for the measure introduced by the gentleman from Illinois (Mr. ANNUNZIO), which will go a long way toward eliminating this double jeopardy for crime victims. Under the proposed law, which has received the blessing of a majority on the Banking and Currency Committee, the Department of Housing and Urban Development would be empowered to write essential property insurance, including crime lines, if insurance rates in the private market exceed 175 percent of the manual rates.

Under the bill, private homeowners could obtain up to $25,000 insurance on single-family homes and commercial establishments could get up to $1 million. The bill also requires the private insurance industry pools, the so-called FAIR program designed to bring insurance into high-risk areas, to offer burglary and theft insurance, vandalism and malicious mischief insurance, and coverage during construction or rehabilitation.

Lest I be accused of mounting a full-scale attack on an industry in which I was personally involved, let me say a word on behalf of the insurance carriers. It is well known that, in many areas, the industry is losing a lot of money on its claims, and for some kinds of insurance these losses far offset gains across the nation. The insurance carriers are faced wih raising their premiums to levels that nobody can pay or simply not offering certain kinds of insurance in some areas. In a situation like this, it is time for the Federal Government to step in.

I recently received a letter from a constituent who lives in Floral Park, L.I. He writes of his own personal experience of having paid for insurance on his home for more than 20 years and receiving a cancellation notice soon after submitting his first claim for a small burglary loss. His letter explains his frustration, which is shared by other citizens across the country and, without objection, I insert it into the RECORD at this point:

FLORAL PARK, N.Y.,
August 13, 1970.

HON. SEYMOUR HALPERN,
Jamaica, N.Y.

DEAR CONGRESSMAN: I wish to bring to your attention a situation which exists with reference to insurance companies in general which I believe requires investigation and immediate action. The voting public will eventually be annoyed and aroused enough to vote only for those people who really do something to correct unfair practices against the taxpayers.

The point in fact is that I have carried home owners insurance for over twenty years and never had a claim. In May of this year, on a Saturday afternoon in broad daylight, my home was burglarized. My insurance covers me for only $350.00, which was paid. Now, as per the enclosed photostat, the insurance company is not renewing the policy. The same practice holds true for automobile insurance as well.

The crime rate, particularly in New York City, has risen sharply and the non-existent police protection has made it actually dangerous for law abiding citizens to walk the streets. It is a fact that in our community and many others, women will not venture out alone after dark. Our taxes and insurance premiums keep going up while the services are declining. I do hope that the voting public will eventually put people in Congress, Albany, etc., who will begin to protect the law abiding taxpayers rather than the criminals.

I am sending this same letter to various heads of agencies, etc., and including newspapers.

I would be grateful for your intervention, assistance or action and would appreciate a reply to me.

Very truly yours,

FRANK F. LAST.

THE HONORABLE SAMUEL N. FRIEDEL

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. GARMATZ) is recognized for 10 minutes.

Mr. GARMATZ. Mr. Speaker the Sunpapers have finally paid a long withheld and overdue tribute to an outstanding Congressman. I refer, of course, to our colleague, SAM FRIEDEL. Unfortunately the high praise, which came more in the nature of a eulogy, appeared in an editorial after Representative FRIEDEL had conceded defeat by the insignificant total of 38 votes in the recent primary election held in Maryland. Perhaps the Sunpapers were merely salving their own conscience after nearly two decades of castigation directed toward a man who has served his constituency at the city, State, and Federal level as well as any man could and perhaps better than most.

It would have been more seemly if the editors of the Sunpapers had deigned to mention some of Representative FRIEDEL'S accomplishments on behalf of the electorate over the years of his service in this House. They might have mentioned for instance that, as Chairman of the Transportation and Aeronautics Subcommittee, Mr. FRIEDEL has championed Friendship Airport for many years and was largely responsible for increasing the number of flights into and out of that airport in 1 year from 220 daily to 330 daily; as well as having nonstop flights to London, Bermuda, Freeport, Honolulu, Mexico, Jamaica, Quebec, Nassau, and Puerto Rico operate from Friendship. He was in a position to continually aid the airport and consequently the people of Maryland.

They might have mentioned that almost single handedly SAM FRIEDEL fought for and secured passage of a law enabling one-quarter of a million Marylanders to continue to deduct ground rent payments for income tax purposes. They might have mentioned that SAM FRIEDEL just this year secured passage of a law—Public Law 91-287—which will save the taxpayers of the country millions of dollars annually by permitting the destruction of useless papers and releasing thousands of feet of rented storage space. They might have mentioned that he was responsible in large measure for keeping the majority of social security employees in Baltimore by offering a floor amendment to an appropriation bill which prevented a large-scale transfer of em ployees to Washington which had be contemplated by the then Republican a ministration of 1954. Or they might ha mentioned that SAM FRIEDEL, played important role in having the social sec rity buildings constructed in the Bal more area by having language inserted the 1957 appropriation bill requiring in mediate selection of a site which had be delayed for 5 years. They might ha mentioned that it was SAM FRIEDEL who efforts were responsible for having t Navy repair and transport the histor ship, *Constellation,* to Baltimore a ultimately transfer it by gift to the Sta of Maryland and city of Baltimore. Th relic of our country's naval history no rests in Baltimore Harbor, the site of i origin, for all to see.

Mr. Speaker, as you are well aware th list is a long one and I have mentione only a few of SAM FRIEDEL'S accomplish ments. However, there is one thing fu ther that I must point out. One of th sins of Representative FRIEDEL was, ac cording to the editorial referred to, tha he had accumulated 18 years consecutiv service and the Sunpapers decided i their wisdom that was enough. Enoug for what, I am not sure.

In any event, as a result of these 1 years of service, SAM FRIEDEL ha achieved the following positions of dis tinction from which he was in a positio to aid his constituents, as we all kno and the Sunpapers should be mad aware, far more than a freshman Mem ber could ever hope to, until he, too, ha accumulated many years of service in thi body. He is chairman of the House Ad ministration, chairman of the Subcom mittee on Transportation and Aero nautics, chairman of the Joint Commit tee on Printing, vice chairman of th Joint Committee on the Library, an ranking member of the House Interstat and Foreign Commerce Committee. Thi unprecedented leadership took Mary landers years to achieve but it has beer lost overnight. Certainly the Sunpapers can take pride in the role they played in helping the citizens of Maryland t lose the distinction held by our State a a result of SAM FRIEDEL'S important po sitions.

I insert the Sunpapers editorial at this point in the RECORD. It is as follows:

[From the Baltimore Evening Sun, Oct. 6 1970]

STATESMAN

This newspaper withheld support from Representative Friedel in his 1970 campaign for renomination, not in disapproval of his progressive voting record and certainly not unmindful of the extraordinarily close personal ties he maintained with his constituents in the Seventh district. We acted in the conviction that 18 years in Congress was enough, that the district's changed and younger voices must be attended. Now that Mr. Friedel has cooled off a potentially explosive situation by stepping aside, we salute him for a final demonstration of selfless statesmanship.

It was not easy for the congressman. A lesser man would have balked at the frail margin, 38 votes, by which Mr. Friedel ran second. Still further temptation to resist arose from the chaotic Election Day conditions, and a man of greater vanity but smaller responsibility might well have held out for the whole bitter sequence of challenges, recounts, court actions and appeals.

t Mr. Friedel recognized the destructive ssibilities of this course: he knows too well racial embers smoldering just beneath surface of his district. Whatever the cost pride, he declined to stir them to flames. We hope this show of quiet fortitude will t be lost on the pair now left to fight it out the Friedel seat in the general elections xt month. Both Mr. Mitchell and Mr. rker have permitted themselves flashes of ist provocation; each has forsworn any ther relapse, but the lure lingers on. The t is that the Seventh district is caught s year in a perhaps decisive shift of its nter of political gravity, from the Jewish ters who have sustained Mr. Friedel since 52 to the Negro voters who gave Mr. Mitch- the Democratic nomination last month. ere is no blinking the facts of political e, and this is one. But there is no excuse racial demagoguery on either the white or e black side in a moment when the racial lance is still in question. Too much is at ke for the whole city, in terms of the long- nge racial good will stored up, for some sguided outburst to spill it away now.

Mr. Mitchell and Mr. Parker are entrusted th a grave public responsibility to carry rough to a constructive end a delicate un- ding of Baltimore history. Representative iedel has shown them the way.

MYLAI TRIAL OF SERGEANT MITCHELL AND THE CIA

The SPEAKER. Under a previous or- r of the House, the gentleman from ouisiana (Mr. RARICK), is recognized r 30 minutes.

Mr. RARICK. Mr. Speaker, because of ie significance of the Mylai incident, any Americans are vitally interested in ie trial of S. Sgt. David Mitchell which taking place at Fort Hood, Tex.

Yet, for some strange reason, news overage, at least in our area of the Na- on, has been suppressed or blacked out.

The morning Washington Post con- ained the statement:

Colonel George R. Robinson, the military udge, denied a defense request that sub- oenas be issued for Richard Helms, direc- or of the Central Intelligence Agency, and van J. Parker of the same agency.

The city edition of the Washington Daily News, on page 2, contained a slightly more detailed news release, in- dicating that CIA subpenas were re- uested to gain evidence of the assassi- ation plan called Operation Phoenix. The Washington Daily News clipping ollows at this point:

[From the Washington Daily News, Oct. 14, 1970]

PLOT CHARGED TO CIA IN VIET KILLINGS

FT. HOOD, TEX.—The chief defense attorney or My Lai massacre defendant David Mitch- ll claims the CIA developed a plan to as- assinate South Vietnamese civilians sus- ected of helping the Viet Cong.

Ossie Brown attempted to subpoena two op CIA officials to testify to Sgt. Mitchell's ourtmartial. Mr. Brown said the CIA agents ould tell about an alleged CIA plot to as- assinate civilians who were aligned with the outh Vietnamese communists.

Mr. Brown said yesterday the CIA carried ut "a systematic program of assassination nd elimnation of Viet Cong and suspected Viet Cong."

"Here are the CIA and the army condoning uch acts as this in one instance, then in an- ther instance trying this man for allegedly assaulting 30 people in the same area," Mr. Brown said.

But Col. George Robinson rejected Mr. Brown's motion to subpoena CIA director Richard Helms and Evans Parker, who, Mr. Brown said, headed the assassination plan called Operation Phoenix.

Mr. Brown and Sgt. Mitchell's attorneys planned to confer in closed session today with Col. Robinson in an attempt to clear the legal technicalities blocking the opening of the trial.

Mr. Brown said testimony in the case could begin today. But army prosecutor Capt. Michael Swan said it will probably be tomorrow before the first witness can be called.

Strangely, as if someone decided that the Mitchell trial was not newsworthy, the final edition of the same newspaper which came out only hours later, for suburban Washingtonians, did not contain any mention of the Mylai trial. Feeling that this is bizarre behavior for a newspaper to delete news once it had been printed in its earlier edition, I then obtained a copy of the Washington Evening Star. Equally bizarre, not one word appeared in this evening paper.

The only plausible explanation for the killing of news stories about the Mylai trials at Fort Hood must be the reference to the CIA and that operation in Southeast Asia known as Operation Phoenix or Phuong Huong. If this be the case, one need only look to the record of past attempts to try American military men in the infamous Green Beret case. Time and the place lead to the reasonable conclusion that the political and military identities were the same.

Those of us who followed, with great scorn, the Green Beret preliminaries recall that the case was dismissed when the CIA agents and their leader, Richard Helms, refused to accept subpenas and to testify in the Green Beret case. In fact, such statements were issued by Army Secretary Stanley R. Resor and approved by President Nixon. The justification given for the CIA refusal was that the appearance of CIA personnel as witnesses was not in the interest of national security.

Yet, in the presently underway trial of Sergeant Mitchell, at Fort Hood, Tex., we read in the brief report of the news media that the defense counsel, Mr. Ossie Brown, was denied the military court's subpena power of the CIA director and Evans Parker, who is said to have headed Operation Phoenix.

Before dismissing the Green Beret case, Army Secretary Resor had stated:

Except where the most compelling reasons exist, our carefully developed legal procedures should not be shortcut . . . . A trial . . . will provide a chance for full exploration of matters bearing on innocence, guilt, excuse, justification, mitigation, or extenuation.

If this is the Army's position, how can Mr. Resor expect Sergeant Mitchell to defend himself on innocence, excuse, justification, mitigation, or extenuation, when he is denied benefit of witnesses within reach of the military tribunal, who his defense counsel, Ossie Brown, feels are necessary to exonerate an American soldier who has fought for his country and now must feel that his country is fighting him?

The Army's denial of a defense counsel's motion for subpena of witnesses and the mysterious and sporadic news reporting to the American people can but make one wonder just what is taking place at Fort Hood, Tex.

Why is the military so anxious to suppress CIA testimony in the Mylai case when all evidence bears out their involvement in the Green Beret case which occurred at similar time? Why is the Army so interested in shielding the CIA, even at the expense of destroying their own system of military justice in order to get a conviction against a staff sergeant? Who is in command of this trial?

Can the great reluctance on the part of the Army to permit the CIA to testify at the Mylai trial be because of a desire to avoid explaining that Mylai was certified as a free-fire zone? By whom and to whom?

Is this military justice or a kangaroo court?

I publicly urge the CIA to come forward and participate in this trial to prevent further persecution of this soldier and miscarriage of justice.

Mr. Speaker, several newsclippings pertaining to the CIA involvement with the Green Beret case follow:

[From the New York Times, Oct. 1, 1969]

BEHIND THE INTELLIGENCE CURTAIN—SOME LIGHT IS SHED ON VIETNAM SETUP BY BERET CASE

(By Joseph B. Treaster)

The Green Beret case has lifted slightly the curtain of secrecy that has hidden most of the vast allied intelligence operation in Vietnam.

Major revelations about the intelligence network had been expected from the court-martial of six of the eight men involved in the case, all members of the Army Special Forces, or Green Berets. But the Secretary of the Army, Stanley R. Resor, announced Monday that he had decided to drop all the charges in view of the fact that the Central Intelligence Agency would not permit members of its staff to testify.

On the other hand, answers to some of the questions raised by the case have emerged from a series of interviews with civilian and military veterans of Vietnam. The interviews, conducted by a correspondent of The New York Times who recently returned from the war zone, have also yielded a general picture of an elaborate, often inefficient intelligence community.

The themes of inefficiency of work done at cross-purposes and of noncooperation found an echo in the Green Beret case, in which the South Vietnamese victim was said to have been not only a double agent—working for both the enemy and the allies—but also, according to some reports, an operative employed by different allied agencies.

"If I've ever known a division of bureaucracy to be compartmentalized and filled with internal suspicions, it is the intelligence community," said one middle-level State Department official who has served in Vietnam. "They do not always do kind things to one another. For instance, if I had some good agents in one area of the country and you had one that was getting a lot of good stuff, I might try to blow his cover and put him out of action. Same government, same objectives, different teams."

NO WAY OF CHECKING

"Sometimes three or four agencies in Vietnam employ the same Vietnamese agent," the official went on. "The agencies won't open their personnel registries to one another so there is just no way of checking."

In the sketchy reports on the recent Green Beret case, there have been repeated references to two secret intelligence-gathering units, Detachment B-57 and the Studies and Observation Group, or S.O.G.

Five of the Special Forces soldiers in the now-closed case are reported to have been as-

signed to Detachment B–57. One, Maj. David E. Crew, was the detachment commander.

Available information indicates that B–57 is an Army unit manned by 25 to 50 Americans and responsible for operating networks of Vietnamese agents—perhaps several hundred—throughout Vietnam and the border regions of Laos, Cambodia and North Vietnam.

The bulk of its work is believed to be in South Vietnam and the objective to obtain tactical intelligence known as O.B. or order of battle, information. It tries to chart troop movements, identify units and commanders, determine supply levels and uncover other data that can be used to calculate when and where the enemy is likely to strike (which is known as I.O.H., for imminence of hostility).

On the organization charts, Detachment B–57 is listed as a part of the Fifth Special Forces Group, which has its headquarters at the former resort city of Nhatrang, on the South China Sea. But informed sources say that, in effect, the Fifth Special Forces is a cover for B–57.

WHERE ORDERS COME FROM

The commander of the Fifth does not give orders to B–57, which does not contribute to the primary mission of the Green Beret outfit—advising Vietnamese irregulars in remote camps. Orders for B–57 are believed to originate in the intelligence section of the headquarters of Gen. Creighton W. Abrams, commander of American troops in Vietnam.

Some dispatches from Saigon identified B–57 as a part of the Studies and Observation Group, an element of the American command. Subsequent investigation indicates that they are separate units. Both seek tactical intelligence, but S.O.G. also engages in sabotage and places emphasis on operations outside South Vietnam.

The Studies and Observation Group, which seems to have no less sensitive a mission than B–57, operates without cover from offices in central Saigon in the compound from which Gen. William C. Westmoreland once ran the war. It is listed as a staff section of the American command and draws personnel and necessities from all branches of the armed forces.

There are thought to be as many as 2,000 Americans and many more Vietnamese in S.O.G. Informed sources say that the Americans seldom if ever go into North Vietnam on missions except for brief helicopter trips to emplace or recover teams.

SPECIAL FORCES MEN VEXED

The group's commander, an Army colonel, has an Air Force colonel as his deputy, and there is a "civilian special assistant" who presumably serves as liaison with the C.I.A.

Because of their extensive training in guerrilla warfare. Special Forces soldiers are assigned to both B–57 and S.O.G. But many Special Forces officers are privately rankled over the fact that a high percentage of the men in B–57 are from the Military Intelligence Corps and, technically, are not permitted to wear the green beret.

"This is not a Special Forces organization," a senior Green Beret officer said recently. "They wore the beret and looked like us, but they weren't." He was furious because his élite group had been linked to cloak-and-dagger activities.

Vital as they are, B–57 and S.O.G. are like the exposed peak of an iceberg. Much more work, less spectacular but no less necessary, goes on unnoted.

"A lot of it is just day-to-day plugging," said a former province senior adviser. "The little things they put together don't make headlines and by themselves they're not very important. But eventually you get a picture."

The intelligence community ranges from the barefoot woodcutter who is paid a few piasters for reporting a visit by a Vietcong tax collector to the C.I.A. station chief who works in the United States Embassy behind a door marked "Office of the Special Assistant."

The landscape of Vietnam and the border regions are studded with electronic sensors that beep information into the banks of computers. Radar, cameras, infrared detectors and a growing array of more exotic devices contribute to the mass of information. Not long ago reconnaissance planes began carrying television cameras.

There are a few swashbuckling extroverts and romantics in the intelligence community, but the great majority are more diligent than adventurous—more akin to university researchers than fighter pilots. Many are faced with an element of risk, but if they are conscientious in detail—in other words, good agents—the risk seldom if ever becomes a real threat.

FILMSY COVERS ADOPTED

Perhaps motivated by the old feeling that there is something unsavory about spying, many American intelligence people in South Vietnam adopt flimsy covers. Employes of the C.I.A. often identify themselves as members of the United States aid mission. Many are known as advisers to the Public Safety Department, the Military Security Service, which is the Vietnamese F.B.I., or the division that handles defectors.

Most military intelligence men are believed to operate in uniform and without cover identification; those who wear civilian clothes and use assumed names maintain that they work for nonmilitary organizations.

Whether he uses cover or not, the military man can usually be spotted because of his short haircut, his G.I. eyeglass frames and, quite often, his military-style shoes.

The civilian "spook" is obvious more often than not because of his standard uniform: white short-sleeved shirt draped over dark, shapeless trousers to conceal the snubnosed .38-caliber pistol clipped to his belt, plus sunglasses and, if he is wearing one, a narrow tie in a dark solid color.

COMPUTERS WHIRR AND BLINK

A focal point of the allied intelligence operation is a windowless, white stucco buildings not far from Tansonnhut Air Base at Saigon. Day and night in its antiseptic interior a family of blinking, whirring computers devours, digests and spews out a Gargantuan diet of information about the enemy.

The fact plant, known as CICV, or the Combined Intelligence Center, Vietnam, was established late in 1966 by Maj. Gen. Joseph A. McChristian, then the senior United States intelligence official, and was intended to serve as the end of the line for all allied intelligence agencies.

It has three principal sources: the American and South Vietnamese military systems and a conglomerate of allied civil and military organizations that work together to destroy the Vietcong's underground government.

To ease the burden on the center, General McChristian also set up CDEC, the Combined Document Exploitation Center; CMIC, the Combined Military Exploitation Center, and the CMIC, the Combined Military Interrogation Center. The work of each is explicit in its title.

As field units uncover the enemy's documents, capture weapons and question prisoners, the raw material is supposed to be forwarded to the most appropriate agency. The routing is not always the same; sometimes the material comes directly from combat units, sometimes it passes through the highest American or Vietnamese headquarters.

RIVALRY, DISTRUST, SUSPICION

The "hotter" the information the more likely it is to go to an independent American or South Vietnamese office instead of the combined center; in that way the men who make the find can act on it and perhaps record a victory for their "team."

Such rivalry, colored with distrust and suspicion, makes it difficult for the combined facilities to function as planned.

Some observers believe it likely that groups of Vietnamese who work for different agencies pool their information and present individual reports to their employers.

Some Americans find it difficult to trust any Vietnamese. Even during the time of General McChristian, the American command had a built-in deterrent to the success of the combined center: Routinely, officers stamped on sensitive documents "Secret—No Foreign," and the information could not be forwarded to the joint center.

CONCEALING THE SOURCE

"There is a certain kind of information that neither side will turn over," a high-ranking Army officer explained. "They won't turn in political intelligence and we won't turn in information gathered with special secret equipment. One reason for our position is not to disclose the source. Their reasoning is obvious."

To trace Vietnamese intelligence data that should go into the combined center, American advisers duplicate the reports of their counterparts and introduce them into their own channels. Informed sources maintain that the Vietnamese, for their part, have managed to penetrate American intelligence operations as interpreters, chauffeurs and handymen to learn the contents of "Secret—No Foreign" documents.

Such conditions have contributed to a proliferation of intelligence operatives. The C.I.A. is believed to have more employes in Vietnam than it has ever had in a foreign country, and the military effort is even greater.

In mid-1967 the Americans initiated another attempt at sharing intelligence, first called ICEX, for Intelligence Coordination and Exploitation, and later Phuong Huong, or Phoenix. The program was originally financed by the Central Intelligence Agency and the American military command.

INTO A SINGLE HEADQUARTERS

Its key feature was that South Vietnamese and American agencies were taken out of separate offices and brought together in a single headquarters, eliminating a number of problems in communications and inertia.

To provide immediate response, so-called provincial reconnaissance units were set up. C.I.A. agents recruited defectors and other Vietnamese wherever they could, gave them the latest equipment and trained them in small-unit tactics and the fine art of silent killing.

[From the Washington Post, Sept. 30, 1969]

ARMY DROPS CASE AGAINST EIGHT BERETS HELD IN MURDER—RESOR CITES CIA REFUSAL TO TESTIFY

(By George C. Wilson)

The Army yesterday dropped its case against the Green Berets accused of murdering a suspected South Vietnamese double agent—an action which closes the official curtain on a dark side of the Vietnam war.

Army Secretary Stanley R. Resor, in a statement handed to Pentagon newsmen at 2:20 p.m., said he had dismissed the charges after learning that the Central Intelligence Agency would not let its personnel testify at the trial.

"It is my judgment that under these circumstances the defendants cannot receive a fair trial," Resor said. His decision, according to a Pentagon spokesman, was supported by Defense Secretary Melvin R. Laird.

Resor's decision was a clear victory—and greeted as such—by the eight Green Berets who were charged with murder after a South

etnamese named Thai Khac Chuyen was lled on June 20.

Six of the eight Green Berets were accused the Army of drugging Chuyen and shooting him with a pistol. The first trial—of three the officers—was scheduled to start Oct. at the Army's logistical base at Longbinh.

Gen. Creighton W. Abrams, U.S. commander in Vietnam, is believed to have been he main impetus for the Army lodging harges against the Green Berets. Resor acked him up despite heavy pressure to op the case.

Just 11 days ago, on Sept. 18, Resor took hard line on the case, refusing to bow to ressure to call it off.

"Except where the most compelling reasons xist," he said, "our carefully developed gal procedures should not be short cut . . . trial . . . will provide a chance for full xploration of matters bearing on innocence, itigation or extenuation."

Yesterday's dismissal of the murder harges leaves hanging such questions as the xtent of American involvement in slayings n Vietnam and whether officials in Washngton are fully informed about them.

Now that the Army has closed its book n the case, the worldwide speculation about hese and other questions is likely to arise new.

Resor tried to head off such speculation y declaring that the Army does not condone uch acts as those alleged in the charges gainst the Green Berets.

Here is the full text of Resor's statement:

"I have been advised today that the Cenral Intelligence Agency, though not directly nvolved in the alleged incident, has deterined that in the interest of national seurity it will not make available any of its ersonnel as witnesses in connection with he pending trials in Vietnam of Army peronnel assigned to the 5th Special Forces roup.

"It is my judgment that under these circumstances the defendants cannot receive a air trial. Accordingly, I have directed today hat all charges be dismissed immediately. The men will be assigned to duties outside f Vietnam.

"While it is not possible to proceed with he trials, I want to make it clear that the cts which were charged, but not proven, epresent a fundamental violation of Army egulations, orders and principles.

"The Army will not and cannot condone nlawful acts of the kind alleged. Except in he rare case where considerations of naional security and the right to a fair trial annot be reconciled, proceedings under the Uniform Code of Military Justice must take heir normal course.

"It would be unjust to assess the culpaility of any individual involved in this matter without affording him an opportunity o present his defense in a full and fair rial. Under our system of jurisprudence, very man accused of wrong-doing is presumed to be innocent until he is proven guilty. The determination of guilty may be made only by a court which has access to all information with respect to the alleged offense."

Chairman L. Mendel Rivers (D.-S.C.) of the House Armed Services Committee drew a burst of applause when he announced the Resor decision in the House.

[From the New York Times, Oct. 2, 1969]

WHITE HOUSE CONFIRMS THAT NIXON WAS INVOLVED IN DECISION TO DROP CHARGES AGAINST GREEN BERETS

(By James M. Naughton)

WASHINGTON, October 1.—The White House acknowledged today that President Nixon was involved in shaping the decision to drop murder charges against eight Special Forces soldiers in South Vietnam.

Ronald L. Ziegler, the White House press secretary, said Mr. Nixon had "approved" the refusal by the Central Intelligence Agency to provide witnesses against the soldiers, accused of murdering an alleged Vietnamese intelligence agent.

"C.I.A. Director [Richard] Helms made the decision that, in light of national security interests, C.I.A. personnel should not appear as witnesses," Mr. Ziegler said. "The C.I.A. informed the White House and the President approved this decision."

The refusal to provide witnesses from the agency was the crucial factor leading to abandonment of the courts-martial of six Green Beret officers. Secretary of the Army Stanley R. Resor cited the agency's position as the reason for dropping the charges last Monday.

Originally, eight men were implicated in the alleged killing, but charges against two of them, Chief Warrant Officer Edward M. Boyle and Sgt. 1st Cl. Alvin L. Smith, Jr., were held in abeyance pending the other trials.

Confirmation of the President's role in the decision came after two days of White House denials that Mr. Nixon had become involved in the original decision to try the Green Berets or the subsequent decision to drop the charges.

Mr. Ziegler said he "did not know" of the President's review of the C.I.A. position when he issued the denials.

After conceding Mr. Nixon's part in the agency's decision, Mr. Ziegler continued to insist this morning that the Army had acted on its own in following up the decision by dropping the charges.

He said there had been no attempt by the White House to persuade the Army to act one way or another.

This afternoon, Mr. Ziegler said that the Army's decision to drop the charges was made known to the White House before it was announced to the public last Monday. Although there was no intention on the Army's part to submit the issue to the President for a final decision, Mr. Ziegler said, "the President could have overruled" the Army if he had chosen to do so.

Despite the decision to free the soldiers, it appeared that the controversy was not over in Washington.

Representative Peter W. Rodino Jr., Democrat of New Jersey, who first protested the treatment of the men, said today that he would continue to press for clear answers from the Army about the case.

Representative Rodino contended that the soldiers had been in confinement for nearly two months before the situation came to the attention of Mr. Resor and Secretary of Defense Melvin R. Laird. This raised serious doubts, Mr. Rodino said, about whether the military truly was under civilian control.

The six Green Beret officers who were to have stood trial for the alleged murder of Thai Khac Chuyen, a reputed Vietnamese double agent said to have been killed last June 20, were Col. Robert B. Rheault, commander of the Special Forces in Vietnam at the time of the alleged murder; Maj. David E. Crew; Capt. Leland J. Brumley; Capt. Budge E. Williams, and Capt. Robert F. Marasce.

[From the New York Times, Aug. 15, 1969]

4 BERETS LINKED TO A SECRET UNIT—MEN IN VIETNAM CASE SAID TO HAVE SERVED IN GROUP WITH TIES TO C.I.A.

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, August 14.—Reliable sources said today that at least four of the eight Special Forces soldiers facing possible murder charges in the fatal shooting of a Vietnamese national worked in highly secret intelligence and guerrilla operations with special ties to the Central Intelligence Agency.

Informants here and in Nhatrang, the headquarters of the fifth Special Forces Group, said that several of those detained by the Army in the case were members of the "B–57 detachment" of an organization known as the Special Operations Group, or S.O.G.

The organization, the informants said, conducts clandestine operations, ranging from intelligence gathering to kidnapping, on special assignments from the United States military command in Vietnam and the Central Intelligence Agency.

Maj. Thomas C. Middleton Jr., one of those being held, was formerly head of all intelligence operations for the Fifth Special Forces Group, according to organization charts in Nhatrang.

Capt. Leland J. Brumley, another officer of the Special Forces, or Green Berets, who has been detained in the case, was listed on the same charts as head of the counter-intelligence section under Major Middleton.

Maj. David E. Crew was reported by the informants to have been the former commander of the B–57 detachment. Sgt. Alvin L. Smith Jr. worked in the detachment under Major Crew. Others in detention are also believed to have been attached to this unit.

Besides the B–57 detachment, S.O.G. consists of at least two other detachments, labeled B–52 and B–55.

ASSIST VARIOUS AGENCIES

Although the specific details of the operations of these detachments were not available, the informants said they performed missions on assignment for high-ranking members of the United States intelligence establishment in South Vietnam. The missions included intelligence-establishment in South Vietnam. The missions included intelligence-gathering, sabotage, kidnapping and, not too infrequently, the "elimination" of certain persons in South Vietnam and the bordering countries of Laos, Cambodia and North Vietnam.

The Special Forces, along with Air Force commandos and navy, sea, air and land teams known as SEAL's perform a variety of tasks for United States military-intelligence headquarters in South Vietnam, the Central Intelligence Agency and the National Security Agency.

The organization known as S.O.G. is said to work only on delicate assignments ordered directly by high officials. In general it works at a higher level than the intelligence-gathering units of Army divisions. The Commander of the Special Forces, now Col. Alexander Lemberes, is said to be the only colonel in South Vietnam with his own 12-button telephone. He reports directly to the staff of Gen. Creighton W. Abrams, bypassing several generals in the normal chain of command.

The Special Forces make use of aircraft supplied by the 14th Special Operations Wing of the Air Force, based in Nhatrang.

WORK OF THE "BLACK CATS"

Tucked in back of the airfield proper, there is a section used exclusively by the Special Forces. There one can see huge transport planes with black and green camouflage paint and slip-in and slip-out insignia. Usually transport planes are painted brown and green and have fixed insignia.

The clandestine Special Forces units also make use of black, unmarked helicopters piloted by Vietnamese or volunteer Air Force pilots called "black cats."

Special Forces troops employed in the secret missions are usually career men and they are said to be volunteers. They employ a variety of weapons ranging from tranquilizer guns and drugs to more conventional materiel.

Unlike normal Army intelligence units, the sources said, the Special Forces maintain close liaison with the military-intelligence headquarters within the Military Assistance Command of Vietnam and with the Central Intelligence Agency. Most regular Army intelligence units report to divisional commanders.

The distinct role of the Special Forces is explained in part by history. Before the big build-up of conventional ground forces in South Vietnam, the Special Forces worked almost exclusively for the C.I.A., according to one long-time member of the group. Outside South Vietnam, he said, this still remains the case.

ACTIVITIES ARE WORLDWIDE

For example, the First Special Forces, based on Okinawa, maintains the 46th Special Forces Company just outside Bangkok, Thailand, for intelligence and other mission in that area.

The Eighth Special Forces is in Panama, serving intelligence and guerrilla warfare needs in Latin America.

There are four other Special Forces units in the United States. Three are stationed at Fort Bragg, N.C., and one is at Fort Devens, Mass. They are reported to be available for assignment all over the world.

[From the New York Times, Oct. 1, 1969]

BERET CASE RAISES MANY ISSUES—FIRST ARE QUESTIONS OF RESPONSIBILITY AND INFLUENCE

(By Max Frankel)

WASHINGTON, September 30.—From mysterious start to melodramatic finish, the case of the Green Berets has been a case of "Who's in charge here, anyway?"

Who has charge—and responsibility—for the Army men detached from their service for unmentionable operations of the Central Intelligence Agency? Who is accountable for political and cloak-and-dagger activities by Americans in a nominally sovereign South Vietnam?

Do powerful members of Congress exert more influence than the President's Cabinet over the processes of military justice? Who determines when the C.I.A. acts—or refuses to speak—in the national interest? And who is truly responsible for acts of horror by men engaged in horrible enterprises in a horrible war?

A DIFFICULT CONTENTION

Those questions hung like barnacles to the case of the Special Forces soldiers charged with the murder of a South Vietnamese agent—with single, double or even triple loyalties. The Army appeared to believe for a time that it could stage a conventional court-martial to determine the "facts" of a single death. But it was forced to retreat because too many men and institutions were unwilling or unable to cope with the larger questions.

From the moment that the Secretary of Army, Stanley R. Resor, dismissed the murder charges yesterday on the ground that the C.I.A. had refused to supply witnesses for the trial, Washington had difficulty with the White House contention that President Nixon was in no way involved in the matter. Many were surprised, in fact—after all the debates here over "control" of the supersecret agency—that any President would let stand the impression that the C.I.A.'s definition of the national security was not subject to his approval.

Mr. Nixon's spokesman backed away a step today, saying that he had no personal knowledge of the President's involvement.

The White House was never enthusiastic about a long and public trial of the case, of the country's cloak-and-dagger operations, of the Army and the C.I.A., and perhaps of the war itself. The intelligence agency did not invite scrutiny. And a great many members of Congress, reflecting significant public sentiment, portrayed the prosecution as merely persecution.

But the Army's senior officers here and in Vietnam seemed determined to press the charges for a variety of reasons. Secretary Resor argued to the end that the killing was murder rather than just bitter duty. Others in the Army appeared intent on asserting their command responsibilities over the Special Forces, for which a special standing of privilege is often claimed.

The defendants are said to have told their families that Gen. Creighton W. Abrams, the United States commander in Vietnam, resented their less-than-candid accounting to him in this and other cases.

WARM SUPPORTERS DEFECT

It may not be clear for some time how much the political pressures counted in the President's calculations. Arrayed against the Army were some of the Pentagon's warmest supporters on other defense issues.

Yet the arguments of the C.I.A. itself probably would have carried the day. Even if it had felt compelled at first to clear up its own complicity and to assist at the trial, it was faced with some of the country's best trial lawyers threatening to make public the most sensitive information.

The impression here, from the Congressional end of town to the Pentagon, was that the national-security argument had resolved the last doubts in the White House.

As has been the case so often before, the arguments of national security are shutting out large questions of governmental operations. Legislators who are pleading for investigation of the military's legal systems, of command control over secret operations, of secrecy itself as practiced by privileged Government units, are finding little sympathy among the most influential of their colleagues and no encouragement from the Administration.

[From the Star-Ledger, July 9, 1970]

CONSTITUTIONAL TEST OF VIET WAR—LAIRD SUBPENAED TO TESTIFY IN MY LAI MASSACRE TRIAL

(By Kenneth Reich)

ATLANTA.—Secretary of Defense Melvin R. Laird and other high figures of the U.S. defense establishment have been subpenaed to appear at a hearing before a three-judge federal court panel called here next Wednesday on the constitutionality of the Army's My Lai court-martials.

Most of those subpenaed were served Tuesday and yesterday in Washington, D.C.

The specific case before the panel concerns the army plan to try Sgt. Esequiel Torres, 22, of Brownsville, Tex., on charges of at least three murders in the alleged massacre, but the effect of a decision in this matter could reach to the whole range of cases pending in the My Lai affair.

Last week, U.S. District Judge Albert Henderson ruled here that Torres could not be tried by court-martial until the panel had ruled on constitutional questions about the legality of the Vietnam war as well as whether the accused was receiving equal protection under the Uniform Code of Military Justice.

It was the first time a civilian judge had intervened in the pretrial stages of a military court-martial. In addition to Henderson, named to the panel were U.S. Circuit Court Judge Griffin B. Bell and U.S. District Judge Sidney O. Smith.

Torres' attorney is Charles L. Weltner, a former Democratic Congressman from Atlanta who served following the Korean War in the Army's Judge Advocate General Corps.

He told Judge Henderson that the war was being conducted "without constitutional or other lawful authority."

In addition to Laird, also subpenaed for the hearing were the Army Chief of staff, Gen. William C. Westmoreland; the head of the Central Intelligence Agency, Richard Helms; and the Secretary of the Army, Stanley R. Resor, among others.

Attorneys for the government are expected to move in court to crush the subpenas. A lengthy legal battle could ensue.

Weltner said the men are wanted to testify on the official American policy on killings of civilians in Vietnam. In his petition to the court, he had argued that "the official policy of the U.S. government, its tactics, strategies and procedures, resulted in the indiscriminate destruction of human lives, including thousands of non-combattants . . ."

He said in the courtroom that he intended to show that it was the policy of the Army to destroy civilians in 'free fire zones' such as My Lai and that the purpose of the CIA's Operation Phoenix was the destruction of life.

"They wanted to punish him (Torres) for doing what other people received medals for doing," Weltner said.

In an interview this week, the attorney asserted, "half the people in My Lai were on the CIA's assassination list anyway. That's the information I have from someone who was there.

"They take a Mexican-American kid of 19 years old (at the time of the incident, March 16, 1968), who can hardly speak English. They take a poor, simple kid who's out there getting his head shot off—Torres has a Purple Heart—and they put him on trial.

"They aren't going to try any generals. They may try a captain. They're desperately trying to find a scapegoat to hang this on."

UNPRECEDENTED NATIONAL PERIL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, by my speech on this floor last June 23, I sought to direct the attention of the Congress to the extremely serious and imminent danger which threatens the defense of this Nation and which jeopardizes the lives and property of our fellow citizens. The reality of this fatastic peril to which we are subjected by the machinations of the Atomic Energy Commission and its hierarchy can hardly be exaggerated, notwithstanding Dr. Glenn Seaborg's sustained publicity effort, drumming away to persuade us that all AEC decisions are good for America.

The district which I represent here in Congress, Luzerne, Carbon, and Columbia Counties in Pennsylvania, is about 125 miles west of New York City. We in my district are seriously alarmed that some 30 million people will one day flood over us in desperation, should any one of the super-lethal nuclear power reactors be blasted by conventional explosives and dusted over the New York metropolitan area.

This unprecedented national peril exists as a direct result of having already emplaced some 20 huge experimental nuclear power reactors within our most densely populated industrial regions, not to mention the projection of an additional 100 soon to be constructed. Incredibly, AEC licensing regulations specify:

An applicant for a license to construct and operate a nuclear power plant is not required to provide design features or other measures for the specific purpose of protection against the effects of attacks and destructive acts, including sabotage, by an enemy of the United States.

Even more incredibly, a letter dated September 23 from the Department of Defense states:

In regard to defense of nuclear plants against an enemy submarine attack utilizing conventional weapons, no specific coun-

termeasures are taken to prevent attack on these facilities as such. . . . Further, there is no particular reason to single out nuclear reactors for such consideration.

At full fission product inventory, the Calvert Cliffs nuclear power reactors, now abuilding 40 miles from the city of Washington, will each contain about 6,000 pounds of plutonium. If pulverized and dusted over the surroundings, this amount of plutonium would equate to the alpha-active fallout from several thousand nuclear blasts of atomic weapons. Just to refresh our memories as to the awful toxicity of plutonium, according to international studies, this alpha particle emitting, bone-seeking cancer inducing agent is in the order of billions of times more lethal per unit weight than the most virulent chemical poison. A single pound of plutonium, if suitably distributed in the air we breathe and in the water we drink, is sufficient to wipe out the population of the entire world.

The principal reason given by the AEC for urging the construction of the Calvert Cliffs type of power reactor, which is notoriously inefficient in converting uranium to electric energy, is that "fast breeder" reactors, if and when developed for the commercial generation of electric energy, will each require some 3,000 pounds of plutonium as the fissile core. Light water reactors are a convenient source of large quantities of plutonium. And here we get another peek at what these secretive, supergrade, self-appointed decisionmakers have in store for us: While there is no doubt that either of these nuclear reactor types can be totally demolished and pulverized by conventional explosives, the fast reactor with the ton-and-a-half plutonium core is immensely more dangerous because it can by explosive compression, be caused to actually fission and vaporize the entire structure, becoming thereby, history's "dirtiest" and most effective radiological warfare weapon.

Mr. Speaker, to show by example one of the terrible traps already set for us, I am advised that repeated hits on Consolidated Edison's Indian Point nuclear powerplant by submarine-launched missiles delivering large conventional warheads could, under suitable conditions of wind and weather immediately, cancel out the New York metropolitan area as a viable section of the United States, with the attendant loss of millions of lives, following the unavoidable inhalation of pulverized plutonium and other alpha-emitting dusts. In answer to my direct question in regard to effects of demolishing the Indian Point plant, an assistant to the Secretary of Defense has recently replied:

It is true that, in the extreme situation which you postulate, extensive areas could be contaminated to lethal levels of radioactivity.

Somehow, or for some reason, this assistant to the Secretary of Defense skipped entirely any comment on the more certain and widespread effects upon the population which would result from the inevitable ingestion and inhalation of plutonium particles.

Quite evidently, the combined Armed Forces of the United States of America are powerless to absolutely guarantee against the pulverizing demolition of any coastally exposed nuclear installation by conventional explosives, deliverable by rocket from submarines now on station off both our coasts. Even more chilling is the distinct possibility that some of these Russian-built missile-firing submarines are already leased to North Vietnam. In the event of such non-Russian bombardment of our nuclear Trojan horses, how do we reply in kind? How do we retaliate? How do we prevent the panic-stricken exodus from all other nuclear-powered industrial regions following the initial catastrophic demonstration of nuclear reactor vulnerability to conventional weaponry?

Now in the face of all this, we learn that Pennsylvania has been selected to have an enormous, first of its kind, experimental "fast breeder power reactor" on the Susquehanna River at Meshoppen, 35 miles north of my office in Wilkes-Barre. This nuclear experiment is to have as its fissionable core, a ton and a half plutonium. If sabotaged and explosively compressed, which I am assured can be accomplished in a variety of ways, this neighborhood gem will instantly become a huge, incomparably dirty atomic bomb. The resulting permanent, and a couple of centuries is fairly permanent so far as I am concerned, poisoning of the Susquehanna watershed from New York State to the mouth of Chesapeake Bay would probably eliminate this large and heavily populated section of the United States as a habitable region.

Should my worst fears be realized, a guerrilla group will some day sabotage a nuclear reactor in one of our more heavily populated areas. Following catastrophic proof to our citizenry that nuclear reactors are, indeed vulnerable to conventional explosives and weaponry, we as a nation, without effective means of retaliation, shall be forced to capitulate upon threat of successive, unpreventable destruction of our nuclear Trojan Horses.

As to the loss of credibility currently bemoaned by the hierarchy of the Atomic Energy Commission, I intend to examine on this floor the multitude of half truths and misleading statements which have contributed to this monstrous abuse of the public trust.

THE RUSSIAN INCURSION IN THE CARIBBEAN

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because of one reason, and only for one purpose. I have seldom taken advantage, especially at a terminal point, either prior to a recess or an adjournment, to impose myself upon this body.

But for several weeks now I have been speaking about the implications of the Russian incursion in the sense of establishing submarine tenders and submarine bases fit for the Polaris type of submarine in the warm waters of the Caribbean.

Yesterday, the Russian Government apparently through its official organ was reported as officially saying that it does not have such intentions and that it is not in the process now, nor has it been in the past, in such type of construction on the island of Cienfuegos where all of the discussion has been centered here for the past few weeks.

Past history and the actual, faithful, and reliable reports that some of us have received indicate that at best this is a mischievous denial. It is a legalistic denial. They may be specifically talking about all of the uproar with respect to the supposed or alleged or actual construction of the submarine base tender at Cienfuegos.

But what surprises me is that all the other available information concerning other construction for that type of submarine and for other submarines in other sections of Cuba is not receiving the attention that we should be giving it.

The history of the Americas, and particularly at this time when we are commemorating October 12, the discovery of Americas day, reveals that it has been in a constant process of churning out events of great implication.

We have tended in our history to be self-centered. As a result, we have considered even the Caribbean and the Central Americas and the South America portions as appendages or sort of backdoor areas. But with the world shrunk, as it is now, and with the implications of the military activities that have been activated over the last 6 months on Cuban soil, there is no question but that there is an imperative need to make sure that this whole matter is not swept under the rug, as is attempting to be done now. There are grave implications to the future safety of the United States and the Americas in what is going on in Cuba today.

There is no question that the actual number of Russian military personnel just between the months of June and September was increased to almost 30,000.

Now this is not an ordinary movement. There must be some reason for it. It coincides with the photographic evidence of the construction at Cienfuegos which is now being denied.

But nothing is being said about the base at Mariel and nothing is being said about the other bases in other sections of Cuban soil, and I call upon the President once again to clearly set forth exactly what the extent of this threat is and call upon him to speak forthrightly and clearly and informatively to the American people.

MUHAMMAD ALI

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is reassuring that the courts will examine the legality of the action of the New York State Athletic Commission in revoking the license of Muhammad Ali to box in New York. It has been very disturbing to see the display of arbitrary power by

the New York State Athletic Commission and a host of other agencies in this country in refusing to allow Muhammad Ali to pursue his regular employment. If a governmental agency abruptly prohibited you from working at your regular job, you might think that this was a rather unusual state of affairs in a free country.

What have been the reasons for doing this to Muhammad Ali? Apparently, the sole basis is that he was convicted in 1967 for refusal to submit to the draft and he has not yet served his sentence. It strikes me as odd that a boxer should be prohibited from boxing because he has been convicted of a crime particularly in view of the conspicuous presence in the ring of a wide assortment of convicted felons. Quite obviously the capricious expulsion of Muhammad Ali is based on unstated reasons having less to do with crime than with someone's concept of patriotism. In fact, Muhammad Ali should not be categorized with convicted criminals since he has filed an appeal of his conviction which has not yet been resolved by the higher courts. Because a number of complex issues are involved, there is a clear possibility that the courts will ultimately find in his favor. In that event Muhammad Ali would have been deprived of the opportunity to make a normal living during some of his prime years.

It is clear to me that the New York State Athletic Commission had no reasonable grounds for denying Muhammad Ali a license and, until his case is finally resolved in the courts, he should be treated on the same basis as other members of the boxing world.

SALT TALKS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, we will soon resume the strategic arms limitation talks—SALT—with the Soviet Union. In view of the enormous complexity of the matters involved in these talks and the almost total secrecy surrounding them, I obviously cannot, and would not want to, comment on the detailed course of negotiation. However, it is incumbent upon me to make known my views on certain matters which go to the heart of the issues involved at SALT.

First, I agree with Secretary of State Rogers that these may be the most important negotiations ever entered into by the United States. I wholeheartedly support the principle of negotiating with the Soviet Union with a view toward limiting our strategic arsenals. I further believe that these negotiations should continue regardless of our present differences over the Middle East and Vietnam which may otherwise strain our relations. These talks are of the highest importance to the future of our society, not only because they relate to diminishing the drain of billions of dollars for arms, but also because they may make a vital contribution to the military security of the United States.

The second point which should be made is that the administration's deployment of an ABM system and of the MIRV missile is fundamentally inconsistent with our objectives at SALT. I fear that these developments may hinder the possibility of progress at the talks, and I continue to urge that the administration halt, now, the deployment of the ABM and MIRV's, pending developments at Helsinki and the response of the Soviet Union.

I oppose the ABM for reasons entirely independent of its possible adverse consequences for the SALT talks. It represents a proposal of enormous cost and unknown reliability. I am also troubled by the supposed justifications for the system. The reasons supporting it seem to shift with the seasons. First we were told that it would be a thin system to protect against a Chinese attack. Now, however, we are deploying four installations to protect Minuteman missiles against a Russian attack. This is a decidedly different and more open-ended proposition. We have no realistic idea as to the total cost of a system to defend against a Russian attack. Indeed, experience has taught us that the initial estimates on sophisticated and complex weapons—around $40 billion in this case—are generously understood. More important, we have no reasonable assurance that an ABM system deployed against the U.S.S.R. would even work. Many leading scientists have argued persuasively against the viability of an ABM system because of the relative ease with which offensive capability can be improved to penetrate it. The result of a fully deployed ABM would thus be not greater security, but a new wave of costly buildups resulting in each side's developing a new generation of the sophisticated weapons needed to break the other's defense.

The administration argues that the ABM will be a good "bargaining chip" at SALT—we can give it up for something. I do not believe that nations construct their security systems on such simplistic notions. A nation will add to or alter its armaments on the basis of a complex calculation of its adversaries' capability and intentions, not in an old fashioned horse trading session. The administration's argument also assumes that it is credible for the United States to threaten to spend countless billions of dollars on an ultimately useless system which now elicits the opposition of almost half the U.S. Senate. The use of this kind of bargaining technique is an unnecessarily dangerous ploy in an already dangerous area. We may talk ourselves into actually deploying the system we are threatening which, for the reasons I have given, is not desirable.

I believe, to the contrary, that developing any ABM is a futile exercise and may undermine the U.S. objectives in the SALT talks. It is inconsistent with our purpose of cooling off the arms race, while the Soviet Union will merely push forward with countervailing developments of its own. This is not the way to end the arms race.

Development of the MIRV also introduces a new and unstabilizing element into the balance of power. A full-scale deployment of MIRV's, by either the Soviet Union or the United States, would compound geometrically the difficulties of inspection and the resulting uncertainty involved in estimating the other side's offensive capacity. It also could appear to give such overwhelming striking power as to tip the relatively stable balance now existing. If such a deployment were made by the United States, the Soviet Union would surely not fail to respond. This is also not the way to end the arms race.

Ultimately, our security rests on our ability to deter an attack through the maintenance of the proper amount and mix of power so as to enable us to retaliate with unacceptable damage to any attacker. We presently have this ability and, in seeking to maintain sufficient deterrence, it would be desirable to maintain roughly the present level of arms until a mutual reduction of arms can be renegotiated. Accordingly, I propose that we halt all further work on the ABM sites started, all work on further deployment of the ABM and all testing and deployment of MIRV's. This halt should continue for a period of time adequate to judge the Soviet response. If they respond by limiting developments of their own we may stabilize the arsenals of the super powers at the existing plateau; we may gain a respite from an accelerating arms race. If the Soviet response is inadequate, we have lost only lead time in developing those weapons which may be genuinely necessary for our security.

It is reported that the United States has outlined a proposal at the SALT talks for an overall limitation on the number of long-range missiles and bombers, with each nation being free to choose its own mix of these weapons. The U.S.S.R. reportedly is interested in this proposal. I fervently hope that some agreement along these lines will be reached. I believe that the chances of securing such an agreement and, more important, the chances of that agreement being meaningful in enhancing security and halting the drain on national treasuries, will be better served by stopping the ABM and the MIRV.

DID DELBERT CLINE HAVE TO DIE?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, almost 2 months have passed since a 43-year-old Logan County coal miner named Delbert Cline was killed at the Paragon Mine of the Amherst Coal Co. at Slagle, W. Va.

Because of the circumstances of this unfortunate and unnecessary accident, I have written a lengthy letter to Secretary of the Interior Walter J. Hickel, dated October 6, 1970, which contains some comments and questions on the lack of enforcement of the Federal Coal Mine Health and Safety Act of 1969. The official accident report is attached to this letter.

I am also including with this letter and accident report a very human article in the United Mine Workers Journal of September 15, 1970, and also a perceptive article by that great reporter Ward Sin-

clair, appearing in the Louisville Courier-Journal of October 4, 1970:

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 6, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: I have carefully reviewed the report of the Bureau of Mines of a fatal machinery accident of August 20, 1970, at the Paragon Mine of the Amherst Coal Company at Slagle, in Logan County, West Virginia. The miner killed was Mr. Delbert Cline who had 23 years experience as a coal miner. For 18 of his 23 years, he worked at the Paragon Mine. He was a mining machine helper at the mine. He was 43.

The mine employs 183 miners. It works a total of three shifts per day, five and six days a week. It produces an average of 3,000 tons a day of coal which is loaded mechanically.

On Thursday, August 20, 1970, Delbert Cline was riding on a permissible-type 15-RU-MS-19 Joy mining machine which was operated by Mr. Ray Adkins. The machine was being moved toward No. 4 entry. Mr. Adkins stopped the machine briefly by releasing the tram control levers so he could lower a line curtain to permit access to No. 4. But the machine jumped out of gear and started moving rapidly backward.

The vertical clearance from the top of the machine to the mine roof was about 48 inches. The machine moved backward until it came to rest against the inby corner of No. 5 entry, crosscut left. Mr. Cline was pinned between the machine and rib. He died two hours later in Logan Medical Foundation Hospital.

I am deeply concerned about aspects of this accident which relate to the Bureau's enforcement of the Federal Coal Mine Health and Safety Act of 1969, and about the Bureau's investigation of this accident. I therefore would appreciate your prompt response to the following:

A. The last inspection of the Paragon Mine by the Bureau prior to the accident was completed on July 1, 1970. It was a PBR inspection that took about four days. I understand that under the 1952 law, it normally took 12 days to make a complete inspection of this mine. The last prior fatal accident at the mine occurred on August 11, 1968. The Bureau lists this mine as one that is subject to the spot inspection provision of section 103(i) of the Act.

1. Please provide to me a copy of the inspection report of July 1, 1970.

2. (a) Why didn't the Bureau conduct the spot inspections required by the Act prior to the accident?

(b) How many spot inspections have been conducted at the mine since the accident? Please supply dates.

3. When was the last complete inspection of this mine?

4. Please provide to me the Bureau's latest list of coal mines in the Nation that are subject to section 103(i) of the Act and the reasons why each is so subject. Also, please provide to me a statement of the Bureau's criteria for determining which mines are subject to that section of the Act.

5. I understand that the Bureau has developed a practice of conducting spot inspections at some mines every ten days, in addition to the section 103(i) spot inspections.

(a) Please provide to me the Bureau's latest ten-day spot inspection list of coal mines in the Nation and the reasons why each is so inspected. Please provide to me a statement of the Bureau's criteria for determining which mines are subject to a spot inspection every ten days.

(b) In view of the fact that the Bureau lacks insepctors to conduct the required four complete inspections of each mine per year and the required section 103(i) spot inspections, isn't the ten-day spot inspection practice, as worthy as it may be, a misplacement of priorities? If not, why not?

6. Assistant Secretary Dole's report of coal mine health and safety activities for the week of September 20–26, 1970, states that there have been 1,601 spot inspections and 855 regular and PBR inspections thus far in Fiscal Year 1971.

(a) How many of the spot inspections were performed (i) under section 103(i) of the Act, and (ii) as ten-day spot inspections?

(b) How many of the 855 were PBR inspections?

(c) How many complete inspections have been made to date in West Virginia? Please supply the name and address of each mine, the date of each inspection, and the length of time each such inspection took.

7. Please provide to me a copy of the accident investigation reports of the Bureau for each of the 53 fatalities thus far in Fiscal Year 1971.

B. Mr. Cline received severe internal injuries to his chest and shoulders which led to his death at about 12:55 P.M. on August 20. Yet, the mine operator did not notify the Bureau of the accident until 3:15 P.M. that day.

1. Why did it take so long for the mine operator to notify the Bureau?

C. In my letter to you of September 11, 1970, I stated:

"One of the most important revelations to come to the attention of Congress through the recent Senate committee hearings was the fact that the Bureau of Mines, in investigating coal mine accidents, *permits* and *encourages* operators and representatives of labor to be a part of the investigatory panel." ((Underlining supplied.)

The investigation of Mr. Cline's unfortunate accident serves to buttress this statement. Instead of the Bureau of Mines conducting an investigation as required by law, an investigating committee performed the investigation according to the Bureau's report. The committee included ten company officials four United Mine Workers representatives, four West Virginia Department of Mines inspectors, and two Federal inspectors. (The list of the Committee is attached.) None of the operator's officials on the committee are identified on the list as safety officials.

1. (a) Has the Paragon Mine designated, under section 107(d) of the Act, an official "as the principal officer in charge of health and safety" at the mine?

(b) If the answer to (a) is yes, please identify that person and explain why he was not present during the investigation.

(c) If the answer to (a) is no, please state whether a notice of violation has been issued to the operator by the Bureau for failure to do so? If not, why not?

Mr. Ray Adkins, who was the operator of the machine that crushed Mr. Cline, is included as one of the U.M.W. representatives on the Bureau's investigating committee. There is no evidence that Mr. Adkins acted improperly at the time of the accident.

2. Is it always the Bureau's practice to have persons involved in the accident and who are material witnesses form a part of the committee investigating the accident? Please explain.

3. (a) Did the mine operator, independently of the Bureau, investigate the accident and keep a record thereof as required by section 111(a) of the Act? If so, please provide to me a copy thereof.

(b, If not, has the Bureau issued a notice of violation for failing to do so? If not, why not?

D. The Bureau's investigation report describes the crucial portion of the accident as follows (p. 5):

"Adkins stopped the machine momentarily by releasing the tram control levers with the thought in mind of lowering the line curtain to permit access of the machine into No. 4 entry. When Adkins stopped the machine and before he made an effort to leave the control station, the machine jumped out of gear and started moving backward gaining momentum rapidly. *Adkins stated that when the need arose he had always made a practice of braking machines in motion to a stop, by lowering the cutter bar to the mine floor, and that he made an attempt to stop the machine by reaching for the cutter bar control lever but apparently missed the lever as he stated he was not familiar with the machine controls. (The machine was equipped with hydraulic brakes; however, the brakes were completely worn out and were not connected to the master hydraulic control valve due to parts of the linkage being missing.) Adkins stated further that most of his mining machine experience was with 11-RU type machines (which have similar controls as the 15-RU type) with slight variations and that he had only operated this 15-RU type machine to cut three places 8 days prior to the accident,* and the seven places he had cut the day of the accident.

"The aforementioned events occurred quickly once the machine started moving backward, and Cline apparently did not attempt or have time enough to remove himself from his position on the machine to a safe place." (Emphasis supplied.)

Thus, the report clearly demonstrates that Mr. Adkins was untrained for the job of operating this type of mining machine. Moreover, even if he were adequately trained by the operator and sought to use the brakes to stop the machine it would have been an empty gesture for the bakes could not work.

The Bureau's report also states (p. 6):

"During the investigation, *it was stated by company officials and employees alike* that the practice of helpers riding mining machines *was known and apparently condoned* by all as attempts were not made by either to stop this dangerous practice." (Emphasis supplied.)

Thus, the Bureau found that—

(a) the *operator* failed to train adequately persons who operate the mining machinery before allowing them to operate such machinery;

(b) the *operator* did not properly maintain the brakes, so that even if trained adequately Mr. Adkins could not have used them effectively; and

(c) the *operator* knew of and condoned the "dangerous practice" of miners riding on machines.

Despite these three findings, the Bureau lists the cause of accident as follows (p. 6):

"Cause of Accident

"This accident was *caused* by the victim placing himself in a precarious position by riding on a piece of equipment designed to transport an operator only." (Emphasis supplied).

The report the states that (p. 6):

"*Contributing factors* were management's failure to establish and firmly enforce rules prohibiting this unsafe practice, failure to provide proper training for personnel operating equipment which would ensure familiarity with the operating controls, and failure to maintain an effective braking system." (Emphasis supplied.)

The Bureau apparently believes that Mr. Cline himself, and not the mine operator, was responsible for his death. The mine operator's failures were considered, by the Bureau, as secondary or contributing causes.

1. (a) Was this white-wash a committee finding or a finding of the two inspectors?

(b) What is the basis for finding that the operator's failures merely contributed to Mr. Cline's death?

(c) If Mr. Adkins was properly trained, and if the brakes worked, isn't it quite pos-

sible that Mr. Cline would still be alive today, even if he did place himself in this "precarious position"?

(d) If the operator had a rule prohibiting persons other than the mining machine operator from riding on such equipment and enforced the rule, isn't it also possible that Mr. Cline would be alive today?

Mr. Secretary:

I call upon you (i) to initiate promptly a further investigation of this accident in light of the above comments, (ii) to reverse these absurd findings, and (iii) to find that the operator's negligence not Mr. Cline's placing himself in a "precarious position", was the primary cause of the accident.

E. The Bureau's inspector issued on August 20, 1970, a notice of violation of section 305(g) of the Act stating that the brakes on "No. 51 mining machine and the No. 7 coal drill . . . were not maintained in proper working condition, in that the brakes on the *mining machine* were worn beyond effectiveness and parts of the mechanical linkage was missing, and the brakes on the *coal drill* were rendered inoperative by a missing brake hub key, and improper adjustment." (Emphasis supplied.) This condition was abated the next day.

1. Since there were two violations of section 305(g), why was only one notice issued?

2. On May 7, 1970, Under Secretary Fred J. Russell revised the Department's schedule of civil penalties (35 F.R. 7182) so that, if the operator paid $4.00 for each of these violations within 30 days after "receipt of the notice of violation by the mine operator", he could not be assessed a higher civil penalty under section 109 of the Act. (See Attached schedule as amended.)

The Department, under this illegal schedule, could thus not apply the factors set forth in section 109(a) of the Act, including a determination of "whether the operator was negligent", and assess a much more meaningful penalty, not to exceed $10,000. This $4.00 fee schedule was in effect through September 30, 1970.

Even under the original schedule (which is now in effect), the operator could pay a mere $25.00 for each violation within 30 days and the Department could not apply these factors and assess the higher penalty.

The Federal district court in Virginia issued an injunction prohibiting enforcement of the illegal fee schedule as to 77 plaintiffs. The Paragon Mine is not one of those 77. But the Department has applied the injunction nationwide, so neither fee schedule applies here. But this tragic accident serves to illustrate what many observers have been contending for several months now, namely that this fee schedule is illegal and inequitable and will not serve as a deterrent to the operators.

Mr. Secretary:

I call upon you (i) to rescind this illegal fee schedule, and (ii) to establish a procedure for assessing civil penalties that assures full consideration of all the statutory factors, provides an opportunity for the operator to know through an initial decision the Government's findings as to those factors and to consider whether or not he will request a public hearing thereon, and provides an opportunity for such a hearing if requested.

3. What actions have the Department taken to assess civil penalties against the operator in this case?

F. Section 75.512 of the Department's proposed regulations of August 14, 1970, (35 F.R. 12930) should be amended to provide, under section 305(g) of the Act, that:

"75.512–3. Electric equipment shall not be considered to be in a safe operating condition if (a) any person, other than the operator of such equipment, rides on such equipment, or (b) any person operating such equipment is not properly trained and thoroughly familiar with, and knows the limitations of, such equipment. A record of weekly examinations and tests under section 75.512–2 shall be kept by the operator."

G. The accident report sets forth three recommendations to management which are designed to prevent future occurrences of this type.

1. Have each of these recommendations been adopted by management? If not, please explain why not.

Sincerely,

KEN HECHLER.

LIST OF PERSONS INVESTIGATING FATAL ACCIDENT AT PARAGON MINE AUGUST 20–21, 1970 (P. 3 & 4 OF BUREAU'S ACCIDENT REPORT)

The investigating committee consisted of:

Company Officials: Charles E. Stanley, Division Manager, Rum Creek; A. E. Newland, Service Administrator; Jess Trent, Division Service Superintendent; Howard Epperly, Superintendent; Shilo Daniels, Mine Foreman; Allen Webb, Chief Electrician; Ed Harrison, Section Foreman; Albert Barker, Section Foreman; Frank Floyd, Engineer; Charles Stone, Jr., Engineer.

United Mine Workers of America: F. L. Philyaw, Safety Coordinator, District 17; James T. Brown, Chairman, Safety Committee; Noah Rainwater, Safety Committeeman; Ray Adkins, Mining Machine Operator.

West Virginia Department of Mines: Pat Heatherman, Inspector-at-Large; Arnold Cook, Assistant Inspector-at-Large; Lowell Spears, District Mine Inspector; Adrian Neace, Mine Electrical Inspector.

United States Bureau of Mines: Thomas W. Gay, Federal Coal-Mine Inspector; Tennis H. Hatfield, Federal Coal-Mine Inspector (Electrical).

PART 301.—PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

PENALTIES: SCHEDULE OF PAYMENTS

[Schedule of payments set forth in section 301.50 subpart F (assessment of penalties), of pt. 301, appearing in the issue of the Federal Register for Saturday, Mar. 28, 1970 (F.R. Doc. 70–3789), at p. 5257. is hereby amended to include footnotes 1, 2, and 3]

Nature of violation	1st violation in the mine within preceding 12 months	2d violation in the mine within preceding 12 months	3d and each additional violation in the mine within preceding 12 months
Mine operators:			
Violation or violations resulting in imminent danger	[1] $500	$1,500	$3,000
Violation caused by unwarrantable failure	[2] 100	200	400
All other violations	[3] 25	50	100
Miners: Smoking or carrying of smoking materials, matches, or lighters	5	25	50

[1] Except that for the period Mar. 30, 1970 through Sept. 30, 1970, this payment shall be $20.
[2] Except that for the period Mar. 30, 1970 through Sept. 30, 1970, this payment shall be $4.
[3] Except that for the period Mar. 30, 1970 through Sept. 30, 1970, this payment shall be $1.

REPORT OF FATAL MACHINERY ACCIDENT

(By Thomas W. Gay, Federal Coal-Mine Inspector)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

On Thursday, August 20, 1970, at approximately 12:55 p.m., Delbert Cline, mining machine helper, received severe internal injuries to his chest and shoulders when caught between the mining machine he was riding and the coal rib. The accident occurred in the last open crosscut between the Nos. 4 and 5 entries on the No. 593 road section in the Paragon mine. As a result of the injuries, Cline died about 2 hours later in the Logan Medical Foundation Hospital.

Cline, age 43, had 23 years mining experience, of which approximately 18 years was with this company employed as a general inside laborer and mining machine helper. He currently had been working 3 months as a machine helper. He is survived by his widow.

The Bureau of Mines was notified of the occurrence by Alfred Newland, service administrator, about 3:15 p.m., August 20, 1970, and an investigation of the accident was made the same day and completed the following day.

Information for this report was obtained from statements of company officials and employees and from an examination of the accident area.

GENERAL INFORMATION

The Paragon mine, at Slagle, approximately 5 miles north of Yolyn, West Virginia, is entered through three drifts, two slopes, and three shafts into the Cedar Grove coalbed, which averages 48 inches in thickness locally. A total of 183 men, 175 underground and 8 on the surface, is employed on 3 shifts a day, 5 and 6 days a week. The daily production averages 3,000 tons of coal, all loaded mechanically.

The mine is being developed by a room-and-pillar method. In the accident area, entries were being driven on 70-foot centers in sets of six, and crosscuts were turned on 70-foot centers. Entries and crosscuts were driven 20 feet wide, and roof bolts were used as a sole means of roof support.

The section was utilizing conventional equipment, and coal was transported from the faces in shuttle cars that discharged onto a belt conveyor. The mine uses a combination system of transporting coal to the preparation plant, part being transported by belt conveyors and part by mine cars hauled by locomotives. All working sections have track installations which are used to transport employees and supplies.

Electric power at 4,160 volts alternating current is conducted underground and reduced to 440 volts by portable power centers, located near the working sections for operation of the electric face equipment, and 230 volts alternating current is supplied for the operation of 100 kw. rectifiers, which furnish 275 volts direct-current power for the operation of shuttle cars. Direct-current power at 275 volts is supplied by rotary converters and rectifiers. This power is transmitted throughout the track-haulage system and is used to operate the track-haulage equipment and several pumps.

The machine involved in the accident was a permissible-type 15–RU–MS–19 Joy mining machine, serial No. 17483, which was powered by 440 volts alternating current. The machine measures approximately 34 inches in height, 9 feet wide, and 36 feet in length, which includes an 11-foot cutter bar. All operations of the machine with the exception of cutting coal is accomplished by means of hydraulic-powered components. The machine is controlled including tramming and steering by manipulating levers which activate the various hydraulic components. The operating deck measures approximately 29 inches in height from the deck to the machine top, 31 inches in width, and 24 inches in depth and is located about midpoint of

the machine on the left side facing the cutter bar. A similar compartment is provided directly across the machine from this compartment whereby dual controls may be installed and the machine operated from either side; however, the machine was equipped with controls to permit operation from the left side only. It was in the compartment directly across from the operator that Cline was riding when the accident occurred. The machine is equipped with two tram gear cases which have a high and low gear arrangement, and the gear desired is selected by manually operating a lever. During the investigation, it was stated by the operator that the machine had jumped out of tram gear when the accident occurred and to his knowledge this was the first such occurrence; however, officials and employees alike stated that to their knowledge the machine had never been known to have jumped out of tram gear nor had any difficulty with the gearing been reported. A careful examination of the gearing and associated apparatus did not reveal any defects or abnormal operation.

The investigating committee consisted of:

Company Officials: Charles E. Stanley, Division Manager, Rum Creek; A. E. Newland, Service Administrator; Jess Trent, Division Service Superintendent; Howard Epperly, Superintendent; Shilo Daniels, Mine Foreman; Allen Webb, Chief Electrician; Ed Harrison, Section Foreman; Albert Barker, Section Foreman; Frank Floyd, Engineer; Charles Stone, Jr., Engineer.

United Mine Workers of America: F. L. Philyaw, Safety Coordinator, District 17; James T. Brown, Chairman, Safety Committee; Noah Rainwater, Safety Committeeman; Ray Adkins, Mining Machine Operator.

West Virginia Department of Mines: Pat Heatherman, Inspector-at-Large; Arnold Cook, Assistant Inspector-at-Large; Lowell Spears, District Mine Inspector; Adrian Neace, Mine Electrical Inspector.

United States Bureau of Mines: Thomas W. Gay, Federal Coal-Mine Inspector; Tennis H. Hatfield, Federal Coal-Mine Inspector, (Electrical).

The general management structure for the Paragon mine consists of a mine superintendent, general mine foreman, chief electrician, second-shift mine foreman and maintenance foreman, third-shift mine foreman and maintenance foreman, and section foreman for all production crews.

The company is a member of the West Virginia Mine Safety Association, and weekly safety meetings are conducted with all employees.

A procedure of reporting and recording all accidents that result in injuries is followed, and injuries at this mine during 1970 occurred at a frequency rate of 73.94 per million man hours of work time. The last fatal accident at this mine occurred August 11, 1968.

The last Federal inspection was completed July 1, 1970.

DESCRIPTION OF ACCIDENT

The No. 593 road section crew with Foreman Ed Harrison entered the mine at 7 a.m. and began normal coal-production activities which continued throughout the morning and until about 1 p.m. Ray Adkins, mining machine operator, and Delbert Cline, helper, had just finished undercutting their seventh coal face which was the face of the No. 5 entry, and Adkins trammed the mining machine backward until the cutter bar was free of the cut of coal.

Adkins secured the machine and Cline proceeded to detach the water hose from the machine and wet the roof, ribs, coal face, and coal fines.

When Cline had finished the wetting operation, he boarded the mining machine in order to ride to the adjoining No. 4 entry. With the machine tram gears placed in the high gear position, Adkins backed the machine toward the outby crosscut as far as needed and then reversed the direction of travel by turning the machine toward the left, cutter bar first, into the crosscut separating the Nos. 4 and 5 entries. Adkins stated that, as the turn of the machine into the crosscut was nearing completion, it became apparent that the cutter bar of the machine would stike the left rib of the crosscut if the direction of travel was not altered. In order to avoid striking the coal rib, he activated the steering mechanism and turned the machine sharply toward the right and away from the left coal rib. This action started the machine into a steady right turn which would result in the machine entering No. 4 entry if the course of travel was continued; however, Adkins stated that as the right turn was started he noted that a line curtain in No. 4 entry placed near the crosscut would have to be moved in order for the machine to enter the entry.

Adkins stopped the machine momentarily by releasing the tram control levers with the thought in mind of lowering the line curtain to permit access of the machine into No. 4 entry. When Adkins stopped the machine and before he made an effort to leave the control station, the machine jumped out of gear and started moving backward gaining momentum rapidly. Adkins stated that when the need arose he had always made a practice of braking machines in motion to a stop, by lowering the cutter bar to the mine floor, and that he made an attempt to stop the machine by reaching for the cutter bar control lever but apparently missed the lever as he stated he was not familiar with the machine controls. (The machine was equipped with hydraulic brakes; however, the brakes were completely worn out and were not connected to the master hydraulic control valve due to parts of the linkage being missing.) Adkins stated further that most of his mining machine experience was with 11–RU type machines which have similar controls as the 15–RU type with slight variations and that he had only operated this 15–RU type machine to cut three places 8 days prior to the accident, and the seven places he had cut the day of the accident.

The aforementioned events occurred quickly once the machine started moving backward, and Cline apparently did not attempt or have time enough to remove himself from his position on the machine to a safe place. The vertical clearance from the top of the mining machine to the mine roof measured approximately 14 inches, and the thickness of the coalbed in the accident area measured approximately 48 inches. An approximate 10.2 percent descending grade of the mine floor existed from the 12-foot centerline of the No. 5 entry crosscut left to the face of the No. 5 entry, and the mining machine was being trammed up at approximate 3.5 percent ascending grade through the crosscut toward the No. 4 entry. The grade was practically level near where the crosscut intersects the No. 4 entry.

The machine moved backward in an arc approximately 21 feet due to the previous positioning of the steering mechanism to make a right turn into No. 4 entry and came to rest against the inby corner of No. 5 entry crosscut left, thereby pinning Cline between the machine and coal rib. Adkins could see that Cline was pinned and apparently seriously injured so he ran to No. 6 entry to obtain help. Within a matter of seconds, Ed Harrison, the foreman, and other crew members arrived on the scene. Harrison instructed Adkins to move the machine by using the hydraulic controls so that Cline could be freed. This Adkins did and Cline was removed. First-aid was administered, and Cline was made as comfortable as possible. Meanwhile, the mine dispatcher and officials were informed of the accident. Cline was transported to the surface and placed in an awaiting ambulance and transported to a local hospital where he later expired.

During the investigation, it was stated by company officials and employees alike that the practice of helpers riding mining machines was known and apparently condoned by all as attempts were not made by either to stop this dangerous practice.

CAUSE OF ACCIDENT

This accident was caused by the victim placing himself in a precarious position by riding on a piece of equipment designed to transport an operator only. Contributing factors were management's failure to establish and firmly enforce rules prohibiting this unsafe practice, failure to provide proper training for personnel operating equipment which would ensure familiarity with the operating controls, and failure to maintain an effective braking system.

RECOMMENDATIONS

Compliance with the following recommendations may prevent similar accidents in the future:

1. Management shall adopt and enforce a rule prohibiting persons other than the operator in the performance of his duties from riding mining machines.

2. Persons shall be trained and thoroughly familiar with and know the limitations of each piece of mining equipment before they are permitted to operate the equipment.

3. Equipment shall be frequently examined and maintained in proper working condition and any defects found shall be corrected before the equipment is put back in operation.

ACKNOWLEDGMENT

The cooperation of company officials and employees, members of the United Mine Workers of America, and the representatives of the West Virginia Department of Mines during this investigation is gratefully acknowledged.

[From the United Mine Workers Journal, Sept. 15, 1970]

IN MEMORY OF DELBERT CLINE, COAL MINER

(By William J. Walsh)

(EDITOR'S NOTE.—Late last month the Assistant Editor of the *Journal* received a letter from William J. Walsh of Columbus, Ohio. It is a stirring memorial to his brother-in-law, Delbert Cline, who was killed in a machine accident at the Amherst Coal Company's Paragon Mine at Slagle, W. Va. On Labor Day, the Assistant Editor made a speech at a rally at Logan, W. Va., sponsored by Mr. Cline's Local Union 6712. He had been a prime mover of these rallies for years and at the beginning of the speaking program everyone present stood for several moments in his memory. Present at the rally were his father, his brother, and his widow. We feel that the memorial printed here typifies the feelings of all coal miners and their families when someone is killed in the industry.)

Shortly after noon on Thursday, August 20, 1970, a defective cutting machine owned by the Amherst Coal Company's Paragon Mine at Slagle, W. Va., took the life of Delbert Cline, age 43. This wasn't just another unfortunate mining accident. It was a tragedy. For, you see, Mr. Cline was one of those very rare individuals who could have been easily singled out as a man deeply involved in helping others. This involvement was manifested in many ways. He was commander of his local VFW Post, West Virginia's national VFW Aide-de-Camp, member of the Disabled American Veterans and the American Legion, member of the Paragon mine safety committee and chairman of the mine committee. As Financial Secretary of his Local Union (6712, District 17), he was frequently called upon to assist his friends and associates in applying for their pension. He was loved and trusted by these people as few men ever are. He was an acquaintance of the late Mr. Yablonski and, at the same time, a personal friend and supporter of Mr. Boyle. Most importantly, Mr.

Cline was a completely devoted husband, father, grandfather and son. His father, at 76, and himself a retired miner, has lived to see two of his sons killed in similar mining accidents. This last one was the unkindest, having occurred only five months following the death of his wife. As one might guess, it was Delbert that the old man most depended upon during these past months. . . .

The person who has suffered the greatest loss, however, is Mrs. Cline. Their's was an almost unique relationship. They were nearly inseparable. Everywhere Delbert's many activities took him, his wife, Lorie, went with him. Because that's the way they both wanted it. As his wife's brother, I always wondered about this tremendous marriage. After all, Lorie had been the victim of an acute and incurable disease, diabetes, since she was eight. And diabetes does have its own complications which at times can be quite severe. But I watched him administer her insulin injection, take her to Johns Hopkins and St. Mary's when her situation got out of hand, visit her every weekend when she was in the Beckley Tuberculosis Sanitorium and, in general, nursed her for almost 23 years.

With that much compassion always present, I shouldn't have been too impressed by Delbert's attitude toward his fellow-miners. In its own way, this attitude was almost as considerate as that held for his wife. How many times have I been visiting with Delbert when someone would drop in to ask his help. Some of these people could hardly read or write and often their pension eligibility was impaired by their delinquency in paying their Union dues or some other technicality.

I never saw him turn anyone down. He would cancel a personal engagement, interrupt a meal or simply take time out from his leisure to resolve the matter or offer sound advice. Taking money out of his own pocket to permit pension application was not unusual. So, when I attended his funeral, I wasn't too surprised to see a number of grown, tough mining men cry like babies. They had, in fact, lost an irreplaceable friend. It was something I shall never forget. Nor will my own sons, aged 12 and 13. At the risk of offending my brother, I must say that my sons considered their Uncle June (Delbert was known as Junior to most people in Logan County, West Virginia) the greatest. He just had this thing with kids. On many past occasions I have asked my boys "if you had your choice of going anywhere right now, where would it be?" The answer was always "Lorie's and June's." Delbert was simply always doing something with them that they wanted to do, like shooting guns. He taught them both how to handle firearms. . . .

DEATH WAS QUICK

As to the accident itself, I gathered from talking to the man who was operating the cutting machine on which Delbert was filling in as helper, that death was instantaneous. Although I never worked in a coal mine, I have been through a few and grew up in the various little coal camps which are strung up and down every creek in Logan County. I felt with this somewhat limited knowledge, I could acquirre a mental picture of the circumstances involved and establish to some degree or another whether the accident might have been prevented. The cutting machine operator had been a friend of Delbert's and a co-worker at the Paragon mine for about 18 years. I've seen few grown men so remorseful as was he. Although it was obviously agonizing for him to go once more through the painful details, he was most understanding of my interest. The day of the accident (the day before this conversation) he had furnished a hand-written report to the Federal mine inspectors. He let me read his carbon copy of this report. I didn't understand all of the terms but with his help, I determined that he and Delbert were working in a section that was about 48 inches high and approximately 20 feet wide. The machine was stopped and the operator had moved from his operating station to clear a ventilation curtain. Delbert was off to one side of the machine when it unexpectedy started moving. Although it was not mentioned in the report, I was able to verify that the equipment had no brakes and the auxiliary controller was missing. I gathered in my discussions with the operator that under these circumstances, you try to quickly lower the cutting bar . . . . and this drag will tend to slow or stop the equipment. In any event, the moving equipment trapped Delbert against the rib or side of the wall, crushing his chest. I suppose the whole unfortunate event transpired within seconds. After discussing the matter with the cutting machine operator for about 15–20 minutes, I asked him if, in his opinion, the accident might have been avoided if the equipment had been in proper working order. He thought this question over for perhaps a minute, then told me that he honestly didn't know. I believed him. Later during the final viewing of the badly disfigured and darkened body, I observed this man crying aloud. I suspect he was placing partial blame on himself. No one else, including Delbert's wife would ever agree with this.

So the equipment was repaired the evening of Delbert's death. A piece of equipment which, according to several of the Union employes, had been without brakes for at least three months is now in safe operating condition. Delbert, a novice cutting machine helper, but an experienced safety committeeman, would be pleased. I'm sure he would also have been pleased with the 40 or so cars full of friends and relatives in his funeral cortege. Most of all, he would have been impressed with the beautifully executed military ceremony.

The only question that will continue to nag at me is whether this untimely conclusion to such a dynamic life was really necessary. . . .

[From the Louisville Courier Journal and Times, Oct. 4, 1970]

A BIT OF LAXITY—ANOTHER MINER JOINS GRIM ROLL OF STATISTICS

(By Ward Sinclair)

WASHINGTON—Just before 7 o'clock on the morning of Aug. 20, husky Delbert Cline went down into the Paragon mine in Logan County, West Virginia, to take his place on the line as a mining machine helper.

Less than seven hours later Delbert Cline, son and brother of coal miners and a veteran of 23 years in the trade himself, had become another statistic on the industry's somber rolls.

All morning long Cline and Ray Adkins, the machine operator, were chopping out coal with their 36-foot-long machine. Then at 12:55 p.m. the accident occurred.

The machine crushed Cline against the wall of the working area. They carried his battered body to the surface, put him in an ambulance and took him to a hospital. He died a few hours later.

Thus, the name of Junior Cline (everyone in Logan County called him Junior) was added to the list of men who are dying in the mines of West Virginia, Kentucky and Pennsylvania this year.

It is a startling death rate—higher than 1969 in West Virginia and Kentucky—because 1970 was supposed to be the year of change, the year of reform, the year when the much-needed new Federal safety law would finally spare more life and limb.

But it has not turned out that way. The story of Junior Cline's accident, as reconstructed from the official reports at the U.S. Bureau of Mines, is a microcosm of the larger story of what continues to happen to life and limb in coal country.

Cline's bother-in-law, William J. Walsh of Columbus, Ohio, told it as well as anyone. In a touching memorial printed by the United Mine Workers Journal, Walsh said, "This wasn't just another unfortunate mining accident. It was a tragedy".

Delbert Cline was an important man in Switzer, his community, and in Logan County. He was an official in veterans organizations, financial secretary of his local union. He was chairman of the mine committee and a member of the Paragon safety committee.

Union members and pensioners came to him for advice. Friends remembered that he took money from his own pocket to help pension applicants. Kids always flocked around Cline's home. Men wept openly at his funeral.

"The only question that will continue to nag at me is whether this untimely conclusion to such a dynamic life was really necessary", said brother-in-law Walsh.

The investigation report by the Bureau of Mines provides a tentative answer: No, it wasn't really necessary; it was preventable.

But the report, by describing in detail the events leading up to the accident, still raises questions, such as those about how the coal mine safety law is being applied.

The Paragon mine, operated by the Amherst Coal Co. at Slagle, W. Va., is a large mine. It works three shifts, with 183 men, turning out about 3,000 tons of coal every day with a highly mechanized operation.

It's a highly volatile mine—liberating so much methane gas that the law says it should be spot-inspected every five working days. It has not been, because the bureau says it has insufficient personnel.

Paragon also has had its accident problems. This year, it has an injury-accident frequency rate of 73.94 per million man hours. Last year, the national average in underground mines was 47.13 per million man hours.

Eighteen of Delbert Cline's 23 years as a miner had been with Amherst. His current job—he'd held it only three months—was a mining machine helper, assisting the operator in keeping the vehicle going and helping keep the working area cleaned.

Adkins, the operator, told the investigators he had worked with this type of machine only infrequently. His experience was with another, but similar, mining machine.

The accident took place when Adkins and Cline stopped their machine to move to another area of the mine. Cline was seated on one side of the vehicle—a dangerous practice that is frowned on by most mine operators and safety experts.

Adkins told the inspectors that the machine jumped out of gear and quickly began rolling backard. He tried to stop the machine by lowering a cutter bar to the floor, which would act as a brake.

The report said the operator "apparently missed the lever as he stated he was not familiar with the machine controls." The machine kept rolling, rammed the wall and crushed the seated Cline.

"Cline apparently did not attempt or have time enough to remove himself from his position on the machine to a safe place," the report said.

The machine was equipped with hydraulic brakes, the report went on to say, but they were "completely worn out" and were not connected to the master hydraulic control valve because some parts were missing.

The new safety law doesn't say anything about operators being properly trained for the machines they're using. It doesn't ban men from riding on the mining machines. But it does say that equipment must be properly maintained.

Union men told William Walsh that the machine had been without brakes for three months. The type of inspection done by the bureau would not necessarily have determined beforehand that the brakes were bad.

In any case, Amherst was cited for a violation of the law in the Cline death: failure

to maintain the brakes. The company repaired the machine in less than 24 hours. The fine would have been $4 had the bureau's penalty schedule not been suspended by a federal court last spring.

The law doesn't go into makeup of investigating teams. The Cline accident was investigated by 20 men—10 of them company officials, four from the union (including Adkins), four from the state and two from the bureau.

The federal men reported that although officials and workers knew that helpers often rode on the machines, it was "apparently condoned by all as attempts were not made by either to stop this dangerous practice."

RULES RECOMMENDED

One recommendation that resulted was that management adopt and enforce a rule banning riders, other than the actual operator, on the machines.

Another was that operators should be trained and thoroughly familiar with and know the limitations of each piece of equipment before they're allowed to operate it.

And, the federal men said, equipment should be frequently examined and kept in proper working order, with all defects being corrected before the machinery is used.

Cause of the accident? Delbert Cline, the federal men said, put himself "in a precarious position by riding on a piece of equipment designed to transport an operator only."

The faulty machine, the inexperienced operator, the company failure to enforce safety rules, the bad brakes were listed as "contributing factors."

ASSESSMENT QUESTIONED

Questioned about this assessment, a Bureau of Mines official here said, "I'd have put the victim last on the list of causes. . . . If equipment is bad or rules are broken, it's management's responsibility."

What about the investigating team that included the machine operator, plus 10 company officials? "I don't like that either," the spokesman responded, "but company people are traditionally on these investigations. . . . That's the way it has been."

Among the 10 who took part in the investigation were the division manager of Amherst, the service administrator, the superintendent and the foreman. None of the 10 carried the title "safety director."

MARY McCONNELL BORAH

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, this weekend, on October 17, her friends and admirers from around the country will celebrate the 100th birthday anniversary of one of America's "first ladies." She was "Little Borah" to her friends when her husband was a ruler in the Senate establishment. To the late Senator William E. Borah, the "Lion of Idaho," she was a loving wife, a constant companion, a devoted follower.

Mr. Speaker, today I wish to honor and to pay tribute to Mary McConnell Borah, one of Idaho's most beloved daughters, in observance of the 100th anniversary of her birth.

In a recent interview for the Lewiston, Idaho, Tribune, Mrs. Borah said:

As of now I seem to have earned the title of Methuselah. But please don't ask my rules for reaching such an astonishing age, for I assure you I have none. I have never partaken of the grain, the grape or the weed, but many who have reached the century mark plus agree that they have always smoked, imbibed and frolicked about, so this abstemious record perhaps is not all the reason I'm still here.

Now that Mrs. Borah has reached that century mark, we can look at her long and rich and active life and say that it alone stands as a tribute to her more eloquent than anything words can express.

"Little Borah" has said she was "cradled in politics." Her father, W. J. McConnell, fought for Idaho's statehood and was its first U.S. Senator and third Governor.

It was while her father was running for the Senate that she met "Billie" Borah, a young lawyer from Boise who was working on the campaign. But it was not until after McConnell returned to Idaho as Governor that she became "Mrs. Borah."

In 1907, William Borah, the fiery politician, went to Washington to become Borah of Idaho, U.S. Senator for 33 years. Chairman of the Senate Foreign Relations Committee, he led the fight against Woodrow Wilson's dream of a League of Nations, fearing the dangers of entangling alliances. He was called the Great Isolationist. But he was a champion of world peace and was responsible for the 1922 Disarmament Conference. He sponsored legislation creating the Department of Labor and the Constitutional Amendment for the election of Senators by popular vote.

Time magazine called him "a theatrical, compelling, blackmaned orator." Michigan's Arthur Vandenberg said he was "a serious, intense and lonely statesman." Alone, except for "Little Borah."

Bill Borah was a giant. In Idaho, they named a mountain after him. He had no close friends, yet on the day of his death, the Senate was so grieved it met for only 6 minutes, gave up its usual weekend recess, and voted to reconvene the next day—a Saturday.

"Little Borah" stayed in Washington after her husband's death. Her friends were here, and she felt at home here. She was one of Washington's most enthusiastic hostesses, and equally charming and popular as a guest. Every President since Teddy Roosevelt has played host to Mrs. Borah.

A few years ago, she moved with her sister to a nursing home in Oregon. It is there that she will celebrate her 100th birthday this weekend, still bringing warmth into the lives of others through the example of her own rich and happy life.

"Little Borah" recently said:

My life has been so full and complex I have taken little time to think of myself and therefore I became 100 years old without particularly noticing it.

I accept my situation as the will of the Great Creator who may intend that my years may be of some inspiration to those who feel that aging is a calamity and that after 30 the lights go out . . . they really don't, you know. The evening of life brings its own lamps.

Mary Borah's light shines a little brighter than the rest.

MRS. MARY BORAH COMPLETING 100 YEARS OF LIFE

(Mr. McCLURE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLURE. Mr. Speaker, it is indeed a most pleasant and proud moment when a Member of Congress can congratulate a constituent on completing 100 years of life. On the 17th of this month, Mrs. Mary Borah, wife of the late Idaho Senator, will celebrate her 100th birthday. It is with a sense of gratitude that the people of Idaho offer Mrs. Borah tribute and compliments on achieving this mark.

For nearly the first half of this century, Mrs. Borah was an active part of both Idaho and the national political scenes. Mrs. Borah was 21 when Idaho gained its statehood in 1890 and her father, William J. McConnell, became its first Senator. Two years later, he left the Senate to become our State's third Governor.

William E. Borah, was Idaho's most famous son, and his career was distinguished by both high drama and statesmanship. From his famous role as prosecutor in the trial of those charged with assassinating Governor Steunenberg, to his historic role as the stalwart Republican of the Senate Foreign Relations Committee, he seemed to loom larger than life on the national scene. But how much of his fame and position could be attributed to the steadfast support of the stalwart wife of the "Lion from Idaho". It was written that—

She survived the first, sometimes difficult years, with him when he was W. E. Borah of Boise, seemingly so engrossed in the law that he often had little time for his bride and home. She was with him when he burst on Washington, flamboyant in his Stetson hat and the long, square-cut double-breasted coat which looked like a shortened topcoat above his baggy pants.

It was in 1907 that Mrs. Borah began her career as a Senator's wife, actively taking part in the events that surrounded her husband's long and memorable career in the U.S. Senate. Mrs. Borah stood with her husband with unfaltering devotion until his death in 1940, thereby also serving her State and county admirably.

Mrs. Borah, both charming and witty, remained active in Washington social circles through her husband's terms in office and for many years following. She effectively involved herself in charities and volunteer work. During World War I she was a Red Cross volunteer who was especially effective with shell-shocked soldiers. It was just such involvement and her complete devotion to her husband that allowed many to claim her "a perfect wife for a public man."

REPRESENTATIVE JAMES R. GROVER'S LEGISLATION SPONSORED IN THE 91ST CONGRESS

(Mr. GROVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROVER. Mr. Speaker, a number of constituents have requested copies of my record in the 91st Congress of sponsorship of legislation.

I am pleased to list them herewith and to note the broad spectrum of interest

from environmental concerns and economic programs to human rights.

RESOLUTIONS

House Concurrent Resolution 66: Print Vietnam map as House Document to allow distribution free to constituents on request.

House Concurrent Resolution 90: Stop all trade with countries aiding North Vietnam.

House Concurrent Resolution 308: Deploring and stating congressional policy of opposition to defamation of ethnic groups.

House Concurrent Resolution 357: Appeal to North Vietnam to comply with Geneva Convention on Treatment of Prisoners of War.

House Concurrent Resolution 511: Sell Israel aircraft necessary for defense.

House Concurrent Resolution 610: Reaffirm congressional authority and responsibility in foreign affairs.

House Concurrent Resolution 626: Establish commission to examine tragic events at Kent State and other college campus violence.

House Concurrent Resolution 738: Protect airline passengers from hijackings.

House Joint Resolution 54: Amend Constitution relating to conservation of natural resources and natural beauty—conservation bill of rights.

House Joint Resolution 860: Establish Astronauts Memorial Commission to construct memorial at J.F.K. Space Center, Florida.

House Joint Resolution 1038: Amend Constitution to provide equal rights for women.

House Joint Resolution 1175: National Volunteer Firemen's Week, September 19, 1970, to September 26, 1970.

House Joint Resolution 1320: Amend Constitution to extend voting rights to 18-year-olds.

House Joint Resolution 1361: National Family Week, week in November which includes Thanksgiving.

House Resolution 530: Condemn discrimination against Catholic minority Northern Ireland.

House Resolution 542: Establish select House committee to investigate relocation Naval Applied Science Laboratory.

House Resolution 679: Support President's peace efforts in Vietnam and call upon North Vietnamese Government for peaceful resolution of controversy.

House Resolution 771: Create House Committee on the Environment.

House Resolution 931: Urge President implement recommendations of majority report of Cabinet Task Force on Oil Import Control.

House Resolution 976: Authorize select House committee study Developments in Southeast Asia.

BILLS

H.R. 266: Create independent Federal Maritime Administration.

H.R. 3778: Limit categories questions on census.

H.R. 3856: Establish Commission for Improvement of Government Management and Organization.

H.R. 3861: Create catalog of Federal assistance programs with a view to reducing waste and overlapping in government.

H.R. 5950: Provide tax credit for employers of hard core unemployed.

H.R. 6278: Legislative Reorganization Act of 1969.

H.R. 6609: Oil Pollution Act 1969.

H.R. 6976: Development and preservation of Long Island Sound.

H.R. 6977: Establish Sandy Hook National Seashore.

H.R. 8516: Amend Federal Water Pollution Control Act to provide improved operation of water quality control facilities.

H.R. 8768: Newspaper Preservation Act.

H.R. 9256: Establish Lincoln Home National Historic Site.

H.R. 9285: Make additional visas available for immigrants from certain foreign countries.

H.R. 10023: Designate Washington National Airport as Dwight David Eisenhower National Airport.

H.R. 10491: Include all of Appalachian mountain system in Appalachian regional Development Act of 1965.

H.R. 11532: Strengthen cargo-preference laws of United States.

H.R. 11533: Amend Merchant Marine Act to encourage shipbuilding and rehabilitate the merchant marine.

H.R. 11686: Legislative Reorganization Act of 1969.

H.R. 11775: Provide tax exemption servicemen in Korea.

H.R. 12276: Amend Legislative Reorganization Act to provide annual reports to Congress re Government contracts.

H.R. 12746: Authorize minting Eisenhower silver dollars.

H.R. 13358: Amend Federal Water Pollution Control Act to provide financial assistance and allotment to States of construction grant funds.

H.R. 14174: Assistance to low-income families.

H.R. 14239: Increase social security benefits.

H.R. 14678: Strengthen penalties for illegal fishing in the territorial waters and contiguous fishery zone of United States.

H.R. 14898: Establish uniform relocation assistance and land acquisition policies applicable to Federal programs.

H.R. 14944: Adequate force for protection of executive mansion and foreign embassies.

H.R. 15424: Amend Merchant Marine Act 1936.

H.R. 15634: Name Federal Office Building and Courthouse in Chicago Everett McKinley Dirksen Building—west and east respectively.

H.R. 15828: Prohibit disposition of waste materials in New York Bight.

H.R. 15940: Require advance notice to Secretary of the Interior before beginning any Federal program using pesticides and other chemicals.

H.R. 16223: Require advance notice to Fish and Wildlife service before beginning any Federal program using pesticides.

H.R. 17518: Federal assistance to States and local governments in major disasters.

H.R. 17620: Appropriations for fiscal years 1974–76 for construction of certain highways.

H.R. 17787: To revise and improve laws re documentation of seamen.

H.R. 17820: To provide for orderly trade in textile articles and articles of leather footwear to protect American industries.

H.R. 17977: Limit sale or distribution mailing lists by Federal agencies.

H.R. 18398: Suspend military and economic assistance countries fail to prevent flow of narcotics into United States.

H.R. 19252: Appropriations for construction certain highways.

H.R. 19381: Revise and improve laws relating to documentation of vessels.

H.R. 19409: Amend Saint Lawrence Seaway Development Corporation Act to terminate the accrual and payment of interest on the obligations of the corporation.

H.R. 19504: Federal-Aid Highway Act of 1970.

THE SECOND SESSION OF THE 91ST CONGRESS

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RHODES. Mr. Speaker, I would like to say today that we have come to the end of the second session of the 91st Congress. Unfortunately, I cannot, since footdragging tactics in both Houses have insured that we will have a lameduck session next month.

Mr. Speaker, if there is a growing clamor for congressional reform, I cannot help but think my Democratic colleagues in positions of leadership are largely responsible for it. Many of them either will not or cannot—in any event they have not—met the challenges of our times and the Nation's needs in these times.

I know there are many reasons and even more excuses, but the fact is this Congress has not performed. Democratic members can blame the President, the administration, or anyone else they wish, but the fact is—and we all know it—that the President merely proposes legislation—we are the ones who act on it.

In too many cases, we have not acted, not only this year but also last year.

If we continue in this vein for many more years, I can assure you that most of us will not be here for all of those years—the people will have thrown us out—not because we are rascals—we are not—but because we will not have done our duty, we will not have performed.

I would hope, Mr. Speaker, that we have not reached that point. I would hope that next year most of us will be back and will settle down to meaningful work, without a need for the President to plead or the people to complain, or for the leadership which hopefully will be Republican to hold us in session for the entire year.

Mr. Speaker, the work of the Congress can be handled expeditiously. I believe it is up to all of us, but especially the committee chairmen and the leadership—regardless of which party is in the ma-

jority—to make sure that it is handled in that fashion.

Mr. Speaker, despite footdragging, despite refusal in some cases by some to face up either to the demands of the times or the needs of the people, much has been accomplished since the inauguration of President Nixon on January 20, 1969. Much of it the President has been able to accomplish through executive action. In other cases, it has taken legislation, which the President proposed, and which the Congress enacted—sometimes expeditiously, but sometimes with interminable and unconscionable lapses.

The results add up, without question to a massive program of reform on the domestic front and to an equally massive movement toward peace on the foreign front.

Mr. Speaker, I think this House can go home proudly to campaign on its record in foreign affairs.

For us, in large measure, the matter of politics continues to stop at the water's edge. This House has acted responsibly in voting the defense needs of this Nation and in supporting the President's efforts abroad.

The results have proven the rightness of our approach.

In Vietnam, casualties continue to run at their lowest rate in over 4 years. There are three reasons for this. First of all, not so many Americans are fighting; instead they are coming home. 160,000 so far since June of 1969. Another 40,000 men by Christmas.

Second, the South Vietnamese are fighting better and more of them are fighting. South Vietnamese morale was given a big boost by the success of the Cambodian operation. Vietnamization is proceeding at a more rapid rate than we first believed possible. We are supplying the materiel; they are supplying the men. This is the Nixon doctrine at work—we stand behind our allies; but mainly it is their fighting men—not ours—who are defending their country.

Third, Mr. Speaker, none can deny the success of the Cambodian operation. It has lowered the enemy capability to fight in South Vietnam and to supply its fighting men. We have taken away from them their only seaport supply base—Sihanoukville—and are forcing them to bring in all their supplies overland down the Ho Chi Minh Trail where they are under constant attack from American bombing planes and Meo guerrillas.

Mr. Speaker, there are figures available that plainly bespeak the success the President is having in winding down the war in Vietnam.

In South Vietnam last year, the enemy suffered 147,000 casualties. It was able to infiltrate only 102,000 replacement troops. So far this year they have suffered about 86,000 casualties. They have brought in only 53,000 new troops.

They are carrying on a war on three fronts today—South Vietnam, Laos, and Cambodia, with fewer men available to fight than ever before.

What are the results? Mr. Speaker, our people in South Vietnam tell us that 90 percent of South Vietnam is now relatively secure, with most of the highways and waterways open in the daylight hours.

In addition, 95 percent of the hamlets now have elected chiefs. They are functioning even under the increased terrorism of the Vietcong.

It is these factors that have made it possible for the President to offer the in-place cease-fire. The South Vietnamese are now strong enough to thwart any enemy treachery.

Mr. Speaker, all this has been accomplished in less than 21 months. We are, in truth, on our way toward a complete unwinding of this war and toward a just and honorable peace.

As a result, the voice of the turtle is no longer heard in the land, except for the despairing croaks of those who sought vainly to humiliate the President and the Nation through outright surrender.

Mr. Speaker, even if the results in Vietnam were all the President could point to, his term to date would have to be labeled a success.

But there is more, both abroad and at home.

The President, through a combination of mediation, diplomacy and tough action, has brought about at least a temporary cease-fire in the Mideast. We have moved back just a little from the brink of war in that area.

Through his trips to Rumania and Yugoslavia, we have warmed the cold war and breached the suspicions behind the Iron Curtain just a little.

The President twice has moved freely throughout Europe, showing that once again an American President can travel safely abroad, and showing once again that America's face is not turned perpetually and exclusively toward the Far East.

The rents in NATO have been largely mended just a little.

The President has proclaimed the Nixon doctrine, which I mentioned earlier, but it pertains to all our nations. We will stand behind them. We will provide the nuclear umbrella. But if they do not wish to fight, we will not fight their wars for them. As a result, we have a reformed and reasonable foreign policy that does not withdraw us to fortress America but that also does not pin the badge on us as the world's policeman.

Mr. Speaker, I believe it is safe to say that there has been a world-wide easing up of international tensions since the President was inaugurated. This House has supported him in his efforts to bring about such an easing. Surely we can share in the credit just a little.

On the domestic scene we have a mixed bag.

The President surely has eased down tensions in this troubled land. The demonstrations are fewer, the dissident youth are somewhat quieter. The President moves about the country freely once again. Much is due to the winding down of the war. Some is due to the President's executive reform of the draft which limits a youth's vulnerability for the draft to one year. Some is due to the President's determination to communicate with youth but not to surrender to the revolutionaries among them.

He also has set about successfully to insure maximum school desegration with minimum school disruption.

In the House, we can point to our support of the President's defense policies which mesh so inextricably with foreign policy—approval of ABM, refusal to go along with surrender efforts called for by some in the other House.

We can point to the House's passage of tax reform, of welfare reform—and to postal reform.

These are indeed major reforms and our approval bespeaks the fact that this House can act and act responsibly when it will.

We also passed the Economic Opportunity Act. We have passed constitutional amendments to give women equal rights and to change the structure of our national voting machinery. We have acted to increase the use of food stamps.

We have passed the extension of the voting rights bill and the Philadelphia plant to insure equal employment in the building trades in Federal projects.

We have voted to increase and reform social security and unemployment insurance.

We have concurred in the White House reorganization of the executive branch.

We have, though we dawdled too long, passed a series of anticrime bills which will insure that our streets are safer, our campuses are safer and, above all, that our law-abiding people are safer.

Mr. Speaker, I could go on and on, but I have no intention today of delivering up a laundry list, either of our accomplishments or of those bills we have not acted on, many of which we should have acted on.

We all know what they are. The bills we have passed are the pride of this House. Those we have sat on are our shame.

This September, in his call for cooperation from the Congress, the President warned that in these times Government must become more self-aware, self-examining, self-correcting.

He said:

> There are amends to make and promises to keep that will engage our energies for years to come. But most of all there is a great adventure to be lived. For a period in the not distant past it might have seemed that American society was faltering. It may have been. But we have steadied now. We are regaining a sense of balance, of direction, and of forward thrust. This has been the achievement of the people. The measure of government—the challenge to government—is to sustain that movement.
>
> This challenge is now before the Congress. It is a challenge not merely to the men who now hold office there but to the institution itself. Congress has not been spared the attacks on the institutions of American democracy which have increasingly characterized this period of our history.
>
> There is but one answer to such charges, and that is to respond with energy and good faith to the legislative issues before it.
>
> It is the responsibility of the President to take the initiative in such matters, and I have done so. A legislative program that will mark this era in history has been presented, and is ready for enactment. More is at stake than the issues with which that legislation

deals, transcendent as some of these may be. More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

Mr. Speaker, I believe most of us share the President's sentiments. It is my deepest hope that the 92d Congress will live up to them.

THE NIXON ADMINISTRATION AND EXECUTIVE REORGANIZATION

(Mr. ERLENBORN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ERLENBORN. Mr. Speaker, everybody talks about the weather, but nobody does anything about it.

Everybody talks about Federal bureaucracy and redtape, and one of the Nixon administration's workaday efforts is doing something about it. The task is as difficult as changing the weather, and it does not capture the headlines as a drop in the temperature does; but it is a task this administration has taken on enthusiastically and doggedly.

President Nixon was in office but a few short weeks when he appointed an Advisory Council on Executive Organization to undertake a thorough review of the executive branch. Within a few more weeks, he announced a new realinement of regional boundaries, establishing uniform regional districts so that those applying for help from the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration need go to only one city and, in most cases, one building.

Next, as I recall, he presented, and Congress approved without debate, Reorganization Plan No. 1 of 1969, which put in the hands of the chairman of the Interstate Commerce Commission the executive and administrative functions of the Commission previously handled by the members collectively.

Along about that same time, the administration directed a special HEW task force to see what could be done to streamline the administration of its more than 250 grant-in-aid programs that account for about 90 percent of HEW's funds.

The team learned that a program has at least 28 steps, each of which requires up to 50 actions and that it takes about 80 days for a request to go from local government through State and regional levels to Washington.

Reviewing first the programs under the Comprehensive Health Services Act, they found that the average grant was $2,500, and that the processing cost $2,800. Of applications which arrived in Washington, only one in 600 was rejected. They decided that, if regional offices are doing that well, why not eliminate Washington's share of the redtape? They recommended changes accordingly, and such changes are being made as the task force proceeds, rather than waiting until the entire review is completed.

These changes may not make headlines; but they make better relations between the people and their Government. And they save money, too.

Not all streamlining and redtape and fat cutting can be accomplished administratively, however. Hence, the President asked Congress for authority to permit the executive branch to propose appropriate consolidations of Federal assistance programs. Federal grant-in-aid programs have been estimated as ranging from 500 to 1,200 in number, are vested in 21 Federal departments and agencies assisted by 150 Washington headquarters' bureaus and over 400 regional and district offices. It does not take an unreasonable measure of intelligence to conclude that there must be overlapping and duplication which could be reduced by grant-in-aid consolidation.

The President also reiterated the request of the Advisory Commisison on Intergovernmental Relations and former President Johnson to simplify the handling of funding of grant applications that involve more than one Federal agency, a concept called joint-funding simplification.

One of the first recommendations for reforming the machinery of government to emanate from the President's Advisory Council on Executive Organization was Reorganization Plan No. 2 of 1970, to establish a new Cabinet-level Domestic Council, along the lines of the National Security Council, to determine what the Government should be doing. It simultaneously suggested expansion of the functions of the Bureau of the Budget to include taking a hard look at delivery and performance of both domestic and national security programs, and to underscore the BOB's new responsibilities by renaming it the Office of Management and Budget.

Congress accepted this reorganization, as it did the establishment of a new Office of Telecommunications Policy as proposed in Reorganization Plan No. 1 of 1970, the creation of the Environmental Protection Agency recommended in plan No. 3, and the establishment in the Department of Commerce of the National Oceanic and Atmospheric Administration provided in plan No. 4.

Of the many reorganization plans that have been referred to the Committee on Government Operations since I became a Member of Congress, none has been more in keeping with the letter and spirit of the Reorganization Act of 1949—that is, "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business"—than Reorganization plans No. 3 and 4 of 1970.

By combining the functions carried out in the Department of the Interior by the Federal Water Quality Administration; the National Air Pollution Control Administration, parts of the Environmental Control Administration, and the pesticides research and regulatory programs of the Food and Drug Administration that were in the Department of Health, Education, and Welfare; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the Atomic Energy Commission; the functions of pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research which was vested in the Council on Environmental Quality, the EPA presents the integrated approach that is necessary to cope with existing and future environmental contamination. It also simplifies the search by State and local governments for a place to go for help in their pollution control endeavors.

NOAA brings together programs and functions that had been scattered among four separate departments: the Environmental Science Services Administration that was established a few years ago in the Commerce Department; the functions related to marine environment and marine sports fish activities that were in the Bureau of Commercial Fisheries and the Marine Minerals Technology Center, both from the Interior Department; the Office of Sea Grant programs from the National Science Foundation; and elements of the U.S. Lake Survey from the Department of the Army. In brief, NOAA coordinates in one place the facilities, personnel, and authority necessary to protect and advance oceanic and atmospheric programs.

These steps that I have enumerated are but a few among many that it will take to reshape the Federal Government into an effective, less costly, responsive instrument of and for the people. They are not dramatic, and they are largely unheralded. Thus, I believe it is appropriate as this 91st Congress and the first 2 years of the Nixon administration draw to a close that we take stock and applaud President Nixon and his team for their dedication to this task. It is time, too, to look ahead and to see what more needs to be done.

I once heard someone compare the Federal Government to a tree. The many branches are the activities: Defense, transportation, health, education, welfare, and so on. The leaves and the branches are the various projects and the people running them. The sap, of course, is money; and the shade the tree offers is the total effect of Government activity.

We all know that only God can make a tree, and he does a commendable job of nurturing it along without too much help from man. Man can, however—and, in fact, must—shape trees, enhance the shade they provide, and make them more fruitful.

The Federal Government similarly must be pruned regularly if it is to produce the fruit it promises. But it is a massive tree, and it requires more than one tree doctor. I commend the administration for its determination to provide this Nation with a healthy, fruitful government; and I urge my colleagues to provide the necessary tools of grant-in-aid consolidation and joint-funding simplification to get on with the job.

MARTIN LUTHER KING STATUE

(Mr. BINGHAM asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today reintroducing legislation to authorize the procurement of a bust or statue of the late Reverend Martin Luther King Jr., to be placed in a suitable location in the Capitol.

I originally introduced this legislation on September 24, 1970, and my remarks at that time appear on page 33669 of the RECORD.

I am pleased that 31 Members of Congress are today joining me as cosponsers of this legislation. They are:

JOHN ANDERSON, Republican of Illinois.
THOMAS ASHLEY, Democrat of Ohio.
SHIRLEY CHISHOLM, Democrat of New York.
WILLIAM CLAY, Democrat of Missouri.
JEFFERY COHELAN, Democrat of California.
JOHN CONYERS, Democrat of Michigan.
EMILIO DADDARIO, Democrat of Connecticut.
CHARLES DIGGS, Democrat of Michigan.
DON EDWARDS, Democrat of California.
DON FRASER, Democrat of Minnesota.
MICHAEL HARRINGTON, Democrat of Massachusett.
AUGUSTUS HAWKINS, Democrat of California.
FRANK HORTON, Republican of New York.
JOSEPH KARTH, Democrat of Minnesota.
ROBERT LEGGETT, Democrat of California.
PAUL MCCLOSKEY, Republican of California.
LLOYD MEEDS, Democrat of Washington.
ABNER MIKVA, Democrat of Illinois.
ROBERT MOLLOHAN, Democrat of West Virginia.
WILLIAM MOORHEAD, Democrat of Pennsylvania.
BRADFORD MORSE, Republican of Massachusetts.
CHARLES MOSHER, Republican of Ohio.
ROBERT NIX, Democrat of Pennsylvania.
ARNOLD OLSEN, Democrat of Montana.
RICHARD OTTINGER, Democrat of New York.
THOMAS REES, Democrat of California.
PETER RODINO, Democrat of New Jersey.
BENJAMIN ROSENTHAL, Democrat of New York.
WILLIAM RYAN, Democrat of New York.
LOUIS STOKES, Democrat of Ohio.
MORRIS UDALL, Democrat of Arizona.

Not a single black American has been honored by a painting or statue in the Capitol. The accomplishments and dreams for America's future which were expressed by this winner of the Nobel Peace Prize make Martin Luther King, Jr., an American worthy of the recognition we are proposing.

CREDIT CARD BILLING PRACTICES: CONTROLS NEEDED

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, credit accounting and billing methods in this country have greatly outpaced the capability of the credit industry to remedy errors and billing disputes in a courteous, responsive, and personal manner. The industry has developed highly efficient, computerized methods of issuing bills to millions of credit card holders, but has been much less successful in developing efficient means of resolving billing problems raised by customers.

As a result, the average American consumer too often finds himself unable effectively to raise questions and obtain legitimate changes in the bills the credit card industry sends him with such unfailing efficiency. Once a credit purchase is made, the bills keep coming—often with finance charges and other penalties added—no matter what errors the bill may contain or what difficulties the consumer may have experienced with the merchant or product involved. Too often, no argument from the consumer is adequate to stop the persistent, insensitive computer, or sometimes even to elicit an acknowledgment.

The side effects of this type of insensitivity to the consumer can be even more damaging than the immediate frustrations involved. Bills upon which payment has been refused or detained because of customer dissatisfaction may result in adverse reports from credit card companies to credit agencies that can ruin the customer's credit rating. Such adverse reports often are issued without the consumer's knowledge, so that he has no practical opportunity to present his side of the story

I have received a great many reports and inquiries from consumers, both from my own district and from around the country, concerning many difficulties with credit card billings. These legitimate complaints lead me to conclude that the credit card industry is obstructing the right of consumers to obtain what they have paid for" and to enjoy reasonable and efficient redress for their grievances growing out of transactions in the marketplace. These consumer rights must be protected. The tendency of the credit card companies to concentrate on collection and ignore correction of their accounts must be reversed.

With that in mind, I am today introducing the "Fair Credit Billing Practices Act of 1970." This legislation, which is patterned after regulations currently under consideration by the Federal Trade Commission, would impose a number of statutory requirements on credit card issuers. Most importantly, it would require credit card companies to cease their billing for charges questioned or disputed in writing by a consumer until the company provides an individual inquiry and explanation. It would require cancellation of any finance or other charges resulting from delayed payment, or nonpayment, of a disputed bill which is resolved in the consumer's favor, and notification of consumers of any adverse credit reports issued to credit agencies on the basis of disputed bills.

The bill also provides:

That credit card companies identify the date and amount of purchases, and the merchant involved, in bills;

That credit card companies refrain from imposing finance or late payment charges on bills mailed less than 21 days before payment is due;

That credit card companies notify customers who overpay that they may obtain a refund of their excess payment;

That credit card companies include on billing statements the name, address, and telephone number of a person authorized to make corrections or adjustments of the account.

I have been most gratified by the recent success of efforts by me and other Members of the House and Senate to outlaw unsolicited credit cards. That success, however, does not solve all of the problems for consumers growing out of the proliferation of credit cards in our economy. Unfair billing practices of the type I have mentioned surely constitute the next most undesirable aspect of credit card commerce. The legislation I am introducing today would go a long way toward eliminating these unfair billing practices. This legislation is the next necessary step toward ensuring that credit cards will ultimately serve to enhance, rather than weaken, the total power of the consumer in the marketplace. I commend it to the attention of my colleagues in the Congress, and I urge prompt and favorable action on it.

PRESIDENT'S COMMISSION ON PORNOGRAPHY

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, the report of the President's Commission on Pornography is not in tune with sentiment of the majority of the people of south Texas or the United States.

It outrages human decency. It encourages the publication of pornographic material and the sending of such smut through the U.S. mails. It runs counter to the sentiment of Congress as expressed on several occasions, including passage by the House of Representatives of a bill similar to one I introduced to prohibit the use of interstate facilities for the transportation of salacious materials.

The administration has rightly repudiated the Commission's report. The press has assailed it. The American people, in my opinion, will not accept its recommendations. The fight against freedom of smut will continue.

SAVING THE AMERICAN WILDERNESS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am today introducing legislation to designate certain additional areas of this Nation as wilderness areas. In doing so, I invite my colleagues in the House and those in the other body to join me in this effort by co-sponsoring similar legislation.

In 1964, the Congress passed the Wilderness Act, providing for strong protection of designated areas of our land which remain wild, untrammeled, and free of man's domination. Besides the 9 million acres granted wilderness pro-

tection in 1964, we are at work—though all too slowly—in carrying out the directive in the act to study, delineate, and incorporate additional areas into the national wilderness preservation system.

The 1964 Wilderness Act called for such study and possible addition of 34 primitive areas in the national forests, as well as several dozen roadless areas in the national parks and wildlife refugees. Recently, we passed an omnibus bill which would designate 26 of those study areas as wilderness. That bill is now on the President's desk.

It is widely recognized, however, that other areas beyond those specified for study by the parent act may warrant and, for wisest stewardship, require similar legal designation. I refer to areas—particularly in our national forests—which, although not yet protected as wilderness by law, nevertheless exhibit natural values, wildness, and solitude of great national significance. We should not neglect nor delay the identification and proper conservation of these areas—which our constituents call de facto wilderness—simply because, unlike others being reviewed, they may not have been administratively protected prior to passage of the Wilderness Act.

It is clear that the Wilderness Act, although it does not require that these areas of de facto wilderness be reviewed, makes possible their placement in the national wilderness preservation system. And we would surely fail in our duty to conserve them wisely for their highest values if we did not use the procedures and strong preservation policies of the Wilderness Act to protect them.

DE FACTO WILDERNESS AREAS BILL

Therefore, I introduce today a bill identifying 11 such de facto wilderness areas in Montana, Washington, California, Wyoming, Idaho, Oregon, Colorado, and West Virginia, and incorporating them for protection within the national wilderness preservation system. This action will not only serve the purpose that the Congress set forth in the Wilderness Act but will also follow through on the good work of many conservation-minded citizens who have studied the areas and refined these specific proposals.

Mr. Speaker, this point deserves emphasis: Across the country groups of citizens are working skillfully at State and local levels in preparing inventories of potential wilderness areas in various Federal and State jurisdictions. In cooperation with national forest and other appropriate agency officials and working in task forces exhibiting impressive professional talents, they are delineating outstanding de facto wilderness opportunities, refining proposed boundaries, and drawing up detailed maps and supportive documentation. The bill I am offering today includes 11 of these proposals initiated by public-spirited citizens' groups. These are proposals which now have reached the stage for congressional attention.

ELEVEN WILDERNESS AREAS PROPOSED

Let me note here some basic details of the 11 wilderness areas I am proposing today.

Most of these areas have been long recognized by the U.S. Forest Service for their exceptional primitive character and public attraction for wilderness use. All of them have widespread public support for wilderness classification in the States and regions in which they are located. None of them contains a significant volume of commercial timber or other known commodity resources that would be foregone with their inclusion in the wilderness system. Nonetheless, most of these superb candidate areas for wilderness classification are threatened by Forest Service roading and logging plans.

Among the outstanding areas of defacto wilderness which deserve early protection as a part of the national wilderness preservation system is the 240,500-acre Lincoln-Scapegoat area in Montana. This pristine high country on the Continental Divide is one of the few strongholds in the lower 48 States for the noble and vanishing grizzly bear, which can survive only in wilderness. It is also the home of the endangered west-slope cutthroat trout which needs an undisturbed natural habitat to prosper. Natural resource experts have testified that the area's steep slopes and loose erosive soils, together with its rare and endangered wildlife, require wilderness management. Although Forest Service officials have stated that lumbering is not a significant factor, the Forest Service nonetheless has planned since 1963 a major road construction and clear-cut logging project in the heart of this pristine wild area. Several generations of Americans have used and enjoyed the Lincoln-Scapegoat area for wilderness purposes. The area has overwhelming bipartisan support in Montana for a wilderness designation. Montana's former Governor, Tim Babcock, supported it. Present Governor Forrest Anderson also has endorsed this measure. Our former colleague from Montana, James Battin, supported it strongly while he was in Congress. The Senate has already passed without a dissenting vote a bill by Montana's Senators LEE METCALF and MIKE MANSFIELD to give wilderness status to the Lincoln-Scapegoat area. The House should take similar action.

The Cougar Lakes area in the State of Washington, east of Mount Rainier National Park, consists of approximately 130,000 acres of untrammeled national forest wild lands, encompassing a number of magnificent jewel-like lakes and gentle terrain which offer unexcelled opportunities for family groups to enjoy an easily accessible walkin wilderness experience on weekends and short holidays. Citizen groups in the State of Washington and throughout the Nation have urged the Forest Service for many years to give the Cougar Lakes area wilderness consideration. The Forest Service has agreed to consider the more rugged Mount Aix portion of the area, but it is proceeding with plans to road and clear-cut log the major part of this wild and highly scenic area which includes highly attractive natural lakes. A wilderness classification would protect these magnificent scenic and recreational assets from the devastation of the bulldozer and the powersaw.

The 25,000-acre Laramie Peak area is the only possible forested wilderness in eastern Wyoming. It is said to encompass the last virgin stand of Ponderosa pine left on public lands in the State. According to the Forest Service, this stand of pine would provide only 5 million board feet of timber—enough to operate a small sawmill for 3 months. The area is heavily used each year for wilderness camping and hiking by hundreds of Boy Scouts and other youth groups from Wyoming and Nebraska. Despite these facts, the Forest Service is scheduled to destroy this small but irreplaceable wild area for an extremely limited amount of saw timber. Only the protection of the Wilderness Act will prevent its destruction.

Conservationists in Idaho and Montana have tried since 1963 to save one-quarter million acres of prime wilderness in the Upper Selway River and Bargamin Creek drainages—the so-called Magruder Corridor—from an ill-advised roading and clear-cut logging venture. In that year, this beautiful primeval drainage, which still supports important anadromous fisheries, was deleted at the recommendation of the Forest Service from the Selway-Bitterroot primitive area and scheduled for development. In 1966, a blue-ribbon committee of resource experts appointed by the Secretary of Agriculture studied the area and examined Forest Service plans for its development. The blue-ribbon committee recommended that the area be managed in a primitive condition. Its magnificent undisturbed wild river, fisheries and wildlife values, steep slopes and easily eroded granitic soils, and established wilderness use all dictated that it be kept undeveloped and wild.

Yet, the Forest Service even now is preparing a program of intensive development and logging for parts of the area. The largely unimproved Magruder Road traverses the area. My bill would exclude the road and a reasonable margin on each side for recreational access and facilities—and place the rest of this pristine land in the wilderness system.

For many years, citizen conservationists in Oregon have urged that the wild 80,000-acre Upper Minam River area be spared the ravages of the bulldozer and the powersaw. This area is contiguous to the established Eagle Cap Wilderness, and its addition to the national wilderness system would greatly enhance this unit. Oregon Senators MARK HATFIELD and ROBERT PACKWOOD have been very impressed with the scenic Upper Minam River area and have introduced a bill in the other body to give it wilderness status. That bill has just been approved by the Senate.

In Colorado, adjoining Rocky Mountain National Park along the Continental Divide, is the 75,000-acre Indian Peaks area with its many natural lakes and glistening snow-capped spires of over 14,000 feet. Although both Forest Service and citizen groups have recognized its paramount primitive values, ill-considered highway proposals threaten its beautiful back country. It, too, should be classified as a wilderness area.

The proposed Granite Chief Wilderness area, of some 36,000 acres, lies in the high Sierra of California, west of Lake Tahoe. Lush mountain valleys provide excellent wildlife habitat below the high peaks. The Forest Service plans roading and timber cutting, even though the timber is largely noncommercial, low in value, and of marginal quality. Approxi-

mately one-third of the area is owned by the Southern Pacific Land Co., but I am told that firm is willing to enter into a land exchange with the Forest Service. Here is a most desirable wild area, in an area of rapidly growing recreational use, where protection of remaining wildness is especially urgent.

Deep blue, jewel-like lakes in their primitive settings, alpine meadows carpeted with wildflowers, mountain goats on their rock-ledged haunts, and panoramic vistas of untrammeled mountain country best describe the proposed Jewel Basin Wilderness in northwestern Montana.

Jewel Basin is also the home of three endangered species—grizzly bear, native cutthroat trout, and grayling. All three species require an undisturbed wilderness habitat to survive.

Citizen-conservation groups first recommended to the Forest Service in the 1950's that this beautiful pristine area be designated for wilderness purposes. The Forest Service later planned to establish it as a wild area, but passage of the Wilderness Act of 1964 intervened, giving such prerogative to Congress and the President.

Jewel Basin is a spectacular piece of primeval America which citizen groups, lumbermen, elected officials, and Forest Service representatives have all agreed warrants wilderness protection.

In the Eastern United States, there is very little primeval land left. Our remaining wild lands in the East should be given prompt protection as a part of America's priceless wilderness heritage.

There are a number of remarkable forest areas which, although once partially cut or burned over, have been blessed by favorable climate and recovery so that they have returned to an essentially wild and untrammeled condition.

Such are the Otter Creek area, the Cranberry back country, and the Dolly Sods area—all in the Monongahela National Forest in West Virginia. Together, they encompass 80,000 acres of some of the finest wild country left in the Eastern United States. In a densely populated region where Americans are demanding more open space, the highest and best use of these areas is surely for wilderness purposes. We must not overlook this opportunity to gain permanent protection for these much needed wild lands. In this additional instance, however, these scenic areas are threatened by clear-cut logging and associated development proposals of the Forest Service. Citizen conservationists and business groups in West Virginia have asked that the beautiful areas be spared. I concur. West Virginia Representatives, my colleagues, Mr. HARLEY STAGGERS and Mr. KENNETH HECHLER, as well as Senator JENNINGS RANDOLPH, have introduced similar proposals.

Mr. Speaker, as my record will show, I have strongly supported proper multiple use of our national forest lands. But wise multiple use does not require that there be many uses on every acre of national forest land. It simply requires that these lands be put to proper use for one or more suitable purposes. In such perspective, full consideration must be given to watershed protection, wildlife, recreation, and grazing, as well as timber production. As Congress explicitly confirmed in the 1960 Multiple Use-Sustained Yield Act, wilderness is clearly compatible with the multiple-use concept. In the areas which I am proposing today for wilderness status, the timber-producing values and other commodity resources are relatively minor while watershed, wildlife, and wilderness values are clearly paramount. These latter multiple uses would be well-served by establishing each of these eleven areas of wilderness for preservation in the national wilderness system.

Wilderness is an important and integral part of our Nation's quality environment. As Sigurd Olson, president of the Wilderness Society, recently stated:

> The only unravished environment we have in the world today is wilderness.

I urge my colleagues to join me in this effort to safeguard these precious remnants of unspoiled and scenically rich country that will mean so much to present and future generations.

THE CHALLENGE OF RURAL DEVELOPMENT

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, we often become preoccupied with the awesome and tragic difficulties of our great cities. This concern is a proper one and cannot be diminished by other compelling considerations. But rural America, too, has problems. Under the leadership of Secretary of Agriculture Clifford Hardin, the Nixon administration has forcefully called attention to the plight of our rural communities. The Secretary observes:

> While rural America is the home for around a third of our people, it contains approximately 60% of the substandard housing and nearly half of the Nation's poor people. These facts, and the conditions associated with them, have accounted for a significant part of the large-scale rural-urban migration that has occurred during the past two decades.

The American population will increase some 100 million during the next three decades. The achievement of an economically healthy and livable rural America will surely make conditions of life more tolerable everywhere, for if the population is substantially forced into crowded center cities and suburban areas, those areas will become totally unlivable while rural America slips into a chronic condition of unrelenting recession.

I have been concerned lest the future economic vitality of rural America be ignored for other, more vocally presented needs. Accordingly, I have been principal sponsor of the Rural Job Development Act in the 90th and 91st Congresses. Senator JAMES B. PEARSON, of Kansas, the author of this important legislation, has served as principal cosponsor along with several Senators in the other body. As the Congress considers remedies to generate prosperity throughout the country next year, I hope the Rural Job Development Act will receive very serious consideration.

This act provides tax credits to industrial and commercial enterprises, with the belief that they will respond by locating in counties to be designated as "rural job development areas" by the Secretary of Agriculture. Tax incentives will be provided to industries which choose to provide on-the-job training to unskilled local laborers. Tax credits will also be allowed on real property, along with an accelerated plant depreciation schedule.

Rural job development areas will contain no city of over 50,000 in population, with at least 15 percent of the population earning less than $3,000 per family.

During the past 16 years, some 1.8 million farmsteads have been disbanded. Millions have migrated to our glutted urban areas in search of decent housing, better income, job security, and educational opportunity for their children. To a large extent, their hopes have been dashed by substandard housing conditions, skyrocketing living costs, and an urban community that seemed it did not care.

Negro families, faced with rural agricultural mechanization and inadequate industrial alternatives, moved to the center cities, to unemployment and welfare.

White families moved to the fringes of the great metropolitan centers to take jobs clearly below their capacity to perform. Both groups become desperately unhappy, and quite understandably so.

The Rural Job Development Act, if its opportunities are grasped by the American business community, will provide an alternative to those who would choose to remain in rural America—or return to it. I shall continue to work for rural job development in the next Congress, for it is surely an idea whose time has come.

President Nixon and his Cabinet have been sensitive to the great challenge of rural development and renewal since first taking office. The President appointed Mrs. Haven Smith, of Chappell, Nebr., to head his Task Force on Rural Development. Mrs. Smith, who is national chairman of the American Farm Bureau Women, transmitted the report of her task force to the President in January of this year.

The report documents in compelling tones the desperate need for a national commitment to promote rural development. The report states:

> The great threat that now faces us is that the social and economic ills of the Nation's inner cities may worsen and spread over entire urban areas, infecting even the entire national structure unless we act together with intelligence to prevent it. Even now, 70% of our people are jammed onto 2% of the Nation's land. But if present trends continue, by the year 2000 more than 174 million people will be huddled in cities concentreated in five small geographic areas.

The task force had praise for President Nixon's efforts to structure a responsible program of rural development. The Council for Rural Affairs, created by President Nixon, was viewed as an effective body that should be maintained to reflect the high priority that rural development commands in this administration.

The task force called for a closer partnership between local, State, and Federal governments and private industry, urging them to marshal their resources

to mutually overcome problems of rural economic and social development. This recommendation is wholly consistent with the President's commitment to increased responsibility and authority for local and State government.

Calling for increased educational opportunity and better health services for rural America, the task force recognized that increased financial commitment at all levels of government will be needed to meet the requirements of diversification and a truly national policy of economic development.

Mr. Speaker, I am deeply gratified by the commitment President Nixon has made to prosperity for rural Americans, both on and off the farm. Under his leadership, I am confident Americans will begin to solve the chronic conditions of rural depression and inadequate social opportunity that have plagued this Nation since the 1920's.

Clearly, for the first time we have a President who recognizes that problems of rural inequality cannot be solved by stopgap, narrowly drawn programs designed to favor special classes of rural Americans. President Nixon knows, without question, that an overall national policy must be structured to meet this truly national problem.

RECORD OF SECOND SESSION OF THE 91ST CONGRESS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the second session of the 91st Congress, which is drawing to a close, has been productive and reform minded. Throughout the whole session, the Congress has rightfully given careful and ofttimes extended deliberation to a number of major policy issues. Where there have been differences with the President they have centered primarily over differences on national spending priorities, not over narrow partisan interests.

THE ENVIRONMENT

In the environmental protection field, the Congress has moved decisively toward molding the Clean Air Act into the strongest possible air pollution control law, including stringent emission standards for automobiles and nationwide air pollution standards. We enacted the Water Quality Improvement Act establishing legal requirements for cleaning up our Nation's waterways. To do the job, Congress voted $800 million in the fight for clean water, nearly four times what the President recommended. We also added $500 million in water and sewer grants to help States and communities clean up their polluted streams. Unfortunately, the President, in requesting only $150 million, vetoed our effort and final action remains to be taken.

In September we voted an additional $1 billion authorization for the next fiscal year, despite administration opposition, for the construction of water and sewer facilities. Also in September we passed a bill increasing Federal aid to mass transit systems under a $10 billion, 12-year program. This is designed to alleviate the crushing burden of automobiles and ever-expanding concretizing of our land. We have also focused on the mounting problems of solid waste disposal. Recognizing the importance of education as a means of dealing with our environmental crisis, the Congress passed the Environmental Education Act, which I cosponsored, establishing ecological training programs and providing for the development of new curriculum and material to enhance environmental quality.

In the public works sector which is designed to protect and develop our natural resources, the Congress approved nearly $17 million for area flood control and navigation projects: St. Clair-Madison County interior flood control plan, $379,000 to continue planning; Kaskaskia navigation project, $12,317,000 for construction; Alton Lock and Dam No. 26, $1 million for planning; Chain of Rocks navigation lock, $750,000 for construction; Mississippi River regulating works, $2,340 for maintenance and operation of the navigation channel and Silver Creek Reservoir, $20,000 to continue preliminary planning.

THE ECONOMY

Faced with a deteriorating economy with sustantial unemployment, a mounting cost of living and the highest interest rates in 100 years, the Congress approved legislation granting the President the authority to invoke wage, price and rent controls, to implement interest rate controls and to regulate the inflationary use of credit. The President has refused to use them. Additionally, the Congress to date has cut overall Federal spending requests by $7 billion. With our declining economy, in the last 18 months since the Nixon administration took office, the stock market has lost over $200 billion in values, 1.7 million Americans are out of work, the unemployment rate is now 5.5 percent nationally and 6.5 percent in the Madison-St. Clair area, corporate profits have fallen almost 25 percent and consumer prices have risen to their highest level in 20 years.

With the increased cost of living, consumers are more cost conscious. The Congress has been working on consumer protection legislation, including the establishment of an independent consumer agency and warranty protections.

CRIME AND VIOLENCE

Crime and violence will not be stopped by talk about law and order, it takes money. While the administartion only requested $480 million to support local law enforcement efforts, the Congress has raised the figure to $650 million for the next fiscal year. Additionally, the Congress has passed the organized crime control bill, including provisions concerned with the transportation, illegal use of and possession of explosives. Two drugs abuse bills have been approved, one dealing with the sentencing of drug offenders and pushers and the other establishing a comprehensive drug-abuse education program to educate young Americans, in particular, about the pitfalls of drugs.

EDUCATION AND HEALTH

American education faces a growing funding crisis even though it is the best investment we can make in our Nation's future. Unfortunately, the President on two occasions chose to veto the education appropriations bills for fiscal years 1970 and 1971. While the Presidential veto was sustained the first time, the Congress overwhelmingly overrode his veto on the fiscal year 1971 money bill. Congress extended the landmark Elementary and Secondary Education Act which enables local school districts to provide educational enrichment programs for disadvantaged children.

The health of our people is our most precious national resources; yet we face an increasing dilemma in health care. While the administration requested authorization of only $620 million for 10 basic health bills, the Congress has authorized $1.46 billion for them. In addition, President Nixon vetoed the hospital construction bill at a time when hospital costs are skyrocketing; the House overrode the veto by a 279-to-98 vote. Our medical schools are in dire need; medical and mental health research efforts have been cut back because of a lack of funds, and the health manpower shortage has reached the point where we need an additional 50,000 physicians.

SOCIAL SECURITY AND VETERANS

Our older citizens have benefited from congressional initiative. The House has voted to increase social security benefits by another 5 percent after the 15-percent increase last session with an automatic cost-of-living provision.

Congress took action in other areas, all of which cannot be detailed in this short space. The postal service was completely revamped and Congress passed the first comprehensive legislative reform act since 1946. That action provides for more open committee and House floor deliberations. Additionally, the House Committee on Standards of Official Conduct, more popularly known as the House Ethics Committee, of which I am chairman, has held hearings on lobbying and campaign financing reform.

Reform of our Government institutions must keep pace with our changing needs. A strong America begins at home with her people and her elected officials who must be responsive to public needs. Confidence in Government can only be maintained by accountability and responsiveness on the part of our public officials.

The Congress is mindful of its partnership with our people in seeing to it that the challenges of a changing society are met. This includes devoting constant attention to our Nation's foreign policy. While it is not the Congress role to conduct foreign policy, it is the legislative branch's prerogative, under our constitutional system, to be concerned about its implications.

Our Indochina policy, for example, has been subject to careful scrutiny, particularly by the Senate. President Nixon recently offered a cease-fire proposal as a possible means of resolving the terrible hostilities in which we are engaged. I welcome President Nixon's recognition of the possibility of this approach; it is comparable to a U.S.-initiated cease-fire proposal I outlined in a speech this past June to the Belleville Junior Chamber of Commerce.

Our Middle East policy is of considerable concern to me. The State of Israel is faced with a growing imbalance of power as a result of the Soviet missile buildup. Fortunately, the Congress is adopting the conference report on the military weapons procurement bill for fiscal year 1971 included a provision authorizing the sale and guaranty of necessary aircraft to the Israelis to protect their national security and integrity.

As with any Congress, there is always work remaining. Consequently we face a full schedule when we return for the postelection session. It is my hope that the Democratic-led Congress will accomplish as much during that period as it has in compiling a solid record of major accomplishments in a number of major policy areas before recessing for the election.

WEST POINT CLIMBOUTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, we are prone to disparage young people who are labeled "dropouts" because they decide to separate themselves from a program or an institution such as school. Perhaps further reflection is required on our part before we quickly attach a stigma of failure to them. The following article entitled West Point Climbouts appearing in the October 5 issue of Armed Forces Journal traces the careers of a number of men who left West Point on their own volition. It becomes readily apparent that these men later distinguished themselves in a number of careers and were far from being failures.

Col. Robert S. Day, the author, is a close personal friend of mine. He received his appointment to the Military Academy from one of my predecessors, Congressman Edwin Schaeffer, at the time I was serving as his secretary. Bob Day, a native of Nashville, Ill., has had a distinguished military career, serving as Director of Admissions at West Point from 1955 to 1968. At this point in the RECORD, I would like to include the insert about the author and then his article:

Unlike the climbouts he has written about, Bob Day graduated from West Point in 1944 as a distinguished cadet, to return in 1951 as a member of the faculty to serve three years as Instructor and Assistant Professor of Chemistry and 13 years as Director of Admissions and Registrar.

Except for his service with the Combat Engineers in Europe near the end of WWII and a two-year stint doing R&D for the Army Chemical Corps, most of Bob Day's career has centered on education. He entered the Point with one degree already behind him—his Bachelor's in Chemical Engineering from the University of Illinois (1941). After the war he went for his Master's (1948) at M.I.T. He has done graduate study at Columbia University Teachers College and at Stanford.

Among his accomplishments when he launched his teaching career was to serve as Director of the first University of Maryland School of Chemical Engineering Practice. He is a member of the Board of Trustees for the College Entrance Examination Board and has served on various committees for the group. For the past two years he has served as Coordinator of Grant Programs for the Portsmouth (R.I.) School Department.

This year, in addition to his work as an educational consultant, he is Principal of Hope Elementary School in Portsmouth.

In short, Bob Day knows a great deal about education—and he knows that not all of us hear the same drummer. His report on the "climbouts" is a case in point—one we're pleased to print, and one we're sure you'll enjoy reading.

WEST POINT CLIMBOUTS

(By Col. Robert S. Day, U.S. Army, retired)

"In what way were you misled in accepting admission to the United States Military Academy?" is the first question I often asked those new cadets who decided to leave West Point for lack of motivation during "Beast Barracks," the first eight weeks of their experience at our national military academy. The reply in practically all cases was: "No one misled me. Beast Barracks must be experienced, for no one could possibly describe it adequately to a prospective cadet. West Point is a great college, but not for me."

As Director of Admissions at West Point from 1955 to 1968, I was intensely interested in mistakes we made admitting young men who did not remain as cadets. For several decades the attrition rate at the Military Academy had remained essentially constant, although the reasons for attrition had varied. Even though the science of predicting which cadets will graduate is a highly inexact one, the search for better answers must continue.

There are many good reasons, other than lack of motivation, for cadet "dropouts"; but regardless of the reason, there still appears to be an aura of stigma surounding separations from the United States Military Academy (USMA). Since practically all cadets who are separated still feel that their experience at West Point, whether it be for three days or for three years, has been a significant one for them, I decided to see what had happened to some of the young men who failed to graduate from USMA during its early history. They might, I reasoned, throw some light on today's "dropouts." Because the word "dropout" may be interpreted as some kind of personal failure (and for other reasons which later will become obvious), I'll refer to the ex-cadets mentioned below as "climbouts."

William H. Vanderburg, ex-1817–i.e., scheduled to graduate with the class of 1817—became one of the outstanding figures in the group of hardy adventurers who made Northwest fur trading one of the most colorful epochs in early American history. Vanderburgh's expolits were so significant that he is included in the *Dictionary of American Biography*, published by The American Council of Learned Societies. (Only persons who have made some significant contribution to American life and who died before WWII are included. West Point climbouts honored in the *Dictionary of American Biography* will be designated here by "DAB" after their names).

Another explorer of the West was William S. Hamilton, ex-1818, the son of Alexander Hamilton—who assisted in founding West Point. Alexander Hamilton, jr., another son, ex-1836, served in the Civil War.

John H. Hewitt, ex-1822, DAB, became a journalist, editor, musician, and poet. He established a literary weekly and offered a $100.00 prize for the best literary composition. Edgar Allen Poe—who later also became a West Point climbout—won it. Hewitt's classmate, John H. B. Latrobe, ex-1822, DAB, excelled as a painter, poet, and author. He produced the winning design for the Kosciuszko Monument at West Point. John, who was the eldest son of Benjamin H. Latrobe, architect of the United States Capitol, is perhaps best known as the inventor of the popular Latrobe stove. He also became famous as a lawyer for the Baltimore and Ohio Railroad, and his skill as a patent lawyer, because of his engineering training at West Point, was in special demand. Additionally, he was a philanthropist and served on the Board of Visitors to the Military Academy.

Another classmate, William J. Snelling, ex-1822, DAB, was the son of Colonel Josiah Snelling, for whom Fort Snelling (Minnesota) was named. William was a famous author, journalist, satirist, and poet. As a result of despair and subsequent problem with liquor, he spent four months in a house of correction. However, he rebounded to become editor of *The Boston Herald*.

Edgar Allen Poe, ex-1834, DAB, is probably West Point's most famous climbout. He enlisted in the United States Army on 26 May 1827 under the assumed name of Edgar A. Perry, served until he was honorably discharged on 15 April 1829, entered the Military Academy on 1 July 1830, but was separated on 6 March 1831. While a cadet at West Point, Poe arranged to publish a volume of poetry, subscribed to by the cadets and dedicated to them. Later, he became one of America's most distinguished men of letters and is enshrined in the Hall of Fame for Great Americans. Poe's departure from West Point might have been forecast by his feelings as a 14-year old toward systematized factual knowledge when he wrote his Sonnet to Science:

Science! True daughter of Old Time thou art!
Who alterest all things with thy peering eyes.
Why preyest thou thus upon the poet's heart,
Vulture, whose wings are dull realities? . . ."

Other literary climbouts include John B. Walker, ex-1869, DAB, who served as military adviser during the reorganization of the Chinese military service. Returning to America in 1870 he went into iron manufacture, and in about five years he had made half a million dollars. When he lost his fortune, he returned to journalism and soon became managing editor of *The Pittsburgh Telegraph* and later *The Washington Chronicle*. He then developed a highly successful alfalfa ranch and with his profits bought *Cosmopolitan* magazine. As editor and publisher, he increased its circulation from 16,000 to 400,000. He was the first president of the American Periodical Publishers' Association. Walker bought out the Stanley Automobile Company and began the manufacture of locomobile steam cars. He was the first president of the Automobile Manufacturers Association. He also organized a national highway commission, invented and manufactured an automatic road crowner, and invented a machine to remove moisture from clay. After the outbreak of WWI, he was chairman of the National Convention of the Friends of Peace and Justice.

West Point's three most noted artists are Whistler, Mowbray, and Hurd—all climbouts.

James A. McNeill Whistler, ex-1855, DAB, was the son of famous West Point graduate, George Washington Whistler, USMA 1819, DAB. After three years at West Point, James gave his life to art, went to Paris and London, and never had the least desire to return to the United States. He did say, "If I ever make the journey to America, I will go straight to Baltimore, then to West Point, and then sail for England again." Whistler served as the first president of the International Society of Sculptors, Painters and Gravers, was an officer in the French Legion of Honor, and was elected to the Hall of Fame for Great Americans.

It is amazing that Whistler lasted as long as he did at West Point. He was superior in drawing but had trouble with other studies. When he was discharged from the academy for deficiency in chemistry, Whistler said, "Had silicon been a gas I would have been a Major-General." In cavalry drill Whistler would go sliding over his horse's head. Once the instructor remarked, "Mr. Whistler, I am pleased to see you for once at the head of

your class!" Whistler insisted, "But I did it gracefully." Whistler complained that he did not see how any man could keep a horse for amusement.

When Whistler was doing poorly in history his instructor said, "Suppose you were out to dinner and the company began to talk of the Mexican War, and you, a West Point man, were asked the date of the battle of Buena Vista, what would you do?" "Do?" replied Whistler, "why, I should refuse to associate with people who could talk of such things at dinner."

Once Whistler was reported for being absent from parade without the knowledge or permission of his instructor. Whistler's rebuttal was, "Well now, if I was absent without your knowledge or permission, how did you know I was absent?" The case was closed. Whistler deplored football and to him West Point was in danger when cadets could stoop to dispute "with college students for a dirty ball kicked around a muddy field."

Henry S. Mowbray, ex-1879, DAB, was a leading public figure and a mural painter. His works decorate many famous mansions, churches, clubs, and public buildings throughout America. He served as Director of the American Academy in Rome and on the National Commission of Fine Arts.

Peter Hurd, ex-1925, a member of the National Academy, painted the controversial portrait of Lyndon B. Johnson commissioned to hang in the White House but now in the National Portrait Gallery.

In other creative fields we also find climbouts. Edward Maynard, ex-1835, DAB, became a dental surgeon who discovered the existence of dental fibrids and dental fevers. He was the first person to fill teeth with gold foil. His inventions include barbed broaches for dental work and the Maynard drill for preparing cavities. He was an Associate Editor of the American Journal of Dental Science and served as court dentist to Czar Nicholas of Russia.

Doctor Maynard was invited by the Secretary of War to attend the examination of cadets at the Military Academy in 1863. As a result of this visit he recommended that a corps of dental surgeons be attached to the Army and Navy. Later he invented the Maynard breech-loading rifle—soon afterward used in military rifles by nearly all nations. He also devised a method of converting muzzle-loading arms into breech-loaders.

Anson Mills, ex-1860, DAB, was the surveyor who made the original plot of the city of El Paso, Texas, and gave the place its name. He served in the Civil War and later reached the rank of Brigadier General. He is especially noted as the inventor of the cartridge belt. Military and hunting equipment of all sorts was manufactured under a Mills patent. Mills served as the American member of the International Boundary Commission to settle cases involving the boundary between the United States and Mexico.

William Holabird, ex-1877, DAB, was the son of General Samuel B. Holabird, USMA 1849. As an architectural engineer, William pioneered in constructing the first office building in the world to utilize throughout its facades the principle of skeleton construction. Throughout his life he was a conspicuous leader in developing the skeleton steel skyscraper which ushered in the brilliant era of world structural engineering.

Many West Point climbouts served their country with distinction in the political arena. Nicholas P. Trist, ex-1822, DAB, became a lawyer and a diplomat. He served as Consul to Havana and as a special agent to negotiate a peace treaty with Mexico. George T. Goldthwaite, ex-1827, DAB, became a State Supreme Court Justice and later served as United States Senator from Alabama. George W. Hughes, ex-1827, DAB, served as a colonel in the United States Army. He later was President of the Baltimore and Susquehanna Railroad and a United States Representative in Congress—where he presented a resolution calling for a Department of Agriculture.

Ambrose D. Mann, ex-1827, DAB, became Assistant Secretary of State. He was an expert on world trade, international shipping, and commercial treaties. Benjamin D. Humphreys, ex-1829, DAB, was a colonel in the Confederate Army and after the Civil War became first elected Governor of Mississippi.

At the age of 40 John A. Campbell, ex-1830, DAB, has established a national reputation as a lawyer. As a member of the bar from Alabama, he opposed secession. He had the finest law library, in all languages, in America. In January 1865, Confederacy President Jefferson Davis, USMA 1828, DAB, named Campbell to a peace commission which met with President Lincoln and Secretary Seaward. Campbell also served as Associate Justice of the United States Supreme Court.

Robert H. Smith, ex-1835, DAB, became a lawyer and served in the provisional Congress of the Confederacy. He organized the 36th Alabama Infantry and was elected its Colonel. Decatur Merritt H. Carpenter, ex-1847, DAB, changed his name to Matthew Hale Carpenter. He was trained as lawyer and twice served as United States Senator from Wisconsin. Pierce M. Young, ex-June 1861, DAB, left West Point to enter the Confederate Army, where he reached the rank of major general. He served three terms as a member of Congress, a member of the West Point Board of Visitors, Consul General to Leningrad, and Minister to Guatemala and Honduras. William Heimke, ex-1875, served as Charge d'affairs to Mexico, and as Minister to Guatemala and El Salvador.

Edwin W. Hurlbut, ex-1879, left West Point to join the gold rush to the Black Hills. He served as Speaker of the Colorado State House of Representatives and Associate Justice of the Colorado Court of Appeals.

Albert W. Gilchrist, ex-1882, became a civil engineer and served on the West Point Board of Visitors. He resigned as a brigadier in the Florida Militia to become a private in the U.S. Volunteers and later became Governor of Florida. John Miller, ex-1886, became a lawyer and later was elected U.S. Representative from the state of Washington, and also served as Mayor of Seattle. Charles A. Sulzer, ex-1903, served in the U.S. Congress from Pennsylvania.

Colon Eloy Alfaro, ex-1913, served as a soldier, educator, and Ambassador from Ecuador to the United States from 1936 until 1944. Philip C. Jessup, ex-1922, became the United States Ambassador-at-Large to the United Nations and a member of the International Court of Justice at The Hague. Ralph W. Yarborough, ex-1923, presently is the United States Senator from Texas.

One good reason for dropping out of a profession is that the person has no interest in it. Many ex-cadets from West Point, however, appear to be exceptions. As evidenced, let's look at the Army careers of the following former cadets: Lewis A. Armistead, ex,-1837, DAB, brother of George Armistead, who defended Fort McHenry, and of W. K. Armistead, USMA 1803, distinguished himself in both the Mexican and the Civil Wars. He became a brigadier general and was killed in action as he led his brigade in the final assault on the Union Center at the Battle of Gettysburg.

William Gilpin, ex-1838, DAB, served as an officer in the Seminole War, practiced law, accompanied the Fremont expedition, fought in the Mexican War and against the Indians. He became the first territorial governor of Colorado, organized the 1st Regiment of Colorado Volunteers, and later retired with a fortune. Washington L. Elliott, ex-1845, DAB, served in the United States Army for 20 years. He executed the first cavalry raid of the Civil War and later became a major general.

Birkett D. Frey, ex-1846, DAB, served in the Mexican War and rose to the rank of brigadier general in the Confederate Army. He was a lawyer and later president of a cotton manufacturing company. Thomas A. Harris, ex-1847, became a brigadier general in the Confederate Army. Hugh B. Ewing, ex-1848, DAB, foster brother of William Tecumseh Sherman, USMA 1840, DAB, had a courageous Army career and became a major general. He also served as a lawyer, was Minister to Holland, and wrote two books and numerous articles. Henry A. Fink and David B. McKibbin, both ex-1850, became brigadier generals, as did Thomas F. Wright, ex-1852, William Dwight, jr, ex-1853, DAB, and William A. Leech, ex-1854.

Hamilton S. Hawkins failed to graduate with the class of 1856 but he entered the Army and became a major general. For four years he was Commandant of Cadets at West Point. John M. Corse, ex-1857, served in the Army and was promoted to major general for gallantry. He later became the Postmaster of Boston, Massachusetts. His classmate Charles L. Harris, ex-1857, served in the Army and became a brigadier general.

Thomas L. Rosser, ex-May 1861, DAB, left West Point to enter the Confederate Army—where he reached the rank of major general. Later he became a brigadier general in the United States Army. As a cadet Rosser was the best friend of George A. Custer, USMA 1861, DAB, but after Rosser defeated Custer at Buckland Mills, they became rivals. To even the score, Custer humiliated Rosser at Tom's Brook in the Shenandoah Valley. Later, when Rosser became Chief Engineer of the Northern Pacific Railroad, General Custer's troops often guarded Rosser's surveyors in Indian Country and the two renewed their friendship. Tom Rosser is best known as an audacious cavalry leader whose operations deserve attentive study.

Charles L. Fitzhugh, ex-1863, received five awards for gallantry in action and became a brigadier general. Philip Reade, ex-1868, Robert C. Van Vliet, ex-1879, and William P. Burnham, ex-1881, followed Army careers until they reached the rank of brigadier general. William M. Wright, ex-1886, earned the Distinguished Service Medal and retired as a major general. Stephen O. Fuqua, ex-1896, reached the rank of major general, became Chief of Infantry, and was awarded the Distinguished Service Medal. Francisco Alcantara, ex-1897, became a lieutenant general in the Venezuelan Army. William R. Gibson and William E. Gilmore, both ex-cadets of the class of 1900, became brigadier generals.

Richard H. Jordan, ex-1901, received the Distinguished Service Medal for his service as a brigadier general, as did Richard P. Williams, ex-1902. Scott D. Breckinridge, ex-1904, became a doctor of medicine, served as a colonel in the Medical Corps in WWI, and fenced on the U.S. Olympic Team. Charles M. Sweeney, ex-1904, became a soldier of fortune, serving in seven wars under five different flags. He served in the United States Army, the French Air Force, and the Royal Air Force. His highest rank was that of major general.

Lloyd R. Fredendall, ex-1905, became a lieutenant general and won the Distinguished Service Medal. John N. Merrill, ex-1906, became a colonel in the Persian Army and later served as a major in the United States Army. Courtney H. Hodges, ex-1908, became a four-star general and commanded the First Army in Europe in WWII. His decorations include the Distinguished Service Cross, two Distinguished Service Medals, and the Silver Star. Everett M. Birely, ex-1910, retired as a major general. Terry de la Mesa Allen, ex-1911, became a major general and as a colorful division commander was awarded two Distinguished Service Medals and a Silver Star. John M. Thompson, ex-1911, became a brigadier general in WWII. Elmer E. Adler, ex-

1914, retired as a major general and was awarded the Distinguished Service Medal.

Walter R. Peck, ex-November 1918, became a much-decorated brigadier general in WWII. Thomas H. Ramsey, ex-November 1918, was awarded the Distinguished Service Medal and became a brigadier general in WWII. Frank E. Stoner, ex-1918, who retired from the Army as a major general, was awarded the Distinguished Service Medal. James M. Bevans, ex-1919, became a major general and received the Distinguished Service Medal. Donald W. McGowan, ex-1922, served in both world wars, became Chief of the National Guard Bureau, was awarded the Distinguished Service Medal, and retired as a major general. John D. Hones, ex-1937, served in the Army and reached the rank of brigadier general. Jonathan F. Ladd, ex-January 1943, followed an Army career and received the Distinguished Service Medal.

In addition to the foregoing ex-cadets, who served in the Army, many decided to try another branch of the armed Services. The class of 1826, for instance, produced three climbout admirals and the Marine Corps' second general. Andrew H. Foote, ex-1826, DAB, served in the United States Navy and achieved the rank of rear admiral after an outstanding naval career during the Civil War. (He also has the dubious distinction of being responsible for abandonment of the grog ration for sailors of the United States Navy.) James F. Schenck, ex-1826, DAB, served as a naval officer during the conquest and occupation of California. He reached the rank of rear admiral. Henry K. Thatcher, ex-1826, DAB, served as a naval officer for 45 years before retiring as a rear admiral.

Jacob Zeilin, ex-1826, DAB, participated as a Marine officer in the events leading to the opening of Japan. He was Commandant of the Marine Corps and its second general officer. William C. Fite, ex-1904, later graduated from the United States Naval Academy and was killed while on active duty in the Navy. Leonard Doughty, ex-1915, was graduated from the United States Naval Academy and served in the Navy in WWII. Merlin O'Neill, ex-1919, entered the Coast Guard, served as Commandant of Cadets at the United States Coast Guard Academy, and retired with the rank of admiral. Herman Curry, ex-1923, graduated from the United States Coast Guard Academy and served a career in that Service. Ernest C. Holtzworth, ex-1929, was graduated from the United States Naval Academy, commanded the United States Naval Shipyard in Brooklyn, and became a rear admiral. Melville M. Driskell, ex-1932, became a rear admiral in the United States Navy. William O'Neal Suddath, ex-1944, graduated from the United States Naval Academy, and Charles E. Martin, ex-1948, from the United States Coast Guard Academy.

Other former West Point cadets with interesting careers include the following: Cameron F. MacRoe, ex-1831, graduated and became a Chaplain in the 5th North Carolina Infantry. His nephew graduated from West Point in 1851 and had Fort MacRoe, N.M., named in his honor. Richard TenBroeck, ex-1833, DAB, was famous for a long racing career. He was the first American horseman to assert the power of the United States on English turf.

James W. Smith, was the first black student admitted to the Military Academy. He became supervisor of cadets at South Carolina State College. Robert P. Woodward, ex-1887, became an author, gold miner, and farmer. He was known as "Mayor of Flatbush" (Brooklyn). Edward S. Godfrey, ex-1900, became Health Commissioner of the State of New York. Edward D. LeCompte, ex-1904, became a doctor of medicine and honorary president of the Utah State Medical Association.

Charles M. Parr, ex-1906, served as Chairman of the Board, Parr Electric Company, and State Senator in the Connecticut General Assembly. Christian K. Cagle, ex-1930, was selected for the Football Hall of Fame. Arthur H. Kiendl, ex-1946, became Dean at Dartmouth College and later Dean at the University of Colorado. He is now Headmaster of Mount Hermon School. Henry R. Gooch, ex-1949, became the Assistant Cadet Chaplain at West Point. Albert W. Yancey, ex-1961, became a leading professional golfer and won many major golf tournaments throughout the United States.

While the foregoing accomplishments of non-graduated cadets are impressive, the records of the following named ex-cadets who received their nation's highest awards for heroism truly serve as a capstone to the service rendered by the man who once wore cadet gray. Charles H. Tompkins, ex-1851, was the first combat officer in the Civil War to perform a heroic deed for which he was later awarded the Medal of Honor. He served in the Cavalry and retired as a brigadier general. John C. Robinson, ex-1839, DAB, left the Military Academy to study law but soon became an Army officer. He served in the Mexican War, the Seminole War, and became a major general in the Civil War. He was awarded the Medal of Honor for distinguished gallantry at Laurel Hill, Va. Later he was elected Lieutenant Governor of the State of New York and Commander-in-Chief of the Grand Army of the Republic.

John A. Kress, ex-1862, was awarded the Distinguished Service Cross and the Silver Star, our nation's second and third highest awards, respectively, for heroism. John A. Logan, Jr., ex-1887, became a major in the 33rd United States Volunteers and was killed at San Juanito, Philippine Islands. For his heroism, he was awarded the Medal of Honor. Ely T. Fryer, ex-1901, reached the rank of brigadier general in the Marine Corps. For gallantry in action in WWI, he received the Medal of Honor. William F. Harrell, ex-1902, was awarded the Distinguished Service Cross, the Distinguished Service Medal, and three Silver Stars.

Paul G. Daly and Charles B. Duncan, ex-cadets of the Class of 1916, each won the Distinguished Service Cross. Godfrey N. Wyke, who failed to graduate with his class of April 1916, also received the Distinguished Service Cross. The same award went to Ewing M. Taylor, ex-cadet of the Class of August 1917. During WWII, Michael J. Daly, ex-1945, and Captain of Infantry in Europe, was awarded the Medal of Honor plus three Silver Stars. His classmate William M. Grimes, Jr., ex-1945, a second lieutenant of Armor, also in Europe, was awarded the Distinguished Service Cross posthumously.

In the Vietnam War, Roger H. Donlon, ex-1959, an officer in the Special Forces Group, received the Medal of Honor. James A. Gardner, ex-1965, an Infantry lieutenant paratrooper, was awarded the Medal of Honor posthumously. Forrest E. Everhart, Jr., ex-1966, earned the Medal of Honor, and his classmate Robert L. Fergusson, ex-1966, a Distinguished Military Graduate of the University of Richmond, was awarded both the Distinguished Service Cross and the Distinguished Service Medal.

The individuals described above are some of West Point's outstanding ex-cadets. Not mentioned are the many I have inadvertently missed and the numerous less famous ex-cadets who served a lifetime career in the Army or other Service, who were leaders in the business or educational world, or who served humanity successfully in many other endeavors. (One ex-cadet even turned out to be the leader of the League for Spiritual Discovery.) A logical conclusion, therefore, is that dropping out of West Point need not hurt a man's career. Their careers illustrate an old truth: that we know little about the latent patriotism or potential leadership of our youth.

The taxpayers should hope that present-day cadets who fail to graduate—for whatever reason—will climb as high as have so many of their predecessors in serving their fellowman.

MIDDLE EAST CONFLICT

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, at a time of profound and pervasive unrest in the Middle East, compounded by the death of Nasser, the internecine conflict in Jordan, the tenuous Arab-Israel cease-fire, and a host of other problems, one who aspires to a peaceful solution to these problems is hesitant to even speak, much less appear to have solutions. Yet, if we do not speak, the apostles of death and destruction on each side appear to preempt the dialog. Those who call for the destruction of Israel, on the one hand, or for an overwhelming military posture in perpetuity for Israel, so that she may hold at bay a hundred million Arabs, are driven by the fires of emotion along paths which can easily lead to great power confrontation and nuclear war.

These emotions are based upon profound differences encompassing culture, religion, and territorial aspirations extending through centuries of time. Upon this foundation, more than sufficient in itself, are built additonal complex international rivalries stemming from differing levels of economic and social development, Jewish aspirations for their own homeland, the role of oil in the world, the critical geography of the Middle East in relation to transport and communication, and other factors, both material and ideological.

To hold that permanent solutions to the current Arab-Israel conflict can be obtained by the application of military force on either side is to hope for the impossible. No war in this century has achieved more than the stability of exhaustion—a stability lasting only until a new generation could arise to either continue the conflict, or to solve the problems of internal dynamics or external relations which brought on the war. Britain and France, the great powers of the 19th century, and among the "winners" of World War I and World War II, are now second-rate powers, as their population and economic base properly entitle them to be. Germany and Japan, defeated and devastated in World War II, have arisen to lead Europe and Asia. The United States and the U.S.S.R., victors in World War II, have earned by that victory only a precarious peace and a new insecurity, internal and external, fated to last as long as their leaders live by the sword of war, neglecting the solutions of the real problems facing their people and humanity.

Conflict in the Middle East, because of its complex emotional and geopolitical roots, is even less likely to provide stable solutions to the problems of the region than earlier wars of this century. And because the super-powers with their nuclear armaments are deeply involved with the contending parties, violence in the

Middle East holds consequences of world wide tragedy.

In this period following the high holy days of the Jewish faith—days in which we called upon God to remember man and his creation, to forgive, to renew and to redeem—it would be fitting for all of us to look upon the problems of Israel and her neighbors, and their solutions, in a new light. As a Member of Congress, and as a concerned citizen with close ties to Israel, I am personally dedicated to the continued existence of a free and secure State of Israel. I have committed myself in numerous declarations to this effect. I have likewise recognized and endorsed the proposition that peace in the Middle East must be achieved by direct negotiation between the parties to the conflict and that Israel must be provided with planes and other equipment needed to preserve her deterrent capacity as well as economic assistance to help relieve her present enormous defense burden. I have made these commitments in good faith, recognizing that these steps are indispensable to the overriding goal of a free and secure Israel.

While these are necessary steps in any move toward peace in the Middle East, they are not sufficient in themselves to bring about a more permanent settlement of the conflict there. Our concern at this time must therefore include achieving those additional conditions which will support a permanent peace in the area. It is these conditions which are at the heart of the problem and which will require that all parties rise to new levels of statesmanship and concern for the common welfare of all the people of the area.

For Israel to be secure requires that the Arab countries renounce their state of continuing belligerency against Israel. Critical border areas such as the Golan Heights and the west bank of the Jordan must be demilitarized and made safe from penetration by guerrillas and terrorists. Israel's right of innocent passage through the Suez Canal and the Straits of Tiran must be guaranteed. The holy places of the Jewish faith must be freely available to all Jews.

Israel, for her part, must be willing to accept and implement the essential provisions of the United Nations Security Council resolution of November 22, 1967, which calls for Israel's withdrawal from the occupied territories and for a just settlement of the Palestinian refugee problem. For Israel to agree to these steps would not only pave the way to peace in the Middle East, but would also be a major step toward strengthening the cause of peace in the world.

I recognize the vast difficulties underlying the simple statement above. For Israel to renounce the territory won in the 1967 war is to do something which few great powers have ever done, particularly when the occupied territories have such critical security implications. And the Palestinian refugee problem has festered for a generation with no move toward a solution.

The two problems are bound closely together. The unsettled refugee problem produces the Palestinian guerrilla movement—the demand of the homeless Arab to be restored to his ancient land, supported by his Arab brothers throughout the region. Arab efforts to resolve this problem by military force have been fruitless, leading only to Israel's occupation of additional territories and the creation of more refugees. The siren song of Israel security through military power and territorial expansion makes difficult the renunciation by Israel of the fruits of victory. This, in turn, fuels the fires of Arab nationalism and their commitment to a final solution by the same military means which have failed them before.

It is this vicious cycle of force and counterforce, of suffering expiated by the creation of more suffering, that must be halted. Israel and the Arab nations must agree to a permanent resettlement of the Palestinian refugees. Some must be permitted to return to ancestral lands in Israel and accepted as full citizens of that country. The remainder must be fairly compensated for losses incurred by displacement from their homes and settled permanently in Arab communities. The costs of doing this, to both Israel and Arab countries, is immeasurably less than the present costs of the unsolved refugee problem. The difficult and delicate decisions as to how many and which of the refugees are resettled in what areas must be undertaken in good faith. Since the great powers, including the United States, pay the major part of the cost of maintaining the present refugee camps, it would be appropriate for them to make a major contribution to the cost of permanent resettlement of the refugees. Such a contribution would cost far less than the continuing support of the camps, in the long run. Unresolved claims by Jews displaced from their homes and businesses in Arab nations would be appropriately considered in the framework of an overall settlement of refugee claims.

Admittedly, the permanent resettlement of the refugees would create major internal problems in both Israel and the directly involved Arab countries. But are these problems as great, by any stretch of the imagination, as those created by a Middle East perpetually on the brink of war? Israel must be prepared to accept Palestinan Arabs as brothers in a secular state, offering them the same opportunities and rights of citizenship as they would want for themselves in an Arab State. Arab States must accept the added burden of providing new economic opportunities for refugees when they hardly are able to maintain their present populations. Yet these obligations must be undertaken for the sake of the security of all who share the problems of that troubled region.

If these steps can be taken to restore peace, and to strengthen the weakened rule of law in the world, it would immeasurably benefit the world community. These benefits justify an extraordinary effort by the United Nations to achieve a settlement based on the terms of its 1967 resolution. The United States, for its part, would be justified in offering to underwrite the stability of the resulting order by offering Israel a mutual defense treaty to secure her borders from aggression. This proposal, made by Senator FULBRIGHT in a Senate speech on August 24, 1970, is one which I would support as a means of supplementing the guarantees of the United Nations.

It is easy to recognize the deficiencies and difficulties in what I have suggested here, and it is much more difficult to see the shape of appropriate solutions to these complex problems. It is my hope however that we will all make a much more dedicated effort to bring peace to the Middle East now.

SCHOOLING FOR MINOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL WHO DIE WHILE ON ACTIVE DUTY

(Mr. ERLENBORN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ERLENBORN. Mr. Speaker, last week in the defense appropriations bill, the House passed section 807, which I cosponsored as the bill H.R. 16725. The passage of this section will result in the provision of schooling for minor dependents of Department of Defense personnel who die while on active duty. This provision will allow widows who are foreign nationals to educate their children in American schools, if they return to the country of their origin.

This provision came as a direct result of the general labor committee's investigation and evaluation of Defense Department overseas schools. I was personally concerned when I visited these schools that children of the mixed marriages of American men serving and dying for their country could not, because of a regulation, go to school and be raised as Americans.

It is firsthand observations such as this—that Members can only acquire through travel—that help us to understand the problems that exist and to provide solutions for them.

I would like to commend my colleagues, Congressman JOHN DENT and Congressman BILL FORD for the concern they share with me as we all attempt to improve our overseas educational system

INTERNAL REVENUE SERVICE RULING

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I was dismayed and shocked when I learned that on October 9, 1970, the Internal Revenue Service announced that it was suspending the issuance of tax exemption rulings to most organizations that support litigation advancing charitable purposes. The organizations directly affected include groups concerned not only with civil rights and consumer interests, but also environmental protection and conservation.

The impact of the announcement is patently clear. Most of the law firms and organizations directly affected by this callous IRS ruling take cases for which they receive no remuneration, and, therefore, such firms and organizations are forced to rely upon grants and inter vivos gifts to sustain their existence. However, in light of the Internal Revenue Service

ruling, potential donors, noting that the tax exemption status of their gifts are in doubt, will undoubtedly look elsewhere when they consider making a charitable gift.

The simple question which must be asked this administration is, "Who does this ruling directly affect?" The answer is crystal clear. It certainly affects neither the corporate giants nor the substantial business establishments whose voices continually seem to receive a sympathetic ear at 1600 Pennsylvania Avenue.

Could it possibly be that the substantial business interests, annoyed by a bear economy, troubled by a tight money market, fearful of continuing labor strikes, and threatened by court cases in the antipollution and consumer areas, have signaled for help, and their call has been heeded by this administration? Obviously, big business wants to get the public-interest lawyers in as compromising a position as is possible. What better way to do it than to indirectly cut off their source of revenue. What significant foundations will now make grants to the Audubon Society or the Wilderness Society, or the Environmental Defense Fund if they are apprised by their corporate and tax specialists that their munificent purposes are no longer recognized by the Internal Revenue Service.

This IRS announcement could not have come at a more unpropitious moment in our history. With young people understandably and continually being alienated from our society, this announcement will further substantiate the disenchantment which so many of them deeply feel. Many young lawyers and law students have worked inestimable hours in preparing briefs and arguing cases in support of consumer interests and the protection of the public from pollution and corporate fraud. By this terse ruling, IRS has struck a lethal blow at the small people of our Nation.

Could it possibly be that this administration is anxious to deter class-action suits brought by public-interest lawyers?

Could it possibly be that this administration is more interested in furthering the interests of the corporate giants than in protecting the interests of civil rights groups like the Southern Christian Leadership Conference and the Lawyers Committee for Civil Rights?

Could it possibly be that this administration is anxious to find some justifiable vehicle to decimate the ranks of young lawyers who have rallied to consumer organizations like the Center for Law and Social Policy and the National Organization for Rights for the Indigent?

Certainly, the unfortunate timing of the IRS ruling of October 9, 1970, could not have evolved as a result of detailed legal analysis of the issues underlying the question of whether these environmental consumer and civil rights groups rightfully fall within the term "charitable." Groups using litigation to advance their charitable purposes clearly meet the Treasury regulations' definition of the term "charitable." Groups such as the Environmental Defense Fund and the National Parks Association defend human and civil rights secured by law.

Additionally, such groups promote social welfare and they, in effect, lessen the burdens of government. The law of charity permits an organization whose basic purpose is charitable to use means of its own choosing to attain that purpose as long as the means are not unlawful or against public policy. Such litigation is both lawful and consistent with public policy. Indeed, it represents a traditional means of action in our improved form of government.

Can there be any doubt in the minds of any thinking men in this administration that charitable organizations, such as I have enumerated above, use litigation not only to secure civil rights, preserve and improve the environment, or protect consumer interests, but more importantly, to make vital and substantial contributions to our society? These contributions are made when little people who are wronged by the actions of corporate giants have some voice in their Government and are, in fact, afforded their day in court.

Could it be that this administration would not be displeased if these little people bringing these successful class actions were somehow impeded in their sincere attempts to see that corporate wrongs are rectified?

Could it be that the corporate giants who often pollute our environment and deprive the unknowing consumer of his rights under the law are tired of being harassed by these young and devoted lawyers who toil endlessly to bring some semblance to the concept etched over the entrance of the Supreme Court Building, "Equality Over the Law?"

Preservation and improvement of our environment is an issue of intense personal interest to me and to my constituents in the State of Florida. I have seen in both the House and in the Senate that too many inroads have been made upon our national heritage by the tragic onslaught and disruption of our natural environment.

President Nixon has repeatedly recognized the necessity of involving our citizens in the effort to meet the urgent national crisis of environmental blight and pollution. The President has said that this preservation of our environment "requires the help of every citizen," and calls "for a total mobilization by all of us," and a "greater citizen involvement."

Certainly, I must take the President at his word; and, therefore, I must believe that the White House has not been informed fully of the consequences of this most unfortunate and callous ruling by the Internal Revenue Service.

I call on this administration to make the transition from rhetoric to action and to make good on its campaign commitments in the area of environmental protection, pollution, conservation, and consumer interests. I commend to my colleagues a reading of an editorial which appeared in today's Washington Post, entitled, "The Law, the IRS and the Environment." Mr. Speaker, I include this editorial in the RECORD following my remarks.

I sincerely hope that the precipitous and untimely action taken by the Internal Revenue Service will be immediately reviewed by the White House and will be rescinded as quickly as possible so that consumer protection, environmental and responsible civil rights groups can carry on their meritorious and worthwhile endeavors.

The editorial follows:

THE LAW, THE IRS AND THE ENVIRONMENT

In a move both surprising and ominous, the Internal Revenue Service announced last week that it was temporarily suspending tax exemptions to public interest law firms that wage court battles on environmental issues, consumer protection and similar areas. A 60-day study by the IRS is under way to decide finally on the matter; until then, donors to the public interest firms have been warned that their contributions are no longer deductible.

The impact is clear. Since many of the firms take cases for which there is no pay, they must rely on grants and gifts; but since the IRS now says the donations are not tax deductible, the water is cut off. Benefactors will look elsewhere to give their money.

The action of the IRS comes at an odd moment. First, as an article elsewhere on this page shows, the work of a public interest law firm can be useful and important. They accept cases that no other firms go near. Even before the IRS move was made public, private opposition to it was strong. Russel E. Train, chairman of the Council on Environmental Quality, wrote to Randolph W. Thrower, Commissioner of Internal Revenue, two weeks ago that the environment was being well served by the public interest lawyers. "Litigation brought by private groups which must rely on contributions for their support . . . (has) strengthened and accelerated the process of enforcement of antipollution laws."

The timing of the IRS move could hardly be worse; at no time has the establishment ever been preaching more loudly the work-within-the-system sermon to the young. Exactly when a few young lawyers and law students do work within the system, they are whammed over the head by the most financially powerful part of that system, the IRS. A third irony involves the contrast between the detailed supervision the IRS is giving the public interest law firms and its casualness in examining the recent tax-exemption claims of the Southern white academies that tried to evade desegregation laws.

Although not all the facts are yet out—if all of them ever will be—a number of urgent questions need to be asked about the IRS decision. Who is behind it? This decision is a major move, one that will prevent qualified lawyers acting on recognized laws going into established courts. It is no secret that major corporations, already buffeted by tight money, a bear market and strikes, feel harassed by court cases in anti-pollution and consumer areas. From the board room, the outlook is even more grim, currently in Congress are two class action bills that would restore to the public the protection it needs from pollution and fraud. With public interest lawyers all too eager to use the law to protect both the environment and the consumer, the thought occurs—though these things are hard to prove—that business interests may have sent an SOS to the Nixon administration, saying in effect, get the kids off our backs.

The truth of the matter is, of course, that the public interest lawyers aren't on the corporations' backs. Filing a suit against a business or a federal agency meant to regulate it means nothing in itself. The judge decides whether a case can be made. It is true, of course, that more than a few corporations resent even being hauled into court and in many ways their resistance is understandable. For years, no one said a thing about the rivers or air being polluted; the companies were only providing America with the good things of the good life. But suddenly, the public sees that progress has a price and is no longer willing to pay it. Wisely, most judges

and even most public interest lawyers are not demanding that all law breaking businesses be forced to close instantly. If anything, businesses are treated with great tenderness. Because the IRS action bears directly on the crucial question of environment and on the quiet, constructive efforts of conscientious people to do something about policing it, a few senators are talking about hearings on the whole subject. They are needed—fast.

SUICIDAL DRUG CULTURE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in recent days we have witnessed the tragic deaths of Janis Joplin and Jimi Hendrix, both in their mid-twenties, and both victims of the suicidal drug culture which has taken firm hold in our society. Today the social stigma of using drugs is gone. Drugs are being compounded in various and dangerous combinations. "Speed" is a drug singly or in combination that is out of control and is steadily on its way to becoming our number one problem drug. For the purpose of this statement, "speed" includes pill dosage and liquid dosage of amphetamines and related compounds, "uppers," "splash," "crank," "rhythm," "meth," "crystal," and other combinations. "Speed" is probably more commonly tagged to the liquid dosage of methamphetamine.

We talk of drug abatement proposals and action. The drug situation requires and society demands constructive steps. Yet at best the steps taken are too little, too late, and frequently composed largely of talk.

Amphetamines as a family are marketed under about 200 brand names and in combination with other compounds under a much greater number of brand names. With a prescription, the generic amphetamines are legal and cheap, costing about 5 cents per 5 milligram tablets. The pharmacist can purchase such tablets for less than 1 cent apiece. Amphetamines include the drugs sold as benzedrine, dexedrine, methedrine, desoxyn, preludin, ritalin.

Benzedrine, the first amphetamine, was originally synthesized as an adrenalin substitute and utilized as a decongestant in the treatment of bronchial asthma. Amphetamines are now prescribed for a minimum of other uses. As diet pills or appetite suppressants, in some instances studies place their effectiveness as the equivalent of a placebo or a maximum of 5 to 10 pounds loss only over the initial weeks. As antidepressants, they are only beneficial for a few days at best, and use for the purpose is not medically preferred at present. They are used to treat two very rare conditions: Narcolepsy and hyperkinetic children. The acceptability for the latter use has now come into public question.

The amount of drugs manufactured and utilized far exceeds the need for such compounds. Three and a half billion doses containing amphetamines are produced legitimately annually. At least half of this production is diverted to illicit sales. Even the amount sold under prescription—8 percent of all prescriptions written in this country—far exceeds the practical medicinal use of drugs. Beside the "speed" manufactured by legitimate manufacturers, there exists the underground "bathroom" lab which produces illegitimately and with great variances in quality.

"Speed" is not necessarily a physically dependent drug with withdrawal symptoms. Yet it can result in physical dependence. It does cause psychological dependence and it is abused. To keep achieving a "high"—a euphoric peak—requires an increasing amount of "speed" habit.

The results of this habit drive to the human organism are the creation of hostility, belligerence, disorientation, viciousness, paranoia, and hallucinations. Sleep becomes impossible. To swallow food becomes difficult and body deterioration follows. The body defenses are knocked out. Colds, malnutrition, infections, muscle tremors, cardiac problems, nausea, cramps, and hepatitis show up quickly. Damage to the metabolism, enzyme and endocrine systems appear evident. Speeders are self-destructive and their paranoia can be overpowering.

Amphetamines—speed—encourage the use of other drugs, specifically: Barbiturates, heroin, librium, and valium. For many it is impossible to stop or overcome the dependence created by the drugs. Those who do, in turn may suffer brain damage as a result of their experience with "speed." The overall damage to human health and life caused by "speed" is incalculable.

Amphetamine and its related compounds can be just as dangerous as heroin. But because "speed" has a medical legitimacy of some value, drug laws are lenient or more permissive about "speed" in contrast to heroin. In most jurisdictions, where even the possession and use of marihuana is a felony, the possession of "speed" without prescription even with the admitted intent to sell, is punishable, if at all, only as a misdemeanor. Possession and sale of heroin is a felony punishable with sentences up to life imprisonment in most jurisdictions.

I was pleased that recently the Food and Drug Administration, after much prodding, moved to change the allowable medical claims and strengthen the warning on possible side effects or hazards in the labeling of amphetamine products to conform with medical knowledge. However, it is only a toddler's first step in the right direction. We need to do more—much more.

I supported H.R. 18583, which the House recently passed. This measure vests authority in the Attorney General upon a recommendation of the Secretary of Health, Education, and Welfare to impose manufacturing quotas record-keeping and inventory control on these and other dangerous products. The Department of Justice has already stated that it will place methamphetamine under such restrictions. It is a solid step. It has hardships and disadvantages. It will not reach the illegal production. But the situation cries out for workable remedies in order that we may remove this blight from our society. We must do better, otherwise we and society are the losers. I am, also, pleased that section 601 of H.R. 18583, provides for the establishment of a Commission on Marihuana and Drug Abuse since I introduced legislation providing for such a commission. I shall continue to support and fight for measures which will protect the public health and safety in this area.

Success in combatting the misuse of drugs and related problems, in turn, is a vital part of our fight to prevent the further degradation of our society and the debasement of our people.

PCB'S—AN ENVIRONMENTAL HAZARD

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, recent studies have disclosed that manmade chemical compounds—polychlorinated biphenyls—PCB's—are being found in our environment in levels dangerous to wildlife and possibly to human life.

Manufactured in the United States solely by the Monsanto Corp., PCB's are sold under the trade name Aroclor.

Aroclor has been recommended by Monsanto for products such as plasticizers, coatings for paper and fabric, fire-resistant and fire-retardant compounds, photothermographic copy sheets, decorative sparkling plastics, asphalt, adhesives, paraffin, printer's ink, resins, rubber products, paints, pesticides, lacquers, sealing compounds, polyester film and water-repellent canvas for camping materials.

Monsanto at first claimed that PCB's are used only in so-called closed systems, such as brake linings, hydraulic fluids, and electrical applications such as insulating fluids. Even if this were true, release to the environment would still be possible through deterioration or through normal escape of hydraulic oil. However, it is clear from Monsanto's own sales materials—Monsanto's Technical Bulletin O/PL–306—that the many other uses promoted therein would permit widespread contamination of the environment.

PCB's are not soluble in water, and so, like DDT, they are extremely persistent in the environment. As a result, PCB's can be distributed widely over the earth by air currents, making them available to animal and human life.

Scientists in Sweden, England, Scotland, the Netherlands, and the United States have detected PCB's in fish and sea birds, in conifer needles, in lipstick, in human fat and in mother's milk.

Dr. Robert Risebrough, in an article in January–February 1970 Environment, "More Letters in the Wind," stated that the distribution of PCB's is greatest in those areas where there is a high concentration of men and industrial activity.

Dr. Risebrough cited five ways in which PCB's can escape into the environment:

1. Through pesticides that contain PCB's.
2. From the stacks of Monsanto plants that make Aroclor and from manufacture of products containing Aroclor.
3. Other forms of industrial waste.
4. Gradual wear and weathering of products (such as asphalt) containing Aroclor which may cause PCB's to be slowly released

in the form of vapor or minute particulate matter into the atmosphere.

5. The possibility that many products containing PCB's eventually are thrown out as trash and are burnt in dumps or incinerators—releasing toxic fumes.

While PCB's have not yet been found in levels that could cause injury or death from short-term exposure, we do not know what effect low-level exposure can cause over a long period.

English environmental chemists have recently found very high levels off both the east and west coasts of England and in fish from the Irish Sea. In the New York Times of October 4, 1970, according to a dispatch from the Times of London, a British Government study reported "the highest concentration of poisonous industrial chemicals ever found in wildlife." PCB levels were found as high as 900 parts per million—double the amounts previously detected.

In addition to finding PCB's in dead wildlife, scientists have found that PCB's—like DDT—affect the reproduction systems of animal life—causing birds, for example, to lay eggs with shells that are too thin to protect the embryos.

An even greater danger is that to human beings. In humans, they have a direct action on the skin, producing a severe form of acne known as chloracne. If inhaled, they may produce a variety of effects ranging from nausea and loss of weight to increased respiration, lowered red blood cell count and inhibition of carbohydrate metabolism. More serious effects are those on the kidneys. The principal effect, however, is on the liver—possibly leading to atrophy, followed by death.

In April, after studying all the available materials on PCB's and their danger to the environment and to animal and human life, I called upon Monsanto and various agencies in the Government to take action against this ecological threat.

I requested that Monsanto detail its efforts to prevent PCB's from escaping into the environment. I asked the company to release production statistics to researchers in the field of PCB pollution. I also asked Monsanto to require special labeling for all PCB-containing materials.

I wrote to the Department of Agriculture, asking it to ban the use of PCB's in pesticides.

I wrote the Food and Drug Administration, asking it to require proper labeling of products containing PCB's and asking them to study whether PCB's should be completely banned.

And I wrote to the Department of the Interior to request that fish and wildlife be protected from the hazards of PCB's.

The Agriculture Department replied that the use of PCB's in pesticides would be discontinued. And it agreed to cancel registrations for pesticides containing PCB's.

The Food and Drug Administration responded that it was studying PCB's in food and also determining how toxic the chemicals are to animals and humans.

Secretray of Interior Walter Hickel promised that "when sufficient facts are established as to the sources and nature of these pollutants, we will be in a position to take appropriate corrective measures."

Monsanto answered my first inquiry with ambiguities regarding the amount of PCB's that escape into the environment during manufacture. After further efforts to obtain pertinent information, I was informed that Monsanto was "currently constructing" further control equipment. I was told that "an incinerator has been designed" to destroy PCB residues, but no date was given when this incinerator might begin operating.

Monsanto refused to provide details as to production and sales of this dangerous chemical, choosing to hide behind the cloak of confidentiality.

Monsanto refused to supply a complete list of uses of PCB's—claiming this information "would serve no useful nonpolitical purpose." This reaction to efforts to protect the American public would seem to reflect an attitude contemptuous of public welfare.

Monsanto further stated that it "could not release details of individual products containing the chlorinated byphenyls without specific permission from each individual customer." Yet, it said that it had been in touch with customers both verbally and in writing and to have "issued warnings to all our customers using the chlorinated biphenyls." Why could not permission have been sought during these exchanges?

The refusal of Monsanto to provide production and sales figures, a complete list of uses, and the identity of indivdual products containing PCB's impedes scientific efforts to determine the extent to which PCB's have entered the environment. It should be noted that Chemical Week for August 1969, announced that "Monsanto, by mid-1970 would be bringing its worldwide plasticizer capacity to more than 600 million pounds per year—page 27.

In June, I again urged the administration and the Monsanto Corp. to take effective action to keep PCB's from endangering animal and human life.

I stressed that, although the pesticide ban was a step in the right direction, the Government should take the initiative and design concrete methods to make sure PCB's could no longer escape into the environment.

After the public became aware of the dangers of PCB's, the Monsanto Corp. advised me in a letter dated June 30, 1970, and at a meeting in my office on July 8, 1970, that it had decided to restrict the use of PCB's to "closed-system applications." These closed-system applications are use of PCB's in transformers, capacitors and heat transfer fluids.

Conceding that the end product cannot be controlled, Monsanto said it would discontinue PCB sales for plasticizer applications after August 30, 1970. Monsanto also said that PCB's would no longer be used as hydraulic fluids—Pydrual is Monsanto's trade name—after December 31, 1970. Monsanto further said it would offer a recovery service for spent fluids used as coolants in transformers and other closed-system usages.

The following excerpts from Monsanto's June 30, 1970, letter to me explain more fully the actions Monsanto decided to take:

1. We have taken the decision that effective from the 30th of August we will no longer sell the chlorinated biphenyls to customers for use in general plasticizer applications where disposal of the end products cannot be controlled. This includes all the applications referred to in our bulletin O/PL-306. All of our customers who have used these products in the past for these applications have been advised of this decision both verbally and by formal letter. We are working closely with them to recommend suitable alternative products which present no danger to the environment.

2. In many of the applications where chlorinated biphenyls are used as hydraulic fluids, we are not satisfied that it is possible to control their usage and eventual disposal to ensure that there is no possibility of escape to the environment. We have therefore taken the decision to reformulate such fluids and we are currently working with our customers to change over to these new formulations. A substantial part of this program will be completed within the course of the next three months and in other areas where performance requirements are difficult to achieve with alternative products, we consider it will take until the end of 1970 to complete change-over.

3. In areas where the chlorinated biphenyls are used in closed system application, e.g., transformers, capacitors, and heat transfer fluids, we will continue to sell the chlorinated biphenyls as their unique, fire-resistant properties are extremely important in ensuring maximum protection for the safety and well-being of the population of this country. As you should be aware, the major usage for the chlorinated biphenyls is as coolants in transformers where they have replaced such other materials as oil and have greatly reduced the risk of fires and explosions which in the past have often had disastrous results in terms of human lives. These closed system applications are such that by working together with our customers, we can avoid emissions to the environment.

Coupled with this decision to continue selling chlorinated biphenyls for closed system usage, we have established a service to collect spent fluids which are returned to our manufacturing sites for regeneration or destruction in a specially designed, high-temperature incinerator. This incinerator breaks down the chlorinated biphenyls into harmless materials, mainly hydrochloric acid which is scrubbed out of the waste gas stream, neutralized and passed through our waste treating facilities.

Although we are confident that we can achieve a very high degree of control in these closed system applications, we are not completely satisfied and we are working to develop modified chlorinated biphenyls which will be biodegradable. This means that even if minute quantities of chlorinated biphenyl are released to the environment by accidental spills and/or leakage, it will be possible to remove them from waste water streams in conventional secondary treatment facilities.

Although the extremely high levels found in England suggest that Monsanto's action may be coming too late, I am extremely gratified that my exposure of PCB's as a major environmental hazard was instrumental in having them excluded from uses that allow widespread escape into the environment.

However, I am not satisfied that PCB's are no longer an environmental threat. Monsanto stated that in such uses as hydraulic fluids, Monsanto is "not satisfied that it is posible to control their usage and eventual disposal to insure that

there is no possibility to escape to the environment."

The London Times article and the British Government report on the high incidence of PCB's in Britain have greatly increased my concern.

I have urged the United Nations Conference on the Human Environment, which is to be held in Sweden in 1972, to study the danger of PCB's to animal and human life throughout the world. I have also requested that PCB's be banned by the Conference for any use that would allow these compounds to escape into the environment.

We cannot know how many other chemicals and their compounds are affecting the environment in manners similar to PCB's and DDT. When such dangers are reported, we cannot afford to ignore them.

We cannot allow private corporations to continue to sell hazardous chemicals without regard to the dangers these products present to the environment. Instead of facing grave threats after chemicals have been widely dispersed, we must insist that no new chemicals be used unless they are proved harmless.

If we are really to have a clean, healthy environment, then the Congress, the administration, and the people themselves must be constantly vigilent to preserve its quality.

I include at this point in the RECORD an article from the New York Times of October 4 which contains a dispatch from the Times, London, regarding the British report on PCB's.

[From the New York Times, Oct. 4, 1970]

CHEMICAL POISONS FOUND IN WILDLIFE—BRITISH RECORD HIGHEST LEVEL OF COMPOUND IN HERONS

LONDON, October 3.—Government analysts have recorded the highest concentration of a group of poisonous industrial chemicals ever found in wildlife.

The discovery of these high levels of polychlorinated biphenyls, or PCBs, which have effects similar to those of the persistent pesticides such as DDT, is described in an annual report published this week. The report also contains a description of new analytical methods for measuring minute quantities of other poisonous chemicals that are causing damage in the environment through changes in food production, agricultural practice and industrial processes.

Attention was first directed to polychlorinated biphenyls last autumn, when the substance was found in the carcasses of many of the thousands of sea birds killed in the Irish Sea. It has since been found in seals off the Cornish and East Anglian coasts.

The report said that PCB levels as high as 900 parts to a million had been found in the livers of herons, which are fresh water feeders. This is more than twice the previously recorded levels for sea birds, and analytical techniques available are not believed precise enough to measure all the various forms of the chemical.

INDUSTRIAL EFFLUENTS

Very high levels would be a direct cause of death in wildlife. But the possible effects of an accumulation of much smaller quantities are discussed by the Government Laboratory's Environmental Chemistry Group. Although PCB's are not used as pesticides, they are contained in a large number of effluents from industry. There is evidence that they interfere with the process of calcium metabolism in much the same way as the organochlorine pesticides affect wildlife.

There are at least 210 known forms of polychlorinated biphenyls. Some of them present difficulties in laboratory analysis because they can be easily masked by other chemical substances.

The picture is similar regarding organomercury compounds. Traditional methods of analyzing samples of mercury shows only the gross amount present but gives no idea of how much is combined in the complex organic compounds or just in the metallic form.

This has been an important weakness in pollution control because the toxicity of the organo-mercury compounds varies widely. Very little effort was directed to identification of these various poisons and their spread in the environment until three years ago, when Dr. G. Westoo of Sweden devised methods for analyzing methylmercury compounds in fish, meat, liver and eggs. This method has been refined by the Government Laboratory for analyzing potatoes, tomatoes, apples and liver.

I include at this point in the RECORD extracts from Monsanto's Technical Bulletin O/PL 306.

EXTRACTS FROM MONSANTO CO.'S TECHNICAL BULLETIN O/PL–306 ON AROCLOR (PCB) USES

PCBs are manufactured in the United States only by the Monsanto Company, under the trade name Aroclor.

In its Technical Bulletin, O/PL–306, Monsanto describes qualities of aroclor, such as fire retardance, corrosion resistance, and adhesivity. This bulletin suggests "scores of new uses that could not be performed by any other known material." Five separate bulletins are offered to give additional information for uses in resins, chlorinated rubber, emulsion adhesives, protective coatings, modifiers for polysulfides, fire-retarding plasticizers and wax compounds.

Aroclor plasticizers are suggested for protective coatings, such as in chemical plants, sealing compounds, adhesives, lacquers, inks, varnishes, free films, fabric coatings and pigment dispersions; components or extenders in elastomers and waxes. Page 5 describes Aroclor's compatibility with *twenty-seven* "common plastic materials" such as asphalt, rubber, paraffin and resins. Other uses: in molded products, brake linings, chemically-blown vinyl foam (such as was recently reported in *New York Times* for making a cave-like bedroom) and in vinyl-asbestos floor tile.

In describing the applications of Aroclor in adhesives, the bulletin remarks (p. 14) "When the slight odor of Arcolor is objectionable in an adhesive for certain applications, it can be easily masked, at negligible cost, by the addition of a small amount of Stantomask II."

Other uses are in prime coats for concrete storage tanks for gasoline and fuel oils; as base coats for concrete wood-kiln coatings (which are exposed to heat, moisture, and wood distillates).

On page 21, under "Aroclor in Rubber" appears the sentence: "Typical applications include protective and decorative coatings and for swimming pools, stucco homes, steel structures, tank cars, and both wood and metal maritime equipment."

In chlorinated-rubber formulations, Aroclor is suggested for heat-sealing adhesives, electrical coatings, paper and textile coatings, and printing inks. Other versions are designed for wire and cable coatings, and for "tacky coatings for fabric or paper."

Page 25 says "Insecticides, for example, can be blended into such coatings to make insect traps or barriers on tree trunks for foliage or fruit protection."

Other uses: sealing and caulking compounds: automobile-body sealants; paint compositions; tracing paper, window envelopes, and other paper-transparentizing; and hot-melt resins for the protection of tools and metal parts.

On page 31, "high-chlorine-content Aroclor plasticizers" are described as "widely used in the manufacture of low-cost, flame-resistant lacquers" for paper coatings, lacquers for plastics, and hot-melt adhesives. Page 33: heat-resistant aluminum paints and enamels, such as for jet-engine components, exhaust manifolds, and incinerators. Page 34: Waxes containing Aroclor are widely used in making dental castings, costume jewelry and precision-cast aircraft parts. "Aroclor with waxes make excellent and inexpensive sealers for masonry, wood, fiberboard, and paper."

On page 36 it is explained that the kill-life of chlorinated insecticides is extended by Aroclor acting as a vapor suppressant and as a sticking agent, enabling the insecticide to remain toxic on hard surfaces "for as long as three months."

For its moisture-proofing qualities, Aroclor is suggested on page 36 for use in waxes, such as paraffin; oils such as mineral oil or drying oils; and as a coating for paper and cloth.

Page 37: an "important ingredient" in mimeograph ink for use on bond paper; in the preparation of imitation gold leaf; as pigment vehicles for decoration of glass and ceramics; and grinding and dispersing mediums.

Page 38: "Aroclor plasticizers are essential components of coatings for flame-proofing cotton drill for outer garments and for rendering olive-drab canvas fire-retardation, water-repellent, and rot-proof for tents, tarpaulins, etc. . . ."

Page 50: a "potential problem from the standpoint of both inhalation and skin contact" and suggests the use of closed systems and local-exhaust ventilation. It also mentions that vapors of Aroclor "at room temperature should not be breathed in a confined space . . ."

It suggests "the use of gloves and protective garments because of the possible occurrence of a condition called chloracne."

Aroclor is sold in Tank cars, 500 to 600-lb. steel drums, 100-lb. bags and 50-lb. cans.

SPANISH BASE AGREEMENT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the agreement which the administration entered into with Spain for U.S. military aid and for continued base rights in Spain, was another example of the executive branch ignoring congressional authority under the guise of executive privilege. When this agreement was concluded last August, I issued a public statement condemning the action taken by the administration. On August 6, 1970, I said:

The agreement which is being signed with Spain constitutes a significant commitment which has neither received sanction nor scrutiny by the Congress.

The Spanish base agreement once again reveals the "underground diplomacy" which keeps the Congress and the American people from knowing what their government is doing.

Hundreds of millions of dollars worth of weapons are apparently to be transferred—by loan, sale, or other means—to Spain in return for the United States' being able to use the bases. This constitutes nothing less than support of a dictatorship which suppresses political right and civil liberties.

The unsanctioned military ventures of the executive branch—such as the invasion of Cambodia—illustrate how dangerous it is for Congress to surrender its powers to the executive. By extending the treaty with Spain by executive agreement, the Administration has purposefully ignored the concern which I and other members of Congress have voiced in the past about commitments to Spain.

In order to deter such action, and to firmly assert Congressional oversight in foreign affairs, I have introduced legislation to create a Joint Committee on Foreign Policy.

This latest flaunting of Congressional powers by the Administration in support of a reactionary dictatorship—is just further justification for such a Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of New Jersey (at the request of Mr. O'HARA) on account of family illness.

Mr. BLANTON (at the request of Mr. JONES of Tennessee), for today, on account of official business.

Mr. LOWENSTEIN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PRICE of Texas (at the request of Mr. ARENDS), on account of emergency appendectomy.

Mr. CORMAN, for today, on account of official business.

Mr. BARING (at the request of Mr. BURTON of California), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BYRNE of Pennsylvania, for 30 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

(The following Members (at the request of Mr. FREY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. TEAGUE of California, for 30 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. WATSON, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. HARSHA, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. GOODLING, for 10 minutes, today.

Mr. HOGAN, for 20 minutes, today.

Mr. ASHBROOK, for 60 minutes, today.

Mr. CHAMBERLAIN, for 15 minutes, today.

(The following Members (at the request of Mr. CAFFERY), to revise and extend their remarks and to include extraneous matter:)

Mr. GARMATZ, today, for 10 minutes.

Mr. RARICK, today, for 30 minutes.

Mr. CONYERS, today, for 60 minutes.

Mr. FLOOD, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CAREY in six instances and to include extraneous matter.

Mr. CRANE to revise and extend his remarks during debate on H.R. 17849.

Mr. HAMMERSCHMIDT to extend his remarks on the bill H.R. 19519 and to include extraneous matter.

Mr. SAYLOR, today, and that his remarks appear prior to passage of H.R. 693 on August 13, 1970.

Mr. RANDALL, and to include extraneous matter in two instances.

(The following Members (at the request of Mr. FREY) and to include extraneous matter:)

Mr. ROUDEBUSH in two instances.

Mr. ANDERSON of Illinois in three instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. GUBSER.

Mr. CRANE in six instances.

Mr. SCHWENGEL in three instances.

Mr. MILLER of Ohio in six instances.

Mr. SEBELIUS.

Mr. FREY in two instances.

Mr. GERALD R. FORD in five instances.

Mr. MCDADE in six instances.

Mr. WYMAN in six instances.

Mr. HORTON in six instances.

Mr. ARENDS in four instances.

Mr. SMITH of California.

Mr. SPRINGER.

Mr. SCOTT.

Mr. HARSHA.

Mr. MINSHALL in four instances.

Mr. PRICE of Texas in five instances.

Mrs. HECKLER of Massachusetts.

Mr. BRAY in six instances.

Mr. DERWINSKI in four instances.

Mr. MCEWEN in two instances.

Mr. BROWN of Ohio in four instances.

Mr. JOHNSON of Pennsylvania.

Mr. GUDE in four instances.

Mr. LANGEN in five instances.

Mr. NELSEN in four instances.

Mr. FINDLEY in two instances.

Mr. HALL.

Mr. GOLDWATER.

Mr. BROYHILL of Virginia in five instances.

Mr. HOGAN.

Mr. BOB WILSON.

Mr. REID of New York.

Mr. RHODES in five instances.

Mr. THOMPSON of Georgia.

Mr. HUNT.

Mr. RUPPE.

Mr. SCHMITZ in three instances.

Mr. HOSMER in five instances.

Mr. BROWN of Michigan in two instances.

Mr. SKUBITZ in two instances.

Mr. SPRINGER.

Mr. HALPERN.

Mr. SAYLOR.

Mr. BELL of California.

(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)

Mr. EILBERG.

Mr. WILLIAM D. FORD in two instances.

Mr. MATSUNAGA.

Mr. JACOBS.

Mr. GARMATZ.

Mr. MCFALL in two instances.

Mr. BRINKLEY in three instances.

Mr. PATTEN in two instances.

Mr. ANDERSON of California in two instances.

Mr. VANIK in six instances.

Mr. BROOKS in three instances.

Mr. DANIELS of New Jersey in two instances.

Mr. FALLON in two instances.

Mr. PUCINSKI in 10 instances.

Mr. WALDIE in two instances.

Mr. UDALL.

Mr. CLAY in three instances.

Mr. DINGELL in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. LONG of Maryland in five instances.

Mr. EDWARDS of California in two instances.

Mr. ICHORD.

Mr. RIVERS in two instances.

Mr. ROE in two instances.

Mr. HUNGATE in four instances.

Mr. SCHEUER in two instances.

Mrs. SULLIVAN in three instances.

Mr. CULVER.

Mr. RODINO.

Mr. MINISH in two instances.

Mr. STOKES in two instances.

Mr. PATMAN in two instances.

Mr. PICKLE in two instances.

Mr. BOLAND in three instances.

Mr. FASCELL in three instances.

Mr. ROGERS of Florida in seven instances.

Mr. ECKHARDT in two instances.

Mr. MAHON in two instances.

Mr. DULSKI in five instances.

Mr. BOGGS in two instances.

Mr. ANNUNZIO in six instances.

Mr. OLSEN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1142. An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3747. An act to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; to the Committee on the District of Columbia.

S. 3748. An act to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

S. 3749. An act relating to crime in the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 30. An act relating to the control of organized crime in the United States;

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States;

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month"; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on October 13, 1970, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 17146. A supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof; and

H.J. Res. 1388. A resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 774, the Chair declares the House adjourned until 12 o'clock noon on Monday, November 16, 1970.

Thereupon (at 4 o'clock and 12 minutes p.m.), pursuant to House Concurrent Resolution 774, 91st Congress, the House adjourned until Monday, November 16, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2460. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on appropriations and transfers made under Public Law 91-305 to meet the costs in fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 and 81 Stat. 649, pursuant to section 306(c) of Public Law 91-305 (H. Doc. No. 91-405); to the Committee on Appropriations and ordered to be printed.

2461. A communication from the President of the United States, transmitting proposed supplemental appropriations for the District of Columbia for fiscal year 1971, including budget authority for additional Federal payment and loans to the city, together with a letter from the Office of Management and Budget (H. Doc. No. 91-406); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. S. 3785. An act to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; with amendments (Rept. No. 91-1606). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. Limited survey of honorariums given guest speakers for engagements at colleges and universities (Rept. No. 91-1607). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Small Business in Government procurement—before and after defense cutbacks (Rept. No. 91-1608). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS of New Jersey: Committee on Post Office and Civil Service. S. 578. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; without amendment (Rept. No. 91-1609). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. H. Res. 1147. Resolution relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes; with amendments (Rept. No. 91-1610). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself and Mr. CRAMER):

H.R. 19732. A bill to establish the Corps of Engineers Environmental Policy Act of 1970; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 19733. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 19734. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the establishment of a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. CAREY (for himself, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. BENNETT, Mr. BINGHAM, Mr. BRASCO, Mr. BYRNE of Pennsylvania, Mr. CELLER, Mr. CLARK, Mr. CONYERS, Mr. DADDARIO, Mr. DENT, Mr. EILBERG, Mr. FULTON of Tennessee, Mr. FLOOD, Mr. GARMATZ, Mr. GONZALEZ, Mr. HATHAWAY, Mr. HAWKINS, Mr. MIKVA, Mr. MURPHY of New York, Mr. NIX, Mr. OTTINGER, Mr. PODELL, and Mr. RYAN):

H.R. 19735. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

By Mr. CAREY (for himself, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. BRADEMAS, Mrs. CHISHOLM, and Mr. HELSTOSKI):

H.R. 19736. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

By Mr. DADDARIO (for himself and Mr. GIAIMO):

H.R. 19737. A bill to establish a system for the sharing of certain Federal tax revenues with the States; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 19738. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize the Secretary of the Interior to provide for an additional parking facility in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 19739. A bill to provide an additional 1 percent Federal excise tax on the sale of automobiles using internal combustion engines, and to provide that the revenues from such tax will be used for a research program to develop alternatives to the internal combustion engine; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 19740. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 19741. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCLURE:

H.R. 19742. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. McMILLAN:

H.R. 19743. A bill to amend section 11 of the District of Columbia Alcoholic Beverage Control Act to except beer driver-salesmen from the requirement of obtaining a solicitor's license under that act; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 19744. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. BRASCO, Mr. BROWN of California, Mr. BUTTON, Mrs. CHISHOLM, Mr. CLAY, Mr. DELLENBACK, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. FARBSTEIN, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HORTON, and Mr. KEITH):

H.R. 19745. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. KOCH, Mr. LOWENSTEIN, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MIKVA, Mr. OTTINGER, Mr. PODELL, Mr. REES, Mr. ROBISON, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHNEEBELI, Mr. SCHWENGEL, Mr. STOKES, Mr. TAFT, Mr. THOMPSON of New Jersey, Mr. UDALL, Mr. WHALEN, and Mr. WOLFF):

H.R. 19746. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 19747. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood to nonprofit blood banks and other nonprofit organizations; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 19748. A bill to amend the District of Columbia Traffic Act, 1925, to provide for use of a distinctive emblem on slow-moving vehicles; to the Committee on the District of Columbia.

By Mr. PATTEN:

H.R. 19749. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK:

19750. A bill to provide for the humane disposition of military dogs; to the Committee on Armed Services.

By Mr. ROTH (for himself and Mr. MCDADE):

H.R. 19751. A bill to prohibit assaults and other crimes on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 19752. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 19753. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 19754. A bill to amend title 38 of the United States Code to provide that World War II, Korean conflict, or Vietnam era veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not, or do not, utilize their entitlement, may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. SCHWENGEL:

H.R. 19755. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize the Secretary of the Interior to provide for an additional parking facility in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. SLACK:

H.R. 19756. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 19757. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes; to the Committee on Agriculture.

By Mr. WATSON:

H.R. 19758. A bill to amend title 10 of the United States Code to provide for payment under certain circumstances of nonregular retired pay to persons below age 60 if they are disabled; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 19759. A bill to provide for the protection of consumers by insuring fair and responsive billing practices on credit card accounts; to the Committee on Banking and Currency.

By Mr. CAREY (for himself, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. ASPINALL, Mr. BENNETT, Mr. BRASCO, Mr. BYRNE of Pennsylvania, Mr. CELLER, Mrs. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. DENT, Mr. FLOOD, Mr. FULTON of Tennessee, Mr. GARMATZ, Mr. GONZALEZ, Mr. HATHAWAY, Mr. HAWKINS, Mr. MIKVA, Mr. MURPHY of New York, Mr. NIX, Mr. OTTINGER, Mr. PODELL, Mr. RYAN, and Mr. CHARLES H. WILSON):

H.R. 19760. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

By Mr. CAREY (for himself, Mr. EILBERG, Mr. WOLFF, and Mr. HELSTOSKI):

H.R. 19761. A bill to provide that veterans be provided employment oportunities after discharge at certain minimum salary rates; to the Commitee on Veterans' Affairs.

By Mr. FRASER:

H.R. 19762. A bill to share Federal tax revenues with State and local governments; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 19763. A bill to amend the act of August 3, 1968 (82 Stat. 625) to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 19764. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 19765. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

H.R. 19766. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 19767. A bill to make available Federal assistance to local law enforcement agencies in cases involving the killing of State and local law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 19768. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 19769. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 19770. A bill to provide for the development of a proposal for a feasible and innovative urban mass transportation system employing modes of transportation other than the internal combustion engine; to the Committee on Public Works.

By Mr. GUDE:

H.R. 19771. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia:

H.R. 19772. A bill to provide for the protection of the pensions and other benefits of coal miners working in the coal mines of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 19773. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MILLS:

H.R. 19774. A bill to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 19775. A bill to establish a registration system with respect to donors of blood and to provide funds for research to detect serum hepatitis prior to transfusion and transmission of the disease; to the Committee on Interstate and Foreign Commerce.

H.R. 19776. A bill to provide for a national educational campaign to combat the lack of consciousness of the public as to the danger of improper uses of motor vehicles on the highways, and to impose an additional tax of one-tenth of a cent per gallon on gasoline and other motor fuels to pay for the costs of such campaign; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 19777. A bill to amend the National Historic Preservation Act of 1966, as amended, to provide grants and loans for persons

who have buildings or structures registered in the National Register in order to preserve such historic properties, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 19778. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.R. 19779. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 19780. A bill to authorize greater uniformity of treatment of recipients under the Federal-State adult public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 19781. A bill to provide financial benefits for certain spouses and children who are physically handicapped or mentally retarded, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 19782. A bill to establish a national urban bond program to provide an effective means of financing the construction of needed urban housing; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 19783. A bill to authorize the Army Corps of Engineers to collect and remove on a continuing basis accumulations of debris in the Susquehanna River; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 19784. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. REID of New York:

H.J. Res. 1401. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 1402. Joint resolution proposing the establishment of the Dwight David Eisenhower Square in the District of Columbia; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. CLAY, Mr. NIX, Mr. LEGGETT, Mr. UDALL, Mr. KARTH, Mr. REES, Mr. OLSEN, Mr. ASHLEY, Mr. RYAN, Mr. HARRINGTON, Mr. OTTINGER, Mr. DADDARIO, Mr. DIGGS, Mrs. CHISHOLM, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. RODINO, Mr. MOLLOHAN, Mr. MIKVA, Mr. HAWKINS, Mr. CONYERS, and Mr. STOKES):

H. Con. Res. 782. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. ANDERSON of Illinois, Mr. MEEDS, Mr. HORTON, Mr. FRASER, Mr. MORSE, Mr. ROSENTHAL, Mr. MCCLOSKEY, Mr. COHELAN, and Mr. MOSHER):

H. Con. Res. 783. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. HASTINGS (for himself, Mr. FREY, and Mr. WEICKER):

H. Res. 1254. Resolution relative to the FTS service; to the Committee on Veterans' Affairs.

By Mr. WYLIE:

H. Res. 1255. Resolution declaring that the House rejects the findings and recommendations of the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. ASHLEY, Mr. FRIEDEL, Mr. HARRINGTON, and Mr. SYMINGTON):

H. Res. 1256. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H. Res. 1257. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. WATSON:

H. Res. 1258. Resolution that the House of Representatives utterly reject and condemns the findings and recommendations of the Commission on Obscenity and Pornography and furthermore that the House of Representatives calls upon the President to reject the findings of said Commission; to the Committee on Education and Labor.

By Mr. LONG of Maryland:

H. Res. 1259. Resolution to welcome the American Association of Junior Colleges to Washington, D.C., for their 51st annual convention; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALPERN:

H.R. 19785. A bill for the relief of Antonio de Leonardo; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 19786. A bill for the relief of Kim Hak Kyung; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 19787. A bill for the relief of Adriano Botelho Moniz; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.R. 19788. A bill for the relief of John C. Caldwell; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 19789. A bill for the relief of Youngdahl Song; to the Committee on the Judiciary.

SENATE—*Wednesday, October 14, 1970*

The Senate met at 9 a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who hast made and preserved us a Nation, guide us and all the people in the crucial decisions of the coming days. Let all that is done be well pleasing in Thy sight. In the tumult of our times and the convulsion of human society, help us to see Thee moving in the processes of history and presiding over our destiny.

"Breathe through the pulses of desire
Thy coolness and Thy balm;
Let sense be dumb, let flesh retire;
Speak through the earthquake, wind, and fire,
O still, small voice of calm!"—*Whittier.*

O Lord, watch over us all during our separation. Give Thy servants strength for the contests ahead, rest and renewal before returning. And may we have peace in our hearts, peace in our land, and peace in the world.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 14, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The Senate having adjourned in the absence of a quorum on October 13, 1970, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 379 Leg.]

Allen	Hansen	Miller
Bible	Harris	Mondale
Boggs	Hart	Proxmire
Byrd, W. Va.	Holland	Ribicoff
Cook	Hughes	Saxbe
Cooper	Inouye	Schweiker
Cotton	Jackson	Spong
Dole	Jordan, N.C.	Stennis
Eagleton	Mansfield	Talmadge
Ervin	Mathias	Williams, Del.
Fulbright	McGovern	Young, Ohio
Griffin	McIntyre	

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator

from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Allott	Ellender	Nelson
Anderson	Fannin	Packwood
Baker	Goldwater	Pell
Bayh	Gravel	Russell
Bellmon	Gurney	Scott
Brooke	Hollings	Smith, Maine
Byrd, Va.	Javits	Stevens
Case	Jordan, Idaho	Thurmond
Church	Long	Tydings
Curtis	Magnuson	Williams, N.J.
Dominick	McClellan	Yarborough
Eastland	Metcalf	Young, N. Dak.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will be a brief call.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 13, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business on today, Wednesday, October 14, 1970, the Secretary of the Senate be authorized to receive messages of duly enrolled bills and resolutions from the House of Representatives.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCOTT. Mr. President, I am not going to object; I am reserving the right to object. I am just asking whether that would include messengers from the House of Representatives before we adjourn.

Mr. MANSFIELD. At the duly appropriate time.

Mr. SCOTT. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES ON NOVEMBER 10, 1970, AND NOVEMBER 13, 1970, FOR APPROPRIATE REFERRAL THEREOF, AND FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business on Wednesday, October 14, 1970, until noon, November 16, 1970, the Secretary of the Senate be authorized, on November 10, 1970, and November 13, 1970, to receive messages from the President of the United States and from the House of Representatives and that they may be appropriately referred; that during the same period all committees of the Senate may be permitted on those days to file their reports, together with any minority, individual, and supplemental views.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATUS OF CONGRESSIONAL RECORD DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session——

Mr. YARBOROUGH. Mr. President, will the Senator withhold his request for a parliamentary inquiry about proceeding during the adjournment, before we go into executive session?

Mr. MANSFIELD. Of course.

Mr. YARBOROUGH. My inquiry to the majority leader is this: What will be the status of the CONGRESSIONAL RECORD during the adjournment? When we finally adjourn speeches may be submitted for printing in the RECORD for 10 more days.

Mr. MANSFIELD. Notice has already been incorporated in the CONGRESSIONAL RECORD which states what the Joint Committee on Printing has stated will be done.

Mr. YARBOROUGH. I thank the Senator.

EXECUTIVE SESSION

Mr. MANSFIELD. I now ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to consider executive business.

U.S. ARMY

The legislative clerk proceeded to read nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Jackson D. Arnold, U.S. Navy, to be an admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

The LEGISLATIVE CLERK. Nominations placed on the Secretary's desk, in the Air Force.

The ACTING PRESIDENT pro tempore. Without objection, those nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr President, I ask unanimous consent that the Senate proceed to the consideration of certain unobjected-to items on the calendar, bebinning with Calendar No. 1325.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

H. & H. MANUFACTURING CO., INC.

The resolution (S. Res. 19) to refer the bill (S. 263) entitled "A bill for the relief of H. & H. Manufacturing Co., Inc." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered and agreed to, as follows:

Resolved, That the bill (S. 263) entitled "A bill for the relief of the H. and H. Manufacturing Company, Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report

thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

O'BRIEN DIESELECTRIC CORP.

The resolution (S. Res. 20) to refer the bill (S. 266) entitled "A bill for the relief of the O'Brien Dieselectric Corp." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered, and agreed to, as follows:

Resolved, That the bill (S. 266) entitled "A bill for the relief of the O'Brien Dieselectric Corporation", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

BILL PASSED OVER

The bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AMATEUR RADIO OPERATORS

The Senate proceeded to consider the bill (S. 1466) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations which had been reported from the Committee on Commerce with amendments on page 2, line 4, after the word "Act", insert "(8 U.S.C. 1445(f))"; in line 6, after the word "States", insert a colon and *"Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."; and on page 2, at the beginning of line 3, insert *"Provided, That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license.";

So as to make the bill read:

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 144(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2 Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 470) authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws, was considered, and agreed to as follows:

S. RES. 470

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $29,500, in addition to the amount, and for the same purposes and during the same period, specified in S. Res. 334, Ninety-first Congress, agreed to February 16, 1970, authorizing an investigation of antitrust and monopoly laws and their administration.

ADDITIONAL FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

The resolution (S. Res. 472) to provide additional funds for the Committee on Public Works, was considered, and agreed to, as follows:

S. RES. 472

Resolved, That the Committee on Public Works is hereby authorized to expend, from the contingent fund of the Senate, $60,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 326, Ninety-first Congress, agreed to February 16, 1970.

ADDITIONAL FUNDS FOR THE COMMITTEE ON AGING

The resolution (S. Res. 473) authorizing additional funds for the Special Committee on Aging, was considered, and agreed to, as follows:

S. RES. 473

Resolved, That the Special Committee on Aging is hereby authorized to expend, from the contingent fund of the Senate, $24,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 316, Ninety-first Congress, agreed to February 16, 1970.

ADDITIONAL COPIES OF THE 1969 ANNUAL REPORT OF THE HOUSE COMMITTEE ON INTERNAL SECURITY

The concurrent resolution (H. Con. Res. 712) authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91–983, 91st Congress, second session, was considered and agreed to.

THE PLEDGE OF ALLEGIANCE TO THE FLAG

The concurrent resolution (H. Con. Res. 732) providing for the printing as a House document of "The Pledge of Allegiance to the Flag," was considered and agreed to.

PRINTING ADDITIONAL COPIES OF HEARINGS ACCOMPANYING THE LEGISLATIVE REORGANIZATION ACT OF 1970

The concurrent resolution (H. Con. Res. 740) authorizing the printing of

additional copies of the hearings accompanying the Legislative Reorganization Act of 1970, was considered and agreed to.

CUBA AND THE CARIBBEAN

The concurrent resolution (H. Con. Res. 748) authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives, was considered and agreed to.

SUPPLEMENT TO CUMULATIVE INDEX TO PUBLICATIONS OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES 1955 THROUGH 1968 (84TH THROUGH 90TH CONGRESSES)

The concurrent resolution (H. Con. Res. 753) authorizing the printing of additional copies of publications entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (84th through 90th Congresses), was considered and agreed to.

ANATOMY OF A REVOLUTIONARY MOVEMENT: STUDENTS FOR A DEMOCRATIC SOCIETY

The concurrent resolution (H. Con. Res. 770) authorizing the printing of additional copies "Anatomy of a Revolutionary Movement: 'Students for a Democratic Society,'" 91st Congress, second session, was considered and agreed to.

PENALTIES FOR ILLEGAL FISHING IN FISHERY ZONE

The bill (H.R. 14678) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

On request of Mr. MANSFIELD, the following measure on the calendar call was passed over:

Calendar No. 1347, H.R. 8298, a bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

SOUTH ABSAROKA WILDERNESS, SHOSHONE NATIONAL FOREST, WYO.

The Senate proceeded to consider the bill (S. 1468) to designate the Stratfield Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 7, after the word "and", to strike out "six" and insert "eight"; in line 9, after the word "dated", to strike out "February 4, 1969," and insert "June 15, 1967, revised September 12, 1970,"; and at the top of page 3, to insert a new section, as follows:

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

So as to make the bill read:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committee of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

WASHAKIE WILDERNESS

Mr. HANSEN. Mr. President, I am pleased to rise in support of my legislation, S. 1468 which would establish a Washakie Wilderness in northwestern Wyoming.

This legislation, cosponsored by myself and Senator MCGEE, is the result of several months consultation and work by the various parties involved. The bill, as reported, includes some 208,000 acres of Forest Service land within the wilderness area, as well as 35,000 additional acres within a special management directive outlined in the bill.

In total, this 240,000 acres of protected Forest Service land will combine with the South Absaroka Wilderness area to include nearly 700,000 acres within the protection of the 1964 Wilderness Act.

I originally introduced legislation to establish a Washakie Wilderness area in 1967. Following my introduction of this initial legislation, hearings were held in Wyoming, as well as in Washington. In the 91st Congress I introduced the present legislation which was developed by taking into consideration the information and suggestions derived from the previous hearings.

As reported to the Senate, S. 1468 represents a further refinement as to just what should be included within the boundaries of the Washakie Wilderness.

In developing this legislation to its present form, I met with Senator MCGEE on several occasions. Stemming from these meetings, special management directives were developed to be included within S. 1468 which would protect an additional 35,000 acre tract west of the proposed Washakie Wilderness known as the DuNoir area.

The DuNoir is an unusually scenic area which deserves protection from additional encroachment. Because of early tie hack harvesting as well as four-wheel-drive access roads which cross the area, the DuNoir does not qualify for inclusion as a wilderness area. The management directives for the DuNoir point to the fact that there will be no road building, timbering, or public vehicle use of the area. This provision preserves the in-

tegrity of the Wilderness Act by not forcing inclusion of a tract that does not meet wilderness requirements, while at the same time protecting this great area from further transgression of its esthetic values.

Certainly there are some who still feel that the boundaries are not precisely right and that other small areas should have been added to the wilderness, or that some small phrase relating to the directives of the DuNoir should have been adjusted. Be that as it may, the truth is that a great many divergent interests and feelings have been reconciled and compromised in order to arrive at the bill as it is reported to the Senate.

I strongly endorse this legislation and urge its approval.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Subcommittee on Education of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, I am requested to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. If I had the floor, I would be delighted to yield. The Senator from Maryland has the floor.

Mr. MATHIAS. I ask unanimous consent that I may yield without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is to be recognized at this time for one-half hour. Without objection, the Senator from Maryland yields to the Senator from New York.

Mr. MANSFIELD. Without any loss of time.

The ACTING PRESIDENT pro tempore. Without any loss of the time charged allotted to the Senator from Maryland.

SESSIONS OF U.S. DISTRICT COURT IN CERTAIN DISTRICTS

Mr. JAVITS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 18126.

The ACTING PRESIDENT pro tempore laid before the Senate the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., which was read twice by its title.

Mr. JAVITS. Mr. President, pursuant to arrangements with the chairman of the Committee on the Judiciary (Mr. EASTLAND), I send to the desk certain amendments.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with. I shall explain them.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVIT'S amendments are as follows:

On page 1 following line 6, insert the following:

SEC. 2. That the last sentence of section 104(b)(4) of title 28 of the United States Code is amended to read as follows: "Court for the Southern Division shall be held at Biloxi and Gulfport."

SEC. 3. That the last sentence of section 104(b)(3) of title 28, United States Code, is amended to read as follows: "Court for the Western Division shall be held at Natchez and Vicksburg: *Provided,* That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States."

SEC. 4. That section 100 of title 28, United States Code, is amended to read as follows: "§ 100. Maryland.

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

Mr. JAVITS. I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is a question of where to hold terms of court. The Committee on the Judiciary has a number of additional bills of the same kind. The purpose of the amendments is to incorporate the provisions of three similar bills which passed the Senate earlier this year: S. 981, S. 3225, and S. 3122. The Senator from Mississippi wishes to attach their provisions as amendments to this New York bill, which is agreeable to me, so I hope the Senate will agree to the amendments and pass the bill.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 18126) was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Maryland yield to me for the purpose of asking the distinguished Senator from West Virginia to call up the message from the House of Representatives on H.R. 16710, having to do with loans to veterans?

Mr. MATHIAS. Mr. President, I am happy to yield to the majority leader for that purpose, provided that I may do so without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VETERANS' HOUSING ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from California (Mr. CRANSTON), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16710, the Veterans' Housing Act of 1970.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes which were in lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(c) Section 1803 of such title is amended—

(1) by striking out "1810 and 1811" in subsection (b) and inserting in lieu thereof "1810, 1811, and 1819"; and

(2) by inserting immediately after "years" in the first sentence of subsection (d)(1) the following: "except as provided in section 1819 of this title".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by strking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, whenever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsection (a) and (b) by inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by inserting after "guaranteed home loans" the phrase "or mobile home loans, as appropriate" in subsection (c)(1), and by striking out in such subsection "1810 of this title" and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by inserting after "guaranteed home loans" in subsection (d)(1) the phrase "or mobile home loans, as appropriate";

(5) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(6) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section.";

(7) by striking out "1810 of this title" in subsection (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate"; and

(8) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for each builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

"(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

"(c)(1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made in such loan qualifies therefor in all respects.

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and he shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as he may determine and such costs and expenses as he determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

"(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amounts and the term for which the loans are made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

"(B) $15,000 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

"(C) $17,500 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

"(3) Such limitations set forth in paragraph (2) of this subsection on the amount and term of any loan shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to neecssary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of such loan.

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(g) Entitlement to the loan guaranty benefit used under this section shall be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full.

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chatper he determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed or under other sections of this chapter.

"(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

"(m) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (i) of this section, experience with compliance with the warranty required by subsection (j) of this section, and the experience regarding defaults and foreclosures.

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(o) No loans shall be guaranteed or made by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 6. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 7. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 8. Section 5 of this Act shall become effective sixty days following the date of enactment.

Resolved, That the House concur in the amendment of the Senate to the title of the aforesaid bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement which the Senator from California (Mr. CRANSTON), chairman of the Veterans' Affairs Subcommittee, would have made, explaining the version of the bill agreed to between the committees of the two bodies, which I am about to move that the Senate adopt.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON RE H.R. 16710—VETERANS HOUSING ACT OF 1970

Mr. CRANSTON. Mr. President, I am delighted at the expeditious action which now makes possible moving this urgently needed Veterans Housing Act of 1970 to the President.

Final enactment of this veterans housing measure should provide significant assistance to returning Vietnam veterans in securing adequate housing within their limited means—through the new mobile home program—and should also be of real help to our World War II veterans and those from the Korean conflict whose regular home loan entitlements expired before they had been used.

The House version of this bill was passed on September 21 and the Senate version on September 25, 1970. The differences between the versions were not major. Basically, the new text is substantially the same as the text passed by the Senate on September 25 as a substitute amendment to the House-passed bill, H.R. 16710. The Senate version incorporated the text of a bill, S. 3656, which I introduced on March 31, 1970, as it was reported from the Labor and Public Welfare Committee on September 23 and from the Veterans' Affairs Subcommittee, which I am privileged to chair, on September 15.

Before proceeding to outline those provisions which have been altered or deleted from the Senate-passed bill, I want to express my great admiration for the work of the House Veterans' Affairs Committee under the outstanding chairmanship of my good friend "Tiger" Teague, of Texas. I wish also to thank the House Committee Staff Director, Oliver Meadows, and the House Committee Counsel, "Pat" Patterson, for their effective assistance and cooperation in working out the final version on this bill.

Able technical assistance has been provided by Hugh Evans of the Senate Office of Legislative Counsel and Roger Young, his House counterpart, and by the following Veterans' Administration officials: John Dervan, Edward Echols, Robert Coon, and Grady Malone. I wish to thank each of them for their invaluable assistance.

Special thanks is also owed to the ranking minority member of the Veterans Affairs Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), and his legislative counsel, Richard Siegel, as well as the committee minority counsel on this bill, Michael Gordon.

Finally, Mr. President, I want also to express my gratitude for the excellent cooperation which our subcommittee has always received in regard to veterans bills, and which was displayed in this instance, from the distinguished chairman of the Committee on Labor and Public Welfare, the senior Senator from Texas (Mr. YARBOROUGH), from the ranking minority member of the full committee, the Senator from New York (Mr. JAVITS) and the ranking majority member of the Labor and Public Welfare Committee, (Mr. RANDOLPH).

In my floor statement on September 25, when the Senate passed this bill (S16498–16500), I outlined in detail the purposes and provisions of the Senate bill, most all of which has been retained in the House amendments. I will now describe the few changes that were made:

In section 2(c) of the Act, a technical change has been added to amend subsection (d)(1) of section 1803 of title 38, United States Code, to make clear that that subsection's limitation on non-real estate loans to terms of ten years or less does not apply to the new mobile home program, established in section 5 of the Act.

In section 4 of the Act, clauses (3) and (4) have been added to provide certain cross references in section 1811 of title 38, United States Code (regarding the VA direct loan program) with respect to the new mobile home loan program.

The new clause (7) contains the substance of material included in clause (3) of this section in the Senate-passed bill.

In section 5 of the Act, the basic structure and substance is the same as in section 5(a) of the Senate-passed bill to establish the new mobile home loan program, except as follows:

In subsection (b) of the new section 1819, the phrase "provided a first lien on such lot is obtained for the total loan amount" has been deleted as unnecessary and potentially confusing in light of the explicit requirement to the same effect in subsection (e)(3) of the new section.

In subsection (c)(1) of the new section 1819, the basic format of subsection (c) of the House-passed bill is retained, requiring prior VA approval of all mobile home loans except those made by a lender of a class exempted from the prior approval requirement by the Administrator. The Senate provision provided for automatic guarantee of loans made by lenders of one of the classes specified in the first sentence of section 1802(d) of title 38, United States Code. In light of the relative novelty of the mobile home program and the VA's lack of experience in this field, the House provision has been accepted. However, the original House provision is modified so that the Administrator's discretion to exempt certain lenders is limited to classes of lenders and such classes are those listed in section 1802(d) as exempted from prior approval for purposes of the regular home loan program. The Veterans' Administration strongly favored the discretionary exemption provision in the House-passed bill.

In subsection (c)(3) of the new section 1819, a sentence has been added at the end to make clear that the United States' liability under the guarantee shall increase or decrease pro rata with any increase or decrease of the amount of the unpaid portion of the obligation. This limitation was implicit in the first sentence of subsection (d) of the House-passed version. Also, the second sentence, regarding the accounting filed with the Administrator, includes language establishing a starting point for such accounting as the date of the first uncured default. This language is also based on language in the first sentence of subsection (d) of the House version.

The Senate version anticipated that these matters would be dealt with by regulation, as they have been in the regular VA home loan program. However, the compromise language has been accepted because of the strong VA preference for a specific statutory provision in this program in order to avoid any possible misunderstanding.

In subsection (d) of the new section 1819, a number of changes have been made within the basic structure of the Senate provision. First, it has been made clear in the fourth sentence of paragraph 1 that loans for necessary site preparation may be separate from loans for acquisition of lots and that the maximum for such site preparation loans is to be based on the cost rather than the reasonable value of such site preparation.

Second, paragraph 2 has been restructured so as to make clear that there are three types of loan situations: (1) those in which a mobile home only is being purchased; (2) those in which a mobile home and an undeveloped lot are both being purchased; and (3) those in which a mobile home and a suitable developed lot are both being purchased.

The revised clause (A) also makes clear that additional amounts for necessary site preparation when a mobile home alone is being purchased are limited to lots already owned by the veteran. And the parenthetical limitations in revised clauses (B) and (C) make clear that in no event may the loan for the mobile home itself exceed $10,000, as is provided in clause (A).

The major substantive change in paragraph 2 is a general limitation of $2,500 on loans for site preparation. This is made explicit in the revised clause (C) by the establishment of the $17,500 maximum when a developed lot is also being acquired. In such situations, the reasonable value of that lot would govern. However, as in the original Senate version, no specific site preparation limit has been provided with respect to either the revised clause (A) or (B) since the amount by which loans can be increased for such site preparation is based on the cost rather than the reasonable value of such improvements. Nevertheless, it is expected that the Veterans' Administration would not guarantee amounts of loans for such site preparation substantially in excess of $2,500.

In paragraph 3, the language originally contained in the last sentence of subsection (d)(2) in the Senate version is included in a separate paragraph with slight language revision.

In subsection (g) of the new section 1819, the substance of subsection (i) of the House-passed version is included, except that as in the Senate version restoration of home loan entitlement is limited to a single time. The provision in subsection (g) of the Senate version, providing for restoration of such entitlement when the security is disposed of to a transferee who is acceptable to the Administrator and who assumes liability under the mortgage, has been deleted. The House provision was adopted because of concern that the Senate provision with respect to transferees might possibly encourage bartering of entitlements.

In subsection (h) of the new section 1819, the words "made or" are deleted from the first sentence as unnecessary and not consistent with the general format of not referring to direct loans in light of the provision in the last clause of present section 1811(d)(1) of title 38, United States Code (specifies that direct loans are subject to applicable requirements and limitations prescribed for guaranteed loans).

In subsection (i), two changes have been made. First, the third sentence of the provision in the Senate-passed version has been dropped. This was deleted basically to ensure that consultation with the Secretary of HUD would not unreasonably delay implementation of the VA mobile home program. However, elimination of the specific provision in the Senate version is not intended to indicate in any way that the VA should not continue its practice of coordinating and consulting with the Secretary of HUD or state and local officials, nor that the scenic and environmental standards established by the Veterans' Administration pursuant to subsection (i) should not take into consideration particular conditions of various geographical areas. In this latter regard, the VA has indicated it would certainly retain flexibility in the standards it would prescribe and would take into account special local conditions affecting scenic and environmental considerations.

Second, the provision in the last sentence of the subsection as contained in the Senate version, regarding submission of questionnaires to veteran owners of mobile homes, has been deleted since it is thought preferable for such surveys to be conducted by the Congress, rather than Veterans' Administration, in the exercise of legislative oversight of the new program.

In subsection (m) of the new section 1819, the annual report is to be included in the Administrator of Veterans' Affairs' overall annual report on operations of the agency, presently required in section 214 of title 38, United States Code, and the specific mobile home program report requirements are expanded to include experience regarding mobile homes defaults and foreclosure under the new program.

* * * * *

In section 6 of the Act, a provision has been added which was contained in section 7 of the House-passed version of the bill. This provision is designed to remove an inequity inherent in section 802 of title 38, United States Code, covering computation of certain housing grants for severely disabled veterans. Within the $12,500 maximum for specially adapted housing grants under that section, four formulas are set forth governing computation of the grant to which an eligible veteran is entitled to carry out one of four plans: (1) to acquire land and construct thereon a housing unit; (2) to construct housing on land he owns; (3) to remodel his housing unit to render it suitable; (4) to finance or refinance an existing "suitable" housing unit. The formula prescribed for each of these plans seems premised on the theory that the amount of the grant should not exceed one-half of the total cost of the housing to the veteran.

Clause (3) of the present section applies this premise to grants for remodeling. In principle, this is not inequitable. In dollars and cents, however, it is inequitable in a significant percentage of the cases. Since the grant is limited to 50 percent of the full amount of the unpaid balance on the home (which will generally be less than the other permissible measure—the cost of the dwelling and land), the disabled veteran with a debt-free (or substantially debt-free) home can never qualify for a grant large enough to cover his remodeling costs. This is true despite the fact that a grant within the $12,500 maximum is usually sufficient to pay for the remodeling required to render the home suitable for the disabled veteran's occupancy. The new provision in section 6 of the Act will permit grants for 100 percent of remodeling costs and thus remove this practical inequity in the present law.

This specially adapted housing program has generally been considered to be under the jurisdiction of the Committee on Banking and Currency, and that Committee has advised that it has no objection to enactment of this small revision.

In section 7 of the Act, the table of sections amendment contained in section 5(b) of the Senate version is included.

I also wish to point out that section 8 of the Act contains the Senate version effective date provision of sixty days following enactment rather than the ninety-day provision in the House-passed version.

The House title amendment to the Senate amendment to the long title of the Act is accepted in order to delete the words "or persons" which are not necessary since widows under section 1801(a)(2) and servicemen under section 1818(a) (by cross reference to section 1552(a)) of title 38, United States Code, are covered in those definitions by the word "veteran" and hence by the words "eligible veterans" in the revised long title of the Act.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the Senate amendment.

The motion was agreed to.

DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 368.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives

to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, which were, on page 3, lines 20 and 21, strike out "September 7, 1965," and insert "April 4, 1962.". On page 4, line 1, strike out "September 7, 1965," and insert "April 4, 1962,". On page 4, lines 11 and 12, strike out "September 7, 1965," and insert "April 4, 1962,". On page 4, strike out lines 17 through 23, inclusive, and insert:

(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and

On page 5, after line 10, insert:

(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: Provided, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid.

On page 5, strike out lines 12 through 16, inclusive, and insert:

(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;

On page 13, line 1, after "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,".

On page 19, line 25, after "21." insert "(a)".

On page 20, line 7, strike out "area." and insert "area; and".

On page 20, after line 7, insert:

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that Senate action earlier today on agreeing to the House amendments on S. 368 be vacated.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

ESTABLISHMENT OF A NATIONAL MINING AND MINERALS POLICY

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 719.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 719) to establish a national mining and minerals policy, which were on page 1, line 4, strike out "1969"." and insert "1970".". On page 1, strike out all after line 4 over through and including "Act." in line 11, page 2, and insert:

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

For the purpose of this Act "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

Mr. BYRD of West Virginia. I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the Senate action earlier today concurring in the House amendment to S. 719 be rescinded.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

Mr. ALLOTT. I want to thank the Senator for that. We want to take this bill up later. I thank the Senator.

RELIEF OF DONAL N. O'CALLAGHAN

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2755.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2755) for the relief of Donal N. O'Callaghan which were on page 1, line 6, strike out "5724" and insert "5724a". On page 2, line 10, strike out "in excess of 20 per centum thereof".

Mr. BYRD of West Virginia. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

AUTHORITY FOR CERTAIN INDIANS TO CONDUCT POPULAR ELECTIONS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3116.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes, which were, on page 1, line 6, strike out "elected" and insert "selected".

On page 2, line 5, strike out "elected" and insert "selected".

And amend the title so as to read: "An Act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes."

Mr. BYRD of West Virginia. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SENATE RESOLUTION 463—NATIONAL POLICY TO ALLEVIATE PROBLEMS RESULTING FROM OVERCONCENTRATION OF INDUSTRY AND POPULATION IN METROPOLITAN AREAS

Mr. McCLELLAN. Mr. President, on September 16, 1970, I introduced Senate Resolution 463 expressing the sense of the Senate with respect to the inauguration of a national policy designed to alleviate many of the problems resulting from the overconcentration of industry and population in metropolitan areas.

The passage of this resolution, I believe, would be a major step in insuring greater economic opportunities and a better living environment for millions of Americans. The President, with the cooperation of Congress, should establish and carry out this national policy to encourage the distribution of future industrial growth and its attendant expansion more evenly throughout the United States by giving preference, to the maximum extent practicable in awarding Government contracts, locating new Government facilities and industrial plants, to implementing and administering of new and existing Government programs.

Mr. President, our large metropolitan areas are bursting at the seams from congestion. They are facing critical housing, health, welfare, transportation, and crime problems. Additionally, the cities are today's prime sources and repositories of pollution.

We need to adopt and implement a national program to alleviate these con-

ditions, to reverse the crushing tide of people migrating into the over crowded cities and to develop our rural areas by taking the jobs to the people in the countryside.

Let me emphasize that it is not the purpose of this resolution to uproot or relocate existing industries. Rather, it is designed to encourage, to the maximum extent feasible, new and expanding industries to locate in the sparsely settled sections of our country, thus easing our urban and environmental blight, and enhancing and enriching the lives of all Americans.

Copies of my resolution, along with the introductory remarks, were made available to the White House and to various officials within the administration.

I am encouraged by the response received to date and ask unanimous consent to have some of them inserted in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. McCLELLAN. Likewise, Mr. President, I am pleased that a number of my colleagues in the Senate have asked to cosponsor this resolution. I welcome their support of this proposal to promote a more orderly and balanced economic and population growth in America. Mr. President, I ask unanimous consent that the following names be added as cosponsors of Senate Resolution 463 at its next printing.

Senator Bennett of Utah.
Senator Burdick of North Dakota.
Senator Byrd of Virginia.
Senator Cannon of Nevada.
Senator Curtis of Nebraska.
Senator Dole of Kansas.
Senator Eastland of Mississippi.
Senator Fulbright of Arkansas.
Senator Hansen of Wyoming.
Senator Hruska of Nebraska.
Senator Miller of Iowa.
Senator McGovern of South Dakota.
Senator Ribicoff of Connecticut.
Senator Stevens of Alaska.
Senator Talmadge of Georgia.
Senator Thurmond of South Carolina.
Senator Yarborough of Texas.
Senator Young of North Dakota.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXHIBIT 1

THE WHITE HOUSE,
Washington, September 30, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: Thank you for sending a copy of your letter to the President. In the absence of John Ehrlichman, I want to reassure you that your statement is correct in noting that the national growth policy is "receiving present attention and earnest consideration within the Administration."

It is not alone a matter of new legislation, as you observe, but also a matter of a priority running through the many hundreds of grant-in-aid programs, as well as government contracting.

We are currently looking at many of the steps which you outline, and while we may not ultimately embrace them in all particulars, we have the same goals in mind as you, and feel that the ultimate impact on urban problems from more balanced growth will be very positive.

Thank you for your strong interest and we hope we will continue to have your support in this important effort.

Sincerely,

JOHN C. WHITAKER,
Deputy Assistant to the President.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 5, 1970.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 16 concerning adoption and implementation of a national policy to encourage a better balanced distribution of our industrial and population growth.

As we pointed out to your committee on September 15, 1969, in testimony regarding S. 2701 which, as Public Law 91-213, established a Commission on population growth and the American future, the Department of the Interior has a number of fundamental interests which relate directly to population and industrial growth of the United States. These interests cover virtually the entire spectrum of land use and the environment.

We agree with the principle outlined in the resolution and your introductory remarks. In many respects this Department is already taking direct actions which may help to effect a more balanced distribution of population and industrial growth.

As an example of such action, the Department is presently carrying on an inventory of the public land and the resources thereon. Under the authority granted the Department by the Classification and Multiple Use Act of 1964 (P.L. 86-607), which authority is due to expire on December 31, 1970, we have proceeded to inventory the public land and determine which land should be disposed of and which land should be retained in Federal ownership and managed for multiple use. Under this program we have to date classified approximately 147 million of the more than 550 million onshore acres under the administration and management of this Department. Of the area classified, approximately 144.5 million acres have been classified for retention and multiple-use management by the Federal Government while the balance, some 2.5 milion acres, has been classified for disposal.

The continued survey program of the Bureau of Land Management, the mapping and mineral surveying functions of the Geological Survey, the evaluation of potential national park and recreation sites by the National Park Service and the recreation plans and surveys prepared by the Bureau of Outdoor Recreation are only a few of the practices and programs of the Bureaus of this Department which bear forceably on population and industrial distribution.

Through our work in the above-mentioned areas we have found that the public is interested in the public lands and their resources and that local governmental officials have welcomed the opportunity for close cooperation on matters affecting their communities' population and industrial growth.

From this experience it is our opinion that there is a real need for a nationwide land use and development program, backed by a suitable national policy which would encompass and transcend the scope of your resolution, as introduced. This opinion is reinforced by the position adopted by the National Governors' Conference on August 9-12 at Lake of the Ozarks, Missouri, regarding the ". . . need for a more efficient and comprehensive system of national and statewide land use planning and decision-making".

We recognize that any solution to the broad problem areas of land use, population growth and distribution, industrial development and associated areas of social, economic and environmental impact will require maximum cooperation and most careful consideration. We look forward to contributing in any way possible to the ultimate solution of these problems.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., October 6, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: I thank you for sending me a copy of your letter addressed to the President urging a national policy of balanced geographic distribution of our industrial and population growth.

We agree on the value of orderly growth in our country. A decent and healthful living environment should be available to all persons in the United States wherever they reside.

Problems of population distribution pose fundamental questions of policy. The massive rural-urban migration of the past several years has created a number of problems in both rural and urban areas. To a large extent, our population problems are local problems related to the distribution of jobs, housing, transportation, and public facilities.

Statistical information on migration trends is available in great detail. A thorough analysis of these data, however, is needed to find out why people move and what happens to them when they do. Policies of Government should be based on better knowledge. In the past there has been confusion regarding the role of the Federal Government in attempting to solve the problems of the migrant and his sending and receiving communities.

Your interest and actions in this area are timely. They support the President's interest in population growth and distribution, and its impact on the environment. As you know, the President has taken several steps that should lead to a comprehensive policy.

On July 18, 1969, the President sent to the Congress his historic Message on Population Growth and the American Future, in which he stated his concerns about the chaotic history of urban growth in this country and its implications for the future. He proposed the creation by Congress of a Commission to recommend ways of alleviating the problems related to disproportionate population distribution. On March 16, 1970, S. 2701, which you cosponsored, became public law and established the Commission on Population Growth and the American Future.

In August 1970, the first annual report on the state of the Nation's environment was sent to the Congress. In his message accompanying this report, the President has stated:

It is essential that we also make rural life itself more attractive, thus encouraging orderly growth in rural areas. . . . Throughout the nation there is a critical need for more effective land use planning, and for better controls over use of the land and the living systems that depend on it."

"I believe that the problems of urbanization . . . of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns."

As you know, on September 29, 1969, the President established a Task Force on Rural Development to review the effectiveness of present rural assistance programs, and make recommendations to the Rural Affairs Council as to what might be done in the private and public sectors to stimulate rural development.

As you have pointed out, the new Domestic Council now provides an appropriate vehicle through which such domestic policy could be formulated and coordinated. Rural development has been given the highest priority

in the Domestic Affairs Council. The resolution you have introduced in the Senate will surely stimulate increased interest in this serious problem, and I am sure that the Domestic Council will take it into consideration and discuss its provisions with appropriate agencies.

If we can be of further assistance to you, please let us know.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., October 1, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for your letter of September 16 reflecting your interest in the acceptance and implementation of a national police to encourage more balanced distribution of our industrial and population growth.

As you may be aware, the President's Domestic Council has initiated a series of analyses to explore how such an objective might best be carried out.

The possible role of both the private sector and state and local governments, as well as the Federal Government, in furthering this objective is being carefully studied.

I share your—and the Administration's—strong belief that such a policy is important and timely. I intend to lend my personal weight, and the resources of this Department, to help insure the adoption of a sound and effective national growth program.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for 30 minutes.

SENATE RESOLUTION 479—SUBMISSION OF A RESOLUTION IN FAVOR OF CONSULTATIONS ON THE ROLE OF NATO IN THE 1970'S

Mr. MATHIAS. Mr. President, in April 1949, almost a generation ago, the North Atlantic Treaty Organization was founded. It was established amid fears that Europe, and possibly the world, might again be engulfed in a new holocaust. Its purpose was to protect Western Europe from the possibility of military threat and organized insurgency aimed at placing Communist governments, with greater or lesser allegiance to Moscow, into all of the major countries of Europe. And, except for NATO, this possibility might have materialized into a dangerous reality. Together with the Marshall plan, NATO has helped Europe rise from the depths of military prostration, economic destitution, and moral despair to its present measure of strength and stability. Equally important, NATO has forged across the Atlantic an enduring bridge, no longer confined to military objectives, but encompassing the broadest possible range of activities affecting the common Atlantic interest.

But time marches on and the Atlantic community, like all living things, must adapt to new circumstances. The peace and prosperity, which NATO brought to the Atlantic community, has also hastened the inexorable process of change. New national priorities have arisen and cracks in the alliance have emerged. And so we find ourselves entering a new era, debating how best to reconstitute the Atlantic Alliance, which served us so well in the past, to meet the needs of the future. In this country we are approaching an unhappy crossroad, where disparate views and divergent objectives threaten to bring the issue to a premature showdown.

Some maintain that the need for significant American forces in Europe has passed; that the danger of armed aggression has abated; that we must reduce our commitment, not only in order to free resources for more compelling needs at home, but to avoid altogether the danger of confrontation arising from the presence of our forces in Europe. Others assert, with equal vigor, that we dare not reduce our forces, lest this step invite increased pressure from the East and leave Europe little alternative but to appease such pressure.

Between these competing views lies a third which holds that, while we must maintain troop strength in Europe for our common security, it is time for Europe, which has gained the ability not only to subsist, but produce a surplus, to assume a much greater share of the cost. This approach has defined our alliance posture for more than 5 years, and I have supported it for the short term. But, as a long-range solution, it, too, has flaws, for it would cast us in the role of mercenaries and sow the seeds of resentment in the alliance—a resentment which might ultimately drive us apart.

I should like at this point to say a word about the role that the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), has played in this whole matter, because it is one in which he has a deep sense of personal conviction. But he has shown extraordinary restraint and patience. He has introduced a resolution on the subject and recruited a total of 52 cosponsors; but he has not pressed that resolution in this session of Congress, in order to give all who are interested an opportunity to exercise their judgment and to acquire the knowledge and the facts that are necessary to an intelligent decision. I think he has been exemplary in the manner in which he has conducted this part of a great national debate.

But this morning, Mr. President, I regret that I have no new alternate course to propose. I have raised this issue because I believe the time has come to frankly examine and discuss the problems with our allies and other European nations with common objectives. And I believe the time has come for the Senate to put itself on record in favor of such discussions. In suggesting talks, I am fully aware that the process of consultations has been going on—and very extensively—both within and outside of NATO. Two weeks ago, the European Defense Ministers met to seek solutions to the problem. For many months, NATO has been preparing a report on alliance problems for the seventies, which should be completed in time for the NATO ministerial meeting in December. The President, the Department of State, and the Department of Defense are all intensively engaged in consultation with our allies in NATO.

But now the Senate must be heard. It is for this reason that I introduce a resolution expressing the sense of the Senate in favor of early consultation with our European allies regarding the total compass of our relationship.

I am confident that this resolution will produce the following specific benefits:

First. It should demonstrate to our European allies a unity of purpose and direction on this side of the Atlantic.

Second. It will put to rest the fear that the United States may undertake precipitate, unilateral action.

Third. While appropriately supporting the President on this issue, the Senate will also be exercising its responsibility for approval and advice on the future of this alliance.

Fourth. It will emphasize the conviction of the Senate that discussions must not be focused narrowly on questions of troop levels and burden sharing, but must encompass the total field of our relationship with Europe in this alliance.

Fifth. It will indicate the Senate's awareness that the military threat to Western Europe, though it may appear to have abated, is not extinguished.

Finally, it will make dramatically clear to our European partners that we invite, welcome, and expect an equally clear and united initiative from Europe.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 479), which reads as follows, was referred to the Committee on Foreign Relations:

Whereas the presence of substantial armed forces of the United States of America in Western Europe since the establishment of the North Atlantic Treaty Organization has contributed significantly to the security and stability of both the United States and Europe; and

Whereas the people of the United States and the people of the nations of Western Europe have a mutual and related interest in the continuing development of the economic relations of the entire Atlantic Community, in the preservation of the cultural ties between Western Europe and America, and in the exploration of opportunities for the improvement of political relations, but recognizing that all such considerations are dependent on the maintenance of a climate of security and stability; and

Whereas consultations among North Atlantic Treaty Organization allies have been a cornerstone of their firm and closely knit political relationship; and

Whereas the United States will soon enter a period of decision concerning the power, disposition and number of its forces in Europe; and

Whereas any significant change in the security structure which has operated successfully over the past two decades should be the result of extensive, detailed, realistic, and candid discussions between the government of the United States and the governments of the nations of Western Europe, comprehending the whole spectrum of the relationship as well as the nature and source of threats to mutual security; the magnitude of such threats; the capability necessary for an adequate deterrent and an effective defense; and an equitable and attainable sharing of the responsibility for providing such capability; and

Whereas the President of the United States has visited Europe twice during the past two years and has discussed these questions with heads of government, and discussions on a

ministerial level have been carried forward on a continuing basis; Now, therefore, be it:

Resolved, that it is the sense of the Senate that in the continuing review of the purposes and strength of the NATO alliance it would be of great value and assistance to the Congress and the people of the United States to have the opinions and conclusions of those nations of Europe who are allied with the United States, or who have common interests with the United States; and that the Senate would benefit by the views of the President and the results of ministerial discussions; and that the Senate affirms its support of the declared intentions of the President to continue to seek on a regular basis the views of America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that determinations affecting the level of United States forces in NATO should not be made without full consultations with the NATO allies and the Congress.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I appreciate very much the opportunity to join as a cosponsor of the resolution which the junior Senator from Maryland (Mr. MATHIAS) has introduced concerning the relationship of the United States to the North Atlantic Treaty Organization.

The distinguished Senator from Maryland, Senator MATHIAS, although serving his first term as a Member of this body, has made many important contributions to the Senate in the field of law as a member of the Committee on Judiciary, human and civil rights, and foreign policy. One of his initiatives was his resolution of which the majority leader was a cosponsor, to repeal several security treaties which no longer have application to our day—such as the Mideast treaty and the Tonkin Gulf resolution—the latter which the Senate has voted to repeal. The resolution which he offers today is of great importance. It offers the opportunity for the Senate to review the relationship of the United States to NATO, its European members and Great Britain and Canada in terms of military strength, and economic and cultural ties.

President Nixon has emphasized in many ways that it is his policy to maintain a close and effective relationship between the United States and our allies who are members of NATO. His recent trip expresses his concern about the maintenance of the United States and NATO strength in the Mediterranean as a deterrent against war.

A strong position has been asserted by many Members of the Congress, that our NATO allies should do more to share the burdens of NATO, both in terms of forces and money. Proposals for withdrawal of at least a part of U.S. forces from NATO, particularly the resolution of the majority leader, Senator MANSFIELD, have attracted wide support.

Our allies should increase, or at least upgrade their forces in training and equipment, and assume a larger share of the money cost which falls heavily upon the United States. Two years ago, in November 1968, I reported to the North Atlantic Assembly that the annual cost to the United States of its commitment to NATO was between $12 and $15 billion.

During the past years I have supported in various ways the principle that the commitment of U.S. forces to other countries should not be made without the consent of Congress. I believe this is a correct principle both constitutionally and practically and that such commitments should not be made unless they are of importance to the security of the United States.

The defense of the NATO area is important to the security of the United States. For this reason, I do not believe that U.S. forces should be withdrawn from NATO at this time. On one hand, there are favorable developments to which the strength of NATO has contributed, among them the SALT talks, the proposed agreements between Western Germany and the Soviet Union and the possibility of talks between NATO and the Warsaw Pact countries upon a mutual reduction of forces. In the latter case, it is not likely that force reductions by the Soviet Union and Warsaw Pact countries, will be realized if U.S. forces should be withdrawn.

On the other hand, there are troubling problems in Europe and contiguous areas. The Mideast, the buildup of Soviet naval forces in the Mediterranean, new difficulties over Berlin, are ominous. We should not weaken our forces and the first line of U.S. security.

In 1967, 1968, and 1969, I served as reporter to the Military Committee of the North Atlantic Assembly. The reports were made in November of 1967, 1968, and 1969. As the Senate knows, the Assembly is composed of Members of our Congress and the parliaments of other NATO countries. In the process of preparing my reports, I had many meetings with members of the Defense Department, the State Department, and our intelligence groups. Before submitting my report to the Military Committee of the Assembly, I asked the various departments of our Government if the report represented factually the strength of NATO forces in comparison to Warsaw Pact forces at that time, and I in each instance was assured that it was correct. The conclusions which appear in the reports are mine. In each year, I made the judgment that the military strength of NATO was perilously thin, and I submitted the facts that supported my judgment. I ask unanimous consent that the three reports I made in November of 1967, 1968, and 1969 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, I will not be the reporter to the Military Committee for the November meeting this year, but I have been asked to prepare a statement for submission to the Military Committee bringing up to date the comparison of NATO and Warsaw Pact forces.

From my study in the preparation of these reports over a period of 3 years, I came to the conclusion which I have expressed in the summary of each of the reports that, while some improvements have been made, it would be unwise to further reduce U.S. forces at this time. The United States must continue to insist, as President Nixon is doing, that our allies assume a larger part of the burden. But, as it is also a matter of the security of the United States, I do not believe that we can afford to weaken the position of the United States and of NATO in Europe at this time.

The proposal in the resolution of the Senator from Maryland involves larger concepts than the question of military strength, but military strength and security are still basic. Again, I congratulate Senator MATHIAS, and I will be glad to assist in every way to bring about the full discussion in the Senate and in the country that this resolution proposes.

EXHIBIT 1

REPORT OF THE MILITARY COMMITTEE

(Rapporteur: Senator JOHN SHERMAN COOPER (United States))

MEMORANDUM

To: The Members of the Military Committee of the North Atlantic Assembly.

From: Senator John Sherman Cooper, rapporteur.

On June 8, as rapporteur, I submitted a preliminary report to the Military Committee of the North Atlantic Assembly. In reviewing events that have taken place since that time, I have found it necessary to revise the report to take account of new developments, such as the Mideast crisis, and the U.S. decision to deploy a limited ABM system. I believe the June 8 report is still essentially correct in its statement of the purposes of NATO and its assessment of adjustments made necessary by the withdrawal of French military forces and territory from NATO. I have kept those portions that are still relevant. Statistical data and tables have been updated.

REPORT TO THE NORTH ATLANTIC ASSEMBLY MILITARY COMMITTEE BY SENATOR JOHN SHERMAN COOPER, NOVEMBER 20, 1967

During the year that has passed since the last annual meeting of the North Atlantic Assembly, the Military Committee continued to be concerned with the serious problems caused by the withdrawal of France from NATO military commands. In addition, the question of NATO force levels posed difficulties for the Alliance; political developments in the southern flank must be considered in relation to the military posture of NATO. The Mideast crisis raised new strategic questions that require NATO attention. Further, new developments in the nuclear field, such as the U.S.S.R.'s deployment of an antiballistic missile system and the U.S. decision to go ahead with a limited ABM system, as well as problems caused by the pending Nuclear Proliferation Treaty, are matters of great importance to the alliance.

In the face of these complex problems, we can still consider our basic objectives as follows:

First, to maintain forces sufficient for a credible deterrent against any potential military threat from the Soviet Union and the Warsaw Pact nations;

Second, to have forces ready to defend the territory of NATO member nations should an attack occur;

Third, NATO aims to provide the security necessary to achieve better East-West relations and the eventual settlement of issues still outstanding related to Germany and the aftermath of World War II.

The possibility that France might withhold its forces and territory from NATO in a crisis poses the threat of a gaping breach in the defense of Western Europe and the Atlantic nations. There is no question that France's withdrawal from the integrated military command is a blow to the military strength and political solidarity of the alliance. Serious problems relating to the actual operation of NATO military forces, in

the absence of full French cooperation, remain to be solved, but in the nearly 2 years that have passed since President de Gaulle's decision, significant progress has been made to minimize its effects.

It was necessary to carry out an immediate and costly repositioning of installations and redeployment of forces. This task has been accomplished. Great credit is due to the Governments of Belgium, the Netherlands, the United Kingdom and Italy, and all members for their generous response in such a crucial time.

First and foremost, the credibility of the NATO deterrent has been maintained. Forces formerly stationed in France have been redeployed. SHAPE is now operational at Casteau, Belgium; the headquarters of Allied Forces, Central Europe (AFCENT) has moved to the Netherlands; the NATO Defense College has moved to Rome; the North Atlantic Council and the Military Committee have moved into a new headquarters in Brussels; (see appendix I) necessary stockpiling, logistics, and communications changes have been made; the NATO air defense system has continued to function fully. While France remains a participant in the NATO Air Defense Ground Environment System (NADGE), new independent systems linking both military and political leaderships, in the NATO countries are being established. The alliance is already testing an experimental satellite communications system. The planned NATO satellite system, when operational in 1969, will provide additional communications capabilities.

France is again permitting the use of its air space for NATO overflights on an annual, rather than on a month-to-month basis as was the case for most of 1966 and 1967. NATO still has the use of its pipelines which run through France. Obviously, the question of the use of French air space and facilities in time of crisis or hostilities remains unanswered. Stockpiles of POL outside France are sufficient to meet all expected contingencies, and the use of other military and commercial pipelines are workable alternatives to former NATO POL supply patterns.

It would be misleading to say that NATO is as strong as it was before the French actions; however, we can note positive improvements during the past year. A number of new initiatives were undertaken at the May 9 meeting of Defense Ministers to improve NATO's defense structure. The 14 allies have come to decisions resolving some long-standing problems. They include new force planning procedures, new political guidance for military authorities, and new permanent machinery for nuclear consultation.

In analyzing and discussing these decisions, we can assume that they are based upon an agreed understanding of the capabilities and intentions of the U.S.S.R. and Warsaw Pact countries.

As my colleague Senator Henry Jackson suggested earlier this year, there is a lively belief in some quarters that the problem of relations with the Soviet Union has taken a radical and reassuring turn. It is contended that there is little danger of future Soviet aggression because of political and economic changes within the Soviet Union and the Soviet bloc.

It would, of course, be extremely foolish to assert that the Soviet Union of 1967 is the Soviet Union of 1949. There have been important changes. Perhaps internal political and economic developments have made the Soviets more conservative, in the sense that they may be less inclined to run large risks. Kosygin and Brezhnev are not Khrushchev, and Khrushchev was not Stalin.

But along with these changes, there have been others. The Soviet Union has made giant strides in applying its rapidly advancing technology to military and nonmilitary purposes. It has the world's largest submarine fleet, and in a few years, it will have the largest and most modern merchant fleet on the seven seas. Its rate of economic growth is impressive. It continues to allocate enormous resources to its military establishment and has announced a sharp increase of 15 percent in its next military budget, spending an estimated $60 to $70 billion dollars. It has increased substantially its strategic offensive and tactical nuclear weapons systems, both quantitatively and qualitatively, in the last 2 years. Most recently, it has developed a fractional orbital bombardment system (FOBS). It claims to have developed an effective ABM system and it has begun to deploy it. It has the largest and best equipped conventional force under a single national command in central Europe (26 divisions and over 1,000 aircraft) with well-trained reserves. It has helped to provide the other Warsaw Pact forces with modern equipment. At least 49 divisions of the Warsaw Pact forces and over 3,000 aircraft are poised against the frontiers of Western Europe. (See appendix II, an important article by Hanson W. Baldwin, New York Times, October 30, 1967, which assesses Soviet military strength.)[1]

What is the net implication of these changes? I would not wish to make any categorical assertion about Soviet policy when so many powerful forces are in motion everywhere, but the capabilities of the Soviet Union do not give ground for complacency.

Soviet attitudes toward NATO were reaffirmed to the world by Soviet leader Brezhnev on April 24, 1967, at the European Communist meeting at Karlovy Vary, Czechoslovakia. In his first major foreign policy speech since he took over the Soviet leadership, he announced a campaign against NATO focused on the 1969 date when the treaty permits a member nation to withdraw upon 1 year's notice. Brezhnev called for concerted action with non-Communists and rejected any idea that NATO might serve as a means to improve East-West relations. He urged that a systematic struggle be initiated to remove the American presence from Europe. We have learned over the years since World War II to take such pronouncements seriously.

The Middle East crisis, which began in May and continues, is of concern to the alliance. The Soviet involvement in the events leading to and following the Arab-Israeli war provided an opportunity to the U.S.S.R. to enlarge its strength and influence in the Mediterranean. The U.S.S.R. appear to have exercised caution to avoid becoming involved in a confrontation with the NATO countries during the crisis, and they are faced with the same formidable difficulties inherent to the area that NATO members have encountered. Yet the Soviets have taken advantage of the Mideast situation to challenge and if possible to supplant Western influence in the area and particularly in the Arab world. The war pointed up again the possible loss of Mideast oil and the vital communication route of the Suez Canal to NATO in time of crisis. The buildup of Soviet naval forces in the Mediterranean, forces that have access to naval bases in friendly Arab countries,[2] the Soviet replenishment of arms to Arab countries, and its growing military presence and influence in the area require an examination of their military and political significance, not only as it affects the southern flank, but the NATO area as a whole. It is important to relate NATO strategy to these events.

It is difficult for any except those who participate directly and continuously in the analysis of capabilities and intentions to state with authority the assumptions upon which NATO strategy is based. But upon reviewing the decisions that have been made by the Defense Ministers, and guidance to military commanders, it seems reasonable to say that it is the view of the Ministers that the Soviets are not likely to start deliberately a general or a limited war in Europe. The Soviet leadership knows that either kind of war could escalate to a nuclear holocaust with fatal damage to the Soviet Union. They are aware of the strategic nuclear capabilities of the United States, and that over 7,000 tactical nuclear weapons are deployed in Western Europe.

Mr. McNamara, Secretary of Defense of the United States, testified before the Congress on June 21, 1966, expressing the American view of NATO strategy, which I assume is the view of the Defense Ministers.

Our military strategy is and remains the forward defense of Western Europe, which means, in central Europe, a defense at the frontier of Western Germany. Our commitments, our deployments, our strategy and our forces are oriented as far as possible to that forward strategy, and to the use of whatever force and weapons may be necessary to achieve this forward defense.

Secretary McNamara's speech is a declaration that the NATO forward defense strategy is linked not only to military considerations of force posture and deterrent capability, the strategy is designed also to take into account the settlement of World War II issues, and the continued freedom of Berlin.

The strategy of forward defense and flexible response requires a full spectrum of military capabilities ranging from conventional forces through tactical nuclear weapons to strategic nuclear forces.

Obviously, decisions affecting the nuclear military policies of the U.S.S.R. or the United States are of the greatest concern to NATO. The Nuclear Planning Group (NPG) which is subordinate to the Nuclear Defense Affairs Committee (NDAC) promises to provide for all NATO members a more comprehensive understanding of the political and military issues, development, and control of nuclear weapons system and source materials; and it should give non-nuclear powers a greater voice in determining the nuclear policy of the alliance. At the Ankara meeting of the NPG in September, the possible use of atomic demolition munitions (ADM's), the tactical use of nuclear weapons, the deployment of an antiballistic missile system in NATO Europe in the defense of the area, were among the subjects discussed.

Mr. McNamara, Secretary of Defense, also informed the group of the U.S. efforts to discuss with the U.S.S.R. possible limitations on offensive and defensive strategic weapons and explained the rationale for the deployment in the United States of a limited antiballistic missile system. On the admittedly marginal ground that strategic planning must take into consideration the possible irrational behavior of a potential adversary, he said that the United States had decided to proceed with a "thin" ABM defense against Communist China. Stating that a "thin" ABM system would improve the credibility of the Western nuclear deterrent, he nevertheless made the following statement:

The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

We must resist that temptation firmly—not because we can for a moment afford to

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[1] For relative strength of NATO and Warsaw Pact forces and defense budgets, please refer to "The Military Balance of 1967–68," source: Institute for Strategic Studies, a few copies of which are in the hands of the committee secretary, Mr. Koops.

[2] The Soviets reportedly now have a fleet of some 46 ships in the Mediterranean, including missile-launching cruisers and 10 submarines. The U.S. 6th Fleet consists of approximately 50 ships, including two attack carriers. Italy has a fleet of approximately three cruisers, 20 destroyers, seven submarines and 100 smaller craft. Greece has approximately 12 destroyers, 10 submarines, and 25 smaller craft. Turkey has eight destroyers, 10 submarines, and about 25 smaller craft. These navies would constitute the NATO Mediterranean force in event of crisis.

relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.

It is the position of the United States that the limited ABM system it will install will strengthen the nuclear deterrent against an attack upon the NATO area. The Committee may wish to provide its views regarding the effect of the limited ABM system, or any larger system, upon the defense of NATO.

Nuclear developments such as an ABM system are of great concern to NATO. But we must keep in mind that the primary purpose of the strategy of forward defense and flexible response, and the provision of adequate conventional forces is to deter any purposeful action or probing or miscalculation that could lead to war. The strategy is designed to prevent a progression of conflict that could lead to war. The strategy is to deter war.

The alliance needs sufficient conventional NATO forces to implement its strategy. The U.S. forces in Europe form the strongest element in forces, equipment and firepower, around which is now built this military capability. But adequate allied forces must be joined and welded in partnership with U.S. strength if the strategy, the deterrent and the defense are to be truly effective.

The Defense Ministers at their May 9 meeting approved a new policy guiding NATO military commanders in force planning to support strategy. The NATO force plan for the years 1969–72 has developed from procedures agreed upon at the December 1966 Ministers meeting. The procedure calls for the acceptance of force goals for 1968—generally at present levels. A continuing planning process of forces and resources for the 5-year period will be reviewed annually. By the formal adoption of the annual revisions, each member country will agree to commit specified forces to NATO for the following year. Thus, at the December 1967 Ministerial meeting, the member countries contributing forces to NATO will be called upon to approve a force plan for 1968–72. This will involve a firm commitment of forces for 1968 and a realistic understanding of what member governments should plan to budget in years ahead.

In contrast to the earlier method of projecting forces believed necessary to provide an adequate defense, the new force procedure is designed to base force requirements upon strategy and resources and the capability of members to provide and sustain the forces which they commit to NATO.

While the new concept is more realistic than the old, the Committee could well direct questions to determining whether it will in fact supply defense forces.

In connection with the new policy of force planning, the Committee will want to consider the proposals of the United States and the United Kingdom for a limited redeployment of their forces in Germany.

From October 1966, through April 1967, the United States, the United Kingdom and the Federal Republic of Germany held a series of discussions on stationing of forces in Germany. These discussions (which dealt only with the NATO central region) were made necessary by urgent financial questions—the foreign exchange drain facing the United Kingdom and the United States, occasioned in part by their substantial forces in Germany. The trilateral talks permitted each of the three countries to study their particular and their common problems intensively.

The results of the talks were reported in NATO in May. They involved, among other things, British and American proposals for limited redeployment of forces from Germany. These proposals, which would not be implemented prior to January 1968, at the earliest, are being taken into consideration in the course of the normal NATO force planning activities. Thus, they were introduced with a view to the adoption by Ministers in December 1967, of a new NATO force plan for the period 1968–1972.

The U.S. redeployment plan envisages the return from Europe of approximately 35,000 military personnel and some aircraft. All of the forces returned to the United States will remain committed to NATO. Supported by new airlift capacity, which will be operational in 1969 or 1970, they will be maintained at a high state of readiness for return to Europe on short notice in case of need. The U.S. division and air squadrons redeployed will return to Europe once a year for maneuvers. The United Kingdom will redeploy 5,000 men from the army of the Rhine to England, also committed to NATO.

The trilateral discussions met with some expressions of concern and criticism from other allied countries. At the same time, it has been generally recognized that failure of the talks could have precipitated a very grave situation for the Alliance. There would have been a risk of substantial unravelling of NATO forces on the central front.

While the successful resolution of the trilateral talks last spring averted the possibility of significant redeployment of United States and British forces from the continent, the force posture of the Alliance continues to be a problem. The proposals for limited redeployment of American and British forces, which are now before the Defense Planning Council, do not appear to affect significantly the strength of conventional forces on the central front. The possibility of resultant cuts in the forces of other allied countries, however, remains a danger. Budgetary difficulties forced the Federal Republic of Germany to reduce projected increases in defense outlays for the next 5 years. How these cuts will affect the level of German forces is still not clear.

The important thing now is to make the new Alliance force planning system work effectively so there will be clear and firm multilateral commitments of forces to NATO each year.

At their May 9 meeting, the Defense Ministers gave attention to the difficulty and continuing problem of the defense of NATO flanks and called for the early completion of the current study of reinforcements for the flanks. Since this study of the flanks is not yet complete, this report is unable to provide information about actual progress in this area. But in view of the implications of the Mideast crisis and other political developments upon the security of the southern flank, it is a subject the members will want to explore at greater length.

Looking to the future work of the committee, I believe it is necessary for the members to consider

(1) To what extent the adjustments thus far made have satisfactorily repaired the damage which has resulted from the withdrawal of France from the NATO Military Command. If France should withdraw from all connection with NATO, what further military adjustments will have to be made?

(2) In a broader context, it would be helpful to consider whether the strategy of forward defense and flexible response is an adequate deterrent to hostilities and, in the case of limited hostilities, to escalation which could lead progressively toward the use of nuclear weapons.

(3) Further, do the members consider that the new force levels policy—reducing the projected size of national forces formerly stated as necessary—now relating force goals to the capability of sustained financing by members, is adequate to support the strategy of deterrence and flexible response?

(4) Do the members believe that their countries will be able to meet revised force goals, and sustain them by adequate financing?

(5) Will the agreed redeployment of the forces of the United States and the United Kingdom in itself affect adversely NATO defense? Will it lead to pressure for reduction of the forces of other members? With respect to the plan of the United States, will it be feasible in terms of air and sea lift to return deployed forces from the United States to Europe in the event of their need, and in terms of the political aspects of such a decision?

(6) The Committee will, I believe, want to consider the effect of the Arab-Israeli war and the larger involvement of the U.S.S.R. in the area upon NATO military interests.

(a) Their relationship to the strategy and defense of NATO as a whole.

(b) Their relationship to communication routes and oil supply.

(c) Their relationship to the defense of the southern flank.

(d) With respect to the above questions, what can NATO do to meet the growing pressure and influence of the U.S.S.R. in the area, and to protect its interests?

(7) What are the future implications for NATO of the deployment by the Soviet Union of an antiballistic missile system and the probable deployment of a fractional orbit bombardment system, and by the United States of a limited or "thin" antiballistic missile system?

There are also other issues, although not immediately within the competence of this Committee, which cause concern; among them, the effects of the war in Vietnam upon NATO, and the nonproliferation treaty now being considered at Geneva.

With respect to the nonproliferation treaty, article 3 concerning safeguards is the subject of continuing negotiations by the United States and the U.S.S.R. Questions have been raised by other members of NATO concerning article 3 and other provisions of the treaty. Among the questions raised are whether an antiballistic missile system is a defensive rather than a offensive weapon and thus should be permissible; the importance of scientific advance and technology acquired in the development of nuclear weapons; the duration of the treaty, and the advisability of committing the future in a time of radical scientific and technological change; the issue of inspection, and possible impingement upon the inspection procedures of the EURATOM countries.

Overriding all, is the continuing decision that must be made concerning the need for and the effectiveness of NATO itself.

Our aim is to provide defense posture adequate to deter war and to meet it if it comes. A second is to seek better East-West relations and eventually to reach stable and equitable solutions of the German issue and others left by World War II.

NATO began as a military alliance. It is still primarily a military framework, but it has proven to be a flexible structure able to make realistic and effective adjustments to change, political and military. Since NATO was established in 1949, and largely because of the security it has provided, the member nations have developed economic and political relationships that have tended to both strengthen and modify purely military considerations.

The success of the NATO alliance has produced a paradox that must be watched carefully. The apparent easing of tensions between East and West has been brought about in great part by the military solidarity of NATO. This solidarity has enabled our members to turn their energies to economic and social development. It may be that a psychological attitude toward security has been developing that in some respects undermines the continuing necessity of the military alliance itself. A continuing awareness of the necessity to preserve and strengthen the basic military alliance is crucial to a meaningful detente. We should celebrate the progress toward security and peace that has been made possible by the NATO shield; but we

should be vigilant that the benefits gained thus far should not lull us into a false sense of securtiy, which could threaten their attainment.

The credible deterrent of NATO still provides the best possible security to its members. And it has provided and should continue to provide a cohesion and means of policy coordination among members, which are essential to a common effort to reach better East-West relations, and a stable settlement of the issues that divide the two systems. The ultimate purpose of NATO is to secure peace.

APPENDIX I

NATO INSTALLATIONS—RELOCATION FROM FRANCE

1. HEADQUARTERS RELOCATION

Agency	Location, Mar. 31, 1966	Location, Mar. 31, 1967	Remarks
a. Headquarters USEUCOM.	Camp des Loges, France	Stuttgart, Federal Republic of Germany.	Operational Mar. 15, 1967. Occupied facilities used by 7th Army as a result of merger of USAREUR/7th Army.
b. Headquarters USAREUR.	Heidelberg, Federal Republic of Germany.	Heidelberg	
c. Headquarters 7th Army	Stuttgart, Federal Republic of Germany.	Heidelberg, Federal Republic of Germany.	Merged with Headquarters USAREUR. Operational Dec. 1, 1966.
d. Headquarters USACOMZEUR.	Orleans, France	Worms, Federal Republic of Germany.	Operational February 1967.
e. U.S. Army Supply and Maintenance Agency.	Verdun, France	Zweilbrucken, Federal Republic of Germany.	Operational March 1967.
f. Headquarters SHAPE	Paris, France	Casteau, Belgium	Operational Mar. 31, 1967.
g. Headquarters AFCENT	Fontainebleau, France	Brunssum, Netherlands	Operational Mar. 31, 1967, Headquarters.

2. NORTH ATLANTIC COUNCIL AND MILITARY COMMITTEE

Agency; Location, March 31, 1966; and Schedule:

NAC, Paris, France, To be relocated at Evere, Belgium, by Oct. 15, 1967.

Military Committee, Washington, D.C., To relocate to Brussels and colocate with the NAC.

3. AIR FORCE SQUARDRONS

Type of unit and disposition:

Two C–130 Transport Squadrons: Relocated in United Kingdom.

Three Reconnaissance Squadrons: Relocated in United Kingdom.

Two Reconnaissance Squadrons: Returned to United States with provision for dual basing in Germany.

One Reconnaissance Squadron: Disbanded.

4. PERSONNEL SUMMARY (IN FRANCE)

	U.S. military	U.S. civilian	Dependents	Foreign nationals
On Mar. 31, 1966	29,887	2,188	37,549	15,181
On Apr. 1, 1967	2,200	334	3,650	[1] 3,309
On May 29, 1967	1,675	269	2,932	2,827

[1] Apr. 24.

Note: The U.S. military-connected personnel remaining in France are (1) certain dependent personnel, teachers, and school administrators who will remain until the end of the school year (about June 30); (2) U.S. military personnel (and their dependents) needed in connection with SHAPE activities; (3) U.S. personnel remaining in order to complete property disposal actions; and (4) a few military and civilian personnel supporting these groups (PX, commissary, medical personnel, etc.).

5. MATERIAL SUMMARY (IN FRANCE)

On Mar. 31, 1966 (including en route to France), 320,108 tons.

On Apr. 1, 1967 (approximate), 8,500 tons.

Note: In support of dependent schools and liquidation activities; in addition, 31,788 tons of surplus and scrap material in disposal yards.

Pattern of material relocation (in rounded numbers)

Relocated—

To Federal Republic of Germany, More than 380,000 tons.

To the United Kingdom, More than 145,000 tons.

To the United States, More than 90,000 tons.

To Italy and Benelux, Under 25,000 tons.

Disposal of excess, About 170,000 tons.

Still in France, Less than 10,000 tons.

6. ONE-TIME RELOCATION COSTS

Budgetary, Less than $150,000,000.

Foreign exchange, Less than $50,000,000.

7. SAVINGS AND ECONOMIES RESULTING FROM RELOCATION

Annual Budgetary Savings, $50,000,000 to $60,000,000.

Annual Foreign Exchange Savings, $110,000,000 to $120,000,000.

	Military	Dependents	Foreign nationals
Personnel—			
In France	16,000	19,000	
In Germany	2,000	2,000	
Total	18,000	21,000	[1] 11,000

[1] Approximately 15,000 French nationals employed in France; only 4,000 foreign nationals being hired in other countries to replace them.

APPENDIX II

COMPARATIVE STRENGTHS OF NATO AND WARSAW PACT

NATO-ORIENTED FORCES

The following table sets forth estimates of NATO member countries' military personnel in Europe as of January 1, 1967, which it is assumed would be available in time of need for common defense functions viewed in the broadest sense. Perhaps only one-half of these personnel, however, are in NATO-committed units. Some are engaged in logistics and supply operations for NATO-committed forces; but because under NATO procedures these functions remain national responsibilities even in wartime, such personnel are not NATO committed. Many of the remaining noncommitted personnel would not be engaged even in wartime in direct support of forces under NATO command. In most cases, the quality of NATO-committed forces is considerably higher than the remaining forces.

Technically, commitments of forces to NATO have always been made in terms of numbers of military units (which in fact are of widely varying sizes, depending upon national practice), not in terms of numbers of men. Except for certain air defense forces and for NATO Headquarters, as a formal matter none of the committed forces are under NATO command in peacetime.

For purposes of the following tabulation, it is assumed that, except for France, the entire armed forces in Europe of all NATO member countries fall in the category of "NATO-oriented forces in Europe." France is excepted because it has reserved for its decision, at the time an attack on the NATO area occurs, what French forces, if any, would be available for defense of that area. French forces in Europe at the beginning of 1967 are estimated to be:

Army: 320,000 (64,000 in Germany); Navy: 70,000; Air Force: 105,000 (6,000 in Germany); total in Europe, 495,000, out of a grand total of 525,000.

Of the forces shown for the United Kingdom, some 52,000 Army troops and 3,000 RAF personnel are in Germany, and the remainder almost entirely in Britain.

NATO-ORIENTED FORCES IN EUROPE [1]

[Estimate, as of Jan. 1, 1967]

	Army	Navy	Air Force	Total
Belgium	83,000	4,500	19,000	107,000
Canada	6,500		3,000	9,500
Denmark	30,000	7,200	12,600	49,800
France	[2]	[2]	[2]	[2]
Germany	307,000	33,000	100,000	440,000
Greece	118,000	18,000	23,000	159,000
Iceland	[3]	[3]	[3]	[3]
Italy	270,000	40,000	66,000	376,000
Luxembourg	1,500			1,500
Netherlands	85,000	21,250	23,000	129,250
Norway	17,000	8,000	9,000	34,000
Portugal	10,000	8,500	4,000	22,300
Turkey	360,000	37,000	53,000	450,000
United Kingdom	145,000	76,000	65,000	286,000
United States	230,000	35,000	80,000	345,000

[1] Based on "The Military Balance" 1966–67, issued by the Institute for Strategic Studies, London, 1966.
[2] See discussion in item 3, above.
[3] Iceland has no armed forces.

Number of French forces under NATO in '1958, in 1960 and in 1964

The order of priorities in France's defense efforts in the decade preceding its defection from NATO was, first the war in Algeria, next, its nuclear strike force, and last, its NATO forces. By 1957, France had reduced its contribution of M-Day ground forces actually available to NATO from 5 to 2 divisions (the 2 divisions which in fact remain in Germany today). Moreover, nearly all of its other ground forces which had been committed to NATO were temporarily withdrawn from the Algerian War and, upon conclusion of these hostilities, were not again made available to NATO. Beginning in 1959, France progressively withdrew its naval forces from NATO commitment. In mid-1966, it withdrew from commitment all of its remaining forces.

From a peak of just over a million men under arms at the height of the Algerian War, the number of French forces has been reduced to the currently estimated total of 525,000, now all stationed in Europe except for some 22,500 ground forces and perhaps some 5,000 Navy personnel in overseas assignments. Of those in Europe at the beginning of 1967, 70,000 army troops and air force personnel are in Germany; the remainder are in France. Further, during French atomic testing in the summers of 1966 and 1967, some 40 percent of French naval forces were or will be temporarily in the Pacific area.

The following table estimates the numbers of French forces in recent years:

FRENCH FORCES (ESTIMATES) [1]

	1958	1960	1964	1966
Army	815,000	812,000	415,000	338,000
Navy	65,000	68,000	72,000	74,000
Air	145,000	146,000	125,000	113,000
Total	1,025,000	1,026,000	620,000	525,000

[1] Based on "The Military Balance" (issues for 1959, 1961–62, 1964–65, and 1966–67) issued by the Institute for Strategic Studies, London.

ESTIMATES OF COMPARATIVE STRATEGIC STRENGTHS, EARLY 1967

[Figures in parentheses are the ISS estimates for early 1966]

Category	Western alliances [1]	Communist powers
Missile and airpower:		
ICBM's	934(854)	300(270)
Fleet ballistic missiles	624(544)	150(120+)
IRBM's and MRBM's		750(750)
Long-range heavy bombers	595(625)	200(200)
Medium bombers	222(430)	1,200(1,250)
Seapower [2]:		
Carriers (all types)	37(38)	
Cruisers	22(31)	20(20)
Escorts (ocean-going types)	623(532)	239(268)
Submarines:		
(a) Conventional powerplant	195(197)	395(416)
(b) Nuclear powerplant	70(62)	50(40)
Land power: Active army strengths	4,736,600 [3](4,580,000)	5,815,000 [3](5,830,000)

[1] Includes all countries listed in part II, excluding the protocol states of Cambodia, Laos, and South Vietnam.
[2] Active fleets.
[3] Of which NATO members account for 3,206,045(2,896,000).
[4] Of which Warsaw Pact members account for 2,875,000(2,925,000).

APPENDIX III

[From the New York Times, Oct. 30, 1967]

SOVIET MILITARY ADVANCES POSE A CHALLENGE FOR UNITED STATES

(By Hanson W. Baldwin)

As Moscow's Red Square echoes to the celebrations of the birth of Communist power, the United States faces a sweeping challenge to its military supremacy.

The Russian challenge affects all factors of military power: industrial-economic power; maritime power; aerospace power; land power; all types of weapons from assault rifles to multimegaton bombs.

The military history of a half-century of Communist rule in Russia may be capsuled into three phases: from armed horde to modern army; from coast defense to deep water; from black power to the most powerful thermonuclear weapons in the world.

A nation that 50 years ago was concerned chiefly with defense of its own frontiers has adopted a global strategic concept. Its outward-looking defense policies are now based on the infinity of space and the high seas.

Experts agree that Russia is the world's second military power—first in some aspects and making a determined effort to achieve superiority in all.

The announced Soviet military budget for the 1968 calendar year is 16 billion rubles, a 15-percent increase compared with 1967. Intelligence officials agree that hidden items add billions to the official total. They estimate the total at more than 20 billion rubles, roughly 14 to 17 percent of the Soviet gross national product. At the official exchange rate this amounts to $22 billion. Translated into U.S. dollar purchasing power, it approximates $50 to $60 billion. A sizable part—some observers think more than in the United States—goes for military research and development.

The military power of Soviet Russia is based on a large and increasing population, the greatest land mass on earth, rich natural resources, and an expanding industrial base.

The Soviet economy has major weaknesses, not the least agriculture. Its computer, chemical, electronic, automotive, and transportation industries and its mass production techniques—all of basic military importance—appear behind those of the United States. But the Soviet Union has a tremendous capability for the production of arms of all types.

The Soviet Armed Forces today total about 3.1 to 3.3. million men. There are five major service components: the army or ground forces; the naval forces and the strategic rocket forces. The ground forces number 1.6 to 1.8 million men; the air force 500,000; the navy, including a naval air arm, about the same; the anti-air-defense forces 300,000 and the strategic missile forces 150,000 to 225,000. There are 250,000 uniformed border guards and internal security troops and half a million to 1 million civilian employees who work for the military establishment.

The Politburo of the Communist Party's Central Committee exercises control over the Minister of Defense and the armed forces. The Minister of Defense is usually an active-duty officer and an army man. Marshal Andrei A. Grechko is the present Minister. He is regarded as a kind of bridge between the "Old Marshals," veterans of land warfare across the vast Russian plains, and younger officers, like Marshal Ivan I. Yakubovsky, commander of the Warsaw Pact forces. The younger group is regarded as less political and more professional; more global and less parochial.

The Soviet Armed Forces are based on conscription. Until this year the regular tours of active duty were 3 years in the army and air force and 4 years in the navy. A new conscription law taking effect next January 1 cuts the term by 1 year in each service on the ground that a higher educational level among recruits enables them to acquire military skills more rapidly than in the past.

The manpower pool that supplies the armed forces is potentially huge. About 2 million youths register annually at 17 and more than half of them are drafted at the age of 18. Under the new conscription law, draft calls will be preceded by preliminary military training in the last 2 years of secondary school, including basic principles of military science and civil defense.

All males between 18 and 50 are classified as eligible for military service, more than 35 million men. In World War II Russia put 10 percent of its population—22 million people—into uniform, and fielded more than 350 divisions, plus hundreds of brigades and smaller units.

The advent of the missile-nuclear age and the nuclear-powered submarine, the march of modern technology and internal politics forced some relinquishment of the grip of the older ground marshals on Soviet military policy. Tremendous emphasis has been placed on strategic nuclear forces and maritime power.

Nevertheless, as in the United States, wars like the one in Vietnam (dubbed by the Communists "wars of national liberation") reemphasized the importance of ground troops.

The army is still powerful in the Soviet military hierarchy though it is a domination that is not without challenge. The Soviet Army may be called the soul, if not the heart, of modern Soviet military power.

It maintains in peacetime about 140 divisions, at least 100 of these at 65 percent strength or more, the rest at cadre strength of 10 to 30 percent. The 20 divisions in East Germany, two in Poland, four in Hungary, a considerable number in western Russia, some in the Far East and a small but increasing number in Central Asia are maintained at full strength—about 7,300 men for an airborne division (there are seven such divisions); 8,000 to 8,700 for the 40 to 50 tank divisions, and 10,500 to 11,000 for the motorized rifle divisions.

The existing 140 divisions could be "fleshed out" to full war strength wthin 90 days, the experts think. How many more divisions Moscow could put in the field and how long it would take is a matter of debate. But the number of men of military age available and the system of refresher reserve training make it clear that the limiting factors would be material, not men.

This Soviet ground force has become a modern army since World War II. Its tanks, artillery and rifles are impressive. The new main battle tank is the T–62, a development of the reliable T–54 and T–55 models, manned by a crew of four and armed with a 115–millimeter gun. The T–10–M heavy tank, with 122-millimeter gun, has replaced the World War II Josef Stalin III. These Soviet tanks, though less "habitable" than the present U.S. tanks, have low silhouettes, much armor and powerful guns that are gyrostabilized to fire with accuracy while the tank is in motion.

An amphibious light tank and amphibious armored personnel carrier, wire-guided antitank missiles, like the Snapper and its later models, heavy mortars, unguided rockets like the Frog and the Scud (the latter with 150-mile range) and efficient artillery provide great firepower. The 152-millimeter gun is one of the fine artillery pieces of the world and the AK–47 assault rifle, though heavy, is considered one of the most reliable.

Soviet ground forces are supported by about 3,200 tactical aircraft, including three models of the famous Mig, and the new SU–7 and Yak–25 fighter-bombers or light bombers.

The Russians, though well supported by planes, artillery, mortars and rockets of many types and ranges, do not appear to have many small tactical nuclear weapons. The Russians are also weak in combat support and service support units. Their logistical capabilities in the field are still inadequate to permit a continuous offensive.

Nevertheless, the Soviet Army represents a powerful offensive or defensive force trained to fight with conventional or nuclear arms, or both. Its primary task is defense, but it no longer conceives of defense in terms of scored earth or of trading space for time. Its battle doctrine is built around mass, shock, firepower, and rapid movement. If war came, it could be expected to strike with armor, mechanized forces, and paratroopers deep into an enemy's rear area.

The Soviet Union's military power has burst the bounds of Eurasia and has achieved a global capability since World War II.

Russia has tested the largest thermonuclear weapons on earth and has developed offensive and defensive strategic nuclear weapons systems in such numbers that if the trend continues, the superiority of the United States may become inferiority within a few years.

Russia's weak, coast-defense navy of World War II has become the world's second largest deepwater fleet, with a submarine force unmatched in numbers.

It is in these elements of Soviet military power—aerospace and maritime—that Mos-

cow has made spectacular progress, particularly during the 1960's. It is these two elements of Russian power that most concern the United States.

Since the Soviet Union conducted its first nuclear test in 1949, it has detonated, according to unofficial returns, at least 250 nuclear and thermonuclear devices compared with at least 425 United States tests. In the last atmospheric tests in 1961–62 before the Test-Ban Treaty, the Soviet Union detonated high-yield devices, including one that released the equivalent of about 58 megatons (millions of tons) of TNT.

Today many experts believe that the total deliverable megatonnage, or explosive power, of the Soviet nuclear arsenal approximately equals that of the United States. If the present trend continues, the Soviet Union will considerably surpass United States capabilities in the early 1970's. The total weight of the Soviet nuclear arsenal has shown a steady increase relative to the United States in the last few years.

Soviet missile technology, while believed behind that in the United States in certain respects, such as miniaturization, has advanced from the first cumbersome, multistage, liquid-fuel rockets to second and third generation missiles that are far smaller, cheaper, more reliable and more accurate.

Soviet intercontinental ballistic missiles, with ranges of more than 6,000 miles, sufficient to reach any point in the United States, are emplaced in hardened concrete and steel underground silos or in semi-protected surface sites. There are two major types of long-range missiles—one carrying multimegaton warheads of great power, the other smaller, lighter missiles resembling the United States Minuteman and Polaris, with warheads in the range of 1 to 2 megatons. There are believed to be 300 to 500 launching sites and perhaps as many as 800 missiles (including reloads). For the last 2 or 3 years the Soviet production program has been adding at least 154 missiles annually. The United States has about 1,050 missiles, but its numerical advantage is shrinking.

In addition to the intercontinental armory, the Soviet Union has 700 to 900 intermediate and medium-range ballistic missiles, capable of reaching most targets in Europe, North Africa and many parts of Asia.

Russia's sea-based strategic missiles are launched from submarines. About 30 to 40 submarines carry ballistic missiles, usually in two or three tubes. About 45 to 50 submarines carry cruise-type winged missiles for antishipping use. The total sea-based strategic missile inventory is about 100 to 120 ballistic missiles (ranges 300 to 800 miles), and 100 to 200 winged missiles (ranges 450 miles). About four to six ballistic-missile submarines, most of them nuclear-powered, are being built each year. A new class, with eight missile launching tubes, is expected shortly.

The strategic missile force is supplemented by the Soviet Union's strategic air force, which operates 150 to 200 heavy bombers and 700 to 1,200 medium bombers.

These forces are backed by probably the strongest aerospace defensive system in the world. For many years, the Russians have been constructing, adding to, supplementing upon which North Vietnam has patterned its formidable defenses. Surface-to-air missiles, radar-controlled anti-aircraft guns up to 130-millimeter caliber, a radar network, ground-control intercept stations and Soviet interceptor fighters like the Mig-21 and the Yak-28 provide an impressive, though not impenetrable defense.

This system is being supplemented by an extensive deployment of an antiballistic missile system. This system is already partly operational around Moscow and Leningrad. In the opinion of military intelligence officers, which is not shared by some civilian experts in Washington, a different new antimissile system is being extended around most of western Russia. Experts believe the Soviet missile defense is, like the United States' developmental Nike-X, a two-missile system involving a long-range missile for interception outside the atmosphere and a high-speed, shorter-range missile for defense in the atmosphere close to the target.

The build-up of Soviet maritime power has been a startling geopolitical factor of the 20th century. For the first time since the Bulshevik Revolution, communism has demonstrated an appreciation of the economic, political, psychological, diplomatic, and military importance of seapower. A Soviet naval detachment, at times numbering 35–40 ships, is a permanent part of the Mediterranean scene; Soviet submarines have cruised in the Gulf of Alaska, the Norwegian Sea and near the Caribbean. Soviet electronic trawlers have shown up off U.S. bases.

The Soviet emphasis upon seapower extends to oceanography, fisheries, the merchant marine and the navy. The Soviet merchant marine has increased from 3.6 million deadweight tons in 1949 to 9 million today, with a fleet of 20 million tons, the world's largest, planned for 1980.

The Russian fishing fleet, with the world's fourth largest catch—in 1964—is regarded as the most modern in the world. The Soviet oceanographic program is extensive.

The Soviet Navy supports and supplements, and is supported by this sizable maritime tonnage. The Soviet Union does not maintain what Western powers would consider a balanced fleet. The navy has no aircraft carriers and its naval air arm of about 850 patrol aircraft, antisubmarine planes, reconnaissance and attack aircraft operates from land bases. Its 20 cruisers are old though powerfully gunned, but only a few have been modernized with missiles.

Nevertheless, the navy's total power is formidable, particularly its capability of interfering with enemy seaborne supply lines.

The Soviet submarine fleet is now reduced in numbers—compared with several years ago—to 350 or 400 operational submarines, but it has been modernized. At least 300 of the submarines are capable of deep sea cruising and about 40 to 50 are nuclear powered.

Two helicopter carriers, apparently for antisubmarine, or amphibious work, or both, have recently been commissioned. The Russians operate 100 to 130 destroyers, 20 to 30 of them equipped with missiles.

In sum, the architects of modern Soviet maritime power appear to have adapted the doctrines and the theories of Alfred Thayer Mahan, the American apostle of seapower. Soviet seapower today is no longer a shoal-water landlocked force; it is looking outward upon all the oceans of the world and has become an important factor in future history.

APPENDIX IV

REMARKS BY SECRETARY OF DEFENSE ROBERT S. MCNAMARA BEFORE UNITED PRESS INTERNATIONAL EDITORS & PUBLISHERS, SAN FRANCISCO, CALIF., MONDAY, SEPTEMBER 18, 1967

Ladies and gentlemen, I want to discuss with you this afternoon the gravest problem that an American Secretary of Defense must face: the planning, preparation, and policy governing the possibility of thermonuclear war.

It is a prospect most of mankind would prefer not to contemplate.

That is understandable. For technology has now circumscribed us all with a conceivable horizon of horror that could dwarf any catastrophe that has befallen man in his more than a million years on earth.

Man has lived now for more than 20 years in what we have come to call the atomic age.

What we sometimes overlook is that every future age of man will be an atomic age.

If, then, man is to have a future at all, it will have to be a future overshadowed with the permanent possibility of thermonuclear holocaust.

About that fact, we are no longer free.

Our freedom in this question consists rather in facing the matter rationally and realistically and discussing actions to minimize the danger.

No sane citizen; no sane political leader; no sane nation wants thermonuclear war.

But merely not wanting it is not enough.

We must understand the difference between actions which increase its risk, those which reduce it, and those which, while costly, have little influence one way or another.

Now this whole subject matter tends to be psychologically unpleasant. But there is an even greater difficulty standing in the way of constructive and profitable debate over the issues.

And that is that nuclear strategy is exceptionally complex in its technical aspects. Unless these complexities are well understood, rational discussion and decisionmaking are simply not possible.

What I want to do this afternoon is deal with these complexities and clarify them with as much precision and detail as time and security permit.

One must begin with precise definitions.

The cornerstone of our strategic policy continues to be to deter deliberate nuclear attack upon the United States, or its allies, by maintaining a highly reliable ability to inflict an unacceptable degree of damage upon any single aggressor, or combination of agressors, at any time during the course of a strategic nuclear exchange—even after our absorbing a surprise first strike.

This can be defined as our "assured destruction capability."

Now it is imperative to understand that assured destruction is the very essence of the whole deterrence concept.

We must possess an actual assured destruction capability. And that actual assured destruction capability must also be credible. Conceivably, our assured destruction capability could be actual, without being credible—in which case, it might fail to deter an aggressor.

The point is that a potential aggressor must himself believe that our assured destruction capability is in fact actual, and that our will to use it in retaliation to an attack is in fact unwavering.

The conclusion, then, is clear: If the United States is to deter a nuclear attack on itself or on our allies, it must possess an actual, and a credible assured destruction capability.

When calculating the force we require, we must be "conservative" in all our estimates of both a potential aggressor's capabilities, and his intentions. Security depends upon taking a "worst plausible case"—and having the ability to cope with that eventuality.

In that eventuality, we must be able to absorb the total weight of nuclear attack on our country—on our strike-back forces; on our command and control apparatus; on our industrial capacity; on our cities; and on our population—and still be fully capable of destroying the aggressor to the point that his society is simply no longer viable in any meaningful 20th-century sense.

That is what deterrence to nuclear aggression means. It means the certainty of suicide to the aggressor—not merely to his military forces, but to his society as a whole.

Now let us consider another term: "first-strike capability." This, in itself, is an ambiguous term, since it could mean simply the ability of one nation to attack another nation with nuclear forces first. But as it is normally used, it connotes much more: the

substantial elimination of the attacked nation's retaliatory second-strike forces.

This is the sense in which "first-strike capability" should be understood.

Now, clearly, such a first-strike capability is an important strategic concept. The United States cannot—and will not—ever permit itself to get into the position in which another nation, or combination of nations, would possess such a first-strike capability which could be effectively used against it.

To get into such a position vis-a-vis any other nation or nations would not only constitute an intolerable threat to our security, but it would obviously remove our ability to deter nuclear aggression—both against ourselves and against our allies.

Now, we are not in that position today—and there is no foreseeable danger of our ever getting into that position.

Our strategic offensive forces are immense: 1,000 Minutemen missile launchers, carefully protected below ground; 41 polaris submarines, carrying 656 missile launchers—with the majority of these hidden beneath the seas at all times; and about 600 long-range bombers, approximately 40 percent of which are kept always in a high state of alert.

Our alert forces alone carry more than 2,200 weapons, averaging more than 1 megaton each. A mere 400 1-megaton weapons, if delivered on the Soviet Union, would be sufficient to destroy over one-third of her population, and one-half of her industry.

And all of these flexible and highly reliable forces are equipped with devices that insure their penetration of Soviet defenses.

Now what about the Soviet Union?

Does it today possess a powerful nuclear arsenal?

The answer is that it does.

Does it possess a first-strike capability against the United States?

The answer is that it does not.

Can the Soviet Union, in the foreseeable future, acquire such a first-strike capability against the United States?

The answer is that it cannot.

It cannot because we are determined to remain fully alert, and we will never permit our own assured destruction capability to be at a point where a Soviet first-strike capability is even remotely feasible.

Is the Soviet Union seriously attempting to acquire a first-strike capability against the United States?

Although this is a question we cannot answer with absolute certainty, we believe the answer is "No." In any event, the question itself is—in a sense—irrelevant. It is irrelevant since the United States will so continue to maintain—and where necessary strengthen—our retaliatory forces, that whatever the Soviet Union's intentions or actions, we will continue to have an assured destruction capability vis-a-vis their society in which we are completely confident.

But there is another question that is most relevant.

And that is, do we—the United States—possess a first-strike capability against the Soviet Union?

The answer is that we do not.

And we do not, not because we have neglected our nuclear strength. On the contrary we have increased it to the point that we possess a clear superiority over the Soviet Union.

We do not possess first-strike capability against the Soviet Union for precisely the same reason that they do not possess it against us.

And that is that we have both built up our "second-strike [3] capability" to the point that a first-strike capability on either side has become unattainable.

There is, of course, no way in which the United States could have prevented the Soviet Union from acquiring its present second-strike capability—short of a massive preemptive first strike on the Soviet Union in the 1950's.

The blunt fact is, then, that neither the Soviet Union nor the United States can attack the other without being destroyed in retaliation; nor can either of us attain a first-strike capability in the foreseeable future.

The further fact is that both the Soviet Union and the United States presently possess an actual and credible second-strike capability against one another—and it is precisely this mutual capability that provides us both with the strongest possible motive to avoid a nuclear war.

The more frequent question that arises in this connection is whether or not the United States possesses nuclear superiority over the Soviet Union.

The answer is that we do.

But the answer is—like everything else in this matter—technically complex.

The complexity arises in part out of what measurement of superiority is most meaningful and realistic.

Many commentators on the matter tend to define nuclear superiority in terms of gross megatonnage, or in terms of the number of missile launchers available.

Now, by both these two standards of measurement, the United States does have a substantial superiority over the Soviet Union in the weapons targeted against each other.

But it is precisely these two standards of measurement that are themselves misleading.

For the most meaningful and realistic measurement of nuclear capability is neither gross megatonnage, nor the number of available missile launchers; but rather the number of separate warheads that are capable of being delivered with accuracy on individual high-priority targets with sufficient power to destroy them.

Gross megatonnage in itself is an inadequate indicator of assured destruction capability, since it is unrelated to survivability, accuracy, or penetrability, and poorly related to effective elimination of mutiple high-priority targets. There is manifestly no advantage in overdestroying one target, at the expense of leaving undamaged other targets of equal importance.

Further, the number of missile launchers available is also an inadequate indicator of assured destruction capability, since the fact is that many of our launchers will carry multiple warheads.

But by using the realistic measurement of the number of warheads available, capable of being reliably delivered with accuracy and effectiveness on the appropriate targets in the United States or Soviet Union, I can tell you that the United States currently possesses a superiority over the Soviet Union of at least 3 or 4 to 1.

Furthermore, we will maintain our superiority—by these same realistic criteria—over the Soviet Union for as far ahead in the future as we can realistically plan.

I want, however, to make one point patently clear: our current numerical superiority over the Soviet Union in reliable, accurate, and effective warheads is both greater than we had originally planned, and is in fact more than we require.

Moreover, in the larger equation of security, our "superiority" is of limited significance—since even with our current superiority, or indeed with any numerical superiority realistically attainable, the blunt, inescapable fact remains that the Soviet Union could still—with its present forces—effectively destroy the United States, even after absorbing the full weight of an American first strike.

I have noted that our present superiority is greater than we had planned. Let me explain to you how this came about, for I think it is a significant illustration of the intrinsic dynamics of the nuclear arms race.

In 1961, when I became Secretary of Defense, the Soviet Union possessed a very small operational arsenal of intercontinental missiles. However, they did possess the technological and industrial capacity to enlarge that arsenal very substantially over the succeeding several years.

Now, we had no evidence that the Soviets did in fact plan to fully use that capability.

But as I have pointed out, a strategic planner must be "conservative" in his calculations; that is, he must prepare for the worst plausible case and not be content to hope and prepare merely for the most probable.

Since we could not be certain of Soviet intentions—since we could not be sure that they would not undertake a massive buildup—we had to insure against such an eventuality by undertaking ourselves a major buildup of the Minuteman and Polaris forces.

Thus in the course of hedging against what was then only a theoretically possible Soviet buildup, we took decisions which have resulted in our current superiority in numbers of warheads and deliverable megatons.

But the blunt fact remains that if we had had more accurate information about planned Soviet strategic forces, we simply would not have needed to build as large a nuclear arsenal as we have today.

Now let me be absolutely clear. I am not saying that our decision in 1961 was unjustified. I am simply saying that it was necessitated by a lack of accurate information.

Furthermore, that decision in itself—as justified as it was—in the end, could not possibly have left unaffected the Soviet Union's future nuclear plans.

What is essential to understand here is that the Soviet Union and the United States mutually influence one another's strategic plans.

Whatever be their intentions, whatever be our intentions, actions—or even realistically potential actions—on either side relating to the buildup of nuclear forces, be they either offensive or defensive weapons, necessarily trigger reactions on the other side.

It is precisely this action-reaction phenomenon that fuels an arms race.

Now, in strategic nuclear weaponry, the arms race involves a particular irony. Unlike any other era in military history, today a substantial numerical superiority of weapons does not effectively translate into political control, or diplomatic leverage.

While thermonuclear power is almost inconceivably awesome and represents virtually unlimited potential destructiveness, it has proven to be a limited diplomatic instrument. Its uniqueness lies in the fact that it is at one and the same time—an all powerful weapon—and a very inadequate weapon.

The fact that the Soviet Union and the United States can mutually destory one another—regardless of who strikes first—narrows the range of Soviet aggression which our nuclear forces can effectively deter.

Even with our nuclear monopoly in the early postwar period, we were unable to deter the Soviet pressures against Berlin, or their support of aggression in Korea.

Today, our nuclear superiority does not deter all forms of Soviet support of Communist insurgency in Southeast Asia.

What all of this has meant is that we, and our allies as well, require substantial nonnuclear forces in order to cope with levels of aggression that massive strategic forces do not in fact deter.

This has been a difficult lesson both for us and for our allies to accept, since there is

[3] A "second-strike capability" is the capability to absorb a surprise nuclear attack, and survive with sufficient power to inflict unacceptable damage on the aggressor.

a strong psychological tendency to regard superior nuclear forces as a simple and unfailing solution to security; and an assurance of victory under any set of circumstances.

What is important to understand is that our nuclear strategic forces play a vital and absolutely necessary role in our security and that of our allies, but it is an intrinsically limited role.

Thus, we and our allies must maintain substantial conventional forces, fully capable of dealing with a wide spectrum of lesser forms of political and military aggression—a level of aggression against which the use of strategic nuclear forces would not be to our advantage, and thus a level of aggression which these strategic nuclear forces by themselves cannot effectively deter. One cannot fashion a credible deterrent out of an incredible action. Therefore, security for the United States and its allies can only arise from the possession of a whole range of graduated deterrents, each of them fully credible in its own context.

Now I have pointed out that in strategic nuclear matters, the Soviet Union and the United States mutually influence one another's plans.

In recent years the Soviets have substantially increased their offensive forces. We have, of course, been watching and evaluating this very carefully.

Clearly the Soviet buildup is in part a reaction to our own buildup since the beginning of this decade.

Soviet strategic planners undoubtedly reasoned that if our buildup were to continue at its accelerated pace, we might conceivably reach, in time, a credible first-strike capability against the Soviet Union.

That was not, in fact, our intention. Our intention was to assure that they—with their theoretical capacity to reach such a first-strike capability—would not in fact outdistance us.

But they could not read our intentions with any greater accuracy than we could read theirs. And thus the result has been that we have both built up our forces to a point that far exceeds a credible second-strike capability against the forces we each started with.

In doing so, neither of us has reached a first-strike capability. And the realities of the situation being what they are—whatever we believe their intentions to be, and whatever they believe our intentions to be—each of us can deny the other a first-strike capability in the foreseeable future.

Now, how can we be so confident that this is the case?

How can we be so certain that the Soviets cannot gradually outdistance us—either by some dramatic technological breakthrough, or simply through our imperceptively lagging behind, for whatever reason: Reluctance to spend the requisite funds; distraction with military problems elsewhere; faulty intelligence; or simple negligence and naivete?

All of these reasons—and others—have been suggested by some commentators in this country, who fear that we are in fact falling behind to a dangerous degree.

The answer to all this is simple and straightforward.

We are not going to permit the Soviets to outdistance us, because to do so would be to jeopardize our very viability as a nation.

No President, no Secretary of Defense, no Congress of the United States—of whatever political party, and of whatever political persuasion—is going to permit this Nation to take that risk.

We do not want a nuclear arms race with the Soviet Union primarily because the action-reaction phenomenon makes it foolish and futile. But if the only way to prevent the Soviet Union from obtaining first-strike capability over us is to engage in such a race, the United States possesses in ample abundance the resources, the technology, and the will to run faster in that race for whatever distance is required.

But what we would much prefer to do is to come to a realistic and reasonably riskless agreement with the Soviet Union, which would effectively prevent such an arms race. We both have strategic nuclear arsenals greatly in excess of a credible assured destruction capability. These arsenals have reached that point of excess in each case for precisely the same reasons: We each have reacted to the other's buildup with very conservative calculations. We have, that is, each built a greater arsenal than either of us needed for a second-strike capability, simply because we each wanted to be able to cope with the "worst plausible case."

But since we now each possess a deterrent in excess of our individual needs, both of our Nations would benefit from a properly safe-guarded agreement first to limit, and later to reduce, both our offensive and defensive strategic nuclear forces.

We may, or we may not, be able to achieve such an agreement. We hope we can. And we believe such an agreement is fully feasible since it is clearly in both our Nations' interests.

But reach the formal agreement or not, we can be sure that neither the Soviets nor we are going to risk the other obtaining a first-strike capability.

On the contrary, we can be sure that we are both going to maintain a maximum effort to preserve an assured destruction capability.

It would not be sensible for either side to launch a maximum effort to achieve a first-strike capability. It would not be sensible because the intelligence-gathering capability of each side being what it is, and the realities of leadtime from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first-strike capability in secret.

Now, let me take a specific case in point.

The Soviets are now deploying an antiballistic missile system. If we react to this deployment intelligently, we have no reason for alarm.

The system does not impose any threat to our ability to penetrate and inflict massive and unacceptable damage on the Soviet Union. In other words, it does not presently affect in any significant manner our assured destruction capability.

It does not impose such a threat, because we have already taken the steps necessary to assure that our land-based Minuteman missiles, our nuclear submarine-launched new Poseidon missiles, and our strategic bomber forces have the requisite penetration aids, and in the sum, constitute a force of such magnitude, that they guarantee us a force strong enough to survive a Soviet attack and penetrate the Soviet ABM deployment.

Now let me come to the issue that has received so much attention recently: The question of whether or not we should deploy an ABM system against the Soviet nuclear threat.

To begin with, this is not in any sense a new issue. We have had both the technical possibility and the strategic desirability of an American ABM deployment under constant review since the late 1950's.

While we have substantially improved our technology in the field, it is important to understand that none of the systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. Were such a shield possible, we would certainly want it—and we would certainly build it.

And at this point, let me dispose of an objection that is totally irrelevant to this issue.

It has been alleged that we are opposed to deploying a large-scale ABM system because it would carry the heavy price tag of $40 billion.

Let me make it very clear that the $40 billion is not the issue.

If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend not $40 billion, but any reasonable multiple of that amount that was necessary.

The money itself is not the problem: The penetrability of the proposed shield is the problem.

There is clearly no point however, in spending $40 billion if it is not going to buy us a significant improvement in our security. If it is not, then we should use the substantial resources it represents on something that will.

Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them.

But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of disposing of them.

And this is the whole crux of the nuclear action-reaction phenomenon.

Were we to deploy a heavy ABM system throughout the United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage.

It is futile for each of us to spend $4 billion, or $400 billion—and at the end of all the spending, and at the end of all the deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now.

In point of fact, we have already initiated offensive weapons programs costing several billions in order to offset the small present Soviet ABM deployment, and the possible more extensive future Soviet ABM deployments.

That is money well spent; and it is necessary.

But we should bear in mind that it is money spent because of the action-reaction phenomenon.

If we in turn opt for heavy ABM deployment—at whatever price—we can be certain that the Soviets will react to offset the advantage we would hope to gain.

It is precisely because of this certainty of a corresponding Soviet reaction that the four prominent scientists—men who have served with distinction as the science advisers to Presidents Eisenhower, Kennedy, and Johnson, and the three outstanding men who have served as Directors of Research and Engineering to three Secretaries of Defense—have unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack.

These men are Drs. Killian, Kistiakowsky, Wiesner, Hornig, York, Brown, and Foster.

The plain fact of the matter is that we are now facing a situation analogous to the one we faced in 1961: We are uncertain of the Soviets' intentions.

At that time we were concerned about their potential offensive capabilities; now we are concerned about their potential defensive capabilities.

But the dynamics of the concern are the same.

We must continue to be cautious and conservative in our estimates—leaving no room in our calculations for unnecessary risk. And at the same time, we must measure our own response in such a manner that it does not

trigger a senseless spiral upward of nuclear arms.

Now, as I have emphasized, we have already taken the necessary steps to guarantee that our offensive strategic weapons will be able to penetrate future, more advanced, Soviet defenses.

Keeping in mind the careful clockwork of leadtime, we will be forced to continue that effort over the next few years if the evidence is that the Soviets intend to turn what is now a light and modest ABM deployment into a massive one.

Should they elect to do so, we have both the leadtime and the technology available to so increase both the quality and quantity of our offensive strategic forces—with particular attention to highly reliable penetration aids—that their expensive defensive efforts will give them no edge in the nuclear balance whatever.

But we would prefer not to have to do that. For it is a profitless waste of resources, provided we and the Soviets can come to a realistic strategic arms-limitation agreement.

As you know, we have proposed U.S.-Soviet talks on this matter. Should these talks fail, we are fully prepared to take the appropriate measures that such a failure would make necessary.

The point for us to keep in mind is that should the talks fail—and the Soviets decide to expand their present modest ABM deployment into a massive one—our response must be realistic. There is no point whatever in our responding by going to a massive ABM deployment to protect our population, when such a system would be ineffective against a sophisticated Soviet offense.

Instead, realism dictates that if the Soviets elect to deploy a heavy ABM system, we must further expand our sophisticated offensive forces, and thus preserve our overwhelming assured destruction capability.

But the intractable fact is that should the talks fail, both the Soviets and ourselves would be forced to continue on a foolish and reckless course.

It would be foolish and reckless because—in the end—it would provide neither the Soviets nor us with any greater relative nuclear capability.

The time has come for us both to realize that, and to act reasonably. It is clearly in our own mutual interest to do so.

Having said that, it is important to distinguish between an ABM system designed to protect against a Soviet attack on our cities, and ABM systems which have other objectives.

One of the other uses of an ABM system which we should seriously consider is the greater protection of our strategic offensive forces.

Another is in relation to the emerging nuclear capability of Communist China.

There is evidence that the Chinese are devoting very substantial resources to the development of both nuclear warheads, and missile delivery systems. As I stated last January, indications are that they will have medium-range ballistic missiles within a year or so, an initial intercontinental ballistic missile capability in the early 1970's, and a modest force in the mid-1970's.

Up to now, the leadtime factor has allowed us to postpone a decision on whether or not a light ABM deployment might be advantageous as a countermeasure to Communist China's nuclear development.

But the time will shortly be right for us to initiate production if we desire such a system.

China at the moment is caught up in internal strife, but it seems likely that her basic motivation in developing a strategic nuclear capability is an attempt to provide a basis for threatening her neighbors, and to clothe herself with the dubious prestige that the world pays to nuclear weaponry.

We deplore her development of these weapons, just as we deplore it in other countries. We oppose nuclear proliferation because we believe that in the end it only increases the risk of a common and cataclysmic holocaust.

President Johnson has made it clear that the United States will oppose any efforts of China to employ nuclear blackmail against her neighbors.

We possess now, and will continue to possess for as far ahead as we can foresee, an overwhelming first-strike capability with respect to China. And despite the shrill and raucous propaganda directed at her own people that "the atomic bomb is a paper tiger," there is ample evidence that China well appreciates the destructive power of nuclear weapons.

China has been cautious to avoid any action that might end in a nuclear clash with the United States—however wild her words—and understandably so. We have the power not only to destroy completely her entire nuclear offensive forces, but to devastate her society as well.

Is there any possibility, then, that by the mid-1970's China might become so incautious as to attempt a nuclear attack on the United States or our allies?

It would be insane and suicidal for her to do so, but one can conceive conditions under which China might miscalculate. We wish to reduce such possibilities to a minimum.

And since, as I have noted, our strategic planning must always be conservative, and take into consideration even the possible irrational behavior of potential adversaries, there are marginal grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent.

The system would be relatively inexpensive—preliminary estimates place the cost at about $5 billion—and would have a much higher degree of reliability against a Chinese attack, than the much more massive and complicated system that some have recommended against a possible Soviet attack.

Moreover, such an ABM deployment designed against a possible Chinese attack would have a number of other advantages. It would provide an additional indication to Asians that we intend to deter China from nuclear blackmail, and thus would contribute toward our goal of discouraging nuclear weapon proliferation among the present nonnuclear countries.

Further, the Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack, which means that at modest cost we would in fact be adding even greater effectiveness to our offensive missile force and avoiding a much more costly expansion of that force.

Finally, such a reasonably reliable ABM system would add protection of our population against the improbable but possible accidental launch of an intercontinental missile by any one of the nuclear powers.

After a detailed review of all these considerations, we have decided to go forward with this Chinese-oriented ABM deployment, and we will begin actual production of such a system at the end of the year.

In reaching this decision, I want to emphasize that it contains two possible dangers, and we should guard carefully against each.

The first danger is that we may psychologically lapse into the old oversimplification about the adequacy of nuclear power. The simple truth is that nuclear weapons can serve to deter only a narrow range of threats. This ABM deployment will strengthen our defensive posture and will enhance the effectiveness of our land-based ICBM offensive forces. But the independent nations of Asia must realize that these benefits are no substitute for their maintaining, and where necessary strengthening, their own conventional forces in order to deal with the more likely threats to the security of the region.

The second danger is also psychological. There is a kind of mad momentum intrinsic to the development of all new nuclear weaponry. If a weapon system works—and works well—there is strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.

The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.

The so-called heavy ABM shield—at the present state of technology—would in effect be no adequate shield at all against a Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That, as I have pointed out, would make it necessary for us to respond in turn, and so the arms race would rush hopelessly on to no sensible purpose on either side.

Let me emphasize—and I cannot do so too strongly—that our decision to go ahead with a limited ABM deployment in no way indicates that we feel an agreement with the Soviet Union, or the limitation of strategic nuclear offensive and defensive forces, is any the less urgent or desirable.

The road leading from the stone age to the ICBM—though it may have been more than a million years in the building—seems to have run in a single direction.

If one is inclined to be cynical, one might conclude that man's history seems to be characterized not so much by consistent periods of peace, occasionally punctuated by warfare; but rather by persistent outbreaks of warfare, wearily put aside from time to time by periods of exhaustion and recovery, that parade under the name of peace.

I do not view man's history with that degree of cynicism, but I do believe that man's wisdom in avoiding war is often surpassed by his folly in promoting it.

However foolish unlimited war may have been in the past, it is now no longer merely foolish, but suicidal as well.

It is said that nothing can prevent a man from suicide, if he is sufficiently determined to commit it.

The question is what is our determination in an era when unlimited war will mean the death of hundreds of millions—and the possible genetic impairment of a million generations to follow?

Man is clearly a compound of folly and wisdom—and history is clearly a consequence of the admixture of those two contradictory traits.

History has placed our particular lives in an era when the consequences of human folly are waxing more and more catastrophic in the matters of war and peace.

In the end, the root of man's security does not lie in his weaponry.

In the end, the root of man's security lies in his mind.

What the world requires in its 22d year of the atomic age is not a new race toward armament.

What the world requires in its 22d year of the atomic age is a new race toward reasonableness.

We had better all run that race.

Not merely we the administrators. But we the people.

Thank you, and good afternoon.

REPORT OF THE MILITARY COMMITTEE

(Rapporteur: Senator JOHN SHERMAN COOPER (United States))

In November 1967, as Rapporteur, I submitted my first full report upon the state of NATO as a military alliance. At that time, the countries which this Committee represents were concerned about the serious problems caused by the withdrawal of France from the NATO military command. The report detailed the steps that had been taken and were proposed to restore, as best as possible without the full participation of France, the capacity of NATO to meet the objectives of the alliance.

The report considered the basic objectives of NATO to be:

First, to maintain forces sufficient for a credible deterrent against any potential military threat from the Soviet Union and the Warsaw Pact nations;

Second, to have forces ready to defend the territory of NATO member nations should an attack occur;

Third, NATO aims to provide the security necessary to achieve better East-West relations and the eventual settlement of issues still outstanding related to Germany, and the aftermath of World War II.

The report in its summary also proposed several questions for the Committee to consider which I believe remain relevant at this time. The events which have occurred since the November meeting have not only emphasized the importance of the issues discussed then, but the need for their examination at this meeting in the most serious and decisive form.

In my preliminary report to the Military Committee on May 20, it was noted:

Since the Military Committee last met in November 1967 an accelerated trend in Eastern Europe toward more moderate regimes has become evident. This trend, particularly in Czechoslovakia and Rumania is of primary importance to NATO. Czechoslovakia's new rulers have caused repercussions in Moscow and elsewhere in the Soviet bloc. Obviously, it is of importance to the future of NATO to watch events in the Soviet bloc carefully that are a result of the coming to power of a relatively liberal regime in Czechoslovakia. They may provide a key to future developments in the bloc. At the same time, recent Soviet maneuvers in Southern Poland near the Czech border raise questions of security for NATO. These are questions which follow naturally from the conclusions of the NATO Ministerial Meeting in December 1967 in Brussels concerning the adequacy of the NATO forces to meet any possible threat to the security of its member nations.

Unfortunately, the possibilities suggested at the time have been realized.

The invasion of Czechoslovakia by the Soviet Union and its Warsaw Pact allies, East Germany, Poland, Hungary and Bulgaria, shocking to our countries and to most countries of the world, is the central event which has brought a new awareness of the need to continue the NATO alliance.

It will be apparent to the Committee that this report is based largely on the American viewpoint. This is inevitable, considering that the United States does not have the intimate knowledge of the Warsaw Pact countries, available to the European members of NATO and the United Kingdom, from long association with and proximity to these countries. It is the desire of the Rapporteur that this report will be challenged and criticized if it is considered to be incorrect factually or in interpretation, and that all members of the Committee will present their views as to the significance of the events which have occurred, and the steps they believe should be taken to meet the purposes of NATO.

The facts concerning the invasion of Czechoslovakia by the Soviet Union and its Warsaw Pact allies and interpretations of its military and political intentions have been discussed and analyzed at length by our governments, by NATO officials, and by authorities in all our countries. It will suffice to review only the essential facts for the purposes of our report.

The Warsaw Pact maneuvers had been underway in Southern Poland upon the border of Czechoslovakia for a period of four months before the invasion. Soviet troops had been moved within the Soviet Union near the Czechoslovakian border for "forward exercises."

Maneuvers had been conducted in Czechoslovakia for Warsaw Pact forces in May. Several Soviet divisions were normally stationed on the Czech border. It is estimated that at the time of the invasion, Soviet forces in East Germany and other Warsaw Pact countries had been increased from 22 divisions to about 32 divisions. In addition, ten reserve divisions in the Soviet Union have been upgraded to fill the gap in the Soviet Union caused by the divisions sent to Eastern Europe. Within a period of 24 hours the Soviet Union and its allies moved into Czechoslovakia a force of approximately 25 divisions or about 250,000 men. Of these, 22 were Soviet divisions. Eight Soviet divisions were moved from East Germany, 11 from the Western part of the Soviet Union, two from Hungary, and one airborne division was flown from the Soviet Union and quickly took over airfields and facilities at Prague. In addition, three Polish divisions and smaller units from Hungary, Bulgaria and East Germany took part in this invasion.

The possibility of the invasion of Czechoslovakia was, of course, a matter under serious consideration by NATO members and under constant NATO intelligence surveillance, but it is necessary for the Committee to consider if NATO procedures were adequate, either from the viewpoint of political assessment or military intelligence of the invasion, or for the speed and effectiveness with which it was accomplished.

The political reasons for the Soviet decision to invade an ally, surely with the knowledge that it would cause adverse reaction and condemnation such as has occurred throughout the world and in the Soviet bloc itself have relevance and bearing upon our consideration of Soviet military intentions. The familiar Soviet themes, changing from time to time—"the need to protect Czechoslovakia," "counter-revolutionary bourgeois forces undermining the true Socialist paths," "attempts by Western forces to weaken the Soviet bloc," have been heard and discounted. I believe it is generally agreed that the Soviet Union feared that the liberalizing influences and reforms in Czechoslovakia would spread to other Warsaw Pact countries, and to the Soviet Union itself, that it would upset the status quo and control of the Warsaw bloc allies which the Soviet Union has determined necessary for the protection of its system, both militarily and politically.

The rationale for the invasion of Czechoslovakia was set forth in a *Pravda* article on September 26, 1968, entitled "The Sovereignty and International Obligations of the Socialist Countries." The official doctrine stated:

One should stress that even if a socialist country strives to adopt a "nonaffiliated" position, it does in fact preserve its national independence thanks to the might of the socialist community and primarily of its main power—the Soviet Union—and the might of its armed forces. A weakening of any link of the world socialist system directly affects all socialist countries, which cannot remain indifferent to this. Thus, the antisocialist forces in Czechoslovakia, through their talk about the right of nations to self-determination, in essence were camouflaging the demands for so-called neutrality and for the Czechoslovak Socialist Republic's withdrawal from the socialist community. But the implementation of such "self-determination," that is, Czechoslovakia's break with the socialist community, would have contradicted its vital interests and caused harm to other socialist countries. Such "self-determination," as a result of which NATO troops would have approached the Soviet frontiers while the community of European socialist countries would have been carved up, actually violated the vital interests of the peoples of these countries, and it completely conflicted with the right of these peoples to socialist self-determination. In fulfilling their international duty to the fraternal people of Czechoslovakia and defending their own socialist achievements, the Soviet Union and other socialist states had to act, and did act, decisively against the antisocialist forces in Czechoslovakia. PZPR Central Committee First Secretary W. Gomulka spoke graphically on this topic: "To those friends and comrades of ours from other countries who think that they are defending the just cause of socialism and sovereignty of peoples by condemning and protesting against the entry of our troops into Czechoslovakia we reply: If the enemy places dynamite under your house, under the community of socialist states, it is our patriotic, national, and international duty to prevent this by the application of such means that may be necessary!"

* * * * *

The Bratislava statement of communist and workers parties says about socialist achievements, won at the price of heroic efforts and the selfless labor of each people, is the common international duty of all the socialist countries."

* * * * *

Naturally, the communists of the fraternal countries could not permit the socialist states to remain inactive in the name of some abstract idea of sovereignty when they saw how the country was exposed to the danger of antisocialist degeneration. The actions of the five allied socialist countries in Czechoslovakia correspond to the vital interests of the Czechoslovak people themselves. It is clear that it is precisely socialism which has liberated a nation from the fetters of the exploiter system and which insures solution of the vital problems of the national development of any country which has taken the socialist road. But in encroaching on the foundations of socialism, the counterrevolutionary elements in Czechoslovakia were thus undermining the very foundations of the independence and sovereignty of the country.

In addition, Foreign Minister Gromyko, speaking for the Soviet Union at the United Nations on October 3, 1968, said:

Attempts have been made to reproach us in connection with the events surrounding Czechoslovakia. There are even statements heard to the effect that the action taken by the allied socialist States was allegedly "abrupt" and "incomprehensible." But what kind of abruptness are they referring to? You know only too well that there was nothing abrupt in the measures of self-defense taken by the socialist countries against imperialist intrigues. The Soviet Union and other socialist countries have on many occasions warned those who are tempted to roll back the socialist commonwealth to snatch at least one link from it,

that we will neither tolerate nor allow that to happen.

* * * * *

The Soviet Union deems it necessary to proclaim from this rostrum, too, that the socialist States cannot and will not allow a situation where the vital interests of socialism are infringed upon and encroachments are made on the inviolability of the boundaries of the socialist commonwealth and, therefore, on the foundations of international peace.

Let nobody look for contradictions between our determination to defend the interests of socialism, the interests of the security of socialist commonwealth, and our determination to uphold the cause of peace and international security. Such contradictions are non-existent.

These statements declare a new principle, if it can be called one, which upsets accepted standards of international law and of the Charter of the United Nations. It contradicts the U.N. Resolution on the Inadmissibility of Intervention in Domestic Affairs of States, which the Soviet Union sponsored in the General Assembly in 1966. It must be taken as a true declaration of Soviet intention to repress liberalizing movements and reforms in the Warsaw Pact countries if the Soviet Union determines it necessary to do so for its interests. It has raised questions about future Soviet intentions toward Rumania and Yugoslavia.

The invasion and subsequent declarations of policy raise questions of great concern to NATO. Has there been a change in Soviet leadership or policy, or both, which would cause the Soviet Union by design or because of fear, misapprehension or miscalculation, to undertake military action or harassment of NATO members? This concern has been heightened by the declarations of the Soviet Union that it possesses authority to invoke Article 53, Paragraph 1, and Article 107 of the Charter of the United Nations against the Federal Republic of Germany.

Statements continue to be made by both Czechoslovakia and the USSR concerning the withdrawal of troops from Czechoslovakia, six to seven divisions are reported stationed along the Czech-West Germany border, and no one can say with assurance that they will be withdrawn.

The central question before the NATO organization, both political and military, our governments, and our parliaments, is the nature of the response that should be made—both military and political—to this critical situation.

It would appear that the action of our governments following the invasion was practical and wise. I will take the liberty of including in this report a statement made by Senator Mike Mansfield, Majority Leader of the United States Senate, in a report to the Senate, which I believe reflected the American attitude.

U.S. policy has been effectively attuned both to developments in Czechoslovakia and to our capacity to contribute constructively in this difficult situation. The Czechoslovak leaders sought no special assistance from this Nation and none was offered. It was made clear that the United States looked with understanding on the efforts which were being made to bring about reforms within Czechoslovakia. It was also made clear that we were prepared to consider certain specific problems of U.S.-Czech relations which have to do with trade, impounded Czechoslovak gold and other matters of limited significance. Unlike Hungary a decade ago, however, there has been no empty talk of liberating Czechoslovakia. There has been no inadvertently cruel misleading of the Czechoslovak people which would have only contributed to their suffering without, in any sense, alleviating the repression.

This is not to say that there is, today, any more than there was a decade or two decades ago, a recognition on the part of the United States of "spheres of influence" as between the United States and the Soviet Union which would sanction the latter's recent actions in Czechoslovakia. There can be no tacit acquiescence in any Soviet right to dominate Czechoslovakia or any other independent nation in Eastern Europe or anywhere in the world. The avoidance of bombast in present circumstances is merely a recognition of the practical limitations of U.S. action. When conflicts occur beyond the reach of our commitments, unilateral or regional, it is irresponsible and dangerously delusive to ignore the existence of these limitations. The United States has not the omnipotence to alter situations at will in Europe any more than in Asia. The only omnipotence which exists in world affairs, today, is the omnipotence of the United States and the Soviet Union to insure the nuclear extinction of human civilization.

Now we must deal with the effectiveness of NATO strategy and forces to deter and insure against any aggression against NATO. We must undertake (as the Council of Ministers, Foreign Ministers and Ministers of Finance as well as Defense Ministers are doing) an analysis of these questions of strategy and forces, so that we may discharge our responsibilities in making correct recommendations to our governments.

In my report at the November 1967 meeting of this Committee, I attached an appendix providing the comparable status of NATO and Warsaw Pact forces at that time, which I again refer to the attention of the members of the Committee.

In my preliminary report of June this year, I made the statement that NATO forces were roughly balanced, approximately equal in number on the central front and weaker on the northern flank. The Honorable G. Koudijs, a member of the Military Committee, wrote to me asking for clarification of the statement and also questioning properly the accuracy of the conclusion that NATO forces were superior qualitatively in strength. I could not at the time respond fully as a part of the information I had secured was classified. Since that time, I have received unclassified material which is based on joint NATO intelligence.

The issue raised by Mr. Koudijs is basic to an evaluation of the adequacy of NATO forces and the determination of whether a military balance between NATO and Warsaw Pact forces actually exists. It is fair to say that the statement in my June report and the information upon which it was based has also been questioned by a report of the Committee on Armed Services of the United States House of Representatives.

I attach to this report the following annexes illustrating this issue:

Annex I: Letter of the Honorable G. Koudijs, M.P., to the Rapporteur.

Annex II: Letter of the Honorable Frederick S. Wyle, Deputy Assistant Secretary of Defense for the United States, to the Rapporteur, dated August 30, 1968.

Annex III: Review of a Systems Analysis Evaluation of NATO vs. Warsaw Pact Conventional Forces; Report of the Special Subcommittee on National Defense Posture of the Committee on Armed Services, United States House of Representatives, Ninetieth Congress, Second Session, dated September [redacted], 1968.[1]

Annex IV: Letter from Assistant Secretary of Defense, Alain Enthoven, to the Rapporteur on the NATO-Warsaw Pact Military Balance.

[1] The deleted portions of this report represent classified material.

I believe it will be helpful to the Committee to place in the body of the report at this point three tables illustrating the latest comparison of NATO and Warsaw Pact forces that I have been able to secure.

TABLE I.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Excluding U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES,[1] MID-1968 DATA

	NATO	Warsaw Pact
Land forces, M-day:		
Divisions	[2] 28⅔	[3] 46
Manpower in divisions	389,000	368,000
Manpower in division forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	
Equipment (NATO as percent of pact):		
Tanks	60	
Antitank weapons	150	
Armored personnel carriers	130	
Artillery and mortars (number of tubes)	100	
Divisional logistic lift	150	
Total vehicles	135	
Engineers	137	
Tactical air forces:		
Number of deployed aircraft	2,100	2,900
Percentage of worldwide inventory (deployed in Europe)	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter attack	48	15
Primary attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250–500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance protrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.
[2] Includes 5 French divisions.
[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.
[4] Range depends on tactical mission profile assumed.

It will be noted that some categories of equipment are not described in number, but in percentages, because the exact figures are classified. The precentages represent a comparison of the number of weapons employed by both forces. The average strength of a Soviet division varies acording to type from 9–10,000. A standard NATO division is approximately 15,000. An average NATO division has about 10,000 men to support its activities, while a Warsaw Pact division is backed up by 5,000 men. A U.S. division has about 23,000 men supporting.

TABLE III.—THE MILITARY BALANCE, 1968-69

Country	NATO			Warsaw Pact		
	Armed forces (in thousands)	Army (in thousands)	1968 Defense budget (million-dollar equivalents)	Regular forces (in thousands)	Army (in thousands)	Defense appropriations (million-dollar equivalents)
Belgium	99.0	75.0	501.0			
Canada	101.6	41.5	[1] 1,589.0			
Denmark	45.5	28.0	[2] 292.0			
France	505.0	328.0	[3] 6,104.0			
Germany	456.0	326.0	5,108.0			
Greece	161.0	113.0	[3] 318.0			
Italy	365.0	265.0	1,940.0			
Luxembourg	.6	.6	[4] 7.5			
Netherlands	128.5	83.5	[4] 898.0			
Norway	35.0	19.0	320.0			
Portugal	182.5	150.0	302.0			
Turkey	514.0	425.0	[2] 472.0			
United Kingdom	427.0	210.0	[1] 5,450.0			
United States	3,500.0	1,535.0	[2][5] 76,576.0			
Bulgaria				153	125	223
Czechoslovakia				225	175	1,538
East Germany				126	85	1,715
Hungary				102	95	370
Poland				274	185	1,830
Rumania				173	150	551
U.S.S.R.				3,220	2,000	[6] 39,780
Total	6,520.7	3,604.6	102,877.5	4,273	2,815	46,012

[1] 1968-69 budget.
[2] 1968-69 "Defense estimates."
[3] 1968 "Defense expenditure."
[4] 1968 "Defense estimates."
[5] Includes U.S. costs attributable to Vietnam ($25,000,000,000-$30,000,000,000).
[6] The following is noted on pp. 4-5 of source: "The ruble figure represents the declared budget of the Ministry of Defense and does not include certain expenditures such as the cost of nuclear warheads, research and development expenditure on advanced weapons system and the military elements of the space program, which are believed to be included in the budgets of other ministries. At the commercial exchange rate ($=0.42 rubles) the dollar equivalent of the declared defense budget is approximately $18,500,000,000. If calculated at a rate which in the opinion of scholars more accurately reflects the different pricing system used in Soviet industry (1=0.42 rubles) declare Soviet military expenditure is at the level of $39,000,000,000-$40,000,000,000 a year, and total military expenditure could be of the order of about $50,000,000,000."

Source: "The Military Balance, 1968-1969," London: Institute for Strategic Studies, 1968.

My report of last November stated that the Defense Ministers had on May 9, 1967 approved a policy guiding NATO military commanders on force planning and strategy. Generally, it was agreed that force goals for 1968 would be accepted at the 1967 levels. Thereafter, a continuing process of evaluating forces and resources required would be reviewed annually for the next five-year period. It is assumed that revisions would be made if required by changes in the political or military situation.

Obviously, the question of whether the NATO forces described on page 24 in Table II (in being before the Czechoslovakian crisis) are still in balance with Warsaw Pact forces and are capable of employing successfully the strategy of forward defense and flexible response to deter or to respond successfully to any purposeful probing or outright attack upon NATO territory, depends upon many factors other than stated numbers of men or equipment. The balance between ground troops, armor and air forces, and their training and deployment, communications, supply, reserves and mobilization base of the NATO members, bear critically upon the capability of NATO forces to perform their mission.

I am attaching as Annex IV the report I have received from the Department of Defense of the United States, entitled "Evaluation of NATO and Warsaw Pact Conventional Forces in Central Europe," which responds to some factors and problems suggested by Mr. Koudijs and others. It also includes a brief discussion of strategies.

Table II (see page 24) indicates that Warsaw Pact and NATO forces were roughly comparable in numbers before the Czechoslovakian invasion. The Warsaw Pact, including Czechoslovakian forces, had 46 divisions numbering 368,000 men, while NATO had 28⅔ divisions, including five French divisions, amounting to 389,000 men. If French forces are included, the overall balance is, according to joint NATO intelligence, 900,000 for NATO versus 960,000 for the Warsaw Pact.

It is the Rapporteur's view the increase of the Soviet Union's forces and their deployment in Eastern Europe before and during the invasion have upset any assumed balance between NATO and Warsaw Pact conventional forces. For, between May and late August, ten additional divisions had been moved from within the Soviet Union to forward positions in Eastern Europe. The total of Soviet divisions is now 32.

Further, the establishment of Soviet troops in Czechoslovakia with necessary supply and communication lines from the Soviet Union for an indeterminate period according to the treaty recently completed in Prague on October 16, 1968, has provided to the USSR the capability to move additional combat ready forces in the Western Soviet Union to the Southern frontiers of the Federal Republic of Germany.

From all indications, up to this time, the Soviet Union has as its primary objective the subjugation of Czechoslovakia to its will. Despite the increase of its forces by ten divisions, and though several divisions are now deployed in Czechoslovakia against the Bavarian border of West Germany, its forces have not yet shown signs of preparing for an attack against NATO. And for the present, the 225,000 men of the Czechoslovakian forces and their 600 aircraft may be considered unreliable by the USSR for Warsaw Pact duty.

It is obviously a primary task for NATO to monitor carefully the future disposition of Soviet forces in Eastern Europe. If the Soviets continue to maintain in Eastern Europe the ten divisions they have brought from the Soviet Union, and if they do not withdraw substantial forces from Czechoslovakia and the Bavarian frontier, and if the Czech forces are considered "reliable" and are given a Warsaw Pact mission, then it will be necessary for NATO to consider adding forces to match this increase.

Under the best of circumstances—a withdrawal of the additional Soviet divisions from Czechoslovakia and Eastern Europe—the closest examination must be made of the composition and capabilities of NATO and Warsaw Pact forces.[2]

The Evaluation contained in Annex IV provides a basis for comparison of forces before the intervention of Czechoslovakia. The Evaluation and other studies made the following comparison of NATO strengths and deficiencies:

NATO forces are superior to those of the Warsaw Pact in number of major weapons in all categories except tanks and aircraft. While the Evaluation states that NATO tank forces are qualitatively superior, in number they represent only 60% of those employed by Pact forces. The Warsaw Pact has superiority in numbers of aircraft—2900 versus 2100—but again the Evaluation argues NATO aircraft to be qualitatively superior, possessing two times the payload capacity and the ability to remain airborne longer.

The deficiencies of NATO forces are glaring:

1. *Protection of Aircraft.* The limited area available denies effective aircraft dispersal and without shelter, aircraft cannot be protected against a surprise attack of the sort carried out by Israel against the Arabs in June 1967. The construction of aircraft shelters should have immediate priority.

2. *Ordnance.* NATO does not have adequate stocks of conventional arms, all types of ammunition, spare parts and replacement vehicles for sustained engagement.

3. *Training.* NATO military authorities have continued to insist, quoting NATO Commander General Lymen Lemnitzer that, "18 months service is the minimum useful service requirement." Since 1951, the United States has required its draftees to serve 24 months. Greece, Turkey, and Portugal require 24 months of service, but all other NATO countries have shorter periods than two years or no conscription at all. The failure of adequate training is reflected directly in a lack of reserve strength and adequate mobilization base. It was the conclusion of the Defense Ministers at their meeting in 1967, as expressed by Secretary of Defense McNamara, that the greatest weakness of NATO was its mobilization base. This was the full statement:

The greatest deficiency in the European NATO forces, however, is the lack of an adequate mobilization base. We, in the United States have made great progress in raising the combat readiness of our own reserve forces and in providing the means for their movement, and I believe it is most urgent that our European allies do likewise. By adopting such an approach, the flexibility of NATO's force structure could be greatly enhanced.

4. The Committee should ask if the imbalance in the training and reserve forces has contributed to an imbalance in the deployment of NATO forces in Central Europe. I believe it is agreed that the defenses of the North German Plain are not as effective as is required and they should be strengthened.

5. The military situation of the Northern and Southern flanks, and the strategic problems caused by the withdrawal of France remain unchanged.

It is clear that NATO's military capabilities must be improved and quickly.

The question of burden sharing has been a persistent and difficult problem for NATO. Now that there is a clear threat and an indisputable need to keep the NATO alliance militarily strong, the question of sharing the burden of its costs should be discussed frankly and resolved.[3] The North Atlantic Council and particularly the Defense Plan-

[2] There is an obvious need for a new "evaluation" of NATO and Warsaw Pact forces to take account of the changes brought about by the Soviet invasion of Czechoslovakia. Such an "evaluation" is now in progress, but the key unknown factor is whether the Soviets will withdraw their forces to previous levels.

[3] Attached as Annex V is a full discussion of the problems of burden sharing, entitled *United States Troops in Europe.* Report of the combined Subcommittee of Foreign Relations and Armed Services Committees, October 1968. Also discussed is the problem of force levels. I commend this report to the members of the Military Committee.

ning Committee are already addressing this key problem and will be meeting again approximately at the time this Committee will meet.

Despite its deficiencies, the American contribution to NATO constitutes a formidable military organization: There are 304,000 military personnel in Europe including Spain, the Sixth Fleet and Turkey. In West Germany alone there are over four combat divisions, several battalions of medium and short-range missiles with nuclear warheads and their supporting troops; an air force of 85,000 men with 900 tactical aircraft whose weaponry includes large numbers of tactical nuclear weapons. The Sixth Fleet in the Mediterranean, which is built around two carrier task forces and a total of fifty ships, 200 aircraft and 25,000 men. In the coming year, as was agreed, the United States will conduct exercises in Europe bringing back the two brigades and aircraft deployed to the United States earlier this year. This exercise will help train the two brigades for their NATO mission and demonstrate its airlift capabilities. Additional NATO committed forces in the United States amount to five divisions trained for European action, some 250 ships, and 2,500 planes, 240,000 men of the Atlantic Fleet and a considerable part of the United States Tactical Air Force. A large proportion of the strategic nuclear forces of the United States are devoted to the defense of Europe. The combined U.S. forces in Europe alone form a more powerful military force than that of any nation in the world except the Soviet Union. The United States has taken steps to bring its NATO committed forces up to full combat strength. Needed specialists and experienced officers are being returned to under-strength units from other duties. More intensive maneuvers and training exercises have been scheduled and some are already underway. To pay for this military commitment to NATO, the United States spends, according to some estimates, between 12 and 15 billion dollars annually.

I believe it well settled that it is in the field of conventional forces that NATO faces a great challenge. It is also important to review the nuclear capabilities of NATO and Warsaw Pact allies to determine if these are still adequate.

On February 1, 1968, former Secretary of Defense, Mr. McNamara, reported to the Senate Armed Services Committee a comparative United States-USSR nuclear strength as estimated on October 1, 1967:

UNITED STATES VERSUS SOVIET INTERCONTINENTAL STRATEGIC NUCLEAR FORCES, OCT. 1, 1967

	United States[1]	U.S.S.R.
ICBM launchers[2]	1,054	720
SLBM launchers[3]	656	30
Total intercontinental missile launchers	1,710	750
Intercontinental bombers[4]	697	155
Total force loadings—Approximate number of warheads	[5] 4,500	1,000

[1] These are mid-1967 figures.
[2] Excludes ICBM test range launchers which could have some operational capability against the United States. Soviets also have MR/IRBM's capable of striking Eurasian targets.
[3] In addition to the SLBM's on nuclear-powered submarines, the Soviets also have SLBM's on diesel-powered submarines whose primary targets are believed to be strategic land targets in Eurasia. The Soviets also have submarine-launched cruise missiles whose primary targets we believe to be naval and merchant vessels.
[4] In addition to the intercontinental bombers, the Soviets have a force of medium bombers/tankers capable of striking Eurasian targets.
[5] These totals do not include the nuclear force of the United Kingdom.

According to the latest intelligence estimates, the Soviets have made rapid advances and the present nuclear strength is estimated as follows:

	U.S.S.R.	United States
ICBM's	1,050–1,100	1,054
SLBM's	250	656
Long-range bombers	160	680
Short-range missiles and tactical weapons	3,500	7,000

The United States had made considerable progress in the development of MIRV (Multiple Independently Targeted Reentry Vehicles), which would increase the number of missiles with nuclear warheads by a factor of 5–10, whether launched on an Intercontinental Ballistic Missile, or on the Polaris or the newly authorized Poseidon missile. The USSR, as the United States, has been hardening and dispersing silos for its land based missiles, and developing Polaris-type missiles and penetration aids. It has also tested a device suitable for multiple warheads. Its FOBS weapon (not yet deployed) can fire at a low trajectory to evade warning systems and strike directly at a target while in orbit. There is no reason to doubt that the Soviet Union possesses the scientific capability to carry forward these projects, and to undertake other innovations.

The Soviet Union has also worked for some time on an antiballistic missile system—called "Galosh"—centered around Moscow. It has established another defensive system called the "Tallinn." It is believed by some authorities to be an ABM system; by most authorities to be a system designed against bombers and air-breathing vehicles. The United States Congress, after an extended debate, appropriated this year approximately $1.2 billion following research of many years, to initiate the deployment of an ABM system costing approximately $5.5 billion. While recommended to the Congress by the administration as a "thin system" of defense against a Chinese threat, it is generally acknowledged to be a "building block" for a system against a Soviet threat. A very good description of the Soviet FOBS weapon and the proposed United States Sentinel ABM system is provided in the paper by Dr. Hans Bethe and Dr. Richard L. Garwin and circulated to this committee earlier this year at the request of the chairman. Further, a very good statement of the relative United States and USSR nuclear strength may be found in the Report of the Preparedness Subcommittee of the Senate Committee on Armed Services on the Status of U.S. Strategic Power, dated September 27, 1968.[4]

Both former Secretary of Defense Mr. Robert McNamara and the present Secretary of Defense, Mr. Clark Clifford, as well as military authorities have stated categorically that the United States possesses at present an "assured destruction capability," as does the Soviet Union—that is, each has the ability to destroy the other even after sustaining a full-scale first strike nuclear attack. Secretary Clifford has also said that the United States' goal is to maintain nuclear superiority over the Soviet Union.

Nevertheless, as is indicated by the report of the Preparedness Subcommittee, to which I have referred, that Committe considers that the Soviet Union is making such rapid advances in the development of its nuclear strength that it will achieve parity with the United States and perhaps numerical superiority unless greater and intensified efforts are made by the United States.

SOVIET THREAT IN THE MEDITERRANEAN

Soviet naval forces in the Mediterranean, the continuing supply of arms to Arab countries by the Soviet Union, the introduction of large naval forces in the Mediterranean, and the consequent pressure of its political influence in the Middle East is a matter of concern to NATO. Two-thirds of the oil supply of NATO countries comes from the Middle East which holds over two-thirds of the world's petroleum reserves. The Arab-Israel conflict provides a base for Soviet intervention and influence and the fear has been expressed that the Soviet Union will achieve a position of dominance in the Middle East and extend its influence in Northern Africa.

Thus far, NATO naval forces in the Mediterranean maintain a vast superiority over the Soviet fleet. The Soviet fleet consisting of approximately 40 ships, including submarines, guided missile ships and small carriers has been able to make use of ports along the Southern rim and the excellent harbors of Alexandria and Port Said in the UAR and Latakia in Syria.

In response to this growing problem, on October 15, acting on a proposal made in 1964 and approved by the DPC in 1967, the United States, the United Kingdom and Italy announced that they would join in a unified command to keep watch on the sizeable Soviet naval forces in the Mediterranean. Prior to this time, the separate NATO countries have maintained their own surveillance. The new command is called Maritime Air Force, Mediterranean (MAR/AIR/MED) which becomes operative on November 1, consists largely of land-based planes, headquartered in Naples.

Prior to the invasion of Czechoslovakia there was a strong opinion in the United States that American forces should be withdrawn from Europe. The cost of the war in Vietnam and the balance of payments problem contributed to this view. A resolution sponsored by Senator Mike Mansfield and 43 cosponsors was designed to express the sense of the Senate on this subject. More directly, an amendment was offered to the Defense Authorization Bill which would have prohibited the use of funds for the maintenance of U.S. troops in Europe in excess of 55,000 men. This amendment was not actually voted upon, but had strong support, and in the rapporteur's view would have passed the Senate prior to the Czech invasion.

While other delegates from the United States will be present at the meeting of the Military Committee, as rapporteur I believe it is my responsibility to say that the sentiment to remove and withdraw U.S. forces from Europe is not based entirely upon the demands of the war in Vietnam or the balance of payments problem. Many in the Congress of the United States and among our people consider that the United States has maintained an effective force in Europe since 1951, and has done so even though it was engaged in a major war in Southeast Asia. Over 650,000 men are stationed in Southeast Asia and the estimated annual cost of the war is 30 to 35 billion dollars. It is the opinion of many, that in these circumstances the United States should not be called upon to bear the major part of the military burden of NATO unless the other members of NATO meet the requirements for conventional forces, equipment and training needed for an effective alliance and deterrent against aggression. It has been argued that the unwillingness of NATO members to meet these requirements is due to a belief that the massive conventional forces of the Soviet Union and its Warsaw Pact allies would overrun quickly Western Europe and that the effort to strengthen NATO with additional troops and equipment would be futile. It is also argued by some that a nuclear war would be likely and conventional forces are therefore useless.

The answer to these views is that the continued purpose of NATO has been to maintain a military alliance capable of deterring both conventional and nuclear war. Your rapporteur believes that this Committee should recommend that all members take the necessary steps to provide a capable conventional and nuclear fighting force. The

[4] Title 3 of the report beginning on page 7 and ending with its subsection 9 on page 10, provides a good summary. This relevant portion is appended as Annex VI of the Report.

purpose of the provision and maintenance of such a force is to make clear to the Soviet Union and its allies that while seeking detente, NATO's will and determination is to deter war and maintain the peace.

ANNEX I

LETTER FROM ADMIRAL KOUDIJS TO SENATOR J. SHERMAN COOPER

THE HAGUE, *June 19, 1968.*
Binnenhof 1–A

DEAR SENATOR COOPER: As a member of the North Atlantic Assembly I had the privilege of being present at the Meeting of the Military Committee on 21st and 22nd May, 1968, in Brussels.

Although every one of us fully realises that circumstances will not always allow you to come over to Europe for the Committee Meeting in the spring, you will understand that your absence was very much regretted by the Chairman and the members present.

Also, we did not therefore have the privilege to hear you elucidate your extremely important and thought-provoking Preliminary Report. Consolitary is the expectation that we may have the benefit of your presence on the November Meeting.

In the meantime, however, time marches on and further developments may be expected to take place both in the international and in the national realms.

For the free world the problem of force-balance as you mention in par. 2 of your Preliminary Report—remains of fundamental importance.

In this respect "the balance sheet on the basis of the December Ministers Meeting" is of great significance. In item 2 thereof it is stated that "NATO has about 900,000 troops compared to 960,000 for the Warsaw Pact countries."

Now, it is not entirely correct in my opinion to compare manpower only. Factors as equipment, standardization, organization, firepower and mobility, training, infrastructure and geographical circumstances may have an important effect on the balance of strength. Moreover, in the present flexible response strategy we must have a large variety of options for NATO reaction in order to deter the different forms of possible attack and for this we need in particular a sufficient number of ready conventional forces.

Admitting that it is difficult to assess with a high degree of reality or reliability the comparative strength of opposing forces, a number of publications, including "The Military Balance 1967–1968," to credit the Warsaw Pact with a distinct superiority in conventional land forces over NATO. According to "The Military Balance" the Soviet Union alone has 86 divisions in Central and Eastern Europe and in European USSR.

During our November 1967 Meeting Dr. Pöhler (Fed. Rep. of Germany) voiced the popular conception that, in the conventional field, the Soviet Union had a ratio of 4 to 1 against NATO.

I would very much appreciate if you would be kind enough to give me some clarification on the considerations leading to the assessment that NATO has about 900,000 troops compared to 960,000 for the Warsaw Pact countries.

In this connection I would like to mention that in the DPC meeting in May of this year the Netherlands Minister of Defense has also noted with great interest the recent U..S evaluations concerning the strength of Soviet forces. In view of the political significance and the importance for an efficient conduct of the defence planning, he has said, it would be interesting to know the reasons for the difference between the U.S. evaluation and the strength of Warsaw Pact forces as generally accepted up till now.

This matter will of course be more fully discussed during our November Meeting but I would be very grateful if you could give me some information before that time.

I am, Sir, very sincerely yours,

G. KOUDIJS

ANNEX II

LETTER FROM MR. FREDERICK S. WYLIE, DEPUTY ASSISTANT SECRETARY OF DEFENSE, TO SENATOR J. SHERMAN COOPER

30 August 1968.

DEAR SENATOR COOPER: In response to your request for help in answering Mr. Koudijs' letter, the figure of 900,000 versus 960,000 about which Mr. Koudijs inquires represents the number of troops NATO and the Warsaw Pact, respectively, have deployed in all areas of Continental Europe. The source of the figures for the NATO countries are the various NATO countries themselves; the source of the figures for the Warsaw Pact are of various agreed NATO intelligence estimates.

As to the other general question Mr. Koudijs raises, that is, the U.S. position that the conventional forces on the two sides are in approximate overall balance, versus the frequently alleged superiority of the Soviet conventional forces, I am enclosing excerpts from relevant Congressional testimony or other public statements of the Secretary of Defense and other Defense officials from 1962–1968. These set out the context and the precise statements that U.S. spokesmen have made on this issue. I feel certain that you will conclude from reading these that the U.S. position has consistently been that the NATO countries could not afford to relax their defense efforts but that they, and especially our European allies, should increase those efforts in order to cure qualitative shortcomings in their forces and that the Alliance should take other steps to take full advantage of its overall manpower resources.

(I also enclose for your convenience an extract from the 1967 issue of the London Institute of Strategic Studies' annual "Military Balance.")

It is quite clear from a reading of the U.S. statements that the purpose of the gross comparisons of manpower and resources of the two alliance systems contained in some of these was to shift attention away from a numerical myth of Soviet superiority in manpower and toward the necessary qualitative improvements. U.S. statements have suggested that the gross comparison were only starting points for a proper evaluation of comparative strengths. In the January 1968 Posture Statement, the former Secretary of Defense McNamara said, for example: "While manpower comparisons alone are *not conclusive measures of military strength,* I believe they are reasonable *first approximations of relative ground force capabilities*" (p. 80). [Italic supplied.]

It is in this context that Secretary McNamara cited the fact that "NATO has about 900,000 troops deployed in all regions of continental Europe compared to 960,000 troops for the Warsaw Pact" (p. 80). Those figures are correct and generally undisputed. They do not purport to convey more than what they are; a simple headcount as a useful starting point for the discussion. Unless so elementary a fact as relative manpower is accepted as a starting point, however, it is practically impossible to set the problem into a perspective that would permit rational discussion of how the Alliance should best use its resources. The difficulty of inducing people to accept even undisputed facts can readily be seen from your correspondent's letter. The problem is in great part one of confusion in the discussion, rather than one of differences over such numbers as those cited above.

SOURCES OF CONFUSION IN THE DISCUSSION

A principal factor contributing to confusion in discussing the balance of conventional forces has been the terminology. The traditional practice has been to refer to the Pact's land forces in terms of numbers of divisions only. In discussions in the press, very often the large number of Warsaw Pact divisions is simply compared with the smaller number of NATO divisions, leading inevitably to the conclusion that the Warsaw Pact forces are larger by far—hopelessly so. This technique, reflected in your correspondent's inquiry, ignores the fact that the NATO divisions have very much larger number of men in fighting and supporting units than the smaller Warsaw divisions. Your correspondent cites the Institute for Strategic Studies' publication, "The Military Balance 1967–1968," but he recites only division numbers from that publication, *not* the accompanying manpower numbers. In the ISS publication itself, the numerical strength of the total NATO armed forces of all types, as well as the total NATO ground forces, is well in excess of that given for the Warsaw Pact.

WHOM TO PUT IN THE SCALES TO REACH A BALANCE

In discussing the balance of opposing NATO and Warsaw Pact Forces, it is obvious that the balance depends very heavily on whom you put in the scales. Total figures generally include France on the NATO side and Czechoslovakia and Rumania on the Warsaw Pact side. But of course a computation should be made to test the assumptions one wishes to examine. I would suggest that in discussions on this point, the proponents of different views simply specify the circumstances they have in mind and then make their comparison. If we assume for the moment that the country-by-country figures given in the Institute of Strategic Studies compilation are adequate—at least for measuring gross orders of magnitude—one can construct ones known scenario of which countries would be participating in what kind of hostilities, and then judge about the size of forces on each side in a confrontation. We have not attempted to prescribe any formula for such camparisons, and I do not believe there is much difference in the Alliance on this score.

SOME CONCLUDING THOUGHT

Let me offer some additional thoughts of my own. Whether fortunate or unfortunate, the fact is that nobody can predict in advance who will win a battle, or a war, when the opposing forces are even roughly comparable. The best that can be done is to seek to compare as many factors on both sides as are relevant to the possible conflict one has in mind. In particular, one must specify the circumstances and assumptions of war outbreak, including the preceding political developments and the issues at stake, which give rise to the comparison. The purpose of U.S. statments in NATO over the last six years has been to focus the discussion on qualitative deficiencies, which is where the focus belongs, and to seek to get the discussion away from the emotional and uninformative evocation of the supposed hopeless numerical inferiority of NATO's conventional forces and the spectre of a possible sudden, unprovoked, surprise mass attack following an undetected huge buildup of Soviet forces. That contingency is a theoretical possibility, but in our view its actual likelihood is so small as to make it a poor basis for force planning and analysis.

In summary, I think it is fair to say that "the difference between the U.S. evaluation and the strength of Warsaw Pact forces as generally accepted up to now" to which your correspondent refers is not a difference in factual statements but a difference in approach to what remains a highly emotional subject. The U.S. approach has been an attempt to apply factual analysis to the factual elements of the problem, to make a clear statement of what is and what is not susceptible of comparison, and to concentrate on cures for any real imbalances or asymmetries. It would be unfortunate if this attempt to look at the matter dispassionately should

be regarded as a U.S. evaluation in some way downgrading the very substantial Soviet and Warsaw Pact ground and air threat in Europe. It would be even more unfortunate if unfounded suspicions of motivations extraneous to the attempt to analyze, as best we can, the balance of forces with which we must contend, should intrude upon the discussions with our allies of this problem of crucial importance to all of us.

I hope that this response meets your need, and I am of course available to you for any further help I may be able to give.

Sincerely,

FREDERICK S. WYLE.

ANNEX III

REVIEW OF A SYSTEMS ANALYSIS EVALUATION OF A NATO VERSUS WARSAW PACT CONVENTIONAL FORCES

Report of the Special Subcommittee on National Defense Posture of the Committee on Armed Services, U.S. House of Representatives, September 4, 1968

INTRODUCTION

During a field investigation in May 1968 to examine U.S. military assets and our capability to meet worldwide commitments, the subcommittee became aware that in February 1968 Dr. Alain Enthoven, Assistant Secretary of Defense (Systems Analysis) had presented to a NATO group a comparative evaluation of NATO and Warsaw Pact conventional forces,[1] arrived at through the use of the systems analysis technique.

Subcommittee witnesses were so concerned over the impact of this evaluation on our NATO allies that it was decided to review the methodology involved in the evaluation and test the validity of the conclusions reached. It was also decided to treat this review as a separate matter, not to be included in the subcommittee's report[2] on its broader investigation.

The subcommittee's report and exhibit A were submitted to the Department of Defense for security clearance. The Department's deletions are indicated by blank lines.

BACKGROUND

Everyone wholeheartedly agrees that military force planning in Europe and elsewhere should be on as rational a basis as possible, but not everyone agrees on how this should be done. Although the subcommittee recognizes that systems analysis can be a useful tool to aid in reaching decisions and making judgments, it is also aware that in the highly complex problem of force planning it can be extremely dangerous if used as a substitute for subjective analyses and informed reasoning.

To fully appreciate the significance of the Enthoven briefing and the effect which it can reasonably be expected to have on U.S. efforts to strengthen NATO, an understanding of pertinent historical developments and present attitudes of our NATO partners is important.

Since the inception of NATO in 1949, no member country other than the United States has ever met its force commitments. Germany has come closest, with the other member countries trailing behind at varying distances. During the intervening years, U.S. NATO representatives have made every effort to encourage our allies to meet the responsibilities they have agreed to assume with respect to forces and support.

For political and economic reasons, this has been an uphill struggle and the difficult problems were compounded when, in 1966, France withdrew from the military affairs of NATO and removed its troops and aircraft from the alliance defence structure. Also, it denied the use of its military bases and strategic geographic area to NATO.

[Deleted.]

Shortly, thereafter, there appears to have been a concerted effort by the radical and leftist in some NATO countries to press for further reduction of their country's participation in and contribution to the NATO defence. This was the troubled climate in which U.S. NATO representatives were toiling in February of 1968. They were again seeking to make the other member nations understand that unless NATO were significantly strengthened, it would no longer be an effective force, either militarily or politically.

It was at this point that Dr. Enthoven appeared on the scene with his "Methodology for Evaluating Conventional Forces". The effect of this on the best laid plans of our top U.S. NATO military advisers will not be known for some time to come, but it could hardly be accurate to describe it as helpful. During hearings held by the subcommittee it was described as having had an extremely harmful effect. Dr. Enthoven began his presentation by telling the NATO group that there is no reason for them to increase their currently planned military budgets or the size of their existing forces; that present NATO forces are at least equal to Warsaw Pact forces. If he is right, our best military advisers are wrong; but on the basis of sworn testimony and documentary evidence which the subcommittee has assembled, the subcommittee finds adequate reasen to question the validity of Dr. Enthoven's position. For this reason, the subcommittee has sought to make a critical analysis of both Dr. Enthoven's methodology and the conclusions he has reached as a result of his system analysis exercise. The subcommittee has selected for comment a representative cross section of sufficient size to support its conclusions.

ANALYZING THE ANALYSIS

Many of the most pertinent factors that bear on the effectiveness of military strategy and planning cannot readily be reduced to statistical abstractions. The geography of NATO furnishes a significant illustrative example. It is not a continuous belt of strength facing Eastern Europe and the Soviet Union. Instead, it is a series of isolated islands of strength (variable strength at that) which may not be mutually supporting. This is particularly true since NATO can no longer count on French forces and facilities in an emergency. The Warsaw Pact, on the other hand, has all the classical military advantages associated with a large, continuous land mass and interior lines of communication. These fundamental geographical differences between NATO and the Pact suggest a multitude of problems and contingencies, both military and political, which must be considered in force planning. If Dr. Enthoven was aware of them, their lack of treatment in his paper would suggest that he chose to ignore them.

Another defect in the Enthoven paper is that it makes finite judgments as to the adequacy of forces, although admittedly without supporting facts (sec. 7, p. 13).[3] However, Dr. Enthoven does not hesitate to substitute his "beliefs" for facts, nor does he hesitate to assume the outcome of studies not yet completed dealing with mobilization capabilities. This leads to potentially dangerous conclusions which encourage acceptance of such patently irrelevant comparisons as those shown on page 1,[4] which match the forces of NATO and Warsaw Pact countries on a worldwide basis. The British Defense Minister, the subcommittee was informed, dealt with the speciousness of such a comparison very neatly in his statement to NATO's Defense Planning Committee. In summary, he said, "With great respect. I do not think you can really count on the British forces in Hong Kong as being available in case of war in Europe." Because of U.S. participation in Vietnam, this can also be said for a significant number of American personnel who represent the dominant weight on the NATO side as portrayed in slide 1.[4]

By the same token, the Soviets would have to hold back some portion of their forces from a European engagement. The point we wish to emphasize is simply that this slide, though it makes NATO look good, has little if any bearing on the purported subject of the briefing—evaluation of forces for a conventional war in Europe. For all practical purposes, it is irrelevant.

It is possible, however, to develop fairly accurate figures on opposing forces, provided one has a good understanding of how the figures are derived and what they mean in terms of capability. But even these conclusions must, of necessity, be more general than finite, since the nature of the total problem is such that it cannot be solved with simplistic answers.

Unfortunately, the systems analysis approach requires the isolation of data in such a way that they can conveniently be "managed." The result is very likely to be an oversimplification of some very complex interrelationships and a tendency to leave out whatever cannot easily be determined or expressed. Dr. Enthovens presentation recognizes and mentions this problem more than once; neverthless, it incorporates some of these fundamental invalidating oversimplifications. For example, Dr. Enthoven tends to consider conventional forces as an independent segment rather than a part of the total military balance in Europe. He has, in effect, taken them out of context. Any true evaluation of conventional forces demands that they be viewed against a background of NATO and Warsaw Pact theater nuclear capabilities in several forms; demolitions, artillery, rockets, bombs and missiles.

Another pertinent factor is the substantial Soviet intermediate- and medium-range ballistic missile capability to strike Western Europe, for which NATO has no corresponding deterrent or counteraction force. And at the end of the nuclear spectrum, the total military balance in Europe includes the strategic nuclear forces of the U.S.S.R., the United States, Britain, and, possibly, France. Any computation of conventional capabilities must allow for the fact that some of our resources are, in fact reserved for nuclear contingencies and must remain so.

Approximately [deleted] of the NATO strike and attack aircraft in the central region are currently limited to a nuclear role. They lack a genuine conventional close support capability. There is no indication in the briefing that these [deleted] aircraft were deducted from gross totals when computing NATOs close air support kill capability. Neither does there appear to be adequate recognition that conversion of nuclear strike air squadrons to dual roles or to a strictly conventional role means increased costs to train and maintain proficiency in the different skills involved. Also, Dr. Enthoven is silent on costs of procurement and maintenance of modern conventional air munitions. We have always thought that systems analysis and cost effectiveness were inseparable. While there is room for adjustment in the magnitude of NATO resources devoted to maintaining a theater nuclear capability, both NATO strategy and common sense dictate that such a capability be maintained. The resources allotted to nuclear tasks cannot, therefore, also be added in at full value when computing nonnuclear capabilities.

Aside from the forces under consideration Dr. Enthoven has also been selective on the geographical aspects. He has carefully avoided any discussion of NATO's flanks, which we believe to be a most important consideration. Any failure on the flanks would seriously affect the central region and

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[1] Dr. Enthoven's briefing paper, entitled "Methodology for Evaluating Conventional Forces," is attached as exhibit A.

[2] "Review of the Vietnam Conflict and its impact on U.S. Military Commitments abroad," August 24, 1968 (committee print).

[3] Exhibit A.

[4] P. 9, exhibit A.

we think this omission alone casts considerable doubt on his conclusions. The NATO flanks have always posed problems and these are now magnified by France's withdrawal and the Soviet presence in the Mediterranean. Moreover, the Soviet goals in the Middle East are slowly being achieved. Their vast military and economic programmes and their naval operations have bolstered Soviet prestige and power on the southern flank. They have even adopted a more congenial attitude toward Turkey and Iran with some success. One principal Soviet objective, to outflank NATO's land-based defences, has been accomplished by penetrating the Mediterranean.

It also appears that in order to support his general thesis, Dr. Enthoven has not hesitated to compare "apples" and "oranges." This fallacy of false comparisons is illustrated by slide 2,[5] which purports to compute the yearly cost of equipping Soviet divisions at U.S. standards. Dr. Enthoven arrives at a cost of $13 to $14 billion by multiplying the number of Soviet divisions (140) by the average yearly U.S. expenditure on equipment per division ($90 to $100 million). He then estimate the total Soviet defence budget to be $45 to $55 billion at U.S. prices. Dr. Enthoven's purpose in using this latter figure is not readily apparent, since the figure provided to the subcommittee by the Pentagon shows the estimated total Soviet defence budget for fiscal year 1968 to be only $15.6 billion (16.7 billion rubles) and that the fiscal year 1967 and fiscal year 1966 budgets were even smaller.

It is unclear why he considers these figures significant or relevant, since there is no indication that his computations take into account the marked difference between United States and the lesser Soviet production costs. Furthermore, Dr. Enthoven makes no distinction on this slide between the size of a Soviet division and a U.S. division, which is approximately 70 percent larger. This oversight, if such can be, makes it impossible to arrive at any intelligent conclusions, yet Dr. Enthoven not only reaches conclusions, but in the process he apparently feels that his alchemy has changed estimates into what he characterizes as "facts."

In fairness to Dr. Enthoven, it should be pointed out that early in his briefing he confesses that the "division" is a poor unit of measure for comparison purposes; yet, recognizing this, he continues to use it. For example, slide 5[6] portrays total vehicles in divisions and slide 10[7] shows divisional logistics capabilities. The difference in authorized strength are ignored. The NATO authorized division strength is between 14,000 and 18,000 men per division. The Warsaw Pact has between 6,000 and 10,000 men per division. Of even more importance is Dr. Enthoven's obvious inference that Pact divisions do not have built-in, sustained logistical capability in any way equivalent to NATO divisions. He ignores the fact that Communist military forces obtain sustaining support from the civilian population which accounts for the low inventory of vehicles in their forward operating units and that in an emergency all petroleum stocks and vehicles are commandeered.

The reliability of the division comparison approach is further degraded by the fact that NATO division manning and equipment levels are often at wide variance with prescribed levels. Documentary evidence and testimony in our records show that peacetime manning of U.S. non-NATO divisions averages about [deleted] percent, and some are as low as [deleted] percent of authorized strength. The inventories of onhand equipment follow a similar pattern. Phase II of our earlier report on the Vietnam war and its impact on commitments abroad discusses combat readiness and the condition of onhand inventory of U.S. forces in Europe. Succinctly, it is impossible to compare NATO divisions with each other, much less with Soviet and Pact country divisions.

We agree, as does the presentation, that there is no satisfactory way to make an absolutely convincing quantitative comparison of the type attempted. While the division provides a convenient unit for ground force planning purposes, it is a very poor yardstick for comparing NATO-Warsaw Pact strength.

Avoiding the organization factor altogether is also unsatisfactory. In slides 6[8] and 9,[9] infantry and engineer capabilities are compared on a gross manpower basis. One cannot equate infantry needs without considering Pact superiority in armor, mobility, and firepower. On the engineers, the subcommittee was informed that there are substantial differences in training and missions.

All arms of the Soviet Army in Eastern Europe, according to the testimony, get far more intensive river-crossing training than do NATO forces. Soviet transport vehicles require less engineer forces for mobility tasks and support. In his presentation, Dr. Enthoven urges that NATO's "substantially greated engineer capability [deleted] should permit substantial delays to be imposed on the Pact through barriers, minefields and the like."[10] This statement borders on illusions and disregards Soviet doctrine, the structuring of forces, and the conceded advantage in numbers of Soviet tanks. The occupation of Czechoslovakia by Pact forces amply demonstrates that they are structured for swift, massive armored penetration. Our evidence shows that the rate of advance, which Soviet doctrine says should achieve 100 kilometers per day, precludes the use of NATO stockpiled mines even if only half this rate were achieved. To construct barriers and lay effective minefields presupposes that NATO will have considerable advance notice of Pact movements—a false assumption indeed. We believe these differences require a greater and more meaningful analysis than the presentation demonstrates.

The demonstration on tactical air (slides 11[11] and 14[12] is equally suspect in that criteria are very restricted. First, the analysis credits NATO with the cooperation of French aircraft, a most optimistic assumption. Secondly, it disregards the rapid reinforcement capability of the Soviets that could provide some [deleted] fighter aircraft and [deleted] light bombers to support a western front. Here again, the comparisons fail to consider the logistical, geographical, and tactical realities of the European land mass. The loiter time comparison appears to have little relevance because Pact forces can be expected to take advantage of their numerical superiority offensively rather than defensively. A portion of NATO resources, too, would initially be assigned to air defense missions rather than close air and ground support tasks.

In addition to lack of shelters for aircraft and [deleted] mentioned in the presentation the subcommittee learned at U.S. Air Force, Europe Headquarters, that there is a serious deficiency is dispersal capability. Another deficiency is in effective [deleted].

One other point that cannot be overlooked is that Army air defense resources are being reduced. These deficiencies become particularly critical because of the excessive crowding of logistic depots and air bases. This, of course, results from France's withdrawal of facilities from NATO. Any advantages that might accrue to NATO in range, payload, etc., are offset by its having to use austere and semiprepared bases.

On page 10 of the presentation, we note that a soldier is a "relatively equivalent unit [deleted] if he is similarly trained and equipped." The "if" becomes significant in the light of the complaint of the Supreme Allied Commander, Europe, that NATO training is plagued by the short length of conscript service in most member countries as compared to the Pact periods of service. The subcommittee's record certainly does not support any conclusion that the average NATO soldier is "similarly trained" to one of the Warsaw Pact.

If Dr. Enthoven's analysis, as employed in this presentation, represents the state of the art of systems analysis, the subcommittee cannot accept its employment for strategic planning. Nor does it provide a basis for consultation with the alliance members on political and military matters. We believe that the presentation suffers from serious oversimplification of some facts and failure to consider others. Systems analysis does have a value and it can provide methods for analyzing and defining a given problem, but we think it a very poor vehicle for arriving at absolute solutions. Even if all the data were correct, and the comparisons and criteria reliable, the presentation appears to have as its principal thrust the achievement of parity between NATO and the Warsaw Pact. We think that the goal should be superiority, not parity. This methodology for evaluating conventional forces by employing a systems analysis technique produces little in the way of instruction and much to undermine our announced U.S. objectives.

There are certain means that we are aware of to validate strategic military concepts, the most certain of which is eyeball-to-eyeball armed conflict between opposing forces. War games are extremely useful and produce valuable indicators. They are particularly helpful in pointing out the weakness rather than the strength. War is the only real and final test.

We wonder how a systems analyst would have approached the relative comparisons of military capabilities of the Israel and Arab forces prior to June 1967. That war dramatically portrays the "intangibles" in the military balance. In the field of military strategy and force development, systems analysis, in our view, is still in its infancy.

The subcommittee is now as convinced as ever that there remains a substantial place for military experience, judgment, and professional expertise in military decisionmaking and in military consultations with our allies.

EXHIBIT A

OUTLINE OF BRIEFING BY ALAIN ENTHOVEN, ASSISTANT SECRETARY OF DEFENSE

Methodology for Evaluating Conventional Forces

I. INTRODUCTION AND PURPOSE

A. As Secretary of State McNamara said for many years, without effective nonnuclear forces NATO is politically weak in a crisis. Nuclear weapons, when both sides have them, are too dangerous and destructive to be a credible response except in the most extreme circumstances. This principle seems now to be accepted by NATO.

B. The purpose today is to discuss our reasons for believing that a satisfactory nonnuclear capability is feasible at about currently planned budgets, provided plans are made and carried out to supply, protect and use NATO's existing forces effectively.

C. The reason for doing this is that we think it is critically important for the leaders of NATO governments to understand that their forces can serve a useful and definable military purpose vis-a-vis the Warsaw Pact. Otherwise there will be no good reason for not giving in to the ever present pressures to cut forces a token level; and there will certainly be no reason to undertake the small but vital improvements neces-

[5] P. 9, exhibit A.
[6] P. 10, exhibit A.
[7] P. 11, exhibit A.
[8] P. 11, exhibit A.
[9] P. 12, exhibit A.
[10] P. 12, exhibit A.
[11] P. 14, exhibit A.
[12] P. 15, exhibit A.

sary to make NATO forces realise their full potential.

II. BACKGROUND

A. Military assessments have continually concluded that NATO would be hopelessly outnumbered almost immediately in any sizeable conventional war.

(1) A NATO study in 1965 (the Mountbatten Study) concluded that NATO in the Center Region could handle about [deleted] Soviet division and [deleted] aircraft for a period of [deleted].

(2) Other appraisals have been somewhat more favorable, but nevertheless indicated that the Warsaw Pact with its 200 divisions and several thousand aircraft, could overwhelm NATO in a relatively short time.

B. These assessments are a logical result of the normally sound military principle of never underestimating the threat. However, when political conditions make it impossible to supply the forces necessary to meet the threat when so conservatively defined, the result can be dangerous. Instead of supporting fully adequate forces, which is viewed as politically and economically impossible, many people conclude that NATO's military forces are so hopelessly inadequate as to be nearly irrelevant. This sentiment is widespread in our own Congress, for example.

C. (1) We began to re-examine these questions several years ago when we realized that NATO had 30 percent more men under arms and about 25 percent more tactical aircraft than the Warsaw Pact, as shown in the slide. Of course, neither side has all of its forces deployed in Europe; countries on both sides have forces for other theaters. Nevertheless, we felt that with such large worldwide forces, NATO should not be so badly outnumbered in Europe.

SLIDE 1.—WORLDWIDE NATO AND WARSAW PACT FORCES IN MID-1968

[Excluding U.S. increases for Vietnam]

Manpower	NATO	Warsaw Pact
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air force	1,400,000	880,000
Total, men	5,470,000	4,200,000
Tactical aircraft	11,500	9,200

(2) We further realised that our estimates of Soviet defence expenditures were inconsistent with the money they would have to spend to equip their divisions at anything like the NATO standards, as shown in the following slide.

SLIDE 2.—COST OF EQUIPPING SOVIET DIVISIONS AT U.S. STANDARDS

	Average per U.S. divisions (millions)	Number of Soviet divisions	Yearly cost required (billions)
Yearly expenditure on equipment	$90–$100	140	$13–$14
Estimated total Soviet defense budget (U.S. prices)			$45–$55

(3) These facts meant—

Either Soviets had some drastic advantage in efficiency, or Current methods of comparing capabilities were biased in favour of the Soviets.

III. INDICATORS OF CAPABILITY

A. To get a better understanding of this paradox we began to try to develop some straightforward indicators of capability.

(1) I will compare the forward deployed M-Day NATO and Pact forces in the Center Region as an illustrative example of these techniques, but they can also be applied under many different scenarios including reinforcements on both sides.

(2) First, the figures normally used to describe the opposing forces,

SLIDE 3.—NATO AND WARSAW PACT M-DAY FORCES IN THE CENTER REGION

	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Divisions	5	[1] 23⅔	28⅔	46	22	24
Tactical aircraft			2,100	2,900		

[1] Includes 2 U.S. Armored Calvary Regiments as brigades.

From these figures, the impression is naturally gained that NATO is immediately outnumbered by 60% on land and 40% in the air.

(3) These figures, however, fail to take account of some very significant differences in the size and structure of the NATO and Warsaw Pact divisions and aircraft, which I will now discuss in turn.

B. *Land forces:* The following table shows the manpower strength of the same forces displayed on the previous chart.

SLIDE 4.—LAND FORCES IN THE CENTER REGION (EXCLUDES AIR DEFENSE)

	NATO			Warsaw pact		
	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Divisions	5	23⅔	28⅔	46	22	24
Manpower in divisions			389,000	386,000		
Manpower in division forces			677,000	619,000		

(1) The average NATO division has 70 percent more men than the average Pact division.

(2) Considering the whole "division force" (division plus combat and combat service support), the difference is nearly 80 percent.

(3) In manpower, thus, NATO M-Day Forces are about equal to the Pact's in the Center Region.

(a) This is very significant because a soldier, unlike a division, is a relatively equivalent unit on both sides, if he is similarly trained and equipped.

(b) Manpower is by far the largest cost in maintaining a Western army; so if we have an adequate number of men under arms we are already paying for most of the cost to have an adequate capability.

(4) We have gone further, however, to obtain a still more detailed idea of the structure and equipment of these two forces, as shown in the following slide. The figures shown pertain to the same forces shown previously.

The slide shows that Pact forces have about [deleted] percent more tanks, but that NATO has the same number or more of other key types of equipment, including more tactical transport vehicles. The key difference in structure is the greater emphasis on tanks by the Warsaw Pact. This of course is a matter of choice, since we could change the mix of weapons in our force if we thought it would be more effective.

SLIDE 5.—*Land forces equipment*

	NATO	Warsaw Pact
Total vehicles in divisions		
Tanks		
Antitank weapons		
Mortars and artillery pieces		
Armored personnel carriers		

Thus, while our force structure differs considerably from the Pact's, there is no indication that Pact soldiers, on the average, are better equipped than NATO's.

(5) Further measures of capability. To gain an indication of the actual capability of these forces, we have grouped them into five categories—infantry, artillery and mortars, tanks and anti-tank weapons, engineers, and logistics—and we have developed capability measures for each. I should make it clear that these figures will not predict the outcome of war, since this depends on many unpredictable factors such as intelligence, weather, tactics and the like. Furthermore, the grouping of forces into categories does not at all imply that they would not be used against other categories. The figures, therefore, are intended only as an indication of the relative capability of the forces available to both sides. The following slides will display each of these.

a. *Infantry.* To measure pure infantry capability we have estimated the actual number of men available to both sides in rifle and reconnaissance platoons.

SLIDE 6.—*Men in rifle reconnaissance platoons*

	NATO	Warsaw Pact
Number of men		

As there is little difference in the equipment or capability per man, this is a fairly good measure and indicates that the infantry capability is about equal. It of course ignores the advantage of the defense being in protected positions.

b. *Artillery and Mortars.* The capability of artillery and mortars is measured by the number of casualties each side can inflict per day, when shooting at typical targets. This is displayed on the following slide.

SLIDE 7.—*Mortar and artillery capability, number of casualties inflicted per day against typical targets*

	NATO	Warsaw Pact
Number of casualties		

NATO's capability is so much greater because of more effective ammunition (COFRAM for U.S. weapons), more accuracy of certain weapons, and greater ammunition expenditure rates. This measure ignores whatever additional advantage NATO gets from having mostly self-propelled, rather than towed artillery. I will come back to the supply rate when I discuss logistics.

c. *Tanks and Anti-Tank Weapons.* Obviously, the Pact's largest potential advantage is in tanks, since they have [deleted] percent more than NATO. On the other hand, NATO tanks, especially the M–60, Leopard and Chieftain ([deleted] percent of NATO's medium tanks) have considerably better accuracy at long range than the T–54 and T–55, the main Warsaw Pact tanks. Also, NATO would be on the defence on most parts of the front, permitting its large numbers of infantry anti-tank weapons to be relatively effective. The slide estimates the number of enemy tanks the NATO tanks and anti-tank weapons could kill before being killed themselves in typical tactical engagements.

This calculation does not show that we could necessarily defeat the enemy tank force. Other relevant factors must also be considered, of course. Most of our anti-tank weapons would be spread more or less evenly across the front, while the enemy can concentrate his armor in a few places. On the

other hand, our tactical air forces should be able to destroy many tanks, and the Soviets would lose some from mechanical breakdowns. But the point I want to make here is that the problem posed by the large number of Soviet tanks should be approached in these terms, and not by a simple comparison of the numbers of tanks on both sides.

SLIDE 8.—*NATO antitank capability*

Type weapon, number available, capability kill, enemy tanks
Tanks
Light antitank weapons
Medium antitank weapons
Mines

[Deleted.]

d. *Engineer Effort.* As shown in the following slide, NATO has a substantially greater engineer capability, as measured by the number of men in engineer units.

SLIDE 9.—*Number of engineers*

	NATO	Warsaw Pact
Number of engineers		

This capability should permit substantial delays to be imposed on the Pact through barriers, minefields and the like. NATO Central Region countries have [deleted] antitank mines stockpiled, which by World War II standards should inflict about [deleted] tank losses on the Pact, as shown on the previous slide.

e. *Logistics.* Since the NATO forces have considerably more men in and behind the division engaged in logistics tasks, as well as more transport vehicles per combat vehicle, the ability to supply ammunition and fuel, and to keep tanks operating should be greater.

The Soviets apparently have accepted this as indicated by their low artillery ammunition expenditure rates. The following slide shows two measures of logistics capability at the divisional level.

SLIDE 10.—*Divisional logistics capability*

	NATO	Warsaw Pact
Cargo life in divisional vehicles		
Days of supply carried in divisional vehicles		

The Soviets can maintain their basic load at an appropriate level of days only by planning on fairly low ammunition supply rates for artillery.

(6) *Summary of Comparisons of Land Forces:* (Slide 4 (Manpower) on again).

a. Because of great differences, in size and structure, the number of divisions is a poor measure of NATO and Warsaw Pact capability.

b. NATO has about slightly more M-Day manpower in combat available units as the Warsaw Pact in Central Europe, although the Pact has 60 percent more divisions. These figures do not describe the overall strength of NATO and the Pact, of course, since they do not consider reinforcements on both sides.

c. A detailed examination of equipment indicates no area where the Pact's different structure provides a major relative advantage, although NATO should improve its [deleted] capability.

(7) *Implications:* I would not want these figures to be taken to suggest that in any sense we have more land forces than we need. Before drawing conclusions on the adequacy of these forces, one must consider carefully a number of other important factors including the readiness and state of training, reinforcement capability of both sides, and the political circumstances in which these forces might be used. I believe that NATO should have some margin of superiority in its land forces on M-Day to offset Pact advantages in reinforcement capability and the fact that the Pact might begin to mobilise before we do.

Mobilisation and reinforcement capabilities are a very important matter, but they are not the subject of my presentation today. The whole question of Warsaw Pact reinforcement capability is under intensive study now.

However, I would like to say that I believe that when Warsaw Pact reinforcement capabilities are looked at realistically, we will find that they could be matched by NATO, approximately within current budget levels, if we organised ourselves efficiently to do it. For example, with short terms of active duty service, many NATO armies are paying very heavy training costs, but not getting full benefit because the trainees soon finish their terms of service. This spending could be converted into effective and relevant military power if these men were organised into fully equipped reserve units.

The point I want to make is this: When we do study these questions and make comparisons of the two sides to test the adequacy of our forces, we should look at specific indicators of capability like the ones I have presented, and not mislead ourselves by simply counting divisions. The large investment in NATO's existing forces can only be realised if NATO forces are adequately trained, and have adequate stocks of ammunition and other supplies.

C. *Tactical Air Forces:* The following slide shows the number of aircraft units in the Center Region and the percentage of the worldwide inventory.

SLIDE 11.—TACTICAL AIRCRAFT IN THE CENTER REGION

	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Number of tactical aircraft unit equipment			2,100	2,900		
Percentage of worldwide inventory			20	40		

1. NATO's deployed forces are only 20 percent of its worldwide inventory (Center Region countries) while the Pact's deployed forces are 40 percent of theirs. However, the main problem in comparing the number of aircraft is that it fails to consider significant differences in characteristics.

The following slide indicates the high proportion of multi-purpose aircraft (with both a significant bombing and interceptor capability) in the NATO force deployed in the Center Region and the high percentage of interceptors at the Pact force. As a result, NATO aircraft have about 2.4 times the payload capability per aircraft.

SLIDE 12

	NATO	Warsaw Pac
Percentage of force by mission capability:		
Primarily interceptors	10	42
Multipurpose fighter-attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Payload index	100	3

2. Other significant differences in the air forces are the number of flying hours, the maintenance support and the ability to loiter near the front lines to engage enemy airplanes, as shown in the following slide.

SLIDE 13

	NATO	Warsaw Pact
Crew training: Number of flying hours per month		
Maintenance: Average number of hours out of commission per flying hours		
Frontline air defence: Loiter time of fighters at 100 miles (minutes)		

The average NATO pilot gets twice the flying hours per month of the average Pact pilot. The average Pact aircraft spends 80 percent more time out-of-commission per flying hour as the average NATO aircraft. And the loiter capability of NATO fighters is 3–4 times that of the Pact's.

3. Capability Indicators: As in the case of land forces, we have tried to combine some of these factors into illustrative calculations of capability.

SLIDE 14

	NATO	Warsaw Pact
Illustrative close air support target kill capability:		
Number of tanks damaged per day:		
With ordinary bombs or rockets		
With best available munitions		
Personnel in rifle platoons, casualties inflicted per day:		
With ordinary bombs or rockets		
With best available munitions		
Frontline air defense capability:		
Total loiter time of first line fighters available at 100 miles (hours per day)		

The first measure is simply the number of tanks or personnel the NATO and Pact forces could kill per day under varying tactical assumptions, if the whole force were applied to either purpose. This takes into account the sortie rate, pilot accuracy and payloads of each air force. It shows that the NATO force has 2.5 to five times the destructive potential of the Pact force, when both sides use ordinary bombs and rockets, and even more if the best available munitions were used.

The second measure is the number of hours of loiter time available per day from first-line fighters. It is a measure of the ability of each side to patrol its front lines to protect its bombers or to attack the other side's bombers.

4. I would like to emphasize that all these advantages of the NATO forces are *potential*, and are in danger of being wasted for two reasons:

a. Our aircraft are vulnerable to attack on their airbases. They must be protected by a vulnerability reduction programme that includes aircraft shelters, runway repair capability, and other measures. Otherwise, we are in danger of losing them in the first few days of the war, as the Arabs did last June.

[Deleted.]

Correction of these problems is one of the most important actions NATO could take to improve its capability; yet the cost is relatively small.

IV. SUMMARY

A. The number of divisions and aircraft is a poor measure of relative NATO/Warsaw Pact capability, because of large differences in the size and capability of these units.

B. Although it is difficult or even impossible to predict the outcome of future wars,

it is possible to develop useful indicators of relative capability.

C. If these indicators are used to compare the forces, it becomes apparent that certain weaknesses in the strucure and support of the forces are very important, and can be corrected at relatively small cost. These include:

1. Shelters for aircraft.
2. [Deleted.]
3. [Deleted.]

D. I hope that all the national and international staffs studying NATO military problems will find this approach a useful adjunct to their other analyses.

ANNEX IV

LETTER FROM ALAIN ENTHOVEN, ASSISTANT SECRETARY OF DEFENSE, TO SENATOR JOHN SHERMAN COOPER

OCTOBER 22, 1968.

DEAR SENATOR COOPER: Enclosed is a copy of our analysis of the NATO and Warsaw Pact convention forces in Central Europe. I hope this report will prove helpful in your upcoming discussions with European parliamentarians and statesmen.

An appreciation of the state of conventional forces in Europe is essential to show the need for improvements in NATO conventional forces. I thank you for helping make known our view on this vital subject.

My staff and I would, of course, be pleased to provide you with any further information or assistance you require.

Sincerely,

ALAIN ENTHOVEN.

[ADDENDUM]

EVALUATION OF NATO AND PACT CONVENTIONAL FORCES IN CENTRAL EUROPE

I. Introduction

The importance of a significant conventional capability in Europe has been generally accepted by the NATO nations. The NATO Ministers made it official in 1967 by adopting the flexible response strategy. The Ministers' motivation was simple. Without effective nonnuclear forces NATO is politically weak in a crisis. Nuclear weapons, when both sides have them, are too dangerous and destructive to be a credible response except in the most extreme circumstances.

This report reviews the current military balance in Europe and presents our reason for believing that a satisfactory conventional capability is feasible, at planned or moderately increased budget levels, provided NATO supplies protects and uses its existing forces effectively. We think it critically important for the leaders of NATO governments to review the military balance themselves. Otherwise, they could yield to widespread pressures to cut the size of forces to a token level and not undertake the small but vital improvements in quality necessary to make NATO forces realize their full potential.

A. HISTORICAL PERSPECTIVE

In Europe and America a popular image formed shortly after World War II about the enormous size of the Soviet military forces, especially land forces. At that time Soviet armies were very large compared with the Western Allies' recently dismantled forces. This image has proven resistant to changing facts.

Since World War II it has been generally thought that NATO would be hopelessly outnumbered almost immediately in any sizable conventional war. There was quite understandable hopelessness about standing off the 150–300 or more Soviet divisions. We believed that the necessary NATO land forces would have been prohibitively expensive and thus politically unacceptable. Instead of providing fully adequate forces, many governments increasingly conclude that NATO's conventional military forces were so hopelessly inadequate as to be nearly irrelevant except for symbolic/political uses. The futility of having conventional NATO capability in Europe in the face of massive conventional Soviet power was a widespread idea among leaders of western governments as well as the public. NATO relied on nuclear weapons as the sole means to defend against supposed numerically superior Soviet forces by trying to substitute nuclear weapons for conventional forces on the NATO side.

NATO governments often expressed the intention to increase greatly the size of their conventional forces in Europe, such as the 1952 Lisbon force goal of 96 NATO divisions to meet Soviet capability. These intentions were never fulfilled because of the political climate of the times.

Instead, the pessimistic picture of the conventional imbalance between NATO and the Pact made it difficult to get the NATO governments to make even small but vital qualitative improvements in their existing forces, much less increase the size of their forces. Attempts to obtain force increases by scaring people with the enormity of the threat usually produced the opposite effect and a feeling of defeatism.

B. NEW U.S. ANALYSIS OF NATO AND PACT FORCES

In the early 1960's the U.S. began reexamining the conventional capability of NATO and the Warsaw Pact. Our analysis shows that the Warsaw Pact does not have much larger forces than does NATO. To reach this simple and limited conclusion, our new analysis considers several kinds of gross comparisons, including numbers of men and equipment, numbers and quality of aircraft. Formerly we looked mostly at number of divisions. While the new analysis can be improved and refined, we can be confident that our general conclusion remains valid. In items of gross size, the forces of the Pact and those of NATO are roughly balanced.

The numerical balance of forces leads to three conclusions. First, as Section IV discusses, a conventional capability is worth while. Second, simple and relatively cheap improvements in the quality of existing NATO forces could yield valuable military returns. Third, since the forces of all the NATO nations contribute to the rough numerical balance between the Pact and NATO conventional capabilities, none of the nations should reduce its forces to a token level. Doing so would destroy the balance.

C. OBJECTIVE OF U.S. ANALYSIS

Our purpose in doing the new analysis was simply realism. Our purpose in making it known is to show that the problems in the Alliance do not arise from numerical inferiority. The money available for military budgets and the military manpower available to NATO are in fact greater than those available to the Warsaw Pact. We should not be complacent, however. The real problems are those of equipment, training, supplies and related aspects of military forces. We should solve these problems precisely because we already are spending the money and have the manpower. Doing so will improve further our confidence in balancing any possible Warsaw Pact advantages. *We do not believe, however, that we need far more money or manpower than at present.* Our purpose in making gross comparisons between the two alliances is to shift attention away from a myth about numerical inferiority and toward the necessary and feasible improvements.

Our purpose often has been misunderstood. Hence, we should clarify several misconceptions. First, we are not arguing that NATO should aim for equality with the Warsaw Pact forces instead of superiority. If reasonable force contributions from the NATO nations would result in superiority, we certainly ought to consider superiority's benefits and costs. We believe, however, that obtaining much more force is completely unrealistic, barring some extraordinary and unforeseen change in NATO's political climate. Thus, however, desirable superiority might be, it is far from being a practical possibility that debate and analysis should focus instead of feasible defence postures and force improvements.

Second, no one should conclude that a NATO nation could decrease its military forces because NATO has more forces than it needs. Obviously if rough numerical balance exists between opposing forces, unilateral force reductions of any consequence would destroy the balance.

Third, we are also arguing that present NATO forces are satisfactory. During our analyses we have uncovered significant areas where NATO forces definitely need improvement. Until these improvements are made the NATO forces cannot fulfill their full potential and cannot be considered adequate. Examples of this are discussed below.

Fourth, let us emphasise that we are not trying to predict the outcome of a conventional war in Europe. War is one of the most uncertain of all human endeavors. Intangibles such as morale, training, and leadership, while crucial, cannot be measured and predicted. The best that can be done is to seek to compare as many factors on both sides as are relevant to the possible conflict one wants to consider. We can then define the feasible measures which are likely to best improve our chances for wartime success.

Now let us turn to the analysis itself.

II. Indicators of Capability

A. WORLDWIDE FORCES

Table I compares worldwide Warsaw Pact and NATO forces. Soviet forces in the Far East are included. Increases in U.S. forces for Vietnam are excluded. We present this comparison not to imply anything directly about the balance in Europe, but simply to lead perspective, to give some rough idea of forces available for reinforcement, and to indicate the general magnitude of resources each side is putting into its forces.

TABLE I.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Including U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices; that is, the United States could "buy" the Warsaw Pack forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES,[1] MID-1968 DATA

	NATO	Warsaw Pact
Land forces, M-day:		
Divisions	[2] 28⅓	[3] 46
Manpower in Divisions	386,000	368,000
Manpower in Division Forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	
Equipment (NATO as percent of pact):		
Tanks	60	
Antitank weapons	150	
Armored personnel carriers	130	
Artillery and mortars (number of tubes)	100	
Divisional logistic lift	150	
Total vehicles	135	
Engineers	137	

Footnotes at end of article.

	NATO	Warsaw Pact
Tactical air forces:		
Number of deployed aircraft	2,100	2,900
Percentage of worldwide inventory deployed in Europe	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250,500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovak crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.

[2] Includes 5 French divisions.

[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.

[4] Range depends on tactical mission profile assumed.

B. CENTRAL EUROPEAN FORCES

The date in the following analysis relate to the situation prior to the invasion of Czechoslovakia. Detailed revised data are not yet available for force comparisons of the current situation. Gross estimates, however, indicate that neither the short nor long-term threat to NATO's Center Region has undergone a major change. Soviet forces are more ready now than before, and they have deployed some additional divisions to Eastern Europe from the Soviet Union. On the other hand, the decreased dependability of the Czech forces and the need for Pact forces to neutralise them and the Czech population reduce the net threat.

Whether the long term threat to NATO is increased depends on whether the Soviets maintain the same level of readiness and on the dependability of the East European forces in general and the Czech forces in particular. In addition, the sudden aggressiveness displayed by the Soviets in invading Czechoslovakia has introduced the dangerous element of increased unpredictability.

At the present time, then, we will give the data relating to the situation prior to the Czech crisis. Table II compares the land and tactical air forces in Central Europe last spring. Each of the capability indicators which we compare is discussed below.

1. LAND FORCES

If one counts divisions, NATO is outnumbered in immediately available forces. However, if one counts the number of men in divisions or in division forces, NATO has about ten percent more manpower. If one counts the number of men in rifle platoons, the manpower is about equal. The reason for this disparity in divisions and men is that a NATO and a Pact division are very different. The average NATO division has 70 percent more men than a Pact division. Considering the whole division force, the difference is nearly 80 percent.

That manpower on both sides is roughly equal is very significant. A soldier, unlike a division, is a relatively equivalent unit on either side, if he is similarly trained and equipped. Also, manpower is by far the largest cost—something over 80 percent—in maintaining a Western Army. If we have an adequate number of men under arms, we are already paying for most of the cost to have an adequate capability.

We have gone further, however, to obtain a still more detailed idea of structure and equipment of these two forces. Table II shows ratios of available equipment.

a. *Tanks and Anti-Tank Weapons.* The Pact's largest potential advantage is in tanks, since NATO has only 60 percent as many as the Pact. NATO armies have deliberately chosen to place less emphasis on tanks than do the Soviets. We could increase the emphasis if we thought effectiveness would be increased. In any case, NATO tanks have a qualitative advantage, especially the M–60, the Leopard and the Chieftain. They are considerably more accurate at long range than the T–54 and T–55, the main Warsaw Pact tanks. Also, since NATO would be on the defense along most of the front, its 50 percent advantage in infantry anti-tank weapons would be important. Studies show that NATO tanks and anti-tank weapons have a very significant kill potential against the Pact tank force. Although these relative capabilities do not show that we would necessarily defeat the enemy tank force, we clearly are not in a hopeless situation, especially when one adds the tank kill potential of our tactical aircraft.

b. *Armored Personnel Carriers.* NATO has 30 percent more APCs than the Pact. This should give NATO a mobility advantage.

c. *Artillery and Mortars.* The number of artillery and mortar tubes is about equal on both sides. However, because of more effective ammunition, more accuracy of certain weapons, and greater ammunition expenditure rates because of greater logistical capability, NATO's capability to inflict casualties is greater than that of the Pact.

d. *Logistics.* Since NATO forces have considerably more men engaged in logistics tasks behind the division, and more transport vehicles per combat vehicle, NATO's ability to supply ammunition and fuel and to keep tanks operating should be greater. As one would expect the Soviets plan on lower artillery ammunition expenditure than NATO does.

We conclude from this analysis of NATO and Pact forces that the forces facing each other on M-Day are roughly equal in many measures of size. The Pact forces are structured differently, e.g., they place greater emphasis on tanks, but this is more a question of force mix rather than of inadequate force size. We could change our mix of weapons if we thought it would be more effective.

Rough equality in force size does not mean that we have more land forces than we need. Before drawing conclusions on the adequacy of our forces, one must consider carefully a number of other important factors including readiness, state of training, reinforcement capability of both sides, and the political circumstances in which these forces might be used. NATO should ideally have some margin of superiority capability in its land forces on M-Day to offset Pact advantages in reinforcement capability and to allow for the Pact's possibly beginning to mobilize before we do.

Mobilization and reinforcement capabilities are a very important matter, but they are not the subject of this report. The whole question of Warsaw Pact reinforcement capability is under intensive study now.

When this review is complete, we will probably find that while the Pact's capabilities are greater than NATO's today, they could be matched by NATO, if we organise ourselves efficiently. For example, with short terms of active duty service, many NATO armies are paying heavy training costs but not getting full benefit because the trainees soon finish their term of service. This spending could be converted into effective and relevant military power if these men were organised after discharge into fully equipped ready reserve units.

The important aspects of our new analyses are: (1) When we compare forces, we should look at specific indicators of capability like the ones presented here. We should not simply count divisions. (2) When NATO forces are adequately trained and have adequate stocks of ammunition and other supplies, NATO can derive the full benefit from its large expenditures on manpower in existing forces.

2. *Tactical air forces*

Table II shows the aircraft deployed to the Center Region of NATO by both sides and certain other indicators of effectiveness. At first glance the Pact appears to have a significant advantage. It has almost 40 percent more aircraft in the Center Region. However, NATO's deployed aircraft are only 20 percent of its worldwide inventory while the Pact's deployed forces are 40 percent of theirs. Particularly since aircraft are easily moved, NATO has a greater reinforcement capability.

The main problem in comparing air forces is that aircraft quantities alone fail to take account of significant differences in characteristics. NATO forces have a much higher proportion of multi-purpose aircraft while the Pact has a much larger proportion of interceptors. This difference in structure contributes to the fact that the NATO aircraft have about 2.4 times the payload capability per aircraft.

The number of tanks or personnel the NATO and Pact air forces could kill per day under varying tactical assumptions have been analysed. The estimate takes into account the sortie rate, pilot accuracy, and payloads of each air force. The result of these analyses is that NATO forces appear to have two and one-half to five times the destructive potential of the Pact force, when both sides use ordinary bombs and rockets, and even a greater advantage if the best available munitions are used.

NATO airforces also have two and one-half to five times the loiter time capability of Pact first-line fighters. Loiter time is a measure of the ability of each side to patrol its front lines, to protect its bombers, or to attack the other side's bombers. A frequent observation about the tactical air situation is that, although NATO has a greater offensive capability, the Pact has more interceptors. This is certainly true, and a key question therefore is how effective these interceptors would be in stopping our fighter bombers. We do not know precisely, but one thing is clear. With its high percentage of multi-purpose aircraft, NATO has more flexibility than the Pact. NATO can use its aircraft partly for offensive attacks and partly for protection against Pact interceptors, as the situation requires. Combined with the limitations on the Pact's ability to patrol the front lines, many NATO aircraft should be able to penetrate Pact defences and attack Pact troops.

Finally, the average NATO pilot gets twice the flying hours per month than the average Pact pilot. The average Pact aircraft spends 80 percent more time out of commission per flying hours than NATO aircraft. This pilot training and maintenance is expensive, but we believe gives us a more effective air force.

All these factors change the conclusions derived from simple counting of aircraft. NATO air forces have significantly greater tactical air capability than the Pact. However, as with land forces, many of NATO's air advantages are potential. They are in danger of being wasted because relatively inexpensive measures are neglected. For example, the present vulnerability of our aircraft on air bases is a problem which could be rectified inexpensively. We could build aircraft shelters costing only about five percent of the aircraft's cost, establish runway repair capabilities, and other simple measures. Otherwise we are in danger of losing many aircraft in the first few days of the war, as the Arabs did in 1967.

C. CONCLUSIONS

We hope that this analysis will help to counteract the frequent tendency toward gross exaggeration about Warsaw Pact forces. Counting divisions on both sides is mislead-

ing. They are not comparable units. Rather, we must count real factors such as soldiers, guns, tanks, vehicles, infantrymen, and engineers, rather than nominal formations. When comparing equipment such as aircraft, we must take into account their different characteristics.

When we analyse capability in this manner we find a rough equality of numbers in Central Europe and in the Alliance as a whole. If NATO's military posture is inadequate—and we think it is—it is not because we are grossly outnumbered. Rather, it is because of readiness deficiencies that NATO has not thought worth fixing.

The balance of forces, however, does not lead to the conclusion that NATO can now match the maximum mobilized strength of the Warsaw Pact armies or that NATO can relax its efforts. Rather, we can have a major conventional option in Europe without substantially greater costs—a very good conventional option is within NATO's reach.

We are not deriving the benefits we could from present forces, although we already have the manpower we need and are incurring most of the necessary costs. To obtain all benefits we must correct certain weaknesses discussed below.

III. Improvements to NATO forces

A. VULNERABILITY OF AIRCRAFT

Our tactical aircraft are parked on open ramps and are vulnerable to destruction, much as the Arab air forces were in 1967. The importance of shelters in solving this problem has been demonstrated. Shelters should be included in the joint NATO infrastructure programme. A good shelter costs around $100,000; the aircraft it protects costs one to six million dollars.

B. INADEQUATE AMMUNITION

Some non-U.S. forces have small stocks of ordnance, which would prevent their forces from realising their full combat potential. We shall continue to stress the need for building balanced ammunition stocks. Ironically, some of our NATO Allies have justified their very small ammunition stocks on the grounds that NATO is sure to be defeated early in a war—a good example of the harmful consequences of exaggeration of Pact forces.

C. MALDEVELOPMENT

Allied forces in the Center Region tend to be poorly deployed; their peacetime military bases are generally located too far south.

D. MOBILISATION

The Central Region allies have a large manpower mobilization base (as a by-product of short terms of service), but in the past have not taken its training or equipping very seriously. The Belgians, Dutch and British should be continually urged to keep their reserve units fully equipped. The Germans now have no major reserve combat units, and should create more reserve battalions to fill out their 12 active divisions to full strength.

IV. Implications for strategy

The foregoing analysis has some important implications for NATO strategy. A strategy cannot be decided in the abstract; it must relate to the basic facts of the situation.

The new NATO strategy officially recognizes the need for a range of military capabilities, from conventional to strategic nuclear. In this strategy strategic nuclear forces are a major deterrent to Soviet aggression. Theater nuclear capabilities add to deterrence in Europe, mostly to deter tactical use of nuclear weapons, but also to help deter massive conventional attack.

Our strong conventional forces help deter a deliberate conventional attack by denying the Soviets confidence of success. To obtain any such confidence, they must resort to extremely large-scale mobilization and fighting in which the risk of nuclear war becomes more credible. Having about the same amount of force as the Pact in various stages of build-up would, we believe, deter a Pact invasion. With such a ratio, the Soviets could have little confidence of success.

The main reason for adopting a revised strategy—away from massive nuclear retaliation to any aggression—is that threatening strategic-nuclear attack on Soviet cities is no longer a credible deterrent to political pressure or limited military aggression in Europe.

A second reason behind the new strategy is that nuclear weapons for tactical use, when both sides have them, are not an adequate substitute for conventional forces. Nuclear weapons would have to be used in large numbers or high yields to destroy a major Pact invasion force. The Soviets in turn respond in kind and destroy major forces on our side. Such a war would incidentally also kill millions of civilians and destroy cities. Defence by suicide is not a credible threat. Moreover, such a theater nuclear war would create enormous pressure for even more escalation to destroy the remaining nuclear delivery systems on both sides which could lead to more attacks on cities.

The importance of keeping such a conventional capability for NATO has been emphasized by the recent invasion of Czechoslovakia. The Soviets have demonstrated that they are ready to use military force in Europe if political means fail, and if they consider their vital interests to be at stake. Over a period of several months, the Soviets made demands on the Czech government, backed up by military mobilization, exercises and the like. Should the Soviets act in this way toward any NATO Ally, NATO should have the ability to respond by building up its own forces as the Soviets build up theirs.

Furthermore, events in Czechoslovakia underscore both the growing pressures within Eastern Europe for liberalisation and Soviet determination to oppose such pressures as forcefully as necessary, even in the face of propaganda costs and the risk of war. The situation in Eastern Europe may therefore become increasingly explosive—this is no time for NATO to cut its forces or ignore ways to make them more effective.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: A news story has just brought to my attention an unfortunate error in the memorandum I provided you recently on NATO and Pact conventional forces in Central Europe.

The material concerned is in Section II, Part B, so that the error will not be perpetuated, I would deeply appreciate it if you would simply delete the first and second paragraphs of Section II, Part B. Would you also call this deletion to the attention of those to whom you have given the paper?

Actually, that part is not germane to the purpose of the memorandum which was to give a rough comparison of forces prior to Czechoslovakia. But to my personal distress I find that the wording creates an impression which is opposite to the views which I hold and which careful government-wide assessments of the Czech situation confirm.

In short, the net threat—including the availability of forces and the possible Pact willingness to risk their use against NATO territory—has significantly increased, not reduced. It is clear that the Soviet forces in Central Europe, the principal threat, are greater in military strength now than before the occupation of Czechoslovakia. While some of those forces would be needed to watch the Czech population, it is my conclusion, and of course the position of the United States Government, that the Soviet Union has now demonstrated a willingness to use force to interfere in the internal affairs of another state that many persons had hoped was a relic of the past. Therefore, the combination of increased military and political threat is one of real concern to me, and the necessity for improvements in NATO's forces takes on new urgency. I regret any inconvenience caused by the necessity for correcting my memorandum, but it is important that persons using it understand my views.

Sincerely yours,

ALAIN ENTHOVEN.

ANNEX V

UNITED STATES TROOPS IN EUROPE

Report of the Combined Subcommittee of the Foreign Relations and Armed Services Committee of the U.S. Senate, October 15, 1968

A. SUBCOMMITTEE ACTION

The Combined Subcommittee of the Foreign Relations and Armed Services Committees on the Subject of U.S. Troops in Europe was appointed on March 1, 1967, to consider two resolutions, and a number of amendments thereto, relating to the subject of the level of U.S. forces stationed in Europe. These resolutions and amendments had been referred to both the Committee on Armed Services and the Committee on Foreign Relations.

The two resolutions were Senate Resolution 49, introduced by Senator Mansfield and 43 cosponsors on January 19, 1967, to which amendments were subsequently proposed by Senator Clark and Senator Dodd, and Senate Resolution 83 introduced on February 16, 1967, by Senator Javits and 11 cosponsors, Senate Resolution 49 declared it the sense of the Senate that "a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." Senate Resolution 83 declared it the sense of the Senate that the European members of NATO "be urged to make a greater contribution" and that the redeployment of some U.S. forces was "properly an item for determination in consultation with our NATO allies." The texts of these resolutions and amendments are contained in appendix A to this report.

The subcommittee held its first meeting on April 13, 1967, in executive session. Senator Mansfield was elected chairman, and Senator Stennis, vice chairman, of the subcommittee. The subcommittee decided to invite Secretary of State Rusk and Secretary of Defense McNamara to testify on April 26, 1967.

The subcommittee met in executive session on April 19, 1967 to discuss the rescheduling of witnesses and decided to invite Secretary of Defense McNamara and Under Secretary of State Katzenbach—who would be Acting Secretary in the absence of Secretary Rusk—to testify on April 26 and to invite Secretary Rusk to testify alone on May 3.

The combined subcommittee met on April 26 in executive session at which time Secretary of Defense McNamara, Acting Secretary of State Katzenbach, and Under Secretary of State for Political Affairs Eugene Rostow testified. Although both hearings were in executive session a record of the hearings was published on July 31, after some material had been deleted for national security reasons.[1]

The subcommittee has not met since May 3 of last year. However, individual members of the subcommittee have continued to pursue the questions raised in the subcommittee's hearings in meetings of various Senate committees and on the Senate floor. The

[1] U.S. Troops in Europe, hearings before the Combined Subcommittee of Foreign Relations and Armed Services on the subject of U.S. Troops in Europe, U.S. Senate, 90th Cong., first sess. (Washington: U.S. Government Printing Office, 1967.)

speeches on this subject made in the Senate in 1967 and 1968 by members of the subcommittee are contained in appendix B. to this report.

B. INTRODUCTION

There is a division of opinion within the subcommittee on the question of the level of U.S. forces in Europe that should be maintained. Before the invasion of Czechoslovakia, some members of the subcommittee believed that there should be a substantial reduction in these forces phased over a number of years; other members of the subcommittee were opposed to a substantial reduction in these forces under the prevailing conditions in Europe and the Soviet Union. All of the members of the subcommittee are agreed, however, on certain basic propositions:

1. The level and composition of U.S. forces in Europe should be studied on a continuous basis and should be reassessed periodically, taking into account such factors as advances in the techniques of modern warfare, the risks and advantages of dual-basing, and political and military developments in Europe. The invasion and occupation of Czechoslovakia make such study and reassessment all the more important.

2. While there is no question of the essential importance to the United States of its NATO commitment, account must obviously be taken of the fact that our other obligations abroad and our responsibilities at home are placing an increasing strain on the resources available to meet this commitment.

3. The responsibility of defending the area covered by the North Atlantic Treaty is a joint responsibility to be shared by the United States and the other NATO countries. It is a responsibility which our NATO allies should take—but often do not seem to have taken—at least as seriously as do we.

4. The foreign exchange costs incurred by the United States through the stationing of its forces in Europe place an unacceptable strain on the U.S. balance of payments. The effective cooperation of our NATO allies is urgently required in seeking a long-term solution to this problem.

5. Changes in any NATO assigned forces are properly matters for consultation among NATO allies.

C. DEFENCE EFFORTS OF THE UNITED STATES AND ITS NATO ALLIES

U.S. Forces have been stationed in Western Europe in large numbers since 1951–52, when the United States bolstered its ground forces there by four divisions in the belief that hostilities in Korea augured a sharply increased Soviet threat to the countries of Western Europe.

By the middle of 1952, the buildup of U.S. forces had reached some 350,000. In subsequent years, U.S. Army, Air Force, and naval personnel stationed on or near the European Continent in support of NATO have numbered above 400,000, rising to more than 450,000 during the 1961–62 Berlin crisis, falling below 350,000 beginning in 1967. Dependents and U.S. civilian employees accompanying these forces have numbered at times in the several hundreds of thousands; foreign nationals employed by these forces have averaged, over the years, close to 100,000.

The bulk of U.S. forces in Europe have been stationed in West Germany where, for 16 years, the equivalent of some six U.S. divisions and a large Air Force contingent have shouldered a major portion of the defence burden in NATO's crucial central region. Despite a preoccupying balance-of-payments deficit, which began to assume ominous proportions in 1958; despite the ever more pressing demands of the Vietnam War; despite heavy commitments elsewhere in the world and the rising cost of urgent domestic programmes; the quantity and quality of U.S. forces in Germany and Europe have remained remarkably stable.

Over the years, some necessary and probably overdue trimming of personnel has been accomplished as a result of the phasing out of obsolescent bases and weapon systems and the cost-reduction programme of the Department of Defense. The relocation of U.S. and NATO installations from France in 1966–67 permitted the return to the United States of some 18,000 U.S. military and civilian personnel accompanied by about 21,000 dependents. In recent years, Vietnam has begun to take a toll in shortages of equipment and of trained officers and enlisted men, and in drawdowns in strength. But only this year has the United States finally carried out a limited redeployment of units from Germany—two infantry brigades, one armored cavalry regiment, and four air force squadrons, or about 33,000 military personnel and 15,000 dependents. While stationed in the United States, these units will remain fully committed to NATO and are scheduled to return once a year for exercises in Germany. This redeployment took place following lengthy consultation with West Germany and the United Kingdom during the 1966–67 trilateral talks and subsequent consultation with our other NATO allies.

Today, 18 years after President Truman first announced that he had approved substantial increases in U.S. forces in Europe, the United States still has some 304,000 military personnel in Europe (including Spain, the Sixth Fleet, and Turkey). In West Germany alone there are about 215,000 men organised in approximately five divisions plus various support groups and air units. Some 7,000 U.S. nuclear warheads are stored in Europe for use by U.S. and other NATO forces in case of need. Accompanying U.S. forces in Europe are about 260,000 dependents, of whom an estimated 165,000 are in Germany, and over 10,000 civilian employees of the Department of Defense. Foreign nationals employed directly or indirectly by U.S. forces in Europe now number over 75,000. Quite apart from the Atlantic Fleet, from U.S. strategic nuclear forces, and from NATO oriented elements of the strategic reserve, the U.S. contribution to NATO—in terms of the U.S. military presence in Europe alone—remains impressive. The U.S. Seventh Army continues to set standards unmet by the forces contributed by other NATO members.

By any reasonable measure, the United States has met its NATO commitments in the past and is meeting them today. By comparison the efforts of many of our NATO allies have been, and remain, in many respects disappointing.

In April 1951, the U.S. Senate passed Senate Resolution 99 expressing "the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defence of the North Atlantic area" (the resolution is contained in appendix C to this report). In paragraphs 4 and 5 of that resolution, the Senate expressed its concern that the other members of NATO maintain and improve their defence efforts, and its "understanding" that the major contribution to NATO's ground forces in Europe should be made by the European members of NATO.

In subsequent years, three Presidents of the United States formally pledged that the United States would keep forces in Europe as long as they were necessary and desired. At the same time, they expressed their expectations that our allies would also make their full contributions to NATO defence, so that the burdens and responsibilities of the NATO's partnership should be shared equitably.

Fair shares of mutual defence burden cannot be quantified exactly, either for 1951 or for 1968. Moreover, it is probably impossible as well as undesirable to set standards for force contributions to the NATO defence effort on the basis of strict rations. Nevertheless, it is worth pointing out that U.S. forces were first sent to Europe in substantial numbers when the countries of Western Europe had not yet recovered from World War II, when the ability of these countries to earn foreign exchange was low and the so-called dollar gap was a serious preoccupation, and when their prospects for political and economic stability appeared uncertain. Yet substantial U.S. forces have remained in Europe while most of the countries of Western Europe have not only recovered from World War II but have reached new heights of prosperity, while some of them have accumulated impressive reserves of gold and foreign exchange, while Great Britain and France have steadily reduced their commitments in other areas of the world, and while a general mood of confidence has taken hold. But despite the pleas of U.S. and NATO political and military authorities, the defence efforts of our NATO allies have not kept pace with their capacity to contribute.

For example:

1. For years, NATO force goals for the central region in West Germany were 28½ to 30 assigned combat-ready divisions. These goals were never met, either in terms of the number of divisions or in terms of combat readiness. In the late 1950's, Great Britain withdrew almost two of the four divisions it had promised in 1954 to keep on the Continent. France steadily withdrew forces from Germany during the Algerian War, and at the conclusion of that war rebuilt her forces in Germany to only about one-half their previous level and refused to assign forces stationed in France to NATO command.

In April 1965, well behind schedule, West Germany committed the last of its promised 12 divisions to NATO. But several of these divisions were, and remain, undermanned and understaffed. The force contributions of other NATO members, in the central region and elsewhere, have shown similar deficiencies.

In December 1966, NATO adopted new force planning procedures which amounted to an acknowledgement that previous force goals had not been and were not about to be, met. A 1967 Department of Defence memorandum to the Combined Subcommittee stated the problem thus:

* * * there was a chronic disparity between the force goals proposed by the major NATO commanders and the lesser force levels that most member countries were prepared to provide (that is, commit) to NATO. The goals, in short, tended to be based on purely military considerations which did not reflect the political and economic factors affecting governmental decisions. The result was a shortfall in forces, especially in quality. This, in turn, made it difficult to carry out the strategy on which the goals had been based.[2]

Under the new force planning procedures, members develop and refine force proposals on a rolling 5-year basis and undertake firm commitments for 1 year. This process may indeed result in "realistic" and "attainable" goals, in the words of the Defence Department memorandum cited above. But there is no denying the fact that these goals will not necessarily reflect what NATO military commanders have always thought necessary and what NATO nations should provide and could provide if the political will existed to undertake their full share of NATO's defence burdens.

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[2] U.S. Troops in Europe. Hearings before the Combined Subcommittee of Foreign Relations and Armed Services Committees on the subject of U.S. Troops in Europe, U.S. Senate, 90th Congress, first sess. (Washington: U.S. Government Printing Office, 1967), p. 20.

At present, NATO has on paper some 22 to 23⅓ assigned divisions of uneven quality in the central region. France continues to station some two divisions in West Germany (5000 men were withdrawn in 1968), but they are no longer assigned to NATO. Like all other French forces, and French territory and airspace, NATO commanders cannot count on their availability in times of crisis as a result of French withdrawal from the military structure of NATO in 1966. Early in 1968, Great Britain withdrew one brigade and an air squadron from West Germany, as agreed in the 1966–67 trilateral talks. In May 1968, British Defense Minister Healey announced that Great Britain would increase forces earmarked to NATO by some 40 percent. Most of these forces, which are among those being withdrawn from "East of Suez" will remain stationed in Britain, however; and the future of the remaining British contingent on the Continent appears to depend on the outcome of the annual round of negotiations with West Germany to offset the balance-of-payments costs of maintaining this contingent. In the summer of 1967, the West German Government decided to cut previously planned defence expenditures by about 10 percent and not to increase its armed forces beyond the present level of about 460,000. These decisions meant that West Germany would not meet its commitment to raise armed forces of 508,000, that its 12 divisions would remain at less than full strength, and that necessary purchases of equipment would be deferred.

Prior to the Czech crisis it also seemed likely that West Germany would reorganise its armed forces to achieve some reductions in active-duty personnel. Also prior to the Czech crisis, Canada was reportedly "re-examining" its commitment of one brigade and six air squadrons to NATO forces in Germany, and the Belgian Government had adopted a reorganisation plan for its armed forces that would have meant a reduction in its NATO-committed brigades from six to four and a probable reduction in its forces in Germany. The status of this Belgian reorganisation plan is at present uncertain. But it is to be noted, in particular, that Belgium's six brigades are understrength and, in general, that reorganisations amounting to revisions downward of commitments to NATO are to be regretted.

The purpose of this report is not to point an accusing finger at some NATO countries and to exclude others. Deficiencies similar to those in NATO forces in the central region are almost certainly also to be found on the northern and southern flanks. Speaking of all of NATO's conventional forces, former Secretary of Defense McNamara said in his January 1968 "posture statement":

"Although there have been great improvements during the last 7 years, NATO, on the whole, does not have well-balanced conventional forces. And, there are still some qualitative deficiencies in the European NATO forces with regard to training, equipment, and supplies." [3]

2. NATO military commanders have long expressed concern about weaknesses in NATO's reserve forces. In case of hostilities, NATO's forces in being would require rapid and massive reinforcement. Most NATO nations stock supplies to sustain these forces in conventional combat in quantities that vary widely and that are reportedly regarded as insufficient by U.S. and NATO authorities. Reserve forces suffer from lack of training, shortages of modern equipment, and insufficient means of rapid transport. "The greatest deficiency in the European NATO forces," said former Secretary of Defense McNamara in his January 1968 posture statement cited above, "is the lack of an adequate mobilization base."

3. Ever since 1951, the United States has required that its army draftees serve 24 months. Numerous efforts have been made to persuade other NATO members to adopt 18 months as the standard term of service for men drafted into their armies. These efforts have met with only partial and short-term success. NATO military authorities continue to believe that to train troops for modern warfare "18 months service is the minimum useful service requirement," to quote the remarks of General Lemnitzer, the Supreme Allied Commander, to the North Atlantic Assembly in Brussels last year.[4]

Today, the only NATO nations other than the United States which require 24 months service for their army draftees are Greece, Turkey, and Portugal; all others have shorter conscription periods or no conscription at all. West Germany requires 18 months service for all its army draftees, but there has been talk of shortening this period. Belgium, Denmark, France, Italy, The Netherlands and Norway now require service for from 12 to 16 months, although, again, there have been pressures in many of these countries to shorten this period or even abandon conscription entirely. Canada has had not compulsory military service since World War II, Great Britain abandoned compulsory military training service in 1960, and Luxembourg did so in 1967. Iceland has no national military establishment.

4. Defence expenditures as a percentage of GNP, defence expenditures per capita, and the percentage of men of military age maintained full time in uniform, are at best only rough indicators of the defence effort of any given country. The United States is a wealthy nation; our real dollar per capita GNP is far higher than that of even the most prosperous members of NATO. Moreover, U.S. defence expenditures and the Armed Forces of the United States have expanded substantially in order to meet the ever-rising requirements of the Vietnam conflict. Nevertheless, even when the special achievements and the special burdens of the United States are taken into account, the defence efforts of our NATO allies appear disproportionately low. While U.S. defence expenditures as a percentage of GNP are almost 10 percent, NATO countries coming closest to this percentage are Portugal (6.7 percent), Great Britain (5.7 percent), and France (5.3 percent). All other NATO countries spend less than 5 percent of their GNP on defence. U.S. defence expenditures per capita are more than three times higher than those of France, which are the highest among our NATO allies. Only Portugal has a greater percentage of its men of military age in uniform than does the United States. The percentages of most of our allies are less than half that for the United States.

There has been numerous reports since the Soviet invasion of Czechoslovakia that some of our NATO allies are postponing previous plans to reduce their defence expenditures or otherwise trim their defense efforts.

It is to be expected that there will not only be a postponement of such plans but also a new effort made on the part of our NATO allies to meet their multilaterally agreed commitments which most of them did not seem disposed to meet prior to the invasion of Czechoslovakia. It is also to be expected that they will join with the United States in seeking prompt, effective and long-term means to counter the balance-of-payments costs associated with the stationing of U.S. forces in Europe.

The annual average U.S. balance-of-payments deficit from 1960 through 1966 was $2.377 billion. In 1967 the deficit was $3.575 billion, and in the first 6 months of 1968 it was $810 million. From 1961 through 1966, U.S. defense expenditures entering the international balance of payments in Western Europe were some $1.6 billion, receipts from military sales about $900 million, leaving a net foreign exchange gap which averaged annually about $600 million. During calendar year 1967, U.S. defense expenditures entering the international balance of payments in Western Europe were some $1.6 billion, receipts from military sales about $900 million, and the resulting net foreign exchange gap about $700 million, which was covered in part by West German purchases of medium term U.S. securities in the amount of some $250 million.

If U.S. forces and dependents in Europe remain at present levels, there seems little prospect that foreign exchange costs incurred by these forces will sink much below the $1.5 billion average for 1961–66. One-time costs associated with the move from France, the limited redeployment from Western Germany and special U.S. military purchases in Great Britain agreed to in connection with the trilateral talks, have helped to raise these costs to their current level of some $1.6 billion in fiscal year 1968. But even when balance-of-payments savings as a result of the recent redeployments begin to be realised, they seem likely to offset in large measure by rising maintenance costs. At the same time, receipts from military sales to our European allies have already dropped sharply to an estimated $500 million in fiscal year 1968 and do not show much prospect of rising significantly above this level. This drop in receipts is in large part a result of the termination in July 1967, at the request of the West German Government, of the socalled "offset" arrangements with the United States under which West Germany purchased, over a period of 6 years, U.S. military goods and services in amounts approximating annual U.S. foreign exchange costs in West Germany.

U.S. defence expenditures in West Germany are higher by far than those in any other European country, reportedly amounting currently to well over $800 million annually. At the same time, West Germany is running a large surplus in its balance of payments. In May 1967, and again in June 1968, the United States and West German Governments reached agreements on measures to be taken by West Germany to cover the large foreign exchange gap left by reduced German military purchases in the United States. The chief feature of these agreements, which apply to U.S. fiscal years 1968 and 1969, is the purchase by the West German Bundesbank of medium-term, nonconvertible U.S. securities in the amount of $500 million for each fiscal year. The 1968 agreement also provides for about $100 million in purchases of U.S. military equipment by the West German Defense Ministry and includes a West German undertaking to sell an additional $125 million worth of medium term bonds to private West German investors.

Some members of the subcommittee consider these recent agreements with the West German Government to be unsatisfactory on a number of counts. First, they are short term in nature, covering only the U.S. fiscal year immediately ahead. Second, while purchases of medium-term bonds count as a capital inflow on the U.S. balance-of-payments ledger, ultimately these bonds must be renewed or redeemed. Hence they should also be regarded as a potential capital outflow. Third, these bonds bear interest at current rates and thus result in some annual capital outflow to bond-holders.

Many Europeans opposed the limited redeployment from West Germany carried out this year and fear further U.S. troop reduc-

[3] Authorization for Military Procurement, Research and Development, fiscal year 1969, and Reserve Strength, hearings before the Committee on Armed Services, U.S. Senate, 90th Congress, second sess. (Washington: U.S. Government Printing Office, 1968), p. 103.

[4] Addresses by speakers at the 13th Annual Session, North Atlantic Assembly, Brussels, 1967, p. 33.

tions. At the same time, it appears that many NATO governments and central banks have cooperated only partially and sometimes grudgingly with the United States in its search for ways to alleviate its balance-of-payments problems. Even if bond purchases are regarded as an effective means of neutralizing U.S. foreign exchange costs arising from the stationing of U.S. forces in Europe, a significant foreign exchange gap remained in fiscal year 1968 and promises to remain in fiscal year 1969. Moreover, as a result of the Soviet invasion of Czechoslovakia, the U.S. is reportedly planning to return an air squadron and 2 brigades to Germany for earlier than planned exercises, which could lead to some unanticipated budgetary and balance-of-payments costs in fiscal year 1969.

For the foregoing reasons, the statement of former Secretary of Defense McNamara read at the NATO Ministerial Meeting in December 1967 is still very much to the point:

We will, therefore, continue to maintain forces in Europe for as long as they are desired. In saying this, however, I must also point out an anomaly in European attitudes which cannot persist. This is that on the one hand there should be no diminution of U.S. forces, but that on the other hand the responsibility for meeting the balance-of-payments deficit caused by such large-scale continuing U.S. deployments in Europe is none of Europe's affair. It is essential that deficits suffered by countries as a result of their stationing troops abroad in the common effort should be treated and solved by their allies on a cooperative basis. We would welcome suggestions from our allies on how to meet this pressing problem, since its solution cannot be further postponed.[5]

D. CONCLUSION

The invasion and occupation of Czechoslovakia have had a profoundly disturbing effect on the political atmosphere all over the world but particularly in Europe. In the present unsettled conditions, the time is obviously not propitious for substantial reduction of U.S. forces in Europe. Some manpower reductions might still be made, however, which would not affect the combat capability of U.S. forces on the central front.

Recent reported moves to reduce the number of U.S. administrative personnel in Europe should be encouraged. In this same vein, there should be a reduction in the size of certain military headquarters in Europe.

But if the situation in Czechoslovakia means that the time is not propitious for substantial U.S. reductions, it certainly also means that the time is not propitious for any diminution in the defense efforts of our NATO allies. On the contrary, the military ramifications of the invasion and occupation of Czechoslovakia should provide Western European governments with more tangible arguments for enlisting the support of their citizens behind defence efforts commensurate with their capacity to contribute.

ANNEX VI

INVESTIGATION OF THE PREPAREDNESS PROGRAM

Report by the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate, September 1968

CHAPTER III. THE THREATS PRESENT AND PROJECTED

A. SOVIET UNION

1. General

The Soviet strategic threat is highlighted by the high priority which the U.S.S.R. has given and is giving to strategic nuclear offence and defence. This is evidenced by the dramatic increase in the emplacement of ICBM's during recent years; the development and deployment of new systems, such as the ABM system around Moscow, and the fractional orbital bombardment system (FOBS); and the very clear determination to devote the resources and technology required to catch up with and perhaps surpass the United States in the strategic field. Future Soviet systems and forces will be the result of force level decisions not yet known to us, which, of course, will be influenced very strongly by its research and development capabilities. Our confidence in projections of the size, nature and composition of future U.S.S.R. forces are relatively low because we are dealing with the question of what they may decide to do, as well as what they are capable of doing.

The Soviet willingness to devote resources and determination to push for superiority in this field is substantiated by Soviet military spending for 1967. With a gross national product of less than half that of the United States, Soviet military and space spending in 1967 approached U.S. defence cost, if the expense of the war in Southeast Asia is excluded. In terms of rubles, as the Soviets would view the burden, this constitutes about 10 percent of the Soviet GNP.

The Soviet outlays over the past few years for offensive missiles and the Moscow ABM system (excluding R&D) have ranged between 10 and 15 percent of their total defence and space expenditures.

Roughly a third of the outlays for these missile systems, however, are for MR/IRBM's which can be targeted only against areas on the Soviet periphery.

It is apparent that the Soviets are building strategic nuclear forces which will give them greatly increased confidence that they will have, even in retaliation, the capability to assure the destruction of a significant portion of U.S. industrial resources and population.

The indications are that they will also strive through both strategic attack and strategic defence programmes to improve their ability to reduce the damage the United States could inflict on them should a nuclear war occur.

2. ICBM's

The number of operational launchers in the Soviet ICBM force has grown from less than 100 launchers in 1963 to some 700 by late 1967. By the end of 1968 they will number several hundred more. The Soviet ICBM force will continue to grow over the next few years, but at a considerably slower rate than in the recent past.

At the same time the Soviets have tried to reduce the vulnerability of their ICBM force to surprise attack. The first Soviet ICBM sites built in the early 1960's consisted of unprotected above-ground launchers and storage facilities. Later the missiles were placed in underground silos clustered together. The latest systems have been deployed in the fashion of the U.S. Minuteman missiles—in hardened and widely dispersed single silos, each presenting a separate aiming point for an attacking force.

The great throw weight of many of these missiles allows the Soviets greater flexibility to provide shielding of components, hardening, penetration aids, multiple warheads, decoys, and other refinements that would substantially enhance the effectiveness, survivability, and penetrability of their ICBM's. This cannot be overlooked in any discussion of the balance of strategic power and will be discussed later in this report.

3. Soviet strategic bomber force

While the ballistic missile has clearly replaced the manned bomber as the primary means of strategic attack, the Soviet bomber force still possesses a substantial strategic strike capability. The Soviet longrange aviation now comprises a force of 1,000 bomber/tanker aircraft. About 200 of these are heavy bombers and tankers and the rest are medium. The heavy bombers have the primary mission of intercontinental attack and it is estimated that the Soviets would use most of this force for that mission.

There is no evidence that the Soviets are proceeding with the development of a new heavy bomber and, should they elect to develop one, it is probable we would see indications of the programme 3 to 4 years before the aircraft became operational.

4. Missile submarine force

The Soviets have about 40 ballistic missile submarines and about 50 cruise missile submarines. They are placing increasing emphasis on their ballistic missile submarine force and are building a new nuclear-powered submarine comparable to our Polaris submarine that may be able to fire ballistic missiles to a range of 1,500 miles. The first unit of this class is just becoming operational.

Because of the short flight time and the current absence of detection systems which would ensure adequate warning, submarine missiles constitute one of the greatest threats to all soft military installations such as naval yards and airbases.

5. IRBM's and MRBM's

There have been no recent major changes in the Soviet medium-range and intermediate-range ballistic missile forces. The current force comprises something over 700 operational launchers. While not a threat to the continental United States, they are a major threat to Western Europe and other peripheral areas.

6. Defensive missile systems

The Soviet Union is employing two defensive missile systems at the present time. The GALOSH system being deployed around Moscow is the only system which the intelligence unanimously considers to have true antimissile capabilities. It is well along in construction and may now have a limited operational capability.

The intelligence assessment is that the GALOSH system probably cannot cope with the sophisticated reentry vehicles, penetration aids, and saturation attacks it would probably have to face in future engagements with U.S. ICBM's.

A second defensive system is the TALLIN system. Some of the intelligence community believe this system is designed for protection against attacks by new high-performance aircraft and air-to-surface missile like the B–52 launched, Hound Dog. Others of the intelligence believe, however, that the TALLIN system may have a capability against ballistic missiles.

7. Fractional orbit bombardment system

A new development in Soviet strategic weapons development has been the programme of space launchings to test what is referred to as a fractional orbit bombardment system (FOBS). This weapon probably would be deployed on the ground, launched at the opening of hostilities, and a nuclear warhead brought down on a preselected target on its first pass around the globe.

While FOBS would probably not be very effective except against a soft target, nevertheless, FOBS would give the Soviets greater flexibility and compound our early warning and defense problems. The weapons could be launched on a trajectory that could avoid BMEWS or on such a trajectory they will come on a target in the United States from the Equator.

8. Reentry vehicles, warheads, and penetration aids

Although there is no real evidence at this time that the Soviets have initiated any advanced reentry vehicle programme, it must be assumed that future designs will be directed at achieving lower costs of weapons delivery, reducing vulnerability, and im-

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[5] U.S. Treasury Department, Maintaining the Strength of the United States Dollar in a Strong Free World Economy. (Washington: U.S. Government Printing Office, January 1968), p. 81.

proving systems accuracy and penetration capabilities.

Improvements in reentry systems are hard to detect and there is a good chance that the Soviets already have research and development work in this field underway. Much can be done in research and development and the Soviets could be fairly well downstream on advanced programmes before they became known to our intelligence sources.

Among the Soviet objectives which could be accomplished and which must be watched for are the development of multiple reentry vehicles (MRV's), multiple independently targeted reentry vehicles (MIRV's), penetration aids, reduction of vulnerability of reentry vehicles. The introduction of MIRV's, could have a substantial impact on the balance of strategic power—depending on the effectiveness of U.S. countermeasures.

9. Summary

In the near time, that is within the next year and a half, the Soviet strategic threat to the United States is expected to have more than 1,000 ICBM launchers, about 40 ballistic missile submarines carrying a significant number of missiles, and 150 long-range bombers. During the same period, the estimated threat to peripheral areas will consist of about 700 MRBM and IRBM launchers, some 40 to 50 cruise missile submarines, and about 700 medium bombers.

The Moscow ABM system has been at least 10 years in development. Construction of launch sites and attendant radars began over 5 years ago and has proceeded irregularly since then. There have been recent signs that the Soviets have again slowed down the deployment of the system, thought to be similar to the old U.S. Nike-Zeus system which was never deployed. The missile for the Moscow ABM system, the GALOSH, was first seen in November 1964 when it was paraded, enclosed in its canister, through Red Square in Moscow. The system may now have limited operational capability, but the slow pace of development and the fact that it has not been deployed at other cities probably indicates that Soviet officials have reservations about its effectiveness.

(Rapporteur: Senator John Sherman Cooper
REPORT PRESENTED TO THE MILITARY COMMITTEE
(United States))

This is the third report on the state of NATO military forces which I have had the honour to prepare for the North Atlantic Assembly. In the report I submitted to the Assembly in November 1968, I concentrated mainly on the military situation and the balance of NATO and Warsaw Pact forces in the key central European sector, following the invasion of Czechoslovakia. The present report will address problems that must be faced in the future.

I.—TWENTIETH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANISATION

NATO is now twenty years old. From the time of the signing of the North Atlantic Treaty in Washington in April 1949, the political co-operation and military preparedness of the allies have effectively accomplished its purpose—deterring aggression against the territory covered by the Treaty. The need for the Alliance will continue for the forseeable future.

In 1949, compelling needs combined to make NATO possible: Western Europe at that time was clearly vulnerable to military attack from the East, its economy had not yet recovered sufficiently from the war to make the effort required to provide an adequate defence; the willingness of the Western European countries and the United States to subordinate some degree of national sovereignty—in the command and the deployment of forces—made it possible to create a NATO military force which prevented possible Soviet domination of Western Europe.

II.—NATO MILITARY STRATEGY—PAST AND PRESENT

From the outset, twenty years ago, NATO and the Soviet bloc forces have been governed by the imperatives of the awesome power of the nuclear deterrent. In the fifties, when the countries of Western Europe were still healing the wounds of the Second World War, rebuilding their shattered economies, and slowly remaking their armed forces, American nuclear strength, seconded by conventional armies of the allies, was the basis of the protection of Europe.

Due to the relative weakness of the allied forces, NATO's strategy at the time could provide only for limited conventional engagement, and failing that, a rapid escalation to nuclear conflict.

As the United States and the Soviet Union continued to develop sophisticated nuclear systems, and increasing numbers of deliverable warheads, and as the certainty of the nuclear annihilation of Western Europe, the Soviet Union and the United States, in the event of a nuclear exchange became apparent, the Alliance sought to develop a new strategy.

In 1966, the NATO member states adopted a new doctrine—that of "flexible response". The foundation of the strategy, if it is to be effective, rests upon the development and maintenance of adequate conventional forces, weaponry, readily available supplies, communications, and a capability of mobilisation adequate for any stage or level of attack, and without any lessening of nuclear capability. The concept of flexible strategy suggests a sustained period of defence, in contrast to the short duration of nuclear war, even if limited.

The purposes and advantages of "Flexible strategy" compared to reliance on the nuclear deterrent and nuclear war seem obvious. Its chief purpose is to deter a massive attack by Warsaw Pact conventional forces. In the event of an attack, it is assumed that the strategy would provide time for assessment of the scope of the attack, of the intent of the attacker, and for mobilisation of NATO forces. It would strengthen the capability to resist and overcome border clashes that might arise through miscalculation, irrational acts, or a breakdown in political communication between NATO and the Soviet bloc. Above all, the purpose of the strategy is to deter an attack that could lead progressively to the use of nuclear weapons.

While the purpose of the new strategy of "flexible response" is easily understood, and the strategy has been accepted by the NATO Governments, I believe it is evident that the implementation of the strategy—the provision of adequately trained forces, effective weaponry and the necessary logistical apparatus—has not been accepted by the member states.

At the core of an adequate conventional force is manpower. In previous reports, I have provided a comparison of NATO and Warsaw Pact forces, and their weaponry, and I do so again in Appendices I and II. Only small improvements have been made, despite events adverse to the Alliance, with which all are familiar.

The speedy and effective invasion of Czechoslovakia emphasised the need of implementing the new strategy—over one year ago.

In my report to the Military Committee in November 1968, I reviewed the military significance of the takeover of Czechoslovakia by the Soviet Union. At that time, I said: "It is the Rapporteur's view that the increase of the Soviet Union's forces and their development in Eastern Europe before and during the invasion has upset any assumed balance between NATO and Warsaw Pact conventional forces". The report noted that ten additional Soviet divisions had been moved from the USSR to forward positions in Eastern Europe.

While Soviet forces have been reduced since the Czechoslovakian invasion, approximately five Soviet divisions and 100 aircraft remain in Czechoslovakia, positioned to maintain firm control over its Government and people. Polish, East German and other Warsaw Pact forces which joined in the invasion of Czechoslovakia have withdrawn to their former positions. But the total strength of Warsaw Pact forces has increased over the level prior to the invasion, due to the retention of Soviet forces. Twenty-seven Soviet divisions are stationed in Eastern Europe compared to twenty-two divisions before the invasion.

In the central region, approximately 23 NATO divisions, 1,500 tactical aircraft, and 6,000 tanks face approximately 56 Soviet bloc divisions, 1,200 offensive tactical aircraft, and 13,000 tanks. Supporting the Pact divisions in reserve are large forces stationed in the Western Military Districts of the Soviet Union. These reserve divisions bring the total forces facing NATO in the central region to about 79 divisions and about 4,000 aircraft, including transport plans and helicopters. Warsaw Pact forces are well trained, well equipped, and combat ready. In the centre region of NATO, the M-day land forces of NATO number approximately 390,000 men, and they face approximately 415,000 men of the Warsaw Pact.

If the Government of Czechoslovakia conforms to the will of the Soviet Union, the Soviet divisions may be withdrawn. Such action by the Soviet Union, should it occur, would provide NATO with an important indicator of Soviet intentions. But at the present, since five additional Soviet divisions have been left in forward positions, NATO's defense planning must take them into account as a possible threat.

Obviously, the territory and military forces of France play a vital part in the strategy of flexible response. France, it is assumed, would support NATO in the event of a Pact attack, but it is not now an active military partner in NATO, and the uncertainty of its position in the event of an attack is a shortcoming that cannot be rationalised away.

In the face of increased Soviet forces in Eastern Europe and the withdrawal of France from the military alliance, NATO forces have been reduced in number and combat strength. The United States has withdrawn from Europe 32,000 and the United Kingdom 5,500 men, as part of a dual basing concept. The Government of Canada has announced its decision to withdraw 5,000 of its forces by 1970. In addition, the Canadian forces in Europe will be repositioned. All Canadian forces on the North German plain will be withdrawn and positioned together with its present forces in the South. The combined Canadian unit will have a new function and capability, because of the addition of helicopters and weapons of greater firepower.

The adverse effect of the United States and United Kingdom's recent withdrawal of forces may be tempered by their acceptance of the dual basing concept, and by their assignment of larger forces in the United States and the United Kingdom respectively, to specific NATO missions. However, the total number of United States [1] and British forces in place in Europe has been reduced. The key to the effective use of forces based in the United States and Britain is the capacity to return them rapidly to Western Europe, in the event of a crisis. It is claimed that the C–5A airplane, now in production, will provide the United States with the capability to return troops based in the United States and assigned to NATO, with their full equipment, within five days. But the return of large numbers of troops may become a political issue and occasion delay.

As I have noted, the strategy of "flexible response" depends not only upon adequate force levels, but upon supplies of neces-

[1] See Appendix III for United States military personnel in EUCOM 1950–1968.

sary material available quickly for use sufficient to meet and to control an attack and to prevent its escalation into nuclear, even tactical nuclear warfare.

My report of last November listed the glaring deficiencies which the Committee considered and, I believe, accepted. While steps have been taken to remedy these deficiencies, improvement is slow and in most areas it will be several years before the deficiencies are corrected. I refer to my report of November 1968 for a fuller description of the deficiencies.

A. Aircraft protection

Handicapped by the limited area available for aircraft dispersal, aircraft shelters against conventional attack are of the utmost importance. Shelters are being constructed upon a national basis, particularly by the United States, and already constructed shelters of World War II vintage are being utilized by other member states. While a program has been initiated, it is not thought that adequate shelter will be available for at least two or three years.

B. Tanks

The most glaring shortage of NATO equipment is its tanks. The Pact has three times as many tanks as NATO forces. The United States is asking funds from the Congress this year to continue development of a new improved tank for NATO—the MBT–70, but it will be several years before they are available. This is a quantitative, and perhaps qualitative imbalance that must be corrected in the coming years if NATO forces are to be able to stop the heavy thrust of a massive attack by Pact divisions, heavily supported by tanks.[2]

C. POL storage and distribution facilities

The French withdrawal from NATO raised problems regarding pipelines, both of commercial and military nature which will remain uncertain if France maintains its present position concerning NATO. POL storage and distribution facilities are not adequate to the task of waging a sustained conventional war. While steps are being taken to remedy this defect, it is my understanding that adequate funding has not yet been provided and if it were, two or three years would be required to provide these facilities.

D. Reserve material system

Increased quantities of improved conventional munitions are being built up, but the situation is not satisfactory.

E. Mobilization and reserve forces

It is estimated in the event of a Pact attack, Pact countries and particularly the Soviet Union could mobilise reserve forces within twenty-four days. Obviously, if NATO expects to contain such an attack, it must be able to mobilise quickly and effectively. But such mobilisation by NATO will be impossible unless reserve forces are in being and are sufficiently trained. The United States, in some measure because of the Vietnamese experience, has made great progress in training the combat readiness of its reserve forces and in providing means for their ready mobilisation. As few of the NATO countries have conscription systems, and as the period of troop training varies in time from 16 to 24 months, I think it obvious that unless there is improvement in force levels, training and mobilisation procedures in all NATO countries, NATO will not be able to mobilise to forces capable of meeting a sustained Pact attack.

In the event that members of NATO do not intend to provide for conscription, it would seem to me that they should consider the adoption of incentives to provide voluntary and trained forces. I believe it unanswerable that modern equipment requires longer periods of sustained training—a minimum of 18 to 24 months—as compared to that required in World War II.

F. COMMAND AND COMMUNICATIONS

The policy of "flexible response" requires the most advanced communications network for the command, control and disposition of NATO forces. NATO has instituted procedures for developing such a network, but it is an early stage of development and considerable funding to support it must be made available and very quickly.

General André Beaufre proposed to the Military Committee in June that the force capabilities of NATO could be improved by the development of highly mobile reserve units on a territorial basis. His suggestions were welcomed by the Committee. The Committee believed that reserve units of the kind proposed by General Beaufre could provide meaningful support to regular force units. In discussion of the report, the Committee agreed that a training period of four months would be sufficient for the guerilla role envisaged and that units serving in familiar terrain would enable speedy and effective mobilisation. Psychologically, units recruited and trained in the area of their home would have incentive to defend local areas. The Committee thought that an annual training period of three weeks would be required to keep such reserve units up to operational standards. The Committee may wish to suggest to the NATO Military Commands that General Beaufre's proposal be seriously considered.

The effectiveness of such reserve units is a subject beyond the capabilities of the Rapporteur to judge. I think it of value, but I must say that I do not believe that such reserves could take the place of fully trained regular reserve forces, as I have indicated.

A basic premise of NATO military thinking, based upon past Soviet military action, is that the Soviet Union will not commit large forces to combat unless Soviet forces have superiority of at least two to one, and some believe three to one. NATO force planning was, and is, aimed at strengthening its forces through a combination of advanced weaponry, supplies, communications, superior firepower and adequate force levels to the point where NATO strength will be qualitatively at parity with Warsaw Pact forces. This goal has not been reached.

In the past, attempts were made to measure the strength of the Warsaw Pact and NATO forces. The most comprehensive studies were made by the United States Department of Defense under Dr. Alain Enthoven, then Assistant Secretary of Defence for Systems Analysis. The attached table of comparison of forces was done under the quality of wapons systems and to attempt to correlate the effectiveness of systems and personnel. These studies were the source of much disagreement, but I believe it can be said that they served a useful beginning. NATO is now engaged in an overall force study of NATO and the Warsaw Pact. This report is expected to be completed in November. The agreed findings should give NATO Governments a more accurate idea of what remains to be done before the strategy of flexible response is a reality.

If NATO moves quickly and effectively to remedy its recognised deficiencies, there is reason to have confidence that the Soviets would not engage in a conventional attack of any size or at all, against NATO. But a situation of qualitative parity must be attained.

The take-over of Czechoslovakia in 1948 by Communist forces was a major impetus in the creation of NATO. Twenty years later the Soviet Union was compelled to use brutal military force in order to allay its leaders' fears that deviation from the Moscow view of communism, even that of a weak, minor state like Czechoslovakia, could not be tolerated. The Soviet occupation of Czechoslovakia and the gradual destruction of its popular communist government was a radical response demonstrating the weakness of the Soviet bloc. At the same time it gave a clear demonstration of the Soviet ability to crush revolt quickly and effectively.

NATO should continue to consider the significance of the withdrawal of France, the effective invasion of Czechoslovakia by the Soviet Union and the growing pressure for the lessening of NATO forces.

The questioning of the need for the continuance of NATO or its adequate support is undoubtedly due in part to a weariness of twenty years of costly and sustained effort. In addition, a significant element of our youth do not see the dangers of our security that we saw twenty years ago. NATO is at a crucial point. NATO purposes must be clearly understood by our societies if it is to remain strong, and not become a disintegrating and ineffective alliance. We should seek mutual NATO and Warsaw Pact force reductions, but maintain our strength in the absence of such mutual force reductions.

It is the course of reason to keep NATO forces as close to parity with the Warsaw Pact forces as possible. Our people would understand that a continued effort will lessen the danger of conventional and nuclear war. The efforts to maintain NATO is justified, members of this Committee would agree, because it allows for the mistakes of nations, miscalculations of diplomacy and the momentum of armies so difficult to reverse. Continued efforts to strengthen NATO will increase the margin of security for our countries and the world.

In order to continue a meaningful role of guardian of the West and protector of nations that value a democratic system, we must maintain an informed vigilance. Because the NATO nations are composed of political democracies, no decisions can be made without the consent of their peoples through the action of approval of their parliaments. In order to make sound judgments, the NATO parliaments and their people must have full, accurate and balanced intelligence about the threats that confront their continued existence as free democracies. A very just complaint has been made in recent years about the lack of accurate information about the nature of the balance between NATO and the Soviet bloc. This cannot continue. We must have full and, insofar as possible, public information about the nature of the threats we face if we are to expect our governments and people to prove and sustain a large and costly Alliance. This is a primary obligation of the military forces of our countries to our governments and in turn, of our governments and parliaments to our people. Vigilance is not possible without knowledge of the threat to be watched.

III.—TACTICAL USE OF NUCLEAR WEAPONS

The Nuclear Planning Group has reviewed the NATO guidelines governing the use of tactical nuclear weapons. It is reported that the outcome of this review was a strengthening of political controls over the release of tactical nuclear weapons in time of war. The strengthening of procedures for the use of tactical nuclear weapons is a much welcomed step. Further, it is understood that the Nuclear Planning Group will continue to work on ways to improve political controls over the use of tactical nuclear weapons.

There are over 7,600 tactical nuclear weapons in Western Europe. They range from small nuclear land mines with a sub-kiloton yield to a missile such as the Pershing with a range of about 400 miles carrying a nuclear warhead in the 100-kiloton range. The precise point at which tactical nuclear weapons would be used for reasons of ultimate security is necessarily a "grey area" between conventional and strategic nuclear warfare. If it is recognised that the warhead of the Pershing missile has an explosive force five

[2] See Appendix IV for comparison of NATO and Warsaw Pact tank forces.

times as great as the bombs used over Hiroshima and Nagasaki, and if it is recognised that a high proportion of the small nuclear weapons deployed in Western Europe would, if used singly, cause greater devastation than occurred in Japan in 1945, the reasonableness of the effort to strengthen NATO's conventional forces is given greater weight.

The use of tactical nuclear weapons of any kind, even if aimed only at military units in the field, would cause devastating damage to towns and wipe out the population of many cities. The United Nations has published a study of the effects of nuclear weapons[3] which shows that the result of tactical nuclear warfare and a nuclear full exchange in Western Europe would be almost indistinguishable. A full understanding by our governments, parliaments and peoples of our tactical nuclear capabilities will do much to underline the need for improving NATO's conventional forces in order to increase the time before such decisions to use nuclear weapons need be exercised.

It is the Rapporteur's hope that the use of nuclear weapons—tactical or strategic—will never become necessary. This is the chief reason why a credible conventional force must be developed and maintained.

IV.—LIMITING THE STRATEGIC ARMS RACE

The only rational alternative to maintaining the costly and burdensome military forces of NATO is mutual reduction of forces by NATO and the nations of the Soviet bloc. In the past few years, the desire of the governments of both East and West to lessen the burden of armaments has become apparent. Overtures made to achieve detente in Europe is one instance of this desire. The Nuclear Test Ban Treaty and the Nuclear Non-proliferation Treaty are efforts to halt the spread of the devastating power of nuclear weapons. There is growing recognition in the world that the spiraling increase of weapons in the world, both conventional and nuclear, if unchecked, can only lead to destruction of civilization as we know it on earth.

It was in this context that the debate in the Senate of the United States on the Anti-ballistic Missile issue was of such great importance. The issue is not yet finally resolved. The Senate voted to approve the authorisation of the installation of the limited ABM system. This authorization was given by the narrow margin of (50–50) and (51–49) on two amendments offered to defer deployment on an ABM system. Further legislative tests must be met before final approval is given to the Administration to proceed with deployment of the system. It is possible that the impending SALT talks will provide the basis for a halt to the next generation of weapons systems, for this is what is at issue in those talks. In the absence of arms limitations agreements, arms build-ups on both sides will continue as both the United States and the USSR will make every effort to preserve their deterrent. The technological response to the ABM is already being constructed—the MIRV. The deployment of FOBS, SRAM, SCAD, NOL and other as yet unnamed weapons systems are in the offing unless the United States and the Soviet Union and the other nuclear powers agree to a halt in the production of future weapons systems and a reduction of existing weapons systems.

The ABM and MIRV issue has direct relevance to NATO. If the Soviet Union and the United States go ahead with deployment of these weapons systems, the NATO countries quite properly must consider how these technological developments will affect present NATO strategy. There have been suggestions from some quarters in Europe, that the European members of NATO might consider development of their own ABM systems. Such speculation underlines the importance not only of maintaining an effective Western deterrent but also of achieving an agreement on the limitation of strategic offensive and defensive weapons systems.

The details of the ABM issue have been discussed exhaustively in newspapers and journals during the past year. Should members of the Committee wish to study the matter in detail, I would suggest the following:

1. Hearings before the Committee on Armed Services, United States Senate, Ninety-First Congress on "authorisation for Military Procurement, Research and Development, Fiscal Year 1970", Parts 1 and 2.

2. Hearings before the Subcommittee on "International Organisation and Disarmament Affairs of the Committee on Foreign Relations, United States Senate, Ninety-First Congress on Strategic and Foreign Policy Implications of ABM systems". Part 1.

3. Hearings before Subcommittees of the Committee on Appropriations, House of Representatives, Ninety-First Congress on the "Safeguard Antiballistic Missile System."

V.—A EUROPEAN NUCLEUS

In his report to the Political Committee last year, Mr. Blumenfeld proposed "constructive discussions" concerning a "European nucleus" within the Alliance. He called for a ministerial meeting to consider the "setting up of a European Authority for Joint Defence Efforts". The Assembly recommended the establishment of a Joint European Arms Procurement Agency—an idea which went part of the way towards the more comprehensive proposals contained in Mr. Blumenfeld's report.

This issue has caused public interest and discussion particularly in Europe over the past few months and it is also an idea which is bound to recur in the future.

Mr. Dennis Healey, the British Minister for Defence, spoke to the German Association for Defence Studies in Munich on 1 February, 1969. He stated: "What does seem to emerge strongly from a look at the possible burdens of the next decade is the case for more military co-operation among the European members of NATO—the establishment of a European identity within the Atlantic Alliance. In the past, many Europeans * * * have been reluctant to move too far or fast in this direction for fear of encouraging a reduction in America's commitment to NATO. I believe that today the argument points in the opposite direction". Mr. Healey argues that unless Europe "is prepared to put a collective view" on Soviet-American discussions on the nuclear balance between them "the chance of influencing the course of the discussions will be remote".

The idea of a European Defense Grouping has had precedents in the Anglo-French Treaty of Alliance and Mutual Assistance of 1947, the Brussels Treaty Organisation established in 1948 (together with the Western Union Command Organisation on the military side) and Western European Union which was set up by its seven member governments in 1954 when the Brussels Treaty was modified. The most ambitious form that this idea has taken so far was the proposed European Defence Community. The EDC Treaty was signed by the six governments which were members of the European Coal and Steel Community in 1952, but the French National Assembly voted against ratification in August 1954.

If the European countries are to think in terms of a European "personality" or Defence Grouping what would its membership be? The Common Market Six, some Europeans argue, provides a logical nucleus for such a Grouping. But it is evident that there are still deep political differences between France and its five partners. Britain makes a large and vital contribution to European Defence and thus the Europe of Seven, WEU. also provides a possible starting point. WEU is, however, like the Six, still divided on British entry into the Common Market. There are some who argue that a European Defence Grouping to be effective must possess an independent nuclear force.

If, under the new French Government, presided over by Mr. Pompidou, a change in European political relations were to lead to the resurgence of an EDC-type idea between the Six or the Seven, this presumably would not be satisfactory to the Northern Flank countries, Denmark, Norway and Iceland. Mr. Alastair Buchan, until recently Director of the Institute for Strategic Studies in London, has gone so far as to recommend the termination of Portuguese and Icelandic membership by bilateral defence arrangements with the United States. His suggestion is that a defence community could be formed by the remaining European members.[15]

According to some views, there would be a problem of political control of a European Defence Grouping. It is maintained that fully integrated nuclear and conventional forces might necessitate an integrated system of political control. Some go so far as to see a need for a single foreign policy for the participating states and other far-reaching measures needed to direct and organise these integrated European forces.

What could a European Defence Grouping accomplish? Could such a Grouping work out a joint European strategy which would be consistent with NATO's North American members? The Committee may wish to consider whether a degree of conventional strategic planning might be usefully worked out and jointly presented by the Europeans for consideration by NATO as a whole.

Despite proposals that have been made by General Norstad, the WEU Assembly and, more recently, by Dr. Henry Kissinger, that it might be possible to alter the traditional command structure of NATO forces by the appointment of a European SACEUR, the unanimous recommendation of NATO's Defence Planning Committee to the President of the United States that an American officer be appointed to replace General Lemnitzer as SACEUR did not come as a surprise. General Andrew J. Goodpaster has been appointed the new SACEUR. It had been argued that the appointment of a European SACEUR might go some way towards satisfying European demands for a greater say in the military command structure of the Alliance. There were, however, two reasons which militated against such an appointment. First, it is clear that an American general would have to remain in command of the American controlled nuclear weapons deployed in Western Europe and that this general could, in fact, remain the Supreme Commander as far as nuclear weapons were concerned. Second, the appointment of a European SACEUR would introduce an extra stage in the nuclear decision-making process which could lead to added delays in time of crisis.

It has been suggested that there are two functions which a European Defence Grouping could usefully perform in the future. Perhaps members of the Committee will suggest further possible functions. First, it is maintained that European countries need to co-operate much more closely than it the past over arms production. Many European planners believe European countries can only continue to maintain a viable military aircraft industry if they combine. A recent step taken by some of the European members of NATO to meet this situation is in the creation of the new European aircraft

[3] Report of the Secretary General on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons. United Nations General Assembly, October 10, 1967.

[15] "The Future of NATO", by Alastair Buchan, Carnegie Endowment for International Peace, New York, 1967.

company called PANAVIA, which has been formed to build MRCA (multi-role combat aircraft). Because the requirements of various European NATO countries are so different, there remains great difficulties to be overcome before a multi-purpose aircraft can be developed by the mid-1970's to replace the F–104 series and F–4's now the backbone of the NATO air arm. But it is believed that these difficulties can be overcome.

Second, it is said, the European members of the Alliance could try to establish a joint position concerning the issues of disarmament and the limitation of nuclear weapons which remain to be negotiated between the United States and the Soviet Union. Some believe that there has been a tendency for the United States to work out a negotiating position on an issue such as the Non-Proliferation Treaty primarily in terms of what is acceptable to the Soviet Union and the United States to the detriment of some European interests.

Some say that the European NATO partners have been then left with the diffcult choice of being able to propose very minor alterations to the American proposals or refusing to accept these proposals at all. The argument goes on to state that the United States Government should pay far greater attention, in the future, to prior consultation with its allies about matters which it intends to negotiate with the Soviet Union. The Europeans for their part, it is said, should try to establish a common attitude which they can express jointly to the United States, since if they speak with a divided voice, their interests will be less influential. President Nixon's visit to Europe in February 1969 was largely concerned with this question. Determined efforts are now required on both sides of the Atlantic to make the aim of closer consultation between the United States and its European allies a reality.

The Military Committee may wish to consider whether the creation of a European Defence Grouping could be useful in itself and whether it would promote further moves towards Western European political integration. But it is most important that the emergence of new forms of European cooperation concerning defense and arms production should in no way damage the cohesion and effectiveness of the Atlantic Alliance as a whole.

VI.—THE MEDITERRANEAN

In my previous report, I referred to the "threat posed to NATO, especially to its Southern Flank countries, by the buildup of the Soviet fleet in the Mediterranean". During 1968, the number of Soviet naval vessels varied between thirty and sixty, and in general, remained at a level slightly below that of the 1967 peak.

There is nothing to indicate that this fleet does not intend to stay in the Mediterranean on a permanent basis. Like the United States Sixth fleet, it is not dependent on shore bases for supplies and equipment but is self-supporting, carrying its own floating bases with it in the form of auxiliary and supply vessels. This new capability gives the Soviet Union the possibility of applying a more aggressive naval strategy than in the past, especially in view of its emphasis on long-range submarines, landing vessels and the development of new types of ships such as helicopter carriers.

The Soviet fleet has port facilities at its disposal in Port Said and Alexandria in Egypt, and Latakia in Syria. It has also made use of facilities in Algeria and elsewhere in the Mediterranean.

The presence of the Soviet fleet in the Mediterranean has been considered to be primarily political in its significance. But the fleet also poses a military threat. A naval confrontation between the Soviet fleet and the considerably larger naval forces of the Alliance in the Mediterranean is extremely unlikely, except in the event of an all-out war. Yet, there are other dangers. First, there are situations whereby the Soviet fleet could threaten vital communication routes of the three Southern Flank countries—Greece, Italy and Turkey—which depend on sea routes to carry the great bulk of their imports and exports. Second, the Soviet fleet is in a position to hinder British and American submarines and the Sixth Fleet. Third, the presence of landing vessels in the Soviet fleet gives it the capability of carrying out military landings which could affect the situation in Albania, Yugoslavia, Israel and some Arab states. Fourth, increased Soviet interest and activity in the Persian Gulf and in the Middle East oil-producing states and the presence of the Soviet fleet in the Mediterranean could be viewed as part of a long-term strategy aimed at establishing a major influence in the oil-producing states. Finally, following the Soviet moves in Czechoslovakia last year, we cannot be sure that the Soviet fleet might not play a part in possible future Soviet repressive actions in Yugoslavia or Albania.

Soviet activity in the Mediterranean has not been confined to the build-up of a permanent fleet. Soviet technicians and military advisers have been placed in the United Arab Republic, Syria and Algeria in considerable numbers. The Soviet Union has largely rearmed Syria and the UAR, which lost so many aircraft, tanks, and vehicles in the June War of 1967. The strategic naval base of Mers-el-Kebir could in the future be used by Soviet submarines and naval vessels to track the passage of Western submarines and warships between the Western Mediterranean and the Atlantic.

NATO has responded to Soviet activity in the Mediterranean by:

(1) establishing on 21 November 1968, a new subordinate command, Maritime Air Force, Mediterranean (MARAIRMED); and

(2) making a decision in January 1969 to establish a small Mediterranean "on-call" fleet consisting of naval vessels of NATO countries already present in the Mediterranean.

MARAIRMED, which is commanded by Rear Admiral E. C. Outlaw, of the United States Navy, is a sub-command of AFSOUTH, under CINCSOUTH, Admiral Horacio Rivero of the American Navy.

The task of MARAIRMED is to co-ordinate air surveillance throughout the Mediterranean region and to keep track of Soviet naval units, both submarines and surface craft. Britain, Italy and the United States take part in the work of this new command. France cooperates actively with it. It is hoped that Greece, if it acquires suitable reconnaissance aircraft, will also eventually take part in MARAIRMED. The new command not only collects information concerning Soviet naval movements, but is also responsible for passing it on to the interested NATO countries. The establishment of the new NATO command and the decision to create an "on-call" fleet are to be welcomed.

Soviet naval expansion in the Mediterranean is part of a new Soviet global naval strategy. The North Atlantic, the Indian Ocean and the Persian Gulf have all been the scene of increased maritime activity by the Russians. Norway, which is in a particularly exposed geographical position to the USSR has been placed under pressure by Soviet naval activity both in the Baltic and off its Western coastline.[16]

During the past few years, the Soviet Navy has been reconstructed. According to an article by Martin Edmonds and John Skitt published in "International Affairs" in January 1969, the present strength of the Soviet Navy by type and distribution is approximately as follows:

Surface vessels	Arctic	Baltic	Black Sea	Pacific	Total
Cruisers	3	4	7	4	18
Destroyers	20	25	67	28	140
Frigates	15	10	.....	25	50
Escorts	30	100	20	150	300
Motor gunboats	100	150	220	130	600
Minesweepers	60	150	90	50	350
Submarines:					
Ocean and coastal	150	70	20	120	360
Nuclear	28	.....	.....	12	40
Fleet air arm:					
Medium bomber	150	150	.....	100	400
Reconnaissance	100	100	150	50	400
Carrier (helicopters)	.....	.....	1	.....	1

A considerable proportion of these vessels are equipped with guided weapons and about 10% of the submarines are equipped with ballistic missiles.

Equally important is the fact that Soviet naval strength has changed in recent years from being a primarily defensive fleet to being, as noted by Mr. F. Goedhart in his recent report for the WEU Assembly on the security of the Mediterranean, a more aggressive one, particularly in view of the greater emphasis on long range submarines, landing craft and the introduction of new types of vessels such as helicopter carriers. It is clear that the Soviet Union is developing a global naval strategy which will give it greater capability and range. This development is a most important one and should be carefully studied.

I should like to record a view expressed by some members of the Committee at its meeting in June. It was pointed out by them that most of Europe's oil supplies were now transported to the West from the Persian Gulf via the South African Cape route following the closure of the Suez Canal. These members felt that the adequate protection of this route was vital to the West and that although this route lay outside the geographical area covered by the North Atlantic Treaty, which meant that NATO itself was powerless to act, interested member Governments should consult together and, where appropriate, take co-operative action to secure the protection of this route.

I would like to report briefly on one very promising development of NATO naval activity. The Standing Naval Force Atlantic (STANAVFORLANT) during its first 18-months operation has become a viable symbol of NATO's naval strength. The thirteen ships from seven nations in four extensive exercises clearly demonstrated the ability of the NATO navies to operate together effectively over an extended period of time. The success of STANAVFORLANT, it is hoped by many in NATO, will prove the forerunner to larger NATO naval forces.

VII.—ARMS CONTROL AND DISARMAMENT

A. Mutual force reductions

Before the Soviet invasion of Czechoslovakia the North Atlantic Council was leaning in the direction of opening negotiations with the Soviet Union and its Warsaw Pact allies concerning the possibility of balanced mutual force reductions. The invasion of Czechoslovakia has changed this prospect. The members of the Military Committee may wish to discuss whether mutual force reductions are a possibility in the near future.

B. The non-proliferation treaty

I hope that the Non-Proliferation Treaty, tabled by the American, British and Soviet Governments will be the first step in a series of disarmament measures that will reduce the risk of nuclear warfare. I am, however, very much aware that the signing and ratification of the NPT poses problems for several European countries. The question of Euratom inspection and control is a vital concern. Further, the reported desire of

[16] See "Current Soviet Maritime Strategy and NATO", by Martin Edmonds and John Skitt, "International Affairs", January 1969.

some parties in France and Britain for an eventual merging of the British and French nuclear deterrents into some kind of European nuclear defense organisation is an added inhibition. I should very much welcome the opportunity of hearing the views of members of the Committee on these questions.

C. Article VI of the treaty

This article states: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith of effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

Article VI of the NPT imposes an obligation upon the United States and other NATO signatories to enter into strategic arms control discussions with the Soviet Union. Members of the Military Committee should discuss possible implications of the NTP upon NATO and the Warsaw Pact.

D. Limitation of nuclear arms stocks

In the context of Article VI of the NPT I very much hope that the Soviet Union and the United States will begin discussions concerning the limitation of strategic nuclear weapons.

Before the United States enters into bilateral negotiations with the Soviets, President Nixon has said that the European members of the Alliance will be consulted. This consultation is already under way on the whole range of issues to be discussed with the Soviet Union.

There are 750 IRBMs deployed by the Soviet Union aimed against targets in Western Europe. Any nuclear disarmament involving ICBMs or, at the other end of the scale, the withdrawal of American tactical nuclear weapons from Western Europe, would require that Soviet medium range missiles targeted on Western Europe be removed. Speed and determination to achieve results are desirable if the "SALT" talks on the limitation of nuclear weapons are to succeed, but in the process of such talks, I am confident that the United States Government will consider the vital interests of its allies of highest priority. Detailed discussions have in fact been held in the North Atlantic Council between the United States and its allies concerning the preparation of the SALT talks.

VIII.—BURDEN-SHARING

The United States spends almost 10% of GNP on defense. Its Western European allies spend from between 1.2% in the case of Luxembourg and 2.6% in the case of Denmark, up to 6.7% in the case of Portugal, 5.7% in the case of Britain, and 4.6% in the case of Turkey of their GNP on defense.[17] This has been the basis for the argument that the European members of the Alliance have not borne their fair share of the collective defence burden of NATO.

Percentages, of course, can be misleading. It is comparatively easier for the United States with its very large GNP of $789.3 billion in 1967, and its *per capita* GNP of $4,037 for the same year, to devote a higher proportion of its GNP to defence than for a European country. The United States share of the total GNP of the NATO countries is over half. In comparison with the United States, the *per capita* GNP of some of the European members of the Alliance was, in 1967, $1,859 for Germany, $1,067 for Britain and $475 for Portugal.[18]

There is also another important point which is often overlooked in discussion of this problem. That is that a high proportion of American defence expenditure does not concern NATO at all.

In an article published in "Foreign Affairs" in January 1969,[19] former Ambassador Harlan Cleveland stated: "We spend about ten percent of our GNP for defence, but that of course includes the heavy budgetary drain of the war in Vietnam; the "pure" U.S. contribution to NATO would run well under two percent. even if our Atlantic Navy and all of our GNP is a substantial amount."

As I pointed out in my paper to the Military Committee in November 1968, the cost of United States forces committed to NATO totals over $12 billion yearly. On the other hand, with the exception of Britain, France and Portugal, which have extra-European defence commitments, practically the whole total of the defence expenditure of the European members of the Alliance is devoted to NATO. This is particularly so in the case of Germany, all of whose forces are NATO "assigned." Viewed in this overall context, the financial contributions of the European members of the Alliance to the common financing of the Western security are substantial, but a greater overall effort is still needed.

It would be useful to establish the financial pattern of intra-Alliance armaments sales and intra-Alliance general trade figures. Western Europe is one of the major sales areas for American exports of all kinds. In 1967, United States' exports to EEC totaled $5,580,000 and to EFTA totaled $3,174,000,000. Imports from these areas totaled $4,441,000,000 and $2,882,000,000[20] respectively. By the end of 1966, direct American investments in Europe amounted to $11,200 million whereas European investments in the United States totaled $6,273,000,000 at the same time.

The advanced and modern weapons and all elements of the logistics system, which we have discussed, must be provided to NATO forces if the approved strategy is to be successful. It has been and is the Rapporteur's view that the force levels of many of the NATO members are not adequate. It is recognised also that the provision of additional large forces by the Federal Republic of Germany might be considered provocative by the USSR, but this problem might be remedied by the development of trained reserves.

During this calendar year, the Congress and the American people have examined the defense budget more closely than at any time since World War II. Both the Executive branch and the Congress have ordered reductions in defence spending of the order of $5 billion. Reductions in United States forces have been announced by the President. The United States Senate, in its consideration of the defence bill, voted with overwhelming approval to reduce and maintain reductions in overall levels as forces are withdrawn from Vietnam.

There is dissatisfaction in the United States and in the Congress over the size of its forces in Europe under NATO command. The reasons are quite well known. Included are the continuing adverse balance of payments, the cost of maintenance of such forces, domestic pressures for reduction of governmental expenses and the requirement of vast sums to meet the social needs of the country.

I must say also that the general opinion is held that the other members of NATO have not progressively met their share of NATO burdens. I have opposed the reduction of United States NATO forces, as I believe that United States security is enhanced by a strong NATO organisation. But if firm steps are not taken by other members to increase the strength and effectiveness of NATO military forces, the demand for the approval of resolutions such as that introduced by Senator Mansfield and others, and of even greater importance, the reduction of funds appropriated to NATO may very well become successful.

I am sure that members of the Committee will advance other issues of importance for discussion at the meeting of the Committee.

IX.—CONCLUSIONS AND RECOMMENDATIONS

The strategy of flexible response is worthy of full support because of the added security it can bring to NATO member nations. It offers the possibility of additional time for reasonable efforts to be made to halt disastrous escalation to nuclear war in the event of an outbreak of hostilities between Warsaw Pact and NATO forces.

(1) If the strategy of flexible response is to be carried out, member governments must end the present trend of force reductions, bring existing NATO-committed units up to full strength, make up weapons deficiencies, improve communications, command and control facilities, build up logistic stockpiles and improve mobilisation and reserve capabilities.

(2) A determined effort should be made by member governments to inform their people fully about the realities of the threat faced by NATO and the costs in money and manpower required to meet those threats.

(3) Diplomatic efforts to achieve mutual force reductions should be vigorously pursued. In addition, member countries of NATO should make every effort to contribute to the success of the SALT talks. It is hoped that SALT talks will lead to a series of meaningful agreements leading to a limitation and reduction of nuclear arms. Full consultation of its allies by the United States concerning the SALT talks should be a priority for United States policy.

APPENDIX I

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SYSTEMS ANALYSIS) OCT. 22, 1968

TABLE 1.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Excluding U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army/Marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical Aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total Defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact forces—pay the men at our pay scales and build the equipment in our own factories—for about $50 billion per year.

APPENDIX II

TABLE 2.—CENTER REGION NATO AND WARSAW PACT FORCES, MID-1968 DATA [1]

	NATO [2]	Warsaw Pact [3]
Land forces—M-Day:		
Divisions	27½	46
Manpower in divisions	389,000	368,000
Manpower in divisions forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	----------
Equipment (NATO as percent of pact):		
Tanks	60	----------
Antitank weapons	150	----------
Armored personnel carriers	130	----------
Artillery and mortars (number of tubes)	100	----------
Divisional logistic lift	150	----------
Total vehicles	135	----------
Engineers (percent)	137	----------

[17] 1967 figures.

[18] The figures in this paragraph come from OECD sources and are estimated at current market prices.

[19] "NATO after the Invasion".

[20] OECD Sources.

	NATO [2]	Warsaw Pact [3]
Tactical air force:		
Number of deployed aircraft	2,100	2,900
Percentage of force by mission deployed in Europe	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250–500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.

[2] Includes 5 French divisions.

[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.

[4] Range depends on tactical mission profile assumed.

Appendix III. U.S. military personnel in EUCOM (1950–68)

As of Dec. 31:	*U.S. military personnel*
1950	145,000
1951	346,000
1952	405,000
1953	427,000
1954	404,000
1955	405,000
1956	398,000
1957	393,000
1958	380,000
1959	380,000
1960	379,000
1961	417,000
1962	316,000
1963	380,000
1964	374,000
1965	363,000
1966	366,000
1967	337,000
1968	316,000

APPENDIX IV

MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS,[1] 1968–69

	NATO	Warsaw Pact	U.S.S.R
Northern and Central Europe:			
In peacetime	4,800	11,500	6,000
After mobilization of 1st line reserves	6,100	14,600	6,750
Southern Europe:			
In peacetime	1,600	4,300	1,100
After mobilization of 1st line reserves	1,800	5,500	2,600
Total Europe:			
In peacetime	6,400	15,800	7,100
After mobilization of 1st line reserves	7,900	20,100	9,350

[1] NATO is estimated to have on average some 50 percent more antitank weapons.

Source: The Military Balance, 1968–69, Institute for Strategic Studies, London.

APPENDIX V

THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT

Ground formations	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(of which U.S.S.R.)	NATO	Warsaw Pact	(of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	30	19	6	11	3
Infantry, mechanized and airborne	16	35	20	27	23	4
Manpower (in thousands): Combat and direct support troops available	600	925	600	525	375	100
Tanks: Medium/heavy tanks available to commanders: In peacetime	5,250	12,500	8,000	1,800	4,600	1,300
Air Forces: Tactical aircraft in operational service:						
Light bombers	50	260	220		60	60
Fighter/ground attack	1,150	1,285	820	550	215	105
Interceptors	450	2,000	885	300	860	295
Reconnaissance	400	250	220	125	50	40

Source: The Military Balance, 1969–70. Institute for Strategic Studies, London.

Mr. MATHIAS. Mr. President, I want to thank the distinguished Senator from Kentucky. I want to thank him for the generous words he has used and directed at me personally; but, far more than that, I want to thank him for being willing to participate in this colloquy and being willing to become a cosponsor of the resolution.

His experience in this area is unique in the Senate. His experience in the whole world of foreign policy is of extraordinary depth and value. His participation lends a great deal of added significance to the discussion here this morning. I want to thank him for that participation.

Mr. GRAVEL. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. I have just returned from a meeting of the Interparliamentary Union in Europe where we visited Warsaw, Berlin, The Hague, Brussels, and then returned home.

Of course, this subject came up on several occasions.

Mr. MATHIAS. It is very difficult to avoid that in Europe.

Mr. GRAVEL. Very much so. What troubled us in that regard is that it made us realize how complex the problem is.

Of course, as the Senator knows, as a matter of policy I take the other view, that we should reduce our forces in Europe.

By going over there and seeing the situation, we know it is not quite that simple.

I want to compliment the Senator for his resolution. It will serve to focus attention on the entire issue. But, I wonder whether it is not a reaffirmation of the status quo, although that has certain merit to some degree.

I would hope that we could find some way to develop some pressure so that we could have some pressure on this.

The argument I heard in Europe, basically presented by our executive people, was that it all has to begin at the level of SALT and then we can sort of back down to doing something between NATO and the Warsaw Pact.

I raise this as a question: Is that the only place where we can begin, at the top? It does not strike me as really a human answer.

Mr. MATHIAS. Let me say to the Senator from Alaska that the resolution I have offered here today does not prejudge the issue at all. The resolution is directed, rather, at finding ways to continue the benefits of the Atlantic Alliance into the future while, at the same time, finding ways to reduce the burdens on this country, and on Western Europe itself, for that matter.

As the Senator suggests, these are difficult and complex questions but the resolution attempts to direct itself not just to the question of troop levels but to the whole community of interest with Western Europe which has altered the picture so much in the past 20 years, such as the enormous increase in trade, which is the great revolution in foreign policy in our time and has altered our relationship with Europe; the growth of international corporations and supra-international corporations which is a different aspect of our life today and did not exist when the alliance was first created; the growth of wealth in Europe which makes a difference from the original proposition on which the alliance was founded; and the status quo as we have known it.

All of these are factors which I would hope would be considered.

What I am suggesting by this resolution is not just an automatic continuation of the staus quo but we are hoping by this resolution to stimulate an initiative on the part of Europe, comparable to the efforts of the three wise men over 20 years ago, to set new goals and establish new objectives for the decade of the 1970's and, thereafter, to find ways and means to reach those goals and accomplish those objectives.

Mr. GRAVEL. I could not agree more with my distinguished colleague and I could not flatter him more than by saying he has undertaken a task that is extremely laudatory. In comparison, and it is not a reflection on my colleague, because what he is doing I praise, but I am trying to broaden the picture. I was distressed to see our Nation, as a matter of policy, totally silent on Willy Brandt's ostpolitik, which I thought was the only good step which could be taken by Europe in the last decade.

Mr. MATHIAS. I have publicly supported the ostpolitik. I think the ostpolitik is one of the very reasons we do not want to precipitate unilateral action on the question of the NATO troop levels, because I do not believe that Chancellor Brandt has any possibility of succeeding if we alter the security arrangements radically at this time when he is attempting the ostpolitik.

Mr. GRAVEL. I think my colleague from Maryland is correct in that regard. Any precipitate action at this point would not be good. That certainly is what I believe from my recent trip in Europe.

Mr. MATHIAS. I would doubt that the Bundestag, for instance, would modify the Bonn-Moscow treaty if there were fears of a sudden, significant reduction in U.S. forces which might cause a whole shifting over of the checkers on the European checkerboard at this moment.

Mr. GRAVEL. Mr. President, I certainly do want the record clear, at least from my point of view, that there should not be any precipitate action. The reason I say this is that I detected it among our people abroad. There should not be a locking in, a very hard locking in, in this area because of what the Senator says has been going on, which has been going on, in order to give us an unusual opportunity to feed the interests of detente.

Mr. MATHIAS. Mr. President, the Senator has grasped the significance of what I am trying to do, which is to avoid either a locking in with the status quo or just suddenly pulling the rug.

What I think we have to do is to recognize that there are significant changes both in Europe and in the United States. We cannot close our eyes to this change. We have to open our eyes and recognize the change and make adjustments in our mutual arrangements which are compatible with the different atmosphere of the seventies.

Mr. GRAVEL. Mr. President, I think that my friend, the Senator from Maryland, has undertaken an outstanding task particularly in view of the immediate future when some Senators will be traveling after the adjournment of the Senate to the NATO conference. I think that they will come back with a lot of questions and a lot of views concerning which direction we should go and the view that perhaps we are not showing enough interest in Europe in view of the financial interests we have.

Mr. MATHIAS. Mr. President, would not the Senator agree that our job in the Senate will be much more difficult next year as we consider the Mansfield resolution, or some similar proposition, if there is a total blackout of responsiveness and initiative coming from Europe and that the Europeans must address themselves to this problem? They must not allow themselves to drift because that would put the whole burden of decision here.

Mr. GRAVEL. Mr. President, we must agree that it is probably the Mansfield resolution which has caused some introspection and thought and ringing of hands in Europe which would not have taken place. It is human nature to feel that way if we pick up the tab, sit back and write the check. I think the Senator is applying pressure to have them look at their hole card. I think this is beneficial from the point of view of individuals generally and from the point of view of nations.

I want to make it abundantly clear that what the Senator is suggesting is exactly what I am suggesting. Something has to be done. We have to begin to think about it, but not in an irresponsible way. I agree with the Senator.

Mr. MATHIAS. Mr. President, as I stated earlier, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), has shown deep wisdom and restraint in giving notice by the introduction of his resolution but withholding action while it serves as a warning sign and a signal.

What, in effect, I am doing by my resolution today is blowing an additional whistle to signal the need for European initiative so that when the matter comes up for debate here, we can have the benefit of that European initiative and the views embodied in a European point of view.

Mr. GRAVEL. Mr. President, I think that the only service I could render would be to add the statement that this particular action does not temper the pressure meant to be applied by the resolution, which I think has been beneficial.

Mr. MATHIAS. Mr. President, I agree, it is not tempered at all. It is intended as sort of a last clear chance for the European point of view to be presented so that it can be considered as part of the intelligent and responsible debate on the whole subject of the security of Western Alliance.

Mr. GRAVEL. Mr. President, I compliment the Senator on his effort.

Mr. MATHIAS. Mr. President, I appreciate the participation in the debate by the Senator from Alaska.

Mr. President, I suggest the absence of a quorum.

Mr. GRAVEL. Mr. President, would the Senator from Maryland withhold that request?

Mr. MATHIAS. Mr. President, I withhold my request.

Mr. GRAVEL. Mr. President, I would like to make a few brief remarks.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. GURNEY) was to be recognized for a period not to exceed one-half hour.

Mr. MATHIAS. Mr. President, I yield to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I join with the Senator from Maryland in this initiative which I consider to be both timely and significant. I am chairman of the Policy Committee of the North Atlantic Assembly, the parliamentary wing of NATO.

The problem is not as one-sided as it looks to many in this country with respect to European participation in its own defense and in such emergencies as the Mideast. They disapprove very thoroughly of what we have done—and continue to do—in Vietnam. They felt that it was irresponsibility, and lacked authority. They feel that it is a pretty poor substitute for what we are committed to and what is called for under the NATO Treaty. They did not feel that it demonstrated any weight on the part of the United States in the terms of the way in which we utilize our resources and other capabilities. They are, bluntly, disappointed in our leadership qualities.

I think that the idea of the Senator from Maryland (Mr. MATHIAS) is excellent.

Mr. President, I joined in it because I think that the Senator from Maryland has indicated a road which can be very productive and very helpful in greatly improving our relations with our European allies in NATO, and in focusing the attention of the Senate on the key issues and real facts of the situation we face.

I compliment the Senator. I shall work with him not only to have his resolution agreed to but also to make it work.

Mr. MATHIAS. Mr. President, I thank the Senator from New York for his participation and for his cosponsorship.

Mr. SCOTT. Mr. President, I rise to commend the junior Senator from Maryland for the statement he has just made and for the resolution which he has introduced.

I share with him the concern for the situation which exists between our North Atlantic Treaty Organization allies.

The North Atlantic Treaty Organization was founded in 1949. Its establishment was brought about in the hope that it would be in a position to prevent Europe, and possibly the world, from ever again being involved in another holocaust which only a few short years before had been terminated.

Since that time situations around the world have changed and certainly the situation in Europe has changed. Therefore, it is necessary for the NATO communities to change also.

The resolution introduced today by the Senator from Maryland calls for continuing review of the purposes and the strengths of the NATO alliance and provides that the Senate of the United States would benefit from the views of the President, who has just recently returned from discussions in Europe, and reaffirms the support of the Senate for the declared intentions of the President to continue to seek on a regular basis the views of our allies regarding America's relationship with Europe.

I again commend the Senator from Maryland for the statement which he has made and for the introduction of the resolution which I am pleased to cosponsor.

ORDER FOR RECOGNITION OF SENATOR JAVITS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Florida (Mr. GURNEY), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR DUTIES AND OBLIGATIONS IN LATIN AMERICA

Mr. GURNEY. Mr. President, I think Senators of all persuasions can agree that one of the tragic consequences of the prolonged American involvement in the war in Vietnam has been the fact, owing to this major preoccupation, that we have neglected our other national priorities and relegated our other proper and legitimate concerns to the backburner. We have heard much discussion on the Senate floor in this session concerning domestic priorities and by and large I think that some refocusing is both necessary and desirable. I would like to touch today, Mr. President, on another priority in our foreign relations

and that is our hemispheric relations, our duties and obligations in Latin America.

Mr. President, President Eisenhower formally severed diplomatic relations with Cuba in January of 1961, a few weeks prior to the inauguration of President Kennedy. Our national attention was riveted on Cuba during the first months of President Kennedy's term with the abortive Bay of Pigs invasion and again in 1962, 8 years ago this month, when we had the confrontation with the Soviet Union concerning the stationing of offensive missiles in Cuba. I think we have a national consensus that President Kennedy's handling of that crisis—the defusing, if you will of that nuclear bomb—was the finest hour of his Presidency. It was, as he remarked in a lighter vein after the fact, the day "he really earned his pay." President Kennedy and the Congress later demonstrated their concern about Latin America with the Alliance for Progress. But events have not borne out our initial optimism about the Alliance.

But, beginning in the winter of 1962 and carrying on to the present day, our national attention has shifted to Southeast Asia. The Diem regime came to a bloody end on November 1, 1963, with the murder of Diem and the army coup that toppled his government. Twenty-one days later, in Dallas, President Kennedy himself was murdered by a wretched little man who had once been a functionary of the Fair Play for Cuba committee and who had lived in self-imposed exile in the Soviet Union; who was married to the daughter of a Soviet intelligence officer; a man who had renounced his American citizenship and was a Marxist by his own admission.

In the field of foreign affairs, the dramatic shift of attention to the Far East occurred in 1963. In the summer of 1964, Congress passed the Gulf of Tonkin resolution and the bombing of North Vietnam began in earnest in January of 1965. My purpose is not to revive those years or those decisions. Perhaps the shift was necessary or inevitable. In any event, there was a shift and I emphasize my central point that, to the extent that we have become preoccupied—some would say obsessed with Southeast Asia—there has been a corresponding neglect of our duties, obligations, and responsibilities in Latin America.

It is axiomatic, Mr. President, that we have a special relationship with Latin America. It is in the first level, based on geography and the concept of a hemispheric community. The 26 countries of Latin America look to the United States for investment capital, technological hardware, skills and processes; the United States depends on Latin America for much of its raw material, the exotic metals so necessary to modern technology. This interdependence is more and more necessary and desirable. But, beyond the physical level, we must recognize the unifying factors on the psychological level. We also have a fabric of treaties, organizations, and commitments which are the formal and obvious elements of the inter-American system. But apart from the economic interests and the treaties and the conventional security arrangements, the relationship is special and unique and we can neglect it only at our own peril. And, Mr. President, I think we have been neglecting it, and that is not good.

Governor Rockefeller's report on his mission to Latin America at the request of President Nixon highlighted this very point:

> The United States has allowed a host of narrow special interests, a series of other foreign policy priorities, budgetary and balance of payments constraints, a burgeoning bureaucratic tangle, and well-intentioned but unrealistic rhetoric to submerge this special relationship to the point where many of its neighbors in the hemisphere wonder if the policies, so critical to the development process of other nations, have been distorted to serve a variety of purposes in the United States having nothing to do with the aspirations and interests of its neighbors; in fact, all too often, these purposes have been in sharp conflict with the goals of development.
>
> Moreover, in its relations, the United States has all too often demonstrated, at least subconsciously, a paternalistic attitude toward the other nations of the hemisphere. It has tried to direct the internal affairs of other nations to an unseemly degree, thinking, perhaps arrogantly, that it knew what was best for them. It has underestimated the capacities of these nations and their willingness to assume responsibility for the course of future developments. The United States has talked about partnership, but it has not truly practiced it."

His report, while careful to stress that generalizations about the 26 countries of Latin America are dangerous—because of their varying levels of development, varying forms of government, varying conditions and vast differences among the countries themselves, and between the peoples within the countries—his overall conclusion is that anti-American sentiment in Latin America has grown precipitously in recent years. His view is—and I think there is a good deal of commonsense in this conclusion—that we have allowed our special relationships with Latin American countries to deteriorate. He says:

> If we cannot maintain a constructive relationship in the western hemisphere, we will hardly be able to achieve successful order elsewhere in the world. Moreover, failure to maintain the special relationship would create a vacuum in the hemisphere and facilitate the influence in the region of hostile foreign powers.

Essentially that is what we see happening right now.

In the decade that has passed between 1960 and 1970 there have been sweeping changes in Latin America, not all of them good. We can take some consolation from the fact that much genuine progress has been made. But, we should very properly be alarmed and concerned about our other developments.

In Chile, Dr. Salvadore Allende, a Marxist, polled 36.3 percent of the popular vote, the high vote in a three-way race, and the indications are that a few days hence, on October 24 the Chilean Congress will confirm his claim to the Presidency. If it does, it will be the first time in history that a great nation has voted a Communist government into office. A few years ago, such a thing would have been impossible in Chile.

Just last week, a palace revolution has brought a change of government to Bolivia. All indications are that it is leftist. If it is not Communist, it undoubtedly will be friendly to the Soviets and hostile to the United States.

We are acutely aware of the course of events that followed a similar leftist coup in Peru in 1968. That government has been consistently hostile to the United States and since coming to power has expropriated large property interests of American companies.

In Uruguay, forces are at work which, if unchecked, will certainly consume that unfortunate country. The Tupamaros, as we all know so very well, recently kidnaped and murdered Daniel Mitrione, an American expert on police matters who was attached to our Embassy in Montivideo. Even as we discuss this today another American diplomat is in the hands of the Tupamaros, his life in jeopardy. We have received reports that the Tupamaros have an international Communist brigade, not unlike the international brigade that fought on the loyalist Communist side during the Spanish civil war. It is made up of French, Spanish, and other Europeans in addition to Argentinians, Brazilians, and Paraguayans. It has formal links with and exchanges personnel with a movement of the revolutionary left in Chile and the revolutionary armed forces, a terrorist group, in Argentina.

President Jorge Pucheco of Uruguay has publicly indicated he has substantial proof that the terrorists in his country are acting in concert with and at the direction of Cuba's Latin American solidarity organization, the organ that Castro uses to export his revolution.

Three years ago this month, Mr. President, Ernesto Che Guevara was captured and executed in the remote Bolivian jungles. He met his ignominious end with a handful of terrorists in the hinterland.

Since the death of Che and in recognition of his failure, the subversive elements in Latin America have apparently had a change of heart about the utility of rural guerrilla warfare. They have switched instead to urban terrorism.

It has been reported in the press that the Communist parties of Argentina, Brazil, and Uruguay meeting in Montivideo in the spring of 1968 agreed to a plan for all-out urban terrorism. We have witnessed in the last 2 years, Mr. President, the effectiveness of this wicked plan. Our diplomats and those of other friendly states have been kidnaped, shot, and in some instances murdered.

In January 1968, guerrillas in Guatemala City machine-gunned to death two American military attachés who were returning to the embassy after having lunch.

In August 1968, U.S. Ambassador Gorden Mein was murdered in Guatemala City.

In October 1968, U.S. Army Attaché Charles Chandler was murdered by terrorists in Sao Paulo, Brazil, as his 9-year-old son watched.

In June 1969, terrorists firebombed 13 Buenos Aires supermarkets owned by the Rockefeller family. In September 1969, U.S. Ambassador C. Burke Elbrick was kidnaped in Rio de Janeiro and returned to safety only after 15 political prisoners were flown to sanctuary in Mexico.

In March 1970, the Japanese consul general in Sao Paulo was kidnaped; and in the same month, an American labor attaché, Sean Holly, was kidnaped and ransomed for a political prisoner. Our air attaché, Col. Donald Crowley, was kidnaped and later returned safely after 20 Brazilian prisoners were freed.

Last April, Karl von Spreti, the West German ambassador to Guatemala was murdered in cold blood when the government refused to bow to the ransom demands of releasing political prisoners.

Later that same month our consul in Porto Alegre, Brazil, was wounded in escaping from a terrorist ambush.

In May 1970, Pedro Eugenio Aramburu, former President of Argentina, was kidnaped from his home in Buenos Aires and murdered.

In June 1970, Ehren von Holleben, the West German ambassador to Brazil, was kidnaped in Rio by terrorists and one of his body guards was murdered. Von Holleben was later exchanged for 40 prisoners who were flown to Algiers.

Daniel Mitrione was murdered in August of this year, and Claude Fry, our aid agronomist in Uruguay is still in the hands of the Tupamaros.

These incidents which I have cited are just the tip of the iceberg, and serve only to highlight the fact that Latin America is shifting more and more away from U.S. friendship and into the eager, embracing arms of the Soviet Union.

All this is also by way of prelude and introduction to recent events in Cuba, which comprise the latest, brazen Soviet incursion in this hemisphere.

I am alarmed that so little attention has been paid to this very serious new push by the Soviets for further military leverage in the backyard of the United States and right under our noses.

I refer to the announcement that the Soviets may be in the process of building a permanent nuclear submarine base in Cuba. This story has been in the process of developing for some time—at least since May. In the hearing before the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee released August 20, 1970, there was testimony that a Soviet task force, including two conventionally powered and one nuclear-powered submarine visited Cienfuegos Harbor in Cuba in May 1970—page 29 of House document, Cuba, and the Caribbean. The task force also included a guided-missile cruiser, a missile-equipped destroyer, and an oil tanker. In April and May of 1970 three flights of two Soviet reconnaissance aircraft flew nonstop from the Soviet Union to Havana. Since May, a submarine tender, another tanker, and an LST arrived in Cienfuegos Harbor. Various other published data indicated that a substantial building program is going on at Alcatraz Island in Cienfuegos Harbor.

This was the setting, then, for the September 25 announcement from the White House. The White House spokesman said the United States would look with utmost seriousness on Russia's establishing a submarine base in Cuba, noting that the Pentagon had "firm indications" that the Soviets may be establishing a permanent submarine base in Cuba. That same unnamed spokesman said that President Kennedy's 1962 policy declaration was still current U.S. policy; that the presence of hostile offensive weapons in the Caribbean was unacceptable.

Mr. President, the implications of this apparent new Soviet threat are staggering. In 1962, we were concerned about the presence of Russian missiles which had a range of approximately 1,000 nautical miles. Soviet nuclear submarines are now equipped with Polaris type ballistic missiles each with a range of about 2,000 miles—twice as far as those in 1962.

The Soviets now have 13 Polaris-equipped nuclear submarines operational; each such submarine carries 16 nuclear missiles with 1-megaton warheads. The Soviets reportedly are building 15 new nuclear submarines right now.

These Russian Polaris type missiles, like ours, can be fired from underwater; they travel at supersonic speeds into the stratosphere against targets, as I say, up to 2,000 miles away. Fighter planes are useless against such missiles, and, as we know, our ABM system is not operational and will not be for some time.

I think, Mr. President, that the apparent intention of the Soviet Union to build such a facility in Cuba is a most serious threat to the security of the United States, and is one, Mr. President, which we cannot ignore or lightly dismiss. If such a base should become operational, one does not have to be a mathematician to realize that this move would effectively increase by some substantial figure the Soviet nuclear submarine capability in the Atlantic. The submarines could remain on station much longer. They would not have to make the long trip back to the Soviet Union at regular intervals. Crews could take the necessary rest/recreation intervals at Cienfuegos. It would do away with the need for at-sea refueling for conventional submarines. Repairs and maintenance could be accomplished much more easily and rapidly at a Soviet base in Cuba. It has, in a sense, the same elements as the Cuban missile crisis of 1962, only this time the offensive missiles are more effective and more mobile.

Quite apart from the published reports, I have received reports from some friends in the Cuban refugee community in Florida which are also very disturbing. I have been told, for instance, by a source who has provided reliable information in the past, that the wire stories have a basis in fact. The most recent information I have received is that extremely powerful floodlights are now in place on Cayo Alcatraz Island and that construction work is proceeding on a 24-hour basis. These lights are visible in Cienfuegos City at the northern end of the harbor—Cayo Alcatraz is at the southern end of the harbor immediately inside the breakwater. Three Cuban barges in tandem, possibly a dry-dock, are now stationed near Alcatraz Island. Cuban fishermen have been forbidden to go anywhere near Alcatraz Island, and the few permanent Cuban residents on Alcatraz, mostly fishermen and marginal farmers, have been evacuated from the island. Fidel Castro reportedly has been making weekly visits to Alcatraz.

British-made buses are reportedly carrying increasing numbers of Russian sailors from mainland points near Alcatraz Island to Cienfuegos City. I have been told that antisubmarine nets have been installed around the approaches to Alcatraz Island. My informants tell me that there has been a great deal of Soviet naval activity in Cienfuegos Harbor and that the presence of Soviet personnel is no longer a startling sight for Cubans in the area.

I think the situation calls for our immediate and full attention and careful analysis of the significance of this latest Russian incursion into Cuba and this hemisphere. It is well that the White House and the Pentagon gave the Soviets early warning that we knew of their intentions and put the United States on the record concerning it.

The question to be resolved by the U.S. Government now is whether we can tolerate a Soviet presence of this magnitude in our hemisphere.

It strikes me that U.S. acceptance and acquiescence of the building of such a Soviet installation in Cuba would have grave consequences, not only from the point of view of our security, but on the psychological level, as well. If this is a test probe and we acquiesce to the permanent Soviet presence in Cuba with submarine bases of this sort, we can expect other and more dangerous probes. If we bow now, the pressure will not diminish, it will increase.

If the early intelligence is correct and the Soviets are in fact developing a submarine base in Cuba, we will have to deal with only two alternatives: Either the stand this Nation took in the Cuban missile crisis of 1962 dies, or we take some affirmative counteraction, for the presence of such a Soviet nuclear sub base on our doorstep is incompatible with the reaffirmance in 1962 of the Monroe Doctrine.

I do not think, Mr. President, and I do not think other Senators believe, that the Monroe Doctrine should be discarded.

It is quite another matter if our early intelligence is wrong or has misled us. In that case there would be no problem of any magnitude. But if the early signs are correct, that the Russian Communists intend to have an operational submarine base in Cuba, then it behooves the United States to reassess its whole foreign policy vis-a-vis Soviet Russia.

Mr. President, I would urge most emphatically that the Department of Defense proceed immediately to determine, with the more than adequate means at its disposal, whether the Soviets intend to place a permanent submarine base or station in Cuba, and that it report to Congress and the American people the results of its investigation. If the Soviets have no such intention, we should know it. If the Soviets are building such an installation, we should know it and know it as soon as possible. It occurs to me that we have a right to know the full facts on this matter at the earliest possible date, so that we can take appropriate action. Candidly, I am not satisfied with the information which has so far been made available to the Congress.

This Nation has been at war in Southeast Asia for a longer time than in any other armed conflict in our history. We regard it as important to U.S. security that we preserve the integrity and exist-

ence of free nations in that part of the world. I support this policy.

We regard it as important to U.S. security that we make available to Israel our best jet fighter planes, sc that this tiny nation may preserve its freedom from Arab-Soviet aggression. I support this policy.

But in terms of security of the U.S. Government, and especially in terms of the safety of the lives of U.S. citizens, it occurs to me that the construction of a Soviet nuclear sub base in Cuba is of far greater priority to the United States and of much, much greater magnitude of threat to the United States and of much greater urgency of attention and action.

I am for helping our friends within our capabilities, but even more I am for taking care of ourselves first in this matter of national security.

I would suggest respectfully, and at the same time emphatically, that we need to know more about the nuclear sub base in Cuba and that we need to know it now.

Mr. President, there was a press release yesterday, October 13, on this subject. It reads in part:

On September 25, in response to a number of queries about Cienfuegos, we said we were watching the situation very closely. We stated then that we were *not* sure that they are building a submarine support facility.

Secretary Laird said on Sunday, October 11, that we have no evidence that a Soviet submarine has used the Cuban base. At his news conference yesterday, the Secretary reiterated that while we would regard the development of a base for nuclear-powered missile submarines in Cuba as a very serious matter, "I can say that there is no evidence at this time that a Polaris-type Soviet submarine has used Cuba as a base." The Secretary said, as has been stated previously, that we are watching this very carefully.

Further, our intelligence appears to incate that Soviet vessels that had berthed in Cienfuegos in early September have now departed Cuban waters and have been sighted proceeding eastward.

It might be speculated that this news is encouraging and may indicate that the Soviets are having second thoughts about a base in Cuba.

However, the news release, Mr. President, is careful to recite that the Pentagon is still watching developments in the area closely, and it is significant that there is no categorical statement that the Soviets are not in the process of building a submarine base in Cienfuegos.

The news release concludes:

In short, we have said on numerous occasions that we were watching the Soviet ship movements closely, but were not sure as to whether or not a submarine support facility was being established at Cienfuegos. That is the situation today.

In fact, there is no mention or comment on the status of the construction on Alcatraz Island.

This morning, there were news stories in the Washington Post and the New York Times and, I assume, in other newspapers, that Tass, the Soviet news agency, published a statement that the Soviet Union denies that it is constructing a submarine base in Cuba. I must say that that does not reassure me; in fact, it arouses my suspicion. An emphatic denial by the Soviets in an important miiltary or foreign policy matter is more likely to mean that they are doing the exact opposite.

All of us can vividly recall how just a few weeks ago the Soviets made a commitment to the United States and Israel in connection with the cease-fire in the Middle East. They breached the agreement just as soon as it was made.

Although they agreed not to move their missile sites and missiles, as soon as the cease-fire went into effect, they prepared new forward SAM sites and moved their SAM's forward.

One can speculate that one of the main reasons for entering into the cease-fire agreement was to gain this missile advantage along the Suez Canal area.

So this morning's news in no way reassures me of Soviet intentions in Cuba, so far as this possible submarine base is concerned. Rather, it makes me more suspicious.

Mr. President, I repeat: Until Soviet intentions are clear and we know one way or the other what plans they have, we in the Senate must also continue to give this matter our closest attention.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield successively to the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Louisiana (Mr. LONG), and the Senator from West Virginia (Mr. BYRD) without losing my right to the floor, and without having the time charged to me, as I have only 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 14678—ILLEGAL FOREIGN FISHING IN U.S. TERRITORIAL WATERS

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by myself, concurred in by my distinguished colleague (Mr. JACKSON) on H.R. 14678.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. MAGNUSON. Mr. President, the Committee on Commerce has favorably reported, without amendment, H.R. 14678, a bill to strengthen the penalties for illegal foreign fishing in the territorial waters and contiguous fishery zone of the United States.

As many of you are aware, the problem of massive foreign fleets fishing the adjacent waters of the United States has been a growing and critical one in recent years. Although the Congress previously acted on this question in the 88th Congress providing a maximum fine of $10,000 or imprisonment for not more than 1 year, or both, for such violations, it has become increasingly evident that the penalties were totally inadequate in light of the size of the foreign vessels and the amount of fish which might be aboard, especially considering the question of proof that the catch was taken within U.S. fishery zone waters.

H.R. 14678 provides assistance in both of these areas. First, the maximum has been increased to $100,000 and, second, the catch aboard will be presumed to have been taken in violation of the act. The presumption would be rebuttable, but the burden would be upon the operator of the offending foreign vessel to prove the fish were taken legally.

Mr. President, when we analyze U.S. Coast Guard reports that it is likely that only 10 percent or less of the violators are apprehended, it seems obvious that the penalty must be substantial enough to make the risk of apprehension in an illegal fishing act a matter of more severe consequence. H.R. 14678 seeks to do just this.

In addition, our present patrol of the coastal areas in question—particularly off the coast of Alaska—is extremely inadequate, and this bill would assist in authorizing the enforcing Federal departments to also utilize equipment, including aircraft and vessels, to assist in this task.

This Nation has a responsibility to maintain conservation of these adjacent resources and your committee feels that proper enforcement and penalties are a good step toward fulfilling that responsibility.

S. 4477—INTRODUCTION OF A BILL TO DIRECT THE SECRETARY OF COMMERCE TO REPORT ON NATIONAL AND INTERNATIONAL ENVIRONMENTAL MONITORING SYSTEMS

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill authorizing and directing the Secretary of Commerce to make a report to Congress on national and international environmental monitoring systems. We now recognize that every new technological development can be expected to have some impact on the environment. Human health and well-being depend to a large extent upon our being able to minimize the adverse environmental effects of commerce and commercial technology. Knowledge of the environmental consequences of commerce comes in part from monitoring programs, a number of which are already in operation. In order that the Department of Commerce, especially the National Oceanographic and Atmospheric Agency (NOAA), and the Congress may be fully informed of existing and proposed systems, I believe it imperative that there be a comprehensive report dealing with these environmental monitoring systems. This bill provides for such a report by the Secretary of Commerce with the assistance of the president of the National Academy of Sciences.

Both national and international monitoring systems must be considered, because the problem of environmental contamination is global. Pollution of the Yangtze is no less important to us in the long run than the pollution of the Potomac. Existing national and international systems will thus be categorized and evaluated with the objective of arriving at recommendations for significantly improved worldwide monitoring.

The current mercury crisis has dramatically demonstrated the need for careful monitoring and communication between nations. The problem there was

basically lack of knowledge, both of the presence of mercury in the environment and of the dangers posed by the chemical. Whereas some in this country knew of the dangers, they were not aware that the chemical was being discharged into our waters. Others, familiar with the practice of mercury dumping, had no suspicion of the dangers inherent in that practice.

Clearly these gaps in our knowledge must be eliminated with all possible dispatch. Institutions such as those envisioned in my world environmental institute resolution will serve to house and distribute all available environmental information. New institutions will also be needed, however, to increase the volume of information available.

The focus of the bill I introduce today is on this latter function of information collection. It is my hope that when we have a clear picture of what is now being done in this area, we will be able to plan future environmental monitoring more wisely, avoiding both gaps and overlaps in the protection of mankind from environmental hazards.

I note that the distinguished present occupant of the Chair (Mr. HOLLINGS) is a cosponsor of this measure.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4477) authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international, introduced by Mr. MAGNUSON, for himself and Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Commerce.

APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN APPROPRIATE JUDICIAL PROCEEDINGS

Mr. MANSFIELD. Mr. President, on Monday, October 19, the Supreme Court will be hearing the case having to do with the legislation passed by the Senate and the House of Representatives and signed by the President, giving 18-year-olds the right to vote.

As the sponsor of that measure, I have a certain amount of personal interest in what will be happening on that occasion, and it is my devout hope and prayer that the Supreme Court will find it within its wisdom—though I am not trying to influence it—to confirm the validity of the intent and purpose of Congress and the President, and the precedent laid down by the three-judge Federal court some 3 days ago in upholding what Congress has done through statutory legislation.

Therefore, in view of the fact that this case will be heard on Monday next, I ask unanimous consent that Calendar No. 1075, S. Res. 436, a resolution relative to appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield to the Senator from Louisiana.

AUTHORIZATION TO PRINT HEARINGS OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, the Committee on Finance has been conducting hearings, and we also voted yesterday with regard to a trade amendment somewhat similar to that voted by the Ways and Means Committee of the House of Representatives, which will probably be acted upon in that body before it is acted upon in the Senate.

During the course of the hearings, objection was heard to a request that the committee be permitted to meet. On that occasion, we had in town a good number of witnesses, some of whom would have difficulty in arranging to be present at a later date, and we were working against a time limit. Therefore, the chairman of the committee felt it desirable simply to declare that the committee was no longer meeting officially as a committee but was meeting as an informal group of Senators for the purpose of taking testimony.

In other words, Mr. President, it would require consent of the Senate to print the testimony taken of the Secretary of State, the League of Women Voters, and the AFL–CIO which was taken during a period of time when objection was heard and the committee was meeting informally and not in position to meet officially as a committee.

I discussed this matter with Senators, and I believe it appropriate to request unanimous consent that the testimony of witnesses that occurred during that period may be printed as a part of the hearings on this measure and that the expenses of the reporter be paid.

The PRESIDING OFFICER. Without objection——

Mr. JAVITS. Mr. President, I reserve the right to object. The Senator was not quite through yet.

Mr. LONG. Mr. President, there are a number of ways in which this matter can be handled to make the information available to the Senate. For example, it is my privilege, and that of any other Senator, to stand on the floor and read what the Secretary of State, the League of Women Voters, and the AFL–CIO testified in the RECORD. It is also our right to pay the reporter and to have it printed, or we could put on a fund-raising dinner. I do not think we would have any difficulty. Or, we could sell copies and make a profit.

In any event, it seems to this Senator that the information should be made available. If there is objection to printing this matter, to make it available to the Senate, I will find some other way to make the information available to the Senate, but I need to know in what fashion I should proceed.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, Mr. President, I am the one who objected to the sessions. I objected because I believed that 2 days of hearings on so portentous a bill was hardly a hearing. I made that point with the aid of other Senators, whose help I most gratefully acknowledge, on both sides of the aisle. I had no desire, and I have no desire, to have any smallness about this. Of course, we are not going to make the chairman of the Finance Committee go through the gyration of inserting in the RECORD whatever he wishes, as he could, or anything like that, or having him pay a reporter.

What I do ask, however, is that the unanimous-consent request may be modified so that it will show, in connection with the printing of these particular statements and questions and answers, that they be printed separately. This will show that they were the result of informal presentations to certain members of the committee and were not testimony of witnesses, as is perhaps other documentation which will be produced in respect of whatever bill is reported by the committee. But as to the mechanics of actually presenting it to us in a printed way, in a convenient form, and as to the cost of printing or the cost of reporters, I have no objection whatever. If the Senator will modify his request accordingly, so far as I am concerned, I am content.

Mr. LONG. Mr. President, with regard to the Senator's suggestion, the record I propose to print would so show that—in fact it clearly shows that objection is heard and if need be I will pay the reporter and we will meet informally and I will take this testimony. I will be glad to have the RECORD show that the Senate went out of session about 2:30 that afternoon and that at that point we were not meeting at a time when the Senate was in session.

Mr. JAVITS. That is correct. I think it was 4 o'clock, but it does not matter.

Mr. LONG. One day it was 2:30 and another day it was about 4.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. FULBRIGHT. Mr. President, reserving the right to object—I shall not object—I raise this simply because this type of thing has occurred to the Committee on Foreign Relations. Objection was made, and we did not hold the hearing.

I think that in the interest of conformity and of understanding by various chairmen, perhaps the Rules Committee should give some attention to this matter. I think the Senator has a point about the witnesses, and we have had the same situation in the Foreign Relations Committee. I do not think one committee should act one way and another committee should act another way.

I only raise this question as a matter of interest. I think that this type of matter should receive further attention by the Rules Committee and the leadership, so that we all will know what the proper procedure is under these circumstances.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming, with the time not to be charged to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. I should like to ask the Senator from New York whether my understanding of his stipulation is correct in connection with the testimony and the responses to questions that were raised by members of the committee who were then sitting informally, as was declared by the distinguished chairman of our committee. Would this stipulation result in everything that was said, all the responses that were made that afternoon, taking on a character different from that which would be the case if we could have been in formal session? I am not quite clear as to the purpose of the distinguished Senator from New York in saying that this testimony and the statements and the responses to questions should not be considered as—I have forgotten precisely the words.

Mr. JAVITS. Should not be considered as witnesses or testimony, but should be considered as an informal presentation to certain members of the Finance Committee by certain people whom the committee had intended to call as witnesses in those sessions.

My only reason for my reservation and the request I have made of Senator LONG is to keep good the good faith of my objection.

The Senator knows that the Senate could pass anything without hearings, if it chose. We are not in a court, where the matter is going to go up on appeal and then the appelate court will weigh what was not objected to in the record and what was objected to. In order to keep the good faith of my objection, I have made these statements.

Mr. LONG. Mr. President, I should like to get this matter straight with the Senator from New York.

It is fine with me for the record to show at what point objection was made and that the committee was aware of it and at what point the Senate went out of session.

I do not think it wise or desirable to print it as a separate document, because that means we will have to leave out the part at which Mr. Gilbert, the Special Trade Representative of the President, was answering the question of the Senator, and we will have to have a separate document which will end at an abrupt point. We would then transfer back to the hearing.

Mr. JAVITS. May I suggest that the Senator have printed as a supplement what was done in the objected-to time and put it in the same binding. Make it a supplement and put it in the same binding. Show what committee members were present, because it was informal and it was not testimony before the committee.

I just want to show what happened factually, to maintain the good faith of my objection.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield, with the understanding that the time will not be charged to me.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business not be laid before the Senate at the close of the morning hour, at 11 o'clock this morning; that the Senator from New York retain the floor until he is finished; and that the period for the transaction of routine morning business not exceed 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Well, Mr. President, I say to the Senator that if he wants to insist that this matter be printed as a separate document——

Mr. JAVITS. I do not.

Mr. LONG. So that there will be two documents, one in which the testimony would not appear in consecutive order, to which there would be no objection, but it would be better, I think, that the testimony appear consecutively in the record.

Mr. JAVITS. But at the head of that particular section it will show what happened. That is all I insist upon.

Mr. LONG. Fine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New York (Mr. JAVITS) is now recognized.

AN EFFECTIVE ANTIPOVERTY PROGRAM—OEO LEGAL SERVICES

Mr. JAVITS. Mr. President, as ranking minority member of the Senate Committee on Labor and Public Welfare—which is responsible for legislation and legislative oversight on the poverty program, I rise today to express my deep concern over a number of changes in that program reported to be under consideration by the administration.

First, yesterday's Washington Post carried an article which indicates that the Office of Management and Budget has ordered the Office of Economic Opportunity to cut its budget for fiscal year 1972 by 50 percent. Additionally, the administration may be considering transferring a number of the antipoverty programs to other agencies, according to the Post article.

Both the White House and the Director of the Office of Economic Opportunity have denied the report, indicating that planning is still in a preliminary stage and that plans will not be made public until the President announces the budget for fiscal year 1972.

However, to guide the planning—not only for the fiscal 1972 budget, but in connection with the forthcoming consideration of legislation for an extension of the poverty program, I wish to record my opposition to any actions on the part of the administration that may result in a diminution of the total amounts of money available for programs conducted under the authority of the Economic Opportunity Act—particularly those available for local initiative and programs conducted by community action agencies—and in opposition to any transfers of programs which could lessen the vitality of those programs or reduce the involvement of the poor and their representative agencies in program planning and conduct.

We need an increase—not a decrease—in funding if we are ever to deal with the problems of poverty. While it is true that the number of poor people in the United States has been decreasing since the poverty program began, there are now more than 24.3 million persons living below the poverty line—a number equal in size of half the population of Great Britain. We have increased funds for the poverty program each year since the program was first begun in 1965, but even with the $2 billion plus budget requested for fiscal year 1971, programs under the Economic Opportunity Act will meet the needs of less than 31 percent of all poor children ages 3 to 6 who need early childhood education; only 1.7 percent of the hard-core drug addicts among the poor; only 8.9 percent of those who could benefit from family planning services; only 17 percent of the poor who need legal services; and only 7.3 percent of the migrant and seasonal farmworkers.

The administration is to be commended for its efforts in manpower, hunger, and welfare reform, but even if these proposals are fully implemented they will fail to reach many of the poor. Food stamp programs and commodity programs now reach only 9,500,000 of the Nation's 24.3 million poor, and even under the administration's plans for an expansion of those two programs, total participation over the next 2 years will include only 17,500,000 poor persons—approximately three-quarters of the poor. Manpower training programs for fiscal year 1971 are projected at a higher level than last year, but one which will provide employment and training opportunities to less than one-tenth of the unemployed and underemployed persons who can benefit from such programs, according to Department of Labor estimates.

Mr. President, as we can never regard an increase in cash or an expansion of services for the poor as a substitute for actions undertaken by the poor themselves, the funds for programs conducted by the Office of Economic Opportunity and by community action agencies should be increased. As we expand our overall poverty efforts, it becomes that much more essential that we increase funding for community action agencies and similar organizations at the local level to insure that any new efforts are accompanied by effective "outreach" to the poor, and to maintain the basic involvement of the poor in antipoverty efforts.

Mr. President, the Washington Post article suggests that the administration is contemplating a number of additional transfers of OEO programs to other agencies. Specifically, the article indicated that the Administration is considering:

Merger of the VISTA volunteers into a new federal volunteer agency, which also would include the Peace Corps and Teacher Corps.

Removing the legal services program from OEO and establishing legal aid for the poor in a new government corporation.

Increasing the cost of Community Action agencies that must be paid by local communities above the present 20 percent "local share" of program costs.

Eliminating or transferring to another agency the emergency food and medical program, now part of the anti-hunger effort.

Mr. President, I am not opposed to the general concept of "spinning off" successful programs to established agen-

cies, but I view with great concern any plans to transfer or otherwise affect indigenous programs such as VISTA, legal services, or community action, which have been the backbone of the poverty program from the standpoint of the poor and the establishment of their dignity and motivation. In the case of any proposed transfer or related action, the burden is on the administration to show that it will result in strengthening our antipoverty efforts and in sustaining a meaningful involvement of the individuals and organizations on the local level that are most sympathetic to the problems of the poor. I feel I must oppose transfers which may result in the absorption of programs originally established for and by the poor into the porous body of established bureaus so as to lose much of their character and therefore their effectiveness.

Mr. President, even before we consider the question of the extension of the poverty program and the level of funding for fiscal year 1972, the administration faces an important test of its commitment to antipoverty efforts in connection with its plans for one of the most vital programs: the legal services program. I hope that the administration will hold to its previous commitment as to the independence of that program which provides the poor with meaningful access to legal advice and to the courts. Specifically, I urge three things.

First, that the administration abandon any plans that it may have contemplated for "regionalization" of the legal services programs by placing them under the management of the national OEO operations office and the OEO regional directors, rather than under the Office of Legal Services, as is now the case. The Director has indicated that "regionalization" of legal services under OEO administration—as well as conduct of the program by a separate governmental agency—is under consideration.

When the support of the organized bar was first obtained for the legal services program in 1965, assurances were given that the program would be developed, implemented, and managed by lawyers. Nevertheless, in the early days of the program, the legal services programs were often subordinated on the local level to community action agencies, with a resulting diminution of the professional independence of program lawyers.

The current administration, with the full support of the organized bar, sought to insure the independence of the legal services program and its lawyers by having it administered by a separate office within OEO. In his August 11, 1969, message to the Congress, announcing a reorganization of a number of OEO programs, the President stated:

> The Office of Legal Services will also be strengthened and elevated so that it reports directly to the Director. It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our times. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a *separate* Legal Service Program, one which can test new approaches to this important challenge. (Emphasis added.)

Appearing before the Subcommittee on Employment, Manpower, and Poverty, on October 7, Donald Rumsfeld, Director of the Office of Economic Opportunity, described the decision to centralize legal services as a "temporary" action "necessary to develop the necessary management procedures." Referring to the earlier decision to centralize, he said:

> At that time, it was my intent that when the reorganization process was complete and when the program was in order it would again be handled in a way similar to other programs.
>
> We are now reviewing how the program may best be managed. The period of consolidation and reorganization begun last July is complete. The question that remains is what management arrangement will provide the best management of the program from the standpoint of the poor.
>
> Under the present arrangement, responsibility for funding decisions, evaluations, monitoring, technical assistance, program policy and the like is lodged in the headquarters legal service office. It may well be desirable to move responsibility for one or more of those activities to the agency's federal regional directors who are charged with the principal responsibility for the operational programs in their regions and who, one would hope, would have more information about local situations than federal officials located in Washington. The questions we are addressing is how best to involve these federal regional directors in the management of headquarters-funded operational programs.
>
> We have no final decision on how this should be accomplished or the precise nature of the new management structure that will be instituted.

Subsequent to the Director's testimony the subcommittee received into its hearing record a copy of an OEO memorandum dated August 12, 1970, to Mr. Terry Lenzner, Director of the legal services program from OEO Deputy Wesley L. Hjornevik. The memorandum defines what may be meant by "regionalization" in the case of the legal services program: First, responsibility for the legal services operating programs would be placed under the Office of Operations rather than the Director for Legal Services; second, regional legal services staffs would be responsible to regional legal directors rather than to the Director of Legal Services in Washington; third, the policies and procedures for the administration of legal services programs would be established by the Office of Legal Services; fourth, any direction regarding legal services activities "will follow the command channel through the Office of Operations"; fifth, determination of regional legal services allocations "will be made by the Office of Legal Services and concurred in by the Office of Operation."

Mr. President, on October 7 and 9, the subcommittee heard persuasive testimony by representatives of the organized bar, the League of Woman Voters, and those conducting vital legal services programs in California, Massachusetts, New York, and Washington, D.C., all of whom appeared in opposition to regionalization.

In a joint statement before the subcommittee on October 7, the American Bar Association, the National Bar Association, and the National Legal Aid and Defenders Association described the effects that regionalization could have on the legal services program. These organizations testified that regionalization would have a substantive impact on the program and would interfere in the lawyer-client relationship, that the uniqueness of the legal services program requires independent administration and that regionalization would interfere with the individual attorney's ability to meet ethical and professional standards. Moreover, the joint statement noted:

> The denuding of the Legal Services Program of its professional qualities would result in the consequent loss of some of the brightest young lawyers working for clients in the legal services agencies. No self-respecting lawyer will continue to work in a program where he is subordinate to laymen in professional matters. Headquarters and regional services staff were greatly demoralized by the difficulties created through divided responsibility both nationally and regionally under the prior administration. Transfer of administration primarily to Regional Directors would be intolerable to these lawyers.
>
> The regionalization would cost the Legal Services Program the enthusiasm and close supervision of the organized bar at best. At worst, it would result in the withdrawal of support for the program by the bar. Such loss of support would seriously cripple the program and dilute the quality of services available to the poor.

Mr. President, when he appeared before the Subcommittee on Employment, Manpower, and Poverty, on November 14, 1969, in strong opposition to the amendment then proposed by Senator Murphy—which would have given the Governors a final veto over legal services programs—Director Rumsfeld responded to a question regarding the effect of the amendment:

> I think that would be a very undesirable thing, to permit someone to control, *anyone*, frankly, the kind of activities that legal services program attorneys are involved in. (Empasis added.)

I am strongly opposed to any action that would place anyone—whether he be a governor, a mayor, an OEO regional director—and whatever may be his disposition toward the poor—between an attorney for the aggrieved poor and our system of justice.

In his testimony before the subcommittee, on October 7, the Director indicated that no final decision has been made on any proposed change, and I urge him to reexamine the proposals in light of the testimony before the subcommittee. Moreover, I hope that as the spokesman for the poor in the Federal Government and as Special Assistant to the President, the Director will counsel the administration against any such action.

If there are administrative changes necessary to improve the program, the adminstration should make its proposals and present its plans in detail before the appropriate committees of the Congress long before any decision is implemented so that the committee members and others interested in the program will have enough time to determine what is

in the best interest of the program and of the poor.

Second, that the administration should support efforts to provide additional funds for the legal services program.

The administration has requested $2,080,200,000 for fiscal year 1971 for all poverty programs under the Economic Opportunity Act—an amount just $32,000,000 above the request for fiscal year 1970.

On August 24, 1970, I submitted, with Senator GAYLORD NELSON, amendment No. 858 to H.R. 18515, the Labor-HEW appropriations bill—which we will consider shortly—to increase poverty program funds from the $2,046,200,000 approved by the House to $2,195,500,000—an increase of $149,300,000. I hope the administration will support this amendment so that it will have the flexibility to provide a greater amount to the legal services program, as well as to other programs. Even with the $61,000,000 requested by the administration for fiscal year 1971 for legal services, offices throughout the Nation will be forced to shut down or greatly diminish their services.

In New York City, for example, seven out of the 26 offices that provide legal advice to indigent persons may have to be closed shortly. During the past 5 years, the program has grown from a $26 million operation serving 165,000 clients to one which is funded at $59,000,000, serving almost 1 million clients in the last fiscal year. Nevertheless, appropriations for legal services under the administration's proposed budget plans for fiscal year 1971 will reach only 17 percent of the poor persons who require legal services. The American Bar Association, a staunch supporter of the legal services program, has testified before committees of the Congress that the fiscal appropriation for the legal services program must be increased to at least a level of $90,000,000.

If these efforts to increase the appropriation for the legal services and for other programs are not successful, then I urge the Director to reexamine its priorities and compare the importance of legal services and other efforts conducted by the Office of Economic Opportunity—for example, demonstration projects. I am sure this evaluation will lead the Director to conclude that the legal services program must be provided with the maximum amount possible.

Third, that the administration convene, late this year or early next year, a White House or other national conference on law and poverty to be attended by representatives of the private bar, leaders of the American Bar Association and other national bar organizations, legal services lawyers, client groups, members of the judiciary, public interest lawyers, and representatives of appropriate Federal agencies for the purpose not only of considering the advisability of any proposed change in the legal service program, but to explore the new ways of involving members of the bar and others in serving as advocates of the poor. I propose that the conference also examine related issues, such as proposals to administer the legal services program by an independent corporation or within another agency of the Federal Government—as mentioned in the Post article—the coordination of all Federal legal assistance programs, the role of para-professionals in the delivery of legal services, the optimum use of volunteer lawyers in representing poor clients, and the integration of civil and criminal services within the concept of the neighborhood law office. The last such conference was held in Washington on June 23, 1965.

Mr. President, early next session we will consider legislation to extend the poverty program. I indicated in a statement in the Senate on October 7 the kind of extension that I consider most meaningful. There is is no program more vital than the legal services program. What those in the administration, as well as in the Congress, do with the legal services program will tell the poor the extent to which we are serious about the "war against poverty."

There are some who hold that the poverty program has only kindled frustration by making promises that government cannot keep. The right to justice under law is a promise established by the Constitution, not by the poverty program, but programs like the legal services program can help to give it meaning. If the poor lose their faith in this program, then what can be said for their faith in other programs or, for that matter, in our entire system of justice?

As emphasized by George W. Moore, appearing on behalf of the National Clients Council before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> We clients did not start out believing blindly that the law was our friend, that the courts would do justice, and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as part of a system which repossessed our furniture, evicted us, garnished our salaries, and sent our children to reform schools. This program has won the trust—a precarious trust, but a growing trust, among minority groups. What makes this even more amazing is that the legal profession is over 98% white. And we hardly need tell you that racism in this country has bred extreme distrust and hostility. Yet, the clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. And the client community has a solid basis for believing that regionalization will change all this. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD: The article entitled "White House Orders OEO To Cut Next Budget by 50%" from the October 13, 1970, issue of the Washington Post; an article from the October 14 issue of the Post entitled "White House Says No OEO Cuts Set"; the statement by Donald Rumsfeld, Director, Office of Economic Opportunity, before the Subcommittee on Employment, Manpower, and Poverty, October 7, 1970; the Joint Statement of the American Bar Association, the National Bar Association, and the National Legal Aid & Defender Association before the subcommittee on October 7, 1970—which sets forth in more detail the background of the organized bar's involvement in the legal services program and the basis for their opposition to regionalization; and an article contained in the October 4 issue of the New York Times, concerning the situation in the New York legal services program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITE HOUSE ORDERS OEO TO CUT NEXT BUDGET BY 50%

(By Nick Kotz)

The White House has ordered the Office of Economic Opportunity to cut its antipoverty budget by 50 per cent next year, from a present budget of $2.08 billion to $1.05 billion.

OEO Director Donald Rumsfeld has protested in a letter to the Office of Budget and Management that the proposed fiscal 1972 budget "would mean severe cuts in Head Start, Community Action, migrant and Indian programs, and research and development activities."

Questioned yesterday about the proposed OEO budget reductions, an administration official said "it is not fair to conclude that a great gutting is happening" based on preliminary negotiations between OEO and White House budget officials.

The official, who declined to be quoted by name, said a lower OEO budget could be expected as the President will recommend that some established antipoverty programs be transferred to other agencies.

Rumsfeld, however, apparently took into consideration anticipated transfers of programs, as he protested the budget cuts.

Even after program transfers are made, Rumsfeld wrote OBM Director George Shultz, OEO would have only $570 million available in fiscal 1972 to fund programs operating this year at a cost of $1.3 billion.

Rumsfeld responded to the White House call for a $1.05 billion budget with a $1.23 billion budget recommendation.

Even this budget, Rumsfeld said, would require severe cuts in some programs, including emergency food and medical services.

The administration's proposed budget for OEO and Rumsfeld's response have not been made public, but are the subject of heated controversy among antipoverty program officials who fear dismemberment of OEO's principal programs. (Documents concerning the proposal were made available to The Washington Post.)

These officials are equally concerned with Rumsfeld's tentative recommendations on means of further reducing his agency's budget. Among these recommendations are:

Merger of the VISTA volunteers into a new federal volunteer agency, which also would include the Peace Corps and Teacher Corps.

Removing the legal services program from OEO and establishing legal aid for the poor in a new government corporation.

Increasing the cost of Community Action agencies that must be paid by local communities above the present 20 percent "local share" of program costs.

Eliminating or transferring to another agency the emergency food and medical program, now part of the anti-hunger effort.

The transfers of VISTA, legal services, and other programs are initiatives Rumsfeld is considering both as budget savings and as means of carrying out the President's directive to transform OEO's role into that of a research agency, rather than that of an administrator of ongoing programs.

The President already has publicly called for transferring the antipoverty agency's manpower programs to the Labor Depart-

ment and various child care and health programs to HEW. Other program transfers, however, still are in the planning stage.

OEO officials concerned with legal services, VISTA and the emergency food and medical services program privately express fear that their programs will be left defenseless and subject to future elimination, if they are removed from the protective cloak of OEO.

These officials contend that increasing the local cost of Community Action programs will provide an excuse for unfriendly local officials to eliminate these programs.

In submitting his proposed budget to the Office of Management and Budget, Rumsfeld also outlined new initiatives he would like to undertake next year. These are:

Concentration on needs of American Indians.

Significant expansion of community-wide health care, family planning and narcotics programs.

Launching of two or three major experiments in the areas of housing, employment and the Social Security system. A "housing vouchers" program would give the poor money to invest in adequate housing.

WHITE HOUSE SAYS NO OEO CUTS SET

Nixon administration officials denied yesterday that there will be any major cut next year in antipoverty programs administered by the Office of Economic Opportunity.

White House Press Secretary Ronald Ziegler and OEO Director Donald Rumsfeld both denied a Tuesday report in The Washington Post that the administration's proposed 1972 budget would force cutbacks in Head Start, Community Action, and OEO research and development programs.

The Post story was based on a letter and memorandum from Rumsfeld addressed to George Shultz, Director of the Office of Management and Budget, and to his deputy, Caspar Weinberger.

Rumsfeld said yesterday in an interview that neither message actually was sent to the OBM officials.

He acknowledged, however, that the messages accurately portrayed what OEO considers "a miscalculation" by budget officials in determining the effect on OEO's budget when manpower programs are transferred to the Labor Department.

Rumsfeld said in the messages that OEO programs operating this year with $1.3 billion would have only $750 million available next year if the miscalculations are not corrected.

"That's a miscalculation that will never happen," Rumsfeld said yesterday.

However, Rumsfeld refused to say what the actual proposed OEO budget would be after the so-called miscalculation is eliminated. He said the budget planning is in a preliminary stage and will not be made public until the President announces it in January, 1972.

In the message addressed from Rumsfeld to Shultz, he responded to an OBM call for a $1.05 billion budget with three options of $1.23 billion, $881 million and $781 million.

While expressing preference for his first option of a $1.23 billion budget, the Rumsfeld memorandum addressed to Shultz also stated: "Our Option 1 budget is a base for working toward a President's budget request for OEO that probably will end up closer to Options 2 and 3."

STATEMENT BY DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, BEFORE THE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY, U.S. SENATE, OCTOBER 7, 1970

Mr. Chairman, Members of the Committee: It is a pleasure to appear before this Committee. I particularly welcome this opportunity to discuss with you the subject of legal services. I have discovered in recent weeks that a good deal of misunderstanding and misinformation surrounds this subject, and I hope this hearing will provide an opportunity for better understanding of the matter.

In May of 1969, when I became Director, the legal services program was a part of the Community Action Program. It was understaffed both at headquarters and in the regions. When Mr. Terry Lenzner became Director of the Legal Services Program, he discovered that the filing system was inadequate—and, in instances, non-existent with no useful grant management system. The basic information necessary to manage a program did not exist, and there was insufficient manpower to institute the necessary management controls.

At that time, I made the decision to temporarily centralize the operations of legal services in Washington for the period of time necessary to develop the necessary management procedures. At that time, it was my intent that when the reorganization process complete and when the program was in order it would again be handled in a way similar to other operational programs.

Since that time, management of legal services has improved. The program has established a grants management procedure and now has in place the first uniform, systematic evaluation plan. We have increased staff—both at headquarters and in the regions.

We are now reviewing how the program may best be managed. The period of consolidation and reorganization begun last July is complete. The question that remains is what management arrangement will provide the best management of the program from the standpoint of the poor.

Under the present arrangement, responsibility for funding decisions, evaluations, monitoring, technical assistance, program policy and the like is lodged in the headquarters legal service office. It may well be desirable to move responsibility for one or more of those activities to the agency's federal regional directors who are charged with the principal responsibility for the operational programs in their regions and who, one would hope, would have more information about local situations than federal officials located in Washington. The questions we are addressing is how best to involve these federal regional directors in the management of headquarters-funded operational programs.

We have no final decisions on how this should be accomplished or the precise nature of the new management structure that will be instituted. We are studying the question. The agency is addressing this issue in a series of meetings with both regional and headquarters staff. Also, a subcommittee of the Legal Services National Advisory Committee is studying the issue.

The confusion about this subject was highlighted during a meeting I had not long ago. During the course of our discussion, I discovered that one young man was convinced that so called "regionalization" of legal services meant turning the program over to regional commissions, like the Appalachian Regional Commission. Obviously, this is not the case. Another was convinced, inaccurately, that it meant turning the program over to state governors and their state regional planning districts. Another erroneously thought it would place legal services control with mayors. I have found similar confusion with other groups as well.

Consequently, I welcome the opportunity to meet with this committee and comment on this subject. Once there is a common understanding of what is being considered, the fears expressed should prove to be unfounded.

In the first place, in my judgment, none can legitimately question the support of the Administration, or of this Agency, of an effective legal services program. One of my first actions, little over a month after I became Director, was to establish Legal Services as a separate office within the agency, with an Associate Director reporting to me.

As I stated at that time: "The legal services program has come to symbolize much of the mission of this agency: justice for effective advocacy on behalf of the poor and orderly institutional change within the framework of the legal system."

In August 1969, the President issued a message on the Office of Economic Opportunity in which he paid tribute to legal services, assigning it "central responsibility for programs which help provide advocates for the poor in their dealings with social institutions." The President said:

"The sluggishness of many institutions—at all levels of society, in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate legal services program, one which can test new approaches to this important challenge."

When one talks of regionalization of legal services, or of decentralization, it is not a matter of weakening or diminishing its influence or changing policy, but rather improved ways of administering the program, so it may be even more successful.

This committee is familiar with the agency's reorganization plan which was put into effect in August of last year. That reorganization was instituted for the purpose of improving the agency's management capability. I can say now, a year later, that the Office of Economic Opportunity is managing its resources in a more efficient manner and that we are more effectively delivering the programs to the poor.

A principal element in the reorganization was the establishment of the Office of Operations which administers the agency's field activities through ten Federal Regional Directors who report to the Assistant Director for Operations. This office was created for three reasons:

(1.) To provide for a separation of the activities involved in operational programs as distinct from those involved in developmental, research, or demonstration programs.

(2.) To insure that greater support is provided to community action agencies and other local organizations and

(3.) To insure more effective management for the new ten-region structure.

The Office of Operations consolidated in one office the activities of the field-related operational activities.

One of the problems faced by government today is how to manage resources in a way that maximizes their impact and avoids burgeoning bureaucracy.

The Office of Economic Opportunity has 10 regional directors to direct the activities of the Federal regional offices. We have made continuing and intensive efforts to involve these regional directors in the formulation and implementation of agency policy. This has improved our capacity to manage the resources available. What we have achieved is an integrated management operation in which the 10 Federal regional offices, through the Office of Operations, can more efficiently carry out the policies of the agency. This process, whether one calls it "decentralization" or "regionalization", is in some instances a useful way of managing a large operational system of government.

I should also say a word about the notion of "independence" as it applies to legal services. There is a distinction to be drawn between, on the one hand, the freedom of legal services attorneys to exercise their professional judgment in representing clients and, on the other hand, the manner in which the programs activities are managed by Federal employees, whether located in the Washington headquarters offices or in the Federal regional offices.

There is no question but that legal services programs exercise their professional responsibilities as lawyers, subject, of course,

to the restraints imposed by Federal statute, Federal regulations, policies established by the boards of directors of the local programs and the Canons of Ethics. However, this has no relationship to questions involving the management structure used by the Agency in administering the program.

By statute, the Director of OEO bears the responsibility for formulating and carrying out the policies under which the program will operate. He should, in my judgment, carry out those responsibilities utilizing management structure which judgment will best serve the poor.

I can assure the committee that the structure that is selected for managing legal services will be one designed to continue the program as an effective one on behalf of the poor and that it will insure the program's continued operation in a manner consistent with the highest traditions of the legal profession.

JOINT STATEMENT OF AMERICAN BAR ASSOCIATION, NATIONAL BAR ASSOCIATION, NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

(In Support of the Legal Services Program of the Office of Economic Opportunity, Before the Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, October 7, 1970.)

Mr. Chairman and Members of the Subcommittee: It is always a pleasure to appear before this Subcommittee to discuss the interests and concerns of our Associations in the Legal Services Program of the Office of Economic Opportunity.

This marks the sixth joint appearance of our groups before this Subcommittee. The continuing interest of the Subcommittee in the Legal Services Program bears a very close relationship to the significant growth and strength which the Program has enjoyed since the leaders of the organized bar, the Department of Justice, and the Office of Economic Opportunity co-sponsored the National Conference on Law and Poverty in June of 1965.

It is our understanding that this hearing has been convened to consider the effect on the Legal Services Program of the so-called "regionalization plan" which is currently being studied in the Office of Economic Opportunity. Representatives of each of our organizations serve on the National Advisory Committee to the Legal Services Program, which since 1965, has counseled the Director of the Agency and the Legal Services Director on matters of policy affecting the Program. At a meeting of the NAC on September 11, 1970, we were informed by Director Rumsfeld and other representatives of the Agency that the question of administrative reorganization of the Agency, and specifically of the Legal Services Program, was under active consideration.

The Director indicated that prior to his making a final decision on regionalization of the Legal Services Program, he would consider the views of the National Advisory Committee. To the end of developing these views, a Subcommittee of the NAC was established and is currently conducting an investigation of regionalization and its effect on the Legal Services Program. Without intending to prejudice the efforts of the Subcommittee or predict the contents of its report, we feel it might be helpful to review with you the concerns of the profession with any administrative reorganization which would change the existing lines of communication and authority governing the operation of the Legal Services Program.

When the support of the organized bar for the Legal Services Program was secured in 1965, unequivocal assurances were given to the Associations represented here today that the Legal Services Program would be developed, implemented and managed by lawyers. A threat to this professional independence developed in 1967 when the Agency sought to implement a report of McKinsey & Co., management specialists, which sought many of the same ends which appear to be involved in the current regionalization study. At that time, a subcommittee of the NAC under the chairmanship of Jacob D. Fuchsberg, a past-President of the American Trial Lawyers Association, produced a report which raised the professional concerns with lay administration of Legal Services Programs by regional community action program directors. For the information of the Subcommittee, a copy of the report of the NAC to Sargent Shriver will be furnished for the record.

In 1967, as now appears to be the case, OEO management officials indicated that the implementation of the McKinsey report was solely a matter of administrative concern to the Agency and that it had as its goal improvement in the administrative functioning of the Agency. According to these officials, implementation would not adversely effect the professional quality of the Legal Services Program. We argued then, as we argue now, that the proposed administrative reorganization would have substantive impact on the professionalism of the Program.

As this Subcommittee knows, the recommendations of the McKinsey report were not officially implemented with respect to the Legal Services Program. However, relationships between the Community Action Program and Legal Services continued to threaten the independence of lawyers in providing professional representation to the poor. In February of 1969, leaders of the organized bar met with Secretary Finch of the Department of Health, Education and Welfare and Chairman of the Cabinet Committee on Urban Affairs and Secretary Romney of the Department of Housing and Urban Development, a member of the Cabinet Committee, to express concerns with the management of the Legal Services Program and the incursions on the professional independence of program lawyers. On July 14, 1969, OEO Director Rumsfeld coupled the announcement of his appointment of Terry Lenzner as Director of the Legal Services Program with a pronouncement that the Program was being elevated to the status of a separate division of the Agency reporting directly to him. The recognition by Director Rumsfeld of the points raised so vigorously and continuously by the legal profession was welcomed. It was concluded that attempts to derogate from the effectiveness of Legal Services had been permanently interred. Obviously, the indirect information given to the organized bar that return to a discredited format was under consideration produced an instant reaction against any attempt to reverse Director Rumsfeld's decision. (Attached hereto are copies of a memorandum submitted to Secretaries Finch and Romney at the meeting in February 1969 and the statement of Director Rumsfeld on the Legal Services Program dated July 14, 1969.)

REORGANIZATION WOULD HAVE SUBSTANTIVE IMPACT ON THE PROGRAM AND WOULD INTERFERE IN THE LAWYER-CLIENT RELATIONSHIP

Contrary to the position of OEO officials that regionalization will result in more efficient management and administration of the overall OEO program, the proposed plan, if applied to Legal Services, would have substantive impact on the professional independence of the attorney and would interfere in the lawyer-client relationship.

Prior to the establishment of the Program as a separate division, experience with divided responsibility in the regions between Community Action staff and Legal Services staff demonstrated that much friction developed between the two. Such decisions as those concerning funding, allocation of staff, staff salaries, and utilization of clerical support were inordinately delayed and much of the productive time of the lawyers in the regional offices was occupied in attempting to explain decisions on professional aspects of the Legal Services Programs to the Community Action staff. Similar controversies required substantial time on the part of neighborhood lawyers in local legal services programs, particularly the chief attorney's time, which thereby was diverted from the primary function of rendering services to clients. Frustrating delays in obtaining relatively simple decisions demoralized many lawyers in the program causing them to question whether or not the program would continue during the next year and often resulted in interruptions in meeting payrolls. Incalculable damage resulted to the professionalism of the program as a result.

Lay domination of lawyers at the regional level by Community Action officials earlier in OEO history quickly began to filter down to the programs at a local level. Community Action administrators in the localities, observing this relationship in the region, began to assert improper claims of authority upon the operations of legal services agencies resulting in tremendous time demands on the part of local lawyers to resist such encroachment, to maintain their professional independence, and, indeed often to prevent interference with the attorney-client relationship, including the handling of specific cases.

UNIQUENESS OF THE LEGAL SERVICES PROGRAM REQUIRES INDEPENDENT ADMINISTRATION

It has been argued that the Legal Services Program is no different from other OEO programs and that there is, therefore, no justification for exempting it from the regionalization proposal. This it patently untrue. No other OEO program has the unique combination of attributes possessed by the Legal Services Program. These include:

(a) The imperative ethical and professional standards governing the rendering of legal services;

(b) the controversial nature of the program, including particularly the concerted local and national efforts to prevent the vigorous assertion of the rights of the poor;

(c) the remarkable success in attracting some of the best qualified and dedicated young members of the profession;

(d) the strong support of and close supervision by the legal profession of this national emphasis program resulting in uniform guidelines and the highest degree of professional integrity in service of the poor.

The uniqueness of the Legal Services Program has been expressly recognized by the Congress. The report of the House Education and Labor Committee on the Economic Opportunities Amendments Act of 1967 provided in part:

"The Legal Services Program is governed by national guidelines which were developed by OEO, with the assistance of lawyers on the National Advisory Committee and the legal profession generally, to meet the unique professional problems involved in rendering these services. These problems include: legal ethics, including the preservation of proper lawyer-client relationships, confidentiality of communications between lawyer and client, the exercise of independent judgments by lawyers, complete fidelity to the client's cause, rendering of a full range of adequate legal services, insistence upon the use of properly qualified lawyers and legal personnel and observance of all standards of the legal profession governing such services." (H. Rept. No. 866, 90th Cong., 1st Sess., p. 24.)

There could be no clearer expression of Congressional intention than this mandate.

A review of the hearings on OEO authorization legislation conducted by this Subcommittee and the House Education and Labor Committee as well as Section 223(a)(3) of the Economic Opportunity Act, quoted below, will clearly show that the Congress was responding directly to the expressed concerns of the organized bar regarding encroachments upon the original commitments to professional management and direction of the program.

INDEPENDENCE OF THE LAWYER

The independence of the lawyer to represent his client without interference is a prime incident of the lawyer-client relationship. Without it, no client can be assured that he will receive the lawyer's best effort and the precious rights of the poor, minority groups and of others having unpopular causes will go undefended. The principle is enshrined in the adversary system which lies at the heart of our system of justice. It is designed to protect the rights of clients, not to satisfy the vanity of lawyers. It is required by:

(1) Section 222(a)(3) of the Economic Opportunity Act, as amended, stating that "projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession";

(2) The Code of Professional Responsibility of the American Bar Association—see EC 5-1, 5-21, 5-22, 5-24, 7-1. The Code protects the client not only against "compromising influences and loyalties", "desires of third persons", and other influences upon his own lawyer, but against all outside interference, including even that exercised by well meaning board members in a legal services program (EC 5-24); a lawyer is enjoined to "constantly guard against erosion of his professional freedom"[1]

(3) The need to retain the confidence of clients; clients are quick to sense where their lawyer's loyalty lies and whether he concerns himself solely with the client's best interest; attempts to persuade the disadvantaged to use the system and to help themselves through legal means will be destroyed if the client loses confidence in the true independence of his lawyer to give his all.

These ethical and professional standards cannot be properly implemented by laymen. As indicated previously, the structure in the regions will quickly determine the pattern at the local level where the vital services are rendered. Erosion of these standards will preclude lawyers from rendering services to the poor in local programs where these standards are no longer maintained. The denuding of the Legal Services Program of its professional qualities would result in a consequent loss of some of the brightest young lawyers working for clients in legal services agencies. No self-respecting lawyer will continue to work in a program where he is subordinate to laymen in professional matters. Headquarters and regional legal services staff were greatly demoralized by the difficulties created through divided responsibility both nationally and regionally under the prior administration. Transfer of administration primarily to Regional Directors would be intolerable to these lawyers.

The regionalization proposal would cost the Legal Services Program the enthusiasm and close supervision of the organized bar at best. At worst, it would result in the withdrawal of support for the program by the bar. Such loss of support would seriously cripple the program and dilute the quality of services available to the poor.

There is no better way to conclude this presentation than with the following excerpt from a resolution adopted by the Board of Governors of the American Bar Association on October 18, 1969:

"Whereas such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence; and

"Whereas enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority; and

"Whereas such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen: Now, therefore, be it

"Resolved, That the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional changes . . ."

EXCERPTS FROM CODE OF PROFESSIONAL RESPONSIBILITY OF THE AMERICAN BAR ASSOCIATION[1]

Canon 5: A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client.

Ethical Consideration 5-1: The professional judgment of a lawyer should be exercised, within the bounds of the law, solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute his loyalty to his client.

Ethical Consideration 5-21: The obligation of a lawyer to exercise professional judgment solely on behalf of his client requires that he disregard the desires of others that might impair his free judgment. The desires of a third person will seldom adversely affect a lawyer unless that person is in a position to exert strong economic, political, or social pressures upon the lawyer. These influences are often subtle, and a lawyer must be alert to their existence. A lawyer subjected to outside pressures should make full disclosure of them to his client and if he or his client believes that the effectiveness of his representation has been or will be impaired thereby, the lawyer should take proper steps to withdraw from representation of his client.

Ethical Consideration 5-22: Economic, political, or social pressures by third persons are less likely to impinge upon the independent judgment of a lawyer in a matter in which he is compensated directly by his client and his professional work is exclusively with his client. On the other hand, if a lawyer is compensated from a source other than his client, he may feel a sense of responsibility to someone other than his client.

Ethical Consideration 5-24: To assist a lawyer in preserving his professional independence, a number of courses are available to him. For example, a lawyer should not practice with or in the form of a professional legal corporation even though the corporate form is permitted by law, if any director, officer, or stockholder of it is a non-lawyer. Although a lawyer may be employed by a business corporation with non-lawyers serving as directors or officers, and they necessarily have the right to make decisions of business policy, a lawyer must decline to accept direction of his professional judgment from any layman. Various types of legal aid offices are administered by boards of directors composed of lawyers and laymen. A lawyer should not accept employment from such an organization unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves. Where a lawyer is employed by an organization, a written agreement that defines the relationship between him and the organization and provides for his independence is desirable since it may serve to prevent misunderstanding as to their respective roles. Although other innovations in the means of supplying legal counsel may develop, the responsibility of the lawyer to maintain his professional independence remains constant, and the legal profession must insure that changing circumstances do not result in loss of the professional independence of the lawyer.

Canon 7: A Lawyer Should Represent a Client Zealously Within the Bounds of the Law.

Ethical Consideration 7-1: The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue, or defense.

[1] Pertinent excerpts from the Code of Professional Responsibility are attached hereto.

[1] Adopted by the House of Delegates of the American Bar Association on August 12, 1969 to become effective for Association members on January 1, 1970

POOR FACING CUTS IN LEGAL SERVICE

SEVEN OF 26 OFFICES PROVIDING FREE ADVICE WILL CLOSE

Legal services for the city's poor will be cut back this month because of increased operating costs and a lack of additional financing by the Federal Office of Economic Opportunity.

Richard A. Seid, associate general counsel of Community Action for Legal Services, said last week that seven of 26 offices that provide virtually free legal advice to indigent persons were scheduled to be closed shortly. If the offices are closed, 15 of the organization's 150 lawyers would be dismissed.

Community Action for Legal Services serves as the central coordinating agency for the 10 corporations that operate the legal-assistance offices to aid poor people in civil cases, including landlord-tenant disputes and divorce suits.

$4.8-MILLION NEEDED

According to Mr. Seid, $4.8-million is needed to maintain services at their current level. However, Mr. Seid said that his agency was told by the Office of Economic Opportunity's northeast regional office not to submit a budget in excess of $4.3-million for the 1970-71 fiscal year, which began last Thursday. The $4.3-million is the same amount allotted by the O.E.O. for the 1969-70 fiscal year.

Officials of Community Action for Legal Services, which is in its third year, have made only a partial determination of which services will no longer be financed.

Mr. Seid said that two Legal Aid Society offices, the Rockaway branch in Queens and the civil appeals bureau in Manhattan, would not receive money.

In addition, he said that the South Bronx office of the Bronx Legal Services Corporation and the Fort Greene office of the Brooklyn Legal Services Corporation would be closed.

Mr. Seid said that the remaining three offices to be closed most likely would be selected from those operated by Harlem Assertion of Rights and the Bedford-Stuyvesant Legal Services Corporation. Each agency operates three offices.

Mr. Seid called rising costs "the prime factor contributing to our decision." He said that salaries and rents had increased greatly, thereby forcing the closure of offices.

"Our own office is understaffed, and we intend to add personnel," he said.

DIRECTORS EXPRESS DISMAY

Directors of the agencies affected expressed dismay last week and said that a diminution of existing services would severely hurt the indigent. In a recent 12-month period, 68,906 new cases were begun by the 26 offices.

Mortimer Getzels, attorney-in-charge of O.E.O. projects for the Legal Aid Society, said that he doubted that the society could continue to operate is Rockaway office and civil appeals bureau without Federal funds.

"Without the O.E.O. money, we anticipate that the Rockaway office will have to close on Nov. 30 and the civil appeals bureau on Dec. 31," he said.

Mr. Getzels said that he expected "vehement protests" by residents of the Rockaways and other affected areas at the next meeting of the Council Against Poverty on Thursday.

The council is scheduled to review the decisions made by Community Action for Legal Services and then forward its opinion to O.E.O. The opinion is not binding, however.

Ralph A. Accoo, chief counsel of Harlem Assertion of Rights, said last week that his agency had three "strategically placed officers in an area in which 450,000 people are in need of our services."

He continued: "There is a definite need for what we are offering, and we have had to turn away people. I think the community will be militant enough to demand its rights."

William L. Reese, deputy executive director of the Bedford-Stuyvesant Community Legal Services Corporation, said that the closing of one of his agency's offices would "severely cut down legal services." He said that "we may now find it impossible to implement proposed community projects, such as a consumer information program."

Mr. MONDALE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Minnesota, who has been such a fine leader in this field.

Mr. MONDALE. I thank the Senator from New York for his characteristic leadership on this issue. I know of few programs which have cost so little and produced so much as the OEO legal services program.

I think it is a testimony to this program that it has a remarkable range and enthusiastic support, including that of the American Bar Association, which I think does not need defense in terms of its conservative orientation. It nevertheless is a strong leader and supporter for an independent professional OEO legal services program.

As the Senator from New York knows, they testified the other day in the strongest possible terms in favor of retaining the present structure of the OEO legal services program.

I was most impressed by their testimony and the testimony of attorneys from throughout the country and the positions taken by the National Association of Law Schools, the Federal Bar Association, the National Clients' Council, and others, strongly supporting this program as presently structured.

I would very much hope that it might be continued. I am very fearful that if it is not, a deep and pervasive schism will result because this is one program in which the poor felt that they had the same rights as other Americans.

It is a conservative program which provides for the due rights of appeals and the opportunities which the rest of American citizens enjoy.

Mr. President, I think it would be a terrible blow to the credibility of American institutions and toward our effort to gain the love and affection of the poor for the so-called system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I will not object at this time. However, we have important business to transact today.

Mr. JAVITS. Mr. President, I will take only 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, sociologists and students of this program tell us that there is nothing that adds more to the feeling of dignity on the part of the poor and the feeling that they belong than this program.

This effort is backed up by the bar associations. I know of nothing that has grown faster or contributes more to this effort, and at a cheaper rate, than the legal services program. The cost is $59 a year per client. The program costs $59 million for one million clients.

I hope very much that the Senator will be zealous in protecting this program, and that goes for those who want to economize. I hope that we do not see the program go down the drain through some unwise administration move.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law a report on appropriations and transfers made to meet the costs in fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 (P. L. 91–231) and the Act of December 16, 1967 (81 Stat. 649) (with an accompanying report); to the Committee on Appropriations.

APPROVAL OF LOAN TO NEBRASKA ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC. OF COLUMBUS, NEBR.

A letter from the Acting Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, pursuant to the request in Senate Report No. 497 information concerning the loan approved to Nebraska Electric Generation and Transmission Cooperative, Inc. of Columbus, Nebr., for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

PROPOSED CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS IN CALIFORNIA

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes construction of a Federal Office Building at Santa Rosa, and an amendment to the authorized prospectus for the construction of a courthouse, Federal office building, and parking facility at San Diego (with an accompanying paper); to the Committee on Public Works.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) announced that on today, October 14, 1970, he signed the enrolled bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUGHES, from the Committee on Labor and Public Welfare, with an amendment:

S. 3562. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence (Rept. No. 91–1341).

By Mr. JAVITS (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota," approved December 21, 1950; and

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, N.Y. (Rept. No. 91–1342).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John Richardson, Jr., of Virginia, Louise Gore, of Maryland, Pierre R. Graham, of Illinois, Harold Taft King, of Colorado, and Kimon T. Karabatsos, of Virginia, to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization; and

Edward T. Brennan, of Massachusetts, Edward O. Sullivan, Jr., of New York, R. Miller Upton, of Wisconsin, and Tom R. Van Sickle, of Kansas, to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKE:

S. 4475. A bill for the relief of Joyce Cerita Bent; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4476. A bill for the relief of Mr. Michael LaMotte; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. HOLLINGS):

S. 4477. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 4478. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Commerce.

By Mr. HARRIS:

S. 4479. A bill for the relief of M. Sgt. George H. Jennings, Jr., to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4480. A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. SPONG:

S. 4481. A bill granting and ceding to the city of Alexandria in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SPONG when he introduced the bill appear below under the appropriate heading.)

By Mr. ELLENDER:

S. 4482. A bill to confirm the private land claim of William Kinchen; to the Committee on Interior and Insular Affairs.

By Mr. BAYH:

S. 4483. A bill for the relief of Luigi Fornasier, Lucille Maria Fornasier, and Lucio Fornasier; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. BELLMON and Mr. HANSEN):

S. 4484. A bill to amend the Natural Gas Act of 1938; to the Committee on Commerce.

(The remarks of Mr. STEVENS when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 4485. A bill to provide protection for heads of executive departments of the United States; to the Committee on Post Office and Civil Service.

(The remarks of Mr. BYRD of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON:

S. 4486. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. NELSON when he introduced the bill appear below in the RECORD under the appropriate heading.)

By Mr. HANSEN (for Mr. BENNETT):

S. 4487. A bill for the relief of William Arthur Herbertson; to the Committee on the Judiciary.

By Mr. GRIFFIN (for Mr. MURPHY):

S.J. Res. 243. Joint resolution authorizing the President to proclaim annually the day of November 1 as "National Women in Education Day."; and

S.J. Res. 244. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community United Operation Total Health Week"; to the Committee on the Judiciary.

S. 4480—INTRODUCTION OF THE COMMUNITY MEDICINE ACT OF 1970

Mr. MONDALE. Mr. President, American medical care is the best in the world—for those who can find it and afford it. But soaring costs, the demise of the general practitioner, and the flight of doctors from small towns, rural areas, and the inner city are increasingly putting this care out of the reach of those who often need it most.

There are at least 53 counties in the Nation that do not have a physician; fully 37 percent of all U.S. counties have less than a third as many doctors, in relation to their population, as does the Nation in general. Even in areas where medical care is readily available—as we were recently reminded in testimony regarding the health of our migrant workers—certain segments of the population are scarcely served at all.

Our rural areas can be characterized by generally low-levels of available medical care. In the Nation's urban areas, however, service levels vary widely. Some areas have more physicians than can be used efficiently, while in others, the residents are tragically underserved. According to a recent survey of ghetto blacks and rural Appalachian whites, the prevailing health condition of poverty areas justifies referring to these groups as "the living sick." Pollster Louis Harris commented as follows:

> For two out of three people in the U.S., "feeling fine" means that there is nothing the matter with them. But for two out of three ghetto blacks and rural poverty whites in Appalachia, "feeling fine" means literally, "not as sick as usual."

In spite of unprecedented increases in personal expenditures for health, and notwithstanding an increase in the number of medical school graduates, there is no evidence that the Nation's poor are healthier, or find it easier to obtain medical care. The National Center for Health Statistics said 3 years ago that serious illness among the poor is appreciably higher than in any other group. The poor have four times as much mental and nervous trouble; six times as much arthritis and rheumatism; six times as many cases of high blood pressure; over three times as many orthopedic impairments; and almost eight times as many visual impairments. These findings would be no different today.

The typical response to this health care crisis has been to furnish assistance to those who cannot afford decent medical care—as in the medicaid program—and to assist medical schools in order to increase the Nation's supply of physicians. Over the past decade, for example, Federal appropriations for medical education have increased sixfold—from $95 million in the academic year 1958–59 to more than $600 million in 1967–68. Federal dollars now pay for 60 percent of all medical school expenditures, compared with 30 percent 10 years ago; and local, State, and private support has also risen. While greatly increased costs have eroded much of this increased support, the number of students and graduates have both increased somewhat.

However, it is becoming increasingly clear that additional physicians trained in the traditional fashion for our existing patterns of medical care cannot begin to achieve an equitable distribution of health care for all Americans. The maldistribution of physicians and the inefficient use of health personnnel are symptoms of fundamental defects in the way health services are organized, paid for, and governed. Where these structural defects have been corrected—as for example, in the Kaiser-Permanente and similar health plans—it has been found that unnecessary demand can be reduced, and that productivity can be increased without adding physicians. Clearly, it is time for basic reforms both in the Nation's health industry, and in the education and training which supports it.

Fortunately, promising reforms in the delivery of health care are already underway. A prime example is the proposed legislation to encourage the formation of large health maintenance organizations, which would pull together the personnel and facilities required to provide comprehensive health care. They would do so through annual contracts, at rates determined and paid in advance, thereby sharing the risk of illness with their subscribers. This key feature of the proposal would be a powerful incentive to provide quality services at the lowest possible cost. Methods for increasing productivity and reducing costs are already known and tested—automated laboratory equipment, computerized information systems, organizing health personnel into efficient health teams, and so on.

The introduction of these reforms will mean that future patterns of medical practice will bear little resemblance to what we know now. In order to prepare physicians and other health workers to function well under these changed conditions of practice, it is clear that parallel reforms should now be undertaken in medical education.

Dissimilarities between medical education and medical practice have long been the object of criticism. Distortions in medical training arise because of the academic isolation of the medical school from the health needs of the community. Clinical training occurs almost exclusively in teaching hospitals, which—in spite of their scientific and technological excellence—are far from typical of practice conditions the physician will encounter in the community.

Medical center patients are typically indigent, have rare medical conditions, and are often acutely ill. The emphasis in medical care is on expensive, episodic treatment, directed by a handful of eminent specialists. Moreover, the clinical training of physicians, nurses, and allied health personnel is planned and carried out independently, with no effective coordination of the activities of those who will be expected to function increasingly as a team, if forecasts of future medical practice are correct.

One medical school dean summarized the situation in these words:

> Service is on the basis of clinical experience. Involvement in a real life situation involving illness, worry, and death is a strong stimulus to learning. At the expense of exposure to these life situations, medical schools have tended to get carried away with the unusual and rare. They have preferred to expose the student more to such rare maladies as Henoch's purpura, syringomeylia, and ochronosis than to put him out where he can see those diseases he will most frequently see as a practitioner.

One unfortunate and ironic result of this is that, immediately surrounding many major medical teaching centers, there are pockets of poverty in which may be found the highest morbidity and mortality rates in the entire Nation.

In some medical schools, departments of community medicine have made valiant efforts to amend the health problems of the community, but there has been little support for their efforts. However, a growing number of medical educators is becoming aware of the problem and looking for solutions. The medical school dean I quoted a minute ago is now the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs—Dr. Roger O. Egeberg. In the same address from which the previous remarks were taken, Dr. Egeberg gave his views on the nature of the reforms that are needed in medical education if community health problems are to be alleviated, and if doctors are to be appropriately trained for medical practice. In the words of Dr. Egeberg:

Historically, medical education and medical service have been teammates since before Hippocrates. Recently, however, things seem to have fallen out of balance; service has regrettably become subordinate.

I would like to suggest that if we are to deal squarely with the increased and increasing responsibilities which confront the medical community, two issues are vital: First, we must restore the balance by assuring the exposure of the medical student to service during his own medical education within the framework of the medical schools. Second, and of equal importance, we must involve the medical schools more actively in service beyond its walls.

Mr. President, I am introducing legislation which addresses the critical relationship between medical education and our inadequate health delivery system. The basic objective of this bill, the Community Medicine Act of 1970, is to pull America's medical schools—their faculties and their students—out of their academic isolation and into the arena of true community health needs.

This bill will provide for special improvement grants to medical schools and teaching hospitals for the operation of medical care systems for underserved populations as an integral part of their clinical training programs. To be eligible for such grants, medical schools would be required to:

First. Revise their training programs to include clinical educational experience in communities which have clearly demonstrable, high health risks and low levels of service. This would be accomplished by reducing time spent in clinical training in traditional hospital settings, and by increasing time spent in comprehensive, family-centered clinical teaching centers that emphasize prevention, early detection, and home care.

Second. Plan these revisions jointly with hospitals, community colleges, and other institutions training nurses and allied health workers, so as to assure the inclusion of clinical training and experience for service on health teams during the undergraduate years.

Third. Establish comprehensive total health care service organizations for a defined, underserved population, although it would be understood that the population covered would not consist exclusively of persons from this underserved group.

Project grant funds will be used primarily for support of educational personnel and for research on the delivery of health services to the underserved. Grants will be awarded directly to medical schools and teaching hospitals, generally for a 4-year basic period, but extendable where appropriate for a period up to 3 additional years.

Proposed authorization levels envision grants to approximately 50 medical schools and teaching hospitals under the fiscal 1972 authorization of $25 million. Authorizations for ensuing years provide for a gradual growth in participation up to 300 medical schools and teaching hospitals under the fiscal 1976 authorization of $150 million.

Mr. President, four centuries ago the Chamberlain forceps was invented, a medical invention which was eventually to revolutionize childbirth. But for nearly 200 years this simple instrument of mercy was kept a family secret, and made available only to those who could pay enough. Women whose husbands were too poor to afford the forceps either suffered prolonged agonies of labor, or, as was common, died about as unpleasantly as one can. This state of affairs was accepted—unfortunate, perhaps, but good business.

Today we are faced with a similar situation. We have to decide whether American medicine is to remain a Chamberlain forceps—available only to those who can afford it—or is to be let out of our medical centers and made available to those who need it. If we are to say—as I believe we have been saying for a number of years—that decent health care is a birthright of all Americans, then we must be prepared to enact the fundamental changes to realize this vision. While this bill is only a step, I believe that it can become a vehicle for the basic reforms which must come in medical education.

I urge its favorable consideration by my colleagues, and I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS). This bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4480) to improve the quality and availability of medical care in communities presently lacking in adequate medical care services, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Medicine Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to assist communities and defined population groups which are characterized by a lack of adequate medical care services to secure more adequate medical care services by making grants, as provided in this Act, to public and private nonprofit medical schools and community teaching hospitals which operate comprehensive medical care systems under which medical care services are provided to such communities or such population groups.

(b) Any grant made under this Act to any medical school or community teaching hospital shall be made for the purpose of assisting such school or hospital in establishing and operating, in connection with the comprehensive medical care system operated by it—

(1) programs which provide educational experiences for medical students, interns, residents, and other health care personnel;

(2) programs which have been jointly planned by such school and one or more hospitals, community and junior colleges, or other institutions, which provide training in nursing or the allied health professions under which students of such hospitals, colleges, and other institutions who are undergoing such training will obtain practical experience and specialized training while serving on health teams established and operated as a part of such comprehensive medical care system; and

(3) programs under which such school, hospital and other health care institutions or institutions providing training of nurses or allied health professions personnel will jointly undertake to provide comprehensive total health care services for a defined population group which is characterized by a lack of adequate medical care services.

GRANTS TO MEDICAL SCHOOLS AND TEACHING HOSPITALS

SEC. 3. (a) From the sums appropriated pursuant to section 4, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to carry out the purposes of section 2.

(b) No grant shall be made under this Act unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulations prescribe.

(c) (1) Grants under this Act shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this Act.

(2) In determining the amount of any grant to a medical school or hospital under this Act, the Secretary shall take into consideration—

(A) the number of medical students, interns, residents, and other health care students or trainees who would participate in the program with respect to which the grant is to be made;

(B) the number of individuals for whom improved health care services would be provided under such program;

(C) the extent to which the field of community medicine (when compared to other fields of medicine) is emphasized in the curriculum of such school or hospital; and

(D) the need of such school or hospital for assistance under this Act to carry out the program with respect to which the grant is requested.

(d) (1) Any grant under this Act to any medical school or teaching hospital with respect to any program shall be used only for the purpose of assisting such school or hospital to defray expenses incurred by it in meeting salary and other personnel costs for individuals participating in, supervising, or administering such program, or individuals engaged in research in the delivery of health services to defined population groups.

(2) Grants under this Act may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(e) No grant under this Act shall be made to any medical school or teaching hospital with respect to any program for any year if, prior to such year, such school or hospital has received a grant under this Act with respect to such program for 7 years.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. For the purpose of making grants to carry out the purposes of this Act, there is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, $110,000, for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

DEFINITION

SEC. 5. (a) For purposes of this Act, the term "nonprofit" when applied to any medical school or teaching hospital, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) For purposes of this Act, the term "teaching hospital" means any hospital which has graduate medical education program, approved by a nationally recognized accrediting body, and which makes extensive use, as defined by regulations, of the regular hospital staff in its medical education program.

S. 4481—INTRODUCTION OF BILL TO CEDE CERTAIN BOUNDARY PROPERTY TO THE CITY OF ALEXANDRIA

Mr. SPONG. Mr. President, at the request of city of Alexandria officials I am introducing a bill which would relinquish any title claim by the U.S. Government to certain boundary land between the city of Alexandria and the District of Columbia.

The Virginia shore property involved is located along the south shore of the Potomac River between Second and Gibon Streets, at Alexandria. The physical condition of this area has to such great extent deteriorated, stagnated, and become a source of pollution that it is, for the most part, a rundown wasteland.

Because of the uncertainty of whose responsibility it is to clean up the so-called mess, no one has accepted this responsibility. It is, therefore, extremely important, once and for all, to determine ownership, so that the duties and responsibilities may be assumed by owners of the riparian properties, with proper authority to maintain and keep the shore in a proper and good condition.

For many years, ownership of the property and the boundary lines in this area have plagued the United States, the State of Virginia, and the city of Alexandria. The details of the underlying facts which led to the present problem are contained in a report by a Boundary Commission created by an act of Congress, approved March 21, 1934—48 Stat. 453—a brief statement concerning which is contained in this memorandum.

To determine the boundary line between the District of Columbia and the State of Virginia, and in an effort to settle claims to property along or affected by said boundary line Congress, by the aforesaid act—jointly with an act of the Virginia General Assembly—created the District of Columbia-Virginia Boundary Commission.

The Commission was authorized and directed to survey and fix the boundary line and to have said line, when so determined, to be marked by suitable monuments. Following completion of its investigation, the Commission made its report, designated as "House Document No. 374—74th Congress, Second Session."

There was submitted to the Commission a proposed agreement between the city of Alexandria and the United States—pages 17–19—with respect to that portion of the Alexandria waterfront from the north line of the city limits to Jones Point. Among other things, the agreement referred to appropriate boundaries along the Virginia shore of the Potomac River, including the mean high-water mark on the existing natural bank or shore of the river, the line along and upon bulkheads by which the natural or filled-in area along said river or shore may be, which excepted any area where such bulkheads or other structures, if any, extended beyond the bulkhead line as may be established by the Secretary of War, in which event the boundary line, for that particular distance, shall be as recommended by the Commission to be the lawfully established bulkhead line. There was also reference for payment by the owner of Virginia upland of fair and reasonable compensation to the United States for any land which is filled-in below the high-water mark.

The Commission accepted the aforesaid proposed agreement between the city of Alexandria and the United States and recommended to Congress that it be adopted and confirmed.

The Commission's report further stated that the high-water mark of 1791 is a point of conjecture; that the U.S. Government has attempted to describe and locate this line; and that the same condition is true so far as the low-water mark of 1791 is concerned. The Commission concluded that its opinion was therefore that inasmuch as the line cannot be definitely established, the only equitable way in which a fair line can be arrived at, is by locating the low-water mark as of today, and recommended it as and for the boundary line existing and to exist between the District of Columbia and the Commonwealth of Virginia.

Subsequently, for jurisdictional and other purposes, and acting on the report of the Boundary Commission, there was established both a pierhead line and a bulkhead line along the shore of the river from Second Street to the District of Columbia-Maryland boundary line.

Under the act of Congress of October 31, 1945—59 Stat. 552, 554—the boundary was established between the District of Columbia and the State of Virginia along the aforesaid pierhead line. The act provided, however, that—

> Nothing in this Act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the mean high-water mark as it existed January 24, 1791, and the boundary line as described in Section 1 (of the Act); or to limit the right of the United States to establish its title to any of said lands * * * or the jurisdiction of the courts of the United States for the District of Columbia to hear and determine suits to establish the title of the United States to all lands, in the bed, marshes, and lowlands, of the Potomac River, and other lands * * * below the mean high-water mark of January 24, 1791.

The area involved in the instant bill is that portion of shoreland between the bulkhead line and the 1791 mean high-water mark line. This portion of land is of no value to the United States and until the title defect is corrected, the city of Alexandria is unable to reasonably proceed with improvement of that portion of the waterfront, leaving it to remain as an unsightly, blighted area.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4481) granting and ceding to the city of Alexandria in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes, introduced by Mr. SPONG, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4484—INTRODUCTION OF A BILL PROHIBITING THE IMPORTATION OF ALGERIAN NATURAL GAS

Mr. STEVENS. Mr. President, the United States is facing an increasing shortage of natural gas. Last fall during the debates on the depletion allowance, I warned that this situation was developing. I asked then that the Nation adopt a policy which would encourage rather than discourage the discovery of new reserves. Unfortunately, that advice was not heeded.

Now a new change in our policy threatens to discourage further our petroleum companies from investing in the development of a strong, stable industry. The Federal Government is, I am informed, considering the granting of permits to import natural gas from Algeria, a nation which has systematically confiscated the rights and property of American petroleum companies operating in that nation. In other words, in order to fill the shortage for which a shortsighted policy is partly responsible, we are, apparently ready to adopt an even more shortsighted policy and deal with pirates.

In August 1967, shortly after the Algerian Government had assumed control of the American oil companies on the pretext that we were a belligerent in the Arab-Israel conflict, that Government nationalized the refining and marketing properties of Standard Oil of New Jersey and Mobil Oil Corp. and has not yet compensated the companies involved for the properties taken.

During 1968 and 1969 the Algerian Government continued to attempt to extort more beneficial contract terms in return for the appropriated oil properties and has increased substantially the reference price on which royalties must be paid. In addition, Algeria has adopted a 100-percent repatriation requirement, which means that all money received for Algerian oil overseas must be returned to Algeria. In other words, American companies have received no payment for the property taken and are receiving no income from the properties "controlled" by the Algerian Government.

It seems obvious to me that it would be unwise for the United States to adopt a policy which would make it dependent on a country whose trading character is

as questionable as Algeria's for a commodity as critically important as natural gas.

My State of Alaska now has large reserves of natural gas, but we do not have any market for it. In order to ship our gas to where it is needed, it must be liquefied at very low temperatures and shipped in cryogenic tankers. Unfortunately, the United States has never built this type of tanker and it will be extremely costly and time consuming to do so. The legislation we passed recently to authorize the creation of construction reserve funds may aid in the construction of LNG tankers.

We are presented with the ultimate dichotomy. We pay a foreign nation, which has pirated the resources and property of U.S. companies, to ship those resources on foreign ships employing foreign seamen to American ports in the name of lower costs for U.S. consumers.

Mr. President, no jobs are saved by paying foreigners to supply us with resources we have right here at home. And the costs are not less to the consumer—as the Hawaiians.

But the shortsightedness of this policy is not so much in the fact that it costs us jobs—although that certainly weighs very heavily on my State, where unemployment has reached 13 percent statewide—and as high as 85 percent in some localities—in what should be the height of the working season. The real danger is in what this policy means for the future. The Federal Government is, I fear, deliberately pursuing a policy which makes the United States increasingly dependent on foreign energy sources. In 10 years, under current policies, it is estimated that nearly half of our petroleum must come from foreign sources. What will happen if foreign crises cut off those sources? The answer is obvious—we cannot exist without petroleum.

As I indicated earlier, Algeria has so far not provided compensation to American nationals who have had their property appropriated by the Algerian Government. Until it does, it is simple justice that we should not purchase products from that nation.

I introduce a bill which will prohibit the importation of natural gas from any nation which has expropriated property since January 1, 1967, until such country makes adequate and effective compensation.

Section 3 of the Natural Gas Act is as follows:

Exportation or importation of natural gas

After six months from June 21, 1938, no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

The proposed bill, which adds a proviso to section 3 of the Natural Gas Act would prohibit the Federal Power Commission from approving an importation from any country which has expropriated substantially all of the American owned property in the petroleum industry of that country. Once such an expropriation or seizure takes place, no importation from the expropriating country could be approved by the Commission until all of the owners of the expropriated property have received adequate and effective compensation.

There is some question today whether new forms of natural gas, such as liquefied natural gas, fall within the scope of section 3, or whether, instead, they are covered only by section 7 of the act. To prevent the possible development of an unwanted loophole, my bill applies to importation under all sections of the act. The bill is further limited to expropriations which have occurred since January 1, 1967. This limitation prevents the revival of old disputes; on the other hand the prohibition does cover many of the recent, sweeping expropriations of American petroleum property abroad.

Let me reiterate the purpose of this bill. First, it prevents possible American reliance for its essential gas supplies upon inherently unstable or unfriendly sources. Second, it will prevent those nations which have expropriated property of U.S. nationals from being rewarded with profits from American consumers of natural gas.

As I have explained, the need for this bill is vividly illustrated by the pending application before the Federal Power Commission for authorization to import Algerian natural gas into the U.S. market. The Algerian Government has repeatedly demonstrated its hostility toward the United States by illegally expropriating the American owned petroleum interests there and by breaking diplomatic relations with the United States. The United States should not reward or approve illegal actions, nor should it place reliance upon a source of supply of energy which is both unfriendly and unpredictable.

I ask unanimous consent that text of my bill be printed immediately following my remarks.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4484) to amend the Natural Gas Act of 1938, introduced by Mr. STEVENS, for himself and other Senators was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Section 3 of the Natural Gas Act of 1938 (15 U.S.C. 717(b) is amended by adding at the end thereof the following proviso:

"*Provided*, That no importation shall be approved under this or any other section of this Act if such import originates in a country which, itself or through an agent or subdivision, after January 1, 1967, has expropriated, nationalized or seized ownership or control of, or has taken other measures which have the effect of expropriating, nationalizing, intervening or seizing ownership or control of all or substantially all of the American-owned property within the petroleum industry in such country, and adequate and effective compensation has not been paid therefor. As used in this proviso, American-owned property means any property, right or interest owned by any United States citizen or by any corporation, partnership or association not less than 50 percent beneficially owned by United States citizens."

S. 4485—INTRODUCTION OF A BILL TO PROVIDE PROTECTION FOR HEADS OF EXECUTIVE DEPARTMENTS OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I introduce today for appropriate reference a bill which would provide protection for the heads of the executive departments of the United States. Each Cabinet officer would be authorized to appoint or designate such personnel as he determines necessary to provide for that protection.

This legislation is very much needed. Hostility toward U.S. domestic and foreign policies has been lately directed toward members of the President's Cabinet. During the past year several Cabinet officers have received threats of physical harm, and have had their person endangered during protests, some threats occurring even within their own offices. In at least two separate incidents, the Secretaries of Health, Education, and Welfare and Housing and Urban Development were accosted.

These men should be protected. They have been given tremendous powers and responsibilities by the Congress. They are in the line of succession to the Presidency. They share with the President the responsibility for the national security of our country, and several have knowledge of information of the highest classified nature regarding our defenses.

In carrying out the business of the Government, Congress has invested in these men great discretionary authority. Cabinet members are responsible for the proper disbursement of billions of dollars of taxpayers' money, and for the administration of vast executive departments which form the backbone of our Government.

Their functions are important, and Cabinet members deserve proper protection.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4485) providing protection for heads of executive departments of the United States, was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 4486—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL POLICY AND PROGRAM WITH RESPECT TO WILD PREDATORY MAMMALS, AND FOR OTHER PURPOSES

Mr. NELSON. Mr. President, every year the Nation spends over $7 million to support a wildlife control program in which

a small army of some 700 poisoners ranges across vast tracts of mostly public lands in the West, poisoning and otherwise killing predatory animals and rodents.

The body count of dead animals, including rodents, is in the millions yearly. Whole ecosystems are altered, with one kind of predator being replaced by another, or with entire species disappearing in large regions. In some areas, wildlife populations reach such an imbalance that a new poisoning program is needed to correct it.

While there is no accurate toll of the animals killed in all Government control programs, a report submitted in 1963 by the agency chiefly responsible for the killing listed, over a 1-year period, the recorded destruction of 190,763 animals. These figures may be taken as a minimum: 842 bears, 20,780 lynx and bobcats, 89,653 coyotes, 294 mountain lions, 2,779 wolves—mostly red wolves, and mistakenly labeled coyotes—6,941 badgers, 1,170 beavers, 24,273 foxes, 7,615 opossums, 6,685 porcupines, 10,078 raccoons, 19,052 skunks and 601 "miscellaneous" victims. Most of this activity was carried out west of the Mississippi River.

For 55 years, the Federal Government has been conducting its program of wildlife killing spreading poison over millions of square miles, and never in all that time has there been a comprehensive assessment of the ecological effects of that poisoning. Never has there been any attempt to study and understand the effect of this program on minor and major life systems.

There is no doubt that man's activities have already so altered the environment that such a thing as a "natural state" is impossible to find wherever predator control programs are in effect. Certainly, the planned, calculated obliteration of wildlife cannot be justified as a Government financed program for the economic benefit of a few.

Wildlife control in the United States is a complex matter, since it involves various State and county, as well as Federal offices, but most of the Federal control is conducted by the Division of Wildlife Services of the Interior Department's Bureau of Sport Fisheries and Wildlife.

The history of predatory animal control by the U.S. Government is long. It began as a war effort in 1915, when Congress appropriated $125,000 to institute a wildlife control program under the Bureau of Biological Survey, then a part of the Agriculture Department.

It was contended that killing wolves would conserve food and make beef available to our allies and soldiers in France, and on behalf of the cattlemen, most of the wolves in the West were quickly wiped out.

Predator control had expanded by 1930 to the point that the Bureau was asking for $1 million annually to conduct it. This year, the Division of Wildlife Services will receive an appropriation of $3,742,000, of which at least $2 million will be spent on predator control.

An additional $4,693,300 will be spent in "cooperative funds," since approximately 70 percent of the money spent on predator control is contributed by States, counties, agricultural associations, other Federal agencies, and private individuals. The total amount for fiscal year 1971 will be $8,435,300.

Wildlife Services Division has three functions: Animal damage control, wildlife enhancement on Indian, military and other areas, and pesticide appraisal and monitoring.

But most of its business is carried out in the area of animal damage control, which has as its goals safeguarding public health, protecting livestock and crops, protecting forest range and wildlife resources, and protecting property in urban areas.

Every summer, roughly 8 million domestic sheep are pastured on public land. For this privilege, sheepowners generally pay a fee of a little over 8 cents a head per month. Most of this land belongs to the Interior Department's Bureau of Land Management, which must pay for fencing and reseeding, once sheep have denuded the land, and predator control.

Sheepmen demand that their animals be protected from predators, such as coyotes, bobcats and cougars, and the poisoners strip grazing land of its wildlife. The result is ecological disaster.

When the predators are gone, rodent populations, such as prairie dogs and ground squirrels, explode, tripping a new round of poisoning, with millions of dollars spent to correct the former damage.

Is this "control" justified?

According to the President's Public Land Law Review Commission, the answer is no. In a report entitled "One Third of the Nation's Land," published in 1970, the Commission concluded:

> We are convinced that predator control programs should be eliminated or reduced on Federal public lands in furtherance of wildlife management objectives stated above. There are long standing programs of control that have substantially reduced and in some cases virtually eliminated certain species that are natural predators. While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyote, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species. As a result, some species, most notably deer, elk, and moose, have increased in some localities to levels far above the capacity of the natural habitat to support them. Hunting has not always been sufficient to eliminate excesses. Habitat destruction and starvation have been the common results.

The Division of Wildlife Services, previously known as PARC—Predator and Rodent Control—Division, came under fire in 1963 from Representative JOHN DINGELL, of Michigan, and from others, because of its widespread activities and its tendency to go about, drumming up business.

Pressure on the Interior Department caused Stewart L. Udall, then Secretary of the Interior, to appoint a special advisory board to look into the country's wildlife control program.

The board was headed by Dr. A. Starker Leopold, then professor of wildlife management at the University of California. It concluded that, with the use of professional hunters, "control tends to become an end in itself and, following Parkinson's law, the machinery for its accomplishment can easily proliferate beyond real need."

Although the board conceded that killing animals does result in some economic gain, it could not determine whether the cost, both in money and in ecological damage, was justified.

The board recommended, among other things, that the name of the division be changed and that it reassess its goals and revise its guidelines. The board also recommended that "legal means be explored" to ban the use of a certain kind of poison, 1080, for killing field rodents. This poison, sodium fluoroacetate, is deadly, and is still in widespread use.

1080 is a slow-degrading poison that attacks the central nervous system. A coyote, or an animal of similar size, like a dog, can be killed by a dose of 1.4 ounces of treated bait.

Normally the poison is injected into 50- to 100-pound chunks of meat, staked out in "bait stations" across the West. In 1968, there were 228 of these stations in Arizona alone. A recent study indicated that in a seven-State region, approximately 2,318,000 pounds of 1080-treated baits were used, from 1964 through 1969.

After eating the poisoned bait, an animal may feel nothing for about 30 minutes, but it will ordinarily die within a few hours, after violent convulsions and vomiting. Because it may keep moving, the dying animal often vomits deadly bits of undigested meat over a wide area—forming new bait for birds and other animals.

Since the poison retains its potency much like DDT, it may set off a biological chain reaction, in which rodents and carrion-eating birds such as buzzards, hawks, ravens, and even eagles may be poisoned. California condors, which conservationists are trying desperately to save, have died from eating ground squirrels poisoned by 1080.

Another species threatened by this poisoning is the black-footed ferret, a small animal about the size of a mink that makes its home in prairie dog towns. The Leopold Board pointed out that the ferret is nearing extinction and said "the primary cause is almost certainly poisoning campaigns among the prairie dogs which are the main prey of the ferret."

Prairie dogs apparently thrive where land is overgrazed and the range grasses disappear, making room for the annuals with their flashy roots and numerous seeds. Thus, they are often blamed for a condition that was brought on by improper land use. In order to keep prairie dogs from competing for valuable forage, cattlemen have been poisoning them off since 1880.

The Bureau now poisons over a quarter of a million acres every year to destroy prairie dog towns, and the prairie dog has all but disappeared in many areas of the Great Plains.

Since the black-footed ferret depends upon the prairie dog for his food supply, the ferret may be poisoned by eating the carcass of a prairie dog after a town has been exterminated with 1080-soaked bait and cyanide cartridges thrown down the holes. If the ferret survives the poisoning, it may not make it to another town, or find a mate, and its line will end anyway, if more slowly.

The black-footed ferret was determined to be an endangered species by Secretary Udall in 1964, and in 1965, poisoning of part of an Indian reservation in South Dakota was postponed when the Bureau learned that the poisoning might be destroying the ferret. Much to its credit, it conducted an expensive survey to find ferrets, but since none were found, it went ahead with its plan. The Bureau's efforts cost an extra $17,000, and there is no doubt that they were made in a sincere attempt to protect an endangered species. Such methods have since become a matter of policy. However, their usefulness is dubious, since the ferret spends most of the day underground, and sightings have never been common.

In South Dakota, for example, where there are still some of the more sizeable prairie dog colonies, only nine sightings were recorded in 1960, for example, two in 1961, and five in 1962.

The prairie dog species recovers rapidly, and there is little danger that it will become extinct, but the black-footed ferret population is held in a natural balance at a small percentage of that of the prairie dogs. As the prairie dog population dwindles, there is strong evidence that the ferret species will disappear.

The black-footed ferret is only one species being pushed to extinction by the wildlife control activities of the Bureau of Sport Fisheries and Wildlife. How many others are there? Since no studies have been conducted, and the Bureau does not even have a complete record of the number of animals it has killed, that is anybody's guess.

Wildlife control has become an entrenched, self-perpetuating bureaucracy. While some form of control may be justified under some circumstances, it has not yet been demonstrated by careful study what those circumstances may be, and it certainly has not been shown that the present program is sound as a matter of economics or ecology.

Mr. President, I am introducing legislation that would strip the Division of Wildlife Services of its wildlife poisoning functions and cut its wildlife control force to six extension agents. These would operate an extension trapper system similar to that in effect for over 20 years in both Kansas and Missouri.

Essentially, this system, called the "Missouri Plan," consists of training the landowner to control the specific animal causing damage. This means that the other animals of the same species would not be obliterated to remove these few pest animals.

The program emphasizes trapping because it is the most effective way of catching the specific animal causing damage, it is relatively humane, and is much more selective than poison baits and poison "guns" like those used against coyotes. With new traps that do not break the animals' legs, for example, harmless animals can be released. Broadcast poisoning will kill any creature that eats the bait—including pet dogs.

Proof of the program's effectiveness is shown by the fact that over the period the program has been operating in Missouri, trained farmers have reduced their predator damage losses an average of 80 percent.

On July 1, 1970, a law went into effect in Kansas prohibiting the use of poison in killing wildlife. This bill would also forbid the extension control personnel to use poisons or chemosterilants, because evidence indicates that chemical methods of control cause more damage to wildlife than they contribute to enhancement or protection.

While this legislation refers specifically to the control of predatory animals, I am also asking the Division of Wildlife Services to inform me of the status of the report that is required under the National Environmental Policy Act.

This act requires, under section 102C, that a report be submitted to the President, and to the Council on Environmental Quality, and that it be made available to the public, concerning all "major Federal actions significantly affecting the quality of the human environment."

The report is to cover, among other things, the environmental impact of proposed action, adverse environmental effects and possible alternatives.

The past and present Federal programs of wildlife control have not found adequate, environmentally sound solutions to predator control problems. In fact, evidence would indicate that they have created more problems than they have solved. Total elimination of predators is shortsighted and destructive. Predation is important, because it acts as a natural counterbalance to the reproductive power of prey species, and predation also helps maintain the quality of other species by ridding them of the weak and the diseased.

The real culprit in the environmental system is not the predator, but man and his rapacious attitude toward the physical resources of the world, from rivers and streams to entire species of wildlife. If, in the course of civilizing, man did not have to devastate the land of all creatures that did not fit his immediate purposes, there would be no massive threat of wildlife extinction.

It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Now, the rate is one species lost every year.

The black-footed ferret is going the way of the whooping crane and the California condor. The tragedy of the ferret is not that the indirect effects of civilization have caused its numbers to decrease, but that the direct, aggressive action of an official branch of the U.S. Government has arbitrarily made war on the environment the ferret must have to survive.

Clearly, wildlife control in America in too many cases has come to mean wildlife extermination. Drastic revision is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4486) to establish a national policy and program with respect to wild predatory mammals, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress to recognize that the wolf, the coyote, the mountain lion, the lynx, the bobcat, the several species of bear, and other large, wild carnivores native to North America and commonly known as predatory mammals, are among the wildlife resources of interest and value to the people of the United States, and that the Secretary of the Interior, through the United States Fish and Wildlife Service, is authorized to recommend and demonstrate to state specialists methods and means of regulating the numbers of individuals of native wildlife species.

SEC. 2. There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

SEC. 3. (a) 'Poison' means biocides and toxicants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores or indirectly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoracetate.

(b) 'Chemosterilant' means any substance which, when ingested, causes the animal to become sterile.

SEC. 4. As of July 1, 1972, and thereafter, the number of mammal control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 5. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed, during the period from effective date of this Act until the close of the fiscal year ending June 30, 1971, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

ADDITIONAL COSPONSORS OF A BILL

S. 3562

At the request of the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. SAXBE), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. SMITH), and the Senator from California (Mr. MURPHY), were added as cosponsors of S. 3562, to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

NEED FOR REVISION OF UNIFORM CODE OF MILITARY JUSTICE—ADDITIONAL COSPONSOR OF BILLS

Mr. HARRIS. Mr. President, a series of recent events has resulted in the focusing of much-needed public attention on our system of military justice. Many lawyers, military men and laymen, have all expressed concern about our present Uniform Code of Military Justice, which denies servicemen the same legal protection a civilian receives. They are rightly demanding that our system of military justice be changed to eliminate these inequities.

It is not fair to ask a man to serve in the Armed Forces, give him great responsibility, and then not afford him the same basic legal rights the rest of us enjoy.

The distinguished Senator from Indiana (Mr. BAYH) and the distinguished Senator from Oregon (Mr. HATFIELD) have offered legislative proposals to accomplish such reforms and more adequately to protect the constitutional rights of those subject to the military system of justice. I believe that it is important that these and other legislative proposals be supported and that they be considered by Congress as soon as possible. I am pleased to join as a cosponsor of these measures, S. 4191, S. 4168, S. 4169, S. 4170, S. 4171, S. 4172, S. 4173, S. 4174, S. 4175, S. 4176, S. 4177, and S. 4178. I ask unanimous consent that my name be added as a cosponsor at the next printing of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Presently, a military commander, though not a lawyer in most instances, decides whether or not a serviceman will be tried. He is then responsible for choosing those who will serve as court members. He is responsible for pretrial and bail, and he has the responsibility for reviewing the case after trial.

Those who conduct the article 32 investigation, which is similar to a preliminary hearing in civilian proceedings, are appointed by the commanding officer under the Uniform Code of Military Justice.

There is, of course, no way to evaluate what impact the commander's powers in a court martial case will have on the outcome of the case. But all those serving in some capacity or another in the proceeding, except the law officer—trial judge—know that the commanding officer, who generally is responsible for their own military efficiency ratings, believes that action should be taken against the accused.

Senator BAYH has proposed an independent Court Martial Command to take over the military justice responsibilities now carried out by the commander. This command would be under the jurisdiction of the judge advocate general and would be divided into regional commands.

One of the proposals offered by Senator HATFIELD would also set up regional commands, which he refers to as judicial circuits, under the command of an Armed Forces judicial circuit officer.

I will not go into all the details, but I believe that to eliminate the potential and actual instances of command influence, structural changes of the nature proposed by Senator BAYH and Senator HATFIELD will be necessary.

Not only are the serviceman's rights possibly jeopardized by command influence, he is also presently denied several rights that are considered to be rather basic rights in civilian life.

The rights of an accused serviceman to subpena witnesses and to gather needed evidence are now hampered by a requirement that all such requests must be made through the trial counsel—the very person charged with the responsibility for presenting the case for the commander. These basic matters should be determined by an impartial person, the military trial judge, rather than the trial counsel.

The fact that a serviceman can presenly be tried and punished separately by both a military tribunal and a State court cannot be justified. A former military lawyer has told me that one of the most difficult things to explain to a serviceman is why the double jeopardy provisions do not protect him against possible trials by both the State and the military for the same alleged act. The legal distinction, based upon the different Federal and State jurisdictions involved, is not fair to the serviceman and should be eliminated.

The broad discretion now exercised by a commander in regard to searches and the issuance of warrants is authority which belongs, instead, in the hands of the trial judge.

Likewise, the initial determination of whether probable cause to hold a serviceman for trial and the determination of what constitutes adequate bail should be made by an impartial judge, rather than by an appointee of the commander, as is now the case.

Selection of court-martial members should insure that a serviceman is actually tried by a jury of his peers. Also, a serviceman on trial should be entitled to a number of peremptory challenges of such members, comparable to a civilian trial.

Solutions to these and other present inequities are proposed in the measures offered by Senator BAYH and Senator HATFIELD.

Senator HATFIELD's proposal that the U.S. Federal District Court have jurisdiction over offenses other than those considered to be strictly military—those that are "criminal irrespective of one's role in society," such as murder and robbery—would appear to have merit.

Because of the great importance of this subject and these legislative measures, I am hopeful that hearings can be held as soon as possible and that such much-needed reform of our military justice system can be accomplished with dispatch.

I have discussed the need for military justice reform with State Senator Gene Stipe, of McAlester, who recently served as civilian defense counsel for Lance Co. Randall D. Herrod, tried and acquitted of murder charges while serving in Vietnam. Senator Stipe has made it clear that reform of the military justice system is needed and overdue. The Hatfield and Bayh measures, he feels, tend in the right direction. I have asked him to study them and give me the benefit of his advice in regard to them. Because of his special knowledge and recent experience in this field, I know that his advice will be helpful.

American military men are Americans—with all the rights that term signifies. Those rights are not now fully protected—and they should be. Mr. President, I am pleased to join in this effort.

SENATE RESOLUTION 479—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE IN FAVOR OF CONSULTATIONS ON THE ROLE OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. MATHIAS (for himself, Mr. BROOKE, Mr. COOPER, Mr. GOODELL, Mr. JAVITS, Mr. PELL, Mr. SCOTT, and Mr. YOUNG of Ohio) submitted a resolution (S. Res. 479) to express the sense of the Senate in favor of consultations on the role of the North Atlantic Treaty Organization in the 1970's which was referred to the Committee on Foreign Relations.

(The remarks of Mr. MATHIAS when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 480—SUBMISSION OF A RESOLUTION TO EXTEND THE DATE FOR A FINAL REPORT BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE (for himself, Mr. BAYH, Mr. BROOKE, Mr. COOK, Mr. DODD, Mr. DOMINICK, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. RANDOLPH, and Mr. SPONG) submitted the following resolution (S. Res. 480); which was referred to the Committee on Labor and Public Welfare:

S. RES. 480

Whereas, the Senate has voted to establish a Select Committee on Equal Educational Opportunity to study the effectiveness of existing laws and policies in assuring equality of educational opportunity: Now, therefore, be it

Resolved, that the Select Committee on Equal Educational Opportunity, established under Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, shall make the final report required by such Senate Resolution not later than January 31, 1972, instead of January 31, 1971.

STAR PRINT OF S. 16132

Mr. WILLIAMS of New Jersey. Mr. President, in the initial printing of Amendment No. 932, important language at the beginning of the text of the new section to be added was omitted in the print. I, therefore, ask unanimous consent that a star print be printed with the corrected text as it appears on page 32992 of the RECORD of September 22, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, October 14, 1970, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 30. An act relating to the control of organized crime in the United States;

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States;

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month"; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENT

AMENDMENT NO. 1062

Mr. BAYH (for himself, Mr. COOK, Mr. GRIFFIN, Mr. DOLE, Mr. JAVITS, and Mr. KENNEDY) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BAYH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 1063

Mr. BAKER submitted an amendment, intended to be proposed by him, to amendment No. 1062, intended to be proposed by Mr. BAYH (for himself and other Senators), to House Joint Resolution 264, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 932 TO S. 4268

Mr. WILLIAMS of New Jersey. Mr. President, on Tuesday, September 22, 1970, Senator PERCY and I sponsored amendment No. 932 to S. 4268 for the purpose of permitting the Export-Import Bank of the United States to grant long-term low-interest loans to Israel for the purchase of defense articles and defense services. Since that date, Senators CASE, MCGOVERN, YOUNG of Ohio, and JAVITS have joined as cosponsors.

In addition, I now ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. GURNEY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. CRANSTON) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1041 TO H.R. 19590

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 1041 to H.R. 19590, the military appropriations bill for fiscal year 1971.

AMENDMENT NO. 1048 TO H.J. RES. 264

Mr. BAKER. Mr. President, yesterday I thought I asked unanimous consent that the name of the senior Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment No. 1048 the so-called prayer amendment to House Joint Resolution 264. Today, in examining the RECORD, I find his name is omitted.

I ask unanimous consent at this time that the name of the senior Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment No. 1048 to House Joint Resolution 264.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations which are at the desk.

There being no objection, the Senate proceeded to consider executive business.

U.S. REPRESENTATIVES AT 16TH SESSION OF GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The PRESIDING OFFICER (Mr. HOLLINGS). The nominations will be stated.

The assistant legislative clerk proceeded to read sundry nominations of representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc.

The nominations are as follows:

The following-named persons to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

John Richardson, Jr., of Virginia.
Louise Gore, of Maryland.
Pierre R. Graham, of Illinois.
Harold Taft King, of Colorado.
Kimon T. Karabatsos, of Virginia.

The following-named persons to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Edward T. Brennan, of Massachusetts.
Edward O. Sullivan, Jr., of New York.
R. Miller Upton, of Wisconsin.
Tom R. Van Sickle, of Kansas.

Mr. FULBRIGHT. Mr. President, I call attention to a slight foreign policy and personal embarrassment attributable to the careless handling of nominations by the White House.

Wednesday evening, October 7, the President sent to the Senate the nominations of nine persons to be representatives of the United States to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO. They are to attend a session beginning in Paris on Monday, October 12, and the Senate is expected to act on those nominations before that time so that they may be sworn and take office.

The White House has taken months to select its nominees and now expects the Senate in 2 working days to act on these nominees.

Failure of the Senate to act within that time frame will mean that the United States will not be officially represented at the UNESCO Conference.

In 1953, the Foreign Relations Committee, then under the chairmanship of Senator Wiley, adopted a rule which requires that 6 days expire between the time a nomination is received and it is considered by the committee. If Presidential nominations are to receive more than perfunctory attention, if the Senate's duty to advise and consent is to have any meaning whatsoever, and if Presidential nominations are to have some dignity, this 6-day rule does not seem immoderate.

I call attention to this situation because it has occurred before in this session. For example, on Friday, September 11 the Senate was given the nominations of representatives to the General Assembly of the United Nations which was to begin 4 days later, on Tuesday, September 15.

If the Senate is to be more than a rubberstamp in exercising its constitutional duty of giving its advice and consent to Presidential nominations, it must not take precipitate action on last-minute submission of nominations. The responsibility for the failure of confirmation is clearly charged to the White House. I regret that the individuals involved may be embarrassed or inconvenienced.

Mr. President, just a word of explanation. I asked the staff to poll the members of the committee on these nominations a few days ago, and they were polled because of the lateness of the session. There is no objection to the nominations. Through a misunderstanding of the Senator from Kentucky, they were delayed. I am saying this is an explanation for the RECORD of why their consideration went over. It was due to a misunderstanding on the part of the Senator from Kentucky. We had an informal meeting of the committee just to explore the situ-

ation, and the Senator from Kentucky agreed that he misunderstood the matter when it was presented to him by a clerk of the committee.

Mr. JAVITS. Mr. President, if the Senator will yield, I think, because of the Senator from Kentucky, I did not put my name on the polling, but I do agree that the nominations should be considered and confirmed, and I want the RECORD to show that.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to these nominations?

The nominations were confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1971—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HOLLINGS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Oct. 12, 1970, pp. 36123–36132, CONGRESSIONAL RECORD.)

Mr. JACKSON. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I would like to call up a few unobjected-to items on the calendar.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1349, then skipping Calendar No. 1350, and going through Calendar No. 1354.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSQUEHANNA RIVER BASIN COMPACT

The Senate proceeded to consider the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes which had been reported from the Committee on the Judiciary with amendments on page 75, at the beginning of line 20, after the word "Congress", insert a colon and the following:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with reallocation of project costs to all project purposes served.

On page 78, line 4, after "1267,", strike out "5 U.S.C. 133a–15),"; in line 6, after the word "amended,", strike out "40" and insert "50"; in line 8, after the word "religion,", and insert "sex,"; on page 79, after the word "pollution.", strike out "*And provided further,* That the Secretary of the Interior shall not undertake or proceed with any conference or take any step subsequent thereto which is inconsistent with a decision of the Susquehanna River Basin Commission made with the concurrence of the member appointed by the President."; in line 12, after the word "and", where it appears the first time, strike out "sec. 1346(b)" and insert "sections 1346(b) and 2401 (b))"; in line 20, after the word "agency.", strike out "However, any project of the commission which has been authorized by the Congress and whose authorization includes the construction of electric power generating capability shall not require licensure by the Federal Power Commission.".

On page 80, after line 8, strike out "However, any agency or officer of the United States administering a retirement system, health insurance plan or program, or other plan or program of employees benefits for Federal employees may contract with the Susquehanna River Basin Commission for the coverage of its employees in such system, plan or program on terms equivalent to those available to the covered Federal employees. Any such contract shall provide for the payment by the commission of such sum or sums as will represent a contribution or contributions equal to that made for the benefit of like members and grades of Federal employees covered by the system, plan or program, and for all other necessary matters"; in line 25, after "(o)", strike out "The" and insert "Notwithstanding paragraph 7 of section 3.10 of the compact, the"; on page 81, line 16, after "(q)", strike out "The United States member on the commission shall consult with all appropriate departments and agencies of the United States on a continuing basis, but he shall be the direct representative of the President and all his actions on the commission shall be in that capacity and in the manner specified by the compact and the provisions of this Act.".

On page 82, line 4, after the figure "1.", strike out "Nothing contained in this Act or in the compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, jurisdiction under other existing legislation in and over or jurisdiction under other existing legislation in and over the area or waters which are the subject of the compact including projects of the commission: *Provided,* That"; and insert "Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

"2. Nothing contained in this compact or in this Act and no action of the commisison shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area or waters which are the subject of the compact, including projects of the commission: *Provided,* That—

"(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

"(ii) Except as provided in reservation (j),";

On page 83, after line 17, insert:

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

On page 84, after line 5, strike out:

2. Any future Act of the Congress having the effect of amending this Act, modifying the terms of participation by the United States in the compact or permitting the exercise of a power by any agency, officer, or instrumentality of the United States in a manner inconsistent with this Act or the compact or any decision, rule, or regulation of the commission lawfully made, shall be only by express amendment of the Act.

In line 14, after the word "paragraph", strike out "1" and insert "2(ii)"; in line 18, after the word "of", strike out "his" and insert "(i) no objection, or (ii)"; on page 85, after the word "compact", strike out the comma and "except to the extent that"; in line 8, after the amendment just above stated, insert a colon and "*Provided,* That"; in the same line, after the word "President", insert "may continue United States participation in the activities of the commission to the extent that he"; in line 10, after the word "deems", strike out "remaining a party"; in line 11, after the word "interest.", strike out "and shall cease to be bound by the terms thereof."; in line 16, after the word "Act.", strike out "*Provided, however,* That no act of the"; at the beginning of line 17, insert "(2) No action of the"; after line 18, insert:

(u) Notwithstanding the provisions of sections 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the Presi-

dent may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

On page 87, line 12, after the word "the", where it appears the first time, strike out "carrying out of the functions" and insert "support"; and in line 13, after the word "member," insert, "and his office,"; so as to make the bill read:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SUSQUEHANNA RIVER BASIN COMPACT

SECTION 1. The consent of Congress is hereby given to the Susquehanna River Basin compact in the form substantially as follows and the compact is hereby enacted into law thereby making the United States a signatory party thereto:

"SUSQUEHANNA RIVER BASIN COMPACT

"PREAMBLE

"Whereas the signatory parties hereto recognize the water resources of the Susquehanna River as regional assets vested with local, state, and national interest for which they have a joint responsibility; and declare as follows:

"1. The conservation, utilization, development, management, and control of the water resources of the Susquehanna River Basin under comprehensive multiple purpose planning will bring the greatest benefit and produce the most efficient service in the public interest; and

"2. This comprehensive planning administered by a basin-wide agency will provide flood damage reduction, conservation and development of surface and ground water supply for municipal, industrial, and agricultural uses, development of recreational facilities in relation to reservoirs, lakes and streams, propagation of fish and game, promotion of forest land management, soil conservation, and watershed projects, protection and aid to fisheries, development of hydroelectric power potentialities, improved navigation, control of the movement of salt water, abatement and control of water pollution, and regulation of stream flows toward the attainment of these goals; and

"3. The water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of a large number of governmental agencies which exercise a multiplicity of powers resulting in a splintering of authority and responsibility; and

"4. The Interstate Advisory Committee on the Susquehanna River Basin, created by action of the states of New York, Pennsylvania, and Maryland, on the basis of its studies and deliberation has concluded that regional development of the Susquehanna River Basin is feasible, advisable, and urgently needed, and has recommended that an intergovernmental compact with Federal participation be consummated to this end; and

"5. The Congress of the United States and the executive branch of the Federal government have recognized a national interest in the Susquehanna River Basin by authorizing and directing the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Health, Education and Welfare, the Department of Interior, and other Federal agencies to cooperate in making comprehensive surveys and reports concerning the water resources of the Susquehanna River Basin in which individually or severally the technical aid and assistance of many Federal and state agencies have been enlisted, and which are being or have been coordinated through a Susquehanna River Basin Study Coordinating Committee on which the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Commerce, the Department of Health, Education and Welfare, the Department of Interior, the Department of Housing and Urban Development and its predecessor Housing and Home Finance Agency, the Federal Power Commission, and the States of New York, Pennsylvania, and Maryland are or were represented; and

"6. Some three million people live and work in the Susquehanna River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general well being of its population are and will continue to be affected vitally by the conservation, utilization, development, management, and control of the water resources of the basin; and

"7. Demands upon the water resources of the basin are expected to mount because of anticipated increases in population and by reason of industrial and economic growth of the basin and its service area; and

"8. Water resources planning and development are technical, complex, and expensive, often requiring fifteen to twenty years from the conception to the completion of large or extensive projects; and

"9. The public interest requires that facilities must be ready and operative when and where needed, to avoid the damages of unexpected floods or prolonged drought, and for other purposes; and

"10. The Interstate Advisory Committee on the Susquehanna River Basin has prepared a draft of an intergovernmental compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof; Now therefore

"The States of New York and Maryland and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective State legislatures, to the Susquehanna River Basin Compact which consists of this Preamble and the Articles that follow.

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

"SECTION 1.1—SHORT TITLE. This compact shall be known and may be cited as the Susquehanna River Basin Compact.

"1.2—DEFINITIONS. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant to it:

"1. 'Basin' shall mean the area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

"2. 'Commission' shall mean the Susquehanna River Basin Commission hereby created, and the term 'Commissioner' shall mean a member of the commission.

"3. 'Cost' shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance, and operation of a project.

"4. 'Diversion' shall mean the transfer of water into or from the basin.

"5. 'Facility' shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful, or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them.

"6. 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau, or division thereof, as the case may be.

"7. 'Project' shall mean any work, service, or activity which is separately planned, financed, or identified by the commision, or any separate facility undertaken or to be undertaken by the commission or otherwise within a specified area, for the conservation utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

"8. 'Signatory party' shall mean a state or commonwealth party to this compact, or the Federal government.

"9. 'Water' shall mean both surface and underground waters which are contained within the drainage area of the Susquehanna River in the states of New York, Pennsylvania, and Maryland.

"10. 'Water resources' shall include all waters and related natural resources within the basin.

"11. 'Withdrawal' shall mean a taking or removal of water from any source within the basin for use within the basin.

"12. 'Person' shall mean an individual, corporation, partnership, unincorporated association, and the like and shall have no gender, and the singular shall include the plural.

1.3—PURPOSE AND FINDINGS. The legislative bodies of the respective signatory parties hereby find and declare:

"1. The water resources of the Susquehanna River Basin are affected with a local, state, regional, and national interest, and the planning, conservation, utilization, development, management, and control of these resources, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

"2. The water resources of the basin are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of these powers of sovereignty in the common interest of the people of the region.

"3. The water resources of the basin are functionally interrelated, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision, and coordination of water resources

efforts and programs of federal, state, and local governments and of private enterprise.

"4. Present and future demands require increasing economies and efficiencies in the use and reuse of water resources, and these can be brought about only by comprehensive planning, programming, and management under the direction of a single administrative agency.

"5. In general, the purposes of this compact are to promote interstate comity; to remove causes of possible controversy; to make secure and protect developments within the states; to encourage and provide for the planning, conservation, utilization, development, management, and control of the water resources of the basin; to provide for cooperative and coordinated planning and action by the signatory parties with respect to water resources; and to apply the principle of equal and uniform treatment to all users of water and of water related facilities without regard to political boundaries.

"6. It is the express intent of the signatory parties that the commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other competent agency is in a position to act, or such agency fails to act.

"1.4—POWERS OF CONGRESS; WITHDRAWAL. Nothing in this compact shall be construed to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provisions hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the Federal government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification of any Federal statute applicable hereto is recognized by the signatory parties.

"1.5—DURATION OF COMPACT.

"(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not less than 20 years nor more than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

"(b) In the event this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred in accordance with the equities of the signatory parties therein, and its corporate affairs wound up in accordance with agreement of the signatory parties or, failing agreement, by act of the Congress.

"ARTICLE 2

"ORGANIZATION AND AREA

"SECTION 2.1—COMMISSION CREATED. The Susquehanna River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

"2.2—COMMISSION MEMBERSHIP. The members of the commission shall be the governor or the designee of the governor of each signatory state, to act for him, and one member to be appointed by the President of the United States to serve at the pleasure of the President.

"2.3—ALTERNATES. An alternate from each signatory party shall be appointed by its member of the commission unless otherwise provided by the laws of the signatory party. The alternate, in the absence of the member, shall represent the member and act for him. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as the original appointment.

"2.4—COMPENSATION. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"2.5—VOTING POWER. Each member is entitled to one vote. No action of the commission may be taken unless three of the four members vote in favor thereof.

"2.6—ORGANIZATION AND PROCEDURE. The commission shall provide for its own organization and procedure, and shall adopt the rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation from the commission, who may attend all meetings of the commission and its committees.

"2.7—JURISDICTION OF THE COMMISSION. The commission shall have, exercise, and discharge its functions, powers, and duties within the limits of the basin. Outside the basin, the commission shall act at its discretion, but only to the extent necessary to implement its responsibilities within the basin, and where necessary subject to the consent of the state wherein it proposes to act.

"ARTICLE 3

"POWERS AND DUTIES OF THE COMMISSION

"SECTION 3.1—GENERAL. The Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water resources conservation and management in the basin. It shall encourage and direct the planning, development, operation, and subject to applicable laws the financing of water resources projects according to such plans and policies.

"3.2—POLICY. It is the policy of the signatory parties to preserve and utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact.

"3.3—COMPREHENSIVE PLAN, PROGRAM AND BUDGETS. The commission in accordance with Article 14 of this compact, shall formulate and adopt:

"1. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

"2. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

"3. An annual current expense budget and an annual capital budget consistent with the commission's program, projects, and facilites for the budget period.

"3.4—POWERS OF COMMISSION. The commission may:

"1. Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate, and maintain any and all projects, facilities, properties, activities, and services which are determined by the commission to be necessary, convenient, or useful for the purposes of this compact.

"2. Establish standards of planning, design, and operation of all projects and facilities in the basin to the extent they affect water resources, including without limitation thereto water, sewage and other waste treatment plants and facilities, pipelines, transmission lines, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, watershed management programs, and ground water recharging operations.

"3. Conduct and sponsor research on water resources and their planning, use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions.

"4. Collect, compile, coordinate, and interpret systematic surface and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes.

"5. Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto, as may be required to formulate and administer the comprehensive plan.

"6. Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties.

"7. Negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact, and receive and accept them upon terms and conditions, and subject to provisions, as may be required by Federal or state law or as the commission may deem necessary or desirable.

"8. Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers and other powers which reasonably may be implied therefrom.

"9. Adopt, amend, and repeal rules and regulations to implement this compact.

"3.5—DUTIES OF THE COMMISSION. The commission shall:

"1. Develop and effectuate plans, policies, and projects relating to water resources, adopt, promote, and coordinate policies and standards for water resources conservation, control, utilization, and management, and promote and implement the planning, development, and financing of water resources projects.

"2. Undertake investigations, studies, and surveys, and acquire, construct, operate, and maintain projects and facilities in regard to the water resources of the basin, whenever it is deemed necessary to do so to activate or effectuate any of the provisions of this compact.

"3. Administer, manage, and control water resources in all matters determined by the commission to be interstate in nature or to have a major effect on the water resources and water resources management.

"4. Assume jurisdiction in any matter affecting water resources whenever it determines after investigation and public hearing upon due notice given, that the effectuation of the comprehensive plan or the implementation of this compact so requires. If the commission finds upon subsequent hearing requested by an affected signatory party that the party will take the necessary action, the commission may relinquish jurisdiction.

"5. Investigate and determine if the requirements of the compact or the rules and regulations of the commission are complied with, and if satisfactory progress has not been

made, institute an action or actions in its own name in any state or federal court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules and regulations of the commission adopted pursuant thereto. An action shall be instituted in the name of the commission and shall be conducted by its own counsel.

"3.6—COOPERATIVE LEGISLATION AND FURTHER JURISDICTION.

"(a) Each of the signatory parties agrees that it will seek enactment of such additional legislation as will be required to enable its officers, departments, commissions, boards, and agents to accomplish effectively the obligations and duties assumed under the terms of this compact.

"(b) Nothing in the compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions within its jurisdiction.

"3.7—COORDINATION AND COOPERATION. The commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

"1. Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

"2. Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation, and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

"3. Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof:

"4. Qualify as a sponsoring agency under any Federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management, or control of water resources.

"3.8—ALLOCATIONS, DIVERSIONS, AND RELEASES.

"(a) The commission shall have power from time to time as the need appears, to allocate the waters of the basin to and among the states signatory to this compact and impose related conditions, obligations, and release requirements.

"(b) The commission shall have power from time to time as the need appears to enter into agreements with other river basin commissions or other states with respect to in-basin and out-of-basin allocations, withdrawals, and diversions.

"(c) No allocation of waters made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto. This subsection shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

"3.9—RATES AND CHARGES. The commission, from time to time after public hearing upon due notice given may fix, alter, and revise rates, rentals, charges, and tolls, and classifications thereof, without regulation or control by any department, office or agency of any signatory party, for the use of facilities owned or operated by it, and any services or products which it provides.

"3.10—REFERRAL AND REVIEW. No projects affecting the water resources of the basin, except those not requiring review and approval by the commission under paragraph 3 following, shall be undertaken by any person, governmental authority or other entity prior to submission to and approval by the commission or appropriate agencies of the signatory parties for review.

"1. All water resources projects for which a permit or other form of permission to proceed with construction or implementation is required by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources shall be submitted as heretofore to the appropriate office or agency of the signatory party for review and approval. To assure that the commission is apprised of all projects within the basin, monthly reports and listings of all permits granted, or similar actions taken, by offices or agencies of the signatory parties shall be submitted to the commission in a manner prescribed by it.

"Those projects which also require commission approval pursuant to the provisions of paragraphs 2(ii) and 2(iii) following shall be submitted to the commission through appropriate offices or agencies of a signatory party, except that, if no agency of a signatory party has jurisdiction, such projects shall be submitted directly to the commission in such manner as the commission shall prescribe.

"2. Approval of the commission shall be required for, but not limited to, the following:

"(i) All projects on or crossing the boundary between any two signatory states;

"(ii) Any project involving the diversion of water;

"(iii) Any project within the boundaries of any signatory state found and determined by the commission or by any agency of a signatory party having functions, powers and duties in the planning, conservation, development, management, or control of water resources to have a significant effect on water resources within another signatory state; and

"(iv) Any project which has been included by the commission after hearing, as provided in Article 14, Section 14.1, as a part of the commission's comprehensive plan for the development of the water resources of the basin, or which would have a significant effect upon the plan.

"3. Review and approval by the commission shall not be required for:

"(i) Projects which fall into an exempt classification or designation established by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources. The sponsors of those projects are not required to obtain a permit or other form of permission to proceed with construction or implementation, unless it is determined by the commission or by the agency of a signatory party that such project or projects may cause an adverse, adverse cumulative, or an interstate effect on water resources of the basin, and the project sponsor has been notified in writing by the commission or by the agency of a signatory party that commission approval is required.

"(ii) Projects which are classified by the commission as not requiring its review and approval, for so long as they are so classified.

"4. The commission shall approve a project if it determines that the project is not detrimental to the proper conservation, development, management, or control of the water resources of the basin and may modify and approve as modified, or may disapprove the project, if it determines that the project is not in the best interest of the conservation, development, management, or control of the basin's water resources, or is in conflict with the comprehensive plan.

"5. The commission, after consultation with the appropriate offices or agencies of the signatory parties shall establish the procedure of submission, review, and consideration of projects. And procedure for review and approval of diversions of water shall include public hearing on due notice given with opportunity for interested persons, agencies, governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and preserved and it shall be made available under rules for that purpose adopted by the commission.

"6. Any determination of the commission pursuant to this article or any article of the compact providing for judicial review shall be subject to such judicial review in any court of competent jurisdiction, provided that an action or proceeding for such review is commenced within 90 days from the effective date of the determination sought to be reviewed; but a determination of the commission concerning a diversion, under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin within the area of a signatory party, shall be subject to judicial review under the particular provisions of paragraph 7 below.

"7. Any signatory party deeming itself aggrieved by an action of the commission concerning a diversion under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin which lies within the area of that signatory party, and notwithstanding the powers provided to the commission by this compact, may have review of commission action approving the diversion in the Supreme Court of the United States; provided that a proceeding for such review is commenced within one year from the date of action sought to be reviewed. Any such review shall be on the record made before the commission. The action of the commission shall be affirmed, unless the court finds that it is not supported by substantial evidence.

"3.11—ADVISORY COMMITTEES. The commission may constitute and empower advisory committees.

"ARTICLE 4

"WATER SUPPLY

"SECTION 4.1—GENERALLY. The commission shall have power to develop, implement, and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural, and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate, and maintain dams, reservoirs, and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances, and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

"4.2—STORAGE AND RELEASE OF WATERS.

"(a) The commission shall have power to acquire, construct, operate, and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity, and other purposes.

"(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augment-

ing such flow, except in cases where the diversion is authorized by this compact, or by the commission pursuant thereto, or by the judgment, order, or decree of a court of competent jurisdiction.

"4.3—ASSESSABLE IMPROVEMENTS. The commission may provide water management and regulation in the main stream or any tributary in the basin and, in accordance with the procedures of applicable state laws, may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to review in any court of competent jurisdiction.

"4.4—COORDINATION. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans, and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

"4.5—ADDITIONAL POWERS. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping, and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

"ARTICLE 5

"WATER QUALITY MANAGEMENT AND CONTROL

"SECTION 5.1—GENERAL POWERS.

"(a) The commission may undertake or contract for investigations, studies, and surveys pertaining to existing water quality, effects of varied actual or projected operations on water quality, new compounds and materials and probable future water quality in the basin. The commission may receive, expend, and administer funds, Federal, state, local, or private as may be available to carry out these functions relating to water quality investigations.

"(b) The commission may acquire, construct, operate, and maintain projects and facilities for the management and control of water quality in the basin whenever the commission deems necessary to activate or effectuate any of the provisions of this compact.

"5.2—POLICY AND STANDARDS.

"(a) In order to conserve, protect, and utilize the water quality of the basin in accordance with the best interests of the people of the basin and the states, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

"(b) The legislative intent in enacting this article is to give specific emphasis to the primary role of the states in water quality management and control.

"(c) The commission shall recommend to the signatory parties the establishment, modification, or amendment of standards of quality for any waters of the basin in relation to their reasonable and necessary use as the commission shall deem to be in the public interest.

"(d) The commission shall encourage cooperation and uniform enforcement programs and policies by the water quality control agencies of the signatory parties in meeting the water quality standards established in the comprehensive plan.

"(e) The commission may assume jurisdiction whenever it determines after investigation and public hearing upon due notice given that the effectuation of the comprehensive plan so requires. After such investigation, notice, and hearing, the commission may adopt such rules, regulations, and water quality standards as may be required to preserve, protect, improve, and develop the quality of the waters of the basin in accordance with the comprehensive plan.

"5.3—COOPERATIVE ADMINISTRATION AND ENFORCEMENT.

"(a) Each of the signatory parties agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the waters fo the basin.

"(b) The commission shall have the authority to investigate and determine if the requirements of the compact or the rules, regulations, and water quality standards of the commission are complied with and if satisfactory progress has not been made, may institute an action or actions in its own name in the proper court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules, regulations, and water quality standards of the commission adopted pursuant thereto.

"5.4—FURTHER JURISDICTION. Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

"ARTICLE 6

"FLOOD PROTECTION

"SECTION 6.1—FLOOD CONTROL AUTHORITY. The commission may plan, design, construct, and operate and maintain projects and facilities it deems necessary or desirable for flood plain development and flood damage reduction. It shall have power to operate such facilities and to store and release waters of the Susquehanna River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

"6.2—REGULATION.

"(a) The commission may study and determine the nature and extent of the flood plains of the Susquehanna River and its tributaries. Upon the basis of the studies, it may delineate areas subject to flooding, including but not limited to a classification of lands with reference to relative risk of flooding and the establishment of standards for flood plain use which will promote economic development and safeguard the public health, welfare, safety, and property. Prior to the adoption of any standards delineating the area or defining the use, the commission shall hold public hearings with respect to the substance of the standards in the manner provided by Article 15. The proposed standards shall be available from the commission at the time notice is given, and interested persons shall be given an opportunity to be heard thereon at the hearings.

"(b) The commission shall have power to promulgate, adopt, amend, and repeal from time to time as necessary, standards relating to the nature and extent of the uses of land in areas subject to flooding.

"(c) In taking action pursuant to subsection (b) of this section and as a prerequisite thereto, the commission shall consider the effect of particular uses of the flood plain in question on the health and safety of persons and property in the basin, the economic and technical feasibility of measures available for the development and protection of the flood plain, and the responsibilities, if any, of local, state, and federal governments connected with the use or proposed use of the flood plain in question. The commission shall regulate the use of particular flood plains in the manner and degree it finds necessary for the factors enumerated in this subsection, but only with the consent of the affected signatory state, and shall suspend such regulation when and so long as the signatory party or parties, or political subdivision possessing jurisdiction have in force applicable laws which the commission finds give adequate protection for the purpose of this section.

"(d) In order to conserve, protect, and utilize the Susquehanna River and its tributaries in accordance with the best interests of the people of the basin and the signatory parties, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to control modification of the river and its tributaries by encroachment.

"6.3—FLOOD LANDS ACQUISITION. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of regulating the use or types of construction of such property to minimize the flood hazard, convert the property to uses or types of construction appropriate to flood plain conditions, or prevent constrictions or obstructions that reduce the ability of the river channel and flood plain to carry flood water.

"6.4—EXISTING STRUCTURES. No rule or regulation issued by the commission pursuant to this compact shall be construed to require the demolition, removal, or alteration of any structure in place or under construction prior to the issuance thereof, without the payment of just compensation therefor. However, new construction or any addition to or alteration in any existing structure made or commenced subsequent to the issuance of such rule or regulation, or amendment, shall conform thereto.

"6.5—POLICE POWERS. The regulation of use of flood plain lands is within the police powers of the signatory states for the protection of public health and the safety of the people and their property and shall not be deemed a taking of land or lands for which compensation shall be paid to the owners thereof.

"6.6—COOPERATION. Each of the signatory parties agrees to control flood plain use along and encroachment upon the Susquehanna River and its tributaries and to cooperate faithfully in these respects.

"6.7—OTHER AUTHORITY. Nothing in this article shall be construed to prevent or in any way to limit the power of any signatory party, or any agency or subdivision thereof, to issue or adopt and enforce any requirement or requirements with respect to flood plain use or construction thereon more stringent than the rules, regulations, or encroachment lines in force pursuant to this article. The commission may appear in any court of competent jurisdiction to bring actions or proceedings in law or equity to enforce the provisions of this article.

"6.8—DEBRIS. The signatory states agree that dumping or littering upon or in the waters of the Susquehanna River or its tributaries or upon the frozen surfaces thereof of any rubbish, trash, litter, debris, abandoned properties, waste material, or offensive matter, is prohibited and that the law enforcement officials of each state shall enforce this prohibition.

"ARTICLE 7

"WATERSHED MANAGEMENT

"SECTION 7.1—WATERSHEDS GENERALLE. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

"7.2—SOIL CONSERVATION AND LAND AND FOREST MANAGEMENT. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and promote land reclamation and sound land and forest management.

"7.3—FISH AND WILDLIFE. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate projects and facilities for the maintenance and improvement of fish and wildlife habitat related to the water resources of the basin.

"7.4—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not acquire or operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is in a position to acquire or operate the same upon reasonable conditions, or such unit or agency fails to do so.

"ARTICLE 8

"RECREATION

"SECTION 8.1—DEVELOPMENT. The commission may provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance, and administration of such facilities, subject to the provisions of Section 8.2 hereof.

"8.2—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions.

"8.3—OPERATION AND MAINTENANCE. The commission, within limits prescribed by this article, shall:

"1. Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

"2. Recommend standards for the develment and administration of water related recreational facilities;

"3. Provide for the administration, operation, and maintenance of recreation facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

"8.4—CONCESSIONS. The commission, after public hearing upon due notice given shall provide by regulation a procedure for the award of contracts for private concessions in connection with its recreational facilities, including any renewal or extension thereof, under terms and conditions determined by the commission.

"ARTICLE 9

"OTHER PUBLIC VALUES

"SECTION 9.1—INHERENT VALUES. The signatory parties agree that it is a purpose of this compact in effectuating the conservation and management of water resources to preserve and promote the economic and other values inherent in the historic and the scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, for the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied enterprises and occupations so as to effect orderly, balanced, and considered development in the basin.

"9.2—PROJECT COMPATIBILITY. To this end, the signatory parties agree that in the consideration, authorization, construction, maintenance, and operation of all water resources projects in the Susquehanna basin, their agencies and subdivisions, and the Susquehanna River Basin Commission will consider the compatibility of such projects with these other public values.

"9.3—REGULATION STANDARDS. The commission may recommend to governmental units with jurisdiction within areas considered for scenic or historic designation minimum standards of regulation of land and water use and such other protective measures as the commission may deem desirable.

"9.4—LOCAL AREA PROTECTION. The commission may draft and recommend for adoption ordinances and regulations which would assist, promote, develop, and protect those areas and the character of their communities. Local governments may consider parts of their area which have been designated scenic or historic areas under the provisions of this article separately from the municipality as a whole, and pursuant to the laws of the state governing the adoption of those regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of such a scenic or historic area the commission may make recommendations for the entire municipality.

"ARTICLE 10

"HYDROELECTRIC POWER

"SECTION 10.1—DEVELOPMENT. The waters of the Susquehanna River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy in accordance with the comprehensive plan.

"10.2—POWER GENERATION. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

"10.3—TRANSMISSION. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

"10.4—DEVELOPMENT CONTRACTS. The commission, after public hearing upon due notice given, may enter into contracts on reasonable terms, consideration, and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities, and appurtenances.

"10.5—RATES AND CHARGES. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

"ARTICLE 11

"REGULATION OF WITHDRAWAL AND DIVERSIONS; PROTECTED AREAS AND EMERGENCIES

"SECTION 11.1—POWER OF REGULATION. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

"11.2—DETERMINATION OF PROTECTED AREA. The commission, from time to time after public hearing upon due notice given, may determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the requirements or effectuation of the comprehensive plan, and any such area may be designated as a protected area, with the consent of the member or members from the affected state or states. The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such determination.

"11.3—DIVERSION AND WITHDRAWAL PERMITS. In any protected areas so determined and delineated, no person shall divert or withdraw water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the commission may prescribe by general regulations, except (1) pursuant to a permit granted under this article, or (2) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

"11.4—EMERGENCY.

"(a) In the event of a drought which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission after public hearing upon due notice given, may determine and delineate the area of the shortage and by unanimous vote declare a drought emergency therein. For the duration of the drought emergency as determined by the commission, it thereupon may direct increases or decreases in any allocations, diversions, or releases previously granted or required, for a limited time to meet the emergency condition.

"(b) In the event of a disaster or catastrophe other than drought, natural or manmade, which causes or may cause an actual and immediate shortage of available and usable water, the commission by unanimous consent may impose direct controls on the use of water and shall take such action as is necessary to coordinate the effort of federal, state, and local agencies and other persons and entities affected.

"11.5—STANDARDS. Permits shall be granted, modified, or denied, as the case may be, to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

"11.6—JUDICIAL REVIEW. The determinations and delineations of the commission pursuant to Section 11.2 and the granting, modification or denial of permits pursuant to Sections 11.3, 11.4, and 11.5 shall be subject to judicial review in any court of competent jurisdiction.

"11.7—MAINTENANCE OF RECORDS. Each signatory party shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

"11.8—EXISTING STATE SYSTEMS. Whenever the commission finds it necessary or desirable to exercise the powers conferred with respect to emergencies by this article, any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

"ARTICLE 12

"INTERGOVERNMENTAL RELATIONS

"SECTION 12.1—FEDERAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern Federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission.

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan.

"3. Each Federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise, and discharge such authority except as specifically provided by this section.

"12.2—STATE AND LOCAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility unless it first has been included by the commission in the comprehensive plan;

"3. Each state and local agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

"12.3—RESERVED TAXING POWERS OF STATES. Each of the signatory parties reserves the right to levy, assess, and collect fees, charges, and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdiction of the respective signatory parties.

"12.4—PROJECT COSTS AND EVALUATION STANDARDS. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

"1. Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

"2. Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups, and private enterprise, and for the supervision of their performance;

"3. Establishment and supervision of a system of accounts for reimbursement purposes and directing the payments and charges to be made from such accounts;

"4. Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

"12.5—COOPERATIVE SERVICES. The commission shall furnish technical services, advice, and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative service to the commission upon request, within the limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, and the cost of such service may be reimbursable whenever the parties deem appropriate.

"ARTICLE 13

"CAPITAL FINANCING

"SECTION 13.1—BORROWING POWER. The commission may borrow money for any of the purposes of this compact and may issue its negotiable bonds and other evidences of indebtedness in respect thereto.

"All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission, and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

"13.2—FUNDS AND EXPENSES. The purposes of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant, and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement, or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

"13.3—CREDIT EXCLUDED; OFFICERS, STATE AND MUNICIPAL. The commission shall have no power to pledge the credit of any signatory party or of any country or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

"13.4—FUNDING AND REFUNDING. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations, whether or not such bonds and obligations have matured. It may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including payment of any premium, duplicate interest, or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale, or exchange thereof.

"13.5—BONDS: AUTHORIZATION GENERALLY. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way by: (1) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (2) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues, and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

"13.6—BONDS: RESOLUTIONS AND INDENTURES GENERALLY. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange, and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection, or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents, and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application, and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair, and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease, or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities, the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all, of the provisions of the indenture and of this compact and is bound thereby.

"13.7—MAXIMUM MATURITY. No bond or its terms shall mature in more than fifty years from its own date, or on any date subsequent to the duration of this compact, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

"13.8—TAX EXEMPTION. All bonds issued by the commission under the provisions of this compact and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

"13.9—INTEREST. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

"13.10—PLACE OF PAYMENT. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory

states, and in any specified lawful coin or currency of the United States of America.

"13.11—EXECUTION. The commission may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons ceases to be an officer before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid and of the same force and effect as if the officer had remained in office until the delivery of the bonds and coupons.

"13.12—HOLDING OWN BONDS. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel, or resell such bonds.

"13.13—SALE. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bond shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

"13.14—NEGOTIABILITY. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

"13.15—LEGAL INVESTMENTS. Bonds of the commisson shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

"13.16—VALIDATION PROCEEDINGS. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceedings shall be instituted and prosecuted in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and aginst each of the signatory parties.

"13.17—RECORDING. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indeture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or the indenture trustee.

"13.18—PLEDGED REVENUES. Bond redemption and interest payments, to the extent provided in the resolution or indenture, shall constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees, and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds, and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements, or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding, and unpaid.

"13.19—REMEDIES. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated; (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the facilities, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, tolls, fees, charges, and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies, however, does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

"13.20—CAPITAL FINANCING BY SIGNATORY PARTIES: GUARANTEES.

"(a) The signatory parties shall provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 12 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

"(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

"(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances, and payments of reimbursable or nonreimbursable funds or property in any form for the capital or operating purposes of the commission.

"ARTICLE 14

"PLAN, PROGRAM AND BUDGETS

SECTION 14.1—COMPREHENSIVE PLAN. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions, and interested groups. The commission shall conduct public hearings upon due notice given with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof, except that public and private projects and facilities which, in the judgment of the commission, are not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and which, in the judgment of the commission, will not significantly affect the water resources of the basin, may be added directly to the comprehensive plan at any time at the discretion of the commission without public hearing thereon. The comprehensive plan shall take into consideration the effect of the plan or any part thereof upon the receiving waters of Chesapeake Bay.

"14.2—WATER RESOURCES PROGRAM.—The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

"1. The quantity and quality of water resources needs for such period;

"2. The existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated; and

"3. A separate statement of the projects proposed to be undertaken by the commission during such period.

"14.3—ANNUAL CURRENT EXPENSE AND CAPITAL BUDGETS.

"(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

"(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance, and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

"1. Certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

"2. Transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item 1 above and all other revenues available to the commission shall be apportioned equitably among the signa-

tory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

"(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittance by the signatory parties.

"ARTICLE 15

"GENERAL PROVISIONS

"SECTION 15.1—AUXILIARY POWERS OF COMMISSION; FUNCTIONS OF COMMISSIONERS.

"(a) The commission, for the purposes of this compact, may:

"1. Adopt and use a corporate seal, enter into contracts, and sue and be sued in any court of competent jurisdicition;

"2. Receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

"3. Provide for, acquire, and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate, maintain, or develop any facility or project;

"4. Control and regulate the use of facilities owned or operated by the commission;

"5. Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful, or convenient for such ownership, operation, control, maintenance, or conveyance;

"6. Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

"(b) The commissioners, subject to the provisions of this compact, shall:

"1. Serve with the governing body of the commission, and exercise and discharge its powers and duties, except as otherwise provided by or pursuant to this compact;

"2. Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by this compact;

"3. Provide for the internal organization and administration of the commission;

"4. Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"5. Create and abolish offices, employments, and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointments, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees;

"6. Let and execute contracts to carry out the powers of the commission.

"15.2—REGULATIONS; ENFORCEMENT. The commission may:

"1. Make and enforce rules and regulations for the effectuation, application, and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance, and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

"2. Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the State in which he is duly assigned to perform his duties.

"15.3—TAX EXEMPTIONS. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission, as to its specific projects, shall make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payment shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

"15.4—MEETINGS; PUBLIC HEARING; RECORDS, MINUTES.

"(a) All meetings of the commission shall be open to the public.

"(b) The commission shall conduct at least one public hearing in each State prior to the adoption of the initial comprehensive plan. In all other cases wherein this compact requires a public hearing, such hearing shall be held upon not less than twenty days' public notice given by posting at the offices of the commission, and published at least once in a newspaper or newspapers of general circulation in the area or areas affected. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

"(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

"15.5—OFFICERS GENERALLY.

"(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed or dismissed by the executive director under such rules of procedure as the commission may establish.

"(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious, or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be immediately dismissed.

"15.6—OATH OF OFFICE. An oath of office in such form as the commission shall prescribe shall be taken, subscribed, and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

"15.7—BOND. Each officer shall give such bond and in such form and amount as the commission may require, for which the commission shall pay the premium.

"15.8—PROHIBITED ACTIVITIES.

"(a) No commissioner, officer or employee shall:

"1. Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the commission is a party;

"2. Solicit or accept money or any other thing of value in addition to the compensation or expense paid him by the commission for services performed within the scope of his official duties;

"3. Offer money or any thing of value for or in consideration of obtaining an appointment, promotion, or privilege in his employment with the commission.

"(b) Any officer or employee who willfully violates any of the provisions of this section shall forfeit his office or employment.

"(c) Any contract or agreement knowingly made in contravention of this section is void.

"(d) Officers and employees of the commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

"15.9—PURCHASING. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars, and contracts for the purchase of services, supplies, equipment, and materials when the expenditure required exceeds five thousand dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least thirty days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment, and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment, and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice, and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

"1. The purchase is to be made from or the contract to be made with the Federal or any state government or agency or political subdivision thereof or pursuant to any open and bulk purchase contract of any of them;

"2. The public exigency requires the immediate delivery of the articles or performance of the service;

"3. Only one source of supply is available;

"4. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

"5. Services are to be provided of a specialized or professional nature.

"15.10—INSURANCE. The commssion may self-insure or purchase insurance and pay the premium therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of

any agreement arising out of the issuance of bonds by the commission.

"15.11—ANNUAL INDEPENDENT AUDIT.

"(a) As soon as practical after closing of the fiscal year an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission may direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

"(b) Each signatory party by its duly authorized officer shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files, and all other paper, things, or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(c) The financial transactions of the commission shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

"(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things, or property as may be requested shall forfeit his office.

"15.12—REPORTS. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations, and finances. It may also prepare, publish, and distribute such other public reports and informational material as it may deem necessary or desirable.

"15.13—GRANTS, LOANS, OR PAYMENTS BY STATES OR POLITICAL SUBDIVISIONS.

"(a) Any or all of the signatory parties or any political subdivisions thereof may:

"1. Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

"2. Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

"3. Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

"(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

"15.14—CONDEMNATION PROCEEDINGS.

"(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission, or other body as may have regulatory jurisdiction over such public utility.

"(b) The power of condemnation referred to in subsection (a) shall be exercised in accordance with the provisions of the state condemnation law in force in the signatory state in which the property is located. If there is no applicable state condemnation law, the power of condemnation shall be exercised in accordance with the provisions of Federal condemnation law.

"(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

"15.15—CONVEYANCE OF LANDS AND RELOCATION OF PUBLIC FACILITIES.

"(a) The respective officers, agencies, departments, commissions, or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purpose of the commission.

"(b) Each political subdivision of each of the signatory parties, notwithstanding any contrary provisions of law, is authorized and empowered to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(c) Any highway, public utility, or other public facility which will be disclosed by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

"15.16—RIGHTS OF WAY. Permission is hereby granted to the commission to locate, construct, and maintain any aqueducts, lines, pipes, conduits, and auxiliary facilities authorized to be acquired, constructed, owned, operated, or maintained by the commission in, over, under, or across any streets and highways now or hereafter owned, opened, or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

"15.17—PENALTY. Any person, association, or corporation who violates or attempts or conspires to violate any provisions of this compact or any rule, regulation, or order of the commission duly made, promulgated, or issued pursuant to the compact in addition to any other remedy, penalty, or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the violation is committed; provided that in the absence of such provision any such person, association, or corporation shall be liable to a penalty of not less than $50 nor more than $1,000 for each violation to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt, or conspiracy shall constitute a separate offense.

"15.18—TORT LIABILITY. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents, and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents, and employees of the government of the United States.

"15.19—EFFECT ON RIPARIAN RIGHTS. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

"15.20—AMENDMENTS AND SUPPLEMENTS. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"15.21—CONSTRUCTION AND SEVERABILITY. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence, or provision of the Susquehanna River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency, or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

"15.22—EFFECTIVE DATE; EXECUTION. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the Federal government, the states of Maryland and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in five identical original copies by the respective chief executive of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization."

RESERVATIONS

SEC. 2. In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

(a) Notwithstanding any provision of the Susequehanna River Basin compact the Susquehanna River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose,

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose, and

(2) such project has been authorized by Act of Congress:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with reallocation of project costs to all project purposes served.

(b) No provision of section 3.9 of the compact shall be deemed to authorize the commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact or to impose any charges with respect to commercial navigation within the basin, jurisdiction over which is reserved to the Federal Government: *Provided,* That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact.

(c) Nothing contained in the compact shall be deemed to restrict the Executive powers of the President in the event of a national emergency.

(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the commission of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government.

(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the commission, their transfer, or the income therefrom (including any profits made on the sale thereof).

(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Susquehanna River Basin Commission.

(g) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are undertaken by the commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 50 U.S.C. 276(c)).

(h) The commission shall insure that there is no discrimination on the ground of race, color, religion, sex, or national origin in (1) the programs and activities of the commission, (2) the employment practices of the commission, and (3) the employment practices of parties entering into contracts with the commission, including construction contracts and contracts for private concessions in connection with recreational facilities.

(i) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(j) Nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of the Interior or of any other officer or agency of the United States, relating to water pollution: *Provided,* That the exercise of such functions shall not limit the authority of the commission to control, prevent or abate water pollution.

(k) The provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(l) For the purposes of the Federal Tort Claims Act, of June 25, 1948 (62 Stat. 982), as amended (28 U.S.C. ch. 171 and sections 1346(b) and 2401(b)) and the Tucker Act of March 3, 1887 (24 Stat. 505), as amended (28 U.S.C. 1346(a)(2), 1402, 1491, 1496, 1501, 1503, 2411, 2412, 2501), and the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 551–558, 701–706), and the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended (16 U.S.C. 791–823), the commission shall not be considered a Federal agency.

(m) The officers and employees of the commission (other than the United States member, alternate United States member, and advisers, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(n) Neither the compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the commission to participate in or to provide funds for projects or activities in the Susquehanna River Basin.

(o) Notwithstanding paragraph 7 of section 3.10 of the compact, the United States district courts shall have original jurisdiction of all cases or controversies arising under the compact and this Act, and any case or controversy so arising initiated in a State court shall be removable to the appropriate United States district court in the manner provided by section 1446 of title 28, United States Code. Nothing contained in the compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(p) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Susquehanna River Basin Commission as is deemed appropriate by the Congress or any such committee.

The provisions of sections 2.4 and 2.6 of article 2 of the compact notwithstanding, the member and alternate member appointed by the President and adviser there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(r) 1. Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

2. Nothing contained in this compact or in this Act and no action of the commission shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area of waters which are the subject of the compact, including projects of the commission: *Provided, That*—

(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

(ii) Except as provided in reservation (j), whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Susquehanna River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.10 and article 12 of the compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further,* That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent necessary to permit action by the affected agency or officer in accord with the national interest. Such action shall be taken by executive order in which such finding and determination shall be set forth.

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

3. For the purposes of paragraph 1 2(ii) thereof, concurrence by the member appointed by the President shall be presumed unless within sixty days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the commission notice of his (i) no objection, or (ii) nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(s) In the event that any phrase, clause, sentence or provision of section 1.4 of article 1 of the compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the compact: *Provided,* That the President may continue United States participation in the activities of the commission to the extent that he deems necessary and proper to protect the national interest.

(t)(1) All Acts or parts of Act inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act.

(2) No action of the commission shall have the effect of repealing, modifying, or amending any Federal law.

(u) Notwithstanding the provisions of sections 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

EFFECTUATION

SEC. 3. (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the support of the United States member and his office, including appropriations for the employment of personnel by the United States member.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN TRUST FOR THE EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

The bill (H.R. 16811) to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes was considered, ordered to a third reading, read the third time, and passed.

LANDS IN TRUST FOR THE MAKAH INDIAN TRIBE, WASHINGTON

The Senate proceeded to consider the bill (H.R. 9311) to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington.

Mr. JACKSON. Mr. President, H.R. 9311 declares that the 719-acre Ozette Indian Reservation in northwestern Washington shall be held in trust for the Makah Indian Tribe. Created by Executive order in 1893 for a branch of the Makah Tribe, the Ozette Reservation is no longer inhabited on a permanent basis. Most of its original residents and their descendants moved to the larger Makah Reservation nearby. However, the Makahs continue to regard Ozette as their land and frequently visit it. The reservation is administered by the Bureau of Indian Affairs. H.R. 9311 would reaffirm its status as Indian land and assure all members of the Makah Tribe a right to enjoy it.

The 719-acre tract is bounded by the coastal strip of the Olympic National Park on three sides and by the Pacific Ocean on the fourth. It is generally regarded an exceptionally scenic natural area. Conservation groups have been concerned lest the reservation might be developed in a manner aesthetically incompatible with its surroundings. However, the Makah Tribal Council has recognized this concern and has expressed in a resolution its desire to preserve Ozette as a modern monument to its ancient past and not to permit development inconsistent with that objective. The resolution has been made a part of the report, of the Senate Commitee on Interior and Insular Affairs. On the basis of the assurances expressed in the resolution, the conservation groups that had expressed reservations about H.R. 9311 have expressed their concurrence in its objectives. I wish to express my appreciation to all parties in this matter for their cooperative attitude, which reflects the best traditions of citizen involvement in the allocation, conservation, and management of the Nation's land resources.

Mr. President, I ask that the following letters from the commissioners of Clallam County, Wash.; Olympic Park Associates, Inc.; The Mountaineers; and the chairman of the Makah Tribal Council and the Makah Tribal attorney be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF CLALLAM COUNTY COMMISSIONERS,
Port Angeles, Wash., September 30, 1970.

STATEMENT OF THE CLALLAM COUNTY COMMISSIONERS REGARDING THE PROPOSED LEGISLATION DECLARING THAT CERTAIN LANDS BE HELD BY THE UNITED STATES IN TRUST FOR THE MAKAH INDIAN TRIBE, WASHINGTON

At the regular meeting of the Board of Clallam County Commissioners held on October 2, 1970, the Clallam County Commissioners endorsed H.R. 9311 with the resolutions as adopted by the Makah Tribal Council of the Makah Reservation at Neah Bay.

THOS H. MANSFIELD,
Chairman.
JOHN F. KIRNER,
HARRY L. LYDIARD.

OLYMPIC PARK ASSOCIATES, INC.,
Seattle, Wash., September 25, 1970.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

Regarding H.R. 9311 whereby the Ozette Indian Reservation would be transferred and held in trust by the United States for the Makah Indian Tribe, in Washington State.

DEAR MR. JACKSON: Olympic Park Associates, Inc. is an association of conservation groups and individuals whose purpose is to preserve the integrity and wilderness of Olympic National Park, located on the Olympic Peninsula of Washington State.

The 719 acre Ozette Indian Reservation, facing the Pacific Ocean, is located entirely within the boundaries of Olympic National Park. The Ozettes who are a part of the Makah Tribe abandoned the reservation some years ago and their descendants now live on the larger neighboring Makah Reservation to the north. The area remains in its natural condition, roadless, the same as it was during its ancient past.

The Ozette Reservation was created by an executive order of President Grover Cleveland in 1893 for those Indians not already on reservations. This was some thirty-five years after the treaty creation of the Makah Reservation.

The Ozette Reservation is relatively small, being less than 3% of the approximately 27,000 acre area of the Makah Reservation. Due to its small size, the annual economic gain which could be derived from the exploitation of its timber resources, on a sustained yield basis is also relatively small compared to the values now derived from the present Makah timber cutting program. The prime value of the small Ozette area, in our opinion and from the standpoint of the Makah Tribal Council's land use policy resolution, lies essentially in their desire, "to preserve the Ozette Reservation as a modern monument to its ancient past," and its residential use, "by the Makahs in fishing, hunting, berry-picking and related uses." Their resolution preamble stresses the Makah peoples' feeling of deep reverence for Ozette.

Some years ago a Department of Interior solicitor's opinion indicated that the abandoned lands of the reservation had in effect terminated the trust obligations of the United States and consequently that these lands should be turned over to the General Services Administration, as surplus land. Such unappropriated lands entirely within Olympic National Park would then become, logically a part of Olympic National Park Ocean Strip.

However, this course of action would have required rescinding the Presidential executive order of April 12, 1893 and in view of the Makah concern and its subsequent petition, this action will not take place.

Olympic Park Associates, after several meetings with the Tribal attorney and members of the Tribal Council, have decided that it now concurs with the desire of the Makahs to assume tribal trust jurisdiction of the present Ozette Reservation.

This position has been prompted by the voluntary Makah Tribal Council's Resolution No. 19–70, which in part states, "The Tribe will not lease or otherwise permit any commercial development of the area or use inconsistent with its primary use by Makahs, as here stated, or inconsistent with the natural beauty of the area and its surroundings."

Olympic Park Associates have always been concerned over developments within Olympic National Park which would be inconsistent or non-conforming with its natural environment. We now feel that the mutual benefits that can accrue for the Indians and the general public interest, in regard not only to the question of Ozette land use but

in other respects can be strengthened through working together closely in future program consultation, thus demonstrating a mutual trust in each other's concerns.

The Makahs have demonstrated by their voluntary land use resolution a desire that the reservation be treated in a manner consistent with public policy concerning the preservation of natural beauty and environmental quality.

Olympic Park Associates therefore, recommends that H.R. 9311 be enacted as a mutual benefits to all concerned.

PHILLIP ZALESKY,
President.
JOHN OSSEWARD,
Vice President.

THE MOUNTAINEERS,
Seattle, Wash., September 25, 1970.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SIR: The Mountaineers are vitally interested in the future of Olympic National Park.

We feel that the integrity of the ocean strip can be adequately protected if the Ozette land is given over to the Makahs. We trust that the Makah Resolution 19–70 will preclude any commercial developments such as timber harvests and real estate developments.

We therefore support the Makans in their efforts to obtain this land.

Sincerely yours,
MAX HOLLENBECK,
President.

ZIONTZ, PIRTLE & FULLE,
Seattle, Wash., September 23, 1970.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Re H.R. 9311.

DEAR SENATOR JACKSON: Mr. Edward Claplanhoo, Chairman of the Makah Tribal Council, and I, tribal attorney, have had an opportunity to read Senate Report No. 91, 91st Congress, 2d Session, to accompany H.R. 9311.

We believe the report correctly states the position of the Makah Tribe regarding H.R. 9311, and are in accord that the report and bill in their present form fully satisfy the interests of the Makah Tribe regarding Ozette.

Very truly yours,
ALVIN J. ZIONTZ,
Tribal Attorney, Makah Indian Tribe.
EDWARD E. CLAPLANHOO,
Chairman, Makah Tribal council.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 9311) was read the third time and passed.

BLACK BUTTE PROJECT

The bill (H.R. 18298) to amend the Central Valley reclamation project to include Black Butte project was announced as next in order.

Mr. FULBRIGHT. Mr. President, may I ask what the bill involves?

Mr. MANSFIELD. Mr. President, it has been reported out of the Committee on Interior and Insular Affairs, I think unanimously.

Mr. FULBRIGHT. What does it involve? Is it a big or a small project?

Mr. MANSFIELD. Mr. President, over on this one and let the rest of the calendar go.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The PRESIDING OFFICER. The report is before the Senate.

Mr. JACKSON. Mr. President, the conference report now pending before the Senate represents a final resolution of the differences between the House and the Senate on the various items in the military construction authorization bill.

The main item in dispute, Mr. President, pertains to section 611 of the bill pertaining to naval weapons activities at the Culebra complex off the coast of Puerto Rico.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Washington yield for a parliamentary inquiry?

Mr. JACKSON. I yield.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, my parliamentary inquiry concerns whether there was a unanimous-consent request to take up the conference report and if that request was made, whether the Chair announced that the unanimous-consent request had been agreed upon.

The PRESIDING OFFICER. There was a request. It was ruled by the Chair that it was agreed to. The Parliamentarian also advises that it could have been done by motion.

Mr. MILLER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, does it require a ruling by the Chair that the unanimous-consent request has been agreed to?

The PRESIDING OFFICER. The Chair has just given the ruling it made before. The unanimous-consent request had been agreed to.

Mr. MILLER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, the Senator from Iowa did not hear the Chair rule. Is the Chair stating that the Chair had ruled?

The PRESIDING OFFICER. The Chair ruled, regardless of who heard it.

Mr. MANSFIELD. Mr. President, if the Senator does not want the bill brought up and wants it laid aside, I am prepared to accede to it. It is an important bill. It has a great deal of importance. If the Senator wants to stall and delay and raise parliamentary inquiries, we can recess now rather than waste the Senate's time.

Mr. MILLER. Mr. President, I appreciate the indulgence of the distinguished majority leader. I do make the request for the reason that, as pointed out yesterday, we have an important farm bill waiting to be received by the Senate. It seems to me that the farm bill certainly ought to be received by the Senate before we undertake further business.

Mr. MANSFIELD. Mr. President, in line with the request made by the Senator from Iowa and in view of the fact that we had intended to consider not only the military construction authorization conference report but also the military construction appropriation bill, I now move that the Senate——

Mr. SCOTT. Mr. President, would the Senator yield before he makes the motion?

Mr. MANSFIELD. Mr. President, I am going to move to adjourn.

Mr. SCOTT. Mr. President, I would respectfully request the Senator to withhold that.

Mr. MANSFIELD. Mr. President, I withhold my request.

Mr. SCOTT. Mr. President, so far as the minority leader is concerned, I would like to see the military construction authorization bill and the military construction appropriations bill acted upon.

I would hope that we could work out some way of doing that, even though I have in mind also working on the farm bill. Perhaps we could have some other discussion a little later on.

Mr. MANSFIELD. Mr. President, may I say that if the military construction authorization conference report and the military construction appropriation bills—both very important bills—are not taken up today, they will not be taken up until sometime in November at the very earliest.

Mr. SCOTT. Mr. President, will the Senator yield.

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I want to say this is a matter of the utmost importance to the Secretary of Defense and the Department of Defense, and certain matters of military assistance programs are involved in these bills.

Mr. MANSFIELD. Yes.

Mr. SCOTT. I would hope we could persuade Senators to allow these to be taken up.

Mr. MANSFIELD. Come to think about it, there is something in there having to do with the allocation of material to Israel, as I remember.

Mr. SCOTT. Yes; there is a savings clause in another bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Mr. President, I hope the Senator from Iowa will reconsider. We went through this last year for an appropriation bill for the military which was passed late. As a result, we are far behind in the development of certain important weapons systems. If this money is authorized at this time and we have to wait 1 month, I am afraid we will have the same thing again this year. We would be better off, in effect, not ap-

propriating money for the B–1, AWACS, and others that have been waiting for money to go ahead with projects. In the military construction bill there are important programs for every State in the Union, if that is of any interest. We are not out of an inflationary cycle. If we wait 1 month the costs will be higher and I think it would be much wiser to pass this bill now than to wait until November 16, and even that may not be soon enough.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Arizona has stated his case in a nutshell.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, I know the distinguished majority leader wants to be fair, but I am sure he understands the deep concern many of us feel over the farm bill. I wonder if he could tell us whether it is contemplated by the leadership to receive the conference report from the House so that it would give the Senate the opportunity to consider that after we dispose of the military construction matter.

Mr. MANSFIELD. After the military construction authorization will come the military construction appropriation bill. At an appropriate time the message from the House will be received.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I would like to say that after the message is received, I have spoken to the distinguished majority leader, and prior to adjournment he would agree to give me the opportunity to read on the floor a letter from the President pertaining to the farm bill.

Mr. MANSFIELD. I think that is most applicable. I would like to hear what the President has to say. I have an idea what it will be. I would like to say something in reply because I happen to be in a most embarrassing position, to use an outworn phrase, where one hand is tied behind my back, but that is one of the liabilities that the leadership, joint leader singly, has to assume.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, I share with him the same problems. I am aware that both of us at times must present positions which are not necessarily our personal positions, but which are those which represent some or all of the Members on our side of the aisle.

Therefore, I have great sympathy for the distinguished majority leader, but it will not prevent me from asserting a point of view which may differ from his a little later on.

Mr. MANSFIELD. No; I appreciate that, as always.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, in view of what has been said, the Senator from Iowa will withdraw his request. The Senator from Montana made the point that one hand is tied behind his back. There are several of us here who would like to assist him in untying that hand at an appropriate time.

Mr. MANSFIELD. I appreciate what the Senator just said, as always.

AUTHORIZATION FOR INSERTIONS IN THE CONGRESSIONAL RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the Extensions of Remarks of the RECORD following the adjournment of Congress in accordance with the notice of the Joint Committee on Printing and the statement by the Senator from North Carolina (Mr. JORDAN), as published on the first page of the RECORD of October 13, 1970; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. JACKSON. Mr. President, the conference report on the military construction authorization bill for fiscal year 1971 was signed by all the conferees on the part of the House of Representatives and the Senate and has now been agreed to by the House. I believe the end result is, with one very important exception, an improvement on the original product of either House. The bill as agreed to in conference provides a total new authority of $1,667,154,000 and an increase in prior years' authority of $33,586,000, or a total authority of $1,700,740,000 which it $425,051,000 below the request of the Department of Defense. I should point out, however, that $334 million of this reduction relates to the construction of the Safeguard antiballistic-missile system which was transferred to and considered in the military procurement authorization bill, which was passed by the Congress recently, leaving a net reduction of about $91 million which I consider to be a substantial one in a rather austere bill. The Senate position prevailed on about 70 percent of the items in dispute in the conference.

Now, Mr. President, I should like specifically to mention two points in which I know there is considerable interest. First is section 610 of the bill which was added to the bill during its consideration in the Senate. It is designed to provide financial aid to the small rural communities in Montana and North Dakota who find themselves in the position of having to provide increased municipal services and facilities as a result of the construction of the Safeguard antiballistic-missile sites in these areas. I am pleased to report that the House conferees agreed that financial assistance to these small communities will be needed, but they were of the opinion some limitation should be placed in the bill to provide congressional review of the assistance to be given out of the Safeguard appropriations. Accordingly, this section was amended in conference to provide that funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard anti-ballistic-missile system may, to the extent specificially authorized in an annual Military Construction Authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of the section to the extent that funds are unavailable under other Federal programs. This does not, of course, preclude the Department from affording such assistance as may be found necessary during this fiscal year. I think the amendment improves the language of section 610 of the bill.

Now I should like to mention section 611 of the bill which relates to the naval weapons training activities on the Culebra Island complex off the coast of Puerto Rico. This section proved to be the most controversial matter considered in the conference. A very thorough and lengthy discussion of the Navy's present and programed activities was had by the conferees. The House committee has studied this problem quite extensively. Following hearings and an inspection trip, the House committee concluded that the naval training activities in this area should not be disrupted.

Following hearings in the Senate, the bill was amended in committee and adopted by the Senate. The Senate provision called for a comprehensive study and a report by the Secretary of Defense to the President of the United States and the chairmen of the Committee on Armed Services of the Senate and the House of Representatives no later than April 1, 1971. Pending completion of the report required and its review, the Navy was directed to avoid any increase or expansion of the present range activities in or around the Culebra complex. Section 611 of the Senate-passed bill further provided that the Navy would terminate all weapons range activities on or near the eastern coast of Culebra and cays within 3 nautical miles of the eastern coast not later than January 1972, unless the President of the United States made a determination that the national security required continuation of such activities beyond that date.

The House conferees opposed this section in its entirety. Their position was stated in an August 4, 1970, report by the Real Estate Subcommittee of the House Armed Services Committee on "Navy Acquisition and Disposal Reports for the Island of Culebra." In brief, the House position endorsed the Department of the Navy's plan for future weapons range activities on Culebra and adjoining cays and made a number of recommendations to improve safety and relations with the people of Culebra.

The Senate conferees insisted upon the adoption of section 611 of the Senate-passed bill. Following a discussion of the problem, the House agreed to accept the Senate language with two changes. The first change deleted all of subsection 611(c). This subsection directed the Navy to terminate all weapons range activities on the eastern part of Culebra and adjoining cays by January 1, 1972. The second change was to add language to section 611(a) requiring the Secretary

to consider resettlement of the people of Culebra as one of the possible alternatives in the study he is directed to undertake.

Mr. President, I am not happy with the final outcome of the conference committee's action with respect to Culebra. The Senate conferees did, however, win major concessions from the House. These concessions represent an important departure from the House position as stated in the August 4, 1970, House report. They include:

First. A 6-month study by the Secretary of Defense of all possible alternatives to the training now taking place in Culebra. In making the study the Secretary is directed to consult with the government of Puerto Rico, the people of Culebra and all appropriate Federal agencies. He is also directed to consider environmental factors, safety, the local economy, and political ramifications as well as national security.

Second. The Department of the Navy is directed not to increase or expand present activities pending the Secretary's completion of the report and transmittal of his recommendations to the President and to the Congress.

In addition, the directives and recommendations in the Senate Armed Services Committee's report on Culebra are unaffected by the subsequent action of the conference committee. These include:

First. Pending completion of the report and an opportunity to act on the Secretary's recommendations, no Walley missiles are to be fired on Culebra or adjoining cays.

Second. Aircraft overflights over the town of Dewey are to be avoided.

Third. Advance notice of training schedules is to be given.

Fourth. A total of 680 acres of land is to be transferred to the government of Puerto Rico.

Fifth. A safety zone in the area adjoining the northwest peninsula's ship-to-shore impact area is to be established.

Sixth. A temporary nonhabitation easement on the eastern portion of Culebra is to be acquired to insure safety. This easement will also serve to prevent land speculation and unplanned development and subdivision. This will furnish Puerto Rico and the Congress an opportunity to consider the creation of a national recreation and seashore area on the eastern part of the island and on the adjacent islands and cays. At present, much of this property is in Federal ownership and has great recreational potential.

Mr. President, in view of the unyielding position of the House on this matter, I reluctantly must recommend to the Senate that the conference report be adopted. Rejection of the report and instructing the Senate conferees on this matter as some have proposed would, in my judgment, be futile. It would mean serious delay in acting on this measure and would in the end be frustrating and unproductive. Rejection of the report would create expectations on the part of people in Culebra and in Puerto Rico which I do not believe can be fulfilled in this session of Congress. In addition, it would result in further delay in action on the military construction appropriation bill which is, of course, contingent upon the adoption of this authorization bill.

I want to assure the Senate that as far as I am concerned I will make every effort to see that they find a range that will be acceptable to the people of Puerto Rico; a range that will carry out the necessary military missions of the Navy but at the same time not violate the rights of the citizens of Puerto Rico.

While I strongly oppose the two changes made in the Senate language, I am confident that section 611 of the conference report still lays the groundwork and sets in motion procedures which will lead to a final solution to this difficult problem next year. The study and report of the Secretary of Defense are to be transmitted to the President as well as to the Congress. In my view, the report will be the President's report and will reflect an appreciation of the political ramifications for Latin America which are involved in the long-term settlement of this problem which has not been present in the Department of the Navy's previous public statements on Culebra. To insure that this is the case, I have written the President and asked that the White House staff and the State Department be directed to monitor the Secretary's study and to review the report and recommendations before a formal policy on Culebra is adopted by the Department of Defense.

Mr. President, that completes my statement and I urge the Senate's adoption of the conference report. I shall be glad to answer any questions.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the distinguished Senator from Tennessee, who has taken such a keen interest in the problem of Culebra, for which I commend him.

Mr. BAKER. I thank the Senator for yielding.

Mr. President, I heartily concur with and want to be identified with the excellent remarks of my able colleague from Washington, (Mr. JACKSON) on the matter of Culebra. My colleagues will recall that an amendment offered by me to the military construction bill at the request of Puerto Rican Governor Luis Ferre, would have required that the Navy cease all weapons range activities on Culebra not later than January 1, 1976. The amendment failed by a vote of 37 to 39.

I had seriously considered proposing the recommittal of this report due to language that was both added and deleted in conference. However, my principal interest is not in a short-term legislative victory, but in a permanent solution to a very serious political problem. I am not abandoning that effort and intend to work closely with Senator JACKSON, Governor Ferre, Resident Commissioner CÓRDOVA, and others until this matter is resolved.

I also want to call attention to the very commendable leadership of Senator GOODELL, who has earned the gratitude of Governor Ferre and the people of Puerto Rico. Senator GOODELL will continue to play a key role in this effort.

I ask unanimous consent that there be printed at this point in the RECORD, two articles from the San Juan Star and a recent speech on the floor of the House of Representatives by Resident Commissioner CÓRDOVA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JORGE L. CÓRDOVA

Mr. Speaker, I would be remiss in my duty to my people and to the Congress if I did not express here the feeling of disappointment and uneasiness, if I may be permitted the luxury of understatement, with which the news of the conference recommendations respecting the people of Culebra in the report now before this House was received by me and by my constituents over all of Puerto Rico.

I know that the distinguished Chairman of the House Armed Services Committee, and indeed all of the House conferees feel that the recommendations are reasonable and fair. It is certainly true that while the report contains the recommendation that the evacuation of Culebra and the resettlement of its people elsewhere be considered in a comprehensive report to be prepared by the Department of Defense covering the Navy activities in Culebra it is provided that the Culebrans will not be resettled unless a majority of their electors approves the resettlement.

That, on the face of it, and to those who are not aware of the background against which this proposal is made would seem to be fair enough. Why fear the results of a report if you are given a chance to approve or reject it?

The answer is that the report will cover all phases of the Navy activities in Culebra, all phases of the use of Culebra as a weapons range by the Navy; that is, it will permit the Department of Defense to dictate to the Culebrans the alternative to resettlement. They may vote on resettlement, but they may not vote on the alternative. And the people of Culebra have already been told in the past, when the Navy was insisting on resettlement, what the alternative would be. Here is the alternative, in the words of the Commanding Officer of the Navy at the time, in a letter which he addressed less than a year ago to a citizen of Puetro Rico who proposed to construct weekend cottages on a part of Culebra:

"Culebra Island is a keystone in the Atlantic Fleet weapons range, which encompasses Naval Station Roosevelt Roads, nearby Vieques Island and thousands of square miles of ocean area. This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days of the week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

It is disheartening to learn that the Department of Defense will now have the opportunity to prepare a report which may well offer what the Department may consider a generous resettlement, but which the Culebrans must know will also tell them that their alternative will be to live under the conditions described in the letter from which I have quoted.

I fully realize, Mr. Speaker, that the report to be prepared by the Department of Defense is to be made after consultation with the Government of Puerto Rico and the people of Culebra. That can hardly allay the fears of anyone. After consulting, it is obvious that the Department will pay to the Culebrans, to the people of Puerto Rico and to the Governor of Puerto Rico no more attention than that Department has given them up to now.

Fortunately, the conference report also provides that the report of the Department of Defense will be submitted to the President and to both Houses of Congress for

their consideration. I have faith in the fairness of our colleagues and of the President. I know of their good will towards Puerto Rico, a feeling which, as far as this House was concerned, was so eloquently expressed on September 15 on the floor of the House by so many of its members. But I feel it necessary to request whatever assurance the distinguished Chairman of the House Committee on Armed Services can give the people of Puerto Rico that the Department of Defense will not dictate terms on Culebra, that it will submit a report which will be considered carefully in committee and by this House. I know that if the Department of Defense is made aware from the beginning that there is no intention of allowing it to make terms for Culebra, the report will be quite different than it otherwise might be. I might add, Mr. Speaker, that it has been particularly unfortunate to bring up again the question of the resettlement of the people of Culebra. Only a few weeks ago on Septmber 23, 1970, the Secretary of the Navy wrote the Honorable Henry M. Jackson a letter containing the following paragraph:

"Despite many instances of good community relations in the past, it is fair to say that the Navy did not pay sufficient attention to the needs and desires of the people of Culebra. Part of the reason was that the Navy for many years expected the Culebrans to be resettled to some other location in Puerto Rico, both for their benefit and the benefit of the Navy. As you know, we abandoned that plan earlier this year, and now the Navy is making renewed efforts to adjust its training schedules to the desires of the people of Culebra. These efforts are being made in good faith, and we feel that in time most Puerto Ricans will accept them in that light."

It is regrettable that, after announcing publicly that it had abandoned plans to resettle the people of Culebra, the Navy should be now directed to consider anew a plan so dear to its heart.

That is the reason, Mr. Speaker, why the news of this conference report has been so dismaying to me and to my people, and has caused us uneasiness. We are not about to give up the fight for our integrity. We are not about to surrender to any demands the Navy may choose to make. On the other hand, as Americans, we do not want to have to fight the Navy. We would feel much easier in our minds if the Congress understood the situation and if the people of Culebra and of all of Puerto Rico were assured that this conference report does not mean that the Congress proposes to let the Navy have its way.

I cannot overstate the importance of reassuring the people of Culebra that the Congress will make its own evaluation and take its own action on any Navy report for Culebra. It is important that the Culebrans share the assurance that I have of studied consideration of their plight and eventual resolve of their problem.

But we must recognize that damage has already been done, in the best of faith and by the best intentioned of people. I also know that there is still time to repair the damage and to still the fears aroused in my people. Certainly you will find the desire to repair it in the overwhelming majority of the people of Puerto Rico, led by our Governor, Luis A. Ferré, and I need not reiterate my own position. I know that any one of our colleagues can match my loyalty to the nation, but I am sure none can exceed it. That is why I have felt it my duty to speak out as clearly and frankly as I have spoken.

[From the San Juan Star, Oct. 10, 1970.]

A MESS OF POTTAGE

(By Frank Ramos)

(Once when Jacob was boiling pottage, Esau came in from the field and he was famished. And Esau said to Jacob, "Let me eat some of the red pottage for I am famished." Jacob said, "First sell me your birthright." So he swore to him, and sold his birthright to Jacob.) Genesis XXV; 29–33

Like a modern-day Esau the people of Culebra may soon be given an opportunity to sell their birthright to the U.S. Navy for a mess of pottage. Democratic Rep. Charles Bennett of Florida has called it "the chance of a lifetime" for the Culebrans.

It seems incredible that members of Congress would ever consider such a crude proposal as the one advanced by Bennett for the resettlement of the Culebrans people. And yet, Senate-House conferees this week proceeded to order a feasibility study of Bennett's proposal while at the same time eliminating the Jackson Amendment that would have phased out Navy operations on eastern Culebra. Although the measure must still be approved by the full House and Senate, it seems unlikely that these bodies will reverse the action of the conference committee.

All in all, it was a sad defeat for the people of Culebra and it assured that the Navy's use of the island would continue to be a sore point in U.S.-Puerto Rico relations for some time to come. Two conclusions are inescapable in this whole affair: the impotence of the Puerto Rican people to resolve such problems as the Navy's use of Culebra and the shortsightedness of many members of the U.S. Congress.

The action of the Senate-House conferees was all the more surprising because it came at a time of growing optimism that the Culebra problem was on the way to being solved. In fact, Resident Commissioner Jorge Luis Cordova Diaz had predicted that the Jackson Amendment would be quickly approved by the Senate-House conferees.

And yet, in retrospect, recent events did not justify such optimism. For even though most senators favored the approval of a compromise solution to the Culebra question, such as that proposed by Sen. Henry Jackson, there was a group of influential House members who were adamantly opposed to any such compromise. In the end, the view of the House members prevailed over that of the senators.

The odyssey of the Culebra issue through Congress began last June when Bennett's Real Estate Subcommittee opened hearings on the Navy's plan to lease an additional 2,350 acres in Culebra in exchange of certain concessions to the islanders. A parade of witnesses from Puerto Rico, ranging from Culebran fishermen to political leaders, testified that the Navy's operations were hurting Culebra's economy and endangering the lives of its citizens. Although there were significant differences, representatives of three status alternatives generally agreed that the Navy should give up Culebra or at least restrict its activities on the island.

This testimony was apparently lost on Bennett who instead apparently paid greater heed to the Navy's claim that Culebra was irreplaceable as a target area. When the subcommittee issued its report in August, it not only approved the Navy's Culebra plan but it also suggested the possibility of resettling the Culebrans on Vieques. The subcommittee said:

"In order to enjoy the inherent advantages which naturally accrue to the more inhabited location, such as schools, water supply, hospital facilities, industrial payrolls, etc., the subcommittee considered the possibility of recommending the resettlement of the people of Culebra to Vieques. However, we are hesitant to take the initiative in any such plan; and, therefore, we make no such proposal. Because of the unique situation existing, if the people of Culebra would like to make such a move, which we believe would be in their own self interest, this subcommittee would be prepared to consider legislation containing a resettlement proposal that would be financially more attractive than the kind of settlement that would be permitted by existing laws."

Bennett's suggestion was denounced by Puerto Rican leaders, and Culebra Mayor Ramon Feliciano said his people were "boiling mad." Having lost the struggle in the House, the island's leaders turned their attention to the Senate.

After considerable lobbying efforts by Puerto Rico's political leaders, Senate members began to denounce the Navy's presence on Culebra. The turning point came when the influential Sen. Jackson, chairman of the Military Construction Subcommittee, suggested in a speech that Culebra be converted into a national park. Jackson later introduced an amendment to the military construction authorization bill that would ban Navy target practice on the eastern part of the island and order a study of alternative target areas. The Jackson amendment was approved by a 73–0 vote.

The very day the Senate was approving the Jackson Amendment, Bennett introduced in the House an amendment to the same bill calling for a resettlement plan for the Culebrans. In so doing, Bennett was ignoring his subcommittee's pledge not to take the initiative in offering a resettlement plan as well as the evident rejection of such a plan by Culebra's leaders. Bennett's plan said each household would be given $10,000 plus moving expenses for leaving the island. Bennett stipulated that the plan would have to be approved by the Culebrans themselves in a referendum, as is required by the Commonwealth Constitution.

The military construction authorization bill, with its conflicting House and Senate amendments, then moved to the conference committee. The rest is history: the House amendment prevailed, and the Defense Department was ordered to study the feasibility of resettling the Culebrans off the tiny island. The Jackson Amendment was stricken from the bill, except for the provision that the Defense Department still had to make a study of alternate target sites.

It seems very unlikely that the Culebran people will ever agree to abandon their homeland for the "mess of pottage" offered by Bennett and his colleagues. And yet, the very fact that such a proposal was made constitutes a serious affront to the people of Culebra and the Puerto Rican people in general. Through its own shortsightedness, Congress has guaranteed that the Culebra issue will remain around for some time to come.

[From the San Juan Star, Oct. 10, 1970]

NO TALKS ON CULEBRA PLANNED WITH NIXON

(By James McDonough and Betsy Lopez Abrams)

Gov. Ferre said Friday night this is not the time to take the Culebra problem to President Nixon.

Ferre was supported in his position by Culebra Mayor Ramon Feliciano, who met with Ferre for an hour to discuss Culebra's recent reversal in Congress.

A Senate-House conference Committee Wednesday rejected a Senate proposal to ban Navy target practice on the eastern part of the island.

Ferre and Feliciano said the problem should not be taken to Nixon until the Navy completes a study on Culebra in April, which Congress has required it to conduct.

They noted that Congress has asked the Navy to consult with the people of Culebra and the governor on the study which will determine the possibility of establishing alternate target sites or relocating Culebran's.

"It is logical to suppose that the President of the United States will not consider this matter (Culebra) until the Navy report is submitted," the two officials said in a prepared statement.

At the same time, Ferre and Feliciano rejected outright any plan to relocate Culebrans.

The statement said both officials "are convinced that the Navy cannot legally or morally do away with the municipality of Culebra. Such an action can only be taken with the consent of the island's legislature, the governor, and the people of Culebra."

Ferre also announced that he will take steps as soon as possible to establish a factory in Culebra to replace a breeding laboratory for experimental mice, which closed down recently.

Feliciano met with the Governor and with Senate President Rafael Hernandez Colon to map out new strategy for the Navy vs. Culebra battle.

After his meeting with Hernandez Colon, held before going to La Fortaleza, Feliciano accused the Navy of attempting to begin a civil war in Culebra through a job-recruitment program "aimed at buying consciences."

The program, Feliciano said, is not intended to alleviate unemployment because "persons who had jobs in Culebra are being employed by the Navy to do nothing."

Some 35 persons, he added, including the justice of the peace, have been recuited as guards and "maintenance" employes. Now, the Mayor said, Culebrans who try to stop shelling of the beaches will be stopped by Culebran guards "and this could start a civil war."

Hernandez Colon insisted that the Governor should take up the matter with President Nixon directly.

The relocation alternative, both Hernandez Colon and Feliciano said, is an insult to the people of Culebra.

Mr. SCOTT. Mr. President, will the Senator yield so that I may request the yeas and nays on the military construction bill?

Mr. JACKSON. I yield.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the junior Senator from Florida.

Mr. GURNEY. Mr. President, I thank the Senator, the distinguished manager of the conference report.

As the Senator will recall, I have a deep interest in the Naval Recruit Training Center in Orlando, Fla.

The version of the military construction bill that passed the House omitted two items, one item being $2.5 million for a Naval Training Center academic training building, and another item of $2.2 million for a Naval Training Center technical training building.

The Senator will recall that when his committee marked up the bill they included these items. These were items requested by the administration and recommended by the Bureau of the Budget. Will the Senator tell me the status of these items and what happened to them in conference?

Mr. JACKSON. We restored the items in the Senate committee. The Senate approved this action. The House was adamant in their position as to these items and indicated they would go along with them if they are included in the bill next year. I will say to my good friend from Florida that we will see to it that these items are restored when the budget is submitted to the committee for consideration next year.

Mr. GURNEY. I thank the distinguished Senator for restoring them this year and trying hard in the conference. I understand the position of the House is that they refused to budge on this matter.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. GOLDWATER. I address this question to the chairman also because of his great interest in the same subject. Last year the Military Construction Authorization Act contained $16.8 million for the construction of a cadet facilities building at the Military Academy at West Point. During the hearings this year it was brought out that the bids had exceeded this amount by roughly $10.7 million. As I recall it, in the Senate authorization bill we authorized, but did not authorize to be appropriated, $10.7 million to take care of this.

As I understand it, the House would not go along with this. They said something about robbing Peter to pay Paul, feeling that, if it were left up to the Army to take this money from some other source, it might possibly take it away from barracks, hospitals, and so forth.

In my reading of the report, the Senate yielded to the House.

In the chairman's mind, does this seriously affect the ability of the Academy to go ahead with the construction of its building?

Mr. JACKSON. No. As I understand the situation now, the Department of Defense has formally requested the funds to cover this deficiency. Therefore, under the current legislative situation, with the adoption of this report and the approval of the appropriation bill which will be coming up after this report, the Department of Defense is in a position to come in and ask for a reprograming of funds to cover the deficiency. Under those circumstances, they can proceed with the construction of Eisenhower Hall. It is subject, of course, to the approval of the responsible committees.

Mr. GOLDWATER. I want to further point out that both committees have rightly been critical that West Point has not had a facilities advisory board, as do the other academies. Because of the very unusual labor conditions at West Point—and I might say that I have requested that this matter ought to be looked into—we have to pay portal to portal pay from New York City to the Academy, and there have been some big overruns in the cost of operations at the Academy.

I am very glad to report to the chairman that I visited the chairman of the West Point administration. They were going, in a meeting at that time, to name the board. I talked to the superintendent of the Academy before coming to the floor, not knowing this matter was coming up, and he told me he is going to the Pentagon this afternoon to ask that the board be named.

I make that point because the committee has been critical—and I think rightly so—and I thank the Senator for his assurance.

Mr. JACKSON. I want to commend the distinguished and able Senator from Arizona for his interest in this matter, as well as the continued interest, of course, of the distinguished Senator from South Carolina. Both Senators have followed this matter very closely. I hope now that we are at the point where this matter can be finally resolved.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I remember, when this bill was passed on by the Senate, that the Senate committee was recommending the deletion of an item affecting the naval air facility at Jacksonville. Am I correct in my understanding that in conference that further appropriation has been restored?

Mr. JACKSON. The Senator is correct. It was restored in conference.

Mr. HOLLAND. I thank the Senator, because I believe that that particular facility was badly needed.

Do I understand it is restored in the full amount requested by the Budget?

Mr. JACKSON. It was restored in the full amount requested.

Mr. HOLLAND. I thank the Senator for his consideration.

Mr. JACKSON. I thank the able Senator from Florida for his comments.

Mr. President, I move the adoption of the report.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I am going to take only 30 or 45 seconds, first, to congratulate my distinguised leader, the Senator from South Carolina (Mr. THURMOND), as well as the chairman of the Military Construction Subcommittee, for a very fine job. This was not an easy conference, as I am sure was pointed up by the questions raised here this afternoon. I believe we have come up with an excellent bill, a bill which does not in fact increase the budget. It decreases the budget but still gets in those items of priority which are so badly needed if we are going to maintain a viable and effective defense force.

I was particularly pleased that we were able to resolve the differences on the proposed school at Bolling Field. This was the situation in which the House had felt that we should fund, through the Defense Department, a separate school there.

I think it is only fair to point out to the people from the District of Columbia that they must start reestablishing a better school system within the areas where all these personnel are living and where their children are enrolled in schools. Otherwise we are going to have a continuing fight to try to establish a separate system of schools for children of military personnel. Reports and evidence which were submitted to our committee have been extremely disturbing about the character and the ability of the District schools to be able to take care of this problem. We feel it is their responsibility, and I think we have made it crystal clear in this report that we expect them to take further action in trying to improve the quality of education and the safety of the children in those schools.

Once again I want to congratulate the Senator from Washington as well as the Senator from South Carolina on what I conceive to be a very, very fine conference report.

Mr. THURMOND. Mr. President, as the ranking member of the Military Construction Subcommittee of the Senate Armed Services Committee, I join with our subcommitee chairman, Mr. JACKSON, in urging the Senate to approve the conference report of the fiscal year 1971 Military Construction Authorization.

As Senator JACKSON remarked in his statement, the Senate conferees were successful in holding about 70 percent of the Senate position during the conference markup.

The final result was a bill containing new authority of $1,667,154,000 for military construction and $33,586,000 in prior year authority for a total of $1,700,740,000.

This represents a net reduction of $91 million in the notably austere requests of the Defense Department for military construction in fiscal year 1971.

Actually, the total bill is $425 million below the Defense Department request, but $334 million of this amount came from the antiballistic missile construction account which was transferred to the procurement bill so all of the ABM funds would be in one piece of legislation.

Before closing I would like to say the Senate conferees were hard pressed to hold in the bill some of the language written in our committee reference the Culebra test range. While we could not hold the entire language the compromise is, in my opinion, a fair dividing line between the views of the two Houses.

Mr. President, again I urge the Senate to give prompt approval to the conference bill as presented by the distinguished Senator from Washington (Mr. JACKSON).

ORDER TO PROCEED TO H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS, AFTER DISPOSITION OF CONFERENCE REPORT ON MILITARY CONSTRUCTION AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, before the question is put, and if I may have the attention of my colleagues on the other side of the aisle, I ask unanimous consent that after the pending conference report is disposed of, the Senate turn to the consideration of H.R. 17970, Order No. 1335, the Military Construction Appropriation Act of 1971.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, in order to keep the Senate informed it is the intention of the majority leader to return to the equal rights amendment at an appropriate time briefly, and then once again to endeavor to take up S 2193, the Occupational Safety and Health Act of 1970. Whether or not I shall be successful remains to be seen, but I thought the Senate should be on notice.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. FULBRIGHT. Mr. President, I am not greatly surprised to learn that the conference committee on the military construction authorization bill has disregarded the will of the Senate. This is certainly not the first time in matters of this nature that the House conferees have dictated the terms of a conference agreement.

On September 29, the Senate passed the bill, including a section added by the Senate Armed Services Committee, by a vote of 73–0.

The section added by the committee dealt with the weapons training activities of the Navy on the island of Culebra and the surrounding cays. The subject of Culebra has received considerable attention in the Senate on several occasions and was discussed in some detail again on September 29.

Despite the unanimity of the Senate in approving the bill with the section on Culebra, the conferees have now dropped a key provision from that section. The provision reads:

> The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the cays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

Mr. President, I think that provision was a most reasonable one. If I recall correctly, the chairman of the subcommittee, if he did not propose it, at least supported it. It leaves to the President, the Commander in Chief—to whom many in this body wish to attribute practically all the powers of government—the discretion, not to proceed, but he has to find that it is important to the national security of the country.

I think that was a very sensible position and, as I say, it had the support of all the Members of the Senate.

The conference report states:

> House conferees insisted and were adamant in their position that the direction to terminate all activities by a certain date must be stricken.

That sounds as if they just ignore that the provision to terminate by a certain date was a direction to terminate unless the President found that it was really important to the national interest.

Additionally, the conference added a proviso to the Senate requirement for a Department of Defense study "to consider all feasible alternatives to the training now taking place on the Culebra complex." The conference added:

> In addition, such study shall consider the feasibility of resettling the people of Culebra to another location in the Commonwealth of Puerto Rico, the cost of such a move, and the attitude of the people of Culebra to a generous resettlement plan that would have to be approved by a majority of the qualified electors of Culebra in a plebiscite.

Although the section implies that a plebiscite would precede any resettlement of the Culebran people, the whole idea of resettling the inhabitants of this island—who are American citizens—smacks of arrogance and a lack of sensitivity for the feelings of the Culebrans. It has already been rather well documented that what the Culebrans would like is for the Navy to quit using their island for target practice. The mayor of Culebra has made that quite clear. Both the present Governor, Mr. Luis A. Ferre, the former Governor, Mr. Luis Munoz Marin, and other Puerto Rican leaders have indicated their agreement with the Senate-passed bill.

Indeed, most Culebrans and Puerto Ricans would have liked to see the Senate go further in restricting the Navy. As Senators will recall, the Senate narrowly defeated—39 to 37—an amendment by Senator BAKER which would have placed further restrictions on weapons range activity by 1973 and would provide for the cessation of all weapons range activity on all of Culebra and the adjoining waters no later than January 1, 1976.

Mr. President, certainly there was nothing about the Senate bill which would have imposed undue burdens upon the Navy. In fact, it would have provided for the phasing out of only the most objectionable of the Navy's activities on the eastern coast of Culebra and preserved for future determination the activities on the western coast.

In reporting the bill to the Senate, the chairman of the Military Construction Subcommittee of the Armed Services Committee, Mr. JACKSON, said:

> The time is at hand when something must be done to make at least a portion of the area (Culebra) now in use by the Navy available for development and recreational purposes and to ameliorate the distress of the local residents. . . . The time is now at hand when we must face up to this problem which has been a festering sore for a number of years.

I think the case was well stated in a letter I received from the Resident Commissioner of the Commonwealth of Puerto Rico. In his letter of September 21, the Honorable JORGE L. CÓRDOVA wrote:

> Having been exposed to several Navy briefings on the importance of Culebra, and having visited Culebra together with members of the Subcommittee on Real Estate of the House Armed Services Committee in order to see first-hand the Navy's activities in Culebra, I am more than ever convinced that Culebra and the activities (as shown to us) are of such relatively minor importance to the readiness of the Navy for modern warfare, that there is no adequate reason for imposing on the citizens of Culebra the restrictions, inconveniences and dangers that these activities involve.

This statement sums up the matter very well, Mr. President, and I deplore the fact that the conference committee has chosen to disregard the views of the people of Culebra and the elected officials

of Culebra and Puerto Rico, as well as the unanimous vote in the Senate.

Mr. President, I have had a long acquaintance with the Government of Puerto Rico—not that others have not also—dating back many years, when former Gov. Luis Munoz Marin first headed the Government. He really was, you might say, the creator of the concept of "commonwealth" status which Puerto Rico now enjoys. I think it has been one of the most successful political experiments, if I may call it that, that this country has ever experienced. It was a unique arrangement between the small island of Spanish-speaking people and this Government, and I have always been very proud of the way this Government treated those people. We have not always had such a good record—vis-a-vis, for example, the Philippines. I think we have tried to make it up to the Philippines, but we had a very sorry record.

But here was an outstanding record. I think it was one of the things we could point to with pride, that this big country had treated the people of Puerto Rico with consideration, recognizing their dignity as individuals. Gov. Munoz Marin was one of the most able, intelligent and effective political leaders I have ever known. He is an extremely able man.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JACKSON. Perhaps I can help clarify this. I just want to say to the able Senator from Arkansas that I am not happy with the result on this matter in the conference.

So far as I am concerned, consistent with whatever responsibility I may have when Congress returns in January, I shall do my best to see to it that the Navy considers all possible alternatives in an effort to resolve this matter.

Senators should know that the language put in this bill and approved, by the Senate, by unanimous vote was put in at my instigation.

Mr. FULBRIGHT. That was my understanding.

Mr. JACKSON. It was not in the bill as submitted to the Congress. We took affirmative action based on the various protests that had come to our attention in the committee; and I am sure that my colleagues on the committee—they may not all be in agreement, but certainly a majority are—agree that this problem must be resolved.

I intend to follow through personally. I would expect the Navy to come up with various optional proposals so as to solve what is indeed, as I have said on the floor, a festering problem.

I assure the Senator from Arkansas that I am going to do everything I can. I was simply outvoted in the conference. We had no alternative than to report back what we now have before the Senate, but I am not happy with it.

Mr. FULBRIGHT. I certainly do not wish my remarks to be a reflection on the Senator from Washington.

Mr. JACKSON. I understand.

Mr. FULBRIGHT. I do think that it is getting to be a scandal the way we, the Senate, are being forced time after time to give way to the House.

There is a controversy on the agricultural bill, which the Senator from Iowa has raised. I am very interested in having an agricultural program. The House, I have been told—I am not on the conference—takes an adamant attitude. They are beginning to feel their oats. Some of them call the Senate the "Upper House" with the greatest contempt, and they make no bones about thinking they are going to make it go the way of the House of Lords. As a Member of this body, I do not subscribe to that theory.

This has happened time after time. This is not the only instance. I am not complaining about the Senator from Washington. I am complaining about the arrogant attitude of some of the House Members of these conferences. This is one illustration. This is the most current one. It is the most outrageous, because it is not that important, really, to the Navy. I know very well that the Senator from Washington and his colleagues would not have done what they did if they thought it was really important to the Navy.

I have read a letter from the Resident Commissioner of Puerto Rico. Very clearly, he went down personally and explored it. I read a part of his letter. He said there was not a scintilla of evidence that this was important to a modern Navy. There is plenty of evidence.

This shows the extreme to which the conferees of the House demand their pound of flesh. They did the same in the conference on the other bill from the Armed Services Committee. I spoke to the Senator from Mississippi. Always it is the same story: They are adamant, and we have to give in.

I happened to be in a conference with the House on the foreign military sales measure, and I did not give in—perhaps rightly or wrongly. I am getting tired of that. I said we are not going to do it. The Senate adopted the Cooper-Church amendment; it was a policy. After a long debate, we adopted it in the Senate with a good vote. I refused to give in, and the bill is still in conference.

I am just saying that I think if the Senate is not going down the drain, we occasionally have to stand our ground.

What could be more important and a better example of the extent to which the House leadership in this field just will not tolerate anything from the Senate? Here is a very minor issue. How minor it is is clear when we look at the provision of the Senate which says that they shall cease this unless the President says "no," that it is in the national interest.

That is about as generous as one can be. All they had to do is to get the Commander in Chief, who certainly is on the best of terms with the chairman of the Armed Services Committee of the House, to say that this is in the national interest and therefore it will go on.

This shows the extremity of the arrogance, in my view, of the House attitude toward the Senate. We cannot even be allowed to make a slight expression of sympathy and consideration for a small people on a small island belonging to a part of the Commonwealth of Puerto Rico.

I, for one, just do not like to take it. I think we might as well fold our tents and fade away, if we are going to take this kind of treatment from the House every time. I cannot think of an important bill this session in which we have not heard exactly the same report—that, unfortunately, the House conferees were adamant, so we had to give in; there was no alternative. Then everybody says, "Yes; we are sympathetic." I even have been guilty on occasion of saying, "Yes, I understand, because I have been on conferences, and they certainly are adamant." They are always adamant. I just do not like it.

I do not for a moment blame the Senator from Washington. I know it is difficult. But I, for one, am not going to give in every time on a little matter, and I do not think we ought to give in on this kind of matter. Nobody has made a good case—the Senator from Washington or no other Senator on this floor has made a good case—that this is really important to the security of our country. On the other hand, it demonstrates an arrogance on our part that sits very poorly with the people of Puerto Rico and the people of all of Latin America.

We are very apprehensive about what is happening in Bolivia and in Chile. In Chile an avowed Marxist may become President on the 24th of this month, which is only 10 days away. What kind of picture does this country present to Latin people, when they see us treating with so little consideration, with complete arrogance, a small people under our tutelage; when all the Senate says is that if the President does not find this is really in the national interest, we ought to let these people alone and quit using their land for target practice?

I think this is the worst kind of activity from the point of view of our keeping on good relations with all of Latin America—for that matter, anybody, any civilized people.

I invite attention to Mr. CÓRDOVA'S remarks in the House on yesterday, October 13. Mr. CÓRDOVA is the Resident Commissioner of Puerto Rico. We do not have one in the Senate. He does not have much influence, apparently, but he speaks for and represents those people.

With respect to the proposal, so gratuitously offered by the Armed Services Committee of the House, that we will pay them, we will bribe them, we will give them $10,000 or so each to move off and leave their land, who is going to put up the $10,000? We will, and so will our constituents. I do not like that, either. Enough money is going down the drain for these matters now. If it is not essential to our defense, if it is to humor some Congressman or somebody else who is interested in maintaining this area for target practice, I do not favor giving $10,000 to the head of each family to move off.

Mr. CÓRDOVA said:

> They may vote on resettlement, but they may not vote on the alternative.

In other words, all they are going to submit to them is, "Do you want to resettle or not?" They are not going to let them vote on the other alternative—

"Will you move away and leave us in peace?"

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, which would be laid before the Senate at this time, be postponed until the military appropriation bill is disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I want to read a short excerpt from Resident Commissioner CÓRDOVA's remarks on yesterday.

He said:

It is regrettable that, after announcing publicly that it had abandoned plans to resettle the people of Culebra, the Navy should be now directed to consider anew a plan so dear to its heart.

That is the reason, Mr. Speaker, why the news of this conference report has been so dismaying to me and to my people, and has caused us uneasiness. We are not about to give up the fight for our integrity. We are not about to surrender to any demands the Navy may choose to make. On the other hand, as Americans, we do not want to have to fight the Navy. We would feel much easier in our minds if the Congress understood the situation and if the people of Culebra and of all of Puerto Rico were assured that this conference report does not mean that the Congress proposes to let the Navy have its way.

Mr. President, I certainly hope I have interpreted the words of the Senator from Washington correctly—that he does not propose to let the Navy have its way. I believe that the least that Congress, that we in this body, can do is to take an active interest in seeing that this matter is settled in accordance with what I thought was the sentiment of this body when it passed on this matter before, and not in accordance with the sentiment of the House conferees on this matter.

Mr. JACKSON. Mr. President, may I respond to my friend by saying that, as the lawyers say, we will insist that the matter be reviewed de novo. We will insist that the Navy look at all possible options to the solution of the problem.

I reiterate, I give assurance that Congress will have the last say in this matter. We will have a military construction bill before us again next year and, if necessary, after we have reviewed the Navy's recommendations, we will write into law whatever may be needed to implement the judgment of the committee and, subsequently, of Congress.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate much longer on this matter, but I want to reiterate that while this is a relatively minor matter which does not involve the national interest, and clearly does not involve by any stretch of the imagination any great issue on which one could argue the security of the country was involved—certainly no case has been made here—I think it does, however, indicate an attitude, which is significant to other people.

While I do not have the primary responsibility to make judgments in the military field, I do have in another field. One of the great troubles with this country is the impression left in the eyes of many people around the world that we are considerate of the interests of smaller or weaker countries, that our own interest is the whole of the matter and that we do not take into account what their interests are.

Mr. President, the offer to purchase their agreement is itself, in a way, insulting to the people of Culebra, and so are statements such as that made on the floor of the House by the chairman of the House Armed Services Committee, on page H10043 of the RECORD:

We regard these people as being just as valuable as any other American.

Well, for goodness sake, why not? They are Americans. They have been recognized as such. I think that is a patronizing attitude to take. This kind of thing has a lot to do with our influence or lack of influence in Latin America.

As I have said before, when it was a relatively minor matter of intervention in the Dominican Republic by the previous administration—and it was not so dangerous or so damaging to us as what it did to the Dominican Republic—it did tremendous damage to our influence all over Latin America. They saw, in a flash—again involving a relatively minor matter compared to some of our other activities in Latin America—that we had absolutely no regard for our solemn undertakings not to intervene, which we had made on several occasions through formal treaties. Whenever it suited the United States or the President of the United States thought that it was to our interest—I do not think it was—we disregarded a solemn undertaking in regard to the Dominican Republic without any thought.

I may say, in that connection, that the Senate was not consulted on that occasion. A few of us were informed, after the decision had been made, after the President had already ordered the troops into the Dominican Republic.

I emphasize that, solely because it has more of a far-reaching effect on the so-called image and reputation of the United States all over the world, but especially in Latin America, than many Senators may think, and certainly, than many House Members may think. They think of it only as a military matter. If it was a great, important military matter, I would not feel so strongly about it, but the very fact that it is minor—and even in small, minor matters, we are not getting the influence unless it suits the convenience of a House committee—shows the extremity of our arrogance and our lack of consideration.

I think it is a very bad thing. I certainly hope the Senator from Washington will support the desires of the people of Culebra and Puerto Rico. I will do everything I can to support them.

I have the greatest respect for the people of Puerto Rico. They have done a magnificent job with a small, poor island, the most heavily populated area in the Western Hemisphere—even the world, I believe. They have literally, as the saying goes, pulled themselves up by their bootstraps.

I do not wish to leave out the present Governor, Luis A. Ferre. He is an outstanding man. He came here personally, at considerable trouble, to see a number of us—I do not know how many—to plead his case.

I think it is rude and crude, if not barbarous, to treat these people in this fashion. I hope that something may be done about it.

THE U.S. ROLE IN GREECE

Mr. FULBRIGHT. Mr. President, in view of our Government's resumption of supplying full-scale military funds to the military dictatorship in Greece, I believe it would be interesting to Members of this body to read what a large number of Greek publishers and journalists, now living outside of Greece, have to say about this matter.

The letter is dated October 3, 1970, and is addressed to the President of the United States.

I ask unanimous consent to have the letter printed in the RECORD, together with additional material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
October 3, 1970.

OPEN LETTER FROM THE UNDERSIGNED GREEK PUBLISHERS AND JOURNALISTS LIVING OUT OF GREECE

To: H. E. The President of the United States, Mr. Richard M. Nixon

MR. PRESIDENT: On the 22nd of September 1970, on the occasion of the decision to resume the shipment of heavy arms to Greece, the State Department's official spokesman Mr. Robert J. McCloskey, added to the announcement the following statement: "In Greece—the trend toward a constitutional order is established. Major sections of the Constitution have been implemented, and partial restoration of civil rights has been accomplished. The government of Greece has stated that it intends to establish parliamentary democracy . . ."

As Greek journalists living out of Greece because in our country we have been denied the freedom of expression, speaking for ourselves and also in the name of colleagues still working in Greece, we feel obliged to bring to your attention, that this decision, of such importance to our country, is based upon lies.

The truth, which every well informed person of good faith already knows about the present situation in Greece, is as follows:

1. Greece is still under Martial Law, with all that implies in respect of the deprivation of basic individual liberties and human rights.

2. The military courts continue to take their daily toll of the liberty of any who happen to believe differently from those in power, handing out life sentences for the printing of 'illegal literature'.

3. Hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile. They are useful hostages, available for release in periodic acts of "clemency" to impress public opinion.

4. A few "freedoms" sporadically accorded in response to international pressure—the freedom to travel, to express mild criticism, to hold a meeting—are available in Greece today not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress.

5. The Press is strangled by a draconian Press Law by which any expression of dis-

agreement can be interpreted as a "national crime". One recent example: Our colleague Ioannis Kapsis, was sentenced to five years imprisonment because as editor of the newspaper "Ethnos" he allowed the publication of an interview in which a former politician called for the formation of a coalition government.

6. The whole fabric of the State—the judiciary, the Civil Service, the Trades Unions, the schools, the universities and all the agencies of cultural life—continue to be permeated by the retrograde ideas of the rulers, and administered by a personnel harassed and demoralized by constant, thorough-going purges.

7. The so-called "Constitution" the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability is in reality a formula for the perpetuation of military power in the government of Greece. It comes as a shock to the free democratic world that Washington in 1970 can apply the term "constitutional" to its authoritarian and illiberal provisions.

8. The Greek regime has not, to this day, after three and a half years in power, given the slightest proof that it ever intends to return to parliamentary democracy. On the contrary, it has repeatedly refused to name a date for the holding of elections, an event which one of its leaders has recently declared, would be catastrophic.

Mr. President, we do not protest only for the act of support and encouragement to the present Greek regime, a protest already expressed by political leaders and responsible people all over the world.

As publishers, editors and journalists, members of a profession whose duty it is to inform public opinion, we can not allow this blatant distortion of the truth about the situation in Greece to go unchallenged.

And in sending you this letter we are convinced that we are contributing to the survival of the democratic values which are under threat throughout the world.

Respectfully yours,

ELIAS P. DEMETRACOPOULOS.

SIGNATORIES

Andreas Arnakis (Frankfurt).
Paul Bakoyannis (Munich).
Nikos Delipetros (Paris).
Elias Demetracopoulos (Washington).
Antonis Drossopoulos (Vienna).
Aris Fakinos (Paris).
Spyros Giannatos (London).
Spyros Granitsas (New York).
Costas Hadjiandreou (Frankfurt).
George Katiforis (London).
Ioannis Katris (Minneapolis).
Michael Kostopoulos (London).
Panayotis Lambrias (London).
Ioannis Lampsas (Geneva).
Anghelos Maropoulos (Bonn).
Basil Mathiopoulos (Bonn).
Basil Mavridis (Cologne).
Costas Nikolaou (Cologne).
Marios Ploritis (Paris).
Evangelos Panteleskos (Rome).
Asteris Stangos (Rome).
Richard Someritis (Paris).
George Yannopoluos (London).
Helen Vlachos (London).
George Voukelatos (Bonn).

[From the Washington Post, Oct. 4, 1970]

EXILES SEEK TO BAR ARMS AID TO GREECE

A group of 25 Greek journalists and publishers living in the United States and Western Europe has written President Nixon opposing the resumption of heavy arms shipments to Greece.

The journalists—who include Washington-based Elias P. Demetracopoulos—noted that Robert J. McCloskey, State Department press officer, had talked of a trend toward constitutional order in Greece.

The newsmen said Greece was still under martial law, military courts continue "to take their daily toll of the liberty of any who happen to believe differently from those in power," and hundreds of political prisoners were still in custody.

"The Greek regime has not to this day, after 3½ years in power, given the slightest proof that it ever intends to return to parliamentary democracy," the exiles told President Nixon.

WASHINGTON.—The spokesman for a group of exiled Greek journalists and publishers Sunday protested the U.S. resumption of heavy arms shipments to the military junta in Greece.

Elias P. Demetracopoulos, a Greek journalist living in Washington, released the text of a letter to President Nixon which said the U.S. justification for resuming the shipment of arms to Greece was "based upon lies."

Demetracopoulos said he delivered the letter to Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs.

The United States announced Sept 22 that the partial ban on the shipment of arms to Greece, imposed by the Johnson Administration following a coup by the Greek military in April, 1967, was being ended.

State Department spokesman Robert J. McCloskey, in announcing the lifting of the partial suspension, said that in Greece "the trend toward a constitutional order is established. Major Sections of the constitution have been implemented and partial restoration of civil rights has been accompanied."

The letter, signed by 25 Greek journalists and publishers living in the United States and Europe, said the justification was a "blatant distortion of the truth about the situation in Greece . . ."

"Greece is still under marital law, with all that implies in respect of the deprivation of basic individual liberties and human rights," the letter said.

It said that "hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile."

What freedoms do exist in Greece, the letter said, "Are available . . . not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress."

"The so-called 'constitution', the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability," the letter said, "Is in reality a formula for the perpetuation of military power in the Government of Greece."

WASHINGTON, October 3.—A group of exiled Greek publishers and editors today protested to President Nixon over the U.S. decision to resume shipping heavy arms to Greece.

The decision was based on lies, the group said in a letter to Nixon handed to the State Department by Elias P. Demetracopoulous, a leader of the Greek exile movement in the United States.

The letter was signed by publishers, editors and journalists now living in seven European countries and North America and representing a broad cross-section of Greek political views prior to the military takeover in 1967.

The letter took issue in particular with a statement made Sept. 22 by State Department spokesman Robert J. McCloskey in announcing the end of the U.S. arms embargo.

McCloskey said the trend toward a constitutional order is established in Greece; that major sections of the constitution have been implemented; that partial restoration of civil rights has been accomplished, and that the government has said it intends to re-establish parliamentary democracy.

The signatories said they were sending the letter to Nixon because "we cannot allow this blatant distortion of the truth about the situation in Greece to go unchallenged."

It said Greece was still under martial law, with military courts and hundreds of political prisoners in prisons, concentration camps or in exile.

The press is being strangled and the so-called constitution is in reality a formula to permit the perpetuation of military government, the letter said.

[From the Washington Daily News, Oct. 5, 1970]

THE WORLD TODAY

Elias P. Demetracopoulous, a Greek journalist living here and a spokesman for a group of exiled colleagues, released the text of a letter to President Nixon which said the U.S. justification for resuming shipment of arms to Greece was "based upon lies."

Mr. FULBRIGHT. Mr. President, concerning this subject, in a recent hearing, an Assistant Secretary of State informed the committee, upon my questioning him about political prisoners now in Greece, that the present regime in Greece holds a fewer number of political prisoners now than the government of former President George Papandreou.

I had a check made by the intelligence community, as I did not believe at the time what he said was correct, and I find that it is not so. I am saying this for the benefit of both the State Department and the public generally, that this is a misrepresentation. They either are misinformed or they are not very truthful.

When former President George Papandreou came into office, he found quite a number, as many, they believe now, although it is not absolutely accurate, as 1,000, who had been incarcerated by the previous regime.

I am told on good authority now that President Papandreou released most of them. Only a handful were left a few months after he had been in office. At any rate, it was nothing like as many incarcerated under that regime as are being presently held under the current military regime in Greece.

U.S. MILITARY OPERATIONS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, recently, I received a letter from the Department of Defense, concerning U.S. military operations in Cambodia, which exemplifies the problems confronting Congress—or, at least, the Foreign Relations Committee—in examining executive branch policies in Southeast Asia, or around the world for that matter.

At a press conference on May 8, in commenting on the plan for withdrawal of American forces from Cambodia, the President said that he expected the South Vietnamese forces would come out at the same time our forces did because "when we come out our logistical support and air support will also come out with them." On June 3 the President backed away from this commitment and said that after July 1 there will be U.S. air missions in Cambodia "to interdict the movement of enemy troops and materiel where I find that is necessary to protect the lives and security of our men in South Vietnam."

Following press reports that American fighter-bombers were flying support missions for Cambodian troops as far as 100 miles from the South Vietnamese border, I wrote to the Secretary of Defense on June 23 to obtain information for the Committee on the restrictions applicable to U.S. air operations in Cambodia. On July 16 the committee received a top secret letter from Dennis J. Doolin, Deputy Assistant Secretary of Defense for International Security Affairs, which did not provide any specific details on the nature and extent of those operations, as had been requested. I, therefore, repeated the committee's request in a letter dated July 30.

After waiting nearly 2 months more, while reports appeared in the press almost daily of U.S. air operations in support of Cambodian forces, Mr. Doolin finally replied, stating that he was "unable to respond to your request for the specific details relative to the restrictions imposed upon U.S. air operations in Cambodia inasmuch as this would involve a discussion of disclosure of specific Rules of Engagement and operating rules relating to the actual conduct of the war." I ask unanimous consent that this exchange of correspondence, with the exception of Mr. Doolin's letter which was classified Top Secret, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 23, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I enclose an article from this morning's *Washington Post* concerning U.S. air operations in Cambodia. I should appreciate your providing the Committee with specific details on current restrictions imposed—geographic, tactical, and other—concerning United States air operations in Cambodia and information as to any changes that have been made in these restrictions since April 30.

Would you also please supply the Committee with the detailed instructions governing U.S. air support of any kind to aid South Vietnamese or Cambodian forces involved in ground fighting and specific information concerning the number of times, if any, United States aircraft have been involved in assisting non-U.S. forces involved in ground fighting beyond the 21.7 mile limit.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

PENTAGON SAYS U.S. PLANES ARE STRIKING DEEP INTO CAMBODIA

(By George Lardner, Jr.)

American fighter-bombers have been striking deep into Cambodia against new enemy infiltration routes for the past week, the Defense Department acknowledged yesterday.

Sources indicated that the "interdiction" raids have been authorized as far as 100 miles from the South Vietnamese border, well beyond the 21.7-mile limit established by President Nixon for ground forces in Cambodia.

Pentagon press spokesman Jerry W. Friedheim say the strikes were aimed at new enemy supply lines posing a threat to U.S. forces in South Vietnam. Sources, however, suggested that raids might well include harassment of enemy troops spotted in Cambodian ground fighting along the way.

According to a United Press International dispatch from Saigon, U.S. warplanes have flown support missions for Cambodian troops as far west as Kompong Thom, a provincial capital 100 miles from the South Vietnamese border.

Friedheim declined to comment on the report, saying only that "our organized (air) campaign is not a campaign to save Cambodia."

He said the air strikes began "in the last week." They might continue beyond June 30, the deadline set for withdrawal of all U.S. ground forces from Cambodia, he said.

The air missions, he said, are being directed primarily at Se Kong and Mekong river routes that the North Vietnamese have been developing in Cambodia since President Nixon ordered ground attacks on enemy sanctuaries near the South Vietnamese border.

Recently, Friedheim said, "it became obvious to our commanders that they were attempting to shift their supply lines to the west . . . further away from South Vietnam." By now, he said, the Communist forces have established a small but recognizable flow of supplies and men that can be hit from the air.

The Defense Department described the missions as carefully planned and carried out in close "personal coordination with Cambodian military authorities" as well as the South Vietnamese.

First hint of the new raids came over the weekend with the announcement in Saigon of the loss of an F-4 Phantom fighter-bomber during an "interdiction" mission over Cambodia. It crashed Thursday somewhere west of South Vietnam's Darlac Province.

Officials added more details yesterday both here and in Saigon.

In his June 3 address on the progress of the Cambodian operation, President Nixon held open the prospect of the raids, though not directly in support of Cambodian troops. He said the only U.S. military operations in Cambodia beyond June 30 would be "air missions to interdict the movement of enemy troops and materiel where I find this is necessary to protect the lives and security of our men in South Vietnam."

Officials here and in Saigon declined to spell out the precautions laid down for the air raids, beyond calling restrictions on the pilots "very elaborate."

According to one report, warning leaflets are dropped cautioning Cambodian villages to stay close to home at night; shrines and villages are avoided, and no firing or bombing can be undertaken without a go-ahead from Cambodian officials accompanying each mission.

The Associated Press reported yesterday from Indochina:

Enemy forces were reported to be quitting Kompong Thom. North Vietnamese captured about half the Cambodian provincial capital Saturday and held it over the weekend despite air strikes.

In Saigon, the U.S. Command disclosed that parts of two battalions of the Second Brigade of the First Cavalry Division (Airmobile) began pulling out of Cambodia. Before this operation, 9,700 Americans were in Cambodia.

Families of French military advisers in Cambodia are being sent home, informed sources in Phnom Penh said. The more than 150 French advisers are expected to remain for the time being, but they are playing an increasingly insignificant role, working only in headquarters and not in the field.

The departure is only the latest in the widespread evacuation of dependents of foreign residents because of the fear the capital will be attacked. Some embassies, have also pared their staffs. An exception is the U.S. embassy which has more than doubled from the 11 staffers present three months ago.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
July 30, 1970.

Hon. DENNIS J. DOOLIN,
Deputy Assistant Secretary (ISA),
Department of Defense,
Washington, D.C.

DEAR MR. DOOLIN: I have received your letter of July 16 in response to mine of June 23 concerning restrictions governing U.S. air operations in Cambodia.

Your letter did not supply the information I requested. Would you please supply to the Committee *specific* details on the restrictions imposed both by Cambodian and our own officials on U.S. air operations in that country, particularly those relating to geographical limits. Would you also please provide the information requested in the second paragraph of my letter concerning the specific instructions and operational information about U.S. air support for South Vietnamese and Cambodian forces.

I am unable to see what information in paragraphs four and five of your letter justifies the classification *Top Secret—Sensitive.* Would you please advise exactly what information in these paragraphs is *Top Secret—Sensitive* that was either not included in preceding paragraphs of your letter, made public earlier by Government officials, or not likely to be known by the enemy already.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 24, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 20, 1970 concerning air operations in Cambodia and is supplemental to my letter to you of July 16, 1970.

In his radio and television address on June 3, 1970, President Nixon clearly defined U.S. government policy by stating, in effect, that air operations will be conducted in Cambodia to interdict enemy supplies, communications and personnel whenever such operations will benefit or enhance the safety and security of U.S. and allied forces in South Vietnam.

On a number of occasions, the Secretary of Defense has publicly reaffirmed that policy. For example, in a news conference on June 26, 1970, Secretary Laird said:

"I stated before the Foreign Relations Committee the primary reasons for carrying on air activities in Cambodia will be the interdicting of supplies and materiel, interdiction of personnel, to protect Americans in Vietnam, to protect our Vietnamization program, to make withdrawals of American troops a continuing process and to reduce American casualties."

The Secretary also pointed out that there would be an ancillary or collateral benefit accruing to the Cambodian government from these interdiction missions. Secretary Laird further stated:

"As Secretary of Defense, I will continue to keep the maximum pressure on the reduction of American casualties in Southeast Asia. I believe this use of airpower in Cambodia, which is coordinated with the Cambodian government, is a good use of U.S. military assets in that area and is part of the program which I believe is so important to keep American casualties at a very low rate."

With reference to geographical limits being placed on air operations, the Secretary, in testimony before your Foreign Relations Committee, testified that the limitation on our ground forces did not apply to air operations in Cambodia.

I am unable to respond to your request for the specific details relative to the restrictions imposed upon U.S. air operations in Cambodia inasmuch as this would involve a discussion or disclosure of specific Rules of Engagement and operating rules relating to the actual conduct of the war. In Deputy Secretary David Packard's letter to you of 11 June 1970, it was indicated that operational procedures and methods involving the risk of life or safety of military personnel were not to be disseminated outside the Executive Branch. As a matter of fact, because of their sensitivity in terms of possible increased hazards to our pilots, the rules of engagement and implementing operating rules for Cambodia are closely held within the Executive Branch itself.

Paragraphs four and five of my earlier letter were originally one and classified Top Secret—Sensitive because they disclose the geographical boundaries in Cambodia within which certain types of missions are authorized. Such information would be advantageous to the enemy. I agree with you, however, that when they are separated, as was done in my letter, the fifth paragraph no longer warrants the classification Top Secret—Sensitive.

I hope this information is useful.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

Mr. FULBRIGHT. Mr. President, it appears that the executive branch learned little, if anything, from the experience of trying to fight a secret war in Laos. It has now switched the secrecy to Cambodia. The enemy forces know where and to what extent U.S. planes are conducting air operations in Cambodia. The Cambodians and the South Vietnamese know the extent of the air support their ground forces receive from our planes. But Congress, which represents the people who pay for the planes, the bombs, and the bullets, and supply the bodies is denied the same information—information essential to appraising the course of the war in Southeast Asia and our current policy. I shows quite clearly how far the pendulum of power has swung to the executive branch, and how far Congress has to go to regain its proper role in the formulation of our Nation's foreign policy.

Most disturbing of all it shows the extent to which the executive branch respects the role and responsibility of the elected representatives of the people.

COMMENTS ON THE TRADE BILL

Mr. JAVITS. Mr. President, the distinguished Senator from Tennessee (Mr. BAKER) questioned some of the remarks I had made on glycine which will be governed by a strict quota provision of the trade bill of 1970 which is now before the Congress is passed.

In light of Mr. BAKER's intervention of October 11 I ask unanimous consent that a letter written to me by one of my constituents on this subject be placed in the RECORD. I also note that the constituent who wrote this letter asked to be heard by the Senate Finance Committee. His request was denied. He also received word of the Finance Committee hearings—as did most of the Nation—on Friday morning. He was instructed to have a statement to the Finance Committee by close of business Monday, if he wished to be heard. I seriously doubt whether the mail services of this Nation provide for such speedy delivery of letters—even if they are sent special delivery.

I also ask unanimous consent that a letter I have from the counsel of an important segment of the U.S. fur industry be printed in the RECORD. The letter concerns the effect the mink quota provision, as written, and apparently accepted by the Senate Finance Committee will have on the American fur industry. Arnold Mayer, the legislative counsel of the Amalgamated Meat Cutters Union, has made repeated representations to my office on this matter on behalf of the workers.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

ROBECO CHEMICALS, INC.,
New York, N.Y., August 25, 1970.

Senator JACOB K. JAVITS,
U.S. Senate,
Committee on Foreign Relations,
Washington, D.C.

HONORABLE SIR: Thank you very much for your response of June 29th to our original objection to bills presented before the House of Representatives on Glycine.

Subsequently, these two bills were included in the overall Trade Act of 1970 H.R. 18970. We realize there is little that can be done to oppose this obscure measure contained within the overall Act in the House.

We do, however, want to have a hearing in the Senate, and are taking the means, as per attached letter, of advising all Senators of our feelings in this regard. We know your thoughts in this matter regarding the Trade Bill, and realize that they are sympathetic to our feelings.

We thank you for this consideration.

Very truly yours,

ROBECO CHEMICALS, INC.,
M. L. ROSENTHAL.

SEPTEMBER 1, 1970.

HONORABLE SIR: There is pending before the House of Representatives the "Trade Act of 1970" HR 18970.

Incorporated in this comprehensive legislation is an obscure measure to restrict the imports and raise the duty of Glycine (Page 54, Sec. 344), a product of interest to us.

Unfortunately this product has been made part of such an important controversial bill. It is an anomaly, and I respectfully request consideration be given to eliminate the item Glycine from the bill, should the House of Representatives pass it, and it go to the Senate.

My reasons for opposition to this particular part of the bill are as follows:

1) There is only one U.S. producer of Glycine, and he consumes two thirds of this production.

2) Due to an anti-dumping action (U.S. Tariff Commission Investigation AA1921-61; TC Publ. 313, February 1970) only one foreign producer (Holland, through our company) is presently entering supplies in the U.S.

3) The anti-dumping commission report states that no evidence was found to cause the American producer to lower his selling price or lose sales.

4) Due to substantial increased usage for Glycine, both the American producer and we are unable to satisfy the demand, and material is actually allocated.

5) Selling prices are firm and expected to go up unless the shortage of material is relieved.

This measure to restrict imports and raise the duty of Glycine is completely contrary to the actual conditions applicable to the sale of this product. It will definitely lead to a restraint of free trade, and give the U.S. manufacturer complete control.

I earnestly recommend your wholehearted opposition to this unfair measure should it be presented before you.

Thanking you, we are

Very truly yours,

ROBECO CHEMICALS, INC.
M. L. ROSENTHAL.

JAMES R. SHARP,
Washington D.C., September 28, 1970.

Re Section 343—H.R. 18970.

Mr. KENNETH GUENTHER,
Special Assistant to Senator Jacob K. Javits,
U.S. Senate, Washington, D.C.

DEAR MR. GUENTHER: Senator Javits has requested that I, as counsel for important segments of the U.S. fur industry, present to you facts which demonstrate the necessity for amendment of the Trade Act of 1970 to eliminate certain provisions.

To save the Fur Trade (the labor force, brokers, dealers, manufacturers and processors), a New York State centered industry, from almost complete demise, Sec. 343(a) must be deleted from the bill. The Trade has no objection to paragraphs (b) and (c) of Section 343, which would eliminate the embargo now in Headnote 4 of Subpart B, Part 5, Schedule 1. Elimination of the embargo would be advantageous to the labor force in which unemployment is high and to the trade. However, the elimination of paragraph (a) of Section 343 is of greater importance to the labor force and trade than is the repeal of Headnote 4 (the embargo) which is provided under paragraph (b) of Sec. 343.

In order that you may gather the import of the required elimination of Paragraph (a) of Sec. 343, I attach to this letter certain data and documents related to two different facets of the situation:

1. *The lack of necessity for any tariff quota as provided under Sec. 343 as to Mink Furskins:* The inclusion of the tariff quota provided by paragraph (a) of Sec. 343 is without justification. The facts supporting this statement are briefly but adequately set forth in the attached copy of a letter dated July 23, 1970 addressed to the Honorable Wilbur D. Mills (Appendix A). The statement in that letter that the present crisis in domestic mink ranchers' circles is the result of economic conditions rather than imports is fully supported by three documents attached marked Appendices B, C and D respectively. Appendix B is a copy of a letter appearing in the *Fur Rancher*, September 1970 issue, entitled "Mink Price Supports Advocated by AMRA," written by Otto Pavek, Vice President of the American Mink Ranchers' Association. Mr. Pavek openly admits that the tight money and low economic levels currently prevailing are at the seat of the ranchers' current problems.

Appendix C is a copy of the joint statement of the undersigned and B. H. Hessel of the American Fur Merchants' Association on June 9, 1970 before the House Ways and Means Committee. A page summary is attached to the front of this testimony but reference to the statement may be had for the facts fully backing up the summary.

Appendix D is a comparison of the raw mink furskin imports for the first eight months of the current marketing season, that season being December 1969 through November 1970. *The dramatic decreases in imports are evident.* The picture presented by Appendix D is indeed not the sort of picture which can justify import quotas.

Finally, as to the 4.6 million duty free import quota, I must add the following:

The curve in world and U.S. consumption of mink furskins has been almost constantly upward—receding only when economic conditions recede such as they did in 1969. Ap-

parent U.S. consumption was reported in the 1968 Tariff Commission report as follows:

Apparent domestic consumption (sales plus imports minus exports of both domestic and foreign merchandise)

[Million furskins]

Average:	
1953–57	4.0
1958–62	6.2
1963–67	9.2
Annual:	
1963	8.0
1964	8.4
1965	9.2
1966	10.3
1967	10.2

No accurate figures are available as to apparent consumption for years subsequent to 1967. The economic slowdown of 1969–70 has unquestionably temporarily halted the upward curve shown by these statistics—but only temporarily. As our affluence increases, as the population increases—mink consumption will increase for mink is the most versatile and popular fur available to satisfy the resulting increasing consumer demands. The curve shown by the Commission report will continue upward in the next decade and the decade succeeding that.

Yet the 4.6 million duty free quota provided by Sec. 343 contains no growth formula as in the case of textiles, and shoes. It is fixed! The likelihood of obtaining any amendment to this little noticed section of the TSUS for many years to come is negligible. But the impact of the quota on the fur trade will be highly detrimental as our economic situation improves and U.S. consumption grows from the 10 million mink furskin level of 1966 and 1967 shown by the above statistics to a 15 million and possibly 20 million skin level in the next ten years. Note that the average consumption 1955–57 was 4.0 million with an over 100% increase in consumption by 1966, 1967. History will surely repeat itself.

Thus the fur industry fears the appetite of the U.S. mink ranchers for high profits and low production with fixed ceilings on competitive imports. The industry believes the ranchers' policies will not serve the interests of the industry or of the consumers.

For these reasons they urge their representatives in Congress to either vote against the bill or to support an amendment in the Senate which will delete Sec. 343(a).

2. *The 4.6 million quota is either a fraud or an absolute mirage:*

The term "furskins" and "skins" are defined in Headnote No. 2 to Schedule 1, part 5, Subpart B of the TSUS as follows:

"2. As used in this subpart—

"(a) The terms *"furskins"* or *"skins"* include the whole skins, or cuttings, heads, paws, tails, or other parts of whole skins, whether or not assembled into plates, mats, linings, strips, crosses, or similar forms * * *."

To reinforce that definition the 4.6 million quota provided in Sec. 343 of the Trade Act of 1970 provides that the quota shall consist of "an aggregate quantity of" 4.6 million "skins (or pieces of skins) entered in any calendar year."

Then, to seal the doom of the fur industry as if there was any conceivable question about it in view of the above provision, the Majority Report of the Committee on Ways and Means on H.R. 18970 contains the following statement at page 55:

"In determining the number of skins and pieces of skins for quota purposes, each of the individual pieces assembled into a plate, mat, lining, strip, cross, or similar form would be counted."

From the above it is clear that each "piece" of mink furskin imported in any calendar year either sewn together or not sewn must be regarded as a "full" mink furskin for the purposes of the quota.

It is now clear from evidence gathered in the past few days that not only several million whole skins are imported each year but in addition there is imported in each year 30 to 50 million pieces of scrap mink furskins sewn together in the form of "bodies" and an uncertain quantity of unsewn together pieces of mink furskin scraps also reaching into the millions.

The unsewn material (heads, paws, tails and trimmings) is imported largely from Canada, being scrap generated in the Canadian fur manufacturing trade. It is exported from Canada to the United States where it is joined with similar scrap generated by the U.S. mink fur manufacturing industry and shipped to Greece.

In Greece the scrap from the U.S. and Canada is sorted, matched, trimmed and sewn together in what were once known in the language of the U.S. Tariff laws as "plates, mats, linings, strips and crosses" but which are now generally known as "bodies" i.e., pieces from 40" to 45" long and 80" to 95" wide, each body being sufficient to permit one fur coat or garment to be cut from it.

The U.S. fur manufacturing industry for years had to junk the dressed trimmings generated in the fur garment manufacturing process. Some years ago Greek merchants in New York commenced to buy this scrap in bales, send it to Greece where it is sewn together by highly skilled labor and sold as "bodies." Currently about 400,000 pounds of such scraps are shipped to Greece annually for production of bodies there and about 80,000 to 90,000 pounds of "bodies" are returned to the U.S. annually, the balance being sold by Greek manufacturers to buyers in other countries. The bodies returned to the United States are made up of from 1,500 to 20,000 individual pieces sewn together. The average number of pieces is over 2,000 in a "body" so that total "pieces" imported in the form of "plates, mats," etc. is between 30 and 50 million annually.

The Greek merchants export to the United States bodies made up of one about ¼ of the scraps they import from the U.S., the balance going in the form of bodies to other countries, largely West Germany and Sweden.

The Greek Government official statistics for 1967 (the latest available) are available as to imports and exports of such material. They are not broken down between *mink* other fur scraps or bodies, but the data relating to imports from the U.S. and exports to the U.S. is believed by knowledgeable persons in the fur trade to be composed of 90% or more of mink:

Greek Imports of "Extremeties and scraps for fur in irregular forms" Total 13,065,976 pounds of value in U.S. dollars of $2,454,000.

Of which there are imported from—

U.S.: 376,504 pounds at $1.75 a pound for a total of $666,000.

W. Germany: 826,529 pounds at $1.86 a pound for a total of $1,534,000.

Total Greek Exports of "plates, crosses and similar forms composed of irregular shapes scraps sewn together":

Total 699,538 pounds of a value in U.S. dollars of $7,630,000.

Of which there were exported to—

U.S.: 79,794 pounds at $9.67 a pound for total of $771,000.

W. Germany: 409,842 pounds at $8.50 a pound for total of $3,485,000.

Sweden: 92,620 pounds at $15.71 a pound for total of $1,455,000.

The U.S. mink ranchers who have so long, without justification, sought import quotas (twice recommended against by the U.S. Tariff Commission in the last 12 years) have never sought control of imports of "pieces" of mink whether or not sewn together—but only of whole "skins." Now due to bad draftsmanship in the Ways and Means Committee, they find themselves with a windfall". The importation in the first week of January in any calendar year of *2300 Greek-made "bodies"* made up of an average of *2000 pieces* each of scrap mink (even if made largely from scraps of U.S. bred and raised mink) would fill the 4.6 million quota and not a single whole skin could be imported. Or, the importation of a few bales of scrap from Canada for reexport to Greece, each bale containing several hundred thousand scraps worth $1.75 a pound when reexported to Greece would fill the quota and not a single whole skin could be imported.

This result the Ways and Means Committee has thus far shown no inclination to eliminate.

The clearest solution is the elimination of paragraph (a) of Sec. 343. In lieu thereof, if an unnecessary and uncalled for quota is to be retained, the language of Sec. 343(a) of the bill must be changed to read as per the attached draft marked Appendix E to eliminate from the quota sewn together and unsewn together scrap material. If that amendment was adopted, no circumvention by way of cutting up whole skins is likely, for cutting a mink skin into pieces, particularly small pieces, very substantially reduces its value. It can no longer be "let out" or worked into the better garments. The smaller the pieces the lower the value. There is attached as Appendix F the only available statistics from the Department of Commerce relative to the volume of imports of mats, plates, etc. and of tails, paws, etc.

This letter is long but the facts are complicated. Concurrent with the delivery of the letter, I will show you samples of the sewn together scraps making up these imported "bodies." These 45"x 90" pieces are made up from 1,500 to 22,000 pieces per body. They are dramatic evidence of the bad draftsmanship pointed out above.

The help of the Senator and his staff in the situation described above is urgently needed if the fur industry and its labor force is to survive.

Sincerely,

JAMES R. SHARP.

BANKERS ASSIST MINORITY BUSINESSES

Mr. JAVITS. Mr. President, I would like to report to the Senate on an interesting and valuable proposal by the American Bankers Association to assist the funding of minority-owned banks across the country.

The association's urban affairs committee, chaired by Mr. Thomas W. McMahon of the Chase Manhattan Bank in New York, has proposed the creation of a development bank which would serve the equity needs of minority-owned banks. Shares in the development bank would be subscribed to by major urban banks; it is hoped that as much as $10 million will be raised in this manner. The development bank would in turn buy nonvoting stock of banks owned principally by blacks or members of other minority groups; this would supply such banks with the capital they need for the continued, safe expansion of services to minority communities.

Several New York bankers were instrumental in the discussion stage of this proposal, including Mr. McMahon and Mr. William Hudgins, of the Freedom National Bank. It is anticipated that New York banks will also play a major role in the financing of the proposed development bank.

I think that the bankers have come up with a most valuable initiative. The attempt to create an open society, in which the possibility of economic advancement is available to all persons

without regard to race, depends in large part upon the willingness of private groups to make imaginative efforts in their own areas of expertise. I believe that the banking community can render the Nation an important service by implementing this proposal, and I am especially pleased to see the bankers of New York taking a leadership role in this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD accounts of the development bank proposal from the October 13, 1970, issues of the American Banker and the New York Times of October 13, 1970.

There being no objection, the article were ordered to be printed in the RECORD, as follows:

[From the American Banker, Oct. 13, 1970]

ABA URBAN GROUP TESTING DEVELOPMENT BANK PLAN TO AID MINORITY BANKS

(By Phillip Brooke)

MIAMI BEACH, FLA.—The American Bankers Association urban affairs committee will begin investigating immediately a prototype development bank program designed to put additional capital into minority-owned banks in this country, it was announced here Monday.

Thomas W. McMahon, executive vice president, Chase Manhattan Bank NA, New York, who is chairman of the urban affairs committee, said the committee has asked each of its regional chairman across the nation to go back to their respective areas and to test the prototype program among bank constituents.

Mr. McMahon described the development bank as a structure to which ABA member banks would subscribe to on a voluntary basis to buy shares in banks owned by black and other minority groups.

He said that if the idea is successful, an estimated $10 million could be channeled into minority-owned banks within the first year of such a program. The $10 million figure, Mr. McMahon said, is "only on a prior guess but it is a damned good guess."

The urban affairs committee chairman emphasized that the plan is in no way an attempt to dilute neighborhood ownership of black-owned banks. Nor is the committee in any way critical of the activities of minority-owned banks in the U.S., he added.

But, Mr. McMahon stated, if they are going to support increased activity they will need increased capital.

He said the ABA committee has been studying such a program for a development bank for the last three or four months. Moreover, the committee has asked each of its regional chairmen to report back the reactions of the industry at the next urban affairs committee meeting scheduled for December.

"If the proposal is accepted, we will make a formal recommendation in December," Mr. McMahon stated.

The banking industry already has pledged to make $1 billion in loans to minority businesses in a five-year period. The development bank project, if approved, would be completely separate from the already committed loans.

[From the New York Times, Oct. 13, 1970]

BLACK-HELD BANKS MAY GET FUND AID—UNDER TENTATIVE PLAN, NEW CONCERN WOULD BUY STOCK IN MINORITY INSTITUTIONS—PRIME RATE'S OUTLOOK—HEAD OF BANKER ASSOCIATION SEES MORE CUTS BUT NOT UNTIL AFTER YEAR'S END

(By H. Erich Heinemann)

MIAMI BEACH, FLA., October 11.—The American Bankers Association is considering a new program to pump additional capital into black-owned banks across the country.

While the details of the proposal are still tentative and yet to be approved by the banking hierarchy gathered here for the association's 96th annual convention, the plan would involve the creation of a new corporation that would buy common or preferred stock of institutions owned by members of minority ethnic groups.

Funds for the new corporation, which bankers here say might be similar to the old Reconstruction Finance Corporation, would be provided largely by major banks. They would subscribe to its shares on a voluntary basis. The R.F.C. was created in the Depression to buy stock in banks that were in financial difficulty.

METHOD OF OPERATION

Bankers emphasized in conversations here today that, in comparing the proposed new venture to the R.F.C., they were not implying that minority-owned banks were experiencing any general difficulty but rather were describing the method of operation that might be used.

The proposed new company, if it is created, would represent a commitment over and above the existing pledges of the banking industry to make $1-billion in "soft" loans to minority enterprises over a five-year period.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. FULBRIGHT. Mr. President, I do not wish to delay the Senate any longer. However, I in good conscience cannot vote to agree to the conference report.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. JAVITS. Mr. President, I would like to identify myself with the arguments made about Culebra. I, too, have been in many House-Senate conferences. I know how obstinate our colleagues in the other body can be. Perhaps I should use the word "obdurate" which is a more kindly word. Thus, I know what the Senator from Washington was up against. However, I feel that, considering his great power as subcommittee chairman, and what he has said about holding the Navy responsible in this situation, together with the handle he has that is written into the law, namely, the report, can be very effective.

I must say that, knowing the Senator from Washington as I do, and having heard the commitments which he has made on the floor, I am sure he will see to its that the people of Culebra really get an honest break. I would like to say that quite publicly and also say how deeply I have felt about the matter as has my junior colleague from New York, Senator GOODELL, who sponsored the original amendment to stop the shelling of Culebra. This is a matter that disturbs our whole Puerto Rican community of New York which today numbers about 1 million souls.

Very deep feelings are involved in this matter.

I, too, would like to adopt the position stated by the Senator from Arkansas (Mr. FULBRIGHT) as he reported on the expression of views of Mr. CÓRDOVA, the Resident Commissioner of Puerto Rico from page 36563 of the RECORD of October 13 in the other body.

The question I would like to ask concerns the amendment which the Senator from Washington accepted. It was a proviso at the end of section 103, to prohibit any possible use of that section as "backdoor" authority to acquire ABM sites not otherwise specifically authorized by Congress.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

The Senator may continue.

Mr. JAVITS. Mr. President, that amendment to section 103 of the Senate bill was dropped in conference. The proviso adopted unanimously by the Senate reads:

Provided, That this section may not be used as authority to initiate deployment of any strategic weapons system at any site not otherwise specifically authorized by law.

Mr. President, the reason for dropping this amendment and the reverse implications which may occur from dropping it are important because of the way in which I read section 103—which is a complete carryover section, as the Senator explained, from previous laws. No one really worried about it. It was limited to a $10 million authorization with respect to unforeseen considerations which caused changes in Army missions.

It did permit within the authorization "land acquisition" and "site preparation."

Now these concepts tie right in to the ABM situation, where really only $10 million was first asked for the "area defense" oriented site acquisitions.

I am a lawyer and have worked with lawyers for the executive departments for years. They always hunt around to find something that will cover the situation that their bosses want covered. I was concerned that a good Defense Department lawyer—and there are lots of them—would find this section and say, "We can have a new ABM site. Here is the authority. We have $10 million. We can get our foot in the door."

That was the reason. The Senator was very gracious. He said he would take the amendment to conference, which he did. However, I think that now the reverse implication of dropping it needs to be explained clearly for the RECORD.

Mr. JACKSON. Mr. President, I am very happy to respond to the proper question put by the Senator from New York.

The House committee took the position that the amendment of the Senator from New York was made unnecessary by the passage of the Department of Defense procurement authorization bill which contains a restrictive section in title IV specifically prohibiting the use of funds authorized by that act or by any other act from being used to initiate any ABM deployments other than those specifically authorized in the Department of Defense procurement bill.

The specific section, which is now law, is section 402. While this act, the pending conference report, is subsequent to the Defense Procurement Act legislation which is now law, I would say as the chairman of the subcommittee that I concur in that judgment.

To make this a part of the legislative history, I would say here and now that section 402 applies specifically to the area attempted to be covered by the Senator's amendment. In addition, so that there can be no ambiguities in this matter, I should point out that even if the argument should be made the other way, I would say that is invalid. It would be necessary under the emergency authorization to come before four committees of the Congress—the Armed Services Committees of the two Houses and the Appropriations Committees of the two Houses—to get the necessary approval under the emergency provisions of that section.

So, I want to say categorically that as I read the legislative history and record here, section 402 of the Defense Procurement Act, which was signed by the President just a few days ago, is applicable and that section 103 of the military construction authorization bill could not be used as authority to attempt to build a new site someplace.

The sites that can be built are limited to those contained in section 402 of the Procurement Authorization Act.

Mr. JAVITS. Mr. President, I gather it is the Senator's opinion, including the fact that being cognizant of section 402, that there has been discussion in the conference, and it not having been repealed or otherwise affected, that the conferees thereby showed their intention that the sections should be read together—sections 103 and 402.

Mr. JACKSON. That is correct. Section 402 is not modified by implication, explicitly or implicitly, as a result of the decision of the conferees.

Mr. JAVITS. I thank the Senator. I hope very much that will suffice. Certainly the intent is clear. We will rely on his interpretation of the law which, as he says, may or may not be airtight—and I think he is correct that it is not airtight—and the good faith of the committees as to the basis for this.

Mr. JACKSON. In light of my statement, I think clearly the Department of Defense would be obligated in any event to come before all four committees. As I indicated earlier when the Senator's amendment was up, this authority was never used for any such purpose.

Mr. JAVITS. I thank the Senator. I hope the Department of Defense lawyers will hasten at once to section 402.

Mr. JACKSON. I hope so, too.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), the Senator from Maryland (Mr. TYDINGS), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 0, as follows:

[No. 380 Leg.]

YEAS—65

Allen	Fannin	Miller
Allott	Gravel	Mondale
Anderson	Griffin	Nelson
Baker	Gurney	Packwood
Bayh	Hansen	Pell
Bellmon	Harris	Proxmire
Bible	Hart	Ribicoff
Boggs	Holland	Saxbe
Brooke	Hollings	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Inouye	Smith, Maine
Case	Jackson	Spong
Church	Javits	Stennis
Cook	Jordan, N.C.	Stevens
Cooper	Jordan, Idaho	Talmadge
Cotton	Magnuson	Thurmond
Curtis	Mansfield	Williams, N.J.
Dole	Mathias	Williams, Del.
Dominick	McClellan	Yarborough
Eagleton	McGovern	Young, N. Dak.
Ellender	McIntyre	Young, Ohio
Ervin	Metcalf	

NAYS—0

NOT VOTING—35

Aiken	Hartke	Pastore
Bennett	Hatfield	Pearson
Burdick	Hruska	Percy
Cannon	Kennedy	Prouty
Cranston	Long	Randolph
Dodd	McCarthy	Russell
Eastland	McGee	Smith, Ill.
Fong	Montoya	Sparkman
Fulbright	Moss	Symington
Goldwater	Mundt	Tower
Goodell	Murphy	Tydings
Gore	Muskie	

So the report was agreed to.

MILITARY CONSTRUCTION APPROPRIATIONS, 1971

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair lays before the Senate the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, reported with amendments.

Mr. MANSFIELD. Mr. President, there is a typographical error on page 3 of the bill, under the appropriation for Defense agencies, and another typographical error on page 5 of the bill under the appropriation for family housing.

The bill on the calendar is in error in showing a figure of $45,025,000 on line 5, page 3, since the committee approved an appropriation of $46,300,000. In addition, the figure of $808,138,000 on line 5, page 5, is in error since the committee approved an appropriation of $804,153,000. Therefore, Mr. President, I ask unanimous consent that the following corrections be made:

On page 3, line 5, strike out "$45,025,000" and insert "$46,300,000".

On page 5, line 5, strike out "$808,138,000" and insert "$804,153,000".

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text and that no point of order be considered as waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 4, strike out $637,909,000" and insert "$653,996,000".

On page 2, line 14, after the word "appropriation", strike out "$285,672,000" and insert "$309,551,000".

On page 2, at the beginning of line 22, strike out "$637,909,000" and insert "$653,409,000".

On page 5, line 13, after the word "Construction", strike out "$77,600,000" and insert "$92,863,000".

On page 5, line 16, after the word "Construction", strike out "$77,600,000" and insert "$75,926,000".

Mr. MANSFIELD. Mr. President, I present today for the consideration of the Senate H.R. 17970, together with the report from the Appropriations Committee, No. 91–1318, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The Military Construction Subcommittee on the Appropriations Committee held joint hearings again this year with the Military Construction Subcommittee of the Armed Services Committee, chaired by the able Senator from Washington (Mr. JACKSON). These joint hearings were most productive in saving time for Senators and the witnesses from the Department of Defense. Additional hearings by the Appropriations Subcommittee were held to hear testimony on items in the bill which were from previous years' authorizations and on the Safeguard missile system.

It is not my intention in presenting the bill to give detailed figures concerning each line item. The line item breakdown and explanation are contained in the report which has been placed on each Senator's desk.

Before going into the recommendations of the Appropriations Committee, I would briefly like to summarize the pertinent facts pertaining to the bill.

When one considers that just five major items in the bill total $1,294,200,000, it is easy to deduce that there is not a large sum of money left to the military services for military construction. The large items in the bill are the requests of $804,153,000 for family housing, $357,000,000 for the Safeguard program, $25,000,000 for Vietnam, $41,500,000 for NATO infrastructure, and $66,700,000 for planning and design.

The fiscal year 1971 budget estimates as submitted to Congress for military construction last January were $2,225,000, broken down as follows: Army, $686,100,000; Navy, $339,100,000; Air Force, $303,500,000; Defense agencies, $45,600,000; Army National Guard, $15,000,000; Army Reserve, $10,000,000; Naval Reserve, $5,000,000; Air National Guard, $8,000,000; Air Reserve, $4,000,000; and Defense family housing, $809,038,000.

The total of the military construction appropriations bill as reported by the Committee on Appropriations is $2,148,409,000. This is an increase of $60,834,000 over the $2,087,575,000 provided by the House. The total bill as reported to the Senate is $76,929,000 under the budget estimate of $2,225,338,000.

ARMY

The major Army item included in this bill is $357 million to be used for planning and construction of the four Safeguard sites approved in Public Law 91–441, the Military Procurement Authorization Act. The committee retained in this bill $11.7 million originally requested for advance planning on four other sites denied authorization. These funds are retained to assist in offsetting the community impact costs resulting from the influx of construction workers on the small communities in the vicinity of the Safeguard sites in North Dakota and Montana.

The committee allowed $44.8 million for medical facilities. The major facility is a 760-bed regional speciality military hospital at Fort Gordon, Ga., for the Southeastern United States. Of greater importance, however, is the approval of $10.2 million for the first phase of the replacement of Walter Reed General Hospital in the District of Columbia. The plan provides for a 1,280-bed hospital to be built on the current site of the hospital. In order to cause minimum disruption in patient care at the present hospital center, sequential development of this new facility is planned. The funds included in this bill will provide interim facilities to house those medical activities which must be relocated to clear the site for the new building and to relocate and modernize the utilities needed for this new medical center.

This bill includes construction of 3,022 barracks spaces, and 524 bachelor officer spaces at permanent installations in the United States. As all of us who are familiar with Army installations know, a large percentage of the Army's barracks and bachelor officer quarters consist of World War II mobilization facilities erected in the early 1940's. The temporary wood frame buildings, which had a life expectancy of 5 years when originally constructed, are now nearly 30 years old. These aging structures become more expensive to maintain each year and increase fire and safety hazards due to the obsolescence of their utility systems and electrical distribution lines.

In "Research and development facilities," the committee concurs in the relocation of Harry Diamond Laboratories from their present location at the old Bureau of Standards site in the northwest section of Washington, D.C. Since 1956—when the National Bureau of Standards announced its plan to move to Gaithersburg, Md.—the Army has been seeking suitable permanent facilities for these laboratories. In 1967, an eminently suitable site for the relocation on unused land of the Naval Ordnance Laboratory at White Oak, Md., was identified. Transfer of land for this purpose was approved by Congress in 1968.

Another phased research and development project recommended by the committee is the construction of Western Medical Institute of Research to be colocated with Letterman General Hospital at the Presidio of San Francisco.

In keeping with the national programs for pollution abatement, the committee has approved all pollution abatement projects requested and authorized by the Congress. For the Army, this includes $27.5 million for water pollution abatement at 25 installations and $4.4 million for air pollution abatement at seven installations.

A reduction of $15 million was made from the Army request of $40 million for construction in Vietnam. We believe that $25 million in new obligational authority, together with the unobligated balance and the availablity of Department of Defense contingency funds, will be adequate to meet the needs of construction support for our own and the Vietnamese Armed Forces.

The committee agreed with the House reduction of the NATO infrastructure request by $8.5 million and allowed $41,500,000 in new obligational authority in this bill.

The committee has been a firm supporter of the expansion plan for the U.S. Military Academy at West Point, N.Y., and has approved in this bill a request for $11.1 million for four new projects and one deficiency request. The committee, after extensive deliberations, has also approved a deficiency for $10.7 million for the Cadet Activities Center approved in last year's bill; however, additional funds have not been allowed for this project. The Army is directed to take effective action to check the perennial cost overruns at West Point and provide funds for this project from currently available resources. Further, the committee has instructed the Army to review the remainder of the expansion program with a view to reducing the amount of construction at one time at West Point by stretching out the completion of the less essential items in the expansion program. A special Army board of distinguished private and public members is being established to review all aspects of the construction program at West Point. Such a board was recommended by this committee in 1968. The committee will expect the new review board to exercise a strong and positive influence over construction planning, standards, and execution with special emphasis on cost aspects.

Approval has been given to the Army request for $65.2 million for general authorization which includes: $31.8 million for planning, access roads, and community impact previously mentioned for the Safeguard antiballistic missile system; $10 million for urgent minor construction; one-half million for access roads; and $22.9 million for general planning and design.

Included in this bill are $15 million for construction support of the Army National Guard and $10 million for the Army Reserve.

NAVY

The portion of the military construction budget proposed for the active forces of the Department of the Navy was $339,100,000. The committee approved for the Navy $309,551,000, which is $23,879,000 greater than the amount allowed by the House and a decrease of $29,549,000 from the budget estimate of $339,100,000.

I would like to address some particularly important segments of the Navy's construction program. The Navy has pursued a program to improve support facilities for naval personnel. The committee, in support of personnel support facilities, approved $51.7 million for troop housing, messing, and community support facilities. Realizing the importance of well-trained personnel, the Navy requested $32.1 million for academic and specialized training facilities. The committee approved funding of $28.7 million, the full amount authorized for academic and specialized training facilities.

Additional increments of the shipyard modernization and modernization of the naval air rework facilities programs were approved this year in the amounts of $30.3 million and $10.9 million, respectively.

The Navy is concerned with the prevention of environmental pollution and actively seeks to: first, control and abate emissions of pollutants from Navy sources; second, design and construct facilities to meet recent environmental quality standards; and third, cooperate with local, State, and Federal agencies.

The proper treatment of complex and highly toxic industrial wastewaters generated at naval air rework facilities and shipyards will be accomplished by five projects totaling $5 million for facilities to collect and properly treat these wastewaters.

The total pollution abatement program approved for the Navy is $24.0 million. Other categories of facilities receiving significant funding are operational facilities, maintenance facilities, and utilities.

Funding in the amount of $34.0 million was approved for the Marine Corps facilities. As in last year's program, major emphasis was placed on personnel support facilities, which comprise 61 percent of the Marine Corps program. The provision of adequate bachelor housing is a high priority requirement. The committee fully supported the bachelor housing program of the Marine Corps.

On August 3, 1970, a disastrous hurricane, Celia, struck the Naval Air Station, Corpus Christi, Tex. The Department of Defense requested eight projects to replace facilities severely damaged by Hurricane Celia under the "Continuing authorization" in the United States Code, title 10, section 2673. The committee approved funding in the amount of $3.4 million for these projects. During the Senate deliberation on the authorization bill, two projects and amended authorization for a third project were added to the bill. The committee approved funding for these added projects in the amount of $1.7 million.

The committee took note of the Armed Services Committees' amendment to last year's authorization, which will provide authorization in the amount of $24 million for the Naval Hospital, Camp Pendleton, Calif. The committee now recommends proceeding with the project, but did not provide funds in the belief that, by careful management of the total Navy program, funding can be generated from savings or by the deletion of projects which are no longer required

The committee allowed $5,000,000 for Navy Reserve facilities.

AIR FORCE

The Air Force portion of the bill provides $292,409,000 which includes $256,189,000 for projects in fiscal year 1971, and $36,220,000 for "Planning and design, minor construction," and projects authorized but unfunded in fiscal year 1970. This represents a reduction of $11,091,000 from the original request of $303,500,000.

The bill covers essential facility projects for the Air Force and a few others where national policy, such as in the case of pollution abatement, and strong cases of economy, dictate proceeding this year.

A case of the latter point is the aircraft engine overhaul facility at Kelly Air Force Base, Tex. No single item in this year's military construction program is of higher economic priority to the Air Force than this one. The Office of the Secretary of Defense is currently undertaking a study of engine overhaul and repair capability within the entire Department of Defense. It was with knowledge of this impending study that OSD approved the item for this year's construction request. Immediate reduction in the purchase of $10 million worth of engines for the C–5 aircraft has been effected in anticipation of the faster engine overhaul at this facility. Moreover, the added efficiency of this overhaul facility will permit amortization of the total construction cost in a single year.

The largest portion of the Air Force funds is for urgent operational facilities. These are the pavements, airfield lights, taxiways, and protective facilities for our aircraft and missile forces. They total $75.6 million, or 26 percent of the recommended amount. The major items approved by the committee are: $12 million for the satellite basing of Strategic Air Command bomber and tanker aircraft; $7 million for continuation of the TAB VEE program for protection of tactical aircraft in Europe.

The second largest portion of the bill provides for troop housing and dining facilities. This category totals $42.3 million, or 15 percent of the amount to be funded. For troop housing, there is proposed $42.1 million. Of that amount, $28.9 million is for the construction of 7,285 new airmen dormitory spaces and $5.3 million for the alteration and improvement of existing dormitories. Also included is $7.2 million for the construction of 630 new officers quarters and $0.6 million for the improvement of existing quarters. Major new 1,000-man student housing composite buildings are provided at Chanute Air Force Base, Ill.; Keesler Air Force Base, Miss.; Lowry Air Force Base, Colo.; and Sheppard Air Force Base, Tex. These composites are similar to ones provided in earlier programs and have proven to be very effective. The third largest portion of the bill is for maintenance facilities, predominantly for aircraft maintenance. It also includes maintenance shops for aircraft ground support equipment and other mobile Air Force equipment. The largest single facility project is the aircraft engine overhaul shop at Kelly Air Force Base, Tex., which I discussed in some detail earlier.

The construction proposed to support the Research and Development effort amounts to $11.7 million, or 4 percent of the recommended amount. There is $4.3 million for additional propulsion test cells at the Arnold Engineering Development Center, Tenn., $2.4 million for an aviation medical research laboratory at Brooks Air Force Base, Tex., and $1.0 million for an electronics research facility at Griffiss Air Force Base, N.Y.

The administrative category contains 3.6 percent of the program at $10.6 million. Significant construction projects are located at Peterson Field, Colo., where a $1.6 million addition to the headquarters is approved and $1.2 million for a vitally needed air base group headquarters at Malmstrom Air Force Base, Mont.

Projects in the utilities category provide augmentation and extensions to existing utilities systems to support the increased demands placed upon them. They are 11 percent of the program at $31.2 million. Many of these projects will also provide environmental protection by improving sewage plant treatment facilities and by converting heating plants to fuels with lower emission of pollutants. Of the amount for utilities, $13.3 million is for environmental protection.

In the support category area, we are providing $31 million, of which $17 million is for the design of facilities in this and future programs, and $14 million is to fund minor construction projects that have been individually determined to be urgent requirements by the Secretary of Defense or the service secretaries.

Approval of $8,000,000 for the Air National Guard and $4,000,000 for the Air Force Reserve has been given by the committee.

FAMILY HOUSING

The committe has approved $804,153,000 in new appropriated funds for the fiscal year 1971 military family housing program. This amount comprises approximately 37 percent of the entire funds appropriated in this bill.

To provide maintenance and operation funds for defense housing, approval has been given in the budgeted amount of $395,686,000. The budget request was for the maintenance and operation of 369,585 housing units during fiscal year 1971.

The approved program will provide for the construction of 8,000 new permanent units and the relocation of 27 units. New construction includes 1,700 units at 12 Army installations, 3,500 units at 10 Navy and Marine Corps bases and 2,800 units at 11 Air Force bases. It is noted that the 8,000 new units provide a significant increase over the 4,800 new units approved for funding in the fiscal year 1970 appropriation. Funds in the amount of $192,522,000 are provided for construction of new housing, $1,470,000 for relocation of existing housing and for construction of trailer court facilities, $19,196,000 for improvements to adequate quarters, $1,200,000 for minor construction, $1 million for planning and $129,000 for rental guarantee payments. The funds approved for construction are in the same amount as that approved in the Military Construction Authorization Act, 1971, plus $8.8 million to finance the authorization for construction of 200 family units for the Malmstrom ABM Site, Mont., and 200 family units for the Grand Forks ABM Site, N. Dak., as authorized in section 401, title IV, Public Law 91–441. This funding provides a reduction of $3,985,000 from the request based on the authorization action in reducing the average unit cost for new housing construction in the 48 contiguous States and Puerto Rico from the $24,000 requested to $23,000 per unit.

The fund allowed by the committee for debt payment is the budget estimate of $164,266,000. This includes $90,538,000 for the payment of debt principal amount owed on Capehart, Wherry, and Commodity Credit financed housing. In addition, $66,248,000 is approved for the payment of interest on mortgage indebtedness on Capehart and Wherry housing and for other expenses relating to the houses in prior years. The committee ap-

proved $7,480,000 for payment to the Federal Housing Administration for premiums on Capehart and Wherry housing mortgage insurance and for the payment of premiums on insurance provided by the FHA for mortgages assumed by active military personnel for houses purchased by them.

The committee also has approved $28,684,000 for leasing of 7,500 domestic and 3,966 foreign family housing units for assignment as public quarters. This provides a reduction of $900,000 from the request and is in consonance with the authorization action which reduced the maximum average domestic unit cost per month for leasing from the $200 requested to the $190 average.

DEFENSE AGENCIES

The committee has approved $46,300,000. This represents an increase of $700,000 in the fiscal year 1971 request and is $12,385,000 above the appropriation for fiscal year 1970.

A wide range of projects is encompassed in the approved program. The Defense Atomic Support Agency has received approval for projects totaling $1,260,000 at Bossier Base, La., and Sandia Base, N. Mex. The committee has restored to the bill the item for a warehouse and sales addition to the main commissary at Sandia Base, N. Mex., in the amount of $575,000. The Defense Supply Agency has received approval in the amount of $6,423,000 for projects at the Defense Construction Supply Center, Columbus, Ohio; the Defense Depot, Ogden, Utah; the Defense Personnel Support Center, Philadelphia, Pa.; and the Defense Depot, Tracy, Calif. The committee has approved $1,617,000 for the National Security Agency, including $700,000 requested for land acquisition at Fort Meade, Md., based on security considerations, which was not considered before the House Appropriations Committee.

The committee has approved the full amount of $35 million requested by the Secretary of Defense for the contingency fund. Based upon previous experience, it is apparent that the Secretary must have a contingency construction fund available from which to draw in unforeseen emergencies worldwide. The committee has also allowed $1 million each requested for planning and minor construction.

Mr. President, I ask unanimous consent that there be included in the RECORD a comparative statement of the appropriations for fiscal year 1970 and the estimates and amounts recommended in the bill for fiscal year 1971.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

Item	New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the House bill	Amount recommended by Senate committee	Senate committee bill compared with— New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	House allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Military construction, Army	$287,228,000	$686,100,000	$637,909,000	$653,996,000	+$366,768,000	−$32,104,000	+$16,087,000
Military construction, Navy	300,028,000	339,100,000	285,672,000	309,551,000	+9,523,000	−29,549,000	+23,879,000
Military construction, Air Force	284,327,000	303,500,000	268,831,000	292,409,000	+8,082,000	−11,091,000	+23,578,000
Military construction, Defense Agencies	33,915,000	45,600,000	45,025,000	46,300,000	+12,385,000	+700,000	+1,275,000
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)			
Military construction, Army National Guard	15,000,000	15,000,000	15,000,000	15,000,000			
Military construction, Air National Guard	13,200,000	8,000,000	8,000,000	8,000,000	−5,200,000		
Military construction, Army Reserve	10,000,000	10,000,000	10,000,000	10,000,000			
Military construction, Naval Reserve	9,600,000	5,000,000	5,000,000	5,000,000	−4,600,000		
Military construction, Air Force Reserve	5,300,000	4,000,000	4,000,000	4,000,000	−1,300,000		
Family housing, defense	688,476,000	809,038,000	808,138,000	804,153,000	+115,677,000	−4,885,000	+3,985,000
Portion applied to debt reduction	−85,784,000	−90,538,000	−90,538,000	−90,538,000	−4,754,000		
Subtotal, family housing	602,692,000	718,500,000	717,600,000	713,615,000	+110,923,000	−4,885,000	−3,895,000
Grand total, new budget (obligational) authority	1,561,290,000	2,134,800,000	1,997,037,000	2,057,871,000	+496,581,000	−76,929,000	+60,834,000

Mr. MANSFIELD. Mr. President, I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I join the distinguished Senator from Montana (Mr. MANSFIELD) in urging passage of this appropriations bill.

This bill represents a bare-bones construction plan for our military services. I do not believe there is any project in here which has not been fully justified during the hearing process.

This bill would appropriate $2,148,409,000 for military construction. That figure is $60,834,000 over the figure appropriated by the other body, but $76,929,000 under the budget estimates for fiscal year 1971.

I would like to point out that 37 percent of these funds, or $804 million, is intended for construction and maintenance of family housing. This will provide for maintenance of 369,585 units of family housing and the construction of 8,000 new units.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOLE. Mr. President, I take this time, not to discuss the pending legislation, but to perhaps engage in a brief colloquy with the distinguished majority leader with reference to the conference report on the farm bill.

Mr. MANSFIELD. Mr. President, before we get into that, I would like to pay my compliments to the ranking minority member (Mr. BOGGS) for his faithful, efficient, and dedicated service during the hearings on the subcommittee; to the distinguished senior Senator from Nevada (Mr. BIBLE), who worked so hard, and filled in so well when I could not be there, which was most of the time; and to the distinguished senior Senator from North Dakota (Mr. YOUNG), who attended faithfully and gave us the benefit of his wisdom and counsel.

Because of their efforts, plus the efforts of the Senator from Washington (Mr. JACKSON) and his subcommittee, a reasonably good bill was produced and a reasonable amount of economy was practiced.

If the Senator from Kansas will permit us to pass this bill, I would be prepared to engage in a colloquy thereafter, but we have other business to bring up.

IMPROVEMENTS IN THE PORTSMOUTH NAVAL SHIPYARD ON PASSAGE OF BILL

Mr. McINTYRE. Mr. President, I am gratified that the funds for improvements at the Portsmouth Naval Shipyard are included in the appropriations bill we are now considering on military construction.

These funds are desperately needed to bring about improvements at the shipyard so that it can continue to perform important and vital assignments given it by the Navy.

The Portsmouth Shipyard, now in its 170th year of distinguished service to the Nation, fulfills a major role in America's defense structure. It combines a dedicated staff, workers of great expertise, and an installation which, with the improvements we are funding here today, are capable of providing vital repairs, conversions and construction for the Navy.

I want to especially recognize at this point the efforts of my friend, the able and distinguished Senator from Washington, (Mr. JACKSON), who as chairman of the Military Construction Subcommittee of the Senate Armed Services Committee saw the need for the authorization of these funds for the Portsmouth Shipyard and included them in the bill reported from the Senate Armed Services Committee and passed by the Senate.

Finally, I want to say a special word of praise for my distinguished and able senior colleague from New Hampshire,

(Mr. COTTON), who has always done such yeoman service for the Portsmouth Shipyard throughout the years of its trials and tribulations. I know his leadership on the Appropriations Committee has protected the interests of the shipyard in this instance.

The PRESIDING OFFICER (Mr. GRAVEL). This bill having been read the third time, the question is, Shall it pass?

The bill (H. R. 17970) was passed.

Mr. MANSFIELD. Mr. President, I move that the Senate insist upon its amendments to H.R. 17970, the military construction appropriation bill, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MANSFIELD, Mr. BIBLE, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. RUSSELL, Mr. BOGGS, Mr. PEARSON, Mr. FONG, Mr. YOUNG of North Dakota, Mr. SYMINGTON, and Mr. GOLDWATER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I extend my compliments to Mike Rexroad of the Appropriations Committee staff who is just as diligent, efficient, effective, cooperative, and understanding as they come. I shall elaborate my remarks on this point later. I also wish to thank Gordon Nease of the Armed Services Committee staff for his fine work on this bill.

Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOGGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield briefly to the Senator from Mississippi.

Mr. STENNIS. Just one sentence. I highly commend the Senator from Montana and all his associates on the subcommittee. This is not an easy bill to handle; it has many problems that have to be worked out and ironed out. I especially commend him for the manner in which this matter has been handled on the floor today.

Mr. MANSFIELD. I thank the Senator from Mississippi.

Mr. YARBOROUGH. Mr. President, as a member of the Senate Appropriations Subcommittee on Military Construction, I commend the distinguished chairman of the subcommittee (Mr. MANSFIELD) for his leadership and diligence in working on this year's military construction appropriations bill.

He has brought here a much better bill than the House bill. For example, included in this appropriations bill is $60,684,000 for projects at 18 different military installations in the State of Texas. This represents an increase of almost 55 percent over the $39,362,000 which was appropriated by the House of Representatives for military construction in Texas. These projects are designed primarily to enhance the housing, training, and medical facilities which are so important not only to our national security, but also for the health and morale of our military personnel and their dependents.

In reference to Texas projects, the Senate military construction appropriations bill includes $20,043,000 for the Army, $8,403,000 for the Navy, and $32,238,000 for the Air Force. All of these funds are vitally needed, and I have worked for, and will continue to support every project covered by them.

I am particularly pleased that the Senate bill includes $6,251,000 for use at the Naval Air Station in Corpus Christi, Tex. This is $4,204,000 more than was provided by the House. A portion of this additional appropriation, $3.4 million, is urgently needed for the restoration of facilities which were damaged, or destroyed by Hurricane Celia which struck Corpus Christi on August 3, 1970. Also included in the Senate bill is $804,000 for a jet engine maintenance shop at the Naval Air Station which will enhance the operational efficiency relating to the repair of these engines.

An appropriation of $1.9 million was provided by the House for the Naval Hospital at Corpus Christi, and I am delighted that this money was retained in the Senate's version of the bill.

This appropriations bill restores $15,741,000 for the construction of an engine overhaul facility at Kelly Air Force Base. This money, which is needed to replace presently obsolete structures, was not appropriated by the House and will enable the Air Force to achieve savings in just 1 year which will amortize the cost of the project.

I am also gratified that the committee agreed to include $15,496,000 for the construction of a 2,800-man dormitory complex and an electrical distribution system to replace deteriorating World War II barracks at Fort Sam Houston, at San Antonio, one of the most prestigious military posts in America. These were temporary buildings, which had become worn out and unusable, and the House of Representatives ignored that great need. This bill recognizes it.

The Senate bill contains $337,000 for Bergstrom Air Force Base, as compared with $262,000 which was allowed by the House. The additional $75,000 over and above the amount allowed in the House will be used for an engine test facility which is needed at the Bergstrom base. This bill also contains $809,000 which was not in the House bill for a moving target simulator at Fort Bliss. This device will save the military considerable expense by improving the efficiency of the training of air defense gunners by the Army.

I am hopeful that the funding levels which are incorporated in the Senate version of the military construction appropriations bill will be accepted by the House of Representatives. Any substantial cutback of these programs would seriously jeopardize not only the well-being of our military personnel and their families, but also the economic stability of the areas in which they are stationed. This bill provides appropriations for Texas projects as follows:

Name of installation	*Cost*
ARMY	
Aeronautical Maintenance Center	$3,738,000
Fort Bliss	809,000
Fort Sam Houston	15,496,000
Subtotal	20,043,000
NAVY	
Naval Hospital, Corpus Christi	1,900,000
NAS, Corpus Christi	6,357,000
NAV Inactive Ship Maintenance Orange	146,000
Subtotal	8,403,000
AIR FORCE	
Bergstrom AFB, Austin	337,000
Brooks AFB, San Antonio	2,414,000
Dyess, AFB, Abilene	150,000
Goodfellow AFB, San Angelo	1,216,000
Kelly AFB, San Antonio	18,060,000
Lackland AFB, San Antonio	55,000
Laredo AFB, Laredo	762,000
Laughlin AFB, Del Rio	396,000
Randolph AFB, San Antonio	1,112,000
Reese AFB, Lubbock	1,136,000
Sheppard AFB, Wichita Falls	6,251,000
Webb AFB, Big Springs	349,000
Subtotal	32,238,000
Total	60,684,000

I was at Corpus Christi shortly after Hurricane Celia had destroyed a good part of that city and had destroyed a good part of the hospital at the Navy base, at the naval air station. This bill allows money to restore that hospital, to rebuild it. The $6,251,000 is needed for the naval air station. It is $4,204,000 more than the House provided.

I again commend the distinguished majority leader for having such a realistic bill that meets the needs so much better than the House bill, particularly in the instance of the hospital destroyed by Hurricane Celia at the naval air station at Corpus Christi.

I say to the distinguished Senator from Montana that when he goes to conference, I hope the House will accept the Senate amendments. The Senate bill is a much better bill.

Mr. MANSFIELD. We will do our best.

EQUAL RIGHTS FOR MEN AND WOMEN

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read the title, as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate proceeded to consider the joint resolution.

Mr. BAYH. Mr. President, the pending order of business is the equal rights amendment, which was dealt a rather harsh blow yesterday. I do not say "harsh" to be critical of those who disagreed with the Senator from Indiana. But, in the judgment of the Senator from Indiana, yesterday was a sad day. Because of yesterday's vote, on behalf of myself and the distinguished Senator from Kentucky (Mr. COOK), I am now sending to the desk an amendment to House Joint Resolution 264. I ask unanimous consent that the distinguished Senator from Michigan (Mr. GRIFFIN), and the distinguished Senator from New York (Mr. GOODELL) and any other Senators who desire to cosponsor it be added as additional cosponsors, now or at an appropriate time later in the day.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

The amendment will be received, printed, and will lie on the table.

Mr. BAYH. Mr. President, yesterday was a sad day. It was a sad day not only for the advocates of the equal rights amendment, but for all those who believe that the Senate should consider its actions carefully and proceed upon important matters in an orderly and rational manner.

It is unthinkable to me that this body could, without any advance warning, and with a minimum of debate, bring to the floor and attach to the equal rights amendment a measure with such dangerous and far-reaching implications as the so-called prayer amendment. I do not intend to detail here today the reasons why I find the prospects of the prayer amendment so restrictive of the fundamental liberties of all Americans. At this moment I will not dwell at length on my opposition to that piece of legislation, but I will do so at some length at a later time.

The dangers were admirably pointed out yesterday, as they have been in the past, by one of our Nation's foremost constitutional authorities in this area, the distinguished Senator from North Carolina.

I have joined with the Senator in the past to indicate my fear of imposing the requirement of prayer—even the so-called nondenominational prayer—on children of different faiths and beliefs. I have indicated before my fear of placing in the hands of Governors and State legislators the decision whether or not our children will pray in the classroom, and when they will pray, and how they will pray. But I do not rise today to debate the merits of the so-called prayer amendment.

I rise, Mr. President, to try to suggest a way that we can bring order and reason back into this debate. I do not believe that we can give fair consideration to the equal rights amendment when we are faced with amendments suddenly brought to the floor on the eve of elections and without anything approaching an adequate opportunity for consideration. I believe it is absolutely clear that we cannot proceed to final consideration of the equal rights amendment until we return in November. I hope that the distinguished majority leader will make it the pending order of business after we return.

In addition, Mr. President, I think we must recognize that the equal rights amendment has been subject to very strong criticism in this body. In addition to the extraneous amendment adopted yesterday, we also adopted the amendment of the Senator from North Carolina dealing with compulsory military service. A number of other amendments have also been introduced, amendments providing additional exemptions from the application of the equal rights amendment. These amendments would provide exemptions designed to protect the "health" or "safety" or "privacy" or "education" or "economic welfare" of women, or "to enable them to perform their duties as homemakers or mothers."

Mr. President, we must recognize that it has all too often been under the guise of protection that women have been discriminated against under the law. And we must recognize that enshrining into the Constitution these specific exemptions would be an affront to the dignity of American women, a demeaning change in the fundamental law of the land.

I do not mean to contend that the precise language of the equal rights amendment as it passed the House of Representatives has any special magic. We must recognize that House Joint Resolution 264 must already be returned to the House, either for approval there or for a conference. And we must recognize that this language has not been revised in some time, indeed, over a period of time which has seen a dramatic evolution in our concepts of constitutional equality.

Mr. President, I am today proposing that we consider a revision of the equal rights amendment, a revision designed to provide most of the affirmative benefits which are sought by its sponsors, while meeting the objections of its most articulate critics.

Those of us who support the equal rights amendment have done so because we believe that the 14th amendment guarantee of equal protection of the law must be extended to cases involving discrimination on account of sex. Indeed, the record shows that under the 14th amendment the Supreme Court—although often presented with the opportunity—has never invalidated State action discriminating between the sexes. As the distinguished Representative from Michigan, Mrs. GRIFFITHS, the principal sponsor of the amendment in the House, indicated in a letter to all Members of the Senate:

> Most opponents and all supporters of this Amendment agree that the Fourteenth Amendment, properly interpreted, would make the new Amendment redundant. . . ."

The major objective of the sponsors, therefore, has been to assure that the 14th amendment protection of equality is extended to cases of discrimination on account of sex.

The opponents of the equal rights amendment have contended that the current language is excessively restrictive. Their objections are perhaps best summarized by the testimony of Prof. Paul Freund of the Harvard Law School, who takes the position that "not every legal differentiation between boys and girls, men and women, husbands and wives, is of" an "obnoxious character, and that to compress all these relationships into one tight little formula is to invite confusion, anomaly, and dismay." Mr. President, I have argued on the floor over the period of the last week that there was indeed flexibility built into the equal rights amendment. In my view, and in the view of Mrs. GRIFFITHS, the amendment would allow State action differentiating between the sexes in the cases of "overriding and compelling public interest." But yesterday's vote on the amendment offered by the Senator from North Carolina suggests that the Members of this body are not prepared to accept that judgment.

We are then faced with the cold facts of life. In the judgment of the Senator from Indiana, we are not going to have any action, we are not going to be able to succeed at all, if we retain the present terminology of the equal rights amendment. As I said earlier, this is a sad day. But we must face reality, and hopefully we can get something constructive out of the chaos and the tragedy that befell this important work yesterday.

These, then, are the conflicting concerns that face us—insuring the equal protection of the laws to those who have been discriminated against an account of sex, while recognizing the need for a flexible standard in cases where different treatment under the law may be justified. Mr. President, I am today proposing an amendment which I believe would accommodate both of these important objectives. The essence of my amendment would be the incorporation of the specific language of the equal protection clause of the 14th amendment, and the application of that language expressly to cases of discrimination on account of sex. The crucial section of my amendment would read as follows:

> Neither the United States nor any State shall on account of sex, deny to any person within its jurisdiction the equal protection of the laws.

The amendment would also recognize some of the other criticisms voiced against the House-passed version. It would require ratification within 7 years. It would provide for a 2-year delay in effective date rather than a 1-year delay. And it would provide in language identical to the 14th amendment that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article," thus correcting a potential ambiguity noted by Professor Freund and by Dean Louis Pollak of the Yale Law School.

I am asking that the amendment lie on the table that we all may have a chance to study it during the recess. I hope that after the recess we all will agree that this new language gives us the opportunity, once and for all, to strike away the last vestiges of discrimination against the women of our country.

Mr. President my proposed amendment would have the following effects:

First, this amendment would make it absolutely clear that the Congress and the country do not agree with the implication of the Supreme Court's decisions in this area. Many scholars have contended that these decisions were likely to fall, in time, in any case. The Court's 14th amendment standards have evolved dramatically in recent time. But this amendment would remove any doubt whatsoever, by making the will of the Congress and of the States explicit.

Second, I believe that this amendment would accomplish the great bulk of the specific items of reform sought by the proponents of the equal rights amendment. Passage of this amendment—or passage of the equal rights amendment without change—would do no more than encourage and require the courts and the legislatures to take a fresh look at these specific areas of abuse, under a newly clarified mandate. In my judgment, most if not all of the few serious remaining statutory discriminations that would have been eliminated by the equal

rights amendment would fall under my amendment.

Third, the amendment would clearly prevent the kind of restrictive interpretation and disruptive application which the critics have feared. By relying upon the language of the equal protection clause, the amendment would incorporate a vast body of history and judicial precedent, a vast body of experience in dealing with the most difficult questions of discrimination. The standards of application under the 14th amendment have developed into a coherent and comprehensive body of law. And in cases involving important personal rights—such as those we are dealing with in the case of discrimination on account of sex—the courts have developed standards involving a painstaking examination of the grounds asserted as requiring the discrimination. There can be no doubt that this amendment would assure the kind of continuity and consistency for which the opponents of House Joint Resolution 264 have been arguing.

Fourth, and most important, this amendment would retain the most essential benefit of the equal rights amendment—the extraordinary symbolic value of a national mandate in the area of discrimination on account of sex. The addition of this amendment to the Constitution would symbolize our dedication to the cause of equal protection for all Americans. It would demonstrate our determination to insure that we are all in fact equal in the eyes of the law.

Mr. President, I do not expect to seek a vote on my amendment today. I ask that it be printed in the RECORD, so that it may be studied by our colleagues over the recess ahead. I would like to get the views of some leading authorities on this specific proposal. We have not yet had an opportunity to do that. I hope that when we return in November we can give this amendment the kind of careful consideration to which this body is accustomed, and I hope that we will determine to add this amendment to the fundamental law of the land.

The text of the amendment is as follows:

AMENDMENT No. 1062

Strike out all after the resolving clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Neither the United States nor any State shall, on account of sex, deny to any person within its jurisdiction the equal protection of the laws:

"SEC. 2. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This article shall take effect two years after the date of ratification."

Mr. JAVITS. If the Senator will yield right there. The Senator is a fine leader in this field; he has done a great thing to adopt this approach.

I would like to join him in the introduction of this substitute for the equal rights amendment, which I would not be doing were it not for the adoption yesterday by the Senate of amendments which practically kill the measure. I had announced my intention to introduce the very same substitute this morning.

I have been for the original measure and I did not wish to confuse the situation. However, I feel that this is a very much better legal approach to accomplish what so many of the women in America want to see accomplished and, at the same time, deal in a very generic way with the fears of many who were concerned with the unforeseeable consequences of the original equal rights amendment.

Mr. BAYH. It would be an honor to have the Senator from New York adding his prestige and influence to this amendment.

Mr. President, we have had our heads against the wall. The events of yesterday proved conclusively that despite our determination, we were not going to be able to succeed. I hoped and prayed that we would be successful, but we are not at the present.

The question now becomes: How do we bring some measure of success out of the ashes of yesterday's defeat? I believe this will accomplish almost all, if not all of the goals of the previous amendment. Therefore, I urge the Senate to consider it carefully.

Mr. COOK. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I am happy to yield to the Senator from Kentucky. He has been very helpful in this struggle.

Mr. COOK. Mr. President, the junior Senator from Indiana and I are offering today an amendment in the nature of a substitute which we think may well bring about the equal treatment of women under the law which was, of course, the purpose of Senate Joint Resolution 61. We offer this amendment not knowing at this time whether it will be satisfactory to the various womens' groups who have worked so hard for passage of a constitutional amendment guaranteeing equal treatment under the law regardless of sex. We introduce this amendment on the last day before the preelection recess so that all parties interested in this cause will have an opportunity to study the matter and so that we may acquire legal opinions from various law professors in the country who have expressed an interest in this subject before we return on November 16, at which time House Joint Resolution 264 will again be the pending business.

The advocates of the equal rights amendment which passed the House of Representatives, including myself, have argued that the 14th amendment should have rendered this effort unnecesary. It is for this reason that the Senator from Indiana and I offer today an amendment in the nature of a substitute which embodies the langauge of the 14th amendment, but adds "on account of sex," what we have done here is to literally write sex into the language of the 14th amendment. In addition, in order to meet other objections raised by opponents of the House-passed measure, we have included in the preamble a provision to require that this amendment must be ratified by three-quarters of the State legislatures within 7 years. In a further effort to accommodate those who have had other minor objections, we have drafted section 3 of this substitute amendment to allow an effective date of 2 years after date of ratification.

Mr. President, we do not know whether this amendment will be acceptable, but we offer it in the spirit of seeking to secure passage of a constitutional amendment which will, at last, wipe out all vestiges of sex discrimination under the law.

Mr. President, I ask unanimous consent to have the following material printed in the RECORD: A news release from the National Federation of Republican Women; an article written by Elizabeth Shelton, entitled "Proamendment Professors"; an editorial published in the Washington Post of October 13, 1970, entitled "The Women's Rights Amendment"; a letter of October 12, 1970, from my office on the equal rights amendment; and a letter from the American Newspaper Guild of October 13, 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF REPUBLICAN WOMEN,
Washington, D.C., Sept. 1, 1970.

A JOINT STATEMENT ON THE EQUAL RIGHTS AMENDMENT

As representatives of large organizations of women approving the Equal Rights Amendment as it was passed by the House of Representatives in House Joint Resolution No. 264, we urge passage in the Senate of the same Resolution without change and without amendments.

1. Our position was not assumed lightly, abrasively, nor frivolously. Both constitutional amendments and federal legislation have failed to be recognized by the Supreme Court as establishing equality for women, or even to apply to women. We feel that the Equal Rights Amendment now before the United States Senate is the one unequivocal, enduring method of establishing women as equals before the law, and providing equal opportunity within our society.

2. Because of superficial arguments being advanced in opposition to the Equal Rights Amendment we reject the notion that either state or federal laws, subject to court interpretation, can remedy the injustices at issue, and we reject as spurious the idea that equality will endanger our "health, safety, privacy, education, or economic welfare," or diminish our capabilities as "homemakers and mothers."

3. The Equal Rights Amendment is not new. It has been before Congress for 47 years. It is supported by the largest and most responsible women's organizations in the United States. We are not Johnny-come-latelys to this struggle but for years have worked diligently and constructively for justice and equality. We have no desire and no intent to disturb marriage and the family, which are the foundations of Western Civilization. We are proud to be American women.

ELLY PETERSON,
Assistant Chairman,
Republican National Committee.
GLADYS O'DONNELL,
President, National Federation
of Republican Women.
MARY LOU BURG,
Vice Chairman,
Democratic National Committee.
HARRIET CIPRIANI,
Deputy Vice Chairman,
Democratic National Committee.

PROAMENDMENT PROFESSORS

(By Elizabeth Shelton)

Eleven Harvard Law School professors have sent telegrams to 20 members of the U.S. Senate urging them to vote for the Equal Rights Amendment already passed by the House.

The telegrams were sent as rebuttals to anti-amendment testimony by Harvard Law Prof. Paul Freund before the Senate Judiciary Committee earlier this month when it was considering a substitute amendment written by Sen. Sam J. Ervin Jr. (D-N.C.). The substitute measure would alter the Equal Rights Amendment by preserving state labor laws which were written a half-century ago to give special treatment to women factory workers.

"The undersigned are members of the Harvard Law School faculty," the jointly signed telegram, which went out Sunday night, reads "Having considered the legal arguments against the Equal Rights Amendment, we urge you to vote for the amendment without change."

The telegram was written by Brenda Feigen Fasteau, Harvard law graduate who is vice president in charge of legislation for the National Organization for Women.

Those signing it were Professors Derrick Bell, Robert Braucher, Abram Chayes, Jerome Cohen, Vern Countryman, Alan Dershowitz, Philip Heymann, Charles Nesson, Samuel Thorne, Lawrence Tribe and Lloyd Weinreb.

Meanwhile, opponents of the amendment have mailed brochures to all senators, claiming that the Equal Rights Amendment is "an attractive slogan" and asking, ". . . but is it a good law?" They claim that it is not necessary and will deprive women of some of the rights they now have.

Among those endorsing the brochure is the International Union of Electrical, Radio and Machine Workers, which is involved in three court suits challenging Ohio labor laws on behalf of women employees. The suits against Westinghouse and General Motors were brought as a result of Equal Employment Opportunity Commission decisions that women electrical workers were victims of discrimination.

Ohio labor laws prohibit women from lifting more than 25 pounds. As a result, women were laid off and young men were promoted into their jobs. Some of the women lost two years of wages and two years of seniority.

Over the past weekend, the executive board of the American Civil Liberties Union reversed its long-time stand and decided to support the Equal Rights Amendment.

[From the Washington Post, Oct. 13, 1970]

THE WOMEN'S RIGHTS AMENDMENT

As far as we have been able to sort out the arguments being made in the Senate against the women's rights amendments, they come down to three basic points. One is that there is no serious discrimination against women and that this whole idea of equal rights is silly. The second is that whatever discriminations may exist can be disposed of to the satisfaction of women under the 14th Amendment's equal protection clause. The third is that this particular amendment is sloppily drafted and will result in years of litigation until its full meaning is clear.

There is a case now pending before the Supreme Court that seems to us to be a satisfactory answer to the first two arguments. It is not an important case in itself, since it deals with a subject that arises only rarely. But the philosophy that underlies the action of the lower courts is precisely the philosophy that the more thoughtful leaders of the women's rights movement are fighting.

This particular case arose out in Idaho when the parents of a deceased child squabbled over which of them should be appointed administrator of his estate. Like many other states (and the District of Columbia), Idaho has a law that tells judges what classes of persons to prefer in making such appointments. The children of a deceased, for instance, get preference over the parents. But where children (or parents) dispute the appointment the law says "males must be preferred to females."

Anyway you look at that law, it discriminates against women because of their sex. And it is not the only such law of its kind on the books. In 11 states, special restrictions are placed on the right of married women to make contracts although not on married men. In five states, a married woman must get the approval of a court before she can establish an independent business. In at least eight states, women cannot sign leases until they are 21 although men can sign at 18. In nine states, women are not permitted to mix, sell or dispense alcoholic beverages in public. This ought to be a sufficient catalogue, although there are many more examples, to convince anyone that legal discrimination against women does exist. There is no sense or justice in this kind of discrimination in modern America.

But, say opponents of the proposed amendment, discriminations of this kind can be eliminated under the 14th Amendment's equal protection clause. That clause, which says a state cannot deny anyone "equal protection of the laws," is the clause used to strike down all forms of discrimination because of race. Presumably it will now be used to strike down all forms of discrimination because of sex.

The trouble with that argument is that the clause hasn't been and is not being used for that purpose. It took a constitutional amendment to give women the right to vote because the courts said the equal protection clause did not apply to them. And the discriminations mentioned above are still being upheld in the face of equal protection objections. Just this spring, the Idaho Supreme Court unanimously upheld that law discriminating against women in the appointment of administrators. It cavalierly waived aside the entire argument, stating that the distinction between men and women was perfectly justified as a means of curtailing litigation over which person the judge should appoint. Although the court's logic would apply equally to a law giving preference, in an inter-racial marriage, to the white parent over the black parent, or to a blue-eyed parent over a brown-eyed parent, such a law would not have a chance of surviving the 14th Amendment's ban against arbitrary distinctions. This law survived, it seems clear to us, only because the Idaho justices, and many other judges, regard any reason, no matter how slender, as sufficient to justify discrimination against women. And that, we think, is sufficient to destroy the otherwise impeccable logic of those who oppose this constitutional amendment on the ground that it is not needed.

This leaves only the third argument against the amendment as it stands before the Senate, the argument that it is imprecise and will breed litigation. It is imprecise, as are almost all of the major clauses of the Constitution because it must cover more than just one situation. It will breed litigation, as do all the important clauses of the Constitution, because there are many wrongs that need to be righted. Neither charge against it is valid and the fears of its opponents that it will operate to deprive women of special rights seem to us to be largely strawmen. The amendment is needed and it ought to be passed by the Senate now.

U.S. SENATE,
COMMITTEE ON COMMERCE,
October 12, 1970.

Re the equal rights amendment.

DEAR SENATOR: Last Friday I made a rather lengthy speech concerning the House-passed Equal Rights Amendment. During the course of my remarks I inserted several statements in the Record indicating the position of the President of the United States on this proposal. I am informed by White House aides that although there has been no recent statement from the Administration in support of the Equal Rights Amendment, the President remains firm in his support as indicated by a letter of July, 1968 which you will find in the Congressional Record of October 9, 1970 on page S 17654.

I hope the Republican Party will have a record of overwhelming support for the House-passed Equal Rights Amendment without alteration.

With best wishes.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

AMERICAN NEWSPAPER GUILD,
Washington, D.C., October 13, 1970.

Senator MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: The following resolution was passed yesterday, October 13, by the International Executive Board of the American Newspaper Guild:

"As members of the U.S. Senate have previously been informed—in a joint communication from American Newspaper Guild President Charles A. Perlik, Jr., United Auto Workers President Leonard Woodcock, and American Federation of Teachers Legislative Representative Carl J. Megel—the Equal Rights Amendment to the U.S. Constitution is supported by the American Newspaper Guild, an international union representing some 35,000 advertising, business office, circulation and news and editorial workers in the newspaper, news magazine and wire news service industries.

"The Equal Rights Amendment was endorsed by the 1970 American Newspaper Guild Convention in June in the form subsequently approved by the House of Representatives. The Convention's 199 delegates, elected by rank and file members in the U.S. and Canada, declared that the Equal Rights Amendment is "consistent with the American Newspaper Guild's existing constitutional provisions for equality without regard to sex—as well as age, religion or national origin."

"The 1970 American Newspaper Guild Convention also reaffirmed American Newspaper Guild support of home-rule for the residents of the District of Columbia and endorsed elected representation for the District in Congress.

"As the International Executive Board of the American Newspaper Guild begins its annual autumn meeting in Washington, D.C., the Equal Rights Amendment is being considered on the floor of the Senate.

"The International Executive Board notes that some members of the Senate have proposed amendments to the Equal Rights Amendment as it was passed by the House, while other members of the Senate have proposed "riders" to the Equal Rights Amendment, including at least one which would amend the Constitution to give the District of Columbia voting representation in both houses of Congress.

"The 800,000 residents of the District of Columbia clearly are entitled to as full a measure of citizenship as residents of the nation's 50 states—including the right to elected, voting representation in the Congress. If there ever existed a rationale for denying them full citizenship it has long ceased to exist.

"However, the millennium has not yet arrived in the U.S. Each of the proposed Constitutional Amendments has encountered its own difficulties in the Congress. Each can be expected to encounter more before securing approval of the requisite state legislatures. It is only a matter of hours before the 91st

Congress recesses for the November elections. It will reconvene for but a few weeks following the elections. The unfinished business before the Congress is much and complex. To amend the Equal Rights Amendment or to couple it with elected, voting representation in Congress for the District, or any other worthy proposal, is to assure that neither will receive the necessary approval from the 91st Congress. Attachment of riders would also increase geometrically the difficulty of securing the state legislative actions necessary to effectuate the amendments.

"The International Executive Board of the American Newspaper Guild therefore calls upon the Senate to approve forthwith the Equal Rights Amendment as it was passed by the House of Representatives, (H.R. Res. 264)."

Sincerely,

CHARLES A. PERLIK, JR.,
President.

Mr. GRIFFIN. Mr. President, I am glad to join with the Senator from Indiana (Mr. BAYH) in the introduction of this particular proposal. It is a proposal which can and should be adopted to become an amendment to the Constitution guaranteeing equal rights for women.

This amendment would clear up whatever doubt exists as to the applicability to women of the equal protection clause of the 14th amendment.

I believe this proposal represents the right and the best approach. It is an approach that I can wholeheartedly support.

I believe this proposal will open the door to adoption of an equal rights amendment to the Constitution. If this proposal were adopted, the long history of Supreme Court decisions interpreting the equal protection clause of the 14th amendment would be available as precedent for interpretation of this equal rights amendment. If we adopt the language of this proposal, it could be said that we would know what we are doing. Unfortunately, that could not really be said with respect to the earlier version of the equal rights amendment.

While I have not opposed the earlier version of the equal rights amendment, I was not a cosponsor simply because there were so many unanswered questions about it and the effects it would have.

By using language similar to that which appears in the equal protection clause of the 14th amendment as the basis for an equal rights for women amendment, I feel confident that we can narrow the areas of doubt and that we can attract the support needed for adoption in Congress and ratification by the States.

Accordingly, I am pleased to associate myself with the remarks of the Senator from Indiana (Mr. BAYH) and with this proposed amendment.

Mr. BAYH. I appreciate the remarks of my friend from Michigan, as well as the distinguished Senator from Kentucky, who has, as I said earlier, waited so patiently through all the hearings and worked with me as we labored to try to get the original language adopted.

Obviously, on yesterday, we were doomed to no further success or progress at all on this 47-year effort that the women of America have been making to get equal treatment under the law.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kansas (Mr. DOLE), be added as cosponsor. I ask once again that all Members of the Senate and, hopefully, some of our colleagues in the House will look at the language during the recess to see if there are any flaws we have not yet uncovered. I am sure we all want to make the strongest effort to see that the women of America are treated equally in the eyes of the law.

Mr. COOK. Let me say to all Senators now in the Chamber that in the debate, when we return, we have, at least, I think, eliminated one of the things that we spent so much time on; namely, the creative language that was in the then pending resolution.

We now find ourselves with constitutional language already in. We now find ourselves with no change in the language which has stood the test of the courts and the Supreme Court of the United States for many, many years.

We will at least have eliminated any doubt as to the clarification of the language because we have lifted the language from the present 14th amendment to the Constitution.

Mr. MANSFIELD. Mr. President, first let me say that I was not a cosponsor of the original equal rights amendment to the Constitution. I was a supporter. I am a supporter. I hope that we can get something as close to the original resolution which was taken up by this body and which now has been changed, to some extent.

SENATOR MOSS RECEIVES "BETTER LIFE AWARD"

Mr. CHURCH. Mr. President, at its annual convention in Miami, Fla., recently, the American Nursing Home Association paid tribute to one of the best friends it has in the U.S. Senate, the Senator from Utah (Mr. Moss).

It gave to Senator Moss its coveted "Better Life Award," as a way of expressing appreciation to the Senator for helping nursing home operators achieve higher standards of nursing care, and thus improve the lives of those Americans who must spend any part of their days in a nursing home.

Since there are now more than a million Americans in nursing homes out across the country, and medical science is lengthening the life span each year, there will undoubtedly be many more of our ill and our elderly in nursing homes in the years ahead, so improvements in the field of long-term medical care loom more important each day.

This award was, in many ways, an unusual one in that it was presented by an organization which is "regulated" by the Federal Government to one of those who helps formulate those regulations. This in itself is a special tribute to Senator Moss—and to his fairness and understanding.

The Senator, who is involved in a reelection campaign in Utah, could not be in Miami to accept the award, but he sent his son Brian, to represent him, and to make the inspiring and informative speech the Senator had prepared on his work as chairman of two subcommittees of the Senate Committee on the Elderly—the Subcommittee on Housing for the Elderly and the Subcommittee on Long-term Care.

I ask unanimous consent that the speech by Senator Moss be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR FRANK E. MOSS

My friends of the American Nursing Home Association: You do me great honor here today and I sincerely wish that I could have adjusted my schedule to address you in person. In my place I am sending my number 2 son, Brian, who is easily the best looking member of the family. Brian carries with him the speech that I had planned to deliver to you.

Permit me if you will a few remarks about what your award means to me before I begin the discussion of the most important issues and problems with which we are currently confronted.

It is always a pleasure to receive an award from an important national association but I must say that it is a particular pleasure for me to be the recipient of the better life ward of your American Nursing Home Association.

It is a particular pleasure because I have given generous amounts of my time in the United States Senate to the study of nursing home problems. As you know I have served as chairman of the subcommittee on long-term care of the U.S. Senate special committee on aging for the past seven years. During this time, I have toured the country to detail nursing home problems; and I became the author of substantial legislation which had the intent of raising standards in nursing homes.

As you know, my subcommittee has held a series of hearings this year and because of the more than substantial federal interest in nursing homes, it is probable that similar hearings will be held in the future. Unfortunately, we must deal with problems; and it has been a source of great regret to me that we sometimes give the idea that there is nothing positive in the nursing home industry. Nothing could be farther from the truth.

In the hearings we have conducted this year and those to come in the future, I have insisted that we emphasize the positive as much as possible; that we point out the many innovative nursing homes which can serve as models for the future. Make no mistake that I continue my fight for higher standards of care and that I am the enemy of abuse and those who take advantage of the system. This is as it should be because I am an elected representative charged with the responsibility for protecting the federal interest. At the same time, I assure this association of a fair shake in the hearings I will be conducting in the future. I also promise that I will take your part as I did this year if I find that the federal government is not treating you fairly.

In short, I am one of those who had a principal role in regulating your daily affairs—be that for better or for worse. I have tried to be even handed—to substitute constructive criticism for sensationalism. This is why your award means so much to me. By granting me this award you are saying: "Although we don't always agree with you Senator Moss, we respect your integrity and your good faith."

Your giving me this award also serves another function. It puts the American Nursing Home Association even more solidly on record for higher standards in nursing homes. It also gives me the opportunity to remind the general public that your association supported my 1967 amendments even though these amendments had a restrictive effect on some nursing home operations in the name of raising higher standards.

I don't know why some people simply like to assume that you are in favor of lower

standards and that you would look the other way when a few nursing homes abuse the system. In my experience this has not been the case. I find genuine concern here. The worst nursing homes in this country largely are not members of ANHA or any other association. Still, I would encourage you to continue to clean your own house—to press for higher standards within the association because a few bad homes can generate a mountain of adverse publicity. This point was illustrated for me years ago by one of my teachers and I have never forgotten it.

My teacher held up a blank piece of white paper. She took her pencil and put a tiny black spot in the lower left hand corner. Then she asked us what we could see. All of us responded that we could see a black spot in the lower left hand corner. At that time my teacher pointed out that all of us had neglected to mention all the white space all around—all we could see was the black spot.

I will come back to this point, but I would like at this time to express my sincere appreciation to the members of this association for the honor you bestow upon me here today. I am grateful.

Let me now proceed with my discussion of the problems in the field of long-term care. That these problems are important is obvious from the facts.

As you know there are some 25 thousand nursing homes across the country and they house better than one million Americans. Since 1950 nursing homes have increased their share of the U.S. health dollar from one percent to four percent and nursing home revenues now run about 2.5 billion dollars. Two out of three of these dollars comes from the Federal Treasury.

While there were 3 million people over 65 in 1900 there are 21 million elderly in the United States today. This represents a 100 percent growth in just 70 years.

These statistics make several points. First, more and more people are living longer and longer. More and more of our citizens will need nursing home care in the future and the Federal Government has more than a substantial interest in the nursing home industry. In fact, I know of no industry which is so wedded to the Federal Government as the nursing home industry. Any change in policy or direction by the Federal Government in terms of its commitment to the nursing home industry has a dramatic effect on the industry. It is for this reason that those of us in the Federal Government must exercise extreme caution.

I am extremely happy to see that the finance committee of the Senate has seen the need for caution. I refer to Section 225(a) of the House passed Social Security Bill, H.R. 17550.

As you know, the House passed bill would require that Federal matching funds going to the States under the medicaid program would be cut back by one third after the patient has been in a nursing home 90 days. This section of the bill would grant to the States a 25 percent bonus if the States elected to treat individuals through home health services rather than through their nursing home systems.

The House Ways and Means Committee indicated that Section 225(a) was a solution to the problem of overutilization of medicaid. Others have viewed Section 225(a) as the implementation of the suggestion by President Nixon that the Federal Government does not belong in the field of long-term care. I want to take these policy reasons one at a time starting with the latter.

All of us will remember the President's speech from a few months back in which he cited 57 agencies in the Government which he marked for abolition because he said they had outlived their usefulness. One of these agencies was the Federal Board of Tea Tasters. Sandwiched curiously in this proposal was the suggestion that the Federal Government does not belong in the field of long-term care. The President noted that $235 million could be saved if the Federal Government would once again return long-term care to being a State and local responsibility.

Our hearings in the early 60's are replete with the information that the States could not afford to pay for long-term care and this was a principal reason for the enactment of the Federal medicaid program. Now that all of the States are participating in medicaid—relying on medicaid, comes the gloomy news of a pending arbitrary Federal withdrawal. As you know, I have made several speeches in the Senate protesting this foolhardy proposal. I pointed out my own State of Utah would lose $2 million which is proportionately just as great a loss to us the loss of $105 million by New York or the loss of $18 million by Oklahoma. And then, too, the word of the Federal Government should have some credibility. When we court the participation of nursing homes or any other private enterprise group into a Federal program, there should be reasonable assurances about the continuity of the Federal program.

All too often those who enter into partnership with the Federal Government have learned that it is a one-sided contract from which the Government can withdraw at will. I sincerely hope that I have had a major part in keeping the Federal Government from pulling the rug out from under the medicaid program. I know the objectionable language has been deleted from the Senate version of the bill and the projections for keeping it out when the two bills go to conference is good.

I hope the action of the finance committee at least has the effect of answering the President's suggestion that the Federal Government does not belong in the field of long-term care. I strongly believe that the Government does belong in this field.

The one million Americans who fill your homes are by and large the most unfortunate members of society. They suffer the compound burdens of illness and advanced age. Many do not have families or kin. Most have outlived their friends. They have no one to care for them and they are unable to care for themselves. I ask, what is our policy with regard to these people in America?

I answer my own question by saying that we have a wishy-washy policy. We haven't really decided what our policy is towards our ill elderly. Some are content in thinking that with social security and medicare we have taken care of the needs of this group. This is not true. I say that it is about time we put ourselves on record. I say that it is time that the Federal Government announced its unequivocable and irrevocable commitment to the care of the ill elderly.

I would like to see the day that cuts are made in defense spending or on spending for space or the supersonic transport when times got rough rather than on programs for the elderly and handicapped. But it is easier to cut programs for the elderly because they lack political punch. They cannot offer the promise of dollars to political candidates. Nor does this group vote as a cohesive block. And then, too, those who are occupying nursing home beds may be too ill even to vote. All of this is most unfortunate.

Going back to section 225(a) and the suggestion of the Ways and Means Committee that medicaid nursing home beds are overutilized, I have a few comments. First, I don't believe it is true. Why? Because medicaid rates are already much too low. In California you are getting $14 a day and in Michigan you get $14.48 a day even though the audited cost of county owned homes in Michigan exceeds $20 a day. The second reason is that you must render a wide range of services to these medicaid patients. These patients average 85 years of age; most of them have at least one chronic or crippling disease. Those who require the full spectrum of skilled nursing home care probably never will be made well enough to return to their homes. Within this context, the choice is either you give the patient care or you don't. If you do he will need it for a long period of time. Accordingly, the decision to give care can hardly be described as overutilization.

Assuming for one moment, that medicaid nursing homes are overutilized, it is my contention that there are better ways of meeting the problem than by cutting back the share of Federal matching funds. The problem here is that the Congress of necessity must pass general legislation which is refined by administrative regulations. When the Congress attacks a problem with a statute its motions are akin to the wielding of an ax. Those of us in the Congress often wish that we had some other instrument which would give us precision movements like a surgeon's scalpel.

I suggested in one of my previous speeches that if overutilization was a problem that it could not be solved by wielding the Federal financial tax from the pinnacles of Capitol Hill. The way to solve the problem is with the programs of utilization review which are currently in existence. I know utilization review creates some problems for you but at least you can live with it. I suggest you would have a hard time living with a summary pullout of Federal matching funds.

Putting 225(a) aside with our hopes that the language deleted by the Senate Finance Committee will stay deleted when the bill goes to conference, let me say just a word or two about the medicare program.

On April 10 of this year I took the Senate floor to tell the Congress of the step-by-step dismantling of the medicare nursing home program. I learned of this from my Senate hearings in which some of you participated.

You know what has happened better than anyone. I can only give you my regrets. Putting aside the question of whether the Congress intended the extended care program to be on a wide base or whether it was intended to be a narrow post-hospital-post operative program—a few things are clear.

The medicare program in the Johnson administration became an expansive program with the only limitations that a patient be in a hospital for three days and that a physician would certify his continuing need for medical services and that those services were actually rendered. For my part, I argued that the three-day requirement was superfluous. But at least you knew what criteria you had to meet to receive Federal funds.

It is also clear that the Federal program upon which you were relying was abruptly pulled out from under you which led me to say earlier this year that "medicare is beginning to take on the color of another broken promise." I learned from you that accepting a medicare patient was about as unpredictable as putting a quarter in a slot machine. I still empathize with the nursing home patient who has it on the authority of his medicare handbook that he has a guaranteed 100 days in a nursing home. I still sympathize with those of you who have had to break these bubbles of misconception and often suffer financial loss as well.

I know that medicare probably seems like a bad dream to some of you and that you would like something besides my sympathy to salve your wounds. I would hope that the program could be re-instituted as it was when the pressures on our economy abate. But even looking at the experience in past tense, I do believe it was valuable. I believe the medicare program elevated the status of nursing homes. It made them more than ever before medical institutions and part of the medical continuum. I believe that the extended care program did much to improve the image of nursing homes.

Its your image that I want to talk about next. It ties in with what I was saying earlier about a few bad homes generating a mountain of adverse publicity. In-depth psychological research reveals that most people tend to look at nursing homes as the first step of an inevitable slide to oblivion. The

senior citizens think of the hospital and the nursing home in different terms. They say to themselves that with the hospital they have a chance. They have seen many of their friends go into a hospital and come out again. However, they have not seen many of their friends return from the nursing home to society.

This is the notion that we must dispell. I find it essential that we do everything possible to improve the image of nursing homes. With improved services this should follow automatically. The answer I suggest is rehabilitation. Once you can show to the public that it is possible to go into a nursing home and return to society, your image problem will be solved. I fully recognize that some people can never be rehabilitated under this definition. For those who cannot return to society, rehabilitation should be defined in terms of making sure that the patient continues to function to the best of his ability during his stay in the home.

My first recommendation was that we must dispel the notion that all nursing homes are a kind of purgatory. We can do that by improved services with special emphasis on rehabilitation.

My second recommendation for improving the many aspects of long-term care is aimed at the government. We must come to grips with the fact that good nursing home care is expensive. And if it is really our policy in this society to care for our ill elderly, this cost should be met. We must be willing to pay the price for the higher standards we seek. Fourteen dollars a day is ludicrous.

My third recommendation has been suggested in the earlier part of my speech and that is that this association become to some degree, self-regulatory. I would like to see you adopt and enforce a stronger code of ethics like all the major professions and make admission to membership of this association an even greater privilege than it is. I would like to see membership in this association as a standard of excellence, I would like to see you holding your *own* hearings censuring those bad providers and opportunists who blacken your image.

My fourth recommendation is that this association continue its fight to condemn the unfortunate practice of using retirement hotels to function as nursing homes. These hotels in many states are exempt from the strict fire, food, and safety codes that all of you must observe. Nor do owners of these hotels bother to become licensed. The elderly live in these unfortunte dwellings for the singular reason that they are inexpensive. The answer here perhaps is greater income for the elderly.

My fifth recommendation is that together we call for federal financial support of state training programs to provide personnel for our nursing homes. In past years the industry has built 2 to 3 nursing homes every day of the year and competent nurses and assistants must be found who have a genuine interest and concern for elderly citizens. Another factor in this great need for additional personnel is the high turnover rate you experience. I am told by the department of labor that your turnover rate for all nursing personnel is 60 percent and that it runs as high as 71 percent for registered nurses.

Again, good nurses and personnel are expensive. This means that the states and the federal government must look toward a substantial increase in rates paid to nursing homes.

My sixth recommendation is that the standards and the rate of compensation for intermediate care institutions be revised and raised. I have written to the medical services administration to find out why the intermediate care standards were lowered. I learned from some of the members of your Washington staff that the association got the blame for the watered down standards while your position is once again in favor of the higher standards.

And now if you will permit me just a few words in closing. I would like to compliment you for undertaking what my good friend Dr. Victor Kassel calls "the most difficult job in the world." I want to thank you for working hard to make pleasant the last days some Americans spend on this earth.

It is little wonder nursing homes are such a controversial entity because up until the last 25 years nursing homes were warehouses for the living dead and depositories of our guilt. We wanted nursing homes hidden away from the mainstream of our society so that we would not have to see and suffer anew the shame and embarrassment.

Thankfully, nursing homes have begun to come out from under this society imposed shroud. Thankfully nursing homes are now attractive buildings in the centers of the city. Thankfully, a nursing home owner is becoming more and more a professional and an accepted member of society. But the day still appears to be far away when children will be heard to say that they want to be nursing home owners when they grow up. This must change. Change and priorities are the hallmarks of the 1970's. Excellent nursing homes must become better. New methods must give way to still newer and better methods. As a society we must adjust our priorities so that care for the elderly in our society ranks ahead of questionable defense spending and building a supersonic transport.

What is most important to this development is that the lines of communication remain open. I have been grateful for the good working relationship with your Washington staff. We have often exchanged points of view. We have not always adopted each other's point of view, but at least we received some appreciation for the problems and needs of others. I hope we can continue to communicate. I look forward to your letters and to sharing your concerns.

My sincere thanks again for this great honor.

MARY McCONNELL BORAH IS 100 YEARS OLD

Mr. CHURCH. Mr. President, the charming and witty Mary McConnell Borah, widow of Senator William E. Borah, will be 100 years old on Saturday, October 17. I wish today to congratulate her on the centennial anniversary of her birth and to salute her admirable spirit that has never grown old during the long course of her eventful lifetime.

We in Idaho are very proud of Mary Borah. As she told Suzanne Taylor recently in an interview:

I seemed to have earned the title of Methuselah.

But she warned:

Don't ask me my rules for reaching such an astonishing age, for I assure you I have none. I have never partaken of the grain, the grape or the weed.

She confessed:

Yet many who have reached the century mark plus agree that they have always smoked, imbibed and frolicked about, so this abstemious record perhaps is not all the reason I'm still here.

Mary Borah has lived long and seen much, symbolizing the essence of that Robert Browning poem:

Grow old with me!
The best is yet to be,
The last of life,
For which, the first is made.

Born in Arcata, Calif., in 1870, her family, having crossed the Great Plains in early Oregon days, set up a general store in Moscow, Idaho, shortly thereafter. Because of the deep interest of her father, W. J. McConnell, in public life, Mary made her acquaintance with politics at an early age. She helped her father in his efforts to obtain statehood for Idaho, which occurred in 1891, and then to become the first U.S. Senator from our State. When McConnell became Idaho's third Governor, Mary was her father's part-time secretary and hostess.

It was in the statehouse in Boise that "Billie" Borah met the fair Mary; the up-and-coming young trial lawyer was the Governor's administrative assistant. They were married on April 21, 1895, and were each other's partners in politics until Senator Borah died here in Washington in 1940.

"Billie" and "Little" Borah came to the Nation's Capital in 1907. While her husband pursued his famous career as a progressive, independent legislator, his wife kept pace. Borah became known as the "Lion of Idaho" and Mary, in her own right became a lioness of Washington society. But, as she recently recalled:

It wasn't all parties and fun.

During World War I, when shell-shocked soldiers and others mentally disturbed by the horrors of war were brought to St. Elizabeth's in Washington for treatment, I, with others who had been deep in Red Cross and war work, became constant visitors at this mental hospital in an attempt to bring back reality to our boys.

She recalled:

Finally, I had a serious attack of nervous exhaustion and my doctor ordered me back to Idaho for a rest.

She quickly recovered.

As an indication of Mary's watchful eye over her husband, she often complained about his careless dressing habits. Mary objected to his dilapidated hats and unpressed baggy clothes. He once said in his own defense to his wife:

Why, only today, I was complimented by a Senator on being the best dressed man in the Senate.

Mary Borah was quick to reply:

Yes, and I know who that Senator was; it was Senator Gore.

She retorted, referring to the blind Senator from Oklahoma.

By voting his conscience, Bill Borah became a great Senator. He acted like "a rogue elephant," Mary recalls, charging through the "jungles of falsities toward the truth." She was the female partner, carrying forth her duties to make a comfortable home and quiet study for the man who became the Nation's leading foreign policy legislator and critic.

As for the intensifying current desire of women in this country to achieve equal status with their male counterparts, Mary Borah recently remarked in an interview:

It's just an extension of women's urge to become full citizens, no matter how. You know the Senator never voted for the suffrage amendment because he considered it unconstitutional. Personally, I think women should have equal employment opportunities

and pay commensurate with their ability, the same as men. To paraphrase *Animal Farm*, "Every one is equal, only men are more equal than women!"

Wise old Benjamin Franklin must have had Mary Borah in mind when he said:

Old age is a lusty winter. Frosty, but kindly.

Happy birthday, Mary Borah.

NEW CUBAN CRISIS WANES

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Western Hemisphere Affairs, I would like to bring the Senate up to date on the latest developments pertaining to Soviet activities in Cuba.

On October 1, my subcommittee was briefed by members of the Defense Intelligence Agency on alleged Soviet military construction in Cuba. Warnings had been sounded by high administration officials that Russia was constructing a "permanent" nuclear submarine base on the southern coast of Cuba at Cienfuegos Bay. The evidence presented to the subcommittee, however, was speculative and inconclusive, so much so, in fact, that Defense Secretary Laird, on October 11, did not find it appropriate to repeat the White House briefer's warning that the administration viewed the development "with the utmost seriousness" and would "take such action that seems indicated." The Secretary said, rather, that there was no evidence that the Soviets had used the facility for submarines as yet. Russian military involvement at Cienfuegos remained a matter of conjecture.

Yesterday, the administration disclosed that Russian naval vessels, including a submarine tender, previously anchored in Cienfuegos Bay, had left the port Saturday morning and were heading eastward toward open sea.

Mr. D. Henkin, the Defense Department's spokesman, said that the departure of the tender "makes it less likely" that the port would be used for Russian submarine operations.

Meanwhile, the Soviet Government said yesterday, it "has not and is not building" a military base in Cuba. It charged that the reports of the administration here were a "concoction." TASS, the official Russian news agency, said that the Soviet Union "is not doing anything that would contradict the understanding reached between the Government of the U.S.S.R. and the United States in 1962."

Moscow specifically commented that they would uphold the 1962 agreement and "will adhere to it in the future, too, proceeding from the assumption that the American side will also strictly fulfill this understanding."

At the State Department, spokesman Robert McClosky said the Department considered the TASS statement "to be positive," but added that the United States "will continue to watch the situation."

The New York Times disclosed today that—

The extent of the construction being carried out by Cuban laborers for the Soviet Navy at Cienfuegos amounted to two single-story barracks—which a qualified source described as resembling a "chicken house"—plus a soccer field, a tennis court, and an exercise field.

There are no Soviet naval personnel ashore, insofar as can be determined, and the pace of construction appears to be leisurely.

I believe these latest disclosures tend to bear out the appraisal of the situation I made 2 weeks ago following the briefing my subcommittee received from DIA.

I said then that the evidence of facilities being built in Cuba was much too thin and inconclusive to warrant the conclusion that the Russians were constructing a major submarine base in Cienfuegos Bay.

Naturally, my subcommittee will continue to follow all Soviet activity in Cuba. Meanwhile, I think the administration should take the precaution in the future of keeping its public utterances on this sensitive subject strictly commensurate with the established facts.

AMERICAN ARMS TO PAKISTAN CONDEMNED

Mr. CHURCH. Mr. President, the United States was badly burned in the 1965 war between Pakistan and India by having contributed large quantities of arms which were used in that conflict. In announcing that we are once again providing lethal weapons to Pakistan—according to several news reports, this deal entails a squadron of F–104A's, seven B–57's, 300 armored personnel carriers, and other items from our surplus stock sold at the cut-rate price of $15 million—it could be only a matter of time before recent history repeats itself and the United States is burned again.

These additional weapons of war will only exacerbate the Indian-Pakistan rivalry. Since Pakistan regards India as its prime enemy, these new weapons, particularly the planes, will appear threatening to Delhi. In turn, India will no doubt seek new sophisticated surface-to-air missiles for defense of its forward cities, stock up on SU–7 bombers, and perhaps add more Mig jet fighters to offset the new Pakistani Starfighters. Inevitably, the arms race on the subcontinent will accelerate, increasing the risk of a fourth Indo-Pakistan war.

The new American arms sale to Pakistan is a major policy change from the autumn of 1965 when the President stopped arms shipments to both countries; the British concurred in this arms embargo. In April 1967, we announced an alteration, but still retained our embargo on sending lethal arms to either India or Pakistan.

This 5-year arms limitation policy greatly helped to ease the tensions on both sides. It seemed we had learned from the tragic events of the 3-week war of 1965, when Pakistan and India exhausted each other on the plains of the Punjab, that increasing the availability of weapons is concommitant to increasing the probability of their use.

In that fratricidal encounter, Pakistan employed tanks, aircraft, artillery, and ammunition, which we had been supplying them since 1954. The Pakistan military forces were led by officers trained under our military assistance program. India fought with British and Russian arms. Held in a state of alert in eastern India were Indian divisions the United States had trained and supplied, beginning in late 1962, to counteract feared new Chinese attacks in the Himalayas.

Prior to the last Indo-Pakistan war, I had sought a reduction in our military assistance to Pakistan. I repeatedly warned that the arms we were supplying Pakistan would eventually be used against India, not against Russia or China.

The events of August and September 1965 bore out my worst apprehensions. In the end, both sides made us the scapegoat of the costly, bloody struggle; at the conclusion of which the Soviet Union stepped in to become the peacemaker.

It now appears that our arms bureaucracy has finally prevailed on this administration to start plying Pakistan again with American weapons. Unfortunately, this will not win over the military elite in Rawalpindi, as we are invariably told. Instead, it will inject an unsettling influence, stimulating another arms race between two impoverished countries, neither of which being able to afford it.

What do we gain by this 180-degree turnabout in policy? The Indian Government has already filed a formal protest, both here and in New Delhi. When the Indian Parliament reconvenes in November, the voices of outrage at the resumption of arms deliveries to Rawalpindi, will reverberate throughout the country.

The Indian press, as influential in molding public opinion as the press in this country, has begun a campaign of harsh anti-American criticism. It is obvious that we have not learned from our past mistakes.

I ask unanimous consent that recent press reports relating to our sale of weapons to Pakistan, plus an editorial on America's arms policy in general, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 8, 1970]

UNITED STATES AGREES TO SELL ARMS TO PAKISTANIS

(By A. D. Horne)

The United States has agreed to sell arms to Pakistan for the first time since the 1965 Kashmir war, State Department officials said yesterday.

Informed sources said the major items involved included 300 armored personnel carriers, 18 F–104A Starfighter supersonic interceptors and seven B–57 Canberra bombers. The sources said the administration had placed a ceiling of about $15 million on the total to be sold, but cautioned that the figures could be held down by listing equipment as "excess"—that is, marked down to 25 to 30 per cent of original cost.

The State Department officials would not confirm either the total value or the kind of arms involved. They stressed that the sale offer was "a limited exception" to the general arms embargo which they said remains in effect for both India and Pakistan.

As adjusted in April, 1967, the embargo allows both countries to buy nonlethal items such as transport, medical and communica-

tions equipment plus spare parts for weapons previously supplied.

Pakistan has pressed the United States to lift the embargo, arguing that its armed forces were heavily dependent on American arms while India had its own and Soviet sources. India, and American ambassadors to India, have argued against ending the embargo.

Most of the public debate on the issue in the past three years has centered on Pakistan's attempt to buy 200 M-48 medium tanks. The Johnson administration tried to arrange an indirect sale of 100 such tanks through various third countries, without success.

The present decision, officials insisted, does not involve any tanks.

[From the New York Times, Oct. 11, 1970]

U.S. AIDES IN INDIA CONCERNED OVER SALE OF ARMS TO PAKISTAN

NEW DELHI, October 10.—United States Embassy officials here are concerned over a possible counter-move by the Indian Government in retaliation for the United States decision to resume the sale of arms to Pakistan, India's hostile neighbor.

"They [the Indians] could make a lot of trouble for us, if they wanted to," said one embassy official, unhappy over the arms decision.

The White House decision, which was made some time ago but came to light only this week, ended more than a year of speculative reports that the Nixon Administration intended to end the United States embargo imposed on arms to India and Pakistan following their brief 1965 war over Kashmir.

Reliable sources here said the arms included twin-jet B-57 Canberra bombers, F-104 jet fighters and armored personnel carriers. The sources said the deal involved no tanks—which to many Indians are the symbol of Pakistani hostility, since Pakistan threw heavy tank forces into northwestern India in the last battles of the three-week war in 1965.

NO CLUE ON INDIAN ACTION

So far, the Indians have given no clue as to what steps, if any, they will take. Some observers, however, think New Delhi might retaliate by granting full diplomatic recognition to North Vietnam or by establishing some diplomatic link with the Vietcong's provisional revolutionary government—moves which the United States has been trying to discourage for some time.

The only official Indian reaction to the United States decision was a formal protest, made both in Washington and at the American Embassy here, saying that the resumption of arms sales to "a country which has already launched three unprovoked aggressions against us cannot but cause to the people and Government of this country the gravest concern."

U.S. DEFENDS MOVE

The Nixon Administration contends that the arms sale will not upset the existing military balance between India and Pakistan—an argument the Soviet Union uses to justify its arms aid to Pakistan. Washington has long been piqued by the fact that United States arms aid to Pakistan always draws much more vehement criticism from the Indians than does similar Soviet aid.

The value of the new arms sale has not been disclosed. Estimates range from $15 million to $40 million.

American officials here stressed that the sale was "a one-time, limited exception to the embargo," and "not an opening of the gates" to a renewal of a regular, annual military assistance program. "The embargo policy continues," insisted one United States diplomat. But the Americans acknowledged there was no guarantee against future exceptions.

"I have a feeling," said one Indian Foreign Ministry official, "that this is only the first installment of many. The explosion in Parliament is going to be terrible."

[From the Baltimore Sun, Oct. 11, 1970]

ARMS TO PAKISTAN

India's quick and vigorous protest against a reported Washington decision to sell new arms to Pakistan was altogether to be expected. The Ministry of External Affairs in New Delhi calls this a transaction in "lethal arms," and if the reports are accurate so it is: they mention, besides armored personnel carriers, 18 supersonic interceptors and 7 Canberra bombers.

The State Department refers to the sale offer as a "limited exception" to the general embargo imposed on arms sales to India or Pakistan at the time of the 1965 war—adjusted in 1967 to allow both countries to buy nonlethal items such as spare parts for weapons previously supplied, transport and medical and communications materiel.

The American position, which seems to accept the Pakistani argument that India has access to its own and Soviet arms sources while Pakistan must depend solely on the United States, is that the new supplies will not upset the military balance in South Asia. India is said to have been so assured.

But India remembers American assurances before 1965 that arms supplied to Pakistan would not be used against India, as of course in the event they were; and New Delhi knows, if Washington still does not, that fear of India is the first and dominant reason for Pakistan's wanting to be effectively armed.

Even granted that these new arms are hardly massive, there are certain conditions Washington might have considered more carefully before offering them. One is the fact that we do not know accurately what the temper of the present Pakistani government is, much less what the temper of Pakistan may be after the elections scheduled later in the year. Another is the probability that Prime Minister Gandhi's rightist-militant opponents will now try to increase their pressure on her for the fabrication of nuclear weapons. The situation in South Asia is dangerous enough, without that.

[From the New York Times, Oct. 11, 1970]

ARMS FOR PAKISTAN

As if it did not already have enough trouble trying to defuse perilous international conflicts in the Middle East and Southeast Asia, the United States Government is—incredibly—adding fuel to another potentially explosive situation in South Asia. The State Department confirms the report that this country has decided to sell arms to Pakistan in what a spokesman describes as "a limited exception" to the prudent arms embargo that was imposed on both India and Pakistan after their 1965 war.

This "exception" in fact represents a major break in the embargo, far more serious than modifications made in 1967 when it was decided to sell spare parts to the Pakistanis and to make available non-lethal equipment to both sides. Although the department denies that tanks will be included in the proposed arms deal, it does not dispute reports that armed personnel carriers, fighter planes and bombers are involved. The spokesman explained that Pakistan felt disadvantaged by the embargo, even as modified, because most of its military equipment prior to 1965 was of American manufacture.

What the department failed to note was that the Pakistanis have been receiving arms from both the Soviet Union and China in recent years and are engaged in an arms race with India that is forcing both countries to divert desperately needed resources from domestic development. Additional American arms aid to Pakistan will not promote the security of Pakistan or stability in the area. Rather it will encourage India to seek further arms assistance, probably from the Soviet Union. It may even swing the balance in India to those who have been pressing for an Indian nuclear force, a development that would have repercussions far beyond South Asia.

Instead of selling more arms to the Pakistanis—or to the Indians, for that matter—the United States should be employing its resources to help reverse the downward trend in economic assistance to the area in order to counteract the appalling poverty that increasingly threatens the stability of both countries. If Communism is at least to gain an upper hand in either place, it is more likely to result from internal causes than from any influence Moscow and Peking might gain through their own short-sighted arms deals.

Instead of arming either side for another round of conflict, the United States should be using all its diplomatic energies to try to resolve the divisive issues—Kashmir and India's Farakka Barrage on the Ganges—that threaten to engulf the subcontinent once more in fratricidal war. Arming friendly powers to fight their own battles may be sound doctrine in some cases, but it hardly makes sense for the United States to arm friends to fight each other.

[From the Baltimore Sun, June 6, 1970]

UNITED STATES MAY LIFT EMBARGO ON ARMS SALES TO PAKISTAN

(By Adam Clymer)

WASHINGTON, July 5.—The embargo on arms sales to Pakistan, a key element of American policy in South Asia since 1965, may soon be lifted, informed sources said today.

Pakistan, armed almost exclusively by the United States until its 1965 war with India, is seeking Patton tanks and jet fighters.

A recommendation to resume sales is understood to have gone to the National Security Council and perhaps to President Nixon, although the State Department is reported to be opposed to any change in the policy. Since 1965, lethal arms have been barred to India and Pakistan.

State and Defense Department spokesmen would say today only that the issue is "under review." William P. Rogers, Secretary of State, said at his press conference last week, "We are actively considering it," but "no decision . . . has been made on that yet."

Senator J. William Fulbright (D., Ark.), chairman of the Senate Foreign Relations Committee, is understood to have written Mr. Rogers this week, asking if a decision has been made, and calling on the secretary to consult with the committee before Pakistan is told of any change in policy.

The department, with Mr. Rogers traveling in Asia, has not replied.

Pakistan officials welcomed President Nixon's election enthusiastically, hoping it would restore the easy access to American arms which that nation obtained when he was vice president. And the subject was discussed when President Nixon visited Lahore last July and met with General A. M. Yahya Khan, Pakistan's martial-law President.

But all Pakistan has to show to date from the Nixon administration has been a commitment, announced early last year, that the policy would be reviewed. One American official called it recently "a perpetual review." In the meantime, deliveries of Soviet arms, which were first promised in 1968, have continued, with more promised recently when General Vahya visited Moscow.

Periodic reports of an impending deal for Patton tanks have stirred dismay in India in recent years.

Any administration decision would presumably allow sales on equal terms to India, but New Delhi is by now reliant on Soviet

planes and ships and has not pressed for more of the air-defense and mountain-fighting gear—about $80 million worth—which it got from the United States between 1962 and 1965. Pakistan, in contrast, is still heavily equipped with American arms, valued between $1.2 billion and $1.5 billion, and could easily use more.

CALLED UNWISE INVESTMENT

Senator Fulbright, questioning U. Alexis Johnson, under secretary of state for political affairs, on March 24, criticized a plan to transfer Patton tanks, now owned by Turkey, to Pakistan, with the United States replacing the ones Turkey would give up. "I would think our experience there would be enough to know that it would be a very unwise investment," he said.

But sources today suggested that the administration is not currently thinking about a deal through a third country, but rather, a direct sale. Such a sale would have to await final passage of the military sales bill, the subject of six weeks of Senate debate. The sources noted that the administration did not fight a successful effort, in the Senate version of the bill, to bar such third-country transfers of American arms.

Pakistan is believed to be most interested in Patton tanks, which cost in the neighborhood of $130,000 each, but plans may also involve aircraft. The Pakistan Air Force is heavily equipped with subsonic F–86 fighter planes, and also has squadrons of Supersonic F–104's and French Mirage IIIE's, and Chinese-built subsonic MIG–19's.

[From the New York Times, Mar. 21, 1970]

TOPICS: WILL WE EVER LEARN IN ASIA?

(By Chester Bowles)

Some months ago it was rumored that pressures were developing within the Nixon Administration to approve the sale to Pakistan of 100 American tanks which we had previously given to Turkey under NATO agreements. Now, according to several authoritative sources, this proposal has actually "reached the President's desk" for his final approval.

This news is all the more disquieting because it coincides with the recent recommendations of the House Armed Services Committee that the "loan" of an American submarine to Pakistan, which was authorized ten or twelve years ago, should be renewed.

Has the United States Government lost all sense of direction in Asia? Can it learn nothing from past mistakes?

American military assistance to Pakistan in the last fifteen years will, I believe, be listed by historians as among our most costly blunders. In a period in which costly mistakes came thick and fast, this program was launched in February 1954, when John Foster Dulles somehow succeeded in persuading President Eisenhower and Congress that a U.S.-equipped Pakistan Army could be counted on to challenge any Soviet or Chinese military threat toward the Arabian Sea or the Bay of Bengal.

When the bizarre nature of this assumption became evident, new justifications for the military aid program to Pakistan were quickly produced. In the late 1950's, for instance, these military assistance grants were said to be necessary to assure continued use of the U.S. Peshawar Air Base in Pakistan from which the U-2 planes took off on their flights across the Soviet Union. After these flights had been abandoned, Congress and the public were told that the base was "essential to our national security" as an observation post.

MILITARY AID UNSTOPPABLE

When President Johnson cut off our military aid to Pakistan following the outbreak of the "Three Weeks' War" between Pakistan and India in September 1965, Pakistan promptly reacted by announcing that our lease on the Peshawar base would not be renewed.

But experience has shown that, once established, any military assistance program, however wrongly conceived, is difficult to stop. A few months after announcing this cutoff the Johnson Administration agreed to the sale of spare parts for Pakistani tanks, which had been procured under the American Military Assistance program. They had been damaged in the war with India and an effort was begun to seek means of replacing some of the tanks demolished or captured.

What followed has been fully reported by the press. Since these tanks had been given to Pakistan on the solemn assurance, underwritten by Presidents Eisenhower, Kennedy and Johnson and five successive American Ambassadors to India (including myself), that they would never be used against India, it was proposed that the replacements should be procured through a third government, to appear less conspicuous.

First an effort was made to persuade the West Germans, then the Belgians, then the Italians, and finally the Turks to "sell" 100 semi-obsolescent U.S. tanks to Pakistan for a nominal price with the assurance that the United States Government would "approve" the sale (necessary under Military Assistance requirements). Then the Pakistan tanks would be replaced with modern ones "to strengthen our NATO forces."

Predictably these "third governments" (all of which were reluctant to become a party to this gambit) leaked the story to the press. After a period of uncertainty the Johnson Administration, already caught in a "credibility gap" in Southeast Asia and elsewhere, decided not to widen the gap further.

This brings us to a disturbing question. Why should the Nixon Administration in the year 1970, with a relatively clean slate, seriously consider a proposal that would simply repeat the blunders and shabby diplomatic gambits of its predecessors? And why should the Congress renew the loan of a submarine to Pakistan, whose only possible function would be to sink Indian ships?

NIXON DOCTRINE?

Are the Administration's new "Nixon Doctrine" and Congress' expressed determination to limit our military commitments simply fresh examples of the usual empty rhetoric by our leaders in dealing with Asia?

Whose interests would be served by such decisions? Certainly not the interests of the American people in Asia. Or the cause of world peace. Or the welfare of the people of Pakistan, who need tractors, not tanks. A few military leaders in Pakistan would be helped and, perhaps, the American firms that manufacture the tanks.

[From the New York Times, Jan. 3, 1970]

PLOWSHARES INTO SWORDS

Pope Paul's New Year's Day criticism of advanced nations which reinforce their economies by "the trading of arms to poor nations lacking plows, schools and hospitals" leaves few, if any, of the industrialized countries untouched, but it particularly hits home in the United States.

This nation leads the field in supplying a $3- to $4-billion annual international arms market. The burdens of an accelerating world arms race are especially heavy on the developing countries. They are currently increasing military expenditures at a rate faster than their rates of economic growth, thus progressively reducing the proportion of scarce resources available for raising the living standards of their people.

The fault, of course, does not all lie with the United States. The leaders of developing nations are themselves primarily responsible for diverting funds into dangerous, unproductive military buildups. Other developed countries, especially the Soviet Union, have spurred the arms race in the Third World by their reckless promotion of arms expansion.

But the United States, as the world's leading weapons producer, has a special responsibility to lead the way in curbing the international arms market. In the Middle East, in South Asia and elsewhere, the United States has persistently supplied weapons to both sides in conflicts it should have sought to dampen through vigorous efforts to discourage arms accumulation.

Prospects of more prudent arms policies in the future are not enhanced by a recent State Department report which concludes that arms embargoes against smaller countries do not effectively influence policy in those countries. This may be true. But it begs the more important question raised by the Pope—namely, whether supplying arms to countries that cannot afford them and may turn them against their neighbors advances the interest of mankind in a more productive and peaceful world order.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Ohio.

Mr. SAXBE. Mr. President, I would like to ask the Senator from Idaho some questions. However, first I compliment the Senator on his statement. As a senior member of the Foreign Relations Committee, his statement carries a great deal more weight than what I said on the floor of the Senate this week.

I was both dismayed and perplexed at the decision to resume arms sales.

In that vein of thought, I would like to ask the following question of the Senator from Idaho.

Our Government has said that these aircraft to Pakistan are to influence the Pakistan military elite. Does the Senator from Idaho believe we can "influence" another country's leadership in this manner?

Mr. CHURCH. Events since 1945 have indicated the opposite, yet this kind of erroneous thinking continues to underlie the motivation of our overseas military assistance program. We have the naive notion that, through supplying the military establishment of some foreign country with certain sophisticated weapons which the generals might desire, the United States somehow secures a lasting influence on that elite class.

Yet, time and time again this theory has been disproved. I wonder why we persist in it. I wonder why the Russians also fall victim to the same error. I recall in Algeria, for example, where the Russians had supplied the newly independent government of Ben Bella with large quantities of military equipment and supplies. Then, shortly thereafter, the very tanks the Russians had provided that government were used to depose Ben Bella. The army took over running Algeria.

We had similar experiences in the Mideast; we have had similar experiences elsewhere. On the basis of these experiences, we should have learned by now that foreign military armies feel allegiance to no governments other than their own, and all too frequently they feel no allegiance even to their own. This is one reason why so many countries, at this time in world history, are occupied by their own military forces, without being committed to developing a quality

of economic and social life for the people of their country.

Mr. SAXBE. What would we hope to gain by sales—even if you discount that element—to these countries in the subcontinent?

Mr. CHURCH. We will gain nothing but ill will. The cost politically is very high. The actual return to us in dollars is negligible since this equipment is greatly reduced in price, being sold only at a fraction of its original cost to the United States. When we balance out the political price we pay for this policy against the highly doubtful benefit that might accrue, the scales are heavily weighted against the resumption of sales of weapons to the Pakistan military government.

Mr. SAXBE. When we think that there is Pakistan, which is a SEATO ally, and we reflect upon their contribution to our efforts to maintain peace in Southeast Asia, and I am thinking specifically of the Indochinese war, can we expect anything or have we gotten anything from Pakistan in regard to our desperate situation there?

Mr. CHURCH. No. As the Senator knows full well, the SEATO treaty has been honored only in the breach. Pakistan has refused to take any part whatever in the war in Southeast Asia. Other countries that are members of the SEATO pact, countries like New Zealand and Australia, have at least contributed token forces. Pakistan has in no way participated. For the most part it has condemned the American war effort in Vietnam, as it has American peace initiatives in the Middle East.

Mr. SAXBE. Very well. Let us turn to the Middle East situation which is the hot spot of international diplomacy at present. Is the regiment which Pakistan has stationed in Jordan equipped with weapons we have supplied it and is it possible there might be a deployment of these weapons against Israel?

Mr. CHURCH. It is altogether possible that Pakistan might decide to intervene militarily in the Middle East against Israel. After all, we have been fooled before on how our MAP weapons were deployed. One of the largest military assistance programs that we ever undertook in Asia was with Pakistan. For years we supplied immense quantities of arms and equipment to the Pakistan forces on the theory that these forces would be used by the Pakistanis to contain the Communists to the north; yet, throughout that time, Pakistan looked upon India, the world's most populous democracy, as its potential enemy. Ultimately, these weapons were utilized by Pakistan, not against Russia or Red China, but against its neighbor, India.

Mr. SAXBE. Could Congress have any role in trying to prevent an arms race between India and Pakistan?

Mr. CHURCH. Congress could play a role if there were votes enough in Congress to lay down a prohibition against resumption of this arms traffic with either country. I hope we might work toward that possibility. However, in the past, as the Senator knows, Congress has been very reluctant to establish any prohibition against transferring arms to particular countries on the theory that this is best left to the President, while Congress should content itself with simply determining the overall size of the program.

I strongly believe that the failure of our arms policies in the past is enough to justify much more positive congressional policymaking. As you well know, I felt that way a few months ago when the United States invaded Cambodia. In the area of war and peace, Congress should be asserting much more authority, imposing, if need be, statutory limitations on the transfer of lethal arms and materiel.

Mr. SAXBE. As a senior member of the Committee on Foreign Relations the Senator would know the answer to this much better than I. Was there any consultation at all on this major policy change? For instance, the Senator from Kentucky (Mr. COOPER), former Ambassador to India and one who has maintained very close connections and knowledge on these problems, might have been called. Was there any effort to call on him or other Senators with similar knowledge?

Mr. CHURCH. To my knowledge, the Committee on Foreign Relations was not advised in advance. Once the decision had been reached, we were advised in the most perfunctory way. There was no consultation with the committee. I am unaware that there was any consultation with the Senator from Kentucky, although he is a member of the committee and has particular knowledge of the subcontinent by his service in India as President Eisenhower's Ambassador. This is typical of the way the Executive treats the Senate, unless Congress writes the laws in such a manner forcing consultation or insisting upon congressional approval.

This is the basic thinking underlying the Cooper-Church amendment, which the Senate passed on June 30 by a 58-to-37 vote and which still remains tied up in conference with the House.

Mr. SAXBE. In going over this list of proposed arms, I am amazed at the terms of the agreement. This list was printed in the Washington Post on October 8, 1970—300 armored personnel carriers, 18 F–104A Starfighters, 7 B–57 Canberra bombers, and other material. With those planes costing $1 million apiece, how can we get a bargain on $15 million for the whole works?

Mr. CHURCH. When one considers the whole package and the sale price that has been affixed to it, the money we receive in return will do little more than pay for the paperwork and administrative costs connected with the sale.

But this, too, is not strange. I have seen cases in Central and South America where our permanent military missions are actually costing us more to carry from year to year than the entire size of the program being administered in a particular country. It is a scandal. However, it goes on and on because the vested interest our arms bureaucracy has in perpetuating these ineffective and politically liable programs.

Mr. SAXBE. When we say we sold it for $15 million, then, what we are in effect doing is giving it to them, because, as the Senator has said, the $15 million would barely pay for the cost of readying it for shipment and shipping it; and if we sold it to them at the fair market value or at our cost, it would be 10 times as much.

Mr. CHURCH. This is a subsidized sale. It is customary, in these cases, to put the equipment in what the military calls new condition. So, obviously, the amount of the purchase price here is more of a token price than anything else. This is a subsidized sale, and it ought not to be considered in any other way.

Mr. SAXBE. I thank the Senator.

Mr. CHURCH. I want to say to the distinguished Senator that the statement he made a couple of days ago in the Senate was one of the best I have seen. The Senator was the first Member to call the attention of this body to the Executive decision clearly reversing what had been a sound policy. Good reasons why this reversal was done escape me. The implications are dangerous. Going back to mistakes we made in earlier years beginning in 1954, the serious questions that this raises regarding the manner by which the deal was signed off, the tender relations that exist between Pakistan and India, the possibility that this will create still another arms race in the Subcontinent—all these factors ought to have at least encouraged the administration to come to the Committee on Foreign Relations and consult, even to secure the advice of such Senators as JOHN SHERMAN COOPER. This would stop this bad habit of reading from the newspapers, after the fact, that the policy had been reversed and that this large sale of weapons had been approved.

Advice and consent in the Constitution certainly contemplates more participation on the part of the Senate in decisions of this character than was extended to us in this instance.

I commend the Senator for his remarks, and I thank him for his participation.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The Chair, on behalf of the President pro tempore of the Senate (Mr. RUSSELL) announces the appointment of Dr. Kenneth Black, Jr., dean of the School of Business Administration, Georgia State University, to membership on the Commission to Conduct an Independent Study of the Future of the Railroad Retirement System pursuant to section 7(a)(1)(C) of the Railroad Retirement Act of 1970.

THE FARM BILL

Mr. DOLE. Mr. President, I take this time to ask a question about the conference report on the farm bill. As Senators know, there was some discussion late yesterday about action on the conference report. The Senator from Kansas is still hopeful—not very hopeful, but still hopeful—that there may be some action yet today on it, but I take this opportunity to ask a question of the distinguished majority leader because I have read with great interest a statement attributed to the majority leader that it will be the first matter of business on November 16, and also there was some assurance from

the majority leader that, without a doubt, the Senate would approve the conference report.

I ask the question now, not in any partisan way, of the Senator from Montana, who comes from a winter wheat producing State, because to his State and to my State of Kansas, which is a winter wheat producing State, this matter is highly important. In fact, I have stated my hope to the Secretary of Agriculture that perhaps, on the basis of assurances on the Senate floor, at least some provisional regulations and recommendations might be made to American winter wheat producers.

Therefore, I would be most grateful if the Senator from Montana would comment on that at this time.

Mr. MANSFIELD. Mr. President, I would be most happy to respond to the distinguished Senator from Kansas, who comes from one of the great wheat-producing States in the Nation, and may I say that Montana is quite a wheat producer, too.

Because of the situation which has developed, I find myself, as the majority leader, in a somewhat embarrassing position. The bill itself is not all that I desired. I thought that the Senate bill was very superior to the House-passed bill. The conference report did not do everything that those of us from the wheat-producing States desired. But, all things considered, it is a good bill, and with a $1.25 base for wheat, with the rest to be made up through certification, with what has been done to take care of the woolgrowers, the stockmen, the situation relative to Public Law 480, and other factors, it is the kind of bill I will vote for.

Furthermore, I think it should be brought out that both Houses unanimously have passed an extension of the wheat referendum from the 12th of October, last Monday, when it should have taken place, to 30 days after the Congress adjourns sine die, which takes it into January of next year, 1971.

There have been rumors to the effect that certain Senators have approached me with the request that I take no action on the conference report. I wish to state, without equivocation, that no Senator has approached me, on the basis of the reports which have become current, asking me to hold back, to retard, or to delay this conference report; and I want that stated specifically because I have noticed on the ticker that the names of Senators SYMINGTON and BURDICK have been mentioned.

I have had no contact with them whatsoever with respect to action on this conference report. They have made no request of me. And, as far as I know, they have been ready, able, and willing to be on the floor at any time when the conference report on the farm bill was to be taken up.

There is a situation within the committee itself, and it relates to the highest source in that committee, which I think has to be brought out and understood as to the situation in which the majority leader, and for that matter the Senate, finds itself at the present time.

It appears as of now that we will not get to the conference report on the farm bill today; and, speaking personally, I must express my own disappointment. But if such is the case, I wish to assure the distinguished Senator from Kansas and the Senate that one of the first orders of business when we return on November 16 will be the conference report on the farm bill. And I think I can say with full assurance that the Senate will agree to that conference report. There may be a little debate on it; I would not expect too much. By that time, the ripples will have dissolved, and it is my firm belief that the farmers affected by this bill can go ahead on all fronts with the assurance that the conference report will be considered as soon as possible on or about November 16, the day that we return, and passed as soon as possible thereafter.

May I say that I have no hesitation whatever in making this statement. I have no doubt but that the Senate will overwhelmingly approve the conference report. I have been assured by the distinguished Senator from Kansas that the President will sign the extension resolution having to do with the wheat referendum, very likely today.

So, with that statement, I give to the Senator from Kansas an answer long drawn out, but I hope explicit enough and definite enough to show where the Senator from Montana stands, the position he finds himself in, and what he proposes to do as a result of it.

Mr. DOLE. I appreciate the response of the Senator from Montana, and feel that the assurances given with reference to the action when we return will be helpful, not only to those of us in the Senate and to the Secretary of Agriculture, but most importantly to the farmer.

Mr. MANSFIELD. Yes.

Mr. DOLE. Because even though in many cases—and I assume in Montana—he has planted 80 to 90 percent of his wheat——

Mr. MANSFIELD. Yes, indeed.

Mr. DOLE. There is a set-aside provision in the farm bill, a new provision, and some adjustments may need to be made. But in any event, I also feel that the conference report will be agreed to. It will be adopted, I would suggest, by a very large margin, because I detect no flat, outright opposition to the report.

Many farmers, regardless of the views of some farm leaders, understand that this may be the last farm bill we will have, because of the question of farm payments and payment limitations. But in any event, there is still some hope; the Senate is still in session, and may be in session for some time yet this afternoon. It is my understanding that at the hour of 2 o'clock, the distinguished minority leader will read a letter from the President of the United States with reference to possible action on the conference report.

So the Senator from Kansas hopes that the matter may yet be resolved; but notwithstanding that, I appreciate very much the statement of the distinguished majority leader, the Senator from Montana, with reference to early action in the event action is not taken today. This assurance, I would hope and would think, would set minds at ease across America, particularly of those farmers who are still waiting to plant. So I appreciate the response very much.

Mr. MANSFIELD. I thank the Senator for his courtesy. I appreciate his comments. I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader for yielding to me. He is to be commended for the very fine, frank, and statesmanlike report that he has given with respect to the conference report on the farm bill.

My primary interest in the farm bill is in how it affects cotton. I was well pleased with the Senate bill, and had hoped that the conferees would agree on the Senate bill.

I do not approve of many of the provisions in the conference report with respect to cotton. I do not like the 28 percent set-aside. I do not like the reduction, in effect, in the support price. I do not like the reduction in the number of acres that are to be planted with support payments.

Yet I feel that the conference report, as inferior as it is to the Senate version of the bill, is a vast improvement over the 1958 act, with its two-price system for cotton, with its bulging warehouses full of cotton on which loans had been made, and with the building up of tremendous surpluses of cotton. So I would much prefer the conference report to getting no farm bill at all, and certainly I shall support the conference report when it is before the Senate for consideration.

The very frank and candid statement of the majority leader with respect to the inevitable eventual passage of the conference committee report would certainly make a tempest in a teapot of the statements that were made of this floor from the other side of the aisle with respect to the dire results of a delay in consideration at this time of the farm bill conference report. I was certainly pleased to hear the distinguished majority leader say that he had not been asked by any Senator to delay consideration of the conference report, because intimations of that sort were made on the Senate floor yesterday.

So it would certainly seem to me that we are going to get a farm bill, and that any farmer who wishes to plant cotton, wheat, or feed grains can do so with full assurance that his crop will have the support of the Federal Government, according to the formula provided by the conference committee report.

It seems to me that on November 16 or 17, we will, insofar as Congress can act, have a farm bill, and one which is a vast improvement over the 1958 act, though it does not come up to the level of the Senate bill passed recently.

Some days ago, the distinguished majority leader urged the Senate conferees to stick by the Senate bill, and I took the floor and made the same request. Though our pleas were unsuccessful, we do have a farm bill that is on the very threshold of being enacted. It will not be enacted today, but in all likelihood on the 16th or 17th of November it will be enacted. So the country can feel sure that action will be taken by the Senate; and certainly it would be the wish of the junior Senator from Alabama that at that time

we have speedy action on the conference report.

I thank the distinguished majority leader for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Alabama, and I assure him that this conference report will have speedy action.

I yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, I commend the distinguished majority leader for clarifying this matter.

While I am not a member of the Agriculture Committee and do not speak with the knowledge that is presented to them, I represent the State that has more family farmers than any other State in the Union, the leading State in the Union in the production of cotton and grain sorghums. They are the two crops that are affected most by the conference bill. The conference had a good bill on cotton and a good bill on grain sorghums. There has been great dismay that the conference report brings out a bill that is somewhat less favorable to cotton and grain sorghums, the feed grains, than the Senate bill. The Senate bill was far superior for agriculture to the House bill.

I commend the Senate Agriculture Committee for the bill they wrote, for the bill that was passed by the Senate. We know how obdurate the House conferees were. On behalf of the wheat farmers of my State, yes, it is a good bill. But it affects the two greatest crops in the Southwest, and they are much worse off under the conference bill. Naturally, that has caused quite a bit of dismay and has caused some delay and some division of opinion among the farmers of the country.

I think the majority leader is faced with a difficult problem in the Senate, when we consider these two great field crops which are grown in many States—cotton, from the Atlantic to the Pacific Ocean, a major export crop in this country in the past; also, under the cotton program of the State of Illinois, often not recognized, and southern Illinois, the Little Egypt part, and the boot-heel, so-called, of Missouri; also, outside the South, the great producing States of California, New Mexico, and Arizona.

All across the southern part of the country, from the Atlantic Ocean to the Pacific Ocean, there was great disappointment that the conference bill was so much poorer than the Senate bill.

The same is true of feed grains which are grown in great quantities mainly west of the Mississippi River.

I thank the majority leader. He has been put in a difficult position because of two great groups of farmers in America who are disappointed that the House has cut down on two of our greatest feed crops.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HARRIS. Mr. President, I certainly understand the position of the distinguished majority leader. I wish we could get this bill up before we go home for the recess. I believe that farmers and others are going to be rightly critical of us for taking off a month and leaving this bill still here. I have done everything I know of to try to get this bill up so that we can act on it one way or another.

The bill which comes back to us from conference is not nearly as good a bill as the farmers are entitled to, nor as good a bill as the Senate passed. The Senate conferees have done the best they could. The statement has repeatedly been made that there is no chance of passing a farm bill in the other body except with the strong support of the President of the United States. If that is true, the President of the United States will have to take responsibility for this bill. The Senate bill is not before us, because it appears that it cannot be agreed to in conference.

We are now presented with a bill which is going to cost the corn and barley and sorghum and feed grain growers of my State millions of dollars in the years to come, a bill which is not as good for the wheat farmers of my State, not nearly as fair a bill in regard to them or to cotton farmers as is the Senate bill.

The National Farmers Union has asked that this conference bill be defeated because of the very unsatisfactory provisions in it as compared with the Senate bill. The wheatgrowers of my State, through the Oklahoma Wheat Growers Association, have asked that it be passed.

One wheat farmer said to me on the telephone today, "At least we will know how much we are going to lose. At least we will know what the program is going to be."

Many Members of the Senate may not understand that Oklahoma is a winter wheat producing State and that most of our wheat is already in the ground. Yet, farmers, to this good hour, do not know what the farm program is going to be.

Whether this bill is to be defeated or accepted, whether the conference report is to be agreed to or not, I think that the Senate ought to act now, so that at least farmers will know what the law is going to be; and that has been the object of my efforts in that regard.

I certainly am sorry that the President did not see fit to join with the Senate and others for the coalition farm bill or for the Senate bill, which is a far better bill than the one which was eventually agreed to because of his opposition to the other.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF THE LOAN OF THE JOHN C. KING BUST OF JOHN QUINCY ADAMS TO THE NATIONAL PORTRAIT GALLERY OF THE SMITHSONIAN INSTITUTION

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 779.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read the resolution by title, as follows:

A resolution (H. Con. Res. 779) to authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

The concurrent resolution (H. Con. Res. 779), with its preamble, reads as follows:

H. CON. RES. 779

Whereas, the National Portrait Gallery of the Smithsonian Institution was established as a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the United States and of the artists who created such portraiture and statuary, and

Whereas, from November 6, 1970, to January 3, 1971, the National Portrait Gallery will exhibit "Life Portraits of John Quincy Adams," which will be the first time that all the life portraits of the sixth President of the United States will be assembled in one exhibit, and

Whereas, the United States Capitol has in its collections a 20¾-inch, white marble bust of President Adams by John C. King, and the National Portrait Gallery has expressed a desire to include such bust as part of its tribute to the sixth President of the United States, and

Whereas, the Smithsonian Institution, in carrying out the purposes of the National Portrait Gallery, is empowered to borrow portraiture, statuary, and other items for exhibition in such Gallery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized and directed, on behalf of the United States Congress, to lend the John C. King marble bust of President John Quincy Adams to the Smithsonian Institution for the National Portrait Gallery exhibit "Life Portrait of John Quincy Adams," under procedures that will assure its proper preservation, display, and return: *Provided,* that such loan is to be effected no later than October 15, 1970, and terminated on or before February 1, 1971.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I put in a quorum call again, I am awaiting the arrival of the distinguished minority leader, who will have a letter from the President of the United States covering the farm bill conference report. After we are through with our colloquy, I think I should tell the distinguished Senator from Colorado and the distinguished Senator from Ohio that at that time it is my intention to once again, first, ask unanimous consent to take up S. 2193, the Occupational Safety and Health Act of 1970, and then, if that is declined, to move its consideration; and if we have the same situation as yesterday, to have a colloquy.

Mr. ALLOTT. Mr. President, it is my understanding that, somehow or other, the messenger from the House with the farm bill has gotten lost somewhere between the House of Representatives and the Senate.

Mr. MANSFIELD. He will be over some time this afternoon, I want to assure the Senator.

Mr. ALLOTT. I am advised that the House has passed on the omnibus crime bill. Is that correct?

Mr. MANSFIELD. Not that I know of. The Senate agreed yesterday to the amendments to the organized crime bill. The other one is a combination. I think the Senator is referring to the combination of five, the so-called omnibus crime bill, on which I do not think they have even gone to conference, nor do they anticipate doing so until after we return.

Mr. ALLOTT. Does the Senator know the present status of the drug bill?

Mr. MANSFIELD. I think that will be taken up. We are awaiting passage by the House now, so that the distinguished Senator from Arkansas (Mr. McCLELLAN) can take it up, and hopefully we will do that this afternoon. But we are waiting for it to come over.

Mr. ALLOTT. I do not like to suggest such a thing, but in order that we can take care of these things, we could provide a guide for this messenger from the House, to assure that he arrives here in good shape. We do not want him to get lost for another 24 hours because I do not think any of us will be here.

Mr. MANSFIELD. No, we are still operating—we have not reached the stage of the no-knock—let me put it another way—enough said. [Laughter.]

Mr. ALLOTT. Mr. President, may I say this to the distinguished Senator: I do hope that we can take up these measures. I understand, even though I am not in sympathy with the situation surrounding the farm bill. I spoke very briefly about that yesterday as it affects the wheat farmers. The Senator from Montana is in about the same situation as I am on that. But may I suggest that it might be helpful to the Senate as a whole, if we do get some assurance of getting a report of approval on some of the House bills, that we take them up.

I can understand the feelings of the majority leader in wanting to call up the occupational health and safety bill. We were on that yesterday afternoon. It is now the last few hours of the session before adjournment. The distinguished majority leader knows as well as this Senator that there is a substitute bill on the desk to be offered, and that if that is not adopted there will be some 18 or 19 separate amendments to be considered.

Being a practical man, as he is, I wonder whether there is any really substantial reason why we should, at this late hour, waste time trying to do that, instead of just taking care of such bills as the House finally sends over here, so that we can adjourn, go home, and get about our business.

Mr. MANSFIELD. If I had some idea as to what Senators most interested in the bill had in mind, I would be in a better position to proceed. If it is a case of objecting to a unanimous consent request, as I am sure it will be, that is understandable. If it is a case of debating the occupational health and safety bill with the idea that it would not be taken up this afternoon, then I would not want to go through the rigamarole of that sort of charade. I do feel a little bit perturbed because, as I said yesterday, when I was approached by the Republican leadership last Tuesday or Wednesday not to take up the occupational health and safety bill on Thursday or Friday of last week because two Senators very much interested in the matter would not be in town.

I did so, assuming there would be no difficulty in bringing it up on the following Monday.

Well, I went out home over the weekend, and when I got back on Tuesday morning and read the RECORD, I found that there had been objection to taking it up on Monday.

We tried yesterday, but the unanimous-consent request was denied.

I thought that, after a certain amount of debate, a motion should be made to take it up, that it would be laid before the Senate and made the pending business, but we did not get quite that far. I am wondering what the situation would be today, because just as I intend to see to it that the conference report on the farm bill is taken up and passed, so do I intend to see to it that the occupational health and safety bill will be taken up and considered, because it is in an entirely different category from a conference report.

Mr. ALLOTT. My colleague, Senator DOMINICK, is one of those Senators who are very much interested in this particular bill——

Mr. MANSFIELD. Yes, indeed.

Mr. ALLOTT. He is one of many Senators who are. He wants to ask the Senator to yield to him, but I think many colleagues who are interested in some amendments and, in fact, the substitute for the entire bill, are in the same category today as we were yesterday and on Monday that I used to be in with a certain man against whom I tried many cases. He had the most deft facility to prolong cases and infinitum with cross-examinations that went on sometimes for days until he finally was able to crowd me into a time corner.

These people are getting into a time corner here for proper consideration of the bill, and considering its significance, I really can not see, from my point of view, as an outsider to the committee, that there is any point now, because too many Senators are absent and we cannot get real consideration by the Senate at this time; so that I just respectfully suggest we take care of the business that is coming over from the House, rather than go through what the Senator from Montana has just called a charade or a formalized proceeding in taking up the occupational health and safety bill.

Mr. MANSFIELD. The Senator has a point. I am seeking advice, counsel and information——

Mr. ALLOTT. I must yield to other Senators now.

Mr. DOMINICK. Mr. President, I was the one who objected yesterday to the unanimous-consent request. But I was not the one who objected on prior occasions.

Mr. MANSFIELD. That is correct.

Mr. DOMINICK. I will be forced to do it again today on the unanimous-consent request. I have talked with the Senator from Ohio, and I have talked with others who believe the same way I do, they would like to see debate on the motion to take up, as we did yesterday, at some length.

I say that for this reason. I think we would want to be advised as to what the plans are. They would be that way. Speaking briefly on the reasons for it, the reason is that many Senators have left, even since yesterday. They have already left since this morning, to be truthful with the Senator. In addition, the House will not take this up until November. In addition to that, after the bill is finally enacted on one form or another, then the rules will have to be promulgated, so that it is not a matter of urgent necessity to have this bill passed immediately. I do however say to the majority leader, as I have said to the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), that we would have no objection to having it taken up immediately upon return after the adjournment.

Mr. MANSFIELD. I appreciate the candor of the Senator from Colorado. The air has been cleared. On the basis of what the distinguished Senator has said, I will not call up the health and safety bill this afternoon because I can see no definite results emanating therefrom. But it, along with the conference report on the farm bill, will be among the first orders of business and, of course, in comparison between the two, the farm bill has the preference, because of its status, and I would hope that both measures which seem to have become involved with one another, unfortunately, would be disposed of as rapidly as possible after our return.

Mr. DOMINICK. So far as I am concerned, I cannot speak for everyone, but when we come back, I would be willing to have a limitation of time on debate.

Mr. MANSFIELD. I understand. If the substitute fails, then there will be a number of amendments.

Mr. DOMINICK. One way or another. We might do the amendments first.

Mr. JAVITS. I have a suggestion. The farm bill is a conference report which can be called up even while another bill is pending. Could we not agree that it will become—not be laid before the Senate now—but will become the pending business on November 16?

Mr. MANSFIELD. Oh, yes, it will be, because it is my intention to continue the equal rights for women as the pending business when we come back, and operate on a two-shift basis so that the occupational health and safety bill will be on the second shift and, in the meantime, on the 16th of November, hopefully, the first day, we will take up the conference report on the farm bill.

Mr. JAVITS. Mr. President, could we have a unanimous-consent agreement that, on the two-shift operation, one shift will be equal rights and the other shift will be occupational health and safety? That would not intrude on the farm bill.

Mr. MANSFIELD. Mr. President, I do not think that we need a unanimous-consent agreement, because we have enough faith in one another.

Mr. SCOTT. Mr. President, we had better make legislative history here. I have no objection to that, regardless of

how the amendments come out. I would be prepared to support, if I possibly could, and would expect to support the occupational health and safety bill.

I recall that the majority leader on one occasion said that the social security bill would probably be the pending business when we return.

Mr. MANSFIELD. It is not out of the committee. It has to be out of the committee first. Otherwise it would receive priority.

Mr. SCOTT. Mr. President, at this point it is likely that the farm bill will be considered on the second-shift basis.

Mr. MANSFIELD. No. The occupational health and safety bill will be.

UNANIMOUS-CONSENT AGREEMENT ON THE PENDING BUSINESS WHEN THE SENATE RECONVENES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate returns in November the pending business be the equal rights amendments on the first shift, to be followed at or about 5 p.m. on the second shift by the occupational health and safety bill.

Mr. SCOTT. Mr. President, I have no objection. I gladly join in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if at all possible, the Senate may consider the conference report on the farm bill on the first day of our return, Monday, November 16.

Mr. MILLER. Mr. President, with respect to the farm bill, I believe I heard the distinguished majority leader state earlier that the Senate had not yet adopted a no-knock provision. May I inquire whether the Senate has adopted a preventive detention provision.

Mr. MANSFIELD. Well put. I would not disagree.

Mr. President, I think that we should let the distinguished minority leader proceed. He has a very important message.

The PRESIDING OFFICER. The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 8, 1970 the President had approved and signed the joint resolution (S.J. Res. 110) to amend the joint resolution entitled "Joint Resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week," approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JORDAN of North Carolina) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of William J. Curtin, of Maryland, to be a Member of the Board of Governors of the United States Postal Service, which nominating messages were referred to the appropriating committees.

(For nominations received today, see the end of Senate proceedings.)

THE FARM BILL

Mr. SCOTT. Mr. President, I understand first of all that a messenger from the House of Representatives will be here before long and that he will bring with him—and I understand this from the distinguished majority leader—the report of the House action on the farm bill which the House has passed.

I further understand that action on the farm bill is not contemplated by the majority at this session of the Congress before we return after election day. That is an action which I deeply deplore.

Mr. President, I have received a letter from the President of the United States which I will now read. It is dated October 14, 1970.

The letter reads:

DEAR SENATOR SCOTT: I am gravely concerned by the latest developments reported to me in respect to the critically important farm legislation which has been cleared for transmission to me by the House of Representatives.

I understand the intention of the Senate Leadership is to prevent action on the Conference Report until after November 16.

This is a very grave disservice to the American farmer. I must emphasize that. I urge as strongly as I can that before the Senate recesses today, this legislation be sent to me for approval.

The need for action now is far more important to the farmers of America than some in the Senate apparently realize. Here are consequences of delay:

1. The preparation and planting for 1971 harvests must be carried out by the farmers in the weeks immediately ahead. Land must be prepared this fall; fertilizers and other chemicals must be applied; arrangements must be made for credit and other production needs. *Delay will cause farmer hardships.*

2. Blight-afflicted corn fields may have to be planted to other forage producing crops. *Delay will cause farmer hardships.*

3. Landlord-tenant contracts must be completed by November 1 in many areas. *Delay will cause farmer hardships.*

4. Cotton farmers must arrange for allotment leasing, credit and other needs. *Delay will cause farmer hardships.*

5. Trading in cotton is likely to come to a virtual halt as buyers and sellers await development on basic cotton pricing. *The farmers' cotton market is jeopardized by delay.*

6. Food for Peace—Public Law 480—negotiations will be slowed, impairing the export flow of rice, cotton, wheat and soybean oil. *Delay jeopardizes the farmers' markets.*

So it is not simply a question of doing tomorrow what can as well be done today. The Senate should act responsibly in this situation. I am told that the legislation will definitely be approved later. That can be done just as well today as four or six weeks from now.

Proper concern for the needs of American agriculture—a decent regard for the welfare of the American farmer—dictate action *now.*

Sincerely,

RICHARD NIXON.

Mr. President, that is the letter. The reference to fertilizers and other chemicals being applied would not, of course, have any reference whatever to the rhetoric or to the excuses or the explanations which have been offered for the failure to act upon the farm bill.

The farmers of America will be deeply disappointed with the action of the majority party in refusing to give the farmers of America a farm bill before election.

I think that this issue should be met before election. The President of the United States has cited some very firm evidence as to how and why the farmers will suffer various hardships.

I regret very much that the organization of this body permits a minority of Senators to tie the hands of the majority leader or the minority leader at times, as the case may be.

This is the way we are set up. This is a situation which is often criticized in the press because it tends to glorify an individual Senator sometimes—or, let me say, to rectify an individual Senator—beyond the collective desires of the Senate or the collective needs of the Nation. We have been often criticized for this. I think that this failure to act will increase that criticism.

I think it most unfortunate that we cannot have a farm bill. It is most unfortunate that the representative of the House of Representatives was denied recognition at the door. I must say, that I recognized him. I know him, and I knew his father.

Mr. MANSFIELD. His father still serves in Congress, I believe; does he not?

Mr. SCOTT. Yes, he still serves in Congress.

I had no difficulty in recognizing him. I wish that myopia had not prevented his entrance into this body. But I am glad that he will be admitted today.

I hope that following his admission, the majority would reconsider its action and decide to let the farmers of this country have the much-needed farm legislation.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may reply?

Mr. SCOTT. I would be glad to yield.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has read a letter which he has received from the President of the United States, and it is a good letter; it is not an intemperate letter and in this area, of course, he is expressing the views of the President.

In a colloquy with the distinguished Senator from Kansas earlier, I referred to the highest source on the Committee on Agriculture and Forestry in refuting allegations which have appeared in the press that certain Senators who are running for reelection supposedly had approached me and asked me to delay consideration of the conference report. I denied that allegation unequivocally; there is nothing to it. I have not seen those Senators who are mentioned in the press for well over a week, but the "highest source" I was referring to was the chairman of the Committee on Agriculture and Forestry, the distinguished senior Senator from Louisiana, who is highly regarded by Members of this body, whose knowledge of things agricultural is unexcelled, whose probity and integrity are not questioned, and who I think was treated very shabbily during the course of the conference. So that is the "source" of the majority leader's predicament at this time, and he would be the man who would handle the conference report.

With that explanation let me say, Mr. President, because of the element of time and not because of a lack of im-

portance, final action on the conference report on H.R. 18546, the Agricultural Act of 1970, will be impossible prior to the ordered recess this evening. It is not an action by the leadership that prevents the completion of this report today. It was the hope of the Senate leadership to consider and dispose of this measure today but we were unable to do so. The scheduling of conference reports—unlike bills reported from committees—is not within the exclusive jurisdiction of the leadership. We work with the conferees on these matters but the conferees maintain the right to call up a conference report at any time they wish. Although the leadership has been unsuccessful in obtaining agreement for final action prior to the recess tonight, I want to assure farmers and others that this legislation will be the first order of business after recess and that it is my firm belief and expectation that this measure will pass in its present form when considered by the Senate.

Although I am not fully satisfied with every provision of this bill, I believe the farm community needs assurances of the structure of the farm program for planning purposes. I give to the farm community my strong conviction that the bill reported by the conferees will be enacted into law and that the farm community may rely upon its provisions as the basic farm program for the remaining 3 years. However dissatisfied any of the farmers may be with the provisions, or any part of them, it is only realistic to state that these provisions will be the law and actions should be taken by the farmers based upon these provisions.

We have heard references to wheat, feed grains, and cotton in connection with the farm program, but we should keep in mind that other provisions are, and will continue to be, of utmost importance to the farm community and the Nation as a whole. I refer to payment limitations, dairying, extension of Public Law 480, extension of the Wool Act, rural development, including cropland conversion, as well as the so-called greenspan program, and other provisions which would be of special importance to the small farmers.

I want to assure the Senate that it is only the time factor that prevents action prior to recess. The rules of the Senate permit delay very readily. When an adjournment or recess has been ordered, it is very easy for any Senator to prevent action prior to a deadline. Measures of great controversy can be delayed very easily.

The occupational health and safety measure is another recent casualty of this predicament, along with the farm bill. With respect to the public safety bill, it would be most appropriate to say, and I quote the President's words because I, too, received a copy of his letter:

So it is not simply a question of doing tomorrow what can as well be done today.

And quoting further:

Proper concern for the needs—

Of American labor and a decent regard for the welfare of the American working men—

dictate action now.

Mr. President, that is a paraphrase. Needless to say, those are the words chosen by the President when he referred to the farm bill. They are just as appropriate in the case of the job safety bill.

Although as the majority leader I had wished that both measures could be completely disposed of prior to the recess this evening, I have learned to realize that any Senator or group of Senators has the capacity under Senate rules to prevent action.

As I said before, the farm bill will be the first order of business when we return; it shall pass the Senate—like the Occupational Health and Safety bill, another controversial measure delayed just this week from consideration during the postelection session. I hope after the election there will be a greater spirit of cooperation so that all important measures can be considered and disposed of one way or the other by the Senate.

Mr. President, I honor the President for the interest he has taken in this most important program, this most significant conference report. I have tried to set the record straight as far as I could, and I want to assure the President that I will do everything I possibly can to see that this matter is the first order of business on our return on the 16th of November.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. Before I yield to someone else, I wish to mention my regret that the chairman of the committee feels he was shabbily treated in the conference. I was not there and I do not know the details. Indeed, he may well have taken umbrage at some of these things.

Mr. MANSFIELD. It was not personal. It was a matter of interest, a personal interest he had in the matter of the cotton commodity, which means a great deal to his State and his region.

Mr. SCOTT. I can understand that kind of concern, but I regret that concern of a Senator has prevented our being able to take action at this time.

Mr. MANSFIELD. The distinguished Senator from North Dakota (Mr. YOUNG), the best wheat man in the Senate, and one of the best in the country also, was one of those who did not sign the report, and the distinguished Senator from Georgia (Mr. TALMADGE), one of the best cotton men in the country, did not sign the report, so there were some differences of opinion which we should understand, and we must recognize the fact that the bill which the House passed was not a very good measure, that the bill which the Senate passed was far superior, and that many Senators had hoped the Senate would stand firm so that the Senate bill would come out on top rather than the House bill. But that is a thing of the past.

Mr. SCOTT. The distinguished majority leader is not stating that the Senator from North Dakota and the Senator from Georgia are holding the bill up, is he?

Mr. MANSFIELD. Not at all.

Mr. SCOTT. I now yield to the distinguished Senator from Iowa (Mr. MILLER).

Mr. MILLER. I thank my colleague from Pennsylvania.

Mr. President, as a member of the conference committee, let me say that the conference was an extremely arduous one, and one which one of the senior members said was one of the toughest and most traumatic conferences he had ever served on. So it is understandable how the distinguished chairman of the Senate Agriculture and Forestry Committee might have felt that he was shabbily treated.

Mr. MANSFIELD. That was my word.

Mr. MILLER. Well, the Senator from Montana referred to the fact that he had been shabbily treated. Let me say that I would guess probably every member of that conference committee at one time or another was, indeed, shabbily treated. It was a very difficult conference. But I do not think shabby treatment, whether it is directed at one person or to every member of the conference committee, would be any excuse for holding up action on such an important matter as this.

The Senator from Montana has stated that this legislation will pass the Senate around November 16. If it will pass on November 16, it will pass this afternoon. There is no good reason given for not taking action this afternoon.

I think it is unfortunate to try to draw an analogy with the health and safety bill, because the health and safety bill, even if we passed it right now——

Mr. MANSFIELD. Does the Senator have the papers?

Mr. MILLER. Would not pass and be sent to the President until after November 16, because the House has to act on it. All we have to do is to take 2 or 3 minutes, or perhaps 2 or 3 hours at most, and we would have a farm bill, because that has already passed the House.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MANSFIELD. Does the Senator have the papers in his pocket to call it up?

Mr. MILLER. To call what up?

Mr. MANSFIELD. The conference report on the farm bill.

Mr. MILLER. That is exactly what the colloquy was all about last evening. We had the preventive detention rule apply last evening, because the people with the bill could not get through the door with the reports. Now I understand the Senate majority leader is going, to use his words, at an appropriate time to allow the conference report to come into the Chamber; that there still is the rule that the papers of the Senate conferees must be present at the desk at the time the conference report is considered by the Senate.

Mr. MANSFIELD. If the Senator will yield, I could not find neither hide nor hair of the papers yesterday, and I had to look long and hard this afternoon to find where they were, or at least to get wind of where they were. I am not referring to the House papers which the House messenger will bring into the Senate but those papers that are in the control of the Senate conferees.

Mr. MILLER. The Senator from Montana has been around here a lot longer

than the Senator from Iowa, and he knows he could find the papers if he wanted to.

Mr. MANSFIELD. I tried hard enough, but I could not.

Mr. MILLER. It is common knowledge that the papers are under the control of the chairman of the committee concerned with the legislation. Even if they should be mislaid or they should be destroyed by fire, there is no reason why we could not ask unanimous consent to take up the conference report because of an emergency situation. So that problem could be handled if there was the will to do it.

The only point I want to finally make on this is that when I go back to my State, or go to another State, and I am asked why we did not get the farm bill passed when the House took action on it promptly Tuesday and sought to get it over to the Senate and the messenger was refused admission to the door of the Senate, and now something is said about no papers being found, and why that would happen when we are assured that on November 16 we will agree to the conference report, I am going to say that the leadership on the other side, for reasons best known to themselves, prevented that from happening.

I am going to add, further, that while I have absolutely no reason to question what the Senator from Montana said about being importuned, by Senators who are running for reelection, to do nothing about the farm bill, I find it is common knowledge around the cloakrooms that certain Senators seeking reelection did make certain overtures, if not to the majority leader, then to the chairman of the Senate Agriculture Committee, to hold up the measure here.

Mr. MANSFIELD. Mr. President, I must call the Senator to order. I think he is impugning the conduct of certain of our colleagues and what I said. I call for the regular order. I do not care how he blames me, but I do care about his impugning some of our colleagues.

Mr. MILLER. Mr. President, I am going to ask the Chair to rule on that, because I just got through saying I did not impugn the integrity of the Senator.

Mr. MANSFIELD. The Senator impugned the integrity of certain Senators not present.

Mr. MILLER. I did not impugn the integrity of anybody.

Mr. MANSFIELD. Yes, the Senator did. He is spreading rumors, rumors without factual foundation, and the press will pick it up. That is what he did.

Mr. MILLER. There have been many rumors passing around on the floor of the Senate. But I will be happy to retract everything I said and strike it from the RECORD if the majority leader can give us some reason, other than the nebulous rule regarding lost papers, why we could not find them.

Mr. MANSFIELD. I gave my reason. The Senator from Iowa should have been in the Chamber longer than he was; then he would have been aware of what was said.

Mr. MILLER. I was here.

Mr. MANSFIELD. Mr. President, I understand that there is a messenger at the door now——

Mr. GRIFFIN. Mr. President——

Mr. MANSFIELD. Will the Senator yield briefly?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. That he has with him a conference report on a farm bill, a conference report on a drug bill, a conference report on health bills; and before we open the door, I will yield to the distinguished Senator who is acting minority leader.

Mr. GRIFFIN. Mr. President, I thank the majority leader for yielding. My respect and affection for the distinguished majority leader are known to him and to everyone in this Chamber, and I wish to reiterate the high regard I have for him.

But I must say for the record that, whatever may have been his problems with respect to the chairman of the committee, the distinguished Senator from Louisiana (Mr. ELLENDER), I do not find in the explanation of the majority leader any good excuse for blocking an official of the House of Representatives at the door of the Senate, as occurred last evening. This was an unprecedented action so far as the junior Senator from Michigan can determine, after talking to many other Senators. I understand that there is no precedent for it.

Let me say that what occurred is a very bad precedent. I would suggest that it was not only an affront to the House of Representatives, but it does not reflect well upon what is supposed to be the greatest deliberative body in the world, the U.S. Senate.

I can imagine what would be the reaction in and out of the Senate if Republicans were in control of this body and acted similarly.

I hope that it will never happen again.

Whether or not action could have been taken in the Senate on the conference report, the messenger from the House should have been admitted to deliver the report of the House action. Whether the conference report could or would have been called up by the chairman, the distinguished Senator from Louisiana, is a separate and different question from the treatment which the Senate should accord a representative from the other House. There is no excuse for the affront which was paid to the House of Representatives.

I regret that it has become necessary to deliver such remarks but I consider that there is no choice under the circumstances.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The PRESIDING OFFICER. Will the Senator yield for the Senate to receive a message from the House of Representatives?

Mr. MANSFIELD. Mr. President, I yield without losing my right to the floor.

The messenger from the House of Representatives, Mr. Berry, stated that he had been instructed by the House to inform the Senate that the House has agreed to the conference report on H.R. 18546, the Agricultural Act of 1970, in which concurrence of the Senate is requested.

Mr. MANSFIELD. Mr. President, is that the only message which the messenger brought over? Read the others.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Montana yield for a parliamentary inquiry?

Mr. MANSFIELD. I do.

Mr. HANSEN. Is this a delayed message?

Mr. MANSFIELD. It might be.

Mr. SCOTT. This is the preventive-detention message.

Mr. MANSFIELD. This is the no-knock message.

The messenger, Mr. Berry, continued the reading of the message, as follows:

That the House agree to the amendments of the Senate to the resolution (H. Con. Res. 775) entitled "Concurrent Resolution Authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14 to November 16, 1970."

That the House agree to the report of the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15073) "An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes."

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11833) "An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes."

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to S. 2846, an act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood.

That the House agree to the report of the committee on conference on the disagreeing votes of the two Houses on H.R. 17570, an act to amend Title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases.

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3586, a bill to amend Title VII of the Public Health Service Act.

Mr. MANSFIELD. Mr. President, I do not care to have them all read. I just wonder if there is a conference report there dealing with drugs. I understand there is.

The PRESIDING OFFICER. Without objection, further reading of the message will be suspended.

The full message from the House of Representatives is as follows:

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes.

The message also announced that the House had passed a bill (H.R. 17849) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 775) authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14, to November 16, 1970.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 30. An act relating to the control of organized crime in the United States;

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States;

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month"; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

The message informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. THOMSON of Wisconsin as a member of the U.S. Group of the North Atlantic Assembly, vice Mr. ARENDS.

Mr. SCOTT. Thoughts too deep for tears subdue the minority leader, who has waited with unbated breath, I regret to say, for the arrival of our beloved messenger from the other body.

Mr. MANSFIELD. Does the Senator not think he got sufficient exposure this time to make up for what happened yesterday?

Mr. SCOTT. I would say that his exposure today could hardly compare with the exposure which this body suffered yesterday in its unwillingness to consider the highly important farm bill.

But be that as it may, I am delighted to see the messenger from the House of Representatives, whom I recognize because, as I say, I knew his father, and I am pleased that he finally made this long and perilous trip from the House of Representatives, surmounting as he did one peril after another—perils consisting of individual Members of the majority, emissaries from the majority, mercenaries, janissaries, shock troops, and——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. In a moment; I am going too well to yield now.

And throughout all of this, he had to suffer through a negotiated settlement, a fast withdrawal, and finally a return to the scene of the original conflict, where all he has to report to the other body, and to his father, is that he was finally accorded more exposure than a Member of the House of Representatives usually gets in his own person; and I am very glad that the messenger now has received the kind of exposure so often denied to individual Members of the other body. If we could now have the farm bill, my cup would indeed overflow, happiness would pervade the Chamber, and the farmers could merrily return to the tilling of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation. [Laughter.]

I now yield to the Senator from Montana.

Mr. MANSFIELD. The distinguished minority leader should not make haste to make waste, referring to his overbrimming cup but when he was speaking of the mercenaries and the others who were making the path of the messenger from the House tortuous, it seems to me that I heard—I was not there, so I cannot verify this—that there was at least one Republican, and maybe more, prowling the corridors, taking out binoculars, standing along the length and breadth search-

ing for the sight of a messenger; and I think they saw the messenger, but for some reason or other the barricades just were not weak enough to let them break through.

We thought that when he did come in, he ought to come in in a blaze of glory, and weighed down with documents.

He did, he was well received, the Senate was courteous in its consideration of him, and we now have the farm conference report at the desk. The Senator's cup will not overfill, but at least he has part of the nectar inside it, I hope.

Mr. SCOTT. I may say to the distinguished majority leader that the House messenger has now enjoyed his own personal St. Crispin's Day, and, as he grows old and bearded, he will be able to tell his grandchildren of the noble occasion when he was denied the privilege of this Chamber, and then was subsequently admitted, not bearing with him clouds of glory by any means, but bearing with him such effluents from the other body as do not conflict with the very pollution laws which we have from time to time enacted; but, on the contrary, carry with them so many benefits and, indeed, so much of the Federal Treasury, that it seems a great pity to deny those who would be expending this money by the delay which unfortunately occurs, but nevertheless funds which, indeed, both bodies have decided are very much in the interest of the Nation.

I think I had better quit while I am ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLELLAN. I yield, without relinquishing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Leroy Goldman, the associate counsel for the Committee on Labor and Public Welfare, be permitted to be present on the floor of the Senate, since his advice will be needed on three of the conference reports the consideration of which is imminent.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL, ACT OF 1970—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, in behalf of the Senator from Connecticut (Mr. DODD) I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BELLMON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of October 13, 1970, pp. 36585–36587, CONGRESSIONAL RECORD.)

Mr. McCLELLAN. Mr. President, this bill amends the Public Health Service Act and other laws to provide increased research into the prevention of drug abuse and drug dependence. It provides for treatment and rehabilitation of drug abusers and drug dependent persons, and seeks to strengthen existing law enforcement authority in the field of drug abuse.

Mr. President, I regret that the managers of the bill on both sides of the Senate are unable to be present today, and particularly the Senator from Connecticut (Mr. DODD), who would have made this presentation.

Speaking on their behalf, and as a member of the conference committee which considered this bill on Monday last, I would like to say that I am sure the measure we now have before us is worthy of the approval of the Senate and should be sent to the President as quickly as possible. When this body considered and passed the bill last week by unanimous vote, everyone recognized the urgency of legislative reforms which would improve efforts to reduce the demand for drugs through rehabilitation, and to reduce the supply of drugs through improved law enforcement. The measure now before us does both in a form that I am sure is acceptable to Congress and to the American people.

Senators may recall that in passing this measure, the Senate agreed to amend it in several respects. Key among these were amendments to alter title I, the rehabilitation portion of the bill, and to impose stricter controls on the amphetamines. Compromises on both of these amendments were worked out by the conferees. Title I once again resembles the House version in format but contains valuable additions from the Senate amendment such as an increase from $164 million in new appropriations to $189 million. Also included was a requirement that programs to deal with drug abuse and drug dependence be included in State public health comprehensive plans, and an increase in the authorization for and scope of project grants for narcotic addicts and drug dependent persons. As far as the amphetamines are concerned, a compromise was reached so that liquid injectable methamphetamine would be transferred to schedule II and immediately subject to quotas, with the Attorney General to take such administrative action on other amphetamines in the future as he deems advisable.

The Senate amendment that any person who distributes a small amount of marihuana for no remuneration should be subject to penalties for simple possession of marihuana has been retained, and the amendment to add in schedule IV the drugs librium and valium was deleted—the latter with the understanding that administrative action to control these drugs is nearing completion, and that they will likely be brought within schedule IV by administrative action. Finally, the Senate amendment that the Secretary of Health, Education, and Welfare report on the activities of various advisory counsels was also retained.

Mr. President, we are, indeed, fortunate that the conference committee was able to so rapidly reach agreement and provide us with a measure that we could send to the President before the recess. I, therefore, urge the adoption of the conference report.

Mr. McCLELLAN. I stated a few moments ago that the Senator from Connecticut, the chairman of the conference, was not able to be here today and that I was merely acting for him.

Mr. President, I ask unanimous consent that a statement on the Comprehensive Drug Abuse and Prevention Control Act of 1970 prepared by the Senator from Connecticut (Mr. DODD), the floor manager of the bill, be inserted in the RECORD.

There being no objection, Senator DODD's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR THOMAS J. DODD

Mr. DODD. Mr. President, the Comprehensive Drug Abuse Prevention and Control Act of 1970 is truly a comprehensive measure and one that I am certain will be effective in curbing this nation's mounting drug abuse problem.

Title I of the Act is devoted to drug abuse education, prevention, treatment and rehabilitation, and the authorization of additional enforcement personnel.

Over the next 3 years the bill provides:

180 million dollars for the expansion of drug addict treatment programs under the Community Mental Health Centers Act;

29 million dollars for drug abuse education as a means of preventing the misuse of drugs;

85 million dollars for the funding of special projects for drug dependent persons and for narcotic addicts to partially cover the costs of programs of treatment and rehabilitation within the states.

Finally, title I would broaden the treatment authority of the Public Health Service Hospitals to include certain drug dependent persons and drug abusers.

All of these provisions are essential to our fight to curb drug abuse in the United States and such provisions coupled with the law enforcement provisions of the Act should provide the means whereby this effort can meet with success.

Mr. President, I would like to take this opportunity to comment on Section 3(a) of title 1 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 which amends Section 303(a) of the Public Health Service Act. This amendment recognizes the particular delicacy of certain types of research undertakings and the need which may arise for maintaining a confidential relationship between the researcher and his subjects. Under this provision, the Secretary of Health, Education, and Welfare may authorize persons engaged in research on the use and effect of drugs to withhold the identity of participating subjects when it may seem necessary to avoid their embarrassment. The purpose of this provision is solely to protect the privacy of individual subjects and is not to be used by the researcher to shield evidence of his own unlawful conduct or that of other persons. Because of the serious legal consequences of granting such a privilege, the Secretary should first consult with the Attorney General before exercising this power.

Moreover, the section is in no way intended to derogate from the authority of the Attorney General under the other Titles of this Act to require the maintenance of records involving controlled drug transactions which must be made available for inspection. In many cases, such records are required to in-

clude designation of the nature and quantity of drugs involved as well as the identity of the parties. Clearly, any circumstance which involves research with a controlled drug on a scale sufficient to offer opportunities for significant diversion could not be exempted from regular recordkeeping requirements under the law. The provision is not designed to exempt large-scale programs with undisputed social impact, such as experimental methadone maintenance programs from normal recordkeeping requirements. Indeed, under Section 307(e) of Title II, where an investigational use of drugs is involved under the Food, Drug, and Cosmetic Act, the Secretary may require additional security and accountability procedures after consultation with the Attorney General. Subject to these qualifications, Section 3 will, nevertheless, enable the Secretary to facilitate research involving limited scale use of the controlled drugs under circumstances more conducive to the participation of research subjects.

Titles II and III of this measure are the regulatory and enforcement provisions of the Act.

Provision is made for standards to control drugs and for their scheduling under these standards by the Attorney General with the advice of the Secretary of the Department of Health, Education and Welfare.

The bill provides for the registration of manufacturers, distributors and dispensers of controlled drugs and for adequate record keeping at all levels of distribution.

However, I would like to comment here on the Controlled Dangerous Substances Act of 1969 which passed the Senate on January 28, 1970, and included in its schedule of drugs to be controlled, Librium and Valium, two highly addictive substances that have caused severe social and medical problems.

The House, after more than six months of deliberation, passed its version of the Senate passed bill on September 24, 1970 rejecting the inclusion of Librium and Valium under the controlled substances.

This was done despite the fact that Dr. Roger O. Egeberg, representing the Secretary of the Department of Health, Education and Welfare testified before my Committee that in his judgment and in the judgment of the professional men in his department, these two drugs should be included in this bill with other dangerous drugs.

As Chairman of the House-Senate Conference, I brought up my amendment to include these drugs as controlled dangerous substances. After I brought up my amendment, after extensive debate, and after having been assured by the Senate Conferees that we had the votes to include these drugs, I was shocked and distressed, to find that the House Conferees bludgeoned the Senate Conferees into eliminating these "killer" drugs by threatening to hold up the reporting of this bill from Conference. I was stunned to hear that the inclusion of these drugs with a proven history of criminal diversion, illegal use and multiple fatalities could stop cold the movement of a bill that represents the most far-reaching and comprehensive drug legislation to come before us in fifty-six years.

I am using the word "killer" drugs advisedly and knowing full well what the term implies.

Addictive drugs have two unmistakable hallmarks: significant abuse by addicts and illegal diversion. On both counts, Librium and Valium must be condemned. Both drugs possess virtually all the properties which led us to control amphetamines, barbiturates, and other controlled substances.

A recent brief and as yet incomplete survey of the Bureau of Narcotics and Dangerous Drugs uncovered 97 suicides and over 2,000 suicide attempts by means of Librium and Valium.

Perhaps Hoffman-LaRoche, the manufacturer of these dangerous substances, will suggest that these suicides and near suicides were accidental deaths for which the drugs themselves are not responsible. After all, people can die from an overdose of aspirin.

Very well. Aspirin, however, is not diverted from wholesale and retail pharmacists. Only addictive drugs are, because they become quite valuable to the drug addict who cannot immediately lay his hands on heroin or other chemical depressants.

Diversion, as I said earlier, is the hallmark of the addictive drug. The statistics speak for themselves.

Adults by the Bureau of Narcotics and Dangerous drugs have revealed that in *just 56 pharmacies* there were inventory shortages of 753,434 doses of Librium and Valium.

Three pharmacies in Massachusetts showed an inventory shortage of 105,458 units of Librium and Valium.

Twenty-two New York pharmacists showed a 38.4 percent inventory shortge of Librium and Valium. This involved 186,646 units of these drugs out of a total of 489,-250.

In my own state of Connecticut, reported cases of Librium or Valium abuse rose 480 percent in 1968 over 1967.

Hoffman-LaRoche annually earn a reputed $200 million from these two drugs alone. It is said in the pharmaceutical industry that once a drug is controlled, its marketing decreases by 25%. With $50 million at stake, one can well imagine the pressure that was put to bear on the House conferees. One cannot, however, understand why they have put the economic interests of Hoffman-LaRoche before that of their constituents, indeed that of the entire country.

I am giving notice, consequently, that I shall retintroduce in the Senate an Amendment to the Drug Bill just passed, with the specific aim of including the "killer" drugs Librium and Valium, in the substances controlled under the Act.

Mr. President, I am in complete agreement with the concept of sub-section 307(c)(1)(B) which requires that any practitioner who dispenses nonnarcotic controlled substances in schedules II, III, IV or V for which he regularly charges his patients is subject to the recordkeeping requirements for all drugs dispensed *including* drugs prescribed or administered. This is in accord with existing language of the Food, Drug, and Cosmetic Act which also defines a dispensing practitioner as one who "regularly engages in dispensing any such drug or drugs to his patients for which they are charged, either separately or together with charges for other professional services" and which requires the dispensing practitioner to prepare and keep "a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person, and the registration number, if any, assigned to such persons . . . from whom it was received and to whom it was sold, delivered, or otherwise disposed of and the date of such transaction."

The language of sub-section 307c(1)(B) will continue the existing recordkeeping required of dispensing practitioners handling nonnarcotic controlled substances. Continuance of full recordkeeping by dispensing practitioners as well as by all other legitimate handlers is essential to prevent the diversion of these substances. I fully support this sub-section.

Finally, Mr. President, I am pleased to add my concurrence to the intent expressed by the Honorable Mr. Jarman in his remarks appearing in the Congressional Record on September 23, 1970, page 33298 concerning the education and research activities of BNDD. I and the members of the Senate Committee are fully aware of the Memorandum of Understanding reached by the Department of Justice and the Department of Health, Education, and Welfare defining the research role between NIMH and BNDD. I would like to have a copy of this Memorandum dated August 11, 1970 included in the record. It is our intent that this Memorandum becomes a working document to be continued in intent and scope under the bill before us by permitting the NIMH wide latitude in its research endeavors and the BNDD to carry out its regulatory role in the identification and characterization of substances having a potential for abuse and the necessary evaluation for early identification and scheduling purposes.

I ask unanimous consent that the document entitled "Memorandum of Understanding Between the Bureau of Narcotics and Dangerous Drugs, Dept. of Justice, and the National Institute of Mental Health, Dept. of Health, Education, and Welfare concerning Scientific Research" be printed at this point in the Record.

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS AND THE NATIONAL INSTITUTE OF MENTAL HEALTH

The subject agencies share the national concern about the growing problem of drug abuse and the need to acquire and to disseminate new knowledge and broader understanding of every aspect of the problem. It is axiomatic that only through complete cooperation and a mutual exchange of information gathered in the course of each agency's individual activities can this common goal be achieved.

This Memorandum of Understanding is established to delineate areas of responsibility, areas of collaboration, and increased cooperation between the agencies with respect to research activities in the field of drug use and abuse. It does not replace or change any of the currently delegated duties or responsibilities of the signatory agencies.

The National Institute of Mental Health has responsibility for conducting or supporting biological, pharmaceutical, sociological, behavioral and other scientific research on the abuse of existing and new drugs, the nature of addiction or drug dependency, the social patterns of abuse, the causes, prevention, treatment and rehabilitation of drug addicted or drug dependent persons, and other facets of the drug-taking phenomena, with the exception of studies directly related to law enforcement problems, techniques and such responsibilities as the Bureau of Narcotics and Dangerous Drugs has to support its mission. It also supports training programs to improve the effectiveness of health personnel to work in this area, and it assists States and communities in the application of research findings.

Because of its broader mission, the National Institute of Mental Health, whenever possible will be responsive to the requests of the Bureau of Narcotics and Dangerous Drugs in specific areas of research needs. The National Institute of Mental Health will not be restricted from engaging in research in areas of Bureau of Narcotics and Dangerous Drugs' responsibilities, but will insure that there is no undesirable duplication of efforts, and that there is prior agreement on the need for the research.

Because of the limited nature of the Bureau of Narcotics and Dangerous Drug's research effort, its primary programs will be directed to those areas which will support its mission, such as:

1. Identifictaion and characterization for regulatory purposes of substances with a potential for abuse.

2. Development of new methodologies to assess the abuse liability of drugs, including screening capabilities in order to assure proper control of the drugs under laws enforced by the Bureau. (Screening programs are not to be duplicative of those now functioning at the University of Michigan.)

3. Studies designed to assess and detect the presence of narcotics and dangerous drugs in the human body, including the development of rapid field identification methods.

4. Development and maintenance of a reli-

able early warning reporting system on the abuse of controlled and non-controlled drugs.

5. Development of an accurate statistical reporting system on abuse data associated with crime and criminal activity, including an improved addict reporting system.

6. Studes to show the relationship between crime and drug dependent persons, studies to identify predisposing factors to illicit drug activity and development of tests to be used by enforcement personnel to better perform their functions.

7. Detection of abuse substances by remote sensing devices.

8. Studies to evaluate the nature and sources of the supply and flow patterns of legal and illegal drugs throughout the country.

9. Studies to compare and evaluate the deterrent effects of various strategies on drug use and abuse.

10. Studies to evaluate the direct and indirect costs of drug abuse to society.

11. Development of eradication techniques for the destruction of plant species from which controlled drugs may be derived.

To effect the foregoing and to implement the intents of this memorandum, it is agreed that within 10 working days following the signing of the document, a joint committee be established as a working subcommittee of the now existing Departmental Liaison Committee. The subcommittee will be composed of two representatives (one alternate) from each of the signatory agencies. The functions of this committee will be to effectuate the goals of this memorandum and to discuss and resolve problems and issues of concern to signatory agencies which arise in the course of carrying out their repective functions.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

JAMES D. ISBISTER,
Acting Director, National Institue of Mental Health.

Mr. DODD. Mr. President, I am delighted with the tremendous change in direction this bill signifies for the Congress and the nation.

The government has finally eliminated mandatory minimum sentences for drug violations and further, has reduced first offender possession violations to misdemeanors, punishable by up to one year's imprisonment.

The bill gives judges much greater latitude in handling the increasing numbers of drug abusers, thousands of whom are not youths with delinquent or criminal records.

However, penalties for drug pushers remain strong, as a necessary deterrent to this practice.

The bill authorizes additional enforcement personnel for the Bureau of Narcotics and Dangerous Drugs and provides the Attorney General and the Bureau with new and necessary enforcement tools including the right to obtain and execute no-knock search warrants in certain, specified instances.

Title III of the bill regulates the import and export of controlled drugs and provides for limits on the amount of crude opium that may be imported into the United States. The controls embodied in this title should be sufficient to stem the diversion of drugs from legitimate channels into the illicit markets, a practice which has been ongoing utilizing the method of export and re-entry as a means of diversion.

On balance this is a good bill.

While the Senate did not prevail on all issues, I believe that the Conference Report should be accepted.

I urge Senators to do so.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HUGHES. Mr. President, I think that the members of the committees in both Houses, who have labored for many hours over this particular piece of legislation are to be congratulated. As we all know, their work was difficult, there were many complex problems to be resolved, and there were many jurisdictional overlaps which, with a good deal of cooperation, had to be worked out. There was much give and take on the part of all interested parties, and the final legislation, I am convinced, was the better for it.

To my mind, this legislation constitutes an extremely important step forward in dealing with the drug epidemic in this country—in the fields of prevention and rehabilitation as well as in the field of law enforcement. It is beyond contention that in dealing with the illicit distribution of narcotics and dangerous drugs, stern laws and strict enforcement are essential. It is just as true, however, that the most efficient possible system of enforcement and punishment cannot do the job alone. This bill makes major advances in both of these areas.

The present bill constitutes a great improvement over the original legislation in this area which was first considered by the Senate. At the time that legislation was being considered by the Senate, I offered amendments which would have: limited the Attorney General's authority for conducting educational and research programs to those directly related to enforcement of the control provisions of the legislation; given greater authority to the Secretary of Health, Education, and Welfare in the classification of controlled substances; and provided for the confidentiality of information about patients or research subjects who have been promised anonymity by a Government agency in exchange for highly personal information.

At the time those amendments were originally proposed, they were not successful. I am pleased to be able to say today that the amendments or the concepts behind them are a part of the legislation which we have before us today. I am also pleased that the conference committee saw fit to retain my amendment making those persons who are guilty of distributing marihuana for no remuneration subject to the same penalties as those persons who are charged with possession, rather than subject to the severe penalties for trafficking and distribution.

These were dramatic steps toward giving the legislation the proper balance between law enforcement and prevention, rehabilitation, and research.

If there are many reasons to be pleased about the legislation, there are also several reasons to be concerned. I feel that the no-knock provisions, which give law enforcement officers the authority to break and enter without announcing their identity or purpose constitute an unnecessary intrusion into the private lives and rights of our citizens. I am not convinced that we have yet given our law enforcement officers the kinds of determined and complete backing they need to obtain and use legitimate tools of unquestioned constitutionality at the present time. Until that has been done, I do not believe that we can be justified in moving into this questionable area.

One other brief point along this line. H.R. 18583 fails to distinguish between the relative harmfulness of the various drugs for purposes of criminal sanctions. For example, in the distribution area, the same penalty attaches for distribution of LSD as for the distribution of marihuana; in the possession area the same penalty attaches for possession of all drugs, whether heroin, LSD, amphetamines, or marihuana.

This difficulty is caused by the type of classification structure which is used in the proposed legislation. Classification in the bill depends primarily upon whether there is an accepted medical use for the drug. Because heroin and marihuana have no recognized medical use, they are classified in the same category. Such a classification is valid for purposes of manufacturing controls and reporting requirements. If there is no valid use for a drug, there is a sound reason to impose the strictest manufacturing and record-keeping controls. But criminal sanctions for illegal distribution and use should be based upon the danger to society and the individual, not upon whether there is any valid medical use.

I am hopeful that this situation will be remedied and compensated for somewhat by the Departments of Health, Education, and Welfare and Justice, working together to develop a classification of substances based upon the harm of controlled substances to the individual and to society. Such information could be used to provide relevant information to the judiciary for their discretionary consideration and use in determining appropriate sanctions in cases involving violations of sections 401 and 404 of title II of the act—that is, the possession and distribution sections.

If this is not done administratively certainly it will then have to be done later legislatively, so that our courts can have available to them the scientific, medical, and law enforcement data upon which they can base an intelligent and compassionate decision with respect to sanctions.

Finally, I would like to comment on title I of the bill. That title deals with prevention and rehabilitation programs. The substitute amendment to this title which I proposed, which was cosponsored by all of the members of the Labor and Public Welfare Committee, and which passed the Senate 44 to 23, would have established a National Institute for the Prevention, and Treatment of Drug Abuse and Drug Dependence with responsibilities which were spelled out in the law; would give greater emphasis to grants for programs which were developed at the State and local community levels; would have established prevention and rehabilitation programs for Federal employees; and would have increased authorizations reasonably for the prevention and rehabilitation area. The House was unwilling to accept these changes in emphasis for Federal programs at this late date, but indicated their willingness to hold hearings on the policy questions involved in the near future.

Several important changes were made in the legislation because of the amend-

ment, however; greater emphasis has been given to smaller, local initiative programs which have been so effective in reaching the drug abuser and drug dependent persons; statutes covering State health planning were amended to require planning in the areas of drug abuse and drug dependence; increased emphasis was given by the committee to so-called peer-group assistance programs for such things as crisis intervention centers, telephone counseling and information services, informal open admission facilities for support, guidance, referral, and temporary residence, and therapeutic self-help and group therapy programs; and authorizations were increased by 25 million from the bill as proposed by the House.

The provisions of title I of the bill as presently drafted are extremely important and helpful ones. The legislation is too important to hold up on the basis of enlarging their scope and effectiveness, desirable as that would be. I am hopeful that the provisions can be further revised next year after the House has had the opportunity to consider the basic concepts behind the Senate amendment. I can assure you, Mr. President, that we of the Labor and Public Welfare Committee who have worked so long on this urgently needed legislation have every intention to stay with it.

The Committee on Labor and Public Welfare, as an indication of their intent to keep working for these objectives has today reported the substitute amendment as a separate piece of legislation, and I am hopeful that it can perhaps be acted on when we return from the recess.

In conclusion, Mr. President, let me express my conviction that we have enacted a highly significant and constructive piece of legislation, and I am deeply grateful to all who have had a part in it.

If we were to take a poll of citizens anywhere in the country, I am certain that they would place the need for more effective control of drug abuse and narcotic addiction at the top of their list of priorities for congressional action.

We need to do more, a great deal more, in getting at the drug problem at its source through coordinated health programs and preventive education on a nationwide basis.

But in enacting H.R. 18583, we have taken a highly significant step in the right direction.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. Mr. President, the Comprehensive Drug Abuse Prevention and Control Act of 1970 is a great step forward toward the control of dangerous drugs. We all have recognized that drug abuse in the United States is a problem of great and ever-increasing concern and appears to be approaching epidemic proportions. Now, for the first time, we are attempting through this legislation to take a multidisciplined approach toward solving the problem. It represents a most important change in the attitude of the country toward drug abuse.

No longer can it be said that we believe that harsh penalties are the sole way to stop the widespread illegal use of drugs in the United States. Rather, we have opted for educational and rehabilitative activities as well as revised penalties which differentiate between the narcotics pusher and the experimenter who may be apprehended with a small amount of marihuana in his possession without ever having smoked it.

A total of $115 million has been allocated for these educational programs and special projects for drug-dependent persons over a 3-year period. These funds may not only be utilized for traditional medical services, but also include intermediate care services, outpatient services, and prevention, treatment, and rehabilitation services for drug-dependent persons primarily organized and operated by persons from similar social, cultural, and age backgrounds as the person served, in community-based and easily accessible facilities.

Mr. President, I am proud of the contribution to a better bill made possible by the work of the Alcoholism and Narcotics Subcommittee under the able chairmanship of the Senator from Iowa (Mr. HUGHES). As chairman of the Labor and Public Welfare Committee, with jurisdiction over all health matters, I appointed, in 1969, the first Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs ever appointed in the Senate. The able Senator from Iowa (Mr. HUGHES) had made an enviable record as Governor of Iowa in the matter of alcoholism and dangerous drugs, so I requested that he head this important subcommittee. He agreed to do so, and has given the subcommittee the drive, the dedication, and the will to make it succeed. Senator HUGHES has his own bill on narcotics and dangerous drugs which will come before the Senate later; it is better than the present bills, though the present bill makes a contribution on this dread affliction.

Mr. McCLELLAN. I thank the distinguished Senator from Texas but I believe that those complimentary remarks should be given to the Senator from Connecticut (Mr. DODD) who handled the bill. As a member of the Judiciary Committee, I was glad to serve with him and work with him and support him, but actually he deserves the credit and praise which the Senator from Texas graciously bestows upon me. I accept it for him.

Mr. President, I should like to state for the RECORD that it is my understanding the Senator from Connecticut (Mr. DODD), chairman of the conference, to whom great credit is due for this measure, supports the measure as offered and discussed by the distinguished Senator from Iowa (Mr. HUGHES), and the RECORD should so reflect it.

Mr. HUGHES. Mr. President, I should like to comment on that. The Senator from Connecticut did indicate he supports the amendment and hopes to support it in the future. That was his wish in the conference committee and he did make a struggle to see that the amendment was included.

Mr. JAVITS. Mr. President, first, I would like to join my colleagues in expressing the appreciation of the members of the conference from the Committee on Labor and Public Welfare to the Senator from Arkansas (Mr. McCLELLAN), the Senator from Connecticut (Mr. DODD), who is not here today, and to other Senators who, insofar as our work was concerned, which was title I, were very helpful in giving us a clear field to work things out the best way we could.

I join also in the regret expressed that the entire Hughes substitute amendment to title I of H.R. 18583 which I cosponsored as did every member of the Committee on Labor and Public Welfare——

Mr. McCLELLAN. If the Senator will allow me to interject there, I think he means the Judiciary Committee.

Mr. JAVITS. Yes, but I meant insofar as you were concerned.

My reason for speaking is that I do not want it to go down in history that we just, as it were, yielded on the Hughes amendment without recognition of the great advances accomplished by the legislation with respect to the drug abuse and narcotics addiction problem. I believe we will pass the substitute amendment to title I of H.R. 18583 in the Senate. It is a counterpart to the House bill, and ultimately we will have a national institute to deal with the drug abuse problem, which we should have, which for the moment was eliminated by the conference report. However, the conference has improved upon the provisions contained in title I of H.R. 18583 relating to rebilitation, prevention, and treatment for drug abuse and drug dependence. It has enormously beefed up with money—an additional $25 million in authorizations for special project grants—and authority the whole of the U.S. prevention, treatment, and rehabilitation program concerning narcotics addiction and drug abuse.

The original man who gave us the original push was the Senator from Arkansas (Mr. McCLELLAN) himself, who included in a bill which came out of the Judiciary Committee for the first time such an approach to the narcotics addiction problem, with an authorization of $15 million. Now this concept, matured and developed in the Committee on Labor and Public Welfare, and also in the conference which I had the honor to be an active participant, with the idea of having the community mental health centers accommodate those who needed to be treated for drug abuse and narcotic addiction. Now we are going through a broader program with major changes which are of critical importance to every big city.

First is the right of the Secretary to make special project grants specifically for the treatment and rehabilitation of narcotics addiction or drug dependent persons. That is now broadened so that he may give money not for a combination of purposes only—to wit, detoxification services, or institutional services (including medical, psychological or counseling services) or community-based aftercare services, but for any one of those individual programs or services. When we join that new authority with the established structure by which such care is afforded, we see the advances made.

Another big expansion is in the community health centers—where we now

have 350 when we need 2,000. The big expansion is in public but often sometimes private, often mixed projects, right in New York such as Phoenix House, Odyssey House, Daytop, Exodus, Harlem ARC, and many other therapeutic communities, youth centers, detoxification facilities, clinics, and so forth, which will render one of the services, not all—only one or perhaps two. Now we have expanded the opportunity when we join both, often nongovernmental activities, which are nonprofit, and governmental activities, with this expansion of authority to the Secretary, we have opened up for drug abusers and narcotic addicts who will be treated, with no means now available for treating them, a program, institution or facility for treating them which can be helped under this section of the legislation.

Not content with increased scope of program, we also, as I previously indicated, beefed up the money considerably. The aggregate Senate authorizations had exceeded those of the House by $26 million. With tremendous support of the members of the conference committee, Senators YARBOROUGH, RANDOLPH, DOMINICK and HUGHES, who led the fight, we added $25 million of the $26 million to this very program for special project grants, a very significant advance which will have tremendous effect and influence in the days ahead.

Also, we provided that State health plans, where there is also much more money available for State comprehensive health plans, should include provisions for services for the prevention and treatment of drug abuse and drug dependent persons commensurate with the extent of the problem in a given State.

So there again, we opened up a totally new field which will be helpful in this regard.

We also made clear that where a program of services under special project grants provisions included funds for alteration, expansion, remodeling, and so forth, of an existing facility—rather than new construction of a new facility—that such program need not be consolidated with another program. However, where a program established and also funds are provided for construcion of a new facility, thereafter programs established under the special project grants provision—where feasible—will be consolidated with the program or programs of the newly constructed facility.

Aside from the adoption of title I as passed by the Senate, which I consider to be essential and a marked change, we must be sure to make in due course, but which the House begged off on, on the grounds that they had no hearings to consider the subject, although it promised, as will be seen from reading the conference report, that next year there will be real consideration of the subject.

Aside from that really historic move in the drug abuse and narcotic addiction situation in the Federal Establishment which would come with the establishment of a new institute in the National Institutes of Health, what we have done is a first step forward toward a new plateau for Federal determination in the drug abuse field.

I hope very much that the Senate will approve the conference report. I feel that this problem is the worst problem we have. It certainly is the worst where I come from, New York City. We have an opportunity—fully safeguarded and in the hands of the Secretary—with this piece of legislation to really make every dollar appropriated in the Federal Establishment count the most in this drug problem.

I repeat what I have said before. We estimate that as much as 50 percent of the crime in New York City is attributable in one way or another to narcotics addiction. That is a staggering figure, in terms of human and economic loss. However the estimate, it is justified by the facts.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. Mr. President, I want to say for the RECORD what I think most of us would have already surmised, and that is that the Senator from New York did a very fine job in this conference. It was he who finally worked out the compromise that let us move forward in the method of treatment of drug abusers and drug addicts by enlarging the House language and taking the money which would have otherwise gone to communit; mental health centers and using it in this manner.

I want to be the first to congratulate the Senator. He has worked very hard on this measure, as have the Senator from Iowa (Mr. HUGHES) and the junior Senator from Colorado. This is a very fine example of working out a difficult problem in conference.

Mr. JAVITS. Mr. President, I thank the Senator for his very generous statement. I am very grateful.

Mr. DOMINICK. Mr. President, the second point is that the Senate has by no means given up on the bill. We had inserted title I, as it passed the Senate and we have every intention of bringing this bill out. We are going to bring it out as separate legislation, if need be. The scope of the problem—although we have enlarged the remedies for it to some degree here—is so big in the United States that we must move forward in this field if we are to get some legitimate rehabilitation and curative system properly implemented through local, State, and Federal partnership programs.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator from Colorado concerning the original concept of the Hughes bill in which we all joined, which is the same concept we have applied to alcoholism. It will be a tremendous source of enlightenment in this country. There is a chance that the bill will be reported out as early as tomorrow.

I join thoroughly with the Senator from Colorado in that matter. We must press forward to get the bill enacted. We have accomplished a great deal in the conference report before the Senate in a very substantive way. We will yet obtain our goal which is a major program to have its own institute as incorporated in the substitute amendment to title I of H.R. 18583 originally passed by the Senate.

Mr. EAGLETON. Mr. President, in a short time, we will approve a measure—no doubt by an overwhelming vote—which will be heralded through this year's election as Washington's answer to the drug-abuse crisis in this country.

Let me emphasize my awareness that it is no small task to respond to a drug-abuse problem of such scope as the one we are facing. I do not minimize the undertaking. Nor do I say that, on the whole, this bill is a bad response.

In many ways, it is a good bill. The penalty structure it sets up reflects current needs and realities far better than the existing structure of penalties. It recognizes that the real problem for enforcement is the "pusher." It recognizes that no drug-abuse control effort will work without a program for treatment and rehabilitation of addicts.

But I cannot let this conference report pass without making clear my strong feeling that we have fallen short of what should have been done.

For months now each of us has received letters from constituents who are worried about drugs. They are afraid of heroin addiction and the street crime it breeds. They are afraid that one day they will find their kids shooting heroin or popping pills. And we know perfectly well that they have every reason to be afraid.

For months we have been responding to these constituents with letters and speeches saying that we care, that we will respond effectively and soon to the obvious needs in this area.

And we have responded—more or less.

Last week the Senate adopted an amendment I introduced moving amphetamines up from schedule III to schedule II, the net effect of this amendment being tighter control over the manufacture and distribution of so-called "ups" and "speed." There were only 16 votes against it.

Yesterday, in the conference committee, the drug manufacturers got their way. All amphetamines will remain in schedule III, except for the liquid injectable methamphetamines, which will be moved to schedule II.

Let me make clear to my colleagues that moving liquid injectable methamphetamines up to schedule II accomplishes next to nothing. By no stretch of the imagination does it eliminate the "shooting" of speed by kids in the street.

First, these liquid injectable methamphetamines have not been a principal source of speed for our young people. They constitute only a miniscule proportion of the methamphetamines produced in this country, according to the Bureau of Narcotics and Dangerous Drugs. And they are used, for convenience sake, by doctors in their offices and in hospitals. Liquid injectable methamphetamines are not available over the counter.

Second—and I call my colleagues' attention to this point in particular—nearly all amphetamine and methamphetamine pills and powder can be easily diluted and injected. Tightening control over liquid injectable methamphetamines, while leaving pills and powders relatively uncontrolled, sidesteps the problem almost entirely. The kids can still get the pills and powders, and they can still dilute them and inject them.

How do we explain that to constitu-

ents who write to say they worry about their kids shooting speed?

Let us not kid ourselves. The drug abuse problem is not confined to heroin addiction, although I do not mean to suggest that heroin addiction is less than a critical problem.

The drug-abuse problem in this country includes the housewife popping diet pills, pep pills, and tranquilizers.

The drug-abuse problem in this country includes the longhaul truckdriver popping stay-awake pills on the road.

And the drug-abuse problem includes the young student popping "bennies" to make it through exams.

Ours is indeed a drug culture. And it is not just the kids who make it so. How can we adults in good faith tell our kids to keep away from drugs when every day they see medicine chests full of "ups" and "downs" and television ads offering a medicinal solution for every kind of emotional upset?

Yet the response of the Congress—and, I hasten to add, at the behest of the administration—is to drop controls over tranquilizers and to reject tighter controls over speed.

Surely the drug producers are the only winners.

In July 1969, President Nixon delivered his drug-abuse message to Congress. He said:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.
>
> A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

But somehow, when the chips were down, the power of the drug companies was more compelling than "this growing menace to the general welfare" of the Nation.

Mr. President, I wish to add one further thought. The able senior Senator from New York (Mr. JAVITS) previously mentioned that perhaps in the not-too-distant future another drug bill will emerge from the Committee on Labor and Public Welfare, the so-called Hughes bill. I do not know what the next vehicle for a drug bill will be. I do not know whether it will come before the Senate in the few days left in this session or whether it will be in future Congresses. Nor do I know how long I shall be here but it will be at least 4 more years, God willing. I hope during that time there will be some appropriate vehicle upon which I can again attempt to tack on the amphetamine amendment which was accepted by the Senate. Perhaps in the future, commonsense, common decency, and the overall public welfare will prevail upon the House conferees to accept this amendment. It is in the interest of the public, albeit to the detriment of the drug industry, especially the four drug manufacturers on Long Island mentioned in my speech at the time I offered the amendment.

I think it is a small price, indeed, to cause some inconvenience, and, indeed, financial inconvenience to the four Long Island drug manufacturers if the overall benefits are for a healthier, happier, and safer America. I think it would be a price well paid.

I yield the floor.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that there be printed in the RECORD two paragraphs from the statement of the managers on the part of the House which appear on page 9. I refer to the paragraph beginning with the words "Amendments Nos. 4 and 5," and the following paragraph.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Amendments Nos. 4 and 5: These amendments proposed to transfer all amphetamines, phenmetrazine, and methylphenidate from schedule III to schedule II, thereby imposing stricter requirements for licensing of manufacturers, quota requirements, order forms, and other tighter controls, together with restrictions on the refilling of prescriptions, on these drugs.
>
> The conference substitute limits this transfer to schedule II to liquid injectible methamphetamine, widely referred to as "speed." The legislation contains authority for the Attorney General to transfer drugs between schedules, upon making the appropriate findings and following the procedures prescribed in the legislation. It is the understanding of the managers that proceedings will be initiated involving a number of drugs containing amphetamines after the legislation has become law, but exceptions will be made for a number of amphetamine-containing drugs.

Mr. McCLELLAN. Mr. President, I move that the conference report be agreed to.

The conference report was agreed to.

HEALTH TRAINING IMPROVEMENT ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of October 8, 1970, pp. 35851–35855, CONGRESSIONAL RECORD.)

Mr. ALLOTT. Mr. President, would the Senator yield in order that I might suggest the absence of a quorum so that the Senator from New York (Mr. JAVITS), who is the ranking minority member of the subcommittee, may come to the Chamber.

Mr. YARBOROUGH. Yes.

Mr. ALLOTT. Mr. President, I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, this 3-year bill to train medical technicians will be of immense help to our health system in providing more allied health professionals, such as dental hygienists, dieticians, medical technologists, medical record librarians, occupational therapists, optometric technologists, X-ray technicians, dental assistants, and dental laboratory technicians. Every doctor and every dentist is overworked today. He needs expert assistance from nurses, technicians, and other professionals and paraprofessionals if he is to utilize his abilities to the fullest efficiencies. Too many times a doctor has to perform tasks that others could do who have not had his extensive training. With a shortage of 50,000 doctors the doctor should do those things that others cannot do. This could be done if we eliminated the shortage of 500,000 allied health workers which this bill is aimed at.

Mr. President, if we train allied health workers we would free doctors and dentists from keeping technical records and office work that should be done by technicians. The thrust of the bill is to free doctors and dentists to do solely medical and dental work. Now they cannot do solely medical and dental work because there are not enough trained technicians in the country. There is a shortage of health technicians greater than the shortage of doctors and dentists.

The thrust of the bill is that it will provide money for training for 3 years and also provide scholarships. This is breakthrough legislation. Many people who would like to qualify as technicians have limited financial resources and their families have limited financial resources. In this bill we have provided for the first time for scholarships for these people to seek medical and dental technician training.

I am glad the occupant of the chair (Mr. SCHWEIKER) is a member of the Committee on Labor and Public Welfare. He is conversant with this matter.

We have scholarship grants for those who are seeking this aid. We have other methods whereby they can go to school. We have work-study programs, student loans, in addition to scholarships. As I have said, this is breakthrough legislation and it will end the bottleneck in the shortage of technicians.

I could describe the bill in detail. I think that rather I might add here pages 15 to 18 of the House conference report, which is the full statement of the managers on the part of the House, and a description of the bill.

Mr. President, I ask unanimous consent that the statement of the managers be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS OF THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, submit the following statement, in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

START-UP ASSISTANCE FOR NEW HEALTH PROFESSIONS SCHOOLS

The Senate bill contained a provision not in the House amendment which would make new health professions schools eligible for grants in fiscal year 1971 under section 771 of the Public Health Service Act (relating to institutional grants). Under the Senate provision a grant of $25,000 plus such amounts as the Secretary prescribes would be available for the new schools. There was no increase in the authorization for appropriations for grants under such section 771.

The conference substitute provides that in determining the amount of an institutional grant to a new school, the Secretary shall determine the number of students to be considered as the enrollment of the school for the fiscal year prior to the year in which the school will admit its first class on the basis of assurances provided by the school.

The special aid authorized by this provision will be available (only) until such time as the recipient school becomes eligible for (regular) formula grant assistance under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section. Such special assistance shall be available no earlier than the year before in which students are actually admitted. Finally, the Secretary may, for the purpose of making grants to such new schools, impute enrollments for such schools under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section.

EMERGENCY ASSISTANCE FOR DENTAL AND MEDICAL SCHOOLS IN EXTREME FINANCIAL DISTRESS

The Senate amendment contained language authorizing the appropriation of up to $100 million for fiscal year 1971 to establish a fund to provide emergency assistance to medical and dental schools in serious financial distress. The House amendment contained no corresponding provision.

Existing law authorizes appropriations up to $168 million for formula grants and project grants to health professions schools covering a wide variety of purposes. The budget submitted by the administration calls for the appropriation of $113 million of these authorized amounts, leaving approximately $55 million in authorization for appropriations for fiscal year 1971. Among the purposes for which funds may be appropriated pursuant to this remaining $55 million authorization, as described in section 772 of the Public Health Service Act, are appropriations for providing assistance to "any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements."

The conference substitute would provide authority to meet the purposes of the Senate amendment by providing that funds appropriated for fiscal year 1971 to meet the needs set out in the previously quoted language are authorized to remain available until expended, or until June 30, 1972, whichever first occurs. To the extent that funds are requested by the administration for this purpose, this authority will permit added flexibility in the use of these funds. The managers on the part of the House also wish to print out that section 601 of the Hospital Construction and Modernization Amendments of 1970 will apply to funds appropriated pursuant to this authorization, and therefore are not subject to administrative cutbacks or withholding from expenditure, so that if appropriated, these funds will be used for aid to these schools. It is the intention of the conferees that these funds be limited to medical schools and dental schools which are in serious financial distress.

The conferees feel that the situation facing many privately owned medical and dental schools is critical and therefore urge the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which these schools require.

In addition, the conference substitute provides a congressional finding relating to the effect on the Nation of the acute financial crisis threatening the survival of medical and dental schools and directs the Secretary of Health, Education, and Welfare to determine the need for emergency financial assistance to medical and dental schools in financial distress and to report to the Congress on or before June 30, 1971, his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs.

ALLIED HEALTH PROFESSIONS

Grants and contracts to encourage full utilization of educational talent for allied health professions

The Senate bill contained a provision not in the House amendment which would amend part G of title VII of the Public Health Service Act to provide a 5-year program (through fiscal year 1975) of grants and contracts to (1) identify individuals of financial, educational, or cultural need who have potential for education or training in the allied health professions, and (2) encourage and assist them, where appropriate to (A) complete secondary school, and (B) undertake necessary postsecondary training.

The following amounts would be authorized for such program: $0.75 million for fiscal year 1971, $1 million for fiscal year 1972, $1.25 million for fiscal year 1973, $1.5 million for fiscal year 1974, and $1.75 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Scholarship grants

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year program (through fiscal year 1975) of grants for public or nonprofit private entities with established training programs in the allied health professions to enable them to award scholarships (not to exceed $2,000 for an individual and $600 for each dependent) with exceptional financial need.

The following amounts would be authorized for such program: $6 million for fiscal year 1971, $7 million for fiscal year 1972, $8 million for fiscal year 1973, $9 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the 3 fiscal years, 1971 through 1973, and (2) the appropriation authorizations for each of those 3 years is reduced by $2 million so that $4, $5, and $6 million are respectively authorized for those 3 years.

Grants for work-study programs

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year program (through fiscal year 1975) of grants to institutions having established programs for the training or retraining of allied health professions personnel to assist them in the operation of work-study programs for individuals undergoing training or retraining in the allied health professions.

The following amounts would be authorized for such program: $2 million for fiscal year 1971, $4 million for fiscal year 1972, $6 million for fiscal year 1973, $8 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Student loans

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year student loan program (fiscal years 1971 through 1975). Under such program allied health professions training institutions would receive grants or loans to establish student loan funds. Loans would be made to students from such student loan funds. Such loan would be repayable with interest at the rate of 3 percent per year. The maximum loan per year would be $1,500 with an aggregate ceiling to any individual of $6,000.

The following amounts would be authorized to be appropriated for the grants and loans to establish student loan funds: $1.5 million for fiscal year 1971, $3 million for fiscal year 1972, $8 million for fiscal year 1973, $12 million for fiscal year 1974, and $16 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the 3 fiscal years, 1971 through 1973, and (2) the authorization for each of those 3 fiscal years is $3.5, $5, and $10 million respectively. The amount of the increase provided herein equals the amount by which scholarship authorizations were decreased.

STUDY OF ALLIED HEALTH PROGRAMS

The Senate bill contained a provision not in the House amendment which would direct the Secretary to conduct a study of allied health programs, under the Public Health Service Act and under laws administered by the Commissioner of Education, to determine their adequacy and effectiveness.

The conference substitute contains the provision of the Senate bill.

ADVANCE FUNDING

The Senate bill contained a provision not in the House amendment which would provide that any appropriation act appropriating funds for any fiscal year for payments under grants or contracts under part G of title VII of the Public Health Service Act could also appropriate for the succeeding fiscal year funds authorized to be appropriated for such payments for such succeeding fiscal year.

The conference substitute is the same as the Senate bill except that it is made clear that funds so appropriated cannot be made available for obligation for payments before the fiscal year for which such funds are authorized to be appropriated.

LICENSURE REPORT

The Senate bill contained a provision not in the House amendment which would direct the Secretary of Health, Education, and Welfare to prepare and submit to Congress before July 1, 1971, a report identifying major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel, together with summaries of the activities (if any) of Fed-

eral agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, there will be an explanation of what happened to the amendment of the Senator from New York (Mr. JAVITS), which I cosponsored with him and strongly supported in committee, for emergency aid to medical and dental schools. The Senate agreed to the amendment but we could not get the House to agree.

I regret that. I think the amendment offered by the distinguished Senator from New York was a good amendment. I shall not describe it in detail, as he doubtless will.

The new student assistance programs total $45 million. In the future they will need to be greatly expanded. This is a token. It is a start. But it is a breakthrough in that we have begun to end the bottleneck in health care.

We have to improve that situation, but we also have to have the 500,000 technicians that we lack, and there is very little provision in current Federal law to provide for them. We have not given much thrust on the part of the Congress to see that that shortage is ended. This bill is a recognition of that fact.

This bill authorizes $335 million for manpower programs to train these allied health professionals, including the brand-new student assistance program in the bill. They will be the technical assistants to aid doctors and dentists, and thereby increase their effectiveness. For the first time there will be scholarships, loans, or work-study programs available to train these allied health technicians. Altogether these new student assistance programs total $45 million. In the future they will need to be greatly expanded.

Mr. President, I recently sent letters of inquiry to every medical school in the United States, asking them to increase their enrollments this year by 10 percent. I further asked that, if they could not meet this figure, what increases they could meet. The responses to this letter were shocking and disheartening. Only five schools of the more than 100 agreed to increase their enrollment. Such a response shows we are not meeting our present medical manpower needs. I hope through the use of the student assistance programs, some help will be given to our present health professionals. It is only the first faltering step toward progress. Our country must do more.

This bill allows us to do more. It provides assistance to those studying for allied health careers, and it provides assistance to institutions which train these people. This bill wisely provides for the utilization of our many veterans who have had medical training while in the service. The bill encourages these veterans to use this training in civilian life and it provides a means for the health profession to have the benefits of this training the men received while in the military services.

This bill, therefore, is designed to combat the shortage of health personnel from several angles. This approach is vitally needed, for halfway measures will not do the job. Unless we act promptly, the shortage of health professionals will grow worse. The quality of health care for decades to come can be affected by this bill.

If we are to improve health care, we must have the trained, professional personnel to do it; and we can get those people through programs contained in this bill.

While the Senate bill would have run for 5 years, and was a better bill than this 3-year bill which is the conference bill, the House of Representatives would not agree to a longer period of years, but if the administration diligently administers the present bill, great efficiency in the delivery of health care to the people can be achieved in the next 3 years under this bill.

I urge the Senate to agree to the conference report.

Mr. JAVITS. Mr. President, I support the conference report on the Health Training Improvement Act of 1970 (S. 3586). While my amendment to provide $100 million emergency assistance to medical and dental schools was not accepted by the House conferees, some relief has been afforded.

My original bill, which passed the Senate as an amendment to S. 3586, contained language authorizing up to $100 million for fiscal year 1971 to establish a fund to provide emergency assistance to medical and dental schools in serious financial distress. The House bill contained no corresponding provision.

The conference substitute would provide some authority to meet the purposes of the amendment. It provides that the $55 million authorization not included in the administration's budget request for formula and project grants to medical, dental, and health professions schools could now be appropriated for grants under the existing provision of law to assist medical and dental schools in serious financial straits to meet their costs of operation. I would direct my colleagues' attention to the fact that the conference substitute further provides that the appropriations to meet the emergency assistance needs are authorized to remain available for an additional year to June 30, 1972. This authority is most important for it will permit added flexibility in utilizing the additional funds appropriated for emergency aid to medical and dental schools.

It just does not make sense to have the sources of the best, the newest, and the safest in health care and treatment—the medical and dental schools and their teaching hospitals and dental clinics—institutions traditionally committed to standards of excellence in the care of the sick, in the training of new physicians, dentists and other health professionals, and in the expansion of medical knowledge—on the brink of financial disaster. The statement of managers urges "the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which the schools require."

The extent of the crisis was described in a newspaper report by Frederick P. McGehan and a UPI news feature by Louis Cassels and I ask unanimous consent that the articles entitled "Some Medical Schools Facing Closure" and "Crisis in Medical Schools May Worsen Doctor Shortage" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. JAVITS. Mr. President, other important provisions which were in my Veterans in Allied Health Professions and Occupations Act of 1970 (S. 2753) and in the Senate-passed bill and for which the House had no corresponding provision were student assistance programs, authorizations to encourage a talent search for allied health professions personnel, and the requirement for a licensure report by the Secretary of Health, Education, and Welfare. All of these were accepted by the House with only minor reductions in authorizations.

The provision for student aid and a talent search were essential. They permit us to take an important first step forward and utilize in our civilian-health industry the more than 30,000 medical corpsmen who leave the military service each year. The bill is designed to bring veterans and others with background and interest into the civilian medical service where they are desperately needed and to explore the possibility of finding new sources of manpower capable of performing many of the functions now carried out by highly skilled and scarce professional personnel. What better way to help many of the thousands of returning Vietnam veterans find meaningful employment? Surely, a medical corpsman who is qualified to treat the wounded on the battlefield should be soon qualified to assist in the treatment of patients in our hospital's wards and emergency rooms.

The requirement for a licensure report will be invaluable in helping overcome critical manpower shortages. By conducting a comprehensive study of existing laws, regulations, customs, and practices governing the licensing, certification, or other means by which individuals are determined to be qualified to practice in the allied health professions, we can seek to prevent artificial and unnecessary restrictions on the entry and advancement of skilled personnel. This Nation needs to make the best use of every available person in the health field.

I urge my colleagues to adopt the conference report.

EXHIBIT 1

[From the Baltimore Sun, June 22, 1970]

SOME MEDICAL SCHOOLS FACING CLOSURE

(By Frederick P. McGehan)

St. Louis University School of Medicine is a respectable, 140-year-old institution that may have to close its doors.

The Jesuit-affiliated school has a student enrollment of 540, including about 70 post-doctoral students, and is the hub of a medical center that includes a 300-bed hospital, a mental health center, and schools of nursing and allied health professions.

Like many other medical schools it is straining to increase its enrollment (140 freshmen next year versus 130 this year) and to offer opportunities for minority groups (10 black students will be admitted this fall).

It is also attempting to replace its outdated classrooms and laboratories with more modern facilities.

According to Dr. Robert H. Felix, the school's dean, the school was "carrying on fairly well" until it applied for a $10 million federal construction grant.

In the vicious competition for the dwindling federal dollar, the school was denied the grant, Dr. Felix said.

About the same time, Dr. Felix related in a telephone interview, the university's board of trustees changed from a religious to a lay board.

Faced with severe economic problems throughout the university, the new board decided to close the schools of dentistry, engineering and aviation technology in order to conserve resources for the remaining schools. The medical school will soon begin to occupy space in the former dental school.

ANNUAL DEFICIT

Despite this juggling, Dr. Felix said his school continues to run a $750,000 annual deficit. "It comes right out of the guts of the treasury of the university," he said.

Dr. Felix said his school has been "hit badly" by reductions in federal research and training grants.

Thirty per cent of some faculty salaries is paid out of these funds, he said. With this source reduced it becomes necessary to take salary money from the school's operating expenses. "If you shift money to salaries, you have to let equipment and supplies go," he noted.

"NO ALTERNATIVE"

"If they want to cut back on research, give us the funds to keep teaching," the dean lamented. "When you cut funds off on one side and don't replace them, then we're dead," he said.

At this point, Dr. Felix stated, he sees "no alternative" but to recommend to the board of trustees that no freshman class be admitted in the fall of 1971.

"If the medical school closes, then the medical center will close too," Dr. Felix warned.

St. Louis University is perhaps the extreme case. Concerned observers, however, list between 10 and 12 other medical schools that are in serious difficulties.

These include Albert Einstein College of Medicine in New York, New York Medical College, Georgetown and George Washington universities, both in Washington, Loyola University of Chicago, Tulane University in New Orleans, Bowman-Gray Medical College in Winston-Salem, N.C., Cornell University Medical School, and Tufts University Medical School in Boston.

The Johns Hopkins School of Medicine has also appeared on several lists of ailing schools.

New York Medical College, one of the country's largest medical schools with 511 students, has placed a freeze on new hiring and has placed controls on overtime and wage increases.

It has used up its unrestricted endowment to meet deficits which currently amount to $2.5 million a year. The school's bank credit has also been limited.

CURTAILMENT CONSIDERED

A spokesman for the school said last week that it is considering curtailing some of its community medical programs to meet the financial crisis.

"It's taking everything we can get . . . and we've got just so much baling wire and gum," said the spokesman.

Dr. John Parks, dean of the George Washington University Medical School, said last week that his school's deficit has grown from $291,000 in 1963–1964 to almost $2 million for the current fiscal year.

A $2 million reserve fund the school had built up was spent by the 1967–1968 fiscal year and the school has begun to dip into its endownment. "We haven't gotten to the stage of borrowing against the endowment, but we may," said Dr. Parks.

TREMENDOUS HANDICAP

The dean said that government funds only fill about one-fourth of student scholarship requests. In the past school year, he said, the school was able to provide only $200,000 out of $450,000 in aid requested by students.

Dr. Parks said that, because of cutbacks in federal training grants, the school will have to eliminate six postdoctoral fellowships in pharmacology. He termed it a "tremendous handicap" because some of the students had been working for as many as three years.

Most observers agree that private medical schools are in worse shape than state-supported ones. State schools, they argue, are assured of a certain amount of stable support through their state legislatures.

SEEK STATE AID

With their backs to the wall, the private schools have also been calling upon state legislatures for aid.

Legislatures in at least six states—Florida, North Carolina, Pennsylvania, New York, Ohio and Wisconsin—have responded by voting aid to private medical schools. Often it takes the form of per capita grants for each medical student.

Case-Western Reserve Medical School in Cleveland was in bad financial shape earlier this year before the Ohio Legislature came through with a two-year, $3 million direct-support grant.

To keep construction projects going the school had to divert $12 million from its endowment. It was taking 10 to 15 per cent cuts in federal research and training grants and student scholarship funds were dwindling.

HAD TO LOBBY

Seeing no hope of federal aid, the school went to the state legislature. "We had to lobby the state legislature, which was not the easiest thing to do," said Sam Whitman, the school's associate dean for administration.

Mr. Whitman, in a telephone interview, had some tart comments on the lack of federal assistance.

"Medical schools can't sustain a steady erosion year after year in general support, someone in Washington has to sit up and take notice," he said.

"So far I haven't seen any indication that the government is taking this matter seriously," he said in bitter tones.

[From the Bulletin of the Association of American Medical Colleges, Oct. 12, 1970]

CRISIS IN MEDICAL SCHOOLS MAY WORSEN DOCTOR SHORTAGE

(By Louis Cassels)

WASHINGTON, Oct. 6, (UPI)—The doctor shortage, already acute, will get far worse unless something is done soon to relieve the financial plight of medical schools.

That warning comes from high officials of the National Institutes of Health (NIH) and the Association of American Medical Colleges.

In separate interviews with UPI, they said many medical schools are in such a serious financial bind they may have to close down—at the very time that strenuous efforts are being made to increase the number of physicians in training.

The head of the American Medical Association agreed that medical schools are having money troubles but suggested that it's partly their own fault for overemphasizing research at the expense of teaching.

Dr. Robert H. Felix, dean of St. Louis University Medical School, said about 60 of the country's 107 medical schools are in "real trouble" and at least 25, including his own, are in "immediate jeopardy."

"We've been covering current deficits by eating up our endowments," Felix said. "If we don't get help within two or three years, we'll have to close down."

"We face a crisis," said Dr. Robert Q. Marston, director of the NIH. "No one who has watched these problems get worse in recent years could fail to be alarmed."

Dr. John Cooper, President of the Association of American Medical Colleges, said physician-training institutions are caught between sharply rising costs on one hand and declining income on the other.

Paradoxically, one reason costs are going up is that medical schools have been trying to expand their enrollments to overcome the national shortage of physicians, now estimated at 50,000.

Ten years ago, U.S. medical schools graduated a total of 7,336 doctors. This year, they graduated 10,350, and next year they will graduate about 11,250.

The increase has been made possible in part by expansion of existing medical schools and in part by starting new schools. Fifteen new medical schools have been opened since 1963.

Since the tuition paid by medical students usually covers only 20 to 25 percent of the actual cost of their training, each additional student puts a further strain on a school's resources.

Because of general inflationary pressures, faculty salaries, building maintenance and other overhead costs have been rising in recent years at a rate of 6 percent a year or more. The Marquette University Medical School said its costs have risen 50 percent since 1965.

Meanwhile, on the income side of the ledger, medical schools have been hit by a decline in private support and a cut back in federal research grants.

Dr. Kenneth M. Endicott, director of the Medical Education Bureau of the NIH, said research grants to medical schools declined from $492 million in the fiscal year 1968 to $488 million in fiscal 1969 and $487 million in fiscal 1970.

Although the drop is not great in absolute terms, he pointed out that the money is being spread among more institutions, and inflation has made a 1970 dollar worth less than a 1968 dollar.

Medical school officials, who have relied on federal research grants to cover a large part of their faculty expenses, said the actual impact of the cuts has been far greater than the figures would suggest.

"We've had to close two laboratories and abandon all of our work on heart and liver transplants," said Felix. "And I know dozens of other medical schools that are in the same boat."

Felix, who was director of the National Institute of Mental Health before taking the St. Louis deanship, said the money pinch is having a "disastrous effect on the quest for new knowledge" about major diseases.

"In may cases, basic research projects which have been underway for years have been seriously impaired or destroyed," he said. He cited, as one "particularly tragic" example, the abandonment of a study in which doctors followed the life histories of thousands of individuals in Framingham, Mass., over a long period of years to determine what effects such things as obesity, smoking, and cholesterol have on the heart.

"That study was just about at the point of paying off," Felix said. "Now we'll never know the results. We'll have to start all over again some day with the same research."

NIH officials said cuts in research grants have been offset to some extent by direct federal subsidies of medical education, which were begun in 1965. The total federal outlay on training grants (including research training) was $187 million in fiscal 1968. It rose to $279 million the following year and was cut back to $255 million in the current year.

Medical school officials contend these funds are inadequate to cover the costs of the expanding enrollments urged by the govern-

ment. They are particularly concerned about the amount and kind of aid available to medical students. Federal loan and scholarship funds were reduced from $21 million last year to $17 million this year, and the loans carry interest rates of 7 percent to 8 percent, which scare off many medical students.

Responding to the anguished cries of medical school officials, the House has voted to increase the fiscal 1971 appropriation for subsidies in medical education to $261 million. That is $19 million more than the Administration asked but still $18 million less than was available in 1969.

The House also approved an increase of $71 million in the Administration's request for medical research funds. However, only about half of this money would go to medical schools.

The appropriation bill is now awaiting action by a Senate committee.

The American Medical Association is supporting medical schools in their plea for more federal aid. But the AMA's new President, Dr. Walter C. Bornemeier, thinks medical schools have themselves to blame for part of their troubles.

"It is possible that the chief cause of the shortage of funds for teaching in medical schools is that many schools are overspending their financial resources in a maladjusted effort which emphasizes research at the expense of teaching," he said. "It might be better if those schools would re-emphasize teaching."

He pointed out that the number of medical students increased by 3,135 between 1961 and 1967, while the number of full-time faculty members rose by 8,185. Many of these new faculty members are engaged almost full time in research, he said.

Bornemeier said the cost of medical education could be reduced substantially by overhauling the curriculum and putting schools on a year-round instead of a nine-month academic year. If basic science courses now taught in medical school were moved back to the final year of premedical college work, he said, it would be feasible to reduce the total time between high school graduation and the awarding of an M.D. degree from eight years to six years.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I recall, when the bill was before the Senate, I believe I raised the question whether, before the personnel would be used, there would be consultation with the States—not to give the States a veto, but to consult with the States and also the appropriate medical bodies.

Mr. JAVITS. Of course.

Mr. COOPER. Is that provision retained?

Mr. JAVITS. It is. The whole system of advisory councils and the requirement to respect the participation of States, and so forth, has not in any way been changed.

Mr. COOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Oct. 8, 1970, pp. 35860–35865, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, this regional medical program is a 3-year extension, enlargement, and improvement of the regional medical program to combat the large death rate from heart disease, cancer, and stroke. Heart disease, cancer, and stroke kill 72 percent of all Americans who die each year. Kidney disease claims additional thousands each year. The regional medical programs are designed to combat this huge problem. Since 1965, 55 regional medical programs have been formed, and 54 of these are now in full operation. Their job is to improve patient care for these major killer diseases. This program has been a tremendous success. It is unique in that it depends upon voluntary cooperation among doctors, hospitals, medical schools, and laymen. The extension of the program in the bill before us now is essential. I want to point out that it will not be possible to make order out of the chaos that is our health system today without the cooperation of health professionals and institutions. The RMP is the best program we have to encourage and maintain that cooperation. If we are to make high quality health care for all Americans, we must have a program like the RMP. This bill authorizes the expenditure of one and one-half billion dollars over the next 3 years to aid in the fight on these major killers, heart disease, cancer, stroke, and kidney disease.

The bill before us adds kidney disease to the RMP for the first time. It offers great hope for the future for the millions who suffer from kidney disease and for the 10,000 who die from it each year.

Mr. President, this comprehensive bill also includes legislative extensions for two other health programs. The partnership-for-health program is a joint Federal-State-local health planning effort. It is obvious that competent health planners can make a great contribution to the solution of the health crisis. Specifically, Mr. President, the comprehensive health planning programs have been instrumental in improving licensing requirements for health programs. They have also developed multipurpose regional centers for persons suffering from alcoholism. Another example of the results of this planning and services program is the development of comprehensive health care centers which emphasize less costly outpatient services.

The health services R. & D. program is also included in this bill. Its main job is to do research into ways of improving the delivery of health care. Obviously, we will have to find better ways to organize and deliver health care. And this program is our major effort. Let me cite just two examples of specific activities which are carried out under the R. & D. program, Mr. President. The first is the development of a simple yet effective way of organizing health professionals. This team approach includes a physician, public health nurse, office nurse, social worker, and community health aid. The second example is a research program intended to develop a completely new type of health professional—the pediatric associate. This new professional will be used to bring increased health services to children.

This is a comprehensive bill, Mr. President. It authorizes more than $1.5 billion over 3 years. It is with great pride that I call upon all Senators to vote to adopt the conference report.

Mr. President, I ask unanimous consent that certain statements of the House conferees at pages 17 to 23 of the conference report be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes, submit the following statement in expansion of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

The House has passed two separate bills dealing with the subjects embraced in the Senate amendment; H.R. 17570, and H.R. 18110, a bill extending and expanding the program of comprehensive health planning and research and demonstrations relating to the delivery of health services. The Senate amendment deals with the programs contained in both House bills.

REGIONAL MEDICAL PROGRAMS

Scope of program

Both the House bill and the Senate amendment expanded the scope of the program to include kidney disease as well as heart disease, cancer, and stroke. However, the Senate amendment changed coverage of *other related diseases to other major diseases and conditions.*

The conference substitute is the same as the House bill. The Managers for both Houses were in doubt as to whether the scope of the program should be limited (as in the House bill) to diseases related to heart disease, kidney disease, cancer, and stroke or whether it should be limited (as in the Senate amendment) to major diseases and conditions other than heart disease, kidney disease, cancer, and stroke and expect the Secretary of Health, Education, and Welfare to conduct a study of the scope of the regional medical program and to report to the appropriate

committees of Congress his recommendations.

Construction

The Senate amendment contained a provision not in the House bill which expanded assistance for construction to include assistance for new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs.

The conference substitute is identical with the Senate amendment except that it is provided that not more than $5 million may be made available in any fiscal year for grants for such new construction.

Participation of Veterans' Administration personnel

The Senate amendment contained a provision not in the House bill which would (1) make the Chief Medical Director of the Veterans' Administration an ex officio member of the National Advisory Council for the regional medical program and (2) require local advisory groups to include as an ex officio member the person designated from the local Veterans' Administration health facility.

JOINT ADMINISTRATION OF PROJECTS

The House bill[1] would amend the Public Health Service Act to provide that in the case of projects funded under more than one Federal law, one agency could be designated to administer financial assistance for such projects, single non-Federal share requirements for such projects could be established, and conflicting grant or contract requirement could be deleted.

The Senate amendment contained a similar provision. The authority in the Senate amendment would be limited to projects funded under title III or IX of the Public Health Service Act and no authority for a single non-Federal share requirement or for waiver of conflicting requirements required by law or by regulations required by law would be provided.

The conference substitute is identical with the provision of the Senate amendment.

RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

Authorization of appropriations

The House bill would extend for three fiscal years (through fiscal year 1973) the authorization of appropriations for the programs of Federal financial assistance under section 304 of the Public Health Service Act (relating to research and demonstrations). The following amounts would be authorized: $58 million for fiscal year 1971, $79 million for fiscal year 1972, and $94 million for fiscal year 1973.

The Senate amendment would extend such program for five years (through fiscal year 1975) and would authorize the following amounts: $80 million for fiscal year 1971, $85 million for fiscal year 1972, $94 million for fiscal year 1973, $110 million for fiscal year 1974, and $130 million for fiscal year 1975.

The conference substitute would extend such programs for three years (through fiscal year 1973) and would authorize the following amounts to be appropriated for such program: $69 million for fiscal year 1971, $82 million for fiscal year 1972, and $94 million for fiscal year 1973.

Research, etc., on delivery of health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for research, experiments, and demonstrations, relating to the effective combination or coordination of methods or systems for the delivery of health services.

[1] The reference to the House bill in the discussion of this and the succeeding provisions is to H.R. 18110, as passed the House.

The conference substitute contains the provision of the Senate amendment.

Home health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for projects for research and demonstrations in the provision of home health services.

The conference substitute contains the provision of the Senate amendment.

Analysis of national health care plans

The Senate amendment contained a provision not in the House bill which would amend such section 304 to direct the Secretary of Health, Education, and Welfare to develop, through utilization of systems analysis method alternative plans for health care systems designed adequately to meet the health needs of the American people and to report to Congress not later than June 30, 1971, on such plans. Under the amendment, the Secretary would also study bills introduced in the 71st Congress which propose a national health insurance plan or similar plan to determine the costs of such plans and their adequacy. The Secretary would report to Congress not later than December 31, 1970, the results of such study. $4 million would be authorized for fiscal year 1971 for the development of such plans and for the conduct of such study.

The conference substitute is the same as the Senate amendment except that (1) it is made clear that the Secretary is to develop more than one plan for health care systems, (2) the Secretary's report with respect to plans for health care systems is to be made not later than September 30, 1971, (3) the Secretary's report on bills introduced in the 91st Congress is to be made not later than March 31, 1971, and (4) $2 million is authorized for fiscal year 1971.

THE NATIONAL HEALTH SURVEYS AND STUDIES

The House bill would amend section 305 of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of national health surveys and studies and would authorize for such program the following amounts: $10 million for fiscal year 1971, $21 million for fiscal year 1972, and $22 million for fiscal year 1973.

The Senate amendment would continue the open-ended authorization for such program.

The conference substitute extends such program for three fiscal years and authorizes the following amounts: $15 million for fiscal year 1971, $20 million for fiscal year 1972, and $25 million for fiscal year 1973.

REPORT ON ACTIVITIES UNDER TITLES III AND IX OF THE PUBLIC HEALTH SERVICE ACT

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act to direct that on or before January 1 of each year the Secretary of Health, Education, and Welfare report to Congress on activities under titles III and IX of the Public Health Service Act with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness in research in, planning for, and delivery of, health services, (2) an analysis of the relationship between Federal and local financing, and (3) such recommendations as the Secretary deems appropriate.

The conference substitute is identical with the Senate amendment.

COMPREHENSIVE HEALTH PLANNING

STATE HEALTH PLAN

Authorization of appropriations

The House bill would amend section 314 (a) of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of grants to States for comprehensive State health planning and would authorize the following amounts: $10 million for fiscal year 1971, $15 million for fiscal year 1972, and $20 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, $20 million for fiscal year 1973, $30 million for fiscal year 1974, and $35 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, and $20 million for fiscal year 1973.

Veterans' Administration representation on State health planning council

The Senate amendment contained a provision not in the House bill which would provide that the State plan under such section 314(a) would include State planning for home health care.

The conference substitute contains the provision of the Senate amendment.

PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

Authorization of appropriations

The House bill would amend section 314 (b) of the Public Health Service Act to extend through fiscal year 1973 the program of project grants for areawide health planning and would authorize the following amounts: $15 million for fiscal year 1971, $25 million for fiscal year 1972, and $40 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, $40 million for fiscal year 1973, $50 million for fiscal year 1974, and $60 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, and $40 million for fiscal year 1973.

Home health care

The Senate amendment contained a provision not in the House bill which would provide that area plans under such section 314(b) would include home health care services.

The conference substitute is identical with the Senate amendment.

Grants to State agency

The Senate amendment contained a provision not in the House bill which would provide that under certain circumstances the State planning agency could receive a grant under such section 314(b).

The conference substitute is identical with the Senate amendment.

Areawide health planning council

The House bill would amend such section 314(b) to provide that the areawide health planning council would include representatives of consumers of health services.

The Senate amendment would require that a majority of the membership of such council be representatives of consumers of health services.

The conference substitute is identical with the Senate amendment.

GRANTS FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

Authorization of appropriations

The House bill would extend through fiscal year 1973 the program under section 314(d) of the Public Health Service Act for grants for comprehensive public health services and would authorize the following amounts: $125 million for fiscal year 1971, $140 million for fiscal year 1972, and $160 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $130 million for fiscal year 1971, $145 million for

fiscal year 1972, $165 million for fiscal year 1973, $180 million for fiscal year 1974, and $200 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $130 million for fiscal year 1971, $145 million for fiscal year 1972, and $165 million for fiscal year 1973.

PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

Both the Senate and House bills, and the conference substitute, provide a continuation of the existing program of project grants for health services development under section 314(e) of the Public Health Service Act, with authorizations for fiscal year 1971 of $109,500,000, $135 million for fiscal year 1972, and $157 million for fiscal year 1973. The conference substitute does not contain the further authorization of appropriations for fiscal years 1974 and 1975 contained in the Senate version.

The conference substitute also authorizes the use of funds appropriated for section 314(e) for meeting obligations heretofore incurred with respect to certain facilities of the Office of Economic Opportunity which have been, or are in the process of being, transferred to the jurisdiction of the Department of Health, Education, and Welfare.

REGULATION OF CERTAIN BIOLOGICAL PRODUCTS

The Senate amendment contained an amendment to section 35 of the Public Health Service Act making clear that the authority of that section includes authority to license vaccines, blood, blood components or derivatives, and allergenic products. This amendment is identical to the provision of H.R. 15961, already passed by the House.

With respect to this amendment, the conference substitute is the same as the Senate version.

AUTHORITY FOR GROUP PRACTICE

The Senate amendment contained a provision not in the House bill which would authorize the Secretary of Health, Education, and Welfare to authorize insurance carriers, which are parties to, or which participate in the carrying out of, contracts relating to health benefits for active or retired Federal employees, to issue in any State contracts entitling beneficiaries to receive comprehensive medical services from a group practice unit with which the carrier has arranged for the provision of such services.

The conference substitute contains the provision of the Senate amendment.

RECEIPT OF INCREASED STAFFING GRANTS FOR CURRENTLY FUNDED COMMUNITY MENTAL HEALTH CENTERS

The Senate amendment contained a provision not in the House bill to change the application of the maintenance of effort requirements under the Community Mental Health Centers Act to facilitate receipt by currently funded community mental health centers of the increased Federal share of staffing costs provided under the Community Mental Health Centers Amendments of 1970 (Public Law 91-211).

The conference substitute contains the provision of the Senate amendment.

COMPENSATION OF ADVISORY COUNCIL MEMBERS, ETC.

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide uniform rules on compensation of advisory council members and to authorize committees to be established where there is authority to establish advisory councils. The conference substitute contains the provision of the Senate amendment.

RESEARCH CONTRACTING AUTHORITY

The Senate amendment contained a provision not in the House bill which would amend section 301(h) of the Public Health Service Act to eliminate the fiscal year limitation (fiscal year 1971) on the research contracting authority of the Secretary of Health, Education, and Welfare. The conference substitute extends such authority through fiscal year 1973.

TRAINING AUTHORITY OF NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The Senate amendment contained a provision not in the House bill which would amend section 442 of the Public Health Service Act to provide that the National Institute of General Medical Sciences could conduct and support clinical as well as research training. The conference substitute is identical to the Senate amendment.

STUDY RELATING TO ENVIRONMENTAL POLLUTION

The Senate amendment contained a provision not in the House bill which directed the Secretary to study (1) the health and safety hazards presented by environmental pollution, (2) medical and other assistance available to persons affected by such pollution, and (3) measures, other than abatement, that can be taken to avoid effect of such pollution on human health.

The conference substitute is the same as the Senate amendment except that the study is to be conducted by the President.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. Furthermore, Mr. President, the Senator from Massachusetts (Mr. KENNEDY), who is a member of the Health Subcommittee and worked diligently on this matter, could not be present today. He has prepared a comprehensive statement on it, and I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KENNEDY

Mr. KENNEDY. Mr. President, I am pleased to support the Conference Report on H.R. 17570. I believe that the Senate and House Conferees have dealt effectively with some of the most important Federal health programs, especially the Regional Medical Programs and the Comprehensive Health Services Planning Legislation. As the Conference Report and the House and Senate reports make clear, these programs and the other major programs extended and expanded by H.R. 17570 are vital to our effort to improve equality of health care for our people.

I am especially pleased that Title IV of the bill recorded by the Conference Committee accepts without change the provisions in Title IV of the Senate bill (S. 3355), which I sponsored in the Senate Health Subcommittee in an effort to eliminate existing legal restrictions and other obstacles against the group practice of medicine. The purpose and effect of Title IV is explained in detail in the Senate Committee Report, which provides as follows:

"TITLE IV

"Title IV of the bill would facilitate the group practice of medicine. It provides that the Secretary of Health, Education and Welfare may authorize carriers participating in Federal health benefit programs for Federal employees to issue contracts for prepaid group practice health services to any persons, whether or not such persons are Federal employees.

"The purpose of Title IV is to promote the development and use of prepaid group practice, and thereby to make this innovative type of health care delivery system available to both consumers and physicians who desire to take advantage of it. The committee believes that prepaid group practice has become one of the most promising developments for improving the delivery of high quality medical care in the United States. Many health experts regard prepaid group practice as the health care of the future in America. They believe it is the best available method to achieve more effective and more economical use of our scarce professional and expensive health facilities.

"Although the principles of group practice have been carefully evolved and tested in many parts of the country during the past three decades, it is only recently that national interest has been generated in the idea. The primary reason for this new interest is the realization that the nation's current health crisis is growing more serious, and that better methods for the organization and delivery of health care must be developed if we are to meet the crisis.

"One of the keys to the success of prepaid group practice is alleviating the need for hospital care and emphasizing the need for preventive care. Prepaid coverage of physical examinations, immunizations and virtually all appropriate out-patient diagnostic and therapeutic procedures enhances the prospects for prevention or early detection of illness.

"The Kaiser-Permanente Medical Care Program in California, for example, has recently reported substantial savings in the costs of health care for persons enrolled in its plan, in terms of number of hospital admissions and lower patient costs. Overall, the various Kaiser plans now have two million subscribers in six states, served by 52 outpatient centers and 21 hospitals. The comprehensive care provided by the Kaiser plans is made available at a cost as low as $140 per capita, or about 20–30% less than the cost of comparable health care in most other parts of the country. Income from the Kaiser plans has provided nearly $250 million worth of physical facilities and equipment. In addition, the income provides funds for teaching, training and research, and pays competitive incomes to about 2,000 physicians and 15,000 non-physician employees.

"The fact is, however, that in about twenty states today, prepaid group practice is inhibited by substantial obstacles, created by local laws and regulations. Among these obstacles, as identified by the Report of the National Conference on Group Practice sponsored by the Department of Health, Education and Welfare in 1967, are the following:

" 'Limitations on the right of consumers or physicians to organize group practice programs.

" 'Limitations on the right to establish prepayment or other organizations to offer comprehensive health benefits.

" 'Limitations on the right to combine group practice with prepayment to provide comprehensive health benefit programs.

" 'Limitations on the geographical scope of group practice programs.'

"The approach adopted by the committee in Title IV is designed to overcome some of the existing restrictions on prepaid group practice. Under the provision of section 401, the Secretary of Health, Education, and Welfare may authorize any carrier participating in the Federal employees health benefits program under Title 5 of the United States Code to issue group practice contracts that meet the requirements of the section.

"Thus, for example, any carrier participating, either directly or through reinsurance, in the service benefit plan, the indemnity plan, employee organization plans, or comprehensive medical plans under 5 U.S.C. 8903 for Federal employees could be authorized by the Secretary of HEW to issue group practice prepayment plans for other persons, whether or not such persons are Federal employees. Similarly, carriers participating in health benefit programs under Public Law 86-724 for retired Federal employees could also be authorized to issue group practice prepayment plans.

"Subsections (b) and (c) of section 401

provide a definition of group practice and are based on the definitions in Title V of the Model Cities Act of 1966 (P.L. 89–754), which established a program of Federal mortgage insurance for group practice facilities.

"In general, group practice programs under the Committee bill must meet three basic criteria:

"(1) The physicians in the group must be 'full time' practitioners—that is, the principal professional activity of the members of the group as a whole must be as participants in the group arrangement and the group must practice primarily in a group practice facility or facilities.

"(2) The group must offer comprehensive medical care in a diversification of medical specialties. Each group must contain an appropriate balance of family physicians and specialists. In general, the committee intends that a group should have at least a general practitioner and representatives of each of the five principal medical specialties: surgery, obstetrics, internal medicine, pediatrics, and ear-nose-throat. Comprehensive medical services would include preventive, diagnostic and therapeutic medical services on a prepaid basis. However, comprehensive medical services need not necessarily include dental, mental health, hospital, optometric or nursing home services, or equipment and other supplies, except as such services and supplies may be provided at the option of the carrier, with or without copayment as permitted by regulations of the Secretary.

"(3) The members of the group must pool the income from their medical practice as members of the group, and must redistribute it among themselves according to a prearranged plan. Or, the members of the group may enter into an employment arrangement with a group practice unit or organization for the provision of their services.

"The authorization given to the Secretary in Title IV of the committee bill is intended to encourage those group practice programs that have the greatest potential for improving the delivery of health care. One of the most significant aspects of the committee bill is that it will encourage greater participation by the private, or 'voluntary', health sector in developing innovative approaches to health care. Such encouragement is especially needed at this time, when appropriations for Federal health programs are being substantially curtailed.

"An example of the type of innovation envisaged by the Committee under Title IV is the program now being developed in Columbia, Maryland, where Johns Hopkins University Medical School and the Connecticut General Life Insurance Company have joined together to form a prepaid group practice plan for Columbia residents. The company has already provided $3,750,000 in mortgage financing for the construction of permanent medical facilities in Columbia, including a 60-bed hospital scheduled to open next year. In addition, the company is underwriting all the initial development deficits for the plan, which are expected to total at least $500,000.

"There are many states today where this and other types of innovation by the private health sector could not be undertaken, even though physicians, medical schools, consumers, non-profit organizations, cooperatives, and private insurers would be ready and willing to develop them, given the opportunity. Title IV of the committee bill is intended to make the opportunity available."

Thus, Title IV of the bill gives the Secretary of HEW broad authority to permit prepaid group organizations to be established, in spite of existing legal or other restrictions against group practice in the various states.

As the Senate Committee Report makes clear, there are numerous existing obstacles, both legal and non legal, to the organization and expansion of group practice. Since group practice is widely accepted as one of the most innovative approaches to improving our system of health care delivery, it is essential that we take whatever steps are available to eliminate those obstacles.

Only last month, for example, Dr. Walter C. Bornemeier, President of the American Medical Association, recommended that doctors should receive subsidies to enable them to set up group practice clinics.

Today, there are at least 20 states that have substantial restrictions against group practice in their laws—Alabama, Colorado, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia. Title IV is narrowly drafted to accomplish the goal of expanding group practice with minimal disruption of existing state law. It does not *require* the Secretary of HEW to use the authority given to him. It simply allows him to do so in appropriate cases, where group practice organizations, meet the requirements of the provisions of Title IV. The Title avoids any possible Constitutional objection by applying only in the case of group practice organizations meet the reriers otherwise participating in federal health benefit programs for federal employees. Clearly, Congress has adequate jurisdiction under the Constitution to legislate in this area of state law, since there is a direct federal interest—a federal "jurisdictional handle"—based on the participation of the carriers in the federal health benefit programs.

Of course, as Title IV and the Senate Committee Report make clear, the federal jurisdictional test is met so long as the carrier participates in the federal health benefit program. A specific group practice program authorized by the Secretary under the provisions of Title IV need not be in itself for the benefit of federal employees. All that is required is that the carrier be otherwise involved in a federal health benefit program.

I am hopeful that Title IV will provide the sort of useful additional stimulus that is needed to encourage the development of group practice in the United States, and I am pleased that the Conference Committee has accepted this provision.

Mr. PELL. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Rhode Island, who is very much interested in this matter, and has worked diligently in behalf of this legislation for years.

Mr. PELL. I rise to congratulate the Senator from Texas on this excellent bill, to say how glad I am that the conferees have adjusted so equitably the differences between the two bodies, and to thank him personally for the way he fought in the conference to retain title II of the Health Improvement Act, which was my amendment calling for comparative studies of the various national health care proposals that have been put forward to date. I express again my admiration for the way in which the Senator from Texas has handled the matter.

Mr. YARBOROUGH. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Oct. 8, 1970, pp. 35855–35859, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, the conference report on S. 2846, the Mental Retardation and Developmental Disabilities Act, which we are now considering, represents a major advance in this Nation's campaign to help our people who are mentally retarded and to find means of preventing this dread disease from ruining the lives of countless other Americans. This bill attacks the problems of mental retardation by authorizing $295 million to be spent over a 3-year period: First, to aid the States in developing programs to help the mentally retarded; second, to aid public and private nonprofit agencies in building hospitals, clinics, and other facilities to treat the mentally retarded; third, to train personnel to treat and care for the mentally retarded; and fourth, to develop new programs of treatment and care for our mentally retarded citizens.

To achieve these goals, the Senate conferees were successful in convincing the House to accept the Senate's program of flexible grants which will give the States a freer hand in finding and developing new and creative approaches to the problems of mental retardation. This type program is much superior to the House version of the bill which would have limited the use of funds for the compensation of personnel only and phased out Federal participation over an 8-year period.

Another important aspect of this bill is the expansion of the program to the persons who suffer from cerebral palsy and epilepsy. The importance of expanding this program cannot be overemphasized. By authorizing the expenditure of funds for the prevention, care and treatment of these two diseases, Congress is directing its attention to two of the major causes of serious mental handicaps that impair the lives of many Americans.

Mr. President, in 1963 President Kennedy issued the challenge to Congress to enact a comprehensive program to deal with the problems of mental retardation and mental illness. I am proud that I had the opportunity to serve on the committee which accepted this challenge and provided the Nation with the first major mental health program. Today, we are continuing this effort and I am proud that as chairman of the Health Subcommittee, I had the opportunity to play a

major role in passing this bill which is before us today.

Mr. President, the first of these bills, which was signed by President Kennedy in October of 1963, provided for mental health centers throughout the country. We envisioned 2,000 mental health clinics, one for each 100,000 of the population. Unfortunately, due to the drain of money overseas and other places, only about 350 of those 2,000 centers have been opened, but the results, where they have opened mental health facilities, have represented some of the greatest advances in medical care in the history of this Nation. The city of Philadelphia, for example, has had for a number of years a system of regional mental health clinics all over that city. The result is that in the course of 20 years, they have caused the number of people sent to mental institutions, to be confined in mental institutions, to be reduced by 80 percent, and they now have only 20 percent as many people going to mental institutions as they had some 15 or 20 years ago, because in Philadelphia there are regional mental health centers where people can go and receive proper treatment.

In conclusion, I think it is only proper that we reconsider these words of President Kennedy:

We as a Nation have long neglected the mentally ill and the mentally retarded. This neglect must end, if our nation is to live up to its own standards of compassion and dignity and achieve the maximum use of its manpower.

With the passage of this conference report and this bill, we as a nation will be living up to our responsibility to the mentally retarded.

I ask unanimous consent to have printed in the RECORD statements on behalf of the House managers from pages 14, 15, and 16 of the conference report.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION AND SERVICES

The Senate bill would amend part C of the Mental Retardation Facilities Construction Act to authorize appropriations (through fiscal year 1973) for grants for services and facilities for persons with developmental disabilities. The following amounts are authorized to be appropriated: $100 million for fiscal year 1971, $125 million for fiscal year 1972, and $150 million for fiscal year 1973.

The House amendment authorized the following amounts to be appropriated under such part C: $60 million for fiscal year 1971, $85 million for fiscal year 1972, and $105 million for fiscal year 1973.

The conference substitute authorizes $60 million for fiscal year 1971, $105 million for fiscal year 1972, and $130 million for fiscal year 1973.

PROJECT GRANTS

The Senate bill contained a provision not in the House amendment which would authorize the Secretary of Health, Education, and Welfare to use up to 20 percent of appropriations under such part C to make grants for projects of special national significance to assist the developmentally disabled.

The conference substitutes authorizes the Secretary to use up to 10 percent of such appropriations for such grants.

FORMULA GRANTS

Scope of program

The Senate bill would provide under such part C grants for State and local planning, administration, and technical assistance; for construction, maintenance, and operation of facilities; for provision of services; for training of specialized personnel; and for developing and demonstrating new or improved techniques of service.

Under the House amendment grants under such part C would be authorized by State planning, for construction of facilities, and for provision of services.

The conference substitute contains the provisions of the Senate bill.

State allotments

The Senate bill would provide that the minimum State allotment under the formula grants under such part C for any fiscal year would be $100,000. However, it is provided that if for any year after fiscal year 1971 the appropriation under section 131 of such part C exceeds the authorization for fiscal year 1971, the minimum allotment would be increased by an amount derived from the difference between the appropriation and the fiscal 1971 authorization. The House amendment would not provide for an increase in the minimum allotment. The conference substitute contains the provision of the Senate bill.

Combination of allotments

The Senate bill contained a provision not in the House amendment which would provide that when a State plan under such part C provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined. The conference substitute contains the provision of the Senate bill.

National Advisory Council

The Senate bill would provide that members of the National Advisory Council under such part C would be selected from leaders in State or local government, in institutions of higher education, and in organizations representing consumers of services. The House amendment is the same except that it does not provide for the inclusion of leaders from institutions of higher education. The conference substitute contains the provision of the Senate bill.

Federal share

The Senate bill would provide that from a State's allotment under such part C the State would be paid the Federal share of its expenditures for planning, administration, and services. The Federal share would be 80 percent.

The House amendment would provide that a grant for a State for any fiscal year for meeting the costs of developing and administering its State plan could not exceed 5 percent of the State's allotment or $75,000, whichever is less. It would also provide that from a State's allotment grants to assist a State in meeting the costs of compensation of personnel to provide services could not exceed—75 percent—first 2 years, 60 percent—third year, 45 percent—fourth year, and 30 percent—next 4 years, except that in urban and rural poverty areas grants for compensation of personnel shall not exceed—90 percent—first 2 years, 80 percent—third year, 75 percent—fourth and fifth years, and 70 percent—next 3 years.

The conference substitute provides the following:

(1) In the case of construction projects, the Federal share may not exceed 66⅔ percent of the costs of construction or 90 percent of such costs in the case of projects providing services for persons in urban or rural poverty areas.

(2) In the case of other projects, the Federal share shall be 75 percent of the costs of the expenditures incurred by the State during fiscal years 1971 and 1972, and 70 percent of such expenditures during fiscal year 1973, except that in the case of projects located in urban and rural poverty areas the Federal share may not exceed 90 and 80 percent, respectively.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. I also ask unanimous consent to have printed in the RECORD a statement of the Senator from Massachusetts (Mr. KENNEDY), who was the principal author of this Senate bill. He could not be here today. He points out in the statement that people with a developmental disability will be eligible for treatment. The bill, therefore, goes beyond mental retardation, to include cerebral palsy, epilepsy, or any other neurological condition found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation.

There being no objection, the statement of Senator KENNEDY was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KENNEDY

I would like to commend my colleagues in both Houses for their attention to S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970. This bill represents better than a full year of intensive study and work on the part of the House and Senate Committee involved, with commendable cooperation from the private agencies whose primary concern is the disabled.

The Conference Report clearly recognized the tremendous need of the developmentally disabled for services and facilities and provides what we feel to be an improved mechanism for the delivery of these services.

The term "developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

The version of the legislation as agreed upon in Conference provides for both proj-

ect grants and formula grants to the States for construction, planning, administration and services. Ten percent of the monies appropriated would be reserved for the Secretary of HEW to provide project grants to the public and non-profit agencies for certain innovative programs for the developmentally disabled.

The remainder of the money (with total authorizations of $60 million for fiscal 1971, $105 million for fiscal 1972 and $130 million for fiscal 1973) will be allotted to the States on a formula grant basis. In the case of construction projects, the Federal share may not exceed 66⅔ percent of the costs of construction or 90 percent of such costs in the case of projects providing services for persons in areas of urban or rural poverty.

In the case of planning, administration and other services, the federal share will be 75% for fiscal years 1971, 72 and 70 percent of such expenditures for fiscal year 1973, on a formula grant basis, with the exception that where the state uses federal funds to fund projects in areas of urban and rural poverty the federal share may go as high as 90% in fiscal 1971 and 72 and 80% in fiscal '73.

The provision of 75% federal matching for planning, administration and services indicates our faith in the States ability to plan according to their needs and to utilize funds by any combination of mechanisms most suitable to their form of organization and statutes.

The bill requires the states to submit a cordinated single plan for the provision of planning, administration, construction and services, which will complement but not duplicate other state-federal programs such as those in vocational education, special education, health and mental health.

The term "services" for persons with development disabilities is defined as:

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, daycare, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

Title II of the bill, which was unanimously endorsed by both Houses in substantially the same form in original passage, provides for the extension and expansion of the program for University Affiliated Facilities. This is a unique and successful program for the purposes of assisting institutions of higher education to train, in an interdisciplinary setting, personnel for the treatment of the developmentally disabled. The new bill also adds a provision for costs of administering and operating such facilities.

The House version added a provision giving priority to those institutions of higher education cooperating with junior or community colleges, with which the Senate concurred.

Mr. President, this legislation offers great promise to the developmentally disabled children and young adults of this country. To those people who, for reasons of childhood disability cannot become fully functioning members of this society but might, through the aegis of such legislation, be helped to attain their own potential. I am pleased to have been associated with this landmark bill and trust that both Houses will continue to give it the unanimous support by which the bills were first passed.

Mr. YARBOROUGH. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. YARBOROUGH. Mr. President, I want to express my thanks and appreciation and congratulations to the distinguished acting majority leader, the Senator from West Virginia (Mr. BYRD), who helped so diligently today in getting these three conference reports over from the House, and to pass them, in the field of health. That includes the mental retardation bill for 3 years; allied health professionals, to train 500,000 more allied health professionals; and the regional medical programs bill. Each represents important health legislation. They have been worked on since January of 1969.

I see in the Chamber the distinguished senior Senator from New York (Mr. JAVITS), who is a member of that committee. It has only been through the cooperation of the minority party that the Committee on Labor and Public Welfare and the Health Subcommittee have been able to push this many bills through and get them passed and through the conferences with the House. The Senate was waiting for those conferences since August 6, but we could not get the House to meet with us until October 5. It has taken a great deal of patience and work. I want to thank our colleagues on the other side of the aisle.

We feel that this type of health legislation, in saving the resources of the wage earner and of the family, is going to make life much better in the future for hundreds of thousands of American families. These bills offer hope for the future.

Once more I want to thank the leadership for having this bill passed, especially before adjournment today.

I thank my colleagues from across the aisle for their uniform aid and assistance in getting these bills passed and enacted into law.

Mr. JAVITS. I thank the Senator from Texas very much for his gracious remarks. This kind of cooperation has been very useful to all of us, especially for the Nation.

I join the Senator from Texas in thanking the leadership for enabling us to consummate this legislation so far as the congressional stages are concerned. The people of this country will be well served as a result.

NATIONAL RAIL PASSENGER SYSTEM

Mr. BYRD of West Virginia. Mr. President, on behalf of the able Senator from Washington (Mr. MAGNUSON), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17849.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate H.R. 17849, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, which was read twice by its title.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from Washington (Mr. MAGNUSON) and an explanation of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

Mr. President, the House of Representatives has approved the Rail Passenger Service Act of 1970, H.R. 17849. Except for some relatively minor amendments, this bill is essentially the same as legislation, S. 3706, approved by the Senate on May 6 of this year. The most significant amendments are as follows:

1. Both the House and Senate bill require the railroads to pay to the National Rail Passenger Corporation established by the Act a certain amount based on their passenger service losses in 1969. In return for such payment the railroads are relieved of their responsibility for providing rail passenger service in the future. As a part of the exchange, the Senate bill would have provided the railroad with stock in the Corporation of a total par value equivalent to the amount paid into the Corporation by the railroad. The House bill adds a provision which would give the railroads the option of either receiving stock or of treating their payment to the Corporation as a business expense deductible under the Internal Revenue Code.

2. The other major changes made in the Senate bill by the House relate to the extent of financial support by the Federal Government. In the Senate bill the rail passenger corporation would be eligible for loan guarantees in the amount of $60 million. The House bill increases that amount to $100 million. The Senate bill provided for loans or guarantees to railroads on an interim basis to allow those railroads with insufficient cash to make payments to the Corporation as required by the Act. The total amount of loan or loan guarantees allowed by the Senate is $75 million; the House has increased the amount to $200 million.

Mr. President, these two changes are the only significant differences between the House and Senate bills. The House, because it added a tax provision to the legislation, was required to adopt a House number. Because a conference with the House on the particular legislation would serve no useful purpose, I ask unanimous consent to proceed to immediate consideration of H.R. 17849.

Mr. ALLOTT. Mr. President, about 2 weeks ago the senior Senator from New Hampshire (Mr. COTTON) spoke on the Senate floor about an extraordinary legislative accomplishment of his good friend the junior Senator from Vermont (Mr. PROUTY). At that time he spoke of his effort and success in putting together the comprehensive Federal Railroad Safety Act of 1970.

Today, Mr. President, I am privileged to repeat much of what he said on October 1 but with respect to an entirely different piece of legislation.

You will recall that on October 1 the senior Senator from New Hampshire remarked that when this Congress began few of us expected that we would be able to enact a comprehensive Federal railroad safety law. However, by the perseverance and careful guidance of the Senator from Vermont we succeeded in doing the impossible.

The piece of legislation before us today is directed at saving the intercity rail passenger train. When this Congress began a year and a half ago few of us had any hope that Congress would be able to devise an effective means for reversing the rapid decline in the number of intercity rail passenger trains.

The number of passenger trains in operation had declined to less than 450 in the entire country and further declines in numbers and deterioration in the quality of service remaining appeared inevitable.

In short, we found ourselves in a position where intercity rail passenger service had deteriorated to the point that it could do little toward providing the means to achieve a balanced transportation system.

This was not a new problem. It is one that Congress first started grappling with in 1958. We all knew the magnitude and complexity of the problem, but the solution to that problem was not readily apparent.

By April 9 the Senate Commerce Committee, after lengthy discussion and debate, decided to report a bill to provide direct operating subsidies to railroads who were losing money operating intercity rail passenger service. The senior Senator from New Hampshire opposed that approach and filed minority views explaining his position. In a nutshell, that position was that operating subsidies in this case would not only create dependency but would further the deterioration of intercity rail passenger service. In those views he stated that more reasonable approaches for solving the problem existed. Specifically, the senior Senator from New Hampshire pointed to the highly innovative proposal which had been offered to the committee by Senator PROUTY.

That proposal is the one that we are passing today.

How did it come about? Quite frankly, it came about because the junior Senator from Vermont did not give up his fight on April 9 when the committee decided to report an operating subsidy bill.

My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semipublic corporation to take over all intercity rail passenger service. Within 1 month's time period Senator PROUTY had accomplished the impossible. He had convinced rail management, rail labor, his own administration, the Interstate Commerce Commission, the National Association of Railroad Passengers, the leadership of the Senate Commerce Committee, the majority leadership and the minority leadership that his proposal was a superior method for solving the crisis in rail passenger service.

When the rail passenger service bill was called up on the Senate floor on May 5 and 6, Senator PROUTY convinced the Senator from Washington (Mr. MAGNUSON), the Senator from Indiana (Mr. HARTKE), and the senior Senator from New Hampshire to join with him ing offering as an amendment to the rail passenger bill reported out of our Senate Committee on Commerce his imaginative and innovative substitute proposal.

On May 6, the Senate by a vote of 78 to 3 approved Senator PROUTY's proposal.

Mr. President, that vote stands as a glowing tribute to the distinguished junior Senator from Vermont.

Nevertheless, recognizing that the job was only half completed, the distinguished junior Senator from Vermont continued to work toward the enactment of his proposal. It is well known that he personally talked to many of his former colleagues in the other body to encourage their prompt consideration of the National Rail Passenger Corporation Act of 1970. Today the other body has passed his proposal in substantially the same form that it passed the Senate on May 6.

The distinguished junior Senator from Vermont (Mr. PROUTY) is to be congratulated for taking on the task and coming up with a workable solution to a problem that has plagued this country for a number of years. I hope the Senate will accept the House-passed version of this bill so that we can get on with the important business of restoring safe, convenient, and modern passenger service by rail to this Nation's inventory of transportation facilities. Only by doing so can we ever hope to achieve the sort of balanced national transportation system which it is the desire of all of us to create. I look forward to working with Senator PROUTY and the other distinguished members of our Committee on Commerce and this body toward that goal in future sessions.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, the final passage of the Rail Passenger Service Act of 1970 is a very significant occasion for Rhode Island. The House bill that has just been agreed to is based on a bill that bears the name of Representative TIERNAN of Rhode Island. It also contains two amendments of my own, one amendment giving permission to regional authorities to transport passengers in the basic rail passenger system established by the bill and the other permitting guarantees to be accorded for the improvement in roadbeds and for the use of regional transportation entities.

I congratulate Representative TIERNAN of Rhode Island for the work he has done in pushing ahead on this bill and making sure that these amendments and this measure finally passed the House of Representatives.

I would hope that regional authorities such as the GEO-Transport Foundation of our own New England area would take advantage of their provisions in this bill and that they would move into the vacuum that now exists and take over the hauling of passengers in our portion of the northeast megalopolis in New England.

BLACK BUTTE PROJECT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1353, H.R. 18298.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 18298) to amend the Central Valley reclamation project to include Black Butte project.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1354, H.R. 14984.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians, and the Medawakanton and Wahpakoota Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. (a) The Flandreau Santee Sioux Tribe at Flandreau, South Dakota, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Medawakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Medawakanton and Wahpakkoota Tribes, and who were born on or prior to and are living on the date of this Act, using available records and rolls at the

local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Medawakanton and Wahpakoota Tribes who were born on or prior to and are living on the date of this Act whose names or the names of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 4. No person shall be eligible to be enrolled under section 2 or 3 who is not a citizen of the United States.

SEC. 5. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purposes of this Act.

SEC. 6. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 2 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe, The Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Medawakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Sixty per centum of such funds shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: Provided, That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to subsection 2(a) of this Act.

The shares of enrollees who are not members of such groups shall be paid per capita.

SEC. 7. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of tribal membership shown on the 1909 McLaughlin Annuity Roll, as follows:

Tribe or group	*Percentage*
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, as so apportioned, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to section 3(a) of this Act; and in the case of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes. The shares of enrollees who are not members of such groups shall be paid to them per capita.

SEC. 8. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved: *Provided, however*, That no restrictions shall be placed upon payments to persons eighteen years of age or over who are married and are not under a legal disability for any reason other than age.

SEC. 9. The funds distributed under the provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNIFORM APPLICATION OF THE LAWS IN THE PUBLIC SCHOOLS

Mr. STENNIS. Mr. President, the Supreme Court of the United States began considering on Monday four cases which might well determine the future of our public schools for generations to come. The Court will have its first real opportunity since 1954 to determine the extent to which local school districts are required to take affirmative steps to assure integrated public schools leaving aside all other considerations as opposed to the creation of school systems wherein racial identity of students has played no part in their assignment to particular schools or classes.

At the present time, there is in the United States a double standard. In the South, where dual school systems, or de jure segregation, formerly existed, lower Federal courts and the Department of Health, Education, and Welfare have required not only the elimination of the dual school system, but have required the gerrymandering of school district lines, the pairing of schools, and the transfer or busing of students so as to create a racial balance in the public schools or to move strongly in that direction. On the other hand, in the North, there has been no official drive in the courts and little or no effort by the agencies of the Federal Government to require any change whatever in the many segregated schools which exist in large metropolitan areas. The courts and the Federal Government agencies have refused to act in the North and East hiding behind the premise that there is no legal or constitutional requirement to deal with de facto segregation, that is, segregation resulting from other than State action.

There is no de jure segregation in Mississippi. All 149 school districts in Mississippi are under Federal court order or are operating under a plan which has been approved by the Secretary of Health, Education, and Welfare and under which the public schools have desegregated. There are no more dual school systems in Mississippi. This generally is true throughout the South. The dual school system which was condemned by the Supreme Court of the United States in its 1954 decision has been eliminated root and branch.

The public schools of Mississippi are in compliance with the requirements of the Civil Rights Act of 1964 and the Constitution, as interpreted by the decisions of the Supreme Court of the United States.

At this time the public schools of Mississippi and the South stand in the same legal category as the public schools of the North, East, and West.

Under the constitution and laws of the United States the public schools in Mississippi and the rest of the South, are now entitled to the same treatment as the public schools in the North, East, and West. Whatever rule is applied in one area of the country must also be applied in the remaining areas of the country. The public schools of Mississippi and the South should be the subject of the uniform application of the laws. There should be one policy—a national policy—and it must be applied uniformly in all areas of the country.

In spite of this, however, the public schools in the North, East, and West continue to operate, in many cases, on a segregated or virtually segregated basis, without challenge by the Federal courts, the Justice Department, the Department of Health, Education, and Welfare or anyone else. The Supreme Court of the United States has repeatedly refused to decide cases arising in areas outside the

South which deal with this legal question.

In a Senate speech which I made on May 5, 1970, as found in the CONGRESSIONAL RECORD of said date beginning at page 14098 thereof, I discussed this serious question and pointed out a number of cases wherein the Supreme Court had refused to pass on the question. These were cases arising in Cincinnati, Ohio; Gary, Ind.; and Kansas City, Kans. I will not discuss these cases again here except to say that the Circuit Court of Appeals in each case generally took the position that the segregation pattern which existed in the public schools in those metropolitan areas was racial imbalance resulting from housing patterns and that there was no requirement that the neighborhood schools so created be changed. In each case the Supreme Court would not consider the case on its merits and would render no decision, but merely stated, in effect, that the court would not consider the case on its merits. I have called on the Supreme Court time and time again to accept some school cases from areas of the country other than the South and to decide these questions. As late as August 5, 1970, in a Senate speech I urged that the Supreme Court take action before this school year started.

The Supreme Court finally agreed some 60 days ago to consider four cases which may result in further decisions as to the extent to which school districts must go in taking affirmative steps to bus and transfer students to overcome racial imbalance in the public schools of the South. Strangely enough each of the cases which the Supreme Court accepted for jurisdiction and began hearing this week, is from the South. These cases involve appeals from Charlotte, N.C.; Mobile, Ala.; and Clarke County, Ga. As to the public schools in the North, East, and West, the Supreme Court has remained as silent as a sphinx.

In a series of Senate speeches last fall, I pointed out the extent of segregation which exists in many States in the North, including New York, Ohio, Illinois, Indiana, Michigan, California, Pennsylvania, and many others. Thereafter, there was an extensive debate in the Senate and over the Nation about this shameful double standard of segregation which exists in the public schools in the United States. I remember so well the courageous stand taken by the Senator from Connecticut (Mr. RIBICOFF) when he said that the North was guilty of "monumental hypocrisy." I was pleased indeed when the Senate, to its everlasting credit, voted 56 to 36 in support of my amendment to require the uniform application of the law throughout the country. Unfortunately, later on when the House-Senate conference brought in their report, there had been a complete reversal—from one national policy to two national policies. As this legislation was finally enacted the Congress announced a nationwide uniform policy in dealing with segregation in the public schools. In the conference report to H.R. 514 adopted in the Senate on March 24, 1970, that uniformity is defined as follows:

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

Now that there is no de jure segregation in the South, the Supreme Court and the Nation have the golden opportunity to adopt and apply the same standard nationwide—to show that it will not discriminate against any one area of the country. Where there is no dual school system and where all vestiges of any such system have been eliminated, then whatever racial balance or imbalance may exist must be treated the same throughout the Nation. The Constitution and the law are the same—North and South. The Constitution does not require integration. The Constitution does not require racial balance. The Congress has recognized that the only thing that the Constitution prohibits is the assignment of students to public schools based on race or racial discrimination in the assignment of students. The administration has recognized this also. The Solicitor General as quoted in the press speaking for the administration has said that he cannot find in the Constitution that it is the duty of the Government to insure that every child get an education in an integrated school.

The Supreme Court now has the opportunity to recognize that the Constitution does not require either integration or the creation of a racial balance in the public schools and to establish a truly national policy to be uniformly applied throughout the Nation. The fate of quality education for all children regardless of race, hangs in the balance. I trust and believe that the Court will, in its ruling, take into account the critical need for all our children to obtain that education and shape its decision to insure that this need will be fulfilled thus preserving the true constitutional rights of all our citizens.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, and it was signed by the President pro tempore.

OPERATION OF TOLL BRIDGE ACROSS RAINY RIVER, BAUDETTE, MINN.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6240, as reported earlier today, and which is now at the desk.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The assistant legislative clerk read as follows:

To amend the act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota", approved December 21, 1950.

The PRESIDING OFFICER. Is there objection to consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, this bill is one of two reported from the Committee on Foreign Relations. Unfortunately, the report could not actually be filed until today, but the distinguished Senator from West Virginia (Mr. BYRD) was kind enough to get the agreement of the two Senators from Minnesota that the bill was needed, which he has done, and I hope very much that the Senate will agree to it.

The bill was ordered to be read a third time, was read the third time, and passed.

OPERATION OF TOLL BRIDGE ACROSS ST. LAWRENCE RIVER, CAPE VINCENT, N.Y.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 15069, as reported earlier today, which is now at the desk.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The assistant legislative clerk read as follows:

To authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, New York.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read a third time and passed.

DISCHARGE OF COMMERCE COMMITTEE FROM CONSIDERATION OF H.R. 15720

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 15770, the Water Bank Act, and that it be rereferred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF RATES OF PAY FOR CERTAIN EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. MCGEE) I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17809.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rates of employees of the Government and for other purposes, and requesting a conference with the

Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

ADDITIONAL STATEMENTS OF SENATORS

DR. J. JEROME WILDGEN, OF MONTANA, ELECTED PRESIDENT OF AMERICAN ACADEMY OF FAMILY PHYSICIANS

Mr. MANSFIELD. Mr. President, I am delighted to report that a member of the medical profession of my State of Montana has been elected president of the American Academy of Family Physicians. This is indeed a great honor for Dr. J. Jerome Wildgen and the medical profession in the State. This is the first time that a man from Montana has been elected to such a high position in any of the organizations and associations that represent the doctors and physicians of our Nation. Dr. Wildgen comes from Kalispell, Mont., where he is a most successful and highly esteemed general practitioner.

The good citizens of Montana and other sparsely populated States finding themselves more and more without a physician or medical services should be delighted to know of Dr. Wildgen's concern for the need of family-oriented medicine with a realistic emphasis upon the demand for more general practitioners.

Mr. President, my wife Maureen joins me in extending our personal regards and congratulations to Dr. Wildgen in his new position. We are confident that he will lend to this organization the finest talents, both in the medical field and as a national representative. I ask unanimous consent that an editorial published in the Great Falls, Mont., Tribune of October 2, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ELECTION OF KALISPELL MAN—AN HONOR FOR MONTANA

Selection of a Kalispell man as president-elect of the American Academy of Family Physicians comes as a tremendous honor for Montana. It is the first time anyone from this state has been chosen for so high an office in any large national medical group.

Dr. J. Jerome Wildgen's views on the need for family-oriented medicine today are corollary to the plight of the large number of communities in Montana and other western states which now find themselves without a physician or medical service of any kind.

Dr. Wildgen makes the point that during the past 25 years the number of general practitioners has dwindled to the point where more than 80 per cent of graduating medical students now enter some area of specialization. The Academy of Family Physicians seeks to reverse this trend.

This state, without a medical school of its own, has undertaken to improve the situation through agreements with other states for the training of young Montanans interested in entering the medical profession. It seems particularly appropriate, therefore, that the second largest medical group in the country should have chosen a man from this state as its president for the 1971–72 term.

PROPOSED TRADE LEGISLATION—TESTIMONY OF SECRETARY OF STATE ROGERS

Mr. FULBRIGHT. Mr. President, on Monday the Secretary of State testified before the Committee on Finance on the subject of trade legislation, which is now pending before Congress. His remarks are most significant and deserve the close attention of every Senator.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE SECRETARY OF STATE BEFORE THE SENATE FINANCE COMMITTEE, OCTOBER 12, 1970

I welcome the opportunity to discuss with your Committee the pending Trade Act. My comments will be made against the background of our relations with friendly countries and in the light of our position in world affairs.

Last year the President sent to the Congress a proposed trade act which followed in the tradition of American trade legislation designed to increase trade and prosperity by reducing barriers and obstacles to peaceful commerce in the world. In major part because of vigorous American leadership, international trade since World War II has been substantially relieved of the restrictions and distortions that we had inherited from the 1930's. I would remind the Committee that in the 25 years since the end of the Second World War the world has had the longest period of sustained and rapid income growth in history, thanks in very important part to the unblocking of the channels of trade. The American people, along with peoples everywhere, have been the beneficiaries of this unprecedented period of prosperity.

The legislation before you incorporates many of the provisions that the President requested in his initial proposal to the Congress, including limited tariff cutting authority, liberalization of adjustment assistance provisions of the present Trade Expansion Act, and authority to eliminate the "American Selling Price" system of valuation. It includes also a provision for the establishment of Domestic International Sales Corporations, intended to assist our exports, which the Administration subsequently had requested. The President has also indicated his willingness to accept a provision for restrictions on certain textile imports because our efforts to find other solutions to problems in our textile trade have thus far been unsuccessful.

The Administration recognizes that the world environment is changing, that new economic, trade, and investment problems are appearing and that new approaches may be necessary. The President, therefore, has commissioned a group of distinguished Americans under the leadership of Albert Williams to study the emerging situation and to recommend a comprehensive set of foreign trade and investment policies for the 1970's.

In the meantime, a bill limited to the provisions I have just enumerated would be a positive factor in our relations with the rest of the world. It would be accepted by our trading partners as evidence of American intention to continue along the broad lines of the post-war commercial policy that has served us all so well. It would be taken as a signal that the United States will maintain its place of leadership in the development of the world economy. It would put us in a favorable position to achieve further reductions in barriers to our exports. It would permit us, I believe, to deal with the difficult problems in our textile trade in a manner calculated to minimize difficulties with supplying nations.

Unfortunately, the bill before you includes a number of additional provisions which the President did not request and which the Administration considers to be contrary to the national interest. Primary among these are first, provisions for quotas on individual items apart from textiles and, second, the potential extension of restrictions, including quotas, to many other products through an excessive loosening of the escape clause. Additionally, the proposed bill would depart from past escape clause procedure by setting an arbitrary arithmetic formula to be used in determining injury. I must tell you that if other countries were to apply this approach to our own exports, there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers. I urge this Committee to recommend to the Senate the elimination of these undesired and potentially damaging features of the legislation.

We have made a careful assessment of the impact of this bill, not only upon our economic interests, but also upon our international interests. We are convinced that it would cause serious harm to the United States.

Naturally, we have heard from other countries about their views of the legislation as it now stands. The President and I heard some of these views at firsthand during our recent journey to Europe. The reactions abroad to the pending bill are those of deep concern and even alarm at the apparent direction of American policy.

Our trading partners fear that the United States is about to make an historic turn in its foreign trade policy. Just as we have led the trading world on the way to a steady reduction of trade barriers, it is now feared that our example could drive the trading world back to the kind of bilateralism and restrictionism that crippled international commerce, including our own, in the 1930's, and contributed to the disastrous consequences that we all know.

It may be said that these fears are unjustified, that the proposed legislation merely seeks to deal with certain special and urgent problems of the United States, and that other nations too have restrictions on imports. The fact is, however, that the legislation before you could lead to restrictions on a very large volume of United States trade, as much as three billion dollars or more, and other nations are acutely aware of this. It is also a fact that the very size of the United States in the world economy lends special weight and emphasis to everything we do and that our actions do set an example, for good, or bad, for everyone else. Obviously, other nations have trade restrictions, as of course do we. But we and the rest of the world recognize that the way to a reduction of the remaining obstacles to trade in the world is through hard, reciprocal bargaining, not by adding new and unnecessary obstacles.

Considering the potential damage to trade and the amount of public attention that has been and will ge given to this matter, it must be expected that other governments would not be able to accept passively increased trade restrictions by the United States. There is widespread fear of an impending trade war that no one wishes, neither we nor our trading partners. But we must realize that the political pressures on other governments could be so great as to lead to retaliatory actions against our trade. We are a very large exporter and in some fields the volume

of our more dynamic export items already gives rise to foreign concern.

I hope that the Congress will give us a trade bill which will preclude any possibility of serious retaliation. I think it is my duty, nevertheless, to tell you what easily might happen. And it would be wrong for me to minimize the gravity of the situation that we might come to face.

Let me add that a liberal trade policy is essential if the developing countries are to achieve the self-reliance that the Nixon doctrine seeks to encourage. If we are going to foster self-reliance by the developing countries of the world, we must not deny to them the possibility of earning their own way. If we do that, we shall undermine the very processes that generate self-confidence and growth. The consequence will be that we will hurt them and ourselves as well.

The legislation before you appears in some respects to give the President a wide degree of flexibility in the application of the provisions of the legislation. Some may argue that this will enable the President to avoid the application of the worst features of the bill. But in many instances, this flexibility could not be used.

Specifically, it would be extremely costly to discriminate among countries in order to moderate the impact of the legislation. We are solemnly committed, in the General Agreement on Tariffs and Trade and in many bilateral treaties, to treat other countries on a non-discriminatory most-favored-nation basis. To do otherwise would be to dishonor our obligations.

We have economic and trading interests everywhere. We do not want to become a victim of a world fragmented into trading blocs and bilateral arrangements. It would ill serve our nation to take the lead in restricting trade and damaging or destroying the principle of most-favored-nation treatment that is now written in our own basic trade law.

Mr. Chairman, I have spoken out of deep concern for the potential damage to our industry and agriculture of certain features of the legislation that you are considering. It is possible for this committee to propose to the Senate a bill that will advance our economic interests, not retard them, that will uphold our status and position in world affairs, and that will still enable the Administration to deal effectively and constructively with the pressing problems of specific firms and industries in our domestic economy. A statute that is limited to the provisions recommended or supported by the Administration will do that. A statute with additional and restrictive features, such as are contained in H.R. 18970, on the other hand, would threaten our economic interests and would undermine our position in the world, without meeting the true nature of our particular problems at home. I earnestly invite you to look upon our trade legislation as part and parcel of our total national interests and in the framework of a coherent political and economic policy that takes into account our domestic needs and our world responsibilities. I urge the Committee and the Senate to remove from the bill these unneeded and dangerous features and to send to the President trade legislation consistent with our tradition of leadership and with our national interests.

AGNEW DEMEANS ADMINISTRATION

Mr. McGOVERN. Mr. President, the most willing and loudest mouthpiece of President Nixon, SPIRO AGNEW, continues to demonstrate that "the old Nixon" of the Joe McCarthy stripe is still very much alive.

In Mr. AGNEW's recent political venture into my State of South Dakota, he, of course, reserved some of his harshest epithets for me. I always consider it a small badge of honor to be attacked by this impossible demagog. If he ever said anything good about me, I would know I was off the track.

Mr. AGNEW also used my State to make a stinging indictment of the Scranton Commission report on campus unrest. I have not yet read the Scranton report, and I doubt whether Mr. AGNEW has; but in view of his strong indictment of the report, I am inclined to think it must be a very fine report. In any event, I intend to read the Scranton report carefully. I shall have more to say later about it and the administration's rejection of its own Commission study of campus unrest.

I ask unanimous consent that a thoughtful editorial entitled "AGNEW in South Dakota," published in my hometown newspaper, the Mitchell Daily Republic, of October 2, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGNEW IN SOUTH DAKOTA

Spiro T. Agnew continues to demean the office of Vice President with his vitriolic attacks against anyone who happens not to bow to the mention of the Nixon Administration and kneel at the doorstep of the Pentagon. As Spiro views it, everyone has a right to dissent as long as the criticism is not against the Nixon Administration. His rhetoric is reminiscent of the late Sen. Joe McCarthy, who believed anyone not a right-winger was a Communist.

The Vice President came to Sioux Falls this week on a political fundraising tour for the GOP. He spoke at a $50-a-plate luncheon which was attended by a crowd numbering from less than 1,000 to more than 1,250, depending on which report one wishes to believe.

Instead of extolling the virtues of Gov. Frank Farrar, and urging his reelection, and stumping for the election of GOP congressional candidates, Dexter Gunderson and Fred Brady, Agnew lashed out against Sen. George McGovern, whose term runs until January 1973, and roundly criticized the report of a Nixon commission because it dared to tell it like it is.

The commission, headed by former Gov. William Scranton of Pennsylvania, had the audacity to issue what the *Des Moines Register* termed a "hardheaded, uncompromising, no-nonsense" report on campus unrest. What got stuck in Spiro's craw was the lack of bias in the commission's statement. After all, you would think a group appointed by President Nixon would not have the gall to put a monkey on the President's back. Nor would they have the temerity to suggest that some of our hallowed institutions of law enforcement must share the blame with students for incidents of violence and terrorism.

Spiro claimed the Scranton Commmission report would be taken "as more pablum for the permissiveness." He said it is "imprecise, contradictory and equivocal." What the report is is a thorough analysis of the components of campus unrest and the actions which spark violence. It is critical both of the student terrorists and of the control agencies which have needlessly inflicted injury on the demonstrators.

The commission called upon the President to do what he promised to do when he campaigned for office two years ago: "to bring us together." The report attributed the major responsibility for narrowing the gulf between the young people and the Establishment to the President of the United States. It said Mr. Nixon must "insist that no one play irresponsible politics with the issue."

And what really bugs the Vice President is the commissions references to the divisive rhetoric of one Spiro T. Angew, and suggestions that Mr. Nixon draw the reins on him. Should the President heed this suggestion, as well as the commission advice that "nothing is more important than an end to the war in Indochina," the country would be well on the way toward healing some serious wounds.

McNALLY HURLS AND BATS ORIOLES TO WORLD SERIES VICTORY

Mr. MANSFIELD. Mr. President, I again wish to commend a fellow Montanan, Dave McNally, from Billings, Mont. On yesterday, in Baltimore, Dave pitched the Orioles to a 9-to-3 victory over the Cincinnati Reds, thus giving the Baltimore club a 3-to-0 lead in the 1970 World Series.

Not only did Dave pitch a superb game, in scattering the total of nine hits by the Reds, but he became the first pitcher ever to hit a World Series grand slam.

Typical of pitchers, Dave concedes that he treasures home runs more than pitching, and, indeed, it was his bat that delivered the grand slam "coup de grace" in yesterday's defeat of Cincinnati's "Big Red Machine." Not only will this home run live long in Dave's memory, but as the Baltimore Sun expresses it:

McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

As a result of Dave's home run, the Orioles' lead was increased to 8 to 1 and Cincinnati's defeat was assured.

Dave, the author of 24 regular-season victories, plus another 10 days ago in Baltimore's three game playoff sweep of Minnesota, conceded he was not at his best in pitching yesterday. Even so, he defied the averages because Cincinnati had a 33-to-12 record this season against lefthanders—but, as Dave said:

I can't throw righthanded. The only thing I can do is battle 'em with what I've got.

With all his accomplishments Dave not only is a very modest person but, in the words of catcher Andy Etchebarren:

He's just a great, super person. He's got more guts than any person in the world. That's my feeling.

I know Dave and his family very well, and we Montanans are very proud of what Dave McNally has done since beginning long ago in American Legion baseball. We are hoping that his good pitching and hitting will continue because we know he has courage and stamina. We look upon Dave as an outstanding representation of Montanans, and I personally consider him a close friend.

Good luck, Dave, and may your success continue.

I ask unanimous consent that two articles about Dave McNally, published in the Baltimore Sun, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MCNALLY HURLS AND BATS ORIOLES TO 9–3 ROMP OVER REDS, 3–0 LEAD—DAVE BELTS GRAND SLAM, GOES ALL THE WAY ON THE MOUND

(By Jim Elliot)

Dave McNally became the first pitcher ever to hit a World Series grand slam yesterday

and went the distance as the Orioles continued their demolition of the Cincinnati Reds with a 9-to-3 triumph at the stadium to take a 3–0 lead in the best-of-7 baseball classic.

A crowd of 51,773 perhaps fidgeted a bit as McNally glided into the sixth inning on a 4-hitter with a 4–1 advantage over the vaunted Big Red Machine.

But then, with two out in the sixth, McNally smashed his bases-loaded homer and coasted to an easy victory on an allowance of nine hits—all singles.

It wasn't a one-man show by any means, Frank Robinson and Don Buford also slamming homers for the American League champions. In addition, Brooks Robinson crashed a two-run double and Paul Blair doubled a run across to further highlight the Orioles' 10-hit assault on three Cincinnati pitchers.

Meanwhile, the Oriole defense continued to amaze, Brooks Robinson and Dave Johnson making sensational diving stabs of line drives off the bats of Cincinnati stars Johnny Bench and Pete Rose to stifle the Reds' efforts to get something meaningful under way.

As things developed, it was Buford's homer off Cincinnati starter Tony Cloninger with one away in the fifth inning which supplied the fourth and what proved the decisive run.

M'NALLY HITS IT

But McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

With one out in the sixth, Blair lined his second of two singles through the box to center, and a great roar went up from the crowd as Sparky Anderson, manager of the Reds, went to the mound.

The standing ovation wasn't for Anderson, who was out to change his pitcher from Cloninger to Wayne Granger. It was for Brooks Robinson who in the top of the sixth had dived to his left for another unbelievable play—stealing a sure hit from Bench on a line shot.

BROOKS RESPONDS

Brooks responded with his second of two doubles, lacing the ball to the wall in left and chasing Blair to third base.

With first open, Anderson, who readily admits he has been outmanaged by the Orioles' Earl Weaver thus far in the Series, ordered an intentional walk to Johnson.

It appeared that the strategy would pay off handsomely when Andy Etchebarren struck out and the count went to 0–2 on McNally.

But then Granger tried to get McNally to go for something less than a strike, and quickly the count rose to 2–2.

It was here that the 26-year-old right-hander came in with a ripe pitch—a fast ball over the inside corner and about belt high.

McNally swung, and the crowd immediately roared, knowing that the ball was heading for the bleacher seats in left, up half a dozen rows and carrying 360 feet.

FRANK GOES 3-FOR-4

Hardly anticipating the grand slam from a pitcher, the crowd leaped to its feet as McNally rounded the bases, and the Orioles were romping, 8–1.

Buford then bounced back to Granger and if the Cincinnati reliefer unnecessarily fired the ball to first for the final out as it appeared he did, it was entirely understandable, Cincinnati's defeat was assured.

Frank Robinson breaking out of an 0-for-9 slump in the first two games, was 3-for-4 for the Orioles with two singles in addition to his homer.

Blair, now the Series player with the most hits, was 3-for-3 plus a walk and boasts 6-for-12 overall, good for a .500 average.

McNally wasn't at his best, just as weren't Jim Palmer and Mike Cuellar who started the earlier games, but he was better than needed as he became the first Series pitcher to go the distance.

Employing mostly fast balls and sliders, McNally struck out five and walked two. An occasional curve appeared including one he used to fan dangerous Tony Perez in the sixth. That was a thing of beauty.

Hall of Famer Lefty Grove hardly had completed his windup and tossed out the game's first ball when McNally was in deep trouble.

DOUBLE PLAY

Rose, hitless before yesterday, ripped McNally's first pitch of the game for a single past short into center, and Bobby Tolan dropped a perfect bunt down the third-base line on the next one.

But with runners at first and second, Perez bounced high to Brooks Robinson, who reached up for the ball, ran over to touch third for the force, then threw to Boog Powell for the back-breaking double play. Brooks caught Bench's explosive liner slammed right at him for the third out.

The Orioles then did something new—scoring first for a lead they never relinquished after they had come from behind in the first two games.

Buford drew a walk on Cloninger's first four pitches. With two away, Bufford raced to third on Frank Robinson's hit-and-run single lined to right. Blair walked on a full count to load the bases.

Then Brooks picked on a 1–1 delivery and smashed it to left-center for a two-run double, and the Birds were winging.

With one out in the Cincinnati second, Hal McRae singled to center and took second on Tommy Helms' topper to third.

Dave Concepcion singled to right, and Frank Robinson's throw appeared in time at the plate, but the ball skipped through Etchebarren, McRae scoring, and Etchebarren was charged with an error when Concepcion continued to second. McNally struck out Cloninger to end the frame.

After Johnson dived to his right for a sensational grab of Rose's liner in the top of the third, Frank Robinson sent the Birds on top with his 430-foot homer over the fence in center in the Oriole half.

TOLAN POPS OUT

Buford's clout was a 375-foot job into the bleachers in right, and Brooks Robinson's diving stab of Bench's liner in his webbing in the top of the sixth warmed the fans additionally for McNally's wallop, only the 12th ever hit in 67 World Series.

The Reds scored twice in the seventh when May walked, McRae singled, Helms forced McRae, Concepcion hit a sacrifice fly, Woody Woodward got a pinch-hit single and Rose's single plated a run.

Pitching coach George Bamberger went to the mound after Rose's single, before McNally got Tolan to pop to Belanger for the third out.

Don Gullett was Cincinnati's third and last pitcher at the start of Oriole seventh, and the Birds got their final tally on Powell's walk, Frank Robinson's single and Blair's double. Frank was thrown out trying for two bases, or there might have been greater damage.

May singled in the Cincinnati eighth, and Helms added the Reds' ninth single in the ninth, neither advancing. The fourth and perhaps final game is set for today at 1 P.M. with Jim Palmer slated to oppose the Reds' Gary Nolan.

McNALLY FAVORS HIS BAT OVER ARM—BIRD HURLER TREASURES HOME RUNS MORE THAN PITCHING

(By Lou Hatter)

Dave McNally willingly conceded. The Oriole pitcher prized the bat over his leathery left arm.

It was the weapon that delivered the grand-slam COUP DE GRACE of yesterday's 9-to-3 ditching of Cincinnati's Big Red Machine, boosting Baltimore's big orange machine three-up with one to go for baseball's 1970 global championship.

He had to agree with battery-mate Andy Etchebarren and Manager Earl Weaver. The leathery left arm has unfurled a more artistic mound job.

There was a happy irony to McNally's base-clearing wallop into the left-field seats, touching off bedlam among 51,773 slightly hysterical Memorial Stadium partisans.

LOOKED ANYTHING BUT HITTER

Moments earlier, he looked like anything but a candidate to become the first pitcher ever to clout a World Series four-run homer and only the twelfth grand-slam slugger in the classic's 67-year history.

Cincinnati's bullpen ace, Wayne Granger, had made him look like a feeble, automatic sixth-inning out with a pair of buggywhip sidearm sinkers.

"They started low and sunk lower, shoe-top high. I just swung at them," McNally recalled ruefully. "I knew I looked bad."

Then, two balls and a foul later, the right-handed-swinging Oriole southpaw connected on what he described as "an inside fast-ball, belt-high."

"I just told myself, 'Don't bail. Try to make contact. Maybe the ball will blop in,' " McNally related afterwards. "I knew it had a chance, because I hit it good."

McNally, author of 24 regular-season victories, plus another ten days ago in Baltimore's three-game playoff sweep of Minnesota, yesterday "had a pretty good slider, but I've seen him throw a better fast-ball and curve many times," Weaver stated.

"I had better stuff than in the playoff game but didn't have a real good curve," McNally agreed. "I threw seven or eight slow curves early, none of them were near the plate, so I quit it. After that, I threw mostly fast-balls and sliders and tried to move the ball in and out."

Reminded of Cincinnati's 33-and-12 record this season against lefthanders, McNally replied:

TRIBUTE FROM CATCHER

"I can't do anything about that, I can't throw righthanded. The only thing I can do is battle 'em with what I've got."

And battle 'em he did, according to Etchebarren, who extended his long-time teammate another matchless tribute.

"He's just a great, super person. He's got more guts than any person in the world. That's my feeling," exclaimed the veteran Oriole catcher.

"Dave will go out there and pitch when he's got nothing and still win ball games. Some pitchers don't want to pitch if they don't have good stuff. But Mac will go out there and work until he gets his good stuff back."

NEVER GAVE IN

"He didn't have his good stuff in this game, hardly any curve at all. But he got to a point where he was throwing a good slider and a fair fast-ball in good spots," Etchebarren added. "And he never gave in."

Etchebarren, who first caught McNally in the minors back in 1961 and his battery-mate "about 90 per cent of the time here since 1965," offered no excuses for his second-inning muff of Frank Robinson's peg to the plate, allowing Hal McRae to score the Reds' first run yesterday.

"The ball just skidded on the grass, picked up speed and stayed down 6 or 8 inches from the ground," Andy explained.

"Frank made a good throw, and I know he (McRae) is out easily. I just couldn't catch up to the ball. It just scooted under my glove."

Although a righthander, Tony Cloninger started for Cincinnati, Weaver benched left-handed-swinging Elrod Hendricks—slugging hero of the Birds' first two series triumphs—in favor of Etchebarren yesterday.

"It's just that McNally and Andy have played so long together," the manager ex-

plained. "They think together. There's less shaking off signs, not that that's so important."

"No, Mac does not request Etchebarren as his catcher," Weaver answered a question. "I just thought our line-up was best for us on this particular day. It seemed like we were going to get enough runs if we could just keep the club from scoring a lot of runs.

"Of course, you never go into a ball game thinking you're going to get as many runs as we did in this one."

The crystal ball of Baltimore's clairvoyant baseball boss apparently had overlooked the home-run bat of Dave McNally.

A VIEW ON ALASKA'S DEVELOPMENT

Mr. STEVENS. Mr. President, the development of Alaska's vast resources has begun. Alaskans are determined to progress with this development using new techniques that will minimize any possible harm to our environment.

Alaska Governor Keith H. Miller recently appealed to those in the Lower 48 who would block this development to understand why our resources must be developed and to recognize that Alaskans, more than anyone else, are determined to preserve the natural beauty of our great land.

In a letter published in the September–October issue of Paclines, Dr. Lewis H. Johnson, president of Alaska Barge & Transportation Co., Inc., expressed to a great degree the Alaska viewpoint on this important issue.

I ask unanimous consent that Dr. Johnson's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FROM L. H. J.

In an advertisement printed in the Wall Street Journal and elsewhere, the Governor of Alaska recently pleaded for understanding and sympathy from the Lower 48. He emphasized that Alaska's vast resources must be developed if its citizens are to achieve the standard of living enjoyed by most Americans. He promised stringent safeguards to insure that the "economic blessings" offered by its resources will be developed without despoiling the natural wonders of this great land.

With his statement, we can only concur. As a company working with Alaskans for more than a decade and counting many among its employees, we believe that its people deserve more than they have received. We can vouch for the harshness of life there which is intensified by seasonal unemployment, substandard housing, primitive roads, inadequate schools and other facilities that only community wealth can provide. To deny these pioneers the right to improve their lot because of our newly-found fastidiousness about our planet Earth appears to shift to them our guilt for what we have done in the Lower 48.

The delay in settling the native land claims and the concurrent deferral of the issuance of the permit for the pipeline has once again worked a hardship on Alaska. Who cannot sympathize with their bewilderment over what seems to be uninvited interference with their efforts to control their destiny. The time has come to give Alaskans a expectation that they will profit from our misdeeds in the Lower 48 and shame us for our want of faith in their collective wisdom and intent.

LEWIS H. JOHNSON,
President.

MOSCOW'S GOOD OFFICES FOR POW'S

Mr. HANSEN. Mr. President, for some of the Western Nations this apparently is one of those periods of detente with the Soviet Union. Various of the Western Nations, such as France and the West German Republic, have entered into agreements or negotiations with Moscow.

This would seem to be a proper time for our long-time allies to ask Moscow to use its good offices on behalf of the American prisoners of war held by Hanoi. Certainly, the Soviet Union, which supplies so much war material to North Vietnam, could also influence that country to comply with the basic requirements of the Geneva Convention on prisoners of war. This is little enough for us to ask of the U.S.S.R., whose very existence is owing to our intervention in a terrible war only one generation ago.

The simple act of providing a list of American prisoners held by Hanoi would be proof that the North Vietnamese Government has recognized some duty to carry out the terms of the convention which they signed.

It would also give enormous comfort to the wives, the children, the parents of these prisoners who have waited so long for such information.

SUCCESSFUL INTEGRATION IN BERKELEY, CALIF.

Mr. MONDALE. Mr. President, this fall, Berkeley, Calif., is entering its third year of successful elementary school integration. Berkeley is a city of 121,300 people. It has a black school enrollment of 43.7 percent and a minority group school student body of more than 50 percent; 8,600 of its more than 17,000 elementary school pupils are bused to achieve desegregation in all of Berkeley's elementary school classrooms.

But Berkeley is not simply "desegregated." It is an example of successful, stable integrated education. It is successful in terms of cognitive achievement. Reading test scores, for example, show accelerated performance by both advantaged and disadvantaged students as a result of integration. But more important it has been successful in human terms. Teachers' attitudes toward disadvantaged students and their methods of teaching have changed and improved. Black and white students accept and understand each other. As one teacher has said:

I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other with no racism that I can see.

Mr. President, I commend to Senators an article entitled "How School Busing Works in One Town," written by Gertrude Samuels, and published in the New York Times Magazine on September 27, 1970. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Sept. 27, 1970]

HOW SCHOOL BUSING WORKS IN ONE TOWN

(By Gertrude Samuels)

BERKELEY, CALIF.—Every day of school, more than 17 million children, or more than one-third of the country's total enrollment, go to school by bus because that is the best and safest way for them to get there; the figure does not include the large number who also go to school by public transportation. Yet with the opening of the new school year, busing as a way of integrating school systems is a major source of controversy, disrupting communities all over the country.

In Charlotte, N.C., the program that will send white children from the suburbs to inner-city black schools this year has created tension and bitterness. In Mobile, Ala., confusion marked the opening of the academic year as white students stayed away from black schools, to which they had been assigned in an effort to achieve desegregation, while black students assigned to white schools showed up in force. "It's an asinine law, and it's theirs [the Federal authorities] and they can enforce it," said a city spokesman. The Mobile school district, along with Charlotte, N.C., and Clarke County in Georgia, filed appeals testing a broad range of school desegregation measures, including busing. The appeals have been scheduled to be heard on the opening day of the Supreme Court's new term, Oct. 12. Such incidents reflect the findings of a recent Gallup poll, which showed that 86 per cent of the American people opposes busing to achieve racially balanced schools, an attitude encouraged by President Nixon's strong opposition to busing "in the case of genuine de facto segregation."

I came to Berkeley not long ago because this multiracial city has maintained a successful busing program for two years. It is the first city of more than 100,000 people (population 121,300) and a sizable black school enrollment (43.7 per cent) to use busing to achieve total integration in all its classrooms.

Since September, 1968, the Berkeley Unified School District has been transporting nearly half of its elementary pupils (8,600 this year) to and from school by bus. Prior to 1968 its junior and senior highs had long been desegregated; now the lower grades are also integrated. The youngest black pupils, kindergarten through third grade, are bused to the better "hill" schools, formerly middle-class and predominantly white; while the older white children, fourth through sixth grades, are bused down to the "flats" section, where the schools were once predominantly black.[1] In the city's elementary schools integrated teaching staffs are headed by eight white, four black and two Oriental principals.

For both races the last two school years have been a time of discovery. In ending "genuine de facto segregation," educationally if not residentially, the people had stopped fleeing from reality and begun to change it. As one black administrator put it: "We haven't reached the ultimate yet—but we're showing that black and white children can study and work together, that diversity of achievement levels can be recognized by the teacher and worked with."

Berkeley's impressive undertaking, which has changed the character of the lower schools and to some extent their teaching techniques and teachers' attitudes, is dramatized daily as the yellow school buses make their rounds.

[1] The 1940 Census showed Berkeley's population to be 93.8 per cent Caucasian, 4 per cent Negro, 2.2 per cent "other" (Mexican or Chicano, Oriental). In 1966, the population was 25 per cent Negro, 5 per cent "other." Today the black-pupil enrollment is 43.7 per cent.

At 8 o'clock in the morning sunshine on the corner of Cedar and Scenic Streets in the hill area, a score of white boys and girls, 9 to 11 years old, are waiting in a double line chatting with friends as they unleash their yo-yos. The huge yellow vehicle with "School Bus" lettered in black across the front, pulls up and the children pile in, greeting the driver: "Hi, Mrs. Goria . . . morning, Mrs. Goria." Mrs. Barbara Goria is an attractive young mother in plaid trouser suit, who has a daughter in college and two children in the Berkeley schools. Like all the drivers, she has qualified in special driving and first-aid tests.

She returns the greetings, urging the children along ("Let's fill up the back seats first, kids!") to leave room for passengers to come. The bus, which holds 80, is one of 26 used by the Berkeley Unified School District. As it proceeds from one pleasant, wooded neighborhood to another, it makes five stops in the space of a little less than a mile, picking up 50 more white and two black pupils. These are the "hill" children who once attended the more prestigious schools near their homes. They are well-behaved, talking in low tones, studying their books, staring out of the wide windows as they are driven down the hill through the commercial area to the flats. The destination is Longfellow School, once predominantly black. Now it is more than 50 per cent white.

"I'm glad I go to Longfellow," 12-year-old Mike replies to a question. "Like you meet new people—black, Chinese. They're different from what you used to know. The whole Whittier gang is right here," he adds with a laugh, and others nearby join in. (Whittier School was predominantly Caucasian.)

The flats section is the more deprived part of town, although it is hardly a ghetto in the traditional sense except that the population is almost wholly black. The neighborhood is neat and clean, with two-story frame and stucco houses and trim lawns. At 8:20 the bus pulls up at Longfellow (for fourth to sixth graders), a low mass of buildings that resembles a barracks. A palm tree rises above the playground. Mrs. Goria deposits her busload—"Don't forget your books! Have a nice day!" Then she turns the bus and starts out on her second route, still in the flats.

At Sacramento and Ward Streets, black children are waiting, younger than the Longfellow group, neatly dressed, plaits beribboned, shoes shined. After several such pickups, the bus heads back to the best part of town in the hills. As it travels up the steep streets, the children gaze out at the beautiful, landscaped homes, with their magnolia trees, palms and ivied lawns. It takes skill and nerve to maneuver the big bus on the steepest grades, and the noise from these younger children is so deafening that Mrs. Goria finally has to remonstrate: "Let's all quiet down, please. . . . I don't want anyone standing up!"

The busload is more outgoing, noisier, gayer than the previous passengers. Six-year-old Phyllis, in yellow sweater and an Afro cut, likes the bus ride "because I can read." Karen, in plaid coat and carrying a rolled-up umbrella, says: "Hillside's cool! I like painting." But Royal, 9, in Karen's class, shrugs: "Well, I'd rather be in Longfellow, because it's in my neighborhood."

Some kids chant a song:

> "My mother gave me a nickel
> My father gave me a dime,
> My sister gave me a boyfriend
> Who kissed me all the time."

On a hilltop overlooking San Francisco Bay, we reach Hillside School—kindergarten to third grade. Its gracious two-story Tudor-style main building, modeled after an English estate, stands behind thick shrubbery. The large playground is well-equipped.

" 'Bye Marie . . . Karen," Mrs. Goria says, helping the children off. They chorus affectionate good-bys. To Mrs. Goria these are "my children." "Have a nice day," she calls.

The city that has adopted this elaborate busing schedule is one of the loveliest in the country. Berkeley has a temperate climate and splendid vistas of green hills, exotic gardens and the Golden Gate. It has no dreary core ghetto like those in New York, Chicago and Washington; yet the southwest section of town, while no slum, is certainly segregated. Berkeley voted against a fair-housing ordinance so as to maintain residential segregation; Negro unemployment sometimes rises to 20 per cent compared with a white-unemployment rate of 5 per cent.

Berkeley's best-known asset is the University of California, grandfather of the student and teacher protest movements and biggest employer in town, providing jobs for about one-third of the 50,000 working residents—from professors, scientists and administrators to guards, clerks, tradesmen, etc. The city is a community of contradictions: old-timers, retired persons and Birch Society types contrast with Nobel Prize winners and educators with liberal and radical views; with the long-haired, scruffy young adults of Telegraph Avenue, and the Black Panthers whose national headquarters are now here.

Busing and the integrated school program it implements didn't happen in Berkeley overnight. They would never have come about without the persistent, aggressive initiative of leaders in the black community, and a courageous, liberalized Board of Education. Liberalization began in 1961 when black and white groups favoring a new educational approach managed to elect three representatives to the board, among them its first black member. Initial recommendations for fully integrated classes, starting in the elementary grades, stirred a bitter dispute culminating in 1964 in an unsuccessful attempt by a parents' association supported by the local newspaper, The Berkeley Gazette, to impeach the board.

In the years that followed, civic forces under the guidance of Dr. Neil V. Sullivan,[2] a powerful innovator who became superintendent of schools in 1964, assembled data on how integration could be achieved. Through the media and mails, school officials also invited education specialists and the public to submit plans for desegregating the schools.

Of 50 such plans submitted, five were finally chosen for closer study by the administration, faculty groups and civic leaders. Discussions were held in P.-T.-A. groups, churches, community centers, private homes. Questions were raised: Why not close all the black schools, as the city of Sacramento had done, and bus the black children to the white schools? Could white teachers work with black children? Would absorption of blacks in a Caucasian culture preserve the proud identity of the blacks? There were pleas from some to "stop the whole thing."

In late 1967 a staff advisory council on integration voted unanimously for what has come to be known as the K–3, 4–6 plan. No school would be closed or sold. There would be no more busing of black children to white schools in some condescending spirit of paternalism. There would be a rezoning of the existing system as well as marked changes within the classroom.

Experimentally, all elementary school teachers now entered a "teacher exchange program," black teachers going into the hill schools and white teachers to the flats for a brief period; and in a "dry run," more than 200 black children were bused to white schools. In January, 1968, the plan was adopted by the school board at a public meeting. The changeover now belongs to history. The buses began to roll the following September.

Berkeley's K–3, 4–6 program reorganized the entire elementary school system by dividing the city into four attendance zones, each containing one large 4–6 (fourth through sixth grade) school and several K–3 (kindergarten through third grade) schools. The busing pattern was developed by computers. First, a card for each school child was prepared containing information on age, race, address and school was fed into computers at the municipal Data Processing Center. The results of this study guided the school district's Office of Transportation in working out "ride zones" for 3,500 children. (These zones covered routes and stopping points where buses could pick up and deliver children safely at designated times.) "Walk zones" were similarly devised for 5,100 children who lived within walking distance of their classes. Before the busing plan went into effect, each parent received a card explaining about routes and schedules. Parents were even taken on dry runs on the buses to ease any fears concerning the safety of their children.

Along with the new busing plan, Berkeley undertook another innovation, an approach to classroom teaching embodying the concept of heterogeneity. For Berkeley, in fact, the cornerstone of its busing-to-integrate program is the heterogeneous classroom with its basic proposition that, in a puralistic society, mutual benefits accrue to *all* races when they are brought together for learning purposes.

Before integration, the hill teachers had worked with homogeneous classes of white children representing basically the same socio-economic background and middle-class values and grouped according to ability and performance within the classroom. Down in the flats, teachers, both black and white, had similarly worked with their predominantly black children, many of whom, however, were behind the white children in terms of the basic skills—reading, language, mathematics. Under the ability-grouping program, sometimes called "tracking," children of the elementary schools eventually entered the more rigid "tracking" systems of the junior and senior high schools. This practice could, and often did, label a child for his entire school life ("He's a No. 3" or "he's a No. 7, the 'dumb' track.")

According to Mrs. Harriett G. Wood, a black administrator who taught here for a dozen years and is now director of elementary education: "The basic problem was that black kids had been getting an inferior education before integration. In their old schools, there was a sort of overriding, debilitating, low self-image that becomes a kind of vicious, self-fulfilling prophecy. Kids should see themselves in the whole society."

As worked out here, heterogeneity, considered the ideal integration, deliberately created racially balanced classes. These were not merely composites of all races but also contained a broad range of intellectual ability, all the way from mentally gifted children to the slower learners in the "normal" range. This approach was adopted partly because of the black community's demand that its children receive education of the same quality that the whites enjoyed (tests had shown that black children in black schools simply did not do as well as whites). It also recognizes the fact that in real, everyday life people have to deal with many racial types and many kinds of mental ability. Berkeley wanted *all* of its children to function adequately in that real society.

The 1968 changeover meant that educators had to find effective ways of teaching in a class composed of children of different socio-economic backgrounds, different achievement levels and different life styles. The former ability groupings were dropped, for it was recognized that, without breaking up

[2] Now Commissioner of Education in Massachusetts. His book, "Now Is The Time" (Indiana University Press), with a foreword by Dr. Martin Luther King Jr., recalls the history of integration in the Berkeley schools.

the old 'tracking" system which separated quick learners from slower ones, busing would still mean segregated classes and would perpetuate the old superiority and inferiority feelings.

"Tracking" was replaced to some extent by "performance groups," but these were so flexible that, as children improved in reading, math and science, they could move freely from one grouping to another within the same class. As Theodore F. Blitz, principal of Hillside, put it: "The old homogeneous class tended to take away any educational stimulation and opportunity from those who were designated for the lower track. Our goal now is to help children to function academically in the heterogeneous class, whether at a study assignment, a work assignment, a reading assignment, or independently.

"This is a vast improvement. We're finding that our able students are going just as far, and making just the same kind of progress, moreover, as they did in the basic skills before integration. There's been no sacrifice, because able learners go ahead in spite of what any school is doing. They have the ability to learn and to create a class atmosphere in which they—and others—can learn."

As an example of the new, flexible, heterogeneous class in action, seven children in a second-grade reading group, a unit ranging from slow to very fast learners, were analyzing a main idea in a paragraph and learning vowel sounds. Later a group in the same class, all accelerated readers, worked on some stories about horses, sharing their information together. These advanced readers were going at their own pace, too.

I visited many classes in Berkeley, focusing mainly on two schools—Hillside (K–3), a prestigious hill school once considered racially impregnable, and Longfellow (4–6) in the flats, because it is the largest intermediate school, to which Hillside eventually sends its youngsters.

Hillside has 375 children, 44 per cent of whom are black, and 21 teachers, including four part-time specialist aides for remedial reading. The white pupils are mainly from hill or mid-Berkeley families where often both parents have university degrees. The blacks are mainly from poor, working-class families.

The emphasis at Hillside, as at other elementary schools, is on reading, for many of the black children are limited in their use of language, a serious handicap. Reading and the language skills are, of course, essential in coping with other subjects like math, social studies, science. When you can't understand what is going on in the classroom, it becomes too painful to be there; the youngsters begin to slide and the result is often avoidance, anger, escape, truancy or worse.

Under one technique adopted at Hillside, teachers employ a "language-experience approach"—the child's own vocabulary becomes his reading vocabulary. A first-grader, for example, may be fascinated by racing cars and have words relating to them in his vocabulary. Instead of being compelled to study words familiar to boys and girls who live in the suburbs but which he can't grasp or "see," the youngster is invited to tell a story in his own words about racing cars. The teacher types out his story and then helps him to read it, identifying the words and learning the sounds that the letters represent.

In the language-arts class of Mrs. Patsy Tanabe, a Chinese-American, the desks of the children, black and white, boys and girls—are pushed close together. Nine-year-old Lyanne reads her story to the class: "I went on a hike. We were crossing a river when Dennis spotted a burned-out tree and went the long way thinking it was a jungle. . . ." A black boy, listening intently, breaks in with questions about the jungle. Lyanne explains she invented that part.

"There had been a tendency," Mrs. Tanabe told me later, "for the more verbal white kids to speak more often—they've got more to say. The black kids tended to listen and not participate as actively." So Mrs. Tanabe devised her own incentives to encourage the black pupils (and some shy whites) to be less inhibited. One was a "Speech Certificate" bearing an impressive gold seal. Children could earn this by bringing in original stories about some happening and reading their stories to the class. Now many more black children, working for a certificate, are volunteering to speak out and share their ideas.

"I'm getting the ones who have never spoken even one word in class," Mrs. Tanabe said with pride, "and they're good talkers now."

In the room of Mrs. Margaret Jukes, a large, vibrant woman, whose husband and three children are all teachers, books by the score are piled helter-skelter on chairs, crates, window ledges, desks and shelves. Mrs. Jukes teaches second and third grades together in tandem. With the changeover of the heterogeneous class, such multi-age groupings, combining two or more grades, are not uncommon. Mrs. Jukes has found them "very exciting, very challenging."

Among her 26 children are 11 "high potentials," including second-graders doing third-grade work, and two so-called E.H. (emotionally handicapped) black children.

"The beginning of this year worried me," she said. "There were some children so educationally deprived they couldn't read C-A-T. Now they're doing beautifully, and that's what matters to me, the growth of the children. Many of them don't have books in their homes. So, as you can see, I make books and materials available to them. When they come to me, they're coming to books."

June Long, a young, mini-skirted black teacher with a red Afro cut, now on leave to work on her law degree at the University of Santa Clara, chaired the advisory committee that created what is considered Berkeley's most important tool for orienting teachers in the new methods: an in-service training program in minority history and culture designed to help teachers, white and black, who may have hangups about racially mixed classes

"As a black person in this culture," she told me in her soft, slightly cynical tones, "I am not interested in helping develop cultural mulattos out of black children. I am interested in the positives of a school environment—in the honest exchange and sharing of life styles and beliefs and values. I'm concerned that children learn to *think*—and I don't mean think what I think or what I tell you to think, but to use the basic tools to think independently."

Hillside typically has about 40 children (10 per cent) with severe reading problems requiring a specialist's attention. Of these, 30 are black. In a small, quiet room, for hourly periods each week, these pupils cluster around Mrs. Brenda Starbird, who works with them on basic sounds. "TH" is printed on the blackboard and the youngsters make words as they follow the teacher's lips: "THimble . . . THink . . ." They are 8- and 9-year olds doing first-grade work.

Not all of the teachers experience the same problems in the heterogeneous classroom. Mrs. Jeanette B. Russell, a kindergarten teacher at Hillside, says firmly: "I didn't want to change my teaching techniques as the black children came—to 'teach down' to them. I simply wanted to maintain my high learning expectations for all the children. On the whole I've not been disappointed. I'd had children with reading difficulties before, and actually the newcomers didn't present that many problems. What I did change was one teaching approach—more individualized instruction than ever before. And in changing, maybe becoming a better teacher in the process."

Like all of Berkeley's certificated personnel, Mrs. Russell had been in the "teacher exchange program" prior to integration when for a week or more, black and white teachers had traded classes and taken orientation courses. While this apparently did not affect her approach to teaching, it had changed one attitude: "I find that I've become more physical—showing more affection and praise than ever before," she said. "These little ones are much more responsive than the white children, more loving in some ways. I suppose I began responding to what I was getting from them. Do you want my honest opinion now? I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other, with no racism that I can see."

Longfellow (4–6) School is known as a University of California laboratory school, attracting large numbers of teachers in training. Corridor walls proclaim in dozens of signs and posters that learning is "in": "Reading is cool, man!" "Brain Power is a Swingin' Thing!" The school is so large that its 37 teachers and 1,050 pupils have been divided into two sections to bring pupils, teachers and parents into closer contact in smaller administrative units.

The teachers work in teams, each teacher on a team taking responsibility for developing materials in his field. This system, as one official put it, recognizes that a teacher is human and can't always relate to every child in the class; if one teacher can't, another on the team probably can—and the child, instead of being stuck with an "I-hate-teacher" attitude, can communicate with some adult instead of feeling rebuffed. The approach makes for a "built-in compassion" for both teacher and child.

The curriculum provides black studies for all students, black and white. In one black-studies classroom, Mrs. Bayonne Holmes, a handsome young black teacher in dashiki and high Afro cut, guides her racially mixed class of 10- and 11-year-olds through a discussion of the black man in America, using a film strip entitled "The Fight For Our Rights—The Right To Vote."

"We're all made of the same stuff—and we all feel the same way, well, most of us," one white boy blurts out.

Not all teachers at Longfellow have multi-graded classes, but the trend is certainly in that direction; in fact, some schools have gone over completely to multiple-grade teaching. Miss Jo Ann Cheeseman, a white teacher, middleaged and motherly, who taught in predominantly white schools before, has fourth, fifth and sixth grades among the 29 children in her class. I asked if it was difficult to teach three grades in one classroom.

"Difficult? Yes. This is a fantastic range," she said, "with some sixth grade children who don't know the difference between a sentence and a question, all the way up to children doing compound sentences and brilliantly creative reports."

"But I've learned, too." she went on suddenly.

"Like what?"

"Like kids are kids! I had fears of how I was going to handle this diversity. I had impressions—what to beware of, the emphasis on the needs of the blacks. And it turned out," she went on quietly, "they were . . . kids. The main difference I found out about them was that they were poor.

"Now I guess it's me trying to meet the needs of these very divergent children.

"I can do it. I'm seeing results. I have one boy, 10 years old and black, he was a frightened child, a grade level below the class. He'll never set the world on fire. He had great difficulty in listening and then translating anything into action. He made a lot of growth this year. He needs polish, but I can't keep him busy enough. I give him five days to do a report, and he brings it in within three. Before busing he would have seen only black

kids, poor work habits, poor school models, like himself. It wasn't the 'in' thing to learn as it is now."

A large black girl of 10 came up to listen. She hung on Miss Cheeseman, then shook her up with: "My cousin, he's 17, and he's in jail. Someone put a gun at his stomach and him and my cousin are in jail for disturbing the peace." She said it routinely, as though relating a simple fact of life in the flats.

Heading the staff and a symbol of the new order is 31-year-old Richard Hunter, youngest principal in the district. A tall, dynamic black man with a high Afro, he is a well-known figure in classes and on the playground in his brightly-colored shirts and blazers. He taught in the Berkeley and neighboring Richmond schools and is currently working on his doctorate at the University of California.

"I'm aiming for the sort of experience here," he said, "that really turns kids on, provides them with the tools they need to be successful in living and later in working. Too often in school, teachers turn students off. Putting black and white children side by side in a classroom is only a first step. The significant thing is to get them to relate to each other, speak to each other, care about each other. That is our role as educators. When these human relationships become real, then we're moving on our basic objective, which is integration. This will cut across the whole district then, and not just the classrooms."

At Longfellow, as in many other schools I visited, adult volunteers have been helping as instructional aides, some for pay (three days a week), some "on their own" for the pure fun of tutoring. The district's School Resource Volunteers—parents, university students, other residents—increased from 600 in 1968 to nearly 800 this year.

Mrs. Eileen Gilbert, who teaches fourth, fifth and sixth grades, in tandem at Columbus School in the poorest section of the flats, depends heavily on her aide as a bridge between school and community. "So many families think if you just send a child through the door, he'll learn," she said. "But every teacher knows that what a child can learn depends on his experiences inside and outside the school." There are several black teacher-aides at Columbus, young mothers from the neighborhoods, who had in-service training to help tutor slower children. "This gives the child a model whom they can easily identify with, and also helps to ease my way with the child."

Another of Mrs. Gilbert's innovations is the "learning team." Periodically the class is divided, (by placing the desks in circles) into six teams with the aptest students acting as leaders. In this way, as the teams study a math or science concept, the fast learners stimulate the slow ones, helping them to think through an idea. Mrs. Gilbert finds that such new teaching tools also give her insights as a teacher into the needs of individual pupils that she must meet.

It is sometimes argued that Berkeley is atypical because of its unique assets, physical and intellectual. Yet for a city of its size with its ethnic and housing patterns, it does reflect the problems in interracial communities everywhere.

Before Berkeley undertook its busing program, five major objections were raised: (1) it would mean too much moving around for the children; (2) busing would be too complicated and inefficient; (3) it would provoke a white exodus; (4) disciplinary problems with strong racial overtones would develop; (5) the new sociological emphasis would dilute the quality of education.

In fact, recent studies show: (1) less than half of the elementary children are actually using buses; (2) routings were worked out so carefully that no bus takes more than half an hour for pickup and delivery of passengers. (The actual cost of busing is negligible—less than 1 per cent of the school budget, which works out to 45 cents a day per pupil.)

(3) Some people did move because of busing (they moved because of taxes, too,) but as shown in the schools' racial census, the shift was under 2 per cent. (4) There have been disciplinary problems, mostly during the first year, but nothing of a significantly racial nature.

(5) It is the issue of academic achievement that has generated the most heat among educators and parents. It is, of course, too early for conclusive studies of the ultimate effect that Berkeley's new style of schooling will have on quality education. But local foes of integration, and some liberals, using a set of figures distributed six months after busing started, argue that academic excellence is being sacrificed. School board officials and other experts, using more current data, say there is no proof that this is happening.

The critics have attacked the school board for "the academic failure of the Berkeley schools," basing their charge chiefly on the results of the standard Stanford Achievement Test (S.A.T.) administered in the spring of 1969. According to those S.A.T. scores, the highest achievers in the sixth grade, for example, had fallen below their potential: they should have been doing better than 93 out of 100 students, it was argued, while actually they were only doing better than 67 out of 100.

But the school administrators hold that such traditional data are not true indicators of achievement or potential, especially among minority populations, being based arbitrarily on reading skill. By last fall, even the state government—no supporter of busing—had itself switched from the old S.A.T. method of scoring students to the new C.T.B.S., or Comprehensive Test of Basic Skills. According to school administrators, test figures for last spring, using the C.T.B.S., showed no significant difference between performance of pre- and post-integration classes of the first six grades.

As for reading itself, school spokesmen point out, reading test figures are actually beginning to show a significant difference between performance of pre- and post-integration classes of the first six grades, whether the children are high or low achievers. Before integration, low-achieving students grew from 4 to 7 months in one year's time. The post-integration rate, based on last spring's figures, shows a growth of 6 to 11 months for this group. The high achievers, before integration, made from 10 to 12 months' growth during the school year; post-integration figures show 13 to 15 months' growth.

"For the future," asks Dr. Arthur Dumbacher, coordinator of evaluation for the Berkeley schools, "why shouldn't we hope for tests to assess growth in behavior and attitudes? These domains involving feelings, values, responses are harder to measure."

Now as court-ordered busing to desegregate schools continues to disrupt other communities, the fears and opposition here in Berkeley have declined. A survey conducted before busing indicated that 52 per cent of Berkeley's parents opposed the idea (70 per cent of the Negro parents were in favor of it). Recent estimates show only about 30 per cent opposed.

Dr. Richard Foster, successor to Dr. Sullivan as superintendent of schools, told me: "I've been here over a year and never get a question on busing. Berkeley in my judgment is past the stage of discussing that. Busing as an argument," the heavy-set man with bushy, white sideburns went on in a hard tone, "is an acceptable escape for racism. People can't say they're really afraid of having their children exposed to the black race, so they use busing as their excuse for opposing integration. Yet in a pluralistic society, it's through the early association that you learn loving—pluralistic loving—isn't it?"

It will take some years to make a reliable assessment of how the innovators—the civic leaders and the educators—feel about their system, but some reports are noteworthy. Superintendent Foster has noted among the "positives" "the enthusiastic and dedicated spirit of the teachers, aides . . . lay citizens and volunteers, all working cooperatively to make our program succeed." Among the "negatives"; The feeling of some parents that bright children were not having a fair share of teacher attention because of time spent on discipline problems; some teachers' unrecognized biases toward both black and white children.

One principal on the other hand, has commented: "My most singular 'positive' is the growth I have seen in my total staff as teachers and human beings. Some have grown more than others; some had farther to go; some may never 'make it.' But for the most part, teachers are working harder, learning more, teaching more, and growing more than I had ever anticipated. The kids are beautiful. Some of them won't make it either, but most will."

Mrs. Wood, director of elementary education, puts it this way: "When you desegregate every school, then every classroom is going to have proportionate black kids and white kids. So there was no need for any teacher to rush toward these former white or former black schools. That was one of the beauties of the two-way busing that we achieved here. I think teachers have learned from the integration experience and that parents have profited from it, too.

"I would assume that the public schools, even these at Berkeley, have not been immunized against all of the things of our society that inculcate racism in us. There is latent racism in teachers throughout the nation, though I feel we have fewer of them here. Good teachers are adjusting to children on the basis of what they actually need to learn, not on color. In poor teachers it shows up in such things as low expectation of blacks, a sort of rationalization that 'the poor things can't do this,' say with a math assignment, and accepting a half-done paper from a black, while insisting that the Caucasian student perform as directed."

"Some may change during their in-service training," adds Bernard Flanagan, director of certificated personnel, who also heads the teacher recruitment program, "or for all we know some may not want to change, and get out for themselves. The usual reason is the offer of employment elsewhere, never 'racism.'"

Among the 1,000 teachers working in the Berkeley schools, there is today a 10 percent turnover (leaves of absence, retirement, resignation)—the same turnover rate as before busing. Although last spring there were only 24 openings on the teaching staff, the district received more than 8,000 applications.

Among those still firmly opposed to Berkeley's program of integration by busing is Dr. Arthur R. Jensen, the U. of C.'s controversial educational psychologist, who maintains that genetic differences between blacks and whites result in lower I.Q. scores among blacks taking intelligence tests.

"I think that the schools by themselves are not going to build an integrated society," Dr. Jensen says. "But greater equality of occupational opportunities, enforcement of open housing laws—those things will bring natural integration in the schools. In some places it could take hundreds of years. In others it shouldn't take long. I support the views of President Nixon and Vice President Agnew on this matter of preserving the neighborhood schools. Neighborhoods happen to be socio-economic, and because of this, racial in aspect."

Also unreconciled to the new program is Michael Culbert, executive editor of the Gazette. "We certainly questioned busing, and we still do," he says. "It was new and

innovative, and it still is. The school district has had a descending spiral of academic achievement for several years. I personally attribute it to the changes in educational priorities in which social change—meaning integration of the races—becomes a first priority, and hard-core, basic skills—meaning reading, writing and math—come in second."

Would he like to see Berkeley give up busing?

"No. But so far we doubt that the district is delivering on its promise of quality education."

On balance, one finds that the new type of schooling has been breaking down cliches while not living up to all the fears or all the expectations. What Berkeley has certainly done is give a new dimension to school integration: the learning and working together of all races in the heterogeneous classroom, in meaningful numbers in a meaningful way.

And with busing so widely accepted here, many people are now worrying more about the drug problem involving the older youth, and the hippies, who hang around the campus but are not students. Dr. Alan Wilson, professor of education at U.C., father of four and a strong advocate of the Berkeley program "because it's morally right," declares: "I feel that the parents I know are more concerned with the young people's alienation, the dropouts of society, the use of drugs in this community. No one is a real expert of the subterranean movements among youth today, but there certainly is a fairly widespread delegitimization of the Establishment, which applies to the university as well as the national Government."

More than 100 years after the end of the Civil War, and more than 15 years since the 1954 Supreme Court decision to desegregate the schools, there are black schools and there are white schools all over the country. Is the Berkeley plan worth imitation by other communities? Most people here seem to be saying yes, for there is no move to drop busing to integrate, and the opposition to it has been declining.

In her small frame house in the flats section, Mrs. Mary Johnson, president of the local branch of the National Association for the Advancement of Colored People, whose 8-year-old grandson, Michael Dulaney, is in grade school, reflected on the years of preparation in Berkeley before busing, and the controversy over busing now raging throughout the country,

"Our children will be something to watch," she said. "The Berkeley children are recognizing that their likes and dislikes are identical and there's nothing racial about them, contrary to what they may have learned at home through myths and prejudice. It's my hope that 10 years from now, these kids—black and white—will be the nucleus of a new and a better society for having had this experience. And had it in their earliest, formative years."

DENVER, WITH ONLY MINOR VIOLENCE, BEGINS ITS SECOND YEAR OF FORCED INTEGRATION IN SCHOOLS

(By Anthony Ripley)

DENVER, September 26.—One of the largest cities outside the Deep South to have had racial balance and forced busing ordered by a Federal Court, Denver is moving cautiously into its second year of expanding public school integration.

The task has not been simple. It is clouded by legal action, confused by school boundary changes, opposed by a conservative school board and disrupted by occasional violence.

This week, name-calling between two girls—one black and one white—exploded into a lunchtime melee in the halls of George Washington High School. It left several persons slightly injured and touched off two days of interracial fighting. The insulting remarks were made at a meeting to discuss racial problems.

The high school received an extra 225 black students when it opened Sept. 9, doubling the number of blacks at the 3,000-student schools, situated in a white Denver neighborhood.

The sporadic fighting has been ammunition for opponents of integration. But racial conflict has been minimal in the 119 schools of this capital city of 512,000 population on the high Colorado plains east of the Rockies.

LITTLE TENSION REMAINS

School officials are learning that the tensions of a newly integrated school seem to diminish over a 12-month span. Schools first integrated a year ago reopened this fall with little of the tension of last year, a school spokesman said, and a high rate of vandalism by students on buses has fallen off sharply from last year.

Such signs have made those black leaders who support integration more confident of the future. While publicly cynical about the actions of the school board and school administrators, they are optimistic in private conversations.

Only four schools—two in 1969 and two more this year—have been ordered to adjust racial balances so far. But the effect of the changes has spread through more than 30 schools in the district, which have also had to adjust.

An additional 15 schools have been ordered to follow suit in 1971 and 1972; undoubtedly bringing with them changes throughout the entire school system.

The current school population of 95,500 is about 65 percent white, 24 per cent Mexican-American, 15 per cent black and 1 per cent Asian and American Indian. The emphasis has been on black-white ratios. But the court orders also include the Mexican-Americans, who had been mostly bystanders in the integration fight.

A PRIVATE SUIT

The integration here was not brought about by action of the Justice Department as was the case in Pasadena, Calif.; Tulsa, Okla.; Indianapolis; Waterbury, Conn.; East St. Louis, Ill., and other cities.

Instead, it began as a private integration suit. Similar private actions have been taken in New Rochelle, N.Y.; Norwalk, Conn.; Cincinnati, and Muncie, Ind.

Denver's integration fight began more than two years ago when the school board, then dominated by liberals, ordered an integration plan on a resolution by its only black member, Mrs. Rachel B. Noel.

The board approved plans that eventually changed Barrett Elementary School from 97 percent black to 67 per cent white, and Smiley Junior High School from 67 per cent black to 61 per cent white. A second school board resolution was to bring dramatic racial shifts at East High School and Cole Junior High.

But Denver voters in May of 1969, voted to elect two conservatives and switch the board to a conservative majority. The resolutions were rescinded by the new board. The liberals and blacks promptly went to Federal District Court, where Judge William E. Doyle reversed the new school board.

Since then, in a series of decisions that have reached the Supreme Court, Judge Doyle's orders have stood. Another appeal, brought by the school board, is now being considered by the United States Court of Appeals for the 10th Circuit in Denver.

In February, 23 empty school buses and three trucks were blown up in a dynamite explosion. The same month, bombs were thrown into the homes of leaders of both sides of the integration controversy.

William G. Berge, president of the Denver Board of Education, says the court-ordered moves have brought "pretty severe discipline problems" along with some instances of "discrimination in reverse." He said that many blacks were not willing to concede the basic point in the integration suit brought by the liberals—that education is worse in an all-black school.

School administrators, struggling with the problems involving the next 15 schools to be integrated, say the situation is like trying to put together a jigsaw puzzle with pieces that keep changing size.

James F. Reynolds, director of the Colorado Civil Rights Commission, said that, so far, the moves had been "tokenism" and that administrators and the school board were doing as little as legally possible to implement the court decisions.

At school board meetings, Mrs. Noel, the black member, complains each time another lawyer's fee is paid for fighting Judge Doyle's decisions. Another board member, Frank K. Southworth, complains each time more money is spent on buses.

At East High, which changed this fall from 50 per cent white, students were shifted in a complex five-way move.

The East High principal Robert Colwell, said: "It's been a logistics mess. Emotionally, it's been a minimal problem. Most of the adjustment problem came because the kids wanted to stay in their old schools. It was a hesitation that had nothing to do with racial balance.

RESEGREGATION: A PROBLEM IN URBAN SOUTH

(By Roy Reed)

LITTLE ROCK, ARK., September 27.—This fall's reopening of schools has made it clear that resegregation by race is beginning to occur in many Southern cities.

As the process advances, some are taking on the appearance of Northern cities, with whites scattered around the edges of town and blacks huddling in the center.

One of the main causes appears to be the policy of gradualism that was almost universally adopted by Southern school districts and approved by the Federal courts and executive agencies during the nineteen fifties and sixties.

Instead of smoothing the way for desegregation, going slow has frequently encouraged whites to flee to all-white sanctuaries in the suburbs, secure in the knowledge that only those schools in the older, central parts of the cities would be integrated to any extent for many years to come.

The leaders of Southern cities like Little Rock believed firmly in the beginning that school desegregation could succeed only if it was carried out very slowly, a few children at a time.

The impact of gradualism, now in its second decade, is nowhere more evident than in Little Rock, where the schools opened for a new year earlier this month. It was here in 1957 that the United States Army had to be called in to enforce the city's first token desegregation. It appeared for a time that not even gradualism would be accepted by an angry white majority.

The anger subsided, gradualism became the official court-approved policy and the whites finally seemed to accommodate to it. With the Little Rock schools beginning their 14th year of official desegregation this fall, these results of a policy of going slow can be seen:

Not more than 25 per cent of the Little Rock School District's 8,661 black students are in schools that can be called integrated by any objective standard. The rest go to schools that are all-black or more than 75 per cent black.

Several schools in the older sections have been desegregated, then virtually resegregated. This process continues as the white and black populations shift.

Whites have fled to the suburbs by the thousands to escape desegregation and the city is building itself racial islands, black ones in the central city and white ones farther out.

A number of real estate operators who were already doing well because of the natural

growth of the city have become further enriched by the population shifts attributable to desegregation.

Class lines have hardened between whites and blacks and between poor and well-to-do whites. Many believe that the school policy has had much to do with that.

Large numbers of blacks are disillusioned with desegregation, and some are now fighting it.

LIKE A NORTHERN CITY

In short, Little Rock has, in some measure because of its court-sanctioned school policy, abandoned the old Southern system of racial paternalism and become a "Northern" city.

It now is segregated not by overt law, but by housing patterns. It has exchanged de jure segregation for de facto segregation, with all the problems of racial isolation and distrust that go with it.

The same thing is happening in other cities across the South. The process is well advanced in Atlanta. It is in the early stages in Jackson, Miss. Even little towns like Hammond, La., are starting to build white suburbs and black centers.

Some in Little Rock believe that resegregation and "ghettoization" can still be arrested and possibly reversed. As in so many times in the past, these people are pinning their hopes on the Supreme Court.

The Court is expected to rule in a few months on whether the law requires racial balance in the schools. A district judge in North Carolina has ruled that such a balance is required in the schools of Charlotte. Several thousand black and white children there are being bused to schools out of their neighborhoods to satisfy his ruling.

The Little Rock School District, meanwhile, is moving steadily toward becoming a black-majority district. During the fifties it was 25 per cent black. Black students now make up 35 per cent of the enrollment, and their proportion is growing at the rate of 3 or 4 per cent a year.

Historically, Little Rock's residential growth has been mainly toward the wooded hills of the west because of natural and man-made barriers on the three other sides.

Most of the black population was scattered through the older eastern and central parts of the city. In the early fifties there was only one black concentration of any size. It was in the center of the old section, south and east of Central High School, and it was small enough that no one thought of calling it a "ghetto."

Other Negroes were fairly well scattered throughout the older sections. Many whites and blacks shared the same neighborhoods, in the old Southern small town pattern.

Then came integration. The city school board responded to the Supreme Court's desegregation decision in 1954 in the fashion that was typical of those times. The city had two high schools, one black and one white. The board promptly built two more—one in a woods on the far western edge of the city, to accommodate as many whites as would want to flee there, and the other in the heart of the old eastern section to draw Negroes in the other direction.

RACIAL SHIFTS DESCRIBED

It is easy to see now that the building of those two schools helped determine the racial shape of the city for years to come.

Central High, the old white school, was "intergrated" with much turmoil in 1957, Dunbar, the former black high school nearby, was converted to a junior high and its high school students were shifted east to the new black high school, Horace Mann. The new white school on the west, Hall High, promptly filled with white students whose parents had moved away from the Central High area.

The woods around Hall High almost suddenly sprouted houses. Real estate men made millions on new subdivisions, and later they made more millions farther west, where eventually another white high school was built.

Back in the old part of town, they made additional money on the sales fees that resulted from the fast turnover of houses as whole lots switched from white to black—aided, in many cases, by blockbusting techniques and scare stories circulated by real estate salesmen.

After 1957, the small black concentration that lay south and east of Central High School began to swell in all directions. Whites who lived in the shrinking white section on the east side felt themselves cut off. Many of them were not as affluent as the whites who lived nearer Central High and they could not sell and move as readily. But the pressure was on, and those who could move generally did.

MANY WHITES TRIED TO STAY

Many whites tried to stay, in spite of the pressure. Besides those who could not afford to move, others simply did not want to leave the homes they loved.

Le Roy Duff, an insulator in the construction industry, and his wife, Georgia, lived on an old street on the far east side. They had five children. Mr. Duff had grown up in the neighborhood and they had strong ties to it.

When Kramer Elementary School enrolled its first black students during the mid-sixties, the Duffs refused to panic. They soon found that their children got along well in an integrated school and they were happy to have them go there, even when Kramer became half black two or three years ago.

The Duffs watched as nearby Rightsell Elementary School was officially changed from a white to a black school by the school board and most of its white patrons fled west.

Then Mitchell Elementary School, in another nearby neighborhood, was desegregated. A handful of Negro pupils grew to a majority and finally, by last year, only a few white children were left.

The same thing happened at Centennial Elementary and West Side Junior High School, both of which are near Central High.

East Side Junior High School, another white school in the old part of town, was desegregated and then closed, with the black students transferred to a new all-black school nearby and the whites sent many blocks away to the troubled West Side, from which most parents quickly plucked them to the sanctuary of the western subdivisions.

The Duffs and others who stuck with their homes began to feel the pressures of becoming a shrinking minority even though they accepted integration. Then, this summer, the Duffs gave up.

The school administration rezoned the east end schools and all five of their children were to be transferred this fall from formerly white schools that had been fully integrated to formerly black schools that had only tiny minorities of white students.

The Duffs sold their old house, with its long-established shrubs and flowers and its 14 years of memories, and moved out to a suburb. Their house payment went up $100 a month.

Mrs. Duff resents the way the city's whites have been divided between those who have experienced integration—usually those with lower incomes—and those who have avoided it. She believes that integration so far has not succeeded in Little Rock.

"We don't have integration," she said. "We have all-white schools with a few blacks and all-black schools with a few whites. There are not enough at each school for the kids to learn about each other."

In the Central High area, a mile or so west of the Duffs' old house, there lived until last year a white woman who had been active in every liberal cause in the city for the last 15 years. She had worked hard for integration of the schools.

Her children enjoyed the integrated schools at first, and the woman felt vindicated in her efforts.

But the school board's policy of gradualism began to trouble her during the early sixties. It became clear that the board, supported by the Federal courts, intended to really desegregate only the schools in transition neighborhoods. The white sanctuaries to the west were to remain either all-white or subject to the merest token integration.

The woman watched as her children and a few other white pupils became a minority in their schools. She was one of the few white parents to refuse to move when Mitchell Elementary School became more than 90 per black and West Side Junior High became 75 per cent black.

Then as the black majority in the schools increased, frightening things began to happen. Her children began to be attacked regularly on the streets by black children as they walked to and from school. Her junior high school daughter became afraid to go to the rest room without protection because she was harassed and threatened there so frequently.

One night at a basketball game, two black girl friends had to intervene to keep the white girl from being slashed with knives by other black girls.

Then one day last year a group of black boys cornered the girl and tried to rape her.

The woman sold her house and moved west. She is now thoroughly saddened and she is enraged at the school administration. She blames the school officials for putting her children in an unbearable situation.

This summer, Negro plaintiffs appealed a Federal District Court ruling that called for only a relatively small increase in desegregation this fall. The United States Court of Appeals for the Eighth Circuit refused an emergency hearing on the appeal, but did so on a vote of 3 to 3.

Meanwhile, several hundred black parents and students have organized to oppose District Judge J. Smith Henley's plan. The previously black high school, Mann, would be phased out under the plan and the students bused several miles to previously white high schools.

Black parents are complaining that they are tired of seeing their children bused to desegregated schools when no white children are bused.

A neighboring group of white parents whose children still go to Central High has organized this fall to try to keep Central integrated.

Central is about 35 per cent black. But this year's 10th grade class is 55 per cent black and that apparently means the school will have a black majority in two years or less. The white group is planning a legal fight to try to block that trend.

Little Rock's school board had a liberal majority for several years during the sixties. It tried twice to implement voluntary plans for complete or at least greatly increased desegregation.

Both plans depended on votes of the people, however, and both were turned down. The liberals who backed the plans were systematically voted off the board in 1967, 1968, and 1969.

DEVELOPMENT OF NONURBAN AREAS OF THE WEST

Mr. HARRIS. Mr. President, our national dialog on where and how we live is inevitably focused on the very real urban crisis. Unhappily this has caused us to ignore the quieter crisis in our rural and nonurban areas.

I was therefore pleased to note that the junior Senator from Missouri (Mr. EAGLETON) appeared before the Western States Water and Power Consumers Conference in Salt Lake City to deliver a strong statement in support of the development of the nonurban areas of the West.

I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR THOMAS F. EAGLETON

We are here today to talk about "Breaking Barriers to the Development of the West."

The question, "Why do we want to develop the West?" is easily answered.

Because we want to improve the quality of life for those who live there.

And because developing the West will have a corollary effect in our large cities. These urban areas are suffering from an ever-growing need for services coupled with an ever-shrinking revenue base. Meanwhile, the migration of young people from the rural and sparsely populated areas of the country to these overburdened urban cores goes on—young people looking for opportunities they cannot find at home. And the small towns and farms they leave behind are dying without the energy and imagination they could provide.

The United States could end up with the worst of both worlds if this trend continues. We can choke our cities and starve our countryside.

Unhappily, our efforts at rural development are today on dead center. We may even be sliding backward.

For the Nixon Administration seems to have all but written off rural America.

Evidence abounds that the Administration neither appreciates the promise of rural America nor recognizes the contribution that development there would make toward easing our urban difficulties.

First, let me remind you that the Nixon Administration is the only Administration in almost forty years which has failed to send a Farm Message to the Congress. The Administration offered no new programs for farmers; it presented no assessment of ongoing farm programs. It busied itself with trying to undercut existing farm programs and supporting proposals that would remove effective price protections from farm commodities.

Or consider the enormous coal mining potential of the West. Coal is coming back as an energy source after years of eclipse by natural gas. That means coal *mining* is coming back . . . and a great new opportunity for the American West, especially in the Upper Great Plains where cheap lignite and inexpensive coal abound.

But unless we are to repeat the tragic environmental mistakes of Appalachia, we need federal leadership now to establish minimum standards for environmental protection in new coal mining areas.

The states cannot be expected to set and enforce these standards unilaterally because they may place themselves at a competitive disadvantage economically. A federal framework is required to assure that all mining areas will bear similar costs for protecting the environment. Senator Moss recently chaired hearings of his Subcommittee on Minerals, Materials and Fuels on legislation to establish a National Commission on Fuels and Energy.

But where is the Nixon Administration in all this? It took office two years ago, with the fruits of far-ranging studies by the Johnson Administration on this issue at its disposal. It has yet to come up with a legislative proposal.

Or water resource development . . . water resource development is the essential precondition to the economic advancement of rural and non-urban areas. Without an adequate water supply, there will be no industry, no efficient land use, no expanding communities . . . no future.

Let me say that I applaud Secretary Hickel's recent announcement that his Department will be coming up with new *environmental* criteria for water resource development. We need these guidelines. Everyone agrees that we need to exert greater efforts to protect our natural surroundings.

But I am seriously disturbed by the Administration's new *economic* policies which threaten to eliminate new resource development projects.

No doubt you remember the "no new starts" policy of the Eisenhower years—no small factor in John Kennedy's success in the West in 1960. To be sure, the Nixon Administration has not publicly espoused a "no new starts" approach. But the Administration's tight money policy has resulted in an increased discount rate for water resource development projects which, in practical effect, amounts to an "almost no new starts" policy.

A number of water resource development projects that could have been undertaken under the previous discount rate will have to be abandoned. The irrigation districts simply cannot carry the cost of these projects without more federal help.

I understand that the Nixon Administration—like all Republican administrations—wants to put government on a "business-like" basis. They want to "show a profit." But unfortunately they have no place on the balance sheet for the value of new resources that could be released . . . no place for people . . . no place for the future.

When it comes to power, the Administration has made clear its preference for private utilities. The influence of the private power companies has been apparent in a number of important Administration decisions.

The Administration has put generation and transmission co-ops on notice that most of their new funding must come from the private money market. Until the Nixon Administration, REA had always had a total commitment to the G and T program.

In addition, the Administration has decided to abandon the so-called "third criterion" of the REA program adopted during the Kennedy years. This means that there will be no more G and T loans where the sole criterion is the threat of the future integrity of cooperative systems. We can assume that a cooperative in trouble due to private competition won't get help from this Administration which apparently prefers to leave them to the not-so-tender mercies of the private power interests.

The REA has served rural development for three and a half decades.

In my own state, Missouri, REA has been in business since 1936. When it began, only 6% of our farms were electrified. The figure is now 99%, thanks in very large part to REA.

REA has loaned almost half a billion dollars to 49 borrowers in Missouri who are today serving nearly 300,000 rural consumers, and the amount of electricity these consumers use has more than doubled in the last decade. This story is repeated in state after state.

But now the Administration's intention seems to be to tear the REA program apart, making its component facilities adjuncts of private utility companies—and I find it deeply disturbing.

The Administration is unwilling to make it possible for groups of publicly owned power systems to discharge their public utility responsibility—or to place publicly owned utilities on an equal footing with private companies when the sharing involves both publicly and privately owned systems.

Development doesn't just happen. It requires resources, imagination and commitment.

Most of all, it requires vision—the vision of great builders who can see beyond the nickels and dimes of day to day business-as-usual. It requires leadership which can choose the investments today which will be repaid time and time again in a better human condition in decades to come.

NEW BIOGRAPHY OF SENATOR DIRKSEN

Mr. MATHIAS. Mr. President, there are few great Senators; there are few great journalists. It is, therefore, a rare and noteworthy occasion when we can reap the fruits of an alliance between one of the great Senators and one of the Nation's outstanding journalists. Such an occasion is the publication of Neil MacNeil's new biography of Everett McKinley Dirksen.

Senator Dirksen was not a simple man. His personality and his career had many dimensions, always colorful and sometimes apparently contradictory, which challenged his associates and will engage historians for many years. In this impressive and fascinating book, Mr. MacNeil has gone far beyond the public image which, as he notes, Senator Dirksen cultivated and enjoyed. He has captured in print a serious, extremely astute and hard-working legislator, a master of the Senate's rules and mores, a national leader who was both a consummate politician and a real statesman.

It is worth noting that this biography reflects and is grounded in several years of work, including many long private conversations between Senator Dirksen and Mr. MacNeil, and many interviews which Mr. MacNeil obtained with other actors on the political stage.

But what Neil MacNeil says of the man speaks also to the institution of the Senate. His insight can be applied to the future of the Senate as well as to the past.

Beyond that, this book reflects Mr. MacNeil's long experience in Washington, his keen perception of national affairs, and his understanding of the Congress as a vital and very human branch of Government. The resulting work, written with Mr. MacNeil's customary style and attention to detail, is both entertaining and very educational.

In short, this new biography is a portrait of a master, by a master. I want to extend my congratulations to Neil MacNeil for his achievement in producing this lively and solid work.

URUGUAYAN GOVERNMENT CRITICIZED

Mr. JACKSON. Mr. President, on August 7 of this year, Dr. Claude Fly, an

American agricultural specialist working in Uruguay, was taken hostage in that country by the Tupamaro guerrillas. Dr. Fly is still in captivity, and it has been reported that he is ill. In exchange for the sick hostage, the Tupamaros asked that their manifesto be published in and broadcast on the 15 Uruguayan media outlets.

On September 19, I sent a wire to the Foreign Minister of Uruguay, the Honorable Jorge Peirano-Facio, who was then in New York City, urging that the responsible officials of the Government of Uruguay try to find some basis upon which they could obtain Dr. Fly's release. I added:

It would seem to me that in the spirit of free press the manifesto should be published, thereby precluding any charge that your government is standing in the way of the release of Dr. Fly.

Last week, the Tupamaro manifesto was published in only a few Uruguayan media outlets in Uruguay. As yet, Dr. Fly has not been released. I am convinced that the Uruguayan Government has not done all it can in this matter.

Keeping in mind that to date Dr. Fly has been held hostage 69 days, I shall talk over with Senators what steps we might take as the Senate considers the Foreign Assistance Act this year to limit assistance to a country that fails to take reasonable steps to obtain the release of an American citizen or citizens captured by guerrilla or insurgent forces.

FIREFIGHTERS IN ALASKA

Mr. STEVENS. Mr. President, each year Alaskans respond with uncommon valor and at an astonishingly high rate to the emergency fires that erupt in the beautiful forests of our State.

This past summer, 2,948 Alaskans joined to combat the menacing flames and destructive fires not only in Alaska, but also in the "South 48." These fires threatened to destroy the wildlife and timber resources which all the people of the United States hold as a part of their heritage.

I ask unanimous consent that a list of the villages from which emergency firefighting personnel came and the number of personnel from each village be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

	Personnel
Akiachak	20
Akiak	15
Alakanuk	33
Allakaket	41
Ambler	6
Anaktuvuk Pass	19
Aniak	33
Anvik	11
Bethel	1
Bettles Field	7
Central	1
Chalkyitsik	20
Chatanika	3
Chevak	31
Circle	1
Copper Center	53
Crooked Creek	15
Deering	1
Eagle	22
Ekwak	1
Emmonak	51
Fort Yukon	109
Fortuna Ledge	13
Gakona	23
Galena	68
Gambell	25
Grayling	15
Holy Cross	28
Hooper Bay	50
Hughes	20
Huslia	44
Kalskag	38
Kaltag	19
Kiana	49
Kwethluk	10
Kobuk	1
Kotlik	8
Kotzebue	1
Koyuk	22
Koyukuk	29
Lake Minchumina	5
McGrath	76
Medfra	12
Minto	2
Mountain View	75
Mountain Village	38
Ninilchik	1
Noatak	13
Noorvik	68
Northway	49
Nulato	22
Ouzinkie	1
Pilot Station	47
Red Devil	5
Ruby	27
Russian Mission	13
Saint Marys	40
Saint Michael	25
Selawik	69
Shageluk	20
Shaktoolik	1
Shungak	4
Sleetmute	29
Stebbins	33
Sterling	6
Stony River	11
Tanacross	36
Tanana	98
Tetlin	27
Unalakleet	63
Venetie	44

APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. MONDALE. Mr. President, on September 26, the Apostle Islands National Lakeshore measure was signed into law, establishing for the people of Wisconsin, the Midwest, and the Nation what the Washington Post has rightfully called "one of the charming recreational areas in the Great Lakes region."

This hallmark legislation represents the first congressional passage of a major national park-type proposal since the action almost 2 years ago creating the Redwoods and North Cascades national parks. It will protect in perpetuity 20 of the 22 Apostle Islands in northern Wisconsin in Lake Superior, an island collection unique in the continental United States. Furthermore, the lakeshore will include 11 miles of the mainland shoreline of Lake Superior—a rarity in the Nation's vanishing undeveloped coastline.

Establishment of this magnificent new national project is the result of years of efforts by conservationists. The distinguished Senator from Wisconsin (Mr. NELSON), who authored and steered the measure to enactment, requested the Federal-State-local study of the feasibility of the lakeshore in 1961 when he was Wisconsin Governor, then introduced the bill in 1965 as Senator. Through three Congresses, Senator NELSON worked for the final passage of the bill, with the broad support of conservationists, and labor, civic, farm, governmental, and business organizations statewide, regionally and nationally.

During his national conservation tour in 1963, President Kennedy, speaking at Ashland, Wis., described the Apostle Islands as a unique asset that should be preserved. Altogether, this nationally important proposal was endorsed by three administrations, including the present one.

Now the Apostle Islands National Lakeshore is, for all Americans, an idea whose time has come. It is a very significant positive step to begin an environmental decade, and one more in a long list of major, nationally important and meaningful environmental accomplishments by Senator GAYLORD NELSON.

I ask unanimous consent that six editorials giving recognition to the historic establishment of the lakeshore be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 5, 1970]

APOSTLE ISLANDS NATIONAL LAKESHORE

Too little attention has been given to the recent action of Congress in creating the Apostle Islands National Lakeshore in northern Wisconsin. This bill brings into the national park system one of the most charming recreation areas in the Great Lakes region. While it is no match for Yellowstone, the Grand Canyon of the Colorado or the redwoods of California, it has about it the lure of the north country and a combination of water and woods that will give pleasure to many.

These fascinating islands off the Bayfield Peninsula in Lake Superior were originally named for the twelve apostles, but actually they number 22. Of that group the 20 wildest and most picturesque islands, totaling 39,497 acres, have been included in the park. Included also are 2,469 acres of the Bayfield Peninsula itself so as to provide ample camping, hiking, boating and riding facilities and preserve a scenic shoreline on the mainland. Indian trust lands in the area will not be taken for the park, except for two parcels on the lake front, which may be purchased if a majority of the owners are willing to sell.

Part of the lure of this natural playground comes from the access it gives to the greatest unspoiled body of fresh water on the North American Continent, Lake Superior. The region has been described as "a veritable ocean of fresh water, with dense forests, abundant wild life and bracing air that seems especially conditioned to soothe the steaming millions from warmer climes." Now it has been converted into a national park, with at least an initial authorization of funds for development of visitor facilities, it merits the interest of outdoorsmen from

the East as well as the recreation-conscious millions in the vicinity of the Great Lakes.

[From the Milwaukee Journal, Sept. 13, 1970]

LAKE SUPERIOR GEM, APOSTLE ISLANDS TRACT, SAVED

Fate has been kinder than man deserved in somehow saving what will now be the Apostle Islands National Lakeshore from exploitation and despoliation during the 40 years that have passed since the first call for its public preservation was sounded. Realization of the dream still does not come too late. Such environmental decisions now have to be made 10 or 20 times as fast.

Last week's victory for the authorization bill in the House seems to have been the winning blow. The Senate has eagerly passed it twice before and certainly will give no trouble now, and President Nixon presumably will sign it. But another struggle may be needed in the next Congress, to win actual appropriation of the $4.5 million land acquisition fund.

Sen. Nelson may take the bow in the starring role. It was he who picked up the old cause nine years ago, when he was governor, induced President Kennedy to inspect the site personally, made President Johnson an enthusiast for it, and won over the Senate completely. Rep. Kastenmeier finally succeeded in pushing the bill through the House Interior Committee.

Some Indian opposition had slowed the bill, even after the acreage had been cut back more than a fourth to bypass Indian lands. Rep. O'Konski, in whose northern Wisconsin district the site lies, had to assure the House that if this obstacle were real he would know it, and he didn't. In this case the Indians' cause and the government's are the same—to perpetuate what is left of the best of nature's heritage.

The 20 rocky wilderness islands in the preserve, with 11 miles of mainland shore, make a necklace in Lake Superior around Wisconsin's Bayfield peninsula. Just a day's drive from Milwaukee, our treasure looks secure at last.

[From the Wisconsin State Journal, Oct. 5, 1970]

SAVING THE APOSTLE ISLANDS

Anyone who has enjoyed the soul-stirring beauties of the Apostle Islands in Northern Wisconsin will applaud the action of the federal government in eventually preserving this beautiful area for public use.

President Nixon signed into law the bill creating the Apostle Islands National Lakeshore in Ashland and Bayfield counties. The President's action guaranteed that this unspoiled and unpolluted area would be included in the national park system and that it eventually would be preserved for public use.

The new law will set aside 20 of the 22 Apostle Islands and 11 miles of Lake Superior shoreline for recreational use under the administration of the National Park Service.

While further congressional action will be needed to appropriate the funds needed to acquire the land and to develop the lakeshore, this significant first step is most important in preserving the beauties of this rugged land for future generations to enjoy.

While talked about for years, Sen. Gaylord Nelson (D-Wis.) and Rep. Robert W. Kastenmeier (D-Wis.) deserve credit for pushing the bill through the Congress and bringing it to the President's desk for final approval.

In its final form the Apostle Islands bill should satisfy objections of some Indian tribes and should satisfy all citizens interested in preserving some of our priceless beauties that man can never replace or create.

[From the Capital Times, Sept. 18, 1970]

APOSTLE ISLANDS NATIONAL PARK

A dream that conservationists have nurtured for nearly half a century is about to come true—establishment of the Apostle Islands National Lakeshore along the south shore of Lake Superior.

Final congressional approval came this week on a compromise bill engineered by Rep. Robert W. Kastenmeier (D-Watertown). The bill represents a major victory for Kastenmeier and Sen. Gaylord Nelson (D-Wis.). Nelson first began work on the proposal nine years ago when he was governor.

President Nixon, who has pledged support for the national park is expected to sign the bill. Mr. Nixon's pledge played a role in the final passage of the bill.

Congressional approval means that a vital segment of a fast-disappearing wilderness area will be preserved for posterity. Twenty of the 22 Apostle Islands and 11 miles of undeveloped shore lands in and around Bayfield and Ashland counties will be preserved.

The final congressional approval also represents a personal triumph for Martin Hansen, the Mellen conservationist who has devoted years to the battle to preserve the picturesque area from exploitation by private interests and real estate developers.

Since the bill represents a compromise there are undesirable features in the measure. As a sop to objecting homeowners, the plan will allow many of them to retain use of their property in the park area for life.

Creation of the lakeshore will also add more than $7 million a year to northern Wisconsin's ailing economy.

The most desirable feature of the park plan by far is the farsightedness of all concerned in saving from exploitation an area that can serve as a recreational area for 50 million Americans.

[From the Sheboygan Press, Sept. 18, 1970]

HURRAH—THE APOSTLE ISLANDS

It happened. The House of Representatives and the U.S. Senate have agreed on the Apostle Island National Lakeshore. There is cause for mild disappointment in that 16,000 acres were lopped off the original proposal, but 42,000 acres including 20 of the 22 Apostle Islands will likely be set aside for posterity.

There remain two hurdles. President Nixon must be convinced that succeeding generations deserve to have the land preserved and set aside for all Americans and the Congress must find the $4.25 million in its large although limited resources.

The rugged shores on Lake Superior in Bayfield County rival the most scenic areas in the country. They do not have the grandeur of a Grand Canyon nor the sweeping heights of the Rocky Mountains. They do, however have their own unique beauty in the woodland and sandy beaches.

Efforts have been made for decades to establish the area as a national park or national shoreline. Senator Nelson has been making the Apostle Island National Lakeshore one of his special projects since he entered the Senate. It was in 1963 that he expressed the hope that the late President Kennedy would learn of the "blunders of the past and the great hope for the future" during his historic conservation trip to Northern Wisconsin. The President was in fact impressed by the beauty of the area and amazed at the nominal cost for which it could be preserved in its natural state.

Every session of Congress since has seen legislation to permanently preserve the area—protecting it from rampant and disorganized development. There was always a hitch or two in Washington as developers continued to make inroads in the north. It is unfortunate that it has taken so long to establish the national lakeshore but it is fortunate that the matter has finally been brought to a head.

It would be a grave disappointment if President Nixon does not see fit to sign the measure or the Congress dilly dallies on the matter of appropriating the funds.

[From the Washburn (Wis.) Times, Sept. 17, 1970]

APOSTLE ISLANDS LAKESHORE A PLUS

The virtual guarantee of passage of the Apostle Islands National Lakeshore bill is an uplifting feeling for our area which has over the past years and especially this summer been faced with emonomic instability. Especially the closing of the DuPont Explosives division here has created a gloom which is understandable.

However, the passage of this bill marks a continuing growth of tourism for our area. Tourism is the third biggest industry in the state and is continuing to grow at a rapid pace as Americans are looking for new places to relax and enjoy the out-of-doors.

The new Apostle Islands National Lakeshore has a ready and willing market in the Upper Midwest urban areas. The problem we face is providing an adequate road system to make this valuable product available to them.

At the same time it would be worthwhile for our local people and capital to stay atune to the progress of this project and be willing to venture into the gains which could be realized.

Although outside capital is welcome its always good to see optimism on the part of area people in the future of our area and better yet to see a venture succeed.

Although tourism is not the only answer to revitalizing our economy, it still is an important one.

The answer to any area's economic woes is diversification of industry and business.

The passage of Senator Nelson's dream and the new Delta fish hatchery are two phases in a summer which has otherwise been one of questionable economic vitality.

ALASKAN NATIVE LAND CLAIMS

Mr. HARRIS. Mr. President, State Representative Wendell P. Kay, of Alaska, recently issued a forceful, eloquent, and convincing plea for justice for the Native Americans of his State. Senators will recall the recent debate in this Chamber over the questions of a cash settlement, royalties from oil extraction, land titles, and Native administration of the provisions of the Claims Act. Representative Kay not only speaks on behalf of the specific and entirely just demands of the Alaskan Natives which I strongly supported during the Senate debate, but he does so with force and logic.

As Representative Kay points out:

The Native claim is based on "Indian title," which means use and occupancy of land over many years for hunting, travel, fishing and living. Because the Alaska Natives' "Indian title" has never been extinguished by Congress, it is superior to anyone else's, including the State of Alaska.

I ask unanimous consent that Representative Kay's statement, which initially appeared in the Tundra Times in July of this year, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIVE LAND CLAIMS

(By Representative Wendell P. Kay)

(EDITOR'S NOTE.—Wendell P. Kay, state legislator who is now running as a candidate for U.S. Senate, has written what we believe to be a sincere and direct position paper on the Alaska native land claims.)

It is a tragedy that the question of the Native Land Claims is not appreciated by most Alaskans.

Too often prejudice, invective and misinformation have replaced fair consideration of the claims of the Native people, their very solid legal case, and its implications.

The fact is that the Native People of Alaska have a rock-solid claim to much of the lands of our state. This was established by the Federal Field Committee, and has recently been confirmed both by the Interior and Insular Affairs Committee of the United Etates Senate and by the United States Court of Appeals for the Ninth Circuit.

Briefly, the Native claim is based on "Indian title," which means use and occupancy of land over many years for hunting, travel, fishing and living. Because the Alaska Natives' "Indian title" has never been extinguished by Congress, it is superior to anyone else's, including the State of Alaska. Thus, any lands the state may choose to select or have selected could be liable to Native claims.

But the Natives to their great credit and wisdom, have not chosen to contest their claim in court. Rather, they have taken their case to Congress. And, in exchange for relinquishing their claim to Alaska lands, they ask only for forty million acres of land, a cash settlement now of five hundred million dollars, revenue sharing from the mineral wealth of the lands subject to Natives' claim, and regional Natives corporations to administer the settlement funds.

Most of the parties concerned agree on much of the Native proposal. The chief area of disagreement is over the amount of land involved.

The Native's proposal would allow some continued use of land to the people who have known and loved it so well for many thousands of years. At the same time, following Native selection of even forty million acres, Alaska would still be left with an area of State lands three and one-half times greater than the size of the entire state of California.

But the Senate Interior Committee's pending bill fails to recognize this. We cannot ignore the fact that the Natives are giving up valid legal rights to most of the state.

For my part, I would only support a bill which provides a fairer land base for Native use. The present legislature simply does not do enough in their regard.

I continue to support the effort to adequately compensate the Native people of Alaska for land taken and the relinquishment of their claims through direct federal payments and through sharing with the state and federal government the mineral revenue from our vast land resource.

And I strongly urge Native autonomy quickly and totally over their own development funds which come from this settlement.

I do this not only because justice is long overdue for our Native brothers, but because I am convinced that a generous and equitable settlement is good for all Alaskans.

1. It will lift the land freeze.

2. It will create a new and needed source of private development capital.

3. It will rapidly integrate our Native people into the full economic life of Alaska.

4. It will provide jobs for all Alaskans, by stimulating Native businesses and providing wider markets for those who supply and service these new enterprises.

5. It will help us all move forward to an Alaska, free from the immoral gaps of poor health, poverty, inadequate education and disease, which separates many of our Native citizens from the bulk of white Alaska.

INCREASED DAILY CASH BALANCES OF THE TREASURY

Mr. WILLIAMS of Delaware. Mr. President, I note that in recent months the Treasury Department has increased its daily cash balance by an average of between $1 billion and $2 billion.

This has the indirect effect of pumping more money into the economy; but it is an expensive remedy, since this represents borrowed money and the annual interest charges are proportionately increased.

This extra cash balance is costing our Government at least $75 million in additional interest charges at a time when our national debt is increasing at an average rate of one and one-half billion dollars per month. We cannot afford such increasing costs.

Our national debt today is $18 billion higher than it was 1 year ago.

To illustrate just how these larger daily cash balances affect the 10 largest banks, I ask unanimous consent to have printed in the RECORD the text of my letter of August 14, 1970, to Secretary of the Treasury Kennedy and the reply dated August 25, 1970.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

AUGUST 14, 1970.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

MY DEAR MR. SECRETARY: Will you please furnish me the following information.

The names and addresses of the ten banks or banking institutions in which the Government had its largest deposits as of the most recent date available and the amounts on deposit in each. In this report a bank with a number of branches should be considered as one; for example, the Bank of America's total deposits in all of its affiliated branches would be one unit.

I would appreciate this information as of the most recent date available along with the same information as to the amount on deposits in these same banks or institutions one year earlier.

Yours sincerely,

JOHN J. WILLIAMS.

TREASURY DEPARTMENT, FISCAL SERVICE,
Washington, D.C., August 25, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: For the Secretary, this is in further response to your letter of August 14, in which you asked for a report of the ten banks in which the Government had its largest deposits, indicating the balances as of a current date and as of a comparable date one year earlier.

The ten banks in which the Government had its largest deposits on June 30, 1970 and June 30, 1969 are listed on the attached statement together with information as to the types of Government accounts maintained with each bank on those dates. Brief comments concerning the four types of accounts are set forth below:

1. *Treasury tax and loan accounts.*—That part of Treasury's operating balance which is not needed for current payments is maintained with some 12,500 commercial banks throughout the country in Treasury Tax and Loan Accounts. The Treasury does not place these funds with particular banks; rather, a deposit is automatically created in a bank when its customers pay certain specified taxes, or buy specified Government securities, through the bank. Any incorporated bank or trust company may obtain Treasury deposits through this system. The Treasury draws funds out of these deposits on a percentage basis, the same percentage from every bank in the same size category, as it needs funds for current payments. The Treasury does not transfer these funds from one bank to another.

2. *Treasurer's general accounts.*—These accounts are maintained with overseas branches of the banks, and are utilized for the payment of Treasury checks and the processing of deposits by United States Government officers for credit to the Treasurer of the United States. The balances indicated are maximum balances and on any given day the actual balance will be at or below the maximum depending on the activity in the account.

3. *Treasury time balances.*—These are balances maintained with banks as a basis for their handling essential Government business, such as accepting deposits for credit to the Treasurer of the United States, operating military banking facilities, both in the United States and overseas, handling State unemployment accounts, and furnishing bank drafts to Goverment officers for their use in remitting collections.

4. *Official checking accounts.*—By statute, any funds the deposit of which are subject to control or regulation by Government Departments and Agencies are "Public Moneys of the United States" and must, therefore, be maintained in banks designated as depositaries and Financial Agents of the Government. Therefore, included in this category are (a) accounts directly maintained with banks by Government Departments, as for example, the Post Office Department and United States District Courts, (b) accounts maintained with banks by private entities which are subject to certain restrictions imposed by Government Agencies, as for example, Federal Health Insurance Benefits Accounts, which are maintained by companies serving as intermediaries in the reimbursement of hospitals but are subject to control by the Department of Health, Education, and Welfare, and (c) non-appropriated funds controlled by Government Agencies or Government officers, as for example, Military Post Exchanges and officers club accounts. The Treasury neither selects the banks nor regulates the amount of balances in this class of accounts. Our only function is to arrange for the pledge of collateral at the request of the Department or Agency having jurisdiction over the accounts. The balances indicated are, therefore, authorized balances rather than actual balances mintained for we do not have information with respect to actual balances.

Should you desire any further information in connection with the foregoing, please let me know.

Very truly yours,

H. A. RABON,
Deputy Fiscal Assistant Secretary.

	June 30, 1969	June 30, 1970
1. Bank of America, National Trust and Savings Association, San Francisco, Calif.:		
(a) Tax and loan account	$194,482,835.99	$282,995,665.57
(b) Treasurer's general accounts overseas	2,800,000.00	2,775,000.00
(c) Treasury time balances	(1)	(1)
(d) Official checking accounts	112,455,000.00	96,960,000.00
Total	309,737,835.99	382,730,665.57
2. The Chase Manhattan Bank, National Association, New York:		
(a) Tax and loan account	190,381,742.83	243,651,090.76
(b) Treasurer's general accounts overseas	6,135,000.00	6,125,000.00
(c) Treasury time balances	19,720,000.00	27,720,000.00
(d) Official checking accounts	69,926,000.00	71,154,000.00
Total	285,862,742.83	348,650,090.76
3. First National City Bank, New York:		
(a) Tax and loan account	155,108,209.36	233,526,934.21
(b) Treasurer's general accounts overseas	2,725,000.00	2,725,000.00
(c) Treasury time balances	(1)	(1)
(d) Official checking accounts	84,340,000.00	86,141,000.00
Total	242,173,209.36	322,392,934.21
4. Security Pacific National Bank, Los Angeles, Calif.:		
(a) Tax and loan account	61,423,223.98	181,723,117.49
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	950,000.00	200,000.00
(d) Official checking accounts	11,382,000.00	12,107,000.00
Total	73,755,223.98	194,030,117.49
5. Chemical Bank, New York:		
(a) Tax and loan account	127,624,853.61	140,568,211.27
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	1,100,000.00	1,100,000.00
(d) Official checking accounts	625,000.00	625,000.00
Total	129,349,853.61	142,293,211.27
6. Manufacturers Hanover Trust Co., New York:		
(a) Tax and loan account	$108,444,523.62	$126,051,348.79
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	325,000.00	325,000.00
(d) Official checking accounts	9,996,000.00	10,571,000.00
Total	118,765,523.62	136,947,348.79
7. Wells Fargo Bank, National Association, San Francisco, Calif.:		
(a) Tax and loan account	108,204,534.42	113,760,296.99
(b) Treasuer's general accounts overseas	(1)	(1)
(c) Treasury time balances	67,000.00	427,000.00
(d) Official checking accounts	18,569,000.00	18,582,000.00
Total	126,840,534.42	132,769,296.99
8. Morgan Guaranty Trust Co., New York:		
(a) Tax and loan account	80,673,995.85	112,995,611.16
(b) Treasurer's general accounts overseas	800,000.00	550,000.00
(c) Tresury time balances	(1)	(1)
(d) Official checking accounts	36,000,000.00	14,810,000.00
Total	117,473,995.85	128,355,611.16
9. Bankers Trust Co., New York:		
(a) Tax and loan account	92,204,280.83	109,191,752.26
(b) Treasurer's general accounts overseas	200,000.00	200,000.00
(c) Treasury time balances	10,000.00	10,000.00
(d) Official checking accounts	12,220,000.00	13,081,000.00
Total	104,634,280.83	122,482,752.26
10. The First National Bank of Chicago, Chicago, Ill.:		
(a) Tax and loan account	86,826,640.56	110,248,584.85
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	240,000.00	240,000.00
(d) Official checking accounts	8,065,000.00	8,050,000.00
Total	95,131,640.56	118,538,584.85

1 None.

THE U.S. ARMY IN EUROPE

Mr. MANSFIELD. Mr. President, the October 1970 issue of the Forum periodical, published by the Ripon Society, contains a most interesting and informative article by Edward L. King, former officer of the U.S. Army, concerning the U.S. Army forces in Europe. I believe the points that Mr. King makes will be most helpful in the deliberations by the Senate on the need for the present manpower commitment of American forces in Europe 25 years after World War II.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLEXIBLE RESPONSE OR NUCLEAR DISASTER?: THE U.S. ARMY IN EUROPE

In a recent article I touched on a few of the strategic and tactical implications of the organization and purpose of U.S. Army forces in West Germany. Let's now more closely examine these implications and expand on the questions they raise in regard to U.S. conventional war force levels in Europe.

Organization

Is the U.S. Army overstaffed in West Germany? One way to figure whether there is fat in our European command and force structure is to compare it to Army doctrine and World War II experience factors.

In West Germany the Army has stationed a total force of approximately 195,000 soldiers. Congress and the public were told that these soldiers are all required to fight the enemy in a conventional war. This force is under the overall command of the unified (i.e. triservice) U.S. European Command with headquarters in Stuttgart, Germany. This headquarters, heavily staffed with generals and admirals, also has an element in NATO headquarters in Belgium. In time of peace this unified command serves as the senior command for all U.S. armed forces in Europe, but in time of war it performs NATO duties. U.S. European Command exercises its command supervision by passing Joint Chiefs of Staff (in Washington, D.C.) directives to U.S. Army Europe/Seventh Army headquarters located 38 miles away in Heidelberg, Germany. In peacetime this headquarters commands all Army forces in West Germany. In wartime this combined Army headquarters performs both NATO and U.S. command functions.

The next command level is the corps headquarters. (A corps headquarters exercises tactical command over military operations; it is not normally concerned with administrative support.) In West Germany there are two U.S. corps headquarters. Additionally, there is another command element approximately equal to a corps headquarters which provides logistical support. These three command levels (U.S. European Command, U.S. Army/Seventh Army, V & VII Corps headquarters) pass directives down to the combat divisions. There are the equivalent of five divisions in West Germany. And once we pass the division headquarters of these divisions, we will have finally found the Army units (the brigades and battalions) that actually engage in combat.

All of these command and supply headquarters require numerous generals (over 30 in Stuttgart alone), field grade officers and senior NCO's to command and staff them. This is in addition to the large number of troops required to man them. How many men are engaged in these noncombatant jobs?

The best way to answer is to consider how many men are in the five combat divisions. Each division at full strength contains around 16,000 men. If our combat divisions in Europe were at full strength (and they seldom have been during Vietnam) there would be a total of about 80,000 men assigned to them. We can then reasonably speculate that the remaining 115,000 men (of the 195,000 total force) are serving in other than the combat divisions. In other words roughly 115,000 men serve in administrative and logistic situations.

These 115,000 men are not the only ones serving in these situations. Each division of about 16,000 men includes only roughly 7,000 soldiers who are assigned the mission of firing at the enemy. The remaining 9,000 or so are assigned to administrative command and logistic support positions *within the division!* This means that in terms of combat manpower for conventional combat the U.S. Army in West Germany has only about 40,000 soldiers in its combat divisions who are assigned to place killing fire on the enemy.

There is no valid military reason why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers (of which less than half fire at the enemy). For example, Army doctrine indicates that a corps headquarters "normally" commands two *or more* divisions. In World War II, each combat corps normally commanded an *average* of four divisions. Moreover the U.S. Seventh Army commanded no less than three corps during World War II combat.

So why then does it require two corps headquarters and a field army headquarters to command the equivalent of 5 understrength divisions *in peacetime?* Because the U.S. Army in West Germany has grown top-heavy through (a) bureaucratic inertia, (b) military preference for soft career living in Europe rather than extended periods of living in such places as Fort Leonard Wood, Missouri or Fort Polk, Louisiana and (c) civilian abdication of control over military policy. At least 50,000 men could be brought home from West Germany without reducing the conventional combat capability of the existing U.S. Army presence if those forces were streamlined and efficiently organized, commanded and supplied. Or, if present troop levels have to be maintained, this much manpower could be converted from fat to combat muscle.

None of these reasons justifies the huge costs incurred to support the existing system of organization and command. It cost 2.2 billion in fiscal 1970, to maintain our forces in West Germany. This figure does not include the additional costs involved in moving, storage and shipment of household goods and automobiles of the military personnel and their dependents who were automatically rotated back and forth during fiscal

1970. Much of this rotation is unnecessary and is done only for career improvements. It is also one of the reasons that nearly all Army personnel in Germany are either learning their job or "coasting," waiting to rotate back to the U.S.

In any event there is no acceptable justification for obvious military paunch even in times of national budgetary surplus, much less when inflation munches on tax-dollars and domestic programs are forced to exist on subsistence levels.

Purpose

The organization of U.S. Army forces in Europe is unsatisfactory in terms of costs and manpower utilization. Even worse are the problems which are created by their mission.

The U.S. combat units—in consort with other NATO forces—are supposed to be able to fight a conventional war against Soviet and satellite troops. Let us assume that our 195,000 men were organized and commanded efficiently. Would there be a reasonable prospect that they could do what they are supposed to do successfully? The answer is probably not.

Part of this answer is prompted by the location and sheer numerical advantage enjoyed by their adversary: nearly 200 Soviet and East European divisions (about 2 million men) could be thrown into battle against 18 or 20 NATO divisions (about 350,000 men). There are other disadvantages.

ILL POSITIONED

Relative positioning of forward units. Within sight of many of the autobahns leading westward through East Germany, forward Soviet divisions are positioned in austere, mobile tank and truck parks. The distance from a soldier's tent or hut, to his tank, truck or armored vehicle is a matter of minutes. Contrast this with the positioning of U.S. Army forward units: the troops live in barrack compounds often removed a half-mile or more from their tanks and vehicles. The truck parks themselves are not always immediately accessible to major roads. The time needed to get our troops on the road is more than minutes.

U.S. divisions are still comfortably positioned in the World War II occupation-zone positions that they took up when they arrived in Southern Germany in 1950–51 during the dark days of the Korean War. But strategic considerations would most likely motivate the Soviet armored forces to strike boldly across the flat North German plains along the historic invasion route to the Ruhr and the English Channel ports. U.S. Army forces would undoubtedly be needed to help defend not only the industrial heart of Europe but also to protect their own supply lifelines which during war run back to the channel ports. To accomplish this, they would have to move considerable distances to the north to reach viable battle positions. If a sudden attack occured, they would have to make this movement over roads jammed with other NATO troops, overrun with millions of refugees (many of whom would be their own wives and children attempting to flee) and constantly attacked by low-flying enemy aircraft. Time would be critical in such a northward movement; only hours would be available to attempt to intercept and stem the Soviet advance. Yet during the Berlin Crisis of 1961 when such a movement was considered, *days* not hours were estimated as being required. And this movement would have been conducted under peacetime conditions!

Even assuming that U.S. Army combat elements have reached improved maximums of mobility and flexibility since 1961, exhibiting these qualities would require absolute tactical air superiority. I know of no military planner who honestly assumes that the U.S. Air Force will attain such absolute superiority (which it enjoyed over Western Europe in 1945) until a considerable period after the opening of hostilities. And there are some who doubt if it could ever attain such a degree of superiority.

But if we assume that U.S. forces *will* have absolute air superiority, could our 80,000 combat troops (i.e. 40,000 who fire on the enemy) plus approximately 260,000 NATO combat troops, reasonably be expected to stop the advance of Communist Bloc troops? (Before answering we must remember that if we fight a conventional war in Europe it will be with the forces already there. The Czechoslovakian invasion showed that we can no longer count on a comfortable mobilization period during which, in the best traditions of World Wars I and II, more combat troops can be flown or shipped to Europe from the U.S.) Most military professionals privately agree that the answer is no. However, the Army several years ago devised a very simple solution to this problem for Congress and the public. They can give an affirmative answer because they allocate "tactical" (i.e. low-yield) nuclear weapons to the conventional forces in Europe.

Simple. Now our conventional forces can offset the Soviet and satellite manpower advantage and delay their advance westward by exploring large numbers of nuclear devices against them from the very first moments of battle.

MOST UNCONVENTIONAL

The Army has been training for years in Europe on the basis of such plans. Simulated use of nuclear weapons is written into the scenario of most major unit training exercises. In one NATO field training maneuver, the *Stars and Stripes* newspaper reported that large numbers of simulated nuclear weapons were used. What was not reported was that while nuclear devices turned a losing conventional effort into a winning one, it also would have turned a conventional war into a nuclear one. And at the same time it was estimated by West German press sources that about 65 percent of West Germany would have been destroyed. In discussing low-yield "tactical" nuclear weapons we should remember that the average "tactical" nuclear weapon has the explosive force of roughly one-quarter to one-half the destructive power of the Hiroshima A-bomb. Strictly in terms of physical damage and indiscriminate loss of civilian and military lives, scarcely be called conventional.

And can we be sure that the Soviets would not use at least equivalent nuclear weapons in retaliation? One cannot believe that the Soviets will fight with their rifles and conventional artillery while we destroy whole divisions with tactical nuclear weapons.

THE PLIGHT OF DEPENDENTS

In the event of hostilities the *necessity* of using nuclear weapons first could present the United States with a grave national dilemma. The President would be faced with the choice of authorizing the military commander in Europe to use nuclear weapons (and thereby open a nuclear war) or deny their use and risk the loss of a field army and the lives of nearly 250,000 U.S. servicemen and their families. The choice between initiating nuclear escalation or failing to protect the lives of American fighting men would not be an attractive one for any President. Yet every President for the past fifteen years has been faced with this possibility as a result of our effort to maintain the fiction of a conventional war capacity in Europe.

The choice is complicated by the fact that wives and children of U.S. servicemen would be the almost inevitable victims of *our* tactical nuclear weapons. If there is a warning period before hostilities begin some of the 225,000 dependents could be evacuated by air and private automobile to "Safehavens." If hostilities begin suddenly—and there is no reason to believe the Soviets intend to provide convenient advance notice of their attack—most officials are convinced that the majority of the military dependents would have to "standfast" where they are living. These dependents would be left to fend for themselves, as would their less fortunate civilian countrymen who are working or traveling privately in Europe and who are not considered for assistance by U.S. armed forces. The soldier-husbands of the military dependents would have to fall back toward the Rhine River while covering their delaying action with "tactical" nuclear weapons. In short, firing nuclear shells and rockets on the Soviet units, hundreds of thousands of West German civilians and on their own families. (In spite of this potential disaster, the military opposed President Eisenhower's courageous and militarily sound decision in late 1960 to stop further movement of dependents to Europe. This decision was rescinded by President Kennedy in late 1961 in response to opposition from the armed services, even though no effective dependent evacuation plan had been devised.)

We have permitted the continuation of our conventional structure to placate the West German government, not to fight a conventional war. Our military leaders have advocated retaining these forces because they have provided increased promotions and pleasant duty stations. These military leaders have been comfortable in the knowledge that they would not really be expected to fight a conventional war against the formidable Red Army, because they could quickly change such a war into a nuclear one in which the U.S., until recently, held a vast advantage. In other words political expediency and parochial service interests have been allowed to supercede national best interests.

The presence of our over 200,000-man conventional force in Europe is fraught with potentially dangerous risks to our national security and immense problems of organization and mission. It is long past time for concerned civilians and military officers to begin the very difficult task of streamlining our force structures and more responsibly rationalizing their purpose in Europe. Perhaps the recent signing of the West German-Soviet nonaggression pact marks the historical juncture for our work to begin in earnest.

MANNED SPACE FLIGHTS

Mr. ANDERSON. Mr. President, a recent editorial in the Washington Post rightfully praised the Soviet Union for its success in the return of lunar soil samples to the earth by Luna 16. This was a technical achievement of the first order.

Unfortunately, many people have leaped to the erroneous conclusion that this Soviet success means that we should now abandon our manned space programs. How anyone can arrive at this curious conclusion is something that I cannot explain. Certainly the Soviets are not abandoning their manned space programs.

Let me read what the Washington Post has to say about this:

> In terms of the long-range exploitation of space, it seems to us that the manned approach will be the most useful. Men will be out there some day, following the trail marked by the Apollo craft, and in the meantime the American effort can properly be devoted to finding a way to get them out of the earth's atmosphere more cheaply and to making the best possible uses of earth-orbiting space stations and laboratories.

What they are talking about, of course, is the space transportation system—or space shuttle/space station concept—

which will allow us to go into space at costs that are much cheaper than today's costs. It is when these costs come down that we will truly be able to explore space, with both manned and unmanned spacecraft.

Mr. President, I ask unanimous consent that the editorial from the Washington Post of September 29, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LUNAR SOIL IN THE SOVIET UNION

There has long been a debate among American scientists over the merits of manned vs. unmanned space activities and the successful flight of Luna 16 last week will undoubtedly provide ammunition for advocates of unmanned flight. The Soviet Union has demonstrated that its spacecraft can land on the moon, scoop up samples of lunar soil, and bring them back to the earth. By doing so, it has shown that it can accumulate moon rocks far more cheaply and with far less risk than the United States can and it may have proved the technology that some day will bring back to the earth the first samples of the soil of other planets.

In that sense, the flight of Luna 16 is a major achievement for the Soviet Union. Its scientists have concentrated in recent years on a system of landing and retrieving unmanned spacecraft, an activity that the United States has not emphasized, and Luna 16 shows that the system works. It may be that the Russians will now go on to probe areas of the moon that the curtailed Apollo program will not reach. The results of such probes can add substantially to the growing body of knowledge about the moon built so far principally on the Apollo flights as well as to help the Russians perfect their system for an eventual roundtrip to Mars.

This does not mean, however, that the Soviet Union has surpassed the United States in the technology of space flight. Scientists generally agree that it is more difficult to get men to the moon and back than it is to get an unmanned craft there and back. The situation is simply that the Russians sidetracked their manned effort at some point, either because of costs or lack of success, and took a road that the United States has not followed. The work of the Russian space team however, can be highly useful in scientific exploration and it may be that the leadership in the field will shift to the Soviet as the Apollo program expires.

In terms of the long-range exploitation of space, it seems to us that the manned approach will be the most useful. Men will be out there some day, following the trail marked by the Apollo craft, and in the meantime the American effort can properly be devoted to finding a way to get them out of the earth's atmosphere more cheaply and to making the best possible uses of earth-orbiting space stations and laboratories.

CONTEMPORARY POLITICAL DEVELOPMENTS SEEN IN PERSPECTIVE OF HISTORY

Mr. SCOTT. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) is delivering a thought-provoking speech in New York today. The speech deals with "our contemporary political developments seen in the perspective of history."

I think all Senators will be interested in the remarks of the Senator from Oregon (Mr. HATFIELD), so I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS ON OUR CONTEMPORARY POLITICAL DEVELOPMENTS SEEN IN THE PERSPECTIVE OF HISTORY

As our culture becomes increasingly attuned to that which is "now," we have a dangerous tendency to disregard our past and label it irrelevant. In an age where information reaches us immediately, and where we are diluged by news of the present, we are sorely in need of historical perspective.

An understanding of our current political situation can be greatly enhanced by studying the annals of our nation's political past. Political upheaval, social estrangement, and domestic unrest are not unprecedented in our country. Neither is the use of inflammatory rhetoric by high officials to sway public opinion in an election year. There have been previous periods of polarization and prior attempts to discredit loyal Americans by questioning their commitment to party, to country and to reason. All of us, students, and public officials alike, would do well to remember the words of Polybius:

History offers the best training for those who are to take part in public affairs.

Perhaps we could benefit by examining another time of social turbulence—the 1850's—and studying the forces and men that were influential then and gave birth to the Republican Party. If we understand our response to earlier periods of national crisis, we can gain valuable insight into events during this election year and the political destiny of our country.

Social unrest is frequently accompanied by political instability and realignment. Such was the case in the 1850's. The geographic expansion of the nation was threatening to bring about the expansion of slavery. Violence and turmoil in the new territories in the Middle West demonstrated the rising tensions over this issue. Within the nation, the slavery question was emerging as a major political issue throughout the North.

Yet, the major parties of the day—the Democrats and the Whigs—both were encumbered by the dreary rationalization that allowed them to acquiesce to the institution of slavery.

The Compromise of 1850 which allowed California to come into the union as a free state, but which extended the Fugitive Slave Act, was the step which, in the judgment of both major parties, would neutralize this troublesome issue and excuse them from squarely confronting this moral issue. Like today, the political "establishment" was deft in constructing means to avoid rather than squarely confront, decisions which demanded deep, principled judgments.

The anti-slavery cause had to look to minor third parties for political expression, such as the Liberty Party in the 1840's and the Free Soil Party, which demanded free press, free territory and free men.

Senator Stephen A. Douglas, the leading Democrat of the day, introduced the inflammatory Kansas-Nebraska Act which provided for a popular referendum on the question of slavery in each of the territories seeking statehood and thereby could have allowed slavery in those heretofore free territories. This upset the earlier Missouri Compromise which forbad slavery in the Northwest territories. The response throughout the North was immediate and intense. All the anti-slavery forces were incensed by this new porposal and met in "anti-Nebraska" grass roots meetings throughout the country.

The established parties had lost their relevance, and this spontaneous movement of concerned citizens determined to forge themselves into a new political force that could deal effectively with the impending social crisis.

Far more than merely anti-slavery, these reformers were firmly dedicated to Jeffersonian ideals of democracy, and egalitarianism. They drew their support from farmers, merchants, laborers, and the independently-minded citizens of the mid-Western frontier states.

At one of the many such meetings that spring of 1854, held in Ripon, Wisconsin, a determination was crystalized to form a new party that would call itself "Republican." By June, Horace Greely, editor of the New York Tribune, was declaring that the emerging political forces should unite themselves under the banner of the Republican Party.

The tumultuous political events which were to follow in the next two years and result in the astounding growth and national strength of this new party were completely unforeseen and unpredictable during 1854. The tensions of that day called for a major realignment of political forces, and the Republican Party owed its birth and immediate strength to the fact that its leaders were those who responded to the political crisis of that day with the imperatives for change. The vitality of the early Republican Party was due in large measure to the principled, uncompromising spirit of its early founders—particularly those who were known as "Radical Republicans." This small minority of men, united behind a common cause, and whose vision compelled them to go against popular opinion, to challenge the status quo, and to refuse simplistic solutions to the problems of their day, were able to dramatically shape the political complexion of the country.

They were men like Senators Charles Sumner of Massachusetts, Senator William Seward of New York (later Lincoln's Secretary of State), Senator Salmon Chase of Ohio, and Senator Benjamin Wade of Ohio. From outside the formal political ranks, Horace Greely and Carl Schurz were major influencial personalities in forging the character of this emerging Republican Party.

The term "radical" is used today to envoke fear and to brand a position as most undesirable. To be a "radical" is to be some sort of misguided individual who has lost touch with reason and is highly suspect of treasonous thoughts. It is interesting to note that the "radical" label did not always carry such negative connotations. Early Republicans chose the term to distinguish themselves as those who were loyal to the ideals of the founding fathers of our country. Webster defines "radical" as "of or from the root; going to the center." It was with great pride that such men as Charles Sumner, Salmon Chase, and others referred to their ideas as "radical," and it is ironic that the term has fallen into such public disrepute today. It only illustrates how political labels can be so devoid of real meaning and substance. What we must do is go beyond the slogans, caricatures, and deceptive rhetoric in order to truly analyze the issues, the individuals, and the motives involved—both in the 1850's and today.

What characterized these early political innovators—these leading Radical Republicans? All were men of the highest principle, and of uncompromising conviction. On the slavery question, which first brought them together, they were of one mind in seeking the most feasible political steps that would prohibit its expansion and then eliminate its hold over the South, removing this scourge from the nation. Several were previously associated with the Liberty Party and the Free-Soil Party, and had been active in Congress toward these ends. Yet, they also were convinced of a principle even more paramount than opposing slavery—upholding the integrity of the nation's Constitution.

Here is where they differed in a crucial way from the Abolitionists and others of their day: the means and tactics of opposing injustice were just as important as the ends and goals.

Chase wrote "I do not go for the abolition of slavery by all counts and all means. I never did. I am for protecting freedom by national legislation wherever the general government has the exclusive jurisdiction, . . . This will result in the overthrow of slavery. But it is not the formula of those who view the question from the side of Garrison."

(William Henry Garrison was the extremist editor of the Boston GLOBE who began in 1833 to excoriate the South and for the abolition of slavery. The Republicans did not please him because their views were not as extreme as his.)

It was understandable that these radical Republicans drew a sharp and distinct line between themselves and those Abolitionists who favored action through other than legal means. In fact, Senator Chase received word from those who said they would fully support his position although they "would not let their name be associated and confounded with the host of unscrupulous and fanatic Abolitionists who are looked upon almost as Incendiaries."

Although allied around the cause of anti-slavery these early Republicans held similar political convictions on other national issues. In 1848, for instance, the power of the Executive to carry out war unchecked by the Congress was being hotly debated due to President James Polk's initiation of the Mexican War. Several of those who later founded the Republican Party were the first to protest against this foreign involvement and Polk's indiscreet use of the war-making powers.

A young Whig in his first term of Congress was notable among those who questioned the Executive. His name was Abraham Lincoln. He introduced into the House of Representatives the "Spot Resolution" calling upon the President to designate the spot where Mexican troops first allegedly fired on American soldiers and instigated the conflict as Polk was claiming.

But the reaction in Lincoln's home district was politically unsettling. His constituents supported the war and questioned Lincoln's wisdom in challenging the President.

William Herndon, Lincoln's law partner and political adviser, urged him to pull back from his position, but Lincoln refused to compromise. He wrote back to Herndon, warning: ". . . Allow the President to invade a neighboring nation whenever he shall deem it necessary to repell an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure . . . Study to see if you can fix limit to his power in this respect, after having given him so much power as you propose. . . .

"The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us."

Several years later, the expansionist foreign policy proposed by the Buchanan Administration and advanced by Senator Douglas, was also resisted by the radical Republicans in the Senate. President Buchanan wanted to annex Cuba, and Senators Seward, Wade and other Republican leaders condemned the proposed purchase. In the legislative battle, the strength of the Republican Radicals' position was demonstrated as the Buchanan proposal was defeated.

In a speech to 400 people, Abraham Lincoln spoke in Edwardsville, Illinois, words which he was to echo in the Lincoln-Douglas debates:

"What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers, or the strength of our gallant army. These are not our reliance against a resumption of tyranny in our land. All of them may be turned against our liberties without making us stronger or weaker for the struggle.

Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit and you have planted the seeds of despotism around your own doors . . .

Accustomed to trample on the rights of those around you, you have lost the genius of your own independence, and become the fit subjects of the first cunning tyrant who rises among you.

The early Republicans knew that the strength of any foreign policy, had to rest fundamentally upon the example of freedom and liberty present within the nation.

A critical stance toward the military was evident through the 1850's when Radical Republicans in the Congress voted against military appropriations bill, partly out of their fear of a standing army, pointing out that funds had been given for military academies but were more needed for agricultural land-grant colleges.

Abolishing capital punishment was another cause favored by the progressive and active faction in the Republican Party's first years. Likewise, women's suffrage won their support.

In its formative years, the Republican Party made a particular appeal to the laboring man. "Free-soil, free-labor, free men" summarized its ideology during these years. Urging passage of the Homestead Act, Radical Republicans were motivated by the equalitarian tradition, and wanted full opportunity for all to be a reality in the frontier society of that era.

Of course, all the factions that came together to form the coalition that became the Republican Party comprised a diversity in political opinion and ideology. Former Democrats, Whigs, and others all coalesced around the slavery issue.

They welcomed all those who shared their central convictions and knew there was strength in a diversity of opinion within their ranks.

They agreed with the truth later expressed by Walter Lippman, "When everyone is thinking alike, no one is thinking very much at all."

Yet, it made sense that those who were the most deeply committed against slavery, as a moral imperative—the Radical Republicans—should have played such a formative role in the creation of the Party. Their stance not only on the slavery question, but on the other issues confronting the frontier Republic largely shaped the early attitudes of Republicanism.

From the very beginning, the opponents of these courageous Republicans sought to characterize them as irresponsible elements who were stirring up the trouble in the country.

Stephen Douglas referred to the opposition to his Kansas-Nebraska Act as an "effort to get up another political tornado of fanaticism and put the country in peril for the purpose of electing a few agitators to the Congress."

Nevertheless, the Republicans' astonishing strength was proven when they emerged together enough votes to elect the Speaker of the House in 1855.

The attacks against the Republicans reached a climax in May of 1856. Charles Sumner had delivered one of his strongest addresses in the Senate against slavery and the Administration's handling of the turmoil in the Kansas Territory. Parts of his words were directed against Senator Butler of South Carolina with particular force and devastating criticism. Two days later, a member of the House, who was a relative of Butler's, stalked into the Senate Chamber and assaulted Sumner with his cane, injuring him so severely that he was hospitalized for many months. Indignant citizens throughout the North were so incensed at the news of this incident that they rallied to the support of the anti-slavery forces. Sumner's empty seat in the Senate served as almost a symbol of martyrdom, and the incident rallied the Republicans as they moved into their first National Convention in Philadelphia that June.

Delegates at the convention articulated the mood of these first Republicans:

Caleb Smith of Indiana spoke of "A Party not organized to advance the interest of any man or set of men, but to maintain the principle of freedom."

Dayton of New Jersey warned, "Now there is strife and bloodshed . . . and freedom of speech is stricken down in the Senate."

And Henry Wilson of Massachusetts said that the Republicans "have made up their minds to go where duty requires them to go, vote as duty requires them to vote. And I believe," he continued, "they have made up their minds to defend their persons and their lives whenever, wherever, however, by whomsoever assailed. No, gentlemen, threats, will not silence the free men of the North."

John C. Fremont, "the Pathfinder", explorer of Oregon, and articulate opponent of slavery, was nominated by the Party for President, and a platform adopted that fully expressed the views of the "radical Republicans."

Most significant was the inclusion in the platform of a statement opposing any changes in the naturalization laws that would discriminate against foreigners. The Republicans pledged themselves to "full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad." The statement was a rejection of the temptation to try to embrace the Know-Nothing Party that had arisen during this era. This political movement had at its roots opposition against foreigners and Catholics. The first waves of immigration had come to America, and the prejudice against them was reflected in the Know-Nothing movement. With the political disintegration of the day, the Know-Nothings commanded powerful support in many of the Northern states. Their appeal was clear, and their political strength seemed impressive, it was the attempt to build political power through manipulating ethnic and sectional prejudices.

Had the Republicans been interested in playing the pragmatic and expedient political strategy of the day, they would have collaborated with the Know-Nothings during that year. Perhaps it could have meant the election of Fremont.

But in any event, the early Republicans saw the hypocrisy of co-operating with those forces of social prejudice and political inequality when their central aim was equality and freedom.

Thus, the first Republican Convention refused to compromise with the politics of prejudice in any effort to chart their political strategy.

They wanted their party to stand as a Party devoted to principle rather than political expediency.

The determination to forge a political party that would welcome and appeal to all groups—including the immigrants and laboring man—prevailed in the 1856 Convention and was written into the platform. The radical Republicans had refused to compromise political principle.

The same temptation remained before the Republican Party during the next four years and still does so today. But Lincoln summed up his attitudes by saying to Joshua Speed in 1855:

"As a Nation we began by declaring that all men are created equal. We now practically read it 'All men are created equal except Negroes.' When the Know Nothings get control it will read 'All men are created equal except Negroes, and Foreigners and Catholics.' When it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty—to Russia for instance where despotism can be taken pure and without the base alloy of hypocrisy."

The charges and indictment against the Republicans continued. After the election of 1856, outgoing President Franklin Pierce, in his last annual message to Congress, denounced the entire Republican Party as a cover for 'abolitionists and subversives' who threatened the survival of the nation.

The fabric of the nation showed signs of ripping in two during the end of this decade. Dissension, bitterness and violence intensified daily. The Republicans continued to strive for a political solution that would settle the slavery question, yet preserve the integrity of the Union. But their opponents did all possible to blame the Republicans for the unrest and threat of social calamity.

In 1859 John Brown's raid on Harper's Ferry presented the Republican foes with an incident on which they wanted to make political capital. The wild, foolhearty scheme of this revolutionary was condemned by all those who were seeking an end to slavery through the legal means. Nevertheless, every opportunity was taken by those fighting the Republicans to make some association between them and the John Brown band of revolutionaries who attacked Harper's Ferry. The tactic was to manipulate the fears and anxieties of the nation by impugning the Republicans and by charging complicity in this turbulence and violence.

The Republicans initially feared the tactic would be successful and their chances in the November elections that year and in the Presidential election of 1860 would be severely damaged. Yet, enough of the public refused to accept the attempted political guilt by association, especially when John Brown was hanged in needless haste that also made a mockery of the law. By 1860, the country proved far more receptive to the voices of cool reason and moral conviction rather than the voices of divisive, self-righteous rhetoric.

With violence, disorder, and alienation overwhelming the nation, the Republicans turned to Abraham Lincoln as their candidate. The guiding spirit of the Party became their first President. More than anything, it was his manner and style of dealing with the political crisis of the extension of slavery into free territory which gave to him his greatness. For Lincoln knew that a turbulent era requires a reconciling Administration. He gave to the Republican Party the quality of leadership that utilized compassion and commitment to hold the nation together.

The future development of the Republicans in subsequent years is of far less significance than the fact that the nation had seen its way through its gravest and most traumatic conflict. The reason, in part, was that independent and courageous political leaders knew that social upheaval was the symptom of a growing political irrelevance of the day.

Thus, these men, the radical Republicans, brought about a major political realignment and revitalized the entire political system. Were they not so staunchly committed to their principles, furthermore, this never would have occurred. Lincoln's leadership then added the dimension of a reconciling and moderating role, as he led the nation through the threat of utter division back to wholeness based upon a new commitment to its original ideals and purposes.

Our past illuminuates the present. Each of us should reflect on what these past segments of our nation's experience should teach us about the events and personalities that make headlines today.

I want to offer my own interpretation of these issues. In particular, I want to focus not merely on the responsibilities that citizens hold in a democracy—but about the responsibilities that publicly elected officials hold to the citizenry.

We are witnessing today a most unique phenomena within my own political party—the Republican Party. There are those who believe that it should seek its success through the expedient politics of sectional provincialism and ethnic prejudice, and what might be described as a "know-nothing" political ideology.

In doing so they would exclude from the Republican Party those who do not conform to this pattern and whose political convictions are seen contrary to some standard of performance and conformity. The term applied to such individuals is most revealing—"radical." Again, slogans, rhetoric and labels are invoked to conceal any true understanding of political reality.

The citizens of this State have been told that they are represented by one whose heretical ideology discredits the basis for his membership in the Republican Party.

Far more than the outcome of one political race is involved in this matter. At stake is the identity of the Republican Party.

The attack that has been launched is not merely directed at any one Senator. It is, rather, directed toward a whole segment of the Republican Party that is in the tradition of our founders. Those who from the beginning have fought for the primacy of human rights and personal freedom; who have insisted that government exists to serve social, political, and economic needs of all the people; who have demanded that the Party must continually establish its relevance and thereby attract to its ranks people from all walks of life—these are the Republicans whose loyalty to the Party have been challenged.

The tradition that has given the Party its life is now being called disloyal in the name of Republicanism.

I, for one, take my stand with the oldest of the Old Guard Republicans and will speak out when we who uphold that tradition are attacked on the basis of party loyalty. If that tradition is to be upheld, and if the Party is to sustain any chance of reconciling the divisions in our country, then, we must not permit reckless rhetoric to meld the character of the Republican Party. To do so would be to court political disaster for the future of our Party, to say nothing of the cost to the inner life of our nation.

But far more than partisan considerations are involved—and you are certainly more concerned with the destiny of our nation than the fate of a political party. Again we can benefit from the richness of our history to understand the implication of these events in our own day.

Nineteen thirty-eight was the last time when a national Administration embarked on a political purge of members of their own Party in the Congress. Referring to Roosevelt's attempts to purge the Congress, the Atlantic Constitution editorialized that "He would turn the United States Senate into a gathering of 96 Charlie McCarthys with himself as Edgar Bergen." A loyal and true Republican and world humanitarian who led our Party and our nation for several years—Herbert Hoover—spoke about what that purge meant, not just for the inner politics of a party but for the political destiny of the nation. Speaking to the Joint Republican Organizations in Hartford, Connecticut, in 1938, Hoover wisely stated:

. . . the third category of these sinister aggressions of personal power in this republic. That is the Executive attempt to control elections. That alone should make the election of independent-minded men to Congress the first task of men who would be free. We have seen Mr. Roosevelt mass this Praetorian army of political appointees to purge those men of his own party who have shown sparks of manhood, of independence, and obedience to their oath.

But it is far more serious than any question of party. It goes to the very roots of the independence of the legislative arm. It goes to the very core of the right of the people to choose their own representatives. It goes to the whole question of the independence of the ballot itself. It goes to the foundation of personal power in this Republic.

The identity of political parties and the basis for loyalty to them undergo challenge and change in proportion to the social restlessness and instability in the nation, in my judgment. From this we can learn a second lesson from the political story history of the 1850's. Consider again the circumstances. The Democrats and the Whigs were the two major parties, with a splintering of insignificant other parties. As the social tensions and pressures of those years increased, both parties failed to demonstrate any true responsiveness to the depth of the issues confronting the nation. The Whigs especially could free themselves from their past political interests in order to take any decisive stand on the slavery question.

The Republican Party, formed out of grass roots disenchantment with the existing parties, found itself growing to a position of solid national strength in barely a years time, which none of its founders had ever envisioned. Historians have called its early growth a type of "spontaneous combustion" produced by the combination of heightened social tension and continued atrophy in the political establishment.

In our own time it can be argued that we see the same combination of events. It is true that confidence and adherence to our political parties is declining. Nationwide, last year, about 42% of the population considered themselves Democrats, 29% Republicans, and 29% Independents. But among students 53% consider themselves as Independents, as opposed to 26% Democrats and 21% Republicans.

Further, there are obvious signs of a possible political realignment exhibited in this year's elections. New York, Virginia, and Connecticut are examples.

Lobbying groups and organizations based upon certain principles and ideals have been formed which take on an almost quasi-party structure. The efforts across the country in behalf of the legislation to terminate our involvement in the Vietnam war had this character; likewise, John Gardner's "Common Cause" seems to be an attempt to form a grass roots political movement.

Thus, we could be in a historical time frame when another major political alignment is forming. Most likely, this would take the transitional form of a multi-party political arrangement.

I do not advocate such a course of action. I am merely pointing out historical realities, to which we all must give our own interpretation.

The challenge to the major parties of the day is the same as it was in the 1850's. If they are to maintain their function as vital political institutions, they must prove themselves to be responsive to the sense of crisis in the nation and to the people who would be in their ranks. If the parties choose any other course, and serve only their loyal apparatus and traditional interests, we could witness a time of political realignment similar to the days that gave birth to the Republican Party.

But if the Republicans, as well as the Democrats, are willing to learn from history, they will know that political power rests fundamentally with understanding the needs of the electorate and giving them an

authentic sense of participation in solving the nation's challenges.

The turbulent events of the 1850's and the Civil War with its aftermath should give to us some final valuable wisdom in these times.

Then, as now, we are perplexed by the fracturing of our society. The system of shared trust which holds our Republic together seems more tenuous than before. And we sometimes doubt whether we can ever achieve some sense of domestic tranquility in our time.

How do we meet this sense of political estrangement? How do we overcome the crisis of confidence pervading our country? How do we quiet the fear of national calamity that rests unspoken in the hearts of many Americans?

The frontier Republic had to deal with these same probing dilemmas.

Wise men, then, as now, knew that social problems would not vanish by trying to project the guilt for them on one's political foes.

They knew that violence would not be quelled by clubbing or shouting it down. They knew that the violence of words or acts that undermine the freedom of all men must be condemned. They knew that confidence would not be restored to the nation by hotly proclaiming the righteousness of those in political power.

Above all, it was Lincoln who demonstrated that courageous and costly moral leadership was the imperative for holding the nation together. He demonstrated the unyielding commitment to principle, supported by a reconciling posture, that preserved our ideals and held the vision of our nation alive for the future.

The future of the Republic must again be our first concern. The politics of innuendo which build upon the fears, prejudices and anxieties of our people only heighten the apprehension and threat to that future.

We must neither be cowered into silence nor add to the inflamation of our time. Our deepest need is a renaissance of trust . . . trust in each other, in those who seek the goals we share and in the viability of our Republic to progress and mature from this time of crisis as it has in the past.

EXPERIENCE KEEPS A DEAR SCHOOL

Mr. YOUNG of Ohio. Mr. President, as one who has been in practically every country in Europe and who served for 37 months in World War II, being in Italy most of that time, I believe that Americans spending European vacations will be astonished that they seldom meet with an Englishman who is a waiter in a London hotel or restaurant, or encounter friendliness and cordiality in France, or have an opportunity to see a good bullfight in Spain, or find any bargain without haggling in Morocco or in any other country in North Africa. Also, Americans visiting in Europe will be astonished that they seldom if ever can buy good spaghetti in Rome or meet up with an unkind Italian anywhere in that country. Also, in Vienna they will never encounter an individual who dislikes music nor will they if they visit the Scandinavian countries ever encounter an arrogant national of any of those countries. Finally, if they spend a few days in Germany, they will probably never be able to buy anything at a reasonable price.

UNIVERSITY OF PLANO STUDY ON INTERNATIONAL COMMUNIST MEETING IN MOSCOW

Mr. THURMOND. Mr. President, from time to time I have benefited by studies produced by the Institute of International Studies of the University of Plano, in Plano, Tex. This institute has chosen as its particular area of study the power relationships both within the Communist world and between the Communist world and the United States. Its studies approach this problem not only from the military standpoint but from the diplomatic and propaganda aspects as well, studying the whole systemic conflict between the Soviet and the free system.

The institute has recently completed a significant study of the International Communist and Workers Parties Meeting in Moscow, held on June 5 to 17, 1969. At the time when this meeting was held, many western observers held that the results of the meeting were inconclusive and failed to accomplish the announced goals of the meeting. I believe that this judgment was superficial and failed to understand the purpose of the meeting from the Communist point of view. The University of Plano study admirably brings out the real confrontation between the systems and the principles of organization which the Communists follow in setting up the meeting.

The most significant point which the study brings out is that back in June of 1969, this international meeting had already decided that the balance of power had shifted in favor of the Soviet Union and that the progress toward the goal for the communization of the world was significantly enhanced. Although objectively speaking most American experts would disagree that the shift had taken place on that date. It is nevertheless true that the Communists were looking toward the trends of the time and toward programed armament production of both countries. Now it is commonly acknowledged in the press and in the U.S. governmental circles that the Soviets have actually surpassed us in certain fields and have programs in the pipeline which will definitely place us in an inferior position by 1972 if we do not wake up and take the proper steps.

The work of the international meeting was to seize on the Soviet military advantage and to translate this into political, economic, social, and ideological victories of the Soviet Union.

In particular, this study proposes an original concept as regards the organization of the Communist world. It is manifest that world communism no longer operates in a monolithic and concerted manner. The Communist world is full of antagonisms and rivalries within the system. This had led many superficial analysts to conclude that communism has become bipolar or polycentric. The polycentric theory sees communism as breaking apart and eventually losing its revolutionary impact.

The Plano study, however, presents the Communist world as a concentric world with Soviet power and ideology at the center of the hub and challenges from Chinese communism or Titoist groups as revolving around the hub of the dynamic Communist wheel, with the whole concentric structure moving forward in revolutionary history in a linear and Marxist-Leninist direction, taking the entire vehicle of the world with it toward the goal of universal communism. In this view the antagonism of individual parties would simply depend upon their own specific monetary position around the hub either to the right or to the left. As the study says:

These conflicts should not been seen necessarily as matters of fundamental ideology, but rather as part of the process of history and should be dealt with as such, that is, in pragmatic and operational terms.

In this line, it is interesting that the so-called challenge from the Chinese which received great attention in the Western press at the time of this meeting failed to materialize. The meeting itself pointed out that the Chinese party had adopted basic positions on nearly every issue which were also acceptable to the parties at the Moscow meeting.

Another key significant role played by the Congress was its effect in organizing and coordinating the work of the Communist and allied parties throughout the world. The elaborate preparations and premeeting consultations appear to have taken the place of the old Communist international and provided the unifying themes and conduits for the worldwide advancement of the Communist movement.

Mr. President, the significance of this meeting is much more apparent now than it was 16 months ago and I urge my colleagues to study it closely.

Mr. President, I ask unanimous consent that the study by the University of Plano on the International Communist and Workers Parties Meeting in Moscow be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

INTERNATIONAL COMMUNIST AND WORKERS PARTIES MEETING IN MOSCOW—JUNE 5–17, 1969

(Prepared by the Institute of International Studies of the University of Plano)

INTRODUCTORY COMMENTS

The oft-postponed International Communist and Workers Parties Meeting, which finally met in June 1969, developed its activities and based its decisions on the estimate that a major change had taken place in USA/USSR military and economic power relationships in 1968–1969, bringing victory of the Soviet Union over the United States much closer to fruition than could have been anticipated a few years ago.

The key assumption of the Congress was that during the two years preceding 1969 the balance of military, and consequently of political and economic, power had shifted significantly away from the United States and its allies in favor of the Soviet Union and the "anti-capitalist" world.

Drawing on data from the state of nuclear weaponry, on estimates of conventional armaments based on information from the battlefield, and on United States budgeting for future military expenditures, the speakers expressed confidence that the Soviet Union had surpassed the United States in conventional weapons as well as in strategic nuclear capability.

The major goals stressed by all those dealing with military power was, first of all, to assure that the shift of military power which had taken place would be *irreversible* and that the United States would remain *permanently inferior* to the Soviet Union. The main ancillary goal was to translate the Soviet military advantage as rapidly as possible into political, economic, social and ideological victories of the Soviet Union and its allied "workers" and "anti-capitalist" forces over the United States and its supporters, especially in the Middle East, in Vietnam and in Germany. The role of Communist China in this contest pre-occupied the Meeting, as did the question of the emergence of Japan as a major power in Asia.

By a proper mixture of military superiority, diplomacy and internal dissension in the United States, it was hoped that the Soviet Union and its allies could force the United States to give up its international commitments and to withdraw to its own territorial limits, thereby assuring the victory of the communist cause without the need of a third world war.

THE OPERATIONAL AND PRAGMATIC GOALS OF THE CONGRESS

Because of the firm conviction that the shift in the balance of international power had in fact taken place, the Congress dealt primarily with operational and pragmatic goals rather than with ideologies. This was true even in its pre-occupation with the threat of the Chinese Communist Party to the Communist Party of the USSR; in the handling of the purge of the Czech Communist Party; and in dealings with the "anti-capitalist" groups, including the "nationalist" movements of Arabs, Vietnamese, and Latin Americans. The "downgrading" of ideology was also evident in programs developed for cooperation with the "socialists" in Germany (Bonn) and in Japan.

In developing the specific operational programs, the Meeting stressed that different techniques would have to be applied in dealing with the three main components of the "anti-capitalist" world. These were, in broadest terms, the Socialist camp, consisting of the Soviet Union and the other *communist* states; the national liberation movements, consisting of states with governments, or with large minority groups, openly hostile to the United States; and the "workers movement" in every capitalist state, including the United States.

COMMUNISM BECOMES A "CONCENTRIC" WORLD

The most serious issue, not only from the standpoint of military power and ideology, but specifically from the pragmatic needs of the operational goals of the Moscow Meeting was the issue of Chinese Communism. By its challenge at this stage of history to the hegemonial and coordinating role of the Soviet Union, "Maoism" was seen as a disruptive and disorienting force in many ways far more serious than the declining though still potent military power of the United States. The containment of "Maoism" was therefore not seen as a necessity imposed on the Moscow Meeting primarily to preserve the purity of doctrine; rather it was seen as a major obstacle in the concrete realization of specific goals, both within the Communist world itself, as well as in the open battlefield between the "anti-capitalist" and the "capitalist" powers. Within the Communist world, the "Maoist" presence seriously hampered the application of the Breshnev doctrine of "limited sovereignty" of Socialist states; in the outside world, the "Maoist" factions preempted, or complicated, Soviet initiatives and opportunities.

To meet the Chinese Communist challenge in pragmatic and operational terms, the Moscow Meeting developed a new, utilitarian concept as to what constituted the "Socialist camp" of *the USSR and the other communist states*. It rejected totally any form of "polycentrism" in its deliberations and decisions. It also avoided, however, a return to "unicentrism" as the alternative formula for the relations of *communist parties* to Moscow and to each other. Instead, it evolved a form of inter-party relations, including the relations with the Chinese Communist Party, which might be called, for want of an official term, "concentralist", leaving to Moscow the definition of the global frame of reference of the struggle it is waging with the United States for world supremacy but allowing the individual Communist parties the latitude of finding their own specific roles, on the national or regional level, for participating in that conflict.

Under this "concentralist" arrangement, Moscow would continue to be the hub of a dynamic Communist wheel, moving forward in revolutionary history in a linear and Marxist-Leninist direction and taking the entire vehicle of the world with it toward the goal of universal communism. The other communist parties, including the Chinese party, should be seen as situated on different parts of that wheel, moving around the hub in circular or concentric fashion, sometimes to the left of the hub, sometimes to the right of it, but moving forward linearly toward universal communism only as the hub itself moved forward linearly. Thus the "antagonism" of the individual parties, including the Chinese Communist Party, to each other and their relationships to Moscow, the central hub, would depend on their own specific momentary position as the wheel itself moved forward on the hub. In this light, individual party conflicts could be viewed as largely transitional phases and, in fact, individual parties would find themselves periodically fluctuating from "right" to "left" to "right" of Moscow, depending on the rate of objective movement of the world as a whole toward universal communism. These "conflicts" should not be seen necessarily as matters of fundamental ideology but rather as parts of the process of history and should be dealt with as such, that is, in pragmatic and operational terms.

Seen in this light, the Moscow Meeting say no contradiction in the divergent trends of the moment in the "Socialist camp" and in the "anti-capitalist" world. Within the "Socialist camp" it was operationally and pragmatically proper to ask the Communist parties of East Europe to give up some of their own national sovereignty so as to move almost linearly with the Communist Party of the USSR. At the same time, it was historically equally proper to allow the Communist parties of the "anti-capitalist" world to assert their own nationalistic independence and to move, *at this time*, in an opposite direction. If this latitude were not permitted, the communist parties in the "anti-capitalist" world could not give direction to the other "anti-capitalist" forces.

Within the "national liberation movements" and the "workers' movements", similar concentric approaches were generally taken, permitting a wide pragmatic deviation on such matters as, for example, the relations of the Italian Communist Party to the Vatican; the roles of the Communist parties in Israel and in the different Arab states; and the attitude of the Soviet Union and the Soviet bloc as a whole to the Social Democratic Party in the Federal Republic of Germany.

THE SPECIFIC AND KEY DECISIONS

Although applying a pragmatic measure to most matters, the Moscow Meeting never overlooked as the basic and key issue the matter of *power*, which was seen as having an overriding role.

The issue of *power* was approached in the different committees and subcommittees in the following terms:

I. The Change in the Balance of World Power.

II. Regional Power Relationships—European and Asian "Security".

III. Regional Power Relationships—The Middle East.

IV. The Changed Role of the Communist Movement.

V. Internal Conflicts Faced by the Communist Movement—Their Resolution:

1. China.
2. Yugoslavia.
3. Italy.

I. The change in the balance of world power

The Communists felt that by 1969 the Soviet Union had not only achieved parity in the strategic weapons systems but they had also increased their previous collective quantitative and qualitative superiority in conventional weapons in most areas where they were confronting the "capitalist" world. In both offensive nuclear weapons (ICBM) and defensive nuclear weapons (ABM), the Soviet Union's capability on that date exceeded that of the United States for the first time in history; moreover, production schedules of the two countries were such as to assure the Soviet Union superiority for the next several years. This fact alone was sufficient to warrant a major re-assessment of the opportunities the communist parties had for undertaking initiatives previously considered too dangerous.

Secretary General of the CPSU Central Committee, Leonid Brezhnev, told the delegates that the United States is no longer able to speak from a position of strength and to intervene in the internal affairs of the Socialist camp. This basic change in world power-relationships had resulted also in changes within the Socialist camp and was one of the main reasons why the Socialist camp could now speak openly of the "limited sovereignty" of the East European communist countries. It was this change within the socialist camp which not only permitted but required the Soviet Union and the other socialist countries to intervene in Czechoslovakia. The Czechoslovak Communist Party leaders accepted this interpretation and expressed thanks for the "defense of socialism" which the Soviet Union and the other Warsaw Pact countries had carried out in August 1968.

II. Regional Power Relationships—European and Asian "Security"

Great emphasis was placed by the Congress upon the future security system in Europe and Asia. European security, according to the Communist concept, *excludes* participation of the United States and concentrates particularly upon weakening the NATO ties of the United States and their ultimate destruction. Participants in the Meeting were especially hopeful that a Social Democratic victory in September 1969 would begin the process of the destruction of NATO. Great stress was placed on the prospects of a Communist-West German Socialist collaboration, resulting in the neutralization of West Germany and the elimination of United States influence first on West German and then on Western Europe.

Just as in the case of Western Europe and West Germany, the "security" system of the Asians which the Soviet Union desires is based on the "neutralization of Japan", another term for the severance of Japan's alliance with the United States. The Soviets assume that by now the Sino-Soviet conflict should have convinced the Japanese that there is no real danger in the Far East to Japan from the split, disunited Communist front. The meeting however warned Japan against any militaristic designs which it might have but it also proposed extension of the economic and trade relationships with Japan in exchange for further delay by Jap-

anese leadership of any positive action to regain its previous powerful military and political position in the Far East.

III. Regional Power Relationships—The Middle East

The Meeting dealt with the Middle East issues in very careful terms. Because of the pre-eminence of power considerations, the Meeting obviously understood the need for the Soviet Union to obtain possession for its naval and commercial ships of the Suez Canal and, if this were to be achieved, of driving the Israeli forces away from the present armistice lines. In a dramatic, concrete gesture, the Soviet Union increased its fleet in the Mediterianean by adding 24 or 25 more units to bring pressure upon the Arab countries of the area and to indicate to the United States that it had capability to intervene. The insistence on Israeli withdrawal to its own boundaries carried with it the threat that if the Israelis did not withdraw peaceably, the Soviet Union would make it possible for the Egyptians to be strengthened sufiiciently to drive the Israeli armed forces away from the vicinity of the Suez Canal. Even the Secretary of the Israeli Communist Party, Michael Vilner, critized the Israeli government for its "imperialistic" actions and expressed the hope that a quick solution of the Israeli-Arab conflict would take place.

THE CHANGED ROLE OF THE COMMUNIST MOVEMENT

The Meeting did not limit its estimates of the changed balance of power to military matters alone. Instead, it devoted the largest amount of public discussion to discussing the need to coordinate the future actions of the individual Communist and Workers Parties throughout the world, including those in the non-Communist countries.

The Meeting defined the strength of the world Communist movement as deriving from three components: the socialist camp; the workers' movement in the capitalist countries; and the national liberation movements. In the matter of Vietnam, future action of the Communist parties was directed to all three fronts simultaneously. For example, the Soviet Union promised to increase and continue, if necessary, the increased military help to North Vietnam regardless of possible peace arrangements in Paris or promises from Soviet diplomatic channels to the United States. This latter undertaking indicated a willingness of the Communist Party of the USSR to consider itself, in its relationships with other Communist parties of the world, as not necessarily tied to the actions and undertakings of the USSR as a sovereign state. All existing national liberation movement groups in Asia were alerted to provide support to North Vietnam and to the Viet Cong when possible and feasible in any areas of operations.

In the matter of the "workers movements", the Meeting included in this definition not only workers and trade unions but also youth, university and school faculty and students, and all others designated in Soviet terminology as "free democratic forces in the capitalist world". The Meeting stressed that, on such issues as Vietnam, the component of Communist strength was re-inforced by various "peace movements" throughout the world, including religious groups. The struggle with the United States on Vietnam was to be accelerated in all countries of the world through this component, with special stress being placed on action within the United States itself. Outside the United States, this third component could be linked with the "liberation movement" in those areas where the Communists could exert direct or indirect pressure to organize mass meetings, moratoria, protest marches and attacks upon U.S. embassies and U.S. political, economic or social institutions abroad. Within the United States, both Secretary Brezhnev and Gus Hall, the representative from the United States, emphasized the need for collective action involving all elements of the workers' movement.

The Meeting reflected a keen awareness of the discrepancies and internal contradiction in the "workers movements," which arose out of conflicting moral and patriotic motivations. Thus it was the general consensus that the "workers movement" in the United States could be relatively easily unified on the issue of Vietnam while the Communist movement might encounter special problems on such an issue as the Arab-Israeli confrontation. This circumstance of the eclectic and syncretic nature of the "workers movements" required the Communist parties throughout the world to maintain their own internal discipline and ideology while providing leadership to the mass movements of all anti-capitalist and anti-imperialist forces, which might be composed of different elements from particular issue to particular issue.

ORGANIZATIONAL SYSTEM

To construct and manipulate this complex set of relationships between the three components was one of the major tasks of the Meeting. The basic agreements which emerged at the Meeting were addressed to supplying a blue-print for action of the Communist parties on a world basis. The Meeting itself was the first experiment in the methodoly of this undertaking. For example, the acceptance of the Basic Document followed a new pattern for the Communist parties. In fact, all documents of the Meeting had been completely drafted and prepared during the series of pre-Meeting sessions, some taking several months to conclude because of substantive issues and others taking that long because of the admission to the sessions of additional parties whose cooperation was being sought. These sessions provided the Soviet Communist Party with an additional advantage of testing the views and the interests of the other communist parties in advance of the Meeting. The new concept of "concentralism" and of inter-party collaboration was effectively introduced and implemented in the pre-Meeting sessions. At these, the actions of other Communist parties in 1968 and 1969 were thoroughly reviewed and assessed and, wherever possible, their decisions were incorporated in documents prepared for the Moscow Meeting itself. Of these, the most important concerned the Congresses of the Chinese, Yugoslav and Italian parties.

CHINA

On the issue of China (and Yugoslavia and Italy), the Hungarian Communist party played a major role of intermediary for the Soviet Party. The Chinese Communist Party had held its 9th Congress in Peking in April 1969. During that Congress, the Chinese Party had heaped abuse and invective on the Communist party of the USSR. In the pre-Meeting sessions, the Hungarian party, with Soviet approval, minimized this conduct of the Chinese party and stressed instead that the Chinese party, on all other issues, except the specific one of the *historic* phase of the role of the Soviet communist party, had adopted basic positions which were also acceptable to the other Communist parties associated with the Moscow Meeting. In fact, excepting for the specific issue of the relations between Moscow and Peking, there had been no deviation of the Chinese party from the basic assessments and decisions made by the other parties on such major issues as the "confrontation" between Communism and capitalism, including the subjects of Vietnam, the Middle East, Central Europe and Latin America. The failures of the Chinese party arose from an inattention to historic circumstances, which afforded different concrete opportunities to the world Communist movement and yet all of which had to be seen in the context of the most basic "confrontation", that between the United States and the USSR. It was this basic "confrontation" that set a different priority schedule for the Moscow Meeting parties and for the Chinese party.

YUGOSLAVIA

In the pre-Meeting sessions, the Hungarian party also played a major role of assisting Moscow to interpret the Congress of the Yugoslav Communist League, held in Belgrade in March 1969. It was noted that while this Congress had sharply criticized the Warsaw Pact countries for their invasion of Chechoslovakia in 1968, the Yugoslav party had generally elaborated the same programs and assessments of the world situation as were acceptable to the Communist parties participating in the pre-Meeting sessions of the Communist parties meeting in Moscow. The most important of these were the issues of Vietnam, the relationships with the Arab world and the Middle East, and the emergence of anti-US forces in Central and Latin America.

ITALY

The pre-Meeting sessions devoted a great amount of attention to the situation of the Communist Party of Italy, especially in the matter of seeking to influence the religious and pacifist elements in the "workers movements." Another empirical reason was that the Communist Party of Italy is definitely the strongest party outside the Soviet Union in membership and it commands unusual loyalty from Italian voters, of whom up to 25% have cast their ballots for the party in genuinely free elections. The pre-Meeting sessions concluded that the Italian Communist Party Congress which convened in Bologna in February 1969 was undoubtedly the greatest and most successful event of this type ever held anywhere outside the Soviet bloc. It was attended by numerous foreign Communist delegations who were greatly impressed by the Italian party's skills in operating both a disciplined and a mass party. The Soviet Union's delegation at Bologna had been headed by B. N. Ponomarev, Secretary of the Central Committee of the CPSU. At Bologna, the Italy Party rejuvenated itself when Enrico Berlinguer, the 47 year old dynamic challenger, replaced the aged, sick and ineffective Luigi Longo as the Party secretary. Berlinguer had been responsible for the most important speeches at that Congress and he developed the rationale, in Communist terms, of cooperating with progressive religious groups. Although the Party leadership, dominated by Berlinguer, allowed the Congress to debate all issues vociferously, the Congress accepted the general policies which Moscow desired, supporting Soviet efforts in Vietnam; endorsing the Soviet position in the Middle East, thus reversing the past decisions of the Italian party to abstain in Middle-East matters; and, most importantly, the Italian party abandoned opposition to the occupation of Czechoslovakia by Soviet troops.

GENERAL ASSESSMENT OF OTHER COMMUNIST PARTIES

The pre-Meeting sessions found that the Congresses of the Chinese, Yugoslav and Italian parties had demonstrated the applicability of the new relationships of concentrality to the Communist parties of the entire world. Thus in early 1969, all three so-called "independent" centers of the Communist movement (Peking, Belgrade and Rome) had already gone on record in a concentralist manner. The experience of adapting and exploiting for their own purposes the decisions of the "independent" Communist centers was a major impetus to the Meeting to accept the operational techniques which it evolved in the framework of a "concentralist" Communist world.

EARLIER MOSCOW MEETINGS

The idea for holding International Communist and Workers Parties Meetings or Congresses was conceived in 1957, with the first

such affair being held that year and the second in 1960. Mainly due to the ideological and tactical dispute between the Soviet Union and Communist China, the third Meeting was not held until June 1969, an interval of nine instead of the three-year period originally planned. The delay between the second and third meeting, however, should not be regarded as reflecting detrimentally upon the significance of the third Meeting. The fact is that the series of Moscow Meetings, beginning in 1957, was intended to be a substitution for the former centralized planning and operational system incorporated in the Comintern-Cominform organization. World Communist leaders had recognized for a long time the necessity for some sort of international planning agency to replace the functions, on an international plane, of the Comintern.

The nine-year interval had demonstrated to all the Communist parties that the upcoming 1969 Meeting had to take cognizance not only of the changed balance of power but also of the much more complicated needs of these portions of the world where powerful Communist "independence centers" had emerged. Consequently, the general purpose of the 1969 Meeting was to seek agreement not only on future actions vis-a-vis the "imperialists" but also within the Communist fold. For this reason, the Meeting could not be purely a "stage" or a "facade" but had to deal with real problems of structure, rivalry and priorities of the Communist parties which were presumptive claimants to power in the Communist world, as it existed, or as it emerged. This soberness and awareness of reality led the Moscow Meeting to abandon a pretense to speak for the Communist world in terms of a sham "complete unity" in advance of major goals. In fact where there was even greater unity than was apparent, this unity of action was the result of agreements within the various executive committees of the pre-Meeting sessions which planned the actions especially for those countries where Communist work must be achieved by indirect fashion, using subversive operations or operations at remote control. Arrangements for such operations are very complicated and time-consuming, as well as costly in resources. They frequently demand parallel channels of operations and are complicated insofar as coordination of these channels is concerned. Arrangements for organized spontaneity and mass movements to be openly organized by youth groups and by other organizations only remotely connected with the Communist Parties of the target countries are especially difficult. Planning and preparation for such operations were therefore assigned to numerous committees within the Meeting which worked out the details in secret sessions and which will be responsible for the subsequent implementation and channeling of future decisions and agreements to the appropriate parties in the target areas.

ORGANIZATION, PHASES OF THE MEETING

The Meeting was really divided into three organization phases with the first preparatory phase lasting for approximately six to eight weeks before the Meeting itself convened on June 5, 1969. During this phase of the Meeting, all main points which had not yet been resolved were discussed and final decisions and drafts developed.

The second phase was the Meeting itself, with the main gathering and the main speeches in the main hall of the Kremlin. The committees met simultaneously in small groups to discuss different special world of regional problems.

The third phase took place after the conclusion of the formal Meeting on June 17, 1969, and in fact has continued to this date. Many delegations stayed much longer than just two weeks. They were given detailed blueprints for their particular operational assignments which were worked out with them after the closing of the formal Meeting.

Some of the important delegations were even called to Moscow later for a second and a third round of post-conferences. The outstanding emphasis placed on "social action" programs in the United States by the Communist world was one of the main reasons for these additional post-Meeting sessions because the United States delegates were needed to develop programs not only for their own country but also to "brief" other parties on the changing American scene.

THE CHANGING SIGNIFICANCE OF THE MEETINGS OR CONGRESSES

An insight into the significances of the new type of Communist collaboration through Meetings or Congresses can be found in their timing: 1957, 1960, and 1969. The first Meeting of 1957 was held in the "breakthrough" year in post-World-War II history when the space age began. It was the year of the Sputnik and the beginning of the modern "revolution in military affairs". That was the period when the intercontinental delivery system became a reality and the new intercontinental strategic weaponry systems which were on the drawing boards threatened to control any potential confrontation between the United States and the Soviet Union.

The second Meeting, in 1960, coincided with the creation in the Soviet Union of an independent service of strategic rocket forces. The world was entering into an entirely new system of confrontation, a totally new phase of military warfare. This may be why the Communist leadership decided to hold a new Meeting to plan coordinated social action and to coordinate movement in different plans and from different centers which were to be put into action at the appropriate time. The new, almost instantaneous destruction potential, and the fact that the intercontinental missiles with nuclear warheads could reach their targets in about thirty minutes after launching created enormous new tensions useful for direct and indirect "social action" or revolution. These social-action programs provided new opportunities for Communists to intervene from within. The International Communist and Workers Parties Meetings seemed to be searching for new frameworks for social action in these new conditions of total tension. The Meetings themselves, and particularly the links between them which continue to work while the Meetings are not in session, were aimed at obtaining new methods for preventive action against the United States and finding new tools to gain necessary lead time to affect direct intervention.

Because "proletarian internationalism" is an essential element of the Soviet Communist world, the International Communist and Workers Parties Meetings provide it with a very important forum for its invocation and manipulation. The Meetings provide the direction the international Communist movement as a whole should take so that regional differences and national interests may be transformed into part of a total global strategy. A feeling is created of belonging to a huge international community dedicated and moving forward toward the final destruction of capitalism both in the individual nation states and in the world as a whole.

Secretary General of the Polish Communist Party, Wladyslaw Gomulka, summed up this feeling of "proletarian internationalis" in his closing remarks to the Meeting when he "explained" the Warsaw Pact countries' intervention in Czechoslovakia in August 1968. In defending this action, he repeatedly asked all participants to maintain the feeling of "proletarian internationalism".

ASSESSMENT AND CONCLUSION: PRAVDA'S COMMENTARY

On the first anniversary of the Congress, Pravda, the Soviet Party's own paper, provided its editorial commentary on the Meeting of Moscow of June 1969.

Running to 5,000 words, the editorial noted that "the main directions of the Meeting's influence on the course of international developments clearly manifested themselves" during the last year. It stated that the "profound and realistic analysis of the general situation in the world" was a big achievement. Reviewing developments of the past year in pragmatic "historical" terms. Pravda concluded that the Meeting correctly outlined ways of overcoming difficulties in "communist ranks." It said, "the approach to rallying the communist movement, collectively worked out by the Meeting, has fully justified itself. The centering of the attention of communists on positive tasks, on what unites them, helped the elaboration of joint appraisals concerning the main ways and means of utilizing the new possibilities of revolutionary and anti-imperialist forces."

"This approach opposes", Pravda observed, both pessimistic forecasts about the unattainability of ideological cohesion in the present situation and the intention to make the full overcoming of all differences between communist parties on ideological and political questions a preliminary condition of unity of action by them. . . . "Bilateral and multilateral contacts on a basis of collectively elaborated principles of mutual relations among parties act as a sort of mechanism for exchanging experiences and views, for coordinating positions and concerting action in the world arena", Pravda commented.

THE SELLOUT OF THE FARMER

Mr. MONDALE. Mr. President, if there is to be any contest for the dubious distinction of "forgotten man" in our society today, I will unhappily submit the American farmer for the prize.

In a little over a decade, the productivity of the average farmer has risen over 80 percent. This is well over twice the increase of the productivity of the nonfarmworker. But in spite of this incredible productivity, in spite of the advancement in agricultural technology and the diminishing number of marginal farms, the farmer has been caught in a vicious cost-price squeeze that has deprived him of the benefit of his productivity.

While gross farm income has risen by 13 percent in the last 5 years, production and living costs have gone up by 20 percent.

In my own State of Minnesota, real farm income last year was its lowest since 1964 and lower than all but 3 years of the 1950's.

Even the real per farm income in Minnesota was lower last year than in 1966 and only $62 higher than it was in 1951—nearly 20 years ago.

Such simple figures make it absolutely clear that our farm economy is in trouble and that new legislation and more responsive administration is desperately needed.

Mr. President, this was the situation faced when the present administration took office nearly 2 years ago. The rhetoric of the Republicans was promising. The 1968 Republican platform pledged:

Farm prices and programs which will enable producers to receive fair prices in relation to the prices they must pay for other products.

And on September 14, 1968, Candidate Nixon said in Des Moines:

The new policy directions include dedicated efforts to improve market prices and strengthen our market economy; 74% of parity is intolerable in my book. . . .

But the record and the performance of this administration has been one of the most insensitive disregard to the needs and problems of the farm—indeed, the entire rural—community.

Incredibly, not a single farm message has been sent to the Congress. In the 20 months of the Nixon administration, however:

Advance payments to feed grain farmers were discontinued, forcing farmers to recoup nearly $400 million—$31 million in my own State alone—through loans at exhorbitant interest rates of 9 and 10 percent;

Soybean price support loans were cut by some 30 cents a bushel, at a loss of about $300 million to the farmers;

An attempt was made to eliminate both the agricultural conservation program and the special milk program;

The 1970 wheat acreage was cut by 12 percent, but no provision was made to provide any support compensation to maintain farm income.

But nothing has been more revealing than the efforts of this administration to sabotage farm legislation in this Congress.

In the face of the most overwhelming mandate ever heard from the agricultural community—over 30 farm and commodity organizations in support of the coalition farm bill—the administration sent to the Congress an ambiguous and ill-conceived "set-aside" bill which has the support of not one farm or commodity organization at either the State or the national level.

This administration opposed the coalition bill, opposed advance payments and actually opposed the very concept of farm parity upon which our domestic agricultural policy rests. They submitted, in fact, a plan to scrap the 1965 Agricultural Act and institute a program which would lower farm prices by about 10 percent. This in face of a drop in the parity ratio—comparing prices received by the farmer to his taxes, production, and living costs—which in August dropped to its lowest level since the depression year of 1933.

In the Senate after a bitter fight against administration opposition and outright duplicity against extending the basic 1965 act, we were able to maintain and even strengthen the advance payment program for wheat and feed grains, and to secure a rockbottom figure of 75 percent for feed grain parity.

It was especially important that the committee also reinstated a floor under the price-support loan of $1.25 for wheat and $1 for corn. I was pleased that the committee adopted the substance of one of my own recommendations, and inserted into the bill the requirement for advance payments to feed grain and wheat producers.

On the Senate floor we inserted parity for feed grains. After my amendment for 77 percent of parity failed, a compromise of 75 percent, which I also cosponsored, was accepted.

The distinguished chairman of our Agriculture Committee, the Senator from Louisiana (Mr. ELLENDER) engaged in intensive negotiations with the administration and the Agriculture Department to get the best possible feed grains parity. In spite of flat Department opposition to any parity figure, Mr. ELLENDER reported to the Senate on September 15 that "they consented reluctantly" to a compromise figure of 75 percent. As the chairman said of his conference with Assistant Secretary Palmby:

> I do not say they were all for it, but in order to get a compromise I felt that since I had made a promise, I would comply with my agreement.

Promises and agreements, however, evidently meant less to the administration. Five different letters then went out from the Secretary of Agriculture, and one from the Under Secretary, reaffirming the administration's hostility to parity, to price-support floors, and in particular to the Senate-passed parity floor of 75 percent or $1.35 per bushel for corn. I ask unanimous consent that the letters be printed at the conclusion of my remarks; I shall now comment only briefly on a few of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. In the letter on support for corn, Secretary Hardin said:

> On behalf of the Administration, I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to a minimum feed grain price support level of 75 percent of parity. We hope that you will also oppose it.

That is the letter in its entirety.

We were next told that the administration might agree to 70 percent of parity for feed grains. But another letter, this one dated October 5, said 68 percent is all the U.S. Department of Agriculture could accept. I am including this letter and its attachments for the RECORD as well.

The absolutely minimal Senate compromise of 75 percent, arrived at with the concurrence of the administration, was then totally violated by the administration resulting in a conference version of only 70 percent parity—to be even further emasculated in 2 years by dropping to 68 percent.

Seventy percent is more than inadequate; it is an insult. My distinguished colleague, Senator MONTOYA, pointed out to us on the same day when it was reported that the administration had agreed to 75 percent of parity, that the $1.35 per bushel figure could be expected to represent 70.5 percent of parity in 1973. In other words, 70 percent of parity and $1.35 per bushel is the same. While the administration proved to be unable to destroy the parity principle on paper, they have effectively destroyed any benefit it might bring to the farmer faced with an increasing cost-price squeeze.

Look, for example, to what it will mean to Minnesota feed grain farmers.

The guarantee of $1.35 for corn is equivalent to 75 percent of parity at the present time. The parity price of corn has increased 7 cents a bushel each of the last 2 years. If the parity price for corn increased 7 cents in the next 15 months and producers were guaranteed 77 percent of the parity price rather than $1.35 or 68 percent of parity, they would be assured a minimum of $1.43 per bushel on the production on half of their base acreage. Seventy-five percent of the new parity would be $1.40 a bushel.

Cooperators in the feed grain program in Minnesota in 1970 had feedgrain bases approximating 7 million acres with an average yield of about 82 bushels of corn per acre.

The production on half this base acreage is estimated at 123 million bushels. A guarantee of 77 percent of parity rather than $1.35 per bushel in 1972 would increase Minnesota cooperators assured income about $23 million. A guarantee of 75 percent of parity would increase cooperators assured income about $15 million.

Looking forward to 1973, if the parity price for corn increased another 5 cents a bushel, a 77 percent of parity floor would have increased Minnesota cooperators assured income about $35 million; a 75 percent of parity floor about $23 million, as compared with the lower floor in the compromise bill.

It is of interest to note that the production expenses of Minnesota farmers have increased $50 to $85 million each year for the past 3 years and there is little basis for expecting farm production expenses to stabilize at current levels.

Is there any wonder then, that I am deeply disappointed in the conference bill. I greatly appreciate the work of the chairman who I know did his utmost to preserve a fair farm bill. I thank those other Senators who lent their support to the preservation of parity, advance payments, and a forward-looking farm bill.

But all of these efforts were lost through the intransigence and hostility of the administration and the Department of Agriculture.

To my own farmers back home, I can only say that we did our best. And those of us who have not forgotten what the farmer means to our economy and to our entire society will not give up in the effort to preserve for the farmer a fair share of his magnificent productivity.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: On behalf of the Administration, I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to a minimum feed grain price support level of 75 percent of parity. We hope that you will also oppose it.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: Our position on other issues in the House and Senate bills, not covered in our separate letters of today, remains as earlier stated, such as our position on advance payments, loan minimums, etc.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The Senate version on legislation which would continue the 1965 Act provision for wheat to be harvested in 1971 would, in our opinion, make it impossible to finally enact this proposed legislation into law.

On behalf of the Administration I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to this item. We hope that you will also oppose it.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The provision in the Senate bill requiring the collection of processor certificates for users of second clears, gluten and wheat by-products must be deleted from the final bill.

Reference can be made to the second clears problem in the conference report and the Executive branch will endeavor to handle this problem administratively.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The language in the Senate bill relating to the following three cotton items is completely unacceptable.

The acreage on which payments would be made must reflect the 11.5 million acres for 1971 with some flexibility for 1972 and 1973 as contained in the House bill.

Cotton marketing quotas must be eliminated, as provided in the House bill.

The cotton loan must not be related to payments and the 35 cents per pound guarantee.

On behalf of the Administration I want you to know that we are strongly opposed, and that we will continue to be opposed to the Senate provisions relating to these items. We hope that you will also oppose them.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, September 23, 1970.
Hon. ALLEN J. ELLENDER,
Chairman, Senate Agriculture and Forestry Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: This letter is in reference to H.R. 18546, an Act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

It is the position of this Administration that the provisions in Title IX of H.R. 18546 are premature and should therefore be deleted from the Act. The Administration is dealing with similar problems through the Rural Affairs Subcommittee of the Domestic Council. We believe a more effective program for Rural Development will occur after these deliberations are completed.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 5, 1970.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The attachments are in response to proposals made by the Senate Conferees dealing with the Cotton and Wheat sections of the agriculture legislation being considered by the Senate and House Conferees.

An additional attachment dealing with other provisions is also enclosed.

It remains the conviction of the Administration that any significant increase over the cost of the bill as passed by the House would be unacceptable both to the House and to the Administration.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

COTTON

1. 11.5 million acre minimum national acreage.

Using the actual 1969 domestic consumption and exports of 10.7 million bales as a basis to start from, 11.5 million acres as a minimum national base acreage allotment increases the budget cost $310 million for the two years 1972–73 compared to the House bill; stocks would increase from 6 to 9.6 million bales by the end of the 1973 crop year. If domestic consumption and exports were to increase to 12 million bales the added budget cost would be $133 million resulting from a stock buildup from 6 million to 7.3 million bales by end of 1973 crop year.

2. Sale and lease.

No budgetary impact, but the 100 acre limitation provision is an unnecessary restriction on cotton producers.

3. Loan level plus payments equal to 35 cents or 65% of parity.

Budget impact of between $38 and $72 million per year.

4. Loan level related to past 2 years.

No budgetary impact. Prefer 90 percent of estimated world price because that is related to the period in which sales are to be made.

5. Maximum set aside 18%.

Has budgetary impact of $60 million per year.

6. Open end planting without loans on the excess.

We would like cotton to be treated the same as wheat and feed grains where loans are offered to all production of participants without limitation.

WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(1) No budget impact.

(2) A 535 million bushel domestic wheat floor for 3 years. No budget impact.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

The budgetary impact between assumed full participation and not assumed full participation could be about $37 million per year. If a maximum of 15 million acres set aside is included it must be an effective maximum.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

The inclusion of $1.25 loan floor may add $20 to $130 million per year to the cost of the wheat program. The exact budgetary impact will be determined by the extent to which wheat and feed grain loan rate differentials influence market prices and in turn the volume of wheat moving into feed channels; also whether the additional stocks of wheat are taken over by CCC or exported through the payment of export subsidies.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

No budgetary impact.

5. No more than 55 percent set aside required on summer fallow.

No budgetary impact if maximum set aside is effective rather than gross as explained in item 2.

OTHER PROVISIONS

1. Seventy-five percent of parity would increase feed grain supports above the $1.35 guarantee every year of the program. With 70 percent of parity and changes in factors affecting the parity formula, the guarantee would likely reach $1.40 in 1973. The additional budget outlays could be up to $170 million a year when market prices were under $1.08 per bushel. The upper limit that would insure no budgetary impact is 68 percent of parity. If payments were forced up, program provisions would have to be altered to require a higher set-aside percentage.

2. Changes should be made in Title IX of the Senate bill to eliminate objectionable reporting requirements contained in Title IX. These requirements are premature in view of current efforts under way by this administration to develop national goals and objectives for economic development and population distribution. Further, Section 902 relating to the location of Federal facilities should be revised as proposed in the OMB letter to Senator Ellender dated Sept. 30, 1970.

3. The Bee Indemnity program would have estimated budget outlays of $25 million in FY 1972, and $4 million in subsequent years. Initiation of such a program would open the possibility of extending indemnity programs to several additional situations where the Federal Government is not directly responsible.

4. Extending the dairy indemnity program to manufacturers of dairy products would set a precedent for double coverage of losses. The additional budget outlays are impossible to estimate with confidence but they could well be significant.

5. Title VII, Section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. FY 1971 outlays would be $5.8 million under the 2 percent limit and $14.5 million under the 5 percent limit set forth in subsection (a) of this section.

6. Many of the provisions in the Senate bill reduce the flexibility needed to avoid surpluses while maintaining farm income at acceptable budget cost.

7. Research and market development—Cotton: Any figure being considered that does not come out of producer payments has a budgetary impact.

8. Small farms—Cotton: Budget impact of $30 million per year.

9. Anniversary loans—Cotton: Budgetary impact through additional storage costs of $3 million per year.

WISE WORDS ON DRUGS

Mr. McINTYRE. Mr. President, I was most gratified with last week's Senate action on the 1970 Drug Abuse, Prevention, and Control Act. I strongly supported this measure, just as I have strongly supported other legislation directed toward controlling and curtailing the tragic spread of drug abuse.

But as enthusiastically as I supported these measures, I remain unconvinced that laws alone—much as we would like to believe it—can provide a total solution.

Something more is needed. Something pointed up in a timely and cogent editorial published recently in the Berlin, N.H., Reporter.

The editorial correctly identified a crucial missing factor in the war against drug abuse—the need for loving vigilance over our children.

What is needed, the writer contends, is to have the home and the community find, for our children, "constructive, creative outlets for their creativity, their excess energy, especially in these days of increasing automation and leisure" to discourage their adventuring in the dangerous world of drugs.

These are wise words. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT'S HAPPENING HERE

North Country grade school youngsters, as well as teens, are having their innocence exploited and purity threatened by drug pushers.

Even children of the most conscientious, loving parents are experimenting with drugs.

Many of us have been prayerfully thankful that we live "away from it all, where things like that don't happen." Now we find that the North Country is far from immune.

Our youth are winding up in the Concord hospital. They are being jailed for illegal possession and theft. Some have committed suicide. One boy we know is apparently dying because of irreparable harm done by drugs.

Not my child, you say? We cannot be too complacent. In Gorham, grade schools youngsters on the way home from school have been approached by pushers. Your child may not be too young and innocent to be told about drugs.

Our whole modern lifestyle seems to make children easy marks for pushers out to exploit their innocence, boredom or curiosity.

Television, once thought a delightful babysitter, may in fact be an insidious monster.

One UNH educator recalls Rochester boyhood days filled with activity. He and his buddies beat a maze of paths through the woods behind their houses. They couldn't wait to be out in the woods after school, playing Tom Sawyer. Television hadn't come into it's own then.

Last year the UNH prof returned to the same street, now lined with houses. The woods behind his house were still there. But the paths weren't.

Why? He thinks it's because TV shows keep them inside, glued to the set after school.

What's wrong with watching good shows? Doesn't educational TV make kids brighter than we were at their age? More sophisticated, perhaps, but not necessarily wiser.

A steady diet of TV deprives them of the thrill of their own accomplishments. Adults and youngsters alike need constructive, creative outlets for their creativity, their excess energy, especially in these days of increasing automation and leisure. TV rather than spectators.

After being accustomed to getting their kicks from TV turning to drugs is the next step to further excitement. For drugs don't require any physical effort on the users' part. You can just sit back, and "watch your mind pass by."

There is no easy answer, but we all need to wake up, to give children meaningful experiences in the home and community. Children need chores to develop character and to give them a feeling that they are needed, that what they do matters and contributes to the family's welfare.

They say only cop-outs turn to drugs.

Elementary school youngsters can hardly be termed cop-outs. Pushers approaching ten-year-olds prey on youth's natural curiosity. Thus, there is all the more need for vigilance, and love.

Know where your children are after school. Give them exciting things to do at home. Let them give you a hand around the house and yard. Encourage them to help a neighbor in need. Be at home when they come home from school. Suggest activities. Limit TV to one or possibly two shows a day.

Ask your child what he knows about drugs—you may be surprised. Be prepared to answer his questions intelligently. Join with other parents, spiritual leaders and educators to find solutions.

Above all, don't be naive. It's happening here—to our children, not "theirs."

VETO OF CAMPAIGN BROADCAST REFORM BILL

Mr. HART. Mr. President, much of the reaction to the veto by President Nixon of the campaign broadcast reform bill has centered on its effect on individual political campaigns and politicians. Having joined with the able Senator from Kansas (Mr. PEARSON) in introducing the bill in the Senate, it is to be expected that I would be disappointed that this substantial step in electoral reform has been denied by veto. My feeling is that all citizens, and not just the politicians—not just the campaigners—and not just the political parties—are the losers. Television and radio make up the bulk of campaign expenditures these days. The bill which Congress sent the President put a ceiling on radio and television political spending; it would have assured reasonable rates for the time purchased and would have opened the way for many qualified men and women of modest means to enter the political contest.

Prior to final congressional action on the bill, Mrs. Lenore Romney, my opponent in the Michigan senatorial contest, accepted my suggestion that we abide by the ceiling that the bill would fix. This agreement will stand since it was made as an independent matter and not because of a legal requirement. I wish very much that we could anticipate as a legal requirement the application of this ceiling to all campaigns for the Senate, for the House, and for governorships in the years ahead.

Again, it would be expected that I would be disappointed that legislation which I had introduced along with the Senator from Kansas (Mr. PEARSON) comes back to us having been vetoed. I hope that Congress will override the veto.

I ask unanimous consent that there be printed in the RECORD two editorials, one, written prior to the President's action, from the Detroit Free Press of October 6, and one subsequent to the President's action, published in the Washington Post of October 14, as well as the column of Charles Bartlett, published in the Pontiac Press of October 10, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Oct. 6, 1970]

SAY IT AIN'T SO, PREZ

The President, word has it, may veto a recently passed bill limiting campaign expenditures for radio and television. We must hope word has it wrong.

The arguments offered in favor of a veto are several. Some say that the TV-spending bill is an incomplete attack on the problem of campaign costs, and that it would disadvantage challengers since incumbents get exposure in regular news coverage. Some say the President will veto the bill because the Republicans are better funded than the Democrats at the moment, and would therefore be more seriously limited by restrictions on spending.

That the bill would tend to discriminate against challengers is true, but not necessarily pertinent. Such an argument could be raised against any reform measure, since the publicity advantage of incumbents is natural and all but unavoidable. A greater truth is that, without the TV reform bill, many challengers will remain at a twin disadvantage both to incumbents and to any contender with easy access to money.

The partison argument for a veto is strong. It is true that the Republicans are financially better off than the Democrats at this point. And the Nixon administration has been almost desperately interested in forging Republican political gains, to help Mr. Nixon deal with his adversaries in the Congress and elsewhere.

Partisan politics are part of government in a democracy, of course, and any president who wants to be more than a caretaker must worry about them. But there are lines that must be drawn, and partisan interests to which the White House cannot responsibly be devoted. A partisan veto of the TV-spending bill would be sadly out of bounds.

For the truth is that the influence of wealth on American politics has been little short of scandalous. The fancy spending going on at this very moment in New York's senatorial campaign is one of the largest political outrages in recent memory.

It is time to break the political advantage of wealthy men and moneyed special interests, and to grapple with television's unique influence on the political process. If the TV-spending bill is only a partial step, it is far better than none at all. The President ought to sign it.

[From the Washington Post, Oct. 14, 1970]

THE CAMPAIGN SPENDING VETO

President Nixon's veto of the bill to limit television and radio campaign spending is a flimsy excuse for having undone the most significant reform in this sphere for half a century. While ignoring the virtues of the bill, the President grossly exaggerated its weaknesses and distorted the probable consequences. So eager was he to avoid the charge that he acted to perpetuate a Republican advantage in excessive campaign spending that he even pretended that the bill might increase the outlays of candidates to get elected.

It is utterly misleading to say, as the President did, that the bill "plugs one hole in a sieve." Everyone with any information about the costs of campaigning these days knows that a large part of the money is being spent for television and radio broadcasting. Congress decided, in the absence of any effective device for limitation of campaign expenses in general, to strike at this one source of excessive use of money for political purposes. But the President fell back on the lame pretense that half a loaf is worse than nothing at all.

His complaint that the bill would "favor the famed over the worthy but little-known" is an especially transparent smoke-screen. The implication is that an obscure challenger should be allowed to spend more to offset the incumbent's natural advantage of being well known. But only a few wealthy individuals can spend millions to get themselves elected to public office. The vast majority of candidates must rely upon campaign contributions, and in raising money for campaign purposes the well-known, famous or incumbent candidate usually has a substantial advantage over an obscure challenger. The veto, if it should be sustained, will tend to magnify this advantage instead of reducing it.

In expounding upon all the imaginary in-

equities associated with the bill, the President completely ignored the very real inequity which it would help to correct. The use of broadcast commercials has reached a point where it can be accurately said that some candidates are buying their way into office. The first purpose of the bill was to put a reasonable ceiling on this kind of spending. But the President ripped off the ceiling at a time when his own party has millions to spend for commercials and the Democratic opposition is in financial straits.

While the President refrained from condemning the "equal-time" repealer, which was also in the bill, it is widely assumed that his veto was also intended to discouraged television debates between the presidential candidates in 1972. If broadcasters have to give equal time to all the fringe candidates, they will not offer free time to the chief contenders for debates or other means of getting the issues before the public. Here again the President has knocked down a provision that could have substantially reduced the cost of at least some campaigns. The other significant provision that went down was a requirement that broadcasters charge candidates no more than the lowest unit fee of the station for comparable time.

Since the bill does have substantial merit, despite its shortcomings, and since the veto appears to reflect at least 90 per cent political motivation, we think Congress should override it.

NIXON SHOULDN'T VETO BILL ON CAMPAIGN TV

(By Charles Bartlett)

WASHINGTON.—A veto by the President of Congress' attempt to limit the costs of political television will be morally indefensible unless he begins a campaign of his own against the commercialization of American politics.

The situation is out of hand. All the candidates are saying with the poet Jeffreys, "It matters not how dear the spot." The only sanguine contenders are those with rich and indulgent fathers. The others court debt and commitments to obtain their crucial exposure.

This is the first election in which TV seems to mean almost everything, and Sen. John Tower, R-Tex., who argues strongly for the veto, has maintained that the medium is economical "in terms of dollars spent for voters reached."

But Tower took a contradictory line after he was attacked by colleagues for shipping a disproportionate share of the Republican campaign fund to Rep. George Bush, running for the Senate in Texas. His explanation: Texas is a special case because a candidate there needs to harness at least 40 TV outlets for statewide coverage.

UNFAIR ADVANTAGE

Republicans have tried to discredit the bill without conceding that they oppose spending limits because the money factor works in their behalf. They argue, for example, that the measure yields an unfair advantage to incumbents and this is true. The man reaching for a seat needs more exposure than the man who has one.

Also, as some in the White House argue, candidates who suffer in the final phase of a campaign at the hands of opponents who risk postelection censure for p eelection exposure that goes beyond the limits. The votes will be in before the recriminations begin.

But the system already favors incumbents and violations of the TV law, unlike violations of the Corrupt Practices Act, will be so glaring to the public that it may damage public figures who violate its restraints. In any case the law could impose some inhibitions.

Nixon cannot as president believe this autumn's spending free-for-alls are in the national interest. He cannot feel it is healthy for candidates in large states to be looking for $50,000 contributors.

The young generation will not respond to "papa politics," in which only candidates with rich fathers succeed, or to battles waged with TV spots. If the young are to be inspired by the political system, it must be held beyond the reach of scandal, commercialization and big contributors.

SENATOR PROXMIRE'S COURAGEOUS BATTLE AGAINST DEFENSE SPENDING

Mr. YOUNG of Ohio. Mr. President, recently the Washington Post published an outstanding article by the distinguished and eloquent Senator from Wisconsin (Mr. PROXMIRE) in which he highlights the dangers of excessive military spending.

Senator PROXMIRE's article started from the basic premise that for our Nation to remain free and strong, general purpose armed forces must be maintained and provided for. Proper maintenance and adequate provision of our military and naval establishments do not mean we must spend blindly without giving consideration to those instances of wasteful expenditures in the past. Those wasteful expenditures have cost us dearly.

Mr. President, I do not need to list the examples of major weapons systems upon which there have been fantastic cost overruns. They are known only too well to the Members of this body. In fact, the specter of the C–5A and F–111 will continue to haunt and disturb us for some time to come.

The facts are, Mr. President, the past decade of armament development consumed more money and came up with fewer effective weapons than in any time in our Nation's history. It has failed to produce military weapons which were second to none. Instead, it has produced, for example, unflyable heavy helicopters, costly yet defenseless helicopters, 4,000 of which have been lost in South Vietnam due to accidents or ground fire from VC forces.

The result has been that the hardware cart pulled the horse. We rushed headlong down the road to militarism for the power and the glory of generals and admirals, and for the boundless enrichment of the munitions industry. In some cases, the armaments industry offered the Armed Forces wonderful new tools they did not know they wanted and for which concepts and doctrines were lacking and for which in many instances there was no real need. Consequently, field headquarters in South Vietnam have become so fat with the people needed to man these new electronic wonders and so heavy with equipment they are practically immobilized. In the end the process may be actually reducing our military effectiveness.

Instead of averting our eyes from these glaring mistakes of the past, we must recognize them. We must learn from them. We should heed Benjamin Franklin's words,

Experience keeps a dear school, but fools learn in no other.

With this in our mind, with reason as our guide, we must cautiously and skeptically approach every request for a new weapons system. We must avoid committing anew old mistakes. We must strengthen our resolve with the thought that the necessities of a strong, ready, and capable defensive system do not require excessive spending.

This is particularly true when our citizens cry out for increased Federal aid for the problems of housing, transportation, education, health, and hunger. In the past we have been guilty of placing too much faith in those advocates of costly military boondoggles and their followers. We should not be guilty again of following them blindly in the future.

We must exercise a greater measure of fiscal responsibility than we have in the past. Only in this manner, can we avoid the fiscal and spiritual bankruptcy which will destroy our ability to meet pressing national needs.

I commend the distinguished senior Senator from Wisconsin for his timely article and for his many efforts to arouse both the Senate and the public to the fact that our military can no longer be given a blank check.

TRAINING COSTS LOWER AT FORT POLK, LA.

Mr. ELLENDER. Mr. President, on September 23 I addressed the Senate to comment on the situation facing Fort Polk, La.—page 33385. At that time I made the point and included reference material indicating that training costs at Fort Polk were among the lowest of any Army base in the Nation.

I am glad to say that, subsequent to my remarks, the Senate Armed Services Committee amended the military construction authorization bill for fiscal 1971 in an effort to deal with some of the problems facing this base. The committee also wrote a lengthy section concerning Fort Polk in its report on the bill and also had reference to the cost factors involved. Subsequently, the Senate Appropriations Committee, on which I serve, pointed out the needs facing Fort Polk in its report on the military construction appropriations bill for this fiscal year.

I ask unanimous consent that excerpts from both committee reports in reference to Fort Polk be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT NO. 91–1234 OF THE SENATE COMMITTEE ON ARMED SERVICES, SEPTEMBER 24, 1970

FORT POLK, LA.

The Committee takes note of the fact that no requests were forthcoming from the Army for improvements to the facilities presently serving Fort Polk, as has in the past been suggested by the appropriate Committees of the Congress. The needs facing this base, recently made permanent after a long series of activations and deactivations stretching over three decades, are particularly acute as to the base hospital and the situation in permanent troop housing. The Committee notes that 260 units of permanent housing were authorized by the last session of Congress in P.L. 91–142 and that $5.5 million was subsequently made available for this construction. It is to be regretted that the Army has not seen fit to obligate these funds at the earliest possible date. The Committee therefore has reauthorized this family housing by extending this authority which would otherwise expire in March of the coming year.

The Committee has studied the records concerning the history and mission of Fort Polk. It finds this base to be one of the few, if not the only potential training area available to the Army that is not subject to serious urban encroachment. Adequate land is already at hand to preclude future acquisition needs. The acreage in the Fort Polk reservation amounts to 99,698 acres owned outright by the Army and an additional 99,334 acres leased from other Government agencies. This represents almost one percent of the total land within the boundaries of the State of Louisiana. Obviously, this is a valuable resource to the Army's training needs and deployment program. The Committee feels it should be made use of to the fullest extent possible in light of urban pressures facing other major military installations.

During each of the international crises facing our nation from World War II to the present, Fort Polk has served as an invaluable training center to supply the manpower needs of the Army. Statistics indicate that the training costs at Fort Polk are considerable less than at other training centers.

The Committee has also examined the change in status of this facility over the last three decades. The Post was first activated in 1942, inactivated in 1945, reactivated in 1950, inactivated in 1954, reactivated in 1955 for large scale maneuvers encompassing seven million acres of land, inactivated in 1959; and reactivated in 1961. It has remained in active status since that year and, in 1968, was made a permanent post, with the designation of Fort Polk. On at least one other occasion, in 1955, the Army also changed its designation from a temporary status to that of a permanent base—a designation withdrawn less than four years later. This unstable and changing situation with regard to this major training facility has naturally caused economic dislocation and distress over a large area of northwestern, central, and southwestern Louisiana. It has acted against consistent economic development throughout the area it occupies. The Committee sympathizes with those affected by this situation.

The Department should take steps to resolve the status of this important installation at the earliest possible time in order that previously authorized construction may proceed.

EXCERPT FROM REPORT NO. 91-1318 OF THE SENATE APPROPRIATIONS COMMITTEE, OCTOBER 9, 1970

FORT POLK, LA.

In its consideration of the military construction appropriation bill for fiscal 1968, the committee approved the expenditure of $1,690,000 for improvement of training facilities at Fort Polk, La.

In taking this action, the committee commented at length upon the unstable history of this major training installation and expressed particular concern that 95 percent of Fort Polk's facilities were classfied as temporary and were of World War II vintage. The committe also noted that the excellent training areas available at Polk and the large amount of land already under Army control made this base particularly desirable for troop training.

The committee noted in its approval of $1,690,000 for facility improvement that it would be necessary to utilize and rehabilitate existing temporary structures until such time that Fort Polk was designated a permanent Army installation. The committee also pointed out that the history and physical attributes of the installation seemed to provide a "clear justification as to the feasibility of removing Fort Polk from its present interim status and declaring it a permanent installation." Shortly thereafter, in response to the committee's interest and directive, the Department of Defense did designate Fort Polk a permanent Army installation.

This designation increased the Army's facilities base for both the Regular Army and for expanded training during emergencies. The committee expresses surprise that no funds were requested by the Army for permanent and more adequate facilities in subsequent funding requests. This is particularly true concerning the need for housing and a new base hospital, needs of which the committee took particular notice with the directive that adequate funds should be requested to begin the improvements upon the base receiving permanent designation.

In subsequent appropriation bills, funds have been made available to the Department of Defense for the construction of 260 units of permanent family housing. In light of the inaction on the part of the Department in this area, the committee directs that these funds remain available until obligated for that purpose. The committee also reiterates its general concern over the continued use of temporary and obsolete facilities and expects that the Army and the Department of Defense will take steps to rectify this situation in the next fiscal year's request for military construction appropriation funds.

Mr. ELLENDER. Mr. President, although many references have been made to the low training costs which exist at this major training base, I have seen nothing comprehensive on this point. It is to me a very important feature and the Senate knows that I have always been concerned that our taxpayers get full value for the dollars spent.

Therefore, I directed my staff to investigate the comparative costs of military training at selected Army bases. Using figures prepared by the Cost Analysis Division of the Army's Comptroller, the study clearly indicates that overall training costs are considerably less at Fort Polk than at any other installation in the country.

Mr. President, I ask unanimous consent that a table prepared by my staff and headed "Comparison of Military Training Costs at Selected CONUS Bases" be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF MILITARY TRAINING COSTS AT SELECTED CONUS BASES

	Ft. Benning, Ga.	Ft. Bragg, N.C.	Ft. Gordon, Ga.	Ft. Jackson, S.C.	Ft. Lewis, Wash.	Ft. Polk, La.
Basic combat training (09B00)	$1,502.47	$1,437.37	$1,400.72	$1,296.30	$1,350.01	$1,313.18
Light weapons infantryman (11B10)			2,120.60	1,703.51	1,701.48	1,474.67
Infantry indirect fire crewman (11H10)			2,399.74	1,869.90	2,038.87	1,681.17
Infantryman direct fire crewman (11H10)			2,639.94	1,921.69		1,694.94
Wireman (36K20)				1,375.24		1,248.71
Wheel vehicle mechanic (63B20)				1,265.59		1,084.42
Light vehicle driver (64A10)				1,010.76		889.02
Clerk (70A10)				745.55		675.88
Clerk-typist (71B20)				824.43		672.84
Personnel specialist (71H20)				833.54		672.51
Supply clerk/man (76A10)				1,206.98		941.32
Cook (94B20)				1,402.75		1,214.43

Source: Cost Analysis Division, Office of the Deputy Chief of Staff, Comptroller Headquarters, U.S. Continental Army Command.

BERLIN NEGOTIATIONS

Mr. THURMOND. Mr. President, the United States is currently in the midst of a series of delicate negotiations with the Soviet Union on the question of the status of Berlin. This is a very difficult question because for our own part the status of Berlin is not clearly defined, particularly with regard to the Federal Republic of Germany. We are in Berlin as one of the four sovereign powers by virtue of our occupying status. For all practical purposes, West Berlin is a constituent part of West Germany. There is free economic movement back and forth, free commercial movement, free cultural movement. The laws of the Federal Republic of Germany are adopted en bloc by the West Berlin Parliament and the system of justice is likewise in agreement. As a matter of fact, the Constitution or Basic Law of the Federal Republic of Germany considers Berlin as one of the states of the Federal Republic.

The United States, along with France and Great Britain, possesses the ultimate veto authority over the application of West German law to West Berlin. As a result, we have technically suspended the provisions of the basic law which relate to the Federal Republic having ultimate sovereignty. For example, we do not permit the West Berlin deputies to the West German Bundestag to vote on substantive questions. Nevertheless, in 1952 we requested the Federal Republic to represent Berlin in foreign relations and we required the Federal Republic to include Berlin in all the treaties which it negotiates with foreign powers. Such treaties as regards to their applicability to Berlin, of course, remain subject to our veto.

This issue becomes paramount at the present time because the Federal Republic and the Soviet Union have negotiated a nonaggression treaty as part of Chancellor Willy Brandt's so-called Ostpolitik. Chancellor Brandt's policy is based upon a so-called theory of recognizing the realities of the world situation.

Mr. President, this treaty, as such, is an internal affair of West Germany, but it has tremendous implications for the future of NATO and for the whole defensive posture of the West against Communist aggression. It, therefore, becomes

a matter of great concern to those of us on the Armed Services Committee who are deeply concerned with our defense posture. Moreover, the United States is directly concerned because of our status in Berlin and our responsibility for seeing that the basic interests not only of the great powers but also of the Berliners are safeguarded. Although Chancellor Brandt is a Berliner himself, we must recognize that his interests as Chancellor of the Federal Republic are considerably different, and we must not allow ourselves to overlook the fact that the unique geographic problems of Berlin are of utmost importance in assessing any new relationship with the East.

I think that the American negotiators should bear in mind that West Berlin today is one of the realities which must be accepted by the Soviet Union if there is to be any meaningful relationship. The Soviet Union has never shown the slightest interest in acknowledging the reality of a free Berlin. The history of the Berlin problem is well known. The Soviets have made a policy of interfering with the free operation of Berlin whenever they wanted to put pressure on the West. It is interesting that, even at the very moment when the Brandt Ostpolitik is supposed to have charmed the Soviets into some new species of human beings, the Soviet and the Warsaw Pact forces have chosen to engage in the largest military maneuvers ever in East Germany. Even Rumania participates for the first time since the invasion of Czechoslovakia. With the maneuvers as an excuse, they have even been interfering with traffic on the Autobahn in a fashion reminiscent of other days. The Soviets seem to think that every time there are Berlin negotiations they can create illegal and disruptive problems and then, as a so-called concession, stop doing what they are not supposed to do.

If there are going to be any meaningful concessions in Berlin, I warn the American negotiators not to be satisfied with trivial and temporary concessions relating to the right of transport, telecommunications, or cultural exchange. These rights belong to Berlin without any concessions. We should not regard it as a sign of relaxation when the Soviets, and their East German puppets, agree to do what they are supposed to do.

Mr. President, I feel that the time has come for the realities to be recognized not only by the Soviet Union, but also by the United States, Great Britain, and France. While I think that it is in the best interest of all concerned for the United States to retain for now its ultimate sovereignty over Berlin, at the same time, I think we ought to go further in recognizing the reality of West Berlin's connection with the Federal Republic. We ought to insist, for example, that there be completely free political activity in West Berlin. We ought to allow the West Berlin deputies to vote on substantive matters in the bundestag. We ought to make it clear that our only reason for staying in Berlin is to guarantee the freedom of Berlin as regards the threat of Soviet intervention.

But it is not enough for the three powers to take such steps. If these realities are to be recognized, the Soviets must also recognize them. There must be no agreement on Berlin which does not include the Soviet recognition of Berlin's relationship to West Germany.

There is a strange contrast between East Berlin and West Berlin. The Soviets unilaterally relinquished East Berlin to East Germany long ago, at least in theory. They could do this because they still have 20 divisions in East Germany. However, they regard East Berlin as the capital of East Germany. The East Berlin deputies vote in the East German Parliament, which meets in East Berlin. All of this, of course, is completely illegal since technically the Four Powers have control over the whole city of Berlin and not simply over their respective occupation sectors. Nevertheless, if the Soviets are to be consistent, they ought to recognize the de facto relationship of West Berlin to West Germany. They ought to recognize the right of free political activity in West Berlin.

Let us see then whether the Soviets really want to come to some agreement. There can be no nonaggression pact if Berlin is not included because Berlin is far more vulnerable to Soviet aggression than the Federal Republic itself. If the Soviets are so eager for a treaty, let them first recognize the realities of Berlin.

I hope that the American diplomats who are negotiating these treaties will bear in mind the fact that the real need is for political recognition. The guarantee of right of access is not enough to indicate real political thaw on the part of the Soviet authorities. The Berlin problem has been with us for many years, and there is no urgency about reaching an agreement now. I urge our negotiators to proceed slowly unless there are real indications on the Soviet side of recognizing the realities.

PIONEER SUFFRAGIST

Mr. McINTYRE. Mr. President, as we currently debate the equal rights for women constitutional amendment, I thought Mrs. Helen Grenfell's earlier efforts were pertinent. Mrs. Grenfell, a suffragette, a pioneer for women's rights, an activist, a model for today's woman who fights for her rights, was born and raised in Concord, N.H. Memorable among the innovative ideas attributed to Mrs. Grenfell in her ceaseless fight for equality of the sexes is her statement:

The problems of life and citizenship will best be served by men and women working together.

I ask unanimous consent that an excellent biographical sketch of Helen Loring Grenfell, of Concord, N.H., be printed in the RECORD. The sketch appeared in the Laconia Evening Citizen on August 26, 1970.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

PIONEER SUFFRAGIST

In this column yesterday, referring to the 50th anniversary of woman suffrage, we touched on our own unhappy experience supporting in the Constitutional Convention of 1912 a resolution to extend the right to vote to females. The measure was defeated by a wide margin. At that time, the report of the debate in the journal indicates, there were six states in which women could vote, although the only states named were Colorado and Utah. Colorado had a former Concord resident, Helen Loring Grenfell, holding high office. We met her during a visit she made to Concord, we heard her speak at Ford Hall in Boston and later were a guest at her home in Denver. Our knowledge of her remarkable public service influenced us to join others in the Constitutional Convention in an attempt to introduce woman suffrage in New Hampshire eight years before its adoption by the United States through the means of a Constitutional Amendment.

A compilation of the life and works of Mrs. Grenfell was made in 1939 for the Colorado State Historical Society, and the account of her career in that volume is convincing evidence that no one with a New Hampshire background achieved equal fame as a suffragist, or accomplished more as a public servant.

Helen Thatcher Loring Grenfell was born in Valparaiso, Chili, April 29, 1863. Her father, Charles Loring, was born at Barnstable, Mass., May 17, 1820. He was a descendant of John Howland of Mayflower fame. Her mother, Mary Frances Roby Loring, was born at Concord, where her father, Luther Roby, was publisher of the N.H. Statesman and also printed Bibles.

Helen Grenfell as a child lived in a house at Concord across the street from the state house. Helen attended her first school in Concord. Her teacher was Helen Ayers, who in later years taught in Denver city schools. The Loring family moved to Colorado, traveling by rail to Cheyenne, Wyoming, thence by stage to Central City, Colo. At the age of 16 Helen began teaching school at Erie, Colorado, later coming east to Albany, N.Y., to study at the State Normal Teachers' College.

In 1896 she was chosen superintendent of schools of Gilpin County, Colo. She occupied the position with such signal success that in 1898 she was nominated for State Superintendent of Public Instruction by all four political parties of Colorado, a state which had adopted woman suffrage in 1893. She was re-elected to the office in 1900 and again in 1902. In the latter election she was the only state officer on the Democratic ticket elected. She held a Master's Degree from the University of Denver, and certificates from other institutions of learning. She was active in the National Education Association, being elected its vice president in 1903, and was the first woman to whom the association accorded that distinction.

The Historical Society's biographical sketch says of her: "Her work for Equal Suffrage began at an early date. She campaigned for the cause in Colorado. Later her work in the National Equal Suffrage cause took her to the major colleges east of the Rocky Mountains. In 1909 and 1910 she spoke before joint sessions of the Nebraska and Wisconsin legislatures, at Carnegie Hall in New York City and Ford Hall in Boston (at the latter filling five consecutive engagements) having the enthusiastic support of the leading suffragists of America. She was intimately associated with Susan B. Anthony, Alice Stone Blackwell, Carrie Chapman Catt, Dr. Anna Shaw. Mrs. Grenfell was deeply interested in the fine things of life and her pleasure in meeting the leaders in thought was her greatest joy. She fortunately had many such opportunities, her visits with Edward Everett Hale, the poets Oliver Wendell Holmes, Henry W. Longfellow, William Cullen Bryant, were treasured in her memory."

When we visited Mrs. Grenfell and her husband, Edwin, in Denver, she had been drafted by Gov. Shafroth to serve on the State Penal Board. Mr. Grenfell was an executive with the Denver & Rio Grande R.R. We enjoyed seeing her in action at her office at the state house.

The Henry Ford Peace Expedition invited Mrs. Grenfell to join the peace party to Europe in 1914; because of other engagements she did not accept. However, four years later, President Wilson sent her on

a mission to London, and she sailed from New York on the S.S. Carmania March 29, 1918. The ship was followed by German submarines for days. A torpedo fired by a pursuing U-boat missed the Carmania's bow by about eight feet; it contacted instead the cruiser King Alfred, disabling the rudder and killing three on board.

Mrs. Grenfell spoke at many meetings in England and Scotland. Excerpts from newspaper reports of several are included in the Colorado Historical Society's book. It contains as well pictures of her being received by their majesties at Buckingham Palace May 16, 1918; with Lloyd George at 10 Downing St., another showing her seated with Mr. Asquith after luncheon at Parliament House, Mr. Balfour standing with Ambassador Page nearby. Other pictures: Mrs. Grenfell talking with women munition workers; Mrs. Grenfell speaking at an outdoor meeting in Glasgow; Mrs. Grenfell emerging from a submarine at Glasgow; Mrs. Grenfell chatting with a police woman in London.

The Historical Society compilation concludes with articles written by Mrs. Grenfell before her death in 1935, on women suffrage. A quotation from one is timely, in view of the national campaign this week by women liberationists for equal rights. Mrs. Grenfell said: "The writer, never having believed that the enfranchisement of her sex would create the millenium, has not been disappointed in the failure of women suffrage to make of life one grand sweet song. In spite of the revelation of woman's human limitations we have every right to believe that the problems of life and citizenship will be best solved by men and women working together."

ROBERT S. KERR LOCK, DAM, AND RESERVOIR

Mr. DOLE. Mr. President, on October 24, the dedication of the Robert S. Kerr lock dam, and reservoir will take place near Sallisaw, Okla.

This project stands as a monument to Senator Kerr's devotion to the comprehensive development of our water resources. Senator Kerr was aware of the need to preserve and protect our environment before it became a popular issue. Both as Governor and as Senator, he recognized that the reservoirs we construct and the levees and channel improvements that are made, all prevent floods and lessen the effect of severe droughts.

But his hope for our region went beyond flood control to the economic growth made possible by low-cost water transportation. The Arkansas-Verdigris Waterway is potentially the single most important element in the growth of the Arkansas River watershed. If the farmers in Kansas and Oklahoma have the opportunity to export their products at lower cost, both the farmers and the consumer will benefit.

An important feature which clearly demonstrates the foresight of Senator Kerr and other proponents of this project is the hydroelectric power capacity of the dams that are part of this project. Upon completion, the total hydroelectric power generated in this region will be in excess of 3 billion kilowatt-hours, enough to supply a city of a million people. At a time when we find ourselves facing an energy crisis, the increased power available from the Arkansas-Verdigris River project will prove invaluable.

I regret that I shall not be able to attend the dedication of the Robert S. Kerr lock and dam to honor those responsible for this project. But I know the benefits the Arkansas-Verdigris Waterway will bring are the greatest tribute to the untiring efforts of Senator Kerr and others who have lived with this project since its inception.

ARGUMENT THAT GENOCIDE CONVENTION MAY RESTRICT OUR FREEDOM OF SPEECH IS UNFOUNDED

Mr. PROXMIRE. Mr. President, many of the opponents of the Genocide Convention have claimed that the convention would infringe upon our right to free speech.

In his excellent testimony before the hearings of a subcommittee of the Foreign Relations Committee, Assistant Attorney General William H. Rehnquist successfully refuted this argument. He pointed out that article III, subparagraph c, which refers to the direct and public incitement to commit the crime of genocide, is the only portion of the convention which refers directly to the use of speech. This is the type of speech which the Supreme Court has ruled is not protected by the first amendment. This was established in *Brandenburg* v. *Ohio* (395 U.S. 444), which states that inciting to riot or inciting to violate the law may be punished when the purpose is to cause a violation of law and there is a probability of the violation occurring.

Obviously, derogatory comments concerning individuals of another nationality, race or religious group are in very poor taste. But, they do not constitute genocide as long as there is no intent to incite a person or a group to commit genocide.

Mr. Rehnquist's testimony clearly establishes that free speech will not be impinged upon in any manner by this convention.

The time has come for us to act positively and swiftly on this U.N. Convention. I urge the Committee on Foreign Relations to take action to see that the Genocide Convention is brought to the floor of the Senate in the near future.

INCLUSION OF TRADE BILL IN SOCIAL SECURITY BILL

Mr. MILLER. Mr. President, yesterday a majority of the Committee on Finance tentatively decided to include the trade bill, as passed by the House, in the social security bill, as an amendment. In fairness, I should point out that this decision was made with the clear understanding that amendments to the trade bill—which is now an amendment to the social security bill—may be offered and considered in executive sessions of the committee when the Congress resumes on November 16.

It seemed to me that such action was premature, and I therefore passed when the rollcall of the committee was called. Before taking such action, I want to know what the trade bill finally looks like after all amendments have been considered.

I fully recognize that, in the case of textiles, the administration has done everything possible to negotiate bilateral agreements to relieve the problem of greatly increased imports which have unquestionably had an adverse impact on employment. On the other hand, I have some reservations about some other features of the trade bill, and I hope these can be relieved as the committee goes over the entire matter following the congressional recess.

The implications of the trade bill, as passed by the House, are widespread. Today's Wall Street Journal contains an article entitled "Trade War Threat," which sets forth the conflicting views about the bill. The President of the American Farm Bureau Federation has also set forth some of his organization's concerns over certain features of the bill. I ask unanimous consent that these be placed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TRADE WAR THREAT—RETALIATION IS FEARED IF UNITED STATES SHOULD ENACT PROTECTIONIST MEASURE

(By Ray Vicker)

BRUSSELS.—American soybean farmers may not know it, but they have a big stake in the protectionist trade bill now before Congress.

If the bill becomes law, soybean producers are apt to be among the economic casualties of a world-wide trade war. Britain, the six-nation Common Market, and Japan all aver that their trade with the U.S. would be hard hit by the protectionist measure.

A trade war would thus pit the U.S. against most of Western Europe and Japan. It could also push these nations toward greater trade with the USSR and with the Communist-bloc countries of Eastern Europe.

Interviews with trade experts here in this "capital" of the Common Market indicate that soybeans and vegetable oils rank high on the list of U.S. products facing possible retaliation. Other targets include U.S. aircraft manufacturers, feed grain and citrus growers, and computer makers. If Europe and Japan boycott these industries, it could mean the loss of a substantial number of jobs—an ironic development indeed since a prime goal of the trade bill before Congress is to protect U.S. workers.

SOME HOPE LEFT

There's still some hope that a trade war can somehow be headed off. If the trade bill, which is sponsored by influential Congressman Wilbur Mills, is watered down, the injury to foreign sales in the U.S. might be minimized—and retaliatory moves tabled. But that hope is steadily diminishing. And months of behind-the-scenes negotiating among American, British, Japanese and Common Market trade experts have failed to ease the growing tension.

Tomorrow and Friday Common Market officials will meet with U.S. officials in Washington to discuss trade policies. While the meeting was set up long ago as a routine affair, it now appears that it's developing into a last-ditch attempt by the Common Market to stress the seriousness of the impasse. Attempts are also being made to arrange a late October meeting between representatives of the Common Market, Britain, Japan and the U.S.

The problem is that the power to head off a trade dispute lies mainly with Congress rather than the Nixon Administration. Trade officials here fear Congress is listening to the pleas of protectionists in various industries for barriers against the wave of foreign imports. Congress apparently is paying far less attention to the plight of American exporters of soybeans and other products that would suffer possible retaliatory action.

TILES AND TENNIS BALLS

The Mills bill is extremely complex, but, among other things, it would establish quotas on American imports of textiles and shoes. Last year the Common Market countries—France, Italy, Belgium, Luxembourg, West Germany and the Netherlands—shipped $550 million worth of these goods to the U.S. In addition a "trigger" mechanism could bring import restrictions on 120 other items ranging from ceramic tile to bicycles and from automobiles to tennis balls. The trigger would be activated if imports attained more than 15% of the total U.S. market.

All told, the U.S. exports about $7 billion worth of goods annually to the Common Market nations alone. Application for Common Market membership are pending from Britain, Ireland, Denmark and Norway. Another six European countries are seeking some sort of tie with the Common Market. Hence there's a strong possibility that nearly all of Western Europe would be aligned in the anti-American camp in any trade war.

The New York-based British-American Chamber of Commerce, which has more than 1,200 U.S. and British concerns as members, warns that the Mills bill could adversely affect U.S. exports to Britain, which totaled nearly $3 billion last year. "Faced with new restrictions of this magnitude, it smacks of more than a little naivete to dismiss the virtual inevitability of massive foreign reaction of like magnitude," a spokesman for the group says.

A SETBACK FOR FREE TRADE

As often happens in any war, both sides aver that justice is on their side. European nations and Japan insist that the Mills bill represents a setback for the free trade trend under way since World War II. They see the U.S. as deliberately adopting a protectionism that could lead to retaliation overseas and counterretaliation at home that could damage the trade of all nations.

American trade negotiators reply that the Common Market, not the U.S., has been leading the way toward protectionism. These Administration aides claim the Common Market has adopted an agricultural program that restricts American sales to Europe. Moreover, the Common Market recently drew up preferential trade agreements with Mediterranean nations placing the U.S. at a disadvantage, these sources say.

Nevertheless, it's Congress, not the Nixon Administration, that is pushing the new trade bill. This week Secretary of State Rogers told the Senate Finance Committee that the bill is dangerous. He declared that if the bill were passed in its present form, "there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers."

Some Nixon Administration officials disagree. In testimony before the same Senate committee Secretary of Commerce Stans said he doubted the U.S. would lose any exports should the Mills bill be enacted.

Perhaps not, but within the British government there's considerable research under way to determine which American products should be targets for retaliation. Explains one bureaucrat: "There's no point in selecting an obscure item, if you are retaliating. You want to select a product that will provide the maximum hurt for the other side."

American goods that fall into that category include transport equipment such as aircraft, electric machinery, tobacco, wheat and other grains, various types of industrial equipment and nonferrous metals, trade experts say.

Naturally, when a reprisal target is picked, it must be one that won't hurt the importing nation when barriers are erected. Britain's tobacco imports from the U.S., for instance, can't be switched to some other nation very easily, now that it gets none from Rhodesia, once a major supplier. But other goods could be procured elsewhere.

Certain American farm products will doubtless be on most retaliatory lists. And soybeans are mentioned by nearly everybody.

Soybeans and meal were shipped overseas in record quantities by the U.S. in the year ended June 30. Total exports amounted to $1.5 billion, with the Common Market buying more than $600 million of that total. Substitutes for American soybeans and vegetable oils would be easy to find, say Common Market sources.

Even before the current fracas developed, the Common Market was considering application of a border tax on soya imports. Currently these products enter the Common Market duty free. Not long ago, Sicco Mansholt, the Common Market commissioner responsible for agriculture, declared that soya imports "are causing a distortion of the feedstuffs market within the community." He also charged that the rise in U.S. sales of vegetable oils in the Common Market has come partly at the expense of exports from underdeveloped countries such as the Ivory Coast and Senegal, producers of peanut oil.

American feed grains could also be hit hard. Cereal output has been steadily climbing around the world; Common Market nations could also increase their own production without much difficulty. Japan, another big importer of U.S. feed grains, could find other sources, declares a Japanese trade expert in London.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., October 12, 1970.

As the largest general farm organization in the United States, the American Farm Bureau Federation represents the producers of every major agricultural commodity. Farm Bureau has long recognized the importance of maintaining national policies which will encourage the expansion of trade with other countries on a mutually advantageous basis.

In the United States the production of approximately one acre out of four is exported. If farmers are to prosper they must have access to foreign markets. Exports are important not only to farmers who produce for export, but also to those who would face increased competition in the domestic market if we were to lose our export markets.

At the same time, producers of some agricultural commodities understandably are concerned about excessive imports. Proponents of H.R. 18970 contend that this legislation would provide a mechanism for relief from excessive imports. Fresh tomatoes are an example of such a commodity. Presently tomato producers are being injured by the rapid rise in imported fresh tomatoes from Mexico. Since 1964 fresh tomato imports from Mexico have risen 41 percent and currently are 20 percent of our domestic consumption. Our intent here is to flag this type of import problem as one needing attention, rather than to endorse the specific mechanism in H.R. 18970.

The trade amendments before you contain several provisions that would expand trade and some provisions which are restrictionist in nature. Among these provisions:

We favor:

New Presidential tariff reduction authority
Liberalized adjustment assistance
Time limit provisions for Tariff Commission findings
Liberalization of escape clause provisions
Elimination of ASP
Strengthening the Anti-Dumping Act
More flexibility in applying countervailing duties

We oppose:

Textile import quotas
Import quotas on shoes
Mandatory quotas on oil

These amendments—taken in their entirety—are essentially protectionist in nature and inevitably would lead to retaliatory action by other countries. American agriculture stands to lose both present agricultural exports and trade expansion opportunities if other nations retaliate.

Our judgment is that these amendments are not in the best interest of agriculture or the economy of the nation as a whole. As a consequence, we cannot support these trade amendments.

Sincerely yours,
CHARLES B. SHUMAN,
President.

OUR PRESIDENTIAL COMMISSIONS MUST BE RESPECTED AND THEIR REPORTS SHOULD BE STUDIED

Mr. YOUNG of Ohio. Mr. President, recently, two Presidential commissions have handed to the President their verdicts on campus disorders and pornography. The appointment of commissions, and there have been about 200 Presidential commissions appointed, can serve a number of functions, one of which could be to delay tackling tough national problems.

Recent editorials and news comment in the Christian Science Monitor and the Washington Post, both leading newspapers of this Nation, examines the functions of Presidential commissions. They state that to be successful a commission must embrace a wide range of opinions and must constitute men and women of stature, with sufficient time to probe widely and render a thoughtful verdict.

Apparently due to concern or fear, the Vice President, as chief critic, started to criticize these reports before they were even handed to the President. He was attempting to disown the conclusions of these commissions which were not in accord with his own personal views. By attempting to throw mud on these commission reports he was, in fact, throwing mud on the men and women who produced them, men and women whom two Presidents selected and in the case of the Commission on Campus Unrest, whom President Nixon appointed.

Given the stature of these commissions and the fact that members of them were selected by our President, we should not be so quick to dismiss their reports. These reports must be studied closely and their recommendations understood and implemented.

I ask unanimous consent that certain editorials and columns published in the Christian Science Monitor and the Washington Post be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 10–12, 1970]

COMMISSIONS AND COMMISSIONS

Someone has quipped that a camel is a beast built by a committee. Vice-President Spiro Agnew hasn't thought yet of applying this description to a commission. But the furor over two recent presidential commissions does remind us that they have become a way of life in Washington.

When a president has a tough issue before him, and doesn't want to make an immediate commitment (or hopes public attention will go away) one device open to him is to appoint a commission. Sometimes the resulting study is exceedingly useful. Sometimes it gathers dust on a forgotten shelf.

In the past few years Washington has seen prestigious assemblages reporting on the draft, crime, the Kennedy assassination, rural poverty and hunger, violence and civil disorder, postal reform, housing and urban

problems, the guaranteed annual wage—and, just now, pornography and campus unrest.

Mr. Agnew lambasted the pornography commission's report, reminding one and all that only one member of the commission was appointed by President Nixon, and that he dissented. He also criticized the Scranton Commission on Campus Unrest, though this was set up directly by Mr. Nixon. What Mr. Agnew did make clear was that, with a different membership, a commission will produce a different report.

Despite the Agnew diatribes, commissions can be exceedingly useful. When President Johnson set up the Warren commission to investigate the assassination of President Kennedy, this helped greatly to allay public concern and suspicion. President Roosevelt utilized a commission to report on the Pearl Harbor disaster.

For a commission to be successful, it must embrace a wide range of opinion, must be constituted of men and women of stature, and must have sufficient time to probe widely and render a thoughtful verdict. Recent commissions have helpfully contributed to wise policy by focusing attention on American racism, by proposing a draft lottery, by producing a crime-fighting program, by probing college unrest, and by reporting on the overseas impact of American policy.

Testimony before a House sub committee shows that, as of last November, there were 1,519 advisory committees, commissions, boards, councils, conferences, panels and task forces, costing the taxpayer some $64.5 million. Of these, about 200 were presidential commissions of one sort or another!

[From the Christian Science Monitor, Sept. 26, 1970]

THE SCRANTON REPORT

(By Roscoe Drummond)

WASHINGTON.—The one-track, eyes-shut, mind-closed critics of the Scranton Commission on Campus Unrest accomplished at least one thing:

Stirred public interest in its report by attacking it so blindly before they knew what it says.

They gave the appearance of wanting to protect President Nixon from the findings of the commission which they feared would be overly critical of the administration.

PUNY POLITICS

What they actually tried to do was to shield themselves by trying to discredit the report ahead of its publication—this on the premise that the facts the commission found would somehow hurt their chances of election in November.

This is pretty puny politics. This is the kind of thing which feeds campus unrest because it shows the dark face of hypocrisy which rightly offends young people and should offend all of us. It shows that too many public officials try to avoid dealing with urgent problems rather than face them. It exposes how they can't abide getting all the facts—not just those facts which they want to believe.

President Nixon doesn't need to be protected by his pseudo friends who seem to think that the President didn't know what he was doing when he created the Scranton commission and named the "wrong" people to serve on it.

He knew what he was doing. He wanted diversity and this is why he appointed a retired Air Force general and a young Harvard graduate student. He wanted competence and open-minded leadership and he named as chairman one of his most trusted associates—the man who was his first choice as Secretary of State—former Gov. William Scranton of Pennsylvania.

PERSUASIVE FACTS

Mr. Nixon wanted the facts—all of them and unvarnished—and he knew he would get them.

The President wanted a commission of such stature that its words would be listened to by the whole nation, and of such independence that it could not possibly be moved to tailor its findings to please anybody.

The commission achieved remarkable unanimity despite the diversity of its makeup. I believe that what did most to produce this near unanimity was not the persuasiveness of argument but the persuasiveness of the facts which the commission uncovered.

There is a special meaning to the commission finding that the depth and breadth of campus unrest are vastly greater than is generally understood by most officials and the public. It doesn't mean that most students are violent-minded. That group is small and evil. It does mean that the vast majority of students, who want nothing to do with violence, are dissatisfied, and deeply disillusioned over how much isn't being done to make a better, a more worthy, a more compassionate America. They don't want to bury the American dream. They want to build it—now.

BETTER FOCUS

The commission's conviction that the nation must lift its sights means that in order to do so the President himself will have to lift his sights and give more vigorous, sustained, and heartfelt leadership to persuade middle America—the great political center of the electorate—that while the violent must feel the vigor of the law, the nonviolent, restless, vast majority of young people should feel the responsive will of the governing majority to do what is right and what is needed.

This kind of unrest isn't bad; it's good. It has elements of magnificence and nobility. At its best it deserves to be nurtured and cherished.

The Scranton commission report will help do this.

It isn't mounting an attack on anybody. It isn't condoning violence. It isn't centering blame on the police.

It is certain to yield many new insights and set the whole problem of student dissent into better focus. It is addressed to only two categories of Americans: everyone in the nation who is a public official.

Everyone in the nation who is not a public official.

It deserves to be heard and, with discrimination, heeded.

[From the Christian Science Monitor, Sept. 26–28, 1970]

TOWARD UNDERSTANDING

(By Erwin D. Canham)

WASHINGTON.—Service on President Nixon's Commission on Campus Unrest has come close to being the most stirring extra-curricular episode in my professional life. And that includes membership on President Eisenhower's Commission on National Goals in 1960.

The need for bridging the gap of understanding between the conventional culture and the "new" culture, largely shared by young people, is very serious indeed. It exists all over the world, but especially in an advanced industrial society like the United States.

VIOLENCE CONDEMNED

The contents of the Scranton commission's report are being very fully covered in news columns, on radio and television. What I should like to emphasize here is how a group of nine very different people, with no partisan political overtones whatever, came to grow together into a very closely agreed perception of the problem.

We nine have all sorts of difference in life experience, in race, in age, in style. But after we had looked at the facts, we had very little difficulty in agreeing, even in language. No one of us would have written our report in the exact terms in which it appears. But on the thrust and general thinking we were deeply in accord.

We are all fully in accord in condemning violence and lawbreaking. We are aware of the shortcomings of university administrations, and point them out. We recognize the operation of deliberate troublemakers, although we identify their limited scope. We describe many of the follies and oversimplifications of some protesters. But what is most important is our profound sense of the challenge and significance of the new culture.

The crisis, in our view, is one of violence on both sides—which must be condemned and prevented—and of understanding—which must be awakened.

We urge President Nixon to draw the nation closer together, rather than drive it farther apart. We feel this must be his own instinct, even if the immediate political advantage may seem to be to take a hard line. But a sharp distinction must be drawn between a hard line manifest as effective and wise law enforcement and a hard line which condemns, angers or even kills students.

VOTES AT WHAT COST?

The law must be enforced. But an anti-intellectual wave is easy to arouse in the United States today. It might gain votes in 1970. It would desperately harm the country in the long run.

At any rate, readers can ponder our report and recommendations for themselves, and reach their own conclusions. Ours came from our on-the-spot investigations and from direct exposure to many people, young and old. We also discussed and formulated our views for many long hours, pooling our observations and convictions.

We hope our report will not be made a political football, for petty advantage. We regret the political attacks which preceded its issuance, based on misinformation and misjudgment.

ENFORCEMENT NEEDED

We do not think we over-estimate the gravity of the crisis. We are aware of some very explosive situations on many campuses today. We recommend the most vigorous law enforcement to cope with them. These immediate sparks must be put out. But such sparks exist in the midst of a vast mass of tinder. It is the tinder that concerns us most, the misunderstanding between groups in American society, the divisions in a nation which is proudly diverse but should never be driven by chasms of misunderstanding and of hate.

Speaking for myself, I learned a great deal in these last few months. I learned more vividly than before why blacks feel themselves increasingly the victims of repressive—they say genocidal—policies even though their material conditions are improving in some ways.

Relatively, and in profound spiritual ways, their status has not improved that much. I learned why many young people also feel themselves repressed and alienated, even though objectively society is growing freer. I learned how their deepest goals express the unfulfilled American dream.

I learned that the American nation must move toward deeper mutual respect, away from violence, toward understanding.

[From the Washington Post, Oct. 8, 1970]

THE SCRANTON COMMISSION: SPECIAL REPORTS

The President's Commission on Campus Unrest: "The national interest requires the existence of institutions of higher learning that are excellent by any measure, that are not wedded to any political, nationalistic or racist ideology, but which unashamedly and without apology are identified with the Black communities and integrally bound up with the quest and struggle of Black Americans to establish themselves as an integral part of America's educational, economic, political and cultural life . . . Integration, as currently defined and carried out, appears to many

young Blacks to be a doctrine and practice of white supremacy. In their view, integration means the destruction of all things Black and the exaltation of all things white, and thus perpetuates the notion that only what is white-controlled, white-determined and white-led has validity and significance in America society."

One of the more poignant and depressing themes struck by the Scranton Commission's main report concerns the dangerous and all but intractable way in which general and particular issues—public and private, in a sense—have become intertwined, with the result that the campus and its administrators have inherited a cauldron of dissatisfactions over which the university itself has small control. Black consciousness, "youth culture," the war in Vietnam—these are among the principal phenomena that do not owe their existence to the university, but which profoundly affect almost everything that happens at the university now. In its main report the commission observes that "black recognition" was a principal object of protest on 232 campuses surveyed in 1969: "it was an issue on 59 per cent of the campuses and in 49 per cent of the incidents." The commission dwells at length on the extraneous (to the campus) causes of the developing black self-awareness and militancy and on the predictable effect they have had in relation to both the traditional or segregated black college (mainly in the South) and the newly activist white (or integrated) university.

All this serves as crucial background for its special report on the killings at Jackson State, a rapidly growing black college in Mississippi where "campus unrest" in the conventional sense has been minimal, but which is anything but a stranger to black-white racial tension, animosity and incident. In May of this year, when the killings occurred, there seems to have been any number of official and unofficial agents of disaster—of both races—willing to make matters worse, from the provocative rock- and obscenity-throwing students, to the unidentified black man who passed the word that "Charles Evers, Mayor of Fayette . . . and his wife had been killed," to the white Mississippi civil authorities—the state patrolmen, in particular—who finally administered something in the way of a massace—what the commission drescribed as a "28-second barrage of lethal gunfire partly directed into crowded windows . . . and into a crowd in front of Alexander Hall."

In its special report on Kent State, the commission outlines a similar *kind* of disaster, although there are substantial points of difference, one of them being that in the days preceding the killing of four students by the Ohio National Guard, more senseless and inexcusable destruction had been wrought by the Kent students themselves than by those at Jackson State. One says "the students themselves" and comes to a crucial point: not necessarily by the students *who were to be the victims of subsequent gunfire*. For both in the case of Jackson State and Kent State, the Scranton Commission declines to rest content with the convenient and accurate finding that (1) student behavior was provocative and intolerable and (2) so was the response of armed authority. It traces, in both episodes, the terrible lack of control and organization and restraint on the part of those responsible for dealing with the disorders and stresses what is surely the ultimate answer to those who believe the students got "what was coming to them"—namely, that those who should have been punished for larger depredations went about their business, while those who were for the most part innocent bystanders, were killed or wounded. In this, to be sure, the commission makes a valid observation about the complicity—inadvertent or not—of many of the victims' fellow students: "Those who wreaked havoc on the town of Kent, those who burned the ROTC building, those who attacked and stoned National Guardsmen, and all those who urged them on and applauded their deeds share the responsibility for the deaths and injuries of May 4." That the situation had been allowed to come to such a pass, the commission believes, represents a failure of the responsible authorities to exercise their power properly and swiftly. A quotation from the report on Kent State sums up a charge the commission also laid at the doors of the authorities in Mississippi.

"There were disorderly incidents; authorities could not or did not respond in time to apprehend those responsible or to stop the incidents in their early stages; the disorder grew; the police action, when it came, involved bystanders as well as participants; and finally the students drew together in the conviction that they were being arbitrarily harassed."

Precisely because the university itself can do so little to contain the larger social or political causes of student unrest and disorder, it becomes the more important that it—in concert with the more responsible and responsive civil authorities—lay plans in advance for measured and civilized steps to control the unruly campus. Sleepless Ohio Guardsmen, Mississippi state patrolmen armed with live ammunition and a set of feelings bound to prompt the response to the black students that came—and all this without either a plan, a clear chain of command or instruction, or any apparent awareness of the dangers. No students should have been killed at Kent or Jackson State—but some were. Some students should have been apprehended and/or punished—but by and large, they were not. Nobody can be for that.

PEACE INITIATIVE

Mr. DOLE. Mr. President, before the Senate recesses, I would like to point out that the American people have overwhelmingly approved President Nixon's new peace initiative.

This fact was made evident in a telephone survey taken for the Republican National Committee between October 8 and October 10, immediately after the President's proposal.

The survey shows that 67 percent of the American people approve of the way President Nixon is handling his job and only 25 percent disapprove.

Mr. President, I am not sure I know what that 25 percent expects, but I do know what the entire Nation is getting in the way of leadership, initiative, and progress.

As we go home for the next month, it is clear that the President has become a rallying point for the entire Nation.

A NATIONAL DAY OF PRAYER

Mr. PROXMIRE. Mr. President, last May a general practitioner in Jackson, Wis., proposed that there be a National Day of Prayer to ask God "to help us get back on His side." As the result of efforts by Dr. James E. Albrecht, President Nixon has proclaimed next Wednesday, October 21, as that National Day of Prayer.

In writing the President, Dr. Albrecht said this:

This prayer would be directed not to asking God to be on our side, but to ask Him to help us get back on His side: asking His blessings upon our leaders, upon us as a people; asking His forgiveness for our own shortcomings, and helping us to become the men and women He created in His image.

We should ask specifically for guidance "pouring oil on troubled waters," re-establishing better relationship with God. Over the years we have drifted away from reliance on God to a reliance on our own strength and wisdom only to drift into greater personal and community chaos.

Mr. President, I believe that Dr. Albrecht has focused attention on something extremely important: We as individuals must remember our Creator.

As an individual I endorse Dr. Albrecht's plan and the President's recognition of it. Prayer is a highly individual communication with God. Even where there is prayer in groups, theologians will say, the individual intent is all important.

I would hope that all those citizens of this free land who practice a religion would voluntarily and individually join next Wednesday in the National Day of Prayer. This is a way we can demonstrate that we are a godly nation without having the Federal Government interfere with the people's prerogatives.

Let us pray because we want to.

A VERY GREAT LADY

Mr. HATFIELD. Mr. President, I rise to pay tribute to a lady who may well be Oregon's most illustrious guest. Mrs. Mary McConnell Borah, now living in Beaverton, Oreg., will celebrate her 100th birthday on October 17, 1970. Such longevity in itself is a rare and noteworthy accomplishment.

But we are honoring a pioneer lady, who knew and mingled with great names in America: Presidents, from Teddy Roosevelt to his second cousin Franklin; Senators, Representatives, Governors, Ambassadors—she met them all. For she was the wife of one of the giants in the history of the U.S. Senate, certainly one of the greatest Senators ever to come out of America's Northwest, William E. Borah of Idaho.

"Borah of Idaho" for over 30 years in American politics and Government—that was a name to reckon with. It meant a rare combination of power and influence based on sheer strength of character on independence of thought expressed through some of the most persuasive oratory ever heard in the Senate.

If ever there was a living example of the unique value of the U.S. Senate, it was the career of William E. Borah.

He came from a large, sparsely populated Western State, the 43d to be admitted to the Union. Thus he had no political power base of great wealth or great population. It was the man himself who counted.

And he counted because his vision and political philosophy were great enough to embrace all of America, and what America's role should be in the world.

When he died in 1940, after 33 years in the Senate, much of the Eastern press recognized his individual greatness in spite of their hostility to his views on U.S. foreign policy.

Twenty-five years later, the British journalist Max Freedman wrote a moving tribute to Senator Borah on the occasion of the 100th anniversary of Borah's birth. In effect, it was also a somewhat melancholy eulogy of all the Senate greats, so

prominent in their day, and so quickly forgotten.

Long a member of the Foreign Relations Committee, Borah served as chairman for 9 years and remained its single most influential member until his death.

Wrote Freedman:

It is probably no exaggeration to say that no other Senator in this century has rivalled Borah in exerting so continuous an influence over foreign policy.

Many disagreed with Borah's views prior to World War II, but Freedman noted that "even in foreign affairs he was often a prophetic voice."

And he added what many Americans instinctively recognized about Borah:

It is wrong, however, to think of Borah only the context of foreign policy. On many domestic issues, he was a brave, independent and constructive spokesman for causes that have since found their way to the statute books.

The central theme of his philosophy was a concern for the rights of the individual, so easily threatened by the big state or the big trust or the big union. This scale of values did not blind him to the need for reform, but it did make him the enemy, unsparing and vigilant of all attempts to strengthen the state as an end desirable in itself.

Mr. President, it is indeed interesting to see how well this British observer caught the real source of Borah's enormous political strength, particularly in the great Northwest. This was why he was elected and reelected by the Idaho voters, regardless of party.

I cannot refrain from including one more memorable paragraph from Freedman's article:

Above all, Borah was an immense personal force. He did his own thinking, read political classics, and spoke in debate with a towering eloquence and distinction of phrase completely unknown in the Senate of our day.

Mine is a tribute to Mrs. Borah, yet it is impossible not to pay my respects first to her great husband.

Having attempted this, we should recognize as well how much Mamie Borah—as she was known to her friends—helped and contributed to his career.

She was indeed a pioneer, reared in Moscow, Idaho, 20 years before it became a State. Her father, William J. McConnell, was a leader in the statehood movement and became its first Senator and third Governor. She first met young Bill Borah during this era.

This promising lawyer, as the phrase goes, had been born in Illinois, educated in Kansas, and came to Idaho to carve out his career. Kansas' loss was Idaho's gain.

Theirs was an ideal match, in terms of personality and interest. Mamie Borah made no attempt to share the limelight with her husband. She did not look on herself as a kind of cocandidate. But so effectively did she complement him, that she was fondly referred to as "little Borah."

She was born to the role of helpmate to a renowned and very busy Senator. All the newspapers of the day referred to her as one of the better-known Washington hostesses, remarkable for her lively conversation and widespread interests.

As evidence of that liveliness in conversation, Mamie Borah remarked last year on her 99th birthday:

People are always wondering how I have achieved such a ripe age and I can only say I never felt the urge to partake of the grape, the grain, or the weed, but I do eat everything.

After Senator Borah died, she remained in Washington for a few years, then joined her sister and her family in Portland.

I referred to Mamie Borah as perhaps Oregon's most illustrious guest. We are indeed grateful and honored that she chose to live in our State.

I did not use the word "famous," since fame is a fleeting thing, and great men and their wives are soon forgotten.

I am, of course, speaking of a temporary and very fragile type of fame which rests on today's headlines and fads.

There is a more permanent type of fame, and the record of Senator William E. Borah is already accorded a prominent place in American history. Today we can also extend our thanks to Mary McConnell Borah for her contributions to the life and career of her husband.

FAMILY FARMERS

Mr. YOUNG of Ohio. Mr. President, poverty in agricultural and rural areas is a disgrace to our Nation. Thirty percent of American families live in rural areas. Farmers provide the basis for an estimated 14 to 16 million jobs in the marketing and processing industries. Three out of every 10 jobs in private employment are related to agriculture. Yet, there has been a continual decline in the farm population as more and more farmers have been moving to our overcrowded cities looking for a better living. The fact is that the average farmer earns $1.57 an hour compared with the industrial worker's average of $3.19 an hour. The net income of farmers in 1969 was only 3 percent over the net income of 20 years ago. Today, 10 million Americans live below the poverty line in rural areas. One out of every five rural citizens lives in poverty. It is a stain on our national conscience that at a time when we are able to send a man to the moon, one out of every four farmhomes is without running water and 1.5 million small farmers earn less than $5,000 a year.

In September 1968 in Des Moines, Iowa, candidate Richard Nixon said:

We will not plow under farmers while trying to help them . . . 74% of parity is intolerable in my book; farmers are entitled to better, and I pledge that in my administration they will have better.

Two years later, in August 1969, prices received by farmers declined 3 percent—the sharpest 1-month price drop in 22 years. At the same time, farm operating costs remained at near-record highs with the result that the parity ratio—an economic measure of fair prices for farmers—plummeted to 71 percent. If farm prices continue at this level for the rest of 1970, the average parity ratio will be the lowest for any year since 1933. Could there be some truth to the old saying that campaign promises are made to be broken?

THE GENERATION GAP

Mr. JORDAN of Idaho. Mr. President, I recently received a letter from Mr. L. G. Wilson, of Boise, Idaho, expressing his concern about the lack of understanding and actual fear being expressed in the form of a generation gap today. In his letter he enclosed a speech delivered before a Lion's Club by his niece, Miss Debbie Martin, a high school student, giving her views on what the term "the generation gap" means. Her speech, and the tremendous amount of practical knowledge in human and family relationships and technological advance, merit more than a moment's pause in a busy day. They are the words of one young citizen striving to be heard with all the reasoning and logic of her command in a world which fast drowns out the voices of constructive society. I commend her for these remarks and ask unanimous consent that they be printed in the RECORD as one small but significant voice for return and reconciliation.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE GENERATION GAP

(By Debbie Martin)

Before I start, let me say that a Generation Gap cannot be pinned down to any one cause, but by many interchanging links. And be they large or small, they all do their part.

A Generation Gap certainly is not a new idea, but it always has been here, generation after generation, and will stay as long as there are an older, more experienced generation, and a younger, learning generation.

Why do we have a Generation Gap? Well, one major cause is the communication gap.

The way young people have so much time on their hands. There used to be chores that had to be done—getting firewood, milking the cow, etc. But now, mostly in bigger cities, everything is already done. For heat you use electricity or gas, and when you need milk, you buy it at the store. There just are no chores to be done anymore. Also, there aren't as many jobs to be had, because you have to be a certain age before you can join the union, or they always insist on experience, which is impossible without a job.

Now because of the lack of chores, the inability to get good regular jobs, the ideals and goals of the younger generation have changed so that they and the older generation are no longer talking about the same things.

There are more conveniences. Now almost every young person has a car, while a few years ago, only the adults had them.

Communication within the family has broken down—this is the main communication gap. There is not as much family entertainment as was ten to twenty years ago. Parents get their kids a babysitter when they go to the show or to a dance. Instead of introducing the younger generation to the grown-up world, they are keeping them from it. Then when the kids grow older, they go to the show by themselves, or with friends, or go to a teen dance. Maybe there weren't as many dances or shows, then as now, but then they went on picnics, or just enjoyed the dances that much more when they came along. There is now more individual entertainment. All you have to do is sit and turn a switch or push a button, and you've got

your favorite program, or you know what happened in Viet Nam half an hour ago.

There are teen dances. Nowadays there is at least one dance every week or two and the week there isn't a dance, you can always go to the show.

Now the younger generation is more involved with National and World problems then ever before, because of the TV and radios (mass media) that brings these problems out into the open. The young now are much better informed than ever before.

The world and national problems are fast coming to a head, the trees and animals, natural resources, are becoming extinct, pollution is becoming more and more eminent, and all these have to be dealt with—now.

Before, you could just put them off to the side, and then you wouldn't have to worry about it, within your lifetime. But now, if we don't do anything about it, in our lifetime, we will be sorry.

These problems are blamed upon the older generation, or the "establishment" by our generation, which undoubtedly is true, but I think the frustration of youth is: We cannot put it aside—it must be dealt with now—it can't be passed on to the next generation too many more times, because time is running out.

There seems to be a breakdown in authority. Where authority used to go from adult to young, it now is reversed in many instances. The adults used to set the ways and standards, and the young would live by them—but now it seems as though the youth are setting the standards and patterns, while the adults follow them.

Youth today (in general) always have some money. It used to be that money was really valued, because there was so little of it. But now, the young take it for granted. Here is a lack of communication, again, as brought out before.

There is a lot of leisure time, where everything is planned for a certain group, like teen dances. Where would today's youth be if they had a day or two within which they had to entertain themselves, with no TV, radio, stereo, etc.

Nationalism is becoming a problem among our youth, because we are somewhat a mobile community. (Not so much in this area in which we live, but more so in Los Angeles, for example, or San Francisco). When people move every 3–5 years, they never really get used to the customs of one place, when they are confronted with new customs, they never really develop any roots.

We have a growing lack of faith in the government. Everything that goes wrong, like the wars, the different pollutions, racism, and the steadily increasing overpopulation is blamed on the government.

And who really is the government? The people. We are the government. So we actually lack faith in ourselves.

Think about it.

CONTINUATION OF THE TURBO-TRAIN DEMONSTRATION

Mr. PELL. Mr. President, I congratulate Secretary Volpe on his recommendation to President Nixon that the Turbo-Train demonstration will be continued and expanded.

This past Monday, President Nixon announced in Stamford, Conn., that—

We are hopeful that within approximately 3 months the Department of Transportation and its Federal Rail Administration will be able to consummate an agreement with the United Aircraft Corporation and the Penn Central Railroad to develop an expanded demonstration.

As one who takes some paternal pride in the TurboTrain project, and as one who has recently written to the Secretary of Transportation urging that "the Department of Transportation should now be considering the expansion of the TurboTrain project rather than its elimination," I commend Secretary Volpe for his recommendation.

The only question which remains is the extent of the administration's financial commitment to an expanded demonstration project.

I have suggested to the Secretary of Transportation that an expanded demonstration would require an expenditure of previously appropriated and newly requested funds of $12 million. Those funds would be sufficient to upgrade the present two TurboTrains, to build a second generation TurboTrain service between Boston and Washington, and to provide two other second generation TurboTrains for service in corridors ouside of the Northeast Corridor.

Mr. President, I ask unanimous consent that the news article from the Providence Journal on Tuesday, October 13, and my letters to Secretary Volpe be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OCTOBER 5, 1970.

Hon. JOHN A. VOLPE,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: As you are probably aware, I am most concerned about public reports that the Department of Transportation is considering either eliminating or reducing its level of support for the Turbo-Train Demonstration in New England.

At a time when there is a massive restructuring in the railroad industry and at a time when census statistics reflect increased density in the Northeast Corridor, I believe the Department of Transportation should now be considering an expansion of the Turbo-Train project rather than its elimination.

In my mind it would be an eminently good public investment if the Department of Transportation not only refitted the present two Turbo-Trains and added the additional passenger units necessary to make the trains economically viable, but if it also built a third train set which could be used for high speed experiments between Boston and Washington and two other trains which could be used for experiments in other urban corridors. I estimate that this demonstration could be undertaken with an expenditure of $6.5 million in previously requested funds and $5.5 million in new funds.

There are a number of reasons why I believe the Department of Transportation should build upon the Turbo-Train Demonstration at this time.

First, an examination of the legislative authority for the demonstration program, I believe, reveals a basis for the continuation of Turbo-Trains as an expanded experiment rather than as a subsidized service.

The Turbo-Train demonstrations have not been brought up to the speed and frequency levels for which they were originally planned. The Turbo-Trains, due to numerous factors relating in part to various rulings, the manufacturer of the trains, and the bankruptcy of the New Haven and now the Penn Central Railroads, have been operating at an average speed of 62 mph rather than their top capability of 160 mph.

Despite the relatively low speeds of the trains, a minimum of nine trips a week, and very little advertisement and experimentation in ticket fares and service frequency, officials of your Department have indicated that they believe the demonstration to be completed because the New England public, with few other clean and punctual trains to ride, has demonstrated strong support for the two 144-seat Turbo-Trains.

In my opinion, the public's reaction to the Turbo-Train has been based more on the lack of any other decent passenger trains on the tracks in New England than it has been and I quote here the legislative authority for the program, on the "response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service".

While I personally have no doubt that the Turbo-Train Project has the capability to provide the experiment for which it was designed, I am not convinced that the Department of Transportation has fulfilled the legislative requirements for a full and complete demonstration of the Turbo-Train's potential. A comparison of service that should be provided passengers on ordinary trains to what is being provided on present trains is no substitute for a demonstration of the experimental service that can be provided on trains of the future, such as the Turbo-Train.

Second, since the Turbo-Train Demonstration has been underfinanced to date, the real value of the experiment has yet to be realized; and therefore, an additional expenditure of a small amount of new funds and unexpended funds of $12 million would reap very high benefits for public transportation at this point.

If the Congress appropriates the mere $900,000 that has been requested in the Office of High Speed Ground Transportation's $21 million budget request for fiscal year 1971 for the Turbo-Train, it will have appropriated since the outset of the project $9.2 million for the Turbo-Train Demonstration Project. As of October 22, 1970 according to public documents released by your Department, an estimated $6 million will have been spent of the $9.2 million appropriated for the Turbo-Train and approximately $3.2 million will remain for expenditure. If unexpended funds in other accounts of the Office of High Speed Ground Transportation budget are totaled, another $3.3 million will be found available for Turbo-Train expenditures for fiscal year 1971.

Not taking into account the fact that the Penn Central on its operating contracts with the Department has been reported to be making an average of $40,000 a month on the Turbo-Train and an average of $4.2 million a year on the Metroliners, the Department of Transportation should have available to it at least $6.5 million for the expansion of the Turbo-Train Demonstration Project in this fiscal year. Another $5.5 million could be requested in the Department's supplemental budget request for FY 1971.

Third, assuming the House of Representatives completes its action, at the end of this fiscal year the National Rail Passenger Corporation will begin to be organized by your Department. If the National Rail Passenger Corporation is to be more than an excuse for liquidating passenger train service, it will need to be able to develop the capacity to provide frequent, high speed service in the country's urban corridors. The capacity will be denied to the Corporation if the Department of Transportation aborts the only demonstration project capable of providing a basis of information and experience for a new thrust by the Corporation.

In sum, I believe that the past underexperimentation with the Turbo-Train Project, the impending restructuring of passenger service, the increased demand for high speed ground transportation in our urban corridors, and the present availability of funds for the Turbo-Train provides a substantial justification for the Department of Transportation to continue and expand the

Turbo-Train Demonstration Project; and I would urge you to do so.

I am most interested in receiving your views on this matter and in learning what your decision will be regarding the Turbo-Train's continuation. I look forward to hearing from you.

Warm regards.

CLAIBORNE PELL.

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., October 14, 1970.

Hon. JOHN A. VOLPE,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I was very delighted to learn of your recommendation to President Nixon to expand the Turbo-Train project in New England.

I realize that budgetary constraints have a restricting impact on many of the Department's programs which should be expanded, and thus I can appreciate the significance of your decision to expand the TurboTrain demonstration.

You may be assured that I would be willing to support the Department in its request for additional funds which will probably be necessary for the expansion of the TurboTrain demonstration.

I am enclosing a copy of my recent floor statement which may be of interest to you.

Warm regards.

Sincerely,

CLAIBORNE PELL.

NEW YORK-BOSTON TURBOTRAIN WILL CONTINUE

STAMFORD, CONN.—The high-speed Turbo-Train, which travels once a day between New York and Boston, will be continued beyond its Oct. 22 termination date, President Nixon announced here yesterday.

Nixon, who was in Stamford to dedicate an Italian community center after making a trip to Hartford, said final details of the extension have not yet been worked out.

"We are hopeful that within approximately three months the Department of Transportation and its Federal Railroad Administration will be able to consummate an agreement with the United Aircraft Corp. and the Penn Central Railroad to develop an expanded demonstration," the President said.

He said the expanded demonstration might "involve additional cars, as well as changes in design to improve the dependability of the service."

He said the decision to extend the two-year demonstration was recommended by Transportation Secretary John Volpe, who accompanied the President to Connecticut, "be cause of our resolve to apply available space-age technology and expertise to earthbound problems."

The TurboTrain demonstration would have ended Oct 22 if the federal government had decided not to renew its option to lease the train from United Aircraft's Sikorsky Division in Stratford, which constructed it.

Transportation Department officials had said earlier the lease might be allowed to expire.

"In addition to conducting a successful experiment, proving that new, clean, fast, safe trains will be used by the traveling public," Nixon said, "we have also provided a service that has come to be accepted, used and counted on."

"The service provides jobs, it contributes to the economy, it is an experiment that succeeded to the point where it is now almost a necessity," the President said.

THE FARM BILL CONFERENCE REPORT

Mr. YOUNG of North Dakota. Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN), who is necessarily absent today, I ask unanimous consent that a statement by him on the farm bill conference report be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR AIKEN

Although the Farm Bill agreed to by the Senate and House Conferees is not perfect by any means, yet it is much better than the alternative of no new bill at all.

Therefore, it is my hope that the Senate will approve this compromise bill at the earliest possible opportunity since the uncertainty which would be created by further delay would be costly to the country and particularly to American agriculture.

I am sorry to miss the closing days before the recess but it could not be helped.

HONORING THE OHIO MENTAL HEALTH ASSOCIATION, INC., ON THE 40TH ANNIVERSARY OF ITS FOUNDING

Mr. YOUNG of Ohio. Mr. President, this month marks the 40th birthday of the Volunteer Citizens' Mental Health Movement in Ohio. The organization takes its place near the top of the other health endeavors longer organized and the need for care and treatment is not exceeded.

When the Ohio Mental Health Association, Inc., began in 1930, it was few in numbers. The large mental hospitals housed thousands with little hope for eventual discharge. Because these devoted people and the professionals saw that greater hope lay in treatment in the community, the hospitals began to have fewer patients. Much more care and treatment is being done in the community. Tax users are more and more becoming taxpayers, leading useful lives in home environments.

Congress, several years ago, recognized the community need. Comprehensive community centers have been funded. Ohio, through the cooperation and promotion of the Ohio Mental Health Association and others, is sharing in this. Our recognition did not come too late.

This anniversary calls up names of those prominent in the Ohio Mental Health Association. Their former president, the late Dr. Walter G. Nord, Lorain, and the president now serving, the Rev. Kay M. Glaesner, Springfield, must be mentioned. Long active and known over this country as foremost in helping the mentally ill is Mrs. Marion S. Wells, their executive director. Hundreds of others have and still serve in the growing Ohio Mental Health Association. It has chapters and members from every county in Ohio. Among those who have returned to the native State are many internationally prominent Ohioans who each year serve as honorary mental health chairmen. This year the well-known Milton Caniff holds this position.

THE TRADE BILL

Mr. MILLER. Mr. President, we who serve in the Senate are accustomed to occasional mistakes by news media in reporting what we say or do. I wish to invite the attention of the Senate, as well as the attention of the press, Eastern Establishment or otherwise, to a most unfortunate piece of reporting by the New York Times.

On October 13, the Times published a four-column story and headline charging that Secretary of Commerce Maurice Stans and Secretary of State William Rogers contradicted each other in testimony before the Committee on Finance on whether or not the trade bill then under consideration would result in retaliation against the United States by other countries. I can only hope that the error which was made represents loose reporting rather than deliberate editorial bias in a newsstory.

In referring to retaliation, Secretary of State Rogers was commenting on the possible impact of H.R. 18970 as it passed the House Committee on Ways and Means. When earlier in the day, however—and the transcript of hearing makes this quite clear—the same question was posed of the Secretary of Commerce, he responded by referring to the trade bill as submitted by the Nixon administration. Obviously, there is a considerable difference. In the one case, Secretary Rogers was referring to the bill which was reported by the House committee and includes many provisions not requested by the administration—and in fact is vigorously opposed by the administration. Secretary Stans, on the other hand, answered the same question in the context of the administration-supported bill. The following is a direct quote from the question put to the Secretary and his answer, followed by the story from the New York Times. In the spirit of fairness, I call upon the New York Times to correct their erroneous report.

Senator FULBRIGHT. While we do give away a good deal of rice, nevertheless, I was surprised that you would say there is not a favorable balance in agriculture any more. It has gone worse than I had thought.

Secretary STANS. Senator, I would debate very strongly the question whether there is anything in the Trade Bill, *as we have proposed it*, that would cause us to lose any sales of soy beans or other agricultural commodities.

Senator FULBRIGHT. You do not think there would be any retaliation by other countries if we passed the bill as proposed?

Secretary STANS. If we passed the bill *as proposed by the Administration*, I do not believe there would be any retaliation from any other country; that is correct.

I ask unanimous consent that the Times article be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 13, 1970]

STANS AND ROGERS DISAGREE ON TRADE BILL—TESTIMONY BEFORE SENATE PANEL ON LEGISLATION'S IMPACT DIFFERS

WASHINGTON, October 12.—Two members of President Nixon's Cabinet disagreed, flatly and publicly, today over the probable impact of the foreign-trade legislation that is now being considered by Congress.

The Secretary of Commerce, Maurice H. Stans, told the Senate Finance Committee, "I question whether we would lose any exports" as a result of enactment of the trade bill.

The Secretary of State, William P. Rogers, on the other hand, predicted extensive retaliation by other countries, which would ban or

restrict American exports to a degree that would "cause serious harm to the United States."

The two Cabinet officials testified as the committee completed a two-day hearing on the bill.

The measure containing many restrictive provisions that were not endorsed by the Administration, has been approved by the House Ways and Means Committee but will not be voted on in the House until after Election Day.

In the Senate, a move is under way to attach the House committee's bill to a bill that increases Social Security benefits and enacts part of the Administration's welfare-reform program. The objective is to make the trade bill veto-proof, which it presumably would not be if it reached the White House as a separate bill.

If the Senate Finance Committee does not attach the trade bill to the Social Security bill—it is expected to decide on this tomorrow—an attempt will be made to attach it on the Senate floor when Social Security comes to a vote after the election recess.

The differing views of the trade bill expressed by Secretaries Rogers and Stans did not come as any surprise. This division of opinion within the Administration was made clear at the time of the House hearings and at various times since.

The forcefulness of the language used by both men was striking, however.

Mr. Stans, in lengthy dialogues with several Senators, spoke of the need to stop the loss of jobs for Americans that he said resulted from the United States' open-trade policies and restrictions on trade by other countries.

"We can no longer be the country of great wealth that can hold an umbrella over the development of other countries," he said.

Mr. Rogers, on the other hand, saw a greater danger to American workers from enactment of the House committee's bill.

If other countries chose to apply the same protectionist approach to United States exports "there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers," he said.

THE DRY CEREAL INDUSTRY

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Utah (Mr. Moss), who is necessarily absent, I ask unanimous consent that a statement by him be printed in the RECORD.

There being no objection, Senator Moss' statement was ordered to be printed in the RECORD, as follows:

Mr. Moss. Mr. President, the Subcommittee for the Consumer recently completed hearings on the cereal industry. I would like to share with Senators some of the seemingly uncontroverted facts developed at those hearings:

(1) The promotion of dry cereals is a multi-million dollar undertaking with most of this money being spent for television advertising, almost all of which is directed at our children.

(2) Although recognized nutritionists have known for some time that most Americans do not eat a balanced breakfast, and that many, if not the majority, eat no more than a bowl of cereal and milk, there has been little effort on the part of the cereal manufacturers to see that a bowl full of cereal provides a sufficient share of the nutrients required for a healthy life.

(3) It is clear that the present advertising practices in the cereal industry mislead the American consumer. Although the constant message is "Eat ABC cereal and you will be healthy" the necessary caveat ". . . provided you eat an otherwise well balanced breakfast," is deliberately omitted from the advertising message. If this message is not misleading and deceptive due to its content, its omissions clearly make it so.

(4) There are significant differences in the amount of nutrients provided by cereals presently available on the market and present technology could be applied to enrich all cereals substantially and thereby increase the chances that a larger proportion of Americans would receive a balanced breakfast.

During the testimony Robert B. Choate, an engineer and a noted student of the dry cereal industry, presented a survey of the nutritional content of 60 cereals readily available in the marketplace. His testimony was most revealing. His chart shows dramatic differences in the content of various cereals with respect to nine recognized nutrients. Since individuals will have varying requirements arising from their own dietary habits, this chart is particularly helpful to the conscientious meal planner. The chart is based upon the assumption that a serving is one ounce. This assumption works well for most cereals but some light weight cereals will not weigh that much and thus the consumer must either serve more of the cereal or plan to make up the shortage elsewhere in the breakfast. The bar graph chart clearly indicates that the rank or cost of the cereal is not the only consideration. For example, cereal number 7 has more protein per serving than cereal number 1. If that is important for the particular family, they should choose number 7 over number 1. It can be easily used. All that is required is to consider the differences between the various cereals and then to make selections to complement the dietary needs of the particular family, based upon their own diet.

This testimony and chart are now available in the printed hearings and I hope that it receives careful attention and that study suggests that much more can and should be done to ensure that the consumer is able to make fully informed choices in the marketplace.

MRS. ALFRED I. DUPONT

Mr. THURMOND. Mr. President, on September 24 this Nation lost a great benefactor and a great humanitarian with the death of Mrs. Alfred I. duPont. Mrs. duPont was a great Southern lady who devoted her time and means to the advancement of education and culture. I had the honor of being a friend of hers and an admirer of her wonderful spirit and charm.

Mrs. duPont gave millions to various charities and educational institutions. There are thousands of people today who would not have received a college education or skilled training without her benefaction. She was an outstanding patriot and a fine American.

No matter what field you turn to, whether it is the encouragement of colleges, or museums, or funds to aid crippled children, Mrs. duPont left her mark and her mold upon the creative developments in that area.

I wish to extend my heartfelt sympathies in this time of sorrow to the duPont family and to her brother and my warm friend, Mr. Edward Ball of Jacksonville, Fla.

Many Americans have mourned her passing and many newspapers took note of this sad occasion to pay tribute to her memory. Mr. President, it is fitting that some of these tributes be incorporated in the RECORD of our proceedings and I ask unanimous consent that editorials and letters about Mrs. duPont from the Roanoke Times, Jacksonville Journal, Jackson County Floridan, Florida Times-Union, Orlando Sentinel, and the Richmond, Va. News Leader be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Roanoke (Va.) Times, Oct. 6, 1970]

TRIBUTE TO A GREAT LADY

The death Sept. 24 of Mrs. Alfred I. duPont took from the Commonwealth its most gracious and charitable lady. A number of years ago Miss Hattie Bell Gresham wanted me to meet her cousin, Jessie Ball duPont, because she wanted her to become interested in the Barter Theatre in Abingdon. The meeting was arranged and Mrs. duPont and I became great friends.

A native Virginian from the Rappahannock area, she leaned towards helping Virginians. It was her desire to avoid the limelight but I think now the people of Virginia should know of her great humanity and her great charity.

A few of the institutions which were recipients of her contributions are: Washington and Lee University, Hollins College, Mary Washington College, Emory & Henry College, Hampden-Sydney, the Virginia Museum, the Barter Theatre, the Jamestown Commission and many more.

Miss Jessie, as she was affectionately known by her friends, was a gracious and perfect hostess. I was honored to be a guest several times. The dinners were always scintillating, delicious, beautifully served and fun due largely to the quick wit and humor of Mrs. duPont.

At one of the house parties I received a call from Abingdon, saying that part of my old home had burned. My first thought was to rush back to Virginia. I sought Miss Jessie out to tell her I thought I should leave. She was very concerned but she said "The fire is out, isn't it?" I told her "yes." She said "Let me give you a little advice. You stay here two more days and you will miss all hysteria." I did as she suggested and I have always been grateful for her mature advice.

The State of Virginia should cherish her memory and honor her great generosity which so few people knew about.

To have known Mrs. duPont was to honor her, respect her and love her. I shall always personally cherish the happy times I had in her company.

ROBERT PORTERFIELD.
Director, Barter Theatre, Abingdon.

[From the Jacksonville (Fla.) Journal, Sept. 28, 1970]

MRS. JESSIE BALL DUPONT

The life of Mrs. Jessie Ball duPont, like that of her late husband, was one devoted to the welfare of others and to the progress of her states and her country.

Though she maintained a home in Delaware, her legal residence was Jacksonville and during the 35 years since Mr. duPont's death she had spent most of her time, along with her brother, Ed Ball, carrying on philanthropic plans and the development of the many duPont Florida interests.

It is estimated that Mrs. duPont gave some $55 million to various charities and educational institutions and there are countless thousands today who received a college education due to her gifts.

Mrs. duPont was a rare combination of the best of womanly charm and business astuteness. Born to wealth and position, she was a tireless worker herself and completely shared her husband's belief that the wealthy had definite responsibilities to society in general.

She was one of the last of her kind of the old time regal class, a great lady and a great humanitarian.

[From the Jackson County (Fla.) Floridan, Sept. 29, 1970]

MRS. DUPONT PAID TRIBUTE BY CITY

JACKSONVILLE.—Flags were ordered flown at half staff in Jacksonville Monday and today to mark the death of Mrs. Alfred I. duPont.

The 86-year-old widow of the man who built the Florida duPont empire died at her Wilmington, Del., home Saturday. Although a legal resident of Jacksonville, she had not been at her St. Johns River estate here since 1966.

Mayor Hans Tanzler signed a resolution ordering flags at half staff on city buildings.

"Her numerous philanthropies toward the betterment of community life in the city of Jacksonville are unparalleled," Tanzler said.

Mrs. duPont gave an estimated $55 million to educational institutions and charities since her husband died in 1935.

DuPont left an estate of about $25 million which has grown under the direction of Edward Ball, Mrs. duPont's brother, to a value estimated between $1.5 to $2 billion.

The approximately $9 million Mrs. duPont collected annually from the estate now will go to charities for crippled children and the elderly. Otherwise, under terms of duPont's will, the estate is not affected by his widow's death.

However, the seven trustees are required by a recent act of Congress to dispose of all except one of their 30 Florida National Banks or dispose of all properties except the banks.

The estate owns the Florida East Coast Railway, St. Joe Paper Co., another small railroad, at least one million acres of Florida pineland and considerable valuable downtown real estate in Miami and Jacksonville.

[From the Jacksonville (Fla.) Times Union, Sept. 29, 1970]

MRS. DUPONT'S LASTING MEMORIAL

When Alfred I. duPont died in 1935, his biographer, Marquis James, titled the final chapter of hs work, "A Life Is Ended, Its Work Not."

The phrase applies with even more force in assessing the influence for good in Florida of his widow, Mrs. Jessie Dew Ball duPont, who died Saturday at the duPont Wilmington, Del. home, "Nemours," at the age of 86.

In the 35 years since the death of her multimillionaire industrialist-financier husband at Epping Forest, their Jacksonville estate, Mrs. duPont not only took an active part in the management and development of the large and varied duPont holdings in Florida, but assiduously carried out and broadened the philanthropies he provided for in his will.

The list of beneficiaries of her gifts, made without fanfare, included scores of institutions in many states, but with understandable emphasis in her native Virginia and her adopted home of Florida.

Her husband in his will earmarked $1 million of his estate to set up the Nemours Foundation as a perpetual charitable trust, and to build the Alfred I. duPont Institute for aid to crippled children.

In addition to carrying out these projects, Mrs. duPont each year gave 12 percent of her large personal income to the foundation, and to the Florida Crippled Children's Commission and to similar commissions in other states. In addition to these central interests, she contributed an estimated $55 million to various other charitable and educational institutions.

Mrs. duPont, a former school teacher, gave generously to the University of Florida, which honored her by naming a building for her in the Human Development Center, but she was a strong champion of private, independent colleges, and in addition to helping many such institutions directly, she assisted many deserving young people to get their education there.

In the lives of the thousands she has helped, directly and indirectly, lies her truest and most lasting memorial.

[From the Orlando (Fla.) Sentinel, Sept. 30, 1970]

MRS. DUPONT, BENEFACTOR

A lady whose gifts benefited many groups and institutions in Central Florida died Saturday in Wilmington, Del.

She was Mrs. Jessie Dew Ball duPont, 86, widow of the late Alfred I. duPont who died in 1935.

Mrs. duPont not only looked after the management and development of the vast duPont holdings in Florida after her husband's death, but she supervised the philanthropies he had begun and expanded on them.

She gave generously to Rollins College and to other charitable and educational institutions in the Central Florida area and elsewhere. Many of her gifts were made anonymously.

Mrs. duPont had a policy of giving 12 percent of her great personal income annually to the Nemours Foundation, a perpetual charitable trust, to the Florida Crippled Children's Commission and similar commissions in other states.

Aside from that, during her lifetime she gave an estimated $55 million to various institutions. Her gifts helped many young people obtain an education.

Mrs. Jessie duPont was devoted to the cause of mankind. She used her wealth wisely and lovingly to bring hope, health and knowledge to countless thousands of individuals.

[From the Richmond (Va.) News Leader, Sept. 30, 1970]

MRS. ALFRED I. DUPONT

On Saturday, a distinguished lady left our midst. She was brilliant, warm, and exuded a contagious compassion for her fellow man. There are few worthwhile community endeavours in Richmond that have not benefited from her generosity. Indeed her benevolence extended throughout her native Virginia and throughout the United States.

A member of the distinguished Ball family, a native of the Northern Neck, a dedicated school teacher, a devout member of the church—Jessie Ball du Pont was the epitome of womanliness. Her rare and radiating charm became part of almost everything she touched.

Mrs. du Pont was an ardent believer in the value of education. Through a multitude of scholarships primarily for Virginia students, she enabled young men and women to become self-reliant and, in many cases, prominent members of their communities. A former school teacher and a graduate of what is now Longwood College, she was a benefactor of several colleges and universities—including Mary Washington, Swarthmore, Hollins, Washington and Lee, and the University of the South. She donated chapels libraries, and buildings to many campuses.

After the death of her husband, the late Alfred I. du Pont, she built, staffed, and maintained a crippled children's hospital on the grounds of their estate—Nemours—in Wilmington, Delaware. In Richmond the Crippled Children's Hospital, Sheltering Arms Hospital, the Virginia Museum and the Association for the Preservation of Virginia Antiquities are but a few of the organizations that enjoyed her friendship and support.

Mrs. du Pont was an honorable lady. The monuments she leaves are the countless persons whose lives she has enhanced.

FUTURE TRADE POLICY OF THE UNITED STATES

Mr. NELSON. Mr. President, in the near future, the Senate will have to make important decisions regarding the future trade policy of the United States. These decisions will have far-reaching effects both at home and abroad.

In order that Senators may be fully aware of the adverse effect the importation of certain commodities is having on selected domestic industries, I ask unanimous consent that the text of the statement I am submitting to the Committee on Finance on this problem be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON ON AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962, OCTOBER 14, 1970

Everyone pays lip service to the concept of free trade. All countries espouse its virtues as do the producers, sellers and buyers of goods, just so long as they are beneficiaries of the exchange. When any of them feel threatened or see the risk of serious damage, they quite naturally oppose unlimited free trade so far as their interests or those of their country are concerned. There is nothing wrong with that. It is a perfectly defensible position from the standpoint of those who are damaged. If in fact the concept of free trade were applied without limitation world wide, the economic disruptions would be catastrophic and political support for the concept would evaporate overnight. That is the very reason that no one advocates the immediate implementation of the concept of free trade in its purest sense.

The real question is how we can continue to expand and develop a world wide program of "freer" trade than we now have. That cause will not be advanced by creating trade isolationists out of large numbers of people who have had their industries and jobs quickly wiped out by massive flooding of markets with foreign imports.

The objective, it seems to me, is to expand the concept of free trade in an orderly fashion that does not dramatically disrupt the economy of a country, while at the same time, progressing toward the ultimate objective of making all products available world wide from the most efficient producers.

There are some quite obvious circumstances where the domestic producer is entitled to protection. For example, government subsidized exports, such as the well known case of dairy products, temporary flooding of the market by a foreign country or massive invasions of a market which threaten rapid elimination of a whole industry, or cases where a foreign country establishes unreasonable artificial barriers.

Some of these matters can and have been worked out by voluntary agreements at the executive level. This method has the virtue of flexibility but frequently does not work because of foreign policy considerations unrelated to the question of trade.

In my judgment trade respecting several products can be fairly managed to the mutual benefit of the trading countries by establishing a quota on a fair base period with flexibility for growth as the market grows and with limited Presidential authority to modify quotas in the interest of expanding trade.

The American mink industry is presently facing serious economic difficulties, in great part due to the absence of a reasonable limit on the importation of mink pelts.

In 1960, 5,937,000 mink pelts were consumed in the United States. Of these, 2,846,000 or 47.94 percent were imported. In the years 1966 and 1967, the United States imported over 11 million pelts (while only producing just over 12 million) which accounted for 54 percent of the domestic mink consumption. In total, from 1960 through 1969, nearly one-half of all pelts consumed

in the United States, or approximately 44 million pelts, were foreign produced.

The problems of the mink rancher due to inadequate quotas are not new. Already in 1967, I had pointed out that more than 40 percent of the nation's mink ranchers had been forced out of business since 1960. According to Walter Taylor, a past President of the Emba Mink Ranchers Association, there were 7,200 mink ranches in 1962 compared with 2,600 in 1970.

Thousands of Americans are dependent upon the mink industry for their livelihood. Yet, in 1970, pelt prices reached disaster levels. 90 percent of the 1969 crop sold as of September 1, at an average gross sales price of $11.14 which is 27.3 percent less than the auction average of $15.33 in 1969, and 42.8 percent less than the $19.48 average realized in 1966. While these prices have skidded, there has been no control over the importation of minks.

If the mink industry is to survive, then realistic and reasonable limits on mink imports are necessary. The House trade bill does not provide sufficient relief. It sets the duty-free limit at 4.6 million pelts which is one million greater than the quantity of pelts imported in 1969, and two million greater than the Department of Agriculture's projected figure for 1970. The National Board of Fur Farm Organizations has estimated that there would have to be a 77 percent increase in the present rate of imports before American mink ranchers would get any relief through the quota provision of the House bill.

Legislation that I have previously authored and am presently cosponsoring, would set reasonable limitations on mink importation. This legislation would allow foreign mink pelts to continue entering the United States duty free until the annual total equals 40 per cent of the domestic consumption in our country. All pelts imported after that point would be subject to a duty equal to 50 percent of their value.

Two further recommendations are appropriate. First, no more than one-third of the total pelts permitted in duty-free should be admitted in any calendar quarter. This requirement is necessary because foreign mink producers often flood the American market in December. Second, the Committee should seriously consider retention of the 1952 provision concerning the embargo on pelts directly competitive to mink or include such pelts in the mink quota.

The lack of a realistic limit on the importation of footwear has been a major cause of the current financial problems facing the domestic shoe industry.

In 1969, foreign-made footwear, amounting to approximately 200 million pairs, took over 25 percent of the American market. While domestic production in 1969 had declined by 52.3 million pairs compared with 1968, imports had increased by 20 million pairs.

Based on the first 8 months of 1970 (where shoe imports increased by 21.3 percent over the same period last year), the American Footwear Manufacturers Association has projected a total import of 237,200,000 pairs for 1970, which is a 35,200,000 increase over the 1969 level of imports. The significance of this increase can be seen when one realizes that in 1950, domestic production of shoes amounted to 522.5 million while imports amounted only to 6.1 million or barely one percent of the domestic market. Ten years ago, imported footwear amounted only to 26.6 million or under 4 percent of the American market. Even five years ago, shoe imports of 87.6 million occupied less than 14 percent of the domestic market.

Because the shoe industry is very dependent on labor costs, our American firms have not been able to compete fairly with foreign footwear firms. They have not been able to compete fairly because the American firm pays an average of $2.74 an hour while children, ages 12–14, are putting in 60-hour work weeks at footwear plants in Taiwan and Hong Kong, for as little as 12 cents an hour.

The time for setting reasonable limits on shoe imports is at hand. The Senator from New Hampshire, Mr. McIntyre, has offered legislation which I am co-sponsoring which would set realistic quotas. This bill would set the years 1967–1969 as the base period for imports. It would reduce imports from 200 million a year to approximately 150 million, or a fair percentage of the domestic market. It is time to achieve a fair trade balance—it is time to save the American shoe industry from being run out of business.

A third major industry that is being adversely affected by current import quotas is the dairy industry. Increasing dairy imports is one of the major factors contributing to the mounting pressure that is forcing farmers to leave dairying to seek a better return on their investment of capital and labor in other phases of farming and business.

Farmers have been told that if they seek better balance between supply and demand, the result will be improved prices. Yet, over the past five years, the number of dairy cows has dropped from 17.6 million to 13.8 million During the same period, dairy farmers reduced milk production by 11 billion pounds, from 127 billion in 1964, to an estimated 116 billion in 1969. During that same period of time, imports of dairy products, heavily subsidized by foreign governments, increased by more than 6 billion pounds. This increase along with inflated production costs, have wiped out any real price improvement for dairy farmers.

The answer that best suits the needs of the American dairy farmer would be the establishment of an overall quota for the total of all dairy imports based on the average imports in 1961–65, before massive dairy imports began. Only import quotas covering the whole range of dairy products will afford relief to the domestic dairy farmer.

The actions that I have suggested are not simply protectionist. Several domestic industries are faced with critical problems which in part can be relieved through the enactment of reasonable limitations on certain imported commodities. Hopefully, trade legislation that comes to the floor will contain the provision that the restrictions in the bill will be superseded by any voluntary agreements that may be negotiated. While there must be increased efforts towards expansion of international trade and the dismantling of barriers to free trade, there must also be increased efforts to set fair trade levels to relieve those domestic industries which are suffering economic hardship due to the current unfair trade situation.

SCHOOL FUNDS WITHHELD BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. MONDALE. Mr. President, it has come to my attention that the Secretary of Health, Education, and Welfare has withheld some of the funds which were appropriated for this school year by the Congress and which have even been released by the Office of Management and Budget.

I have received desperate letters from school districts in my State whose title I funds have been held up. The result of this action to date has been extreme frustration and hardship for schools which are not yet sure of their entitlements for this year.

The effect on many of the programs which depend upon title I funds may soon be abandonment or severe cutbacks in services.

And the result for our children will be to once more be made victims of this administration's distorted priorities and their concern for bookkeeping over the education and welfare of our most needy children.

Mr. President, I cannot urge strongly enough the need to immediately release these appropriated funds and to allow the schools to go on with their work.

For the first time in the 5-year history of the Elementary and Secondary Education Act the Congress completed its educational appropriations work well before the beginning of the school year. This is all to be undone now by the delaying tactics of the administration.

The economic waste and the inefficiency of abandoned programs—not to mention the almost incalculable waste upon the children themselves—is absolutely intolerable.

I urge, once again, the immediate release of these funds so that our schools can return to their task of educating our neediest children.

Mr. President, to further illustrate the gravity of this situation, I would like to submit for the RECORD a few of the letters I have received on this crisis. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANESVILLE PUBLIC SCHOOLS
IND. DISTRICT 830,
Janesville, Minn., October 12, 1970.

Hon. WALTER F. MONDALE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MONDALE: We, as school people, appreciate the fact that Congress passed the Appropriations Bill for the Elementary and Secondary Education Act prior to the beginning of the fall term. Planning now should be more meaningful.

It is my understanding that the administration has not allowed the allocation of education funds. Thus we are still not able to effectively plan our program for the year.

I urge you to make our needs and wants known immediately to those who are holding back the funds.

Thank you for your assistance.

Sincerely,

DARWIN LOCHNER,
Superintendent.

INDEPENDENT SCHOOL DISTRICT NO. 318,
Grand Rapids, Minn., October 12, 1970.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

Hon. JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

GENTLEMEN: Thank you for your positive assistance in passing the August, 1970 Appropriations Bill. You are to be commended on your action and we wish you to know that your support of the bill is appreciated.

We are now in the second month of the school year since the passage of the Appropriations Bill. Apparently, since the passage initially, little has been accomplished in releasing information and funds to the various state agencies. As a result of the delay of allocating monies there is an increased concern because a local educational agency is charged with the responsibility of maintaining and improving existing educational programs. A slow release of funds places additional pressure on us and puts us in a somewhat precarious position.

In essence we are asking you to make known to the proper sources a pressing need

to release the monies already passed to assist in fulfilling the educational objectives of the existing programs.

Thank you for your time and again your efforts will be appreciated.

Sincerely,

DONALD J. GORNOWICH,
Administrative Assistant,
Federal Programs.

MAYNARD PUBLIC SCHOOLS,
Maynard, Minn., October 8, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: As you are aware, the public school districts of Minnesota need the Title I and Title II funds to carry on their Educational programs for the 1970–71 school year.

We realize that the H.E.W. was without an administrator for sometime, but now that the position has been filled we believe the funds should be released immediately.

Most school districts in Minnesota are without sufficient funds to carry on their normal activity. Without the Federal program's monies we must write warrants and they do cost us money. Some schools may have to curtail Federal program activities.

The 89th Congress blessed us with these programs. This Congress must see that we get the money to carry out our present Federal programs.

Your usual prompt action will be greatly appreciated by all public school districts in Minnesota.

Thank you.

Very truly yours,

MILTON L. ANDERSON,
Superintendent.

INDEPENDENT SCHOOL DISTRICT 583,
Pipestone, Minn., October 9, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Shocking news has just reached my desk that I find extremely disturbing. Minnesota's (and I'm sure other states) Department of Education indicates that the Federal Government is withholding ESEA Title I money that Congress appropriated for this year's program. Specifically, only $4 million has been received of $23 million appropriated. We are led to believe that projects now operating must be curtailed or eliminated if the additional funds are not soon forth coming.

If this is allowed to happen, faith in our Congress and even in our President will decline sharply in the eyes of educators.

The Title I program at Pipestone is small, only $50,000, but it's $50,000 we can't find in our local budget if we are forced to either eliminate Title I activities or support them with local tax dollars.

Isn't there something that can be done about this?

Respectfully,

WM. BURKHOLDER,
Admin. Assistant.

MENTOR PUBLIC SCHOOLS,
INDEPENDENT DISTRICT 604,
Mentor, Minn., October 8, 1970.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: The U.S. Congress passed the appropriation bill for Federal funds to finance our Title programs. However, the release of the major portion of the funds has been delayed by the administration for an unknown reason. The Federal government seems quite rapid when sending our numerous regulations and red tape which plague school administrators in trying to implement the programs. However, they are extremely slow at producing the money for adequate funding. This situation of uncertainty about funds, when we have already obligated them, and have programs in action, really panics school administrators. After all, Federal money belongs to the people. They are well aware of it when they pay their Federal income tax and all other federal taxes of the so-called hidden variety.

The Federal government must do more to finance education—especially on the elementary and secondary levels. The property tax payers are really "crying" and put a good deal of pressure on the school administrators to cut the budget.

Inflation is the real culprit. If we add nothing to the program, the budget rises rapidly anyway, due to nothing but inflated prices. Inflation is causing most of our problems. Many are to blame, but the Federal government must shoulder most of the responsibility. Thus the Federal government should hasten to help finance the public schools.

It is very important that the Federal funds for the Title program be released in full—and without delay. The pressure on school administrators is rising almost daily. We are calling for help!

Sincerely yours,

E. P. NEIBAUER, *Supt.*

ST. LOUIS COUNTY, OFFICE OF THE BOARD OF EDUCATION,
October 8, 1970.

Senator WALTER F. MONDALE,
Old Senate Office Building
Washington, D.C.

DEAR WALTER, As Director of Title I of the 1965 Elementary and Secondary Education Act for the St. Louis County Schools, I am writing to you urgently appealing for your assistance to implore the administration to release the education funds as appropriated by the Congress in August for fiscal 71's federally aided programs for our schools.

Statistics show that $4,000,000 was granted to the State of Minnesota contrasted to $16,000,000 in approved projects and the Minnesota total share is $23,000,000 as passed by Congress. This means that practically every school in Minnesota will have to make emergency decisions as to whether they can afford to continue these federally funded projects because of the serious need for funds which were allocated and expected as promised by Congress.

Another serious consequence in the delay of funds is that valuable materials geared to special needs currently needed in these programs cannot be purchased unless current funds are available.

It appears that the administration is playing politics and this charge should be relayed to him and his administration, because there is no valid reason for denying funds so critically needed. Since passage of ESEA school districts have projected programs which cost considerably in excess of the amount funded by Congress in the anticipation of receiving the federal portion to meet current requirements. As a result of so projecting programs school district have not only currently funded costs with local monies but have found it necessary to borrow money to meet the additional current costs of approved projects which included federal monies.

It is my information that funds are also being held up for Public Law 89–10, as amended, Title III, V and VI and the newer, Vocational-Technical Education Act, as well. Because of arbitrary holdbacks the administration in Washington should be charged with maneuvering public funds for political intent.

I would appreciate all efforts which you may exert to properly inform the administration authorities responsible for this delay.

Thank you kindly for your help.

Sincerely,

PETER X. FUGINA,
Supervisor.

ALEXANDRIA PUBLIC SCHOOLS,
Alexandria, Minn., October 8, 1970.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Our school district is very concerned that Title I funds have not been released to the State and, in turn, to the local school district. Our school has already made commitments to personnel and, more important, to the child; and it is unbelievable that the appropriations have been authorized but not released.

The Federally funded education programs have had a tremendous impact on our schools. I hope that we can continue to plan for the benefit of the disadvantaged child, but this can only be accomplished if the funds are made available now.

I am fully aware of the strong support you give education, and I am asking that you make the administration recognize the urgency in this matter.

Sincerely yours,

A. A. PACIOTTI,
Director, Adult Education.

McINTOSH, MINN.,
October 9, 1970.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Elementary and secondary school children who are entitled to the benefits of Federally funded educational programs may be seriously shortchanged this year unless the funds that are being delayed in the Office of the Secretary of Health, Education and Welfare are released soon.

For example: the four million dollars of Title I Funds granted to the State of Minnesota contrasts with sixteen million dollars in approved projects and a twenty-three million dollar share of appropriations passed by Congress. If the balance of the money due for Minnesota is not made available soon, schools operating programs will be faced with out-go and no income.

The school system in which I am teaching at present has been receiving Title I Funds for the past four years. I am personally interested in this educational program as I have seven pupils who are receiving special help and who are desperately in need of this. Please help us out in this situation by informing the Office of the President to instruct the HEW Secretary to release and distribute these educational funds immediately.

Thank you.

Sincerely,

MRS. GLADYS SCHLEICHER.

INDEPENDENT SCHOOL DISTRICT No. 535,
Rochester, Minn., October 9, 1970.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Are you aware of the plight of the Title I programs?

We have just gotten our Title I Program well underway for this year but have learned from the State Department of Education that funds are being delayed in the office of the Secretary of Health, Education and Welfare. I hope you will exercise all of your influence to encourage President Nixon to release the funds which were voted by Congress.

The educational accountability stressed by the United States Office of Education cannot be maintained by state and local school districts if fiscal responsibility by the Federal Government is not accepted.

Wouldn't it be disastrous if we had to discontinue programs we have just begun?

Children's welfare is at stake! Your help is needed.

Yours truly,

WARREN W. ZIMMERMAN,
Principal.

COTTONWOOD, MINN.,
October 12, 1970.

Re Federal Aid to Education Program.
Senator WALTER F. MONDALE,
Washington,
District of Columbia.

DEAR SENATOR MONDALE: Recent actions by the Administration seem to show that President Nixon is not aware of the necessity for immediately releasing all of the Education funds for this year's Federally aided program for the nation's elementary and secondary school children.

The United States Congress passed the Appropriations Bill before the beginning of the fall school term for the first time in the five-year history of the Elementary and Secondary Education Act. This action was much appreciated as it would have provided school districts and State agencies with several weeks for preparation of programs and employment of personnel. However, the President has allowed the allocation of funds to be delayed, and school administrators have been unable to plan for the most effective use of Federal funds.

I am certain that President Nixon will instruct HEW Secretary Richardson to release and distribute the education funds if he is appraised of the need.

I would like to thank you for your support in passing the Appropriations Bill and for any aid you can give me in passing this information to the Office of the President of the United States.

Yours truly,

Mrs. ARDITH REISHUS.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: I have been informed by the Minnesota Department of Education that only 20% of the funds alloted to Title I ESEA by Congress has been released to schools in Minnesota and that 80% is being withheld by HEW.

Bejou Ind. School Dist. No. 431 of which I am principal, was alloted $3624.00 for a project "Improving Reading Ability of 13 Title I Children". These children are one or more grades below the reading ability of their grade through grades 1, 2, 3, and 4.

If the remaining 80% alloted to this reading project is withheld, this project will have to be dropped leaving 13 children deprived of the instruction they need to compete in this age.

Therefore, I am appealing to you to influence HEW to release the funds necessary to complete this necessary project.

Sincerely,

MAURICE C. BURSHEIM,
Principal.

SLANTED NEWS

Mr. DOLE. Mr. President, I had the honor of being present at Kansas State University for President Nixon's address to the student body in the Alf Landon lecture series. I have previously expressed my pride and approval of both the President's remarks and the reception accorded him by the K-State students, so I shall not dwell on that point.

Frank Edmondson, a young newsman from station KLEO in Wichita, Kans., brought the content of the initial UPI bulletin on the President's appearance to the attention of his listeners and the president of UPI. However, in a colloquy shortly after the President's appearance, the distinguished minority leader (Mr. SCOTT) commented on the somewhat slanted coverage given the event by one of the major television networks. Apparently, that network was not alone among the news media in presenting an inaccurate view of the President's appearance.

I believe Mr. Edmondson's criticisms are fair and reflect a responsible approach to news coverage.

Mr. President, I ask unanimous consent that this KLEO editorial by Mr. Edmondson and his letter to the president of UPI be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EDITORIAL

President Nixon spoke in Manhattan today. Those who listened to the speech on radio, on television and in person—witnessed a strong speech delivered by him. Hecklers tried to drown out the President—there were about fifty in all—but the spontaneous ovation by the majority of the 15,000 plus persons at the Ahearn Fieldhouse on Kansas State's campus drowned out the fifty easily. The enthusiasm was shared so much by the President, that at one time during the speech, he said this:

The destructive activists at our colleges and universities are a small minority . . . My text at this point reads: ". . . their voices have been allowed to drown out the responsible majority." That may be true in some places but not at Kansas State.

The comment was followed by a standing ovation.

However, the first national story on the speech released by United Press International showed quite a different side to the scene. Here is the story in its entirety:

MANHATTAN, KANS.—About 50 dissidents interrupted his speech with shouted questions and obscenities as President Nixon warned today that American colleges risk losing public support unless they curb violence by "destructive activists". Mr. Nixon made his strongest remarks so far about radical student dissent in a speech at Kansas State University. As the dissenters tried to shout him down, Mr. Nixon called on responsible students and faculty members to "stand up and be counted." And he urged the hecklers to be willing to listen to someone without trying to shout him down.

That United Press International news story didn't make this particular KLEO Newsman happy. A letter has been written by this reporter to be sent to the President of the United Press International, with copies also to be sent to President Richard M. Nixon, Governor Robert B. Docking, Senator Bob Dole, Senator James Pearson, Congressman Garner Shriver and other dignitaries in public office.

WICHITA, KANS.,
September 16, 1970.

Mr. A. MIMS THOMASON,
President,
United Press International,
New York, N.Y.

DEAR MR. THOMASON: Today President Nixon spoke at the Kansas State University Campus in Manhattan. I listened to the speech while driving to my job as newsman for KLEO Radio in Wichita. When I got to the station I wrote a news story concerning the President's speech. Enclosed is a copy of the story. I was very much enthused personally to hear: a) The President take a much firmer stand on campus violence and disrespect; b) the audience support him by numerous outbreaks of applause; and c) the audience purposely drown out the estimated 50 hecklers, who illegally brought a banner into the fieldhouse and rudely shouted obscenities at the Chief Executive. I commented on this in my news release, trying to remain un-opinionated at the same time. I feel the story is factual enough.

Then, in the next hour or so the United Press International's Ninth World in Brief (096 UPR) came over the wire. The lead story, which is also enclosed and which was to be read by stations all over America, was on the President's speech. In that nine-line story not one word was mentioned about the tremendous support the majority of the students and audience gave the President. Not one word was mentioned about the fact that they, by a ratio of 300 to 1, outnumbered the few boisterous, vociferous, rude dissidents. Not one word mentioned about the fact that the President was so impressed with the majority of the audience that he broke from the prepared text long enough to comment on the conduct. Not one word was mentioned that the hecklers quieted down considerably and that conversely, the President's enthusiasm increased toward the end just as considerably. Not one word was mentioned that there was but one other demonstration evident in the environs of the Fieldhouse where President Nixon spoke.

I fully realize that the UPI story was short. But I also realize that that story is just the type that gives those "dissidents" the fuel they need. The way the story came across made the whole speech sound like a verbal, shouting battle between Nixon and the hecklers, with the hecklers making a jackass of our President. That simply was not the case.

I am 24. I have long hair. I dig raucous music as well as Lawrence Welk as well as Grand Funk as well as Mantovani. I am a student. I have served three years in the Army. I hated the Army. I don't like the War. But you won't find me out-shouting a public speaker. You won't find me using every obscenity possible in public for shock value. You won't find me protesting illegally. You won't find me bombing buildings. You *will* find me in church, worshipping the God I love. You won't find me mixing my God's name with obscenities. But, you will find me a cross-section of a heck of a lot of students and young Americans who are fed up with the "dissidents" being given lead stories which falsely give them the victories in confrontations with police and public dignitaries. More and more in the future, you will be hearing from students like myself who are tired of the immature cacophonous, simpering, overgrown problem children being given every hand they need in undermining the very freedoms I believe in. This letter is my first. I promise, it shan't be the last if news leads as that in today's UPI log continue.

Sincerely,

FRANK M. EDMONDSON, Jr.,
KLEO News.

EDITORIAL

President Nixon, speaking at Kansas State University this noon, has spoken out against campus violence in America's universities. The President was harassed by a group of about 50 student hecklers, who managed to smuggle in a banner despite the rules against signs in the Ahearn Fieldhouse. The banner stated "How many more will you kill?" However, Nixon's most frequent interruptions were enthusiastic ones which encouraged the President notably in the latter pages of his speech. The President was interrupted several times by the audiences ovation supporting his criticism of the small group of hecklers. At one point the President was so encouraged by the support of the audience that he broke from the prepared text to add this comment.

"The destructive activists at our colleges and universities are a small minority . . . My text at this point reads:' . . . their voices have been allowed to drown out the responsible majority.' That may be true in some places but not at Kansas State."

The comment was followed by a standing ovation.

LEGISLATION REORGANIZATION ACT OF 1970

Mr. METCALF. Mr. President, with the successful completion of work by both Houses of the Congress on the Legislative Reorganization Act of 1970, representing the first major revision of congressional practices and procedures in 25 years, I feel that it is only fitting and just that special tribute be paid to the small group of dedicated and knowledgeable staff members who have, in a very real sense, played a major role in the accomplishment of this outstanding event.

First, I should like to mention Mr. W. De Vier Pierson, former chief counsel to the Joint Committee on the Organization of the Congress, and later special assistant to President Lyndon B. Johnson. Mr. Pierson's knowledge in depth, based upon his years of work with the joint committee and his willingness to give freely of his time and knowledge enabled him to render invaluable assistance in connection with this matter, neither expecting nor receiving remuneration for his services.

Proper recognition should be given to Mr. Walter Kravitz, senior specialist in American Government and congressional organization of the Legislative Reference Service of the Library of Congress. Mr. Kravitz worked closely with the joint committee and later with the House Committee on Rules in the development of the act. We were most fortunate to have the benefit of his experience and services.

To Dr. Eli E. Nobleman, a longtime member of the professional staff of the Senate Committee on Government Operations, and a man who has devoted many years to the study of the organization and operation of the Congress, special tribute is also due. His knowledge and understanding of the issues, as reflected in his carefully prepared report on the Senate bill, S. 844, as well as his wise counsel and guidance before and during the debate, were of immeasurable value, and demonstrate beyond any question the importance to the Senate of a dedicated, career professional staff.

Special recognition must also be given to Mr. James R. Calloway, chief counsel and staff director of the Senate Committee on Government Operations, whose wise counsel and long experience contributed greatly to the development of agreements in principle which played an important role in expediting consideration of and debate on the bill.

Finally, last but not least, special tribute must be paid to our outstanding Senate legislative counsel, Mr. John C. Herberg, and his exceptionally competent assistant counsel, Lawrence A. Monaco, Jr. Mr. Herberg with his usual dedication and consummate skill, drafted some of the most complex provisions of the bill applying to the Senate, in order to enable the accomplishment of our objectives. Mr. Monaco prepared large numbers of amendments with his usual skill and alacrity, standing by for instant service as the occasion arose.

To all of these fine gentlemen, Mr. President, I express my sincere gratitude for an important job well done.

ADMISSION OF FIJI TO THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, while others have criticized our Ambassador to the United Nations, Charles Yost, for suggesting that Fiji's application for U.N. membership be studied before being approved, I wish to commend him. I say this without any intention of reflecting on Fiji in any way. Indeed, I enjoyed a delightful visit there.

A lot of words, however, have been uttered viewing with alarm the growth of the United Nations and the imbalance between voting power and ability to contribute which is reflected in the General Assembly. As one who shares this concern I believe it is time that we stop talking about it and proceed with greater caution and deeper thought in the admission of new members. To the extent that Ambassador Yost is trying to move the U.N. in that direction, I wish to encourage him.

I ask unanimous consent that his statement on this question be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR CHARLES W. YOST, UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS, IN THE SECURITY COUNCIL, ON THE APPLICATION BY FIJI FOR MEMBERSHIP IN THE UNITED NATIONS

Mr. President: Let me say, first of all, how happy I am to participate in this meeting of the Security Council which will, I am sure, recommend the admission of Fiji as the 127th member of the United Nations. There is no doubt, in the view of my Government, that Fiji is, in the words of Article 4 of the Charter, "able and willing to carry out the obligations" contained in the Charter.

This nation, which gains its independence today, has a population of more than 500,000 and a total land area of more than 7,000 square miles. Like its sister former British colonies, it has been well prepared to assume a seat in this Organization. It has had a large measure of internal self-government in recent years, and in the process has developed a responsible group of leaders. The Prime Minister, Ratu Sir Kamisese Mara, the former Chief Minister, is known to many of you here from his visits to the United Nations and his testimonies before the Committee of 24. I understand he will be here next week to take part in the UN's 25th anniversary celebrations, and we look forward to seeing him then. Let me repeat, it gives the United States Government and myself personally very great pleasure to welcome into the United Nations Fiji, a nation in our view entirely willing and able to fulfill the obligations of membership under the Charter.

Before we proceed further, however, I should like to recall to the Council the provisions of Rule 59 of our Provisional Rules of Procedure. That Rule provides, inter alia, that "unless the Security Council decides otherwise", applications shall be referred by the President to a committee of the Security Council upon which each member of the Council shall be represented.

Now that rule was not adopted by our predecessors frivolously or without good reason. It was and is in strict accordance with the intent of the Charter and was designed to enable the Council itself to carry out in a conscientious manner its responsibilities under Article 4 of the Charter, that is, to assure itself that the applicant is a peace-loving state which accepts the obligations contained in its Charter and is able and willing to carry them out. Unfortunately this rule, like some of the other principles and procedures wisely prescribed by our founding fathers, has fallen into abeyance and in recent years has not been applied as it should have been.

The United States believes that this is a mistake. We believe that the time has come, now that the United Nations has 126 members and will in a few days have 127, for the Council once again to pay strict attention to its responsibility laid down in the Charter in this regard, that is, to examine with care in each case whether the applicant is not only willing but able to bear the considerable burdens and obligations of membership. Certainly if the Council and the Assembly were so to deviate from the Charter as to admit in the future considerable numbers of states *not* able to carry the obligations of membership, not only would this amount in fact to a revision of the Charter but it would seriously weaken our organization. It would reduce its prestige, effectiveness and credibility just at the time when, as we have all been saying during this session, it most needs strengthening and the widest possible public support.

As members of the Council know, the United States joined, in the Security Council Committee of Experts, in proposals made by a number of its members for the reactivation of the procedures laid down in Rule 59. There was widespread endorsement of the proposal by both permanent and nonpermanent members. If no formal report to this effect has yet been submitted to the Council, it was because of an understanding that the Committee of Experts would act by consensus only. The United States considers it appropriate to raise the subject in connection with the first application for membership submitted since the establishment of the Committee of Experts by the Security Council in August of 1969.

Had there been any doubt about the suitability for membership of Fiji, to reactivate the procedure at this moment might have seemed invidious. However, since there is no doubt in our mind, or I believe in anyone else's, that Fiji should be admitted, this seems a particularly appropriate moment to reestablish the Charter procedure. We can do so on this occasion with the clear understanding that we are casting no doubt whatsoever on the fitness of the applicant and that our sole object is to correct for the future our own failure over a number of years to be faithful to the intent of the Charter and to the letter of our own Rules of Procedure.

I believe therefore that in accordance with Rule 59, the President should refer this application to a committee of the Council on which each member is represented. In order to expedite action on the application of Fiji, I should think that we might immediately meet as the committee of the whole, that we might very speedily adopt a report to the Council, which I am sure will be a favorable one, and that the Council might then take action to recommend Fiji for membership.

ADDRESS TO UNIVERSITY OF NEW HAMPSHIRE GRADUATING CLASS OF 1970

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), who is necessarily absent, I ask unanimous consent that a statement by him and an address by William Gardner, class president, be printed in the RECORD.

There being no objection, the statement and address were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MUSKIE

Mr. MUSKIE. Mr. President, on Sunday, June 7, I had the privilege of addressing the graduating class of 1970 of the University of New Hampshire. Another speaker at the commencement exercise was William Gardner, class president. I wish to share with Senators his thoughtful statement on the ideals and goals of the students of today.

ADDRESS BY WILLIAM GARDNER

Among us here this afternoon are many segments of our society—a society which all of us as individuals contribute to—a society which all of us would like to make better in our own individual ways. It is important then for all of us to try and understand, or at least listen to what each and every member has to say. This is terribly important today in a country that is becoming more and more polarized from within. We must learn to realize that it is a healthy period when people begin to take part in their Government's decisions, rather than automatically agree that all what our President does is right. It is important for all of us to realize that the Government should not be an impenetrable block which must either remain exactly the way it is or be completely altered by revolution. It must be flexible enough to accept our reforms. We must learn to tolerate and listen to the voices of all individuals for individuality is an American right and it is something we all treasure.

However, we cannot abuse it as some of us have. For within every society you will find the Jerry Rubins and the Abby Hoffmans who will stand at one extreme, and at the other you will find the Spiro Agnews and the John Mitchells who will cause just as much harm, for they, too, seem to lack the ability to listen.

I am just as disenchanted with the radicals as I am with those they criticize, but they all have their place in American society. We are fortunate that our country exists somewhere in between these two extremes and this is where our hope for the future lies. Many of us here today are not the radicals of our society, yet we are not the silent majority. We are just as outraged by the waving of the Viet Cong flag, the take-over and burning of university administration and ROTC buildings, and we are just as nauseated at the violence and discord that exists. We find ourselves somewhere in the middle not knowing where to turn. A writing by one of our classmates, Ed King, was shown to me a few days ago and I think it portrays where many of us stand and is identifiable to all.

My country is tearing itself apart before my eyes, and in its agony is tearing the world with it, and I am caught in the middle, for I can take no side. The radicals are trying to cure our society by destroying it and building it anew. The society, preoccupied with fighting the radicals for its survival, will not cure itself. And while these ideologies struggle, people are dying in a war in Indochina and dying of disease and starvation in the ghetto.

I had observed the anti-war demonstrations here in Durham for several years. I observed them with a mixture of frustration and disgust, for they were circuses, complete with parades, flags, bands, and the ever-present ringmasters. Only, instead of elephants, the parade had obscene posters and its contingent of freaks. The flags were red, black, and North Vietnamese. The bands were rock instead of brass. The ringmasters were there in force with the revolutionary equivalent of "Hurry! Hurry! Hurry!" Women's liberation was shouting "in this ring", while the blacks were shouting "and in this ring." . . . And at the same time the peacenicks were shouting "and in the main ring" and while the show went on, people died in Indochina and the ghetto.

The demonstrations were angry now, and in Ohio and Mississippi six students died. They weren't just body counts anymore. A beautiful young girl, who had placed a flower in a guardsman's rifle, died in the street—gunned down before the horrified eyes of the boy who loved her. Another young girl went looking for her dog, but found death instead. A young ROTC cadet, second highest in his class, lay dead—shot by the very men he may have someday lead. Another boy, wary of both military and radical alike, died in the street—a victim of both. In another city, a high school student walking home from work and a young father studying law were gunned down in a furious and senseless hail of police bullets.

Yet while a shocked nation mourned these six, hundreds of unarmed, faceless people died in Indochina and the ghetto.

The cry went up for a mass demonstration in Washington, and so we followed. But when we got to Washington, all we found was the circus, only bigger. People moved through the audience selling soda and peace buttons. The rhetoric, the music, the flags—they were all there, only the names were more famous.

The radicals had shouted, "Revolution! Destroy the society!" The society had responded, "Law and order! Destroy the radicals!" The radicals had attacked with bottles and bricks, and allegedly, with bullets. But society had counter-attacked with tear gas, clubs and bayonets and undeniably, with bullets.

Bewildered, desperate, we stand in the middle, caught between a revolution prepared to use any means to destroy this society, and a society prepared to use any means to preserve itself against revolution. We could not choose the society, for it was so busy killing to defend itself around the world that it would not fight the cancers which ate at it at home. We could not choose the revolution, for it was too busy trying to destroy the society than to look for a better replacement.

We tried to find the answer ourselves. We looked to democracy and found mob rule. We looked to socialism and found the destruction of the individual. We looked to totalitarianism and found tyranny. We looked to capitalism, and found the glorification of greed. We turned to our President and he called us bums.

We turned to man and his institutions, but they were too busy fighting to hear or to answer. And so we turned to God for some answers, a new way, and He said to us very simply, love, love your God and love your neighbor. But when we tried to love, our country called us cowards, traitors, and demanded that we join the killing in Indochina and if necessary in the ghetto.

And so, after demonstrating for five years against the war in Vietnam, our President answered by moving it into Laos and Cambodia. And so, for some, disgust and frustration turned to direct action and involvement, and this was the basic reason why students here at the University of New Hampshire called for a strike. But the people who participated did not want to destroy those rights that they were striking to protect or uphold, so every effort was made to allow those students who chose not to strike to fulfill their academic responsibilities.

Before I introduce the first student speaker, I would like to make one final remark.

Tomorrow many of us will no longer be students, reading books or discussing theories about our society. We will be living those books and living those theories. We will be a working part of it. But we must never forget the ideas we formulated here at the university and the ideals and goals we pledged for our generation. We must no longer be a society where hollow patriotism prevails in slogans such as "America, love it or leave it." "For the reluctance to admit that some things have to be changed, the intolerance of dissent, the attitude that anyone who disagrees with the men in power should leave the country, are the evils that we must overcome."

Throughout our school years we have been taught that America is the greatest country but now that we are graduated we have come to realize that the greatness is still far from complete. We have no faith in our ideals because we find it necessary to kill in order to preserve them. Each and every one of us has to decide what we believe in, what our goals are and follow them. We can say we believe in peace, that we believe in liberty, but we must now live those beliefs, even if it means our death; for to kill for what you believe in is merely death, but to die for what you believe in is the ultimate fulfillment of life.

We must continue until these goals are met and I pray we will be the generation which attains peace and not war, love and not hate, freedom and not repression, Woodstocks and not Vietnams.

HEADSTART FUND CUTS DEPLORABLE

Mr. PACKWOOD. Mr. President, I was greatly concerned and dismayed to learn that the Office of Child Development has recently set about notifying Headstart programs in Oregon and around the country of intended budget cuts ranging from 10 percent to 40 percent in both summer and year-round programs. OCD acted in response to the other body's decision to slash the fiscal year 1971 Headstart budget.

The House has approved only $321.3 million for Headstart—$4.7 million below last year's appropriation, and $17.7 million less than the President's requested $339 million—the amount needed to allow Headstart to continue at its current program level. Last year, Headstart received $326 million and served about 488,500 children. The House-approved cut would eliminate about 17,000 children from full-year Headstart programs and would result in the total elimination of many summer programs. I submit that such economies are indefensible in these times. If we are to make good on our unfulfilled commitment to equality of education and opportunity and the elimination of poverty in an age of affluence, we cannot afford to ignore the desperate needs of our Nation's children.

There is ample evidence that the early years are critical in determining the future health, education and social development of the child. There is also ample evidence of Headstart's success in providing comprehensive child development services to our neediest preschool children. The programs which have been initiated in Oregon served 2,462 children in 1970. They stand as a tribute to what can be done to insure that every young child, regardless of his background, has an equal opportunity to fulfill his potential for physicial, mental and social growth. In spite of inadequate funding, Headstart programs in Oregon have shown time and again that the cycle of poverty can be broken. The effectiveness of efforts such as these is due to the intelligence, determination and commitment of thousands of concerned citizens throughout the land. Working with too little money, housed in makeshift facil-

ities. Headstart parents and teachers have struggled and succeeded in proving that funds for early child development can make a difference. How, then, can we justify a reduced commitment at this time?

When Headstart was launched 5 years ago, its founders envisioned a comprehensive program which would meet a multitude of interrelated needs. Unfortunately, initial evaluations of the results emphasized cognitive and IQ gains to the exclusion of many other aspects of the program, and it is on this basis that Headstart has been largely judged. As we have begun to define our goals more realistically, however, it has become clear that some of Headstart's most significant achievements have occurred in other areas. In health care, for instance, a study by the Bureau of the Census revealed that more than 90 percent of the children enrolled in both summer and full-year Headstart programs in 1968 received medical examinations through Headstart. These examinations revealed a health problem in 35 percent of the children in full-year programs and in 43 percent of the children in summer programs. According to responses sent to the parents of children with health problems, 85 percent of those in full-year programs and 73 percent of those in summer programs received treatment.

The recently released Kirschner report—A National Survey of the Impacts of Headstart Centers on Community Institutions—reveals yet another role of Headstart as a change agent which has played a key part in influencing local institutions to become more responsive to the needs of the poor. According to the new Director of the Office of Child Development, Dr. Edward Zigler, this study is "one of the most important social documents of the past decade." The report surveyed 58 communities having Headstart and seven comparison communities not having Headstart, and the impact of the program was found to be tremendous—1,496 institutional changes were identified—1,055 in the field of education, and 441 in health. As Dr. Zigler comments:

> Where there was Headstart there was tremendous community movement in respect to two important institutions which bear directly upon the lives of children and their families.

The controversial Westinghouse report found the degree of parental involvement and approval of Headstart to be significant, and thus confirmed that the beneficial effects of the program extend far beyond the confines of the child development center itself. It also taught us more about what we can reasonably expect from a short-term summer program, and led to a greater emphasis on full-year Headstart.

It is apparent that a great deal has been learned in the past 5 years about the needs of the young child, and the potential of early childhood development programs to meet those needs. The creation of the Office of Child Development reflected our recognition that Headstart programs must be coordinated with other early childhood programs if they are to achieve maximum effectiveness. We are on the verge of a real breakthrough in the provision of services to insure equal opportunity to the Nation's children before they are crippled by the effects of poverty, discrimination, and neglect. And yet, appropriations for Headstart are threatened by drastic cuts.

I urge my colleagues to join with me in supporting our distinguished Appropriations Committee's recommendation to restore the $17.7 million which the House has cut from the President's Headstart request. Even this increase will meet the needs of only 31 percent of the children who could benefit from Headstart services. To do less would be criminal.

In the years ahead, however, we must set our sights even higher if we are to take full advantage of the lessons which Headstart has taught us. We can succeed in developing positive programs of great impact, but these efforts will not be enough unless they are accompanied by the full fiscal commitment required to meet the needs of all the Nation's disadvantaged young children.

IMPENDING WINTER FUEL SHORTAGE

Mr. MONDALE. Mr. President, all of us are now aware, and many of us were warning months ago, about the impending crisis of a winter fuel shortage.

While there are, admittedly, a number of factors behind this growing problem, a major factor—and the least excusable factor—is the insistence by this administration of maintaining quotas on oil imports. Especially damaging to the upper Midwest are the quotas on Canadian oil without which our own refineries cannot possibly meet the needs of the schools, factories, and other institutions for residual fuel oil. In fact, the administration last spring actually cut the allowable inputs of Canadian crude into this district by some 150,000 barrels a day.

Mr. President, the situation in Minnesota is particularly serious, and I must admit that I am not encouraged by the administration's faint hope for a mild winter. While I, too, would like to wish a mild winter for my State, this is not an occurrence upon which I care to place much faith, and I would be greatly more encouraged by more Canadian oil for our refineries and by more sensitivity to the needs of our consumers, taxpayers, and businesses who will pay the price this winter for what could be an avoidable fuel shortage.

I think the problem was particularly well summarized in a recent editorial of the Minneapolis Star, dated October 8, 1970. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Oct. 8, 1970]

A WINTER FUEL SHORTAGE

Suddenly, it seems, the nation faces the prospect of a winter fuel shortage. We have the assurances of Paul W. McCracken, chairman of President Nixon's Council on Economic Advisers, that "No homes this winter are going to be without fuel." But the admission that some industries may have to curtail operations occasionally this winter makes those assurances shaky.

The American people will be justified in asking how a nation with such an abundance of energy resources could reach this point. Whatever system we have for meeting the energy needs of the people obviously isn't working the way it should.

Commerce Secretary Maurice Stans has announced the nation will undertake its first comprehensive study of the nation's mineral resources since 1950; another government commission currently is studying energy resources. We can hope that these studies will tell us what the resources are, what the needs are expected to be for a specified period and what steps are required to fill the gap, if any—call it a national energy plan.

In the meantime, we have to hope that the minimal Nixon administration response to the fuel crisis will be adequate and do as McCracken urged earlier—"pray for a benign weatherman this winter."

The administration's efforts have included steps to speed up the return of coal hopper cars, establishment of a joint board of top officers of several agencies to identify emergency problems and some changes in the oil import quota regulations which have been characterized as more important as a symbol than in substance.

Under normal circumstances, there is little justification for import quotas; with the nation facing a fuel shortage, they are outrageous.

A DEBT TO OUR PARENTS

Mr. DOLE. Mr. President, today, some of our young people are very critical of the United States. To them it seems that everything is wrong with the world and nothing is right. They blame their parents and grandparents for creating these problems and accuse them of not doing anything to solve them.

Recently, in a graduation speech, Dr. Eric A. Walker, president of Pennsylvania State University, quoted Northwestern University Prof. Bergen Evans, who had gathered some important facts about today's parents and grandparents. In just five decades—1919 to 1969—these people have increased our life expectancy, cut the working day, and vastly increased per capita output. They have cured diseases, greatly improved the standard of living, and fought three wars.

Dr. Walker's speech is significant in a time when criticism far outweighs gratitude. I ask unanimous consent that excerpts from the September 11, 1969, commencement address be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MEET SOME REMARKABLE PEOPLE

923. Dr. Eric A. Walker, President of Pennsylvania State University speaking to a graduating class:

Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of these facts with you.

These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles, or mumps that they

knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They also hold the dubious record for paying taxes—although you will probably exceed them in this.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

ADMINISTRATION AMBIGUITY ON VIETNAM

Mr. FULBRIGHT. Mr. President, the initial optimism which surrounded the President's statement of his Vietnam peace proposals appears to be fading rapidly. At first reading many of us, myself included, tended to interpret the speech as evidence of greater flexibility on the part of the administration and as possibly signaling the end of the President's effort to achieve a "Korean solution" in South Vietnam. Such interpretations may have been, in large part, a reflection of our long frustrated hopes.

On rereading the speech one is struck by its pervasive ambiguity. When this ambiguity, the subtle caveats, and the interrelation of the elements of the proposal are closely examined, little basis remains for expecting a postitive response from Hanoi. Furthermore, it seems apparent that this new plan represents a continued effort on the part of the President to bargain from strength and to extract unrealistic concessions from Hanoi.

Last Sunday the Outlook section of the Washington Post contained an article comparing the President's proposal with that put forward in September by the Provisional Revolutionary Government, formerly the NFL. This article, written by Leslie H. Gelb and Morton H. Halperin, former officials of the Defense Department, is the best analysis I have seen to date of the respective negotiating positions. I recommend that Senators give it their close attention, and I ask unanimous consent that it be printed in the RECORD following my remarks.

In the concluding section of their article the authors suggest that if the United States were prepared to agree to announce a firm deadline for complete withdrawal, Hanoi's agreement could be obtained to the return of American prisoners and to the safe withdrawal of our troops. Under these conditions they believe that a cease-fire and an agreement to maintain the status quo in Cambodia and Laos during the withdrawal period might also be possible.

The key to such a settlement, is of course, the President's willingness to consider announcing a date for complete U.S. withdrawal. Although the administration has thus far refused to explore what Hanoi might be willing to do in return for such a commitment, the American public is being led to believe that total withdrawal is the administration's goal.

Dr. Gelb and Dr. Halperin have, in my opinion, drawn precisely the right conclusions regarding the administration's position on this point:

If the administration indeed has a secret plan for total withdrawal anyway, it has every reason to go this route. The alternative is another two years of American casualties, destruction in Vietnam and the languishing of American boys in Vietnamese prisons. And in the end, we might find that we had totally withdrawn without even getting our prisoners back. If we do plan to be out by 1972, we will at some point want to negotiate certain minimum conditions. The time to do that is now.

The administration ought to answer this reasoning. Ambiguous statements and goals do not suffice as answers to those who demand to know why additional American lives should be sacrificed in Vietnam or why American servicemen should remain in North Vietnamese prisons.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO "OFFERS" ON VIETNAM ARE STILL FAR APART

(By Leslie H. Gelb and Morton H. Halperin)

Hopes for a political settlement in Vietnam have once more been raised. President Nixon has just presented a five-point plan. Three weeks earlier Mme. Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government (formerly the NFL), presented an eight-point plan. The two plans suggest that both sides are seriously interested in ending the war. The contrast in the plans shows that they remain far apart.

The Paris peace talks have been deadlocked for almost two years. Neither our side nor the Communist side has become strong enough in Indochina to force a negotiated settlement in Paris. While the U.S.-Saigon position has been strengthened militarily in South Vietnam, the Vietnamese Communists have reinforced their hold on Laos and increased their pressure on Cambodia. The Saigon government has not been able to broaden its political support. The Communist political organization remains intact in South Vietnam. The U.S. strategy of Vietnamization continues to confront Hanoi's strategy of de-Americanization through waiting and pressuring.

Stalemate in Indochina has been reflected by stalemate in Paris. The United States and Saigon have been insisting on two points: "free elections" under the auspices of the Saigon regime or "free decision" by groups including the Saigon regime and mutual troop withdrawals. Hanoi and the Provisional Revolutionary Government have been insisting on two contrary points: free elections run by an imposed coalition government and total and unconditional withdrawal of U.S. and Allied troops.

Has either side moved significantly from these positions? What are the real options open to the United States?

David Bruce, the chief American negotiator in Paris, called the Binh statement "new wine in old bottles." It is possible that the statement contains little that is new. The Communists themselves refer to it as an "elaboration" on their 10 point program of May, 1969. It could also be interpreted as hardening of their old position. They make a new demand for ending Vietnamization and now specifically exclude Thieu, Ky and Prime Minister Khiem from the future coalition government. But the bottle does contain a lot of new wine, and the brew does taste differently.

The concoction seems to be this: (a) If the U.S. is prepared to announce a date by which all our forces will be withdrawn, concessions can be made on other issues; and (b) since political arrangements will be made by the Vietnamese themselves, the United States need not agree in Paris to dump the present Saigon regime.

In other words, instead of the two previous priorities involving U.S. withdrawal and an American-inspired coalition government, the one remaining critical priority is for a specified full withdrawal date.

The key point in Mme. Binh's words is that the United States must "declare it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971." There is reason to believe this end point is negotiable. Last December, Hanoi was calling for full withdrawal in six months. At the same time, one of Hanoi's negotiatiors said that the important thing was that the United States "must accept the principle of withdrawal, then put it into practice." Now, it is especially worth noting that Mme. Binh did not use the word "unconditional."

What does the Communist side propose to give the United States in return for this withdrawal announcement?

With respect to the safety of our men, they "will refrain from attacking the withdrawing troops." This point seems small and obvoius now, but it was not too long ago that administration officials were maintaining that the Communists would never give such a pledge.

With respect to our POWs, the Communists will engage at once in discussions on "the question of releasing captured military men." This is still vague, but it is also an improvement on their old stand. The old ten-point program spoke of POWs as something "to resolve [in] the aftermath of the war."

With respect to the fighting in the South, they introduce the entirely new element of a cease-fire. After everything else is signed and sealed, "the parties will implement the modalities that will have been laid down for a cease-fire in South Vietnam." Talks on this question, then, can begin right away. Execution will have to wait. The message is silent on the "standstill" aspect of a cease-fire.

With respect to Laos and Cambodia, they repeat their usual language about "respect[ing] the sovereignty, independence, neutrality and territorial integrity of these two countries." This could be read as gambit to provide us with assurances that they will not seek to exploit our withdrawal and embarrass us by a quick Indochina takeover.

The Binh statement reiterates a number of other well-worn but important points: no reprisals in South Vietnam, a foreign policy of neutrality for the new South Vietnamese government and reunification of North and South Vietnam "step by step . . . without coercion. . . ." These may seem like small matters, but in fact they would greatly enhance the complexion of any overall final settlement.

The main concession, however, is that the Communists now seem to be disconnecting the above package from political demands. They are no longer demanding that Washington collude with them to impose a coalition government in South Vietnam. Such political matters, they apparently suggest, are to be left to negotiations among the Vietnamese.

They still want a coalition government. They say it will include "members of the present Saigon administration, except Thieu, Ky and Khiem." They still insist that only such a government can "organize general elections." But, these are issues for the Vietnamese themselves to decide after an American withdrawal announcement.

President Nixon's new plan did not respond specifically to the new Communist position. Instead, it presented some new wine of its own.

The keystone of the President's proposal is a call for an Indochina-wide cease-fire in place with international supervision and without increases in outside forces on either side. Our own government and probably the Laos government were certainly sincere in this proposal. As for Thieu, Ky and Lon Nol in Cambodia, their sincerity is hard to take for granted. Their agreement to this proposal was likely based on the assumption that Hanoi would never accept it.

Were Lon Nol to arrange a standstill cease-fire with the North Vietnamese, it would mean outright Communist control of most of Cambodia. Theiu and Ky might actually accept a stand-still cease-fire if this meant establishing their unchallenged rights in all the contested hamlets of South Vietnam. But if this were its meaning, it would be totally unacceptable to Hanoi.

White House sources made plain that the main reason for making this proposal at this time is their belief that U.S. and Saigon forces now control almost all of South Vietnam. This means we would support Saigon's claims to just about every piece of territory. In Vietnam, the odds are strongly against a cease-fire preceding a political settlement.

WITHDRAWAL POSITION

A second key part of the President's proposal is a slightly restated version of his position on withdrawals. It calls for an agreed timetable for mutual withdrawals if Hanoi accepts both a cease-fire and a political settlement. This could be read as a hardening of the old position, since Hanoi's acceptance of the cease-fire is a new condition.

Much more likely, it is nothing new. In his May, 1969, speech, the President pledged a complete withdrawal—if North Vietnamese forces withdrew and if there was a political settlement. Nothing in the President's speech gives evidence that he is no longer insisting on mutual withdrawal. This position, then, does not meet Hanoi's key demand that the United States accept the principle of a unilateral American withdrawal by a fixed date.

The third major element in the President's speech relates to a political settlement. It makes clear the President's willingness to accept a settlement worked out by the Vietnamese themselves and one that reflects "the existing relationship of political forces."

This would be fine if the Vietnamese were prepared to agree among themselves. But the Communists continue to refuse to deal with Thieu-Ky, let alone settle with them. And Thieu-Ky are not likely to compromise as long as they are assured of a continuing U.S. military presence in the absence of a settlement.

President Nixon's discussion of a political settlement also reaffirms his old position on free elections. This cannot be acceptable to the Communists as long as the Thieu-Ky government remains in power. The Communists are highly unlikely to risk their lives by coming out in the open and campaigning.

In sum, the priorities of the two peace plans remain far apart. The Vietnamese Communists insist on beginning with an announcement of a unilateral U.S. withdrawal by a fixed date and ending with the Vietnamese themselves working out a political settlement and a cease-fire. The United States insists on starting with a ceasefire and a political settlement and only then agreeing on a mutual withdrawal time table. The key to bridging these differences lies in what the United States intends to do in the absence of a political settlement.

If the administration indeed has a secret plan for total withdrawal anyway, it has every reason to go this route. The alternative is another two years of American casualties, destruction in Vietnam and the languishing of American boys in Vietnamese prisons. And in the end, we might find that we had totally withdrawn without even getting our prisoners back. If we do plan to be out by 1972, we will at some point want to negotiate certain minimum conditions. The time to do that is now.

The President's position on "Vietnamization," that is, our withdrawals in the absence of a settlement, remains unclear. On the record, Mr. Nixon states that the United States will withdraw only to the extent that Saigon can fill the gap. He again refrained from even suggesting that there would be any American withdrawals beyond the reduction to 284,000 by next spring previously announced and simply reaffirmed.

TWO-TRACK APPROACH

On the other hand, what appear to be inspired leaks suggest that the President understands the domestic political realities and will have most if not all American forces out of Vietnam by November, 1972. If the President does have a secret plan for complete withdrawal without a negotiated settlement, he should be interested in what has been called the two-track negotiations approach.

Under this approach, suggested, among others, by Henry Kissinger in the Foreign Affairs magazine article written just before he became President Nixon's national security adviser, the United States would negotiate with Hanoi only on the terms of our withdrawal while seeking to lay the basis for negotiations among the South Vietnamese on a political settlement.

An updated version of the two-track strategy still seems the only way to bridge the negotiating gaps. Following this approach, the United States would indicate privately to Hanoi that it was prepared to announce a firm deadline for the withdrawal of all American forces from Vietnam provided agreement could be reached on other matters.

At a minimum, the United States should insist on the prior return of all of our men being held prisoner anywhere in Indochina. We should also insist on an understanding that our troops will not be attacked.

Beyond these two minimal conditions, which Hanoi has suggested are acceptable, there are a number of possibilities. The United States might insist on an agreement to maintain the status quo in Laos and Cambodia while we were withdrawing. A cease-fire during this period is another possibility.

Hanoi's reaction to these various possibilities is difficult to predict, and we need not put forward only those alternatives that Hanoi is ready to accept. Its new eight-point plan, however, could open the way to serious negotiations on conditions that would follow an American announcement of a withdrawal deadline. We can follow this route only if we are prepared, under certain conditions, to commit ourselves to withdraw.

TWO CHOICES OPEN

What are the objections to this course? The administration has asserted that announcing a firm timetable would remove Hanoi's incentive to negotiate. However, under this proposal we would be negotiating precisely on the conditions of our withdrawal. Hanoi will have every incentive to negotiate.

More serious objections arise if the administration in fact has no intention of withdrawing all American forces from Vietnam in the foreseeable future. If the President means what he says, we will have American forces numbering perhaps 50,000, perhaps 200,000, in Vietnam indefinitely, propping up the current Saigon regime.

This is sometimes described as the Korean solution, but it will differ in important ways from the situation in Korea. There will be no armistice as there is in Korea. The fighting will continue and Americans will continue to die and be wounded. The destruction of Vietnam will continue. American soldiers will remain in Hanoi's prisons.

Moreover, Hanoi might well step up the level of fighting to put pressure on the United States to withdraw. The President has warned that he would respond by escalating the war. As long as any American forces remain in Vietnam, the danger of escalation and counter escalation will be present.

In the end, the real options open to the President come down to these two simple choices:

1. Commit ourselves to a firm withdrawal date, securing the release of our prisoners and whatever other terms we can get, thereby creating the condition for a political settlement among the Vietnamese. If these negotiations fail, we will have left behind a large, well-equipped South Vietnamese army which would get our continuing economic and military support but which might not be able to defend itself.

2. Keep a residual American force indefinitely in South Vietnam, assuring the survival of an anti-Communist regime but with continuing American casualties in Vietnam, the holding of our prisoners by Hanoi, dissension at home and the danger of escalation.

To state the options seems to us to dictate the choice.

THE VETO OF THE RADIO-TV CAMPAIGN SPENDING BILL

Mr. GRAVEL. Mr. President, no amount of flamboyant phrases or flowery fulminations by the Vice President will be able to obscure the true meaning of the President's veto of the milestone legislation designed to limit radio and television campaign spending.

This bill represents the most important and realistic reform in this field in generations. Senator PASTORE and the members of his committee worked diligently to break new ground in what we all ac-

knowledge to be a difficult area affecting the foundations of our political process.

The basic purpose of the bill is to make our elections more fair and more competitive. However, more fundamentally this reform measure is a vital link in our attempt to build a firm base for our political institutions and to restore respect for our political process which is the object of so much concern and cynicism.

The measure represents a good beginning at placing the emphasis in political campaigns on individuals rather than on money.

The President claims that the bill plugs only one hole in a sieve. But he knows as well as the rest of us that more and more, both candidates and political strategists mold their campaigns around the use of television. As the late Robert F. Kennedy's campaign manager once put it, "the picture tube is where the ball game is won or lost."

A recent poll by Roper reveals that 65 percent of the people view TV as the major source of news about national candidates. This bill would make access to television more equitable and fair to candidates of differing means.

The Republican National Committee started the fall with a cash surplus of $1½ million while the Democratic Party had a deficit of over $9 million. Could these facts have something to do with the President's veto?

President Nixon also gives us an early warning that he will again refuse to debate his opponent in 1972.

The New York Times termed the veto a "transparent and deplorable act of partisanship" and his reasons are both "glib and contradictory."

We have only one way to respond—by overriding this veto.

CASE AGAINST THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. DOLE. Mr. President, last week Postmaster General Winton M. Blount added his voice to the growing criticism of the report of President Johnson's Commission on Obscenity and Pornography. In a speech to the National Association of Postmasters, Mr. Blount made one of the most convincing cases I have read against the findings and recommendations of the Commission.

Mr. President, I ask unanimous consent that Postmaster General Blount's speech delivered in Philadelphia on October 8 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

On his recent trip to Europe, President Nixon made clear our Nation's desire to bring peace through strength. Last night, he underscored how peace can be brought through strength.

The President's proposals for a ceasefire and the convening of an Indochina Peace Conference are sincere and courageous steps taken in the service of peace. I join all Americans in supporting the President and in hoping for a positive response to these proposals. I think we ought to be mindful that these proposals are made from a position of strength; that we are not a country wailing for a truce. We are not suing for peace. We are dealing from a position of strength, just as we have in the Middle East.

But, as President Nixon said in his visit to the Sixth Fleet, the best use of American power is when it can be used to bring peace. That is what our goal is, and that is what we have done.

Hanoi knows that we are not a Nation on our knees; but the President has made clear, it seems to me, that we are a Nation tired of killing, a Nation tired of burying our children, and a Nation seeking in good faith for a meaningful truce.

For despite what the critics say, we are not a nation that glories in war; we know, as Remarque said, that death is not an adventure to those who stand face to face with it. But let it be clear that we are not now, nor will we be, a weak country. It is in our interests to have peace, but it is also in the interests of Hanoi to have peace—for if they reject it now, they may consign themselves to years and years of war.

President Nixon's actions in Cambodia showed that we are not a fearful Nation; his actions last night show that we are not a hateful Nation.

President Nixon is a man of peace, a man whose deepest feelings for peace were so eloquently expressed recently in Ireland: "The United States of America, and its President, want nothing more in this last third of the 20th century than to develop policies that will make it possible for the world to have what it has not had for all of this century, and that is, a full generation of peace."

Let Americans join with the President in his initiative in the pursuit of peace.

It is a pleasure for me to be here with you this evening. I have been doing a good bit of speaking recently, and as November grows near and the elections draw near I'm starting to feel more and more combative, and now that we've got politics out of the Post Office, there isn't anything I can do about it. I'm sure my restlessness is the lesser of the two evils—in fact, I know it is, because from all I've observed when there was contest between the requirements of postal service and the requirements of political service, the postal service took a back seat.

As you know, the law exempts the Postmaster General and the presidential appointees who determine national policy from these restrictions of the Hatch Act, and it has been the custom in the past for individuals in these positions to participate fully in campaigns on behalf of their party's candidates.

But because of this Administration's efforts to remove the last vestiges of partisan politics from the Postal Service, this matter has been discussed with the President. And this year, with the President's full approval, we intend to break with past tradition.

Neither I nor any Presidential appointee in the Post Office Department will become involved in such partisan political activity. Such activity would be inconsistent with the continuous effort we have made since entering office in January 1969, to dispel all politics and political considerations from the Postal Service. To do otherwise would be particularly inconsistent with the spirit of the Postal Reorganization Act recently signed into law by the President.

Present law also forbids political involvement by civil service employees. This law covers postal employees at every level and I fully expect the spirit as well as the letter of the law to be observed in this matter. I want to strongly urge you to carry that message to your people.

I think you chose an especially appropriate place to hold your convention this year. Either intentionally or by accident you've come to the birthplace of the United States Post Office Department and it seems fitting that your first convention under the new United States Postal Service should be held here in Philadelphia.

Philadelphia is the cradle of Liberty—the birthplace of those freedoms which created and which have sustained the oldest Republic in the world. Other nations have been astonished by our capacity to combine freedom and power, freedom and strength, freedom and greatness. Other nations have tried to copy us, but few have succeeded, because few have been able to duplicate the balance between personal freedom and civic sensitivity which has permitted America to tread the fine line between liberty and license for nearly two hundred years and not step over the line.

Some nations have looked for the strength of America in our defense budget. It isn't there.

Some have seen that strength in our economy—in our gross national product, but they also misread America.

A hundred and thirty years ago, de Toqueville said America was great because she was good, but I don't think that is a judgment we can make of ourselves today without risking the smug self-satisfaction that leads to stagnation.

I'm not a political philosopher but I think it is close enough to the mark to say that we are great because we keep our freedoms in good repair—we use them constantly in the service of what we perceive to be the common good, and in the constant search for what may be, in fact, the common good. The process is ongoing, and so long as it goes on, we will be a great people.

But it goes on in the service of certain values. The conflict is not an end in itself—it is a process designed to maximize certain values about which we have no dispute. And if we are reduced to debating these values, to debating whether these values have merit—whether they are desirable—then I think we are in some difficulty.

Today, we are engaged—whether we choose to be or not—in just such a debate. We are asked to place a price tag on human dignity and then to determine if the price is worth paying.

It seems to me that this is the nature of the debate over pornography. This is the issue defined by the report last week of President Johnson's Commission on Obscenity and Pornography.

The report took two years and cost two million dollars, and I think we should consider its findings. I don't think we should overlook all of it just because we don't like some of it.

It is of particular concern to you and me because we deal with the problem professionally. I know Chief Cotter discussed this matter with you on Tuesday and, of course, his people have considerably heated up the war against this problem.

I have discussed this matter in the past weeks—in Tennessee and in Missouri, but that was before I had an opportunity to read the report of the Johnson Commission.

In order of importance, the Johnson Commission recommended a massive program of sex education. It recommended that pornographic materials be legalized for adults who want such material. And it held, on the basis of its findings, that pornography had no demonstrable adverse effect on those who consume it, nor on the society of which they are a part.

There is nothing in human life more compelling than the sex drive, and there is nothing more vital to Western society than the expression of that drive through the getting and raising of a family. Freud held that the development of man's whole personality was the product of this drive, and most psychologists acknowledge that today in one way or another.

But, as important as this drive appears to be, and as critical as the healthy expression of this drive appears to be, there is nothing

in man's life so shrouded in secrecy, so confused by mumbo-jumbo and old wives tales as the procreative urge. And from this flows all manner of misconceptions and fears, of morbid curiosities and interests, and of mental and personality disorders.

The fact is that most Americans tend to be abysmally ignorant about sex. Some see it as a thing to be ashamed of. Others see it as a thing to be exploited. So it seems to me that a broad program or sex education, properly administered by trained administrators, and properly taught by specially trained teachers—I think such a program makes excellent sense.

I think a proper understanding here may push away the shadows of ignorance and exploitation which are the province of the pornographer.

The Commission also held that pornography, or what it calls explicit sexual materials, ought to be made available to those adults who want it. As you probably know, this was not a unanimous conclusion; there are dissenting opinions.

But I do not think the dissenting opinions are as of much interest as the majority report, nor are they as useful as a source of evidence to contradict the majority findings. Indeed, in light of the constant and candid admissions of its own shortcomings, it is difficult to understand the Commission's conclusion that pornography should be legalized. I want to consider some of these shortcomings.

The report states that "it was impossible during the brief life of the Commission to obtain significant data on the effects of the exposure to pornography on nonsexual moral attitudes."

In other words, we simply do not know, and the Commission does not know, and admits that it doesn't whether those who break the law in the acquisition and the use of pornography might be inclined to similar attitudes toward other provisions of the law.

It might be reassuring to be told, as we are told, that the average consumer of pornography is a white, middle-class executive type in his 30's and 40's—by implication a very law-abiding fellow—if we were not also told that the pornography business "tends to involve individuals who have had considerable experience with being arrested . . . that the business is avoided by persons with more concern for legitimacy and general reputation."

I think it is unfortunate that the Commission had no time to study the possible effects of the patterns of practice here on non-sexual moral attitudes. And I think it would be an unusual thing indeed to find that those who engage in illegal or borderline activities, with the aid of habitual lawbreakers, escape any effect upon their moral attitudes, sexual or otherwise.

The Commisison also confesses that time limitations prevented any adequate investigation of the long-term effects of pornography. It may be understandable then that "research . . . found no evidence to date that pornography plays a significant role in the causation of delinquent or criminal behavior. . . ." That is a curious choice of words—"a significant role"—one wonders if there was evidence of an "insignificant role," and just what is considered to be significant here. In any event, when long-term evidence seems so potentially vital, how are we to accept a recommendation for short-term action?

But these limitations are not the only difficulty with the validity of the report's conclusions. The statistics presented there raise all manner of interesting questions.

They suggest, for example, that 60% of adult American men consider pornography informative, and 24% of them consider themselves informed through this medium. The clear implication is that pornography has certain positive benefits and ought to be legalized on that account. Statistics show that 20 percent of the population have I.Q.s under 85, but you don't drop our state laws on education to promote ignorance in their behalf.

While 24 percent of the adults believe pornography is beneficial, a substantial consensus, according to the Commission report—which doesn't give an exact percentage—a substantial consensus feel that pornography should be denied to children. There is no explanation why something which is so beneficial, so educational, so therapeutic for adults should be considered so detrimental to young people.

But there are more interesting statistics. They suggest that nobody buys pornography. Instead it is virtually always given to them by their friends. Seven percent buy it, but over 72 percent have it given to them.

I think that is one of the most curious phenomena recorded throughout the report. But if we are to take statistics seriously, this is what we must believe.

Now I think it is important to know the manner in which some of these statistics have been collected. One survey involved watching people who went into a store dealing in sex-oriented material. To quote the report: "Trained observers attempted to classify each patron in terms of sex, age, ethnic group membership, type of dress and the presence or not of a wedding band."

One imagines devoted graduate students dancing around in the backs of dirty book stores trying to count the customers and see if they are wearing their wedding rings and consulting their handbooks on the physical characteristics of various ethnic groups to determine whether the subject is an Eskimo or an aborigine.

Well, of course, it is easy to poke fun at this. But I don't really intend to do that. What I do intend to do is to simply suggest that we are not ready to draw conclusions, and the major value of the Commission's report, beyond making a case for sex education, is to *prove* that we are not ready to draw conclusions. Any claim to the contrary is both wrong and irresponsible.

The Commission makes the standard nod to Denmark which seems to have become a tradition in discussions of this sort. In the front of the report they indicate that the policy records have registered a dramatic decrease in reported sex crimes over the past twelve years and that this decrease corresponds with legal changes which have made pornography available. On the other hand, statistics presented in the back of the report show that within two years after pornography became freely available in Denmark the number of rapes in Copenhagen had increased by seventy-nine percent.

As to the legalization of pornography in Denmark, it hasn't been legal for twelve years or anything like it. Textual pornography was legalized three years ago, and pictorial pornography was legalized last year, so the implication that there is a substantial body of material based on extended experience is misleading. And as the report admits, as pornographic materials have begun to flood the United States, there has been an increase in the rate of forcible rape in this country. Despite this, the Commission concludes that "for America, the relationship between the availability of erotica and changes in sex crime rates neither proves nor disproves the possibility that availability of erotica leads to crime." And it goes on to say that "the massive overall increases in sex crimes that have been alleged do not seem to have occurred."

Just how massive an increase in sex crimes must we have before we indict pornography? The reasoning here is incredible. What is "a massive increase," after all? It was 79 percent in Denmark. Is that sufficiently massive?

I think it is apparent that the Commission has concerned itself greatly with the rights of our adult population. And the result, it seems to me, is a classic example of how men of good will may differ in a way that permits no compromise. The Commission bluntly states: "We do not believe that the objective of protecting youth may justifiably be achieved at the expense of denying adults materials of their choice." I do not accept this. I believe that the sacrifices whatever they are, involved in ending the traffic in dirt are justified to protect our young people. Now I fully recognize that in true Puritan form it is someone else's pleasure that I am sacrificing, and not my own, but I think we can rise above principle and do that.

The Commission maintains that pornography should be available to adults and prohibited to the young, unless their parents want to give it to them. That is ridiculous. How can this material be kept from the young if it is permitted to adults? And what about those people, chronologically adults, who are mentally children. One out of five people in this country are of sub-normal intelligence. Should they be given pornography because they have reached a certain age?

I have not had access to the material—the actual pornographic material—which the Commission used in its deliberations, but aspects of the report strongly suggest that these people have no real conception of what pornography is.

The report states that: "Activities most frowned upon by our society, such as sadomasochism, pedophilia, bestiality, and nonconsensual sex, are also outside the scope of the interests of the average patron of adult bookstores and movie houses," and again, that "portrayals of sex that conform to general cultural norms are more likely to be seen, and portrayals of sexual activity that deviate from these norms are less likely to be seen."

Ladies and gentlemen, this may have been true when the Commission began its deliberations. I can assure you it is not true today. The pornography business is like any other business insofar as it responds—and must respond—to the laws of supply and demand. And the demand has moved from portrayals of what the Commission calls "portrayals of sex that conform to general cultural norms" to portrayals of precisely that behavior the Commission alleges to be outside the interests of the consumer of pornography—to sadomasochism, pedophilia—which is sexual misconduct with young children; bestiality—which is sexual misconduct with animals; and non-consensual sex—which is a euphemism for rape, of one sort or another. I think the Commission ought to reassess its findings on this score. Pornography does accelerate an inclination toward the bizarre.

Pedophilia, non-consensual sex, and sadomasochism are all forms of behavior involving, or conducing to the use of violence. The matter of violence and pornography has not been as much discussed in this country as it has abroad. It has been discussed at some length in Britain since the Moors murders that occurred there a few years ago.

The report of the Commission, if I read it correctly, recommends the legalization of pictorial or textual representations of "torture in the context of a sexual relationship." Presumably the sexual context legitimizes it. I find that frightening. I don't believe that the writers of the First Amendment really intended to protect the rights of some to torture others for the sexual gratification of third parties who get gratification from this sort of thing.

My answer to the Commission on that score would be straight to the point: If you want to set this nation on fire, you try bringing a law like that in America.

There is a large segment of our people who are concerned about depictions of violence in this country. Many of them make

the case that the problem is as great and as damaging as the problem of pornography. I do not know that that is true, but I believe it is; I believe that the two are linked in their effect on the nation, and I think we must move against both with equal resolution. I think it is inconsistent to outlaw stag films, while movies like "Bonnie and Clyde" or "A Man Called Horse" get General ratings.

I think it is inconsistent to want to keep the pornography of sex from our children while they get a steady diet of the pornography of violence in so much of their entertainment.

The Commission on Violence in Television Entertainment Programs headed by Dr. Milton Eisenhower, revealed one study that showed an average of 6.2 acts of violence per hour of television program time. That was in 1953. A similar study in 1962 showed that for every display of affectionate behavior shown on television four acts of violence were shown.

What has been the effect of all this? Look at our college campuses. As Frederic Wertham has said: "We are confronted in the mass media with a display to children of brutality, sadism and violence such as the world has never seen before. At the same time, there is such a rise of violence among our youth that no peace corps abroad can make up for the violence corps at home."

Violence, physical and spiritual, has become the opiate of too many Americans. We have become inured to physical violence and we continue that way at least partly because of our entertainment; now we are asked to legalize pornography and begin the more subtle process of becoming inured to spiritual violence. I don't think we ought to accept this. I think we can do better in America.

Maybe that's why I have such a strong objection to always seeing Denmark held up as an example. This isn't Denmark. This is America. There are still societies where they abandon deformed children to die, but we don't do it. We don't look out or down for guidance in this country—we look up; we always have. Our motto is "In God We Trust" not "Monkey See, Monkey Do." I believe in an America that sets a good example; not one that follows a bad example.

Finally, the Johnson Commission based its conclusions on a finding that "a majority of American adults believe that adults should be allowed to read or see any sexual materials they wish." Now either those individuals polled had no idea about what passes for "sexual materials"—or this finding is absolutely dead wrong.

While our legislative system doesn't always function with total perfection, it does generally reflect the will of the people. There are presently some seven anti-pornography bills pending passage in the Congress, but there have been over *four hundred* bills of this kind sponsored in this session of Congress. I think it would be amazing if the Congress of the United States were so thoroughly and completely out of touch with the people of the United States that they should be unanimously persuaded in one direction, while a majority of their constituents were persuaded in a direction diametrically opposed.

If it is true that a majority of Americans want pornography legalized, then I think they ought to vote men into office who will legalize it. But until that happens, until we have candidates running on a smut platform, until the people decide to embrace the politics of pornography, we are not going to raise legislation monuments to human degradation.

We are not going to put a price tag on human dignity—because human dignity is the essential meaning of America. It is priceless. We're not going to debate that. We're going to stand on it, and defend it.

CORPORATE RESPONSIBILITY IN A TIME OF CRISIS

Mr. FULBRIGHT. Mr. President, there has recently come to my attention an excellent statement entitled "Corporate Responsibility in a Time of Crisis," issued by the Businessmen's Educational Fund. I hope that the statement will be widely read throughout the business community and by the public at large. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CORPORATE RESPONSIBILITY IN A TIME OF CRISIS

(By Harold Willens)

(NOTE.—Harold Willens is a graduate of U.C.L.A. and a Marine Corps intelligence officer during World War II. Harold Willens is president of the Factory Equipment Supply Corporation in Los Angeles. He also serves on the Boards of Directors of Monogram Industries, Inc., and the Center for the Study of Democratic Institutions. In addition, he has for many years developed commercial real estate in southern California and is a past member of the Board of Directors of the Santa Monica Chamber of Commerce. Mr. Willens is chairman of the Businessmen's Educational Fund.)

About three decades ago, business began to take heed of public opinion: Corporations methodically sought to influence public attitudes, because these views were showing an alarming tendency to translate themselves into legislation considered harmful to corporate interests.

At that moment, corporate public relations entered a painful adolescence. Much of its "engineering of consent" was dubious: Did a company wish to strip a mountainside? Public relations was summoned to make the undertaking palatable to those who innocently preferred unstripped mountainsides. Was a company having an ornery time with its employees? Public relations was asked to mollify the discontented.

In such ambiguous circumstances one of the country's most important ideas was conceived, although it barely began to reach fruition for another score of years. It was the idea of corporate responsibility: the notion that a firm's obligations extend to the general welfare rather than being limited to providing a service or a product—and making a profit.

A 1952 Supreme Court decision further opened the door. The Court's judgment in the A. P. Smith case, originating in New Jersey, upheld the right of managers to contribute corporate funds to universities, stating: ". . . modern conditions require that corporations acknowledge and discharge social as well as private responsibilities . . ."

The A. P. Smith precedent set the style of corporate responsibility for some time. Since colleges and universities reflected the highest ambitions of the nation, gifts of money to them were a convenient and conspicuous way for companies to identify themselves with these same aspirations.

Soon the doctrine of stewardship appeared, with managers acting not merely as the agents of stockholders, but as stewards serving the interests of employees, customers, and the public as well. Even with this, the concept of corporate responsibility did not mature serenely. There were—and are—many to assert that firms had no competence except to make money for stockholders and no right to throw their weight around in other areas. Nonetheless, there was change—from a defensive, self-serving approach to one of mild civic participation and action, however modest, toward betterment of community and country.

Naturally there was much theorizing about the content and scope of corporate responsibility. Harvard Economist Carl Kaysen, now director of the Institute for Advanced Studies at Princeton, mused about the "soulful corporation." Adolf Berle speculated on the existence of a "transcendental margin." Business journals turned to semi-theological discussions of social conscience: Is it born with the corporate charter or is it a response to mundane pressures? Does it operate like the human conscience or is it a function of profit-and-loss statements?

Many of these arguments or ambiguities persist. But the idea that corporations have some responsibilities to the general welfare gradually triumphed. To be sure, acceptance of the concept must not be overstated—there was still much ambivalence and incompleteness, and implementation of noble policies often suffered grave lapses.

ON THE VERGE OF CHANGE

So this was the nature of corporate responsibility as the United States stumbled into the era of space exploration, war in Asia, rebellion in the streets, bloated military budgets, and inflation in the midst of recession. It was essentially a good-guy posture: passive, non-political, non-controversial, and still largely directed toward creating a favorable image.

Then began a rather swift change—still also incomplete, but with the prospect of lifting corporate responsibility above and beyond its beginnings as an amicable adjunct of business as usual, into the more creative realm of social invention:

The time was 1967. The issue was Vietnam. The initial instrument of this change was a new organization named Business Executives Move for Vietnam Peace, BEM, as it became known, was created by a small group of businessmen from various parts of the country, who came together in a season of hawks and doves to bring the rigor of business judgment and influence to bear against America's most tragic mistake: The Vietnamese War.

It was a step with little precedent. From the bulk of reportage then current, one might have the impression that Vietnam was a well-justified and well-conducted conflict which aroused the opposition only of students, pacifists, churchmen, and similar "soft-headed idealists." One was told about falling dominoes, and conspiracies in Moscow and Peking. One could assume that society's reasonable and responsible sectors were supporting our role in the distant struggle. And of course it was supposed that the business community was virtually unanimous in backing it. Businessmen tend to favor war, don't they, or at least condone it? Don't business profits increase in wartime?

These mistaken assumptions and warped stereotypes have long since been disproved. Nonetheless, many business executives certainly were behind the Administration, most of them giving consent by silence. But not all. BEM saw the war in another light: as a mistake of historical magnitude, as damaging to the economy as to our international standing. The organizers of BEM decided not to leave protest to the pickets; Business Executives *Move* for Vietnam Peace did just that: it *moved*, it charged straightway into the superheated center of the argument.

Within months more than 2,000 businessmen across the nation had aligned themselves with BEM. Advertisements began to appear. BEM presented itself before Congressional committees. Mail on corporation stationery landed on White House and Pentagon desks. Letters to the editor cited facts and tore apart Pentagon double-talk.

Meanwhile as the pace of debate quickened, American military costs continued to mount in men and money, and Vietnam became the

nation's most unpopular war. The victory-boasting of the Administration diminished, followed soon by apologies and promises to do better, and ultimately by President Johnson's decision not to seek a second term.

THE CRUCIAL QUESTION

This is not to suggest that BEM's appearance in the public fray made all the difference. Of course not. No one can accurately chart the ebb and flow of mass opinion or political decisions. But that BEM did make a difference—a significant difference—is not in doubt. The weight of protesting business authority as much as anything helped tip the balance, to turn the question from *how soon will we win this holy war* to *how soon can we extricate ourselves from this unholy mess?*

The job had just begun. Republicans replaced Democrats with a pledge of peace, but the war went on. Staggering Pentagon budgets and the persisting death counts in Vietnam contradicted earnest vows to get the war over. While BEM continued its efforts it was plain that additional and longer-range programs would be required to arrest American militarism.

LOOKING BEYOND VIETNAM

The Businessmen's Educational Fund came into being in 1969 expressly to bring to the attention of the industrial community, the public, and their representatives the appalling drift to a militarized state that is clear to any objective eye. BEF's focus transcends Vietnam, which it regards as the inevitable product of a misguided foreign policy. The essential objective of BEF is to widen and deepen the idea of corporate responsibility by establishing a channel through which businessmen, as such, can strive for more relevant national priorities and policies.

As part of its educational program, for example, the Businessmen's Educational Fund circulated to scores of thousands of executives the now-classic essay titled *The New American Militarism,* by General David M. Shoup, former Commandant of the United States Marine Corps. Said Shoup: "America has become a militaristic and aggressive nation. . . . Militarism in America is in full bloom and promises a future vigorous self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom." Taking up *Fortune's* editorial appeal for a fresh audit of the defense establishment, BEF began hammering away at the disproportion between legitimate defense needs and the apparently uncontrollable proclivity of miltary leaders to want everything in sight.

A. Ernest Fitzgerald, who lost his chief cost analyst job in the Air Force for revealing that billions of dollars were being wasted in cost overruns, was recruited as a BEF consultant to tell his story to businessmen throughout the country. Conferences, advertisements, publications and appearances on radio and television by BEF leaders all aim at exposing distortions in national priorities resulting from subordination of imperative domestic needs to the unappeasable appetite of the Pentagon.

There has been encouraging confirmation of BEF's essential arguments from *Fortune,* the *Wall Street Journal, Business Week* and from *Nation's Business,* publication of the U.S. Chamber of Commerce. Some kind of dent is being made, if BEF's mail and growth of membership are any indication. "You are doing the most important job in the country," writes an anguished public official. "If they won't listen to you businessmen, they won't listen to anyone," says a distinguished professor of economics. "At last a real show of responsibility," wrote a Midwestern manufacturer. Indeed on the surface a new dimension of corporate responsibility seems to be forming, far removed from product publicity and contributions to community chests. A distinguished U.S. Senator told us, "I think that BEF can do more than nearly any other group to help change the attitudes of our people toward our own mission in life, toward what kind of country we want this to be. I don't know of any more promising activity than the one you have undertaken."

So it almost sounds like a success story. A new kind of corporate responsibility appears to be emerging.

But it is not a success story, certainly not yet. In my view, it is more a record of failure than achievement. For blood flows unabated in Vietnam and has spilled over into Laos and Cambodia. The Pentagon continues to soak up a vast proportion of the national treasure. In all 50 states urgent tasks are left shamefully untouched. Uncertainty and bad feeling permeate the land. Repressive policies are more and more in evidence.

Perhaps it is foolish for a few worried businessmen to believe that something significant can be done toward "turning the country around." But I think the failure rests far less in holding to such a conviction than in a lack of nerve on the part of a majority of corporate executives.

Between them, BEM and BEF succeeded in rallying a tiny fraction of the nation's several million businessmen. Money was hard to come by. Most disappointing of all has been the reluctance of "big name" businessmen and industrialists to put their prestige and influence into the effort to curb the wanton extravagence of the Pentagon and bring the Vietnam folly to a swift end. And here, I am not grumbling about the unwillingness of industrial potentates to take part in BEM or BEF. The difference is between response—and responsibility. For there are many members of the corporate hierarchy who have fervently wished us well in our campaigns—only to add, "but I just can't become involved."

THE KEY TO LEADERSHIP

Yet that, of course, is what it's all about. *Involvement* is the name of the game, the very definition of corporate responsibility. And the sad fact was, and is, that few of our so-called industrial leaders have done any leading with respect to the truly momentous issues of our day: The profligate overarming of a nation with sufficient military might to destroy many times over any conceivable enemy or combination of enemies, the conduct of a vicious war against a foe that presents no plausible danger to our vital interests, the enlargement of that war into neighboring countries, the disastrous loss of confidence in our institutions, the consequent neglect of what might well become terminal disorders in our domestic society.

NO TIME FOR DIFFIDENCE

Why this reluctance to undertake a plain and necessary duty? Is it the fear of making common cause with unbecoming demonstrators? The lack of practice in speaking out boldly on matters that do not narrowly affect one's business, or seem beyond one's competence? The concern that stockholders or customers might be offended? A simple aversion to making waves? Is it worry of what will be said in the locker room at the Club? In all probability, it is a combination of such factors.

If the situation were not so truly critical—and there are few who now contend that it is not—it might be argued that it is just as well for businessmen to keep to their profit-and-loss statements. Businessmen originally embraced corporate responsibility only when the company's welfare seemed threatened by aroused public opinion. This is the parochial definition of corporate responsibility still retained by too many managers. It is much too skimpy to meet the challenge of a time of crisis.

The business community today is endangered by much more than confused or irritated neighbors. The system our industrial leaders so cherish is itself in peril, not from real or imaginary enemies on the other side of the earth but from within. A CBS poll has disclosed that a majority of Americans today appears willing to give up most of the Bill of Rights. In the ghettos, palliatives and promises take the place of the grand-scale action that is needed—and is altogether feasible. As things are going—or more accurately, as things are *not* going—these grim reflections on our history and priorities almost certainly will produce, in James Baldwin's words, "a fire next time." Surely the erosion of the Bill of Rights and the rebellion in our cities cannot be results that are wanted in the business community. But despite these widely-publicized dangers, the attitude of "let George do it" still prevails.

Some businessmen may be thinking that no one notices or cares about their non-involvement, their irresponsibility—there is no kinder word for it. They could not be more mistaken. *Fortune* has observed editorially that its own and other studies have shown how the general public "believes that business is too concerned with profits at the expense of public responsibility . . . Moreover, there is a growing *expectation* that business will take increasing responsibility for public well-being extending far beyond the normal demand for goods and services.

THE MISSION OF YOUTH

Most important, the next generation particularly is taking careful note. I am not referring to the young revolutionaries but to those from whom we hope to recruit the next generation of corporate leaders. For some time there has been a "flight from business" among this group. Now the flight shows signs of becoming a rout. Dismay with the unwillingness of businessmen to "get in there and swing" on such issues as militarization, Vietnam, repression, the decaying environment, is widespread even in such citadels of conventionality as the Stanford University School of Business, where I met with leaders of the recently formed Committee on Corporate Responsibility. From them I learned that most of those graduate students still interested in business careers seek above all an opportunity *to steady and redirect society from a corporate base*—through the exercise of the civic responsibility that is, as they see it, *inherent* in such enterprises. A letter following our meeting expressed the hope that businessmen and graduate business students throughout the country would begin working together to "oppose the war and strive for the sharp shifting of priorities we must have."

These sober young people, with their numerous peers elsewhere, are not to be dismissed as innocent idealists. On the contrary, they see clearly what their elders so often do not: that inaction is itself a form of action, and that silence in the face of enormities amounts to tacit approval. Too young to remember pre-World War II days, these candidates for the business world nevertheless know well the history of the compliant German and Italian industrialists 30 years ago, as their nations pressed forward into militarism, despotism and calamity.

Nor is the reproach of the young directed solely at the business world's indifference to Vietnam and the near-monopoly of the Pentagon over public resources. They see corporate responsibility extending into strong participation in the crusade for ecological sanity and into positive action to redeem a natural order that is almost beyond salvation. They ask why, if we are destined to live in an urban civilization, should public authority bear the sole obligation for repairing our decaying cities and attending to the needs of their deprived and discontented inhabitants?

These young people in fact see—properly, in my judgment—corporate responsibility in the most expansive terms ever, having to do with the very quality of life in our republic. Correctly, they see that the need is for inde-

pendent judgment by business on the pressing issues before us, outspoken advocacy accompained by action and leadership—most of all, leadership.

ACCEPTING THE CHALLENGE

At long last, this most necessary ingredient is beginning to appear. The following words are much the same as those used over and over again by BEM and BEF:

"An end to the war would be good, not bad, for American business . . . We have more than adequate data to demonstrate that the escalation of the Vietnam war has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed . . . and has dampened the rate of growth in profits . . . It is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism."

The speaker was Louis B. Lundborg, chairman of the board of the Bank of America, the world's largest private bank, and his audience was the Senate Foreign Relations Committee. We have been waiting a long time for Mr. Lundborg and his colleagues in the top tier of our corporate hierarchy to speak out.

Mr. Lundborg added that, regardless of who is responsible for the war, "the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me for not speaking up and not speaking out sooner—for not asking, 'what goes on here?'"

And Thomas J. Watson, Jr., the chairman of IBM, has declared: "Our call to stop Communism anywhere—despite the price—drifted us into an unattainable goal in Vietnam . . . The lives of 40,000 of our men have been lost, vast resources have been wasted, and the morale of our youth eroded."

Messrs. Lundborg and Watson have said it all, God bless them! And others are beginning to speak as well. These men are now involved. I hope the contagion of intelligent involvement spreads on the wings of their words to many more in the nobility of American commerce. If enough business leaders lead, we may still find our way safely through the most hazardous period in our nation's history.

THE SENATE'S SUBSTANTIAL ACHIEVEMENTS TO DATE

Mr. MANSFIELD. Mr. President, today marks the 177th day the Senate has met since the second session of the 91st Congress convened on January 19. During that period of time the Senate has been in session around 1,170 hours and Senators have registered their views in a recordbreaking number of rollcall votes which, through yesterday, reached a total of 350. For protracted periods, the Senate has performed its business in two daily shifts, coming in early and often working until late at night, in order to move along the items on the legislative calendar. This has been a very hard-working Senate. Its legislative product has been very substantial and will become even more so before the adjournment of the Congress sine die.

Since January, there have been only a few brief respites. Now the Senate is on the verge of recessing for a month so that full attention may be turned to the election. Senators, no doubt, will wish now to join their Presiding Officer, the Vice President, who has been for many weeks not in this Chamber but in various parts of the Nation working to change the complexion of the Senate.

On November 16 the Senate and its Presiding Officer, I hope, will return and proceed to finish its work. Major bills to be completed before the Senate adjourns include such items as social security, farm legislation, occupational safety and health, equal rights, consumer legislation, and the remaining appropriations bills.

At this preelection recess point, I ask unanimous consent, Mr. President, to insert in the RECORD a summary of the Senate's substantial achievements to date.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATE LEGISLATIVE ACTIVITY, 91ST CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in session, 177.
Hours in session, 1174:52.
Total measures passed, 729.
Public Laws, 152.
Treaties, 6.
Confirmations, 49,088.
Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity:

AGRICULTURE

Agricultural Act of 1970

Imposes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains; establishes programs for 1971, 1972, and 1973 for milk, wool, wheat, feed grains, and cotton; provides for participation in set-aside programs to establish eligibility for loans and price support payments; continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair; on wheat, suspends marketing quotas and acreage allotments for 3 years and sets the face value of domestic marketing certificates at the difference between the parity price (currently $2.85 per bushel) and the average price received by farmers during the first five months of the wheat marketing year; promulgates a voluntary feed grain (i.e. corn, grain sorghum, and barley) program under which price support payments on one-half of the feed grain base will be the difference between the higher of (a) $1.35 per bushel or (b) 70 percent of the parity price (for corn) and the average market price for the first five months of the marketing year, but no less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley); provides participating cotton farmers with loans (90 percent of the average world price for two previous years) and payments (the difference between the higher of 65 percent of parity or 35 cents and the average market price for the first five months following the beginning of the marketing year, but no less than 15 cents per pound); extends Public Law 480 provisions authorizing donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations; continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program; commits Congress to a sound balance between rural and urban America; and contains other provisions. H.R. 18546. House adopted conference report 10/13/70.

Almond marketing orders

Amends the marketing order law to authorize provision for paid advertising in marketing promotion activities under almond marketing orders; authorizes any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and provides that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order. H.R. 13978. P/H 7/6/70. P/S amended 9/21/70.

Apple marketing orders

Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91–363.

Conservation and development projects

Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91–343.

Custom slaughtering

Amended the Federal Meat Inspection Act to permit custom slaughterers to engage in buying and selling meat and meat food products without losing their exemption as custom slaughterers; exempted from inspection requirements custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (i) cattle, sheep, swine and goats slaughtered by their producers, and (ii) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91–342.

Dairy products donation

Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91–233.

Egg products inspection act

Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children

Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school break-

fast program under the Child Nutrition Act of 1966. Public Law 91-207.

Forest service contract renewal without advertising

Authorized the Forest Service to provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, and granted authority to renew twice any such contract without additional advertising. H.R. 11953. Public Law 91- .

Guam agricultural services

Continues through June 30, 1975, authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas—advertising

Amended the Agricultural Marketing Agreement Act of 1937 to add Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91-384.

Inspection of imported livestock products

Provides for thorough health and sanitation inspection of all livestock products imported into the United States and imposes a charge to cover inspection costs. S. 3942. P/S 9/21/70.

International animal quarantine station

Authorized the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States, through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provided measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the bringing in of animals to the station or subsequent movement of animals therefrom to other parts of the United States contrary to regulations to be issued by the Secretary of Agriculture. Public Law 91-239.

Plant Variety Protection Act

Provides for the issuance of "certificates of plant variety protection" assuring the developers of novel varieties of sexually reproduced plants of exclusive rights to sell, reproduce, import, or export such varieties, or use them in the production (as distinguished from the development) of hybrids or different varieties, for a period of 17 years; establishes a Plant Variety Protection Office in the Department of Agriculture to administer the law; and exempts celery, okra, peppers, tomatoes, carrots, and cucumbers from the provisions of the bill. S. 3070. P/S 10/2/70.

Production research

Amended the Agricultural Marketing Agreement Act to authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and to make such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91-292.

Rural telephone bank

Creates a Rural Telephone Bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account is to consist of such net collections from the 2-percent telephone loan program received after July 1, 1968, as may be necessary to provide for the Government's investment in the Bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments

Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The bill provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; nutritional training and education and studies of food service requirements; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; publicly announced policies regarding free or reduced price lunches; no overt identification of children receiving free or reduced cost meals; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; semiannual estimates of eligible children; monthly reports of the numbers receiving free lunches and reduced price lunches; special developmental projects; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91-248.

Special milk program extension

Permanently extended the authority for the special milk program which would expire June 30, 1970, at the current authorization level of $120 million. Public Law 91-295.

Tobacco allotments

Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; subjected such leasing to the discretion of the Secretary of Agriculture and to a determination by him that it will not impair the operation of the marketing quota or price support program; provided for extension of such leasing authority; excepted specified tobaccos from section 316; and extended the maximum duration of leases to 5 years. Public Law 91-284.

Tomato advertising

Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

Wheat referendum deferrals

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91-348.

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until not later than 30 days after adjournment sine die of the second session of the 91st Congress. H.J. Res. 1396. Public Law 91- .

Wheat research and promotion

Authorized the Secretary of Agriculture to enter into agreements with organizations of wheat growers, farm organizations, and such other organizations as he may deem appropriate to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for U.S. wheat. Public Law 91-430.

APPROPRIATIONS, 1970

Continuing appropriations

Continued appropriations through February 28, 1970. Public Law 91-193.

Made further continuing appropriations for the fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91-257.

Foreign aid

Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91-194.

Labor-HEW

Appropriated a total of $19,747,153,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Labor-HEW

Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91-204.

Second supplemental

Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91-305.

APPROPRIATIONS, 1971

Agriculture

Appropriated a total of $8,475,935,100 for the Department of Agriculture and related agencies. H.R. 17923. P/H 6/9/70. P/S amended 7/9/70.

Continuing appropriations

Continued appropriations through July 31, 1970. Public Law 91-294.

Continued appropriations through October 15, 1970. Public Law 91-370.

Continued appropriations through the sine die adjournment of the Second Session of the 91st Congress and increased from $300 million to $600 million the advance appropriation for the food stamp program and its availability to January 31, 1971. H.J. Res. 1388. Public Law 91- .

District of Columbia

Appropriated a total of $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91-337.

Education

Appropriated a total of $4,420,145,000 for the Office of Education. Public Law 91-380. Congress overrode Presidential veto.

Independent Offices—Housing and Urban Development

Appropriated a total of $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Interior

$2,028,524,700 grand total, new budget (obligational) authority and appropriations to liquidate contract authority. Public Law 91-361.

Legislative

Appropriated a total of $413,054,220 for the Legislative Branch. Public Law 91-382.

Public works—Atomic Energy Commission

Appropriated a total of $5,238,517,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. H.R. 18127. Public Law 91-439.

State, Justice, Commerce, the judiciary, and related agencies

Appropriates a total of $3,108,074,500 in new budget (obligational) authority. H.R. 17575. Public Law 91——.

Treasury, Post Office, and Executive Office

Appropriated $3,004,711,000 in new budget (obligational) authority for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. Public Law 91-422.

ATOMIC ENERGY

Atomic Energy Commission authorization, 1971

Authorized appropriations of $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91-273.

Western interstate nuclear compact

Gave congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. S. 1628. Public Law 91- .

CONGRESS

Legislative Reorganization Act of 1970

Improved the operation of the legislative branch of the Federal Government by revising procedures of Congressional Committees, including changes respecting roll call votes, proxy voting, the filing of supplemental, minority, and additional views, availability of reports and hearings on matters prior to floor consideration thereof; permitting broadcasting of House Committee hearings, and recording of quorum calls and teller and roll call votes in the House; changing the name of the Senate Banking and Currency Committee to that of "Committee on Banking, Housing and Urban Affairs" and adding to its jurisdiction "Urban Affairs generally"; creating a Senate Committee on Veterans' Affairs; changing the composition of, and provisions for assignments to, Senate Committees; providing for standardization and means for making available to Congress budgetary, fiscal and related data; providing for minority staffing; designating the Legislative Reference Service in the Library of Congress as the Congressional Research Service and expanding its functions; creating a Joint Senate-House Committee on Congressional Operations to make a continuing study of the organization and operation of Congress and establishing under that committee's supervision, an Office of Placement and Office Management; forming a Capital Guide Service to give the public free guided tours of the Capitol; providing that in non-election years, Congress shall have a summer August recess; authorizing the construction of a dormitory and school for Congressional pages; and making additional improvements. H.R. 17654. Public Law 91-

Library of Congress—James Madison Memorial Building

Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purposes. Public Law 91-214.

Library of Congress—office equipment and furniture

Transferred from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91-280.

Library of Congress security

Extended the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91-281.

Senate office space

Authorizes the Architect of the Capitol to acquire on behalf of the United States, the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future office needs of the Senate. S. 3594. P/S 5/21/70.

Senate rules—Addition to rule XVI

Amended rule XVI of the Standing Rules of the Senate to provide that; "Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session." S. Res. 413. Senate adopted 9/25/70.

CRIME

Comprehensive Drug Abuse Prevention and Control Act of 1970

Establishes a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence within the Public Health Service of the Department of Health, Education, and Welfare; authorizes for formula grants $10 million, $20 million and $25 million for fiscal years 1971, 1972 and 1973, respectively; authorizes for project grants $20 million, $45 million, and $70 million for fiscal years 1971, 1972 and 1973 respectively; establishes an Intergovernment Coordinating Council on Drug Abuse and Drug Dependence; requires Federal agencies to establish programs for dealing with drug dependence among Federal employees; broadens certain authorities under the Public Health Service Act, which now relate only to narcotic addiction, so that they relate to drug abuse and drug dependence generally; establishes educational and special project programs; protects the privacy of individuals who are the subject of research; provides for control by the Justice Department of problems related to drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain, and makes transactions outside the legitimate distribution chain illegal; lists the drugs with respect to which controls are to be enforced initially, and establishes a procedure for classification of future drugs which create abuse problems; provides that possession of controlled drugs is a misdemeanor, except where the possession is for the purpose of distribution to others; imposes penalties for the manufacture or distribution of illicit drugs; imposes a mandatory minimum sentence of 10 years to life, together with a fine of up to $100,000, where an individual engages in a continuing criminal enterprise involving a continuing series of violations undertaken by him in concert with five or more other persons and from which he derives substantial income; specifies a number of administrative authorities for the Attorney General, authorizing research and education programs relating to law enforcement aspects of drug abuse, cooperation with State and local law enforcement authorities, administrative inspections, forfeitures, and execution of search warrants, including conditions under which authority to enter premises without giving notice of authority and purpose may be had; establishes a Presidential commission on marihuana and drug abuse to study marihuana use; provides for control of imports and exports of drugs subject to abuse through a system of registration of importers and exporters; authorizes the appropriation of sums necessary to carry out the Act; and contains other provisions. H.R. 18583. Public Law 91-.

Congressional assassinations, kidnap or assault

Makes it a Federal offense to kill or kidnap any Member of Congress or Member-of-Congress-elect, to endeavor or to conspire to commit such offenses, or to assault such an individual. S. 642. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act as it passed the Senate amended 10/8/70.)

Controlled Dangerous Substances Act

Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretar of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restricts importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing possession with intent to manufacture, distribute, or dispense, importation, exportation, and simply possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controlled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Criminal Appeals Act Amendments

Designed to resolve serious problems which frequently have arisen with respect to the right of the United States to appeal rulings which terminate prosecutions other than by judgments of acquittal, or which grant motions to suppress evidence before trial or in subsequent proceedings ancillary to the trial, and to further that purpose amends the Criminal Appeals Act. S. 3132. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

Criminal Justice Act Amendments

Amended the Criminal Justice Act of 1964 (relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts), by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; increases the hourly rate to $30 an hour for in-court work and $20 per hour for out-of-court work with a proviso that the rates may be altered to minimum local bar association rates; and changes various other provisions to improve the operation of the Act. S. 1461. Public Law 91- .

Executive protective service

Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive

Protective Service may consist of up to 850 members. Public Law 91–217.

Explosives—Illegal use, transportation or possession

Amends the Federal criminal explosives statute by broadening its scope, improving its effectiveness, and increasing its penalty provisions. S. 3650. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

Omnibus Crime Control Act

Makes a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) that established the Law Enforcement Assistance Administration; authorizes appropriations of $650 million for fiscal year 1971, $1.150 billion for fiscal year 1972, and $1.750 billion for fiscal year 1973; revises the administrative management of the Law Enforcement Assistance Administration; relaxes in defined areas on a showing of need the matching requirements for discretionary and block grants; relaxes certain of the restrictions on the use of grant funds for salaries; authorizes waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units; revises the provisions under which a part of each State's block action grant must be made available to local units: provides that each State must allocate an adequate share of the benefits of title I block grant funds to areas characterized by high law enforcement activity; establishes a new program for the construction, acquisition, and renovation of correctional facilities and programs; expands the law enforcement education programs; makes numerous changes in the administrative provisions of title I of the Act designed to increase the operational efficiency and staff capability of the Administration; establishes a federally subsidized plan of low cost life insurance for defined State and local law enforcement officers, patterned on the Servicemen's Group Life Insurance program, and to be underwritten by private life insurance companies; provides for an overall Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities, which would bring together information from crime control and related programs throughout the Government; and provides stricter sentences for criminals using firearms in the commission of Federal felonies. The bill also contains the texts of S. 3650 (pertaining to explosives), S. 2896 (pertaining to protection of the President), S. 642 (pertaining to protection of Members of Congress), and S. 3132 (pertaining to appellate review in criminal cases), as they passed the Senate on October 8, 1970. H.R. 17825. P/S amended 10/8/70. In conference.

Organized Crime Control Act

Embodied a comprehensive, integrated program designed to deal with the menace of organized crime in the United States; established, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unified and expanded existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; dealt with recalcitrant witnesses; created a new false declaration provision applicable in grand jury and court proceedings; authorized the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorized, subject to constitutional safeguards, the taking of depositions in criminal cases; provided a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contained special findings dealing with the effect of such gambling on interstate commerce, made it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provided penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; established, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; made unlawful certain "racketeering activity" and provided penalties for violations; and provided for increased sentencing (up to 25 years) for defined dangerous adult special offenders; established Federal controls over the interstate and foreign commerce of explosives and provided penalties for violations; and established, effective in 2 years, a National Commission on Individual Rights to study and review Federal laws and practices relating to special grand juries and special offender sentencing authorized under this act, wiretapping and electronic surveillance, bail reform, and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. S. 30. Public Law 91– .

Protection of the President

Designed to protect the physical safety of the President and the orderly functioning of his office by extending additional Federal protection for certain conduct to his specifically designated temporary residences and offices and to posted, cordoned off, or otherwise restricted areas where he is or will be visiting. S. 2896. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

DEFENSE

Air evacuation patients

Authorized subsistence, without charge, to officers of the uniformed services, civilian Government employees, and dependents, who are air evacuation patients. H.R. 9654. Public Law 91– .

Civil Defense Act

Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard authorization, 1971

Authorized appropriations of $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard officers—Interservice transfers

Placed the Coast Guard on the same parity as their counterparts in the military departments by providing that the Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. Public Law 91–392.

Coast Guard Omnibus

Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws

Modified the law affecting the Coast Guard Reserve, the modifications generally not only being designed to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other Armed Services. Public Law 91–402.

Command of the U.S.S. "Constitution" by retired U.S. Navy Officers

Permitted a retired officer of the U.S. Navy to command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. Public Law 91–394.

Cost-of-living allowances

Affirmed the computation of overseas cost-of-living allowances for uniformed services personnel; and validated the existing system which breaks down overseas cost of living allowances into two parts, one for housing and another for elements of the cost of living except housing. H.R. 14322. Public Law 91– .

Defense production act extension

(See Economy and Finance.)

Disposals from national and supplemental stockpiles

Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos: Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite: Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth: 300,000 pounds. Public Law 91–318.

Cadmium: 4,180,000 pounds. Public Law 91–314.

Castor Oil: 18,500,000 pounds. Public Law 91–319.

Chromite: Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt: 40,200,000 pounds. Public Law 91–317.

Corundum: 1,952 short tons. Public Law 91–330.

Fluorspar: Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite: Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium: 12,000 short tons. Public Law 91–321.

Manganese, Type A: Chemical grade, 111,900 short dry tons. Public Law 91–322.

Manganese, Type B: Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese Ore: Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum: 3,500,000 pounds, Public Law 91–333.

Shellac: 4,300,000 pounds. Public Law 91–324.

Tungsten: 100 million pounds. Public Law 91–325.

Headstones or markers for Medal of Honor recipients

Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. Public Law 91–396.

Leave for uniformed services members in hostile fire areas

Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps band

Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Marine Corps officers

Permitted adjustment of the date of rank for Marine Corps major generals on the same basis that obtains for major generals in the Army and Air Force. H.R. 10317. Public Law 91– .

Memorial services

Provided for the furnishing of a flag and a reimbursement allowance for memorial services to be paid to next of kin in cases where the remains of deceased members of the Armed Forces are not recovered; limited to cases where death occurred subsequent to January 1, 1961; and placed a time limit of

2 years for filing of claims for reimbursement. H.R. 11876. Public Law 91– .

Military claims

Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims, and that a similar provision for partial payment be provided for such claims. Public Law 91–312.

Military construction authorization, 1971

Provides construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the United States, and authority for construction of facilities for the Reserve components in the total amount of $1,667,154,000. H.R. 17604. Public Law 91– .

Military procurement authorization, 1971

Authorized appropriations of $12,493,489,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,101,600,000 for research, development, test, and evaluation; and $334,000,000 for military construction authority for the Safeguard antiballistic missile system; continues the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand, with the funding of the Department of Defense; authorized the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposed certain limitations with regard to specific procurement actions; provided certain additional legislative authorities; and contained other provisions. H.R. 17123. Public Law 91– .

Naval flight officers' command

Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Officers' pay

Provided that enlisted members of a uniformed service who accept appointments as officers or warrant officers shall not receive less than the pay and allowances to which they were previously entitled in their enlisted status. H.R. 16732. Public Law 91– .

Power of attorney executed by an armed forces member missing in action or held as a prisoner of war

Extends the expiration date in a power of attorney executed by a member of the armed services who is either missing in action or is held as a prisoner of war to enable the wife or any other person designated as attorney in fact for the serviceman in a missing status, to continue to manage the private affairs for the family or for the services. S. 3795. P/S 9/28/70.

Savings deposit program for certain uniformed services members

Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards

Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a parmanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports

Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—presentation to parents of deceased servicemen

Provided that United States Flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. Public Law 91–397.

War Claims Act amendments

Authorized payment under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. "Pueblo", for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month. Public Law 91–289.

DISTRICT OF COLUMBIA

Adoption proceedings

Amended the District of Columbia Code so as to eliminate the requirements of consent to a proposed adoption from the father of a prospective adoptee born out of wedlock unless the birth is subsequently legitimatized according to the laws of the District. H.R. 13307. Public Law 91– .

Alcoholic Beverage Control Act amendments

Amends the Alcoholic Beverage Control Act in several respects; namely, in relation to the authority of the Alcohol Beverage Control Board to issue summons to secure testimony of witnesses in connection with the enforcement of the act; to make uniform the provisions of the act relating to the use of facilities of licensees offering similar service to their customers; to modify the limitations on the employment of persons by licensees in their businesses; to modify present law as to the classification of beverages, places of storage, and as to the prohibition of certain credit transactions; and to allow restaurants operating on the premises of a theater, symphony hall, opera house or other facility which has as its principal purpose the presentation of the performing arts to sell alcoholic beverages to seated or standing persons. H.R. 9017. P/H 5/11/70. P/S amended 10/12/70.

Anatomical Gift Act

Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act

Removed the ceiling of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer

Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States, all of which permit the intrastate transfer of blood components within their borders. Public Law 91–256.

Cooperative Association Act amendments

Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court Reform and Criminal Procedure Act

Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service to provide legal counsel for up to 60 percent of all indigent criminal defendants and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent; expanded the Bail Agency and enables it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on non-financial conditions; replaced the existing three-judge juvenile court with an expandable Family Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Criminal code amendments

Amends statutes relating to the possession of certain dangerous weapons and interference with firemen in the performance of their duties; and authorizes the Commissioner of the District of Columbia to enter into the Interstate Parole and Probation Compact. S. 3749. P/S 10/13/70.

Delegate to House of Representatives—Commission on D.C. organization

Provided a 12-member District of Columbia Government study commission, said Commission to report to Congress within 12 months those changes necessary in any facet of the organization and practices of the District Government, in the interest of the congressionally approved goals of economy, efficiency, and improved municipal services; provided a nonvoting Delegate to the U.S. House of Representatives from the District of Columbia, said Delegate to be chosen biennially by the qualified voters of the District, following nomination either (1) by a political party in a party primary, or (2) by the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate (whichever is less); and made technical amendments to the election laws of the District of Columbia. Public Law 91–405.

Disposition of certain property in Prince William County, Va.

Allows the District of Columbia to enter into an agreement under which the District in consideration of transferring a portion of the Featherstone Tract to Prince William County, Virginia, would be issued a permit or permits by the County authorities for the operation of a sanitary landfill in that part of the County known as "Cockpit Point." H.R. 18086. P/H 7/13/70. P/S amended 10/12/70.

Estates—Settlement

Updates and modifies procedures dealing with the settlement of estates in the District of Columbia in order that they may more accurately reflect current economic conditions and that those persons wishing to settle small estates may do so in an expeditious manner with a minimum of cost. S. 3747. P/S 10/13/70.

Exemption from attachment of wages for nonresidents of the District of Columbia

Eliminated a practice involving the attachment of wages of nonresident debtors through actions initiated in the District of Columbia courts whereby creditors, by suing in the District, have been able to evade an exemption that may be granted to a nonresident debtor by the laws of the State in which the debtor resides. H.R. 9548. Public Law 91– .

Fees

Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits; license and user fees are presently fixed by statute, and many fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fees is charged. S. 3906. P/S 8/13/70.

Fraud—Strengthened laws

Strengthened the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors by means of forgery, issuance of bad checks, or by departing without payment for the goods or services received. H.R. 10335. Public Law 91– .

Freeway airspace utilization

Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

George Washington University charter amendments

Amended the charter of the George Washington University in order to confer upon the university the powers contained in section 5 of the District of Columbia Non-Profit Corporation Act, and to exempt the university from the operation of the local usury laws. H.R. 17146. Public Law 91– .

Health services improvement

Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms between the District and other jurisdictions within the Washington "milk shed"; provides for detection of tuberculosis for school children in the District through mandatory tuberculin testing of all children entering school for the first time; allows the District government to enforce liens against recoverable moneys as to persons under care at Glenn Dale Hospital, Maryland; allows physicians licensed in another State to obtain a license in the District, although once failing the District examination. S. 3648. P/S 7/30/70.

Housing revolving fund and unclaimed property act

Establishes in the District of Columbia a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District of Columbia. S. 3011. P/S 5/13/70.

Industrial safety act amendments

Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Interstate agreement on qualification of educational personnel

Allows the District of Columbia to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. S. 3944. P/S 10/12/70.

Joint tenancies—elimination of straw party deeds

Eliminates the common law requirement, which is presently applicable in the District of Columbia, that creation of a joint tenancy in real property by act of one of the parties thereto, must be accomplished through a third, or so-called straw, party. H.R. 13564. P/H 10/27/69. P/S amended 10/7/70.

Liability of hotels

Revises certain civil laws in the District of Columbia Code relating to the liability of commerical lodging proprietors for the property of their guests or patrons; the lien rights of such business establishments as to the property of their guests and patrons; and improves the procedures for the disposal of unclaimed personal property left with such lodging operators. H.R. 10336. P/H 2/24/70. P/S amended 10/13/70.

Metropolitan Area Transit Act

Grants congressional consent to the public acquisition and operation of mass transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Mortages and loans

Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. S. 3313. P/S 4/1/70.

Pay increase for police, firemen and teachers

Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service; increased by an average of 13 percent, retroactive to September 1, 1969, the salaries of teachers; revised the personal income tax of District of Columbia residents and authorized a special Federal payment of $8 million to the District of Columbia to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Pensions for widows of retired policemen and firemen

Provides that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such an officer or member after his retirement may qualify for survivor benefits under the Policemen's and Firemen's Retirement and Disability Act. H.R. 4183. P/H 7/14/69. P/S amended 10/12/70.

Policemen and Firemen's Retirement and Disability Act amendments

Provided increases in retirement benefits for officers and members retiring under the Policemen and Firemen's Retirement and Disability Act, as amended, as well as increases in benefits for survivors receiving or entitled to receive annuities under the act. S. 2695. Public Law 91– .

Protective eye devices

Requires students, teachers and observers in the District of Columbia to wear protective devices while participating in or observing certain cources of study or types of training in public or private facilities wherever there is a condition hazardous to the eyes in connection with educational or training programs. H.R. 9528. P/H/11/24/69. P/S amended 5/7/70.

Protestant Episcopal Church Vestry Act

Conforms applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church to repeal those anachronistic sections of the so-called Vesery Act which deal with the internal organization and operation of the Church, but to leave intact those provisions which establish general corporate powers and which may affect title to property held by the church. S. 2336. P/S 8/13/70.

Public Assistance Act amendments

Limits those relatives required to give financial aid to recipients of public assistance to spouse for a spouse and parent for a child under age 21. H.R. 670. P/H 5/11/70. P/S amended 10/12/70.

Public-day-care services

Authorizes the District of Columbia Council to prescribe, within the limits of available appropriations, regulations establishing a program to provide public day care services for the care of children whose parents are working, seeking work, enrolled in training, absent from the home, or who are for other reasons unable to provide parental supervision. S. 3010. P/S 10/12/70.

Rental of space for District of Columbia agencies and activities

Enables the government of the District of Columbia to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities, thus allowing the District government to compete for space in the open market on the same terms as the Federal Government. S. 3649. P/S 7/1/70.

Revenue

Provides that the annual Federal payment authorization be established at 30 percent of the District of Columbia general fund tax revenues and authorizes a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District. The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. S. 3903. P/S 8/13/70.

Snow removal

Provides a more effective snow removal law than the current law by authorizing the District of Columbia Council to make all usual and reasonable regulations requiring removal of snow and ice from paved sidewalks, with the costs of such removal to be assessed as a tax against the abutting property in case of noncompliance. S. 3748. P/S 10/13/70.

Tax exemption for International Telecommunications Satellite Consortium

Provided complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium (INTELSAT), its foreign participants, and any successor organization to INTELSAT. H.R. 14982. Public Law 91– .

Taxation of regulated investment companies

Conformed the provisions of the District of Columbia Income and Franchise Tax Act of 1947 to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954 to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the

District similar to that they are accorded under Federal law. Public Law 91-391.

Teachers' retirement amendments of 1970

Amended the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93. Public Law 91-263.

Vacation work permits for minors

Amends the present District of Columbia law with respect to the issuance of vacation work permits to certain minors, in order to expedite and encourage the issuance of such permits. H.R. 12671. P/H 7/28/69. P/S amended 10/12/70.

Validation of defects in land records

Validates certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969. H.R. 13565. P/H 10/27/69. P/S amended 10/13/70.

Voluntary admission of patients to Forest Haven institution

Authorizes voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven; requires that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved; deletes certain archaic terminology in the present law and substitutes modern terminology in its place. H.R. 4182. P/H 4/28/69. P/S amended 9/11/70.

Water and sanitary sewer rates

Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services; and eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the discretion of the District of Columbia Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

ECONOMY AND FINANCE

Bank holding companies; Eisenhower silver dollar

Modifies the Bank Holding Company Act of 1956 to bring under its provisions those companies controlling one bank, in addition to those companies controlling more than one bank; amends the Coinage Act of 1965 to authorize (1) minting of cupro-nickel half dollar and dollar coins bearing the likeness of the late President Dwight David Eisenhower, (2) transfer of 3 million rare dollar coins from the Treasury to the General Services Administration (GSA) for sale to the public, and (3) minting of 150 million Eisenhower 40-percent silver dollars, to be distributed as 130 million uncirculated and 20 million proof coins at premium prices. H.R. 6778. P/H 11/5/69. P/S amended 9/16/70. In conference.

Consumer Products Warranty and Guaranty Act

Requires a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties and requires that a written warranty or guaranty must be designated a "full" or "partial" warranty; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions

Federal share insurance: Provided a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system; provided mandatory coverage for federally chartered credit unions for State-chartered credit unions and for credit unions operating under the Department of Defense jurisdiction if they elect to be covered and agree to comply with the requirements of the program; changed regular reserve requirements of Federal credit unions; authorized Federal credit unions to invest in other insured credit unions; and authorized certain Federal credit unions serving low income persons to accept funds from nonmembers S. 3822. Public Law 91- .

Independent agency status: Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be appointed by the President by and with the advice and consent of the Senate. Public Law 91-206.

Defense production act extension; standby wage, price, salary and rent controls

Extended the Defense Production Act until June 30, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91-379.

Defense production act temporary extensions

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91-300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91-371.

Disaster assistance

Provides a permanent, comprehensive program for Federal disaster assistance and strengthens the organization and administrative machinery needed to implement the program in an orderly and effective manner; enables the extension of needed emergency relief and recovery assistance to individuals, organizations, businesses, and States and local communities suffering from a major disaster; authorizes Federal assistance for private as well as public losses suffered in a major disaster which the President determines to be of "sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby and respecting which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for the same or similar purposes with respect to such catastrophe"; consolidates into one Act and repeals the three major existing Federal disaster assistance laws; makes changes in the Small Business disaster loan program, Farmers Home Administration emergency loans, and Veterans' Administration loans. S. 3619. P/S 9/9/70. P/H amended 10/5/70.

Eisenhower dollar

Authorizes the minting of not to exceed 150 million silver dollars, of 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Eligibility of American Samoa banks for Federal Deposit Insurance

Establishes the eligibility of the banks in American Samoa for Federal deposit insurance by amending sections 3 and 7 of the Federal Deposit Insurance Act in accordance with the provisions governing U.S. territories. S. 3366. P/S 7/1/70.

Emergency Community Facilities Act

States congressional findings that many of the Nation's communities are unable to finance the construction of urgently needed public facilities and that there is an immediate need for such facilities to provide basic safeguards for the health and well-being of our citizens, to check widespread water pollution, and to provide an effective and practical method of combatting rising unemployment; reenacted the balance of the authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965 and provided for an additional authorization of $1 billion; and extended for 1 year (until October 1, 1971) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system, though under preparation, has not been completed. H.R. 17795. Public Law 91-431.

Federal National Mortgage Association

Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Foreign bank secrecy; credit cards; consumer credit reporting

Designed to provide law enforcement authorities with greater evidence of financial transactions in order to reduce the incidence of white-collar crime; required U.S. banks and other financial institutions to maintain records of financial transactions and keep copies of checks pursuant to regulations issued by the Secretary of the Treasury; authorized the Secretary to require reports on currency deposits or withdrawals by the U.S. financial institution involved and the party to the transaction; required persons who export or import currency or its equivalent in amounts greater than $5,000 or any one occasion to file reports in accordance with Treasury regulations; required U.S. citizens to keep records of their transactions with foreign financial agencies pursuant to Treasury regulations; extended to U.S. borrowers the restrictions on purchasing securities on margin whereas the existing law only applies to lenders; also prohibited the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limited consumer liability for a lost or stolen card to not more than $50, unless

there is a lesser liability under other applicable law or under an agreement with the card issuer, amended the definition of a card issuer to include not only the person who issues the card but also any agent of the issuer, sets penalties for unauthorized use of credit cards; also provided for fair credit reporting, by giving consumers access to all of the information in their credit files to enable them to correct inadequate or misleading information, requiring that whenever a person is turned down for credit or insurance or employment because of an adverse credit report, he must be given the name and address of the credit reporting agency, and establishing safeguards to preserve the confidentiality of credit information in credit bureau files and to protect consumers against an undue invasion of their right to privacy. H.R. 15073. Public Law 91——.

Gold and silver content

Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91-366.

Public debt limit increase

Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91-301.

Public Works and Economic Development Act Extension

Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91-304.

Purchase of U.S. obligations by Federal Reserve banks

Extended for 1-year, from June 30, 1970, to June 30, 1971, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 91-360.

Savings bond—interest increase

Increase from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91-388.

Securities Act exemption from registration for small businesses

Amends the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000. S. 336. P/S 8/13/70.

Securities Exchange Act—additional consumer protection

Amends the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90-439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. S. 3431. P/S 8/18/70.

Silver certificates

Authorizes further adjustments in currencies outstanding which were issued after June 30, 1929; permits the writeoff of Federal Reserve bank notes and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S 6/17/70.

Small business amendments act

Authorizes the Small Business Administration (SBA) to participate in making loans with persons and organizations not normally engaged in lending activity as well as with banks and other lending institutions; authorizes the SBA to make interest subsidy grants to certain small business concerns; increases from $25,000 to $100,000 the limitation on economic opportunity loans; provides for payment of tuition costs for economically or socially deprived persons in courses in business management and authorizes counseling for economically or socially deprived persons seeking Government assistance relating to starting or continuing a small business; authorizes SBA to guarantee loans made by private lenders to small business investment companies; permits certain activities respecting minority enterprise small business investment companies; establishes an SBA program whereby SBA would guarantee any surety against up to 90 percent of its loss as a result of the breach of the terms of a construction surety bond and provides for technical assistance for small construction contractors; gives priority to those loan applications of small business concerns which SBA determines will further the development or utilization of new methods of pollution control and provides for economic disaster loans to those small business concerns (a) forced to upgrade their facilities because of new pollution control standards or because of the requirements of the Wholesome Meat Act or (b) which suffer from the pollution of streams. S. 4316. P/S 9/18/70.

Unsolicited credit cards

Regulated the issuance of credit cards, created liability for the unauthorized use of credit cards, and provided criminal penalties for certain unauthorized uses. S. 721. P/S 4/15/70. H.R. 16542. P/H 9/9/70. P/S amended 9/15/70. (Provisions incorporated in H.R. 15073. (Foreign Bank Secrecy; Credit Cards; Consumer Credit Reporting)—Public Law 91- .)

EDUCATION

Demonstration elementary school for the deaf

Authorizes the Board of Directors of Gallaudet College to maintain and operate, including necessary renovation, construction and equipment, the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region and authorizes the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation. S. 4083. P/S 8/11/70.

Elementary and secondary education amendments

Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education laws. Public Law 91-230.

Impacted areas aid

Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3-A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91-237.

Land-grant status for College of the Virgin Islands and the University of Guam

Gives land-grant status to the College of the Virgin Islands and the University of Guam; authorizes endowment grants of $1,019,000 to the University of Guam and $714,000 to the College of the Virgin Islands; provides eligibility for annual grants to each college. S. 1148. P/S 4/15/70.

Library services and construction amendments

Extends authorizations of appropriations for programs authorized by the Library Services and Construction Act for 5 years, through June 30, 1976, and improves the administration, implementation, and purposes of such programs by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such act and affording the States greater flexibility in the allocation of funds under such act to meet specific State needs and by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States; for Title I (library services) authorizes $112 million, $117.6 million, $123.5 million, $129.7 million, and $137.2 million for fiscal years 1972 through 1976, respectively; for Title II (public library construction) authorizes $80 million, $84 million, $88 million, $92.5 million, and $97 million for fiscal years 1972 through 1976, respectively; and for Title III (Interlibrary Cooperation) authorizes $15 million, $15.8 million, $16.5 million, $17.3 million, and $18.2 million for fiscal years 1972 through 1976, respectively. S. 3318 P/S 9/21/70.

National Commission on Libraries and Information Science

Established a 15-member National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91-345.

FEDERAL EMPLOYEES

Air traffic controllers

Changes the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; make a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of service in such a capacity. S. 3959. P/S 7/13/70.

Airport police forces pay

Increases the salaries of police officers at National Airport, Washington, D.C. and Dulles International Airport as follows: increases the trainee rate from GS–5 to GS–7 and the general officer rate to GS–7 and GS–8; Sergeant, GS–9; Lieutenant, GS–10; Captain, GS–11; and Chief, GS–12; all after the private trainee would be placed in step 5 of the grade; provides that no rate of basic pay shall be reduced by enactment of this Act. S. 3958. P/S 9/23/70.

Civil service retirement

Provides that when an employee retires he may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies before his spouse. S. 437 P/S 9/10/70. H. Cal.

Civil service retirement of temporary employees

Repeals section 115 of the Social Security Amendments of 1954 to permit social security-covered service of temporary and indefinite employees in the field service of the Post Office Department, temporary and indefinite employees of the Federal Deposit Insurance Corporation, temporary census-taking employees of the Census Bureau, employees on a contract or fee basis, persons receiving nominal pay of $12 a year or less, and patient employees in Federal hospitals to be counted under the civil service retirement system or other retirement system for Federal employees; becomes effective upon enactment and applies to employees and former employees who thereafter retire. S. 2984. P/S 9/23/70.

Federal firefighters

Extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578. P/S 8/18/70.

Federal pay legislation

Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90–207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91–231.

Foreign service retirement adjustment

Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91–93). Public Law 91–201.

Government Printing Office—overtime compensation

Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91–369.

Government Printing Office—special policemen

Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91–359.

Health benefits

Increased the amount to be paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act; becomes effective January 1, 1971. Public Law 91–418.

Job Evaluation Policy Act

Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91–216.

Protecting privacy and the rights of Federal employees

Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties. S. 782. P/S 5/19/70.

Public Health Service officer transfer to Environmental Protection Agency

Affords to officers of the Public Health Service commissioned corps whose positions are transferred, or whose positions are materially related to functions being transferred, or whose positions are materially related to functions being transferred, to the Environmental Protection Agency an opportunity, subject to Civil Service Commission regulations, to transfer to competitive positions in the Agency. S. 4269. P/S 9/21/70.

Wage board employees

Provides an equitable system for fixing pay scales for prevailing rate employees of the Government by establishing one system of rules under one agency's jurisdiction to insure that Federal employees in the same area working for different agencies will be paid the same rate for doing the same kind of work, that the same criteria are used by one agency as by another in surveying prevailing rates to establish Federal wages, and that employees have adequate and fair representation within the groups vested with carrying out the established policies. H.R. 17809. P/H 9/9/70. P/S amended 9/10/70.

GENERAL GOVERNMENT

Alaska Native claims settlement act of 1970

Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American battle monuments commission

Provided that Commission members will be entitled to receive per diem in lieu of subsistence of $25 when in travel status in this country in connection with the work of the Commission and for official travel overseas the per diem allowance for the members will be $40 instead of the present $20 established in 1956. H.R. 18731. Public Law 91–

American Revolution Bicentennial Commission

Authorizes appropriations of $373,000 for fiscal year 1971, for the Commission's activities. S. 3630. P/S 6/26/70. H.R. 16408. P/H 10/14/70.

Bankruptcy Laws Commission

Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91–354.

Canal Zone Government: Cash relief payments

Amended the Canal Zone Code to adjust cash relief payments (to be paid from Canal tolls at no cost to the Federal Government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for adjustment of future payments on the basis of cost-of-living under provisions of the United States Code pertaining to civil service retirement annuities; and extended the eligibility for cash relief payments to surviving widows of such former employees. Public Law 91–355.

Coalinga Canal, California

Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91–336.

Commission on Obscenity and Pornography Findings—Rejection

Declared that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography. S. Res. 477, Senate adopted 10/13/70.

Commission on Population Growth and the American Future

Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91–213.

Comptroller General of the United States

Assigns new responsibilities to the Comptroller General in analyzing and auditing Federal expenditures and reduces certain outmoded statutory auditing requirements relative to Government corporations and certain other special Federal operations; changes the name of the General Accounting Office to the Office of the Comptroller General of the United States; grants the Office authority to employ experts and consultants and subpena records which it is presently authorized to review; and provides authority for the Comptroller General to institute suit and to appear in court, with his own counsel in certain instances. S. 4432. P/S 10/9/70.

Disposition of executive records

Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91–287.

Family planning services and population research activities

Makes comprehensive, voluntary family planning services and related information available to all persons in the United States desiring such services; provides greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; provides for development and dissemination of information on population growth; provides for coordination and centralization of the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare (HEW); authorizes $89.750 million in fiscal year 1971, rising in increments of $53.250 million per year to $307.750 million in fiscal year 1975 for a new 5-year program of grants and contracts administered by HEW; establishes an Office of Population Affairs in HEW, headed by the Deputy Assistant Secretary for Population Affairs, to exercise direct authority and control over family planning grant and population research programs operated by HEW, to coordinate and evaluate other HEW family planning and population-related programs, and to provide liaison with other Federal agencies carrying out programs in this field; requires HEW to submit to Congress a 5-year plan for extension of services to all persons having need of them, for research programs, and for training programs and provides for annual reports to Congress on progress under the plan. S. 2108. P/S 7/14/70. H.R. 19318. H. Cal.

Federal Property and Administrative Services Act amendment

Amends the Federal Property and Administrative Services Act of 1949, to remove a preference now accorded to the District of Columbia over State governments in the disposition of excess real property. S. 2867. P/S 10/1/70.

Fire protection contracts on public lands

Conferred on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. Public Law 91–429.

Fire Research and Safety Act authorization

Authorizes to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Florida-Georgia compact

Granted the consent of Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between the States; authorized the Secretary of Commerce to survey the boundary and to authorize the appropriations for this work; and reserved to Congress the customary right to alter, amend, or repeal this act. S.J. Res. 165. Public Law 91– .

Franklin Delano Roosevelt Memorial Commission

Authorized $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission. Public Law 91–398.

Full Opportunity Act

Establishes full social opportunity for all Americans as a national goal, and declares this goal to be a continuing responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments; describes the goal as embracing such areas as educational and vocational opportunities, access to housing and health care, and the provision of special assistance to the handicapped and other less fortunate members of society; establishes institutions and procedures for advancing this broad social goal, specifically: (1) a Council of Social Advisers in the Executive Office of the President; and (2) an annual Social Report by the President to the Congress; and establishes within Congress an Office of Goals and Priorities Analysis to submit an annual report to Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. S. 5. P/S 9/10/70.

Government systems and equipment purchasing

Authorized the Administrator of General Services to determine the systems and equipment required for standard passenger motor vehicles (sedans and station wagons) to be completely equipped for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. Public Law 91–423.

"Johnny Horizon" symbol

Protected the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land is Your Land—Keep it Clean") from unauthorized use and permitted the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. Public Law 91–419.

Land claims

Permits a resolution by judicial determination of a dispute between certain private persons and the Federal Government as to the ownership of specific tracts of land in the Palo Verde Irrigation District, Riverdale County, California by providing that the defendant-claimants to the lands shall have available to them the same legal and equitable defenses that would be available under the laws of California if the plaintiff, in this case the United States, were a private party. H.R. 15405. Public Law 91– .

Land conveyance, Eglin Air Force Base, Florida

Authorized the Secretary of the Air Force to donate, grant, and convey to the Board of Public Instruction of the county of Okaloosa, Florida, all right, title, and interest of the United States in and to approximately 135 acres of land; such land shall be used for the construction of school facilities in the vicinity of Eglin Air Force Base to alleviate the severe overcrowding of schools in that area. Public Law 91–347.

Micronesian claims and Micronesian Claims Commission

Implements an Executive Agreement, dated April 18, 1969, between Japan and the United States providing compensation equivalent to $10 million to inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the second World War; authorizes the adjudication of claims of Micronesians arising during the war and those arising during the post secure period from actions of members of the armed services or employees of the U.S. Government; establishes a Micronesian Claims Commission responsible for determining the validity of the claims that may be filed; and authorizes the appropriation of $25 million over and above funds regularly appropriated for the trust territory to make payments on claims adjudicated by the Commission. S.J. Res. 211. P/S 10/8/70.

Mountain standard time zone

Authorized the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. Public Law 91–228.

National Foundation on the Arts and the Humanities Act amendments

Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities, provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91–346.

National Science Foundation authorization

Authorized appropriations to the National Science Foundation for the fiscal year 1971 in the amount of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Public Law 91–356.

Oil and gas leases

Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91–245.

Payments in lieu of taxes for former Reconstruction Finance Corporation properties

Extended for 2 years from December 31, 1968, the period for which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government with respect to certain real property on which payments were authorized by Public Law 388, 84th Congress, and repealed the authorizing statute at the end of that period. H.R. 4599. Public Law 91– .

Plymouth-Provincetown Celebration Commission

Created a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorizes $100,000 for the Commission's work. S. 2916. Public Law 91– .

Pornographic mail

Protects a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; provides that the following notice be printed on the cover of such advertisements: "The Enclosed Material Is Sexually Oriented Advertising, And May, If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To The Addressee"; provides that any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee who shall pay return postage plus a service charge of not less than 50 cents, such charge to be determined by the Postal Service; provides that a sender who fails to mark the cover or who refuses to pay the postage or service charge will be subject to a civil penalty of $5,000 for each such failure; and grants jurisdiction to the United States district courts to hear civil actions to collect any such civil penalty. S. 3220. P/S 9/23/70.

Postage counterfeiting

Strengthened the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system. H.R. 14485. Public Law 91– .

Postal reorganization act

Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Deputy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operations; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that begins on or after April 16, 1970. Public Law 91-375.

Postal service

Makes technical changes in the references to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Program Information Act

Provides for the publication of a catalog of Federal assistance programs, which catalog shall identify the program, describe the program structure, provide financial information, state the obligations on the part of the recipient receiving assistance or support, identify the appropriate officials to contact, provide a general description of the application process and identify closely related programs; and provides for quarterly revision, publication and distribution of the catalog. S. 60. P/S 10/7/70.

Sea Grant College and Program Act Amendments

Provided for further funding of the National Sea Grant College and Program Act through fiscal year 1973, authorizing $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-349.

Smithsonian Institution

Additional members of Board of Regents: Authorizes the appointment of three additional citizen regents to the Board of Regents of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. H.R. 14213. P/H 12/16/69. P/S amended 8/18/70.

Facilities construction: Authorizes the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; limits the authorized appropriations to $500,000; specifies that the proposed museum facilities be constructed on land presently within the metropolitan area of the District of Columbia; and limits the use of the appropriated funds to preliminary planning and design of the facilities. S. 209. P/S 7/17/70.

Museum programs authorization: Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Foundation on the Arts and the National Foundation on the Humanities. S. 704. P/S 8/7/70.

Tennessee Valley Authority Revenue bond financing

Increased from $1.75 billion to $5 billion the amount of revenue bonds which TVA may have outstanding to finance additions to its power system. H.R. 18104. Public Law 91– .

Trust Territory of the Pacific Islands

Increased the authorization from $50 million to $60 million for the fiscal year 1971 and authorized $60 million for fiscal years 1972 and 1973 for the Trust Territory of the Pacific Islands for civil works and administrative programs. S. 3479. Public Law 91– .

Use of personal checks to pay postal services

Permits the acceptance of checks and nonpostal money orders on payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

HEALTH

Air pollution compacts

Mid-Atlantic States: Gives Congressional consent and approval to a compact between the States of Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to the Commonwealth of Pennsylvania and the State of Delaware to join in such compact. S.J. Res. 53. P/S 6/2/70.

Ohio-West Virginia

Gives congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970

Establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs established by the bill; provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country; authorizes for formula grants to States $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively, and for project grants to State and local agencies $60 million, $100 million, and $160 million for fiscal years 1971, 1972, 1973, respectively; requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of alcohol abuse and alcoholism throughout the Nation. S. 3835. P/S 8/10/70.

Cancer conquest

Expressed the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carry out said crusade so that the citizens of this land and other lands may be delivered from the greatest medical scourge in history. H. Con. Res. 675. P/H 7/15/70. P/S. amended 8/28/70. House agreed to Senate amendments 9/30/70.

Clean Air Act and Solid Waste Disposal Act Extensions

Extended the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91-316.

Extended the authorization for the Clean Air and Solid Waste Disposal Act programs for 90 days through November 30, 1970. S. 4319. P/S 9/1/70.

Communicable disease control

Authorizes a 3-year program of project grants to States and local governments for continuing assistance in eliminating diseases that are susceptible to vaccination or communicable disease control programs; and authorized $60 million for fiscal year 1970, $75 million for fiscal year 1971 and $90 million for fiscal year 1972. S. 2264. Public Law 91– .

Community mental health centers amendments

Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Developmental disabilities services and facilities construction amendments of 1970

Extended for 3 years and amended the Mental Retardation Facilities Construction Act of 1963; authorized $60 million, $105 million, and $130 million, respectively, for fiscal years 1971, 1972 and 1973 for grants for services and facilities for persons with developmental disabilities; authorized the Secretary of Health, Education, and Welfare to use up to 10 percent of appropriations for formula grants for projects of special national significance to assist the developmentally disabled; provided for formula grants for State and local planning, administration, and technical assistance, for construction, maintenance, and operation of facilities, for provision of services, for training of specialized personnel, and for developing and demonstrating new or improved techniques of service and authorized therefor $15 million, $17 million and $20 million for fiscal years 1971, 1972 and 1973, respectively; and established a National Advisory Council on Services and Facilities for the Developmentally Disabled. S. 2846. Public Law 91–

Family practice of medicine act

Authorizes a 5-year program of grants through fiscal year 1975 to medical schools to operate separate departments devoted to teaching and instruction in all phases of family practice, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility, to operate or participate in special training programs for paramedical personnel in the field of family medicine, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools; authorizes grants to public or private nonprofit hospitals for the operation of special professional training programs in family medicine for medical personnel, for the construction of facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility, to provide scholarships, fellowships, or stipends to medical personnel, and for special programs for training paramedical personnel in the field of family medicine; authorizes for grants to medical schools and hospitals appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975; enables the Secretary of HEW to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition and for such programs authorizes $32 million for each of 5 fiscal years beginning with fiscal year 1971; establishes within the Department of HEW a National Information and Resource Center for the Handicapped and for its operations authorizes $300,000 for fiscal year 1971 and thereafter such sums as may be necessary. S. 3418. P/S 9/14/70.

Health service corps-establishment

Amends title III of the Public Health Service Act to provide for the establishment of a National Health Service Corps within the Public Health Service of the United States and provides that it shall be the function of the corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, or services are inadequate to meet the health needs of the residents of such communities and areas. S. 4146. P/S 9/21/70.

Health Training Improvement Act of 1970

Extended for 3 years and improved the Allied Health Professions Personnel Training Act of 1966 and authorized for fiscal years 1971, 1972 and 1973 $90 million for construction, $45 million for basic improvement grants, $125 million for special improvement and special project grants, $30 million for traineeships, $3 million to encourage full utilization of allied health profession, $15 million for scholarships, $12 million for work-study, and $18.5 million for loans. S. 3586. Public Law 91–

Medical facilities construction and modernization amendments

Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program for project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provided for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91–296.

Medical Library Assistance Extension Act

Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects; and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91–212.

Migrant health services

Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91–209.

National Air Quality Standards Act

Amends the Clean Air Act to require designation of major air quality control regions within 90 days; set procedures to achieve air quality standards that would insure the protection of health and after standards and goals are set, the States will have 9 months to develop a plan to implement the standards; require that implementation plans be designed to achieve conformance with air quality standards within 3 years; allow States to adopt even stricter air quality standards than those set by the Federal Government; authorize regulations to require that new industries meet emission performance standards based on the latest control technology, processes, and operating methods; provide for civil—$10,000—and criminal—up to $50,000 and 2 years—penalties for violations and authorizing pollution abatement orders; require that national emission standards also apply to vessels and aircraft, provide that 1975 model cars must achieve at least a 90-percent reduction in polluting exhaust from the 1970 standards, and impose penalties up to $10,000 per vehicle; require a warranty of 50,000 miles on a vehicle's emission system performance and authorize the Secretary of Health, Education, and Welfare to have cars road tested and recall those produced if they do not meet standards; authorize certification of low-emission vehicles for research and development purposes and for Federal acquisition of such vehicles for demonstration purposes; authorize $125 million in research for fiscal 1971, $150 million for 1972, and $175 million for 1973 for research relating to fuels and vehicles; authorize research concerning health effects of air pollution and authorize therefor $15 million for long term contracts to carry out investigations; provide 3-to-1 funding to States and for the option assignment of Federal personnel in place of cash grants; permit citizens to file suits to enforce standards, authorizing $725 million for 3 years for enforcement, grant assistance, and administration; establish an Office of Noise Abatement and Control within the Department of Health, Education, and Welfare; create a Federal low emission vehicle procurement program to stimulate development and production of such vehicles. H.R. 17255. P/H 6/10/70. P/S amended 9/22/70. In conference.

Poison Prevention Packaging Act

Amends the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; authorizes the Secretary of Health, Education and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; sets penalties for failure to conform to those standards; and creates a technical advisory committee to advise the Secretary. S. 2162. P/S 5/11/70.

Public Health Cigarette Smoking Act

Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91–222.

Public health training

Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91–208.

Regional Medical Programs and Comprehensive Health Planning and Services Act of 1970

Extended the regional medical programs for 3 years through fiscal year 1973 and authorized a total of $525 million for regional medical programs; $247 million for demonstrations relating to health facilities and services, $1,013,500,000 for comprehensive health planning, and $60 million for health surveys and studies; added "kidney disease" to the original three programs covered—heart disease, cancer and stroke; created a National Advisory Council on Comprehensive Health Planning Programs; facilitated the group practice of medicine; directed the President to make a study pertaining to the health and safety hazards presented by environmental pollution and make pertinent reports to Congress. H.R. 17570. Public Law 91–

Water Pollution Compact

Potomac Valley Conservancy District compact amendments: Granted the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of

Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin. Public Law 91-407.

HOUSING

College Housing Debt Service Grants

Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency home finance act

Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for Federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91-351.

Federal housing administration's insurance authority extensions

Extended until November 30, 1970, certain Federal Housing Administration insurance programs, which were to expire on October 1, 1970. H.J. Res. 1366. Public Law 91-432.

Extended until December 1, 1970, certain Federal Housing Administration insurance programs slated to expire on November 30, 1970. S.J. Res. 242. Public Law 91- .

Housing and Urban Development Act of 1970

Contains, generally, a 3-year extension of existing Federal housing, programs, principally Federal Housing Administration programs, urban renewal, model cities, and public housing; provides a 1-year authorization of $4,203,500,000 for housing programs; and makes significant changes in existing public housing urban property insurance, new community, and mass transit programs; funding levels for housing assistance programs are designed to be adequate to meet the national housing goal of 6 million assisted housing units to be constructed or rehabilitated in 10 years. S. 4368. P/S 9/23/70. H.R. 19436. H. Cal.

Loans to lessees of nonfarm rural land

Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic housing program

Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

INDIANS

Chemehuevi Tribe

Authorized the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets which funds were appropriated April 30, 1965. Public Law 91-417.

Cherokee, Chicasaw, Choctaw and Seminole Nations of Oklahoma

Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91-240.

Cherokee Tribe, Oklahoma

Authorized the sale to the Cherokee Tribe of Oklahoma of 38.5 acres of land for $2,258.80, said land to be used by the tribe to continue industrial development. H.R. 15624. Public Law 91- .

Choctaw Tribe, Oklahoma

Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the Choctaw Tribe, Oklahoma. Public Law 91-386.

Coeur D'Alene Indian Reservation

Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange, individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated bands of Ute Indians

Provided for the disposition of funds approved to pay a judgment in favor of the Confederated Bands of Ute Indians in the Court of Claims, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in an Indian Claims Commission docket. Public Law 91-420.

Confederated Tribes of the Umatilla Indian Reservation

Authorized the Confederated Tribes of the Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91-259.

Confederated Tribes of Weas, Piankashaws, Peorias & Kaskaskias

Provided for a per capita distribution of 3 judgments by the Indian Claims Commission totaling $2,049,273, that have been recovered on behalf of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias and provided that any per capita share the Secretary of Interior is unable to deliver within two years shall revert to the Peoria Tribe. Public Law 91-364.

Eastern Band of Cherokee Indians, North Carolina

Authorized a conveyance to the Eastern Band of Cherokee Indians of North Carolina, of any Federal lands within the Cherokee Reservation that may become excess to the needs of the Bureau of Indian Affairs. H.R. 16811. Public Law 91- .

Educational facilities for Indian children

Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S. J. Res. 144. P/S 5/19/70.

Five civilized tribes and Osage tribe of Oklahoma

Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe in Oklahoma to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five civilized tribes of Oklahoma

Authorizes the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five civilized tribes of Oklahoma

Authorized each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to select its principal officer in accordance with procedures approved by the Secretary of the Interior. S. 3116. Public Law 91- .

Fort Belknap Indian irrigation project, Montana

Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91-251.

Fort Belknap Indian Reservation, Montana

Amends the Act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota

Authorizes the mortgaging of tribal land on the Fort Berthold Reservation acquired after the date of enactment of this legislation and provides that resulting funds are to be used to buy lands within the reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian Tribe, Arizona

Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91-264.

Hualapai Tribe, Arizona

Authorized the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indian Claims Commission Docket No. 90. The net amount available is $2,974,612. Public Law 91-400.

Inter-tribal Council, Inc., Miami, Oklahoma

Authorizes and directs the Secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Incorporated, Miami, Oklahoma, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac du Flambeau band of Lake Superior Chippewa, Indians, Wisconsin

Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tride of Wisconsin, subject to valid existing rights-of-way and the right of the State of Wisconsin to use the fire observation tower located on the land for so long as needed and provides that the Indian Claim Commission will determine the extent to

which the value of the beneficial interest conveyed should or should not be set off against any claims against the United States Government determined by the Commission. S. 1751. P/S 4/30/70.

Loans to Indian tribes

Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title of land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Makah Indian Tribe, Washington

Gave to the Makah Indian Tribe in the State of Washington 719 acres of land that were set aside by Executive order in 1893 as a reservation "for Ozette Indians not now residing upon any Indian reservation." H.R. 9311. Public Law 91–

Potawatomi Indians

Authorized the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in an Indian Claims Commission Docket, the net amount available being $723,111. Public Law 91–401.

Quapaw Indians, Oklahoma

Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada

Grants to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians, and authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma

Authorized the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in an Indian Claims Commission Docket, the net amount available, including accrued interest, amounting to $703,345. Public Law 91–404.

Sioux Tribe of the Fort Peck Indian Reservation, Montana

Provided for a per capita distribution among the members of the tribe of a judgment of $1,161,354.41 against the United States recovered by the tribe. Public Law 91–283.

Snohomish, Upper Skagit, and Snoqualamie-Skykomish Tribes

Disposes of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50. S. 4078. P/S 9/1/70.

Tlingit and Haida Indians of Alaska

Authorized the disposition of funds (previously appropriated, invested and amounting to $7 million) awarded to the Tlingit and Haida Indians of Alaska by a judgment against the United States for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington

Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute Tribe of the Uintah and Ouray Reservation, Utah

Authorized the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; authorized the payment of interest on the tribal funds used; and transferred the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. Public Law 91–403.

Washoe Tribe of Nevada and California

Set aside 80 acres of public domain in Alpine County, California to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima Tribes

Provided for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission as compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. Public Law 91–413.

Yankton Sioux Tribe

Declared that 19.57 acres of Federal lands are held in trust for the Yankton Sioux Tribe of South Dakota, said donation without consideration, but if the tribe recovers any judgment against the United States in the Indian Claims Commission, the Commission will consider the value of the land as a possible setoff. H.R. 13519. Public Law 91–

Yavapai-Prescott Community Reservation, Arizona

Authorized lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

INTERNATIONAL

Aircraft Hijacking

Expressed the sense of the Senate that the full influence of all governments and all international airline associations should be brought to bear for the release of all passengers and aircrews, detained involuntarily in Jordan, regardless of race, nationality, or creed, and such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft. S. Res. 459. Senate adopted 9/16/70.

American Prisoners of War in Southeast Asia

Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. H. Con. Res. 454. House adopted 12/15/69. Senate adopted 2/18/70.

Arms Control and Disarmament Act Amendments

Authorized the appropriation of $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention on Offenses and Certain Other Acts Committed on Board Aircraft—Implementing Legislation

Amended the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, which was approved by the Senate on May 13, 1969, and is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. S. 2176. Public Law 91–

Convention relating to arbitral awards—implementing legislation

Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Gulf of Tonkin Resolution—termination

Provided that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International Biological Program

Authorized all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expressed the support and endorsement of the Congress for the International Biological Program; and declared that the provision by the United States of adequate financial and other support for the IBP is a matter of priority. H.J. Res. 589. Public Law 91–

International Expositions

Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically proposed international exposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,000 in any fiscal year. Public Law 91–269.

Military sales—Limitations on United States involvement in Cambodia

Authorizes $250 million for foreign military sales for each of fiscal years 1970 and 1971 and sets a credit ceiling of $300 million in each of those fiscal years; places limitations on United States involvement in Cambodia; repeals the Gulf of Tonkin resolution effective at the end of the second session of the 91st Congress; requires that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels, be made under the regular military grant aid and sales programs; places a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and makes other changes in, or additions to, existing law. H.R. 15628. P/H 3/24/70. P/S amended 6/30/70. In conference.

Pan American Institute of Geography and History

Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Peace Corps Act amendments

Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Retirement age for foreign service career ministers

Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers who are now past the mandatory retirement age. S. 3691. P/S 6/19/70.

Rainy River Bridge, Baudette, Minnesota

Deleted certain language from the act of December 21, 1950, as amended by the act of June 16, 1955, which authorized the village of Baudette, Minnesota, to construct, maintain and operate a toll bridge across the Rainy River to Ontario, Canada, which language required that the cost of the bridge and its approaches be amortized within 30 years from the date of the completion thereof, and that the bridge be maintained and operated free of tolls after funds sufficient for its amortization have been so provided. H.R. 6240. Public Law 91– .

St. Lawrence River Bridge, Cape Vincent, New York

Authorized the Thousand Islands Bridge Authority, a political subdivision of the State of New York, its successors and assigns, to construct, maintain and operate an additional toll bridge across the St. Lawrence River, from a convenient point at or near Cape Vincent, Jefferson County, New York, to a point at or near Kingston, Province of Ontario, Canada. H.R. 15069. Public Law 91– .

Support of United States peace initiative

Expressed the sense of the Senate that President Nixon's peace initiative of October 7, 1970, is fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war. S. Res. 474. Senate adopted 10/8/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems

Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

Treaties

Convention on the privileges and immunities of the United Nations: Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations, and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through the International Organization Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand: This treaty follows generally the form and content of extradition treaties recently concluded by the U.S. Government. Under its coverage are 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C(91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions: Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A(91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention: Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I(91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada: Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A(91st, 2nd). Resolution of ratification agreed to 5/27/70.

Supplemental extradition convention with France: Principally designed to add to the list of extraditable offenses that of aircraft hijacking, and to clarify and expand the offenses relating to narcotics, which now will include hallucinogenic and other dangerous drugs. Ex. F (91st, 2d). Resolution of ratification agreed to 9/21/70.

United Nations headquarters expansion

Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70. H.J. Res. 1146. H. Cal.

U.S.–U.S.S.R. political exchange program

Assists governmental officials of the United States and the Soviet Union through means of exchange of visits in making better informed judgments about world affairs involving the two countries; authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period. S. 3127. P/S 4/20/70.

Water pollution research—Fifth international conference

Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

World Environmental Institute

Expressed the sense of the Senate relating to the creation of a World Environmental Institute to aid all nations of the world in solving common environmental problems of both national and international scope. S. Res. 399. Senate adopted 10/9/70.

JUDICIAL

Additional district judges

Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle the business brought before them. Public Law 91–272.

Admission to residential community treatment centers

Authorized the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released. H.R. 2175. Public Law 91– .

Bankruptcy Act Amendments

Amended the Bankruptcy Act to authorize the bankruptcy courts to determine dischargeability. S. 4247. Public Law 91– .

Civil Rights Commission authorization

Increases the annual authorization of the Civil Rights Commission from $2,650,000 to $3,400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 31, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expenses; increases the per diem amount payable to Commission members and consultants from $75 to $100; amends the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein, and that said answer shall be annexed to the Commission report. S. 2455. P/S 7/14/70. H. Cal.

Copyright protection extension

Continues until December 31, 1971 the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, Public Law 90–416, Public Law 91–147. S.J. Res. 230. P/S 8/17/70.

Customs Court Act

Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs so that the Court and the Bureau will be better able to cope effectively and expeditiously with their rapidly expanding workload. Public Law 91–271.

Expediting act amendments

Amends the Expediting Act so as to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit court of appeals and provides that appeal from a final judgment in a civil antitrust action brought by the United States shall lie directly to the Supreme Court on a finding that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice by order of the district judge upon application of a party. H.R. 12807. P/H 7/6/70. P/S amended 9/25/70.

Federal Youth Corrections Act

Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91–339.

Immigration and Nationality Act amendments

Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign resident requirement for aliens in the United States as exchange visitors. Public Law 91–225.

Immigration and Nationality Act amendments

Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91–313.

Jurisdiction of U.S. Courts—contract claims

Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy; Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91–350.

Metlakatla Indian community, Alaska—jurisdiction over crimes and offenses

Restores to the Alaska Indians of the Metlakatla Indian Community the self-government they possessed prior to the enactment of Public Law 85–615. S. 902. P/S 9/18/70. H. Cal.

Mississippi District Court

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. S. 3122. P/S 6/26/70.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. S. 3225, P/S 8/20/70.

Newspaper Preservation Act

Provided, under certain conditions for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91–353.

Puerto Rico district court jurisdiction

Continued the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970. S. 4235. Public Law 91– .

United States land titles

Amends section 355 of the Revised Statutes as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies subject to his general supervision and regulation; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. Public Law 91–393.

Voting Rights Act extension

Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

LABOR

Employment and Training Opportunities Act

Creates a new system of prime sponsors of manpower programs, consisting of Governors and mayors of cities of 75,000 or more population, who would plan and operate manpower programs with the aid of manpower services councils, with 90-percent Federal financing; establishes a new system of public service employment, run largely through the same State and local prime sponsors, to fill vitally needed jobs in education, public health, safety, recreation, sanitation, and other public programs, with 80-percent Federal financing; creates new special programs for Indians, migrant workers, Spanish-speaking and older persons of limited English-speaking ability, and middle aged and older workers, run by the Secretary of Labor through contracts with public and private agencies and organizations; retains a number of the most successful manpower programs now operating, including Opportunities Industrialization Centers, Neighborhood Youth Corps, Job Corps, Operation Mainstream and New Careers; authorizes $2 billion, $2.5 billion, and $3.0 billion for fiscal years 1972, 1973, and 1974, respectively, with a third reserved for the new comprehensive manpower service programs to be run by prime sponsors, a third public service employment, and a third for the other so-called categorical programs; and proposes, in addition, a separate and additional authorization for public service employment, ranging from $750 million in fiscal year 1971 to $1 billion in fiscal year 1972; $1.25 billion in fiscal year 1973 and $1.5 billion in fiscal year 1974. S. 3867. P/S 9/17/70. H.R. 19519. H. Cal.

Employment opportunities for the blind

Amends the Randolph-Sheppard Act to enlarge the employment opportunities of qualified blind persons through the operation of vending facilities on federally controlled property. S. 2461. P/S 9/28/70.

Employment opportunities for the blind and severely handicapped

Amends the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference and to expand the category of contracts under which the blind and severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill. S. 3425. P/S 9/28/70.

Equal Employment Opportunities Enforcement Act

Amends title VII of the Civil Rights Act of 1964 to provide the Equal Employment Opportunity Commission with a method for enforcing the rights of those workers who have been subjected to unlawful employment practices; includes the issuance of a complaint by the Commission after an investigation and efforts to conciliate followed by a full administrative hearing on the record, the issuance of a cease and desist order by the Commission, and an opportunity for review by an appropriate court of appeals; provides that the Commission may seek court enforcement in cases pending at the time of enactment and permits the transfer of the Attorney General's pattern or practice action to the Commission in 3 years; expands coverage, over a 2-year period, of employers and labor organizations, from those having 25 or more employees or members to those having eight or more employees or members and includes coverage of State and local employees; expands from 90 to 180 days the time limitation on a direct filing charge to the Commission and from 210 to 300 days a filing charge first brought under a State or local law; and contains a number of administrative changes. S. 2453. P/S 10/1/70.

Railroad Adjustment Board

Amended the Railway Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91–234.

Railroad retirement

Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

Railroad Retirement Act Amendments

Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15 percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing shall be made by a 5-member Commission which is to submit its recommendations to the President and to Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91–377.

Amends the Railroad Retirement Act to provide that employment as an elected or appointed public official shall not be regarded as "compensated service," from which the individual would normally be required to retire to qualify for an annuity, so long as the compensation for such employment as an elected or appointed public official does not exceed $5,000 per year and if such individual also has a current connection with the railroad industry at the time of his retirement. S. 988. P/S. 10/9/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act

Designed to promote safety in all areas of railroad operation and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and damage to property caused by accidents involving any carrier of hazardous materials; authorized $21 million for each of fiscal years 1971, 1972, and 1973 for Title II (Railroad Safety) and $1 million for each of those fiscal years for Title III (Hazardous Materials Control). S. 1933. Public Law 91– .

Railway labor-management dispute

Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91–203.

Railway labor-management dispute

Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91–203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91–226.

MEMORIALS AND TRIBUTES

American prisoners of war

Expressed the sense of the Senate that during the half-time activities in the Army-Navy football game on November 28, 1970, there should be appropriate ceremonies and activities designed to express publicly the concern of the people of the United States for those individuals missing in action in Southeast Asia or being held captive as

prisoners of war by the Government of North Vietnam and its allies and to appeal to men of good will throughout the world to join the people of the United States in seeking the identification of those individuals held as prisoners of war, in calling upon the Government of North Vietnam and its allies to accord such individuals treatment that is fair, humane, and in accordance with the Geneva Conventions of 1920 and 1949, and in praying for the early release of such individuals. S. Res. 475. Senate adopted 10/12/70.

Apollo 13 astronauts

Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage; extended support to their families, friends and all involved in their mission; and urged all who wished to and could comply to pause at 9 p.m., April 14, 1970, to ask the help of God in assuring the safe return of the astronauts. S. Res. 388. Senate adopted 4/14/70.

Commendation of heroism of airline pilots

Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Building

Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91–237.

Goddard Rocket and Space Museum

Provided congressional recognition of the the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Public Law 91– .

Harry S. Truman Dam and Reservoir, Missouri

Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91–267.

Honor America Day

Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations and called upon the people of the United States to observe such celebrations with appropriate ceremonies an activities. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jose Antonio Navarro Commemorative Medals

Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society, without cost to the Federal Government, not more than 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91–244.

Mary McLeod Bethune Memorial

Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91–277.

Newt Graham lock and dam

Designates lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. S. 1500. P/S 5/25/70.

Ohio Northern University Commemorative Medals

Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. Public Law 91–381.

Ohio Northern University's 100th anniversary

Extended Congress' congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575. House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary

Extended Congress' congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res. 573. House adopted 4/29/70. Senate adopted 6/26/70.

Peruvian earthquake

Extended the sympathy of the Senate to the President and the people of Peru in the hour of their suffering and distress resulting from an earthquake on May 31, 1970, causing loss of thousands of lives and destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program

Designates the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A. Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. S. 1100. P/S 5/25/70.

Sam Rayburn Memorial Veterans Center

Renamed the Veteran's Administration center at Bonham, Texas, the Sam Rayburn Memorial Veterans Center for the late Sam Rayburn, who served as Speaker of the House of Representatives longer than any other Member of the House in the history of the United States. Public Law 91–421.

Senate Majority Leader Mike Mansfield

Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial Medals

Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation, without cost to the Federal Government, not more than 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91–254.

Tribute to General Omar N. Bradley and Allied World War II victory in Europe

Expressed the sense of Congress that, on the occasion of the 25th anniversary of V–E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah"

Authorized the Secretary of the Navy to take such action as is necessary to provide for erection of a flagpole on the remains over the battleship, U.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. S. 583. Public Law 91– .

William "Bill" Dannelly Reservoir, Alabama

Changes the name of the Miller Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the development of the water resources of the Alabama-Coosa River Basin. S. 528. P/S 5/22/70.

William G. Stone Navigation Lock, California

Designates the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this important project. S. 3192. P/S 7/21/70.

NOMINATIONS—ACTION BY ROLLCALL VOTE

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States: Nomination confirmed 5/12/70 (94–0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States: Nomination rejected 4/8/70 (45–51).

Admiral Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years: Nomination confirmed 6/17/70 (78–2).

PROCLAMATIONS

American prisoners of war and servicemen missing in action in Southeast Asia

Expressed the sense of Congress that May 1, 1970 be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans. H. Con Res. 582. House adopted 4/23/70. Senate adopted 4/27/70, amended. House agreed to Senate amendments 4/28/70.

Clean Waters for America Week

Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

"Day of Bread" and "Harvest Festival Week"

Designated October 6, 1970, as "Day of Bread" and the week of October within which it falls as a period of "Harvest Festival," and authorized and requested the President to issue a proclamation calling upon the people of the United States to join with those of other nations to observe those occasions with appropriate ceremonies and activities. S.J. Res. 218. Public Law 91– .

Father's Day

Authorizes the President to designate the third Sunday in June of each year as "Father's Day" and requests the President to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging the American people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers. S.J. Res. 187. P/S 9/23/70.

International Clergy Week

Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition

Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in

the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Law Officers Appreciation Week

Authorizes and requests the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week and calls upon the people of the United States to observe this period with proper ceremonies and activities. S.J. Res. 225. P/S 9/18/70.

Mineral Industry Week

Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

National Arbor Day

Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day" and called upon the people of the United States to observe such day with appropriate ceremonies and activities. Public Law 91–236.

National Blood Donor Month

Authorized and requested the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month", and called upon the people of the United States and interested groups and organizations to observe such month with appropriate ceremonies and activities. S.J. Res. 223. Public Law 91– .

National Clown Week

Authorized and requested the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week" to promote clowning as the art of good clean entertainment. H.J. Res. 236. Public Law 91–443.

National Employ the Handicapped Week

Established the first week in October of each year as "National Employ the Handicapped Week" so as to broaden "National Employ the Physically Handicapped Week" to all handicapped workers, and provided that appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but handicapped workers. Public Law 91–442.

National Employ the Older Worker Week

Authorizes the President to designate the first full calendar week in May of each year as "National Employ the Older Worker Week" and calls upon employer and employee organizations, other organizations officially concerned with employment, and upon the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age. S.J. Res. 74. P/S 9/23/70.

National Machine Tool Week

Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week." Public Law 91–395.

National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks

Authorizes and requests the President of the United States to issue a proclamation designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks." S.J. Res. 226. P/S 9/23/70.

National Park Centennial Year

Requested the President to issue a proclamation designating 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

National PTA Week

Authorized and requested the President of the United States to designate the period beginning October 5, 1970, and ending October 9, 1970, as National PTA Week to call attention to the tremendous contributions of the National Congress of Parents and Teachers. S.J. Res. 228. Public Law 91– .

National Volunteer Firemen's Week

Authorized the President to proclaim the period October 24 to October 31, 1970, as National Volunteer Firemen's Week and called upon the people of the United States to observe such week with appropriate ceremonies and activities. H.J. Res. 1154. Public Law 91– .

Project Concern Month

Authorized and requested the President to issue a proclamation that the month of October 1970 be observed as "Project Concern Month" and calling upon all citizens to aid in every way possible toward making this worthwhile project a continuing success. H.J. Res. 1178. Public Law 91– .

RESOURCE BUILDUP

Anadromous Fish Conservation Act amendments

Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Andersonville National Historic Site, Georgia

Established the Andersonville National Historic Site, Georgia, authorizing the appropriation of $362,000 for the acquisition of lands and $1,605,000 for development of the area. H.R. 140. Public Law 91– .

Apostle Island National Lakeshore, Wisconsin

Authorized the establishment of the Apostle Islands National Lakeshore in Wisconsin, exclusive of Indian trust lands, and authorized to be appropriated $4.25 million for land acquisition and $5 million for development of the project. Public Law 91–424.

Arches National Park, Utah

Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and watering of livestock. S. 532. P/S 7/1/70.

Canyonlands National Park, Utah

Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape COD National Seashore, Massachusetts

Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public Law 91–252.

Capitol Reef National Park, Utah

Establishes the Capitol Reef National Park in the State of Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act

Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Cherokee Strip, Kansas–Oklahoma

Authorized and directed the Secretary of the Interior to cause a study to be made of the feasibility and desirability of establishing a unit of the national park system commemorating the opening of the Cherokee Strip to homesteading, the recognition of the historic trails of the old Southwest, and the restoration of some of the outstanding examples of the natural prairie scene. H.R. 15012. Public Law 91– .

Classification and Multiple Use Act and the Public Land Sale Act

Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Connecticut Historic Riverway

Establishes a Connecticut Historic Riverway along the southernmost section of the Connecticut River in the State of Connecticut, consisting of some 23,500 acres near concentrations of urban population along an 11-mile stretch of the scenic Connecticut northward from Old Saybrook to East Haddam; authorizes the Secretary of the Interior to acquire, by condemnation if necessary, up to 5,000 acres within the riverway; provides that the remainder of the area (17,500 acres) would constitute a conservation zone to remain in private ownership exempt from condemnation so long as zoning standards approved by the Secretary are effectively administered; provides that property within the Riverway owned by the State of Connecticut could be acquired by the Federal Government only by donation; and authorizes $23 million to carry out the provisions of the act. S. 4090. P/S 10/7/70.

Coral reefs conservation

Authorized the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. The bill is designed to control the devastating crown of thorns starfish which has been destroying coral reefs. Public Law 91–427.

Craters of the Moon National Monument, Idaho

Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the Wilderness Act (Public Law 88–577). S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum Prairie Project, Idaho

Authorized construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie Reclamation Project in northwest Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91–286.

Environmental Education Act

Established within the Office of Education, an Office of Environmental Education which, under the supervision of the Commissioner of Education shall be responsible for the administration of the grant and contact program authorized and the coordination of ac-

tivities of the Office of Education which are related to environmental education; environmental education projects shall include the development of curriculums (including interdisciplinary curriculums) in the preservation and enhancement of environmental quality and ecological balance; dissemination of information relating to such curriculums and to environmental education, generally; preservice projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology; programs and projects designed to familiarize public service personnel, Government employees, and business, labor, and industrial leaders and employees with the problems of environment and ecology, and with the means by which such problems may be solved; and community education programs; authorized $5 million for fiscal year 1971, $15 million for fiscal year 1972, and $25 million for fiscal year 1973 for carrying out the provisions of the act. H.R. 18260. Public Law 91– .

Everglades National Park, Fla.

Provides for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorizes an additional $20 million. Public Law 91–428.

Falls of the Ohio Interstate Park Compact

Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. Public Law 91–390.

Federal Water Pollution Control Act amendments

Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onshore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91–224.

Fish and Wildlife Restoration Act amendments

Encouraged comprehensive planning by the State fish and game departments, to increase the revenues available to the States for wildlife restoration projects, and to provide funds to be used by the State to carry out programs supporting hunter safety. H.R. 12475. Public Law 91– .

Fisheries loan fund extension

Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91–387.

Ford's Theatre National Historical Site

Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91–288.

Fort Point National Historic Site, California

Authorized the establishment of the Fort Point National Historic Site in San Francisco, California, and authorized an appropriation of $5,250,000 for development of the site. H.R. 18410. Public Law 91– .

Geothermal resource development

Opened to exploration and development, through private enterprise, the geothermal steam and associated geothermal resources underlying certain of the public domain lands of the United States. S. 368. Public Law 91– .

Glen Canyon National Recreational Area, Arizona and Utah

Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order. S. 27. P/S 7/15/70.

Golden eagle program

Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas and provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91–308.

Historic properties

Extended the national historic preservation program established by Congress in 1966 (Public Law 89–665) and authorized appropriations of $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation; authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91–243.

Homestead National Monument, Nebraska

Provided for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska, and authorized appropriations of $50,000 for rehabilitation and development of Freeman School. Public Law 91–411.

Hudson River compact negotiations

Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91–242.

Ice Age National Scientific Reserve, Wisconsin

Authorized a very limited appropriation of funds for Federal participation in the development, operation, and maintenance of the Ice Age National Scientific Reserve in Wisconsin, said Federal appropriations to supplement funds appropriated by the State of Wisconsin for this purpose and other moneys from the State's share of allocations under the Land and Water Conservation Fund Act. H.R. 4172. Public Law 91– .

International Peace Garden, North Dakota—authorization

Increases by $1,054,000 the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota. S. 233 P/S 10/8/70.

Jellyfish control

Extended for an additional 3 years, through June 30, 1973, the program to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States. H.R. 12943. Public Law 91– .

King Range National Conservation Area, California

Authorizes and directs the Secretary of the Interior to establish the King Range National Conservation Area in the State of California; directs the Secretary to consolidate and manage the public lands within the area under a program of multiple use and sustained yield; and provides the Secretary with the necessary authority and management tools to block up the public lands, by acquisition or by exchange, with private holdings to eliminate the existing checkerboard land pattern. H.R. 12870. P/H 9/21/70. P/S amended 10/7/70.

Lake Tahoe, Nevada and California

Authorized and directed the Secretary of the Interior to conduct a study of Lake Tahoe to determine the feasibility and desirability of establishing a national seashore on its shoreline and to transmit a report of findings and recommendations, including alternatives of accomplishing the environmental objective without disrupting present ownership patterns, to the President and Congress simultaneously, within 1 year, and authorized appropriations of $50,000 to conduct the study. Public Law 91–425.

Marine Resources and Engineering Development Act amendments

Designed to extend to June 30, 1971, the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. Public Law 91–414.

Middle Snake River

Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Minam River Canyon Wilderness

Adds up to 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, and which was established by the Wilderness Act of 1964. S. 1142. P/S 10/13/70.

Missouri River Basin

Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Missouri River Basin project, Minot extension, Garrison Diversion Unit, North Dakota

Authorized construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. Public Law 91–415.

Mount Baldy, Pine Mountain, and Sycamore Canyon Wilderness, Arizona

Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness, as part of the national wilderness preservation system, in accordance with the provision of the Wilderness Act of September 3, 1964. S. 710. P/S 6/12/70.

Narrows unit, Missouri River basin project, Colorado

Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal industrial water supplies; authorized $68,050,000 for construction of the Narrows unit. Public Law 91–389.

National minerals policy

Established a broad overall national minerals policy with particular emphasis on the need for an economically sound and stable domestic mining and minerals industry. S. 719. Public Law 91– .

National park system administration

Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91–383.

Navajo Indian irrigation project, Colorado-New Mexico

Increased the amount of appropriations authorized for project construction from $135 million to $206 million and included 8 additional townships in the area from which the project lands may be obtained. Public Law 91–416.

Pacific marine fisheries compact amendments

Granted the consent and approval of the Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91–315.

Parks and recreation

Amended the Federal Property and Administrative Service Act to provide for the sale or lease of surplus Federal property to State and local governments at discounts up to 100 percent, for park and recreation use, and increased the minimum funding level of the land and water conservation fund from $200 million to $300 million a year beginning July 1, 1970. S. 1708. Public Law 91– .

Point Reyes National Seashore, California

Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law 91–223.

Public Land Outdoor Recreation Act

Contains a congressional recognition that the public land under the administration of the Bureau of Land Management of the Department of the Interior constitutes a vital national asset, and a statement that it is the purpose of the act to provide, within the basic framework of the multiple-use concept, for its protection and development; grants the Secretary of the Interior authority to acquire land deemed necessary to provide public access to public land; authorizes exchange land, subject to the land being located in the same State, and an equalization of values requirement; provides sanctions for violations of the public land laws and regulations of the Secretary, who would be authorized to designate personnel to make arrests for such violations; places violations of Department regulations relating to the public land on the same basis as violations of regulations applicable to land administered by the Forest Service and the National Park Service, S. 3389. P/S 10/7/70.

Public ownership of lands in Federal reclamation projects

Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91–310.

Resource Recovery Act of 1970

Authorized $460.75 million over 3 fiscal years, ending fiscal year 1973, for new and expanded programs under the Solid Waste Disposal Act; emphasized recycling, local planning, and training functions; authorized research programs; replaced 50 per cent State grants for planning activities with 66⅔ percent grants to single municipalities and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provided that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans (especially those emphasizing recycling), (3) developing proposals for demonstration and construction grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provided for grants to varying sizes of communities to demonstrate resource recovery systems; directed the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and required him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provided training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; required Federal installations and federally licensed activities to meet solid waste guidelines; authorized a two-year study to create a system of national disposal sites for hazardous materials; created, and authorized $2 million for a National Commission on Materials Policy to report by June 30, 1973; authorized an on-going study with annual reports on issues in resource recovery. H.R. 11833. Public Law 91– .

River basin plans and civil works

Authorized additional appropriations of $810 million to cover a period of two years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91–282.

Riverton extension unit of the Missouri River Basin project, Wyoming

Consolidated the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin Project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, writeoff of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. Public Law 91–409.

Rogue River Basin project, Oregon

Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91–270.

Saline water conversion program

Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91–221.

Sleeping Bear Dunes National Lakeshore, Mich.

Established in the State of Michigan, the Sleeping Bear Dunes National Lakeshore which is to encompass 71,168 acres of land and water, and for land acquisition authorized appropriations of $19,800,000 to be made from moneys in the land and water conservation fund and $18,769,000 for development of the area. H.R. 18776. Public Law 91–

Susquehanna River Basin Compact

Brings the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a formal compact in order to form a Susquehanna River Basin Commission to facilitate Federal-State, interstate, and interagency cooperation in long-range comprehensive water resources planning for the Basin. S. 1079. P/S 10/14/70.

Toiyabe National Forest, Nevada

Extended the boundaries of the Toiyabe National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91–372.

Touchet—Walla Walla Project, Oregon-Washington

Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91–307.

Volunteers in the park program—Establishment

Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91–357.

Washakie Wilderness, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming. S. 1468. P/S 10/14/70.

Water Resources Research Act amendments

Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrival and dissemination activites at each research center; and makes the District of Columbia,

Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma

Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S 4/27/70.

Wilderness areas

Designated as wilderness certain lands located within several national wildlife refuges, national parks and monuments, and national forests which areas are located in 12 States and together total 201,000 acres, as follows: Bering Sea Wilderness, Bogoslof Wilderness, Tuxedni Wilderness, St. Lazaria Wilderness, Hazy Island Wilderness, and Forrester Island Wilderness of Alaska; Three Arch Rocks Wilderness and Oregon Islands Wilderness of Oregon; Washington Islands Wilderness, Washington; Salt Creek Wilderness, New Mexico; Island Bay Wilderness, Passage Key Wilderness, and Pelican Island Wilderness of Florida; Wichita Mountains Wilderness, Oklahoma; Seney Wilderness, Huron Island Wilderness, and Michigan Islands Wilderness of Michigan; Wisconsin Islands Wilderness, Wisconsin; Moosehorn Wilderness, Maine; Monomy Wilderness, Massachusetts; Craters of the Moon National Wilderness area, Idaho; The Petrified Forest National Wilderness Area and Mount Baldy Wilderness of Arizona. S. 3014. Public Law 19– .

Youth Conservation Corps

Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91–378.

Yuma Mesa Irrigation District, Arizona

Amended Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. Public Law 91–408.

SPACE

NASA authorization, 1971

Authorized the appropriation of $3,410,878,000 for fiscal year 1971 to the National Aeronautics and Space Administration ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91–303.

National Aeronautics and Space Council

Provided that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. Public Law 91-406.

TAXATION

Discriminatory State taxation of interstate carriers

Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Duty suspensions

Copper: Continued from July 1, 1970 through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copper-bearing ores and materials for the same period. Public Law 91–298.

Dyeing and tanning materials: Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91–388.

L-Dopa: Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91–309.

Manganese ore: Continued until June 30, 1973, the existing suspension of duties on Manganese ore. Public Law 91–306.

Employment security amendments

Extended coverage of the unemployment compensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91–373.

State income taxation of interstate carrier employees

Limits power to tax income of interstate carrier employees to the employee's State of residence and any State in which he earns more than 50 per centum of the compensation paid to him by such employer; limits power to require withholding for tax purposes from income of interstate carrier employees to either the State in which such employee earned more than 50 per centum of the compensation paid to him by such carrier during the preceding calendar year or the State of residence; and limits the power to require the filing of information returns to the State of residence and the State by which withholding may be required. H.R. 10634. P/H 9/14/70. P/S amended 10/12/70.

U.S.S. "Pueblo" crew—taxes

Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns, paying taxes, etc. for all personnel on the ship. Public Law 91–235.

TRANSPORTATION AND COMMERCE

Accessibility of public facilities to physically handicapped

Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91–205.

Airport and Airways Development Act

Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years, and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 8 percent on gross amounts of domestic airlines passenger fares; 5 percent tax on air freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91–258.

Aviation war risk insurance extension

Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. Public Law 91–399.

Cruise ship regulations

Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91–250.

Amateur radio operators

Amends section 303 (dealing with operators) and section 310 (dealing with station licenses) of the Communications Act of 1934 to permit the Federal Communications Commission to issue, consistent with certain security safeguards, licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 1466. P/S 10/14/70.

Federal-Aid Highway Act

Authorizes a 2-year extension of the interstate program, through fiscal year 1976, and an additional $9.775 billion from the highway trust fund for this program; authorizes trust fund expenditures totaling $1,815,500,000 for fiscal year 1972 and $2,002 million for fiscal year 1973, including $1.050 billion for each of those fiscal years for the Federal-aid primary and secondary systems and their urban extensions; authorizes for Federal-domain roads $198 million for fiscal year 1972 and $260 million for fiscal year 1973 for: forest highways, public lands highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, and Indian reservation roads and bridges; creates an urban highway system designed to improve the flow of traffic in metropolitan areas and implement an urban transportation planning process; sets a 1973 deadline for States to decide on the construction or deletion of controversial segments of the Interstate System; establishes a special $150 million a year program to replace old, unsafe bridges and an emergency relief program to replace bridges already closed for safety reasons; gives States authority to provide housing for persons displaced by road construction if no other housing is available; creates a territorial highway program for American Samoa, Guam and the Virgin Islands; tight-

ens controls over economic, social, and environmental impact of highway constructions; authorizes the addition of exising roads to the Interstate System provided States agree to upgrade them to Interstate standards within 12 years utilizing regular highway funds, not 90 percent Interstate money; authorizes the Secretary of Transportation to develop, conduct and administer an equal employment opportunity training program for highway construction workers; and provides for national transportation planning. S. 4418. P/S 10/2/70. H.R. 19504. H. Cal.

Federal Low-Emission Vehicle Procurement Act

Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes annual appropriations of $50 million to carry out the provisions of this Act. S. 3072. P/S 3/26/70.

Fishing fleet improvement

Extended and broadened the construction assistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91-279.

Flammable Fabrics Act amendments

Authorizes $9 million for a period beginning July 1, 1970, and ending July 30, 1972, to carry out provisions of the Flammable Fabrics Act, as amended; provides for certification by the Secretary of Commerce of an approved testing program designed to prevent or minimize the manufacture and introduction in commerce of any product, fabric, or related material not in compliance with flammability standards, which certification shall be based upon a reasonable testing program which has been approved by the Secretary of Commerce; provides that any failure to certify shall be considered an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act; provides a timing schedule for the effective date of the testing program certification which recognizes that such date is dependent upon the effective date of flammability standards and the need of the industry for sufficient time to implement the standard and the related testing program; provides that any person who knowingly violates the act shall be guilty of a felony and upon conviction shall be fined not more than $10,000, imprisoned not more than 3 years, or both, and that a person who violates the act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $1,000 and imprisoned for not more than 1 year, or both, providing, however, for a defense of due care in the application of an approved testing program required for certification; imposes civil penalties not to exceed $10,000 for each violation; and provides that the provisions dealing with certification and related penalties shall become effective 1 year after enactment. S. 3765. P/S 9/23/70.

High-Speed Ground Transportation Act extension

Extended the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and authorized $21,700,000 for fiscal year 1971. S. 3730. Public Law 91-.

International Travel Act amendment

Amended the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provided Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and set the Federal share of cost of any relevant program at 50 percent of its costs; established in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); created a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorized $750,000 for this purpose; and authorized appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. S. 1289. Public Law 91-.

Maritime authorization, 1971

Authorized the appropriation of $429,420,000 to the Maritime Administration for the fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship "Savannah"). Public Law 91-247.

Merchant Marine Act of 1970

Stated the policy of Congress to be that there should be authorized and appropriated sums sufficient to construct 300 ships over the next 10 years; made shipyards as well as shipowners eligible to apply for construction subsidy; permitted negotiated procurement of ships as well as competitive bidding; created a Commission on American Shipbuilding to determine if the construction-differential can be reduced from the present rate of 50% to 35% by 1976; extended operating subsidy to bulk carriers; tied operating subsidy to a new wage index; gave newly subsidized operators 20 years in which to divest their foreign flag bulk ships; extended tax deferment privileges to all operators in foreign trade, Great Lakes, noncontiguous trade (Alaska, Hawaii, etc.) and the fisheries; increased the authorization for mortgage insurance from $1 billion to $3 billion; gave the Secretary of Commerce authority to promulgate regulations as to the administration of the cargo preference laws (cargoes restricted to U.S. vessels); established a new Assistant Secretary of Commerce for Maritime Affairs; and cancelled accrued interest of $22.4 million, as well as future interest obligations, on the debt owed by the St. Lawrence Seaway Corporation to the Treasury. H.R. 15424. Public Law 91- .

National Traffic and Motor Vehicle Safety Act amendments

Authorized appropriations of $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers, and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report findings and recommendations thereon to Congress; and amended the act in several other respects. Public Law 91-265.

Penalties for illegal fishing in fishery zone

Increased the protection of the fisheries resources of the territorial sea, the exclusive fishery zone of the United States, and those fishery resources of the Continental Shelf which appertain to the United States; authorized an increase in the maximum penalty for illegal fishing in such waters from $10,000 to $100,000; authorized the Secretaries of the Interior, Treasury, and the Department in which the Coast Guard is operating, by agreement, to utilize equipment, including aircraft and vessels, of any Federal department or agency to assist in carrying out enforcement responsibilities under the act and authorized the Secretary of the Treasury to pay up to $5,000 to informers whose information leads to a penalty or forfeiture incurred for violations of the act; provided that all fish found aboard the vessel seized in connection with a violation of the act would be presumed to have been taken in violation of such act, which presumption would be rebuttable and the burden upon the operator of the vessel to prove the fish were legally taken. H.R. 14678. Public Law 91- .

Political broadcasting

Amended section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to Presidential and Vice-Presidential candidates; limited the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time in the same time period; defined "major elective office" to mean President, United States Senator or Representative or Governor or Lieutenant Governor of a State; placed a ceiling of 7 cents per vote cast for all legally qualified candidates for such office in the last preceding general election for such office or a total of $20,000, whichever is higher, on the amount candidates for major elective office, or others on their behalf, may spend for use of broadcasting stations in a general election; placed a ceiling of one half the amount determined applicable with respect to the general election for that office on the amount candidates may spend for use on broadcasting stations in a primary election for nomination to a major office, other than President; and established effective dates as follows: section 1(b) making broadcast stations lowest unit charge available to qualified candidates, effective on the 30th day after enactment and section 2 imposing broadcast expenditure limitations for primary elections, effective January 1, 1971, provided that broadcast expenditure limitations for general elections shall apply only to amounts paid for broadcast time used after the 30th day after enactment, except such limitation shall not apply to an election held before January 1, 1971, if the Federal Communications Commission determines that on August 12, 1970 a candidate had legally qualified for office or nominations and on that date there were written agreements with station licensees for purchase of broadcast time to be used after such 30th day and such agreements specify amounts in excess of the limitation imposed by this legislation. S. 3637. President vetoed 10/12/70.

Public Broadcasting Financing Act

Amended the Communications Act of 1934 to extend for 2 years financing for the Corporation for Public Broadcasting and authorized therefor appropriations of $30 million for each of fiscal years 1971 and 1972 plus an additional amount not exceeding $5 million for each of those fiscal years to match contributions received by the Corporation from non-Federal sources. S. 3558. Public Law 91- .

Rail Passenger Service Act of 1970

Established a National Rail Passenger Corporation to provide intercity rail passenger service; authorized for fiscal year 1971 ap-

propriations of $40 million to the corporation, as well as a guarantee of $100 million in 20-year loans to the corporation to finance the upgrading of roadbeds and the purchase and rehabilitation of rolling stock and for other corporate purposes; authorized the appropriation of $200 million for loans or loan guarantees to provide emergency financial assistance for railroads operating passenger service. H.R. 17849. Public Law 91– .

Shipper's recovery of a reasonable attorney's fee

Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban mass transportation assistance act

Provided a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorized the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals starting not later than February 1, 1972 and running through not later than February 1, 1978; and authorized the Secretary to conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation systems and report his findings to Congress within 1 year after the date of enactment. S. 3154. Public Law 91– .

VETERANS

Advance educational assistance allowance and work-study program

Amends chapters 31, 34, 35 and 36 of title 38, United States Code to provide for advance payment of the GI bill educational assistance allowance at the start of a school term and prepayment of the allowance on the first of the month thereafter; to establish a student-veteran's work-study program whereby GI bill trainees would receive a $250 advance work-study allowance for performing various services in Veterans' Administration programs; to provide that servicemen may begin to use GI bill benefits for post-secondary education and training after 180 days of active duty and to make clear that courses required by the Small Business Administration in connection with minority enterprise loans are covered to correct certain provisions in Public Law 91–219, relating to measurement of college courses for GI bill purposes; to combine basic provisions relating to payment of allowances and general administration of the GI bill program; to clarify and expand action taken by the Congress on April 13, 1970, in enacting Public Law 91–230—the Elementary and Secondary Education Act Amendments of 1970—to provide for NDEA student loan cancellation based on military service; by permitting GI bill entitlement to be applied to repay prior Federal direct or guaranteed education loans; and to accelerate the date on which GI bill allowances are increased for acquisition of dependents. S. 3657. P/S 9/25/70.

Benefits for families of servicemen missing, captured, or interned

Amends chapters 35 and 37 of title 38, United States Code, to authorize educational benefits for children and wives of members missing or captured who are so listed for more than 90 days; to authorize home loan benefits (guaranteed or direct) to wives of such members; to terminate the entitlement to both educational and home loan benefits when the member is no longer so listed but still allows completion of the current semester or other period in an educational program; to deduct any educational entitlement used from any subsequent entitlement of the wife or child under chapter 35; to limit the period of eligibility for educational benefits to the standard GI bill eight-year period; to limit the wife's home loan entitlement to one loan; and to provide that the wife's entitlement does not reduce the husband's entitlement to a home loan under chapter 37. S. 3785. P/S 9/25/70.

Definition of "child" for veterans' benefit purposes

Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91–262.

Disabled veterans' automobile assistance, and veterans' flight training and farm cooperative programs

Amends chapter 39 of title 38, United States Code, by raising the disabled veterans' automobile allowance from $1,600 to $3,000; extending the benefits of the chapter to certain disabled persons on active duty; establishing a loan program to assist veterans in obtaining a private pilot's license in order to qualify to pursue further flight training; and revising the present farm cooperative program to stress on-farm training rather than institutional instruction. H.R. 370. P/H 6/15/70. P/S amended 9/25/70.

Group life insurance

Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91–291.

Home loan entitlements and mobile home purchases

Amended chapter 37 of title 38, United States Code to restore all entitlements which were unused and have expired of World War II and Korean conflict veterans (all outstanding World War II veterans' entitlements expired on July 25, 1970); to remove the future expiration dates for the loan guaranty and direct loan program for all eligible war veterans (World War II, Korean conflict, and post-Korean); to establish a guaranteed and direct loan program for mobile homes and lots to place them on; to eliminate the fee (½ percent of the total loan amount) now collected only from post-Korean veterans on VA direct and guaranteed home loans; to extend regular home loan guaranty and direct loan entitlement to refinancing of existing mortgage loans made on regular houses; and to extend regular home loan guaranty and direct loan entitlement to loans for the purchase of single family residential units in condominiums approved by FHA. H.R. 16710. Public Law 91– .

Medical benefits for older veterans

Provided that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. H.R. 693. Public Law 91– .

Recoupment of disability severance pay

Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91–241.

Special health care benefits for certain surviving dependents

Permits the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. S. 4148. P/S 8/14/70. H.R. 8413. P/H 2/16/70.

Specialized medical resources

Provided greater flexibility in the Veterans' Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. H.R. 9634. Public Law 91– .

Veterans' Administration regional office in the Philippines

Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a regional office in the Philippines. Public Law 91–338.

Veterans' disability compensation increase

Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowances to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; established a presumption in the case of any veteran who served for 90 days and who was held as a prisoner of war for not less than 6 months during World War II, the Korean conflict or the Vietnam era that a disability suffered from dietary deficiencies, forced labor, or inhumane treatment is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service; permitted a remarried widow to revert to her earlier eligibility for compensation, pension, and education benefits when her second marriage is ended by death or divorce; clarified Congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement are final and not subject to judicial review. Public Law 91–376.

Veterans Education and Training Amendments Act

Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veteran Administration's counseling services to advise veterans of their entitlements and assist them in gaining employment. Public Law 91–219.

WELFARE

Social Security and railroad retirement benefits

Extended for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91–306.

WITHDRAWAL

Executive nomination withdrawn from the Senate, October 14, 1970:

BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

William J. Curtin, of Maryland, to be a member of the Board of Governors of the U.S. Postal Service for a term of 1 year, which was sent to the Senate on September 28, 1970.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 16, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 774, that the Senate stand in adjournment until 12 o'clock meridian on Monday, November 16, 1970.

The motion was agreed to; and (at 4 o'clock and 7 minutes p.m.), under the provisions of House Concurrent Resolution 774, the Senate adjourned until Monday, November 16, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 14, 1970:

BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

Elmer T. Klassen, of Massachusetts, to be a member of the Board of Governors of the U.S. Postal Service for a term of 1 year; new position.

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. William Henry Moncrief, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. William Hyde Meroney III, [redacted] Medical Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Medical Corps

Brig. Gen. Robert Morris Hardaway III, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Edward Henry Vogel, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. William Henry Moncrief, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Maj. Gen. Spurgeon Hart Neel, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate October 14, 1970:

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Jonathan Owen Seaman [redacted] Army of the United States (major general, U.S. Army).

The following-named officers to be placed on the retired list, in grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ferdinand Joseph Chesarek, [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Austin Wortham Betts [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

Vice Adm. Jackson D. Arnold, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

U.S. AIR FORCE

The nominations beginning George B. Aaron, to be major, and ending Phillip A. Johnson, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 24, 1970.

UNESCO CONFERENCE REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

John Richardson, Jr., of Virginia.
Louise Gore, of Maryland.
Pierre R. Graham, of Illinois.
Harold Taft King, of Colorado.
Kimon T. Karabatsos, of Virginia.

The following-named persons to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Edward T. Brennan, of Massachusetts.
Edward O. Sullivan, Jr., of New York.
R. Miller Upton, of Wisconsin.
Tom R. Van Sickle, of Kansas.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR JENNINGS RANDOLPH TO THE AMERICAN FORESTRY ASSOCIATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. METCALF. Mr. President, "clearcutting" is a type of logging practice which is used by our public land management agencies, the Forest Service and the Bureau of Land Management. It refers to the total removal of all timber and other vegetation from a plot of land, usually followed by burning and reforestation. It is a practice which is coming under increasing opposition from concerned groups all over the country.

The word "clearcutting" is very descriptive in terms of what the countryside looks like after being subjected to this practice. The scene is one of total devastation, more like the site of a military Armageddon than that of a placid national forest. Literally nothing remains but rows of gouging "terraces" in the hillside. Anyone who knows the beauty of a forest cannot avoid a feeling of dismay when viewing the aftermath of a clearcutting operation.

Why then allow clearcutting at all? Many conservationists, outdoorsmen, residents of affected communities, and foresters themselves are beginning to ask this question with increasing insistency. The answers which are forthcoming are not wholly satisfying, although they reveal the issue to be a complex one. The subject remains an issue of hot debate among foresters and among the public at large.

In response to the widespread public concern with this practice, many responsible public officials have asked the Federal agencies involved for a reexamination of clearcutting. The senior Senator from West Virginia (Mr. RANDOLPH) has been a leader in bringing this issue to the attention of responsible agencies.

Senator RANDOLPH has recently made a definitive statement on the subject in an address to the 95th annual conference of the American Forestry Association in Atlanta, Ga. He describes the experience of his own State of West Virginia with clearcutting, and the response of Forest Service to his request for a review. And he calls for further review by the Council on Environmental Quality for the creation of a National Forest Management Commission to oversee the total management and protection of our forests.

This problem is, of course, not limited to our eastern forests. It is a national issue and is of particular concern to the people of the Western States, where fragile mountain soils make up the foundation for the evergreen forests of the Rocky Mountains. Here the same practice is applied to different conditions. And the results in many cases have been equally unpleasant.

For the past several years clearcutting has been carried out on a large scale in the Bitterroot Valley of Montana to the extent that public indignation rose. Senator MANSFIELD, Representative OLSEN, and I requested that the Forest Service review the clearcutting policies in the area. The Forest Service appointed a task force and gave it the broad assignment of examining the entire spectrum of forest management in the Bitterroot Valley. In the resulting study, which was released in May of this year, the task force criticized clearcutting and overcutting as it had been practiced in several parts of the area under study. It cited four goals to be pursued in future forest management plans:

First. Any lingering thought that production goals hold priority over quality of environment be erased.

Second. Multiple use planning must be developed into a definitive, specific, and

current decisionmaking process that it is not today.

Third. Quality control must be emphasized and reemphasized until it becomes the byword of management.

Fourth. The public must be involved more deeply than ever before in developing goals and criteria for management.

The enunciation of these goals is a positive step in the direction of critically planned forest management. But neither these nor the assurances given Senator RANDOLPH can rest as the final word on the subject of clearcutting. It needs even more thorough analysis and constant evaluation.

The most disturbing element in this controversy is the attempt to see forest management in terms of short-term economic goals. We are told that there is or will be a timber shortage. We are told that housing construction costs are up. And we are told that a "more rapid turnover" can be had by "intensifying forest management" through clearcutting. But these arguments fail to recognize that long-term economic and environmental goals may be adversely affected by clearcutting. We do not yet know fully the way in which erosion caused by clearcutting and its associated terracing may affect the landscape. We may not realize its full impact on wildlife and on the recreational values for man.

We do know that the greatest water pollutant of all is siltation from erosion and that clearcutting in some cases increases water runoff. And we know that methods which have been devised before to meet short-term economic shortages have created monumental environmental damage. Commonsense would lead us to proceed with extreme caution in this or any other large-scale exploitation of a natural resource.

Charges and countercharges are exchanged in the dispute over the merits of clearcutting. An eminent forester claims clearcutting is an age-old practice in European countries. A Swedish forester counters that this practice has long been abandoned in his country as being hopelessly outdated and destructive. Some professionals maintain that better regrowth can be obtained through clearcutting and that the soil is not injured. Others counter that equally good timber is raised through other methods and that the soil is damaged through clearcutting.

Throughout all of this professional controversy the public becomes bewildered, sometimes unnecessarily. There is a disturbing tendency by some officials to employ as technical language as possible which contains often nothing more than euphemisms. Senator RANDOLPH makes note of the systematic replacement of the term "clearcutting" with a better-sounding phrase "even-aged management." And a whole list of other examples come to mind: "Modern silvicultural practice"—for clearcutting, "timber harvesting"—for logging, "intensive management"—for increased logging, "dominant use"—for single use, and "accelerated forestry management"—for increased logging. Particularly disturbing is the attempt to diminish the difference between a beautiful and an ugly landscape to a question of ethereal-sounding "aesthetics." By the same token we might label the difference between living in a slum and in a well-to-do suburb as "esthetic.'

Despite the jargon, the public has maintained an active interest in the controversy. It is commendable that groups all over the country are insisting on the right to have an active part in the formation of policy on the use of public lands. I applaud Senator RANDOLPH for his leadership in bringing this issue into the open, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FOREST SERVICE PRACTICES NEED REVISION TO STRENGTHEN MULTIPLE USE FOR PUBLIC GOOD

"I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived."

These words of Henry David Thoreau eloquently describe the spiritual and moral substance to be gained from sojourns to our woods and forests. Those of us who cherish our great forests and wooded lands receive a real meaning in these words—a meaning also expressed by Robert Frost, who wrote: "The woods are lovely, dark and deep. But I have promises to keep, and miles to go before I sleep."

It is unfortunate that the pace of our society, the demands of daily living—Frost's "promise to keep, and miles to go"—preclude many of us from going to the woods as Thoreau suggests "to live deliberately, to front only the essential facts of life" and to learn "what it had to teach." But this does not lessen our desire and our commitment to preserve the beauty and tranquility of our forest lands for citizens today and for future generations. We recognize the urgent need as our country becomes increasingly urbanized to have areas to which people can escape where relaxation and unhurried contemplation is still possible. *Our forests must and will serve this purpose—if they serve no other purpose. But they also serve many, many vital purposes.*

Our Nation has demonstrated an unparalleled capacity to build and develop economic resources and to continue to increase our standard of living. Yet this capacity has been accompanied, it seems—albeit unintentionally—by the tendency to destroy our natural resources and our environment. This course has resulted in the crisis of the quality of life confronting us today. It is the basic issue of the forest management controversy.

I assure you that a controversy over timber management practices—particularly over a system of silviculture known as even-aged management or, more commonly, clearcutting does exist. Contrary to the views which have been expressed by some foresters and representatives of the lumber industry, serious public concern over clearcutting is increasing and spreading. It is not an isolated problem.

My initial involvement in this issue was based on the timber cutting policies in the Monongahela National Forest. But I soon realized the national implications of this controversy despite the reassuring pronouncements by the Forest Service and by many foresters that clearcutting was being accepted without argument in most areas, and being criticized or challenged in only a few instances. The "few instances" involved extensive controversies in Montana, Wyoming, Oregon, Colorado, Alabama, Alaska, Virginia, and West Virginia, to name some of the States. Many citizens and organizations from other areas who come to our forests for their recreation and scenic values were becoming increasingly critical of this forest management practice.

My entry into the clearcutting issue was with some degree of trepidation. This is a highly complex and technical subject on which many professionals are in disagreement. Most discussion on timber management generally has been conducted by the professionals. It has been the private preserve of the experts who are trained and experienced in the field. Increasingly, a public official is confronted with a myriad of issues and topics in which he may invest his time and energy, and he, therefore, must attempt to be selective. And there are too many subjects for a public official to become involved in each one. Very few are as complex as clearcutting.

In this context I undertook my own investigation of even-aged management, resulting in a communication to Secretary of Agriculture Hardin requesting a moratorium on clearcutting in West Virginia. This action was followed by numerous conferences, letters, visits with Forest Service officials, and a trip into the Monongahela National Forest. These activities, in part, have been reported in the *American Forests Magazine* and other publications.

I visited the Monongahela National Forest, accompanied by representatives of the Forest Service, industry, and conservation organizations. That survey—what I learned and witnessed—dispelled any question in my mind as to the advisability of becoming actively involved in the even-aged management controversy and pressing for many of the modifications of the clearcutting program recommended by citizens of West Virginia.

We viewed at one location an area of 160 acres which had been clearcut. This turned out to be two clearcut areas so close together that the Forest Service had to explain that it was two cuts. These cuts had been made despite repeated reassurances that clearcut areas would be widely spaced.

We viewed a hillside on which there had been a clearcutting operation which—I am positive—will cause significant erosion problems. This cut had been made despite statements that steep slopes are not compatible with clearcutting.

The entire area was covered with usable pulpwood, slash, and dying timber.

It will suffice to note my comment after this part of my trip. I used the word "shocking." My feelings have not changed. In fairness, however, I add that Forest Service officials when confronted with this devastating display admitted that such cuts should not have been made and would not be made in the future. But the point is that this clearcut area was tangible evidence that our concern, reservations—even fears—with regard to the present clearcutting program were well founded.

Although residents of my State had previously expressed these basic concerns to the Forest Service, early this year I wrote to Secretary of Agriculture Hardin. I quote from that letter: "I convey to you my genuine anxiety and great concern over the substantive aspects of this type of timber management. My comments do not reflect an unalterable position, but they are composite of my current feelings. . . . Far too much controversy exists on the question of advantages and scope of clearcutting to provide the necessary assurance that this procedure will not lead to the destruction of the Gauley Ranger District and larger areas of the entire Monongahela National Forest. It is questionable whether this type of management—as presently being proposed—gives equal consideration to other forest values, such as wildlife, recreation, land preservation and stabilization, and water conservation. Knowledgeable persons, including foresters and

private lumbermen, have expressed the fear that the Monongahela National Forest and, specifically the Gauley Ranger District, will become a demonstration program for intensive clearcutting to satisfy only the demand for commercial timber and to accommodate new wood utilization methods and harvesting techniques. This fear—which I share—is compounded by the awareness that resulting damage cannot be corrected. Questions with regard to the impact of clearcutting on watersheds located in areas of critical flooding have been raised. Despite the assurances by Forest Service officials that flood hazards will not result, information on this problem appears insufficient to support this conclusion."

The basic thrust I attempted to impress on Secretary Hardin and the Forest Service—and I am continuing in this effort—is that judgments should not be made too quickly on a question that involves the life span or rotation age of a forest stand.

Yet, at the time of my letter to the Secretary, there was every indication that final judgments had been made without full exploration of the merits and demerits of even-aged management and without sufficient recognition of the many concerns of interested persons and organizations—public and private.

I recognize certain elements regarding the application of even-aged management. That this method of timber management may be a valuable management tool is understood. And I realize that it may be used in selected areas to clear diseased stands, to promote certain intolerant species, and to facilitate regeneration by seeding. It is equally recognized that even-aged management is the most economical method of timber harvesting and will produce the largest timber yield for a given investment, an important element when considered in light of the increasing demands for timber.

I certainly agree that the method of timber management most desirable for a given situation depends on the purposes of management and the characteristics of the tree species in the forest. This means that any application of even-aged management must be a studied discriminatory process, painstakingly researched before implementation. You do not institute a clearcutting program for the Douglas Fir in the Northwest in the same manner that you would for the mixed hardwoods of the Appalachian Region. It also dictates that you do not initiate a deliberate program to alter the balance of the mixed hardwood regions to obtain a monoculture or an artificial forest.

Within this framework, even-aged management should be a tool of management, and *not* the primary method of timber harvesting in a forest area. I hope that you can understand my concern when—after extensive questioning—the Forest Service tells us that over a span of a hundred years or so every acre of the general forest zone, which comprises 75 percent of the Monongahela National Forest, will be clearcut. This concern is heightened when the Forest Service under questioning reveals plans for 17 contracts in a 4½ month period consisting of 5,281 acres of regeneration cutting and only 2,608 acres of selective cutting. These sales were to yield nearly 50 million board feet of lumber—roughly equivalent to an entire year's cutting in the past. More revealing than the actual statistics is that this information was offered only after intense questioning at a Congressional hearing. Is it any wonder that we question the contention of the practitioners and the theoreticians that even-aged management is a "tool" of management?

A most intriguing element in our continuing discussions of clearcutting has been the references to "most desirable species" by the Forest Service and other proponents of the practice. While presenting this as an advantage of clearcutting, the proponents have been hard-pressed to provide a satisfactory definition of "most desirable species"—or at least it has not been defined in response to my questions or to the questions of others when I have been present.

What is the "most desirable species"? Who will make that determination? At what point in time will it be made? Who is to say that what is desirable under current conditions will be desirable 15 or 20 or 30 or 80 years from now? Finally, for what or whom will the species be most desirable? I do not know the answers to the former questions, but I have a rather good idea of the answer to the latter. The species will not be "most desirable" for wildlife, recreation, or aesthetics. It will be "most desirable" for commercial timbering. Although firm answers to these questions have been lacking, every avenue of questioning has led to the marketability of a particular species and the steps needed to promote that species.

You may think that much of what I have said bears on the application of clearcutting as opposed to the advantages and disadvantages of the practice. This is true, but you cannot divorce application or implementation from a discussion of this issue. It is well for the professional to present testimony or written documents which suggest that clearcutting is an extensively researched, tested and proven tool of timber management. But the real test of the practice involves application on the forest and not in the research or experimental operations which are developed under optimum conditions. The well-conceived and thought-out government programs and projects which have gone astray in the application or implementation phase are numerous. They can be counted in every government agency and organization—the Forest Service and clearcutting are no different in this respect. In many instances, a perfectly sound program does not survive the controversy associated with its application. Success or failure, then, depends on the judgments of the persons charged with the responsibility of implementation.

The in-house Forest Service study of the Monongahela National Forest initiated in March because of the clearcutting dispute in West Virginia admits as much.

While the report stoutly defends even-age management, or clearcutting, as a forest management system, it is highly critical of the way in which it has been administered in the Monongahela National Forest. The study notes that in several instances the Forest Service committee visited clearcut areas that admittedly were poorly located or too large or both. The common explanation was that under recently prepared multiple use plans the objectionable features would no longer be in evidence.

Very important findings of the Committee were that inventories of forest resources are not adequate to ensure that management of all resources will receive proper multiple-use planning; that good resource inventories are necessary to time, size and space clearcutting; and that there is a definite feeling that the forest's relatively small acreage of mature timber (31,000 acres) is in danger of being cut first without reference to long-range resource planning.

With inadequate inventories . . . planning cannot proceed to the point of orderly management . . . There can be, for example, no long-range planning as to where timber will be harvested and how much in any one location.

Yet, under those circumstances, plans for increased clearcutting on the Monongahela National Forest were moving forward.

Although the study contains some harsh criticism of the Forest Service practices, it wholly misses the public temper with regard to clearcutting. The very crucial point of the extent of the controversy and concern is described in these words: "A careful review of testimony and correspondence dealing with the three legislative reviews and a reading of press clippings strongly indicate that this controversy is centered in the Richwood area in the Gauley Ranger District. This is the District where the greatest amount of clearcutting has been done. Review and reading also suggest that vocal opponents to even-age management are few, perhaps not more than a half-dozen individuals. They have however, through newspapers, conservation groups, and the State Legislature, been able to influence a larger number of people who, out of their concern, have written their Congressional representatives. Interviews given in the Appendix, with opponents, middle-roaders, and proponents indicate the wide variety of beliefs and something of their intensities."

This appears to be the same lack of awareness or effort to minimize public concern which the Forest Service has demonstrated on a nationwide basis. Such thinking is not conducive to effective public participation in the development of national forest programs. I know from my personal involvement that the West Virginians who have assumed active leadership roles number substantially more than a "few, perhaps not more than a half dozen individuals." And these persons certainly are not mere publicity seekers. Rather, they have undertaken in-depth study and evaluation of the issues before speaking out. My staff and I have worked with knowledgeable individuals whose number is over three times that mentioned in the Forest Service report and by no means have we been in personal contact with all the individuals in this issue.

The Forest Service report did recognize the need to promote public participation in the development of forest plans, programs, and projects in a timely manner. I stress the importance of timely involvement, because the timing was one of the critical issues in the Monongahela National Forest controversy. It is not sufficient to invite involvement by the people after the final decisions have been made. A further cautionary note—and this relates to the Forest Service recommendations—is that distribution of pamphlets, brochures, and press releases and one-way briefing conferences do not constitute genuine public participation. There must be continuing exchange of views and discussions.

In this regard, the recommendations in the recently released report of the Public Land Law Review Commission are of particular significance. The Commission recommends that: "Provision should be made for public participation in land use planning, including public hearings on proposed Federal land use plans, as an initial step in a regional coordination process." There is also a recommendation that: "Public hearings with respect to environmental considerations should be mandatory on proposed public land projects or decisions when requested by the state or by the Council on Environmental Quality."

Such public participation initiatives at the earliest possible stages might not have altered the opposition to the Forest Service program of clearcutting in the Monongahela. It could, however, have brought into clearer perspective the issues in even-aged management and prevented much of the emotional atmosphere which has existed.

While focusing on problems in the application of even-aged management and multiple use, the in-house Forest Service Review Committee did not come to grips with some of the basic issues. I am gratified that a State commission of West Virginia did perform such a task.

During the controversy over even-aged management, the West Virginia Legislature became increasingly aware of the magnitude of the problem. The Members of the Legislature voted unanimously to establish the West Virginia Forest Management Practices Commission whose responsibility it was to determine whether the use of the clearcutting system throughout the Monongahela

and other forest lands in West Virginia was compatible with the multiple use, sustained yield established by the United States Congress. It was not, however, to be a study of uneven-aged versus even-aged management or selection versus clearcutting.

Clearly this was a significant development and it evidenced the intensity and scope of the interest and concern for the management of our forest lands.

An in-depth study was begun by the Commission which included members of the Legislature, professional foresters and interested citizens. The Commission's report, released August 1, represents a comprehensive detailed study and review of the problem areas surrounding the management of national forest lands in West Virginia. It makes very valid recommendations. I generally support the programs advocated in the report and I strongly suggest that the Forest Service, foresters, and private commercial interests give them careful attention.

The members of the West Virginia Forest Management Practices Commission have performed a public service for the people of not only our State but also other parts of the Nation. Future generations who will enjoy our forest lands will have benefited through the dedicated and diligent work of this Commission. As a member of the United States Senate, as a citizen, as one individual intensely interested in the utilization of our forests, I express appreciation and commendation to the membership of the commission.

I stress some of the highlights of the Commission's report since it represents the objectives toward which we are working.

The report stresses that in 1964 the U.S. Forest Service switched from a policy of uneven-aged management to one of even-aged management as the policy for the general forest zone. However, the general public was not made aware of this fact for several years. The Forest Service had contended that clear-cutting was being practiced on an experimental basis, carefully supervised and in small plots, widely separated.

In a letter to me on March 9, 1969, Supervisor Frederick A. Dorrell of the Monogahela National Forest—and I want to emphasize that Supervisor Dorrell had recently assumed his new position—stated: "Research and experience have clearly demonstrated that the even-aged management system, which includes clearcutting, is the best way to manage our forest's timber stands. We, therefore, do not intend to depart from even-aged management as the *basic timber management system on the Monogahela National Forest.*" He was outlining policy developed several years before. Therein lies the center of the problem. Is clearcutting a timber management tool or is it the primary harvesting method?

Perhaps the most important of Commission recommendations was that a sixth value, aesthetics, should be recognized officially as a co-equal partner with the other multiple uses of outdoor recreation, range, timber, watershed and wildlife and fish purposes. It defined aesthetics as "the value of the forest and of the trees, water-courses, views and all else contained therein that are intrinsically beautiful and especially appealing as distinguished from the merely pleasing." Aesthetics as a multiple use will militate against extensive clearcutting.

Significantly, Supervisor Dorrell, an energetic and able public servant, acknowledged before the Commission on June 1, 1970, that in the past the U.S. Forest Service has been "more timber oriented than anything else." I submit that timber is only *one* of the multiple uses and deserves no higher standing or commands no higher pedestal than any of the other uses.

The Commission recommended that on all national forests within West Virginia specifically, and on all national forests generally, the forest management policy be multiple use, sustained yield. The report stated, however, that "full multiple use and sustained yield of all resources cannot be accomplished if even-aged management is used as the basic timber management system through the national forest."

The validity and necessity of even-aged forest management as a method that may be used by the forester to manager the timber resource and the use of the clearcutting system as one regeneration silvicultural technique within even-aged management was recognized by the Commission.

The report was critical of clearcutting in that the blocks were too large in area; too near to each other in terms of both space and time; too concentrated in certain areas; and oftentimes improperly located considering slope, soil, site and stand conditions. It recommended that individual clearcuts should normally be 25 acres or less in area and that in any one year the total area clearcut should not exceed one half of one percent of that area of the forest in which clearcutting is justified and authorized. Further, the Commission specified that in any one year the total area clearcut within any one ranger district in the forest should not exceed three-fourths of one percent.

As I noted earlier, my tour of the Monongahela National Forest uncovered cords of pulpwood lying on the ground, left to decay in areas where clear-cutting had been practiced. The Commission members believed this to be important as they urged the Forest Service to give immediate consideration to timber marketing with special research on developing ways to utilize small products. There has been a failure to promote adequate markets for the harvest and utilization of small timber products such as pulpwood and mine props. New uses should be found for timber below saw long size and cull trees.

Increased attention to the location, construction and maintenance of roads in the national forests was stressed for the prevention of erosion, particularly into small streams.

On June 9 of this year, I introduced legislation to designate the Cranberry Backcountry, Otter Breek and Dolly Sods areas as parts of the Wilderness System. The Commission recommended that no part of the Cranberry Backcountry or Otter Creek, in addition to other small acreages, be clear cut or disturbed in any manner.

The Commission felt little attention has been given to the relationship of even-aged management and wildlife. Many wildlife specialists have indicated that clearcutting, if practiced at all, must be kept small in size, widely distributed and narrow in shape. Wildlife technicians in general agreed that even-aged management and clearcutting, if excessively used, could significantly harm wildlife. Most of these technicians felt that in many cases small clearcut areas could be beneficial to deer, birds and in some cases to turkey and bear.

Some of the concerns involving even-aged management centered around concentration of clearcuts within prime recreation areas favored by hikers, hunters, fishermen and campers; their location proximate to highways, scenic vistas, waterways and in areas where they are readily visible by the users of the forest. This, in my belief, is a clear violation of established land management procedures.

I shall give serious consideration to the recommendation in the report suggesting that a National Forest Management Commission be established. It is my intention to attempt to formulate legislation to create such a Commission, *in accordance with the multiple use, sustained yield concept.*

Prior to the reports of the Forest Service and the West Virginia Forest Management Practices Commission. I wrote to Russell Train, Chairman of the Council on Environmental Quality, to urge that the Council conduct a comprehensive investigation of the practice of clearcutting on our National Forest lands.

Chairman Train has solicited views on this subject from foresters, interested organizations, and knowledgeable citizens and is in the process of reviewing their responses.

In closing, I recognize that perhaps I have been overly critical. It is my earnest desire to be fair and to present objectively the circumstances and problems which have confronted us in West Virginia. Those persons in our State who have been involved in forest management issues share this desire.

We are intensely aware of the outstanding accomplishments of the Forest Service and our foresters in the development of a multiple use program. Without them, the people of West Virginia and the Nation would not have had the unique opportunities to enjoy the varied benefits of our forests. The Forest Service has been required to carry on its important activities in too many instances without adequate funding and personnel. This has been a continuing problem which can be met only by decisions and commitments of the Administration and the Congress.

The level of funding and personnel will be even more critical if the Forest Service is to meet the public needs for the challenging environmental 1970s, as recently outlined by Chief Edward Cliff in a message to Forest Service personnel.

I commend Chief Cliff for his realistic appraisal of Forest Service direction and plans in the future. He said in part: "Our programs are out of balance to meet public needs for the environmental 1970's and we are receiving mounting criticism from all sides. Our direction must be and is being changed. We recently issued our broad overall objectives in 'Framework for the Future.' In addition, we have developed a preliminary program for the 1970s which starts to put our program back in balance and more adequately recognizes environmental needs. I have every intention of carrying this position through to fulfillment and every hope that we can achieve it. The American public is demanding top quality in management of natural resources and attention to the way things look. If the Forest Service receives no increases in funding for F.Y. 1972, reprogramming will be necessary, meaning a reduction in our timber sale activities, in order to have better balance in our programs. We will undertake a major reprogramming of dollars, putting priority on maintaining quality for the commodity work we do. I have recently told my Forest Officers that the public will not tolerate poor quality work. We will go as far as we can in meeting quantity goals, but what we do must be on a quality basis. The Forest Service wants to be fully responsive to these various demands. But we can no longer afford to emphasize programs that produce revenues at the expense of others. If we do, we will not be providing the proper service to the public and will be faced with many more court cases. In my opinion, the best path is one that will provide a balanced high-quality program."

I am confident that Chief Cliff and the Forest Service will fulfill this commitment to a better balanced program and to top quality management of our forests and our natural resources.

STATUS OF THE APPROPRIATION BILLS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MAHON. Mr. Speaker, on tomorrow, I shall insert extensive statements in the RECORD in regard to the appropriation bills and in regard to spending

measures otherwise. Today, I wish to present a brief summary as to the appropriation bills, including the vetoed Independent Offices-HUD appropriation bill. On yesterday I made a similar statement but in somewhat less detail, at page 36158.

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971 IN THE HOUSE

The House has now passed all the regular annual bills. In House actions we have made net reductions—and I am including the vetoed Independent Offices-HUD bill—of $2.5 billion below the budget requests. If the vetoed bill is not considered, then we are about $2.7 billion below the budget requests.

I am speaking of new budget authority, or appropriation requests for fiscal 1971, not budget estimates of expenditures which in addition to expenditures from new appropriations, also involves expenditures from carryover balances of prior year appropriations.

Including the vetoed Independent Offices-HUD bill, the House totals for 1971 in the 14 bills are:

[Amount in billions]

Budget requests considered	$137.1
Approved by House	134.6
Net reduction (14 bills)	−2.5

Eleven of the 14 bills were below the budget requests; three were above.

Excluding the vetoed Independent Offices-HUD bill, which must be replaced by a new bill to be reported after the recess, the House totals for 1971 on the other 13 bills are:

[Amount in billions]

Budget requests considered	$119.9
Approved by House	117.2
Net reduction (13 bills)	−2.7

The vetoed Independent Offices-HUD bill as it passed the House was $173 million above the budget. Of course, Members will recall that as vetoed—after it had been through the Senate and through conference—it was $541 million above the budget.

IN THE SENATE

In the Senate, nine of the regular appropriation bills, including the vetoed Independent Offices-HUD bill, have been approved. The 10th bill, for military construction, has been reported and may pass today. In these 10 bills, including the reported version of the military construction bill, the Senate has made a net increase of $2.5 billion above the President's budget requests. If the vetoed bill is excluded, the increase above the budget would be about $1.3 billion on the other nine bills.

Excluding the Independent Offices-HUD bill but including the military construction bill as reported, the totals for 1971 on which the Senate has acted are as follows:

[Amount in billions]

Budget requests considered	$27.8
Approved by Senate	29.1
Net increase (9 bills)	+1.3

CLEARED CONGRESS—ENACTED

Mr. Speaker, eight of the fiscal year 1971 appropriation bills have been sent to the President. He returned two by way of veto, Education, overridden by the House, and Independent Offices-HUD, sustained by the House.

As sent to the President, the eight bills involved with respect to fiscal 1971:

[Amount in billions]

Budget requests considered	$35.3
Enacted	36.1
Net increase (8 bills)	+0.8

But excluding the vetoed Independent Offices-HUD bill which involved about $18 billion—$541 million above the budget—the totals with respect to fiscal 1971 for the 7 bills enacted are as follows:

[Amount in billions]

Budget requests considered	$17.9
Enacted	18.1
Net increase (7 bills)	+0.2

Mr. Speaker, the exact net increase on the seven bills is $230,286,921.

Six of the seven bills were below the budget requests; the Education bill was $453 million above the budget.

ESTIMATED REDUCTION IN APPROPRIATION BUDGET REQUESTS

Mr. Speaker, although the Senate still has pending before it major appropriation bills dealing with Defense, Labor-HEW, Foreign Assistance, and Transportation, and a new Independent Offices-HUD, Foreign Assistance, and Transportation, and a new Independent Offices-HUD bill will be acted upon, I think it can safely be said that Congress, at this session in the appropriation bills, will in the aggregate be under the fiscal 1971 Presidential budget requests in the general area of about $1 billion, give or take a couple of hundred million or so.

In other words, Members can say that there is every indication that when this Congress adjourns following the post-election session, Congress, in its actions on the fiscal 1971 appropriation bills, will be below the President's budget requests for 1971 considered in those bills.

THE APPROPRIATION BILL TOTALS FOR FISCAL YEAR 1971—AT A GLANCE

Mr. Speaker, following is a capsule summary of the amounts of new budget obligational authority for fiscal 1971 currently involved in the 14 bills. The figures for the Senate include the Military Construction bill as reported from committee:

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971 AT A GLANCE

[New budget obligational authority. Fiscal 1971 amounts only]

	Budget requests considered	Approved	Change, (+) or (−)
1. In the House:			
a. Subtotal, 14 bills	$137,138,661,822	$134,627,396,817	−$2,511,265,005
b. Deduct: Independent Offices-HUD bill, veto sustained	−17,216,823,500	−17,390,212,300	+173,388,800
Net total, 13 House bills	119,921,838,322	117,237,184,517	−2,684,653,805
2. In the Senate:			
a. Subtotal, 10 bills	45,250,005,499	47,728,716,253	+2,478,710,754
b. Deduct: Independent Offices-HUD bill, veto sustained in House	−17,468,223,500	−18,655,019,500	+1,186,796,000
Net total, Senate bills (9 bills)	27,781,781,999	29,073,696,753	+1,291,914,754
3. Enacted:			
a. Subtotal, 8 bills cleared Congress	35,366,850,999	36,138,439,720	+771,588,721
b. Deduct: Independent Offices-HUD bill, veto sustained	−17,468,223,500	−18,009,525,300	+541,301,800
Net total, 7 bills enacted	17,898,627,499	18,128,914,420	+230,286,921

Note.—Item 2 includes military construction bill as reported from committee.

CAPT. FRED SWEGO, INDIANAPOLIS POLICE FORCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BRAY. Mr. Speaker, at the close of the duty day on November 2, 1970, Capt. Fred Swego, of the Indianapolis Police Department, will end over 40 years' service.

Born in Indianapolis in 1907, he was appointed to the Department on March 12, 1929, and has served in all ranks up to his present rank of captain. He has received four commendations from the department for outstanding police work.

Active in Indianapolis Lodge 86, Fraternal Order of Police, he is a charter member, having served as an officer in the lodge when it was formed in August 1938. He was financial secretary for the Indianapolis Lodge from 1942–63; was treasurer of the National Fraternal Order of Police from 1963–69; served on the State legislative committee of the Fraternal Order of Police for 28 years, up until 1969, and served several terms as president of the Indianapolis Police Department's credit union.

In addition, he has also served as a pension consultant for law enforcement agencies throughout Indiana and the United States.

His many friends and associates, on the police force and off, join in a hearty "well done," and I am happy to add my voice to their praise.

COLUMBUS DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BIAGGI. Mr. Speaker, all Americans throughout the country today pay honor to Christopher Columbus for his heroic efforts almost 500 years ago when he set out from the European continent to seek a new route to the Orient.

Unlike today's modern explorers, he made the voyage without the assistance of radio communications, advanced navigational aids, or updated equipment. His particular courage in laying out his task and seeing it through to the end is a characteristic that has marked the people of this continent from that time forward.

For myself and other Italo-Americans his daring feat of accomplishment represents the first of many contributions those of Italian ancestry have made to this Nation.

Columbus faced unknown perils when he ventured out past 15th-century man's known sphere of influence. The threat of death by starvation, the elements or unknown causes were daily with him and his crew members. Yet, he persevered and conquered the many adversities that so often nearly ended his voyage.

Similarly Italo-Americans today face many perils because of their ancestry. Many known and unknown threats seek to destroy the tremendous heritage and record of contribution these Americans have made to our pluralistic society. But like Columbus, they persevere and in the end success will prevail over those who would destroy their voyage.

Although today is a day of national rejoicing for all Americans, I know I speak for my 22 million fellow citizens of Italian ancestry who take particular pride and gain special strength from the most admirable feat of Columbus—this Nation's first and foremost Italo-American and discoverer of the New World.

OBSCENITY AND PORNOGRAPHY

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DELLENBACK. Mr. Speaker, while there has been a great deal of controversy over the recently published report of the Commission on Obscenity and Pornography, it has served to spotlight the increasing concern throughout the Nation that we provide some protection through reasonable legislation. As far back as May 1969 President Nixon transmitted a message to Congress asking for legislation in the following areas: First. Prohibition of sending offensive sex materials to minors; second, prohibition of sending sexually oriented advertising through the mails; and, third, protection of the privacy of the home from all smut peddling which is unsolicited. These suggestions were based upon a Supreme Court decision indicating the areas of obscenity and privacy in which Congress could constitutionally legislate.

In an effort to meet the needs of concerned citizens, while staying within the constitutional guidelines given by the Court, the House overwhelmingly passed two bills along these lines. The President's first and third proposals were passed in April in the form of H.R. 15693 and his second proposal was passed in August in H.R. 11032. We can be extremely pleased that titles II and III of H.R. 15693, calling for increased protection of the individual's privacy against unsolicited sexual materials were included in the 1970 Postal Reorganization Act and are now law. I am hopeful that in the light of increased public attention to this problem, it will not be long before action will be completed on the rest of the administration's requests.

While the Federal Government cannot and should not set itself up as a censor for the American people, the actions taken by the House are, in my opinion, reasonable legislation, and I feel that Americans need and want this type of legislative help. There is no reason why we cannot protect our homes and children against pornography without infringing upon the rights of those who wish to receive sexually provocative literature.

FARMINGTON, MO., CHAPTER OF BUSINESS AND PROFESSIONAL WOMENS CLUBS HONORS OPAL WRIGHT

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BURLISON of Missouri. Mr. Speaker, local chapters of the Business and Professional Womens Clubs have been asked to honor an outstanding member during Business Women's Week, October 19 through 25. The Farmington, Mo., Business and Professional Womens Clubs have chosen Mrs. Opal Wright as the woman who should receive the honor this year. She is director of elementary education in the Farmington R–VII School District. She is an outstanding educator who has filled a position usually given only to men. Mrs. Wright has held many offices in State and local organizations. Among these has been president of department of elementary school principals, southeast Missouri district; president, Delta Kappa Gamma, mineral area; Mineral Area Elementary Principals Association. She was a member of the executive committee of southeast District Teachers Association from 1966 to 1969; bulletin editor of Missouri Association of Supervision and Curriculum Development. She is at present State chairman of committee on professional affairs of Delta Kappa Gamma. Her service to education is extensive. She served for 5 years on a committee for the State Department of Education to write a social studies guide for grades one through nine. She served as an educational advisor for two publishing companies. She served as one of the workshop leaders for New Madrid County Educational Association in 1960. She was a discussion leader for the National DESP meeting in St. Louis, 1960. Mrs. Wright served on curriculum materials committee for the national meeting ASCD, 1964. She has been a program participant several times at departmental meetings at Southeast Missouri Teachers Association. She was a consultant on supervision at State DESP meeting in 1964. Mrs. Wright has taught extension courses for the Flat River Junior College, was a teacher at Southeast Missouri State College during the summer of 1957, and taught a seminar in 1960. She was appointed a teacher of extension courses for the University of Missouri in 1964 and taught for the university during the summer of 1967.

Opal Wright is frequently asked to be a program participant. These include various county teachers associations, district and State meetings of DESP and ASDC; district PTA organizations, State Reading Conference, and other conferences. She has at least three commitments during October—two for State meetings. One of her most outstanding accomplishments has been helping to initiate a new concept in teaching—a building designed to facilitate team teaching with the child's needs being constantly evaluated. Visitors have come from all over Missouri and from at least four other States to observe this unusual idea.

Farmington R–VII has been fortunate to retain Mrs. Wright. She has had offers from large city schools, at least three colleges, and the State Department of Education. So far she has resisted the temptation of larger salaries and greater honor to remain with the children she wishes to help.

KNOXVILLE SOLDIER KILLED IN VIETNAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DUNCAN. Mr. Speaker, since the fall of 1965 there have been 85 young men from Knox County, Tenn., killed in the Vietnam war.

Number 85 was a career soldier who had dedicated his life to the defense of this country. With deep regret we have learned of the death of Sp. 4 Frederick P. Broyles, 25, of Knoxville.

Specialist Broyles was the son of Mrs. Maud Cherry and also left behind two sisters and a brother.

In tribute to this young man I place in the RECORD the following news article:

KNOXVILLE SOLDIER KILLED IN VIETNAM

Today's report of the death of a Knoxville serviceman brings to 85 the number of Knox Countians killed in the Indo-China War since Nov. 17, 1965.

A Knoxville career soldier, Sp. 4 Frederick P. Broyles, 25, was killed in action near Long Bien, South Vietnam, Sept. 26, his mother, Mrs. Maud Cherry, 746 College St., has been notified.

He was the first Knox Countian killed in the war since June 11.

According to word received by the family, the Knoxville soldier came under enemy attack when a civilian building in a small village near Long Bien was attacked. He died in the fighting that followed.

He was in a transportation unit.

Besides his mother, he leaves two sisters, Queen Elizabeth Broyles, Knoxville, and Gladys Virginia Broyles, California, and a brother, Samuel Broyles, Knoxville. His father, Irvin Broyles, is dead.

He was a graduate of Vine Junior High School, and he attended Austin High before he entered the Army in 1964. He had been in Vietnam since February.

Clark Mortuary is in charge of arrangements.

SIXTH ANNUAL QUESTIONNAIRE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. CULVER. Mr. Speaker, this year, as in every year since I have been a Member of Congress, I have polled my constituents in the Second Congressional District of Iowa in order to obtain their views on the major issues before the Nation and the Congress.

The results of these annual questionnaires have played an important part in my consideration of legislation before the House of Representatives in addition to my daily mail, my visits with constituents in Washington, in my district office and in communities throughout the district, and my own judgment on the issues.

Although each Member of Congress must form an independent judgment as to what action is in the best interest of his district, his State, and the Nation as a whole, it is essential that this judgment includes the best possible understanding of the views of his constituents.

The issues before the Congress and the Nation are some of the most critical in recent times. The urgent need for involving our people in this legislative decisionmaking process is both greater and more obvious than ever before.

I have been extremely pleased by the size of the response to my questionnaires. This year, the initial response indicates an even higher participation than last year. And I have been particularly grateful to the many who have found the time to add extensive comments in addition.

Because my district represents such a broad cross-section of interests and opinions, I think that the results of this latest questionnaire will be of interest to every Member of this body. I, therefore, under unanimous consent include them at this point in the RECORD:

[In percent]

National priorities: Present inflationary pressures require both restraint and priority allocation in federal spending. Please indicate those areas of the federal budget which you feel should be decreased, increased, or held at present spending levels. (Figures in parentheses indicate percentage of 1970 budget allocated to each function):

Defense (40.1%):	
Decreased	59.8
Increased	5.8
Held at present levels	30.5
International Affairs, including economic assistance, Peace Corps, Food for Freedom, USIA (2.1%):	
Decreased	36.8
Increased	17.5
Held at present levels	40.1
Space (2.0%):	
Decreased	44.1
Increased	12.4
Held at present levels	38.5
Agriculture (3.2%):	
Decreased	20.4
Increased	25.4
Held at present levels	48.2
Natural Resources, including pollution, recreation, flood control, control, conservation (1.3%):	
Decreased	7.5
Increased	65.0
Held at present levels	21.9
Commerce and Transportation, including highways, airports, postal services, business assistance (4.8%):	
Decreased	17.5
Increased	26.3
Held at present level	50.3
Community Development and Housing (1.5%):	
Decreased	20.6
Increased	35.4
Held at present levels	38.7
Education and Manpower (3.8%):	
Decreased	14.6
Increased	36.0
Held at present levels	43.4
Social Security (22.2%):	
Decreased	13.0
Increased	30.5
Held at present levels	49.5
Health and Welfare, including medicare, health research and manpower, food stamps, child nutrition, vocational rehabilitation (6.7%):	
Decreased	20.1
Increased	32.7
Held at present levels	39.8
Veterans Benefits (4.4%):	
Decreased	11.5
Increased	24.4
Held at present levels	56.3
General Government, including law enforcement, crime reduction civil rights, Congress, and the courts (1.8%):	
Decreased	11.8
Increased	41.0
Held at present levels	37.6

Vietnam: Which of the following do you consider to be the most preferable course in Vietnam at the present time?

Increased pace of withdrawal of American combat forces and U.S. expenditures solely for withdrawal of U.S. forces and assistance and asylum to endangered Vietnamese after December of 1971	22.5
Continued phased withdrawal of American combat forces as South Vietnamese Army assumes more responsibility for conducting the war	40.7
Complete immediate removal of any American presence in Vietnam	21.1
Resumption of full scale attacks on the North with any necessary increase in American men and material	6.2
Undecided	2.4

The draft: Which of the following alternatives do you prefer?

(a) Continuation of the present draft lottery system	27.3
(b) A professional Army	19.4
(c) A National Service System which would allow a young man to choose among:	
Volunteering for military service	
Volunteering for civilian service (working in hospitals, with VISTA, teaching school, etc.) taking his chances in the draft lottery	40.9
Undecided	4.9

Crime and violence: In meeting the problems of mounting crime and violence in our nation and in our neighborhoods, do you support—

Greater federal assistance for the improvement and support of local police, correctional and rehabilitation agencies:	
Yes	68.0
No	14.8
Undecided	9.1
More effective public and private programs in the areas of jobs, housing, and education to improve conditions in the cities:	
Yes	67.8
No	13.0
Undecided	9.9
Stricter regulations covering the sale of explosives:	
Yes	72.9
No	13.0
Undecided	5.3
Stricter regulation of the content of TV programs:	
Yes	49.7
No	32.0
Undecided	9.1

Consumer: Do you favor legislation which would enable consumers to take collective legal action against deceptive bargaining practices?

Yes	70.0
No	10.6
Undecided	10.1

Agriculture: Do you favor Congressional action to establish a strategic grain reserve to provide a guaranteed source of supply in times of natural disaster or emergency?

Yes	57.9
No	17.2
Undecided	14.7

Social Security: Do you favor legislation which makes increases in social security benefits automatically tied to the increase in the cost of living?

Yes	63.1
No	17.0
Undecided	7.4

Political campaign expenditures: Do you favor legislation which would limit the amount of money which candidates for the office of President, Vice President, U.S. Senator, U.S. Representatives, Governor and Lieutenant could spend on political broadcasting?

Yes	67.1
No	7.1
Undecided	5.1

THE 125TH ANNIVERSARY OF ST. VINCENT COLLEGE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DENT. Mr. Speaker, it gives me great pleasure to present for the RECORD a short history of St. Vincent College, Latrobe, Pa., on the occasion of its 125th anniversary.

The community of Latrobe is very proud of St. Vincent and the great work it has accomplished. It is just as proud, as all of us are, of the total work of the Benedictine Fathers with 36 parishes in our 5-State area as well as a secondary school in Savannah, Ga.

I am sure that the House joins me and the citizens of our community in wishing for St. Vincent and the Benedictine Order a long and continuing service in their chosen field.

I assure you we are very proud of their good works.

The history follows:

HISTORY OF ST. VINCENT COLLEGE, LATROBE, PA.

On October 26, 1970, the Benedictine Order will begin the one hundred twenty-fifth year of its presence in the United States. On that day in 1846 a small band of religious, led by the Bavarian monk Reverend Boniface Wimmer, O.S.B., settled in Westmoreland County, Pennsylvania, and laid the ground-work for what would become Saint Vincent Archabbey and College. From this spot, situated near

present-day Latrobe and colonial Forbes Road, the monks spread out across the United States and Canada, establishing parishes, abbeys and schools of higher learning in Minnesota, Kansas, New Jersey, North Carolina, Alabama, New Hampshire, Illinois, Colorado, Florida, Oklahoma, Oregon, and Saskatchewan.

The Benedictine heritage of fourteen centuries continues to act as a religious, cultural, and humanistic leaven in contemporary society; and the presence of innumerable Benedictine schools in the United States gives witness to the vision and perseverance of the founders of Saint Vincent. Like all immigrants to America, they dared to abandon the familiar but tired soil of their homeland in order to confront the uncertainties and challenges of the New World. They found here fertile ground for their ancient heritage of service to God and man.

Today the community of Saint Vincent continues to engage in parochial, educational, and missionary work. The monks staff thirty-six parishes in Pennsylvania, Ohio, Kentucky, Maryland, and Virginia. They operate a liberal arts college, a seminary, and a preparatory school near Latrobe, as well as a secondary school in Savannah, Georgia. In the spirit of Wimmer and the early founders they also do missionary work and have established monasteries in Brazil and Taiwan.

THE NEED FOR EXCHANGE OF VIEWS BETWEEN ADULTS AND YOUNG PEOPLE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. THURMOND. Mr. President, an editorial entitled "Telling the Truth to Young People" was published in the Anderson (S.C.), Free Press of October 1, 1970.

The editorial presents a forthright challenge both to youth and adults to bridge the generation gap with more communication. Such an effort by all of us would certainly reap benefits for ourselves and our Nation.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TELLING THE TRUTH TO YOUNG PEOPLE

One of the most important tasks for any society is to transfer from generation to generation the inherited wisdom basic to that society. No generation has an answer to all the questions of life. Each generation learns something new. In all true civilizations, however, there is a continuity of life and understanding which bridges the so-called generation gap.

This observation should have special meaning in our own time when radicalized young people condemn their elders.

Youthful rebels are a minority. But because of the publicity they seek and receive, their attitudes cannot be ignored. They have to be dealt with directly so that their confusion won't spread to the majority of young Americans.

Sympathy for the young always is in order, up to a point. Youth is a good time of life. Older citizens should not scorn youthful enthusiasm. It is a happy part of life. Nevertheless, it is a mistake to refrain from candor in talking to or about young people. Most certainly it is foolish, even dangerous, to make a cult of youth.

Youth should be made to understand that it hasn't any monopoly on dedication, understanding or moral conviction. Some of the greatest leaders in history have been old men at their time of greatness—Winston Churchill, for example. The old can be just as courageous as the young, just as willing to sacrifice.

Nowadays it is important to speak out this way to young people. One reason for this is that there is a barrier of experience between young and old. Many young people have been sheltered by America's affluence.

Americans attending college in previous generations knew that they were privileged. Around them was a world of hard work and of hard times. They could not have afforded to spend their time on demonstrations.

Today, many young people don't fully appreciate that a college education is a privilege. Many youngsters have grown up in an environment of affluence and forgotten about money problems. They imagine that Daddy always will be on hand to buy new clothes and make payments on a sports car.

No adult wants to shout angry words at young people. One simply wants to make them see things as they are, to place their own actions in perspective. It is necessary therefore, to remind young people of the extent to which their activities are subsidized. They need to be told that behind their pleasure is the hard work of adults.

Some young people say: "You adults haven't left us a very good world." To that remark, an adult should say: "No one left us a very good world. We had to make our way and handle our problems without cry baby reactions." The youngster who opposes military service in the 1970's should be reminded that his father fought the Germans and Japanese in World War II.

A strong, healthy society believes in links between those who have gone before, those who live today and those who live in the future. It is imperative, therefore, to stress the degree to which the living are dependent on the devotion and sacrifice of those in the past. The generations are bound together. The young are not an isolated segment of life that is automatically entitled to a brave new world nicely wrapped up and delivered without cost.

A serious generation gap won't exist if adults talk as frankly as they listen sympathetically. If adults "lay it on the line" about their own work and sacrifice, if they explain that no generation can expect to have a free ride through life. To work and defend one's country is an obligation that rests on every generation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

POSTMASTER WITH A MESSAGE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BRAY. Mr. Speaker, in a recent speech before the Nashville Area Chamber of Commerce, Postmaster General Winton M. Blount reaffirmed that the Nixon administration was doing all possible under current law to curb the flow of pornographic material through the mail. The Postmaster General stated:

If the people decide against pornography, we can do away with it, if we endorse stringent laws, if we elect and appoint discerning judges, and if, above all, we refuse to patronize the pornographer, then we can put him out of business.

In "Postmaster With a Message" the Nashville Banner editorializes on General Blount's speech and also his meeting with political science students at Vanderbilt University. I include the editorial in the RECORD:

POSTMASTER WITH A MESSAGE

The Postmaster General of the United States Winton M. Blount, spoke candidly and to the point Monday when he told members of the Nashville Area Chamber of Commerce that there is no room in America for those who use its freedoms to destroy the very mind and spirit that give meaning to those freedoms.

He took the occasion of a dinner in his honor to remind the assembled guests—and people throughout the country—that the administration is doing all that is in its power to curb the flow of pornographic materials through the mail. Nothing conclusive can be accomplished, however, until the American people demand laws tough enough to be effective against the poison which threatens the very social fabric of the nation. The Postmaster General said: "If the people decide against pornography, we can do away with it, if we endorse stringent laws, if we elect and appoint discerning judges, and if, above all, we refuse to patronize the pornographer, then we can put him out of business."

Postmaster General Blount obviously was taking strong issue with the purported findings of the presidential commission dealing with the effects of obscenity and pornography on society. That panel, set up by former President Lyndon Johnson, is running into severe criticism for its recommendation that the United States dismiss all laws prohibiting the distribution of salacious material except where it concerns children. In short, the Danish approach. There is talk in some quarters that the Nixon administration would be wise to either reject or disavow the controversial findings of the obscenity commission. Postmaster General Blount leaves no misunderstanding here in Nashville on where he stands regarding pornography.

Earlier, Gen. Blount met with a group of political science students at Vanderbilt University and reassured them that in times of great national stress the overwhelming majority swings hard to starboard in their political views. "History shows very clearly," he told the gathering "that when the middle class people feel themselves threatened, they don't go to the left, they go to the right. And today we have a fantastically large middle class."

The implications again are crystal clear. The uncivilized and often insane activities of political extremists in the country today are driving the people farther and farther to the right. America always has been more susceptible to right wing authoritarianism than to

the totalitarianism of the left, and the Postmaster General, in alluding to this fact, emphasized that the radical left is accomplisning the precise opposite of what it wants.

Tall, articulate, and refreshingly well informed, Postmaster General Blount is one man who knows his politics, recognizes the aspirations of the American people, and wants to do something to ensure that those aspirations come to fruition not just for the present generation, but for the children of our children.

THE FREE RAIL CONCEPT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. SPONG. Mr. President, the summer of 1969 edition of the Virginia Engineer contains an intriguing article on the concept of free rail, written by Prof. Robert L. Whitelaw, of Virginia Polytechnic Institute.

The basic idea of free rail travel is an automatic track for moving private vehicles in both inner and outer city travel. I believe it is an idea which merits serious consideration.

I ask unanimous consent that Professor Whitelaw's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREE RAIL: THE NEXT STEP IN TRANSPORTATION

(By Robert L. Whitelaw)

(EDITOR'S NOTE.—The author is a member of the engineering faculty of Virginia Polytechnic Institute. The Virginia Engineer gratefully acknowledges his courtesy in preparing this article about a subject upon which he is a recognized authority.)

If Rip Van Winkle had fallen asleep in 1900 and awakened sixty years later, the changes in the Victorian world of his memory would overwhelm him. Electricity and the telephone he might barely recognize; television, air conditioning, a host of little things—and the length of ladies' skirts—he would find incomprehensible but none the less delightful. But when he sought out the one thing above all which had so radically changed both city and countryside, changed where people live and work and shop and rest and travel, the answer would be inescapable. This thing called the automobile—this contraption vaguely remembered as the noisy toy of the eccentric rich, gawked at by the farmer come to market, and scorned above all by the great railroad barons. In the span of one man's lifetime this little vehicle had snuffed out the golden age of rail travel, had taken over 90 percent of all passenger-miles, and brought to pass a million miles of pavement to every corner of the land, and had multiplied to a fleet of 70,000,000 toting up a trillion miles a year.

It is necessary thus to dramatize what may well be the greatest technological revolution in history in order to drive home some lessons that are in danger of being forgotten today.

HISTORY'S THREE LESSONS

Lesson one: the coming of the automobile, and the sweeping changes it brought in its train, were almost totally unforeseen by the experts and planners of sixty years ago.

Lesson two: it represents a trend, a progression in human travel, from foot to public vehicle to private vehicle which will not be denied or reversed except where the saving in time or money is very great. Whereas public transportation in the form of the railroad, interurban and streetcar once enjoyed almost 100 percent of the business, it now gets only 5 percent of city travel and only 10 percent of intercity, even with all the fanfare and subsidy enjoyed by the airlines. Even for journeys over 1,000 miles, where the airplane is thought to be unchallenged, the auto still carries 65 percent of all passengers, so great is the appeal of private vehicle over the public.

Which leads to lesson three: the automobile succeeded like nothing else in history because it satisfied some of the deepest yearnings of the individual. All in one package it gave its owner travel *plus* privacy, comfort, speed, economy, dependability, independence, door-to-door service, readiness on demand, single-vehicle travel, relief from baggage problems, exhilaration, prestige, status! In short, what was once reserved for the aristocracy, Detroit now put within the reach of all. In the automobile every family found a slave more powerful and obedient than the Caesars ever dreamed of, and behind its wheel every man became a lord and every woman a lady.

The next step then in human transportation should be a logical application of these lessons and extension of these trends clearly observable as we look back over the first great century of transportation, 1860–1960.

First we see that, given the *means* to travel farther and faster, people somehow find the urge, and the need, and the money to do so. Second, with increased range and speed people find themselves with access to jobs and markets hitherto unthought of, and jobs and markets likewise find new customers. Third, with faster means of daily travel, people moved away from the shadow of the factory and office, and suburban living began to grow along the lines of public transportation. Fourth, with the coming of a personal, door-to-door vehicle (the auto) there was a dramatic shift from public to private vehicles, even at greater money cost to the user. Fifth, with a private vehicle and diminishing working hours, the homesite can be still farther from work and any direction, no longer dependent upon "commuter lines"; thus grew "exurbia" as we see it today. Sixth, as the private vehicle impelled the homesites and the taxpayers to the suburbs, the tax burden upon inner-city business increased, and increased again with the need to provide employee parking space. Thus the pressure grew for industry and business itself to move to the suburbs, a migration everywhere evident. Seventh, with business, industry and homes migrating to the suburbs all because of the private vehicle, the retail stores begin to follow, congregating in wide areas (shopping centers) near the principal arteries (freeways) being built to serve this same vehicle. Eighth, as all intercity travel bypasses the innercities, and most local travel finds little occasion to go "downtown," the central business district (CBD) grows less important. Ninth, with the coming of an ultra-fast means of long-distance travel, i.e. airlines, subsidized to compete with the private vehicle and the railroad, its terminals soon become the principal transportation investment and point of travel interchange in any city, yet far removed from the CBD. Finally, as is inevitable, all travel accommodations (hotels, restaurants, etc.) become located and designed to serve the private vehicle and the air traveler, with less-and-less regard where "downtown" is.

A SUBURBAN NATION

The picture today is of a nation living mostly in suburbs, towns and open land nearby, with better than one automobile per family; an excellent network of highways on which the traveler can average 50 mph door-to-door; an excellent airline network by which door-to-door travel can average 100 mph in the east, up to 400 mph in trans-continental travel; and with the automobile providing 95 percent of all local travel, and even 65 percent of all travel over 1,000 miles, despite the fact that it must be humanly guided every second, in all weather, in all conditions of repair.

Upon such a picture let us superimpose, as by a magic wand, a *completely automatic* third system: a network of electric-powered guideways linking every significant city, traversed by private vehicles available at any time, like the auto, and traveling at 200 mph to match airline service, and superior to both in that every vehicle is guided automatically from origin to chosen destination by the shortest route. And let us suppose at every terminal there was available for every traveler a rental "utility" auto, electric or hybrid-electric, capable of serving his local needs between home and the nearest terminal, or between terminal and final destination; or suppose even that on reaching the exit terminal the traveler merely disengaged his vehicle body from an overhead high-speed electric-powered "carriage," and with the same lever reattached his vehicle to a conventional auto undercarriage for the remainder of the journey by road. And finally, let us suppose that such a system could be constructed and operated for considerably less per passenger-mile than any system today. What would be the effect upon living, working and travel patterns in our society?

First of all, people would soon come to look upon every village, woodland dell, mountainside or ocean shore within 200 miles of the workplace as a potential homesite not more than an hour or so from office or shop. Not more than 40,000 miles of national network of this new kind of high speed guideway would put 90 percent of the nation within an hour of some metropolis. The whole land would become a residential "suburb," and dense-packed ticky-tacky housing would no longer make sense. Second, the hour or so spent going to work, or school, or whatever, would be *productive* time for reading or resting, being freed from the steering wheel, so that daily journeys even greater than 200 miles would become acceptable both for pleasure and business. Third, the system would not only serve but also be served by the growing trend to a society of random working hours, a society of automation in production, distribution and even retailing, with human talents spent in design, service, consulting and education, besides leisure and recreation, so that journeys of all kinds, at all hours and in all directions will gradually replace the senseless rush-hours of today. Finally, the City Center revitalized by becoming itself a terminal on a high-speed national network would emerge as a true community cultural center instead of just a place where bankers, lawyers and conventioneers gather.

THE "FREE-RAIL" CONCEPT

The concept that can bring to pass such change is called the Free-Rail System, and the heart of the concept is the guideway; a double "trackway" consisting of a hollow tube about 2 ft. by 3 ft. slotted at the bottom and suspended 40 ft. above the countryside by light catenary cables between clean simple towers about 600 ft. apart. Such a guideway would be inconspicuous, esthetic, free from problems of land obstructions, grades and curves, paid as economic to build as a modern transmission line. *Inside each trackway* run the wheels and motors of each vehicle, their sound being muffled, and their power source a weather-protected electric cable. Suspended from its "overcarriage" inside the trackway by streamlined struts passing through the bottom slot, the Free-Rail vehicle would be an ultralight perfectly

streamlined shape accommodating passengers with the comforts of the airliner, the privacy of the automobile, and with scenery and door-to-door speed surpassing both.

THREE SYSTEMS FORESEEN

Three kinds of Free-Rail vehicle are foreseen. The "Aerocabin" accommodating six or eight adults with baggage, vacation gear, etc., for long distance travel, such as an 8-hr vacation or convention trip from Richmond to Denver, or the 4½ hr. trip to Miami. Such a vehicle would be large enough for inside movement and might include airline-type food storage and toilet facilities, even though stops enroute would be quite feasible. The "Aerocar" would be a compact four- or six-passenger vehicle primarily for daily commuting or the short business trip. The "Amphicar" might be of either type, but designed for simple transfer from highway undercarriage to Free-Rail overcarriage as mentioned above.

In every case, the essence of Free-Rail travel would be constant speed following an almost bee-line across hill and vale, river and forest, and automatically guided from origin to chosen destination, the vehicle control system making the correct choice at every switch and junction, and always maintaining a safe headway behind the car ahead.

For local travel in large metropolitan areas, a similar system would serve but with a much lighter guideway, a network following the principal arteries to connect all centers or large employment and public gathering, schools, shopping centers, etc., and with two- or four-passenger plastic vehicles available for each traveler or group at any time round-the-clock. As before, all guidance would be fully automatic, in all weather comfort, high above the traffic, but at a more moderate speed of say 60 mph. Such a metropolitan travel system could be erected at such moderate cost, and operated with so little manpower to serve so many, that it might well come to be considered in the same light as sidewalks, street lights, escalators and elevators,—that is, provided free of charge as part of an up-to-date city's standard services.

THE NEXT LOGICAL STEP

Both Free-Rail systems, the larger one for intercity automatic travel at 200 mph, and the smaller one for metropolitan automatic travel at 60 mph, represent the next logical step in the 100-year trend toward private, all-weather, round-the-clock, door-to-door travel epitomized by the dramatic rise of the automobile. The family car will stay; the airlines will continue to be best for long-distance nonstop travel where timesaving is important; and the railroad might even continue for high-density local travel between cities. But the Free-Rail system will be exclusive in offering fully automatic travel, and will exceed all others in economy and door-to-door speed under 1,000 miles. It should easily recapture a significant portion of the city and intercity travel in which the auto now has over 90 percent, and in doing so it should relieve our crowded streets and highways, help to clear our smog-laden air, and open up the entire countryside, 200 miles out from every city, as a potential place to root a home and raise a family.

Lake George would now be a suburb of New York; Vermont and Maine within daily reach of Boston; Roanoke and the Blue Ridge and the Eastern Shore just an hour or so from Washington and Richmond. And every minute of such travel, whether daily or weekly, would be delightful, anxiety-free and *useful*. And the cost would still be within the budget of the average American by virtue of a guideway that consumes no land, vehicles that need no driver, and quiet electric power. Truly, there is no better way to conserve the nation's resources of people, land and fuel.

CAST AND FILM INDUSTRIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BIAGGI. Mr. Speaker, every Member in this body would be justifiably angered if television, radio, and motion pictures always depicted all Congressmen as overweight, cigarsmoking, aloof, underhanded, backroom politicians. Fortunately, the motion picture and media industries realize that if such a stereotype consistently appeared in their productions there would be serious repercussions.

However, similar kinds of slurring and discriminatory portrayals occur daily on the movie and television screens and radio airwaves of our country. There has been very little concern over this kind of activity by legislators until now, because it always involves the so-called minority groups of America who, until recently, were believed not to have the ability to organize and wield enough group power to influence our country's politics.

While I hesitate to classify as a minority group any body of people that has in its 22 million citizens, I do include in this categorization the Italo-Americans, along with the Jews, the Blacks, the Irish-Americans, the Polish-Americans, the Greco-Americans, the Puerto Ricans and the many other nationalities that have contributed so much to the mixed culture of our Nation.

Several resolutions, one of which I have sponsored, are aimed at correcting this serious problem. They will not do the complete job, I am sure, but they will help shape the final form of a House concurrent resolution which I hope will accomplish several things.

First, it would put this body on record as being strongly against the further practice of demeaning, degrading, and destructive ethnic slurring in the broadcast and film industries.

It would encourage responsible motion picture and broadcast industry executives to establish and enforce their own standards to prevent this harmful practice.

And, it would also put the industries on notice that if adequate self-regulating procedures and policies are not established and followed. Congress will quickly respond by enacting appropriate controls of its own.

Mr. Speaker, I do not advocate Government controls whenever and wherever problems exist. I am confident the film and broadcast media will live up to our expectations.

However, if such Government action should become necessary because of a lack of response on the part of the industries, I will not hesitate to rise in the House Chamber to propose such controls.

INFLUENCE ON DAILY LIVING

To me, and I am sure the same applies to my colleagues, this measure is of tremendous importance. It is important because most Americans are unaware of the extent such harmful, direct and insidious stereotyping and defamation are practiced in our country. Most people are also unaware of the influence this sort of activity has on the daily lives of those ethnic groups that are victimized by the practice.

I personally have been concerned with this problem for many years. My concern and my efforts to eliminate it certainly go back long before I came to Congress.

I can recall several specific incidents in which my intervention, as head of the Grand Council of Columbia Associations, a group of over 80,000 civil servants in New York, resulted in changes in broadcasting format and policy.

One such incident involved an internationally famous television show which was popular many years ago, called "The Untouchables." I am sure you recall the show and remember how for weeks and weeks on end, its characterizations of criminals was such that it became hard to believe that crime—all crime—both past and present—was not the sole province of Americans of Italian extraction.

In effect, the show's message was not that some Italian-Americans were and are in criminal activity, but rather that all criminal activity was and is Italian American.

My personal discussions with various media people, and then with Desi Arnaz, the producer of the show—who is an ethnically identifiable show business personality himself—resulted in a modification of the scripts and the casting of characters to more realistically present the picture of crime and criminals in America.

This, of course, was only one show. It did not stop all defamatory broadcasting. I am unhappy to say that it continues today and, if we do not take a stand somewhere, it will go on and on and on.

FALSE AND DEMEANING CHARACTERS

There is no doubt that, at times, an actual ethnic characterization becomes necessary to make a point in a plot, a story, or a news report. Yet, even here, much good judgment must prevail. You can imagine, therefore, how deplorable—how immoral—how despicable—it is when a characterization is absolutely false and demeaning. Yet, it is done and done often, and we must ask why.

One of the reasons may be because there exists certain individual broadcasters who, either through habit or personal immorality, see fit to swing a vicious ethnic verbal sword. And they do not hesitate to use it to satisfy personal grudges, psychopathic urges, or just to create gross sensationalism. Moreover, they play the ethnic line because they know all too well that a good part of their audience has been conditioned. over the years, to accept ethnic innuendoes, false associations. and outright lies.

The Federal Communications Commission has stepped up its policing of the broadcast industry. Several stations have been subjected to intensive scrutiny before broadcast licenses were renewed. Some are now undergoing hearings. Perhaps in a few cases the review has been too harsh, and has been complicated by

factors other than the question of service in the public interest.

While I am convinced that our broadcast industry is as much interested as we are in establishing and maintaining high practices may be necessary nonetheless.

The majority of the broadcasters will be responsive, I am sure. However, there will always be a few station managers or individual newscasters whose motives and morals must be kept in question. Whether they interpret the right to exercise freedom of speech and freedom of the press as a right to lie, to distort, and to attack ethnic groups or their representatives, is a serious question that needs an early and forthright answer.

As I have said, I believe the industries as a whole can face this issue. However, each member of each industry must face the issue. If not, Congress will take measures to guarantee that he does.

Mr. Speaker, let me make one additional point. This House recently passed legislation that, if enacted, would allow television broadcasting of certain legislative activity—specifically legislative committee hearings. I hope we are not setting one-sided standards when we call on the broadcast industry and the movie industry to upgrade their treatment of ethnic groups.

CONGRESS COULD BE AN OFFENDER

It is entirely possible that we in Congress may engage in the very same practices we are trying to put a stop to by our resolution. I think this could easily happen in the future because it has happened in the past.

I am sure you will agree that the TV spectacular put on several years ago,, which, despite its broader scope came to be known as "The Valachi Hearings," was not Congress' finest hour in the eyes of the millions of decent and law-abiding Italo-Americans of our Nation.

This was a highly dramatic show. The effect it had on its nationwide audience was horrendous. To say that it came close to hypnotizing the vast majority of Americans into believing that crime was Italian is not an understatement.

For days, one witness—tailormade for the show—spewed forth one Italian name after another, encouraged to go on and on and mesmerize the Nation into believing that crime in America was, indeed, Italian and nothing else. Because of that show, too many people of our country, most of whom were introduced to television, to crime, and to Italians for the first time by the imponderable Mr. Joseph Valachi, the underworld of crime became a world made up exclusively of Italo-Americans.

The sad part of this tale is that Congress was a direct party to the act. One wonders if closed hearings, with a judicious examination and evaluation of all the evidence given, and then a public statement by responsible legislators would not have better served the cause of law enforcement as well as the interests of 22 million decent Italo-Americans.

Mr. Speaker, along with the managers and producers of movies, radio and television shows, we in Congress must be equally vigilant within our own halls, against the promotion of hate, defamation, and ridicule of whole groups of people.

The standards we set for the industries, we must apply to ourselves. And, the treatment we expect for the ethnic groups we personally identify with, we must all expect for our neighbors and for all our fellow men.

RESOLUTION IS FIRST STEP

Finally, let me say this. I am not so naive as to believe that the resolution this committee reports out will immediately wipe out ethnic stereotyping and ethnic discrimination forever. However, I do believe that if the motion picture and the broadcasting industries, along with all sponsors of such programs, take steps toward the elimination of demeaning portrayals of good, honest peoples of our country, we can at least stop the spread of this practice—which is the first step toward the eventual elimination of it altogether.

During the 1960's, Congress passed numerous pieces of legislation. Legislation for civil rights, aimed principally at raising the dignity of the beleaguered blacks of America. These measures were commendable and must be reinforced and expanded.

Only recently we sought to eliminate discrimination based on sex. I commend this House for that. I think now we can do no less for those millions of other Americans who are victims of ethnic biases and prejudices.

Although my statement may seem primarily to deal with the problems affecting Italo-Americans, I am equally concerned with every other ethnic group and have combated with the same vigor any instance—any occasion—where such groups were portrayed in a poor or demeaning fashion.

The issue we are concerned with today is important to all Americans. Our basic sense of fairplay cries out for the enactment of a strongly worded resolution that will lead the way to the eventual eradication of the practice everywhere in our Nation.

FIFTH INTERNATIONAL CONGRESS ON EDUCATION OF THE DEAF

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. JAVITS. Mr. President, over 1,300 educators of deaf children and others interested and knowledgeable in education of the deaf from 70 countries met in Stockholm, Sweden, on August 17–21, 1970, for the Fifth International Congress on Education of the Deaf. The delegates, including more than 100 from the United States, and among them Jack Forsyth and Roy H. Millenson from the majority and minority staff, respectively, of the Senate Labor and Public Welfare Committee, exchanged ideas and discussed techniques in order to better serve the needs of the deaf.

Dr. Edwin W. Martin, Associate Commissioner, Bureau of Education, for the Handicapped, of the U.S. Office of Education—and ranking member of the American delegation—pointed out to the international assemblage the new programs which have been authorized by the Congress of the United States and which are being undertaken in the States and in the communities. Dr. Martin indicated that until recently many of the deaf young people were unable to attend postsecondary schools since no appropriate educational placement was possible. Today about four times as many deaf young people in the postsecondary age group continue their education as was the case 10 years ago. Emerging vocational training programs in community colleges and the National Institute for the Deaf in Rochester, N.Y., for example, are opening new horizons for such young people.

Others from the Departmnt of Health, Education, and Welfare who led discussions and presented papers at the Congress included Malcolm Norwood, Assistant Chief, Media Services and Captioned Films Branch; Mrs. Patria Forsythe, Secretary of the Advisory Committee on the Education of the Deaf; Dr. Phillip Schmitt, Coordinator of Teacher Training Programs, Bureau of Education for the Handicapped; Dr. Gilbert Delgado, Chief, Media Services and Captioned Films Branch of the Bureau of Education for the Handicapped; and Dr. Frank B. Withdrow, Director, Division of Educational Services of the Bureau of Education for the Handicapped.

The Swedish Government, as the host nation, made available to the delegates valuable information with respect to procedures and techniques employed in that nation for education of the deaf, contributing much to making the International Congress a constructive meeting of the world community concerned with educating the deaf for fruitful lives. It was a productive conclave.

GUN CONTROL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BINGHAM. Mr. Speaker, the gun lobby never rests in its fight against reasonable regulation of firearms. Unfortunately, the great majority of the people who favor such laws, and who were moved to press Congress for action after the assassination of Martin Luther King and Robert F. Kennedy, have now once again fallen silent.

Yet the need remains, as stark as ever.

The following item from today's Washington Daily News serves as an eloquent reminder of the failure of the Congress to act responsibly in this important field:

SLAIN NEWSBOY PUSHED GUN CONTROL

William Psimas, 18, of Springfield is in Fairfax County jail today on a homicide charge in connection with the death of a 14-year-old newsboy, Todd McKinney, who was shot-gunned while delivering the morning paper.

Mr. Psimas, of 5000 Kingston-st, is being held on $25,000 bond, and a preliminary hearing is scheduled for No. 2.

Fairfax police gave this account of the incident:

Mr. Psimas said he was awakened by noises shortly before dawn. He looked out his second floor bedroom window, and thought he saw someone tampering with his car.

He loaded his 16-gauge shotgun, unlatched the window screen, and fired one blast. The youth then woke up his stepfather and told him that he had shot at a prowler. His stepfather then called police.

When police arrived, they searched the area and found the body of Todd McKinney in a driveway in the next block, with gunshot wounds in his head and back. Police said his bicycle was parked 30 feet away from where the body was found.

Todd lived at 4708 Dobson Drive, in the same Springfield subdivision where he had delivered newspapers for three years. He was chief of the editorial staff of the Poe Intermediate school paper, was captain of the intramural football team, student body president when he was in sixth grade and had won a number of basketball trophies.

"Just a few days ago," said Raymond D. McKinney, the boy's father, "he said he wanted to contribute last month's money to Joe Tyding's campaign, because 'Joe Tydings was doing his best for gun control.'"

"He was very interested in life and contributed to the church we belong to . . . he always contributed money to many human causes," including the Salvation Army and an Annandale community-church group working with day care centers.

AN OVERLOOKED POLLUTION LAW

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. OBEY. Mr. Speaker, since the "rediscovery" of the 1899 Refuse Act by Congressman HENRY REUSS, this long-neglected legislation has been performing a valuable service by focusing attention on the vital fight against pollution.

The Green Bay, Wis., Press-Gazette recently took note of the 1899 law in an editorial I commend to the attention of my colleagues:

AN OVERLOOKED POLLUTION LAW

A conservation and natural resources subcommittee in the House of Representatives, headed by Milwaukee Rep. Henry Reuss, has discovered an 1899 federal statute that is now being used in the fight against pollution.

The act prohibits the discharge of any refuse except liquid sewage into navigable waters without a permit from the Army Corps of Engineers. Since 1899, only 415 permits have been issued. It appears that only 266 remain in effect—but it is obvious that the dumping has been going on quite illegally ever since.

All that law and order promoted by the Justice Department somehow hasn't become involved with upholding the Refuse Act of 1899. In fact, an assistant attorney general said "it would not be in the general interest of the government" to prosecute polluters who are making genuine efforts to stop the polluting, which may be practical. But where has the department been all these years? It has finally sought court injunctions against ten "consistent" mercury polluters but only after the considerable publicity, the fears of eating contaminated fish and the damage done to the tourist industry in Wisconsin as well as other states.

A major reason why the act has been resurrected is that it stipulates that anyone who reports a violation to the federal government can collect one-half of any fines that are levied. This lure has brought charges in Alabama by the Bass Anglers Sportsman Society against 214 corporations and municipalities. In Massachusetts, 151 polluters have been charged by Rep. Michael Harrington. Reuss has named 270 alleged polluters in Wisconsin and sued four firms. Both Reuss and Rep. Edward Koch of New York have offered mail order kits to citizens who want to know what to do.

As we have pointed out before, halting pollution is not an instant matter and the problems of industry must be weighed against the dangers to society. But the government foot dragging over the years since the 1899 act was passed is one reason we are in such dire straits today.

THE SCHOOL RULING IN DETROIT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. THURMOND. Mr. President, an interesting and informative editorial on the question of school desegregation nationwide was published in the State newspaper, Columbia, S.C., on October 3, 1970.

The writer takes note of a Federal hearing examiner's ruling regarding an all-black school in Detroit, Mich. The failure of the hearing examiner to meet the issue fully is noted by the writer.

Once again we have witnessed, as in this ruling, the promotion of the idea that the "making of new law" is in the hands of the courts. The courts have repeatedly flaunted the clearly expressed will of Congress, particularly in school cases, and issued decisions which call for racial balancing by busing in clear violation of the 1964 Civil Rights Act.

Mr. President, the educational system of the South is being destroyed by court decisions which bus children around as if they were so many checkers on a checkerboard. If such were being done nationwide, this country would come apart at the seams. The civil rights of children in the South, black and white, are being trampled. Pupils and parents are distraught over this pellmell patchwork of busing which has been forced on Southern schools alone.

The challenge of providing a good education has given way to the challenge of maintaining order. The most precious possession of black and white parents in the South, their children, are being shifted about to satisfy the schemes of social scientists in Washington, who in many cases have their own children attend neighborhood schools.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NORTHERN SCHOOL RULING STILL EVADES THE ISSUE

A Federal hearing examiner in Washington this week ruled that an all-black school in the Detroit suburb of Ferndale had engaged in illegal racial segregation.

This was the first such ruling outside the South, which says something about the government's professed desire to root out segregation wherever it exists. It had existed in Ferndale since 1926, the year Grant School was built.

Aside from this case and another challenge in Wichita, Kansas, the Department of Health, Education and Welfare has been content to let sleeping dogs lie so long as they lie somewhere outside the old Confederacy. The engines of public outrage—the television networks, the "news" magazines, the powerful dailies of the Eastern establishment—have been equally tolerant.

Thus it has been possible always to muster a majority in behalf of the most stringent "civil rights" laws. Thus also have the courts felt free to stretch those laws so as to require busing, racial balance, and other extra-legal gimmicks. And lest non-Southern schools be affected adversely, the courts roped off the South from the rest of the country by means of dishonest *de jure-de-facto* distinctions that exist chiefly in the fertile minds of lawyers and judges.

The Ferndale ruling might have demolished that legal mumbo-jumbo by declaring Grant School ineligible for federal funds regardless of whether segregation resulted as a matter of law or from the physical setting. The hearing officer side-stepped the opportunity, however, saying that the school had been built for the intended purpose of segregating black pupils and had been continued for that purpose.

As for the link between segregated housing and segregated schools, he said, he would "leave the problem of the making of new law" to the courts.

That, of course, is precisely where the most glaring inequities arose in the first place. It is the federal judiciary that has permitted non-Southern school districts to use the *de facto* dodge, while requiring Southern schools to bus children for the purpose of achieving racial balance. Congress, in the 1964 Civil Rights Act, explicitly prohibited this requirement.

"Nothing herein," says that act, "shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

After the fashion of medieval monks, federal judges have debated endlessly the number of black and white angels that can stand on the head of a pin. They have concluded that racial balance is required, though percentages may vary arbitrarily, and that busing is a legitimate means to this end. In short, they have done deliberately what Congress said they might not do.

There is no little irony in the hearing officer's willingness to leave to the courts "the making of new law." This practice, more than anything else, is responsible for the system of patchwork justice that increasingly has disrupted the progress of education in the South. Nor is it much comfort to know that the Supreme Court has promised to solve the *de jure-de facto* riddle when it takes up the gavel again. One knows from experience that the court will simply make a new law, rather than leaving that job to Congress as is required by the supreme law of the land.

The best to be hoped for is that the Supreme Court will fashion a new law that applies equally to all parts of the nation. If that happens, areas outside the South will begin to feel the heat. And when the nation comes to a boil, who knows? Constitutional government may even be restored.

SCHOOLS SHOULD TEACH ETHICS AND MORALITY COURSES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BENNETT. Mr. Speaker, over the last several Congresses I have introduced legislation to provide for Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles.

My bill, H.R. 12339, to carry out this program is pending in the House Education and Labor Committee. It has some 35 cosponsors, and I am hopeful it can be enacted into law in the near future. A pilot program in this area was enacted in 1964 as a section of the Juvenile Delinquency Act, and it has resulted in sound accomplishments to stop the rising crime and juvenile delinquency rate.

There is a great need in America today for broad instruction in the development of man's moral and ethical values. Such a program, the content and nature of instruction prescribed by State school agencies, can be stimulated through Federal grants. The teaching of morals and ethics is a proper function of schools, just as it is in the home and church.

The latest Federal Bureau of Investigation Uniform Crime Reports stated that 32 percent of all offenses solved involved persons under 18 years of age, while the age group from 10 to 17 years of age is only 16 percent of the total population in the United States. It is obvious we must do something to raise the moral and ethical standards in America, especially among young people.

A recent letter from John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, to me makes this very clear. Director Ingersoll wrote:

> It has been our experience, and indeed this experience has been corroborated by research, that in families and communities where strong moral and spiritual values exist, little abuse of narcotics and dangerous drugs is to be found.

Mr. Speaker, also in support of my legislation to teach ethics and morals. I include in these remarks the following resolution approved by the National Congress of Parents and Teachers, calling for the teaching of religion in public schools.

RESOLUTION V: TEACHING ABOUT RELIGION IN THE PUBLIC SCHOOLS

(As approved by convention delegates, June 3, 1970)

Whereas, The National Congress of Parents and Teachers states in its principles "We believe religion is fundamental in our American tradition as a basic factor in personal and social behavior and that every child is entitled to the opportunity to develop a religious faith", and

Whereas, Thousands of homes provide neither religious experiences for the young for whom they are responsible nor opportunity for religious experience in church, and

Whereas, The public schools share with the home the responsibility to provide each child the opportunity to achieve the finest possible preparation for living, and

Whereas, The Supreme Court decision regarding the reading of the Bible and the use of prayer in the public schools prohibits only religious practice in the schools, but permits the study of the Bible and religion when presented objectively and comparatively as part of a secular program of education, and,

Whereas, Misinterpretation of the Supreme Court decision has caused confusion and even rebellion in many communities and schools, and

Whereas, Many educators have felt it advisable to minimize or omit religious content in the school curriculum because of general misunderstanding of the purpose of such study; therefore be it

Resolved, That the National PTA, its state branches and local units develop educational programs designed to promote understanding of the U.S. Supreme Court decision regarding the reading of the Bible and the use of prayer in the public schools; and

Resolved, That the National PTA help its state branches and local units to implement such a program by supplying them information about investigated educational materials and legal programs on teaching *ABOUT* religion being used presently in many school systems; and be it further

Resolved, That the National PTA, its state branches and local units initiate conference and cooperation between religious and secular groups to produce intelligent action in order that every child may experience the highest advantages in character and spiritual education.

"WE'LL HELP YOU MAKE IT"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. REES. Mr. Speaker, one of southern California's major food processors, Hunt-Wesson Foods, Inc., is embarking upon a new promotional program which can do much to help the average family combat the rising cost of living.

The program, entitled "We'll Help You Make It," offers the public individual, computerized monthly menus suggesting ways a family can provide for nutritional and appetizing meals at the lowest possible cost.

Under this program, a family will fill in a coupon—obtained from newspaper and magazine ads or from the local supermarket—specifying the size of the family and the amount of money available for food purchases.

By sending this coupon to Hunt-Wesson's Computerized Meal Center in Dayton, Ohio, the family will receive in return, at no cost, a personalized full month's menu based on current prices, with buying tips and recipes.

Hunt-Wesson will be spending more than $2,500,000 in this program, in addition to the sums it is already spending on its low-cost cookery program it initiated last year to help educate consumers to the advantages of more modestly priced and nutritional foods.

Mr. Speaker, there is, of course, no substitute for a more determined effort by the administration to bring down the spiraling cost of living.

But in the absence of such action by the administration, the Hunt-Wesson people are to be commended for their own programs to help the American people make ends meet.

ON LOOKING AT SMALL BUSINESS IN THE 1970'S

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of the distinguished Senator, the senior Senator from Nevada (Mr. BIBLE) on "Small Business Looks at the 1970's." The speech was delivered at the first national convention for the 550 field directors of General Business Services, Inc., of Washington, D.C., one of the Nation's foremost small business counselors. The convention was held at the Marriott Twin Bridges Motel from June 29 to July 1, and the Senator addressed the group on June 29.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

(Address of Senator ALAN BIBLE, Democrat, of Nevada, chairman, U.S. Senate Select Committee on Small Business, before First Annual Convention of General Business Services, Inc., Washington, D.C., June 29, 1970)

SMALL BUSINESS LOOKS AT THE 1970's

Mr. Chairman, small businessmen and businesswomen and friends and guests of your convention, it is a distinct pleasure for me to accept the invitation of President Browning today to address a gathering of small entrepreneurs who daily help other small entrepreneurs across this Nation. This first national convention of General Business Services Corporation is a graphic demonstration of how new industries can grow up within the free enterprise economy of this country. More particularly, it reflects just how the franchise field mirrors the real potential of our economic system—imagination and innovation.

Some months ago your convention officials asked me what my topic would be so they could use it in advance announcements of your convention. I bravely said the general title would be "Small Business Looks at the 1970's". . . . Whether I would be brave enough again today, in all honesty to pick that topic in view of our economic jitters these days, I would seriously doubt. Be that as it may, I believe you will agree with me that any look at our business future through today's economic-clouded glasses takes a daring crystal-gazer no matter whether it is a financial expert or novice doing the predicting.

Today we have prices and wages moving upwards feeding the inflation spiral. At the same time unemployment is increasing and the rate of business failures is on the upswing, highlighted this past week by the nation's largest railway system going into bankruptcy, adding more confusion to a jumping-jack stock market.

Over the past year, we have noted with mounting concern the triple squeeze on our small businessmen from credit policies restricting money in the private sector, tax changes adverse to small firms and a cutback of nearly 60 percent in the last-resort lending programs of the Small Business Administration.

Three months ago, the First National City Bank of New York forecast a severe economic downturn, the first in a decade, "as a result of the tight money policies pursued throughout 1969." Wall Street commentators in April and May were saying: "All indicators point to severe . . . pressures on profits during the first half of the year . . . perhaps more than 20 percent on a before-tax basis. . . ."

Net corporate working capital, from December 1968 to April 1970, rose only $2 billion (or less than 1%). The bulk of this increase was in inventories (at the highest ratio to sales in 9 years) and accounts receivable; while cash and government securities both declined more than 10 percent. As a result, we are seeing liquidity difficulties, particularly for communications, finance, and railroad companies, with Penn Central being the most notable victim.

Across the spectrum of commerce, the number of business failures increased 20.5 percent in the past year with the annual failure rate in a comparable rise from 36.4 firms per 10,000 to 43.7 percent.

Unemployment, according to Governor Brimmer of the Federal Reserve System, may average 5.5 percent for the next six months.

Prices in the past 12 months rose at their steepest rate in 20 years.

Since December of 1968 the Dow-Jones Industrial Average has declined roughly 300 points, or about 30 percent of its value.

Requests to the President to supplement the Administration's financial policies, which have been described under a heading of "gradualism," have come from among others, the Managing Director of the International Monetary Fund, the Organization for Economic Cooperation and Development, the Chairman of the Federal Reserve System, and distinguished Members of Congress from both parties.

Already serious doubts have been expressed that merely making a monthly identification of inflationary wage and price increases will not do the job that is needed to reverse these trends.

In continuing the process of gathering information, correctly interpreting it, and making proper decisions on the action to be taken about our economy, we need to bring to bear all the wisdom and experience this Nation possesses.

And what does all of this mean? I assure you I am not here to paint a drab economic picture of the future because the country's top economic prognosticators differ widely and deeply in their predictions. As a legislator and someone who listens to what the various economists, bankers and business leaders predict, just as you do, I see no valid reason for a crying-towel or a doom-and-gloom recitation at this time. And as for you directly, one big reason is that as franchisees, you are participants in one of the most dynamic features of our economy today. What about franchising?

According to estimates of Senator Harrison Williams' Subcommittee of my Small Business Committee, which held 6 days of franchise hearings earlier this year, the number of franchise holders is now over one-half million. The Small Business Administration projects an increase of 650,000 units by 1976. Our Subcommittee estimates that the franchising industry now generates about $90 billion in sales annually, almost one-third of the country's retail total, and nearly one-tenth of our entire gross national product.

And why is franchising such a dynamic force today. It offers a prospective businessman with limited capital and experience the opportunity to own and operate a business which has been settled into a relatively established format. However, a major ingredient is the franchisee himself and the drive, discipline and willingness to work long hard hours which he brings to his endeavor. I therefore congratulate you for your part in a classic American success story.

There is an almost natural law that big businesses tend to deal or do business with other big businesses. Likewise, small businesses tend to trade with other small businesses. It doesn't have to be that way, but that is what the facts seem to prove out. You franchisees who serve small business are witness to the operation of this law, for you are small businesses dealing with small businesses. You are performing a creditable and necessary function, because you work every business day to strengthen the vitality of our Nation's small businesses.

Many students of business size have a tendency to emphasize the advantages of big business over small business, but that is a mistake. Those who are close to the small businesses of America know very well that they are truly the foundation of the American economy . . . its true well spring, if you please.

There, flexibility, quick adaptation, native unincorporated intelligence, personalized relations with employees, other businesses and the general public, and above all the vital element of high personal risk-taking, have an opportunity to dominate and flourish.

There is the tough frontier for new risk-taking entrepreneurs to enter, the new land of opportunity which hundreds of thousands choose to enter each year. There is the opportunity for responsibility and decision-making and the challenge of risk-taking, which are the seedbed for our best managers in both large and small American businesses. And there is the retreat, the self-renewal for which thousands of managers, scientists, and engineers abandon big business each year to refind themselves in the small business crucible of renewed enthusiasm, challenge and new horizons.

The tremendous service which you are performing for these small businesses in your every work day to bring them some of the advantages of large-scale business through your specialized services. You relieve them of tedious routine or the burden of operations which can better and more cheaply be performed by specialists like yourselves. Thereby, you leave them free to concentrate on their unique capability . . . their thing . . . which is their business acumen.

The American people have wisely been aware of the vitality with which its small businesses strengthen our economic life, and have wisely embodied their appreciation in the great organic legislation, the Small Business Act of 1953. On the legislative side, the Congress has seen fit to create two special Select Committees on Small Business to help monitor the well being of small business. In the executive branch of the Government, the Small Business Act is translated into reality by the Small Business Administration in its relationship with other branches of government and the general public as well.

Now, I should like to tie together for you the points I have sought to make thus far today by means of a simple comparison . . . I have rarely seen it expressed this way but I believe it sets forth the absolute wisdom of the American people in their belief in small business.

At the very heart of economic strength must be found a vigorous decision-making process and a stringent over-riding risk-taking. That is the nucleus of the free enterprise system. The decision-making is indispensable because of the lightning-fast changes which characterize our age of innovation. On the other hand, personal risk-taking is the whiplash which keeps businessmen honing the competitive razor in the marketplace.

Now, in these terms let us concern our economic system here in the United States with that in Russia. Yes, when the chips are down, and when the problems get heavy, the Russians always have one economic decision-maker, *the Kremlin*, and *no* personal businessmen risk-takers.

But what about the United States? We have over 11 million risk-takers, businessmen and women, that is. And 99 percent of our businesses are small businesses. They provide a deep, vibrant, challenging, freedom-of-choice, self-motivated challenge to do better and reap the personal rewards of their personal endeavors through personal profit. Our Soviet neighbors across the seas have no comparable challenge.

That is the essence of the differences between the Russian economy and ours. That explains why Russia has over 15 percent greater population than the United States yet 50 percent less Gross National Product. The Union of Soviet Socialist Republics recently celebrated its 50th anniversary. Fifty years have been more than enough to achieve a much closer gap with the productive capability of the United States. Certainly, the Japanese and the Germans have done better in 25 years subsequent to their World War II defeats.

I believe you will find the reasons for our greater economic gains lie in the number of independent, self-governing businesses. We have no Gosplan; we have no Central Party Committee to dictate to each business enterprise. We have over 11 million individual, independent businesses. That is the American strength.

And what about these 11.4 million businesses, just who and what are they? About 80 percent are sole proprietorships, another 12 percent are corporations and the remaining 8 percent are partnerships.

Farms numbered about 3.4 million, or 30 percent of the total. Retail, services, and finance, insurance and real estate groups number about 5.8 million, or 50 percent. Manufacturing had 410,000 businesses for 4 percent and contract construction had 880,000 for 8 percent. The balance of 8 percent were in mining, wholesale trade and various utilities.

By size, almost all farms are small business although big corporate farming is on the rise. Of the 8 million non-farm businesses, 85 percent had annual business receipts under 100,000, and another 13 percent were bigger but under $1 million. Thus, 98 percent of the non-farm businesses were small by the definition of the receipts under $1 million, and over 99 percent if farms are included.

Thus, I repeat, that is the American strength.

And what is another challenge as small business looks at the 1970's? May I read to you from a letter I received several months ago from a business management executive. He said:

"During the 1960's, growth was the prime objective of business effort. The 1970's may have brought us to a plateau. Managements tend to concentrate today on efficiency although growth, of course, is still desired. But greater efficiency may be the key to survival."

And, of course, that message is particularly significant for all of you as you think about yourself and the 1970's. You have businesses which provide a medium for upgrading efficiency of other business firms throughout the small business segment of our economy.

That is not only your personal challenge but the challenge to all small businesses as you seek to enrich and strengthen the American economy.

In closing, may I wish you well as small businesses in your own right, and as allies of other small businesses you serve across this land. Those of us in the legislative halls of the Congress with special responsibilities to assist small business will continue to work hand-in-hand with you as the 1970's present their challenges, their burdens and their benefits.

IN SUPPORT OF THE MANPOWER BILL

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, I would like to rise in behalf of

the manpower bill, and in particular I would like to single out for special praise the effort to expand the public service employment in the State of North Dakota. We have had a special mainstream program in Minot, N. Dak., where Green Thumb workers came in to clean up after the flood in the parks, helping distressed families and working with the public agencies. This project has gained a great deal of public response and support and showed the potentials for this kind of program throughout the State.

Communities throughout the State, including Fargo, have inquired how they could get a similar program in their area, both to assist in doing necessary public work and also to do a job showing the potentials and carrying out the training with older workers. We have also heard about the excellent programs over in Minnesota and the manpower bill provides a good chance for this kind of public service employment and training of older workers who have had to leave agriculture and move into our towns.

For this reason I strongly support the manpower bill and thank the administration and the members of the committee for developing this much needed legislation.

FUEL CRISIS IN NEW ENGLAND

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HATHAWAY. Mr. Speaker, on September 30, members of the New England House Delegation, Democrats and Republicans, requested a White House meeting with the President to discuss the prospect of his ending present import quotas on badly needed heating oil. A similar prospect was suggested earlier by the President's Task Force on Oil Import Quotas, but, ostensibly, rejected.

As yet, there has been no reply as to whether our meeting request will be granted. Understandably, Mr. Nixon's response has been delayed by his European trip and his preparation of the recent televised speech on Vietnam. But now those commitments are past and I would expect to receive word on the proposed meeting soon.

There is no question but that the Nation, and especially the New England area, is threatened by a very serious heating crisis this winter. Nor, as is evidenced by the articles which appear below, is there any question but that the best remedy to such a crisis is available in fast and firm executive action. The people of New England are relying on the President for this response. I therefore hope that the President will consent to meet with the New England Delegation so that New Englanders can at least be sure he is aware of the true scope of the problem and considering remedial action, hopefully, of equal scope.

At this point, I ask that the following New York Times articles be included in the RECORD. The first, entitled "Man-Made Fuel Crisis," is a Times editorial that appeared October 2; the second, "Why There May Be a Shortage of Heating Fuel," was written by William Smith and appeared October 4. The items follow:

MAN-MADE FUEL CRISIS

It comes as a stunning surprise to most Americans to realize that a temporary shortage of coal, oil and natural gas may produce power blackouts and brownouts this winter. That surprise is heightened by the state's notice to New Yorkers that fuel rationing might be necessary here for the first time since World War II. The ordinary citizen's astonishment is justified. If ever there was a man-made crisis, this is it.

There is no shortage of coal, oil and gas as such. The nation's reserves of all three are still enormous. Foreign sources are also available. But several special circumstances have developed at the same time to cause disruptions in the normal marketing of these fossil fuels.

The United States is a coal-exporting country, and coal exports have risen this year. Heavy exports have tied up railroad coal cars at seaports where they wait for days to be unloaded. The new Federal Coal Mine Safety Act—long overdue and still slackly enforced—has pinched production because companies are closing small mines rather than making the capital investment necessary to bring them up to the new Federal safety standards. But, basically, the shortage is not of coal but of railroad cars.

The international oil market has been upset because Libya is restricting production in an apparent effort to get a higher royalty for its oil. Syria, bringing pressure for higher transit fees, has refused since May to repair a break in a major pipeline. But the United States could easily overcome these adverse factors if domestic oil production were not rigged low to keep the price stable and imports from Venezuela not rigidly restricted.

Natural gas has moved temporarily into short supply, partly because gas producers and distributors did not forsee the extent to which the public outcry for clean air would send the demand for their product skyrocketing. Unfortunately, however, another part of the explanation is that the major oil companies, which own the lion's share of gas leases, are not averse to an artificially induced gas shortage which would heighten the pressure for a hefty increase in gas prices.

The Council of Economic Advisers' first "inflation alert" noted that fuel prices have been advancing with "exceptional rapidity" this year. The cost of bituminous coal climbed at a 34.4 per cent rate in the first quarter, then shot up at an 81 percent rate in the second quarter. Residual fuel prices went up at a 36 per cent pace in the first quarter and 60 per cent in the second.

The Administration's instinctive response to this many-sided problem was to let it drift. Dr. Paul W. McCracken, the President's chief economic adviser, said several weeks ago: "I think the most helpful solution from what very little I have been able to see of this problem at the moment would be to pray for a benign weatherman this winter."

With the seriousness of the problem becoming more apparent every day, however, the White House has now announced some small measures. They seem more designed to take the political heat off the Administration than to provide real heat to anyone else.

The Interstate Commerce Commission has doubled the charge for railroad cars standing idle in loading zones. The impact quota of 40,000 barrels a day on fuel oil used for home heating on the East Coast is to be doubled in the first quarter of 1971, but with a compensating reduction in the last nine months of next year to maintain the over-all average. Other import restrictions are eased in minor ways. "In view of numerous uncertainties, no one can now be sure that these steps will be adequate," the Administration spokesmen observed.

The Administration has spent a year and a half marching up the hill and then down the hill on oil import quotas. It is time to march back up the hill and stay there. Oil import quotas make no sense at any time, as the President's own task force has made plain. In a time of fuel shortage, they constitute nothing less than an attack by the Federal Government on the welfare of milions of its own citizens to safeguard oil industry profits. The Eastern Seaboard should routinely meet much of its energy needs by imports of oil from Venezuela. The quota changes announced this week amount to mere trifling with the issue.

The regulatory commissions in the oil-producing states could be prodded to increase the number of days on which oil is pumped from existing wells. The doubling of charges on idle railroad cars is a step in the right direction, but the Department of Transportation could work with the coal-carrying railroads to devise new procedures and, if necessary, new incentives and stiffer penalties to get them to cut their "turnaround time" on unloading coal cars.

If fuel rationing is necessary this winter, homes and stores will have to take precedence over heavy industry. But this is a choice which should not have to be made. Aggressive Government leadership can still make it unnecessary.

WHY THERE MAY BE A SHORTAGE OF HEATING FUEL

(By William Smith)

The Administration began taking concrete steps last week to avert the possibility of the country's first peacetime fuel shortage.

The moves appeared to satisfy no one, and the specter of unheated homes, idle factories and power shortages continues to hover over the Northeast and mid-continent sections of the country.

The Administration's actions ranged from a modest relaxation of the import restrictions on No. 2, or home heating, oil to steps effecting an increase of some 36,000 barrels a day in the amount of crude oil Canada is allowed to ship into the United States.

The program was announced Tuesday by Paul W. McCracken, chairman of the Council of Economic Advisers and a member of the President's Oil Policy Committee, and George A. Lincoln, director of the Office of Emergency Preparedness and chairman of the Oil Policy Committee. They urged the consuming public to "conserve the use of energy."

Mr. McCracken gave assurances that no homes would be without fuel. He suggested, however, that industrial users might have to cut their fuel consumption during periods of extreme cold.

New England members of Congress from both sides of the aisle were quick to criticize the Administration moves as far too limited. Senator Edward M. Kennedy, Democrat of Massachusetts, characterized the program as "callous disregard of the needs of New England consumers."

The oil industry, on the other hand, believed that the steps taken by the Administration had very little to do with the chief problem, the shortage of No. 4, 5, and 6 residual fuel oils. These are used to heat apartments, hospitals and factories and run utility generators.

The common denominator between the Administration and its critics, both consumer and industry-oriented, was an obvious sense of uncertainty.

Why not?

SHOCK FOR AMERICA

To a country accustomed to always getting light when it turns the switch and receiving warmth when it moves the thermostat, even the hint of a shortage comes as quite a shock—a shock that may not be fully comprehended until this winter.

The energy shortage, if it occurs, is the result of many complicated forces—some old, some new, some political, some logistical—coming together at a point in time when the country was vulnerable. Oil, gas, coal and nuclear power all have played a role in creating the present situation.

The problem first came to the surface in May, when a tractor in Syria "accidentally" poked a hole in the Trans-Arabian Pipeline. The Syrians, for political reasons, have refused to repair the line, cutting off 500,000 barrels a day of crude oil from Mediterranean ports.

In June, the Libyan Revolutionary Government began price negotiations with the oil companies operating there by ordering cutbacks in production, reducing by another 700,000 barrels daily the amount of crude available at the Mediterranean ports for easy shipment to Europe.

To replace more than a million barrels a day, cut off by Syria and Libya, means that oil must be carried from the Persian Gulf around the tip of Africa to Europe. Five times the amount of tanker tonnage is needed to carry the comparable amount of oil because of the much greater distance. An already tight tanker situation was made far worse, forcing spot tanker rates to a record high.

Back in the United States, longer-range forces were coming into play. Electric power demand in the last three years of the 1960's grew at a rate considerably faster than predicted.

At the same time, the promise of nuclear energy failed to become a reality. Thus by early 1969, only 2,840 megawatts of nuclear capacity were operative, in contrast to the 4,200 megawatts forecast by 1968 by the Federal Power Commission.

In anticipation of shifts by the electric power industry to nuclear fuel and pressures from the Government to cut down on air pollution, coal companies did not expand production and transportation facilities. Instead, they exported coal profitably under long-term contract to Europe and Japan.

Utilities on the other hand, because of anti-pollution regulations, began switching in large numbers to natural gas and residual oil as fuel sources.

The steps taken by the administration appear to be of limited importance. Some observers believe that President Nixon is relying on jawboning to get the domestic refiners to raise their yield of residual oil.

A bigger help would be a mild winter.

THE CRITICAL BOTTLENECK

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. METCALF. Mr. President, the critical bottleneck of law enforcement in the affairs of large corporations is the failure of Government to collect and disclose information upon which it and its citizens can act. Corporations emphasize their attributes through extensive advertising and promotion programs. They are reluctant, however, to disclose data which detracts from their public image.

Information about corporate activity which the public needs to know, but cannot obtain, must be obtained by Government. Industry seeks to discourage disclosure through a variety of methods. One of the most important—and assuredly the least publicized—methods is through advisory commissions, of which there are hundreds at the federal level.

Last week Senator MUSKIE's Subcommittee on Intergovernmental Relations held 4 days of hearings on Federal advisory commissions. The hearing focused on the Budget Bureau advisory committees. They have no statutory basis. They are composed exclusively of industry representatives. They have operated since 1943. I daresay that until last year not one person in 10,000 in this knowledgeable city was aware of their existence, not to mention their influence.

Ralph Nader testified Thursday. Substantial excerpts from his extemporaneous testimony deserve to be printed in the RECORD, for three reasons:

First, they will be instructive to the many young men and women who are training themselves in effective methods of restructuring and improving our society.

Second, they will be helpful to those newsmen who desire a fuller understanding of the public's right to know.

Third, Mr. Nader's testimony will, I hope, engender more interest within the Congress in the importance of corporate disclosure, and Government insistence upon it, to law enforcement.

Special urgency attaches to one of the examples cited by Mr. Nader, the inventory of industrial water waste.

As some of you are aware, this inventory was proposed 7 years ago. It was designed to determine the facts about water pollution—who is polluting what, where and how much. This information is obviously needed in order to develop standards, prosecute violators, and stop pollution.

This inventory has not been made, despite efforts by congressional committees and pollution abatement officials, because the Office of Management and Budget does not approve of it. OMB has the power to approve agency requests for collection of information from 10 or more firms or individuals. OMB listens to its industry advisory committee, which does not want to disclose their contributions to pollution, rather than to Congress and pollution abatement officials.

OMB is the Government information threshold—the Khyber Pass, to use Mr. Nader's phrase—and this powerful agency has kept from the Congress, from regulatory agencies, and the public, information which we very much need.

Mr. President, I have just learned that the administration plans to initiate this coming weekend a remarkable pollution inventory, which is in reality a gruesome hoax. The inventory will be sent to only a small percentage of the companies which are likely polluters. It will be a trial inventory. And it will be voluntary.

A voluntary inventory, as Mr. Nader pointed out:

> Is going to put a premium on industrial dishonesty because the companies that are polluting and are willing to be honestly reported are going to be subjected to greater interests by the regulatory agencies.

I have asked the President to reverse OMB promptly. I have asked him to direct that a comprehensive, mandatory inventory of industrial water waste be undertaken at once, in the interest of environmental protection and law enforcement.

I have also suggested that the President's National Industrial Pollution Control Council—which is scheduled to meet in closed session at the Commerce Department tomorrow—be broadened to include ecologists, youth, women, and other nonindustry interests. This 63-man council is now composed exclusively of board chairmen and presidents of major polluting companies and their trade associations.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from Mr. Nader's testimony, that of his associate Petter Petkas, colloquy with Subcommittee Counsel E. Winslow Turner, and background articles on the inventory of industrial water waste which were published in Science, the New York Times, and the Missoulian.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE CRITICAL BOTTLENECK

Mr. NADER. The critical importance of information obtained by government agencies in fulfilling their statutory and regulatory mandates needs little elaboration. But I think it is important to focus on at least three points here so that we can frame the background of our discussion with some greater concreteness.

First, the implementation of congressional policies such as in the area of anti-trust, pollution, safety, rate-making, or approving, the allowance of subsidies, the giving of licenses and certificates for routes, and many other activities require detailed information from these regulated industries that come under the statute if the agency is going to develop sound policy, equitable policy, and develop some sort of criteria to insure compliance with its regulations.

The second function of information is to permit more rational decision-making that individual citizens or public bodies can evaluate. It is not sufficient for an agency simply to produce what it thinks is a good decision without elaborating the details and the facts behind that decision. The greater the amount of information obtained the more likely that the agency will be more detailed, meticulous, accurate, and more careful in the kind of decisions that it makes and, incidentally, quite as important, in the kinds of decisions that it refuses to make. The more information that is obtainable and is actually obtained by these agencies, the less likely are we going to get a perpetuation of this endemic disease that we know as bureaucratic delay, bureaucratic inaction, oftentimes perpetuated by the excuse of inadequate information or the difficulty of obtaining information.

And thirdly, information obtained by government agencies permits citizens access to this information in order not only to evaluate government action, but to inform themselves so they can pursue their own citizenship activities, their own pursuit of rights whether before legislatures, courts or whether in the form of public opinion. The blockage unnecessarily of any form of information that government needs from business for its regulatory duties also limits the usefulness of the Freedom of Information Act. What good is the Freedom of Information Act if the rights accorded under that Act can't cling to any information of any significance because the information was never collected by the regulatory agencies because the Bureau of the Budget or the Office of Management and Budget has impeded that collection?

It is a remarkable tribute to the ability of business and government to engender a process of secrecy since 1942 when the Federal Reports Act was passed that was so

impressive that it even escaped the attention of some long-time employees in the Bureau of the Budget.

I recall over a year ago I asked the Chief Recruiter of Personnel for the Bureau of the Budget about the birdwatchers list and about these activities under the Federal Reports Act, and the individual had never heard of them. And the individual happened to have been a Bureau of the Budget employee for many years.

The secrecy began to break down with probes such as the one undertaken by you, Mr. Chairman, and by the Consumer Federation of America and other groups about two years ago. But it is quite clear that the Bureau of the Budget, or the Office of Management and Budget as it is now called, has control over the "Khyber Pass" of information procurement in the Federal Government. And it makes very little difference what the situation is in one agency or the other or what the clarion calls are from Congress as long as that critical "Khyber Pass" is controlled by a handful of anonymous Bureau of the Budget personnel with their industrial conferees.

The history of the Federal Reports Act is significant here. First of all, it was born out of wartime emergency and crisis. With the establishment of the Office of Price Administration a large number of forms had to be sent not only to large businesses but to small businesses and to many citizens to deal with such things as price controls, rationing and the like. This, of course, caused an uproar among citizens who had to wait in line at the post office to make sure that these forms were filled out properly during the rationing process. It created the kind of uproar that congressional representatives are very responsive to, of course, the bill was introduced and it was pushed through with incredible haste.

I regret to say that even Congressman Patman, who usually watches out for these things, was so pressured by his constituents that he was willing to push this through with great haste. I give this example to illustrate that it was a panic situation in Congress at that time, so great was the uproar from individual citizens who had to fill out these forms.

There is also another Act and amendment that is relevant to the OMB's authority here—that is the Budget and Accounting Procedures Act of 1950.

Now, I would like to illustrate how inept that Federal Reports Act is to present day necessities and how misconstrued have been its original purposes and spirit by quoting from a number of addresses by regulatory commissioners, very briefly. These are rare comments, critical to say the least, on the OMB's power here.

This excerpt comes from a speech entitled "Regulatory Independence, Factual of Fanciful," by Commissioner Everette MacIntyre of the Federal Trade Commission delivered at the Federal Bar Association on January 16, 1969.

He states, "The power of review within the Bureau of the Budget extends so far as to permit forbidding collection of all or a part of the information sought. In the case of the traditionally used questionnaire, for example, the Bureau of the Budget may withhold clearance for its issuance altogether or it may strike certain questions—a matter entirely within its discretion.

"Congress in its haste to pass this bill, however, did not heed the warning of those questioning its extent, although this point was the subject of considerable debate. Specifically, some members of Congress felt that while the bill was ostensibly aimed at the elimination of unnecessary and presumably duplicate reports the way it was phrased gave the Director of the Budget a good deal more control over the collection of information than was necessary under the circumstances and perhaps even intended by Congress had it considered all the ramifications of the bill. As it turned out, the Act permits the Bureau of the Budget to exercise a good deal of control over the investigative functions of the independent agencies. With respect to the Federal Trade Commission this represents a drastic departure from the theory of its creation. One of the Commission's most important functions arises out of the mandate to investigate and publicize business conditions harmful to the continued good health of the economy and to do so independently and outside of the control of the Executive. Any control over its ability to investigate or a substantive review of the information it seeks will naturally adversely affect the independence of the Commission.

"There is no doubt that the purpose for which the Act was conceived, to cut costs to the government and to avoid unnecessary harassment of citizens and business, has considerable merit. If, however, it becomes an instrument of control over some types of investigations, specifically those in independent regulatory agencies, and if this in fact has occurred, it would appear that the authority of the Act vested in the Bureau of the Budget needs to be reexamined."

Not long thereafter, Chairman Paul Rand Dixon—

Senator METCALF. Mr. Nader. May I interrupt. Mr. MacIntyre, of course, used to have an office just across from mine when I was a member of the House of Representatives, and he is an outstanding expert. But he was talking only about the Federal Trade Commission.

Mr. NADER. Yes.

Senator METCALF. But this reaches over to the independence of all of the regulatory agencies.

Mr. NADER. Of course. I wanted to take what few documentations I have been able to obtain where regulatory commissioners have had the courage to stand up in public and criticize the Federal Reports Act administration by the Bureau of the Budget, and I will extend my comments on that in a moment.

Senator METCALF. Surely.

Mr. NADER. A few days later on January 30, 1969, Chairman Paul Rand Dixon, before the Anti-Trust Law Section of the New York State Bar Association made the following remarks: "I fear, however, that the statute could operate considerably beyond its goal if used to interfere with the gathering of information for law enforcement purposes. Any decision by the Commission to utilize any of its compulsory processes takes into account the policy of the Act of avoiding unnecessary harassment of citizens. The Federal Reports Act, however, was never intended to foreclose the use, for example, of extensive and detailed surveys which may be the only feasible and certainly is the most efficient way to conduct important investigations for broad-scale law enforcement purposes."

I might note here that while the greatest merger movement is US history was underway in the last six to seven years, the Federal Trade Commission was impeded repeatedly from putting out the kind of detailed questionnaire to hundreds of corporations that would have permitted it to anticipate and plan for this merger trend rather than to be caught short with essential data that it should have had years ago.

In this connection, there is need for some reference to a very little read statute, the Budget and Accounting Act of 1921. This was the basic Act which began the process of control over federal agencies' budgets by the Bureau of the Budget. In Mr. MacIntyre's speech, he referred to this Act and he also stated that it was his judgment that the Act has been interpreted and elaborated in practice far beyond its original purpose and spirit, which was a concern over economy in government. And I would submit his entire speech as well as Mr. Dixon's speech in the record for perusal here.

I don't think, Mr. Chairman, that the Federal Reports Act can be fully understood without going back to other generic acts affecting the authority of the now named Office of Management and Budget.

Senator METCALF. Those matters will be incorporated in the record at the conclusion of your remarks, Mr. Nader.

Mr. NADER. Thank you, sir.

At this point to indicate how broad the powers are as conceived by OMB in administering the Federal Reports Act, I should like to quote from one of the more complete statements by the Office of Statistical Standards which administered the Act under the old U.S. Bureau of the Budget. This was an article which appeared in the Statistical Reporter, July 1968. And I would like to quote their concept of their authority: "It is sometimes assumed (or hoped) that the review procedure does not apply to the basic need for the data, but only to problems of duplication or technical problems of form design; that it applies only to statistical reports, not those needed to administer a program; that it applies only to reports which the respondent must file as a requirement of law, not those which are voluntary; that it does not apply to reporting programs pursuant to a legislative authority given the agency; or that it applies to data collected in certain ways but not in others.

"No such limitations are written into the Act. It has over the years been interpreted to give the Director a broad authority over all types of data collection by all agencies in the Executive Branch with very few exceptions. The exceptions included the reports of the Internal Revenue Service and several other Treasury bureaus, and forms arising from bank supervision. Also, the Act does not apply to data collection sponsored by the legislative and judicial branches"—for which we may be thankful, incidentally.

I would like to say that while there may be interpretations of this Act more restrictive than that offered by the Office of Management and Budget, that it is truly a very broadly-written Act and that Section 3(d) of the Act has the following statement: "To the extent, if any, that the Director determines"—that it is, the Director of the Bureau of the Budget—"the collection of such information by such agency is unnecessary either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another federal agency, or for any other reason, such agency shall not thereafter engage in the collection of such information."

Who are the principal beneficiaries of the Act? It is quite clear that even though only the surface of the iceberg has emerged visibly in the administration of this Act, that big business is the principal beneficiary. These are the representatives that dominate the various subcommittees under the Advisory Council on Federal Reports. These are the gentlemen who represent the large trade associations, the large oil companies, the large electric utilities, the large automobile companies. They are omnipresent.

In other words, it is quite clear that what was the basic concern of the Act, namely undue harassment by questionnaires emitting from Washington of individual citizens and of small businesses, has not been the concern of the Office of Management and Budget, that the overriding major question that it has been concerned with has been the impact of occasional surveys desperately needed by federal regulatory agencies, from the Federal Power Commission to the Federal Trade Commission to the Food and Drug Administration to the U.S. Department of Agriculture to the Department of Transportation

regarding big business operation and the large oligopolistic industries.

In 1942, the then Director of the Budget asked for business advice to be processed through formal advisory committees. The Advisory Council on the Federal Reports, originally known as the Advisory Committee on Questionnaires, was established, and shortly thereafter a long series of subcommittees dealing with various industry groups and regulatory areas were also developed.

Now, it seems to me that the type of operation that is going on over there behind closed doors is ideally suited for abuses and ideally suited to perpetuate unbridled secrecy.

In the first place, let us list the reasons why the present situation over at OMB is almost a textbook cases of unjust, secret administrative behavior.

First of all, there is unbridled discretion in the decisions to overrule portions or entire segments of questionnaires or to reject a questionnaire altogether. There is unbridled discretion in delaying the approval of these questionnaires.

I might say that the section in the Federal Reports Act dealing with unlawful disclosure of information and other prerequisites to the collection of information only feeds that unbridled discretion. In his recent book, Dicretionary Justice, Professor Kenneth Culp Davis, bridles against the uncontrollable discretion in federal regulatory agencies. One might say that the unbridled control of discretion in these agencies is a picnic by comparison with what goes on in the Office of Management and Budget.

The second deficiency in the administration of the Act is the secrecy, secret meetings, no complete transcripts, inadequate minutes, a closed fraternity, which has slightly had a window opened upon it in the last two years by the permission extended by OMB to have public representatives or consumer lawyers attend some of the meetings. This has not been very effective in developing consumer or public scrutiny partly because the closed fraternity has developed a process of intimate caucusing where the deals are worked out.

The kind of fraternization and ex parte contacts that go on are notorious. Mr. Harry Sheftel, for example, an old hand in dealing with these advisory committees, is an illustration of business in government, is an illustration of how a civil servant paid for by tax funds can in effect perform business duties in his governmental role. He has been singularly uncooperative and singularly secretive toward any people who have been trying to get the facts about this operation in the Office of Statistical Standards, now the office of Statistical Policy.

Fourthly, there has been an incredible delegation of the authority of OMB and its predecessor the Bureau of the Budget to these advisory panels. This is a delegation which in effect goes way beyond an arbitration role between these industrial spokesmen and the federal regulatory representatives seeking the questionnaire, because in case after case, the regulatory agency has been overruled, has been deterred, has been delayed and in fact the hurdle that one has to overcome against this combined bastion of industry representatives and amalgam of Bureau of the Budget officials is such that many agencies don't even make a try anymore, that many needed questions and many needed questionnaires are not even offered to the Office of Management and Budget.

Indeed in the statement that I referred to in the Statistical Reporter on January 1963, the anonymous author, which is another indication of the secrecy here, the anonymous author stated the following: "One object of review"—that is the Bureau of the Budget's review—and I am quoting—"one object of review is, of course, to kill unnecessary reports, but the number of proposals formerly disapproved is small. This is inherent in the nature of the operation and the relationships which the professional staff deliberately cultivate with their opposite numbers in the agencies. The hurdle of Budget Bureau clearance discourages proposals of marginal merit."

The fifth deficiency involves the personal attitudes of the Office of Management and Budget. For example, in interviewing personnel in the Office of Statistical Policy, the most incredible analogies were made. One individual of considerable acumen, for example, put forth the analogy in terms of rights of privacy; the right of women to be protected in their rights of privacy on questionnaires dealing with cervical cancer was anologized to the rights of privacy which they wish to similiarly accord to giant industrial enterprises affecting pollution, affecting utilities rates, affecting safety standards. In other words he was putting the corporation in the same status of protecting rights of privacy as he would individuals filling out personal health questionnaires.

There is also a sixth problem which has received very little attention, and that is the total lack of skilled staff competent in the Bureau of the Budget to really analyze these questionnaires. Since there is no skill here, since there are only a handful of officials involved, that is what encourages the total delegation of the substantive analysis to these industry advisory committees. I will illustrate that in a short time. The natural adversary role between the Office of Management and Budget and the regulatory agencies further encourages the Bureau of the Budget to go to industry personnel for this kind of policy-making assistance.

Of course there may well be other deficiencies involved. Who knows what is going on and what has been going on in the Office of Statistical Standards. Who knows to what degree there has been fraternization and perhaps other less than savory relationships.

The fact is that as long as it is in a secret cocoon nobody is going to find out. When people began studying the Interstate Commerce Commission last year it, too, was very secret, and as it was opened up we now read about the kinds of neglect, the kinds of waste and now the kinds of criminal violations by personnel in the rate-approving bureaus, in the Tariff Bureaus that the ICC has forwarded to the Justice Department for possible action. Whenever there is no public spotlight on a critical function of government, the seeds for abuses are sown.

The other interesting question which few people have attempted to even consider is what does the Department of Defense do here? Obviously, it needs various answers from industry and yet there is almost no record of questionnaires going through the Bureau of the Budget here. Is this the same situation as was admitted over a year ago by the White House and the Bureau of the Budget that the Bureau of the Budget hardly reviewed the Defense budget? It basically perfunctorily passed on and in effect permitted a unilateral determination by that Department. I think that and perhaps other departs that don't routinely go through the Bureau of the Budget process may throw greater light on the true parochial function of this Khyber Pass of information.

The complaint process by the agencies is something which deserves your investigation. It is quite clear that most commissioners of regulatory agencies are not about to stand up in public to the Bureau of the Budget or OMB. They have to pass their communications to Congress through OMB. And they are not about to criticize the administration of the Federal Reports Act in public or in more formal ways.

I think this is very unfortunate. I think this is an excessively stifling, if not totalitarian submergence, of free speech on the part of government regulatory commissioners in this area, and I would urge the subcommittee to encourage, if not demand, the emergence of detailed commentary and case study about this problem by federal regulatory commissioners, past, present, and those in the submanagerial levels in these agencies who deal on a day-to-day basis with OMB.

I would like to next turn to a number of case studies of abuses so as to perhaps make this consideration or treatment a bit more concrete.

First, there is, of course, the notorious delay involving the national industrial waste inventory survey. This survey—this inventory was designed by the Water Pollution agencies in the Department of Health, Education, and Welfare and then transferred to the Department of Interior to find out how much water pollution there is, what kind of pollutants are being dumped, when, where, by what companies all around the country. How in the world can there be standards developed, how can there be sanctions imposed if it is not possible for the regulatory agency to have information about what contaminants are poisoning our waterways?

The process began in 1963 with the recommendation by a congressional subcommittee that such an inventory be prepared, and after a process of normal bureaucratic delay the inventory form was submitted to the Bureau of the Budget. It was sent back on a number of occasions and then reissued, and only under sharp House congressional probing and pressure led by Congressman Henry Reuss a few weeks ago, did the OMB finally say it was going to approve this form but it was going to preserve the confidentiality of the data.

Now, listen to the enormity, the outrage that is involved in that posture. Here are companies unleashing poisons, chemicals, effluent matter in the public's waterways, the most precious natural resource we have, and the Bureau of Management and Budget approves the industrial claim that corporations have a trade secret and a property right in the poisons that they unleash on the unsuspecting public.

Now, since when even in the earliest days of wild-eyed capitalism can we permit corporations to preserve the secrecy via a property right in the poisonous chemicals and other contaminants that they put in other people's water? That is an illustration of the depravity that is endemic over at OMB. Also I might add this form is voluntary. In short, a pollution information form that is not required to be filled out under compulsory processes of law is one that is going to put a premium on industrial dishonesty because the companies that are polluting and are willing to honestly report are going to be subjected to greater interests by the regulatory agencies than those companies that are dishonest and refuse to report the full range of their deadly violent emissions into the waterways.

The second case which I would like to illustrate does not involve quite the seven-year delays of this national industrial waste inventory survey. This deals with the natural gas pipeline safety survey. The Natural Gas Pipeline Safety Act which was passed about three years ago has been in the doldrums. The Congress passed it almost unanimously after a number of serious pipeline explosions and after recognizing that some 500,000 miles of underground natural gas pipelines without any safety standards at all were a threat to the public safety.

On the other hand, what Congress gives with one hand Congress takes with the other. The appropriations committees proceeded to starve the Office of Pipeline Safety. I believe last year's budget was about $200–$250,000, totally inadequate to deal with the necessary expertise and competence and inspection that is required under that Act. A

detailed questionnaire was proposed by the Office of Pipeline Safety in the Department of Transportation to find out about such things as how much pipe there is in the ground, the depth of the pipe, the age of the pipe, and other factors dealing with its safety.

Immediately the industry-dominated technical advisory committee to the Office of Pipeline Safety objected. There was a process of negotiation, and there was also a rulemaking proceeding under the Administrative Procedure Act. One would think that this would be enough, but, no, the industrial representatives of the pipeline industry wanted a second attempt to erode further the questionnaire. And so when the questionnaire was submitted to the Office of Management and Budget, the industrial advisory committees appurtenant to that office went into action.

They objected, for example, specifically about being required to report the location and age of their pipeline systems. They claimed that they don't know the full age of their pipeline systems.

Well, of course, that is exactly what the Act was designed to remedy, to require these companies to find out whether these underground pipeline systems were 70–80–100 years old, whether they were made of cast iron or in some cases actual wood, hollowed out wood.

Now, this is an example where in a two-step procedure, not being satisfied with the formal rule-making at the administrative agency level, the industry uses the bottleneck of information in the Office of Management and Budget to further delay and further erode the entire process.

Senator METCALF. Mr. Nader, if you will pardon an interruption, I think it would be appropriate to put in the record at this point the names and the connection, the affiliations of the members of the Subcommittee on Natural Gas Pipelines; and it is so ordered.

Panhandle Eastern Pipeline, Eastern Pipeline Company, Columbia Gas Systems, Texas Eastern Transmission Company, Florida Gas Transmission Company, United Gasline Company, Consolidated Gas Supply Corporation, Northern Natural Gas Company, Independent Natural Gas Association of America, Gulf Oil, and El Paso Natural Gas.

The names and affiliations will appear so that you can see it was an understatement when you said domination. It is complete.

Mr. NADER. That is right.

Senator METCALF. There is just absolute control.

Mr. NADER. In fact, on the Technical Advisory Committee to the Office of Pipeline Safety there are supposed to be six public members. One of them is the head of a supplier to the gas pipeline industry. And others are in some way connected with the industry with the exception of Fred Lang. Fred Lang and one other member are the only two real public members on that committee.

The third case study of course is one which you are most familiar with. This deals with the Federal Power Commission's attempt for the past three years to clear a form through OMB requiring the utility companies to report their consultative fees, outside consultative fees, such as accounting, legal, public relations and others. This, of course, should have been done years ago. These fees are used to influence policy, to influence Federal and State legislative branches, and they are part of the calculations for the rate structure.

It was watered down so that now the Federal Power Commission requires reporting of outside payments above $10,000 for Class A companies (those grossing over $2.5 million), above $5,000 for Class B companies (those grossing over $1 million), or above $600 for payments to an individual, group or partnership. As testimony before the Kefauver committee bears out, these are relatively high minimums for utility influence-peddling, especially if the funds are channeled through an incorporated intermediary.

Another example which I would like to bring to your attention comes from the National Highway Safety Bureau. This dealt with a reporting form called the Garage Repair Reporting Form. This was an attempt by the National Highway Safety Bureau to get information from various garages and individual motorists as to the maintenance and repair problems and frequency rates of critical categories dealing with motor vehicle safety. It was sent over of course to the Bureau of the Budget, and automatically the Bureau of the Budget took entire responsibility for reviewing that and threw it in the hands of the automobile industry. And so every question was picked apart in a detailed commentary by the auto industry representatives which I will submit later on for the record just as soon as I can copy it. But it gives you an illustration of how the Bureau of the Budget is totally unequipped to make these critical reviews. What it does is take wholesale the industries' commentaries and throw it back at the National Highway Safety Bureau.

Senator METCALF. If you want to submit that at the present time, it will be returned to you before you leave and copies will be made.

Mr. NADER. Yes, Senator, but I have to more clearly identify the source—

Senator METCALF. Surely. Go ahead.

Mr. NADER. —which is not identified in the materials that I have for purposes of the record.

In other words, the delaying process is not one that is due to a critical scrutiny that is developed from OMB or the Bureau of the Budget but one that rests on the leisurely pace of the surrogate here, namely, the industry representatives—that is, because they are given such a powerful advisory role they can just take their time—weeks, months—to delay responding in order to put off the time when the questionnaire is submitted, if they don't delay permanently the questionnaire.

A word about the finances of the advisory committees. These are the only advisory committees to my knowledge, Mr. Chairman, that are privately funded by industry with an office here in Washington and a propaganda communications system to industry throughout the country to support its effects.

All the advisory committees which operate properly in this government operate according to a strict interpretation of the Executive Order 11007. While it is clear that this Executive Order, which was issued in 1962, is full of loopholes and can be read to be meaningless by a non-well-intentioned bureaucrat, there are enough guidelines if the spirit of it is read correctly to provide for certain orderly procedures in the establishment of these advisory committees.

Who appoints these advisory committees to the Advisory Council on the Federal Reports? They are basically appointed by industry. But members of the National Motor Vehicle Safety Advisory Committee are appointed by the Department of Transportation, the Secretary of Transportation. All other advisory committees are either appointed by agency heads or by the White House. But this is a self-appointed advisory committee, a series of advisory committees which perpetuate themselves in order to insure even that minority business opinion doesn't get a chance to have its voice heard.

Look at the uniform monolith type of posture by these advisory committees. One can envision in an allegedly competitive industry diverse views, and yet these committees are so structured and perpetuated by the clique dominating the industry that any potential, any opportunity for diverse views by smaller companies in the industry are snuffed out at the inception—another example of the totalitarian pattern here.

There are, of course, further and different kinds of abuses, and I would like to ask Mr. Petkas to summarize for you the recent situation affecting the Federal Communications Commission, both the so-called Minshall decision, and the pending conglomerate questionnaire.

Mr. METCALF. Go ahead Mr. Petkas.

Mr. PETKAS. Thank you, sir. First, as to the Minshall Broadcasting Company case, FCC 2d 796 (1968), this illustrates the point that the OMB advisory committee set-up provides a very subtle input of industry attitudes into the administrative process. And I am going to recount a startling episode for you, in itself perhaps minor, but indicative of potential for abuse in the OMB advisory committee mechanism.

In this case FCC policy as declared in *Minshall* appears to have been altered in a footnote of a subsequent decision as a direct result of the so-called advice of an OMB advisory committee. In *Minshall*, the Commission clarified the answers it expected in Part I, Subsections 4(a) and 4(b) of the Radio and Television application forms. This part of the form is designed to determine the extent to which an applicant had been diligent in ascertaining community needs. Among the data required is the applicant's evaluation of suggestions received from the community.

The commission then determined that a fuller explanation of each of the four requirements would be helpful especially in light of the need for comparable information from each of the respondents. The request for approval of the further explanation, which was to be printed on the forms, was sent to the BOB. The uninitiated might ask why would an elucidation of FCC case law itself arrived at after a full-blown hearing before the commission be submitted to the Budget Bureau for approval?

It is part of a murky story of these committees, that interagency politics plays a large part in what goes on.

Mr. TURNER. Just a minute, Mr. Petkas. We had testimony from the Bureau of the Budget today and it was discussed directly with the assistant Director of the Bureau of the Budget that under no circumstances did the Bureau get involved in any informational request here an adjudicatory proceeding is pending or where a hearing is taking place or a hearing examiner is involved. The Bureau stated that the only time it reviews a request for information such relate to preliminary investigatory reports surveys and requests. I asked several times that question and in doing so indicated that to do otherwise might be an interference by the Executive branch in the judicial process.

Now, is this the implication here that the Bureau of the Budget may well have been looking at some informational requests subsequent to a hearing, or during a hearing by a quasi-judicial agency?

Mr. PETKAS. It is a technical question. In this case the question before the Bureau of the Budget was whether explanatory notes to the routine application form for radio and television stations should be amended as per the decision in the Minshall case which set out the policy of the Commission.

Mr. TURNER. But it was a part of the proceeding.

Mr. PETKAS. It was a part of the proceeding.

Mr. TURNER. Thank you.

Mr. PETKAS. Not being a devotee of FCC practice, I would rather refer that to someone else. At any rate, this is somewhat understandable: interagency politics play a large part in what goes on, especially since, as a practical matter the Bureau of the Budget has enormous influence over the budgets of the various agencies, and, under the Federal Reports Act the Bureau of the Budget has a very large amout of discretion, uninhibited discretion perhaps.

A meeting of the communications industry advisory committee was called after the industry had made the appropriate overtures to the Bureau of the Budget.

I might add that the general procedure here as far as I can determine is that once a form is noted on the so-called birdwatcher sheet or yellow sheet, the industry people contact the Bureau of the Budget if they feel that a meeting would be in order.

Commissioner Bartley of the FCC was on hand at this meeting. During the course of the meeting as the sketchy minutes indicates, Bartley agreed to minor changes in wording for each of the four explanatory paragraphs. The following language was mysteriously, in my view, appended to the Bureau of the Budget minutes of this meeting in a footnote to the minutes: "Note. Subsequent to the meeting additional discussion indicated a need for clarification of the intent of the Paragraph, *'Applicant's Evaluation.'*: What is expected of the applicant is that he will evaluate the relative importance of those suggestions and consider them in formulating the stations overall program service."

In other words, a reporting requirement was completely deleted. Rather than reporting his evaluation, the applicant is merely asked to evaluate. A reporting requirement contained in the Minshall decision was thus destroyed. There is no indication where, how, or when, or by whom the decision was made. Suffice it to say that the common practice, especially now that outsiders occasionally attend these meetings, is for the agency and the industry people to retire to an intimate caucus, as one member of the communications industry advisory committee referred to it, to negotiate their differences. All that remained was to rewrite the Minshall decision to conform to the agreement, and this was accomplished in a footnote in the Sioux Empire Broadcasting Company case, 16 FCC 2d 989. In that footnote the exact language of the footnote to the minutes of the Bureau of the Budget advisory committee meeting was adopted by the FCC.

I might add that inquiries at the Commission indicate that a number of the commissioners were not at all clear on how the footnote got into the *Sioux Broadcasting* decision.

Another experience with the communications industry advisory committee, one in which I was involved, may be of interest. This was a meeting to determine whether or not and to what extent a task force of the FCC should be allowed to collect information on conglomerates in the broadcasting industry.

Before attending this meeting I had difficulty understanding why verbatim transcripts of these meetings are not kept. After attending the meeting with Mr. Al Kramer of the Citizens' Communications Center it is quite clear why minutes are not kept: issues are discussed, questions are raised and commitments are made which are not within the scope of the Federal Reports Act.

If the Chairman is willing, I will be glad to submit to you my personal transcript, in which Mr. Kramer concurs, to give you a flavor of what went on. It may be of interest to compare our version with the minutes of the meeting from the Bureau of the Budget. These minutes have not as yet been issued.

I might add that common practice is to submit the minutes of these meetings to all industry participants to have their corrections, additions, and deletions made, and that both Mr. Kramer and I were refused the opportunity to review the minutes before they were put into final form.

But just to give you my impression as to what went on, the meeting lasted for eight hours. They considered a 17-question form.

Mr. TURNER. May I have an identification of the committee meeting which you attended?

Mr. PETKAS. Yes. That is the Communications Industry Advisory Committee meeting, September 18, 1970.

Mr. TURNER. And that is the same committee of which Mr. Frank U. Fletcher is chairman.

Mr. PETKAS. That is correct.

Mr. TURNER. Did Mr. Fletcher take over the charge of the committee after Mr. Harry Sheftel opened it?

Mr. PETKAS. Yes, he did. Now, I hasten to add, however, that throughout the course of the meeting there was to my mind a concerted attempt to impress the public interest observers who were present that the meeting was not totally in Mr. Fletcher's control—that is to say, Mr. Sheftel interjected his view on the conduct of the meeting at points, but Mr. Fletcher was clearly the chair.

Well, as I was saying—

Senator METCALF. Was there any question about your participation?

Mr. PETKAS. I would say the opposite was true, that there was a very concerted effort to make it clear that we were welcome, at least on the part of Mr. Sheftel.

Senator METCALF. Well, what about the industry men?

Mr. PETKAS. The industry people seemed rather concerned that we were present and were very annoyed at times, especially when Mr. Kramer asked what I thought were very pointed questions about the issues that had been raised during the course of the discussion.

But I feel that in general a concerted effort was made at least for the record for it to appear that we were welcome. I did not, nor did Mr. Kramer, feel welcome.

The meeting lasted eight hours. By the end of the eight-hour period it was clear that Mr. Louis Stevens of the FCC had been put in what I considered a very difficult position.

Senator METCALF. How many questions were there?

Mr. PETKAS. Seventeen.

Senator METCALF. Seventeen.

Mr. PETKAS. Mr. Stevens had been put in what I considered a very difficult position.

These men were clearly old hands at this business. All had apparently attended similar meetings before. Most were corporate counsel who had devoted a considerable amount of time preparing for this particular meeting.

Mr. Stevens, a conscientious civil servant and a veteran of federal service, was not prepared for such a frontal assault. He indicated to Mr. Kramer and me later that he had only been vaguely aware of the advisory committee's procedure.

Mr. Stevens was quite literally put through the wringer. For the first few hours he held his ground, with support from Mr. Kramer which he gratefully acknowledged later. As time wore on he was more willing to accept industry criticism and to offer to make changes accordingly.

As an example of the wearing down process, we spent approximately an hour and a half discussing the extent to which a company official should be required to put his name on the bottom of the conglomerate questionnaire and the extent to which it was necessary to have the survey notarized.

On the other hand, the discussion frequently centered upon questions that the OMB claims are not considered by the committees: agency policy, the depth of support among the Commissioners for carrying out the survey, and the names of Commissioners who were responsible for instigating it.

And most disturbing of all from my point of view was the fact that incredible assertions of fact were made about the costs of gathering this information, about the burden of the information on the industry respondents, about the extent to which they would be subject to litigation in the future because of their divulgences, the extent to which they would be embarrassed because of their divulgences. No effort apparently had been made to apprise the FCC in advance of the kinds of things that the committee would consider. So that—and this is especially disconcerting in light of the fact that the budget bureau reviewing officer in these meetings—and I think you will find this to be the case even in the minutes that are available—sees himself as a mediator or a judge. And to a great extent his attitude is colored by the unsubstantiated assertions that are made. There are no affidavits on the costs, no independent surveys or independent reports on the real burden. We spent what seemed three hours on the mechanics of searching the files at the National Broadcasting Company—a tale of woe which, for all we knew, could have been a fairy tale.

I hope this has given you at least an impressionistic view of what happens at these meetings. At the end of the meeting—we had only gone through the first five of the seventeen questions and this was at the end of eight hours with a break for lunch—it was suggested by one of the committeemen that the issues that remained between the Bureau of the Budget and the FCC could be very easily resolved in private sessions. I think the word intimate caucus was used by Mr. Fletcher. At that point Mr. Kramer and I suggested that perhaps our presence would be necessary in order for the discussions to be balanced. And, of course, we were assured by Mr. Sheftel that this was no business of the Office of Management and Budget and that in any case no OMB representative would be present. We were assured by Mr. Fletcher that we were not invited. And, of course, there will be another meeting on this form. That is to say, we were able to convince them that they could not make the final determination without a further open meeting.

Mr. TURNER. May I ask one question here. Were the members of the industry group prepared with their own copies of the proposed questionnaires and with backup information when they came into the room?

Mr. PETKAS. Yes. I had attempted to get a copy of the questionnaire from the Office of Management and Budget but was told that there were not sufficient copies available. So I walked down to the FCC and they provided me a copy of the questionnaire. That was the day before the meeting.

Senator METCALF. The Bureau of the Budget did not provide you with—

Mr. PETKAS. That is right. We are on the mailing list and we get notices.

Senator METCALF. You do not get the essential questionnaires and so forth?

Mr. PETKAS. No, not unless we make a special effort to go directly to the agency.

Senator METCALF. You are on the mailing list but when you get the notice you don't get the questionnaires or forms that are going to be subject matter of the meetings?

Mr. PETKAS. No, sir. At that particular meeting in front of the industry chairman was a stack of manilla folders approximately this high (indicating), each folder containing the notes of prior intimate caucuses on each of the questions which were contained on the questionnaire. So not only were the public interest observers completely unprepared for the kind of frontal attack that was inflicted on the form but so were the FCC representatives unprepared.

Mr. NADER. I might add here, Senator, that two years ago, a young attorney, John Esposito, phoned the Office of Management and Budget and asked to be put on the mailing list for the birdwatchers' list, and he had to go through extraordinary exertions and repeated requests and explanations simply to be accepted on the mailing list.

Senator METCALF. Would you make a special effort, Mr. Turner, to see that Mr. Nader has a copy of the testimony that was given by the Bureau of the Budget this morning.

Mr. TURNER. Yes, sir.

Senator METCALF. They have assured us that anybody who wants to be will be put on the mailing list, that forms and questionnaires will be provided, and all you have to do is put in an application and they will get you all the information that anybody else has.

Mr. NADER. Yes. You see, now after 27 years of secrecy they have assured you that the more pressure the Senate and the House puts on them, the more responsive they will be to the public interest. That is basically what they have assured you. But in 1968 before the controversy began in the public sphere over this Act and its administration, an individual citizen, a lawyer had to go through extraordinary exertions just to get his name put on the list.

Senator METCALF. I am aware of that. In fact, I sent a couple of people down to one of the meetings and they had a very difficult time getting in, and were admonished that they couldn't say anything after they got in. But I want to emphasize that we were told this morning that there is a reform down there, minor reform, and so I want you to have a copy for your reference the next time you make an application.

Before you continue, I read in the morning Post that Mr. Petkas was admitted to the practice of law.

Mr. PETKAS. Passed the bar examination.

Senator METCALF. Passed bar examination.

Mr. PETKAS. The most important step, I think.

Senator METCALF. Is this your first case?

Mr. PETKAS. As it were.

Senator METCALF. Congratulations on your presentation.

Mr. NADER. Senator, that comment you just made dealing with the change at OMB leads to my final section of the testimony——

Senator METCALF. Before we get into that I want to read, and I read it before today, a statement from the minutes of the Committee on Petroleum and Natural Gas of Thursday, November 21, 1968. Mr. Stewart was the industry chairman of the Committee.

Mr. Stewart explained how he had operated so as to make maximum use of the committee without excessive demands on the time of the members. Contacts had been handled by mail or telephone and no meetings were held in fiscal year 1968. The industry chairman also reviewed some of the special problems referred to the committee, panels in which the chairman participated. They included reporting on "foreign direct investment, air and water pollution, disposal of solid wastes, classification of gasoline and jet fuel and census surveys, feasibility of reporting more detail for certain items requested in the census of mineral industries."

Now, this bears out the statement that Mr. Petkas made. This is where the foot-high stack of manila folders came from. There were contacts by mail and telephone where everything was settled before the meeting took place and before you had an opportunity to do anything about it.

Go ahead.

Mr. NADER. This is exactly the syndrome that is now appearing. As more public spotlight is thrown on to OMB's administration of the Act, you will see an emergence of more ex parte contacts, more informal communications, more informal caucuses and more informal meetings that really decide the business at hand. That is why it isn't so much a reform as it is a kind of blubber shift; it is succumbing to a little pressure and bending in one area only to emerge full-blown in another far more secret area.

Senator METCALF. This is the reason that it is necessary to have more people on the committee rather than having them say, well, we will let anybody participate. They have to be members of the committee to get in. Maybe they will be outvoted, but at least what you call the spotlight will be on so that there will be at least some public revelation. Go ahead.

Mr. NADER. Senator, I have a more expansive proposal to make, with your indulgence. But before I go into it, I would just like to say that the term "agency action" in the Federal Reports Act is now being interpreted by OMB to even cover when individual commissioners send out a series of questions to various respondents, even when it isn't an official agency action approved by the agency. Even a voluntary questionnaire sent out to a number of respondents by commissioners is chastised and hit hard on by OMB as being really agency action.

Now, that is a far, far more liberal interpretation of the law than I think can be at all justified even within the goals of OMB

I would like to discuss the following proposals. First, I think that the situation over there is so endemically rotten that it cannot be ameliorated by minor amendments. I think that S. 3067 while noble as far as it goes simply can't begin to cope with the process. There will be all kinds of evasive strategies, ex parte contracts and informal communications that will overwhelm the representatives on these committees, who, by the way, usually don't have anywhere near the time, the resources or the expenses to even hold their own when they meet in Washington.

This is part of the reason why all these advisory committees should be funded in terms of daily expense by the Federal Government to eliminate this differential whereby a multi-billion dollar corporation can send their people but public interest or consumer groups have a very difficult time so doing.

I would recommend the entire repeal of the Federal Reports Act as it now stands and begin the following legislative process: First, for the subcommittee to develop a complete investigation of the views and experience of other agencies in dealing with the OMB's administration of the Federal Reports Act, not just encouraging but demanding under the pendency of a congressional order that this material be forthcoming, if not in testimony then in affidavits or some other authorized documents.

In order to do this, and to do this efficiently, the subcommittee staff may call ex officials of the regulatory agencies who are more free to talk.

Senator METCALF. I want to say since you have started to testify I just instructed the staff to set up such hearings you propose immediately after the recess.

Mr. NADER. Excellent. Such ex officials, for example, as Lee White, former Chairman of the Federal Power Commission, and his general counsel. They could tell you a great deal of experience that they have had now that they are out of the commission and are more free to talk.

I would also suggest that the subcommittee develop its own questionnaire to submit to the Office of Management and Budget detailing with exquisite meticulousness all the information that has been sought in order to get the entire panorama of experience out in the open, to see, for example, to what extent this Act and OMB administration has really defended the average citizen and the small businessman from questionnaire harassment.

Senator METCALF. I doubt if we could get our questionnaire past the advisory committee.

Mr. NADER. The point is that fortunately, Congress exempted Congress from the impact of the Federal Reports Act.

I would also take the opportunity that only you have as a subcommittee of Congress to develop an intensive analysis of the personal qualifications and background and administrative experience of those individuals who have been at the core of the Federal Reports Act administration in the Bureau of the Budget. It is very important to realize that when you don't have public legal standards and public focus on administrative processes you increasingly have a rule of men rather than a rule of law. And in direct proportion to the expansiveness of the unbridled discretion you see the direct importance of the particular individuals who are involved and their ex parte and fraternization with the industrial advisory committees. Where there is no law, there is a dominant importance as to the quality of personnel involved in the activity.

Following these twin inquiries or hearings, be that as it may, I would ask the agencies to submit detailed proposals on what they think should be done by way of reform—that is, what they think of the Federal Reports Act, how they would modify it, whether they would repeal it, and how they would deal with the abuses that are potential in undue harassment of citizens and small businesses. These inquiries also would deal with the burden of proof. I see throughout the literature the most wild inflationary estimates by business as to what it costs to fill out these questions, and with no substantial documentation of these cost estimates. So part of the administration of law such as this is to require a substantial negotiation of these cost estimates rather than just take it on faith from the business advisory committees.

These agencies are replete with the kind of experience that will enable the subcommittee to determine precisely how limited the regulations have to be and how permissive they have to be, depending on the purpose of the Act, whether to protect individuals against invasion of their privacy or whether to permit the enforcement of the laws. The enforcement of the laws in an administration that shouts about law and order, depends in the economic regulatory area on the critical obtaining of information about business and industrial practices. Instead of the vice president being sent around as a political pitch man to raise funds from elitist Republican groups, he might be spending more of his time for which he is paid by the taxpayer on law and order enforcement in the administrative branch of the government which deals with billions of dollars and which deals with hundreds of thousands of casualties, diseases, and other harms pursuant to the inability of the government to enforce the laws partly because they don't have the requisite information. I refer you to the industrial water pollution survey. I refer you to the mercury pollution epidemic. And I would expect that if that survey was out in 1965, there would not have been the devastating poisonous epidemic resulting from dumping millions of pounds of mercury into rivers, streams, lakes, consumed by fish which are then consumed by humans.

That is an illustration of the importance of a hearing such as this. Without any qualification it can be said that this is by far the most single important information problem in all of government, and this hearing is the most important hearing ever held in congressional history on this issue, because this is the critical bottleneck through which the entire regulatory and administrative and subsidy process has to funnel its requests in order to enforce the laws equitably.

I would also request that the subcommittee review the adequacy of the Executive Order 11007 dealing with advisory committees. It is quite clear that all the loopholes are taken advantage of by the Office of Management and Budget in order to devise an advisory system that is a mockery of orderly due process procedure and fair access on the part of all citizens. Executive Order 11007 which has its problems throughout the whole advisory setting definitely needs a hearing, definitely needs an inquiry to redefine it and to propose, if not by Executive Order then by statute, a series of guidelines for advisory committees. Advisory committees in government number literally in the thousand. They are a fourth branch of government.

In many areas they make policy without any quibble. In the Department of Health, Education, and Welfare area these advisory committees decide who gets research grants for what projects, in the petroleum area the petroleum advisory committees are very, very key. And in one area after another the whole advisory setup is operating in a kind of ram-

pant anarchy with massive ex parte contact and without any transcripts or any controls whatsoever. Executive Order 11007 has been turned into a multipunctured mockery.

Next, I would think that the subcommittee would consider the following displacement of the Federal Reports Act. First a recognition that there can be abuse of the information procurement power by government agencies particularly toward unrepresentative defenseless institutions or people.

Second, that there has to be I think some sort of appellate process by which the aggrieved respondents can take their case if they can't get a suitable accommodation with the regulatory agency that puts out the questionnaire. And so perhaps the subcommittee may want to consider a formal open appellate process, sort of like a super-adjudicatory process that deals specifically with these questionnaire and information problems. This would mean full transcript, open doors, open access, counsel on both sides. It would have all the safeguards of a formal judicial procedure, no ex parte contacts permitted, no secret meetings, no industry inputs like under the present setup of the Federal Reports Act. And also to provide for each appellate matter a public representative or an omsbudsman that would represent the public's interest in securing the most just decision through the formal and open and fully transcribed process. The costs—may I say in conclusion, the cost of continuing the present system are of course manifold, direct and indirect. It is quite clear, for example, that around this country there are people eating contaminated fish which will result in the shortening of their life or other diseases, directly attributable to the fact that the government has been unable to get the kind of pollution information years ago which it should have in order to strengthen its enforcement of the law and in order to ask Congress for even tougher laws that are needed in the water pollution area.

It is quite clear also that the political process at the state legislative and regulatory level as well as the federal level is being corrupted and undermined because of the lack of disclosure by regulated industries such as utilities of their payments indirectly into the political process through accountants, lawyers, and other independent retainers.

It is quite clear, for example, that the costs of electric utilities, the cost of other regulated industries is increasing and is perpetuating such in its increase simply because the government doesn't have the information to crack down on the manipulation of the rate base and other fraudulent accounting data that throughout the country increases rates.

In other words, I am just giving three examples, one in health and safety, one in the corruption of the democratic process, one in consumer gouging, (which, of course, inflates the dollar, depreciates the value of the dollar, reduces the consumer's income just as if he took a pay cut at the office) which result from this critical strangulation of the information procurement process by federal agencies through the Office of Management and Budget.

There are also other costs, of course, which all of us have to take into account. The democratic sequence is a very perilous chain. If it is broken in one of the links, it is not going to be democratic. And I ask you when you see in this city hundreds of reporters and hundreds of writers whose jobs it is to find out what is going on in government and what the government is collecting about the situation throughout the country in areas of health, safety, and economics, that if you have this bottleneck in the Office of Management and Budget you in effect deprive hundreds of reporters from the ability to get at the facts that they need to fulfill their trust in communicating the situation to the citizens throughout the country.

So this activity in this handful of offices in the Office of Management and Budget is in effect weakening the ability of the media to do the job that it must do if it is going to be faithful to its highest professional standards.

Now, this is just one illustration of how other institutions in this country that we rely on for democratic contributions and for upholding the posture and the pretense of our system of government, how their efforts are cut down by this critical, strategic hold at the Office of Management and Budget.

It is very hard to make a subject like this glamorous. It is very hard to make it of massive public interest. It is very hard basically to even interest people who should be interested in this subject. But information policy dealing with the Federal Government both in and out, what it gives out and what it can take in, is obviously the currency of power. And without this free flow of information most of the things which we treasure in this country will be submerged or atrophied or overridden silently without the benefit of headlines or political rhetoric. And I would highly commend the efforts of this subcommittee to continue relentlessly in probing this area so that others who study this area will have a body of knowledge to extend your concerns throughout the country in whatever profession they may have been involved in, law, journalism, science, engineering, medicine, and also to prepare the kind of materials that are necessary for the repeal of the Federal Reports Act and the development of a far more secure and equitable system of controls and liberation in the procurement of information by Federal agencies in the fulfillment of their congressionally mandated duties.

In conclusion, I would like to request the permission of the Chair in the next several days to prepare materials for submission for the hearing record to beef up many of these comments with elaboration and examples.

Senator METCALF. We will provide you with a transcript. You may amplify, modify or as you say beef up any of the testimony you have made.

We have plenty of time. The hearings are not going to be printed for awhile. And as a result of your suggestions made here today, I am sure that we are going to extend the hearings into inquiry from, especially, former members of regulatory agencies.

Mr. NADER. I would include, Mr. Chairman, also, Mr. Charles Schultze——

Senator METCALF. Oh, yes.

Mr. NADER. —former Director of the Bureau of the Budget.

Senator METCALF. Former Director of the Bureau.

Mr. NADER. Yes, as well as other former directors of the Bureau of the Budget who may be able to look with a little more perspective on the role of the Bureau of the Budget.

Senator METCALF. From a little more distant point of view.

Mr. NADER. Yes.

Senator METCALF. Well, we have kept you a long time, Mr. Nader, and your testimony has been tremendously valuable. I introduced S. 3067, and you made the analogy of an iceberg. I feel the introduction of the bill is just an iceberg, too. Many of the witnesses who have come in here, who have had more experience than I with the actual working of the advisory committees, have said that we should eliminate them, we have to restructure them.

Mr. NADER. Certainly the rule-making apparatus permits the full submission of views on the public record and the requisite appellate processes, and when some of these forms are subjected to a rule-making proceeding, they certainly shouldn't have to go through a second-stage miasma which can certainly delay or defeat the entire proposal. This is in effect like a bureaucratically imposed amendment to the Administrative Procedures Act. Talk about legislating from the Executive Branch, this is a kind of leigslation without a scintilla of hearing and submission of views and the like.

Mr. TURNER. May I just make the comment that I have not been able to find any witness that would tell me that there is a right of appeal from the decision of the Bureau of the Budget in this particular matter.

Mr. NADER. There once, sir, was Olympus. Now there is the Office of Management and Budget.

Mr. TURNER. Now, I might just make this one comment, that I would like to ask you to read in the transcript that I will give you my interpretation and colloquy with respect to the study of fuel, in particular gas and power, requests which have been made from Representative Joe Evins and from Senator Philip Hart to the Federal Trade Commission, the Federal Trade Commission taking up the Hart proposal for an oil industry study, where according to the Washington Post today they were quoted as not being happy with the proposed delayed action until next week. In our colloquy I indicated that under Section 6 of the Federal Trade Commission Act that request for study would go to the Bureau of the Budget for clearance inasmuch as no pending adjudicatory proceeding existed, and secondly that the Federal Power Commission has a proposed rule-making procedure in connection with the nationwide increase of gas rates, and there was a question in the Bureau of the Budget's mind as to whether studies under that proceeding even requested by parties to it would not go to the Bureau of the Budget. And I would like you to look at that and give us your advice on it.

Mr. NADER. Look at, for example, the so-called boxcar shortage, the so-called natural gas shortage, the so-called fuel shortage. How could this be continued, how can this be continued without any public access or understanding unless federal agencies have either been deterred or frightened from submitting the questionnaire forms to the Office of Management and Budget or unless OMB denied these forms? This is the kind of information which we should have all the time in government so that we are not caught short, so that these frauds like the boxcar shortage do not occur, which is basically taking huge numbers of boxcars and setting them aside empty and unused waiting for immediate dispatch for preferred customers. That is the boxcar shortage. And yet the ICC didn't have publicly available this kind of information. The ICC doesn't even know who owns the railroads. The Civil Aeronautics Board doesn't even know who owns the airlines. They are required by statute to have this information. If every questionnaire is going to go through this formidable obstacle course at OMB taking up hundreds of hours of time and involving risks of budget cuts in terms of retaliation by the OMB, we are not going to get this kind of agency information as well. OMB in other words succeeds in preventing agencies from obeying their own laws which require the provision of information in order to fulfill these statutory mandates.

Senator METCALF. Not only doesn't CAB know who owns the airlines, the Federal Power Commission doesn't know who owns the utilities and the Federal Trade Commission doesn't know who owns the conglomerates, and so forth, and they are not able to find out, are they?

Mr. NADER. I think there is one way where you can find out, Senator. I think if you can find some small evidence that directly or indirectly Communist shareholders have holdings in the railroads or in the airlines through Swiss banks or other indirect conduits, then and only then will we get a full investigation in this matter.

Senator METCALF. I have a feeling if we would create a select committee which would be analogous to the old O'Mahoney Commit-

tee, which had the TNEC investigation, a congressional investigation to really see who does own America, we would find out most of the ownership is in the banks in New York and Chicago. But at least we would know where the real power lies. Pending that, however, we have to find out, at least send out some interrogation forms to find out so that these various regulatory agencies can perform the functions of law that you have enumerated.

Well, you have made a very helpful and informative presentation, Mr. Nader, one of your usual forceful ones, and we look forward to your additional remarks in the record. And already underway is one of your suggestions and that is we will make arrangements for the further hearings, and we may ask you back after we have had some additional information. Delighted to have you here.

Mr. Petkas, delighted to have you here as one of our newest lawyers.

Mr. PETKAS. Thank you

Mr. NADER. Thank you, Mr. Chairman.

Senator METCALF. The subcommittee will be in recess until tomorrow at ten.

(Whereupon, at 1:15 p.m., the subcommittee was recessed, to reconvene, at 10:00 a.m., Friday, October 9, 1970.)

BUDGET BUREAU: DO ADVISORY PANELS HAVE AN INDUSTRY BIAS?

(NOTE.—Vic Reinemer, author of this article on certain little-known but apparently influential advisory committees to the federal Bureau of the Budget, serves as executive secretary on the staff of Senator Lee Metcalf (D–Mont.). Both he and Metcalf believe the shadowy committees have neglected the public good to benefit business and industry. Metcalf has even suggested that the committees might best be abolished. A contrary view of the committees' value is presented on page 39 in a brief rebuttal by Robert P. Mayo, Director of the Bureau of the Budget, which has recently been reorganized as the Office of Management and Budget. Reinemer, a Senate staffer since 1955, has served as associate editor of the Charlotte (N.C.) News and has had articles published in several national magazines. Reinemer and Metcalf coauthored Overcharge, a critical examination of utility regulation (reviewed in the February 10, 1967, issue of Science).)

Early in World War II, many small businessmen appealed to the chairman of the Special Senate Committee to Study Problems of American Small Business. The government, they complained, was sending them too many questionnaires. The chairman introduced a bill, which became the Federal Reports Act of 1942, specifying that information needed by federal agencies would be obtained with a minimum burden upon business, especially small business. The law also empowered the Director of the Bureau of the Budget to coordinate the collection of information from ten or more business firms or persons.

The Budget director asked some of his big-business friends to help him administer the new law. They formed the Advisory Council on Federal Reports. They asked some of their industry friends to help them help the Budget director. Soon they had formed 16 Budget Bureau advisory committees, dealing with banking, broadcasting, chemicals, equal employment, fats and oils, meat packing, natural gas, oil, railroads, trade, and utilities. The cost of the council and its 16 committees is borne entirely by industry. The council terms itself the "official business consultant to the Federal Bureau of the Budget" yet notes that it is "appointed by and is responsible only to the business community."

The advisory committees did not represent small businesses, for whom the law was enacted. The law was not violated, however, since the law said nothing about setting up advisory committees.

The law did say that information was to be collected in a way that would maximize its usefulness to the public. But the public was excluded from the committees. Indeed, the public was unaware of the committees' existence. No separate advisory committees were established for environmental, consumer, small business, labor, or other groups.

The advisory committee system, in effect now for 27 years, gives large industries and their trade associations exceptional advantages. The process of disclosing or withholding information goes to the heart of government decision-making and law enforcement. Members of the committees have a vantage point deep within an extraordinarily powerful agency. They can anticipate and affect government policy. They can better protect their own interests and adversely affect the interests of others. And they do—especially with regard to pollution.

Few people thought or cared much about pollution during the 1950's. In 1960, President Eisenhower vetoed a federal water pollution control bill, terming pollution a "uniquely local blight." Attitudes began to change during the early 1960's.

In June 1964, 17 federal officials, most of them from the Public Health Service (PHS) or the Budget Bureau, met with a 27-man panel from the Budget Bureau's advisory committees to discuss a proposed federal inventory of water-contaminating industrial waste disposal. The PHS was required by law to collect information, develop comprehensive programs for water pollution abatement, and to initiate regulatory action. Planning and regulation would be difficult if the officials did not know who polluted what, and where. Information on municipal waste disposal had been available for years, but, according to PHS officials, information on industrial waste disposal was inadequate.

All 27 members representing the Budget Bureau's advisory committees at the meeting came from industry—U.S. Steel, Consolidation Coal, American Paper & Pulp, American Electric Power, the American Petroleum Institute, the National Association of Manufacturers (NAM), and others. They objected to the inventory.

The information that the government proposed to collect, they said, would be incomplete and outdated, misused by politicians and the press. They explained that the NAM was already collecting data on this matter but that some companies had not even responded to the NAM request. Those companies would be even more reluctant to respond to another survey—which would be burdensome and might reveal trade secrets. The electric utility spokesman wondered why his industry (which causes thermal pollution) was even included in the proposed inventory.

After 7 hours, the meeting adjourned and the Budget Bureau pigeonholed the proposed inventory.

BLOCKED AGAIN

The following year, the question of the inventory was raised again, and again it was blocked by industry. At a conference on pollution of Lake Erie and its tributaries, eight major industries said they would provide data on discharged waste water to federal and state agencies. Acting on this indication of cooperation, Chairman Robert E. Jones (D–Ala.) of the House Subcommittee on Natural Resources and Power urged the Budget director and the new Secretary of Health, Education, and Welfare (HEW) to approve the nationwide inventory. They replied that perhaps a pilot study should be made around Lake Erie; a study was made but produced little information.

The next year (1966) federal responsibility for water pollution abatement was shifted from PHS, in HEW, to the new Federal Water Pollution Control Administration (FWPCA) in the Department of the Interior. The Clean Water Restoration Act approved in 1966 called for comprehensive studies by the Interior Department of the cost of controlling industrial pollution and of possible economic incentives to induce industry to abate pollution. In 1967 the House subcommittee again pressed the Budget Bureau to approve the inventory. But the Bureau recommended delay.

"We believe," wrote the Bureau, "that once data is [sic] available from the cost and incentives studies, we will have a much better idea about what types of data are available from industry and how best to structure any potential questionnaire for the industrial inventory." The Bureau did not want to collect information until it had information!

In contrast, the Interior Department held that the egg must come before the chicken—before it could count the cost of industrial pollution it would have to have an inventory.

In the summer of 1968, the Budget Bureau advisory panel again considered the proposed inventory. The 26 advisory participants represented most of the companies and trade associations that had been at the 1964 meeting and included several of the same individuals. None of the 13 federal participants had attended the 1964 meeting. At the meeting, FWPCA officials reported that the need for adequate and accurate data on industrial water pollution was becoming more and more acute at both the state and the federal levels. The advisory committee members reiterated the argument that they had previously made to other federal officials. After 4 hours of discussion, the meeting adjourned and the Budget Bureau again returned the inventory to the pigeonhole.

And that is where it remains today. The new FWPCA commissioner, David D. Dominick, blames the Budget Bureau for halting the inventory. But he is not pushing it, having retreated to industry's position that the information should be collected at the state level, where it is unlikely ever to be collected. And so the federal government marches back down the hill, which is still securely held by industry and its advisory committees.

Air pollution control has also been slowed by a Budget Bureau advisory committee. In March 1968 the National Air Pollution Control Administration (NAPCA) submitted a proposed Air Contaminant Emissions Survey to the Budget Bureau. The advisory committee objected to disclosure of data relating to specific plants and set up a negotiation team, including representatives from the NAM, U.S. Chamber of Commerce, American Paper Institute, American Petroleum Institute, National Coal Association, and Manufacturing Chemists Association. At the industries' urging, NAPCA submitted weaker, general drafts. Last year the survey was finally innocuous enough to obtain industry approval, and the Budget Bureau cleared the form.

Nevertheless, NAPCA added further restrictions on the use of the information it would collect, according to the Task Force Report on Air Pollution issued late this spring by the Center for Study of Responsive Law (Nader's Raiders). The Chattanooga Manufacturers Association urged its members to withhold information sought through the emissions survey. NAPCA Commissioner John T. Middleton thereupon promised the Chattanooga manufacturers that the data they disclosed would never be made public, even in administrative or judicial proceedings. Government, said the Task Forse Report, was indeed a junior partner to industry.

OTHER INFORMATION WITHHELD

Pollution is but one of the areas in which Budget Bureau advisory committees foil collection of information on which enforcement and legislation are based. In 1963 the Federal Trade Commission submitted to the Budget Bureau a questionnaire designed to obtain information on ownership and interlocks of the nation's 1000 leading corporations. The advisory committees strongly objected, then carried their inside information to Capitol Hill, where they obtained prohibition of expenditures on the survey. Electric and gas

utilities used the advisory committees to weaken Federal Power Commission (FPC) attempts to obtain more information on utilities' expenditures for professional services, including payment made to law firms, advertising, public relations, and lobbying.

The budget of the advisory committees' parent organization, the Advisory Council on Federal Reports, is approximately $60,000 a year. This cost is borne by the American Society of Association Executives, the National Association of Manufacturers, the U.S. Chamber of Commerce, the American Retail Federation, the Financial Executives Institute, and a few individual companies. Expenses include a Washington office (1001 Connecticut Avenue, N.W.) and occasional picnics and dinners honoring the Budget Bureau officials who work with the advisers.

Many advisory committee members have served with the same Budget Bureau career officials for years. The Budget Bureau staffers are usually at grade 14 or 15 ($19,643 to $29,752 per year); some junior members may be as low as grade 9 ($9,881 to $12,842 per year). They could be awed by association with prestigious industry officials who serve on the committees—for instance, Robert S. Quig, vice president of Ebasco Services, Inc. a utility service organization. Quig has chaired the three electric and gas utility advisory committees for years and also serves on the parent Advisory Council on Federal Reports.

Camaraderie between industry and government blooms into soft policy. One Budget Bureau official eased industry anxieties by reminding them of the policy on corporate disclosure that he had laid down 7 years earlier:

"When you are in doubt, resolve the doubt to your own advantage. Even when instructions are implicit there are cases where the reporting requirement may not be consistent with the manner in which some of you maintain your records. In that case report the data you have—in most cases it will be acceptable."

Until recently, the advisory council and committees have enjoyed anonymity. A long-standing advisory committee "principle" has prohibited publication of "recommendations which have been made to the Bureau of the Budget but on which action by the Bureau has not yet been taken." Outsiders have thus been prevented from obtaining information until it was too late to act on it. Until a few months ago, the Budget Bureau's limited circulation "yellow sheet"—a daily list of reporting forms and plans received for approval—was marked "Not for Publication." Congressional inquiry as to the reason for confidentiality prompted removal of the restriction.

Representatives of nonindustry organizations who only recently have attended advisory committee meetings as observers, have not felt welcome. Last year, when an advisory committee began consideration of FPC forms relating to plant pollution control at steam-electric generating plants, entry was sought by the National Wildlife Federation. It represents the interests of state and local affiliates throughout the country and is deeply interested in water quality standards. Louis S. Clapper, conservation director of the National Wildlife Federation, described the experience of his organization's representative in these words from his 3 December 1969 letter to Budget Director Robert P. Mayo:

"On Nov. 18, 1969, a member of our staff, Gerald W. Winegrad, an attorney, was told by Mr. Harry B. Sheftel of your office that he would have to clear attendance at this Public Utilities Committee meeting with a Mr. Dana Barbour, Acting Director for Clearance Operations of the Bureau of the Budget. Mr. Winegrad on calling Mr. Barbour was advised that "we just can't have any more people," that there was no more seating room. Mr. Winegrad advised him that he would stand during the meeting but was still told he could not attend. Mr. Barbour advised Mr. Winegrad that he would send him a copy of FPC Form 67 in lieu of his attending the meeting. At the meeting which Mr. Winegrad did attend, there were no less than 14 empty chairs in the room at all times.

"Mr. Sheftel made a point of stressing to Mr. Winegrad on the phone that 'no policy was being considered' and asked: 'What is your interest?' and 'How did you know of the meeting?'"

However, the Budget Bureau's assistant director for statistical policy, Julius Shiskin, says that under recently adopted policies there will be plenty of seats for all interested parties at advisory committee meetings and that "any American—including Rap Brown" will be welcome. (Shiskin later said use of this quote, by singling out one controversial individual, inaccurately reflected his attitude.)

Revision of the Budget Bureau advisory committee system was suggested last year by Senator Lee Metcalf (D-Mont.). His bill (S. 3067) would require consumer, labor, and small business representation on the committees and "timely, conspicuous public notice" of their meetings. In March Senator Metcalf told the House Government Operations Special Studies Subcommittee that the public interest might best be served by abolition of the committees.

The Budget Bureau opposes the Metcalf bill. Discomfitted by the attention given its advisory committees, the Budget Bureau now emphasizes "the need for agency consultations with user and other interested groups" prior to submittal of agency requests to the Bureau. The disadvantage to the public in that approach is the same as the one it has with the Budget Bureau committees—"user and other interested groups" do not have the entree with agencies that industries have. Edison Electric Institute (EEI), trade association of the investor-owned electric utilities, quietly planned a meeting in March of this year with the FPC staff. The EEI wanted to discuss, privately, the plant pollution control data reports, which had interested the National Wildlife Federation last winter. Only after congressional and press comment on the closed nature of the planned meeting with industry did the FPC invite the outsiders who had sat in on last winter's discussion.

The Budget Bureau has specifically refused to include on its advisory committees representatives of the Consumer Federation of America. Instead, the Bureau has invited Virginia Knauer, special assistant to the President for consumer affairs, to send staff members to some advisory committee meetings. Mrs. Knauer's small staff has neither the expertise nor the zeal to offset the representatives of large industries and their trade associations.

On 9 April, President Nixon announced still another committee through which businessmen can "communicate regularly with the President, the Council on Environmental Quality, and other government officials and private organizations which are working to improve the quality of the environment." The new committee, the National Industrial Pollution Control Council, is composed of board chairmen or presidents of major oil, automobile, electric utility, mining, timber, coal, airline, and manufacturing companies plus presidents of the U.S. Chamber of Commerce, the National Association of Manufacturers, and the National Industrial Conference Board. (The Administration recently contracted with the National Industrial Conference Board to make a selective study—electric utilities are not to be included—of industrial pollution costs.)

The President's choice for chairman of the council is Bert Cross, board chairman of Minnesota Mining and Manufacturing. His company still has not complied with a 1966 state order in Wisconsin to stop discharging sulfurous waste into municipal sewers.

The Presidential council headed by Cross is composed exclusively of polluters. Informed ecologists, old-fashioned conservationists, vocal students, or silent majorities are not represented, nor do they have separate advisory councils. They are excluded, at the Presidential and the Budget Bureau levels. They can get their information from industries' anti-pollution advertisements. Meanwhile, inside the White House and the red brick executive office building of the Bureau of the Budget, the rabbits guard the wilting lettuce.

THE BUDGET DIRECTOR RESPONDS

We appreciate the generous offer to your article on the Bureau of the Budget, but there is so much half-truth carefully interwoven through the article that you leave us with almost no rebuttal except to say the article is unfair and misleading. Furthermore, it is in large part ancient and not very accurate history.

First, here is the situation as it exists today. Meetings with committees and panel of the Advisory Council on Federal Reports are open to all interested parties, without exception. Anyone who wishes to receive advance notice of these meetings may simply request that his name be placed on our mailing list. Write to Office of Statistical Policy, Bureau of the Budget, Federal Office Building No. 7, Washington, D.C. 20503.

The important point your article misses, I feel, is that it is only in the last year or two that the Bureau has been receiving for review an increasing number of forms and reporting requirements involving complex and controversial socioeconomic issues, such as consumer protection, pollution, civil rights, equal employment opportunity, and so forth. We were responsive to the need for broadening consultation with groups wishing to present their views.

The Advisory Council on Federal Reports provides a channel through which various segments of the business community advise and consult with the Budget Bureau on reporting problems attendant to requests of government agencies for information from business.

You make the point that small business has not been represented. The National Small Business Association has been a member of the Council for the last 10 or 15 years. Furthermore, the U.S. Chamber of Commerce has been a full-fledged member since the inception of the Advisory Council, and the majority of the Chamber's membership is comprised of small business.

The Bureau, now reorganized as the Office of Management and Budget, is composed of dedicated public servants with a long tradition of dealing fairly with all who are claimants on the national resources. As for the annual banquets, Budget directors and some of their aides have attended them, as did President Truman and President Johnson. To suggest an official of the Bureau could be corrupted by a meal is surely beneath the dignity of so fine a publication as *Science*.—ROBERT P. MAYO, *director, Bureau of the Budget.*

[From the New York Times, Sept. 18, 1970]

UNITED STATES TO REQUEST POLLUTION DATA FROM PLANTS USING WATERWAYS

WASHINGTON, September 17.—The Department of the Interior announced today that it would soon begin sending questionnaires to all segments of American industry in order to compile an inventory of the plants that are polluting the nation's waterways, and the nature and amount of the pollutants.

The inventory will be "voluntary," that is, companies will not be forced to supply the information requested by the department.

The announcement was made by David D. Dominick, head of the department's Federal

Water Quality Administration. Fittingly, it was made at a hearing on the issue by the Subcommittee on Conservation and Natural Resources of the House Committee on Government Operations, which is headed by Henry S. Reuss, Democrat of Wisconsin.

For seven years this subcommittee has been pressing the Department of Interior to make such an inventory to collect the necessary data for a national program to clean up streams and lakes.

PERMISSION WAS DENIED

Three times—in 1964, 1967 and 1968—the department agreed that such an inventory was necessary and asked the Bureau of the Budget to approve it. Each time, the bureau refused. Under the Federal Reports Act, the Bureau was given authority to approve such collection of information in order to avoid duplication. However, it has also assumed the right to determine whether a collection should be made at all.

Mr. Reuss charged today that the Budget Bureau had withheld consent in the past because "many industries opposed it."

He noted that in 1968, for example, the bureau met on the Interior Department's request with the Advisory Council on Federal Reports, an organization that is organized and financed by the Chamber of Commerce, the National Association of Manufacturers and other national business organizations.

Mr. Reuss said, "When the council opposed the inventory, the Budget Bureau withheld its approval."

Mr. Paul F. Krueger, a Budget Bureau official who testified today, acknowledged that in 1968 the bureau did not invite representatives of conservation and environmental groups to attend the meeting on the proposed inventory.

"At the time," he said, "it was not the practice of the Bureau of the Budget to notify other interest groups of such meetings and no such groups had expressed to the bureau any interest in the fact that the survey was being planned."

But Mr. Krueger said that the bureau two days ago "informally approved" the questionnaire that the Interior Department will send out, and that formal approval will follow.

Members of the Reuss subcommittee and its staff believes that the Budget Bureau has finally given its consent to the inventory because the environment has become a national issue and because President Nixon has responded to the public concern about it.

However, it was learned from informed officials today that there had been an intense struggle within the Interior Department over whether to ask industry to supply information which, if honestly reported, would—as Mr. Reuss said—mark many companies as "miscreants."

Mr. Dominick, it was said, vigorously supported the inventory, and Carl F. Klein, the Assistant Secretary for Water Quality and Research, vigorously opposed it. It was said that Secretary Walter J. Hickel finally had to referee the dispute and sided with Mr. Dominick.

Mr. Reuss said that the Interior Department had failed to respond to many of his letters, and he had learned that Mr. Klein had held up the replies. Among the unanswered letters were invitations to Mr. Hickel and Mr. Klein to testify.

STATUTE IS CITED

Mr. Dominick told the subcommittee that the information supplied "will be considered confidential" within the meaning of a statute that provides penalties for disclosure by Federal officials of "trade secrets, processes, operations, style of work or apparatus" of an industry.

Exceptions to this ruling would be information needed to carry out provisions of the Federal Water Pollution **Control Act**, Mr. Dominick said.

Mr. Reuss strenuously protested this provision. He said he did not believe trade secrets should be revealed, but he said he did not believe such revelation was involved in making public the names of polluting industries, the streams in which effluents are being discharged and the nature and the amount of the industrial waste.

Mr. Dominick did not say whether the names of noncomplying industries or those making insufficient response would be made public, but in an answer to a question, Raymond C. Coulter, Interior's Deputy Solicitor indicated that they would, and Mr. Reuss assumed this, according to Phineas Indritz, the committee counsel.

Robert E. Jordan 3d, who supervises the Army Corps of Engineers for the Secretary of the Army, said the Corps was going to require every plant discharging waste into navigable waters to get a permit, as required by an 1899 law, and to get such a permit an industry would have to disclose its discharges.

"For our program," he said, "supplying information is not going to be voluntary."

[From the Missoulian, Sept. 25, 1970]

A LIFE AND DEATH CALCULATION

A recent news item brought to mind the macabre thought that the next major war between nations might be fought on the basis of pollution, not politics.

The news item mentioned that the Interior Department soon will send questionnaires to American industries asking them to provide information on the nature and amount of the pollutants they put into the nation's waterways.

The intent is to take an "inventory" of the pollution getting into the water. Since answering the questionnaire will be purely voluntary, the "inventory" will be another exercise in futility. But it will help hold down bureaucratic unemployment, and if the questionnaire collects some useful information, that is better than having no information at all.

Someday a real inventory will be made, and answering will be mandatory, not voluntary. The voluntary inventory is a step toward that day.

When that day comes, then for the first time this country will be able to calculate reasonably accurately how much pollution it puts into the water. From that data other calculations will follow, including the calculation that if so much pollution enters so much water under such-and-such conditions, mankind either will (a) live, or (b) die. And if the latter, approximately when the dying process will commence. An accurate inventory also will let this country project its findings on a world-wide basis.

The macabre part is this: If the conclusion is that we will poison ourselves to death by a certain time if pollution is not swiftly controlled, then all nations must know of this because all must control pollution. So we would give our basic data and conclusions to every major polluting nation.

The imagination turns. What if the Soviet Union and Common Market countries checked our data and agreed with it, but Britain, Japan and China rejected our findings? What then? To save ourselves we would feel we had to stop their pollution.

And one can imagine the United States and Common Market nations moving militarily (though not with nuclear weapons) against Britain, the Soviet Union moving, with American help against China, and the Americans moving against Japan.

The mind can paste together any combination of powers moving against other powers. The motivation would be to stop pollution. The objective would be survival.

Will such a day come? Nobody knows, though some scientists think mankind will start to strangle on its pollution within the next few generations. The calculation cannot be made without data. It is a calculation worth trying to make.

Which brings us back to the Interior Department's voluntary "inventory." It is a tiny step in the right direction, but it is a tiny step when a giant stride is needed. An accurate inventory must be taken. Taking an accurate inventory could be a matter of life and death.

THE TEXTILE LOBBY AND THE TRADE BILL

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. COHELAN. Mr. Speaker, there is the possibility that the House will be considering the Trade Act of 1970 after the recess. I am opposed to many sections of this legislation. However, I feel that it is important for all Members of the House to be aware of the arguments used to justify passage of this bill.

Recently John M. Leedy, former Assitant Secretary of State for European Affairs and U.S. Ambassador to the OECD, wrote a brief article outlining some of the assumptions that are used to justify this trade measure. I feel that each Member should give careful consideration to Mr. Leddy's arguments. At this point I insert Mr. Leddy's article, "The Textile Lobby and the Trade Bill" and I commend the reading of this article to my colleagues:

THE TEXTILE LOBBY AND THE TRADE BILL

(By John M. Leddy)

As the trade bill nears the final stage of congressional action, it is important to understand what the driving force behind that bill is: the textile industry. Does this important industry have a legitimate case for special treatment or is it leading the county down a false and costly trail?

The pushing of special interests at the expense of the general public is not the oldest profession in the world, but is venerable enough so that the hallmarks of its come-on are unmistakable. The prevalence of half-truths is among them.

One is the use of the Soviet statistical technique of citing large increases, percentage or other—in this case of imports—without providing the relevant basis for comparison. There has been talk of the tremendous upsurge in textile and apparel imports to double their level at the beginning of the decade. It is important to remember, however, that while textile and apparel imports increased from 340 million pounds in 1961 to 813 million pounds in 1968, U.S. production increased by seven times this amount, or from 6,581 million pounds in 1961 to 10,259 million pounds in 1968. Thus production at home increased by 3.7 billion pounds while imports increased by less than 0.5 billion pounds. Do such figures suggest that imports have put the industry in deep trouble?

Some other half-truths need spotlighting: We are told that the domestic apparel industry, in which average hourly earnings in 1969 were $2.31, cannot be expected to compete successfully with imports produced by labor which is paid as little as the U.S. equivalent of 26 cents per hour (in Hong Kong) or 39 cents per hour (in Japan). But how is it that, if the domestic textile and apparel industry cannot compete with low-wage for-

eign labor, net profits after taxes of domestic U.S. firms producing textile mill products were reported at 7.9 per cent on equity last year, and that U.S. firms producing apparel and other finished products reported an 11.9 per cent profit figure?

To be sure, wage rates are one element in costs of production which, over a period of time, play a role in the ability of the industry of one country to compete in the market of others. But it is precisely the object of a sensible trade policy to promote international competition on the basis of all elements of comparative advantage—capital, resources, geography, and technology, as well as wage rates.

Then it is suggested to the inflation-conscious American consumer that imports tend to increase domestic prices. These days even the kiddies know better than to swallow this kind of breakfast cereal. If textile producers don't want high domestic prices, why do they want import quotas, whose major purpose is to keep domestic prices higher than they would otherwise be?

We are also told that protection is now necessary for our industries because other countries are not treating us fairly—in fact, playing us for an easy mark in the commercial field. Of course, foreign countries still have trade barriers, and Japan has been notably laggard in liberalizing trade and investment. But so do we have trade barriers—witness our oil quotas; our agricultural import restrictions—including sugar, dairy products, and meat; our "escape clause" actions on glass, carpets and rugs and pianos. The problem is to bring all these barriers down, at home and abroad. The way to get them down is through multilateral and hard-headed negotiation. Legislating textile quotas won't do this and isn't intended to.

In 1970, as a result of a persistent U.S. effort to promote liberal world trade, tariffs and trade barriers among the industrialized countries have been brought to their lowest point in the twentieth century and the economies of the industrialized countries are more open to one another than ever before in history. International monetary cooperation has been intensified in a way that is little short of revolutionary. Interdependence among the countries of the non-Communist world in trade, money and investment is far greater than at any time in the past. The way to destroy this structure is to let loose a new trade war a la 1930's. Action to legislate quotas on textiles, given the pressure for restrictions on many other products, could do just that.

If apologists for the current bill would simply tell us, "Boys, if you want to continue along the path of freer trade you'd better knuckle under to the textile industry because that's where the political clout is," this would at least have the merit of candor. But it would probably also be wrong. The administration and the unfortunate (and probably uncomfortable) Chairman Mills of the Ways and Means Committee are now discovering to their sorrow that the ancient art of log-rolling is still alive and well on Capitol Hill. The trade bill reported by the committee would provide legislative quotas not only for textiles and apparel, but also for shoes. In addition, quotas become the mandatory technique for dealing with petroleum imports and a "trigger" mechanism is established to spread quotas all over the landscape, whenever imports become a little uncomfortable to domestic producers. A chain of retaliation and counter-retaliation would be almost certain to follow. The resulting damage to the international economic and monetary structure so painstakingly built up over a quarter of a century would be something to behold.

The risk is great. And the main argument for running this risk—that the U.S. textile industry needs protection—won't hold water. If these simple facts can be brought to the fore of public debate, we may yet be saved.

RESULTS OF CAMPUS VIOLENCE POLL

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. KYL. Mr. Speaker, more than two-thirds of the American public believe that college administrators have been too lenient in dealing with campus disorders, according to the results of a national poll taken by Chilton Research Services.

The poll, taken September 19–20, shows that only 4 percent of the U.S. public feel that college administrators have been too strict, another 14 percent feel that the handling of the disorders is about right, and 71 percent believe that the administrators are too lenient.

The poll indicates that 64 percent of those interviewed approve of the way Mr. Nixon is handling his job as President, and only one-fourth of those interviewed disapprove.

Asked about the justification of the strikes or protests of college students, 40 percent of the respondents said that the protests were not justified at all, 24 percent thought they were a little justified. Another 26 percent felt that the strikes and protests were somewhat justified, while only 3 percent felt they were completely justified.

Only one-third of those questioned felt that the Federal Government should become involved in the problems of student demonstrations, while six out of 10 respondents believe that this is a problem for college administrators and local authorities to handle.

Mr. Speaker, attached for the RECORD are the results of the campus violence poll.

RESULTS OF CAMPUS VIOLENCE POLL

1. Do you approve or disapprove of the way Richard Nixon is handling his job as President?

Approve, 64%; Disapprove, 26%; No Opinion, 10%.

2. What about college students—do you think their strikes or protests are completely justified, somewhat justified, a little justified, or are they not justified at all?

Completely, 3%; Somewhat, 26%; Little, 24%; Not at all, 40%; No Opinion 7%.

3. Do you think the Federal Government should become involved in the problem of student demonstrations on college campuses, or should this problem be left to college administrators and local authorities to handle?

Federal Govt. Involved, 32%; Left to College, 59%; No Opinion, 9%.

4. In general, how do you feel college administrators have been in dealing with campus disorders—too strict, too lenient, or about right?

Too Strict, 4%; Too Lenient, 71% About Right, 14%; No Opinion, 11%.

It has long been my personal view that bulging enrollments and tight budgets have created special problems for institutions of higher learning. There is reason to be concerned about class size; about the lack of teacher-student relationship; about the student's loss of identity. A student who enrolls in a class to be under the tutelege of a certain instructor is short changed when the class is taught, not by the master, but a graduate student or worse, by a series of graduate students. These are legitimate complaints of students who want an education.

Answers must be found, but they will not be found in violence.

PROPOSED AIR QUALITY STANDARDS FOR VIRGINIA

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. SPONG. Mr. President, it was my privilege to submit testimony yesterday before the Virginia State Air Pollution Control Board on proposed air quality standards for carbon monoxide, photochemical oxidants, and hydrocarbons.

The standards, if adopted, would be applicable statewide as well as to the National Capital Interstate Air Quality Control Region. The political subdivisions within the region include the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, Loudoun, and Prince William in Virginia; the District of Columbia; and the counties of Montgomery and Prince Georges in Maryland.

Mr. President, I expressed objection to the proposed standards on the grounds that they could present a hazard to the health and welfare of the citizens of the entire State. I proposed that they be strengthened in order to insure protection of public health.

In view of the widespread concern over environmental problems, I ask unanimous consent that my testimony be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AIR QUALITY STANDARDS FOR CARBON MONOXIDE, PHOTOCHEMICAL OXIDANTS, AND HYDROCARBONS

I am pleased to have this opportunity to comment on the proposed air quality standards for the Virginia portion of the National Capital Air Quality Control Region. The standards under discussion are for carbon monoxide, photochemical oxidants and hydrocarbons.

The precedent set in establishing these standards is of particular concern for the region, but is of equivalent importance to the total statewide program. Should these standards not provide for the protection of public health, the consequences conceivably could extend across the entire state.

In my statement I will present documentary evidence which suggests that the proposed Virginia ambient quality standards for carbon monoxide, photochemical oxidants, and hydrocarbons, if adopted, could constitute a hazard to the public health of the citizens of the entire National Capital Interstate Air Quality Control Region. The proposed standards appear to fail to provide for the protection of public health, and in some instances would present a potential hazard to public health. Therefore, I suggest that the Virginia proposed standards be strengthened in order to insure protection of public health.

I would now like to present the basis for my conclusions. Prudent public health policies cannot await a perfect knowledge of the cause-and-effect relationships between environmental pollution and health. When the best available evidence indicates potential health hazards from environmental exposure,

barriers must be interposed between the public and the causative evidence causing biological stress. In interposing these barriers, concern must extend beyond the normal segments of the population to include consideration for the effects on the very young, the aged, and other susceptible individuals. Effective environmental health policies do not allow the freedom to ignore current knowledge or postpone actions indicated by the best available evidence of causation.

The Federal Air Quality Act of 1967 establishes a mechanism for achieving a systematic reduction of harmful atmospheric emissions. This mechanism provides for the establishment of ambient air quality standards and a plan for their implementation. The plan, in turn, contains emission standards and a time schedule for implementation.

Critical in this procedure is the setting of air quality standards. In setting an air quality standard, a State is defining the quality of air that its residents are prepared to breathe.

In establishing ambient air quality standards we should consider both public health and the enhancement of air quality. The Senate Public Works Committee was explicit on this point when it stated (Senate Report 90–430):

"The Committee feels that under any circumstances protection of health should be considered a minimum requirement, and wherever possible standards should be established which enhance the air quality of the environment."

Air quality standards which, even if fully implemented, would permit continuing deterioration of air quality in any major portion of an air quality control region or would fail to enhance air quality would clearly be in conflict with the expressed purpose of the law.

The most common and widely distributed atmospheric contaminants is carbon monoxide. In urban areas the primary source is the incomplete combustion of carbonaceous materials used as fuels for vehicles, space heating, industrial processing, and the burning of refuse.

Those segments of the population most susceptible to the adverse effects of atmospheric exposure to carbon monoxide are individuals sensitive to a decreased oxygen supply. This susceptible group include the developing fetus and individuals with anemia, cardio-vascular disease, abnormal metabolic rates, and chronic pulmonary disease.

The carbon monoxide air quality criteria indicates:

"An exposure of 8 or more hours to a carbon monoxide concentration of 12 to 17 milligrams per cubic meter (10 to 15 parts per million) will produce a blood carboxyhemoglobin level of 2.0 to 2.5 percent in nonsmokers. This level of blood carboxyhemoglobin has been associated with adverse health effects as manifested by impaired time interval discrimination. Evidence also indicates that an exposure of 8 or more hours to a CO concentration of 35 milligrams per cubic meter (30 parts per million) will produce blood carboxyhemoglobin levels of about 5 per cent in nonsmokers. Adverse health effects as manifested by impaired performance on certain other psychomotor tests have been associated with this blood carboxyhemoglobin level, and above this level there is evidence of physiologic stress in patients with heart disease. There is some epidemilogical evidence that suggests an association between increased fatality rates in hospitalized myocardial infarction patients and exposure to weekly average CO concentration of the order of 9 to 16 milligrams per cubic meter (8 to 14 parts per million). Evidence from other studies of the effects of CO does not currently demonstrate an association between existing ambient levels of CO and adverse effects on vegetation, materials, or other aspects of human welfare. It is reasonable and prudent to conclude that, when promulgating air quality standards, consideration should be given to requirements for margins of safety that would take into account possible effects on health that might occur below the lowest of the above levels."

The National Air Pollution Control Administration, on the basis of data in the air quality criteria documents (United States Senate Report No. 91–1196) has said that a carbon monoxide ambient air quality level of 9 parts per million (8 hours average) must be attained to insure the protection of public health within the requirements for a margin of safety. Yet the proposed Virginia air quality standard for carbon monoxide is 30 parts per million (8 hours average). This proposed standard, if established, could authorize health effects on the citizens exposed.

The standard also does not reflect existing air quality levels. The air quality criteria document indicates that the maximum 8 hour carbon monoxide level attained in the Washington area in both 1966 and 1967 was approximately 23 parts per million. The proposed standard would allow the existing level to be further degraded with accompanying further health effects.

Similar comments can be made regarding proposed annual average and one hour average carbon monoxide standards.

The air quality criteria for hydrocarbons suggests that primary concern is their role as precursors of other compounds formed in producing photochemical smog. This relationship was considered in the development of the air quality criteria documents for hydrocarbons. The upper effect limit given in the criteria document for hydrocarbons is a maximum one hour average concentration of 200 micrograms per cubic meter. The proposed Virginia standard for hydrocarbons is 200 micrograms per cubic meter. This value fails to provide any margin of safety. I understand that photochemical oxidants result from a complex series of atmospheric reactions by such organic substances as hydrocarbon and nitrogen oxides when exposed to sunlight. The scientists tell us an array of new compounds are formed, among which are found oxidants. The air quality criteria document for photochemical oxidants indicates that:

"Under the conditions prevailing in the areas where studies were conducted, adverse health effects, as shown by impairment of performance of student athletes, occurred over a range of hourly average oxidant concentrations from 60 to 590 micrograms per cubic meter (0.03 to 0.3 parts per million). An increased frequency of asthma attacks in a small proportion of subjects with this disease was shown on days when oxidant concentrations exceeded peak values of 250 micrograms per cubic meter (0.13 parts per million), a level that would be associated with an hourly average concentration ranging from 100 to 120 micrograms per cubic meter (0.05 to 0.06 parts per million). Adverse health effects, as manifested by eye irritation, were reported in several studies when photochemical oxidant concentrations reached instantaneous levels of about 200 micrograms per cubic meter (0.10 parts per million), a level that would be associated with an hourly average concentration ranging from 60 to 100 micrograms per cubic meter (0.03 to 0.05 parts per million)."

The National Air Quality Control Administration has indicated (Senate Report 91–1196) that based on data contained in the air quality criteria for photochemical oxidants and on the requirement for a margin of safety, an ambient air quality level for photochemical oxidants of 120 micrograms per cubic meter (1 hour average) must be attained to insure protection of public health. Yet, the proposed Virginia standard for photochemical oxidants is 200 micrograms per cubic meter, not to be exceeded more than 10 per cent of the time in a 90 day period. This has been extrapolated to allow a one hour maximum value of 400 to 500 micrograms per cubic meter. Although I am not a scientist, this level appears excessive to me and provides no margin of safety. Again I refer you to the air quality criteria document for photochemical oxidants and the recommendations of the Metropolitan Washington Coalition for Clean Air.

For the reasons stated, I must oppose the proposed Virginia ambient air quality standards for carbon monoxide, photochemical oxidants, and hydrocarbons for the National Capital Air Quality Control Region. These standards as adopted could present a hazard to the health and welfare of the citizens of the entire metropolitan area. The proposed standards are weak and should be strengthened.

TRIBUTE TO GEORGE J. BURGER

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a recent commendation issued by the city of New Rochelle, N.Y., in tribute to George J. Burger, a resident of New Rochelle and vice president of the National Federation of Independent Business. Mr. Burger has devoted many years of service to the small business community of America. The commendation comes in recognition of the citations offered Mr. Burger by both the House and Senate Select Small Business Committees.

There being no objection, the commendation was ordered to be printed in the RECORD, as follows:

RESOLUTION CONGRATULATING GEORGE J. BURGER UPON RECEIVING CITATIONS OF THE SELECT COMMITTEES ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES SENATE FOR A HALF CENTURY OF OUTSTANDING SERVICE TO THE SMALL BUSINESSMEN OF AMERICA

Whereas, George J. Burger, a resident of the city of New Rochelle since 1923, has received the commendation and congratulations of the select committees on Small Business of the House of Representatives and the United States Senate for a half century of outstanding service to the small businessmen of America, and

Whereas, these commendations have been entered in the CONGESSIONAL RECORD of the Proceedings and Debates of the 91st Congress, Second Session, and

Whereas, George J. Burger commutes between his home in New Rochelle and his Washington office and is vice president in charge of the legislative office of the National Federation of Independent Business, and

Whereas, the citation lauded Mr. Burger as the great champion of small business and as the creator of the Small Business Administration as an independent agency in 1953, and as a permanent agency in 1958, whose advice and counsel were largely responsible for the events that led to the achievement of the significant milestones in small business history in America, and

Whereas, George J. Burger has lived a full and useful life of service to the nation and to Congress and to small business throughout the country, now, therefore, be it

Resolved, that this council hereby congratulates George J. Burger on receiving the citations of the Select Committees on Small Business of the House of Representatives and the United States Senate for a half century of outstanding service to the small businessmen of America, and extends its best wishes to him for continued good health and continued service to the small businessmen of America, and be it further

Resolved, that this resolution be spread upon the minutes of the council and a suitable copy thereof presented to him.

TEXAS COMMUNITY LAUNCHES DRIVE TO CREATE NIMITZ MUSEUM

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. YARBOROUGH. Mr. President, Fredricksburg, a community of just over 5,000, located in the rolling Texas hill country, is currently working to raise over a million dollars for the creation of a museum honoring a great American and one of its most famous residents, the late Adm. Chester W. Nimitz. Nimitz, last of the five-star admirals, commanded the famous Pacific Fleet during World War II, a command that included some 5,000 ships and over 2 million men. Under his brilliant naval leadership, the American forces made a stunning recovery from the disaster of Pearl Harbor, gaining the offensive on the Japanese soon after his triumph at the Battle of Midway.

The focal point of this spirited fund drive is the old Nimitz Hotel, which was built by the Admiral's immigrant grandfather, Charles W. Nimitz. Because of the senior Nimitz's great love for the sea, the hotel was modeled after the Atlantic steamers of the day and was appointed with three decks and a captain's bridge. The hotel has since become a Texas landmark and its register reflects a long list of famous notables, including, among others, Generals Grant and Lee, Jessie James, and Rutherford B. Hayes.

Funds collected from the drive will be used to restore the hotel to its original pre-1920 condition, including the unique decks and captain's bridge. The Department of the Navy has graciously offered their services in the planning of the exhibits to be contained within the hotel and have pledged more than a million dollars worth of World War II naval paraphernalia and Nimitz memorabilia.

I commend the citizens of Fredricksburg for their fine efforts to restore this historical landmark as a permanent memorial to a great American. I know that it will be of interest to a great many Americans and bring a good deal of pleasure and satisfaction to all who visit it.

I invite the attention of Senators and the American people to an article by Mildred Newman, published in the September 1970 issue of Texas Parade, which goes into greater detail on this most worthwhile project. I ask unanimous consent that the article be printed in the Extensions of Remarks today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIMITZ REMEMBERED: SOME 300 MILES FROM OPEN WATER, THIS COMMUNITY OF 5,000 WORKS TO RAISE A MILLION DOLLARS TO CREATE A NAVAL MEMORIAL MUSEUM HONORING A FAMOUS SON

(By Mildred Newman)

A landlocked Hill Country town is the home of a projected $1 million naval museum honoring a great naval commander and, as he requested, "all men and women who served in the Armed Forces of the United States." The Fleet Admiral Chester W. Nimitz Memorial Naval Museum is being created in Fredericksburg to pay tribute to the native son of World War II fame. Nimitz, who was the last of the five star admirals, rose to command five thousand ships and two million men during the battles in the Pacific leading to the surrender of Japan in World War II.

Chester W. Nimitz was born before the turn of the century in a pioneer home in Fredericksburg. His paternal relatives lived a block away in the famous old Nimitz Hotel built by his grandfather, Charles H. Nimitz.

Grandfather Nimitz, born in Germany, joined the German Merchant Marine at 14. Eventually, however, he followed other members of his family to America and dropped anchor in the newly-organized German colony of Fredericksburg where, in 1852, he built his hotel. Because of his love for the sea, he modeled his hotel after a steamship, complete with three decks and a captain's bridge. The Nimitz Hotel, operated by his family for nearly a century, soon became a famous landmark.

This ship-shaped hotel is where the late Fleet Admiral lived and played as a boy. History reveals that it was on the "decks" of this "steamship" that young Chester heard many stories of his grandfather's seafaring expeditions, which undoubtedly fired his ambition, though Nimitz maintained his naval career "was a career by chance."

Perhaps harboring some trepidations about the vast oceans he had only heard of and never seen, Nimitz applied for appointment to West Point rather than Annapolis. He failed in his bid for appointment to the military academy and was assigned instead to the Naval Academy, Annapolis.

So, off he went for his first look at an ocean and his first boat ride which left him seasick. He graduated from Annapolis in 1905 and shipped aboard the battleship Ohio, later flagship of the Asiatic fleet.

In later years, the late James V. Forrestal, then secretary of the Navy, once asked Nimitz, his Chief of Naval Operations, whether an officer convicted by a court-martial had ever risen to flag rank (rank above that of Captain).

"You're looking at one," replied Fleet Admiral Nimitz, who had commanded the most powerful fleet in the history of man during fighting in the Pacific in World War II.

As a young officer, the soft-spoken Texan had been found guilty and reprimanded by a Navy court for running a destroyer aground in Manila Bay.

During World War I, Nimitz was chief of staff to the Commander of the submarine forces in the Atlantic Fleet. He was serving as chief of the Bureau of Navigation when his appointment came on December 31, 1941, to assume command of the Pacific Fleet when, after Pearl Harbor, it consisted almost entirely of worn-out ships.

In five months, Fleet Admiral Nimitz so handled his responsibility that he was able to surprise and outmaneuver the Japanese Fleet in the Battle of Midway while outnumbered in ships and planes more than three to one. This marked an ending to the defensive phase of the Pacific War and a turning point with Japan never winning a major battle after that.

Fleet Admiral Nimitz headed the naval fighting forces in the Pacific throughout World War II. In December 1944, he was made Admiral of the Fleet (a five star ranking) and a year later, Chief of Naval Operations.

Nimitz died February 20, 1966, at 80, thus ending his long and illustrious naval career spanning from his Annapolis graduation in 1905, through two great World Wars to the birth of the Atomic Age.

In the 1920's, the steamship hotel from which he and his grandfather "commanded the seas of the world," was remodeled and the superstructure was removed, but the building visitors see today is primarily the same. All the original rooms, including the huge Casino Hall, for so long the center of social life in Fredericksburg; the flagstone kitchen; and on the grounds, the old bathhouse (the only public bathhouse in town in those early years); and the stables with their high stone walls to keep Indian marauders out, are still there.

It is an historic old building. Prior to the 1870's, when El Paso became civilized, the Nimitz Hotel was the last real hostelry between Fredericksburg and San Diego, California. Many of the guests who signed its register had a significant part in the shaping of this country—both for the better and for the worse. They included Rutherford B. Hayes, Adolphus Greely, Robert E. Lee, Ulysses S. Grant, Phil Sheridan, John Ringo and Jesse James (who signed in using his famous alias of C. H. Howard).

It is this hotel that will be restored to its original state with three decks and a captain's bridge, to house the Fleet Admiral Chester W. Nimitz Memorial Naval Museum. In fact to accomplish this transformation, the past session of the Legislature provided for a nine-member state commission to assist in raising funds for restoration and development of the museum.

The United States Navy, through Rear Admiral E. M. Eller (Ret.), chief of Naval History of the United States Navy, of Washington, D.C., is assisting in planning and will supply exhibits for the Nimitz Memorial Museum. Admiral Eller has estimated the United States Navy can provide more than a million dollars worth of exhibits to honor Fredericksburg's famous son and feels the building will become one of the world's unique structures. He predicts that the memorial will grow in stature to become a multimillion dollar monument within a few years. Those planning the project are hopeful that at least 24 nations will contribute, even Japan.

Rear Admiral Eller relates this story: "Japan, the nation Fleet Admiral Nimitz crushed with his Pacific Fleet, today idolizes him almost next to their Emperor all for one little incident so typical of him. Japan had surrendered. Her flagship stood in the harbor and was being mutilated and desecrated. Admiral Nimitz, made aware of this, immediately placed a Marine Guard on board and stopped the mutilation. He also helped raise funds to restore the ship to its original condition. For this Japan will be eternally grateful."

Fund raising is slowly taking shape. A local drive raised some $60,000. However, museum officials estimate they need at least a million dollars before remodeling the building, after which time the museum will be officially dedicated.

But the Navy and museum officials are not idly waiting for this date. The official opening of the Nimitz Memorial Museum was on February 24, 1967, the 81st anniversary of the birth of the renowned naval leader.

(The museum is currently open from 1 to 5 p.m. daily.)

The first floor is already filled. Displayed are hundreds of photographs taken during World War II, vividly recalling the history of that period, many depicting the prominent part Admiral Nimitz played in the decisive battles. There is a rare collection of Nimitz memorabilia, including the model from which the famed statue of the flag raising at Iwo Jima was built.

The surrender flag of the Japanese Battleship Nagato is a cherished addition. It is called a prize of the war as the Nagato was the only battleship captured, not destroyed in the conflict.

The Navy has promised almost anything officials can use and that can be transported by land or air (the nearest port is some 300 miles away). Many items are already on display: signal flags, compasses, plotting board, Bureau of Ordnance Ammunition Displays, 20 MM mount, signal light used to send morse code, clinometer, loran, torpedoes and numerous other navy artifacts. At this point the museum is viewed as a gigantic "from here on" project and officials are enthusiastic about its future.

As you tour the rooms and grounds of the museum and review its historical past, you will hear of the ambitious plans for the museum and the august accomplishments of Chester W. Nimitz.

It has been said that Fleet Admiral Nimitz belongs to our nation's richest heritage, the same as does George Washington. He had the greatest responsibility ever placed on a naval leader's shoulders and only a handful of other men have meant so much to our country.

Promoted over 25 senior admirals following Pearl Harbor, his command spanned the Navy's greatest days—at Coral Sea, Midway, Guadalcanal, Leyte Gulf and, finally, Tokyo Bay.

General Dwight D. Eisenhower said: "Admiral Nimitz was one of the most distinguished officers of World War II. The entire nation will always owe him a debt of gratitude for his brilliant service in World War II."

And in Fredericksburg, creation of The Fleet Admiral Chester W. Nimitz Memorial Naval Museum as an enduring memorial to this great warrior is but a small payment on the debt.

COUNT CASIMIR PULASKI

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MESKILL. Mr. Speaker, on October 11 the country paid tribute to Count Casimir Pulaski, the great Polish-American hero of the American Revolutionary War. At this time I would like to say a few words in honor of this man who gave his life in the battle against tyranny.

Count Pulaski's dedication to freedom manifested itself early in his life when he actively participated in Poland's struggle against Russian domination. Exiled from his native land, Pulaski saw in the American resistance to British domination the same goals he had strived for in his native land. Immediately won to the American cause, the Polish nobleman volunteered his services to General Washington and soon commanded the newly formed American cavalry. He died on the field of battle during the siege of Savannah on October 11, 1799.

To Pulaski, the American Revolution signified mankind's struggle for freedom and he willingly gave his life for that righteous cause.

Americans of Polish descent are justifiably proud of General Pulaski's role during our Revolutionary War. This great man's untiring devotion to freedom and liberty is a lesson to all of us. We must appreciate the gift of freedom that we possess and continue our efforts to insure it for our children and all mankind. We must remember General Pulaski and all soldiers of freedom so that they will not have died in vain.

Mr. Speaker, when we honor the memory of General Pulaski we also honor all Americans of Polish descent who have contributed their lives, their talents and their energy to help our Nation attain its present level of achievement and prosperity. I salute them and voice the fervent hope that Pulaski's dream comes true and Poland takes her place among the free nations of the world and attains that liberty which rightfully belongs to her.

EXCESSIVE U.S. SPENDING

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. LANDGREBE. Mr. Speaker, President Nixon has been striving mightily to contain inflation by stemming the trend of irresponsible Government spending, the major cause of inflation.

The President's struggle has been hindered by many in this and the other body who still feel a commitment to big spending, with little regard for the consequences.

The Vidette-Messenger, a daily newspaper published in Valparaiso, Ind., has published a very perceptive editorial on the subject, which I would commend to the attention of all my distinguished colleagues.

Mr. Speaker, I ask unanimous consent to insert the editorial at this point in the RECORD:

EXCESSIVE U.S. SPENDING

There can be no doubt that prices for goods and services are higher today in the U.S. than ever before. Or to put it another way, our money doesn't go as far as it used to.

U.S. Department of Commerce statistics show that our dollar has lost about 15 per cent of its purchasing power in the past three years.

These are the days that inflation is eating away at our savings for those rainy tomorrows. Currently there is no end in sight.

Many economists contend that the main reason for inflation is excessive government spending. It is no secret that our government has been spending far beyond its income.

Looking at, and speaking on this gloomy front, earlier this month was Arch N. Booth, executive vice president of the Chamber of Commerce of the United States. He said:

"There are two ways Congress could hold inflation in check, if it would. It could increase taxes, or it could slow down the rate of federal spending. Or it could do both.

"The businessmen of America feel that the sensible place for Congress to start is by reducing spending."

It has been pointed out that Congress, with Democrats in the majority in both Houses, has been acting as though it would like to perpetuate inflation.

In this respect, Booth made the following observations:

1. Action by the Congress will add $17.5 billion to the President's 1971 budget request, if the House action is sustained by the Senate.

2. Appropriations bills already passed by both the House and the Senate total $2.8 billion more than the President requested—and final action has been taken on only five of the 15 regular appropriations bills.

"As originally proposed by the Administration," the chamber executive contends, "the budget for this fiscal year projected a surplus of $1.3 billion.

"Subseqent changes in estimated revenues, and spending actions taken by Congress, have put the budget in the red. The estimated defiit is now $10 to $15 billion.

"For fiscal 1972, forecasts of the deficit run as high as $23 billion."

There is much thought given to the fact that the Democrat-controlled Congress may be playing politics with inflation to embarrass a Republican President.

This is not to say that the Administration has all the answers to all our monetary problems, but it would seem reasonable if President Nixon had a Congress controlled by a Republican majority his program against inflation would be given a much better shake.

If the American people will that Republicans control both Houses when they go to the polls this November, at least the Nixon program could get a more expert test than is being provided under today's Divided Government, in which the executive branch is directed by Republicans and the legislative division by the Democrats.

To us this would be a refreshing time for a change to a more unified program from Washington. But again, it's up to the people to speak at the polls later this fall.

DRYCLEANING WEEK

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DUNCAN. Mr. Speaker, there are some 38,000 small businesses in this country that help keep us happy and well groomed—our drycleaners. Today I would like to call attention to these organizations. In the Second District of Tennessee there are nearly 300 drycleaners, most of them in Knoxville.

These men and women send us off to work, to school, to church, and to social engagements in clean, pressed clothes. If we look good, then chances are we will feel better too.

Members of the National Institute of Dry Cleaning are planning a special week of commemoration to good grooming during November 16 through November 22. This special time will salute the 300,000 persons who operate and work in the drycleaning establishments.

Just like we are the best-fed nation, we too are the best-groomed people in the world. Many thanks go to the hard-working people in the drycleaning field.

Last year we in the United States spent over two and a third billion dollars on drycleaning. This shows that we are very much concerned about cleanliness, good grooming, and good health.

The week of November 16 should give us an opportunity to highlight the importance of good grooming habits in everyday life. It will be an excellent time to say thanks to our drycleaners for helping to keep us well groomed and happy.

CHARGE AGAINST ACLU ANSWERED

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MIKVA. Mr. Speaker, one of the Members of the other body inserted in the CONGRESSIONAL RECORD a newspaper column in which the Illinois Crime Investigating Commission made various charges against a broad variety of people and organizations. I refer to the remarks of Senator WILLIAMS on page 30333 of the CONGRESSIONAL RECORD of August 28, 1970. It is regrettable that neither Senator WILLIAMS nor the columnist were aware that the Illinois Crime Investigation Commission tends to be a great hip shooter more concerned about the quantity of shots than the accuracy of those shots. I have had a previous experience in which the commission listed the names of members of SDS chapter at a high school which never had an SDS chapter. The commission has since acknowledged its error.

In the present instance, the article which appears in the CONGRESSIONAL RECORD suggests that the American Civil Liberties Union—ACLU—contributed moneys to the SDS. It turns out, as a letter from the commission acknowledges, that the ACLU did not make such a contribution, and that in fact the ACLU specifically condemned the violence of the SDS demonstrators.

Unfortunately, the retraction never catches up with the charge. Fortunately the ACLU needs no defense from me in its zealous and meticulous protection of our civil rights, whether they are being attacked by columnists to the right of them or communists to the left of them.

The correspondence of which I speak follows:

AMERICAN CIVIL LIBERTIES UNION,
Chicago, Ill., October 5, 1970.

Congressman ABNER J. MIKVA,

DEAR Cong. MIKVA: Enclosed is a copy of the CONGRESSIONAL RECORD of August 28, in which—as you notice—Mr. Williams of Delaware places a column by Henry J. Taylor into the record, reporting on the Illinois Crime Commission's Report, including an inference that the ACLU contributed funds to the rioters.

The ICC never did bother to check why the money appeared in the SDS bank account; however, when we brought it to their attention, they did send us the enclosed retraction. Can this be gotten into the record?

Sincerely yours,

JAY A. MILLER,
Executive Director.

ILLINOIS CRIME INVESTIGATING COMMISSION,
July 31, 1970.

To: All recipients of the April, 1970 S.D.S. Report

From: Charles Siragusa, Executive Director

Subject: Clarification of S.D.S. Financial Data

Your attention is referred to the Commission's April Report on the Students for a Democratic Society. The section on S.D.S. Bank Deposits contains the following paragraph on page 641:

"Included in the deposits were checks received from such organizations as The Young Socialist Alliance, The Michigan S.D.S., RESIST (an anti-draft organization located in Cambridge, Massachusetts), CORE, The Liberation News Services (the largest of the militant press news services) *and The American Civil Liberties Union . . .*" (Emphasis supplied.)

The Commission acknowledges that ACLU check was not a contribution.

The check referred to above was payable to the Students for a Democratic Society in the amount of $313.90. The check grew out of courtesy by the American Civil Liberties Union, Illinois Division, to attorneys representing individuals arrested during the activities of the October weekend of S.D.S. turmoil, permitting the use of its telephones to contact families of defendants so they might be informed of the arrests and the amount of bail. The ACLU insisted upon and received a $500 advance deposit to guarantee payment of phone bills arising from those calls. Subsequently, when the ACLU received their telephone bill for the period in question they deducted $186.10 from the deposit to pay for the calls made on behalf of jailed defendants and returned the $313.90 representing the unused portion.

It is noted that in the week following the S.D.S. Weatherman Riots in Chicago last October, the ACLU wrote letters to Mayor Daley and Police Superintendent Conlisk attacking the violence of the demonstrators and complimenting the conduct of the Chicago Police.

Very truly yours,

CHARLES SIRAGUSA,
Executive Director.

PRESIDENT'S VETO OF POLITICAL BROADCASTING

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. GIAIMO. Mr. Speaker, the President's veto yesterday of legislation that would limit expenditures for television and radio in future political campaigns was a blatantly political act. It is tragic. The legislation rejected had widespread support from both sides of the aisle. Distinguished members from both parties recognized the need to protect the political system from the dangers of manipulation by rich candidates through saturation radio and television techniques.

This veto reflects the utmost cynicism about political office on the part of the President. This veto can only be considered an admission by the White House that the President is wedded to the political concept which is increasingly infecting our body politic—that political office belongs exclusively to the rich.

It is ironic that wealthy candidates' campaign coffers are overflowing, while the rest of those running for office are struggling to be seen and heard on the Nation's airwaves in spite of the well-heeled competition. But more importantly, this veto violates the most fundamental principle of American democracy—that every man has a right to run for office, regardless of wealth. This veto will affect the people's right to know campaign issues objectively through full presentation of all pertinent facts.

The Political Broadcasting Act would have permanently suspended section 315(a) of the Communications Act for the Presidential and Vice Presidential election. This means that the television networks in 1972 would be able to sponsor debates between major candidates for President and Vice President, similar to the ones that were held in 1960. This veto denies American voters the opportunity to compare and evaluate the major presidential candidates by this method in open debate.

CONGRESSMAN CHESTER MIZE, REPORTS TO HIS CONSTITUENTS OF THE SECOND DISTRICT OF KANSAS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MIZE. Mr. Speaker, it is a tradition in the second district of Kansas for the Representative to make a report to his constituency during the month of October. As we begin the recess prior to the election, I am mailing to each postal patron in the second district of Kansas my observations on the work of the second session of the 91st Congress as it applies to the major issues of the day, plus an explanation as to why I voted as I did on certain bills, and finally, a list of the bills I voted for or against. In a capsulized summary of this kind it is not possible to cover all of the activities of the session, nor all of my activities. I have touched on the priority items as I assess them and where more specific information is needed, I will look forward to hearing from these individuals concerned.

I wish to place the Mize report on the second session of the 91st Congress in the RECORD.

The report follows:

OCTOBER 1970: THE REFORM CONGRESS

If one word can be used to describe the motivation of the 91st Congress that word is REFORM. The legislative branch responded to the recommendations of the Administration which had REFORM as its watchword. The groundwork was laid in the first session of the 91st Congress when a comprehensive tax reform measure was enacted into law and the first steps were made toward draft reform. Other far-reaching changes in the institutions and programs of government were proposed and discussed in preparation for the landmark steps to be taken during the Second Session.

Certainly, the reform of the postal system will have to go down as one of the most noteworthy achievements of this Congress. For the first time since its inception this governmental function was taken out of

politics and a businesslike corporation was set up to improve the system of handling the growing volume of mail. The U.S. Postal Service will now take shape on a quasi-government basis with high hopes of upgrading service and eliminating losses.

Everyone agrees the Nation's welfare system is a mess. Welfare reform under the Family Assistance Plan has been adopted by the House as an attempt to getting the disadvantaged off of welfare rolls and on to payrolls.

Reform of the method used to choose the President and Vice President also came in for attention. The Electoral College was scraped by the House in favor of a system of direct election. This action may or may not be upheld in the Senate. It was the subject of extended debate when this report was written.

AND MORE REFORMS

The House took action on more reforms during the Second Session of the 91st Congress. Another step was made toward home rule for the District of Columbia. Congress approved a non-voting delegate for the District, and it is expected this will eventually lead to full representation in both the House and Senate. Social Security reforms were also adopted by the House and are expected to be signed into law by the time the 91st Congress adjourns. Of great significance is the fact the House finally got around to reforming its own procedures. In one of the major achievements of the 91st Congress, Legislative Reform was approved. For the first time in a quarter of a century, the House modernized the way it conducts its business and did away with much of the secrecy which has interfered with the people's right to know.

HOW YOUR CONGRESSMAN VOTED ON REFORM

Reform to make the government more effective and responsive was certainly long overdue. I supported the action the House took in all of these areas although I did not always agree with the method selected to carry out the changes. I voted *for* Postal Reform, Legislative Reform, Reform of the Social Security program and Reform of the D.C. Government. I voted *against* adoption of the Family Assistance Plan as it was presented in the House. I do not agree with the guaranteed annual wage principle, nor the extension of the program to bring more people onto the welfare rolls. The more prudent approach, as I see it, would be to give this plan a thorough testing in selected areas. I agree that the Electoral College system needs to have some safeguards incorporated into it to more accurately reflect the will of the voters, but I don't think the system should be abandoned altogether. I voted *against* Electoral Reform because I felt the District plan would retain what is good in the Electoral College and still make the necessary changes to insure the final outcome reflects the will of the majority.

VIETNAM AND THE ECONOMY

This is the sixth annual report I have made to my constituents during the time I have been in Congress. In each of the preceding reports, I have listed the Viet Nam conflict and inflation at home as the overriding issues. Unfortunately, I could not report, prior to this year, a great deal of progress in dealing with either. This year of 1970, however, has been a time when we have seen the war wind down in Southeast Asia and when many of the economic signs point to an easing of inflationary pressures. Our troops are being withdrawn on schedule, and in some instances, ahead of schedule. The prospects are good for the troop withdrawal rate to be increased. The reduction in the level of the conflict should have a favorable influence on the Peace talks in Paris. Congress has taken a stronger voice during this Second Session in an effort to mold policy. The apparent result has been to move the American people, the Congress and the Administration closer to an understanding on what has been the main issue all along—how best to discontinue the war.

Although the Congress voted standby authority to put wage and price controls into effect, the Administration's policies of reducing Federal expenditures and tightening up on the flow of money appear to have stemmed the inflationary tide. Interest rates are coming down, new housing starts are increasing and the increase in the cost of living is slowing. Changing from a wartime to a peacetime economy has brought about some dislocations in employment but these have been held to a minimum, and affect only certain areas of the country.

TOWARD A BETTER ENVIRONMENT

The Second Session of the 91st Congress has continued to build on the start which was made in 1969 toward the rescue of the environment from man-made pollution. This year we have approved legislation to establish a Population Growth Commission. We enacted the Solid Waste Disposal Act; we amended the Clean Air Act and we set up the Environmental Quality Education Act. We approved funds for the operation of programs already in existence to fight air and water pollution. The Environmental Decade is off to a good start; the Administration and the Congress are cooperating in the all-out fight against pollution.

VOTES ON MAJOR ISSUES VOTED FOR

Population Growth Commission.
District of Columbia Crime Bill.
Railroad Retirement Adjustments.
Reorganization of Bureau of Budget.
Social Security Adjustments.
Financial Disclosure for Members.
Amendments to Clean Air Act.
Postal Reform.
Restoration of Golden Eagle Passport.
Solid Waste Disposal Act.
Elementary and Secondary Education.
Prohibition of Obscene Mail.
Emergency Home Finance Act.
Omnibus Safe Streets and Crime Act.
Environmental Quality Education Act.
Agriculture Act of 1970.
Equal Rights for Women.
Legislative Reorganization Act.

VOTED AGAINST

Guaranteed Annual Income.
Youth Conservation Corps.
Product Promotion.
International Travel Act.

AN APPRAISAL OF THE LEAA'S GRANT PROGRAMS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. CONABLE. Mr. Speaker, Mr. Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration appeared yesterday before the Subcommittee on Economy in Government of the Joint Economic Committee. He presented an excellent statement in which he thoroughly discussed the grant programs of the LEAA. Both the method and direction of the agency's allocation have been criticized recently and I believe Mr. Velde has provided very valuable information which rebuts those allegations of inefficiency.

Crime is a widely debated topic which is receiving increasing legislative attention. While agreement is universal that we must act to assure the safety of the public, we are not in agreement about the most efficient means of disbursing funds to fight crime. Mr. Velde's statement shows convincingly that a block grant program should continue to be the primary vehicle for Federal aid to local law enforcement projects. It follows:

STATEMENT BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, OCTOBER 12, 1970

Mr. Chairman, I appreciate this opportunity to appear before your Subcommittee today to discuss the program of the Law Enforcement Assistance Administration.

Since its beginning slightly more than two years ago, LEAA has been the object of intense interest and considerable scrutiny, by both the public and private sectors.

Such attention is not only proper, but in a sense it is mandatory. Part of the reason is that LEAA awards in grants and contracts large amounts of funds. They are public funds, and the public has a right to know whether they are judiciously used and whether maximum value is extracted from every dollar.

But there is another reason, and it may be even more important. LEAA was created by Congress to provide financial and technical assistance to help improve the nation's entire criminal justice system at the state and local level. The reduction of crime and the improvement of law enforcement comprise one of the nation's most urgent domestic priorities.

It is a demanding and complex task. It also is one of considerable sensitivity, because the rights of people are involved—the rights of our citizens to be free from crime and the fear of crime, the rights of the people to be properly served by their criminal justice system, the rights of those who are defendants or convicted offenders to be treated fairly and humanely.

The nation's criminal justice system has long been in a state of disrepair, in large measure because there has been deep apathy on the part of both the public and public officials for decades. That apathy is ending, as it should, for lasting improvements in crime control can be fashioned only if there is deep-rooted and broad commitment to the enormous task of making this society safe and just for all of its citizens.

During the past two years, there has been both interest in and study of the LEAA program by the general public, public service organizations, public officials and their organizations, criminal justice officials, and the Congress. We not only welcome all scrutiny and criticisms of the LEAA program, but we encourage it as well. In addition, we pay attention.

Your Subcommittee, in inviting me to testify today, indicated it had questions involving a number of the areas embraced by LEAA's operations. I am pleased to respond and to answer all of the questions—some in this prepared statement, others in the questions and answers you indicated would follow my formal remarks.

Because of your Subcommittee's interest in LEAA, we have given considerable thought on how to best relay to you the facts about the crime control program and how to convey our views on those areas which seem of greatest significance.

With your permission, I would like to deal, in part, with a number of criticisms that have been made of the LEAA program.

It has been alleged, for instance, that block grants to the states were being dissipated because LEAA had not assumed a leadership role in guiding expenditures; LEAA had allowed too much money to be spent on police programs; states involved the community to a very small extent in preparation and devel-

opment of programs to reduce crime. While we welcome criticisms, we feel those conclusions are inaccurate.

To put the total LEAA program in perspective, I think it is important to note that the first year budget, for fiscal 1969, was only $63 million—certainly not enough to meet the needs of all parts of the criminal justice system across the country, no matter how it was stretched. In addition, it should be remembered that this program began from scratch in fiscal 1969. Every state had to create a state planning agency, and then work in cooperation with its city and county governments to first draft statewide criminal justice improvement programs and then to implement them. When we consider this had to be done in every state, in a matter of months, it is clear it was a complex and demanding task. It also must be stressed that these things were accomplished, and the nationwide crime control program became a reality in its first year of operations.

In addition, fiscal 1969 was the year in which several months passed before Administrators were appointed and LEAA actually went into operation. We have never denied that this late start caused problems. We have never denied that because the police were equipped to make immediate requests they often received a larger share of their state's grant money from the state planning council than might have been the case had the council been operating for longer, had more experience or had more time. We never denied that other areas such as corrections and courts posed more difficult problems for criminal justice planners and were slower in seeking funds. We never denied the fact that a number of large cities were very slow to request funds from their state councils and therefore received inadequate funding, even though they often got everything they asked for. We never denied those problems existed—but we set out vigorously to correct them at the end of fiscal 1969.

We believe we made substantial progress in fiscal 1970 in dealing with those problems. Fiscal 1970 was not only the first full year of operation for LEAA, but also was a year during which our funding level was more than four times as great as in that first difficult year—a total of $268 million. In fact, as far as action grants are concerned, fiscal 1970 funding was nearly seven times as great as fiscal 1969—$215 million compared to $29 million. We would be the first to admit that fiscal 1969 funding, no matter how carefully distributed, was grossly inadequate when compared to the nation's criminal justice needs.

It has been alleged that the vast bulk of LEAA's funds have gone for police, with corrections and juvenile programs being virtually ignored. But for fiscal 1970, nothing could be farther from the truth. Far from ignoring corrections, during fiscal 1970, LEAA made improvement in the corrections area its major priority. The result we feel was an outstanding success. The facts are:

—In fiscal 1970 we doubled the percentage of state block action grants devoted to corrections programs, from 13.5 percent to 27 percent.

—In dollar terms that improvement was even more striking. We estimate that as a result of later re-programming, states may have devoted only $2 million of fiscal 1969 funds to corrections programs. In fiscal 1970, if discretionary funding, technical assistance and corrections-related programs such as juvenile delinquency prevention are included, the total spending for corrections programs was more than $68 million, more than 30 times the amount in fiscal 1969.

—LEAA has a great concern about juvenile delinquency programs. We're proud of the fact that of that $68 million total, some $33 million went to fund various juvenile delinquency programs, substantially more than the total amount of money distributed in block action grants to states during fiscal 1969.

—We are concerned over recidivism, for our corrections institutions simply don't correct. LEAA thus has put great emphasis on community-based programs to rehabilitate offenders, to get them back into the community as quickly as possible in a constructive way. Of that $68 million for corrections-related programs in fiscal 1970, some $22 million went for these various types of community-based corrections programs.

Last November, President Nixon directed Attorney General Mitchell to move immediately to mobilize federal resources to improve the national corrections situation. Corrections in the United States today is inhuman, it is a national disgrace and finally, I believe that many corrections institutions breed crime instead of rehabilitating prisoners. I am particularly proud of LEAA's record in corrections during fiscal 1970. There is much work that remains to be done. But I think that we have certainly met our obligations head on, and I believe that the corrections improvement program funded by LEAA in fiscal 1970 represents our outstanding achievement in that year.

Police programs occupied a large share of the money spent by states from their block action grants during fiscal 1969. This was the result of a number of factors including the very short time for preparation of grant requests, the fact that planning agencies were just getting organized and the fact that the police were probably better equipped than any other area to make specific requests. As a result some 75 percent of the state block action money in fiscal 1969 went for police programs.

However, it is very significant that during fiscal 1970 the percentage fell from 75 to 51 percent of state block action grant money devoted to police programs. That drop was directly the result of our emphasis on corrections as well as other factors. This year, fiscal 1971, we intend to emphasize court programs without letting up our pressure on corrections and so it's quite possible that the police share of state block action grant money might fall even lower.

Let me also stress that those figures do not include discretionary action grants—one of the best measures of LEAA leadership since LEAA itself determines how this money will be spent. In fiscal 1970, police programs accounted for only 31 percent of the $32 million LEAA distributed in discretionary grants.

Total federal, state and local expenditures for the criminal justice system in the United States are estimated at roughly $6.5 billion. Of this amount it has been estimated that roughly 67 percent goes to the police. Against that 67 percent figure nationwide, I believe that the 51 percent and 31 percent police program expenditure levels for LEAA in fiscal 1970 substantially refute any charge that LEAA overemphasizes police programs.

At the same time, LEAA certainly is not downgrading the importance of police, or ignoring their needs. We are well aware that police are the most important means of curbing crime, and as such have responsibility for performing a major service in the community. We are working with the police to develop programs which will provide real improvement and innovation. In the fiscal 1970 plans, for instance, less than 25 percent of the police program block action money was earmarked by the states for equipment purchases—and more than half of that was for communications equipment.

It has been alleged that LEAA has given inadequate attention to the needs of cities with urgent crime problems. This committee has received testimony earlier from a distinguished police chief in which an eloquent plea was made for more funds for police equipment and training. I can assure this committee that LEAA and the states will continue to be responsive to these basic needs.

There have been problems in the crime control program. No nationwide effort in a field as complex as criminal justice could escape having some difficulties. But we have been aware of them and have moved promptly to resolve them. We have shared the concern that large cities with urgent crime problems might not receive enough action funds from state block grants, for fighting crime in the cities is a priority. Preliminary results of the Fiscal 1969 expenditures of block grants indicate that 60 percent of all action funds distributed by states to local government went to the nation's 411 cities of over 50,000 population. Those 411 cities contain less than 40 percent of the nation's population and about 62 percent of its serious crimes. Fund usage was running in nearly direct proportion to incidence of crime. It must be noted that the 60 percent figure includes only direct grants to cities and counties. The percentage would be larger if it included programs funded separately which are of substantial benefit to cities—for instance, programs to improve corrections and courts, which normally are operated by states but into which the cities send the bulk of offenders. There have been instances of inadequate participation by large cities. In some instances, states did not move quickly enough in sub-granting funds, but this is being resolved. In other instances, cities themselves did not take needed initiatives, but we are taking special efforts to help them become fully involved. Most of the criticism of large cities stemmed from the funds they received from the fiscal 1969 budget—which was only $63 million and included only $25 million in block action grants. That was not enough to satisfy the needs of anybody, no matter how it was stretched.

With the much larger budgets of last year and this year, we are confident the needs of the cities will be met adequately. Some responsibility for delay must also be borne by the federal government. No implementing agency was established by the prior administration until four months after the Safe Streets Act became law.

In our own Annual Report we published a table showing that the 15 cities with the highest crime index in the United States had, on the average, only about 44 percent of the crime in their state and received, on the average, only about 28 percent of the state block action grants distributed by the state councils to the communities in their states. Those were fiscal 1969 figures, and we all agree they are not good enough. Since the states have not distributed all their fiscal 1970 money, comparable figures for last year are not yet available.

I think it is important, however, to point out that a number of the cities which did not receive adequate funding did not receive it because they did not ask for it. A great deal was heard last Spring about the city in Indiana which received only a polaroid camera and a fingerprint kit. The simple fact is that at the time this was made public, that was all the city has asked for.

Furthermore, city requests are often in the police area, since this is where they most frequently feel the pinch. Corrections programs are almost always state or county run. Therefore, if LEAA state block action grant money is spent on corrections, while the cities may receive the principal benefits, LEAA corrections money would not go directly to those cities.

LEAA considers adequate funds to the cities very important. Apart from urging state criminal justice councils to make this a matter of primary concern, LEAA set aside $11 million—more than a third of its total discretionary funds for fiscal 1970—solely for programs to help the large cities. Even in cases where direct funds had been given to

cities through LEAA discretionary grants, some projects were still not started at the local level after six months. LEAA technical assistance efforts are available to cities on request. Furthermore, we recently made an award of almost a quarter of a million dollars to the League of Cities and the Conference of Mayors to find ways to help the nation's largest cities take advantage of the opportunities available to them under LEAA programs.

We have managed, in less than two years, to create and coordinate a nationwide criminal justice planning system, which has mounted a comprehensive attack on crime in every state and every major city in the United States. Certainly it will be some time before the results can be seen, but we believe the promptness with which this program took hold, and the breadth of response, compares favorably with almost any other federal grant program.

It has been alleged that LEAA has failed to exert proper leadership in the crime control program. But if anyone thinks that the share of action grants devoted to corrections was doubled without leadership from Washington they simply don't understand how state criminal justice programs operate. Striking evidence of LEAA leadership can be seen by comparing the fiscal 1969 plans submitted by all the state agencies with the fiscal 1970 plans. It isn't merely that the 1970 plans are more sophisticated. They are far more detailed, far more specific, far more insightful, far more comprehensive, far more integrated. At the same time, there is room for increased LEAA leadership in the future, and we intend to take advantage of it.

It must be remembered that the intent of Congress, and overwhelming so, is that the Federal government be a partner, not a dictator, in assisting states and local governments in improving law enforcement.

Critics often have completely ignored important parts of the LEAA program—including the discretionary grant program, the academic assistance program, and the research program carried out by LEAA's National Institute of Law Enforcement and Criminal Justice. During fiscal 1970, funds for those areas totaled approximately $60 million—more than twice the amount of money spent in fiscal 1969 on the entire block action grant program.

During fiscal 1970: LEAA made 426 discretionary grants totaling $32 million (compared to 29 discretionary grants totaling $4.2 million in fiscal 1969.)

LEAA for the first time had appropriations of $1.2 million for technical assistance, of which more than a third, about $410,000, went for technical assistance in the area of corrections. Examples of other technical assistance expenditures included $228,000 for preparation and dissemination of technical assistance materials on bombs, bomb threats and related police procedures; and $128,000 to support a study of campus disorders.

LEAA spent $18 million for academic assistance to help finance college studies for some 50,000 persons—some 43,000 criminal justice personnel, and 7,000 students preparing for criminal justice careers.

The National Institute of Law Enforcement and Criminal Justice used its appropriation of $7.5 million to support more than 100 research and development projects in the areas of crime prevention, police operations, courts, prosecution, and prisoner rehabilitation.

During fiscal 1970, LEAA established the National Criminal Justice Information and Statistics Service with an appropriation from Congress of $1 million. One of the projects undertaken by the Service was Project SEARCH: a System for Electronic Analysis and Retrieval of Criminal Histories. This project involves 15 states in a cooperative effort to pool information on criminal histories by establishing computerized information systems connected to a central coordinating point.

I also would like to submit, for the Committee's record, a copy of LEAA's Annual Report for Fiscal 1970, which covers our program in great detail.

From this summary, I hope a more accurate perspective has emerged regarding a number of key points in the LEAA program. Much already has been accomplished, thanks in large measure to the untiring efforts of state planning agencies and both criminal justice personnel and public officials at the local and state levels. However, much remains to be done. We cannot be content until the crime rates begin to drop. And not even then, for crime must be reduced to the absolute minimum, and we must greatly enhance the efficiency and fairness of the entire criminal justice system.

It is impossible to predict when crime rates might begin to decline nationally. But I believe that day will come, perhaps sooner than many of us suspect. Let me cite one example of what a dedicated, progressive police department can accomplish. Washington, D.C., recently reported a substantial reduction in its monthly crime rate—the first one in more than four years. Metropolitan Police Chief Wilson gave most of the credit for this reduction to two programs, increasing the number of police on the street and the use of methadone to control drug addiction. LEAA last year gave the District some $2 million—more than twice its total block action grant—solely to help fund these two important programs.

Some who have examined LEAA have criticized the fact so much of LEAA's action funds have gone for police programs. I have tried to make it clear that the LEAA program is dealing with the comprehensive improvement of the entire criminal justice system, and is making every effort to make certain that this mandate of Congress is carried out so that police, courts, and corrections have their proper share of funds.

But I would like to take a moment to discuss those criticisms of aid to police. For the most part, the criticisms have been broadgauge—too much money has gone for police, and there is always the implication that the bulk of police funds have gone for equipment.

The police comprise the overwhelming bulk of the criminal justice system. Their needs are enormous. In addition, they comprise the first line of efforts in crime prevention and crime reduction. It will do little lasting good to improve the fairness and efficiency of the courts and the rehabilitation efforts of corrections if we fail to give police the aid they need to prevent more crime and apprehend more suspects.

The critics often overlook the fact that aid for police involves a variety of vital programs. Equipment certainly is important—and an examination of equipment purchases shows heavy emphasis on communications equipment. This type of gear, as well as other kinds of equipment, is designed to permit police to respond faster and more efficiently to crime, and to protect the lives of policemen.

Studies have shown, for instance, that the faster police arrive at the scene of a crime, the greater chance they have of solving it. Heavy emphasis has been placed by police on training—from the rookie through the patrolman through the middle and upper-level command ranks. The training will not only make police more effective, it will make them fairer in their contacts with citizens. Emphasis has been placed on prevention and control of civil disorders—with prevention programs and training of personnel as priorities. Development of better relations with minority groups has also been given major attention, both through disorders prevention campaigns and through enhanced police-community relations programs. Organized crime control is another area of prime concern. Organized crime is not only a law enforcement problem, but in ghetto areas is a civil rights problem as well—for organized crime preys on the poor and disadvantaged.

Some of those who have examined the LEAA program seem to forget what the Congress said in creating the new national crime control program. Congress decided, first of all, that law enforcement is and must be primarily a local and state responsibility. Congress decided that the LEAA program is not one where the federal government implants its will on law enforcement throughout the country or begins development of a federal police force. Rather, the LEAA program is designed to give financial and technical assistance to state and local governments. It is up to those state and local governments to not only contribute much of the money for improvement programs, but bear the overwhelming burden of work as well.

The LEAA program is basically a block grant program. State and local governments set their own priorities, develop their own programs. Then each state receives a block action grant to carry out its statewide improvement plan, and gives most of the block grant funds to its local units of government. This is a partnership program. We work cooperatively with state and local governments to develop programs and program directions we feel are important—as in the area of corrections, as I cited earlier. But we do not dictate to state and local governments, and anybody who thinks we should had better go back and read Title I of the Omnibus Crime Control and Safe Streets Act. Congress did not intend this to be a program of Federal dictation.

Concern also has been voiced that planning funds have been inadequate thus far in the program. All of the planning funds are given to the states in block grants, based upon population. States use these funds, in cooperation with their units of local government, to help draft and implement statewide law enforcement improvement programs and to help pay administrative costs of the state planning agencies. In the first year of the LEAA program, planning grants totaled $19 million, compared to $25 million for block action grants. In fiscal 1970, planning grants were $21 million, compared to $182 million in block action funds. Our proposal for fiscal 1971 calls for $26 million in planning funds, some $350 million for block action grants. We feel the planning funds are adequate. Planning is of great importance, but a good base already has been created and the funds proposed are adequate to continue the work. I might add here that LEAA plans to request more funds for planning in fiscal 1972.

As I indicated earlier, we feel that plans submitted to LEAA so far have been generally of good quality. In the program's first year, it was something of a wonder that states were able to submit plans at all. Despite whatever other problems they may have had, the first-year plans were brutally candid in discussing shortcomings of the states' criminal justice systems. For fiscal 1970, we required the states to plan for more than one year—to begin development of long-range plans and goals. Generally, the long-range planning work was not as adequate as we felt it should have been. The third round of plans will be submitted to LEAA by next December 31. We have worked closely with the states to improve planning and we expect these next plans to be of uniformly high quality.

I would like to turn now to a discussion in some detail of two other important aspects of the LEAA program—The National Institute of Law Enforcement and Criminal Justice, and the National Criminal Justice Information and Statistics Service.

The National Institute is the research and development arm of LEAA. In fiscal 1970, the Institute had a budget of $7.5 million, and Congress has appropriated the same amount for this year. We do not feel that is enough, but Congress has indicated that it will permit us to request re-programming of some funds if we feel they can be adequately utilized by the Institute this year.

In many ways, police and courts and corrections all are still operating in the 19th century. We must bring them fully into the 20th century, and enable them to use the benefits of science and technology. Three basic elements are needed for intelligent research and development: first, there must be a solid, broad base of research projects, being done in cooperation with the states, that are built on a master plan of long-range goals; second, there must be great emphasis on technology transfer, applying to criminal justice the techniques and equipment already developed by private industry, the space program, and the Department of Defense (it will do us no good to simply go on re-inventing the wheel); and third, there must be impartial evaluations of the state of the criminal justice system today, its needs, and what is being done to meet them.

The federal government is a later-starter in regard to criminal justice research, both in terms of money and years. To cite only one example, the Department of Agriculture has been conducting agricultural research since 1862—the year the agency was created. Even before that—as far back as 1828—the old patent office conducted agricultural research. This fiscal year the Agriculture Department's pending budget request contains $255.2 million for research, and since 1862 it has spent $4 billion on research. That research and development has been a key factor in this nation's incredible productivity in foodstuffs. Research for criminal justice—properly funded and directed—could provide comparable results, and I believe it could be done in a fairly short time.

During the past fiscal year, the National Institute supported more than 100 research and development projects in the area of crime prevention, police operations, court procedures, and correctional methods.

One of the Institute's most promising efforts is the Pilot Cities Program, which emphasizes system-wide improvement of all criminal justice operations—police, courts, and corrections—in cities and metropolitan areas.

Pilot cities are being established throughout the country to test the impact of such across-the-board improvements. San Jose and Santa Clara County, California, and Dayton and Montgomery County, Ohio, are the first pilot sites selected for the program. Within the next two years, five additional municipalities will be selected. Eventually, one pilot program will be located in each of LEAA's seven regions.

There are several criteria for selecting pilot cities. One of the most important is size. The municipality must be large enough to have problems of street crime, drug addiction, drunkenness, and delinquency, yet small enough that a limited investment of LEAA funds can produce measurable improvement.

In each pilot city, a research team, in cooperation with law enforcement and community officials, studies criminal justice operations and identifies areas for improvement. A comprehensive group of action programs aimed at basic system-wide improvement is then designed and carried out. In this way, the pilot cities program will test the performance of the best criminal justice system that current knowledge and technology can offer.

LEAA's Office of Law Enforcement Programs is collaborating with the Institute on the program and is the principal source of funding for action programs. Nearly $1 million in LEAA funds has gone to this program so far.

The Institute is sponsoring a number of projects to improve police capabilities. One priority is better police communications. We are well on our way to developing a small, reliable transceiver radio which can provide communications for policemen away from the patrol car. The Institute has issued a request for proposals, and over 100 firms are competing for funding to build the best version, both technically and economically.

Other projects are developing robbery and burglary alarm systems linked directly to police communications centers.

Improvements in weapons systems have long been requested by many police officials. With Institute support, the International Association of Chiefs of Police has established a Police Weapons Center to conduct research and dissemination of information regarding police weapons—including nonlethal weapons. The Center will also provide information on bomb disposal equipment—one of a number of Institute projects designed to meet this growing threat to public safety. Other Institute efforts are being directed toward development of truly effective equipment and systems to locate, identify, neutralize and dispose of hidden explosive devices.

To help police control the widespread use of narcotics, the Institute is working on two projects to develop equipment capable of detecting hidden quantities of heroin.

The Institute's research efforts go beyond developing new equipment, however, crime prevention is a major focus of research supported by the Institute.

The University of California at Davis is using a $148,121 grant to develop effective methods for preventing and controlling robbery, muggings, and other forms of attacks on the person. Other projects are studying ways to make residences and commercial establishments less susceptible to robbery, burglary, and vandalism. The theory behind these projects is that architectural and environmental design can enhance the security of homes and businesses.

In corrections and rehabilitation programs, the Institute has focused on such areas as prison architecture, work-release, and alternatives to incarceration.

Reducing court delay, which many experts view as a crucial element in controlling crime, is a primary aim of several Institute projects. Notre Dame University received $200,000 for an operations research study of courts in Illinois and Indiana. To assist in the training of local prosecutors, the Institute granted $290,000 to the Council on Legal Education for Professional Responsibility to create special education programs in law schools and prosecutors' offices.

To develop sound improvement programs, we need sound planning programs. But to develop sound planning, we need comprehensive and reliable information and statistics on every part of the criminal justice system. Today, that information simply does not exist on a national scale. Record keeping is fragmented, at best, and not uniform. Some cities and states keep good records, but only on some portions of the system. Others keep hardly any reliable statistics. We don't even know for sure how much crime there is, or how many ex-offenders commit new crimes after release from prison.

The Uniform Crime Reports of the FBI represents the greatest advance to date in collecting information about crime. It is the best that exists. But it is forced to rely on the reports submitted to it by police departments—and some departments do not report all the necessary information, and many don't report at all.

What is the cost of crime to victims? The costs of prevention and control? We must know in order to measure—in dollars—the value of various anti-crime efforts.

How many offenders are repeaters and with what frequency? What are the correlations with such factors as age, seriousness of crime, length of sentence? We must know so we may make sound decisions about rehabilitation programs.

There is such a dearth of information that no one knows the aggregate expenditures for criminal justice activities in this country. Few state law enforcement officials can say positively how many jails are in their states. Courts do not have data about the amount of time required to process criminal cases, average sentences, or even on their own personnel.

To develop a sound, nation-wide criminal justice data system we have created the Information and Statistics Service in LEAA.

LEAA is spearheading programs to create or improve information and statistics gathering. The agency has done this by earmarking substantial portions of its discretionary action funds for such programs, and by creating the Information and Statistic Service (NCJISS), which was established last year. This was a million-dollar program in fiscal 1970, and its requested budget this year is $4 million.

NCJISS helps states and local communities develop statistical systems and it guides the states in using computer and information systems. In essence, it is providing the national leadership that has been critically needed.

For example, NCJISS has begun pre-tests for a series of three surveys on crime victims. These surveys will examine the individual as a victim, businesses as victims, and governments as victims and will provide estimates on such matters as victims' characteristics, geographical distribution of crime, the number of crimes being committed.

As part of this effort, NCJISS is negotiating with the Census Bureau to include questions about victim experience in the Bureau's Quarterly Household Survey, conducted in January and July, 1971. If this is arranged, then this will be the first attempt to collect hard data on crime incidence at the national level. Then, in 1972, NCJISS expects to begin its extensive National Victimization Survey.

The important national survey of jails has just been completed and will soon be released. This survey report contains a wealth of information on jail facilities and prisoners.

Under another NCJISS project, the Census Bureau is preparing a directory of criminal justice agencies in the United States. The LEAA will publish this directory in March.

The LEAA has also arranged for the Census Bureau to expand its collection of statistics on criminal justice expenditures and employment. In December, when the Bureau publishes the annual compilation—*Employment and Expenditures in Criminal Justice for Fiscal 1969*—data on prosecution and indigent defense will be included for the first time.

The first step in LEAA's long range goal of developing national court statistics is a NCJISS survey of court organization. The initial phase will cover about 8,000 court systems in the nation—trial courts, courts of general jurisdiction, state appellate courts, courts of limited jurisdiction. An inter-agency agreement to conduct this survey is now pending; the LEAA expects to complete this agreement shortly so that it may begin the survey and finish it by the end of 1971.

The agency has already begun development of the first module of what will become a management information system for the LEAA itself. This is an important project for it will enable the LEAA to manage and monitor its rapidly growing grants-in-aid more effectively—not only improving the fol-

low-through on individual grants but eliminating possible duplication or waste in the various grants.

The LEAA is establishing a criminal justice reference service. Among the information services now available there are wide gaps in coverage and in quality. LEAA's new service will be a service-oriented system filling the information needs of the entire law enforcement and criminal justice community—police, courts, corrections, prosecution, probation and parole. The National Institute has awarded a grant to George Washington University to define potential users and to assist in planning the new service. The University will complete this project in January.

NCJIIS' statistical efforts figure importantly in the National Institute's pilot cities projects. The incidence of crime is being measured by NCJIIS in these cities—a "before" and "after" project that will help determine the effectiveness of the demonstrations.

One of the most important LEAA efforts is encouraging the development of information systems which will serve the state's operational needs while providing—as a by-product—the required statistics. The LEAA surveyed the 50 states to assess the present status of existing systems, and will be guided by this data in further advising and assisting the states.

A number of prototype systems are being developed, for example, the public safety information sub-system in Long Beach, California, that is part of the Department of Housing and Urban Development's Municipal Information Systems Project.

The most significant of all such information system projects, of course, is Project SEARCH—System for the Electronic Analysis and Retrieval of Criminal Histories. SEARCH is designed to give criminal justice agencies needed information on offenders in a matter of seconds. It contains data on arrests, results of trials, prison sentences, etc. Using such a system, a state holding a suspect could query a central point, find out whether there is information on the person, and which state or states has it. The LEAA has thus far financed the project with some $1.5 million. SEARCH is being demonstrated by the project states—a demonstration that will continue through December—and the preliminary evaluation indicates that every goal of the demonstration has either been met or exceed. The 15 project states have made the decision to go operational. A system embracing all 50 states is essential.

In the SEARCH project, you see a cornerstone of information and statistics system for criminal justice. The development of this system is a landmark, auguring well for the future.

Mr. Chairman, I have attempted in this statement to discuss candidly many of the criticisms that have been raised about LEAA and to discuss a number of key parts of the program which often are overlooked. I would now be pleased to answer any questions.

SEX ON THE STAGE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. McCLURE. Mr. Speaker, during the next few weeks, a lot of the Members of this body are going to be talking about the state of American morality today. For an example of just how low our standards have shrunk, I call to your attention an article in the Washington Post the other day entitled "Sex on the Stage."

I do not know what can be said about this article that won't automatically come to mind anyway. The general permissiveness of the Spock generation; the appointment of Supreme Court Judges with greater devotion to leftwing causes than to moral principles and constitutional precepts; public officials who used the divisions among our people for their own personal gain and thereby widening those gulfs—all of these things have led this country almost beyond the point of no return.

How can the gaps between the races and the generations be closed when it is so profitable for those on both sides to continue the hate? Can American democracy survive some of the tortured decisions of the courts? Or, in this instance, has the general morality of our Nation sunk so low that there is little left that is worth preserving in any event?

Perhaps this is the real issue in the November elections. The article follows:

SEX ON THE STAGE

(By David Shaw)

In the last two months, four bars and three movie theaters in Los Angeles County and a bar and a movie theater in San Francisco have begun staging live, unsimulated sexual intercourse for their audiences.

Despite mounting arrests, the number of shows is growing.

The shows may be tamed down for a few days after repeated arrests or, as this week, after an adverse lower court decision, but each time they resume their ranks have swollen—another bottomless bar has gone to simulated sex or a simulated sex show is no longer simulated.

"In six months, at most," predicted one Los Angeles bar-owner, "there'll be 10 or 15 shows here and even more in San Francisco. And none of them will be simulated or just suggestive dancing.

Money is the answer most of the owners give to the question "Why?"

"I had a regular beer bar here, 45 cents for a bottle of beer that cost me about 15 cents," said one Los Angeles bar owner. "I was lucky if I took in $80 a night.

"Now I've got a couple on stage. I charge $1.25 for a glass of tap beer that probably costs me a nickel. I get a $3 cover charge and on a bad night, I take in $500 to $600."

There is little question that the live sex shows now available are the inevitable result of the trend that began in San Francisco's North Beach in 1964.

The first bare-bosom waitresses there were the forerunners of a whole range of erotic entertainment—from "Hair" and "Oh! Calcutta" to "I am Curious (Yellow)" and "Pornography in Denmark," as well as topless and bottomless dancers.

Tourists flocked to North Beach, and many overnight fortunes were made.

"It wasn't unsual for a club to take in $4,000 on a week night and $6,000 on a Saturday night," said Voss Berretta, owner of Off-Broadway, perhaps the most successful of the 14 topless-bottomless clubs now in operation within a 3-block stretch of North Beach.

There is an added bonanza in the live love-making business: You don't get just the male trade as in the topless-bottomless business, you also draw women. Several California sex show impresarios report that they play to a great many couples, something they could never do in tamer days.

The prevailing law on obscenity in love performances in California now seems to be the decision by the state Supreme Court earlier this year that the controversial play "The Beard"—which ends in a simulated sex act—is not obscene.

The court said, in effect, that drama is the act of simulation (whether acting out a murder, a laugh or sex act) and that the presentation of these simulations in a theater is protected by First Amendment guarantees of freedom of expression.

More important, the court seemed to say that any sexual activity—even actual, not simulated, sex—that is not otherwise proscribed by the penal code has the same constitutional protection.

Thus, sexual intercourse would be legal; many other sex acts would not be.

There was a catch, however. The performance had to be in a theater to be so protected—and police have decided that bars with makeshift stages are not what the court meant by theaters.

So there have been arrests, hundreds of them, over the last two months.

But in San Francisco's Folies Burlesque, which has a tradition of live shows and a live band in the pit, a couple make love five times a night without fear of arrest.

"It's a theater," said police Lieut. Gerald Shaughnessy. "Our hands are tied."

And, said John Daly of the Los Angeles city attorney's office:

"If they decided to put on a sex show in any legitimate theater, we couldn't stop it."

DIRECT ELECTION OF PRESIDENTS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. LANDGREBE. Mr. Speaker, the question of electoral reform has been batted back and forth in this and the other body for a number of months. As the debate continues, one thing has become quite clear; the trend is toward a modification of the present electoral college and away from direct popular election of the President.

At first, direct popular election was "an idea whose time had come," and all but a few jumped aboard the bandwagon. It was the "Motherhood and the Flag" of the 1970's. But cooler heads have prevailed. Now we look beneath the surface of direct popular election and we see new dangers and pitfalls that were not at first apparent, including the potential end of our entire Federal system.

An indication of this trend reversal can be found in an editorial in the La Porte, Ind., Herald-Argus, which originally had supported direct popular election. I commend the Herald-Argus on being open-minded enough to change its stand upon closer examination of the facts; many publications would have adamantly stuck to their guns despite the mounting evidence.

Mr. Speaker, I ask unanimous consent to insert this excellent editorial at this point in the RECORD and I commend it to the attention of my colleagues:

DIRECT ELECTION OF PRESIDENTS

Tomorrow may prove to be a crucial day in our constitutional history as a nation.

Tomorrow the United States Senate votes on a cloture motion, introduced by the majority leader, which can effectively decide whether the Congress (the House already having acted favorably) will submit to the legislatures of the several states a constitutional amendment abolishing the Electoral College and providing for popular election of U.S. presidents by a 40 per cent plurality, or, lacking that plurality, by a run-off election between the two top contenders.

This newspaper has in the past favored direct election of the president.

As late as May of this year, we reaffirmed that position, but suggested that insistence upon adoption of the direct election proposal in toto—put forward, and still being pressed, by Indiana's own Democratic junior senator, Birch Bayh—might well defeat the possibility of presidential electoral reform altogether for the time being: if not in Congress, in the state legislatures.

In that same editorial last Spring, we asked therefore that consideration be given to two possible politically acceptable alternatives: (1) apportionment of a state's electoral vote along lines of congressional representation; or (2) outright division of a state's electoral vote according to the popular vote for president in that state.

As the debate on this many-faceted question has developed—and it is a problem which troubled the Constitution's framers, even after they had worked out their ingenious "solution," as well as scholars and practical politicians ever since—we have begun to entertain doubts about the wisdom of making any fundamental change at all—at this time.

We do still believe that some urgency exists for constitutional change to provide for prompt and more democratic resolution of the situation in which no presidential candidate wins an absolute majority of the electoral vote.

While the election of "minority" presidents John Quincy Adams, Rutherford B. Hayes and Benjamin Harrison raised no real constitutional crisis per se in the nineteenth century, a repetition of the J. Q. Adams-Andrew Jackson contest of 1824 in the House of Representatives (the last such decision the House was called upon to make) could, in our opinion, conceivably create an intolerable situation against the background of present-day politics and the exacting requirements for continuity of presidential power in a nuclear age.

As to the method of selecting a president in the first instance, however, we have become ambivalent (as were the founding fathers of the Republic for that matter). And in ambivalence there is doubt. And in doubt there arises a serious question—in fact a growing negative conviction—about tampering with the nearly 200-year-old system at all, until more comprehensive study has been undertaken and a more deliberate consensus has been reached.

We say this in the face of the 339 to 70 vote of the House to submit the amendment to the states, and despite support for the change on record from former President Johnson, President Nixon, the American Bar Association, the United States Chamber of Commerce, what we believe to be a majority of the mass media, including most newspapers, and what the polls show to be the initial reaction of roughly four-fifths of the American people.

We do in fact find it somewhat alarming—and perhaps symptomatic of the "revolutionary" times in which we live—that so many respected citizens and groups (including—almost—this newspaper, which at least strives for its readers' respect) should be thus stampeded into performing such radical surgery on one of our most vital democratic institutions.

We do not deny that the present electoral college system is, in an historical sense, "archaic."

But around it has grown a host of respected and vital and distinctively American political institutions and practices which uniquely reflect in presidential elections the diversity and viability of our heterogeneous culture.

In this regard, we cite the two-party system, the preservation of regional identities via "states' rights," the counter-balance of rural and urban influences and the strong thrust of ethnic and economic minority power under the "winner-take-all" tradition which magnifies the voice of the more populous states in presidential elections.

Surely, the electoral college system, which has become something of a fulcrum upon which all these subtle levers of popular power must turn, is not to be lightly cast aside in the name of "one-man-one-vote" and an uncompromising majoritarianism, however appealing to our democratic instincts.

We therefore candidly share this change of heart with you, our readers, and join such strange ideological bedfellows as the liberal New York Times and the conservative Southern coalition in the Senate to urge that the legislatures, if not the Senate, defeat this ill-considered proposal in favor of more modest electoral reforms to meet undeniable needs.

REMARKS OF ROBERT T. STEVENS AT THE NORTH CAROLINA TEXTILE MANUFACTURERS' ASSOCIATION

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. RUTH. Mr. Speaker, I participated in the annual meeting of the North Carolina Textile Manufacturers' Association's annual convention on October 1 at Pinehurst, N.C. I was fortunate to be among those attending the meeting where Robert T. Stevens discussed the problems facing the textile industry.

Mr. Stevens, who is currently chairman of the executive committee of J. P. Stevens, has had a long and illustrious career in textiles. He began his textile career 49 years ago and rose rapidly to a position of industrywide leadership.

His tremendous talents and abilities were recognized by his associates when he was elected president of the American Textile Manufacturers' Institute in 1963.

Bob Stevens has not only served the textile industry. He has served his Nation. During World War II he was in Army procurement and during the latter stages of the Korean war he was appointed Secretary of the Army by our late President Eisenhower.

Mr. Stevens' remarks follow:

A few months ago Bob Twitty, your outstanding President, asked me if I would appear on the program some time during the course of your Annual Meeting. He caught me in an unguarded moment and, being the long-time close friend that he is, I could not refuse. That part was easy but, as today drew nearer, the question became more binding as to what a textile veteran like me could say of interest to a sophisticated 1970 textile gathering like this.

Yes, I could reminisce, going back to my start in textiles 49 years ago in September of 1921. We had just three fibres in those days—cotton, wool and silk. So called "artificial silk," later renamed rayon, was just around the corner. The cotton and wool industries were big. Silk manufacturing was moderate in size. All three were almost unrelated in manufacturing processes and machinery. Blends were unheard of.

Compare that with today and the hundreds of fibers currently available for every conceivable purpose. Quite a change. And quite a challenge! One could get by in those earlier days without too much of a technical staff. Look at it now—research, development, technology, quality control, pollution control, automation and computers are the order of the day. All of this raises a big question.

What is the textile industry going to be like 49 years from now? We all know we are living in an age of more rapid change than ever before. Therefore, it is obvious that our industry, despite the vast changes we have seen, particularly in recent years, will change even more rapidly from here on out. We are all going to have to move fast even to stand still! Technical considerations are bound to play a larger and larger part.

It would take a far wiser man than I to project what our American textile and apparel industry is going to look like even 10 or 20 years from now, to say nothing of a half century hence. Of one thing, however, I am absolutely certain. The American people, through the Congress, are going to have to make up their minds as to whether they want this great industry to retain its leading position as a job provider in the American economy or whether they are willing to sacrifice jobs and permit access to our markets of ever increasing floods of textile products made offshore by cheap foreign labor.

The combined industry with its 2,000,000 employees is listening very attentively right now to catch the voice and the opinion of the American people on this subject so vital to where our industry goes from here. The chips are down. The case has been argued for more than a decade. Study after study has been made. It is now in the hands of the Congress. The White House has sought action to limit textile and apparel imports. Secretary Stans has battled valiantly to achieve this. The verdict will, in my opinion, have a profound effect on textile and apparel planning for the future. It is for this reason that I hope the Senate will proceed immediately to attach the textile apparel amendment to pending legislation. Let's get on with the job.

Failure to act will stimulate offshore manufacturing by American companies for the American market. In this connection, Mr. Eugene E. Stone, III, President of Stone Manufacturing Co. was quoted recently as saying, "I'll believe we will get import relief when the Mills Bill is signed and sealed—and not before. If that relief is not forthcoming, my company will have no choice but to go offshore." That is surely a definitive statement. The Stevens Company has not and does not use foregin made fabrics. But we may have to review that policy.

Other textile companies will be reviewing their policies too. Will they increase capital expenditures overseas? Will they reduce these expenditures here in the United States? These and many other related questions will soon be up for consideration by textile and apparel planners, if import limitations do not materialize.

We all know there is very formidable opposition to limitation on imports of textiles and many other manufactured products. From the sheltered, non-competitive, confines of the classroom, for example, the economist preaches free trade. He gives little consideration, if any, to the fact that free trade does not exist except in theory. The American market is open to the products of the world. The vast majority of foreign markets are not.

We are all familiar with the dozens of devices that have been created as non-tariff barriers by foreign countries. American goods are discriminated against almost everywhere. Japan is a prime example of a discriminator against American products.

For instance, they can ship their small automobiles to the United States in unlimited quantities by the payment of a nominal 4½% tariff. American cars, on the other hand, are, to all intents and purposes, barred from the car market in Japan. Is this free trade? Must we do all of the giving?

Besides the opposition of the economists, there are other groups that have a business

interest in being able to saturate the American market by using low cost offshore labor. These groups include some American manufacturers with overseas plants, high mark-up retailers, meat importers, foreign steel users, and others. While some unions, especially in textiles, apparel, shoes and steel, have shown an increasing awareness of the inroads on United States employment of the current flood of imports, it would seem that a much stronger and broader posture might be taken.

18 years ago, in September of 1952, I had the honor of acting as Chairman of the American delegation to the International Cotton Textile Conference in England. This came to be known as The Buxton Conference and was attended by all of the principal cotton textile producing countries of the free world. During the course of the Conference it became increasingly clear to the members of the American Delegation that Japan would, in all probability, become a most disturbing element in international trade in cotton textiles down the road in the future.

Our feeling on this point was despite the concluding paragraph of the opening address by the Chairman of the Japanese delegation. This ran as follows:

"As I mentioned at this morning's session, our greatest hope is placed on increasing world cotton textile trading through international cooperation, and I assure you that our coming to England from distant Japan has for its object the planning of the furtherance of Japan's interests on the basis of the principle of live-and-let-live and acting hand-in-hand with all of the countries concerned."

It has been difficult to observe over recent years just where the principle of "live-and-let-live" or action "hand-in-hand" has been in evidence where Japan's relations with the United States on the subject of textiles have been concerned. Rather, it has appeared that Japan is determined to gobble up directly or indirectly, more and more of the American textile and apparel markets. Not just in cottons, which they have done, but in woolens and worsteds, which they have done, and now in man-mades, which they are rapidly doing.

Coming back to the economist, this gobbling up process appears to be O.K. with him. Most of them would just let the textile companies fall by the wayside and suggest training our employees, at Uncle Sam's expense, for some other job. Usually, they do not say what other job, where it is to be located or indicate what degree of adaptability they hope to achieve. It's an easy solution to propound. It is probably impossible to accomplish. In any event the fine people who work in these plants deserve a better fate than the depersonalized shifting about which the economists suggest.

I often wonder, when foreign governments fight so hard to protect and build up their industries, why American foreign policy seems willing at times to have many of its industries suffer severely under the banner of alleged free trade. And the bogeyman of retaliation is always set forth by opponents of any limitation on imports. It is the golden dollar market in the United States that foreign countries have their eyes on and they are not about to do anything which could adversely affect their access to our markets.

Then there is another point the free trader persistently tries to evade or ignore. Suppose our country should find itself faced with an all-out military emergency some time in the future. What would we do then? With our textile and many other industries decimated by free trade, would it be a good way to face that emergency by having to rely on Japan or some other distant country for military fabrics and other essential war requirements?

I doubt if the American people would be content with military dependence on overseas production, if they realized this is the position the free trader might put us in. Where would we have been in World War II if we had to depend on foreign sources of military fabrics and other vital war products. We might not have survived—that is how critical the well being of strong domestic industries can be. I hope we don't take any such awesome chance.

Having served in Army procurement throughout World War II and as Secretary of the Army during the latter phases of the Korean War, I feel qualified to a degree to discuss and stress this defense aspect of our industry. I have testified before committees of the Congress on this subject and am prepared to do so again whenever called. Referring to the woolen and worsted industry, my testimony includes a statement that what is left of this part of our industry could no longer fulfill the military and essential civilian requirements of an all-out emergency. This is a serious matter for our country.

Another consideration that opponents of import limitations overlook is the position of the American farm and ranch producer of cotton and wool. What would the American farmer do without the cotton textile industry? Surely he could not replace domestic consumption with profitable exports. And, as for the wool producer, he has only one customer—the United States woolen and worsted industry. Would the free traders wipe him out completely? Where then would wool come from in time of war? Is it not possible for the free traders at least to concede that a substantial fibre-growing segment of American agriculture is a desirable thing?

Let's look at another segment of American agriculture—the beef producers. Judged by the pressures around Washington from foreign beef producing countries, we really don't need a large cattle production here. I presume the free trader agrees with this because the cost of producing beef in the United States is much higher than in Australia, New Zealand, Canada, Mexico, Argentina, Uruguay and other countries.

Again, in an emergency, where would we get our beef? Or, without an emergency, what will the housewife pay for beef when the foreigners have taken charge of our supply of beef? Plenty, you may be sure, thus showing again the folly of theoretical free trade. Let's at least preserve the farm production necessary to feed, as well as clothe, our growing nation.

This may be my swan song in public appearances and, if so, I am sure there are a lot of free traders who will be delighted. I have argued with them in public and in private ever since I was an undergraduate at college. In my opinion, they overlook the fact that our forebears made a very major decision 150 to 160 years ago. They decided that the United States was going to be an industralized nation and whatever measures were needed, would be taken. Since we could not compete with Britain and Europe at that time, they deliberately adopted a course of protection of American industry.

If they were wrong, please blame them—not us for feeling the same way they did. After all their keen foresight resulted in the creation of an industrial machine which, twice during our life times, have made possible the preservation of freedom and prevented our possible defeat by dictators. If they were wrong in their policies, then I am perfectly willing to be wrong with them now. The preservation of an all-around, strong, healthy industrial and agricultural complex is even more important now than in some of those dangerous days in the history of our country.

While on this subject, I would be derelict if I did not interject that the so-called military-industrial complex is, in my opinion, the basic foundation of our national security. That complex, controlled by our duly elected civilian leaders, is the best insurance we can have for the survival of our freedom. In their understandable desire to cut government expenditures, it is to be hoped that the Administration and the Congress will not cut our defenses too deeply.

It might surprise you to know that the Navy, in the budget for the 1972 fiscal year now under consideration, may, according to the Armed Forces Journal, have fewer ships than the Navy of 1934! That concerns me in this world of 1970 and, especially so, in view of the rapid emergence of a large, completely modern, Russian Navy.

Just three days ago Chairman L. Mendel Rivers of the House Armed Services Committee warned the nation that unless the "deterioration in our military capability" is reversed, he foresaw the United States being "pushed out" of the Mediterranean, forced to accept a Soviet submarine base in Cuba and eventually unable to deter Soviet aggression. He said, "We are on the brink of disaster." And he urged that our nation provide itself with a modern Navy second to none. I join him as I am sure you do in the great hope.

Now then, the Stevens Company is an old one—157 years to be exact. Its history closely parallels that of the nation. We've gone through every war since the War of 1812, every depression, every boom and bust and have succeeded in rolling with the punches. We intend not only to maintain our business but, one way or another, changing with the times, to grow in the future as we have in the past.

With this in mind, we have recently broken ground for an important new Stevens plant. And where will it be located? Why, not surprisingly, in North Carolina! It will be our 23d plant in this wonderful state.

And now, I thank you very sincerely for the privilege of appearing before you this morning. It is a great pleasure to be here with so many good Tar Heel friends. I wish all of you continued success in this great industry to which we are all so devoted. I am confident our combined efforts will find solutions to our problems that will mean we are, once again, on the way to greater things.

HON. WILLIAM MOORHEAD SPEAKS AT THE PITTSBURGH THEOLOGICAL SEMINARY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. COHELAN. Mr. Speaker, my good friend and colleague from Pennsylvania, Congressman WILLIAM MOORHEAD, recently delivered a speech at the Pittsburgh Theological Seminary.

In his remarks Congressman MOORHEAD analyzed the current state of the war in Vietnam and correctly pointed out the ambiguities in the President's policy in liquidating this war. Mr. MOORHEAD also touched in the problems of control of civil disturbances.

I am sure that the readers of the RECORD will find Congressman MOORHEAD's remarks informative and provocative. At this point, Mr. Speaker, I insert his speech in the RECORD:

THE HONORABLE WILLIAM S. MOORHEAD, AT THE PITTSBURGH THEOLOGICAL SEMINARY, OCTOBER 6, 1970

I would like to discuss three such issues with you tonight. The first is our present

Vietnam policy. The second is our post-Vietnam policy for Asia. The third is a little known policy decision which should be damned in every pulpit across the nation.

First on our present policy in Vietnam.

I don't think the facts have been stated properly on the cost in terms of American lives as well as dollars of the vague withdrawal plans of the Nixon Administration. Recently Arnold Kuzmack, an analyst at the Brookings Institution in Washington, made estimates of the casualties and costs for different withdrawal plans from Vietnam. Nixon has neither set a date for withdrawal nor specified the number of men he would leave in Vietnam for technical, logistic, artillery and air support after the main part of our force has been withdrawn.

SUMMARY TABLE—U.S. CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS [1]

	Cost (billions of dollars)		Killed in action		Total casualties	
	Total cost fiscal year 1971–75	Increase over case 1	Total deaths fiscal year 1971–75	Increase over case 1	Total fiscal year 1971–75	Increase over case 1
Case 1: McGovern-Hatfield plan	11.5	----------	2,500	----------	22,600	----------
Case 2: Current withdrawal rate, out by early fiscal year 1973	19.7	8.2	5,400	2,900	47,900	25,300
Case 3: Current rate, residual force of 50,000 men	25.7	14.2	7,400	4,900	65,450	42,850
Case 4: Withdrawal delayed in fiscal year 1972, residual force of 50,000 men	31.5	20.0	9,500	7,000	84,000	61,400
Case 5: Continuing force of over 200,000 men	46.4	34.9	14,700	12,200	130,300	107,700

[1] Arnold M. Kuzmack, "Casualty and Cost Projections for Different Withdrawal Plans," Congress of Young Professionals for Political Action, August 1970.

Apparently he believes a weekly casualty rate of 50–70–100 Americans is acceptable to the American people. When total estimates of American deaths and dollars are made for different withdrawal rates the results should shock the American people into putting more pressure on the President and the Congress to end this war.

For example, this analyst estimated that withdrawal at the current rate with a residual force of 50,000 men would cost the United States (between fiscal year 1971 and fiscal year 1975) $25.7 billion, 7,400 additional American lives and 65,450 additional casualties. If the Administration (as Laird has been quoted) left a residual force of 200,000 men the cost to the United States would be $46.4 billion, an additional 14,700 American lives and 130,000 additional casualties.

Now the relevant question that has to be put to the American people is how many more American lives are we willing to invest in this ill-conceived operation—how much more of this nation's resources and how many more of our boys are we willing to bring home maimed? Is our national interest in Vietnam worth another 14,000 more American lives? I think not.

The second issue I would like to discuss with you is our emerging Post-Vietnam policy with respect to Asia. This is the policy that Mr. Nixon affectionately refers to as the "Nixon Doctrine."

More than a year after its enunciation at Guam, and after several elaborations and explanations—the President's television address of November 3, 1969, and his report to the Congress of February 18, 1970, ("U.S. Foreign Policy for the 1970's")—the Nixon Doctrine appears obscure and contradictory in its intent and application. It is not simply that the wider pattern of the war in Indo-China challenges the Doctrine's promise of a lower posture in Asia—but close analysis and unfolding events raise some serious questions about the Doctrine.

How does the promise of a lower posture in Asia and no more Vietnams correlate with platitudes such as "we are a Pacific power," "We will maintain our interest in Asia and the commitments that flow from them," and "The United States will keep all its treaty commitments."? [2]

Despite the rhetoric of the Doctrine we are still committed to the confrontation and containment of China, the maintenance of our Asian allies and de facto commitments and at the same time we intend to scale down our conventional military capability in Asia.

The gut question is whether the Administration has diminished our potential involvement in Asian conflicts?

The American people seem to have little stomach left for another Vietnam not only morally—the devastation of a population and a nation with our military power—but on more pragmatic grounds—the cost in terms of American lives and resources. I think the American people—if not the military—are beginning to understand the limits of the use of military power in gaining our objectives around the world.

It seems clear that the Nixon Doctrine is not a change in policy but merely a change in technique. The new technique is merely the substitution of indigenous forces, equipped with enlarged U.S. military assistance—for American troops.

The President's foreign policy message expanding on his Guam declaration, takes cognizance of political and economic changes in Asia that "enable us to change the character of our involvement."

". . . the planning of general purpose forces must take into account the fact that the manpower of our friends greatly exceeds our own . . .

"The responsibilities once borne by the United States at such great cost can now be shared.

"In cases involving other types of aggression (conventional attacks or insurgency) we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

This Asianization policy may have the impact of only postponing—not avoiding—U.S. involvement in an Asian conflict.

Our inability to win decisively in Vietnam has caused a trauma among policymakers who as a result have suggested limitations on future involvements on the basis of a distinction between external or overt aggression on the one hand, and insurgency, political subversion, and civil war on the other.

What happens if an ally is unable to deal with an insurgency through its own police and military action? Under these conditions, what kind of solution does the Nixon Doctrine envision? Might the United States be impelled to intervene with combat forces? The President's message states:

". . . a direct combat role for U.S. general purpose forces arises primarily when insurgency has shaded into external aggression or when there is an overt conventional attack." [3]

Shades of 1965! When our first troops were being landed in Vietnam in 1965 I invited the then Under Secretary of Defense to come up to Capitol Hill to explain what the Defense Department was going to do in Vietnam, to a group of concerned Congressmen. He explained that so long as Vietnam was essentially an internal insurgency involving guerrilla warfare we had not landed any troops. He said that the advent of North Vietnamese troops in South Vietnam constituted an external aggression, and because the North Vietnamese would not know the territory they would be unable to carry on guerrilla warfare. Therefore, they would have to resort to conventional warfare which the superior U.S. firepower could swiftly defeat.

In Mr. Nixon's State of the World Message of February, 1970, I seem to hear again the words of the Under Secretary of Defense of 1965.

At what point does an insurgency become "external aggression"? When enemy main-force units are introduced rather than individuals? What about the verification problem? Would not the shifting sands of rationalization merely suit our purposes? Is it credible that we would sacrifice our still-held objectives to the vagaries of circumstances? As long as our policy remains the confrontation and containment of China and the repression of Asian communism, we are inclined to view even largely indigenous revolutions as the work of Peking or Hanoi or Pyongyang. Consequently, if an insurgency in an allied or even a neutral country began to succeed, we would probably first increase logistic aid, and then extend the role of advisors and provide air support. Since such moves might bring a countervailing response from the Asian communist sponsors of the insurgency, we might have to choose between sending ground forces and allowing an ally to lose by our default.

Thus, with our formal or implied commitments and the President's open-ended prescription, the United States might yet be drawn into a land war on the Asian mainland, or have to confront equally dire alternatives—such as use of tactical nuclear weapons. In this respect the Nixon Doctrine does not improve on the policy that led to Vietnam. And, of course, our exposure to involvement in case of more overt aggression, such as a Chinese-supported invasion of Korea or Southeast Asia remains undiminished.

What are the budgetary impacts of the Nixon Doctrine? First, there should be short run savings in manpower, procurement and overhead as we reduce U.S. forces in Asia—turning, of course, on our ability to avoid intervention. However, Asianization depends on a significantly expanded Military Assistance Program (MAP). Secretary Laird made this clear in his Fiscal Year 1971 Posture Statement: [4]

"An important element of national security policy—one that will be more important in the future under our new policy is the Military Assistance Program (MAP) . . .

"I cannot stress too strongly the need for increased understanding of the importance of this program to the success of the Nixon Doctrine.

"The Military Assistance Program (MAP) is the key to this approach. It is the essential ingredient of our policy if we are to honor our obligations, support our allies, and yet reduce the likelihood of having to commit American ground combat units."

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[2] Richard M. Nixon, *U.S. Foreign Policy for the 1970's, A New Strategy for Peace,* (February 18, 1970).

[3] Richard M. Nixon, *U.S. Foreign Policy for the 1970's, a New Strategy for Peace,* (February 18, 1970).

[4] Melvin R. Laird, *Fiscal Year 1971 Defense Program and Budget* (March 2, 1970).

I think Laird recognizes fully the declining level of popular support and Congressional appropriations for military assistance. Requests were cut about 20% this year—and even deeper in the Senate.

The MAP program is not handled by the friendly and constantly obliging Armed Services Committees in the Congress, but by the critical Foreign Relations Committee in the Senate and the more obliging Foreign Affairs Committee in the House. Laird's solution under these circumstances is a legislative ploy—that I will fight—which will integrate the MAP program into the defense budget and assign it to the jurisdiction of the Armed Services Committees. This would remove military assistance from the broader concerns of foreign policy and would render the debate more technical and less political. The focus would shift from the question of involvement to the question of relative cost. It would also tend to wrap the program in the flag and make it immune to a meaningful debate.

There is already over $3 billion of military aid meshed into the defense budget for certain "forward defense countries", including South Vietnam, Thailand, and Laos under the category "support of other nations." As a result, little debate takes place on these programs.

This policy, in fact, smacks of the pre-World War II "merchants of death" debate and the Marx thesis that capitalist economies depend on wars and preparation of wars for prosperity. International arms sales have doubled in the last ten years, with the U.S. alone accounting for 40 percent of that.

The actual causes of this situation are diverse. The post-war arms race began with the Cold War rivalry between Russia and the United States, and the two superpowers remain the principal arms dealers. But there has to be demand as well as supply in the weapons market. The superpowers have used their particular "defense" blocs as a market for their weapons. But military power seems to be a mark of sovereignty. The new countries, which can least afford the cost of war, have actively competed for the hardware in the market.

The United States could unilaterally do something to discourage the arms race, simply because it is the chief arms merchant.

That is now, however, what is happening. Recently, what might be called an arms brokerage house has been created in the Pentagon and President Nixon in creating the Nixon Doctrine of equipping friendly powers to defend themselves has extended this move. That Doctrine may serve as a perfect cover for increased sales and loans for military equipment.

One would think that $50 billion worth of arms merchandising since World War II might have taught the United States to question the excuses for it. Ideology for example, is not necessarily exported with the weapons. Guns made in the United States have sometimes been used by one supposed ally against another, have been used for anti-democratic repression in other areas, and have been employed to overturn elected governments. In the hands of the smaller nations especially, these guns are no guarantee of so-called free world security.

Where does all this leave us? It seems to me if the Administration is to be consistent in revising our defense posture and limiting defense budgets, it must consider a commensurate curtailment and revision of our foreign policy objectives in Asia. Merely adjusting the short term strategy and rhetoric will not resolve the more long term Asian defense problem—but it's simply another formula for permanent confrontation with China.

We have to face realities—we can't control events in Asia—we are in a box where we can't even control our own response to events. Somehow we have to move toward relaxing this confrontation and automatic enmity and move toward normalizing our relationship with China.

A third issue is unrelated to Vietnam, but one that should disturb seminarians very deeply.

I am sure you are aware that the President's Commission on Campus Unrest filed their investigative report on the deaths of four students at Kent State University.

The Report[5] said that the shootings by the Ohio National Guard, causing injury to nine students in addition to those killed, were the results of an unlearned lesson of civil disturbance control.

"The general issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never justified except in the case of armed resistance that trained sniper teams are unable to handle.

"This was not the case at Kent State, yet each guardsman carried a loaded M–1 rifle. The lesson is not new. The National Advisory (Kerner) Commission on Civil Disorders and the guidelines of the Department of the Army set it out explicitly.

"No one would have died at Kent State if this lesson had been learned by the Ohio National Guard.

"The Kent State tragedy must surely mark the last time that loaded rifles are issued as a matter of course to guardsmen confronting student demonstrators."

Against this backdrop I was shocked and outraged to discover that the Army—without public announcement—has been arming the National Guard with its newest rifle, the rapid-firing M–16, for use both in its war fighting role and in putting down civilian disturbances. This rifle would increase the fire power and kill capacity of the guard several hundred times. It would be impossible to estimate how many more students would have been killed or maimed had the National Guard been carrying M–16's. By any measure it would have been a veritable bloodbath.

The characteristics of this gun are frightening and totally improper for crowd control.

The M–16 rifle is an automatic weapon—virtually a submachine gun—capable of firing up to an incredible 825 rounds per minute out to a maximum effective range of over 600 yards. The sustained rate of fire for this weapon on automatic is up to 825 rounds per minute—not the actual number of shots that can be fired in one minute. The Army advises me that they are phrasing in a standard clip of 30 rounds and a well trained man can fire at the rate of 6 seconds per clip or 10 clips per minute, which means up to 300 shots per minute.

Its ballistic characteristics are such that it covers a considerable "beaten zone"—target pattern when on automatic—thereby increasing its kill capacity. Its low caliber high velocity bullet is light weight—just a fraction above that allowed by international law—and thereby prone to richochet about within the body of the victim producing a maximum wound capability. Because of its light weight and high velocity the bullet tends to tumble causing internal shock which is similar to an explosion going off inside the victim's body generally mangling organs and bones.

There are other significant reasons why the M–16 is ill-suited for riot control duty. It is too short to effectively hold a demonstrator at bay. It is altogether too light to knock him down with a butt-stroke and it has no bayonet with which to shove a crowd back.

Although it is true this weapon can be cycled to fire a single round—the Army advises me that the man must be well trained to achieve a single shot capability. Also considering the confusion and fear of the Guardsmen in past situations as well as the possibility of the rifle itself being jarred it is not at all unlikely that this weapon could be mistakenly set for a deadly burst.

With these characteristics it seems incredible and outrageous that the Army is not only placing, but apparently has already started to place over 228,000 M–16's in the hands of the National Guard by April, 1971.

A spokesman for the National Guard Bureau was quoted in the Washington Post as saying, "it will be the only weapon issued to them and if the Governor of the state elects to have them carry weapons when called to quell riots or other disturbances then this would be the weapon they would carry . . . It is standard practice for guardsmen to carry rifles in such instances."

It disturbs me that the first word that the National Guard would be issued M–16's came during testimony before the Presidential Commission on Campus Unrest when Adjutant General Sylvester DelCorso of Ohio disclosed that units in his state will receive the new rifles this fall. Asked about DelCorso's statement, the National Guard Bureau said the first units began receiving M–16s four to six months ago.

Leaving aside the question of the proper role of the National Guard in riot control—National Guardsmen ordered to control the actions of fellow Americans must have responsible alternative means of enforcing such orders. They must certainly have some intermediary response between throwing tear gas cannisters and then mowing down fellow citizens with deadly automatic M–16 rifle fire.

What is puzzling is the general lack of interest in non-lethal weapons such as special riot guns, wooden bullets, irritant gasses and riot batons. If menaced by snipers, specially trained counter-sniper teams could be deployed.

I understand that there is a substantial inventory of standard Army riot guns that are non lethal in nature which have never been issued for riot control outside of military base areas. The Army Materiel Command advised me that the standard Army shotgun—12 gauge, 20-inch barrel—is their preferred riot weapon.

It is equipped with a double safety and can be reduced both in charge and shot to be non-lethal. 9,000 of these weapons are in the hands of the troops and 4,000 in depot stock. These weapons can be requested along with tear gas, masks and rations by Guard units called up for duty during civil disorders. These weapons cost $59.60 a piece—a sensible investment, it seems to me. The hard question is why isn't the National Guard equipped with these weapons for their riot control mission?

The Berkeley, California, Police Department seems to be the most creative. The Washington Post of July 8 reported that the Berkeley police are now using anti-riot weapons firing wooden pellets "which sting like the dickens but don't penetrate the skin." The pellet thrower, which administers a blow equivalent to a billy club, has not caused any serious injury.

As reported in the New York Times on July 23, the Berkeley police are about to test a device that fires 4-inch wide bean bags about a hundred and twenty miles per hour. The blow is hard enough to incapacitate, but again, not to kill or maim. Oddly enough it is manufactured by a rocket maker—an example of responsible conversion from a wartime to a peacetime application of weapon systems.

There are clear alternatives to the M–16 and they should be taken immediately—before another National Guardsman is put in a situation where his alternatives are limited and he is faced with the option of using an automatic weapon on a fellow citizen. This is unfair to the guardsmen and destabilizing for the nation.

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[5] The President's Commission on Campus Unrest, "Special Report—The Kent State Tragedy," October, 1970.

Probably, the most disturbing aspect of this whole affair is the fact that, to my knowledge, there has been only one rather insignificant report of the action of the Army—and that was an Associated Press report on the third page of the Washington Post on August 22, 1970. The Library of Congress clipping service, which is probably one of the most extensive around, could not find a single reaction to it editorially or by any columnist. Maybe I am overreacting to this, but I feel very strongly that the purpose of the National Guard when used to control disorders is to contain and control rioters, not to destroy them I believe, further, that when dispatched to control civil disorders the National Guard should not be permitted to load live ammunition except for well trained and disciplined anti-sniper squads.

Along the same lines—how many of you know that about half the police departments in the United States and a number of federal agencies have worked a quiet and radical change in the official application of deadly force in recent years by adopting the dumdum bullet as their standard service ammunition. This is the high velocity soft nose bullet that has been outlawed for use in international warfare for more than half a century—as being inhumane.

The dumdum is a bullet with a copper-jacketed case and a soft lead nose, often hollowed to look like the front of a jet engine. Because of an extra charge of powder the dumdum travels 50 percent faster than the police bullet. When it hits, the impact, especially in the hollow point, causes the lead to mushroom back over the copper jacket, expanding the bullet from .35 caliber to roughly .60 caliber in the first two inches of flesh. This violent expansion coupled with extremely high velocity, gives the bullet an explosive effect in the victim. I am happy to report that the Pittsburgh Police Department does not use dumdum bullets.

With the advent of high technology weapons being introduced into our civilian areas we must begin immediately to find ways of relieving the military and police departments of responsibility for decisions that ought to be the business of officials who are accountable to public opinion.

The crucial decision is about to be made by the Governor of this State and the Pennsylvania National Guard on the M–16 question. They will be issued M–16's over the next few months and have made no policy decisions on the use of this weapon in their civil disturbance mission. The Governor is Commander-in-Chief of the Pennsylvania National Guard, when they are under state control, and is responsible for setting policies on the use of weapons. I think that Governor Shafer and both candidates for Governor should immediately state their positions as to the use of this weapon by the Guard in controlling civil disturbances.

UNPRECEDENTED NATIONAL PERIL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. FLOOD. Mr. Speaker, by my speech on this floor last June 23, I sought to direct the attention of the Congress to the extremely serious and imminent danger which threatens the defense of this Nation and which jeopardizes the lives and property of our fellow citizens. The reality of this fantastic peril to which we are subjected by the machinations of the Atomic Energy Commission and its heirarchy can hardly be exaggerated, notwithstanding Dr. Glenn Seaborg's sustained publicity effort, drumming away to persuade us that all AEC decisions are good for America.

The district which I represent here in Congress, Luzerne, Carbon, and Columbia Counties in Pennsylvania, is about 125 miles west of New York City. We in my district are seriously alarmed that some 30 million people will one day flood over us in desperation, should any one of the superlethal nuclear power reactors be blasted by conventional explosives and dusted over the New York metropolitan area.

This unprecedented national peril exists as the direct result of having already emplaced some 20 huge experimental nuclear power reactors within our most densely populated industrial regions, not to mention the projection of an additional hundred soon to be constructed. Incredibly, AEC licensing regulations specify:

> . . . an applicant for a license to construct and operate a nuclear power plant is not required to provide design features or other measures for the specific purpose of protection against the effects of attacks and destructive acts, including sabotage, by an enemy of the United States.

Even more incredibly, a letter dated September 23 from the Department of Defense states:

> In regard to defense of nuclear plants against an enemy submarine attack utilizing conventional weapons, no specific countermeasures are taken to prevent attack on these facilities as such . . . Further, there is no particular reason to single out nuclear reactors for such consideration.

At full fission product inventory, the Calvert Cliffs nuclear power reactors, now a building 40 miles from the city of Washington, will each contain about 6,000 pounds of plutonium. If pulverized and dusted over the surroundings, this amount of plutonium would equate to the alpha-active fallout from several thousand nuclear blasts of atomic weapons.

Just to refresh our memories as to the awful toxicity of plutonium, according to international studies, this alpha particles emitting, bone-seeking, cancer inducing agent is in the order of billions of times more lethal per unit weight than the most virulent chemical poison. A single pound of plutonium, if suitably distributed in the air we breathe and in the water we drink, is sufficient to wipe out the population of the entire world.

The principal reason given by the AEC for urging the construction of the Calvert Cliffs type of power reactor, which is notoriously inefficient in converting uranium to electric energy, is that "fast breeder" reactors, if and when developed for the commercial generation of electric energy, will each require some 3,000 pounds of plutonium as the fissile core. Light water reactors are a convenient source of large quantities of plutonium. And here we get another peek at what these secretive, supergrade, self-appointed decisionmakers have in store for us.

While there is no doubt that either of these nuclear reactor types can be totally demolished and pulverized by conventional explosives, the fast reactor with the ton-and-a-half plutonium core is immensely more dangerous because it can by explosive compression, be caused to actually fission and vaporize the entire structure, becoming thereby, history's "dirtiest" and most effective radiological warfare weapon.

Mr. Speaker, to show by example one of the terrible traps already set for us, I am advised that repeated hits on Consolidated Edison's Indian Point nuclear powerplant by submarine-launched missiles delivering large conventional warheads could, under suitable conditions of wind and weather, immediately cancel out the New York metropolitan area as a viable section of the United States, with the attendant loss of millions of lives, following the unavoidable inhalation of pulverized plutonium and other alpha-emitting dusts.

In answer to my direct question in regard to effects of demolishing the Indian Point plant, an assistant to the Secretary of Defense has recently replied: "It is true that, in the extreme situation which you postulate, extensive areas could be contaminated to lethal levels of radioactivity."

Somehow, or for some reason, this assistant to the Secretary of Defense skipped entirely any comment on the more certain and widespread effects upon the population which would result from the inevitable ingestion and inhalation of plutonium particles.

Quite evidently, the combined Armed Forces of the United States of America are powerless to absolutely guarantee against the pulverizing demolition of any coastally exposed nuclear installation by conventional explosives, deliverable by rocket from submarines now on station off both our coasts. Even more chilling is the distinct possibility that some of these Russian-built missile-firing submarines are already leased to North Vietnam.

In the event of such non-Russian bombardment of our nuclear Trojan Horses, How do we reply in kind? How do we retaliate? How do we prevent the panic-stricken exodus from all other nuclear-powered industrial regions following the initial catastrophic demonstration of nuclear reactor vulnerability to conventional weaponry?

Now, in the face of all this, we learn that Pennsylvania has been selected to have an enormous, first of its kind, experimental "fast breeder power reactor" on the Susquehanna River at Tunkhannock, 35 miles north of my office in Wilkes-Barre. This nuclear experiment is to have as its fissionable core, a ton and a half of plutonium.

If sabotaged and explosively compressed, which I am assured can be accomplished in a variety of ways, this neighborhood gem will instantly become a huge, incomparably dirty atomic bomb. The resulting permanent, and a couple of centuries is fairly permanent so far as I am concerned, poisoning of the Susquehanna watershed from New York State to the mouth of Chesapeake Bay would probably eliminate this large and heavily populated section of the United States as a habitable region.

Should my worst fears be realized, a guerrilla group will some day sabotage a nuclear reactor in one of our more heavily populated areas. Following catastrophic proof to our citizenry that nuclear reactors are indeed vulnerable to conventional explosives and weaponry, we as a nation, without effective means of retaliation, shall be forced to capitulate upon threat of successive, unpreventable destruction of our nuclear Trojan horses.

Mr. Speaker, we are at war. Again I insist that it has become imperative that we immediately move to dismantle all nuclear installations which can be considered vulnerable to demolition by conventional explosives.

As to the loss of credibility currently bemoaned by the hierarchy of the Atomic Energy Commission, I intend to examine on this floor the multitude of half truths and misleading statements which have contributed to this monstrous abuse of the public trust.

MEGALOMANIA WAS CLUE TO NASSER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SIKES. Mr. Speaker, there have been many conflicting statements about Egypt's President Nasser and the extent of his influence. One of the clearest analyses that I have seen of the entire subject was contained in Jack Anderson's column in the Washington Post of Sunday, October 4. I include it in the RECORD:

MEGALOMANIA WAS CLUE TO NASSER

(By Jack Anderson)

The truth about Egypt's Nasser, despite the outpouring of words that have followed his death, remains buried in secret State Department files.

This column has been given access to the files and can now reveal the highlights—how Nasser rose to power in the Arab world with little more than a radio station and a genius for inflaming the masses, how he repeatedly bounded back from disaster like a cat with nine lives, why the United States helped to keep him in power despite his flagrant anti-American policies.

The story helps to explain the decline of Western influence in the Middle East, fountainhead of Western Europe's oil and historic crossroads of the world. For the ebb and flow of history over this scorched land has produced a new tide that has been running against us. Arab Nationalism has all but washed away the common ground that once joined the Arabian and Western worlds.

More than any other, Gamal Abdel Nasser has inflamed and guided this nationalism. As late as 1953, he pledged that "Egypt stands today in every respect with the West." But by 1970, he was screaming over Cairo Radio: "The aim of American imperialism is to destroy the Arab countries!"

The real clue to Nasser was his megalomania, his dream of presiding over an Arab domain stretching from the Atlantic and Mediterranean to the Indian Ocean. He seriously likened himself to the heroic Saladin who in the 12th century founded the last great Arab empire.

Nasser was willing to work with the U.S., it developed, only to the extent that the U.S. supported his dream. Here is some untold history that explains the deterioration in Egyptian-American relations:

President Eisenhower's Secretary of State, John Foster Dulles, came away from his first meeting with Nasser in April, 1953, tremendously impressed with the dynamic young dictator. Dulles promised to pour economic aid into his country and to work with him in the Middle East.

Unfortunately, Nasser took this to mean the U.S. would work through him. He was bitterly disappointed over our refusal to help him raise 10 Arab divisions and put them under his command as his first step toward uniting the Arab world.

In 1955, Nasser summoned Arab leaders to Cairo. The secret minutes betrayed how his attitude toward the West had soured.

"Western policy is carefully laid down to destroy the strength of the Arab countries," he charged. "The West has succeeded in separating Egypt from the Arab world through Israel, which the West created. Do you accept such a situation? . . . .

"We must fully realize that the West's need for us is greater than our need for it. Our position, our resources and our manpower are such that the West will always need our assistance."

The State Department, seeking a counter to Nasser, turned temporarily to King Saud of Saudi Arabia. The hope was that the king, as ruler of Mecca, the holy city, would provide a spiritual rallying point for the Arabs.

But in the ferment against feudalism and old forms of government, the call of Cairo Radio extolling the creed of Nasser's new political Mecca was more powerful than the call of the Koran.

Cairo Radio carried Nasser's voice to all the Arab countries. Across the desert sands, Arabs listened enraptured as the Egyptian leader harangued them in simple language replete with references to Allah's will. Increasingly, the Voice of Nasser acquired a venemous, anti-Western edge.

Yet time and again, Nasser was rescued by the same United States he excoriated on Cairo Radio. First, we persuaded the British to withdraw their troops from Egyptian soil and hand over their huge Suez base to Nasser. After his seizure of the Suez Canal, we also talked Britain and France out of strong counter-measures.

The charismatic Egyptian leader never was able to fulfill his dreams. The Arab states, led by men even more volatile than himself, never would fall into place like pieces in a giant Egyptian puzzle.

In the end, Nasser backed away from the idea of a closely welded Arab empire. He spoke privately, instead, of a loose federation with each state running its own domestic affairs but taking its foreign policy cues from Cairo.

AUTO SAFETY: BUMPERS—NO. 6

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHWENGEL. Mr. Speaker, I have recently criticized the National Highway Safety Bureau for its lack of action on the problem of poorly designed bumpers. On one aspect of the bumper problem, the Bureau is to be commended for at least moving, if not quite as fast as I would like to see. The Bureau has now issued a notice of proposed rulemaking on the subject of "Rear Underride Protection: Trucks and Trailers." This is a problem in which I have had a longstanding interest, and I commend the Bureau for acting on this important problem. The notice of proposed rulemaking follows:

[From the Federal Register, Aug. 14, 1970]

REAR UNDERRIDE PROTECTION; TRUCKS AND TRAILERS

NOTICE OF PROPOSED RULE MAKING

A notice of a proposed new motor vehicle safety standard on Rear Underride Protection was published on March 19, 1969 (34 F.R. 5383). In view of comments received in response to that notice and other considerations, it has been determined that changes should be made before issuing the standard. This amended notice of proposed rule making is being issued to allow interested parties to comment on the requirements that are presently under consideration.

Many comments expressed concern for the economic and operational difficulties that might be encountered because of the proposed requirement for a maximum road clearance of 18 inches. Problems that were envisioned included stubbing on abrupt grade changes in roads and loading ramps, mismatches between vehicles and equipment used with them, as between dump trucks and paving machines, and interference with working equipment normally mounted at the rear end of the vehicle. Some persons were concerned that the structure necessary to provide strength at that height would add weight to the vehicle that would significantly reduce payload capacity and operating revenues. It has been demonstrated, however, that a rear-end clearance as high as 24 inches above the ground exposes a significant proportion of the vehicle population to a serious underride hazard.

The comments also contained suggestions that the proposal be altered to allow rear tires, axles, and other parts of the rear bogie to be used to satisfy the underride protection requirements. Although not expressly prohibited under the previous proposal, it was unlikely that these components could be used to meet the requirement, since a continuous horizontal section of the rear surface ("guard line") was required to extend across the vehicle, at no point more than 15 inches forward of the rearmost point on the vehicle. These suggestions have been found to be reasonable as long as the vehicle components meet the basic strength requirements. It was also suggested that the test block be enlarged, to engage more of the structure at the rear of the vehicle.

The proposed test requirement has been altered to take into account these objections and suggestions. It is now proposed that the face of the test block be a rectangle 4 inches high and 12 inches wide, and that its height for the test be uniformly set with its lower edge 16 inches from the ground. The vehicle would be required to meet the strength requirement at all points out to the outermost test points on the vehicle. All specific configurational requirements would be eliminated, and the vehicle could meet the strength requirement with whatever components are in position to contact the test block.

Test programs conducted by both the NHSB and concerned industries indicated that the 76,000-pound test force was unnecessarily large. The proposed requirement has been changed to 50,000 pounds in accordance with those findings.

Some comments suggested that the 15-inch penetration limit be increased to a larger figure. These suggestions have not been adopted. The likely crush distance of the impacting vehicle traveling at moderate speeds, added to a 15-inch penetration of the impacted truck or trailer, approaches the length forward of the windshield of many smaller vehicles. Therefore, allowing

a greater penetration could seriously derogate from the protection offered.

The outermost test points have been determined relative to a newly defined "side reference point", the outermost point on each side of the vehicle between 18 and 66 inches from the ground, in a transverse section through the center of the rear tires.

Further consideration will be given, after issuance of the standard and completion of technical studies, to the inclusion of energy management of underride protection to the sides of large vehicles. The standard proposed herein does not preclude the immediate use of energy absorbing elements in the protected areas, and it is hoped that manufacturers will include these elements in their designs.

Proposed effective date: January 1, 1972.

In consideration of the above, it is proposed that a motor vehicle safety standard on Rear Underride Protection be issued, to read as set forth below. Comments are invited on the proposal, particularly in regard to the changes made from the proposal of March 19, 1969 (34 F.R. 5383). Comments should refer to the docket number and be submitted to Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on September 25, 1970, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegations of authority at 4 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on August 11, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

REAR UNDERRIDE PROTECTION—TRUCKS AND TRAILERS

S1. *Purpose and scope.* This standard establishes the requirement that the rear end of heavy vehicles be constructed so as to reduce the probability of underride by passenger vehicles in rear-end collisions.

S2. *Applicability.* This standard applies to trailers and trucks. It does not, however, apply to pole trailers, truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less.

S3. *Definitions.* "Rear reference point" means the point on the vehicle, between 18 and 66 inches from the ground when the vehicle is loaded to its gross vehicle weight rating, that is farthest to the rear when cargo doors, tailgate, or other closing devices are in the fully closed position.

"Side reference point" means the point on the vehicle, between 18 and 66 inches from the ground when the vehicle is loaded to its gross vehicle weight rating, that is farthest outboard in a vertical transverse plane through the axis of rotation of the rearmost tires.

S4. *Requirements.* When the vehicle is tested according to S5 at any point between the outermost test positions specified in S4.1, the test block shall not move more than 15 inches forward of the rear reference point of the vehicle.

S4.1 At the outermost test position on each side, the outer edge of the test block shall be in the vertical longitudinal plane passing through the side reference point.

S5. *Test procedure.*

S5.1 Place the vehicle, loaded to its curb weight, on level ground, restrained to prevent forward, upward or lateral motion. The means used to restrain the vehicle must not inhibit forward movement of the portions tested relative to the rest of the vehicle.

S5.2 Prepare a test block of rigid material with a plane surface in the form of a rectangle 4 inches high and 12 inches wide ("the surface").

S5.3 Position the test block at a point between the outermost positions specified in S4.1, so that—

(a) The surface is vertical and facing in the direction of forward travel of the vehicle;

(b) The lower 12-inch edge of the surface is horizontal and 16 inches from the ground; and

(c) The surface is in contact with the rear of the vehicle.

S5.4 Apply a forward static force of 50,000 pounds to the test block. Maintain the force for 15 seconds. Restrain the block from lateral, vertical, or rotational movement throughout the test.

[F.R. Doc. 70-10663; Filed, Aug. 13, 1970; 8:48 a.m.]

SHOCKINGLY SLANTED CAMPUS UNREST REPORT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ASHBROOK. Mr. Speaker, much has been said in recent days about the controversial report of the President's Commission on Campus Unrest. For several months now Human Events, the Washington-based newsweekly, has been keeping a close eye on the activities of the Commission and has probably given the best account in the press of the personalities and the behind-the-scenes manipulations of this questionable venture. It is not surprising to Human Events readers that the Commission's report was a capitulation to student radicals and that very little worthwhile resulted from its efforts. I insert at this point in the RECORD the article "Shockingly Slanted Campus Unrest Report" from the October 10 issue of Human Events:

SHOCKINGLY SLANTED CAMPUS UNREST REPORT

"The final report of the President's Commission on Campus Unrest is atrocious, indeed, sickening," sputtered one source close to the Scranton panel last week, "but nevertheless it was far superior to the original version." And the original draft, he asserted, was altered only after the panel's obvious bias was blasted by Sen. Gordon Allott, Rep. Barry Goldwater Jr. and members of the press. Panel member Lt. Gen. Benjamin Davis is also said to have struggled valiantly against the majority of the commission members to try to insert some sanity into the initial product.

As drafted by the panel's staff over a month ago, the preliminary report went so far as to specifically blame President Nixon and Vice President Agnew for much of the campus turmoil. Its major recommendations, moreover, did not even counsel students to hold their fire—indeed, the major recommendations were not addressed to the students at all.

The final report is considered an improvement, and even conservatives found some small comfort in the panel's denunciation of violent students. Nor do critics take sharp issue with the panel in its condemnation of certain blunderings by law enforcement officials, particularly the fairly well-established over-reaction of the police at Jackson State College.

Despite tossing a few bones to the "Silent Majority," however, the commission's findings are loaded on the left side of the political spectrum. The White House, particularly the President, is believed to be furious with the panel. Indeed, White House aides have been busily trying to undercut the commission members. And there are critics beyond the presidential sphere as well.

Representatives Goldwater Jr. (R.-Calif.) and William Scherle (R.-Iowa) rounded up 64 of their House colleagues to sign a petition they had prepared condemning the report for declaring that it is the President's responsibility to solve the campus crisis without once mentioning all the things Nixon has done to relieve campus unrest, Reducing American involvement in Viet Nam, moving toward a voluntary military, pushing a voucher system of education, sending Administration officials out to the campuses, arranging special permits for protest demonstrations in the Nation's Capital—none of these efforts were mentioned.

The petition—which included the signature of Minority Leader Gerald Ford (R.-Mich.) and Minority Whip Leslie Arends (R.-Ill.)—also scored the Scranton panel for "ignoring reality" in its virtual non-recommendations for dealing with student terrorists.

Educator S. I. Hayakawa scoffed at the panel's conclusions, while Vice President Spiro Agnew, apparently with the President's approval, assailed them as "pabulum for the permissivists."

Agnew's rhetoric, in fact, is right on target. Upon a close reading, the panel's recommendations urge overwhelming capitulation to student militants. While stressing that students should not engage in violence, the members then turn right around and declare that virtually everyone—from the President on down—should give way before the firebrands. The commission appears to be with the youth all the way. It is "impressed and moved" by the idealism and commitment of American youth—even the violent ones—and "We share the impatient of those who call for change."

In sharing the students' impatience, the panel then insists that ". . . nothing is more important than an end to the Indochina war." And there is an implied thrust at Nixon's move into Cambodia: "Their [the students'] dramatic reaction to the Cambodian invasion was a measure of the intensity of their moral recoil."

Like the militant agitators, the report is also unsympathetic to defense research: "By encouraging universities to become actively involved in classified defense research, as well as by subsidizing the education and training of ROTC officers, the federal government has increased the likelihood that institutions of higher education will be the object of protest by those opposed to American foreign policy." The panel, of course, advises de-militarization of the colleges.

And while the commission disavows student violence, it would permit the students freedom to engage in a wide variety of extremely militant activities. Thus private as well as public universities, says the report, should "take the 5th Amendment as a guide to what is permissible on their campuses. They should not impose restrictions on meetings or rallies or marches . . . such as bans on 'subversive' speakers or on those 'who advocate overthrow of the government by force or violence. . . .'"

Shouting revolutionary slogans, "throwing a picket line around an ROTC building" and

even "foul, mindless or hysterical language and gestures" should not be outlawed.

The panel advises that virtually nothing should be done that even hints of repressing the militant student. The mere appearance—not the act—of repression is supposedly terribly damaging to the students' psyche. The term "repression," says the panel, includes talking out forcefully against student violence and even "ignoring some political views. . . ."

There is also the flat statement: "Legislation which deprives students of financial aid if they have participated in a disruptive or violent demonstration is a repressive effort to deprive students of political power."

While the panel commission fails to recommend a single, specific piece of legislation to deal with subversive groups like the SDS, the Panthers, etc., it urges that Congress should repeal the 10 separate authorization and appropriation acts it has passed "requiring institutions of higher education to terminate federally funded financial assistance to students involved in disruptive activities."

Aside from this incredibly permissive attitude toward the students, the panel adds, for good measure, "massive" financial aid for black colleges and universities, "increased aid for higher education generally, and expanded programs of student financial aid, particularly for those from low-income families."

In brief, then, the Scranton panel—whose creation and composition should be blamed on White House advisers John Ehrlichmann, Robert Finch and Len Garment—has been a disaster. President Nixon, it seems to us, should begin to look to other staff members for advice.

Not only was the Nixon Administration "taken" by the commission; so was the American taxpayer. Rep. Scherle discovered that the Office of Education, the Health Services and Mental Health Administration and the Navy Department initially funded the panel to the tune of $500,000. This allotment was supposed to last until September 30, when the commission was due to issue its report. By September 7—two months after starting—the Scranton panel went broke, having run through the half-million as if it were water. Since then the commission has piled up a $185,000 debt, spending at the rate of over $7,000 a day, and the final total is expected to hit $800,000.

Why the commission ran through its budget so quickly has not yet been determined, but half the money was eaten up in salary and expenses. Fully a dozen staff members were paid as much or more in overtime as in base salary, while the executive director was paid at the rate of $36,000 a year. A chauffeur, according to Scherle, was netting over $1,000 a month. And all of it went to help concoct a report that virtually calls upon the American people to kneel before the rioters and student militants in our midst.

NIXON A SALESMAN FOR AMERICA

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. POFF. Mr. Speaker, in "Nixon a Salesman for America," Columnist Walter Trohan writes that President Nixon "may go down in history as the most effective speaker in the White House in our day." He states that Mr. Nixon's ideas are more important than his delivery which is one reason why his speeches receive good reception abroad. He adds that the President is at his oratorical best under pressure and when he knows he has to sell himself and his ideas.

For my colleagues' benefit, I include Mr. Trohan's column in the RECORD:

[From the Chicago Tribune, Oct. 2, 1970]

WASHINGTON REPORT: NIXON A SALESMAN FOR AMERICA

(By Walter Trohan)

WASHINGTON, October 1.—President Nixon is a far better salesman for America than any of his ambassadors. This is amply evidenced by the tremendous receptions he is receiving on his European tour. Strangely enough the President is not recognized as a great orator by most of his countrymen. He lacks the mellifluous accents of Franklin D. Roosevelt, who could make "Good evening, friends," sound like a battle cry, or the limpid treacle of Everett McKinley Dirksen, who could make music of the oldest cliches. Still, he may go down in history as the most effective speaker in the White House in our day.

F. D. R.'s speeches, which precipitated frenzies of applause in their hour, are surprisingly dull when played back on recordings today. Dirksen's delivery was more amusing than his ideas, which spiraled and faded like smoke from a bonfire of autumn leaves.

Nixon's ideas are more important than his delivery, which is excellent but unnoticed as delivery. For this reason Mr. Nixon is more highly regarded abroad than most of us suspect. Most Americans consider foreigners flowery, when they are merely being courteous, and they forget that the European is far more hardheaded and demanding of his politicians than we are. They may be fooled, but not as long or as often as we are.

The President is frequently at his oratorical best under pressure and when he knows he has to sell himself and his ideas. Wiley T. Buchanan, Jr., former chief of protocol, described this as well as anyone. In his 1964 book, "Red Carpet at the White House," he tells of an address by Mr. Nixon at Guild Hall in 1953, when he spoke before Queen Elizabeth and a host of British dignitaries when he was Vice President.

"Up to this point, Nixon had not been particularly popular in the British press," Buchanan wrote. "Most of the people at the dinner knew him only thru his political speeches or campaign utterances. The enormous room was absolutely silent when he stood up to speak, but when he finished the applause was tremendous.

"Lady Dorothy Macmillan, the wife of the prime minister, said that never in her life had she heard a better speech. Selwyn Lloyd [then foreign minister] thought so well of it that he telephoned the British ambassador in Washington and said that Nixon had made the best speech on the subject of Soviet-Western relations that had been made anywhere. When I think of that speech and the other notable services that Dick Nixon rendered, it is inconceivable to me that the American people will be content to have him out of public life very long."

Buchanan was a good prophet, but so was this commentator, after Mr. Nixon made an off-the-record speech to a group of more than 1,000 men in the open.

Most of the men were lying on the grass as he took them on a verbal world tour of American foreign policy. He spoke from a few notes. When he finished they leaped to their feet to applaud. This commentator told him he need only repeat this message around the country for a year in order to win the G.O.P. Presidential nomination.

Of course all his speeches haven't been as moving or as effective. Some have even been near disaster, as that he made after losing the 1962 gubernatorial race in California. But he was exhausted in body and unhappy in spirit over his defeat. Other things being equal, he can be the most effective of orators as he was the other day in his outstanding address at the University of Kansas, when he said:

"What corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts as misguided efforts to accommodate the community's standards to those of the violent few."

THE PRESIDENTIAL COMMISSION ON OBSCENITY AND PORNOGRAPHY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHMITZ. Mr. Speaker, the report of the Presidential Commission on Obscenity and Pornography begins on page 4 by stating that it will not use the word "pornography," and throughout its voluminous pages it almost never fails to bracket the word "obscene" with quotation marks whenever that word is used. It is as though a Presidential commission on crime and violence refused to use the word "violence" and cast doubt on the existence of crime.

Nearly everyone has heard of the chief conclusion of this report, which the rejection of its own name made foregone: That obscenity and pornography—presuming they exist—do no harm, and therefore all laws restricting their sale to, and use by adults should be eliminated.

Americans, dumbfounded by such a conclusion, can only ask how in the name of reason and commonsense it could have happened. President Nixon's sole appointee to this Commission, Charles H. Keating, Jr.—other members were appointed by former President Lyndon Johnson—explains, in the best brief summary I have ever seen of how these prestigious bodies actually operate:

So-called Presidential commissions do not work. They never will. Such Commissions, in my opinion, are not a valid part of the American political system. The structure of the Commission on Obscenity and Pornography was similar to that of other Commissions. This Commision was not responsible to anyone, either to the President who appointed it, the Congress which created it, or to the people whom the Congress represented . . .

The truth of the matter is that even the Commission members are not those who gather the facts, do the thinking, render the opinions, etc. The bulk of the work is performed by a staff basically hired by the Commission Chairman, and in the case of the Commission on Obscenity and Pornography, generally consisting of persons of mediocre talent, hangers-on in government, or individuals not yet settled on a course in life, who accept interim work on a Commission staff as a place to light and learn during the generally short life of a Commission.

The dispersal of authority and responsibility goes beyond the staff. The Commission on Obscenity and Pornography spent by far the greater part of its budget on 'contracts' which, as far as I can observe, were principally awarded to persons apparently having predispositions in favor of the staff's or the Chairman's attitude and philosophy on the subject. These 'contractors' are, generally speaking, academicians with ivory-tower views, who have little or no responsibility to anyone or anything, excepting their own thought processes which go unhoned by the checks and balances of a competitive, active, real world. And even beyond the contracting

academicians, we find a bulk of work done by their assistants, green graduates, and college students.

True as that is, it does not relieve the Commission members—excepting the three who dissented along with Mr. Keating—of their responsibility for a recommendation which, if accepted, would deal a devastating and perhaps final blow to the already crumbling moral foundations of this Nation.

The most significant point of all in Mr. Keating's dissent is made when he says:

Throughout history, nations have declined and disappeared coincidental with the rise of the liberties and the moral anarchists in their midst. Here one sees a corresponding denial of freedom and liberty to the dissenting and right-minded people in those societies. It is historically accurate to say that those who would free the creatures of vice would enslave the proponents of decency.

Recalling my experiences as a State senator, I am reminded at once of the drive to make public school sex education mandatory even for children whose parents find it morally offensive. And to prove his point by the most apropos example, Mr. Keating goes on to tell us how the Commission Chairman, who removed virtually all restraints on obscene expression, was so determined to prevent Mr. Keating from expressing his views on obscenity as a member of the Commission, that Mr. Keating had to get a court order to be permitted to do so.

This is the paradox of the "civil libertarian" approach to pornography—that, except among a handful of consistent but strictly ivory-tower theorists, it so often goes hand in glove with the tyrannical approach to government. Yet the paradox is more apparent than real, for it is a consequence of a basic moral truth: that some acts are intrinsically evil for all who commit them or view them with approval, and are therefore rightly prohibited by law. As the father of seven, obviously, I do not regard sex—which is man's participation in divine creativity—as intrinsically evil. But today's pornography is utter perversion of what man and woman were meant to be.

A society which recognizes the intrinsic evil in such pornography is morally well equipped to recognize also the intrinsic evil of tyranny. But a society which does not believe in intrinsic evil will more and more accept both pornography and tyranny.

THE LATE JOHN A. "BUCK" JENKINS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. NICHOLS. Mr. Speaker, 2 months ago, Alabama and the Nation lost an outstanding citizen with the passing of John A. "Buck" Jenkins. Mr. Jenkins, a Birmingham attorney, joined the Veterans of Foreign Wars after his discharge from the Army following World War II.

In 1964, he became commander-in-chief of the Veterans of Foreign Wars of the United States of America. After his term, he continued to play an active part in the VFW, both nationally and on a State level. On August 17, while attending the national convention in Miami, Mr. Jenkins drowned in a hotel swimming pool.

I would like to submit for my colleagues' study, two articles which appeared in the September issue of the VFW News regarding the service Mr. Jenkins gave to Alabama, the Nation and the VFW:

[From the VFW News, September 1970]

A MAN WORTH LISTENING TO

(By Jerry Roden, Jr.)

Time rushes on, abiding not our convenience, frustrating our most cherished desires.

Once outside a ballroom in the Admiral Semmes in Mobile, a tall, distinguished man with a shock of unruly hair paused for a passing comment. The hour was late and the man weary: he had just concluded a busy day with a major address to his assembled comrades.

That passing comment provided me with a new and deeper insight into the nobility of John A. (Buck) Jenkins' character. "Someday, when you have more time, I would like to discuss that further with you," I said. "Let's do," he replied.

Since then, we have not found that leisure time. And now it is too late, unless somewhere in the hereafter, the Almighty in his wisdom and through his beneficence provides man an opportunity to fulfill all of those cherished desires he never achieved on earth.

In saying all this, I assume that I am not expressing a private and unique sense of bereavement. There must be thousands among our membership who would welcome an opportunity of sitting down for an enlightening chat with Buck Jenkins. For he was a man worth listening to—as a speaker and as a conversationalist.

Buck's speaking and conversational ability was great because he was in every important sense a man: a man of courage, a man of talent, a man of conviction, an unusual man with the common touch. He understood far better and appreciated much more deeply than most of us the special qualities that make American democracy great. And he saw with great clarity the role of the Veterans of Foreign Wars in preserving and strenthening our country's most vital and cherished traditions.

He added stature to the Veterans of Foreign Wars in Alabama and throughout the nation, not only because he could speak well but also because he had the courage to speak out—to speak out when conviction demanded whether his sentiments were popular or not.

He gave us greater dimension because he had the wisdom to grant the other fellow the dignity of opposing convictions. One mark of Buck's greatness was his abiding friendship with Thomas B. (Benny) Dean. Anyone who has half-listened to a few of Buck's and Benny's forceful speeches must realize how different—and how much alike—these two dear friends were. Their style was different, their method different, and even their deepest convictions notably different on many issues. Yet they loved and respected each other because they both knew that they stood together on the most important issue: on the preservation of a government that permits every man the dignity of his unique convictions.

The Veterans of Foreign Wars will miss Buck Jenkins; in many ways it will be less without him. But it can be greater if those of use who remain will practice what he taught us by precept and example—what he taught us and what he learned from us. For in his passing comment outside that Admiral Semmes ballroom, Buck explained how his comrades in the VFW had brought this lesson home to him: The strength of America like that of VFW, lies in a great individual diversity and unified commitment to human dignity.

[From VFW News, September 1970]

TRAGEDY AT THE CONVENTION—LOSS OF A DISTINGUISHED ALABAMIAN

On Monday, August 17, 1970, Past National Commander-in-Chief John A. (Buck) Jenkins died from accidental drowning in the swimming pool of the Fountainbleau Hotel on Miami Beach.

The accident which deprived Commander Jenkins of his life left the Alabama delegation to the national convention of the Veterans of Foreign Wars in deep mourning for one of their State's most distinguished sons.

As a VFW leader and a practicing attorney, John A. Jenkins earned distinction for himself and deeper respect for the Veterans of Foreign Wars throughout Alabama and across the nation.

Of him, one of his comrades said: "Buck wore the honors that he earned with dignity and continued to serve with the humility of one who knows that he strives for a cause far greater than any individual."

John A. Jenkins was born and reared in Geneva, Alabama. He attended Marion Military Institute, Washington and Lee University, and Birmingham Southern College.

In 1932 he was admitted by the Bar of Alabama to the practice of law. From that time he was engaged in the general practice of law in Birmingham and was at the time of his death the senior partner in the law firm of Jenkins, Cole, and Calloway.

He joined the U.S. Army as a private in June, 1942, later graduated from Officers Candidate School, then served overseas, and was discharged as a captain.

Back in civilian life, he became a member of Kelly-Ingram VFW Post No. 668, one of the largest posts in the nation. At Kelly-Ingram he served through all the chairs. Then he served through all the chairs of the VFW Department of Alabama, serving as Department Commander in 1954–55.

At the national level, he served as a member of the Council of Administration—representing the departments of Alabama, Georgia, and Florida. He was also on the National Legislative Committee and chairman of the National Security Committee.

Then he served as National Judge Advocate General prior to his election in 1962 as Junior Vice Commander-in-Chief. In August, 1964, John A. (Buck) Jenkins became the Commander-in-Chief of the Veterans of Foreign Wars of the United States of America.

After distinguished service as Commander-in-Chief, he continued to serve the VFW actively in Alabama and at the national level in a variety of capacities until the day of his death.

Surviving Buck are his wife, Louise; two daughters, Bonnie and Jenny, both of whom work in the Georgia educational system in the Atlanta vicinity; and his son, Jim, who is a junior partner in his father's law firm.

"Bloom forever, O Republic, From the dust to my bosom."

EDGAR LEE MASTERS.

THE TIME FOR ACTION IS NOW

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. PODELL. Mr. Speaker, criminal activity has become an omnipresent aspect of American life. Yet, in its attempts to cope with and reduce this problem, our system of law enforcement has been beset with difficulties.

These difficulties and problems are exceedingly apparent at the judicial level. Courts are clogged with individuals who might best be treated by other agencies or institutions. The system of bail has been rightly deemed unfair. Penal institutions provide only the bare minimum in the areas of prisoner training and rehabilitation.

These abuses go far toward destroying confidence and respect for our system of justice. This fact takes on added significance when we realize that 70 percent of the people who have come before the criminal justice system return to crime. The time for action is now.

I would, therefore, like to bring to the attention of all concerned an editorial in the New York Law Journal which offers an analysis of the problem along with important suggestions for reform.

The editorial follows:

THE TIME FOR ACTION IS NOW!

"Society asks much of the criminal court," the President's Commission on Law Enforcement and Administration of Justice declared three years ago. According to the commission, the "criminal court is the central, crucial institution in the criminal justice system. It is the part of the system that is most venerable, the most formally organized, and the most elaborately circumscribed by law and tradition."

Some of the glaring faults in the system of administering criminal justice have been crudely exposed to public view and concern by the revolt of prisoners in various city penal institutions. In the normal course of daily life, the public sees little and knows little about the penal system. It is only when there is a prison riot, or a scandal involving brutality and corruption in a prison that the public is awakened to the searing experience of caged humans.

There is no way of condoning the recent violence of prisoners in the city jails, the threats to the lives of the hostages, nor their destruction of prison property. On the other hand, no one involved in the administration of criminal justice can excuse himself from a share of responsibility in contributing to the sense of pent-up prisoner frustration that could find release only in desperation.

The tragedy of the prison rebellion is that it was both predictable and predicted. Reports of prison conditions submitted over many, many years remain as indictments of contemporary prison structures and administration. In recent years, surveys of penal institutions by legislative committees and by the State Investigation Commission emphasized anew the inadequacy of both the penal system and the criminal justice system.

The administration of criminal, as presently carried out, justice is a rigidly structured system that falls far short in meeting its responsibilities. Courts are clogged with alcoholics, prostitutes, vagrants and others who should be more properly treated by other social institutions or by other administrative agencies. The courts are handicapped by overworked probation staffs compelling judges to sentence in the blind.

Within the total complex of the judicial systems, our penal institutions suffer the greatest deficiencies, with the major part of all appropriations for the correctional institutions devoted to their custodial and security responsibilities and virtually nothing to their rehabilitative responsibilities.

Fortunately, no one was killed in the insurrections over the past several days. Another rebellion may result in loss of life among prisoners, guards held as hostages, or among officers attempting to quell a riot. Steps can and must be taken now to avoid such a disaster.

That involves the total mobilization of judicial and legal forces to meet the crisis in the courts and to serve the needs of those held in detention awaiting trial. As a first step, there should be an immediate short-term suspension of all misdemeanor trials involving defendants not detained in the prisons. This will release judges, prosecutors and defense attorneys to handle trials of those waiting interminably—in some cases—behind bars in overcrowded cells. Immediate consideration should be given to designating judges of the Civil and Criminal Courts to sit in Supreme Court to cope with the rising backlog of felony cases and measures taken to provide the court personnel to go with it. Courts should function fully on Saturdays and Sundays, if need be, to accord to prisoners their constitutional right to fair and speedy trials. Prison administrators should provide those detained with decent food and the simple amenities of towels, soap, toothbrushes, and urgently-needed social work services.

We are confident that judges will not object to weekend and night sessions of court during this emergency period and that competent attorneys will volunteer to assist the Legal Aid Society in a public effort to secure justice for prisoners.

From a long range point of view the fragmentation of law enforcement administration and responsibility that now afflict the judicial system should be ended by legislative action through the establishment of a unified court system, with the state assuming the full financial burden of the court system and the penal system. Fragmentation of the system has produced intolerable diffusion of responsibility and buck-passing between the state and the city and other local governments.

All citizens should be prepared to share with the Legislature the responsibility for increased appropriations to end the chronic shortage of prison guards, parole and probation officers, and of medical, psychiatric, social work, educational and rehabilitative services for prisoners.

To the extent that men and women are isolated in prisons without training or treatment and subsequently released to the community without guidance, jobs, or hope, crime rates will continue to mount and confidence in our law enforcement procedures and in our judicial system will corrode. The imperative needs for providing fair and equitable law and enforcement procedures and services must be given top priority at the next session of the State Legislature.

SUPPORT FOR PUBLIC SERVICE EMPLOYMENT BID—H.R. 19519

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, I would like to voice my support for public service employment bill—H.R. 19519.

The mainstream program has demonstrated what public service employment can mean to our society through the Green Thumb program.

Whether it is work in conservation, building natural resources, or beautification, Arkansas' Green Thumbers have proven that there is no upper age limit on ability. With an average age of 69, Green Thumbers from 55 to 94 years of age have shown how a public service employment program can be efficient and effective.

The excellent work of Green Thumbers can be seen all over the State of Arkansas. Earlier this year, I attended the dedication on a Green Thumb project in my district along with the State Attorney General, representatives of the Japanese Embassy, and the American Legion, including the Japanese American-American Legion chapters. The occasion was the dedication of the Japanese-American Memorial Park at Rohwer, Ark. This was the site of one of the Japanese-American Relocation Camps during World War II. From this camp came the men who served so valiantly in the Japanese-American 442d Regiment in Italy, the most highly decorated unit in World War II. A memorial has been built there along with the graves of some of those who died during their internment in the camp. The memorial had become overgrown and abandoned. With the cooperation and help of the American Legion, Green Thumb refurbished and beautified the memorial.

All the Nation should be glad that Green Thumb has undertaken to preserve many important historical sites. Of course, the most visible Green Thumb projects in my district are the many roadside parks, road beautification, local parks, and conservation projects. Less visible but equally important is the contribution which the women are making in Green Light.

I submit for the RECORD an article about Green Light in Arkansas.

The article follows:

[From the Glenwood (Ark.) Herald, June 11, 1970]

GREEN LIGHT PROGRAM HELPS THE NEEDY HELP THEMSELVES AND OTHERS, TOO

(By Ray Ross)

If there were some way the needy could be helped by employment instead of outright charity, and at the same time, they could contribute to the social, economic and cultural betterment of the community, surely this means should be put into use.

The experimental Green Light Program, which is employing seven women at Norman, may be just such a plan. The needy are helped, and in the process they help others who are in need, because they are paid by the hour to help others, and their pay makes them independent and self-supporting.

In Norman, at least, the federally financed program which is sponsored in this state by the Arkansas Farmer's Union, is contributing to better meals and more sanitary cafeteria facilities for the public schools.

"The school district just couldn't afford the help we needed in the school lunchroom, and the Green Light program has helped keep the school lunch plan operating," said David Scott, superintendent of Norman School District.

The seven ladies who are participating in the experiment also lauded the Green Light program.

"Before we hired these women to help, we didn't have time to clean up the tables between the time the elementary school children finished and the high school children came into the lunchroom," said Mrs. Willie Dee Carpenter, cook who is in charge of the lunch room and of the women who work there.

"Since we've had enough help to keep the tables clean, there's been a big increase in the number of high school students who are getting hot lunches."

Prior to the beginning of the Green Light program, only 75 high school students were coming to the lunchroom regularly, Mrs. Carpenter said. After the program got going, 90 high school students regularly got hot lunches. This is from an enrollment of 130 students, she said.

"Not only is the lunchroom and the kitchen kept cleaner, but because we have enough help, we can take more time to prepare the food and make it better and tastier," Mrs. Carpenter said.

Her helpers agree.

Mrs. Kathleene Hamner was the first to be employed under the Green Light program. She now is a regular cook's helper. Next was Mrs. Ruth Foshee. As evidence of the plan's success grew, so did the number of women who were employed. Third to be employed were Mrs. Florence Ogle and Mrs. Media Hamilton. Fouth were Mrs. Pearl Gaston and Mrs. Fannie Carter.

Basic requirements for employment are that the women must be at least 55 years old, they must need financial assistance, and they must be able-bodied. They have to pass rigid health examinations for instance, in order to work in the school kitchens and lunchrooms.

The ladies are paid at the rate of $1.60 an hour, and may not work more than 24 hours a week. Even so, they do not spend that much time in the school lunchroom, even when school is in regular session. They also work for others who need help.

"I split kindling for one old woman who couldn't get outside during last winter's cold weather," Mrs. Hamner said.

"I scrubbed the floor and washed dishes for one of my neighbors who was sick and couldn't afford to hire it done," said Ruth Foshee.

"I cleaned the cookstove and refrigerator for an old man who didn't know how to do these things," said Mrs. Hamilton.

The other ladies also told how they helped with cooking, sewing, cleaning and other household work when neighbors became in need of these services. They apparently can go wherever needed, and are not restricted to their own communities.

Maybe, because of their own need, they understand the need of others.

Mrs. Gaston and Mrs. Carter are prime examples. Both were widowed within recent years.

"I was too old to get a job, and I was lonely," said Mrs. Carter. "I needed something to do, and I also need the money. This makes me get out and see people, and besides, I like children."

Mrs. Gaston put it another way.

"It helps me meet people with confidence," she says. "I was too old and too inexperienced to find any kind of regular job. I have neighbors on either side who now call me when they need me. It helps me spiritually, as well.

Mrs. Ogle and Mrs. Hamilton have different problems. Their husbands are retired and disabled.

"It helps me keep up my spirits," Mrs. Ogle said. "We are paying our way."

Mrs. Hamilton told about her recent major surgery.

"Because I was working on the Green Light, the state paid my hospital bill," she said. This saved her from financial disaster, and prevented the necessity of welfare.

Mrs. Carpenter speaks glowingly of the ladies who have been selected to work with her.

"I've never worked with a nicer group of women, and they all get along well together and do their work well.

"I guess they know we all need each other," she said.

Superintendent Scott hopes the plan will continue. He applied for the program as soon as it became available, working with Glen McCalman, field representative, and Lewis Johnson Jr., McCalman's superior.

"Norman has seven of the 42 Green Light ladies in Arkansas," Scott said.

"I don't know if the program will continue, but its counterpart for men, the Green Thumb program, appears to be permanent.

"But if the Green Light has worked as well in other parts of Arkansas as it has in Norman, then it surely should continue," he said.

"We hope it does," Mrs. Carpenter says. "We need the Green Light here."

HOW BAD IS THAT LEAD IN YOUR GASOLINE?

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. McCLURE. Mr. Speaker, getting the lead out may not be the admonition it once was—especially if you're talking about gasoline.

First, the Bureau of Mines and now Sloan-Kettering report that nonleaded gasoline is potentially more hazardous than the common variety of leaded gas in use today.

It is not hard to foresee the day when ecologists suddenly discover that the nonleaded gasoline being used in the new emission-control systems is polluting the atmosphere. This will be followed, of course, by feverish activity in the laboratory and billions of Federal funds to find a way to adapt leaded gasoline to the new systems.

I doubt if you could get the scaremongers on the scene today to admit as much. They have to make a living, too.

President Nixon said the effort to control pollution is not a search for villains, so I see no reason why the lead industry should be made a scapegoat just because we have to prove we are doing something about air pollution. How I wish someone could convince me we are doing the right thing.

John Chamberlain wrote about this in the October 17th issue of Human Events, and I ask that it be printed in the RECORD at this point:

HOW BAD IS THAT LEAD IN YOUR GASOLINE?

(By John Chamberlain)

Charles F. Kettering—the famous "Boss Ket" of General Motors—was the man to do things. He invented the self-starter on order. He wasn't a chemist, but when the "knock" from raw gasoline proved incompatible with the more sensitive motors he combined with another non-chemist, Thomas Midgley, in a "try anything" attempt to come up with an additive that would keep pistons and cylinders in smooth working order. By trial and error the Kettering-Midgley team finally hit upon tetraethyl lead—and millions of automobiles have gone millions of comfortable miles on leaded gasoline since the day of its commercial introduction some 45 years ago.

Now lead in gasoline has been named as one of the more nefarious pollutants. As a "toxic metal" it doesn't deteriorate. If a chromium-deficient rat swallows enough of it, it reduces its life span by 20 per cent, which makes one wonder what breathing it would do to a chromium-deficient human being. (Query: does anyone know the percentage of chromium-deficient men and women?)

The Nixon Administration, which is properly alive to the pollution issue, now wants to put a $4.25-per-pound tax on lead in gasoline, partly to encourage experiments on emission-control devices that will work with non-leaded fuel, and partly to raise money to wipe out an estimated federal budget deficit of $1.3 billion. Unfortunately "Boss Ket" is no longer around to invent an engine that will work without doing damage to itself if it uses nothing but lead-free gas.

If it were merely a matter of paying a little more for non-leaded fuel and suffering from the resulting increased wear-and-tear on the motor, most of us would gladly do so in order to improve the quality of the circumambient air.

But there is more to this business of legislating for emission-control standards than meets the eye. It seems that the methods used for producing a lead-free usable fuel results in adding mysterious elements to the gasoline that could make the exhaust from the tail pipe even more dangerous than it now is.

I am not a chemist, and I can only pass on what a U.S. Bureau of Mines research report says on the subject. When "aromatics" are increased in the gasoline in order to compensate for the lack of lead, some mysterious substances called "polynuclear aromatic hydrocarbons," or "PAH," appear in the engine exhaust. According to the Bureau of Mines, this actually adds to the photochemical "smog" of the Los Angeles eye-irritating type by as much as 25 per cent.

Moreover, the PAH molecules have been found by Sloan-Kettering Institute researchers to cause cancer in mice. This doesn't necessarily mean that the molecules would remain in the atmosphere in sufficient quantity to cause cancer in humans. But the possibility remains.

So it could be a matter of jumping from the frying pan into the fire if Sen. Muskie succeeds in "legislating" the lead out of gasoline by 1975 or 1976. We live in a most mysterious world, and if one only increases the smog by trying to get rid of it, then where are we?

I don't own any lead stock, and, at the behest of my pollution-conscious 12-year-old son, I frequently buy the new Amoco nonleaded gasoline even though it is a bit more expensive. So I think I take off from a reasonably objective stance in trying to get to the bottom of the big lead versus no-lead controversy.

The lead interests will tell you that a federal tax on lead will backfire by cutting off experiments on devices designed to trap lead before it comes out of the exhaust. The DuPont Co., the Ethyl Corp. and Mobil Oil all claim to have developed satisfactory emission-control systems that operate on leaded fuels. The California Air Resources Board says the DuPont "manifold reactor system" on a car using leaded gasoline "meets nearly all of 1980 proposed federal emission standards."

The auto companies themselves, however, seem to have come down on the side of lead-free gas for the further future, assuming that their technologists and scientists will develop catalytic control systems that can work efficiently with non-leaded fuel. At least General Motors President Edward N. Cole has been quoted in a Detroit newspaper as saying that unleaded gasoline will ultimately extend the life of emission-control systems.

So, between the theories, you pays your money and you takes your choice. But you should be aware that no matter what you do you may still be polluting the air.

CONFUSION, CUBA, AND THE SOVIET UNION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHMITZ. Mr. Speaker, there has been one slight problem connected with the treaty, signed by the United States and 16 Latin American nations, that creates a nuclear-free zone in Latin America. Cuba did not sign it. Nor does

Cuba have any intention of signing it. Nor, if they were to sign it, would they abide by it. Why should they? The Soviet Union is turning Cuba into the dagger with which it will strike at the heart of the United States.

It is indisputable that the Soviet Union is building a base in Cuba from which to deploy its nuclear ballistic missile submarines around the periphery of the United States. When the Department of Defense recently pointed this out, a storm of protest arose from certain sectors of media and the Senate. Incredible as it may seem, this criticism was not directed against the Soviet Union and Cuba, but against the Defense Department and the Nixon administration for calling attention to the fact.

How does one go about conditioning the American people to accept a Soviet naval base 90 miles off our coast? It is a real art which attempts to get the U.S. electorate to put up with something that is detrimental to their interests, to the point of perhaps being fatal to their existence. First the "voice of reason" speaks out. "Let us not jump to conclusions," we are told. "Let us not judge Stalin, Lenin, Mao, Ho, Castro—pick any one—too hastily. We must wait until all the evidence is in. We must wait and see what develops." The voice-of-reason tactics are sure fire—for the enemy. By the time we finally get around to making a judgment from which to act we are faced with a fait accompli. By the time all the evidence is in, so are the Communists—and well entrenched. Needless to say, if we use this method in determining whether the Soviets are going to attack the United States—that is, if only the attack itself can prove the point—it will be a bit late to do anything about it.

Along with the voice of reason comes the voice of the eunuch. We are told that what is good for the goose is good for the gander, and since we have a base in, say, Germany, it is perfectly fair for the Soviets to have a base in Cuba. We are told that we must look at these things objectively from a position of neuterism or neutrality. Americans who take a neutral stance in regard to the United States and the Soviet Union, besides being morally unprincipled, fail to understand that the Soviets are not going to look out for our interests and, if we do not judge affairs from the point of view of our security and well-being, we can hardly expect anyone else to do so.

Another argument assumes a substantial derangement of the American mind. We are told that it is actually to our advantage that the Soviets have a base in Cuba because now we can hold them hostage. Following this type of thinking to its logical conclusion, we would conclude that if the Soviets were to establish a naval base in San Diego we would be in an even more favorable position, since then they would be even easier to hold hostage.

The voices of reason and the eunuchs are soon joined by a host of amateur psychologists telling us about the Russian psyche. You see, the Russians feel insecure and therefore, since insecurity may trigger a nuclear war, paradoxically enough, it is to our advantage for them to have a base in Cuba, buffer states in Eastern Europe, orbiting nuclear weapons, a "friendly" Southeast Asia—pick one. Once these poor uncertain individuals, the Communists, do not feel threatened, all will be well. To follow this line of thought further, since freedom makes the Communists feel insecure in the extreme—the fact that they crush it everywhere they seize power is historical proof of this—we can conclude that they will only feel secure when we no longer exist as a free nation. Since this is exactly what we wish to prevent, this argument is less than compelling.

Whether these arguments, and a host of others equally ingenious, will tranquilize the American people into accepting this state of affairs, is still to be seen. The hard facts are these: the Cuban base doubles the threat from the present Soviet submarine force, since this fleet no longer has to make a 4,000-mile trek back to the homeland to undergo necessary repairs, and can therefore stay on target at all times. The building of this base is prima facie evidence that the Soviets are planning to knock out our B–52 bases and the radar on the Safeguard system in conjuction with a massive SS–9 ICBM strike on our Minuteman missiles. With this nuclear backing in Cuba for political and guerrilla warfare, the whole of South America, already crumbling, becomes many times more vulnerable to Communist takeover.

In these days of "realining priorities," it is time we put a top priority on commonsense—and self-preservation.

AN OPEN LETTER TO THE PRESIDENT

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SHIPLEY. Mr. Speaker, I would like to insert in the RECORD today an open letter to the President written by C. F. Marley, Nokomis, Ill. I feel it will be of interest to my colleagues in the House. The letter follows:

MR. PRESIDENT: TELL US WHY

(By C. F. Marley)

DEAR MR. PRESIDENT: As a loyal American, please tell me why you condone supplying the enemies our sons must fight? And why do we have a policy which is eliminating private farms, businesses and local governments when these were the things we fought for in the past; the things which made us a proud and free people? Yet, under these circumstances we are being told we are bringing "freedom" to the Vietnamese.

It is not reasonable that freedom and independence should begin at home? How can we bring freedom to others when we have all but lost it at home? On what reasonable basis do you expect continued support?

I am no dissident who is for burning down the country. I am a subscriber to the Golden Rule, the Ten Commandments, the Declaration of Independence, the Constitution, the Bill of Rights, and all other institutions which have meant freedom and independence.

I come from a family which is proud of its country, and a family which has fought in every major struggle for more than 100 years: I have two great uncles buried at Vicksburg, Miss., where they died defending the Confederacy. Their father, my great grandfather, was for two years a Union prisoner of war. I had an uncle in World War I. I and my five brothers have served in the Army, Navy, and the Air Force. One fought the Japanese at Buna, in New Guinea; I saw action at Empress Augusta Bay at Bougainville in the Solomons, and at Green Islands in the Bismarks. Another brother landed against the Germans in Southern France, and against the Japanese at Okinawa. Another fought the Communists in Korea. Another was called for in the Lebanon crisis. Today, three of us have sons in the military, one with the Marines in Viet Namese seas.

I point this out because we know quite a lot about wars. And, while earlier wars made at least some sense, this one makes little, and it makes less and less all the time. But, to give assistance to the enemy while fighting him was and must still be, unthinkable. This is no call to pull out and abandon our prisoners of war. It is a call to stop aiding the enemy while we are at war.

Mr. President, just what is it that has changed? For a long time now our so-called friends have been openly supplying the enemy in open view at Haiphong. To add to the insult, in recent days the newspapers have carried the story that the State Department is dropping a long standing requirement that free world ships trading with China may not use fueling facilities owned by Americans unless a check shows the ships are not carrying strategic goods. The newspaper account says that this relaxation fits in with your Administration's effort to improve relations with the Communists and to loosen trade restrictions for American profits.

THINK OF IT: Every week we lose 70 to more than 100 men in Viet Nam, and now we are to give aid, comfort, and assistance to the enemy at the same time. This is selling American blood at a profit. It cannot be tolerated!

Some well-meaning friends to whom I have spoken about this outrage have tried to discourage me from saying anything because of the trouble you are having with the youth of this country. I say this situation is intolerable and a legitimate question is a legitimate question whether posed by a hippy or a member of the DAR. In fact, anyone who remains quiet under these circumstances contributes to the problem.

Then there were people who told me not to say anything because I do not have all the facts. If I do not have all the facts it is Washington's fault, not mine. In these nine years we have heard many stories and there is no reason we could not have had the facts. But I do have this many facts: You want to send my sons into combat along with the rest of the young men in this country and you have eased the flow of military hardware to the enemy, and I want an explanation.

Mr. President, I do understand some of your problems were not of your creation. But you have had two years. We see no end in sight, only more war brewing in the Mediterranean. My patience and that of others is growing mighty thin.

Your reply, when received, will be given equal exposure. Thank you.

ANNUAL REPORT TO CONSTITUENTS OF KANSAS FOURTH DISTRICT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter

which contains an annual report on the work of the 91st Congress as well as the activities of my congressional office during the past year. It has been my practice since coming to Congress in 1961 to provide these periodical reports to my constituents in the Fourth Congressional District of Kansas. The newsletter follows:

WASHINGTON REPORT FROM CONGRESSMAN GARNER E. SHRIVER, REPRESENTING THE KANSAS FOURTH DISTRICT

DEAR FRIENDS: This final newsletter of the 91st Congress constitutes an Annual Report to you on some of the legislative accomplishments of this Congress, and to highlight the work of your Kansas 4th Congressional District office in Washington. As this report is written, the 91st Congress still is at work, and there is a strong possibility that we will recess about mid-October and return for a post-election session in November. Unfortunately, the Senate has fallen behind the House causing a prolonged congressional session, and the congressional leadership in the House has failed to face up early to many of the priority proposals recommended by President Nixon to meet the nation's major problems. Many of the Administration's proposals dealing with inflation, manpower training reform, crime control, draft reform, and revenue sharing probably will be left for the attention of the next Congress. Among the important measures passed by the Congress were the Postal Reorganization bill that contained a right-to-work amendment; a tax reform bill that phased out the surtax and increased Social Security benefits; and an unemployment compensation bill providing 13-weeks extended payments for unemployed workers. The House also passed the first congressional reform measure in 24 years which is pending in the Senate; and final action is hoped for soon by a House-Senate conference committee on a new farm bill.

Successful representative government rests upon continuing 2-way communication between the Congressman and the people he represents. I work for you, and I need your comments and suggestions. Thank you for this opportunity of serving you in Washington and for your interest and concern in good government.

Sincerely,

GARNER E. SHRIVER.

THE ANNUAL REPORT

As a member of the Committee on Appropriations, I share the responsibility for reviewing the entire $200 billion national budget. One way to attack inflation is to cut wasteful and unnecessary government spending. Although final appropriations actions have not yet been completed, the House appropriations committee has made net reductions of over $745 million in budget requests, but the Senate has made a net increase of over $1.3 billion. In serving on the Foreign Operations Subcommittee, I continued to seriously question the value and effectiveness of the U.S. foreign aid program. The House took action to cut it back by another half-billion dollars in 1971 resulting in the lowest foreign aid budget since World War II. The next Congress will have the responsibility of completely revamping the program.

ASIAN FACT FINDING MISSION

As a representative of the Appropriations Committee, your Congressman visited Vietnam and South Korea in 1969 on a fact-finding mission to evaluate the continuing American military and economic efforts in those countries. Like most Americans I want to see the war ended in Vietnam as soon as possible. On the basis of briefings and observations there I came away with the impression that President Nixon's policy of "Vietnamization" of the war would work. Since that time of course, U.S. troop withdrawals have been well underway and by next spring more than 265,000 Americans will have been withdrawn. When I returned from that mission, I stated that it was time that the U.S. military responsibility in Korea should be assumed by the forces of South Korea. In a recent statement, the Secretary of Defense announced that an official decision has been reached to finally begin the phased withdrawal of American troops from Korea.

ECONOMIC TRANSITION IN THE UNITED STATES

Today, we in the United States are experiencing a major economic transition. We are going through the difficult process of redirecting our economic base from wartime to peacetime productivity, and at the same time we are fighting inflation, caused largely by runaway deficit federal spending. In accomplishing these massive changes in Federal priorities, there has been an accompanying amount of temporary unemployment. I have been working closely with local officials, and business and industry to do what I can at the federal level to assist in stimulating the economy and creating more jobs. Following are a few of the actions taken by your 4th District Congressman this year:

1. Requested all civilian and military agencies to conduct federal procurement conference in Wichita on August 31 to assist in getting government contracts. Secured participation of 10 prime contractors to discuss subcontracting opportunities. More than 350 persons registered for one-day conference sponsored by Wichita Area Chamber of Commerce.

2. Upon request of City of Wichita and Sedgwick County Commissioners secured prompt designation of Wichita and Sedgwick County for economic development assistance, and requested early meeting by Economic Development Administration with local officials to provide technical assistance in developing economic plan.

3. Plans for an export financing conference by Export-Import Bank of U.S. Department of Commerce and Small Business Administration in Wichita on October 29, to help stimulate exports of 4th District-made products and services.

4. Sponsored legislation providing $450 million 3-year cooperative effort between government and industry to retrain and redirect small businesses, engineers, scientists and technicians who have been engaged in defense-oriented research and development programs.

5. Sponsored legislation to provide accelerated program of public works in areas of substantial unemployment.

FEDERAL EXPENDITURES IN THE KANSAS FOURTH DISTRICT IN FISCAL 1970

Preliminary reports on federal spending in the Kansas 4th Congressional District during fiscal 1970, which ended June 30th, indicate that more than $450 million in expenditures occurred during the period. These reports were furnished me by the budget officers of each of the Federal departments and agencies. Following is a breakdown of federal spending by agency in the 4th District:

Department of Agriculture	$52,805,201
Department of Commerce	261,123
Department of Defense	189,100,000
Department of HEW	[1] 100,000,000
Department of HUD	16,799,000
Department of the Interior	1,722,446
Department of Justice	1,143,934
Department of Labor	1,304,069
Post Office Department	19,752,000
Department of Transportation	17,296,446
Department of Treasury	3,373,000
General Services Administration	3,689,594
Civil Service Commission	6,196,068
Railroad Retirement Board	4,810,000
Selective Service	116,034
Small Business Administration	5,273,562
Veterans' Administration	25,300,000
National Science Foundation	$82,168
National Foundation on Arts and Humanities	72,500
Agency for International Development	267,272
Office of Economy Opportunity	325,507
Interstate Commerce Commission	44,900
Federal Home Loan Bank Board	117,345
NASA	682,000
Federal Mediation and Conciliatory Service	52,400
American Battle Monuments Commission	3,794
Atomic Energy Commission	22,931
Tennessee Valley Authority	8,781
Total	450,622,075

[1] Estimated.

SERVING CONSTITUENTS

In addition to the important legislative and committee responsibilities of this congressional office, I have continued to assist and serve my constituents, to the best of my ability, in their individual relationships and problems with the Federal Government. The volume of my contacts with federal agencies in behalf of my constituents, including local governmental bodies, increased considerably during the past year and there was a heavier request for documents and information.

During the year my staff and I held over 975 conferences with 70 different government agencies in Washington in behalf of 4th District citizens. This compared with 890 conferences in 1969.

We received and replied to over 1,550 requests for Government publications, documents and information as compared to 1,200 in 1969.

As in the past mail from 4th District citizens continued to have high priority. From January 1, 1970 through October 2, 1970, I received approximately 15,500 first-class communications from constituents.

It was gratifying to have nearly 1,100 Kansans sign the guest book in my Washington office during the second session of the 91st Congress.

OPINION POLL

Approximately 115,000 questionnaires were mailed to 4th District citizens with the help of volunteers this year. More than 21,000 citizens returned their opinion polls to me for tabulation. Throughout my service in Congress, these polls have been helpful to me in determining the thinking of Kansans on domestic and international matters.

OTHER COMMUNICATION

In addition to the Opinion Poll and these periodical newsletters, I have attempted to maintain close communication with the people of my District by frequent trips home for personal visitations and speeches. Thus far, this year I have made 15 such trips. In addition, through the cooperation of 12 Kansas radio stations, I continued a series of weekly radio reports to the people. Occasional television reports also were carried by Kansas TV stations. Weekly and daily newspapers in the 4th District also continued their cooperation in publishing either regularly or as space permitted my Weekly News Report from Washington.

DISTRICT OFFICES

In order to better serve constituents in the 4th District and to facilitate communication on important matters, two congressional district offices are maintained year-around. One office is in the Hutchinson Post Office with Mrs. Hollis Gibson in charge and the other is at 830 North Main in Wichita with Mrs. Jeanne Guerrant in charge.

CONGRESSIONAL APPOINTMENTS

Following are the young men from the 4th District nominated by me to compete for appointments to the nation's outstanding

service academies who were chosen in 1970: Donald Joseph Clement of Wichita, Air Force Academy; Glenn Donald Pyle of McPherson, Naval Academy; and Jeffrey W. Anderson of Newton, U.S. Military Academy.

Congressional interns who were selected, upon recommendation of the Faculty Screening and Recommendations Panel, were Alfred Berg (Tabor College), Wichita; Roger Seifert (Friends University), Wichita; Mary Kay Royse (Kansas State Teachers of Emporia), Langdon; and Michael James (Wichita State University), Wichita.

VICTORY: THE UNMENTIONABLE OPTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHMITZ. Mr. Speaker, in attempting to explain to my constituents why we should win the war in Vietnam and why we are not attempting to do so I have assumed that the administration was rejecting a strategy of victory because it felt constrained under certain implications of the containment policy—specifically, that the United States should not try to overthrow an entrenched Communist government for fear that the Soviet Union will retaliate with an attack on the continental United States.

Even though the Nixon administration has dropped the containment policy per se and moved to a containment by proxy policy, it still seemed that this was the basic criterion limiting our military action in Vietnam. However, now I find that this is not the case at all.

On June 26 of this year, in replying to a reporters question about the Middle-East during a background briefing for the press at the San Clemente white house, Dr. Henry Kissinger, the Assistant to the President for National Security Affairs, made the following statement:

Incidentally, I would have to say that if there is the danger of a general war in this Administration, I do not believe, and we do not believe that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

Victory means destroying the enemy's powers of resistance, material and moral, to the point where he can no longer wage organized warfare. The United States clearly could do this in Southeast Asia if it so decided. Dr. Kissinger is saying, and he indicates that he is not alone in this evaluation of the situation, that a U.S. victory would not result in a direct confrontation with the Soviet Union.

This admission, to be truthful, startled me. Not that it is an incorrect statement. It is perfectly correct, in my opinion. A Soviet attack on the United States will not result from anything we do in Southeast Asia, but is rather predicated upon their capability to wage a successful "one act war on the American continent". When they achieve what they consider the necessary capability we are going to have a war, or perhaps better to say, be on the receiving end of a nuclear strike. The beginning of this conflict will depend on Soviet estimation of probability of success and not on our activities in Southeast Asia. What startled me was that the administration felt the same way about Soviet reaction to our victory, and still had not gone on to win.

If the administration felt that escalating our activity in Vietnam to the point of defeating the enemy would have placed the lives of all of us in jeopardy, it would have been possible to understand their not doing so, even though the reasoning involved in the decision was incorrect. Now the failure to seek victory becomes incomprehensible.

Always hopeful of finding some sensible reason for a particular policy, a search was made for an answer to the question of why we refuse to win. The only thing which the administration has to say on the subject is that we have ruled out either a one-sided withdrawal or the acceptance in Paris of terms that would amount to a disguised defeat. There is apparently no discussion allowed of an option known as victory. It is the unmentionable option.

Foreign policy may be complex but it is not complex to the point where it becomes possible to find some advantage in prolonging our stay in Vietnam when we could achieve our objective with surety and dispatch.

Speculation is growing as to why we refuse to win the war since what many felt to be the main reason for not winning has now been ruled out. The Armed Forces Journal of October 5, 1970, has an article which advances several reasons. Personally it is inconceivable to me that the administration would be so cowed by the radicals on the campus that they would allow loyal young Americans to die in Vietnam when we could win quickly or that this war is being run according to opinion polls—no matter what they reveal.

The article follows and it is my hope that the administration will set this matter straight. The only way this type of theorizing can be countered is by making it clear why we have decided not to win when we forsee no general confrontation arising from such a victory, when we have the capability to do so, and when it is obviously in line with our objective of maintaining a non-Communist Indochina.

[From the Armed Forces Journal, Oct. 5, 1970]

WHERE DO AMERICANS REALLY STAND ON ALTERNATIVES FOR SOUTHEAST ASIA?

(By Benjamin F. Schemmer)

The White House and *Playboy* magazine may be in for a jolt, if a forthcoming poll of 1-million college students bears out the findings of two young Vietnam veterans on America's real convictions about alternatives in Southeast Asia.

For eight months, the two veterans have been taking their own grass-roots survey, working mostly on their own funds and without backing from any group or individual. Responses so far to newspaper and TV/radio polls which they have stimulated show that 70–80% of the American people want to win in Vietnam.

Moreover, their polls show surprising public support for a two-day precision bombing raid against Haiphong Harbor and the Paul Doumer bridge in North Vietnam to choke off the flow of NVA/Viet Cong supplies into South Vietnam, Cambodia, Thailand, and Laos, and to force the release of American POWs. The bombing raids would be preceded by leaflet drops to let the North Vietnamese evacuate civilians and allow Allied ships to leave Haiphong Harbor, and would use conventional Paveway and Hobo glide bombs, said to be accurate within about 10 feet.

The veterans, retired Army Maj Jim Cawdrey and former USMC Cpl Dan Johnson, believe the Administration has grossly misjudged student feelings about Vietnam, and are about to poll 1-million college youngsters with the help of a nationaly recognized marketing company.

If results of the college poll bear out the expectations of Cawdrey and Johnson, the White House will find that of three Southeast alternatives spelled out in the forthcoming poll—Immediate Withdrawal, Vietnamization, and "Peace Through Victory" (involving the B–52 attacks against Haiphong)—American youngsters really want to see the U.S. try for victory. That's what Cawdrey and Johnson have found in the sampling they've taken to date.

If they are right, *Playboy* magazine will be as surprised as the White House. In its annual college poll, published in the September issue, *Playboy* claimed that 36% of 7,300 youngsters surveyed wanted to see the country "pull out now," while 29% wanted to "speed up withdrawal." Only 9% thought the U.S. should "fight for total victory, no matter what." *Playboy* told the Journal the poll was conducted last spring by its editorial staff, not by an independent polling group.

The White House, however, apparently thinks *Playboy's* barometer is pretty accurate. Some weeks ago, for instance, Dr. Henry Kissinger was asked by a reporter about the feasibility of drying up the North Vietnamese supply system and forcing a victory within 60 days through the very kind of bombing program which Cawdrey and Johnson have proposed, Kissinger reportedly said the plan was feasible. However, he then told the reporter, "But you get to handle the students." By various press reports, Kissinger was caught totally by surprise and is still shaken up over the college campus disorders which followed the President's decision in May to invade Cambodia.

$64 QUESTION

The real question at issue, therefore, is how accurately the Administration has judged Americans' true feelings about alternatives in Southeast Asia, since its perception of public opinion weighs so heavily in deciding future courses of action.

Cawdrey and Johnson have some impressive statistics to suggest that public opinion may *not* be what the Administration believes it to be. On a recent tour of seven western states, the two appeared on 47 radio and 24 TV stations and were written up in 12 major newspaper articles, totaling over 5,000 words. Polls taken by radio "talk" shows—where listeners called in to express their views on the three alternatives of Immediate Withdrawal, Vietnamization, or Peace Through Victory—typically came out in favor of victory. Station KGMC in Denver found 87% of its listeners wanted to win; KSXX and KSL in Salt Lake City found 73 and 80%, respectively, in favor of the Peace Through Victory alternative; in Seattle, KTW found 75% of its listeners for victory; and in Idaho Falls, 80% of KTEE's listeners opted for a win.

Cawdrey and Johnson say they find semilar results wherever they appear. Last March, for instance, they appeared on WINQ in Tampa, Florida. After their visit, a station official wrote them to say:

". . . another of our illustrious talkmasters took a running poll last week regarding solutions to the Vietnam problem. We received nearly 200 phone calls during that program. Each caller was permitted to place one vote for one of five possible solutions, which were categorized as follows: (1) Im-

mediate withdrawal; (2) Withdrawal within 18 months; (3) Gradual withdrawal as with Vietnamization; (4) Keep fighting; or (5) Bombing Hai Phong harbor.

"We were somewhat surprised to learn over 85% of our callers voted for the fifth solution."

Even *New Republic* magazine, which has been editorializing for voter support this fall of "peace" candidates running for Congress, ran a recent article which also suggests that the Cawdrey-Johnson estimate of real college student sentiment about Vietnam may be closer to the truth than *Playboy's* and the Administration's.

New Republic's 26 September issue quotes a May Gallup poll in which Americans were asked, "Do you think the U.S. made a mistake sending troops to fight in Vietnam?" Fifty-six percent of those polled said "Yes." But the most hawkish of four age groups surveyed was the group *under 30*. Young people were almost evenly divided: 49% said, "Yes, it was a mistake," while 48% thought not. Put another way, the poll showed that whereas people over 50 think our action in Vietnam was a mistake—by more than a two-to-one majority—*young* voters think so by barely one percentage point.

Last December, DBS took what it called a "random sampling" of 1,154 Americans over age 21, and found that only one in four favored immediate withdrawal from Vietnam. Three-fourths identified themselves as the "silent majority" to which President Nixon had referred in a 3 November speech. Asked by the network if they would favor an "all-out attack" if it would end the war at once, seven out of 10 people polled by CBS said they would advocate such an attack.

NO DOD POLL

A senior Department of Defense official told The JOURNAL DoD has not conducted any poll of its own on public opinion about Southeast Asia alternatives, and said he could not single out one poll over another as being more representative of likely American views on Vietnam policy. However, he cautioned that none of the polls discussed above could be considered "very scientific."

The DoD spokesman included in that remark a recent poll by the American Security Council, generally considered to be a fairly hawkish and "more defense whatever the cost" group. Nevertheless, the poll's statistics are impressive—especially in the absence of others from DoD.

From 1 July to 31 August of this year, the American Security Council ran ads in 203 newspapers covering 44 states, asking readers if they agreed, disagreed, or more were undecided on 10 separate "national security issues." In all, 27,197 readers responded. On the statement, "The United States should have a national objective of victory in Vietnam," more than 78% of those who responded to the poll agreed. Fourteen percent disagreed, and 8% were undecided.

As the *Playboy, New Republic* Cawdrey/Johnson, and American Security Council contrasts suggest, there is ample reason for the Administration to be confused and uncertain over where America really stands on the Vietnam war. White House officials reportedly have their own, more scientific polls of public opinion on Southeast Asia alternatives, but when asked for details about them would not provide any.

As "unscientific" as their poll may be, veterans Cawdrey and Johnson are two very impressive young men. They are not "right wing nuts" trying to obliterate North Vietnam. Their sincerity is disarming, and their quiet, articulate bearing commands respect.

Dan Johnson is a former Marine, wounded once in Vietnam. He last served there with the Fifth Marines. Jim Cawdrey was a senior district advisor and provincial psychological warfare advisor in Vietnam from mid-1965 to mid-1966. (He was retired after being shot in a freak accident at Schofield Barracks after his Vietnam tour.) Commissioned out of Infantry OCS in 1961, he speaks, reads, and writes Vietnamese and did graduate work in Asian studies at the University of Hawaii.

Both believe that a quick military victory in Vietnam is possible, and that bombing Haiphong Harbor and the Paul Doumer bridge (through which 97% of North Vietnam's supplies are transported) is the key. They feel strongly that such an attack—coupled with the threat of follow-up raids against North Vietnamese power stations and dikes in the North—is the only way to persuade North Vietnam to release over 1,500 Americans held as prisoners of war or listed as missing in action.

They point out that bombing didn't work before because key targets were not hit, and because accurate laser-guided weapons such as Paveway were not available. POW wives with whom they've talked reportedly favor their approach and point out that the lives of American POWs were not jeopardized by earlier bombing raids against North Vietnam.

The two veterans started their grassroots effect after Johnson early last year attended a dinner speech by Senator Barry Goldwater (R-Ariz), calling for a victory drive in Vietnam. Johnson says the audience's enthusiastic response—and comments like "That's the way I've always felt, but what can one man do?"—caused him to wonder if public opinion on the war was really understood. Cawdrey heard about Johnson's grass-roots effort, and decided to join him. Until recent months, when they've received about $6,000 in private small donations to expand their polling effort, both have been touring the country paying all expenses from their retirement and savings. They now have over 300 local committees in all 50 states, organized under the name National Committee for Lasting Peace, helping in the effort. They work out of San Diego (P.O. Box 4588, zip 92104, phone 714-234-2004).

A LETTER TO THE PRESIDENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WALDIE. Mr. Speaker, just recently the Department of Labor released statistics showing yet another increase in the number of unemployed in our county. The problem is now more acute than ever and it is striking where it has seldom struck before—with highly educated and specially trained men and women.

One of these men, a chemist from my district, was moved to write the President of the United States about his own situation.

I think his message to the President is eloquent and is deserving of wider distribution.

Mr. Speaker, I would like to place this letter in the RECORD:

CONCORD, CALIF.,
September 4, 1970.

President RICHARD NIXON,
White House,
Pennsylvania Avenue,
Washington, D.C.

DEAR MR. PRESIDENT: Since I voted for you in the last Presidental election, I am in part responsible for the position I find myself facing. The way it was described to me was:

"Due to the depressed market, lack of sales and the tight money situation, we are forced to operate on a bare bones budget and therefore are forced to terminate your services. We have examined other positions on our company into which you might fit and are unable to offer you anything. Should business become better, there is a possibility that we may accept you back. You have done a fine job for us and should you require any help with your resume or legal advice regarding your house payment, please do not hesitate to call on us. Your hospitalization of which the Company pays $100 quarterly will be effective for one month after this date. You have three paychecks coming, one for $367 your regular paycheck one week early in lieu of notice, the second for $185 one weeks vacation pay and the third for $509 three weeks weeks severance pay. You also have $329 paid up to 1969 in your retirement fund plus the amount, unknown now, you have paid in 1970. This will be mailed to you in the near future. If you should require recommendations when seeking employment, you may be certain that we will furnish the highest. Once again, should you require any help with your resume or advice regarding your house payment, please let us know. I wish you luck."—Handshake.

I was not the only salaried employe to receive this news as there were three others with 28, 23, and 15 years service respectively. I only had 4 years.

The problem that concerns me now is that although my former employer Fibreboard Corporation is running scared, other companies are standing pat and not even considering applications for employment. A typical answer reads like this, "Unfortunately our job situation is extremely tight at the present time, and therefore, we cannot be encouraging regarding employment."

It seems to me that something is amiss with this Nation's economic policies when highly qualified people who have a proven record of accomplishment are unable to get to first base. You may be certain of one thing and this I promise you. I will take a good long, hard look at your record and at the Republican Party before voting in any election.

Very truly yours,
HERBERT L. SCHMALENBACH,
Unemployed Chemist.

THIS IS MY COUNTRY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WHITEHURST. Mr. Speaker, on the evening of October 12, I had the good fortune to be the guest speaker at the first meeting of the year of the PTA at Academy Park Elementary School in Portsmouth, Va. After I had made my remarks, I had the privilege of presenting awards to the four students who had written prizewinning essays on the topic "This Is My Country." I was so impressed by the patriotism shown by these fine youngsters that I want to share these essays today with my colleagues.

I want to congratulate again not only the four winners but all the boys and girls at Academy Park who took the time to express their love for this great country of ours. I am proud to count them and their parents among my constituents. The essays follow:

THIS IS MY COUNTRY

(Patricia Duke, Ungraded Intermediate Class; teacher: Mrs. Powers)

After George Washington and his soldiers won the war America was free. The thirteen

colonies that once belonged to England became the United States. The United States, our country, is now more than one hundred fifty years old.

Our country reaches all the way from the Atlantic Ocean to the Pacific Ocean. There are millions of acres of rich farm lands and forests of oaks, maple, cedar, birch and pine trees. In the ground are rich stores of iron and coal, and oil.

We have free schools in which to learn and churches in which to pray and worship God. We have hospitals for sick people. Our country is great because we have every thing we need for a good life.

THIS IS MY COUNTRY

(Joey Honeycutt, grade 4; teacher: Mrs. Johnson)

One time I heard a record that the country belongs to you just as much as it belongs to me. My Country means a lot to me. It means that I'm free to play on it anywhere and anytime I can. When we go to Jamestown, it will mean more than anything.

I'm an American and I'm very proud of it. I would rather live in America than any other country. In America we have liberty and justice for all. We have the right to worship God as we please. We have the freedom of speech. I want to see more of my country and when I get older I hope to. I will be glad to serve my country. I will not try to dodge the draft. If and when I am called to serve the United States of America, I will always be an American and I also hope that God will be proud of America again.

THIS IS MY COUNTRY

William Miltier, grade 5; Teacher: Mrs. Robinson

I am proud of our countries history. In war and peace no country will ever equal its greatness. I love America because we have the freedom of religion, vote, and jobs. We have the privilege of public schools and fine colleges. I appreciate our great democracy and will continue in the coming years to do all that I can for my country. Many hard fought freedoms that I love were won in our War of Independence and saved in other conflicts. The freedoms which I love most are the freedom to express my thoughts and to worship as I please. When I visit the many historic places, I feel proud of my country and the heritage which those Americans left for me. I pray that during my lifetime. I might make my country just a little better as those who lived before me have done.

THIS IS MY COUNTRY

David Moore, Grade 6; Teacher: Mr. Gatling

This is my country. It started with Columbus searching for a new route to India and discovering America in 1492. America started with thirteen colonies, and grew more and more. But how did it all begin.

It begin with great men such as George Washington and Patrick Henry and Thomas Jefferson, men who fought for freedom and liberty.

We are free people who help each other. There are men in Viet Nam helping people and fighting for them.

Many men have died knowing that what they was fighting for was right, and what they were fighting for was there country.

Our country is proud of being the first to explore space and landing on the moon.

Yes our country has many thing to be proud of.

We have things that they did not have long ago, but they made out the best they could. They did not have freedom of speech or religion but they fought for it, so I am proud of my country.

PVT. MICHAEL SCHWARZ

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MOLLOHAN. Mr. Speaker, Marine Pvt. Michael Schwarz has become the center of attention in the continuing controversy over the relevancy and the very existence of the military system of internal justice.

Schwarz, of R.F.D. 1, Weirton, W. Va., and three other soldiers who took part in a "search and destroy" mission February 19, 1970, in South Vietnam were tried for the murder of 16 South Vietnamese.

Schwarz and Pfc. Michael Green were convicted. Pfc. Thomas Boyd, Jr., and L. Cpl. Randall Herrod, the mission's commander, were acquitted. A fifth member of the patrol, Pvt. Michael Krichten, was granted immunity from prosecution to testify for the prosecution.

Since Private Schwarz began his appeal several vital facts have come into the open: Schwarz was not represented by a civilian attorney, the only defendant not so represented. His counsel was an inexperienced military counsel.

In addition, trial records show that Private Schwarz was convicted of following orders but Lance Corporal Herrod who issued the orders was acquitted. It was also noted that the defendants claimed they were firing at gun muzzle flashes. Schwarz later found that his gun had been hit twice by bullets but it was not introduced as evidence during the court-martial, only during the preliminary hearing.

These facts point out the mistakes in the court-martial and upon these I base my demand for a new trial for Private Schwarz.

Mr. John Duncan of the Associated Press, in researching the following story, quoted Schwarz' mother as saying her son "only wanted to be free to walk the land, return home to the farm, build it up and fix the fences." If the military will recognize its mistakes Michael Schwarz may soon be on his way home.

The story follows:

MICHAEL SCHWARZ WAS A KID SAID EASILY FORGOTTEN

(By John Duncan)

WEIRTON, W. VA.—If Michael Schwarz had not been accused in an alleged war massacre, his former school principal believes he would have been "the kind of a kid you would have forgotten."

Marine Pvt. Michael Schwarz grew up fast.

At 16 he was a husband, a father and a Marine. Before, he had been a car bug who loved to hunt and hated school so much he quit and altered his birth certificate in order to don a Marine uniform.

Now at 20, the boy who, according to his principal "is very patriotic," faces life in prison at hard labor on a conviction of killing 12 South Vietnamese civilians at the village of Son Thang.

Sentenced last June following Da Nang, Schwarz in custody at Camp Pendleton, Calif., awaiting military appeal.

Thousands of miles from the war zone, news of the trial and a subsequent "Free Michael Schwarz" drive shook the memories of those who knew Schwarz while he was growing up in a hilly and remote region just east of here on a 187-acre farm in Bulger, Pa.

Members of the immediate family and the few others who knew him well say Schwarz, more interested in cars than the classroom, skipped school a lot and had a few minor scrapes with the law.

At 16, he left, altered birth certificate in hand, for the Marines.

"It was something he always wanted to do since he was 12," his mother, Mrs. James Schwarz recalled at her home here. "I didn't want him to go, but he kept on pestering and changed his birth certificate, so I let him."

Schwarz will turn 21 October 8. But as far as the Marine Corps knows, he already is 21.

On his first furlough home six months after joining the Marines, Schwarz married 15-year-old Linda Kane, a neighbor he had known most of his life. They have a 4-year-old son, and have been together only two or three times, she said, since the wedding.

Linda, living with her parents, says she has not seen Schwarz since his return to Camp Pendleton and now, "I just live from day to day."

William Bohn, principal at Union Junior High School in Burgettstown, Pa., recalls Schwarz as "the kind of a kid you would have forgotten."

"He wasn't interested in school, wasn't a good student . . . he was just waiting until he could get out of school," Both recalled.

"He had his own group of friends which didn't circulate too much with the rest of the students, and when he wasn't with them he was usually alone. He was a friendly, polite boy but he didn't go out of his way to make friends.

"He was in the office frequently for skipping classes, playing hookey and smoking, nothing serious," said Bohn, "just the kind of thing that a boy would do who was just waiting to quit."

Bohn said Schwarz returned to visit the school after joining the Marines.

"He was wearing his uniform, he was very proud of it and he was very proud to be a Marine," Bohn said, noting that he had thought Schwartz in uniform was much better disciplined.

"He's a very patriotic boy and he talked to me about how he was happy that he was going to be sent to Vietnam shortly," added Bohn.

"It's kind of ironic that this should happen to such a boy, he loved the Marine Corps and he wanted to make it his career. I hope he gets a re-trial and is allowed to go free," said Bohn.

The Hancock Township Police Department reported that Schwarz had been in trouble a couple of times, but "nothing major, just a few teen-age pranks kind of thing."

Schwarz's best friend was Carl Pyle, now in the Marines also.

Mrs. Carl Pyle recalled that her son and Schwarz would go raccoon hunting together "and they had this thing they called a dune buggy, which was really an old car, which they drove to check their traps."

She said they would trap muskrats, work on old cars in the front lawn and were both "just happy-go-lucky kids."

"Mike just wouldn't let anything bother him," she said.

Mrs. James Schwarz said her son had two other interests besides the Marines—hunting and working on old cars.

"He wanted to go hunting, but I was afraid he would get hurt, so he wouldn't go. He also

wanted to race stock cars, but I wouldn't let him and he didn't," she said.

She said her son was a "very sensitive boy. If I was sick, he would sit up all night."

"Once when he came home on leave, he saw his dad sick and got frightened and jumped in his old Buick and drove 100 miles before we caught up with him," she said.

She said there was plenty of work for her son to do on the farm when he was young. And she said he is needed at home now, because her husband is sick and all but two of her seven other children have left the farm.

But the farm has gone downhill, said Mrs. Schwarz, and the family no longer farms the land.

She said her son's letters written after the trial first from a military prison in Da Nang and then another prison in Japan related that "he only wanted to be free to walk the land, return home to the farm, build it up and fix the fences."

"WE CAN HELP YOU IF YOU WILL LET US"

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WOLD. Mr. Speaker, law and order ranks as one of the most critical problems facing America. Enough has been said and written about the subject to fill a library. Much of it represents an emotional and overgeneralized treatment of a complex subject. Looking for scapegoats and faultfinding rather than the search for solutions is a popular theme. Ironically, our law enforcement agencies are singled out all too often for the lion's share of the criticism and faultfinding. One is left with the impression that the police are on trial rather than the criminal elements running rampant in this country.

It is time to put teeth back into our laws. It is time to strengthen the court system of America so that the guilty are tried and punished quickly, fairly, and firmly.

It is a refreshing departure from the familiar rhetoric of our time when one reads a positive and thoughtful article offering suggestions to help our overworked and harried law enforcement agencies. This month's FBI Law Enforcement Bulletin contains such an article by Miss Mary Creese, news editor, Rock Springs Daily Rocket-Miner, Rock Springs, Wyo.

Entitled "We Can Help You, If You'll Let Us," Miss Creese offers some thoughtful suggestions on ways in which the police and news media can work together more effectively.

I hope this well-written article receives the careful attention of the law enforcement and news media communities.

In order that the large audience that reads the RECORD has an opportunity to read Miss Creese's article, I include it in the RECORD at this point:

[From the Rock Springs (Wyo.) Rocket-Miner]

WE CAN HELP YOU, IF YOU WILL LET US

(By Miss Mary Creese)

While some law enforcement officers shy away from news reporters, and some are reluctant, with good reason, to trust the news media, we in the newspaper business can be a help to you—*if* you'll let us.

It took many columns of type and a lot of extra hours to persuade one sheriff that those of us who were aware of the truth knew the search for a missing teenage boy was done thoroughly and professionally, even though it was unsuccessful.

We knew that, because of his fatigue and disappointment, the sheriff was reluctant to report his day's efforts. I joined in the search, garnered information from many other sources, and wrote sympathetically, but truthfully, of his activities to show that everything possible was being done.

BUILT ON CONFIDENCE

Good news stories, of course, are possible because of the confidence of law enforcement officers in the news reporter—a confidence that grows only after years of sustained accuracy, objectivity, and sound ethics.

Most law enforcement officers will agree that there is no deterrent to crime like a wide publicity campaign, that nothing helps prevent traffic accidents and slows the drivers, at least for a time, quite so much as the knowledge that "it can happen to you" or "it did happen to your neighbor."

Most officers will also agree that, if bogus currency is afloat or check artists are at work, newspaper publicity can serve notice to merchants to intensify their lookout for counterfeit bills and forged checks. As a result, the culprits may be more readily apprehended.

The professional, mature newspaper reporter and photograher wants, needs, and deserves your confidence. Between you and him can develop a mutual trust, respect, and understanding. He will guard your secrets and will appreciate your occasional need for silence.

LOSS OF CONFIDENCE

The police agency which withholds legitimate news from the press will soon gain a reputation of "managing the news." There will be a breach in relations, and confidence and respect will suffer. On the other hand, a reporter who violates the trust of a police official and reports on a case prematurely in order to scoop the opposition will soon find that a valuable source of information has dried up. It is a matter of dual responsibilities in which the rights of the public rest on the integrity of both the news media and law enforcement.

I, too, have no use for the movie-type reporter, who almost puts a "press" tag in his hatband, affects a trench coat, and runs everywhere, coattails flying and eyes wide, searching for a "story."

There are reporters who must be cautioned that they are not investigators—merely observers. They are employed to write about, not probe into, criminal activity.

AIR CRASH MAKES HEADLINES

While working as a reporter with the Longmont, Colo., Times-Call in November 1955, I had occasion to cover the crash of a United Airlines DC–6B which went down in flames east of Longmont killing 44 persons. The plane took off from Denver at 6:52 p.m., November 1, bound for Seattle, Wash. Eleven minutes later, when the plane had reached almost 6,000 feet, witnesses reported there was an explosion and a flash and the aircraft plunged to earth.

In a fast-breaking story of this magnitude, excellent liaison and cooperation with law enforcement officials pay off. My associates and I received tremendous assistance from willing law enforcement agencies from the very beginning. Since it was apparent from the information available at the outset that the crash resulted from a midair explosion, the big question was what caused the explosion and was it accidental or—was the aircraft sabotaged?

Six days after the crash, I learned from a reliable source outside law enforcement and official agencies concerned with the incident that a dynamite blast in the number 4 cargo pit caused the crash. Further, I was told that baggage in this particular pit had been loaded only in Denver.

You can imagine the temptation to break this shocking information in a big story nationwide under a Longmont dateline. But, we did not. The FBI had opened a criminal investigation of the case, and we did not want to jeopardize the possibility of a quick solution and arrest. Further, I really had no right to use the information as it had been given to me in confidence.

Soon thereafter an official release was made that a bomb had caused the crash. On November 14, the FBI arrested Jack Gilbert Graham, 23, whose mother had been killed in the crash, on a charge of sabotage. A few days later, the State of Colorado charged him with the murder of his mother. Graham was tried on the murder charge, convicted, and sentenced to death. He was executed on January 11, 1957.

SOUND JUDGMENT

I believe that we at the Longmont Times-Call did what any responsible professional news staff would have done in holding off on the tip about the dynamite blast. Even though the source was reliable, and later develpoments corroborated the fact, we had no official confirmation. Further, we had good reason to believe that public disclosure at the time might jeopardize the possible success of the intensive investigation by the FBI and other agencies assisting. The temptation was great, but, in looking back, I am convinced our judgment was sound and in keeping with the highest traditions of the profession.

I thought at one point several years ago I had the full confidence of a local law enforcement official. However, when I inquired of him one day about a report of vandalism in a nearby school, he said there was nothing to it.

Since my source seemed reliable, I took my camera and drove out to the school. I found there that the enforcement official had indeed investigated extensive damage inside the building. When members of the school board unlocked the building (closed until damage could be repaired), I prepared a good, interesting story, which included the fact that flour, sugar, eggs, and other foods in the school kitchen had been thrown about with abandon. Pictures told the sad story of complete, ruthless vandalism. We did not, however, print the picture of a shoe print with an identifiable heel mark. I held that one out.

It was a livid official who confronted me the next day with my story folded out on his paper, with which he pounded my desk, demanding to know where I got the story and why I chose to write it, and stating that if he had wanted it in the paper, he would have given it to me.

I told him if he did not want the story in the paper, all he would have had to do was tell me and give me a good reason for withholding it.

HELPFUL EVIDENCE

He calmed down and apologized, saying that the case was still under investigation. I asked if he had any prime suspects, to which he replied, "Two, but we can't prove anything." I offered him my picture of the

heelprint, with which he later confronted one of the suspects, matched the picture with the heel of his shoe, and obtained a confession.

It is true that the professional, mature news reporter wants to do his bit to help law enforcement officers. You can ask any responsible reporter or editor for cooperation in withholding a story pending certain developments and, if your request is valid, he will go along with you. He will, of course, expect you to advise him immediately when the story can be reported. Further, he will also depend on you to help protect his interest should the story become known to other news media which may not respect the agreement. However, a story with any significant news value cannot, as all officers and reporters know, be suppressed for long.

COOPERATION WITH NEWS MEDIA

I have found that the degree of cooperation between the press and law enforcement differs from area to area. The length of the acquaintance between a reporter and an enforcement official will, of course, have some bearing on cooperation. However, some police agencies are not news oriented. By nature or by habit, the officials and officers are close-mouthed and offer little, if any, assistance to newsmen. Some departments apparently have no plans or procedures for making available to the press information from public records, such as police blotters. Consequently, a reporter does not like to deal with departments of this type, but he welcomes the chance to work with agencies whose personnel recognize the rights of the public as represented by a free press and who furnish what information and help they can without infringing on the rights of others and without making prejudicial statements.

REARDON REPORT

Many representatives of news media in this area, as do others in all parts of the country, believe that the highly publicized Reardon Report of the American Bar Association is a marked encroachment on freedom of speech and freedom of the press.

The first amendment to the Constitution of the United States, adopted December 15, 1791, 179 years ago, is a stipulation forbidding any law abridging the freedom of speech or of the press.

But today many lawyers and law enforcement agencies claim the Reardon Report—only a report, mind you—is aimed only at lawyers and law enforcement agencies to restrict the release of prejudicial statements about accused persons, and that it does not affect the release of news about crime or criminal investigations.

Most newsmen see it differently. They feel it would black out arrest records and preliminary hearings. It would muzzle police officers and prosecutors and judges. It would forbid mentioning the existence of confessions, prior criminal records, and police laboratory tests.

It would allow a police officer to state that an accused individual denied charges against him, but if he *admitted* charges, that could not be printed. The lawyers would have a complete record of closed pretrial hearings transcribed, and then after the trial or disposition of the case without trial, the lawyers would have the court reporters write up all those notes and issue copies to the press.

By then, who wants them? No newspaper which has anything to do with news would touch them. Thus the public would be deprived of another bit of public information.

TRUTH WILL WIN

Even Justice Paul Reardon, author of the bar report which bears his name, has warned that the proposals should not be used by anyone "as a cover for what should be out in the open."

As pointed out in one newspaper editorial, "The press upholds the traditional democratic ideal that truth will win in a free and open market place.

"The bar tends to believe, on the other hand," the editorial continues, "that truth is best served when filtered through the various technicalities of the court room. . . .

"If statements by law enforcement and court officials are limited to a short list of specific formalities, the public clearly will have less opportunity to learn how law enforcement is carried out in their society."

Further, some members of the bar claim that the press uses crime news to sell papers—whereas more than 80 percent of the 61 million copies of daily newspapers are presold by subscription, and the press does not rely on so-called "sensational" stories to survive.

NO THREAT TO FAIR TRIALS

In this section of the country, to have the additional curtain, as proposed by the Reardon Report, dropped between us and news sources would constitute a definite threat to the freedom of the press.

To my knowledge, no one has come up with any positive support for charges that the press imperils the concepts of fair trials. The people have a definite right to know what their courts and law enforcement officers are doing. No one denies the dangers of excluding the press from proceedings in any type of trial, from the slightest misdemeanor to first degree murder. If such procedures were condoned, it would follow that the greater part of every criminal trial could be conducted in secrecy behind closed doors.

The public trial, in the words of a Los Angeles writer challenging the exclusion of the press, has a therapeutic function in reducing community tension, in supeseding private vengeance, in removing excuses for lynch and vigilante law, in protecting the rights of the public as well as those of the defendant, and in providing values which, perhaps, society has been inclined to take for granted in recent years.

CRIMINAL JUSTICE

Properly conducted public trials maintain the confidence of the community in the honesty of its institutions, in the competence of its public officers, in the impartiality of its judges, and in the capacity of its criminal law to do justice.

We have cooperated to the fullest with the judges who insist we withhold the names of juveniles involved in serious crimes—and we do cooperative, if the case goes into juvenile court. However, with the percentage of juvenile "repeaters" growing, even those judges are leaning toward the publication of names, ages, names of parents, and even street addresses of juvenile offenders.

Basically our role, with yours as officers, is protecting constitutional rights while making sure of a keener awareness of responsibility in publishing news—all the news.

That is good reason to say "no" when we are requested to withhold the name of an offender whose case goes through a court of public record. For if we comply with one request, where are we to stop?

A common complaint against newspapers is that we are unduly sensational in our handling of crime news—that such items may be an incentive to crime, that the pander to the cheap surface emotions of the herd mind.

Nothing could be further from the truth.

PRESS' DUTY

The truth is that a complete, factual, and mercilessly accurate account of a crime is the duty of responsible newspapers. In the first place, crime news is not solely the concern of low-grade morons. It is also the concern of responsible law-abiding citizens.

If the youth of this country, reading the facts on a race riot or massacre or murder, are tempted to purchase machineguns and start shooting, then there is little hope for American youth and the adults who bore and reared them.

Generally, crime news, complete and even blatant, is necessary before any serious move for reform is ever attempted.

Without publicity which brings out details of crimes, which the private citizen may recognize and therefrom offer his assistance, the tough solutions could be even tougher. With no news story, the person who stumbles over evidence of crime in remote places probably would never get his information to the law enforcement agencies.

We do not want to be told what to print; we will not surrender the right to public reports of events we consider newsworthy or of public interest; we will continue to publish any statement made in open court, whether or not it is stricken from the record, and we will defend our freedom to publicize wrongdoing wherever it exists, including the actions of law enforcement officers, lawyers, and judges. And we will print our own names in the news if we are the offenders.

Because the public ultimately is responsible for the administration of justice, the public is entitled to know how justice is being administered. No one has the right to keep the press and the public in darkness.

FREEDOM OF THE PRESS

Freedom to gather news is at the heart of any concept of a free press. When you close out sources of news, you cripple the functioning of the press. It is a combination of the rights, to gather, print, and distribute which is the cornerstone of true freedom of the press.

If we have a fault, it is to underpublicize, rather than overpublicize, as staffs and space often are too small to give all areas the attention they demand and deserve.

IT IS UP TO YOU

We try to attract to our business persons with an insatiable curiosity and an ability to look and listen and report—without distortion—what they see and hear. True, some reporters follow devious methods in getting there first, regardless of the end result. We have contemptible persons in our business, but you will find them wherever the pressures of competition make it necessary to perform first and explain later.

However, we can be the agency which presents your story, accurately and sympathetically, as we understand that law enforcement is one of the most hard-pressed, underpaid, and senselessly abused groups in the Nation. We can help give you the status you deserve. But what good is the professional, knowledgeable reporter, if a curtain separates him from law enforcement news? That curtain ties our hands so that we are unable to help you. It's up to you.

STATUS OF THE APPROPRIATION BILLS—AND CONGRESSIONAL ACTION ON THE BUDGET AS A WHOLE

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MAHON. Mr. Speaker, I am including a summarization of congressional actions to date on the budget for the current fiscal year 1971. Congress acts on the budget not only in the appropriation bills but also in its actions, or through in-

actions, on budgetary proposals in various bills out of legislative committees. Facts and figures are included for both as of this date, but it should be pointed out that much of the budget total on which Congress acts remains to be finalized.

Federal finances are a joint responsibility of the President and the Congress. Original Executive budget estimates and projections are always tentative; often wide of the mark; not infrequently amended upward by the President on the appropriation and spending side. I am including certain pertinent information in this respect.

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

IN SUMMARY

Mr. Speaker, in briefest summary, the situation as to the annual appropriation bills with respect to fiscal 1971 amounts is as follows:

The House has now passed all the regular annual bills. In House actions we have made net reductions—and I am including the vetoed independent offices-HUD bill—of $2.5 billion below the related budget requests. If the vetoed bill is not considered, then the House is about $2.7 billion below the related budget requests.

In the Senate, 10 of the regular appropriation bills, including the vetoed independent offices-HUD bill, have been approved. In these 10 bills, the Senate has approved a net increase of about $2.5 billion above the President's budget requests. If the vetoed bill is excluded, the increase above the budget would be about $1.3 billion on the other nine bills.

Eight of the 14 regular appropriation bills have been approved by the Congress and sent to the President. Taking into account these bills, there is a net increase above the related budget requests of nearly $800 million. But excluding the vetoed independent offices-HUD bill, the net increase above the President's budget requests in the other seven bills $230 million.

Mr. Speaker, although the Senate still has pending before it major appropriation bills dealing with Defense, Labor-HEW, foreign assistance, and Transportation, and a new independent offices-HUD bill must be acted upon, I think it can safely be said that Congress, at this session in the appropriation bills, will in the aggregate be under the fiscal 1971 Presidential budget requests in the general area of about $1 billion, give or take a couple of hundred million or so.

In other words, Members can say that there is every indication that when this Congress adjourns following the post-election session Congress, in its actions on the fiscal 1971 appropriation bills, will be below the President's budget requests for 1971 considered in those bills.

Mr. Speaker, following is a capsule summary of the amounts of new budget obligational authority for fiscal year 1971 currently involved in the 14 bills:

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971—AT A GLANCE

[New budget obligational authority. Fiscal 1971 amounts only]

	Budget requests considered	Approved	Change (+) or (−)
1. In the House:			
(a) Subtotal, 14 bills	$137,138,661,822	$134,627,396,817	−$2,511,265,005
(b) Deduct independent offices-HUD bill, veto sustained	−17,216,823,500	−17,390,212,300	+173,388,800
Net total, 13 House bills	119,921,838,322	117,237,184,517	−2,684,653,805
2. In the Senate:			
(a) Subtotal, 10 bills	45,250,005,499	47,728,716,253	+2,478,710,754
(b) Deduct independent offices-HUD bill, veto sustained in House	−17,468,223,500	−18,655,019,500	+1,186,796,000
Net total, Senate bills (9 bills)	27,781,781,999	29,073,696,753	+1,291,914,754
3. Enacted:			
(a) Subtotal, 8 bills cleared Congress	35,366,850,999	36,138,439,720	+771,588,721
(b) Deduct independent offices-HUD bill, veto sustained	−17,468,223,500	−18,009,525,300	+541,301,800
Net total, 7 bills enacted	17,898,627,499	18,128,914,420	+230,286,921

Mr. Speaker, in elaboration of the foregoing summary of the totals to date, I will include a bill-by-bill breakdown and some additional detail.

APPROPRIATION BILLS IN THE HOUSE

In the House, 11 of the 14 bills were below the budget requests by about $3.1 billion. The Education, Independent Offices-HUD, and Labor-HEW bills were above the budget requests by a total of about $585 million.

The vetoed Independent Offices-HUD bill was $173 million above the budget requests in the House, but in its enacted form was $541 million above. It will I assume be somewhat less than that in its reenacted form.

I am speaking of new budget authority—essentially, appropriation requests—for fiscal 1971, not budget estimates of expenditures, or outlays, which in addition to expenditures from new appropriations also involve expenditures from carryover balances of prior year appropriations.

Including the vetoed Independent Offices-HUD bill, the House totals for 1971 in the 14 bills are:

[In billions]

Budget requests considered	$137.1
Approved by House	134.6
Net reduction (14 bills)	−2.5

Excluding the vetoed Independent Offices-HUD bill, which must be replaced by a new bill, the House totals for 1971 on the other 13 bills are:

[In billions]

Budget requests considered	$119.9
Approved by House	117.2
Net reduction (13 bills)	−2.7

IN THE SENATE

In the Senate, 10 of the regular appropriation bills, including the vetoed Independent Offices-HUD bill, have been approved. In these 10 bills the Senate has made a net increase of about $2.5 billion above the President's budget requests. If the vetoed bill is excluded, the increase above the budget would be about $1.3 billion on the other nine bills.

Excluding the Independent Offices-HUD bill, the totals for 1971 on which the Senate has acted are as follows:

[In billions]

Budget requests considered	$27.8
Approved by Senate	29.1
Net increase (9 bills)	+1.3

The Labor-HEW bill, involving about $18.7 billion of budget requests, has been reported to the Senate $311 million above the budget; it will of course be subject to Senate floor action and later conference negotiation.

Pending in the Senate committee are bills for transportation, foreign assistance, and defense. As passed by the House, these three bills were below administration budget requests by a total of about $2.6 billion.

PENDING IN CONFERENCE

The agriculture bill, $727 million above the budget as passed by the Senate, is pending in conference. The military construction bill, $77 million under the budget, will also be ready for postrecess conference.

CLEARED CONGRESS—ENACTED

Mr. Speaker, eight of the fiscal year 1971 appropriation bills have been sent to the President. He returned two by way of veto—education, overridden by the House, and independent offices-HUD, sustained by the House.

As sent to the President, the eight bills, with respect to fiscal 1971, involved:

[In billions]

Budget requests considered	$35.3
Enacted	36.1
Net increase (8 bills)	+0.8

But excluding the vetoed independent offices-HUD bill which involved about $18 billion—$541 million above the budget—the totals with respect to fiscal 1971 for the seven bills enacted are as follows:

[In billions]

Budget requests considered	$17.9
Enacted	18.1
Net increase (7 bills)	+0.2

Mr. Speaker, the exact net increase on the seven bills is $230,286,921. Six of the seven bills were below the budget requests; the Education bill was $453 million above the budget.

Mr. Speaker, I include a tabulation showing the figures for each of the appropriation bills for fiscal 1971—both including and excluding the vetoed independent offices-HUD bill:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
IN THE HOUSE			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
5. State—Justice—Commerce—Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,465,814,937	2,429,579,937	−36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign Assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military Construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public Works—AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor—HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
15. Supplemental	(496,720,000)		
Subtotal, House bills	137,138,661,822	134,627,396,817	−2,511,265,005
Deduct Independent Offices—HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
Net total, House bills	119,921,838,322	117,237,184,517	−2,684,653,805
IN THE SENATE			
1. Legislative	421,414,899	413,889,653	−7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent Offices-HUD	17,468,223,500	18,655,019,500	+1,186,796,000
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
6. Agriculture	7,748,354,500	8,475,935,100	+727,580,600
7. Public Works-AEC	$5,263,433,000	$5,258,695,000	−$4,738,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,122,080,500	−129,119,500
9. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,018,079,000	−28,614,000
10. Military Construction	2,134,800,000	2,057,871,000	−76,929,000
11. Labor-HEW	(18,759,377,000) [1]	(19,070,964,078) [1]	(+311,587,078)
Subtotal, bills cleared Senate	45,250,005,499	47,728,716,253	+2,478,710,754
Deduct Independent Offices-HUD bill (veto sustained by House)	17,468,223,500	18,655,019,500	+1,186,796,000
Net total, bills cleared Senate	27,781,781,999	29,073,696,753	+1,291,914,754
ENACTED			
1. Education (veto overridden by House)	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,900
3. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
4. Independent Offices-HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
5. Legislative	421,414,899	413,054,220	−8,360,679
6. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,004,711,000	−41,982,000
7. Public Works-AEC	5,263,433,000	5,238,517,000	−24,916,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,108,074,500	−143,125,500
Subtotal, bills cleared Congress	35,366,850,999	36,138,439,720	+771,588,721
Deduct Independent Offices-HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
Net total, bills enacted (7 bills)	17,898,627,499	18,128,914,420	+230,286,921

[1] As reported.

Source: Prepared Oct. 14, 1970, in the House Committee on Appropriations.

THE STATUS OF THE 1971 BUDGET

Mr. Speaker, in undertaking to make an interim report on congressional actions thus far on the budget recommendations of the President it is first necessary to establish, as best as can reasonably be done, the budget totals as revised and updated from time to time by the executive branch. Supplementary requests and recommendations not encompassed in the original budget and revisions of original budget estimates and projections because of miscalculations, underestimates, and revised or unforeseen requirements are not uncharacteristic of Federal budgets. Original budget projections are often highly fragile and precarious. This year's budget is no exception. Nor was last year's budget.

THE FISCAL YEAR 1970 BUDGET

For example, the administration's original budget review for fiscal 1970, in April of 1969, projected a unified budget surplus of $5.8 billion.

Last February, it was reestimated—down to $1.5 billion. For a variety of reasons, the original surplus had begun to wither away.

Then, in May, the executive branch again reestimated the fiscal year 1970 budget outlook. The surplus had vanished, replaced by a deficit estimate of $1.8 billion. Net expenditures were estimated moderately higher than the previous estimate; expected revenues in the fiscal year—ending last June 30—were considerably short of the previous estimate.

When the books closed, the fiscal year 1970 budget position had slipped further. The unified budget, which folds in the trust fund surpluses, was in deficit by $2.9 billion. Excluding the trust fund surpluses of $10.1 billion, the deficit for fiscal year 1970 in Federal funds was $13 billion. Trust fund surpluses are borrowed by the Treasury, at interest, and used for general purposes of Government.

This 1970 result was also a deterioration as compared to fiscal year 1969. In that year, the unified budget was in surplus by $3.2 billion because of the trust fund surpluses of $8.7 billion. Excluding them, the Federal funds deficit was $5.5 billion. The budget position on both bases of counting thus worsened in fiscal year 1970 as compared to fiscal year 1969. There were many contributing factors, but that was the result.

EXECUTIVE REVISIONS TO THE FISCAL YEAR 1971 BUDGET

Mr. Speaker, the broad totals projected in the original fiscal 1971 budget, submitted by the President last February 2, are no longer valid—nor of course have they been valid for several months.

In May, the executive branch reestimated the February budget totals—which had projected a razor-thin unified surplus of $1.3 billion, counting in some $8.6 billion of trust fund surpluses—and came up with a projected unified deficit of $1.3 billion but a $10 billion deficit on the Federal funds basis. Expenditures were revised upward, to $205.6 billion—far above the original February figure of $200.8 billion. Revenues were also reestimated and new revenue proposals submitted which in the aggregate raised the previous revenue total, but not nearly equal to the upward expenditure revision.

There has been no official comprehensive updating of the totals by the executive branch since May, but there have been further supplementary amendments and requests and reports of miscalculations of previous expenditure estimates. According to the best estimates of the staff of the Joint Committee on Reduction of Federal Expenditures, as reflected by the latest comprehensive "Budget scorekeeping" report of October 14, the executive branch, subsequent to the February 2 budget submission, has:

First, increased the original estimates for new budget obligational and lending authority for fiscal 1971 by some $4,225,691,000—to a new total of $222,256,691,000.

Second, increased the original estimated budget spending—outlays—for fiscal 1971 by some $6,082,871,000—to a new total of $206,854,000,000.

Mr. Speaker, these substantial changes spring from various supplementary budget amendments and requests; various legislative proposals beyond the boundaries of original budget totals, and reestimates of various items including miscalculations of requirements in certain so-called uncontrollable items such as interest, farm price supports, and social insurance trust funds.

The executive branch has already reported net overruns of $3,011,000,000 above the original budget spending projections for such so-called uncontrollable items as interest, $1.8 billion; social insurance trust funds, $508 million; and farm price support programs, $503 million.

The $6 billion plus upward Executive revision in the spending estimate includes about $987,121,000 related to supplementary budget amendments and requests for such items as the food stamp program, $216 million; various education programs, $162 million; the recently authorized subsidized advances program of the Federal Home Loan Bank Board, $125 million; veterans medical care, $50 million; additional unemployment compensation payments, $67 million; and so on.

Another $1,300,000,000 of spending in 1971 beyond the original budget provi-

sion relates to the President's recommendation of April 6 on the 6 percent comparability pay for Government personnel, to be effective retroactively rather than delayed until January 1, 1971, as previously proposed in the budget.

Another $320,000,000 in spending not originally budgeted relates to the President's 8 percent postal pay proposal of April 16, which, in dollar impact for fiscal 1971, is estimated that much above the original budget provision.

THE DEEPENING BUDGET DEFICIT FOR FISCAL YEAR 1971

Mr. Speaker, there has been no official updating by the executive branch of the fiscal 1971 budget deficit outlook since May 19 when the deficit projection was $1.3 billion on the unified budget basis and $10 billion on the Federal funds basis. But insofar as I am aware, all knowledgeable writers and authorities agree that the deficit this current fiscal year will be billions deeper than the May 19 outlook.

Expenditures are outstripping the original estimates.

Revenues are falling below the original estimates.

It is not difficult to visualize a unified budget deficit of at least $10 billion, a Federal funds deficit of at least $18 billion, and perhaps even higher.

For additional details about the 1971 budget deficit and some of the uncertainties surrounding it, I am inserting an excerpt from the October 14 issue of the "Budget scorekeeping" staff report of the Joint Committee on the Reduction of Federal Expenditures:

FACTS ON THE BUDGET DEFICIT

The budget for fiscal 1971 submitted to Congress February 2, 1970 reflected a unified budget surplus of $1.3 billion, made up of an $8.6 billion surplus from the trust funds and a $7.3 billion deficit in the general Federal funds.

The budget for fiscal 1971 as revised by budget amendments, additional legislative proposals, and reestimates, exclusive of any separate direct Congressional actions on the budget, as announced by the President on May 19, 1970, reflected a unified budget deficit of about $1.2 billion. Including congressional actions, as announced by the President May 19, 1970, the unified budget deficit was estimated to be $1.3 billion, made up of an $8.7 billion surplus from the trust funds and a $10 billion deficit in the general Federal funds.

Since the budget for fiscal 1971 was updated by the President on May 19, additional amendments have been transmitted and reestimates of certain designated uncontrollable items have been announced by the President in connection with adjustments in the outlay limitation established by Public Law 91-305. The updated estimates have added about $1,511 million to the May 19 outlay estimates; and of this amount $333 million are in trust fund outlays. This updating of estimated outlays increases the projected May 19 deficit of $1.3 billion to about $2.8 billion, prior to reflecting the Congressional actions and inactions outlined below. This revised deficit estimate is made up of an $8.4 billion surplus from the trust funds and an $11.2 billion deficit in the general Federal funds.

These surplus and deficit projections are dependent upon various factors of an uncertain nature, such as:

1. Experience shows that actual outlays are likely to increase over earlier projections—thus increasing the deficit. (For example, as reported earlier, since submission of the fiscal 1971 budget in February the President has revised his official outlay estimates upward by about $6.1 billion.) Congressional enactments to October 14 have added approximately $2,064 million to the total estimated outlays for fiscal 1971.

2. The economic slowdown may decrease actual revenues from the amounts projected—thus increasing the deficit. The staff of the Joint Committee on Internal Revenue Taxation estimated last May that revenue collections for fiscal 1971 will be about $3.2 billion less than the administrtaion was then projecting.

3. The revised budget contained about $2,414 million in estimtaed outlay reductions for legislative proposals to the Congress such as postal rate increases, sales of surplus stockpile commodities, revisions in various Veterans benefits, Medicaid reform, sale of Alaska Railroad, etc. The effective date of the proposed $1,568 million postal rate increases has been delayed by at least six months reducing that saving by at least $784 million (which is reflected as a Congressional increase in spending above); and only $180 million of the $250 million proposed surplus sales have been approved. No other actions have been completed. Thus $666 million of these proposed outlay reductions have not yet been acted upon by the Congress.

4. The budget as revised to May 19, 1970 contained receipt estimates from various revenue producing proposals in the amount of $4,816,000,000 (including $503 million for trust funds of which $194 million was not requested by the President) which, if not enacted by Congress, will automatically reduce receipts of the Treasury by the amounts estimated—thus increasing the deficit. Congress has enacted, to date, $322 million of the President's new revenue requests plus a net of $169 million in new revenue not requested by the President and has rejected $152 million in items requested by the President. This leaves a balance of about $4,329,000,000 of the revenue requests of the President not yet enacted or, because of the enactment of $169 million not requested by the President, a balance of $4,160,000,000 yet to be enacted toward meeting the President's estimated revenue requirement.

Taking into account Congressional actions to date on the uncertain Budget estimates outlined above, and unless pending budget proposals for outlay reductions and additional revenues are enacted, the unified budget deficit for fiscal 1971 estimated by the President on May 19, 1970 to be about $1.3 billion would be increased to about $8.1 billion. Adding the $1.5 billion for increased outlays from updated estimates adjusting the outlay limitation, this unified budget deficit estimate would be increased to about $9.6 billion. Adding the loss of $3.2 billion revenue collections as estimated by the Joint Committee on Internal Revenue Taxation the total unified budget deficit could be as much as $12.8 billion, made up of a $7.6 billion surplus in trust funds and a $20.4 billion deficit in general Federal funds.

CONGRESSIONAL ACTIONS IN NONAPPROPRIATION BILLS AFFECTING THE 1971 BUDGET

Mr. Speaker, for a number of reasons, the Executive Branch has not been able to hold to the original budget totals. Congress has also had its difficulties and differences of views in dealing with various budgetary and fiscal proposals.

As I indicated earlier, the best staff estimates available are that the President, through supplementary budget amendments and requests; through various new legislative proposals; and through reestimate on account of miscalculations and so on, has:

First. Increased his February budget spending and lending authority requests for 1971 by some $4,225,691,000; and has

Second. Increased his February budget spending—outlay—estimates for 1971 by some $6,082,871,000.

Congress, in acting on the spending side of the budget, has made many changes in the President's budgetary proposals. While most of the spending side on which Congress acts each year is processed in the annual appropriation bills, there are a number of actions, and inactions, taken in nonappropriation bills—"backdoor" bills; bills that mandate spending; and inaction or only partial action on proposals designed to reduce budget totals—so-called negative expenditures, such as postal rate increases.

As with some of the appropriation bills, some of these nonappropriation bills are above the related budget recommendations.

As with the appropriation bills, some of these nonappropriation bills have passed one House but not the other; some are in conference; some have been enacted.

But unlike the appropriation bills which generally make available budget authority that will ultimately result in actual spending from the Treasury either in fiscal 1971 or beyond, a few of the nonappropriation bills—enacted or now in the legislative mill—entail little or no ultimate spending from the Treasury. But for technical budgetary reasons, they are classed as new budget authority and are so scored by the executive branch and the joint committee staff. Two or three of them account for a very large share of the "excess" over the executive branch recommendations. Understanding their precise character is necessary for a good grasp of the general spending dimensions of the congressional add-ons in the nonappropriation bills.

For example, the joint committee staff scorekeeping report shows a congressional add-on of $3,050,000,000 for authority for the Tennessee Valley Authority to issue revenue bonds to the public. This is classed as new budgetary authority, but in the long-range sense, would not be regarded as an ultimate charge on the Treasury.

Another significant congressional budget authority add-on is contained in the Emergency Home Financing Act. In the House, the add-on was $1,500,000,000. The enacted add-on is $750,000,000. This involves authority for secondary market mortgage financing. No information is immediately available as to expenditures in fiscal 1971 under this authority, but a salable asset is acquired when any expenditure is made. Thus the size of the budget authority add-on is by no means an indication of the ultimate net charge on the Treasury.

Two other add-ons reflected in the latest scorekeeping report involve standby insurance authority—one relating to credit unions for $100,000,000 which has cleared Congress; the other relates to standby insurance against stock market brokerage failures, involving $1,000,000,000 in the Senate.

Taking account of these items which can properly be regarded as essentially

nonexpenditure in the long-range sense, the congressional additions—House, Senate, or enacted, as the case may be—through nonappropriation bills, as reflected in the October 14 "budget scorekeeping" staff report of the Joint Committee on Reduction of Federal Expenditures, can be much better evaluated from the following breakdown:

CONGRESSIONAL CHANGES TO THE 1971 BUDGET IN LEGISLATIVE BILLS—AS REFLECTED IN THE COMPREHENSIVE "BUDGET SCOREKEEPING" REPORT: THE SPENDING SIDE, OCT. 14, 1970
[In thousands of dollars]

	Budget authority—changes from the budget			Budget spending (outlays)—changes from the budget		
	House	Senate	Enacted	House	Senate	Enacted
Total, legislative bills (p. 7, table 1, Oct. 14 "scorekeeping" report)	+7,528,335	+6,657,634	+5,718,162	+3,294,223	+1,821,088	+1,775,611
Deduct—						
TVA revenue bonds, H.R. 18104	−3,050,000	−3,050,000	−3,050,000			
Emergency home financing, Public Law 91-351	−1,500,000		−750,000			
Credit union insurance, S. 3822	−100,000	−100,000	−100,000			
Stock market insurance, S. 2348		−1,000,000				
Remainder	+2,878,335	+2,507,639	+1,818,162	+3,294,223	+1,821,088	+1,775,611

The details, bill by bill, are shown in supporting table No. 1 of the October 14 "Budget Scorekeeping" report. Figures on budget authority are for the most part precise figures, but figures on spending—outlays—are necessarily limited to the best reasonable approximations of the joint committee staff.

Some of the principal items reflected in supporting table No. 1, other than the essentially nonexpenditure bills noted, relate to social security benefits, the family assistance proposal, various veterans benefits, delay in postal rate increases proposed in the budget, the 8 percent postal reform pay, savings bond interest increase, and several civil service wage and benefit bills.

HOW TO CONTROL THE FLOOD CONTROLLERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WALDIE. Mr. Speaker, in California and in many other States, citizens are renouncing old concepts of ecology and conservation and are giving new consideration towards the preservation of the natural environment.

One of the areas where this new reconsideration is occurring is in the area of flood control and creekbed channelization.

In a recent issue of the outstanding publication Cry California, San Francisco landscape architect, Theodore Osmundson, related an excellent study on this issue as well as a report of how some citizens are becoming more active in the fight to save their environment.

The article follows:

HOW TO CONTROL THE FLOOD CONTROLLERS

(By Theodore Osmundson)

(Theodore Osmundson, a practicing San Francisco landscape architect, is the immediate past president and a fellow of the American Society of Landscape Architects.)

Today, under present policies, virtually all free-flowing natural streams of urban California are doomed to be lined or covered with concrete. Gradually, and unnoticed, they have disappeared one by one with hardly a protest from the city dwellers who need them most for their beauty, fish and wildlife, and recreational resources. It's all being done in the name of flood control. And ironically, the public is paying a handsome price to foot the bill for this organized destruction.

DEATH OF A NATURAL DRAINAGE SYSTEM

It has not always been so. For example, when San Francisco was still a hamlet called Yerba Buena, and the bay was a formidable body of water separating the new city from the Contra Costa (opposite coast) to the east, the lands between the bay and the crests of the Oakland and Berkeley hills were inhabited only by Indians and the descendants of the first Spanish settlers who lived at peace with the land, sky and water. From the high ridges, covered with virgin redwood forests, the ground sloped westward through rolling hills dotted with live oaks, leveling off in grassy flatlands which extended to the tidal mud and grasses of the bay. From hills to bay flowed the clear waters through the natural drainage channels of the 21 creeks of the East Bay. Flowing toward the bay through forested, brush-covered and porous soil, their waters moved continuously all year, with nothing to disturb their ancient course. Deer, bear and foxes drank at their edges, and in the winter steelhead and salmon spawned in their upper reaches. And so it was in all the lands which were to become the nine Bay Area counties and indeed in all the ocean-draining watersheds of California. In the lightly populated areas of the state, some streams still run in their primal way, proudly pointed to by the local inhabitants as "great fishing streams," but most of those in urban areas have met the fate of the East Bay's 21 magnificent watercourses.

Struck by the land development booms following the Gold Rush and the opening of the area to commercial and industrial development, the streams of the East Bay were left largely untouched. As flat and easier-to-develop land fell to the builders, the creeks still rang to the sound of Sunday picnickers, flowers and trees grew along their banks, and for many years fishermen worked their waters for steelhead and salmon.

But the redwood forests were soon gone to the loggers who cut them down to build and rebuild San Francisco after her many early fires. The porous soil which once absorbed the rainfall and provided the constant flow along the streams throughout the year was slowly being covered with houses, pavement and the collection systems for storm water. In place of the moderate and constantly flowing streams, each storm brought torrents of rushing flood waters, eroding their banks and overflowing into developed areas in the flatlands.

Gradually, as surbanization moved closer to their edges, they were changed from natural woodland creeks into open storm sewers. No one thought of them as assets; rather, they were considered threats to progress. Only rarely did some far sighted individual step forth to declare them a great heritage, to be protected and used as permanent links with nature and as valuable resources for needed recreation in a country dedicated to hard work and "progress." Plans of Charles Mulford Robinson in 1905–06 and of the noted German city planner, Werner Hegemann, in 1913 to develop a number of the most prominent creeks of the East Bay as linear parks to connect the hills with the bay were never acted upon. The creeks finally became regarded primarily as "flood-control problems" and they were line with concrete, or buried. Many of the culverts were eventually filled over and residential and commercial buildings and streets were built above them. Today, the small remnants of the creeks that remain are in private gardens at the rear of houses or are barren, junk- and waste-laden storm-water ditches in industrial and business area. Only pitifully small fragments have been retained for public park use.

WHAT COULD HAVE BEEN

The story of the once beautiful tree-lined creeks of the East Bay is not unique. It is typical of all the urbanized areas of California. What caused this to happen? The answer is simple. The recognition of the human need for open space, recreation and simple natural amenity did not keep pace with commercial, industrial and financial "progress." Pressures to sell and use the creeks and the land along them for development were too great. The public attitude toward these great natural resources centered around one single concept—flood control; flood control to protect development.

The common belief today is that creeks naturally flood. But in many, before the ecological balance of plants, organisms and land was disturbed for man's uses, this was not so. In the upper reaches of the hilly areas, the drainage water flows through deep gullies and canyons, and falls much too rapidly to flood over the banks. In these areas, by simply prohibiting construction and purchasing the creek and adjacent lands for recreation, the natural stream could have been preserved for all time. For example, this was done in Diamond Canyon in Oakland, and in Chico, Big Chico Creek was given to the city for a park by pioneer James Bidwell. There are other such isolated instances but they were rare flashes of foresight and wisdom and were the great exceptions to general rule.

In limited areas such as the flatlands near the bay, tree-planted earth levees along with limited flood-plain zoning would have preserved the natural beauty of the creeks, provided open space and water-oriented linear parks for recreation and amenity, raised property values along miles of creek frontage rather than depressing them, and drastically cut the costs of later flood-control works. This was never done, and the developers made their profits and left the general public to bear the costs of flood control.

THE MENTALITY OF DESTRUCTION

Over the years, as the danger of floods has increased, governmental agencies have been established to deal with the very real problem of flood control, spending millions of dollars each year in the construction of

concrete channels and culverts, and the widening, lining and diversion of streams for this single purpose. With the characteristic zeal of engineering organizations, the flood controllers proceeded to destroy everything that stood in the way of fulfilling what they took as their single-purpose public charge. Gradually, and too late for most of the urban streams, water-oriented recreation and the protection of fish and wildlife have been added to the basic flood-control function of the agencies. But essentially, despite this added authority, the primary work along streams has been in controlling flooding. For the watercourses, as recreational and esthetic resources and as links between man and his natural environment, this single-purpose policy has been applied almost universally and has been nothing short of disastrous. When all other factors are omitted from the problem, flood control, or the regulation of the flow of water, is a hydraulic-engineering design problem and the solutions reflect this and little else. Peak water flow is computed and channels are cleared of "vegetative obstructions" (native trees, shrubs, and the cover necessary for wildlife habitat and amenity), widened, and finally lined with riprap or concrete to protect the banks from erosion.

The engineers are blamed for the rigid and austere final result. But no one mentions the simple fact that we, through our legislators, have never injected factors such as the protection and enhancement of environmental quality into their engineering equations. Unfortunately, the water engineers have developed through the years a mentality that flowing water should *only* be dealt with by engineers and solely as an engineering problem. The time has come to dispel this line of thinking as well as the myth upon which it is based. Changes in this traditional approach should be pushed with the greatest vigor if we are to save the last remaining natural streams in the state.

THE AGENCIES RESPONSIBLE FOR DESTRUCTION

The primary responsibility for the destruction of the natural environment associated with California's streams rests ultimately, of course, with the people and their elected representatives. They can demand more than basic, bare minimum flood-control solutions. But there is also a high degree of blame which can be placed squarely on the doorstep of the flood-control agencies which the public has created and heavily funded.

The three principal agencies dealing with free-flowing water are the U.S. Army Corps of Engineers, the Soil Conservation Service of the Department of Agriculture, and the local county flood-control districts. All cooperate with each other and the State of California Water Resources Agency, but each is preeminent in its own major area of interest.

The authorizing federal law is broad enough to allow the corps and the Soil Conservation Service (SCS) to set criteria for the allocation of funds to assist local flood-control agencies. They are only limited in doing so (except, of course, by bureaucratic inertia and local, provincially minded resistance) by the Congress, which must vote appropriations for their projects, and the Bureau of the Budget, which must approve budget requests. Both Congress and the bureau may or may not, regardless of the corps' or SCS's desires, recognize the importance of environmental quality factors in a given project. Of the two governmental fiscal-control bodies, Congress is the most likely to look favorably on such factors, given the popular interest in environmental matters. However, the Bureau of the Budget as an arm of the executive branch should be responsible to both popular demands and the recent executive order directing all federal departments to clean up their own pollution and give high priority to environmental quality. What will come of this order remains to be seen.

Among the most destructive of all public agencies in California dealing with natural flowing water are the little-publicized and ubiquitous county flood-control districts. Although these districts clearly have the authority to provide recreation in their projects, they have failed almost universally to make use of it. By applying their authority rigidly to the "bare bones" of flood control, they have produced systems of the most incredibly ugly concrete trenches where once flowed the tree-lined natural streams of California's flatlands. Their efforts to protect the natural environment have been sharply limited to working with other agencies such as city and county park departments. While they have done isolated good works in cooperation with other agencies, their current plans are a clearcut blueprint for the final elimination of the streams of urban California for all time. This is true, almost without exception, for every flood-control district in the state.

The business of flood-control agencies, including the county flood-control districts, is very big business indeed. All of them now have huge annual budgets, with a large percentage of their funds currently allocated for controlling flooding of free-flowing streams with practically no concern for the natural environment of the streams. For example, the Alameda County Flood Control District's current construction program is budgeted at $2–3 million annually with authorized projects of $96 million, mostly for creek-water control, but with almost nothing for recreation or environmental quality. And this is only one of the flood-control districts of the nine Bay Area counties and almost every county in the state has such an agency. The corps' national budget for all works, including military construction, runs to $1.25 billion annually, with a major portion going to flood control. It takes little imagination to picture the enormous effect the corps, alone and in concert with local government, will have on the streams and rivers of the United States. The SCS spends more than $1 million annually in California for watershed protection and flood control, largely along free-flowing streams of the state. With such huge sums spent each year on largely single-purpose projects, the day is not far distant when every stream in, near, or affecting a populated place will be modified or rigidly controlled in concrete or riprap channels. To anyone who loves the beauty of a creek or who enjoys fishing a moving stream, this is a chilling prospect, a projection as shocking as the seemingly endless proliferation of highways. If single-purpose flood-control projects continue at the present rate, the obliteration of California's and indeed America's streams and their replacement with concrete-lined storm sewers is a certainty. What can be done to stop this legalized and heavily financed rape of the streams?

There are signs of change in the straight-line, slide-rule, single-purpose approach the flood-control agencies have taken in the past. But we simply cannot rely on the engineers to lead the way in protecting our remaining streams.

Some of the statements recently issued by the corps are encouraging, as witness these extracts from a memorandum dated March 9, 1970, to the district engineers of the corps in Los Angeles, Sacramento and San Francisco, by Brigadier General Frank A. Camm, division engineer for the South Pacific Division. He stated that the corps' activities "significantly influence the economic and physical development of cities and regions and therefore [the corps] must recognize and accept its full public responsibility in shaping the total environment," and "although legislation and corps policy sets limitations to which recreational and environmental quality efforts can be undertaken, the range of possibilities allowed should be used to its maximum." The memorandum further states that "the South Pacific Division shall take a leadership role by implementing the Comprehensive Program for Environmental Quality," and that the program "will not be considered as a separate entity, but rather shall be incorporated as a part of the overall effort and program of the corps."

But in Washington, Brigadier General Richard Groves, Deputy Director of the Corps of Engineers' Civil Works Division, said "It is a fact that our nation is engaged in a struggle to survive its technology and its habits. It is a fact, too, that we are defiling our waters, polluting our air, littering our land, and infecting our soil and ourselves with the wastes which our civilization produces. These are serious problems, but we cannot permit ourselves to yield to an emotional impulse that would make their cure the central purpose of our society. Nor is there any reason why we should feel guilty about the alterations which we have to make in the natural environment as we meet our water-related needs."

Clearly the engineers have a long way to go in understanding the total environmental crisis in which we have found ourselves.

ANSWERS TO THE PROBLEM

Because of the need for urgent action, a Joint Committee for Bay Area Watercourses was formed almost a year ago by People for Open Space and the Northern California Chapter of the American Society of Landscape Architects. The committee, led by Dorothy Erskine of People for Open Space, and this writer, in collaboration with Samuel E. Wood, consultant to California Tomorrow, studied the problem and came up with a proposed program which could lead to effective solutions. The committee came into being as an immediate result of the public outcry against the concreting of Tamalpais Creek in Marin County by the Corps of Engineers and the Marin County Board of Supervisors, sitting in their other role as the flood control district board. The action was protested by dozens of citizens who physically obstructed construction equipment as work began in the channel. The protesters were summarily arrested and jailed.

The joint committee's purposes were to study why such an obviously unpopular and narrowly conceived project could advance to the construction stage and be to all intents and purposes irreversible, and what could be done in the future to spare other free-flowing watercourses from the fate that streams such as Tamalpais Creek had suffered. The committee met with representatives of the flood-control agencies and discovered many things long known to the general public.

The committee found that the stream-wrecking policies of the local, state and federal flood-control agencies stemmed from the following key deficiencies:

They follow a single-purpose, least-cost-possible rule in constructing their projects.

They lack adequate power to acquire land for flood-plain control in conjunction with or as a substitute for engineered structures.

They follow hearing procedures which fail to alert the public early enough to snow the impact of a given project on environmental and esthetic values.

They make the cost-benefit studies for their own projects, evaluate alternative designs for their own projects, and make final decisions regarding them. The public has neither the resources nor the technical know-how to challenge or evaluate the agencies' decisions.

The established way of allocating project costs among federal, state and local agencies places virtually the entire burden of paying for environmental protection on local interests, the least capable of paying.

Based on all that was learned in the study, the committee, in the language of the agencies involved, recommended the following:

The Congress should declare the policy that all remaining free-flowing streams are a national heritage to be maintained in a natural state for the enjoyment of the people of this country.

Full conservation and development plans covering entire basins for all the remaining streams whose ecology has been affected by water-development programs should be prepared before any additional projects are considered. These plans should identify areas needing restoration of esthetic quality as well as new water-project areas.

National water-development policy and process should be changed so that environmental values will be the controlling consideration in the location, planning and construction of flood-control and water-development projects and integrated into the planning, financing and construction to provide a total project cost. Where important esthetic values will be lost, these values must be calculated as part of the total project cost. Engineering and economic evaluation should identify, quantify and utilize these environmental values in determining size of reservoirs, in land purchase, design and construction, and in determining project engineering feasibility and economic justification. Costs of minimizing or replacing such environmental values should be a non-reimbursable cost. Such values should also be considered in establishing fish-and-wildlife and recreation benefits and costs.

Individual projects should not be considered in anything but the context of a full water-development plan for the entire basin or basins. These plans should include conservation standards adequate to protect environmental values of fish and wildlife, amenity, ecological factors and other natural factors affected by the development.

Water projects should not be authorized unless local, regional, and basinwide land-use plans, as part of a general plan of the project area, have been adopted and are enforced. Such plans must specify flood-plain zoning and other techniques that minimize the need for construction. All variations from such plans should be justified in the authorization document following full hearings in the project area.

Projects on which construction has not commenced during the first five years following authorization should be required to undergo full reappraisal and reauthorization.

Four sets of hearings, held in the project and service areas, should become standard procedure for all water-development projects before project construction funding:

First, to identify the problem and possible solution;

Second, following preliminary design, to present an array of alternative plans to the general public to show the effects and implications of the project;

Third, to review the recommendation of the responsible agency; and

Fourth, following the preparation of specifications containing detailed designs, to show the full effects of the project prior to calling for construction bids.

Total project costs, including federal, state and local, should be integrated and presented as part of the combined economic analysis with the capital costs for recreational and environmental features borne by the state and federal governments. Allocation of project cost should be without reference to project elements.

It should be the declared policy of the United States that all federal water-development projects include the necessary physical, legal, economic and contractual features to return the used water to the drainage basin in a quality equal to or better than the quality of the water when diverted.

Construction funds for each project should be specifically appropriated by Congress.

All hearings related to any project in a specific basin, regardless of the sponsoring agency, should be consolidated and scheduled together.

These recommendations would set the stage for a massive and orderly rearrangement of the processes and funding of the flood-control effort now so highly destructive to the natural environment of our remaining streams. Like so many of our institutions which have become locked in tradition, routine funding, bureaucracy, servitude to development - for - development's - sake and public apathy, these agencies need new thinking leadership and a new public directive from the highest level of government. Nothing less will save our last remaining streams from complete and irreversible destruction.

HORTON COMMENDS SCHOOL-TEACHER-TV PERSONALITY TONY DEFUSTO

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, I am sure we are all aware that many jobholders are moonlighting these days. It appears that some of these good people take another job for added financial returns, and others take on a second occupation for just "something to do" or to be engaged in work that offers more excitement than their usual line of endeavor.

For whatever reason Francis Anthony DeFusto, of Henrietta, N.Y., has decided to blend television performing with schoolteaching, I would like to commend him, not only for his good work in both fields, but for the fact that each activity seems to enhance the other.

While I have not personally witnessed Tony's abilities in the classroom, I have indeed watched him on TV and I find him a highly skilled, knowledgeable performer.

Tony teaches English, full time, at Brighton's Brookside Middle School. On weekends he is busy as the master of ceremonies of WROC–TV's "Sh-h-h Show" program of presenting films to the younger set on Saturdays and Sundays at a somewhat early hour when many parents are catching an extra 40 winks.

This alone endears Tony to a large audience of my constituents in the greater Rochester area. His ability to make these film presentations more meaningful and educational, due to his background as a schoolteacher, gives his appeal to the parents an added thrust.

By the same token, Tony DeFusto believes his television work helps his English teaching because he maintains it makes him more aware of what is practical, and his students know he speaks from experience.

Tony works full time in the broadcast industry during the summer months, doing the usual announcing chores, which incidentally, include working with the news department.

I can think of no better way for a schoolteacher to keep himself constantly alerted to the problems of the changing world in which we live. It appears to me this would indeed tend to make Tony an even more qualified and inspired educator.

It brought me much pleasure recently to read a feature story in the Henrietta Post that brought out many things of interest about Tony DeFusto. Written by Ann Fox, it details his approach to life in both fields of endeavor, as well as giving us a good picture of his background and his thinking, as a teacher-broadcaster.

I would like to share that article with my colleagues in the House of Representatives, so that they, too, may know more about this fine young man who stays mighty busy.

The article follows:

TEACHER FROM HENRIETTA MOONLIGHTS AS TV STAR

(By Ann Fox)

A television performer who is proud that he's been asked for his autograph just once in four and a half years?

The mind boggles.

But after a talk with Henrietta resident Tony DeFusto, one's surprise vanishes, for DeFusto is an unusual TV man.

For one thing, he is a fulltime English teacher at Brighton's Brookside Middle School.

For another, he is an unassuming young man who translates old English or corrects student tests between appearances on camera.

DeFusto, 31, is the man who emcees WROC–TV's "Sh-h-h Show" Saturday and Sunday mornings, admonishing his young viewers to keep quiet so their parents can sleep as he shows them cartoons, comedies and re-runs of family-type shows.

The reason he's pleased about the lack of autograph seekers is that he wants his viewers to think of him "as a face talking back, not a personality."

"I'm very low key," he says, "No gimmicks, no fancy costumes."

Only occasionally, youngsters or parents stop him and say, "Aren't you the guy . . ."

DeFusto, whose formal name is Francis Anthony DeFusto, and his wife and two children live at 72 Community Manor Dr., Henrietta.

However, he's rarely there.

He works seven days a week.

Although he finds himself physically accustomed to the rigorous schedule, he wishes he had more time for his family.

"I had two days in a row off last week," he says, "It was the first time in I don't know when."

During the school year, DeFusto works at the station from 8 a.m. to 4 p.m. on Saturdays and Sundays. He does the two "Sh-h-h" programs, an hour record show on Radio Station WROC, station breaks, and keeps track of breaking news.

He works there fulltime during the Summer.

Toughest on-camera work on "Sh-h-h" comes when film breaks and he is required to ad lib for several minutes. Otherwise, he chats quietly, introduces the next segment, and then is free for the length of time it runs.

The bits all are precisely marked so he knows exactly how much time they run. In between, he sits in a nearby announcer's booth—"You can only be about 15 seconds away because of the possibility of a break in the film"—and picks out film for the next week, reads, or corrects papers.

He's quick to point out, however, that he corrects "only objective things—nothing that requires great concentration."

He figures he's on camera only 25 minutes during the two shows. They last a total of four hours.

DeFusto says his students—seventh and eighth graders—seem unaffected by his TV

work, although occasionally one will offer criticism or advice.

"Sometimes they ask questions about the technical side," he says.

He thinks his TV work may help his English teaching because "I'm more aware of what's practical—and the kids know I speak from practical experience."

"For example," he says, "we might not spend much time learning about direct objects—which people insert automatically anyhow—but I'd tell them relative clauses are a functioning thing you need to know about."

It works vice versa, too. Because he's an English teacher, he thinks he is extra conscious of English usage when he writes news broadcasts.

In fact, DeFusto thinks his two careers combine very well.

However, he has no aspirations to go further in television.

"This suits my purposes," he says, "I enjoy it enough so it isn't work but I wouldn't like it full-time."

Besides, he thinks he hasn't the talent or the drive to go further.

"Many teachers moonlight," he says. "I'm just a little more public. I was public when I sold socks at J. C. Penney Co. (which he did as a part time job several years ago) but I'd rather be public this way now."

Is there a basic conflict between what he wants for youngsters as an English teacher and what he wants as a television man?

Not really, he says.

"I don't want them to watch TV all the time. But it's a way of life. It's there, if they have an hour or so to spare.

"But it shouldn't be an issue," he says.

Then he adds, "I believe strongly in parental control. When somebody asks me, 'Do you really think you should have shown that?,' I say to them, 'Do you really think you should have let your children watch that?' ".

"There's always that off switch," he says.

DeFusto's daughter, Daria, 5, watches his show, but not regularly "because she usually has other things to do." She has appeared twice on it, on her third and fifth birthdays.

"I was more nervous than she was," says her father.

The DeFusto's other child is Anthony, 16 months.

DeFusto has carried on his dual career here for four and a half years and has just finished his fifth year at Brookside. His interest in radio-TV dates back 20 years "when I'd pick up scripts the announcers threw away after wrestling matches and take them home and practice."

He took some radio courses in college, went to Schenectady to teach after graduation, and became involved in TV when he was asked to do educational news for educational station WMHT. Jobs on a commercial station there and later in Chapel Hill, N.C., followed.

Eventually, DeFusto sees himself teaching old English at a small college where he can relax and enjoy life.

AUTO SAFETY: BUMPERS—NO. 7

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. SCHWENGEL. Mr. Speaker, A recent issue of Traffic Safety featured an article, entitled "Cushioning the Crash." This article is important reading for anyone interested in reducing the consequences of low-speed crashes:

CUSHIONING THE CRASH

(By James W. Lahey)[1]

One of the major injury factors in any vehicle collision is the physical law of inertia.

That is, something that is moving tends to keep moving; something that is standing still tends to remain that way.

Safety belts and air bags protect the passengers by controlling their motion in a crash.

Another approach is to have objects absorb the impact: vehicle bumpers or crash cushions.

Two recent bumper approaches are the water bumper and the telescoping bumper. Two recent crash cushion approaches are the inertial barrier and the telescoping guardrail.

Bumpers—With the water bumper, the impact is absorbed by water stored in vinyl containers. The impact is dissipated when the water shoots up through plug holes located across the top of the bumper. The plugs pop out in an "explosion" of water.

The plugs are secured by tethers and can be replaced after the bumper is refilled with water.

The chambered reusable device can be attached to the standard chrome bumper.

A test report, written by a Brigham Young University (BYU) professor for the manufacturer, said: "The BYU study concluded that the bumper is of significant value in preventing vehicle damage in collisions up to 18 m.p.h., reducing it at higher speeds, and that it can significantly reduce the phyological hazards endured by a lap-belted occupant in such impacts."

The weight of the water adds about 100 pounds to the vehicle's weight, and this was a matter of concern during the bumper's development. But a Culver City, Calif., police officer tested the bumpers for effects on maneuverability of patrol cars and reported:

"There was some difference found in the maneuverability of the vehicles so equipped, compared with the vehicles when they were not so equipped. However, the difference was so minute that the collision safety factors of the vehicles with water bumpers outweighed the difference noted."

The manufacturer says that the bumpers reduce force and deceleration values by "30 to 50 per cent."

The bumpers can be adapted to commercial vehicles like school and municipal buses, pick-ups, and to 2½-ton trucks, fork lifts, signal lights and other poles, bridge abutments, parking lots, and warehouses, piers, boat docks and marinas, and pusher bars.

Although the tests were conducted at relatively low speeds, company spokesmen are quick to point out that more than half of motor vehicle collisions occur at speeds of 30 m.p.h. or less.

Another test, covering vehicle damage to passenger cars equipped with water bumpers and standard chrome bumpers revealed:

WITH WATER BUMPERS

Type of accident	Number of accidents	Average cost per accident
Rear-end	69	$35
All others	45	175
Total	114	91

WITHOUT WATER BUMPERS

Type of accident	Number of accidents	Average cost per accident
Rear-end	104	$314
All others	109	479
Total	213	374

[1] James W. Lahey is associate editor of the National Safety Council's *National Safety News*.

Spokesmen also say that two water bumpers for passenger autos would cost around $195 plus $30 installation costs. But, they add, replacement of damaged chrome bumpers costs $50 to $100 for each bumper plus $10 to $25 in labor costs.

Bumper costs for small trucks, buses, dock cushions, etc., vary, of course.

Another manufacturer is offering shock-mounted, telescoping bumpers.

The system consists basically of two or four telescoping shock isolators mounted between the car frame and a conventional bumper.

The design is based on those used in aircraft landing gear and missile shock isolating systems.

The piston-like isolators are filled with gooey, elastic plastic. When the bumper hits something, the isolators act like a powerful mechanical spring and a hydraulic damper. That is, the plastic absorbs the shock and then returns the pistons to absorb a second impact.

The company's test report puts it: "The principal function of the hydraulic damping effect of the isolator is to produce a reaction force that increases with an increase in the vehicle impact velocity. This characteristic will significantly reduce the impact shock experienced by the vehicle's passengers for most rear-end collisions up to 30 m.p.h."

The damping effect, the manufacturer says, will also allow the bumper-equipped vehicle to push another without the bumper telescoping.

Collision with objects like power poles will transmit the stress either directly to the pistons or indirectly through bending action of the bumper.

The manufacturer, deeply involved in aerospace, expresses test results in aerospace terms: "Forces experienced by the driver were in the range of 6 to 10 g's. Deceleration of 10 g's, therefore, would equal 10 times the person's weight. Aircraft fighter pilots regularly experience forces of this magnitude with no apparent injurious effects."

Water bumpers have been in use for some time on San Francisco buses. A spokesman for the telescoping bumper firm said:

"We are equipping seven U.S. vehicles for fleet installation: 1970 Ford sedan, 1970 Chevrolet sedan, 1970 Plymouth sedan, 1970 Chevrolet van, 1970 Chevrolet pick-up truck, 1970 Ford van, and 1970 Ford pick-up truck."

One of the purposes of the undertaking is to obtain actual operating results.

The devices can be installed on existing vehicles or at the factory. The company spokesman said, however, that "current bumper elements are exceedingly weak. We know, however, that the automobile companies are aware of the inherent weaknesses of their bumpers, so we expect the basic bumper element to be strengthened in early models."

He then hopefully predicted bumpers with a 4½-inch stroke capability on some 1972 models, on most '73 models, and all '74 and '75 models. From 1976 on, the spokesman feels, all models will be factory provided with bumpers given the ultimate deflection space—a 9-inch bumper stroke.

Crash Cushions—High speed expressway crashes also kill and maim, so highway engineers are experimenting with different types of crash cushions.

The water-filled cell (an off-shoot of the water bumper) is one of the approaches being tried.

For example, the city of New York is experimenting with buffers of 50 water-filled cylinders at exits from Van Wyck Expressway.

Each cylinder is about 3 feet tall and 6 inches thick. They are filled with water and some calcium chloride to prevent freezing. They are placed in front of concrete abutments at turn-offs.

A similar experiment in Pojoque, N.M., has saved one life. Installed on a bridge spanning the Nambe River, the cylinders helped pre-

vent a two-ton truck and its driver from plunging through the guard rail into the deep river gorge.

Another approach is what has been termed the inertial barrier—highly frangible polyethylene barrels filled with sand.

This system applies Newton's Law of Momentum Exchange. That is, the forward momentum of the vehicle is transferred to the mass of the sand. In practice, the vehicle is not stopped abruptly as it would be by an abutment, but gradually by displacing the sand. This diminishes the g forces applied to the vehicle and occupants.

The barrels are set up in a certain pattern in front of an abutment, toll booth, etc. The pattern is intended to reduce the speed of a vehicle gradually, no matter at what angle it hits the barrier. The pattern is also designed to prevent the vehicle from submarining or climbing over the barrier.

A series of tests last year, sponsored by the manufacturer, indicated the barriers could be successful.

One test slammed a remotely controlled 3,480-pound auto into an eight-barrel barrier at 40 m.p.h. The car stopped in 17½ feet with a g force of 3.1. Damage, beyond shattered barrels, was limited to "grill, radiator, fenders, and hood deformed and bumper slightly bent." The car was driven away.

Another test had a car of similar weight driven into a 21-barrel barrier at 50 m.p.h. The auto stopped in 27 feet, three inches with a g force of 3.1.

The grill, radiator, fenders, hood, and bumpers were damaged, but the driver was unhurt. The report stated: "Car struck barrier at left front wheel with negligible deflection. Car structurally undamaged. Driven away."

A 1,700-pound Volkswagen passed two similar tests, indicating that the barriers were adequate even for vehicles with an acutely sloped hood and most of its weight in the rear.

The system is also designed to minimize the force of the "second collision"—when occupants pitch forward after coming to a sudden stop. The reduction in forces is intended to reduce the effects of the second collision to well within human tolerances.

Another approach being tested is the Texas Crash Cushion system.

Developed by the Texas Highway Department and the Texas Transportation Institute, the system uses the lowely, hard-to-get-rid-of used oil drum.

The system consists of 38 to 44 interlocked steel drums placed in front of parapets. Four 5½-inch semi-circles are cut in each end of the barrels to make them more easily collapsible.

Here is how this system works: When a vehicle traveling at high speed hits the honeycomb of barrels, its momentum is gradually decreased by the successive crushing of the barrels.

Proponents of the Texas system make the following points.

Damage is usually limited to broken lights and bent radiators;

Because of the availability of empty oil drums, the cost is only about $200, compared to as much as $5,000 for some other devices.

The drawbacks of the Texas cushion are probably true of all impact attenuators:

Maintenance after they are hit could be a problem;

Installing them properly on existing highways will be more expensive, because, often, guardrails and abutments must be cut back to allow sufficient room for slowing the vehicle.

But as Dr. Ted Hirsch, research engineer at Northwestern Transportation Center points out, "If, however, the barrels are installed at the time of construction, much of the guardrail can be replaced at lower cost."

Another development out of Texas is crash barriers made of hollow-tube vermiculite concrete.

Also developed at the Texas Transportation Institute (TTI), the system uses special, frangible concrete that can be cast in place or precast in modular form. Each module weighs about 250 pounds.

According to TTI's D. L. Ivey, the vermiculite cushions are so soft that an individual can dent them with his thumb. The cushions are designed, Ivey says, to collapse in a controlled pattern to stop a vehicle at deceleration levels tolerable for occupants wearing safety belts.

He estimates that a normal installation would cost from $600 to $1,000, compared to $4,000 to $7,000 for more sophisticated designs.

Another spin-off from the aerospace program is a barrier that telescopes much like the telescoping bumper.

The manufacturer says that the system is especially applicable at median bridge abutments, between twin bridges at overstructures, massive obstacles at gores of diverging roadways, obstacles in gores at wide-angle exit ramps, and at prows on elevated structures.

The inside of the barriers contain a large number of doughnut shaped stainless rings (called torii) that are forced between two tubes.

When a vehicle strikes the guardrail, most of the impact is transferred from the barrier to the shock absorbers.

The tubes can be made to compress or expand, permitting the guardrail to move distances of up to 8 feet.

The manufacturer says each stage can be reset after use within five to 10 minutes, with an electrical press unit. He also says the system is low cost, can be installed in 2½ to three hours and needs no special weather protection.

THE EXCESSIVE NUMBER OF CASUALTIES SUFFERED BY MINORITY GROUPS IN THE VIETNAM WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MIKVA. Mr. Speaker, while many Members of Congress point to the reduced weekly casualty figures in the Vietnam war as a sign that we are gaining the upper hand in that conflict, it is of little comfort to any of the families whose sons are part of a smaller statistic. Even more distressing is the awareness, that the "brown" people of this country are one of the minority groups which have been involved in a disproportionate amount of the fighting, resulting in a disproportionately high casualty rate for these citizens.

While living under an inequitable draft law and suffering financial and educational disadvantages, the minority group citizen is more likely to fall victim to the draft. In addition, many young Mexican and Puerto Rican-Americans enlist in the Armed Forces because they see the military as the only place in our society offering them a good chance for an equal opportunity for advancement and success in their lifetime. As a result, our casualties in Vietnam hit them the hardest.

Such a situation has occurred in my district in the Mexican-American community served by Our Lady of Guadalupe Church in south Chicago. Since 1966, 11 young men from this community of 900 poor and lower middle class families have been killed in combat in Vietnam and Cambodia. It is this excessively high number of 11 that will stand out in the minds of the people of this community when everyone else is talking about bringing the total level of casualties down to a "politically acceptable" level. I am inserting an article published by U.S. Catholic and Jubilee magazine in its October 1970 issue, describing the undue suffering of this Mexican-American community and urge my colleagues to consider how these bereaved families can be solaced by the reduced casualty figures of a war that is as ugly as ever.

The article referred to above follows:

THE EXCESSIVE NUMBER OF CASUALTIES SUFFERED BY MINORITY GROUPS IN THE VIETNAM WAR

"BUT, HE WASN'T IN OKINAWA. HE WAS IN VIETNAM."

Michael Miranda

The lettering on the window of the tavern reads "Club Pavoreal," which means pigeon in Spanish. And, appropriately, a bluish-gray pigeon enlivens an otherwise drab decor inside by strutting around the dirty wooden floor and nibbling at scraps of potato chips dropped by patrons.

The patrons are laboring men, mostly Negroes and Mexican-Americans who work in the nearby steel mills of south Chicago. They drink beer or straight shots of whisky, or sometimes both. They live in dingy, beat-up frame houses or two-flats stacked together in a neighborhood decaying with ugliness and grime and air pollution from the mills that ring the southern edge of Lake Michigan and stretch into Indiana.

There are nine leather-covered stools in the tavern and a couple of booths. The mirror behind the bar is covered with a smoky film and looks as though it hasn't been washed in a long time. A picture of President John F. Kennedy hangs above it. There are the usual tavern accouterments, including a television set and cigarette vending machine, and in the back room, a pool table.

The proprietor, Anastacio Salas, is a small man, with dark skin, gray hair and broken front teeth. He is sixty-nine. He speaks Spanish much better than he speaks English. He has been part of the neighborhood scene for years. And the light of his life was his grandson, Michael Miranda.

But Michael Miranda is dead; his remains lie in a government plot in St. Mary's Cemetery, about ten miles due west of "Club Pavoreal" in the suburb of Evergreen Park.

Michael was a United States Marine. A private first class. He was killed in Vietnam.

And something died in Anastacio when he received the news that he would never see his grandson alive again.

"I don't like to remember it," he said.

"He was a good kid—Miguel. Why should they take the good ones? They should take the bums."

Anastacio has more than the usual reasons for feeling bitter over the loss of a loved one in war. He thinks the fortunes of life were cruel to Michael, that the dice were loaded against him from the start.

"He had no mother or father," Anastacio said.

"His mother was killed in an auto accident in Freeport, Texas. His father died in Monterray, Mexico. I raised him since he was ten days old. He called me 'Pa.' "

Anastacio excused himself momentarily to wait on a customer. Before returning, he poured himself a shot from a bottle behind the bar and downed it quickly. It is not his custom to drink on the job, but what can a man do to ease the pain of talking about a cherished grandson who died in a war so far away, so senseless in its destruction, and so difficult to understand?

"Miguel," he said, "used to help around here. Clean up. Mop the floor. He went into the Marines after high school. He didn't smoke. He didn't drink. He didn't even go out with girls.

"He wrote me once, after he left, that he was in Okinawa and that he had a good job. A safe job. Be he wasn't in Okinawa. He was in Vietnam. He said that just so I wouldn't worry."

Anastacio went into a back room and returned carrying a purple and gold band uniform and trumpet.

"He was in the band when he was in high school," he said.

"I bought him this trumpet. He'd practice the trumpet in the back room, and he was taking lessons on the outside. He loved music.

"If he came back, maybe he would've. . . ." Tears welled in Anastacio's eyes. He left abruptly to tend to another customer.

When he returned again, he carried an open cigar box. It once held LaPalina cigars. Now, it holds Michael Miranda's medals: the Purple Heart, a Vietnam medal, a National Defense medal, a Vietnamese Service medal.

In the box, there was also a small packet of papers—a letter, a bill from the cemetery, a couple of telegrams, and some photographs, one of them showing Michael as a little boy with his arm around a neighborhood pal, and another, taken in San Diego in 1968, showing Michael standing proudly with members of his boot camp platoon.

Anastacio looked at the pathetic little collection of mementoes, and his face became wreathed in anguish.

"How was he killed?" Anastacio said as he wiped his eyes.

"I forget everything. I don't have the papers that tell how he was killed, or where he was killed.

He went into the Marines in July 1968."

The old man counted on his fingers.

"Ten months later," he said, "he was dead."

Michael Miranda served with the 1st Marine Division. He was twenty-two when he died of wounds suffered from fragments of a hostile hand grenade that struck him in the head. It happened at night while his company was in defensive position during a search and clear mission in Da Nang, Quang Nam Province.

He was wounded on April 28, 1969, and died two days later in a hospital.

Anastacio talked for a while longer about his grandson. The memories obviously distressed him, and he chewed vigorously on a piece of gum to keep back the tears.

He said Michael was a strong boy, that he weighed about 210 pounds, that he played basketball and football, as well as the trumpet, that his original name was Michael Jassa and that he had changed it to Miranda, that his high-school teachers would occasionally chide him for falling asleep in class. "I tell him he stay up too late watching television," the grandfather said.

When he stopped, Anastacio Salas was asked what he thought of American involvement in Vietnam.

"Don't ask me any more questions," he said. "I don't like to remember.

"If you want to know more about my grandson, maybe his best friend can tell you. His name is Armando Flores. He cried when they brought Miguel home."

"He was a nice kid, a good kid," Armando said later. "He was quiet. It sounds strange, but you know he never had a date. I think he was self-conscious. Before he went into the Marines, he wasn't sure of himself.

"But how he loved to play the trumpet. That was the main thing with him. I used to call him 'Jazzo,' because he liked jazz music.

"When he was in the Marines, he told me he wanted to finish and get out. He was worried about his grandparents. He wanted to come home and take care of them.

"When he lived in the back of the tavern, he kept an eye on his grandparents. If somebody started an argument, or there was trouble, he always looked out for them.

"I remember one time some guy said something about his grandparents that wasn't very nice. Mike was working in the tavern, and quietly said to the guy, 'Let's go outside.'

"This guy was pretty solid, maybe 180–190 pounds. When he comes out, Mike picks him up bodily and puts him over his head. Can you imagine that?

"The guy had been drinking a little bit, and his eyes grew as big as baseballs.

"Mike tells him not to say anything like that again, and makes him promise he wouldn't. The guy promises, and Mike puts him down.

"We were good friends, Mike and me. We went everywhere together. I miss him very much."

It is late afternoon, and the wind whips little eddies of dust around the entrance of "Club Pavoreal."

Inside, Anastacio Salas goes about his business of serving drinks and ringing up the cash register.

He does his job quietly, methodically.

He does it with a hurt deep down in him that won't go away.

"IT'S MY PLEASURE"

Eddie Cervantes

He was painting the side of the two-story frame building. He was a short stocky man with glasses and a trace of sadness etched into his face.

"Yes," he said, "I am Eddie Cervantes' father".

"You want to talk about Eddie? Come upstairs. In the kitchen. We can talk there."

The inside stairwell was dimly lit, and looked as though it had been painted many times. The building was old, but the shingles on the outside disguised its age as they do on many decrepit two-flats in south Chicago.

The lot next to the building was strewn with debris, and that street in front apparently hadn't been cleaned in months.

In the kitchen, tortillas were stacked on a plate over an old stove.

Herculano Cervantes pulled up a chair and folded his hands on the table.

"Eddie was in Vietnam not more than two months before he was killed," he said.

"He was killed on January 30, 1968. Right after his twenty-first birthday. They never told me how. It was in action."

Herculano ordered one of the many children who were circulating around the kitchen to "get the clippings about Eddie."

A girl returned with a few sheets of white paper. Pasted crudely on them were yellowed newspaper clippings that told something about the life and death of Edward Cervantes.

Eddie was born on December 19, 1946. He attended J. N. Thorp elementary school and St. Francis de Sales high school. He was the oldest boy in a family of nine girls and eight boys.

He was an achiever, and ambitious. In grammar school, he was captain of patrol boys. And he would arise at 3:30 in the morning to deliver 361 newspapers in the South Shore area, then head home and help his mother get the younger children ready for school.

In 1962, at the age of fifteen, he became a neighborhood celebrity. He won a city-wide contest to become official bat boy for the Chicago White Sox major-league baseball team. The job opened a whole new world for him, gave him a chance to earn good money and set his sights on a college education.

He never made it to college. After working with his father in a laboring job at Wisconsin Steel Works nearby, he enlisted in the Army in May, 1967.

"In one of his last letters," said Mrs. Rose Cerda, one of Eddie's sisters, "he told my parents he wanted to buy a house for them when he got home. He always wanted to be a major-league baseball player, but decided he would go to college when he returned home and become a lawyer."

Herculano was somewhat taciturn and vague about the details of Eddie's death. He wasn't even sure of which Army outfit his son was in when he was killed.

"Once he sent a map home," volunteered one of the Cervantes girls, "and he circled the area where he was. He had circled Cam Ranh Bay, Phu Rieng and Dak To.

"He was a quiet boy," she added, "but he knew a lot of people. And he was hard working."

After some rummaging around in the modest apartment, Herculano finally came up with an envelope with an address on it and an official document reporting Eddie's death in Vietnam.

Edward Cervantes was with the 173rd Airborne Brigade. According to the document, he died "from gun shot wounds during hostile ground action," and that he had been promoted, posthumously, to the rank of corporal.

Herculano was born in Laredo, Texas, and came to Chicago in 1942 to work in the big steel plants, taking time out during World War II to serve as an infantryman. What does he think of the U.S. commitment in Vietnam?

"I don't think what we do is right there," he said.

"It's not a declared war. A lot of people think the way I do."

The death of Eddie has brought heartache to him and his wife, Maria. But their sorrow is tempered with the daily concern of rearing a large family.

"What can I do?" Herculano said, shrugging his shoulders. "Eddie is gone. I have the other children I must look after."

The example of Eddie Cervantes, a boy who had much to give to the community, touched many people. One of the people is Mrs. Marion Skoronski, principal of Thorp school when Eddie was attending classes there.

"It took me a long time to get over Eddie's death," Mrs. Skoronski said.

"He was the gentlest, most honest boy I ever knew. He was a normal student, but he would have been better if he had a place to do his homework.

"The family lived in two rooms in the back of a store then. Two rooms, and fifteen children living in them.

"I'll tell you a typical story about Eddie. One rainy day after school, one of the teachers had a flat tire on her car.

"Eddie changed the flat for her, in the rain. When he was through, she offered him two dollars. And you know what he said?

"He said, 'Oh, no, ma'am, I can't take the money. It's my pleasure!'

"That's the phrase he always used when he helped out. 'It's my pleasure.'

"Eddie always wanted to do what was right. He was so kind to people.

"I remember meeting him one day in Goldblatt's Department Store. He told me he was getting his eyes tested. All the Cervantes kids have weak eyes.

"Eddie said he was getting his eyes tested because he was going to enlist in the Army. He said, 'I figured if I go in now and serve my time, I'll have a chance at the G.I. education bill and go on to college.'"

It is obvious Mrs. Skoronski had a deep liking for Eddie Cervantes.

"I had heard about the White Sox bat boy contest," she recalled. "So one day when the girls were in gym, I had the eighth-grade boys write an essay on why they wanted to be bat boy. That was part of the contest. The only essay we sent in to the White Sox was Eddie's.

"You should've seen what his bat boy position did to the morale of the kids in the school. It made the kids proud that one of their own had been chosen."

Today, the Eddie Cervantes Scholarship Fund gathers interest in one of the local banks. The fund was established as a com-

munity endeavor after Eddie's death to help pay for the college education of some deserving youngster in the area.

The influence for good Eddie Cervantes exercised in his short lifetime continues after his death.

"He was a sweet boy," said Mrs. Skoronski.

"I LIT ONE CANDLE, THE GLASS BROKE, AND THE CANDLE WENT OUT"

Joseph A. Quiroz

A little rectangular flag hangs in the front window of the frame cottage. On it are two gold stars.

From the outside, the size of the house is deceivingly small. Actually, it has eight rooms at ground level, and four rooms in the basement.

Once it was the home of Joseph A. Quiroz.

Joseph was killed in Vietnam on January 28, 1966. He was shot in the chest while trying to save his platoon from an ambush.

He was in the Army. A private first class. He was twenty-one.

"We moved here in 1951, when Joe was just a small boy," said Mrs. John Quiroz, the mother.

"When he was young, he used to play ball all the time. He played softball. He didn't finish high school because he wanted to go to work and help support the family. His father, he had a bad leg."

Joseph Quiroz was one of seventeen children. There were ten boys and seven girls in the family.

He spent three years at Bowen high school, and then went to work as a laborer. He was drafted into the Army.

"He came home once for ten days," his mother recalled. "That's all the furlough he got.

The last time we saw him, we were putting him on a train for Fort Ord.

"He used to write that it was kind of tough over there. He said he was glad he went over to Vietnam. He felt he was fighting for a cause. He said he wouldn't want the Communists to take over the United States. He wouldn't want to see any harm come to his brothers or sisters."

Joseph Quiroz was small in size, five feet, nine inches tall, maybe 150 pounds.

But brave men come in all sizes.

And Joseph Quiroz received the Bronze Star posthumously, for valor and heroism. He was a member of C Company, 2nd Battalion, 1st Cavalry Division.

He was killed during an assault on a Viet Cong machine gun nest, sustaining small arms and mortar fragment wounds in his chest.

Mrs. Quiroz had a premonition about her son's death.

"It was on a Sunday, January 30," she said.

"I went to Our Lady of Guadalupe Church to light a candle for Joseph.

"I lit one candle, the glass broke, and the candle went out. I tried another candle, and the same thing happened. The glass broke, and the light went out.

"Then, I knew something had happened to him."

That night, at 8:30, the telegram came.

"I couldn't look at it," Mrs. Quiroz said. "I couldn't even open the envelope. My hands were trembling."

She handed the envelope to a daughter, Cindy, who opened it and read the sorrowful news.

Mrs. Quiroz is opposed to the war in Vietnam.

"I hope the war is over with soon," she said. "It has taken so many lives."

"My boy was only in the service for five and a half months. He didn't have all the training he should have [had]. He was in the R. O. T. C. in high school. That's all. He was drafted into the Army in July, 1965, and was sent to Vietnam in November."

Mrs. Quiroz paused for a moment.

Time has healed some of her grief, but has not diminished her fears.

"I hope the war is over," she said, "before they take more of my boys."

Joseph Quiroz was a sociable young man.

"He belonged to a club called the Senior Saints," a brother revealed. "They'd throw big dances and parties. They were peaceful then.

"Joseph was a good organizer. He could get things going. He never looked for trouble unless they came looking for him."

In the small front room of the Quiroz home, there is a framed picture of Joseph; and on it hangs a rosary.

There is a second photograph of a young man in uniform.

"That's another son," said Mrs. Quiroz. "Joseph A. He was in the Army, too.

"He was killed in Korea in 1950.

"The other gold star is for him."

"MARINES DON'T CRY"

Dennis J. Rodriguez

The last time Eva Rodriguez saw her son, Marine Pfc. Dennis J. Rodriguez, alive was the Tuesday after Easter, 1969.

Dennis had finished his leave and was preparing to go to Camp Pendleton. On the following May 4, he would be going to Vietnam.

"I can still see him," said Mrs. Rodriguez.

"He told me he didn't want me to go to the airport with him.

"He said, 'I don't want anyone crying on my shoulder.'

"He was sitting in a car parked out in front. Some friends were driving him to O'Hare Field.

"He gave me a little wave, and then they drove off."

Dennis would not live out the year in Vietnam. He would never live to be twenty years old.

He was a rocket man with the 5th Marine Division. On the morning of October 4, 1969, he was with his platoon approximately four miles northeast of a combat base at Anh Hoa in Quang Nam Province.

At approximately 8:30 A.M., while on squad-size combat patrol, Dennis stepped on an enemy explosive box mine.

Fragments from the mine struck him in the head and body. He was evacuated to a Naval Support hospital in Da Nang, and died the following morning at seven o'clock.

It was a crushing blow for Eva Rodriguez, who is divorced from her husband, Angel, and who lost her only other son, Johnny, when he died at the age of nine of leukemia.

"Dennis," she said, "was my sole support.

"He didn't have to go. But he wanted to do it. He even wanted me to sign for him when he was seventeen. He enlisted when he was eighteen."

Eva Rodriguez lives in a small, neatly kept first floor apartment in one of the more pleasant blocks in south Chicago. The two-flats and bungalows on the block are set off with lawns and trees and shrubbery.

The silence and solitude of the apartment are noticeable. Loneliness is Eva's companion. The men in her life are gone.

The appointments in the apartment are modest. There is a TV set with inside antenna in the front room. A gas space heater in the kitchen. A drag-racing trophy that Dennis won sits nearby. A folded American flag which covered Dennis' casket lies on a shelf.

"When Dennis left," Eva said, "I told him, 'Dennis, don't try to be a hero. Just do your job.'

"He said, 'No, mom, I won't try to be a hero.'

"That was the only lie he ever told me."

Mrs. Rodriguez smiled sadly.

"I remember, he said to me, 'Mom, no matter what happens, don't cry. Marines don't cry.'

"And I told him, 'But, I'm not a Marine.'

"And he said, 'But I am.' "

Dennis Rodriguez was born June 8, 1950. He was baptized, received his first communion, and was confirmed at Our Lady of Guadalupe Church.

He attended J. N. Thorp elementary school and Chicago Vocational high school.

"He didn't want to go to college," his mother said.

"He wanted to become a professional drag racer. Drag racing . . . that was his baby. His father once gave him an old junk of a car, and he fixed it up. He raced it on Route 30 . . . that's where he won that trophy."

Before enlisting in the Marines, Dennis worked in a garage and later at U.S. Steel. He turned his money over to his mother.

"All his life that poor kid had to get up early in the morning," Eva said.

"When he was going to Chicago Vocational, he got up at 6:30. His first class was at eight.

"He was on the shy side, but he wasn't meek. He could take care of himself. He was a nice, quiet kid . . . you don't find many of those any more."

Dennis signed into the Marines on November 4, 1968. He used to kid his mother about changing his last name.

"He told me," said Mrs. Rodriguez, " 'I've got two strikes against me. I'm a half-breed.'

"And I told him, 'But you're an American citizen.' "

Eva once relented and suggested he change his name to Dennis James. He never followed up on the suggestion.

Dennis was tall, six feet, three inches.

"When he came home from boot camp," Eva recalled, "he weighed only 160 pounds. But the Marines straightened him up. He used to slump a little when he walked. It seemed he was an inch taller."

Correspondence from Dennis while he was in Vietnam indicated his life was frequently in peril.

"He'd write," said Mrs. Rodriguez, " 'Six of us went out on patrol, mom, and two came out. Six of us went out, and one came back . . . that was me.'

"I had a feeling . . ." Eva added. "Death was all around him. One of his friends had been hit and later died. And when Denny wrote me, he seemed unemotional about it. He was getting so death didn't bother him.

"At the end of his letters, he'd always say, 'Don't worry, mom. I'll be back.'

"I just thought: 'No, he won't.' "

Two weeks before Dennis Rodriguez was killed, he sent his mother a letter. "He told me he had busted his hand, that his fingers were smashed up, but he didn't tell me how," his mother said.

"He told me he was going out on another patrol.

"They ought to bring all our boys home from Vietnam. Sometimes, I think the President is doing all he can; then, I think he isn't."

It was deathly quite in the apartment. Mrs. Rodriguez looked at the blank TV screen.

"Sometimes," she said, "I see a baby on TV, and I think, 'I remember Dennis when he was that small.'

"Now, he's grown and gone."

Mrs. Rodriguez looked at her son's Bronze Star.

"In a way," she said softly, "I'm glad he passed away rather than come home not knowing he was alive. That would be worse."

On Memorial Day, Mrs. Rodriguez placed a poem in the classified section of The Daily Calumet.

In an unsophisticated way, it told of a mother's love for her son:

"On your country's hero roster
Your name is written fair.
But, I would give the world and all
If only it weren't there;
And you were safe at home with just
Your duty done today;
Instead I've only medals
For which your life did pay."

"THE LAST THING HE SAID TO ME WAS, 'I'LL BE BACK' "

Alfred Urdiales, Jr.

When Alfred Urdiales, Jr., was a little boy, he played a fascinating game with homemade miniature parachutes.

He would tear up old socks, form them into human figures, paint them, attach them with strings to handkerchiefs, and then drop them into space from a window or porch of the family apartment.

"We lived on the third floor of an apartment in south Chicago then," recalled Mrs. Alfred Urdiales, an attractive, middle-aged woman. "And he would have a great time, dropping ten or eleven of those little things into the air."

The fascination for parachutes carried over into Alfred Urdiales' young manhood.

In June, 1967, he became a member of the famed 101st Airborne Division, Co E, 1st Battalion, 502nd Regiment.

"When he went to Vietnam," Mrs. Urdiales recalled, "I found all that stuff he used to play with as a kid in the top drawer of his dresser. I cleaned them all out. I thought, 'When he comes back, he'll be a man, and think this is silly'."

Alfred Urdiales had a mischievous sense of humor. But he never had a chance to tease his mother about disposing of his juvenile keepsakes.

He was reported missing in action on February 7, 1968, during an attempt to help a Marine unit pinned down by enemy fire. He had been on duty in Vietnam for six weeks.

"It was during the Tet offensive," his mother said.

"A sergeant came to the house on a Tuesday night—it was February 13th—at 9:15 to tell us he was missing.

"Two days later, we were notified he was officially dead. Two officers from Fort Sheridan came to the house. They said his body had been found.

Mrs. Urdiales said she isn't certain how her son died.

"The death certificate said he had died of a gunshot wound, but it didn't say where. The officers said I could relax, that he had died instantly.

"When they brought him home, I knew he hadn't been shot in the head. I figured he was shot in the heart or stomach."

Seven years ago the Urdiales family moved away from the heart of the Mexican-American community in south Chicago. The family includes two other boys and three girls. They live in a bright new brick bungalow a mile or so south of the old apartment.

It is better than what they once had, but the neighborhood scenery still leaves something to be desired. A huge gas tank and the elevated concrete Calumet Expressway dominate the immediate view to the east.

Alfred Urdiales went to Marsh elementary school and Bowen high school. He was a member of the R.O.T.C. in high school. He held the green belt in Karate. He bought and paid for his own motorcycle, a blue Honda, but when he was in the paratroops, he wrote home that he wanted to sell the cycle and buy a new car.

"Every month, he'd send his money back home," his mother said. "In his last letter, he said he was sending $100 back. He had $751 in the bank. He wanted to buy a new Firebird. He said he wanted us to have it at the airport when he came home from Vietnam.

"He was a real good boy," Mrs. Urdiales continued. "He never got into trouble.

"I got a headache from him only once. He and his brother got into a coal yard, and broke the gauge on a tractor. The man said it would cost me $1,000. That was the only time he did anything destructive . . . but he admitted it.

"As far as gangs or leaving the house without telling us, he was no trouble. He worked at Gene's Steak House as a bus boy. Sometimes as late as three o'clock in the morning. He'd do that during the school year.

"When he was thirteen or fourteen he worked as a caddy at South Shore Country Club during the summer.

"He was about 5'8", on the thin side, but he ate like a horse. He was quickwitted, sometimes real silly. He was always smiling and he made friends easily. He'd never get angry, and when I'd holler at him, he'd kid me and call me, 'Mama San,' or his father, 'Papa San.' "

Alfred Urdiales came home on his last furlough two days after Thanksgiving in 1967. He left home for the final time on the following December 19.

"We took him to O'Hare Field," Mrs. Urdiales said.

"The last thing he said to me was, 'I'll be back.' "

Mrs. Urdiales wiped the tears from her eyes.

She has a dark opinion of the war in Vietnam.

"I think it's terrible," she said. "I really do.

"For a while, I hated Johnson.

"If we had a declared war, if we had to defend ourselves, I might feel differently.

"But this is sheer nonsense.

"We have gained nothing. Those people don't care."

Mrs. Urdiales said her son's personal belongings were never returned from Vietnam. She told how he wanted to join a sky-diving club after getting out of the paratroops, and how he used to keep the family informed when he was training at Fort Benning in Georgia.

"Each time he jumped, he'd call home to tell us about it," Mrs. Urdiales said.

"After his first jump, he said, 'I was in a world all my own . . . like being up in heaven.' He loved it. He really did.

"After his third jump, he said he got kind of scared.

"And, after his fourth jump, he said, 'What the hell am I doing up here when I know I've got a mother and father and brothers and sisters at home who love me?'

"We sat and cried after we heard that," Mrs. Urdiales said.

"We wondered what his future was going to be."

"I'LL BETCHA THE CUBS WIN"

Charles A. Urdiales, Jr.

Pfc. Charles A. Urdiales, Jr., was built just like his father. He was five feet nine inches tall and weighed 165–170 pounds. As he approached young manhood, he even took to appropriating his father's shoes and clothes because they fit him so well.

He was like his father in another respect.

"He was a foot soldier like myself," Charles Urdiales, Sr., said. "During World War II, I was in the Philippines."

Young Charlie was never in the Philippines, but he did get to Vietnam.

And he died there on May 13, 1968.

He was a member of Company B, 4th Battalion, 23rd Infantry, 25th Division. He was killed in action near Chu Lai.

He was riding in a jeep and was fatally wounded when a mortar shell hit the vehicle.

He was twenty-four years old.

Charlie Urdiales was a high-school dropout. He attended Chicago Vocational for two years and then went to work as a stock boy in a local grocery store.

Later, he got a job as a burner at Wisconsin Steel. He wasn't drafted into the Army until he was twenty-three—on April 14, 1967.

"I tried to keep him in school," his mother said. "But he hated it.

"He was a normal boy. He never gave us serious trouble. When he started working, he paid attention to his job. He never missed work.

"He liked to bowl and play softball."

"At home," his father said, "he was the more serious type.

"He liked to watch ball games on TV. He was a Cub fan.

"He'd be watching the game and say 'I'll betcha the Cubs win.' I'd tell him, 'Don't bet on them. Just root for them.' "

The Urdiales have one married daughter. Both parents work. They live in a neatly-kept brick bungalow.

"I remember how Charlie would stretch out on the floor," Mrs. Urdiales said, "and fall asleep watching television.

"His bedroom upstairs is just like he left it. You know how boys keep their rooms. His pipes, his dresser drawers; everything is the same upstairs. I just can't bring myself to clean it out.

"He was a good boy. He was so close to us."

"When he was working, he always saved his money," his father added. "He bought two cars for cash. When he was in the Army, he asked us to hold the last car—a '65 Pontiac Catalina—until he got out. I told him we'd sell our car, put the money in the bank for him, and drive his car. That way he'd have money collecting interest for him until he got home."

Mrs. Urdiales is outspoken in her opposition to the war in Vietnam.

"I'm against it," she said. "I would just as soon have seen our son run away to Canada. At least he'd be alive today.

"I don't think this war is doing us any good."

"It must be doing somebody some good," the father added.

"You're proud your son went in service.

"You're not proud that he died."

Charlie Urdiales took his basic training at Fort Knox. After his basic training, he came home for a two-week furlough in October and married a local girl, Paula Leski. He was then sent to Germany, but returned home for another month's furlough in March, 1968.

He tried to conceal from his parents the fact that he had orders for Vietnam. His ruse was unsuccessful, and they knew where he was headed when he left the following April.

"He said to me," his mother recalled, "Don't worry, mom. I'll be all right.'

"He wasn't afraid to go. He wanted to get it over with. He wasn't there very long. He was there one month."

In the brief time he was in Vietnam, Charles Urdiales had time to write his parents once. He didn't tell them he was in combat.

"He got one letter from me when he was in Vietnam," his mother said.

"I sent five other letters.

"He never received them."

"WE USED TO CALL HIM JO JO"

Joseph A. Lozano

The gray shingled, two-story flat squats along a cindered alley and has no frontage on the street. Another flat blocks its view.

The stairs leading to the second-floor apartment are exposed and weather-beaten.

Mrs. Rumalda Lozano, a heavy-set, short woman, came to the door.

She had just come from work, but she had time to talk about her son, Joseph.

The apartment is small and incredibly crowded, and in the tiny living room there are a couch, a chair or two, gas heater, television set and, on the wall, a photograph of Marine Cpl. Joseph A. Lozano, with a rosary draped over the frame.

"We used to call him Jo Jo," said Mrs. Lozano. "There never could be a son like that again.

"All he did was think of others.

"He was one of three sons. Benjamin, he is the oldest. Then Joseph. And then Anthony. He is the youngest. He is thirteen.

"Joseph left part of his insurance to his younger brother. That's what I mean when I say he always thought of others."

Mrs. Lozano fought back tears. And, for a while, she could not talk.

Joseph Lozano was on a special mission in Quang Nam Province with the 1st Marine Division when he was killed on January 6,

1970. He sustained fatal missile wounds from explosive devices fired by enemy forces.

Twice before he had been wounded in Vietnam, on April 4 and October 4, 1968.

In the action on April 4, 1968, he was wounded in an enemy attack and subsequently awarded the Bronze Star.

According to the citation he received when awarded the Bronze Star, he was on a mission near the Ben Hai River in the DMZ.

"While assaulting an enemy hilltop position," the citation read, "Lozano and the men in his company came under intense hostile mortar fire.

"With complete disregard for his own safety, Lozano fearlessly maneuvered across the fire-swept terrain directing Marines to cover positions and assisting casualties."

With the help of Lozano's "bold initiative and unwavering devotion," the company pressed home its attack.

Joseph Lozano attend Our Lady of Guadalupe parochial school and Chicago Vocational high school.

"He didn't finish high school," his mother said. "He planned to make a career in the Marines.

"He used to say, 'Mom, if I stay in the Marines twenty years, I'll be able to retire with a full pension when I'm still young.'

"He was always thinking of the future.

"He started working when he was seven years old," said Mrs. Lozano who is separated from her husband.

"He was a religious boy. Often, he'd say, 'Don't you know that people who pray together stay together?'

"And he'd always send me a religious card for Mother's Day and for Christmas.

"He selected his friends. Those who knew him miss him. He was a true friend.

"I remember one time he came home and drew $60 out of the bank.

"I said, 'Why did you do that?'

"He said a good friend of his needed it. The man had three young children, and needed the $60 to pay the rent.

" 'I had to help him,' he said.

"He always brought home candy and pop for the kids. All the kids were crazy for him."

Joseph Lozano enlisted in the Marines on May 15, 1967; and, after seeing action in Vietnam, he returned home on a twenty-day leave in September, 1968.

"He didn't want to tell me he was going back," Mrs. Lozano said.

"I said, 'I bet you're going back,' but he just laughed.

"I told him to consider us.

"He said, 'I know it is hard for you, mom, but I don't want the same thing that's happening over there to happen to my brothers and sister.

" 'Those kids over there, sometimes they go without food and water. I want to do everything I can to help them.'

"Joseph hated all protesters. He said they should thank God for what they have—food and shelter.

"The people in Vietnam, he said, compared to us, have nothing. We have everything.

"I know they took my boy, but I feel no regrets. I just feel bad the way he told me those people over there have to live."

Mrs. Lozano wiped the tears from her eyes.

"Two Marines came and let me know he was dead. He died on a Tuesday and they let me know on Wednesday at 9:30. They didn't bring him back until the 15th.

"We buried him on January 19th."

"HE ASKED US TO SEND HIM MEXICAN FOOD"

Thomas R. Padilla

On March 25, 1970, Army Specialist 4 Thomas R. Padilla was killed in combat at An Khe, Vietnam while serving as a machinegunner with the 4th Infantry Division.

He was shot in the chest. He was picked up by a helicopter, but the medics were unable to save him before reaching the sanctuary of a support hospital. He died in the helicopter.

Eleven years ago, Mr. and Mrs. Cruz Padilla left their home in Morales, Mexico to settle in south Chicago where the father worked for Wisconsin Steel.

They moved north with their young family, including Thomas; another son, Alfonso, now twenty-six; and three daughters, Martha, Veronica and Bertha.

The Padillas are industrious people. Alfonso holds down two jobs; Martha is a secretary, and the younger girls are studying business skills at Bowen high school and Chicago Vocational.

Maria, the mother, cooks Mexican food for all of them, and keeps the family's second-story apartment spotless. She does not speak English.

Through her daughter, Veronica, who translated her Spanish, she expressed her disdain for the war in Vietnam.

"I am against the war," she said. "I don't think the deaths of the young men over there have done any good.

"If I had known I was going to lose a son in Vietnam, we never would have left Mexico."

When the mother finished, Veronica added her own thoughts.

"Of course, I don't like the war," she said. "Especially after losing my brother. I don't think he should have gone. He wasn't even born here.

"I don't think we're doing any good losing so many lives of men who could have done great things."

Thomas worked as a mechanic while attending high school.

"He dropped out of school during his senior year," Veronica said. "He was having trouble with his grades. He didn't think he'd graduate."

Thomas was drafted by the Army when he was twenty years old. He went to Vietnam in July 1969. He had only one furlough before he left.

"We took him out to O'Hare Field," Veronica recalled. "He didn't say much. He told my mother not to worry, that he would write as often as he could.

"In his letters, he always tried to be cheerful, and told us everything would be all right.

"He wrote about the poor people over there, and once he sent us a picture of a puppy he had found. He said it was always raining where he was; that's why he couldn't write very often.

"He asked us to send him Mexican food. He said it would make the other food taste better."

"He was very quiet, very serious," added Martha. "When Alfonso came home from the Army they used to talk about the war a lot, he and Thomas. Thomas didn't like it, but Alfonso said, 'If you are called to go, you must go. That is the law.' "

"He never complained," continued Veronica. "When he went to Vietnam, he didn't like it; but he said he was going to do it if he had to.

"Did Thomas die for any good reason?" Veronica asked.

"I'm beginning to wonder. People say he died for a good cause. But for what cause? No one has told me that.

"So many people dying, on both sides—women, children. Will somebody please tell me how this war is helping them, and why my brother had to die?"

On Sunday afternoons, the Padillas go to the grave of their son and brother in St. Mary's Cemetery.

They are accompanied by Julia Sanchez. She is the girl Thomas was going to marry.

"HEY, MOM, A MAN WANTS TO SEE YOU"

Leopoldo A. Lopez

The telegram was dated May 16, 1970. It was addressed to Mrs. Amalia Lopez, and the terse message had a familiar ring to it:

"The Secretary of the Army has asked me to express his deep regret that your son, Specialist 4 Leopoldo A. Lopez, was killed in action in Cambodia on 12 May 1970. He was in night defensive position when the area came under rocket and mortar attack by a hostile force. Please accept my deepest sympathy. This confirms personal notification made by representative of Secretary of Army."

The telegam was signed by Kenneth G. Wickham, Maj. Gen., U.S.A.

Mrs. Lopez held the telegram in her hands. She is a short, pleasant-looking woman, with dark eyes and hair. She wears glasses. She speaks articulately. She has known sorrow.

"My husband was in the Army in the second World War," she said. "He was killed five years ago when he fell off a scaffolding at work. He was a construction worker. He is buried in Alamo, Texas. That's where Leo is buried, too."

Mrs. Lopez nodded her head sadly. "These last five years have been . . ." She couldn't finish what she started to say. Tears filled her eyes.

Mrs. Lopez lives in an old, but well maintained two-story brick building. The first-floor apartment is modestly appointed but clean. In the front room, there is a bracket of framed pictures showing three men in military uniform.

"The three of them," Amalia said. "My two sons and husband."

Mrs. Lopez has a second son, Fernando, twenty-two, who spent a year in Vietnam and returned home safely. She also has a married daughter, Otila, and a younger daughter, Marguerita.

She has painful memories of May 14, 1970.

"That's when an Army officer came to tell me about Leo.

"It was 9:15 at night. I was in the back room, saying my rosary. My daughter called to me, and said, 'Hey mom, a man wants to see you.'

"I went out, and he said, 'I came to notify you Leo Lopez was killed on May 12th.'

"I said, 'Oh, my God!' I got sick, and I fainted. My son told the officer to go and come back later."

Mrs. Lopez is bitter over President Nixon's decision to send ground troops into Cambodia.

"When he put them in Cambodia, I felt there was no hope.

"The boys over there don't even know what they're fighting for. You see them on TV sometimes. They don't even know what they're there for.

"The medal my son got, I should send to Nixon. I don't care about the insurance. All I want is my son.

"The kids who run wild in the streets. Why don't they take them?"

Leo Lopez was born December 1, 1946. He dropped out of Hirsch high school when he was seventeen. He dropped out because of racial trouble in the school.

"He got a job right away," his mother said. "He ran a machine for the Laminet Cover Company. Then, when my husband died, he went to work for the National Video Corporation as an inspector. He quit there to make more money, and got a job as a construction worker.

"I never had any trouble with him. He always went to work. He was always very happy. He was the one who made things lively around the house. Everybody was his friend. He didn't care what their nationality was.

"He didn't cash his checks. He'd always bring them home to me. That's the way we bring them up."

Leo married a neighborhood girl, Delores Mariscal. They had a daughter, Monica, who is now three years old. Leo's draft classification changed when his marriage ended in divorce. He was taken into the Army on October 25, 1968.

"The marriage didn't work out," Mrs. Lopez said. "But Leo continued to give support to his daughter even when he was in the Army."

Mrs. Lopez went into another room and returned with a large package. It came from Vietnam and was addressed to Leo's daughter.

"I don't want to open this," Mrs. Lopez said. "I'm afraid I would cry. I'll let her (Delores) open it."

Leo Lopez spent ten months in Germany, and returned home on a thirty-day furlough before leaving for Vietnam. He was with a mechanized unit of the 5th Infantry Division.

"The last thing he said to me," said Mrs. Lopez, "was, 'Ma, don't cry. I'll be home safe. I *have* to come home.' "

Leo had big plans for the future.

"His father owned twenty acres of land in Texas," said Mrs. Lopez. "Its been rented out. Leo told me not to rent it any more; that when he got out of the Army, he wanted to take care of his father's land.

"He said he would go to Texas after he was discharged. He was to get out in late October or early November."

Mrs. Lopez paused for a moment. Her thoughts turned to war and to the terrible price war exacts on the ranks of young manhood.

"You work hard, you try to give them things, teach them the right thing to do," she said.

"And then someone comes along and takes them away."

"HE WANTED TO JOIN AN OUTFIT THAT TOOK CARE OF THE KIDS"

Peter Rodriquez

Pfc. Peter Rodriguez of the 1st Battalion, 7th Regiment, 1st Marine Division lies buried in Holy Cross Cemetery, some eight miles due south of south Chicago.

Late every afternoon, when they are returning from work, Joseph and Ruby Garnica visit Peter's grave.

The cemetery is not far from their home, where they moved after leaving the congestion and dreariness of their old neighborhood in south Chicago.

They are Peter's godparents and, in a happier time, he lived with them. They raised him as a son of their own.

Peter came from a broken home. His mother and father are divorced. The father, Pedro, has left the area, and lives in Laredo, Texas.

Mrs. Garnica is a sister of Peter's mother, and she was especially fond of her nephew. She called him "Pito."

"He was a good natured boy," she said. "He made friends easy. He wasn't prejudiced. He had colored friends as well as others.

"He was eighteen when he died."

Peter Rodriguez attended Our Lady of Guadalupe and other elementary schools, and then studied at Bowen high school.

"He quit in his last year to join the Marines," Mrs. Garnica said.

"He tried three times to get into the Navy. We didn't want him to go. The Navy never called him."

Peter enlisted in the Marines on July 17, 1967, went to Vietnam in February, 1968, and was killed on May 30, 1968.

He was a fire-team leader in the 1st Platoon. On May 30, his platoon was providing security for a truck convoy in Quang Nam Province when it came under heavy enemy small arms fire and grenades. During the ensuing battle, Peter was hit and killed instantly.

"He was hit in the head with machinegun fire, and in the right arm with shrapnel," Joseph Garnica explained.

A commanding officer of Peter's unit wrote, "Pedro was a fine man and an outstanding Marine."

"What did he die for?" asked Mrs. Garnica. "What did it prove?

"He said we shouldn't stop the bombing. That's when he was killed.

"He wrote that he felt sorry for the Vietnamese kids. He wanted to join an outfit that took care of the kids.

"I don't know what we're doing in Vietnam in the first place. I could see World War I and World War II, but this is a little ridiculous.

"I have four more nephews. That's why I'm bitter.

"They could be going into the same thing."

The month before he was killed, Peter was one of eight Marines who volunteered to raid a mountain held by the enemy in order to recover the body of a fellow Marine.

Recovering the body was difficult, although the eight Marines were under cover of air support. After recovering the body, they ran into trouble on the way back.

In an official Marine record of the exploit, Peter is quoted as saying, "Just as we passed the hilltop position, we began taking automatic weapons fire. One final strafing run by the jets made them stop firing just long enough for us to make it into the thick brush down the trail."

Mrs. Garnica said Peter mentioned the exploit briefly in a letter.

"He said if it was him, he'd like to have his body brought back.

"Otherwise, he wrote little about the war. He didn't want us to worry."

Peter's last letter was written on the inside of a brown C-ration box.

"He wrote it a couple of days before he was killed," Ruby Garnica said.

"It was to his sister, Yolanda. He said he was concerned about two friends of his who were mentioned in a letter he received from a girl friend.

"That was Peter. He was concerned about others."

In the comfortably furnished front room of the Garnica home, a double picture frame with photographs of Peter Rodriguez sits atop a stereo set.

Next to the picture frame is a long thin vase. It contains a single red rose.

"I TELL HER, 'SOME OF US MUST DIE, SO OTHERS CAN LIVE' "

Antonio G. Chavez, Jr.

Antonio G. Chavez, Jr., almost died when he was three years old.

"It was in a hospital—in Brownsville, Texas," his father recalled.

"My wife and I were in Mexico, visiting her parents. We had young Tony with us.

"We bought some milk, fresh from a cow. We put it in a bottle and gave it to Tony.

"He became terribly sick, and began running a high fever.

"We were rushing back to Chicago and decided we better get him to a hospital. When we got there, I thought, 'It's no use. He's just about gone.'

"But, my wife, she had hope, and soon, almost miraculously, Tony got well."

Tony Chavez made it to his fourth birthday.

He never reached his twentieth.

He was killed at the age of nineteen on Hill 881 at Tam Ky, Vietnam.

He was a private first class, with the 1st Battalion, 5th Regiment, 1st Marine Division.

When his body was returned for burial in St. Mary's Cemetery, the coffin wasn't opened. He had been shot in the head.

Tony was born on May 4, 1947. He died on May 1, 1967.

He was the oldest of eleven children, in a family that now includes five boys and five girls.

"It is terrible to lose the first one in the family," said Antonio Sr. "His mother took it very hard, and I have tried to comfort her. I tell her, 'Some of us must die, so others can live.' "

The father was an infantryman in World War II and spent time in the Philippines and Japan. He is not opposed to American intervention in Vietnam, but he qualifies his position.

"I'm not against it if it's a good thing for this country.

"We have to see this thing out, one way or another.

"Somebody has to be up in front to check them, so that some day they don't come to our homeland."

Mr. Chavez didn't identify the "them."

"If the war is right," he added, "I'm for it. If it's a waste of time, I feel we have no business over there.

"I think the President is trying his best to straighten it out."

Some of his father's patriotism rubbed off on young Tony. He quit Chicago Vocational high school in his senior year to enlist in the Marines.

"He was a brilliant boy, very studious," his sister Gloria said. "I don't know what possessed him to join.

"I think he figured he'd get in on an education program after service. They promised him a lot about schooling."

During the summer, before he went into the Marines, Tony worked at Wisconsin Steel, hooking long sheets of pressed steel; and he had a side job as a sander at Western Metals.

"He always turned his money over to his mother," Gloria said. "He'd keep a few dollars for his own, to buy books, things like that. He was good at drafting. He wanted to be an architect."

In June, 1966, when Tony returned from boot camp, he married a girl he had known at Chicago Vocational, Judith McCauley. They had a brief honeymoon. On July 1, he returned to Camp Pendleton and soon shipped out for Vietnam.

"All his letters back home were sad," his sister said. "He told us how the guys cried like babies over there, how terrible the explosions were, and how he missed the family and Mexican cooking, enchiladas and tortillas.

"At home, Tony was cheerful. If you were blue, he had a way of shaking you up. If you had a problem with money, he was there to give it to you. He was understanding."

The front of the Chavez two-story brick apartment building is adorned with a cut-out of Snoopy, the celebrated cartoon puppy.

Tony would have gotten a laugh out of the replica.

"He had a good sense of humor," his sister said.

While the Chavez residence teems with kids and the usual turmoil that goes with a large family, the mother can't escape the grief she feels.

"Mother always tells us," said Gloria, "that Tony is alive.

"That he'll be back."

THE CANAL ZONE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WALDIE. Mr. Speaker, the Panama Canal Zone has become a very remote part of the American scene since it last was in the headlines several years ago.

That absence from the public eye, though, does not mean that the Canal Zone matter is gone, nor that its importance has in the least bit been diminished.

A constituent of mine, who prefers that his name not be used, has compiled

a great deal of information on this issue and has sent me several letters which I think worthy of inclusion in the RECORD.

The letters and reports follow:

Hon. JEROME R. WALDIE,
Member of Congress, 14th District of the State of California, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN WALDIE: This letter is in reply to your kind communication of 30 July 1970 and is concerned with circumstances and conditions surrounding the Panama Canal and the Canal Zone, an exceedingly complex situation. My letter may well result in raising more questions in your mind than it answers, for I have no pat or easy solutions; I am not even certain that I know what all the proper questions should be. Still, as a concerned citizen who lived two years as a Professor at Canal Zone College, there are definite problems that we must face as a nation, and frankly, I am of the opinion that some partial "solutions" have already been reached by the Executive—which solutions have not even been related to the Congress, much less participated in by it.

We may well go back for a moment to the origins of this situation when President Theodore Roosevelt proudly announced to all who would listen: "I took Panama!" This declaration is well known to, and bitterly resented by, all educated Latins of whatever nation as evidence of our own imperialism—which was indeed our national policy at that time. It is still the source of rather deep bitterness toward the United States on he part of Colombia, of which Panama had been a province, however relucantly, up to 1903. (Some 80 or more revolutions by Panamanians had preceded this "independence.")

There can be no doubt as to the strategic importance of Panama and the Panama Canal to the United States, then or now. There is little doubt that the Panama Canal could easily become another Suez, were we so foolish as to abandon the Canal Zone to its fate as an integral part of the Republic of Panama. In my opinion, a situation would develop there in less than one year that would effectively close the Canal, for it is extremely vulnerable. That would be a tragedy, for the Canal is a vital waterway to us, which it is not to the Soviet Union, and its closing would be a major political triumph for them.

The "troubles" of 1964 between citizens of the Republic and citizens of the Canal Zone were not nearly as superficial as they might have appeared from the United States. The fact that they occurred at all, and that they were so severe, are indicative of the tenuous nature of our "friendship" with the Panamanians. They were also indicative of deep-seated distrust and not-always-carefully-hidden hatred of the United States and our sometimes heavyhanded policies toward smaller and weaker nations.

All Zonians are aware of this instability in international relations, I think, but that does not necessarily mean that they, either as individuals or as representatives of the United States abroad, are inclined to work harder to bring true understanding between the citizens of the two nations. In fact, the incidents of 1964 may well have worked to insulate and isolate most Zonians from Panamanian national life than they had been before—and some of them use the "danger of armed insurrection" as a generic rationale for never going into the Republic at all. (At some points, this is merely a matter of going across the street.) I have known educated individuals who have lived and worked in the Zone for more than twenty (20) years, but who have never even been into the interior of the Republic. I have known any number of long-term Zone residents who would never dream of making the trip back to the United States by auto through Central America and Mexico, as I did (safely!) in May and June of this year. Seemingly, the longer one lives in the Zone, the less one feels a part of Panama and the further removed from Central America and its citizens.

This, in all fairness, cannot be said of all Zonians. Many of them are intimately familiar with the Republic; many of them have travelled extensively throughout Panama and Central America. Many of them make an honest effort to relate to Latin citizens on a person-to-person basis—but they are few.

What is hard for the Panamanians to accept is the fact that so many Americans tend to treat them as second-class citizens in their own country, when *we* are the foreigners who are guests in a foreign land. There are a number of reasons for this, but most often the condition reflects relative levels of income—another cause of jealousy and bitterness. Here are three very generalized income strata (ignoring the "oligarchic" families in Panama who, as in other Latin American countries, are wealthy by any yardstick):

(1) At the top are the long-term American residents of the Canal Zone. Some of these people are third-generation Zonians; some of them have never even been to the United States; many others come for short visits only. All enjoy full American citizenship.

These and other Americans occupy almost all executive positions in the Canal Zone. Among them are many high-ranking Army officers who "retire"—on full pay—to the Canal Zone, where their military friends place them in key positions that are sometimes in the $25,000 per year range as head of one or another of the operating divisions of the Panama Canal Company.

(2) Panamanian nationals who work for the Panama Canal Company earn salaries or wages which are substantially below those of their American counterparts, although well above what they could earn in comparable positions in the Republic. These tend to be the most able of the Panamanians and they are excellent by any standards.

These differentials are "justified" by the Panama Canal Company on the grounds that the Panamanians are not required to pay U.S. income taxes. That is true, as far as it goes, but the differentials still exceed any implied taxes.

(3) Panamanian nationals who work in the Republic earn salaries or wages which are more-or-less comparable to those earnable in other Latin countries. In comparison to their average standard of living, however, *every* Zone resident is "rich" beyond their wildest dreams.

Their unsophisticated belief, naturally enough, is that if they could only get rid of the Americans and keep the Canal revenues for themselves, they would all be as rich as the Americans appear to be now. This belief is sparked and fanned by extremists of all sorts and I shall not be surprised to hear in the fairly near future of an organized movement aimed at the "national liberation" of Panama. To the poor and uneducated natives, we *do* appear to be exploiting the country for, if we were not, "How could you all be so poor, while they (meaning us) are all so rich?" It is a powerful and a dangerous argument.

The Panama Canal is, essentially, the only "natural resource" that the Republic has. This little country has a total GNP that is not much, if any, larger than the income of Panama Canal Company itself. Panamanians cannot even grow enough food for their own needs. The point is that Panama does not benefit as much as they believe they should from their only significant resource; this appears to be true.

For example, I have before me recent financial statements of the Panama Canal Company which were given to me by a Panamanian national who is in the employ of the Company:

Interest payable on net direct invest of U.S. Government	$7,783,811.92
Annuity payments to the Republic of Panama	286,800.00
Net income, current fiscal year to date (Feb. 28, 1970)	9,924,284.95
Total retained income	190,970,124.70

The Panama Canal Company, then, pays to the Republic less than 4% of what is remitted to the U.S. Treasury Department each year just in interest on investment in the Canal—most of which took place more than 60 years! This is in addition to all the costs of running the Canal, depreciating capital investment, and all other cost recoveries, funds, and allowances.

Now we come to the State Department's pious declarations of unwillingness to deal with the present Panamanian government. True, it *is* "unconstitutional" in nature. True, it is a military dictatorship. (I, personally, despise military dictatorships of all kinds, on principle.) True, no one knows whether any subsequent government would recognize any treaties negotiated by it. *But:*

The "constitutionally elected" government of Dr. Arnulfo Arias was certainly not one that any thinking American would want to support. The State Department made no protest when the constitutionally-elected representatives from Panama City and Colon were not allowed by Dr. Arias to be seated in the National Assembly, because their political views were opposed to his. These are the only two large cities in the Republic and their "deputados" were among the best-educated and most knowledgeable men in the country; if their representatives could not take their Assembly seats, then a large portion of the citizens of the Republic were without a voice in the national government.

I am well aware of the convenient platitude about "interfering in the internal affairs of other nations." In principle, I agree completely with this. But which is more important: the *form* of democracy or the *content* of democracy. Had Dr. Arias continued as El Presidente, he would have been the "constitutionally-elected Head of State"—while the National Assembly would have been a rubber-stamp farce composed entirely of hand-picked appointees.

We cannot tell the Panamanians how to run their country and I do not believe that we should even try, but why should the State Department be so pious in supporting a man who is a known assassin, as well as a known admirer of Adolph Hitler? Dr. Arias has been thrown out as head of the Panamanian national government on three different occasions during his long political career. The proximate cause of his latest ouster in 1968 was his attempt to purge the Guardia Nacional.

Dr. Arias, who is in exile somewhere in the United States (Florida, I think), shouts every now and then that Col. Pinella has "set Panama back by twenty years." This, too, is simply not true. It is the shout of a highly educated man (M. D., Harvard University) who knows the general American repugnance of military dictatorships and who is attempting by his shouting to gain sympathy here for his cause.

I was in the Canal Zone and the Republic during this entire episode. The picture is quite different than Dr. Arias claims. The current government has built many important new highways and other public facilities; garbage in Panama City is now collected regularly "for the first time in living memory;" large new office buildings and apartment houses are going up all over the city (which is about the size of Oakland, Ca.); new banks are being established—all concrete evidences of the faith of somebody with money to invest in the present govern-

ment and in the long-term prospects for the country. More importantly, they are also some evidence that local tax collections are being made and that they are being used for the public good.

Panama is obviously a poor country, although it has one of the highest per capita incomes in all of Latin America. We can hardly expect a U.S.-style democracy to prosper there, for there is neither the educational, economic, historic, social, religious, or political base for it. I do not recommend dictatorships, but I do believe that we would do well to face the realities of the situation and not use "non-constitutionality" as our excuse for doing nothing at all. *We* are quite satisfied with the present status of the Panama Canal; it is to *our* benefit, not theirs, to keep the whole matter in limbo as long as possible. The Panamanians also know this, which is why the pressure to do *something* about the Canal continues to build.

Presumably, no one outside of the Executive Department knows what direct and immediate agreements were made to bring the 1964 "troubles" to an end. Some of these are obvious:

(1) Both Panamanian and U.S. flags now fly over the Canal Zone;

(2) More Panamanian nationals are employed in the Zone that before. How many? I don't know. About three or four people who work as civilians in the Zone are now Panamanians, I believe.

The Canal Zone also operates something like a little country all its own, although I do not know to what extent this pre-dates 1964. For example, neither U.S. nor Republic postage can be used for outgoing mail from the Canal Zone (or within the Zone). The Canal Zone has its own legal code, although there is an articulation here with the Circuit Court of Appeals in New Orleans for appeals by U.S. citizens. Only Panamanian nationals inhabit the Canal Zone penitentiary; U.S. convicts are apparently sent to Leavenworth or to Lewisburg, et al.

Some rehabilitation is being done to existing civilian housing in the Canal Zone, so there is evidently a plan to continue employing some thousands of U.S. citizens in key positions for the foreseeable future. However, on the military reservations (e.g., Howard Air Force Base) there are large (200–300 unit) subdivisions of good, new, permanent housing that has jus been built for both enlisted and commissioned personnel.

From all this, I can only conclude that we are waging some sort of delaying action as regards civilian employees in the Canal Zone, but that we plan to continue to occupy military bases there for a long time to come.

But what of the Canal itself? Are we to turn it over to the Republic for operation, leaving only symbolic U.S. "security forces" on the military bases? What a political football and source of revolution *that* would become!

There is a great deal more to all this, but I do believe that the time has come when the Congress, and not just the Executive, should become involved. Crucial decisions must be made and I have a deep-seated suspicion that some of them have already been made, *sub-rosa* though they might have been.

If I can be of further assistance to you in this matter, please call upon me.

Sincerely,

———— ————.

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RECOMMENDATIONS HAVING TO DO WITH THE CANAL ZONE

(1) Most fundamentally, the Canal Zone Government should be headed by a civilian Governor and Lieutenant Governor.

Neither reason nor logic dictates that a two-star general officer of the Corps of Engineers should be Governor of what is essentially a civilian activity. Since its creation, the Canal Zone has been a sort of private fiefdom of the Corps of Engineers, perhaps the largest that they have.

Since each of the military services has a four-star general or flag officer assigned to the Southern Command (headquartered in the Canal Zone and another interesting situation, when the question of need for all of them is raised), there is no military or defensive reason for the Governor to be a military type at all. Civilian engineers certainly know how to build and operate canals.

COMMENTS

The existence of the present type of government in the Canal Zone is an example, for all the world to see, of a U.S.-style "military dictatorship" in Latin America. It is strictly that, for U.S. citizens there have nothing whatever to say about their own government, or the way that it is run. Anyone who protests, or even seriously questions, an action by the Canal Zone Government is immediately shipped back to the United States at his or her own expense. (I have personally seen this done and I can name names, dates and places.)

If we are such great believers in democracy, and if we are an educated, sophisticated citizenry capable of choosing our own leaders, why do we not allow our own Canal Zone citizens to have any say in their own government? We tell the Panamanians and the rest of the world that *they* should have a democratically-elected, representative and responsive government—then deny those very rights and recommendations to our own citizens, as a condition of their employment in the Zone!

Hundreds of military and government leaders from all over Latin America come to the Canal Zone every year for training in all sorts of military, para-military and governmental administration. While there, these Latin leaders can clearly see for themselves the dichotomy between what we preach to them and others and what we do to our own people.

From my own observation, the Canal Zone is as much a police state as the most highly-regimented nation in all of Latin America. *The first step in correcting this situation is to remove the military dictator!*

(2) Panamanian nationals who work for the Panama Canal Company should have the same right to live in the Zone as U.S. citizens. When a man is told, in effect, that he is good enough to work in a place, but that he must "go back across the tracks" when the sun goes down, he is also being told that he is not good enough to be "one of us." He is obviously considered to be a menial, a "doer of work," but either is not quite human, or at least not as good a human as "we" are.

The present practice is an example of national arrogance on our part; it is unjust, bigoted and destructive. Let the Panama Canal Company (and/or the Canal Zone Government) assume the responsibility of providing good housing for all its employees—or provide no housing for anyone. (U.S. citizens *could* live in the Republic of Panama.)

This would accomplish several things:

(a) It would bring about an end to what is now a U.S. Government-approved and carefully protected "American enclave" in a foreign land.

(b) It would provide to all Latins proof positive that, at least in our official eyes, Panamanian nationals are the equals of Americans in all respects.

(c) It would force Zone residents to recognize and accept Panamanian nationals as their equals.

(d) It would provide an incentive to able Panamanians to obtain the education and skills required for employment in the Zone, with stable employment and a good standard of living as guaranteed rewards.

(3) Panamanian nationals should receive identical pay for work that is identical to that performed by U.S. citizens. I have mentioned in previous-correspondence the rationale that the Canal Zone Government uses to justify the present differentials: Panamanian employees of the Panama Canal Company do not pay U.S. income taxes.

PROPOSAL

Pay all Panama Canal Company (and Canal Zone Government) employees at the same rate for comparable work, then withhold income taxes from all at the current U.S. rates. *Remit those withheld income taxes paid by Panamanian nationals to the Panamanian government.*

This would:

(a) Eliminate the bitterness and resentment over pay scale differentials that currently exist.

(b) Provide a highly important source of revenue to the Republic of Panama.

(c) Recognize the contributions now being made by the Panamanian nationals to the Canal Zone prosperity, now being hidden through payroll differentials as an indirect (but substantial) benefit to the United States. (That is the way that Panamanians see it, and I agree.)

COMMENTS

There are now about 15,000 U. S. civilian nationals working in the Canal Zone. I have no way of knowing what their average income tax contribution to the U. S. government is, but we can get a reasonable range of probability. (My own income taxes, for example, exceeded $4,300 in 1969.)

If we assume a low average of $1,000 per employee, Canal Zone employees contribute $15,000,000 per year to the United States Government. If the average taxes were $2,000 per employee, Canal Zone employees' contribution to the U. S. would be $30,000,000. If they all paid income taxes at the same rate I paid, which is certainly far from being the highest, their contributions would total $60,000,000.

This is money earned in the Canal Zone, which, as Panamanians see it, should largely belong to them.

On the other hand, there are something like 35,000 Panamanian nationals who work in the Canal Zone. They, of course, are subject to income taxes in the Republic, but this rate is much lower than ours and their average taxable income from Zone employment is likewise much lower. If these people were paid rates comparable to their U.S. counterparts, and if income taxes were withheld from them at rates comparable to ours, and if these withheld income taxes were remitted to the government of the Republic of Panama, their contribution to their own government would be at least 35,000 × $1,000 = $35,000,000 per year.

(4) Panamanian nationals should be employed in the highest positions in the Canal Zone that they are capable of holding. There should be a much more active, concerted program designed to employ and promote Panamanians into key positions as rapidly as possible.

What could be done, among other things, is to provide many, many more scholarships for young Panamanians; these should include scholarships providing for higher technical and administrative education in U.S. colleges and universities.

(5) Racial segregation must be eliminated in the Canal Zone. Black people, particularly the descendants of Jamaicans who were brought in during construction days, are strictly segregated in their housing into Black enclaves such as Paraiso and Rainbow City. Why? Are our highly publicized desegregation programs only a State-side phenomenon, responsive only to terror? Such policies as exist in the Canal Zone are the very reasons why the U.S. is having the racial problems it has today.

Even more important than simple justice and equity is the hypocritical example we set,

on an international scale, in the Canal Zone. Segregation policies there are as rigid as anything that Selma, Alabama, ever saw! They are official, government policies. They must be changed, while there is still time.

The attitudes and policies of the "power structure" in the Zone toward the Black people there is a national and international disgrace for us. Every Panamanian knows it! This situation can only be perpetuated by approval and implementation of policies at the highest level. In my opinion, the military government of the U.S. in the Canal Zone does everything in its power to maintain the "mess boy syndrome" that I, personally, observed during my years in the Navy during World War II.

(6) U.S. nationals should be permitted only one tour of duty in the Canal Zone for a period not in excess of five years. Entrenched privilege over a period of several generations leads to all sorts of abuses. In a sense, within the military dictatorship of the Zone, long-term residents there are a sort of supra-national group—they are "Zonians" first and U.S. citizens rather incidentally.

Zone employees should have iron-clad, non-renewable contracts; they should be *required* to assume the full responsibility for their U.S. citizenship. As it is now, they have essentially no responsibilities at all to the U.S. or anyone else, except for the privilege of paying U.S. income taxes.

(7) High-ranking officers in the military services who wish to live and work in the Canal Zone after their retirement should be given this choice: "Give up your military pension or forego Canal Zone employment." They should not be permitted to have both.

Among other things which are unfortunate, the present practices establish and maintain the rigid military thinking that pervades the Canal Zone Government. The present Government has few problems, for all its top people are military or ex-military types who maintain "order" through fear, not leadership. Is *this* the American way? Most Latins think so!

U.N. SECRETARY GENERAL'S REPORT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BINGHAM. Mr. Speaker, each year the Secretary General of the United Nations submits a voluminous annual report on the work of the organization. The introduction to this year's report by U Thant was released on September 14 but unfortunately attracted very little attention in the press.

I commend to Members and other readers of the RECORD the opening section of this introduction, set forth below. It touches on many of the constructive activities of the United Nations which are carried on month in and month out, but which are little known to the general public. An example is the role played by the Secretary General in the settlement of a longstanding and potentially dangerous difference between Iran and the United Kingdom over the future status of Bahrain—paragraphs 12 to 14.

The first section of the introduction to the Secretary General's annual report follows:

I. GENERAL

1. The year 1970 is a historic year in the life of the United Nations. The need for an effective world organization which can serve as a harmonizing agent for peace has never been so urgently required by mankind. As we evaluate the past and look towards the future on the twenty-fifth anniversary of the Organization, some very basic questions are uppermost in our minds and are being given thoughtful consideration by Governments, groups and individuals all around the globe. What are the means by which the United Nations can play an increasingly vital role in the world of tomorrow? How can the United Nations make more effective use of its possibilities for reconciling differences between its sovereign Member States? What changes can be evolved in its methods of operation so that its capacity for improving the human condition will be utilized to the full? It is my fervent hope that we shall find the answers to questions such as these and continue to make progress—no matter how slow and painstaking it may at times appear—towards realizing the noble goals set forth in the Charter of the United Nations.

2. In the last two or three years, I have been constrained to report only a general deterioration of the international situation. This year, on the eve of the twenty-fifth anniversary session of the General Assembly, I am happy to be able to express some cautious optimism in this regard, which derives from several factors. Of these, perhaps the most important is the fact that the mission of my Special Representative, Ambassador Jarring, has been reactivated. I can only hope that the parties concerned will show at last that will to peace which I have observed elsewhere to be indispensable to any hope of progress.

3. Last year I referred at some length to the tragic situation in Nigeria. Towards the very end of 1969 and early in 1970, I was able to undertake at long last my visit to several African countries, a trip which, to my great disappointment, had been deferred more than once. I learnt much from this trip: not only of the magnitude of the problems facing Africa, but also of the enormous resources, both human and material, available in that continent. I was deeply impressed by the progress already made under the leadership of the distinguished African statesmen I was privileged to meet. I was equally gratified by the devotion that they all expressed to the principles and purposes of the Charter of the United Nations. It was also a particularly happy coincidence for me that the tragic civil war in Nigeria was brought to a conclusion while I was nearing the end of my African trip and I was thus able to visit Lagos and exchange views with General Gowon and other Nigerian leaders before returning to New York.

4. A treaty has recently been concluded between the Union of Soviet Socialist Republics and the Federal Republic of Germany. I believe that this treaty has a positive significance. It is expected to contribute greatly to the improvement of relations between the two parties, to remove many factors of suspicion and promote confidence in their mutual relations, and to create a good framework for their future co-operation. In the same context, I may mention other important developments in Europe, especially the bilateral and multilateral negotiations now under way, the objective of which is the solution of major problems of political, economic and cultural co-operation. Consideration is being given to the convening of a European security conference and agreement on the agenda and on possible follow-up action seems to be emerging. It is particularly important to note that economic and cultural co-operation is considered not only as an instrument which could pave the way towards greater confidence among nations, but also as an effort which could greatly benefit from a new security arrangement. The United Nations, and more particularly the Economic Commission for Europe, have acquired considerable experience in this respect. I believe therefore that the United Nations machinery, particularly in the economic field, could perform a very useful function in any comprehensive and expanded programme of co-operation which may be established for Europe. I also believe that such use of the existing machinery of the Organization would best link the efforts aimed at regional security in Europe with the global framework of greater security for all.

5. In the field of disarmament I reported only limited progress this time last year. Since then, the two super-Powers have been engaged in strategic arms limitation talks and I am hopeful that these talks will lead to concrete results when they are resumed in November. I am also glad to see the progress that was made in the Conference of the Committee on Disarmament during its recent meetings in Geneva in regard to the formulation of a treaty on the sea-bed. I hope that the draft treaty which has been submitted by the Conference for the approval by the General Assembly will receive wide support from the Members of the United Nations. I have commented elsewhere with gratification on the progress made by the International Atomic Energy Agency in adjusting its safeguard system to the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons.

6. This twenty-fifth anniversary year will also usher in the Second United Nations Development Decade. I hope that the important discussions now under way will enable all concerned to agree upon a global strategy for the Decade which will involve not only the co-operation of the rich and the poor countries, but also a considerable degree of co-operation between the countries of Western Europe, North America and the Socialist countries of Eastern Europe. I very much hope that the required level of co-operation will be forthcoming on the part of all concerned and will help to get the Second United Nations Development Decade off to a good start.

7. In the same context, I am glad to see the increasing interest being taken in some of the basic problems of the human environment not only in various United Nations bodies and other intergovernmental organs, but also by the public at large and especially by young people. I have referred at length to this subject in some of my recent public pronouncements, which reflect my deep concern about this problem. I hope that the United Nations will be able to play a very useful role in this regard as a result of the important conference to be held in Stockholm in the summer of 1972 and the follow-up steps that may be taken in the wake of that conference. I am also glad to see the preoccupation of more and more countries and international bodies with the rapid growth of population and the many problems that it presents not only in respect of the living standards of the poor countries, but also in aggravating the problem of pollution, particularly in the advanced countries. In this context, I would like to make an appeal for more support for the United Nations Fund for Population Activities, which is being administered on my behalf by Mr. Paul Hoffman, the Administrator of the United Nations Development Programme.

8. The elements to which I have referred so far are the hopeful features of the world scene which have led me to sound the note of cautious optimism with which I began. On the other hand, I must frankly acknowledge that there are many discouraging elements. I referred last year to the signs of improvement that could be seen in regard to devastated Viet-Nam. These signs have not led to any concrete results and we have actually witnessed not only a continuation of this war with all its tragic concomitants—the loss of life, especially of innocent civilians, and property. We have also seen how easy it is for the conflict to spread to the

neighbouring countries. I have purposely refrained from public comment so as to avoid prejudicing in any way the Paris talks, but I believe that some bold initiatives need to be taken urgently if the talks are to move forward from the present impasse.

9. Earlier I referred to some progress in the field of disarmament. On the other hand, I must mention the lack of any achievement with respect to a comprehensive test ban treaty. I should also like to see more progress towards complete ban on chemical and bacteriological weapons, the importance of which has been rightly stressed during recent months.

10. In the economic and social field I must again take note of the widening gap between the rich and the poor countries and also the risk, to which I have referred elsewhere, of a virtual global trade war which statesmanship should be able to avert.

11. Elsewhere I have also noted in detail some of our chronic problems, especially in Africa. The abhorrent practice of *apartheid* has continued in South Africa and it has been extended to Namibia, where the Republice of South Africa continues to defy the will of the international community and has proceeded to extend its authority over that Territory. In the case of Southern Rhodesia, I have also mentioned the failure of the policy of economic sanctions to bring down the racist minority régime in that country. The pace of decolonization has been agonizingly slow and there is no progress whatever to report so far with respect to the Portuguese Territories in Africa. Even more disconcerting is the fact that Portugal and South Africa have been giving assistance to the minority régime in Southern Rhodesia. In fact it is clear to me that, if it were not for this support, the mandatory economic sanctions imposed by the Security Council would have had a much greater impact on Southern Rhodesia's trade. I am somewhat encouraged by the fact that during recent months the Security Council has taken greater interest in the problems of South Africa. I refer here to the resolutions on Namibia adopted by the Council this year and the resolution redefining the embargo on the sale of arms to South Africa was recently adopted by the Council.

12. One of the most satisfactory developments in the work of the United Nations during the year under review is undoubtedly the settlement, in May 1970, of a long-standing and potentially dangerous difference between Iran and the United Kingdom over the future status of Bahrain.

13. For some years past, the two Governments had been seeking a means for peaceful settlement of their differences which would also reflect the wishes of the people of Bahrain itself. In March 1970, following informal approaches, they asked me to exercise my good offices in this matter, and specifically to appoint a Personal Representative to ascertain the wishes of the people of Bahrain concerning its status. In so doing, both Governments took the unusual step of agreeing in advance to accept the results of my findings, subject to their endorsement by the Security Council. In pursuance of their request, I appointed a Personal Representative, Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, who, after consulting the people of Bahrain, reached the conclusion that the overwhelming majority of Bahrainis "wished to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States." Following the unanimous endorsement of this report by the Security Council on 11 May 1970, Iran formally renounced its claim to Bahrain.

14. The Bahrain settlement is a striking example of how the good offices of the Secretary-General can be used for the peaceful settlement of international disputes. It also shows that such disputes, difficult and complex as they may be, can be settled peacefully and amicably if the parties concerned are willing to make the necessary concessions to that end. Many differences of this kind between Governments might be solved if the parties concerned were prepared to make use of the means available.

15. The Working Group of the Special Committee on Peace-Keeping Operations, continuing to hold discussions and consultations with a view to reaching agreement on a model of peace-keeping operations, seems to have gone as far as it can in resolving difficulties by judicious drafting procedures. What now seems necessary is a political consensus at a higher level, among the major Powers, on the very difficult outstanding questions relating to the roles of the Military Staff Committee, the Security Council and the Secretary-General in the management and financing of United Nations military observer groups. It would be unfortunate indeed if the wealth of experience gained by the Secretariat in the management of peace-keeping operations were not fully taken into consideration in the resolution of these remaining problems.

16. While attempts are being made to reach final agreement on a model of peace-keeping operations, I feel that a crucial aspect of the Special Committee's mandate should not be overlooked, namely, the desirability of "overcoming the present financial difficulties of the Organization". The consensus on voluntary contribution reached by the General Assembly in 1965 has not yet been fully implemented. Under the terms of Assembly resolution 2006 (XIX), the President of the General Assembly and I were invited to undertake consultations that finally led to this consensus. Because of my special responsibility, I appeal once again to the members of the Special Committee, as well as to all Member States, to focus their attention on this important aspect of peace-keeping operations. It remains my fervent hope that, in spite of the remaining difficulties, progress will be evident on the vitally important question of peace-keeping during this twenty-fifth anniversary year.

"SPEAK TO THE EARTH, AND IT SHALL TEACH THEE"—SOME COMMONSENSE ON POLLUTION AND THE ENVIRONMENT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BRAY. Mr. Speaker, I believe it was the eminent historian Will Durant who said:

Some of those people who proclaim themselves out to clean up the world ought to start by taking a bath!

This injunction—which is probably only half-facetious, at best—is a good one to begin with when considering the problem of pollution and the environment.

I want to quote from the introduction to "The Environment: A National Mission for the Seventies," prepared by the staff of Fortune magazine:

RECONCILING PROGRESS WITH THE QUALITY OF LIFE

Within the recent past an immense transformation has occurred in public concern about the environment. One scientist describes the shift with a metaphor drawn from geology: "First, islands of anxiety about specific environmental ills—like the redwoods, the rivers, or the slums—rose from a sea of apathy; when they rose further, land appeared between them; we became aware that all these separate environmental issues were connected, all part of a single challenge to our civilization." Now that environmental anxieties have coalesced, they will be a permanent part of the American awareness, part of the set of beliefs, values, and goals within which U.S. business operates.

The new awareness brings a danger of its own, stepping up the urgency of our situation. Unless we demonstrate, quite soon, that we can improve our environmental record, U.S. society will become paralyzed with shame and self-doubt.

Already we hear voices—and not merely from noisy rebels among the young—exploiting our environmental anxieties as part of an indictment against the basic characteristics and trends of Western civilization. The idea of material progress is especially deplored. "What this country needs," says a professor, "is Buddhist economics." He explains that we ought to welcome a yearly decline in the gross national product, leading us back toward the economy of the Asiatic village, say in Tibet, without factories or much transport.

Nobody really thinks that Minnesota will swap Mustangs for yaks. Nevertheless, the sentimental rhetoric of the simple-lifers takes on, as our environmental anxiety rises, a dangerous capacity to distract us from the challenge that we actually face.

We know that isolated societies with very low levels of technology do not greatly damage their natural environments. We also know that our high-technology society is handling our environment in a way that will be lethal for us. What we don't know—and had better make haste to test—is whether a high-technology society can achieve a safe, durable, and improving relationship with its environment. This—and not a return to the pre-technological womb—is the only possibility worth investigating.

And to quote further, from a chapter farther on in the book:

Slowly as a poisoned snail, public concern over the physical environment crept forward during the first half of this century. In the Fifties anxiety began to quicken. In the Sixties the environment became one of the major topics of American discussion. In the last few months it has been almost impossible to look at a newspaper or a TV set or to talk to a stranger on a plane without encountering some example of dismay over what we are doing to the world around us.

Yet snails, along with all the other species—notably including man—that live on or near this once fair land, continue to be poisoned or choked or pushed around or otherwise imperiled. If, as seems quite likely, public anxiety mounts to ten times its present level, we will not necessarily succeed in correcting our present lethal course. Alarm about the environment, fully justified by the facts and long overdue, is a required precondition of reform. But alarm, by itself, puts out no fires.

It is not hard to imagine how disgust with our mishandling of the environment could become, as in some quarters it already has, just one more taunt against "the sick society," one more whip in the orgy of self-flagellation that has seduced so many professional observers of this pseudo-penitential time. Unless guilt over what we have been doing is accompanied by a stronger sense of what to do instead, U.S. morale may sink to the point where we will be unable to cope properly with the environment—or anything else.

THE DANCE MADNESS

The "black death" of the 14th century—bubonic or pulmonary plague—was apparently born of the fertility and filth of Asiatic populations, impoverished by

war and weakened by famine. It crossed Arabia into Egypt and the Black Sea into Russia and Byzantium. From Mediterranean ports of the Near East, the merchants and ships of Venice, Syracuse, Pisa, Genoa and Marseille—with the help of fleas and rats on these ships—brought it to Italy and France.

It found fertile ground. There had been a succession of famine years in Europe already, and the plague swept all over Europe from 1348 onward. From a third to one-half of Europe's population died—generally horribly, in shrieking agony; as a chronicler in Sienna, Italy, wrote in 1354: "And people said and believed, 'This is the end of the world.'" The total deaths were estimated at 25 million in Europe, and Chinese chronicles say 13 million died in that land. It came closer to wiping out mankind than any other evil, before or since.

There are certain distinctive parallels between the reaction of the people of that age to the Black Death, and the reaction in some quarters—some, by no means all—to the pollution problem today. The nameless, unspeakable fear of the Black Death caused one of the oldest examples of mass psychosis known to history, what is called by some historians the "Dance Madness." Great masses of people, fleeing from they knew not really what, except that it would kill, and fleeing to they knew not where, except feeling that anyplace would be better than where they were, literally danced their way across the roads of Europe. Totally, completely, senseless—chanting and shrieking oaths or prayers, as the mood moved them—great wriggling snakes of crowds of humanity—goaded by terror to near-madness—until they, too, were struck down.

Nothing can be handled properly if there are elements of hysteria connected with attempts to solve the problem. As far as pollution and the environment are concerned, it is sad to note, there has been a great deal of demagoguery, senseless name-calling, distorting of facts, oversimplification of the issue, fright tactics and a general collection of idiocies in some quarters that skate perilously close to the witless dancing of the Dark Ages when the plague struck.

Some of the antics involved in Earth Day earlier this year come to mind. Collecting trash, then dumping it on the steps of city hall; burying new cars; these things smack of some long-dead pagan ritual, planned to appease heathen gods. They are not only witless and thoughtless but detract from the real good others tried to do. On the other hand, during Earth Day, there was what the Indianapolis Star of April 24, 1970, called "down-to-earth things. There were young people picking up litter. There was the schoolmaster telling his boys that the problem is a serious and complicated one which will go on day after day, and which must be understood and met and conquered."

Precisely. Understand the problem; meet it; conquer it. But understand it, first.

ECOLOGY: NEW WORD, BUT OLD SCIENCE

The German biologist Ernest Haeckel coined the term itself about 100 years ago, from the Greek "oikos"—house. Ecology, according to an old definition, was "the economy of plants and animals." Today, the standard definition is the science of relation between organisms and their environment. As a science, it slumbered for almost a century. In 1937 literary critic Kenneth Burke did write:

> Among the sciences there is one little fellow named Ecology, and in time we shall pay him more attention.

As recently as 1962, the naturalist Marston Bates wrote:

> Ecology may well be the most important of the sciences from the viewpoint of long-term human survival, but it is among those least understood by the general public.

Until one or 2 years ago, only biology students had any conception at all about the term, or what it embraced. For our purposes, I believe biologist Barry Commoner has not only given it a "law" but also defined it:

> The first law of ecology is that everything is related to everything else.

For further elaboration on that, let us turn to one of the greatest naturalists of all time, Charles Darwin. His example was the first truly ecological classic, and quite probably will never be surpassed.

Darwin attempted in "The Origin of Species" to show "how plants and animals remote in the scale of nature are bound together by a web of complex relations." From his scrutiny of red clover and its relation to the bumblebees that pollinated it, he came up with the following from "The Origin of Species":

> The number of humble-bees (note: they were known as 'humble-bees' in Darwin's day) in any district depends in a great measure upon the number of field mice which destroy their combs and nests; and Col. Newman who has long attended to the habits of humble-bees, believes that 'more than two-thirds of them are thus destroyed all over England.' Now the number of mice is largely dependent, as everyone knows, on the number of cats; and Col. Newman says, 'Near villages and small towns I have found the nests of humble-bees more numerous than elsewhere, which I attribute to the number of cats that destroy the mice.' Hence it is quite credible that the presence of a feline animal in large numbers in a district might determine, through the intervention first of mice and then of bees, the frequency of certain flowers in that district!

This was carried a bit further, but not by Darwin. A German scientist noted that Darwin was correct, so it logically followed that cats were responsible for heavy crops of red clover in England. Since red clover was a staple food for British beef, and for horses of the British cavalry, and since beef was the prime item in the diet of the British Navy, if it were not for cats there would be no British Navy, no British cavalry, and Britain would not be dominant as a world power.

Thomas Huxley added even to this. Tongue in cheek, Huxley observed that the responsibility went even beyond cats—to English old maids. The old maids, you see, kept cats; they were most fond of cats of all the English and therefore it was one mammoth chain: old maids, cats, mice, bees, clover, horses, cattle, Navy, cavalry, world power.

A bit exaggerated, perhaps, but still quite illustrative of ecology's first law. Let us look at just one more chain of events by way of example, something closer to our own day.

Today's classic example is the Aswan Dam in Egypt. We all remember the Aswan Dam, of course. This great water-conserving project that would tame the Nile, and how castigated Secretary of State John Foster Dulles was when he withdrew American support for its construction. So, the Russians moved in and helped Nasser build it; a great victory for Egypt, was it not?

Indeed not. The dam controlled irrigation and deprived the Egyptian flood plains of the annual fertilization the Nile floods had given them for 5,000 years. The fertile silt now piles behind the dam, which will eventually have to be abandoned. And, artificial fertilizers now have to be imported into the Nile Valley.

Second. There is no longer any periodic flushing of the soil, such as the floods provided. This means the soil is being salinated, bit by bit. Methods for correcting this cost money and they have not yet been faced by Egypt.

Curious footnote to history: I have traveled in the great Mesopotamian Valley, in the area around Babylon, the city whose name is synonymous with dead civilizations. The soil is—and has been for years—heavily salinated to the point where it is worthless for anything.

Third. The eastern Mediterranean is deprived of flood-borne nutrients; the sardine catch in that area is down from 18,000 tons a year to 500 tons, a staggering 97-percent loss. No one has reimbursed the fishermen.

Fourth. There has been a great increase in the terribly debilitating disease known as schistosomiasis among the Egyptians. The disease organism depends on snails, which depend on a steady supply of water—the present constant irrigation furnishes this, but flooding did not.

So the first effect of the Aswan Dam has been to mean a larger population for Egypt, of whom a greater proportion than before are chronically ill.

This is, then, what it is all about. We need, now most of all, honest concern; we need panic not at all; and political demagoguery, for sure, will pollute the atmosphere far more than anything else.

And in a more mystic sense, Francis Thompson's famous lines:

> Thou canst not stir a flower without
> troubling of a star.
> All things by immortal power
> Near or far
> Hiddenly
> To each other linked are,
> That thou canst not a stir a flower
> Without troubling of a star.

THERE IS NOTHING NEW UNDER THE SUN

This is a cliche but certainly applies to ecological problems. The "good old days" may have been quite good in many respects but not as far as pollution was concerned. The first example ever recorded in human history of a pollution problem is strikingly modern in aspect: an established governmental authority faced with a problem it could not solve, so the task was contracted out to a private firm.

That to which I refer is so far back in human history it exists only in mythol-

ogy: The Sixth Labor of Hercules, when, by diverting the flow of the River Alpheus, the great hero in one day cleansed the incredibly filthy stables belonging to Augeas, King of Elis.

Bothered by traffic noise? So was Julius Caesar. He did manage an edict banning chariots from Roman streets during the nighttime but was almost overthrown by the Roman Senate when he tried to keep them out during daylight hours, as well.

Neighbors keeping animals too close to your back lot? An ordinance of the City of London, in effect during the 13th and 14th centuries, stated:

He who will nourish a pig, let him keep it in his own house.

Sewage problems? So far back that the exact date of its construction is unknown, Roman or possibly Etruscan engineers built the Cloaca Maxima, the Great Sewer, with massive stone arches so wide a wagon loaded with hay could pass under them. The city's refuse and rain water passed through openings in the street into the Cloaca Maxima and drains—all of which emptied into the Tiber. But, to quote one authority, "whole pollution was a lasting problem to Roman life."

Dirty water? Dagobert I, 7th Century King of France, decreed that anyone who "corrupted by filth" the waters of a fountain should pay a fine of six golden sols—256 grams of gold—and be forced to clean up the mess.

Tobacco smoke bother you? It bothered Charles I of England, too. While in captivity, during his trial, which led to his execution, he angrily upbraided the captain of the guard for smoking in his presence.

Coal smoke? An English King of the Middle Ages proclaimed a ban on burning coal while Parliament was in session, in London, and meant what he said. Some of his subjects did not take him seriously, and they were summarily hanged.

There were attempts to make things better. Leonardo da Vinci aimed, in his proposal for Ten New Towns, to: "distribute the masses of humanity, who live crowded together like herds of goats, filling their air with stench and spreading the seeds of plague and death."

The Black Death, mentioned earlier, was attributed to just about everything except the fleas and rats that caused it. However, there were, immediately after its scourge had passed, attempts to keep the towns clean. Royal ordinances were proclaimed in Paris in 1372 and again in 1395 against throwing garbage and human waste out of windows, to land in the streets. But an attempt by the King of Spain to introduce sewers and privies and to apply the same prohibition in Madrid, in 1769, almost caused a revolution.

Ecology, strictly speaking, is certainly not a new science as such. In halting, groping ways, all through recorded human history, man has had some feeble glimpses of what is going on around him, and of that great chain by which all things are bound together. He is paying more attention to it now than formerly; that is the main difference. And this is what we must keep in mind.

D-DAY FOR DOOM-SHOUTERS

Thomas Beddoes, an English poet of the 19th century, wrote:

Nature's polluted,
There's man in every secret corner of her
Doing damned wicked deeds. Thou art, old world
A hoary, atheistic, murdering star.

The point has been correctly made that the environment is a topic for glib and superficial treatment. Quite true; it is unfortunate but probably inevitable that social questions and problems almost always become politicized, in varying degrees. What is properly the concern of all has in many respects become the vehicle of some. Vehicle, in this sense, means their own private car careening madly across the landscape while they shriek from the windows something approaching Beddoes' gloomy verse. They happen to be quite wrong.

A visit to the offices of Environmental Action in Washington, D.C., the organization that supposedly coordinated Earth Day last spring was described in the New York Times as a place that "bustles with young people in Woodstock-approved costumes and is papered with posters such as 'earth—love it or leave it' and 'war is not healthy for children and other living things.' Someone has drawn Mickey Mouse ears on a photograph of David and Julie Eisenhower and stuck it on the reception room wall. A girl is telling a young visitor asking for posters and bumper stickers: 'No, we don't have any bumper stickers. You want to know why? They go on automobiles.' "

Environmental Action was last in the news when it selected a congressional "dirty dozen" accused of consistently voting against environmental and social legislation. Two long-standing environmental groups, Sierra Club and Friends of the Earth, promptly disassociated themselves from the "dirty dozen" listing and also suggested their own organizations were greatly embarrassed by the charge. A detailed analysis of the records of the 12 Congressmen singled out showed the voting records of each and every one had been distorted and twisted out of all perspective, on a trumped-up charge that had no merit at all.

Everyone wants to get in the act, often as not for some highly questionable motives, purposes and with equally questionable tactics. A series of bombings in New York City on November 11, 1969, in headquarters of three business giants, were, according to a note left at the scene, because "vast machines pollute our air, water, and food."

A writer for the far-out Maois Progressive Labor Party recently published a booklet called "Ecology and the Revolution." I quote:

The ecological movement . . . is potentially a form of opposition to the institutions of capitalism . . . ecological problems cannot be solved within the context of capitalism . . . Socialist revolution must be a goal of the ecological movement.

To this I can only observe that there was a socialist revolution in Russia in 1917. Today, Lake Baikal is close to becoming an industrial cesspool; "mass raids" on pollution in the Volga were announced last September; Soviet ecologist A. G. Kasymov wrote that "The growing problem of pollution of the Caspian Sea has recently aroused much concern in the Soviet Union for it seems to be leading to a catastrophe;" a Moscow housewife applauded a law to clean up the River Moscow because "every few days I have to wash out my teapot because of the sand that comes in with the tap water;" Moscow conservationist Vladimir Peskov wrote careless chemical pesticides used in southern Russia meant "Almost all the partridges are gone. Our woods, gardens and fields are becoming quieter and quieter;" and, in the northern Dvina River basin, 500 miles northwest of Leningrad, river beds are choked with debris from trees and paper industry discharges have robbed the water of vital oxygen. To top it all off, one top Soviet ecologist glumly admitted water pollution alone was costing the Soviet economy around $6 billion a year.

So much for the far-out fringe on the ecology bandwagon, as far as their logic is concerned. They would not for a moment shrink, however, from tossing a bomb at a factory chimney to get rid of the smoke. If this seems hard to believe, then consider this: A recent magazine much beloved by the radical fringe, young and old, led off with a sour editorial whose tenor can be determined from its comment on the students burying a new car as a symbol. The magazine said it was "an indication of dangerous political naivete that must be overcome. To buy the car in the first place was to pay the criminal and strengthen him.

And for a clincher, the last paragraph referred to the recent burning of a branch of the Bank of America, in Santa Barbara, Calif., by a youthful mob:

Burning a bank is not the same as putting the banks and their system out of business. To do that, millions of people in this country will first have to wake up to the real source of their misery. The action in Santa Barbara, a community which has seen its environment destroyed by corporate greed, might spark that awakening. If it does, the students who burned the Bank of America in Santa Barbara will have done more to save the environment than all the Survival Fairies and "Earth Day Teach-Ins" put together.

This was condensed to appear on the front page of the magazine as this chiller:

The students who burned the Bank of America in Santa Barbara may have done more toward saving the environment than all the teach-ins put together.

One final word about Environmental Action, Inc. This outfit claims to have inspired last spring's Earth Day; the New York Times gave them credit for it. However, one Member of the House, the gentleman from California (Mr. McCLOSKEY) and one Senator, the gentleman from Wisconsin (GAYLORD NELSON), both active in Earth Day, wrote concerning Environmental Action, Inc.:

This organization has no relationship whatsoever to the organization which sponsored Earth Day last Spring, and for which Senator GAYLORD NELSON and I were co-chairmen. The Earth Day effort was operated by a nonprofit corporation, Environmental Teach-In, Inc., specifically formed for the Earth Day activities and subsequently inactivated.

Earth Day itself had its share of doom-shouting from the irresponsible fringe, but Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, former chancellor of the University of California at Berkeley and Nobel laureate, put the zealots in their place. He specifically took aim at "the philosophy that all additional growth in our newly recognized limited environment is essentially destructive—suicidal—and that the release of any additional energy in support of that growth can only hasten the demise of man and the biosphere . . . Instead of looking forward to a trillion-dollar GNP, there are those who see it only as a forecast of ecological disaster. Not only do they demand that the Nation reverse its economic trends and establish a zero population growth rate, but a zero economic growth rate as well. What is most disturbing to me is that this trend of thinking is filled with enough logic and truth to suggest that many of the nightmares projected by today's doom-sayers could come true—if we were to continue unresponsively and irresponsibily on our current course."

Dr. Seaborg also noted that a best-selling item for Earth Day, The Environmental Handbook, said in its section on energy that since "all power pollutes the environmental movement should aim at reducing total energy use in the country by 25 percent."

Dr. Seaborg:

What such talk ignores is that energy is the source of all life and that man's use of energy throughout the ages has done far more to advance the human race, to uplift man in body and spirit, than it has to harm either man or his environment.

In May 1970, a group of theologians met in California to assert, incredible as it may sound, according to the New York Times of May 1, 1970:

Christianity had played its part in provoking the current environmental crisis and that any solution to it would require major modification of current social and religious values. Among the values to come under attack were the right of couples to have large families, the need for a constantly expanding economy and the sacredness of human life over against the rest of nature.

Virtually all of the scholars agreed that the traditional Christian attitude toward nature had given sanction to exploitation of the environment by science and technology and thus contributed to air and water pollution, overpopulation and other ecological threats.

Basic to this assertion is the commandment in Genesis 1:28 for man to be 'fruitful and multiply, and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth'.

To this I can only respond that they stopped too soon in the Bible. Psalm XXIV, 1 reads:

The earth is the Lord's, and the fullness thereof; the world, and they that dwell therein.

Stewardship and care over that which God has granted dominion to man is intrinsic and basic in the writings of every single major world religion. It serves theology and ecology both very badly indeed to come up with such tortured nonsense and only makes matters more confused.

And, for the last word on those who screech and run in circles, the following remark by Prof. Norman F. Ramsey of Harvard:

College students, while throwing empty beer cans along the side of the road from their maladjusted and fume-producing automobiles, indignantly blame the military-industrial complex for its indifference to human environment because the establishment pollutes the atmosphere with its factories and power plants and permits the manufacture of automobiles with internal combustion engines.

"MY OWN, MY NATIVE LAND"

A citizen of the American Republic, today, quite properly concerned with garbage-strewn fields and highways, gaseous air hardly fit to breathe, and rivers too thin to plow but too thick to swim in, due to pollution, might well ask "How did it get that way?"

When the country was first settled everything looked inexhaustible. Sir Walter Raleigh's representatives wrote back to him that everything on the continent was "even in the middest of summer in incredible abundance." By 1800 we had 4 million people; less than one century later, there were 60 million. We moved across our land, and, as Walt Whitman sang:

"We primeval forest felling,
We the rivers stemming, vexing we, and piercing deep the mines within;
We the surface broad surveying, we the virgin soil upheaving. Pioneers! O Pioneers?"

In the history of almost every country and culture there has been pride in one's land, and its natural beauties and glories. It is no accident, for example, that the loveliest, most lilting American sea chantey of them all was the hauntingly beautiful "O Shanadore!" Its strains soared about the royals and top-gallants of Yankee clipper ships in ports all over the world as American seamen sang nostalgically of the Shenandoah River, which to them was symbolic of the beauty of their homeland.

But then, swiftly, the balance of nature was altered. The prairie dweller literally did not miss the buffalo until they were gone. "Virgin soil" was virgin no longer; it blew away in great whirling clouds of dust. Rain and melting snow poured unchecked floods over land unable to hold water, as the topsoil was no longer there.

To be sure, there had been blots on the landscape. John Oglethorpe's original 18th century Georgia colony was almost wiped out by epidemics caused, according to the colony's doctor, by foul streams that were polluted with the carcasses of dead animals and plants.

American manners have not always been of the best. I am sure it was duplicated in other American cities as well but the following, from Mrs. Frances Trollope's "Domestic Manners of the Americans," written after a visit to the United States beginning in 1827 and lasted 3 years and 9 months, is worthy of mention here. Mark Twain defended the sharp-eyed and sharp-tongued Englishwoman in his "Life On the Mississippi"; after reading the following passage it is clear why she was not exactly popular in the United States when her book came out in 1832:

We were soon settled in our new dwelling, which looked neat and comfortable enough, but we speedily found that it was devoid of nearly all the accomodation that Europeans conceive necessary to decency and comfort. No pump, no cistern, no drain of any kind, no dustman's cart, or any other visible means of getting rid of the rubbish, which vanishes with such celerity in London, that one has no time to think of its existence; but which accumulated so rapidly at Cincinnati, that I sent for my landlord to know in what manner refuse of all kinds was to be disposed of.

"Your help will just have to fix them all into the middle of the street, but you must mind, old woman, that it is the middle. I expect you don't know as we have got a law what forbids throwing such things at the sides of the streets; they must just all be cast right into the middle and the pigs soon takes them off."

In truth the pigs are constantly seen doing Herculean service in this way through every quarter of the city; and though it is not very agreeable to live surrounded by herds of these unsavoury animals, it is well they are so numerous, and so active in their capacity of scavengers, for without them the streets would soon be choked up with all sorts of substances in every stage of decomposition.

Walden Pond, immortalized by Thoreau, was not immune. A biting, satirical account of a modern-day visit to the spot noted that as one approached the pond:

From beneath the flattened popcorn wrapper . . . peeped the frail violet. The pond lay clear and blue in the morning light . . . In the shallows a man's water-logged shirt undulated gently.

But even with all of this, we are still fortunate. We Americans are blessed beyond all other people on earth. We still retain much. Daniel Boone and his party saw the "ample plains, the beauteous tracts below" before them as they stood on a mountain ridge in Kentucky; these are still there. The Ohio River still pulses majestically on in what one early writer called "silent dignity."

But not all of the changes made by man in the New World were bad. When Lewis and Clark went up the Missouri, there were no trout; it was too muddy. When Coronado gave the Colorado River its name, it had no game fish; it was too full of red silt. The situation was unchanged until development and reclamation projects of the first few decades of the 20th century.

It has been half a thousand years since the first mail-clad Spanish Don came to Florida, but deep in the mangrove keys life goes on even as it did centuries before the Spaniards. In the words of one naturalist:

A million years have done little to change the aspect of a hidden pool inside the mangrove. If you don't believe it, crawl with crocodile and terrapin through the slime and watch the lowly gastropod leave his smooth track beside yours. . . . Best of all, stay out there at night. You will listen to the silence of centuries and you will hear, as I have, the noiseless murmur of the Pleistocene.

It is these things that lie within the soul of a nation and its people, and give its life the quality without which no culture nor nation can survive. Nor would it care to survive, I think, if these were gone. It is these things that make us aware of what we had, what we have lost, and of the necessity to regain, and re-

store, and help a basically benevolent Mother Nature to fight back.

"BUT NATURE CANNOT MISS"

That all depends on what Nature is aiming at. I just mentioned a "basically benevolent Mother Nature" and this is true. She can also be quite mean, and unpredictable. It is well to consider how she reacts to what man does, and, equally important, to consider what she can do all on her own. Just getting along with Nature is not enough in ecology. We may not be able to control all of her forces—a truly Herculean job, as will be shown—but we might possibly be able to predict them.

The Peruvian earthquake of May 31, 1970, took about 50,000 lives and should serve as a grim reminder that our existence on the crust of the earth is precarious indeed. There are forces in Nature, constantly at work, that make ours incredibly puny in comparison. The town of Yungay, Peru, was totally wiped out with its 15,000 people by nothing less than a glacier run wild.

About 9 miles away, and 10,000 feet high, loomed Mount Huascaran, in the Huaylas Valley of the Andes. The earthquake shook loose 1 million cubic yards of ice from a 2,600-foot cliff. This crashed onto a glacier and released a wall of mud—30 million cubic yards of water and ice, and 65 million cubic yards of earth—roaring down the Rio Santa Valley.

At 250 miles per hour this conglomeration covered 9 miles in 2½ minutes. It crested a ridge and bore down on the city, covering it to an average depth of 10 feet. About 100 people escaped; only the branches of four palm trees remained visible.

This was a local event, restricted to Peru. Krakatoa, the volcano in the Sunda Strait between Sumatra and Java that quite literally blew its top on August 27, 1883, also, quite literally, shook the entire world.

Thirty-six thousand people died. Atmospheric waves created ocean waves that broke mooring chains on ships in Chilean ports—halfway around the globe. It would have taken 150 1-megaton bombs to create an equivalent pressure pulse.

Window panes shattered and walls cracked 100 miles away. The sound of the explosion was heard in Australia—2,200 miles southeast—and in the Indian Ocean—3,000 miles west. One cubic mile of sea water plus an estimated 10 cubic miles of volcanic ash and other material were hurled into the atmosphere. Volcanic ash darkened the sky for a radius of 275 miles and 3 days later, ash was still pouring down like heavy snow on the decks of ships 1,600 miles distant. Deep channels were choked with it and made impassable; parts of it fell in Japan, Africa, and Europe.

Sun glows of weird colors appeared in the sky for over 3 years afterward, as sunlight reflected from the ash. At one point, fire alarms were sounded in Poughkeepsie, N.Y. and New Haven, Conn.; the glow looked like a nearby forest fire. Ash particles in the atmosphere, blocking solar heat, lowered world temperatures noticeably for about 5 years following and some meteorologists believe the terrible blizzard of '88 was Krakatoa's last kick at the earth.

Most astounding of all: total energy of the eruption is calculated at 200 million million—that is right, 2 billion—kilowatt hours. This is nearly 70 times the total of all electric energy generated in the entire world for 1966.

After Krakatoa blew, nothing survived on the island—what was left of it. Not a plant, animal, seed or spore. When the dust had cleared and the lava cooled, the rock was as barren and sterile as when it was first formed aeons ago. This was for science an unparalleled chance to see just what would happen. How long before Krakatoa had life again, and in what forms would it be?

"Recolonization" took place by sea and air, with most of the "colonists" arriving from Java and Sumatra, 25 miles away. Nine months after the blast, a spider was busily spinning his web, airborne from his home on another island. Airborne algae spread blue-green growth; this formed a base for microscopic spores of mosses and ferns; lightweight seeds—all airborne—germinated on this. Seaborne seeds floated ashore and took root. By 1896, wild sugarcane seeds had been dropped by the wind and even delicate orchids appeared. Coconuts soon followed.

Scavenging birds and insects were early visitors. Birds brought seeds of figs in their digestive tracts. Other seeds and minute animals arrived on birds' feathers and feet. Some strong swimmers such as the python and monitor emigrated on their own; others, such as geckos and skinks, came there either alive or as eggs on floating debris.

Within 50 years, Krakatoa had a thick young forest and over 1,200 species of animals.

Take the delicately balanced scales of nature, in which are weighed the elements of the earth upon which our very existence depends. Put in one scale the earth's load of ice, 6 million cubic miles, covering 10 percent of the surface of the globe. Put in the other scale the earth's atmosphere, 5.1×10^{15} tons of dry air, composed of nitrogen, oxygen, argon and carbon dioxide, plus water vapor and nongaseous matter such as domestic and industrial smoke, natural dust picked up from the earth by wind, salt spray from the Seven Seas, and, within recent years, fission products of atomic tests and nuclear reactors.

I said "delicately balanced scales of nature." Yes, far beyond the point where an imbalance would require, as one person has suggested, gas masks on carburetors of automobiles, over the air intakes. Nature is not always too helpful, here, and has some tricks of her own with the atmosphere. Inversion layer is probably the most common, and has, for the longest period of time, been the most troublesome.

Before the white men came to southern California, the Indians of the region noted smoke from their campfires hung in the air and did not disperse. Los Angeles, on a coastal plain and bordered on three sides by mountains, is in a box, where sea breezes, westerly winds and the mountains—forming an inversion layer—trap smoke and everything else that rises from the ground. Los Angeles' smog problem is a subject for bad jokes and also great concern. In early December 1930, in the Meuse Valley, in Belgium, smoke from the industrial city of Liege concentrated so heavily—inversion layers again—that hundreds had acute respiratory attacks and 63 died. Twenty died and hundreds were sickened by the same thing at Donora, Pa., in October 1948; Donora is in the deep and narrow Monongahela River Valley, near Pittsburgh.

What does this have to do with the polar ice cap? Quite a lot; truly catastrophic and geologically revolutionary changes can come from an imbalance between these two elements and the scope is much wider than regional inversion layers. Now, to repeat, I am not in the "fright merchant" business, but the stench created when your neighbor burns rubber tires has implications far beyond the smell that drifts into your yard. The atmosphere is a giant insulator: by day, from the heat and lethal rays of the sun; by night, preventing earth's heat from escaping into outer space. Meddle with the qualities of an insulator and its insulating properties change drastically.

This has happened in the past. Geologists know there have been catastrophes on truly immense and grand scales. And the probable cause was changes of sea level, relative to the surface of the continents. This, in turn, is directly attributable to a change in the temperature of the earth; a drop in the annual average temperature of only 3½° centigrade—about 38° F.—would bring on a new Ice Age. And a rise of the same amount would melt Antarctica and Greenland down to bare rock in a time period estimated to be a few centuries, by some, and a few decades, by others.

The end of the major geologic periods—Cambrian, Ordovician, Devonian, Permian, Triassic and Cretaceous, in particular—saw these mammoth changes on earth. The Cambrian seas, for instance, swarmed with trilobites, primitive creatures related to the shrimp, lobster and crab. There were about 60 families of trilobites, but at the end of the Cambrian, two-thirds of them disappeared. The greatest mass extinction of all came at the end of the Permian, when nearly half of all the known animal families in the world were wiped out. The end of the Cretaceous saw dinosaurs, marine reptiles, flying reptiles and many forms of land and sea life go without leaving a trace. Why? Probably change in temperature due to, yes, air pollution.

True, there were no factory chimneys nor autos; not much for smoke except volcanoes and forest fires. Volcanoes? Few things discharge so much carbon dioxide into the air. A young earth, heaving, buckling, trembling—volcanic activity almost constant—carbon dioxide content of the air increases. It does not take much. Present content is 0.03 percent of the air; doubling this to 0.06 percent would raise the temperature the required amount to melt the ice caps, as escape of heat from the earth at night is blocked. Again, if carbon dioxide content dropped to half of what it is today,

glaciers would level the towers of Manhattan.

So what does this have to do with burning rubber tires? Simply to point out that while nature holds the scales, nature also sometimes tips the balance. The extinction of prehistoric life, mentioned above, quite probably came about from this imbalance of nature herself. Even here there is still a balance to be struck. The same thundering volcanoes pouring carbon dioxide into the air exposed new, unweathered rock, which absorbs the same gas. So, gradually, the balance was restored and the temperature fell again as this prehistoric "pollution" was taken from the skies.

The Washington Star for April 28, 1970, noted the Smithsonian Institution on that day reported a 16-percent reduction in direct sunlight from that measured no more than two generations ago. Where was it measured? Right on the Mall, within 1 mile of the U.S. Capitol. Why? Air pollution, 20th century style. What will it add up to?

So we go back to the other factor in the Scales of Nature: the ice caps, and the "greenhouse effect" as heavier concentrations of carbon dioxide hold heat and modify the temperature.

During the first half of the 20th century average temperature for the earth has risen about 0.55° C. It has been calculated that an increase of 3½° C. would melt the Antarctic and the Greenland ice cap down to bare rock. The International Geophysical Year—July 1, 1957, to December 31, 1958—did show, among other things, that glaciers are receding. One of these in the Himalayas had receded 700 feet between 1935 and 1959; others as much as 1,000 or 2,000 feet. Fish adapted to cold waters were migrating northwards; warm-climate trees were found sprouting farther north than ever before. In Scandinavia, arrowheads over 1,000 years old have been found where for centuries the land was under snow and ice—for the snow and ice are melting. The North Polar ice cap is thinning and shrinking.

Some estimate the critical increase in temperature—3½° C.—will come about in 40 years, as 6 billion tons a year of carbon dioxide enter the atmosphere. Already, violent storms at high tide do not miss by much flooding the New York subway system. Total melting of the ice caps would mean a rise in sea level of between 200 and 400 feet—more than enough to drown most of the world's major cities, which after all are located on sea coasts.

Another flood? Not necessarily; there is another thesis that this increased carbon dioxide content in the air will reduce the amount of sunlight reaching the earth. Then, of course, we head back down the scale—that drop of 3½° C. that means return of the glaciers.

There is yet another intriguing idea. Intriguing, yes, even though if it happened it would be probably more catastrophic than a nuclear war, and intriguing as anything about the earth around us is intriguing. It is this: the warming trend, melting the polar ice caps, will deprive Earth of these two mammoth counterweights that keep it in its present position. Enough ice melted from the Antarctic, for example, and the loss of weight at the end of the globe would cause it to tilt.

I cite these things as examples of how very small changes can produce thunderingly major upheavals in the pattern of existence. And, for another reason, too: in the process of cleaning up and preserving our planet, it does not hurt any of us, one bit, to look a little deeper into its natural history. The more you know about something, the more you take care of it, and cherish it.

One final reminder of how truly puny man is in the face of nature: the next time you are out in a shower that is later estimated at about one-tenth of an inch—little more than a sprinkle, really—remember this: that "sprinkle" falling over an area 100 miles square represents an energy release on Nature's part of 36 times the annual U.S. electric output for 1 year.

THE DARKER SIDE OF THE COIN

There are a lot of pretty grim facts about the situation that are distressingly true, and they will not go away by themselves.

About 190 million tons of refuse are collected each year in the United States. But count uncollected trash, such as mine tailings, or agricultural debris, and the total is 3.5 billion tons. The rate is increasing; it is expected to go to 5.25 billion tons annually by 1980 and to 12.3 billion tons by 2000.

Where is it all from? From each person, each year, according to estimates: 188 pounds of paper, 250 metal cans, 135 bottles and jars, 338 caps and crowns, and $2.30 worth of miscellaneous packaging. Add to this a total of 7 million autos, 110 million tons of industrial waste, 550 million tons of agricultural residue, 1.5 billion tons of animal manure, 1.1 billion tons of mineral waste and mounds of building and demolition rubble for which there are no estimates.

In New York State it costs 30 cents to pick up a bottle that cost 4 cents to make. Disposing of the Sunday New York Times costs more than it cost the company to print it. New York pays more to handle a ton of trash—$30—than it does to mine and ship in a ton of Kentucky coal—$23.

About 200 million tons of contaminants go into the atmosphere every year. They range from black soot of industrial smokestacks to colorless, odorless—but potentially lethal—carbon monoxide produced by cars.

Every second, day and night, 2 million gallons of sewage and other fluid wastes gush into our waterways. Noise—from all sources—is estimated to cost the country $4 billion a year in accidents, absenteeism, inefficiency and compensation payments. Total loss due to health cost of environment misuse is estimated at $35 billion annually in the U.S. alone.

The sea is affected; it is too early to say "threatened." The wreck of the *Torrey Canyon*, the tanker, spilled oil over the beaches of England and France. Thor Heyerdahl, in his latest reed-raft trip across the Atlantic, noticed floating, oily patches of trash and garbage hundreds of miles out to sea, probably dumped from ships. And, lately, there have been mysterious phantom oil slicks sighted in the Atlantic where no ships have sunk or have passed; that have not sunk recently, that is. These slicks are believed to be from holds of tankers sunk during World War II. The life of these tanks is approximately 25 years; just about that much time has passed. No one knows how many million gallons of oil lie beneath the waves, nor what will happen when it is released.

In 70 years of life the average American uses up 26 million gallons of water; 21,000 gallons of gasoline; 10,000 pounds of meat, 28,000 pounds of milk and cream, as well as $8,000 worth of school buildings, $6,000 worth of clothing, and $7,000 in furniture. Our 83 million cars cause 60 percent of the cities' air pollution—pollution that can no longer be escaped by moving to the suburbs.

Athens, Greece will have to be abandoned within 10 years unless radical measures are taken at once to combat air pollution. Already, the ideal climate of Athens with its clear bright sky is a thing of the past, and within a very few years the famed Acropolis will be invisible from the rest of the city.

Sulfur dioxide decomposition, caused when the chemical is discharged from autos, planes and industry and combines with water to form an acid, is endangering the Lincoln Memorial to the point where it could become "a giant Alka-Seltzer tablet," in the words of one expert. This has also hit the Capitol itself.

The four great bronze horses above the entrance to St. Mark's Basilica, in Venice, have been badly damaged by chemical smoke from nearby industrial plants, combined with salt sea air.

Air pollution and vibration from supersonic planes have corroded the stonework of Strasbourg Cathedral in France.

Now, this can appear pretty grim. And it is; but let us make sure we know what it is not.

It is not the product, alone of a modern, highly industrialized society. As sketched out earlier, the problem has been around for a long time. And, at any rate, a visitor to India who see swarms of sacred cows roaming the streets—unmolested—will think bales of newspapers look pretty good after all. Junked cars abandoned along streets are certainly eyesores. But, when Theodore Roosevelt was police commissioner of New York City, he noted one summer when the heat was so intense horses were dying in the streets and there were not enough facilities to remove the carcasses immediately. As I say, cars look bad; but I will take a car to a 3-day-dead horse in July heat any time.

Charges that the Federal Government is not involved are totally misleading. The Federal Government is in it—up to the eybrows. Thirteen congressional committees—some of which are quarreling with others and hauling and tugging over who should do what—90 separate Federal governmental programs; 26 quasi-governmental bodies; 14 interagency committees. The first 15 months of President Nixon's administration saw submission of 23 major legislative proposals to Capitol Hill, and, by Executive order, 14 new measures dealing with the environment. Of course, this is not enough for the doom-shouters; the President's proposed $3 billion was de-

nounced as "hilarious" and a demand made for $100 billion. This gets us into the "anything-you-can-spend-I-can-spend-more" game. So let us stay out of it.

Now, let us look at some main worries. First, water: there are about 2½ billion gallons of fresh water available in the world, per person, today. Water is not consumed; it is used; we are a long way from running out of water.

Oxygen: The Department of Commerce has just completed a 3-year study of oxygen content of the atmosphere. Results were compared against tests made in 1910. Despite the heavy burning of coal and oil, there has been no discernible change. Air at sea level contains 20.946 percent of oxygen by volume. Measurements since 1910 range between 20.945 to 20.952. Projecting the results, all recoverable fossil fuels could still be burned and concentration of atmospheric oxygen would still be around 20.8 percent by volume.

Trash disposal: true, the figures I have cited are large. However, all the household trash in the United States for 1 year could be buried in a pit 1 mile square and 500 feet deep. This is by no means out of reach, not with modern earth-moving techniques. For that matter, some very sizable pits are already available, in areas where strip mining once was carried on.

Man is automatically earth's major polluter: very wrong, indeed. The following article from the Washington Daily News of June 30, 1970, sets this charge straight:

NATURAL POLLUTION

William T. Pecora, the professorial-looking chief of the U.S. Geological Survey, warns that Americans are swallowing an environmental myth if they believe that man is earth's major polluter.

"Environmental degradation is a natural process on earth that has gone on for billions of years," he recently told an interviewer.

"There is good reason to believe it will continue for billions of years more," he adds, challenging some of his scientist colleagues who believe that earth's dooms day is just around the corner.

"We frequently hear that Lake Erie is dead," he said. "This is pure rubbish."

The lake is the shallowest of the Great Lakes which was created some 10,000 to 20,000 years ago and, barring another ice age, has several thousands of years yet to go before senility.

"The western part of the lake is an extremely shallow shelf and receives a large amount of natural organic material carried from the surrounding area," he said. "It is in this shallow shelf where the algae growth flourishes."

Recent study shows that Lake Erie produces about 50 percent of the fish catch of the entire Great Lakes system, a mark that it is not a dead lake, he says.

"The oxygen supply, unfortunately diminishes as algae growth increases as this portion of the lake becomes more shallow and organic material is swept into the water.

"Every lake or pond faces a similar life history," he said. "This is the natural law."

Mr. Pecora also shrugs off statements by some environmentalists who say the nation's rivers are dirty because of the works of man.

"Rivers are the natural transport system for sediment and organic matter washed downhill by the rains that fall upon the land," he said.

Mr. Pecora says his bureau does not have enough data on the Ohio River, but a survey of the Mississippi River shows that it carries a load of more than two million tons of sediment each day, the equivalent to a daily load of 40,000 freight cars.

The Paria River in Arizona is probably the dirtiest river in the world, he said. It carried 500 times as much sediment as the Mississippi River for each unit volume of water.

Chemicals washed from the land also are transported by streams in phenomenal amounts.

The Brazos River in Texas carries 25,000 tons of dissolved salt each day. Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth, Mr. Pecora noted.

"With the intellectual development now achieved by man, it is inexcusable that we should fail to predict responses of nature," Mr. Pecora warns. "Better housekeeping of the earth must be practiced as man continues to take from the earth the things he needs and uses."

And the following from the Washington Post, September 24, 1970:

EXPERT DECRIES EMOTION OVER WATER POLLUTION

Pollution fighters are continually stressing how dirty America's rivers and streams are. Dr. Abel Wolman thinks it's time to stress how clean they are—from the standpoint of public health.

Dr. Wolman is an international authority on water resource management and a consultant for the Washington Suburban Sanitary Commission. He thinks the campaign for cleaner water is invested with too much emotion and not enough fact.

At a recent symposium in Washington, Wolman said, "Despite the fact the evidence is slim that the vast array of chemicals now reaching raw water sources is a menace to health, people have been unable to resist the temptation to alarm the public. More research is warranted, but there is absolutely no threat of impending disaster."

He also said, "Those who seek to recapture water of pristine purity are unrealistic, particularly when they hope to accomplish it by passing laws. Rivers aren't dirty because of man. They were dirty long before man arrived on the scene."

Wolman, who is preparing a master plan for sewage treatment for the WSSC, said the Mississippi River carries more than 2 million tons of sediment a day to the Gulf of Mexico, the equivalent of a load for 40,000 boxcars. And the Mississippi, he added, "is by no means the dirtiest river."

"In all the excitement about manmade pollution," he continued, "the fact that fewer people are dying in the United States from water-borne diseases than ever before is frequently overlooked. Half a century ago, our life expectancy was 40 years. Today, it is approximately 70 years. In the U.S., with 23,000 water systems serving 170 million people, water-borne and water-associated diseases are at a low ebb and have been near the vanishing point for some years."

Wolman said recent efforts to find out if there are more subtle and long-deferred illnesses in this country that originate with water have not been too productive.

By contrast, he compared water quality in the United States with that of the undeveloped countries of the world. "Some 10 million people, half of them infants, die annually because of contaminated water. In many countries, the feeding of the intestinal parasites in man requires nearly half of each day's food supply. Contaminated water is one of the routes of too many of man's parasitic invaders."

In a telephone interview, Wolman said "we have a problem of pollution in this country, and we should and must do things to correct it."

The problem must be attacked, he stressed, by first gathering evidence, not raising an emotional outcry. He said there has been a "mercury uprising," with no evidence that residues of the metal in rivers or lakes are a serious health hazard.

The President's Council on Environmental Quality, in its first report to Congress, last August, said "mercury pollution has become a serious national problem."

The 79-year-old Wolman, a professor emeritus in sanitary engineering at Johns Hopkins University, said he is glad that people are beginning to get concerned about sewage-disposal problems. "I've been working in this area for 50 years. I'm glad the public has caught up with me."

The SST, flying high in the stratosphere, will dump pollutants in that region that will affect earth's climate. A sensational charge; it does not quite stand up to the facts.

First. It would take 400 SST's in the stratosphere for an entire year to put as much material there as is thrown out—and up—by just one major volcanic eruption.

Second. Navy balloon flights into the stratosphere have shown that humidity in that extremely dry region has risen 50 percent in the last 6 years. Now, there has been virtually no traffic there; what caused the humidity to rise? This is something the SST was supposed to do. However, we have discovered a large natural fluctuation in stratospheric moisture, caused by Nature, that has not harmed Earth's climate a bit.

All pesticides are bad; they must be banned. Should they? Poor countries do not think so. In fact, a delegate from an African nation snapped angrily at the U.N. to a member of the U.S. Mission:

If pollution is a by-product of industrialization and advancement of the standard of living, then Africa can certainly stand some pollution!

Spokesmen for less-developed nations are fearful that if DDT production stops, they will be left without essential chemicals to protect their crops against insects, and killer diseases carried by insects. In India, 15 to 30 percent of the crop total is eaten by insects each year; if that happened in this country it would be a disaster unparalleled. India is stepping up use of DDT from only 10 percent of the cropland to be covered, to 20 percent. This will mean, for India, an extra 1.4 million tons of rice, 100,000 tons of peanuts, 65,000 tons of sorghum, 250,000 tons of sugar, 46,000 tons of corn, and 200,000 tons of potatoes every year.

There has to be, in all the hue and cry over the environment, a sense of balance. We are in danger of losing our heads and being stampeded. Some of these fright tales should not have the validity of scaring little children to bed, let alone pushing public and private officials into paroxysms of terror and causing needless concern to our citizens.

An editorial in the Indianapolis Star from which I quoted earlier summed it up pretty well:

MIRTH DAY

Some of the antics of Earth Day, if kept up, could set America's fight against pollution back to primitive times.

Marching, fighting and shouting will not clear the water, land or air.

There was a belching forth of silliness, pomposity and vanity from coast to coast. Every show-off had his hour. Demagogues mixed pollution with every problem known and demanded, between name-calling and appeals for mass contrition, that all be solved at once.

But there were also down-to-earth things. There were young people picking up litter. There was the schoolmaster telling his boys that the problem is a serious and complicated one which will go on day after day, and which must be understood and met and conquered.

Silliness about pollution could get to be habit. It could become what has been called the "cause du jour," the crisis of the day, to be waved about, gibbered about, screamed about and shoved into everyone's face until the public recoils with nausea, half-convinced that with such opposition there must even be something good about pollution.

Or it could become the sane, calm, realistic concern of the young people picking up trash, and which the schoolmaster advised for his boys.

We pray it follows the second course—the down-to-earth course—for that is the only way anything useful ever is, or can be, done about pollution.

And, in conclusion, let us all reflect on what Blaise Pascal, the great French philosopher/scientist wrote in 1670:

Man is but a reed, the most feeble thing in nature, but he is a thinking reed. The entire universe need not arm itself to crush him. A vapor, a drop of water suffices to kill him . . . All our dignity, then, consists of thought. By it we must elevate ourselves, and not by space and time which we cannot fill. Let us endeavor them to think well: this is the principle of morality. By space the universe encompasses and swallows me up like an atom; by thought I comprehend the world.

HORTON SALUTES EDITOR DESMOND STONE FOR INDEPENDENCE DAY EDITORIAL ON INTERDEPENDENCE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, on Independence Day 1970 there were, no doubt, thousands of words spoken and written in observance of our Nation's biggest and most important national holiday. Songs were sung, prayers were uttered, sermons were preached and speeches made, all extolling the great and wonderful merits of the United States. In most all cases, too, some of America's shortcomings were enumerated and recommendations for corrections were made.

This is good and as it should be. There is merit in every suggestion that could make this an even greater nation.

Of all the things I read and heard this year, commemorating July Fourth, one statement especially stands out in my opinion. It was terse but ever so powerful in its sincerity and intent.

I would like to share with my fellow members of Congress that statement. It was in the form of an editorial appearing on page one of the Rochester Democrat and Chronicle. It was appropriately bordered in red, white and blue and stood out not only in appearance but in impact.

Authored by Desmond Stone, editor of the editorial page of the newspaper it was entitled "Pledge of Allegiance Among All Americans." I recommend it as serious food for thought for every American. I commend Desmond Stone for once again giving all of his readers an outstanding example of inspired editorializing:

PLEDGE OF ALLEGIANCE AMONG ALL AMERICANS

Just as America needs a Bill of Responsibilities to set alongside the Bill of Rights, so today, on this Fourth of July, 1970, we need a Declaration of Interdependence to go along with our famous Declaration of Independence.

For we have, so many of us, lived so long in the same room with freedom that we treat it like another piece of furniture. Some of us are even reluctant to give it house room. We have become that insensitive to its meaning.

We should not be shame-faced about our patriotism. It is right to stand up and salute the flag. It is good to say the pledge and feel the spine tingle. It is far better to have national pride flowing in our veins than dull hatred. It is important to have that love of country which sees our imperfections but which seeks to take out the knots in the system rather than to unravel it all.

But we do not see the dream as clearly today as we should. We have forgotten how to break bread together. We take when we should give. We love ourselves too much and our community too little. We confuse liberty with license. We ask the doubters in and leave the disciples standing on the stoop. We do more demanding than dedicating.

Somehow, we have not understood that much of the independence we extol has become interdependence. As fathers and sons, as neighbors on the street and as citizens of the same community, we need each other more than we appear willing to recognize.

But it is as members of the family of man that a sense of interdependence can benefit us most. For the truth of the matter is that this tired old globe of ours has become too populated, too polluted, too shrunken and too stocked with the weapons of destruction to permit any nation to do business as usual.

When Rochester's Mrs. James H. Hamm was honored with the 1970 Ira Sapozink Memorial Award, she said of our race relations: "If we live apart, we may not be enemies, but we can never be friends."

The late Adlai E. Stevenson warned us in 1963 that we cannot continue to live on the earth as strangers. "I want to put it to you," he said, "that today for a man to love his country truly, he must also know how to love mankind."

The "Glorious Fourth" is still a time for pony rides and bands, for barbecued chicken and fireworks, for celebration and thanksgiving. We have more to be proud of than we know, and more guarantees of freedom than any other nation.

But as well as our independence, it's our interdependence that we need to proclaim. When we ring out the bells, we need to ring them out loudly enough so that people everywhere will hear them peal, abroad and at home.

DESMOND STONE,
Editor, Editorial Page.

WWDC COMMUNITY ACTION PROGRAM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, recent legislative activities have all indicated the tremendous concern displayed by Members of Congress regarding the serious drug abuse problems being faced in our schools and throughout our entire society. Many times we have all heard the question, "What can I do?"

Washington radio station WWDC has provided an answer for those concerned individuals who choose to be a part of the drug solution, instead of being a part of the problem.

For the past several weeks, Newsman Peter Gamble has been presenting a documentary on the drug problem called, appropriately enough. "In Your Own Backyard." But his and WWDC's interest did not stop with the presentation of this outstanding series. Actually, the documentary was used primarily to call attention to the problem and create an awareness on the part of Washington area citizens of the seriousness of the drug problem and to encourage area residents to take part in finding the vitally needed solutions to the problem.

WWDC's answer to the menace of illicit drugs is what they have called a community action program package, which is a workable, practical handbook for use by any person who wants to assist in drug abuse programs, from those who wish to open their houses to addicts, or potential addicts, to those people who wish to assist in the rehabilitation of a user.

Mr. Speaker, this is truly an outstanding public service, since the funds were provided by the station and, for a change, Federal funds were not sought to get the program off the ground.

I wish to take this opportunity to congratulate WWDC and AVCO Broadcasting Corp. for recognizing a need and taking the leadership in providing a response to that need. I strongly urge my colleagues to read the following information about this dynamic and viable program, with the thought in mind of what this type of volunteer effort could do to assist communities in the Members' congressional district.

Following is some background information and details on how the community action program package operates, which is only a small part of the some 70 pages in the total package:

INTRODUCTION

CAPP—The Community Action Program Package—as conceived and instituted by WWDC Radio is designed specifically for the Washington metropolitan area comprised of the District of Columbia; the Virginia jurisdictions of Fairfax and Arlington Counties and the city of Alexandria; and the Maryland jurisdiction of Montgomery and Prince George's Counties.

In concept, CAPP can serve any political or geographical area. The framework would remain the same, as would source and instructional sections. Referral sections, however, are strictly local, and would have to be compiled for the area to be served.

CAPP is designed to service and bolster existing drug agencies and efforts. It is written by a company, Avco Broadcasting, whose business is communications. It follows that CAPP itself is communication: communication between existing drug oriented programs, government bodies, police organizations, service and fraternal groups, and most importantly concerned citizens at the neighborhood level. As its title suggests, CAPP is a package of community actions programs. At its simplest level, CAPP will be a directory, an information source for above. At its most sophisticated level, CAPP will be a system of neighborhood houses which will fully utilize

a combination of programs to bring together the people needing help at the street and neighborhood level with the agencies and groups offering that help. In between are ways that interested people can assist this effort. From education and prevention to fund raising and job placement, there is something to do for everyone, from the concerned parent to the largest service organization.

CAPP HOUSE

What is it? A community action center, run completely by volunteers, to combat the drug problem on a neighborhood level. CAPP Houses will serve three main functions:

I. Education of the community

II. Referral center for those in need of treatment, advice, help.

III. A job placement service for rehabilitating addicts.

Where is it? Practically any place you can hang the CAPP sign. Perhaps office space in a place of business, a local hospital, church, a club room, in existing community centers. But our focal point will be the home . . . in a den, the basement, an extra bedroom, a garage. A true neighbor house, displaying the CAPP sign on the front door or in the window.

How to set up your CAPP house

Schedule a neighborhood "rap" or discussion session at your home. Invite your neighbors over the phone, fence, or with written notes. The best way to get a drug discussion underway is to invite a speaker from our list of volunteers (see "Speakers Bureau" under "Education" section), or borrow a movie.

You may also wish to hand out some preliminary educational material on drug abuse. The booklets "Answers to the Most Frequently Asked Questions About Drug Abuse" and "Drugs of Abuse" are excellent for your purposes. Obtain them free of charge by calling Dick Sackett, National Clearinghouse for Drug Abuse Information, 496–7731.

I. Education of the community

First on your "to do" list: have volunteers contact the various sources of educational material, i.e., literature, slides, films, plays, etc. and select your CAPP House stock. (See "Education" section)

When you receive your material, you're ready to officially begin. Hang your CAPP sign on the front door. Contact WWDC Creative Services Department at 589–7100 and give them your CAPP House address and CAPP House telephone number. WWDC will print up flyers announcing your CAPP House opening. When you receive them, enlist neighborhood youth to distribute them under the doors or in the mail boxes of surrounding blocks. You may wish to include some educational flyers with your CAPP House announcement (see list of free printed materials under "Education").

WWDC will regularly announce CAPP House locations and telephone numbers.

If possible, your CAPP House should be promoted in other ways, such as bumper stickers, mailings, buttons, posters in neighboring businesses, schools, churches, etc. Where financial conditions inhibit such investments, homemade signs will do. Or you may wish to raise funds for operating expenses of your CAPP House (see "Fundraising" section), or perhaps a neighborhood business could act as your sponsor, paying for printing costs, etc. It's most important to get your CAPP House address and telephone number in as many places as possible. People can't come for help unless they know you're there. Refer to "Media" section under "Impact Programs" for help in getting publicity.

II. Referral services

Most of your requests for help will probably be by telephone. Do not try to counsel these callers, but be warm and give them the name, address and telephone number of two or three centers which are applicable for their problems. *Leave the advice and treatment to those trained to handle it.* The CAPP House referral service is just that, a referral service. Volunteers should familiarize themselves with the various organizations listed (see "Referral" section).

III. Job placement service

The job placement service will probably be your mainstay, especially until your CAPP House becomes known for advice and references. Most of this work will be done by telephone during the volunteer's regular shift. However, getting out into the community and its businesses will also be important . . . making personal contact with possible future employers of ex-addicts. For details on "how to", see "Job Placement" section.

CANADA'S TRUDEAU BOWS TO RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. RARICK. Mr. Speaker, the power at the political helm of our good Canadian friends has gone berserk. Monsieur Trudeau is so contrary that he doesn't even adhere to the policies of his international collaborators; that is, that there are to be only two major powers—the Soviet Union and the United States.

For now the Castro of Canada, in the best interest of a grain market, has cast his people into the web of the Red Chinese.

The Canadian diplomacy may be good for farm markets, but wait until their industrial people try to compete with Red Chinese goods manufactured by slave labor.

Then too, parts of Canada are sparsely settled and could afford growing room for colonization by the Red Chinese.

The government in power in Canada is apparently dedicated to the preposition that it will establish diplomatic relations with all countries; that is, except Rhodesia and China, which are non-Communist.

We in America can expect to hear a simulated wave of protest from our internationally oriented leaders—not merely with Trudeau's recommendation of Red China but because he beat our administration to the line. And those who will be fearsome of our NATO ally now becoming a sanctuary for Chinese Reds—a threat against our early warning system—would do well to remember that while Canada has her Red Chinese, we here in the United States have our Red Russians.

The great diplomatic problem to be solved will be that of the longest undefended border in the world—between Canada and the United States. Should we now defend our border from Red Chinese infiltration when the Canadians have not defended it against our Washington-based Soviet diplomats?

As for the concern over Red China now gaining a seat in the United Nations—why not? Let us give her ours. In fact, most Americans would approve of moving the United Nations Organization to Peiping. Then we will not be saddled with the U.N. deficit and their new budget.

Mr. Speaker, a related newsclipping follows:

[From the Evening Star, Oct. 13, 1970]

CANADA RECOGNIZES RED CHINA—ALSO EXPECTED TO SWITCH VOTE FOR U.N. SEAT

(By George Sherman)

Canada and Communist China today announced that they are establishing diplomatic relations.

In a joint communique issued simultaneously in Peking and Ottawa, the two governments agreed to exchange ambassadors within six months.

The announcement brings to a successful conclusion tedious negotiations begun in Stockholm in February of 1969.

Canadian sources indicated that Ottawa would probably now switch its vote in the annual General Assembly in favor of Communist Chinese membership in the United Nations.

Ottawa has persistently said that it would judge the issue according to the outcome of the negotiations over recognition.

The Nationalist Chinese government immediately severed relations with Canada.

"SOLE" GOVERNMENT

A statement issued by the Foreign Ministry said Nationalist China regards the recognition of Peking "as a most unfriendly act and has lodged a vigorous protest with the Canadian government" in addition to breaking diplomatic relations.

Read today in the Canadian parliament by Canadian External Affairs Minister Mitchell Sharp, the communique says that Canada recognizes the Peking regime as "the sole legal government of China."

But on the key question of whether that government should include the island of Taiwan, the Canadian government firmly opposed making any pronouncement.

The Communist Chinese demand that recognition means Canadian endorsement of Peking's claims to Taiwan was the main sticking point for months.

TAIWAN ISSUE

Canadian refusal to go along came in a paragraph of the joint communique:

"The Chinese government reaffirms that Taiwan is an inalienable part of the territory of the People's Republic of China. The Canadian government takes note of this position of the Chinese government."

But Sharp enlarged upon the Canadian position in his longer statement to parliament.

"Our position, which I have stated publicly and which we made clear to the Chinese from the start of our negotiations, is that the Canadian government does not consider it appropriate either to endorse or to challenge the Chinese government's position on the status of Taiwan."

U.S. officials in Washington said the Canadian action runs contrary to American policy on Communist China. Last week Canadian Ambassador Marcel Cadieux saw Assistant Secretary of State Marshall Green in the department to inform him of the impending Canadian move.

According to diplomatic sources the United States repeated its opposition to moving toward diplomatic relations, but Green indicated that Washington would do nothing to make the action more controversial.

Washington is particularly worried that the recognition could lead to a vote in favor of Communist Chinese membership in the United Nations.

At the White House, press secretary Ronald L. Ziegler carefully refrained from making any comment on the Canadian move. He said the announcement was "no surprise," as negotiations with Peking had been under way for "some time."

COMPROMISE FEARED

But the suspicion in official quarters here is that Ottawa has made an informal compromise with Peking over the thorny Taiwan issue. In exchange for not going along with the Communist Chinese claim to the island, it is believed Ottawa has promised to vote in favor of Communist Chinese admission to the United Nations this year.

Contrary to U.S. feelings, the Canadians believe that Peking is seriously interested now in taking over the Chinese seat. As long ago as September 1969, Mitchell Sharp said after a talk with United Nations Secretary General U Thant that Peking had indicated in Stockholm an interest in entering the United Nations.

Today Canadian diplomats say only that Canada will probably vote "consistently" with its decision to recognize Peking. It was not immediately clear whether this change—and its likely impact on other wavering U.N. members—might gain Peking the necessary two-thirds vote setting in motion the machinery for entry.

ITALY NEGOTIATING

Italy is also negotiating with Peking over diplomatic relations. If those talks are now successful on the Canadian model, another key Western ally could join the list of those voting for Chinese membership in the world body.

The debate in the General Assembly is scheduled for later in the Autumn, after the 25th anniversary celebrations beginning tomorrow and running through Oct. 24.

Throughout his statement in parliament, Sharp hit hard at the Canadian refusal to go along with Peking claims to Taiwan.

He said the Canadian refusal to endorse or challenge Peking claims to Taiwan "has been our position and continues to be our position." He said Ottawa was "aware" of the importance attached to the issue by Peking, "but we have no comment to make one way or the other."

IMPORTANT FIRST STEP

Sharp said the establishment of diplomatic relations was an "important first step" for opening all kinds of educational, cultural and trade exchanges.

"We have opened a new and important channel of communication through which I hope we will be able to expand and develop our relations in every sphere," said Sharp.

The communique also hinted that Canadian efforts to get guarantees for the safety of its citizens in mainland China have been successful.

The two governments had agreed, said the communique, "to provide all necessary assistance for the establishment and the performance of the functions of diplomatic missions in their respective capitals, on the basis of equality and mutual benefit and in accordance with international practice."

HORTON WELCOMES NEW PRESIDENT OF COLGATE ROCHESTER DIVINITY SCHOOL, DR. ARTHUR R. McKAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, every community must be exceedingly proud of its schools of higher education, for each is enhanced, inestimably, by these fine colleges and universities.

Certainly the 36th Congressional District of New York is no exception. This area which I am honored to represent in the Congress has many institutions at the college and university level. We who live there have good cause to be more proud than most.

Indeed it is with much personal pleasure and satisfaction that I share with my colleagues today the knowledge that one of our most outstanding schools will be welcoming a new president on September 1.

He is Dr. Arthur R. McKay, who on that date will become president of Colgate Rochester Divinity School-Bexley Hall.

Perhaps the fame of this great seminary is well known to all of you. Perhaps not known is the fact that this school is increasingly being referred to as an "ecumenical cluster." This, in the language of theologically oriented, means a close alliance between seminaries from different denominations.

The presidency then, of such an institution, must offer a most rewarding challenge to so qualified an educator as Dr. McKay. His credentials are such that there can be no doubt that his renowned Rochester seminary will continue to grow in importance, and that it will become even more an outstanding leader in its field.

Some of the world's great religious leaders are alumni of Colgate Rochester, and I am sure that they, too, are as enthused as I am in extending a welcoming hand to Dr. Arthur R. McKay.

A recent news story in the Rochester Times Union gave details on the background of not only the new president but some of the history of the seminary as well. May I share that newspaper's fine account with you now:

DR. ARTHUR R. McKAY, PRESIDENT OF COLGATE ROCHESTER DIVINITY SCHOOL

Dr. Arthur R. McKay, who will become president of Colgate Rochester Divinity School-Bexley Hall on Sept. 1, will lead a school well on its way to becoming what Dr. McKay thinks seminaries should be: An "ecumenical cluster."

That is theological jargon for a close connection between a number of schools from different denominations.

The man who just left the Colgate Rochester presidency, Dr. Gene E. Bartlett, asserts not only that the 153-year-old seminary is becoming an ecumenical cluster—he thinks a "whole new school" is developing on "the hill."

Dr. McKay, who has been president of McCormick Theological Seminary in Chicago for 13 years, chaired a commission of the American Association of Theological Schools from 1966 to 1968, which recommended ecumenical clusters.

Colgate Rochester, historically Baptist, has affiliated with Bexley Hall, an Episcopal seminary which moved here from Ohio in 1968. In addition, Crozer Theological Seminary of Chester, Pa., a Baptist school, will move here in the fall.

St. Bernard's Roman Catholic Seminary has become more closely associated with Colgate Rochester through joint membership in the Rochester Center for Theological Studies. In addition, Colgate Rochester has affiliated with the private University of Rochester.

Dr. McKay says such clusters enable schools of separate traditions to maintain their identities, but let students learn in environments more like where they will practice their ministries.

He warns against seminaries becoming "ecclesiastical ghettos."

When former President Bartlett spoke of the "new school," he referred also to the new black presence there, which resulted after black seminarians closed the school for three weeks in March, 1969, and demanded more black professors, trustees and administrators.

The result was that the number of black trustees went from one to 12 on the 36-man board. In addition, the number of black teachers has increased from one or two to five plus a guest lecturer. And, blacks are entering the administration in such key roles as admissions director.

The now-graduated student who, during the black lockout, was the spokesman for the "Black Caucus," the Rev. Charles Walker, says that because of what happened. Colgate Rochester will become a national center for black church studies. He even goes beyond that:

"With the re-emphasis on biblical studies, it (the school) could be the focal point for revitalizing the Christian Church in America and calling the Christian ministry back to its primary mission—proclamation of the Gospel."

Confrontations, such as the one which closed Colgate Rochester, are not new to Dr. McKay.

Minority students at McCormick, a Presbyterian seminary, held a sit-in there in May, 1969, and as a result, the school is devoting more time and money working with the poor community in Chicago.

He and his wife, Ann, have three children.

HOWARD LEIGHTON INSTALLED AS PRESIDENT OF NATIONAL ASSOCIATION OF INSURANCE AGENTS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MORSE. Mr. Speaker, I was deeply honored to be invited to serve as inaugurating officer at the annual convention of the National Association of Insurance Agents several weeks ago, and to take part in the installation of my good friend and constituent from Lowell, Mass., Howard Leighton, as president of that association.

As a man with over 30 years of experience in the insurance field, with great pride in his profession, and with a profound understanding of the problems and responsibilities, as well as the opportunities, that face the insurance industry, Howard Leighton will, I know, serve ably and conscientiously.

His inaugural address reflects the thoughtfulness and the foresight which he brings to his new office, and I am privileged to include his remarks in the RECORD for the attention of my colleagues:

Never in my wildest dreams as an underwriter and special agent for the employers group—in the late thirties—did I envision that I would be chosen to head up an insurance organization which today is the largest of its kind in the world.

Never did I dream that one day I would be standing before the National Association of Insurance Agents to receive its highest honor.

I look upon the presidency of the NAIA as a great honor and an awesome challenge and I accept both the responsibility and opportunity with a grateful heart.

For more than 30 years as underwriter—special agent—and local independent agent—

I have strived to do the best that I could for our great insurance industry and the public on whose good will its success depends.

I hope that I may have the vision and vitality—the capacity and the courage—to merit the significance—the real meaning of the presidency of NAIA.

My selection as president of NAIA has special meaning to me because it comes from insurance men—professional insurance men as yourself.

I grew up with a profound admiration of the insurance agent—an admiration instilled by my father who also was an independent agent.

In my own opinion—no one in the entire insurance profession does more good for more people than the able—conscientious—professional agent.

He plays a vital and indispensable role in safeguarding the financial security and peace of mind of millions of Americans who are exposed to so many hazards and perils.

It is regretable that the invaluable service performed by the independent agent and the property and casualty insurance industry in our society goes so largely unheralded.

In fact, the property and casualty insurance business—which for generations has been serving the American people and meeting their needs in time of adversity—deserves much better treatment than it is receiving from the consumer press.

The criticism that insurance people receive from some nationally known newspaper and TV people is undeserved.

From the Chicago fire—from the annual slaughter on our highways—to the riots in cities and on college campuses—to hurricane Celia—the property and casualty insurance companies and independent agents have responded to crisis and met their obligations to the American public.

We have not shirked our responsibilities.

The consumer press, generally, does not want us to increase rates—cancel policyholders—or withdraw from markets.

If we are going to be critical of the news media—and I'm not referring to our friends in the trade press—insurance reporting is as good a place as any to start.

Insurance seems to be one of the many step-children of the business page of most of our daily newspapers.

There are many reasons why the general, daily newspaper doesn't do a good reporting job of insurance matters.

It is able to muster space for stock market, monetary and general economic news—but it seems that they can not and have not adequately reported on the insurance industry.

But yet—somehow and someway—many newspapers find the space as well as the expertise to criticize such items as an occasional slow payment of a hurricane loss—rate increases and policy cancellations—without adequate research for the reasoning behind such actions.

Any good newsman who can easily detect the cancellation of one policy in a million, surely can dig out stories about the endless crisis and continuous revolution in the insurance business.

The insurance industry is caught in the cross fire of a complex set of social revolutions, affecting our cities, colleges and private institutions—as well as an unprecedented period of inflation.

Due to these problems, investors are placing their funds elsewhere—thereby reducing capital in the industry.

These problems have a direct impact on the cost and availability of insurance protection for the homeowner and businessman.

But the American press—with its near perfect position to collect information and data and its tremendous countrywide news services does not tell the full story about the property and casualty insurance business.

It has failed to live up to its most minimal responsibilities in keeping the public informed on vital insurance matters.

An insurance business that has been plagued by a half a century of slaughter on the highways and a decade of underwriting losses deserves far better treatment from the press.

It is time it recognizes the full value of the private insurance business to the American economy and fulfills its responsibility to correctly inform the public.

For an industry as vast and undergoing such an explosive change—our performance has been remarkable.

After all—no business—no government organization—no civic group—no church—has yet attained perfection.

We are no different.

Most important—we are adapting to change—we recognize that mistakes have been made and are trying to correct them—we have provided new services, new coverages—we are striving to meet a public need.

Our performance in stiffening the economic backbone of the country is unmatched.

The executives of our companies and the professional, independent agents, are men of dedication—ability—honor—and integrity.

The National Association of Insurance Agents—which is approaching its 75th anniversary—is not showing any signs of age—instead it being *infused* with a new vitality—a new desire to better serve the American public.

The NAIA no longer reacts solely to the action of others. We now generate action.

Witness the one-bank holding company proposals—the joint agency-company operations study—the revisions in agency contracts—the drafting of a catastrophe loss program.

Those are some of the changes which have been instituted by NAIA.

To some—these changes have been disconcerting.

But we must be realists and recognize that we live in a time of great change.

It has been my privilege to personally witness the age of change that now embraces our national association.

I feel that some truly dramatic changes took place during the past year under the sound leadership of Lyle Huggins.

I strongly believe that every independent agent owes thanks for the devotion and direction Lyle gave—not only to the national association of insurance agents—but to the entire property and casualty insurance business.

And what about the future? ? ? ?

We must take a realistic look at our industry and our national association's place in the industry.

A *host* of problems beset us.

Problems of marketing—of rating—of political pressures and intervention—of profitability—of solvency and competition—to mention a few.

A few years ago the stresses and strains of these problems were dividing agents and companies. We were no longer a cohesive partnership. There was suspicion and distrust.

In many instances, the basic fundamentals of agency-company relationships appeared to have been forgotten. Our future appeared very bleak indeed.

Fortunately, we have come a long way since then.

Due, in a major part, to the statemanship of both the leaders of the companies and of the National Association of Insurance Agents, a strong and growing *cooperative* relationship has been established. Agents' committees and company committees meet regularly.

This improvement in relationships is the result of revived awareness of the basic fundamentals of company-agent economics.

Strength is of major importance to an insurance company. The balance sheet doesn't tell the whole story. It omits some vital and essential ingredients.

One is the talent—skills—efficiency—attitude and morale of the company staff.

The other—and of utmost importance to the agent—is the vitality—the skill—the drive—and the loyalty of the company's agency plant.

If these are high, the companies and the agents have no place to go—but up.

More and more—our company friends are recognizing that the resourcesful, energetic, entrepreneurial, independent individuals that comprise the American agency system constitute the most efficient and able insurance marketing system in the world—and that *we*—the *agents*—are here to stay—to *grow*—and to *prosper*.

Another fundamental in the company-agency relationship is that we agents can not serve our clients and prosper without strong and profitable companies to provide the protection which the public needs and is entitled to.

In essence, agents and companies *need* each other.

With these basic fundamentals understood and accepted, agents and companies have a sound foundation for the common good. As we face our problems, we must see the necessity to keep talking straight and clear—one to another—and we must realize the dangers of losing touch with each other.

We have established the basis for understanding—for trust—and for dialogue.

As we look ahead—we certainly have no shortage of problems in this changing world.

Our ability to cope with them will—in great measure—determine where we will be in the years ahead.

I pledge that our national association will continue to do all possible to promote the advantages of sound company-agency relationships.

In turn—I ask your whole-hearted support and involvement in programs designed to further the interests of the independent agent. And of the American agency system.

While I hesitate to single out any one committee—in view of the many NAIA committees which are involved in meaningful projects—I would like to mention the action taken by the agency-company operations study committee.

The property and casualty insurance business, functioning under the American agency system, is at a pivotal hour in its history.

The trend of underwriting losses has to be stemmed if the insurance business is to continue as private enterprise.

Never was there more need for companies and agents to know and appreciate each others problems.

I think that the kind of attention that companies and agents involved as they are in a joint study—are giving to the many operational problems is worthy of special mention.

As a final comment, I would like to commend the agents and companies for their vision in launching the joint study aimed at solving many operational problems affecting both agencies and insured.

As we receive and analyze the results of this important study, it is hoped that the long-range planning of the NAIA and that of the companies will include the clear and forthright dialogue that we need with each other.

In this way we can examine those aspects of the future where we can manage change—and we can successfully adapt ourselves to those changes which we can not manage.

In this way our common future—the future of independent agents and their companies will take on a forceful and forward looking image which will have an ever increasing strength in the future and the American agency system will continue to serve the insurance buying public to its best advantage for years to come.

RECOMPUTATION—AN OFFICER'S VIEW

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WALDIE. Mr. Speaker, the matter of computing military retirement pay is vital to many retired officers who have made the military their career and who have proudly served their country.

Efforts to redeem President Nixon's campaign pledge to provide recomputation so as to give these retirees more realistic benefits have been hampered, according to Defense Secretary Laird, by the Department of Defense budget problems.

I am, for one, not entirely satisfied at that excuse.

I recently received an excellent letter on this subject from a retired Air Force lieutenant colonel who expresses his views on this matter most eloquently.

I would like to place this letter in the RECORD:

SACRAMENTO, CALIF.,
September 25, 1970.

HON. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR SIR: I want to apologize for not being more responsive to your August 4, 1970 letter, forwarding a copy of comments made by Congressman Rivers concerning the current Administration's failure to support recomputation.

I have been very active in attempting to correct the inequities in the present law prescribing the method of computing military retirement pay. In view of the attempt to shift the lack of action on this issue from the President to Defense Secretary Laird with the "Laird Open Letter" your letter poses a key consideration. In your letter you indicate "that the Congress would vote such a reform were it not for the President's veto." I realize there are many things to consider in taking such action. However, it may be timely to provide the President with appropriate legislation with which to carry out his campaign pledge.

Currently, budegtary constrains within the Department of Defense are being offered as the reason for not supporting a return to recomputation. There was no such equivocation in the President's campaign pledge. He unequivocally recognized the breach that had been committed, the government's responsibility in the matter, and promised prompt corrective action. In making this commitment, sharp criticism was levied against the Democratic Administration and Democratic-controlled Congress for their failure to remedy the situation. Twice in the past year, Congressman Van Deerlin has taken the floor to plea the issue of recomputation. Apparently, his words fall on deaf ears. It is essential that Democratic leadership take the initiative in prompting a return to recomputation. It is beyond my comprehension that those who administer the affairs of this great nation cannot find a way to correct this glaring injustice. Personally, I doubt that recomputation limited to those who entered the service before enactment of the Military Pay Act of 1958 would threaten the nation with financial catastrophe or establish an embarrassing precedent. The interests of the United States are not well served by prolonging disposition of this matter. The moral issues predominate, and in view of the background, resolution should not require further time.

Sincerely,

LEO F. CONWAY,
Lieutenant Colonel, U.S. Air Force, Retired.

REMARKS OF HON. JAMES V. MANGANO, ITALIAN-AMERICAN MAN OF THE YEAR, AT ANNUAL DINNER OF THE ITALIAN-AMERICAN BUSINESS & PROFESSIONAL MENS ASSOCIATION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ROONEY of New York. Mr. Speaker, last night at the annual dinner of the Italian-American Business & Professional Men's Association in the grand ballroom of the Hotel St. George in Brooklyn, the Honorable James V. Mangano, administrative director and general clerk of the Kings County Supreme Court, was honored as the Italian-American Man of the Year.

My friend, Jim Mangano, has had an outstanding career of public service. He was elected to the New York State Assembly and served in Albany with distinction from 1935 to 1938. He was then elected by countywide election, as sheriff of Kings County, Kings County being another name for Brooklyn. At that time and after his service in the assembly, he was the youngest sheriff in the State of New York. Subsequently, he was given the high honor of being named administrative director and general clerk of the Kings County Supreme Court.

Under the permission heretofore granted me by unanimous consent, I include the remarks he made in Brooklyn last night:

REMARKS OF HON. JAMES V. MANGANO

Mr. Chairman, Right Reverend Monsignori, Reverend Clergy, distinguished members on the Dias, members of the Italian-American Professional and Businessmen's Association, and all you fine guests. Thanks for being here.

I wish to express my profound thanks to the Italian-American Professional and Businessmen's Association for selecting me as the recipient of their annual award, and also to celebrate the discovery of America.

I humbly submit that I am only a mere symbol of the millions of Americans of Italian heritage—a leader among races who has made a great contribution to a great nation.

We are now standing in the twilight of the 20th century, fast approaching the threshold of the 21st century. The time has come for we Italo-Americans to take stock of our situation in order to solidify our gains and move ahead to our rightful place in American society. In order to establish a definite course of action we must look back in history. The future mirrors the past.

Four hundred seventy-eight years ago three small ships entered what is now known as the Bahama Islands under the leadership of Christopher Columbus. When this gallant Italian explorer struck the Spanish colors on that West Indian shore he not only discovered a new world, but conquered the Atlantic Ocean and expanded the influence of western civilization.

Subsequently there followed the great migration of the 1890's and 1920's when 2,300,000 of our ancestors came to this country. They came full of hope, full of desire and full of purpose. They came and gave of their sweat and toil in a labor of love. They built the subways, the railroads, the bridges and tunnels. And seated here tonight are the children and grandchildren of these early immigrants—doctors, lawyers, educators, political and labor leaders.

Unfortunately, there has been a discordant note in this great symphony known as America. Especially when the noise of the world stops, what do you hear? If it is very quiet perhaps we could hear the quiet melody of life. Do we?

In every field of human endeavor he that is first must perpetually live in the limelight of publicity. Whether the leadership is vested in man or an ethnic group, emulation and envy are ever at work.

The reward and punishment are always the same.

The reward is widespread recognition and satisfaction in helping your fellow man.

The punishment is fierce denial, detraction, jealousies, calumny.

There is nothing new in this!

It is as old as the world and as old as human passions—envy, fear, greed and a desire to destroy and surpass.

If the leader truly leads, whether he be man, nation or ethnic group what ultimately remains is that which is good and great. No matter how loud the clamor of denial, our contribution to the American fabric which deserves to live, *lives*, but we must infuse that life with a greater vitality. First of all, we ask not preferential treatment, but we demand to be accorded our rightful place in American life. We have earned that right because of the contribution our people paid for in sacrifice and blood.

Secondly, we must put our own house in order. We have got to root out our envy of each other which is self defeating and divisive. We must close ranks and present a common front.

Thirdly, we must broaden our perspective and re-arrange our priorities. We must encourage our people not only to enter the recognized professions, but to become a part of the mass media. We must have Italian-American writers, publishers, publicists, moving picture and television executives.

It is in this area where public image making is born. We must develop an intellectual class of Italo-Americans.

It is getting late in the hour of history! We have got to make our move now!

EDUCATION: QUALITY OR QUANTITY?

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, for many years I have been deeply concerned about our educational process and systems, since it begins to appear that we are becoming far too concerned with "quantity education" rather than "quality education".

For many the answer to the crisis in education is an outpouring of tax moneys to all institutions, especially, in recent years, those institutions of higher learning. The money crisis for colleges and universities is deepening, with an ex-

pected 11.5 million student enrollment by the year 1985. It is further estimated that by 1980 nearly $40 billion will be spent on higher education, compared to slightly over $26 billion now being spent.

Further affecting this increase is the so-called "open admissions" policy of some colleges and universities which recently led to the registration of 35,000 freshman students at the City University of New York.

In my judgment, we must give serious consideration to the future of our educational system and carefully guard ourselves so that we do not develop a mass production line education that will not prove to be meaningful for either the students, or our society.

An article in the October 19, issue of Time magazine did an excellent job of pointing up the problems we are facing in education, and I am including it in the RECORD at this point so that my colleagues my have the opportunity to read and consider the direction that higher education can and must take in the coming decade:

OPEN ADMISSIONS: AMERICAN DREAM OR DISASTER?

Only a few years ago, most Americans heartily endorsed the nation's drive toward universal higher education. But now that 60% of U.S. high school graduates attend college, serious questions arise: What are colleges for? Who deserves admission? Or rejection? During the annual meeting of the American Council on Education in St. Louis last week, college presidents and administrators discussed a dramatic case in point: City University of New York and its new open-admissions policy. To some it seemed a triumph of democracy; to others, an omen that colleges may soon be overwhelmed with the "wrong" kind of students.

Tuition-free C.U.N.Y. has thrown open its doors this year to nearly any New York City high school graduate, regardless of his grades or the university's overburdened facilities. Even students who can barely read at ninth-grade level have been welcomed; C.U.N.Y. is determined to tutor them until they make it through a two-year community college or one of the city's topflight four-year institutions. Deluged with 35,000 freshmen, C.U.N.Y. is holding classes in rented store fronts and trailers; faculty members are taking turns at shared desks, and students are shunning jammed libraries to study in telephone booths.

Expansion and Exclusion. C.U.N.Y.'s switch from elitism to egalitarianism represents the academic world's most radical response so far to explosive changes in the nation's cities. In New York as elsewhere, rural blacks have flocked to the city; middle-class whites have increasingly moved to the suburbs. As a result, C.U.N.Y. and other urban universities confront rising pressure from poor youths, often members of minority groups, who yearn for the college degrees that they look upon as a ticket to U.S. affluence and status. "College is all kids talk about in high school these days," says Chris Vega, 18, a freshman at C.U.N.Y. "If you don't go to college, you just get any old job."

That desire for college is far fom being fulfilled. Though U.S. campuses have almost tripled their enrollment since 1950, the headlong expansion has excluded vast numbers of college-age blacks, Puerto Ricans, Chicanos and poor whites. Blacks still make up only 6.4% of U.S. undergraduates, and almost half of them attend all-black colleges. Money is obviously an obstacle; census studies show that a family with an income below $3,000 is five times less likely to include a child attending college than a family that earns $15,000 or more. But equally important is the appalling performance of many urban public schools, which have failed to prepare slum kids for college—or anything else that counts in U.S. society.

In the light of its unusual history, C.U.N.Y. could have been expected to cope with this phenomenon better than almost any urban university in the country. The original City College of New York—then known as the Free Academy—was founded in 1847 to let "the children of the rich and the poor take their seats together and know of no distinction save that of industry, good conduct and intellect." "City" fulfilled its charter by schooling waves of immigrant youths, especially Jews, who were barred by many private colleges of the time. From the 1920s on, the "proletarian Harvard" produced more students who went on to doctorates than any other U.S. college, to say nothing of alumni as diverse as Zero Mostel, Bernard Malamud and Jonas Salk plus the current managing editor of the New York *Times* and the chief judge of New York State's highest court.

Then came the crunch of meritocracy; besieged by more and more applicants, City kept raising the cutoff point for admission—from a high school grade average of 72% in 1920 to 85% in 1960. But now the city's newly arrived minorities were black, poor, lacking academic tradition and doing so disastrously in high school that college seemed impossible. Eight years ago, only 2% of C.U.N.Y. freshmen were nonwhite.

MEANINGLESS DIPLOMAS

Often this pattern has little to do with abilities or ambitions. Convinced that most slum kids are doomed to failure, some New York teachers tend to guarantee it. Instead of being encouraged to take academic courses aimed at college, such students are commonly shunted into low-level programs that lead to vocational and "general" diplomas. Standards can be scandalous: one girl got a B in English for pasting together a scrapbook of pictures to illustrate the meanings of words. The kids—and their potential employers—know that a general diploma is virtually meaningless. Substantial numbers of New York's black high school students drop out before graduating; students from poor families wind up nearly three years behind the average in reading. Educational failure contributes to other problems: roughly 8% of New York's wage earners have incomes at or near poverty levels, and one in eight New Yorkers is on welfare.

The have-nots are often painfully aware of statistics showing that a college degree is worth roughly $4,000 a year more in earning power than a high school diploma. To compound their anger, the city's changing population patterns have surrounded some of C.U.N.Y.'s 18 campuses with increasingly resentful black neighborhoods. A year and a half ago, black students made the City College campus the focal point of their rage. They demanded that more blacks be admitted to the predominantly white enclave on a hilltop above Harlem. Weeks of turmoil, which included the burning of an auditorium, pressured President Buell Gallagher into resigning.

POLITICAL AGILITY

In the middle of the mess was C.U.N.Y. Chancellor Albert Bowker. With his mumbling speech and rumpled suits, the 51-year-old scholar may not have suggested the image of an urban savior. But Bowker came to the problem with impressive credentials. Born in Winchendon, Mass., he was a respected mathematical statistician with an undergraduate degree from M.I.T. and a Ph.D. from Columbia, As dean of the Stanford graduate school for five years, he had pushed his faculty to the top in national ratings and drawn the attention of New York City's board of higher education, which hired him in 1963 primarily to create a first-rate graduate school at C.U.N.Y.

Long before the City College outburst, Bowker proved his agility in New York's political jungle. During one power struggle with the board, he cooly resigned, taking two C.U.N.Y. college presidents with him until the trustees capitulated. The graduate studies improved apace: C.U.N.Y. now enrolls 28,500 graduate students. Partially because of pressure from two teachers' unions, salaries rose to $11,960 for instructors and to $29,800 for full professors. A few prestigious scholars, like Historian Arthur Schlesinger Jr., pull down $50,000, compared with Bowker's $45,000.

EXPANDING BRAINPOWER

Carefully consulting with community groups to determine local needs, Bowker pushed C.U.N.Y. into offiering a host of services for the city, including research in welfare problems and the oceanographic vessel *Atalntic Twin*, which studies pollution in New York harbor, C.U.N.Y. now trains teachers' aides and paraprofessional nurses. It retrains retired cops and firemen to fill critical shortages in nursing, teaches city planning to neighborhood leaders and runs eleven centers for teaching thousands of jobless adults such skills as how to repair air conditioners and mold plastics.

As he has worked to expand New York's brainpower, which is C.U.N.Y.'s most important function, Bowker has presided over incredible growth; since he took office, his university has added three four-year campuses and three community colleges to its units scattered throughout the city (*see map*). Two more will open next fall. They range from Georgian-style Brooklyn College and Park Avenue's Hunter College to raw two-year schools in poverty areas and the John Jay College of Criminal Justice for New York policemen. C.U.N.Y.'s 195,000 students make it the third largest institution of higher education in the country, after the State University of New York and the California state college system.

BACK-ROW OBSCENITIES

Sheer expansion, though, was hardly sufficient to meet the minority group pressure. In essence, C.U.N.Y.'s dilemma was whether it should go on picking only proven academic winners—or let in everyone who might benefit from a college education. In fact, Bowker already had a prototype solution: a five-year-old program for giving low-income high school graduates a chance at C.U.N.Y. The "College Discovery" project recruited, counseled, tutored and paid disadvantaged kids as much as $50 a week while they attended C.U.N.Y.'s community colleges. SEEK (Search for Education, Elevation and Knowledge) did the same for four-year campuses. Both projects taught the teachers as much as the learners learned.

"I took one kid out for ice cream," recalls one professor, "and when he ate it he clutched the side of his mouth in pain—his teeth were full of cavities." Violent headaches were common, until teachers realized that many students were too poor to buy needed eyeglasses. Even with glasses, they took a dim view of standard English courses rich in Henry James and Christina Rossetti, whose polished phrases merely provoked bored back-row obscenities.

The SEEK dropout rate was discouraging: roughly 60% during the first three years. Still, that was only 10% worse than the national rate for collegians with more conventional preparation. And gradually teachers found that they could stimulate deep intellectual curiosity with books and materials

that illuminated the black experience. SEEK and College Discovery staffers are now convinced that their efforts have dramatically changed the several thousand students who have already entered the programs. When SEEK produced its first four college graduates last winter, two were *cum laude* and all were headed for graduate school, including a remarkable hustler turned scholar, Arnold Kemp. By the time of the campus eruptions last year, the question for Bowker was whether the university could expand SEEK still further.

Marathon negotiations between City College faculty and minority students produced a preliminary plan that would have admitted half of City's freshman class "without regard to grades." Politicians denounced the scheme as a "quota" that would elbow out normally qualified students. Blacks were skeptical because the quota had a specified limit—like those implicit in methods for admitting minority students at other U.S. colleges and universities. Bowker was secretly pleased when the tenured faculty and the board of higher education turned the plan down.

As an alternative, some faculty members favored the "open access" strategy pioneered by University of California President Clark Kerr ten years ago. California now has a three-tiered system of public campuses: state universities are limited to the top eighth of high school graduates; state colleges accept the top third, and community colleges are open to all. The U.S. already has more than 1,000 two-year colleges and is adding more at the rate of one per week. In this higher-education message to Congress last March, President Nixon endorsed this expansion strategy wholeheartedly. "A traditional four-year college program is not suited to everyone," he said.

DO IT NOW

Bowker found himself in a squeeze. For one thing, community colleges have the image of ranking at the bottom of the academic pecking order and thus tend to set low expectations for both students and teachers. As Bowker saw it, admitting disadvantaged students only to community colleges might have created *de facto* segregation, further inflamed black grievances against C.U.N.Y. and led to the very disorder that he was determined to avoid. Opening up all campuses seemed the only solution, and Bowker became convinced that if such a program was to work at all, the university would have to gamble on installing it voluntarily before social and political explosions installed it by force. "This had to be done *now*," says Bowker. "So we did it."

As a remarkable result, C.U.N.Y.'s new freshman class includes 9,000 students who would have been flatly rejected under previous admission standards. One-third of the class is nonwhite, the biggest group of black and Puerto Rican freshmen in the U.S. The 9,000 include former laborers and domestics, cab drivers, carpenters and the sons and daughters of blue-collar workers. Many are the first in their families to enter college. They are awed—but all business. "These are the original American revolutionaries," says C.U.N.Y. Vice Chancellor Timothy Healy. "They want a piece of the action."

AUTOMATIC DEGREES

Will they get it? At least half the freshmen need some remedial teaching before they can deal with college-level work. But no one yet knows whether the techniques that worked for SEEK students can be applied successfully on a mass scale. Many critics, including Spiro Agnew and some faculty members, fear that C.U.N.Y. risks turning itself into a college-level version of the failure-breeding high schools. Other skeptics contend that students who receive automatic college places may become embittered when they encounter persistent academic difficulties. If they then demand automatic degrees, they could devalue the credentials they yearn for.

By contrast, Bowker insists that changed admission standards will not change degree standards—at least so far as he can help it. To avoid easy promotion, flunking students will be allowed to try and try again as long as teachers feel that they are making progress. Some may take ten years to earn a degree; but they will be no novelty among C.U.N.Y.'s many part-time students. Bowker also plans a special incentive: some bright students may soon be allowed to plan their own curriculums around a subject that fascinates them, and earn a new kind of diploma, a "university degree." As for the problem of teaching C.U.N.Y.'s huge classes, Bowker is undaunted: the swarms of students arrived just as the U.S. produced a nationwide surplus of teachers in many fields. When the university set out to hire 1,000 more teachers last spring, a single ad in the New York *Times* drew 4,000 responses, many of them from young Ph.D.s avid to help C.U.N.Y. effect social change and get well paid for doing it.

Ultimately, Bowker hopes to attack poor education at its roots: the public schools. He thinks that the open-admissions policy is already encouraging more slum kids to try for college and refuse to settle for general diplomas. Even under C.U.N.Y.'s new policy, those entering four-year colleges must either have earned an 80% average or rank in the top half of their school classes. Bowker is also mindful that C.U.N.Y. supplies 60% of the city's schoolteachers and reasons that his new minority students will eventually raise the schools' low ratio (11%) of minority teachers. Moreover, he wants C.U.N.Y. to take over several city high schools and try new teaching methods. One idea: a flexible middle school that would span the last two years of high school and the first two of college.

To safeguard research and scholarship while C.U.N.Y. is undergoing so strenuous a change. Bowker is working hard to recruit the outstanding students that draw outstanding professors. He seems to be succeeding; after all, C.U.N.Y. still charges no tuition in a day when college costs are soaring. And Bowker is particularly skilled at getting the necessary money. C.U.N.Y.'s budget (split between the state and city) is $327 million this year, and may hit $1 billion by 1975. Yet Bowker is confident that he can obtain these staggering sums during a period of severe financial pinches for most institutions because open admissions has generated a new base of political support for higher education.

BIG RESULTS, BIG MISTAKES

Thanks to C.U.N.Y.'s previous expansions, one-third of New York families include someone who either went to C.U.N.Y. or has a blood relative who did. Some alumni feel that open admissions is watering down the quality of their alma mater, but most are sympathetic. The city's unions have long demanded open college doors: their members have discovered that their children's high school diplomas are often passports to nowhere. Although blacks did most of the pushing, roughly 50% of C.U.N.Y.'s "high risk" freshmen are whites who had no chance before. In addition, many Catholics favor expanded admissions on grounds of pragmatism as well as social injustice: Catholic campuses are running out of space for parochial school graduates. As a final boon for Bowker, the state's frugal rural and suburban legislators are impressed by his cost-effectiveness figures. Says one official: "It costs $2,000 a year to keep a ghetto kid in C.U.N.Y., compared with $12,000 to keep the same kid in jail."

Such arguments may be shaky. If the new high-risk students are really poor, they will need more than free tuition to stay in school. Unlike SEEK students, they get no stipends. C.U.N.Y. is providing some grants, but many must help their families by living at home and drawing welfare, or leave home and work. Study is tough under such conditions. Conversely, no one knows how many of the new freshmen are not truly poor but merely middle-class students with modest school records who would otherwise have paid to attend private institutions. Finally, critics contend that C.U.N.Y.'s new students are being "overeducated" for nonexistent jobs, and would do better at technical training institutes. Nonsense, says Bowker. The city's economy is rapidly shifting away from manufacturing jobs and he insists that it will need all the service workers and paraprofessionals that C.U.N.Y. can produce.

Whatever the outcome, Vice Chancellor Healy describes the drama well: "We're going to get more and bigger results and make more and bigger mistakes—because we're moving faster and farther than anyone else." Clearly, open admissions is a daring attempt to bridge the gap between the American dream of useful education for all and the widespread failure of high schools that were supposed to provide it. The experiment could challenge and invigorate colleges all over the U.S. It might also provide a case study in academic disaster. For the moment, the nation can only admire the fact that open admissions is being tried at all.

JUDGES CLAIM TAXPAYERS LIABLE FOR RIOT DAMAGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. RARICK. Mr. Speaker, during debate on S. 1461 last Monday to raise the salaries for the criminal defenders of the poor, I had commented:

We seem ready to bend over backward to blame everything on the people. Why should not our Federal judges accept their fair share for the mess we find our courts in today? I think the ends of justice in carrying this extra financial burden would be more equitably handled if instead of paying the public defenders solely from taxpayers' funds we assessed a portion of it against Federal judges appropriations. If the softhearted Federal judges had to pay for their fair share of the mistakes in rehabilitation they have made, I feel confident that society would have fewer criminal repeaters and the law-abiding citizens would be better represented from the bench.

In this evening's paper we now learn that the Federal judges, so soft on the criminal element, can find no mercy for the taxpaying, law-abiding citizens whose property was destroyed in the riots, even where proven by a preponderance of evidence that the city officials were derelict in their duty in taking no action to safeguard lives and property. This is the cost to the taxpayers when the police are denied their responsibility of stopping crime.

Wasn't the clarion cry of the civil rights revolution, "Human rights above property rights"?

Perhaps our Federal judges, so quick to blame society for the vandalism by the freaks and dregs, feel that the merchants were at fault for operating a store and trying to make an honest liv-

ing. One thing is for sure, the judges did not so rule because they were afraid, in reimbursing property owners for the negligence of the officers, might create an impression that they were subsidizing crime.

The judges would put the blame back on Congress to pass upon the damages and to raise the needed indemnification—from the taxpayer, of course.

Mr. Speaker, a pertinent newsclipping follows:

[From The Evening Star, Oct. 13, 1970]

U.S. COURT REFUSES TO MAKE DISTRICT OF COLUMBIA PAY FOR RIOT DAMAGE

(By Donald Hirzel)

A three-judge federal appeals court panel today refused to hold the District responsible for 1968 riot damage to businesses, saying that relief should come instead through legislative action.

The court said there is no precedent of a governmental body being held responsible under such circumstances, and it did not intend to break such ground.

The court, in effect, struck down a series of suits filed by insurance companies who claimed the city did not adequately protect property they had insured during the rioting which followed the April 4, 1968, slaying of Dr. Martin Luther King Jr. in Memphis.

Suits seeking millions of dollars have been filed by insurance companies and businesses in which both the city and federal authorities were named defendants.

The contention of the suits was that the city failed to provide adequate forces to quell the disturbances and to protect property. The federal government has been charged with being too slow in sending troops into the city after the riots began.

Today's ruling came in the case involving the G. C. Murphy Co. store at 3128–3130 14th St. NW., one of the areas in which the riot was centered. The insurance company charged the city was liable for some $936,613 in damages suffered in the destruction of the store.

The suit was dismissed in U.S. District Court after the government said the city was immune from such a suit.

Murphy's appealed the ruling, charging the city had a duty and obligation to "protect life and property during the riots. . . ."

Today's court ruling said that the unvarying response which the courts have given to such challenges, "is that . . . in the absence of legislation, municipalities and other governmental bodies are not financially responsible for destruction and injury wreaked by rioting mobs."

The court noted that no reported case holds the governmental body liable in the circumstances, or indicates that there could be liability without a statute or ordinance.

"It is agreed that there is now no such legislation for the District of Columbia. The problem for us, then, is whether we should move beyond the general rule and judicially create for the District a new principle of municipal responsibility. We will not do so," the court asserted.

NOT RULING ON MERITS

The court said because of the complexity of the claims it felt the ". . . legislative can, more easily and more comprehensively, obtain and evaluate the necessary information as to the differing financial impacts of the various methods of assessing responsibilities.

By imposing municipal liability for riot-caused damages ". . . we would be marching straight into a difficult region never before plotted by courts acting along," the court added.

The court said its decision ". . . does not in any way suggest that the victims of civil disturbances are undeserving of relief. But it is for the Congress (or other legislative body), not this court, to decide the extent to which those injured in the riot should be compensated regardless of the extent to which the police or military attempted to protect the particular property which each individual owns.

The opinion was written by Judge Oscar H. Davis, of the U.S. Court of Claims, sitting by designation, and Senior Circuit Judge Wilbur K. Miller and Judge Roger Robb, both of the U.S. Court of Appeals here.

HORTON COMMENDS EDITOR-PUBLISHER ANDREW D. WOLFE FOR HIS INTERVIEW OF FORMER AMBASSADOR EDWIN O. REISCHAUER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, during these very unstable times in the Far East, it is highly interesting to know what a former U.S. Ambassador to Japan thinks about conditions in Asia. To get some pertinent answers concerned with these perplexing problems, a close and personal friend of mine, Andrew D. Wolfe, editor and publisher of the Genesee Valley Newspapers, Inc., of Greater Rochester, recently interviewed former Ambassador to Japan Edwin O. Reischauer.

Now professor of Japanese history at Harvard, Prof. Reischauer also served on the State Department staff and is given major credit for the U.S. success in rebuilding Japan as a democratic, peace-oriented nation. He probably has more influence than any other individual on U.S. policy in Southeast Asia, according to Mr. Wolfe. He was in Hong Kong recently for a meeting of Southeast Asian and American educators.

Andy Wolfe met and interviewed Professor Reischauer in the famed Old Peninsula Hotel in the Kowloon section of Hong Kong. It is a gray mass of a building centering on a large entrance courtyard. Though only 16 miles from the border of Communist China, the hotel maintains form, if not entirely the spirit, of the days of British colonialism. At teatime, according to Andy, in the elegant gold-ceilinged lobby, a stringed orchestra plays and platoons of waiters whisk burnished silver and sparkling china to guests.

It was in this hotel that Editor Wolfe talked with Professor Reischauer who is described as being a slender, energetic, and tremendously articulate man of 59 years. The actual interview was conducted in a third floor suite, overlooking busy Hong Kong harbor. Present was the former Ambassador's wife, the granddaughter of a former prime minister of Japan, where the Reischauers were to visit following their stay in Hong Kong.

May I share with my colleagues in the Congress the fascinating interview which recently appeared in the Brighton-Pittsford Post under the banner headline "Famed Asia Expert Looks for Relative Stability in the Far East:"

Question. Prof. Reischauer, what is your assessment of the U.S. campaign in Cambodia?

Answer. "In terms of reducing the immediate threat to South Vietnam, it probably has been successful. Tactically, it probably has reduced the pressure on South Vietnam for a number of months.

"But in terms of having expanded the war and involved the U.S. in Cambodia, I feel it has been a mistake. It might have been embarrassing if we had not gone in, but it will be even more embarrassing if Cambodia collapses a month or two after we pull out.

"Thus on balance, I feel the U.S. intervention has not been a success."

Question. What are your views on President Nixon's general policy in Vietnam?

Answer. "I've always believed that Nixon has wanted to get out of Vietnam, although some of my colleagues haven't. The problem for Nixon has been to get out without building up disillusionment among people on whom he depends for election."

Question. What do you recommend as a U.S. policy for Vietnam now?

Answer. "I think we should establish a definite date to accomplish troop withdrawal—by the end of 1971, for example. When American withdrawal becomes obvious to Saigon, they'll be able to make a tolerable deal with Hanoi. I think this can be done, and we ought to be out of Vietnam before the election campaign in 1972."

Question. Does this suggest that you think the Saigon regime has become reasonably strong?

Answer. "I think some progress has been made, although one of the university presidents at our meeting here is more pessimistic."

Question. Wouldn't China move in?

Answer. "I don't believe China will get into the position of trying to conquer small Southeast Asia countries. They have never tried to change their southern border in 900 years, and I think they are too rational to try to start now.

"They might try to stir up subversion in other countries, but up to now they haven't been very successful, and I don't think they will be. The revolution in Vietnam, for example, had already started in 1945, and they did not play a role in that."

Question. Should there be a continuing American presence in the Far East?

Answer. "I think that it is essential for America to play a role in Southeast Asia for some time to come. This should be expressed in two ways—

"First, economic contributions and aid, and

"Second, a military presence, but this can be done only with the consent and cooperation of the Japanese. If they weren't for it, it would be foolish for us to attempt a major military role in that part of the world.

"This military presence would be primarily in the form of preserving freedom of the seas. This would prevent any nation or group from taking over the entire area.

"Our presence also ought to have the potential of inhibiting thoughtless acts of agression by small powers which could bring on a major war.

"Finally, I think that our military presence should involve specific commitments to some areas, such as Japan and South Korea. South Korea is becoming so strong that we may be able to take our troops out of there in five or ten years. But there could be a danger if some elements in South Korea felt they were strong enough to take over the north by force.

"Control of the seas will make possible the protection of islands like Taiwan. But in general I think America should make its presence felt largely through its relationship with Japan."

Question. What about the Philippines?

Answer. "It appears that the value of military bases there is outweighed by the fact that they can be used as the basis for so much agitation."

Question. Isn't Japan becoming so strong that it can control what happens in Southeast Asia?

Answer. "Yes, I don't think the American people as a whole realize that Japan is potentially a third super-power, or a demi-super-power. Within three to five years, I think that Japan will have almost a veto on American power in this area. And by 1980 they might have a role in the Seventh Fleet. But I don't think the world is ready for a Japanese fleet to do all this."

Question. Do you believe there is a danger that a new isolationism, growing out of the Vietnam War, could lead America to quit Asia?

Answer. "This is a real danger. You hear it all the time with people asking that every dollar now going overseas be used for the blacks, or the poor. This is nonsense, for the one-third of the world that is prosperous must help the two-thirds that is poor.

"Our AID programs must be expanded and redirected. You've got to remember that they have been so ineffective because they've been used to strengthen military alliances rather than to help the economics of the nations involved."

Question. Isn't this what people object to as economic imperialism?

Answer. "The phrase 'economic imperialism' is a 19th century idea which doesn't mean anything. That whole concept is wrong. The problem is not to complain about economic nationalism, but to attract the investments of the outside world to these countries."

Question. Your comments suggest that you are optimistic about this part of the world. Is that so?

Answer. "Generally, yes, this is the fastest growing part of the world, and it has tremendous assets. Over the next 30 to 50 years it can play a central role. I think that overall there is the probability of continued economic growth and relative political and military stability."

Mr. Speaker, following their discussion of the Far East, Editor Wolfe asked Professor Reischauer for his thoughts about today's young people. While the professor is guardedly optimistic about hopes for peace and stability in Asia, he has a deep concern about America, particularly its youth. He said:

No society has had to contend with mass affluence. Economic realities in other societies have been a disciplining factor for youth. We have not yet discovered how to handle this situation.

The article continued:

The Harvard professor has been a leading critic of the Vietnamese War, but feels that causes of current youth problems go much deeper than opposition to the war.

"We seem to have been losing a sense of discipline—really self-discipline, and a free society cannot exist without self-discipline."

Reischauer said he thinks many factors have contributed to this situation—declining family authority, a growing permissiveness in the raising of children, and the "concept of instant gratification."

"There seems little comprehension of the complexity of problems which face society, and the intricate planning and actions which are needed to solve them."

The Harvard professor and former ambassador says he thinks that news media, notably TV, "may have helped bring about a vast change in the perception of reality. This generation may have a completely different understanding of time spans."

He continued:

"Much of the campus unrest really has nothing to do with the issues which are raised. It could be that what we face is a protest against a failure in child-raising."

He said that although some of these problems were appearing in most of the world's industrialized societies, the problems appeared far more severe in the United States, where affluence is most widespread.

He noted that in the Far East where family structures remain very strong, the problem is less.

He said he considers the problem to be "a major crisis." "I don't think society can go on in this direction," he said.

NATIONAL UNEMPLOYMENT CRISIS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WOLFF. Mr. Speaker, the national unemployment crisis is especially severe on Long Island where more than 6 percent of the labor force is now out of work. The situation is very bad and getting worse. The folly of deliberately creating unemployment to slow inflation has been proven, for the cost-of-living continues to climb paralleling the rise in unemployment.

There are a number of efforts underway on Long Island to stop the rise in unemployment and to restore full employment. One of the leading private groups in this effort is the Citizens Coalition To Save the Jobs on Long Island. I have been working with this group, composed of individuals from every segment of the labor force, and recently received a copy of a letter the coalition sent to the President based on a meeting I held with coalition representatives.

I deplore the callous policy of encouraging unemployment and regret the acceptance of this terrible situation by a complacent administration. I think we can return to full employment through a responsible use of our resources for vitally needed domestic projects including pollution control, housing, mass transit, and so forth.

It is also my belief that the Federal Government has a responsibility to help fight this problem through all available means. This is why I am pleased that the Comprehensive Manpower Act will be considered before the recess:

Because of the significance of this problem for the entire country and because of the especially bad unemployment problem on Long Island I would like to include in the RECORD the letter which the Citizens Coalition recently sent to the President:

THE CITIZENS' COALITION TO
SAVE THE JOBS ON LONG ISLAND
Greenvale, Long Island, N.Y.,
October 1, 1970.

THE PRESIDENT OF THE UNITED STATES,
1600 Pennsylvania Avenue,
Washington, D.C.

DEAR MR. PRESIDENT: The Citizens' Coalition to Save the Jobs on Long Island is deeply involved in combating the problem of growing unemployment in this part of New York State. As part of our efforts, we have met with numerous public representatives, one of whom, the Honorable Lester Wolff, advised us to present our case to you along with a proposal that grew out of that meeting. Let me first indicate to you the nature of our organization and the problems that face us.

Included in our ranks are experts in the field of mathematics, who have applied their knowledge to analytical economics. Out of this work we have formulated a program to meet the economic crisis at hand. We have taken our program to the people in the form of a petition and found it to be widely supported. Besides obtaining thousands of signatures with very little effort, our program has been very well received when presented in public meetings and is in short what people know is needed.

Mr. President, before stating our basic program, let me remind you of the suffering and hardship that unemployment brings to the working man, i.e. he who has given this country its greatness. We see men who have worked hard for twenty years of their life being rewarded for their efforts by the humiliation and financial troubles of being jobless. These are men who are close to retirement and now lose the benefit of a pension. We see highly trained, well educated people now trying to scrape together a few dollars by selling frankfurters. We see people who are afraid to buy what the work force produces in an attempt to save money in case they become unemployed. People now go to bed thinking that perhaps tomorrow will be the last day on the job. Instead of seeing a doctor or dentist for a usual "check-up", people now let it go. And this, Mr. President, is only some of the immediate hardship. Let us not forget what followed the last time we were told "prosperity is just around the corner".

It should also be pointed out that the American people are literally being robbed of a decent life. At the same time unemployment grows, we have much work to do in the areas of mass transportation, housing, environmental control, medical research, education, rebuilding the cities and many other useful projects. We have the technical expertise and only have to put people to work.

We therefore claim that the greatest nation in the world can provide a decent job at decent pay for every American who wishes to work. These jobs should be aimed at the badly needed projects that were indicated and the burden of taxation to finance these programs should not be placed on these of ordinary means but on the super-rich and great corporations.

Upon the advice of the Honorable Lester Wolff and in harmony with the Nassau County Board of Supervisors we call upon you, Mr. President, to take the immediate step of sending a Presidential Task Force to Long Island with the sole purpose of working out a plan to put people to work on useful tasks. We feel this task force should have the power to allocate funds for useful projects that will employ people not unevenly make-work projects.

It should be the duty of this task force to spend the required amount of money needed to cure the unemployment crisis. We again stress that this money should create decent jobs, at decent pay, that benefit the community. Our analysis shows this to be sound economics and absolutely essential.

With regard to inflation, we feel that if the situation is severe enough to create unemployment the situation is then severe enough to institute price controls and a maximum profits tax. The working man should not bear the sole burden of a policy intended to curb inflation. Working people do not cause inflation—any shopper can see prices rising much faster than his salary—and should not be punished for it.

In concluding, it is again stressed that a Presidential Task Force as the one described is desperately needed and we sincerely hope that you take immediate action.

Thank you for considering this letter.

Sincerely,

FRANK BUIANOUCKAS,
Chairman.

SIMCHAT TORAH DEMONSTRATIONS OF SOLIDARITY WITH SOVIET JEWISH YOUTH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. FISH. Mr. Speaker, Winston Churchill once described the Soviet Union as a "riddle wrapped in a mystery, inside an enigma." That description of the U.S.S.R. remains true today, especially concerning the treatment of Soviet Jews by the Soviet Government.

Estimates of the number of Jews in the Soviet Union today range from 3 to 3.5 million, with 38 percent in the Russian Republic, 37 percent in the Ukraine, and 7 percent in Byelorussia, with the remaining 18 percent scattered throughout the other 12 Soviet Republics. There is little question today that this Jewish population is being placed under increasing pressures, and increasing discrimination despite Moscow's heated denials.

According to a number of observers, including Gunther Lawrence in his book "Three Million More?" the mounting Soviet antisemitism is being aimed at "genocide of the spirit rather than genocide of the flesh." It is evidently the aim of the Soviet Government to have the Russian Jewish minority fade away by being absorbed into the general culture of the areas in which they live.

These are harsh words, so before we give credence to them, we should weigh them carefully in the context of Russian history, Russian tradition, and Russian culture. It is necessary also to look at what has happened under 50 years of Soviet rule.

Parts of the U.S.S.R. are traditionally anti-Semitic. This is particularly true in western Russia, the Ukraine, Byelorussia, and the Baltic States. This antisemitism flowered and flourished under the Tsars, resulting in the pogroms of 1905 and 1906.

Officially this attitude ended with the revolution. Within Soviet ideology, under the Soviet Constitution, and embodied in Soviet law, all nationalities are actively encouraged to perpetuate their group existence through cultural and educational institutions and activities in their own language.

Although the Soviet ideology is atheistic, all religions are also allowed—although certainly not encouraged.

During the first three decades of the Soviet regime, there was no question that the intent of this ideology, of a union of many cultures also included the Jews as well as the other 107 nationalities that make up the U.S.S.R. During that period there was a wide network of cultural and educational institutions and activities for Jews in Yiddish, which was recognized as their official national language. Before World War II, there was 10 permanent Yiddish theaters, while as late as 1940, 100,000 children attended Yiddish schools.

By 1949, under the Stalin repression, all Jewish communal-cultural institutions including publishing houses, were destroyed. The famed Jewish State Theater of Moscow was closed in 1949, and Yiddish actors, writers, and leaders were liquidated.

Although somewhat modified, the elements of this policy were carried on by Stalin's successors until today there is not a single Yiddish school or a single Yiddish class in the entire U.S.S.R.—this despite Soviet law which permits the organization of such classes at the request of 10 parents.

One need only look at the statistics of what has happened to Jewish religion in Russia to give further credence to Mr. Lawrence's charge of a "spiritual genocide," for in their religion lives the Jewish spirit.

As a result of both direct and indirect government action, from 1965 when 450 synagogues existed in the Soviet Union, it is now believed from non-Soviet sources that the number has shrunk to 60 today. There are no rabbinical schools or seminaries at all. Thus there is no replacement for the handful of aging rabbis who still carry on.

No Judiastic periodicals or devotional literature can be published—no prayer books, no journals, no bibles. No prayer shawls or phylacteries, essential to the services can be produced. There can be no meaningful official contact with coreligionists abroad. All these restrictions are peculiar to the Jewish religion alone. Except in isolated instances they cannot even publish religious calendars, indispensible as guides to religious holidays and observances.

There is evidence of discrimination in university enrollment and in job opportunities if your name is Jewish. Few Jews hold high army or diplomatic positions any more, and none are left in the party leadership.

Take all these moves together—hold them up against the traditional anti-Semitic background of many areas of the U.S.S.R.—and it seems pretty clear that there was a hope on the part of the Soviet leadership that the Jew would fade away into the nationalities of the various states. Strangle their religion, dry up their books, let their traditions die and the Jews die—not physically, but spiritually. Hence, Mr. Lawrence's term "spiritual genocide."

But then came a paradox.

For official identification purposes, Soviet Jews are identified by nationality. Jewish internal passports are marked with the letter "ye" for "yevrei" or Hebrew. If one parent is non-Jewish, there is a choice of nationality at age 16, when the child is issued his internal passport.

But unlike Armenians, Ukranians, or Uzbecks, the Soviet Jew has no national state within the Soviet Union. The only official "Hebrew" state—the way his passport is marked—happens to be outside the Soviet Union. It happens to be Israel. And this fact has affected the Soviet Jewish youth.

Fifty years after the revolution, 35 years after the last period in Russia when Jewish education and study was permitted, it is the young people and not the old who have become militantly Jewish and militantly Zionist and are creating a revival of the Jewish consciousness.

This took many observers by surprise. A gradual drying of interest in Judaism had been predicted. It seemed quite logical that Jewish youth without access to synagogues, reading no Jewish books, and having no Jewish cultural life, would become less and less Jewish and gradually assimilate into Russian society.

Probably the most important single factor in the development of the young Russian Jews has been the development of a free Israel since 1948. There was a state and a people with which they could identify. A state where their religion was practiced, their books read, their traditions preserved, the richness of their cultural heritage known.

In many respects the attitude of the young Jews of Russia are reminiscent of the blacks in our own Negro civil rights movement. They talk of needing first to overcome the "self-hatred" pushed on them by their society. They protest against the idea of "assimilation" as a solution to their problems. They seek spiritual identity not spiritual absorption.

This movement has not yet reached the point of militant Jews taking over the dean's office. It has reached the point where they openly celebrate their religious holidays in front of the few remaining synagogues. It has led to the establishment of an underground Jewish press, and clandestine classes in Hebrew. It has also reached the point where 60 Jews from Moscow and Leningrad had the courage to sign their names and addresses to a statement denouncing the government sponsored Jews who had denounced the State of Israel.

To judge this courage in its proper light, we must remember that they did this in a country where many dissenters still find themselves committed to mental institutions for observation and treatment, while still others are sent to Siberia.

Now from the paradox of this resurgence of a militant Judaism comes a modern dilemma.

Because of the situation in the Mideast, and the Russians' pro-Arab foreign policy, the Russian internal policy is becoming violently anti-Israel and anti-Zionist.

This anti-Zionism has resulted in police raids on Zionist headquarters, and a flood of anti-Israel, anti-Zionist, and anti-Semitic articles in the official press. I have read that some of these attacks, both in the text and in the pictures, equals or is reminiscent of Tsarist Russia, or the Nazi anti-Semitic weekly, "Der Sturmer."

And there seems good reason for the Russian Jew to worry. In the official anti-Zionist attacks—which the authorities state are not anti-Semitic, the Israeli and the government of Israel are routinely called aggressors, murderers, and Nazis. And to Russians and Russian Jews alike there is a very thin line between anti-Zionism and anti-Semitism. Code phrases like "anti-Zionism" have a long and grisly history in Russian.

In 1953, the phrase was "Doctors' Plot" but it was Jews who were killed or went to Labor Camps. More recently in 1961, we all remember the attack on "economic criminals" which turned out to be mostly

Jews who received the sentences. But the fear of anti-Zionism is greater, for if Russia continues to blame her problems on the State of Israel, it is a frighteningly short step in the average Russian's mind to make the Russian Jew share that blame.

But let me stress here that at the moment there is no strong anti-Semitic movement as we historically are used to the term. There is no outright pogrom—there are no public attacks on Jews or the property of Jews, and even the Moscow Synagogue is unguarded and unmolested. There may be fear that such acts could develop given the present anti-Israel, anti-Zionist attacks by the Soviet Government, but it would overstate the facts to say anything of that nature exists today. Let us pray it never does.

So, attracted from outside by the existence of a free Jewish state, and pressed from the inside by a rising militant Judaism and a fear of public reaction to the anti-Zionist attacks by the Government, the desire to emigrate—to leave Russia and go to Israel—has grown. Large numbers of Russian Jews want to flee that country.

In principle, this should be easy. In fact it is not.

In principle, the U.S.S.R. confirms the concept of emigration as a basic human right acknowledged in the United Nations Universal Declaration of Human Rights, article XIII, which the Soviets support. In fact, no meaningful number of Jews have been permitted to leave.

At a Paris press conference in 1966, when pressed on the subject, Premier Kosygin stated that there would be no objection to emigration from Russia to reunite families. Even this—which is a considerable lessening of the rights ascribed to under article XIII, of the U.N. Declaration on Human Rights—has not been honored.

To date only a minute trickle have been granted permission to join families in Israel or other countries, while tens of thousands of applications have been refused. How large this drive to emigrate may be, no one knows, as requests for emigration visas have increasingly become the cause of prosecution and persecution by Soviet governmental agencies. In addition to job loss, demotion and other subtle forms of persecution, to date 32 Jews who asked to leave Russia have gone not to Israel, but to Soviet prisons.

The reasons for the Russian attitude toward Soviet Jews is one of those mysterious wrapped in an enigma of which Mr. Churchill spoke.

No one supposes that the full 3.5 million Jews would leave even if they had the choice. Emigration is a nonreversible, drastic step in any person's life, and many Russian Jews consider themselves Russian first, last and always.

With the growth of militant Judaism and militant Zionism, and the increasing tensions these cause, it would seem logical for the Soviet Government to "let the troublemakers go." While in Israel I discussed this point with Deputy Prime Minister Yigal Allon.

He stated it to be his view that the refusal to allow such emigration had its root in Soviet ideology which holds that no one can be unhappy under the Communist system. Any large emigration—even a sign of flight—would in the Soviet mind indicate to the world that their worker's paradise, with equal justice to every minority, was a failure. It takes little knowledge of history to know that the Berlin Wall was not built to keep down the flow of emigrants from West to East Germany. It is not just Jews, they do not want to let any people go.

When I asked Mr. Allon what we could do in a practical sense to help, he said he felt that this same sensitivity to world opinion could be used to soften the Russian attitude toward Soviet Jews and to speed up emigration. That is if we—all of us, Jewish and other communities around the world, the free governments of the world—through the U.N. and in every way available to us, keep up a pressure for emigration as a basic human right as subscribed to under article XIII by the Soviet Union, it would soften the Soviet position.

That such a sensitivity to world opinion does exist has been demonstrated in small ways at different times. For example it has resulted in the printing of a few Jewish books in Yiddish or Russian, a lifting of the ban on the making of matzoh, the printing of 10,000 prayer books. Token though these may be, they do indicate that Soviet officials are becoming increasingly concerned about the unfavorable impressions of Soviet life circulating abroad.

Of course, these token steps still fail totally to provide the basic cultural and religious instrumentalities essential for Jewish survival in Russia, just as the minute trickle of immigration so far allowed totally fails to satisfy the demand to leave the Soviets.

With the view of bringing this form of pressure to bear on the Soviet Government, on October 8, 1970, I introduced in the House of Representatives a concurrent resolution which, if passed, will make it the sense of Congress that first, persecution by the Soviet Union of any person because of his religion should be condemned; and second, the President of the United States is urgently requested to take immediate action through diplomatic contacts to negotiate permission for Soviet Jews to emigrate to Israel or to other countries willing to receive them.

When Gunther Lawrence asked with the title of his book the question, "Three Million More?" he is asking whether we in the civilized world can allow the possibility of either the physical or spiritual death of 3 million more Jews to be added to the 6 million who died in Nazi death camps.

I say, "No" we cannot. Not 3 million, not 300, not even three. That is my pledge and I pray it will be the pledge of every civilized nation and individual on earth.

CONGRESSMAN ROBERT McCLORY REVIEWS KEY ISSUES OF THE 91ST CONGRESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. McCLORY. Mr. Speaker, of the more than 26,000 bills which have been introduced in the 91st Congress, only a small percentage will enjoy consideration, and even fewer will be enacted. Despite this fact, at the time of the October recess, over 400 bills have become law.

The House of Representatives alone, has sat for a record 322 days in this period and has filled more than 68,000 pages of the CONGRESSIONAL RECORD with debate.

It will not be possible to discuss in this brief report each and every measure on which I have voted. Every bill upon which the Congress acts affects, in some direct or indirect way, every citizen of this nation. I have selected legislation which I feel is of the widest interest to residents of the 12th District, and will report my position on these measures. More detailed information on any vote which I have cast is available through my congressional office, and inquiry from 12th District residents will be welcomed.

POLLUTION AND THE ENVIRONMENT

Since the 12th District of Illinois borders on one of this country's great bodies of water, I, like many of my neighbors in Lake, McHenry, and Cook Counties, have become acutely aware of the deteriorating condition of Lake Michigan. As the Representative of this great district, I have felt a special responsibility for the lake. Early in the 91st Congress, I made a commitment to myself to attempt to obtain an infusion of Federal funds to assist the North Shore Sanitary District in completing its sewage treatment construction program, and introduced legislation to authorize $25 million for facilities to remove polluting wastes from the Lake Michigan Watershed. Following hearings on the bill, at which I testified, an amendment was adopted on the floor which embodied much of that which I had sought in my bill. The amendment provided $20 million for pollution control in the Great Lakes. The bill was signed into law as the Water Quality Improvement Act in April 1970.

The North Shore Sanitary District applied, with my support, for a Federal grant totaling almost $12 million, to augment the $35 million approved by the voters of the 12th District. The President announced his approval of this grant a short time ago, and I am delighted to report that this Federal contribution will enable us to continue our attack on the crucial problem of water pollution in a more meaningful way. In addition, appropriation of funds for the Great Lakes Naval Training Center also will help the North Shore Sanitary District to complete its plan to eliminate sewage effluents from Lake Michigan.

Surely, few issues have been more actively discussed and weighed by all segments of our population than that of the

environment. I share that concern, and have supported legislation to establish a Council on Environmental Quality; strengthen air pollution control measures, extending the program to include research relating to fuel and vehicles; establish national air quality standards, including pollution due to planes, autos, and fuels; and to encourage the recovery and utilization of solid waste materials; as well as other relevant bills.

EDUCATION

Emphasis remains strong on the quality of education in this country, as well as the availability of that quality education. I feel a particular concern for the problems of education in this Nation, and have, as a Member of the House, voted for passage of bills which would extend the Elementary and Secondary Education Act—including funds for impacted aid, adult basic education, Indian schools, teachers in disadvantaged areas, and so forth—through 1972; make available an additional $100 million for needy children not now being reached by the National School Lunch Act; put the special milk program for children on a permanent basis; and provide emergency student loan guarantees. With respect to the handicapped, I supported legislation to establish a National Center on Educational Media and Materials for the handicapped and additional legislation to provide educational aid to programs for gifted and handicapped children.

Perhaps the most controversial vote relating to education was my vote to override the President's veto of the Labor-HEW appropriation bill—and it was one of the most difficult votes I cast during the 91st Congress. The House and Senate passed a bill which increased the President's budget request by $1.1 billion, earmarking most of the additional moneys for educational purposes. The President vetoed the bill, and on national television stated that he considered the veto necessary because of inflationary pressures in our economy.

As a Republican Member of the House of Representatives, I feel a strong sense of loyalty to President Nixon and his legislative policies, understanding that only with the support of the members of his own party can he hope to implement the policies he believes necessary to solve this Nation's problems. On the other hand, one of the programs most seriously affected by the veto provided school assistance in federally impacted areas. These payments are given by the Government to school districts in lieu of property taxes for children whose parents reside in the school district and are employed by the Federal Govenment. The 12th District receives almost 50 percent of all impact funds coming to the State of Illinois. There are criticisms—some of them deserved—of the impact aid program. However, I believe that before drastic cuts are made, some alternative method should be devised to meet the Federal burden in this area. Despite political loyalty to the President, I was also aware of my obligations to the residents of the 12th District to fight for programs I believe to be in their best interests and in the best interests of the American people. An additional concern stemmed from the fact that the proposed drastic cut would create particularly difficult problems for schools in North Chicago and Waukegan, which serve a substantial number of students from disadvantaged backgrounds.

Ultimately, I voted with 26 other Republicans to override the President's veto. We were unsuccessful. A second education appropriations bill was then passed by the Congress and sent to the President for signature. This bill augmented the budget request by about $650 million, as compared to the $1.1 billion of the original bill. Although I opposed the cuts, the bill did provide $440 million for impact aid, and I supported the appropriation which was, at that point, long overdue.

CRIME

One of the most crucial—and universally recognized—issues during the 1968 elections was that of crime in the streets. This Congress has taken action to wage a campaign against street crime, white-collar crime, and crime connected with drug abuse. Because of my assignment on the Judiciary Committee, I have been directly involved in some of the most controversial legislation considered in this Congress.

In 1970, the House, with my support, approved legislation reported from the Judiciary Committee to increase funding for the Law Enforcement Assistance Administration—an agency within the Justice Department charged with the administration and distribution of large sums of Federal money to State and local law enforcement agencies, to assist in upgrading, training, and procedures. Organized crime presents a somewhat different picture, and the solutions are not to be sought in the appropriation of funds as much as in the revamping of criminal procedures—the closing of loopholes—so that prosecutors can be more effective in dealing with the white-collar crime problem, that of the crime syndicate. As a member of the committee, I participated in long hours of hearings and extensive markup sessions before voting to bring the Organized Crime Control Act of 1970, consisting of 12 titles, to the House floor. In addition to the provisions dealing with syndicate crime, the bill also establishes Federal controls over the interstate commerce in explosives—and provides the death penalty for fatal bombings.

Drug abuse is receiving increased attention throughout the Nation. I am delighted to report that I supported wholeheartedly a comprehensive measure, directed at treatment, rehabilitation, prevention, and education with respect to drug use, as well as toward strengthening drug laws and enforcement.

To the sorrow of the Nation, Washington, D.C., at the beginning of the 91st Congress, was in the forefront of the rising crime rate. The Congress legislates the laws of the District of Columbia, and, in the second session, we passed—and I supported—the omnibus crime bill for the District of Columbia. It contains controversial sections—such as the "no-knock" provision applicable in certain circumstances for entries and searches, and the "preventive detention" clause allowing the detention for 60 days of persons in certain circumstances who are awaiting trial and are found to be dangerous to the community. The measures contain substantial provisions to safeguard individual rights. While there may be a constitutional test of these provisions, I became convinced, after thorough research, that both are necessary and constitutional.

There have been other dramatic issues in this Congress. We have been faced with legislation to provide for the direct popular election of the President and Vice President—which I supported. If passed by the Senate, this measure would have extended the one man-one vote principle to the election of our President and Vice President.

CIVIL RIGHTS

The 91st Congress voted to extend the 1965 Voting Rights Act, due to expire in 1970. This act was designed to facilitate registration and voting in those areas of the country where black participation in the political process was severely limited. It has proven to be enormously successful, yet the task it was passed to achieve has not yet been completed. I supported the simple extension of the original act. Although this effort was originally unsuccessful in the House, it eventually passed in the form I favored—and which had the overwhelming backing of Civil Rights advocates.

LEGISLATIVE REFORM

This Congress has seemed to lend itself to disposing of issues which have been discussed for years. No legislation points that up more dramatically than the Legislative Reorganization Act of 1970, of which the Congress can be justly proud. It has been 24 years since the Congress last amended its ways of doing business. The legislation—for which I have worked since 1965, and which I supported by testimony, amendment, Floor speeches, and finally, my vote—has significantly improved the operations of both the House and Senate. Minority interests are protected, procedures are streamlined—including the acceptance of my amendment permitting electronic voting to replace the arduous roll call system which has occupied fully one-fourth of the time of the Congress in any given session—and, most importantly, a great deal that was previously secret will be made public. Virtually all committee meetings will be opened; public television coverage of committee hearings will be permitted; and previously unrecorded votes in the House and in Committee will now be recorded and made public.

DOMESTIC PROBLEMS

The problems of this Nation are as diverse as its citizens, and the solutions must be sought and assessed with a sense of relative urgency and priorities against the broad spectrum of the general welfare of our citizens and the health of our Nation—economically and spiritually.

In the face of once-rampant inflation, which is now hopefully being checked and stabilized, those on fixed incomes, those on the lower rungs of the employable ladder, those who are unemployable, those who are at the starting point of

an average married life—all have their individual and, in many cases, critical problems. I have supported legislation to provide an increase in social security benefits and to set the tax base at a more realistic figure; to establish a new family assistance plan, providing benefits to those who work, or who register for employment or job training, and day care for children to free mothers for employment or job training.

With regard to the elderly, we have provided that those over 65 who were ineligible for hospital insurance under medicare, may now secure such coverage, provided they pay the full premium. Also, we have authorized a study on possible inclusion of chiropractic care under medicare.

I have supported bills to strengthen the warning label on cigarettes; to permit lending of mortgage money for VA loans out of the National Service Life Insurance funds; to authorize a disbursement of $250 million to provide funds for mortgage financing at reduced rates of interest to FHA-approved home buyers; to increase rates of pensions payable to veterans of World War I and later wars, and their survivors, as well as monthly rates of compensation for veterans with service-connected disabilities; to provide occupational safety and health standards; to limit the amount of subsidy that may be paid an individual farmer under the Agricultural Act to $55,000; to reorganize the Post Office, so that it will operate as a Government corporation.

SUMMARY

This Congress has set a record for its length. The spectrum of American national concern has been reflected in the more than 90 messages the President has sent to Congress—messages in the areas of electoral college reform; domestic programs; income tax; organized crime; hunger and malnutrition; selective service; drugs; population; welfare; public transportation; education; Indian policy; labor disputes; environmental quality; social security, and so on.

We are a people involved. This is a time of dramatic interest by, and activity on the part of, the citizens of this Nation. Improved communications, increased leisure time, growing educational opportunities, all have combined to make the American citizen more responsive and more vocal on matters of national concern.

There are great and critical issues before us—and because the problems are great, the challenges are great. The exciting opportunity for extraordinary achievement, involvement, and change is with us. It is indeed a time for greatness if we but rise to meet the challenge.

The Congress has sought to rise to that challenge. Because of the divergence of political control, there is also a divergence of philosophy and approach. The art of compromise involving a President of one party and a Congress of the other, tends in some instances to neutralize what might have been dramatic results.

We seem to have merely skimmed the surface in this narrative. I prepare a weekly newsletter on matters of current legislative interest, and this newsletter is reprinted in most of the local newspapers that circulate in the 12th District of Illinois. More detailed information may be secured by writing to me as follows: Congressman ROBERT MCCLORY, 426 Cannon Building, House of Representatives, Washington, D.C. 20515.

GROWING SUPPORT FOR A STRONG AIR POLLUTION CONTROL ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. VANIK. Mr. Speaker, on June 10, 1970, the House passed a Clean Air Act.

But in late July the entire eastern half of the United States suffered severe air pollution attacks as a pall of smog hung over our major cities. The frightening experience of late July demonstrated, if we did not realize it before, the severity of air pollution problems.

As a result, on September 22, the Senate passed the National Air Quality Standards Act of 1970. This clean air bill is stronger than the House version because it sets a definite timetable for a 90-percent reduction in automobile pollution. It also requires that all new plants and factories be built utilizing the latest and best air pollution control equipment.

Because it is vitally important that the stronger Senate clean air bill be passed, 44 Members on the House side have introduced the Senate passed version in the House of Representatives. This is an indication of our concern for the health of all Americans. Other cosponsors are expected in the near future.

The difference between the House and Senate versions is currently being resolved in a conference committee, and I want to commend the House conferees for already agreeing to major provisions of the Senate bill.

Below is a list of the House Members already cosponsoring the House version as well as an article from the October 9, 1970 Wall Street Journal describing the fine work of the conference committee to date.

COSPONSORS

Mr. Addabbo.
Mr. Bell.
Mr. Brasco.
Mr. Brown of California.
Mr. Button.
Mrs. Chisholm.
Mr. Clark.
Mr. Clay.
Mr. Conyers.
Mr. Donahue.
Mr. Edwards of California.
Mr. Ellberg.
Mr. Farbstein.
Mr. Fascell.
Mr. Fraser.
Mr. Gaydos.
Mr. Gude.
Mr. Halpern.
Mr. Harrington.
Mr. Hechler of West Virginia.
Mr. Koch.
Mr. Lowenstein.
Mr. Madden.
Mr. McCloskey.
Mr. Mikva.
Mr. Moorhead.
Mr. Olsen.
Mr. Ottinger.
Mr. Patten.
Mr. Pike.
Mr. Podell.
Mr. Price of Illinois.
Mr. Reid of New York.
Mr. Rees.
Mr. Reuss.
Mr. Rodino.
Mr. Rosenthal.
Mr. Ryan.
Mr. Scheuer.
Mr. Schwengel.
Mr. Tunney.
Mr. Vanik.
Mr. Wolff.
Mr. Yates.

CONFEREES SET TO RETAIN 1975 AS DEADLINE FOR SLASHING POLLUTION FROM CAR EXHAUSTS

WASHINGTON.—Legislation commanding the auto industry to slash exhaust pollution by 1975 appeared to clear a formidable hurdle in Congress.

A conference committee of House members and Senators tentatively agreed to keep that deadline in the final text of a clean-air bill, according to a jubilant Sen. Muskie (D., Maine). The agreement, if it sticks, sharply improves chances that the bill can be enacted before Congress adjourns.

Last month, the Senate unanimously passed a measure requiring auto makers to achieve by Jan. 1, 1975, a 90 percent reduction in exhaust pollutants from the level currently permitted by Federal regulations. The industry could get a one-year postponement of that deadline if it convinces Federal authorities it tried faithfully to meet the low-emission goal, but just couldn't make it.

The Senate bill, sponsored by Sen. Muskie, was a shocker to Detroit. Auto executives personally lobbied against the 1975 deadline, and General Motors Corp.'s president, E. N. Cole, told Sen. Muskie that achieving the 90 percent emission cut "simply isn't technologically possible within the time frame required." Industry engineers hadn't been shooting for such low emission levels until 1980.

The industry had hopes of softening the requirement in the conference of House members and Senators. In June, the House passed a clean-air bill dealing mainly with pollution from factories, not vehicles, and the House conferees could have refused to accept the Senate's tough exhaust deadline. Some Congressional sources were predicting a drawn-out conference fight.

But at their very first meeting yesterday, the conferees stuck a tentative bargain that Sen. Muskie said would "preserve the deadline on automobiles." He said the agreement would retain the 90 percent requirement, the Jan. 1, 1975, target, and the potential one-year grace period.

In return, the Senate conferees agreed to a House proposal for a continuous monitoring of technological progress on auto-pollution control by the National Academy of Sciences, an organization that does various scientific chores for the Government. House conferees reasoned the academy would be an impartial umpire on the question of whether technological progress is too slow to meet the 1975 deadline. If the academy advises Congress between now and 1975 that the deadline is too strict, Congress could move it back.

The agreement was described as tentative because staff aides must still draft exact language outlining the academy's functions.

"It's very reassuring to have this resolved so quickly," said Sen. Muskie. The conferees won't meet again until next month, when Congress returns after the election for its lame-duck session. There are wide differences to be resolved in House and Senate versions of proposed controls on pollution from factories.

THE UNIVERSITY TODAY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, while pundits, politicians and cocktail party circuit riders continue to debate the findings and recommendations of the Scranton Commission report on campus unrest—which most have not bothered to read—another group of persons—our college and university presidents—are quietly going about the day-to-day job of administering our institutions of higher learning. They know full well that the primary responsibility for maintaining campus order rests with them and depends upon their abilities to exercise leadership and obtain the cooperation and support of the university community. They know from past experience that fools rush in where leaders fear to tread and that they therefore have a special responsibility to fill that leadership vacuum. They know too that students, faculty and the taxpaying publice are looking to them to defuse the explosive potential for violence and infuse the dynamic potential for intellectual ferment and constructive change.

One who is demonstrating these leadership qualities is President John T. Bernhard of Western Illinois University in Macomb, Ill. Characteristic of his leadership is the convocation address which he delivered to the WIU student body on September 15, 1970. In that address he presented the problems of war, racism, the environment and the university as challenges for the new generation of students to deal with constructively. He inveighed against the fanatics of the revolutionary left who "find themselves in what I call the Vietnam syndrome—they feel they must destroy the university in order to save it."

He goes on to point out how perverted this form of logic really is:

> These are the nihilists, who claim that only through destruction can a great and new society be built. How wrong, how terribly wrong they are! Because in destroying the university, they destroy the foundation stones of the society itself. They destroy all hope that society has for reform, growth and happiness. What a better legacy to leave the future generations of men and women. The university must be dedicated to the torch of learning (not the torch of destruction) aloft and alive. . . . to the pursuit of learning in peace.

He warns of the trend toward campus politicization which could transform the university into an "ideological football," thus inviting polarization and the destruction of scholarship and learning. In his words:

> The rule of reason must prevail or the university faces inevitable disaster.

That is not to say, states President Bernhard, that students should not be concerned about the great social issues of our times, but that the portrayal of concern should be in the "reasonable context" of a "nonviolent commitment to truth and social progress."

He disputes and refutes the premise that damage to property is somehow justified on the grounds that property is symbolic of inanimate materialism. Not only does this overlook the dangers of human injury but "the human factor which inheres in property."

He concludes by saying that not only should the students be provoked by the challenges they confront, but that they should channel their idealism to meet and resolve those challenges. While they may be impatient, exasperated and frustrated at the slow pace of change, they should recognize that change is inevitable and that the central challenge to them is in determining the direction and tempo of that change.

Mr. Speaker, at this point in the RECORD I include the full text of President Bernhard's excellent convocation address and commend it to the reading of my colleagues.

The address follows:

ADDRESS TO NEW STUDENTS, WESTERN ILLINOIS UNIVERSITY, SEPTEMBER 15, 1970

(By President John T. Bernard)

At the very outset, before welcoming you as newcomers to the campus, I would like to introduce two of our pioneers and trailblazers at Western—two individuals who are heading up two very significant programs that typify the forward thrust we are trying to sustain at this institution. I wanted you to see them, and then perhaps have the opportunity through this coming year to make their acquaintance in depth. First, I will introduce our new University Ombudsman, Mr. Don Daudelin. And next, I'd like you to meet Mr. Charles Evans, who is the new Director of the Black Studies Program and Assistant Dean of Special Projects.

Mr. Daudelin is our new ombudsman for students. Some of you may not know exactly what that is, but he is really—a quick shorthand expression—the "chief gripe officer." If you've got any complaint about the so-called faceless bureaucracy at Western Illinois University, Mr. Daudelin is the man to see. And he has an ample supply of kleenex in his office, too! Seriously, we expect Mr. Daudelin to serve as the chief advocate of the students, and to ably represent their concerns and interests on this campus.

Mr. Evans comes to us after a long experience in the area of black cultural studies. He is a man who is very well trained, educated, and interested in the broad process of higher education. We look to him for leadership in Black Studies, in the development of Reach-Out Services, and also in the further growth of the Brooks Cultural Center for our black students at Western.

We feel that these two major programs, among others, are extremely important for the modern university; and we expect these two gentlemen to provide us with the leadership, and intelligent direction that we need.

I'm very happy to greet you on this occasion. It's one of those rare moments in a school year where I do have an opportunity to address such a large audience. During the year, I meet with many small groups; but this is one of my few chances to speak to such a large student gathering.

I bid you a very warm welcome! I hope that things are going reasonably smooth for you in adjusting to your living quarters, and in getting ready for your course work. I recognize that there are many problems. I wish that the weather could have been better for you, your parents, and friends who came a few days ago. I also wish that our adjoining roads could have been in better shape. There's one thing you soon discover when you're a university president: Certain things are definitely beyond your control, and two of these are the condition of the streets and the weather!

I dislike bringing up serious matters at this otherwise-festive occasion, but I really think that our perilous times justify some rather sober comments from me—comments which I hope will be of some provocative interest to you; and even though you may not agree with my remarks, I do hope you will give them fair consideration.

You come from many different walks of life. There is a very interesting cross-section at Western. We have students from rural background, students from urban centers, students who are well-to-do or wealthy; we have those of middle-income, and others from the poor sector of our society. We have students who are black, white, brown, yellow, with mixtures of all kinds. Thus, you bring to this campus a certain rich thread of diverse culture, of insight, of social experience, all of which adds to the total quality of university life. You also bring different motivations to W.I.U. Some of you, I daresay most of you, are interested in preparing for a career. The specific career, of course, is something that some of you may not have chosen yet; but you do recognize that the university contains those ingredients that are needed to prepare you for professional or employment opportunities.

But this is not enough. The university has to mean more than just that. You should also broaden your spectrum of knowledge about your world, your culture, yourself. We hope that you will widen yor appreciation of things so that you may add color and zest to your lives when you leave these academic halls.

We expect you to learn more about the specific problems of society. We don't want you to regard this campus as an ivory tower seated on a patch of green, completely surrounded by a deep moat which cuts you off from the outside world. In so learning about the problems of society you will be able to contribute significantly to the solutions that are so sorely needed. A rather tired, calloused, jaded world doesn't seem to be able to come up with dynamic answers. In this connection, I'd like to quote an important statement from Robert Hutchins:

"What education can do, and perhaps all it can do, is to produce a trained mind. It is principles, and everlastingly principles, not data, not facts, not helpful hints, but principles which the rising generation requires if it is to find its way through the maze of tomorrow. No man among us can tell what tomorrow will be like. All we know with certainty is that it will be different from today."

Those words were uttered over thirty years ago, but they still have a refreshing cogency which I would like to leave with you today.

I have mentioned the serious problems of society. What are these? I could go through an encyclopedic list, but that's not very useful for this occasion. However, let me draw your attention to a few which I consider extremely critical, and which should be very meaningful to you as a new generation of university students. Although I label these as problems, and problems indeed they are, I would hope that with your youthful energy and idealism you can look upon them as challenges to be met and to be resolved.

The first serious challenge I'd like to present to you is war—a very simple but dreadful three-letter word—war! War is the uniquely human invention of institutionalized violence and destruction. It's the terrible, malignant cancer of all mankind. It exists in our world today as a monumental confession of human failure. When all else fails, when human reason collapses, when good will among men is destroyed, war is the last resort of barbarians. Why has war persisted for so long? Why have past generations failed to bring peace? Address your minds and your hearts to these questions, and then you will be making a contribution of great significance. This institutionalized violence we call war has external and internal implications.

Externally, we see the obvious arenas of conflict—Indo-China and the Middle East. And in the Middle East we have further the

supreme irony of seeing the Holy Land transformed into a bloody cockpit. In addition to these formal theatres of war, there are also brutal assassinations, hi-jackings, and kidnappings of international power politics. However, while we may stand hesitantly on the brink of oblivion there is still opportunity for change in the offing. Our best chance is that young people, like yourselves, will accept the challenge and come up with new thinking, new spirit, a new world. We need your dedication to peace; we need your spirit, brains, enthusiasm and your idealism. These are not idle words. The world calls for your saving support.

The internal applications of institutionalized violence can be seen clearly at home today. In our land, as well as in other lands over the globe, a bitter stream of venomous hatred seems to pour out—bomb threats, deadly explosions, ambushes in the cities, arson, gang warfare. This stream withers everything it touches, turning the hearts of men against each other. To what end? To the end that we shall destroy each other? Heaven spare us that! But this is a somber consideration to which I think youth must address itself.

Another major challenge is racism—the racism of today's world. Can we really achieve freedom and justice for all, which is a part of the American dream, regardless of race, color or creed? Or are these only words, mere words, mere rhetoric? Further, do we have enough time to bring about the reforms and the necessary adaptations to the changes that we desperately need? Let us hope so. Your willingness to actually make these changes, to live by them, to achieve the necessary adaptations, to live in a flexible social order will inevitably pave the way to a future of justice and freedom for all. And the speed with which this is accomplished will depend upon the success of your own adaptation to the needs of this perilous time in human history.

May I now say a brief word to the black students who are gathered here? I say this very sincerely and without any note of condescension. I want all of you to know that you are welcome here—most warmly and heartily. We want you to succeed at Western as you progress toward your objectives in life. And I can pledge to you that the administration of this University is thoroughly committed to the proposition that you will receive justice and fair play here. Further, I will undertake all steps humanly possible to make sure that this condition is fully achieved on our campus.

In truth, sad to say, you will meet some bigots during your experience at Western, both on and off campus. I wish it could be otherwise; I sincerely wish it could be, but human nature being what it is, you will probably encounter some crude or subtle bigotry. However, and I wish to emphasize this—I am confident that the great majority of white students on this campus would like to be your sympathetic friends. They do want to relate to and understand some of the problems that black students and black citizens face today in America.

May I therefore offer a message of counsel—simply a few words of advice—please don't turn off white students with scorn, contempt, or sarcastic put-on when they try to show you friendship and concern. Of course, your hurts and grievances are certainly real and they are deep; and I know that they are bitter enough! Human history is replete with ample evidence of the cruel injustices inflicted upon the black man. But please, I beseech you, don't turn your backs on those who sincerely want to make amends for the failures of past generations. And I also hope that all of the white students on our campus would enter into this friendly understanding with the same spirit of fellowship and brotherhood. After all, we are in this world together; we're all on this same polluted spaceship; we all face problems of such great complexity that they transcend barriers of color, creed, nationality, or of any other discriminating element you wish to mention.

Another grave challenge deals with our environment. Have you ever asked these questions: What kind of an America do I want to live in? What type of world shall all humanity dwell in? The progressive contamination of all earth, air and water, if continued on unchecked, will lead inexorably to the destruction of all of us—black, white, rich, poor, Christian, Jew, Moslem; it makes no difference. Pollution and contamination do respect any boundary lines in humanity. To what extent are you actually concerned about the quality of life? If you are not, I urge you to think very seriously about these aspects of human existence.

There's an additional implication here. Beyond being concerned about the pollution of our earth sphere, what kind of a physical environment shall we have for our future world? What will 21st Century urbanism be like? What kind of monster cities will we have? What will our factories be like? What will be the design of our homes, our neighborhoods? Buckminister Fuller and others have just begun to tap the tremendous sources of environmental knowledge which we need to build happier and healthier lives in the years ahead. I am talking of your time in history—your century. You should be concerned about the plight of the world for yourselves and for your fellow human beings. Your ideas, your diligence, your zest, your energy are desperately needed here also.

The last but not the least serious challenge I offer you is the university itself. The university—not just Western Illinois University—but the American university in general. What is the condition of the campus today? Clearly the university is beset by mortal enemies—enemies who are intent upon destroying it in one way or another; they can be classified as either of the revolutionary left or the reactionary right.

The fanatics of the revolutionary left would like "to burn the cathedral to fry an egg"! Ironically, they find themselves in what I call the Vietnam syndrome—they feel they must destroy the university in order to save it. These are the nihilists who claim that only through destruction can a great and new society be built. How wrong, how terribly wrong they are! Because in destroying the university, they destroy the foundation stones of society itself. They destroy all hope that society has for reform, growth, and happiness. What a bitter legacy to leave the future generations of men and women!

And what of the sour zealots of the reactionary right? To impose their dogmatic concept of order they are very quick to bypass due process of law and to trample upon personal and academic freedom. In their own wildly radical way, they also aim to kill the heart of the free and open university.

The university must be dedicated to keep the torch of learning (not the torch of destruction) aloft and alive. All within the university context must be committed to this great cause; and I mean students, faculty, administrators, civil service personnel—all must be dedicated to the pursuit of learning, *in peace*. If we are not united on this issue—all of us within the university family—then we jointly become a vulnerable target for that self-serving opportunism of which we read much lately.

The university cannot become politicized, and thus be transformed into an ideological football; in so doing it literally invites destruction. The campus could tear itself apart as factions and cliques form, fighting each other with increased ferocity and eventually destroying the very life of scholarship and learning. The university must sponsor and protect the honest search for truth. There must be a very deep and abiding faith in the rule of reason on a campus. In essence, the rule of reason must prevail or the university faces inevitable disaster.

I pledge to you here and now, so that there will be no doubt in anyone's mind, I shall continue to do everything in my power—everything that is humanly possible—to make sure that Western Illinois University serves society as an open, free, self-respecting and unintimidated institution of higher learning!

In my opinion, this is my solemn charge as president of this school. If I did not live up to that charge, I would be clearly derelict in my duty. Obviously, I cannot meet this charge alone. I will need the support of all members of the university community; and you students form the major portion of that community. Without your support, without your encouragement, without your adoption of the rule of reason, I cannot succeed no matter how many decrees, rules or regulations I may issue from my office. Therefore, I implore you to ponder seriously the kind of climate you want to have at Western. We cannot tolerate any violent, disruptive, or destructive activity if we want a free campus. Any move in this negative direction would threaten the very security of the university because the pressures that impinge upon it today are enormous indeed. We are surrounded by enemies of various persuasions, but we cannot surrender to them under any inducement or excitement of the moment.

But please don't misunderstand me; I'm not saying you shouldn't be concerned. Of course you should! I'm deeply concerned about the problems and injustices of society. I'm sure that many of you share this concern. Obviously you must or you would not be participating human beings. However, there is a reasonable context in which you should portray your concerns; and I implore you to define that context as a nonviolent commitment to truth and social progress. If you reject that context, you then become vulnerable to a nihilism which at heart has nothing but a corrosive contempt for all humanity.

One final word on this general subject, which I think is important because it refers to a faulty judgment on a critical issue. I attended a conference last year and was appalled to discover that a central theme running through all the discussions implied that property damage could be separated easily from personal injury. Hence, if in the cause of social protest, some property was unfortunately damaged or destroyed, it was perhaps too bad but really not very serious as long as no human injury occurred. After all, property is merely the emblem of inanimate materialism!

I wish to question that premise. But I am not extolling property as such and placing it on a lofty pedestal. Instead, I am questioning the assumption that man can so easily separate property damage from personal injury. When violence and destruction are unleashed can man truly guarantee the line will be drawn between property and life? Was the bomb explosion at the University of Wisconsin in Madison such a guarantee? Certainly the property damage was astounding; that in itself was deplorable. But the most grievous result was the cold-blooded murder of one human being and the injuring of four others. Of course, we can argue in abstract terms that the perpetrators of this crime really did not intend to kill or to injure human beings. But, pray tell me, where indeed do we draw the line? The frank nihilist abruptly dismisses murder as a "necessary element of the revolution." Others are more hypocritical and tend to disguise this truth with smooth sophistry.

Too often, in our sometimes caustic interpretation of materialism and property in history, we tend to overlook the human factor which inheres in property. A few years ago, during a disastrous urban ghetto riot where much damage took place, an aged black citizen was interviewed. As he stood on the sidewalk with tears in his eyes, viewing the

gutted remains of a smoking building, a reporter went up and asked him why he was standing there looking at the charred ruins. The man said, very simply: "Well, it really wasn't much for sure; but it was my home." Now tell me where do we draw the line between property and humanity? Was not this personal injury as well as property damage? I say yes; most emphatically, yes!

In conclusion, we all know that these are serious problems. I want to reiterate though that they are really challenges; they are challenges which should provoke you as young men and women. Your idealism can meet these challenges. You can resolve them. You can come up with answers. You represent the faith and the hope of the future. Why do you think there is so much discussion in the councils of the older generation about the right of the 18 year old to vote? Because there is a very critical issue in the balance:—Can the 18 year old apply his or her idealism to productive purpose in solving the problems of society? That is the basic question. I say yes; the young can shoulder this responsibility for all civilization, and I think that the tide of history is showing this to be true.

We know that there will be change. We also know that there will be human progress. Of course, all of us get impatient, exasperated, and frustrated at the slow pace. But actually change itself is inevitable. The one common thread that weaves its way through all ages is the inevitability of change. Things tomorrow will be different than they are today—maybe imperceptibly so, but they are different nonetheless. It's as if a vast undercurrent existed beneath the earth's crust, taking charge of the events of man. The only unknown factors are the direction and the tempo of this inevitable change. Change itself is irresistable, but what about direction and tempo? You will determine that! If your determinations are made within the constraints of reasonable men, where the rule of reason prevails over the anarchy of the barbarian, human society will greatly benefit from your intelligent concern.

A final word about your own involvement—in society or at Western:—please participate as sovereign individuals; think for yourselves; be distinct persons; be mature men and women. We do not welcome hypotized herds and flocks at Western. Do not be deceived by demagoguery, either written or verbal, from whatever quarter or source. Maintain your personal integrity; make your own decisions, search for your own answers; be proud of standing on your own feet.

Each of you is unique; you are alone; you are different. There are no others like you. Remember that; and as you consider the problems which may exist on this campus (in terms of student politics, teaching quality, or curriculum relevance) or in the world at large (in terms of the serious challenges I have previously offered you), think as sovereign individuals. In this way, you will make the decisions which will benefit not only yourselves but the entire world.

I wish you the best of luck. We are delighted you are here, and I sincerely hope that you will have a socially enjoyable and an intellectually rewarding experience at Western Illinois University.

LETTER TO A STUDENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ROBISON. Mr. Speaker, I include in the RECORD a copy of a letter written by Prof. K. Ross Toole, which first appeared in the New York Times of September 23. This letter, an open letter to students, contains an important message for young people who desire a voice in their government. Although, I do not necessarily agree with all that Professor Toole says, I do think that his letter is worthy of consideration by all of us. His question, "Why Woodstock and not Watts?" is a most intriguing one and one which thousands of students who kept the McCarthy presidential campaign alive can and did attest to the power that they are able to exercise. There are many things that are wrong with our world, many things that need change, I think that the challenge is clear—is the response?

The article follows:

LETTER TO A STUDENT

(By K. Ross Toole)

MISSOULA, MONT.

DEAR WAITING STUDENT: If you haven't discovered it yet, now is the time. Upon what meat does the violent, rockthrowing, building-burning campus militant feed? On yours, Sir, your very own flesh. You, the standers-by; the doubters concerning the question of whether the American system can work.

It is very late and there are some things you should know—and you should know them whether you like them or not.

You are standing by basically because you say you are frustrated: the channels are plugged; you cannot make your voices heard. You are idealistic and you love your country, but maybe the violent ones are right. Maybe you will join because the only course left to you, you say, may be violence.

It so happens that you are wrong, dead wrong.

Across America there is a growing wrath about college violence. Not anger; wrath. Call it middle America, call it "those people out there," call it the "silent majority"—call it what you will, but every act of violence by the left on any campus in America feeds the fires on the right. And the power's there on the right; the power that will *force* legislatures and Boards of Regents to devise ironclad rules of conduct for students and faculty; a suppression which will put the 1920's to shame. It will destroy academic freedom and it will destroy your own opportunity to get an education.

I am sick to death of your drumbeat, overblown rhetoric, the monotonous litany, "We cannot make our voices heard. No one will listen to us." The violent left is heard. But you are correct in thinking that very few people listen. That is because the violent ones have nothing to say.

So the channels are plugged? You have no way to go? The wires are cut? You are powerless? Here again, the bull horn rhetoric.

The channels to change in America are not plugged. You simply do not know how to use them. I, for one, am sick of the fact that you haven't done your homework or tried very hard.

Just as a simple example: There are 31,000,000 voters in America under thirty. As former Chief Justice Warren put it, "Youth can lead a crusade anytime it wants to." If the 18-year-old vote stands the test of constitutionality, 11,000,000 more youths will be added to the roles. That is 41,000,000 out of $120,000,000 registered voters.

Consider Eugene McCarthy and his supporting youth: It was largely the power of youth that forced an incumbent President, in effect, to resign. And what then? Did you go on working? Did you apply yourselves to the hard pragmatism of political power? Indeed not. You slunk off because you had been defeated.

You have no power? Tell me, how many of you went to Woodstock? Nearly 460,000. What did you do there? What you really did was indulge yourselves, *en masse*. What if, instead of an orgy of self-indulgence, you had appeared 400,000 strong in a slum with scrub brushes, and each with a bottle of one-a-day vitamins?

What if you had joined one fawn-eyed man named Cesar Chavez, picked the grapes and given the proceeds to his union? What if you gathered to help the migrant workers in Florida?

And if the giant citrus companies had refused to let you work, could they stand there naked in the light of your effort and in the bright eye of television? I think not. Why Woodstock and not Watts?

How about facing up to the fact that what stands athwart man's chances for a better life is not technology, machines and the military-industrial complex—it is man himself who stands there. It is you.

Get the facts and forgo the rhetoric. Stop confusing bloviation with the truth. And, remember, the building you burn will be your own.

HORTON THANKS VOLUNTEER TRANSPORTATION SERVICE OF NORTH EAST AREA DEVELOPMENT FOR GREAT JOB

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, it is always a great pleasure to recognize publicly the efforts of good people who go beyond the call of duty to render assistance to those in need.

Such is the purpose of these remarks today. On behalf of the entire community in Greater Rochester, I would like to express appreciation to the members of the North East Area Development, Inc., who, for almost a year now, have been doing a great job with a volunteer transportation service.

In Rochester, and I am sure everywhere else, there are many fine citizens who, for one reason or another, do not have adequate transportation facilities when trips are necessary to doctors, clinics, other medical services—yes, and even to grocery stores.

The aged, the infirm, the financially handicapped, or the wife whose husband needs their only car for travel to and from work, often find emergency trips confronting them and, more often than not, public transportation will not solve the problem. Short of hiring a public conveyance at a price these people can ill afford, there is little they can do to help themselves.

This need was long recognized by members of the North East Area Development, Inc., a community-oriented organization, and last fall they decided it was time to act. They formed this volunteer transportation service to fill a desperate need in quite a vast portion of Rochester.

There are now a dozen drivers who use their cars and donate their time, all at no remuneration, to transport those in need. I believe those devoted to this fine cause are more than deserving of a pat on the back and a very sincere "thank you" from all of us.

Headed by Mrs. Patricia Montalvo, coordinator of NEAD'S volunteer transportation service, the list of drivers in-

clude: Mrs. Marilyn Mahl, Mr. and Mrs. Fred Roeck, Miss Ernisse, Mrs. Dorothy Beye, Mrs. O. Caulfield, Mr. and Mrs. Edward Hahn, Mrs. Hallenbeck, Miss Bette Rowe, and Mrs. Helen Lansberry.

One senior citizen, Mrs. Stanton, to show her appreciation for the kindness of the drivers, voluntarily acts as a baby-sitter when the need arises for one of the motorists.

The success of this splendid group is so great that there is talk and planning in other sections of the city to form other volunteer transportation services. This, of course, would be most welcomed by all concerned.

The NEAD group recently received a fine tribute in a feature story in the Rochester Democrat and Chronicle. Written by Mr. Alan Koonse, it gives more details of the activity and I would like to share it now with my colleagues.

The article follows:

WHEELS TURN, GIVE LIFT TO STRANDED OLDSTERS

(By Alan Koonse)

It's a long walk to Genesee Hospital from the northeast corner of Rochester for a 74-year-old woman who doesn't drive and doesn't have a way to her monthly medical checkups.

And there's a mother of three who needs to transport her young children to clinics for shots and other health services.

Last October, a northeast Rochester community organization decided that transportation for many residents to doctors and medical services in Rochester was a major problem.

Since then, members of North East Area Development, Inc. (NEAD) have started wheels turning to provide transportation for community residents when certain situations arise.

Mrs. Pat Montalvo, coordinator of NEAD's volunteer transportation service, said that since March 31, NEAD has had 13 volunteer drivers who devote their cars and their time without pay.

The volunteer transportation service, covers Rochester's northeast side: From Goodman Street North on the west, to North Street on the north, to University Avenue on the south, and the city line on the east.

"We have a big area to cover," said Mrs. Montalvo. "But we feel that mothers with baby's and older persons who don't have cars need transportation in special situations."

These special situations, she said, are to help elderly persons get to grocery stores, to take a young boy with a broken ankle to a hospital, or to take young mothers to health clinics when their husbands have the car at work.

Mrs. Montalvo points out the volunteers service is not an ambulance service. "We are not doctors and nurses, so our drivers can't take cases where there is bleeding or major injury, because we are not set up for that at all."

Friday's volunteer service is devoted to transporting mothers and children to the "Well-Baby" Clinic set up by NEAD at Parsells Avenue Baptist Church. There, they receive free medical supervision, plus shots and clinical care.

"We contacted an insurance associate for the state and we were informed that it was not necessary to get an insurance policy for the drivers because their own insurance covered us," Mrs. Montalvo said.

Many of the drivers, she said, have jobs and families and volunteer on their days off. But she added that the most urgent problem the service faces is its need for more volunteer drivers.

"So far everything has worked out okay. Senior citizens are taking advantage of the service to get to their doctor appointments. Others are asking if we need help," Mrs. Montalvo said.

She said one elderly woman volunteered to babysit for the drivers to show her appreciation for the service.

"VIETNAMIZING" VIETNAM'S ECONOMY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ROBISON. Mr. Speaker, earlier this year you sent me as a member of the House Select Committee on U.S. Involvement in Southeast Asia on a 2-week inspection trip to see, if we could, what additional information we could find to bring back and report to our colleagues about conditions in South Vietnam and the surrounding area.

Our report has long since been presented—and, perhaps, forgotten. But it bears repeating that all of us returned as concerned about the economic threat to the viability—and stability—of the present Saigon regime, as we did about whatever military threat the Vietcong were then posing to that same government, and the people of South Vietnam.

This is a subject that was thoroughly and carefully explored in our report to this House—and we offered certain specific recommendations for early consideration by both the Saigon government and our own Government's representatives in Saigon. Some of those recommendations have by now been accepted and implemented, but the most important move in this connection would clearly be the Saigon government's announcement, several days ago now, of a drastic monetary devaluation as part of its sweeping program to fight corruption and stabilize its faltering economy.

The Vietnamese currency, the piaster, which was pegged at 118 to the dollar when we were in Vietnam, has now been devalued to 275 to the dollar, which may still not be enough for, I understand, the black-market rate for U.S. greenbacks in large denominations in Vietnam—Saigon, at any rate—has been running at about VN$400 to the dollar. However, this is a clear effort by President Thieu—and at some political risk to himself—to bring his nation through the transition from reliance on the United States to fight the war toward dependence on its own resources to do that job. For that effort, he should be congratulated, along with Vietnam's national legislature that gave him the necessary authority to take these steps—one of which, also badly needed, is a 20-percent pay boost for the Vietnamese Army and civil servants who have been asked to fight—and work—at something less than subsistence wages.

This is all a very complicated matter, a sidelight, really to how our military involvement in this tragic little nation has complicated all things for its citizens. To give some further insight in the overall problem the following article from the October 5 edition of the Wall Street Journal may be helpful—in the reading of which my colleagues might especially note the concluding sentence that goes:

The U.S. Government, as part of this serious exercise in nation building, needs itself to adopt policies that will encourage those with power in Saigon to tax and govern fully.

The article follows:

"VIETNAMIZING" VIETNAM'S ECONOMY

Over the weekend the South Vietnamese government decreed a "parallel" exchange rate among other measures designed to curb inflation; for certain transactions, notably exports and piaster purchases by foreigners (including allied soldiers), the rate was set at 275 piasters to the U.S. dollar. Many in the U.S. Congress do not think the steps are adequate. The following article, written just before the announcement, gives an idea of why the legislators feel that way.

Dr. Enke has been a division head at Rand Corp., a visiting professor of economics at Yale and a Deputy Assistant Secretary of Defense (economics). During the past five years he has directed several studies of the Vietnamese economy. The views expressed in this article are his responsibility, not that of his past or present employers.

(By Stephen Enke)

Vietnam, according to reporters, is headed for an "economic" crisis that will jeopardize "Vietnamization." But the impending crisis is in reality financial rather than economic, and the remedy is not more U.S.-financed imports but a realistic exchange rate for the piaster and increased domestic taxes in South Vietnam.

The South Vietnamese piaster is at this date still officially exchanged at a rate of 118 to the dollar. This is the rate at which our Government buys the piasters it needs to hire local labor, buy local provisions, and so forth. It is the rate at which Vietnamese importers officially buy foreign exchange if they can get licenses and dollars to import. It is the rate at which GIs are supposed to buy piasters, but seldom do, for the black market rate runs between 300 and over 400 piasters to the dollar. The 118 rate is more than five years old, and during this time the domestic price level has tripled.

DEFICITS AND PAPER MONEY

The piaster depreciates because money in circulation has ben increasing around 30% a year on an average. When the Saigon government's budget is in deficit it issues additional paper money to fill the gap. Even after receipts from customs and other import-related taxes, there is a large and increasing deficit every year.

The South Vietnamese government receives more from import-related duties and customs than it does from all domestic taxes on land, beer, gasoline, business and other incomes, and everything else. The income tax falls disproportionately upon government employes, who almost alone have tax money withheld from their wages, and yields little. Agricultural land pays almost no taxes even though good rice land may produce a crop worth 25,000 piasters or so per hectare at the farm.

It is imports that provide most government receipts. These are financed by the U.S. Government, not by exports. They cost the U.S. one way or another over two-thirds of a billion dollars a year. These varied imports include rice, building materials under the Commodity Import Program, together with motor-scooters, durable consumer goods and other "luxury" items otherwise financed. These imports have not, however, been yielding all the government receipts they could. This is because import licensing is restricted, and the piaster is officially over-valued.

Consider imported widgets. As inflation continues, the sale price of widgets in Saigon rises. But the cost to the importer is the same, if the piaster price in dollars or yen is unchanged and the import taxes paid are unchanged. The widening margin results in excess profits for the importer, except insofar as he must share them with officials. These excess profits and pay-offs are a sort of "leakage" in U.S. support.

If only nominal profits were earned, the South Vietnamese government would receive more piaster receipts per dollar of U.S. support. This would happen if the piaster price of foreign exchange increased as the internal purchasing power of the piaster declined. A substantial across-the-board devaluation of the piaster and institution of a flexible piaster price on dollars to licensed importers is therefore urgently needed.

The South Vietnamese government is likely to have larger deficits and print money more rapidly because of past and future U.S. troop withdrawals. Presumably the Department of Defense and GIs will buy fewer piasters with dollars as fewer soldiers remain in the country. It is these dollars, which the Saigon government sells to importers for unrestricted use, that yield the most budget revenues per dollar through high "luxury" goods duties. Accordingly, foreign exchange reserves have been falling, until recently import licensing was restricted to reduce sales of foreign exchange to importers. The result has been to make import licenses and associated exchange more profitable to those fortunate to secure them. The loss of potential government receipts per dollar of U.S. support is thereby increased.

Those U.S. officials who influence our annual support level must attempt some very difficult estimates. They must try to assess how much faster domestic prices will rise relative to the circulating money stock and how much socially divisive inflation is tolerable. If these officials want import licensing to become unrestricted, in an effort to plug the leakage in U.S. support, they must try to guess what piaster exchange rate (X) is compatible with what U.S. support level (Y) and what budget deficit (Z), all subject to the requirement, say, that the Saigon government's foreign-exchange reserves neither increase nor decrease.

No mortal economist knows how to juggle this collection of X, Y and Z. If the South Vietnamese Government taxes less than expected at home or spends more on wage increases than expected, the Z budget deficit will be greater than "planned." With unrestricted import licensing, importers will want to buy more foreign exchange, all financed by U.S. support. As a result, if foreign-exchange reserves are to be held constant, there must be either an increase in the Y support level or in the X exchange rate. More Y costs the U.S. taxpayer more and gives Vietnamese consumers more imported goods. A higher-than-X piaster rate costs our taxpayers no more and provides Vietnamese consumers with no less.

ARGUING FOR "X" RATES

The strongest arguments can be made for letting the X exchange rate be the variable. Then the related Y support level and Z budget deficit can be set annually for each year. Unexpected tax short-falls or spending over-runs by the South Vietnamese government, resulting in more deficits and money in circulation, then alter the exchange rate but not the level of U.S. support or the physical inflow of imports.

Arranging for an officially flexible exchange rate is not difficult and requires every little time for preparation, whereas collection of a productive land tax would take a year to organize. There could be a weekly auction of unrestricted foreign exchange and of restricted Commodity Import Program dollar credits. The Saigon government as auctioneer could protect itself against collusion by setting a minimum piaster price each session. It should make sure that all legitimate purchasers of foreign exchange for current account transaction can become accredited attendees at such auctions. Dollar exchange in different "lot" amounts could be auctioned against sealed bids. The total dollar sum to be auctioned weekly is easily determined from the known level of U.S. support.

The alternative of a supposedly single act of devaluation can only be partially effective. For prestige and political reasons the new official piaster price on the dollar will almost certainly be set too low. As inflation continues the true external value of the piaster will continue to fall. Import licensing will have to be reintroduced, excess windfall profits and pay-offs will reappear, and U.S. support will again be partially wasted. So in time there will have to be another undignified "catchup" devaluation.

These suggestions are aimed at coping with a financial, not an economic, crisis. The piaster may be ailing, but the consumers of South Vietnam are not. The availability for consumption in Vietnam of non-military goods is probably a third higher than it was five years ago.

Obviously, the war and inflation have benefited some more than others, so that an internal redistribution of real income is desirable. Rice growers and farmers generally are doing quite well except when they are refugees from their lands.

One major reason that South Vietnam is not suffering economically is that unemployment has been eliminated. With new demands for services and goods, and more money in circulation to "lubricate" such transactions, there has been an increase in the gross domestic product for several years, with only moderate price increases. Young men might go into the armed forces, but their work around the farm was taken over by relatives.

Under these conditions, if real income needs to be redistributed for equity reasons, this should be done by usual fiscal means. Profitable rice and urban lands should be taxed to pay for supplemental soldiers' wages. There is no justifiable reason why the U.S. taxpayer should finance more imports so that the real incomes of those worse off can be supplemented by piaster expenditures without inflation.

Originally the idea was that U.S. support should compensate for lost domestic production of consumer goods because of mobilization for war. But no such consumption gap occurred during the years that underemployment was being eliminated. Gradually, the U.S. began instead to fill the *budget* deficit gap with imports, so that the less the Saigon Government taxed and the more it spent the more imports the U.S. financed to contain inflation. Less fiscal responsibility was rewarded with more consumer goods imports. Thus the U.S. Government during previous Administrations came to establish a perverse set of incentives for the South Vietnamese government.

THE GOVERNMENT MUST GOVERN

The fundamental object of "Vietnamization" is surely to make the South Vietnamese government and people more self-reliant and independent. The goal of the U.S. is to help them to help themselves. In part this means that they do more of the fighting if we will give them the necessary equipment. But it also means that the South Vietnamese government must increasingly govern, not only as regards maintaining physical security, but also by performing more functions of government more adequately.

One such crucial function of government is taxation. No country can really become a nation that lacks a government with the ability and will to tax. The U.S. Government, as part of this serious exercise in nation building, needs itself to adopt policies that will encourage those with the power in Saigon to tax and govern fully.

CIVIL DEFENSE-CIVIL AIR PATROL JOIN FOR COMMON GOOD

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, an outstanding example of two nationally organized volunteer organizations working for the common good of American citizens was given over the weekend of September 19–20 in the Lehigh Valley of Pennsylvania when civil defense and Civil Air Patrol members staged a series of emergency training exercises.

The exercises were set up by Northampton and Lehigh County Civil Defense officials to determine the Civil Air Patrol's ability to meet requirements of civil defense in time of national or local community disaster. Operations were conducted out of Queen City Municipal Airport at Allentown and Braden Field near Easton, Pa.

The exercises took the form of a series of tests involving theoretical or simulated disasters. One test or mission called for a survey of traffic conditions in the area of a mythical accident, another the airlifting of blood plasma from Braden Field to Allentown's Queen City Airport, a third, an aerial reconnaissance of a reservoir and the Francis E. Walter Dam, both in the Pocono Mountains.

Civil defense officials flew on traffic surveys of the northeast extension of the Pennsylvania Turnpike, to check on conditions at tunnels running through the Allegheny Mountains, linking Philadelphia and the local regions, north to Scranton. Civil Air Patrol pilots flew the planes, CAP ground crews serviced the aircraft.

And so it went, from early morning, until darkness called a halt to aerial operations. Teamwork, cooperation, and coordination between the two fine organizations spelled success. It was my pleasure to observe the operations on Sunday, September 20, and I can say that I was much impressed by what I saw.

Here were young cadets and middle-aged officers, all neatly groomed and uniformed, training to be of service in time of need, in time of call by our Government. Civil Defense officials were business like in presenting the tests, in seeing that requirements were met.

CAP operations were commanded by Capt. John Silver, of Bethlehem, and Lt. Col. John Rackus, of Fullerton. Civil Defense work was directed by Northampton County Director Mark Farrel and Lehigh County Deputy Director Clinton MacInnes, with Clarence Diehl, Northampton County coordinator, serving as liaison between the two volunteer organizations.

Other missions during the weekend were the airlifting of blankets from Queen City Airport to other bases in eastern Pennsylvania, the airlifting of portable stoves from Allentown to Reading Municipal Airport. Radiological monitoring was done by Dr. Ronald Lauer, Kutztown State College educator and Lehigh County Civil Defense radiological monitoring officer.

As part of the exercise, Civil Defense officials also ordered aerial surveillance of a theoretical protest march from Albright College in Reading to Easton.

The theoretical march was along Route 222 and old Route 22, passing through Kutztown, Allentown, and Bethlehem. MacInnes explained that such a surveillance could be requested of Civil Defense by the State Police, in which case CAP could be called on to provide planes and pilots.

While these operations were being carried out in the Lehigh Valley, similar exercises were being held by the two volunteer groups throughout Pennsylvania. Reports reaching my office indicate similar success was enjoyed throughout the Commonwealth.

I am pleased to call attention to the efforts of these two fine volunteer organizations—Civil Air Patrol and Civil Defense—to be adequately prepared to serve our Nation in time of peace and in time of disaster. They deserve the gratitude and commendation of all Americans whose lives are made more safe by their service.

CHARLES N. DeROSE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. CONTE. Mr. Speaker, I rise today to inform this body of the passing of one of the truly remarkable men of western Massachusetts—Charles N. DeRose, a man of many talents, many interests, and great vitality.

Mr. DeRose was publisher of the Daily Hampshire Gazette in Northampton, but that is only one small feature of this man's career. A genius for mechanics and electronics led him also into the radio and television fields. But even the major role he played in communications does not adequately describe the great range of Charlie DeRose.

It does not, for example, tell of his great civic involvement that led to the success of the new Hampshire Regional YMCA or, some years ago, helped save the Three County Fair.

Charlie DeRose, as a youth, was an outstanding athlete, starred in football at the University of Vermont, later coached that sport at Northampton High School and, throughout his life, was an avid sportsman.

His friends, who were legion, always marveled at his ability to fix just about anything. When it could not be fixed, he could just as easily develop a new mechanism to do the job.

Mr. Speaker, Charlie DeRose was even more than the many talented person I have described here briefly today. He was also a warm and true friend to thousands in his native western Massachusetts and he will be sorely missed by all of us.

To better illustrate the depth of this man and the high regard in which he was held, I would like at this time to include in the RECORD just a few of the many news accounts of his death and editorial tributes which appeared in the Massachusetts press.

The news accounts and tributes follow:

[From the Daily Hampshire Gazette, Sept. 19, 1970]

CHARLES N. DEROSE, GAZETTE PUBLISHER, IS DEAD AT 63

Charles N. DeRose, publisher of the Daily Hampshire Gazette and one of the most prominent figures in the business and civic life of Northampton, died suddenly early today at his summer home in Watch Hill, R.I., of a heart attack.

A lifelong resident of Northampton, he had been associated with the Gazette most of his life and was one of the founders of radio station WHYN and television Channel 40.

Born Sept. 11, 1907, son of the late Mr. and Mrs. Charles A. DeRose, he received his education in local schools, graduating from Northampton High School in 1926 and from the University of Vermont in the class of 1930 with a B.S. degree in mechanical engineering.

BETTERMENT

DeRose devoted much of his life to the betterment of his native city. The community had no greater booster and he gave unstintingly of his time to literally dozens of organizations and causes designed to make Northampton a better place in which to live.

The Hampshire Regional YMCA is one of the most recent community improvements to benefit from his organizational ability.

He was general chairman of the drive to raise a million dollars for the first facility of its kind built in recent years.

Much of Mr. DeRose's time in the past five years had been devoted to the modernization of the Gazette. The Gazette became the first daily newspaper in Western Massachusetts to go to offset printing when a high-speed Goss Urbanite press was installed in 1966.

Upon graduation from college, Mr. DeRose joined the Hawthorne division of Western Electric Co. in Chicago where he remained for two years before returning to Northampton to join the Gazette.

He was in charge of advertising and circulation during this period.

Radio was one of Mr. DeRose's greatest personal interests most of his life. A ham radio operator since he was nine, his call letters, W1CND, were known through the world.

RADIO FIRM

It was this interest which led him into the field of commercial radio in 1940 when he joined associates to organize the Hampden-Hampshire Corp.

Northampton's first radio studio was opened in 1941, together with a studio in Holyoke, when he became vice president and general manager of WHYN.

The company ultimately obtained a television license and opened Channel 40. He remained as head of the station until its sale several years ago.

Despite the demands imposed by his varied business interests, Mr. DeRose found time to be active in many business and civic organizations.

One of the most successful Community Chest campaigns in Northampton's history was conducted under his leadership and until the day of his death he made himself available to United Fund officers. He was currently serving in the Industrial Division.

A longtime member of the Northampton Rotary Club, he served as president. He is a life member of Northampton Lodge of Elks, a past president of the Chamber of Commerce, a past president of the Massachusetts Broadcasters' Association and a director of the Massachusetts Electric Co.

ACTIVE MEMBER

An active member of the Edwards Congregational Church, he was chairman of the committee which raised the funds required to construct the edifice on upper Main St. He served the church in many capacities during his lifetime, and was a director at the time of his death.

Upon his return to Northampton in 1932, Mr. DeRose made his first venture into political life and was elected to the Common Council from Ward 2.

He later served on the Board of Public Works and headed an airport study commission in the mid-forties.

In April 1942, he enlisted in the Army Air Corps with a commission of first lieutenant, serving until Sept. 1945 when he was discharged with the rank of major.

At the time of his discharge, he was director of supply and maintenance at Lowry Field, Denver, Colo.

Mr. DeRose was one of a half-dozen local businessmen who came to the rescue of the Three County Fair in the mid-thirties when it was threatened with extinction.

Assuming the presidency of the fair, he led the fight for parimutual racing as the only means of saving the historic institution. He served as president on two separate occasions and had been a director since 1937.

FINE FOOTBALL PLAYER

But there are many men in Northampton who remember him as "Buster" DeRose, a fine football player for Northampton High School and the University of Vermont and later as coach of the Northampton High School football team.

And others recall him in the early days of softball in Northampton when he was one of the leading pitchers in the league.

An ardent boating enthusiast and a dedicated fisherman, Mr. DeRose spent many pleasant hours on his boat. He devoted much of his leisure time fishing for blues and striped bass off the Rhode Island coast. His hobby took him to many parts of the country while vacationing.

Membership in the American Newspaper Publishers Association and the New England Society of Newspaper Editors were among his professional affiliations.

Mr. DeRose assumed active management of radio station WHMP upon the death of his uncle, Dr. Nathan Williams.

He was a director and member of the investment committee at the Nonotuck Savings Bank and served on the boards of directors of the Pioneer Valley Association and the Northampton Historical Society.

MARRIED IN 1938

Mr. DeRose married Cora Elizabeth Farmer in the Edwards Congregational Church on Jan. 12, 1938. She died in July, 1966.

He is survived by two sons, Peter L. and Charles W., both of whom are associated with him in the operation of the Gazette.

The funeral will be at 2 Tuesday afternoon in the Edwards Church with the Rev. Richard K. Beebe, pastor, officiating.

Calling hours at the Charles R. Dutton Funeral Home will be Monday from 4 to 9 p.m.

[From the Daily Hampshire Gazette, Sept. 21, 1970]

A NEWSPAPER PUBLISHER

In many cases the publisher of a newspaper is pretty remote from the general public, moving in the higher circles of business and politics.

But for many Northamptonites Charles Nathan DeRose was known simply as "Buster" while for about everyone else he was Charlie.

He loved Northampton and Hampshire County and made no bones about it. And he loved people and enjoyed being with them.

His oft-repeated aims for the Gazette were to present all the news fairly and dispassionately, and make the Gazette an open forum for all sides of all questions.

The Gazette, he said, should present something for everyone from the youngest reader

to the oldest, from the most sophisticated to the least.

He was a director of a bank and an electric utility, but he was also the "guy working on the press if the crew were shorthanded," and he was ready to move a desk or stoke the fires at a cookout or join in a sing along at a Christmas party.

Charlie disliked being inactive and when he was hospitalized recently he was like a caged tiger waiting to get out and get going. He loved the sea and loved to fish and being in the hospital was cutting into his fishing time. He was back at both loves much sooner than anyone had expected.

He called himself a "black Republican" but his newspaper was scrupulously nonpartisan in political campaigns, and that was the way he wanted it.

He believed in helping people, and was active in the campaigns for the Hampshire YMCA and for the Three County Fair at a time when both groups needed help.

He supported the Cooley Dickinson Hospital as well as efforts to bring industry to the community, and was active in work to promote the Pioneer Valley.

Charles didn't agree with most of the campus radicals and unrest, but he believed strongly in the need for strong educational institutions and in the value to the communities of Hampshire County of such as Smith, Amherst, and Mt. Holyoke Colleges, Northampton Junior College and the University of Massachusetts, as well as the new Hampshire College.

He was a sports fan and a sports enthusiast.

But most of all he loved his community. He'd sit in his cluttered, spartan office and look out the window and say:

"You know the kind of people who work for the Gaeztte should love a small town . . . should love to live in the country . . . I wouldn't want to live anyplace else."

A lot of people out here in the country are going to miss Charlie.

[From the Daily Hampshire Gazette, Sept. 21, 1970]

TRIBUTES TO GAZETTE PUBLISHER: "MAN OF ACTION, WHO'LL BE MISSED"

"The area and the community is better for his efforts . . . we will miss him . . ."

The theme was repeated time and again as messages of condolence and eulogies for Gazette Publisher Charles N. DeRose, who died Saturday, poured in from all strata of life in Western Massachusetts.

Politicians, business leaders, recreation people all commented on his indefatigable efforts to better life for all in his native Northampton and Western Massachusetts.

Funeral services for the business and civic leader will be held at 2 p.m. Tuesday at the Edwards Church, Northampton. Visiting hours at the Charles R. Dutton Funeral Home in Northampton are from 4 to 9 p.m. today.

Mr. DeRose died in his sleep at his summer home in Watch Hill, R.I., He succumbed to a heart attack.

Among the messages received were:

MAYOR SADDENED

Mayor Sean M. Dunphy said, "I am saddened by his death. It will be a great loss to the community and the communications media which he served so well. He contributed much to our city through his own personal efforts and through the facilities of his newspaper and radio station.

"Both of these facilities were always available to any community cause or need. He served the community well as an elected and civic leader and as the operator of a major business."

Charles Lyons, president of the Hampshire United Fund, commented, "We have lost a tremendous man and I just hope the bereaved family can go through this as they did the loss of their mother. It's a terrific shock to lose such a great guy.

"He was dedicated to the community and trying to make it a better place in which to live. We're always trying to find people like this and when we lose one it's really tough."

FELLOW ROTARIAN

Harvey Finison, president of the Greater Northampton Chamber of Commerce said: "We're shocked, of course, by his death. I was a fellow Rotary member. He was an active member of our Rotary and always a wonderful fellow to be with. We will miss him greatly."

Richard Pickett, president of Northampton Jr. College, said:

"My first real connection with Charles De Rose was during the YMCA building fund drive. No one will know the effort that he put forth in making that drive a success.

"The Hampshire Regional YMCA building is indeed a memorial to his leadership in this community, for without his drive and determination we could not have succeeded.

"Charlie thought big and insisted that we 'go for broke.' One cannot know of all the good works that this man has done in this community, and I am privileged to have known and worked with him.

"Mr. DeRose was a member of the Board of Trustees of Northampton Junior College and gave of his counsel in assisting the transformation of this institution from a business college to full junior college status. My life has been richer because of this association, and we will all miss him."

MORINI AND M'COLGAN

State Representatives from Northampton Louis J. Morini and Edward A. McColgan expressed sorrow.

Morini said, "I was shocked. I had known him since grammar school and he was one of the best-loved civic leaders here. I feel a real sense of loss."

McColgan reported that, "Charles DeRose's death was a loss not only to his family and close friends, but, in a greater sense, to the entire city of Northampton. He was a vigorous booster of this city, a man who involved himself entirely in the activities of his community.

"There were many civic projects that drew on his leadership and experience and as a result were successful. He will be missed.

"He has achieved in his lifetime a goal which many seek. He made contributions to his fellow man and left our city a better place in which to live."

JUDGE RYAN

Special Justice Luke F. Ryan, a classmate at Northampton High School, said, "Charlie and I went through high school together, and I mean through it, graduating in the class of 1926. In high school projects as in later life and community affairs, his participation was marked by enthusiasm, ability and success.

"To have him stricken at the height of his power is a tremendous loss to the community, to his church, his family and to his thousands of friends.

"Charlie will be sorely missed and not easily replaced in the community. We often spent happy moments reminiscing about our high school days, the football teams, working on Nesaki, and the trip we took to Washington when we were seniors.

"The class went by train, but Charlie and I went in his old Model T Ford—top speed 25 miles an hour.

"He was a tremendous, really tremendous guy and a valuable friend."

BERKSHIRES CITED

Donald Miller, publisher of the Berkshire Eagle said today: "Charlie DeRose was a good and true friend of the Berkshire Eagle and to the people connected with it. When we started our Radio Station, WBEC it was DeRose who built it.

"Personally we have always been close friends with the Gazette and with Charlie and his wife, Cora. We went on many fishing expeditions together. He was truly a great friend and a shocking loss not only to Northampton but to Western Massachusetts and Berkshire County as well.

"He was always available to help anyone who needed it."

A joint statement from Donald Miller, publisher and Lawrence K. Miller, editor of the Berkshire Eagle:

"We at the Berkshire Eagle are proud to have known Charles N. DeRose, and to have had his professional advice on offset printing and radio broadcasting over the recent decades. He was a bulwark for this end of Massachusetts in helping to maintain the sense of independent regional identity that we cherish. Our own feeling of loss is great. Charlie put us on the air in broadcasting just after World War II. He knew and taught us much. He was friendly, had the common touch and was generous to a fault. He was great company and everyone who knew him is poorer in spirit for his premature departure."

DWIGHT STATEMENT

William Dwight, publisher of the Holyoke Transcript Telegram said today, "if I get talking about Charlie, I'll go on forever. He was an absolutely tremendous guy, his mechanical genius was absolutely amazing, there was nothing he could not do.

"His energy, vigor and vitality was really baffling, it was so complete and so constant.

"I have been associated with Charlie personally and in business for most of our adult lives, having both the newspaper, the radio and TV in common.

"He was a true friend, not only to those connected with him in the business world, but from every walk of life. His personality was absolutely immense. We who have had the privilege of knowing him and being connected with him in any way have been close to the best that life can give."

John F. Murphy, Northampton postmaster and a close personal friend said: "Charle DeRose loved Northampton and her people. And he demonstrated this deep affection by giving freely of himself all his life.

"The community has lost a great benefactor. I have lost a close and steadfast friend. I join thousands of my neighbors in mourning his death and sharing his family's grief."

Richard Garvey, managing editor of the Springfield Daily News, said:

"As I grew up in Northampton I saw Charlie DeRose in many roles—football coach, ham radio expert, young city father, Air Corps officer, radio and TV executive, and editor and publisher. His career was varied, but one thing never varied, his intense application—and success.

"His living monuments in Northampton are likewise varied: a church, a YMCA, an Agricultural Fair, community newspaper and a radio station, and they likewise enjoy success.

"No one in Northampton can be blamed for not thanking him enough for these. He would never stand still long enough to listen to our thanks, but those using his living monuments will thank him in their and better ways."

Howard Banner, County Treasurer: "Charlie and I have been friends since way back in High School and he has never changed, or slowed up in any way.

"The minute school was out back in the old days, we'd go home, get into our old clothes and bum rides down to their place at Pleasant View in Rhode Island.

"He could make the most simple things fun and existing. Then I was associated with him in the Three County Fair business . . . always helpful, always looking on the bright side, never taking a negative attitude on anything. or letting those around him look on the gloomy side.

"I knew both him and his wife, Cora, very well. Her going was a great tragedy and so

is this. My greatest sympathy goes to his boys and to all his friends.

"He will be missed."

John Osley, Osley Construction Co., said "I have known Charlie for many years and have never heard him say a bad word about anyone. He always tried to see something good, and if a slurring remark was passed in his presence about an absent one he tried to turn it off.

"The last time I saw him was at the Three County Fair, which he really was a great friend to, and we had planned to see him on Saturday. He and Cora were friends of long standing and were much loved in Northampton.

"He's a great, horrible loss."

Edward J. O'Dea, former editor of the Daily Hampshire Gazette, and probation officer, said: "Those who have had the privilege of knowing Charlie DeRose as I did are lucky indeed. There was only one like him. He was a friend worth having, and had friends in every walk of life in Northampton and in the county. His loss will be terrific."

William F. McDonald, chairman of the Northampton Recreation Commission said, "It really was a terrible shock for me to hear this because I've known Charlie for a great number of years . . . in the high school when he played football and also when he coached the team.

"But over and above that I've known what kind of a citizen he has been, helping so many causes. The city has lost one of its outstanding citizens who has done a lot for the community. Northampton is going to miss him."

Congressman Silvio O. Conte, of Pittsfield, said: "The death of Charles N. DeRose was a shock to all of us who knew him and respected him for the many contributions he made to Western Massachusetts in both the civic and business arenas.

"For me his passing represents a great personal loss. I was privileged to know Mr. DeRose throughout most of the 20 years I have spent in public life and I always found him a fair arbiter of public issues and a conscientious seeker of truth in the very important role he played in the news business.

"Beyond that he was a warm and valued friend. We, in the western part of the state, are diminished by his passing. I extend my deepest sympathy to his family."

Richard J. Hafey, City Editor, Worcester Evening Gazette: "He was really a tremendous guy. I worked for him when I first got out of college and he was always helpful, always interested and never too busy to give of himself and his time. I learned a great deal under him and from him. His going is a great loss to Northampton and to his friends."

[From the Holyoke Transcript-Telegram, Sept. 19, 1970]

DeRose, Northampton Publisher, Dies at 62; Former General Manager of WHYN Stations

Charles N. DeRose, 62, of Northampton, publisher of the Hampshire Gazette and former general manager of the WHYN television and radio stations, died during the night of a heart attack.

He was found this morning at his summer home in Watch Hill, R.I., by his son Peter, who had driven down from Northampton to join his father for a weekend fishing on his father's boat. Peter had telephoned him earlier this morning to tell him about his plans to be with him over the weekend and received no answer. He thought he probably was out on the boat but went to Watch Hill and discovered his father had died during the night. DeRose early in the summer had an operation to remove a kidney stone.

DeRose was born in Northampton. His father, the late Charles A. DeRose, was for many years general agent there of the Boston & Maine Railroad and his mother was publisher of the Hampshire Gazette.

GRID STAR

He attended the Northampton schools and University of Vermont where he was a star football player. He also played semi-pro football. After finishing his education he joined the Hampshire Gazette.

He was one of the pioneer amateur radio operators and his interest in electronics led him into founding along with his late mother and William Dwight Sr. of this city and the late Minnie R. Dwight the Hampden-Hampshire Corp. This started with a 250-watt station in South Hadley Falls in 1941 and as general manager he built the organization into a kilowatt station, an FM station and later Channel 40 based in Springfield.

During those years he spent much time in Holyoke and South Hadley and had a host of friends here.

When the radio and television stations were sold in 1967 to the Gannet group in Portland, Me., he concentrated his energies on expanding the Hampshire Gazette. He pioneered in offset printing in the Connecticut Valley.

He had many interests not the least of which in his youth was flying. When World War II broke out he joined the Army Air Force and was discharged with the rank of major.

DeRose was active in civic affairs. He headed a YMCA major building fund, and was prominent in Community Chest campaigns. He served on the Northampton Board of Public Works during the administration of Mayor Pierre Drewson.

He married the former Cora Farmer of Amherst, who died in 1967. They had two sons, Peter, who lives with his father on Prospect St., Northampton, and William, who resides in Amherst. Both Peter and William are associated with the Gazette.

He was a member of Edwards Congregational Church.

The funeral will be held Tuesday at 2 p.m., in the Edwards Church, Northampton, with the Rev. Richard K. Beebe, pastor, officiating.

Calling hours at the Charles R. Dutton Funeral Home, Northampton, will be Monday, from 4 to 9 p.m.

[From the Holyoke Transcript-Telegram, Sept. 21, 1970]

Charles N. DeRose of Northampton, who died suddenly over the weekend, was a mechanical genius of rare capacity. We can speak with authority on his engineering talents for we were associated with him for years in radio and television, and also worked alongside of him in the newspaper world. He grew up in the Hampshire Gazette and became publisher on the death 10 years ago of his mother. We were friends and neighbors and had a unique association down through the years. Charlie, that's what everyone called him, had tremendous vitality. It was energy spelled with a capital E. There wasn't anything he couldn't do with his hands and wouldn't if the occasion required. We recall a miserable March day, a Sunday, when we had to get the underground wiring installed for the radio transmitter at South Hadley Falls preparatory for putting WHYN on the air. No one was available to do the job. He borrowed a hand plow and laid hundreds of feet of wire underground by himself. Nothing fazed him. We faced countless crises together in those days and somehow because of his imagination and industry they were licked.

Charlie was a pioneer in areas of life which interested him. He was a nationally known authority among ham radio operators. He'd be up at daybreak calling here and there around the country. The equipment he had at his home in Northampton and on his automobile was the best and most complete anywhere. No newspaper plant in this part of the world has better production equipment. He was one of the first to envision the potential of offset printing and had the first newspaper offset press running in the valley.

His vigorous application of his skills to his business and hobbies spilled over into the life of his community. The modern Three County Fair is a testament to that. It was on the rocks at one time and he assumed the presidency and brought it back to life. He was called upon time and again to shoulder projects for the betterment of his city and answered the calls always with high enthusiasm and a natural joy. He loved life and lived it to the hilt.

[From the Greenfield Recorder-Gazette, Sept. 22, 1970]

Nice Tough Guy

A combination of practical businessman and visionary engineer was Charles N. DeRose, publisher of the Daily Hampshire Gazette in Northampton and a newspaperman 40 years.

Like many others, he inherited a prosperous property. Unlike many others, he had helped to make the Gazette a solid publishing business and he kept improving it steadily until the day of his death.

Mr. DeRose was a man of many interests and a great capacity for enjoying life. As a youth he was an outstanding athlete and he coached Northampton High School football teams. But he also loved baseball and in adult life he pitched in Northampton softball leagues. Boating was still another enthusiasm and it took him from the Connecticut River to the Rhode Island shore.

His home community owes much to Charlie DeRose. When the Three Counties Fair was threatened with extinction during the Depression, he led a local group which helped the fair stage a comeback. He was a general chairman of the drive to raise a million dollars for the Hampshire Regional YMCA, headed the committee which raised the funds necessary to build a new edifice for Edwards Congregational Church and served on many Northampton civic and fraternal groups for the improvement of the city.

In the communications field, Mr. DeRose was both a power and a pioneer. He joined the Hampshire Gazette staff in the early 1930's and contributed in scores of ways during his mother's years of newspaper operation. Meanwhile he made use of his engineering education in the organization of a new radio station WHYN with offices in Holyoke and Northampton. After World War II, television developed rapidly and the Hampden-Hampshire Co., of which Mr. DeRose was president, soon opened WHYN-TV, Channel 40. He severed his connection with the station only a few years ago.

In everything he did, Charlie DeRose had imagination and aggressiveness. It was that way in newspaper work where he became the first Western Massachusetts publisher to enter the offset printing field. There he was only briefly ahead of The Greenfield Recorder and the two papers have long worked together in developing techniques of operation in both pressroom and composing room.

He is gone now and he will be missed by hundreds of persons who thought they knew him well. Each can tell stories about the sharp-voiced Northampton publisher and they all add up to a complex person who was more idealistic and dedicated than he appeared on the surface. The valley is poorer by his unexpected and untimely death.

HORTON CONCURS THAT JO LOMBARDO IS AN UNUSUAL LADY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, a recent editorial in the Irondequoit Press, of Rochester, paid tribute to Josephine C. Lombardo for some of the work she has done in behalf of her community. I would like to bring this editorial to the attention of my colleagues in the House of Representatives and at the same time, share with them my own feelings about a most unusual lady.

Jo is a personal friend of mine and for many years I have witnessed her amazing ability to get involved actively in civic and community endeavors. Facetiously I might say it would be easier to list the things she has not been a part of, than to attempt to enumerate all of the wonderful activities she has helped to succeed.

A certified social worker in New York State, Josephine Lombardo is currently engaged professionally as community relations advisor for the city of Rochester in the Community Relations Bureau. As such, she acts as the liaison between the city administration and the people, dealing with whatever problems arise that concern the citizenry and for which action which should be taken by the city council or other branches of the city government.

She is also serving as a member of the Personnel Committee of the New York State Association for Retarded Children. She is on the board of directors of the Irondequoit Council of the Rochester Chamber of Commerce; president for a second term of the Nazareth College Alumnae Association; Secretary of the Catholic Youth Organization; president of the Social Workers Club of Rochester; program chairman of the Soroptimist Club of Rochester; cochairman of the 1969–70 Community Chest-Red Cross Drive for Irondequoit.

I have given only a partial listing of the many organizations and groups that Jo is presenting helping in one capacity or another. I would say she is a perfect example of the contention that if you want a job well done, get a busy person to do it.

Jo Lombardo is an inspiration to all who know her, or are aware of her tireless efforts to help those who need her talents. To my knowledge she has never sought recognition for her many good deeds but it is with great pleasure that I take this occasion to salute her, to thank her on behalf of the entire community, and to concur completely with the editorial I want to share with you, that she is "An Unusual Lady."

The editorial follows:

AN UNUSUAL LADY

Jo Lombardo, after two years as president of the Irondequoit Council of the Chamber of Commerce, has stepped down. The fact that the presidency has changed is not in itself news, but Jo Lombardo is news. It is not unique for a woman to be president of a business organization, but it certainly is unusual. This is a man's world according to the current women's liberation movement, but Jo entered into the activities of the Irondequoit Council giving the impression that she didn't recognize the so-called discrimination between the sexes.

Under Jo's guidance the Irondequoit Council not only continued the policies established by the prior men presidents, but she kindled those policies and added an energetic and ambitious program of her own.

Under Jo's guidance the luncheon meetings were stepped up, the executive committee tackled town problems with more zest. Jo's energies and persistance continually challenged the Council to get the job done.

Jo's interest in Irondequoit was clearly expressed in her enthusiasm and persistance in examining carefully all things connected with the welfare of our community.

Jo, a job well done—the town is in your debt.

COMMENDS "OPERATION DECENCY"

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. CHAPPELL. Mr. Speaker, many of us have introduced legislation to help combat the rising flood of smut and pornographic materials being sent into homes and distributed at the newsstands. While we are trying to get legislation passed, however, there are encouraging signs that our people back home are doing something about this problem right now.

One year ago in March, a group of organizations from the beach areas of Jacksonville, Fla., met under the sponsorship of the Jacksonville Beaches Woman's Club and launched a program designed to help rid that area of smut. As Mrs. John Hanna remarked:

Operation Decency has endeavored to tip the scales in favor of dignity, respect and honor.

Their first year's activity is evidenced by their report, which reads as follows:

Operation Decency is a new and positive approach to the problem of smut, obscenities and mind pollution. We plan to accomplish this by the effective use of newspaper ads, cartoons, radio tapes, billboards and bank marquees in a program similar to that used by the Cancer Society.

Project aim is to balance the scales in mass media. Recognizing that it is the demand for this type of material that creates the supply, we hope to change the demand.

Civic, social and religious organizations were called together, as well as youth groups from the Beaches areas, to launch this program, sponsored by the Jacksonville Beaches Woman's Club on March 10, 1969. Our first year's activities included a Demonstration for Decency by the Beaches youth, saying, in essence, "We Dig Decency"; a 30-car motorcade to a theater featuring only family-type movies, bank marquee signs indicating "Decency is not Dead," etc.

We stress particularly the positive approach, because analysis of previous projects has proven repeatedly that the negative approach, such as pickets, bans, etc., has only succeeded in bringing increased profit to the cause we oppose.

In March 1970, Operation Decency celebrated its first anniversary with a town-type meeting. Plans projected for the coming year include:

Morality in May's program, encouraging ministers in our area to give sermons on Mind Pollution;

A mail-out campaign to stop unsolicited smut from arriving in the home;

A slogan contest for the young people to stimulate their concern for their own self-worth.

More importantly, every week, every day, there are issues which cry out for support. Our organization tries to take advantage of such situations, build a program around them, and promote them in our immediate area.

Contacting ministers, civic organizations and PTA groups, they arranged for a "Stand Up for America" program in their promotion of decent movies, they sent notes home through schoolchildren telling of special movies that were good for the family, with a cost of 25 cents for children and 50 cents for adults. These movies have proven so successful that the manager of the theater planned to continue them through the summer.

Our Fourth District crime control committee, of which Mrs. Hanna is a member, expressed great interest in this program, particularly becaue Operation Decency was able to accomplish so much in 1 year—on so little. They spent less than $100 on this project.

Mr. Speaker, at a time in America when so much needs to be done in the areas of pollution, crime, and all the other vast problems that face us, let us all commend this group of interested and aggressive citizens who are helping to get the job done.

A REAL POLICEMAN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of the Members an article which appeared in the October 5 edition of the Washington Daily News, captioned "Pfc. Donato Is a Real Policeman."

In describing the actions and personal nature of one member, Pfc. Dick Donato, of the "lollipop" squad, the author has shown the human side of policemen and has very aptly described the successful community relations program of the traffic safety unit of the Prince George's County police department.

Without a doubt, we need more articles of this nature, particularly to help our children realize that the police are our friends and protectors:

PFC. DONATO IS A REAL POLICEMAN—A MAINSTAY OF PG'S "LOLLIPOP" SQUAD

(By Dave Ferguson)

At 27, Pfc. Dick Donato is one of the youngest members of the Prince Georges County Police Department's Traffic Safety Unit. He's a "crumb duster" on the "lollipop squad."

He loves, lives, and works with kids. Since he was assigned to the unit a year ago he has

worked to make children more aware of the dangers of walking to and from school, of the need to be safety conscious, and alert to the ways of preventing accidents.

It was a child, his daughter, who got him to apply for the Traffic Safety assignment.

"Before joining Traffic Safety," Pfc. Donato says, "I was working with an undercover unit. I had long hair, a beard—the works. We were staking out a barn, trying to bust a gang of auto smugglers. It was the most exciting police-community work I've ever done.

"I had just come in from three days in the field. I hadn't washed or changed clothes. Boy, was I grubby!

"I went home and my daughter was telling me about her day in school. One of the guys in the safety unit had given a talk to her class. When she finished, I told her a little about what I had been doing. When I was done, she said, 'That's nice, Daddy, but when are you going to be a REAL policeman?' I almost died!"

The Traffic Safety unit was set up in 1954 by then Pfc. Thomas Rogato, who now ranks as major in charge of all county uniformed police. After investigating the accidental death of a girl in a freak school bus accident, Pfc. Rogato concluded the girl wouldn't have died if a greater emphasis had been placed on safety. Today, the unit's activities have expanded widely and even tho it now has eleven members, the individual workload is still high. Two of the unit's members, Pfc. Donato and Cpl. Ed Travers, are assigned to a total of 52 schools and more than 36,000 students.

Schedules are divided between meetings with principals and faculties, juvenile investigations in liaison with schools, answering school bus complaints, conducting safety tours and demonstrations, and judging truck safety, Maj. Rogato's involvement with the county's "Roadeos." The latter is an off-shoot from trucking fleets when he was first beginning the unit.

"When I first started, I got a lot of help from the truck fleets. Truck drivers are on the road more than we are. They're safety-conscious and they work at it. They know where the hazards are and what should be done to correct them. They were always willing to help. I often wish I could get the same cooperation from the motoring public."

And the results of the unit's efforts are impressive. Pedestrian fatalities for 1969 decreased from the '68 level by more than 32 per cent. Of the four children-pedestrians killed in 1969, only one (a two-and-a-half year old girl) was attributable to the child. No deaths occurred to children while they were in the "charge" of the safety unit, i.e., during the time the children left for, and returned home from school. No children were injured at patrolled corners.

The successes of the "lollipop squad" in community relations belie recent charges that the community doesn't relate to the police. The "crumb dusters" quickly become neighborhood heroes. They are the police department in the eyes of their communities. When people talk about the police, it's often in terms of what their traffic safety officer says and does.

STUDYING AT MARYLAND U.

Pfc. Donato is a part-time student in police administration at the University of Maryland. He lives in the integrated area where he works and is convinced that the solution to police-community problems lies in programs like traffic safety.

"The way I look at my job," he says, "is to make people aware that policemen are human beings. We don't like to use force, but will to preserve the peace. We know that people have problems, but they have to know that violence isn't a solution.

"There are indications that we're getting to the kids, and this is what we're after," Pfc. Donato says. "They're starting to realize that cops don't eat raw meat."

NATIONAL VOLUNTEER FIREMEN'S WEEK

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MORTON. Mr. Speaker, there is now awaiting signature on the President's desk, a bill which I think is worthy of special note. House Joint Resolution 1154, which proclaims the week of October 24 through October 31 National Volunteer Firemen's Week, has been concurred in by both Houses and is now ready for proclamation. During the Senate's consideration of this joint resolution, it was amended to read, "Joint resolution authorizing the President to proclaim National Firemen's Week from October 24, 1970, to Ooctober 31, 1970."

Volunteer firemen provide a most valuable community service, not only on the eastern shore and in southern Maryland, but throughout the entire United States as well. Certainly, this great service and dedication to duty is deserving of the recognition of the community and the Nation.

In order to demonstrate the interest this measure has with the people chiefly concerned, I would like to include the following letters from volunteer fire companies in my district:

FEDERALSBURG VOLUNTEER FIRE CO., INC.,
FEDERALSBURG, MD.,
September 1, 1970.

Representative ROGERS C. B. MORTON,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE MORTON: The members of the Federalsburg Volunteer Fire Co. support your resolution proclaiming National Volunteer Firemen's Week September 19–26, 1970. The efforts of many young men bring about this vital community service.

Thank you for your interest in our organization.

Sincerely yours,
WILLIAM BLANCHFIELD,
Secretary.

THE QUEEN ANNE-HILLSBORO,
VOLUNTEER FIRE COMPANY, INC.,
Queen Anne, Md., August 31, 1970.

ROGERS C. B. MORTON,
Member of Congress,
Congress of the United States
House of Representatives,
Washington D.C.

DEAR MR. MORTON: The Queen Anne-Hillsboro Volunteer Fire Co. of Queen Anne, Md. wish to support resolution #1154 which authorizes and requests the President to proclaim September 19, to September 26, 1970 National Volunteer Firemen's week.

We are very much in favor of this resolution and would like to see it go through, not only on the Eastern Shore but throughout the entire United States as well.

Thanking you for your support, We are
Yours sincerely,
WILLIAM COOPER, *President.*

SALISBURY FIRE DEPARTMENT, INC.,
Salisbury, Md., August 21, 1970.

Hon. ROGERS C. B. MORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN MORTON: In reference to Resolution H.J. Res. 1176, honoring Volunteer Firemen from September 19 through September 26, 1970.

The members of Salisbury Volunteer Fire Department #2, Salisbury, Maryland, would appreciate their letter being recorded in the Congressional Record, stating that they would like to go on record to proclaim September 19, through September 26, as National Volunteer Firemens Week, and would be most grateful knowing this Resolution has been passed; and, to know that some people, somewhere, realize that these gentlemen are giving up their free time, and sometimes their lives, to serve their community.

Thank you for your interest in our firemen and our community.

Sincerely yours,
HERBERT M. BUSICK, Jr.,
Secretary, Salisbury Volunteer Dept. #2.

KENNEDYVILLE VOLUNTEER FIRE CO., INC.,
Kennedyville, Md., August 29, 1970.

ROGERS C. B. MORTON,
House of Representatives,
Washington, D.C.

DEAR MR. MORTON: In re to the "H.J. Resolution 1154" regarding National Volunteer Firemen's Week from September 19, 1970 to September 26, 1970.

Our company "The Kennedyville Volunteer Fire Company" of Kennedyville, Maryland, *is in favor of the bill.*

We appreciate the concern.

Sincerely,
LESLIE M. DULIN, Sr., *President*
Kennedyville Volunteer Fire Company

PRESTON VOLUNTEER FIRE CO.,
Preston, Md., September 9, 1970.

ROGERS C. B. MORTON,
House of Representatives,
Washington, D.C.

DEAR SIR: This letter is in regard to your Joint Resolution (H.J. Res. 1154) to proclaim September 19–26 National Volunteer Fireman's Week.

We the Preston Volunteer Fire Company, Inc. give you and Mr. Glen Beall our full support. For very few communities realize the value and the taxes saved by the Volunteer Fire Companies.

Yours sincerely,
JACOB M. GARVEY,
President.

ROCK HALL FIRE DEPARTMENT,
Rock Hall, Md., September 9, 1970.

Hon. ROGERS C. B. MORTON,
House of Representatives
Washington, D.C.

DEAR ROG: Thank you for your letter of August 19 with reference to H.J. Res. 1154.

It is very gratifying to know that with a work-load of much more important matters, you still find time to think of the volunteer firemen.

All to often the volunteer firemen are either overlooked or just taken for granted in the role they play in protecting their communities and the lives of its people.

Therefore, the officers and members of the Rock Hall Volunteer Fire Co. whole heartedly approve and endorse H. J. Res. 1154 and again thank you for your consideration.

Respectfully.
P. JAY ELBOURN, *President.*

EWELL VOLUNTEER FIRE CO., INC.,
Ewell, Md., September 6, 1970.

DEAR MR. MORTON: I am speaking for the Ewell Volunteer Fire Department. We will be pleased and honored if the Senate Judiciary Committee approves the resolution honoring Volunteer Firemen. That is, the resolution for the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970.

Thank you for being mindful of the Volunteer Fire Departments of America.

Many thanks.

JERRY L. EVANS,
President.
LEONARD S. EVANS,
Vice President.
ELMER L. EVANS,
Chief.

HORTON THANKS MRS. MARK ELLINGSON FOR HER REPORT ON RECENT 50TH ANNIVERSARY CONFERENCE OF THE WOMEN'S BUREAU

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, I am sure my distingushed colleagues in the House of Representatives were quite aware of the 50th anniversary conference of the Women's Bureau, U.S. Department of Labor, when that meeting was held back in June. But perhaps many of us were so busy with our own responsibilities here in Washington that we were not able to be completely aware of its actions and accomplishments.

So, it was with much genuine interest and real pleasure that I discovered that one of those attending the conference had made a thorough report. That report was made available for the public to read when it was printed in the Henrietta Post in my congressional district.

The reporter is an outstandingly fine lady who has been a friend of mine for many, many years. She is Marcia Ellingson, wife of the former president of Rochester Institute of Technology, Mark Ellingson.

Both Marcia and Mark are such devoted people in all causes that aid mankind, that I cannot stress too highly my deep admiration for them. They continue to lead exceptionally busy lives in their desires to be of service to their community, and so it was no surprise to me that Marcia would find the time in her busy schedule to attend the conference of the Women's Bureau.

Many will recall that Marcia Ellingson was a founder of the Woman Power organization which for several years has devoted tremendous attention and energy to the premise that much of woman's abilities and talents is not being properly tapped in the attempt to solve many of the world's problems today.

Marcia and her group were instrumental in writing one of the major planks in the 1968 platform of the Republican Party; and, it is with much pride and satisfaction that I continue to see the fruition of her ideas.

In her many years as a dynamic part of the academic world, I have always been aware of Marcia's burning desire to right the wrongs of the world, to aid those in distress, to give a lifting hand to the oppressed.

Now that she is relieved of the responsibilities of the wife of the president of a great institution, because of Mark's retirement, I daresay Marcia will find herself busier than ever in seeking ways to be of service.

So it gives me pleasure to pay tribute to her in this manner and to wish for her and Mark continued happiness in the years ahead.

I commend to my colleagues Marcia Ellingson's report on the 50th anniversary conference of the Women's Bureau, U.S. Department of Labor, which appeared recently in the Henrietta, N.Y., Post:

"WE'VE COME A LONG WAY, BABY"—A PLEA FOR WOMEN'S SERVICE

"ROLL UP YOUR SLEEVES, HELP NURSE AMERICA BACK TO HEALTH, PRIDE, HAPPINESS"

(NOTE.—Mrs. Mark Ellingson of 3940 East Ave., Pittsford, wife of the former president of Rochester Institute of Technology, attended the 50th anniversary conference of the Women's Bureau, U.S. Department of Labor, June 11–13 in Washington, D.C. This is her report.)

(By Marcia Ellingson)

What was it like when 1,000 women attended the 50th Anniversary Conference of the Women's Bureau of the Department of Labor in Washington, D.C.?

Was it true that, as stated in the UPI press release across the nation, "First Lady Pat Nixon attempted at a White House reception to soothe the feelings of about 600 women who were irate because President Nixon had not made a personal appearance at their convention?"

Was it true that when Mrs. Nixon faced a scattering of insults and was handed a large number of 'NOW' (National Oragnization of Women) buttons and brochures from militants demanding equal rights for women, she never lost her composure?

Was it true that "Some 200 of the women invited boycotted the reception for what they called Nixon's 'lack of concern for women,' " although Mrs. Nixon assured them that "both of us have always supported equal rights?"

As the only woman from upper New York State who was present, I am glad to have the chance to "tell it like it was" in the land of Susan B. Anthony.

The distinguished head of the Women's Bureau, Elizabeth D. Koontz, first Negro director and U.S. delegate to the United Nations Commission on the Status of Women, did a good job inviting women of every age, every color from white to ebony, every economic level—including some girls from economic opportunity programs, some women on welfare, some who paid their own expenses, some representing women's organizations and unions.

Their names told that these were the daughters of all the sorrowing sons who fled from Europe to the hope of a better land—a complete mix with the Mexican-American and Indians who were here before they came. Dress was colorful—American Indian, Afro-America, mini, pants suit and modern. It was, indeed, as entitled, "American Women at the Crossroads."

In the final day it was noisy, turbulent, shocking to many of us.

But the formal conference started out well with a very special interest in James Hodgson, designated that day, to replace the Hon. George P. Shultz, Secretary of Labor who was moved to a White House post.

He outlined the Labor Department's concern with "people problems in the labor market, at the bargaining table, and in the working places." He hopes to move from a time of dual standards for women and men to a time of single standards. He believes every person in the U.S. has a desire to feel useful, and needed. President Nixon's message, opening the conference, had expressed encouragement toward equal rights. Mr. Hodgson spelled out means of national stewardship and equity with local control and decisions, experimentation and diversity being a desirable condition.

Mrs. Jacqueline Gutwillig, President Nixon's choice as chairman of the Citizen's Advisory Council on the Status of Women, a stunning woman, lady pilot, once head of the WAAC Aircraft Warning Service, pointed to the importance of passing the Equal Rights Amendment.

Eloquent and dynamic, Mrs. Koontz, director of the Women's Bureau, made her point that to attack another's freedom one destroys his own. Very few activities are exclusively masculine or feminine. Women need increased recognition of individual potential and shared partnership with men.

Girls need better preparation for a life where only part of their energies are spent in mothering their own children; where many women are heads of families needing child care centers and more part time jobs; when most women need more realistic education.

She urged, vehemently, that women know the political system and use it, knowing where to put the pressure on and keep it on.

Hon. Arthur A. Fletcher, inspiring Negro Assistant Secretary of Labor, assured delegates that change is possible in Washington today, our very crises teaching us that caring is the winning response to a crisis and work is the key to its solution and our own personal happiness.

One outburst from the floor was quickly satisfied by Mrs. Koontz when a beautiful miniskirted coed from Florida demanded why she saw no representation from young people and the poor. A woman rose, heatedly asking what she thought the poor looked like, and Mrs. Koontz asked all the young people to rise—producing a very good number, many of whom had been given their expenses.

Superb dramatic presentation recalled the violence and repression of the Susan B. Anthony, Lucretia Mott, Carrie Chatman Catt years of struggle toward the present women's rights to vote and own property, to enter the man's world of jobs.

At dinner, Miss Anita Pollitzer, one of the few women still living who worked with those leaders, led the procession of memoirs by the leaders of each decade—those who helped win the wars; Rosy the Riveter, who helped build ships and industries and overcome the depression.

Finally, the evening ended with a thrilling word in Spanish and English from blue-eyed, strawberry-blond Cruz Delia Morales expressing her young hopes for the future.

All this thoughtful coming together was further deepened in meaning at workshops where each section of the President's Task Force on Women's Rights and Responsibilities was discussed and studied with recommendations for the final general meeting.

No woman could return to her life and section of the country without having been changed by this intense and close experience with 1,000 very individual women of all ages.

Women had heard good things about themselves, been praised by Mayor Washington as the greatest force helping citizens of Washington, the city, toward legal right to vote. Each had heard and felt something of the differences, the variations in ways of American women, and yet her common cause with them to help her people and her country.

The turmoil broke out at the Final Plenary Session when the capable Geraldine Rickman, president of Community Opportunity Programs in Education, stunning in her mini and African head style, attempted to present the summary of the workshop recommendations.

Many broke in to shout for time from the floor before the meeting was adjourned for the White House visit. Each wanted her special interest or her union to be given time.

Then, like a family squabble, where big sister screams at mother because Daddy bought little brother a bicycle and would not pay tuition to send her to school, the bitter complaint about President Nixon disrupted the meeting. Even the wife of Mayor Washington complained from the floor.

The reason for anger was that Mr. Nixon had spoken personally to the Boy Scouts, who don't even have a vote, and had only sent a message to the Women's Bureau.

Mrs. Koontz arranged that the meeting be adjourned so that all could, if they wished, go to the White House. There, security around Mrs. Nixon was very alert and in evidence. She was warmly hospitable and listened to everyone who passed. The full Washington pomp was present with the Ma-

rine Band and gracious service in the gardens.

Having spent their venom on Mrs. Nixon, the small percentage of the people who had previously torn the meeting apart were controlled by Geraldine Rickman while real work was done on reaching consensus. Able lawyers, social workers, professional women and union leaders made their points of debate and decisions were accepted.

In retrospect, one can say, "We've come a long way, baby."

We stand strongly with the Indian woman from North Dakota, beautiful in her beaded costume, who pleads for the experienced woman workers in their jewel factory who are paid $1.65 an hour while white men are brought in and paid $4.95.

We yearn for the righting of the individual wrongs, but know that the majority of the women still retain their essential feminine desire to create life and nurture it in partnership with men.

Women are beginning to see the new demands upon them that they learn to use modern means already available to those bold enough to grasp them. As they send more women into politics and public service, they can train more young girls to aspire to full partnership with men. Many of us came home hoping, indeed, such human power will save our nation.

While more people than ever before in the world enjoy delightful luxuries in America, the needs of the poor and the weak are appalling.

We need every woman's skill to open the way for our trained, dedicated and disciplined young people to shape a better world.

Some of us don't want to "burn our bras" or wear pants suits unless we're gardening or on a picnic, but we cry for every woman to roll up her sleeves and help nurse America back to good health, pride and happiness.

Mr. Speaker, last March the Secretary of Defense paid tribute to Mrs. Ellingson by naming her as a member of the Defense Advisory Committee of Women in the Services. By undertaking this crucial assignment, Mrs. Ellingson will be helping to advise the Defense Department on policy matters dealing with women in the service. She will also help to promote acceptance of military service as a career for women. and recommend measures to assure effective use of our women in the service.

I'm sure all of you will join with me in expressing great admiration and respect for the fine efforts and accomplishments of Mrs. Ellingson.

THE JAPANESE CONTINUE TO BOYCOTT ISRAEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EILBERG. Mr. Speaker, on February 4, 1969, I reported to my colleagues findings of the Anti-Defamation League of B'nai B'rith that Japanese commercial interests had knuckled under to Arab pressure and were boycotting Israel.

A year and a half later, the situation shows little improvement. The Japanese continue to play the Arabs' game.

I condemn those Japanese business interests which continue to feed the flames of discord in the Middle East, while our Government seeks peace and reconciliation there.

Japanese compliance with Arab demands is particularly reprehensible in view of their outcry at our attempt to implement certain reasonable tariff and import controls. Apparently the Japanese find it perfectly acceptable to undermine American foreign policy, on the one hand, while undermining the domestic American apparel, textile, and electronics industries, on the other, all in the name of gain.

It is not acceptable to me, as I am sure it is not acceptable to most of my colleagues.

I place in the RECORD the article "Japan and the Arab Boycott" from the October 1970 issue of the National Jewish Monthly. The article was written by Abraham H. Foxman, director of the Middle Eastern affairs department of the Anti-Defamation League of B'nai B'rith:

JAPAN AND THE ARAB BOYCOTT

(By Abraham H. Foxman, director, Middle Eastern Affairs Department of the Anti-Defamation League of B'nai B'rith)

When the Conference of Presidents of Major American Jewish Organizations charged this past summer that two of Japans leading manufacturers—in addition to Japan Air Lines—were participating in the Arab states' economic boycott of Israel, it was only the latest reminder of that curious by-play of successful Arab international intimidation that had accompanied the Jewish state through its 22 years of life.

The Arab boycott, originally undertaken in 1946 to block Israel's establishment, and since then maintained in an effort to wreck her economy and restrict her military potential, had now enacted its price from giants of Japan's burgeoning heavy industry. And the complicity of the Japanese firms is rather openly admitted. The Nissan Motor Company (Datsun cars), Japan's second largest industrial concern, flatly told an Israeli applicant for a Nissan franchise:

"We are now exporting 20,000 units a year to the Arabic countries . . . According to the boycott resolution . . . the transaction with your country will surely create the total ban of our export to the Arab countries."

In a discussion in Tokyo on April 2, 1970, the Executive Vice President of Toyota Motors—the company previously had firmly denied yielding to Arab threats—told Arnold Forster, General Counsel of the Anti-Defamation League of B'nai B'rith, who is chairman of the Presidents' Conference Anti-Boycott Committee: "We have been trading with the United Arab Republic and considered starting with Israel business. However, we encountered boycott threats from the United Arab Republic against our trade with Israel. Under the pressure of the Egyptian boycott, we were unable to do anything."

Israeli companies requesting a Toyota franchise have not been treated to such candor. They have been told that the Japanese company could not increase its sales outlets without "sacrificing the requirement of old distributors and dealers."

Such excuses, Mr. Forster has pointed out, at a national press conference held at the ADL on July 15, 1970, ran clearly contrary to recent reports published in business journals. The October 27, 1969 issue of *U.S. News and World Report*, for example, had carried a business roundup reporting: "Japanese car makers are negotiating with almost all European nations . . . Key deal: Toyota Motor will deliver 3,000 cars to Czechoslovakia."

Mr. Forster also cited the Journal of Commerce, March 18, 1970, reporting that Toyota and Nissan had completed plans for the construction of assembly plants in Europe, and the May 7, 1970 issue of the same publication reporting Toyota plans to enter the market in Indonesia, Thailand, and South Korea.

The Toyota executive had told Mr. Forster that he would soon send a representative to Israel to make a market potential survey. But apparently the plan had been shelved. In fact, the Lebanese newspaper *L'Orient* on June 30, 1970 quotes Muhammad Mahjoub, head of the Arabs' boycott agency, as stating that Toyota had assured him it had no relations with Israel.

A report published in the *Japan Times* in February, 1970, Mr. Forster indicated, that Nissan Motors "is currently pushing plans for establishing a jeep assembly plant in Saudi Arabia jointly with local interests and that preparations also are being made to form a joint truck production facility in Iraq."

Japan Air Lines, which has resisted a mutual landing agreement with Israel's El Al, has recently shown some indication it may be willing to alter its position, according to Mr. Forster's report. In the absence of an agreement, neither country's airline lands in the other country. In 1967, the Israeli ambassador to Japan and the president of Japanese Air Lines agreed to open discussions, with governmental negotiations to follow. Nothing happened because of JAL's failure to follow through. After three years of fruitless correspondence, JAL finally accepted a request from El Al to meet with El Al's representatives in September, 1970 for further discussions. The results remain to be seen.

In the meantime, the threat that is explicit in the Arabs' blacklist, first formally complied in 1953, still has the power to humble at least a few giant corporations. The targets of the Arab boycott are companies or individuals falling into a number of categories, including: ships carrying goods to or from Israel (individual ships, not shipping companies); firms marketing Israeli exports abroad; firms investing money in Israel; motion pictures favorable to Israel or to Jews, or which feature actors known to support Israel (among those blacklisted since 1959 are Elizabeth Taylor, Frank Sinatra, Jerry Lewis, Helen Hayes, Harry Belafonte and the late Marilyn Monroe). The Arab League has also written to major film companies and other U.S. concerns demanding to know the number of Christians and Jews among their top officials.

The boycott mechanism employs three basic documents: (1) an affidavit, which must be submitted by firms undertaking business with Arab nations for the first time, affirming that they are engaging in no boycottable offense—i.e., trade with Israel; (2) a "certificate of origin" for all goods shipped to Arab countries; (3) a query sent to firms suspected of violations, often containing an open threat of blacklisting. In one typical letter, sent to an American businessman in 1962, the Commissioner General of the Central Office for the Boycott of Israel stated that the boycott's rationale:

"As a measure of self-defense and with the view to safeguarding the rights and the vital interests of the Arabs of Palestine, the Arab countries strictly adhere to a set of boycott regulations directed at Israel. In brief, these regulations prohibit any Arab from having any dealings whatsoever with any Israeli person or business, or with foreign persons or firms maintaining such dealings with Israel. Violation of these regulations entails the blacklisting of violators in all Arab countries with the result that all commercial transactions with such violators are banned."

From its inception, the blacklist has gone far beyond the terms of the original boycott and become anti-Jewish as well as anti-Israel. In correspondence with American firms, importers in Arab countries have asked to be assured that desired goods are "not of Jewish origin" or manufactured "in any Jew factories." Regulations further forbid dealings in Arab countries through "Jewish-owned" ships that sail under the American flag. Saudi Arabian customs regulations in effect as early as 1953 forbade the importa-

tion of any goods marketed by Jewish firms. Examples, specified by a Saudi Arabian official: Macy's and Gimbels. Libya more recently confiscated a shipment of beer cans that had two inverted triangles resembling the Jewish star of David as a trademark.

The Central Office for the Boycott of Israel, headquartered in Damascus, is a nongovernmental organization operated by the Economic Council of the Arab League. Regional affiliated committees in various Arab nations, however, are under the control of the governments of those nations. These committees make recommendations, but the actual boycott is effected by the various Arab governments.

The history of the boycott is, ironically, largely a history of its misfirings. The Renault Automobile Company, for example, found after yielding that the promised Arab market was for the most part a myth. Israel, on the other hand, offers a market far out of proportion to its size. Furthermore, much of the boycott is imaginary. The boycott office will often remove a firm from the blacklist which never has been on it, or state that a company has complied with their terms when in fact the company has done no business in Israel and does not contemplate doing so. Such "successes" help to explain why the boycott has failed in its major objectives over the years. It has in fact spurred Israel's economy—the remarkable growth of the young nation's merchant marine, for example, is undoubtedly due in part to the need to look further than the Middle East for markets and for sources of supply.

Another of the boycott's ironies is that it has been selective. Some 80 international banks do a thriving business with Israel while continuing unhampered in their business affairs in Arab states. Among Japanese firms, despite the attitude of Toyota and Nissan, there are many which have done business in Israel with no loss of trade from the Arab world.

It is impossible to know all of the business firms throughout the world which have knuckled under to the boycotters' threats—for the simple reason that the knuckling-under can be done in the privacy of an executive's mind, exhibiting no positive outward signs of what is essentially a negative decision. It is possible, however, to list some of the major firms doing business in Israel in clear defiance of the boycott. The Anti-Defamation League first did so in 1963, naming among others Ford, RCA, Westinghouse, IBM, Monsanto, General Tire, and Republic Steel. In 1966, a major psychological defeat for the Arab League was the reversal in policy of the Coca-Cola Company, which granted a bottling franchise in Israel after many years of stalling and subterfuge with respect to franchise applications.

In 1965 the U.S. Congress passed an Export Control Act containing compromise anti-boycott provisions requesting firms harassed by Arab blackmail attempts to file reports on same with the Department of Commerce. This was a no-teeth formula enacted in place of an original proposal which would have declared submission to the boycott illegal for American companies. The inadequacy of the compromise tended to force firms to comply with the Arabs' intrusion into American foreign trade and to camouflage their submission as Coca-Cola had done for so long. A similar situation has existed in Japan, reports the ADL's Arnold Forster, where the government has failed to adopt policies that would protect the nation's industries from Arab pressures. Obviously, if the governments of all the major industrial nations would protect their own private business firms, the boycott would have to die to keep the Arab nations alive.

On returning from his 1970 trip to Japan, Arnold Forster declared that the large Japanese firms which had capitulated to the threats had done so "out of fear rather than good business sense." The Arab boycott was built as much out of bluff and braggadocio as out of bitterness and intimidation. With many companies in many nations, good business sense had prevailed over fear. But good business can be fortified by good governmental policies, and there is a firm basis upon which governments can take a part: Mr. Forster has pointed out that submission to the Arab boycott is clearly against the regulations of the General Agreement on Tariffs and Trade (GATT), of which 76 countries—including the United States, Israel, and Japan—are signatories.

Another answer, and perhaps the ultimate one, is individual courage and adherence to principle. An example is found in a letter to the Arab boycott committee from Howard M. James, President of the Scherr-Tumico Corporation, which had received a blacklist threat after announcing plans to open a plant in Israel. Mr. James' letter, dated May 22, 1962, read in part:

"We are not impressed by your threats of intimidation and coercion through boycott and blacklist. . . . The effort you are expending in fomenting hate and strife . . . can better be used to bring something of substance for your people. . . . Cease your war with the Israelis and you will find this corporation and most all of America ready and anxious to extend to you a welcome and a helping hand."

DRAFT DECAY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BINGHAM. Mr. Speaker, I have said for a long time that the draft system is breaking down and badly in need of replacement. I have introduced the National Service Act of 1970 (H.R. 18025) with bipartisan support.

This past Sunday's New York Times carried a front-page article outlining one aspect of this decay in the draft system—the rising number of medical exemptions which are being granted.

The article is most interesting, and I include it at this point in the RECORD:

MORE YOUTHS LOOK FOR A MEDICAL "OUT" TO AVOID THE DRAFT

(By David E. Rosenbaum)

WASHINGTON, October 10.—Deliberate and increasingly successful pursuit of a medical exemption from the military draft has become routine among college students.

No longer able to avoid the military by entering graduate school or draft-deferable occupations, a growing number of young men have found physical disqualification a painless alternative to being drafted, going to jail or leaving the country.

Usually, these men are aided by private doctors who write letters for them documenting genuine, exaggerated or, in a few instances, fabricated medical conditions.

TARR SEES "INEQUITIES"

Noel Perrin, a Dartmouth College English professor who conducts periodic surveys of the senior class, estimates that more than 60 percent of the men in the college who have taken the Army physical examinations have been permanently disqualified from the military.

One day last spring, for instance, 34 of 43 Dartmouth students who took the bus to Manchester, N.H., for their pre-induction examinations were disqualified.

Dr. Curtis W. Tarr, the Director of Selective Service, said in an interview that the rising number of medical deferments was "a cause for serious concern because it's one of the real inequities still left in the draft system."

The reason for Dr. Tarr's concern and the inequities about which he spoke can be seen in figures compiled by the Army's Medical Statistics Agency:

In 1966, 24.2 percent of the draftees examined for the first time were disqualified for physical or psychiatric conditions. In the fiscal year that ended last June, 32.5 percent of the draftees failed the medical examination, an increase of 8.3 percent in three and a half years. In that period, the number of men examined increased slightly. In July, the last month for which statistics are available, 40.7 percent were disqualified.

While 41.5 percent of the whites who took the medical examination in July failed, only 32.4 percent of the blacks failed. In every state, the percentage of whites who failed is considerably higher than the percentage of blacks.

In 1969, 45.7 percent of the potential draftees examined in Massachusetts and 42.3 percent in New York were disqualified. In South Carolina and Georgia, the percentages were 17.9 percent and 27 percent, respectively.

In every study conducted, it can be seen that the rate of medical disqualifications go up in direct proportion to the education level of the men surveyed, according to Dr. Bernard D. Karpinos, an Army statistician.

There is little evidence, of course, that black people are healthier than whites, that Georgians are healthier than New Yorkers, that educated men are unhealthier than dropouts or that Americans developed more medical problems as opposition to the war in Vietnam intensified and draft calls increased.

MEDICAL HISTORY IS KEY

The explanation for the inequities apparent in the Army statistics became clear in a series of interviews conducted in several parts of the country with military and private doctors, Selective Service officials, draft counselors and young men trying to avoid the draft.

All the sources agreed that a man was more likely to be disqualified in the mass-production Army examination if he had been treated by doctors regularly all his life and was articulate about his medical history.

There are 74 armed forces entrance and examining stations in the country, most of them staffed by one or two Army doctors and a few private physicians hired on a per diem basis. This handful of doctors is often called on to examine several hundred potential inductees in a single day. The attention given any one man is usually minimal.

Men called for their pre-induction examinations are told to bring with them documentation of disqualifying medical conditions. It is the rare man who is disqualified without a letter from a private doctor attesting to his condition, unless, of course, the man has an obviously debilitating condition.

HARDER FOR BLACKS

A doctor recently discharged from the Army after having served for two years at an examining station said:

"A white kid, a college student who came in with asthma or an ulcer or a psychiatric problem had usually been treated for his condition for years. He knew the doctor who saw him for asthma at age 15 and had a letter from the doctor. We might not be able to verify the condition, but we would still disqualify him.

"The typical black kid came from a ghetto or a rural area and he might have had the same conditions. But he had never been treated for them, and we never found out about them. We tried to give the best examination we could, and you'd be surprised at how many disqualifying conditions we found in poor blacks, and poor whites, too, for that matter. But I'm sure that many, many of them slipped through."

While this may explain, at least in part, the reason why more whites than blacks

and more men from urban states than from rural states have for years failed the draft physical exam, it does not explain the sharp increase in disqualifications in recent years.

This increase, nearly all the sources interviewed agreed, is due to the opposition to the war in Vietnam and particularly to the draft among young men from middle and upper-income families.

"The fact is," said Col. Paul Akst, director of Selective Service in New York City, "that people want to fail and they're finding ways to do it."

Dr. Tarr agreed. "Young men, especially students, know the regulations and are being coached on how to fail the physical," he said.

A draft counselor in Maryland said this was always the first route a man should take in avoiding the draft. "When a guy comes to us and wants to beat the draft," he said, "we tell him first of all to go to a sympathic doctor and get a complete checkup. There's a good chance that the doctor will find something wrong with him that will cause him to be disqualified. If he can't, then we consider other ways, but it's one hell of a lot less painful to get a 4-F or a 1-Y than it is to go to jail or Canada."

These "sympathetic" doctors fall into two categories. In the first are responsible physicians who are thoroughly familiar with the Army medical standards and who try to find in young men conditions that genuinely do not meet the standards.

The second, and by far the smaller, category consists of doctors who are outright frauds. They will, for a fee, write letters for potential draftees alleging a physical or psychiatric condition that does not exist.

Many doctors in the first category belong to organizations such as the Medical Committee for Human Rights or Physicians for Social Responsibility. In addition, there are doctors in this category in nearly every university infirmary.

Dr. Quentin Young of Chicago, the founder of the Medical Committee for Human Rights, said his organization had begun examining potential draftees a few years ago because "the draft is so oppressive, and we wanted to help guys who couldn't afford a doctor to document their conditions."

The committee has chapters in 30 cities, and most member doctors do not charge for their examinations. Still, Dr. Young said, "the vast majority of the men we see are white. If I said 20 per cent were black, I'd be exaggerating."

He said his organization was considering setting a policy that "every white guy who comes in must bring a black guy with him."

Dr. Young said that he would never falsify a letter to keep a man out of the draft, and a former Army doctor said, "We really respected Quentin Young and the other doctors we knew belonged to his group. If he wrote a letter about a man, we knew it was right."

This is in contrast with doctors in the other category, some of whom appear to make their living by writing bogus letters for draft dodgers. There do not appear to be many of these doctors, but most Army doctors agreed that there is probably at least one in every large city.

One doctor the Army physicians are convinced is falsifying letters is a New York City psychiatrist. A doctor at one of the three examination stations in the New York City area reported that an average of five of the 250 men examined each day at his station carried a letter from this psychiatrist.

The letters vary so little from one to another that they can accurately be called "form" letters. Normally only the name and one or two other words are different. The diagnosis is nearly always the same: "Manic depressive illness, depressed type, with paranoid features."

The Army doctor estimated that 60 to 70 per cent of the men carrying these letters were disqualified immediately and that a large percentage of the rest were subsequently disqualified on appeal to the Surgeon General of the Army.

If there are five such men every day at each of the three examining stations, then 75 men a week are reporting for examinations in the New York area with letters that may be fraudulent from a single doctor.

One young man who visited this psychiatrist's office reported that the doctor's fee was $250, "cash in advance," for an examination and a letter.

Colonel Akst, the New York City draft director, would not acknowledge in an interview that he knew of this psychiatrist because, he said, "I don't like to name names." But it was clear from his expression that he was familiar with the letters.

He estimated that 5 per cent of the 40,000 men who were disqualified at the three New York area stations—Fort Hamilton in Brooklyn, Whitehall in Manhattan and Newark—had fraudulent or "grossly exaggerated" letters.

Men who claim psychiatric disorders at their examinations are usually interviewed by a private psychiatrist hired by the Army on a per diem basis. One such private psychiatrist who works regularly at one of the New York area examining stations said in an interview that the obviously fraudulent letters "put us in a terrible bind." He explained:

"She (the New York psychiatrist) writes and says that she has examined the patient 'extensively.' Now most responsible doctors would probably give the dates of the visits or at least the time span of the treatment, but anyway she says she has examined him 'extensively.'

"The most we have to interview the man is 10 minutes or maybe 15, and we really would have to go out on a limb to contradict this doctor who is supposedly qualified."

In addition, the doctor who works for the Army said, the examining stations are under considerable pressure from the Pentagon not to accept men who should have been disqualified.

Every time a man is discharged from the service because of a medical condition that existed prior to his induction, the doctor said, the Army physician who examined him before induction is required to explain in writing why he did not detect the condition.

Thus, he said, whenever there is the slightest doubt in the Army doctor's mind, he will disqualify the man, especially at a time when there are far more qualified men than are needed to fill draft quotas.

Several of the doctors suspected of being frauds have been reported to the Surgeon General of the Army, but no action has been taken.

Col. George Sgalitzer, the surgeon at the United States Army Recruiting Command, who is in over-all charge of the examining stations, refused to be interviewed on the subject of fraudulent doctors.

In written replies to inquiries, he declined to reveal how many doctors suspected of writing bogus letters had been reported to him or what action he had taken, but he did say, "Our own efforts to reduce the number of suspected fraudulent physicians' letters have been hampered by lack of evidence."

Dr. Tarr, the Selective Service director, said he had "heard" that some had also been reported to the Justice Department for possible prosecution, but a Justice Department spokesman said that he did not know of any such reports and that no investigations were under way.

Because medical disqualification is such a simple method of draft evasion, many young men are delighted to learn that they are sick. Dr. Young told the following story:

"One kid came in and said there was nothing wrong with him, that he had no symptoms, but that he wanted me to find something wrong with him to keep him out. I couldn't find anything, but in talking with him I learned that an uncle had diabetes.

"Now, I would never order a glucose test on a 19-year-old on such flimsy evidence, but I did in this case, and sure enough he had diabetes.

"I remember saying, 'Congratulations, you have diabetes.' Imagine when people want to have serious illnesses."

HORTON EXPRESSES PRIDE IN THE GENEROSITY OF ROCHESTER AREA FAMILIES IN OPENING HEARTS AND HOMES TO "FRESH AIR" YOUNGSTERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HORTON. Mr. Speaker, for many years the summer season has marked the year's highlight of the kindnesses of the Rochester area families to those less fortunate than themselves. Now they are proving once again that the "Fresh Air" program is a great humanitarian operation of such magnitude that its many blessings cannot, probably, be overestimated.

This year hundreds of families in my 36th Congressional District will be opening their hearts and homes to underprivileged children from the inner cities of both New York City and Rochester.

The yearly movement of these city youngsters to the suburbs of Rochester is underway now. Their reception into the area homes is a splendid example of the willingness of good people to share their material blessings with little folk who might not otherwise ever know the pleasures of enjoying the great outdoors, sunshine, fresh air, and the relaxed loving kindness of a family which cares.

Just one fine example of the good this program does was cited in a newspaper story in the Brighton-Pittsford Post recently. It told the story of one "Fresh Air Kid" who really made good.

It stated that Mr. and Mrs. Richard Rochow, Pittsford chairmen of the Fresh Air Fund, know what the program is all about from personal experience.

For the past 7 years, since she was a frightened 11-year-old, Elizabeth Hopes of Brooklyn has been visiting the Rochow family at their home at 203 West Bloomfield Road, in Pittsford, for at least 2 weeks each summer.

As a "Fresh Air Kid," Elizabeth came to be part of the Rochow family, which includes the Rochow's three daughters and son. Elizabeth, herself, is one of 13 children who lost their mother 6 years ago.

For a time she lived with a family for whom she babysat in South Orange, N.J., where she attended high school and from which she was graduated this summer. She is the first member of her immediate family to earn a high school, college-entrance diploma.

Several weeks ago Elizabeth came to visit the Rochows, whom she credits largely with her decision to seek a college education.

With them she journeyed to the State University College in Cortland, one of three at which she was accepted and where she will begin studying immediately, seeking a degree in either sociology or physical education.

This is only one fine example of the lasting good that is accomplished when we share out blessings with others.

The Brighton-Pittsford Post, in a story written by Pat Dougherty, told of some of the behind-the-scenes work and planning that goes into this successful "Fresh Air" program.

May I share it now with my colleagues so that they, too, may know some of the pride I take in the fine people of my district who work hard to make a happy summer for hundreds of inner city children.

The article follows:

AREA FAMILIES TO OPEN HEARTS, HOMES TO "FRESH AIR" YOUNGSTERS

(By Pat Dougherty)

Today—paper—work, applications, lists and phone calls.

In a fortnight—some 700 excited kids, yelping with joy, as suburban residents open their hearts and homes to entertain youngsters from the New York City area for two weeks.

"If statistics can ever jump to life, it's with the Fresh Air program," said one community chairman. "Now we have only names on a sheet, but in a couple of weeks, every one of those names will become an individual in his own right, with his own personality."

For months, volunteer workers have been accepting requests for visitors from area families, interviewing prospective hosts and striving to match interests, ages and inclinations.

Now, the preliminary work is nearly finished, and the first contingent of young visitors will arrive at the New York Central Station next Thursday, remaining with host families until July 22. The second group will come the following day, returning to New York Aug. 6. Guests may remain on invitation until a final departure train Aug. 20.

Similar preparations have been underway by chairmen of the children-to-children program, started here 3 years ago to broaden avenues of communication between the suburbs and Rochester's inner city—specifically the vicinity of Hand St. served by St. Bridget's Church.

Again this Summer, youngsters will visit area families for 2 weeks, building family-to-family relationships. A total of 200 host families took part in the program last year, according to Mrs. J. Lloyd Lill, Jr. of 70 Parkridge Dr., Pittsford, who helped launch the program.

An informational meeting to finalize the Summer's program was held last month at the home of Mr. and Mrs. Justin E. Doyle of 15 Sandbrook Rd., Pittsford.

Altogether, some 230 Fresh Air kids are slated to visit homes in Pittsford, Penfield, East Rochester, Fairport and Brighton, according to Mrs. Donald Van Vechten, 51 Southland Ave., Brighton, area chairman of the program.

Applications for guests are open in Penfield, Pittsford and some other area suburbs, and may be filed with area community chairmen.

Quotas already have been reached in East Rochester, where 65 children will be entertained. And in Fairport, with a guest list of 50 already filled.

Some 35 children are scheduled to visit homes in both Penfield and Pittsford, and more can be signed up if host families apply.

PROJECT GREEN THUMB

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. FRASER. Mr. Speaker, the House will debate today the Comprehensive Manpower Act, H.R. 19519, which I strongly support. This legislation continues many already well-established employment service programs such as Neighborhood Youth Corps, and Operation Mainstream including its Project Green Thumb and senior aid programs. This legislation also permits inclusion of programs for senior retired citizens, such as Green Thumb, in public service employment programs under title III.

This mainstream project, Green Thumb, is now functioning in 17 States and 210 counties. Providing as it does for meaningful and constructive employment for many senior citizens, the program as administered has been a model of cooperation and coordination and has been enthusiastically received.

The current edition of Life magazine contains a short story which attests to the support this program has received. As stated by some of the participants in this article, Project Green Thumb, has made a substantial difference in their lives. I commend the article to my colleagues:

MUSCLING OUT OF RETIREMENT

If America has a lost generation today it is surely that group we euphemistically term "senior citizens" and doom to poverty and boredom. Old farmers are especially afflicted: few have much money (they did not even come under Social Security until the 1950s), and their lifetimes of hard physical labor were habit-forming. Thus news of the success of a program aimed at helping such men comes as a happy exception to the general geriatric gloom. For retired farmers in 17 states, the answer has proved to be Green Thumb. Funded by the federal government and administered by the National Farmers Union, the project got under way in 1966 and now employs some 3,000 men. Their ages average 69—the oldest is 94—yet they put in a solid eight-hour day three days a week on useful projects that range from grass and tree planting to cleaning out lakes and building picnic tables and fireplaces. Their pay is a modest $1.60 an hour, but for most of them what counts is the opportunity to work. One man, retired for several years and feeling poorly, joined Green Thumb and has now helped build two dozen new parks. Now that he's 78 and feeling fine, he's thinking about getting married.

Fred Moench lived with relatives until joining Green Thumb three years ago. Now he owns a house trailer. "The best thing is not having to worry about hanging around the kids," he says. "Oh, they liked having me, but you know, an old man can get to be a real pain in the butt after a while, no matter how much you love him."

Twenty-five years ago Rolland Dissmore was so badly afflicted with arthritis that his doctors ordered him to give up farming. "I couldn't get much of anything to do," he says. "The most work I had was washing the dishes while my wife worked uptown. I started on Green Thumb three years ago. I feel stronger every month."

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ENVIRONMENTAL CRISIS

A growing concern about our environmental crisis is sweeping the Nation. State and local governments are increasing their pollution control activities. Corporations are coming out with new devices to combat pollution. Members of Congress are finding that increasing amounts of time are needed to deal with the problems of pollution in their districts and States.

The Nation is stirring itself, and none too soon. We are beginning to realize that pollution is no longer an acceptable form of behavior. In the Ninth District alone, 80 percent of those responding to my 1970 questionnaire felt that funds to fight pollution should be increased. Each day, I receive in my Washington office letters asking, "What can I do to help?"

As individuals, we can begin with the time-tested procedures of a free society to save our environment—the ballot, the petition, and court action. It is necessary to develop a widespread local interest in pollution control and then act. As a first step, an inventory of local polluters and polluting activities might be taken. The inventory should include: Sources of air and water pollution; methods of solid waste disposal and handling; availability of recreation and park resources; environmental effects of highways, airports and other public works projects; sources of noise pollution; and the use of pesticides.

There are several things to do with such an inventory. Local newspapers and radio stations should be urged to pay greater attention to polluting activities. Municipal officials and State and National legislators should be advised and urged to help. Concerned citizens also should file complaints and initiate court action to compel polluters to stop fouling the environment.

As consumers, we must all realize that all of us contribute to pollution in varying degrees. A truly effective attack on pollution will require changes in our lifestyle. If we are to erase the litter from our landscapes, clean the air of smog, rid the water of pollutants, all of us are going to have to adopt a less wasteful way of life.

The private sector, as well, must become aggressively involved in pollution control. This is not an easy decision for American business, and some of the cost of pollution abatement might raise eyebrows among stockholders. Without the active involvement of business, however, the chances for success in the fight against pollution are not encouraging.

Without doubt, national, State, and local governments will have to bear the major burden in the effort to control pollution. Specific steps can be taken;

—The establishment of a joint congressional committee to systematically oversee actions affecting, and solutions to, our environmental problems;

—A concerted effort to promote environmental education in our schools;

—Increased funding levels for pollution control programs at all levels of government. For the current fiscal year, only one-half of 1 percent of our Federal budget has been allocated to fighting pollution. State and local efforts are as bad if not worse.

—New legislation that places more of the burden for pollution control on those who violate pollution laws. The principle of "he

who pollutes must pay the cost of cleaning it up" must be adopted.

—State and local units must forge stronger partnership efforts to combat pollution. Pollution does not begin or end at city limits or State lines, so regional and interstate cooperation must be expanded.

—More research is needed to seek new alternatives to those procedures and products which contribute to our pollution problem.

The perils of delay are great. Forceful and meaningful action, especially by concerned individuals, is needed now.

CHIEF OF RESERVES PRAISES NAVAL CENTER AT AVOCA

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. FLOOD. Mr. Speaker, the U.S. Naval Reserve at Avoca, Pa., one of the finest, modern, best equipped in the country, recently underwent a thorough inspection by Rear Adm. Edwin M. Rosenberg, chief of the entire Naval Reserve, and his staff.

The September 18 edition of the Wilkes-Barre Record carries a thorough story on the facility, which is most complimentary.

I was instrumental in having the Reserve center established in Avoca, a town which I am privileged to represent in the Congress, and this story is a source of pride. I submit it for publication in the RECORD:

CHIEF OF RESERVES PRAISES NAVAL CENTER ON VISIT TO AVOCA

Rear Adm. Edwin M. Rosenberg, who won reinstatement into the Navy after a successful battle with cancer, now the commander of the entire Naval Reserve in the United States, made his first official visit to the Naval Reserve Training Center, Avoca, accompanied by members of his staff from Omaha, Nebraska, for an inspection of the personnel, administrtaion, and training.

He told of the expanding need for Naval Reservists under the new policy of the Defense Department and said he was pleased to note the training center near the Wilkes-Barre-Scranton airport "incorporates the most modern training facilities for a ready reserve."

Under the new Defense Department setup emphasizing the need for reserve forces support, "we might have to call reservists on a day's notice," he observed.

In discussing the Naval Reserve shore establishments readiness compared to Naval Reserve units assigned to training ships, he said the top award for Naval Reserve unit performance this year will go to "a center in the eastern part of the United States."

He said at a luncheon given by the Navy League that he was pleased to note "people are still interested enough in freedom to make the effort to be here today."

He praised the civilians who have supported the various Naval Reserve projects and lauded the Naval Reserve personnel for combining the basic qualities of know-how and spirit for effective training."

Adm. Rosenberg, invited the civilian community to observe the work of the men and their equipment at the training center. "It's your center, too," he told the guests at the luncheon. "You should be interested to learn how it's used for protecting freedom."

Adm. Rosenberg said the Naval Reserve headquarters at Omaha is in an ideal location to serve the entire nation and said there is "no thought of moving or adding district headquarters in other parts of the country."

He said the Naval Reserve program gives youth an opportunity to complete his military obligation while serving most of his time at home. Two years of active duty is included in a six-year enlistment, he noted. Most of the early tour of duty is spent at the training center, followed by two years active duty and two more years at the training center as the windup.

Cmdr. Charles R. Piersee, commanding officer of the Naval Reserve Training Center, and Capt. Robert T. Conway, commanding officer of the Naval Reserve unit, welcomed Admiral Rosenberg and his staff to the center.

Included in the inspection party was Capt. Edward W. Fidler, a Scranton native, who was commanding officer of the Naval Reserve Training Centers at Kingston and Dunmore. Capt. Fidler presently serves as Chief of Staff for Naval Reserve in the Fourth Naval District which includes Pennsylvania, Ohio, Delaware and Southern New Jersey.

Representatives of the Navy League and the Cancer Society units in Lackawanna and Luzerne Counties joined Naval Reserve personnel, active and retired, at the luncheon.

Commanding officers of the Naval Reserve unit's surface divisions attending were Cmdr. E. T. Davies, Cmdr. Kenneth Lewis, and Lt. Cmdr. Leonard Zavada; also Commander David Philbin, chief of staff for the local Naval Reserve.

Capt. Conway presented Adm. Rosenberg with an anthracite desk set as a memento of his first visit to the Northeastern Pennsylvania region.

Adm. Rosenberg was stricken with cancer early in 1946 and survived several operations and constant radiation treatment during an 11-month period. He was placed on the Navy's retired list in 1947 and after his recovery he was recalled to active duty in 1948. He was returned to the Navy's active duty roster in September, 1950 by a special act of Congress.

FACTS CONCERNING FUEL OIL FOR NEW ENGLAND

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WYMAN. Mr. Speaker, a few demagogs have been running around claiming that New England is going to freeze to death this winter for lack of fuel oil. The Nixon administration is not going to stand for this a minute, nor does a so-called oil crisis exist at this time in New England.

The difficulty in this area derives in large measure from reduced availabilities of residual fuel oil because of tanker shortages and developments in the Middle East. Because of pollution requirements and price differentials, No. 2 home heating oil is sharply up in demand.

Many areas are converting to No. 2 distillate oil and there is a prospect that the demand for this classification of fuel oil will sharply increase in the near future. It being presently under quota invites pressure for increase in the quotas assigned.

The New England Fuel Institute has asked for an increase effective November 1 to 150,000 barrels a day for District 1—the Northeast—for 6 months. I support this, but this is prevention. There is no fuel shortage at this moment.

As Charles Burkhardt, executive vice president of the New England Fuel Institute, points out in the excellent article that follows, appearing in the Boston Evening Globe for Monday, October 5, what we need in this country is a long-range energy program. This is particularly true of areas such as New England that are exposed to extreme weather conditions and sharply varying winters.

WHY THE OIL CRISIS? FUEL OFFICIAL EXPLAINS

(By Charles H. Burkhardt, executive vice president, New England Fuel Institute)

The present worldwide restrictions on the supply of residual fuel oil, coupled with a shortage of large tankers necessary for long haul transport, is no piece of fiction, nor is it the result of any sustained machinations on the part of the major oil companies.

It is convenient and popular to assume that the major international oil companies are the cause of the black oil shortage. It smacks more of the truth that they are the victims rather than the cause. However, this refers primarily to residual oil.

The worldwide situation presently affects residual oil, sometimes known as black oil or heavy oil. This residual oil is completely different from No. 2 distillate oil known as home heating oil, which at this moment is not in short supply but very well will be if utilities and other industry users are to dip into home heating oil stocks to extend the supply of residual oil or to use home heating oil as a substitute for residual oil. This is a problem that makes necessary additional stocks of home heating oil, which can be obtained by increasing the import quotas or eliminating import quota restrictions entirely.

These import quotas have visited for years an economic inequity upon the New England consumer that specifically affects at this time No. 2 home heating oil. These quotas are completely anachronistic. Developed over 13 years ago, they no longer fit the energy needs of this region and should be discarded. There are no import quotas on residual oil, such having been lifted several years ago.

The world-wide shortage of residual oil, if it continues, will cause serious power shortages throughout the East. This is a further complication. Electric utilities are not able to obtain adequate supplies of residual oil; therefore, many will enter the market to buy lighter distillate oils in quantity in order to get by. Shortages of natural gas that will not be alleviated until late 1971 further cloud and distort the home heating market. No fewer than six New England gas utilities have sent letters or other notifications to their customers, stating they are taking no more new heating customers until further notice.

This tends to stabilize the home heating market quantitatively, as there can be no vast shifts from one fuel to the other. Shortage of coal, because young men do not wish to work as miners, doesn't help either. And the high sulphur content of coal renders its use impolitic at the present time.

At no time have so many political, social, national and international history-making events conspired to produce a single result—in this case, interruption in the supply of oil extending from crude to the refined product.

Nowhere is this more evident than with residual oil. Everything conspires to thwart

an adequate supply. Here are some major problems:

1—As a residue of the refining process residual oil is sold for less than the cost of crude. Its production is economically unsound.

2—Domestic refiners have found successful methods of eliminating the production of residuals in the manufacture of gasoline, distillate oils and other petroleum products. As a result, the major supply must be imported.

3—Large oil tankers are becoming increasingly unavailable and expensive.

4—The closing of the Suez Canal has substantially increased the demand for tankers, as Persian Gulf cargoes must go around Africa to get to the Western refineries.

5—Energy requirements, specifically the demand for residual oil, has more than doubled in major countries of Western Europe, especially England and West Germany.

6—More than 90 percent of the residual oil consumed on the East Coast is imported from overseas, and therefore international developments have a direct effect on the availability of the product.

7—The British government this year changed its policy of supporting the coal industry in power generation and is now encouraging conversions to oil. This alone has increased Britain's demand for residual oil by 50,000 barrels per day.

8—The Syrian government refuses to allow the trans-Arabian pipeline to be repaired. This cuts off 500,000 barrels per day of crude oil that would go to refineries in Europe and other parts of the world.

9—The Libyan government has ordered foreign oil companies to reduce production of crude by 500,000 barrels per day.

10—These two Mideast nations, by arbitrary action, deprive the world of one million barrels of crude per day with the resulting diminution of the production of residual oil.

11—These developments, plus a considerable amount of scare and precautionary buying throughout Europe because of politics and inflation, have pushed tanker rates to the highest level since the Suez Canal crisis of 1966. In July, 1970, it cost $3.44 per barrel to deliver oil from the Persian Gulf to northwestern Europe, compared to $1.01 per barrel a year ago.

12—The further result of this is evident. Shipments of oil from Europe to the United States are reduced, while residual oil shipments from the Caribbean have substantially increased.

13—Freight rates from the Caribbean to the United States at the same time have risen 214 percent, or 47 cents per barrel.

14—The demand for residual oil on the East Coast rose 24 percent in the first quarter of this year over the same period last year. This has been aggravated as a result of the failure of the domestic coal mining industry to grow fast enough to meet the demand for power generation.

15—Electric utilities, especially in the eastern United States, have completely converted from coal to oil.

16—The utilization of residual oil for power generation is complicated and compounded by air pollution regulations.

All forms of energy as fuels are now dislocated as to supply. This includes residual oil, gas and coal.

Nothing will be gained by inflammatory, accusatory, political rhetoric. It is a crisis that only reasonable, intelligent judgment and rational understanding will solve. No nation, not even the United States, will long endure without a long-range energy pattern and program. It had better come about soon! Profit and politics can no longer be the sole reasons for thwarting such a solution.

SUPPORT FOR COMPREHENSIVE MANPOWER BILL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, tomorrow the House hopefully will take up the Comprehensive Manpower Act of 1970, H.R. 19519.

This bipartisan legislation is of vital importance and I was pleased to receive the views of both the AFL–CIO and the Chamber of Commerce of the United States in support of this bill.

For the information of the House, I include at this point the text of the letters from both organizations:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., October 9, 1970.

Hon. WILLIAM A. STEIGER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The AFL–CIO urges you to support the Comprehensive Manpower Act, H.R. 19519, now scheduled to be considered by the House immediately prior to the recess.

H.R. 19519 is a bipartisan bill representing major reform in the manpower field. Its main provisions include: a public service employment program creating badly-needed jobs; a program to upgrade the skills of employed workers; and establishment of a mechanism through which states and local areas can provide their own comprehensive manpower services.

With national unemployment continuing to climb, this bipartisan bill, with its job-creating provisions as well as its reform of present federal manpower programs, is urgently needed.

Assuming the granting of a rule, the AFL–CIO urges you to support H.R. 19519 as reported overwhelmingly by the House Education and Labor Committee and without amendments unless accepted by the sponsors of this crucial legislation.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, D.C., October 12, 1970.

Hon. WILLIAM A. STEIGER,
House of Representatives,
Washington, D.C.

DEAR MR. STEIGER: The National Chamber is pleased that the House Education and Labor Committee has reported the Comprehensive Manpower Act, H.R. 19519.

The bill reflects a realistic attempt to improve the nation's manpower training programs. As such, it is a distinct improvement over the previously passed Senate manpower bill.

We are gratified to note that the bill contains recommendations that the National Chamber made to your Committee in our testimony on April 29 and again in our letter of September 28, 1970:

—The consolidation of manpower programs will permit the development of truly comprehensive local manpower programs. The present proliferation of categorical programs is the problem most commonly cited by our members in their criticisms of manpower programs.

—The public service employment program in the House bill is of sufficient size to cope with the current needs in the public sector, and yet is reasonably limited to permit proper administration.

Finally, the authorization provided by your Committee's bill is much more realistic than the highly inflationary Senate authorization.

The Chamber is glad to support H.R. 19519, which consolidates manpower programs and provides for a comprehensive manpower program. We earnestly hope the important features we have cited will be maintained during floor debate and, just as essential, that the House position will be adhered to steadfastly in conference.

Cordially,

HILTON DAVIS,
General Manager Legislative Action.

BILL TO REQUIRE UNIT RETAIL PRICE LABELING

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DADDARIO. Mr. Speaker, it has been 4 years since the Congress passed the Fair Packaging and Labeling Act. This historic piece of legislation, which required labeling of products as to their identity, manufacturer, and net contents, went far in providing consumers with a consistent and uniform system of labeling and packaging. Unfortunately, it did not go far enough. Today's consumers are confronted with an unending variety of new products and new containers. Very often, the same brand product can be found in two, three, or more containers of different size, weight, and price. It is not surprising that, faced with this proliferation of new product choices, the average consumer is enveloped by confusion and uncertainty.

In an effort to reduce this uncertainty, and provide genuine relief for concerned shoppers, I am today introducing legislation that would require the labeling of consumer products by their unit retail price. Basically, the unit retail price of a product is its price expressed in terms of a single whole unit of weight, measure, or volume of a product. It is arrived at by dividing the total retail price figure by the net quantity figure. The result—known as the unit retail price—would typically be expressed in terms of price per ounce or price per pound. A similar method used extensively for the pricing of meat and meat products has met with widespread acceptance. The essential value of such a pricing system is obvious: By facilitating comparison shopping among competing products, it represents the single most effective weapon that consumers can utilize in the fight against deceptive or misleading labeling and packaging.

For many years, housewives and other buyers have tacitly assumed that purchasing products in the largest container available constituted the most economical purchase. Fortunately, the inaccuracy of this assumption is easily demonstrated by reference to the recent price of Ivory liquid detergent in a grocery chain store in Hartford, Conn. A shopper desiring to

buy a bottle of this product would be faced with three choices: a 12-ounce bottle selling for 35 cents; a 22-ounce bottle selling for 59 cents; and a 32-ounce bottle selling for 87 cents. In order to make the most prudent purchase, the shopper would have to first determine the unit retail price for each of the three sizes. In this case, she would find that the smallest bottle had a unit retail price of 2.91 cents per ounce; the medium size was 2.68 cents per ounce; and the largest size was 2.72 cents per ounce. Thus, the medium-size bottle rather than the largest bottle represented the best buy. This is but one example of how the unaware consumer is mislead into paying more for less.

Although it is not especially difficult to make the above calculations, the time needed to repeat them dozens of times would be prohibitive. In fact, several supermarkets have conducted trial experiments by giving each shopper a simplified calculator to enable them to more readily find the unit retail price. Even this method, however, proved burdensome and impractical.

The bill which I am today introducing would provide the most effective and appropriate mechanism for disclosing to shoppers the unit retail price. Essentially, the bill would require that consumer commodities—as that term is defined in the Fair Packaging and Labeling Act of 1966—must be accompanied by a retail price mark, either affixed to the package, or placed in close proximity to it. This price mark would include both the overall retail price of the commodity, and its unit retail price per single unit of weight, measure, or volume. Such price designations would allow immediate consumer identification of those products representing the most economical purchase.

A particularly significant provision in the bill would allow the Secretary of Health, Education, and Welfare—or the Federal Trade Commission, depending on jurisdiction over the product involved—to base the unit retail price on factors other than weight or measure of the entire net contents.

If the Secretary determined that a unit retail price based on net contents is misleading, deceptive, or does not adequately apprise the purchaser of the value of the product, he can issue regulations calling for a unit retail price based on one or more of the component ingredients of a product. In other words, the Secretary would be authorized to identify, for example, the one or more ingredients in a certain line of products that are responsible for the product's effectiveness. Assuming that the residue of the net contents was composed of a noneffective filler material, he could require the unit retail price to take into account the weight, volume, or measure of the active ingredient or ingredients only. Although this unique provision would not be useful for all products, where applicable it would insure that the consumer is made aware of the comparative value of the products.

It should be stressed that the provisions of this bill are not intended to burden retail establishments with additional labeling requirements. To prevent the imposition of any such onus, I have drafted into the legislation a provision allowing any retailer to request from the manufacturer of any consumer product, a statistical list giving the unit retail prices for that product which correspond to changes in the total retail price. Thus, as the price of any product increases or decreases, the retail grocer would merely refer to the list to determine its new unit retail price.

Concern for protection of the consumer has made significant strides since the days when caveat emptor, or let the buyer beware, ruled the marketplace. The onslaught of new products, and the sophistication of improved containerization methods, have resulted in a situation in which the consumer clearly needs help. Such help can best be provided by implementation of a unit retail price labeling system. It would not dictate to the consumer which product to buy or refrain from buying. But it would enable the consumer to recognize the comparative value of each product, so he can determine how much he is paying for a certain product, and learn exactly what he is receiving in exchange. This bill would arm the consumer with sufficient information to enable him to make his purchases in the most intelligent manner. There can certainly be no legitimate reason for denying him this opportunity.

Adoption of a unit retail pricing system would add clarity and uniformity to the packaging and labeling of consumer goods, as well as making the 1966 act considerably more fair for all buyers. I urge my colleagues to give their full measure of support to this vitally needed legislation.

ATTLEBORO INDUSTRY WORKS TO END WATER POLLUTION

HON. MARGARET M. HECKLER
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, recently I was privileged to inspect the antipollution control equipment installed by a manufacturer in my district, the 10th Congressional District of Massachusetts, Swank, Inc., of Attleboro, Mass., is well known as one of the Nation's leading manufacturers of men's costume jewelry. It was also a pacemaker in complying with Massachusetts' strict water pollution control regulations. It was the first major industry in this area to install water pollution abatement equipment, a costly but necessary responsibility of industry today to assist in improving the quality of the Nation's environment. Swank, Inc., built and put its $150,000 water pollution control system into operation last fall. I was impressed by my inspection of the system but, more particularly, by the desire and willingness of this company to take the lead in meeting its obligations to the community. I commend Swank, Inc., for its response.

Ten Mile River, which flows through the Attleboros and is a source of public water supplies, was sadly polluted by industrial wastes. I have previously inserted in the RECORD some accounts of how other industries in the Attleboros, large and small, have subsequently worked together to clean up the river. Swank, Inc., set the pace.

I believe that the industries of the Attleboros have complied a remarkable record of civic responsibility in seeking to eliminate water pollution. They provide an example for the Nation.

I think that an appropriate comment was made editorially by the Providence Evening Bulletin in saying that "Swank is not the first company to find that a major capital investment in pollution control can pay off in terms of dollars-and-cents."

There will be many benefits to industry generally as it joins the antipollution effort, I am sure—not the least of which will be a livable environment for its employees, and for future generations of Americans.

I am pleased to insert in the RECORD an article from the Attleboro Sun, describing the unveiling last November of Swank's water pollution abatement system, and the editorial recognition of Swank's achievement.

The text of these articles follows:

SWANK COMPLETES WORK ON ANTI-POLLUTION SYSTEM

There are 80 factories—large and small—that must eliminate all pollution from their effluent being discharged into the Ten Mile River or its tributaries in the government's anti-pollution campaign.

In an all-out effort to comply with the regulation Swank Inc., of Attleboro, one of the city's largest jewelry firms, has completed one of the most intricate systems to purify its effluent—200 gallons per minute into Thacher Brook—yet installed.

The system was inspected yesterday afternoon by Mayor Thomas A. Piggott and City of Attleboro Health Agent Henry Brousseau, and explained by the two men most responsible for the installation—Edward G. Amesbury, Swank's chief chemist, and Edison F. Fuller, superintendent of engineering.

Senior Vice President Samuel M. Stone, Jr., said that the entire system was constructed at a cost of $150,000, $25,000 of which was for tanks and equipment, also engineering, which was begun some time ago. Actual construction was started in February of this year and the system was operating in September. Normally Swank's busy season, the entire installation, which included enlargement and rearrangement of the plating room, was constructed without interruption of production schedules.

INTERIOR INSTALLATION

The pollution in the effluent from Swank's was not different than that from any other jewelry plant but as Amesbury explained, "There are many avenues one may choose to follow in the elimination of pollution from metal finishing wastes. Each installation will therefore differ in one way or another. Here at Swank due to the fact that very little area is available for lagoon or sludge filter beds the equipment is different than would be found in an industrial park type installation."

And that is what makes the Swank installation different; it is all contained in a limited interior area.

Swank has been producing men's jewelry since 1897 and the manufacture of its items requires the use of electroplating solutions such as gold, silver, cyanide, rhoduim, nickel, plating bright dip solutions for copper and brass alloys, and the usual acid and alkali pre-plate solutions and rinse waters.

DRAGOUT

Dragout on the work and work carriers as well as the discharge of spent solutions in-

troduces these solutions into the rinse waters, causing contamination of the effluent.

It was this contaminant that the state Water Resources Commission, Division of Water Pollution, ordered manufacturers nearly two years ago to eliminate. This meant that every piece of equipment in Swank's plating department would have to be relocated while the firm was experiencing its busiest year ever.

After viewing what had been accomplished yesterday, Mayor Piggott commented the management of Swank for its "tremendous accompilshment," branding it "a great system which complied fully with the guidelines set forth."

"We are on the right road in Attleboro", the mayor added.

FACTORY TOUR

Amesbury directed the tour of the plating room and the new treatment plant and explained its intricate details.

First step was to add to the assembly line tanks of recirculating chemical washes. Plated jewelry is dipped into these tanks, where the toxic plating materials are rinsed. The washes then drain into tanks on the floors below, where the pollutants are neutralized and the rejuvenated solutions are pumped back to the plating room to be used again. Solid wastes are filtered out of the pumped out periodically and the sludge is dumped as inert fill. Highly sophisticated automatic controls, some of which were made in Europe, regulate the acidity of the treated effluent that goes into the brook.

Chief Chemist Amesbury further indicated that the control system had brought some benefits, too. A better method of recovering precious metals, one of the goals of all jewelry manufacturers, may be developed; cleaning of plated metal in a recirculating wash instead of running water is producing a better quality product, and less water will be required. Swank is now using 67 million gallons a year.

Superintendent Fuller explained one of the difficulties in installing the system was obtaining competent experts and workmen and he said great assistance came for the Allan Gross company of this city.

STREAM CLASSIFICATION

The Ten Mile River which the federal and state governments have classified, eventually flows into the Providence water supply reservoir. The Bungay and Seven Mile rivers are classified A, as public water supplies. Even the northern reaches of the Ten Mile are Classified A, but the stream quickly deteriorates to Class B, C, and D as it hits the Attleboros. It is the aim of the division of water pollution to attain Class B rating for the stream. The water now being discharged by Swank meets the Class B requirement, Supt. Fuller stated. Such cleanliness is sufficient to maintain aquatic life.

While Swank is the first major industry to comply with the river pollution control regulations, several smaller firms have nearly completed installations or have obtained extensions of time to do so from the state division.

SWANK SIDE BENEFITS

One of the nation's largest manufacturers of men's jewelry has become the first of more than 75 industries on Ten Mile River to install water pollution control machinery on what is a major source of water for the City of East Providence. Providentially, the investment in public health has brought at least two beneficial side effects for the company itself.

Swank, Inc., of Attleboro was among the firms under orders to build water treatment plants for elimination of chemical pollution. It's reasonably certain that none of the firms looked forward with pleasure to the need for installation of expensive treatment plants, particularly since some of them, at least, have used the river for years as an open waste disposal unit.

But Swank pushed ahead fast. It invested $150,000 in a plant which removes polluting chemicals from the plant's internal system before the effluent is allowed to run into the river. Since the company is big, its contribution to the elimination of pollution from the river necessarily is matchingly large.

But operation of the system produced two benefits. Gold and silver particles, once flushed into the river, now are being recovered from waste waters. Further, it has been found that cleaning of plated jewelry in a recirculated wash, instead of running water, produces a product of better quality and, presumably, of higher value.

Swank is not the first company to find that a major capital investment in pollution control can pay off in terms of dollars-and-cents. For Swank, its readiness to comply speedily and effectively with the law in the public interest reflects the responsibility of its management; the side benefits ought to please its "thriftiest" stockholders.

CONSUMER PROTECTION AND CONSUMER CONTACT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WYMAN. Mr. Speaker, when the subject of industry and business is raised many consumers frequently react negatively and we are told of the indifferent attitude of the retailer toward the buying public. Companies are now beginning to do something about this. One such organization is the Direct Selling Association with headquarters in Washington whose membership reflects the proud tradition of our free enterprise system. This association is reacting positively to counteract the increasing negativism among today's shoppers and at the same time taking steps to correct existing abuses and assure customer satisfaction from member companies.

The Direct Selling Association roster includes such well-known companies as Stanley Home Products, Field Enterprises, West Bend, Avon, Rubbermaid, and Sarah Coventry. Many of the association's member companies in fact have been serving their customers for over half a century—some even have celebrated their 100th aniversary in operation.

I applaud the activities of this association on behalf of the consuming public and call attention to the following news article that appeared recently in the Evening Star and describes the association's determined efforts to quickly and effectively resolve consumer problems.

The article follows:

CONSUMER CONTACT: NEW CODE FOR DOOR-TO-DOOR SALESMEN

(By Arthur E. Rowse)

The "good guys" are catching up to the "bad guys" in the business of selling products from door to door.

The Direct Selling Association, an organization that represents most of the large companies selling from door to door, has just set up a stiff code of ethics and the means of enforcing it.

This in itself is no guarantee of progress, for many ethical codes are not worth the paper they are written on. But all signs indicate that this one is different and the association really means business.

The fact is that few industries need policing more than this one. The difference is that the larger firms that control the association have come to realize that strict enforcement of ethical standards is not only "The Right Thing to Do," the title of an association flyer, but the most profitable thing to do in the long run.

Consumers also stand to profit from what the industry is doing to purge itself of the worst actors. A little knowledge of the association and its plans can help consumers to get their money's worth—and also to get satisfaction in disputed cases.

Under the procedure set up by the association, a single complaint against a member firm can set in motion a whole series of investigations and hearings. The organization cannot prosecute, of course, but it can recommend such action, and it can use the power of publicity.

In effect, the association has thus set itself up as a service to assist consumers as well as members resolve matters in dispute. It does not mean that complainants will always get what they want, but it means that their cases will at least get considered seriously. That is more than most customer complaints get now.

For the worst cases, where outright fraud is suspected, the organization to call, of course, is the police. And the association itself would do the same, according to its president, J. Robert Brouse.

Consumers have another thing going for them. It is the growing acceptance of a three-day cooling-off period. The Direct Selling Association has approved the idea for all buyers and sellers. Its directors have even agreed not to oppose a proposed law that would apply the concept only to their industry.

In fact, some door-to-door firms already include a cooling-off period in their sales contract. Field Enterprises, publishers of the World Book, have a four-day arrangement before the sale becomes final.

Here again is an idea that has proved to be good rather than bad, as originally feared, for business. Companies that use it have experienced fewer cancellations, less need to "resell" and increased goodwill.

Under the Truth-in-Lending law, a three-day cooling-off period is required whenever a credit purchase is secured by a home mortgage. Some 20 States now also allow some sort of period in which a buyer can cancel a deal for any reason without obligation.

Consumers can help the industry to raise its own standards by dealing with firms that are working to raise them through their own association. Consumers can also test the sincerity and effectiveness of the association by sending inquiries and complaints to it. The address is 1730 M St. NW, Washington, D.C. 20036.

VETO OF POLITICAL BROADCASTING BILL EMBARRASSES HOUSE REPUBLICANS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MACDONALD of Massachusetts. Mr. Speaker, the President's veto of the Political Broadcasting Act could best be described as an inexplicable, partisan political maneuver of the first magnitude. It also would seem to be a repudiation by the President of the leadership of his

own party in the House of Representatives, who supported the bill down the line, and who now have been left high and dry by the President's action.

We all know that there has been an astonishing lack of coordination between the White House and the Congress. By this veto the President has struck down a measure seen as beneficial to the Nation by such Republican leaders as GERALD R. FORD, House minority leader, who supported the legislation both on the vote for final passage and on subsequent adoption of the House-Senate conference report, and the Republican whip, Congressman ARENDS, who also voted in favor of adoption of the Conference Report. Congressman ROGERS C. B. MORTON, the Republican National Committee chairman, voted for the passage of the bill. Also voting for the bill were Chairman JOHN ANDERSON, Vice Chairman WILLIAM CRAMER, and Secretary RICHARD POFF, of the House Republican Leadership Conference.

Other important House Republicans have also been abandoned by the White House action. The ranking minority member of the House Commerce Committee was vigorous in his support of the legislation during House debate. All the Republicans on the Communications Subcommittee, of which I am chairman, cosponsored the bill as they had helped write the bill. The bill was reported out of the subcommittee unanimously and out of the full committee with only one voting in the negative.

The President's apparent indifference to the wishes of his Republican leadership in the House raises difficult questions. Who provided the pressure on the President to veto the bill? What arguments could have prevailed to cause the President to hand such a rebuke to the hard-working and responsible Republicans in Congress who supported the measure?

In floor debate, the ranking Republican of the committee in answer to a question indicated he knew of no opposition to the bill except "the radio and TV stations and ownership thereof." But he correctly noted that the bill had struck a moderate position with regard to broadcasters; there have been many who urge that stations be required to give free time for campaign messages, he observed.

One speculation is that Mr. Nixon has vetoed the bill because it contained the repeal of section 315 of the so-called equal time provision, which the networks have urged for a long time. The suspension of that section in 1960 made possible the great Kennedy-Nixon debates of 1960. As one who traveled with President Kennedy on the 1960 campaign, and personally saw the direct effect of the debates on the public all over the country, I could understand some reluctance on Mr. Nixon's part to engage in other debates. Ironically, the bill as passed does not require debates. But in the public interest it would make them possible, or at the least provide for separate appearance of the major presidential candidates on free prime time donated by the networks. Incidentally, the networks support these debates willingly, in the public interest. Should the titular leader of this country shy away from providing full television exposure of the candidates who control the very lives of the American public?

Other questions suggest themselves. I have read that the White House and many of the top-level advisers of the Nixon Administration is staffed with a large number of ex-broadcasting and advertising industry members. Of course, how they stand on this bill is unknown. But after reading Joe McGinness' "The Selling of a President" one wonders.

It should be noted that the official administration spokesman at the Federal Communications Commission, Chairman Dean Burch, supported the basic goals of the bill in testimony before the Subcommittee on Communications. It is also obvious that Mr. Burch's credentials as a Republican political figure are impeccable. In his testimony he stressed "the importance of the need for legislation in the area of political broadcasting" along the lines of the bill before the subcommittee.

The preponderance of former advertising and broadcasting personnel around Mr. Nixon raises the possibility that concern for former and future employers outweighed the public interest in the President's inner councils. How else explain the decision in favor of higher broadcasting and advertising packaging profits against the position of practically the entire Republican leadership and their rank and file in the House of Representatives?

The number and fine caliber of the House Republicans who have been so left out on a limb argues forcibly that the House will override the President's veto. He has once again thrown down the gauntlet, not only to the majority, but to his own minority members. His congressional relations, which have not earned high marks with either party, must now sink to an alltime low. We have for a precedent that Hill-Burton veto, a veto of another public interest bill. I believe that to make a partisan measure out of a public interest bill is a grave mistake. This bill merely protects the public's "right to know." It is a bill which would provide that the candidate be elected after a first-hand look at their merits—not an accounting of their financial assets. Government service should not be turned into a rich man's game.

The bill he vetoed was a bill for good government and against the special interests—those who would buy elections with runaway spending on saturation TV campaigns. With his veto, I believe, he has misjudged the legitimate concern of the American people and their elected representatives of both parties.

C. F. KLEINKNECHT, SR.—A GIANT PILLAR OF SCOTTISH RITE MASONRY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. CARTER. Mr. Speaker, on August 11, 1970, there occurred the death of one of the giant pillars of Scottish Rite Masonry, Southern Jurisdiction, C. F. Kleinknecht, Sr. A native of Evansville, Ind., where he was born April 25, 1889, he was a victim of cerebral hemorrhage. He had already accepted, from his long-time friend, Maurice H. Thatcher, an invitation to attend—as an honored guest—the celebration of the latter's centenary, August 15, 1970, under the auspices of the Panama Canal Society of Washington, D.C. He was looking forward with pleasurable anticipation to this event, but his attendance was prevented by the final summons.

Brother Kleinknecht came into the Blue Lodge of Masonry in 1927, in a Maryland Lodge, which membership he held throughout the remainder of his life. He became a 32d Degree Scottish Rite Mason in April 19, 1921 and was progressively advanced until he became a 33d Degree member in 1933. In 1969, he was invested with the rank of Dignity of Grand Cross of the Court of Honour and was made Assistant Grand Secretary General—a position that he held until the time of his death. His son, C. F. Kleinknecht, Jr., is now the Grand Secretary General.

Thus, C. F. Kleinknecht, Sr. served in important capacities, the cause of Scottish Rite Masonry, and was known, not only throughout the United States, but in many lands of foreign nations with contacts in the Scottish Rite. Not only was he thus famed and beloved, but he also achieved literary distinction because of his monumental work of 28 volumes of the greatly treasured "Kleinknecht Gems of Thought Encyclopedia," bringing up to date famous quotations from ancient and modern writings.

Under lease previously granted, I include, as a part of these remarks, a sketch of the life and deeds of this distinguished Scottish Rite Mason, now subjoined:

The name C. F. Kleinknecht Sr. has held the ring of familiarity in the House of the Temple for more than a half-century. Mr. Kleinknecht's personal service to Masonry began with a simple want ad in "The Washington Post" on March 25, 1919. Beginning as a clerk-bookkeeper young Chris, fresh from Evansville, Indiana, worked conscientiously for The Supreme Council. Proving his ability to learn every aspect of the Fraternity's work, promotions through recognition of service moved him from post to post within the Council. Few men had the vision and industry he demonstrated in these positions, especially in his office as Acting Grand Secretary General which he held for over 14 years.

In 1919 Mr. Kleinknecht was Entered, Passed and Raised in Washington Centennial Lodge No. 14, F.A.A.M. and he affiliated with Silver Spring Lodge No. 215, A.F. & A.M. of Silver Spring, Maryland in 1927, where he remained a member until his passing. Mr. Kleinknecht was a devoted Mason, for he had in abundance, and in proper combination, all the elements of character which lead men to the altar and bind them to the principles, customs and traditions of the Fraternity. Having received the Thirty-second Degree in April 1921, he was honored with the rank and decoration of Knight Commander of the Court of Honour in October 1931, was Coronated an Inspector General Honorary of the Thirty-third Degree in 1933 and in 1969 was selected for Investiture with the Dignity of Grand Cross of the Court of Honour. On October 29, 1957 the Sovereign Grand Commander, with the complete approval of The

Supreme Council, designated him officially as Assistant Grand Secretary-General. Mr. Kleinknecht served under five Grand Commanders and six Grand Secretaries General.

A conscientious official, an astute scholar, a devoted parent, Mr. Kleinknecht was probably best known as simply a good friend. His sense of comradeship and personal regard for everyone he knew endeared him to the hearts of thousands. He took a deep and true concern in each individual. His warm smile and hearty handshake had that certain something which perhaps is best phrased as sincerity. A real man with real ideals, he was dedicated to making those ideals a part of the workaday world. As a Bible School teacher, he sought by precept and example to exemplify and enforce the pure doctrines and divine truths of the Son of God.

Chris Kleinknecht pursued a great task which had been inspired by his Masonic training and enlightenment. It began as a simple thing, a hobby of collecting bits and scraps of wisdom that he read in Masonic books and in his extensive general reading. The jewels of wisdom soon grew to a formidable number and Mr. Kleinknecht began to file and catalogue them by subjects. A treasurehouse of the best of the world's wisdom was compiled and published; and so was the birth of Mr. Kleinknecht's great opus, "The Kleinknecht Gems of Thought Encyclopedia." In 1970 his last of 28 volumes was published and today his Collection of "Gems of Thought" are his living monument. They will exist as an inspiration long after marble mausoleums have yielded to the inevitable law of decay.

Mr. Kleinknecht leaves a living heritage to Masonry in the form of his three sons; Kenneth, C. Fred, Jr., and Robert. Each has worked diligently for the benefit of the Fraternity in his own accomplishments. Happiness and pride flowed in abundance when C. Fred Kleinknecht, Jr. was elected Sovereign Grand Inspector General at Large and Grand Secretary General of The Supreme Council, 33°.

Chris Kleinknecht was a man of commanding ability. He was in the true sense of the term a gentleman, guided by right instincts, directed and controlled by the high motives of justice, truth and honor. He was an ornament of human life and an example in all the walks and relations of life. "None knew him but to love; none named him but to praise."

DOWNSTATE ILLINOIS NEEDS MORE DOCTORS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. FINDLEY. Mr. Speaker, the citizens living in the 13 counties which I represent in Congress are faced with a severe shortage of physicians and other medical personnel to minister to their medical needs. According to the Illinois State Medical Society, 23 communities in west-central Illinois are actively seeking additional doctors.

Among those reporting a serious problem are: Golden, Liberty, Mendon, Quincy, Brussels, Kampsville, Beardstown, Virginia, White Hall, Carthage, Nauvoo, Plymouth, Jerseyville, Bushnell, Macomb, Chapin, Franklin, Hull, Auburn, Illiopolis, Divernon, Rushville, and Bluffs.

In Liberty, the last time the community had a resident doctor was in 1958. For those who live in Nauvoo, the nearest doctor is 12 miles away. If there is an emergency in one of these communities, the consequences can be serious. Some hospitals are unable to keep a physician on duty full time. In these circumstances, whenever a critically ill patient is brought in by ambulance, a doctor must be located by phone, informed of the emergency, and rushed to the hospital to treat the patient.

These facts from downstate Illinois are part of a nationwide shortage of trained and practicing physicians. Thousands of additional doctors are needed across the country. However, the shortage is most critical in rural and small town America. In fact, many suburban areas surrounding major cities often have adequate and convenient access to numerous physicians. What is urgently required, then, is to encourage new doctors graduating from medical schools and finishing their internships to locate in the areas of greatest need. Instead of joining the rush to suburbia, they need incentive to locate in the friendly atmosphere of our small towns, to practice medicine among those who deseparately need and want them to join their community.

The bill which I am introducing today is designed to give recent medical school graduates that encouragement. Many medical students build up a substantial indebtedness in educational loans while in medical school. Many thousands of dollars are required to attend medical school, and for those whose financial resources are limited, long term loans are the only answer. As a consequence, a young doctor, who may have a family, is often understandably anxious to earn enough money to pay off his loan as quickly as possible. In many cases, financial reward is greater in suburban areas, and this incentive may overcome the natural desire of some new doctors to practice in small towns and rural areas.

My bill provides for the Secretary of Health, Education, and Welfare to assume a new physician's indebtedness for medical education where he agrees to practice medicine for a 5-year period in any area determined to have a shortage of doctors. Only indebtedness for professional level training would be assumed by the government.

Such a program, which would cost very little, would permit new doctors who spent their childhood in small towns to return tnere to practice medicine without worrying about paying off heavy educational loans. In addition, it would encourage other new medical doctors to experience the warmth and friendliness of small-town America and to make it their home.

Already this measure has received the support of 150 Members of Congress. It is my hope that the new Congress will consider the bill and pass it at an early date. West-central Illinois desperately needs the new physicians which this bill can make possible.

Text of bill follows:

A BILL TO AMEND THE PUBLIC HEALTH SERVICE ACT TO ENCOURAGE PHYSICIANS, DENTISTS, AND OTHER MEDICAL PERSONNEL TO PRACTICE IN AREAS WHERE SHORTAGES OF SUCH PERSONNEL EXIST, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 741(f) of the Public Health Service Act (42 U.S.C. 294a(f)) is amended by striking the second sentence thereof.

(b) Section 741 of such Act is amended by adding at the end thereof the following new subsection:

"(l) Any physician, dentist, or optometrist who practices his profession—

"(1) in an area in a State determined by the appropriate State health authority, pursuant to regulations provided by the Secretary, to have a shortage of and need for physicians or dentists; and

"(2) who signs a contract with the Secretary or his designee agreeing to practice in said area for a period of not less than five years;

then the Secretary shall pay in full the principal and interest on any outstanding educational loan incurred by that physician, or dentist during his professional-level training, including: tuition, fees, books, supplies, and other related costs as determined in accordance with regulations provided by the Secretary. As such need is established, the Secretary may add new categories of medical personnel to those incorporated in this subsection. This subsection applies to loans from both public and private sources."

HELPING AVERAGE AND BRIGHT CHILDREN WHO DO NOT LEARN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. GUDE. Mr. Speaker, an excellent cooperative community effort program on behalf of children with specific learning disabilities which can be a model for communities across the Nation, I am proud to say, is now under way in Montgomery County, Md. The program is under the direction of the Montgomery County Association for Children with Learning Disabilities—a non-profit organization composed of parents, teachers, and professional personnel interested in these children. It is conducted with the enthusiastic support of the Jewish Community Center in Rockville, Md., and with the dedicated assistance of students of Montgomery College and young people from Montgomery County public high schools. Together, they are conducting a unique physical education and development program for children with learning disabilities. The help being given these children—children with normal intelligence who have learning disabilities of a perceptual, conceptual, or coordinative nature or related problems—seeks to remove the fierce competition of the playground with which the children cannot cope. It is a joint cooperative effort of the community seeking to help its own "hurt" children and is being undertaken without any Federal funding.

The program is described in a recent article in the Johns Hopkins University Applied Physics Laboratory News entitled "Average and Bright Children Who Don't Learn."

I commend this article's description of this splendid community effort to the attention of my colleagues:

MORRISON'S CHALLENGE: AVERAGE AND BRIGHT CHILDREN WHO DON'T LEARN

Intelligent children slated to be drop-outs before they finish kindergarten—articulate,

energetic children who just can't make it in school because they "simply will not pay attention." Youngsters who won't sit still—others who do well in one or two subjects and flunk the others.

These are some of the millions of bright or very ordinary children with learning disabilities who until recently were put aside, misunderstood, or written off by parents and teachers with a kind of cruel stupidity or indifference.

Today they are the subject of much attention and concern by psychologists, medical groups, associations and citizens like APL's James Morrison. Jim is a member of the Montgomery County Association for Children with Learning Disabilities (MCACLD) and vice president of the Maryland ACLD.

Jim, an electronics engineer in BID, is interested because so many disabled lives have been salvaged by dedicated professionals and laymen. He is also interested because one of his children was a slow learner, a bright boy who once couldn't learn to hit a baseball. Now Jim's son is competing among the good students in a local junior high school.

"Children with learning disabilities have only recently begun to receive the attention they deserve from parent groups and public schools," explains Dr. Samuel Kirk, University of Illinois. Dr. Kirk told a congressional education subcommittee that the reason for the neglect is the complexity of the problem and the diverse disabilities. Society is quicker to support people with obvious disabilities. There were schools for the deaf and blind in this country as early as 1832.

Even today, young people fail in school because their problem has never been detected. Morrison's Association for Children with Learning Disabilities describes these "handicapped" as "children with normal and potentially normal intelligence who have learning disabilities of a perceptual, conceptual, or a coordinative nature or related problems."

They do not fit into the traditional categories of the blind, crippled, or deaf, the gifted, mentally retarded, or those with special health problems.

"It is not too uncommon to find a child with an IQ of 130 in school for several years but who has not learned to read," Morrison quoted from one of the numerous reports that fill almost a wall at home.

Today, many enlightened school boards provide for such children with special classes. Montgomery County Public Schools have such programs, depending upon the will of the principal, Morrison explains.

Remediation programs are bringing many of these children back to normal lives. Many notables once fell into this hard-to-learn category including: Winston Churchill, Gen. George Patton, Thomas A. Edison, and other greats.

Morrison works with one of the remediation programs conducted each Sunday at the Greater Washington Jewish Community Center on Montrose Road in Rockville.

"With enthusiastic support from the JCC, we provide a proper setting with professional guidance and backup—the volunteer buddies really carry it off."

More than 75 children attend "enthusiastically." There are trampolines, basketball courts, heated swimming pool and athletic paraphernalia that would ordinarily turn them off. But with no longer facing the prospect of "failing" in the gym, these children rapidly begin to look forward to Sunday nights. Here for two hours a week the world is turned their way. These often drop-outs of the sandlot leagues now can play ball just for fun. Shattered egos start to mend. The stern competition of the playground has been removed.

Volunteers are young people from the Jewish Community Center, CYO, public high schools, church youth groups, Montgomery College, and youngsters from the families with a learning disabled child.

Morrison has no grief for the young people in the program. They are progressing. But there are others.

Experts say that five to ten percent of America's school children suffer from such disabilities—in varying degrees. Some are never detected.

(Morrison's home phone, 593-8616.)

TVA SHOULD PROVIDE ASSISTANCE TO SMALL COAL MINE OWNERS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I have today introduced a bill which it is hoped will be helpful in easing the coal shortage and reducing electric power rates in the Tennessee Valley.

During recent hearings by the House Small Business Committee into the national power and fuel crisis, a number of recommendations were made with respect to purchasing activities by TVA in securing its coal supplies.

Many of these recommendations centered around the basic theme that small coal mine owners need special help and assistance from TVA in competing with big coal companies.

The bill which I have introduced today will enable TVA to provide assistance to small business, including small coal mine operators.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith my news release explaining the bill and its importance and my recent newsletter on this matter:

EVINS INTRODUCES BILL TO REQUIRE TVA TO ENCOURAGE SMALL BUSINESS COAL MINE PARTICIPATION IN SALES TO TVA

Representative Joe L. Evins (D-Tenn.) today introduced a bill which he said is designed to assist Tennessee Valley Authority in easing the coal shortage in Tennessee and "hopefully will help to create a competitive coal market which could reduce the increased electric power rates."

Evins said recent hearings held at his direction by the House Small Business Committee, which he serves as Chairman, showed that "there is an abundance of coal in the TVA area—the problem lies in the mining and transporting of the coal to TVA steam plants."

The bill which Evins introduced would require TVA to place a "fair proportion of the purchases and contracts made by TVA with small business concerns."

Testimony at the hearings indicated small coal miners have been forced to compete with major coal companies in sales to TVA and that many small coal mines with limited financial resources have been forced out of business by the larger companies.

The bill which Evins introduced would direct TVA to "adopt and implement such measures and procedures as will assure that small business concerns are given a reasonable opportunity to participate equitably and proportionately in such purchases and contracts and otherwise provide small business concerns with such assistance as may be necessary or appropriate in obtaining such purchases and contracts."

TVA Board Chairman Aubrey Wagner testified that coal prices have increased from $4.40 to $8.80 per ton within one year, and that this factor plus increased interest rates on TVA bonds contributed to costs that led to the recent 23 percent increase in electric power rates. He also said some big coal producers are deliberately holding coal off the market, creating shortages and inflating prices.

Mayor A. K. Bissell of Oak Ridge, who testified at Chairman Evins' request, said at the hearings:

"Gentlemen, in my area, we are sitting on one of the greatest coal reserves in the United States of America—and we are right next door to the steamplants where it is needed."

Dexter Raines, General Manager of Tennessee Land and Mining Company, Clinton, Tennessee, testified that his company has in excess of 240 million tons of recoverable coal in land it owns within 40 miles of two of the largest steam plants in the Country, Bull Run Steam Plant and Kingston Steam Plant.

He said 50 percent of the small coal mines in Tennessee have been forced out of business in the last ten years—and that one of the major problems was the contract requirements of utilities, including TVA.

He called for a program of assistance to small mine operators by TVA to assist the small mines in securing contracts.

Jack Walls, President, Walls and Coker Coal Sales Inc., Oliver Springs, Tennessee, testified that the Coal Mine Health and Safety Act contributed to the problem of small mines.

Evins said that a number of Federal agencies and Departments have statutory authority to set aside contracts for small business, and that such agencies as the Department of Defense and General Services Administration have vigorous programs of contract and procurement assistance to aid small businessmen in competing for contracts for Federal goods and services.

"We must make the coal market more competitive," Evins said "especially in view of the fact that testimony indicated a large proportion of the coal companies have been acquired directly or indirectly by big oil combines. We must counter this trend to monopoly and concentration—reduce coal prices and reduce the increased electric rates to the public".

CAPITOL COMMENTS BY JOE L. EVINS, MEMBER OF CONGRESS, FOURTH DISTRICT, TENNESSEE

HOUSE SMALL BUSINESS COMMITTEE PROBES POWER AND FUEL SHORTAGES

The House Small Business Committee, during searching and productive hearings into the national power crisis this week, pinpointed many basic problems involved in the fuel and power shortage in Tennessee and throughout many areas of the Nation and received many helpful recommendations.

Testimony indicated that the Committee, by dramatizing the concern of Congress and the Nation over the power and fuel crisis, had achieved some results before the hearings ended. Major oil companies announced during the hearings that additional fuel oil will be made available this winter to domestic users.

Testimony underlined the increasing trend toward monopoly and concentration in the power and fuel industries—with the major oil corporations and mineral companies acquiring coal, gas and uranium supply sources. This in turn raised the question of whether prices are being artificially manipulated by monopolies through collusion and conspiracy to profiteer at the expense of consumers.

Testimony disclosed that price increases and shortages followed these mergers, acquisitions and concentrations. Chairman Aubrey Wagner of the Tennessee Valley Authority said eight of ten major coal companies in the TVA area have been acquired by oil companies. Your Representative, who is honored to serve as Chairman of the Small Business Committee, during the week called on Chairman Miles W. Kirkpatrick of

the Federal Trade Commission to investigate and report on "the monopolistic concentration of ownership in these vital and important areas of our economy."

Chairman Wagner of TVA blamed the power rate increases on the high cost of coal and high interest rates on the sale of TVA bonds in the market. The hearings confirmed that there is an abundance of unmined coal available in the TVA area and elsewhere in the Nation. The TVA Chairman said some large coal companies had told him they were holding coal off the market for a further price increase.

TVA was urged to broaden its base in the coal market to help open up coal mines and provide additional employment for our people. Suggestions and recommendations were made that TVA roll back the electric power increases. I urged Chairman Wagner by aggressive administration action to "break the bottleneck" which is blocking production and delivery from abundant coal fields. Witnesses other than Chairman Wagner who testified concerning the Nation's fuel crisis include: Chairman John N. Nassikas of the Federal Power Commission; Mr. Hollis M. Dole, Assistant Secretary—Mineral Resources, Department of Interior; General George Lincoln, Director, Office of Emergency Preparedness; Mayor A. K. Bissell of Oak Ridge; Mr. Dexter Raines, Tennessee Land and Mining Company, LaFollette; and Mr. Jack Walls, Walls and Coker Coal Sales, Oliver Springs.

These initial hearings were informative and productive. Other hearings will be held later to stimulate further progress in this critical area of the needs of the Nation.

MILITARY ABSENTEE BALLOTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EILBERG. Mr. Speaker, many of our young men enter the military service and forfeit their right to vote because they are unfamiliar with the procedure for obtaining an absentee ballot.

As a Member of Congress from Pennsylvania and Philadelphia, I think it is important to direct attention to the fact that any qualified elector in the military service may vote by absentee military ballot in the November 3, 1970, general election.

Any qualified elector in the military service may vote by absentee military ballot at the November 3, 1970, General Election.

A qualified elector is any person who will have reached his 21st birthday on or before November 4, 1970, and who will have resided in the Commonwealth of Pennsylvania for 90 days preceding the election and for 60 days preceding the election in the election district wherein his vote will be cast. A residence, once established, continues while a person is in military service.

Any such qualified elector who is in the military service does not have to be registered in order to vote by absentee military ballot.

In order to vote by absentee military ballot the serviceman, or an adult member of his immediate family, should obtain an application form from the Federal Government, secretary of the Commonwealth of Pennsylvania, or the county board of elections for the county wherein he resides. All Federal Government military installations carry such forms.

The application form should be completely filled out in all particulars. While the completed application may be filed with the elector's county board of elections at any time before the election, it should be filed early enough to allow sufficient time for processing and mailing so that the elector can receive the official ballot, cast his vote, and return the ballot to the county board of elections by 5 p.m. on the Friday preceding the election. Ballots received after 5 p.m. of the Friday preceding the election may not be counted.

The office address for the Philadelphia County Board of Elections is Room 138–D, City Hall, Philadelphia, Pa. 19107.

ARE THEY BLIND?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. DUNCAN. Mr. Speaker, the Presidential Commission on Obscenity and Pornography has created a great stir with their recommendation that there should be no prohibition of the sale and distribution of sexual materials to adults.

I cannot, and neither can the majority of Congressmen, go along with the legislative recommendations of this liberal commission.

In a recent issue of the Knoxville, Tenn., Journal there appeared an excellent editorial statement on this report.

Under permission previously granted, I place in the RECORD this article from the Friday, October 2, Journal:

ARE THEY BLIND?

The Presidential Commission on Obscenity and Pornography Wednesday dropped the other shoe (the first one having been released by the U.S. Supreme Court) and recommended that federal, state and local legislation prohibiting the sale, exhibition or distribution of sexual material to consenting adults should be repealed.

It recommended adoption by the states of legislation prohibiting the commercial distribution or display for sale of pictoral sexual material to young persons.

Thus, if the commission's recommendations were followed, the only illegality in the whole field of obscenity and pornography would be sale of pictorial sexual material to youngsters. (The commission did not recommend prohibition of such pictorial material, merely the "commercial distribution" of it to young people.)

On top of this the group urged massive sex education so Americans can frankly and openly deal with sexual matters on an informed basis.

The reason for this opening of the floodgates on obscenity and pornography?

According to the commission, "extensive empirical investigation" by itself and other groups provides no evidence that exposure to or use of explicit sexual material plays a significant role in the causation of social or individual harms such as criminal delinquency, sexual or nonsexual deviancy or severe emotional disturbances.

But three dissenting members, including President Nixon's only appointee, sharply disagreed with the majority's report. They accused the majority of recommending moral anarchy and slanting its report in favor of the pornography business.

Adding force to the minority viewpoint are two major indicators of social disorder, both of which have mushroomed to alarming proportions during the years since Supreme Court rulings "liberalized" legal attempts to curb obscenity and pornography. One is the rising incidence of venereal disease, concerning which Dr. James S. McKenzie-Pollock, director of the American Social Health Association, recently said that "national emergency action" must be taken to halt the rapid rise in cases of syphilis.

Another indicator is the rapid rise in the nation's crime rate, including sex-related crimes.

True, the rigid codes of logic prohibit attribution of causation to coincidence. But there also is a glaring lack of evidence that the suggestive and stimulative qualities of pornography do NOT cause moral decay and crimes against society. There is also a glaring lack of evidence of any constructive value of pornography.

"Empirical" evidence is that which can be observed. Perhaps the problem with the commission majority was that its vision was so clouded by ideology that its members were blinded to some rather serious social circumstances.

WELFARE OVERHAUL IMPERATIVE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. BURTON of Utah. Mr. Speaker, much has been said about the need for public welfare reform, and the problem in Utah has reached critical proportions as it has in other States around the country.

Governors are caught in the dilemma of possible welfare cutbacks because of relaxed assistance qualifications, mounting costs, and the numerous other ills besetting the existing system.

It is time to reform the anachronistic welfare system and lay the foundations for placing recipients back on the road to self-sufficiency. I submit for the RECORD an editorial on this subject that appeared in the Salt Lake Tribune of October 7, 1970:

WELFARE AT THE CROSSROADS

There isn't much consolation in it, but Utah's current welfare problems are shared by other states throughout the nation. A sudden public assistance cost spiral has caught local officials fiscally unprepared.

Welfare recipients notified this month in Utah that their regular grants have been cut 10 percent because of insufficient state funds, were at the same time told by Gov. Rampton the deduction might be eased in February. That is if sales tax collections continue to exceed forecast and the legislature cooperates with money transfer possibilities.

This is more than many states in similar difficulty can count on. From Texas to Pennsylvania public welfare costs are soaring out of sight. Mounting unemployment, relaxed assistance qualifications, expanded medical benefits and increasing family break-ups are all major parts to the explanation.

Without unlimited welfare fund sources, there is no quick, easy answer. Most states have used Utah's expediency: Cutting back payments, then effecting administrative economies. Ironically, reducing welfare department personnel or salaries often adds to recipient rolls as overworked staffers neglect full eligibility investigations. Recipi-

ents, recently strengthened by new organizations and court decrees, are fighting the cutbacks.

Caught in the middle, state governors are advocating complete federalization of public welfare. Federal money now covers over 50 percent of the program, but making that 100 percent won't be an ultimate solution.

The medicaid rider to the medicaid law needs revamping. Job training for the unskilled must be intensified. Supplemental income subsidies for workers below the poverty level can help preserve families and prevent chronic public assistance. In short, starting with President Nixon's reform proposals, the welfare program is due for a full overhaul. Until then, neither taxpayer nor receipient, state or federal governments will get anything like a fair return on the public investment in restoring self-sufficiency.

A SALUTE TO REV. THEOPHILUS CAVINESS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. STOKES. Mr. Speaker, I am always proud to bring to the attention of my colleagues in the House of Representatives the activities and achievements of those citizens in my congressional district who provide leadership and inspiration in the struggle to give true meaning to our lives. I am, therefore, particularly proud today to salute a man who has devoted his life to the pursuit of happiness through Christian fellowship, good works and faith in God.

I refer, Mr. Speaker, to the Reverend Theophilus Caviness, pastor of the Greater Abyssinia Baptist Church in Cleveland, Ohio, and an acknowledged leader in the spiritual, social and cultural affairs of our city. Reverend Caviness is a graduate of Bishop College in Dallas, Tex., where he received his bachelor of arts degree and Eden Theological Seminary in Webster Groves, Mo., where he earned his bachelor of divinity degree.

During his 9 energetic years as pastor of this great congregation, Reverend Caviness has had to deal with the myriad of practical problems faced by all pastors. Here, too, he has excelled. Since becoming pastor, he has paid off the church's mortgage of over $70,000, air-conditioned the entire building, purchased additional property for church purposes, and amassed savings of over $150,000 toward the educational building fund.

Reverend Caviness has approached his duties with such competence that he has been chosen a member of the Baptist Ministers' Conference of Cleveland, historiographer of the National Baptist Convention, and president of the Federal Credit Union of the Greater Abyssinia Baptist Church. He is also chairman of the Zoning Board of Appeals of Cleveland.

On Sunday, October 18, 1970, the many members of Greater Abyssinia will gather to express their appreciation to Reverend Caviness for his dedication and achievement. I am certain that my colleagues join me in commending this truly remarkable man for a job well done.

NEIGHBORHOOD SCHOOLS MUST BE PRESERVED

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. GALIFIANAKIS. Mr. Speaker, the Supreme Court is now hearing argument in a case which will be a landmark decision for public education in America.

That case, Swann against Charlotte-Mecklenburg Board of Education, should go far to resolve the question of whether the Federal Government may require massive forced busing in order to achieve racial balance within a school system.

I want to say at the outset that I agree with the position of the plaintiffs in this case. I think the Charlotte-Mecklenburg board of education made every good faith effort to eliminate de jure segregation in its school system. And I think the court-ordered attendance plan forced onto the school system by Judge James McMillan is an unreasonable scheme which can only harm the children of Mecklenburg County.

The children—they are the first casualty in the battle over forced busing. Under the pupil attendance plan handed down by Judge McMillan, more than 19,000 children would be singled out and transported up to 15 miles from their homes every morning. The school board has estimated the cost of this forced busing at $2.4 million the first year and $284,000 each year thereafter.

And for those like myself who think this money would be better used for education than for bus rides, the Federal court suggested an "economy plan." According to the court, the busing cost could be cut by two-thirds if the county staggered its school opening times. Yet if it do so, many children would be forced to leave home at 6:30 a.m. and would not return until 5 p.m.

Mr. Speaker, I submit that this is an unreasonable demand which does nothing to advance the cause of education.

The plain fact is that because of residential patterns in many of our cities, it is often impractical and unjust to require that every school in a district be uniform in its racial composition.

I was recently impressed by a sentence from the brief which Senator Sam J. Ervin, Jr. filed as amicus curiae in the Mecklenburg school case. Coming at the end of a deep discussion of the facts in the Mecklenburg situation, the sentence summarizes what I believe is the central argument in the national school controversy. I quote:

> The Equal Protection Clause does not impair in any way the power of a public school board to create fairly drawn geographic attendance districts or zones, and to assign all students without regard to their race to neighborhood schools in the respective districts or zones in which they reside even though such action may result in some racial imbalances in the schools serving areas predominantly inhabited by members of one race.

I concur with that statement. And I think that Senator ERVIN's brief—a brief which he filed as a private attorney representing the local classroom teachers' association—will endure as one of the deepest and soberest documents in this chaotic period.

As I understand it, Senator ERVIN spent days of his own time pouring through the record in the Mecklenburg case and weighing the lower court decision against the facts which allegedly sustained it.

Senator ERVIN stated, as I have affirmed, that the prohibition against forced busing contained in the Civil Rights Act of 1964 is both absolute and clear. I also infer, from studying the Senator's brief, that he agrees that the equal protection clause of the Constitution is not a weapon which empowers the Federal courts to set arbitrary, inflexible, and unreasonable standards which work against the good of all.

Mr. Speaker, I hope we can move in a different direction from the one advocated by Judge McMillan in the Mecklenburg case. I would hope that while we are all committed to eliminating the effects of segregation in the public schools, and while we stand ready to infuse all necessary funds into formerly black schools, we can still retain local control.

As we all know, the movement of America's largest cities is toward self-determination and decentralization in the school system. I say to you today that a busing order such as the one handed down in the Mecklenburg case is the antithesis of self-determination. It imposes upon the public a set of arbitrary requirements which may dissatisfy all—both black and white.

I think it is time for the Congress to quit defaulting to the Federal courts and to set a firm national school policy so that arbitrary decrees of this kind will no longer be made.

If the Civil Rights Act of 1964 is so full of ambiguity that the Federal courts can find room for interpretation in its anti-busing provision, then it is up to the Congress to enact a new law which is so plain that no Federal judge can mistake it.

My distinguished colleague, the gentleman from North Carolina (Mr. PREYER), and I have sought to draft such a law. We have introduced two bills, H.R. 16484 and H.R. 16491, which define a national policy on school desegregation.

These two bills have had hearings before the committees of both chambers, and their provisions are plain.

First. The bills forbid any legal or official action to segregate or discriminate because of race in the public schools.

Second. The bills provide that children will be assigned to their neighborhood schools. But any child would have the uncontested right to transfer from a school where his race is in the majority to a school where his race is in the minority.

Third. School boards are ordered to insure that no student is denied equal educational opportunity—in equipment, policies, facilities, or finances—because he attends a school along with a concentration of others of the same race.

And last, the bills define a unitary school system in such a way that the local school boards keep the power to develop their own solutions to the problems confronting each individual district.

I hope this bill can be considered by the full Congress before the end of this year. It is past time when the Congress should take independent action to set its own priorities on the schools.

Mr. Speaker, I seriously doubt that the Mecklenburg case will resolve nearly all of the questions now concerning the public schools. Our experience with past school decisions has been otherwise.

So I think it is imperative that the Congress take action. We must get beyond this problem and confront the awesome challenges of improving all education in this country. And if we do not take action, if we continue to abdicate our responsibilities to the Federal courts, then the present confusion may continue for years.

A REPORT TO THE PEOPLE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EILBERG. Mr. Speaker, the House of Representatives has been described as the "peoples branch" of the Federal Government. Each of us has a constitutional responsibility to represent his people, to speak for them in Federal Legislature.

Inherent in this responsibility is an obligation to report back to the people. One effective method of making such reports is by newsletter.

I submit for the RECORD my current report to my constituency:

NEWSLETTER BY REPRESENTATIVE JOSHUA EILBERG

OCTOBER 1970.

DEAR FRIEND: As the 91st Congress moves toward adjournment I would like to take this opportunity to discuss with you some of our activities, achievements, and continuing problems.

Rising Prices . . . without a doubt, the major problem facing our country today is how to make ends meet. I'm sure all of us in the past year have stared in disbelief at our bill at a supermarket checkout counter. In fact, consumer prices have reached their highest level in about 20 years.

Shrinking Paychecks . . . Coupled with these high prices, we are now suffering the highest unemployment rate, 5½ percent, we have in years. Equally significant is the fact that high unemployment is accompanied by reduced paychecks for those who continue to work. For example, one out of five families, about 21 percent, have lost a portion of their income this year—some through layoffs, but many through overtime cuts or work-week reductions.

Congress Acts . . . During the past year, I have supported measures to give the President new authority to control interest rates and establish price, wage, and rent stability. Such controls, if used, could control inflation without sacrificing jobs and productivity. I also have sponsored legislation which would require major industries like big steel and auto, to report to the President their intentions 60 days before they announce a major price increase. This would give the President the chance to move to block another, major inflationary price increase.

Crisis in the Classroom . . . I voted twice in the last year to override the President's veto of Federal funds for education. The President vetoed the most recent education appropriations bill, because he considered it inflationary. I did not believe we should make our schoolchildren the first casualties in the battle on inflation. Our own public and parochial school systems in Philadelphia are in crisis. And the reason is quite simple. They need more money. I believe more, not less, of this assistance must come from the Federal government.

Aid to Parochial Schools . . . The Federal government has been providing assistance to parochial schools throughout the Nation and in Philadelphia. Parochial schools benefit under Titles I, II, and III of the Elementary and Secondary Education Act, and under other Federal programs. As we increase aid to public schools, we must also increase aid to parochial schools. The recent tuition increase from $70 to $130 for students at Catholic high schools is an indication that the financial plight of our Catholic school system has become chronic and serious. More than 150,000 Philadelphia schoolchildren are in Catholic schools. We cannot and must not forget them.

Sharing the Tax Dollar . . . With each year, local tax revenues are less capable of meeting increasing demands for public service. With the assistance of a grant from the Economic Development Administration of the U.S. Department of Commerce, a study of our city's economic prospects and problems was recently completed. One of its findings was ominous. The study predicted that, at present tax levels, the deficit of the city and school board would approximate $153,000,000 by the fiscal year 1976. I am more convinced than ever that the Federal government must embark on a new program of sharing tax revenues with cities like Philadelphia. I have sponsored Federal tax sharing legislation and will continue to support all steps to implement this program.

Health Care . . . As anyone who has had to pay a hospital bill recently will tell you, something must be done about the high cost and availability of medical care. Average costs of a day in a hospital have climbed from about $45 in 1966 to an estimated $75 this year. Cancer alone kills 900 Americans per day, or 330,000 per year—40,000 more than were killed in all of the Second World War. I was troubled by the President's veto of the Hill-Burton Act extension, which provides Federal assistance for the construction and modernization of hospitals. I voted to override that veto. Throughout the 91st Congress, I voted for emergency health funds and extension and improvement of our basic health programs.

Our Friendly Skies . . Fears have been raised that large passenger jets will be introduced at North Philadelphia Airport. I have taken the problem to the Federal Aviation Administration and the Civil Aeronautics Board. I have asked the FAA to study the safety implications of large passenger jets at North Philadelphia, as well as the hazards from air and noise pollution and disruption of community life. I have told CAB that we in the community oppose the introduction of large jets at the airport and have requested that the community be granted a hearing to express our opposition. I also have been assured by city officials that no large passenger jets will be introduced at the airport. North Philadelphia is a community, small-plane facility and should remain that way.

Our Disappearing Mailboxes . . . In recent months, scores of our neighbors have complained that their corner mailboxes, in the same spot for 20 years and longer, have been disappearing overnight. I have taken this problem to the Postmaster General of the United States. In some cases, mailboxes have been returned. The Post Office has argued that it is dismantling these mailboxes as an economy. While I encourage economy—the Federal bureaucracy is much too wasteful—I am particularly dismayed that its actions have been taken without any attempt to consult and inform the concerned residents and communities. Because of my complaints and the complaints of others, a Congressional hearing will be held on the problem on October 23rd in our city.

Drug Abuse . . . The House of Representatives has passed the Comprehensive Drug Abuse Prevention and Control Act. Briefly, the bill provides for tougher sentences for those who peddle hard drugs while providing a comprehensive program for treatment and rehabilitation of drug users who want to return to society, as useful, contributing ctizens. I supported this legislation and, of course, voted for it.

Israel and the Middle East . . . Despite the death of Egypt's President Nasser and the unrest in Jordan, the basic problem, Israel's survival in a sea of hostile neighbors, remains virtually unchanged. As I write this, our government has finally taken a hard line on Russian and Egyptian violations in the ceasefire zone along the Suez Canal. But if peace comes to the area, as we all hope it does, it will only endure if the Arabs clearly understand that Israel is capable of defending herself on the battlefield. We in Congress have passed legislation which will permit our government to transfer arms to Israel. This should help make Israel's military deterrent credible.

Irish and Italian Immigration . . . Much of the work of Congress is performed by its committees. I am an active member of the Subcommittee on Immigration and Nationality of the House Judiciary Committee. Our subcommittee has discovered that under current immigration law, as applied, inequities have arisen in United States policy towards those wishing to emigrate from many parts of Europe, particularly Ireland and Italy. I have introduced legislation to correct those inequities and our subcommittee is now working to amend the law to ease the way to America for many from Ireland and Italy.

Where You Can Reach Me . . . Some people have asked where they can reach me. I keep an office right in the heart of the Northeast. The office is on the second floor of the First Federal Savings and Loan Building at Castor and Cottman Avenues. It is open six days a week and all weekday nights. Depending on the calendar in Congress, I am usually there on Fridays and Saturdays. If I am not there someone on my staff, Russ Krawczuk, Mary Dunne, Agnes Lyons, Jessie Shore, or Bea Marks, will help you. Our number is RA 2–1717. In Washington, my office is at 1130 Longworth House Office Building (225–4661) and if you get to the Capitol, stop in and say hello.

CONTRIBUTIONS TO THE UNITED STATES BY JAPANESE AMERICANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. ANDERSON of California. Mr. Speaker, I would like to take this opportunity to extend a warm greeting to the newly appointed Ambassador to the United States from Japan—the Honorable Nobuhiko Ushiba. Ambassador Ushiba arrived in this country on September 5, 1970.

I am confident that Ambassador Ushiba will enjoy his tour in our country and I am equally confident that the ties of friendship and good will between our two nations will continue to flourish.

Ambassador Ushiba will find many similarities between his country, Japan, and our country. In 1960, there were almost half a million Americans of Japa-

nese ancestry. Yet, numbers do not tell the whole story, for the United States has continually benefited by the many contributions of Japanese Americans. Our Nation has been enriched culturally, economically, and technologically by persons of Japanese descent by a far greater amount than the half a million indicates.

Commentators on the progress of Japanese Americans in America, among them Bill Hosokawa, in his book published last year, have remarked that their journey through our land has been not unlike that of Horatio Alger—but on an ethnic scale, and I think that the comparison is an apt one, to say the least. It is to the Nisei, the second generation in the United States, that we commonly refer when we speak of Japanese Americans, but it would be a grave mistake to overlook completely the contributions, or the sacrifices, of the Issei, the first generation of Japanese immigrants to our shores.

As historian Bradford Smith observed of them:

> The Issei contribution to America was not in great men, but in the anonymous men who made the desert spaces green with the labor of their hands; who kept the track even, so that Americans could ride comfortably across the land; who tended the comfort of the well-to-do; and grew vegetables the poor could afford to buy; who sacrificed for the welfare of their children.

It is true that there were, among the Issei, no Japan-born Andrew Carnegies; no John D. Rockefellers in oil; no Henry Fords to turn out automobiles. Yet there were Japanese immigrants who left an outstanding mark, especially in the State of California.

There was George Shima, who showed that the Sacramento delta lands could be reclaimed and made to yield a huge bounty of crops. There was Kosaku Sawada, a hybridizer and grower of camellias, who, before his death in 1968, at age 85, had fostered thousands of new varieties of that flower. There was Kyutaro Abiko, who took enormous financial and social risks to found the Central California Land Co., a community for Japanese Americans near Livingston. This was almost uniformly a farming community, incidentally, for Abiko urged his Japanese settlers not to compete for nonfarming jobs with native residents of the town, because to do so would create the conditions which had made for bad relations in another town nearby. The experiment worked. As a local commentator in the 1930's has written of it:

> [I]n Livingston, grown boys and girls go on camping trips together with chaperones. The Japanese hold 20 percent of the stock in the local bank, they are asked to address meetings of the Merchants' Association and the Boosters' Club, and they play in the town band . . . Livingston is really a laboratory experiment in race relations: as intelligent an experiment as has been made anywhere in the world, and, comparatively speaking, a very successful one . . .

When Abiko died in 1936, as Bill Hosokawa has commented:

> If there were no giants among the Japanese, he at least qualified as a miniature one.

But he was not the only "miniature giant," nor the only Issei to rise to fame and prosperity in this country. There were so many others that to name any of them is to omit a host of others who are equally deserving of praise.

Japanese Americans in southern California have achieved great success. For instance, there was the great actor, Sessue Hayakawa, who joined the Issei amateur group that staged "The Typhoon." Of Hayakawa, we have the word of Bob Okazaki, the well-known Nisei chronicler of the Hollywood scene, who said:

> Film producer Thomas Ince saw the play, made a motion picture of it, with most of the original cast. It turned out to be, and is still regarded as, a history-making film . . . Within a year Hayakawa's salary skyrocketed to $3,500 a week when he appeared in Cecil B. DeMille's *The Cheat* in 1915. That film gave the cinema a new sense of proportion. Hayakawa zoomed to fame, and a $5,000 a week salary.

On the Hollywood scene of the time, there were also other famous Japanese Americans who were involved in the motion picture industry. There was Henry Kotani, who became a top cameraman, whose assistant at the time was James Wong Howe; Yutaka Jack Abe, actor, writer, and director, who returned to Japan to become a movie producer after starring in such American hits as "Lotus Land" and "Tale of Two Countries"; Henry Okawa, a classmate of Gary Cooper at Paramount's Institute of Drama, who returned to Japan to star in more than 50 films before becoming a director; and the great Kamiyama Sojin, who played Shylock, Hamlet, Macbeth, Othello, and also the first Charlie Chan. All of these were great actors, supremely talented members of the American film industry.

But Japanese Americans around the Los Angeles area made profound contributions to the arts in America in other directions, too. A group of Nisei of Los Angeles banded together in the early thirties and founded a quarterly literary magazine. They were called the Nisei Writers Group and named their quarterly Leaves. Yasuo Sasaki and the late Carl Kondo were its editors. Some of the well-known contributors were Chiye Mori, Toyo Suyemoto, and Lucille Morimoto who wrote poetry, and Eiji Tanabe, Ambrose Uchiyamada, Larry Tajiri, Mary Oyama, Bunichi Kagawa, Edo Mita, Kondo, and Sasaki. The writings were mainly romantic, reflecting the Nisei reactions to problems facing the young. Sasaki went on to earn an M.D. as well as a Ph. D. in biochemistry, and now practices medicine successfully in Cincinnati, Ohio. From these examples, it may safely be said that Japanese Americans have had a significant impact on cultural endeavors in the southern California area.

Other examples of Japanese-American achievement in this country are the sagas of Masajiro Furuya, banker, merchant, and manufacturer, and of Harry Sotaro Kawabe. Furuya was born in Japan and emigrated to this country in 1890 to open a tailor shop in Seattle. Success followed upon success, and in 2 years he launched a general mercantile business that eventually occupied a six-story building in downtown Seattle. He opened branches in Portland, Yokohama, Tacoma, Kobe, and Vancouver, B.C. He organized the Japanese Commercial Bank, and 6 years later he purchased control of the Oriental American Bank.

While Furuya built his fortune trading largely with other Japanese Americans, Kawabe headed for the Alaskan frontier. He too, settled in Seattle but fortuitous circumstances took him to the snowy outpost of Port Graham in the wilds close to Yukon country. He moved to Cordova to cook for the Copper River Railroad; he saved his money, and, in 1916, he moved to Seward and bought a steam laundry. This proved to be the cornerstone of the famous Kawabe enterprises, including an Alaska fur store, a gift shop, a hardware store, hotel, restaurant, bar and liquor store, a gold mining operation, and an investment firm. Aside from making a great fortune, Kawabe and his wife, childless themselves, raised and educated some 15 boys—Indian, Eskimo, and white.

One could go on and on about the legions of successful Issei. Their Nisei sons and daughters have made their own successes on a different order, reflecting a changed time. Whereas their fathers may have been individual rich men during the teens and the twenties, the Nisei have enjoyed something in the nature of a group success, joining the large mass of American citizenry and paying more attention to the welfare of the group than to the success of the individual. We find lawyers, doctors, professors, and college presidents among successful Nisei.

The great success of the Nisei should show the new Japanese Ambassador that America has welcomed its Japanese-American citizens to full civic and economic participation.

BOYS CORPS RECEIVES NATIONAL AWARD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. GAYDOS. Mr. Speaker, it is always a pleasure for me to call to the attention of my colleagues a singular deed performed by an individual or an organization which does much toward improving the lives of their friends and neighbors. This is particularly true when the parties responsible for such community endeavors is a young peoples' group. Much of what young people do and say today comes under severe criticism from their elders, but far too often the elders ignore the tremendous good done by our youth.

Recently I had the privilege of presenting a national award to a group of young people—the Boys Corps of the Five Boroughs Junior Chamber of Commerce, which is located within my 20th Congressional District. It was the National Youth Group Achievement Award sponsored by Parents magazine and it was given the Boys Corps for an area beautification project carried out on May 18 of this year.

Thirty-two members of the corps, working in cooperation with officials and interested adults in the borough of Whitaker, undertook to paint, plant, clean-up and repair a war memorial. Their project was visible evidence the Nation's youth do, indeed, care for their community and their country. It blends in perfectly with what should be a national dedication for the conservation of our environment and the Boys Corps of the Five Boroughs Jaycees should be commended for their initiative.

Mr. Speaker, there are others who share in the receipt of the national award: the Jaycees, for undertaking an interest in the community's youth; Edward Grety, the mayor of Whitaker, for his cooperation in furnishing equipment to assist in the clean-up program; and the Mothers of Democracy, which had been responsible in past years for beautifying the memorial and obtaining flags for the memorial site. Leaders of the Boys Corps include Joseph Coccaro, president, who accepted the Parents magazine award; Charles E. Eichler, Ronald A. Hohowski, Albert E. Thomka, Sylvester J. Lacey, and Paul Domen.

COLUMBUS DAY

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MESKILL. Mr. Speaker, yesterday the Nation celebrated Columbus Day, the birth date of a most remarkable man. Although we have now learned that the Vikings were the first to set foot in the New World, this does not in any way negate the historic significance of the voyage of Christopher Columbus.

By his journey into the vast uncharted, untraveled seas, Columbus began a new era for all mankind. For through his "discovery," Columbus opened the doors to the future of the Western Hemisphere and paved the way for the development of a great nation. Here was built a land of opportunity, a land of freedom, a land of belief in man's inherent rights and privileges.

I believe we Americans have much to learn from the courage, adventure, and pioneering of this Italian navigator. Columbus believed strongly enough to place his faith, reputation, and life on the unknown. It is this spirit of determination that is needed once again in our country. We must, as Americans, maintain the courage of Columbus. We must rededicate ourselves to the ideals of peace, justice, and democracy.

I think it most fitting that beginning next year Columbus Day will be a legal public holiday. It should be a source of pride that in the spirit of unity of our Nation all Americans can join together and honor the heroic Italian.

At the same time, Columbus Day serves to remind us that we are a Nation of immigrants. On this day we recall with pride and appreciation the contributions and the invaluable role Americans of Italian ancestry have made to the growth and development of the United States.

THE NEW AMERICAN BIBLE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MADDEN. Mr. Speaker, the Reverend Joseph B. Collins, of Catholic University, Washington, D.C., was kind enough to forward a copy of the address of Bishop Greco of Alexandria, La., delivered at a dinner in Washington, D.C. This dinner was in celebration of the publication of the newest English version of the Bible from the original languages.

I am sure all the Members will be most interested in reading Bishop Greco's remarks on the publication of the New American Bible by a group of Scripture scholars representing the Catholic, Jewish, and Protestant faiths.

I include Bishop Greco's address in my remarks:

THE NEW AMERICAN BIBLE AND THE CCD

(By Most Reverend Charles P. Greco, D.D.)

There is a familiar saying: "Completion of a task crowns the work"—Finis coronat opus. We are this evening celebrating the end of a project that had its beginnings almost 35 years ago. The formal publication of The New American Bible is truly an epochal event in the history of the Church in this country. It has attracted national and even international attention. This is a cause for rejoicing not only on the part of the members of the editorial committee who are receiving papal honors, but there must also be a deep sense of satisfaction on the part of those devoted biblical scholars who contributed to what is a supremely capable translation. It is at the same time the only Catholic version of the entire Bible in English taken directly from the original languages.

The bestowal of special awards from the Holy Father on our scripture scholars this evening is eloquent testimony of the honor and respect that the Church holds for them and their most exacting work. We have here also an expression of her faith and dependence on their labors in making the Word of God more generally accessible and more understood and loved. To the Church has been entrusted the active ministry of preaching and explaining the message of the Kingdom of God; it is a message that derives from a tradition that is continuous and living, not static; and therefore the truths of the scriptures must derive from springs of Christian thought and the never-ending study and reexamination of sources. Not the least important in biblical scholarship is the skill and expertise of the scholar to translate the sacred message in words that are faithful to the original and pastorally beneficial to the people for whom in final analysis the written Word of God is transmitted.

It is for these reasons among others which you have heard today, that I offer my congratulations to the bible experts who have so commendably completed this great project, and also to all who have helped so essentially in making the American Bible possible. I wish to mention in particular the staff of the late beloved Father John Forest at St. Anthony's Guild. They have valiantly and lovingly carried out this work in all its vicissitudes from the very beginning. I speak words of congratulation and thanks also to the publishers, who in true ecumenical spirit have gladly undertaken to make The New American Bible available to the English-speaking world.

As a member of the Bishops' Committee of the Confraternity of Christian Doctrine and later its chairman for 18 years, I wish to emphasize the right and privilege of the Confraternity to share in our happiness and joy over the publication of The New American Bible. With early history of the CCD in mind—having witnessed its beginnings—I feel safe in declaring that without the CCD there would have been no New American Bible today. And I further state that were it not for the late Archbishop Edwin O'Hara, there would not have been a CCD on a vast national scale such as we have it today. From 1922, when the then Father O'Hara, pastor at Eugene, Oregon, organized the first religious vacation schools under the CCD, until his death in 1956, as chairman of the Bishops' Committee of the CCD he was an untiring and resourceful leader of the CCD in this country. The National Center was established in 1935 by the American bishops. The headquarters church of the CCD during the early years was the National Shrine of the Immaculate Conception—where most fittingly the liturgy was celebrated today.

Bishop O'Hara, as ordinary of Great Falls, Montana, saw the need of a modern English text of the scriptures as early as 1932 when he was inaugurating a study of the Life of Christ for some 400 CCD discussion clubs. Characteristically, he proceeded gradually.

First, preliminary discussions with a few scripture professors, then a formal meeting of 15 experts in biblical studies at the Sulpician Seminary (now Theological College) in Washington, D.C. on January 18, 1936. After numerous meetings, a committee of scholars set about to make a new revision of the Douay-Rheims text of the New Testament. At the same time work was begun on a new translation of the Old Testament. The scholars began their version first from the Vulgate edition and later, after the Encyclical *Divino afflante Spiritu* of Pius XII (1943), a new beginning was made to translate the Bible from the original languages as was specifically approved by the document, without the limitations laid down by the Council of Trent. It is the grateful fulfillment of this enduring enterprise that we celebrate today.

From the nucleus of bible translators in 1936, the Catholic Biblical Association was formed at the invitation of Bishop O'Hara. He promised it the approval and sponsorship of the American bishops and of the CCD that it has enjoyed to the mutual benefit of each to the present time. The following is a gracious tribute paid to Archbishop O'Hara by the Catholic Biblical Association just two years before his death in 1956.

"Archbishop O'Hara brought the Association into existence. For the past 17 years he has watched over its growth and has been its constant champion and advocate among the hierarchy of our country.

"It was through his efforts as chairman of the Bishops Committee of the Confraternity of Christian Doctrine that the revision of the Challoner-Rheims New Testament was begun and completed and that the present work of translating the entire Bible from the original languages or their oldest extant form into modern English, was undertaken and is now nearing completion."

His biographer adjoins this gentle observation: "Of the many monuments he left behind him, this surely must be one of those he held closest to his heart" (J. G. Shaw, *Edwin V. O'Hara*, p. 196).

We take this occasion to honor the memory of Archbishop O'Hara on the completion of the great project to which he and the scripture scholars of his time and ours have given the fullest measure of devotion and labor. The long years of patient planning and unstinting work in preparing The New American Bible for publication are now thankfully past. It remains for all of us—bible scholars, directors of religious education programs, catechists, and those engaged in pastoral areas to take up the task of putting the new Bible to work. The gracious letter of

the Holy Father for this auspicious occasion contains these salutary words:

"We are gratified to find in this new translation of the scriptures a new opportunity for men to give themselves to frequent reading of, and meditation on, the living World of God."

The Dogmatic Constitution on Divine Revelation tells us that "the ministry of pastoral preaching, catechetical instruction, and all forms of imparting Christian teaching take their nourishment from the Word of Scripture" (No. 25). Indeed thhe Council document spells out our duties in this regard. The bishops are told to give the faithful suitable instruction in the right use of the divine books, especially the New Testament through translations of the sacred texts; bible experts are instructed "to prepare suitable commentaries and adequate explanations so that the people of God can safely and profitably grow familiar with the Holy Scriptures and be penetrated with their spirit" (ibid.).

It is my own earnest wish that our excellently trained scripture scholars will proceed to produce commentaries and exegetical studies on The New American Bible, especially on the various readings of the official Lectionary used in our Eucharistic liturgy. It would, I am sure, be a rich boon to homilists, both clerical and lay, whose knowledge of the Bible is neither competent nor up to date. Leaders in religious education for adults and parents as well as school administrators everywhere are exhorted by the Council to cultivate the scriptures and to learn by frequent reading and study of "the excellent knowledge of Jesus Christ" (Phil. 3:8). "Ignorance of the scriptures," we are told, "is ignorance of Christ." I agree fully with Father Bruce Vawter, well-known biblical expert, in his recent protest that many of our teachers and writers in the field of religious education are deficient in scripture studies. "I don't want them to be biblical scholars," he declared, "but they should be at least thoroughly familiar with the bible and biblical theology."

The Bible, in fine, is more than a teaching aid; it is the divine Teacher informing and forming His learners in His own words and through the sacred events in which God has intervened in salvation history. The Bible makes God present as a living Person. Biblical vocabulary, images, figures of speech, events and saying are colorful and concrete. They contain rich doctrine and spiritual wealth. Truly, here is "God's plenty."

THE CEASE-FIRE PROPOSAL: QUESTIONS RAISED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EVINS of Tennessee. Mr. Speaker, there has been much comment concerning President Nixon's recent proposal for a standstill cease-fire in South Vietnam and Southeast Asia.

Certainly we all want to achieve an early and honorable settlement to the war in Southeast Asia—we all want to end this unfortunate conflict as soon as possible, with honor.

In this connection the Washington Post in a recent editorial provides an interesting commentary on the President's proposal.

Because of the interest of my colleagues and the American people in this most important subject, I place the editorial in the RECORD herewith:

THE CEASE-FIRE PROPOSAL: TRIUMPH OF AMBIGUITY

Newscaster: "Fourteen Senators are reported to have sent a note to President Nixon proposing a standstill cease-fire . . . what is the feeling here about such a proposal?"

Vice President Agnew: ". . . generally, I would point out that proposals for a cease-fire have been made. They're on the table in Paris. They've been made by the President in his public remarks. They've been made by President Thieu. I don't see anything particularly new about this situation."

—From NBC Nightly News, Sept. 1, 1970.

Thus Mr. Agnew gave the back of his hand more than a month ago to a proposal for a standstill cease-fire which was no different, on its face, from the proposal for a standstill cease-fire which became "a major new initiative for peace" when President Nixon advanced it on Wednesday night. You could say that it is all a question of who is doing the proposing, and conclude from this that the President's carefully timed, meticulously prepared, widely touted new approach to peace is not only old hat, but politically inspired; that the President was seeking to influence the outcome of next month's congressional elections by a bold gesture for peace, and nothing more; and that little will come of it because the administration is still not ready to risk anything in reaching for a Vietnam settlement. And you might, of course, be right. There was nothing very subtle about the buildup; first in Europe, and then in Washington; Mr. Nixon even did an advance commercial for his own performance; this is not a "gimmick," he hastened to assure us, before anybody could suggest that it was.

But you might also be quite wrong because if there is one clearly outstanding feature of the President's "new" proposal it is its ambiguity. It could be new, or old; real or illusory; promising or not. As we have argued before in this space, in this matter of a Vietnam cease-fire everything depends on how you define the term.

The President's definition was fine—as far as it went. He proposed that "all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold." He called this a "cease-fire-in-place" and specifically extended it to cover "the full range of actions that have typified this war, including bombings and acts of terror." Conceding the difficulty of enforcing a cessation of unconventional warfare, he suggested, without elaboration, the need for "an unconventional truce." So far, so good; with this sort of cease-fire, it is probably safe to say, the government in Saigon could have no quarrel for the simple reason that there is nothing on the face of it which would challenge the authority, or constrict the writ, of Thieu and Ky. Presumably, they too would stand still in place while negotiations proceeded for a final settlement.

And that, of course, is the rub, not only with the North Vietnamese, but also with the leading proponents of a "standstill cease-fire." What they have been putting forth—men such as Cyrus Vance, for example—is a genuinely new and far-reaching approach which would also call for a cessation of hostilities, and a freeze in positions, but which would concede to the enemy authority over those areas where they now exercise military control—large hunks of South Vietnam, even larger hunks of Cambodia and Laos. This is, in fact, the central point of their proposal: by initiating talks on a cease-fire, they would force both sides to face up to the realities on the ground; they would be beginning, in short, the process of shaping a final settlement; and, quite consciously, they would also be beginning a process which would lead inexorably to some sharing of power—call it a coalition, or something else—in the central government. This is the bullet Mr. Nixon doesn't bite and this is where the ambiguity sets in. On the one hand the President claims the concurrence of the Saigon government; on the other hand, some of the leading proponents were pointing yesterday to purportedly pregnant passages of the President's speech and claiming that he was really talking about *their* kind of cease-fire.

Item: "A fair political solution should reflect the existing relationship of political forces in South Vietnam."

Item: "We have no intention of seeking any settlement at the conference table other than one which meets the reasonable concern of both sides. We know that when the conflict ends, the other side will still be there. The only kind of settlement that will endure is one both sides have an interest in preserving."

So there is something for everybody here—something for Republican congressional candidates, something for Saigon, something for the President's own public position, for it was a masterful performance politically—and perhaps even something for peace, for there are hints in the President's proposal which might, when translated into serious discussions, prove interesting to Hanoi. The fact of the matter is that we won't know until the President is obliged, if that point is reached, to remove the crucial ambiguity.

CAMPBELL SOUP CO. PLANT IN PARIS, TEX.: A MODEL POLLUTION CONTROL SYSTEM

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. PATMAN. Mr. Speaker, the October issue of the very fine Soil Conservation magazine, published by the Soil Conservation Service, contains an excellent article on the innovative and highly successful pollution control system established by the Campbell Soup Co. at its plant in Paris, Tex. This waste water treatment process, which uses nature's own purification method, produces an effluent of the highest quality, reclaims nutrients from the waste water, restores abused agricultural land, and produces a valuable byproduct—hay. This truly remarkable system was built with the able assistance of local Soil Conservation Service personnel and demonstrates once again the effectiveness of this wonderful Federal agency, combined with the imaginative foresight of the Campbell Soup Co. management, particularly its distinguished president, William B. (Bev) Murphy, who has so well and so wisely made use of the many advantages to be derived by locating his industries in rural America.

For the benefit of all who are interested in conserving our resources and protecting the environment, the complete text of the Soil Conservation article follows:

LAND AND PLANT COVER SOLVE WASTE PROBLEM

(By Marshall H. Nichols, district conservationist, SCS, Paris, Tex.)

A soup canning company in Paris, Tex., has used soil and plant cover to solve an out-sized pollution problem.

The company processes up to 3.6 million gallons of waste water a day through a system which combines perennial vegetation, diversion terraces, grassed waterways, grade-stabilization structures, and overhead irrigation sprinklers.

The water that flows from the treatment area, the company reports, is clean and clear.

In 1960 the Campbell Soup Company bought 600 acres at the edge of the city for a plant site. A factor in the location was suitability of the site for an industrial waste-disposal system. The city's treatment facilities could not handle the volume of waste water the plant would produce from washing vegetables.

The Lamar County Chamber of Commerce asked the Soil Conservation Service for help in locating possible sites where soil permeability rates were greatest. Soils of all possible sites were evaluated by SCS soil scientists. But other factors—nearness to railroads, accessibility, and drainage—limited possible sites to soils with slow permeability rates.

Soils at the site selected by the company rated very low in permeability—0.05 inch an hour. This made it impossible to filter the waste water by soil percolation. This factor also causes soils to be more susceptible to erosion during heavy rains. The addition of waste water daily would surely intensify the erosion hazard and produce tons of sediment and pollution in the main streams of the watershed if something wasn't done.

The site was mostly old eroded cropland with soils low in fertility. Low-quality grasses, native shrubs, and small post oaks had taken over the open field areas. Gullies were still active 20 to 30 years after cultivation was stopped and were too deep to cross.

A study was made of adapted plants first. The vegetation planned had to provide a cover suitable for filtering the large volume of waste water, while handling 44 inches of annual rainfall on soils which could soak up only 0.05 inch an hour. And the cover had to work the year around.

Land clearing, land smoothing, revegetation, waterways, shaping, terraces, and mechanical structures were planned to stabilize gullies and control erosion.

In September 1960, contractors began preparing the land for purifying waste water by allowing the water to flow over grass. This is the "overland flow method." Land was cleared, gullies filled, waterways and drop structures installed, and slopes carefully landplaned. The slopes were smoothed to assure uniform flow of water at a rate that would allow waste particles to be filtered out by vegetation. The terraces were laid out in 1963 to intercept the water after it had been filtered, then to conduct it to the grassed waterways, and divert it from other filter strip areas below.

The area was seeded to reed canarygrass, redtop bentgrass, and tall fescue, all northern species requiring high fertility. Bermudagrass was rejected because of its long winter dormancy. Some bermudagrass was used, however, to sod plant the waterways and was then overseeded with the northern grasses more tolerant to water.

In periods of dry weather before the spray system was used, the grasses were maintained by supplemental irrigation. Complete commercial fertilizers were applied. In the area where the subsoil was exposed, however, the cool-season northern species died; hardier native vegetation replaced them.

Waterways and grade-stabilization structures were designed by SCS engineers who also recommended size and spacing of diversion terraces.

When the processing plant began operation in the fall of 1964, the spray area had a good stand of fescue and reed canarygrass. In handy areas, a strong stand of bermudagrass was noted. Under tests with heavy application of waste water in winter 1964 and spring 1965, the bermudagrass deteriorated and turned black. By April it appeared to be dead, but 2 weeks after the tests stopped, new growth appeared. Waste-water applications were resumed and continued throughout 1965 without detrimental effects to the bermudagrass.

Near the end of fall 1965, cool weather slowed the growth of native plants, and the cool-season northern species began to flourish.

After extremely wet seasons in the winter and spring of 1968 and 1969, it was evident that native grasses cannot compete with reed canarygrass when plant nutrients are supplied in quantity from the decomposing organic matter in the waste water.

Louis C. Guilde, director of environmental engineering for the company, described the system to the 42d. annual conference of the Water Pollution Control Federation in October 1969. He said that in 1960, "the magnitude of the undertaking represented an unprecedented effort in soil reclamation and conservation, but experience indicated that the eventual land use efficiency would have been improved if the effort had been bolder."

The company won top national honors at the annual Sports Foundation. Inc., awards program in 1970 "for achievement in the control of water pollution."

Allyn C. Bennett, SCS engineering specialist, observed the system in operation in November 1969 and said, "it is apparent that this overland-flow method of waste disposal is highly successful." He believes that better land use could be achieved by a system of parallel terraces instead of the semiparallel diversion terraces. This would provide a uniform trickle-flow distance through vegetation. He predicted that principles of waste disposal learned from this operation will be used to improve the design of other waste-disposal systems.

"For example, the uniform trickle flow through vegetation is probably more beneficial than sprinkler spraying, which means that a gravity-flow system with more solids in the water would also work very well," Bennett said.

In the system, vegetable solids and grease are trapped or strained from the waste water, which is then run through an automatic sprinkler-irrigation system onto vegetated and terraced fields. Sprinkler laterals are below, or on the lower side, of each terrace. The sprinklers spray the wash water onto the land. Then it trickles through the vegetation down to the next terrace, then into a system of vegetated waterways. Grade-stabilization structures are located at the outlet of each of the two main waterways leaving the farm. The trickle-flow distance needed to adequately lower BOD (bio-chemical oxygen demand) at this plant is 200 feet or less. Uniform slopes with a minimum of ponded areas are more efficient.

Good-quality hay is harvested from the spray area. And regular removal of excess vegetation appears to boost efficiency of the disposal area. Guilde reported that, "the process also reclaims a high percentage of plant nutrients. These nutrients fertilize the grasses, and analysis of the hay showed the mineral content to be nearly double that found in other good-quality hay with high nutritional value ranging up to 23 percent crude protein. In feeding tests, cattle showed a definite preference for hay grown on the disposal sites."

There is a continuous streamflow downstream from the spray-area fields without the unsightly aquatic vegetation which would be expected from most waste-disposal areas.

An advantage of the system is its ability to function in all types of severe weather conditions without reduced efficiency.

UKRAINIAN INDEPENDENCE DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EILBERG. Mr. Speaker, The Ukraine is the largest county in Eastern Europe, and its inhabitants constitute the most numerous of all ethnic groups in that region, today numbering more than 45 million. In many ways it is the most productive agricultural region of Eastern Europe, and not infrequently has been referred to as the breakbasket of the whole area. Its hardworking and rugged inhabitants, the solid core of the whole Eastern Europe's once free peasantry, have tilled their fertile soil ceaselessly not only for their own well-being but also for the good of their neighbors, and presently for their heartless Soviet taskmasters. The very fact that the fair land of the Ukraine is fertile and rich in natural resources seems to have been a cause of the misery and misfortune of the Ukrainian people. The riches of the land roused the envy and jealousy of its ruthless and power-hungry neighbors and occasioned its conquest by alien tyrants.

For more than 300 years the country has been submerged in the Russian continent, and during all that time autocratic czars and today's Communists have done their worst to suppress and eradicate what we in the West regard as the best Ukrainian national traits; their desire for freedom, their boundless love for their homeland, their undying yearning for political independence, and their readiness to sacrifice for the attainment of their national goal. Only once in the course of their long subjugation to alien rulers did they have the chance of attaining that goal; that was in 1918. When the czar's decrepit autocracy was overthrown and Austria no longer ruled over western Ukraine, Ukrainian leaders saw their chance, seized upon the opportunity and proclaimed their national independence. That was done on January 22, 1918, the day on which the Ukrainian National Republic came into being, and it looked as if a new era had been ushered in for the Ukrainian people.

That memorable day has become a landmark in the recent history of the Ukraine, and remains as a bright moment in the struggle of the Ukrainians for their national independence. However, the Ukrainians enjoyed their hard-won freedom for only a short time. Soon events cast a dark cloud over the country. The newly created state, weak and unaided, and surrounded by implacable foes, did not survive the impending onslaught. Early in 1920, Communist Russia treacherously attacked and overran the country, and it came to be incorporated into the Soviet Union.

To this day the Ukraine remains a part of the Soviet Union. For 50 years the liberty-loving Ukrainians have been living in a vast prison camp in their historic homeland, separated from the free world by the Iron Curtain and surrounded by Soviet secret agents. There they do not and cannot enjoy any of the freedoms which we in the free world regard as our birthright. Under such trying circumstances they are not permitted to celebrate their Independence Day. Fortunately, however, hundreds of thousands of Ukranians who live in the free world celebrate it, and Ukrainian Americans solemnly observe this memorable day in appropriate ceremonies. I am wholeheartedly for House Resolution 979 and Senate Resolution 455 calling for a Presidential proclamation

whereby Ukrainian Independence Day observance may be celebrated annually in all communities throughout the country.

NATIONAL BUSINESS WOMEN'S WEEK

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MILLER of Ohio. Mr. Speaker, National Business Women's Week, honoring the contributions of America's Business and Professional Women to our country, will soon be observed. Though the contributions of America's working women have been obvious throughout this Nation's long history of industrial, economic, and social advancement, I think it is especially appropriate that a period of time be set aside to credit women in business and professional roles who not only play a vital part in keeping economic progress foremost in America's future, but are also a commendable, responsible force in this Nation's drive to eradicate our social problems as well.

From October 18 through 24, the Lancaster, Ohio, Business and Professional Women's Club, in conjunction with nationwide observance of National Business Women's Week, will honor working women of Lancaster and Fairfield County.

In recognition of the valuable services and community projects the Lancaster Business and Professional Women's Club affords the city and Fairfield County, I submit the following article authored by Mrs. Jack Blazer, of Lancaster, for entry into the RECORD at this time:

50TH ANNIVERSARY OF PROFESSIONAL WOMEN'S CLUB

The Lancaster Ohio Business and Professional Women's Club is a part of the National Federation of Business and Professional Women's Club whose membership represents hundreds of career fields. Women become members of the B.P.W. for these main reasons: Fellowship, personal improvement and community concern. Members report greater community involvement as a result of joining B.P.W. The B.P.W. Emblem, the Nike or Winged Victory of Samothrace, symbolizing progress, communication, learning, commerce and wisdom, is worn both on the person and in the heart of each member who tries very hard to live its meaning—respect for individual oneness and common mutuality.

The Fiftieth Year of B.P.W. (1920-1970) features the theme "Era of Responsibility"—Your Responsibility—Enrich—Renew—Act.

Each year The Lancaster B.P.W. has been setting up its program to involve every Club member. It has been guided by the objectives of The National Federation of Business and Professional Women's Clubs, Inc. To elevate the standards of women in business and in the professions; to promote the interests of business and professional women; to bring about a spirit of cooperation among business and professional women of the United States; to extend opportunities to business and professional women through education along lines of industrial, scientific and vocational activities.

Activities of The Lancaster B.P.W. have been many and varied as follows:

Sponsoring boys from the Fairfield School for Boys who participated in the Soap Box Derby; members going to Veterans' Hospital in Chillicothe, Ohio for spring picnics, featuring food, prizes for games and conversation; sponsoring Cancer "Tag Day"; sponsoring the Diabetic Clinic; participating in the Fairfield County Kidney Foundation Project to provide an artificial kidney machine for the community; increasing membership in the Nike Club (an organization for young girls interested in entering the business world after graduation); awarding a $500 scholarship to a worthy girl recipient and sponsoring two girls to Girls' State each year; acting as intermediary in the sale of decorative, useful refuge containers to Lancaster merchants; giving $1000 to the Ohio University Lancaster Branch toward the erection of the new building; emphasizing discussion of legislative issues; meetings to give information about the misuse of drugs, about crime and sex roles around the world.

The Lancaster Business and Professional Women's Club will honor its working women in the community October 18 thru the 24th, as part of a nationwide observance of National Business Women's Week, calling attention to the many contributions of America's working women who represent better than one-third of the total labor force.

The National Federation of Business and Professional Women's Clubs, Inc., which initiated National Business Women's Week in 1928, was founded in 1919. There are 3,800 B.P.W. clubs and their 250,000 membership extends to all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands.

REPRESENTATIVE DADDARIO RECEIVES AWARD

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. GIAIMO. Mr. Speaker, on September 30, my good friend and distinguished colleague from Connecticut, EMILIO Q. DADDARIO, was presented with the Aloy Alfaro Grand Cross and Diploma. This award, presented by the Aloy Alfaro Foundation of the Republic of Panama, pays tribute to Representative DADDARIO for his outstanding public service and his contributions to the cause of international peace.

The following remarks were delivered by Dr. Herman A. Bayern upon presentation of the award:

PRESENTATION SPEECH OF DR. HERMAN A. BAYERN, AMERICAN PROVOST, THE ALOY ALFARO INTERNATIONAL FOUNDATION OF THE REPUBLIC OF PANAMA, ON THE OCCASION WHEN THE HONORABLE EMILIO QUINCY DADDARIO, MEMBER OF CONGRESS, FROM THE FIRST DISTRICT OF CONNECTICUT, RECEIVED THE HIGHEST AWARD OF THIS FOUNDATION WHICH WAS CONFERRED ON HIM BY DR. BAYERN, DR. RENE SHAPSHAK, MR. ROBERT L. SCALLY, AND MR. WALLY PAGE, ALL DEPUTY AMERICAN PROVOSTS, AT BRIDGEPORT, CONN.

Reverend clergy, Congressman Daddario, Dr. Shapshak, Mr. Robert Scally, Mr. Page, distinguished guests and fellow Americans:

We are assembled here at Bridgeport, Connecticut, to honor a very outstanding and distinguished public official of renown, an educator who has efficiently and ably served as a member of the House of Representatives in the 86th, 87th, 88th, 89th, 90th and 91st sessions of the House, and as a member of the Committee on Science and Astronautics, chairman of the special subcommittee on Patents and Scientific Inventions, chairman of the subcommittee on Science, Research and Development, and a member of the Manned Space Flight Subcommittee. He has been honored by many colleges and nations, and he served in the U.S. Army both in World War II and Korea, being honorably discharged with the rank of Major.

It is now my proud privilege and honor to tell the world that you have been voted the highest honor of the Aloy Alfaro International Foundation of the Republic of Panama, "in recognition of your outstanding service to your beloved country, both in peace and war, and service to mankind in the field of public service as a member of the U.S. House of Representatives for six terms, as a judicial officer, as an educator, and for our efforts in bringing about the establishment of international peace. In further recognition of your achievements in behalf of humanitarian causes through religious, fraternal, civic, educational, and patriotic organizations, all in keeping with the aim, ideals, principles and purposes of this foundation."

We are here today to honor you in testimony; first, of our faith in the ideals in American democracy; secondly, in our devotion to the cause of universal education as the bulwark of these ideals; and thirdly, because of our confidence in the cooperation of all the peoples of the western hemisphere in the preservation of human freedom and peace of all the people of the world.

Such was the pattern of the life of our standard bearer, the immortal Aloy Alfaro, the great democrat of Ecuador. As President of Ecuador at the turn of the century, he expanded and furthered educational institutions of his own country. He appealed to the Spanish monarch to establish peace, and to grant the people of Cuba the freedom for which they yearned and bled. Now, those people of Cuba pray once more that somehow, perhaps by divine guidance, they will again see their freedom restored—the freedom which Dr. Castro and the Soviet Union wrested from them in direct violation of the Monroe Doctrine.

The Aloy Alfaro International Foundation of the Republic of Panama gathers and encourages the permanent political and moral values of the Americas. Aloy Alfaro was the outstanding Ecuadorian in the Western hemisphere. The action and thought which he placed at the service of his country were instruments and agencies of the highest aspiration of half the globe. He worked for a broad land; he strove to raise the social level of the Indian; to spread education among his countrymen; to banish the exploitation of man to man; to act for the defense of liberty, regardless of frontier; to create American public laws; and to free the flesh and the spirit from their chains.

The A.A.I.F. has neither political nor lucrative purposes. The finality is to pay tribute to the memory of Aloy Alfaro, and make available all knowledge of his life and works, as a statesman and liberator. What Alfaro undertook and accomplished in half a century, constitutes the essential transformation of normal people.

Our guest of honor was awarded the Aloy Alfaro Grand Cross and Diploma in recognition of his distinguished contribution to culture and humanity, and his accomplishments in the field of public service, education, in his work for worthwhile endeavors, and in further recognition of his efforts toward the establishment of international peace.

Aloy Alfaro was a citizen, not only of his native Ecuador, but of all the Americas. The personal integrity, the unwavering defense of the principles of truth, justice and friendship among nations; the self-control and self sacrifice that marked about one quarter of a century of unflagging service to his fellow man, extended way beyond the confines of his own country Ecuador.

He was a rebel and a conspirator but his rebellion and conspiracy were directed

against hatred, injustice, discord, and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people.

Whenever there was a threat to the peace of the Western hemisphere, Aloy Alfaro was the dynamic leader who brought about the settlement of such disputes.

General Alfaro sowed the seeds of Pan-American cooperation and understanding. In 1907, he called a peace conference in Mexico City, in which the U.S. government participated, for welding all the Americas together, and to preserve for the Western hemisphere, the Pan-American unity of freedom loving people. This love of freedom served as the perpetual harbinger against the attempt of any form of despotism to plant the tyrant's heel on even the tiniest portion of the soil of our Pan-American nations. Were General Alfaro alive today, he would be a zealous supporter of the United Nations, and all other organizations created by the U.S. Government to keep the peace throughout the world. This great Ecuadorian statesman and dedicated leader would have left no stone unturned to assure all the peoples of the world the hope, peace, and good will, that is our common heritage from our common Creator.

It is most fitting, therefore, for us today that we of this foundation have selected to receive this highest award a great American public official, humanitarian and educator. None can ever doubt the limitless faith of our guest of honor in the ideals of democracy; in the belief of our guest of honor that it was not from human hands, but from the great Creator that every man, woman and child inherits the rights of life, human liberty, happiness and equal opportunity; and in learning, which has been the life work of our guest of honor.

It is fortunate that these vital factors in the life of our guest of honor are recorded for all the world to see as an outstanding public official, educator, and private citizen, in his community and throughout the state and nation. We know of no one who by his service to mankind and to the cause of international peace has more fully and brilliantly earned this high honor.

The philosophy of General Alfaro, who is known as the Abraham Lincoln of South America, was based principally on service to his fellow human beings and to the cause of international peace. The public and private activities of our guest of honor come within the framework of this kind of service to mankind. In recognition of this fact, the ruling body of this foundation grants him the Aloy Alfaro Grand Cross and Diploma.

Congressman Daddario joins a very select and elite group of Americans who have been honored similarly in the past. They include former Presidents John F. Kennedy, Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson, President Richard Nixon, former Vice President Hubert Humphrey, former General of the Army Douglas MacArthur, F.B.I. Director J. Edgar Hoover; Senators Ribicoff, Mansfield, Scott, and Javits; Congressmen Celler, Ford, and Albert; former U.S. Commissioners of Education Howe and James Allen, Jr.; the Honorable Stanley Fuld, Chief Judge of the Court of Appeals of the State of New York, Ambassador Averill Harriman, Governor Nelson A. Rockefeller, and the Honorable John Bailey, all of whom typify the caliber of individuals who have been recipients of this high honor.

It now gives me great pleasure and it is an honor and a privilege for me to call upon that distinguished outstanding sculptor, Dr. Rene Shapshak, to carry out the determination to invest you, Congressman Daddario, with the Aloy Alfaro Grand Cross and Diploma.

SMALL BUSINESS COMMITTEE HEARINGS PRODUCTIVE ON FUEL AND POWER CRISIS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. EVINS of Tennessee. Mr. Speaker, recent hearings by the House Small Business Committee on the fuel and power crisis elicited much useful and helpful information concerning the reasons for current shortages and threats of more blackouts and brownouts.

In this connection Miss Elaine Shannon, Washington correspondent for the Nashville Tennessean, in her Sunday column includes an excellent summary of our hearings.

Because of the interest of my colleagues and the American people in this most important subject, I place the article in the RECORD herewith:

COMPETITION CAN'T SOLVE FUEL CRISIS

(By Elaine Shannon)

WASHINGTON.—One important point brought out by a House investigation on the power situation last week is that there is, at present, neither a national energy policy nor a national energy agency.

There seems to be an urgent need for both, as witness after witness has testified that a nationwide energy crisis does, in fact, exist, in the midst of bountiful energy resources.

"In my view, we have got ourselves into our present fuel difficulties," said a former Federal Power Commission chairman, "because of piecemeal policy decisions made within the context of specific commodity problems rather than within the context of the energy field as a whole."

PRIORITIES NEEDED

"Priorities need to be developed which may create industry resistance, but energy is too important to the American economy to allow its growth to continue in a haphazard fashion," said Joseph Swidler, past FPC head, now New York State Public Service Commission chairman.

"We are now paying the price for waiting too long to bring sense to our energy policies."

Mayor John Lindsay of New York City told of the frustrations he had encountered when trying to deal with a maze of federal bureaucracies on New York's power storage.

"When one turns to the federal government," Lindsay told the subcommittee, "one finds that no one agency is responsible for or conceives of a national 'clean energy' policy."

"The chairman and members of the FPC are responsible for regulating natural gas and public utilities. The secretary of the interior is responsible, meantime, for the extraction of natural gas and oil and administers the oil import quota program.

HOW MUCH OIL?

"The decision as to how much oil is available at any given time in the U.S. is primarily made by the Office of Emergency Preparedness, the secretary of the interior, state regulatory bodies in Texas and Louisiana and the oil industry itself.

"This is hardly a machine for the rational ordering of a fuel policy for the nation. It is even less appropriate to developing a national clean fuel policy since the agency previously responsible for air pollution control, HEW, plays no formal role in the decision making process and the same is likely to be true of its successor, the newly-created Environmental Protection Agency.

"There is no single federal agency," said current FPC head John Nassikas, "to attain a balanced national objective of efficient and productive utilization of our total energy resources—oil, coal, gas, water, nuclear energy."

"In addition to multiple responsibilities at the federal level, the problem is further compounded by the reality of a state-federal system of economic regulation and resource preservation. . . . Various committees of Congress are also concerned with energy policy."

Last week, the administration, in response to the increasingly serious fuel situation, established a joint board consisting of the heads of the FPC, the Interstate Commerce Commission, the Office of Emergency Preparedness, the secretaries of interior and commerce, and the chairmen of the Council of Economic Advisers and the Council on Environmental Quality.

The administration also enacted certain relaxations and alterations in the import quota system.

But these actions—both the formation of the board and the quota adjustments—were criticized as "minor" and "short run" moves by witnesses at the small business subcommittee hearings.

"SMALL RESULTS"

"In the face of a mounting crisis, actions announced in the statement are timid and promise small results at best," commented Alex Radin, general manager of the American Public Power Association.

"The administration, simply stated, says: 'The way to get adequate fuel supplies is to pay higher prices,' the public power spokesman said.

"Or, considering the fact that the McCracken-Lincoln statement (the administration statement) also advocates a voluntary 10% reduction in fuel use this winter, the administration policy seems to advocate 'less fuel at higher prices'—a policy which is in sharp contrast with the 'more power at lower cost' philosophy which has guided the public power industry for many years."

SUPPLY AND DEMAND

Administration officials who testified indicated a general administration policy of letting the economics of the situation take care of the supply and demand for fuel and power.

This policy was stated clearly in the administration statement made last week:

"Basically, we rely upon the proven adapability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed."

The administration policy statement also indicated that the increased demand would be supplied at a higher price:

"The increased national requirements and the changes in the price structure that arise from them provide a powerful incentive to this adjustment of supply, which is in fact already taking place."

MEANS MONEY

The "powerful incentive" referred to is, of course, money.

The hearings disclosed that tight fuel supplies loosened considerably as the price went up: after the price of heavy fuel oil went up more than 50% over last year, several major U.S. oil companies announced they could supply the winter demand.

But the economic system of supply and demand works only if there is competition, and some witnesses, and subcommittee members, did not seem to feel there is true inter-energy competition in America today.

Pointing out that oil companies control a considerable amount of the nation's coal, natural gas and uranium, Chairman Aubrey Wagner of the Tennessee Valley Authority said:

"It is important to know, before it is too late, whether competition between a few large raw energy companies will serve the nation as well."

Former FPC head Joseph Swidler stated categorically that the free enterprise system will not be sufficient to regulate the energy situation.

WILL BE EXTINCT

"At the moment, competition in the energy market is fast waning, and soon will be extinct if the present trend continues," he said.

A strong federal agency must be created, he said "to protect the U.S. energy position both short-term and long term, rather than to foster the interests of special energy groups."

Coal prices, fuel oil prices, electric rates, natural gas prices all are rising swiftly, and power problems seem to be multiplying even as resources blossom.

The power crisis, in addition to the general inflation, hasn't been lost in Congress. Hopefully, the power crisis will force the establishment of a national energy policy agency and a comprehensive national policy to meet the increasingly complex energy situation.

The experience of Sen. Jennings Randolph, D-W. Va., seems to support this hope:

Ten years ago, Randolph introduced a bill to establish a national commission on fuels and energy. He found he could get no support and the measure failed.

Today the measure has 60 co-sponsors—a comfortable majority of the Senate.

A BILL TO ESTABLISH A SYSTEM FOR THE SHARING OF CERTAIN FEDERAL TAX REVENUES WITH THE STATES

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. MESKILL. Mr. Speaker, our local governing units are in desperate financial straits. Cities can no longer rely on help from the States and both entities are increasingly dependent upon continuation of grants-in-aid from the Federal Government. But Federal grants are inadequate to meet the public needs since such grants usually apply only to specific projects and hamstring the dispersal of funds on a priority basis.

It is essential that we depart from specific purpose funding and give our States and cities the necessary authority to fund those programs essential to their localities.

The need for a program of direct aid to the State and local governments, based on some formula for revenue sharing, is as critical as it is apparent. Our local officials know the problems of their communities and under tax sharing could employ the revenues to the best advantage.

A huge bureaucracy, centralized in the Nation's Capital, cannot possibly familiarize itself with the unique and varying problems of our local communities. And because such a colossus can be neither efficiently nor democratically controlled, the concentration of authority has promoted public apathy, stifled local initiative, consumed potential tax resources, and demoralized local government to the point where State and local programs are devised and legislated in anticipation of Federal action.

We must recognize the fact that the Federal Government is not geared to dispense services. We have witnessed the demise of potentially effective programs because concentration of authority in Washington eventually undermined local and State authority and the people involved became disillusioned and disgusted.

Revenue-sharing would initiate a new approach to intergovernmental relations by shifting the balance of power from Washington back to the people. This dynamic and refreshing approach would allow city and State officials leeway in meeting their individual community's problems and permit experimentation with new policies and programs.

Government on all levels would become more responsive to the needs of its citizens and the people would regain confidence in the performance ability of government. Local and State officials would determine priorities instead of having to accept Washington's dictates.

I have reviewed the various revenue-sharing proposals and today I am introducing my own measure which I believe insures a more equitable system of tax sharing. The revenue-sharing systems which have been proposed are based solely on taxable income or revenue effort and population. In order to fairly distribute the funds it is, of course, essential to know the tax resources and population of the States. But I do not believe these factors alone are indicative of the financial needs of our States and local communities.

I have, therefore, incorporated into my bill—and weighted proportionately—four factors: taxable income, 40 percent; unemployment, 30 percent; population, 20 percent; and medicare, 10 percent.

This legislation emphasizes the fact that our States are simply not able to meet their financial obligations and that many are suffering huge deficits.

It is imperative that hearings be held on revenue-sharing bills in this session of Congress. Anyone who considers the tax sharing proposals cannot help but agree that while instilling new vigor and initiative in our State and local governments, revenue sharing would at the same time relieve the financial crises of these governing entities.

Mr. Speaker, I insert the bill to be printed in full at this point in the RECORD:

H.R. 19724

A bill to establish a system for the sharing of certain Federal tax revenues with the States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Tax Sharing Act of 1970".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "fiscal year" means the fiscal year of the Federal Government of the United States;

(2) the term "Governor" means the chief executive officer of each State or his delegate;

(3) the term "Secretary" means the Secretary of the Treasury or his delegate;

(4) the term "State" means the several States of the United States and the District of Columbia;

(5) the term "individual income taxes" means the proceeds of taxes collected from individuals under subtitle A of the Internal Revenue Code of 1954 and the taxes collected under chapter 24 of such Code, as determined in accordance with regulations prescribed by the Secretary; and

(6) the term "trust fund" means the Tax-Sharing Trust Fund established by section 3.

TAX-SHARING TRUST FUND

SEC. 3. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the "Tax-Sharing Trust Fund". The trust fund shall consist of the amounts appropriated to it by subsection (b) and any amounts appropriated to it under subsection (d).

(b) There is hereby appropriated to the trust fund for the fiscal year beginning July 1, 1970, and for each fiscal year thereafter, an amount, as determined by the Secretary, equal to the percentage provided in subsection (c) of this section multiplied by the total taxable income reported on Federal individual income tax returns for the latest calendar year for which published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(c) For the purposes of subsection (b), the applicable percentage is—

(1) for the fiscal year beginning July 1, 1970, one-fourth of 1 percent;

(2) for the fiscal year beginning July 1, 1971, three-eighths of 1 percent;

(3) for the fiscal year beginning July 1, 1972, one-half of 1 percent;

(4) for the fiscal year beginning July 1, 1973, three-fourths of 1 percent;

(5) for the fiscal year beginning July 1, 1974, seven-eighths of 1 percent;

(6) for each fiscal year beginning on or after July 1, 1975, 1 percent.

(d) In addition to the amounts appropriated by subsection (b), there are authorized to be appropriated to the trust fund for each fiscal year such additional amounts as may be desirable to carry out the purposes of this Act.

(e) The Secretary shall, during each fiscal year, determine the amount described in subsection (b), and transfer the amount so determined from the general fund of the Treasury to the trust fund. Such transfer may be made on the basis of estimates made by the Secretary. Proper adjustment shall be made, as soon as possible after the close of each fiscal year, to the extent the amount transferred was in excess of or less than the amount which should have been transferred, by the transfer of additional amounts from the general fund to the trust fund or by the transfer of amounts from the trust fund to the general fund.

METHOD OF PAYMENTS TO STATES

SEC. 4. (a) Each State shall be entitled to payments out of the trust fund during the fiscal year beginning July 1, 1971, and during each fiscal year thereafter, as provided in this section. Such payments shall be made to the Governor.

(b) The total amount of payments to each State during each fiscal year shall be the amount determined under section 5. Payments shall be made by the Secretary not less often than quarterly. Payments to any State made during the first and second quarters of any fiscal year may, to the extent necessary, be made on the basis of estimates by the Secretary in determining the amounts under section 5. Proper adjustment shall be made in the payments to any State during the third and fourth quarters of any fiscal year to the extent that payments in the first and second quarters were in excess of or less than the amounts which should have been paid.

AMOUNTS OF PAYMENTS TO THE STATES

SEC. 5. (a) GENERAL RULE.—The total amount of payments to each State for each fiscal year is an amount (computed by the

Secretary) equal to the sum of the four portions computed for such State under subsections (b), (c), (d), and (e). For the purposes of this section, the term "the appropriated amount" means the amount appropriated to the trust fund for the fiscal year immediately preceding the fiscal year during which payments to each State are to be made, as computed according to subsection (c) of section 3.

(b) INDIVIDUAL INCOME TAX PORTION.—The individual income tax portion shall be computed by multiplying 40 percent of the appropriated amount by a fraction the numerator of which is the total amount of Federal individual income taxes collected from residents of the State during the most recent calendar year for which there is income tax data available from the Department of the Treasury and the denominator of which is the total amount of Federal individual income taxes collected from residents of all the States during such year.

(c) UNEMPLOYMENT PORTION.—The unemployment portion shall be computed by multiplying 30 percent of the appropriated amount by a fraction the numerator of which is the total average number of unemployed people residing in such State as reported by the Bureau of Labor Statistics for the most recent calendar year ending before the beginning of the fiscal year during which payment is to be made and the denominator of which is the total average number of unemployed people residing in all the States as reported by the Bureau of Labor Statistics for such year.

(d) POPULATION PORTION.—The population portion shall be computed by multiplying 20 percent of the appropriated amount by a fraction the numerator of which is the total number of people residing in such State as reported in the most recent decennial census and the denominator of which is the total number of people residing in all the States as reported in the most recent decennial census.

(e) MEDICARE PAYMENTS PORTION.—The medicare payments portion shall be computed by multiplying 10 percent of the appropriated amount by a fraction the numerator of which is the total number of people residing in such State who are receiving payments under part A of title XVIII of the Social Security Act (medicare payments) as reported by the Secretary of Health, Education, and Welfare for the most recent calendar year ending before the beginning of the fiscal year during which payment is to be made and the denominator of which is the total number of people residing in all the States who are receiving such payments as reported by the Secretary of Health, Education, and Welfare for such year.

(f) APPROPRIATE CALCULATIONS.—For the purposes of calculating the payments due each State under this section, the Secretary is authorized to make appropriate calculations and such calculations shall be final.

HUNGATE SUPPORTS TVA SMALL BUSINESS SET-ASIDES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HUNGATE. Mr. Speaker, a subcommittee of the Small Business Committee recently concluded hearings on the fuel and energy crisis. The Tennessee Valley Authority testified during the course of the hearings that they had a coal shortage, and yet other witnesses stressed the fact that many small coal operators in the area had an abundant supply of coal.

The chairman of the Small Business Committee, Hon. JOE L. EVINS, has introduced a bill designed to reconcile this situation. I think, the solution, which is to provide for small business set-asides by TVA, is an excellent idea. Such set-asides have been required of many other Federal agencies, and it is entirely appropriate that TVA be included among them.

As a member of the Small Business Committee, I have been proud and honored to serve with Chairman EVINS. He is a highly respected and a beloved representative from Tennessee. He is known throughout the country as a champion advocate of the interests of our Nation's small businessmen. His district, the Fourth Congressional District of Tennessee, is indeed fortunate to have such an outstanding and dedicated Congressman. The small businessmen of the country are also very fortunate to have Chairman EVINS' very able and strong leadership on behalf of small business.

Therefore, I would like to go on record in support of Chairman EVINS' bill, and commend it to my colleagues for their swift approval. It is this type of legislation that our Nation so sorely needs at a time when small business faces so many crises.

STATUS OF 100 MAJOR ADMINISTRATION REQUESTS IN THE 91ST CONGRESS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the office of the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), has prepared a summary of the status of 100 major Nixon requests in the 91st Congress.

The fact that less than half of these urgent items have been finally acted upon is an eloquent testimonial to the need for a Republican Congress.

The tabulation referred to follows:

STATUS OF 100 MAJOR ADMINISTRATION REQUESTS, 91ST CONG. (CONGRESSIONAL ACTION COMPLETED BEFORE 1970 ELECTION RECESS)

	Presidential message(s) or statement(s)	Legislation sent up	Legislation completed or public laws
1. Interest equalization tax	Jan. 13, 1969	June 9, 1969	Public Law 91-128.
2. Export control	Jan. 15, 1969	May 28, 1969	Public Law 91-184.
3. Reorganization authority	Jan. 30, 1969		Public Law 91-5.
4. District of Columbia crime bills	Jan. 31, 1969	July 11, 1969, Sept. 26, 1969	Public Law 91-358.
5. Nuclear Nonproliferation Treaty	Feb. 3, 1969	Feb. 3, 1969	Ratified by Senate.
6. OEO extension	Feb. 19, 1969, June 2, 1969		Public Law 91-177.
7. Debt increase	Feb. 24, 1969		Public Law 91-8.
8. Coal mine safety	Mar. 3, 1969	Mar. 3, 1969	Public Law 91-173.
9. Military procurement (ABM)	Mar. 14, 1969	Apr. 15, 1969	Public Law 91-121.
10. Surtax extension	Mar. 21, 1969		Public Law 91-53.
11. Social security	Apr. 14, 1969, Sept. 25, 1969	Sept. 30, 1969	Public Law 91-172.
12. Tax reform	Apr. 21, 1969	Jan. 30, 1969	
13. Nonvoting District of Columbia delegate	Apr. 28, 1969	May 13, 1969	Public Law 91-405.
14. Voting rights	Apr 29, 1969	June 30, 1969	Public Law 91-285.
15. Food stamps authorization	May 6, 1969	June 6, 1969	Public Law 91-116.
16. Draft reform	May 13, 1969, Sept. 13, 1969	May 13, 1969, Sept. 19, 1969	Public Law 91-124.
17. Burger nomination	May 21, 1969		Confirmed by Senate, June 9, 1969.
18. Postal reform	May 27, 1969	May 28, 1969	Public Law 91-375.
19. Foreign aid authorization	May 28, 1969	do	Public Law 91-175.
20. Airport-airways	June 16, 1969	June 16, 1969	Public Law 91-258.
21. Unemployment insurance	July 8, 1969	July 18, 1969	Public Law 91-373.
22. Population growth	July 18, 1969	July 18, 1969	Public Law 91-213.
23. ICC reorganization	July 22, 1969	Reorganization plan	Effective Oct. 11, 1969.
24. Haynsworth nomination	Aug. 18, 1969		Rejected by Senate Nov. 21, 1969.
25. SST	Sept. 23, 1969		Public Law 91-168.
26. National Foundation on Arts and Humanities	Dec. 9, 1969	Feb. 19, 1970	Public Law 91-346.
27. Carswell nomination	Jan. 19, 1970		Rejected by Senate, Apr. 8, 1970.
28. Rail dispute	Mar. 3, 1970	Mar. 3, 1970	Public Law 91-226.
29. Public broadcasting	do	Mar. 5, 1970	Public Law 91-437.
30. Postal and other pay increases	Apr. 3, 1970		Public Law 91-231.
31. Emergency Home Finance Act	Apr. 24, 1970	Apr. 7, 1970	Public Law 91-351.

ITEMS REPRESENTED BY THE WHITE HOUSE AS BEING GENERALLY IN ACCORDANCE WITH OR CONSISTENT WITH ADMINISTRATION POLICIES

32. IDA			Public Law 91-14.
33. Older americans			Public Law 91-69.
34. Maritime authorization			Public Law 91-85.
35. Student loans			Public Law 91-95.
36. Water pollution		Jan. 16, 1969	Public Law 91-224.
37. Education (ESEA)		June 16, 1969	Public Law 91-230.
38. Housing		July 12, 1969	Public Law 91-152.
39. Vietnam resolution		Introduced Nov. 4, 1969	Passed by House.
40. HEW amendments of 1969			Public Law 91-151.
41. Environmental Quality Act			Public Law 91-190.
42. White House, embassies protection			Public Law 91-217.

STATUS OF ADMINISTRATION REQUESTS, 91ST CONG.

	Presidential message(s) or statement(s)	Draft legislation sent up	Status as of Oct 12, 1970
43. Electoral reform	Feb. 20, 1969, Sept. 30, 1969	Constitutional amendment	Passed House.
44. 1 bank holding company	Mar. 24, 1969	Mar. 24, 1969	Awaiting or in conference.
45. Equal Employment Opportunity Commission	Apr. 14, 1969	Oct. 13, 1969	Passed by Senate.
46. Law enforcement assistance (LEAA)	do	Mar. 3, 1970, May 28, 1970	Passed by House.
47. Highway user	do	July 29, 1969	
48. Witness immunity	Apr. 23, 1969	May 12, 1969	Passed by Senate.
49. Illegal gambling	do	Apr. 29, 1969	Do.
50. Organized crime	do	May 8, 1969	Awaiting or in conference.
51. Wagering tax amendment	do	Jan. 3, 1969, Mar. 20, 1969	
52. Grant consolidation	Apr. 30, 1969	May 1, 1969, May 7, 1969	
53. Obscenity	May 2, 1969	May 7, 1969	Passed by House.
54. Prurient advertising	do	do	Do.
55. Food stamps	May 6, 1969	June 12, 1969, June 17, 1969	Passed by the Senate.
56. Drug control	July 14, 1969	July 15, 1969	Awaiting or in conference.
57. Family planning	July 18, 1969	December 8, 1969, December 9, 1969	Passed by Senate.
58. Occupational safety [1]	August 6, 1969	August 6, 1969	
59. Mass transit	August 7, 1969	August 11, 1969	Awaiting or in conference.
60. Welfare reform	August 11, 1969	October 2, 1969	Passed by House.
61. Manpower training [1]	August 12, 1969	August 12, 1969	Passed by Senate.
62. Revenue sharing	August 13, 1969	September 23, 1969	
63. Social security	September 25, 1969	September 30, 1969	Passed by House.
64. Maritime program	October 23, 1969	December 22, 1969	Awaiting or in conference.
65. Consumer Protection Act [1]	October 30, 1969	November 20, 1969	
66. Consumer Representation Act	do	November 12, 1969	
67. Consumer Product Testing Act	do	Dec. 20, 1969	
68. Latin American program	Oct. 31, 1969	Jan. 28, 1970	
69. Trade Act	Nov. 18, 1969	Nov. 19, 1969	
70. Solid waste	Feb. 10, 1970	Feb. 10, 1970, Feb. 18, 1970	Awaiting or in conference.
71. Clean air	do	do	Do.
72. Parklands	do	Feb. 16, 1970, Feb. 18, 1970	Do.
73. Water Pollution Control Act	do	do	
74. Waste treatment facilities	do	do	
75. Environmental Financing Authority	do	do	
76. Asian Development Bank	Feb. 25, 1970	Mar. 4, 1970	Passed by House.
77. Emergency public interest protection	Feb. 27, 1970	Feb. 28, 1970, Mar. 2, 1970	
78. Economy Act	do	Feb. 28, 1970	
79. Education Institute	Mar. 3, 1970	Mar. 5, 1970	
80. Employee benefits	Mar. 13, 1970	Mar. 13, 1970, Mar. 16, 1970	
81. SBA Extension	Mar. 19, 1970	Mar. 24, 1970 Apr. 9, 1970	Passed by Senate.
82. Higher Education Opportunity Act	do	Mar. 24, 1970	
83. Explosives legislation	Mar. 25, 1970	Mar. 26, 1970	Awaiting or in conference.
84. Estuarine resources	Apr. 13, 1970	Nov. 18, 1969, Nov. 25, 1969	
85. Great Lakes disposal	Apr. 15, 1970	Apr. 16, 1970	
86. Disaster assistance	Apr. 22, 1970	Apr. 23, 1970	
87. Selective service amendments	Apr. 23, 1970	do	
88. Radiotelephones	May 20, 1970	Feb. 18, 1969, Feb. 28, 1969	Passed by House.
89. Ports and waterways safety	do	May 20, 1970	
90. Emergency School Aid Act	May 21, 1970	May 21, 1970	
91. Emergency transportation assistance	June 16, 1970	June 16, 1970	
92. Indian affairs bills	July 8, 1970	July 21, 1970	

ITEMS REPRESENTED BY THE WHITE HOUSE AS BEING GENERALLY IN ACCORDANCE WITH OR CONSISTENT WITH ADMINISTRATION POLICIES

93. Foreign military sales		July 15, 1969, Feb. 10, 1970	Awaiting or in conference.
94. Rail passenger bill [1]		Aug. 6, 1969	Passed by Senate.
95. Military procurement authorization		Feb. 2, 1970	Awaiting or in conference.
96. Military construction authorization		Mar. 11, 1970	Do.
97. Housing and Urban Development Act		Mar. 25, 1970	Passed by Senate.
98. Fire research and safety		Mar. 18, 1970, Apr. 27, 1970	Do.
99. Federal Aid Highway Act [1]		June 10, 1970	Do.
100. Farm bill		July 21, 1970	Awaiting or in conference

[1] May be acted upon by House or Senate on Oct. 13 or 14.

TABULATIONS AND ANSWERS TO BIENNIAL OPINION POLL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RHODES. Mr. Speaker, on August 24 I placed in the CONGRESSIONAL RECORD a copy of the questions which I sent to my constituents in the First District of Arizona in my biennial opinion poll. I have just received the tabulations of the answers and am pleased to place them in the RECORD, as I promised. I was particularly gratified by the unusually large response to the poll this year—a total of 45,192—which further proves to me that my constituents are interested and knowledgeable in the problems which we face individually and nationally, and are anxious to offer their help and suggestions in the effort to solve them.

Following are the results of my poll. Although tabulations were made in a number of categories, I am including only those which I believe would be of the most interest: First, male, by age group and overall total; second, female, by age group and overall total; and third, the overall total of all responses.

The tabulations follow:

CONSTITUTENT RESPONSE BY AGE—MALE (22,285 RESPONDENTS)

	18 to 21	Percent	22 to 44	Percent	45 to 64	Percent	65 or over	Percent
1. Do you favor cutting off Federal loans and grants to students convicted of campus disorders?								
Yes	236	63.4	8,065	87.1	8,119	94.6	3,510	95.4
No	94	25.3	919	9.9	283	3.3	65	1.8
Undecided	20	5.4	205	2.2	73	.9	27	.7
No response	22	5.9	72	.8	109	1.3	76	2.1
Total	372		9,261		8,584		3,678	

CONSTITUTENT RESPONSE BY AGE—MALE (22,285 RESPONDENTS)—Continued

	18 to 21	Percent	22 to 44	Percent	45 to 64	Percent	65 or over	Percent
2. When students stage a strike on a college campus, do you think the nonstriking students have a right to continue attending classes?								
Yes	337	90.6	8,991	96.9	8,324	96.9	3,509	95.6
No	12	3.2	146	1.6	145	1.7	84	2.3
Undecided	5	1.3	72	.8	34	.4	12	.3
No response	18	4.8	65	.7	87	1.0	66	1.8
Total	372		9,274		8,590		3,671	
3. Do you agree with recent proposals to have a volunteer Army with more career incentives, and abolition of the draft except in time of war?								
Yes	288	77.4	6,416	69.2	6,157	71.7	2,472	67.4
No	47	12.6	1,993	21.5	1,684	19.6	715	19.5
Undecided	18	4.8	777	8.4	623	7.3	355	9.7
No response	19	5.1	87	.9	129	1.5	124	3.4
Total	372		9,273		8,593		3,666	
4. In general, do you favor the way President Nixon has conducted his administration?								
Yes	179	48.5	5,769	62.2	5,720	66.5	2,817	76.7
No	119	32.2	2,217	23.9	1,720	20.0	431	11.7
Undecided	53	14.4	1,202	13.0	1,026	11.9	337	9.2
No response	18	4.9	92	1.0	131	1.5	90	2.4
Total	369		9,280		8,597		3,675	
5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?								
Yes	233	26.8	6,824	73.6	6,991	81.4	3,170	86.3
No	70	18.9	1,362	14.7	836	9.7	178	4.8
Undecided	45	12.1	932	10.0	572	6.7	200	5.4
No response	23	6.2	158	1.7	192	2.2	124	3.4
Total	371		9,276		8,591		3,672	
6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?—								
Yes	113	30.6	3,404	36.7	4,289	50.0	2,537	69.0
No	202	54.7	4,478	48.3	3,057	35.6	684	18.6
Undecided	34	9.2	1,266	13.7	1,092	12.7	340	9.2
No response	20	5.4	115	1.2	140	1.6	115	3.1
Total	369		9,263		8,578		3,676	
7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?								
Yes	176	47.4	5,816	62.8	5,405	62.9	2,445	66.6
No	123	33.2	2,216	23.9	1,981	23.1	643	17.5
Undecided	49	13.2	1,117	12.1	1,069	12.4	460	12.5
No response	23	6.2	113	1.2	138	1.6	125	3.4
Total	371		9,262		8,593		3,673	
8A. Do you favor legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?								
Yes	158	42.6	5,264	56.9	5,906	68.7	2,911	79.2
No	174	46.9	3,351	36.2	2,032	23.6	472	12.8
Undecided	18	4.9	524	5.7	492	5.7	168	4.6
No response	21	5.7	118	1.3	169	2.0	125	3.4
Total	371		9,257		8,599		3,676	
8B. Do you favor legislation that would permit a criminal defendant to be kept in preventive detention if his record indicates that he may commit another crime if he were set free on bond?								
Yes	249	67.1	7,730	83.4	7,819	91.1	3,347	91.1
No	79	21.3	1,049	11.3	395	4.6	85	2.3
Undecided	16	4.3	306	3.3	115	1.3	27	.7
No response	27	7.3	185	2.0	255	3.0	216	5.9
Total	371		9,270		8,584		3,675	
9. What do you feel is the most important problem facing the United States today?								
Air and water pollution	85	31.0	1,605	25.4	607	13.2	149	10.0
Crime and violence	64	23.4	2,606	41.2	2,661	57.7	911	60.9
Vietnam war	75	27.4	1,264	20.0	701	15.2	152	10.2
Inflation (rise in cost of living)	12	4.4	450	7.1	249	5.4	99	6.6
Middle East crisis	4	1.5	51	.8	36	.8	9	.6
Other	13	4.7	184	2.9	93	2.0	13	.9
No response	21	7.7	163	2.6	265	5.7	164	11.0
Total	274		6,323		4,612		1,497	

ALL MALE RESPONSE (22,285 RESPONDENTS)

	Responses	Percent
1. Do you favor cutting off Federal loans and grants to students convicted of campus disorders?		
Yes	20,160	90.8
No	1,374	6.2
Undecided	325	1.5
No response	346	1.6
Total	22,205	

	Responses	Percent
2. When students stage a strike on a college campus, do you think the nonstriking students have a right to continue attending classes?		
Yes	21,370	96.2
No	401	1.8
Undecided	126	.6
No response	319	1.4
Total	22,216	

ALL MALE RESPONSE (22,285 RESPONDENTS)—Continued

	Responses	Percent
3. Do you agree with recent proposals to have a volunteer army with more career incentives, and abolition of the draft except in time of war?		
Yes	15,492	69.7
No	4,483	20.2
Undecided	1,788	8.0
No response	452	2.0
Total	22,215	
4. In general, do you favor the way President Nixon has conducted his administration?		
Yes	14,651	65.9
No	4,519	20.3
Undecided	2,631	11.8
No response	434	2.0
Total	22,235	
5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?		
Yes	17,391	78.3
No	2,462	11.1
Undecided	1,765	7.9
No response	603	2.7
Total	22,221	
6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?		
Yes	10,474	47.2
No	8,472	38.2
Undediced	2,751	12.4
No response	503	2.3
Total	22,200	
7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?		
Yes	13,963	62.9
No	5,006	22.5
Undecided	2,722	12.3
No response	521	2.3
Total	22,212	
8A. Do you favor legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?		
Yes	14,371	64.7
No	6,078	27.4
Undecided	1,210	5.4
No response	555	2.5
Total	22,214	
8B. Do you favor legislation that would permit a criminal defendant to be kept in preventive detention if his record indicates that he may commit another crime if he were set free on bond?		
Yes	19,306	86.9
No	1,620	7.3
Undecided	470	2.1
No response	814	3.7
Total	22,210	
9. What do you feel is the most important problem facing the United States today?		
Air and water pollution	2,468	19.1
Crime and violence	6,301	48.7
Vietnam war	2,205	17.0
Inflation (rise in cost of living)	824	6.4
Middle East crisis	98	.8
Other	302	2.3
No response	753	5.8
Total	12,951	

CONSTITUENT RESPONSE BY AGE—FEMALE (22,907 RESPONDENTS)

	18 to 21	Percent	22 to 44	Percent	45 to 64	Percent	65 or over	Percent
1. Do you favor cutting off Federal loans and grants to students convicted of campus disorders?								
Yes	482	75.7	8,567	88.1	8,270	94.6	3,148	95.1
No	125	19.6	809	8.3	252	2.9	52	1.6
Undecided	28	4.4	274	2.8	110	1.3	33	1.0
No response	2	.3	72	.7	107	1.2	76	2.3
Total	637		9,722		8,739		3,309	
2. When students stage a strike on a college campus, do you think the nonstriking students have a right to continue attending classes?								
Yes	620	96.6	9,468	97.4	8,518	97.3	3,153	95.0
No	16	2.5	134	1.4	110	1.3	72	2.2
Undecided	5	.8	59	.6	38	.4	9	.3
No response	1	.2	61	.6	90	1.0	85	2.6
Total	642		9,722		8,756		3,319	
3. Do you agree with recent proposals to have a volunteer Army with more career incentives, and abolition of the draft except in time of war?								
Yes	504	78.4	6,668	68.6	6,272	71.6	2,273	68.8
No	80	12.4	1,740	17.9	1,489	17.0	491	14.9
Undecided	54	8.4	1,206	12.4	820	9.4	383	11.6
No response	5	.8	109	1.1	174	2.0	159	4.8
Total	643		9,723		8,755		3,306	
4. In general, do you favor the way President Nixon has conducted his administration?								
Yes	327	50.9	5,780	59.4	5,860	67.0	2,508	75.7
No	192	29.9	2,174	22.4	1,526	17.4	350	10.6
Undecided	120	81.7	1,664	17.1	1,218	13.9	358	10.8
No response	3	.5	107	1.1	148	1.7	97	2.9
Total	642		9,725		8,752		3,313	
5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?								
Yes	442	69.0	7,199	74.1	7,099	81.1	2,768	83.5
No	97	15.1	1,113	11.5	690	7.9	168	5.1
Undecided	96	15.0	1,199	12.3	698	8.0	228	6.9
No response	6	.9	206	2.1	267	3.1	150	4.5
Total	641		9,717		8,754		3,314	
6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?								
Yes	243	37.9	3,923	40.4	4,897	56.0	2,327	70.3
No	278	43.3	3,768	38.8	2,278	26.1	453	13.7
Undecided	118	18.4	1,869	19.3	1,350	15.4	384	11.6
No response	3	.5	144	1.5	214	2.4	146	4.4
Total	642		9,704		8,739		3,310	

	18 to 21	Percent	22 to 44	Percent	45 to 64	Percent	65 or over	Percent
7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?								
Yes	278	43.6	4,985	51.4	4,762	54.5	1,987	59.9
No	224	35.1	2,675	27.6	2,138	42.5	618	18.6
Undecided	130	20.4	1,914	19.7	1,578	18.0	564	17.0
No response	6	.9	133	1.4	265	3.0	149	4.5
Total	683		9,707		8,743		3,318	
8A. Do you favor legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?								
Yes	293	45.7	5,611	57.7	5,810	66.4	2,516	76.0
No	301	47.0	3,216	33.1	2,016	23.1	440	13.3
Undecided	37	5.8	725	7.5	673	7.7	209	6.3
No response	10	1.6	168	1.7	245	2.8	147	4.4
Total	641		9,720		8,744		3,312	
8B. Do you favor legislation that would permit a criminal defendant to be kept in preventive detention if his record indicates that he may commit another crime if he were set free on bond?								
Yes	477	74.6	8,363	86.1	7,957	91.0	2,956	89.2
No	108	16.9	810	8.3	286	3.3	84	2.5
Undecided	32	5.0	331	3.4	151	1.7	37	1.1
No response	22	3.4	209	2.2	353	4.0	236	7.1
Total	639		9,713		8,747		3,313	
9. What do you feel is the most important problem facing the United States today?								
Air and water pollution	154	35.9	1,637	25.6	609	13.4	127	8.8
Crime and violence	128	29.8	2,638	41.3	2,555	56.3	811	56.2
Vietnam war	88	20.5	1,282	20.1	688	15.2	168	11.6
Inflation (rise and cost of living)	30	7.0	433	6.8	243	5.4	81	5.6
Middle East crisis	3	.7	44	.7	32	.7	11	.8
Other	11	2.6	163	2.6	65	1.4	20	1.4
No response	15	3.5	187	2.9	349	7.7	226	15.7
Total	429		6,384		4,541		1,444	

ALL FEMALE RESPONSE (22,907 RESPONDENTS)

	Responses	Percent
1. Do you favor cutting off Federal loans and grants to students convicted of campus disorders?		
Yes	20,779	91.0
No	1,259	5.5
Undecided	451	2.0
No response	340	1.5
Total	22,829	
2. When students stage a strike on a college campus, do you think the nonstriking students have a right to continue attending classes?		
Yes	22,079	96.6
No	340	1.5
Undecided	115	.5
No response	325	
Total	22,859	
3. Do you agree with recent proposals to have a volunteer army with more career incentives, and abolition of the draft except in time of war?		
Yes	15,937	69.8
No	3,856	16.9
Undecided	2,491	10.9
No response	561	2.5
Total	22,845	
4. In general, do you favor the way President Nixon has conducted his administration?		
Yes	14,683	64.3
No	4,298	18.8
Undecided	3,392	14.8
No response	476	2.1
Total	22,849	
5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?		
Yes	17,725	77.6
No	2,101	9.2
Undecided	2,247	9.8
No response	773	3.4
Total	22,846	
6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?		
Yes	11,562	50.7
No	6,857	30.1
Undecided	3,749	16.4
No response	647	2.8
Total	22,815	
7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?		
Yes	12,171	53.3
No	5,721	25.1
Undecided	4,245	18.6
No response	686	3.0
Total	22,823	
8A. Do you favor legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?		
Yes	14,432	63.2
No	6,034	26.4
Undecided	1,650	7.2
No response	716	3.1
Total	22,832	
8B. Do you favor legislation that would permit a criminal defendant to be kept in preventive detention if his record indicates that he may commit another crime if he were set free on bond?		
Yes	19,993	87.6
No	1,311	5.7
Undecided	558	2.4
No response	967	4.2
Total	22,829	
9. What do you feel is the most important problem facing the United States today?		
Air and water pollution	2,555	19.4
Crime and violence	6,202	47.1
Vietnam war	2,269	17.2
Inflation (rise in cost of living)	811	6.2
Middle East crisis	97	.7
Other	272	2.1
No response	965	7.3
Total	13,171	

ALL RESPONSES (45,192 RESPONDENTS)

	Responses	Percent
1. Do you favor cutting off Federal loans and grants to students convicted of campus disorders?		
Yes	40,939	90.9
No	2,633	5.8
Undecided	776	1.7
No response	686	1.5
Total	45,034	
2. When students stage a strike on a college campus, do you think the nonstriking students have a right to continue attending classes?		
Yes	43,449	96.4
No	741	1.6
Undecided	241	.5
No response	644	1.4
Total	45,075	
3. Do you agree with recent proposals to have a volunteer army with more career incentives, and abolition of the draft except in time of war?		
Yes	31,429	69.7
No	8,339	18.5
Undecided	4,279	9.5
No response	1,013	2.2
Total	45,060	
4. In general, do you favor the way President Nixon has conducted his administration?		
Yes	29,334	65.1
No	8,817	19.6
Undecided	6,023	13.4
No response	910	2.0
Total	45,084	
5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?		
Yes	35,116	77.9
No	4,563	10.1
Undecided	4,012	8.9
No response	1,376	3.1
Total	45,067	
6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?		
Yes	22,036	49.0
No	15,329	34.1
Undecided	6,500	14.4
No response	1,150	2.6
Total	45,015	
7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?		
Yes	26,134	58.0
No	10,727	23.8
Undecided	6,967	15.5
No response	1,207	2.7
Total	45,035	
8A. Do you favor legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?		
Yes	28,803	63.9
No	12,112	26.9
Undecided	2,860	6.3
No response	1,271	2.8
Total	45,046	
8B. Do you favor legislation that would permit a criminal defendant to be kept in preventive detention if his record indicates that he may commit another crime if he were set free on bond?		
Yes	39,299	87.3
No	2,931	6.5
Undecided	1,028	2.3
No response	1,781	4.0
Total	45,039	
9. What do you feel is the most important problem facing the United States today?		
Air and water pollution	5,023	19.2
Crime and violence	12,503	47.9
Vietnam War	4,474	17.1
Inflation (rise in cost of living)	1,635	6.3
Middle East crisis	195	.7
Other	574	2.2
No response	1,718	6.6
Total	26,122	

MILITARY AID TO GREECE

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. GRAVEL. Mr. President, the freedom of the press is the cornerstone of democracy. When this freedom is being virtually denied in Greece, the cradle of democracy, then all of us should be seriously concerned.

On October 3, 1970, 25 Greek publishers, editors, and journalists living in exile, in this country and in Europe, representing a cross section of Greek political views prior to the military takeover in 1967, sent an open letter to President Nixon.

In this letter they detail in a forceful way the conditions prevailing today in Greece and denounce the reasoning behind our Government's recent decision to resume full military aid to the Greek junta.

The well-known conservative Greek publisher, Mrs. Helen George Vlachou, signs this letter as well as my good friend, Elias P. Demetracopoulos, distinguished journalist and a leader of the Greek resistance movement in America, who personally delivered this letter to the Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, Mr. Rodger Davies.

I ask unanimous consent that the letter and signatures be printed in the RECORD.

There being no objection, the letter and signatures were ordered to be printed in the RECORD, as follows:

OPEN LETTER FROM THE UNDERSIGNED GREEK PUBLISHERS AND JOURNALISTS LIVING OUT OF GREECE

OCTOBER, 3, 1970.

To H. E. The President of the United States, Mr. RICHARD M. NIXON.

MR. PRESIDENT: On the 22nd of September 1970, on the occasion of the decision to resume the shipment of heavy arms to Greece, the State Department's official spokesman Mr. Robert J. McCloskey, added to the announcement the following statement: "In Greece—the trend toward a constitutional order is established. Major sections of the Constitution have been implemented, and partial restoration of civil rights has been accomplished. The government of Greece has stated that it intends to establish parliamentary democracy . . ."

As Greek journalists living out of Greece because in our country we have been denied the freedom of expression, speaking for ourselves and also in the name of colleagues still working in Greece, we feel obliged to bring to your attention, that this decision, of such importance to our country, is based upon lies.

The truth, which every well-informed person of good faith already knows about the present situation in Greece, is as follows:

1. Greece is still under Martial Law, with all that implies in respect of the deprivation of basic individual liberties and human rights.

2. The military courts continue to take their daily toll of the liberty of any who happen to believe differently from those in power, handing out life sentences for the printing of "illegal literature."

3. Hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile. They are useful hostages, available for release in periodic acts of clemency to impress public opinion.

4. A few 'freedoms' sporadically accorded in response to international pressure—the freedom to travel, to express mild criticism, to hold a meeting—are available in Greece today not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress.

5. The Press is strangled by a draconian Press Law by which any expression of disagreement can be interepreted as a 'national crime'. One recent example: Our colleague Ioannis Kapsis, was sentenced to five years imprisonment because as editor of the newspaper 'Ethnos' he allowed the publication of an interview in which a former politician called for the formation of a coalition government.

6. The whole fabric of the State—the judiciary, the Civil Service, the Trades Unions, the schools, the universities and all the agencies of cultural life—continue to be permeated by the retrograde ideas of the rulers, and administered by a personnel harassed and demoralized by constant, thorough-going purges.

7. The so-called 'Constitution' the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability is in reality a formula for the perpetuation of military power in the

government of Greece. It comes as a shock to the free democratic world that Washington in 1970 can apply the term 'constitutional' to its authoritarian and illiberal provisions.

8. The Greek regime has not, to this day, after three and a half years in power, given the slightest proof that it ever intends to return to parliamentary democracy. On the contrary, it has repeatedly refused to name a date for the holding of elections, an event which one of its leaders has recently declared, would be 'catastrophic'.

Mr. President, we do not protest only for the act of support and encouragement to the present Greek regime, a protest already expressed by political leaders and responsible people all over the world.

As publishers, editors, and journalists, members of a profession whose duty it is to inform public opinion, we can not allow this blatant distortion of the truth about the situation in Greece to go unchallenged.

And in sending you this letter we are convinced that we are contributing to the survival of the democratic values which are under threat throughout the world.

Respectfully yours,

Andreas Arnakis, Frankfurt; Paul Bakoyannis, Munich; Nikos Delipetros, Paris; Elias Demetracopoulos, Washington; Antonis Drossopoulos, Vienna; Aris Fakinos, Paris; Spyros Giannatos, London; Spyros Granitsas, New York; Costas Hadjiandreou, Frankfort; George Katiforis, London; Ioannis Katris, Minneapolis; Michael Kostopoulos, London; Panayotis Lambrias, London; Ioannis Lampsas, Geneva; Anghelos Maropoulos, Bonn; Basil Mathiopoulos, Bonn; Basil Mavridis, Cologne; Costas Nikolaou, Cologne; Marios Ploritis, Paris; Evangelos Panteleskos, Rome; Asteris Stangos, Rome; Richard Someritis, Paris; George Yannopoulos, London; Helen Vlachos, London; George Voukelatos, Bonn.

MAJOR PROBLEMS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. JACOBS. Mr. Speaker, former Indiana Gov. Matthew E. Welsh is a man of reason and probably the best scholar ever to serve as chief executive of our Hoosier State.

His remarks, which follow, were delivered in Indianapolis on September 23, 1970. They represent a calm and reflective statement of the loyal opposition position in America.

The address follows:

STATEMENT OF MATTHEW E. WELSH, SEPTEMBER 23, 1970

As we look ahead, the major problems before us as a nation are those created by the increase in population which demographers predict will, in the absence of acceptance by our people of effective population control measures, increase 50% from 200 million to 300 million, by the year 2000, with an even greater increase occurring in our major metropolitan areas.

This, in substance, means that *if we are to maintain our present standard of living,* we must increase our physical plant approximately 50% by the year 2000. In other words, in 30 years we must accomplish 50% of what our nation has built in its entire lifetime.

Look around at the streets, schools and universities, hospitals, sewers, public buildings and visualize the magnitude of a 50% increase in public facilities, not to mention the necessary additional plant of business in utilities, factories, transportation, shopping areas, etc. Thus, the task ahead is enormous—if we are to meet the challenge of furnishing our children with facilities and an environment equal to or better than ours. We dare not fail, for this would mean inferior health and education facilities, inadequate transportation, insufficient utility services, etc., and the strains and tensions which would in turn result from such a failure could tear the fabric of our society as we know it beyond recognition.

The big question is, I suppose, "Can we possibly do it?" I believe we can, if—but only if—the people of our country are *all* pulling together toward this objective, all groups having a feeling that they are making their own contribution—that they have a voice in this great work—that their opinions are heard, weighed, and respected by those in charge. There is enough work to be done here to keep us all busy for the remainder of this century—if we all are headed in the same direction and are pulling together.

But today we are not all headed in the same direction—nor are we pulling together! Let us examine some of the reasons.

When Candidate Nixon was seeking the GOP nomination in Miami in 1968, he found himself threatened at the last minute by Ronald Reagan, who had great appeal to the arch conservative—Goldwater wing—of the party. To assure his nomination, Nixon chose his "Southern Strategy" and made a deal with the spokesman of the Southern conservatives—Strom Thurmond of South Carolina—whose public record has been one of consistent and bitter opposition to all programs of equal opportunity for the Negro as well as the programs of interest to organized labor. Senator Thurmond delivered the South, Nixon was nominated, and thus became obligated to deliver upon his commitment when he was elected.

The terms of the deal soon became apparent in the nominations of first Haynesworth and then Carswell to the United States Supreme Court—both of them sharing the philosophy of Thurmond on racial and labor matters to such an extent that neither of them had had a single decision they authorized sustained on appeal to the Supreme Court. Fortunately, the United States Senate—led by our own Birch Bayh, I'm proud to say—refused to confirm either man.

Nixon then issued a statement that it was "now apparent a Southerner was not acceptable on the Court," thus attempting to salvage sectional partisan advantage from his badly bungled attempts to appoint men who

(a) were not nearly the best men in the South who were available

(b) were so distasteful that the GOP Senators from other areas defected in large numbers so that refusal to confirm ultimately was actually bi-partisan.

But the important point is that Nixon used this defeat as an occasion for trying to drive a wedge between the South and the rest of the country.

These attempted appointments had another sorry result—they totally alienated the black community of our country. A Wall Street Journal article commented this summer that a poll revealed a bare 3% of the Negroes in the United States felt they had a friend in the White House!

Another segment of our society has also been almost completely alienated by President Nixon—namely, our youth. The attitude of the administration is best portrayed by Nixon's unguarded reference to them as "bums," by Mrs. Mitchell's calling them "Communists" and now just last week by Attorney General Mitchell describing them as "stupid."

Is it any wonder that one Republican Senator agonized that the GOP is driving away an entire generation by its attitude. What makes this especially unfortunate is that these young people are the men and women of tomorrow whose job it will be to build and pay for the facilities so desperately needed—but their cooperation is not sought. They encounter hostility at the highest levels of government. They feel as though "nobody is listening" to what they have to say.

There is something desperately wrong about an administration which has lost confidence in our young people! And when it is recalled that the median age of our total population is 27.7 years of age, the importance of enlisting the help and concern of our young people becomes obvious. Insults are a dangerous luxury which not only displays the arrogance of those in power, but also aggravates the mood of unease and alienation.

Let me talk briefly about the management of our country's economy by the Nixon administration. We find today we have the incredible combination of continuing inflation, the highest interest rates since the Civil War, the highest unemployment since the last Republican Administration, all in the face of enormous unmet needs in housing, pollution, health facilities, etc., and all this while we are in the middle of a war! There are now 31 cities in the United States reported as having "substantial unemployment." And every time the Administration announces things are better, they get worse!

And we must also look at the State House, where we have a most unhappy family. If you want the best critique on the quality of the State Administration, just ask any Republican! They will tell you Indiana has an administration which is so busy fighting in its own ranks that it can't govern; that the head of the party has so lost control that he cannot elect the chairman of his choice; that its sense of values are so out of phase that we see the Governor, the Lt. Governor, the Attorney General, the Treasurer, and the Auditor of the State acting together openly to flout an order of the Appellate Court and carry it to the extent of a citation for contempt. Strange conduct indeed—and a very bad example for a "law and order" administration!

Our country today is more uneasy, more uncertain about its future than at any time in the memory of those here present—brought about in large measure by the divisions within. This division has been fostered by a calculated and cynical program of the Nixon Administration which has attempted to turn the South against the rest of the country, the city vs. the suburbs, the young vs. the old, which has almost totally alienated the Negro, and the young, has attempted to widen the generation gap and has unsuccessfully attempted to solve the problem of inflation by the cruelest method possible, i.e., by creating unemployment.

The best way to get back on the track, to regain our sense of purpose, is to elect a Democratic Congressional, State and County ticket, so that we can end the division and take up once more our pursuit of equal dignity and equal opportunity.

The real question posed by this election is what is to be the philosophy of those in charge of our government.

We cannot permit our government to remain in the hands: of a President who would cynically divide us; of a Senate candidate who is an open sponsor of John Birch causes; of a State Attorney General who finds the Manion Forum a good place to expound his philosophy of our state; of a Governor who gets his political counsel raw, straight, and unadulterated from the Indianapolis Star!

The following quotations, one by Sir Kenneth Clark and the other by an unknown author, serve to illustrate the contrast between the philosophies I have outlined:

From Clark: "I believe order is better than chaos, creation better than destruction. I prefer gentleness to violence, forgiveness to denunciation and vendetta. On the whole I think that knowledge is preferable to ignorance, and I am sure that human sympathy is more valuable than ideology. I believe that in spite of the recent triumphs of science, men haven't changed much in the last two thousand years; and in consequence we must still try to learn from history. History is ourselves. I believe in courtesy, the ritual by which we avoid hurting other people's feelings by satisfying our own egos. And I think we should remember that we are part of a great whole, which for convenience we call nature. All living things are our brothers and sisters. Above all, I believe in the God-given genius of certain individuals, and I value a society that makes their existence possible."

And from the unknown author:

"The unforgiven, fearful self does shun
His neighbor through suspicion;
And in his growing loneliness
Seeks others who are loving less and less—
No faith, no trust, no love, just hate.
A frightened soul becomes his fate.
Due process and the Bill of Rights
No longer seen along his sights,
Upon one belief he grimly leans;
'The ends indeed do justify the means'."

WORLD RALLY OF THE WORLD ANTI-COMMUNIST LEAGUE—ADDRESS BY SENATOR THURMOND

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. DOMINICK. Mr. President, the distinguished senior Senator from South Carolina (Mr. THURMOND), was recently the featured speaker in Tokyo at the World Rally of the World Anti-Communist League.

The World Anti-Communist League is a group comprised of members in all the free countries of the world which annually meets to review the Communist threat to freedom.

The rally in Tokyo was an outstanding success, with 25,000 people crowded into the magnificent new Nippon Budokan Hall and another 4,000 people listening to the address outside on loudspeakers.

In his statement, the Senator who is well known for his outstanding work on the Committee on Armed Services, called upon the Asian nations and Japan in particular to organize their military programs in a joint effort to protect themselves against the Soviet aims against that area of the world. The Senator's address shows a broad grasp of military and geopolitical principles. It is an important contribution to the cause of freedom.

Mr. President, I ask unanimous consent that Senator THURMOND's address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND

Chairman Sasakawa, President Kuboki, distinguished guests, ladies and gentlemen:

This is an exciting time for the Free World, and I am happy to be here to talk to you about the future of the anti-Communist countries, particularly in Free Asia. In the past year, the fight for freedom has taken on some important new developments which have completely changed the prospects for this region.

In particular, I want to point to the revitalized role now being played by South Vietnam in its long fight against Communist aggression. Beset by internal problems and hobbled by the hesitancy of U.S. policy, Vietnam was unable to take the proper initiative on the battlefield.

Not until 1969 did the Vietnamese army get the training and the weapons which were befitting to its courage and tenacity. By the end of 1969, this program, labeled by President Nixon as "Vietnamization", was already beginning to show the positive results of this new trust and new kind of support. Today the Vietnamese troops have clearly proven that they are composed of tough fighting men led by officers of ability and character.

The tremendous improvement as a result of Vietnamization is shown in the fact that in December of 1968 only 76 percent of the people lived in secure areas; one year later, 93 percent lived in secure areas; and the figure continued to improve. A similiar improvement is shown in the decrease in the number of South Vietnamese civilians abducted by the Viet Cong. In the first quarter of 1969, 3,219 were kidnapped; in the last quarter of 1969, only 629. That is why the hope and trust of the people indisputably lies today with the government in Saigon.

Thus the propaganda of defeat has been clearly shown to be a tissue of falsification and distortion. Those who have continually maligned our Asian alies have had to turn to other deceptions and techniques. The propaganda battle is not yet won, but the thruth of our policies has been proved on the battlefield of war and in the hearts of our South Vietnamese allies.

Then in March of this year came President Nixon's courageous decision to open a counter-offensive in the border areas of Cambodia. I have taken note of the World anti-Communist League's wonderful resolution in support of that action, approved at your meeting in May, and I want you to know that this resolution is deeply appreciated in the United States among all those who believe in or are engaged in the fight for freedom.

The Communists have charged that South Vietnam and the United States violated the sovereignty of Cambodia in that action and extended the war. The fact is that the Communists violated Cambodia's sovereignty almost five years previously when they made Cambodian territory a base for war. For all practical purposes, Cambodia was not allowed to exercise its sovereignty in the war zone, until the victories of the South Vietnamese and U.S. troops returned control of the territory to the Cambodian government's hands.

The Cambodian operation demonstrated the success of the Vietnamization policy in two ways.

First, the Communists apparently chose to step up activity in Cambodia because they were losing ground in South Vietnam. Secondly, it showed that the South Vietnamese troops, properly armed and trained, had a fine capability not only for pacification, but also for offensive action against the enemy.

Moreover, the Cambodian operation also demonstrated the potential for cooperation between Cambodia and South Vietnam, a cooperation which the malignant critics had also said was impossible. Despite some inevitable minor problems, the two nations have worked together in a mutual system that has enabled a free Cambodia to survive in the face of intense military and subversive pressure. Again, the left-wing critics had said that the government of Premier Lon Nol couldn't last a month in the face of the Communist offensive; yet it has survived, and the capital remains free, providing an inspiration to freedom-loving nations throughout the world.

When one move in the right direction is successful, it makes it easier for another such move to follow. For this reason, we in the United States took great heart from the action of Indonesia's Foreign Minister Adam Malik in convening the free Asian nations at Jakarta. There are some people who said that the United States frowned upon such a conference because we did not participate in the planning or the sessions. On the contrary, we felt that the initiative of the free nations of Asia in acting alone was a commendable sign of assuming responsibility; and the more so since Indonesia is a nation which has only recently thrown off the Communist conspiracy. The sessions at Jakarta were described as tentative and general in tone; but the important point is that they were held at all. The beginning is the most difficult part. The Jakarta Conference set up a commission, consisting of the foreign ministers of Indonesia, Malaysia, and Japan, to work for peace in Cambodia. Thus Jakarta can be the seed of continuing cooperation, particularly the kind of cooperation to work for one another's mutual security. If peace comes to Cambodia, it will come only when Cambodia gets the mutual assistance it needs from its neighbors.

It is of particular significance that Japan was a participant in the Jakarta Conference, and that Japan elected to become a part of its continuing work on the Cambodian commission. This was viewed in America as a welcome sign that Japan is taking an increasingly wider view of its role among the free nations of Asia. Again, it would be wrong to suppose that the Jakarta Conference will necessarily be the ultimate vehicle for mutual cooperation. What impressed us in America was the spirit of the Conference, and Japan's role in participating in it. In the past some have felt that Japan was willing to let others share the burden; but more and more we notice signs of Japan's leadership, and we welcome that development.

Indeed, it appears that Japan's new spirit of leadership, and the new feeling of cooperation throughout Southeast Asia, is backed up by an increasing economic base. Japan's economy is now third in the free world. It must now be counted among the most developed nations of the world. Free China has enjoyed a truly amazing economic and social development. South Korea is enjoying a new prosperity, despite a new war having ravaged its territory. Indeed all the free nations of the region see new opportunity ahead. The potential that this opportunity presents is even greater when we think of the multiplying effect of a spirit of mutual cooperation and trust.

This fact in itself shows the superiority of the free system. The greatest progress in Asia has come to those nations which have chosen free economic systems, and which have allowed the creative force of individual enterprise come into play. The Communists believe that private property must be abolished, and that private freedom must be stamped out. They are willing to destroy, plunder, enslave, and murder in order to impose their form of society. Once in power, they believe that only rigid central direction and control can keep the economy going.

Yet the free system has not only proved to be more progressive; it has also shown that it allows greater development of the individual human personality. The free system preserves the virtues of the family, and the great religious traditions of the people. It fosters individual thought and ingenuity. It provides the freedom of choice in everyday life that befits the dignity of the human person.

The Communists cannot allow the free system to develop and prosper alongside of the failures of Communism. The ultimate

goal of the Communists is to dominate the world.

For this reason, the Communists have continually built up an aggressive military machine to support their conquests. After World War II, the United States quickly demobilized its troops and abandoned its military equipment; the Soviet Union did just the opposite and kept its army mobilized. The United States offered to share its atomic secrets with the world, provided no nations were allowed to develop arms in secrecy; the Soviet Union turned down the offer. After the signing of the cease fire, the United States worked to rebuild the occupied nations in freedom; the Soviet Union to this day still occupies East Germany, Poland, and Czechoslovakia and keeps an iron hand on the other nations of the Warsaw Pact.

Red China also maintains its military apparatus, but at the present time the main threat is the Soviet Union. We must not suppose that the free nations of Asia are exempt from Soviet intentions. As South Vietnam knows so well, only the Soviet Union is capable of supplying revolutionaries with the quantity and quality of weapons for the conduct of conventional warfare today. There is nothing that the Soviet Union fears more than independent and free nations, capable of defending themselves against aggression.

For we must not imagine that economic and social progress in Free Asia can continue, right in the very face of Communism, without bringing on the jealous aggressive reaction of the Soviet Union. If free societies are to continue to prosper in peace, then the nations which enjoy such prosperity must be willing to defend their people.

As the economic giant among the nations of Free Asia, Japan must be willing to undertake a greater proportion of the leadership necessary to the defense of the region. But above all, there must be a greater mutuality and cooperation in all these defense matters. Japan cannot sit much longer under the umbrella of U.S. protection, without becoming more involved in the area defense. For one thing, of all the Free Asian nations, only Japan has the technological capacity and the capital to produce the defense materials needed. Through mutual planning, this production can be distributed and integrated into appropriate Asian countries with mutual economic benefits and development. The United States can continue to provide assistance and advice, but, in the long run, only a defense effort that grows out of local capacities and local willingness to sacrifice will provide a sound base of defense.

We are now in a different era than we were after World War II. The nations of Asia are in a more advanced stage of development and economic maturity. The attitudes of the former era are no longer appropriate. Japan is presently spending only less than one percent of its gross national product on self defense. But Japan's economic development cannot continue unless its free neighbors share in the development, support it, and in turn are supported in the defense of the common interest. The main thrust of Soviet policy today in Asia is not to dominate Japan immediately, but at first to neutralize Japan, and gradually to make her technology and economy dependent on the Soviet market and economic system. If such were to happen, Japan would become another Finland—courageous, but unable on a practical level to resist Soviet demands. This will never happen if the countries of this region continue to expand their mutual cooperation.

As for the United States, we pledge that we will hold to all of our commitments. When President Nixon came into office, it might have been politically expedient for him to liquidate the mistakes of the previous Administration, and forget about freedom in Asia. He did not do so. Instead, he enunciated the Guam Doctrine, which not only strengthens those commitments, but places greater trust in the capacities and growth of our allies. The three main points of the Guam Doctrine are as follows:

1. The United States will keep all its treaty commitments.

2. The United States will provide a nuclear shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

3. The United States, in cases involving other types of aggression, will furnish military and economic assistance when requested and as appropriate. But while the United States stands ready to provide this assistance, we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

We will keep those commitments. But those commitments will be more valuable if the nations of Free Asia form a permanent organization, perhaps growing out of the Jakarta Conference, or out of some similar cooperative arrangement.

Therefore, I say to Japan that many of us in the U.S. Senate will look kindly upon Japan's leadership efforts in the field of mutual defense. Such efforts will be not only reassuring to those of us in the Senate; they will increase Japan's reputation and promote better relations among her neighbors. Mutual defense arrangements and interdependent efforts will not be misunderstood by those who are fearful of the growth of excessive nationalism.

To Korea, I say that we are well aware of the peril which Korea faces to the north, and we will give the Communist regime of Kim Il Sung no reason to suspect that the time is ripe for adventures. I believe that any troop withdrawal from Korea must be carefully phased with stepped-up training of South Korean forces and increased assistance. The Nixon Doctrine has worked well in South Vietnam, and it can work as well in Korea. We know that the Koreans are men of strength and are dedicated to their country. But I have voiced strong reservations about a too-hasty program of withdrawal.

It is unfortunate that previous U.S. Presidents did not begin to place greater reliance on the Korean troops at an earlier date; but that is no reason to make a quick withdrawal now. As a member of the Senate Armed Services Committee, I shall continue to urge the President to consider carefully the present state of the Korean armed forces. I note with satisfaction that, within recent weeks, a new squadron of F-4 fighter planes has been sent to Korea, and I hope that this is a token of things to come.

To Free China, I say that not all of the U.S. Senators take the attitude that meaningful military assistance should be denied. China is a tremendous example to the world of the value of freedom as against Communism. It also lies in a strategic military position. I believe that China needs up-to-date military equipment and training in the latest machines, arms and technology. The spirit of the Chinese army is second to none, but I think it is a scandal that some forces in my country have worked to deny even token numbers of the proper kinds of equipment. Perhaps an Asian defense organization would provide a more politically viable framework for the support of Free China's forces.

I also believe that the members of our State Department who are working for improving relations with the Peiping regime are wasting their time. No small accommodations with the Communists will satisfy them as long as other nations remain free. It is freedom which rankles Communists most of all.

To Indonesia, I say that the United States appreciates the initiative which has been taken toward cooperation. We recognize your neutrality, but you are one of the first nations to realize that it is impossible to be neutral and pro-Communist at the same time. Nevertheless, in the long run Communism will not cease to threaten you, and your wisest course will be to join in the area defense.

To Cambodia, I say that the survival of your country is of great importance to the cause of freedom everywhere. It took great courage to throw off the Communist noose, just as it was descending upon your neck. The U.S. Vice President was correct when he said that the survival of your country was of great tactical importance to the struggle in Vietnam. You have shown the way to decisive action and cooperation in Free Asia, and it is now up to the other Free Asian nations in Free Asia, and it is now up to the other Free Asian nations to support your example.

Finally, to Vietnam, I say that the past year has been of immense significance in your struggle. I urge you to hold on for victory so that the struggle will not have been in vain. Vietnam has been a testing ground not only for your people, but for the whole world.

Ladies and Gentlemen, the struggle against Communism is a struggle which intimately involves all free nations. No part of freedom can be diminished without bringing tyranny that much closer to the rest of us. The forces of anti-Communism must remain resolute, even in the face of internal, as well as external subversion. It is significant that no nation in history has ever freely chosen a Communist government. Let us work together, then, so that our freedom is not undermined by complacence and inaction.

There are times when the future looks dark and uncertain. But, as the past year has shown, in such times, one nation, with right on its side, can constitute a majority. If the people of a nation have the courage and the fortitude to stand up for what they believe in, this alone can often turn the tide. Many nations are struggling today, but struggling people often develop a religious attitude—an attitude which is of great assistance to them in fighting a Godless and atheistic materialism.

The Free World, therefore, must stand together in this struggle. We must do what we can to encourage those nations in Eastern Europe, enslaved by Communism, to resist that tyranny. Nor must we forget the millions behind the bamboo curtain, trapped by an illegal regime which has set out to destroy an ancient culture and an ancient society. Before Communism can be destroyed, we must have the will to destroy Communism. We must never accommodate ourselves to ruthless imperialism dedicated to our own destruction. Free men must have the will to be free.

With mutual trust and cooperation, a realization of our obligations to each other, and a will to be free, Communism can and will be defeated. The victory will not come easy, but the benefits of a free society makes the battle worthwhile. Let us pledge today to stand united in this common struggle and resolve to continue the fight until the goal of a truly free world becomes a reality.

THE PHILADELPHIA NAVAL SHIPYARD IS PROPERLY HONORED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. EILBERG. Mr. Speaker, the House Appropriations Committee, in its recent

report on defense funds for fiscal year 1971, noted:

What this country needs is more defense for the dollar, not necessarily more dollars for defense.

This comment parallels longstanding Department of Defense concern over the need for efficiency and quality in military-industrial establishments.

The "zero defects" program, instituted several years ago by the Department of Defense, aims toward increasing quality consciousness, preventing defects, and eliminating the necessity for expensive correction of errors in defense facilities. In recognition of the importance to our national security of a superior naval fleet and an efficient shipbuilding industry to maintain such a fleet, the Naval Ships Systems Command established in 1969 a special program of awards for naval shipyards which effectively implement and sustain a zero defects program.

In March of this year, the Philadelphia Naval Shipyard became the first of the Navy's 10 construction facilities to receive the zero defects Participation Award. To win the award, the shipyard's zero defects—ZD—program had to show evidence of active support and participation by employees as well as management in encouraging superior performance in the construction and repair of U.S. naval vessels.

Might I mention in passing, Mr. Speaker, that the ZD program at the naval facilities at Philadelphia had been revitalized in June of 1969 with the appointment of Mr. William M. Lewis as its first full-time administrator, the official primarily responsible for maintaining a high level of efficiency at the Navy's main east coast construction yard.

The effectiveness of the ZD approach at the Philadelphia yard was demonstrated by work performed on the U.S.S. *Sumter*. Subsequent work undertaken there maintained the high performance record necessary for receipt of the ZD award.

What benefits have accrued to the Philadelphia Naval Yard as a result of the Navy's recognition of its excellent work? To the individual worker, the chief benefit is pride in his own craftsmanship, but beyond that, pride in contributing to American naval preparedness. In a monthly pamphlet published by the ZD administration at Philadelphia, the shipyard commander described the basis of the pride to which I have just referred:

The civilian employees of the Philadelphia Naval Shipyard are an important part of both the United States Navy and the nation's defense effort. You are part of the team with the man on the far-off beachhead, in a swampy jungle entanglement or guarding our most distant frontiers on the seas, in the air, or under the sea. The effectiveness of our forces in deterring aggression, the mobility of our defenses, the range of our protective air cover, the quality of our sea-going weapons systems are in direct proportion to the quality and quantity of the work of each of us and our fellow employees.

In a time when maintaining U.S. naval power allows no room for anything short of excellence in shipbuilding and repair, the Philadelphia Naval Shipyard stands out as a leader in making the most timely and effective use of each defense dollar.

THE 91ST CONGRESS HAS PROUD RECORD

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ALBERT. Mr. Speaker, the Congress has adjourned for election recess, and Members can go to their constituents with a proud record of achievements. There is still much work for the 91st Congress to do, but I confidently predict that on its return after the elections the record will be completed to mark this as one of the busiest and most productive sessions of Congress.

This record is more remarkable because of the uncooperative and politically motivated actions of the administration, whose credo in its relations with the Congress has been "politics first." Despite this, the Congress has taken the initiative in practically every instance of meaningful legislation.

When this Congress convened in 1969, the leadership recognized that the combination of a democratically controlled Congress and a new Republican administration would create a climate of intense political emphasis. To minimize this emphasis, the Democratic leadership of the 91st Congress decided at the outset to cooperate with the new administration when it felt the administration was right, oppose it when it was wrong, and seek compromise when there were differences. We found the cooperative spirit a one-sided condition. The White House has repeatedly sought partisan advantage, as exemplified by the televised veto of the first education appropriation.

The White House yardstick of approval or disapproval of legislation has been one of partisanship. The White House has been used as a partisan forum for intemperate attacks on the Congress, including regular forays by the Republican congressional leadership which, surprisingly, acted as the conveyor of the administration's opposition to measures initiated by the Congress—although that same Republican leadership most often reflected its true position by supporting much of that same legislation when it came to a vote.

The President's highly publicized vetoes of education, health, housing, veterans, and other measures can now be seen in their true political light. There were unfounded and politically motivated charges of excessive "congressional spending," as early as last year and the numerous Madison Avenue experts at the White House are clearly seeking to make this a national issue in the current campaign. Strangely, administration economists who a year ago were adamant in their insistence on a budget surplus today agree that a deficit in the Republican recession is not so bad. And well they might, since the first two fiscal years of this administration are shaping up as two of the largest successive deficit years in history, due principally to the administration's misguided economic policies. Estimates from respected sources now place the unified budget deficit for fiscal 1971 at $13 to $20 billion, coming on top of a $3 billion deficit for fiscal 1970. Put in real terms of the administrative budget, that is exclusive of the trust funds, this means a $13 billion deficit in fiscal 1970 and a real deficit of more than $20 billion in fiscal 1971 unless the policies of the administration are changed and the economy recovers from this current recession.

The condition of the economy, as reflected in the deficits and the lack of growth, is much more serious than the administration will admit. In fact, their continuing propaganda efforts are designed to downplay the seriousness of unemployment, which is now running at an excessive rate. The administration's tight money policy, which enriches only big banks and financial institutions at the cost of declining business in general, has brought on a recession characterized by a business slump, declining productivity, and ever-increasing joblessness.

Under these circumstances, the Congress has acted responsibly by trimming an expected $7 billion from the President's budget, allocating funds to high priority items, and voting the President standby authority to control wages and prices—an authority which has regrettably refused to use to combat runaway inflation.

This Congress has been one of the most productive in history in the field of anticrime legislation. The House has passed 14 anticrime measures including the Omnibus Safe Streets and Crime Control Act amendments, the most meaningful anticrime effort of the session. The bill provides direct assistance to the frontline fighters of crime—local police and courts. The bill provided $650 million for this purpose, far more than the administration's request of $480 million. A series of drug abuse and drug control acts, control of explosives and a comprehensive measure to control organized crime were also the product of congressional initiative.

DIPLOMATIC RELATIONS BETWEEN CANADA AND PEOPLE'S REPUBLIC OF CHINA

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. GRAVEL. Mr. President, yesterday's announcement of the establishment of diplomatic relations between Canada and the People's Republic of China was welcome news. While no one can foretell all the ramifications of such a step, I believe they will generally be positive and serve the cause of world peace.

The government of Prime Minister Trudeau is to be commended for formally recognizing China and helping to normalize that country's relations with the rest of the world. It is another step away from the earlier view of so much of the Western World that China with its 800 million people somehow should either be ignored altogether or reshaped in our own image: It is a step toward the pragmatic position that our task is rather to do those things that will encourage

China to behave as a responsible member of the world community of nations.

In dealing with nuclear powers in particular it is in the interest of all of us that as many avenues as possible be open for communications.

For these reasons and others I see this important initiative by the Canadian Government as perhaps a forerunner of things to come. Just as Great Britain and France have on occasion shown the way in dealing with difficult international problems in the Near East and Africa so may have Canada in artfully achieving this diplomatic arrangement in Asia.

Progress in international relations does not often come in leaps and bounds. The best we can usually hope for are measured steps, and we commonly must settle for merely halting ones. In this light Canadian independence in foreign policy is to be welcomed and not decried. Yet I do not underestimate the differences in the complexity of the problem of recognition of China for the United States as opposed to Canada.

We have as a nation a long and unbroken history—at least since the end of World War II—of unfaltering support of Nationalist China matched by equally unfaltering opposition to the government of mainland China. Furthermore we have solemn treaty and other formal obligations with the Taiwan Government which evolved out of—and at the same time reinforced—this special relationship. In addition we have to consider the sensitivity of the Soviet Union and others to present and possible future initiatives of the United States with respect to the People's Republic of China.

Still I feel we are making some progress ourselves toward reducing China's isolation by demonstrating more and more explicitly our willingness to improve United States-Chinese relationships. The efforts of the present administration—particularly those of Secretary of State William P. Rogers—are especially to be applauded. Last year Secretary Rogers speaking in New York placed the issue in good perspective when he said:

> The United States Government understands well that the Republic of China on the Island of Taiwan and Communist China on the mainland are both facts of life. We know that by virtue of its size, population and the talents of its people mainland China is bound to play an important role in East Asian and Pacific affairs.

Concrete actions followed. The reopening of our Warsaw meetings with the Chinese; the offer of exchange visits of educators and scientists and the validation of more than 300 passports of U.S. citizens seeking to travel to China; the removal of ceilings on the value of Chinese goods that can be brought into the United States by tourists; the offer to settle outstanding postal and telecommunication accounts; and the encouragement of trade in nonstrategic goods and certain pharmaceuticals all are hopeful steps in the right direction.

I would like to see the day when Sino-American relations had progressed to the point where something like my bill S. 3127 which passed the Senate last spring and provided for the exchange of visits of public officials in the United States and the U.S.S.R. might be extended to United States-China visits.

This type of thing may well be a long time in coming, but it is more likely because of the praiseworthy action of the Canadian Government yesterday. It is fervently to be hoped that we have passed the era of confrontation and have entered a period of negotiation with the major powers of the Communist world. I believe this is the backdrop against which we should commend Canada's initiative.

DANTE B. FASCELL, RECIPIENT OF 1970 LEGISLATIVE AWARD OF THE ASSOCIATION OF FEDERAL INVESTIGATORS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROOKS. Mr. Speaker, on October 17, 1970, the Association of Federal Investigators will award my close friend and colleague, DANTE B. FASCELL of Florida, its legislative award for 1970.

For the past year DANTE B. FASCELL has led a comprehensive inquiry into the adequacy of Federal investigative training programs. The House Government Operations Committee, of which I am a member, recently issued a report based on the hearings and investigations of the Legal and Monetary Affairs Subcommittee which DANTE chairs. The report titled "Unmet Training Needs of the Federal Investigator and the Consolidated Federal Law Enforcement Training Center" (H.R. 91-1429) recommended fundamental changes in Federal investigative training programs. This report portends great benefits to the taxpaying public as a result of an improved Federal investigative force and through its recommendations will provide the basis for future recognition of investigators as a new profession.

In addition, over the past few years DANTE FASCELL has been one of the more articulate and forceful proponents of a better coordinated effort against organized crime.

For these reasons I am particularly pleased to see him receive this recognition from the Association of Federal Investigators and at this point, Mr. Speaker, I would like to share the following article from the Federal Times of October 7, 1970, with my colleagues in Congress:

FEDERAL INVESTIGATORS MAKE AWARDS

WASHINGTON.—Six men and two organizations have been singled out for this year's fifth annual Association of Federal Investigators Awards scheduled for Oct. 17 at the Crystal Room of the Officers Club at the Washington, D.C. Navy Yard.

Recipients include:

Attorney General John N. Mitchell who will receive the association's legal award. Mitchell was praised for having made a determined effort to improve the efficiency of the federal drive against organized crime. His willingness to use all legal means in investigating and combating crime, including wiretapping, says AFI, is refreshing to all investigative and enforcement personnel.

Rep. Dante Fascell, D-Fla., who receives the legislative award. As chairman of the House subcommittee on legal and monetary affairs, Fascell has been instrumental in making the first comprehensive study of the need for federal investigators' training. This study was followed by hearings by the Government Operations Committee—and ultimately resulted in a report "Unmet Training Needs of the Federal Investigator and the Consolidated Federal Law Enforcement Training Center."

Police Chief Jerry V. Wilson, of Washington, D.C., receives the enforcement award. Wilson has been lauded for employing crowd-control methods that keep mass demonstrations from turning into ugly rampages. During a recent briefing of police forces around the country, the Justice Department distributed a detailed description of Wilson's "model" methods.

Judge Edward A. Tamm, circuit judge of the U.S. Court of Appeals for the District of Columbia, will receive the judiciary award. Judge Tamm was cited for distinguished service as a member of Appeals Court and for having won the respect and admiration of his colleagues. Judge Tamm compiled an outstanding record as a special agent with the Federal Bureau of Investigation prior to his appointment by President to be a U.S. district judge for the District of Columbia. He was appointed to the Court of Appeals by President Johnson on Feb. 28, 1965.

John V. Moran, president of the Association of Federal Investigators, will receive the association's leadership award for "clearly demonstrating the leadership qualities that have revitalized AFI." He was lauded for "his enthusiastic visits to local chapters and his skill in presenting AFI's position before congressional committees and willingness to work with other professional associations to upgrade the status of the federal investigator." He also was hailed for his personal recruitment effort.

Louis T. Williams, special assistant to the President, receives the educational award—and has been hailed as a pioneer in AFI's efforts to promote education, training and career development for the federal investigator. Williams was instrumental in initiating and implementing a series of roundtable discussions for bettering the proficiency of federal investigator—and participated in the planning and programming of AFI's initial efforts to sponsor such seminars.

The AFI Public Service Award for 1970 will go to the Federal Times. The publication's "fair, accurate analysis in presenting of information on federal programs, policies and procedures including legislation," said AFI "has been of substantial benefit to every member in the federal government."

The St. Louis Chapter of AFI will receive the first annual chapter award ever presented at an AFI annual awards dinner.

DIRECTOR, CAB OFFICE OF INFORMATION, JACK YOHE, ADDRESSES 15TH ANNUAL MEETING OF THE AIRLINE EDITORS CONFERENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FASCELL. Mr. Speaker, a meeting of editors of airline publications in Miami caught my attention last week, largely because of the remarks of one of the speakers who addressed that group.

To my mind, the remarks delivered by Mr. Jack Yohe, Director of the Office of Information of the Civil Aeronautics Board, conveyed two important ideas.

One is the scope and depth of the considerations which the Board must take

into account in its handling of air transportation matters in the public interest. The other is the solidly constructive outlook expressed by Mr. Yohe in the way his office deals with the public's right to know about their Government's activities.

I was particularly impressed with the latter, since I have known Mr. Yohe for many years and know him to be one of our outstanding civil servants. His dedication to the principle of freedom of information is known to all of us and I call the attention of my colleagues to his remarks at the meeting:

REMARKS OF JACK YOHE

Conference Chairman Martha Bagby, airline editors—I think my 20 years of newspapering and eight years as CAB information chief allow me to call you my fellow-editors—and friends; I am sincerely delighted to be with you for this meeting. Thank you for having me.

Putting first things first, let me point out, if you don't already know it, that your conference chairman, Mrs. Bagby, besides being a sharp and able editor of National's *National Reporter*, is also an extremely capable organizer.

I understand that she has been a prime mover in setting up and running this conference and she deserves our heartiest thanks.

It is also good to know there are editors of at least half a dozen foreign international airline publications attending. Your presence here can only broaden and deepen the purpose of this conference. To the welcomes I'm sure you've already been given, let me add my own.

I've been looking forward to being with you at this meeting ever since Chapin Leinback invited me in July.

I've known many of you professionally and personally for a number of years, and I think, on the whole, we have communicated well.

People work best together when they communicate well. That applies both to regulatory agencies and the industries they regulate.

And, because the CAB is charged with promoting as well as regulating air commerce, communication takes on added importance.

When you fail to keep in touch, things can get so out-of-proportion that after a while you have difficulty remembering your common ground and mutual goals.

By way of example, there were these two brothers who were especially close in childhood. But, on reaching adolescence, they went their separate ways. One ran away from home and enlisted in the Navy. The other turned to the cloth.

Neither saw or heard of the other for 30 years. Then, one cold and snowy night, chance found them sharing a waiting platform outside a railroad station.

The Navy man, now an Admiral, was in his dress uniform, aglitter with gold braid. The cleric, now an archbishop, was in his red-trimmed cassock.

Over the years, both men had added considerable weight and girth. And neither recognized the other.

Both paced the platform impatiently. Finally, the archbishop accosted the uniformed admiral and demanded, "I say, Porter, how much longer must I wait for this train?"

And the admiral, looking over the portly stranger's flowing robes, replied, "It's 40 minutes late, Madam . . . But I think that a woman in your condition wouldn't even venture out on a night like this."

There are a number of important matters in various stages of development before the CAB at any given time. In its promotional-regulatory role, the agency both reflects and helps to see the tone of the industry. And I need not tell any of you here that air transportation's great challenges and promises and rewards have made it one of the most exhilarating developments in man's history.

One group or another of you will be interested in several matters before the Board at any given time and, of course, clear communication is vital, especially so in the changing times in which we find ourselves.

The Board and its staff need to communicate individually and collectively with the members of the industry family. And the "family" needs to communicate with us.

Since he assumed the chairmanship of the CAB—which, incidentally, was exactly a year ago today—Secor D. Browne has given the highest priority to clear and frequent communications.

Indeed, to familiarize himself at first hand with industry problems, he has made first-hand visits to virtually all carriers at their home offices. He has kept in close contact with all segments of the industry, the financial community, consumer representatives and labor.

For the Board's first duty is to the public, and in serving the public we have the obligation to be open and candid—it is of the utmost importance to the public and to the Board to keep all channels open at all times. The only caveat is that, as a quasi-judicial agency, the Board must protect the integrity of the decisional process, just as the Board cannot allow outside or one-sided presentations to influence its decisions before they are made, so we obviously cannot reveal case decisions before they are issued.

The CAB, like any other agency of government at any level, needs to be able, in the public interest, to account for itself clearly whenever called upon. This does not mean irresponsible handling of proprietary carrier matters but open frankness in response to sincere quests for information about its regulatory role and actions.

Some of the more pleasant memories and feelings of accomplishment of my newspaper days were those spent in trying to turn reticent city halls, county row offices and state legislature cliques into goldfish bowls.

When I entered Government service—which, incidentally, I respect and esteem as one of the finest public service callings a man can answer—my philosophy about the public's right to know was reinforced.

I believe that we in the United States Federa Government are accountable to over 200 million "stockholders" and we must be able to report to them at a moment's notice. We have the same responsibility to the people who make the industry we regulate, the people for whom you write and edit your publications, from floor sweeper to president.

That is the basis on which we run the CAB Office of Information. Clear channels of communication mean accessibility. And accessibility means that we are or should be as near as your telephone, and never mind business hours.

Somewhere along the line someone suggested I give some time to the topic of "How to interpret CAB activities."

I'm afraid I must disappoint. There is no special formula for interpreting Board activities and the reason is that none is needed.

The best way, indeed the only way, to understand the work and aims of the CAB is to stay on top of the particular cases and developments you are interested in and to read studiously the decisions and opinions as they are issued. In short, maintain your lines of communication with us. You can be sure that we will do our part.

The beginning and ending of any major action, and any significant development between, is accompanied by a press release that attempts to distill the essence of the action. Press releases and speeches by Board Members are distributed free to subscribers for those services. So are the orders and opinions with which they deal and for which we receive specific requests.

These are times of great changes in the air transportation industry and we must all be aware of their significance.

The CAB recognizes and has committed itself to dealing with change—directly, thoroughly, promptly. More than ever, it will be the place where things are happening, the place to watch.

Some of the industry changes and happenings are important enough to affect commercial air transportation for years to come.

The Domestic Passenger Fare Investigation now going on is one of these. The capacity agreement recently put before the Board by three trunkline carriers is another. Certain kinds of intermodal acquisitions, the class rate subsidy formula, the growth of commuter air line service, and charter regulation amendments are a few more.

Hijacking, of course, affects everything we do and the cure of this epidemic will require bold and decisive moves. Reassuringly, they have already begun to be made, both in the area of aviation security and at the diplomatic level.

An air traffic control system able to continue to fill today's needs and to stay abreast, if not ahead, of the growth of air traffic as it reaches toward tomorrow is another compelling matter.

And speaking of tomorrow, the Board is grasping Time by the forelock in its scrutiny of certain cases.

The current investigation of the Local Service class subsidy rate deals with a present situation but is forward-looking as well.

The Board has conscientiously worked to lower the amount of Federal subsidy to air carriers and has succeeded in having reduced by half the $70 million paid out seven years ago largely by strengthening the route structures of the Locals.

While that was happening, however, obsolescence was taking a silent toll.

As the local carriers replaced their old piston aircraft with larger, more expensive jet equipment, the cost of money rose. So did wage costs. And then the rate of traffic growth slowed. The Board's route strengthening program has therefore not yet produced all the benefit expected of it. And the subsidy need increased instead of decreasing, as had been hoped.

In addition to the approximately $30 million it requested for the current fiscal year for Federal subsidy to air carriers, the Board recently informed Congress that the local service carriers will need an additional $28 million, or a total of $58 million if they are to provide the same level of service. The matter is presently before Congress.

If this is important to the local service people among you here today and to your companies' shareowners, it is even more important to the general public. Your carriers' economic health translates directly into service of the public convenience and necessity at smaller urban areas and into convenient connections between smaller urban areas and our large metropolitan centers.

In a July 31 order, the CAB reopened the existing Class IV–B Subsidy rate and instituted an investigation to determine a new final rate—Class Rate V—by which, the amount of subsidy paid to a carrier should be tied more closely to the service they provide to smaller, lower-traffic communities. As we are aware there has been a trend away from service to less-dense traffic areas.

However, in many of these areas, air taxis or commuter airlines have filled the service breach, easing the certificated carrier's subsidy woes and providing, under the conditions of the substitution, service at least equal to the service the community had known before.

As people responsible for your own carriers' internal communications, you needn't be reminded that the current economic plight of the local service industry and its individual carriers is not theirs exclusively, or that the industry in general has known better financial days than it is experiencing right now.

But I am certain that you are also confident that the industry has not yet seen its

best days. Both industry and government sources forecast a doubling of the 1969 domestic airline passenger traffic by 1975—and a tripling, or better, by 1980. And those predictions are based on a considerably slower growth rate for air travel than the industry has known for the past 30 years.

Commercial air traffic and aircraft manufacture have grown side by side and each has spurred the other during the past 30 years. In the mid-thirties, travelers wanted to fly the fast, new 21-seat DC–3 because, among other things, it was there, and it was a tremendous advance.

Today, much the same reasoning prompts some of our preference for the 747. Tomorrow, the same motivation will put us aboard the SST.

New design and capacity in aircraft have always met a present or anticipated need. And the response to them, in turn, has signaled a need for more aircraft pioneering.

Probably none of that would be true without a system of air routes to give order and purpose to our air transportation system.

Aircraft manufacturers and the public made the first two factors possible.

The CAB and its regulatory predecessors have been responsible for the development of the air route system.

There are some who feel that the domestic air route system in recent years has been "developed" more than was needed, that new route awards have authorized excessive competition in some markets and that this is a factor in the present economic state in which a number of carriers find themselves.

But if we examine this at closer range, we find that the markets having the greatest overcapacity—load factors in the low 40-percent area, for example—are primarily grandfather routes; the routes which were in existence and which the CAB certificated when it came into existence 32 years ago; or routes that were awarded in the 1940s or 1950s—not in the last few years.

These include the routes linking, on the one hand, such cities as Boston, New York, Philadelphia and Washington/Baltimore, and, on the other hand, Los Angeles and San Francisco. The Chicago pairings with east and west coast points also are among the grandfather certifications—although in each case the Board ordered an additional carrier in the 1950s.

The yield in a market like New York-Los Angeles—a 2,400 mile grandfather route (1929–AA, TWA and UAL)—I believe, approaches 5 cents per revenue passenger mile, with the break-even load factor around 40 percent.

By contrast, the 1,600-mile New York-San Juan market, to use an example of routes which the Board has significantly amended over the years, the yield approximates 4 cents, the break-even load factor about 55 percent.

In the current cost-watching climate, the carriers, it must be said, have taken various measures to effect economies. One of these has attracted considerable attention and interest.

Three trunkline competitors—American, TWA and United—have filed an agreement with the Board which would limit capacity in 15 long-haul markets. Its filing has raised some controversial issues and widespread interest and has generated considerable comment, pro and con, and it is currently under consideration by the Board.

In the matter of grants of route authority, it should be noted that in the last 12 to 15 months there have been virtually no major new route awards by the CAB. Those that were made recently are the results of cases that were started several years earlier in a different economic climate. So that this period has been one of "digestion" of earlier awards, particularly among the trunk lines.

There have been expansions of local service authority but in terms of diversion from the trunks this impact is relatively small.

The basic current problem with the airline industry, in other words, is a reflection of the problem with the general economy—higher costs and a reduced rate of growth for traffic and therefore revenues. Also, significant but special additional costs have been experienced by reason of air traffic control delays.

Were we to graph the Gross National Product against air traffic, we would find that traffic lags behind the GNP movement. Moreover, there is a certain leverage in the relationship. A relatively small variation in the GNP is amplified in terms of air travel.

Non-business travel is normally first to be affected. In recent months, however, business travel appears to have been curtailed also.

The slowdown will have been a brake against inflation. When the economy catches up to its full potential, another expansion of income can be expected. And air transportation historically has boomed when incomes rise.

In the meantime, however, there are airline industry economic ills that need attention. Two fare increases within the past year have been something less than a panacea. Actually, the "real fares"—the fare divided by the consumer price index—didn't rise at all in 1969 but leveled out.

One of the biggest undertakings in the history of the CAB is now dealing with fares, their level and structure in the scheduled services of the domestic trunks and local service carriers.

Unlike the General Passenger Fare Investigation decided in 1961 after four years of proceedings, the current Domestic Passenger Fare Investigation is deeper and farther-ranging.

Rulemakings will cover aircraft depreciation, leased aircraft and treatment of deferred Federal Income Taxes. The hearing phases cover joint fares, discount fares, load factor and seating configuration, fare level, rate of return, and fare structure.

In the earlier case, fare structure, joint fares, and discount fares were not a specific issue. The 1961 case record did not permit the establishment of load factor standards. The rate of return, which most carriers have never attained since it was set in the earlier case, is getting a fresh look in the current proceeding.

In the earlier case, several interim increases were needed before the four-year investigation was concluded. The Board has assigned manpower to the current case on an unprecedented scale so that the case can be concluded while the application of its conclusions are still current.

Of course, important as the scheduled service is, it is not the whole of this great industry. Charter travel has grown in importance in the overall industry picture.

Because of increasingly attractive air travel price tags, particularly over the North Atlantic, vacationers in recent years have changed their vacation plans. Many, who were formerly content to spend two weeks at the seashore or in the mountains within three hours' ride from home, are now visiting European points of interest.

This is a trend the Board encourages and favors. However, low-cost group transportation on charter planes is permitted only in accordance with certain rules of the Board which are designed to maintain the distinction between charter travel and individually-ticketed scheduled services.

Up to the discussion of charters, all my remarks were directed to the Board's and the industry's domestic concerns. But the CAB's responsibilities and field of interest are world-wide.

For example, 21 U.S. carriers currently provide scheduled services to some 119 foreign countries and territories. And, nearly 150 foreign airlines, representing more than 50 countries, operate air services to the United States.

Most of the authority for U.S. carrier international operations comes through bilateral agreements negotiated by the State Department with advice and consultation provided by the CAB.

The United States is a party to 70 such agreements. Because of their complexity and number, they require frequent and consistent maintenance meetings and negotiations between the countries involved. As aircraft grow in capacity and range and as international travel increases, the number of such meetings and discussions grows.

During fiscal 1970 the United States held 29 such consultations and negotiations with foreign governments. Even more are expected during the current fiscal year.

I hope I have given you some idea of both the quality and the quantity of work of the Civil Aeronautics Board. If your problems in this dynamic industry are great and many, so are ours, because the Board both mirrors and tries to anticipate the needs of the industry in its regulatory and promotional mission. Sound and lasting solutions to your problems are a product, at least in part, of your inputs—the clarity with which you communicate your needs to us.

I am reminded of a thought which Member Robert Murphy once left with an audience, which I believe is no less apt before this group, and which I will attempt to paraphrase to the best of my recollection:

Now abideth Faith, Hope and Charity, these three. Faith in ourselves as editors and in our respective managements; Hope in the future of our great industry; and Charity for the CAB and other Government agencies in our efforts to promote the greatest good in the public interest.

TRIBUTE TO JOHN DOS PASSOS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. BYRD of Virginia. Mr. President, the Richmond News Leader and other newspapers of Wednesday, October 7, contained a column by William F. Buckley, Jr., paying tribute to the eminent writer John Dos Passos.

Mr. Dos Passos lived for many years in Virginia. While I did not know him well, I had the privilege of being with him on several occasions.

Mr. Dos Passos was a kind and gentle man, one for whom I had great admiration.

I ask unanimous consent that the column by William F. Buckley, Jr., published in the Richmond News Leader, be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

TRIBUTE TO A GREAT MAN WHO TRIED EXPLAINING AMERICA TO THE WORLD

(By William F. Buckley, Jr.)

NEW YORK.—I have come back from the funeral of John Dos Passos. It was in a way typical of him to die a few minutes after Nasser, who, of course, swamped the obituary headlines, so much so that Dos Passos's own young stepson, away at law school, who reads the papers lackadaisically and listens not at all to the radio or TV, was not aware of the death until a few hours before the funeral, to which he hastened, registering the grief felt universally by everyone who had known Dos Passos, let alone been brought up by him. There was no way to keep his death off the front page (geniuses have a

pre-emptive right to die on the front page), but the reader felt that the editorial handling was somehow harassed. Nasser had died, and the chancelleries of the world were in turmoil, and the death of mere literary giants doesn't substantially occupy the front page (nor should it): front pages are correctly devoted to news of immediate and transitory significance. (Never mind that few people can now remember who reigned over England and Spain during the week that Shakespeare and Cervantes died.)

On the other hand, it is worth noting the Dos Passos did not suffer the pains that torture those artists who cry over the neglect of them by their contemporaries. The only reason why he did not treat the literary press with the total aloofness of, say, an Edmund Wilson, or a Charles Lindbergh, is that he was too good natured. He could not bring himself to say no to the tenacious literary reporter who wanted to interview him and write a profile of him.

Mr. Dan Wakefield, a most conscientious journalist and novelist, wrote a considerable profile of Dos Passos a few years ago, and I remember asking him what his opinion of it was, to which he replied with a shyness which neither he—nor David Garrick—could have feigned, that in fact he hadn't read it. "I find," he said, with a self-effacing giggle that his friends knew as his conversational signature, "that when I start reading those things"—by which he meant profiles of himself, or reviews of his books—"my eyes just dribble off the page, so I just don't look at them."

Did this mean that he had no self-esteem? No, that would be inaccurate. It means that he was a genuine artist, who did the very best he could every time he sat down to write a novel, or a book of history; but that since he had absolutely nothing to contribute to the improvement of a book after it was published, what was the point in reading reviews of his books? Or—for heaven's sakes—reviews of himself, as author of said books? "If I had to describe him in a single sentence," his next door neighbor told me after the funeral, "I would say that he was a modest man; the most modest man I ever met."

We are talking about someone who stupefied the literary generation of the 1920s. Critics as disparate as Jean Paul Sartre and Whittaker Chambers were to remark matter-of-factly that he was the greatest novelist in America. The formal tributes did not, all of them, come in. It was an open secret that he was scorned by the Nobel Prize committee because of his political sympathies. He began his career as an ardent sympathizer of left-wing political movements. After the Spanish Civil War, he identified the Communists as the great evildoers of his time, an insight that caused him to do that which pained him most, namely to break a friendship: in this case, with Ernest Hemingway. But he pursued his conviction, that man was best off untrammeled by political authority, and of course when he died, the obituarists merely repeated what had been said about him so often before, namely that his literary work was at the service of political reactionaries.

[Translation: JDP was a political conservative, and the rules of the game being that no one can simultaneously be a literary genius and a political conservative, you must draw your own conclusions about Dos Passos. In the event that you are slow at doing that kind of thing, here is the key: JDP was a genius during his left-wing period. After that, he was pedestrian, a time-server. Never mind the two dozen books he wrote, the extraordinary histories of Jefferson, of Brazil, of Portugal; the novel "Mid-Century." Forget them, if you can.]

The answer is that no one can forget Dos Passos, and the working press, somehow, sensed it. The reporters and the television people were at his funeral. I was accosted by one, who asked me to assess the literary work of JDP. I was at that moment in the company of John Chamberlain, whom William Lyon Phelps once called the principal literary critic of his generation, and to open my voice on Dos Passos in Chamberlain's presence would have been doubly to profane the situation inasmuch as what I wanted to say was simply that I would have been present, here at the Episcopal Church of Towson, Maryland, as sorrowfully if JDP had never written a word, because I knew him primarily as a friend; but if literary taxonomy was what the press wanted, why didn't they ask Chamberlain? The widow, firm, tall, beautiful, moved serenely through the vague confusion, the result of an uneasy apprehension that the death of this modest man who came closest to explaining America to the world, might just turn out to be a historical event the neglect of which would above all proclaim the philistinism of the country he loved so very much more than his literary detractors love it.

It was all so very hard to sort out, because the historical meaning of the occasion was clearly secondary to all who were there except the press. I traveled to Baltimore with an extraordinarily self-discciplined attorney (it was his 70th birthday) who had known JDP for 50 years, and on three occasions, my traveling companion had to turn away from a conversation, overcome by tears at the awful prospect of facing life without the friendship of John Dos Passos. If C. D. Batchelor were active, he'd have done a drawing of the Statute of Liberty weeping over this loss; this irreparable loss.

SECRETARY LAIRD SPEAKS BEFORE CHAMBER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RHODES. Mr. Speaker, I am proud and pleased to have the opportunity to insert in the RECORD the fine speech which was delivered by the distinguished Secretary of Defense Melvin R. Laird in San Antonio, Tex., on October 9, at the Chamber of Commerce luncheon.

REMARKS OF HON. MELVIN R. LAIRD

Mr. Mayor, Congressman Fisher, Commanding General, General Critz of the Fourth Army, General Simler, distinguished men in uniform who are guests of the luncheon committee this noon.

I first want to express to you my deep regret in having to cancel out on my originally scheduled appearance with your Military Affairs Committee. It was originally scheduled and then our Commander-in-Chief, President Nixon, had some other ideas about the Secretary of State and myself taking the trip with him to Europe, and for that reason the dinner was postponed until today.

And I apologize for the inconvenience to your committee and to all of you that had something to do with making those arrangements, I know how difficult it is to make those kinds of changes.

This is not my first visit to San Antonio. I have visited here before, but as a Member of Congress. I visited here on several occasions and have been a guest at each of the military installations along with the Chairman of the Defense Appropriations Committee, George Mahon. The last visit as a Member of Congress was in 1967. And prior to that we had visited the installations along with Congressman Fisher in 1965 and before that with Congressman Shepherd of California, the Chairman of the Military Construction Committee, as we looked over some of the military construction requests.

For nine terms in the Congress I served on the Defense Appropriations Committee and on the Military Construction Committee, along with the Health, Education, and Welfare Appropriations subcommittee, and I know something about the development of the Army and the Air Force in this region, and the manner in which this community has opened their arms and has welcomed each succeeding group of enlisted men and officers that have been assigned to these important bases.

My visit to San Antonio is a most rewarding one for me because it is my first visit here as Secretary of Defense. I was invited to your Armed Forces Dinner and could not be present and my high school classmate and now the Assistant Secretary of Defense, Robert Froehlke, substituted for me at that time.

But I assured you at that time that I would come to San Antonio on my first opportunity.

This opportunity gives me the chance to inspect the pilot project of our program work with civilian health officials in applying the lessons we have learned in Vietnam, to the medical emergencies we face in the United States.

As you may know, the laregst killer in the United States of people of 37 years of age and under, the largest killer is highway accidents. That is why, as a Member of Congress, I urged that we seek means to delivery timely medical assistance to trauma victims on our highways.

I suggested then, while serving in the Legislative Branch of our government, that we expand the use of helicopters as an ambulance to reach accident scenes in the crucial early minutes following an accident, particularly when the site is located some distance from a hospital. When I became Secretary of Defense, I appointed a group to work with the Department of Transportation and the Department of Health, Education, and Welfare to establish a test program. This culminated in Project MAST, which was referred to in the introduction—Military Assistance for Safety in Traffic, and we initiated that program right here in San Antonio last July. Since then we have extended the test program to serve other areas throughout the United States, and, as of 11 o'clock this morning, October 8, 1970, the five MAST test sites throughout the United States have carried out a total of 93 missions, moved 139 patients and have 138 flying hours that have been utilized in this important program.

We have extended the test program to these five areas and we are going to continue it this year on a pilot basis. I look forward this afternoon to meeting with our helicopter rescue groups, most of whom have served in Vietnam, and to receive an updated report of the results of this test program which has looked so promising thus far.

Today we meet here at this luncheon at a time of momentous transition, momentous transition in foreign, in military, and in domestic policy as far as our country is concerned.

President Nixon has changed the course of our nation. Of many transitions now in process, the most basic and indeed the most important in my view, is the transition from war to peace. The Nixon Administration has been and remains committed to the goal of achieving a just peace in Vietnam.

We are also committed to ending American ground combat involvement in that war. The President's Vietnamization program instituted last year is both to complement and is an alternative to negotiations. Through Vietnamization, American military forces in Vietnam are steadily being reduced from the high point of authorized

strength of 549,500 troops at the time the President took office. The authorized strength has now been trimmed to 384,000, this troop ceiling that will be effected this week.

By next spring it will be down to 284,000, approximately half the size of the force built up in Vietnam at the time the President took office.

Yesterday, in Paris, Ambassador Bruce and Ambassador Habib laid on the negotiating table the historic proposals for peace which President Nixon outlined in his speech on Wednesday night. It is my fervent hope that the other side will eventually respond favorably to this new initiative for peace and will agree to a cease fire in the immediate release of all prisoners-of-war. [Applause.]

Ladies and gentlemen, many consequences flow from the transition from war to peace. The change in the nation's course resulted in a sharp decrease in American casualties. It has enabled us to reduce substantially the number of young men that we must take into military service by the draft, and it has permitted us to move forward towards a zero draft call and an all-volunteer force. This change in course has permitted us to have the lowest casualties at any time in the last four and a half years in Vietnam. This past week those casualties were 38. One casualty is too many, but when one stops to realize that the casualties in Vietnam were running at the rate of 300 a week when the President took office and the casualty rate this past week has been reduced to 38. I think this, in itself, is a substantial and an important change in direction as far as the responsibility of American troops——

[Applause.]

On the ground in Vietnam.

Our progress so far in the transition from war to peace in Southeast Asia and from the confrontation of the past to the negotiation of the future has enabled us to make significant reductions in defense spending. Our nation's economy is undergoing an important transition as we shift manpower and other productive resources from war to peace. This shift of resources makes it possible for the nation to devote its energies to the solution of many domestic problems.

In recent years the American people have demanded an intensified effort by government to cope with a number of the ills that trouble our society. I need not run through that agenda of major domestic tasks in which concern is growing.

It would include matters of higher priority, of course—the improvement of our educational system, stronger action to curb the pollution, raising the living standards of the poor, reduction of crime and violence, and the establishment of broader equal opportunities throughout the country. All of these tasks require spending money as part of the prescription for successful action. And in most cases, the amounts are considerable. Some have argued that the only way to get the money needed for the solution of our domestic problems is to take more away from the defense budget, and from national security spending.

It is plain distortion of fact to argue as some do that increased defense spending over the course of the past few years has gobbled up the major part of additional government outlays. Those who make this argument have not looked carefully at the budget as far as the public sector is concerned.

Even during the mid-1960s, when defense outlays were growing because of the increasing American involvement in Vietnam, public spending on non-defense purposes increased by nearly three times as much as the spending for defense. Nevertheless, we in the Defense Department, have not been insensitive to the strain on the taxpayer when both defense and non-defense spending are increasing. Easing that strain was one of the most compelling reasons for reducing the defense budget as soon as this could be done without exposing our nation to unwanted risks as far as its national security and safety were concerned.

Defense spending, ladies and gentlemen, has been cut significantly. Resources formerly channelled into war have been freed for the solution of domestic problems and for other peacetime purposes. And, we are today well along the path of the transition from a wartime economy to a peacetime economy.

The budget which President Nixon presented to the Congress last February marked an historic change in our national priority. In the current fiscal year, for the first time in 21 years, defense spending is no longer the biggest category of federal spending. This year, more of the Federal budget is devoted to human resource programs than to national security and to defense. The first time in 21 years.

This year for the first time in 21 years, defense spending is less than 40 per cent of the total Federal spending.

This year slightly more than $1 out of every 3 distributed by the Federal treasury is being spent for defense.

This year for the first time in over 20 years, defense expenditures are down to 7 per cent of the Gross National Product from the 9.6 per cent of the Gross National Product in 1968.

The reductions made in the defense budget largely were the results of the progress in Vietnamization in turning over the ground combat responsibilities and other responsibilities of the war in Southeast Asia to the military forces of South Vietnam.

As far as the war in Vietnam is concerned, as it decreased in intensity and as American participation declined as a result of the progress that we have made with this program, the impact of the war on our budget has lightened. The estimated full cost of the war in Vietnam was $29 billion in fiscal year 1969. It was decreased to about half of that cost in this fiscal year's budget, as we end fiscal year 1971.

While Defense spending in dollars in terms of constant purchasing power was reduced by more than $17 billion since 1968, spending for non-defense programs in constant dollars has increased by 18.4 billion dollars. Thus, the so-called peace dividend for the domestic sector has already resulted in reduced defense spending.

Reductions in military manpower make possible another transition, the transition to a zero draft and an all-volunteer military service.

We are moving towards a zero draft call, a goal that we hope can be achieved by 1973. Inductions in 1970 are at a new six-year low.

In addition to the personnel reductions within the Department of Defense, there have been concurrent reductions in defense-related industries throughout the nation. I realize, of course, that the shift from a wartime to a peacetime economy brings with it certain inevitable problems, and these problems are felt right here in San Antonio.

Let me tell you what we are giving high-priority to in this important change from a wartime to a peacetime economy. We are going to go forward and expand our program of helping the communities affected by defense reduction to meet these problems.

Within the Department of Defense I have assigned high priority to the job of our Office of Economic Adjustment, which is working with community leaders in many parts of the country to help them maximize the peacetime potential of both the human and the material resources formerly dedicated to defense uses.

We understand the problems involved, and we intend to do what we can to minimize the disruptions that stem from these reductions. The planned reductions and cutbacks in defense go as far as we can in the present world environment without exposing ourselves to imprudent risks.

The reduction of some two billions dollars made by the House of Representatives in the defense budget as submitted by the Administration, by action yesterday on the floor of the House of Representatives, I believe represent an imprudent risk as far as the safety and security of the United States is concerned.

We in the United States must never close our eyes to the threat which our armed forces must be prepared to face. [Applause.]

That threat has not diminished. The opposition seems to continue to grow and this threat continues to grow as far as our country is concerned and I believe that the $2 billion additional cut which I will reclama to the United States Senate next week represents an imprudent risk as far as our security is concerned.

In the past five years the Soviet Union has gone forward and this threat has been expanding. It has expanded its strategic offensive forces with a rapid and a persistent momentum. As a result it has achieved a position of parity and, in some cases, superiority.

As one striking example, the Soviet Union has forged ahead of us in the number of strategic land-based missiles. Our estimate of the large, monstrous Soviet SS–9 intercontinental ballistic missile deployed or under construction has been increased from some 230 a year ago to more than 300 today.

The Soviet Union now has some 28 Polaris-type ballistic missile submarines operational or under construction, and, at present construction rates, will exceed our fleet of nuclear-powered ballistic missile submarines early in 1974.

In contrast, our nation has not increased its force level of strategic offensive missile launchers since 1965.

During this same period, the Soviet Union has pushed the development of its strategic offensive forces with a momentum which shows no sign of slackening.

As Secretary of Defense, I indeed hope that the Strategic Arms Limitation Talks which resume in Helsinki in less than a month—on November 2nd—will result in success. We are striving hard to achieve that success, but I must also report to the American people that if these talks are not successful we will face some hard, tough decisions that cannot be delayed much longer if we are to assure the nation's safety and survival.

There are other developments as well which heighten the threat of our security.

The increasing naval capability of the Soviet Union, its growing military research and development program and the powerful conventional forces of the Warsaw Pact in Europe and in Communist China and in North Korea are well to note.

I returned last week from the Mediterranean area where there is visible evidence of expanding Soviet power. I commented there and I would repeat here to the San Antonio Chamber of Commerce that the expansion of the military power of the Soviet Union is not limited, however, to the Mediterranean. We have reported to the American public during recent weeks the increased naval and Soviet fleet operations in many oceans of the world, including the Caribbean.

I know the people of this State, the State of Texas, I know that you with your long coast line along the Gulf of Mexico are particularly aware of Soviet fleet activities in these waters even in the Gulf.

We dare not let down guard as we strive to achieve an enduring peace throughout the world based on President Nixon's three principles of partnership, strength, and a willingness to negotiate.

In order to be successful, however, in negotiations, we must negotiate from a position of strength. [Applause.]

That is why it is essential that the Congress approve the bare bones, rock-bottom budget requests now pending for fiscal year 1971, which began on July 1 of 1970. Any major reduction in these requests will endanger our national security and our pursuit for peace. We have pared this budget to a position, and I know after serving 16 years on the House Appropriations Committee that this budget has been pared and is a rock-bottom, bare bones budget, and it cannot take the substantial reductions which were voted in the Congress just yesterday.

I say this in the light of the momentum which the Soviet Union has developed and is maintaining in weapons procurement, in research, and also in weapons development.

Finally, and most importantly, the safety and the security of our country will depend on the dedicated services of men and women, because the men and women are indeed the important asset we have, and more important than any weapons.

The defense of our nation requires that we maintain not only strong military forces, but also a strong industrial base, and all of us in the defense community appreciate the effective contribution which the people of Texas have long made to our nation's strength.

As a Member of Congress and now as Secretary of Defense I have been aware of the great contributions to the national security which the people of this State have made. That is why I intend to do everything that I can to enhance the status, to enhance the prestige of the men and women who wear the uniform of this country. [Applause.]

And that is why I am concerned about the welfare of the civilian defense workers, whether they are employed by the government or employed by defense industries. I know that there are some who believe that it is trite to say that in national defense people are our most precious asset, but I firmly believe this and want to close my remarks here in San Antonio with this thought:

I want to reaffirm my pride in and the responsibility which I have as Secretary of Defense for these people and for their families. These are the people who contribute so much to the national security and to the safety of the United States of America.

Thank you.

HIGHWAY SAFETY—ADOPTING THE "SLOW-MOVING VEHICLE (SMV)" EMBLEM IN THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. NELSEN. Mr. Speaker, I have introduced today a bill that would amend the District of Columbia Traffic Act so as to require the use of a distinctive emblem—SMV, slow-moving vehicle—in a prominent position on slow-moving vehicles.

In Washington, D.C., as in other areas, there are a number of slow-moving vehicles using the streets and highways; that is, brush and water street cleaners, snow removal equipment, utility repair trucks, salt spreaders and street repair equipment, and other similar equipment. It can be anticipated that the subway construction will increase the number of these types of vehicles and equipment using the city's streets and highways.

I am informed that studies conducted at Ohio State University have established that the SMV emblem has significantly reduced rear-end accidents because the oncoming traffic is alerted to the fact that they are overtaking a slow-moving vehicle ahead.

Adoption of such legislation by the Congress for the District of Columbia would, I am informed, bring the District highway safety laws into conformity with those in the adjoining States of Maryland and Virginia where the laws will go into effect in January 1971.

I might point out that this legislation is similar to that required on slow-moving vehicles in my own State of Minnesota. Our State law, as contained in Minnesota Statutes 169.522, requires the use of an iridescent triangular slow moving emblem on all animal-drawn vehicles, implements of husbandry, and other machinery, including all road construction machinery which are designed for operation at a speed of 25 miles per hour or less.

It is requested that the attached statement of the National Safety Council be inserted in the RECORD since it indicates the support of the Council for legislation such as that contained in my bill. It is my understanding that the American Association of Motor Vehicle Administrators, the American Automobile Association, the American Society of Agricultural Engineers, and the Automotive Safety Foundation also endorse such legislation.

In the interest of traffic safety on the streets and highways of the District of Columbia, I introduce this legislation.

The statement follows:

NATIONAL SAFETY COUNCIL POLICY STATEMENT ON THE SLOW-MOVING VEHICLE EMBLEM

It is necessary for various vehicles with limited speed capability to utilize public streets and highways from time to time. This classification of vehicles includes farm tractors and other farm vehicles, road maintenance and construction equipment, and horse-drawn vehicles, designed for a speed no more than 25 miles per hour.

These slow-moving vehicles frequently cause conflict with faster moving traffic, and it is necessary for drivers of fast-moving vehicles to take extra precautions when overtaking slow-moving vehicles. However, the driver of a fast-moving vehicle must be able to perceive and recognize a slow-moving vehicle in time to take the necessary action to avoid a collision. There is need that the slow-moving vehicle be identified as such. This is partially met by various requirements in states that such vehicles display rear lights and/or flags.

However, these requirements are not standardized and do not necessarily identify the vehicle as of the slow-moving type. A standardized device is needed that not only increases the visibility of the vehicle but also identifies it as slow-moving. This need is met by the triangular reflectorized, fluorescent emblem developed through research by the Ohio State University and recommended by the American Society of Agricultural Engineers. The latter organization has also developed specifications for physical properties, dimensions, component materials, and use of the emblem. (ASAE R276.)

The National Safety Council supports the promotion and use of the Slow-Moving Vehicle Emblem and urges that every effort be made to encourage the use of this emblem on slow-moving vehicles and to educate the public to recognize it as identifying a slow-moving vehicle.

Approved by the Board of Directors, National Safety Council on April 13, 1966.

CHRISTIAN DEMOCRATS BLAMED FOR COMMUNIST WIN IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHMITZ. Mr. Speaker, an excellent article by Mr. Paul Bethel appeared in the October 17 edition of Human Events Newsmagazine. Mr. Bethel discusses the reasons for the Communist candidate winning a plurality in the recent presidential elections in Chile. He underlines the seriousness of the situation for the United States should this victory be certified by the Chilean Congress on October 24 and suggests a course of action which we could follow that would help prevent this tragedy. The article follows:

RUN-OFF SCHEDULED FOR OCTOBER 24: CHRISTIAN DEMOCRATS BLAMED FOR COMMUNIST WIN IN CHILE

(By Paul Bethel)

Is the Soviet Union outsmarting the Nixon Administration in Latin America? This question must be asked—and answered—following the tentative victory of Marxist Salvador Allende as president of Chile. Allende did not win an absolute majority as between three candidates and still must receive the approval of Chile's congress on October 24 to reach that high office by the elective process.

Technically a Socialist, Allende is in fact a Communist who received the backing of Chile's Communist party, the Radical party, pro-Communist members of the Christian Democrats—quite a mixed bag. Moreover, Allende finds Fidel Castro and Communist Cuba to be desirable models, is a frequent visitor to Havana and is a member of Castro's subversive Latin American Solidarity Organization.

Some amazing things happened during the campaign ending in the September 4 elections. While Allende was handing out a list of 167 businesses—involving $2 billion in U.S. investments—that he promised to confiscate if elected president, an unidentified bureaucrat in the U.S. Administration implied to the press that should Allende win, U.S. diplomatic recognition would follow.

Apart from the precedent which may have been set (hostile governments may, with impunity, seize U.S. investments?), the boo-boo certainly did nothing to give second thoughts to Chile's yet-undecided voters which made up about 27 per cent of the electorate at the time. A statement suggesting less than a cordial approval of such thievery would seem to have been in order.

However that may be, about all one hears of Latin American policy in Washington is the furious drumming of fingers on the desk tops at the White House and State Department. Nevertheless, the Chilean crisis must still be faced.

Here is how the Defense Department views the situation:

Missile-firing: Soviet naval flotillas roam the Caribbean and approach to within 25 miles of New Orleans; Soviet "fishing trawlers" impudently nudge their way through

U.S. warships off Cape Kennedy and snake aboard samples of U.S. underwater firings; evidence piles up that Soviet troops are again in Cuba and may command 400-mile-range missiles; Castroite urban guerrillas kidnap and murder U.S. envoys and diplomatic aides almost at will, while the expropriation of U.S. properties in Latin America is leading to the precipitate withdrawal of U.S. power and influence.

And now—Chile!

An exchange which took place at recent House hearings between Rep. Dante Fascell (D.-Fla.) and Atlantic Fleet commander Adm. E. P. Holmes is worth noting:

Fascell: "Admiral, it seems to me . . . as a layman, that with the Soviet intrusion into the Caribbean area, the whole Caribbean Sea and the Gulf of Mexico, as well as the southeastern seaboard of the United States . . . have become a No. 1 priority defense-wise. Is that region in that category"

Holmes: "Yes, I think it is. The Russians have made it so. . . . It would not surprise me if it would fit their policy to move in."

Should Chile fall to the Communists when congress meets on October 24 to choose between Nationalist candidate Jorge Alessandri and Salvador Allende, only an incurable optimist could doubt that the Russians would indeed move in. The opportunity provided by 2,600 miles of Chile's coastline would hardly go ignored by an expansive Soviet Union. Naval units based there would land the Rusians smack in the Pacific and tear up our whole strategic balance, escalating Adm. Holmes' fears to the proportions of a nightmare. Indeed, just the psychological impact of a Soviet-backed Chile could be more potent in Latin America than nine Russian cruisers anchored in Valparaiso harbor.

Allende and his "popular front" (Unitary Popular Movement) barely made it. They polled only 36 per cent of the vote. In fact, he did better while losing to the Christian Democrats in 1964 when he polled 39 per cent of the vote. How, then, could Allende win out in 1970 with only 35 per cent?

The answer is as unfortunate as it is simple. Chile's Christian Democrats are responsible for the Communist victory.

Despite overwhelming evidence dating back more than six months that his party had no chance of winning, C.D. standard-bearer Radomiro Tomic did not pull out, making the election a three-way race. Had the issue been drawn between the Communists on the one hand and Chile's National party on the other, the Chilean voter would have handed Allende a crushing defeat.

Brazil's liberal newspaper, *O Estado do São Paulo,* scored the "destructive role" played by Chile's C.D.'s, calling them "neither Christian nor democrats." The destiny of "Christian democracy," the paper went on, "is to be absorbed into extinction by a Communist revolution, a destiny they thoroughly merit."

Colombia's *El Tiempo,* also liberal, hoped that Chile's institutions would be able to tame the Communists, but remarked: "What has happened in Chile is not only important for Chile but for all America, whose political balance has been seriously jarred." Enrique Caballero, *El Tiempo's* editorial writer, really put it to Chile's C.D.'s, writing: "Chile has voted against Christian democracy which has defrauded it."

Costa Rica's Radio Reloj predicted that "Chile is already on the road to a Communist dictatorship," and observers recall the warning given by that country's President José Figueres when he said that Christian Democrats in Latin America "are too far on the left."

Chile's *El Mercurio* blamed the similarity in C.D. programs to those of the Communist coalition with confusing the Chilean voter as to just what was at stake in the election. Other newspapers in Latin America revived the derisive sobriquet which described the Christian Democrats as "little Red fishes swimming in holy water," with *El Universo* remarking that the joke which referred to C.D. President Eduardo Frei as the "Kerensky of Chile" was no longer hilarious.

Why are Latin America's news media and political commentators so certain that Chile's C.D.'s are responsible for the Communist victory?

First, a breakdown of the election returns reveals that only those associated with Allende's MAPU voted the Communist ticket—Communists, Socialists, Radicals and the pro-Communists within the C.D. itself. One would expect that Allende would do better under a coalition of parties in 1970 than in 1964 when he had only the Communists and Socialists behind him. He polled 8 per cent less this year, showing markedly diminished support from the Chilean voter. In fact, only the conservatives showed a net gain.

The final line-up of votes following the September 4 victory bears this out. Allende received only 1,075,616; Alessandrei was right behind with 1,036,279 and Tomic came in a bad third with 824,849. With Tomic out of the race, there was no way in the world that Allende could have won.

And there is this historical perspective to consider. Back in 1964, the conservative Democratic Front faced a situation analogous in every respect to that confronting the Christian Democrats in 1970. They knew then, just as the C.D.'s knew about themselves in 1970, that they could field a presidential candidate only at the risk of splitting the democratic vote and permitting the Communists to slip into power between them.

So they made the issue simple for the Chilean voter. By refusing to put up a candidate, the Democratic Front made the issue one of democracy *or* communism. Jorge Prat, a leader in the coalition, said of the Communists: "If they win, it cannot be written in Chilean history that I was the one responsible for facilitating a Communist victory. Chile's voters responded by giving C.D. candidate Eduardo Frei a 437,000-vote margin, more than 55 per cent.

Why, then, did Chile's Christian Democrats turn their backs on those responsible for their victory in 1964? Why did they, almost knowingly, help the fading Communists to a victory in 1970? This requires an analysis of the Christian Democrats—what makes them tick.

To the surprise of many observers, when the conservatives pulled out in 1964 and left the field to the Christian Democrats, the latter gave them brickbats in return. One of the C.D. statements, repeated over and over during the 1964 election, provides a clue: "The traditional right in Chile has been destroyed for all time!" The "right" in this instance referred to three free-enterprise parties making up the Democratic Front—none of them "rightists" in the accepted meaning of the word.

Indications grew that the radicals within the C.D. were out to seize the party's power. Among them was a pre-election joining of forces between the powerful Christian Democratic Youth and the Czechoslovak Youth Union. They called for "peaceful coexistence among all countries with different social systems," a common Communist propaganda ploy.

The behaviour of the C.D.s prompted the editor of Santiago's Marxist newspaper, Las Noticias de Ultima Hora, to take a long look at Allende's opponents. He spotted among them that peculiar totalitarian twist of mind that afflicts many "liberals" (in this country too, God knows!). The editor found that the anti-Communist nature of the Socialist Falange, the original name of the Christian Democrats 30 years ago, had given way to the anti-free enterprise thinking which governs C.D. policy today The. rush by the C.D.'s toward "total reform" of Chile included a corresponding thrust for control over the free enterprise economy. It followed as inevitably as day follows night that their enemy became those who controlled the motor of the economy—businesses, banks and foreign investors.

While there may be some doubts that Chile's Christian Democrats were cynically exploiting the "capitalists" in order to effect the coveted transfer of power to them, there can be little doubt that the result weakened the tradition of democracy within the party.

Seeing the weakening of those traditions, the Marxist editor remarked: The Marxists may suffer a defeat but already politically they have scored an important victory." Once the C.D.'s were in power, the editor reasoned, they could be counted on to work toward the most cherished objective of the Communists—the destruction of private enterprise and the transfer of power to a government bureaucracy. As between private enterprise and a Socialist state, this line of reasoning went, the Christian Democrats could never bring themselves to side with the former even if democracy itself were at stake.

Take Chile's land reform as it was administered by the Christian Democrats. There is enough land owned by the government in Chile (as in most Latin American countries, particularly in Cuba) to provide for land reform. Yet Chile's Christian Democrats preferred to seize tracts of land which has already been developed with the additional advantage that it eliminated or intimidated the political opposition while dramatizing to the ignornant peasant that it was the "capitalist kulak" who is responsible for his lot.

Chile's farm program has been a failure. About 20,000 (some accounts say 12,000 families) have been settled on expropriated land, where they work for the government on collectives. Lacking incentives, the farmers have not produced up to consumer demands, thus contributing to ruinous inflation (29 per cent per year). For, though copper is Chile's main export, it is agriculture that must provide the real base for the country's growth and food for its people. And Chile, with more arable land per capita than in the United States, must import food.

And there is this to report: The man responsible for Chile's collective farms is the same man—Jacques Chonchol—who organized Fidel Castro's Communist agrarian reform. Chonchol, a Chilean, was found to be involved in terrorist activities of Chile's Castroite Movement of the Revolutionary Left (MIR) and, without prosecution, quietly dismissed from his job by President Frei. Today Chonchol is secretary general of Allende's Communist-controlled Unity Popular Movement.

It was also during the six years of Christion Democrat rule that Chile's universities came under the domination of the Communists and the pro-Communist leadership of the Christian Democrat Youth. And they were helped along by their political peers.

Addressing a C.D. Youth rally last year, Renan Fuentealba, then president of the Christian Democrat party (the equivalent position would be Larry O'Brien of the Democratic party here), told the youth: "You must eradicate the cultural values of a bourgeoise society . . . unite with the left to bring about needed changes." The C.D. Youth responded by endorsing "violent revolution with arms in our hands" if President Frei failed of even more radical reforms, and urged C.D. leadership "to follow the path of our sister republic, Socialist Cuba!"

Little wonder, then, that today the University of Concepción is dominated by the Castroite Movement of the Revolutionary Left which in turn is allied with Uruguay's murderous Tupamaro gang. Marxists also control the University of Chile and its multi-

plicity of normal schools and technical colleges. The basic teaching is to denigrate the concept of individual liberty and the sanctity of private property as a means of bringing about public acceptance of the primacy of the state in all spheres of activity.

Take this election exhortation by C.D. presidential candidate Radomiro Tomic: "No matter how much the Chileans do to achieve their highest goals, they will be unsuccessful unless capitalism in our country is totally eradicated . . . the battle to eradicate capitalism must be reached in years, not generations!"

Tomic also bragged: "When I was ambassador to Washington, U.S. aid funds to Chile were eight times higher per capita than those any other Latin American country could obtain." Practically calling our policymakers fools, Tomic characterized his tour in Washington as one of "criticism of the Organization of American States' opposition to the Inter-American Peace Force and by a refusal to be dragged into the mercenary anti-Cuba hysteria."

Salvador Allende is counting on significant help from the Christian Democrats. He told a post-election news conference: "We believe that some legislative initiatives will be supported without question by the Christian Democrats . . . because [those initiatives] fit into their thinking and with the program presented to the public by Radomiro Tomic. The fact that Tomic claimed that capitalism and neo-capitalism are undergoing a crisis leads us to propose initiatives that will soothe the national economy."

Both Radomiro Tomic and the head of the C.D. Youth, Pedro Luis Ramirez, called on Allende to personally extend their congratulations for his victory, prompting the Marxist to say that their visits "are very encouraging to our peoples' front."

Should the C.D.'s support Allende on October 24 and should he become president, here is the direction which Aleinde says he will take in foreign policy: "I have already clearly stated that our purpose is to have relations with Cuba, North Korea, North Viet Nam, China and the German Democratic Republic."

He discounted the concern and hostility evidenced by many governments following his victory and countered by saying he had received more than 100 telegrams from "popular movements" in those same countries, perhaps an indication that he will use the subversive Monteristas in Argentina, the MR-8 in Brazil and the Tupamaros in Uruguay for Communist political purpose.

The beginning of press control by an Allende administration also surfaced during a September 5 press conference. He threatened the opposition newspaper, El Mercurio, saying: "I reiterate that El Mercurio should cease being a vanguard for the defense of the interests of a clan that is one of the most powerful in Chile," blasted Chile's radio stations, and called for "newspaper cooperatives to defend the interests of Chile." This is almost a carbon copy of Fidel Castro's initial attacks on Cuba's press which led to the inevitable extinction of press freedom in that sad country.

Chile's proud constitution will also be thrown out if Allende makes it on October 24. He plans, he said, "to replace the constitution of a bourgeoise, democratic regime, an oligarchic government, with a peoples' government," incorporating a one-house congress to be called "the peoples' assembly." A great deal has been reported in the U.S. press regarding Allende's promise of "free election guarantees for all," but the specifics of an Allende program which are the antithesis of that promise have somehow gotten lost in the reporting.

Indeed, the contrast between Latin America and the U.S. news media reporting is remarkable. Generally, the U.S. media have emphasized that the Chilean voter knew what he was doing, the election was democratic, and the like, but reflect little of the sense of disaster with which Chile is viewed by its sister republics.

William Montalbano of the Miami Herald remained properly detached and expressed the hope that Chile's institutions would tame the Communists, reporting Allende's promise of "a revolutionary government, but one without revenge." The New York Times revealed its concern over an Allende victory as "a heavy blow against liberal democracy," with the suggestion that it was more concerned over the C.D. loss than the Communist triumph, saying that Chile's C.D.'s had achieved "solid results over six years," a view disputed rather forcefully by Chile's voters.

In any event, none—mind you, none—suggested the obvious. That would be to urge the Christian Democrats to throw their 70-odd votes in Congress behind the 50 pledged to Alessandri and overwhelm the 80 seats controlled by the Communist's Unitary Popular Movement.

There is no doubt in the mind of this writer, that had the Christian Democrats come out second, the Time: and the Liberal Establishment media would (1) point out how the Communists had in fact lost strength since 1964, and (2) urge a "right-wing" Nationalist party to support the Christian Democrats. Their failure to do so under reversed circumstances represents one of the tragedies of news reporting so often commented upon by Vice President Agnew.

Nor have our media supported, as of this writing, a plan by Alessandri to deny the Communists a minority victory. The Nationalist party waited four days for the C. D.'s to support their man, but saw, instead, the "togetherness" of Tomic and Allende. Finally, Alessandri moved, calling upon the C.D.'s to support him when congress meets on October 24. Once elected president, he would step down and clear the way for new popular elections between the C.D.'s and the Communists to be held in 90 days. The Communists would be crushed—perhaps their pretensions to power through the ballot box smashed for all time.

As of now the C.D. has replied by merely asking Allende, in writing, for guarantees that free elections will continue. The asking itself dramatizes the doubt

It also obscures another important part of the Alessandri proposition. By holding the post of president for a few days and then stepping down, Alessandri would have broken the constitutional prohibition which prevents a president from succeeding himself. Eduardo Frei would be eligible to run in place of the disastrous Tomic. Considered a weak man, Frei still is preferable to anyone else the C.D.'s might field for office and infinitely preferable to the Communists.

A great deal rides on the outcome of Chile's congressional vote on October 24. Yet an inhibited silence reigns over U.S. policy, and this may be the result of the power approach to foreign affairs by the White House.

Speaking before a group of press people in Chicago on September 16, a top Nixon aide said that though the Soviet Union and the U.S. have innumerable opportunities to harass each other (read: Chile, Cuba), he warned that such harassment does not contribute to a climate conducive to a permanent settlement. One can only sympathize with medium-level—indeed high-level—State Department functionaries who are restricted in their actions by such "globalities." What they see is the United States being beaten by the specifics of Soviet encroachment.

Allende has dominated Chile's news since September 4, and has moved so far along the path to power—through threats of civil war and the like—that he has restricted even further the U.S. power to act through normal diplomatic channels. There is little chance that behind-the-scenes appeals to Chile's C.D.'s to support Alessandri will bear fruit.

On the other hand, there is a sizable segment of Chilean society—64 per cent, to be exact—who are willing to act. Perhaps the United States would be well-advised to make known that the taxpayer has no intention of subsidizing its enemy, will automatically break relations with a Communist Chile and warn the Soviets against any attempts to lodge their power on the South American continent. Given this ax handle of encouragement, the Chilean press, the Catholic organizations, businessmen and others may use it against the C.D.'s to prevent them from supporting the Communists.

The likelihood is that neither approach would be completely successful. In the latter instance it would at least have some effect on Chile's neighbors. Argentina and Brazil would take heart, Venezuela's own ruling Christian Democrats would be put on notice not to play the same game and barter away free-world oil to the Soviets, and Peru's anti-American military junta would be encouraged to re-think its own pro-Communist direction.

The worst thing of all would be to do nothing. President Nixon recoiled from applying the Hickenlooper Amendment against Peru when it confiscated U.S. properties; this led to confiscations in Bolivia. And now, Chile! It will be very difficult for the President to lay these events at the feet of previous administrations, for they are his responsibility and his alone.

OUR CANADIAN NEIGHBORS—1970

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McEWEN. Mr. Speaker, news from Canada has been prominent in recent days. Both certain internal events and external developments have been extensively reported by our news media.

All too frequently, however, we may have more news of events in Europe or Africa, while Canadians, because of their access to our news media, are generally better informed about us.

The Honorable Adolph W. Schmidt, our Ambassador to Canada, has said "too often we allow the easy familiarity, good will and fundamental values we both share to obscure the fact that Canada and the United States are two different nations with different views of the world and their interests in that world."

This statement is taken from the remarks of Ambassador Schmidt in a speech delivered some seven weeks ago at the Lake Placid Club, Lake Placid, N.Y.

I was privileged to be among those present on that occasion. I was impressed then with the keen sense of appreciation that our Ambassador evidenced for the importance that both Canada and the United States have for the other. On hearing his remarks, and on reading them since, I am convinced that they demonstrate a deep insight into, and understanding of, the problems that, in Ambassador Schmidt's confident view "will be resolved to our mutual satisfaction."

The full text of Ambassador Schmidt's remarks follows:

OUR CANADIAN NEIGHBORS—1970

I

Ladies and gentlemen, in a few days, I will have been in Canada one year. Shortly after my arrival last September, the Humble Oil tanker *Manhattan* started through the

Northwest Passage with the full cooperation and ice-breaker assistance of the Canadian Government. That voyage, however, touched off some spark of latent nationalism or concern among a certain percentage of the Canadian people, and things have been humming ever since. As a result my first year in Canada has been a stimulating, fascinating, and challenging one.

As a result of previous visits and vacations in Canada, I learned long ago not to make the mistake of saying "Canadians are just like us," because they are not. There are strong historical differences, for instance. During our Revolutionary War, 50,000 colonists who decided to remain loyal to the British Crown migrated to Canada, often at great personal and financial sacrifice. They were known as the "Empire Loyalists" and went first to Halifax, next to Toronto, and others finally to Vancouver. The family names of those American colonists persist still today among the leaders in those communities. Too often we allow the easy familiarity, goodwill and fundamental values we both share to obscure the fact that Canada and the United States are two different nations with different views of the world and their interests in that world.

Prime Minister Trudeau is quoted as saying "Living next to you is in some ways like sleeping with an elephant. No matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt." Living next to this colossus of the south has produced in many Canadians a kind of ambivalence—they desire and approve of all the benefits and advantages which this geographical juxtaposition provides, but they resist and resent the slightest interference or encroachment which this geography from time to time imposes.

In general, Canadians know much more about us than Americans know about Canada. Because of the ready access to American communications and publications, Canadians read our newspapers and magazines and view our television programs avidly. Contrariwise, there is little news of Canada in most of our newspapers and magazines. My classmate and predecessor in Ottawa, Livingston Merchant, edited a series of six essays while Ambassador, written by knowledgeable American and Canadian authorities which he entitled "Neighbors Taken For Granted."

On a person-to-person basis, an American rarely experiences any open anti-Americanism. But he finds that many Canadians have a distorted picture of the United States because television, press and other media tend to emphasize the unfavorable: In foreign policy, the United States is an international troublemaker. All U.S. rivers and lakes are polluted, all U.S. blacks are oppressed. The U.S. is making a power grab for Canada's natural resources. Consequently, a certain disillusionment has emerged. It was expressed recently by Minister of Energy, Mines and Resources, John J. Greene, in Denver as "what appears to many as the sudden tragic disappearance of the American dream which in some ways has turned into a nightmare." The Embassy team naturally tries to correct the errors and the distortions and to present United States policy and objectives accurately.

II

Before my appointment to Canada, I had always known that the mutual involvement of our two countries was substantial in many areas. But I did not appreciate *how* substantial it is, until I looked into the actual figures after my arrival. The current trade across our common border amounts to $19.5 billion a year—more than our trade with all of the European Economic Community, including Great Britain. Equally striking, I think, is the fact that this trade with Canada is greater than our total trade with all of Asia including Japan and all of Africa combined.

U.S. private investment in Canada amounts to $30 billion, which again is more than our investments in all of Western Europe, including Great Britain. In this connection, many of you may be interested in knowing that Canadian private investment in the United States amounts to $9 billion. If these figures are divided by 200,000,000 and 20,000,000 people respectively, it shows that the per capita Canadian investment in the United States at $450 is three times the per capita American investment in Canada of $150. This ratio has limited statistical significance perhaps, but it does show that the citizenry in each country think extremely well of the investment climate and opportunities in the other. And I think this is a plus for both of us.

It is obvious, that with the millions of transactions which go across our border every day, problems and difficulties are bound to arise. I believe one should start with the realization that disputes are inevitable and normal. The wonder is that we do not have more of them. But it is the function of all the departments of our two governments and of the art of diplomacy to get on top of such problems, and to work on them until they are resolved. Together we have succeeded well and often in the past in resolving such difficulties to our mutual satisfaction, and I am sure we will continue to do so in the future.

III

I thought it might be of some interest to this audience tonight if I mentioned the kinds of problems which have arisen in recent months between Canada and the United States, and what we are doing about them. On the political side, a number of recent problems deal with the Law of the Sea.

The Canadian Government recently passed Arctic pollution control legislation which would permit Canada to impose ship construction standards and to control navigation in "shipping safety control zones" extending up to 100 miles from Canadian territory in the Arctic above the 60th parallel. The U.S. shares Canada's objective of combating pollution in the Arctic, where the effects may be ruinous to the delicate ecology of the region. The U.S., however, regrets that Canada acted unilaterally. The U.S. view is that new departures in international law should have broad, multilateral agreement in order to avoid chaotic situation resulting from conflicting claims. We are hopeful that such agreement can still be achieved with Canada's cooperation. The U.S. is also concerned that unilateral action, however well motivated in a particular case, could serve as a stimulant for other countries to assert far-reaching and unreasonable extensions of jurisdiction over sealanes that would seriously diminish the freedom of the seas.

Similarly, we regret that Canada also passed legislation extending her territorial sea to 12 miles and permitting the Government to extend Canada's exclusive fishing zones to include large bodies of water such as the Gulf of the St. Lawrence. Again, what we regret is that Canada acted unilaterally. We believe that the time is right for the conclusion of a new *international treaty* fixing the limit of the territorial sea at 12 miles. However, we want such a treaty to provide for the freedom of transit through and over international straits, which, under a 12-mile limit, would become for the first time part of the territorial waters of other countries. Examples of such straits are—and to emphasize the importance of this issue to the United States and other countries—Gibraltar, Malacca, Dover. The United States has also expressed its willingness to establish, but through multilateral agreement, carefully defined preferential fishing rights for coastal states on the high seas. The United States and Canada still have boundary problems to settle. Last month U.S. and Canadian officials began discussions on the determination of boundaries on the continental shelf areas lying off our coasts. The possibility that oil may be discovered in some of these areas increases the urgency, and complicates the task, of reaching an agreement. Nevertheless, I am confident that an agreement will be achieved.

Although Canada has vast fresh water resources, its population and industry is heavily concentrated in the Great Lakes area and concern about pollution in Canada is growing. With the border between our countries running through four of the five Great Lakes, we and Canada have a common interest in cleaning up the Lakes, and, in keeping them clean. The International Joint Commission, established in 1909, among other things is charged with preventing disputes regarding the use of boundary waters, and now finds that dealing with pollution has become a major item on the agenda of its semi-annual meetings. In their search for more effective ways of organizing to fight pollution of the Great Lakes, both of our countries are counting on the IJC to be of help.

Incidentally, as a further indication of our involvement, Canada and the United States have established 17 joint institutions—commissions, conferences, and committees which meet on a regularly scheduled basis—to deal with common problems. In the first two weeks of March 1970 there were 17 separate delegations from Washington in Ottawa, meeting with their Canadian opposite numbers.

IV

Some of you may remember the Paley Commission Report of the early 1950s which pointed out that the United States with only 6% of the world's population was consuming annually over 50% of the world's industrial raw materials. A continuation of this consumption rate during the ensuing 15 years has left the United States self-sufficient in only 10 out of 36 of the most important raw materials consumed by our manufacturing industries, causing us to import all or part of our requirements for the remaining 26 materials. Ten of those in which we are no longer self-sufficient are petroleum, natural gas, iron ore, copper, lead, zinc, tin, nickel, cobalt and bauxite.

One of the complicating factors in this situation is that while the raw material situation of the United States is declining, the raw material situation of the Soviet Union is becoming stronger. During the past twenty years the Soviets have been exploring extensively for mineral deposits, have been spectacularly successful in Siberia, and are graduating six times as many geologists as the United States to continue even more intensive exploration. As a result, they are self-sufficient in 29 of the 36 important raw materials previously mentioned and need to import only 7.

This is mentioned only to emphasize the over-riding importance of Canada to the future of the United States, for Canada remains a storehouse of industrial raw materials. As a result, one of the major economic problems between our two countries is future energy policy, which involves petroleum, natural gas, electric power and uranium.

Energy policy

Local shortages of electric power in the United States this summer, and the sharp rise in the delivered price of overseas oil, bring with them a realization that we may be faced with basic changes in our energy picture. Recognizing this possibility, President Nixon more than a year ago appointed a task force to study our oil import policy. The task force report, published last February, recommended movement toward an integrated North American energy market, and we are now actively discussing this question with Canada.

Though we import only about four per-

cent of our total petroleum requirements from Canada, the regional importance of these imports, notably from Alberta into the Chicago area, is much greater. At the present time, with overseas supplies restricted by production and pipeline limitations in the Arab countries, and by tanker availabilities, it is most fortunate that ample and secure supplies of Canadian crude are at hand.

Present reliance by the United States on Canadian supplies of natural gas is less than four percent of our total requirements, but is expected to increase to fifteen percent in twenty years. Electric power exchange across the border, and Canadian reserves of uranium also probably will be increasingly important in the years to come.

Canadians are quick to recognize the advantages in mutually-profitable economic arrangements with the United States. At the same time there is, quite naturally, increasing sensitivity in Canada to the need to conserve resources to meet future Canadian needs. Hundreds of millions of dollars of trade a year are involved, making this one of the most important policy areas for our two countries, one that will require increasing attention in the months to come.

Investment, Denison Mines, Canada Development Corporation

There is also great sensitivity at the moment regarding future U.S. investment in Canada. In 1967, the last year for which complete data are available, some 25 percent, or C$50 billion of the C$200 billion in total assets of Canadian corporations was controlled by foreigners, the great majority American. The automobile industry is more than 90 percent owned by American companies. Sixty-six percent of the petroleum industry and 46 percent of manufacturing generally is in U.S. ownership.

Belief is growing in Canada that the relatively large extent of foreign control means that decisions vitally affecting the Canadian economy are often made outside of Canada. According to this view, foreign parent companies, seeking to maximize the sales and profits of their world-wide business, may take decisions, in conflict with Canada's national interests, affecting employment, exports and imports, and research and development by their Canadian subsidiaries. U.S. laws and regulations to which U.S. parent companies are subject allegedly influence decisions about the operations of Canadian subsidiaries.

Past Canadian governments have already restricted foreign control in areas of the economy considered vital, including transportation, radio and television, and banks and life insurance companies. The most recent government action was taken earlier this year when the share which foreigners may own in new Canadian uranium mines was limited to 33 percent. The restriction was imposed after a Canadian corporation, the Hudson Bay Oil & Gas Company, more than half of whose shares were held by Continental Oil Company of the United States, offered to purchase a controlling interest in Denison Mines, a leading Canadian producer of uranium.

Following its action to block the takeover of Denison, the government announced that it was working out an overall policy toward foreign investment which is expected to be made public later this year. There have been indications that the proposed policy will not seek to impose new limitations on foreign-controlled firms already in Canada. For the future it may seek to limit foreign takeovers and to restrict foreign ownership or control from exceeding certain limits in such additional sectors of the economy considered vital to Canada's national interests.

The Trudeau government has also announced that it will introduce legislation to establish a Canada Development Corporation to channel government funds and private savings into growth industries. At one point it was thought that this agency would be used to purchase Canadian firms to prevent them from falling under foreign ownership. But now it seems that the Canadian Development Corporation will more likely serve to mobilize the funds of small savers for investment in the kinds of enterprises the government desires to foster.

Canadian Radio Television Commission—CRTC

Regulations now being worked out by the Canadian equivalent of our Federal Communications Commission establish new standards for the Canadian content of television and radio programing. These requirements will go into effect by stages beginning October 1, 1970, and by October 1, 1972, programs of Canadian television stations must be at least 60 percent Canadian; and of the remaining 40 percent of "foreign" programing, not more than 30 percent can come from any one country. For radio programs the Canadian content requirement will be 30 percent.

This kind of national policy on radio and television programing will both limit the television viewer's and the radio listener's exposure to non-Canadian programs and will encourage Canadian producers, directors, writers, composers, and performers by providing them with a protected market for their services.

v

I have dwealt at some length on the attitudes and problems which are currently engaging the attention of our two governments. I do not wish to leave you with the impression that these problems are overpowering or worsening our relations. I am sure they will be resolved to our mutual satisfaction in due course. In fact, and in spite of the frequent "tweaking of the lion's tail," I find an enormous reservoir of goodwill in Canada for the United States. The recently published Government White Paper on "Foreign Policy for Canadians" had no chapter on the United States. It summarized it in one sentence—"The United States is Canada's closest friend and ally and will remain so." In turn I think I speak for all United States citizens when I say that there is nothing but goodwill here for Canada.

In the days ahead it is important that this spirit be cultivated and enhanced. Some of the basic principles on which our two countries were founded, and for which millions of our forebears died, are being challenged and denied in many parts of the world today. These basic issues are freedom vs. tyranny; does the state exist for man or does man exist for the state; trial by jury and habeas corpus vs. trial by peoples courts; and freedom of religion vs. atheism. As we are called upon to continue to defend these issues and principles in the days ahead, I believe our two peoples will find continuing bonds of strength and friendship in their steadfastness in safeguarding them.

A SOLUTION TO THE POLLUTION ASPECTS OF NONRETURNABLE GLASS CONTAINERS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, a solution to the pollution aspects of nonreturnable glass containers is rapidly being developed. A program is being sponsored by the Glass Container Manufacturers Institute which is a glass recycling program. I have been informed that it is achieving tremendous success. It is so successful that plans are underway to extend it nationwide.

One of the glass plants in my district at Marienville, Pa., is taking the lead in Pennsylvania in furthering this project. This firm is a division of the Glass Containers Corp. and is a very fine local industry. The Glass Institute is also researching in the development of other means of disposing of our Nation's solid waste. This includes new methods of separation of diverse types of waste. The secondary use of nonreclaimable glass waste is also being studied.

In their sincere effort to join other industries and government agencies in attempting to solve the pollution crisis in this Nation, the glass container industry of the United States should be given special praise for their efforts which include the expenditure of large sums by the industry on this problem.

This industry should be given ample time by Congress in order to develop and expand this recycling process. A portion of the Federal appropriations to curb pollution could well be funneled to this endeavor.

HONORARIA OF RADICAL REVOLUTIONARY SPEAKERS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ICHORD. Mr. Speaker, I desire to advise the House of an occurrence on yesterday of great concern to this legislative body and to the Congress as a whole. I am under a duty to the House to bring to its attention a most serious invasion of the privileges of the House and a grave and unwarranted obstruction of its legislative functions.

On yesterday, a judge of the Federal judiciary on the basis of an ex parte application filed on the same day, and without notice to the members of the committee or parties-defendant involved, proceeded in summary fashion to enter a restraining order against the Superintendent of Documents, Mr. Carper W. Buckley; the Public Printer, Mr. James L. Harrison; and Donald G. Sanders, chief counsel of the House Committee on Internal Security, restraining the publication of a report to the House in the manner and form which the Committee on Internal Security had agreed to report it and under which I, as chairman, was under duty by the rules of this House to report promptly to the House.

Never before in the long history of this Nation has the Federal judiciary in any of its branches ever undertaken to restrain, either with or without hearing, the printing of the whole or any part of a House report. This incredible action was taken by Judge Gerhard A. Gesell, a U.S. district judge for the District of Columbia, to enjoin the printing of a committee report titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities."

In order to make clear the setting in which this action of the court occurred, let me briefly review the circumstances culminating in this extraordinary action of the court. As you know, the Congress, within recent years, has been particularly concerned with the subject of revolutionary violence. This, indeed, has been a matter of great concern to the country as a whole. The Committee on Internal Security, created February 18, 1969, by resolution of the House, was mandated to conduct investigations of revolutionary groups, their members, agents, and affiliates, and by that mandate was required to report to the House the results of any such investigation together with such recommendations as it deemed advisable.

We are faced with ever-mounting demands by Members of the House and the public for legislative action on this subject. However, the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty. We must find the answer to certain basic questions; namely, whether additional Federal legislation is necessary, what form it should take, and what is the Federal role as contrasted with the State role in the exercise of police power on this subject.

In a February 1969 statement, I advised the members of the committee that the foregoing questions and the disposition of legislation referred to the committee would require the most painstaking and thorough inquiry and understanding of the extent, character, and objectives, the organizational forms, financing, and other facts with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, and submitted to the committee a proposal that study and inquiries be made on these subjects. The committee agreed, and resolved that such studies and inquiries be made and that the chairman report thereon from time to time with his recommendations.

Pursuant to this initial resolution and subsequent resolutions adopted by the committee, investigations and hearings were undertaken with regard to such organizations, their members, agents, and affiliates, including very extensive investigations of the Students for a Democratic Society and the Black Panthers.

An important and relevant question, as I have noted, is the source and means of financing such organizations and individuals.

It was evident in the many published accounts of speaking engagements made to large audiences on college and university campuses, promoting violence and inciting to acts of force, violence, and terrorism, that such speaking engagements might be an important source of financing of the activities of such groups and individuals. On March 5 of this year, FBI Director J. Edgar Hoover told the House Subcommittee on Appropriations that the sources of contributions to the Black Panther Party were many and varied, including engagements at secondary schools, colleges, and universities where Black Panther Party leaders received honoraria of up to $1,900 for each engagement, as well as transportation costs. William Kunstler, counsel for the defendants found guilty of using interstate facilities to start a riot during the 1968 Democratic National Convention in Chicago, told newsmen quite candidly:

> We raise most of the money for our movement through speaking engagements.

With the authorization and approval of the committee, the staff conducted a preliminary survey on this subject, and the study was reported to the committee. At the direction of the committee, a proposed report to the House was prepared and considered at meetings of the committee, and it was agreed last Wednesday that the results of the investigation on this subject be reported to the House. The report, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was circulated to members of the committee on Friday, and notice given of my intention, as chairman, to file the approved report with the House today. In some way, unknown to me, the galley sheets of the proposed report which I was to file with the House by direction of the committee, was placed in the hands of Lawrence Speiser, director of the Washington office of the American Civil Liberties Union.

Yesterday morning a complaint was filed with the U.S. District Court for the District of Columbia by the Director of the American Civil Liberties Union, Nat Hentoff, 25 Fifth Avenue, New York, N.Y., John Doe, and Richard Roe, appeared as plaintiffs in this suit against the members of the Committee on Internal Security, Donald G. Sanders, its chief counsel, Carper W. Buckley, Superintendent of Documents, and the Public Printer, U.S. Government Printing Office. This was allegedly a class action on behalf of persons identified in the report as members, or participants in the activities, of Communist organizations, militant, radical, or extremist groups, self-proclaimed revolutionaries, or who provided public support to such groups and organizations, and had been the recipient of specified sums as speaker's fees or honoraria for engagements on campuses.

The complaint alleged that the committee report would be filed on the afternoon of October 14 as an official document of the committee which will be printed, published, and made available to the public. It was asserted that the filing and publication of this report had no legitimate legislative purposes, but was, in effect, being carried out by the defendant members of the House, the Superintendent of Documents, the Public Printer, and the chief counsel of the committee for the purpose of deterring colleges and universities from permitting plaintiffs to appear on their campuses, and for the purpose of punishing plaintiffs for their views.

The complaint asked the court to declare the action of the defendant committee members in preparing and seeking to publish the report as "unconstitutional," and asked the court to enjoin the defendants from filing, printing, publishing, or disseminating the document and from disclosing any material or information contained in it.

This complaint was not served upon any of the named defendants when filed yesterday. Instead of serving the defendants with notice of the application for injunctive relief, Lawrence Speiser acting for the American Civil Liberties Union and the plaintiffs named, applied to the court for an immediate hearing on the complaint with a view toward obtaining a restraining order. He took the unwarranted course simply of speaking with a U.S. attorney for the Department of Justice, Mr. Joseph M. Hannon, Chief of the Civil Division, advising him of the fact that a complaint was filed, although he knew that the Department of Justice had not been given authority to act upon this matter or to represent the defendants. Acting on Mr. Speiser's application, Judge Gerhard A. Gesell, Federal district judge, then set the matter for hearing at 2 p.m. that day.

A message to this effect was conveyed to me by my staff while I was in attendance at a committee hearing. I instructed Mr. Sanders and my legislative counsel, Alfred M. Nittle, to visit with the U.S. attorney and to ascertain the facts of the alleged action. In view of the haste with which the court was moving, I was unable to communicate with the members, or to do more.

Mr Sanders and Mr. Nittle attended the court at 2 p.m., with Mr. Hannon. The court was advised of the lack of notice, and the further fact that the committee defendants, the Superintendent of Documents, and the Public Printer, were unrepresented at the hearing. Nevertheless, the court proceeded on an ex parte basis to determine whether a temporary restraining order should be granted.

Now mind you, here is a complaint which, in effect, charges the named defendants, including the Members of the House, their staff, the Superintendent of Documents, and the Public Printer, with participating in a conspiracy to deprive the plaintiffs of constitutional rights. The complaint alleged no matters of facts in support of these scandalous, offensive, and vaguely conclusory allegations. There was no allegation remotely suggesting that the action of the committee was unauthorized. The complaint on its face squarely invaded the constitutional privileges of the Members of the House not to be questioned in any other place for any speech or debate in the House—article I, section 6, clause 1, U.S. Constitution.

Yet despite these facts, the court proceeded in summary fashion to adjudicate the most delicate and sensitive questions involving basic constitutional doctrines of separation of powers. It did so without the attendance of, or notice to, parties in interest. It did so without the taking of evidence. It did so upon unsupported, conclusory, and scandalous allegations of a complaint unverified by the parties and signed and verified only by Lawrence Speiser on information and belief as counsel for the plaintiffs. With consummate and total disrespect for the privilege of the House, Judge Gessell then summarily entered an unprecedented order restraining the publication of a House report.

Mr. Speaker, I am certain that the Members of the House cannot passively

accept this assault upon the privileges of the House. I have today filed the report which the Superintendent of Documents and the Public Printer have been restrained from printing by a single member of the court. No doubt an application will be made to dissolve this restraining order. But quite obviously this is not enough.

Both we and our brethren on the Senate side are witnessing repeated and callous intrusions by the judiciary upon the legislative function. This is a phenomenon of recent years. It appears that unless action is taken to restrain the courts in the exercise of unwarranted powers, we shall not remain a coordinate branch of government, in the system of liberty ordained by our forefathers. Let us give consideration to the means for redressing these evils lest we become the victims of our own indifference, and supinely suffer the degradation of our constitutional system.

Copies of the petition, courts ruling, and temporary restraining order are as follows:

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 3028–70

Nat Hentoff, 25 Fifth Avenue, New York, New York; John Doe, Richard Roe on their own behalf and on behalf of all others similarly situated, Plaintiffs,

v.

Richard H. Ichord, Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson and William J. Scherle, as Chairman and Members of the Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515; Donald G. Sanders, Chief Counsel, Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515; Carper W. Buckley, Superintendent of Documents, and James L. Harrison, Public Printer, United States Government Printing Office, North Capitol & H Streets, Washington,. D.C 20401, Defendants.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. This is a class action to enjoin the filing, printing, publication, and dissemination of a report listing persons whom the defendant assert are "radical revolutionaries", which publication is for the purpose of deterring college and universities from permitting such persons to appear and speak on their campuses.

Parties

2. Plaintiffs:

Plaintiffs are citizens of the United States. On information and belief, they have been named in the above-mentioned report and, along with the others in the class, labeled as "communists", "radical revolutionaries", and "radical pied pipers of pernicious propaganda."

3. Defendants:

Defendant Richard H. Ichord is Chairman of the Committee on Internal Security of the United States House of Representatives (hereinafter the Committee). Defendants Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson and William J. Scherle are members of the Committee. Defendant Sanders is the Chief Counsel of the Committee. Defendants Buckley and Harrison are officials of the Government Printing Office and are responsible for the printing of official government documents. All defendants are to be found in the District of Columbia.

Class action

4. Plaintiffs sue in their own behalf and on behalf of a class of persons consisting of those whose names appear in the report (hereinafter "blacklist") which defendants are about to publish. Joinder of all members of the class is impractical because the members of the class are so numerous and because of the short time available for seeking immediate relief. The claims of the named plaintiffs are typical of the class. The relevant questions of law and fact are common to all and plaintiffs will fairly and adequately represent the interests of the class. The defendants have acted on grounds generally applicable to the class. An adjudication of the rights of the individual representatives would as a practical matter be dispositive of the interests of all other members of the class and would avoid inconsistent of varying adjudications and multiple litigation.

Jurisdiction of the court

5. This suit raises questions under the Constitution and laws of the United States and the amount in controversy exclusive of interest and costs, exceeds $10,000. Jurisdiction rests on 28 U.S.C. §§ 1331, 1332, 2201 and 2202 and on D.C. Code 11–521.

Cause of action

6. Plaintiffs are persons of various professions and political beliefs who have spoken at a number of colleges and universities, exercising their rights of free speech under the First Amendment of the United States Constitution.

7. On May 18, 1970, defendant Ichord advised the other defendant members of the Committee that he planned to investigate the honoraria paid to persons "whom we know to be associated with revolutionary groups."

8. In June, 1970, defendant Ichord wrote to the presidents of 179 American colleges and universities, requesting that they identify such speakers, their sponsors, the amount and source of any honorarium.

9. On information and belief, many colleges and universities responded to that request by supplying the Committee with the names of such persons.

10. On information and belief, the Committee has compiled this information into a blacklist which it plans to file on the afternoon of October 14, 1970, as an official document of the Committee and which will be printed, published and made available to the public.

11. The blacklist identifies all those on it as "members, or participants in the activities of communist, communist-front, or communist-infiltrated organizations, and/or militant, radical or extremist groups, or self-proclaimed revolutionaries."

12. The assertion in the blacklist that all those on it fall into such categories is false, and, is in any event an unwarranted categorizing of political speech in an attempt to inhibit and deter such speech.

13. The aforesaid project, and the filing and publication of the aforesaid blacklist has no legitimate legislative purpose, but is being carried out by the defendants with the purpose and effect of: (1) deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers, on the basis of the false assertion that such activities by these colleges and campuses finances and thereby promotes "the radical, revolutionary movement"; and (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with blacklisting.

14. No adequate remedy at law exists for plaintiffs and the class they represent.

15. Unless relief is granted, plaintiffs will suffer irreparable injury.

Wherefore, the plaintiffs pray for the following relief:

1. That the Court declare that the actions of the defendant committee members in preparing and seeking to publish the aforesaid blacklist are unconstitutional.

2. That the Court enjoin the defendants from filing, printing, publishing or disseminating the blacklist and from disclosing any material or information contained in it.

3. That the Court grant such other relief as it deems appropriate.

LAWRENCE SPEISER,
HOPE EASTMAN,
Attorneys for the Plaintiffs.

Of Counsel:

MELVIN L. WULF,
American Civil Liberties Union Foundation.

[In the U.S. District Court for the District of Columbia]

NAT HENTOFF, ET AL., PLAINTIFF, v. RICHARD H. ICHORD, ET AL., DEFENDANTS

VERIFICATION OF COMPLAINT

The undersigned attorney for plaintiff hereby avows that he is familiar with the subject of the complaint in this action, that he has read the foregoing complaint, and that, to the best of his knowledge, the factual allegations contained therein are true and correct.

LAWRENCE SPEISER.

Subscribed and sworn to before me this 13th day of October, 1970.

———— ————.

My Commission expires March 31, 1971.

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 3028–70

Nat Hentoff, et al., Plaintiffs *v.* Richard H. Ichord, Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson and William J. Scherle, as Chairman and Members of the Committee on Internal Security of the United States House of Representatives, et al., Defendants Washington, D.C., October 13, 1970

The above-entitled cause came on for hearings on Plaintiffs' Complaint for Injunctive and Declaratory Relief before the Honorable Gerhard A. Gesell, United States District Judge, at 2:00 p.m.

Appearances:

Lawrence Speiser, Esq., Hope Eastman, Esq., Counsel for Plaintiffs; Joseph M. Hannon, Assistant United States Attorney, Counsel for Defendant Donald G. Sanders;

Court's ruling.

PROCEEDINGS

The Clerk: Civil Action No. 3028–70, Nat Hentoff, et al. v. Richart H. Ichord, et al. Mr. Lawrence Speiser and Mrs. Hope Eastman for the Plaintiffs. Mr. Joseph M. Hannon for the Defendants.

The Court: Gentleman, in view of the time factors that are involved and knowing that this matter will unquestionably be taken this afternoon to the Court of Appeals, the Court is going to undertake to give its ruling orally at this time.

The Court has before it in this case a complaint for injunctive and declaratory relief framed as a class action seeking a temporary injunction to enjoin a proposed report of the Committee on Internal Security of the House of Representatives, captioned, "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities."

The complaint verified by its counsel in general terms indicates that the proposed report is scheduled to be published at noon tomorrow.

Initially the Court in confronted with the claim by amicus that there has not been the appropriate notice under Rule 65. The

Court feels that in view of the presence of the various officials here in Court today, the urgency of the situation and the fact that Plaintiffs were lulled into a belief that Mr. Hannon represented all of the Defendants, that the spirit of the rule has been met and, accordingly, the Court will entertain and consider the issues presented on the merits.

The first matter the Court must determine is whether or not there is in this case subject matter jurisdiction. The complaint states a claim under the Constitution, clearly raises a Federal question. There is also clearly alleged an imminent threatened injury, and the issue presented, as the Court sees it, is concrete, a specific real and live issue tendered for specific adjudication.

The merits presents a question involving separation of powers which is always a very difficult question for the Court to confront, as it arises particularly these days with increasing frequency.

Obviously, this Court must accord deference to the Committees of Congress, a coordinate branch of the Government, and to their authority to conduct investigations and proceed in the conduct of Congressional affairs. But it is clear under the decision of the Supreme Court in the Powell case, which the Court believes overrules a number of the cases cited by amicus, as interpreted by our Court of Appeals in the Davis case, the Court is not barred from considering a constitutional issue of this urgency and specificity merely because it may involve some intrusion into the delicate area of separate powers under our Constitution. Thus the Court feels the matter must be resolved in accordance with traditional considertaion of equity following the standards that are appropriate in a situation of this kind in the exercise of the Court's discretion.

There is not presented here any challenge to the authority of the Committee to engage in the work of the Committee under the various general assignments it has had from the Congress. The more specific question presented is whether there is a valid legislative purpose with respect to this particular document which is before the Court. In other words, is this report pursuant to a valid legislative purpose of Congress conducting its traditional role or is it merely, to use the language of such cases as Watkins v. United States, "an attempt to expose the private affairs of individuals for the sake of exposure alone?" That is the initial question which the Court must confront here.

The issue also, as the Court sees it, is not, as the Plaintiffs suggest, whether or not the report in its entirety should in any way be enjoined but more specifically the question of whether or not an injunction should issue with respect to the publication of the names of listed speakers that are set forth in various lists in the proposed report be-because it is in that respect that there may be an intrusion into the rights of individuals threatening their rights of free speech and assembly under the Constitution for the sake of exposure rather than for any legislative purpose.

While the Committee apparently undertook to inquire into whether or not various subversive organizations, so-called, were receiving funds from speakers on the various campuses of the United States, it made no definitive investigation into that issue as far as this report is concerned but merely satisfied itself with obtaining a list of speakers, then checking various private and public lists available to the Committee for the purpose of determining whether there was any indication that any of these people in any way had any connection with organizations which the Committee considered in some manner extremist, revolutionary or distasteful to the members of the Committee. The purpose in publishing the names is clearly suggested in the galley where it is stated that:

"The Committee believes that the limited sampling made is sufficient to alert colleges and university administrators, alumni, students and parents to the extent of campus speaking in promoting the radical revolutionary movement." Clearly a non-legislative purpose.

It appears to the Court that the Plaintiffs here have a legitimate grievance and that the Court should permit all of the interested parties full opportunity to be heard on the matter. The Court appeals to the conscience of the Congress and feels that the traditional methods which have long applied in the Federal Courts of this land should apply in this case just like any other case, and that there should be a careful examination into anything that purports to be, as this does, an indirect attempt to inhibit and deter freedom of speech under the First Amendment in a manner which is contrary to constitutional principles and chilling in its effect.

The Court is well aware that there is no practical remedy if Congress, in its wisdom, chooses directly or indirectly to ignore the Court's order.

Basic rights of Plaintiffs may be infringed as the Court sees these papers and our Constitution demands that they be given their day in Court. Hence the Court has concluded that a temporary restraining order must issue and that the matter should be set down in two days if the Defendants wish to take advantage of the provisions of Rule 65, to which reference has been made.

The Court feels that considerations of fairness and proper regard for the rule of law requires this result and the Court earnestly hopes that the Defendants will accept the necessities of orderly procedure.

There is no consideration of the public interest that has been brought to the attention of the Court that necessitates any immediate release of the challenged document. It is the traditional role of the Court of equity to preserve the status quo which is preserved by enjoining the release of these names and the Court feels that the Plaintiffs have a reasonable likelihood of success on the merits.

There is no effort here to impede investigatory activities of the Congress and there is no effort in any way here to restrict what Congress may say or do no the floor of the Congress. There is nothing here that affects speech and debate by Congressmen.

The Court will issue a temporary restraining order permitting the publication of this report but enjoining any publication in the report listing the speakers. The names of the speakers as listed shall not be published and any publication of those names is legally unauthorized.

I have before me a proposed form of restraining order which has been submitted by the Plaintiffs. I think it can be readily adapted to the ruling of the Court, limited to the names of the speakers.

I say to you, Mr. Hannon, that this matter will be set before a Judge of this Court within two days or next week, in accordance with whatever is the wish of the Defendants in that regard. If you wish a forty-eight hour hearing, it will be granted.

I would ask counsel to look at the proposed restraining order which was handed to the Court and make the necessary changes in it consistent with the ruling the Court has just made. When you have done that and have reached some conclusion as to the date of the hearing, I can endorse the order accordingly.

I want to express my appreciation for the presence of the distinguished gentlemen here from the Congress. I have attempted to do what a Federal Judge always should do in circumstances such as this, to do what is fair and right in connection with the serious constitutional issues raised and I feel certain that upon a full hearing as to these matters all of the rights an interests of the parties can be fully developed.

Mr. HANNON. I don't believe Your Honor was reading from an opinion?

The COURT. No, I have no opinion in front of me.

Mr. HANNON. Is this going to be written up as the findings of fact and conclusions of law of the Court?

The COURT. This would constitute my findings of fact and conclusions of law as required under the rule. I will direct the court reporter to transcribe it immediately for the benefit of all concerned. I have no opinion here.

Mr. HANNON. Yes, Your Honor.

The COURT. I have simply had an opportunity to look at these and make a few notes.

Mr. HANNON. I appreciate what Your Honor has told me and we would like a copy of the Court's findings.

The COURT. Yes.

Mr. HANNON. I suggested to the Court that you had no jurisdiction over the members of the Congress. The Supreme Court has said so twice. Although Your Honor was very careful in your opinion, I did not catch who the Court is going to enjoin, who you are going to enter the restraining order against. You didn't mention who it is Your Honor is restraining in that. I would like that, please.

The COURT. I would think the injunction should run to all persons other than the named Congressmen, themselves. It would run to the printer and to all of the staff, and all of the people that would necessarily be involved in the publication.

Mr. HANNON. Not to the members of the Congress but to the staff, the other Defendants named and their agents, is that what I understand, Your Honor?

The COURT. That is what I have in mind. I see no need of enjoining the members of Congress. They are free to publish this report in so many ways anyhow there is no point in trying to get involved in that. They can make speeches on television; they can talk everywhere they wish.

Mr. HANNON. If Your Honor is clear in his mind, as I am in mine, that the Court does not have jurisdiction over these Congressmen by virtue of Powell v. McCormack, which Your Honor adverted to, and Dombrowski v. Eastland, would the Court at this time sua sponte dismiss this lawsuit as to the members of the Congress?

The COURT. No.

Mr. HANNON. Thank you, Your Honor.

The COURT. You gentlemen can bring back the order to chambers when you have it in shape.

CERTIFICATE OF COURT REPORTER

I, Ida Z. Watson, certify that I reported the proceedings in the above-entitled cause on October 13, 1970 and that the foregoing Pages 1 to 10, inclusive, constitute the official transcript of the Court's Ruling.

IDA Z. WATSON.

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 3028–70

Nat Hentoff, et al., Plaintiffs v. Richard H. Ichord, et al., Defendants.

TEMPORARY RESTRAINING ORDER

It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order, pending hearing and determination of plaintiffs' motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which con-

tains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage, and infringement of constitutional rights before a hearing can be had on plaintiffs' motion for a preliminary injunction;

And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

Now, therefore, it is ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington D.C., is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

It is further ordered, pursuant to Rule 65(c) that plaintiffs post a bond in the sum of one dollar ($1.00).

GERHARD A. GESSELL,
Judge.

CONFIDENCE IN NIXON IS AT 35 PERCENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HUNGATE. Mr. Speaker, the enclosed article will be of special interest, particularly since the objective of many candidates' campaigns is to restore the confidence of the people in the Government:

THE HARRIS SURVEY: CONFIDENCE IN NIXON IS AT 35 PERCENT

(By Louis Harris)

Contrary to Harry Truman's experience in 1948 when he ran successfully against the Republican 80th Congress, President Nixon appears to have aroused a storm of criticism over the way he has handled the Democrat-controlled Congress in 1970.

Here is where the public stands on some of the sharpest clashes that have recently taken place between Republican President Nixon and the Democratic House and U.S. Senate.

By 52 to 33 per cent, the people feel that Congress was more right than the President in the case of the Hill-Burton hospital appropriations. Congress passed a bill providing for more money for the construction of hospitals than Mr. Nixon had asked for. The President vetoed the bill. Congress overrode the veto.

A short time later, the Congress passed an appropriations bill for the Office of Education that provided more funds than the President had requested. Mr. Nixon vetoed the bill as inflationary. Congress overrode the veto. By 52 to 35, the public feels that Congress was right.

Congress also passed another bill which called for more money for housing, veterans' benefits and space. The President once again vetoed the measure. This time, Congress failed to override him. On this issue, the public split right down the middle, with 42 per cent taking side of Congress and an equal 42 per cent that of Mr. Nixon.

In the latest Harris Survey, President Nixon's over-all job rating has slipped to below the 50 per cent mark. The number who feel he "inspires confidence personally in the White House" has fallen to only 35 per cent, down from a high of 61 per cent in April, 1969.

One of the sources of a deterioration of public confidence in the Chief Executive has been a growing public disenchantment with the way the President has handled his relations with Congress. This is the trend since January:

[In percent]

August 1970:	
Positive	29
Negative	57
Not sure	14
July:	
Positive	37
Negative	52
Not sure	11
February:	
Positive	42
Negative	40
Not sure	18

One reason why Congress has been able to at least temporarily win its battle against the President is that the issues of health and education, along with pollution control, are just about the only areas in which the American people are willing to see more of their tax dollars spent these days.

The thrust of Mr. Nixon's TV appearances this past summer has been to bring his case on Cambodia before the American people or to explain his vetoes of congressional legislation. Certainly when he kept his word on bringing American troops out of Cambodia by the end of June, he was given much credit by the public.

Yet, something happened to Mr. Nixon's credibility in the process, as the following result indicates:

"As far as the war in Vietnam and Cambodia is concerned, do you think President Nixon has been frank and straightforward about the war, or do you think he has not told the American people the real truth about the situation there?"

[In percent]

Been frank, straightforward:	
August	39
July	48
May	42
Not told people real truth:	
August	49
July	38
May	46
Not sure:	
August	12
July	14
May	12

While a minority held that Mr. Nixon "has not hidden anything" or "he tells what he can within security bounds," a plurality volunteered that "he is hiding a lot" or "what the boys out there tell us is something different."

REFORM OF ELECTORAL SYSTEM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WALDIE. Mr. Speaker, it is not often that a Congressman receives an interesting proposal from a constituent whose discontent with the inadequacies of our governmental system has generated constructive thought. Usually the complaints are heard, but words tend to die away at the thought of action. Not so with Mr. James E. Christian of Walnut Creek, Calif. He has found himself to be one of the parent silent majority. Yet for Mr. Christian, silent has come to mean concern. Realizing the plight of an American society seemingly content with allowing itself to slowly succumb to its own self-perpetuated ills, Mr. Christian has turned his concern into concepts: ideas for change, for a type of reform that will hopefully instill a new hope in the vast young silent majority—the leaders of a few years hence whom we cannot now afford to lose.

Mr. Christian's challenging proposal deals with reform of the electoral process. I call the attention of my colleagues to its carefully thought our suggestions.

The letter follows:

WALNUT CREEK, CALIF., *October 4, 1970.*

JEROME R. WALDIE,
Congressman, Cannon Office Building, Washington, D.C.

DEAR MR. WALDIE: Several years ago, while I was active in the Walnut Heights Property Owner's Association, you were responsive to our requests and submitted and steered a bill through the State Legislature. This bill made it possible for citizens to call for an election to decide whether or not Drainage Zones with attendant taxes would be formed in our county. Previous to your bill, these tax districts could be formed by majority vote of the County Board of Supervisors with no confirmation by voters of the tax district required.

More recently, approximately two years ago, you were extremely helpful in obtaining a compassionate re-assignment in the United States for my son who was in Vietnam, and whose wife and infant son were both quite ill.

I remind you of these instances not only to identify myself in your mind, but to illustrate to those of my personal friends receiving a copy of this letter that you are responsive to your constituency and that it is possible for a small individual citizen to have his voice heard by his government.

In one of your recent news letters you wrote at some length of your efforts to unseat Speaker John McCormick at the beginning of this session of Congress. You referred to the Congress as a "special interest" group and spoke of its inflexibility and resistance to change inherent in the seniority system. It took much political courage for a new representative to act as you did, and I commend you. I also commend you for pin-pointing what I believe is the most important source of dissatisfaction among our young people today. I am speaking not of the radical, violent left among the university students and minority groups, but of the great "silent majority" of youth from the middle class and lower middle class people. They contend strongly, and I believe rightly so, that our government is not *responsive to the people as a whole.*

My son John, 23, attended the University of California at Santa Barbara last winter and will return this fall as a senior. During the last two quarters he had the misfortune to live in the Isla Vista area which was the center of so much unrest. It is not possible for those of us who were not there to understand fully what it was like for those of the "young silent majority" to be caught in the cross fire between the relatively few spoiled brats of the radical left who were willing to burn the Bank of America and the overreaction of the police from Santa Barbara and Los Angeles counties. I do feel strongly,

that while the radical left gained few active supporters for their revolutionary cause, the police and the local and state government officials lost many supporters from among the "young silent majority" by their unbridled repressive measures in the Isla Vista community. Repression by a police state is a poor substitute for the anarchy of the revolutionaries whether they be Communist inspired or simply bent upon destruction. Intelligent young people like I consider my son to be, and the sons and daughters of many people like me are not going to accept police repressions as an alternative to anarchy.

To argue that "the students started it" or that "the police can't tell the good kids from the bad" avoids the issue. The point is, some things in our society are rotten; many of our young adults know it, and are unwilling to accept it. The main problem seems to me to be the one you have pinpointed. Our government, especially at the lower levels, is not responsive to orderly change initiated by the people. It is responsive primarily to organized special interest groups that can bring political pressure to bear upon our elected representatives by giving money to support their political campaigns or threatening to withhold support. As a result our elected representatives either must be very wealthy in their own right in order to be their "own man" so to speak, or they must be realistic and compromise many times the best interests of all the people for the benefit of this or that special interest group.

"Special interest" groups are the people that get things done in this country, or conversely, prevent things from being done. Much of the strife in our country today is due to the "special interest" groups, whether they are left or right in the political spectrum, being willing to place their specific selfish interest above that of the country as a whole. No wonder that old fashioned "4th of July" type of patriotism appears to have died. We have become a nation of many powerful parts, lacking sufficient cohesion to bind them into a reasonably unified whole body.

When our young people see a whole nation being brought to its knees by strikes, see executives convicted of violations of restraint of trade laws, see highway lobbies resisting use of gas tax funds to further development of mass transportation, illustrations are endless, they see a nation in which only powerful organized groups, right or left, good or bad, are effective. The unorganized "people" have no voice.

If my foregoing analysis is largely correct, and admittedly it is vastly oversimplified for the sake of brevity, then in order for our government to become responsive to the "silent majority", whether young or old, we must change our election laws so our representatives can respond to the will of the whole people rather than the will of the Teamster's Union or General Motors. Concurrent with this, the "parent silent majority" must cease being silent and become involved. They must realize the "youthful silent majority" does not have the same goals we had in our youth, and that changes in the old order are coming. For the benefit of my personal friends receiving a copy of this letter, I am attaching articles by Henry Ford II, and John D. Rockefeller III, that I came upon recently. They beautifully cover the subject of the great drive for changes abroad in the entire world today, and the unresponsiveness of our government and society of "big" groups.

With respect to our election procedures, much of our youth feels that our National Convention system must go. To watch and listen to adult men and women carry on as they do, to see television network commentators and programers attempting to influence the choice of candidates by when and where they are given exposure fills many of our youth with disgust and a sense of revulsion. I feel exactly the same way.

When I inquire how candidates should be selected, my son and his friends reply, "by primary elections." They bog down however when they try to decide how a person qualifies to run in the primary elections. Frankly, I am unable to come up with a specific procedure, but I have a few ideas to present to you for consideration.

At the very outset, a politically motivated man would declare himself as a potential candidate of a "major" political party. The word "major" must be defined precisely with the object in mind of preserving a two party system, but not limit it to two parties. However, I feel there should be a limit of three parties. We can not permit a large number of splinter parties to develop with each polarized around their "special interest" group for the obvious reasons that no government so constructed could ever develop a positive sense of direction. Italy today is an example of this. Surely all politically aware people could find an endurable situation in a "Left", "Right", and "Center", party if two parties would not suffice.

After a person declared his proposed party affiliation he would then obtain signatures on a petition endorsing his candidacy from at least 10% of the registered voters who have registered themselves as members of that party. To obtain this 10% is going to call for attending some party meetings and caucuses to gain the support of the party organization in this initial phase so that groups of people can be contacted readily to facilitate and obtain the signatures. "Special interest" groups would be very active and influential at this point, and might influence two or three potential candidates within the same major party grouping. All the money that any group wishes to spend for media to reach the people could be spent at this point. There are certainly more than ten "special interest" groups so some "wheeling and dealing" would no doubt take place between groups to assure getting "their man" the required signatures to qualify.

Much thought would have to be given to how this "potential" candidate qualification procedure would function from local to state to national levels, but it does not seem insurmountable.

The "potential" candidate qualification period would be limited to 90 days. The primary election would follow in 45 days. During this period preceding the primary election all election expense would be borne by the public treasury. Predetermined sums commensurate with realistic need would be allocated to each candidate to be used as his organization sees fit. Television time would be available only for state and national offices, and allocation of TV time would be controlled by an election commission of stature such as the FTC, ICC, and FAA, to prevent candidates appearing at exactly the same prime time spots. The people should not have to choose which candidate they want to hear. They should be able to hear all candidates.

City and county candidates would have to make a real effort to go to the people. A special section of the newspapers would carry the ads of all candidates. No billboards. Local TV spot "catch phrase" commercials prohibited. Local radio time allocation by the local arm of the election commissions selected above. Consequently local candidates would have to use radio to speak at length on issues, and sell the idea of people attending their rallies in person. Local schools and government auditoriums available to all at no cost.

Why this elaborate procedure? To make it possible for educated people of modest financial means to be elected to public office without becoming subservient or politically obligated to more than 10% of the registered voters of his party affiliation. He could be "his own man" after the primary to a much larger extent than is now possible. He could then be responsive to the people if he is subsequently elected in the general election.

The general election would follow in 45 days. Incidentally, primary and general elections would be held from Saturday 6:00 p.m. to Sunday 6:00 p.m. so all people would have equal opportunity to vote. All expenses would again be paid from the public treasury.

TV media would again be controlled by the election commission. Special interest group activity limited to direct mailing for which they would pay full postage rates. Special interest groups would have to subordinate their interests to the whole. They would have to curry the favor of the candidate instead of the candidate seeking their endorsement. This situation might play into the hands of the politician willing to take the undertable favors of a special interest group, but I doubt many would take the risk because he would have to compete with several others in the next primary election. Elections for city and counties would be every two years, state and national elections every four years. City and counties need to be more flexible to meet minor changes in society having impact upon our daily lives.

I have made it sound so simple, haven't I? You ought to be able to draw up a bill and get it through Congress by the end of the year! Such thing is of course, worse than absurd. Mr. Waldie, what I propose is a Herculean task and I know it. However, in this current session of Congress men like yourself have dared to speak out. Who are these men? Could you be instrumental in organizing them and then refine the general suggestions made above into a workable and constitutionally legal procedure. Perhaps you feel that my suggestions are unworkable. If so, what thought have you given to the problem of the government's unresponsiveness, and how can people like myself be helpful?

By what ever means such a reform proposal is developed, the responsibility to sell it to the people would pass to people like myself. Demand for these reforms would have to spring from the bottom up, not the top down. I believe it is possible to accomplish this without a formal organization and huge sums of money by utilizing something akin to the chain letter. One man writes his Congressman and local assemblymen at the state and county level advising him to support this program. He sends 10 copies of this letter to 10 personal acquaintances—five on a local level and five others to acquaintances scattered throughout the country. Hopefully each of his friends will follow through and do likewise, etc. Naturally it would be the ultimate in wishful thinking to believe all would do so, but if only 25% of those receiving such a letter followed through, in six months time the power generated would dwarf the atomic bomb. Representatives at all levels would unquestionally hear the voice of the people. They would have no choice but to respond.

I believe Henry Ford II has correctly analyzed our situation. We are at a major crossroads in history. Either the "silent majority" speaks through democratic procedures and becomes active and responsible enough to be deserving of the fruits of a free society or anarchy, or fascism, will fill the world which we have allowed to develop by our apathy.

Young people today see the "squeaking wheel gets the grease" method as the one that pays off in a society dominated by "big" groups. Change and progress seem possible only by "protest and pressure". The young of all species of life learn primarily by the examples set by the elders of their species. If we believe in the dream of our

forefathers that the people are capable of governing themselves, then clearly the burden of proof and demonstration rest upon we members of the "parent" silent majority.

At this moment, my son, John, strongly believing that election procedures must be changed, cynically feels that I must be crazy to think that members of Congress (beneficiaries of the present system) are going to aid in bringing about that change. He feels it would be impossible to secure a majority of the Representatives and Senators to vote for a Constitutional amendment that might ultimately put them out of office. He will be right if we fail to generate an irresistible and orderly demand for that change by the masses of people putting pressure upon present elected officials to do so.

You have demonstrated in the past that you are a skillful politician (after all, you are a Democrat and I have been a registered Republican all my life) and in tackling the seniority system last winter you showed some qualities of statesmanship. Will you and others in Congress of like thinking give this idea consideration? If you feel it is a worthwhile goal and is within the realm of possibility to achieve, will you provide the direction on a non-partisian basis that would be needed?

It took more than a few minutes to frame this letter. I shall not expect an immediate reply, however, I will appreciate a reply over your signature rather than from a member of your office staff.

With many thanks and much appreciation for your past help when I have called upon you, I remain

Respectfully yours,

JAMES E. CHRISTIAN.

SHERIFF'S SHERIFF

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McFALL. Mr. Speaker, today's nationwide cry for law and order poses the problem of finding the most able men in the field to provide leadership to accomplish this objective. These same men, many times, carry the responsibility of rehabilitating those in county jails who may need assistance. Progressive leadership can be found in the ranks of today's law enforcement officials.

One such officer, is Michael N. Canlis, sheriff-coroner of San Joaquin County, Calif. Mike has been in the forefront for many years, fostering programs to rehabilitate prisoners. I would like to record here a reflection of this man's philosophy which appeared in an article in the Sacramento Bee newspaper of July 19.

Before requesting that this news article be printed, I would first like to give you some background on this sheriff of sheriffs, a title that seems appropriate for Mike, who was elected this year as president of both the California State and National Sheriffs Associations. The Ford Foundation recently established the police development fund to support efforts by police departments to upgrade their performance in law enforcement and the administration of justice. This is the largest private agency in the country concerned exclusively with police work, and Mike Canlis was selected to serve as a charter member of its board of directors. Mike is past president of the California Peace Officer's Association; has been past president and is presently an officer in many law enforcement organizations, State, Federal, and local

He entered the sheriff's department January 6, 1939, and has served as sheriff-coroner since 1960. He was appointed by the Governor, and is presently serving his fifth term as one of two public members of the California State Board of Corrections. He was a member of the Governor's Commission on Preemption and the Law and the Joint tion of Justice. He is a member of the California Delinquency Prevention Commission, Professional Advisory Panel of the California Council on Crime and Delinquency, member of the National Association of Counties Crime and Public Safety Steering Committee, Attorney General's Community Relations, and many other National and State advisory boards and commissions.

In addition, he is a member of the board of trustees of the Pacific Center for Western Historical Studies, member of the board of trustees of the San Joaquin Pioneer and Historical Society, and serves as director of many community, civic, and charitable organizations and is affiliated with numerous others. He is president of the Stockton Rotary Club.

He also serves as a member of the board of directors of the California Crime Technological Research Foundation and is a member of the American Social Health Association Drug Abuse Task Force.

Mr. Speaker, I hope my colleagues will find the Sacramento Bee article written about my good friend Mike Canlis as thought-provoking as I, and may appreciate this man's concern when he says, "You gotta' change."

The article follows:

SHERIFF IN STOCKTON SHOWS A CONCERN

(By Douglas Hope)

STOCKTON.—Michael N. Canlis sometimes does things that raise eyebrows among his colleagues in law enforcement.

Things like unlocking jail cells every day to let 200 prisoners go to work or attend school.

Things like giving a citation to a young mother, instead of putting her in jail, when she has been caught in an amateurish shoplifting attempt.

Things like sending a sergeant out to ask a housewife if the deputies who just answered her complaint about a vicious dog were attentive, courteous and wore their hats when they came to her house.

"You gotta change," says Canlis, and these are some of the ways he does it.

Not all his colleagues may agree with the way he changes things, but when both the California State and National Sheriffs Associations named new presidents within the last month, the names were the same: Michael N. Canlis, sheriff of San Joaquin County.

National attention is not new to Canlis. His innovative programs are known to law enforcement executives through national conferences and workshops and their personal visits to San Joaquin County. Best known is a work furlough program, currently involving 200 county jail prisoners, under which inmates are released during the day so they may retain their jobs, contribute to the support of their families—and pay room and board to the county.

There are others, among them: A cadet training program which gives promising high school graduates part-time jobs and in-service experience while they go to college; a school attendance program, similar to work furlough, under which 23 prisoners recently earned their high school diplomas; and the issuance of citations rather than arrest and jail for certain misdemeanors, chiefly shoplifting.

These programs and the approach they reflect would seem to qualify Canlis under his own definition of the ideal modern policeman: "A man who's aware of his fellow man, and concerned about him.

"If I didn't capsulize it like that, I'd have to say a man who was educated to this point, who is physically able to that extent—and these are things that are really not as important as that I know you're a human being, and that you are there and that I do have a concern."

SOME UNHAPPY

Canlis is aware this kind of philosophy sometimes angers persons who argue for a single-minded, get-tough approach by police.

"People bug me when they mistake humaneness and common sense for softness—nothing could be further from the truth," he says. "For example, if we issue a citation to a mother of two children instead of sending her to jail for shoplifting, we've saved her from an exposure whose severity far outstrips the punishment required by law—and we've kept her out of a system (jail and probation) that is not noted for its successes."

But Canlis cautions a newsman: "Don't make me sound like a social worker. I'm a policeman and I want to sound like a policeman."

And he does when he talks about how to control civil disturbances on and off campus.

"The answer, truly, to the problems that confront us today is more policemen, and until such forces get organized in sufficient size, this problem is always going to confront us."

Or when he talks about the crime rate:

"Crime just must be considered in the true perspective of the disruptive forces in our society, and when it is so considered you'll find that it's second only to war . . . Crimes of all types have reached incredible proportions which have far outstripped in contagion any communicable disease which you would long ago have considered epidemic and pledged your total energy to eradicate."

On citizen support for law enforcement:

"First, people must become involved to report crimes, to associate with the law enforcement agency and let the lawless elements of the community know that they care, and that they will insist that all people obey the law."

PROFESSIONALISM

Law enforcement, Canlis is fond of saying, has advanced "to a level of reasonably competent mediocrity" and requires increased professional competence and public moral and financial support to make further progress.

Change is essential to progress, and one of the marks of progress is the provision of options: New ways to treat offenders, as in his workfurlough and school programs; new equipment to give the policeman more and better ways of dealing with problems; better educated and trained personnel who can respond in a variety of appropriate ways to differing situations.

The same man who deals with the armed hoodlum, he points out, also must handle situations involving the long-haired social protester, the noisy neighbor and the picket line of housewives pushing baby buggies around a supermarket.

Today's policeman, he says, spends 25 per cent of his time making decisions about how to handle varying problems. Many times it is impossible to teach him a pat answer—for instance, what degress of response to use with an angry crowd whose insults may escalate to real violence.

"All we can do is sharpen his thought processes to where he can make a good decision . . . everybody else has already made their decision. They're going to throw the rocks, or the firebomb, or shoot . . . and he has to react.

"So first, we try to select those persons we can train . . . we give him situations in training and we keep available as much information as possible in intelligence to keep him aware of what the tenor is . . . then we provide him with every kind of equipment the community can afford, so he has the option of using a club, or Mace, or his handcuffs, or his physical abilities—or his articulate defense."

Canlis's own deputies soon will be testing a new option, possibly an effective middle course between shooting a fleeing suspect or letting him escape. The new device is a gun which shoots a soft wad that strikes with the force of a sharp blow and marks the target with an indelible dye—but does not penetrate the skin.

Using another favorite description, Canlis says, "Law enforcement has become the front-line instrument of government . . . it has been our heritage to inherit the problems of our society which no other agency of government can immediately cope with or control."

In 1970 that means social protesters who, he says, use police as a foil to dramatize their causes. "They would have no confrontation if they didn't have us, because everybody else would run away. And we haven't run away. So our honor is intact."

Lack of preparedness, particularly a shortage of manpower, has forced police to adopt "almost military" tactics in response to demonstrations and resistance by social protesters, Canlis says.

While experience has shown that an early showing of massive force will prevent or delay violent protest, he says, police get to the scene too late, too few, too often. And once a demonstration has gotten out of hand, military tactics—the "sweep", an instance—may be the only answer.

"This is not, in my opinion, the role of police in a society as developed as completely as this one," Canlis says. "There's got to be another answer."

MUTUAL AID

In California, at least a partial answer may be a revision of the mutual aid system under which local law enforcement agencies are bound to aid each other in crisis situations. This arrangement was adequate in days when the crises were infrequent and short-lived, he says, but has become a crushing financial burden in times of civil unrest and enduring tensions.

"Los Angeles spent . . . hundreds of thousands . . . to send the major portion of the force to Isla Vista, but the people of Los Angeles are not really involved with the temper of that very small community."

Canlis would like to see two major changes: A buildup of state-paid campus police forces at places like the University of California at Berkeley where the existing "token force is unrealistic;" and state reimbursement of local governments for the costs of aiding their neighbors.

He also would like to see the state buy and stockpile in strategic locations such expensive riot-control gear as mobile command posts.

He is encouraged by the type of men now being attracted to law enforcement.

"These are bright, articulate young people who are better educated, who can assume these differing roles with some ease, who are not fixed in their opinions, who seem to be able to flow rather than inject themselves into a situation, who are understanding."

These changes, he argues, would free local funds for a necessary buildup of regular police forces and speed the dispatch of men and equipment when mutual aid still was necessary. The goal would be prevention before serious trouble develops.

At the same time, Canlis says, any attempt "to enforce the law before it was broken or challenged" would be contrary to the police role in a democracy. The purpose of preserving order is to preserve the right of dissent as well as to protect lives and property.

"The only one who guarantees your right to dissent is that thin blue line, that almost unbelievably small force of local law enforcement agencies," Canlis says. "Nobody else is doing it—that is, in a meaningful, physical everyday sense."

One of the things that keeps "the thin blue line" thin, Canlis says, is the existence of too many laws and too many police responsibilities which have nothing to do with crime fighting.

"It's ridiculous that it takes hundreds of thousands of laws to enforce the Ten Commandments," he says. "The courts are bogged down. The system of criminal justice was never designed to handle this morass that is being injected into it. They can't possibly do it. And the frightening fact is that most of the criminals are free and unknown to the system."

Canlis believes the sheriffs associations, both state and national, can be effective tools for helping law enforcement upgrade its professional skills. As head of the 23,000-member National Sheriffs Association, Canlis will make his voice heard in appearances before congressional committees during consideration of anti-crime and police-aid bills.

COMMUNICATION

He also intends to improve communications among association members and form at least two new committees, one on standards and ethics and a second on the application of new scientific and technological developments to crime fighting.

Such communication is vital, he indicates, otherwise the mere "need for bodies" to maintain law and order could result in stagnation and a perpetuation of the status quo in police methods. Americans—"who have never made a major commitment to law enforcement"—must demand and pay for a raising of police standards as part of the war on crime, Canlis declares.

Fighting crime in a democratic society, he says, requires more than just getting tough.

"This is not a shoot-'em-up society," he says. "Our society right now is telling us to stop shooting because there's got to be a better way. We think there is, too."

A BAD RISK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HUNGATE. Mr. Speaker, the following article in the Washington Post by Art Buchwald indicates why Congress is studying the policy of some insurance companies:

CAPITOL PUNISHMENT: A BAD RISK

(By Art Buchwald)

There has been a rash of automobile insurance cancellations lately by the major companies, and everyone is very nervous about it. The other day my wife was notified that her auto insurance policy was being canceled. The notification gave no reason for the cancellation, and since my wife had not been in an accident, she was preplexed.

She asked me to get to the root of it and I took the next plane to visit our insurance company. The company is housed in a 56-story aluminum and tinted-glass skyscraper on a 30-acre shopping plaza overlooking most of the state of Connecticut.

I arrived on the 35th floor where one made inquiries concerning canceled insurance policies. After browsing through the company literature, which told how insurance was making America great, I was ushered into the office of Clyde Featherstone.

I gave Mr. Featherstone the cancellation notice and he clucked once or twice and then disappeared. He returned in a few moments with the folder.

"What did my wife do wrong?" I demanded.

"Your wife didn't do anything wrong. Her records are all up to snuff."

"Then why did you cancel her insurance?"

"Because of Trembling and Trembling, her insurance agent."

"Trembling and Trembling?" I said.

"Yes," said Featherstone, going through the folder. "They've been very naughty boys, very naughty indeed."

"Did they steal any money?" I asked.

"Worse! They've written too many policies this year that people have made claims on. We've had to pay out $1,897 to Trembling and Trembling clients in the last 12 months."

"But what's that got to do with my wife's insurance policy? She didn't get any of the money."

"Ah, but since you are with Trembling and Trembling *you* are now considered a bad risk. Their record is your record."

"That's nonsense. I hardly know Trembling and Trembling," I protested. "I wouldn't recognize them if I saw them on the street. This is guilt-by-association."

Featherstone smiled, "You came to us through Trembling and Trembling and you will leave with Trembling and Trembling. This company will not put up with people who make insurance claims against it."

"But that's what you're here for," I said. "To pay people off when something happens."

"That's a foul lie," said Featherstone, losing his smile. "We're here to build buildings and real-estate developments, and finance ships and airplanes and ball parks. If we keep paying out claims, where would we get the money to construct this 56-story building with its beautiful shopping plaza and underground computer center?

"Do you realize," said Featherstone, "that every dollar we pay out in a claim is a dollar we have to take away from our advertising budget, which tells the public what wonderful insurance people we are?"

"I appreciate all that," I said, "but surely you have to pay some claims in order to stay in the insurance business."

"That's what Trembling and Trembling thought," Featherstone said, as he tore up my wife's folder.

I thanked Featherstone for his kindness and understanding. He got up to shake my hand. "If you're staying in town for dinner we have a great restaurant on the roof garden which is bringing us 15 per cent profit a year."

OPERATION EARTHSHINE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. LONG of Maryland. Mr. Speaker, on October 3 I joined with Scouts and

area residents in cleaning up trash in the Essex area. The day-long project, named Operation Earthshine by the two Essex high school girls who conceived the idea, was deemed a great success by those who saw the results.

The project was the idea of Denise Bonner and Kathy Allen—both students at Kenwood Senior High School in Essex. These girls worked long hours during the summer coordinating the participation of Scout troops and other young volunteers. Clean up was conducted at five locations, one of which was the Essex bank of Back River which I explored early this summer to find sources of pollution in the river.

Four local improvement associations agreed to help out with the project: The Essex Improvement Association, the Foxridge Civic Association, the Middleborough Civic Association, and the Goodwood Improvement Association. Each group donated $25 to the effort, in addition to providing workers.

Six local Girl Scout troops and a Boy Scout troop participated: Girl Scout Troops No. 13, No. 408, No. 1120, No. 587, No. 1201, and No. 446; and Boy Scout Troop No. 745.

Local businesses were exceptionally cooperative in donating time, goods, and services. The refuse was hauled away by Robb Tyler, Inc., and the Seaboard Salvage Co., both of Baltimore.

I plan to use Operation Earthshine in Essex as a model for other communities in my district to follow and I should like to commend the hard work of Denise Bonner and Kathy Allen—as well as the many other young volunteers—by informing my collegues in the House of Representatives of their fine effort. The following press release, which I issued after Operation Earthshine, details the scope of this outstanding community effort by Essex young people and adults:

OPERATION EARTHSHINE

Rep. Clarence D. Long (D., Md.) today joined scouts and residents in cleaning up trash in the Essex area. The day, named "Operation Earthshine" by the Kenwood High School students who conceived the idea, was deemed a great success by Rep. Long because of widespread communitly involvement to fight pollution.

I'm going to try to get every improvement association in my district to follow the fine example set by Essex residents in cleaning up Maryland, Rep. Long said. Long pointed out that this type of operation not only helps clean up the environment, but once a boy or girl has spent a day cleaning up this kind of trash, he will join the expandi g ranks of people who are permanently indoctrinated against themselves littering the landscape.

The Maryland Congressman led Boy Scouts from troop #745 to the section of Back River which he explored early this summer to find sources of pollution in the River. At that time, he found the following debris in the short space of 60 yeards: a piece of broken furniture, a drum, an old tire, an auto wheel drum, broken beer bottles, a bedspring, broken glass, a chromium car strip, steel mesh, some springs, three springs from a car seat, broken bottles, two more car seat springs, a steel frame, a tire, a steel auto drum, a tire, more beer cans, anothr car seat spring, the hood of an auto, corrugated sheet metal, an auto seat cushion, aluminum molding, an old shirt, mattress stuffing, rusted iron molding, two more car seat springs, an auto steering wheel, rotten canvas, an auto steering column, and a 55-gallon oil drum. Today's "Earthshine" effort was planned to clean away much of this trash.

In addition, clean-up work was done at four other locations, Rep. Long said. Crews met on Eastern Avenue by the Middlesex Shopping Center, on Old Eastern Avenue, on Hyde Park Road, and on Virginia Avenue in Essex and proceeded from these bases to remove trash which had been left by careless litterbugs. Girl Scout Troops participating were: #13, #408, #1120, #587, #201, and #446.

Rep. Long said the Operation Earthshine project was the idea of two Kenwood High School girls—Kathy Allen and Denise Bonner. Four local improvement associations agreed to help out with the project: The Goodwood Improvement Association, The Essex Improvement Association, the Foxridge Civic Association and the Middleborough Civic Association. Each group donated $25 to the effort, in addition to providing workers.

Rep. Long reported that local businesses were exceptionally cooperative in donating time, goods and services:

MacDonald's donated 150 hamburgers and 150 packages of French fries.

Gino's donated 240 hamburger patties and 240 hamburger rolls which the kids cooked.

The Baltimore Coca-Cola Bottling Company donated 10 cases of Cokes.

Robb Tyler, Inc. donated trash receptacles and pick-up service to remove the trash.

Jack Goodman, owner of Seaboard Salvage Company, donated 4 large dump trucks and 7 men to haul away big trash from Back River and elsewhere.

Deep Creek Junior-Senior High School donated the use of kitchens to cook the hamburgers and store the Cokes.

Dolphin Yacht Basin donated a large boat to use in removing trash on Back River.

THE QUESTION OF SELF-DETERMINATION FOR FORMOSA—TAIWAN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, Dr. Lungchu Chen, Secretary for External Affairs of World United Formosans for Independence, has sent me copies of an explanatory memorandum on "The Question of Self-Determination for Formosa—Taiwan" and a proposed U.N. resolution on "Self-Determination for Formosa—Taiwan."

In a statement prepared earlier this year and reprinted in the CONGRESSIONAL RECORD, I considered the plight of the Formosan people and the need to breathe life into their right to determine their political future.

The national security of the United States does not require the United States to determine who governs each nation of the world or what geographical area should or should not be sovereign. Many of us are working to decrease the need for untrammeled national sovereignty and for wider international cooperation.

But until international harmony becomes more widespread our country cannot ignore legitimate claims to nationhood, especially when such claims are a viable alternative to incorporation into a closed society such as mainland China or continuation of a rightwing dictatorial regime. Formosa—Taiwan—presently is not governed with the consent of its citizens. This is not a reason to surrender it to China. But neither should we be content with the status quo wherein the United States actively supports the dictatorial Nationalist Chinese regime on Formosa.

There is a third alternative and Dr. Chen's materials describe it—self-determination for Taiwan:

THE QUESTION OF SELF-DETERMINATION FOR FORMOSA (TAIWAN)

(Prepared by the World United Formosans for Independence)

EXPLANATORY MEMORANDUM

1. For more than twenty years now, the United States has failed to resolve the question of China in the U.N. This is largely attributable to the fact that Formosa, also known as Taiwan, has too often been misidentified as "China." Fundamentally speaking, "China" is not at issue, because it is quite clear who governs the 800 million people on the China mainland. The real issue is Formosa, whose legal status has remained undetermined since the 1951 Peace Treaty with Japan terminated Japan's "right, title and claim" over the island.

2. Formosa ("a beautiful island" in Portuguese) is a hundred miles off the southeast coast of mainland China. (Unless otherwise specified, Formosa is meant to include the Pescadores, and is used interchangeably with Taiwan). Of the 14 million inhabitants on Taiwan, 12 million are native Formosans (Taiwanese) whose ancestors began to settle in Formosa four centuries ago from southeastern China to be free from authoritarian Chinese rule, and 2 million are Chinese, who fled to Formosa with Chiang Kai-shek in 1949 when the Chinese Communists took over the Chinese mainland.

3. From its inception Asian and European Powers sought to make Formosa their colony. During the seventeenth century, foreign powers, notably the Portuguese, Spaniards and the Dutch, as well as dissident Chinese forces, vied for control of the island. In 1683 the Ch'ing Dynasty of China nominally annexed Formosa and kept it under very loose control for about two centuries. In fact, in 1871 the Ch'ing government of China stated to Japan that Formosa was "outside its jurisdiction" and thus it could not be held responsible for what Formosans had done to Japanese nationals in Formosa. Not until 1887 did the Ch'ing government proclaim Taiwan a province of China. But shortly afterward, defeated in the Sino-Japanese War of 1894–1895, China ceded Formosa to Japan and agreed to Korea's "independence" by the Treaty of Shimonoseki concluded in 1895. Hence, from 1895 to 1945, Formosa was ruled by Japan.

4. When Japan surrendered, the Supreme Commander of the Allied Command in the Pacific, General Douglas MacArthur, authorized the Nationalist Chinese authorities to accept the surrender of Formosa from the Japanese and to temporarily undertake military occupation of the island as a trustee on behalf of the Allied Powers, which took place on October 25, 1945. The subsequent atrocities, corruption, deprivations of human rights and maladministration of the Nationalist Chinese occupation authorities were such that Formosan rage exploded on February 28, 1947, after the Chinese police killed a Formosan woman for selling untaxed cigarettes. During the "2–28 Incident," as the event is remembered by Formosans, about 20,000 Formosan leaders from all walks of life were seized, tortured and then brutally massacred in March, 1947, by the occupation forces and reinforcements sent by Chiang

Kai-shek from the Chinese mainland. The Formosan leaders who survived the genocide by the Chinese occupation forces either went abroad or underground to struggle for self-determination and independence for Formosa. Thus began the worldwide Formosan Independence Movement of today.

5. On January 21, 1949, at the height of the Chinese civil war between the Communists and the Nationalists, Chiang Kai-shek legally resigned as the President of the Republic of China, a post he assumed on May 20, 1948 in Nanking, and was succeeded by then Vice President Li Tsung-jen.

6. On October 1, 1949, the Chinese Communists led by Mao Tse-tung defeated the Nationalist Chinese (Kuomintang) forces headed by Chiang Kai-shek and proclaimed the establishment of the People's Republic of China.

7. Chiang Kai-shek, repudiated by the Chinese people, fled with the remnants of his military and civilian personnel to Formosa in the autumn of 1949. On March 1, 1950, Chiang Kai-shek unconstitutionally and illegally reimplanted himself on Formosa as the "President" of the "Republic of China" and the actual ruler of Formosa. Chiang thus quickly transplanted and coercively and oppressively imposed on Formosa the Nationalist Chinese Constitutional structure designed to govern China replete with the government officials.

8. All of this was done against the wishes of the Formosan people and in defiance of the trust of the Allied Powers, for, at that time, Formosa was legally still a Japanese colonial territory under the Allied military occupation of 1945, as reaffirmed in the Japanese Peace Treaty of 1951. Chiang declared a permanent state of seige under martial law on Formosa justified by the transparent hoax of fighting the Chinese "Communist rebellion." International supervision by means of the Allied Powers Trusteeship was thus illegally and arbitrarily converted into a dictatorship, usurping the sovereign power of the Formosan people.

9. In September 1951 the Peace Conference with Japan was convened in San Franciso: 51 Allied Powers participated. One of its principal tasks was to settle the status of Formosa, Japan's former colony.

10. Since territorial claims are a principal source of conflict in world affairs, it is well recognized that "who renounces what, to whom and when" is to be stated in unequivocal terms in a peace treaty. In this instance, the Peace Treaty with Japan made it clear that Japan renounced all her "rights, tile and claim" to Formosa but the Treaty did not specify any beneficiary. The sovereignty of Formosa was not transferred to either the so-called Republic of China or the People's Republic of China.

11. The decision to keep Formosa's status indeterminate, as stated by the British delegate at the Japanese Peace Conference, was of profound significance:

"The treaty also provides for Japan to renounce its sovereignty over Formosa and the Pescadores Islands. The treaty itself does not determine the future of these islands. The future of Formosa was referred to in the Cairo Declaration but that Declaration also contained provisions in respect to Korea, together with the basic principles of non-aggression and no territorial ambitions. Until China shows by her action that she accepts those provisions and principles, it will be difficult to reach a final settlement of the problem of Formosa. In due course a solution must be found, in accord with the purposes and principles of the Charter of the United Nations. In the meantime, however, it would be wrong to postpone making peace with Japan. We, therefore, came to the conclusion that the proper treatment of Formosa in the context of the Japanese peace treaty was for the treaty to provide only for renunciation of Japanese sovereignty."

12. In the same vein, shortly after French recognition of the People's Republic of China on January 27, 1964, President Georges Pompidou (then Premier) made it clear on April 23, 1964 that the act of recognition in no way implied French acquiescence to Peking's territorial claim over Formosa. In his view, "Formosa (Taiwan) was detached from Japan, but it was not attached to anyone" under the Peace Treaty with Japan; hence, Formosa's indeterminate status "must be decided one of these days, taking the wishes of the Formosa population into consideration."

13. After the 1951 Peace Treaty with Japan formally ended that nation's sovereignty over Formosa only a mandate from the people living on Formosa could have justified the legitimacy of the continued rule of Formosa by the Chiang's Nationalist Chinese regime. Knowing the free will of the Formosan people, the Chiang Kai-shek regime does not dare hold a plebiscite in Formosa.

14. Taking advantage of the crisis conditions of the post World War II world, the Chiang Kai-shek exiled regime has continued to occupy Formosa illegally by terroristic and police state tactics against the wishes of the Formosan people. The neo-colonialistic domination, subjugation, and exploitation of the people of Formosa by the corrupt Chiang regime has made Formosa a de facto non-self-governing territory under the despotic rule of a foreign invader and aggressor. Formosa is a captive territory.

15. The exiled Nationalist Chinese regime represents neither the people of China nor the people of Formosa. Its specious justification is the fraudulent myth that it is "the only legitimate government of China" and its "sacred" task is to "recover the Chinese mainland." Members of the three national congressional bodies, who were elected on the Chinese mainland in 1947 and 1948 for 3- and 6-year terms and later fled to Formosa, are still in office, in Formosa, without ever having been elected by the Formosan populace.

16. The Formosans comprise over 85% of the island's population yet are allowed only a 3% token representation in the three congressional bodies created on the Chinese mainland before Chiang's flight and now based on Taiwan. The actual figure of Formosan representation is as follows: 32 out of 1448 in the National Assembly (which elects the President and the Vice President), 17 out of 447 in the Legislative Yuan (in charge of legislation and appropriation), and 6 out of 74 in the Control Yuan (empowered to censure, to impeach high government officials, to audit, and to give consent to certain key Presidential appointments).

17. Imposing the reign of terror under a perpetual state of seige (martial law) since 1949, the tyrannical Chiang Kai-shek regime has violated every article of the Universal Declaration of Human Rights. The torture and massacre of tens of thousands of Formosans, the arbitrary imprisonments, dehumanization, and denial of human rights and justice by the Chiang regime have made Formosa a captive garrison state based on provocative militarism. Formosans have no civil rights. There is no freedom of expression and no freedom of association and assembly; and judiciary is under military domination; ex post facto laws are enforced for political acts committed prior to the passage of the prohibition statutes; there is no remission of punishment for political offenses committed by persons underage; leniencies are denied a political offender's family; and there is no parole for political offenders. In sum, there is a total denial of due process of law. As the Chinese Hitler, Chiang Kai-shek has committed and continues to commit crimes against humanity. In 1953, Chiang himself told his KMT party: "If there is no fuhrer-type leader there can be no fatherland and no revolution can be successful."

18. There is, in fact, no China problem. The real issue is Formosa, whose status is yet to be settled.

19. The 14 million people living on Formosa—a larger population than more than two thirds of the U.N. Member States—are self-sufficient and capable of managing their own affairs. They want to become masters of their own destiny and establish a free and independent country of their own.

20. The fundamental principle of self-determination embodied in the Charter has been affirmed and reaffirmed, applied and reapplied in many concrete cases since the United Nations came into being. In its Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, Resolution 1514 (XV), the General Assembly declared, among other things, that—

(1) The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and

(2) All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

This Declaration, buttressed by numerous other Assembly resolutions and international practice, and the International Covenants on Human Rights adopted by the General Assembly in 1966 have solemnly established that—

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (Article 1, Paragraph 1 of both Covenants)

21. If the principle of self-determination means anything at all in the contemporary world, it means that a plebiscite must be held to ascertain the popular will of the majority of inhabitants on a former colonial territory whose international legal status remains undetermined. The shared demands, aspirations and identity of the people most directly concerned are of decisive importance.

22. The case of self-determination for Formosa is very much like those of former colonial peoples of Asia and Africa. Because of the coincidence that Formosans have the same skin color as their colonial rulers—Japanese before the Nationalist Chinese now—the impact of their case for self-determination is often lost upon the Member States of the United Nations. The one color—one ruler concept does violence to human rights and human dignity which are the bucklers and shields for self-determination. Many of the Member States to whom this request is addressed emerged as independent States through the route of self-determination initiated by the international influence of the United Nations, including holding plebiscites under its direct aegis.

23. Therefore, a legally, politically and morally sound solution to Formosa's indeterminate status is to hold a plebiscite in Formosa. It must be held under the auspices of the United Nations in accord with the principle of self-determination. Only in that manner can the Formosan people freely express their will and determine their future.

24. Only when Formosa becomes free and independent can the China question be answered. There is only one China. When it fulfills the Charter requirements, it should be seated in the United Nations. There is only one Formosa, which should be free and independent.

25. In the light of the foregoing, we urge the Member States to adopt in the 25th General Assembly a Resolution, declaring the basic principles of the Charter of the United Nations applicable to Formosa (Taiwan),

particularly the peremptory principle of self-determination. Noting the critical relation of Formosa's status and world peace, the Member States can direct the appropriate U.N. instrumentality to commence the implementation of a plebiscite for Formosa (Taiwan).

PROPOSED RESOLUTION ON SELF-DETERMINATION FOR FORMOSA—TAIWAN

The general assembly

Considering that self-determination is a fundamental principle of the United Nations and of World Order,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Considering its commitment to human rights throughout the world,

Considering its competence to deal with matters of international concern that may threaten the peace of the world,

Recognizing that Formosa (Taiwan) is a former Japanese colony whose international legal status has been left undermined by the post World War II Peace Treaty with Japan,

Deploring that the Chiang Kai-shek's *Kuomintang* (Nationalist Party) regime has continued to occupy Formosa with neither international legal right nor the consent of the people of Formosa,

Noting with grave concern that the continued illegal occupation, neo-colonial domination, subjugation and exploitation of the people of Formosa by the Nationalist Chinese exiled regime contravene purposes and principles of the United Nations,

Confirms

That denying self-determination to the people of Formosa under the perpetual state of siege (martial law) constitutes a threat to the peace;

That the legal, political and cultural status of Formosa are matters of international concern;

That by virtue of the foregoing the plenary jurisdiction of the General Assembly is activated;

Recommends

That an internationally supervised plebiscite be held forthwith on Formosa (Taiwan) to resolve the indeterminate status of Formosa and to decide the form of government desired by the electorate people of Formosa;

That the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples be forthwith directed to supervise the preparations for the plebiscite.

LANAKILA PROVES IT CAN BE DONE ON 10TH ANNIVERSARY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MATSUNAGA. Mr. Speaker, history tells us that primitive societies often rid themselves, sometimes violently, of all nonproductive members—the aged, the infirm, the crippled, the sickly. Although our society cares for those who cannot care for themselves, we hear increasing complaints about the public resources committed for that care.

It is my distinct pleasure, therefore, to call attention to Lanakila Crafts, Inc., of Honolulu.

Next week I will have the pleasure of sharing in the 10th anniversary celebration of Lanakila Crafts, a nonprofit, privately operated, totally self-supporting rehabilitation facility serving persons with all types of handicaps.

Lanakila Crafts provides its clients with on-job training in actual work settings focusing on preparing the "client" to become a taxpaying contributor to society.

Last year alone, 70 Lanakila clients were returned to active competitive employment; another 33 became self-supporting through the facility's extended employment program.

What the dedicated staff, officials and supporters of Lanakila's Crafts are engaged in, Mr. Speaker, is the rehabilitation of people. And along the way, they produce some of the more desirable souvenirs of Hawaii.

I would like to share with my colleague and other readers of this journal a most moving and descriptive passage from the latest annual report of Lanakila Crafts:

From the minute a client punches in on the time clock at Lanakila Crafts, he is under a work schedule like any private industry. Whether his job is to sort raffia, string plastic leis, stitch handles onto potholders, sand miniature canoes, tag souvenir items, pack merchandise, or deliver the some 292 products to one of 368 commercial retail outlets, he is a vital link in the Lanakila chain. This actual work experience is preparing him to take his role in the world of competitive employment.

Today he dyes raffia in huge steaming vats . . . tomorrow he boils sheets in a laundry. Today she stitches a bean bag . . . tomorrow she is a seamstress on the assembly line of a muumuu factory.

By selecting Hawaii's growing tourist industry and its need for souvenir items and service skills, Lanakila relates every one of its 27 functions to working in the outside world.

Truly, Mr. Speaker, Lanakila Crafts is a tribute to handicapped persons who possess the will to work, and to the community minded trustees, staff, and supporters who have helped to make this facility such a substantial success over its first full decade of operation. I take this opportunity to congratulate Lanakila Crafts and its trustees in the hope that its 10 years of successful service to the people of Hawaii may serve to inspire others in other communities to similar public service.

DR. C. E. HENNEBERGER HONORED BY THE PEOPLE OF ATWOOD, KANS.

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SEBELIUS. Mr. Speaker, recently the people of Atwood, Kans., honored Dr. C. E. Henneberger, an able and dedicated physician and surgeon who has served them for 50 years, and who plans to continue practicing medicine as long as he is able.

There is no man more dedicated to his patients than Dr. Henneberger. Many people believe the days of the house call or after-hours office visit are over, but I can assure you that it still exists, at least in western Kansas.

The demands made on a country doctor are many, and the people of Atwood are indeed fortunate to have such a man as Dr. Henneberger. They are doubly fortunate, for many rural communities have no doctor at all.

The general practitioner sometimes seems to be a thing of the past—the trend in all fields is toward specialization, and medicine is no exception. But we are realizing now what a toll the emphasis on specialization can take on the medical care—we need family doctors who are willing to locate in rural areas.

We in Government are going to have to do something about the medical crisis we are facing today, and I am sure we will. We need more doctors, more hospitals, more money, more help. But, most of all, we need men like Dr. Henneberger, who are willing to give of themselves to help others.

Dr. Henneberger's life serves as an example to young doctors who truly want to help people. We do not ask them to do what he has done—to serve a community for 50 years of muddy roads and sleepless nights—but only to consider the immense satisfaction that can come from serving your friends and neighbors and contributing to their lives and happiness.

I would like to include in the RECORD excerpts from a speech that was given at Henneberger Appreciation Night:

We are here today to honor a very unusual man, a man who is richly endowed by nature, both physically and mentally, a man whose ability as a surgeon would have permitted practice in the hospitals in the great cities of this country, but who chose instead to live the life of a country doctor among us.

We have taken him for granted these many years, and although many of us owe our good health and some of us our very lives to his knowledge, skill and ability, we have not paused to, or known exactly how to, say "thank you" to him.

This is a day set aside in this community to say to Dr. Henneberger, "We do appreciate what you have done for us the first fifty years, and we will let you know later what we think about your next fifty years of service to us." For Dr. Henneberger is not retiring; he loves the practice of his profession too much and the genuine satisfaction he derives from knowing that he has been able to help humanity in a medical way.

His many patients and friends will be pleased to know that he will be in his office tomorrow, and the next day and for the days thereafter, caring for and advising those who come to him. For he does not intend to retire so long as he is capable of helping humanity in a medical way. Physically and mentally alert as a man many years younger, Dr. Henneberger's interest in the practice of medicine is evidenced by his continued study and his regular attendance at many refresher schools and medical seminars each year, and we are grateful to him for his continued ambition to improve and maintain his skills.

He came to Atwood on June 7, 1919, and in 1920 purchased the Luther Home and performed surgical operations with the front room chandalier for his lighting. The building was enlarged and became the Henneberger Hospital, and with his wife Frances as manager, it was operated until about 1942 when they began taking patients to hospitals in neighboring towns.

It was through him that we became interested in a county hospital which was finally dedicated in 1950, and he became the leading

advocate for the construction of a Good Samaritan Home in Atwood, which was finally opened in February, 1962.

To Dr. Henneberger, the Hippocratic Oath, which he took when he was graduated from medical school, is a sacred trust. I have heard Dr. Henneberger say that a doctor's duty is to care for all persons desiring his services, regardless of whether that person can pay for the services and regardless of the character of the person. I am sure it can be said, without fear of contradiction, that Dr. Henneberger never refused to care for any person who needed medical assistance and desired his services.

His collections have not always been good, especially before health insurance of the modern day, and he is one of many doctors who have simply written off thousands of dollars on the books because people were not able to pay. But I am sure he has never refused his services because people were not able to pay him and that a destitute person can still have his services upon request if that person really needs him. Even during the wee hours of the morning, he will get out of his bed and make the call regardless of how tired he is.

We are fortunate in having three good doctors in Atwood, for many communities this size are without the services of a single doctor. There is a genuine need for more people to become general practitioners in the small communities, and let us hope that there will be young doctors so inspired by your worthwhile achievements, Dr. Henneberger, that they will elect to become general practitioners in small towns.

A FLAG OVER CAMP SUGAR PINE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WALDIE. Mr. Speaker, the flags that fly over the U.S. Capitol have a special significance and it is with great pleasure that I send them to institutions of learning and citizen groups for their use.

I recently sent a flag to the Reverend Donald E. Raisner of the Temple Baptist Church in Richmond, Calif., for use at a camp located high in the Sierra Nevada Mountains.

Reverend Raisner, an old and dear friend who sadly is leaving Richmond in the near future, wrote a most moving and thoughtful dedication address which I would, at this time, like to include in the CONGRESSIONAL RECORD.

The address follows:

PRESENTATION AND DEDICATION OF THE NEW AMERICAN FLAG TO CAMP SUGAR PINE, OAKHURST, CALIFORNIA, ON SUNDAY, SEPTEMBER 6, 1970

The old American flag which has long flown over our Camp Sugar Pine has become tattered and worn. During this Summer of 1970, it looked bad, and the feeling arose that it would be nice to have a replacement, one which had a great deal of particular significance to it. In conversation with Wes Heinrichs, our Camp Manager, the possibility of securing a flag for the camp which had flown over the United States Capitol in Washington, D.C., specifically for Camp Sugar Pine, was raised. If it could be carried out this would be a tremendous thing.

Congressman Jerome R. Waldie, 14th District, California, was contacted by the Rev. Donald E. Raisner, Pastor of the Temple Baptist Church, Richmond, about securing an American Flag for Camp Sugar Pine and having it flown over the Capitol in Washington, D.C. in the name of the camp. On July 25th, Congressman Waldie wrote: "I have already obtained a flag and have requested the Architect of the Capitol to fly it over that edifice for Camp Sugar Pine." Subsequently, Congressman Waldie received the flag with the certification that it was flown over the United States Capitol in the name of Camp Sugar Pine on August 3, 1970. The Architect wrote to him: "This is to certify that the accompanying flag was flown over the United States Capitol. I understand that this flag will be presented to Camp Sugar Pine by the Reverend Donald Raisner, Temple Baptist Church, Richmond."

In making this presentation of the new American Flag with its present significance, I believe that we must weigh the times in which we are living. These are perilous days, with much hatred, violence, and the outward endeavors of an increasing number of people to violently overthrow the government of the United States. It goes without saying that there are many things wrong in our nation today. From the Christian point of view, we must say that sin is running rampant, and that there is very little regard anymore for the moral principles of the Christian religion. The advocates of sin are on the upswing, and the Christians are remaining silent, and at a time when the spokesmen for Jesus Christ must speak out and be heard. This is a day when it should and must be costly to be a Christian, but such a price must be paid if the cause of Christ is to be served. There may be much wrong in our nation, but there is a whole lot more right with our nation. It is not so much the nation that is out of tune, but the people within the nation who have allowed themselves to become degraded, who subsequently would degrade the nation downward to their level of life. This nation is still a great nation, and in principle it is still basically a Christian nation. It stands at a time when it needs the support and undergirding of all of the great citizens that it has, it needs the strength and stamina of its many Christians to stand together united for Christ and for this nation which has afforded to all people far more than any other nation has ever afforded its people, far more freedoms and opportunities, far more prosperity and concern for all, than any other nation presently or previously upon the face of the earth which God has given us. The time has come for a reversal of thinking, and the undying support of the citizenry for this nation, people working together, not to destroy it, but to make it even better and stronger than ever before. We may not always be right, we may not be all right, but we must be trying to make things right, both with our God and with our fellow man.

We are gathered now in presentation and dedication of this new American flag, which has a great deal of significance for us here at Camp Sugar Pine. Let us think of the Flag, what it means and what it represents. On Flag Day, 1940, and reprinted with epilogue on Flag Day, 1970, the New York Times printed the following editorial, and I would like to read it for you as found in the September, 1970 issue of The Reader's Digest:

"What's a flag? What's the love of country for which it stands? Maybe it begins with love of the land itself. It is the fog rolling in with the tide at Eastport, or through the Golden Gate and among the towers of San Francisco. It is the sun coming up behind the White Mountains, over the Green, throwing a shining glory on Lake Champlain and above the Adirondacks. It is the storied Mississippi rolling swift and muddy past St. Louis, rolling past Cairo, pouring down past the levees of New Orleans. It is a lazy noontide in the pines of Carolina; it is a sea of wheat rippling in western Kansas; it is the San Francisco peaks far north across the glowing nakedness of Arizona; it is the Grand Canyon, and it is a little stream coming down out of a New England ridge in which are trout.

"It is men at work. It is the storm-tossed fisherman coming into Gloucester and Provincetown and Astoria. It is the farmer riding his great machine in the dust of harvest, the dairyman going to the barn before sunrise, the lineman mending the broken wire, the miner drilling for the blast. It is the servants of fire in the murky splendor of Pittsburgh, between the Allegheny and the Monongahela, the trucks rumbling through the night, the locomotive engineer bringing the train in on time, the pilot in the clouds, the riveter running along the beam a hundred feet in the air. It is the clerk in the office, the housewife doing the dishes and sending the children off to school. . . .

"It is small things remembered: the little corners of the land, the houses, the people that each one loves. We love our country because there was a little tree on a hill and grass thereon, and a sweet valley below; because the hurdy-gurdy man came along on a sunny morning in a city street; because a beach or a farm or a lane or a house . . . was once, for each of us, made magic. It is voices that are remembered only, no longer heard. It is parents, friends, the lazy chat on a street or in a store or office, and the ease of mind that makes life tranquil. It is summer and winter, rain and sun and storm. These are flesh of our flesh, bone of our bone, blood of our blood, a lasting part of what we are, each of us and all of us together.

"It is stories told. It is the Pilgrims dying in their first dreadful winter. It is the Minuteman standing his ground at Concord Bridge, and dying there. It is the Army in rags, sick, freezing, starving at Valley Forge. It is the wagons and the men on foot going westward over Cumberland Gap, floating down the great rivers, rolling over the great plains. It is the settler hacking fiercely at the primeval forest on his new, his own lands. It is Thoreau at Walden Pond, Lincoln at Cooper Union, and Lee riding home from Appomattox. It is corruption and disgrace, answered always by men who would not let the flag lie in the dust, who have stood up in every generation to fight for the old ideals and the old rights, at risk of ruin or of life itself.

"It is a great multitude of people on pilgrimage, common and ordinary people, charged with the usual human failings, yet filled with such a hope as never caught the imaginations and the hearts of any nation on earth before. The hope of liberty. The hope of justice. The hope of a land in which a man can stand straight, without fear, without rancor.

"The land and the people and the flag—the land a continent, the people of every race, the flag a symbol of what humanity may aspire to when the wars are over and the barriers are down. To these each generation must be dedicated and consecrated anew, to defend with life itself if need be, but above all, in friendliness, in hope, in courage, to live for."

Then this epilogue was added in 1970: "This was the meaning of the flag 30 years ago; this is the meaning today. But it is a measure of the bitter divisions of our era that the symbolism of that flag should have become distorted and degraded by the partisan extremists of both New Left and Old Right. The flag must not be captured by the repressive legions of the Right; nor must its meaning be destroyed by the frustrated demagogues of the Left, who find a cheap and easy outlet by reviling it and dragging it in the dust. The flag is a symbol of the unity of America. We must not allow it to be perverted by the forces of disunity, whether

Birchers or Weathermen, that today are abroad in this land."

This flag which is presented to Camp Sugar Pine today must carry with it the meaning of the fullest extent of the greatest elements of our nation. Let us fly it with pride over our Camp: pride in our Nation, pride in our people, pride in ourselves. Therefore, in behalf of our nation, in the meaning and intent of all that is great in our nation, and for Congressman Jerome R. Waldie, I present to you, Mr. Wes Heinrichs, as Manager of Camp Sugar Pine, and representing the camp, its Board and all of the Churches which are a part thereof, as well as its many campers, past, present and future, this American Flag and supporting documents, and this plaque, which should be placed in some significant place at Camp Sugar Pine, and which reads: 'This Flag of the United States of America was flown over the Capitol, Washington, D.C. on August 3, 1970, especially for Camp Sugar Pine, Oakhurst, California: Provided by Jerome R. Waldie, Member of Congress, 14th District, California; and Presented by Rev. Donald E. Raisner, Temple Baptist Church, Richmond, California."

Let us now raise this Flag above our camp, and may we ever fly it with pride and dedication as members of this great United States of America. (May the Flag be Raised)

Let us now rededicate ourselves as Christians and citizens of these United States by repeating together the Pledge to the Flag, and then remain together for a prayer of Dedication.

DONALD E. RAISNER, *Pastor.*

A FORLORN AND SORROWFUL CAUSE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, on September 23, 1970, an editorial by Patrick Owens appeared in Newsday lamenting the lack of action this country has taken on improving industrial safety. He contends that:

Workers have been dying wholesale in America's factories and other work places since the first iron works was established in the colonies.

Little has changed in 200 years. While our knowledge of technology has grown at astronomical rates, workers are still dying on the job at a conservative estimate of 14,500 persons annually. Industrial progress has not significantly improved the health and safety of the laborer.

In response, Congress has acted only in the face of violent disasters such as the tragedy at Farmington, W. Va., in which 78 miners lost their lives by giving protection for small groups of workers. Yet, the bulk of this Nation's workforce still has no guarantee of safe and healthful conditions at the place where they spend one-third of their lives.

Those who espouse cleaning up the air outside our homes and factories must expand their cause to include cleaning up the air inside our factories, which is just as crucial to the health and well-being of Americans who work.

Let us not wait for another disaster to move us. I call upon the Members of this body to act promptly and favorably on H.R. 16785, the Occupational Safety and Health Act of 1970, which will come to the floor for final action. Let us say that the cause of industrial safety was not "forlorn" in the 91st Congress.

The editorial follows:

A FORLORN AND SORROWFUL CAUSE

(By Patrick Owens)

There is a special poignancy about the laments of the nation's industrial safety crusaders that they have been failed by the environmentalists. Workers have been dying wholesale in America's factories and other work places since the first iron works was established in the colonies. The terrible toll that commerce and industry have taken of our environment doubtless started at about the same time. But this is a big country and it has taken centuries to mess it up so completely that environmental degradation has become a widespread threat to life and health.

The environmentalists are certainly a new phenomenon compared with the advocates of industrial safety. But here is this old and precious cause trying to pig-a-back a ride through Congress on the shoulders of the latest sensation among glamorous movements.

WORKERS' LIVES UNDERVALUED

One can hardly blame the industrial safety advocates, such as Congressman Dominick Daniels of New Jersey, for seeking help wherever they have hope of finding it. His is a forlorn and sorrowful cause because Americans simply do not value the lives of workers very highly. Workers themselves join in under-valuation. In a very high proportion of industrial accidents, the worker is contributorily negligent. Some 14,500 die each year from accidents or illness sustained on the job. This incredible toll could simply not occur in a society which truly believed the things we say in our living rooms about the value of human life.

Truth is, we value lives in proportion to the imagined value of those who live them. We countenance the expenditure of tens of thousands of dollars to keep enfeebled old men technically alive—that is, breathing and taking nourishment, often intravenously—because such old men have inherited or laid up fortunes on this earth.

We tolerate without attention in the public prints the pollution of the nation's textile plants to the point where some 100,000 textile workers are incapacitated annually with "brown lung" disease, an ailment contracted through inhalation of tiny pieces of lint.

Stewart L. Udall complained in these columns a few weeks ago about the failure of the environmentalists to rise to attack such problems. This suggests to me a rather roseate view of the environment movement and its potentialities.

Jerry Mander of San Francisco, a partner in the nation's most creative and socially responsible advertising agency, put the situation in a better perspective in an article in Scanlon's. It was entitled "Six Months and Nearly a Billion Dollars Later, Advertising Owns Ecology" and in it Mr. Mander quoted the calculation of Montana's Sen. Metcalf that during 1969 the public utilities spent "nearly $300,000,000 on advertising, more than eight times what they spent on research, all the while proclaiming in their ads their feats of antipollution research."

Many gallant and dedicated people who do not see ecological problems as a public relations challenge to industry are involved in trying to save our environment. But these almost always lose their battles, despite the hue and cry they are able to raise up. They have been unable to stop Storm King. They are unable to stop the new Con Ed plant in Queens. And five will get you a hundred and ten that they will be unable to stop Long Island Sound from being ringed with nuclear reactors.

A RIFT BETWEEN THE GOOD GUYS

The rift between the environmentalists and the advocates of industrial safety is a dramatic example of the divisions which keep the good guys in the country on opposite sides of the street.

But it is a rift built into our socio-economic structure. It is one thing to agitate for the preservation of an oak tree or a scenic vista. It is quite another to insist that the life of a textile worker is too precious to be sacrificed to brown lung.

In the old southern phrase, the difference is between preachin' and meddlin'. It may occasionally be possible to bulldoze a state or local government to save a chunk of the country from some especially noxious predation. But not, if you notice, when the profit and loss statement of one of the great corporations is at stake. These are always at stake, or imagined to be, in arguments over industrial safety. And that is why the subject is almost never raised.

STATEMENT BY THE HONORABLE MORRIS K. UDALL ON THE NATIONAL ECONOMIC CONVERSION ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. UDALL. Mr. Speaker, in the last 3 to 5 years there has been a lot of talk about the need to reorder our national priorities; to shift Federal funds from defense and defense related spending to domestic programs. As time has passed and the wastefulness of some of our current defense spending has become obvious, the Nixon administration and the Congress have indeed taken some tentative steps to put our house in order.

For instance, just last week the House of Representatives voted a $2 billion slash in the administration's requested military budget. And, this year we will spend around $73 billion for defense as opposed to $80 billion in fiscal 1969.

Further, it is estimated that by next June, the Federal Government will be awarding only $28 billion worth of new defense contracts. This amount compares to the $34.4 billion figure for the current year and $42.3 billion for fiscal year 1968.

I am in favor of this trend and I believe most Americans would agree with me that the country is on the right track. For instance, businessmen have recognized that a reordering of national spending priorities would have a beneficial effect on our troubled economy.

The myth that capitalism thrives on war has been discredited by our involvement in Vietnam. And no wonder.

It has been estimated that since 1965, when American involvement in Southeast Asia escalated to present levels, corporate profits adjusted for Vietnam induced inflation have dropped 17 per cent. By the same token, the real average wage of the American working man has dropped 2 percent. To date, $113 billion of military expenditures are directly traceable to the Vietnam war and in this year alone we will spend $11 billion of Federal funds to pay the interest on that portion of the budget deficit attributable

to the Vietnam war. Experts in the money markets will tell you that this is the single most significant factor in the record high interest rates we will suffer from and in the steep decline of the stock markets over the last 18 months.

But, Mr. Speaker, the fact that defense spending is declining and that we seem to be on the road toward substantial if not complete military disengagement from Vietnam is not going to be instantly beneficial to our economy. I anticipate a really agonizing period ahead for many Americans as our economy shifts gears from emphasis on defense and aerospace spending to emphasis on needed domestic programs.

As things stand today, some of the Nation's best companies and more highly educated workers are caught up in the defense spending syndrome. As we move into a period of deep cutbacks in military and space expenditures, the domestic job market is fast becoming glutted with highly educated and skilled scientists, engineers, and technicians. This trend can only accelerate as the budget pinch affects more and more companies.

Of 1,100,000 engineers in this country, it is estimated that 29,000 are now out of work. In 1969 only 4,000 found themselves similarly situated. Since last May, over 16,000 aerospace workers have been laid off. Men accustomed to making between $25,000 and $30,000 each year are having to wash dishes or accept welfare payments just to eat.

To make matters worse, these people find themselves jobless at a time when the non-defense economy is at best stagnant. Today, there is simply no demand for a person who has spent his adult years on missile design, spy satellite control or the studying of the behavior of exotic metals at high altitude.

Nor is the coming dislocation confined to the highly trained defense workers. If all public and private manpower employed as a consequence of Vietnam is released, a total of nearly 2.4 million workers will enter the job market. They will be accompanied by workers displaced by cutbacks unrelated to Vietnam—Pentagon efficiency moves, the loss of local nondefense business when the local defense plant shuts down, and so on. Without a major effort to lessen the coming impact of our defense cutbacks, we could well enter a period of depression at a time when there is a need for economic expansion.

Some will note this problem and dismiss it, pointing out that the Federal Government really should not be in the business of providing work for a labor force that finds demand for its work to be slackening. The conventional wisdom is that our economy is basically one of free enterprise and the forces of the marketplace ought to be allowed to work their collective will on the fate of people who suddenly find themselves out of work. This is fine as far as it goes, but I believe that the Federal Government must share a large part of the responsibility for the lack of employment opportunity now present for defense and aerospace workers.

The fact is, Mr. Speaker, that the military hardware market is one that has been created by the needs of the Federal Government. There is no private market for a new Titan missile or a Sherman tank. By our emphasizing sophisticated military production since the end of World War II we have created a tremendous dependency on the part of many corporations and workers on the military dole. Government, by cutting back its demand for military and aerospace hardware, leaves a void that can only be filled by Government participation. The Federal Government simply must find a way to rechannel these enormously talented people so that our country will have the benefits of their services in the years to come.

That there is now and will be a need for the services of scientists and the like cannot be doubted. We need scientific and technical expertise to show the way in cleaning up the environment. We need scientific and technical expertise to build rapid transit systems that reduce reliance on the automobile that both pollutes and congests. We need scientific and technical expertise to produce low-cost housing to replace the rundown tenements that all too often are found in the ghettos of major cities. We need scientific and technical expertise to produce low cost clean energy and to improve sewage and other services provided by our municipalities.

Therefore, Mr. Speaker, today I am joining a number of my colleagues in introducing the National Economic Conversion Act. Simply stated, the bill is designed to move both the Federal establishment and defense and aerospace industries into a process of shifting Federal efforts from defense activities to domestic ones. We propose to do this in the following framework.

Create a National Economic Conversion Commission comprised of Cabinet members, heads of selected independent agencies, and representatives of labor and management groups.

Create a conversion fund and require defense and aerospace contractors to deposit 12.5 percent of pretax profits into it. The Federal Government, in turn, pays an annual interest on the amount accumulated and supplements the fund to the degree necessary.

Charge the commission with the job of overseeing the fund and approving conversion plans drawn up by defense and aerospace industry to work on domestic problems such as pollution technology, rapid transit systems, low-cost housing, and so forth.

Allow industry to draw on the conversion fund for use as a capital base in the development of these new programs.

Use a portion of the fund to pay temporary compensation to those workers who are victimized by defense cutbacks.

This bill is not going to be without controversy, but I think it is desperately needed. In recent years, the Congress has been appropriating money for the types of domestic programs that we all recognize are essential. But the appropriation of these moneys is not in and of itself going to involve defense industries in developing these programs.

Take, for instance, our large aerospace firms. The directors and officers of these corporations have a duty to their shareholders to see to it that their profit and loss sheet remains healthy. Since this is the case, the impetus is clearly there for these companies to be pushing for more of the same types of contracts that they now secure from the Federal Government. They are geared up to build airplanes and any attempted transition to a program of building rapid transit systems, for example, could result in deteriorating profits over the next few years.

What we need then is an outside stimulus for these industries to get involved in domestic problems. I view the National Economic Conversion Act as the ideal vehicle to provide this stimulus. If we are successful in passing this legislation, I feel that we will not only pave the way for a smooth changeover from a defense-oriented economy to a domestic one, but that the impetus will be there for increased domestic spending as well. Companies will then have the incentive to do advanced research and development for domestic projects along with defense programs and will in all probability throw their considerable weight behind the increased funding for the former.

I have talked to many scientists and technicians about the concept that we embody in the National Economic Conversion Act, and I can tell you that they are eager to get on with the job of solving Americas' social problems. Our educated manpower is a fantastic resource, one that must not be wasted. If we are to avoid this waste, Mr. Speaker, the legislation that we introduce today will have to be enacted.

HORTON COMMENDS ANTIQUE BOTTLE COLLECTORS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HORTON. Mr. Speaker, the diversity of interests and hobbies in our country keeps America from becoming stagnant. There are many pressing problems faced by our country, yet it is the special interests of individuals that gives each person a certain dimension.

Such a special interest is collecting old bottles. It is becoming widespread and the diggers have unearthed some very beautiful bottles—amber, blue, green, speckled, and purple—with extremely interesting shapes.

I am pleased that more than 660 members belong to the Genesee Valley Bottle Collectors Association in my area. The club, started in January 1969, is one of the largest devoted to collecting antique bottles, in the Nation. It composes 23 counties in New York and 24 other States and Canada.

John Guttenberg, my constituent, and manager for corporate communications for Xerox, is president of the Genesee Valley Bottle Collectors Association.

At the annual convention of the Federation of Historical Bottle Clubs, John was elected chairman of the federation for 1971 which means Rochester will be

the federation's headquarters during the next year. The federation has 83 member clubs around the country with 13,000 members.

At the convention, the members adopted a resolution supporting H.R. 12284, a bill that would prevent unethical dealers from selling new glass as old glass or misrepresenting bottles as being historical and original.

I would like to insert this resolution in the CONGRESSIONAL RECORD and urge my colleagues to support it.

In addition, I would like to share with my colleagues a story from the Wall Street Journal, the Times Union, and an article by John P. Guttenberg which appeared in the Brighton-Pittsford Post, presenting the history behind the hobby.

The story and articles follow:

FEDERATION OF HISTORICAL BOTTLE CLUBS

RESOLUTION IN SUPPORT OF H.R. 12284 ADOPTED AT THE 2D ANNUAL NATIONAL CONVENTION, ROCHESTER, N.Y., JULY 25, 1970

Whereas, The Federation of Historical Bottle Clubs represents 82 historical bottle collecting organizations across the nation made up of thousands of family and individual collectors with but one single purpose in mind—to preserve in their collections that historical bottle Americana (and of other origins) that strikes their collecting fancies, and

Whereas, The innocents as well as the advanced collectors of this honorable and traditional pastime, that of collecting, have fallen prey to the sellers of bottles of both recent American and foreign manufacture that have been misrepresented as being historical and original, and

Whereas, There is an immediate demand by historical bottle collectors everywhere in this great nation to put an end to those unjust and unethical practices, and

Whereas, There presently is a House Resolution 12284 introduced by the Honorable Louis C. Wyman of New Hampshire and presently sits idly in the House Committee on Interstate and Foreign Commerce before the Honorable Harley O. Staggers, Chairman, now, therefore, be it

Resolved, That the Federation of Historical Bottle Clubs, representing 82 clubs and thousands of individual collectors nationwide, by a unanimous vote of its membership at this convention, petitions the House Committee on Interstate and Foreign Commerce to bring House Resolution 12284 to a favorable vote and to report it out of Committee to the United States House of Representatives so that the Honorable Representatives of these thousands of Federation member, collectors and the growing numbers of thousands of potential Federation collecting members will surely receive the unqualified support of the House of Representatives for this measure that will protect the nation's third greatest and most respected collecting hobby from the intrusion of unidentified counterfeit historical bottles.

[From the Wall Street Journal, Jan. 9, 1970]

QUICK, GRAB A SHOVEL: COLLECTORS PAY LOTS FOR ANCIENT BOTTLES, THEY SEARCH THROUGH DUMPS AND DIVE INTO SUNKEN SHIPS; A CLUE: LOOK NEAR PRIVIES

(By Lester Smith)

A lot of people are willing to pay a lot more than two cents for an empty bottle. There are people, for example, who will pay you $80 for an empty Coke bottle.

Not just *any* Coke bottle, of course. It has to be one made in 1916 or 1917. And don't think you can sneak a 1925 or 1930 bottle in as a ringer. Aficionados know all the markings on old bottles, and they can tell a '17 model from a '25 model with the same ease that a little boy can tell a '62 Dodge from a '63 Plymouth.

And there are plenty of aficionados. Bottle collecting, it seems, is a widespread hobby. There now are so many collectors, in fact, that on a nice day it's hard to find an old dump in this country that isn't overrun with bottle-hunting scavengers. Most of the hunters keep the bottles—they have no real reason for collecting bottles, they say, except that it's a hobby—but some sell them, occasionally for handsome prices.

Most collectors won't tell anyone where they collect. "Does Macy's tell Gimbel's?" asks Mrs. Sylvia McKenzie, a Lowell, Mass., collector. "Dump diggers don't tell anyone where they dig." Edwin Lowe, a Gloucester, Mass., fireman, says the old rubbish heap where he digs "'is my dump, and I won't say where it's located."

But May Jones, a 60-year-old Nara Visa, N.M., woman who is one of the country's champion collectors, does offer amateurs a hint on where to look. Investigate areas around old outhouses, she suggests, because old-timers used to wander out to the privy to sneak a drink. Mrs. Jones doesn't know how many bottles she owns, but she does know she has 5,000 pounds of them. That's how much weight has been added to the trailer she keeps them in. She surely has more bottles than there are people in Nara Visa. The population is listed at 150, but Mrs. Jones says that figure "must be counting six litters of puppies."

ONE SELLS FOR $950

Most of the old bottles bring only a few dollars, but some fetch hundreds. T. R. Langdell, an auctioneer in Milford, N.H., conducted three auctions of bottles in 1969, selling a total of $50,000 worth. One, a flask that had Masonic emblems impressed in the glass and that was made in Keene, N.H., around 1800, sold for $950. A 170-year-old flask with eagles imprinted on each side brought $500. A 100-year-old bottle, in the shape of a pig, with the label still on it, sold for $390.

"This bottle thing is the hottest business in the world right now," says Mr. Langdell, who auctions everything from land to cows. He said one bottle auction drew 500 to 600 people from all over the country. "When people fly into Boston and rent Cadillacs to drive up to New Hampshire to spend a day buying bottles, you know there's real enthusiasm," he adds. This year, he says, he expects to auction off $100,000 worth of old bottles.

Collectors say collecting has its hazards. Rummaging around in an old dump is dangerous, so Massachusetts' Mrs. McKenzie wears electricians' heavy work gloves to protect against the broken glass and sharp metal. Diane Wain, a pretty schoolteacher in Bermuda, says a friend of hers defies barracuda to dive for bottles off the island. "He's so carried away with it that you don't bother to ask how he is when you see him—you ask how his bottle collection is coming along," she says.

Some valuable finds are made on sunken ships. Carroll W. Hussey, an Alfred, Maine, antique dealer whose license plate says Bottles, says his most valuable possession is a pint-size, olive-green bottle with Masonic emblems that was recovered in a salvage operation off Bermuda. He paid a dealer $150 for the bottle, which he says is priceless today and not for sale. It was aboard a ship sunk in 1816. A similar bottle is in the Smithsonian Institution in Washington, he says.

NO DEPOSIT, NO RETURN

But most bottles are unearthed in old dumps. In Boston, construction men working on a tunnel stopped work not so long ago when they came upon an ancient rubbish dump. The men began scrambling around as if they had hit an ancient treasure. "We got over 50 bottles," says one worker. William Degnan, an antique dealer in Acton, Mass., says more than 4,000 bottles have been recovered from one dump, which he will describe only as being "somewhere in southern New Hampshire."

Not all valuable bottles are old, however. In 1964, the maker of Lestoil detergent came out with a promotional bottle that was a replica of an old colonial flask. Now the replica is a collectors' item. And the first no-deposit—no-return bottles, ruby-red numbers made by Anchor Hocking for Schlitz beer in the late 1940s, now bring $5 or more.

[From The Times-Union, Rochester, N.Y., Jan. 25, 1968]

THEY'VE CAUGHT THE "COLLECTING FEVER"

(By Joan Lynn Schild)

Fifty-nine superbly colored bottles sparkle on specially lighted shelves in the living room of Mr. and Mrs. John P. Guttenberg, Nettlecreek Road, Perinton.

They are historical flasks, free-blown in pictorial molds in glass factories along the eastern seaboard and in Kentucky, West Virginia and Ohio during the 19th century.

They range from amber, emerald and blue to the now rare amethyst and purple, in molded designs inspired by persons and events conspicuous in the exuberant life of the young nation.

Both Mr. and Mrs. Guttenberg caught the collecting fever from their families. Guttenberg, a former lieutenant in the Navy and now manager of corporate communications for Xerox, gets his from his mother, the late Mrs. John P. Guttenberg Sr., and his great aunt, the late Mrs. Lester Garson, Inveterate antiquers, they took him, a lad of 15, on collecting jaunts.

"I had to buy something in self-defense," he joked, "so I bought a bitters bottle. I've been collecting ever since."

Mrs. Guttenberg takes her interest in art and collecting from her great-great-grandfather, Edward Hicks, famous Quaker painter of "The Peacable Kingdom" scenes.

Historical flasks are their favorite collecting pieces, because of their shape, the quality of the glass, their color and design, but primarily because of their historical background and their pure Americanism. "They are alive with the events of the day," Guttenberg said.

The first bottle glass colors were amber, olive-green and aquamarine, in many shades and tones. To these were added greens, cornflower blues to deep cobalts and, occasionally, deep purple.

In the Guttenberg's collection are portraits of national heroes, presidents and would-be presidents, railroads and steamboats. There are some with a sunburst motif, one of the commonest, and some with a cornucopia design.

They have American eagle flasks and a Masonic flask, which shows a square and a compass, with clasped hands underneath.

Especially interesting is one with a portrait of Jenny Lind, the Swedish Nightingale. She was brought to the United States by P. T. Barnum and gave two concerts in Corinthian Hall, Rochester, in July, 1851.

The rarest piece in the collection is a dark green Stiegel-type flask dating about 1790. It bears an original label which says "Camphor." Pasted on the back is the label of an apothecary in New Hope, Pa., who, Mr. Guttenberg presumes, filled the flask with camphor and sold it to some of his customers.

Another rarity, made about 1860, commemorates Major Ringold, a hero of the Mexican War. It is noteworthy for its amethyst color, the majority of historical flasks being either aqua, green, amber or olive.

[From the Brighton-Pittsford Post, Pittsford, N.Y., May 21, 1970]

WHAT'S ALL THIS BUSINESS ABOUT COLLECTING ANTIQUE BOTTLES?

(By John P. Guttenberg, Jr.)

The Genesee Bottle Collectors Association sponsored a major antique bottle exhibit and sale recently at Bristol 50 Acres.

This article on the background of bottle collecting was written by John P. Guttenberg Jr. of 28 Nettlecreek Rd., Perinton, association president.

Bottles and glass blowing date back to the First Century before Christ.

Students of history often forget that it was America's first industry—having begun with the construction of a glass works in 1609, two years after the founding of the Jamestown Colony in Virginia, for the purpose of trading glass beads and bottles with the Indians.

Glass was a precious commodity during much of our history since only the well-to-do could afford it. No wonder that until the manufacture of bottles became economical through mass production in the post Civil War industrial revolution, bottles were more prized than their contents. Whether filled with spirits or medicine, bottles were refilled time and again for their owner's use.

Curiously, the "boom" in collecting antique American bottles has come partly because this ancient and artful craft is threatened with extinction.

With one-way, no deposit bottles, tin cans and the dozens of synthetics now used to package items which were formerly bottled, we may see the glass container as we know it today disappear before this century closes.

Scientists have already found a way to produce bottles that will eventually decompose, thus eliminating the waste problem, and recently it was discovered that ground glass mixed with other substances made one of the strongest road bed materials—again helping to find a means of using waste bottles for other purposes.

Today, the United States manufactures about 30 million bottles annually, but most are disposed of when their contents have been used. Therefore, it is not surprising that collectors are scouring grandma's attic, Uncle Harry's barn or Aunt Sally's cellar for old bottles. Many collectors are digging deep into old town dumps dating back a hundred years or more to find early specimens.

Rochester and the Genesee Valley area was a center for the production and distribution of bottles for much of the 19th Century. The famous Clyde Glass Works was located to the east—those at Lancaster and Lockport to the west. The Erie Canal was a major artery for the shipment of bottles. The prodigious orchards and vineyards of this area demanded huge quantities of canning jars and bottles, Rochester was the home of H. H. Warner Co. and Doyle's Hop Bitters, making this city the third largest center for the production and distribution of patent medicines and cures in the late 19th Century. And the famous Ball Brothers, whose canning jars still bear their name, lived in Canandaigua. Fred Locke, a pioneer in power distribution insulators, started in Victor and the company still thrives today.

Today's bottle collector has no definitive profile other than being somewhat of a "fanatic" about his hobby. In our area they run from teenagers like Tom Olson of Pittsford to retired master glassblower Leo Ehrstein of the city, who learned his craft in the early part of this century. Women are avid collectors, too—with about the same strength in numbers as men.

Bottle collecting tends to be a "family" hobby, with husband, wife and children all involved. Bottle diggers (or "Grubbers" as they are known in the bottle world) often go off together like those on a camping trip or Sunday picnic—adding rakes and shovels to the basket of sandwiches in the back of the car.

The appeal that bottles hold for most collectors is in their rich colors, unusual shapes and aethetic appeal, great history and the technology behind them. Bottles made prior to the Civil War were free-blown or mold-blown (often from crude wooden molds that left whittle marks on the bottle) and their shape and lines were irregular for the most part. Necks and collars around the bottle's lip were applied in separate steps. With automation, bottles became standardized in shape, color and the consistency of the glass.

[From the Genesee Valley Newspapers, May 21, 1970]

WHY BOTTLE COLLECTING

Bottles which have embossing or labels on them hold great appeal to the collector. Many bottles, especially bitters, cures, medicines and soda or mineral waters, carried the names of the maker and the town or city where they came from. Labels on patent medicines and cures spoke of relieving every malady known to man or beast and could be used internally and externally.

Historical or pictorial flasks usually bore familiar symbols of the Republic such as busts of presidential candidates, national heroes, the American Eagle, the horn of plenty, ears of corn, anchors, or masonic symbols.

The last masonic flasks were produced around 1830 because of an event that took place in Batavia in the late 1820's. A man named Morgan was denied his 33rd masonic degree and in a fit of pique revealed the secrets of free-masonry to the editor of the local newspaper. When published, the news traveled across the young nation and a wave of contempt against the masonic fraternity drove it underground until after the Civil War. But the national contempt was mild compared to the wrath of local free-masons in Mr. Morgan's area.

He was placed in the jail at Canandaigua for his own protection, from where he was ultimately abducted, never to be heard of again.

Most early bottles have well established value. Many bring hundreds of dollars at sales and auctions. The more common and later bottles bring less money, but in recent years, for example, an interest in canning jars and insulators from telephone and telegraph poles has increased their price by high multiples. Canning jars and insulators today can run from under a dollar to well over $100 depending on rarity, color, age and embossing.

Some collectors specialize, others build general collections. Specialists have an infinite number of sub-categories to work within their area of interest (e.g., bottles of one color, or all from one glass house or region). Most collectors appreciate all bottles and find that there is much to be learned even if they have been at it for years. There is a dearth of information about bottles despite their long history in America and a spate of literature that has appeared in the last decade, which has been dubbed the bottle collecting boom.

Price guides abound for those who attempt to establish value for identifiable bottles—but these are often inaccurate because the author is basing his prices on what the traffic will bear in his neck of the woods. Also, prices change rapidly in bottle collecting due to increased interest in the hobby and the parallel scarcity of bottles as they are acquired and taken off the market.

A good way to determine price is to follow sales, auctions and classified ads in antique and bottle publications. Another approach is to talk with knowledgeable collectors who have a "feel" for the market. In the end, however, the value of a bottle to its owner may not be its price in dollars and cents, but its beauty or uniqueness, its having been handed down in a family or found in some obscure place.

Collectors are fond of displaying their treasures on shelves and windowsills. Nothing is more thrilling for a collector than to pull out a bag with a new acquisition carefully wrapped inside that can be shown to a fellow collector.

Swapping and trading is an active pastime among collectors, and a good memory serves the serious collector well if he wants to make the right deal with the right person who has the right bottle.

Patience is indeed a virtue for bottle collectors. Many veterans have learned the wisdom of tracking desired items for years through private collections, estate sales, untapped town dumps, etc. Highway construction and urban renewal projects in recent years have laid open new fields for the collector to pour over. Still, many collectors find that excavating around dumps, barns, old houses is fruitful (if there was no town dump, bottles were buried in the yard) or covered over privy holes (an ideal spot to drop a flask if dad heard mother coming down the path while he was nipping or for getting rid of poison bottles that you didn't want the children to get hold of).

The search goes on and the interest increases daily. There are more than 110 antique bottle clubs in America and a rough estimate of bottle enthusiasts is probably several hundred thousand.

Fakes and reproductions are appearing on the market and the neophyte and veteran collector alike must be wary of the unauthentic item passed off as the real thing. A New Hampshire congressman introduced a bill in Congress last year stipulating that foreign reproductions of bottles entering the United States must be so marked.

The "boom" in bottles and bottle collecting continues.

Who knows but that today's coke bottle, aspirin bottle or perfume bottle may be tomorrow's collectable treasure!

A TRIBUTE TO A GREAT CONGRESSMAN—REPRESENTATIVE SAM FRIEDEL—BY A GREAT CLERGYMAN—DR. ABRAHAM SHUSTERMAN

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FALLON. Mr. Speaker, as we all know, for almost 18 years, the House of Representatives of the Congress of the United States has had the pleasure and the benefit of the wisdom, wide experience, and complete dedication far beyond the call of duty, of one of our distinguished colleagues. I refer to the gentleman who represents the Seventh Congressional District of the Free State of Maryland—SAM FRIEDEL.

Because of rather unusual circumstances in the recent Maryland Democratic primary election last month in which two other candidates sought the high office so very ably filled by our esteemed colleague—Congressman FRIEDEL, the Greater Baltimore area and,

indeed, the Nation itself, will be deprived of his invaluable service.

As chairman of the House Administration Committee, chairman of the Joint Committee on Printing, ranking majority member of the House Interstate and Foreign Commerce Committee, chairman of the Subcommittee on Transportation and Aeronautics and vice chairman of the Joint Committee on the Library, he has given the best of himself, on behalf of the largest city south of the Mason and Dixon line, his State and our Nation. It is needless for me to remind this great House of the important role he played in the passage of vital legislation, and of his leadership in congressional committee hearings and deliberations. At all times, he fought for what he deemed best for the United States and his impending departure from this historic Chamber will leave a void that will be very difficult to fill with a man who possesses Representative FRIEDEL'S experience and vision.

It has just come to my attention that one of Baltimore's highly esteemed clergymen, Dr. Abraham Shusterman, rabbi of Har Sinai Temple, the oldest continuously Reform congregation in America was founded in 1842, expressed his deep disappointment in the primary election results in a moving letter to our distinguished colleague.

Dr. Shusterman was one of the three clergymen in the well-known television series "To Promote Good Will"—the other two being a highly respected Protestant minister, and a learned monsignor of the Roman Catholic Church. I should also like to mention that Rabbi Shusterman is the only non-Christian to ever receive the Cardinal Gibbons Medal for his outstanding service to religion and the community.

Because of the importance in these days to promote good will, and also due to our respect for and admiration of our colleague from Maryland, I should like to insert Dr. Abraham Shusterman's letter in the pages of the CONGRESSIONAL RECORD.

It is as follows:

HAR SINAI CONGREGATION,
Baltimore, Md., October 6, 1970.

Hon. SAMUEL N. FRIEDEL,
Baltimore, Md.

DEAR SAM: I wanted to be absolutely certain of the outcome of the primary before writing to you. We share your natural disappointment in the results but we also share your pride in a number of undeniable facts—first, you have had a great career in Washington. No representative has been closer or more helpful to his people; second, no one candidate could have defeated you . . . it took two of them. You could have readily defeated anyone else; third, you will go out of office with the respect, good-will and gratitude of all who have known you and have worked with you.

As for me, I am proud that you were Har Sinai Brotherhood's first honored man of the year. I look forward to dedicating some portion of the new building as the Brotherhood's gift in your name. We have placed the plaque aside, awaiting the proper day.

We send you and Regina our best wishes. May God bless you both and grant you many happy and rewarding years.

Sincerely,

ABRAHAM SHUSTERMAN,
Rabbi.

PRICE OF PREPAREDNESS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RIVERS. Mr. Speaker, earlier this year the distinguished Deputy Secretary of Defense, the Honorable David Packard, received the Crozier Gold Medal from the American Ordnance Association for distinguished service to armament for the United States. His timely address on that occasion has now been published by Ordnance magazine, and it is of such importance that I thought it should be brought to the attention of the Members of the House.

In a day when many are striving to reduce the Defense budget at all costs, he gives us an important lesson in the price of preparedness in a nuclear age. I sincerely believe a reading of this brief article will be especially helpful for Members of Congress in deciding on their votes on important legislation affecting national security, and I urge all Members to take the time to review Mr. Packard's words.

The article follows:

PRICE OF PREPAREDNESS

(By Hon. David Packard, Deputy Secretary of Defense)

When World War I began, the United States Army was about equal in size to the army of Sweden. Despite impressive progress from a standing start, the productive capacity of American industry was not effectively tapped until the war was near its end, too late for use in the conflict.

Most American troops in the American Expeditionary Force reached Europe in British transports. Our armies went into battle with British or French artillery pieces and fired French-manufactured artillery ammunition; our airmen flew Allied planes. Our soldiers manned French tanks. Of 23,000 tanks on order in the United States, only 76 had been completed at the time of the Armistice.

Fifty years ago, after his retirement, Maj. Gen. William Crozier wrote a book entitled "Ordnance and the World War—A Contribution to the History of American Preparedness." It was written, he said, "in order that we may not again enter a war under conditions requiring so much time for their correction and so much protection by other forces while we are making our own ready. . . ."

General Crozier's book did not achieve its purpose. World War II again found the Nation ill-prepared.

In the first half of the 1930's, the severe domestic problems of the depression led to reduction in the armed forces. Spending for national security was cut back more than 25 per cent. As Hitler began to rearm Germany, we continued to starve our already anemic military forces.

Among the consequences of our policy was the loss of able, trained personnel. How many military leaders were lost to the Nation cannot be known. But in 1933, only the resistance of Congress prevented the execution of a Presidential plan to discharge from the armed forces a number of officers who were over age in grade. Among those slated for discharge as an economy measure were Lucius Clay, J. Lawton Collins, Leslie R. Groves, Alfred M. Gruenther, James A. Van Fleet, and Matthew B. Ridgeway.

Since promotion was strictly by seniority, these officers were then first lieutenants after 15 years of service. There was simply no opportunity to advance, regardless of professional competence.

As late as 1939, the year World War II began, we were spending only $5 million for military research and development. As late as 1938, we were spending no more to acquire armored vehicles than for horses, wagons, saddles, and harnesses.

After Pearl Harbor, we were forced to send men to combat areas who had never even seen—in training—the weapons they were given to use. For 2 years or more an inadequate supply of materiel restricted most of our forces to little more than holding operations.

World War II was followed by another period of neglect of our armed forces. When war broke out in Korea, again the Nation was unready.

Sixteen days after North Korean forces crossed the 38th parallel and began to squeeze a meager force of South Koreans and Americans into the Pusan perimeter, the majority leader of the United States Senate, Lyndon B. Johnson, took the floor to make these remarks:

"Our equipment . . . is plainly inadequate in quantity, it is not the right kind, and it is not at the right place.

"Our Marine Corps troops have been reduced to a point where it is impossible for them to furnish a single war-strength division to General MacArthur. . . .

"Our Army divisions do not have the number of battalions they need to function efficiently in combat.

"Far more dollars are being lost in South Korea than all the dollars we have saved—if we have saved any at all.

"We will lose more dollars and lose more lives because our economy was false, our overconfidence was unjustified, our emphasis was wrong."

It is no exaggeration to say that our Nation has been poorly prepared for three of the four major conflicts in which it has become involved in this century. The costs of unpreparedness in lives and in treasure have been tragically high. In the past, time has been granted to us to recover from initial setbacks, to arm, and finally to win the day.

In the nuclear world of today, we cannot count on time to be our ally. We must be prepared at all times, or we will not survive.

Americans have short memories. They are less inclined than some others to heed the lessons of history. In some ways, this may be good. We do not hang on to enmities of the past. We do not brood for long over yesterday's grievances.

To forget our past mistakes, however, is to court disaster. Philosopher George Santayana said: "Those who cannot remember the past are condemned to repeat it." I can think of no more appropriate motto to hang on the wall of every office in the Pentagon as we plan our defense posture for the 1970's.

There are great pressures toward a reduction of our military power in the decade of the 1970's. The pressures come from the domestic front, both economic and political.

We in the Department of Defense recognize the urgency of unmet domestic needs and the seriousness of the problem of inflation. To permit increased Federal spending to meet these needs without further fueling the fires of inflation, the President has made significant cuts in the level of defense expenditures.

The course we are following is a realistic course, not because of any significant lessening of the antagonism and tensions around the world, but because of the increasing ability of our friends and allies to carry a larger share of the burden of their own security. It will be a safe course if reductions are limited and carefully controlled to maintain a foundation of strength adequate and re-

sponsive to potential contingencies of the future. This foundation must include an adequate nuclear deterrent.

Our armed forces are being reshaped on the basis of the Nixon Doctrine. The essence of that doctrine is a sharing of responsibility between our country and other nations with which we are joined by the bond of common interests. The change which the Nixon Doctrine is bringing about is greater self-reliance on the part of other nations, particularly in providing the manpower needed for their defense.

In South Vietnam we are witnessing the first application of the Nixon Doctrine. Our military forces there are being cut in half because of the encouraging development of the will and the ability of the people of South Vietnam to provide for their own defense.

The changes in our defense posture which are being made result from the most exhaustive and comprehensive examination of defense and other national needs that has ever been made. This review is a continuing process which is meant to guard against neglect of any of the responsibilities of our national Government. In the opinion of the civilian and military leaders of the Defense Department, the reductions in forces and programs recommended by the President go as far and as fast as we can go without assuming excessive risks.

There are strong pressures, however, for reductions that go far beyond those which President Nixon has approved.

The greatest concern that I have at the present time is that defense cutbacks will go beyond the point of prudent risk. The greatest responsibility that Secretary Laird and I have is to keep the Nation on the course of orderly reduction in defense and to maintain a capability that will protect the American people in the years ahead.

Our past experience should teach us that an inadequate level of defense spending is an illusory form of economy. In a month or two a war eats up the savings realized over the course of many years by insufficient funding of defense. In a future war, unpreparedness would be more than costly—it would be suicidal.

Our military capability in the future is determined by what we do—or fail to do—today. Weapons and equipment of sophistication do not spring into being overnight.

And so I feel deep concern that the United States is currently spending, for military research and development, between $2 and $3 billion less annually than the Soviet Union. What we have for the defense of our Nation 5 or 10 or 15 years from now will depend on the vigor and effectiveness of the research and development effort today.

We must attach special importance to the research and development effort—to both its quantity and its quality—for the purpose of maintaining in the years ahead military power that will be effective in keeping the peace. In this field we cannot afford to be second to any nation in the world.

The Nixon Doctrine, looking to a situation in which the United States will need less military manpower, asserts at the same time a determination to provide a nuclear shield for the protection of other nations. To carry out this responsibility, as well as to protect our own people, we cannot permit any relative deterioration in our strategic forces.

At Vienna, negotiations are now going on which, we hope, will produce a reliable agreement on the mutual limitation of strategic weapons. Such an agreement could reduce somewhat our future expenditures on nuclear weapons. But, until such an agreement is concluded, we cannot ignore growing threats to our security, nor can we fail to take timely action to counter them.

We must remember that in the past 5 years, the United States has stabilized deployment of strategic offensive weapons, while the Soviet Union has accelerated both their development and their deployment. Our Nation has made no basic change in the force levels set in 1965–1967. On the other hand, the Soviet Union continues to add to its total of strategic nuclear weapons. And, as we have seen, the Chinese are still on their technological track to a ballistic missile.

As Secretary Laird and I have pointed out, it is not the strategic balance that exists today that disturbs us but the momentum established by the Soviet Union in its vigorous development and deployment of strategic offensive weapons. The vigor of the Soviet effort is indicated by the fact that Russia now has more land-based ICBM's than the United States. Nor can we forget the progress of Communist China toward an ICBM capability.

For these reasons, the President has recommended to Congress a modest addition to the Safeguard anti-ballistic missile program which was approved last year.

Safeguard is merely a minimum prudent step to protect our deterrent capability in the face of a large and growing Soviet nuclear-missile capability and a budding Chinese capability. It is a step which will not quicken the arms race. It is a step which does not hinder arms-limitation talks. It is a step which is subject to annual review by the President and the Congress. But, at this moment, I strongly believe it is a step we must take if we are to maintain a meaningful deterrent throughout the 1970's. To forego the Safeguard deployment is a gamble this country cannot afford to take.

The course toward which President Nixon is steering the Nation is in the direction of peace. His policy is one of responsible internationalism. It does not contemplate a United States which will patrol the world as a global policeman nor a United States which abdicates responsibility and cowers in isolationism.

Successful implementation of the President's foreign policy requires a strong defense posture for our country as far into the future as any of us can see.

The consequence of past failure to maintain such a posture are the casualties of three wars which have occurred in the lifetime of most of us.

Let us not in the future be forced again to mourn the loss of young Americans who died because their country let its sword rust. Let us not forget that on our preparedness and our national resolves depends the survival of our country.

ADMINISTRATION'S SUCCESSES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROWN of Ohio. Mr. Speaker, as the second session of the 91st Congress comes to a something-less-than-glorious pause, before resuming, lameducks and all, in mid-November, I would like to talk about some of the administration's successes during the last 2 years.

Mr. Speaker, it is seldom that we have had a President who has handled foreign affairs as well as has President Nixon.

For 21 months now, America and the world have moved steadily toward peace. At the same time the world has become aware that, while the United States will stand by her commitments and will work in the cause of peace, we will no longer be policeman for the world.

The inflexible policies of the 1940's and 1950's gave us unnecessary problems in the 1960's, and President Nixon has quickly recognized that they will not do for the 1970's.

From this understanding has come the Nixon doctrine—the doctrine that says we will provide a nuclear umbrella for our allies, and we will supply them with arms and materiel, but they must do their own fighting.

President Nixon means what President Johnson said: that American men will not again get bogged down in the morass of Asia.

There is no question, Mr. Speaker, that the President's success in bringing American soldiers out of that morass is a high-point of his administration to date.

He could have done it with abject surrender, as some have urged; he conceivably could have done it with a nuclear bomb, at what price no one knows.

Instead, he is doing it in such a way that the South Vietnamese will be able to defend themselves and be able to choose their own form of government, even after we have gone.

What is happening is that President Nixon is living up to our commitments to South Vietnam but is doing so in such a way that they must live up to their own commitments to freedom and independence.

Mr. Speaker, as peace grows nearer in the Far East, so does it appear more imminent in the Near East where there is talk now of abiding by and extending the cease-fire rather than of going back to war.

The President's persuasive powers, his show of strength at the proper time and his own appearance in the Mediterranean all made clear to the Nations of the Middle East and to those who seek to stir up trouble there that the President is prepared to do what is necessary to prevent a full-blown war from breaking out.

Just as the President has sought to bring peace to the world's trouble spots, so has he also sought to bridge the gaps between the United States and the small nations of East Europe. His success in Rumania and Yugoslavia is manifest.

Mr. Speaker, the list of the President's accomplishments in his first 21 months in office is long. I have not mentioned the SALT talks or the agreements with Japan concerning Okinawa. But who can deny that President Nixon's most important accomplishments are in the realm of world peace and international stability.

As the Congress recesses, I believe its Members should take full cognizance of these facts. The partisan issues in the upcoming election are domestic. The accomplishments in foreign affairs transcend any partisanship.

WALTER W. STRALEY OUTLINES GOALS OF PRESIDENT NIXON'S NATIONAL READING COUNCIL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PUCINSKI. Mr. Speaker, recently it was my privilege to attend the first

meeting of President Nixon's National Reading Council held here in Washington.

The members of the Council spent a full day outlining and discussing goals for the Council and late in the afternoon, the members attended a reception at the White House hosted by Mrs. Nixon, who has agreed to take on the challenging task of serving as honorary Chairman of the National Reading Council.

Mrs. Walter W. Straley, Chairman of the Council and vice president of the American Telephone & Telegraph Co., presented an excellent synopsis of the day's proceedings which I shall include in the RECORD today.

May I first congratulate the President for his initiative in creating the National Reading Council. I am particularly grateful for this national commitment to reading because as chairman of the House Subcommittee on General Education, I am reminded every day by testimony before our committee of the urgent need for improving America's verbal skills. The President shows great understanding in making this one of his administration's main goals.

It is also most pleasing to see the First Lady take on the difficult role of honorary Chairman of the Council. As a former schoolteacher herself, Mrs. Nixon shows deep compassion and understanding of the problem. First Ladies have made many significant contributions toward improving the welfare of our Nation, but I believe history will record Mrs. Nixon's contribution in raising the reading standards of our children and adults as one of the most significant and meaningful.

I am including in the RECORD today the brief introduction of Mr. Straley made by Secretary of Health, Education, and Welfare Elliot Richardson; and Mr. Straley's own remarks.

It should be evident from the remarks of both Secretary Richardson and Mr. Straley that the National Reading Council is off to a good start.

Secretary Richardson's and Mr. Straley's remarks follow:

Secretary RICHARDSON. Mrs. Nixon, members of the National Reading Council, ladies and gentlemen.

It has been a great pleasure for me in the last twenty-four hours, to have had the occasion, first yesterday evening and then this morning, to meet with the members of the Council and to develop some sense of the commitment and the dedication that you are bringing to an urgent national priority.

As I said this morning, I knew that I was speaking for President Nixon in telling you that he, as the head of our government, and we in the Department of HEW, and all of us throughout the government who can in any way lend our support to your efforts, want to do this. And certainly, we want also to underscore our own sense of appreciation to each of you who are contributing to this objective, for the sacrifice of time that you are going to be devoting to it, as well as the contribution of talent and knowledge and experience from a very wide range of diverse background.

We're deeply grateful to all of you.

But certainly, among you there is one individual to whom we have special reason to be indebted. I heard him speak briefly this morning—at least I heard him briefly—and since I had to leave before he had concluded his remarks, I'm very sorry to say—I would very much like to have been there not only long enough to hear him in full but to have participated with all of you.

I did, however, hear him long enough to develop a sense of the kind of qualities that he's bringing to his very important role as the Chairman of the Council. And certainly his backgroud is one that uniquely endows him for this responsibility.

He has not only held major positions as a business executive, but the process of climbing the ladder in the American Bell Telephone System has brought him to the Vice Presidency of the whole company for Environmental Affairs, which I take it, includes all of these things, education among them, that affect the quality of life.

In his extracurricular capacities he has also equipped himself for his present role. He is, and has been for a number of years, a member of the Board of Overseers of Grinnell College, a member of the Educational Task Force of the New York Urban Coalition, and he has served in the past as a member of the New York City Board of Education, and certainly New York City has an enormously large and complex educational system, and exhibits within its whole range many of the kinds of problems with which this Council is going to be concerned, in the years ahead, in developing a strategy for the nation in coping with the problems of reading handicaps.

We have of course stressed from the outset the importance of the partnership that is going to be involved in this effort, a partnership not only between the Federal government and state and local governments, but between government at all levels and with the private sector, including concerned individual volunteers.

It is a very great personal pleasure and honor for me now to present to you your own Chairman, for a few words of summary and discussion of today's meeting, Mr. Straley.

Chairman STRALEY. Thank you, Mister Secretary; Mrs. Nixon, distinguished colleagues:

It is a pleasure for all of us to be associated with Mrs. Nixon as Honorary Chairman of the National Reading Council, and we do offer our gratitude to you, Mrs. Nixon, for your hospitality in allowing us to join you here, to conclude our day-long meeting.

The other members of the Council have received a small memento of this inaugural meeting of ours. And so, we thought it fitting that we bring you one and I think it also appropriate that Mrs. Straley just hand it to you. The little book symbolizes the history of our reading attempt in the United States, going back in this case to 1836. By 1920, 122 million copies of McGuffey's readers had been sold.

They portray a time when our world was rural and mostly lovely, perhaps for many of us, not the world we know. But it's a reminder that we've been at this reading business for a long time. And, that we have not yet succeeded.

Our charter is stated well, I think, in the July 31st statement of President Nixon's, when he announced the appointment of this Council. He said that this Council, "will work closely with private and public organizations as well as professional educators and others to strengthen and assist reading programs and foster innovation in the reading field."

He said further, "I hope the Council will serve as a catalyst for the nation in producing dramatic improvement in reading ability for those requiring it, and in encouraging reading by all our people. For the ability to read is essential to the fulfillment of each person's potential, and I expect the National Reading Council to do much to enhance that ability. With its help the right to read can become a reality by the end of this decade." We accept this charter from the President and from the Secretary.

In our first meeting today we did, to my belief, three things.

We received from each other and from colleagues in the field of education information on the scope of the reading problem, as an exercise in self-instruction.

Secondly, we were brought up to date as to the status of the National Reading Council and its operating arm-to-be, the National Reading Center, to be located here in Washington, D.C.

Finally, the members of the Council gathered just before we came to the White House for an hour and twenty minutes (which may be a record in policy-making deliberation) and recommended certain priorities of action for the National Reading Council and for the National Reading Center. I shall mention those briefly.

As to number one, our self-instruction: Mr. Louis Mendez, in charge of the Right-to-Read Program in the United States Office of Education, reminded us that there are about $420 million of reading-related Federal funding from the Office of Education. He reminded us of our responsibility of counselling that agency and others in the Federal government on the reordering of reading-related efforts to make as certain as we can that reading achievement results from reading funding.

He called our attention to the fact that much good work is being done in the school systems and that twenty-two states already have priority reading programs under way.

Mrs. Eleanor Wolfe, of the Office of Voluntary Action, called our attention to some 250,000 active volunteers in reading tutoring, adult, parent, young people, and college age persons. I know most of us consider in our three group meetings—that we ought to add to the quarter of a million volunteers until we count them in many millions.

Doctor Reese of Princeton spoke of the lack of statistics to enhance our knowledge of the disastrous impact of illiteracy on the economy of the country. He did say that those who have finished the eighth grade have, on the average, a $900.00 difference in annual earning power over those who do not finish the fifth grade.

We also had our attention called to the lessening number of unskilled jobs, which do not require effective reading skills, in the economy at this time. Twenty-five years ago, 30% of the jobs in the United States could be described as unskilled, today only 15% are so described. Probably by the latter part of this decade only 5% or fewer will be described as jobs which may easily be held by the low achieving reader.

We also consider the fact that our present work force has within it as many as twenty-five million persons who do not read well enough to assure themselves of promise of progress beyond their unskilled starting jobs. And that now we are suffering a dropout rate from our elementary and secondary schools in the United States of as many as 800,000 children a year.

We learned that the American Association of Junior Colleges estimates that in urban Junior Colleges, as many as one-third to one-half of entering freshmen do not read well enough to make satisfactory progress without remediation.

Jeanne Chall reminded us that our reading system has become embroiled in controversy about classroom methodology; that we ought *not* to search for the one perfect classroom method of teaching reading, but search among all methods available for those with workable principles which may be applied to the millions we are failing to reach.

Doctor Reese reminded us that we must

not forget the adult illiterate. I am occasionally glad to be reminded of my service on the New York School Board, for my service there accounts for my presence here.

One day, at a strike-bound elementary school, the mother of a small black beautiful child came up to me, and said, "Mister, I am not asking for anything for myself. I'm asking for my child. What are you going to do about my child?" Well I don't want to be emotional, but this is the question to which so many of you addressed yourself today.

Then, Doctor Reese reminded us that the mother cannot be left out of our consideration. For the cycle of illiteracy will not be broken until the mother *joins* in an effort of reading, and thereby joins in the joy of reading.

We talked too briefly about the bilingual problem. Our friend Louis Nunez reminded us that Puerto Ricans in the United States will remain a bilingual people within a monolingual society. He asked us how we are going to modify our institutions of learning so that we adjust ourselves to the idea that children and adults will always be with us who must learn and use and be taught and live with two or more languages, rather than just the one we impose upon them.

Louis Harris, the polling specialist, reported his preliminary effort to help this Council find its way toward a literacy index. I do remind my fellow Council members that if we are in fact to report to the Secretary and to the President each year on reading accomplishment in the United States, we must have some kind of an index with which to begin. Otherwise, I think we shall be more fuzzy than factual in our reporting on national accomplishment or the lack of it.

Lou and his people used five forms, which they call "survival forms", a Social Security application, a bank loan application, a driver's license application, a Medicare application and a welfare application, and he simplified them somewhat, so as to be completely fair. Then he sampled them nationally among all people of sixteen years of age or over. He discovered that as many as 18½ million Americans do not read well enough to fill out these simple survival forms without trouble. And he reported this study to the Press today, and perhaps they will pay more attention to it than to us. Which is understandable, for I don't think our organization at this point is particularly sexy so far as the Press is concerned.

The structure of the Council was described. Some of you will serve as directors of the National Reading Center which we said is going to have space at 1776 Massachusetts Avenue. And we like the idea of our new address. And you will see on our new Logo "1776" on one side, Right-to-Read in the center, and 1976 on the other. Although the President and the Secretary have asked us to help other institutions and people in the country achieve our reading goals by the end of the decade, as an old organization man, I have moved that goal down four years. Let's do something by 1976, or go out of business.

We will have meetings of this Council several times a year, at various cities in the United States. We will have a Diretcor soon, and a staff of twenty-five people in the Massachusetts Avenue location. Later, we will have as many as twenty people out in the Regions working with States and local schools, for the payoff can only take place where the people are.

We've made a couple of assumptions about our new organization; one, that this is not going to be just a discussion group.

We are going to set priorities, you have helped today to do that. Each Council member will be assigned to a specific project area within the National Reading Center organization, and will be expected to perform voluntarily within that group, with a professional staff person on a specific project team. It will take awhile to match people and assignments. I hope we can be really underway by January of next year.

Another assumption of interest: We will emphasize classroom support projects. As the President said in his March 3rd Education Reform message, what happens outside the classroom is often as important as what happens inside—I heard our friend Mr. Al Capp say, perhaps rather immodestly, that he has eighty million readers a day.

He had a tremendous point, and he shared it with Doctor Lesser, you may remember, who said: "Let us have a cafeteria of all kinds of reading alternatives for everybody." Mr. Capp is right of course. Many people learn to read from comic books. Miss Chall says people in Italy and elsewhere learn to read occasionally from candy wrappers. I should think the cereal people would be glad if more of us learned to read from cereal boxes.

We discussed the prospects of new games of reading, simple lessons in newspapers. Those of us who have spent time in the ghettos of the larger cities said today that we cannot rely on "normal" distribution of reading materials. We must have lots of reading instruction on peanut butter jars and candy wrappers, cheap or free books. Well, we must stock a cafeteria of reading alternatives.

Now here are some of the things you said today ought to be among the priorities which this National Reading Center should get busy with.

I'll go through them very quickly; operate as a central agency to review and coordinate all efforts of the private sector and the government toward solution of this problem.

New approaches are required; not *just* supporting the present educational establishment, but breaking out with new things, helping it break through.

Boldly, you said failures in reading can be cut 50% right now, with what we know now how to do. You said let us focus a national campaign of information upon the successes we now enjoy in the educational system. We may be proud of many successes; we must help find ways of broadcasting information about those successes, and spread them to the millions who are not a part of them.

A high priority item: availability of materials, especially through libraries, in school rooms, in community centers, volunteer centers, wherever children and adults are, and where the reading need is the greatest.

I'm sure, with Brad Wiley's agreement—you pointed out that publishers must—you did not say "should"—cooperate.

We will try, you said, to develop public awareness of this problem in this country, involve the business community in a new national thrust; give them recession-proof ideas to use, ideas in business, self-interest.

We will support national efforts to get at parents *with* their children. And find new ways to teach more people how to teach reading, particularly in the inner cities and in the rural areas.

I was fascinated by Mr. Branscome's remark that in Appalachia, where he serves, they have 10% of the population and 40% of the illiteracy in our country. We must find ways of adapting to that need.

And, teacher education. We should you said, through this National Reading Council, encourage the States to establish reading instruction minimums for certification. There was talk of more accountability for achievement by teachers, as you recall.

This Council you agreed, must play an important role in coordinating research, and validate research where we can, so that we know what we're talking about, because the fuzziest thing in this whole iffy field of education is that we really don't know why we don't always succeed.

We suggested that some Agency such as USOE, among our many prospective partners, might develop a number of model demonstration projects, where schools, industries, colleges, community people can operate a saturation effort to eliminate illiteracy in the entire area of a city or a county.

And I think it was Mr. Capp, who was bold enough to suggest that we hold the three Presidents of the three commercial networks responsible for cooperating with the Council in making commercial television available for teaching of reading. I shall ask Mr. Capp to call all three of those gentlemen!

We must have you said, a pool of knowledge about reading volunteers; for the volunteer program will require good teaching of volunteers so that we don't have an outburst of citizen enthusiasm without an outburst of citizen effectiveness.

And finally, you said that we ought, as I'm sure we will, make recommendations to the President and to the Congress concerning the funding of reading-related projects, which will hopefully enhance the goals of this Council and the goals of this Administration.

Well, you accepted the President's and the Secretary's charge to serve as a catalyst for the Nation in producing reading achievement so that the right to read can become a reality by the end of this decade. I thank you for today. But we have not yet begun. At least I'm pleased to have spent this day with you and I look forward to our continued effort. Thank you.

CORPS OF ENGINEERS ENVIRONMENTAL POLICY ACT OF 1970

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I am today introducing the Corps of Engineers Environmental Policy Act of 1970, a bill which would help to insure that a maximum regard is given to the protection of the environment in connection with all public works projects undertaken by the Army Corps of Engineers. Joining me in sponsoring this legislation is my good friend and colleague from Florida (Mr. CRAMER).

As you know, the Corps of Engineers has a proud and distinguished history dating back to its official beginnings in 1802. It helped to chart the way in the exploration of the West, surveying and mapping for work on the early frontier roads, railroads and canals, and making the waterways of the Middle West safe for navigation. Following the Civil War it helped to physically reunite the divided sections of our country with projects benefiting all. And today the Corps continues to make a valuable contribution to the growth and development of this Nation through such projects as waterway improvements and flood control, disaster relief and beach erosion prevention, hydroelectric power and water supply developments, recreation facilities and pollution control.

The Corps of Engineers civil works division today is comprised of some 200 military personnel and 32,000 civilians working on 275 projects, costing over $1 billion annually. The Congress has already authorized another 452 projects.

As our country continues to develop and the need for such projects increases, we must take special care to insure that we do not inadvertently do irreversible damage to the environment in the process. My bill would provide that safeguard by defining the environmental policy for the corps, prescribing the duties and responsibilities of the Secretary of the Army as they relate to that policy, and creating a Corps of Engineers Environmental Advisory Board to assist in the implementation of that policy.

The terms of my bill are consistent with the objectives and requirements of the Environmental Policy Act of 1969 which, among other things, requires that Federal agencies file environmental statements on all projects having a potential impact on the environment. This measure would require that the advisory board review all proposed Corps projects and advise the Secretary of the Army on the environmental implications. It would require the Secretary in turn to include the comments and recommendations of the advisory board with all environmental statements required by law. In this way there would be the assurance that the board's independent judgments would be considered by both the Council on Environmental Quality and the Office of Management and the Budget. The Congress and the public would also have complete access to these statements.

The six-member advisory board would be appointed by the Secretary of the Army from a list of individuals proposed by the Council on Environmental Quality for terms of 3 years each. This arrangement would help to insure a board of high quality environmental expertise and independent judgment. I should point out in this regard that the Chief of the Army Corps of Engineers, Lt. Gen. F. J. Clarke, has already taken the initiative on this by appointing a six-member ad hoc advisory board of high caliber environmental experts. In announcing this innovation back on April 2, 1970, General Clarke said, and I quote:

As we move to extend and implement these efforts, and as the environmental problems and issues attendant to our activity become more complex, I strongly feel the need for assistance from a group of advisors external to the Corps who could provide not only a broad range of knowledge, expertise and experience, but also a philosophy and perspective that has not yet been fully developed within the Corps.

General Clarke went on to say:

I expect this Board to be a working board and I plan to use it extensively. I expect that it will provide not only advice on specific policies, programs and problems, but perhaps more important, contribute to an enhanced mutual understanding and confidence between the Corps and both the general public and the conservation community.

Mr. Speaker, I want to commend General Clarke on taking this outstanding initiative. I cannot take pride in authorship since the idea for the board is his and the idea to give it statutory authority and responsibilities comes from the senior Senator from Illinois (Mr. PERCY) and is contained in a similar bill (S. 4307). The important thing is that both the Corps of Engineers and Members of Congress recognize the need to give special emphasis to environmental considerations as we plan for the future. Progress and development need not be the antithesis of environmental protection and enhancement given proper planning and an orderly growth policy. With the closing of the frontiers, our central challenge and preoccupation should have been how to maximize resource development while minimizing environmental destruction within those frontiers. Instead, we too often proceed as if our frontiers were endless and our resources limitless. Only today are we beginning to realize how mistaken we were. Hopefully, it is not too late. Our serious intentions to make this a decade of the environment could well make the crucial difference.

I therefore offer this bill today as another small step in the right direction. The fact that the idea for this bill originated with the Corps indicates that this is not an indictment of past policy but rather an affirmation of present and future environmental concern. I would hope that other Federal agencies will demonstrate comparable concern and take similar initiatives for the preservation and enhancement of the environment.

Mr. Speaker, at this point in the RECORD I include a copy of the Corps of Engineers Environmental Policy Act of 1970, along with a copy of General Clarke's statement of April 2, 1970, on the environmental aspects of Corps of Engineers activities:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Corps of Engineers Environmental Policy Act of 1970".

PURPOSE

SEC. 2. The purposes of this Act are to declare a policy for the Corps of Engineers of the United States Army which will encourage a maximum regard for the protection and enhancement of the environment; to define the duties and responsibilities of Secretary of the Army through the Corps of Engineers in implementing this policy; and to establish in the Department of the Army a Corps of Engineers Environmental Advisory Board.

TITLE I

DECLARATION OF CORPS OF ENGINEERS ENVIRONMENTAL POLICY

SEC. 101. (a) It is hereby declared to be the policy to be followed by the Corps of Engineers of the United States Army (hereafter referred to in this Act as the "Corps") that, in formulating water resource development or management plans, impact on the environment shall be fully considered from the very initiation of preauthorization planning, and that early and continuing research, in cooperation with appropriate Federal, State, and local agencies shall be undertaken to develop alternatives and measures which will enhance, protect, and restore the quality of the environment, and, in the case of unavoidable deleterious effects on the environment, minimize and mitigate such effects.

(b) The Secretary of the Army (hereafter referred to in this Act as the "Secretary"), before undertaking any major action or recommending or making a favorable report on legislation affecting Corps programs, which will significantly affect the environment, will, in consultation with other appropriate Federal, State and local agencies, assess the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced to the fullest extent practicable. Such assessment shall include, but not be limited to, a detailed statement on—

(1) the environmental impact of the action or proposed legislation,

(2) any adverse environmental effects which cannot be avoided should the action be taken or the legislation be enacted,

(3) alternatives to the action or proposed legislation,

(4) the relationship between local short-term uses of a man's environment and the maintenance and enhancement of long-term productivity, and

(5) any irreversible and irretrievable impact on the environment which may be involved in the action or the proposed legislation.

(c) The Secretary shall submit with all environmental statements to the Council on Environmental Quality in the Executive office of the President, the comments and recommendations thereon of the Corps of Engineers Environmental Advisory Board.

(d) The Secretary shall not approve any application for a public works project involving the Corps unless he finds in writing, after a full and complete review of the application and of any hearings held before the appropriate State or local public agency that—

(1) adequate opportunity was afforded for the presentation of views of all parties with a significant economic, social or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the area in which the project is located, and

(2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.

(e) In the case of any project with respect to which the Secretary finds that no hearing has been held before the appropriate State or local agency, or, with respect to which the Secretary determines that the record of hearings before such appropriate State or local public agency is inadequate to permit him to make the findings required under subsection (d) of this section, he shall conduct hearings and make the findings required by paragraphs (1) and (2) of such subsection (d). Findings of the Secretary made in accordance with this subsection shall be made a matter of public record.

TITLE II

CORPS OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

SEC. 201. (a) There is established in the Department of the Army a Corps of Engineers Environmental Advisory Board (hereafter referred to in this Act as the "Board"). The Board shall be comprised of six members appointed by the Secretary for terms of three years each, except that—

(1) of the initial six members of the Board, two shall serve for terms of one year each, two for terms of two years each, and two for terms of three years each as determined by the Secretary at the time of appointment,

(2) a member shall continue to serve until his successor is appointed, and

(3) a member appointed to fill a vacancy in an unexpired term shall be appointed for the remainder of such term. Each member of the Board shall be appointed from among at least two individuals proposed for such appointment by the Council on Environmental Quality, except that any individual serving on the effective date of this section as a member of the environmental advisory board to the Corps in the Department of the Army may be appointed as one of the initial six members of the Board. The Board shall

annually elect one member to serve as chairman. Members of the Board shall be entitled to receive compensation at a rate not exceeding the rate specified for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. 202. (a) It shall be the duty and function of the Board—

(1) to assist the Secretary in developing Corps environmental policies and procedures,

(2) to review, assess and evaluate all reports, hearings and other pertinent data on projects requiring an environmental statement and to submit to the Secretary a written report containing comments and recommendations on the projects, for inclusion in such statement as required by section 101(c) of this act,

(3) to conduct a continuing environmental review of all major ongoing Corps projects and to periodically advise the Secretary on any developments, deviations or alterations in or resulting from such projects which adversely affect the environment,

(4) to serve as the Secretary's liaison to the Council on Environmental Quality, the Environmental Protection Agency, and other appropriate Federal agencies and departments on matters of mutual environmental concern,

(5) to prepare a statement for inclusion in the annual report submitted by the Corps to Congress setting forth the recommendations made by the Board to the Corps, and the actions taken on those recommendations, together with such other comments as the Board shall determine to be necessary or desirable with respect to the operations of the Corps as such operations relate to environmental protection,

(6) to give special assistance to the Secretary in the implementation of sections 101(c) and (d) of this Act as they relate to the environmental aspects of project applications, hearings, and evaluations and recommendations regarding same.

SEC. 203. The Board is authorized to employ such officers and employees (including experts and consultants) as may be necessary to carry out its functions under this Act.

SEC. 204. The Board shall have access to any information in the possession of the Corps and may request the Corps to obtain or develop such information as it may require; the Corps shall make available to the Board such staff and facilities as may be required.

STATEMENT BY LT. GEN. F. J. CLARKE

We have scheduled this news briefing to discuss the entire Corps of Engineers' stewardship of the resources we deal with; and also the larger question of national resource goals and policies, and the proper relationship of resource development agencies to them. Our primary purpose is to deal with fundamentals. We propose to focus attention upon the total resource-management job, and the problems inherent in that job. Although there may be no major hard news, this is not a backgrounder; everything is on the record and for attribution.

WHO—OR WHAT?

We have done and are doing a lot for the country. But "doing" in the public works field changes the environment—something it is becoming harder and harder to be neutral about. For this reason at least, we expect and receive criticism. However, even our severest critics have not questioned our integrity or effectiveness. At the direction of Congress and the President we try to do the most good for most people. For this reason, we think it is important to make distinction between an agency and its mission. Often, we believe, the public's concern is not so much over who does the work, as over what is done. Frequently we are criticized for proposals with which we have had no connection, such as the Interior Department's proposed dams on the Lower Colorado River and elsewhere. I don't think objectors ever will be reconciled to those proposals simply by learning that they aren't ours, but somebody else's.

A classic controversy in the resource field is that between those who seek to preserve our resources and those who seek to develop them.

Some believe that future generations will be better served not by development construction but by preservation of the remaining natural environment. The developers believe that a very vigorous development construction effort in both the public and private sectors is needed to keep abreast of the tremendously accelerating material needs of our proliferating descendants. Their emphasis is on material necessities.

The Corps of Engineers' position—if I may briefly anticipate myself—is that both views have too much merit for either to be allowed to obliterate the others; that a truly responsive agency must be responsive to both; that with a reasonable amount of give-and-take, our country can meet both material and intangible goals together to an adequate and indeed a very large degree; and that without reasonable give-and-take, both are likely to suffer. We are actively pursuing this policy in our civil works program.

An agency that tries to serve both schools of thought is likely to come under attack by both—which may sometimes confuse issues. For example, those who attack a proposed Army Engineers flood control project by focussing attention on the *Army Engineers* aspect of the proposal, whether they realize it or not are evading the *flood-control* issue. And if they were to win their fight in such a way on such grounds, they would do so at the expense of leaving the flood problem unsolved, with possible great harm to the community.

You are aware of the things the Corps of Engineers has done in past generations in response to the demands of those generations. Today I want to tell you a few of the things we have done in recent years in response to the public's concern for the environment. To the extent that you may find, after hearing us, that we are being responsive, diligent, and sensitive to public demands—as we surely want to be—then to that extent you may agree that we should look beyond the various agencies for a solution to our resource-management problems and dilemmas. I believe we will find the roots of a good many of them to lie in the varying, sometimes competing and contradictory demands of different elements of the community itself.

RECENT CORPS ACTIONS FOR THE ENVIRONMENT

In our own organization, to equip ourselves to respond adequately to environmental considerations, we have taken these steps among others:

Since 1966 we have issued at least 20 *new regulations* or guidelines to our field organizations requiring increased attention to esthetic and environmental values in project planning and construction. Among other things, the criterion of efficiency or at least cost is no longer overriding in our analysis; and our contracts now require contractors to operate in such a way as to preserve environmental values as fully as possible.

Early in 1966 we established special *Environmental Planning Sections* in each of our ten U.S. Divisions.

We have established within our organization an *Institute for Water Resources* to study long-range planning problems. One of its principal tasks is to study policy on environmental, ecological, and sociological issues.

We have *expanded our force* of landscape architects by 26 since 1965. We now employ 101 full-time landscape architects.

We have expanded our total force of biologists, foresters, agronomists, sanitary engineers, and other specialists in environmental sciences by 71 in the same period. We now employ 297 people in those categories, in addition to the 101 landscape architects. We also employ more than a thousand people, including clerical staff, in our recreation planning and recreation-resource specialty categories.

Meanwhile, we have taken such actions as these:

We have entered into *inter-agency agreements* with the U.S. Department of the Interior, aimed at giving that Department a much stronger and more direct voice in helping us make sound decisions on matters affecting the environment. Among other things, that Department passes on all applications for permits.

Our recommendations for *new project work* often stipulate that participating interests must take measures to protect the environment. For example, recommendations for new navigation projects now typically require the local interests to prohibit the deposition of polluted material into the channels and harbors involved.

We have carried out or participated in a number of *studies* related to *environmental* aspects of our work.

We have initiated a *Distinguished Design Awards* program, giving annual awards for superior performance in architecture, engineering, and landscape architecture in connection with our civil and military construction activities. The judges are eminent independent authorities in their fields.

We are engaged in a continuing program of *research affecting environmental matters*, either with our own staff, with other agencies, or by contract. Research subjects include the effectiveness of multiple outlets in dams in controlling the temperature of river water; a search for varieties of shrubbery and plants that can be safely used in landscaping levees; an examination of the effect on fish and wildlife of proposed diversions of water from the Mississippi River; ways of adjusting turbine blades so that small fish may run down safely through powerplants; studies with Harvard University in the field of environmental resource analysis and evaluation; and studies of the effects of engineering works on the coastal zone.

Over the past four years, we have made a number of proposals for alternative methods of *disposing of dredged materials* in the Great Lakes and other areas, and of disposing of waste materials.

We have carried on a study of possible ways to prevent further erosion of the American Falls part of *Niagara Falls*, should that be desired.

We have continued to refer cases of violations of applicable *water pollution laws* to the Department of Justice for prosecution. For example, in 1969 we referred 355 cases to the Department of Justice for possible prosecution—more than all other Federal agencies put together. Of these, prosecution was declined in 35 cases, 236 are pending action or trial; and there were 94 convictions, which resulted in fines totaling $63,000. In many other cases we succeeded in abating pollution practices without resorting to litigation.

We have consistently *supported legislation* aimed at preserving environmental values. Examples are the scenic rivers act, the Water Resources Planning Act, the Federal Water Pollution Control Act, the Federal Water Projects Recreation Act, the Shoreline Study Act, and many others.

We have awarded or financed a number of *contracts* to Universities and others dealing with environmental improvement *not necessarily connected with our own projects*. Examples are those to develop a classification system for types of scenery or landforms, to inventory Eastern landforms, and to develop the concepts of the environmental corridor.

On many major projects we engage *architectural consultants* to assist us with esthetic design aspects.

We have taken the initiative in development of planning procedures that explicitly recognize environmental enhancement as a national objective which together with the other national objectives of national and regional development and improvement of societal well-being form the basis for formulating plans. This is potentially one of the most significant steps ever attempted in devising plans responsive to meeting the essential needs of a growing community that includes provision for preserving and enhancing environmental values. We are currently working with the Water Resources Council to further the development of techniques to implement this most important approach.

SOME SUMMARY STATISTICS

Let me wrap up this subject with a few summary statistics:

The Corps of Engineers has built and operates some 300 reservoirs or reservoir-type water impoundments—300-odd, out of the 3,600-odd listed in the American Registry of Large Dams built by all entities, public and private, in this country. These Army reservoirs were justified and built for flood control, water supply, and related purposes; 49 of them have powerplants. But they have also been planned and are being managed by the Corps of Engineers in such a way that——

One hundred and fifty fish and wildlife management areas, many in semi-arid areas, with a combined area of nearly 1½ million acres have been established around them.

Four hundred State, county, and municipal parks have been established at these lakes.

The lakes make more than 4 million acres of water surface, and an equal area of land along more than 30,000 miles of shoreline, available for public outdoor recreation.

Recreational attendance at the 300-odd lakes last year was 254 million—more than the attendance at all national forests combined, or all national parks, more than at most professional sports combined. An uncomputed but probably at least an equal number in addition made recreational use of Corps harbors, navigation pools, and waterways.

Upland game of all kinds is benefited by areas made available for refuges, State game preserves, demonstration projects, and the like.

We have done all this within our Congressional and Executive authorizations, while also providing projects that have created millions of jobs; provided water supplies for cities and farms; provided all the harbors through which this Nation carries out its trade and commerce with the rest of the world; provided the inland water highways which carry a sixth of its domestic freight; and many, many other benefits.

I hope this summary will demonstrate that the Army Engineers are an agency which is responsive to the public in all aspects of its desires and needs, tangible and intangible. We think the record shows that we care enough to, and know how to, provide essential tangible services while also enhancing the environment, through planning and resource-management concepts that are not one-sided in either direction, but aimed at providing a full, well-rounded service to the American people.

At present we are moving energetically to carry out our new obligations under the *National Environmental Policy Act of 1969*. We have re-alerted our field offices to our policy of full support for both the letter and the spirit of the Act, and are preparing guidelines to ensure that all work now under way is finished in full compliance with it. For example, section 102 of the Act requires us to include in all our major project and survey reports detailed statements covering five specified points concerning the environmental impact; and section 103 requires us to review our present authority, and if necessary propose changes in that authority, to bring it in line with the objectives of the Act. This is being done.

RESPONSIVENESS TO TANGIBLE NEEDS

As a responsible agency, we cannot overlook the tangible material needs of our society—not while we have a population explosion that is adding the equivalent of a town of 7,500 to our Nation every day—a city of 50,000 every week—a metropolis of a quarter of a million every month; whose population is doubling every 40 years, whose economic enterprise is doubling every 20 years, whose water use is doubling every ten years or less, and whose recreational use of water is doubling every six years.

The Corps of Engineers must respond to the wishes our people expressed in the market-place and the employment agency and the obstetrical wards of hospitals, as well as to those they express in meeting-halls and demonstrations. It is not up to us to take sides in the competition between material and non-material public desires. To us both are equally legitimate—in fact, both are two sides of the same coin of wise resource management—and we strive to serve both, each with due consideration and regard for the other. Today we have to consider all the public's demands, just as we have always had to serve the varying demands of each generation, each in its turn, as they emerged.

As recently as 1961, the most authoritative word on water-resource matters was the very exhaustive report of the Senate Select Committee on National Water Resources. The projections in that report were made by Resources for the Future, Inc. The report, in effect told the Nation that by 1980 it would need about twice as much reservoir storage space as it had in 1960—94 million more acre-feet reserved for flood control; about 315 million acre-feet to increase the low-water flows of principal rivers; and some $13½ billion dollars worth of other water-resource development works, the whole adding to a total of more than $28 billion needed for investment in water-resource developments alone to keep up with the material needs of the growing population.

Today the preservationist interest has made a dramatic surge and the development interest has been thrust into the background. But the needs revealed by the Senate Select Committee have not disappeared. Less than a year and a half ago, the interagency Water Resources Council published its first national assessment of the Nation's water resources. It showed that of the 18 major regions into which the continental United States is divided, 9 face major or severe water-supply problems, and others face equally serious water-quality or flood or other water-related problems. We could be leaving a heritage of great trouble for future generations to cope with if we neglect these material development needs. This too is something to consider in shaping our resource-management policies.

We of the Corps of Engineers are absolutely convinced of, and completely committed to, the proposition that this Nation can meet both kinds of demand to a very large degree. But cooperation is essential to the achievement of both objectives, while conflict can do nothing but obstruct both. That is why we believe that the best, the only realistic, way to protect environmental concerns is to see that material needs are also adequately provided for in any resource-management planning.

NEED FOR MUTUAL UNDERSTANDING

Conflicts of the kind I have been talking about have always existed. They are endemic to any kind of public-works program. Up to now we have always been able to resolve them more or less peacefully and amicably through our democratic processes and institutions, and get on with the job of serving the public and meeting its demands. But up to now we have had a reasonably united, reasonably optimistic and forward-looking society.

Today we are living in a society showing increasing signs of frustration and disunity. In such times, all controversies become more heated, opposition becomes violent, and the agreements, compromises, and cooperation that can lead to constructive action become very hard to achieve.

One of the reasons why we are meeting with you, today is that we believe both we and the public need all the help that you, as the public's eyes and ears and to a degree its voice, can give in reaching informed, well-considered decisions on a very complicated topic which has many ramifications that people do not yet always foresee. The housewife in her all-electric kitchen with its unmetered water faucets (if she lives in New York City) needs help in realizing that, with resources as with money, you don't get something for nothing. Everything you demand is going to cost you something else you will have to give up in order to get it. We don't yet know what the various proposals for improving the natural environment will cost us, in mony and in terms of other values and advantages we will have to forego. But we should start thinking, studying and discussing the subject so that when we do commit ourselves to courses of action, we can be as certain as possible that we have made wise decisions that balance preservation and development of our resources which will serve the best interests of this and future generations.

THE ISSUES OF 1970

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PATTEN. Mr. Speaker, I would like to call the attention of my colleagues to an editorial which appeared in the October 12, 1970 New York Times. I feel that this editorial states precisely what is wrong with the approach of various administration officials now on the campaign trail. They just are not discussing the issues. Creating fear, anxiety, and frustration among the electorate is no way to face the tremendous problems now before the United States. It just points out that the administration does not have any answers.

The editorial follows:

THE ISSUES OF 1970

Vice President Agnew and many other Republican party leaders are involved in a major political effort to win control of the House and Senate in November through the exploitation of fear, anxiety, and frustration.

Instead of offering proposals aimed at solving the very real domestic problems before the country, they are shouting at scapegoats, working up emotions to a more intense pitch, and exacerbating the mistrust of one group of Americans for another. What are these problems? They are the conduct of foreign policy, the management of the Government's relationship with the economy, and the promotion of social justice under law. With a war in Southeast Asia and a major crisis in the Middle East, an economic recession at home and widespread disillusionment over the responsiveness of American political in-

stitutions, public men do not lack for serious subjects to talk about.

But these are not the subjects that the Vice President and his colleagues seem to want to discuss. They are hammering away at something loosely called "the social issue." This amorphous topic includes crime, campus disorders, drug addiction, moral permissiveness, and various kinds of violence. This bundle of concerns includes some aspects of human behavior which are outside the domain of politics. Whatever parents may think of moral permissiveness, how many of them really look to political leaders to tell them how to raise their children? Can even a polysyllabic Vice President influence what kind of music is popular with young people or how long they should wear their hair? Or their skirts?

Other concerns such as crime and drug addiction are genuine problems but they are not, strictly speaking, "issues." To have an issue, there have to be two sides. But no responsible man in either party is pro-drugs, pro-crime, or pro-violence.

To make it seem as if there is an issue, Vice President Agnew has to invent the other side by distorting the opinions of his liberal opponents and has to torture logic to connect cause to effect.

The "social issue" falls apart when its components are analyzed. The truth is that no one knows why there has been an increase in crime and in drug addiction. The rate of both have continued to go up during the first twenty-one months of the Nixon Administration, and doubtless they will continue to go up after every one of the Administration's anti-crime and anti-drug bills have passed, dubious and irrelevant as some of them are. This is not to say that society or government is helpless to do anything, but rather that crime and drug addiction are enormously complex and stubborn problems and that effective solutions are going to take a long time, a lot of money, and patient experimentation. With social maladies as with physical illness, beware of the quack who promises cheap, easy cures for baffling afflictions.

Vice President Agnew, G.O.P. National Chairman Morton, and lesser party orators link associated social ills to "Democratic permissiveness." But revolutions in manners and morals have always taken place outside the boundaries of politics. Were the bobbed hair, short skirts, and hip flasks of the jazz age youth of the 1920's attributable to the permissiveness of Calvin Coolidge? Are the campus rebels of the 1960's whose personalities were formed as children in the 1950's to be attributed to the Presidency of Dwight D. Eisenhower?

The "social issue" is one of those great nonissues which periodically roll across the public scene for a few years and then vanish leaving only a few bad memories and a headache. It is remarkably similar to that great nonissue of the early 1950's—domestic Communism. In the Congressional campaigns of sixteen and eighteen years ago, G.O.P. orators first inflated and distorted the Communist issue and then told audiences that the Republican Administration of that day was kicking out Communists and "security risks" by the hundreds. Terroristic violence, on or off the campus, and Communist espionage are both problems for police experts using counterintelligence methods. A Weatherman or some other political fanatic may be as difficult to track down today as a Communist spy in 1950 but in neither case are windy speeches of any help.

It is not an accident that the Vice President, and President Nixon too, while piously protesting that they do not want to curb academic freedom, keep focusing hostile public attention on the universities. From the progressiveness of LaFollete to the New Deal of Roosevelt and the New Frontier of Kennedy, the universities have been the staging ground of every liberal reform movement.

An Administration which wants to protect existing vested interests and usher in a new era of reaction and passivity can more easily achieve its purpose if the university professors, the television news commentators, and the critical newspapers are discredited and, if possible, a little intimidated. An Administration which has to cope with an unpromising war in Southeast Asia, which is more effective at raising unemployment than ending inflation, and which has inadequate programs for the nation's cities is naturally eager to distract attention to long-haired youths, rock music, permissive parents, the "drug culture" and other scapegoats. The Administration's political motives are as understandable as they are unattractive; its divisive campaign strategy must not be allowed to divert attention of the country—and of responsible candidates of either party—from the real issues of 1970.

A REPLY TO THE SCRANTON REPORT

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ARENDS. Mr. Speaker, in an editorial entitled "A Reply to the Scranton Report," the Chicago Tribune writes that what needs to be done is to distinguish between dissent and violence, something the report fails to do.

The Tribune quotes Jerris Leonard, Assistant Attorney General for Civil Rights, as saying that the Federal Government is "not in the business of keeping peace on the campus." At a meeting of the Council of Community College Boards, Mr. Leonard further stated that:

The primary responsibility for maintaining order in our colleges and universities rests with administrators, faculty, and you, the trustees.

I include this editorial in the RECORD at this point.

A REPLY TO THE SCRANTON REPORT

Jerris Leonard, assistant attorney general for civil rights, has provided the administration's first formal reply to the Scranton commission's report on campus unrest. Speaking at a meeting of the Council of Community College Boards in Chicago, he said that the federal government is "not in the business of keeping peace on the campus."

"The primary responsibility for maintaining order in our colleges and universities," he said, "rests with administrators, faculty, and you, the trustees. And the plain truth is that in many cases those have not had the foresight to respond to the legitimate needs of their students, or the guts to stand up to the illegitimate and illegal activity of a small percentage bent on tearing down every one of our institutions."

No doubt Mr. Leonard will be accused of passing back to the universities the buck that the Scranton commission had passed to the administration by calling on the President, as its first recommendation, to exercise his "reconciling moral leadership."

The buck belongs where Mr. Leonard has put it. The Scranton commission's report fails to distinguish adequately between dissent and violence; it seems to suggest that to stop violence it is necessary to remove the causes of dissent. Removing the causes of dissent has been the goal of democratic governments for as long as they have existed. To remove them would be to create a Utopia, and it is a delusion to think that this can be brought about now or perhaps ever. There is always going to be dissent.

The commission is probably right in saying that the war is the chief cause of unrest on the campuses today; but to suggest that the President should end the war in order to end the dissent is begging the question. The issue is not whether to end the war but how to end it, and polls show that most Americans are satisfied with the way the President is going about it. Does the Scranton commission want the government to alter its policies to meet the objections of a minority of the people? If so, it is preaching the submission to special interest minorities which is abhorrent to most of us and to the liberals above all.

What, then, is the President to do? He can't remove the causes of dissent, he can't appease the dissenters, and neither must dissent be stifled. What is called for, clearly, is to stop confusing dissent and violence. The very name of the commission contributes to this confusion, because "unrest" is a vague sort of word halfway between the two, one that suggests that violence is an inevitable manifestation of dissent. In parts of its report, the committee itself doesn't seem to be quite sure what it is trying to stop.

It is violence that must be stopped, not dissent. The commission has made several concrete and sensible suggestions for dealing with violence, but they all call for action by college administrators or local officials—not by the President. To put the primary responsibility on the President, whose moral leadership means little to the terrorists, is to divert attention from what has to be done.

A VIEW OF THE PRESIDENT'S TRIP ABROAD

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, of the articles on President Nixon's recent European trip, one of the most interesting was by Richard Starnes of the Scripps-Howard newspapers.

According to Mr. Starnes, the climax of the trip was in Ireland when the President met with the press, holding them spellbound as he talked about the purposes and accomplishments of his journey.

Mr. Nixon said he had found a high degree of confidence in the American Government among the world leaders with whom he had spent time. Mr. Starnes writes that the President said:

The United States' greatest asset in foreign policy is that no foreign leader fears the United States has designs on dominating any country or interfering in their affairs. This is a tremendous asset for us.

For the benefit of my colleagues, I include in the RECORD Mr. Starnes' view of the President's trip which appeared in the Washington Daily News on October 5, 1970:

NIXON LAYS THE CHARM ON THICK

(By Richard Starnes)

CASTLE DROMOLAND, COUNTY CLARE, IRELAND.—Possibly the most important thing to emerge from President Nixon's exhausting eight-day European trip which ends tonight is that he has learned to wear the cloak of power with easy grace.

In his meetings with Tito he charmed the Yugoslavian bear. Tito, an old revolutionary who was never an easy mark, made it clear that he approved of the American President—if not all his policies.

Mr. Nixon himself later made plain his plan to use to the fullest the avenues of communication he opened with the unchallenged leader of the nonaligned world.

SESSION WITH REPORTERS

But for reporters following the President's hectic journey, the climax and the most impressive display of the President's grasp of world problems came last night at this thrice rebuilt 16th century Irish castle which is now a very, very posh hotel. Here, for the first time during the trip, Mr. Nixon met the press en masse and held it spellbound while he talked about the purposes and accomplishments of his journey the length and breadth of Europe.

The President's main points were:

The United States will not unilaterally dismantle NATO. Any reductions in American commitment to European defense must be done bilaterally. That is on a give and take basis with the Soviet Union.

The U.S. Sixth Fleet's position of preeminence in the Mediterranean, now being challenged by Russia, will be maintained even if it means adding more ships and men.

Among the leaders he talked to, Mr. Nixon found strong support for the American peace initiative in the Middle East, and the initiative will be pursued in spite of the death of President Nasser of Egypt.

The United States "has many friends" among world leaders, and the President found much better understanding of this country's Vietnamese policy.

The President's performance for newsmen followed a two-hour session with his Vietnam negotiators, Ambassador David K. E. Bruce and Philip Habib. The negotiators received new instructions, and the White House said the U.S. negotiating position has changed since the President last met with them in July. However, spokesmen refused to give details of the changes.

This invited speculation that the United States soon will make some move to counter the package of "peace initiative" proposals offered by the Viet Cong last month.

White House sources said today President Nixon will address the nation this week on the Vietnam war and America's efforts to bring peace. White House Press Secretary Ronald Ziegler said: "We hope if at all possible to make progress in bringing the conflict in South Vietnam to a conclusion thru negotiations."

Altho Mr. Ziegler refused to confirm or deny reports that Mr. Nixon would make a major Vietnam announcement, other officials privately confirmed plans for the address. Speculation centered on announcement of a speed-up in the rate of U.S. troop withdrawals.

President Nixon looked tired as he neared the end of his closely-scheduled 12,000-mile journey. But he spoke forcefully and persuasively to reporters at a reception he gave for them in this refurbished ancient keep. When he had finished his on-the-record remarks the President spent several minutes moving among the 150 or so journalists, joking with old friends, displaying considerable knowledge of their technical problems and talking about their home towns.

APPRAISAL OF TRIP

In his remarks for the record Mr. Nixon emphasized that his trip would have to be appraised "not immediately but in weeks and months that follow."

The purpose of the trip, he said, "was to strengthen the structure of peace in the world, and particularly in the Mediterranean area.

The President noted that economic and political stability were essential in the area. "But above all there must be military stability (in an area) where violence can arise." He added:

"That's why I visited the Sixth Fleet. The Sixth Fleet's mission is to deter irresponsible elements in the Middle East. It is essential that the Sixth Fleet continue to have that capability."

Altho the President spoke candidly about the uses of power, the tone of his talk with reporters was moderate and well-informed almost to the point of being scholarly.

This year, he noted, "marks a period in which Spain is moving economically into the front ranks of Europe." He predicted that the "economic and political isolation of Spain is drawing to an end," adding: "This is healthy and constructive."

Without directly alluding to the aging Spanish chief of state the President made plain that he had noted Franco's obvious frailty in his visit to Madrid when he said he had been "impressed by the young vigorous new leaders" who were arising in Spain.

Mr. Nixon was clearly pleased with the results of his trip to date. Speaking without notes, he never missed a beat for about 20 minutes, ticking off countries and issues as if he had memorized them.

With obvious pride he said he had found a high degree of confidence in the American government among the world leaders he had spent time with. "The United States' greatest asset in foreign policy," he said, "is that no foreign leader fears the United States has designs on dominating any country or interfering in their affairs. This is a tremendous asset for us." He added:

Even old hands at the business of President watching were impressed. One foreign reporter, not notably friendly to the President, openly admired Mr. Nixon's performance. "You may not like the man," he said, "but you must admire this. It was a real tour de force."

CAMBODIA PUSH REAPS REWARD

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SMITH of California. Mr. Speaker, in light of the success of the Cambodian operation, Joseph Alsop has written a column dealing with the discrepancy in the civilian and military estimates of the tonnage of arms the North Vietnamese and the Vietcong were getting through Sihanoukville.

The civilian estimate was 8,000 tons a year; the military, 15,000. Now it has been ascertained that the Cambodian supply system was providing the enemy with 21,000 tons a year which was more than enough to supply III and IV corps.

I know all my colleagues will be interested in this aspect in the background and results of the Cambodian incursion, and I therefore insert Mr. Alsop's column, "Cambodia Push Reaps Reward," in the RECORD:

[From the Los Angeles Times, Oct. 6, 1970]

CAMBODIA PUSH REAPS REWARD

(By Joseph Alsop)

The Cambodian episode has so far receded that it is barely mentioned any longer. But simply as a study in the ways of modern government, it is worth reporting how new figures have now proved the extreme shrewdness of President Nixon's decision to invade Hanoi's Cambodian sanctuaries.

The decision was based, to begin with, on two related considerations: first, the value to Hanoi of the sanctuaries themselves, and second, the even greater value to Hanoi of the Cambodian supply system which was continuously replenished by Communist ships unloading at the port of Sihanoukville.

The question of the Cambodian supply system, in turn, had long before touched off one of those bureaucratic comedies in which the U.S. government seems to specialize. In brief, the civilian side of the government did not wish to believe that such a system even existed; hence it long refused to do so, despite the solid evidence produced by the military in Vietnam.

Finally, about 2½ years ago, the evidence became too strong to overlook. But naturally, since the mere fact of the Cambodian supply system had been so long denied, the next step was to downgrade its importance by every means possible.

Even last year, therefore, our government had two competing estimates, both official, of the tonnages of arms the North Vietnamese and the Viet Cong were getting through Sihanoukville. The civilian estimate was a maximum of 8,000 tons a year. The military estimate, made by the U.S. headquarters in Saigon, was 15,000 tons a year.

The difference was important. The lower estimate gave the Cambodian supply system relatively marginal importance, whereas the higher estimate meant that almost enough arms were being brought in through Sihanoukville to nourish the entire war effort of the enemy in the lower half of South Vietnam. In consequence, the difference caused a sanguinary bureaucratic war, which raged between Washington and Saigon for month after disputatious month.

Even after the invasion order was given, the difference still had its effect. The lower estimate was in truth the basis for the nonsensical reports from Saigon that Hanoi was rapidly organizing a "substitute" for Sihanoukville, by expanding the supply lines running through Laos. There was much quoted, to prove that the Cambodian adventure would not have decisive effects.

By now, however, the enormous masses of enemy documents taken in Cambodia have finally been analyzed. The arms deliveries through Sihanoukville have been meticulously traced. And the result has been to prove that the Cambodian supply system was actually providing the enemy with more than 21,000 tons a year!

Here you see the effect, on even the most sober judgments, of wanting to believe what you want to hear. But here you also see why the Cambodian adventure has in fact been even more decisive than its few defenders dared to hope at the outset.

With more than 21,000 tons of arms a year coming in through Cambodia, the enemy had far more than enough to supply all his units in III and IV corps. But with the supply flow stopped—as it was instantly stopped when the sanctuaries were invaded—the units in III and IV corps were left without any supply at all.

The result has been what anyone but a certain sort of U.S. senator would naturally expect. In the rich delta provinces of IV Corps, for instance, three South Vietnamese divisions of fine quality had had their work cut out for them before the Cambodian invasion.

They were making progress, but it was fairly slow progress, in part because Hanoi had sent five North Vietnamese regiments into the delta to brace up the locals. Now, however, only remnants of two North Vietnamese regiments continue to hang on there; and their early expulsion can be confidently expected.

The chief American in IV Corps, Col. John Paul Vann, has no record of excessive optimism. Yet he now believes that his corps area will be able to get on without one of its three South Vietnamese divisions before this year ends, and will be able to spare another

division early next year. Meanwhile, the enemy's strongest and most ancient redoubts in the delta are currently being seized and held.

Altogether, when you reflect on the past impact upon policy of the bureaucratic comedy above-described, this is a cautionary tale.

ELBURT F. OSBORN CONFIRMED BY U.S. SENATE AS THE NEW DIRECTOR OF THE U.S. BUREAU OF MINES

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DENT. Mr. Speaker, I am happy to note that Elburt F. Osborn, vice president for research, the Pennsylvania State University, has been unanimously confirmed by the U.S. Senate as the new Director of the U.S. Bureau of Mines.

Dr. Osborn is eminently qualified for this position, and I wish to commend President Nixon and Senators SCOTT and SCHWEIKER from Pennsylvania for their recommendation of Dr. Osborn.

I see a new era in the troubled field of coal mine safety and health standards. Properly administered, the new coal mine safety law, passed by the Congress and signed by the President, can open up a whole new atmosphere in mine safety.

I believe Dr. Osborn can and will properly and ably administer this law for the benefit of the coal miner and the coal industry.

I include his biography in the RECORD at this point:

BIOGRAPHY OF ELBURT FRANKLIN OSBORN

Born: Kishwaukee, Winnebago County, Illinois, August 13, 1911.

Married: Jean McLeod Thomson, Canada, August 12, 1939.

Children: James F. Osborn, B. 1942 and Ian C. Osborn, B. 1946.

Education:

West Chicago High School 1924–1926.

Roosevelt High School, Chicago, Illinois 1926–1928.

Crane Jr. College, Chicago, Illinois 1928–1929.

DePauw University, Greencastle, Indiana 1929–1932, B.A.

Northwestern University, Evanston, Illinois 1932–1934, M.S.

California Institute of Technology, Pasadena, California 1934–1937, Ph.D.

Employment:

Teaching Fellow, in geology, Northwestern University 1932–1934.

Teaching Fellow, California Institute of Technology 1934–1937.

Instructor in geology, Northwestern University 1937.

Geologist, Val d'Or, Quebec 1938.

Petrologist, Geophysical Laboratory, Carnegie Institution of Washington 1938–1942.

Physical Chemist, Division 1, National Defense Research Committee, Office of Scientific Research and Development 1942–1945.

Research Chemist, Eastman Kodak Company, Rochester, New York 1945–1946.

Professor of Geochemistry and Chairman of the Division of Earth Sciences, College of Mineral Industries, The Pennsylvania State University 1946–1952.

Associate Dean, College of Mineral Industries, The Pennsylvania State University 1952–1953.

Dean, College of Mineral Industries, The Pennsylvania State University 1953–1959.

Vice President for Research, The Pennsylvania State University 1959–.

Professional Societies Membership:

American Association for the Advancement of Science.

American Ceramic Society.

American Chemical Society.

American Geophysical Union.

American Institute of Mining, Metallurgical and Petroleum Engineers.

Canadian Ceramic Society.

Geochemical Society.

Geological Society of America.

Geological Society of Washington.

International Association of Geochemistry and Cosmochemistry.

International Association of Volcanology and Chemistry of the Earth's Interior.

Mineralogical Society of America.

Mineralogical Association of Canada.

National Council of University Research Administrators.

Society of Economic Geologists.

Western Pennsylvania Conservancy.

Principal Professional Offices and Committees:

American Association for the Advancement of Science Council 1964–1968 (Representative of American Ceramic Society); 1960–1961 (Representative of Society of Economic Geologists).

American Ceramic Society — President 1964–1965; President Elect 1963–1964; Vice President 1962–1963; Edward Orton, Jr. Memorial Lecturer for 1970; Long Range Planning Committee 1970; Honorary Members Committee 1966– , Chairman 1970– ; Engineering Committee 1967– ; Continuing Education Committee 1966– ; Trustees Nominating Committee 1964–1967, Chairman 1964–1965; Publications Committee 1958–1963, Chairman 1960–1963; 1968– , Chairman 1970– ; Board of Trustees 1962–1965, 1958–1961; Executive Committee 1962–1965, 1958–1959; Technical Advisory Committee, National Bureau of Standards 1954–1958, Chairman 1957–1958; Basic Science Division, Trustee 1957–1960, Chairman 1951–1952.

American Geological Institute—Member, House of Representatives 1968– ; Director 1956–1959.

American Institute of Mining, Metallurgical and Petroleum Engineers, Inc.—Hal Williams Hardinge Award Committee 1969– .

Geochemical Society—President 1967–1968; Vice President 1966–1967; Councilor 1958–1960.

Geological Society of America—GSA Representative to U.S. National Committee on Geochemistry 1968– ; Ad Hoc Committee on Revision of By-Laws 1961–1963; Councilor 1959–1962; Policy and Administration Committee 1956–1958.

International Mineralogical Association—Representative of Mineralogical Society of America 1961–1964.

International Union of Geological Sciences—National Committee Member 1961–1964.

Mineralogical Society of America—President 1960–1961; Vice President 1959–1960; Chairman, 50th Anniversary Celebration Symposium: "Mineralogy and Petrology of the Upper Mantle," November 1969; Representative to the American Geological Institute 1968– ; Associate Editor American Mineralogist 1953–1955; Councilor 1950–1953.

National Academy of Sciences, National Academy of Engineering, National Research Council—Committee on Engineering Aspects of Environmental Quality 1970– ; Executive Committee, Division of Earth Sciences 1969– ; U.S. National Committee on Geochemistry 1968– ; Committee on Mineral Science and Technology, Chairman 1966–1970; National Materials Advisory Board 1969–1970; Materials Advisory Board 1965–1969; Committee on Basic Research Advisory to the U.S. Army Research Office in Ceramics 1960–1963; Division of Chemistry and Chemical Technology 1960–1963; Advisory Panel to the Metallurgy Division of the National Bureau of Standards 1958–1964; Advisory Panel to the Mineral Products Division of the National Bureau of Standards 1958–1962, Chairman 1958–1959; Committee Advisory to Geophysics Branch of Office of Naval Research 1947–1950.

National Association of State Universities and Land-Grand Colleges—Special Senate Committee on Mineral Resources 1970– , Chairman 1970– ; Council for Research Policy and Administration; Water Resources Committee 1965– .

National Science Foundation—Advisory Panel for Physical Sciences Facilities 1960–1964; Advisory Panel on Course Content Improvement Programs 1960–1961; Divisional Committee for Mathematical, Physical and Engineering Sciences 1955–1959, Chairman 1957–1958; Earth Sciences Panel 1953–1955.

Pennsylvania Research Corporation, Secretary, 1959– .

Society of Economic Geologists—Vice President 1965.

Honorary Societies—Keramos; Phi Beta Kappa, President, Penn State University Chapter 1951; Phi Kappa Phi; Phi Lambda Upsilon; Sigma Xi, The Committee on National Lectureships 1969– ; National Executive Committee 1961–1964; President, Penn State University Chapter 1952.

Boards—The Institute for Medical Education and Research, The Geisinger Medical Center, Board of Directors 1969– ; Earth Sciences Advisory Board, Stanford University 1969– ; Pennsylvania Science and Engineering Foundation, Member of Board 1968– ; Pennsylvania Health Research Institute, Board of Directors 1966– ; SIRIMAR Corporation, La Spezia, Italy, Board of Directors, Vice-Chairman 1961–1963; The Geisinger Medical Center, Board of Directors, Danville, Pennsylvania 1962– ; University Corporation for Atmospheric Research, Board of Directors 1959–1967 (PSU Representative at Corporation Members' Meeting 1967–).

Honors and Awards—Member National Academy of Engineering 1968; Doctor of Science (honorary) Alfred University 1965; Fellow American Association for the Advancement of Science; Fellow American Ceramic Society; Fellow American Geophysical Union; Fellow Geological Society of America; Fellow Mineralogical Society of America; Honorary Life Member Canadian Ceramic Society 1965; Edward Orton, Jr. Memorical Lecturer for 1970, American Ceramic Society; National Science Foundation, Senior Post Doctoral Fellow, Cambridge University, England 1958; American Iron and Steel Institute Regional Technical Meetings Award Medal 1954; War-Navy Certificate of Appreciation June 1, 1947; War Department Certificate of Appreciation November 30, 1945.

Publications—See Separate Listing.

Other Organizations—Centre Hills Country Club; Cosmos Club; Delta Tau Delta, Faculty Advisor, Penn State University Chapter 1953–1958.

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INTRODUCTION OF A BILL TO PROTECT THE ECOLOGY OF ESTUARINE AREAS BY REGULATING DUMPING OF WASTE MATERIALS, TO AUTHORIZE THE ESTABLISHMENT OF A SYSTEM OF MARINE SANCTUARIES, AND FOR OTHER PURPOSES

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FREY. Mr. Speaker, I have today introduced a bill to regulate the dumping of waste materials of all kinds into our coastal waters and the oceans and to authorize the establishment of a system of marine sanctuaries where dumping and all other intrusions by man will be prohibited.

The Committee on Merchant Marine and Fisheries, of which I am a member, has held extensive hearings during the past 3 months dealing with various aspects of ocean dumping and the protection of the marine environment. The Oceanography Subcommittee of the Merchant Marine and Fisheries Committee under the chairmanship of the distinguished gentleman from North Carolina (Mr. LENNON) began this series of hearings with an in-depth investigation into the circumstances surrounding operation "Chase," the Army's nerve gas disposal program. As a member of the Oceanography Subcommittee, I participated in all of these hearings. The hearings clearly demonstrated the need for further legislation to prevent the use of the oceans as a convenient dump for unwanted military hardware. Those hearings also clearly pointed up the failure of a number of Federal agencies to recognize their responsibilities under the Environmental Policy Act of 1969.

Although we were unsuccessful in our efforts to reverse the decision of the Army to dump its nerve gas into the Atlantic, the hearings of the Oceanography Subcommittee provided a solid foundation of testimony in support of vigorous action by the Congress. Hopefully those hearings also demonstrated to the executive agencies involved the seriousness of their failure to abide by the spirit as well as the letter of the Environmental Policy Act.

More recently, the Fish and Wildlife Subcommittee, on which I also serve, under the chairmanship of the distinguished gentleman from Michigan (Mr. DINGELL), has held hearings on a variety of bills dealing with the question of ocean dumping and disposal of various forms of refuse and the byproducts of a modern technological society. A number of distinguished ecologists testified at these hearings in support of immediate legislative action to curb the ever-increasing tendency of the United States and American industry to regard the oceans as a convenient and cheap disposal area. While witnesses from the various departments of the Federal Government generally recognized the need for legislative action, they declined to comment upon the merits of various bills then before the subcommittee on the grounds that the Council on Environmental Quality had been directed by the President to study this problem and to prepare recommendations for legislative action.

Shortly after the conclusion of our hearings, the Council submitted its report on dumping to the President who, in turn, has forwarded that report to the Congress, together with a statement endorsing the findings of the Council. Although it was expected that the Council's legislative recommendation would accompany its report, only a broad outline of these recommendations was, in fact, submitted to Congress. In view of the extreme urgency of the problem, I deeply regret the decision of the administration to withhold its legislative recommendations until the convening of the 92d Congress. In view of the fact that we shall be returning in November, I have drafted legislation which I hope will be given serious consideration by the Merchant Marine and Fisheries Committee and the subcommittees upon which I serve. Although this bill is in no way the final definitive answer to the question of how best to legislate in this area, I believe it does offer certain desirable features which are not found in any of the legislation now before the committee.

Mr. Speaker, I would like to take a few additional minutes to explain the provisions of this legislation. It is clear that the dumping of dredge spoil constitutes the largest single element in the growing volume of refuse being dumped into the oceans. Most dredge spoil is dumped relatively inshore, where it may contaminate valuable breeding grounds for shellfish and fish species generally. In view of this, it seems entirely logical to relate the problem of ocean-dumping to the broader problem of preserving certain eco-systems within the coastal zone areas. The legislation which I have introduced, therefore, has a twofold purpose. On the one hand, it prohibits the dumping of waste material into the oceans, our coastal waters, and estuarine areas, except under authority of a permit issued by the Administrator of the Environmental Protection Agency, and on the other hand it authorizes the designation of marine sanctuaries where no dumping of any kind and no industrial activity, principally extraction of minerals, may be carried on.

While a number of bills currently being considered by the Merchant Marine and Fisheries Committee provide for the designation of safe areas where dumping may be conducted, it seems to me more reasonable to concentrate on determining which areas of our marine environment are most valuable and setting them aside as sanctuaries. This approach is somewhat analogous to the wilderness system, which attempts to preserve in their natural state the most valuable of our remaining untouched land areas.

I have chosen as a vehicle for this legislation the act of August 3, 1968, which declared as a national policy the concept that the estuarine areas of the United States are of great value to America and must be protected and conserved for the future of this Nation.

Section 1 of the bill amends the policy declaration of the 1968 act to recognize the fact that our estuarine areas are being subjected to severe ecological degradation through unregulated dumping in the oceans and in the coastal waters of the United States. This section further provides that portions of the Nation's tidelands, Outer Continental Shelf, and seaward areas should be preserved as marine sanctuaries.

Section 2 of the bill amends section 6 of the 1968 act to prohibit disposal of waste materials without a permit from the Administrator of the Environmental Protection Agency. Disposal is defined in the bill as the placing, releasing or discharging by any means whatsoever. Waste material is defined so as to include all solid and liquid industrial byproducts, chemicals, sewage, sludge, dredging spoils, debris, and so forth.

Section 3 of the bill adds a number of new sections to the 1968 act which provide the machinery for enforcement of

the dumping prohibition and for the designation of marine sanctuaries. The first of these new sections authorizes the Administrator of the Environmental Protection Agency to issue dumping permits under such terms and conditions as he determines necessary to insure that the dumping or disposal will not damage the ecology of the marine environment. It provides minimum guidelines for the Administrator in arriving at a determination with respect to the potential harm of a proposed dumping activity, and prohibits outright the dumping of radioactive wastes, toxic industrial wastes, and chemical and bilological warfare materials. This section also establishes standards for the treatment of sewage or industrial wastes which may be disposed of under a permit. Finally, this section authorizes the Administrator of the Environmental Protection Agency to prohibit the dumping or disposal of any other waste material which he determines may damage the ecology, and in making such determination he may rely upon whatever indicators currently are available to him regardless of the fact that such indicators may not be conclusive.

The second new section of the act proposed by my bill establishes fines for unauthorized dumping ranging from a minimum of $2,000 up to $10,000 for the first offense, and from a minimum of $10,000 to a maximum of $25,000 for each succeeding offense. It further provides that any vessel or barge engaged in dumping in violation of the act shall be forfeited. This section also provides for enforcement of the act by the Administrator of the Environmental Protection Agency, the Coast Guard, and the Corps of Engineers, acting jointly. Each of these agencies has unique resources and expertise which should be brought to bear upon this problem. The legislation also empowers the Coast Guard to stop and search vessels in our territorial waters and in the contiguous zone to determine whether they are engaged in unauthorized dumping activities or related transportation activities.

The third new section of the act authorizes the Secretary of Commerce acting through the newly-established National Oceanic and Atmospheric Administration, in conjunction with the Secretary of Interior, the Administrator of the Environmental Protection Agency, and the Council on Environmental Quality, to designate as marine sanctuaries those areas which the Secretary determines should be preserved or restord for their recreation, conservation, ecologic, or esthetic value. This section directs the Secretary to make an initial designation of marne sanctuaries within 2 years following the date of enactment of the legislation, and requires him to submit an annual report to the President and Congress reviewing his activities under this act. Adequate funds are authorized for the conduct of necessary studies leading to the designation of marine sanctuaries. The Secretary of Interior may not renew any license or permit for marine mining activities within an area under study for designation as a marine sanctuary, nor may the Administrator of the Environmental Protection Agency issue or renew any permit for dumping in any area under study.

The final proposed sections of the 1968 act make it clear that this act supplements the Fish and Wildlife Coordination Act and the National Environmental Policy Act and provides definitions of the various terms employed in the act.

The final section of the bill provides that the requirement for a dumping or disposal permit shall become effective 120 days after the date of enactment of the legislation. This should provide adequate leadtime for the Environmental Protection Agency, the Coast Guard, and the Corps of Engineers to establish their enforcement procedures.

Mr. Speaker, I realize that any legislation of this type which bans outright or places severe restrictions upon an existing practice will cause a degree of disruption, both to Government and to business. In view, however, of the extreme need for this legislation, I believe that the ensuing disruption of customary practices is justified, and that the American people who have of late become so aware of the dangers confronting the quality of our environment will support such legislation.

CONGRESSIONAL REFORM

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RUPPE. Mr. Speaker, our Nation is in the midst of change. Every facet of our society is being forced to respond to transformation wrought by science, technology, and education. Businesses, universities, and civic groups are all subject to continuous modifications. Even the individual citizen finds himself caught up in the throes of sociological reform. There is now a rising insistence that Government must also adapt itself to this period of rapidly increasing technology.

The Congress of the United States has not come to grips with this fact of modern life. Since first coming to Washington, I have been vexed by Congress' inept process for solving imminent problems. The legislative body of our Government has updated its operations only once in its history and that reorganization took place almost 25 years ago.

Since that time we have passed into a nuclear age and Congress shares responsibility for an increasingly wide range of social and scientific activity. Rapid technological advancement, once seen as the measure of human progress, is now also viewed as a monster, capable of destroying our environment. This is an era of social unrest, and citizens are questioning the very effectiveness of our system of Government. Federal spending has more than tripled in this time. Yet Congress continues to deal with these problems under a structure that was revised 25 years ago. Congress has not brought its methods, approaches, and structures into conformity with the dynamics of change.

In light of this, we were none too soon in passing the Legislative Reorganization Act of 1970. In fact, this bill should be recognized as one of the most significant pieces of legislation which the Congress has acted upon this session. It marks substantial progress toward the overall goal of effecting a responsive and efficient representative government.

There can be little question that this legislation is long overdue. The Congress recognized the need for organizational reform 5 years ago when it created the Joint Committee on the Organization of Congress—purposed to study the workings of the Congress and directed to present methods for modernizing the Congress to meet the needs of the times. After months of study and testimony, this committee set forth its recommendations and since that time both bodies of the Congress have passed legislation founded on these recommendations. The time lapse between the date of the joint committee's recommendations and the passage of this legislation in recent weeks illustrates the outdated legislative process. The very fact that it has taken some 60 months for the Congress to complete action on a matter that it marked for action 5 years before is evidence of the need for reform. Debate on this legislation stretched over a 2-month period in the House of Representatives, with actual debate time amounting to some 11 days. This speaks for itself. The Congress finally has shown its concern for operating responsively in a time when changes are taking place so rapidly that it must be equipped to act readily.

Probably the most important element of this legislation is the amendment providing for the Joint Committee on the Organization of Congress. This committee will exercise continuous watchfulness over the organization and operation of the Congress and will serve as the innovator of improved methods for more efficient operations. Events of the past several decades illustrate the value of such a committee. The social, economic, and technological upheavals of the past few years display the need for Congress to reequip itself continually with machinery fitted to the times. This committee will make such continual revisions possible by constantly evaluating the legislative process and its relevance to the problems of the times. The function of this body is vital to strengthening the role of Congress so that it can contribute effectively to changes in our society. This is not a radical rejection of that which exists. Rather, it is a recognition of outdated operations and the desire to improve those operations.

Another key facet of this legislation provides for more open discourse with the public about a Representative's role in the legislative process. The House overwhelmingly passed an amendment to allow votes which are taken in the Committee of the Whole to be made public.

We are all aware that the foundation of our democratic government is based on representation by the people. Most legislation is written and rewritten in committee. One of the major functions

of the legislator is his scrutiny of proposed legislation in committee and the public has a right to know of his activities. At the very least, it is a hoax to piously invoke rules and regulations in the name of democratic process to hide our votes from those we are representing. Is the public honestly served when they are purposefully kept unaware of our individual actions on legislation which is enacted to serve them? How can these citizens disagree with our actions and make this disagreement known when we are operating under a protective shield of unpublished voting records? This is a policy that has in fact denied the American public the opportunity of participation in a vital part of the legislative process, and it contradicts the very basis of our democratic government. If we are to reach the public and strengthen our image, we must do so by creating an atmosphere of openness. Then and only then can we hope to drive away the cloud of misunderstanding and negativism that separates us from those we represent.

This legislation includes provisions for increasing the role of the minority party in the legislative process. Certainly the right to challenge and perfect pending legislation as it passes through committee is necessary to achieve effective legislation. In this vein, the House has made provisions for committee staffing for members of the minority party in order that they can more thoroughly and adequately review the various legislative proposals before them in their particular area of expertise. It is imperative in the overall consideration of legislation that many views and judgments come together to accomplish an end result of relevant and useful legislation. The bill also provides for debate time—to be divided between those favoring and those opposing—on conference reports. This is a fair practice of making available as much as possible both areas of judgment to all Members before they cast a vote on a proposal. Also included in the legislation is a provision for witnesses called by minority members at committee hearings. A greater balance of all concerns is being achieved through these means.

Mr. Speaker, the task is not complete. I do not assume that we have adequately dressed ourselves for effective operations over the next few decades. We have made a significant beginning and have included in that step provisions for continual revision. I feel that we have strengthened and improved the legislative process, and I am hopeful that this will lead to a more responsive and relevant Government for all the people of the United States.

EMERGENCY SCHOOL AID ACT OF 1970

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BELL of California. Mr. Speaker, I have introduced, with the cosponsorship of Congressman HAWKINS and the firm support of the Nixon administration, H.R. 19446—the Emergency School Aid Act of 1970—a bill to provide emergency assistance to school districts which are encountering problems incident to desegregation.

President Nixon has emphasized the urgent need for this emergency legislation as a result of the profound changes which will occur during this school year as a consequence of the administration's school desegregation efforts.

Prior to the 1969–70 school year, only 5.2 percent or 164,273 of the Negro students in the 11 States of the South were attending unitary or desegregated school systems.

Today, however, there are in effect court orders or HEW-approved voluntary plans which will mean that by the 1970–71 school year 58.9 percent, or 1.8 million Negro pupils, will be attending desegregated systems. These existing orders and plans cover a total of 396 school districts.

This massive desegregation effort will necessitate significant alterations and substantial additional costs for many of the school systems involved. The need for additional funds will vary from one district to another, depending upon the special problems and resources of the districts prior to desegregation.

During the desegregation process, some will require training of teachers and staff; some will need guidance, counseling, and other personal services for the children; some will require minor remodeling and repair of existing facilities; some will need to carry out special administrative activities for rescheduling students and providing information to parents and members of the community.

It is for these special needs and as a part of an overall effort to facilitate the process of desegregation and make desegregation a lasting and beneficial program that President Nixon has urged Congress to pass this legislation.

We all recognize that this difficult and complex problem can not be solved merely by the expenditure of large amounts of Federal funds. At the same time, it is evident that additional Federal financial assistance to school districts engaged in programs to desegregate their schools can make a significant contribution to making the process an orderly one and insuring that the desegregated school districts will offer quality education to students of all races.

President Nixon recognizes that this demonstration of quality education in desegregated schools is essential if we are to prevent resegregation of our schools which would make our victory a pyhrric one and would bring us full circle with the problem of segregated education.

The Emergency School Aid Act of 1970 is also a carefully conceived plan to encourage our Nation's school districts to desegregate voluntarily. The bill emphasizes that districts with suitable voluntary plans shall be given priority second to none in the consideration of grants.

Thus, the bill offers an incentive to school districts to desegregate according to careful planning, and it offers special encouragement to voluntary desegregation.

Further, we recognize that desegregation is a nationwide problem in need of nationwide assistance in its solution. This bill insures that any school district in the Nation which is carrying out a desegregation program will have an adequate opportunity to obtain assistance under this legislation.

At the same time, the bill reflects an awareness on the part of the Nixon administration that funds must be concentrated in the areas of greatest needs incident to desegregation so that the financial assistance will have a significant effect upon the problem.

Beginning this school year, the Nation is witnessing a major movement in the effort to end racial segregation in our country's schools.

It is our hope that the result of our efforts will be a higher quality of education for all our Nation's children. This legislation should make a significant impact upon the effort to insure that greater educational quality—and truly equal educational opportunity—becomes a reality.

FORTY-TWO YEARS ON GUARD PROTECTING THE NATION'S FREEDOM

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ROE. Mr. Speaker, I am indeed privileged and it is a great honor to be afforded this opportunity to express to you, sir, and call to the attention of our other colleagues in the House the sentiments so poignantly stated in the lead editorial of the Paterson News, one of New Jersey's prestigious newspapers, under date of Wednesday, September 30, 1970, as follows:

MCCORMACK'S WARNING

John McCormack has served in Congress for 42 years—under one-fourth of the men who ever lived in the White House—and as Whip and Speaker of the House for 30 years—longest of any man in the leadership of either major party in the history of Congress. For 14 months, after the assassination of President Kennedy, he was next in line for the presidency. He used to ask himself in those days about foreign developments, "Well, what would you do, John?"

In a copyrighted interview with U.S. News and World Report, McCormack issued a warning for the American people, a warning born of his long and close observation of our relations with other governments. In the 30s, he said he saw what appeasement did, when Britain and France let Hitler get away, first with the Rhineland—thinking he'd be satisfied—then Austria, saying "Well, we can live with him."

Today, McCormack finds a tendency in America to "misread the significance of international communism and its designs upon our country." And, he adds, "Arrogant aggression, whether under Nazism or under international communism, isn't something Americans can ignore and live with."

McCormack exploded the popular belief that communism has mellowed as more and more people say, "We can live with commu-

nism." As for himself, he said, "I can live with the Communists if they will leave other countries alone. But the Soviet and Chinese Communists are just as much bent on world domination today as they ever were. There may be tension between the two, but they can get together overnight, and they'd both like to see the world dominated by communism, with America isolated. Then they could fight it out to see who would be the No. 1 Communist nation."

If John McCormack does nothing else for the nation he has served so long and so well, his warning would be a great epitaph to a unique career. It should bring us back to the realities around us, not let the surface evidence blind us to the dangers through which we live.

The foregoing editorial bears witness and testimony to the great pride we all share in the wisdom of your leadership, your impeccable ethics, and the integrity of your sincerity of purpose in a lifetime of service to your fellow man.

With the overview of history now evolving, our Nation's resolve to peace and freedom should never be misinterpreted or considered to be a capitulation to worldwide Communist domination. The substance of this real threat in this highly precarious time in history, by no means, can be underestimated particularly when we take into consideration that the express goal of the Communists has been and continues to be to establish communistic governments under their domination throughout the world. In this time of national soul-searching, as we agonize over our decisions, I personally believe we must be ever-vigilant to recognize the evils of those who would choose a course of political expediency, attempting to manipulate the public conscience of our country for their own short-term political favor. It is abundantly clear that the fast moving, unprecedented events affecting the very health, safety, and well-being of our Nation, both internationally and domestically, are of such magnitude and complexities that they literally gnaw at the very roots of our representative democracy.

As history is recorded, America is indeed fortunate to have had the Honorable JOHN W. MCCORMACK, Speaker of the House, on guard for 42 years protecting the Nation's freedom.

OPPOSITION TO ABORTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHMITZ. Mr. Speaker, the root of opposition to the legalized killing of the unborn known as abortion is, as it has always been, the conscience of God-fearing men and women, both Christian and Jews. The principal organized opposition to abortion in recent years has been furnished by the Roman Catholic Church, which now speaks in the United States through its National Council of Bishops.

In view of this fact, any diminution in the firmness, outspokenness, and vigor of the Catholic bishops' opposition to abortion is sure to be taken as evidence that our traditional conscience on this issue is changing and dying out, and need no longer be taken very seriously by the elected representatives of the people. Mere vague general declarations of continued opposition are not enough to dispel this impression.

Just prior to the semiannual meeting of the Roman Catholic bishops of the United States last April, an editorial appeared in the national Catholic magazine Triumph, urging that the bishops take a much stronger stand against the rapidly spreading legalization of abortion. Triumph's recommendations were not then heeded. But since then there have been some signs of increasing firmness on this issue by the bishops. Many of us will be watching with great interest to see just what kind of position they take and what kind of action they recommend on abortion, at their next national meeting which will take place here in Washington in November. Excerpts from the Triumph article follow:

LIBERTY II

America's—any people's—moral standards are intimately connected with its political standards. The moral ideas a people holds, its views of right and wrong, will be reflected in its laws, its politics. But the other side of the coin, though not so often noticed, is just as plain: what a people believes politically will help shape its morality.

No one can be surprised that a pro-abortion politics has gained favor in a country in which a large majority of the population no longer takes seriously Christian teaching on life, sex, the family; in which, indeed, anti-Christian views are actively promoted in nearly all of its communications media, nearly all of its schools. Still, abortion is far from universally approved; few Americans as of now would wish to destroy their own young, and most probably think it wrong, or at least unpleasant, for others to do so. How, then, explain the precipitous crumbling of civil opposition to the liberty to kill?

"I have always abhorred the idea of abortion," said John A. Burns, Governor of Hawaii, a Catholic who attends 6:30 Mass every morning before work. "I believe it a gravely sinful act. I have considered abortion carried out any time after conception to be the taking of human life." What is more, the Governor wished his people to know, the Burnses had been faithful to their convictions in their private lives. Thirty-three years ago Mrs. Burns, a polio victim, was urged by every doctor in sight to abort a child; she steadfastly refused; she lives today, as does her child, himself a father of two children.

So what would Governor Burns do with the "abortion on demand" bill which the Hawaii legislature had placed on his desk? He would not sign it; but neither would he veto it as he had been urged to do "by a number of my fellow Roman Catholics who do not appear to understand precisely the separate roles of state authority and Church authority." A governor, Burns explained as he permitted the bill to become law, "must never let his private political and religious convictions unduly influence his judgment as governor of all the people."

John Burns, American, was certainly right about that. It is a central precept of American politics that religion is a private affair, and that to extend its influence to the public realm is a violation of religious liberty. John Kennedy, American, took the same position ten years before on birth control. John Courtney Murray, S.J., American, had even earlier contrived a theoretical justification of the position: by baptizing the American concept of "religious pluralism" Murray and his followers sought to make the Catholic Church into an American church. They do seem to have had a remarkable success. All of America's household goddesses and gods—liberty, democracy, pluralism, separation of Church and state—remain firmly on their pedestals; and all the altars are now to be freshened with the sacrificial blood of children.

In the premises, what is the present duty of the Catholic bishops of America? That they have a responsibility—the chief responsibility—seems plain enough. After all, it is the famous profession, the astonishing boast, of the Catholic Church through all the centuries that to her uniquely has been confided the Patrimony of the Poor. Others may step forward to aid the poor, acting in her name as it were; but the burden is hers before Heaven: if others claim impotence or weariness or distractions by other concerns, she never can. And of course there will never ever, be any poor who are poorer than unborn children, who are not yet favored with even the power to cry, to as much as murmur a protest against an attack on the single possession they have: life. The poor we will always have with us, but now there is this poor who is to be denied even the opportunity to share the inheritance of the earth. If mother, father, doctor, nurse, the whole of society's mores, the whole of its civil authority, if all conspire to destroy this child, who—what—is left to defend him except the Church of the Poor?

The Church acts formally in such matters through her shepherds: her bishops. How have the American bishops responded to the campaign to persuade the American civil authority to withdraw its protection from the unborn? The record shows that they have opposed the campaign. But the record also shows that they have done so less vigorously, less consistently, certainly less conspicuously than they have begged funds from that same civil authority for their failing school system.

To be sure, the record shows occasional bright spots. The lead story of the March 13 *Catholic Virginian*, the official organ of the Diocese of Richmond, relates that Auxiliary Bishop Timothy Harrington of Worcester made a spirited appearance before a committee of the Massachusetts legislature to protest the liberalization of murder. But the same story relates that the Virginia legislature was about to adopt a policy authorizing murder (it did later in the week), and that meanwhile a Senate hearing was to be held; there was no mention of the attendance of the Bishop of Richmond, John J. Russell. Bishop Russell, of course, is opposed to abortion; he has said so, and the parish bulletins in his diocese advised you "to contact your State Senator." But this bishop was not raising hell, and his flock, and his fellow citizens knew that his Church was not raising hell. So why should they?

Maybe the torch lighted in Massachusetts would rally the faithful? A difficulty was that the Primate of Massachusetts, Richard Cardinal Cushing, had just been quoted in *Life* magazine (Feb. 27) to the effect that anti-abortion laws are not only unnecessary but undesirable: "Catholics do not need the support of civil law to be faithful to their convictions, and they do not seek to impose by law their moral views on other members of society." Of course this good man is a hopeless eccentric: quoting him is as cruel as stealing candy from a child; but the fact is that not a single American prelate stepped forward to repudiate Cushing's announcement.

And so it has gone. Where the bishops are not silent, they are discreet, polite, very proper participants in the American political order. At their last semi-annual meeting, in

November, they issued a statement on abortion, advising the country that killing babies was a violation of the Fourteenth Amendment. Which, since everything else seems to be, it probably is; but the point was not likely to interest the reigning breed of judges, let alone arouse the population. Let us agree that a ringing invocation by the Catholic bishops of the real authorities—the law of God, the natural rights of the innocent, the Christian and all civilized tradition—would cut no ice whatever with America's anti-life regime (although it would add a nice adornment to the record). But if the bishops cannot appeal effectively to the finer instincts, there should be no problem at all in reaching the regime's baser instincts. After all, they do have political clout, as does anyone who can speak plausibly for a quarter of the population—yes, there are Catholics who are tolerant of baby killing, but they are offset by a still considerable number of non-Catholics who are not, who would be quite happy to have *some* spokesman for their sentiments. What if the American bishops were to rise to the defense of innocent children with something like the urgency, the militance, the determination—the seriousness—with which innocents are being attacked by CBS, the Cowles and Luce publications, the New York *Times*, the Washington *Post*, the Women's Lib, the ACLU, Judge Bazelon, Senator Packwood, Dr. DuBridge, Dr. Egeberg, whoever has spoken last for the Nixon court? What if our shepherds were to become *fierce*?

What if they do not? Well, there is likely to be a judgment. It is a safe estimate of the next few years that the American civil authority will have authorized the slaughter of more innocents, within a shorter period of time, than the German civil authority did under Hitler. This will not be our bishop's fault. The extermination of several million Jews was not the German bishop's fault. But some questions will be asked, which will be somewhat more difficult to answer in the American case than in the Germany.

The failure of the German bishops to intervene vigorously against Nazi genocide is explained on several grounds: a) they were not apprised, or at least not reliably, that the atrocities were taking place; b) to the extent they were, they were helpless to oppose them—what could be more futile than denouncing the Gestapo? and besides c) they had the agonizing pastoral obligation to avoid inviting a comparable persecution of Catholics.

May we agree that none of these explanations will be available to the American bishops? Knowledge of the American abortion mania could not be more widespread, more detailed. Mobilizing voter blocs, vigorous use of the media protests, demonstrations—far from being ineffective in America—are *the* way of getting things done in our pluralistic democracy. And while persecution of Catholics may come sooner than anyone thinks, America at the moment is a paper state compared with Hitler's: at worst, a Church Militant on the abortion issue would run the risk of losing the government's financial favors.

There is a further ground of comparison. The Jewish innocents were, for the most part, able-bodied men and women who could at least put up a struggle in their own defense. The American innocents are too poor even to do that.

This is hard talk to the bishops, because we wish to hear hard talk from them at their April meeting in San Francisco: not the usual jeremiads, but a fighting declaration of war against the whole abortion establishment—most definitely including the American civil authorities, legislative, judicial and executive, who are fast establishing the most sordid of crimes as high national policy.

FNMA AND HOUSING STARTS

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROWN of Michigan. Mr. Speaker, last month the president of the Federal National Mortgage Association, A Oakley Hunter, addressed the Mortgage Bankers Association of Michigan. This talk by one of the Nation's leading mortgage investment officials is thought provoking to say the least.

In his speech Oakley Hunter said some things that have needed to be said for some time, and as president of FNMA, Hunter is in the unique position of knowing really what is going on in the field of housing.

Under his leadership FNMA has done an outstanding job this year, and almost single handedly has seen to it that the FHA and VA housing starts are up at a point in time when conventional housing starts have dropped drastically.

Mr. Speaker, I am sure his remarks will be of interest to all my colleagues and, therefore, Mr. Hunter's speech in the RECORD at this point, together with an excerpt from the Washington Evening Star of September 18, 1970, which comments on Hunter's talk:

REMARKS BY ALLAN OAKLEY HUNTER, PRESIDENT, FEDERAL NATIONAL MORTGAGE ASSOCIATION, TO THE MORTGAGE BANKERS ASSOCIATION OF MICHIGAN, THURSDAY, SEPTEMBER 17, 1970

The present mixed conditions in the mortgage market remind me of a fox hunt that a Maryland gentleman farmer recently put on to impress a British visitor. The host was very concerned that the hunt be properly executed, and understandably was shaken on the morning of the hunt to find that his lead hound—who was a female—was "in season." In his excited condition he thoughtlessly gave the order to go ahead and run the female hound even though she was in heat.

Later, as he and his guest viewed the hunt through binoculars, he asked the Britisher what he thought of an American fox hunt.

"Jolly good," the guest replied, "but it's the first time I've ever seen the fox running fifth."

We who are associated with housing and home finance may recognize an analogy in this story—housing, which we feel should be close to the front, somehow has gotten shuffled farther back in the pack.

Are we making as much headway as we should in achieving our housing goals? Are we providing the right kind of housing for the right kind of people at the right place at the right time?

In short, are we doing the job?

Unfortunately, I am afraid, most of us who earn our bread in housing-related industries will have to answer "no" if we are going to be honest. However, also in the interest of honesty, we must say that a great many people in a great many places are working diligently and much serious effort is being put forth, to *try* to achieve our goals. The effort notwithstanding, we are still falling short.

This is not anybody's fault. It is everybody's fault. We simply have not developed the national will to provide enough housing. We've licked polio. We have put men on the moon, and in a twinkling of an eye we can solve mathematical problems which would have taken our grandfathers a lifetime to work out.

I submit that the reason we have not developed a national will to solve our housing problems is that too many of us have looked at housing only from our own narrow perspectives. Each sector defends its own position as being fair and responsible under the circumstances—circumstances over which it alleges it has no control. It bemoans its profit margin which it claims is hardly commensurate with its investments and risk.

We have a habit of absolving ourselves of responsibility and blaming the high cost of housing on others. The mortgage lender blames labor costs, while the labor union blames money costs. The homebuilder says the cost of the housing shell has not gone up nearly as much as the cost of land. Actually the housing problem is a result of a combination of factors of constraints, e.g., financing costs, restrictive labor practices, raw land costs, utilities, street and other land improvements, property taxes, failure to utilize new materials and construction techniques, and building and planning codes which preserve the status quo with respect to land utilization and building methods and materials. If these and other constraints are to be alleviated and we are going to achieve our housing needs, we must adopt some new attitudes toward housing.

For one thing, we must stop looking at housing as a castoff on the economic junkheap—something we put money into only if we've got a surplus. We must believe it is at least as important for people to have a decent home as it is for them to have a 400-horsepower car that will go 100 miles an hour, and we must be at least as concerned about providing decent housing as we are about prohibiting the sales of half-filled boxes of non-nutritious breakfast cereal.

It is not my purpose to attempt to analyze the reasons why we have not determined that housing is important, but to suggest some ways in which we in the financial community might do a bit more to develop this national concern and to suggest some areas in which we will some day have to manifest our interest.

For openers, it is possible that we should no longer look upon an investment in residential mortgages in the same way in which we look upon an investment in an office building or a shopping center. Perhaps investors should inject an element of patriotism into counting-house formulas and decide that even though a residential mortgage may bring a smaller return than some other form of investment, our long-range interests will be better served if we are a well-housed nation than if we are not. Moral concern for the quality of human life is going to have to be injected into the cost factor of profit equations.

This attitude could substantially improve the quality of mortgage money flowing into the homebuilding industry from a variety of sources—a subject in which we at Fannie Mae are intensely interested. But it has been said that even if there were an almost unlimited supply of mortgage money, and if all of the homebuilders in the country were operating at the limit of their present capacity, we still would not be able to produce 2.6 million housing units a year.

This implies, of course, that new technology is going to have to be developed before we can physically produce the number of housing units we need.

But when we talk about producing 2.6 million new housing units a year, we are immediately confronted with the question of land use, because in many parts of the country it is easier and more profitable for the developer to build mile upon endless mile of monotonous single family residences than it is to develop planned unit developments or cooperatives or condominium apartments with higher density. Since we are

probably going to run out of land eventually anyway, would it not be better to evolve some sensible land-use policies now—before the nation is covered coast-to-coast with subdivisions?

In the course of this—either in this generation or the next—we may have to discard the notion that every American should have his own home on a plot of ground all his own. As was recently suggested by the President's Council on Environmental Quality, we may have to change our life style.

After all, the traditional American home reflects our frontier heritage. Our normal home with a border of ground around it is only a miniaturized descendant of Granddad's farm. In Europe, where land has long been at a premium, the traditional home is more often an apartment than a single-family dwelling. We cannot indefinitely continue thinking in unrealistic terms—the American population is increasing daily but the amount of American land remains the same. There are limits to our resources, and we had better start thinking in realistic terms before we are merely forced to by necessity.

In the suburbs of Washington, D.C., we have seen local jurisdictions adopt ordinances prohibiting the construction of more housing simply because the sewage treatment facilities in the area were not capable of serving more people. In most cases, these prohibitions turned out to be temporary because the pressure for the new developments was just too great for the local governments to withstand. But this will not forever be the case. As the construction of more houses (and the freeways to serve them) covers more of the earth and lowers the quality of life in America, the pressures will continue to mount.

Evidence of the increasing concern over maintaining the quality of the environment is on every hand, as must be obvious to all Americans. Unfortunately, we are on a national environmental binge exuding too much emotion and too little reason. But even after the publicly aroused environmental passions cool, the serious environmentalists—and they number among them some of the leading public officials and social and physical scientists in the world—will still be with us, and they will have a much stronger reservoir of public support than they have ever had.

If preservation of the environment is important in the United States, surely we in the housing industry should not be bashful about pressing our claim that one of the most important elements in our individual environment is our home—the place where we enjoy the fruits of our labors and take our rest from our daily toil.

In the past, the housing industry could generally count on widespread support for its endeavors. Nobody could be against home and mother. Now, however, it appears that the Women's Lib may bring about the downfall of mother and the environmentalists may launch an assault—directly or indirectly—against the home, unless ways can be found to provide the housing we need without destroying the land.

All of us may seem remote from the carpeted halls of the national financial centers, but it seems to me that if we honestly believe the traditional American economic system is primarily responsible for much of the progress we have made in the world, we should be sensitive to forces in our society who have come to view all of what we have to say with skepticism. We cannot lead a double life—one as respected members of the financial establishment, cut off from the problems of the streets and subdivisions, and another as a pseudo-citizen play-acting at reform and community action.

As we go about our workaday lives making daily judgments in the management questions which come before us, we must involve ourselves in the new mood of American life. We must take into account—every day—the little issues which combine to make the big issues—the things like nonreturnable soft-drink bottles and tenants' organizations and consumerism.

And in the housing area, we must support the housing industry with our money and with our national energy, not because it is profitable, but because it is good for the country and because it is an essential element in our national policy.

The lack of national resolution to produce enough housing is not to be attributed to the Department of Housing and Urban Development. This department—the traditional whipping boy for critics of our housing production figures—has been doing yeoman service in raising housing starts, especially in the important area of assisted programs. Under the leadership of Secretary Romney these starts have more than doubled in two years, and the estimated number in 1970–71 is the largest increase yet:

1967–68	122,000
1968–69	161,900
1969–70	265,300
1970–71 (est.)	401,600

(Includes public housing, rent supplement, 221(d)(3) BMIR subsidy, 235, 236, and rehabilitation loans and grants.)

For over 20 years I have been associated in one way or another with HUD and its predecessor HHFA—during the Administrations of Truman, Eisenhower, Kennedy, Johnson, and now the Nixon Administration. Without being partisan or critical, it is my observation that no one in any of these administrations has been a more concerned and more dedicated champion of more and better housing for all Americans than Secretary Romney.

I know whereof I speak, because in addition to FNMA's daily working relationship with HUD on virtually the full range of FHA residential mortgage programs, FNMA holds almost $1 billion of mortgages in these assisted programs. So you see that we have a definite interest in the quality of the administration of these programs.

The Housing Act of 1949 set out the objective of providing "a decent home in a suitable living environment for every American." Twenty years later the Housing Act of 1968 admitted that the earlier objective had not been met, and it set a timetable for finally achieving that goal within 10 years. And although we missed our first year's production goal by 30%, the new tools created by the '68 Housing Act are beginning to prove their worth.

The private FNMA, as you know, is one of the products of that legislation. Just a few years ago FNMA was an obscure government agency that had been lurking in the corriders of different government departments since 1938. Now, however, it is a private corporation wholly owned by its shareholders and in terms of assets ranks ninth among all U.S. corporations. It holds the largest mortgage portfolio in the world—just shy of $15 billion today—and last week was even mentioned by Wall Street as a glamor stock. She's come a long way since her portfolio first hit $1 billion in 1957. And, if I may say so, it's a good thing for the mortgage market in the last couple of years that she has grown up as rapidly as she has.

Before FNMA left the Federal Government in 1968 it moved against trends in the market, as it does now, but because of the constraints imposed on it by the federal budget the weight it swung was not sufficient to make a real difference in the national mortgage market. Under present circumstances, though, we are able to play a much greater role than ever before in supporting the market and the FHA statistics bear me out. In the credit crunch of 1966 when FNMA was under the federal budget, FHA–VA and conventional housing starts both fell drastically—about 40%. But in 1969, when a similar credit squeeze occurred again, there was a substantial difference between the figures on government-backed and conventional housing starts. Conventionals again fell drastically—about 40%—but FHA–VA starts increased about 37%. The main difference between the rates of starts was a result of FNMA's freedom to support the market to the extent that it has—$6.6 billion in 1969, and almost $4 billion thus far in 1970. This figure takes on even more significance when you realize that over 95% of these commitments have been resulting in actual purchases.

FNMA is trying to do its part. In the last four months we have issued $1 billion of mortgage-backed bonds. This instrument lets us tap major new investment sources that never before invested in mortgage credit. Also, under the authorization of the recently signed Emergency Home Finance Act of 1970 FNMA will begin purchasing conventionally financed, as well as government-backed, mortgages by January 1971. And although our initial involvement may be slight—relative to our FHA–VA activity—this legislation provides us with an important new flexibility in helping us meet our national housing goals.

As further evidence that FNMA plans to continue its role as bulwark to the mortgage market under all economic conditions, the corporation was listed on the New York and Pacific Coast Stock Exchanges on August 31. Gentlemen, we're here to stay.

[From the Evening Star, Washington, D.C., Sept. 18, 1970]

Big Shifts Seen Needed To Bar Housing Crises

(By Phillip M. Kadis)

Changes in life styles, technology and investment attitudes by business are needed to solve the nation's current housing problems and head off future housing crises, a top mortgage investment official says.

A. Oakley Hunter, president of the Federal National Mortgage Association (FNMA), told a meeting of the Mortgage Bankers Association of Michigan in Detroit yesterday the nation is not achieving its housing goals because it has not developed the national will to do so.

"We must believe," he said, "that it is at least as important for people to have a decent home as it is that they have a 400-horsepower automobile, and we must be at least as concerned about providing decent housing as we are about prohibiting the sale of half-filled boxes of non-nutritious breakfast cereal."

ALL SECTORS AT FAULT

Hunter said all sectors of the housing industry shared the blame.

"Each sector defends its own position as being fair and responsible under the circumstances—circumstances over which it alleges it has no control," he said. "It mourns over the financial returns which it claims are not commensurate with its investments and risks."

He suggested that "for openers" the financial community could aid in developing national concern about housing by no longer viewing investment in residential mortgages as a rival of mortgage investment in commercial properties.

"Perhaps investors should inject an element of patriotism into counting-house formulas and decide that even though a residential mortgage may bring a smaller return than some form of investment, our long-range interests will be better served if we are a well-housed nation than if we are not," he said.

BETTER TECHNOLOGY NEEDED

Hunter said improvements in technology are necessary so that it would no longer be

"easier and more profitable for the developer to build mile upon endless mile of monotonous single family residences than it is to develop planned unit developments or cooperatives or condominium apartments with higher density."

As a corollary to changes in technology, he said, "we may have to discard the notion that every American should have his own home on a plot of ground all his own."

He said the typical single family home "with a border of ground around it is only a miniaturized descendant of Granddad's farm."

Hunter said FNMA had tried to do its part to bolster housing starts by issuing $1 billion in mortgage-backed bonds in the last four months.

He said recently enacted legislation will enable the corporation, which left the government and went public this year, to buy conventionally financed mortgages as well as FHA–VA loans.

The legislation, he said, "provides us with an important new flexibility in helping us meet our national housing goals."

ALCOA-MASSENA OPERATIONS SETS NEW SAFETY RECORD

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McEWEN. Mr. Speaker, we are all interested in the occupational health and safety of the many men and women who are employed by the various industries of our Nation.

It is with this in mind that I take this opportunity to insert in the RECORD a letter written to the employees at the Massena, N.Y., operations of the Aluminum Co. of America by Mr. Richard I. Else, the operations manager at that plant. I join with him in congratulating the men and women at the Massena operations who, on September 23, established a new record for Alcoa and the aluminum industry for accident-free operations by completing more than 5 million man-hours of accident-free work.

This is an achievement that reflects the wonderful spirit of all the personnel at the Massena operations. It shows the respect and concern they have for each other and the great pride they have in a job well done. The workers and their families and friends can truly be proud of this accomplishment.

Again, I congratulate the men and women of Alcoa's Massena operations and wish them continued good health and many more hours of safe work.

The letter follows:

ALUMINUM COMPANY OF AMERICA,
Massena, N.Y., September 23, 1970.

FELLOW ALCOAN: We, the men and women of Alcoa's Massena Operations, have achieved a distinguished and admirable status today—Wednesday, September 23. We have established a new record for accident-free operations in the 82-year history of the Aluminum Company of America! In this achievement we have surpassed the previous record of 4,955,909 man-hours of safety which was set in 1937–1938 by our sister plant, Alcoa's Tennessee Operations!

I take this immediate opportunity to share with you the deep feeling of pride and satisfaction which comes with the knowledge that we at Massena Operations have reached this unprecedented safety record. Our achievement is truly a result of mutual understanding, concern and cooperative effort on the part of all of us. It is further evidence of the spirit of teamwork which has characterized the job effort of all the men and women who have been members of the Massena organization since we commenced operations nearly 70 years ago.

It is my wish, as it also must be yours, that we will be able to continue our accident free performance for many days to come. However, it seems most appropriate and necessary that I extend to each of you my heartfelt congratulations on your performance to date. I am sure that all of us, our families and our friends throughout this area share the personal pride and satisfaction we have gained through our safe work. May these continue to be ours far into the future!

Again, I extend to you my congratulations and best wishes for good health and happiness as we continue our safe and productive work in the days ahead.

Very truly yours,

RICHARD I. ELSE,
Operations Manager.

PORNOGRAPHY REPORT A FARCE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BURTON of Utah. Mr. Speaker, the recent findings of the President's Commission on Pornography and Obscenity, which reportedly includes a recommendation to legalize all pornography for adults, is a true study of liberal incompetence. It is an affront to intelligent, decent, concerned Americans.

Quoting a Life magazine estimate, "pornography is a billion-dollar-a-year industry." It is making strides because of postal regulations that allow obscene material to pass through the mail at discount, junk rates, and past decisions of the Supreme Court that have allowed pornographers off the hook and back into business.

Fortunately, the majority of Americans would not sit idly by and allow this pornographic faux pas to pass as a serious study into the dangers of smut.

A recent article in the Deseret News, Salt Lake City, contains timely comment on this important subject:

PORNOGRAPHY REPORT: HOW TO TWIST FACTS

If the Commission on Obscenity and Pornography intentionally set out to whitewash the nation's lurid pornography trade, as its critics have charged, then its report issued this week makes sense.

That is the only conclusion one may draw from its recommendations, which were roundly condemned in a minority report by three commission members and many other responsible Americans who have studied the findings before their official release. President Nixon's administration already has disavowed the commission's findings. Vice President Agnew did so agree in Salt Lake City last night.

Latter-day Saints in particular, as they gather for General Conference, should be aware of the misleading nature of this report, which runs contrary to all teachings on moral cleanliness and the sanctity of marriage.

What are some of these fictions propounded by the report? And what is the truth?

The commission declares that "Extensive empirical investigation, both by the commission and by others, provides no evidence that exposure to or use of explicit sexual materials play a significant role in the causation of social or individual harms such as crime, delinquency, sexual or nonsexual deviancy or severe emotional disturbances."

Actually the commission ignored many of its own studies which showed otherwise. Among these was an intensive study of 365 city jail inmates, college students and seminarians done by Davis and Braucht. Their report concluded that "exposure to pornography is the strongest predicator of sexual deviance among the early age of exposure subjects."

Even more reprehensible were the committee's recommendations. It asked that all forms of pornography for adults be legalized. It also suggested that laws against pornography for children should cover only graphically defined obscene pictures. Written erotic material, it declared, should not be banned legally because written material inappropriate for children is too difficult to define.

Does that mean, one might ask, that legalizing obscenity and pornography will somehow improve the country's morals and decrease sex crimes? In opting for the "Danish solution" to pornography—dropping practically all legal barriers—the commission declared that sex crimes including rape have decreased 50 to 60 per cent in Denmark since the increase in erotica there. What they fail to mention is that laws governing sex crimes also have been considerably liberalized."

Dr. Victor Cline, University of Utah psychology professor, concluded after a careful study of the commission's report that its writers have made three errors: They cite data to prove a point from a "worthless" study; they don't tell the reader the study is flawed, and they present only that evidence which favors their view and fail to cite contrary findings.

The evidence is overwhelming, and every American who stands for decency will reject the commission's findings for what they are: A twisting of the facts that can please only the smut peddlers.

SLOVENIAN FESTIVAL DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ANNUNZIO. Mr. Speaker, on Saturday, October 24, 1970, thousands of Americans of Slovenian descent living in the city of Chicago will celebrate the 52d anniversary of their independence gained from the Austro-Hungarian Empire on October 29, 1918.

They will also be celebrating the 20th anniversary of consecutive broadcasting, representing 1,000 hours of broadcast time for Dr. Ludwig A. Leskovar, producer of the Slovenian radio program. Dr. Leskovar is also president of the Slovenian-American Radio Club which annually sponsors the Slovenian Day program. I want to congratulate him on the celebration of his 20th anniversary as producer of this outstanding radio program as well as for the many fine contributions he has made to the civic life of our community over the years.

The other capable officers of the Slovenian-American Radio Club are: Frank Mikec, vice president; Mary Foys Lauretig, secretary; Alma Helder, treasurer;

Stephanie Osterman, recording secretary; Roman Possedi, Sr., sergeant at arms; auditors: Otmar Tasner, Michael Fleischhacker, Minka Grasich; cultural narrator, Frank A. Schonta; director of special events, Corinne Leskovar; directors: Joseph Osterman, Fred Orehek, Anna Tasner, Frank Karner, Frances Maxwell, Anton Skamperle, Ludvik Jelenc, Jerome Soukal, Ursula Krzisnik, and Frank Gerzel.

The celebration of Slovenian Festival Day will begin at 7 p.m. in Saint Stephen Hall; 1835 22d Place. Over 1,500 people will attend the affair where they will be singing, dancing, and traditional Slovenian foods.

Highlighting the show will be Cleveland's 35-member dance troupe, the Kres bonfire folk dancers. Suplying music will be the six-piece Vesili Vandrovci, Happy Wanderers orchestra. Also participating in the festivities will be 15 well-known Slovenian band leaders.

Miss Maria Krajnc, princess for the evening will read a proclamation issued by Mayor Daley, proclaiming Slovenian Day in Chicago. She will read the proclamation both in English and in Slovenian.

Also scheduled to perform is Miss Maria Pirih, a veteran of the Slovenian Festival, who was recently chosen first-place talent winner in this summer's State Fair in Springfield, Ill.

Another highlight of the evening will be a discussion of "the pre-Slovenian influence on Jefferson's draft of the Declaration of Independence."

From the beginning of American history, the Slovenians have contributed a great deal to the advancement of our culture and our way of life. They are dedicated, loyal, and hard-working people, and they have achieved high and honored positions in public life.

The Honorable JOHN A. BLATNIK, Congressman from the Eighth District of Minnesota and presently the ranking Democratic Member of the Public Works Committee, next year will become chairman of the Public Works Committee. This is one of the most powerful committees in the Congress of the United States. I know all Slovenians share with me great pride in this singular honor that has come to a Slovenian-American.

The Honorable Ludwig J. Andolsek, Commissioner of the U.S. Civil Service Commission, has, over the many years, performed distinguished and notable public service.

And I am sure all of us remember the distinguished public service career of former U.S. Senator Frank Lausche of Ohio who retired from the Senate at the conclusion of the 90th Congress.

Slovenia forms one of the six South-Slavic groups, known as People's Republics, which make up today's Yugoslavia. Presently Slovenia has a territory of about 8,000 miles and a population of over one and a half million. Throughout their history, which goes back more than 1,000 years, the courageous Slovenians have always fought for freedom and self-determination, and therefore, they have never been totally submerged in the sea of other peoples which surrounds their country.

As Congressman for the Seventh Congressional District of Illinois, where many thousands of Slovenian-Americans reside, I take great pleasure in congratulating and extending best wishes to the Americans of Slovenian heritage who reside in my district as well as to all those across our Nation who are joining in this celebration of Slovenian Festival Day.

Hon. Vito Marzullo, the alderman and committeeman of the 25th ward, which is an important part of the seventh district and where many hundreds of Slovenians reside, joins me in extending his greetings to the Slovenians on this happy occasion. In the coming year, may the Slovenian people experience abundant peace, well-being and prosperity.

ACLU'S JUDGE GESELL, NEW CENSOR FOR CONGRESSIONAL RECORD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RARICK. Mr. Speaker, we have now been treated to a classic example of judicial nonrestraint; that is, Judge Gerhard Gesell's restraining order against the Government Printing Office forbidding the printing of a speech by a Member of this House, in the CONGRESSIONAL RECORD.

Some members of our Federal judiciary have become as destructive of our system of Government and society as the terrorists who bomb buildings and the hijackers who kidnap hostages. One group would destroy free speech, free press, and separation of constitutional powers unless it has the official sanction of some judge—the other would destroy civilization itself.

Judge Gesell's eagerness to define what he calls academic freedom for one group would deny free speech to others—but more importantly, it is officious bureaucratic meddling into the rights and prerogatives of committees and Members of the Congress of the United States.

Today, enjoining the printing of a committee's study may tomorrow result in forbidding the printing of the testimony of a Government witness—next an injunction against stories in the Washington Post or the New York Times. Gesell's action sets a dangerous precedent—if allowed to stand or if given credence.

It is the height of absurdity to consider that an inferior court judge—a court created by Congress—would now seek to set himself up as a censor of Congress—so restrictive of free speech and free press that he would misuse discretionary powers of his court to enjoin elected Members of Congress from performing their duty to their people and their country. The creature would now attack his creator.

Think of it—one of our Members, elected by his people—in order to perform his duty, must resort to the well of this House, and then have his speech denied availability to the rest of his colleagues as a result of the printer being enjoined from printing.

Those who scream loudest for free speech are the first to deny free speech.

What is it that Judge Gesell fears by free speech? That should the people obtain all of the facts, they will be able to decide the issues for themselves?

Perhaps, while we are on the subject of Judge Gesell, it might be fitting to remind our colleagues just who this controversial man is. Gesell was the author of the infamous and revolutionary Gesell report in 1963, which aimed at destroying military effectiveness and has been highly successful. See CONGRESSIONAL RECORD, volume 115, part 26, page 34759. Most agree that his judicial appointment was but a political payoff for Chairman Gesell's revolutionary blueprint.

In November of last year, the same Judge Gesell ruled that Congress could not prohibit the murder of unborn babies when he struck down the District of Columbia's abortion law. See CONGRESSIONAL RECORD, February 25, 1970, page 4956.

Last week Judge Gesell released a heroin addict engaged in trafficking narcotics, because he could not decide what was meant by the word, "trafficking."

Now, again in league with his old comrades of the American Civil Liberties Union, the judge misuses his court to suppress truth and to deny the facts to our people so they can be informed citizens.

I compliment the House Committee on Internal Security and especially the gentleman from Missouri (Mr. ICHORD) for his courageous dedication and fearless resolve to see that the people receive the findings of their committee's report.

Truth cannot long be suppressed and the people will find out.

Judge Gesell has only given added publicity to the report and again disclosed his partiality to the ACLU cabal.

Mr. Speaker, I include several related newsclippings:

[From the Evening Star, Oct. 14, 1970]

ICHORD TO DEFY COURT BAN ON HOUSE REPORT

A federal judge has ordered a congressional committee not to make public today the names of college and university speakers it claims are linked to radical organizations.

But Chairman Richard H. Ichord of the House Committee on Internal Security said he would file the report with the House at noon today as scheduled. "No court is going to interrupt the legislative process of filing a report," he said.

U.S. District Judge Gerhard A. Gesell yesterday issued the temporary restraining order at the request of the American Civil Liberties Union. He said it would remain in effect for two days and then a full hearing would be held to judge the case on its merits.

Gesell said he was aware he had no authority to order individual congressmen on the committee not to disclose the names, but he could order their staff and the Government Printing Office to hold up the publication. He said he only was forbidding the committee as a whole from distributing the list nationwide and he asked for cooperation.

[From the Washington Post, Oct. 9, 1970]

RULING FAVORS ADDICT: USE OF HEROIN MADE DISTINCT FROM SELLING

(By Peter Osnos)

U.S. District Court Judge Gerhard A. Gesell yesterday dismissed narcotics charges against a heroin addict on grounds that the man intended to use the drugs himself.

The ruling is believed to be the first based on a U.S. Court of Appeals opinion in July that mere possession of drugs by an addict should not make him subject to criminal penalties.

While adopting the Appeals Court position, Gesell expressed concern over major sections of the Court's finding that he said "need clarification." He asked that a higher court's elaboration be expedited.

Gesell's view is shared by other local judges and lawyers who acknowledged the significance of the appellate court opinion, but do not know how it should be handled in practice.

For example, the Appeals Court distinguished between those addicts who possess narcotics for their own use and those who "traffic"—buy and sell—narcotics. The traffickers, said the court, should be subject to criminal prosecution.

Gesell said yesterday that there is considerable uncertainty as to what constitutes trafficking.

"It is a matter of common knowledge," he wrote, "that most addicts sell narcotics from time to time to finance their habit, or trade heroin for the favor of food or lodging, or give drugs to friends facing withdrawal.

"If acts of this type constitute trafficking, the possession exemption . . . will prove nearly meaningless." Gesell said the Court must spell out a standard for degrees of trafficking—the persistent peddler versus the occasional one.

On another point, Gesell said that the courts may be required to hold two-part trials in narcotic cases when a defendant claims to be exempt from prosecution on the grounds he is not a trafficker.

To prove that he is not a trafficker, a defendant would have to admit that he is an addict. The two-part trial would be necessary to avoid the chance that this admission could be used against the defendant in eventually determining his guilt.

Gesell noted that to handle routine heroin cases with two-part trials "would be a serious obstacle to efficient judicial administration."

The judge voiced additional concern that some addicts, because they are exempt from criminal prosecution, may not be eligible for treatment under the Narcotics Addict Rehabilitation Act. That act requires that an addict be convicted of an offense.

Gesell's ruling came in the case of Cortez Ashton, a Washington man charged with "sale or possession" of heroin, who stated that he had been an addict off-and-on since 1950. When arrested, Ashton was found with one gram of heroin, testimony said. Ashton is being held in jail despite the ruling because he has been charged with bail jumping in an unrelated case.

ADDITIONAL COMMENTS FROM WYOMING CONCERNING STUDENT UNREST

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WOLD. Mr. Speaker, in a recent newsletter to my district, the State of Wyoming, I solicited comments on the subject of student unrest.

I have had samples of these comments published in two previous CONGRESSIONAL RECORDS and include several new contributions to the subject:

My husband and I have both worked and struggled to acquire our college educations! We returned to college after our marriage and starting our family. It would have been impossible without federal government financial aid. It is indeed sad to think of how many young people will not receive help due to the expenses incurred through violent displays of behavior. We shudder to think of the way we would have felt and the effect a pause in our college careers would have cost us in lost time had we still been in school during these "strikes". We are new Wyoming residents but we are impressed with your concern and desire in this area.

Mr. and Mrs. GERALD JOHNSON.

BURLINGTON, WYO.

I feel that our Colleges and Universities should have the authority to discipline any and all students and the right to expell those who will not be disciplined. I Believe deeply our Court Systems are leaning over backward with the radicals to the point they are jeopardizing the rights of decent people. I say crack down—why should not the legal profession, Courts and Law Enforcement Personnel work together not opposite and (2) Let's have disciplinary measures.

W. H. NICKS.

RIVERTON, WYO.

I think when students are involved in disorders on the campus of the colleges of our country then any federal aid to those students should be cut off and the ones responsible for the disorder should be brought to trial and made to pay for the damage and punished for violating the rights of the other students.

Mr. HARRY L. BISHOP.

CASPER, WYO.

No hindrance to those who wish to learn. No rioting, no picketing, only peaceful negotiation and reasoning at any schools. More education on TV-on communism, on lives of individuals who pull off riots, on how the public can help itself. Courts are so concerned with criminal rights that concern is gone for our citizens' rights and protection.

DELLA RAE FRENCH.

ARVADA, WYO.

My concern is for the great majority who want an education and are denied the right, speakers who are denied the right of freedom of speech by "dissenters." If there are grievances, let them be presented and listened to and discussed and acted on in a decent, dignified manner. And let's persuade Newscasters to give equal time to worthwhile things being done by our young people.

Mrs. ESTHER LUCK.

WHEATLAND, WYO.

There is only one way for students, and others to avoid the dangers of campus riots: Stay away from riots. It's that simple.

ROBERT BLACKMORE.

CASPER, WYO.

"There is no excuse for violence! Stronger action must be taken, and facts faced regardless of political jockeying."

Mr. and Mrs. H. A. TAYLOR.

PINE-DALE, WYO.

School administrators need a tougher attitude toward trouble makers and rules to help deal with destroyers of public property. Trouble makers should be expelled as we would have been when I attended school. Laws should be passed and enforced swiftly to deal with trouble makers.

Rev. R. D. NECKER.

CHEYENNE, WYO.

There are far bigger leaders than the average American can imagine behind this so called young people unrest. The young people know more about our Communist infiltrated government (both state and federal) than the older people do. But they do not know exactly where it all will end. I would not accept that as an American way of receiving an education.

LOREN G. WHETHAM.

NEWCASTLE, WYO.

In a day and hour as now, when young people have the greatest opportunity known to man to further education and knowledge, why is it even permitted for a percent of the campus population to destroy this valuable privilege? I have children approaching college in a few years, and it is frightening to let them be brain-washed with anarchy instead of properly educated.

RAYMOND STOKES.

NEWCASTLE, WYO.

My views are that we are only buying time when we compromise with the rioting students regardless of what it takes to restore order, it better be done at this time, rather than wait and destroy our whole society.

CARL E. and JEWELL B. LEE.

LOVELL, WYO.

Violence and other forms of law-breaking on college or university campuses cannot be condoned, regardless of the "cause" for which students may be working. We must protect the rights of the majority of students attending school to get an education. I am convinced that a strong stand on the part of school administrations, both before and after could squelch much of the violence.

EDWIN K. GLOW.

CHEYENNE, WYO.

I too was a student at a college—and was on the faculty of several of them. Part of the problem is definitely the attitude of certain faculty members. I feel that all who teach the young in public-supported schools should take an oath of allegiance to this country, and state under oath that they belong to no organization which advocates forceful overthrow of this country.

LOUISE F. VOELKER.

CHEYENNE, WYO.

College administrators are much too permissive. Trouble makers should be told (and enforced) to go elsewhere if they do not like the status quo. If the 95% of students who are serious about an education allow the troublesome 5% to disrupt things to the point that college must shut their doors, then the 95% deserve to lose the privilege of an education.

PHILIP N. SHOCKEY.

CASPER.

My views on the campus problem are that we must be more severe not only with the dissident student, but also with the weak-kneed faculty member. Also a tougher attitude with the agitator that travels from place to place. The right of dissent is open to all in the proper channels but not through violence or destruction of property, or by obstructing the rights of others to learn.

V. L. HERZEELLE.

CASPER.

Our forefathers sacrificed to establish institutions of learning. Now, on the grounds that these institutions are imperfect, some students wish to destroy them. They, like parasites, would kill their host. They would kill their means of growth—and ours. I share your views that education is a privilege to be extended to those who would use it to build up our nation.

Mrs. MARGARET LAFOLLETTE.

BYRON.

Controlled dissent is a basic in a democratic society but those that infringe on the rights of others should not be permitted.

FRED B. BIESTAMAN, Jr.

WILSON.

I do not feel any group, regardless of their age, color or student classification, should

be allowed to riot, destroy or act in any unlawful manner. I feel they should be treated just like any other lawbreaker. If they are trying to destroy property, they should be stopped with whatever force is necessary.

Mrs. W. C. STUCKEY.

WHEATLAND.

I think we must all support stronger action against disruptors along with mandatory expulsion from our tax supported institutions with the slightest reason for cause and with prejudice. There must be more support given to the majority of students that are interested in getting an education and less support given to sympathetic groups.

Capt. J. D. MAXTED.

CASPER.

I think any student that takes part in a riot on campus should be expelled and the ringleaders and agitators given a very stiff jail sentence.

MILLARD N. MITICH.

NEWCASTLE.

I believe a university is a facility of higher learning, provided for use by young people to obtain a better life for themselves. I do not profit from any universities, but I do, through taxes, pay my share of the bill. Going to school is a privilege which is being ridiculed. I believe the simple answer is expulsion—it worked before, and will again.

WILLIAM R. HERRON.

CASPER.

I understand that France has passed a law that students must pay for all damages they cause or go to jail for long terms. This was mentioned on the radio program Life Line and it was stated that it is working for France so it should be investigated and we should adopt this plan also if it works. Also according to high Japanese officials visiting this country, the arrests of students involved in campus unrest and violence in Japan is 10 times more there than the arrests in this country where there has been a lot more trouble.

PAUL CHAMPENDALE.

CASPER.

I am for peace—however, I believe in human dignity at home, as well as in Vietnam. Our young people have a right to push for peace through demonstrations but only if they are respectful of the rights of others. We cannot hope to gain an honorable peace without maintaining a standard of actions that young and old can have an honest pride in.

Mrs. LESLIE H. WILLIAMS, Sr.

LANDER.

We must have law and order, on campus, in the city streets or in the country. Without it we will soon have nothing left. We must give our law enforcement agencies power and authority back so that they command respect. Our judiciary must back up these agencies as well as the victims of crimes, not the criminal as is done in nearly all cases of late.

ERIC W. RAECKE.

LANDER.

It has always been my deep feeling, when I went to college and even more so now, "that going to college is a *privilege*, not a right."

WILLIAM G. KERN.

CASPER.

College students who participate in violent campus disorders should be denied government assistance of any kind. The taxpayers should not be forced to subsidize revolution. Violence against duly constituted authority cannot be tolerated. If change is desired it can be accomplished peacefully through elections. I sincerely believe that if violence on and off the campus continues there will be a violent backlash by the so-called silent majority that could lead to a police state.

JAMES M. CALEB.

CASPER.

Campus unrest thwarts the pursuit of happiness and should be severely dealt with.

Mrs. JEANNE MEER.

HANNA.

I will have children college age in 5 years and unless our campuses are more organized, I refuse to send them. I do not think anyone connected with SDS should be allowed on campus. I think our leaders are too lenient with students involved in campus disorder.

Mrs. MARGARET WEBER.

CHEYENNE.

I think all states should be responsible for the control of their campuses.

J. E. GORRELL.

CASPER.

I think any student that takes part in destructive demonstrations on campus should be *permanently* kicked out of the college. It should go on his records why he was kicked out. I think the sooner this problem is stood up to, the sooner it will be resolved.

SANDY BUCHANAN.

CODY.

If our elected officers carried out and performed their jobs here in Congress as we were led to believe at election time, and if our officers would take in consideration the good of the people instead of pork barrel projects and silver pocket lining, college unrest would not be what it is. Let us stand up and be counted!

MIKE A. ZAMORA.

RAWLINS.

GILMORE BROADCASTING AND POLITICAL ADVERTISING

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROWN of Michigan. Mr. Speaker, President Nixon's veto of S. 3637, which amends the Federal Communications Act limiting the amount of funds which can be spent on political advertising in the electronic media, makes quite apropos a letter on the subject I received some time ago from Mr. Jim Gilmore, Jr., president of the Gilmore Broadcasting Corp., which firm owns television and radio stations in Missouri, Indiana, Virginia, and Illinois.

In his letter to me, Mr. Gilmore discusses the policy of the Gilmore broadcasting stations regarding rates charged political candidates and points out that Gilmore stations provide all political candidates with the least expensive rate—the end rate—for all broadcast time charges in every time classification without distinction.

Although I supported S. 3637 when it was before the House of Representatives for consideration, I recognized its inadequacy, and even unfairness, as a control of political advertising expenditures. I, therefore, can understand Mr. Gilmore's resentment about this kind of legislation which singles out the broadcasting industry and ignores the rest of our communications media.

I wish to commend, as I am sure will my colleagues, Mr. Gilmore, the Gilmore Broadcasting Corp., and its executive vice president, Mr. Hamilton Shea, for the public interest and concern they have shown by the policy they have voluntarily adopted. I am sure the political candidates in the listening and viewing area of the Gilmore stations are likewise very appreciative of the cooperation extended to them by Gilmore Broadcasting Corp.

Mr. Speaker, since I think my colleagues would be interested in the full text of the Gilmore letter, it follows:

GILMORE BROADCASTING CORP.,
Kalamazoo, Mich., August 27, 1970.

The HONORABLE GARRY BROWN,
U.S. House of Representatives,
Washington, D.C.

DEAR GARRY: As you are so very aware, Congress has again been delving deeply into the affairs of broadcasters. Since it is an election year, it's only logical that the issue now being questioned is the fairness of political broadcast rates. The end result of Congress' investigation appears to be a bill that will establish the "end rate" (the least expensive) for all political candidates.

With respect to these Congressional developments, I would like to bring to your attention the action and reaction of the Gilmore Broadcasting Group to this issue. In the fall of 1969, administration and sales executives of the Gilmore Broadcasting stations which include: KODE–TV/AM, Joplin, Missouri; WEHT–TV, Evansville, Indiana; WSVA–TV/AM/FM, Harrisonburg, Virginia; and WREX–TV, Rockford, Illinois, discussed in depth the problem of political time charges. As a result of the consensus from that meeting, Hamilton Shea, executive vice president of the Gilmore Group authorized the Gilmore stations to provide all political candidates with the least expensive rate (the end rate) for all broadcast time charges in every time classification without distinction. In short, since approximately one year ago, all seven of the Gilmore stations adopted a rate policy Congress is now considering.

Other broadcast groups have adopted similar policies and it's our opinion that broadcasters across the United States are acting in a responsible and intelligent capacity on this particular issue, as well as many other very important issues. A Congressional edict was not necessary for broadcasters to effect these changes and frankly, I would much rather see the National Association of Broadcasters and individual broadcast industry leaders set these important policy guidelines, rather than the government. It's undoubtedly a much healthier and more American way approach to business.

I strongly resent and am personally disturbed to see any kind of legislation that singles out the broadcasting industry and ignores the rest of our communications media: newspapers, magazines, billboards and others.

I certainly hope the action the Gilmore Group took on this issue and the positive manner in which other broadcasters have responded will leave a lasting impression on Congress. To me, it is indicative of the responsive and intelligent leadership that exists in the broadcasting industry today.

Thank you.

Sincerely,

JIM GILMORE, Jr., *President.*
Gilmore Broadcasting Stations.

ATTACKS ON POLICE MUST BE STOPPED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PRICE of Texas. Mr. Speaker, as we are all well aware, law enforcement officers have become prime targets for lethal attacks by organized and violent extremists.

The recently released FBI Uniform Crime Reports for 1969 detail the extent of this trend with stark clarity. In 1969, a record high of 84 law enforcement officers were murdered. This is a 34-percent increase over 1968, when 64 officers were slain. And for the years 1960–69, 561 law enforcement officers were killed by criminals.

The evidence on the extent of police murders and police assaults for the first 8 months of this year indicates that this ominous trend is mounting. In New York City, for example:

Jan. 1–Aug. 31:

	1970	1969
Wounded by gunshot	34	11
Cut or stabbed	44	33
Human bite	96	50
Punched	217	250
Kicked	154	54
Struck with object	158	89
Assaulted making arrest	152	101
Miscellaneous injuries	130	3
Total	985	591

Three New York policemen have been killed by attackers this year, compared with none in the same period of 1969.

FBI Director, J. Edgar Hoover put the issue squarely in focus. In a statement issued earlier this month, he said:

The law enforcement officer today bears a heavier burden, faces more frustrations, and is second-guessed more than ever before. The public asks more and expects more of the present-day policeman because the public need for protection is greater. When a policeman is assaulted or slain, the criminal significance of the incident extends far beyond the victim officer. It extends to the door of every law-abiding citizen.

Mr. Speaker, residents of the Texas Panhandle and the State of Texas are vitally concerned about this problem. And I believe law-abiding citizens everywhere share their deep feelings. To translate this concern into effective Federal action, I have introduced two bills which are designed to bring the full force and effect on Federal law directly to bear on anyone who assaults or kills a State or local law enforcement official, firemen, or judicial officer.

I believe that Federal action is needed in this area for two reasons. First, since modern transportation systems have made it possible for individuals to assault or murder police officers and flee to other States, knotty jurisdictional problems are created which often greatly encumber the criminal justice system. These procedural problems can be cured through appropriate Federal legislation. Second, Federal legislation would constitute a congressional declaration that the assaulting and killing of State and local law enforcement officials is a special type of crime that causes grave national concern and demands prompt national action.

The first of my bills contains several main provisions: A new Federal offense would be created for those who travel in or use interstate commerce facilities to kill or feloniously assault, or conspire to kill or feloniously assault a local law enforcement officer or fireman engaged in the performance of his official duties. A rebuttable presumption is created that facilities of interstate commerce were used if the person who kills or feloniously assaults a local law enforcement officer or fireman is not arrested within the State where the offense occurred within 24 hours. This clause, known as a presumptive clause, is comparable to that found in the Federal kidnaping statute. The term "law enforcement officer" is defined to include Federal, State, or local public employees who are responsible for the enforcement of any criminal law, the administration of criminal justice, or the enforcement of any punishment imposed by the criminal justice system. Traditional jurisdictions of State courts will not be disturbed by this bill. And violations will be tried in the jurisdictions where they occurred.

The second bill is a simple and basic amendment to the laws covering Federal law enforcement officers. This bill broadens existing laws to include State law enforcement officers, firemen, and judicial officers. Penalties for violations under this bill are also the same as those existing in the present law.

Mr. Speaker, I believe these two bills, taken together, provide a framework within which the House of Judiciary Committee can hammer out a set of clear and strong laws designed not only to deter those who would otherwise assault or kill State or local law enforcement officers, but to punish harshly those who do commit such reprehensible crimes.

I urge my colleagues to give their prompt attention to these proposals. Justice demands that we protect those individuals who are working as guardians of the public health, safety, and welfare. Justice demands that wrongs committed against our society be punished.

The needs of our Nation's law enforcement officials cannot go unmet. Congress must act on this issue before adjournment.

THE SENATE AND THE FARM BILL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FINDLEY. Mr. Speaker, the Senate has compounded injustice to wheat farmers by refusing to settle the fate of the farm bill before the election recess of Congress. The action of certain Senators first in physically barring farm bill conference papers from the Senate floor and of Senate leadership later in refusing to consider the bill further until after election day is an outrage perhaps without precedence in congressional annals. That a tiny band of Senators excessively beholden to cotton interests can get by with playing politics with the financial fate of wheat farmers is a sad commentary on our legislative system, and particularly on the institutional authority of the anachronistic seniority tradition. No wonder many Americans hold the Senate in low esteem and question its ability to cope with the challenges of modern society.

Congress should never have voted to delay the wheat referendum beyond the original statutory deadline of August 1, but once this action to delay was taken, the Congress assumed a special obligation to move expeditiously to dispose of the farm bill proposal. Frankly, I do not like the farm bill and voted against it, but I like even less the prolonged uncertainty which the 91st Congress, particularly the Senate, has inflicted upon wheat farmers.

I dislike also the financial burden which this delay has inflicted upon all taxpayers. The Department of Agriculture now has no choice but to begin the expensive process of planning a referendum of cotton growers—an expense which would have been avoided completely had the Senate met its responsibility today.

COUNTRYSIDE DEVELOPMENT COMMISSION

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MILLER of Ohio. Mr. Speaker, as a cosponsor of H.R. 8041, which would establish a Countryside Development Commission to study the economic problems of countryside America, I was very pleased to receive a recent letter from Mr. G. B. Gunlogson, founder of the Countryside Development Foundation, regarding this legislation and the urgent need for a more orderly development of the countryside. The ultimate answer to the urban crisis confronting us today is to revitalize America's countryside and establish a public policy regarding the distribution of our population. Mr. Gunlogson's comments are timely and important and I would like to share them with my colleagues:

REMARKS OF G. B. GUNLOGSON

ON RURAL POVERTY

(a) The poverty in many parts of the countryside stems mostly from lack of economic diversification. Historically, the countryside has been the producer of raw products from farms, forests, and mines. Farm products have been the most extensive of these. Their value has been a rapidly shrinking share of the nation's total economy.

(b) Furthermore, technology and mechanization have wiped out millions of jobs in the countryside. The man-hours moved to the big cities to make machines and to process the products from the land. Concentration and larger operating units grew. There are now 3 million fewer farms than thirty years ago.

(c) The bottom fell out of the fragile economy in thousands of small towns when local farms were abandoned and a few jobs were lost. Stores closed up—hope and initiative vanished. Like all single-economy communities, these towns were poorly prepared to cope with these changes. Single economy tends to have a degrading effect on a community. It limits opportunities and tends to discourage imagination, initiative, and ventures in other directions.

(d) Conversely, when a new payroll is created in a small community, the multiplying effects are greater and more far-reaching than in a big city. I have seen a plant that employed only 30 people come into a small town, and in three years the community had changed almost completely. For every one of the original jobs, several new ones had been created. These factors are important in our efforts to create job opportunities anywhere.

ON RURAL TO URBAN MIGRATION

The underlying factors influencing migration have been commented on. More detailed discussion of these conditions are included in the accompanying material.

ON RURAL DEVELOPMENT

(a) The first approach, in my opinion, would be to get away from the term Rural. The term is ambiguous and is out of date when applied to most of the country. The strategy should be to develop a total countryside concept. This total countryside includes more than 98 per cent of the United States in land and natural resources. It includes some 16,000 towns and small cities that are more or less identified with the land economy. Some of these may be 15,000 in population or even larger. This economy should become better integrated. By diversification and industrialization supplementing agriculture or the land economy, the potential can be greatly expanded.

(b) The future development will center in the towns. If we travel around the country, we can see how various town-land relating enterprises and a new style of living are developing. Farming may also benefit from these changes in many ways beyond the social gains. Thus, we may see a growing number of backward country towns become prosperous Town and Country communities.

(c) Despite past economic handicaps, there have been vast physical improvements made in the countryside during the last 30 years. This includes more than highways, power, and communications. New schools, health and recreational facilities are widespread. Actually, the record of literacy and high school attendance in much of the countryside is higher than in most big cities.

(d) Developing the countryside and creating job opportunities go hand in hand. The process is one of communication and promotion. There are about 6,000 places well situated to accommodate new industry, various businesses, housing, and more people far more economically than is possible in megalopolitan areas.

(e) The promotional effort must be at two levels—national and local. There is a great deal of local activity here and there which could be far more effective if a better job could be done at the national level. The problem is much the same as in business. If the product or service can be made better known nationally, it becomes easier to sell to the dealer and in turn for the dealer to sell the consumer.

(f) *New tools are needed.* Publications oriented to the needs of this total countryside and its markets would be of incalculable value and no doubt could become highly profitable for the publishers. General news or service letters offer other opportunities for communication and profit.

A non-profit association—a sort of countryside Chamber of Commerce—would provide much needed voice and representation. It would help stimulate the business community in this area of development.

A bill has been introduced in Congress, H.R. 8041. If passed, it would help focus public attention on countryside opportunities and values.

The need has never been greater to open up the vast body of America for new economic opportunities and to improve the human environment and quality of life. Various studies and polls show that an increasing number of people would decentralize population and industry by orderly development of thousands of smaller cities across the land. Industry is already showing the way. Hundreds of plants are being opened in country towns. A growing number of leaders in government regard the countryside movement as a national priority.

HUNGER IN AMERICA—1 YEAR LATER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FINDLEY. Mr. Speaker, in May 1969, the burning social issue of the day was hunger and malnutrition among certain Americans. Suddenly thrust upon the collective social consciousness and conscience, this newly discovered problem was discussed and debated in every forum. A select committee of Congress was created to investigate it. Television specials, some raising more questions than they answered, spotlighted the worst examples to be found in America.

On May 6. 1969, President Nixon summed up the obvious feelings of many by saying:

That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable.

He then went on to promise to the American people something that many doubted he would be able to deliver. He stated:

The moment is at hand to put an end to hunger in America itself, for all time.

And he pledged to set out doing just that.

Today, hunger is no longer the headline-maker it used to be. Today, we are more concerned about disposing of empty cans and abandoned cars than feeding hungry mouths. Such are the strange times in which we live. Nevertheless, 1 year later it is appropriate for us to see what has happened to hunger in America.

The Nixon administration quietly set about on an ambitious and extensive program to increase greatly the number of needy people receiving Federal food aid. It has met with phenomenal success, accomplishing almost as much in 1 year as in the previous 40 years of Federal food-aid programs.

Take, for example, the counties which had no Federal food-aid program whatsoever in May 1969. President Nixon pledged to have a program operating in each by July of this year. Some were skeptical. President Johnson had made a similar pledge and had been unable to carry it out. Until the new administration came to office, these counties had proved to be strangely but effectively resistant to Federal food-aid for their poor.

Although the commodity distribution program was immediately available at no cost to any county willing to distribute the food to those in need, the political leadership in many counties had refused to do so in May 1969.

Six days after the President promised to get a program operating in every county in the country, on May 12 I listed in the CONGRESSIONAL RECORD the names of the 425 counties which at the time had no Federal food-aid program. Alongside each county, I listed the number of hard-core poor people needing food, together with the amount of farm payments being paid to farmers not to grow food in that very county. For many sections of the country, the listing proved to be very embarrassing, and for the administration it proved to be an effective tool to encourage those counties to institute a food-aid program.

Today, I am glad to report that President Nixon has virtually met his goal. Only 10 counties still do not have a Federal food-aid program in operation or under planning. Of the 3,129 counties and independent cities in the Nation, 1,927 are operating or initiating food stamp programs and 1,150 have set up commodity distribution programs. In 42 areas, the food stamp program operates in part of the counties while commodities are available in the rest.

The funding of these food-aid programs, and the participation in them by those eligible, have also shown spectacular increases.

Since the President's message, funding for food assistance programs has doubled, while funding for school lunch and other child nutrition programs has increased by more than 50 percent. Participation in family food programs has increased nearly 60 percent, and food stamp participation has more than doubled.

The following table summarizes the increased funding that has been provided for food and nutrition programs:

	Fiscal year—			
	1968	1969	1970	1971
Food stamps	185	250	610	1,250
Commodity distribution	205	285	295	312
Child nutrition	503	621	685	1,005
Total	893	1,201	1,633	2,645

Participation in both the food stamp and commodity distribution programs has increased significantly and the benefits available to each participant have likewise increased. In the food stamp program participants now get more for their money. Additional commodities are available in most counties where that program operates. The following table shows the sharp increases in family food program participation:

	June 1969	July 1970
Food stamps	3.2 mil	6.7 mil
Commodity distribution	3.7 mil	4.1 mil
Total	6.9 mil	11.0 mil

On May 14, 1970, President Nixon signed into law H.R. 515 amending the School Lunch and Child Nutrition Acts. The new amendments require States to prepare plans to extend the school lunch program to every school in the State.

All children from families with incomes below a poverty level—$3,720 per year for a family of four—determined by the Secretary of Agriculture will receive school lunches free or at a substantially reduced price.

In order to carry out the new amendments, President Nixon sent a budget amendment to the Congress on July 1 requesting an additional $217 million for the school lunch program in the current fiscal year. With these added funds and the $104 million provided for the special milk program, the child nutrition budget for 1971 will top $1 billion—twice the level of fiscal 1968.

President Nixon, Secretary Hardin, and the U.S. Department of Agriculture are to be commended for keeping a pledge made to the American people just over 1 year ago. The political consequences of failing to do so would not have been severe. Those who would have been around to report it are now too busy worrying about the environment to notice, and it is a fact that the poor and the hungry seldom make their votes felt at the polls in November.

Nevertheless, the Nixon administration, without fanfare, has made family food aid programs universally available to all Americans in need; oftentimes in counties which had initally rejected their efforts. With dogged determination the administration has already accomplished much of what it set out to do.

More importantly, now that hunger is no longer a newsworthy issue—a headline grabber—the Nixon administration proposes nonetheless to finish the job that it began—to put an end to hunger in America itself, for all time.

REMARKS OF REPRESENTATIVE CLARENCE D. LONG

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. LONG of Maryland. Mr. Speaker, Sgt. Melvin C. Bates, Jr., a courageous young man from Maryland, was killed recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

MELVIN C. BATES, OF DUNDALK, IS KILLED AT 20 IN VIETNAM

Sgt. Melvin C. Bates, Jr., of Dundalk, was killed in action in Vietnam August 29, the Defense Department announced yesterday.

Funeral services for Sergeant Bates will be held at 1 P.M. Friday at the John J. Duda funeral establishment, 7922 Wise avenue, Dundalk.

He was killed in an explosion while moving to an offensive position during the night. He was 20 years old.

Sergeant Bates attended Dundalk Senior High School and joined the Army paratroopers in 1968. He had served for a year in Vietnam but had volunteered for an additional six months duty there when he was killed. He was a member of the 173d Airborne Infantry Division.

He lived in the 6800 block Roberts avenue in Dundalk.

He is survived by his father, Melvin C. Bates, Sr., and a sister, Bonnie Bates, of Dundalk.

PRESERVATION OF HISTORIC PROPERTIES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to amend the National Historic Preservation Act of 1966 to provide grants and loans for persons who have buildings or structures registered in the National Register in order to preserve such historic properties, and for other purposes.

While the historic preservation program now established under existing law is an indication of and a start on a national commitment to preserve significant elements of our past, it simply is not broad enough scope or application to accomplish that goal. In the 4 years that the National Historic Preservation Act has been on the books, appropriations totaling $32 million have been authorized. Yet only $1.3 million of that sum has ever actually been appropriated.

Compared to other Western nations, this sum is pitifully small. England, for example, spends more than 6 million pounds annually on the preservation of historic buildings under the purview of the Historic Buildings and Ancient monuments Act. In addition, private donations support the work of the national trust which maintains old historic homes and gardens and even villages as a private organization, relying on voluntary contributions and the receipt of property as a gift in lieu of estate taxes. France, too, spends several millions in pursuit of similar historic preservation.

The recent destruction of an 18th century farmhouse in my district is an instructive example of the inadequacy of existing statutes.

A large corporation acquired property in Westchester County to build its world headquarters. On a corner of that land stood a farmhouse built in the late 18th century. While not a unique stucture, the building incorporated several features peculiar to the Colonial period and nonexistent in contemporary architecture. The Westchester County Historical Society and a number of other local groups made persistent efforts to secure the funds necessary for the building's upkeep and to find a new location for it, since the corporation indicated it would be willing to move the structure. I tried to assist these interested citizens by attempting to secure Federal or State historical preservation funds.

And then one morning, while all these public-spirited efforts were in progress, a bulldozer appeared and demolished the farmhouse.

I shared the disappointment of local citizens at this unnecessary destruction and made plain my belief that it is a Federal responsibility to provide an appropriate mechanism for preserving such evidence of our national past.

The legislation I have introduced is one way of making it more difficult for the bulldozer to prevail over the preservation of our American heritage. This would be accomplished by providing Federal grants and loans for the restoration and preservation of historic structures to make them suitable for private occupancy or commercial use—to make them living historic sites rather than museums.

Specifically, my bill would:

First. Make funds available to counties to survey old buildings and structures and to have included in the National Register those which are "significant in American history, architecture, archeology, and culture, or whose lasting beauty of design and landscaping—including trees—have significantly enhanced the quality of American life." This will substantially expand the National Register which now contains some 1,100 properties as a result of Federal and statewide surveys. But more importantly, it recognizes some of the more intangible qualities of our American past; it recognizes, for example, that it is the large maple on the front lawn of an 18th century house which gives the house its charm and its character and that the maple ought to be preserved along with the house. In short, my bill emphasizes the esthetic quality of our American heritage, the way a building looks and feels as well as the presence in it for one night of George Washington or Abraham Lincoln.

Second. Provide that if the owner of such property agreed to have his property recorded in the National Register a restrictive covenant would be included in the deed which would prohibit alterations in or destruction of the property without the written approval of the Advisory Council on Historic Preservation.

Third. Make the owners of National Register property eligible for matching grants and low-interest loans to restore the structure in order to preserve, directly or indirectly, the salient historical features and make it suitable for private occupancy or commercial use.

Fourth. Permit the Secretary of the Interior to seek a court order restraining any attempt to alter or destroy a National Register property in the event that such alteration or destruction has not been approved by the Advisory Council on Historic Preservation.

A survey made by the National Register recently indicated that the States could match $2 million annually for 5 years for survey and planning, and that they could match the following figures for projects: fiscal year 1972, $28 million; fiscal year 1973, $34 million; fiscal year 1974, $41 million; and fiscal year 1975, $46 million. My bill makes authorizations based on these estimates.

Mr. Speaker, the greatness of a Nation is to a large extent measured by the use of its past to give stability to its present and to forge its future. There is some quality of strength, some feeling of continuity that is derived from contemporary use of homes and buildings that were the shelters and mainstays of our forebearers. Surely a large corporation, a community, a nation gains very little from destroying these links with our past; there is much more to be had from their restoration and constant use.

AGRICULTURE ADJUSTMENT ACT OF 1970

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PRICE of Texas. Mr. Speaker, I urge my colleagues to approve the joint House-Senate conference report on the Agriculture Adjustment Act of 1970.

The agreement the conferees arrived at was the product of 3 weeks of meetings. It represents what appears to be a workable compromise between the farm bill the House passed and the farm bill the Senate passed.

The main provisions of the conference report are as follows:

TITLE I—PAYMENT LIMITATION

First. Establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains.

Second. The limitation imposed considers all payments made for price support, set-aside, diversion, and public access, as well as marketing certificates.

Third. The Secretary is authorized to adjust set-aside acreage and is directed to issue regulations necessary to insure fair and reasonable application of this title.

TITLE II—DAIRY

First. Amends and extends the authority for the dairymen's class I base plan in Federal milk market order areas and provides that any area coming into the program during the next 3 years could continue to have it in effect up to December 31, 1976.

Second. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

Third. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.

Fourth. Provides authority to make indemnity payments to dairy farmers and dairy processors who, through no fault of their own, have their milk contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

First. Extends the National Wool Act of 1954, as amended, through December 31, 1973.

Second. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

First. Suspends marketing quotas and acreage allotments for 1971, 1972, and 1973.

Second. Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption—about 530 million bushels annually.

Third. Sets the face value of these domestic certificates at the difference between the wheat parity price—currently $2.83 per bushel—and the average price received by farmers during the first 5 months of the wheat marketing year—which starts on July 1.

Fourth. Provides for a "preliminary" payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment—if any—would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.

Fifth. Continues the cost of certificates to wheat processors at 75 cents per bushel.

Sixth. Authorizes the Secretary to set nonrecourse loans to participating farmers from $1.25 per bushel to 100 percent of the parity price for wheat.

Seventh. Establishes a "set-aside" program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary. The 1971 set-aside would be 13.3 million acres. The 1972 and 1973 set-aside could not exceed 15 million acres.

Eighth. Authorizes payments to participating farmers for any additional set-aside acreage for permitting public recreational access.

TITLE V—FEED GRAINS

First. Establishes a voluntary feed grain—that is, corn, grain sorghum, and barley—program for 1971, 1972, and 1973.

Second. Provides that price-support payments to participating farmers on one-half of their feed grain base will be the difference between the higher of not less than $1.35 per bushel, or 70 percent of the parity price—for corn—and the average market price for the first 5 months of the marketing year—which starts on October 1 on corn and grain sorghum and July 1 on barley. In no event, however, would these payments be less than 32 cents per bushel for corn—with corresponding rates on grain sorghum and barley.

Third. Authorizes the Secretary to set nonrecourse loans at $1 per bushel to 90 percent of feed grain parity prices.

Fourth. Authorizes addition set-aside and public recreational access payments.

Fifth. Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

Sixth. Provides for a "preliminary" payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first 5 months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—COTTON

First. Provides a guaranteed support of 35 cents per pound—middling 1-inch basis—on the estimated production from 11.5 million acres for the 1971 crop and an equivalent amount for the 1972 and 1973 crops.

Second. Provides participating cotton farmers with loans and payments. The loan would be 90 percent of the estimated world price for 2 previous years. The payment would be the difference between 35 cents and the average market price for the first 5 months following the beginning of the marketing year—which begins August 1—but in no event less than 15 cents per pound. No refunds by farmers would be required in the event market prices were greater than 20 cents per pound. Small farmers would be eligible for 30-percent bonus on payments.

Third. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes or on additional voluntary set-aside acreage.

Fourth. Provides for a set-aside of cropland—not to exceed 28 percent of the cotton allotment—as a condition of eligibility for benefits under the program.

Fifth. Establishes a voluntary program under which marketing quotas, penalties, and acreage restrictions would be suspended for 3 years.

Sixth. Requires participating farmers to plant cotton to receive payments, with two exceptions: if unable to do so because of natural disaster or other condition beyond producers' control; if not less than 90 percent of allotment is planted.

Seventh. Provides for cotton research and promotion program.

Eighth. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

Ninth. Authorizes anniversary-type loan program under which the Secretary shall, after being presented with warehouse receipts reflecting accrued storage of not more than 60 days, make nonrecourse loans for a term of 10 months from the first day of the month the loan is made.

TITLE III—PUBLIC LAW 480

Extends the provisions of Public Law 480—the food for peace program—which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations.

TITLE VIII—GENERAL AND MISCELLANEOUS

First. Continues the cropland conversion and greenspan—long-term land retirement programs—at an authorized appropriation level of $10 million annually for each program.

Second. Extends permanently the exemption from marketing quotas for boiled peanuts.

Third. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a Government program to voluntarily relinquish it—this would be a permanent provision.

Fourth. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

Fifth. Permits producers to plant, harvest, and bale hay grown on wheat, feed grain, and cotton set-aside acres and

store for future emergency periods declared by the Secretary. The Secretary could also make loans for baled hay storage facilities.

Sixth. Amends the Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306—association loans and grants—and for direct real estate loans to farmers and ranchers shall remain available until expended. Also provides that unused authorizations for appropriations under section 306 shall carry over from year to year.

TITLE IX—RURAL DEVELOPMENT

Commits Congress to a sound rural-urban balance and provides for various reports on planning assistance, technical assistance, government services and utilities, and financial assistance. Also requires a Federal policy that new offices and facilities be located, insofar as practicable, in communities of lower population density.

Other provisions include:

A program for class I base plans in Federal milk orders, an extension of the National Wool Act, an extension of the food for peace program, and several Senate amendments dealing with rural development, Farmers Home Administration loans, and harvesting of hay on set-aside acreage. The bill also sets up a new set-aside program for producers of cotton, wheat, and feed grains, and authorizes a $10 million per year experimental land retirement program.

Major items in the conference substitute which were not incorporated in the House-passed bill included a $1.25 floor on wheat loans during each of the next 3 years, a maximum wheat set-aside of 15 million acres, a 70 percent of parity floor on feed grain target price, a cotton research and promotion program, a bonus provision for small farms, a maximum cotton set-aside of 28 percent, and a congressional rural development policy and mandatory report provision to the Congress as to the implementation of such policy.

The conference agreed to exclude mandatory advance payments; small farm bonuses on wheat and feed grains; an extension of the 1965 Food and Agriculture Act for the 1971 wheat crop; a referendum on wheat; and a continuation of cotton marketing quotas.

Mr. Speaker, the new farm bill produced by the House-Senate conferees maintains Government assistance to our Nation's farmers for the next 3 years at about the same level as is currently being provided. This assistance is both needed and warranted; for as I said when the House bill was being debated:

> For over three decades, the Federal Government has been actively and intimately involved in American agriculture. As a natural and predictable result of this involvement, the farm economy has become greatly dependent upon Federal assistance for survival. Accordingly, the Federal Government has a clear obligation to help maintain the well-being of this segment of the Nation, in much the same fashion as it assists other segments of society.

In closing, I would like to make one crucial point. The bill before the House today is by no means a perfect bill and it by no means solves all the major problems of the farmer. I personally think the farmer is entitled to a better range of assistance than is provided under this bill. However, if Congress fails to pass a farm bill before the 91st Congress adjourns, the farmers of this Nation will be forced to rely on old laws more appropriate for the thirties than for the seventies. For this reason, I urge my colleagues not only to approve the new farm bill, but to use their good offices to expedite action on the bill in the other body. Unless both bodies of Congress act promptly, almost 2 years of diligent work by the House Agriculture Committee, the Department of Agriculture, and concerned farmers and farm organizations will be for nought. Moreover, the ultimate victim of congressional action will be the American consumer who is the real beneficiary of the Government farm program. It is this program that enables the agricultural sector to produce the greatest variety of rich and wholesome farm products in the world at a cost to the American consumer that is lower than at any other time in our Nation's history.

HIGH INTEREST RATES, HIGH BANK PROFITS, AND THE NIXON ADMINISTRATION

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PATMAN. Mr. Speaker, in the past few days, nearly all of the large commercial banks have issued earnings reports reflecting some of the most swollen profits in the history of banking. These fat earnings reports come on the heels of the big banks' refusal to roll back high interest rates. The banks have been willing only to toss the American people a tiny morsel in the form of a one-half of 1 percent reduction in the prime lending rate. There has been no announced reduction of interest rates to the consumer, the farmer, the workingman, or the small businessman.

The earnings figures plainly show that the banks could reduce interest rates sharply with no harm to their stockholders. Using the banks' own figures, it is now apparent that interest rates could be moved back to the 6 percent level existing at the time President Nixon was elected.

Last month, Chase Manhattan National Bank spent thousands of dollars in full-page newspaper advertisements implying that their poor earnings position prevented them from lowering interest rates. Last week, Chase Manhattan announced a net earnings increase of 56.6 percent for the third quarter of 1970. I am sure that no one has the funds to buy a full-page ad to point out this huge profit increase and to reveal the massive discrepancies in the bank's advertising campaign.

Mr. Speaker, I am sure that any other industry or labor union would have been called on the carpet if they had increased prices, profits, or wages by a whopping 56 percent. Yet, we have only a deafening silence concerning Chase Manhattan's earnings figure.

The American people desperately need lower interest rates and last week I wrote President Nixon urging that he take official note of the swollen bank profits and that he take action which would require the banks to lower their interest rates. A public discussion by the President concerning these high bank profits and high interest rates would leave the banks no choice. This public attention would require them to lower their interest rates to all types of borrowers, not just to the big corporations and other prime customers.

Mr. Speaker, the President and his economic advisers have been strangely silent about the banks and their profits and the high interest rates they have imposed on the American people. In recent days, many of the President's economic advisers have journeyed around the Nation discussing the economy in rosy terms, but saying not a word about these earnings figures that are flowing from the big banks. It is regrettable that the President and his advisers do not speak out on this subject. I can assure them that the American people—both Republicans and Democrats—want lower interest rates and they want both the Congress and the executive branch to do everything within their power to bring about a reduction in the cost of money.

Mr. Speaker, the administration's silence makes them a party to the high interest policies of the big banks. They cannot escape the blame for the onerous interest charges that have brought about high unemployment, high prices, and a deteriorating economy.

Mr. Speaker, I place in the RECORD a copy of my letter to President Nixon urging him to do something for the people in this area:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 8, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Undoubtedly you are aware of the tremendously high profits being reported almost daily by the large commercial banks. These are profits that have been exacted from the American people through the highest interest rates in the history of the nation.

Only this morning, Chase Manhattan National Bank, the nation's third largest financial institution, reported a profit gain of 56.6% for the third quarter of 1970. Morgan Guaranty Trust reported a 34% increase and First National City Bank, a 32.8% gain. Similar profits are being reported for the other large money center banks.

Mr. President, these profit figures are unconscionable and are far out of line with the earnings being reported by other business and industrial concerns.

It is unconscionable for a large bank like Chase Manhattan to increase its profits by 56.6% at a time when most Americans are unable to buy a home because of high interest rates. Such profit figures are unconscionable in an economy where 4.3 million people are unemployed and with the unemployment rate rising daily. It is unconscionable for the large commercial banks to report 30% to 50% increases in earnings at a time when the taxpayers are saddled with a bill for $20 billion in interest on the national

debt each year. These swollen profits are unconscionable at a time when school districts and local governments are unable to finance the most basic facilities because of the high interest rate burdens.

These figures, Mr. President, cry out for a definite action to bring about a rollback of interest rates. It is obvious that bank earnings can take a substantial rollback of interest rates without great harm to the banks or their stockholders.

Last month, the large banks grudgingly reduced the prime lending rate from 8% to 7½%. In light of the profit figures being released, it is obvious that this ½ of 1% decrease was only a token effort. The earnings plainly indicate that a rollback to 6% would be possible immediately.

As you recall, Chase Manhattan, which announced the 56.6% increase in profits, is the same bank that ran full page advertisements in the major newspapers around the nation last month implying that it could not reduce interest rates because of its poor earnings position. The 56.6% increase in profits raises a most serious question about the credibility of this giant banking institution.

Mr. President, I do not believe that your office would allow to go unnoticed a 50% wage increase demanded by a labor union or a 50% profit increase by any other industry. In such an event, I am sure that you would call out your economic advisers and, at a minimum, issue one of your "Inflation Alerts."

The large banks will continue to report swollen profit figures—exacted from the people—so long as they believe that no pressure will be brought to bear on them by the Executive Branch. To strengthen your hand in such a situation, the Congress last year passed Public Law 91–151 giving you the fullest stand-by credit control authority. This stand-by power would most certainly back up any public statement which you made calling on the banks to roll back their profits and the high interest rates they are charging the people.

Mr. President, I respectfully urge that you use your great office to bring about fair play and justice for the American people in the area of interest rates. The big banks are watching your office closely. If you do not act, the American people can only expect a prolonged period of high interest rates with the big banks continuing to reap swollen profits at the expense of this great nation.

Respectfully,

WRIGHT PATMAN.

Mr. Speaker, the Chase Manhattan National Bank recorded a 56.6-percent increase in net earnings, but they are not alone. Another of the Wall Street giants—Morgan Guaranty—recorded a 34-percent increase; Bankers Trust, 27 percent; First National City, 33.7 percent; Continental-Illinois, 17 percent; Cleveland Trust, 28.9 percent; so it goes, on across the country, record earnings. These earnings will continue to skyrocket and by year's end, 1970, many will surpass the record profits recorded by so many banks only a year ago. Mr. Speaker, I place in the RECORD a copy of an article which appeared in the October 12 edition of the American Banker concerning the large banks' profit figures:

LARGE BANKS' PROFIT UP DESPITE HIGHER COSTS

(By Stanley Strachan)

NEW YORK.—The strong earnings performance of money-market banks in the third quarter was in line with analysts' expectations and the outlook is for another good quarter despite the prime rate reduction.

Some of the third-quarter increases reported by New York City banks reflected unusually large profits in bond trading accounts—profits which cannot be counted on for the fourth quarter.

But as they were in the July-September period, the money center banks will be in the position of matching their earnings performance against an unusually weak quarter—the final three months of 1969.

The nine-month earnings gains chalked up by the New York banks have come despite sharp increases in salary costs as well as interest paid. The higher salaries undoubtedly result from the inflation that has permeated the economy, but the figures hold out strong hope that costs can be controlled to a greater degree in 1971 when earnings comparisons will be made against the stronger 1970 performance.

Chase Manhattan Bank NA, which posted a 37.1% gain in net operating income and a 56.6% gain in net income for the third quarter of this year compared with the same three months of last year, recorded a 9.3% gain in NOI for the full nine months.

Chase achieved this strong result despite a $15 million increase in salaries and a $6 million increment in employee benefit costs.

Over-all Chase costs for staff in the nine months ended Sept. 30 were $156.4 million, up from $135.4 million in same period a year ago.

During the same three quarters, the bank's interest paid rose to $409.4 million from $341.7 million, with the largest increase coming in the "other borrowed money" category which includes Eurodollars and commercial paper. These funds cost Chase $93.3 million over the nine-month period, compared with $35.3 million in the 1969 period.

Another example of a strong earnings performance in the face of increased expenses was that of J. P. Morgan & Co., which was up 19.9% for the three quarters.

Morgan's salary costs rose to $59.1 million from $43.5 million, while other employee benefits costs were up to $14.1 million from $12.7 million.

The bank's interest cost rose to $210.8 million from $179.2 million over the nine months.

But for Morgan the key to its big gain in net operating income was in its bond trading account. During the first nine months, the bank earned $31.7 million from its trading account, compared with only $6.9 million in the same period of 1969.

The $24.8 million increase in trading account profits was 45% of Morgan's total operating income increase of $54.4 million in the three quarters.

The Chase and Morgan gains were exceptional, but the performance in the third quarter by the seven largest New York banks was strong across the board.

These banks averaged 19% higher net earnings in the quarter, compared with year-ago levels. Although analysts expect some of the banks will not be able to match their July–September performance, they look for others to pick up the slack and for the seven-bank average to be about the same in the fourth quarter.

For the full year, at 25 major banks, M. A. Schapiro & Co., Inc., is forecasting net operating income after provision for loan losses of $1.31 billion, up 7.4% from the $1.22 billion earned in 1969.

The projection is made in the firm's Bank Stock Quarterly, released Monday, which notes that "banks which have been dependent on high-cost borrowings are now benefiting from the return flow of deposits and the greater availability of Federal Reserve credit."

The decline in loan income from the lowering of the prime rate "is already being met, at least in part, by the generally lower cost of funds and the modest expansion of loans and investments," Schapiro says.

THE HIGH COST OF ELECTION CAMPAIGNS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McCARTHY. Mr. Speaker, the terrorism and violence that mark the opening of the 1970's in the United States show that some misguided Americans have given up hope in our system of democracy. They seek, through bombings, kidnaping, and murder, to overthrow the governmental institutions and processes that we, as a nation, have evolved over the past 200 years. They claim, falsely in my view, that the injustices of our society cannot be corrected through our established processes. Rather, they say, our institutions must be overthrown and new ones created that will guarantee liberty and justice. Theirs is the path of despair, followed by violence and then chaos.

Although I totally reject this view of our society, I do believe that I share the view held by many thoughtful Americans, a view that our democracy is on trial. We face a battery of problems that are putting our institutions to the test. Can they respond quickly enough to meet the challenge of environmental destruction? Can they exercise the foresight to control the most dangerous arsenal of arms that has ever existed? Can they guarantee the rights of individuals in a mass society? The answers to these questions are yet to be arrived at. Our actions will determine the answer. We must strengthen and if necessary modify our institutions and processes so that we can meet the challenge of our times.

The central theme of our system is representative democracy. This is the great experiment to which we have committed ourselves. We strive for the greatest possible public participation in our institutions of government. We cannot, like the citizens of a Greek city state, all join in the deliberations of the problems of the day. But we can, and do, elect men and women to represent our views in these institutions. Every year thousands of local and State government representatives present themselves to their constituents for approval or rejection. Every year, under the best circumstances, the issues being considered by these institutions are debated by the candidates and discussed by the electorate. Every 2 years 435 Members of the U.S. House of Representatives go before approximately 500,000 Americans to defend their record. Every 4 years Americans go to the polls to cast their vote for President, the Chief Executive of our Nation.

Although we all acknowledge that there are imperfections in this process of considering and then electing men to represent us, we also know that it is the principal means of keeping our Government responsive to the wishes of the public. There is probably no more responsive governmental body in our Nation than the U.S. House of Representatives. The men elected in the competitive congressional districts give us a

fairly accurate test of the mood of the American public every 2 years. We may not like the mood or the views of the public. But nevertheless it is the public view. Unfortunately the public is willing to tolerate injustice in our society, to demand less than the utmost in the search for peace. This public view can only be changed by leadership and education.

What should continually surprise us is the concept that in a nation of more than 200 million people we are still embarked on the experiment of representative democracy. This has only been possible because of the changes in technology. With the latest technology of modern communications, television and radio broadcasting on a national scale, newspapers printing news from every corner of our Nation make it possible for the citizen to see, if he wishes, the actions and deliberations of his representatives. President Nixon, for example, was accompanied by about 400 representatives of our news media when he traveled to the Mediterranean and Europe recently. Our public was able to see the Chief Executive arrive in Belgrade, Yugoslavia, on the same day that it happened. The public is able to sit in on the deliberations of the Senate Foreign Relations Committee when it debates our involvement in the Indochina war. The Representative often appears on local television and radio programs or is interviewed by the press so that his views are made known to his constituents. Representative democracy in our Nation today is very much a product of our evolving communications media.

Although in the day-to-day conduct of government our communications process appears to work reasonably well, this is not the case during election campaigns. With the growth in the size of the electorate and with the increasing emphasis on electronic means of communication, television and radio, elected Representatives now face problems that they have never faced before. Public opinion polls show that more pepole rely on television for information on current events than on any other form of communication. As a consequence the elected Representative seeks increasingly to present his views on television. Because of the rule of equal time, the candidate is restricted in the number of appearances that he can make on this medium. Television and radio stations seek to allow the candidates to appear but the amount of time is limited and the format, the half-hour or 1-hour debate, does not attract as many viewers as a 5- or 10-minute spot each evening during prime time might.

The result has been the emergence of the spot political announcement, a 30- or 60-second advertisement presenting the candidate with an overly simplified message. Today, a candidate for statewide election in one of our larger States must spend $1.5 or $2 million on radio and television ads in order to carry his message to the public. When there is a primary as well, an additional $1.5 million must be added. A candidate for the U.S. House of Representatives may spend $100,000 to $200,000 for television and radio in a closely contested race. What does this mean today? It means that a candidate for the U.S. Senate or for Governor in California, Illinois, Pennsylvania, New York or Texas must have more than $1 million in order to run an effective campaign. And despite the comment in President Nixon's veto message, this amount of money is spent on television and radio, not in newspapers or on billboards. It is false to say that if the money were not spent on television it would be spent on other campaign media.

Congress recognized the threat to our institutions of Government in the rising costs of television campaigning. Members recognized that soaring costs would throw them increasingly into the arms of the big financial contributors, obligating them to those who contributed the great sums of money needed to campaign today. Congress recognized that there is no greater threat to the principle of representative democracy than that of high cost campaigning.

The bill that the Congress passed to limit the amount of money spent on television for campaigns and to change the equal time principle is not a perfect bill. I believe that in time we would have to modify it to make it a more effective instrument of campaign spending control. But it was a first step. It was a move to change the most serious attack on our electoral process.

I was shocked, therefore, when President Nixon vetoed this bill. This action seems to prove the allegation that the Republican Party is the party of financial interests rather than a party representing all citizens. President Nixon's veto also flies in the face of his announced efforts to eliminate corruption in government, for what better way is there to encourage corruption than to cause the elected representative to rely on bigger and bigger financial contributions.

In my opinion it is now up to President Nixon to submit an alternative to the television and radio campaign funding limitation bill passed by the Congress when Congress reconvenes in November. Unless he can suggest a workable and reasonable alternative, I plan to seek a vote in the U.S. House of Representatives to override his veto. I believe that all elected representatives owe this to our experiment in representative democracy and to our Nation.

RALPH YARBOROUGH, U.S. SENATOR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PICKLE. Mr. Speaker, after 13 productive years as U.S. Senator from the State of Texas, the Honorable RALPH YARBOROUGH steps down this year. In the months since his defeat in the primary election, Senator YARBOROUGH has added a new dimension to his record of accomplishments. Senator YARBOROUGH may be a lameduck, but you could not tell it by his actions. Rather than take the easy road to retirement, he has attacked the legislative process with a gusto that has become the Yarborough style over the years.

Senator YARBOROUGH and I have not always agreed on philosophy and legislative approaches, but this does not diminish my respect for this man. He is controversial, but I do not think this is by design. Rather, this is a natural aura that surrounds any man who is deeply involved in his beliefs. I respect Senator YARBOROUGH for his significant contributions to his State and his Nation. I know of no man who works harder, is more dedicated, has higher ideals or higher goals.

We will miss Senator YARBOROUGH in the Congress.

A good friend of the Senator's offered a colorful description of this colorful leader—he once said:

> Yarborough is always dependable. Regardless of his position on any issue, you can expect half the people to admire him, and half the people to be angry with him. Senator Yarborough never disappoints either side.

Mr. Speaker, this past Sunday, the Dallas Morning News ran a profile of Senator YARBOROUGH which does a good job of capturing not only his style but also his accomplishments. Sam Kinch, Jr., has written a good analysis of the man, the Senator, and the ideas. I include the article in the RECORD at this point:

YARBOROUGH IS NOT THROUGH YET

(By Sam Kinch, Jr.)

U.S. Senator Ralph Webster Yarborough has been in public life for nearly 40 years. And, by State Department protocol at least, he is the highest ranking Texan in government.

Perhaps curiously, he identifies in Texas history with Sam Houston: He considers Houston to have been, as he considers himself, a misunderstood and under-appreciated public servant. Yarborough also thinks Houston was Texas' "premier and ideal senator." He ranks himself, modestly, not far below.

Houston, of course, was kicked out of office in 1861 when, as governor of Texas, he refused to take the oath of allegiance to the Confederacy. As a result of his defeat in the Democratic primary, Yarborough ends his current Senate career the day before the 1971 Congress convenes—ironically at the height of his power as a senator. His successor will be chosen in the November general election.

Historians might argue over the relative significance of the deposing of Houston and Yarborough, but the fact that Yarborough mentions the implied parallel is an insight into this man. For even if he is not misunderstood by Texas voters, at least he is rarely seen in his full dimensions.

When he was asked how he felt about his failure to win renomination for the Senate, he gave, by Yarborough-watchers' standards, an unusually concise answer, one both stoical and egotistical: "If you do things, you are apt to get voted out of office. Winston Churchill, at the end of World War II, is a classic example. I've done things, too, and taken chances. I'd rather be doing something than just coasting along, although coasting along makes you more likely to stay in office. I never have coasted, and neither have the other men who have accomplished things in this world."

Many Texas Democrats who voted in the May 2 primaries obviously did not like some of the things the senator had done. Or, in the senator's view, what they were told he had done. Yarborough readily admits that everything he has done in the Senate has not been popular.

"I've been in tune with progress," he asserts. "I realize I don't always have 100 per cent support (in Texas), but the people are for me. The Texas press and the establishment, for example, have been opposed to the education, antipoverty and health programs of the last six years that have moved the country and Texas forward dramatically. But the people of Texas are for those programs. So it's the establishment people who are out of tune with me and the people."

Possibly true, although the "establishment" certainly does not include all the 816,000 or so persons who voted against Yarborough in the primary.

When he "retires," the 67-year-old senator will receive a pension for the rest of his life. But, he points out ruefully, "it is only about one-third of what federal judges get." At one point, Yarborough's major goal was to be a federal judge.

He wants to practice law in Austin, on his own, and "be free to speak out on public issues about which I have some knowledge and on which I can make a contribution."

He plans to do more writing and speaking about public affairs and also has signed a contract to write a book about the Big Thicket area in East Texas which he wants to make into a national park. "That's my native habitat," he says, "and the thicket bill would be my choice if I could only pass one bill before Congress adjourns."

No one expects Yarborough to be retired completely from politics. Indeed, he delights in encouraging speculation about his personal political ambitions. He always has wanted to be governor of Texas and, under the right circumstances, he might make his **fourth try for the job.** He lost gubernatorial races in 1952, 1954 and 1956.

He prides himself on being something of a mystery. This quality extends beyond his political behavior to his personality. One would guess that his biggest disappointment in pubic life would have been his defeat this year. But, illustrating his history-mindedness and ability to bear a grudge, the senator says it reaches back 16 years to his loss of the governor's race to Allan Shivers in 1954. That was when Shivers accused Yarborough, who always had heavy support from labor groups, of being responsible for a strike in Port Arthur, as well as for other strikes in Texas.

Why does he choose that race, rather than his Senate defeat, as his biggest disappointment?

"Because I had that (1954) election won and had earned it," Yarborough says. "Shivers took it away from me. Beat me with the Port Arthur lie. And more importantly, at the time it looked like I would never have another opportunity to do anything in public life, there had been such a smear campaign."

Yarborough does not consider Texas voters "ungrateful" for what he has done in Washington. He simply thinks they are not informed about his worth to the state and the nation. Characteristically, he accuses the press of being responsible: "They have been screening me out of the news for 13 years—not the working press, but the management people."

The alleged prejudice of the press has been one of the most persistent Yarborough refrains of the last two decades. Whether the allegation is right or wrong, it is something the senator feels quite deeply. So deeply, in fact, that he has been accused of being almost paranoid in his dealing with some reporters and some newspapers, which has tended to make the issue circular.

There was a time during last spring's campaign when Ralph Webster Yarborough considered becoming a Texas version of Spiro Theodore Agnew.

"I've criticized the press in the past, of course," he admits, "and I could have done it again this year. But I didn't because I thought I would be wasting my time. You can't change the press, anyway. But I may have made a mistake. Agnew is popular as hell for doing it."

Yarborough spends a lot of time these days talking about what he might, or could or should have done to prevent his defeat. But his pondering and worrying goes beyond his own situation. He talks constantly about "the cause of progressive government," because his idea of what that means is what, fundamentally, moves him. He avoids the term "liberal" because it "means something different to everyone." But he constantly uses "conservative" and even "reactionary" to describe those with whom he disagrees.

No one, not even his most bitter political enemy, questions Yarborough's legal skills. He was a brilliant young lawyer, a teacher of law and a respected judge before World War II. Undoubtedly he could have made a lot of money and become a financial backer of "the cause of progressive government" instead of Texas' most prominent liberal politican, and probably the most controversial, of the 1950s and 1960s.

What moved him to get involved in elective politics rather than staying on the sidelines as perhaps a wealthy financier of liberal politicians?

"You have to have the feeling," he says, "that you can accomplish something for mankind that you could not have accomplished if you hadn't gotten involved. And I have that feeling, particularly about the legislation I have passed through Congress."

When he says his biggest contribution to Texas is "the whole body of legislation I've passed and the image I've given Texas because of it," Yarborough claims he is not being arrogant or egotistical. He simply states it as his version of the truth.

Whatever his reputation in Texas politics, Yarborough's standing (as opposed to popularity, which he disdains) with his fellow senators is high. He is chairman of the Senate's influential Labor and Public Welfare Committee and his name is probably attached to more legislation than that of any other senator in Texas history.

Yarborough is fond of pinning down the authorship of legislation by pointing out, "When (former) President Johnson, as Senate majority leader back in the 1950s, was passing all those bills, most of them had somebody else's name on them." By contrast, LBJ, when called on recently for praise of Yarborough, quoted the late J. Frank Dobie: "I salute him for his sense of civilized values, for his sense of justice, for his enlightened intellect, for his decency as a human being and for his integrity."

Asked to specify the significant legislation that he had a major role in passing, Yarborough began with education. He was author or principal cosponsor of a number of landmark laws including the National Defense Education Act of 1958, which laid the groundwork for federal aid to education, and the Elementary and Secondary Education Act, which extended the federal aid concept to the public schools below the college level.

The senator also personally created and saw through to passage the Cold War GI Bill, the Bilingual Education Act, Professors Emeritus Act and measures to extend educational media aid to schools and assist education of the handicapped.

He has been the chief Senate sponsor of the Padre Island National Seashore and Guadalupe Mountains National Park. Yarborough rewrote and got passed over President Nixon's veto an expansion and total reform of the Hill-Burton hospital aid act. He authored a number of other major health programs, including those to establish regional mental health centers, provide migrant health care, aid medical libraries and expand schools of public health.

The Texas senator, while deemed contentious, argumentative and uncooperative by many of his fellow Texans, is regarded as a legend of sorts in Congress. For one thing, he is the only chairman of a Senate committee who represents a state with more than 10 million people. "In most of the big states you either get beat so often, or die trying to stay in, that you don't build up enough seniority to be a chairman," he says. For another thing, he spends almost all his time on committee work. He is a shrewd legislative architect, to start with, and a rugged compromiser, to end with. In between, as one of his colleagues said in private, "He's hell on wheels if you cross him and a friendly collie if you play ball with him."

That analogy may seem inconsistent with the way Yarborough has appeared to much of the Texas electorate. On the stump, he is a courthouse-lawn orator; the arch foe of the entrenched and the big and the rich; a master of political bombast. But it is not at all surprising that the senator's view of himself differs from his public image. He describes himself as a "calm, sedate, studious type of person—a careful man, a teacher, a lawyer, a judge." He prefers a few hours' reading (mostly about legislative matters and history, his favorite field) to attending a party. Perhaps this is because he does not drink and does not really approve of it.

The Yarboroughs live as simply and privately as a senator from a big state who chairs a major committee can. They do little partying other than official and quasi-official functions they have to attend. Their unpretentious 6-room Washington apartment in the Methodist Building is the one they have rented for 12 years. It is a 5-minute walk to the senator's office.

They are not wealthy, by any means. Other than a modest, older twice-decorated home in Austin, where they will live after he leaves office, they own only "a few shreds of land" in West Texas that he got as fees in lawsuits years ago.

"I haven't lined my pockets in public office," he asserts, "unlike many of those who have opposed me. I don't want to name any names—no."

Yarborough likes to recall his earlier campaigning days when the automobile caravan, rather than the corporate airplane, carried the candidate and his entourage, and the old-time "give-'em-hell" speech was the trade mark of a candidate, rather than a slick television commercial. That was when the primaries were held in late July, with the runoffs in August, and even in the Texas heat Yarborough was an indefatigable campaigner.

"These new fellows couldn't beat me in a summer campaign," he claims. The senator frankly misses the old style of campaigning, perhaps because, though he won't admit it, he isn't particularly effective in the new mass-media advertising style.

For Ralph Webster Yarborough, born just three years after the turn of the century, the politics and politicking of the plain people were simple. You came to a small town, shook all the available hands at the courthouse, dropped by to have coffee with the local folk, kissed a few babies, made an eloquent if perhaps slanderous attack on your opponent and moved on to repeat the performance elsewhere.

Yarborough knew the system well, virtually from birth. His family has been involved in politics for years in East Texas where he was born in Chandler, Henderson County, on June 8, 1903. Young Yarborough didn't take the direct path to politics. He did some rather strange things for an East Texas boy, like spending a year at West Point before dropping out; working for the American Chamber of Commerce in Berlin; entering The University of Texas law school at age 20 and later graduating with highest honors, though he was essentially a college dropout.

The young lawyer served as an assistant state attorney general and in 1936 as a state district judge, but even with that background he lost a 1938 race for attorney general to a former SMU all-American quarterback, Gerald Mann. He spent World War II as an army infantry and military government officer, then returned to a postwar law practice. After his 1952 and 1954 defeats by Shivers, he challenged U.S. Senator Price Daniel for governor in 1956, only to lose

again. But in the 1957 special election to finish Daniel's term in the Senate—which Daniel had resigned to become governor—Yarborough finally won, and against 18 opponents.

Yarborough won the Senate seat again in 1958 against William "Dollar Bill" Blakely, as he called his Democratic opponent, and Republican Roy Whittenburg. Again in 1964, with then-President Johnson's help, he beat Democrat Gordon McLendon and GOP challenger George Bush.

"A political career is terribly difficult on your family," the senator says. "You take a terrific loss financially if you play it straight, so your family suffers, of course. You have to regret all the hardships on your family. (He has a son, Richard, who is a member of the U.S. Indian Claims Commission.) But I don't regret at all having gotten into politics. I am always encouraging young people toward public service, although I warn them about the sacrifices and the pressures and the disappointments. But I certainly have no regrets about my own career."

His lack of regret shows in his work. He continues to act as if he were going to be a senator for another dozen years. All his new legislative proposals, obviously, are not earth-shaking, but some of the senator's work in his lameduck months probably will be vintage—controversial, fight-provoking and worth remembering. For example, he wants to build the legislative groundwork for a national system of health insurance.

There are moments when Yarborough slows down. He likes to recall that in his years in the Senate, he has accumulated 383 packing cases of mail. He's kept it all, this correspondence about subjects as far-reaching as legislation of national import or as personal as getting a son out of an Army stockade.

He also has 350 or so boxes of books, Congressional studies and other papers that he wants to keep. Cataloging his Senate papers and getting them ready for a voter-decreed trip to Texas tends to slow the senator's pace. "Next to losing the election and this office," he says, "the worst thing is having to move."

Talking at his usual fast clip, and at all angles, he mentions a "leisure" activity: "I have only hunted and fished nine days in more than 13 years. I used to do it four to six weeks a year. I want to get that going again."

But, characteristically, his conversation turns again to his Senate work—about how much time he has left, how Congress is likely to be late adjourning this session, and how, therefore, there is more time to be spent passing bills. But, mostly by implication, he is talking about how little time there is left for him—and how much there is for him to do for the nation.

Then, unable to resist one of his career-long favorite roles, he becomes the political enigma again: "If I live as long as my father did (to age 100, plus 11 days), I will be around for a long time." That works out to 33 more years, plenty of time to run for public office again.

Yarborough identifies with Sam Houston in history as an under-appreciated public servant. There have been many under-appreciated politicians in history. But when the senator claims he is a misunderstood man, the least one can say is that he has always seemed to enjoy that status.

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ROYBAL. Mr. Speaker, I am pleased to include in the CONGRESSIONAL RECORD my 23d Report From Washington to the residents of California's 30th District, "91st Congress—Re-Cap," highlighting some of the major accomplishments and significant legislative issues considered during the 91st Congress.

In addition to this series of regular reports, I have also sent out 20 special reports to cover topics and events in the Nation's Capital of particular interest to the citizens of our Metropolitan Los Angeles area.

The report follows:

CONGRESSMAN ED ROYBAL REPORTS FROM WASHINGTON

I am happy to send you this Report from Washington, highlighting some of the major accomplishments and significant legislative issues of particular interest to the citizens of Metropolitan Los Angeles, which were considered during the 91st Congress.

TAX CUT

I voted for the 91st Congress' landmark Tax Reform Act—the most far-reaching and comprehensive revision since the U.S. income tax law was enacted in 1913—providing substantial across-the-board rate reductions for all individual taxpayers, while making a start toward closing some of the major loopholes which allow special interests and the wealthy to avoid paying their fair share of the nation's tax burden.

Although it falls short of doing all that needs to be done, both in terms of easing the overall tax load, and in making the tax system more equitable, the Tax Reform Act is a good beginning, and for this reason I supported it—especially after the measure was amended to assure a tax cut for all taxpayers.

While reducing the financial burden for everyone, the legislation concentrates its relief provisions to benefit the average middle and lower income taxpayer, removes completely from the tax rolls millions of poverty-level wage earners, and greatly reduces tax liability for low-income families.

Other sections of the Act increase both the personal exemption and the standard deduction: attempt to plug loopholes and generally tighten-up provisions relating to oil and gas depletion allowance, capital gains, tax-exempt foundations, charitable contributions, the business investment tax credit; as well as adopt a new "minimum tax" to make sure that, regardless of any tax breaks still in the law, every citizen who is able bears at least some share of the country's tax load.

NATIONAL HEALTH CARE

The American people today face a health crisis of major proportions.

While spending more now for medical care than any other nation—over $60 billion a year—their health is worse than many other industrialized countries.

For example, America ranks 13th in infant mortality among industrialized nations, seventh in maternal mortality, 18th in life expectancy for men, and 11th in life expectancy for women. By every index, Americans are less healthy now than they were 20 years ago.

I agree with the former Health, Education, and Welfare Secretary, who declared, "This nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector."

Although good health care is recognized as an essential right of our citizens, for millions of people such care is virtually nonexistent.

Because of this situation, I have joined with a bi-partisan group of over 50 other members of the U.S. Senate and House of Representatives in introducing legislation, the Health Security Act of 1970, to establish a comprehensive national health care program for all residents of the United States.

My bill, H.R. 19158, would help enable our Nation to make the right to health care not merely a principle or a long-term social goal, but a living reality. The goal would be to insure that all persons residing in the country had the opportunity to receive good health care—without barriers to the care they need, and without the crushing financial burdens that too often accompany the delivery of health services today.

The program would not only create a system of national health insurance which would make adequate personal health services available to all residents, but, through the operation of the system, it would effect major improvements in the organization and methods of delivering health care, so as to increase their availability, control rising costs, and safeguard their quality.

DIRECT ELECTION OF THE PRESIDENT

One of the most significant measures passed by the House in recent years is the proposed constitutional amendment to abolish the present electoral college system and provide for direct popular election of the President and Vice President.

As a co-sponsor of this one-man-one-vote national election plan, I was delighted at the 339–70 House vote of approval, and am hopeful the Senate will be able to overcome the current opposition filibuster and take affirmative action before the end of the year.

With the latest nationwide polls showing more than 80% of the electorate favoring direct elections, it should then be possible to obtain ratification by the necessary three-fourths of the states to become the law of the land.

As adopted in the House, the proposal would provide that the candidate getting the most popular votes would be elected President, as long as he had at least 40% of the vote. If no candidate received 40%, a runoff election between the two leading candidates would be held.

By recognizing the basic justice of assuring that each citizen's choice is given equal weight, and the candidate with the most popular votes wins, I believe we will be implementing a long-overdue reform in America's electoral system—and at the same time, guaranteeing that every member of our society has a full opportunity to participate directly in the selection of our national leadership.

LOS ANGELES YOUTH CAMP

I was delighted to help secure full federal assistance for a unique federal/local government/private industry cooperative project to convert the former Angeles National Forest Job Corps Center at Fenner Canyon into a multi-purpose juvenile rehabilitation facility operated by the Los Angeles County Probation Department.

County and federal officials have now worked out final arrangements for use of this $2 million camp site to provide a 24-hour-a-day, 7-day-a-week residential training program for 17- to 18-year-old youths—in an effort to solve one of Los Angeles' most pressing problems: an acute shortage of adequate space and properly equipped facilities to handle the County's rapidly rising juvenile delinquency case load.

With the official opening ceremonies held on October 9th, the U.S. Justice Department's Law Enforcement Assistance Administration awarded a special $200,000 grant for the Teledyne-Packard-Bell Corporation of Los Angeles to develop an experimental demonstration community-based correctional program, stressing job-related educational and vocational training experiences for youthful offenders.

Expected to be fully operational by early 1971, the 35-acre San Gabriel Mountain site will accommodate some 200 youths, on a year-round basis with the rehabilitation program emphasizing remedial and vocational education, job training, forest conservation work, camp maintenance, individual

and group counseling, and job placement after release.

VETERANS AFFAIRS

It was an honor to receive a second major legislative assignment in the the 91st Congress as a member of the important House Committee on Veterans' Affairs. This appointment is in addition to my work on the House Foreign Affairs Committee, and has provided an opportunity to be of service to California's 3 million veterans—more than any other state in the Nation.

In fact, almost 50 percent of our citizens are affected, either directly or indirectly, by activities of the Veterans Committee in such fields as veterans housing, education and training programs; VA hospitals and medical care; GI insurance; compensation and vocational rehabilitation; and veterans pensions.

I was also pleased to have been able to obtain federal agency approval this year for the new Veterans Assistance Center in Los Angeles. When fully operating, the Center will be one of the first of its kind in the nation designed specifically to provide returning Vietnam servicemen with a new concept of personalized outreach services—to insure that all veterans, especially those recently separated, receive comprehensive educational, vocational counseling, social services, and job training and placement assistance, tailored to the individual needs of the veteran—to help him make a successful readjustment to civilian life, take full advantage of all government benefits available to him, and become a productive, self-supporting member of the community.

During this session, the Veterans Committee was responsible for legislation enacted to provide an 8% increase in disability compensation for two million disabled veterans, as well as a similar increase in nonservice-connected pensions to more than one and one-half million veterans and widows—assuring that none will have their pensions reduced because of the social security increase als OKd by Congress.

Moreover, nearly a million ex-servicemen are now receiving a 35% increase in education and training allowances, and all members of the Armed Forces are covered with an additional $5,000 in insurance.

Also as a direct result of the intensive efforts of the House Veterans' Affairs Committee, the VA's Hospital and Medical Program will have $155 million in appropriations above the original budget request—to assure the very best possible care is provided those who have served their country in uniform, especially those who have suffered wounds or service-connected disabilities.

EQUAL RIGHTS FOR WOMEN

Almost half a century of effort—by more than half the Nation's citizens—to gain full equality under the law is approaching final success.

Legislation similar to my resolution, H.J. Res. 477, proposing an amendment to the Constitution to guarantee equal rights for women, has been introduced in Congress since 1923 without receiving favorable action from the House Judiciary Committee (though the Senate had passed such an amendment in 1950 and again in 1953).

But, by using a "discharge petition" to bring the issue directly to the House Floor for a vote, we were able to overcome the Committee's continued opposition, and then score a resounding 352–15 victory—far more votes than the necessary two-thirds required on all constitutional amendments.

Though currently facing a parliamentary delay in the Senate with final approval of the equal rights resolution by Congress, it will be submitted for ratification by three-fourths of the states, as provided in Article V of the Constitution.

This legislative breakthrough is an important step toward full equality for women in America. There are many reasons for federal and state approval of the measure, but the strongest is that it is simply the right thing to do.

Discrimination in any form has no place in a modern society, and we cannot afford to waste the talents of any group of citizens in these demanding times. Complete equality before the law, as well as acceptance of women's equal rights, must be granted if we are to realize the full potential of all members of our society.

CABINET COMMITTEE

Congressional enactment of my bill to establish a Cabinet Committee on Opportunities for Spanish-Speaking People is a good indication of the nationwide support we found for the goal of increased jobs, better housing, improved health care, and wider educational opportunities for America's 10 million Spanish-speaking citizens.

The proposal's resounding 314–81 vote of approval in the House was an encouraging demonstration of a desire for stronger federal leadership in identifying and meeting the unique needs of the country's second largest minority group.

Spanish-surnamed Americans, along with all other citizens, must be offered a real chance to enter into the mainstream of every phase of our nation's life—to obtain a full share of the great economic, social, and educational benefits of this land.

VOLUNTEER ARMY

I have been pleased by the growing evidence of widespread bi-partisan support for my bill, H.R. 18615 to end compulsory military service and establish an all-volunteer army.

The bill translates into Legislative Form the findings and recommendations of the President's blue-ribbon Gates Commission, which completed the most extensive and objective study of the voluntary military concept, and developed a comprehensive plan for eliminating the draft with all its inequities and moving toward an all-volunteer armed force—as one of the Nation's first priorities.

Headed by former Secretary of Defense Thomas Gates, the study Commission found that ending conscription and implementing the volunteer service concept (1) would cause only a small budget increase, and would actually be cheaper in real economic terms; (2) could be achieved without impairing the country's ability to meet existing and anticipated troop level requirements; (3) would be adequate to defend the nation, even against a surprise attack: (4) would not result in a more militarized society; and (5) would be similar in ethnic, racial, and economic make-up to the present system.

Although we have not been able to obtain Congressional approval of the volunteer army proposal so far, I am hopeful that the broad public support developing for this idea will help bring more favorable consideration in Congress next year.

LEGISLATIVE QUESTIONNAIRE

Again this year I sent out a questionnaire asking the views of the residents of our 30th Congressional District on some of the key legislative issues of special interest to Los Angeles, the State of California, and the Nation.

As in my previous Congressional Polls, I was highly pleased at the overwhelming response—over 10,000 returns were received—and want to express my sincere thanks for the time and effort spent in answering this survey, and in helping determine the thinking of our constituents on the major questions of the day.

The tabulated results have been mailed to each person who responded to the questionnaire, and I would be happy to furnish a copy to anyone else who is interested, upon request.

MASS TRANSIT

I was glad to have the opportunity to discuss legislation in Congress of direct interest to Southern California at a recent business luncheon of the Westlake Lions Club, whose officers included (l to r) Don Le Clere, Treasurer, Russell Rowan, President, and Dr. Larry Kaplan, First Vice President.

Among the key measures approved this year was the first major federal program for comprehensive support of urban mass transit projects in the Nation's fast-growing metropolitan centers, like Los Angeles, where over 70% of our population is now concentrated.

Considered a real transportation breakthrough, the mass transit legislation is a significant first step toward relieving increasingly acute automobile congestion in urban areas, and reversing the steady decline of public transit facilities over the past 25 years.

BOLERO TIME

Some weeks ago I was honored to be invited by Los Angeles entertainment personality, Vance Graham, to appear on his popular radio show "Bolero Time". Currently, the show is broadcast every week by some 300 stations of the Armed Forces Radio and Television Service around the world.

FEDERAL REVENUE SHARING

Joining Mr. & Mrs. Don Meyer of Los Angeles during their recent visit to the Nation's Capitol. As President of the All-City Employees Association, Don expressed an interest in the possibility of federal revenue sharing with the states, and city and county governments.

Because of greatly increased local tax burdens due to rising costs of police, fire, education, health and welfare programs, there have been various proposals advanced along this line, but though the Joint Senate-House Economic Committee has held hearings on the subject, the chances for substantial Congressional support for the idea would appear to be rather remote at the present time.

ECONOMIC EXPANSION IN CALIFORNIA

Touring Apollo space program production facilities with officials of Los Angeles' North American Rockwell Corporation, I had a chance to discuss the recent Defense Department contract award to North American for engineering development work on the B–1 advanced strategic aircraft—a $10 billion federal program that will eventually generate some 100,000 jobs in Southern California.

However, with unemployment in both Los Angeles and Orange Counties approaching 7 percent, and with overall defense and space cutbacks continuing to adversely affect business and employment opportunities, I have supported the immediate implementation of a National Economic Conversion Program to assist the transition to a peacetime economy, and to protect those workers who lose their jobs because of reduced levels of space and military expenditures.

By assuming some measure of federal responsibility to provide financial incentives to encourage government contractors in the military and aerospace fields to shift their capital and labor resources as smoothly and rapidly as possible to meet the needs of expanding civilian markets, we will be taking effective action to help prevent individual employees, business firms, and the communities in which they are located, from suffering extreme personal hardships and severe dislocations during this time of economic adjustment.

And, in addition to assisting in an orderly and gradual move away from an economically unhealthy dependence on government procurements, we will be helping re-orient our national priorities toward pressing domestic needs—as the technology, the resources, and the administrative management skills developed by so many of our defense

and space-related industries are increasingly channeled into broader and more diversified areas urgently demanding the Nation's attention, such as improving our transportation systems and facilities, finding ways to promote urban development and solve housing needs, expanding education and health care opportunities, providing more effective air and water pollution control and solid waste disposal, developing new sources of power, and protecting our environment, to name but a few.

U.S. STRATEGY IN ASIA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MOORHEAD. Mr. Speaker, on September 12 and 13, 1970, the Institute for Policy Studies in Washington conducted a seminar on "U.S. Strategy in Asia" under the chairmanship of Earl C. Ravenal, the former Director of the Asian Division of Systems Analysis in the Office of the Secretary of Defense.

This was a timely seminar in that this is the time to start a responsible dialog on the future implications of the Nixon Doctrine and, generally, the U.S. role in Asia after Vietnam.

Mr. Ravenal's presentation to the conference, "The Nixon Doctrine, Defense Policy, and Our Commitments in Asia," raises some serious questions about our present and future course in Asia. The paper is well reasoned and documented and I recommend it to my colleagues for careful reading, as follows:

THE NIXON DOCTRINE, DEFENSE POLICY, AND OUR COMMITMENTS IN ASIA

(By Earl C. Ravenal, Institute for Policy Studies, Sept. 12, 1970)

BIOGRAPHICAL NOTE

Earl C. Ravenal was Director of the Asian Division (Systems Analysis) in the Office of the Secretary of Defense from 1967 to 1969. He drafted the Memorandum to the President on U.S. Strategy and Force Structure for Asia and directed the Interagency Program Analysis of Korea for the National Security Council. He is now a member of the Institute for Policy Studies in Washington, D.C.

SELECTED POINTS FROM THIS PAPER

Thus the Nixon Doctrine reveals its first contradiction: between objectives and strategy. Are we seeing the beginning of a return to the defense posture of the 1950's, with an unabated collection of commitments and a gaggle of front-line client states, but with limited options and a renewed flirtation with the fantasy of tactical nuclear warfare?

The system is now neutral to the proposal and creation of arbitrary forces. Thus the Administration's defense planning procedure causes a second contradiction: between strategy and forces. This country may well end the 1970's with the worst of both worlds: on the one hand a full panoply of commitments and a strategy that continues to serve an ambitious policy of containment; on the other, a world-wide sprinkling of token deployments and a force structure that is still expensive, but unbalanced, unready, and irrelevant to our security.

The only solution that transcends the triangle of unsatisfactory choice is to re-evaluate our interests in Asia; restate those objectives that implicate us in the possibility of war on the Asian mainland and diminish our control over our actions; resist the grand and vapid formulas of our role in Asia—such as the existential platitude that "we are a Pacific power"—that encourage a posture of paramountcy; retreat from the policy of military containment of China; and revise the alliances that have come to represent our commitment to containment.

SUMMARY AND SITUATION

More than a year after its enunciation at Guam, and after several elaborations and explications,[1] the Nixon Doctrine remains obscure and contradictory in its intent and application. It is not simply that the wider pattern of war in Indochina challenges the Doctrine's promise of a lower posture in Asia. More than that, close analysis and the unfolding of events expose some basic flaws in the logic of the Administration's evolving security policy for the 1970's.

The Nixon Doctrine may properly be considered to include not only (1) the declaratory policy orientation (the Doctrine itself), but also (2) the revised worldwide security strategy (the "1½ war strategy") and (3) the new defense decision-making processes (such as "fiscal guidance budgeting")—aspects that have received little comment, especially in their integral relation to the making and implementing on this country's foreign policy. I propose to discuss the interrelationship of these elements of the Nixon Doctrine and their bearing on United States commitments in Asia. The effects of this Administration's moves in these areas—by decision, indirection, or default—will shape and constrain the choices of the United States for a long time to come.

The President's foreign policy declaration of February 1970 promises an adjustment of our political-military purposes and our resources:

"Our interests, our foreign policy objectives, our strategies and our defense budgets are being brought into balance—with each other and with our overall national priorities." [2]

After a decade of burgeoning military spending and entanglement in foreign conflict, the nation has welcomed the vision of lower defense budgets balanced by a reduction in American involvement overseas, particularly in Asia.

Actually, however, the Administration's new policies and decision processes do not bring about the projected balance. In fact, they create some new strategic imbalances. Essentially, we are to support the same level of potential involvement with smaller conventional forces. The spectre of intervention will remain, but the risk of defeat or stalemate will be greater; and the nuclear threshhold will be lower. The fundamental issues of interests, commitments, and alliances are not resolved.*

The President's foreign policy statement pretends to expose a contradiction in the security planning process of the previous Administration—between its strategy of 2½ wars and the force structure it proposed to implement that strategy. But the President's program contains two contradictions: The first is a new gap, between strategy and objectives, since this country's exposure to local conflict, through its worldwide objectives and commitments, is to be undiminished. The second is the same old gap between strategy and force structure, which it has not eliminated but attempted to close only by arbitrarily rationalizing the strategy down to 1½ wars. Moreover, the new budgetary technique of fiscal guidance actually severs the conceptual link between strategy and force structure, and any momentary concurrence of the two will be accidental. It is difficult to see how such maneuvers can satisfy either those critics of intervention who call for guarantees of limited future exposure or those conservative analysts, and our allies, who demand assurance of our capability to fulfill existing commitments.

THE STRATEGY PROBLEM

In the late 1960's some Defense Department analysts identified a triangle of alternatives that proceed from the objective of close-in military containment of China and the forward defense of an Asian allies. More precisely, the alternatives can be defined in terms of three triangular sets:

(A) With regard to deterrence in peacetime: (1) a high level of active conventional forces, conspicuously deployed or deployable; or (2) obvious early and fundamental reliance on nuclear weapons; or (3) weakened deterrence and greater risk of an enemy initiative.

(B) With regard to initial defense in case of war: (1) large conventional forces in Asia are quickly deployed; or (2) early recourse to tactical nuclear weapons; or (3) greater risk of losing allied territory.

(C) With regard to terminating a war: (1) large troop commitments and heavy casualties; or (2) the use of nuclear weapons, either tactical battlefield or strategic coercive; or (3) an indefinite and wasting stalemate, tantamount to defeat.

Once the objective of containment is accepted, these sets of alternatives have the force and objectivity of a law of nature. One can choose among the alternatives or try to substitute an equivalent—as the program of Vietnamization attempts to do. But any policy that claims to evade the alternatives without revising the objective is mere pretense.

The only solution that transcends the triangle of unsatisfactory choice is to re-evaluate our interests in Asia; restate those objectives that implicate us in the possibility of war on the Asian mainland and diminish our control over our actions; resist the grand and vapid formulas of our role in Asia—such as the existential platitude that "we are a Pacific power." [3]—that encourage a posture of paramountcy; retreat from the policy of military containment of China; and revise the alliances that have come to represent our commitment to close-in containment.

But this course the President has consistently rejected: "We will maintain our interests in Asia and the commitments that flow from them. . ." [4]

"The United States will keep all its treaty commitments." [5]

Thus, the root problem of the Nixon Doctrine remains its abiding commitment to the containment of China. In the furtherance of this policy, our government hopes to maintain all our present Asian alliances and de facto commitments, profiting from their deterrent value but avoiding their implications. Yet it also intends to scale down our conventional military capability.

This paper contends that the Administration has neither diminished our potential involvement in Asian conflicts nor resolved the resulting dilemma by providing convincingly for a defense in Asia that will obviate reliance on the use of nuclear weapons.

* * * * *

Let us first examine the prospect of the Nixon Doctrine as a relief from involvement in Asian contingencies. The trauma that has resulted from our inability to win decisively in Vietnam has caused our policymakers to suggest a limitation of future involvement on the basis of a distinction between external or overt aggression on the one hand, and insurgency, political subversion, and civil war on the other. The President's policy document attempts in this way to avoid the strategy dilemma by altering the criteria for intervention and thus understating the probability of involvement: ". . . we cannot expect U.S. military forces to cope with the entire spectrum of threats facing allies or

Footnotes at end of article.

potential allies throughout the world. This is particularly true of subversion and guerrilla warfare, of "wars of national liberation." Experience has shown that the best means of dealing with insurgencies is to preempt them through economic development and social reform and to control them with police, paramilitary and military action by the threatened government." [6]

The hard question remains: what if these "best means" are not successful? Under *those* conditions, what kind of solutions does the Nixon Doctrine envisage? Might the United States be impelled to intervene with combat forces? The President's message states:

"A direct combat role for U.S. general purpose forces arises primarily when insurgency has shaded into external aggression or when there is an overt conventional attack. In such cases, we shall weigh our interests and our commitments, and we shall consider the efforts of our allies, in determining our response." [7]

But this formula for discrimination and discretion seems both unclear and unrealistic. At what precise point does an insurgency become "external aggression"? A definition sometimes proposed is the introduction of enemy main-force units, rather than mere individual fillers. But, even apart from the difficult question of verification, this event might be well beyond the point where our intervention became critical to the situation. In this resort, nice distinctions would not even be relevant. The paradox is that in the critical cases we might have no incentive to define the situation to preclude intervention; in the less than critical cases the occasion would not even arise. In any case, it is simply not credible that the world sacrifice our still-held objectives to the vagaries of circumstance.

As long as our policy remains the containment of China and the repression of Asian Communism, we are inclined to view even largely indigenous revolutions as objective instances of the purpose of Peking, or Hanoi or Pyongyang. Consequently, if an insurgency in an allied or even a neutral country began to succeed, we would probably fir ` increase logistical aid, then extend the role o. advisers, and provide air support. Since such moves might bring a countervailing response from the Asian Communist sponsors of the insurgency, we might have to choose between sending ground forces and allowing an ally to lose by our default. In certain extremities, we might be forced to the final choice among unlimited conventional escalation, defeat of our own forces, or "technological escalation" to the use of nuclear weapons.

Thus, with our formal or implied commitments and the President's open-ended prescription, the United States might yet be drawn into a land war on the Asian mainland, or have to confront equally dire alternatives. In this respect the Nixon Doctrine does not improve on the policy that led to Vietnam. And, of course, our exposure to involvement in case of more overt aggression. Such as a Chinese-supported invasion in Korea or Southeast Asia, remains undiminished.

* * * * *

The only proposition that has become clear about the Nixon Doctrine is that its most advertised hope of resolving the strategy problem—both reducing the forces we maintain for Asian defense and avoiding or postponing involvement in an Asia conflict—is Asianization: the substitution of indigenous forces, equipped through enlarged U.S. military assistance, for American troops. The President's foreign policy message, expanding on his Guam declaration, takes cognizance of political and economic changes in East Asia that "enable us to change the character of our involvement." [8] ". . . the planning of general purpose forces must take into account the fact that the manpower of our friends greatly exceeds our own." [9]

"The responsibilities once borne by the United States at such great cost can now be shared." [10]

"In cases involving other types of aggression [conventional attack or insurgency] we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense." [11]

The essential dependence of Asianization on expanded military assistance is illustrated even more explicitly in Secretary Laird's discussion:

"An important element of national security policy—one that will be more important in the future under our new policy—is the Military Assistance Program (MAP) . . .

"I cannot stress too strongly the need for increased understanding of the importance of this program to the success of the Nixon Doctrine.

"The Military Assistance Program (MAP) is the key to this approach. It is the essential ingredient of our policy if we are to honor our obligations, support our allies, and yet reduce the likelihood of having to commit American ground combat units." [12]

The Secretary recognizes the declining level of popular support and Congressional appropriations for military assistance. His solution, considered perennially within the Defense and State Departments but proposed for the first time in a Secretarial posture statement to the Congress, is a legislative ploy:

"We believe that military assistance should be integrated into the Defense Budget so that we can plan more rationally and present to the Congress more fully an integrated program." [14]

Military aid for certain "forward defense countries," including South Vietnam, Thailand, and Laos, and consisting of about 80% of the total category "Support of Other Nations," [15] is already meshed into the Defense Budget. This justification has not been made effective in the case of Korea or Taiwan. And yet a policy of attenuating the number of our troops in Korea—already decided by the President—or insuring Taiwan in the event of pressure or attack depends, in the judgment of this Administration, on our freedom to substitute U.S. materiel for manpower.

To merge military assistance into the regular functional appropriation categories of the Defense Budget would be to institutionalize a dual rationale for military assistance that has become traditional in debate within the Department of Defense. The first element in this rationale is the argument from "trade-off." This is a calculus that compares the costs of equal units of effectiveness of U.S. and foreign troops. It is essentially an assertion of "absolute advantage" and is the basic and obvious sense of Secretary Laird's statement: ". . . a MAP dollar is of far greater value than a dollar spent directly on U.S. forces." [16]

The second element is the argument from "comparative advantage," imported from the economic theory of international trade:

"Each nation must do its share and contribute what it can appropriately provide—manpower from many of our allies; technology, material, and specialized skills from the United States. In many cases our allies are able and willing to provide the forces if we can contribute some of the needed weapons, and, in some circumstances, specialized military support. Under this approach, each partner would be doing what it can best do and both would benefit." [17]

The proponents of military comparative advantage assert, by analogy, that the cooperating and specializing defense community can "consume" security at a higher level. It may be, however, that they can only consume more of the tangible intermediate trappings of security—the forces and arms; the attainment of real security, especially for the United States as senior partner, might depend more on certain qualitative factors. In fact, there are several difficulties in the Administration's ostensibly neutral and technical arguments for military assistance.

First, both trade-off and comparative advantage assume and confirm the inevitability and relevance of the shared mission—that is, the forward defense of the ally's territory. But only if the shared mission cannot be avoided entirely is it proper to confine the debate to the optimal distribution of roles and costs.

Second, the argument from comparative advantage, like the economic theory at its origin, stresses specialization. But the concomitant of specialization is interdependence. Thus a policy of selective reliance on allies, in order to be effective, implies automatic involvement from the earliest moments of a conflict. And the logic of specialization must be reinforced by even larger amounts of assistance, more conspicuous deployments, and more fervent and explicit confirmations of our commitment. [18]

Third, the existential language of diplomacy will not express the cost-effective neutrality of trading off U.S. troops with massive infusions of modern arms. To the North Koreans and their sponsors, for example, the one and one-half billion dollars of support and new equipment we now intend to give South Korea might look very provocative and destabilizing. A new phase of the peninsular arms race could be the result, with a net loss to regional and U.S. security.

Finally, the legislative tactic of integrating MAP into the Defense Budget would remove military assistance as an object of the broader concerns of foreign policy and assign it to the jurisdiction of more narrowly defense-oriented Congressional committees. The debate would be rendered more technical and less political. The focus would shift from the question of involvement to the question of relative costs.

Thus Asianization, which is the keystone of the Nixon Doctrine, might substitute some Asian forces and resources for U.S., but along the same perimeter of interest. It affords a pretext for reducing expense, but it does not enhance our security or relieve us from involvement.

* * * * *

Let us next examine the Nixon Doctrine to see how it proposes to maintain the defense of our allies in Asia. The most obvious change in our military posture is that the new formula provides conventional forces to counter a major Communist thrust in Asia or Europe, but not both simultaneously.

"The stated basis of our conventional posture in the 1960's was the so-called '2½ war' principle. According to it, U.S. forces would be maintained for a three month conventional forward defense of NATO, a defense of Korea or Southeast Asia against a full-scale Chinese attack, and a minor contingency—all simultaneously. These force levels were never reached.

"In the effort to harmonize doctrine and capability, we choose what is best described as the '1½ war' strategy. Under it we will maintain in peacetime general purpose forces adequate for simultaneusly meeting a major Communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a contingency elsewhere." [19]

The fundamental question is whether this is an honest policy that will fully fund our worldwide and Asian commitments, or whether it conceals a drift toward nuclear defense or an acceptance of greater risk of local defeat.

The ultimate force levels associated with the new 1½ war strategy were not revealed in Secretary Laird's Budget for Fiscal Year 1971, which he described as "transitional." The force structure implications of the Nixon Doctrine will only begin to be re-

Footnotes at end of article.

flected in the Budget for FY 1972. There are, however, several indications of the probable limits of the future force level.

Our peacetime forces and their costs are entailed by the level of our commitments, but in no precisely determinate way.[20] The controlling intermediate variable—which could account for wide differences in our strategy and forces—is the probable simultaneity of the major and minor contingencies as assessed by our defense planners. The Nixon strategy of 1½ wars is explicitly founded on the improbability of two simultaneous major contingencies:

"the prospects for a coordinated two-front attack on our allies by Russia and China are low, both because of the risks of nuclear war and the improbability of Sino-Soviet cooperation.[21]

Thus the planned general purpose force is allowed to be two-directional, and demands on the adequacy of this force are to be considered alternative rather than additive.

One might be tempted to take the Administration in the literal sense and expect a reduction equivalent to the requirement for defending against the lesser of the major contingencies. For example, during the 1960's, to support the strategy of 2½ wars, the Baseline Force Structure was thought to provide seven active divisions for Southeast Asia, two for Korea, eight for NATO, and two and one-third for a minor contingency and a strategic reserve—a total of nineteen and one-third. Therefore, with the present 1½ war doctrine that includes only one major contingency, in NATO or Asia, one might expect the larger of the two requirements simply to dominate the other. This reasoning would yield an active ground force as low as ten and one-third divisions.

Such a literal expectation, however, is immediately discouraged by the President's invocation of "the desirability of insuring against greater than expected threats by maintaining more than the forces required to meet conventional threats in one theater—such as NATO Europe." [22]

The calculation is further upset by the President's assertion that the force levels necessary to implement the previous 2½ war policy "were never reached."

This judgment is amplified by Secretary Laird:

"Although the Joint Chiefs of Staff did develop their force recommendations on this basis (2½ wars), the budgets proposed by the Secretary of Defense and approved by the President fell considerably short of what would be required to support such forces. Thus there remained a substantial gap between the stated policy objective and the means provided to fulfill it." [23]

These statements are carefully phrased to pacify the Joint Chiefs of Staff by deferring to their judgment while preserving the latitude to cut their force recommendations. They are principally designed, however, to warn against any simplistic calculation of force and budget cuts that might follow from the reduction in strategy. A possible implication is even that the previous Baseline Force Structure, designed for 2½ wars, might be barely adequate for the new doctrine of 1½ wars. Thus the lower strategy in itself does not necessarily imply any force cuts at all, though it can be used to justify them if they are required for fiscal or political reasons.

Obviously Laird's judgment of the sufficiency of the force structure and budgets proposed by his predecessors differs from theirs. Both McNamara and Clifford were persuaded that the recommendations of the Joint Chiefs of Staff were excessive and that the lower force structure of land divisions and tactical air wings developed by their own staff—the one that was embodied in their formal budget proposals—was at least adequate to carry out the stated policy. On the other hand, the civilian leadership of the Department of Defense, toward the end of 1969, articulated their recognition that the ultimate force requirements of a war with China would vastly exceed the conventional resources this country could commit without drastic mobilization; such a war might not even be terminable by conventional means. And Chinese intervention could be provoked by our attempt to impose a definitive military solution on a lesser Asian war. In this sense, our planned defense resources were overcommitted.

No contradiction exists here, if we keep in mind the distinction between (a) the requirements of initial defense, and (b) the ultimate demands of a war. Initial defense involves the Baseline Force Structure, which is the level of military readiness to be maintained in peacetime. This force does not cover the requirements of sustained defense, the recovery of lost territory, or the termination of a war by conventional military means. For these requirements it is expected that, through varying degrees of mobilization, reserve units would be activated and additional units temporarily created. The Baseline Force Structure, in short, is merely the entry fee to foreign conflict. The full price of our foreign commitments is the contingent cost of a war, measured not only in units deployed and their budget dollars, but also in attrition of equipment, expenditure of supplies, loss of lives, and indeed the destruction that we and our allies might inflict as well as suffer.

The reasoning of the previous administration of the Pentagon, if pursued to its logical conclusion, might have led to two independent propositions: (1) that we *could* drastically reduce our peacetime general purpose forces for Asia, but *only if* we correspondingly reduce the possibility of involvement; and (2) that we *should* move to revise our commitments and eliminate the causes of conflict with China, *because* the risks and costs of such a conflict are insupportable. The reasoning would not, however, have led to the proposal of the present Administration to reduce our conventional strategy for Asia without reducing our exposure to conflict.

There is another reason why the force structure for the 1½ war strategy will not simply shrink to the level required by the larger major contingency plus the minor contingency. Ground forces are heterogeneous, consisting of infantry, mechanized, armored, airmobile, airborne, and amphibious units. Certain types of divisions are inherently specialized for certain geographical contingencies. Thus the planned general purpose force can be only partially two-directional.

Therefore, if in the future force structure associated with the Nixon Doctrine the number of divisions of a type normally oriented to a particular theater falls below its pre-Vietnam requirement, it will be proper to inquire whether the concept for the defense of that theater has changed.

Secretary Laird's statement recognizes that all of our four armored and four mechanized divisions "are oriented principally to our NATO requirements." [24] These divisions are likely to remain in the active force structure and remain oriented to NATO even if, beyond 1971, they are physically withdrawn from forward deployment in Europe. Since our entire active divisional force for NATO consists of these units, future inactivations will arise rather from Asian withdrawals; and there will be further cuts. These predictions find support in the statements of Secretary Laird:

"The President has reaffirmed United States support for the agreed NATO strategy and maintenance of substantial forces in Europe. The primary U.S. objective in Asia will be to help our allies develop the capability to defend themselves, while continuing to honor our obligations.[25]

"We expect that future redeployment [from Vietnam] will further reduce the Army's active division/brigade force structure in FY 1971." [26] [27]

It is most likely, therefore, (1) that the future Baseline Force Structure will contain several more active ground divisions—Army and Marine—than the requirements for the larger of the two major contingencies plus the minor contingency (ten and one-third divisions), but several fewer than the force structure of the pre-Vietnam period (nineteen and one-third divisions); (2) that these permanent cuts will be largely at the expense of divisions of types that are normally oriented toward Asia; and (3) that the reduced posture will be plausibly rationalized by the Nixon Doctrine and the strategy of 1½ wars.[28]

* * * * *

The ultimate Baseline Force Structure under the Nixon Doctrine will probably contain even fewer divisions toward the Asian requirement than the most ardent force-trimmers among the Defense Department analysts of the 1960's considered minimal for the early stages of a conventional defense of Southeast Asia.[28] The consequences of this thinning of conventional forces alone for future decisions regarding the use of nuclear weapons would be ominous, in terms of the model of choice we have presented above.

But the number of available divisions is not in itself the whole story. More important is the reduced conventional force as a reflection of the altered view of Asian defense embodied in the Nixon Doctrine. The elements of this view are: (1) that the most likely threats to our Asian allies will not involve Chinese invasion, and (2) that, with greatly expanded military assistance, these allies can largely provide the ground forces to counter such threats.

There is a third premise, hardly expressed but strongly implied: that in a future Asian conflict, particularly one involving China, United States intervention would be more likely to carry with it the use of tactical nuclear weapons. It is difficult to express an increased contingent likelihood, but both the logic of the problem and certain signals in this Administration's policy statements indicate a pronounced drift toward reliance on theater nuclear weapons.

Prominent among these signals is the President's statement in direct justification of the shift down to a 1½ war strategy:

"The choice of this (1½ war) strategy was based on the following consideration:

"The nuclear capability of our strategic and theater nuclear forces serves as a deterrent to full-scale Soviet attack on NATO Europe or Chinese attack on our Asian allies;

"The prospects for a coordinated two-front attack on our allies by Russia and China are low both because of the risks of nuclear war and the improbability of Sino-Soviet cooperation. In any event, we do not believe that such a coordinated attack should be met primarily by U.S. conventional forces." [29]

The President stacks the argument for the adequacy of a 1½ war strategy by defining the unlikely simultaneous contingencies—that might require a nuclear response—in terms of "a coordinated, two-front attack." We must grant the improbability of simultaneous contingencies of the kind explicitly described by the President. Thus we might feel that the nuclear choice is one that would never be invoked. It should be noted, however, that the President mentions "theater nuclear forces" as deterrents against the single—not simultaneous—contingency of a "Chinese attack on our Asian allies." Deterrents are designed to be used if their use has been threatened by us and their deterrent intent disregarded by our allies.

Also, there are lesser, more plausible scenarios that would, in terms of their requirement for a build-up of forces or their potential to immobilize U.S. forces, be the functional equivalent of a major attack: a Soviet military build-up and political pressure in central or southern Europe; or

Footnotes at end of article.

China's rendering or promising massive logistical support to one of her Asian allies to the point where that ally could release overwhelming forces against a neighboring country; or the threatened imminent entry of China into a war where we or one of our allies might have provided the provocation. It is conceivable that two such partial contingencies could arise, in Europe and Asia, and that one of them could develop to the point of a conflict. In that event we would be reluctant to consider our conventional forces for either theater available for the other. And there are reasons—such as the illusions of decisive action and immunity from retaliation—why we might be tempted to dispose of an Asian conflict, especially, by "technological escalation."

Therefore, if we remain committed to the defense of interests in both theaters, and if we maintain conventional forces for only one large contingency, our strategy is biased toward the earlier use of nuclear weapons. Of course, there is no necessary continuum of escalation from conventional war to tactical nuclear war. The invocation of nuclear weapons would at any point be a sharp choice. But it would be a purely executive decision of the President. And the 1½ war strategy would have provided him with fewer alternatives and rendered the resort to nuclear weapons a more compelling choice, as well as making nuclear threat a more obvious residual feature of our diplomacy.

Thus the "balance" promised in the new security policy is achieved—but not by adjusting our commitments or restricting our objectives abroad, or by working through to a new philosophy about the essentiality of certain world interests of the United States. Rather, budgetary stringencies have inspired a reduction in force levels; a "1½ war strategy" has been tailored to fit the new and intractable realities; and a series of rationalizations has been constructed to validate the new strategy—rationalizations that simply stipulate a reduced threat, count heavily on bribed and coerced allied efforts at self-defense, and suggest an early nuclear reaction if our calculations prove insufficiently conservative.

Thus the Nixon Doctrine reveals its first contradiction: betwen objectives and strategy. Are we seeing the beginning of a return to the defense posture of the 1950's, with an unabated collection of commitments and a gaggle of front-line client states, but with limited options and a renewed flirtation with the fantasy of tactical nuclear warfare?

* * * * *

THE PLANNING PROCESS

A significant feature of the new security policy is that it not only shifts substantively down to a 1½ war strategy, but also changes the model for formulating defense requirements and strategy.

Instead of the classic progression from the definition of foreign policy interests to the formulation of objectives, to the prescription of strategies, to the calculation of forces and their costs, we now see a constrained calculus that proceeds in reverse from budgetary limitations to a mix of forces (now largely Service-determined), to a tailoring of strategies. This is not simply "feedback," a process by which a system adjusts its ends and means in order to come into balance. Rather, all indications are that the new strategy selection procedure originates in budgetary considerations; certainly it stops short of transmitting the implications clear through the system to include a revision of objectives and interests. Thus the system is at best only balanced back from resources through strategies; the imbalance is shifted to a point between strategies and objectives.

Moreover, even the strategies and the resources may be out of balance. For the budget-constrained strategy revision is complemented by a fundamental change in the process by which planning is conducted within the Department of Defense. The previous system, practiced under Secretaries McNamara and Clifford, was requirements-oriented. There was no explicit initial budgetary restriction. Rather, the planning process began with the stated world-wide defense objective and resulted in a schedule of prescribed forces and a budget. The appropriate documents were the Joint Strategic Objectives Plan (JSOP), devised each year by the Joint Chiefs of Staff and, several months later, a series of Draft Presidential Memorandums (DPM's), prepared by the staff of the Secretary of Defense, largely in the Office of Systems Analysis.

Concurrently, concrete Program Change Requests (PCR's) were submitted by the Services and analyzed by the Secretary's staff. In pure theory, the forces proposed in the DPM's—those eventually recommended to the President and to the Congress—were the forces systematically entailed by our defense objectives, providing the necessary security with economy of means. Sufficiency—"how much is enough?"[30]—was the philosophy more of the previous administration than the present one. Both the JCS and the Services inevitably had objections to the dispositions by the Secretary's staff of forces and weapons systems, and to the implied strategic concepts. These objections were institutionalized in a series of comments on the DPM's and in a final process of "reclamas," which were adjudicated at the Secretarial level.

The resulting defense program for the next fiscal year and the four succeeding outyears was fashioned into a budget and Five Year Defense Program in the Office of the Defense Comptroller. After inspecting the budget aggregates, the Secretary might order overall monetary cuts, which were fed back through the system for apportionment. Resistance from the Bureau of the Budget, the President, or the Congress, or the experience of actual cost overruns during the course of the fiscal year, might result in further feedbacks that would occasion the adjustment of certain programs. Such corrections in the defense program did not extend to a corresponding revision of our national strategies or foreign policy objectives. To that extent, budgetary procedure caused a misfit of our strategic purposes and the force structure and economic resources we planned to put toward implementing those purposes. But these distortions were the product of the feed-back process, not the mechanism itself. The direction of defense policy-making was still the logical one.

By contrast, the defense planning process instituted in the present Administration begins simultaneously with "strategic guidance" and "fiscal guidance," to be established by the President and the National Security Council. Secretary Laird describes the procedure:

"After strategic objectives have been set by the President, the Joint Chiefs of Staff prepare a detailed strategy statement oriented to force planning which is reviewed in my office. I then issue specific strategy guidance, with full participation by and input from the JCS.

"The President also issues overall fiscal guidance. I break the overall fiscal guidance down by Services and by major mission and support categories. Then, I issue fiscal guidance.

"The detailed strategy guidance and the more detailed fiscal guidance are the bases for the JCS and Service force planning. The Services meanwhile prepare a five-year program and budget plan. These are coordinated and integrated through formal procedures specified in the PPB (Planning- Programming-Budgeting) System."

Footnotes at end of article.

The new procedure is intended to eliminate inflated program submissions and to encourage trade-offs of alternative means within the phase of Service and JCS action. Many mid-range decisions are within the initiative and discretion of the military Services. But from the policy standpoint, the process is completely existential: within the fiscal ceilings we will get the forces and weapons systems that the organization, of its nature, tends to produce—not the ones we might need. Of the two kinds of guidance, the fiscal is quantitative and unambiguous; the strategic is verbal and can be fudged. If there is a coincidence of those forces and systems tailored to the fiscal guidance and those derived from the strategic guidance, it will be either accidental or artificially contrived.

More likely, the Services will interpret the new procedure as set of outside parameters within which they can promote self-serving programs. Specifically, one could predict a tendency, under conditions of budgetary stringency, to skimp on manpower, supplies, war reserve stocks, maintenance, and transport, while preserving headquarters, cadre of units, research and development of large new systems, and sophisticated technological overhead. In short, the Services would tend, as in the 1950's, to sacrifice those items that maintain balance, readiness, and sustainability of effort, and to insist on those items that insure morale, careers, and the competitive position of each Service among the others.

Of course, nothing has occurred to have changed the institutional and psychological dynamics of weapons system and force creation since the regime of McNamara and Clifford; the motives and incentives of the Services, the JCS, and certain civilian components were no different in that era. In fact the previous philosophy of theoretically unconstrained implementation of security requirements led naturally to excessively ample interpretation of those requirements within the framework of 2½ wars. And the attempts of civilian analysts in the Office of the Secretary to prescribe and limit forces only led the military to attempts to gold-plate those prescribed forces, while keeping a ledger on the "shortfall" between the imposed strategy and the imposed force structure. But the direction of the planning process at least compelled attention to the relevance and adequacy of the force structure and weapons systems, and the continuity of the planning process at least perpetuated the possibility of reasoning back from the rejection of excessive requirements to the questioning of overambitious strategies, and—beyond that—excessive commitments and inflated and artificial interests.

The system is now neutral to the proposal and creation of arbitrary forces. Thus the Administration's defense planning procedure causes a second contradiction: between strategy and forces. This country may well end the 1970's with the worst of both worlds: on the one hand a full panoply of commitments and a strategy that continues to serve an ambitious policy of containment; on the other, a world-wide sprinkling of token deployments and a force structure that is still expensive, but unbalanced, unready, and irrelevant to our security.

ALLIANCES AND CONTAINMENT

The logical difficulties of the Nixon Doctrine are the result of its attempt to evade the choices that follow from its insistence on close-in military containment of China. Contradictions arise where one would expect: strategies are artificial and out of alignment with the continuing commitment to extensive foreign policy objectives in Asia; force structures are constrained and distorted out of alignment with the strategies themselves by budgetary pressures that arise not out of absolute scarcity of resources, but

out of the nation's unwillingness to make large sacrifices for objectives that cannot be credibly invoked by its leadership.

If the Administration is to be consistent in revising our defense posture and in limiting defense budgets, it must consider a commensurate curtailment of our foreign policy objectives in Asia. Adjusting the intermediate term—strategies—will not effect the reconciliation and permit an honest implementation of the force and budget cuts.

But the Nixon Doctrine does not resolve the Asian defense problem in this fundamental way: it is simply another formula for permanent confrontation with China. What are the issues that elude the perennial expressions of interest, by several administrations, in accommodating China? During the Johnson Administration the policy of containment ceded to a variant characterized as "containment without isolation." The shift, however, gave rise to no tangible initiatives and induced no reciprocity from China.

President Nixon entered office with a mandate—which he had created largely himself through his campaign emphasis—to bring about a reconciliation with China. The present Administration has relaxed certain restrictions on trade and travel and revived the Warsaw ambassadorial talks. But such moves, though impressive as indications of enlightenment, do not touch on the essential concerns of China. However we ultimately conceive our interests, we might as well be realistic about the eventual price of a real accommodation with China.

This price would include three kinds of considerations: (1) diplomatic recognition and admission without qualification to the United Nations and the permanent Security Council seat; (2) affirmation of a one-China policy, conceding in principle that Taiwan belongs to mainland China—not the reverse—and allowing eventual incorporation; (3) removal of the U.S. military presence on the mainland of Asia, without substituting a naval cordon, a ring of nearby island bases, a host of Asian mercenary armies, or a nuclear tripwire. The components of such a withdrawal would include (a) liquidation of the Vietnam war and removal of all U.S. forces there; (b) retraction of U.S. troops from other mainland Asian countries and closure of all bases; (c) termination of military assistance to mainland states and cessation of efforts to create proxy military forces to continue our mission; and (d) dissolution of our security alliances with the "forward defense" countries, Thailand, Taiwan, and Korea.

Such a program would amount to a major diplomatic revolution. It might take a quarter of a century to implement, even with the most sophisticated public and political support within the United States. It would alienate present client regimes, unsettle for long intervals our relations with the Soviets, and tax the understanding of major allies such as Japan and Australia. It would signify the renunciation of our efforts to control events in Asia; henceforth we would control only our own responses to events.

But it is fair to ask whether we will not arrive at this disposition of affairs in Asia at some point, whether we will it or not. Should this be after a quarter of a century of tension and devastation, or of political maneuver and diplomatic search? Is it also fair to speculate that a more neutral, or even positive, relationship with China might give us a new scope of advantages. We might benefit eventually from a commercial relationship with China, rather than having to concede the economic penetration of the mainland by Japan and Western Europe while we remain frozen in our historic impasse. We might also, simply through the dissolution of automatic enmity with China, make it more difficult for the Soviets to challenge us in other areas of the world. And we might find it useful to have a counterpoise to Japan, which is still our principal Pacific competitor, economic and potentially military, and a possible future partner of the U.S.S.R. in such common interests as counterbalancing China and developing Eastern Siberia.

If challenged by the proponents of the status quo, one could find positive, though speculative, reasons for undoing containment and normalizing our relationship with China. This paper, however, has stressed the narrower and more immediate argument for relaxing the posture of containment of China and the other Asian Communist countries that proceeds from the costs and risks of maintaining this posture.

The tangible expression of containment is our security alliances and the other strong, though less formal, military commitments around the periphery of China. These commitments, it can be argued, (1) create the threat to us, by transforming otherwise neutral events into situations of relevance to our interests; (2) perpetuate the confrontation with China that gives substance to the threat, by frustrating the essential motives of China; (3) lock us into a posture of forward defense on the mainland of Asia; and (4) originate the requirement for large general purpose forces or equivalent means of deterrence and defense.

Our alliances in Asia do not form a coherent and comprehensive system such as NATO. Rather they are a collection of bilateral agreements, plus the multilateral SEATO pact, contracted separately from 1951 through 1962. Even the purposes served by these alliances, as seen at the time of their negotiation, were diverse. Containment of China, at the time, might have been a concurrent motive, but it did not uniformly inspire the attainment of the pacts. Quite apart from containing our enemies, several of the treaties exhibit motives of containing our allies as well.

The ANZUS and Philippine treaties of 1951, though signed against the backdrop of the Korean War, related more to the fear of Japan which these allies derived from World War II. The 1953 agreement with the Republic of Korea was, among other things, a price for Syngman Rhee's restraint from attempting to reunify the peninsula by force. Similarly the treaty with the Republic of China in 1955 was in part of a quid pro quo for Chiang's acceptance of "re-leashing" during the Straits crisis of that year. The SEATO alliance of 1954, which extended protection to South Vietnam, Laos, and Cambodia, was inspired less by the vision of true collective defense than by the desire of the United States to have a legal basis for discretionary intervention under the nominal coloration of "united action." The bilateral U.S.-Thai adjunct to SEATO, negotiated by Rusk and Thanat in 1962, reassured the Thais, during the events that led to the Laos neutralization accords, that the U.S. would respond to a threat to Thai security, regardless of the reaction of other SEATO signatories; this agreement, too, was a price to secure the acquiescence of an ally in an arrangement that suited the interest of the United States. The 1960 Security Treaty with Japan, revising the original treaty of 1951, reaffirmed U.S. administration of Okinawa and perpetuated our use of bases in the Japanese home islands, subject to prior consultation for nuclear or direct combat deployments. (The Nixon-Sato communique of October 1969 pledged reversion of Okinawa to Japan by 1972, a status that implies removal of nuclear weapons and submission to the "homeland formula" for consultation on the use of bases.)

The military content of our alliance commitments is not fixed, and the fundamental deterrent and defensive concept itself has changed profoundly from the time the commitments were contracted. The Dulles policy, in the pacts of 1953–1955, did not emphasize the actual defense of allied territory or contemplate the dispatch of U.S. ground forces to any point where the Communist powers chose to apply military force. Rather, it was aimed at nuclear deterrence of overt aggression. In this concept the alliances served to establish a territorial definition. The implied counter-measure was the discretionary application of American nuclear force against Communist airfields, supply centers, ports, and perhaps industry and cities. The concept was not clearly resolved: it was semi-strategic and semi-tactical, partially coercive and partially for direct military effect. Also, certain cases short of obvious aggression, such as subversion and support for internal revolutionary struggles, were acknowledged to be imprecise and difficult. In Indochina in 1954 the Eisenhower Administration could not identify an appropriate enemy or target to fit the massive nuclear response and narrowly declined to intervene. The Administration also sensed the lack of formal alliance protection over Southeast Asia as an impediment to intervention and moved to create SEATO within two months of the partition of Vietnam.

The refinement of tactical battlefield nuclear weapons in the mid- and later 1950's elaborated the options that were available to our planners and made conceivable the notion of actual nuclear defense confined to the theater of conflict. The Kennedy-McNamara policy of flexible response, including larger and more balanced conventional forces and counter-insurgency techniques, provided the practical means of containing a wider spectrum of Chinese or Chinese-supported initiatives. Thus the close-in containment of China—involving the actual forward defense of allied territory—progressively acquired content with the attainment and exercise of the means to implement it. The concept of defense became a complement to the original concept of deterrence, which remains, however, the principal function of our alliances and other commitments.

There is a paradox that attaches to military deterrence: the more explicit and obvious the deterrent, the more effective in preventing war, but the less effective in preventing our involvement in the war. Conversely, the effort to reduce the chance of involvement by attenuating our commitment makes involvement less certain but a hostile initiative more probable. Any shift in posture or redrawing of lines might give "wrong signals" to the enemy, as did Acheson's "perimeter" speech in January 1950, that excluded Korea and Taiwan from our frontier of interests.

Therefore, this Administration will not overtly diminish any commitment; on the contrary, it is likely to reaffirm and reinforce psychologically any commitment that is beset by doubt. Budgetary pressure, however, is causing a reduction in the number of land divisions in our Baseline Force Structure and in their overseas deployment, to levels lower than 1965. To maintain the deterrent effect of our commitments in the face of these reductions in deployed conventional capability, the United States must demonstrate increased rapid deployment ability or it must move back toward the concept of nuclear defense or deterrence. The mobility of our forces can be evidenced only by massive exercises and adequate lift resources, which are far from certain to be provided. Nuclear deterrence need only be hinted. The few indications in the President's foreign policy statement of February 1970 and the renewed ruminations among high-level bureaus in the Department of Defense might be enough to make the point.

Will our Asian allies be satisfied by the existence of mobile U.S. strategic reserve forces,

Footnotes at end of article.

or the prospect of our reliance on nuclear weapons, or the uncertain flow of military assistance, nicely calculated to replace the deleted U.S. capabilities but grudgingly appropriated by the U.S. Congress? Or might they conclude rather that our commitment no longer includes our interest in the full forward defense of their territory?

After all, none of our Asian defense arrangements is specific about the tangible support that might be evoked by an act of aggression. No joint defense force exists, with agreed war plans and command arrangements. U.S. contingency plans are essentially unilateral and are certainly subject to uncommunicated change. And implementation of the treaty commitments in all cases specifies reference to our constitutional procedures, which are themselves in a phase of more stringent interpretation.

Therefore, no particular response is entailed by the fact of the alliances themselves, and the requisite actions on our part could be subject to wide interpretation. Defense could mean, rather than the forward defense of all territory, a mobile defense, an enclave strategy, or even a nuclear tripwire concept. In another dimension, our treaty commitment might be satisfied by various types of support, such as logistical, tactical air, or nuclear units. Thus, our mode of deterrence and our provisions for defense might indicate a progressive divergence from the objectives of our treaty partners. Our proposed substitution of technology for our manpower and presence might furnish the equivalent capabilities from our point of view, but not from that of our allies.

Because of the scope for maneuver afforded by our treaty commitments, our Asian allies will be correspondingly more sensitive to interpretive commentary by U.S. officials and by shifts in our military posture—our force structure, deployments, mobility dispositions, and base arrangements. Already they sense that the substantive content of our alliances is placed in doubt by the choices among alternative world-wide military postures that are reflected in the President's foreign policy statement. Although the selected strategy is designed to defend both Europe and Asia, though not simultaneously, Europe holds priority and claims virtually as many resources as previously. The major war case associated with the reduction in active forces is clearly Asia. Although no alliances are formally disturbed, our Asian allies, as they count our divisions and analyze our posture statements and policy declarations, have cause for concern that, behind the facade of ritualistic reiteration, we have in fact altered our capability to fulfill our treaty commitments.

Thus we can devalue the diplomatic and deterrent effect of our alliances, without even gaining immunity from involvement, simply by shifting strategies, debating criteria for intervention, and making arbitrary adjustments in force levels. In view of the liabilities of this course—which is the course of the present Administration—we might as well face the problem more directly and begin to consider the broader alternatives to containment, with their full implications for our alliances in Asia.

CONCLUSION

As long as we assert interests in Asia that (1) entail defending territory, (2) could plausibly be threatened by hostile actions, and (3) are evidenced by alliances that dispose us to a military response, we are exposed to the contingency of involvement, largely involuntary. If we maintain this exposure to threats through insistence on our present Asian commitments, and yet adopt budget-constrained strategies, we risk a future defeat or stalemate, or we allow ourselves to be moved toward reliance on nuclear weapons.

If we wish to avoid these alternatives, several policies are available. One course is heavy dependence on allied forces to fulfill defense requirements. This is the hope of Asianization, offered prominently by the Nixon Doctrine. But this policy binds us closely to the fate of our Asian clients and in some ways even diminishes our control over our involvement; and the potential liability still exists that U.S. forces might be required to rescue the efforts of our allies.

The other course is a process of military readjustment and political accommodation that would make it far less likely that we would become involved every time there is some slippage in the extensive diplomatic "fault" that runs along the rim of Asia. This course is arduous and complex, and as little under our unilateral and absolute control as a course of military deterrence. But the consequences of not budging from our present set of ambitions and illusions—or of trifling with the unalterable purposes of China by limiting ourselves to insubstantial diplomatic initiatives—are far bleaker.

The situation calls not for a symbolic shift in strategy—such as the 1½ war doctrine—which is founded on the hope that the contingencies that would test it, to which we are still liable, might not occur. The situation is not amenable to purely instrumental solutions—such as the calculated equippage of allied armies or the reliance on technological escalation. The situation requires a fundamental questioning and revision of the containment of China.

The confusion that surrounds the Nixon Doctrine is appropriate to its garbled message and incomplete intent. While pledging to honor all of our existing commitments, the President has placed them all in considerable doubt. While offering promise of avoiding involvement in future Asian conflicts, he has simply biased the nature of our participation.

In the attempt to perpetuate our control of the destiny of Asia, the Nixon Doctrine forfeits control of our own destiny in Asia.

FOOTNOTES

*The President's decision to extend the war to Cambodia was an early demonstration of the essential and abiding dilemma of any policy that leaves our objectives in Asia intact, but hopes to attenuate our means of implementing those objectives; cheap victories will be sought, even though they may turn out to be installment payments on a larger contract.

The general drift of criticism of the Cambodian adventure included the notions that (1) it would fail, in that a disproportionate military force would achieve extremely meager military objectives, and (2) its effects would be short lived, in that the Vietnamese Communists would return in force within several months to the areas we had overrun. These technical judgments might be accurate or wide of the mark: the immediate military outcome of the Cambodian offensive is almost beside the point. The universally expected effects did occur—the destruction of bunkers and tunnel complexes, the capture of food, weapons, and ammunition, and the dislocation of enemy forces. And our newly demonstrated readiness to strike at such complexes and buildups might have discouraged Hanoi from making another heavy investment in the same place under conditions of diminished security. The war did not escalate beyond control on this occasion. U.S. forces were extricated, and Vietnamization and troop withdrawals resumed.

The point is that one could have accepted, at the time, the short-run reasoning of the White House and still condemned the futility of this operation with regard to its effects on the direction of our Asian policy. It is enough to realize that the interests of China and her allies in their own quarter of the globe are likely to be less alienable and more enduring than ours, and to realize that their options in pursuing these interests are varied and extensive, in means, location, and timing.

[1] The President's television address of November 3, 1969; his report to the Congress of February 18, 1970 ("U.S. Foreign Policy for the 1970's").

[2] Richard Nixon, *U.S. Foreign Policy for the 1970's, a New Strategy for Peace* (Washington, D.C., U.S. Government Printing Office, February 18, 1970), p. 112.

[3] *Ibid.*, p. 54

[4] *Ibid.*

[5] *Ibid.*, p. 55.

[6] *Ibid.*, p. 127.

[7] *Ibid.*

[8] *Ibid.*, p. 54.

[9] *Ibid.*, p. 127.

[10] *Ibid.*, p. 54.

[11] *Ibid.*, p. 56.

[12] *Ibid.*

[13] Melvin R. Laird, *Fiscal Year 1971 Defense Program and Budget* (Washington, D.C., U.S. Government Printing Office, March 2, 1970), pp. 56–57.

[14] *Ibid.*, p. 57.

[15] $2.443 billion out of $3.127 billion in the President's budget for FY 1971.

[16] *Ibid.*

[17] *Ibid.*

[18] After President Nixon's decision to reduce the ceiling on U.S. servicemen stationed in Korea from 63,000 to 43,000, our government took the decision to base permanently there a wing of F–4 fighter-bombers. An American official explained: "Our aim is to reassure the Koreans during this difficult period. Despite budgetary cuts, it shows we intend to maintain our relative air strength here. They know that the minute an air attack starts, we're involved." (New York Times, August 17, 1970). In addition, Vice President Agnew was dispatched to provide renewed and explicit assurances of American implication in the defense of Korea. And the Administration planned to introduce a special supplementary budget request for $200 million for Korean force modernization. This was in addition to about $140 million that has been provided in the regular military assistance budget request, and was to be only the first installment of a five-year supplemental appropriation of $1 billion. Even then, the government of the Republic of Korea was demanding $2–3 million, plus public assurances of no further troop withdrawals until after five years and the actual completion of the promised modernization program.

[19] Nixon, *op. cit.*, pp. 128–129.

[20] And the relation of general purpose forces to national security is one stage more remote—the intervening term being the foreign policy objectives of which our commitments and our security alliances are only the expression. In order to determine the extent to which national security itself entails a certain level of general purpose forces, it is necessary ultimately to assert the significance of any foreign policy objective for national security.

A general judgment of this kind was made by Secretary of Defense Clifford in his final Posture Statement (prepared January 15, 1969): ". . . the security of our Nation is inextricably bound up with a forward defense and thus with the security of our allies . . . [This] judgment has given rise since the end of the Second World War to a series of collective defense agreements with almost half the nations of the Free World . . . [These] represent, to a greater or lesser degree, contingencies for which we must provide, and these contingencies, in the aggregate, constitute the principal sources of requirements for General Purpose Forces." (p. 68)

[21] *Ibid.*, p. 129.

[22] *Ibid.*

[23] Laird, *op. cit.*, p. 53.

[24] *Ibid.*, p. 128.

[25] *Ibid.*, p. 53.

[26] *Ibid.*, p. 129.

[27] At its peak, at the end of FY 1969, the Vietnam deployment totalled ten and two-thirds divisions, and the active force structure was twenty-three and two-thirds, or four and one-third above the pre-Vietnam Baseline. By the end of FY 1970 three and two-thirds divisions had been withdrawn from Vietnam, of which three and one-third had been inactivated. Seven divisions remained in Vietnam, and the total number in the force structure was twenty and one-third, or one above 1965.

[28] There are several other sources of imprecision in determining the adequacy of our planned conventional forces. One is the practicality and timing of the mobilization of reserve divisions and the creation of new units. Another is the amount of long-range mobility that will be provided.

As our land divisions are withdrawn from forward deployment—with the policy of forward defense, however, still intact—a commensurate burden is placed on strategic mobility forces and a large and alert strategic reserve based in the continental United States. But sufficient funding for the implied mobility forces, both airlift and sealift, has not been forthcoming; and the enlarged reinforcement mission of the Strike Command, under discussion in the Pentagon and suggested in the "Blue Ribbon Panel" report, is far from realization. The net effect of these changes on the conventional defense of Asian theaters is correspondingly obscure. A third area of indefinition is the contribution of allied forces. The Asianization of future limited wars on the Asian mainland is the cardinal point of the Nixon Doctrine. But, as we have seen, the successful substitution of Asian forces depends on large increases in military assistance. Such increases are far less than certain to be appropriated. And, even if accomplished, the creation of Asian proxy armies does not relieve the United States of involvement in local contingencies. In some ways we become more involved, with ultimately unlimited consequences.

[29] About five to seven divisions were considered necessary to blunt and delay an attack along the main access routes in Southeast Asia, then to fall back to a defensible perimeter. Against a Communist invasion of Korea it was thought that the South Korean army alone could hold initially north of Seoul until reinforced by ROK reserves, other Asian forces, or U.S. units to be diverted from other requirements.

[30] Nixon, *op. cit.*, p. 129.

[31] The title of a forthcoming book (Harper and Row) by former Assistant Secretary of Defense for Systems Analysis Alain Enthoven and his Assistant for DPM's K. Wayne Smith.

CONGRESSMAN SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCOTT. Mr. Speaker, it has been our practice during the past 4 years to keep constituents informed of congressional activities with monthly newsletters. Our October report is included in the RECORD at this point for the information of the membership.

YOUR CONGRESSMAN BILL SCOTT REPORTS

CONGRESSIONAL RECESS

The Congress adjourned on October 14 after a series of quorum calls to prevent the consideration of serious and controversial legislation during the closing hours of the session. A Lame Duck session is scheduled after the election and we will resume our session on November 16. The most essential measures to be considered are appropriation bills for the various government departments. Many departments and agencies are operating under a continuing resolution permitting expenditures to be made at the same rate as last year until their appropriation bills are passed. I would expect that we will remain in session for approximately three weeks but this decision rests with the leadership of the majority party.

CRIME CONTROL

The Organized Crime Control Act of 1970 was passed by the House earlier this month and the House version has now been adopted by the Senate and sent to the President. The bill is aimed primarily at the professional criminal. It provides for special Grand Juries to sit for up to 36 months to investigate criminal activities; makes it a federal crime to conspire to obstruct the enforcement of state laws relating to gambling; prohibits the use of income from racketeering activities to acquire an interest in a business enterprise engaged in interstate commerce; authorizes up to the death penalty for transporting explosives in interstate commerce with the intention that they be used to kill or injure another individual. This harsh penalty is in part based upon statistics indicating that there were 4,330 bombings, 1,475 additional attempts and 35,129 threatened bombings in this country within a period of 15½ months. Another provision of the bill permits the taking of depositions rather than personal testimony in organized crime cases. This would permit the trial of criminal cases even though a witness later disappeared or was fearful to appear in court at the time of the trial. The measure also grants authority to hold a person unwilling to testify guilty of civil contempt; in some instances grants immunity from prosecution when a person claims his constitutional rights would be violated by testifying; provides additional penalty for the habitual criminal and establishes federal controls over the movement of explosives within interstate commerce. While the passage of this bill is long overdue, in my opinion we must insist on the enforcement of existing laws and a repudiation of the existing permissiveness.

COMMITTEE ACTION REGARDING P.O.W. DEPENDENTS

The House Veterans Affairs Committee, recognizing the plight of the 1,472 servicemen missing in action in Southeast Asia, has favorably reported a bill authorizing educational benefits to their wives and children and home loan benefits to their wives. The benefits of this bill are identical to those presently provided for wives and children of service connected totally disabled veterans and widows and children of men killed in action. House action is expected after Congress reconvenes in November.

SECOND SPOUSE ANNUITY

At the present time a retired government worker whose spouse dies loses the opportunity to designate a second spouse to receive his annuity. Our Post Office and Civil Service Committee recommended a change in this law. Under the Committee measure, a retiree whose first mate dies and who later remarries may designate the second spouse to receive his annuity. The Civil Service Commission advises that the cost of this measure would be low because of the limited number of retirees it would affect and that a 2-year marriage requirement would prevent a young person from marrying an elderly retiree merely to obtain his retirement check.

FREDERICKSBURG OFFICE VISIT

While our principal office is in Washington, I do plan to be in the Fredericksburg Congressional office all day on Friday, October 30 to meet with constituents. This office, located in the Post Office building, is used to accomodate those of you who live in the Fredericksburg area or more distant points from Washington. Please call Mrs. Hancock at 373–0536 if you would like to stop by during that day to discuss any problem or concern.

PERSONAL AWARD

I was pleased a few days ago to receive an award from the National Commanders of the American Legion, AMVETS, Disabled American Veterans, Veterans of Foreign Wars of the U.S. and the Veterans of World War I of the U.S.A. The award was given for "Invaluable service in passage of veterans legislation in the House of Representatives during the 91st Congress."

POLLUTION

Earlier this year I co-sponsored the President's 7-bill package of anti-pollution proposals to clean-up our environment.

H.R. 16049, known as the Clean Water Financing Act, authorizes the government to pay 40% of the construction costs of sewage treatment works. The bill is pending before the Committee on Public Works with no action scheduled.

H.R. 16048 is known as the Environmental Financing Act and would assist localities in obtaining funds to match those paid by the federal government for waste treatment plants. Hearings have been held on this measure and the Committee on Public Works plans to consider it further after the Congressional recess.

H.R. 16050 authorizes the federal government to cooperate with other agencies, institutions and individuals in determining ways to control and prevent water pollution and to protect water quality. The bill is under consideration in Committee.

H.R. 16047, known as the Clean Air Act Amendments, includes specific authorizations for research relating to fuels and vehicles. The Committee combined this bill with others which passed both the House and the Senate and is being considered in Conference.

H.R. 16046 would coordinate federal activities with regard to development of programs and encouraging greater reclamation and recycling of materials from solid waste. A measure similar to it was passed by both the House and the Senate and was considered in Conference but the differences between the House and the Senate versions have not been finally eliminated.

H.R. 16051 would permit the federal government to develop comprehensive water quality programs and contains strong penalty provisions for water pollution. It is pending in the House committee.

H.R. 16045 would authorize the federal government to utilize a portion of surplus real property for public park and recreational purposes. A similar bill has been passed by the Congress and sent to the President for approval.

PENDING LEGISLATION

The Congress does not enact all measures introduced and the following are examples of two bills I sponsored upon which action has not yet been taken.

H.R. 7023 would permit a federal employee to retire after 30 years of service, regardless of age without a reduction in the amount of their annuities. The Chairman of the Subcommittee is not unfriendly to this bill although he has his own measure to accomplish a similar purpose.

H.J. Res. 471 is pending in the Judiciary Committee with no action scheduled. This proposal would amend the Constitution to provide for a 10 year term for all federal judges and require that they be renominated and reconfirmed at the end of each term in order to remain in office.

DEFENSE APPROPRIATIONS

A $66.7 billion Defense Appropriation Bill was recently approved by the House. This is

a $6 billion reduction over the appropriations for last year and $2 billion less than the President's budget. The Appropriations Committee pointed out that, "Competition with the Soviet Union is becoming keener every day and there is no room for American bungling in the field of defense." According to the Committee report, military personnel strength as of June 30, 1971 will be 2.9 million, a reduction of 500 thousand in two years. The Navy will have 757 ships in the active fleet, including 41 Polaris and Poseidon submarines, carrying 656 ballistic missiles. The Air Force will have 1054 Intercontinental Ballistic Missiles on launchers and an active inventory of 13,352 aircraft. A breakdown in this year's bill indicates that each of the three Services gets about one-third of the total. Of the total amount appropriated in the bill, military personnel expenditures account for $20.6 billion, operation and maintenance $19.2 billion and procurement $16.2 billion.

PUBLICATIONS AVAILABLE

The office has the following items which will be forwarded to constituents upon request in the order received until our supply is exhausted. In view of the limited supply, we cannot send both a calendar and yearbook to the same home.

The 1970 Agricultural Yearbook "Contours of Change" is about rural America and the forces that are reshaping it. Our allotment is 400 copies.

Capitol Calendars for 1971 will be available on December 1. Please specify whether you prefer the stiff back with a picture of the Capitol or the smaller flexible one with a different national shrine pictured for each month. Our allotment is 500 of each.

We also have 1000 copies of "Family Fare", an agricultural bulletin containing food recipes.

SOMETHING TO PONDER

"Every violation of truth is not only a sort of suicide in the liar, but a stab at the health of human society"—Ralph Waldo Emerson.

REPORT FROM WASHINGTON

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ROUDEBUSH. Mr. Speaker, I would like to insert at this point in the RECORD my final report to the residents of Indiana before this 91st Congress goes into recess:

THE PRESIDENT DESERVES A CHANCE

WASHINGTON, D.C.—President Nixon is nearing the half-way point in his term of office and this offers an excellent time to stop, pause and reflect on his accomplishments in the face of an overwhelming opposition congress.

In my opinion, we can assign the President high marks on all counts considering the deplorable mess he inherited.

When President Nixon went to work, he devised a plan where none before had existed, and today he has succeeded to a large extent in his Vietnamization plan, returned thousands upon thousands of American troops home and reduced casualty figures greatly.

Considering the President's plan thus far, we can foresee further progress and an eventual end to the conflict. Even the President's harshest critics will have to concede that he has done remarkably well in the less than two year period he has had to reverse the trend of the war.

The war was not the only major problem President Nixon inherited.

In 1960, when the late President Eisenhower left office, it was still safe to go out on the streets at night; high schools and colleges were not targets for drug distribution; riots and bombing were not commonplace; and America was at peace.

But, in 1969, when President Nixon was sworn in, the intervening years had brought all of the above troubles, and many more. President Nixon knew these crises existed when he took oath of office to preserve and protect the Constitution. He went right to work and despite the carping, partisan, backbiting of a vociferous and obstructional opposition Congress, the President has moved ahead in his plan to restore orderly progress.

Far-ranging crime control bills, drug abuse legislation, anti-pollution measures, and anti-inflationary action have all been battled through the hostile 91st Congress. The terrible tragedy, however, is the deliberate delays and outright scuttling in some instances, by the opposition Congress which would rather hurt the President than help the nation as a whole.

If President Nixon is given the support he needs and deserves next January when the new Congress is convened, I feel certain he can wind the war down further and end our troop involvement, restore law and order on the streets, rebuild our shattered world prestige and insure a strong, prosperous economy based on peacetime production instead of a wartime inflation paid for by the blood of American fighting men.

The present Congress has perpetuated the mistakes of the past by subverting President Nixon at every turn. These problems can only be solved by a dedicated President working *with* the support of Congress.

Autumn's thoughts. "He who governed the world before I was born shall take care of it likewise when I am dead. My part is to improve the present moment."—*John Wesley.*

Who said what. "There is no solid basis for civilization but in the Word of God."—*Daniel Webster.*

America's youth. "Somewhere among the youth of today are minds capable of discovering ways to world peace, ways to deeper and more fulfilling lives, ways to new appreciations of beauty in art or literature or music, just as there have been minds capable of splitting the atom and conquering space travel. Ours is the task of encouraging and inspiring these gifts of creative potentiality."—*Samuel B. Gould.*

Words of wisdom. "A good newspaper and Bible in every house, a good school house in every district, and a church in every neighborhood, all appreciated as they deserve, are the chief support of virtue, morality, civil liberty and religion."—*Benjamin Franklin.*

America's senior citizens caught in cruel financial squeeze. Let us reflect on the difficult money problem confronting many of our older Americans.

Living on a fixed income, the senior citizen sees his dollar diminishing in value while costs of food, clothing and housing steadily increase.

A retirement income that seemed adequate several years ago has been eaten away by inflation generated in the most part by ruinous federal deficit spending during the 1960's.

President Nixon has fought valiantly to stoke the fires of inflation by reduced expenditures, but his efforts have been repeatedly blunted by an opposition-controlled Congress more interested in embarrassing the President than helping reduce the budget.

We should attack this problem on several more fronts, in my opinion, and one big help would be Congressional approval of my bill permitting Social Security recipients to earn $3,000 per year and still draw maximum benefits.

Another approach we have sought is to put an automatic cost-of-living boost in the Social Security law. Practically all wage earners now receive this benefit, and these automatic raises would help our senior citizens to keep pace with other Americans. We have strongly urged this action and have discussed it personally with Chairman Wilbur Mills (D-Ark.), of the House Ways and Means Committee. When Congress reconvenes this must be a top priority item.

I am pleased to report that the 91st Congress did pass, with my strongest possible support, a 15% increase in Social Security benefits. But, this should be followed by the additional actions I have outlined.

KNIGHTS OF COLUMBUS JERSEY CITY COUNCIL NO. 137 CELEBRATES ITS 75TH ANNIVERSARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, the Knights of Columbus, Jersey City Council No. 137, of which I am proud to be a member, will soon observe and celebrate its 75th anniversary in the city of Jersey City, N.J.

On October 6, 1970, the following proclamation, declaring the week of November 1 through November 7, 1970, to be Jersey City Council No. 137 Knights of Columbus Week was unanimously approved by the Jersey City Council and signed by Mayor Thomas J. Whelan.

The proclamation follows:

PROCLAMATION

Whereas, the Knights of Columbus, Jersey City Council No. 137 will observe and celebrate their 75th Anniversary in the city of Jersey City, New Jersey and

Whereas, the members of Jersey City Council No. 137 of the Knights of Columbus have engaged in a program of activities and projects which has made important and permanent contributions to the improvement and development of the religious, educational, charitable, civic, and patriotic aspects of our community's welfare and integrity, and

Whereas, the members of this distinguished fraternal benefit society have exemplified for all to see what may be accomplished through the harmony and cooperation of a group devoted to the achievement of common and worthy goals,

The Mayor and Council of the City of Jersey City hereby proclaim the week beginning November 1st through November 7th, 1970 as "Jersey City Council No. 137 Knights of Columbus Week" in the city of Jersey City, New Jersey,

Now, therefore, I, Thomas J. Whalen, Mayor of the city of Jersey City, New Jersey, do hereby proclaim November 1st through November 7th, Nineteen Hundred and Seventy in the year of our Lord, as "Jersey City Council No. 137 Knights of Columbus Week."

And do extend to our fellow citizens in our community who are duly enrolled as members of Jersey City Council No. 137 of the Knights of Columbus congratulations for their magnificent demonstration of leadership and dedication, and hereby tender this public expression of gratitude.

Given under the hand and seal this 6th day of October, 1970.

THOMAS J. WHELAN,
Mayor.

THE 91ST CONGRESS—A RECORD OF INITIATIVE AND INNOVATION

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McCORMACK. Mr. Speaker, last December in my statement in appraising the work of the first session of the 91st Congress, I stated:

> The House of Representatives during the first session of the 91st Congress has seized the initiative and been innovative in every significant area of legislation. Its record in this respect stands out in sharp contrast to that of the executive branch.

Mr. Speaker, the 10 months which have passed since then have witnessed the compilation of a unique record of legislative accomplishments which clearly demonstrates that not only was the congressional initiative and innovation of 1969 sustained during the second session of the 91st Congress, but that 1970 witnessed an even greater congressional dominance in the development and enactment into law of legislation designed to solve the major problems facing this Nation as we enter the decade of the seventies.

The paramount domestic problem facing this country during the past year has undoubtedly been the deteriorating state of our national economy. When President Nixon assumed office, unemployment stood at 3.3 percent. Latest Government figures indicate that unemployment is now officially recorded at 5.5 percent. Actually of course these figures do not fully reveal the seriousness of our situation. For in addition to those officially classified as unemployed, we must, to appreciate the full magnitude of our problem, add those workers—the elderly, the teenagers, the housewives, and others—who, having become discouraged by months of unsuccessful efforts to find a job, have withdrawn from the labor force. If one, in addition, takes into account the virtual elimination of overtime together with the drastic reduction in the length of the work week, it becomes even clearer that the American working man has suffered greatly because of the reestablishment of the same type of Republican economic policies which caused three recessions during the 1950's.

Unemployment and reduced paychecks prove but even more onerous when accompanied by sharply escalating prices for food, clothing, shelter, and other necessities of life. In addition to rising unemployment, this country has during the past year experienced the worst inflationary binge in two decades. The cost of living increased by more than 7.6 points during the first year of Republican rule. Eggs, fruit and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans averaged a 5-percent increase in 1969. Medical care was 7 percent higher and the cost of credit and insurance rose by 11.5 percent. The price of all of these items has continued to escalate in 1970. The cost of living is now 10 percent higher than when President Nixon took office.

Traditional Republican laissez-faire economic philosophy has prevented the Nixon administration from moving effectively to deal either with inflation or unemployment. The record of the Democratic 91st Congress in the economic sphere justly enables it to claim a monopoly in efforts to grant the American people some relief from the twin burdens of higher prices and fewer jobs. Last December, in Public Law 91–151 we granted the President authority to impose selective and/or voluntary credit controls. If the President would but abandon his refusal to utilize this grant of authority, it would be possible to channel available credit into areas of high social priority such as housing and much needed community facilities. At the same time, the utilization of selective controls would make easier the abandonment of the present blunderbuss approach embodied in the current tight money policy, a policy which discriminates against consumers, small business, homebuilders, and the public sector of the economy.

This year, the Congress in enacting the Defense Production and Economic Stabilization Act, Public Law 91–379, granted the President discretionary authority to freeze prices, rents, and wages. This is a measure of unique importance. It is tailored to meet our present inflationary situation.

Mr. Speaker, this Nation is now in the grips of what economists term "cost-push" inflation. Most price rises today emanate from the monopolistic or semi-monopolistic giants which dominate a significant portion of the American economy. So strong are these monopolies, so great are their internal financial resources, that they are all but immune from the effects of a restrictive monetary policy. The prices they choose to charge are not set by the traditional supply and demand forces of the marketplace, but rather theirs is an administered price structure set on the basis of what the traffic will bear. As they raise their prices ever upward, labor is then compelled to ask for higher wages and an escalating spiral of inflation ensues. The effort by the Republican administration to counter this type of inflation by tight money and high interest rates has been a total failure.

The combination of standby wage and price controls given the President this session together with the credit controls authorized in 1969 does, however, give the President all the tools necessary to control this type of inflation, while at the same time providing for healthy economic growth. In this way, we will not need to rely exclusively on fiscal and monetary actions which place an inordinate burden on those segments of our society least able to bear them.

Mr. Speaker, in a further effort to return this Nation's economy to a sound basis and eliminate inflation, the 91st Congress acted in a careful and prudent manner in exercising its constitutional prerogatives as the guardian of the public purse. While administration spokesmen indulged in a great deal of talk about Government economy and the reduction of expenditures, it was the Congress which in reality acted to effect substantial reductions in Government outlays.

The House of Representatives, with the passage of the major defense appropriation measure last week, has now assured a substantial reduction of around $7 billion in the President's budget requests to this 91st Congress.

It is now indicated that around $1 billion will be trimmed this 1971 fiscal year from the budget requests sent to Congress by President Nixon. Congress last year—fiscal 1970—cut $6.4 billion from the President's appropriations budget requests. In all, the 91st Congress is expected to cut approximately $7¼ billion from the President's appropriations request for the 2 years. The President's budget requests for fiscal 1970 and 1971 were the two largest in history.

According to current estimates, the first 2 years of the Nixon administration are expected to produce the largest two successive real budget deficits in history, based on the administrative budget concept. The administrative budget is considered by many experts to be the "real" measure of comparison of Federal spending with revenue, since the unified budget concept now used in computing deficits includes the surplus in the social security and other trust funds. These funds are supposed to be held in trust by the Federal Government for their recipients. The big 1970 and expected 1971 deficits are attributable mostly to loss in revenues due to the recession and unemployment, plus excessive interest rates. Unprofitable businesses and unemployed workers pay no taxes.

The 91st Congress did move decisively during the past year in an endeavor to put the millions who have experienced joblessness as the result of Republican economic policies back to work. We passed the Emergency Community Facilities Act of 1970. This measure was based on a congressional finding that it was needed "to provide an effective and practical method of combating unemployment." It authorizes a billion dollars in Federal grants to local communities for needed water and sewer facilities. This measure was reflective of the traditional Democratic humanitarian philosophy exemplified in the statement of President Franklin Delano Roosevelt upon assuming office during the great depression that—

> The greatest tragedy about unemployment is that it should exist at a time when there are so many things which need to be done. Surely in a country as great as ours the means can be found to put the unemployed to work doing those things.

President Nixon, taking issue with the late President Roosevelt's humanitarian philosophy, sharply attacked the proposal and criticized Congress for having passed it, but having been advised that Congress would undoubtedly override any veto, permitted it to become law without his signature.

As an additional antirecession measure, the 91st Congress this year acted to reform and upgrade the unemployment compensation system. Public Law 91–373 extends program coverage to employers

who employ one or more workers in each of 20 weeks or who have quarterly payrolls of $1,500, to certain agricultural processing workers and to certain employees of nonprofit organizations and institutions of higher education. These extensions will bring an estimated 4.7 million additional workers under the program. Most important, there is also established a new Federal-State program for extending unemployment compensation benefits during periods of above average National or State unemployment.

Crime, which has increased 29 percent during the past 2 years, is another major domestic problem facing this Nation. The concern of the people has been translated into legislation by this Congress. The passage last week of the organized crime bill, which also includes provisions against illegal gambling and the control of exposives, is the 14th anticrime bill passed by the House in this Congress. This is evidence of congressional concern, and further reflects the response of the Congress to the wishes of the citizenry who are demanding action to halt the rising crime rate.

Probably the most comprehensive anticrime measure approved in recent history was the Omnibus Crime Control and Safe Streets Amendments which strengthened the Safe Streets Act of 1968. This measure provides Federal funding for the frontline fighters of crime, the local and State police, and the courts.

Since crime control remains a local responsibility—and must remain basically a local responsibility—strengthening the forces most responsible for its control is the most effective way that the Federal Government can act against the rising rate of crime.

The House therefore approved $650 million for the Omnibus Crime Control Act, over the objections of the Nixon administration. It further approved an increase in the amount of Federal help over the next 2 years in the belief that strong local and State law enforcement is the place to start combating crime.

The House has now passed a comprehensive package of 14 anticrime bills, most initiated by Congress and supported by the administration. The measures approved include the omnibus crime control and organized crime bills mentioned earlier, plus drug control measures, court reorganization, the District of Columbia crime bill, bail reform, control of sex advertising, juvenile bill amendments, control of explosives, and control of gambling.

Mr. Speaker, congressional leadership was likewise dominant in the civil rights field during the past 2 years. A review of the legislative history of the Voting Rights Act—Public Law 91–285—clearly demonstrates the positive and progressive role played by the Democratic 91st Congress, and the lack of leadership evident on the part of the Nixon administration in this vital area.

Chairman CELLER introduced H.R. 4249 providing for a 5-year extension of the Voting Rights Act of 1965 on January 23, 1969. The views of the Department of Justice were requested shortly thereafter. They were not forthcoming for several months. On April 30, Attorney General Mitchell was invited to testify on May 14. On May 14 at the Attorney General's request, his appearance was canceled and rescheduled for May 21. This appearance in turn was canceled at his request and so were appearances scheduled for May 28, June 5, and June 18. He finally appeared on June 26. The administration's voting rights proposal, H.R. 12695, which would have crippled the 1965 legislation and which no senior Republican member on the House Judiciary Committee was willing to sponsor, was finally introduced by the minority leader, Mr. GERALD R. FORD, on July 9 of last year. It was opposed by every pro-civil-rights group. Because the Republican Party chose to turn its back on Abraham Lincoln, the Ford bill was substituted on the House floor for the 5-year extension which had been reported by the House Judiciary Committee. On the key vote, Republicans voted 129 to 49 against a continuation of the Voting Rights Act, and thus against civil rights, while Democrats voted 154 to 79 in favor of a continuation of the Voting Rights Act and thus for civil rights.

Fortunately, however, the Senate subsequently amended H.R. 4249 to provide for a straight 5-year extension of the 1965 Voting Rights Act without crippling amendments. The Senate also added a provision lowering the voting age to 18 by simple statute effective January 1, 1971.

I had long favored giving the 18-year-olds the vote by simple statute feeling that this was well within Congress powers under the equal protection of the laws clause of the 14th amendment. I therefore strongly supported House passage of the Senate-approved bill. Regrettably, the President and the House Republican leadership exerted their influence and efforts against House approval of the 18-year-old vote and extension of the Voting Rights Act. Despite this, on June 17, 1970 the House voted to concur in the Senate amendments to H.R. 4249. On the key vote, ordering the previous question, Democrats voted 165 to 66 in favor of a continuation of the Voting Rights Act and granting 18-year-olds the vote. Republicans voted 117 to 59 against this progressive legislation. A majority of House Democrats thus supported a democratic extension of the franchise while a majority of House Republicans opposed such an extension.

The negativism of the Republican administration as contrasted with the positivism of this Democratic Congress is reemphasized when we examine the contrasting records in the environmental field. In 1969, we raised President Nixon's budget request for waste treatment plants from $214 million to $800 million. This year, President Nixon in his state of the Union message made a strong and fervent statement calling upon the Nation to act against water pollution. His budget message, however, failed to recommend the appropriation of a single dollar for waste treatment plants. In the Public Works Appropriation Act, Congress acted to match the President's rhetoric with action by providing a $1 billion appropriation for treatment plants, the largest sum ever appropriated for this program. The President only reluctantly signed this measure into law.

President Nixon recommended an appropriation of but $150 million for water and sewer lines. The Congress this year in the housing and independent offices appropriation bill—H.R. 17548—once again demonstrating its acute awareness of the needs in the water pollution area, raised this appropriation to $500 million, again the largest amount ever voted for this item. President Nixon, unfortunately, saw fit to veto this vitally needed appropriation. In the vote in the House to override the President's veto of H.R. 17548 on August 13, 1970, Democrats voted 181 to 40 in favor of overriding and against pollution while Republicans voted 155 to 23 to sustain and thus for pollution. As previously stated, the Congress also acted over administration opposition to increase the authorization for water and sewer lines in H.R. 17795, the Emergency Community Facilities Act, by an additional $1 billion.

The passage of the Water Quality Improvement Act of 1970 represented yet another example of congressional leadership in the antipollution field. Acting on their own initiative, Chairman FALLON of the House Public Works Committee, and Representative BLATNIK, the father of water pollution control legislation, introduced the Water Quality Improvement bill on January 23, 1969. The Nixon administration was not prepared to present its views on this much needed legislation until Secretary Hickel appeared before the House Public Works Committee on March 5. The subsequent legislative history of this subject makes it obvious that the executive branch was but an observer on the side lines in developing what ultimately became the Water Quality Improvement Act of 1970. The measure was hammered out in the give and take of the House Public Works Committee as reported on March 21 and as passed the House on April 16 of last year. It passed the other body in October and was signed into law as Public Law 91–224 on April 3, 1970. In its basic thrust it follows that of the original Democratic measure as introduced last year. It amends the Federal Water Pollution Control Act to improve the means available to control the pollution of the offshore water and the rivers of the United States. It provides for control of oil and other sea-carried pollutants, sewage from vessels; acids and other pollutants from mines; and pollution from any federally operated sources. It also provides for research grants and a scholarship program for students for programs instituted by the Secretary of the Interior. It directs the Secretary of the Interior to make a study of any and all methods of financing the cost of preventing, controlling, and abating water pollution. Finally, it authorizes an appropriation of a total of $348 million for fiscal years 1970, 1971, and 1972 for these purposes.

The House of Representatives likewise gave clear evidence as to its concern with the many interrelated environmental problems which face this Nation and that Congress is increasingly called upon to deal with in passing H.J. Res. 1117 to establish a Joint Committee on the Environment. It would be composed of 11

Members of the Senate and 11 Members of the House. This body would be a nonlegislative committee charged with the following functions: First, to make a continuing study of the character and extent of environmental change; second, to study methods, including financial and technical assistance, to foster harmonious relations between man and nature; third, to develop policies that would encourage maximum private investment in environmental improvement; and, fourth, to review any recommendation made by the President relating to environmental policy—including the environmental report required to be submitted pursuant to section 201 of Public Law 91–190.

The 91st Congress has likewise acted to curtail air pollution. The House on June 10, 1970, passed H.R. 17255, the Clean Air Act. This measure would establish national air quality standards due to pollution by automobiles, plants, fuels, and planes. It would authorize $220 million of Federal spending for fiscal year 1971 and further increase the funds to $250 million for fiscal year 1972 and to $325 million for the following 12-month period. It would also authorize the Secretary of Health, Education, and Welfare to set air quality standards on a nationwide basis for the five pollutants on which criteria has been published—sulfur oxides, particulate matter such as dust, carbon monoxide, hydrocarbons, and photochemical oxidants. Similar legislation passed the Senate on September 22, 1970, and is now pending in conference.

In the area of the environment, the 91st Congress has acted because we feel this country has to move more vigorously and rapidly in pollution control. Congress, here once again over the reluctance of the administration to recognize the necessity, demonstrated concern with a national problem of high priority. The administration abdicated leadership, but Congress acted.

The clear line of demarcation between the progressive philosophy of the Democratic 91st Congress and the unenlightened views of the present Republican administration has also been sharply drawn in the field of health. A Democratic measure to extend and liberalize the Hill-Burton Act was introduced early in February 1969. Proposed hearings were delayed several times on request of the administration. When the administration finally did appear to present its views late in March, it was able to offer only a few exceedingly broad and general suggestions as to proposed changes in the existing law. No draft bill or specific amendments were ever given the committee. In executive session, the administration's proposals were rejected in toto and H.R. 11102, a clean bill, was reported on May 20 embodying modifications in the hospital construction legislation developed by members of the committee and perfected in the give and take of the committee's deliberations with almost no guidance or assistance from the administration.

The House on June 4, 1969, by rollcall vote of 351 to 0, passed H.R. 11102 extending the Hill-Burton Act for Hospital Construction and Modernization. It passed the Senate April 7, 1970, by a rollcall vote of 79 to 0. The conference report was approved by the Senate by a voice vote on June 8 of this year while the House gave its final approval 2 days later by a rollcall vote of 370 to 0.

Despite the unanimity of support in both Houses for this measure; despite the fact that the Hill-Burton program from its very inception a quarter of a century ago has enjoyed widespread support from the medical profession and the public at large; despite the fact that in the Congress there has been no program that has been less partisan in character; despite a need by the States for an additional 85,000 acute care hospital beds, 165,000 additional long-term beds, 893 public health centers, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, together with a need to modernize some 450,000 acute and long-term care beds; and despite the fact that President Nixon had stated in July 1969 that the Nation faced a health crisis and said the problem was one of not enough doctors and hospital beds—the President saw fit to veto this measure.

I am happy to record that both Houses of the Congress, being more fully cognizant of the Nation's health needs than the Nixon administration, voted to override the President's veto and this measure became Public Law 91–296. In the House on June 25, 1970, the vote was 279 to 98. Only three of the negative votes were cast by Democrats.

In line with its vote to override the Presidential veto of the Hill-Burton bill, the House in passing the Labor–HEW appropriation bill for fiscal year 1971 this year, more than doubled President Nixon's budget request for hospital construction raising it from $89 million to $182 million.

Mr. Speaker, the Federal Coal Mine Safety Act of 1969—Public Law 91–173—stands as another example of the quality of leadership in the field of health demonstrated by the 91st Congress. This measure will protect the health and safety of coal miners and combat the steady toll of life, limb, and lung which terrorizes so many unfortunate families. Here again, it was Congress that moved first and moved further than the recommendations of the President. The initial bills in this area were introduced early in January by Chairman PERKINS of the Education and Labor Committee and Chairman DENT of the General Subcommittee on Labor. The administration's proposals were not transmitted until March. The measure which evolved through subcommittee and full committee stages, on the floor of the House and ultimately in conference, represented at every stage imaginative and dynamic legislative workmanship on the part of Democratic Members of the Congress. The Federal Coal Mine Safety Act can quite properly be deemed a milestone piece of health legislation. It is also, I might add, a milestone piece of labor legislation. It is the strongest Federal law ever enacted to protect miners at work. It will protect their health by setting limits on the amount of coal dust permitted in a mine. This dust is the cause of black lung disease which can prove fatal. The previous distinction between gaseous and nongaseous mines is ended and all mines will be required, according to an orderly schedule, to install nonspark electrical equipment to prevent explosions. In the future, it will be possible to further raise health and safety standards by administrative action without coming back to the Congress for additional legislation. A dust ceiling of 4.5 milligrams per cubic meter of air is imposed by the measure immediately and further reductions will be required within a year. Disability compensation is provided for miners suffering from black lung disease. Fines and jail sentences are provided for violations of the legislation.

Alarmed by the spread in recent years of many communicable diseases, the Congress in 1970 passed S. 2264, the Communicable Disease Control Act. The legislation authorizes the Secretary of Health, Education, and Welfare, to make grants to the States to prevent or control the introduction, transmission, or spread of diseases susceptible to vaccination or communicable disease control in the United States from foreign countries and from interstate and intrastate sources.

Once again, it proved to be necessary to overcome the vigorous opposition of the Republican administration. In the face of irrefutable evidence that present programs fall far short of effectively coping with such communicable diseases as measles, German measles, tuberculosis, whooping cough, and venereal diseases, the Secretary of Health, Education, and Welfare in a letter to the chairman of the House Interstate and Foreign Commerce Committee dated October 23, 1969 stated:

> In our opinion, legislation in this field is neither necessary nor desirable.

Despite the administration's negativism, the House of Representatives gave approval to the conference report on S. 2264 by a vote of 292 to 2, on September 28, 1970. The conference report cleared the Senate on October 1 and now awaits President Nixon's signature. I would hope, in light of the proven need and widespread support for this most meritorious proposal, that the President will see fit to approve it.

Mr. Speaker, the congressional leadership described earlier in regard to the national economy, environment, and health, has been equally evident in the vitally important area of education throughout the 91st Congress. H.R. 514 to extend the Elementary and Secondary Education Act was introduced by Chairman PERKINS on January 3, 1969, and hearings commenced on January 15. Secretary Finch however was not prepared to testify until March 10, the last day of the committee hearings. H.R. 514 cleared the committee on March 18 and passed the House on April 23, 1969, by a rollcall vote of 400 to 17. This measure was approved by the Senate on February 19, 1970, and became Public Law 91–239 when signed by the President on April 13, 1970. It is a tribute to the diligence, energy, and imagination of the gentleman from Kentucky (Mr. PERKINS). This legislation extends and authorizes appropriations for the following pro-

grams of assistance for elementary and secondary education for 3 years through 1973: First, major programs of the Elementary and Secondary Education Act; second, the impacted areas program, including refugees and children in public housing; and third, adult basic education, including high school equivalency. It also extends for 2 years through 1972 provisions of the Vocational Education Act. In addition, it authorizes a study of the effectiveness of the allocation of ESEA title I funds, bonus pay for teachers in disadvantaged areas; special grants for districts with high concentrations of disadvantaged children; aid for gifted and talented children; programs for children with learning disabilities; a Student Teacher Corps; and a National Commission on School Finance.

In the actual appropriation of funds for education, it was the Democratic Congress once again rather than the Republican administration which proved to be progressive. President Nixon's budget for fiscal year 1970 had provided for a request of $370 million below that of the Johnson administration. Congress by way of contrast acted to increase the Nixon request by a billion dollars for education. Regrettably, President Nixon failed to share the concern of the Democratic 91st Congress as to the crying educational needs of this Nation because on January 26, 1970, he chose to place dollar values above human values and vetoed H.R. 13111, the Labor-HEW appropriation bill for fiscal year 1970. Because Republicans, who had previously voted to approve this needed appropriation for education, under political pressure reversed themselves, the House on January 28 voted to sustain the President's veto. Democrats voted 199 to 35 to override and thus in favor of education, while Republicans voted 156 to 27 to sustain and thus placed their partisan political loyalties above the educational needs of this country's schoolchildren.

This year saw a replay of the 1969 conflict between the pro-education 91st Congress and the anti-education Republican administration. The Congress in passing the appropriation bill for the Office of Education for fiscal year 1971—H.R. 16916—increased the President's budget request by some $425 million. Congress felt that this represented the absolute minimum needed by this country's schools to perform their mission. Despite the fact that in its passage through every step of the legislative process, the Office of Education appropriation bill received widespread support in the Congress, and had the strong endorsement of the education community, President Nixon chose once again on August 11, 1970, to turn his back on America's schoolchildren and their obvious educational needs by vetoing H.R. 16916. This time the pro-education forces of the Nation were able to muster sufficient strength and both Houses of the Congress voted to override the President's veto. The House vote was 289 to 114 in favor of overriding. Democrats voted 212 to 13 in favor of overriding and thus for education, while their Republican colleagues voted 101 to 77 to sustain and thus against education.

Mr. Speaker, when we turn to the subject of housing and urban development we find the same repetitive pattern. On the one hand we find a responsive and responsible Congress endeavoring to formulate and adopt programs tailored to the increasingly complex problems of our urban areas. On the other we find a Republican administration unimaginative and unresponsive characterized by a failure to provide leadership or demonstrate initiative, in this, as in areas previously discussed.

The record compiled by the incumbent Republican administration in the housing field has in effect been little short of a disaster. In January 1969, housing starts stood at 1.9 million. By August of this year they had declined to 1.4 million, a decline of over 25 percent. The whole thrust of the economic and housing policies pursued by the Nixon administration has been to frustrate the intent of the Congress in establishing as a national goal a decent, safe, and sanitary home for every American family.

The chaotic situation to which the housing industry has been reduced becomes obvious when we realize that we are now producing substantially fewer homes than the 2 million units built in 1950. This in the face of the fact that this Nation's population in 1950 was approximately 150 million while our current population is well over 200 million. The manmade depression foisted upon this Nation's housing industry has without doubt been a major contributing factor to the general recession from which this Nation now suffers. The half million fewer homes being produced now than when President Nixon took office have cost us about a million jobs, half of them on site and half of them on materials production. In an endeavor to reverse this downward trend in housing, Congress made available last year in the Housing and Redevelopment Act of 1969, over vigorous administration opposition, some $2 billion to the Government National Mortgage Association to purchase mortgages on low-cost FHA and VA housing. The President however has refused to utilize this authority.

This year, the House on July 20 passed H.R. 18253, likewise over vigorous administration opposition, authorizing the investment of some $3.5 billion of funds in the National Service Life Insurance Fund in VA mortgages. This most sensible proposal would make moneys, which our veterans have paid into their insurance fund, available for them—the veterans—to purchase homes. In addition, because of the higher yield on VA mortgages than that on the Government bonds in which these funds are now invested, the proposal would greatly increase the income of the trust fund. This measure is now pending in the Senate and is expected to be acted on shortly after we return from the current recess.

In addition, this year in the independent offices-HUD appropriation bill—H.R. 17548—the Congress voted to increase the President's request for urban renewal by $350 million, from $1 billion to $1,350,000,000. The Congress also raised the President's request for water and sewer facilities grants from $150 million to $500 million. Because of reductions in other programs the total increase in the bill over the President's budget request amounted to some $540 million. On the specious grounds that this exceedingly modest increase would greatly accelerate inflation, President Nixon vetoed H.R. 17548. This ill-advised veto by the President in the face of the well-established need to clean up the filth and stench of the ever-encroaching slums in our cities is reflective of the traditional Republican policy of disregard for the urban centers of this Nation. His opposition to the congressional desire to provide adequate funds for water and sewer facilities demonstrates that the Republican Party is as antagonistic toward the growing suburbs of the Nation, which are literally about to be engulfed in sewer pollution, as it is toward the inner cities. On August 13, 1970, the House voted to sustain the President's veto. Democrats voted 181 to 40 to override and thus for housing and urban development, while Republicans voted 155 to 23 to sustain and thus against housing and urban development.

Mr. Speaker, last year the 91st Congress, in Public Law 91–177, acted to extend for 2 additional years the Economic Opportunity Act of 1964. It authorized $2,195,500,000 for fiscal year 1970 and $2,295,500,000 for fiscal year 1971. This legislation also contained provisions strengthening Headstart, Follow Through, the manpower training program, Mainstream, and New Careers, and the emergency food and health service program. The successful 2-year extension of the war on poverty without crippling amendments was due exclusively to congressional efforts. Chairman PERKINS introduced legislation extending the antipoverty program for 5 years on January 3, 1969. He initiated 29 days of hearings before his full committee on March 24 taking testimony from witnesses representing all areas of the country. The administration's proposed 2-year extension was not transmitted and introduced in the House until June 3. Subsequently, however, Chairman PERKINS received no assurances that the Republican votes would be forthcoming to support the administration's own requested legislation against crippling floor amendments. He was forced to report out a 2-year bill without those assurances on November 6. When the bill was brought up on the House floor on December 12, a substitute proposal, giving the States complete control over the program and containing other emasculating amendments, received the all-out support of the House Republican leadership and the senior Republican on the House Education and Labor Committee. The crippling substitute was defeated by a vote of 231 to 163, Republicans voted 103 to 63 to emasculate the antipoverty program while Democrats voted 168 to 60 to sustain a continuation of the war on poverty.

The final version of this legislation worked out in conference followed the House measure in all major respects and was signed into law December 30, 1969.

Regional development legislation was yet another area where congressional initiative was demonstrated. The initial bill providing for an extension of the Appalachian Regional Commission was introduced by the chairman of the House Public Works Committee, Mr. FALLON, on January 17, 1969. Because the Nixon ad-

ministration was not prepared to present its views, it was not possible to start hearings until March 25. The Assistant Secretary for Economic Development in the Commerce Department, Mr. Robert Podesta, did not appear until near the conclusion of the hearings on April 17. The House Public Works Committee in executive sessions then fashioned a measure which extended the Appalachian Regional Commission as well as the other regional commissions established pursuant to title V of the Public Works and Economic Development Act.

The bill drafted by the Public Works Committee was a well-thought-out, balanced measure and passed the House by an overwhelming vote of 273 to 103 on July 15, 1969. Public Law 91–123 authorizes an additional $1,219,000,000 for regional economic development programs in fiscal years 1970–71. It extends the programs under the Appalachia Regional Development Act together with those five other multistate regional commissions provided for in title V of the Public Works and Economic Development Act. The Appalachia highway program is extended through fiscal year 1973 and an additional $150 million was authorized for this program. Nonhighway Appalachia programs were authorized additional moneys amounting to $268.5 million: the five other regional commissions were given an authorization of $275 million.

The history of the Appalachian regional development bills in this body since 1965 is, I feel, an excellent case study of what happens to progressive legislative proposals. In 1965 when Appalachian legislation was first considered by the House, the record shows that a motion to recommit the bill on March 3 witnessed the Republican membership voting 92 to 44 in favor of recommital and then 109 to 25 against final passage. In 1967 when the question of extension was before the House on September 14, Republicans voted 143 to 17 in favor of recommittal and 123 to 35 against passage. In the 91st Congress I am gratified to report that when the House acted on this matter on July 15, 1969, Republicans voted 90 to 77 in favor—this time they did not even choose to offer a recommittal motion. While the Republican record of support did not approach that of the Democrats who voted 183 to 26 in favor, it shows reluctant Republican acceptance that these regional programs must be succeeding and must be popular.

The same story is likewise true of the public works and economic development program which provides assistance for depressed areas. When the initial legislation was considered in the House on August 12, 1965, Republicans voted 115 to 0 in favor of recommitting the proposal. On final passage Republicans were recorded 93 to 31 in opposition. When H.R. 15712 providing for a 1-year extension of this program was considered in the House on June 8, 1970, it had become so noncontroversial that the bill passed on a voice vote and has become Public Law 91–304. Area and regional development thus follows in the path of so many other Democratic pieces of progressive legislation, social security, unemployment compensation, minimum wage, and so forth. At first they are violently and vociferously opposed by our Republican friends, then reluctantly tolerated and finally embraced.

The 91st Congress in 1969 enacted an across-the-board increase in social security benefits of 15 percent effective January 1, 1970, for the 25 million elderly people, disabled people and their dependents, and widows and orphans who now get monthly social security benefits. In addition, the increase would apply to those people who will come on the benefit rolls in the future. Minimum benefits for retired workers were increased from $55 to $64 while the maximum worker's benefits were increased from $218 to $250.

This legislation once again reflected a congressional rather than an Executive imprint. The President did not see fit to send a social security message to the Congress until September 25, 1969, and a draft bill did not arrive until September 30. Hearings were announced immediately by the chairman of the Ways and Means Committee to begin on October 15. The President earlier in the year had publicly suggested a 7-percent increase, then in his message recommended a 10-percent social security increase. The House Ways and Means Committee moved to raise this to 15 percent. Because of Democratic action, Republicans in the Congress joined in. Once again the administration followed congressional leadership.

In addition to last year's legislation, the House during the past session passed H.R. 17550, the Social Security Amendments of 1970. This measure would increase social security benefits by an additional 5 percent effective January 1, 1971, and further increase benefits thereafter as the cost of living rises. In addition, the tax base would be raised to $9,000 next January and further increased thereafter as earnings levels rise. It would also increase widows' benefits. This measure is expected to be acted on by the Senate in November.

Mr. Speaker, the single innovative proposal recommended by President Nixon's administration during the past 2 years has been the Family Assistance Act. Even in the case of this legislation, however, had it not been for substantial Democratic support, this reform would have not cleared the House of Representatives. When the proposal was brought up in the House on April 15, 1970, on the key vote on House Resolution 916 providing for the consideration of H.R. 16311, the family assistance bill, the vote was 205 in the affirmative as against 183 in the negative. Republicans deserted the President and voted 91 to 79 against welfare reform. Democrats, on the other hand, voted 126 to 92 for reforming welfare assistance. In addition, more Democrats than Republicans voted for the bill on final passage.

The Family Assistance Act would establish a new family assistance plan under which each family with children would be eligible for Federal assistance benefits equal to $500 a year for each of the first two members of a family, plus $300 for each additional member. The States would be required to supplement Federal benefits to insure that families would not receive less than they would have received under the State plan for aid to families with dependent children in effect in January 1970 or the poverty level, if lower. Adults in eligible families would be required to register for employment at the local employment office. Training programs under the Labor Department would be established for recipients. The Department of Health, Education, and Welfare would provide day care for children of mothers employed or in training under the program.

It would also combine the adult programs of aid to the aged, aid to the blind, and aid to the permanently and totally disabled into one program of aid to the aged, blind, and disabled with a $110 minimum payment to all recipients.

The 91st Congress placed on the statute books the most comprehensive tax reform measure in history. The Tax Reform Act of 1969 will provide tax relief by increasing the personal exemption and the standard deduction by providing a special tax-free allowance for low-income individuals, and by taxing single persons at lower rates than previously. It raised the personal exemption from $600 to $650 as of July 1, 1970. It will be increased to $700 for 1972 and to $750 for 1973. The present $1,000 standard deduction would be increased in stages to $2,000 by 1973. It includes a whole new concept in the tax law, a "minimum tax" aimed at preventing wealthy individuals or corporations from completely escaping the Federal income tax. The oil depletion allowance is reduced from 27½ percent to 22 percent.

The tax reform measure is another conspicuous example of congressional enterprise. The chairman of the Committee on Ways and Means announced on January 29, 1969, that he would hold extensive hearings on tax reform. Those hearings began on February 18. It was over 2 months later, on April 21, before President Nixon sent a message on the subject to the Congress. At that time, President Nixon said that "comprehensive" tax reform legislation would be submitted no later than November 20, very evidently indicating that even the President did not consider the April 21 message "comprehensive." An administration draft bill never was submitted.

Nevertheless, on April 22, hearings were held on the Nixon proposal. But the administration sent Under Secretary of the Treasury Charls Walker and Assistant Secretary Edwin Cohen to testify for Treasury—not Treasury Secretary Kennedy—thus indicating that the matter was not one of top priority. Hearings on the administration proposal were completed April 24. Subsequently, the Ways and Means Committee went into executive session and drafted its own tax reform proposal. It passed the House 394 to 30 on August 6, 1969. Even the House Republican leader hailed the bill as "the most sweeping tax revision and tax relief bill in the 56 years since the Federal income tax was first adopted." The administration, however, double-talked, seeking credit for originating tax reform, but telling special interest groups what they wanted to hear. Treasury Secretary Kennedy recommended amendments to the Senate Finance Committee which would have transferred much of the tax relief from the low- and moderate-income groups to the wealthy and the

large corporations. These regressive proposals were rejected by the Senate and the progressive character of the House bill preserved through every legislative step to final disposition as Public Law 91–172, the Tax Reform Act of 1969.

Absence of firm and consistent Presidential leadership and support has likewise been evident from the very outset in our efforts to provide for the direct election of President and Vice President.

Chairman CELLER of the House Judiciary Committee on January 6, 1969, introduced a proposed constitutional amendment providing for the direct election of the President and Vice President. This was in response to the near constitutional crisis resulting from the previous year's presidential election. He commenced public hearings on February 5. President Nixon did not transmit his message on electoral college reform until February 24. I am informed that Attorney General Mitchell on at least three occasions requested a delay in appearing before the Judiciary Committee on the grounds that he was as yet not prepared to set forth the administration's proposals. He finally appeared before the Judiciary Committee on March 13 over 5 weeks after the commencement of hearings and almost 3 weeks after the submission of President Nixon's message. Only after the House had passed the direct election amendment, House Joint Resolution 681, on September 10, 1969, did President Nixon see fit to give it his endorsement.

That even this belated endorsement appears to have been more pro forma than real is clear from what happened in the Senate this year. Although a majority of the Senate favored the direct election of the President, their efforts to secure passage of this constitutional amendment were frustrated by a filibuster on the part of the minority opposed. Had the President provided leadership and support for this long overdue reform, I feel certain the two-thirds vote required to cut off the filibuster and secure its passage could and would have been obtained.

The House also on August 10 of this year by a rollcall vote of 352 to 15 passed another constitutional amendment, House Joint Resolution 264. It would guarantee equal rights for women. The amendment specifies that—

> Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

This Congress has passed a series of very important bills aimed directly at improving benefits for veterans of the Vietnam war and veterans of other wars. The administration has opposed practically all of this legislation. Early in the Congress work was begun on a series of improvements in the education and training program. Most important among these was a proposal to raise education allowances by about 35 percent. The administration first attempted to have consideration of this legislation deferred, and later, upon seeing that Congress would not accept such a recommendation, tried to limit the increase to 10 percent. Even though President Nixon had been complaining that Vietnam veterans were not utilizing the education and training program, he called the rate increase proposed by Congress excessive and inflationary and threatened a veto. Despite these attempts by the President to prevent improvement and expansion of the GI bill and its education program, Congress passed this legislation virtually without dissent and placed the President in such a position that he could do nothing but sign it.

Vietnam veterans who are injured in service receive service-connected compensation. Congress enacted legislation this year over the protests of the Nixon administration to grant an 8-percent cost-of-living increase to disabled veterans. The Nixon administration attempted to obstruct this legislation and urged that it be deferred.

Earlier in the session, the Nixon administration attempted to prevent cost-of-living increases for widows and children of Vietnam servicemen who died from service-connected causes and other veterans whose deaths were service connected. Congress took up consideration of this legislation early in the 91st Congress and passed it over the recommendation of the Nixon administration that consideration of the legislation should be postponed pending a study being conducted by the administration. Congress made adjustments in the compensation of surviving widows and children of veterans in line with cost-of-living changes and sent it to the White House despite the administration's objections.

In an effort to realine the life insurance program covering veterans and other servicemen, Congress passed legislation to raise the amount of coverage from $10,000 to $15,000. It should be borne in mind that this is a group life insurance policy and the veterans pay the premium. Despite this, the Veterans' Administration recommended against increasing insurance coverage for Vietnam servicemen exposed to combat hazards.

Before veterans conventions this year the Administrator of Veterans' Affairs commended President Nixon for signing two veteran bills, when actually they were not favored by the administration. The bill which raised grants to paraplegics for specially adapted housing from $10,000 to $12,500 was opposed on the basis that any increase in the amount was not warranted, even though the amount was set many years ago.

The increase in the VA direct loan amount from $17,500 to $21,000 was not favored by the administration and this opposition has continued. In its latest form, the administration has recommended against extending the direct loan program to veterans for the purchase of mobile homes.

Congress has been greatly concerned with problems relating to the veterans hospital program, and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President. Seventy-five percent of House Democrats voted to override, while 87 percent of House Republicans voted to sustain the veto of this appropriation so necessary for our sick and disabled veterans.

The administration opposition to veteran legislation has not been restricted to legislation involving Vietnam veterans. The administration has also opposed legislation designed to benefit elderly veterans. The administration has opposed a bill designed to prevent elderly veterans receiving a pension from experiencing a loss in their pension as a result of the 15-percent social security rate increase voted by the Congress effective in April of this year. Despite the opposition of the administration, the House passed this legislation and it is now in the Senate. Another bill aimed at solving problems of the elderly was the bill to permit any war veteran age 65 or over to enter a VA hospital without signing the oath of inability to pay, or the so-called paupers oath. The administration opposed this legislation but it has passed the Congress and is now awaiting the President's signature. I hope he will approve this meritorious bill.

President Nixon's veto on October 12, 1970, of the political broadcasting bill, S. 3637, was a serious mistake. This veto should it sustained by the Congress will, I feel certain, have far-reaching antidemocratic implications. It has become clear in recent years that the television media is by far the most effective political campaign device. There have been obvious examples where candidates were able to secure victory because they possessed the financial resources to blanket the airways. Our democratic system simply cannot tolerate candidates of either party buying an election through excessive expenditures on election advertising. We simply cannot permit packaging and selling of candidates like so much laundry soap if we are to retain a valid election process. I consider the passage of the political broadcasting bill one of the most important measures to receive the approval of the 91st Congress. It is the most significant legislation ever passed on election spending. It was approved by overwhelming majorities in both Houses of the Congress.

S. 3637 had a threefold purpose:

First, it repealed the equal opportunities provisions of the Communications Act of 1934 with respect to candidates for President and Vice President. This would permit the broadcast networks to donate free time for debates between major candidates for President as occurred in the Kennedy-Nixon campaign in 1960.

Second, it reduced the rate which broadcast stations may charge legally qualified candidates for public office for the use of broadcast time.

Third, it established reasonable limits on the amounts which may be spent for broadcast time by candidates for President and Vice President for general elections and by other candidates for major elective office—U.S. Senator, U.S. Representative, Governor, and Lieutenant Governor—for primary and general elections. The States could elect by law, to place candidates for State and local of-

fice under the provisions of the legislation.

In 1970 with little or no opposition the Congress passed S. 3154 to continue and expand the Urban Mass Transit Act of 1964. This year's legislation will provide $3.1 billion in Federal grants over the next 5 years to local communities for their mass transit systems. It has been hailed by the Secretary of Transportation and other Republican spokesmen as a major achievement of the Nixon administration. I welcome, even at this late date, the support of the Republican Party for mass transit. Candor, however, requires me to recall that in 1964 when we Democrats were, against great odds, laboring to pass the original mass transit bill, Republican support was exceedingly limited. On June 25, 1964, Republicans voted 135 to 33 to recommit—kill—the mass transit measure, and on final passage, they were recorded 128 to 39 in the negative. Democrats, by way of contrast, voted 181 to 55 against recommittal and 173 to 61 for passage. Mass transit thus joins that vast array of legislation on the statute books which was pushed through the Congress by the Democratic Party over the vigorous opposition of the Republicans, yet has now not only become accepted but actually enthusiastically embraced by the Republicans.

In the field of banking, the major legislation considered by the 91st Congress was undoubtedly H.R. 6778 amending the Bank Holding Company Act of 1956. As passed by the House, H.R. 6778 would place single-bank holding companies under the regulating authority of the Federal Reserve Board, by extending the Bank Holding Act of 1956 to apply to such institutions. They had been specifically exempted in the 1956 law. The bill also authorizes the Federal Reserve Board to rule on the types of nonbanking business interests that bank holding companies may acquire. It prohibits bank holding companies from engaging in certain businesses, such as insurance, travel agencies, accounting, data processing and equipment leasing. It requires the single-bank holding company formed after the enactment of the 1956 law to divest itself of all nonbanking interests. Finally, the legislation changes the Bank Holding Company Act of 1956 by defining a bank holding company as one which actually controls a bank rather than one which owns 25 percent of the voting stock.

House passage of H.R. 6778 in 1969, probably the most important banking legislation we have approved in a generation, was clearly the product of congressional rather than administration leadership. Chairman PATMAN, of the Banking and Currency Committee, introduced H.R. 6778 on February 17, 1969. Reports were immediately requested of all the relevant executive agencies. They were extremely tardy in responding, the report from the Treasury Department not arriving until April 16, the day after public hearings had commenced. The administration submitted a draft bill only after Chairman PATMAN announced that public hearings would commence on April 1 with or without administration recommendations. At administration request, they were further delayed until April 15. When Secretary Kennedy testified on the bill on April 17, he refused to endorse many of the key features of the Patman bill. The strong measure which ultimately passed the House was due to the Democratic Party under the able leadership of Chairman PATMAN, the administration throughout playing a negative and indecisive role. In pushing through H.R. 6778, the House Democratic majority took a decisive step to preserve the free enterprise system by protecting consumers and small businessmen from the monopolistic encroachment of bank holding companies.

H.R. 6778 passed the Senate on September 11, 1970, and is now pending in conference.

Mr. Speaker, the 91st Congress in 1970 passed the first congressional reform bill in 24 years. H.R. 17654 passed the House on September 17 by a vote of 326 to 19 and the Senate on October 6 by a vote of 59 to 5. This measure, now awaiting President Nixon's signature, would afford the public a greater opportunity to observe the operations of Congress by encouraging more open committee meetings and requiring that all committee votes be made public, allowing television coverage of committee hearings, and providing that teller votes in the Committee of the Whole be recorded, thus ending the secrecy surrounding Members' positions on important amendments. It would also expedite House proceedings by allowing all House committees to sit without special permission when the House is engaged in general debate, dispensing with the reading of the journal and allowing quorum calls to be ended after a quorum is established. H.R. 17654 would protect the minority by writing into the rules a specific time period for minority views to be added to a committee report, permitting the minority members of a committee to select two of the committee's six professional staff members, authorizing minority members to call witnesses of their choosing during at least 1 day of hearing on a measure, and requiring that debate on a conference report be equally divided between the majority and the minority sides. The bill would also provide that a committee report on a bill and committee hearings on appropriations bills must be available at least 3 days before the House votes on the bill. It would require that there be 10 minutes debate on any amendment offered on the floor which had not been printed in the CONGRESSIONAL RECORD at least 1 day prior to consideration. A conference report would have to be available 3 days before the House votes on its adoption.

Mr. Speaker, the 91st Congress, in enacting the Legislative Reorganization Act of 1970, has taken a major step in updating the congressional process and making it more responsive to the public will. It has also effectively answered those of its critics who had charged that it was an outmoded institution incapable of adjusting its rules and procedures so as to cope successfully with this Nation's problems of the 1970's. For in passing H.R. 17654, that is exactly what it has accomplished.

This, then, has been the record of the 91st Congress. Its hallmark, I believe, has obviously been innovation and initiative. To an extent unprecedented for at least a generation, the past 2 years have witnessed the legislative branch of our Federal Government replacing the executive in moving forward decisively in all major areas of legislative activity. Such has been the case in anti-inflation and anti-recession legislation, the areas of electoral college reform and tax reform, in civil rights and education, the providing of benefits for our veterans, and many others, including proposals in the fields of health and housing and the environment. It was in hearings before the legislative committees of the Congress that new ideas were developed and then, in the give-and-take of executive drafting sessions, hammered out into specific legislative proposals.

The leadership supplied by the administration in practically every major domestic area bordered on the nonexistent. The transmission of Presidential messages to the Congress on most subjects was exceedingly tardy. While these official communications were often preceded by a barrage of statements and press releases from the White House, the reduction of Madison Avenue-ese to the more traditional language of Presidential messages apparently often perplexed and defied the ability of presidential writers for weeks and even months on end. In addition, when the Congress was ultimately the recipient of some form of official communication from the Executive on a given subject, an additional lengthy period of time would almost invariably elapse before a draft bill embodying the President's proposals made its way to Capitol Hill. In a number of important areas, moreover, such draft bills apparently were lost somewhere in the bureaucratic maze of the executive branch and never successfully navigated the mile and a half trip from the White House to the Capitol. Under these circumstances, unaccustomed as they were to writing legislation on the basis of press releases, congressional committees found their tasks exceedingly difficult. When the drafting stage was reached in the case of many bills, the contribution of the department supposedly charged with its sponsorship, was generally limited to informing the committee on technical matters. Bureau chiefs, general counsels, Assistant Secretaries, Under Secretaries, and even Secretaries, were of markedly little assistance to the members of our legislative committees in the policy area, in defining the limits to which administration proposals might be modified or compromised, yet still meet the general objectives sought after by the administration. The story was much the same at each stage of the legislative process. When the end of the road was finally reached, after the legislative wheels had turned and the final product was presented to the President for his approval, in all too many cases, particularly if the measure dealt with some humanitarian subject such as health or

housing, or education, our efforts were doomed by a Presidential veto.

My congratulations, therefore, to the chairmen of the legislative committees of the House, as well as to the Democratic members of those committees who, under the most trying and frustrating circumstances, have labored so long and so effectively in producing a body of legislation which is extremely noteworthy both as to the amount of its quantity and as to the level of its quality.

The 91st Congress to date under the leadership of the Democratic Party has made an outstanding record in the service of our country and of our people, and warrants the strong appreciation and support of the electorate.

INTERNSHIP PROGRAM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, during the past summer, I had the privilege of participating in a congressional internship program arranged for honor students of the summer session of the Lawrenceville School, located in Lawrenceville, N.J., in the Fourth Congressional District.

The Lawrenceville-Washington internship program is a concentrated experience and includes regular congressional staff duties as well as outside seminars. During the 2-week period they were here, Miss Carla Robbins, Miss Mary Waller of my district, and Mr. Mitchel Garrett of Rosslyn, N.Y., participated in the following programs:

SCHEDULE FOR INTERNSHIP PROGRAM

August 8—Reception for members of Congress and Staff.

August 11—Briefing, Department of Defense.

August 12—Lecture, Georgetown University, member, Center for Responsive Law.

August 13—Briefing, Federal Trade Commission.

August 13—Seminar, Franklin Nofziger, Deputy Assistant to the President for Legislative Affairs.

August 18—Seminar, Marvin Zim, reporter, Time, Inc., Washington Bureau; Hugh Sidey, Bureau Chief, Washington Bureau, Time-Life, Inc.

August 19—Seminar, Clark Clifford, former Special Assistant to President Truman, former Secretary of Defense.

August 20—Tour and Briefing, Department of State.

August 20—Critique of Washington Intern Program and Dinner.

The Lawrenceville School program and others like it are valuable ways to introduce young men and women to Washington, and to develop an appreciation of legislative action. I compliment these young people on their interest in national political affairs, and I express my gratitude to the institutions which have made these programs possible.

FARM PROGRAMS—A LOOK AT THE 1970'S

HON. HENRY BELLMON

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. BELLMON. Mr. President, very recently, the junior Senator from the State of Kansas (Mr. DOLE) addressed the International Commodities Conference at their meeting held in New York City. His remarks reflect an indepth understanding of the agricultural policies of our Nation and the food and fiber needs of our citizens and other people of the world. Mr. President, I would encourage all Members of Congress to share the insights provided by Senator DOLE, and ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FARM PROGRAMS—A LOOK AT THE 1970'S

(Remarks of Hon. BOB DOLE)

I am deeply indebted to Jerry Taylor for his foresight and energy in bringing together this array of talent. I will not spend any of your time in pointing out the importance of the trading in commodities.

Rather, I would like to make what contribution I can to this conference under the general heading of the future direction of farm policy and the framework in which it will exist. We are dealing with an extremely complex, dynamic industry, and there are a multiplicity of forces that will shape the future of agriculture. Some of these factors are: reduced farm numbers in America's growing total population, technological changes both inside and outside agriculture, foreign market developments, special government food programs, and shifting consumer preferences.

While no one can exactly foresee changes in demand, technology, production and prices of farm products, those of us who are concerned with agriculture in America must continually look ahead and try to analyze present trends and future prospects.

POLICIES OF THE FUTURE

The agricultural policies of the future strike me as one of gradually increasing orientation toward a free market economy—as opposed to past and current government-controlled market economy. Within this framework, the objectives should be:

(1) Satisfactory levels of price and income;

(2) Growth in domestic and export markets;

(3) Removal of obstacles to more efficient farm operation;

(4) Portrayal of rural America as a much more attractive place to work and live;

(5) Development of domestic food program designed to reach and nourish the needy.

Against this background of objectives, I visualize that in the 1970's loan rates will be established at levels that will move commodities into expanded use. These will be supplemented by payments, where needed.

Implicit in this concept is the need for agriculture to hold and expand its markets—against industrial and synthetic competitors, as well as against foreign competition.

It is most important that we expand our agricultural exports. In considering farm policy, one must be sensitive to the fact that export outlets for feed grains, wheat, cotton and soybeans, including the products, provide an important share of the market. And we have to be most concerned with the need to maintain and expand these outlets. In the last fiscal year, farm exports exceeded $6.6 billion. Commercial dollar sales hit a new high—over $5.6 billion.

Our programs must look to overseas markets, and we must be prepared to compete for maximum utilization of our products throughout the world.

If U.S. farm exports are to reach $10 billion by 1980—a necessary objective—they must move freely in the markets of the world.

A basic purpose of future farm programs will be to help increase farm income—accomplishing this without interrupting normal market operations.

I visualize that the programs ahead will give farmers greater freedom in planning and producing on their lands.

Farm program participation will be voluntary; the farmer who wishes to stay out of the program will be free to do so. He will be subject to no restrictions, will receive no payments, and will not be eligible for loans.

FUTURE PROGRAMS

The chief characteristics of the farm program will be these:

(1) Farmers will have much greater freedom to shift acres from one crop to another—to make the best use of their opportunities and their equipment.

(2) Farmers will have the opportunity to produce at less than full capacity, without loss of income.

(3) The program will help us compete in world markets, in terms of both price and availability.

(4) Contrary to the massive dumping of grains we saw in the 1961–68 period, sales of CCC-owned grains will be at not less than 115 percent of the loan rate, plus carrying and other charges, or the market—whichever is higher.

The framework of the farm program I have just discussed, however, can only survive if it is implemented by realistic, constructive efforts on the part of the federal government. In other words, the future of free markets can be greatly improved, if and only if the Executive and Legislative branches give greater priority to an expansionist trade policy and the Food for Peace Program.

TRADE

Fundamentally, I endorse the concept of a liberal approach to trade. I am deeply concerned by the implications of the developments affecting trade around the nucleus of the European Economic Community.

Agriculture has received entirely too little attention in negotiations for trade liberalization. Some of the attention it did receive was counterproductive—especially the international grains arrangement. An objective analysis of the results of the Kennedy Round Trade Negotiations would have to show the following:

(1) There was no amelioration in the variable levy system of the EEC. Actually, we saw it extended and given greater emphasis.

(2) No production-stimulating support price was reduced or even modified.

(3) Subsidization of exports was increased.

(4) For the modest reductions in duties negotiated, the United States "bound against increase" its duty on "canned pork"—a rapidly expanding import. It was a poor bargain.

Our experience with a Feed Grain Agreement and its complete unilateral disregard by the United Kingdom is no better than the IGA.

An objective analyst of the world agricultural commodity trading scene must conclude that:

(1) The loopholes in the GATT have been exploited by the EEC with no challenges, even from the United States.

(2) Export subsidies have been used to expand markets in violation of GATT regulations.

(3) The whole variable levy system—so damaging to our feed grain and wheat exports—is a violation of GATT principles. The United States has never challenged the legality of this technique for controlling imports.

(4) The EEC has been developing preferential "arrangements" with GATT members—in violation of the most-favored-nation principle.

As the countries involved in the special arrangements have proliferated—with no action or reaction from the United States—the number of GATT nations involved in the EEC orbit has increased. The one-country-one-vote system of the GATT makes it unlikely that the United States can win enough votes to effectively challenge these activities.

The current negotiations for expansion of the ECC, plus the special preferential arrangements already in evidence, will mean the deathknell of the most-favored-nation concept—one of the corner stones of the GATT.

The United States should immediately request a meeting with United Kingdom and EEC representatives to discuss post-IGA grain pricing—after June 30, 1971—and guaranteed market access provisions. U.S. objectives must be to reduce the grain price structures in these large importing nations and to reestablish third country access potentials based on comparative advantage.

COST MARKETS

Past mistakes have cost the United States dearly in lost markets and in payments to farmers for reduced production. The net cost to the U.S. Treasury is in the hundreds of millions of dollars. For example, since 1966–67, the United States has lost markets for over 10 million tons of coarse grains. This trend must be arrested and reversed.

The U.S. Government should announce the course it intends to pursue if policies inimical to our interests and in violation of the GATT are implemented.

This system of "early warning" has already proved successful in the case of soybeans and its products. A system of energetic defense will deter those who will try to expand the current system of gradual exclusion from overseas markets.

The U.S. Government has formally told the officials of the EEC that their proposed taxation would reduce sharply the Community's imports of oilseeds and oilseed products and would result in a massive impairment of the present market agreement under GATT. It was made clear that implementation of this policy would leave us no choice but to retaliate on a large scale against the products their countries sell us. Our retaliation might include such important European exports as automobiles, typewriters office equipment, wines and other items Americans buy from them in large amounts.

The U.S. Government is saying to the Community that what it does about its agriculture is more than an agricultural matter—it concerns the whole economy of Western Europe and the Free World. If the cost to help European agriculture is high, then let their industry pay the expense—but not ask the United States to pay it.

The U.S. Government should continue to hold the prospect of immediate U.S. retaliation against a tax on oilseed products, for this proposal is by no means dead. But I am confident that if we act forthrightly, we can continue to maintain a zero duty on soybeans and soybean meal.

PUBLIC LAW 480

Those who have studied and admired the Food for Peace Program, initiated by President Eisenhower in 1954, quickly recognized that the program had much broader significance than as a mere means of surplus disposal. It was recognized that the program could be used to advance the foreign economic policy of the United States.

On June 18, 1970 President Nixon said:

"The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so. The Administration pledges to continue its efforts toward achieving the goals of this program."

American agricultural capability is a tremendous asset to the whole Free World. In any examination we must consider how to use this to the advantage of the food-deficient developing countries. The fundamental fact is that the quantities of agricultural commodities made available on concessional terms, make capital resources available to increase not only agricultural production, but industrial production as well.

The potential advantages are great—and at little net cost to the U.S. Treasury.

There has been insufficient emphasis on the fact that the P.L. 480 Program enabled several countries importing under the concessional provisions of P.L. 480 to strengthen their economies and become some of the current major commercial importers of agricultural commodities. Also, as a part of P.L. 480 agreements, sales must be preceded by, or accompanied by, dollar imports to reflect normal purchases—the concept of "additionality."

Let's look at the record on one of two of these nations:

Japan has long been a good customer for our agricultural products. In 1957, Japan's imports of U.S. agricultural products were $135 million under P.L. 480 agreements and $322 million through commercial sales. Now, 13 years later, Japan's volume of U.S. agricultural imports has grown to $1.1 billion, all commercial sales.

Venezuela, in 1964, had P.L. 480 agricultural imports of $5.2 million with $77.6 million of commercial agricultural sales, and in 1970, their business was 100 percent commercial sales which had increased to $96.8 million.

In 1957, Spain had $141 million in P.L. 480 sales and only $12 million in commercial sales. In 1970, Spains sales were all commercial—$169 million.

Comparable success stories are in store for other nations such as Taiwan, the Philippines, Korea, and Yugoslavia.

The total story of P.L. 480 has never been told. Because of Budget Bureau limitations, the Administration is not utilizing a great basic tool of foreign aid to its full potential.

To date, the program has been considered all too narrowly by the Bureau of the Budget. The focus has been on initial outlays, and there has been no study of the long-term returns to the Treasury.

Let us examine some of the major benefits:

(1) It generates higher farm income—with increased tax receipts.

(2) It increases employment—both rural and non-farm—thus reducing welfare and unemployment insurance costs.

(3) It reduces CCC inventories and, along with that, storage and interest costs.

(4) It increases the volume of agricultural commodity processing—especially wheat to flour and soybeans to meal and oil—and increases shipments of these processed products with resultant employment increases and profits—both of which increase tax revenues.

(5) It improves the health of those who receive the foods and fosters better international relations.

I would urge President Nixon to use his authority to move larger quantities of agricultural commodities into export under the Food for Peace Program. I believe that the 1970's will see a much greater appreciation of the cost-benefit ratios of this great program.

SOVIET BLOC TRADE

Present regulations affecting sales to the Soviet bloc nations are adversely affecting export sales and our efforts to solve the balance of payments problem. Moreover, there is no indication that these regulations are preventing the Soviet bloc from obtaining needed supplies.

The present program of licensing exports of generally available agricultural commodities to the Soviet bloc is of doubtful validity.

Exports to the Soviet bloc of any agricultural commodity, except those in short supply, should be handled under general license. A "general license" is a license established by the Office of Export Control of the Department of Commerce for which no application is required, and for which no export document is granted or issued. Naturally, any exportation under this general license would be in accordance with the export regulations.

We should offer the same competitive conditions and terms as other nations in sales to the Soviet bloc. Such a policy would enable our export firms to be in the position to offer all but short-supply agricultural commodities every hour of every day.

I believe that during the 1970's the removal of this roadblock to market expansion will be accomplished.

As a member of the Senate Nutrition Committee, I have seen what malnutrition does to people. Under this Administration, government-feeding programs have been improved, and many needy people heretofore outside these programs will be reached.

The nation is now committed to a drive to eliminate hunger and malnutrition. We now have programs to do the job of providing an adequate diet for every American. We also have the will to achieve this goal within the vitality of the system that makes abundance possible.

The revised Food Stamp Program provides the means by which even the poorest of the poor can gain the buying power to obtain an adequate diet; we have a Food Donation program; we have an amended School Lunch Act to improve the nutrition of needy school children; we have a Food Certificate Program for infants and expectant mothers; and we have a Nutrition Education Program to help low income families get the most from their food dollars. We are on the right road.

I do feel confident that in the 1970's we will conquer hunger and malnutrition in this nation. While we are improving the health and well being of our neediest, we are increasing the demand for food, especially animal proteins.

CONCLUSION

Expansion of world trade, increased domestic markets, and improved nutrition at home and throughout the world will all contribute to increasing demand and production of agricultural commodities. This will be the orientation of future farm legislation.

The blueprints for this future legislation are on the drawing boards of the Joint Conference Committee of Congress, which continues its deliberation of the Agricultural Act of 1970 tomorrow morning. Through the '70's, these plans will be revised and improved.

The United States will continue to improve the well-being of its citizens, and the thrust of its international agricultural policy will be to impress on other nations the importance of stimulating markets to improve worldwide trade.

JEWS UNDER GUN IN PRAGUE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DERWINSKI. Mr. Speaker, one of the most knowledgeable observers of the European scene is the sage international correspondent of the Copley Press, Dumitru Danielopol. In one of his recent articles carried in the September 29 Sacramento, Calif., Union, Mr. Danielopol analyzes the recent developments in Czechoslovakia. I commend this article to the Members for its objectivity:

JEWS UNDER GUN IN PRAGUE

(By Dumitru Danielopol)

WASHINGTON.—There are disturbing echoes in Czechoslovakia of Adolf Hitler's brand of anti-Semitism. Soviet-inspired propagandists now say Jews fomented the liberalization in Czechoslovakia that led to the 1968 Russian invasion.

This "revelation" came in the Soviet magazine "Tydenik Aktualit" which is published in Prague. It accuses Jews of conspiring and planning the overthrow of socialism in Czechoslovakia.

The Jews were in cahoots with espionage agencies of the United States, Britain, West Germany and Israel, according to the magazine. They plotted with "anti-Communist Czechoslovak groups," established counter-revolutionary organizations, and set up more than 30 foreign sabotage centers to support "anti-Socialist forces."

"The Israelis had the 'lion's share' of these activities," it adds.

Obviously, the Reds in Prague and Moscow still are at a loss to find a plausible excuse for the military intervention of the Warsaw Pact forces in Czechoslovakia. They have apparently fallen back on the oldest tactic of a dictator: Invent a plot, find a scapegoat and shift the blame away from the real culprit—in this case, Moscow.

The Jews are the most convenient scapegoat at hand, just as in the Hitler years.

In the meantime, the process of "normalization"—that is the eradication of every vestige of the reforms carried out in 1968—goes on relentlessly.

"Re-indoctrination" and "re-education" of students and teachers is being carried out at all levels, under the directives of hardliner Jaromir Hrbek, the Czech minister of education.

The teachers' principal task, Hrbek says, is political education and ideological work. Children literally were flooded in 1968 and 1969, Hrbek says, "with streams of lies, demagogic deception and hysterical slanders.

"The teachers should tell the children that they lied to them."

When school opened Sept. 1, some 80 per cent of the teachers had been bounced out or moved to different schools. Indoctrination is more easily done by strangers, Hrbek believes.

On Sept. 15, Junak (the Czechoslovak Scouts and Girl Guides Organization) which was revived during the Dubcek era, was disbanded. It was accused of engaging in political activities under the influence of "anti-Socialist elements."

Youths must now enroll in the Communist Party pioneer organization.

As the French say, "Plus ca change plus c'est la meme chose'—the more things change the more they remain the same.

What happens in Prague today is old hat. It happened in Hitler's Germany, in Russia, China, Cuba and other Communist countries—and it continues.

What is baffling, however, is that so many in the West, including Chancellor Willy Brandt of West Germany, believes communism is "maturing"—that it is changing and getting close to our free-enterprise system.

Nonsense! Communists can't afford a free-enterprise system.

HON. PAUL N. McCLOSKEY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SAYLOR. Mr. Speaker, I am pleased and honored to call the attention of my colleagues to the fact that our distinguished colleague, the gentleman from California, PAUL N. MCCLOSKEY, was the recipient of the 1970 National Congressional Award from the National Recreation & Park Association at its annual convention in Philadelphia, Pa. The award was personally presented to Congressman MCCLOSKEY at the convention on September 30, 1970.

The Congressional Award of the National Recreation & Park Association is in recognition of the Members of Congress who, through their responsible legislative action, have enhanced the park, recreation and conservation efforts. The selection and award to Congressman MCCLOSKEY was based upon his active support and participation in the nationwide observance of Earth Day, as well as his past record and achievements in support of conservation and improving our environment.

The award presented to our distinguished colleague reads as follows:

Despite his short time in Congress, Paul N. McCloskey, Jr., of California, is considered to be one of the most qualified conservation and environmental experts in the House of Representatives. In addition to leadership roles in several crucial House floor fights, he has sponsored a number of far-reaching pollution control and conservation bills.

The Congressman's conservation record includes his sponsorship of House bills to increase the amount of funds in the land and water conservation fund; to establish a joint congressional committee on environmental quality; to provide for the preservation of historical and archeological data; to create a wildlife refuge in South San Francisco Bay.

He was a leader in the fight to defeat the Timber Supply Act of 1969, and in the fight for full funding of the Clean Water Restoration Act in the public works appropriation bill. In addition, he sponsored the Federal Low-Emission Vehicle Procurement Act.

Mr. Speaker, I want to commend the National Park & Recreation Association for acknowledging the work and efforts of our distinguished colleague, Mr. MCCLOSKEY, because it is this kind of national recognition which, more times than not, makes the long hours and drudgery of our legislative responsibilities well worth the effort. It is this type of recognition which gives we legislators, regardless of what field of experience, a feeling of satisfaction and accomplishment. Moreover, Mr. Speaker, I personally want to pay tribute to my colleague, Mr. MCCLOSKEY, on being the recipient of this national award as one Member of the Congress of the United States who is well deserving of this recognition. And, I want to thank you, Mr. MCCLOSKEY, for the assistance and support you have given me in our mutual efforts to bring about a greater understanding of the importance of conservation and the need to enhance and improve our environment.

DRUG PROBLEM

HON. HENRY BELLMON

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. BELLMON. Mr. President, very recently. I received in the mail a questionnaire which asked the open-ended question:

Were I to be confronted by the knowledge that my child or someone else close to me was using or planned to use drugs and/or alcohol for other than medicinal or conventionally accepted reasons, I would say and/or do the following: . . .

Such a statement points only too vividly to a question which parents hope never to have to answer, and to the lack of information which I and probably most other citizens have to draw upon in the area of drug use.

As with most areas where there is lack of information, there has developed a great deal of myth and misinformation and it is due time that accurate information be made available.

Governor McCall of Oregon summed it up very well when he stated:

We are late in recognizing the seriousness of the drug problem in this country. We don't know its extent. We don't know whether drug abuse among the young will peak out next month or next decade. We know only that we must act now to prevent further abuse and to help those already affected. We know that public officials and particularly the schools must assume a great responsibility for action, even though the family, the community and the society are probably at fault.

The generation most involved have been bright, sincere, creative and sensitive people. They are the sons and daughters of every segment of American life. We have much to learn from them about ourselves.

The Governor went on to point out:

We have to clarify our intentions and our alternatives in dealing with drug abuse among the young. There is little agreement on the nature of narcotics addiction—whether it is an emotional illness or a physical disease—or on the long range effects of marijuana or hallucinating drugs. More research is needed. But we cannot wait. We must explore ways to recoup the kids who have experimented and gotten hooked. We must consider carefully and develop ways to prevent more from being affected.

It is only too clear that there is lacking, the adequate information to answer all of the questions concerning the use and misuse of drugs. Among the medical and human behavioral experts there seems to be general consensus concerning the effects of such depressants as heroin, morphine, and barbiturates. There is also a degree of consensus concerning the effects of stimulants such as cocaine. These drugs, however, are not the usual entry into the make-believe world of drugs by the novice drug user.

There is a marked lack of agreement among the experts as well as among the potential users, concerning the short- and long-range effects of hallucinogens which are frequently the entry vehicle to more extensive drug use. These relatively "mild" drugs are identified often as marihuana, hashish, LSD, or mescaline. The distortion of facts concerning these specific drugs has a twofold negative effect. First, underestimates of the deleterious effect invites use by the "thrill seeker" or the "frustration escaper." Second, it has a very damaging influence on legitimate research efforts which are directed toward the acquisition of new knowledge concerning specific drugs.

Mr. President, it is to the decreased attention to research that I would like to make special emphasis today. The National Institute of Mental Health reports expenditures of $13.9 million on research efforts for fiscal 1970. For the current fiscal year, expenditures for all Federal drug abuse programs range from $65.5 million in fiscal 1960 to $104 million in fiscal 1970 to an estimated $128 million in fiscal 1971. Of the estimated 1971 ex-expenditures, the amount going into research is $23.2 million for all Federal agencies, an expenditure level which comprises only 18 percent of the total drug abuse program. It is apparent that there is not adequate knowledge concerning drugs and that research can provide much of the needed knowledge. There is quite obviously a need for more information and better distribution of information concerning the real effects, both long and short range, of drugs which find their way to popular misuse.

Mr. President, I would encourage this body to address itself to the responsibilities of Congress in meeting this need. Further, as an emphasis as to what may be achieved in the area of drug research, Mr. President, I would direct the attention of the Senate to research conducted on the hallucinogen, hashish, by Dr. Forest Tennant, Jr. I ask unanimous consent that the report of that study as it appeared in the Stars and Stripes Saturday, October 10, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TESTS FIND HASHISH FAR FROM HARMLESS

(By Kay Scanlan)

BERCHTESGADEN, GERMANY.—Caution! Hashish IS dangerous to your health.

Hashish, when smoked in large quantities over an extended period of time, will produce significant and in some cases disabling physical consequences.

It can cause severe bronchitis, allergic reactions, skin problems such as acne and dandruff, and abdominal cramps and diarrhea ranging from slight to severe.

These are the findings of an 18-month-long study made by Maj. Forest Tennant Jr., surgeon, 4th Bn, 64th Armor, Aschaffenburg, and Maj. Paul Ventry, former USAREUR allergy consultant now reassigned to the States. Results of the study were presented Thursday by Dr. Tennant at the second session of the 14th annual preventive medicine conference being held at the Berchtesgadener Hof.

Out of 150 hashish users surveyed, 31 were selected to take part in the study, one of the few scientific surveys that has been made on the physical effects of smoking hashish. To be accepted in the studies, each soldier had to be smoking a minimum of four grams of hashish (about two pipe bowls full) a day for six months or longer. The average GI in the study, however, used 10 to 12 grams of hashish a day and some used up to 25 grams a day. The GIs were from 19 to 23 years of age.

TYPICAL SYMPTOMS

"We found the 'typcial guy,' the typical hashish user, had what we call the chronic hashish syndrome," Tennant said. "He had a runny nose, acne and dandruff. He was short of breath and had a chronic cough. He occasionally had hives or diarrhea.

Tennant also found that 20 out of the 31 studied had swollen uvulas (soft palate), probabaly from the many irritants contained in the hashish smoke. Many also had greenish-colored stains on thumbs and index fingers of both hands from rolling the hashish and stuffing it into the pipe. Both swollen uvulas and the stained fingers can be used by doctors trying to determine whether a person is on hashish, Tennant believes.

"Such diagnostic aids are important," he feels, "because there is no known way—such as a blood test—now available to determine whether a person is on hashish or not."

Of all the physical results of prolonged, heavy hashish smoking, Tennant believes the lung and bronchial complications are the worst.

"We found the fellows would usually have a bad cough, would be wheezing and would be short of breath about three to four months after starting heavy usage," he said.

The study showed hashish is probably far more damaging to a person's lungs than cigarettes are. According to the data, to smoke one bowl of hashish a day would damage the lungs more quickly than one pack of cigarettes a day smoked over the same number of months or years.

SEVERE BRONCHITIS

Many of the GIs were disabled from lung problems to the point where they missed work regularly and some had such severe bronchitis they had to be hospitalized. In cases when hashish consumption was decreased or stopped, the lung problems lessened or disappeared.

Tennant said hashish hasn't been used over a long enough period of time for doctors to tell what, if any, permanent lung damage takes place with prolonged use. But it would appear to be extensive.

Abdominal complications can also be severe in hashish users, the doctors discovered. Three soldiers out of the 31 in the study had to be hospitalized for abdominal cramps and diarrhea; one of the three had lost 20 pounds prior to hospitalization due to debilitating diarrhea.

AILMENTS CAUSED

"We haven't found how the hashish causes cramps and diarrhea, but our study shows it does indeed cause them," Tennant said.

While the study found that the GIs with allergic reaction were not allergic to the hashish itself, it found consumption of hashish would bring other allergies out—such as allergy to house dust or ragweed—and that hashish would make existing allergies worse.

Twenty-one of the 31 heavy users were found to have acne or dandruff problems. Although Tennant and Ventry's studies were the first to find acne and dandruff problems in hashish users, another study published in New York early this year found the same complications in marijuana users, Tennant said.

BIG PROBLEM

Tennant called the pot problem (meaning both hashish and marijuana) "one of the greatest problems facing medicine today."

The big question about the study, he added, is: "If hashish does these things, can marijuana do the same?" His answer: "Yes. We think marijuana would do the same thing over a long period of time. You just have to smoke more of it."

Hashish, he said, is prepared by scraping active resin from the tops of the female hemp plant, cannabis salvia, while marijuana is a crude preparation of the entire plant including leaves, flowers and stems.

"Since marijuana contains much lower resin content, it is five to 10 times less potent per weight than hashish. So, to have the same physical effects, you probably have to smoke more."

MARIJUANA RARE

Hashish is used in West Germany, he said, while marijuana is fairly rare. The opposite situation exists in the States, where the cost of hashish—$5 to $30 a gram, depending on the location—keeps it out of general use. A gram of hashish in Germany costs only 75 cents to $1.25 depending on location.

"The hashish we have in West Germany, usually imported from the Middle East and Mediterranean areas, is one of the heaviest in the world," Tennant said. "It gives those of us in West Germany an excellent opportunity to study the drug and its effects."

Tennant will present the study Oct. 16 at the International Congress of Allergy and Immunology to be held in Florence, Italy.

PROGRESS AGAINST THERMAL POLLUTION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. GRIFFIN. Mr. President, environmental pollution, especially thermal pollution, has taken a high priority in the list of problems facing our times. It becomes significant, then, when a private firm moves to abate pollution.

A breakthrough in the abatement of thermal pollution in the Saginaw Valley has been announced at a Dow Chemical Co. plant at Midland, Mich. To encourage other efforts to reduce environmental pollution, I ask unanimous consent that the Detroit News article from Midland be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOW PLANS $7 MILLION WATER COOLING PROJECT

MIDLAND—Dow Chemical Co. says it will spend $7.2 million to build 28 cooling towers in the Saginaw Valley to cool the heated water it releases into the Tittabawassee River.

With construction of the towers over the next 30 months, Dow said it will reduce the amount of hot water it discharges into the river daily by 45 percent, or 100 million gallons.

"We are moving up on the problem that has come to be known as thermal pollution," said Harold Bosscher, Midland Division general manager.

"The towers will permit recycling of the cooling water used by 55 of our Midland production buildings."

Added to the 11 cooling towers already operated by Dow, and the 880-acre cooling pond planned for the Midland nuclear energy plant, the new towers will increase to $25 million the investment by Dow and Consumers Power Co. for keeping heat out of the Tittabawassee.

COMMERCIAL FARM POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, Dr. Willard Cochrane, a distinguished professor from the University of Minnesota has recently delivered an exceptional, comprehensive statement on U.S. farm policy to the American Agricultural Economics Association.

In this speech, Dr. Cochrane relates the position of American agriculture to agricultural developments in the less developed world and to various domestic problems facing the American farmer.

I commend this thoughtful speech to all Members:

[From Minnesota Agricultural Experiment Station Misc. J. Series No. 7325]

AMERICAN FARM POLICY IN A TUMULTUOUS WORLD

(By Willard W. Cochrane, professor of agricultural economics at the University of Minnesota)

(NOTE.—The author wishes to thank Keith Bryant, Dale Hathaway, James Houck, Nathan Koffsky, Vernon Ruttan, John Schnittker and Louis Upchurch for helpful comments and suggestions. Errors of fact, judgment, or logic are, of course, the responsibility of the author alone.)

I

More than five years have elapsed since I last discussed farm policy with members of this Association. At the winter meetings in Chicago in 1964 I argued as follows ". . . barring a major catastrophe such as a hot shooting war or an intensification and enlargement of the present spotty drought conditions, increased agricultural productivity is going to drive farm program costs, under voluntary control programs, into direct collision with the budget limitation objectives of the urban voter within the next three to ten years. A crisis in commercial farm policy is in the making."[1]

Much has happened since the winter of 1964. India suffered through the worst drought in this century, the United States military advisory role in Vietnam escalated into a full scale war, and we now recognize that our cities are confronted with a tidal wave of problems that may engulf and destroy them. The first of these developments had the effect of greatly increasing the demand for American grain products and thus lessening the farm surplus condition in the United States for the period 1965–67; the second two developments have had the effect of greatly increasing the demands on the financial resources of the United States government, thus increasing the pressure on the farm program budget. Consequently, the collision mentioned above was first delayed a few years and now would seem to be approaching the crunch stage. But other forces, too, have been at work during the past five years, some old, some new, which have a bearing on American farm policy. And much of this paper will be concerned wtih a review and analysis of those forces.

Before we turn to a review and analysis of those forces, however, it should be pointed out that this paper is not concerned with rural affairs, rural poverty, or domestic food and nutrition policy. This paper concentrates on commercial farm policy, and assumes that these other important issues will be dealt with by other people in other settings. Commercial farm policy may, at this point in history, represent the tail of the agricultural dog. But I believe that some exciting things are happening in the world that have an important bearing on commercial agriculture and farm policy in the United States, and that these developments should be analyzed and appraised even though the importance of commercial agriculture in the general scheme of things is obviously reduced. Hence, it is appropriate, in my opinion, for some of us to spend some time tonight with an old enchantress, American commercial farm policy.

II

Dwindling Farm Population.—As is well known, the farm population of the United States has declined steadily for two decades, reaching a low of ten million lonely, frustrated souls in 1965. In percentage terms the farm population now constitutes slightly less than five percent of the total population. Using a different measure, the total number of farms in the United States had declined to just over three million in 1968, and the commercial farms (i.e., those grossing over $10,000 per year, which produce 85 percent of the product sold) had declined to approximately one million. And there is no indication that this dwindling process is coming to an end; the annual rate of outmigration from farming stood at 6.3 percent during the period 1965–68—the highest rate in history.

With these dwindling numbers, of course, has come diminished political power. The term "farm block" has been forgotten, and neither candidate in the 1968 presidential election gave a major farm speech. Farm people and rural areas still maintain a respectable degree of power in the Senate, but the political strength of farm people in the House of Representatives has declined to an extremely low level; in 1969, for example, the congressional districts which contained 25 percent or more farm population stood at only 31: the East contained none, the West 1, the South 14 and the Midwest 16.[2] And this handful of farm Congressmen (by this generous definition) are concentrated in two tiny, embattled enclaves: the Committee on Agriculture and the Subcommittee on Agricultural Appropriations.

The 1970 Census is going to have two further adverse effects on the political power of farm people in the Congress. First, it is going to cause a good number of Senators, who have thought of themselves as coming from a farm state, to reassess their political stance and recognize that they really represent an urban state with an economy that is predominantly concerned with the production and distribution of industrial goods and services. Second, it is going to reduce further, through the process of redistricting, the handful of House members whose interest it is to represent the farmer. The House of Representatives, which is now overwhelmingly urban in its outlook, will be even more so by 1972. In this kind of a situation, farm people are going to find it exceedingly difficult to pass legislation that is designed to protect their economic interests, or needs, at an important cost to the nonfarm sector.

Increased Agricultural Productivity.—The overall productivity of the American farm plant has not lagged during the past decade. Total farm output increased percentage-wise by almost as much in the 1960's as it did in the 1950's: slightly over two percent per year, noncompounded, in the 1950's, and slightly less than two percent per year in the 1960's. But something new and different has occurred in the 1960's. The USDA index of production efficiency—output per unit of input—stopped rising along about 1962 and has held essentially constant since that year. Total farm output continued to increase through the 1960's by the increased application of nonfarm inputs, *not by farm technological advance.* In economic parlance, the aggregate supply curve for agriculture stopped shifting to the right in 1962, and it has become more price elastic.

One would be foolish to predict the end of the technological revolution on American farms, especially when so great a potential for increasing the efficiency of production would seem to exist in the livestock area. But if the situation of the past seven years should continue (i.e., a situation in which total output increases only as the application of production inputs increases), then some important new implications follow for farm policy. With a decline in the level of farm product prices, we would now expect the total input of productive resources in farming to decline, hence for total output to be reduced. In this situation farmers and their policy leaders are freed of the curse of a perfectly inelastic aggregate response curve, and might logically expect some corrective action to a general surplus condition from falling farm prices; namely, a contraction in aggregate output. It is just possible that *price level* changes in the future might begin to affect *aggregate output* in agriculture.

World Grain Developments.—Some exciting developments have been taking place in recent years with respect to grain production. In the hot regions of the world stretching from Morocco to the Philippines a revolution in the production of grains is taking place. To date the most spectacular developments have occurred in wheat, but there have been noteworthy gains in rice production and progress is being made in the production of other grains and legumes.[3] This revolution—the Green Revolution—has lifted the spectre of starvation from these countries and replaced it with the expectation, and a not unreasonable expectation, of improved levels of food consumption.

But like all revolutions this one too has left trouble and dislocations in its wake—political trouble and economic dislocations. The political trouble to date has been mostly internal resulting from an unequal distribution of the benefits of the production revolution, wherein the large farmers are the great income gainers and the small farmers and landless laborers are largely bypassed. The economic dislocations are beginning to occur as pockets of low-quality grains build up to surplus levels in localized producing areas, which, because of inadequate storage and marketing facilities, cannot be held, and must be squandered at home or come pouring onto the world market as distressed grain. In this context, the production gains of the developing countries will be lost in the form of low domestic and export prices, and the world market will be damaged for the other export nations.

But before we develop further what is occurring or could occur in the developing world, let's look at what has happened in the developed world. While the eyes of the world have been on the Green Revolution in the developing countries, grain production during the period 1964–68 in the developed countries—principally, Australia, Canada, the European Community and the United States—quietly, almost secretly, increased by 123 million tons, or by 25 percent. In the words of Lyle Schertz ". . . while the developed countries increased cereal output by 123 million tons, the developing countries, with twice as many inhabitants, increased cereal production only 52 million tons."[4] Increases in the developed countries included such spectacular changes as a 75 percent increase in Australian wheat production from the 1960–64 average to 1968, and a nearly 70 percent increase in United States rice production during the same period.

What we have had in the second half of the 1960's is then a great increase in world grain production, of which more than two-

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thirds of the increase was provided by the developed world. The result has been rising wheat stocks and declining wheat and rice prices. For example, the carryover of wheat in Canada approximated 950 million bushels in July of this year, equivalent to nearly two years disappearance.

World grain production will certainly continue to increase importantly in the decade of the 1970's, in which that increase is shared in some unknown proportions between the developed and developing worlds, but in which the sharing roles may well be reversed from that of the decade of the 1960's. Given this situation, we can expect (1) average diets in the developing countries to improve slowly, (2) for the United States to lose much of its P.L. 480 market and for that part of the P.L. 480 market which remains to become increasingly unstable, (3) for pockets of surpluses to accumulate intermittently in the developing countries and to come gushing onto the world market as distressed grain, (4) for wheat, rice and possibly other grain stocks to increase further, (5) for world grain prices to continue to sag, and (6) for world grain prices to behave chaotically as distressed grain supplies from the developing countries gushes onto the world market, and as the developed countries succumb to the temptation to employ export subsidies and dump surplus stocks on a thin international market. For Westerners it is not a pretty picture to contemplate. But in large measure they created it, hence they cannot complain too bitterly when the developing countries add the finishing touches in the 1970's.

Urban Demands on the Federal Budget.— As everyone sitting in this room knows, our cities are falling apart: We can't dispose of human wastes in a satisfactory manner; we can't dispose of our garbage; we can't eliminate the smoke and the smog; and we can't control crime and violence. We need new and improved educational services, airport services, police services, rapid transit services, park and recreation services and all kinds of housing; and most of all we need to discipline ourselves. As urban dwellers we have squandered our rising incomes on automobiles, durables, roads and single unit houses, and let the service systems that hold cities together go begging. We have not been willing to pay the price to build and maintain the service systems—police, welfare, educational, sewage, public transportation—required by a complex, opulent modern urban society; we have in effect, been living beyond our means. Hence, our cities are in disarray and disrepair.

Now we must dig down in our collective pockets and find the money to repair and build the urban service systems so long neglected. And only the federal government has the power and the prestige to raise the funds required to do this job of rebuilding and repairing our cities. This in turn means to me higher taxes for everyone (a reduced level of gadget living), and a new set of priorities in the use of existing federal revenues. In this connection I do not suggest that the President and the Congress look first at the USDA; my first candidate for budget scrutiny is the Defense Department. But I am also certain that any serious effort to re-establish national priorities and to redirect patterns of federal spending in line with those priorities by an urban society, through the instrument of an urban Congress, will have some negative effects on farm policy goals and federal spending in agriculture. The pressure to find funds to cope with the problems of the cities in the 1970's is going to be terrific.

Pollution and Environmental Control.— Many of the issues that might be discussed in this section are closely related to, or are indeed a part of, the plight of the cities (e.g., smog and its control). But I will not be concerned with those aspects of pollution and environmental control in this section; I will be concerned with the polluting effects of some of the inputs now regularly employed in agricultural production. What, for example, are the polluting effects of the hard chemicals now commonly used in fertilizers and pesticides. As I understand it, some experts are of the view that the chemical nutrients from commercial fertilizers found in the water run-off from farm lands are seriously polluting our ponds, lakes and rivers. It is further held, that many pesticides are injurious to various species of wildlife, and that some pesticides are harmful to man himself.[5]

I am not sure how far this line of argument will carry us in the next decade, but I do know that it has now passed out of the exclusive hands of the naturalists and bird-watchers and into first the researches and debates of recognized scientists and second into the difficult realm of public control and political action. The uncertain state of affairs with respect to that "uninvited additive" DDT is, for example, summarized in a November 1969 issue of *Science*. I quote briefly from the *Science* article:

"What appears to be shaping up is a battle over the issue of 'zero tolerance' for DDT—in effect, a ban on the pesticide.

Aligned against (the current official government view) are conservationists and scientists active in the cause of environmental protection. They regard DDT as a primary enemy because of its persistence in the food chain. To justify their apocalyptic vision they cite the damage to some species of animals, birds, and fish that has already been traced to DDT and the ominous reports of tests on lab animals. . . .

Still unsettled, of course, are the arguments as to whether carcinogenesis is 'dose related' and whether causing cancer in small animals with a chemical substance proves there is real danger for humans. . .

Other practical questions seem to defy categorical answers. Farmers, particularly in the cotton belt, are reportedly worried about finding a replacement pesticide that matches DDT's long-lasting, broad-spectrum action and its low cost. Partisans of DDT argue that studies by the World Health Organization show there is no practical substitute for DDT in malaria control in underdeveloped countries. The question of whether DDT might be replaced by biological controls or other pesticides or by a combination of these elicits conflicting answers from responsible scientists. And these conflicts help to explain the difficulty of carrying out a satisfactory risk-benefit analysis of DDT use."[6]

Now if it turns out during the next decade that we learn that some of the chemicals regularly used in fertilizers and pesticides constitute a serious threat to man and his environment, and society takes action to restrict or eliminate their use, such action would have important implications for agriculture and the production of food. Restricting or banning the use of low priced fertilizers and pesticides now regularly used in farm production would act to dampen down food production and hence raise food prices as either (1) those output increasing inputs were banned from use on the part of farm producers, or (2) more expensive, but environmentally safe, substitutes were developed for use in food production. Either way, the goal of a safe, clean environment would have the effect of increasing the cost of producing food, reducing food supplies and increasing food prices.

Again I am too much of a layman in this area of pollution and environmental control to have strong opinions regarding desirable courses of action, but I do know that the environmentalists have won an increasing number of battles, and my intuition tells me they are going to win a lot more during the next decade. If this is the case, we may be entering a new era in agriculture: one which continues to rely heavily on science and technology, but one in which the adverse consequences of new technologies to man and his environment are largely neutralized. In this kind of situation I would expect technological advances in agriculture to come more slowly, at greater cost to society, and hence result in a slower rate of agricultural output expansion and possibly a slowly rising level of food prices.

It is just possible that the period of easy output expansion based on rapid technological advance in which man took no account of the consequences of technological developments to his environment is coming to an end. This is so, because man is now beginning to take account of those consequences and counteract them *even though it costs him to do so.*

III

From our discussion of the important forces at work in American society and farm economy, what can we say about the economic and social milieu of the 1970's in which American farm policy will be reassessed and possibly reformulated. It seems clear to me that world grain prices will exert a strong downward pressure on grain prices in the United States, and, through the process of substitution, falling grain prices will result in a general lowering of farm prices in the United States in the early 1970's an increased accumulation of commodity stocks and increased program costs. Confronted with these developments farmers will lack the political power to strengthen their programs, increase program costs and maintain farm incomes. In fact, mounting pressures in urban areas to cope with the formidable problems of those areas could contribute to a weakening of commodity programs in agriculture at the very time that farm prices and incomes are falling.

I am not predicting the complete dismantling of farm programs of price and income support in the early 1970's, but it does seem realistic to me to expect the financial support of commodity programs in agriculture to be reduced, perhaps only a little, perhaps a great deal, in the first half of the 1970's. And this could have disastrous price and income consequences for commercial farmers in the United States, as they and other farmers around the world struggle against growing grain surplus.

Now, of course, another great drought in India, a war between India and Red China or a big war in the Middle East could change drastically the potential developments sketched above. But barring such contingencies, the middle 1970's could well look like the farm price trough of the mid 1890's and for somewhat the same reasons—a world surplus of grain created by the farmers of the new world, plus those in the now developing world. But those American farmers who ride out this crisis-still-to-be may discover that a new set of forces is emerging to control their destiny. This new set of forces would operate to protect and improve man's environment, to render technological developments more sophisticated and more costly, to increase the cost of producing food, to slow the rate of output expansion and to drive farm prices upward. This, indeed, would be a new era for farmers of the developed world.

IV

For the remainder of this paper I will be discussing *what ought to be* the programmatic features of American Farm Policy in the 1970's. But I shall break this discussion into two parts: *What ought to be* in terms of the immediate future of 1970–71, *and what ought to be* in terms of the middle run of 1971–80. And for purposes of this paper I assume that once again I am playing the role of an economic advisor to

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the Secretary of Agriculture. In other words, I assume (1) that I have someone to whom to give advice, and (2) that I am a part of the established political process. Hence, I am concerned here with the "art of the possible"—not with some concept of perfection.

I use the Agricultural Act of 1965 as a point of departure in the current setting, because on balance it has more good features than bad. It has provided price and income stability and support for all of commercial agriculture without forcing any farmer to accept compulsory supply management; it has provided supplementary income to a large number of small to medium-sized farmers who have participated in the voluntary programs; it has moved commodity price support levels close to world market price levels and thus facilitated the export of American farm products without the use of subsidy; and it has assured American consumers an adequate supply of food, including food reserves, at reasonable prices. In the main, it has been a good program.

The principal inadequacies of the program are two in number: (1) its high costs (gross federal expenditures for commodity programs together with related price, income and disposal programs approximated $6.2 billion in fiscal 1969), and (2) its inequitous treatment of many persons involved in farm production. For example, large producers of cotton and wheat receive large income supplements under the program, while hired farm workers in all commodity lines are forgotten. If the above two inadequacies could be eliminated, or minimized, then a good piece of farm legislation could be converted into an excellent one.

I also suggest beginning with the Agricultural Act of 1965 for two practical reasons. First, although I am convinced that a farm program budget crunch is coming, it still has not arrived. Thus, there is time in 1970–71, to work with the Act of 1965 and try to moderate its more objectionable features, namely, high cost and the inequitous treatment of farm people. Second, the downward slide of world grain prices has already started, and there is need (a) to provide price and income support for American grain producers and (b) to continue to hold idle the approximate 60 million acres now under government programs.

In my view, the place to begin with the inequity problem, as well as the cost problem, under the Act of 1965, is with the size of payments made to producers of cotton, wheat and feed grains. But before we recommend a ceiling payment limit for commodity payments, it is important to recognize two important characteristics of those payments. First, in 1968 less than five percent of all payments received by farmer participants were $5,000 or more, and less than two percent were $10,000 or more. Second, payments were made for essentially two purposes: (a) to control production and (b) to supplement incomes, although these different purposes are not overtly recognized in the legislation. Secretary Hardin has estimated that in the case of feed grains almost 90 percent of the payments were made to control production, whereas in wheat only 50 percent were made for this purpose and in cotton only 35 percent were made for this purpose.[7] Thus, it should be possible to remove the inequitous situation at the upper end of the income scale in cotton, wheat and feed grains, and reduce program costs, at least modestly, by placing a ceiling on payments to farmers in these commodities without seriously damaging the supply management aspects of the programs.

In this matter I shall follow the lead of my former colleague, John Schnittker, and recommend a ceiling on payments of $10,000 per farm per commodity program.[8] This means, according to Walter Wilcox, that in 1968 some 15,097 cotton producers, 5,428 feed grain producers and 4,861 wheat producers would have been affected by a ceiling of $10,000, since they received payments on those commodities in excess of $10,000.[9]

These 25,386 producers received payments totaling $515 million in 1968. But placing a ceiling of $10,000 on the payments received per farm per program does not mean, for several reasons, that program savings to the government would be equal to $515 million. In the first place, we would expect and want a high proportion of the larger producers to remain in the commodity programs up to the ceiling payment limits to help achieve the supply management objectives of the programs. To this end, I recommend the further program provision that each producer, now receiving a payment in excess of $10,000 for removing from production a specific acreage allotment based on his total acreage, be required to remove from production that same acreage allotment for a total payment limited to $10,000. This means, of course, that payment rates for removing an acre from production would in effect be reduced to large producers, and the larger the producer the smaller would be his payment rate for removing an acre from production. As a consequence of the operation of this provision very few producers of feed grains now receiving payments in excess of $10,000 would remain in the program, but for cotton and wheat probably all but the very largest producers would remain in the acreage removal program for the reduced payment rates. This follows from the fact that payment rates in feed grains are set at levels just high enough to induce producers to remove acres from production, whereas in cotton and wheat payment levels far exceed rates required to induce producers to take acres out of production.

To maintain the same level of acreage control in feed grains, and possibly wheat, it would be necessary then to remove from production some additional acres on farms of participants falling below the $10,000 ceiling and/or drawing some currently non-participating farmers into the program, to offset the acres lost to the program from the imposition of a payment ceiling.[10] Thus, it might be necessary to develop some kind of special payment provisions for feed grains and wheat to selectively expand the number of acres removed from production on farms that fall within the $10,000 ceiling limit. Taking into account, then, various provisions that would be necessary to achieve the supply management objectives of the current commodity programs, it seems unlikely that program savings to the government would exceed $250 million, and it is more probably that they would not exceed $200 million. However, a $200 million saving is not to be scorned.

Several further comments relating to the payment limitation recommendation are in order at this point. First, to achieve the cost reduction and equity objectives of the payment limitation provision the government would need to administer the provision with care and vigor so as to prevent large operating units from being divided into smaller units, under some new ownership status, wherein the newly divided and now smaller units became eligible for the full payment rate. Clearly, if the latter were permitted to occur the equity and savings objectives of the payment limit provision would be circumvented. Second, actions comparable to that recommended above for cotton, wheat and feed grains should be worked out and placed in operation in other program areas in which payments are made (e.g., wool, sugar and conservation). Third, since the very low income farmer and farm worker have been overlooked so often in the past, it would be appropriate for the savings effected by the payment limitation provision to be devoted to programs aimed at helping the very poor in rural areas (e.g., low-cost housing, job training, public works and welfare type payments).

The Agricultural Act of 1965 is silent on the question of protection for hired farm workers, as are all previous pieces of farm legislation dealing with protection for American farmers and farm people. Thus, I argue here, as President Johnson's Food and Fiber Commission did argue, that "Rural workers should have protection equal to that of urban workers in such important areas as workman's and unemployment compensation, Social Security, collective bargaining and minimum wages."[11] It is my recommendation that the Agricultural Act of 1965 be amended to include, or a companion piece of legislation be enacted to include, the following mandatory provisions: (1) that farm workers not be denied by Federal or State exemptions the benefits of policies and standards that are deemed to be in the interests of other wage earners; (2) that farm workers be included under the provisions of the National Labor Relations Act to the extent feasible, and wherever necessary, to achieve equivalence of personal and social protection for those workers; and (3) that farm workers be covered under minimum wage legislation.

To contribute to the passage of legislation that would provide this kind of protection to hired farm workers, organized labor should make its support of farm legislation involving price and income support to producers conditional on the inclusion of the provisions listed above. Urban and labor representatives in the Congress now have the political power to include these farm worker provisions in farm legislation; if they are not included soon we will all know that labor leaders and urban leaders have no more concern for the downtrodden in agriculture than did the old style farm leaders.

Since it seems likely that other farm product prices (e.g., oilseeds, beans, and peas, livestock and livestock products) would follow grain prices down in the domestic market as world grain prices decline, and we should have learned by now that isolated attempts by farmers to maintain prices through withholding products from markets are ineffective, it would seem wise to consider other means for assisting farmers to stabilize product prices on the domestic scene. In this connection, I recommend that Marketing Orders be reexamined by the U.S. Department of Agriculture and promoted with producer groups whose products are destined primarily for the domestic market (e.g., eggs, pork, potatoes). I am not suggesting that the public interest be ignored in efforts to assist producer groups to develop Marketing Orders to regulate the flow of products to market and thereby stabilize prices. But I am suggesting that the USDA seek more inclusive enabling legislation with respect to Marketing Orders and then assist producer groups to develop Orders and place them in operation where the majority of the producers want such programs.

Marketing Orders have definite limitations. They cannot control production over long periods of time. But they can regulate the flow of supplies to market during a particular production period, and thereby help regularize the operation of a market and stabilize prices. Thus, wisely used, Marketing Orders can assist farmers to market their products and bargain for price and handling advantages.

These are the principal program modifications, or provisions, in the Agricultural Act of 1965 that I would press strongly for inclusion at the present time. But there are other modifications to the Act of 1965 that would be desirable. One such change would involve the elimination of backdoor program financing through the Commodity Credit Corporation; each commodity program should be required to operate within a fixed appropriation; such a change would force the USDA to make more reliable estimates of program costs and give the Presi-

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dent more control over fiscal operations of the Federal government. Another change would include an expansion of the Long-Range Land Retirement program; such a program would contribute to overall supply management, improved land use and, if properly designed, be made to contribute to the establishment of parks, wildlife sanctuaries and open space needs of various kinds.

Finally, let me say in this discussion of a desirable farm program for the early 1970's, that I have assumed the continuance of P.L. 480 operations. I would expect such operations to decline steadily throughout the 1970's as the result of the grain production development in the less developed countries. The continued loss of this "market" is probably the principal way that the projected world grain surplus will be converted into growing grain stocks in the United States and an increased downward pressure on domestic grain prices. But so long as the surplus grain producing capacity of the United States can be used effectively to provide food supplies to deficit areas through the mechanism of P.L. 480—that mechanism should be maintained to help both the United States and the food deficit countries.

v

I am not convinced, however, that the conditions which made possible the kind of farm program described above will continue through the middle 1970's, hence that the kind of overall program outlined above can be maintained. I expect, first, that grain production in both the developed and the developing countries will continue to increase relative to population growth, and that the P.L. 480 program of the United States will wither away concurrently with an intensified drive from commercial export sales on the part of both developed and less developed countries. In this situation how is the excess production capacity in the United States, now centered to an important degree in wheat, to be handled? I cannot say exactly how it will be handled (assuming that I am correct about the future state of affairs), but before it is handled satisfactorily, I am certain that it will have transformed itself into drastically lower wheat prices and/or surplus stocks, lower feed grain prices and/or surplus stocks and lower livestock and livestock product prices.

I expect, second, that the pressure to "do-something" about the problems of the cities will become intense during the early and middle 1970's. An urban dominated Congress and an urban elected President are going to turn every existing civilian program upside down, and possibly even the defense program, to shake out some spare dollars to support new programs to build and rebuild the service-systems in the cities, before they further increase taxes. The President and the Congress will probably end up both shaving money off of old programs and further increasing taxes to meet the crisis of the cities. But in this process, I feel certain that the financial support of farm programs will be pruned severely.

How is this budget cutting in Agriculture likely to occur? It could occur in one of two ways: a rational way and an irrational way. The rational way would involve the Office of the President, including the Bureau of the Budget, *forcing* the USDA to reduce the cost of farm programs by say one billion dollars, and working with the USDA to effect that reduction in the least disruptive ways. The irrational way would involve an uprising on the floor of the House of Representatives in which urban Congressmen slash a billion dollars or two from the Department of Agriculture's appropriation bill, and then the House and Senate agree on some sort of a compromise in conference. What would get slashed and how much through this meat-axe operation is anyone's guess, but it would most likely be larger than budget cuts initiated by the Office of the President, and it would certainly be unpredictable in its program consequences. It is likely to happen on the floor of the House, because, with the last handful of farm congressmen concentrated in the Agricultural Committee and the sub-committee on Agricultural Appropriations, it could not happen in the deliberations of those committees, and because the House more accurately reflects the urban dominance of the country than does the Senate.

The remainder of this section will be concerned with the kind of farm program for commercial farmers that might be worked out between the White House and the Department of Agriculture, where the Bureau of the Budget acting for the President takes the lead in reducing farm program expenditures. I will not concern myself with the kind of farm program that might emerge following a major slashing of funding support on the floor of the House; I do not because I have no idea what form those reductions might take with what consequences, except that I believe that magnitudes of such cuts would be large indeed and the consequences chaotic. And that brings to fore one of the purposes of this paper—it is to advise farm people and farm leaders that they would be most unwise to sit, like ducks on a pond, with respect to farm program costs, and wait to be blown out of the water. The wise course of action for farm people, it seems to me, involves (1) coming to understand and appreciate the forces—economic and political—which have come to bear on the commercial farm program, (2) disciplining themselves to take those actions required to survive the brunt of those forces, and (3) working with the leadership in the Department of Agriculture and the Office of the President to carry out those actions in the farm economy.

Given the requirement that farm program costs must be cut significantly, one way to proceed might be as follows. The decision could be made to place a ceiling on payments per farm per program at $5,000; reduce payment rates to cotton and wheat producers (I would suggest that the market certificate value of a bushel of wheat be reduced by one-third, and that the price-support payment rate on a pound of cotton be reduced by one-half); and lower levels of price support by 10 to 20 percent depending upon the state of the international commodity markets for cotton, wheat and feed grains.

Such actions would have a number of sought after effects. The limiting of payments per farm per program would still leave over 95 percent of all participants unaffected. Taking account of the $5,000 payment ceiling on all three commodities, and of the reduced payment rates for wheat and cotton on one hand, and the additional acreages that would need to be signed up under the wheat and feed grain programs to realize the same level of total production control on the other, budget savings to the federal government could run to one billion dollars or more. There should be no trouble in obtaining the additional acres removed from production at the lower levels of price support. And we would not expect cotton production to increase as the result of released acres under the $5,000 payment ceiling, since cotton payments are made primarily to supplement incomes, not control production.

There is, of course, one great disadvantage to commercial farmers from the actions suggested above; they would cut gross farm income drastically. The reduction in gross farm income in total from the above set of programmatic decisons could run as high as 5 billion dollars per year depending on the extent of the decline in the level of price support. Such a decline in total gross receipts is not something that farmers or their leaders would care to think about. And it is not suggested here as something desirable; it is suggested only as one possible way to live with a White House request for a significant cut in the agricultural budget concurrent with a deteriorating level of world grain prices.

This might or might not be the end of the story. If the reduced levels of price support for the United States were at or near world levels then cotton, wheat and feed grains could compete effectively for export markets without an export subsidy, and farm program costs would not start rising again either in the form of an export subsidy or storage costs. But if the suggested reductions in the levels of price support for cotton, wheat and feed grains were not sufficient to permit the domestic prices of those commodities to decline to world levels, then program costs would begin to rise again and offset, or possibly wipe out, the reductions in program costs discussed above.

Given this kind of a world grain situation, or even prior to it, the United States might join with other developed grain exporting nations in an attempt to reduce the total flow of grains onto the world market. Rarely have international commodity arrangements aimed at controlling, or managing, marketable supplies met with success, but in the desperate situation postulated here attempts in this direction would certainly be tried, and it is always possible that an agreement could be worked out among grain exporters from the developed countries that would meet with some success. In this connection, the International Coffee Agreement, currently in force should prove to be a valuable experiment in international efforts to stabilize and enhance export earnings for a commodity subject to fluctuating prices and chronic surplus production.

I have not suggested that the less developed countries be included in such a grains arrangement, since in almost all cases they lack the administrative machinery, the financial resources and the storage and handling facilities to withhold supplies from the market either before or after the act of production. There are, however actions that the developed countries might take in cooperation with the developing countries, that would be helpful in diverting localized, or pocket, surpluses in the developing countries from the world market.

It is reasonable to expect some part of a localized grain surplus in a developing country to move onto the world market, in spite of the fact that many people in that country are suffering from poor diets or are actually hungry, because the transport and the distribution systems tend to be directed toward the seaport cities rather than toward interior points. Hence, it is easier in a developing country to move a grain surplus from a local area into export than it is to distribute it to needy people within the country. Thus, any help that the United States and other developed countries provided potential exporters of grain among the developing countries to improve their internal transport systems, storage facilities and capability with regard to food distribution would operate to reduce the irregular flow of grains onto the export market, as well as contribute to the steady improvement of diets in those countries. Along parallel lines, any help that the United States and other developed countries might provide potential exporters of grains among the developing countries to develop a broiler industry, a dairy industry and possibly other livestock industries would operate to improve the world market for grains.

If, despite realistic internal farm program actions and external commodity arrangements, the situation continues to be one in which world grain and related commodity prices are well below domestic price support levels, and the domestic pressure on the farm budget continues, then farm policy leadership in the United States may be forced to take a step that has not seriously been considered for over 40 years. The United

States might be forced to give up its historic policy of supporting farm prices through production control or supply management, and seek to maximize the export of farm commodities in a completely uncontrolled world market. This would become necessary, first, because national budget policy would not provide sufficient funds to meet the storage and commodity program costs under voluntary programs that would result from the agricultural situation postulated here; and, second, because the United States would find itself in the impossible position of trying to support world farm commodity prices by controlling, or reducing, production within its borders alone. In such a policy situation, the United States would be forced into a position of further curtailing production at home and experiencing a reduction in farm commodity exports, even as competing nations were increasing production and exports.

Given such a development it might be wise for the United States to take the following policy actions. First, eliminate all price support operations and voluntary production control programs, and let domestic commodity prices move to world levels. Second, pursue vigorous, but nonsubsidized export policies, and seek to maximize the volume of farm commodity exports from the United States. Third, use commodity program funds available to domestic agriculture from the federal government to make parity wage payments to commercial farm producers. Parenthetically, I do not have a specific program in mind for measuring and distributing these parity wage payments, but they should be made, insofar as funds permit, to commercial farm producers to bring the annual wage of each commercial farm producer up to the average income level of managers of small businesses (e.g., a plumbing establishment, or farm machinery outlet). Fourth, wait for high input prices in conjunction with low farm commodity prices around the world to slow down the rate of aggregate output expansion, or possibly contract it, and thereby cause the general level of grain prices, and commodity substitutes, to start moving upward once again.

Since I am not omniscient, I cannot attach specific years to the story of grain surplus conditions and farm budget stringency that has unfolded here, but in general terms I have been talking about a process that might involve five to ten years, hence involve a part or all of the decade of the 1970's. But I would be surprised if the process described at some length here extended beyond a ten year period. I say this not because I think the squeeze on the farm budget from the urban sector will suddenly disappear. It won't; it will be with us for a long time to come.

It will be the stagnancy of farm production efficiency, touched upon early in this paper, in conjunction with the consequences of environmental control that will turn the trick. If the rate of farm technological advance in the developed countries remains slow because either the easy technological developments have been creamed off, or efforts to protect and improve man's environment force farm producers to employ more costly production methods, then increased food production in the aggregate must be achieved primarily through the employment of more non-farm produced inputs, and more costly inputs. Given this situation, low farm product prices should bring about a reasonably quick adjustment, namely, a reduced rate of increase in food production.

VI

In conclusion, let me say that I can already hear some of you saying—"What a fairy tale!" And perhaps it is. But let me make these additional comments. The farm policy conclusions and recommendations in the latter part of this paper stem in large measure from the nature of the forces described in the early part of the paper, *and the continuance of those forces into the 1970's.* If the forces, as described, were and are meaningful and relevant then the policy discussion is meaningful and relevant.

Of course, any one of the forces described could, and probably will, develop in some way different from that suggested by me, becoming more or less intense or more or less applicable. For example, the tendency for farm production efficiency in the aggregate to hold constant could well change in the 1970's. Perhaps a whole new complex of improved technologies is just around the corner, and the index of production efficiency will shoot upward again in the 1970's. But, if such a development actually occurs, Cochrane's fairy tale could be transformed into a nightmare for American farmers. Or maybe the farm budget crunch will never really take place; one of my most respected economist friends tells me that it won't. In this event, the policy story developed in this paper is far too pessimistic. Thus, each of you can and will make your own corrections to, and adjustments of, the forces described in this paper, and to an important degree the policy conclusions and recommendations change accordingly.

For myself, I have formulated and described the important forces bearing on American farm policy as I see them in 1970, and as I think they are most likely to develop through the 1970's. Given, then, this set of forces, some economic analysis and my own value system, I have developed for you a farm policy analysis which might just have considerable meaning for the 1970's.

FOOTNOTES

[1] Some Observations of an Ex Economic Advisor: Or What I learned in Washington, *JFE*, Vol. 47, No. 2, May 1965, p. 460.

[2] *Congressional Quarterly*, June 27, 1969, page 1137.

[3] For a good summary of this production revolution in grains, as well as its export implications, see the article "U.S. Export Potentials and the Green Revolution," by Ralph W. Cummings, Jr. *Farm Program Choices*, CAED Report 35, Iowa State University of Science and Technology, Ames, Iowa, 1970.

[4] "The Green Revolution: Production and World Trade," *Columbia Journal of World Business*, Vol. V., No. 2, March-April 1970.

[5] For a balanced approach to this controversial subject see *Agriculture and the Quality of Our Environment*, Nyle C. Brady, Editor, American Association for the Advancement of Science, Washington, D.C., 1967.

[6] John Walsh, "Environment: Focus on DDT, the 'Uninvited Additive,'" *Science*, Vol. 166, November 21, 1969.

[7] Statement by the Honorable Clifford M. Hardin, Secretary of Agriculture, before the Subcommittee of the Senate Appropriations Committee, Washington, D.C., June 4, 1969.

[8] In a statement presented to the Committee on Agriculture and Forestry of the United States Senate, Washington, D.C., February 24, 1970.

[9] *Economic Aspects of Farm Program Payment Limitations*, Legislative Reference Service, The Library of Congress, Washington, D.C., November 6, 1969.

[10] I ignore cotton in connection with production control, since it is not clear that the program is, in fact, controlling cotton production; payments in cotton may be serving to hold production up to the control limits rather than down to them. Thus, there is no realistic possibility of cotton production increasing with the imposition of payment ceilings as envisaged here. There is, however, the problem of the so called "snap-back" provision. Unless this provision is repealed, program costs to the government might rise, rather than fall, with the imposition of a payment limitation for cotton. But we assume here that the "snap-back" provision would be repealed without going into a lengthy discussion of this special treatment for cotton.

[11] Report of the National Advisory Commission on Food and Fiber, Washington, D.C., July 1967, page 119.

THE 91ST CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, trying to sum up the 91st Congress as we recess until after the 1970 elections is like trying to review a murder mystery without reading the final chapter. The plot has been partly unraveled, the victim has been identified, and we have a good idea who did it.

What we will not know until after election day is whether the culprit is going to get away with his alibi or whether he will be caught, convicted, and properly punished.

The victim, as usual, is the American voter. The people of this country, just 21 months ago, put President Nixon in the White House and made it pretty plain that they wanted some changes made. The President responded with the most comprehensive and fundamental program of reform and redirection of national priorities the United States has seen since the early New Deal.

This Congress has not murdered the Nixon program. Neither has it breathed legislative life into it as a whole. It has merely muddled along, unable to finish its business even at this late hour, unwilling to face the electorate with a clean-cut record of having accepted or rejected the initiatives of a Republican administration and let the voters act accordingly.

The Democrats, I say with due respect, have the power in this Congress and must bear the responsibility. They have controlled the Congress for 36 of the past 40 years and continuously since 1955, under both Republican and Democratic Presidents. If the American people will consider what has happened in the last 15 years under Democratic Congresses, the chances of a Republican 92d Congress will surely soar.

Mr. Speaker, while this is the season to speak with partisan vigor, and I shall, fairness requires me to say that so far as the House of Representatives is concerned, the Democratic leadership in this Congress has upheld the Republican President in his efforts to bring the Southeast Asia war to an honorable end, to prevent a renewal of large-scale fighting in the Middle East, and to maintain a decisive defense posture for the United States while seeking to reduce tensions wtih our potential adversaries. I wish that I could commend the other body with equal sincerity on this score.

But in the very important sphere of domestic concerns, the Democratic leadership of this Congress has failed to measure up to the needs of the Nation in its support of President Nixon's reform program. It goes without saying that a new Administration would do better with a compatible Congress of its own party, as has usually been the case in our history.

Back in August, when we took a long recess which we supposed would be the last one of this session, I noted that of 100 major legislative requests which we had received from the White House, only 39 had been finally acted upon by the Congress—not always favorably—with five more pending in conference. Thus a total of 56 items remained unfinished business 6 weeks ago.

Since then we have disposed of a few more—notably the organized crime bill with important antibombing amendments—but half of President Nixon's priority requests will still be facing the lameduck session when we return after election day. Fully one-quarter of them have not been acted upon by either body, seven have passed the House only and 10 others the Senate only. A dozen remain in the conference stage.

It is conceivable—though not very likely—that after reading the election returns we will come back in November to buckle down and deal with all these key portions of the Nixon program. What is certain is that we should have done so by now, one way or another, to give the voter a clear choice for the next Congress. Instead the Democratic majority decided to duck lamely.

Now we must wait to see whether the American people will see through this transparent alibi and hold the real culprits—the Democratic majority in this Congress—accountable at the polls. The final chapter in this whodunit will be read November 4.

Personally, I would not want to predict the end of the story, but I will share with you the year-old observations of a prominent Democratic prophet who is currently trying to prove he is not without honor in his own house. In September 1969 columnist Marquis Childs quoted former Vice President Hubert H. Humphrey as follows:

In 1970 President Nixon can go to the country with the same battle cry that President Truman used in 1948. He can talk about the legislative failures of a Congress with solid Democratic majorities. The President has put one program after another up to you and you haven't acted. He can appeal for the election of Republicans to help him get his programs through. And if the Republicans make substantial gains in the Senate and the House the chances for a Democrat winning in 1972 will be a lot worse than they are today. Unless the record of Congress improves in the second session and unless the Democratic Party gets behind its own legislative program, I can see Nixon aiming a campaign at the "90 worst" Congress just as Truman went after the "80 worst" Congress and won against all the odds.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

RETIREMENT OF CROPLAND

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RAILSBACK. Mr. Speaker, on August 5, 1970, during floor consideration of H.R. 18546, I offered an amendment to the committee bill. My amendment, which was printed on page 27496 of the CONGRESSIONAL RECORD, would have permitted the long-term retirement of up to 6 million acres of cropland a year for 3 years, or a total of 18 million acres.

I was pleased to have the support of several of my colleagues for my amendment. The purpose of the amendment was to make possible the conservation and economic use of land and to assist farmers who because of advanced age, poor health, or other reasons, desire to retire from farming. We did not intend to disturb the grazing balance or to waste taxpayer dollars. Even those who spoke against the amendment admitted that it had appeal. However, the chairman of the Committee on Agriculture had made clear that all amendments would be vigorously opposed and my amendment suffered the same fate as all others; namely defeat.

During the committee consideration of the House-passed bill in the Senate, language similar to my amendment was offered and agreed upon. The Senate passed the bill with such language contained therein, and I was optimistic that it would be retained. But, I find that the conference committee has agreed to drop this language and I regret that action.

The American Farm Bureau Federation had supported a long-range retirement program of 50 million acres. The original U.S. Department of Agriculture bill called for an increase in cropland conversion of four times the present amount. We need land retirement to help fight pollution and to preserve nature. We need it to assist smaller farmers to give up some of their land and to be able to retire on what is left. Our cropland adjustment programs have experienced an average cost to the Government of about $20 an acre. This is probably as economical a resource adjustment as can be feasible under any of the governmental efforts. And we do have programs in existence. The machinery is now available to operate such a program and we have failed to take this action which at a reasonable cost would permit the conservation and improvement of natural resources, soil, water and woodland, and provide more opportunities for recreation, improve wildlife habitat, and help abate pollution, as well as enable many farmers who need to retire from farming but are unable to do so without assistance to make a graceful and dignified retirement possible.

I am hopeful that at an early time next year, the Congress will take favorable action on this proposal.

CREATING DISORDERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DERWINSKI. Mr. Speaker, Mr. Harry Sklenar, editor of the Des Plaines Valley News, is a veteran journalist who in his career has had experience in every phase of news gathering.

Therefore, his penetrating comments on the relationship between disorders and the media merits review. The article appeared in the Thursday, October 1, Des Plaines Valley, Ill., News.

The article follows:

CREATING DISORDERS

(By Harry Sklenar)

Vice President Agnew called attention to the public to distortions of information in the press and on TV and became a national figure because of his criticisms. As the nation observes Newspaper Week, the topic of distortion should be reviewed.

It becomes clear that when reporters of TV networks and their cameramen are "invited" to a demonstration prior to its occurrence, objectivity is lost, for the demonstaration is then "staged" as a play or drama and biased reporting results.

How the general public views the situation thus can be manipulated to fit the sensational image, thus coloring the information to fit the newspaper bias, or the TV station demand for live action.

Several instances where dissent blossomed into riots due to the presence of invited TV cameramen and news photographers were observed by this writer and is a convincing argument that minor episodes can escalate into violence at the wave of the TV camera crew, or sometimes at their direction.

Since foreign newspapers draw largely upon facts as presented by American newspapers, the image presented may be decidedly negative in relation to what really happened.

Take a few examples. On Sept. 24, 1969, TV cameramen and Milwaukee news reporters were invited to a staged burning of draft induction office records. Action was not started until cameramen and reporters arrived. On the following day, a protest "demonstration" took place in a Milwaukee Catholic church where the same individuals that burned the draft records again were filmed in a "pulpit protest." Now no action occurred until the cameramen were present.

In both "incidents," why hadn't the police or federal authorities been notified, too? Or was the urge for some sensational action dominating the reporting?

Incidentally, the draft records burning characters were convicted for their offense and jailed.

In certain instances, the demonstrations were called off simply because not enough reporters or TV cameramen were present as evidenced when a noted Chicago teen gang leader called a "press conference" for violence.

To be sure, such action makes headlines, but what about distortion? When demonstrations are so controlled that action only takes place when the lighting is focused and camera ready, then information is manipulated. The truth is distorted. The readers are deceived.

Similarly, take those war dispatches from Vietnam. Note the number of American serv-

icemen killed in ratio to the enemy. How often have you read of a defeat similar to the spy ship, Pueblo?

Note the heavy emphasis on violence in news stories. How often does a peaceful settlement get coverage, or aren't there any peaceful solutions? And if not, why not "stage" a peaceful solution for the benefit of invited TV cameramen and reporters? Must blood be shed to draw viewers to watch that color TV?

Parades are staged, movies are filmed, conventions are pre-planned. Are riots and violence in the same category? Must one shed blood to get attention, as several persons did by dousing themselves with gasoline and setting themselves on fire?

The topic is one for debate. This writer invites readers to give their views by signed letters of the above observations.

WILLIAMS AND HAMPSHIRE COLLEGES IN MASSACHUSETTS CONFER HONORARY DOCTOR OF LAW DEGREES ON THE HONORABLE SILVIO O. CONTE, U.S. REPRESENTATIVE FOR THE FIRST CONGRESSIONAL DISTRICT OF MASSACHUSETTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BOLAND. Mr. Speaker, I would like to bring to the attention of this body the very deserved dual honors recently visited upon one of our distinguished colleagues and my very good friend, the gentleman from Massachusetts, Congressman CONTE.

For 12 years in the Congress, and before that for 8 years in the Massachusetts State Senate, our colleague has fought a variety of battles on a great many fronts. But most constant of all has been his support for public education in this country. It was primarily this fervent dedication to education that caused two great colleges in his First District of Massachusetts to honor him this autumn with honorary doctor of laws degrees.

The first honorary degree was conferred upon Congressman CONTE September 20 by Williams College in Williamstown, acknowledged to be one of the finest institutions of higher education in this country and one of the oldest. Williams was founded in 1790 and has built an enviable record for both the quality of its education and its students.

In conferring that degree at the school convocation Williams College President John E. Sawyer told Congressman CONTE:

> We honor today the courage and purpose you have shown in aggressive support of education and conservation programs and your independent stand on policies in the national interest.

Less than 2 weeks later, Congressman CONTE was similarly honored by Hampshire College, the new experimental college which opened this year in Amherst, Mass.

On October 3, at the school's first convocation, our colleague was honored along with Poet Archibald MacLeish and Amherst College Historian Henry Steele Commager.

While conferring the honorary degree upon Congressman CONTE, the newly inaugurated Hampshire College President Franklin Patterson said:

> Your devotion to the interests of your constituents is equalled by your independence of conscience and action in serving the larger public interest. Both show in the record innumerable quiet acts of assistance to individual citizens who need a voice to speak for them, and a willingness to stand and be counted in public on issues of the war, of integration, of dissent.

Mr. Speaker, I am extremely pleased to take this opportunity to inform this body of these memorable honors conferred upon our distinguished colleague.

At this time I would like to include with my remarks the texts of the citations from Williams College and Hampshire College which accompanied the honorary degrees to Congressman CONTE.

The citations follow:

CITATION TO SILVIO O. CONTE

Silvio O. Conte, United States Representative from the First District of Massachusetts, *Doctor of Laws*.

Graduate of the Pittsfield public schools and of Boston College and its Law School, following Pacific service in World War II as a Seabee, your election to the State Senate from the Berkshire District launched a vigorous political career exactly 20 years ago. You have since remained attentive to local concerns and attracted bipartisan backing during six terms of increasing responsibilities as a highly regarded member of the United States Congress and of its crucial Appropriations Committee. We honor today the courage and purpose you have shown in aggressive support of education and conservation programs and your independent stand on policies in the national interest.

JOHN. E. SAWYER.

SEPTEMBER 20, 1970.

CITATION TO SILVIO O. CONTE

Member of the House of Representatives of the United States; member of the Massachusetts bar; member of the Senate of the Commonwealth from 1950–1958—and since then continuously representing the First District of Massachusetts in the Congress; member of the House Committee on Appropriations; active leader in federal support for education, conservation, environmental quality, racial justice, and small business; public servant in the truest sense. Your devotion to the interests of your constituents is equalled by your independence of conscience and action in serving the larger public interest. Both show in the record innumerable quiet acts of assistance to individual citizens who need a voice to speak for them, and a willingness to stand and be counted in public issues of the war, of integration, of dissent. I think for example, of your June 30, 1970 speech against the segregationist amendments proposed by Messrs. Whitten and Jones in which you said: "Mr. Speaker, By now it should be abundantly clear that this malicious, misbegotten and discredited policy of the past is doomed to well-deserved oblivion. . . ." We have called you to Hampshire College to recognize, as we begin, a true public servant who helps without stint, who stands for the right things as he sees them, who works for equal rights now, and believes with us that education is the cornerstone of our democracy.

Under the Charter granted by the Commonwealth of Massachusetts, and by virtue of the authority vested in me by The Trustees of Hampshire College, I confer upon you the degree of Doctor of Laws, *honoris causa*, with all the rights and privileges pertaining thereto.

FRANKLIN PATTERSON,
Hampshire College.

OCTOBER 3, 1970.

"THE GRADUATE EDUCATION ACT OF 1971" WOULD GIVE FINANCIAL SUPPORT FOR GRADUATE SCHOOLS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, the President's Task Force on Higher Education has recommended institutional support for universities to cover the high cost of graduate education.

H.R. 11542, reported by the Science and Astronautics Committee in September 1969, is an excellent proposal of this type designed to further the education of scientists.

Another proposal, "The Graduate Education Act of 1971," H.R. 19711, sets out a $300 million yearly program for Federal aid to graduate schools. The text appears below.

Congress should give early consideration to the question of financing graduate education. The following excerpt from the task force report is a call to action that should not be delayed.

Priorities in Higher Education (excerpt).

II. The Support of High Quality Graduate and Professional Education.

The United States depends heavily on a relatively small number of major public and private national universities for the overwhelming proportion of the training of graduate and professional students. These institutions are costly to develop and are becoming increasingly costly to maintain. Private resources and state funds alone cannot meet these rising costs.

Graduate and professional students, unlike the graduates of most two-year and even four-year colleges, often move away from home, first to places of professional training, and then later to places where professional employment opportunities lie. In their mobility, they draw on national resources and contribute to meeting national needs that transcend local areas. These students and the institutions that prepare them reflect national rather than strictly local interests. The teaching and research these institutions perform and the teachers they produce are of basic importance to the strength of the nation.

It is, therefore, decidedly a national problem of the highest order that most of the major national universities are now experiencing severely debilitating financial pressures caused partly by inflation but also by cutbacks and shifts in federal support of research and training. It is no exaggeration to say that effective new support patterns must be developed quickly if we are not to see the partial collapse of a system of higher education unique in the world and fundamental to the strength of the United States. Already, a number of national universities are being weakened, with consequences that may be irreparable.

In order to maintain and develop these major national academic centers, we strongly urge the prompt establishment of a comprehensive system of direct in-

stitutional grants in support not only of professional education in the natural sciences, but also of the humanities and the social sciences.

Mr. Speaker, it is time for Congress and the administration to act on this national problem.

H.R. 19711

A bill to promote higher education at the graduate level through a national program of institutional grants to the colleges and universities of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Graduate Education Act of 1971".

DECLARATION OF PURPOSES

SECTION 1. The Congress hereby finds and declares—

(1) that support of and investment in higher education at the doctor of philosophy level are essential to the security and welfare of the United States and to its economic social, and material progress;

(2) that the project grant and contract method through which the Federal Government now supports higher education at the doctor of philosophy level needs to be supplemented by additional means of financing;

(3) that, to meet this need, there is hereby established an institutional grants program for the support of and investment in education and research at the doctor of philosophy level.

AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENTS

SEC. 2. (a) To carry out the purposes of this Act, there is authorized to be appropriated the sum of $300,000,000 for the fiscal year 1972 and for each of the succeeding four fiscal years, and such sums as may be necessary for each succeeding year thereafter, to be allocated to institutions of higher education in the United States granting doctor of philosophy degrees in accordance with the following formula:

(b) The funds appropriated under this Act shall be allocated to institutions of higher education in proportion to the ratio that the total number of doctor of philosophy degrees (except degress in sectarian theology) awarded by the institution to citizens or permanent residents of the United States during the immediately previous three years bears to the total number of such degrees awarded by all institutions of higher education within the United States.

(c) There is hereby authorized to be appropriated to the Director of the National Science Foundation such sums as may be necessary for direct expenses in administering this Act.

ADMINISTRATION

SEC. 3. (a) The institutional grants program shall be administered by the Director of the National Science Foundation who shall consult frequently with the Chairman of the National Endowment for the Humanities and the Chairman of the National Endowment for the Arts.

(b) There is hereby established the Graduate Education Council.

(1) The Council shall be composed of twenty-one members, including the Director of the National Science Foundation, the Director of the National Institutes of Health, the United States Commissioner of Education, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and eighteen members, three each of whom shall be appointed by the following national associations representing American institutions of higher education: American Council on Education, National Association of State Universities and Land-Grant Colleges, Association of American Universities, Association of State Colleges and Universities, and Association of Amercan Colleges. Each appointed member shall hold office for a term of three years, except that (1) of the members first taking office from each association, one shall be appointed to serve for a term of one year, one shall be appointed to serve a term of two years, and one shall be appointed to serve a term of three years; and (2) any member appointed to fill a vacancy shall serve for the remainder of the term to which his predecessor was appointed. No appointed member shall be eligible for reappointment during the three-year period following the expiration of two consecutive terms of the Council. The Director of the National Science Foundation shall serve as Chairman of the Council.

(2) Members not otherwise employed by the Federal Government shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the Director, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(3) The Council shall advise the Director in the preparation of general regulations and with respect to matters arising in the administration of this Act and other programs providing institutional grants-in-aid. The Council shall review the effectiveness of the program and, at least one year prior to the expiration of the initial authorization limitation, make recommendation to the President and Congress as to needed changes in the program, if any, and as to level of appropriations required to make the program fully effective. For these purposes, the Council shall meet on call by the Chairman of the Council but not less than once each year.

(4) The Director shall engage such technical assistance and make available to the Council such secretarial, clerical, and other assistance and such pertinent data as it may require to carry out its functions.

(c) Institutions receiving grant-in-aid under this Act may be required to report on their use of the funds provided, and shall be encouraged to anticipate future funding in order to design long-range plans for the development, maintenance, and expansion of research and educational programs for the achievement of such national goals and objectives as the expansion of educational opportunities and the improvement in the quality of the educational and research programs provided.

(d) The Director shall adopt policies and procedures designed to assure that Federal funds made available under his Act for any fiscal year will be used to supplement, and not supplant, funds which are available from State and other sources for purposes of conducting and improving higher education at the graduate level.

DEFINITIONS

SEC. 4. As used in this Act—

(a) The term "Director" means the Director of the National Science Foundation.

(b) The term "project awards" means grants-in-aid for projects where the awards are based on the merit of a proposal submitted by an individual member of the staff or faculty of an institution of higher education and on an evaluation of the competence of the individual to carry out the work required, as opposed to awards of grants-in-aid made to institutions as such.

(c) The term "institutions of higher education granting doctor and philosophy degrees" means those colleges and universities whose doctoral programs are accredited by the several regional accrediting associations.

AGREEMENT TO A FOREIGN MILITARY SALES PROGRAM

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. CHURCH. Mr. President, when the Congress reconvenes in mid-November, it is my firm hope that Senate-House conferees will be able to work out a foreign military sales program. This legislation has been tied up in conference since July; with related amendments now part of the Military Procurement Authorization Act and with the President's peace proposals for Indochina now public, it would appear that Members in the other body could now accept the core of the Cooper-Church amendment as part of the foreign military sales bill.

Hopefully, an agreement with the House conferees can yet be worked out after the election.

I ask unanimous consent, Mr. President, that an Associated Press report printed in the Washington Evening Star of October 12 be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COOPER-CHURCH PERILS CREDIT ARMS SALE BILL

The Cooper-Church amendment to outlaw U.S. military operations in Cambodia has tied House-Senate conferees in knots for three months and cast a shadow over a $250 million foreign military credit sales program.

Congressional sources see only a slight possibility of breaking the impasse, although at least one refuses to rule out agreement during the waning days of this session.

The amendment is attached to the Senate's version of the foreign military credit sales bill, passed in widely varying form by both houses and sent to a sharply divided conference committee in early July.

SIX SESSIONS HELD

Only six sessions have been held in the intervening three months, just one of those since Congress returned from a 3½ week recess early last month.

And now Congress is getting ready for an election recess on Wednesday.

Meanwhile, the program under which U.S. weapons and other military equipment is sold to foreign nations on credit or under guarantees is stalled. There has been no money since January because Congress didn't extend the basic authority for the program last year. However, cash sales, which makes up the bulk of the nearly $2 billion program, are continuing.

Smaller American allies, who say they can't afford cash for weapons, are left without a way to get them from the United States.

ISRAEL EXCLUDED

One exception is Israel. A special provision for Israel was made in a separate military procurement bill.

"I firmly believe we need a military sales bill and I'm not going to say it can't be worked out even after we return for the lame-duck session," said Rep. Thomas E. Morgan, D-Pa., who heads the House conferees. "We're going to try."

But progress reports have been dim. The State Department, at the initial conference session, sent a memorandum urging the House conferees are reported lined up with the administration, while all but one of the

Senate members on the panel voted for the amendment, adopted after extended debate in the Senate.

The amendment, sponsored by Sens. John Sherman Cooper, R-Ky., and Frank Church, D-Idaho, would prohibit funds for U.S. troops, advisers, air combat operations or support of Asian troops in Cambodia unless authorized by Congress.

BRIEF SUMMARY OF SECOND SESSION, 91ST CONGRESS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. CHAMBERLAIN. Mr. Speaker, it has been my practice at the close of each Congress to prepare a brief summary of its major actions. Such a final accounting, I believe, is necessary if we are to have an informed citizenry and maintain a viable system of representative government.

Although the record is incomplete at this point, due to the failure of the majority leadership to finish the work of this Congress and adjourn before the November elections, I submit this interim report with respect to legislative activities of the 91st Congress.

VOTING RECORD

During the 91st Congress I was present and answered to 96 percent of all record votes.

NEW DIRECTIONS: VIETNAM

Understandably, the situation in Southeast Asia has continued to be a matter of paramount concern throughout the session. The President's tough decision concerning the situation in Cambodia has been justified by subsequent events. The President has kept his pledge to the American people not only with regard to the withdrawal of U.S. troops from Cambodia but even more significantly with respect to the scheduled withdrawal of U.S. troops from Vietnam. In fact, with the most recent announced withdrawal of an additional 40,000 by Christmas, this will bring the total troop-level reduction to more than 200,000 since January 1969. It is even more encouraging to note that U.S. casualties have dropped to a 4-year low following the Cambodian operation. This is indeed a new direction in Southeast Asia.

A DECADE OF REFORM

President Nixon in his state of the Union message last January, issued a call to the Congress and the Nation to meet new challenges and to set new priorities:

> At heart, the issue is the effectiveness of government . . . as we enter the seventies, we should enter also a great age of reform of the institutions of American government. Our purpose in this period should not be simply better management of the programs of the past. The time has come for a new quest . . . a quest not for a greater quantity of what we have—but for a new quality of life in America.

Regrettably the reaction of the majority leadership of Congress has been less than responsive. With the present composition of the House—243 Democrats, 187 Republicans, and five vacancies—and the Senate—57 Democrats and 43 Republicans—this is perhaps not surprising in political terms. Nevertheless, urgently needed reforms have simply not been forthcoming in many areas because the majority leadership has not seen fit to schedule much important legislation for floor consideration.

MAJOR UNFINISHED BUSINESS

The following major bills are among those that so far have failed to clear one or both Houses:

Electoral college reform, social security reform, welfare reform, organized crime control bill, revenue sharing, pollution control—six of seven major administration bills—manpower training reform, Federal education program reforms, draft reform, Federal grant-in-aid system reform, mass transit.

Occupational safety, Consumer Protection Act, women's equal rights amendment, farm program, Foreign Trade Act, Foreign Military Sales Act with Indochina amendments.

Appropriation bills for: agriculture, defense, foreign aid, Housing and Urban Development, Labor, Health, and Welfare, military construction, transportation.

NEW PRIORITIES

The substantial change that has taken place in Washington following President Nixon's inauguration is clearly evident in the budget he submitted to Congress for fiscal 1971 last January. Here for the first time in many years, more money is earmarked for human resource programs—education and manpower, health, income security, and veterans benefits, and services—than for defense.

PERCENTAGE OF OUTLAYS

Fiscal year	Defense unified budget	Human resources unified budget
1962	48	29
1963	47	29
1964	45	29
1965	42	30
1966	42	31
1967	44	32
1968	45	32
1969	44	34
1970 estimate	40	37
1971 estimate	37	41

This is made possible by a requested reduction in overall defense spending to a level some $8 billion below the defense budget of just 2 years ago. At the same time, the budget contained requests for increased funds for crime reduction, environmental quality, food assistance, manpower training, welfare reform, revenue sharing, and transportation.

A central purpose of the President's new budget is to pursue a noninflationary course while moving ahead on the Nation's problems. This effort, however, has been jeopardized by the attempts of the Congress to increase Federal spending. This has resulted in the President's use of the veto on several occasions which provoked attempts by the majority leadership to override.

For example, on August 13 the House, in separate actions, voted first to override the President's veto of a $4.4 billion education appropriation bill, which was $453 million more than requested and then voted to sustain the President's veto of the $18 billion appropriation bill for the Department of Housing and Urban Development, which was $541 million over the budget figure.

I voted to support the President's position in both cases. In his veto messages the President pointed out that compared to the last fiscal year of the previous administration his budget requests for education were 28 percent higher, and for urban renewal, water and sewer grants and housing subsidies were 100 percent more.

The question, then, was not if certain programs deserved support, but whether this additional $1 billion could be reasonably justified in terms of the imperative need to control spending and continue to fight against inflation. Hopefully, with the most recent cost-of-living figures indicating an encouraging easing of upward pressures, the President's policies of fiscal and monetary restraint are becoming effective.

POSTAL REFORM

Clearly one of the most substantial decisions taken this year by the Congress was the approval of legislation converting the Post Office Department into an independent Government agency to be known as the U.S. Postal Service. Under the new plan, a nine-member Commission, appointed by the President with Senate confirmation, is established, which in turn selects the Postmaster General, who will not be a member of the President's Cabinet. Among other changes, the bill creates a new form of Federal civil service for all postal employees.

Of particular interest during debate was an amendment to strike language permitting union shop agreements in the new Postal Service. The bill, including this change, was adopted with my support. While it will undoubtedly require considerable time for the new reorganization plans to become fully effective, I am encouraged that action has been taken to help provide a better mail system.

POLLUTION CONTROL

The House has moved on three important fronts in an effort to improve environmental quality. First, it passed H.R. 17255, which authorizes a $755 million, 3-year extension of the Clean Air Act, with new authority for establishing nationwide air pollution standards, including the control of automotive and aircraft emissions. Under it the Attorney General is also empowered, if the States fail to act, to bring suit seeking abatement of pollution, with penalties up to $10,000 per day.

The House also cleared the Resource Recovery Act of 1970 authorizing a 3-year, $450 million expansion of the Solid Waste Disposal Act. This legislation provides for research studies, demonstration projects and construction grants to expand and intensify the development of new technologies for handling solid waste and for the recovery of useful natural resources.

In addition, the House approved the public works appropriations bill including $1 billion for the construction of waste treatment facilities. All of this legislation had my support. While the first two measures are in substantial agreement with the President's proposals in

the air pollution and solid waste areas, the Public Works Committee still has pending before it the administration's recommendation for a $10 billion—$4 billion Federal share—program for waste treatment plants.

CRIME

Although belatedly, Congress recognized the need for favorable action on the President's recommendations for crime control legislation which were among the first administration requests.

Finally approved in July of this year was the District of Columbia omnibus crime bill which is a comprehensive plan including reform of court, criminal and bail procedures; a public defender's system; plus new, court-supervised authority to prevent the destruction of vital evidence and further crimes by suspects awaiting trial. This bill is designed, as well, as a model for State and local governments to follow.

In early October the House passed a bill giving the Federal Government broad new powers to crack down on organized crime and terrorist bombings. This, too, I fully supported. Also, passed this year was a record authorization of $3.1 billion in Federal funds for law enforcement and crime control, with most of the money going to State and local police agencies.

VOTING RIGHTS ACT

In another major action, Congress passed a bill extending for another 5 years the Voting Rights Act of 1965. Also included was a "rider" put on by the Senate which would lower the voting age to 18 years in local, State, and Federal elections beginning in 1971. As it has long been the prevailing view that the establishment of a uniform national minimum voting age would require a constitutional amendment, I shared the concern of many who questioned the Senate's simple statute approach and the untested interpretation of the 14th amendment on which it is based.

Consequently, I first voted to send the bill to conference where an effort could be made to separate the voting age Senate "rider" from the rest of the bill. When this failed the question was then whether to vote "yes" or "no" on the bill as a whole. With the Voting Rights Act due to expire in less than 2 months I voted for the bill on final passage.

FARM PROGRAM

After nearly a year of long and indecisive study, the Committee on Agriculture concluded by producing a farm bill calling for basically a 3-year extension of price support programs for wool, wheat, feed grains, and cotton. The final result means essentially a continuation of the same old policies and programs which have provided far too little in the way of income protection for many of our farmers and has failed to live up to the promise to hold down the cost of the program to the U.S. taxpayers, many of whom are also farmers.

While some sections of the bill were acceptable, such as the dairy provisions, I voted to rewrite the bill on the floor, but when these efforts failed, I opposed the measure on final passage.

In addition, I supported an amendment that would limit farm payments to any one producer to $20,000 a year instead of the $55,000 ceiling contained in the bill. I have long urged that steps be taken in this direction and even have introduced legislation that would hold such payments to $10,000. However, an amendment to this effect also failed. From the discussions I have had over the years with farmers in our area, I believe what is needed is a new direction which leads away from Federal controls in agriculture.

In an extraordinary maneuver to prevent the Senate from having to vote on the farm bill before the election the Senate majority leader refused to let the official House messenger enter the Senate Chamber to deliver the bill from the House.

MAIL POLLUTION

In August, the House gave overwhelming approval to the final segment of President Nixon's three-part request for legislation to combat pornography. This bill (H.R. 11032) prohibits the use of interstate facilities, including the mails, to transport unsolicited obscene advertisements, the legislation would provide penalties of up to 5 years and/or a fine of $50,000, with double punishment for subsequent convictions.

Last April the House passed H.R. 15693, outlawing the delivery of sexually oriented matter to persons under 17 years, or to adults who have notified the Post Office they do not want such mail. It is apparent from the continuous flow of complaints that I receive that additional steps are needed to protect against this polluting of our mails. These bills had my full support. To date, the Senate has acted on only one of these proposals.

LEGISLATIVE REFORM

The first wide-range reform provisions of congressional procedures since 1946, the Legislative Reorganization Act, also gained approval. These changes include provisions for opening more committee meetings to the public, permitting for the first time live TV coverage of House committee hearings, restricting proxy voting in committees and the modernization of congressional research capabilities.

In addition, new rules will also require the recording of names of Members on "teller" votes. Under present procedures Members walk between two tellers and are counted. Since important issues are sometimes decided by these votes, without further opportunity for a rollcall vote, I supported this change as well as the much needed total reform package.

COMMITTEE WORK

Much of the key legislation to come before the House this Congress originated in the Ways and Means Committee on which I serve. This includes the first major revision of our tax system since 1913, the revision of unemployment compensation as well as its extension to cover an additional 5 million workers, and a 15-percent increase in social security benefits effective January 1, 1970. Other actions included the following:

SOCIAL SECURITY REFORM

In May the House passed the Social Security Amendments for 1970 which among other provisions included both an additional 5-percent raise in benefits and an increase in permissible outside earnings without loss of benefits from the present $1,680 to $2,000 per year.

While I personally had hoped that this provision could have been further liberalized, and sponsored legislation to raise the annual limit to $2,400, I believe that the recommended increase will be of considerable help to those who have to work to supplement their retirement incomes.

In addition, the bill is designed to improve the effectiveness and hold down the cost of the medicare, medicaid, and maternal and child health programs. Just before the vote on final passage a Republican-sponsored motion was offered to provide for automatic cost-of-living increases in benefits along the lines that I have been urging for several years. This reform would assure that benefits would not lag behind the rest of the economy and hopefully remove social security adjustments from the political arena. This, of course, had my support and was approved.

Although this legislation does not include all the reforms that might be desirable, it does make definite and much needed progress in a number of areas and provides greater equity in the social security program. Similar, though not identical, legislation is still pending in the Senate.

WELFARE REFORM

Recognizing the present welfare system for what it is "a failure that grows worse every day," the President submitted to Congress a new plan designed to reverse this trend through a work incentive program. This new system, whose basic features were approved by the committee and passed by the House, is specifically designed to discourage broken homes, welfare dependency and the compounding of urban problems through the migration of recipients from low to high benefit cities and States. Although I realize that our complex welfare problems cannot be solved by any legislative magic, I am convinced that society's greatest hope lies in a new approach, one which encourages work and neither stifles nor destroys initiative.

DRUG ABUSE

The tax and import control aspects of the Comprehensive Drug Abuse Prevention and Control Act of 1970 also came before the committee. This bill, a major part of the President's anticrime program, recognizes the many aspects of this problem by providing a multiple-pronged attack including stiffer penalties for drug pushers and a 3-year $403 million program of intensified research, rehabilitation, drug abuse education, and law enforcement. There can be no doubt as to the seriousness of this problem nor of its close connection with the causes of many crimes, with some estimates indicating that one-half of all violent crime is committed by persons under 25 years of age seeking to support their addiction or drug dependence. The bill, of course, had my support.

TRADE

In August, the Ways and Means Committee concluded action on a bill (H.R. 18970) covering a wide range of trade, tariff, and quota recommendations.

Basically, the Trade Act of 1970 extends Presidential authority through fiscal 1974 to lower tariffs; establishes a new mechanism to insure that U.S. workers and businesses who may be seriously injured from increased imports may be provided with tariff adjustment or similar assistance needed to remedy such injury; sets temporary quotas on imports on certain textile and footwear articles pending negotiated international agreements; and authorizes the Domestic International Sale Corporation—DISC—plan for encouraging U.S. export sales through tax incentives. In taking these and other steps the committee said that the Nation had been well served by U.S. leadership in promoting freer world trade, but noted:

However, the hope that other countries would move toward greater access to their own markets has been realized all too infrequently . . . The time has come for other countries to realize that the United States alone cannot accept all of the surplus products stemming from increased productivity abroad. Other industrialized countries must move much more rapidly to open their markets, not only to competitive products of other industrialized countries, but also to the exports of developing countries.

I share this concern.

SKY-JACKING

The rash of late summer hijackings prompted early committee action on President Nixon's request for funds to train 2,500 special guards to travel aboard aircraft to help deter future hijack attempts. Since May 1, 1961, there have been 73 aircraft hijacks and 20 unsuccessful attempts, 66 of these have occurred in the last 2½ years and in this year alone there have been 19.

To finance this force the administration proposed an increase in the ticket tax on domestic flights from 8 to 8½ percent and an increase in the head tax, now paid by passengers on international flights. While getting this problem fully under control will require the cooperation of other countries, something the President is also seeking to obtain and it is hoped that the need for these guards and added taxes will be temporary, it is clear that we cannot tolerate the continuation of these criminal acts.

AUTO EXCISE TAX EXTENSION

Finally, the committee is currently considering the administration's tax requests for a proposed antipollution tax on leaded gasoline, and accelerated schedule for the collection of estate and gift taxes and the postponement for another year of the scheduled reduction in automobile and telephone excise taxes set to take effect in January. At the outset, I made it clear that I intended to oppose in committee any further delay in the already 4-year postponed repeal of the 7 percent auto excise tax. It has been 5 years now since Congress finally branded this tax for what it is, an unfair burden on many businesses, workers and low- and middle-income consumers which can no longer be justified and wrote into law its phase-out.

According to our action in 1965, this discriminatory excise tax should have been all but eliminated in January 1969. No one questions the need for tax revenues, but since everyone concedes this to be an unfair tax, it is nothing more than a revenue ruse that should be stopped.

While final committee action has been deferred until after the election, I am hopeful that we can develop a new approach by extending the phase-out in order to minimize the adverse revenue impact, and that some way may also be found to make the public more aware of this hidden tax. We have voted for truth in lending, truth in packaging, and I think the Congress should be willing to go along with a little bit more truth in taxation.

COMPLETED ACTION

Other legislation approved by the Congress this session included the following actions:

The Emergency Home Finance Act, providing 512,000 mortgage loans for low-, moderate- and middle-income family homes.

Vietnam educational benefits, increases from $130 to $175 per month educational allowances for Vietnam veterans.

Airport and Airways Development Act, a $5 billion multiyear program.

Maritime program, 10-year revitalization, including recommendation for finanical aid for construction of a new *Delta Queen*.

Extended the Hill-Burton hospital construction aid program for 3 years.

Approved the Community Mental Health Centers Construction Act with provisions for mentally ill children.

Approved the medical library assistance bill extending Federal assistance for an additional 3 years.

The Public Health Cigarette Smoking Act, ends cigarette advertising on radio and television after January 1, 1971.

Establishment of the Sleeping Bear Dunes National Lakeshore.

Golden Eagle Passes for National Parks extended for 1 year, cost $10.

National Foundation on the Arts and Humanities extended.

House Delegate, District of Columbia granted a nonvoting House Delegate.

National Oceanic and Atmospheric Act, a new agency to coordinate major Federal programs.

Commission on Population Growth and the American Future established.

GOOSE LAKE INQUIRY

The flagrant violation of Federal and State narcotic and drug laws at the "Rock Festival" at Goose Lake in August brought the Nation's drug problem very close to home. While I agree that the control of these gatherings is primarily a State or local responsibility, the extraordinary difficulties posed to law enforcement officials by such volatile mass assemblages raised the question in my own mind of what, if any, is the responsibility of the Federal Government in such situations.

Consequently, last month I asked the chairman of the House Judiciary Committee, Congressman EMANUEL CELLER of New York, to arrange a special meeting between the law enforcement officials who were confronted with this problem and the members of his committee to explore this question. This was held on September 30 with Jackson County Prosecuting Attorney, Bruce Barton and Jackson County Sheriff, Charles Southworth, among those giving a specially designated subcommittee a detailed briefing.

CHAMBERLAIN BILLS

During the 91st Congress, I introduced a number of bills to prompt action in many areas, including the following that would—

Call on North Vietnam to abide by the Geneva Convention with respect to prisoners of war (H. Con. Res. 362).

Enact the President's seven major environmental quality proposals (H.R. 16024, 16025, 16026, 16027, 16028, 16029, 19030).

Raise social security benefits, provide an escalator clause for future cost-of-living increases, and liberalize the outside earnings allowance without loss of benefits (H.R. 14134, 1018).

Exempt persons working after 65 from payment of social security tax (H.R. 15704).

Raise the personal income tax exemption to $900 (H.R. 2347).

Extend head of household benefits to single persons over 35 (H.R. 1021).

Equalize tax exemption treatment for servicemen in Korea and Vietnam (H.R. 618).

Enable members of the armed services to vote from age 18 (H.J. Res. 1111).

Provide for sharing Federal revenues with State and local governments (H.R. 1398).

Create a work oriented welfare program (H.R. 14173).

Prohibit use of the mails to transport unsolicited pornography (H.R. 11068, 11316, 11317).

Establish a National Cemetery at Fort Custer (H.R. 1016).

Establish a Sleeping Bear Dunes National Lakeshore (H.R. 15421).

Establish a National boating safety program (H.R. 15422).

Limit types of questions asked by the Census (H.R. 2494).

Begin a 5-year phaseout of Federal controls over agriculture (H.R. 14469).

Limit Federal farm program payments to $10,000 per producer (H.R. 416).

Amend the Constitution with respect to equal rights for men and women (H.J. Res. 879).

Amend the Constitution to permit voluntary prayer in public schools (H.J. Res. 433).

Provide tax incentives for small business (H.R. 1017).

Require the retirement of committee chairmen at age 65 (H. Res. 976).

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

NURSING REQUIREMENTS FOR SMALL HOSPITALS MUST BE CHANGED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PRICE of Texas. Mr. Speaker, I have introduced an amendment to the Social Security Act of 1936. This amendment will change the nursing staff requirements for small hospitals receiving benefits under the medicare program and make the requirements conform more realistically to the health care needs of rural America.

Under present laws a hospital, to be eligible to receive medicare benefits, must have at least one registered nurse on duty during each of the three 8-hour operating shifts. While this requirement may be appropriate for big city hospitals having a ready supply of registered nurses to draw from, it is extremely impractical for hospitals located in small rural communities.

In the State of Texas alone, more than 150 small hospitals run the risk of having their participation in the medicare program terminated simply because they do not have enough registered nurses available to meet Federal medicare regulations. In the Texas panhandle at least 10 hospitals in Carson, Hale, and Lamb Counties are affected:

Community Hospital and Clinic, Olton, Tex. Littlefield Hospital and Clinic, Littlefield, Tex. Medical Arts Clinic-Hospital, Littlefield, Tex. South Plains Hospital-Clinic, Amherst, Tex. High Plains Hospital, Hale Center, Tex. E. O. Nichols Memorial Hospital, Hale Center, Tex. General Hospital, Plainview, Tex. Groom Memorial Hospital, Groom, Tex. McLean Hospital, McLean, Tex., and Hemphill County Hospital, Canadian, Tex.

Mr. Speaker, this burdensome requirement must be changed, and it must be changed quickly, for rising hospital and health care costs make it impossible for small rural hospitals to keep their doors open without the aid of Federal funds supplied by the medicare program. If rural community hospitals are forced to close their facilities by virtue of the operation of this regulation, it will be tragic indeed. After all, it must be remembered that hospitals exist to meet community health needs. Artificial rules must not be permitted to frustrate this basic goal. I say artificial because the facts of the matter indicate that licensed vocational nurses working with skilled physicians and trained registered nurses can provide an adequate level of nursing care to hospital patients on an around the clock, 7 days a week basis.

In my judgment such an arrangement will permit small community hospitals to continue meeting local health care needs. Accordingly, I believe the amendment I am proposing is clearly in the public interest, and I urge my colleagues to give it their unqualified support. This problem must be resolved before the 91st Congress adjourns.

CRIME CONTROL ACT 1970

HON. CLARK MacGREGOR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MacGREGOR. Mr. Speaker, I rise in support of the Crime Control Act of 1970. This measure seeks not only to fight the spread and effectiveness of organized crime, but also to combat the recent spread of terror bombings throughout our Nation. Over the last 18 months, we have witnessed 4,330 actual bombings, 1,475 attempted bombings, and 35,129 bomb threats. The cost in terms of destroyed property and loss of life has been tragic. The cost in terms of fear experienced by our people and the strain on the very fabric of our society cannot be accurately determined in terms of dollars or statistics. The legislation which we are considering makes an effective attack on the criminally insane element responsible for these terror tactics. Its enactment is imperative.

Under existing law the transportation of explosives in interstate commerce for use to damage or destroy personal or real property, or to injure or intimidate any persons using the property, is prohibited. With some improvement, this will remain in the law. The penalties, however, for violation of this provision will be substantially increased. The reach of the law, however, is greatly extended by making it unlawful to damage or destroy property which is used in or affects interstate commerce. Nearly all types of property will now be protected by the Federal law. Using the constitutional power of the Federal Government to protect its own property, the law further provides that it will be a Federal offense to use explosives to damage or destroy property owned, leased, possessed, or used by the Government of the United States. This will apply equally to all property of institutions or organizations receiving Federal financial assistance, covering most of our educational institutions.

In addition to the actual damage caused by the unlawful use of explosives, we are experiencing losses due to threats of bombing. These losses encompass a loss of productivity because of forced evacuations as well as the loss of our personal freedom because of the fear of bombing attacks. This legislation approaches this problem in a comprehensive manner. The use of interstate communication facilities to maliciously report false information of bombing attacks will be punished by not more than 5 year's imprisonment, $5,000, or both. Hopefully this specific treatment of bombing threats and the increased penalties will reduce their occurrences.

This legislation will also greatly strengthen our ability to fight organized crime. Traditionally organized crime has pursued "big-money" crime, notably gambling. Their activities, however, run to all forms of crime and to their own form of "legitimate" business. The Crime Control Act of 1970 deals specifically with these aspects of the crime problem. By placing stringent regulations on gambling, by alerting communities to the danger of organized crime through the use of grand juries, by precluding the use of funds derived from illicit means for legitimate business, a forceful blow will be directed at organized crime.

We have experienced a spread of terror tactics throughout our country as well as a spread of effective organized crime. We must enact this legislation to provide our law enforcement officials the weapons necessary to insure a safe and stable society. We cannot afford to delay further the passage of this vitally needed legislation.

POLISH NATIONAL ALLIANCE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to ask my colleagues to join me in paying tribute to the Polish National Alliance on the occasion of their 90th anniversary.

The founding of the Polish National Alliance in 1880 by a group of leading Polish immigrants was inspired as the unification of numerous Polish organizations scattered throughout the United States. At their first Sejm in Chicago in September of 1880, the delegates adopted a declaration stating the purposes of the Polish National Alliance:

To lay foundation for material and moral growth of the Polish element in the United States through development fund which is to be the sole property of the Alliance and from which Polish Homes, Schools and other welfare projects are to be financed.

To provide protection for the Polish immigration.

To provide political enlightment to the Polish immigrants, as citizens of the United States.

To commemorate Poland's historic anniversaries.

With these purposes in mind, the alliance set out to serve the best interests of the Polish immigrants and to aid Poland in her struggle for freedom and independence.

Today, the Polish National Alliance embraces more than 326,332 members in 1,458 local groups. The alliance engages in fraternal, educational, charitable, and life insurance activities, and publishes a Polish daily called Zgoda, a semimonthly, and a biennial youth magazine entitled Promien. One of the alliance's proudest achievements was the founding of Alliance College in 1912. Beginning as a high school academy and technical institute, Alliance College is today a fully accredited, coeducational, 4-year liberal arts institution of higher learning. By the end of 1971, the alliance will have provided in excess of $1,300,000 for support of the college since 1967.

While the alliance has carefully preserved and perpetuated the Polish heritage, it also has stressed the importance of integrating the Polish immigrants into

the mainstream of American life. In this dual effort, the alliance has been totally successful. It has demonstrated to the American nation that our pluralistic society is one in which each ethnic group, by contributing of its heritage to the cultural and spiritual fabric of the United States, can enrich the whole.

I ask my colleagues to join with me in congratulating the alliance upon its 90th anniversary and to wish them continued success.

VIOLATION OF FIRST AMENDMENT RIGHTS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, I rise today to add my support and to encourage this body to support my colleague and the able chairman of the House Committee on Internal Security.

I do this because a local district judge, Judge Gesell, has issued an order at the request of the American Civil Liberties Union restraining one of the committees of Congress from having printed a report which has been written pursuant to the committee carrying out its delegated duties.

I am amazed to hear the suggestion made that the committee's request for information relating to the financing of revolutionary groups should be opposed on some vague claim that the inquiry would violate first amendment rights. The Congress as a whole, the Internal Security Committee members, and most certainly Chairman ICHORD are not insensitive to the rights assured by our constitutional system.

It is apparent to me that we the Members of Congress cannot allow another branch of Government, the judicial as in this instance, to interfere with our discharge of the duties required of us under the Constitution. The House Internal Security Committee is a properly constituted committee of this body, and its duties require that it investigate and make reports into areas relating to the security of this Nation and the activities of those who would disrupt the orderly process of our society.

It seems unconscionable to me that an inquiry made of university administrations which placed them under no compulsion to participate can now be charged as a violation of first amendment rights. This is to say that Congress or its committees charged with the investigation of subversive activities cannot make such an inquiry and would work to deny Members of Congress and others their own first amendment rights to acquire pertinent and necessary information upon the basis of which they may make reasoned judgments in attempting to resolve some of the great issues confronting our Nation. It is a rule as old as the history of this country that Congress may investigate any subject upon which it may legislate, and I urge that each Member of this body seriously consider that the House Committee on Internal Security has been mandated to make relevant inquiries on the subject of Communist and other subversive activities for the purpose of aiding Congress in any necessary remedial legislation; and it seems to me that the activities of radicals have been commonly known to be of such character that the very life of our educational system has been challenged. It seems to me that the real threat to academic freedom comes from that source and is assisted by the court order we heard about today which would support the charge that the committee's inquiry is in violation of first amendment rights or a subsidiary concept described as "academic freedom."

Today I have written the Attorney General and asked that he proceed immediately to seek the dissolving of Judge Gesell's order on the following grounds: First, for a Federal court judge to enjoin the Government Printing Office from printing any material handed it by a legislative committee violates freedom of the press as provided in the Constitution; second, under the separation of powers as provided in the Constitution, the judiciary has no authority to prevent the legislative branch from issuing reports and having them printed when the legislative branch is carrying out the duties assigned to it.

Mr. Speaker, it is my hope and desire that all Members of the Congress will be as concerned about the intrusion of Judge Gesell into the functions of the legislative branch of government as I am, and I would also hope that the press would be as concerned about preserving freedom of the Government press as they are about preserving freedom of the individual press. In any event, we cannot stand idly by and see Judge Gesell attempt to prevent the Congress from carrying out its constitutional duties nor can we stand aside and see him attempt to prevent freedom of the press.

The following is a copy of my letter to the Attorney General:

OCTOBER 14, 1970.

Hon. JOHN MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I understand that members of the House Committee on Internal Security have been in contact with your office for representation in the matter of the Temporary Restraining Order entered by Judge Gesell against the Public Printer and the Superintendent of Documents to restrain the printing and publication of a House Report filed this date.

This is a matter of great concern to me and most Members of the Congress. I regret the action of the Court as unwarranted interference with the legislative prerogatives and a direct violation of the speech and debate clause and of freedom of the press—the Government Press.

Certainly, the Government is entitled to enjoy the same freedom as are enjoyed by other citizens. I trust that you will immediately move to obtain a dissolution of the restraining order and that you will press this matter with greatest diligence. Your attention thereto will be greatly appreciated.

Kindest personal regards.

Yours very truly,

FLETCHER THOMPSON,
Member of Congress.

THEN AND NOW ETERNAL VIGILANCE IS THE PRICE OF LIBERTY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HUNT. Mr. Speaker, there has come to my attention a still timely and very appropriate Independence Day address delivered by Dr. Bruno J. Rolak, professor of history at the University of Texas at El Paso. Dr. Rolak, with an in-depth understanding of past events and a perceptive insight into the future, wonders aloud as to the nature of the obstacles that early American patriots would have faced if endowed with today's attitudes, cultural sophistication, and concepts of "justice." He also observes that while the times between the winning of our independence as a nation and present-day struggles to preserve liberty and freedom are markedly different in material terms, the stakes are still "liberty, independence, and security."

To the critics that nothing is right with America, Dr. Rolak retorts:

You have not exhausted all possibilities. Try supporting your country, your soldiers, and your President!

Mr. Speaker, in these few days before the event of one of America's greatest heritages—free elections—it would be well worth while taking the time to give serious thought to Dr. Rolak's appraisal of history as it might have been. His address follows:

THEN AND NOW ETERNAL VIGILANCE IS THE PRICE OF LIBERTY

As a history teacher, I have frequent discussions with conscientious students who are troubled by conditions in America today, and who are eager for guidance and advice.

Quite a few students, who disapprove of the recent turmoil in college towns, nevertheless try to excuse or justify the undisciplined behavior of their generation by insisting that they are a lost generation. "Never before," they tell me, "have young people had it so tough. The problems America faces today are insurmountable!"

The students are vague about their sources of information. Usually they mention a Supreme Court justice, some college professors, and self-appointed prophets who are either on the FBI wanted list or out on bail.

I then remind these troubled students of the "insurmountable problems" young people faced in the past; such as the young people in the South during Reconstruction days, whose entire world suddenly collapsed, or the 1930 depression when men with college degrees stood in long lines on street corners waiting for their bowl of soup! Today, I would like to recall a time in the past when other Americans faced insurmountable problems.

The year was 1775, and a divided people was going to war; only about one-third of the population in the colonies supported the revolution; about one-third was not interested in the conflict; and one-third was pro-British.

The nations of Europe were anti-British rather than pro-American, but their sympathies were with the colonies. Yet, they predicted a quick and easy victory for the British. The only question, they said, was how long the colonies would survive.

As for the colonies, they did not even have a national government when the fighting began. The Articles of Confederation were

drawn up after the war started, and were not adopted by all the states until after the Declaration of Independence.

There was no national army, only poorly trained militia units, some of which refused to fight outside of their state boundaries.

In the winter of 1777–78 the Continental Congress had to flee Philadelphia, as the British occupied it.

States printed their own paper money; the Continental Congress printed Continental paper dollars. People had little confidence in these currencies and the expression "Not worth a Continental" was used to describe things of little value. There was immediate runaway inflation, the cost of living rising 50 percent in the first four years.

Soldiers serving in the militia sometimes did not receive their pay for six months. Some soldiers in the Continental Army were not paid for 12 months. Those who kept diaries noted that in the march on Trenton, there was blood on the snow from frozen feet.

George Washington arrived at Valley Forge with 24,000 men. After a bitter winter, sometimes with one meal a day and often no fuel with temperatures below zero, Washington marched out in the spring with 12,000 men.

That war was fought on American soil. Property belonging to patriots was confiscated or destroyed.

The British blockaded the ports and stopped almost all imports and exports. This ruined merchants and threw thousands of men out of work—and there was no unemployment compensation. Yet, despite all these difficulties, a small group of patriots refused to quit. They provided the leaders who set the example which led the nation to independence.

I think you will agree that those early Americans surmounted quite a few "insurmountable obstacles." Surely, our difficulties today are not as formidable as those they faced.

Of course, if Washington and his contemporaries had to fight that war today, they would face a few problems not present in their time.

For example, if the war for independence were being waged today, we could expect that some "peace at any price" groups would send relief and medical supplies to George III.

A picture magazine would run a story on the deplorable conditions at Valley Forge, and would ask, "Is this war worth such suffering?"

We could expect a feature article in a large metropolitan daily, quoting a reliable source to the effect that a New England school teacher named Nathan Hale was a spy for the CIA.

The mayor of New York City would say there was no validity to the "domino theory;" therefore, we do not have to defend Massachusetts.

A powerful civil liberties group would assign its best lawyers to defend Benedict Arnold. Several tax-exempt foundations would pay the costs. Benedict Arnold would be tried in absentia, of course, since he would be leading a British regiment in a raid against the Southern colonies at the time of the trial. And, when the case reached the Supreme Court, one of its justices would read the majority opinion which condemned Army justice and ordered Benedict Arnold restored to his full rank, with back pay.

Next, newscasters would interview Benedict Arnold, while six publishers would bid for the rights to his memoirs, which would appear under the title *I Was a Victim of the Establishment*. Several hundred college professors would make the book required reading in their courses, while campus organizations called "Students for a Decadent Society" would arrange for Arnold to speak at their schools.

Today we are engaged in another struggle, where the stakes again are liberty, independence and security. A few months ago, it was called the war in Vietnam. Today it is "the war in Indochina." Where are the critics who ridiculed the domino theory when it was advanced by our far-sighted statesmen?

We are being told, "The United States does not have to be fighting in Vietnam!" That is true; we do not have to be fighting in Vietnam. We could be fighting in Alaska or Hawaii or California.

Prominent public figures have stated, "This is the wrong war, in the wrong place, at the wrong time." This is a nice-sounding phrase, but the speakers should be asked: "Where is the right place, and when is the right time to confront world communist expansion?" Would they prefer Canada and Mexico in 1975? Or Florida and Texas in 1976?

In his writings and speeches, Winston Churchill correctly pointed out that leaders of the peace and pacifist movements in the 1930s did not prevent World War II. What they did do by appeasing Nazi Germany was merely to postpone the war so that when it did come in 1939, it was far more terrible, and lasted much longer, than would have been the case if the world democracies had resisted Nazi expansion.

We are gathered here today to affirm that our soldiers of the past did not die in vain. Let us be honest: if we permit Southeast Asia to fall to the communists, we shall be the first generation of Americans who have left our fighting men die in vain.

Whether we admit it or not, the world views that war in Southeast Asia as a test of strength and of will between world communism and the United States.

Four American Presidents have promised to support South Vietnam until that nation is assured independence and a just peace. I remind you that the United States is a member of NATO. The time could come when we might have to ask NATO members to come to *our* assistance. If we break our promise to South Vietnam, how could we expect NATO nations to keep their promises to us?

We are being told that American democracy cannot long survive the war in Indochina. I say to you: American democracy cannot long survive an American defeat, or a betrayal of an ally, in Indochina.

Are we willing to admit that the United States, with its vast resources and talent, with its population of 200 million, is no match for a primitive communist nation of about 17 million? If we *are* willing to admit failure, let us then also admit to our children that American democracy was a satisfactory system in the past, but that it is no longer a match for militant world communism.

Let us admit that Marx, Lenin and Stalin were right, and that Washington, Jefferson and Lincoln were wrong. Let us then quickly scrap this American democracy, with its roots in Christianity, as a system which breeds weaklings and complainers; and let us adopt a totalitarian form of government, similar to the type which drove us out of Asia.

So, what is the answer?

The answer I do not have, but some suggestions I would like to offer.

Several months ago, at a social function, a university professor was bemoaning our involvement in the war, and he said: "We have tried protesting. We have tried marching. We have tried praying. We have even tried rioting! Is there no hope? No solution?"

Somewhat unkindly, I suggested: "You have not exhausted all possibilities. Try supporting your country, your soldiers, and your President!"

For this has not yet been tried.

This nation which played a major role in defeating powerful Nazi Germany and Japan, could end that war in Asia in months if we give our President today the support we gave President Roosevelt during WW II.

But to my colleague professor, support of the country, its soldiers and its President was the one unacceptable solution. He belongs to that new breed on college campuses: that group of students and professors who will defend to the death your right to agree with them.

There is in the United States today an over-publicized minority which interferes with the war effort, which laughs at American traditions, especially patriotism, and which ridicules our servicemen, past and present.

The news media, too, generously refer to them as impatient idealists. Vice President Agnew refers to them as "bums."

My first suggestion is this: let us hereafter call them by their right name: immature, and spoiled children. Let us stop asking them: "Why are you rioting?" Let us ask them: "Why are you prolonging the war?"

Next, let us realize, and let us remind others, that the "insurmountable problems" we face today, are nowhere near as difficult as the "insurmountable problems" which were surmounted by Americans in the past.

Third, let us realize, and let us remind others, that unless we resist communist expansion with all our energy, in a matter of a few years our problems will indeed become insurmountable.

Next, let us realize that patriotism is the sword and the shield of our nation, and that patriotism is the concern of all people—not only that of the soldier: every person who makes this nation a better place in which to live is a patriot; the employer who hires youngsters he does not really need; our public officials who work long hours knowing they will not be paid for overtime; our conscientious but underpaid school teachers; every person who condemns proved cases of discrimination and prejudice; doctors and other professional men who donate their services to the needy; all who gave unselfishly of their time and skills to assist their community, their church, their schools, their ethnic group—each of these deserves the honorable title of patriot.

Finally, I would like to leave this parting thought with you: When a nation ceases to honor its patriots of the past, it ceases to have a future!

ITALIAN TRIBUNE NEWS HONORS CONGRESSMAN RODINO'S EFFORTS IN BEHALF OF A NATIONAL COLUMBUS DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MINISH. Mr. Speaker, for years Columbus Day has been celebrated as a State holiday in many of our States by millions of Americans. I am pleased that as the result of enduring efforts Congress has too given rightful recognition to Columbus for his unique and everlasting contribution to history and that Columbus Day will become a national holiday as of 1971.

While many individuals, organizations, and Members of Congress urged such recognition, my friend and colleague PETER RODINO was an original sponsor of this legislation. And, I commend to my colleagues in the House, the following

recent editorial from the Italian Tribune News:

COLUMBUS DAY A NATIONAL HOLIDAY

A long campaign will finally be crowned with glory next year when Columbus Day will be celebrated in this country as a National Holiday.

Leading the campaign in the House of Representatives to give Christopher Columbus his proper recognition for discovering America was Rep. Peter W. Rodino (D-10th Dist.)

Congressman Rodino began his campaign to gain proper recognition for Christopher Columbus many years ago and continued unceasingly in his efforts despite the fact that at times they seemed doomed to failure.

Columbus Day is an occasion on which Italian Pride reaches a high point throughout the world, as well as in this country.

Christoper Columbus not only stands out for his great discovery but the patience and courage which it required. A lesser man would have never started on the voyage even if he envisioned the new lands across the sea.

That Columbus had the patience, courage and foresight is a tribute to the man and to his Italian background which provided him with these attributes.

Without question, Columbus Day is the one occasion when all Italians not only feel a common pride for the Great Navigator but a common pride in their ancestry and for one another.

While it is very well that such a feeling should pervade among Italians on Columbus Day it leaves open the thought feeling should prevail among Italians on every day of the year. That truly would be a wonderful and memorable happening for which all Italians could be proud.

In the meantime, we must be satisfied with a partial victory in the cause of unity and love among Italians for one another on this occasion of the day when one of their own found a new world in which men of all races, color and creed could have a new way of life under democratic processes.

COLUMBUS-PHENIX CITY-FORT BENNING CHAPTERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BRINKLEY. Mr. Speaker, Fort Benning, Ga., is the home of the Infantry, Queen of Battle. Its shoulder patch reads "Follow Me."

This is illustrative of the Columbus-Phenix City-Fort Benning chapter of the Association of the U.S. Army—AUSA. Within its ranks are to be found the top leadership in both the civilian and military communities. Its standard of excellence and achievement could well serve as a model for the entire country. Its example and its contributions in the national defense effort are reflected in the morale and esprit de corps of Fort Benning and its hometowns: Columbus Ga., and Phenix City, Ala.

The AUSA is having its national convention in Washington this week and the splendid delegation from the Columbus-Phenix City-Fort Benning chapter is composed of the high caliber men who have become synonymous with that outstanding chapter.

Every citizen, both civilian and military, in our communities contribute to the superb military-civilian relationship, of course, but special commendation goes to Maj. Gen. Orwin C. Talbott, commanding general of Fort Benning, and the curent officers of the local AUSA chapter: Mr. Joseph J. Flowers, Jr., president; Col. Jacob L. Riley, Jr., retired, first vice president; Mr. Charles S. Daley, second vice president; Col. William R. Guthrie, secretary-treasurer; and Lt. Col. Peter J. Foss, assistant secretary-treasurer.

To illustrate the exceptional performance of this chapter of AUSA, I would like to list below the 1970 chapter and company awards, made during the national meeting this week, and the frequent appearance of the Columbus-Phenix City-Fort Benning chapter among these is indicative of the very fine leadership and hard work of each member which won for them the coveted award of Best Chapter Overall:

CHAPTER AND COMPANY AWARDS—1970

BEST CHAPTER AWARDS

Largest Overall Membership, June 30, 1970: Columbus-Phenix City-Fort Benning Chapter. Runners-up: Braxton Bragg, Central Texas-Fort Hood.

Greatest Percentage Increase in Membership, July 1, 1969-June 30, 1970: Bavarian Alpine Chapter. Runners-up: John C. Persons, Ryukyus.

Greatest Membership Input, July 1, 1969-June 30, 1970: Columbus-Phenix City-Fort Benning Chapter. Runners-up: Braxton Bragg, Central Texas-Fort Hood.

Greatest Civilian Membership Input (Other than active duty) July 1, 1969-June 30, 1970: Tennessee Valley Chapter. Runners-up: Columbus-Phenix City-Fort Benning, George Washington.

Greatest Percentage Increase in Civilian Membership (Other than active duty) July 1, 1969–June 30, 1970: John C. Persons Chapter. Runners-up: Mid-Palatinate, Susquehanna.

Greatest Corporate Membership, June 30, 1970: Daniel Boone Chapter. Runners-up: Braxton Bragg, Pikes Peak.

Best Single Meeting: Central Texas-Fort Hood Chapter and Minutemen Chapter. Runners-up: Coastal Empire, Douglas MacArthur, Greater Los Angeles.

Best Overall Meetings: Tacoma-Fort Lewis-Olympia Chapter. Runners-up: Coastal Empire, East Bay, Leonidas Polk.

Best Overall Projects: Braxton Bragg Chapter and Columbus-Phenix City-Fort Benning Chapter. Runners-up: Central Texas-Fort Hood, Newton D. Baker, Southwest Oklahoma.

Most Active in Telling the Army Story: Columbus-Phenix City-Fort Benning Chapter, Runners-up: Central Texas-Fort Hood, Greater Los Angeles, Southwest Oklahoma.

Most active in Pursuit of AUSA Objectives: Braxton Bragg Chapter. Runners-up: Henry Leavenworth, Newton D. Baker, Tacoma-Fort Lewis-Olympia.

Best Performance Overseas: 3d Infantry Division Chapter. Runners-up: Berlin, Heidelberg.

Best Chapter Overall: Columbus-Phenix City-Fort Benning Chapter. Runners-up: Braxton Bragg, Central Texas-Fort Hood, Leonidas Polk.

POST OFFICE BUILT WITHOUT PERMIT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. OLSEN. Mr. Speaker, I wish to call your attention to the following assorted articles from Washington area newspapers:

HUGE POSTAL FACILITY RISES WITHOUT HAVING BUILDING PERMIT HERE

(By Don Beaupre)

Most homeowners know they must get a building permit before they begin a porch addition, build a garage or construct a patio. Forget to obtain one, and it isn't long before an inspector from the Prince Georges County Building Inspection Division is on the scene.

Yet, officials of the building inspectors office did nothing while a prominent Baltimore contractor proceeded rapidly with construction of a $700,000, parcel post handling facility in Prince Georges county. The contractor did not have a building permit.

The Henry A. Knott Construction Company, with headquarters in Baltimore, is pushing completion of the building located at 10101 George Palmer Highway, Lanham. The building is to be leased to the federal government to house its regional parcel post operations now located in the District.

Stipulations in the contract require that the facility be useable by Oct. 15 and fully operational by Nov. 1. The building at this time is nearly 75 percent complete.

Until last Friday, the only permit issued to Knott Construction was for the buildings foundation. There is no sewer available at the site, and the Washington Suburban Sanitary Commission, estimates it will be 18 months before a sewer line is available.

Henry A. Knott Construction was founded by the now-deceased father of Henry J. Knott, also a prominent contractor. The younger Knott headed the Mandel for Governor Steering Committee, and made contributions to Gov. Marvin Mandel's campaign for reelection. Instead of making the usual application to the Prince Georges County Health Department for sewer connections, the contractors went directly to the State Health Department in Baltimore, seeking an exception to the ban on sewer hook-ups instituted in Prince Georges last summer by Dr. Neil Solomon, secretary of the State Department of Health and Mental Hygiene.

The post of secretary of health and mental hygiene was created by the Maryland General Assembly in July, 1969, Governor Mandel appointed Dr. Solomon to this post.

Dr. Solomon granted the request for a special exception to the contractors in a letter to Dr. Perry Stearns, acting health officer for Prince Georges. Dr. Solomon wrote Stearns, ". . . while it is necessary to continue close control over sewage flow, it would not serve the public interest to deprive population groups of such essential facilities as hospitals, schools and post offices." Nearby sewer lines were still not available, however.

The contractors then made application in Baltimore to provide the * * * noted the request and the Prince George's Health Department voiced disapproval. The area where the huge building is being erected is unsuitable for septic tank operation, local health officials noted.

Dr. Stearns told The Sentinel he was unaware of the construction of the facility until it was 50 per cent completed. "They made no application for sewage approval through my office," Dr. Stearns said.

Joseph E. Bartell Sr., who heads the County's Department of Inspection and Permits said he first became aware of the construction when he was informed of the situation by a Sentinel reporter last Thursday afternoon.

Bartell admitted that a later inspection revealed that the Knott Company had exceeded the amount of construction covered in the permit issued for the building's foundation. Bartell said he halted the construction for a short time on Friday, and then issued a permit covering the construction already completed and authorizing the builder to complete the job.

When asked why the permit was issued, Bartell, apparently contradicting his orig-

inal statement, said, "We have been keeping a close watch on what was happening there. We have inspected their building plans, and they conformed to county requirements."

On Thursday, when Bartell was first asked about the George Palmer Highway construction he refused The Sentinel permission to see the files covering the work. When the files were examined on Monday they contained the permit issued on Friday. There were no records of job inspections in the folder.

"Those records," Bartell said, "are in the hands of our inspectors out in the field, and you'll have to have a special appointment to see them."

Bartell said the sole authority governing his belated granting of the building permit came from County Attorney Lionel Lockhart. Lockhart wrote Bartell, "I have reviewed the application and the facts, and the letter from Dr. Stearns that they (Knott Construction) were exempt from the sewer moratorium, and it is my opinion that you were justified in issuing the building permit at this time."

Dr. Stearns told The Sentinel, "We have a written agreement, maybe not legally binding, but written, with the Inspection and Permits Division that they would await approval from the Health Department before issuing any building permit." According to Dr. Stearns, this is the first time the Building and Inspections office has ignored the agreement.

The original permit listed the owner of the facility as Sea Land Services, located in Elizabeth City, N.J. but in an application dated Sept. 24 for permission to construct holding tanks to handle sewage from the building, the applicant was listed as Mail Express Inc. Its address was given as 10101 George Palmer Highway, the construction site.

In this application, a request was made to permit construction of four holding tanks to retain sewage until it could be hauled away by a sewage contractor. The sewage would be dumped in existing sewage facilities. Average sewage flow at the site was estimated at 4000 gallons a day. The application said 75 persons would be working at the facility.

Dr. Stearns indicated to The Sentinel that he was not sympathetic to this appeal. "These contractors took it on themselves to push ahead the completion of this job without proper building permits," he told a reporter. "I feel they must comply with the county's sewage regulations and receive no special consideration from this office. I couldn't authorize holding tanks for this project. I could not recommend them," Dr. Stearns said. "I am writing a letter that basically says this to Dr. Solomon: If he wants to go ahead and grant approval after we have said that we cannot approve these holding tanks, then the approval will have to come from his office." Marvin Vaughn of the Inspections and Permits Division agreed that Bartell was acting properly in granting the permit to complete the construction job.

"I don't deny that he (Knott) broke the law; but if you expect all the citizens in the county who inadvertently go beyond the law to be slapped down, then this county would be a cruel place to live," Vaughn said.

[From the Baltimore Sun, Oct. 8, 1970]

POST OFFICE BUILT BEFORE PERMIT ISSUE

(By James Macnees)

HYATTSVILLE, October 7—A Baltimore construction firm has nearly completed a new federal post office facility in Prince Georges county without first having obtained a building permit and with no provision for sewage disposal.

The Henry A. Knott Construction Company was given permission only to set the foundation for the $700,000 parcel post handling facility in mid-August.

Under the contract awarded the owner, Sea Land Services, of Elizabeth City, N.J., the lease-back plant was to have been usable by October 15 and fully operational by November 1.

SEVENTY-FIVE PERCENT COMPLETED

It is now about 75 per cent completed. The construction permit was belatedly issued last Friday after it was brought to the attention of the county Department of Inspections and Permits that work had gone far beyond the foundation stage.

However, no provision for disposal of the waste has been made. The Washington Suburban Sanitary Commission estimates its line, now 2,000 feet away, will not be extended to the site at 10101 George Palmer highway, Lanham, for about a year.

ALTERNATE METHODS

Both Montgomery and Prince Georges counties have been under a sewer hookup ban for five months because of health hazards from raw and inadequately treated sewage being discharged into waters of the state.

The builder proposed two alternate methods of sewage disposal to the state Department of Health and Mental Hygiene. The use of septic tanks and a lagoon-spray system were denied at the county level because the soil at the site would not "percolate," or adequately absorb the wastes and because the lot size was inadequate.

Under a special exception, application has been made to install four steel holding tanks underground, to receive wastes from the facility's toilets, showers and kitchen. A scavenger would be hired to empty the tanks periodically.

In general, holding tanks are intended as temporary measures to be used until permanent facilities are provided, but only as a last resort and only in isolated premises.

APPROVAL REFUSED

Dr. Perry Searns, the state-appointed acting health officer for the county, said he would not approve the holding tanks. He said state regulations on them "do not cover this facility."

He said Dr. Neil Solomon, secretary of the state health department, would have to rule on this special exception.

Dr. Stearns said the builders had "cut several corners, to put it most kindly. In this case, they built the facility without a permit and without applying for a sewer hookup. The whole thing was irregular."

"In a county where one health officer has been taken to court [for approving septic tanks without making percolation tests] and had to pay his own legal expenses, I can't afford to do anything illegal," he said, adding "The way they've gone about this is embarrassing to everybody."

[From the Washington Post, Oct. 9, 1970]

PERMIT LACK PERILS POST OFFICE FACILITY

(By Douglas Watson)

A $750,000 mail-sorting terminal in Lanham, which is three-fourths completed and scheduled to begin processing mail for the entire metropolitan area soon, lacks an approved sewage system and cannot open without one.

The delay in opening could be a year or more.

Until last week, a building permit had not been issued for the building at George Palmer Highway and Lottsford Vista Road, although construction was well under way.

The facility, to be called the Capital Beltway Truck Terminal, was started this summer and was originally scheduled to be ready for use by Oct. 15. It will replace Washington's Union Station as the center for sorting truck-transported mail sacks for the Washington area. It will employ 100 persons who will sort 12 million sacks of mail a year.

Joseph E. Bartell, director of Prince George's County's department of inspections and permits, said yesterday that the required building permit was issued belatedly last Friday after his department was informed that construction was proceeding without one.

However, he and Dr. Perry Stearns, acting county health officer, said that occupancy of the facility won't be allowed until a sewer line is extended there—and this is expected to take at least a year—exceptions to regulations may be made to permit a temporary on-site sewage system.

The facility is being built for Mail Express Inc., a subsidiary of Sea-Land Service Inc., which has a contract with the U.S. Post Office Department, a Baltimore Builder.

The Henry A. Knott Construction Co., of Baltimore, the contractor for the project, which had been given a foundation permit but not, until Friday, the building permit needed to go ahead with the main structure, Bartell said.

"We don't know why it was that far ahead," Bartell said, adding that he is investigating.

The nearest trunk sewer line is 2,000 feet away, according to a Washington Suburban Sanitary Commission official, who said his agency only received a sewer application for ths project this week.

CONGRESSMAN BILL CLAY REPORTS ON THE ISSUES AND WORK OF THE 91ST CONGRESS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. CLAY. Mr. Speaker, the following is the text of my report to the First Congressional District of Missouri after serving my first term as a member of the U.S. House of Representatives during the 91st Congress:

REPORT TO THE FIRST CONGRESSIONAL DISTRICT OF MISSOURI

DEFENSE

The draft

There should be a volunteer Army. The draft unfairly casts the fates of our young men, discriminating against some in favor of others. I have sponsored legislation to terminate the draft and to institute a volunteer force.

Cambodia

I sponsored a resolution calling on the United States to refrain from any military action in Cambodia. In a letter, I called to the attention of the President my protest to the extension of this war. We paid too great a price for the President's action which was taken without consent or consultation of the Congress. As a result, we suffered the spilling of American blood on American soil. That tragic deaths of Kent State and Jackson State students stand as a sad and shameful reminder of the alienation and division this war has wrought.

Vietnam

Troops should be withdrawn immediately. This war has torn our own nation apart, economically, socially and politically. Instead of Vietnamizing Vietnam—where we have no moral, legal or just reason for being, this Nation must start Americanizing America. We must serve our own people and meet our own overwhelming problems. We can achieve peace with honor by returning Asia to the Asians. I supported the McGovern-Hatfield Amendment to End the War, which directed the President to pull out—not only from Cambodia—but from Southeast Asia on a prescribed timetable. I shall continue to work towards such an end.

EDUCATION

Funds

Since my election to Congress, President Nixon has vetoed four appropriations bills. Twice, he has said "NO" to education and health spending. It is hard for Americans to understand how the price-tag for education which is currently at $4.4 billion is considered too much to pay, when $70 billion for defense isn't given a second thought. It costs us $20,000 just for the ammunition to kill one Vietcong—yet we spend no more than $53 per year of the federal money on the education of each American child.

Education and Labor Committee

As a member, I have had the opportunity to voice educational concerns of people in the 1st District. I have fought to maintain programs of vital assistance to school districts with large concentrations of disadvantaged students. I have fought to continue aid to higher education and federal assistance to students who want to attend college. It has been a frustrating struggle to hold funds for all educational programs—against efforts to terminate or to limit every item of school aid at all educational levels.

St. Louis public schools

It was my privilege to bring members of the House Education and Labor Committee to St. Louis last April for a look at the St. Louis Public School System. As a result of a first-hand look at the problems of our school system, legislation is now incorporating proposals to meet those needs. Every member of Congress should have one look at Pruitt-Igoe and one visit in the schools of that area so he may know what we are talking about when we ask for equal educational opportunity.

EQUAL EMPLOYMENT

Equal opportunity law

The law says that a person should have job opportunities—without regard for his race, creed, or color. But job discrimination runs rampant in this Nation. As a member of the Education and Labor Committee, I have participated in hearings on equal employment opportunity law. We haven't begun to make the law worth the paper it is written on. There must be new powers of enforcement with a directive that the federal government act forcefully and finally to secure lawful compliance. The federal government itself is guilty of job discrimination and does not pursue its obligation for granting contracts only to employers which comply with civil rights law. Until these laws mean as much as the laws against inciting violence, there can never be any more than "rhetoric" implied in the "law and order" campaigns.

CRIME

Law and order

I am disturbed by the seeming implication that unless you ride under the "law and order" banner of the George Wallaces—or unless you ride shotgun for Attorney General Mitchell, you must be against law and order—therefore, for crime. The right wing and the reactionaries of politics have tried to make it seem that they are the only people interested in making streets safe for Americans. But they have no monopoly on the issue of crime and certainly, they have not advanced any reasonable solutions. I have grown very weary of the racial overtones which accompany these loud clamors for law and order. The discussion of crime should not be used to increase the fears and hatreds of Americans for other Americans.

Implied in the loud demands for law and order—is a total repression of all who attempt to effectuate social change. When politicians make claims about their ability to "control crime"—it usually means they will maintain the status quo—economically, socially and politically. Social reform has no place in the kind of social order they seek. "Law and Order"—couched in racist's jargon—carries many frightening implications.

Black people and poor white people are the real victims of the crime in the streets—and our sympathies are with the victims—not with the criminals. We know the fears, the death, and the tragedy. We cannot continue to be the prime victims of crime—and also the people who have the least protection from criminals.

Black citizens want to curb crime—but in a way that does not bring about a police state. We cannot pretend to have a "safer, more secure society"—when we give policemen the right to enter our homes without knocking—or when we permit the jailing of persons who have only been "accused" of a crime. The law must respect as well as protect the rights of our citizens. And the law must distinguish between criminal acts and the exercise of legitimate rights. I have yet to hear a "law and order" fanatic say he is out to rid society of murderers or of rapists. Too often, it is implied that he is out to put down citizens who by speaking or marching call attention to the need for change.

The ability of the American people to distinguish between the campaigners against crime and the campaigners against change will determine our success in any battle against crime. Moreover, the ability of the American people to make that distinction will inhibit or contribute to the progress of the United States on other domestic fronts.

POVERTY

Backsliding on a commitment

The federal government must increase—rather than decrease its commitment to the poor and underprivileged, not only because it is right, but because it is economically sound. The challenge since I have been in Congress has been just to hold on to any commitment to the poor.

During the very first months of my membership in the House, I was appointed to serve on the Special Ad Hoc Task Force on Poverty. For months, hearings were held, witnesses were called, debate was active. The new Administration wanted to let the Economic Opportunity Act expire so they could take a new direction. But finally, an extension of the Act was won—not without damaging compromise.

The Administration shut down 59 Job Corps Centers over the protest of Committee members—and the St. Louis Job Corps Center for Women was among them. A new and better and less expensive program was promised by the Administration—but we have yet to see more than a few new centers operating.

The Administration has fought to give States control over poverty programs—even though State governments have traditionally and systematically denied responsibility for the poor. The present dispositions of many State administrations are not inclined toward the eradication of poverty. In fact, many of them still maintain that poor people are responsible for their poverty. The Congress chose to leave what is left of the poverty program in the hands of the Office of Economic Opportunity—and other federal administrators.

But the challenges to destroy the program keep coming. I have fought against the demise of the Legal Aid Services program—which is again being threatened. A lawyer—to a poor man—is a person who keeps rich people out of jail. Lawyers and legal services have never before been possible for the poor—so why shouldn't the poor people believe laws are written for the rich. The impact of this program has been significant. It has made a difference, not only in the lives of the poor—but in the outlooks of the poor. I shall continue to work to protect the program.

Community Action has involved the poor in ways which stimulate self-determination. This concept has always been under attack. The Administration sees this as place where funds can be drastically reduced. There is also a move to terminate Head Start in favor of a program for everybody's child. Head Start is meant to prepare disadvantaged children for school—those children who are behind before they start. If other children are to have a program, it must not be at the expense of Head Start.

Too many generations of families have lived in endless poverty. During the 1960's, this country began efforts to end that cycle. We must not let those efforts and hopes for a better future die at the hands of an insensitive leadership.

INFLATION-UNEMPLOYMENT

An inflationary recession

The President has a strange way of fighting inflation. The Congress gave him the authority to control credit, slow interest rates and help homebuilders and small business. The President signed the bill—but announced he will not use that authority. The House also gave the President stand-by authority to impose wage, price and rent controls. The Senate sustained this vote. Yet he has made it clear that this is a power he does not want and will not utilize.

The President has not shown any interest in dissuading big business from continuing price increases. Instead, with every price increase and the demand then created for increased wages and salaries, the President imposes another freeze on federal programs such as education.

The White House is fighting inflation by increasing unemployment and they have stated that the rising rates of unemployment are encouraging. Banks and big money lenders showed record profit increases of from 5% to 55% or more in 1969—but the White House observes progress against inflation in the crumbling of the everyday existences of the common man. Following the White House reasoning on inflation to its logical conclusion, we can only assume that trumpets will blast forth on Pennsylvania Avenue when the average man on the street has holes in his pockets.

The unemployment rate in St. Louis is now 6.3%—and among minorities, the rate is more than double that. We are now in the midst of the worst inflationary binge the country has experienced in 20 years—and the first recession since 1961—and, we are getting them simultaneously.

CIVIL RIGHTS

Conducting a holding action

Black Americans have learned there is no virtue in patience—that it contributes to the injustices which fall upon us. Incredible as it is, the suggestion is still offered, seriously and repeatedly, that if black Americans will only be "patient"—this Nation will finally surrender the rights and liberties due us. Since the 91st Congress convened, those of us involved in the struggle for equal opportunities, voting rights, fair housing and equal educational opportunity—have been conducting a holding action.

Since April of this year, the nine black members of the House of Representatives have sought an appointment with the President to discuss the concerns of 25 million black citizens. The President says he does not have time to see us.

On the desegregation of schools, the President had to make a special speech just to tell the Nation he would "obey" the law calling for school integration.

On Voting Rights, the President urged that the landmark law be allowed to expire—in favor of new legislation providing for spreading the federal registrars all across the country instead of concentrating action in the South.

The President talks about directing funds into the hands of black business to produce minority-group capitalists. And he emphasizes the creation of a special office of

minority enterprise to coordinate programs to serve minorities. But in truth, the capitalist program assigned to the Department of Commerce never came up with the funds and the office of minority enterprise was never given any authority or directive to act.

The Administration is responsible for removing from the Equal Employment Opportunity Commission the Chairman who took his job "too" seriously.

On programs vital to the progress of minorities and disadvantaged citizens, this Administration has consistently recommended reduced funding—notably for housing, job training, health services and education.

The President's posture on civil rights and the conscious, well-publicized effort on the part of this Administration to retreat from the pursuit of freedoms for black citizens have been at issue since this leadership assumed office. As a result, the alienation between the black populace and this President is severe.

HOUSING

Great American housing hoax

To say that we are in a housing crisis is to put it mildly. It is a tragedy. Even middle-income Americans are finding it difficult and often impossible to buy a home. Needless to say, low-income Americans are subsisting in housing conditions which are a disgrace to our Nation.

More than 12 percent of the American families cannot afford decent housing—and of those 8 million—one half of them are surviving on incomes of less than $3,000 a year.

Public Housing Authorities are broke—and St. Louis holds the distinction of standing at the top of the crisis list. The strike by public housing tenants is history—but during the midst of the strike I introduced legislation to keep the rents for public housing tenants down to a reasonable level. Twenty-five percent of income is the absolute limit of reasonableness—particularly when we consider that the national average of percent of income paid for housing is only 15 percent.

The House did not take favorable action on my proposal—but similar legislation introduced in the Senate was passed. Unfortunately, when it came time to appropriate money for rent reductions and for payment on public housing authority debts—an Administration reluctant to implement the new law requested only $33 million of the $75 million authorized by the Congress. The Department of Housing and Urban Development cooperated with the White House by writing regulations for the program which virtually nullify the congressional intent of the law. As a result—public housing tenants and authorities have seen little reward for the legislative effort.

This is only one chapter of the story of federal housing efforts and the administration of these programs which are intended to help people in need. It all adds up to what is popularly known as the "Great American Housing Hoax."

We have yet to get to the bottom of the problems with the Section 235 program—a federal housing program whereby low-income families may purchase new or existing housing for a minimum down payment and manageable monthly payments. I receive complaints from people who want to take advantage of the program, for which there is never enough money. I also receive complaints from persons who have bought homes under Section 235, only to later learn that the house is in substandard condition.

It is scandalous that poor people should be exploited at government expense. The House Banking and Currency Committee has taken an interest in these complaints. I shall cooperate with Chairman of that Committee, Wright Patman, in hopes of determining and/or taking action against whatever or whomever is at fault.

In 1949, this government made a promise of a "decent home for every American." While I am a member of Congress, I shall work to see if that promise can be made good.

OTHER ISSUES

Guaranteed income

Our government is spending $3 billion a year to subsidize rich farmers. Last year, four thousand farmers collected more than $100,000 each for not growing food. This is a guaranteed income. But when the President proposed a family assistance plan for the welfare of the poor, he felt it necessary to apologize for recommending that $4 billion would be required to implement what is clearly a "minimal" effort. The legislation is still stalled in the Senate.

Hunger

There is hunger in this country. For 22 million poor Americans and 13 million "near-poor", hunger is a daily fact of life. The hunger which exists in America is shameful, but the lack of social action to combat it is disgraceful. Our two basic government food programs serve only 6 million of the people in need. Seven states in the Nation refuse to participate in the Food Stamp program and 1413 counties have no food program at all. School lunches don't go around for the children who cannot afford to pay. If we want to beautify America, let us start by feeding a child.

Pollution

There is lots of talk on the subject, but when the Congress voted to double the funds for water and sewer systems, the President vetoed the bill.

Older Americans

I sponsored legislation for a 15% increase in Social Security benefits. The bill passed. As a result of legislation passed in the 91st Congress, widow's and widower's benefits at age 65 have been increased to 100% of the spouse's benefits. Railroad Retirement was also increased by 15%.

Still we have not met the problems older citizens have with housing, health, and retirement opportunities. Much remains to be done to extend to our senior citizens the dignity and respect they have earned.

FOREST RESOURCE LOSSES THROUGH FIRES

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FOLEY. Mr. Speaker, hundreds of thousands of acres of valuable forests are destroyed each year by fire. Timber resources lost through fires run into millions of dollars annually. Losses to other forest values, such as recreational facilities, soil conditions, water quality and wildlife habitat add additional millions of dollars to the value of the wood fiber that is destroyed. This scourge of the land required the expenditure of many more millions for fire control, for reclamation to prevent soil erosion and flooding, for reseeding and replanting of new timber crops, and in salvaging the burned timber before decay makes it worthless.

The forest fires that raged on Federal, State, and private lands in north central Washington and Oregon during July, August, and early September, and in Southern California just a few weeks ago, have been the most destructive and costly in recent years. The acreage of national forest timberlands burned this year is the highest in the past 28 years, the fourth highest in the past 40 years, and the ninth highest in the past 50 years.

Forest lands in the Okanogan and Wenatchee National Forests of Washington State were particularly hard hit. In July, some 25,000 acres in the Okanogan National Forest and about 33,000 acres of State and private lands in the area were destroyed by hundreds of lightning-caused fires. Around the same time, lightning storms ignited fires which burned about 20,000 acres in the Wenatchee National Forest. The fires spread rapidly because of the extremely dry ground conditions and high winds.

In August, lightning storms again caused several hundred fires in the same area. In the Wenatchee National Forest over 135,000 acres of national forest lands and State and private lands in the perimeter of the national forest burned. Dry ground conditions, strong winds, and lack of roading for firefighting crews allowed the fires to spread rapidly out of control before fire crews could be moved into the area.

The Forest Service has completed estimates of the damage and the cost of emergency measures needed to prevent flooding and soil erosion. The agency has also completed planning and estimates of the funds that will be required for long-term rehabilitation.

Over $1 million in emergency flood prevention funds and supplemental appropriations will be needed immediately to prevent on- and off-site flooding, to control soil erosion, and for other prompt restoration work on national forest lands in California, Oregon, and Washington. Surveys indicate additional appropriations will be required for long-term rehabilitation of the burned-over areas within a 6- or 7-year period. The Forest Service estimates that a grand total of between $5 and $6 million must be spent to restore all national forest timber, soil, water, wildlife, recreational, and grazing values over the long term.

Estimates of the timber burned are not yet available. In the Wenatchee National Forest, a significant portion of the Entiat and Lake Chelan watersheds were destroyed. Burned areas of the Wenatchee supported about 800 million board feet of timber. All of it was not burned, however, and an estimated 120 million board feet may be salvageable. The Forest Service is making plans for salvage operations to begin as soon as possible before decay and infestation preclude salvaging marketable timber.

Estimates of long-term reforestation costs on national forest lands in Washington are being set at $3 million.

The August fires destroyed the forest cover on the Entiat Experimental Watershed, which is estimated as a $120 million water yield research loss. Forest Service campgrounds, cabins, and trail bridges destroyed by the fires represent a loss of approximately 12,000 visitor days for the remainder of the season.

Game losses have not been estimated, but valuable forage for game was consumed in the fire. The Entiat River bottom and the lakesite zone along Lake Chelan were heavily damaged along a 105-mile landscape management zone.

Long-term rehabilitation will include programs for reforestation, rodent control, wildlife habitat restoration, recreation restoration, timber salvage, and repair and replacement of irrigation pipelines, powerlines, and roads.

Controlling fires the size and intensity of those on the Wenatchee and Okanogan national forests is a gigantic operation. At the height of the fires on the Okanogan National Forest, over 5,000 men were on the firelines. In the Wenatchee fires, approximately 8,500 men—many from as far away as Gulf Coast States and the Great Lakes—manned the firelines. Some 20 air tankers, 30 helicopters and upward of 60 tractors and other equipment were mobilized into firefighting duty. An unofficial estimate of the cost of controlling all the fires on Federal, State, and private lands, including clean-up but not rehabilitation and salvage costs, is between $50 and $60 million.

Forest Service fire control crews were greatly assisted by State and company personnel. Between 700 and 800 employees of the Biles-Coleman Lumber Co., Omak, Wash., manned the firelines for days on end. At the height of the fires, many of the workers remained on the lines for periods of 22 hours. Company supervisors right up through main office personnel worked as teams with mill and woods personnel and with company equipment. Many other forest products industry company workers and equipment also joined Forest Service and State firefighters on the firelines.

Firefighting on much of the national forest areas was difficult to control because the terrain generally is rougher and steeper than State and private lands. In many areas there are no access roads which made it impossible to get men and equipment in to fight the fire. The Safety Harbor fire on the Wenatchee National Forest, involving more than 15,000 acres, was extremely difficult to control because fire crews could not move in to fight the blaze.

The forest fire story is a yearly one. The number of fires reported this year caused by man and by nature were divided—7,743 due to lightning and 6,503 caused by man. The most severe fires were the result of lightning storms.

In the months and years ahead the Congress will be asked for the funding necessary to rehabilitate burned-over areas. Emergency funds are needed immediately to prevent soil erosion during the forthcoming rainy season and flooding next spring. Emergency funds also are required to restore river and lake quality and for forage planting to provide food for wildlife. The long-term funds that will be required for extensive reforestation will come from appropriated funds.

The rehabilitation of the burned-over areas is of vital importance to the State of Washington, to the timber-based economy of the State in the area, and to the recreational facilities used extensively by the citizens of the State. It is my hope that Congress will respond wholeheartedly when the appropriations for this much-needed rehabilitation work, are considered.

AN INJUSTICE TO THE CHILDREN OF AMERICAN SERVICEMEN IS REMEDIED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I wish to commend Chairman MAHON and the Appropriations Committee and the staff of that committee for their efforts to incorporate section 807 in the Department of Defense Appropriations bill.

Section 807 of the Department of Defense Appropriation for fiscal year 1971 provides a remedy for a little-known but nonetheless grave injustice to the children of American servicemen.

Section 807 provides that, under regulations issued by the Secretary of Defense, schooling in a Department of Defense operated school may be provided without tuition for the minor dependents of civilian and military personnel of the Department of Defense who died while entitled to compensation or active duty pay. This provision will allow widows who are foreign nationals to educate their children in American schools if they return to their country of origin.

This provision substantially incorporates H.R. 16725 which I introduced along with other members of the Committee on Education and Labor. In introducing H.R. 16725 members of the committee also wrote on April 1, 1970 to Chairman MAHON of the Appropriations Committee explaining how the need for this legislation was brought to light by the investigations in the field that were undertaken by the Subcommittee of the Education and Labor Committee headed by my distinguished colleague, the Honorable JOHN DENT. The trips made by the subcommittee and the reports filed on the educational conditions in our overseas schools have for the past 5 years resulted in extensive improvements in the quality of education received by dependent children overseas.

The report filed in June of 1970 by Congressman DENT's subcommittee contained recommendations on the specific problem which section 807 of this Department of Defense Appropriations bill remedies.

I commend the distinguished chairman of the Appropriations Committee and my other able colleagues on the committee for acting to effectuate another advancement in the educational system for our dependent children overseas.

I am especially encouraged by the overriding concern for the quality of education which is apparent in the close cooperation that existed between Congressman DENT's subcommittee and the Committee on Appropriations in working to solve this problem. This cooperation has been very productive in past years. And I look forward to continued opportunities for those who share concern and responsibility for the schooling of our children overseas to work together toward continued educational improvements.

AUTO SAFETY: BUMPERS—NO. 8

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHWENGEL. Mr. Speaker, the March 1970 issue of Traffic Safety, published by the National Safety Council, contains a very important article on the subject of bumper safety. The article describes a new shock absorbing auto bumper which may constitute a major breakthrough with respect to the problem of low-speed auto crashes.

AEROSPACE PRODUCTS COMPANY INTRODUCES SHOCK ABSORBING AUTO BUMPER

An auto bumper shock mount system, which is said to show a vehicle damage reduction of 82 per cent in a 30 m.ph. rear-end collision, has been developed by Menasco, a major U.S. supplier of aircraft landing gear and aerospace products.

The four-unit system, which utilizes a compressible silicone compound for shock absorption, is an outgrowth of research done by the company to design and produce shock isolators for the Polaris and Minuteman missile programs.

The four units are installed behind the automobile bumper in an "M" configuration. "Because of the high compressibility of the silicone compound," inventor Giles A. Kendall explains, "total chassis crush in a 26 m.p.h. rear-end collision between automobiles equipped with the system is reduced from the 17" that would be normal with conventional bumper equipment to essentially zero.

"Solid media shock mitigation involves an elastomer, a solid but highly compressible silicone compound which acts like a liquid only when under high pressure.

"On impact, a rod-like piston moves forward into an elastomer-filled chamber, forcing the elastomer through openings in a damping head. The resistance to flow of the elastomer absorbs the major energy of the crash. The compression of the elastomer serves to act like a mechanical spring to return the piston to its initial extended condition. The use of the solid state media combines the functions of a hydraulic damper and a powerful mechanical spring.

"At the end of the stroke, the elastomer is under a pressure of 40,000 pounds per square inch. This makes possible almost immediate return of the piston, enabling the shock mount to be in rapid readiness for additional impacts.

"Since the elastomer is a solid, leakage is eliminated and only simple seals are necessary. The solid state shock mount is not affected by normal temperature change, requires no maintenance and, if not otherwise damaged, will last the life of the car."

Development of the system began in 1966 following an earlier successful design of a similar system for railroad draft gear, which absorbs shocks of coupling railroad cars. Eight months of testing by the Digitek Corporation, an independent research firm, confirmed Menasco theories of a significant potential contribution to automotive safety.

During the first public introduction of the new shock mounts last summer, automobiles equiped with the new system were driven by Bob Harris, noted professional driver who conceived and drove chase and crash scenes for *Bonnie and Clyde* and *Bullitt*. A professional automobile and motorcycle racer, Harris reported that it was almost impossible to cause damage to another car with the new bumper equipment in collisions at up to 30 m.p.h.

The first test shown was a rear-end impact of two vehicles, both with the bumper equipment, at 15 m.p.h. No damage was evident on either automobile.

During the second test, the same two automobiles were impacted at 15 m.p.h. at a 15 degree oblique angle. In this test, while only a portion of the bumper retracted significantly, there was no apparent damage.

According to Kendall, who is Menasco's chief engineer for new product development, an oblique angle crash still provides at least one-half the protection of the entire system because of the "M" configuration of placing the shock mounts.

"The rear-end collision of two autos, one going 45 m.p.h. and one 60 m.p.h., would have a similar effect as if one were standing still and one hitting at 15 m.p.h.," he said.

The third test was a rear-end collision at 26 m.p.h. of two cars with the bumper equipment. Since 72 per cent of all recorded U.S. accidents occur at 30 m.p.h. or less, the company has concentrated on testing at mileages under or near 30 m.p.h.

Only slight sheet metal damage was evident in the 26 m.p.h. crash. According to Kendall, the tests indicate that damage at 25–30 m.p.h. in an accident of this type would be reduced by at least $600 per car average compared to damage with conventional equipment.

Forces experienced by the driver were in the range of 6 to 10 g's. Deceleration of one g exerts forces on an individual's body equivalent to his weight. A deceleration of 10 g's, therefore, would equal 10 times the person's weight. Aircraft fighter pilots regularly experience forces of this magnitude with no apparent injurious effects, Kendall pointed out.

Menasco president Gerald J. Lynch pointed out that economic loss in the U.S. from automobile accidents in 1968 alone was $11 billion, according to the National Safety Council, and that 42 per cent of all U.S. accidents are rearend collisions.

The system has been designed to conform with modern bumper styling and could probably be mass produced at low cost, Lynch stated. He said that the company would enlist the participation of the automotive industry in its final development and marketing plans. The viscoelastic shock isolator principle, which has been patented by Menasco, could also be applied to freeway guard rails and abutment barriers he said.

THE PLIGHT OF OUR ENVIRONMENT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROWN of Ohio. Mr. Speaker, now that November elections are fast upon us, voices are being raised in a chorus of concern over the plight of our environment and the ecological balance that affects it. Many members of that chorus hail from the majority side of the aisle. Ironically, it was under the Democratic years—1960–68—that our environmental problems were allowed to reach such alarming proportions that in some cases remedy now may be virtually impossible, and in any case far more expensive than it would have been had the Kennedy and Johnson administrations shouldered the responsibility for the Nation's environment that was assigned to them when they were elected. Fortunately for the national welfare, President Nixon has assumed that responsibility and through his leadership and example, we are now beginning to see improvements in our environmental situation.

The records of both the past 20 months and the previous 8 years are well documented. In 8 years of Democrat administration, we saw the destructive forces eroding America's environment go largely unchallenged. Some amendments which sounded good were added to laws initiated in the Eisenhower era, but failed to cope with the problems. Commissions were established, elaborate plans were made. But instead of improving, the situation worsened. The country had to wait until the advent of the Nixon administration before the Government began to make the kind of firm, purposeful response that was needed to halt the further deterioration of the environment and begin the improvement of our surroundings. To better illustrate what I am talking about, let me point to a few specific instances.

PESTICIDES

As early as 1957, the Nation was alarmed to learn that in Clear Lake, Calif., the DDT level was high enough to kill fish. By 1962, Rachel Carson had authored "Silent Spring," a widely read and discussed book which alerted the Nation to the danger of careless and indiscriminate use of pesticides. What was done by the Democratic administration to cope with this problem? Judging from the results, nothing. Ten years later, in 1967, DDT problems were rampant throughout the country. DDT sprayed to kill beetles near Lake Michigan found its way into lake waters, killing nearly 1 million coho salmon, and still today many Lake Michigan fish have DDT levels up to 10 parts per million, as compared with the maximum safe level of only seven parts per million. Other pesticides caused similar problems.

It was not until the Nixon administration took office, that we began to see action on this problem. In 1969, the Department of Health, Education, and Welfare identified some 900 active pesticidal chemicals formulated in over 60,000 preparations. In January 1970, the Secretaries of Agriculture, Interior, and Health, Education, and Welfare strengthened an interagency agreement to regulate the use of pesticides and placed some 32 on a restricted list; in April they suspended the use of 2-4-5-T, and in June, in a Federal effort to set an example by leading the way, DDT, aldrin, 2-4-5-T, dieldrin, endrin, DDD, mercury compounds, and nine other pesticides were banned on 360 million acres of public land.

MERCURY

Mercury has been accumulating for years in the Nation's streams and waterways, building up to toxic levels, poisoning fish and wildlife and threatening humans as well. This was not discovered, however, until 1970. Fortunately, the Nixon administration was in office—rather than those who had responded so lackadaisically to "Silent Spring"—and prompt action has been taken to bring mercury pollution under control.

AIR POLLUTION

In November 1967, President Johnson pointed out that the Nation was "pouring at least 130 million tons of poison into the air each year." A year later, his envoy to the United Nations stated that 142 million tons of noxious fumes and smoke were being dumped into the atmosphere. But by that time, these statistics were superfluous. It was obvious—from the increasing rates of lung cancer, emphysema, and higher death rates at times of high air pollution, like Thanksgiving 1966, in New York City—that the condition of the air we breathe was woresening at an alarming rate. Despite the fact that clean air legislation had been updated in 1963, 1965, and again in 1967, very little had been done by the Federal Government to move against the problem. An action brought against a Maryland chicken plant was 5 years later, in 1970, still tied up in the courts. No other enforcement action had gotten beyond the conference stage.

President Nixon has submitted a proposal to Congress that would strengthen the government's enforcement powers. Because motor vehicles are the major source of air pollution, Nixon has also proposed a strengthening of the Federal automobile emissions standards and procedures as well as regulation of gasoline additives. The Secretary of Health, Education, and Welfare, Secretary of Treasury, and the FAA Administrator have reached agreement with 31 airlines to reduce air pollution from jets by 27,600 pounds of pollutants each day by 1972.

SOLID WASTE

Over 75 percent of all collected solid waste is dumped in open fields and the rest is burned, contributing to air pollution. One source of solid waste, abandoned automobiles, is growing at alarming rates. According to HEW, between 1960 and 1970, somewhere between 12 and 20 million abandoned automobiles accumulated.

The Nixon administration's work on trying to solve this solid waste problem has yielded good results. Just this summer the Bureau of Mines perfected a process of destructive distillation to convert waste and refuse into usable forms of solids, liquids and gases, thereby enabling waste products to be reused. The administration has also proposed a system of incentives and regulations to encourage the prompt re-use of scrapped autos.

NOISE

The Federal Government has only recently assumed the responsibility for leadership in fighting to combat unnecessary noise—a problem that had been growing in severity over the past 10 years. Examples of the administration's efforts in this area include the Department of Labor's action in May, 1969, to regulate, for the first time, the limits of acceptable occupational exposure to noise; the Department of Transportation's action in November 1969 to regulate aircraft noise, and NASA's 1969 demonstration of ways that noise can be cut in jet aircraft.

WATER POLLUTION

During the 1960's, water pollution became so bad that it was no longer possible to ignore—beaches were closed, fishing was prohibited, rivers and lakes ceased to support certain fish and wildlife, the stench often became unbearable, and one river even caught on fire periodically. Examples are abundant. Pollution in the Long Island Sound doubled in the 1960's according to a survey released by the Interior Department and the Federal Water Pollution Control Administration, causing the prohibition of shellfish harvesting in large areas of the sound because of the high bacteria counts. DDT and mercury pollution, which I have mentioned already, reached levels toxic to fish and dangerous to humans who ate those fish. In the Great Lakes, polluted material was dredged up out of the lake bottoms and then dumped back into the Lakes, causing further pollution and contamination of the waters—in 1967, U.S. Government dredging projects at 14 Lake Erie harbors, for example, produced a total of 7.6 million cubic yards of polluted dredged material, most of which was dumped back into the lake. Lake Erie, the world's 12th largest lake, experienced a devastating ecological change during the 1960's as pollution killed most of the commercial and game fish, ducks, and other wildlife. Some 137,000 pounds of phosphorus were dumped into the lake daily together with tons of industrial wastes, sewage, detergents, and other municipal wastes which have nourished microscopic organisms to the point that the lake has now become, literally, too clogged to support the forms of life that existed there before. Although Lake Erie is only 12,000 years old, scientists estimate that in the last half century it has been artifically aged by at least 15,000 years. Some even proclaim that Lake Erie, for all commercial, recreational, and esthetic purposes, has "died." The Cuyahoga River, which oozes its way through Cleveland to Lake Erie, catches fire periodically, earning it the dubious title of the "only body of water ever classified as a fire hazard." The bacteria count of the chocolate-brown river water, which bubbles like a witch's brew because of fermenting gases on the bottom, often matches that of pure sewage.

Much of the water pollution comes from industrial sources, but much also comes from municipal sources—untreated and partially treated sewage. Upon taking office, the Nixon administration discovered that less than one-third of the Nation's people are served by a system of sewers and treatment plants, that one-third have no sewers at all, and that of those who do have sewers, less than 60 percent have adequate treatment of the sewage. With all the money that was spent by the 1960's, most of it in the name of doing something for the people in our crowded cities, why was not something done about the sewer situation which is so important to not only the health, but also to the recreation, esthetic, and commercial interests of our citizens?

The Nixon administration has made a determined effort to clean up our rivers and lakes. Although water pollution control legislation was enacted in 1956 and again in 1965, it was not until 1969 that the Federal Government finally launched its first action to curb violations of water quality standards. On October 7, 1970, President Nixon called for legislation to ban or rigorously limit the dumping of harmful materials in the Great Lakes, and in April 1970 he called for legislation to control dumping of dredge spoil in the Great Lakes. Nixon's program to fight water pollution included the authorization of $4 billion for the construction of municipal waste treatment plants and a tripling of Federal operating grants to State pollution agencies.

COORDINATION

Under the Democrats, concern over various forms of environmental damage was allowed to "grow like Topsy" with the result that responsibility was fragmented among dozens of separate offices, bureaus, and agencies, with each Department haphazardly following its own course and no one really exercising any control over the total effort.

One of the major Nixon administration initiatives in the environmental area has been the reorganization of the responsibilities into two agencies. One, the Environmental Protection Agency assumes responsibilities previously distributed among five separate agencies—including such matters as air pollution, solid waste management, industrial responsibility for controlling pollution, pesticides, and radiation control. The other new agency, the National Oceanic and Atmospheric Administration will bring together into one administrative agency within the Department of Commerce all the major Federal programs dealing with the oceans and the atmosphere.

THE NIXON PROGRAM

The Nixon administration has outlined a lengthy program designed to help the Nation clean up the results of a decade of decline in the quality of our environment. What is more, under the Nixon administration we have been alerted to dangers that had gone unnoticed before—like mercury pollution. And for the first time, we are proposing measures designed to prevent, rather than to clean up after, serious pollution—the prohibition against dumping harmful materials in lakes and oceans, for instance.

Because the Nixon administration has compiled so long a record in its 20 months in office, I ask unanimous consent to revise and extend my remarks to include the following 37-point program of Executive action and legislation proposals as well as an outline of Republican environmental policy initiatives:

NIXON'S 37-POINT PROGRAM

Water pollution

1. Authorization of $4 billion to cover the Federal share of $10 billion needed for construction of municipal waste treatment plants. To be allocated at a rate of $1 billion per year over the next four years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

2. Establishment of Environmental Financing Authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of statutory formula governing allocation of grants for treatment plant construction, to permit construction of plants where need is greatest and where greatest improvements in water quality will result.

4. Requirement that treatment plants be built to prescribed industrial users sufficent to meet costs of treating industrial wastes.

5. Requirement that municipalities impose users fees on industrial users sufficient to meet costs of treating industrial wastes.

6. Requirement of comprehensive river basin plans, to assure that construction of municipal treatment plants is complimented by abatement of all other sources of water pollution.

7. Encouragement of construction of large-scale, regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

9. Provision that violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to $10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from $10 million now to $30 million in 1975.

Air pollution

15. Publication of new, more stringent motor vehicle emissions standards for 1973 and 1975.

16. Revision of auto emissions enforcement procedures, to ensure that all new autos are in compliance with Federal standards.

17. Authorization for the Secretary of Health, Education and Welfare to regulate gasoline composition and additives.

18. Initiation of a research and development program to produce an unconventionally-powered, low-pollution auto within five years.

19. Initiation of testing and evaluation programs to assist private developers of unconventional, low-pollution autos.

19. Establishment of national air quality standards, with the states preparing abatement enforcement plans to meet national standards.

21. Accelerate designation of inter-state air quality control regions.

22. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

23. Extension of Federal air pollution control authority to both inter- and intra-state situations.

24. Provision that violation of air quality standards and national emissions standards are subject to court-imposed fines of up to $10,000 per day.

Solid waste management

25. Re-direction of solid waste research toward techniques for re-cycling materials and producing packaging materials that are easily degradable.

26. Council on Environmental Quality to develop bounty payment or similar system

to ensure prompt scrapping and re-cycling of junk automobiles.

27. Council on Environmental Quality to work with appropriate industry and consumer groups to develop other incentives or regulations for re-cycling or easier disposal of consumer goods.

Industrial involvement

28. Establishment of National Industrial Pollution Control Council.

29. Priority treatment for patent applications which could aid in curbing environmental abuses.

Parks and recreation

30. Full funding of the $327 million available under the Land and Water Conservation Fund.

31. Review of all Federally-owned real estate to identify properties that can be converted to public recreational use, or sold, with proceeds used to acquire additional recreational areas.

32. Relocation of Federal installations that occupy locations that could better be used for other purposes.

33. Provision that the Land and Water Conservation Fund is maintained or increased as a source of funds for purchase of Lands in future years.

34. Authorization for the Department of the Interior to convey surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100%.

35. Revision of budget accounting procedures to encourage Federal agencies to make more efficient use of their properties.

36. Assistance to State and local governments for making constructive recreational use of idled farmlands.

37. Authorization of long-term contracts with owners of idled farmlands for reforestation and other improvements for public recreational use.

II. HIGHLIGHTS OF PRESIDENT'S ENVIRONMENT PROGRAM

Water pollution

Municipal Pollution

Major Problems:

1. Federal funding for construction of water treatment plants has been far below the nation's needs.

2. Municipalities with serious pollution problems have often been unable to finance their share of treatment plant construction costs.

Administration Proposals:

1. Federal funding to provide waste treatment in every community in the nation at the fastest rate possible. $10 billion program to begin now, with assessment in 1973 of needs for 1975 and beyond.

2. Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs.

Industrial Pollution

Major Problem:

1. Regulations on disposal of industrial wastes (regulations apply to municipal wastes as well) have been too weak to prevent increasing water pollution.

Administration Proposals:

1. Reform pollution control program to greatly strengthen regulations on industrial and municipal polluters and permit swift enforcement actions.

Agricultural Pollution

Major Problem: 1. Agricultural pollution sources are diffuse, necessitating control of agricultural methods and materials.

Administration Proposal: 1. Phasing out of DDT and other hard pesticides. Water quality controls on concentrated animal feedlots.

Air pollution

Automobile Pollution

Major Problems:

1. Emissions from motor vehicles must be reduced greatly if air pollution is to be brought under control.

2. It may be impossible to reduce emissions from conventional automobiles sufficiently to reduce air pollution beyond 1980 in the face of increasing numbers of autos.

Administration Proposals:

1. Strengthen Federal automobile emissions standards and reform enforcement procedures to ensure that they are applied to all new autos. Regulate gasoline composition and additives to achieve maximum possible pollution reduction.

2. Begin a research and development program to produce an unconventionally-powered, low-pollution auto by 1975 if we cannot reduce pollution sufficiently from conventional vehicles.

Pollution From Stationary Sources

Major Problem: 1. The present program for regulating air pollution from stationary sources is extremely limited in scope and does not provide sufficient enforcement authority against polluters.

Administration Proposal: 1. Establish national air quality standards and extend abatement regulations to all areas of the nation where air quality is below national standards. Establish national emissions standards for extremely hazardous polluters and certain classes of new facilities. Strengthen enforcement authority for swift action against polluters.

Solid wastes

Major Problem: 1. New consumer technologies and marketing methods are creating an increasing volume of waste and refuse. There are few incentives for reusing wastes or disposing of them efficiently.

Administration Proposal: 1. Develop incentives and regulations for reducing volume of wastes, by encouraging products that can be re-cycled or easily disposed.

Parks

Major Problems:

1. Metropolitan expansion is claiming potential recreation areas which will be irretrievable if not acquired *now*.

2. Federal funding for acquisition of recreation areas has been far below national needs.

3. The Federal government has not made imaginative use of its vast real estate assets.

Administration Proposals:

1. Full funding of the Land and Water Conservation Fund: $327 million for fiscal 1971.

2. Identification and conversion of Federal properties which could better be used for public recreation. Selling of some Federal lands for financing of additional recreation areas.

3. Increased use of idled farmland for public recreation.

CUBA'S INFLUENCE SEEN IN U.S. BOMB WAVE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GOLDWATER. Mr. Speaker, an article in the October 13 issue of the Los Angeles Times entitled "Cuba's Influence Seen in U.S. Bomb Wave" should be must reading for every American. I present it now for my colleague's attention:

PARADE OF RADICAL VISITORS: CUBA'S INFLUENCE SEEN IN U.S. BOMB WAVE

(By Georgie Anne Geyer and Keyes Beech)

Fidel Castro's Cuba has become a revolutionary factory for the processing and refining of American radicals for export back to the United States.

The pattern is clear:

—Mark Rudd, fugitive leader of America's violent left, visited Cuba in February and March of 1968 with 20 other activists of the Students for a Democratic Society.

Two months later, with Rudd at the helm, Columbia University was reduced to chaos.

Bernardine Dohrn, miniskirted Weatherman member, and 30 fellow activists met with Vietnamese Communists in Havana in July, 1969.

Three months later, with the fiery Bernardine in command, a shocked Chicago watched as several hundred ultra-radical Weathermen staged a wild, window-smashing rampage which they called "four days of rage" in protest against the Vietnam war.

—Angela Davis, the Negro UCLA philosophy instructor, visited Cuba in July 1969.

A year later she made the FBI's "10 most wanted" list for alleged complicity in a California courthouse kidnaping and shootout. Four men, including the judge, two defendants and the kidnaper, were killed.

—Two Black Panthers traveled to Cuba in August, 1968, and returned the following month. They immediately became key figures in the turmoil at San Francisco State University.

These are not isolated coincidencs. Evidence linking what the students call with bleak humor the "Yankee Doodle revolution" to Communist Cuba is overwhelming.

No one, not the FBI, not the CIA, not even the most professional anti-Cuban anti-Communist in the United States, believes that somebody is sitting in the Plaza de la Revolucion in Havana sending messages to American students to bomb the University of Wisconsin math center or kill policemen.

Nobody is talking in simplistic terms of conspiracy.

But the roster of American radicals, white and black, who have responded to Castro's utopian bugle call for world revolution, reads like a "Who's Who" of the American radical movement.

"Name any disturbance in the United States—on campus, in the streets, anywhere—and I'll name you the leaders of it who have been to Cuba," said a State Department official.

More than six weeks of investigation by a team of Chicago Daily News reporters, including scores of interviews, from coast to coast with security officials and the radicals themselves, have confirmed that assessment.

Beyond any doubt, Cuba has shaped, supplied technical training, given political indoctrination and perhaps most important of all, served as the inspiration for the American radical movement in its avowed aim to bring down the American system that it so fiercely despises.

It is their mecca, their shrine, the "first liberated territory in the Western Hemisphere", where they can see the model of the new society to which they aspire.

Experts in the field regard Mark Rudd as the first of the really violent white student radicals. And they look upon his offensive against Columbia as a masterpiece of its kind—far more important than the earlier student riots at Berkeley.

The ubiquitous Miss Dohrn, a brilliant University of Chicago law school graduate, mapped her antiwar campaign during an eight-day seminar with representatives of Hanoi and the Viet Cong. She journeyed to Havana at their request.

Now a fugitive sought by the FBI, Bernardine was heard from last week when she claimed credit for her group for blowing

up—for the second time within a year—a police memorial statute in Chicago's Haymarket Square.

Also present at the Havana meeting along with Bernardine were two now deceased, Weathermen. They were Diana Oughton and Ted Gold, both killed last March 6 when a Greenwich Village town house which they and others had converted into a "bomb factory" was ripped by a series of explosions.

While Bernardine and her friends were busy taking notes from the Vietnamese Communists, the Castro regime was entertaining another distinguished visitor—Angela Davis.

Whether Angela and Bernardine met in Havana is not known. In any case, Fania Jordan, Angela's sister, was a recent visitor to Havana, if she isn't still there.

"Regarding our struggle, we should note that the possibility of peaceful change in America has died," said Carl Davidson, a New Left writer and a frequent visitor to Cuba, in a speech in New York in December, 1967.

On Dec. 20, 1967, after having made his travel arrangements with the Cuban mission to the United Nations, Davidson and 20 other students departed for the Cultural Congress of Havana.

SOME TOP LEFTISTS

When they go there it was like old home week.

All the familiar faces were present—among them the durable Dave Dellinger, later to become one of the Chicago Seven; Tom Hayden, the New Left theoretician; Irving Silber, editor of "Sing-Out"; Sol Landau, the New Left writer, and Ralph Featherstone, the bearded black militant who was killed last March when his car exploded under mysterious circumstances in Bel Air, Md.

At some point during his stay Davidson conferred with representatives of Red China, North Korea and North Vietnam. He also was reported to have had a three-hour conversation with Fidel Castro. Conversations with Castro last a long time.

Two little-known radicals, Jacob Rosen and Wendy Nakashima, who met in Cuba in 1960 and were later married, deserve more credit than they have received for carrying Castro's cause to the United States.

Both belonged to the obscure Progressive Labor Party, a Maoist offshoot of the Communist Party, U.S.A., of New York. It was the PLP which organized and led a group of 85 students to Havana in 1964 and 59 more in 1968. The fruits of that earlier visit were recognized in a radio broadcast from Havana the day after large-scale rioting broke out on the Berkeley campus of the University of California in 1964:

"It can be observed that the incidents take place in a chain reaction. One day it is the youths who travel to Cuba contrary to the restrictions of the State Department, and who then bravely challenge the inquisitors of the Senate committee.

"This is a dramatic sign of the growing awareness in the United States universities. Today it is the turn of the Berkeley students who are fighting to break the straitjackets of the 'American way of life . . .'

"This is not much or definitive, but you have to start somewhere."

Black radicals began arriving in Havana in droves during the latter half of the 1960s, although many had visited Cuba before. Two of the more activist visitors in 1968 were Black Panthers Joudon M. Ford and George Mason Murray.

"We have vowed not to put down our guns or stop making Molotov cocktails until colonized Africans, Asians and Latin Americans in the United States and throughout the world have become free," Murray told a Cuban press conference.

Murray and Ford returned, almost immediately to become leaders of the riots at San Francisco State University.

What should now be clear is that the raw material for Castro's revolutionary factory was readily available in the form of embittered blacks and alienated white student radicals who looked upon Cuba as their spiritual home and the United States as "imperialist monster."

Reliable estimates on the number of American radicals who have journeyed to Cuba are hard to come by, even for U.S. intelligence agencies, but a fair estimate is that approximately 4,000 Americans have visited Cuba for varying lengths of stay during the last decade.

A doctrinaire testimonial to the solidarity of the friendship between Cuba and the American left was written by Julie Nichamin, a University of Michigan anthropology student, in an open letter to Verde Olivo, official publication of the Cuban armed forces.

Published Dec. 21, 1969, after a meeting with Cuban and Vietnamese Communists, the letter read:

"The meeting we had today with the Cuban and Vietnamese people has shown us the true meaning of internationalism:

"All of us are involved in the same struggle against Yanqui imperialism . . . we know that we will leave here with a new dedication to destroy the imperialist monster from within just as the rest of the peoples of the world are destroying imperialism from without."

A more revealing testimonial came from Yippie leader Jerry Rubin, later to become one of the Chicago Seven, after he traveled to Cuba in 1964 with 83 other students in defiance of a State Department ban. He had to travel via Czechoslovakia, 10,000 miles to get to an island 90 miles off the Florida coast.

"Cuba just took me totally," he said later. "I remember saying to myself, 'This is the first place, outside of Berkeley maybe, where the atmosphere is healthy, the first place where people care about one another, where people really feel bad when someone else gets hurt.'

"You could feel mass enthusiasm on the streets, energy everywhere." Rubin reported. "In factories, guys would say, 'Look, this is my factory.' It was like fantastic. I just never slept."

Rubin noted Cuba's flaws—suppression of political opposition, the controlled press and the spreading bureaucracy. But these criticisms were more than outweighed by a Cuba which he called a "land of idealism" with "no trace of cynicism or a 'What's in it for me?' attitude.' "

But action, as the young revolutionaries would be first to agree, speaks louder than words. Action is what it's all about. And as any newspaper reader or television watcher can attest, the American scene has not been lacking in action these last few years.

Part of the action is killing policemen—killings that are always widely applauded in the Cuban press.

Or take the bombing of the Wisconisn University Army math center, an event clearly related to the Cuban revolution. The "communique" left behind by the four young fugitives charged with the crime was addressed to the mysterious "Marion Delgado collective."

It acknowledged that "revolutionary cadres of our organization" were responsible for the bombing. Destruction of the math center, the note went on, was not an isolated act by a "lunatic." Rather, the note stated, it was a "conscious action taken in solidarity with the Viet Cong, the Tupamaros and the Cuban people and all other heroic fighters against U.S. imperialism."

Most law-abiding Americans are probably unaware that their country is faced with what amounts to urban guerrilla warfare.

But it is a fact well understood by the principal combatants—such wildly disparate types as Atty. Gen. John N. Mitchell and Bernardine Dohrn, FBI Director J. Edgar Hoover and Black Panther leader Huey Newton.

During the last 18 months there has been a spectacular increase in the number of politically motivated police slayings and bombings. At least 20 policemen were killed and 100 wounded in apparently unprovoked attacks.

Seven were Chicago policemen, four of whom were gunned down without warning.

"To a black radical, killing a Chicago cop is like a Viet Cong shooting down an advanced gunship," said Joseph Rhodes, the black Harvard student who sat on President Nixon's Commission on Campus Unrest.

Not a day passes that a bomb doesn't explode somewhere in the United States. A federal survey covering a 15-month period that ended last April recorded an all-time high of 4,330 bombings, 1,475 attempted bombings and 35,129 bomb threats.

White student radicals take credit for most of the bombings, although by no means all of them are politically motivated. The same New Left sources give black militants, notably the Black Panthers, credit for the police killings.

Federal authorities and local police speculate on political kidnapings almost as if they had already occurred.

A veteran intelligence officer who was in Havana in the years before and after Castro came to power recently recalled the sequence of events.

"You know," he reminisced, "Castro never fought a real battle. It happened this way. First, bombs went off in the ball parks until finally people stopped going to the ball parks. Then they went off in theaters and so people stopped going to the theaters."

He paused a moment, as if reliving those days of Cuba's humiliation at the hand of the United States. And Castro's hatred of us for supporting the wicked dictator, Fulgencio Batista, then went on:

"I said in 1961 that before this thing was over with there would be bombs going off in ball parks and theaters and ladies' rest rooms in the U.S."

That was a very good prediction.

CHOCK FULL OF LIFE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GIAIMO. Mr. Speaker, this country's natural resources are unsurpassed by those of any other nation in wealth and beauty. But in our efforts to exploit the land and waters economically, we have often been shortsighted and we have done irreparable damage to much of the environment. Amidst the smoke and thunder of the increasing pleas to save the environment lies a blaze of haphazard industrialism and a tendency toward unproductive and destructive overdevelopment which threatens our remaining wildlife, seashores, marshes, and timberland.

We have pursued the natural riches of the earth and ravaged the land. We have plastered layer upon layer of concrete over untold stretches of the earth. We have erected skyscrapers, bulldozed parking lots, drained marshes, and leveled mountains.

Mr. Speaker, the achievements of our technology are great. But development progress is a two-edged sword. We must come to the realization that future land use has to be approached rationally and carefully to preserve the wilderness that is left. With this in mind, earlier this

year I introduced the Coastal Zone Management Act of 1970, which would establish a national policy for the coastal zone, encourage a systematic approach to coastal zone planning and development, and assist the States in establishing coastal zone management programs.

In the Third Congressional District of Connecticut we are extremely fortunate to have salt marsh whose origins date from about 4,000 years ago. It is carpeted with some of the most fertile soil in the world. This ecological system provides a home for an endless variety of plants and animals in a delicate, natural balance. This is a good example of the type of natural resource we ought to make a determined effort to save. I know that many Members of this Congress have joined me in expressing an interest in conservation. We have written some good legislation that has become law. But we cannot afford to rest on our past record if we are to preserve the environment for future generations.

A fine article on Guilford's Neck River salt marsh appeared in a recent issue of the Sunday Pictorial of the New Haven Register. It is a pity that we do not have the facilities to reprint the photographs by Robert Holland along with William Longgood's text here in the RECORD. However, I do commend the article to my colleagues, as follows:

CHOCK FULL OF LIFE

The water sparkled in the morning sunlight, framed by woods to the right and left, and running down to the shore was the marsh, now brown and gold after an early freeze. Charlie Clark pointed ahead, to a railroad track just below the high ground we stood on. "That's the northern boundary of the marsh," he said. "Our property goes over to those trees on the west and takes in that woodland on the east. See that peninsula?" He indicated a gently rising knoll, covered with a tangle of bare trees and undergrowth, that jutted into the inlet, "They say a doe lives out there with her fawn."

Briefly he was silent, squinting under his visored cap, watching the sun shimmer on the water, the gulls soaring overhead, the breeze rippling the golden meadow below. "And that's just the way it's going to stay forever," he said softly. "It gives you a good feeling. . . ."

The source of his pleasure was the Cottrell Marsh, part of an estuary on Long Island Sound just east of Mystic. The tract consists of 50 acres, 35 in marsh and 15 in woodlands. Clark explained that the estuary, one of the finest in the state and possibly one of the best on the entire eastern seaboard, was saved recently when it was purchased by the Nature Conservancy, of which he is the retiring state chairman, after a developer had drawn up plans to "reclaim" the marsh for housing lots.

"Let's go take a look at it," said Clark. "From here it appears to be dead, but it's full of life; even at this time of year all kinds of things are going on out there."

Our expedition consisted of three. Besides Charlie Clark (formally Charles A.), an engineer retired from General Foods, there was F. Walker Johnson, head of exploration for Esso Standard Eastern, a Standard Oil Co. affiliate, and myself. Johnson, like Clark, is an avid conservationist; until recently, he was chairman of the Natural Areas Committee for the Greenwich Audubon Society and he serves on various other conservation committees.

On our drive to Mystic, we had talked about conservation and the need to protect the remaining estuaries, those vital tidal flats where salt and fresh water mingle. Without the estuaries that fringe the world's continents, the life of the sea would diminish and possibly cease, for it is here that land and sea meet in a marvelously intricate system and nourish one another.

In a typical estuary there are myriads of creatures—clams, scallops, oysters, crustaceans, fish, microscopic life, insect, and birds. There may be 50 or 60 bird species in a single estuary, and all kinds of animals—mice, muskrats, racoons, foxes—all living together in delicate ecological balance. It is an endlessly recurring cycle of life and death.

Into the brackish water of an estuary, organic matter is delivered by freshwater streams running off the land, and also, by incoming tides. This material breaks down and feeds the marine life in the estuary. Outgoing tides carry organic matter that feeds fish in the sea. Biologists point out that even oceanic fish have complex life cycles that bring them into estuaries at early life stages when they need food and protection.

In recent years there has been an awakening to the importance that estuaries play in the life of the sea, as buffers against the force of storms, as recreational areas, and as quiet retreats to refresh the human spirit.

Many states and the federal government have realized that large numbers of estuaries have been completely lost, and others are in jeopardy. Along the North Atlantic coast, from Maine to Delaware, a government report claims 45,000 acres of salt marshland were destroyed between 1955 and 1964: filled in or dredged for housing developments, industrial sites, parks, beaches, marinas, roads, parking lots, and airports; suffocated with dredge spoil, garbage, and trash; or gouged out for gravel and sand deposits. In the last 10 years alone, one-third of Long Island's magnificent coastal wetlands has been lost. Nearly half of Connecticut's total is gone. Maryland is losing 1,000 acres a year.

Recently, however, spirited efforts by conservationists have begun to slow and even halt the destruction of these resources. At least three states—Massachusetts, Rhode Island, and Connecticut—have passed laws to protect their remaining estuaries. Several states have requested federal funds to buy and preserve unprotected tidal wetlands, and the government has completed an estuary survey as a guide to proposed new protective federal legislation. Some states also have stepped up their own vigilance in protecting this dwindling heritage. Rhode Island, for example, now patrols its coastland by helicopter; fines are levied against anyone who alters these areas without state approval.

A more subtle threat to the estuaries is pollution from raw sewage, industrial wastes, agricultural runoff of fertilizer and pesticides, radioactive fallout, and use of the ocean as a vast dumping ground. Pollution is blamed for the disappearance of several species of fish along the Atlantic Coast.

Despite the seriousness of the pollution problem, Clark noted that this threat can be eliminated through public awareness and determination to reverse it. Because of the urgent need to preserve estuaries and other vanishing natural resources, he decided to take early retirement from his firm to become state chairman of the Nature Conservancy, a full-time, non-salaried job. This nationwide organization, with headquarters in Washington, D.C., has been instrumental in preserving some 350 properties covering nearly 85,000 acres, from Maine to Hawaii. In Connecticut it has 50 properties totaling 6,000 acres—most of them acquired in the last five years.

Clark considers the Cottrell Marsh one of his prizes. A member of the Nature Conservancy heard that it was about to be sold to a developer last year for $70,000. The owner, a woman in her 70s whose home overlooks the estuary, was asked if she wouldn't like to see the marsh preserved just as she had known it all her life. Indeed she would, she loved her marsh; but she needed the money. However, she agreed to sell to the conservancy for $60,000.

Clark embarked on a heroic fund-raising drive. Within weeks, title to the marsh had changed hands and the property was safely preserved in its natural state "forever and ever."

As we crossed a railroad embankment and entered the marsh, the carpet of bent marsh grass was spongy and wet underfoot. An endless accumulation of grasses had grown and died, nourished by the incoming and receding tides, gradually building up the soil so it is among the most fertile in the world. A good salt marsh is considered about seven times as rich as the best wheat lands.

"In a hundred years it adds maybe a half inch," Clark said. "They say it takes thousands of years to build a marsh. You can destroy it in a day."

Walker Johnson, who is a geologist, estimated that the marsh dates from about 4,000 years ago, the time when the present sea level was established on topography created by glaciers some 9,000 years earlier. He had brought along his camera, binoculars, and a telescope on a tripod. Through the telescope, he scanned the scintillating water, now gently ruffled by a cool Fall breeze and warmed by the sun. "I thought I saw a hawk," he said, "but it's just a heron."

Overhead, gulls screamed at the invaders of their sanctuary, and ducks floated majestically on the water. We walked through the thick grass, dotted with cattails, brown and brittle now, swaying in the wind; past dried-up goldenrod, bayberry, rustling dead sheaves of reed grass; past wild rose, their "hips" clinging incongruously to the dead branches like red ornaments.

We stepped carefully to avoid falling into the almost hidden mosquita drainage ditches that laced the meadow. Water in the main channel was about two feet deep and incredibly clear; algae waved below the surface, the fronds swaying gracefully in the incoming tide. Crisscrossing the meadow, among the ditches, were small animal trails, worn bare from long use. Clark touched one with a stick he had picked up. "Could be coon or skunk," he observed. "Probably a coon. He goes to the water to drink and catch crayfish, fiddler crabs, and mollusks."

Around us was the deep silence of dormant nature. Most of the animals and birds were gone now, or hibernating, but evidence of past life remained. We saw osprey nests high on poles, neat holes bored in dead limbs by last summer's flickers, deserted cocoons left by vanished moths, squirrel nests in the bare trees. A marsh wren darted out of the thick underbrush. We looked for the doe and her fawn but had no luck.

At the point of the peninsula we stopped. Clark touched the mossy edge of land with his stick. "This is the real estuary, where land and water join. It's a typical marsh as it could be and should be—clear water, and plants and animals in their natural habitat and natural balance."

He pointed to a film on the water.

"That looks like scum, but it's only pollen washed down from the land. Here we have the deep broth of decaying matter, and that green at the edge is new growth. The land accumulates as this stuff washes up and decays; there's a constant buildup if it's left alone."

We returned to the meadow, cutting back toward the railroad track. Suddenly Clark paused. "It's beautiful," he said. "The marsh is beautiful." He bent over and picked up a dried plant. "Lavender. In the fall it's blue. The whole area looks blue, and underneath is the brown grass and new green plants. In the summer it palpitates with life. It's always changing."

Over lunch at a nearby restaurant, I asked both men how they had become so interested in conservation. Clark said that he had been trained as a biologist and had always remained interested in wildlife.

Johnson said he grew up on a farm in Nebraska. "In those days each farm had a prairie-grass hayfield. Those fields were full of life—wildflowers, coyotes, field mice, meadowlarks, and hawks. As a boy I saw those things being plowed up, with the coming of mechanization, and I felt that something beautiful was gone forever and I was sad." Later, at the University of Nebraska, he studied geology under a professor who excited his interest in preserving the natural environment and the balance of nature. "He had a beard and I thought he knew everything. I still do. He made me understand what was happening and it stuck with me."

Johnson, and men like him not only have this sense of dedication to nature in their private lives but carry it over into their jobs. Johnson says that many companies, like Jersey Standard, "are aware of the need to be good corporate citizens and are spending millions of dollars to protect the environment and help heal its wounds."

But it's still men like Clark and Johnson whose efforts will insure that the estuaries and other natural areas will be preserved just as they were meant to be, "forever and ever. . . ."

MURPHY BEST CHOICE FOR SENATE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BOB WILSON. Mr. Speaker, Senator GEORGE MURPHY'S record for the past 6 years is one of legislative accomplishment in many fields. The San Diego Union has endorsed Senator MURPHY'S reelection bid and I heartily share the Union's feelings. California needs GEORGE MURPHY in the Senate and I am pleased to share with my House colleagues the San Diego Union's endorsement:

SIX-YEAR RECORDS COMPARED: MURPHY BEST CHOICE FOR SENATE

In just three weeks the people of California will be asked to make a highly significant choice on the general election ballot square labeled "United States Senator."

Opposite one of the squares will be the name of U.S. Sen. George Murphy. Opposite another will be the name of U.S. Rep. John V. Tunney.

We think that the logical choice is to mark the ballot for Sen. Murphy.

Both men have been in the United States Congress for six years, Mr. Murphy as a senator and Mr. Tunney as a representative.

In those six years Senator Murphy has exhibited outstanding maturity and judgment. His broad experience, which ranges from working in the coal mines to the United States Senate, and his knowledge of California and its problems are impressive.

The product of Senator Murphy's six years of public service also is impressive. California has taken the national lead in the fight against air pollution because of the Murphy Amendment of 1967 that permitted us to have the most rigid standards in the United States.

His personel stamp is included in a panoply of measures and legislation that have improved housing laws, created jobs, sought realism in farm labor relations, resulted in bilingual education, improved health, enhanced conservation and curbed the rise in crime.

Further, Senator Murphy has consistently supported the President in regard to our international commitments. The senator is an outspoken champion of Israel. He stands for strong defense.

It is difficult to think of comparable accomplishments by Rep. Tunney in the same span of public service. His name is not associated with a single area of major legislation. He has generally oriented himself with the eastern liberal establishment which consistently harasses the commander-in-chief over our overseas commitments, which seeks more and more excessive spending for social programs and which is intellectually alien to California. Rep. Tunney would reduce the defense budget far below the level that even his own party leaders in Congress deem prudent or safe. He has been equivocal in the issue of agricultural strikes and boycotts.

There are other reasons for electing Senator Murphy on Nov. 3. The United States has a Republican president. California has a Republican governor. There is a strong probability that Republicans will have a majority in the Senate in the next Congress. To elect a second—and junior—Democrat to the Senate would be folly. Neither of California's senators would then be able to communicate effectively with the leadership of the United States of America or the state.

We urge the re-election of Senator Murphy on the basis of his solid accomplishments, his Senate seniority, his maturity, his stature, and his continuing potential of being able to do most for the problems of California and the United States of America.

EDUCATION—SURVIVAL IN THE SEVENTIES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BURTON of Utah. Mr. Speaker, change is inherent in today's American educational system. Those in administrative positions must recognize this fact and gear themselves accordingly. It is imperative that we deal with today's problems today.

Mr. Stanton Leggett, one of America's foremost educational consultants, outlines some of the new thoughts boardmen will have to have, and the new actions they will have to take—if public education that is really free is to have a chance of survival in the seventies.

Following is an article of Mr. Leggett's that appeared in the October 1970 issue of American School Board Journal, outlining his survival suggestions for education:

THIRTEEN IMPERATIVES FOR BOARDS IN THE SEVENTIES

(By Stanton Leggett)

Whatever you do this decade as a school board member or administrator, if you are seriously committed to having free public education survive as an effective force in a free society—then make up your mind that things can *never* be what they were a few years ago.

Do not, in fact, even begin to read this list of survival notes if you are like the generals, fighting the last war all over again. Nothing—nothing that is going to happen or that you can wish for with any realistic hope—will change the cold fact that the beards and the longhairs are going to join you on the school board and in the administration during the Seventies (I wonder sometimes why women's skirts can rise and fall and never bring forth much more than a condescending comment or superior smile, while any variation in the length of men's hair is viewed as, of all things, a moral issue; maybe it has to do with the slowness of cycles—either in male fashion or in our brains).

The 13 suggestions that follow are essentially optimistic since most of them are possible to achieve right now, and a sufficient number should work. They will work, at least for those boardmen and administrators who are willing to meet the demands for enlightened use of our resources of people, their time and energy and enthusiasm.

1. Cogent school boards must recognize that competition keeps the Establishment honest. They will let competition flourish as an organizational devise to educate youngsters.

Performance rating is a very nice piece of competition and many ripples will flow from that move. The voucher system is a mind blower in this respect because it not only legitimizes but helps pay for dissent. Every school system should foster and reward groups of faculty or students who develop different and perhaps better ways to accomplish the goals of the organization.

If an inner city school staff in consultation with its community seeks to teach mathematics with greater relationship to the community setting, it should be encouraged to do so even though the usual syllabus approaches the task differently. Who knows, headquarters might be wrong.

SEVENTIES

2. There is a deep, pervading strength in community control of the schools. Build on it—not against it.

Where the big cities have been a battleground over community control, this has generally been a camouflage for a basic power struggle. The teachers and the administrative personnel learned to play the power game when the Irish immigrants and the Jewish immigrants and other waves of people from Europe came to poverty in the United States and found that taking over the public schools represented one way toward middle class comforts. Having mastered the intricacies of control of the system, they have no desire to relinquish the power—and the jobs—to a new wave of immigrants to the city. The blacks and the Puerto Ricans are rightfully intent on capturing that road to the middle class, and the incumbents resist even though they no longer depend upon that avenue to make it.

So don't confuse this power struggle with the real needs and strength that can be expressed in the community. If our country is a democracy, put your action where your mouth is.

3. We have gone around the bend of a J curve of exploding population, exploding pollution and exploding consumption.

The problem of survival in Spaceship Earth cannot wait long to be solved. An informed moderate opinion is that we have 30 years to find a solution or nature will take over flattening the J curve into an S curve with loss of life on a staggering scale.

The school's role in the solution is to build an ecological point of view into the entire school system starting with nursery school. In short,[1] we live on a spaceship. All the kids know this. This means that we are on a trip with a fixed load of water, air and soil. Life on the earth spaceship depends upon the thin skin of the biosphere—like the skin of a balloon—eight to nine miles thick. The thin skin of life is now stretched so far that at some point in a short time period, the life support system will be seriously impaired or knocked out. Some scholars believe that the latter has already happened—to wit, on the spaceship, we add (births) 334,000 people per day while 134,000 persons leave (die). The net increase of 200,000 new passengers a day adds to the population of a spaceship where now 15 million people die of famine a year—of starvation or diseases that are related to serious malnutrition. On the consump-

[1] Information summarized by Tyler Miller, professor of chemistry, St. Andrews Presbyterian College, Laurinburg, N.C.

tion front, the United States, with 6 percent of the world's population, uses 60 percent of the world's nonrenewable resources. If we keep using up those nonrenewable resources at the rate we are consuming them right now, what we will have left by year 2000 will be less than what we will need when your current first graders are 36 years old.

To survive and to maintain a quality life on this spaceship, these four things must be done, and we have perhaps 30 years to do them:

The world's population growth must be halted, stopping the inexorable increase of population on the spaceship. If we let this one go, nature will stop this rapid growth of population with famine and war and pestilence. Nature bats last.

We must decrease the rate of consumption by using our resources wisely. This means to decide what is necessary for quality life. We don't need plastic containers. Aluminum cans are ecolcgically undesirable, pollute our countryside, require immense amounts of power to produce. Many similar examples exist.

We must learn to recycle essential materials, and our nonrenewable resources in particular.

We must learn what the rules for life on a spaceship are. Now we are operating with rules set in the days of the cowboy frontiers.

Right now we are not accomplishing *any* one of those four vitally necessary actions. And we must mount a massive multi-discipline struggle to find the answers in the next few decades. Meanwhile, we must use Band Aids or tire patches on the balloon until we learn more.

4. The intelligent management of resources for human needs must be a major concern in education for the 70s.

This is an overarching statement that can be paraphrased to say that man had better start using his intelligence to solve social and educational problems rather than relying upon his memory of how it used to be done. Memory tends to be emotional and unreliable. We tend to operate a ceremonial system and if the student conforms to the ritual, we tap him proudly on the shoulder and send him off to higher education or work or the army, with a smug satisfaction of having ushered more people through the tradition.

It would pay us, instead, to look with candid eyes upon what we are trying to do, stating it clearly enough so that we know if we have succeeded, mobilize what it takes to get the job done, and be profoundly honest in seeing if what we did worked. If it didn't, we should not hesitate to go back to the drawing board and do it over again more effectively.

This applies to teaching students how to *think*. Rather than piously exclaiming that Latin or mathematics or homemaking trains the mind and letting it go at that, we should create settings in which students have to think to get out of the bag.

If we really undertake the task of dealing with the educational effects of poverty and integration, we must do more than mix by the numbers. We must state the goals, figure out ways to accomplish the goals, get on with the task by using our resources as best we can, and coldly evaluating the results of our work.

This is accountability and school boards are increasingly being held accountable. The major thrust, systems analysis, is called Program Planning-Budgeting-Evaluation System, or PPBS.[2] This has been spearheaded by the Association of School Business Officials and that is really too bad. This is not to imply that school business officials are not properly concerned, but rather that the most profound effects of any honest systematic look at education make the greatest contribution when the process of learning is *central*. The academician is too prone to discount the work of the business official.

There will be a lot of quack systems analyses, complete with input, missions, options and cost-benefits, all full of sound and fury and designed to desiccate learning. One also is reminded of Mr. McNamara's ultimate disillusion, if I may interpret it that way, with the outcomes of the application of such analysis to the miltiary when the assumptions were faulty.

On the other hand, rigorous examination of school practices and the use of limited resources to support what works, provided that you have a pretty good idea of what does work, is far more effective and sophisticated management than that art form known as steering by the seat of the pants. It also is harder for unsuccessful coaches to master, thus confounding the major source for administrative talent.

5. The old must listen to the young. If the language is strident, it is, in part, because the issues are great.

"There are two cultures operating in this country. One is a dying culture, based on possession, on what is mine is mine, on controlling other people's lives. It is based on separation, isolation. Each person does his own little job and has his own little pleasures. Everyone buys things because GE makes better products for better living. The quality of our lives is defined by what we buy.

"But there is another culture emerging, and it is based on joy and community, on sharing and on life. And the old culture cannot tolerate the new. It will make every effort to crush it, through courts and the jails, through schools that shut us off from experience and each other, through every institution in this society. And all of us who still have the spirit of life within us feel the oppression of the great Computer through its lousy schools and the lousy jobs it has to offer and its useless products and its jails and just about everybody has been busted for enjoying themselves. We are the new niggers."[3]

Can we point to many things in our schools that speak seriously of "job" or "community" or "sharing" or "life"?

6. We need to do some serious reordering of our priorities in the way we use our resources for education.

Back in the 20s and 30s, the states discovered poverty in the rural areas. There the costs of providing proper education in sparsely populated areas were assessed. Systems were finally developed so that the rich industrialized cities shared their wealth with the poor agricultural areas. State aid and foundation programs poured money into a priority area. It was not too hard to do because the rural areas controlled the state legislatures and listened receptively to the exposition of their own needs.

Things have changed; and cities, impoverished by change and now the recipients of the agricultural poor who fled the industrialization of the farm, are the disaster areas of education. The financing system must change so that the poor in the cities are no longer given a poverty stricken education while the children of the more affluent in the suburbs receive an education two and three times as costly. The rural and the suburban team up to keep the money while the poor in the cities desperately need five and tenfold increases in the quality of education to survive.

7. Watch the nonschool grow and grow and grow.

Act on the bromide that more education takes place out of the school than in it. Everybody talks about this now, but schools still set up programs and rules that require children to be in their classrooms, and in their schools, all the time. Particularly at the high school level, more education should take place outside the classroom.

There are more examples than the Parkway School in Philadelphia or Chicago's Metropolitan High School, and there are many different models. Short periods of time can be spent in the community. In an experiment at Highland Park, Ill., high school district, the final semester of grade 12 is involved with study and research that no longer uses the confines of the school as a security blanket. The entire cooperative occupational education program, where a student learns on the job, is the most effective job training we now know.

The resources of the community contain fantastic riches. Use them.

8. Take a good look at the education of very young children.

Offer education for three and four year old children. The demand for "preschool education" is growing at a tremendous pace. The obsolete idea that education begins at six should end immediately. Schools must set up programs to reach even younger children with educational content, not just baby sitting.

The infant schools in Britain offer interesting insights into education of young children. The infant schools as well as some schools in this country have done well in using ungraded learning groups. This has been based upon the observation that children learn by imitating others. In ungraded schools, young children imitate—learn from older students. Instead of calling this cheating, we are learning to use the process of imitating to spur learning. In fancy talk, this has been called the importance of providing children with appropriate models.

The Head Start program offered leads. It said when education for very young children was related to the educational program, it was effective. Chicago now has operating a pilot project of its new magnet school, a voluntarily integrated school serving children from 3 years old to 14 or 15 years old or until a student is ready for secondary school.

At the same time, even younger children must be considered. Revamp your primary school curriculum to acknowledge how much children now know when they enter school. *Sesame Street* and other television programs are bringing your schools a new breed[4] of student—one who knows far more than did his older brothers and sisters when they first entered your schools.

9. Make sure that students have some voice in decision making.

If they don't, they'll get a voice through protest—and the protest will get the credit for instituting the change. If your high school student council is concerned only with so-called Mickey Mouse assignments, nobody is going to pay much attention to it, especially the faculty. As Ewald B. Nyquist, New York state commissioner of education, puts it: "I strongly urge teachers and administrators to bring students into the decision-making process involving the curriculum and the extra-curriculum, school policies, teaching and instructional methods, and school governance. This is the surest way of defusing the issues and of providing decompression chambers for aroused feelings and heightened tensions. We are witnessing an historic shift from the image of the student as a disciple to the student as a colleague. Student activism need only be feared by those who are conservative, or faced toward the past rather than being future oriented."

School board members who are reluctant to take a position on student activism until they are forced into it won't have long to wait. If the student council consists of the school's elite, you can expect student disinterest and gripes, some of which may be justified. There are administrative ways of accomplishing genuine representation, or at

[2] See "PPBS and several good reasons it shouldn't scare you off," Journal, August.

[3] From "The Occasional Clam," a semi-underground and, regrettably, anonymous newspaper.

[4] For a discussion of this topic, see "Tuned in," Journal, August 1970, page 4.

least of rebutting the charge that there's no meaningful effort in that direction. In one high school any student can become a voting member of the student council (called an assembly there) after he or she comes to seven meetings. If you don't show up for at least seven meetings, you're no longer a voting member—whether or not you were elected.

10. Try to define, in writing, what your curriculum really should be accomplishing—especially for students who won't or shouldn't go on to college.

Facts are becoming less and less important. There are simply too many of them. As Social Scientist Herbert A. Simon observed: "We will not fill one granary with current institutional knowledge of marketing, production, and finance because most of that knowledge is almost sure to spoil before the drought comes when we want to use it. I do not mean that people do not need to know anything in order to think and make good decisions. They need to know a great deal, but what they need to know changes, and cannot be taught—because it is not known—a decade before use. What people most need to know is how to *continue* to acquire new knowledge and revise the old."

11. Induct new teachers into your school system with care.

Education almost prides itself upon throwing the neophyte teacher into a room and closing the door. If after a suitable interval the noise subsides and relatively few parent complaints are received, the teacher is assumed to have become a member of the faculty. From there on, routine is encouraged.

A major need is in the area where populations change and where frozen attitudes of teachers can lead to the rejection by the school of children from poor families. A gut level reworking of staff with the community may be the only real way to keep the school sympathetic to its clients.

Many districts, especially those in inner city situations, are utilizing community people as teacher aides. Set up a program that makes it possible for these people to advance as aides, assistant teachers and, finally, to become teachers. The program should involve some college work, but more on-the-job training.

12. Master the computer.

The massive increases in data, need for information on which to base decision making, the need for monitoring of individualized educational programs, and the slow growth of computer assisted instruction suggests that you had better learn what the computer can do for you.

There are very few school districts that are too small to be able to use this kind of assistance. Even there, the growth of time-sharing systems brings computer capability within virtually any school district's reach.

School districts generally have lack of style in this field. Perhaps the up and coming high school students weaned on the computer, can help you get organized to use a device that, properly controlled, can be of immeasurable help.

13. The schools had better do more than just survive.

The new school should have a sense of senses, of savor, of differing flavors, texture, awareness, joy, humor, giggles, wonder, admiration, bursting energy, the delight of growing up, the exuberance of young people, in short all the vivid qualities of a really good life. There is no superiority in greying out the student's mind or building nonresistent conformity.

Look at your schools with your senses and try to assure that all kinds of young people will find stimulation and environments in which to grow and to flourish.

HOGAN NEWSLETTER REPORT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HOGAN. Mr. Speaker, one of the major responsibilities of a Member of Congress is to keep his constituents informed not only of his own performance in Congress but of the entire scope of legislative activity during the congressional session.

Throughout the 91st Congress I have tried to keep the residents of my congressional district informed of my legislative activities through periodic newsletters. I would like at this point in the RECORD to include my newsletter report on the entire 91st Congress:

CONGRESSMAN LARRY HOGAN REPORTS ON THE 91ST CONGRESS

DEAR FRIENDS: As the 91st Congress is rapidly drawing to a close, I am taking this opportunity to give you a full report of these two years.

During 1969 and 1970 the Congress has moved ahead on many vital issues even though at times it has been, in my opinion, too slow-moving. I have been privileged to be in the forefront on several major pieces of legislation which were enacted into law during this Congress. Because of my service on the Post Office and Civil Service Committee as well as the District of Columbia Committee, I have been able to play a leading role in the passage of anti-crime legislation, postal reorganization, and legislation affecting Federal employee benefits.

Through periodic newsletters, I have tried to keep you informed as these bills were progressing through the legislative process. I also sent you a special report on crime and another report on my trip to Viet Nam. We took an in-depth look at the Nation's economy through a questionnaire and a newsletter report on the results of that survey. (Copies of all these newsletters and reports are still available if you missed them before.)

I want now to give you a summary of the 91st Congres. To do my job in Congress effectively, I need your help. I need your ideas, your thoughts, and your opinions. In this regard, I would again like to thank everyone who responded to our questionnaires. The results gave me an excellent indication of your views and helped me in my work.

LARRY HOGAN,
Member of Congress.

CONGRESSMAN HOGAN SPEAKS ON FOREIGN POLICY

Viet Nam—The war in Viet Nam is ending. The President has kept every promise he has made regarding Viet Nam.

Two years ago, the Nixon Administration took up the reins of government while the war in Viet Nam was escalating. We were sending more troops and our casualties were mounting. President Nixon made the choice of de-escalating American involvement in the war by gradual troop withdrawals and transferring responsibility for their defense to the South Vietnamese themselves.

The President's plan has been working. More than 115,000 troops have already been withdrawn and another 150,000 American men are scheduled to return before April of next year. This indicates almost 50% troop reduction since the present Administration took office. In addition, casualties have declined to their lowest point in 4½ years.

Cambodia—Recently I had breakfast with President Nixon at the White House. He mentioned what a difficult decision it was to send troops into Cambodia. However, his action has speeded the end of the war and has reduced casualties on both sides.

Again, in this decision, the President kept his promise and all American troops were withdrawn from Cambodia by the specified time, July 1, 1970.

The success of the Cambodian operation and of the Vietnamization policy made it possible for President Nixon to offer his five-point peace plan on October 7, 1970. The five peace initiatives are:

An immediate cease-fire with both sides holding their present positions, with international supervision and no build-up of military strength.

Broadening of the Paris peace talks to include Laos and Cambodia as well as North and South Viet Nam.

Negotiated withdrawal of all U.S. troops from Viet Nam.

A political settlement that meets the aspirations of all South Vietnamese.

Immediate and unconditional release of all prisoners of war held by both sides.

Middle East—Since its birth 22 years ago, Israel and America have been the closest friends and allies. This small, but hardy, outpost of democracy is America's most valuable asset in the Middle East as she consistently withstands Soviet and Communist efforts for domination.

I, along with a majority of the members of the House of Representatives, have consistently supported efforts to bolster American assistance to Israel and to achieve a Middle East peace I was a signatory to the following:

A 1969 declaration for peace in the Middle East.

A January 1970, declaration in support of direct, unhampered negotiations.

A February, 1970, Congressional Resolution reiterating support of direct negotiations.

A June, 1970, letter to President Nixon urging the immediate sale of jets to Israel to preserve the military balance in the Middle East.

A vote on Sept. 29, 1970 calling for open-ended military aid to Israel.

This century has not known a generation of peace. We want not only peace now, but peace for the next generation. The Nixon Administration's efforts are not only ending the Viet Nam War but also prevented a full-scale war from erupting during the Jordan-Syrian crisis.

REFORMING CONGRESS—A PRIME TARGET FOR OVERHAUL

Reform in the operations of Congress is essential if we are to deal adequately with the many complex problems facing our Nation. Too often the great issues of our time which should form the nucleus of Congressional debate beg for attention while Members hammer away for weeks at a time at insignificant procedural details.

After weeks of debate on the floor of the House of Representatives, a Legislative Reorganization bill was passed on September 17, 1970, with the enthusiastic support of Rep. Hogan. Prior to this bill, the last major reorganization of the Congress occurred in 1946. Obviously, managerial techniques and efficiencies have progressed one hundredfold in the last 25 years while the Congress of the United States still operates under the inefficient and archaic systems of the past.

In a speech before his colleagues in the House, Congressman Hogan indicated his support for most provisions of the legislation and offered suggestions for areas which required amendment. Highlights of his speech include:

Removing the cloak of secrecy from Committee meetings where the vital elements of legislation are shaped;

Opposing the televising, broadcasting, or photographing of Committee meetings. In

Rep. Hogan's view, the circus-like atmosphere caused by the presence of TV cameras and crews is not conducive to the orderly conduct of congressional business;

Protecting the rights of the minority in Committee deliberations and in choosing staff employees;

Supporting computerized recording of all votes and disclosing all votes to the public;

Providing more resources for Congress to do its job—staff, information retrieval, computer analysis, etc.

EARTH DAY, 1970

In an "Earth Day" speech delivered at Prince Georges Community College, Congressman Hogan said,

"We are close to becoming the first nation in the history of the world to commit suicide by progress. Public officials bear the responsibility of preventing that suicide, because it is the decisions we make that lead—step by step—toward, or away from, the precipice."

Congressman Hogan has taken several steps in the direction of cleaning up our environment. He voted for a bill calling for $1 billion funding of the Clean Waters program, and has co-sponsored 13 pieces of legislation including seven national environmental bills, a measure to establish an environmental college. and a resolution creating an "Earth Day" each year.

RESPONDING TO CRIMINAL ACTIVITIES

As the Administration's spokesman for the omnibus crime bill for the District of Columbia and floor leader for the bill in the House of Representatives, Congressman Larry Hogan helped guide the omnibus bill (which contained 11 Hogan anticrime measures) through the Congress with a final vote of 332–64 on the House floor.

Several other anti-crime bills sponsored by Congressman Hogan have nearly completed the legislative process and are awaiting final action. Four bills aimed at destroying the grip of organized crime have been acted upon by the Congress in connection with the Organized Crime Control Act of 1970 while an omnibus drug bill, providing for treatment, prevention, and control, is currently in a Senate-House Conference

No-knock provision—Both the omnibus crime bill and the nationwide drug control bill contain a "no-knock" provision. The news media has greatly distorted this provision. The fact of the matter is that the "no-knock" authority provides the citizens *more* protection than they had under the law before the bill was enacted. Existing case law and statutes already authorized the "no-knock" entries. In fact, the U.S. Supreme Court has specifically upheld "no-knock" entries and 29 states (including Maryland) allow "no-knock" entries either by statute or case decision at the present time.

In other words, the "no-knock" provision in these two bills does not extend the authority which police officers already have, it merely codifies it, clarifies it, and provides an additional safeguard for citizens by spelling out in detail those instances when the police officer need not announce his purpose before entering.

The authority cannot be used wantonly. The officer must have a valid arrest or search warrant or otherwise be acting legally. If he is not he is subject himself to prosecution and civil suit.

The legislation sets forth the general rule that an officer must knock and announce his identity and purpose before entering. The only exception to this, when he can apply "quick entry" without knocking, are as follows:

1. When his life or another's life is likely to be in danger. (When an officer knows that a criminal is armed and dangerous and has said he will not be taken alive, would it make sense to require an officer to knock and say "This is the police," and then get his head blown off?)

2. When evidence is likely to be destroyed. (Would it make sense to require an officer to stand at the door knocking, awaiting admission, while the narcotics pusher flushes his drugs down the toilet, thus destroying the evidence the officer was seeking?)

3. When the fugitive is likely to escape. (Should the police officer be forced to stand at the door knocking while the fugitive flees out a window?)

4. When it would be a useless gesture. (Suppose an officer sees a man commit a crime and is chasing him down the street and the man runs into a building and slams the door in the police officer's face. Wouldn't it be silly to force the police office to pause at that point, knock on the door and say, "This is the police?" That's what is meant by a useless gesture.)

Those are the only exceptions to the general rule that a police office must knock and announce his purpose and identity before entering. This was also the law before enactment of the D.C. crime bill. The D.C. crime bill placed an additional safeguard in the law by requiring the police officer to get a special "no-knock" warrant when he knows of the above circumstances. Before enactment of this bill he could use his own judgment; now he must get the judge's approval in advance.

There is no way this provision can be used to enter the private dwelling of a law-abiding citizen.

CAMPUS UNREST

Rep. Larry Hogan was one of 22 Congressmen sent to campuses throughout the country (at personal expense) to study the problems of campus unrest and report their findings and recommendations to the President. Among the recommendations which have seen action are lowering the voting age, reform of the draft, and establishment of an office of youth liaison.

Last Spring, when the University of Maryland at College Park was the center of protests and dissent, Congressman Hogan sent telegrams to the Governor of Maryland, the Director of the FBI, and the Price George's County State's Attorney to take immediate action against the troublemakers whose criminal acts were disrupting the campus.

Congressman Hogan has also voted to prohibit funds to any institution not complying with the anti-campus disruption provision of the Higher Education Act of 1968 and to prohibit the use of Federal funds for loans, grants or salaries to individuals engaging in threat, use of force, or illegal seizure of property, etc., at colleges.

PROBLEMS OF THE METROPOLITAN AREA

Pollution—There is not a clearcut choice between cleaning up the Potomac River and maintaining adequate sewage facilities. Both must be done. It is an act of irresponsibility to ignore the urgent need for expanded sewage treatment facilities and to neglect upgrading the treatment of sewage in conformity with the recommendations of the Potomac River Enforcement Conference.

Throughout the past two years, Congressman Hogan has convened several meetings in his office with Federal, State and local officials to discuss the problems of sewage treatment facilities at Blue Plains, Piscataway, and Mattawoman Creek. He has also testified before the House Government Operations Committee, the Potomac River Enforcement Conference, and the Interstate Commerce Commission on the Potomac River Basin in support of clean-up efforts.

Transportation—No one mode of transportation can solve Metropolitan Washington's transportation problems. Congressman Hogan has worked to provide the area with a balanced transportation system including rapid rail transit, adequate freeways, and better bus service. As a co-sponsor of the Rapid Rail Transit bill in the House of Representatives, Congressman Hogan entered into the floor debate on the bill and urged his colleagues to fully fund the Federal share of the construction cost because Maryland is already paying a disproportionate share of the total system. It is in the Federal interest to see that employees from the suburbs of Maryland and Virginia have ready access to their places of employment. He has worked diligently with the President and other Executive Branch officials as well as his colleagues to unsnarl the impasse between highways and rapid rail transit.

Retrocession of D.C. to Maryland—Contrary to charges that Congressman Hogan was in favor of retroceding the District of Columbia to the State of Maryland, Congressman Hogan has always opposed retrocession. In fact, he was responsible for killing this proposal in the D.C. Committee.

Commuter tax—Congressman Hogan also opposed the concept of imposing a commuter tax on Marylanders who work in the District of Columbia and this proposal also died in Committee.

Police, firemen, and teachers pay raises—after a full year's delay in legislating salary increases for D.C. police, firemen and teachers, the Congress passed a retroactive bill which was modeled almost completely on a compromise measure offered in Committee by Congressman Hogan. He fought for the bill in subcommittee, full committee, on the House floor, and in conference with the Senate.

POST OFFICE AND CIVIL SERVICE COMMITTEE ASSIGNMENTS

Postal reform—As a member of the House Post Office and Civil Service Committee, Congressman Hogan was in the forefront of the fight for postal reform. More than 30 public hearings and numerous executive sessions during the first and second sessions of the 91st Congress were devoted to study of various postal corporation proposals.

On August 12, 1970, Congressman Hogan and his colleagues on the Committee were present with the President and Postmaster General Winton Blount when the historic postal reform bill restructing the Post Office as an independent establishment within the executive branch of the Government, was signed into law. The major problems of the existing and very antiquated postal service, arose from numerous circumstances which combined to deteriorate the postal service into its present state. The new U.S. Postal Service is designed to operate on an efficient and business-like basis while retaining the public service character of the Nations' mail service.

Benefits for Government employees—as a member of the Subcommittee on Retirement and Health Benefits, Congressman Hogan was a prime sponsor of legislation which overhauled the Civil Service Retirement Financing system. Another bill sponsored by Congressman Hogan, increased from 20% to 50% the Federal Government's health benefits contribution for government workers.

Congressman Hogan also co-authored the 6% pay raise for classified and postal employees and the 8% salary increase for postal workers which was enacted as a part of the postal reform legislation.

INFLATION SLOWDOWN

The Nixon Administration inherited the inflationary conditions caused by years of excessive government spending. In his two years in office, President Nixon has pursued a policy of gradually cooling off the economy to avoid the hardships of a recession. This type of slowdown requires time, especially since the country is trying to slow down an eight-year spending spree.

Looking at recent economic indicators, however, we can see the Administration's policies beginning to work.

Consumer prices climbed only 0.2% during August which is the smallest increase since September, 1967. The May-to-August rise in the Consumer Price Index was the smallest since September, 1967.

Major banks across the Nation began cutting their prime interest rates to 7.5% from 8%.

Housing is perking up as mortgage money becomes more available.

Defense spending has been reduced over $12 billion in two years and by mid-1971 the reductions will approach $20 billion.

These developments indicate that the inflationary cycle is being controlled.

FEDERAL CONTRACTS, GRANTS, AND LOANS RECEIVED FOR THE FIFTH DISTRICT

In fiscal 1969, the total Federal dollars paid into the 5th Congressional District of Maryland was $800,794,444. This figure includes everything from social security and veterans' benefits to project grants to cites. On a county basis, the breakdown of Federal payments for the 12-month period is $735,-741,401 for Prince George's County and $65,-053,043 for Charles County.

Below is a partial listing of major Federal grants, loans, and contracts for each county during 1969 and 1970.

PRINCE GEORGES COUNTY

$1.5 million GSA contract to Bladensburg firm for demolition of Main Navy Munitions building on Mall.

$2,026,858 HUD contract to College Park Housing Authority for construction of an eight-story high-rise apartment for the elderly in College Park.

$1,050,662 HUD grant to Park and Planning Commission for acquisition of 12 additional park sites in Prince George's County.

$705,600 GSA contract for Phase I construction of the Federal Law Enforcement Training Center in Beltsville.

$171,000 GSA contract for new Post Office building in College Park.

$1,454,307 HUD Code Enforcement grant for improvements to the Carmody Hills Conservation Area and for administration of the 1968 and 1969 Youth Opportunity Campaigns.

$2,088,000 urban renewal grant from HUD for Colmar Manor.

$284,878 NIMH grant to Prince George's County Health Department for a comprehensive Community Mental Health Center.

$712,383 to Prince George's County under Title I of the Elementary and Secondary Education Act allotment for fiscal 1970.

$198,399 HEW Follow Through grant to Prince George's County Board of Education.

$144,400 HEW Educational Opportunity grant to Bowie State College.

$20,000 Youth Opportunity grant to Prince George's County from the President's Council on Youth Opportunity.

$2,464,933 Department of the Army contract to Beltsville firm for construction and installation of x-ray machine subsystems and accessories.

$750,000 FWPCA grant for demonstration facility at the Piscataway Waste Treatment plant.

$103,515 Department of the Interior grant for construction of lake in Clinton Regional Park.

$295,400 contract to build Landover Hills branch of the Hyattsville Post Office.

$266,000 NASA grant to University of Maryland, College Park, for experimental studies in space.

$1,432,000 VA contract to Cheverly firm for x-ray equipment.

$214,567 GSA contract to Hyattsville firm for improvements to Central Heating Plant in Suitland.

$695,207 HUD Open Space Land grants for the acquisition and improvement of 22 park and recreation sites in Prince George's County.

$218,344 HUD grant for improvement of park and recreation areas in Seat Pleasant and Bowie.

$330,637 HUD grant for development of the Model Neighborhood area in Prince George's County.

$260,000 loan from HUD to Town of Fairmount Heights for storm drainage system and water and sewer facilities.

$26,979 research grant from the National Institute of Neural Diseases and Stroke to the University of Maryland.

$20,100 HEW Educational Opportunity grant to Prince George's Community College.

CHARLES COUNTY

$247,758 to Charles County under Title I of the Elementary and Secondary Education Act allotment for fiscal 1970.

$10,000 to Charles County Community College for HEW College Work-Study Program.

$407,496 Head Start grant to Southern Maryland Tri-County Community Action Committee to serve Charles, Calvert, and St. Mary's Counties.

$35,116 Federal Water Quality Administration grant to Charles County Community College for curriculum development.

$350,000 to Indian Head from the Farmers Home Administration for a rural community project.

$492,500 HUD grant for water and sewer facilities in the Waldorf Sanitary District and in St. Charles Communities.

$1,783 for remodeling of the Marbury Post Office.

$10,788 National Science Foundation grant to Charles County Community College to strengthen science program.

$40,000 to Charles County from the Farmers Home Administration to develop a comprehensive plan to serve 3,000 families.

$165,287 HEW grant to Charles, Prince George's and Anne Arundel Counties for a Family Planning Project.

$3,349,000 LEAA grant to the Maryland Governor's Commission on Law Enforcement and the Administration of Justice.

CATASTROPHIC ILLNESS

After months of research and preparation, Congressman Hogan introduced a piece of legislation known as the "National Catastrophic Illness Protection Act of 1970." The bill immediately received nationwide acclaim and recognition and was soon reintroduced in the House of Representatives with 14 bipartisan co-sponsors and was cosponsored in the U.S. Senate by Senators Edmund Muskie of Maine and J. Caleb Boggs of Delaware.

The bill would give families the ability to obtain protection from the financial disaster brought about by illness or accident where extraordinary medical care is needed. Presently, there is no protection for families dealt the staggering blow of extraordinarily high medical bills. This legislation would foster the creation of extended care insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

HOT-LINE FOR YOUTH

If you know a teen-ager with a problem please ask him or her to call 864–7271.

This emergency phone number is staffed by trained aides who can help teen-agers think through problems or contact a specialist immediately.

HOGAN VOTES IN THE 91ST CONGRESS

Nearly 400 roll-call votes were taken in the House of Representatives during the 91st Congress. Congressman Hogan's attendance record for his first term in office is one of the highest on Capitol Hill. He scored a 95.9% attendance record on all roll-call votes.

Several of these 400 votes have been mentioned in the context of the subjects discussed in this newsletter. However, there are many other votes on issues as varied as military spending, law enforcement assistance, education, veterans' benefits, social security, etc., which cannot be included in this newsletter because of space limitations.

A complete listing of Congressman Hogan's votes on all the bills considered by the 91st Congress has been published in the Congressional Record of October 8, 1970. Reprints of this voting record are available from Congressman Hogan's office. Please send you request to: Congressman Larry Hogan, 1027 Longworth House Office Building, Washington, D.C. 20515.

HOGAN BILLS ENACTED INTO LAW DURING 91ST CONGRESS

Public law, bill number, proposal:

P.L. 91–93, H.R. 9825: To refinance the Civil Service Retirement Fund, to include unused sick leave in length of service, and to compute annuities on high three years (co-author).

P.L. 91–106, H.R. 9846: To extend the time limit for temporary tags in the District of Columbia (included in D.C. Revenue Bill) (author).

P.L. 91–143, H.R. 1193: To authorize Federal contribution for Washington, D.C., area rapid transit system (co-author).

P.L. 91–231, H.R. 16844: To increase the pay of Federal employees and for other reasons (co-author).

P.L. 91–72, H.J. Res. 814: To authorize proclamation of 9/28–10/4/69 as "National Adult-Youth Communications Week" (co-sponsor).

P.L. 91–297, H.R. 17138: To increase salaries for D.C. policemen, fireman and teachers, with increase retroactive to July 1, 1969 (co-author).

P.L. 91–297, H.R. 16269: To authorize salary increase for D.C. Teachers (author of provision included in H.R. 17138).

P.L. 91-297, H.R. 16790: To authorize salary increase for D.C. policemen and firemen (author of pay scale and provisions included in H.R. 17138).

P.L. 91–268, H.R. 15033: To authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes (co-author).

P.L. 91–358, H.R. 16196: District of Columbia Court Reform and Criminal Procedures Act (co-author).

P.L. 91–358, H.R. 8868: To include the District of Columbia as a signatory to the Interstate Compact on Juveniles (co-author) (contained in H.R. 16196).

P.L. 91–358, H.R. 12854: To reorganize the courts of the District of Columbia (co-author) (contained in H.R. 16196).

P.L. 91–358, H.R. 12855: To increase the effectiveness of the District of Columbia Bail Agency (co-author) (contained in H.R. 16196).

P.L. 91–358, H.R. 12856: To expand and improve public defender services in the District of Columbia (co-author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15339: To amend the D.C. Code to include imitation as well as real guns for premium punishment for armed crimes (author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15340: To amend the D.C. Code to allow prior convictions to be introduced as evidence to impeach credibility of witnesses (author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15341: To amend D.C. Code increasing the penalties for rape (author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15342: To amend D.C. Code making it unlawful to resist arrest (author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15343: To amend D.C. Code to increase the penalties for breaking into vending machines, parking meters, coin telephones, etc. (author) (contained in H.R. 16196).

P.L. 91–358, H.R. 15350: To amend D.C. Code to provide sentences for separate offenses to run consecutively unless judge provides to the contrary (author) (contained in H.R. 16196).

P.L. 91–375, H.R. 17070: Postal Reform Act of 1970 (co-author).

P.L. 91–353, H.R. 8787: To preserve publication of newspapers in areas of economic distress (sponsor of bill identical to H.R. 279 enacted into law).

P.L. 91–385, H.R. 17061: To exempt VA and FHA loans from District of Columbia usury law (enacted into law as a rider to H.R. 17711) (author).

P.L. 91–405, H.R. 11216: To establish in the House the office of (nonvoting) Delegate from the District of Columbia (co-author) (contained in H.R. 18725 enacted into law).

P.L. 91–405, H.R. 14715: To establish a Commission on the Organization of the Government of the District of Columbia (co-author) (contained in H.R. 18725 enacted into law).

P.L. 91–405, H.R. 18725: To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a delegate to the House of Representatives from the District of Columbia (co-author).

P.L. 91–172, H.R. 50: To increase personal exemption from $600 to $1200 for income tax purposes (Tax Reform Act increased personal exemption in two steps) (author).

P.L. 91–172, H.R. 12057: To treat single taxpayers the same as heads of household (author) (Tax Reform Act authorized semi-head-of-household status to single persons over 35 years of age).

P.L. 91–418, H.R. 16968: To provide for the increase of the Government's contribution with respect to the health benefits coverage of Federal employees and annuitants (co-author).

In addition to Congressman Larry Hogan's service on the Post Office and Civil Service Committee and the District of Columbia Committee, he was appointed to the Commission to Revise the Criminal Code of the District of Columbia and the Special Select Committee of the D.C. Committee. He has also served on three Senate-House Conference Committees to iron out differences between House and Senate versions of bills.

CIVIL AIR PATROL REMEMBERS OUR POW'S

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1970

Mr. WOLFF. Mr. Speaker, as commanding officer of the Congressional Squadron of the Civil Air Patrol I would like to bring to the Members' attention a campaign currently being conducted by the nationwide CAP organization to focus public attention on the plight of Americans missing in action in Indochina and those being held as prisoners of war by the North Vietnamese and Vietcong.

The House has made clear our strong interest in these men and our total commitment to remain active in this regard until they are returned home safely. An important part of this problem is keeping this vital issue before the American people, and the Civil Air Patrol is providing an important assist in this direction by distributing, at no expense to the Government, tens of thousands of bumper strips and small signs which read:

Civil Air Patrol urges you don't let them be forgotten: POW's—MIA's.

As the CAP memo on this said, these strips "are intended to provide a permanent and visible expression of CAP's concern for U.S. servicemen held as prisoners or missing in action in Southeast Asia."

This is a worthy project, consistent with the aims of the House; it has my support and I am sure the support of all my colleagues.

STRENGTHENING SOCIETY'S MORAL FIBER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BURTON of Utah. Mr. Speaker, we are quick to criticize the "Age of Aquarius," the exploitative movie industry, businessmen after "the quick buck," and other targets of America's waning moral fiber.

We are prone to blame the other fellow for the moral decay we see all around us, too often forgetting that each petty dishonesty, each compromise with our consciences, contributes to the problem by weakening our individual lives and undermining society as a whole.

The Christian Science Monitor had a thoughtful editorial on the matter last month that I believe worthy of insertion in the RECORD:

REBUILDING MORAL FIBER

Surely is has occurred to many concerned individuals that if there were more simple honesty, more daily practice of the Golden Rule, more compassionate attention to modest justice among men, there would be less need for massive anticrime legislation, less need to attempt to legislate morality among mankind.

But how does one begin strengthening society's moral fiber? How shall the slow decay, which so many preachers and even politicians have observed, be reversed? To many this is a call for a more genuine practice of religion, or for the more earnest observance of humanistic virtues. But how is reform initiated? Where does it begin?

Ask youth today—indeed ask many an older person—and the answer will be: Not by preachment but by practice, by example-setting, by the active living of a moral life.

We are familiar, almost ad nauseam, with the young folk's complaint that the oldsters have made a botch of things. Those on the other side of the alleged age gap answer: "No such thing. We have actually done better than many previous generations."

Yet is it not frankly true that a sizable part of the undermining of moral fiber today is due to the transgressions, conscious or very nearly unconscious, of the adult generations? Not in such great matters of courage as fighting Hitler. But in the smaller, day-to-day practices of life, where it is "the little foxes, that spoil the vines."

One can easily list the petty dishonesties, the moral lapses, the modern indulgences, the compromises with conscience which, adding up, eat away at mankind's moral bastions:

The so-prevalent use of every kind of drug and tranquilizer by parents, a practice so closely watched by the kids. The petty cheating on income taxes and other obligations toward government and society. The gossip which destroys reputations and sours goodwill. The driving at 60 miles per hour in a 40-mile zone. The indulgent permissiveness which allows, even encourages, children to "go steady" at the age of 10 or 12. The missing of opportunities for an understanding dialogue with one's children or one's neighbors. The unwillingness to be "involved" when moral issues confront a community.

These are the small avoidances, the missed chances, that tear away at character and stability. But opportunities need not be forever lost. There is no time like the present to begin living the honest, courageous daily life. Strength comes to him who uses it. And the end result will be the resurgence of morality and, indeed, a happier, saner existence for the individual and for the community.

SMALL BUSINESS SET ASIDES BY TVA SUPPORTED

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. KLUCZYNSKI. Mr. Speaker, my colleague and close friend, the gentleman from Tennessee, Hon. JOE L. EVINS, chairman of the Small Business Committee, has introduced a bill providing for steps to alleviate the Tennessee Valley Authority's coal shortage and to assist small businessmen in the coal industry. The set-aside requirement for small business by the TVA included in the bill is a brilliant idea which will be of great benefit not only to the small businessman, but to the country as a whole.

Chairman EVINS is to be commended for his lifetime dedication to the service of the small businessman. I have had the privilege and honor to serve with Chairman EVINS on the Small Business Committee for a number of years and can testify to his indefatigable drive to aid and assist the little man.

I admire and respect him for his goal of solving the problems and improving the role of small business in the Nation's economy. His leadership on the committee has been characterized by determination and strength. I think Chairman EVINS may best be described as a true champion of small business.

Chairman EVINS' tireless efforts on the Small Business Committee have been in addition to the heavy workload of two appropriations subcommittees, Public Works and Independent Offices and HUD. He is in every respect a dedicated and patriotic Representative who does a truly magnificent job in the performance of all the important duties that he has in the House of Representatives.

I have studied the bill introduced by Chairman EVINS and believe it to be worthy of the speediest and most earnest consideration by the House. I support the bill very strongly and urge my colleagues to take favorable action thereon.

WHY FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MIKVA. Mr. Speaker, when we return in November from the election recess, we will consider the Occupational Safety and Health Act, sponsored by our colleague from New Jersey (Mr. DANIELS). In 1970, almost 200 years after the industrial revolution began, blue-collar workers—workers in the factories, workers in the fields—still are not afforded the necessary protection from the hazardous working conditions they encounter every day. These hazards are not only present in the steel mills or the automobile and glass factories where in Illinois, State factory air standards allow 10 times the amount of carbon dioxide considered harmful by outside air standards. Unsafe conditions can also be found in agriculture where every year deaths occur which are attributed to pesticide poisoning. Perhaps the saddest reality is that the Department of Health, Education, and Welfare has found that three out of four factory managers did not recognize the presence of any health hazards in their plants until they were pointed out to them.

An HEW Public Health Service survey shows that 340,000 workers daily are exposed to some occupational health hazard, while the Department of Labor reports that 14,000 deaths and over 2 million injuries a year can be attributed to industrial accidents. These are only a few of the facts of the low-class status we have pinned on the blue-collar workers of this country. We have disregarded these citizens by not guaranteeing them clean and safe working conditions while we work in air conditioned offices. Federal occupational safety and health standard laws are desperately needed for the protection of millions of Americans.

All of this has been documented many times over. However, the pungent and timely article by Mr. Jack Altman in the Chicago Free Press says it better and more specifically than any article I have ever seen on the subject.

I therefore urge all of my colleagues to give their attention to the article, "Industrial Murder," written by Jack Altman, and published in the Free Press. Its text follows:

INDUSTRIAL MURDER

(By Jack Altman)

Anybody could see that flimsy wooden walkway in the belt-line housing was going to cause trouble some day. Every now and again hot coke and sparks dropped off the belt and lay there smoldering. It wouldn't take much for the walkway to burn right through and the lighting up there was so bad you wouldn't know what was happening. In the old days the walkway was made of concrete, but in time the concrete wore out and was replaced by wood. The local union boss saw the danger and filed a grievance last year. The union wanted management to put concrete in again, but management said they couldn't locate the right kind of concrete. On May 31 of this year, on the night shift, a fire started on one of the walkways. It burned a gaping hole and Don Lynn, a 56-year-old boom operator, fell 25 feet to the ground. He severed his spinal column and died instantly.

More than four months later the wooden walkways have not been replaced and workers say the lighting is as bad as ever. This incident occurred at a furnace in Waukegan operated by Chevrolet to provide coke for its works in Saginaw, Mich.

How would you describe it? An accident? My dictionary defines that as "An event; especially an unforeseen contingency; a disaster." Well, it certainly was a disaster, but scarcely unforeseen. My dictionary defines "murder", on the other hand, as "The most heinous kind of criminal homicide; often applied to a death-sentence, killing of men in war, *or any action causing destruction of human life, which is regarded as morally wicked, whether legal or not.*"

Make up your own mind, but what happened to Don Lynn is happening to factory workers all over the country, thousands of them. Department of Labor statistics estimate deaths due to industrial accidents at 14,000 every year and injuries at over two million a year. But a department-commissioned report says the injury statistics are probably only a tenth of the reality. The report prepared by Jerome B. Gordon claims serious on-the-job injuries total 25 million a year. The discrepancy, says Gordon, is the result of "improperly run and underfunded federal government programs" and industry domination of setting safety standards.

Companies don't always tell and don't sometimes know what the cause of a worker's injury is. One major instance of this is in agriculture where poisonings and deaths from pesticides are seriously underestimated, Gordon claims.

An official at the state Department of Labor says Illinois stopped compiling separate regional statistics on industrial injuries and deaths in 1964. But even if state figures were available for metropolitan Chicago they would be subject to the same doubts raised by national figures. If you need statistics to convince you the situation is bad, HEW's Public Health Service did a factory safety survey of metropolitan Chicago which showed that 340,000 workers are every day "at risk to some occupational health hazard." There are over 14,000 significantly-sized plants in Chicago and 10,000 of them, says the survey, have health hazards. But for me the most interesting statistic is that three out of four of the managements surveyed "did not recognize any health hazards in their plants."

If Don Lynn's workmates in Waukegan have a laugh left in them, they'll find that hilarious. It's not that the incident was isolated. Talk to Baxter Bryant. As a quench-car operator it was his job to water down the hot coke from the ovens before it was moved out to the railroad cars. The water came from a cooling pipe 35 feet above the ground. The pipe was wet and slippery and in almost total darkness. Occasionally it got clogged and a man had to climb up on it and bang it clear with a sledgehammer. In 1966, John Grace, president of UAW local 1305, filed a grievance to have a catwalk installed with a guard-rail, a ladder leading to it and lights overhead. Management did nothing. A year later, September 19, 1967, Baxter Bryant, 59 at the time with a wife and four children to support, fell from that slippery pipe and fractured his skull. He underwent brain surgery which removed the part of the brain controlling his body balance. He has been totally disabled ever since, living on social security. Two days after his accident, Chevorlet installed the catwalk, the guard-rail, the ladder and the lights. A couple of weeks ago Baxter Bryant went back to the Appalachian home he left in West Virginia ten years before.

Look at International Harvester. Right now this company's Melrose Park plant is engaged in prolonged negotiations between labor and management. Not just over money, fringe benefits, pensions, retirement and the usual stuff, but over some vital plant safety measures that were part of the cause of a two-day walk-out last February. I know unions often use the safety measures as a bargaining counter in a quest for higher wages. They make expensive demands for new safety equipment and health programs which they then bargain away for a more promising management offer in wages. But it seems the situation with UAW Local 6 is a little different.

At the time of the February strike, says the Local's safety chairman Carl Carlson, "one of our major demands was that we refused to let the company continue with their lackadaisical approach to safety problems."

The union brought specific grievances about high noise-levels in the tractor-assembly and engine-testing departments, as well as complaints about air pollution from engine fumes and high concentrations of irritating ozone from a new high-heat welding process. Carlson says management offered a detailed Safety Awareness Program, to include weekly meetings for the workers to be able to present safety complaints without going through the cumbersome process of official union grievances.

That was February. Now, says Carlson, this whole program has deteriorated to the point where we just laugh at it. Safety meetings take place only every other week. Whenever we present a complaint, the company says: "You're right, you're absolutely right. We're going to do something about it." But when it comes to it, the people responsible have one thing in their minds: production. Production always wins out over safety.

I asked company officials if there was any basis to this charge. Insisting on anonymity, they told me: We're moving ahead on safety as fast as we can, but you have to realize the plant has been going through complete new installations. We're taking out the old rubber-tire equipment and bringing in all crawler-type tractors—don't go calling them "caterpillars," by the way. We've also had to introduce a major new tooling program for our new diesel engines. With all this we can't say exactly at the moment what the problems with noise-level and so on will be.

They were almost totally preoccupied with the joys of their new production-potential. It was lucky for safety to get a mention at all.

Union members are very conscious of the great gulf of understanding between themselves and management on the subject of working conditions. Jerry Siebold, number two man on Local 6's safety committee, commented: "In the offices, they're not exposed to noise-level, heat, smoke pollution and bad lighting." His UAW boss in Illinois, Robert Johnston, made the same point in a letter to Governor Richard Ogilvie. Noting that state factory air standards allowed ten times the amount of carbon dioxide considered harmful in outside air, Johnston wrote: "In terms of a total solution, air standards should be based on the ultimate installation of factory air systems that purify air rather than the present systems that pull in outside air, mix it with factory air and then expel it. Most executives and office workers now enjoy air conditioning and we seek this objective for factory workers."

It's funny. We've always taken for granted—working-class *and* middle class people—that factory workers have to live a dirtier, less pleasant life at work than those whose collars can be kept white. But why? Why take it for granted, when that dirt and unpleasantness translate themselves, according to a local public health survey, into six less years of life for the worker in a steel-foundry than can be expected for an office worker.

At International Harvester, again, these class distinctions take on a special flavor. Oscar Jones is an inspector in tractor-assem-

bly. There's a lot of noise there and so, in response to union demands—management never seems to take the initiative on these things—the company issued ear-plugs for the workers. But the plugs irritated Jones's ears. He was safety-conscious enough not to want to go without any ear protection at all, so he went to the company's safety department and asked if he could get the ear-muffs he had seen the salaried engineers wearing. The company said they couldn't provide Jones with a pair of ear-muffs but they'd be glad to give him the address of the place where they bought them for managerial personnel.

"You see," he was told, "the muffs cost $5 and the plugs are only 60 cents. If we give you muffs, everybody will want them."

Jones wasn't too worried about that and went out and bought his own muffs. But a few others asked for them, too, and about half a dozen, whose ear channels had to be examined by a doctor to ascertain that they were indeed prone to irritation when coming into contact with plugs, were provided with muffs. Which all goes to show that at International Harvester the ear channels of the average guy who earns his wages by the hour are different from the ear channels of a guy who is paid a salary.

This is the climate in which the labor-management negotiations are continuing. One of the main safety demands being made by Local 6 is for the right of the union to make its own on-the-spot noise and air pollution surveys, determine where the dangers are and have the company make detailed studies of the suspect areas. Safety chairman Carlson said that government and company surveys had shown noise readings way above acceptable levels, both from engines and tractor-assembly, with tractors running without proper mufflers or sound-absorbing material around the test areas.

When the union again felt management was causing unnecessary delays in pinpointing the problem areas, the members voted to buy a noise-measuring instrument of their own. Says Carlson: "We were told in no uncertain terms by the industrial relations manager that any man who opened up the instrument, even with company representatives present, would be fired on the spot. We've had that instrument a year now and it's not been used. We don't want this to be the cause of a walk-out—which is what would happen if any of us was fired for using the instrument. We prefer to make the issue part of our negotiations. We want the right to make an investigation and we don't care if it's with company equipment or union equipment."

The company doesn't seem to want to give in on this. Management told me: "We're not hiding anything from the unions. We just don't want them moseying around the shop, monitoring the noise. It's not part of the union job."

Local 6 also is asking for access to the results of all management safety surveys. Management replies that they've already handed over the smoke report, "but we don't yet know what we'll do with the noise survey."

But over and above these specific demands it is obvious that the main conflict is one of general outlook. In reply to union letters, Harvester's company doctor issued memoranda to the company and the union on what should be done to protect the workers against high noise levels. His recommendations included audiometric testing of new employees to ascertain their hearing ability and their capacity to take high noise levels. He also suggested periodic reexamination of those employees exposed to high noise. Faced with financing the tests from the plant budget, Melrose Park management told Local 6: "This involves a vast outlay of money. It's a tremendous problem. We've got people making a determination on which way we're to go." As Carlson explains, "They don't refuse to do it, but they always delay action by complaining about the expense."

To me, management insisted: "We're not primarily interested in costs."

One of the key safety disputes in the past couple of weeks has been over an old problem of fire-aisles. According to regulations of the company's Central Safety Committee, aisles in the plant have to be kept clear for ambulances and fire engines, ideally a space twice as wide as the vehicle. Local 6 says very few aisles are in fact kept entirely clear. At the end of September an ambulance trying to get to an injured man was blocked by construction workers installing a hoist. The man had to be carried by stretcher to the ambulance instead of the ambulance going to him.

When I asked management about fire-aisles being blocked, someone (there were always three present) said: "Listen, this is not a one-sided affair. You have to ask yourself: was it a management man who dropped something in the aisle or was it an hourly man?"

Fascinating. The company sees its responsibility entirely in terms of whether it was a "management man" or an "hourly man" (beautiful distinction) who made the mistake, not at all in terms of the overall accountability a company has for all the processes, good and bad, that go to make up its function of production. If management is going to play the schoolboy's game of fixing personal blame instead of accepting the responsibilities derived from the benefits of profit-making, factory safety is going to remain a dream.

I mentioned the ambulance incident. "Oh, yes," I was told. "There *have* been instances of construction people who necessarily had to have equipment in the aisles for our remodeling." (If it's for remodeling, it's of course necessary.) "Maybe we should have told the Plant Protection people that the aisle would be blocked so that they could have warned the ambulance to take an alternative rout. But we all make mistakes sometimes, don't we?"

The instances go on and on, with production invariably taking priority over safety. The workers themselves are not blameless. It is difficult to get them interested in their own safety needs. Many will not wear the proper safety equipment. Welders often prefer to hold protectors as shields in front of them instead of more safely wearing a mask fitting over the face. Stanley Johnson, head of the Illinois AFL–CIO, observes: "It's a peculiar thing. Rank and file are generally interested in progress but accidents are always something that the fellow in the plant thinks is not going to happen to *him*—until it does happen to him or to his buddy working alongside him. Then he gets all alarmed about worker's compensation and wonders why some of the safety precautions were not observed."

Workers are also reluctant to report problems of factory safety and health hazards affecting themselves, but there is sometimes a reason for this that is not of the man's own making. Dr. Bertram Carnow of the Tuberculosis Institute in Chicago has made many studies of factory workers' diseases and comments: "Some workers don't want it to be found that they have silicosis (lung disease frequent in foundries), hearing loss or some other disease because they're afraid that they'll lose their job. A man needs assurance that if he becomes ill due to his job conditions he will not be fired, but adequately compensated and put into a job where this hazard will not be present."

That insecurity that the worker feels is in large part due to the inadequate safety legislation protecting him at federal and state levels against company malpractice. Before Congress now are three different bills on occupational safety and health plus the Nixon Administration's own recommendations. In the House, Dominick Daniels, a New Jersey Democrat, has been pushing a bill that would empower the Department of Labor both to set and to enforce safety and health standards for industry. This would allow government to circumvent previous long drawn-out appeal and court procedures, with the power to punish and also close down violating companies where an inspector finds imminent lethal danger. The bill passed the House Labor and Welfare Committee in September with a large Democratic majority. It is now before the Rules Committee and will probably reach the House floor after the November elections.

Wisconsin Republican William Steiger, from Oshkosh, has proposed an alternative bill as a compromise between Daniels and the Nixon Administration. It would give the setting of standards to a five-member Presidential board for national safety and health standards, while leaving enforcement with the Labor Department. This may be introduced as an amendment to Daniels.

The third bill, in the Senate, is put forward by Senator H. A. Williams Jr., another New Jersey Democrat. His form of compromise is to leave both standard setting and enforcement with the Labor Department while accepting the idea put forward by the Nixon Administration and backed by the U.S. Chamber of Commerce of an employers' appeals board.

A Labor Department official in Washington told me he felt the Steiger compromise, splitting standards setting and enforcement, had the best chance, but everything depended very much on whether union-backed Democrats were elected in November in sufficient numbers to make the AFL–CIO's wishes felt.

DeWitt Gilpin, top aide to Illinois UAW's Bob Johnston, boils it all down to some plain language. "What we're really trying to do," he says, "is to take a whack at the old industrial feudalism concept which still remains. What goes on inside once you pass that plant gate is governed by a different set of laws than apply in society at large. The companies set their own rules for discipline, working conditions, and despite all the vaunted power of the unions, that right to write their own laws and the sensitivity of politicians to let them do it has been basically unchanged for decades. The bill we want (Daniels) would breach that feudalism and reach beyond the plant gates and say to General Motors and Ford: 'You've got to run your plants this way as far as environment is concerned.' And they of course will fight that to the death."

One of the International Harvester management people who talked to me made clear what the current thinking is. "Any time," he said, "that you get government involved too deeply, you don't have a good thing. I would like to see standards established by industry for safety just like the automotive industry has done with its Society of Automotive Engineers."

It's as simple as that. We are to put the same trust in industry experts to say what is safe in the factory as we did in Detroit to tell us what was safe in an automobile. We had to wait for a Ralph Nader to tell us what was wrong there. By now we should have learned the lesson.

If you have any doubts, listen further to my Harvester management man. "If the unions are not happy," he said, "with the way safety standards are being met, there is always a final way union people have of forcing management to comply—the strike."

That's how desperate management has become in the face of possible government intervention in their previously protected domain. They are prepared to call down on their heads, like some beleaguered marine platoon in the Vietnamese jungle calling for American bombardment of their own position, the one piece of union fire-power they have fought so long and hard. Do they have to cut their nose right down to the bone before they'll give in to guaranteeing decent safety standards? That eternal fear of government intervention. If free enterprise is so strong, it should be able to safeguard the

welfare of its workers without worrying about government encroachment on its hallowed ground.

"We have all these government organs already," the Harvester man said. "NLRB, FEPC, OEO. We don't want any more government bureaucrats coming in and bothering us than we have already."

But if your labor relations, the fairness of your employment practices and your job-training programs were all in order, you wouldn't *have* those initialled men scurrying around your place. And if you run a safe factory, you won't have any more of them.

An Illinois Republican tries to look at it pragmatically. Alexander White, chairman of the Illinois Industrial Commission, is busy trying to get a tougher Illinois factory safety and health law to match the anticipated new Federal legislation—"we don't want to lose this particular responsibility to the Federal Government." His diagnosis of management's position is golden: "Their position is essentially that industrial safety is a good objective for *one* reason: 'We lose dollars through accidents.' "

That sounds so convincing on the surface. Here's a hardheaded Republican facing up to the prime motivation in his friends in company management: the dollar. Of course, if it were that simple, if the companies were that worried about losing dollars through accidents, then Chevrolet would have installed a concrete walkway at its Waukegan coke furnace and Don Lynn would still be alive. If the dollars of health hazards worried International Harvester more than the dollars of prevention, then they wouldn't be quibbling about the cost of audiometric testing for new employees facing high noise levels.

But in fact, in the short term, companies stand to lose less by letting their workers be injured and killed by inadequate safety precautions than by embarking on expensive safety programs in place of productivity expansion. In the long term—and how do you get profit-makers to think in the long term?—the physical insecurity and the accompanying festering ill-will of the workers will cost the companies dearly. Watch it.

NATIONAL BUSINESS WOMEN'S WEEK

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DUNCAN. Mr. Speaker, this Sunday, October 18, begins the observance of a very special week—National Business Women's Week.

I would like to pay tribute to the National Federation of Business and Professional Women's Clubs and especially to the individual Business and Professional Women's Clubs in my congressional district.

I have spoken to meetings of BPW groups on many occasions and I have learned much about the good work these ladies do. Not only do they boost the ladies in the business world, but they offer many civic programs. Our communities benefit greatly from the contributions of our business and professional women.

In many towns BPW helps handicapped youngsters, offers scholarships to girls who seek careers, contributes to family services, sponsors children in camps, and supports such fine organizations as the Girl Scouts.

Nationwide there are some 180,000 members in 3,800 BPW clubs. The legislative, community, and cultural programs further the interests of all working women, whether BPW members or not.

These clubs have greatly elevated the standards for women in business and in the professions and have opened up new cultural and civic opportunities for women. On this occasion I salute the many outstanding women in my own area who have made contributions to our society through education and work.

IN SUPPORT OF OUR POLICE OFFICERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the American people owe a debt of gratitude and appreciation to the police of this Nation for the contributions they are making in devoting their lives to the protection of our lives and property.

They are having to work, however, under a serious handicap as a result of the era of permissiveness; we are going through in what the criminal element has been led to believe he can get by with in disobeying the orders of the police and, in fact, can attack and abuse the police at will.

Unless the American people come out in full and vigorous support of our police, not only will the crime wave continue to rise but it will become impossible to recruit and retain enough police to provide minimum protection for our families.

Chief Michael J. Donio, of the Shively, Ky., police department, now serving as national president of the National Police Officers Association of America, has written an excellent article on the problems with which all of our police officers are confronted.

I call this article to the attention of the Members of Congress as well as the American people in order that we may have a better understanding of these problems of our police and to emphasize the necessity of finding ways to provide them more effective support:

WHERE DO WE GO FROM HERE?

(By Chief Michael J. Donio)

One of the most dramatic and significant changes today in law enforcement is the complexity of mental attitudes. This is apparent in our police personnel from the newest rookie to the seasoned veteran. They all ask the same question: "Where do we go from here?"

How does the average lay citizen react to such a question? Does he know what the policeman is talking about? Does the average citizen know what to do about it if he does understand? Or if he does understand, does he pull back into his shell to avoid personal or political involvement? His is a shell of pseudo respectability.

Why does the policeman ask, "Where do we go from here?"

There are many reasons why his thinking has become confused. He has acquired a stigma, heaped upon him by violent reactionaries, unscrupulous editorialism and flagrant disrespect to the epitomy of his being. His cry for an answer is lost in the wilderness. A wilderness of planned design. Designed by the very core of infamous coalition between those dedicated to resisting the establishment and a communistic infiltration sowing their seeds of moral destruction.

When there is violence he reacts—an assumptive reaction of training and experience when the law is being broken. He feels he must react to maintain the trust and respect of the law itself. It is his pledged duty by oath. If he lies broken and bleeding in his efforts, the dissidents scream brutality and brand him with infamy—with the now classic words, "pig", "fuzz", "doghead", etc.

Do you wonder then that he asks "Where do we go from here?"

The very roots of our law structure are quaking.

Professor Arthur J. Wordell, one of the nation's most forthright academic lecturers and realists, said in a speech on November 17, 1969 to a bar association dinner in Des Moines, Iowa, quote: "If we continue to haggle and manipulate over and over the interpretations of enforceable laws, the police officer will very likely lay down his stick and walk away from the whole mess—and be justified in doing so. And—gentlemen, when that happens we have lost our birthright—yes, we will have lost our last bulwark—the last line of defense on the home line and local community control of lawlessness. When this happens there will be no hope." Unquote.

Overreaction, some critics say, is what has caused the policeman's image to wane into ruthless unequivocal dim perspective. Place yourself in his shoes—how broad is this term—overreaction? In the first place, it is purely an editorial word. A word of convenience that rings with gusty overtones and—implys poor judgment. An easy out for those who have not been smashed in the face with bricks, glass, human excrement, and fire bombs, and lost their lives from a skulking sniper. How do you temper this—with what kind of judgment? It must be very apparent that overreaction of those breaking the law—must be met with retaliation—then who reacts overly? Why was the policeman there in the first place—consider that!

Is there an answer to the question, "Where Do We Go From Here?"

Our government, in the center of the target, is the answer. The purveyors of collective thinking. Such thinking, a formulation of laws to govern the acts of man. A "political quagmire," you say?—"you don't teach old dogs new tricks?"—You see how easy it is to fall into the negative posture of a wagging finger?—

It is simply a matter of concern—If each of us is concerned enough—and diligent enough in our efforts, we can as Americans faced with challenges before—come out with shoulders squared and determined to shrug off the very effect that the dissidents so desire. First, let us get the policeman's neck from under the political boot of suppression. He must be recognized as a counterpart of our nation's endeavors to be a nation unequaled—as a land of freedom loving people—as a land of progress, and as a land of law abiding citizens.

The progress may be slow—but it must start from the top. We must put our law enforcement minions above petty political

controls and arrangements of personal convenience. We must reemphasize training in new techniques and concepts. Above all, we must endow our policemen with their fellow citizen's dedication and trust. It can be done. It takes practical action on our part—not lip service. We must stand up and be counted for what we represent—then, and only then, will we know where we are going. Others will follow—encouraged by the true significance of law enforcement and its ideals. Let's go forward together.

MR. AGNEW, YOU ARE WRONG ABOUT THE PRESS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ECKHARDT. Mr. Speaker, I have been quite disturbed by the continuing attacks by the Vice President on the Nation's press. He has implied that the news media are a sort of agent of the liberal conspiracy, has vociferously attacked the eastern papers as being unrepresentative of the true feelings of the people, and has constantly condemned the concentration of power among the news media as if such concentrations were anti-Republican and pro-liberal.

I wish to report to you today on the results of a survey I took this summer of American newspaper editorial opinion. I felt that the subject of diversity of newspaper editorial opinion was far too important to be talked about in vague generalities and on the basis of gut feelings and hunches. The people deserve to know what the newspapers are saying and whether or not it is what Mr. AGNEW says they are saying.

During this past summer my office sent questionnaires to 154 newspapers around the Nation. They were sent to all 125 papers with a circulation of over 100,000. In States where there are no papers with a circulation this size, questionnaires were sent to the largest papers in the State. Responses were received from 84 of the larger circulation newspapers and 14 of the smaller ones for a total response rate of 64 percent. I am quite confident that I got a truly representative sample of newspaper editorial opinion and I think this is confirmed by the geographic breakdown of responses.

The responses to the questions asking party affiliation of the owners and editors did not prove to be significant. A more accurate indication of the political party to which the newspaper traditionally leans is presidential endorsements. In November of 1969, Vice President AGNEW said the following in an address in Montgomery, Ala.:

> I do not seek to intimidate the press, the networks or anyone else from speaking out. But the time for naive belief in their neutrality is gone.

If "neutrality" means even balance between party support, my survey substantiated Mr. AGNEW's statement—on the whole the press is not neutral: It is on his side. I do not find this too discouraging as the Roper survey indicates that since 1963 television has taken over the lead from newspapers as most people's major source of news, especially about national candidates.

Endorsement patterns are overwhelmingly Republican. Republicans have received a majority of the endorsements since 1932 in every election except that of 1964. The Republican margin is usually 2 or 3 to 1 over the Democratic candidate. In terms of circulation, it is often higher.

In 1956, 76 percent of the papers responding supported the Republican candidate for President, 69 percent in 1960, 14 percent in 1964, and 68 percent in 1968. The regional breakdown is even more impressive. The "liberal eastern" press does not lag behind the rest of the country in its support of Republican presidential candidates and clearly led the rest of the Nation in Republican support in 1964. So we can say that when the Nixon-Agnew administration came into office in 1968 it had overwhelming support from the Nation's press. Considering the closeness of the popular vote, if editorial opinion has any influence at all, an even division of it would have resulted in a popular vote victory for Hubert Humphrey.

Six issues were listed on the questionnaire and the papers were asked to indicate their editorial opinion on each. They were:

ABM (initial passage of Phase I).
Carswell (Supreme Court nomination).
Cambodian Operation (initial reaction).
Cambodian Operation (after June 30).
Vice President Agnew's Statements on Dissenters.
McGovern-Hatfield Amendment.

Overall, consistently Republican papers were conservative on issues whereas Democratic newspapers were liberal. The papers which supported Humphrey were liberal—77 percent against the Cambodian operations and 67 percent against the confirmation of Carswell and AGNEW's statements. The papers supporting Nixon in 1968 were more mixed—63 percent for the Cambodian operations and only 26 percent in favor of the confirmation of Carswell and in support of AGNEW's statements.

The data on the editorial positions is very significant. First, on a national basis:

(1) 57% of the papers responding favored the building of an ABM system. This certainly reflects diversity of opinion.

(2) There was strong opposition to the Carswell nomination. The majority of the nation's papers did not, as the Vice President wishes to believe, support the nomination.

(3) There was a virtually even break on the Cambodian operations, again reflecting a healthy diversity of opinion.

(4) Almost two-thirds of the press came out against the Vice President's statements on dissenters. It would be easy for Mr. Agnew to generalize, as he often does, and say that this reflects the views of the biased liberal news media. However . . . .

(5) Three-quarters of the papers responding were opposed to the McGovern-Hatfield Amendment establishing a deadline for the withdrawal of American forces from Vietnam.

The data is interesting when viewed on a regional basis:

(1) The ABM system was supported in all regions except the midwest. Even there, there was only a very slight difference.

(2) All regions except the South opposed the Carswell nomination. However, if the Florida papers are removed from the sample, Carswell was opposed by a majority of the Southern newspapers.

(3) The Northeastern and Midwestern papers opposed the initial Cambodian move, the South split and the Western papers were strongly in favor. After June 30 some support was lost in the South.

(4) There was uniform unfavorable reaction across the nation to the Vice President's statements on dissenters.

(5) However, there was even stronger uniform opposition around the nation to the McGovern-Hatfield Amendment.

What conclusions can be gleamed from all this? First, greatest opposition to administration policies come from the Midwestern papers, not the Eastern ones. Perhaps equally surprising, the greatest support comes from the Western papers rather than the Southern. As a matter of fact, Southern newspaper responses were not at all different from responses from newspapers as a whole. The charge that Southern newspaper editorial opinion is buried under a deluge of radical liberal Eastern establishment media opinion just does not hold water.

So three points stand out: Carswell had little editorial support, even in the South; the eastern press is not the radical liberal monolith that the Vice President thinks it is, and any opposition that there is in the press to administration policies is not part of a liberal conspiracy. The administration, when it loses a majority of the large newspapers on an issue, loses by and large its basic supporters. Two-thirds of the Nation's papapers endorsed Nixon-Agnew in 1968 but 69 percent opposed Carswell, 65 percent were upset by the Vice President's statements on dissenters and only half the press supported the Cambodian operations.

I am not an easterner or part of the so-called liberal eastern establishment. I do feel that some of the eastern papers are among the best in the Nation and I object to them being maligned by a misinformed Vice President. Of all the issues I surveyed, the eastern papers, as a body, agreed editorially with the Nation as a whole. Where is this radical liberal monolith of which Mr. AGNEW speaks?

We have much to be thankful for though. The newspapers may be Republican oriented but they are not a slave to the party and its leaders' policies. They may not be neutral but they afford a platform for diversity of editorial position on questions of important national policy. Would the Vice President prefer a press that blindly followed the lead of whatever administration happened to be in power? The Vice President's view that the media should be made to represent the majority of Americans would change the traditional role of the press as a check on government and as a purveyor of both majority and minority points of view. A press which merely reinforced

popularly held viewpoints would contribute little to the development of the intelligent body politic which the Founding Fathers saw as the matrix of democracy.

The editorial survey follows:

BOB ECKHARDT'S NEWSPAPER EDITORIAL SURVEY

In July of 1970 questionnaires were sent to 154 newspapers around the nation. They were sent to all 125 papers with a circulation of over 100,000 and to a representative sample of smaller papers.

Responses were received from 84 of the larger circulation newspapers and 14 of the smaller ones for a total response rate of 64%.

The geographic breakdown of responses is as follows:

Northeast Region (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont): 17 replies of 35 questionnaires—49%.

Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin): 29 replies of 41 questionnaires—71%.

South Region (Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia): 31 replies of 49 questionnaires—63%.

West Region (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming): 21 replies of 29 questionnaires—73%.

Only 42 respondees indicated the party affiliation of the newspaper's owner: 9 Democratic, 11 Republican and 22 independent.

Sixty returned questionnaires listed the editor's party affiliation: 14 Democratic, 18 Republican and 28 Independent.

A more accurate indication of the political party to which the newspaper traditionally leans is editorial presidential endorsements. As the results below show, except for 1964 endorsements have been overwhelmingly Republican.

ENDORSEMENT PATTERNS IN PRESIDENTIAL ELECTIONS

[R, Republican; D, Democratic; NA, no answer]

Number	1956	1960	1964	1968
12	R	R	R	R
14	R	R	----------	R
28	R	R	D	R
7	R	R	D	D
14	D	D	D	D
4	R	D	D	R
4	R	D	D	D
1	D	D	D	R
1	NA	NA	NA	D
1	NA	NA	NA	R
1	NA	R	NA	NA
1	D	NA	D	D
1	NA	NA	D	R
1	NA	NA	D	NA
1	NA	R	R	R

In 1956, 76% of the papers responding supported the Republican candidate for President, 69% in 1960, 14% in 1964 and 68% in 1968.

This endorsement policy was further broken down by region:

PRESIDENTIAL ENDORSEMENT POLICY BY REGION

[D—Democratic, R—Republican]

	Northeast		Midwest		South		West	
	D	R	D	R	D	R	D	R
1956:								
Number	2	13	3	24	9	19	2	14
Percent	13.3	86.7	11	89	32	68	12.5	87.5
1960:								
Number	4	12	4	23	10	17	5	12
Percent	25	75	15	85	37	63	29.4	70.6
1964:								
Number	9	3	18	4	21	4	11	2
Percent	75	25	82	18	84	16	84.6	15.4
1968:								
Number	6	11	8	21	9	18	4	15
Percent	35.3	64.7	28	72	33	67	21.1	78.9

Six issues were listed and the papers were asked to indicate their editorial position on each. They were:

ABM (initial passage of Phase I).

Carswell (Supreme Court nomination).

Cambodian Operation (initial reaction).

Cambodian Operation (after June 30).

Vice President Agnew's statements on dissenters.

McGovern-Hatfield amendment.

A conservative editorial pattern was defined as being for the ABM, Carswell, the Cambodian operations, the Agnew statements and against the McGovern-Hatfield Amendment. A close correlation between straight Republican endorsements and the conservative editorial pattern exists. The same is true of a straight Democratic endorsement policy and the liberal editorial pattern. (The opposite of the conservative pattern)

Of the 12 newspapers answering the survey who exhibited straight Republican endorsement policy, 8 followed the conservative editorial patterns: 11 of the 14 straight Democratic papers followed the liberal pattern.

The data on the editorial positions follows:

	For		Against	
	Number	Percent	Number	Percent
ABM (initial passage of phase I)	52	57	40	43
Carswell nomination	26	31	59	69
Cambodia (initial reaction)	47	51	45	49
Cambodia (stand after June 30)	41	49	43	51
Agnew's statements on dissenters	26	35	49	65
McGovern-Hatfield amendment	18	26	50	74

RESULTS BY REGION

[F, for; A, against]

	Northeast		Midwest		South		West	
	F	A	F	A	F	A	F	A
ABM:								
Number	10	8	13	14	15	13	14	5
Percent	55.5	44.5	48	52	54	46	73.7	26.3
Carswell:								
Number	4	11	5	22	15	13	3	13
Percent	26.7	73.3	19	81	54	46	18.75	81.25
Cambodia (initial reaction):								
Number	7	10	11	16	15	14	14	5
Percent	41.2	58.8	41	59	52	48	73.7	26.3
Cambodia (after June 30):								
Number	7	8	9	16	13	14	11	5
Percent	46.7	53.3	36	64	48	52	68.75	31.25
Agnew:								
Number	3	9	7	13	9	17	7	10
Percent	25	75	35	65	35	65	41.2	58.8
McGovern-Hatfield:								
Number	5	7	4	15	9	14	2	12
Percent	41.67	58.33	21	79	39	61	14.3	85.7

Looking at just two issues in depth, the Carswell nomination and Vice President Agnew's statements on dissention:

CARSWELL NOMINATION AND AGNEW'S STATEMENT ON DISSENTERS

[F—for, A—against, B—balanced editorials for and against]

Number	Position		Percent
	Carswell	Agnew	
18	F	F	18
40	A	A	41
5	F[1]	A	5
6	A	----------	6
4	A	F	4
2	----------	----------	2
9	A	B	9
5	----------	F	5
4	----------	A	4
4	F	B	4
1	----------	B	1

[1] 5 papers for Carswell and against Agnew are all Southern—1 each from Arkansas, Georgia, Florida, Texas, and Tennessee.

AGNEW, CARSWELL, AND REPUBLICANS IN 1968

Number	Position		Percent
	Carswell	Agnew	
17	F	F	23
21	A	A	39
4	F	A	6
2	A	----------	2
4	A	F	6
1	----------	----------	2
4	A	B	6
4	----------	F	6
4	----------	A	6
4	F	B	6
1	----------	B	2

AGNEW, CARSWELL, AND DEMOCRATS IN 1968

Number	Position		Percent
	Carswell	Agnew	
1	F	F	4
18	A	A	67
1	F	A	4
2	A		7
4	A	B	15
1		F	4

RIGHTS OF EMPLOYEES OF AIR CARRIERS THREATENED BY MERGERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, Congress must take action to protect the employees of air carriers involved in mergers.

The drop in airline business caused by the current recession is likely to bring pressure for many mergers within the airline industry. Present statutes do not protect employees from loss of jobs, loss of seniority, or loss of pension rights.

Congress has been careful to protect the employees of other regulated transportation industries. The Urban Mass Transportation Act and High Speed Rail Transportation Act are two recent examples of statutory language protecting employees. Section 405 of S. 3706, the Rail Passenger Service Act of 1970, has similar language.

H.R. 19661 is now pending before the Committee on Interstate and Foreign Commerce. It applies to air carriers much the same language as the statutes cited above. I urge other Members of the House to cosponsor this legislation and assist in gaining early passage of this important legislation. The text is as follows:

H.R. 19661

A bill to protect the rights of employees of air carriers involved in mergers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1378(b)) is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) It shall be a condition of any approval under this section that fair and equitable arrangements are made to protect the interests of employees affected by such approval. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired air carriers and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Notwithstanding any other provisions of this chapter, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by air and the duly authorized representative or representatives of its or their employees."

SEC. 2. The amendment made by the first section of this Act shall take effect as of October 5, 1970.

UNEMPLOYMENT RATE CONTINUES TO RISE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, despite the Nixon administration's roseate pronouncements about the unemployment crisis, the see-saw of his economic policies finds unemployment going up and all indicators of a healthy economy going down. The Wall Street Journal, a newspaper never known to be a spokesman for the Democratic Party or particularly strong in its criticism of this administration, carried an article on October 5, 1970, on the sorry state that we have arrived at as a result of the shortsighted leaderless economic policies of this administration.

I insert this article at this point in the RECORD.

RISE IN SEPTEMBER JOBLESS RATE TO 5.5% SHARPENS ELECTION ISSUE

WASHINGTON.—Any hopes the Nixon Administration had of blunting the unemployment issue before Election Day were dashed with the report that last month the jobless rate spurted to its highest level in nearly seven years.

At a seasonally adjusted 5.5% of the labor force, the unemployment rate was up 0.4 per centage point from August's 5.1%, matching the biggest jump in almost a decade, Labor Department figures showed. The September increase pushed the jobless rate to its highest level since Jan. 1964, when it was 5.6%.

Moreover, two leading labor-force indicators—the seasonally adjusted average workweek and weekly overtime of rank-and-file factory workers—declined sharply last month. About the only major bright spot in the department's report was that employment remained "essentially unchanged" in September.

Distressed Administration officials went to unusual lengths to try to soften the news of the sharp increase. But the Democrats and organized labor quickly pounced on the report as evidence that the GOP's economic "game plan" for fighting inflation isn't working. The September report from the department's Bureau of Labor Statistics is the last one on unemployment that the Government will issue before the Nov. 3 Congressional elections.

MANY "SHELL-SHOCKED"

"There were a lot of people in the Administration who were shell-shocked by this figure," one Government economist said of the 5.5% September rate. Generally, Administration economists had figured last month's jobless rate would edge up to 5.2% or, at the most, 5.3%.

In commenting on the bureau's report for last month, Harold Goldstein, Assistant Commissioner of Labor Statistics, told reporters "there is some overstatement of the (jobless) rate for September." The bureau noted that since its nationwide unemployment survey for last month was conducted earlier than usual, "the September figures may not have fully reflected the usual exit of youths from the labor market to begin the fall school term."

Mr. Goldstein added that the labor-force statistics, which are always gathered during the week in which the 12th of the month occurs, may have been affected by the inclusion of Labor Day in the September survey period. This could have tended to reduce the average workweek and weekly overtime figures, he said. But he noted that only workers who weren't paid for the holiday would have been reported as having reduced weekly hours.

After the bureau released its report Friday, Paul W. McCracken, chairman of the President's Council of Economic Advisers, took the highly unusual step of calling a White House news briefing to contend that there wasn't any evidence of any "major deterioration in the economy" in the latest labor-force statistics.

While conceding that the jobless rate is likely to rise even higher than last month's 5.5%, Mr. McCracken predicted that the nation's economy will continue to grow at a "fairly moderate pace." He reiterated that the Administration expects the economy to return to "full employment"—which officials generally have equated with a 4% jobless rate—in the fiscal year ending June 30, 1972.

"STATISTICAL ABERRATION"

The President's top economist focused most of his comments on the decline in the average workweek. "We have to assume what we see in the workweek is essentially a statistical aberation due to the impact of Labor Day in the (survey) week," he asserted.

But many administration officials privately dismissed the contention that the inclusion of Labor Day in the survey week adversely affected the results. Some of them feel that the 5.5% rate for last month is fairly accurate, but that the summer months' jobless figures—5% in July, 4.7% in June and 5% in May—had been on the low side. "Unemployment is probably around 5.5% now, but I just don't believe there was that much of a dramatic jump in September," said one.

His comment reflected renewed concern about the validity of the seasonal adjustment factors used by the bureau. In September 1969, the bureau originally reported a 0.5 percentage point increase in the jobless rate, but after the seasonal-adjustment formula went through its annual updating last February, the August-to-September increase was narrowed to 0.3 percentage point.

In an unusual move, a footnote commenting on the seasonal adjustment factor was tacked on to the bureau's latest report. It stated:

"When the seasonal factors are revised early in 1971 to take the recent data into account, the increase in the unemployment rate for September will probably be reduced, as it was last year."

It couldn't be determined just who in the Labor Department or Administration had decided that the footnote should be added to the report. In any case, it appeared to be part of the broad Administration effort to soften the news of the jump in the jobless rate last month.

POLITICAL DAMAGE SEEN

Despite the effort to explain the September increase in a way to best minimize the impact on the Congressional elections next month, many officials concede the 5.5% figure will be damaging politically.

"No matter how you cite it, it's just a bad number," said one top Administration economist sadly.

Democratic National Chairman Lawrence O'Brien declared that the September jobless rate is "fresh evidence, if any were needed, that the Nixon-Agnew economic game plan is in a shambles."

He added: "This sharp increase demonstrates beyond question that our economy is in serious trouble and that the Nixon Administration is without any effective answers." The Nov. 3 elections have "become a referendum on the economic policies of the Nixon Administration," the Democratic chairman asserted.

AFL–CIO President George Meany called the September jobless rate a "tragic statistic" and said "the Administration cannot duck responsibility" for it.

The Bureau of Labor Statistics said seasonally adjusted unemployment rose to 4,607,000 persons last month from 4,231,000 in August. Before adjustment, September unemployment was 4,292,000, up slightly from 4,220,000 the previous month. Joblessness normally falls "substantially" between August and September, the bureau noted.

Four-fifths of the 376,000 increase in seasonally adjusted unemployment occurred among workers between 16 and 24 years old, the bureau reported. Students in this age group would have been most affected by the earlier-than-usual survey week, Assistant Commissioner Goldstein observed.

The jobless rate for all adult men rose to 4% from August's 3.7%. While the rate for men between ages 20 and 24 jumped to 11% from 8.5%, the rate for males over 25 remained unchanged at 3%. Among married men, the unemployment rate edged up to 2.9% from 2.8%.

The bureau said the jobless rate for adult women rose to 5.1% last month from 4.8% in August. The rate for teen-agers moved up to 16.8% from 15.9%.

Among whites, the September unemployment rate increased to 5.1% from 4.8%, the bureau said, while the black rate advanced to 9% from 8.4%.

The rate for blue-collar workers jumped to 7.5% from August's 7%, while the white-collar rate edged up to 2.8% from 2.7%.

The number of persons who have been unemployed for 15 weeks or longer continued to rise in September, the bureau said. The seasonally adjusted total rose to 792,000, double the figure for September 1969 and the highest level since mid-1965, from 736,000 in August. The bureau noted that about two-thirds of the September increase in joblessness occurred among workers who either reentered the labor force or were looking for a job for the first time.

Quarterly statistics prepared by the bureau showed that the jobless rate stood at 5.2% in the third quarter, up from 4.8% in the second and 3.6% in the first. "Jobless rates for most groups of workers continued to increase in the third quarter but at a less rapid pace than earlier in the year," the bureau observed.

So far this year, unemployment has increased by more than 1.3 million—650,000 adult men, 395,000 adult women and 290,000 teenagers—the bureau reported. It said 80% of the increase occurred among full-time workers, most of them persons who had lost their last jobs.

CIVILIAN LABOR FORCE

The number of persons in the civilian labor force rose to an adjusted 83,031,000 last month from 82,676,000 in August. Total employment dropped slightly to an adjusted 78,424,000 from 78,445,000.

Nonfarm payroll employment also showed little change last month. The adjusted figure for September was 70,380,000, down slightly from 70,384,000 the previous month. This marked the first month since April that payroll employment hadn't shown a significant decline.

Manufacturing payrolls were unchanged last month at an adjusted 19,276,000 persons. The sharpest decline was posted in the construction category where payrolls shrank by 69,000 to 3,232,000 last month.

Whatever Labor Day's impact, the closely watched average worksheet for nonsupervisory manufacturing employes dropped to an adjusted 39.4 hours in September from 39.8 hours the previous month. Observers noted, however, that most factory workers normally get paid on holidays. This would mean that workweek statistics for factory employes probably weren't affected much by Labor Day occurring in the survey week.

Average weekly overtime of factory workers, the other leading indicator, slipped to an adjusted 2.7 hours last month from three hours in August.

Average hourly earnings of rank-and-file workers on private payrolls rose to $3.28 last month from $3.25 in August and $3.11 a year earlier. Their average weekly pay dropped to $121.36 from August's $122.20, but was still above the $117.87 of September 1969.

Among nonsupervisory factory workers, average hourly earnings last month were $3.43, up from $3.37 in August and $3.24 in September 1969. Their average weekly pay climbed to $136.17 from $134.13 the previous month and $132.84 a year earlier.

RESOLUTION ON THE PANAMA CANAL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HALL. Mr. Speaker, the 52d national convention of the American Legion, meeting in Portland, Oreg., approved an important resolution reaffirming its position of opposing any new treaties dealing with the Panama Canal and the Canal Zone.

I invite all Members of the Congress to read and heed the words that have herein been set down:

RESOLUTION No. 315

Subject: The Panama Canal.

Resolved, That the American Legion reaffirms its positions heretofore taken with regard to the Panama Canal and the Canal Zone, and opposes any new Canal treaties that would abrogate the essential provisions of the 1903 Treaty between the United States and the Republic of Panama; and be it

Further resolved, That The American Legion urges the House of Representatives and the Senate of the United States Congress to adopt a Joint Resolution expressing it to be the sense of the Congress and the Nation that the Government of the United States shall maintain and protect its sovereign rights in the Panama Canal, and its jurisdiction over the Panama Canal, and that the United States shall in no way forfeit, cede or transfer any of these rights or jurisdiction to any other administration, government, or international organization; and be it

Further resolved, That The American Legion urges the Congress of the United States also to adopt legislation to provide for an increase in the capacity and for operational improvements of the existing Panama Canal in accord with the principles of the so-called "Terminal Lakes—Third Locks Plan."

VETERANS' NEWSLETTER

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ROUDEBUSH. Mr. Speaker, I would like at this time to insert in the RECORD a report that I have sent out to the veterans of my State.

This report outlines the work that has been done by this Congress in regards to those who served our country:

VETERANS' NEWSLETTER

WASHINGTON, D.C.—As a veteran of the U.S. military service, we are pleased to advise you of major legislation affecting our nation's veterans. During the present session of the Congress I have continued to sponsor and work for the enactment of legislation which would benefit my fellow-veterans and their dependents, particularly those veterans who are returning from service in Vietnam.

PROPOSALS AWAITING ACTION

Among the proposals that I have introduced which are presently pending before Congress are bills that would:

Raise the World War I pension to $125 per month and provide for the payment of pensions without regard to the receipt of other retirement income, such as Social Security;

Recognize Mexican-border service as war service for pension purposes when there was, without continuity, a subsequent period of World War I service;

Extend wartime benefits to any veteran whose service involved armed conflict;

Increase the availability of guaranteed home loan financing for veterans; and

Raise the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation.

THE HOUSE HAS DONE A GOOD JOB

The House of Representatives of this Congress has done some good work in regards to veterans' legislation.

But, unfortunately some of the measures passed by the House have been held up by the Senate Committee.

These measures include H.R. 372, which eliminates the annual income questionnaire for pensioners at the age of 72. This passed the House on October 6, 1970, and was given to the Senate on October 7, 1970.

The House also passed my bill, H.R. 15911, which makes certain that World War I veterans will not lose their pension because of Social Security increases. This bill passed the House on September 21, 1970 and was given to the Senate on September 22, 1970.

The House also passed H.R. 18253, which I co-authored, and which provides that the NSLI Trust Funds up to five billion dollars up to a five-year period may be used for an investment in GI home loans. This passed the House on July 20, 1970 and was given to the Senate on July 21, 1970.

BILLS SIGNED INTO LAW

My efforts in this area have not been without success, I am glad to report. President Nixon has signed into law a number of important veterans' measures that I supported during the 91st Congress. Among these laws are:

Public Law 91–32—Assure preservation of all disability compensation evaluation in effect for 20 or more years;

Public Law 91–96—Increases rates of dependency and indemnity compensation payable to widows of veterans;

Public Law 91–101—To amend title 38 of the U.S. Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities;

Public Law 91–102—Provides that VA furnish medical services for nonservice-connected disability to any war veteran totally disabled from service-connected disability.

Public Law 91–178—To amend title 38, U.S. Code, to promote the care and treatment of veterans in State veterans' homes;

Public Law 91–219—Increases the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters;

Public Law 91–241—Liberalizes conditions where Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

Public Law 91–262—To revise the definition of a "child" for purposes of veterans' benefits provided by title 38, U.S. Code, to recognize the adopted child as a dependent from the date of the issuance of an interlocutory degree;

Public Law 91–291—To amend chapter 19 of title 38, U.S. Code, in order to increase from $10,000 to $15,000 the servicemen's group life insurance for members of the uniformed services; and

Public Law 91–376—To amend title 38, U.S. Code, to increase the compensation for disabled veterans, and for other purposes.

INDIANA VETERAN STATISTICS

With the enactment of P.L. 91–376, over 40,000 "Hoosier" veterans received approximately 11 percent increases totaling $4,334,000. With the signing into law P.L. 91–219 by President Nixon, 22,633 Indiana veterans received 35 percent increases in educational allowances.

WHAT "LOYALTY" IS ALL ABOUT

In closing I want to share with you an article that appeared in the VFW Magazine on Loyalty Day. ". . . the definition of loyalty is quite clear and simple. It becomes complicated only when someone tries to distort it with anti-American propaganda." The article then defines loyalty as "the individual's fidelity and tenacious adherence to government principal, custom and practice. It is the absence of any subversive thought or action." This simple passage captures the essence and spirit of what "loyalty is all about."

PRAISE FOR OUR MILITARY DOGS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MOSS. Mr. Speaker, I recently received the following correspondence from an Army scout dog handler in Vietnam in support of my bill, H.R. 19241, which provides for the humane disposition of military dogs. I wish to share the contents of this letter with you:

I am an Army scout dog handler in Vietnam. I noticed an article in the October 3rd issue of *Army Times* stating that you are sponsoring a bill for the return of military dogs upon completion of their usefulness to the Army.

I am writing this letter in hope that it may in some way aid you in convincing your colleagues that your bill has merit.

I picked up my dog in January, 1970 at Fort Benning, Georgia. He was 16 months old and had been in the military 2 months. We arrived in Vietnam early this past summer, after completing 20 weeks of training at Fort Benning and will be in Vietnam until next summer at which time I will have spent 19 months with my dog.

With any kind of luck American involvement in Vietnam should have scaled down to the point where the number of dogs used will be much smaller than at present. I do hope that when that time comes there is more waiting for my dog than a needle.

I am sure that you will run into those who question your concern for "only animals". Let me assure you that these "animals" are saving many lives every day. They are highly respected and a welcome sight to those who are doing the fighting over here. There are many men both here and back home who owe their lives directly to a dog. I am sure they would like it much more if they knew that these dogs were going to get a small reward, like their lives, for what they have done.

When one man is found directly responsible for saving the lives of a group of men he is praised and perhaps receives the Medal of Honor. Dogs are doing this every day and their reward is a needle.

I hope that your efforts prove successful. I will be following as closely as possible over here.

NIXON OFFERS SOLID PLAN FOR ENDING WAR

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. CHAMBERLAIN. Mr. Speaker, all Americans everywhere yearn to end the conflict in Vietnam and have our boys return home and must have found deeply encouraging President Nixon's new peace initiative in Southeast Asia. While it is obvious that our country wants peace, North Vietnamese intentions are less clear. A recent editorial from the State Journal in Lansing is a thoughtful analysis of the situation and, because of its vital concern to all of us, I ask unanimous consent to insert this commentary in the RECORD so that all the Members will have the opportunity of reading it:

NIXON OFFERS SOLID PLAN FOR ENDING WAR

President Nixon and the United States want peace in Indochina, and how soon it comes will depend upon how much North Vietnam and its allies desire to put an end to hostilities.

Those two points became extremely clear Wednesday night as the President announced a five-point proposal for bringing peace to Indochina.

The success of the firm but fair plan remains to be seen, but, if nothing else, the President has answered critics in this country and abroad who have claimed that he does not really want peace. And, he has issued an unmistakeable challenge to North Vietnam and its allies to prove that they share the United States' desire for peace.

We hope that the Communists do truly want peace and that meaningful negotiations, as suggested by the President, will begin and are successful.

Stating, "Our side is ready to stand still and cease firing without precondition," President Nixon offered these proposals:

Immediate negotiations for a stand-still cease-fire that would be internationally supervised throughout Indochina, as well as by the parties themselves.

An international conference to deal with the conflict in all three states of Indochina—South Vietnam, Laos and Cambodia—with the Paris Peace Conference continuing until such an international conference is convened.

Negotiation of an agreed timetable for complete troop withdrawals as part of an over-all settlement.

Search by both sides for a political settlement that truly meets the aspirations of all South Vietnamese.

Immediate and unconditional release of all prisoners of war held by both sides.

Basically, the President's plan included three new points—the proposed cease-fire, the request for an international conference and a complete withdrawal rather than a gradual withdrawal.

The President stressed that the cease-fire would have to be internationally supervised and that neither side would be allowed to build up forces. He also stated that all kinds of fighting, including terrorist activities, would be included in all parts of Indochina. This, of course, is essential for the truce to be truly a cease-fire.

The request for an international conference, Nixon said, was based on the fact that, "This war in Indochina has been proved to be of one piece; it cannot be cured by treating one of its areas of outbreak." He noted that only Vietnam was being discussed in Paris.

In discussing the political settlement, the President noted that the "other side," by objecting to a few personalities, "wants to dismantle the organized non-Communist forces and insure the takeover by one party, and they demand the right to exclude whomever they wish from government." He wisely called this demand "patently unreasonable" and "totally unacceptable."

Nixon said, "We seek a political solution that reflects the will of the South Vietnamese people . . . which reflects the existing relationship of political forces." He stated that the United States would abide by the outcome of the political process agreed upon.

In short, the President offered the Communists a plan which seemingly would be difficult not to talk about . . . if they truly want a peaceful settlement.

As he pointed out, "Nobody has anything to gain by delay . . . only lives to lose."

The fact is obvious and painful, and now the fate of the President's plan for Indochina peace rests with North Vietnam and its allies. It seems President Nixon and the United States have done all they can to start the process for peace in Indochina.

EAST ORANGE, N.J., WINS KEEP AMERICA BEAUTIFUL CITY AWARD FOR 1970

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MINISH. Mr. Speaker, it is with great pride that I inform my collegaues that the city of East Orange, N.J., has been selected to receive the 1970 Keep America Beautiful City Award.

East Orange was chosen from among 400 other applicants as the recipient of this high honor. The city's mayor, William S. Hart, Sr., is to receive the award on November 6 at the New York Biltmore Hotel.

East Orange qualified for this award because of its year-round litter prevention programs which help it to maintain a clean, beautiful city.

This signal honor was well merited, and I commend East Orange on its civic

pride and Mayor Hart on his successful campaign to maintain the city. East Orange, N.J., has set a fine example that other cities would do well to follow.

ENVIRONMENT—THE CHALLENGE OF THE 1970'S

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ANDERSON of California. Mr. Speaker, the 20th century ushered in the modern age—an age marked by genius, imagination, and discovery. Great scientific achievements and vast gains in technology have made us an industrialized society. As a people, we have committed ourselves to being the first, the best, and the most.

We are proud, and rightly so, of our achievements. We are a competitive nation and we revel in our success. We take pride in our achievements in space; we take price in the production of our industry; we take pride in our Nobel award winners; we take pride in the athletic prowess of our champions in international competition.

Through our competitive spirit, bountiful natural resources, intellectual minds, and hard-working labor, we have created a society unequaled in history.

But, over the years, in order to be the first or be the best, or to have the most, we have neglected one ingredient that we can no longer neglect, and that ingredient is our natural resources.

The fact is that our shrinking natural resources are at the bottom of the barrel. There are no replacements, no spare stocks to replenish our supplies.

Fortunately, there has been a growing awareness concerning the decay of our environment.

Such growing awareness displayed by the public is necessary and praiseworthy in the support of needed programs and for effective involvement on a personal level. This notable concern and support should be a reassurance to many of my colleagues who have struggled for years to enact major new legislation to clean up the environment. It has been convincingly demonstrated that the American people are squarely behind such efforts.

I recall a number of years ago, when I was in the California Legislature, our fight against polluters of our streams, rivers, and seashores. I was a member of the first legislative committee on pollution and we wrote some of the basic California antipollution legislation now on the books. However, I distinctly remember the general public's sentiment at that time. Air pollution or smog was considered by many as only a Los Angeles problem. Water pollution was felt to be the normal result of a large number of people and industry and there was not much you could do about it.

I am pleased with today's general awareness of the pollution problem. In the short 22 months that I have been a Member of Congress, I have served on the Public Works Committee and the Subcommittee on Rivers and Harbors. Most of the water pollution legislation is sent to this committee. We have been active and have worked hard in studying and proposing much significant legislation.

A few weeks after I took office, and following the oil leak at Santa Barbara and the flood disaster in California, I went to California with a special committee and observed firsthand the oil pollution in the Santa Barbara Channel. Shortly thereafter, I coauthored legislation which became the Water Quality Improvement Act of 1969 which established for the first time, liability of those responsible for oil spills. This act was basically a product of our public works subcommittee.

In addition to the Water Quality Improvement Act, Congress provided increased funding for the construction of waste treatment facilities. The Clean Water Restoration Act of 1966 called for a steady rise over 5 years in Federal matching grants to States for sewage treatment facility construction—from $150 million in fiscal year 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

Only $567 million was appropriated during the first 3 years. Last year the administration requested $214 million, but Congress appropriated $800 million to clean up our Nation's waterways. Of this $800 million, the administration will have obligated only $515 million by June 30, 1970.

For fiscal year 1971, Congress appropriated $1 billion. Can the money be spent wisely? Do the States feel that they can use these funds to clean up their streams, lakes, rivers, and harbors? The answer is yes. As of February 28, 1970, pending applications for construction grants for waste treatment facilities totaled $1.7 billion. California alone has $57 million worth of applications that are awating approval and funding. Many say that even this amount is unrealistically low.

AIR POLLUTION

Air pollution continues to darken our cities' skies, and threaten our total environment with its poisonous chemical mixtures.

The primary contributor to this pollution is the automobile which accounts for nearly 80 percent of the air pollution in our cities. The automobile is responsible for dumping into the atmosphere each year more than 90 million tons of pollutants; this is twice as much as any other single contributor. If air pollution is to be curtailed, dangerous emissions from automobiles must be substantially reduced.

To combat the problem of vehicular air pollution the Federal Government is issuing emission control standards, but the present approach is inadequate for a number of reasons. Studies have shown that under existing controls automobile air pollution in the United States will more than double in the next 30 years. This is due to the projected increase in both the number of vehicles and the miles driven by each vehicle.

Only California has adopted emission standards which will stabilize air pollution and control the production of oxides of nitrogen. But, we want to not only stabilize air pollution, we want to eliminate it.

We have an immediate and pressing duty to protect the health of the American people by curbing dangerous vehicular air pollution. It is clear that present efforts to curb pollution by regulating new car emission levels are wholly unsatisfactory. Therefore, we must take immediate steps to encourage the development of low-emission vehicles.

In order to meet the challenge to our existence presented by air pollution, I have advocated vigorous action. I have coauthored the bill, H.R. 14534, which would require Federal procurement of low-emission vehicles, thus fostering development of nonpolluting vehicles. By offering legislatively guaranteed markets, a reasonable rate of initial production is possible. Such a proposal would make the nearly 400,000 vehicles now used by the Federal agencies a guaranteed market for low-emission vehicles. In 1968, the Federal Government spent $26 million for the purchase of about 16,000 passenger cars and $129 million for nearly 46,000 buses, ambulances, and trucks. Under the procurement plan limitations, the total additional yearly costs cannot exceed $34 million. This additional cost is a small price to pay for alleviating the dangers of air pollution and for preserving a life-sustaining environment.

In addition, I feel that we should put Detroit on notice that they must develop a low-emission vehicle. Last year, the California Senate passed a bill which would ban pollution causing engines in new motor vehicles after January 1, 1975. The bill died in the assembly. Similarly, I have introduced a bill, H.R. 17516, which is identical to the California bill.

When the Clean Air Act Amendments of 1970, H.R. 17225, was on the floor of the House of Representatives, I joined with a number of my colleagues to amend this act to provide even tougher standards. We attempted to add a provision similar to my bill, H.R. 17516, and we attempted to add a provision similar to the bill, H.R. 14534. In each instance, we were narrowly defeated.

However, when the Senate considered the Clean Air Act amendments, they were successful in adopting some measures which we unsuccessfully advocated in the House. The Senate bill requires that the automobile emit 90-percent less pollutants in 1975 than emitted by the 1970 model. In addition, the Secretary of Health, Education, and Welfare would be provided flexibility to act to abate emissions from new and existing aircraft, new and existing vessels and boats, new and existing diesel engines for railroads, and new existing trucks and buses and other commercial vehicles. This measure passed the Senate on September 22, 1970.

Presently, Members of the House and the Senate are meeting to hammer out the differences in the versions of the Clean Air Act amendments. Thus far, the conferees have agreed to accept the "clean car by 1975" provision as adopted by the Senate.

I concur in the clean air bill as adopted by the Senate and, as I said in my letter of September 29 urging all of the conferees to accept the Senate version, we must enact "stringent controls" now in order to breathe fresh air in the future.

The Senate-passed Clean Air Act amendments are aimed at dealing effectively with stationary sources as well as moving sources of pollution. The bill provides for the setting of national ambient air quality goals at levels necessary to protect public health and welfare from any known or anticipated adverse effects of air pollution.

In addition, the Senate bill establishes a Federal capability to evaluate the problems of environmental noise and requires legislative recommendations to the Congress. By authorizing the establishment of an office of noise abatement control, I feel that we can enhance our environment by reducing noise levels—especially around our airports.

Federal action to control air pollution has raised the question, "Should the Federal Government standards for air pollution be the ceiling or the floor?" I have felt that the States—if they desire to provide more adequate, stronger controls for their particular area than Federal standards—should have this right. The Clean Air Act of 1967 gave California the authority to adopt more stringent requirements for air pollution than were set by the Federal Government. I applauded this provision when enacted and I support the "State standards" provision of both the Senate and the House Clean Air Act amendments which continues the practice of allowing California to require standards more stringent than applicable Federal standards.

Preceeding congressional action on the Clean Air Act, I joined the county of Los Angeles in seeking an open trial regarding the conspiracy suit against the auto manufacturers. We contended that auto manufacturers conspired to limit research and the production of effective emission control devices. Our effort to bring the case to an open trial failed, but our action, I believe, awoke manufacturers to the concern.

URBAN MASS TRANSPORTATION

I am pleased that Congress has passed and sent to the President S. 3154, the Urban Mass Transportation Assistance Act of 1970. This bill will assist urban communities in developing transportation systems that will offer an alternative to the automobile. With the development of these alternatives, urban dwellers, representing 7 out of 10 Americans, will drive their automobiles less, thus relieving the congestion on the highways and reducing auto emissions.

MARINE SANCTUARIES

While the 91st Congress has enacted the most far-reaching air and water pollution legislation in history, I feel that much more can be done. We must enact legislation similar to my bill, H.R. 17528, the California Marine Sanctuary Act, which will prohibit further leasing for the extraction of oil and gas in those portions of the Outer Continental Shelf which are seaward of the areas California has designated as marine sanctuaries. Such legislation would have prevented the disaster which occurred at Santa Barbara in 1969.

OPEN SPACES

We must enact legislation which will provide more parks, playgrounds and open spaces for our urban citizens. We must insure that existing and future aircraft—such as the SST—will not decimate our environment with sonic booms, air and noise pollution. We must prohibit the usage of chemicals, such as DDT and phosphates, which are dumped into the seas and threatening the aquatic life. We must continue to press Government agencies to enforce existing legislation which prohibits the dumping of sewage, sludge, and waste into the sea. We must continue to seek solutions to the solid waste problem by establishing standards for disposable bottles and cans. We must develop methods of reusing some of the containers which we throw away.

These measures, if enacted, would be major steps in meeting the challenge to human life posed by the manmade causes of environmental decay. It appears there has been enough rhetoric on the subject of environmental quality. Congress is aware. The American people are aware. Now it is time for taking the necessary action and applying the means we have at our disposal. The people are looking to us for leadership. It is high time we acted upon those measures which would manifest that leadership.

ATTORNEY DAVID J. CONROY RECEIVES PROMOTION

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. McDADE. Mr. Speaker, it is with mixed emotions that I announce that Attorney David J. Conroy, secretary, and resident counsel of the International Salt Co. in my district, has received a new and valued promotion with Akzona, Inc., of Asheville, N.C.

I have feelings of mixed emotions because, while I am delighted that Attorney Conroy—one of the ablest practitioners of law in the United States—has been promoted to this important position, I know also that we of the 10th Congressional District will miss him.

Dave Conroy and his wife, Lois, and their lovely family are the type of people who build a community, and in building that community, make this country a better place in which to live and to raise a family. Whether the call was for volunteers for a charitable drive, a new civic effort, new plans to enrich the cultural opportunities of our young, the need for a new school, indeed, any project that meant a better community and a better area—Dave and Lois Conroy always answered the call. They are the kind of people whose efforts add new sinews of strength to the fabric of society, and we of the 10th Congressional District wish Dave and Lois Conroy well in their new adventures.

PANAMA CANAL: PASSAGEWAY OR PERIL?

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. KING. Mr. Speaker, many people have expressed their concern over the future of the Panama Canal. I would like to call my colleagues' attention to the following article in regard to our sovereign rights in Panama which I believe will help to clarify some of the key Canal issues at this time.

The article follows:

PANAMA CANAL: PASSAGEWAY OR PERIL?

America's sovereign rights in the Panama Canal Zone are imperiled by three proposed treaties, being pushed hard by the leftists and liberals. The vital security of the U.S. demands that the treaties be rejected and that the U.S. maintain its present treaty based rights, for its own good, as well as the security of the Western Hemisphere and the best interests of Panama.

Construction of the Panama Canal (1904–14) has been called "one of the greatest works of man," undertaken as a "mandate for civilization in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue, and governmental instability." Today, our country's gross investment in the Panama Canal enterprise totals more than $6 billion. Obviously, "except for the grant by Panama of full sovereign powers over the Zone territory, our government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operations, maintenance, sanitation, protection, and defense."

TREATIES OR TRICKS?

Our ultra liberal State Department negotiated three secret treaties with the government of Panama on June 26, 1967, without congressional knowledge. Here are brief descriptions of these destructive documents, which are still unsigned:

1. The first treaty would nullify the Hay-Bunau-Varilla Treaty of 1903, which guarantees American sovereignty in the Canal Zone, and turn over the Zone to Panama. This means that the United States would remain in the Zone, by virtue of treaty with the Panamanian government, rather than as a matter of sovereign right. *It means that the American Flag, under which three generations of Americans have worked to build and operate the Canal, would no longer fly over Canal Zone installations!*

The Panamanian government is totally incapable of handling its own affairs, as witness the Communist-led mobs which riot at will through the streets of Panama's cities. According to Rep. Daniel J. Flood (D.-Pa.), even a simple matter such as garbage collection is beyond the ability of the Panamanian authorities.

2. The second treaty would cripple the defense of the Canal, and make it a certain easy target for successful Communist sabotage. Certain specified areas would be authorized for use by American military forces, *but any military measures outside these small areas could be taken only with the consent of the government of Panama.*

American military authorities find this provision hopelessly inadequate for protection of the Canal, particularly since the Soviet base in Castro's Cuba is only a short distance away. If this treaty is ratified, vital supplies headed from the East Coast to American forces in Vietnam through the Canal could not be properly defended!

3. A third treaty gives the U.S. the right to build a sea-level canal through Panama. However, most authorities are agreed that a new canal is not needed. Even if one is to be built, it is inconceivable that it should be constructed where it will be susceptible to further Panamanian blackmail, since better sites are available in Colombia and Nicaragua.

Immediately after the Panama riots of 1964, the Kremlin issued a directive for all pro-Communists to get into the fight to take the Panama Canal, called "the jugular vein of hemispheric defense," away from the U.S. The present proposed treaties are the culmination of that Communist campaign. *The Senate can prevent this long-sought Communist victory, but it will do so only if an outraged public opinion forces defeat of the treaties.*

COMMITTEE FOR CONTINUED CONTROL

Mr. Flood, whose serious study of the interoceanic canal problem spans more than 15 years, recently told the Congress that the latest significant development on this question is the formation of the Committee for Continued U.S. Control of the Panama Canal, composed of "distinguished, knowledgeable, and realistic" members. He transmitted to all members of Congress copies of the committee's report, from which the following excerpts are taken (*Congressional Record*, June 16, pages 19886–19887):

The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. Clearly, the recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approaches to the Panama Canal, and as was accomplished in the case of the Suez Canal. The real issue as regards the Canal Zone and Canal sovereignty is not United States control *versus* Panamanian, but United States control *versus* Communist control. This is the subject that should be debated in the Congress, especially in the Senate.

Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power, and authority over the Canal Zone territory and Canal, and

(2) The major modernization of the existing Panama Canal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States which aim at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

As the result of canal operations during the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception includes provisions for the

(1) Elimination of the bottleneck Pedro Miguel Locks

(2) Consolidation of all Pacific Locks South of Miraflores

(3) Raising the Gatun Lake water level to its optimum height (about 92 feet)

(4) Construction of one set of larger locks

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a Pacific reservoir to correspond with the layout at the Atlantic end, to permit uninterrupted operation of the Pacific locks during fog periods.

Competent experienced engineers have officially reported that "all engineering considerations which are associated with the plan are favorable to it." Moreover, such solution:

(1) Enables the maximum utilization of all work so far accomplished

(2) Avoids the danger of disastrous slides

(3) Provides the best operational canal practicable of achievement with the certainty of success

(4) Preserves and increases the existing economy of Panama

(5) Avoids inevitable demands for damages that would be involved in a Canal Zone sea level project

(6) Averts the danger of a potential biological catastrophe with international repercussions that would be caused by removing the fresh water barrier between the Oceans

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama

All of these facts are paramount considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty angles.

In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1960 to cost $2,368,500,000, exclusive of indemnity to Panama, has long been a "hardy perennial," and according to former Governor of the Panama Canal Jay J. Morrow, it seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite its engineering impracticability.

Congressman Flood concludes, "Let us save the Panama Canal and prevent our strategic position on the Isthmus from falling into Soviet hands by adopting the committee's recommended program." It is a timely warning.

THE TRIBUTE TO THE LATE HONORABLE PAUL POWELL

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PRICE of Illinois. Mr. Speaker, a giant of a man and a giant in Illinois politics, Paul Powell fell victim to a fatal heart attack last Saturday. His passing is a great personal loss to me.

A legend in his own time, Paul Powell's political career spanned nearly 40 years, starting with his election in 1930 as mayor of Vienna, Ill., his hometown, and culminating with his reelection in 1968 as secretary of state. During his illustrious and colorful career, he served in the Illinois State Legislature for 30 years where he was speaker of the house three times, once when the opposition Republican party was in the majority.

I was privileged to know Paul Powell throughout his career and I doubt that I will ever meet or know a more forceful or vigorous spokesman for the Democratic Party. In 1948 when many people were cocksure that the Democrats were going to be defeated Paul Powell hit the nail on the head by saying that he "could smell the meat a-cooking," alluding to the thousands of jobs that Republicans would lose. In 1960 when John Kennedy was on the campaign trail in southern Illinois, Paul Powell traveling with him, labeled him a winner long before anyone else.

Paul Powell was an astute politician who possessed a keen sense of feel and judgement; his abilities made him one of the most powerful political figures to come out of southern Illinois. There were few who could match his campaigning ability or his organizational talents. Paul Powell was the epitome of the political man who stood by his people and championed their causes.

I am deeply indebted to Paul Powell for his many acts of personal kindness and consideration over the years. I greatly valued our friendship and will always cherish the fond memories I have of our relationship.

UNITED STATES-SOVIET SUBMARINE STRENGTH

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WYMAN. Mr. Speaker, we cannot afford to ignore the Soviet Union's growing submarine strength. It is a cause for major concern to those who have the responsibility for the national security and defense of the United States.

It takes a long time to build a submarine. The new *Yankee* class of the Soviet Union has long-range missiles and nuclear power. These underseas arsenals of Communist power must be matched and exceeded by U.S. production and technology.

We should increase our submarine production, of Poseidon missile conversion as well as our emphasis on the Navy's new ULMS program.

In this connection, the column by David Lawrence in the Washington Star is interesting. The article follows:

[From the Washington Star, Oct. 14, 1970]

THE GROWING SOVIET SUB THREAT

(By David Lawrence)

When is a "military base" not a "military base" but just a place at foreign ports where submarines can be refueled and pick up missiles and other supplies? The Soviet government in a formal statement has clarified its own policy in Cuba, and evidently feels it doesn't need a "base" in a military sense at all. It just has to have a friendly nation, with a port.

After asserting explicitly that it "has not built and is not building" a military base in Cuba, the Moscow government officially explains its position as follows:

"As for the use of the world ocean, the Soviet Union strictly adheres to operating principles and rules of contemporary international law. If Soviet ships and vessels enter ports of foreign states, including ports of the Republic of Cuba, on official visits and business calls, they do so with the permission of the governments of the states concerned. It is obvious that such calls are an inalienable right of sovereign states, universally recognized and confirmed by many centuries of international practice."

About all this means is that the Soviets say they are not building up a special base in Cuba, but have arranged to drop in at ports on the island to get necessary supplies and services for their submarines, which are obviously going to be stationed close to the United States for a long time.

It would not be surprising, however, if the Soviet Union raises the question of "military" bases established by one nation on the territory of another. Its statement says:

"It is well known that the Soviet Union, in general, condemns the building of military bases by some states on the territory of other states. More, the Soviet government has repeatedly made specific proposals at relevant U.N. agencies and the disarmament committee for the dismantling of foreign military bases on alien territories."

U.S. Defense Secretary Melvin R. Laird evidently has anticipated the possibility that this subject would be brought up. In a news conference a few days ago he pointed out that American bases in Europe were in existence when the United States and the Soviet Union began their strategic-arms-limitation talks. He added that if the Russians now were to build a submarine base in Cuba it would change the entire balance while the talks are in progress.

The Soviets want to make it clear that they are not "building" any military "base" in Cuba. But the fact remains that they are insisting they have a right to use any port on the island for supplies which can be stockpiled anywhere and delivered to given ports for use aboard Soviet submarines. No new "base" actually would have to be "constructed."

Laird has said that he has no evidence that the Polaris-type submarines of the Soviets—which, of course, use nuclear missiles—have thus far utilized any port in Cuba. He would, however, look upon the use by the Soviets of Cuban bases for Polaris-type submarines "as a very serious challenge" and one which doesn't follow the understandings that he believes were comprehended by both the United States and Russia in 1962 at the time of the Cuban missile crisis.

The Moscow government feels that building a new "base" would be the real issue, and says:

"The Soviet Union has not built and is not building a military base on Cuba and is not doing anything that would contradict the understanding reached between the governments of the U.S.S.R. and the United States in 1962."

So it seems probable that the whole question of military bases will be up for discussion in the talks about the limitation of strategic armaments. Since the Soviet argument is that any of its ships can enter ports of a nation which gives its permission, the United States can make the same point, for instance, about the use of "bases" in Spain, Italy and Greece—bases which have been established as a part of the North Atlantic Treaty Organization's program to defend Western Europe.

With the friendliness of the new regime in Chile toward Russia and the presence of a Communist government in Cuba, the assumption here is that the Soviets will be better able to maintain Polaris-type submarines in both the Atlantic and the Pacific as a threat to the United States.

AMATEUR RADIO OPERATOR

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DADDARIO. Mr. Speaker, several days ago I called to the attention of the House the valuable services performed by the fraternity of amateur radio operators, "hams" as they are popularly known. As concrete evidence of the ability of these public servants to send communications over long distances with reliability and ease, I am inserting in the RECORD a message recently received at my office via amateur radio. The message originated in Connecticut, relayed through several stations to Jerry Horwitz, a ham in Silver Spring, Md., and then telephoned in to my office in Washington.

The message follows:

OCTOBER 8, 1970.

From: K1SXF, Bloomfield, Conn.

Your speech on floor of House on hams was excellent and much appreciated. 300 thousand hams thank you. This message is being sent by amateur radio.

GABRIEL F. GARGIFLO.

ELMWOOD, CONN.

HOLY TRINITY LUTHERAN CHURCH

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MINISH. Mr. Speaker, on Sunday, October 11, I had the distinct honor of attending the dedication ceremonies held to mark the new home of Holy Trinity Lutheran Church, in Union, N.J.

The pastor of Holy Trinity has prepared an inspiring prayer to mark the dedication. I include below for the edification of my colleagues the text of this prayer:

A PASTOR'S PRAYER FOR THE COMMUNITY OF THE FAITHFUL ON DEDICATION DAY

Thanks and praise to You, O God, for this day of achievement and joy. How dear to us is this House of Prayer, praise and thanksgiving. How close to our hearts is this community of memory and hope, reminding us of our help in ages past, our hope for years to come. We thank You for the privilege of raising arches and moulding stone to Your Honor and Glory, and for being able to enter fields of sacrifice and endeavor never entered before, and for being able to bear witness in a generation that would rather destroy than build up, for having been blessed with our alabaster jar of precious ointment to pour upon Your feet and to seek Your forgiveness for our failures of the years gone by.

We thank you for the faith of our fathers living still, the precious treasure of faithful witness we have received from the past, the most precious treasure we have to pass on to those who come after us. As we dedicate these buildings, help us to carry on the work of Your Gospel unsullied and undimmed that those who will remember this day years from now may fortify themselves with our example, even as we draw our inspiration from those who once worshipped and labored in this program with us and now are in the company of the Triumphant Church.

We thank you, Lord, for the full-heartedness of our leadership, the committees of planning and program, men, women and children who have slowly built their lives into these walls. What a cloud of witnesses are around us as we gather for today's dedication!

Keep us alert to the needs of people in all conditions of life, people who are burdened and their minds are not at peace. Let not this day's accomplishment loll us to sleep. May our cares pick up the cries of those in anguish and whose faith has withered and the problems of living have deadened their souls. Keep our congregation's conscience sensitized to the harrowing problems of society where priorities are confused, where Christ is forgotten and where the creature is worshipped above the Creator. In seeking to face the challenges of a planet bent on self-destruction, may we in our thanksgiving redirect our attention to the Source of all spiritual strength and gifts and effect a rededication to their proper use. Impel us to move where our community breathes and lives. As new unfolding opportunities of proclaiming Your Gospel in a growing neighborhood emerge, may we respond, engendering warmth and love in the lives of those who worship with us and who live around us. From strength to strength, let Your Spirit inspire us to be a potent influence, leading people to the feet of Him Who is our Shepherd, the Way, Truth and Life.

Now to this Savior and Lord, by the power at work within us, which is able to do more abundantly than we ask or think, at this Dedication and throughout our lives, be glory in the Church and in Christ Jesus to all generations forever. Amen.

WAGE GAP WIDENING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, in August I inserted in the RECORD an article by Richard Harwood entitled: "Male Poverty Slowly Fading But Women are Trapped." The article cites census statistics and concludes:

This problem transcends the problem of racial discrimination. The median money earnings of white women who worked full time in 1968 was $3,731; for Negro women the figure was $2,766.

For men of both races, the rewards of work were far greater. White men had median full time earnings of $7,447; the Negro median was $4,761.

What this means is that poor men in America have some hope of getting themselves and their children out of poverty if they stick to it long enough for the private economy to slowly draw them in.

But the poor woman trying to raise a family alone is hopelessly trapped. The private economy simply will not take her out of poverty.

Now we have an October 8 Wall Street Journal story which indicates that the gap betwen the wages of men and women is widening. The Chase Manhattan Bank—certainly not a nest of radicals—is the source of this information. As the Wall Street Journal points out, this confirmation of the gap betwen men's and women's wages "may steam up the 'Women's Lib' movement." Perhaps it will also steam up some of us.

The article follows:

GAP BETWEEN WAGES OF MEN AND WOMEN WIDENING, BANK FINDS

NEW YORK.—A Chase Manhattan Bank report indicating that the wage gap between men and women in the U.S. has widened in recent years may steam up the "Women's Lib" movement.

In its bimonthly economic newsletter, Chase says the median wage of women employed full time all year fell to 58% of the median male paycheck in 1968 from 64% in 1955. The bank attributes the decline to a persistent tendency to employ women in lower-level and lower-paying jobs than men and to the marked increase of women in the labor force. As more women go to work, competition for jobs open to them rises and wages

of those jobs tend to be depressed, the bank reasons.

Women will have to make greater breakthroughs in such male-dominated fields as engineering and medicine if they are to offset the effects of a growing surplus in fields such as teaching, the newsletter states. Chase says Federal Government figures show that for each three men with the potential to be engineers, there are two women with the same potential. As many women as men have aptitude for a variety of mechanical and repair jobs, the figures are said to show.

The bank notes it finds evidence among some employers of increasing willingness to hire women, because the average working-life expectancy of women exceeds that of men, and because women are less likely to jump from job to job and have better attendance records than men.

CONGRESSMAN MIZELL'S NEWSLETTER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MIZELL. Mr. Speaker, I rise to present to my distinguished colleagues the results of a questionnaire I sent to every residence in my district.

I announced to this body several weeks ago that I would make a report of these findings in an effort to inform my colleagues of the sentiment and concern and opinion held by my constituents for the great issues of the day.

I believe their opinions are typical of those held by a majority of citizens throughout the country, and I am convinced that the strength and depth of their convictions on these issues prove that the American people are concerned for the welfare of their country as they have never been before.

The results of this questionnaire were included in a newsletter I sent to each constituent, as part of my continuing effort to bring Government closer to the people, so that Government can be more responsive and responsible.

I am including the text of this newsletter in the RECORD, in hopes that its content may assist my colleagues in discerning the interests of the people of my district.

The newsletter reads as follows:

DEAR FRIENDS: As we approach the end of the 91st Congress, I think it is appropriate for me now, as I have in the past, to report to you on some of the major actions taken during this past session.

These two years have been a most rewarding and gratifying experience for me in my freshman term as your representative. They have been filled with challenge and with achievement, both for you, my constituents, and for myself as well.

We live in the midst of rapid change. We hear the sounds of competing and clashing philosophies. We see the signs of progress. These are exciting times, to be sure.

Being in Congress during the past two years has given me a much greater scope of the problems and potentials America faces today. I think we have ample cause for optimism and for hope. Through the various levels of government and in the private lives of millions of American citizens, I see a growing concern and commitment to improve our society and strengthen our nation.

I have tried, through these newsletters and in various visits to every section of the Fifth District, to bring the processes of government closer to the people, to match the people's concern with government action where needed.

One such means of bringing the government to the people was the questionnaire we mailed to you several weeks ago. We have been busy compiling the results of that survey, and that is the main reason this newsletter is going out to you later than we had previously scheduled. The findings of the questionnaire are recorded elsewhere in the newsletter. I think you will find them interesting.

Finally, I want to thank you all for the trust and confidence you have placed in me during the past two years. Your support and interest in the actions of the Congress have been a constant source of encouragement for me. I deeply appreciate the opportunity I have had to serve you.

Cordially yours,

WILMER D. MIZELL.

Photographs used in the newsletter included one of myself on the steps of the Capitol with participants in a Highway Users Conference. A second photograph was a scene of my being inducted into the Winston-Salem Baseball Hall of Fame.

TEXTILE BILL

There are many issues of national and international concern in 1970, but none affects the lives of Fifth District residents more directly than the issue of textile import legislation now pending before the Congress.

This bill, the Trade Act of 1970, which I am co-sponsoring, would establish quotas on foreign imports, reverting such imports to the 1967–68 levels.

I am convinced that this legislation is vital to the continued success of our locally-based textile industries, which have become increasingly victimized by the rising influx of cheaply-made foreign imports, chiefly from Japan.

The worst-hit victims have been the textile workers themselves. As textile imports have startlingly increased, textile jobs in this country have decreased drastically. More than 8,500 jobs were lost in North Carolina alone in one 14-month period.

The Nixon Administration exhausted every avenue of negotiation in an effort to come to terms with the Japanese on this crucial and reverse this dangerous trend. But because of Japanese intransigence, Secretary of Commerce Maurice Stans had no alternative but to ask for trade restrictions from the Congress.

The bill has now been reported out of the House Ways and Means Committee and will soon come to a vote on the House floor. I will continue to support this legislation, because I believe it is one of the most important priorities in the 91st Congress.

Its passage promises to bring a better quality of merchandise to the consumer's market, as well as giving a measure of protection to our domestic textile industry against a potential "flood market" of imported textiles.

CRIME LEGISLATION

The 91st Congress has passed two measures designed specifically to curb the rising crime rate in the nation. The first to be passed was a bill providing funds for the training and equipping of police officers throughout the country. The better our law enforcement officers are trained and equipped, the more effective their efforts to wage a comprehensive war on crime will be.

A unique feature of the legislation is the provision calling for block grants to municipalities directly from the federal government, without having the grants sifted through the state level.

The second piece of legislation passed by the Congress was the District of Columbia Crime Bill. This bill, though dealing exclusively with the District, could serve as a model for crime legislation on a national basis. The D.C. Crime Bill sparked some controversy because of the "no-knock" and "preventive detention" provisions written into the bill, but I strongly believe these clauses are not only constitutionally sound, but also vital to any intensive campaign to remove the criminal element from the nation's streets.

It is a violation of the rights of the law-abiding citizen to force him to live in fear of bodily harm while allowing a known criminal to roam the streets at will. The "no-knock" provision allows a police officer to enter a private dwelling without knocking, only if the officer is given a court warrant to do so, and only if there is probable cause that evidence of a crime may be destroyed or concealed before the officer's entry.

The "preventive detention" clause applies only to defendants with previous records of felonies, who are arrested again on charges of committing another felony. These are tough laws, but badly needed ones.

NONDISCRIMINATORY EDUCATION BILL

During the second session of the 91st Congress, I introduced a bill calling for a clearly defined policy for school desegregation to be established by the Congress. My bill calls for true freedom of choice and makes forced busing of school children illegal.

I regret to inform you that this bill seems hopelessly bottled up in the House Committee on Education and Labor, with little or no chance for passage in the 91st Congress.

In another effort to avert a crisis in some of our local school districts, I telegramed both President Nixon and Chief Justice Warren E. Burger, asking for a stay of the order to execute a plan calling for mass busing of school children in the Fifth District. These efforts, as you know, were unsuccessful too.

As a substitute effort, I have agreed to posing a "friend of the court" brief to be presented to the Supreme Court before it rules on the Charlotte-Mecklenburg school busing case. The brief is presented to instruct the court that it was the intent of the Congress in the Civil Rights Act of 1964 that forced busing to overcome racial imbalance was prohibited in all cases.

Congress reasserted this position in the 91st Congress by passing an amendment to the education appropriation bill forbidding the use of federal funds for the cross-busing of school children solely for the purpose of achieving racial balance.

QUESTIONNAIRE

Here are the results, in percentages, of the questionnaire we mailed to you some time ago. The questions, and your opinions, are as follows:

(1) If a postal corporation is established, should it be placed on a pay-as-you-go basis? Yes: 91%. No: 9%.

(2) Do you believe the U.S. can rely on agreements reached with the Soviet Union? Yes: 24%. No. 76%.

(3) President Nixon has recommended strong anti-crime legislation. Do you favor:

(A) Allowing federal officers with a warrant issued by a federal court to enter private premises without knocking if drugs and other evidence of illegal narcotics traffic might otherwise be destroyed? Yes: 71%. No: 29%.

(B) Keeping a criminal defendant in "preventive detention" if his record indicates he might commit a serious crime if freed on bond while awaiting trial? Yes: 88%. No: 12%.

(4) Should balancing the federal budget to curb inflation be given priority over greater spending on government programs? Yes: 85%. No: 15%.

(5) Do you favor elimination of draft deferments for college students? Yes: 52%. No: 48%.

(6) In Vietnam, which one of the following four alternatives do you think will best serve our commitments and our national interest?

(A) Immediate and unconditional removal of all U.S. troops. 13%.

(B) Removal of U.S. troops by a definite deadline, regardless of any other consideration whatsoever. 14%.

(C) Gradual withdrawal of U.S. troops, depending on the ability of the South Vietnamese to assume the total defense of their country. 51%.

(D) Escalation of all military action to achieve a military victory. 22%.

(7) Do you favor an all-out federal attack on pollution, even if it means higher taxes? Yes: 66%. No: 34%.

(8) Are you satisfied with President Nixon's overall performance? Yes: 65%. No: 35%.

(9) Federal farm controls and subsidies should be:

(A) Phased out within five years: 54%.

(B) Continued as is: 20%.

(C) Made permanent, with the subsidies reduced: 26%.

(10) Do you agree with President Nixon's decision to neutralize the enemy sanctuaries in Cambodia? Yes: 82%. No: 18%.

(11) Should the colleges expell any student who uses physical force as a means of persuasion? Yes: 95%. No: 5%.

(12) Please list the priorities which you feel the Congress should spend tax money on in our country. In order of frequency listed, they are: environment, crime, education, defense, poverty-welfare, social security, economy, urban affairs, transportation, scientific research, Vietnam, civil disorders, foreign affairs, agriculture, birth control, and drugs.

BURLEY TOBACCO BILL

This bill which I introduced, extending the right to lease and transfer acreage allotments to burley tobacco growers, recently passed a vote in the House of Representatives.

This bill will be a definite asset to the burley tobacco growers of our area, allowing them to lease or transfer acreage which they cannot economically farm by themselves, whether from lack of sufficient labor or equipment. It is a long-standing practice among other farmers, and it is time the same right was given burley tobacco growers.

SOCIAL SECURITY

Some most important legislation benefiting our senior citizens was passed in the second session of the 91st Congress by the House of Representatives. The roll call vote, 342–32, demonstrates the overwhelming support for this bill, the Social Security Amendments of 1970.

The measure is at this writing being considered by the Senate Finance Committee, and will require the Senate's affirmative vote before President Nixon signs it into law.

The House has approved a 5-percent raise for all Social Security beneficiaries and additional automatic cost-of-living raises, to allow our citizens on limited Social Security pensions to absorb future cost-of-living increases without suffering financially.

This bill also provides that a beneficiary can earn up to $2,000 without loss of benefits, and may receive a partial payment with earnings of up to $3,200.

The new legislation entitles a widow or widower to enjoy full benefits of primary insurance if first applied for at age 65 or older. It applies the same rules for men as now apply to women with regard to earnings up to the age of 62.

The amendments also eliminate reductions in spouse's benefits in certain cases, and provides improved disability benefits for the blind.

I have strongly supported these important and needed provisions designed to make more rewarding the retirement years of the fifth district's 56,800 Social Security beneficiaries as well as 25 million more senior citizens throughout our nation.

NATIONAL HISTORIC JEFFERSON BARRACKS—LANDMARK STATUS THE GOAL FOR THIS 120-YEAR-OLD POST

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mrs. SULLIVAN. Mr. Speaker, I was delighted to see an article by Mary Duffe in the October issue of St. Louis Commerce, the publication of the chamber of commerce of Metropolitan St. Louis, and also a reprint thereof in the Mirror of Public Opinion of the St. Louis Post-Dispatch, describing the history of Jefferson Barracks, the 120-year-old Army post, and the efforts that are being expended to have it receive national historic landmark status.

For more than 2 years, I have been working diligently to attract the interest of and provide information to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, concerning Jefferson Barracks and its great historical background, to the end that the advisory board would recommend to the Secretary of the Interior its designation as a national historic landmark.

I am sure many of my colleagues have knowledge of this Army post, either through personal experiences or those of some of their loved ones. It is another of our historical areas which, in my opinion, should be preserved.

I am inserting in the RECORD the splendid article of Mary Duffe so that those who are interested in the great history of our country may have an opportunity to read it.

OLD ARMY POSTS JUST FADE AWAY

On a bluff high above the Mississippi River south of St. Louis, the rolling green meadows of Jefferson Barracks offer a pleasant vista. The former Army post, which once covered 1702 acres, is the verdant representation of a Carl Sandburg poem on war that contains the line, "I am the grass; I cover all."

With its quaint nineteenth-century red brick buildings contrasting with the new white gravestones of the Vietnam war dead in its National Cemetery, the Barracks' beauty in reality masks an anguished record of our settlement of the West, our wars of expansion, our quarrels with the Indians, and our enmeshment in other parts of the world.

The Barracks' cemetery has the dubious distinction of having one of the largest mass graves in the country—123 World War II atrocity victims who died in the Philippines. Also buried there are six Confederate soldiers shot in reprisal for six Union men summarily executed by guerrillas in outstate Missouri. Early graves hold victims of duelling battles and the plague.

Almost every Army man of note in the last century was stationed at the Barracks at one time in his career. Grant and Lee, of course, but also Sherman, Custer, Kearney, Leavenworth, Zachary Taylor; in more recent times, Pershing and Eisenhower spent some time at the post.

The Barracks originally was intended as a training center for infantrymen. But like at Fort Leonard Wood today, the enlisted men were sent out as rapidly as they came in. They hastened away to fend off uprising Fox Indians in Wisconsin, Seminoles in Florida, Sioux in the Dakotas, and Apaches in the Southwest. They foot-marched to the Mexican War and back again. They rode away to the Civil War, to the Spanish-American War, to the Mexican border, to World Wars I and II.

The finely kept graves in the National Cemetery, fourth largest Army burial ground in the nation, are reminders of the loss of young men in every generation. Dead from every war America has fought are interred there.

When Jefferson Barracks was established in 1826, the location was regarded as a more healthful site than old Fort Bellefontaine, north of St. Louis near the mouth of the Missouri River. It was from Bellefontaine that Lt. Zebulon Pike had set forth in 1804 on his famous expedition to the Southwest on which he discovered Pikes Peak. His little daughter is one of those re-interred in the National Cemetery at the Barracks. Another early grave is that of a soldier, Pvt. Richard Gentry, who had been present at Cornwallis' surrender at Yorktown. His son, Gen. Gentry, was killed in a battle with the Seminoles in 1837 and also is buried there.

The Barracks burgeoned during the Civil War because of its strategic location on the border between North and South. In addition, a new hospital was authorized in 1861 and began at once to receive Union battle casualties and wounded Confederate prisoners as well. Fatal infections and deaths from such diseases as cholera, spinal meningitis and pneumonia took their toll, adding to the rows of graves in the cemetery.

A tent area for enlisted men came to be known as Pneumonia Gulch. The National Cemetery, an extension of the old post graveyard, was one of eight so designated by President Lincoln in 1863.

The post continued to serve the country as a military distribution center through World War I, and it again reached a peak during World War II when thousands of men were processed there. The end of hostilities marked the end of the Barracks' 120-year history as a military post. It was declared surplus in 1946 and since then has been whittled away until now only 135 acres of the original 1702 remain.

St. Louis County purchased some 450 acres, which include Sylvan Springs Park, west of the Barracks grounds. The Veterans Hospital has 170 acres, the National Cemetery 309. Private development has taken most of the rest.

Missouri Army and Air National Guard units use what remains of the old post for their activities. The grounds are open to picnickers and sight-seers who may visit restored buildings and museums.

There is an active Jefferson Barracks Landmarks Association, whose members are waging a campaign to have the area designated a national landmark. Its president, Tony Fusco, a riverboat pilot is also an enthusiastic historian of the Barracks and has written a number of booklets and articles about the post.

CLEVELAND'S NEW CITY COUNCIL PRESIDENT, ANTHONY J. GAROFOLI

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. VANIK. Mr. Speaker, the Cleveland City Council has just recently elected a new city council president, Anthony J. Garofoli.

I join with all residents of the greater Cleveland community in wishing Councilman Garofoli success in his new job of leading Cleveland and solving the problems which it faces.

I am very pleased to be able to report that Councilman Garofoli, representing the 19th Ward, is one of my constituents in the 22d District.

Throughout the Cleveland community, Council Garofoli is recognized as one of the community's finest young public officials and leaders.

Anthony Garofoli went to school at John Carroll University and then on to law school at Cleveland-Marshall. In 1965 he was elected as councilman from the 19th. He quickly made his mark as one of the most articulate and thoughtful men in the council's chamber. To quote from the Cleveland Plain Dealer of September 26:

Any politician, to be successful, must at least be shrewd and a master of the game. But when he is also noticeably more intelligent than his peers, it makes a difference.

Garofoli knows that now, while his leadership is at its most precarious, much of the respect he garners from his colleagues has to do with their knowing his mind is better.

The election of Councilman Garofoli to council president has been received with enthusiasm throughout the community. Indicative of this is the following editorial of September 15, 1970, from the Cleveland Press, entitled, "A New Chance for Cleveland":

A NEW CHANCE FOR CLEVELAND

A new era of statesmanship and cooperation in city government could begin as a result of last night's election of Anthony J. Garofoli as Cleveland Council president.

The conscientious and articulate Garofoli succeeds James V. Stanton, whose leadership of Council in the past couple of years has been marred by feuding with Mayor Stokes and other members of the city administration.

Garofoli, while differing sharply from the mayor on many major issues, has said he will meet with him this week and endeavor to develop an atmosphere of cooperation.

And Stokes' first remark to the new Council president was, "I look forward to working with you—working together with mutual respect for one another."

Both publicly expressed the right attitude. Cleveland's mountain of problems can be whittled down only if the mayor and Council work together.

There's nothing wrong, of course, with Council acting as a watchdog on city affairs—that's exactly what it ought to do. But there ought to be a joint and determined effort to solve the city's worst problems.

As Council's new leader, Garofoli has a great opportunity to do just that.

The new council president is particularly concerned about the severe financial problems which face Cleveland. In an interview in the Plain Dealer the councilman said:

The city does need money and that it has only regressive taxes available to it.

"Unfortunately, both kinds of taxation (income and real estate) seem to get the little guy most," he said.

Like Stokes, Garofoli sees the answer in tax reform on the federal and state levels.

"We should either have a broader tax base or get our fair share through some major reform from the federal government or the state. Until that happens, we're going to have to grapple with this problem."

Regardless of what happens to the proposed .8 of 1% income tax hike on the ballot Nov. 3, it appears certain Garofoli will move to pool a team of lobbyists from council and the administration to lobby in Columbus for reform.

Garofoli thinks a cooperative effort in this area might well help, especially if Democrat John Gilligan is elected governor. In the past, Garofoli said, the city has had only one man from the city law department representing Cleveland's interests at tax hearings in Columbus.

If this kind of cooperation comes to pass, it would be a major shift.

It is obvious from the above, that the new council president has some new, good ideas. He deserves the support of every other citizen in his new position of responsibility and challenge.

LEAGUE OF WOMEN VOTERS EXPRESS THANKS FOR HOUSE ACTION PROVIDING FOR A NONVOTING DELEGATE IN THE HOUSE FOR D.C.

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. NELSEN. Mr. Speaker, I have been requested by the president of the League of Women Voters of the District of Columbia, Mrs. Philip G. Fortune, to introduce into the CONGRESSIONAL RECORD a note of thanks expressing their gratitude to the Members of the House of Representatives in passing H.R. 18725, a bill providing a nonvoting delegate in the House of Representatives from the District of Columbia. I include the statement of the League of Women Voters in full below:

LEAGUE OF WOMEN VOTERS OF THE DISTRICT OF COLUMBIA,
Washington, D.C.

To the Members of the House of Representatives:

The League of Women Voters of the District of Columbia is very grateful to the members of the House of Representatives for their patient concern regarding the bill providing for a non-voting delegate in the Congress for the District of Columbia.

The long session required to pass this legislation must have been trying to the great numbers of members who stayed through the dinner hour to pass this bill, and we are properly appreciative.

REPORT ON THE 91ST CONGRESS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, it has been my annual custom to provide my constituents of the 10th Congressional District of Massachusetts with a yearend report on the Congress. I believe that my report, which reviews many of the major legislative issues, will be of interest to my colleagues.

The text of my report, which I am pleased to insert in the RECORD, reads as follows:

YOUR CONGRESSWOMAN MARGARET HECKLER REPORTS TO THE 10TH DISTRICT OF MASSACHUSETTS

Americans must recover their confidence in democracy. This "End of Session" report on the 91st Congress is designed to describe my search as your Representative for the best means to bring about progress and responsive action to meet the domestic needs of our rapidly changing society.

In my recent Special Report to you on Viet Nam, I have stated my position on ending that devastating war, and called for an immediate cease fire.

OIL MUST BE ASSURED

Obviously a tremendous concern at this moment to my consituents and all of New England is whether we will have sufficient heating oil and fuel oil this winter. I do not believe we will ever have an assured supply of fuel oil until the nation abolishes the oil import quota system. I, for one, will continue to strongly urge the President to end this very restrictive quota system at once.

The government actions are necessary: 1) Imported oil must be brought in at once in quantities sufficient to avert a real crisis in New England this winter, and 2) The domestic oil industry must boost production of the fuels we need. I have given highest priority to insuring that these urgent goals are met. Our bi-partisan New England Congressional Delegation selected me to write the President asking for a meeting to provide final long range solutions to this annual crisis.

TEXTILES

I believe in free trade. Nations should work out voluntary agreements to resolve trade problems. However, when voluntary agreements fail to materialize, and unemployment threatens a sizable number of American jobs, government must act. I have introduced legislation designed to protect jobs in textile related industry, especially the garment trade, which is so important to Fall River. I will continue to exert every effort to protect this vital American industry.

SAVING OUR ENVIRONMENT

Combating pollution must be a primary concern of each and every one of us in the 70's. This problem deeply affects both the nation and our District. Consequently, I introduced legislation in Congress to have the President create a Council on Environmental Quality to direct a national battle against air and water pollution. I was pleased when the Council was established this year.

Pollution is especially burdensome in communities such as Swansea and Somerset whose citizens have long fought to protect their major recreational asset, Lee's River, from pollution caused by a power plant. I have strongly pressed the New England Electric System to end this pollution immediately.

Again, I have introduced legislation to make the installation of anti-pollution equipment feasible for small businesses by any or all of the following measures: tax rebates, direct subsidies and more rapid amortization of equipment.

In August, Fall River had a problem of contaminated water. I immediately contacted the appropriate federal agencies who successfully worked with the officials of Fall River to remove the contamination from the water.

I also fought and voted for the passage of the Emergency Community Facilities Act which doubled the authorized expenditure (from $500 million to $1 billion) for the construction of water and sewer projects.

INFLATION AND THE CONSUMER

Inflation and tight money have been devastating to consumers, especially the aged and those living on fixed incomes. As a member of the House Banking and Currency Committee, I introduced and worked for legislation to lower mortgage interest rates for middle and low income families and provide additional funds for home loans. The bill passed.

SOCIAL SECURITY BENEFITS INCREASED

Basic Social Security benefits were increased in this session by over 20 percent in one year. Those of us who have worked hard to bring about needed improvements in our

Social Security system have been gratified by our successes in this Congress. In addition to the benefits increase, we obtained an automatic cost-of-living clause in the House-passed bill. This bill also increased the earnings limitation on senior citizens and permitted the inclusion of retired teachers in the Medicare program.

There remains a great deal to be done to insure a more realistic Social Security program that will meet the needs of our senior citizens. I shall continue to work diligently for these reforms.

THE MYTH OF DICKEY-LINCOLN AND TAXES

An ever-increasing burden every American must carry today is taxes. One of the best ways of lightening this load is effective government spending. I have sought major budget cuts in nonessential funding such as the SST, and Dickey-Lincoln Dam so that we can meet essential human needs. I voted against the Dickey-Lincoln project, with the vast bi-partisan majority of New England Congressmen because it would have supplied one 6/10 of ONE PERCENT of the power needs of New England at a cost of between 500 to 800 million dollars. While increasing the burden on the taxpayer, Dickey-Lincoln would fail to supply cheaper electricity to Southern New England and destroy a vast wilderness reserve in Maine. At this time the Northfield mountain project here in Massachusetts is being constructed at 10 percent (89 million dollars) of the cost of Dickey-Lincoln, yet will supply TWENTY PERCENT more electric power.

ANTI-ABM

After extensive analysis, on June 11, 1970 (roll call 167), I opposed the ABM system because its highly dubious scientific reliability fails to justify an investment of at least 11 billion dollars.

CONSUMER NEEDS HELP

Because consumer protection requires more attention, I introduced legislation to create an Office of Consumer Affairs in the Executive Branch. This will protect and represent consumers against improper business practices and harmful products. To protect the consumer's privacy, I fought for strong legislation to control mailing of unsolicited credit cards and obnoxious pornographic materials.

RAIL PASSENGERS SHALL NOT BE FORGOTTEN

In designing an overall transportation policy, we must maintain and increase railroad commuter service. In order to underscore my concern, I returned to the district several times to testify against the Penn Central's proposal to cut vital rail commuter trains. I shall continue to urge the development of a rail system that is responsive to the needs of the people dependent upon it. I have introduced legislation to this end.

DRUG ABUSE

While I was not satisfied with all of its provisions, I voted for the Drug Abuse Prevention and Control Act, because I felt that an immediate attack on the problem was essential. This act enhances law enforcement's ability to deal with drug pushers who threaten to injure or destroy thousands of young lives. It also provides for rehabilitation of the lives of those who are tragically addicted to drug use.

CONGRESSIONAL REFORM

Since my first weeks in Congress, I have worked continually to reform the procedures of the House of Representatives, including abolishing the seniority system and secret teller voting. I believe such reform will make the Congress far more responsive to its constituents and to today's changing circumstances.

REFORMING THE SYSTEM

I have worked for reforms to strengthen our democracy and the rights of its citizens. Every citizen is entitled to vote and to be represented in the Congress, and each vote must have equal weight. Therefore, I introduced legislation to give representation in Congress to citizens of the District of Columbia, the constitutional amendment to end discrimination against women, and the voting rights act. I shall continue to work for passage of the constitutional amendment providing for direct election of the President and Vice President, which will establish once and for all the one-man, one-vote principle which is so crucial in a true democracy.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970 COMPREHENSIVE DRUG ABUSE PREVENTIVE AND CONTROL ACT OF 1970

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHEUER. Mr. Speaker, the Congress today passed H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. I supported the bill, reluctantly, because it represents a significant improvement of our national effort to combat the problem of drug abuse. Although this bill pretends to provide a national program to control and reduce drug abuse, many crucial aspects of the problem are ignored or inadequately treated and grave threats are made to our constitutional rights and liberties. Congress owes it to the people to produce a thoughtful, comprehensive program that will work, not a patchwork crazy-quilt passed in the rush before elections.

A program to meet the drug abuse problem in the United States must not be created in bits and snatches, with scissors and scotch tape. We are dabbling with a problem that is crying out for a massive assault. In New York City alone there are estimated to be over 100,000 narcotics addicts stealing $2½ billion a year in a never-ending search for funds to support their habits. Heroin took the lives of 582 people in New York in the first 8 months of 1970, and drug addiction of all kinds has become the leading cause of death in New York for those between the ages and 15 and 35. Drug abuse causes inestimable damage to individuals, families, our inner cities and outer suburbs, and the very fabric of society.

The three titles of H.R. 18583 propose to handle this problem by deterring drug abuse through better law enforcement and education; providing improved treatment and rehabilitation; encouraging research; and increasing control over imports and exports of dangerous drugs.

There are some worthwhile provisions in these titles: $135 million is authorized for treatment and rehabilitation programs. Most dangerous drugs are classified into five schedules which should be an effective means for improving the administration and regulation of the manufacture, distribution, and dispensing of these controlled substances. The bill eliminates mandatory penalties for drug abuse offenders, separates possession offenses from distribution offenses so that pushers can be punished more severely than users, and provides $1 million for a commission to conduct much needed research into the effects and handling of marihuana.

However, this drug abuse bill does not provide a balanced and comprehensive program to bring the epidemic of drug abuse under control. Its fragmented approach is at best a halfway measure masquerading as a full program on drug abuse. It overemphasizes the importance and effectiveness of law enforcement, gives inadequate attention to the need for treatment and rehabilitation programs, and ignores the crucial problem of international control of dangerous drugs.

This bill has been hailed by most of its supporters as primarily a law enforcement bill, updating and making more effective the statutes which bear on drug abuse. Yet, we have ample evidence that despite the best law enforcement we can muster, illegal drugs are available in every city in greater quantities than ever before. In 1968 over 162,000 persons were arrested for drug use violations, but the drug abuse problem is clearly worse today. In a recent survey of 200 college campuses 47 percent of the students sampled had smoked marihuana at least once. Do we want to apply even the reduced penalties under this bill to half of our college population? Indiscriminate enforcement of these laws can only increase disrespect for the law and alienate the young. I am not yet convinced that we have developed meaningful enforceable sanctions for the use, possession, and sale of narcotics that are realistically related to the offense involved.

The bill's provisions for treatment, education, and rehabilitation are clearly inadequate to the task we face. Funds should be provided in massive amounts for a wide variety of prevention, treatment, and rehabilitation programs, not only in the institutions specified in the bill but also in programs arising from community local initiatives, using the full range of medical, social welfare and other community resources available. The Narcotic Addiction Control Commission of New York reports that only 13,000 of New York's addicts are currently receiving treatment, leaving 87,000 "shooting up" in grimy corridors and back alleys.

The education programs authorized by the bill cannot merely point out the horrors of narcotics. The drug abuse problem is the manifestation of other problems of daily living. Teaching the young to deal with these problems will eliminate some of the present and future tendency to experiment with drugs. A carefully planned education program that presents the facts about drugs without increasing curiosity about them, without preaching, will go a long way to destroy the mystique that has built up around drugs and enticed the young to try them.

The most glaring failure of this bill is its total omission of any program to halt the flood of narcotics into this country. The third title purports to control imports and exports of dangerous drugs through a system of registration and notification of transactions. This puny effort ignores the necessity to stop the illegal importation of narcotics into this country at its source, in the opium poppy fields of other nations.

This can only be accomplished by establishing a new international consortium under the United Nations to control narcotics production and distribution. Such a multilateral body would:

Fund subsidies to poppy growers for crop diversification and cultivation of other cash crops.

Purchase poppy crops and supplies of opium for as long as necessary to keep such narcotics out of illicit channels of trade.

Embargo and suspend all trade with a nation which permits the uncontrolled or unregulated production or distribution of narcotics.

Exchange of United States and other nations' narcotics agents to assist and coordinate International cases affecting each country.

Assist in surveillance of narcotics law enforcement and the production and growth of poppies and so forth.

Insure close supervision of poppy cultivation and so forth.

Publicize those countries who are in default or at variance with international agreements.

Facilitate availability of U.S. aircraft and sensing devices to United Nations and to other signatory countries.

Encourage worldwide educational programs on the harmful effects of drugs, and so forth.

Support research programs to develop blocking drugs and narcotics substitutes.

Encourage stiffer penalties by signatory nations for pushers and traffickers.

Include psychotropic substances; that is, the barbiturates, amphetamines, and LSD under international control.

Such a program represents a realistic approach to reducing the menace of narcotics to manageable proportions. While promising to curtail drastically the supply of narcotics, these measures would provide the treatment and rehabilitation needed for those who are already addicts and discourage those who have not yet begun to abuse drugs. Only such a well-balanced, comprehensive approach covering all aspects of the problem promises any degree of success. I will continue to support programs which will fill in the holes left by the well intentioned but incomplete Comprehensive Drug Abuse Prevention and Control Act of 1970.

SENSING THE NEWS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SCHMITZ. Mr. Speaker, I would like to include in the RECORD an article dated October 11, 1970, from the "Sensing the News" column of the Southern States Industrial Council, written by Anthony Harrigan, executive vice president, on the occasion of the 25th anniversary of the United Nations, pointing out that the U.N. has hardly lived up to the enthusiastic expectations of its advocates. The article follows:

SENSING THE NEWS

(By Anthony Harrigan)

In the glass palace on the East River officials of the United Nations are preparing to celebrate the organization's 25th birthday, October 14th-October 24th. No doubt there will be birthday cheers from liberal circles and the thinning ranks of one-world enthusiasts. For the most part, however, Americans are likely to pay little attention to the U.N. at 25. The organization long ago ceased to create much respect or confidence in the United States, though State Department officials continue to pay lip service to the U.N. concept.

In the late 1940's there was hope that the U.N. would represent a forum for free nations. From the start, however, the Soviets were obstructive. Then came the entry of new synthetic nations of Afro-Asia who turned the U.N. into a propaganda platform for the so-called Third World.

The U.N. war against Katanga in Central Africa was a major turning point in the organization's history. The U.N. intervention hurt the cause of civilization on the Dark Continent. In the later years, the Afro-Asian majority in the U.N., aided and abetted by the communist bloc, mounted massive propaganda campaigns against Portugal, South Africa and Rhodesia—the bastions of anti-communist resistance in Africa. The propaganda proved futile, but even today the U.N. is trying to oust South Africa from the Southwest Territory mandated to it by the League of Nations at the end of World War I.

The U.N. Secretary General U Thant's pronounced bias against the Western powers, chiefly the U.S., has been a major factor in the erosion of American respect for the international organization. U Thant has not lost any opportunity to condemn the U.S. for its stand against communist aggression in Southeast Asia.

The Western nations are hopelessly outnumbered in the UN, which is expected to admit its 127th member state this month. The UN bureaucracy also is dead-set against the U.S. Even generally friendly observers of the UN sometimes express shock at the evident anti-western bias.

For example, CBS correspondent Richard C. Hottelet, writing in the New Leader magazine, said:

"The recent UN World Youth Assembly was a fiasco." He noted that "the well disciplined communist bloc took the well-meaning, disorganized and distressingly uninterested or stupid participants from other countries to the cleaners . . . One of the Youth Assembly final documents' conclusions and recommendations read like the front page of Pravda."

Ironically, the biggest failure of the UN is in peacemaking. None of the major conflicts of the post World War II era have been resolved by UN action. Indeed the UN has been responsible for strife not only in Katanga but in the Middle East. U Thant's removal of a UN contingent from the entrance to the Gulf of Aqaba triggered the Egyptian attack in 1966.

Moreover, a stock-taking of the UN at 25 must include the organization's failure to help the Hungarians overrun by the Russians in 1956, or the Czechs reconquered by Moscow in 1968. Indeed the dominant forces in the UN have displayed shocking unconcern for the Germans in West Berlin, the Chinese on Taiwan, and the South Vietnamese under attack of Hanoi. At the time of the Nigerian War, when more than a million Ibo tribesmen were slaughtered by federal Nigerian forces, the UN failed to voice strong condemnation.

Morally, therefore, the UN has a sorry record. Its administrative leaders are basically hostile to the Western World and endlessly apologetic with respect to the Eastern Bloc countries in the Third World. Thus the UN cannot be viewed as an instrument for advancing freedom or preventing the march of aggressors.

AIR POLLUTION EFFORTS IN ILLINOIS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SPRINGER. Mr. Speaker, Mr. Ray C. Dickerson, director of the Illinois Department of Business and Economic Development, has written an excellent article on what is being done to control air pollution in our State.

The Illinois General Assembly's enactment this year of an environmental protection act has given Illinois the Nation's first comprehensive and unified program for pollution control. However, Gov. Richard B. Ogilvie has noted that "pollution and the environment are really problems bigger than government." Fortunately, in Illinois our utilities and manufacturing industries, as detailed by Mr. Dickerson, are making great strides toward achieving an environment as free from harmful pollutants as modern science and technology can make it.

Mr. Dickerson's article, which follows, appeared in a recent issue of his department's newsletter:

A LOOK AT AIR POLLUTION CONTROL EFFORTS

(By Ray C. Dickerson)

As both Director of the Department of Business and Economic Development and chairman of the Natural Resource Development Board, I feel that the time has come for me to render some comments on the present state of Illinois' environment and what is being done to eliminate the air pollution over which everyone is so concerned. I make these comments not with the intent of irritating what is already an inflamed issue, or confusing the public with more facts and statistics, but rather to clear the air, so to speak, of some basic misconceptions about pollution and provide a more logical approach for solving our problems.

First, I think it should be noted that pollution is not something new, or even something that has grown out of the industrial revolution. Pollution pre-dates man himself in the form of natural pollution. For example, over large fir forests there is a continuous bluish haze produced by terpenes—volatile hydrocarbons emitted by the trees themselves. In fact, the first recorded human victim of air pollution was Pliny the Elder who died in 79 A.D. as the result of an overdose of sulphur oxides produced by the erupting Mt. Vesuvius.

Secondly, I would like to point out the actual sources of air pollution in our present environment. While most people think that the dangers of air pollution lie in the dark, billowing clouds that pour from some of our industrial smokestacks, it is a fact that 90 per cent of all air pollution consists of largely invisible gases. More than half of America's air contamination, for example, consists of colorless, odorless carbon monoxide, most of it issuing from the exhaust pipes of cars, trucks, and buses. The second most common gas pollutant is sulphur oxides produced by homes, power plant and factory combustion of fuels containing large percentages of sulphur. More than one-tenth of the pollutants are hydrocarbons resulting from the un-

burned or only partially burned portion of automotive fuel. Combustion also produces significant quantities of carbon dioxide, ozone and nitrogen oxide. The remaining ten percent of air pollution is made up mostly of fly ash, dust, metal particles and other visible contaminants.

To put these figures in proper perspective it should be noted that the Public Health Service has determined that 60.6 percent of all air pollution results from our various forms of transportation, 16.2 percent comes from industrial combustion, 14.1 percent from the generation of electricity, 5.6 percent from space heating and 3.5 percent from general refuse disposal.

Thirdly, it should be noted that most of the industries and utility companies being held responsible by the public for supposedly creating our pollution conditions have established a commendable record of doing something about the situation. The following is an example of the significant contributions made by many firms to establish a better environmental quality.

General Motors reports that they have now developed controls for the four sources of emissions from the automobile—crankcase, exhaust, fuel tank and carburetor—and for the three types of pollutants now identified with automotive air pollution—carbon monoxide, hydrocarbons, and nitrogen oxides. They also state that the latest pollution control systems are now in use on 1970 models in California, and will go nationwide in 1971. General Motors goes on to say in their research report that the control of both hydrocarbons and carbon monoxide has already turned the corner. The nationwide peak on automotive emissions of those two pollutants has been passed, and the total daily output is declining steadily. This is because the reductions per car are more than enough to offset the growing car population.

Another interesting point made in the report of the General Motors Research Laboratories was that a great deal of the progress to be made in emission control now depends on the development of a lead-free gasoline by the oil industry. Such a development would be especially beneficial, in that it would allow the development and use of the catalytic converter which converts emissions into harmless substances by chemical action. In this regard, it was recently announced by Standard Oil of Indiana that a lead-free gasoline is now available for general consumption. The announcement by Standard included the remark that use of the new lead-free fuel in conjunction with a catalytic converter could result in the production of a 99 percent emission free automobile.

Other American automotive and oil producing companies are developing products along the same line, and already there are 49 service stations in the city of Chicago that are selling the new lead-free fuel.

Therefore, it is apparent that the transportation industry, which through its products is the largest producer of air pollution, is very definitely on the road to improving our environment, and at a relatively rapid rate.

Next, I would like to point out that Illinois industries responsible for pouring pollutants into our air are also taking significant steps to eliminate environmental hazards.

According to the Illinois Environmental Protection Agency, nearly 300 industrial firms from throughout Illinois, excluding Chicago, have invested approximately $200 million on air pollution abatement facilities during the past two years. This cooperation by the state's industrial community is acknowledged in the introduction to the booklet, "Commitments for Clean Air," published by the Illinois Pollution Control Board which states that, "the listings of the industries and municipalities in this publication stand as concrete evidence of the cooperation this Board has received from the industrial segment of this State. It is a cross section of large and small industry who have realized their obligation to abate air pollution and have translated this obligation into a definite response." Likewise, a report by the City of Chicago's Environmental Control Department shows that 87 industrial firms in that city have recently begun pollution control programs.

Therefore, I think it is obvious that industry, upon which the public has placed primary responsibility for our present air pollution, is indeed doing something about the situation. They are taking significant action at a relatively rapid rate.

Fourth, it should be made clear that the power companies are also taking definite and timely action to eliminate their harmful emissions.

Presently, Commonwealth Edison, Illinois Power Company, and Central Illinois Public Service Company, three of the State's largest utilities are participating in a seven million dollar research project to develop an advanced air pollution control system for power plants. The goal of the program is to develop a commercial system to eliminate 99 percent of the solid pollutants and 90 per cent of the gaseous sulphur oxides from the exhaust of power plant boilers.

These companies are also taking steps to shut down older inefficient and costly to operate plants as rapidly as possible, and replacing them with newer plants that are equipped with devices to capture particular matter. An example of this effort to eliminate emissions, can be seen in Central Illinois Public Service Company (CIPS) which is now carrying out a five-year sixteen million dollar program to install electrostatic precipitators at all four of its electric generating stations.

While many people argue that most of the pollution caused by power generating plants could be eliminated by switching to natural gas or some other fuel source, few realize that to do so would be to put an enormous number of coal miners out of work. This can be seen in the fact that CIPS alone consumes nearly 3 million tons of Illinois coal each year. Another statistic shows that the nation's electric utilities today burn more than half of the coal consumed in the United States. So if electric utilities were to shut down all coal operations, it would logically follow that about half the coal miners and processors across the country would suddenly be out of work, and most likely added to our burgeoning relief roles.

Another source of power for the generation of electricity that has been attacked to some degree by factions of the antipollution movement, is nuclear energy. Those who attack it on the basis of air contamination, apparently feel that the radioactivity given off by a nuclear power reactor is a direct threat to their well-being. I would like to quote an observation by Clarence E. Larson, a member of the Atomic Energy Commission. He has pointed out that a person living every minute at the site boundary of one of our nuclear power plants, drinking the discharged water and breathing the air, and eating the fish from the same water would have to remain there for more than 200 years to get the same radiation exposure effect as will result from a single chest X-ray.

In summarizing, I hope I have made it clear that industry itself is not synonymous with air pollution. It is only part of a problem which has been created through man's ignorance of the nature of his environment. It is our society as a whole, not any one particular segment of it, that has contaminated our air. And if the general public would change their attitudes and actions as rapidly and as drastically as American industry has changed theirs, the threat which now exists could be removed.

For such changes to take place, it will be necessary for all of us to become much more educated in the field of ecology, to become willing to alter our life-style to some degree, and to begin assuming responsibility for the conditions which now exist, rather than looking for scapegoats like the industrial community and governmental bodies.

Our state legislature on the request of Governor Ogilvie and with the counsel of Illinois industry has recently enacted the Environmental Protection Act which will give our State a solid set of standards by which industry and government will be able to deal more efficiently with pollution problems. They have acted in response to the desires of the people.

But as Governor Ogilvie said, when announcing his recent environmental protection legislation, "Pollution and the environment are really problems bigger than government. And the solutions and cures must extend beyond the government and its efforts . . . The pollution problem in the last analysis is a people problem. It will only be met when every individual realizes that he is part of the problem, and will have to be part of the solution. Individual concern and individual action are the ultimate keys that will prevent this affluent society from becoming an effluent society—one drowning in its own trash and waste."

In essence the answer boils down to this: Are you willing to give up some of your conveniences, and pay more money in order to have a relatively clean environment? When we can all say 'yes' to that question, we will be able to effectively counter pollution.

What we want, and what we can afford are the two major questions that are unanswered. But they can and will be answered if we can begin to take an orderly and constructive approach toward the problem of air pollution.

NIXONOMICS IN ACTION—INFLATION AND RECESSION AT THE SAME TIME

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GIAIMO. Mr. Speaker, as we near the end of President Nixon's second year in office, let us examine the "success" of his economic policies.

After a decade of unprecedented growth, the U.S. economy has been shaken by the conflicting pressures of inflation and recession. In the past 21 months we have witnessed:

First. The largest increase in unemployment in over a decade, from 3.3 percent in December 1968, to 5.5 percent last month;

Second. Steady increases in the cost of living, including skyrocketing food prices and medical costs;

Third. A steady decline in production;

Fourth. A significant drop in corporate profits; and

Fifth. A sharp increase in interest rates, which are now at their highest level in 100 years.

That, Mr. Speaker, is the sorry economic record of the Nixon administration; a throwback to the Eisenhower-Nixon recession years. The only thing more pathetic than the record itself is

the administration's attempt to defend it. For instance:

The administration claims that there is no recession. The fact is that the National Bureau of Economic Research—the undisputed expert on business cycles—has stated that the years 1969–70 qualify as a period of recession, the first since the Eisenhower-Nixon recession of 1959–60.

The administration claims that it has brought inflation under control. The fact is that inflation has increased since the Nixon administration took office. The Consumer Price Index rose 5.4 per cent during 1969, the highest one-year gain since 1952. In the first 18 months of the Nixon administration it rose 9 per cent, compared to 6 per cent in the previous 18 months.

The administration claims that economic conditions are improving. The FACT is that the economy has made only minimal gains in recent months and has hardly begun to recover from its sharp losses since December, 1968.

The administration claims that current unemployment increases are only temporary. The FACT is that unemployment is still increasing. A six per cent unemployment rate is estimated for the beginning of 1971, with even greater unemployment a possibility later in the year.

The administration claims that inflation is a result of democratic spending. The FACT is that Congress has cut over $7 billion from the President's budget requests for the last two years. Also, it was Congress, not the President, who imposed a spending ceiling on the federal budget in 1969.

The administration claims that it is fighting inflation by cutting federal spending. The FACT is that the President has cut the budgets for vitally needed domestic programs while ignoring expenditures for the unproven ABM system and other wasteful and unnecessary programs.

The time has come for the Nixon administration to admit to its mistakes, Mr. Speaker. The economy is in trouble. The American people need performance, not promises; results, not rhetoric; action, not excuses. Congress has given the administration the necessary tools to control inflation, lower interest rates, and stabilize the overall economy. It is high time the administration utilized these tools for the benefit of all Americans.

Judging by past administration performance, however, Congress will remain the leader in the fight for economic stability through 1972.

GLAD TO HAVE THEM ABOARD

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. ASHBROOK. Mr. Speaker, if the issue were not so vital and crucial to every citizen, the spectacle of certain liberal public figures belatedly posing as law-and-order supporters would be reason for ribcracking laughter. But, because present conditions warrant anything but levity, I am sure my colleagues in the House and Senate who for years have emphasized the self-evident need for a continuing fair but firm law-enforcement system at all governmental levels will welcome all the help they can get on the issue. Unfortunately, the tools of research, observation, and the review of recent history did not suffice for some to get the message. Unfortunately, it required a drastic increase in the killing of policemen, a plague of bombings, and other means of outright violence to drive home to some what every thoughtful citizen has always taken for granted—a well-ordered society presupposes an adequate means of law execution. In recent years the evidence has been piling up, but some have been too busy crying "police brutality" or pushing police review boards or apologizing for lenient judges and parole boards to note and confront the increase in crime.

There were those back in September 1963, who could have cared less that a band of radicals rioted in the caucus room of the House of Representatives during a hearing of the House Committee on Un-American Activities. In commending the local police for their restraint in the face of contemptuous and offensive conduct, I noted in the CONGRESSIONAL RECORD at that time:

It is no secret that one of the stratagems of the Communists in the country is to discredit the FBI, internal security laws and the police whenever it can be done. Unfortunately, they are joined by a great number of civil liberties groups who are silent when gallant police officers are shot in the line of duty, such as Sgt. Peter Voto and Gary Tedesco, at Lodi, N.J., on August 27, 1963, but cry "police brutality" if the policemen use necessary means to defend themselves.

Responsible law enforcement sources have consistently tried to bring to public attention the obstacles they face in guarding the Nation's citizens. The October 13, 1965, issue of the CONGRESSIONAL RECORD carried a lengthy and provocative address by FBI Special Agent Dwight J. Dalbey which I thought should be given wider dissemination. The theme of Mr. Dalbey's address was that the law enforcement is in trouble with the law, not because of law violations but due to public apathy, confusing, and restricting Supreme Court decisions, defective rationalizations, and other factors.

It was evident in the 1960's that the issue of law and order would have to be confronted eventually as a major issue. Items that I thought merited mention in the CONGRESSIONAL RECORD during those years included the slanderous campaign against Lieutenant Gilligan, the New York policeman; the report of a Cleveland grand jury on the 1966 Cleveland riots; a speech by Jack Webb of the "Dragnet" television series entitled "What Is a Cop?"; FBI Director Hoover's statement on riots and disturbances; juvenile crime, subversive elements in riots; excerpts from a report of the Conference of State Chief Justices; subsidized riots; reappraisal of civil disobedience; criticism of Kerner Commission riot report; the role of the FBI in civil disorders.

In 1968 the pattern of lawlessness continued. Other developments in the law and order area which I thought worthy of noting included a House Committee on Un-American Activities report concerning guerrilla warfare advocates in the United States; Governor Reagan's comments on law enforcement; Miami's epidemic of law and order; Director Hoover speaking on violence in American society; violence caused by agitation and design; Operation Shakedown—riots; American campuses and violence; federally financed radicals; various statements by Director Hoover on SDS and the New Left.

It would belabor the point to continue listing the remaining items which I thought merited attention in the CONGRESSIONAL RECORD in the 1960's. Suffice it is to say that the above listing of items, all gleaned from public source material, indicated the lawless and violent trend which has today become a problem of the highest priority.

One further item which interested me and which appears in the July 1, 1968, issue of the RECORD, concerned the petition campaign by the Fraternal Order of Police and its President, John J. Harrington, protesting recent decisions of the U.S. Supreme Court on the issue of crime and law enforcement. The drive encouraged law enforcement officers and other citizens to put themselves on record in their opposition to certain Court decisions by repetitioning Congress for a redress of grievances.

Today I had the opportunity to hear Mr. Harrington testify before the House Internal Security Committee which is conducting hearings on the Black Panther Party. Mr. Harrington again singled out Supreme Court decisions as a major factor in hindering law enforcement:

The Court decisions which surround and protect the criminal with a veritable maze of technicalities, must be reversed. They not only make it much harder to convict the accused, they encourage many to become law breakers in the belief that crime does pay.

Our liberal friends in the communications media were not unmentioned in his testimony:

I am wondering, in the wake of the violence and disorders, which have swept the college campuses and the streets, what these liberal newspapers, and the TV chains, extremely prosperous most of them, are thinking now. Insofar, as I can see, their views have not changed.

Hearings in recent years by Senator MCCLELLAN'S Permanent Investigations Subcommittee, the Senate Internal Security Subcommittee and the House Internal Security Committee and its predecessor, the House Committee on Un-American Activities, along with an avalanche of items from the press should have alerted responsible officials and citizens to the severe nature of the crime problem. It is time to close ranks on this issue, and to those whose awakening has been long in coming I can only say "Welcome aboard."

I insert at this point in the RECORD the statement by President John J. Harrington, national president of the Fraternal Order of Police and my October 7 issue of Washington Report which deals with this very important issue:

TESTIMONY OF JOHN J. HARRINGTON

I am John J. Harrington, of Philadelphia, National President of the Fraternal Order of Police, the oldest and largest of national police organizations. We have approximately 120,000 members, with more than 900 lodges in over 40 states. Our membership is composed of active police officers. Most of them are patrolmen but our membership includes many high police officials.

Speaking for the Fraternal Order of Police, I wish to express my profound appreciation of the fact that Representative Ichord, chairman of the House Internal Security Committee, has introduced HR 19543 and HR 19544 which provide severe penalties for groups and persons who use interstate commerce for the purpose of slaying, wounding, or feloniously attacking police and firemen. We fully approve these measures and think that, if enacted they will go far towards ending the guerilla warfare which is being waged against police and society in this country every day. The police, the pigs, they are called by Black Panthers and other militants, are singled out because their function is to enforce the law and to protect the law abiding citizens and their property. If they can demoralize the police and prevent them and the firemen from carrying out their duties, they will have gone a long way towards their ultimate objective of destroying our system.

Meanwhile, the Panthers and other militants, including some primarily white groups like the Weathermen and some factions of the Students for a Democratic Society, are carrying out vigorous propaganda campaigns which charge the police with brutality, fascism and genocide aimed at the Panthers.

The Weathermen, incidentally, claim credit for recent bombings which have done a lot of damage. Amazingly enough, many prominent persons, including moderate Negro leaders, have been taken in by these charges against police. After two Black Panthers were killed in a raid by police on Panther headquarters in Chicago last December, Panther spokesmen claimed that the police were engaged in a campaign of genocide against Panther members.

A party was given by Leonard Bernstein, famous as an orchestra director, at his home to raise money for the Panthers. This party was attended and the cause approved by Otto Preminger, noted motion picture director, and other celebrities. Arthur Goldberg, now running for the governorship of New York, said he would help with a committee to inquire into the circumstances of the shootout in Chicago. His statements indicated, in my judgment, the most tender solicitude for the civil rights of the Panthers. If he has any concern for the policemen who are being killed by militants almost every day, I have failed to read about it.

For Leonard Bernstein, I must say that he later repudiated the Panthers. If Goldberg did so, I haven't heard about it, nor have the moderate Negro leaders to my knowledge. I want to point out to them that the slaying of black policemen and black firemen is a part of the Panther objectives. All are "pigs" in the BPP version.

The Department of Justice got into the act in Chicago. It immediately empaneled a special Federal Grand jury to inquire into the affair. This Grand Jury has since issued a report highly critical of police conduct in the shootout. Another Grand Jury was empaneled and I would not be surprised if indictments against the officers involved in the raid follow.

I am not familiar with the details of the Chicago encounter. I do know that the Panthers systematically assemble weapons and munitions to be used against the police. In Chicago, the police had a search warrant to look for weapons and munitions and the papers reported that weapons and munitions were found.

What are the police of this country to do? Approximately 20 policemen have been killed without provocation this year. Not long ago, in my own city of Philadelphia, a gunman walked into a guardhouse and killed a long time friend of mine, Sergeant Frank VonColln, who was sitting at his desk unarmed. He was a fine man and a fine officer. Six other policemen were wounded at about the same time. Since that time, a Cleveland policeman was murdered and another wounded. One also was shot down in cold blood not long ago by an assassin in Atlantic City. Every day, Black Panther spokesmen, and other militants urge that policemen be murdered.

Let me read you what the national publication of the BBP, "The Black Panther," had to say of the slaying of the Cleveland policeman in its issue of October 3rd.

"Joseph P. Tracz, Jr., 27, one of the Cleveland's Police Departments Tactical Squad's pigs was known to have an outstanding record for getting lumpens (Panthers) felony charges. His pig partner, Frederick Fulton, 29, 18026, was known to have a contract on his head, put there by the lumpen in the area."

There follows a quote listing a point in the Black Panther platform, which says that all Black people should arm themselves for self defense to resist racist police oppression and brutality.

The article in the Black Panther continues:

"At 2:00 AM, Fulton and Tracz forced a gold Buick 225 over to the curb on E. 106th and Saint Claire Avenues, Fulton ran over to the driver's side and was greeted by a barrage of bullets. He was hit in the mouth, chest and groin. (He is now in the intensive care division of some hospital.)

"Tracz jumped out with his gun in his hand and ran up on the passenger side where he was greeted by a second barrage of bullets, the lumpen (in the correct manner) knocked the pig down, took his gun and fired into the pig, bang, bang, dead pig!

"The lumpen escaped unharmed."

"This and other revolutionary acts will continue to happen until community control of police is implemented throughout racist, facist Babylon."

There is more to the article but it parallels what I have already quoted. The Panthers murder one police officer in cold blood and shoot down another and boast about it openly.

J. Edgar Hoover has stated unequivocally that the Black Panthers are violating the law and yet when I wrote the Attorney General about the matter, I got a mild reply from somebody down the line, saying that an investigation was being held. This is disgusting to myself and most other police officers. Here we have an Administration, supposedly dedicated to the bringing about of law and order. But no recommendations to put a stop to the nation-wide conspiracy aimed at the police by the Black Panthers and others like them have come from the White House and the Department of Justice. The Department, however, rushes out the minute that the Panthers raise the cry of violation of civil rights and genocide in Chicago. I thank God that we have men in Congress like Representative Ichord and others who see the implications and consequences if the Panthers are allowed to carry out their murderous and revolutionary program.

This committee has a hard task. It is the habit of liberal papers like the Washington Post, the New York Times and the St. Louis Post Dispatch to assail this body as useless and engaging in farcical activities. These papers, and others like them, and many of the great TV chains have always sneered at efforts to control, by law, such outfits as the Communist Party. The Supreme Court has agreed with them.

I am wondering, in the wake of the violence and disorders, which have swept the college campuses and the streets, what these liberal newspapers, and the TV chains, extremely prosperous most of them, are thinking now. Insofar, as I can see, their views have not changed. The TV chains list to the left and so do many of our influential newspapers. The Washington Post and the New York Times, for example, call constantly for an end to the conditions which cause crime, poverty, ignorance and discrimination. I oppose all these conditions but, in view of our actual situation today, this advice amounts to prattle. It is like calling for the immediate acceptance, the country over, of the Golden Rule. I wish some of the liberal spokesmen would explain to me why, during other times when the country was a good deal poorer than it is now and there was more discrimination, there was much less crime.

The reality is that efficient police forces and swift and objective court action against the criminal must be employed if the rise in crime is to be curbed. The Court decisions which surround and protect the criminal with a veritable maze of technicalities, must be reversed. They not only make it much harder to convict the accused, they encourage many to become law breakers in the belief that crime does pay.

There is a place and a most important one for the House Internal Security Committee. The Ichord bills provide life imprisonment or death for anyone who kills a policeman or fireman by traveling in interstate commerce or using the facilities of interstate commerce. They provide a term of imprisonment of up to ten years for a felonious assault upon a policeman or fireman, if interstate commerce is involved.

If such a law is enacted, it will, in my opinion, put the Black Panthers and other extremist groups out of business and they should be put out of business. If the people who govern this country, can't stop a guerrilla warfare aimed at overthrowing their society, we are lost. The alternative is a dictatorial government. The people aren't going to put up indefinitely with a situation where they are not safe in the streets, their homes or in their places of business.

Speaking for the Fraternal Order of Police, and many other policemen, I feel, I can say that the average law enforcement officer is fed up. His pay is poor and the conditions under which he works become harder all the time. One comfort is that he feels he has the backing of the public, if only this backing could be organized and made more effective. I see, however, that many former liberal politicians, who used to pat the indulgent students—verbally, of course—on the head and were always yelling about the Bill of Rights everytime somebody talked about law and order, have changed their tune. They are finding virtue in effective law enforcement and are shying away from student excesses and from sympathetic statements for such as the Panthers. I hope that, if they are elected, their conversion turns out to be genuine.

I worked as a partner with Commissioner Rizzo of Philadelphia when I was on active duty on the Philadelphia force for almost 30 years. I am proud to say that I am his personal friend and that I back and the FOP backs strongly his policy of strict but fair law enforcement. When he began this policy, he was strongly criticized by liberal elements and some moderate black spokesmen but with time, his support has grown. He is one of the most popular men in our city and crime in Philadelphia is less, I think, than in any big town in the country.

The FOP favors a fair and strict law enforcement policy, a Rizzo policy and will pass for it all over the country.

Meanwhile, we feel that public support of the police is greater now than at any time in the recent past. Unfortunately, this support is not as well organized as it might be. But we believe that the legislation Mr. Ichord has introduced and similar legislation in the Senate and House are a recognition of the public attitude. We will strongly support the Ichord bills and other measures aimed at the Panthers and other revolutionary and extremist groups. Again, I thank the Chairman and members of the Committee.

POLICE KILLERS MUST BE STOPPED

(By JOHN M. ASHBROOK)

When the four Kent State students died earlier this year, the Ohio National Guardsmen were labeled murderers by many, and there was mourning throughout the land over the death of these students. When members of the revolutionary Black Panther Party are the losers in a shoot out with police acting properly within the scope of their duties, the liberal news media lament the loss of the anarchists and scream "repression." But who mourns for the slain policemen?

During the 10-year period 1960–69, there were 561 law enforcement officers feloniously murdered in the line of duty.

In 1969, there were 35,202 assaults on police officers, 11,949 resulting in injury. Eighty-six police officers, a 34 percent increase over 1968, were killed. More than 100 policemen have been wounded in unprovoked attacks during the first eight months of this year, more than a dozen of them fatally, and the incidence of bombing police cars, sniping at patrolmen and luring them into traps is sharply increasing.

The seriousness of the mounting casualties in police ranks around the country as Black Panthers and other extremists wage terrorist war against public order and authority cannot be overstated. The unmistakable planning and ferocity of these attacks presage a long-range campaign of guerrilla warfare with all signs pointing to further escalation to come. We have already seen how verbal assaults on policemen as "pigs" moved to rock and bottle throwing and then to assaults with pistols, snipers' rifles and fire-bombs.

Verbal assaults have been tolerated under the First Amendment guarantee of free speech. Most of us recall the early school years' chant of "Sticks and stones may break my bones but names will never hurt me." But tolerance of overt violence is a far different story indeed.

Unfortunately, too many Americans were indifferent when organized groups of people burned draft board records, destroyed computerized data in corporate offices or broke police station windows. These acts were generally dismissed as nothing more than legitimate protest or pranks. Time and again the liberal apologists would proclaim that this activity was protected by the First Amendment. Over a long period of time, they have cultivated a permissiveness that allows each individual to decide for himself which laws are "just" rather than yield to the law of the land. As I have pointed out on numerous occasions, those who proclaim the right to violate the law as a "constitutional right" and call law and order "repression" or "fascism" fan the fires which lead to tragedy.

So it was that the burning of draft records led inevitably to burning down the draft board and the attacks on corporate offices and police stations escalated from allegedly "tolerable" protests to fanatical bombings. Tolerating the "permissible protests"—with almost inevitable certainty—leads to escalation and the frightening guerrilla warfare taking place in many of our major cities.

Those who are still willing to dismiss the sniper killings of police and other reprehensible acts of terrorism as being the work of a numerically insignificant radical minority will find that consolation short lived. The demonstrated vulnerability of an open society to the tactics of terror should dispel the illusion of weakness in numerical inferiority. Here are just a few examples of the devastation that can be wrought by an "insignificant radical minority": In Chicago four policemen have been slain from ambush since mid-June; in Omaha one policeman was killed and seven wounded in a bomb explosion; in Minneapolis a policeman was killed in his squad car; and in Philadelphia a police officer was brutally shot five times sitting at his desk and three other policemen were wounded during the same weekend.

Our society must move with firmness and determination to protect itself against such atrocities. The policeman feels abandoned by the society which asks so much of him. He is often reviled by the very people he is supposed to protect. It has reached the point where he has good reason to fear for his life, as his fellow citizens fear for theirs. Those who volunteer for service in the law-keeping forces deserve and must be given the full support of those they protect. Action is also needed to safeguard firemen, who also have been repeatedly attacked in the performance of their duties.

The ease with which today's highly mobile criminals—and of course they are that for murder is always murder no matter what the objectives—can flee from the scene of their crimes calls for legislation to permit Federal assistance to local law enforcement agencies when necessary to apprehend those who deliberately single out law enforcement officials and firemen for their vicious attacks.

I have in the past introduced legislation to make it a Federal crime carrying stiff penalties to interfere with the activities of policemen, firemen, and other law enforcement officers. I have also introduced legislation calling for stricter bomb laws. Last week I joined in sponsoring another strong bill aimed at providing prompt Federal investigatory assistance when a policeman or fireman has been assaulted or murdered. The State could rely on the Federal Government's resources and facilities in apprehending the suspects, yet would remain free to try them for the offense.

By whatever name you call it—a revolution, a guerrilla war, a terrorist uprising—this violence which is menacing the whole fabric of our society must be curbed. Halting the dreadful unprovoked attacks on our law enforcement officials and restoring community confidence and support in their invaluable work is a common-sense step in that direction.

CAPTIVE NATIONS MORE CAPTIVE TODAY, SAYS HORTON

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. HORTON. Mr. Speaker, this past July we again marked Captive Nations Week. In 1959, Congress passed a resolution authorizing the President to proclaim the third week of July as Captive Nations Week. The President was requested to issue the proclamation each year until all the captive nations of the world achieve freedom and independence.

In this 11th year since the proclamation, we have to react with sadness at the deteriorating plight of so many nations who are still under the oppressive thumb of the U.S.S.R.

And yet, Mr. Speaker, I feel we in Congress can offer encouragement to the millions of freedom-loving people who endure the domination of communism, and to their relatives here in the United States. The fear, the strangulation, the anguish would be almost impossible to bear, if these people did not know that there are those in the free world who are working for their rights of self-determination.

Despite their sufferings, there is an undercurrent of hope and a strong will to succeed. I commend the people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Armenia, Azerbaijan, Georgia, Albania, Idel-Ural, Cossackia, the people of all other subjugated nations and their countrymen living in the free world for maintaining their spirit of freedom.

Mr. Speaker, the captive nations are a reminder to the entire world of the tragic injustices to our fellow men in Eastern Europe. All of us should reaffirm our belief in the rights of all men to be free. By so doing, we are attesting the dignity of man, and his ability to determine his own fate.

These things need to be said, the free spirit of the captive nations, dominated by communism is deserving of praise and encouragement. But we must not stop there. If we do, we will be lamenting the plight of captive nations for years and decades to come.

What we must do is probe the details of the oppressive situation these people face. We must take every possible opportunity to call public attention to the injustices that these millions of human beings are forced to suffer.

Mr. Speaker, as an illustration of what I am talking about, I have done a great deal of work and study into the problems besetting the people of Hungary While these problems do not begin to tell the whole story of the captive peoples, they will serve to point out in vivid detail, the seriousness of the situation behind the Iron Curtain in 1970.

At this point, I am including in the RECORD the text of a recent address I made to a group in my district, as well as a study which I asked the Library of Congress to undertake concerning a recent change of policy in Hungary regarding passports, and an exchange of correspondence regarding a possible change in American policy which would directly affect the people of Hungary.

Following is the text of my recent remarks at the 50th anniversary gathering of the Rochester Hungarian-American Community to discuss the consequence of the Trianon Treaty of 1920 for the peoples of Central Europe:

First of all, I want you to know that I was deeply honored when my dear friend Louis Lote asked me to serve as your main speaker tonight. I do not want to take too much of your time, but I do want to make several important points about the concern which we all share for the situation in Eastern Europe.

You don't realize how significant it is that you, American citizens with families and problems of your own, have come here to talk about the consequences and the tragedies that have resulted from the signing of a treaty in Europe 50 years ago which most Americans today in 1970 never even heard of. Of course, it is not unusual for members of an immigrated nationality to continue to be concerned about their homeland, or to meet together to share their thoughts and their worries. This is not what is so significant. What is significant is that you, as Americans, are devoting time and energy to a problem which, but for your own determination and initiative, might be all but forgotten in this new world. At a time when almost all discussion of public

issues centers around the Southeast Asian war, around protesters, around racial division and dissent and other high-profile problems of our own people, it is very, very heartening to know that not everyone has allowed the deep-rooted historical problems of the peoples of Eastern Europe to be swept under the rug and forgotten.

The Trianon Treaty was a tragic mistake which created a new order in Eastern Europe, out of which the only certain result was to be disorder, disunity and oppression. It was the seed, which once planted, bore certain pain and death for millions who suffered under Hitler and Stalin, a seed which when nurtured by more mistakes which followed, split up nations and peoples and families which could today be living in peace and tranquility and freedom instead.

In 1970, the Trianon Treaty is something more than a seed of human mistake which bore tragedy. It is a lesson of history, teaching us that when the precious moments arrive when men at peace tables in the aftermath of war may set about reordering embattled nations for a new life and a new era, there are factors which cannot and must not be tossed aside for political expediency.

Those who recarved Europe after World War I, disregarded the lasting factors of nationhood, common language, natural boundaries and disregarded prior lessons of history in redrawing the map.

Will we allow the lesson of Trianon to go unheeded the next time there is an opportunity to establish a more peaceful and permanent order in Europe and other regions of the world? When the time comes for peaceful and permanent settlement of problems in the Middle East and in Southeast Asia, will we allow political expediency to sow the seeds for future wars by dividing nations and peoples?

Only if people like yourselves will not allow the world to forget these lessons of history can we hope for a better world in the future.

The pain and suffering forged by this treaty and by subsequent events are still very much in evidence in the present nation of Hungary. Not only are the Hungarian families and villages which were thrust into hostile foreign regimes suffering as oppressed minorities, the Hungarians who are remaining in what is today called Hungary are not much better off. There is one current example which has received very little attention in the press and news media that I want to point out to you.

Earlier this Spring, the communist regime in Budapest announced a new law which, on its face, would for the first time entitle every citizen of Hungary to a passport for foreign travel. Some publicity was given to this new law, hailing it as a great sign of liberalization of Hungarian communism. Nothing could be further from the truth.

I was skeptical about some of these reports, and I asked the Library of Congress to obtain a copy of the full text of this law and to fully research its impact and its consequences. The result was startling. First of all, the issuance of passports is subjected to the capricious and arbitrary regulation of several Hungarian government agencies. The grounds for passport denial are so broad as to make any "new statutory right" to a passport laughable.

Most serious about this new law is that it has been devised as a tool to discriminate against those in Hungary who have relatives abroad who either left without official permission or who are engaging in activities which the Budapest regime deems harmful to its interests or unlawful.

In other words, the new law seeks to put a damper on Hungarian antiCommunist organizations abroad by singling out relatives of the members of these groups for passport denial.

Thus, any 1956 refugee who belongs to the Freedom-Fighters Federation, any who belong to organizations which regularly or even occasionally criticize the Budapest regime, may find that back-handed sanctions are applied through discriminatory treatment of relatives back home, under this new passport rule.

Mr. Speaker, I should like permission to enter this Library of Congress study into the CONGRESSIONAL RECORD. I intend to send it to our Secretary of State, and to those in the United Nations concerned with international human rights. For, there is no question that this so-called liberalization is really an attempt to cripple political activity in free nations like the United States and Western European countries where Hungarians reside. I do not think oppression of this sort should escape world attention, and I certainly do not think it should pass for "liberalization" in the world press.

The full text of the background study on this new regulation follows:

NEW PASSPORT REGULATIONS IN THE HUNGARIAN PEOPLE'S REPUBLIC

The Presidium of the Hungarian People's Republic issued an edict on passports on March 3, 1970.[1] This regulation was widely heralded in the Hungarian as well as in the foreign press as a new milestone in the direction of the "liberalization" of the hitherto harsh measures of communist rule, and toward compliance with the Universal Declaration of Human Rights.

The probable reason for this claim is the first half of Section 3(1) of the Edict which provides that "every Hungarian citizen has the right to a passport and to travel abroad. . . ." However, the whole picture may be seen in a different light if the entire paragraph is read and the provisions that follow are also taken into consideration, together with the regulations included in the implementing decrees which were issued on the same day by the Government[2] and by the Minister of the Interior.[3]

Sections 3 and 4 of the Edict read as follows:

SEC. 3. (1) Every Hungarian citizen has the right to obtain a passport and to travel abroad provided he complies with the requirements set forth in the statutory provisions.

(2) A passport shall not be issued to a person whose travel or stay abroad might impair or jeopardize the state or economic interests of the Hungarian People's Republic, or other important public interests.

(3) The passport shall be revoked if the issuing authority obtains knowledge about the circumstances defined in paragraph (2).

SEC. 4. The Government, in the interest of the state, may restrict the issuance of passports within certain limits, and may establish excluding reasons beyond those defined in paragraph (2) of Section 3.

The Edict defines the several types of passports which may be issued. These are: diplomatic passports, service passports for foreign service personnel, service passports, service passports for sailors, private passports, group passports, emigration passports, consular passports, border crossing certificates, and repatriation certificates.

The Edict is very short; it only lays down the basic principles and includes authorizations for the Government to implement these principles. Apparently the drafters of the statute were very anxious to give the Government the power to restrict the issuance of passports because, in addition to the authorization in Section 4, another, similar authorization is also included in Section 8, which reads:

SEC. 8. The Government shall take care of the implementation of the present Edict and, at the same time, it shall be authorized to establish by decree the rules of issuance and use of passports, as well as the causes for the exclusion of the issuance of passports.

The Government, by virtue of the authorizations included in the afore said sections of the Edict, issued its Decree which regulates in detail the rules for issuing or refusing to issue a passport, and other conditions of travel abroad by Hungarian citizens.

The first section of the Decree relegates the right to issue passports to the Minister of the Interior with the exception of diplomatic passports and service passports for foreign service personnel which are issued by the Minister of Foreign Affairs.

The same section sets the validity of a passport at five years, which may be extended or renewed. The territorial validity of a passport extends to the states or continents indicated therein.

Probably the most important provision of the Decree is paragraph (1) of Section 1 which provides that:

A passport shall entitle [its holder] to travel abroad only with an exit permit.

This inconspicuous provision extends the hitherto frequently used practice that prevented even the owners of valid passports from leaving the country, causing in many instances great expense and irreparable damage. It also makes the passoprt a worthless document, because the statutory provisions regulate only the conditions for the issuance of a passport, but no statute has been published which would regulate the issuance of the exit permit, without which the passport is useless. Apparently the issuance of an exit permit remains within the discretionary power of the police, which may issue or deny it in accordance with secret internal directives.

This practice in the past caused many would be travelers, who had already obtained their passports, to obtain the foreign visas for their intended temporary or permanent stay abroad at great expense and to make all travel arrangements only to have the exit permit denied without any justification.

Service passports may only be issued upon the authorization of the heads of national agencies to officials of these agencies who travel on official agency business if it involves state, social, or economic interests. Service passports may, furthermore, be issued to judges and prosecutors, heads and division chiefs of county and district councils, employees and higher-ranking officers of social and mass organizations, students who received a state scholarship for more than one year, persons who carry out international agreements, Hungarian employees of international organizations and of Hungarian communications media and transportation agencies, and to the spouses and minor children of the aforesaid persons in case of assignments of long duration.

Private passports may be issued to persons who travel for the purpose of official (economic, sports, cultural, etc.) assignments and are not entitled to service passports. Furthermore, private passports may also be issued to visitors if their travel expenses are paid by the persons inviting them, to tourists, and to persons who want to travel for educational purposes, are looking for employment, or seek medical treatment.

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[1] Edict No. 4 of 1970 of the Presidium of the People's Republic; published in *Magyar közlöny*, No. 13, p. 91 (March 3, 1970).

[2] Decree No. 4/1970 (III.3.) of the Hungarian Revolutionary Worker-Peasant Government on Passports. *Ibid.*, p. 92.

[3] Decree No. 2/1970 (III.3.) B. M. of the Minister of the Interior on the Implementation of Decree No. 4/1970 (III.3.) Korm, on Passports. *Ibid.*, p. 95.

According to the general provisions of the Decree, every request for a passport must be accompanied by the opinion of the employer if the applicant is a worker or employee; in case of a self-employed applicant the opinion is given by the professional organization, and in case of students, by the educational institution. This opinion must be taken into consideration in the adjudication of the request by the issuing authority.

This requirement alone practically nullifies the right to travel abroad as declared in Section 3 of the Edict, because it gives employers (government agencies or government enterprises), or government-dominated professional organizations a discretionary veto power over any request for a passport.

Section 3 of the Decree deals with the statutory reasons for denial of a request for a passport. This Section reads as follows:

SEC. 3. (1) A passport shall not be issued to a person:

(a) whose stay abroad might injure or imperil the internal or external security of the Hungarian Peoples Republic;

(b) who wants to travel to an organization or person engaged in a hostile activity against a socialist state;

(c) against whom criminal proceedings are in progress, or who is under the effect of a criminal sentence;

(d) who is under police surveillance, or under the effect of a banishment [from a certain part of the country];

(e) who wants to travel to a person who is staying abroad illegally, or whose parent, child, spouse (common law spouse), brother or sister is staying abroad illegally;

(f) the required financial means of whose stay abroad are not assured.

(2) The reasons for inclusion described in par. (1), point e) shall not be taken into consideration if the punishability of the crime committed by the illegal stay abroad, or the possibility of the execution of the punishment imposed therefor has ceased.

The reason for exclusion enumerated in the above section of the Decree are—in most cases—clear violations not only of the Universal Declaration of Human Rights, but also of the principle set forth in Section 3 of the Edict.

There is no statutory definition found in my statute as to who, or what behavior may "injure or imperil" the security of the Hungarian People's Republic. Therefore, it must be assumed that the determination is left to the discretionary decision of the issuing authority, the Minister of the Interior and his subordinates, the police authorities. On the basis of this provision alone a passport may be denied to anyone who is merely suspected of being a critic of the Government or the Communist Party, and consequently, travel abroad is only assured to the subservient followers of the regime.

The second condition is also repugnant, because it is again left to the discretionary power of the police to determine what foreign organization or which foreign person is engaged in an activity which is, again in their determination, "hostile to any socalist state." The wide range of possibilities cannot even be foreseen, and the consequences of this provision may even be more serious and dangerous to the citizens of Hungary who travel abroad and later may be accused of violating this provision because they met a person who, according to the Hungarian police, is engaged in such a "hostile activity."

At this point it should also be considered how the Hungarian Criminal Code [4] defines certain crimes against the state:

SEC. 127. Whoever commits an act liable to incite others to hatred directed against

(a) the Hungarian nation,

(b) the Hungarian People's Republic, its political system, any fundamental institution of the political system, the Constitution of the Hungarian People's Republic, or any of its fundamental principles,

(c) international relations of alliances or friendship or other international relations aiming at cooperation of the Hungarian People's Republic,

(d) against any people, nationality, denomination, or race, as well as on account of their socialist conviction, against certain groups of people, . . .

is punishable for the crime of incitement.

Section 129 of the Code defines treason as follows:

A Hungarian citizen who makes contact, forms an alliance, or cooperates with a foreign government or a foreign organization or with its agent in order to violate the independence, territorial integrity, political, economic, defense, or other important interest of the Hungarian People's Republic. . . .

Espionage is defined in Section 131 of the Criminal Code which reads in part:

SEC. 131. (1) Whoever offers himself for intelligence work for a foreign government, foreign organization, or for its agent, or undertakes such work, shall be punished. . . .

(2) Whoever acquires, collects, or delivers data which can be used to the prejudice of the Hungarian People's Republic with the purpose of having such data passed on to a foreign government, foreign organization, or to its agent, shall be punished. . . .

In one section the Criminal Code protects the interests of the other socialist states by providing that:

SEC. 133. Whoever commits a crime defined in this chapter to the prejudice of another socialist state shall be punished with the punishment provided for that crime.

The nationality law of the Hungarian People's Republic [5] provided that Hungarian citizenship may only be lost by dismissal upon request, or denationalization by the Hungarian Government. The law acknowledges the possibility of dual nationality, and regards all former Hungarian citizens who were not dismissed or deprived of their Hungarian citizenship by the Hungarian Government as Hungarian nationals even if they renounced their nationality and acquired another citizenship.

As a consequence of the above-cited legal provisions, any former Hungarian citizen may still commit the crime of treason, not to speak of incitement or espionage, which can also be committed by persons who never were Hungarian citizens.

To illustrate the effect of provision 3 (1) b) of the Decree on passports, in connection with the above-cited criminal provisions, any librarian who collects reference material on Hungary or any other socialist state may be regarded as one who is committing espionage. Similarly, any American citizen who supports the American Government's policy in South East Asia may be regarded as engaging in a hostile activity against a socialist state. Consequently, any Hungarian who wants to meet such people may be denied a passport.

The reason for exclusion defined in the first half of point c) which provides that a passport shall not be issued to a person against whom criminal proceedings are in progress is reasonable and usual. The second part of the same point is, however, very vague because the question of who is under the effect of a criminal sentence, and for how long, especially after serving the imposed punishment, is not defined in any statute.

The provision of point d) is not unusual, only the measures of police surveillance and banishment are unusual in a free society.

The reason for the exclusion defined in point e) of Section 3 (1) is to punish innocent relatives of persons who committed an act which is known as crime only in communist-ruled countries. It is quite difficult to determine when a person is staying abroad illegally. The second paragraph of the same section of the Decree provides that the excluding provision may not be applicable if the punishability of the crime committed by staying abroad illegally has ceased. Some newspaper reports concluded from this provision that the exclusion is not applicable to those whose relatives left Hungary prior to March 22, 1963, because on that day a general amnesty [6] went into effect which applied to persons who left Hungary without permission. The problem, however, is not so simple.

First of all the term "staying abroad illegally" is uncertain and heretofore unknown in Hungarian legal terminology. The Criminal Code distinguishes two different "crimes" which may result in "illegal stay abroad." Section 203 of the Code provides that the crime of unauthorized crossing of the frontier is committed by a person who: "crosses the national boundary without permission, or with a travel pass obtained by misleading the authorities, or in another unauthorized manner."

The other pertinent provision of the Criminal Code is Section 205 which deals with the crime of refusal to return home which is committed by anyone who: "left the country with permission and does not return to its territory despite an official summons to do so, or otherwise makes known his intention to stay abroad permanently."

The language of the Decree does not make clear which of the acts above performed by relatives abroad is responsible for the denial of a passport to the applicant, or may it be assumed that it will be applied to all persons whose relatives committed either of the two acts?

However, the 1963 amnesty is applicable only to persons who "left the country without permission" and not to those who "refused to return." Furthermore, the amnesty did not apply to persons who committed the crimes of treason or espionage. It was shown above how widely these crimes may be construed, therefore, it is quite uncertain whether the amnesty was applicable to any person who escaped from Hungary. Consequently, a passport may be denied to any Hungarian citizen who has a relative abroad, regardless of when the latter left Hungary, because the police authorities may decide that these relatives are abroad illegally.

It should be mentioned that on March 25, 1970, the Presidium of the Hungarian People's Republic proclaimed another amnesty.[7] This applies, among others, to persons who were convicted *in absentia* for the unauthorized crossing of the frontier and for refusal to return. No criminal proceedings may be instituted against those who announce their intention to return to Hungary to any Hungarian diplomatic mission, and actually return before the end of the year 1970, provided they did not commit any other crime. It is unclear from the reports whether the latter condition also applies to persons who have already been convicted.

This amnesty decision makes a very interesting distinction in the application of the passport decree. Relatives of persons who were convicted *in absentia*, regardless of whether the latter refuse to return to Hungary, may obtain a passport because the possibility of executing the punishment has ceased. However, the relatives of those who have not been convicted yet of the same act will be denied a passport because the amnesty to them is only applicable if they have

[4] Law No. V of 1961 on the Criminal Code of the Hungarian People's Republic.

[5] Law No. V of 1957 on Hungarian Citizenship.

[6] Edict No. 4 of 1961 on the General Amnesty.

[7] The official text of this statute is not yet available in the collection of the Library of Congress. Parts of the present report pertaining to this amnesty are based on a report published in the Hungarian biweekly publication *Magyar hirek*, v. 23, No. 7 (April 4, 1970). p. 2.

declared their intention to return and will do so prior to 1971.

The final reason for exclusion gives the Government another weapon to restrict the travel of citizens, because, according to Section 19 of the Decree, the Minister of Finances is authorized to determine the amount and the distribution of foreign currency available for travel abroad.

The issuance of a passport may be denied temporarily (for up to five years) to a person who made untrue statements in his application for a passport, who abused his passport by prolonging an earlier stay without permission, or by traveling to a country other than that to which the exit permit authorized him to go, or by taking unauthorized employment abroad. Similar consequences are imposed on a person who has lost his passport, or whose passport was detroyed through his own fault; who behaved abroad in a manner injurious to the interest of the country, or whose behavior was unworthy of a Hungarian citizen; or who committed a minor violation of the customs or foreign exchange regulations.

The Decree imposes a territorial restriction on foreign travel by providing that Hungarian citizens may only travel more than once a year to countries with which Hungary has concluded a bilateral agreement to this effect. Such countries are the socialist (communist) states, and Finland. To any other country visitor passports or permits may only be given once every two years, and tourist passports or permits only once every three years.

The length of the stay abroad is also curtailed by the Government, which provides in Section 10 of the Decree that:

The stay abroad in European states may in general be permitted for up to thirty days, and in states overseas, in general up to ninety days.

The limitations on the frequency and duration of travel obviously apply only to visitors and tourists and not to those who travel on official assignments with private passports.

Emigration is also restricted by the Decree which provides that:

"For a permanent stay abroad a passport may be issued to a person who is over 55 years of age and wants to depart for the purpose of living with his [or her] parent, child, or spouse, provided that he is not liable in Hungary for support, financial or public debts."

The Minister of the Interior may grant exceptions in justified cases.

This restriction means that citizens of Hungary who are under 55 years of age are unable to change their permanent place of living. Those who are over 55 years, but do not have close relatives abroad, may not emigrate either.

Provisions dealing with consular passports, border-crossing certificates, and repatriation certificates, as well as the procedural requirements, are of minor importance and are not dealt with in the present report.

The restrictions imposed by the Government on the issuance of passports and permitting travel abroad sharply contradict the general principle of free travel set forth in the Edict of the Presidium of the Hungarian People's Republic, not to speak of the Universal Declaration of Human Rights.

Mr. Speaker, this fine and detailed study was prepared by Dr. William Solyom-Fekete, senior legal specialist in the European Law Division of the Law Library, Library of Congress. The whole captive nations' community owes Dr. Solyom-Fekete its deepest gratitude for this effort.

Despite this continuing evidence of totalitarian tactics and control by the Hungarian Communists over individual liberties, there was a disturbing report recently in the New York Times which said that the new U.S. Ambassador to Hungary had mentioned or recommended that we negotiate the return of the crown of St. Stephen. To Hungarians it is a symbol of legitimate constitutional government. The United States has had possession of this 1,000-year-old symbol since World War II. We have not returned it because it would mean to the Hungarian people that the free people of America have annointed the Communist regime with an aura of acceptability and legitimacy. It would mean that we had abandoned any hope or effort to win freedom for Hungary, or to win meaningful concessions in the area of human rights from Kadar's government.

I checked this startling report with our State Department. They replied, fortunately, that they had no "plans" to negotiate the return of the St. Stephen crown, but they did say that they did not rule out the possibility of returning the crown if it would serve the real purpose of promoting better relations between our two Governments.

In my humble opinion, this would be the wrong reason for returning the precious crown. It is not the relationship between our Government which is important, it is the relationship between the Hungarian regime and its people which must determine the legitimacy or nonlegitimacy of that Government, which must determine its right to wear proudly and boast proudly its possession of the crown of St. Stephen.

You may agree with me that to date, Kadar's rule, like Communist rule in the other captive nations, has fallen far below that standard of freedom and dignity for his people which the crown should signify. Thus until and unless the plight of the people of Hungary changes for the better, I do not believe we should consider bringing the crown even a mile closer to Budapest than it is now.

Thus, Mr. Speaker, we must look beyond the sincere but general praises of the free spirit of captive people. We must look to the details of international events and policies, including our own foreign policy, which will, in the long run, determine how long these nations will remain captive.

The issues which I have thus related are vitally important to the people of one captive nation, Hungary. I could spend equal time discussing the detailed plight, of other captive peoples. Let us not be satisfied to glorify and then forget these people. We must remain vigilant of their plight.

The reduction in human freedom in many Communist countries is having its effect on American citizens. Recently, an Amerian, visiting East Germany, was sentenced to 7 years in prison for stating that the stability of the East German regime depended on the presence of Soviet troops in that country. His sentence is one of the most oppressive in modern times.

One of my own constituents, a graduate student, is in his third month of incarceration in a Czech prison.

Other Americans are held prisoners elsewhere in the Communist world. They have, in effect, been woven into the web of totalitarianism rule which Eastern Europeans have now been living with for more than 20 years.

Mr. Speaker, I am aware that our President has extended highly successful personal diplomacy into the countries of Eastern Europe—notably Rumania and Yugoslavia—I support what the President is doing diplomatically in these countries in the hope that its result will be more freedom for the citizens of these nations and less dependence of these countries and their governments on the military intervention of the Soviet Union.

On the eve of the 14th anniversary of the Hungarian revolution I urge that American citizens not allow the present era of negotiation to obliterate the facts of human suffering and oppression which are daily fare in the captive nations.

FEDERAL RESERVE APPOINTMENTS TO TRUTH-IN-LENDING ADVISORY COMMITTEE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mrs. SULLIVAN. Mr. Speaker, I have often remarked here in the House on the outstanding performance of the Board of Governors of the Federal Reserve System in carrying out its responsibilities under the Federal Truth-in-Lending Act—title I of the Consumer Credit Protection Act of 1968. The Board's assignment under that act is a very broad and difficult one, in an area of activity in which this agency had never before been required to assume jurisdiction.

The members of the Federal Reserve Board have mixed feelings whenever I comment on the fine job they have done in a consumer field, because the last thing the Board wants is any further responsibilities as a consumer agency. Nevertheless, their work in the preparation and issuance of regulation Z, to implement the Truth-in-Lending Act, deserves great praise. When businessmen complain, as they sometimes do, about the added paperwork this act may have imposed on them, I point out to them that the regulation was drafted by an agency which is as conscious as any in Government of the needs of legitimate business, and that when the Board imposes a requirement which Congress left up to the Federal Reserve's discretion, it is imposed only because the Board considers it essential to close loopholes or prevent schemes for circumventing the statute.

DR. HOLTON REAPPOINTED CHAIRMAN

Part of the explanation for the Board's conscientious approach to its responsibilities under the Truth-in-Lending Act lies in the fact that the Truth-in-Lending Act called for establishment of an advisory committee representing consumers, lenders, and sellers of merchandise on credit, to assist the Board in developing policies and issuing regulations under the act. The Board yesterday reconstituted this advisory committee by reappointing 10 of the 20 members of the

original committee for terms of 1 year each, and appointing 10 new members for 2-year terms, so that the advisory committee will hereafter have a rotating membership. Henceforth, no member will serve continuously for more than 2 years, and can be reappointed only after being off the committee at least a year.

The advisory committee, from the time of its formation 2 years ago, following passage of the act, has been headed by Dr. Richard H. Holton, dean of the school of business administration, University of California, Berkeley, Calif. Dr. Holton has now been reappointed by the board of governors as chairman of the committee for another year.

OTHER REAPPOINTMENTS

Also reappointed for 1-year terms ending next June 30 are Mr. James M. Barry, managing director of the Texas Credit Union League, Dallas, Tex.; Mr. O. C. Carmichael, Jr., chairman of the board of Associates Investment Co., South Bend, Ind.; Mr. John E. Eidam, former president, Omaha Bank for Cooperatives, Omaha, Nebr.; Mr. William F. James, president, Bill James Chevrolet Co., St. Louis, Mo.; Mr. Robert J. Klein, economics editor, Consumers Union of the U.S., Inc., Mount Vernon, N.Y.; Mr. William F. Melville, Jr., senior vice president, Maryland National Bank, Baltimore, Md.; Mrs. Doris E. Saunders, staff associate for public information and neighborhood relations, office of the chancellor, Chicago Circle Campus, University of Illinois, Chicago, Ill.; Mr. Miles C. Stanley, president, West Virginia Labor Federation, AFL–CIO, Charleston, W. Va.; and Miss Barbara A. Zimmelman, consultant, Urban and Economic Development, Houston, Tex.

NEW MEMBERS OF TRUTH IN LENDING ADVISORY COMMITTEE

The following new members were named to the committee for 2-year terms ending June 30, 1972:

Mr. H. D. Allen, assistant credit sales manager, Rich's Department Store, Atlanta, Ga.; Mr. Edwin B. Brooks, Jr., president, Security Federal Savings & Loan Association, Richmond, Va.; Miss Barbara A. Curan, senior research attorney, American Bar Foundation, Chicago, Ill.; Dr. Louis F. Del Duca, director of admissions and professor of law, Dickinson School of Law, Carlisle, Pa.; Mrs. Lynnett Taylor, executive director, Delta Sigma Theta Sorority, Washington, D.C.; Mr. Robert R. Masterton, president, Maine Savings Bank, Portland, Maine; Mrs. Faith K. Prior, extension specialist, University of Vermont, Burlington, Vt.; Mr. Robert W. Pullen, administrative vice president, Colby College, Waterville, Maine; Mr. Peter R. Thompson, president, Mid-Continent Properties, Inc., Piqua, Ohio; and Mr. Harry R. Valas, vice president, Valas Corporation, Denver, Colo.

OTHER MEMBERS OF ORIGINAL COMMITTEE

Mr. Speaker, the changes made by the Federal Reserve in the membership of the Truth in Lending Advisory Committee were based, as I said, on the expressed desire by the Board to limit membership hereafter to 2-year terms. But instead of replacing the entire committee at one time, and have an entirely new committee unfamiliar with previous actions and recommendations, the changeover was accomplished by replacing one-half of the committee at this time with the intention of replacing the remaining 10 members of the original committee next year.

Hence, I feel it is proper at this time, in placing in the RECORD the membership of the new committee, to express my appreciation as sponsor of the legislation which became the Consumer Credit Protection Act of 1968 to the 10 members of the original committee whose terms have now ended for the hard work and good work they did in helping to make truth in lending an effective law for the education of consumers in the costs of using credit.

They are:

Mr. Clark W. Blackburn, general director, Family Service Association of America, New York, N.Y.; Mr. W. H. Bowman, credit sales manager, Davison-Paxon Co., Atlanta, Ga.; Mr. Dick Christman, Dick Christman, Inc., Oklahoma City, Okla.; Dr. Jean A. Crockett, department of finance, University of Pennsylvania, Philadelphia Pa.; Mr. George H. Dixon, president, First National Bank of Minneapolis, Minneapolis, Minn.; Prof. David I. Fand, department of economics, Wayne State University, Detroit, Mich.; Mr. Richard G. Gilbert, president, Citizens Savings Association, Canton, Ohio; Mr. Irving S. Michelman, executive vice president; Budget Finance Plan, Los Angeles, Calif.; Mr. T. G. While, consultant, the Goodyear Tire & Rubber Co., Akron, Ohio; and Prof. William F. Willier, department of law, Boston College Law School, Brighton, Mass.

TAYLOR, MICH., TO VOTE ON RECREATIONAL PROGRAM; FEDERAL GRANT AT STAKE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased to report on plans by local officials in my home city of Taylor, Mich., to launch a $5,000,000 recreation program with the help of a $325,000 open space land grant from the Department of Housing and Urban Development.

Voters in Taylor will be asked at the November 3 election to approve a $5 million bond issue. Unless voters give their approval, the $325,000 Federal grant will be lost, and the program will be dropped.

As a resident and voter in Taylor, I plan to vote in favor of the bond issue, for I believe that adequate recreational facilities are a vital part of any community's overall planning.

Taylor is one of the fastest growing communities in the Detroit metropolitan area, and land for parks and recreation purposes is fast disappearing. This may well be the city's last opportunity to acquire adequate sites for this purpose.

If the bond issue is approved, Taylor officials plan to purchase 40 park sites, including an 82-acre tract that will be developed as a community center. Included among the plans are two swimming pools and two artificial ice-skating rinks.

I am very proud and pleased that the Taylor city administration has demonstrated its foresight in giving voters an opportunity to provide funds for a well-rounded recreational system. Too many communities fail to recognize this need until most available land has been used.

I am pleased, also, to see my hometown taking advantage of the open space land program, one of the many programs approved by this Congress to help local communities solve their problems. It represents another example of how enlightened cooperation between Federal and local agencies can help progressive communities plan for the future, and put Federal tax dollars to work on local projects to benefit local residents.

The Taylor recreation plans were developed by a dedicated and capable group of city officials which include Richard J. Trolley, mayor; Roy L. Ford, clerk; Louis M. Theil, treasurer, and Roy Davis, Troy Harville, Richard Marshall, Mitchell Moran, Robert A. Rapley, Robert Robinson and Harold W. Siebert, councilmen.

Other members of the city administration are Parker Salowich, recreation director; William Siemasz, assessor; Robert Kurtz, constable, and Anthony Nicita and William J. Sutherland, municipal judges.

To this outstanding group of public servants, I offer my congratulations for a fine job of community planning, and my sincere hope that Taylor voters will join me and them on November 3 in approving the bond issue and making this wonderful recreation program possible.

THE CHALLENGE OF CHANGE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GUBSER. Mr. Speaker, Dr. Robert DeHart, president of De Anza College in my congressional district recently spoke at a conference held at Pajaro Dunes, Calif.

Believing Dr. DeHart's comments will be of interest to readers of the CONGRESSIONAL RECORD, I am submitting his address for inclusion in today's proceedings:

THE CHALLENGE OF CHANGE

"Change With A Purpose Should Be A Commitment Of This College: Continuous development and evaluation should permeate our activities. Institutional criticism should be sought and considered as an ongoing means of improving. Imaginative and creative approaches to the many problems facing higher education in the years ahead should be encouraged."—DeHart's 1969 Opening Address.

I don't know how valuable you find my opening of the school year speeches (this is my fourth now), but I do know they are good for me. I hold all of you in such high regard, and in wanting you to feel the same about me, I am highly motivated to really get myself together on what I consider the most important topic for an academic year. And, within the demands imposed on a presi-

dent's time, I do prepare carefully and give it my best shot.

My first year I spoke to you about the characteristics that I hoped De Anza College would achieve as we grew and developed. The most important characteristic, I emphasized, would be a "sense of community" where the relationships that developed between people—trustees, faculty, students, and administrators—and their interaction with each other, are what would ultimately determine the quality of our college. My next year's speech picked up in greater detail on this necessity for establishing these good relationships—especially between administration and faculty—and I developed the underlying assumptions, along with consequent organizational structures for Theory X and Theory Y organizations. You will remember that I opted for moving our college toward a Theory Y organization—although how far to go I didn't know, and still don't (I am convinced, however, that a good organizational structure is harder to achieve than to write a speech about.) Since a primary requirement for the proper functioning of Theory Y is the identification of an individual's goals with the institution's goals, I spent most of last year's speech developing what I thought our college goals ought to be along with my rationale for them.

You may remember that I didn't really call them institutional goals, but rather guiding principles because I thought "goal" had a finality about it that we know we seldom achieve in education. One of those guiding principles I called *Change With A Purpose Should Be A Commitment Of This College* and I went on to say that imaginative and creative approaches to the many problems facing us in the years ahead should be encouraged. In fact, institutional criticism should be sought rather than suppressed for how else would we have an ongoing means of improving?

THE CRUCIAL ROLE OF CHANGE

It is to this concept of change—change in our college, our society, our values, and in our young people that I want to expand on today. Now I don't want to give you the impression that change is something I invented last week. Our Foothill District has from its inception been known nationwide for its willingness to experiment and change when conditions indicated. But I believe as we move into the 70's we are moving into a new era where change, and our ability to adapt to it, must become a central focus for individuals and social institutions alike. And if this be true, education must play a crucial role in not only providing a model for change but in aiding the individual and his society to make appropriate accommodations.

Before I get into my analysis of the problems we will face as we attempt to change, I would like to state a disclaimer or two. At times I may sound like an alarmist, a pessimist, a radical, or a great believer in the ideas of the young. I don't believe I am any of these things to any great degree—in fact I may be just the opposite. But without overstating—or understanding—the case, I do want you to know how important I feel this subject is to all of us. So often we talk about change in such an abstract and intellectualized way that the impact of the implications are often lost, and I don't want that to happen. And we all know, too, that it is basically people that must change—it is their changing that creates the changes in our institutions.

One additional advantage I feel we have this year is the immediate feedback I can get from you because we are able to be here at Pajaro Dunes for the next two days where you can set me straight—if you think it is worth doing. I do welcome all of your nonviolent reactions to my remarks.

THE ACCELERATING VELOCITY OF HISTORY

Higher education is experiencing an extreme crisis of confidence. It is a crisis with many sources, but none is more important, I think, than the incessant and irreversible increase in the rate of social change.

Henry Adams was the first American historian to note the overriding significance of the ever accelerating velocity of history. "The world did not (just) double or treble its movement between 1800 and 1900," he wrote in 1909, "but, measured by any standard known to science—by horsepower, calories, volts, mass in any shape—the tension and vibration and so-called progression of society were fully a thousand times greater in 1900 than in 1800." Hurried on by the cumulative momentum of science and technology, the tension and vibration of society in 1970 are incalculably greater then they were when Adams wrote. Nor, pending some radical change in human values or capabilities, can we expect the rate of change to slow down at all in the foreseeable future.

This increase in the velocity of history dominates all aspects of contemporary life. First of all, it is responsible for the unprecedented instability of the world in which we live. Science and technology alter our world more in a decade than it used to alter in centuries. This has meant the disappearance of familiar landmarks and guideposts that stabilized life for earlier generations. It has even meant that our children, knowing how different their own lives will be, can no longer look to parents as models and authorities. Change is always scary; unchartered, uncontrolled change can be deeply demoralizing. It is no wonder that we moderns so frequently feel disoriented and off balance: unsure of our ideas and institutions unsure of our relations to others, to society and to history; unsure of our own purpose and identity.

The accelerating velocity of history has, of course, a multitude of effects. Improved methods of medical care and nutrition have produced the population crisis; and the growth and redistribution of population have produced the urban crisis. The feverish increase in the gross national product first consumes precious natural resources and then discharges filth and poison into water and air; hence the ecological crisis. Nor can one omit the extraordinary moral revolution which makes our contemporary society reject as intolerable conditions of poverty, discrimination and oppression that mankind had endured for centuries.

All these factors, as they have risen in intensity and desperation, are placing increasing strain on inherited ideas, institutions, and values. The old ways by which we reared, educated, employed, and governed our people seem to make less and less sense. How to keep a social system from becoming obsolete is a crucial problem, that citizens—and especially educators—must consider very intently today.

The basic task, as I see it, is to control and humanize the forces of change in order to prevent them from tearing us apart. The present turmoil I do not see as a proof of decay in America, or due to the immorality of generations that have preceded us, but as a price for all the benefits that have accrued to mankind, or "progress" as we so often describe it. The cutting edge of science and technology has sliced through ancient verities and accustomed institutions; it has raised up new questions, new elites, new insistences, new confrontations. As the progress has gained momentum, the immediate result has been social and moral confusion, frustration, fear, violence. Yet the turmoil, the confusion, even the violence may well be the birth pangs of a new epoch for us in higher education. If we can develop the intelligence, the will, and the leadership to absorb, to digest, and to control the consequences of accelerated change, we *can* avoid the fate of internal demoralization and disintegration.

READINESS FOR CHANGE

Obviously by now you know that I think it is possible for us to meet the challenge of "change with a purpose." But social institutions, like our college, do not change unless they have a readiness for change. This readiness grows out of some of the tensions I have alluded to already and I believe they can build up to destructive explosions, or equally destructive erosion—or they can be channeled into *creativity*. I want to get more specific about these tensions, and their creative potential, at this point because our ability to recognize and analyze them will hopefully keep us working on causes rather than symptoms.

The First Creative Tension: The incompatibility of structure and goals.

Are we properly organized to meet the challenge of change—even to changing the goals themselves? Let me briefly point out some examples of incompatibilities of even our present structure with our goals:

Our goal is to help each student develop as an individual integrated man—our internal structure fosters each instructor doing his own thing.

Our goal is universal opportunity for *comprehensive* higher education—our structure still places very heavy emphasis on the elitist university model designed to winnow out all who can't meet AB, MA, or PhD specifications.

Our goal is to be student centered—but enrollments reaching 5,000, 10,000 (De Anza this year including day and evening), 20,000 which moves us from organization, to bureaucracy, and finally to regimentation (do not fold, spindle, or mutilate).

Our goal is open communication—but structure encourages the old hierarchial pyramid with its Theory X emphasis that tends to isolate the Board and top administration just as it tends to make insignificant the individual instructor and demean the student.

Our goal is to encourage identification of personal goals with institutional goals—but our structure does not provide for little universes in which faculty and students can find that identity. We have not planned well for these little universes, or clusters, and it is not difficult to see why an instructor's primary identification is, by default, with his discipline—and usually to the exclusion of the primary goals of the institution.

Our goal is to provide empathetic, professionally trained, experienced counselors to assist a highly heterogeneous student population—but our structure (for certainly our counselors don't like it) encourages a retreat to a counseling fort well secured by closed-door cubicles, by long range appointment schedules, and a front line of defending clerks.

Our goal is to move toward autonomy where as many as possible who are affected by decisions will have a voice in making those decisions—but the pressures of population, the money crunch, and the increasing demand for "efficiency" (and no one knows how to define that in higher education) move us toward a structure emphasizing centralization, large campuses in multicampus districts, control by state-level coordinating councils and state boards of governors.

I hope these few examples convince you that the way we organize will to a major extent determine not only whether we reach predetermined goals but actually will dictate those goals. I spent a great deal of time two years ago going through an analysis of Theory X and Theory Y types of organizations. You will remember that I believed that the central principle of organization of Theory X leads naturally to an emphasis on the tactics of control—to procedures and techniques of telling people what to do, for determining whether they are doing it, and

for administering rewards and punishments. Theory Y's emphasis on identification of personal goals with institutional goals along with self control will hopefully lead to open communications, mutual trust, mutual support, and management of conflict rather than suppression of it. I believed then, and I still do, that a Theory Y organization will better help us achieve our goals. There has been, and continues to be, a great deal of creative tension caused by our attempts to structure ourselves more toward Theory Y. In our discussion groups later today and tomorrow, we should thoroughly discuss this tension: Are we organized to achieve our goals and to cope with the changes that seem imminent in the 70's? Is our Senate organized to effectively help us set and achieve our goals? Are we organized to work most effectively with our sister college and the District staff?

The Second Creative Tension: The incompatibility of "politicizing" the college with academic freedom.

American higher education, and especially the community college, owes its very existence to its ability to serve society. We Americans, as a people are active rather than contemplative. When we have identified a social evil, our inclination is to do something about it, not to reflect on its significance for the human condition. Higher education is a great repository for the expert knowledge and advice needed to identify and solve these vexing problems. And I think it only just that we serve the society in which we reside for are we not, after all, parasitic upon our community? The social bookkeeping may be a trifle obscure, but somewhere, somehow, administrators, instructors, and students are living off the productive labor of the working classes. Surely it is reasonable that the recipients of this benefaction should return a part of its value to its community in the form of an educated citizenry and cooperation in socially useful enterprises.

The issue arises when we attempt to determine what form that cooperation will take: do we become an *instrument* of social change, much like a political party, or do we continue in our traditional role of academic freedom where we operate as social critics?

During our conference each of you will all have an opportunity to speak to this subject in your seminars but I will take this opportunity to state my position. As an institution—and even when we as individuals are in a position of *representing* our institution—we should not choose sides in the battles waged between doctrine and doctrine, dogma and dogma, in the marketplace of ideas. We can serve as an impartial referee in the contest, ensuring a place in the debate to every position and every party. As a part of the administration, I know it is one of my responsibilities to protect those within the college from assaults by outside critics. But at the same time I believe I must guarantee that freedom of debate reigns within. From this freedom in the marketplace of ideas, I believe the greatest possible advance in truth and wisdom will flow.

American higher education today, despite its defense contracts and ROTC programs, its businessman trustees, its establishment presidents, is the only major institutional center of opposition to the values and policies that have led to so many of our social problems. And it is through higher education, if anywhere, that new and deeper attacks on the evils of American society will be mounted. But, in my opinion, if we seriously endanger our role of social critic and our freedom to inquire by establishing party lines, we endanger our entire society's ability to change through other than violent means.

One only has to look at my mail during a period of conflict involving some aspect of community standards to know how strongly people feel as "owners" of our college. And if we are to successfully defend academic freedom, objective and honest dialogue, and freedom of speech in the formulation of the *changing* of social values and goals, then trustees, faculty, students, and administration had better be standing together on this vital issue.

The Third Creative Tension: The incompatibility of older generation values and life style with younger generation values and life style.

The values which people incorporate into their psyches, consciously or unconsciously, develop out of the context of thir lives. During the age of belief, when *religion* was the dominant, living, force within Western Civilization, people found meaning and significance in devoting their lives to the greater glory of God, to the priesthood, to religious scholarship, to nunneries and monasteries, to the simple piety of peasant labor, to works of religious art, to the building of magnificent cathedrals, and, I must add, to the Inquisition. During the age of empire, when *conquest* was the central thrust within Western Civilization, the prevailing values were romantic: adventure, widening horizons, military valor, big risks for big rewards were all highly prized and men became soldiers, explorers, colonizers, developers, booty-seekers of every description. During the age of capitalism, when *money* could buy power and reputation and security and all the creature comforts, people thought that motivation and making money were synonymous terms: work was the reason for man's living, and opportunity was defined as the chance (usually through education) or grabbing the brass ring.

Bennis characterizes the culture that has developed from our present day values as ". . . authoritarian, puritanical, punitive, fundamentalist. When forced to choose it tends to give preference to property over personal rights, technological requirements over human needs, competition over cooperation, concentration over distribution, producer over consumer, means over ends, secrecy over openness, social forms over personal expression, striving over gratification, loyalty over truth." Mankind, nature, this planet, the future have been viewed as eternal.

But that culture is changing. Even the generation in power, growing up with unquestioned faith that the world and man would go on forever, now know in their minds, if not in their guts, that life itself is in jeopardy. The generation coming to power, the youth being taught and counseled, have grown up emotionally aware that the *now* may be all there is; that the *now* may end with a hydrogen bomb and/or in a prolonged and pitiful whimper as our ecology gets more and more out of balance.

In looking ahead through the remainder of this century, the pervasive values that are emerging are based on survival—not personal survival that has shaped man for so many centuries—but survival of humanity, survival of the democratic and humanistic verities, survival of civilization, survival of the spaceship Earth. I hardly think I need to take the time to establish in any detail the perils that face us. Just consider:

The perils of physical survival: War: nuclear, chemical, biological; Pollution: 3.4 billion to 7 billion by 2000 A.D.; Ecology: need a Bay Area resident look farther?

The perils to survival of the social order: Economic Revolution: cybernation producing abundance to replace scarcity; Black and Third World revolution: Are we *really* prepared to redress past injustices; Generation Gap: not just a single but often a double generation gap; Credibility Gap: loss of national condence and national purpose; Alienation; Threat of Facism: American style.

I am not trying to alarm you with this dismal list of perils to our survival, and I realize that some of my personal bias may have crept into my interpretation; but there can be little disagreement that this is essentially the context out of which are developing the values and the life styles of the generation coming to power. I see in my own sons value patterns different from my own developing in response to these perils: an existential, live for the moment, *now* orientation; a deep identification with the beauty of the physical world; a devaluation of materialism; a devaluation—even irreverence—toward nationalism and the American Way of Life; a turn away from security; a questioning of the protestant-capitalistic ethic of work; and I could go on and on.

These emerging value patterns are not just notions lightly held. They become manifest in discernible, nameable life styles: There is the hippie life style, the street people life style, the utopian commune life style, the political activist life style, the militant Black life style, the dedicated revolutionary life style, the dedication to human services life style, the youth internationalist life style, the research sciences life style; there are the super-squares and the Crazies and all the variations of life styles between these extremes.

Again during discussion groups you will have an opportunity to exchange ideas with your colleagues about this developing tension—and I hope you will freely critique my analysis. I don't believe I'm overstating the case, and I certainly hope I'm not understating it. We, who are supposed to be the experts in our society who best know our youth, desperately need to understand them if we are to lead them and to have some influence on the future through them. Margaret Mead sums it up succinctly when she states that it is the youth who are at home in the *now*. She writes: "Effective, rapid, evolutionary change, in which no one is guillotined or forced into exile, depends on the cooperation of a large number of those in power with the dispossessed who are seeking power." Not many of the older generation are listening to Margaret Mead's analysis of youth's time orientation and the revolution in values which follows from it. As I listen to my older friends in the community who do not have the opportunity to associate with the young to the same degree that we do, I get to thinking there is a war going on between us and the young. These fine young men and women I know so well turn out to be the enemy. We at De Anza College must not come to that. We must continue to seek opportunities to associate with our students—and this usually means planned student activities *outside* the classroom. The tension developing between the generations *can* be a positive influence in shaping our future society.

ARE WE READY TO MEET THE CHALLENGE OF CHANGE?

There are other tensions at work in our society to produce change, but these three—the incompatibility of structure and goals, the incompatibility of politicing the college with academic freedom, and the incompatibility of older generation values and life style with younger generation values and life style—are the three most crucial to be resolved for us in the immediate future. And I believe we are thoroughly capable of adapting to fundamental change, if only we have the will. It is a pity that so many institutions have to be scared into change by outbreaks of anarchy. It is a pity we cannot more willingly take advantage of the fluidity of our times, the availability of resources, the vitality and engagement of our students, and the bewilderment of a society in the throes of great change. It is a pity we cannot show intellectual initiative rather than panic and rigidity at a time when the need is so great and the possibilities are so abundant. If the college cannot demonstrate how freedom and order may be adjusted in a fairly select com-

munity, then what are the prospects for the community? When a college presents the spectacle of faculty vs. administration, of students opposing both, and of all confronting the Trustees, the community is sadly disappointed. The community quite understandably feels let down. It does not seem too much to ask that the college understand and interpret the values of the young as a top priority.

But individual campuses are making progress and certainly De Anza is one of them. Our society is changing and our institutions of higher education are changing both with and sometimes ahead of society. To those who have waited so long, it must often seem that the progress is agonizingly slow. To those who are so eager, it must seem that the terribly complex issues ought somehow to have simple answers. Gardner comments on the modern belief that man's institutions can somehow accomplish any goal he seeks, and on the bitterness that wells up when these beliefs are disappointed—". . . the rage of people who expected too much in the first place and got too little in the end." He says:

"How can we make people understand that if they expect all good things instantly, they will destroy everything? How do we tell them that they must keep unrelenting pressure on their social institutions to accomplish beneficial change but must not, in a fit or rage, destroy those institutions?

"Dissent . . . is an element of dynamism in our system. It is good that men should expect much of their institutions, good that their aspirations for improvement of this society should be ardent.

"But those elements of dynamism must have their stabilizing counterparts . . . One is a tough-minded recognition that the fight for a better world is a long one, a recognition that retains high hopes but immunizes against childish collapse or destructive rage in the face of disappointment."

I hope that all of us—students, faculty, administration, trustees, and our supporting public—can retain the essential high hopes and the tough-minded endurance to see the fight through to a new day for all of our citizens.

SOME ESSENTIALS

I certainly don't have pat answers for how we can meet the challenges of "change with a purpose," but if we can retain a reasonable degree of freedom to explore ideas, to define goals, to wrestle with problems of student unrest and campus turmoil, and to experiment on the curriculum, then we *will* find answers. I can only suggest some significant changes that look to be essential to me:

(1) recognition and establishment of the teacher-student relationship as the most influential factor in the learning process;

(2) modification of our curriculum in order to relate it more to the spiritual, psychological and esthetic needs of all students;

(3) improved cross-fertilization of ideas and knowledge among the professionals within the various specialties:

(4) involvement of the academic world in community service, not militant activism and confrontation, but rather in a *constructive* involvement to effect those ideals which will produce a society more idealistically motivated and less prone to produce anxiety, hopelessness, pessimism, alienation and deviant behavior;

(5) continuous and relevant self-evaluation within all areas of our educational program;

(6) exploration, through innovative curricular structure and new models for internal organization, of ways to improve the educational process, despite the fact that to experiment is to hazard the embarrassment of failure;

(7) continuous defense of academic freedom that will permit the exposure of the flaws in the value system of Western Civilization which lead to the pursuit of goals incompatible to the psychological and physiological well being of man.

THE CHALLENGE OF THE 1970'S

I know that the Kerrs, Reissmans, Gardners, Heilbroners, and many others have pointed up much better than I have been able to do here today the issues, the tensions, and the challenges that lie ahead in the 70's. Many people, and educators are prominent among them, feel pessimistic about the next decade and there is plenty in our world to cause that feeling. But I am not pessimistic about our future; I feel much like Emerson when he said, "This time like all times is a very good one if one but knows what to do with it." And "what to do with it" is why we are here together at Pajaro Dunes.

Planned "change with a purpose" requires energetic and dedicated advocates. Not everyone will choose to be an advocate, but I believe all should be willing to honor those who try. The plain and simple fact is that planned change will not happen unless there is a wide commitment to it. My earnest hope is that an environment has been created at our De Anza College that will not only permit but encourage the changes I see ahead for us in the 70's if we are to live up to our promise—and our promises.

At a recent conference I heard Clark Kerr evaluate his tenure of office as president of the University of California by stating that he left his position as he came to it, "Fired with enthusiam!" Well, I certainly came to my job as first president of our De Anza College fired with enthusiasm and I have felt on more than one occasion that I will be leaving that way. But however I leave, it will be still believing this: Institutions which are for teaching must honor and respect teachers; institutions which are for *all* people must honor and respect its minorities; and above all, institutions which are for the young must honor and respect the young. I know the potential that exists in this very room, in our staff, in our minorities, and in our students if we can but find the means for releasing it. We can find that means if we will continue to work together—to combine pragmatism and idealism with compassion in seeking the changes that are upon us.

PROGRESS ON CHARTIERS CREEK FLOOD CONTROL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD a copy of a letter I am sending to citizens of my district to alert them to the excellent progress which is being made for flood control of Chartiers Creek in our area:

OCTOBER 14, 1970.

NEW DEVELOPMENTS ON CHARTIERS FLOOD CONTROL

It is a real pleasure to write to you people who are on my personal list and those particularly interested, to let you know that we are making real progress on the Chartiers Creek Flood Control Program, which means so much to every community around Chartiers Valley. My friend Cong. Tom Morgan of Washington Co. and I for Allegheny Co., have cooperated well on over-all support for Chartiers construction for both counties. Flood control is an absolute necessity for us to keep and develop our fine industries and increase the number of jobs, as Chartiers Valley is one of our finest industrial and manufacturing valleys in the United States.

I have been working hard in Washington for our new grant of $5,700,000 in Federal funds for the current Fiscal Year for continuing work on the Chartiers Valley Flood Control project. This is the full amount requested by U.S. Army Engineers and myself as your Congressman under my original resolution to authorize the work for the Chartiers Valley Flood Control. In the past four years we have obtained grants of $4.6 million Federal funds.

This continues to be a hard fight in these times of budget cutting, so I am writing to share with you my gratitude for the fine support I have received as your Congressman from local officials, Legislators, Chambers of Commerce, Flood Control Authority, labor unions, civic and Church groups. It is only by such excellent team work across party, boro and township lines that we are able to announce this fine success.

The local U.S. District Engineers handling construction, have on 13 October confirmed to me to announce the progress and plans for prompt construction of the major part of Chartiers Valley Flood Control:

(1) Unit One—3.1 miles in the Thornburg, Crafton and East Carnegie areas *is being completed* in October 1970.

(2) Construction on Unit Two—2.8 miles from East Carnegie, through Carnegie to Collier Township, now under contract, will be continued with real progress now being made.

(3) Construction of Unit Three—2.8 miles in the Glendale, Heidelberg, Woodville area will begin in December 1970, and is scheduled for prompt action by U.S. Engineers.

With my grateful appreciation to our local U.S. Army Engineers organization, and to every concerned citizen, local official, organization and Church for their civic and patriotic interest.

Sincerely,

JIM FULTON.

P.S.—We have also been able to get this year the first grant of $30,000, the full amount that with U.S. Engineers we worked for, to proceed with Saw Mill Run and West End flood control program study for construction.—JIM.

AMERICA'S ALLIANCE WITH THAILAND

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. CHURCH. Mr. President, one of the most expensive, yet unaudited alliances the United States has is that with Thailand. Well over $2 billion of American assistance, in various forms, has been provided the military regime in Bangkok since the end of the Second World War. Until recently, however, there has been little awareness of what has happened to that money.

In an exceptionally well-researched paper on this subject, Miss Frances Zwenig of the Student Advisory Committee on International Affairs located here in Washington has discussed the whole question of America's relationship with Thailand. I wholeheartedly recommend that my colleagues familiarize themselves with what Miss Zwenig has written.

I ask unanimous consent, Mr. President, that this paper be inserted in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THAILAND: OUR TROUBLED ALLY IN SOUTHEAST ASIA

Over the past 20 years the United States has quietly spent more than $2 billion in military and economic aid in Thailand.[1] Thailand exemplifies United States involvement in the absence of publicly defined foreign policy commitments, an involvement that begins on an innocently small scale and proceeds by sheer bureaucratic inertia into situations demanding unexpected and unappraised U.S. obligations. What commenced as a 75-man advisory group and $10 million in 1950 now embroils policymakers in an internal debate over the presence of 42,000 U.S. troops on eight bases and U.S. responsibilities for the Thai economy when the troops are withdrawn.[2]

Given a public aroused about Vietnam, it is difficult to make decisions about Thailand without the context of a specific foreign policy. Now that we are so involved there, U.S. policymakers are finally asking the fundamental question: Is Thailand vital to the United States in the 1970's?

A responsible scrutiny of U.S.-Thai relations must include the following:

1. Evaluation and public admission of the old and by now shaky premises of U.S. aid to Thailand.

2. A realistic definition of present U.S. policy toward Thailand and the rest of Southeast Asia.

3. A troop withdrawal if no justification is offered for their continued presence in Thailand.

4. A publicly debated appraisal of further U.S. military aid to Thailand.

WHAT IS THE U.S. RELATIONSHIP WITH THAILAND?

U.S.-Thai relations since 1950 have been based on the premise that Thailand is vital to U.S. interests. Politicians and diplomats alike have voiced concern about "the land of smiles," four-fifths the size of Texas, with a population of 35 million, located in the heart of the Southeast Asian ricebowl. Edwin Stanton, Ambassador to Thailand in the late 1940's and early 1950's, wrote in 1954. "If Thailand's freedom and independence can be preserved, the heart and much of the body of Southeast Asia will have been saved."[3] In May 1961, Vice President Lyndon B. Johnson asserted in Bangkok: "Nothing is more important to the United States than the integrity of your country."[4] Four agreements comprise a legalistic basic for this U.S. concern about Thailand; they came in response to the perceived Communist threats in 1950, 1954, 1962, and 1964–5.

The Thais demurely accepted U.S. attention and generosity with the understanding that the arrangements entered into were of a "delicate" nature better kept unpublicized. Until a year ago there were very few Thai disclaimers of American aid and there were polite, periodic reassurances of support for the U.S. position in Southeast Asia.

Now that the delicate arrangement has been unsettled by U.S. domestic discontent with the Vietnam War, a change of administrations and priorities, and the expansion of the war into neighboring Cambodia, Thai political leaders openly express doubts about continued dependence on the United States. The Thai hesitation about sending troops into Cambodia reveals that they no longer regard the U.S. as a reliable ally. As with Vietnam, the Thais demand that the U.S. cover the cost of fighting in Cambodia.[5] Well aware of Japanese non-involvement and the U.S. position on eventual withdrawal from Southeast Asia, the Thais know they cannot be solely responsible for the collective security role.

The uncertainty generated by the present American confusion over priorities has severely shaken the Thai political scene. The Thais by necessity listen closely as the United States agonizes about its future global role. American hawks and doves alike ponder the "what will happen if the U.S. withdraws?" question and prepare to beat their breasts whatever the outcome. They evince a common unwillingness to admit that major powers sacrifice the lesser powers on a national interest basis despite all the protestations. Smaller nations like Thailand have to face reality. Dialogues with the Russians and Chinese are continuing now as they have in the past, with results in the form of Russian-Thai trade agreements and cultural exchanges.

In the sweeping review of past foreign policy undertaken by the Nixon administration, Thailand comes in for examination. U.S. officialdom poses this question for itself. Is Thailand still vital to U.S. interests. Whatever answer the National Security Council decides upon is so very susceptible to the tradition of continuity in foreign policy that little change is anticipated. President Nixon's Guam Doctrine suggests that the basic commitment to Thailand remains the same. The only distinction between the past and projected U.S. involvement in Thailand is that the Thais will definitely have the primary responsibility for defense, i.e., fighting, and the U.S., the secondary responsibility, i.e., the supply of arms, money, and advisers.

If it does turn out that Thailand is no longer considered "vital," the policymakers will have to make adjustments for a backlog of twenty years of rhetoric. The Thais, however, may decide that they prefer to look elsewhere and may find it advantageous to join the ranks of the nonaligned.

WHY IS THE UNITED STATES INTERESTED IN THAILAND?

Leonard Unger, the present U.S. ambassador in Bangkok, testified before the Symington subcommittee in November, 1969, and enumerated four reasons "why the United States is interested in maintaining close cooperative relations with Thailand and in contributing to the capacity of that country to preserve its independence."[6]

No. 1. *Thailand's strategic location.* It is a crossroads, an international air center, and a buffer state.

No. 2. *Thailand's part in the containment of mainland China.* We are interested in encouraging a "world order in which independence by an outside aggressor's force."[7]

No. 3. Thailand's immediate relevance to the Vietnam conflict "as well as the conduct of a wide range of additional activities important to us, including some which also have a direct relation to our own security,"[8] a VOA transmitter, communications and transport facilities and "things of a security nature."[9]

No. 4. Thailand's potential leadership role in the "development of a concrete program of regional cooperation in Southeat Asia and perhaps a larger Asian sphere."[10]

Analysis of Ambassador Unger's points indicates some insufficiencies in the rationale he presented:

No. 1. As Senator Fulbright remarked in the Symington hearings, every place is a "crossroads." It is questionable to label Thailand a buffer state when the U.S. has no real commitments to defend Burma or Malaysia.

No. 2. So far the Chinese threat to Thailand has amounted to (a) training of 2300 Thais and Meo's since 1954 (b) a limited provision of arms (c) propaganda and (d) a road built in northern Laos connecting southern China and northern Thailand.[11] No massing of troops in southern China to threaten an overland invasion has occurred. It is difficult to conceive of China's invading Laos and Thailand given her present relations with the Soviet Union and Nationalist China. The road built by some 6,000 Chinese was commissioned in 1950 and begun in 1960 at the request of Suovanna Phouma, the present premier of Laos.

No. 3. As soon as the war in Vietnam ends, the U.S. troops will leave Thailand unless Unger's "things of a security nature" means that the U.S. sees Thailand's bases as part of the containment perimeter of the Soviet Union and China. Thailand's own attitude toward the "Vietnam conflict" is interesting. Beginning in the 1930's Vietnamese refugees (including Ho Chi Minh from 1928–30) poured into northeastern Thailand. Angry at the French for the seizure of Laos and the expansion of Cambodia, the Thais received an estimated 50,000 to 70,000 Vietnamese fleeing from the colonial French regime. By the end of 1961, at Thai insistance some 28,000 were repatriated to North Vietnam. Due to the traditional ethnic hostilities between the Thais and the Vietnamese, the remaining 40,000 Vietnamese do not wield any major political influence.

No. 4. The lack of success in any previous cooperative efforts in the region does not lessen the Ambassador's optimism. Singapore's Prime Minister Lee Kuan Yew maintains "The eventual fate of South and Southeast Asia is dependent more upon resultant policy decisions of America, China and Russia (put in alphabetical order and not their respective order of influence), than in the decisions of the dozen or more governments in the region."[12]

WHAT IS THE LEGALISTIC BASIS FOR U.S.-THAI RELATIONS?

I. Military assistance program

In 1950 under Public Law 329 of the 81st Congress, the U.S. gave Thailand aid through the Economic and Technical Cooperation Agreement and Military Assistance Treaty to upset the "dynamic timetable"[13] of the Communists fresh from their success in mainland China. Phibun, the Prime Minister of Thailand, readily concurred with the American anaylsis of the threat posed by the Communists in Thailand in 1950. Phibun was the same individual who had signed a military alliance with the Japanese and had served as the wartime Prime Minister. The acceptance of U.S. military and economic assistance enhanced Phibun's own political position. Thai politicians took note that invoking Communism not only elicited forgiveness from the Americans but also their money. President Truman approved a grant of $10 million in military aid for Thailand. Over the next year the Thais received enough arms to outfit ten army batallions. The air force gained fighter planes and the navy, vessels. A 75-man U.S. Military Assistance Group (MAAG) arrived to train a 45,000 man army.

III. SEATO treaty

The next stage in the U.S. commitment to Thailand came with the conclusion of the 1954 Geneva Conference which partitioned Vietnam. The U.S. ironically inherited the French colonial empire and Secretary of State John Foster Dulles sought to protect the legacy with the eight member Southeast Asian Treaty Organization. Thailand, the only Manila Pact member on the mainland, was designated as SEATO headquarters. Burma and India, declared neutrals, refused to join. Japan and Indonesia, two major Asian powers, are not members. Laos, Cambodia, and South Vietnam were excluded. The other members of the almost defunct agreement are the Philippines, Pakistan, Australia, New Zealand, Great Britain, France and the United States.

At the opening SEATO Cuncil meeting from February 23–25, 1955, Mr. Dulles tied U.S. foreign policy to countries such as Thailand.

Footnotes at end of article.

"United States foreign policy, in its basic aspects, has always rested on two propositions. The first is that we want our own people to enjoy, in peace the blessings of liberty. The second is that we cannot assure the liberty for ourselves unless others also have it. Freedom cannot thrive in an environment that is hostile to freedom." [14]

In 1954 the U.S. expanded the MAAG mission to 400. Military assistance jumped to $29.7 million. Work began on Friendship Highway, a 300-mile road connecting Bangkok to the Lao-Thai border.

III. Thanat-Rusk agreement

In March, 1961, Secretary of State Dean Rusk paraphrased Mr. Dulles at the seventh SEATO Council conference: "We cannot imagine the survival of our own free institutions if areas of the world distant from our own shores are to be subjugated by force or penetration." [15] Bolstered by such assurances but alarmed by the deteriorating situation in Laos, Thai Foreign Minister Thanat Khoman came to Washington in March, 1962. One week of negotiation between Thanat and Rusk produced an amendment to the SEATO treaty: the obligation to meet the common danger in accordance with its constitutional processes . . . does not depend upon the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective." [16]

SEATO's bilateralization was confirmed with the dispatch of "about 10,000 U.S. ground [combat forces] and air force personnel to Thailand" [17] even though token forces were sent by Great Britain, Australia, and New Zealand (in connection with an already-scheduled SEATO military exercise). The Kennedy Administration later removed the troops when Laos no longer seemed to pose a threat to Thailand. Secretary of State William P. Rogers reaffirmed the Thanat-Rusk agreement in the spring of 1969.

IV. Joint planning

Before, during, and after the Gulf of Tonkin incident and the U.S. commitment to the full-scale defense of South Vietnam, joint military planning was instituted and Thailand became even dearer to the U.S. policymakers, and the United States became even dearer to Thailand. Construction of air bases began early in 1965 and by the end of 1965, there were 25,000 Air Force personnel in the country. The United States bought the land for the bases, equipped them for the Vietnam War, but the bases are Thai. There is no status-of-forces agreement with Thailand, unlike South Vietnam and South Korea.

A military contingency plan was drawn up in 1965 between the U.S. military and the Thais in Bangkok. The text of the agreement provided that American troops would help the Thai Army oppose Communist forces in Laos before any such troops could cross the Thai border. the U.S. military, reacting to public discussions of the plan, contends that the plan is but one of many and that anticipating such situations and providing for such contingencies is required of them. Secretary of Defense Melvin Laird says that he does not agree with the plan and that he would come to Congress before it was implemented. The U.S. Senate passed the first Cooper-Church amendment in December, 1969, preventing American troops from being committed to combat in Thailand or Laos without prior Congressional approval.

IS THAILAND ANOTHER VIETNAM?

The four arrangements delineated above form the cornerstones of U.S.-Thai relations. Although most of the 42,000 U.S. troops are in Thailand in Vietnam-related activities, there is a real possibility that they may be called on to defend the bases in case of attacks on the base at Udorn in northeastern Thailand—one in 1968 and one timed to coincide with President Nixon's visit to Bangkok in 1969. This small incidence of insurgency activity seems attributable to a policy decision by the insurgent leadership.

Since 1950 the main thrust of U.S. economic and military aid has been to bolster the Thai counterinsurgency effort.[18] The United States and Thai policy is that military security must precede all other endeavors. Every U.S. agency in Thailand, except the Peace Corps, reflects the common Thai and U.S. dependence on military solutions to the complexity of problems. For example, since 1957 AID has helped train the Thai police, with particular emphasis on the Provincial Police and the Border Patrol. AID has assisted in the buildup of the Air Support Division of the Thai National Police Department by providing aircraft, advisory service in operations, and maintenance and support for the training of Thai personnel needed to fly and maintain the aircraft. Recently the Defense Department had to cut down the supply of helicopters because the police were taking to the air and abdicating their control of the roads.

Most of U.S. AID money has gone into the Accelerated Rural Development Program begun in 1964 by the Thai government in six provinces of the Northeast.[19] ARD places emphasis on road-building: the latest project is the circular road connecting Udorn, Nakon, Phanom, and Ubon, the sites of three air bases. AID officials point to the roads as evidence of the Thai government concern with northeastern Thailand. Critics point to the military transport objectives of the "circular highway" and its predecessor, the Friendship Highway.

The United States has problems exercising control over the military equipment it has provided to the Thai armed forces. U.S. arms have proved to be as useful in local power struggles as in combatting insurgents. Department of Defense officials decry the fact that the top-rate First Army remains around Bangkok amid persistent threats of coups and blackmail through shows of force—rather than going upcountry. Another very dangerous misuse of U.S. equipment is the napalming of hilltribe settlements in the North. In addition to the officially denied napalming the government does not extend citizenship rights to the hilltribesmen and forbids them to grow opium, their chief means of livelihood.

Up to now, the ethnic homogeneity of the Thais combined with a loyalty to the King and the country and a GNP per capita of $157 (a 25% increase since 1957) have effected stability. Thailand faces real problems if the insurgents exploit the troop presence in the Northeast, if the Thai government continues its present policy toward the northern hilltribes, if the military maintains its political predominance. Thailand is not a Vietnam, but there are ominous threats to her stability.

WILL U.S. TROOPS STAY PERMANENTLY IN THAILAND?

Critics of U.S. policy in Thailand and Southeast Asia maintain that the bases in Thailand and Southeast Asia help form the perimeter for containment of mainland China and even Soviet Russia. The fear is that the U.S. is inextricably caught up in Thailand, a fear that government officials in Thailand have reinforced.

"Most United States planners in Bangkok see far greater strategic benefits from the rapid construction of Sattahip's new deep-water port, its depots and its direct road links to existing United States air and supply bases in Northeast Thailand . . . In case of a buildup by the Southeast Asia Treaty Organization to meet a major Communist threat to Thailand, Bangkok would become as serious a bottleneck as Saigon was . . . in Vietnam, according to qualified sources . . . Some United States officials see Sattahip as a logical successor, under SEATO auspices, to Britain's Singapore's base . . . Sattahip could also give the United States a continued foothold in the Southeast Asian mainland if a Vietnam settlement results in a drastic decline of United States strength to the east." [20]

Military and State Department spokesmen presently deny these implications and in fact bemoan the short-sightedness of many of the expenditures in Thailand—attributing the major ones only to the Vietnam War. According to some military officials, the proved ineffectiveness of the U.S. Air Force in fighting a guerrilla war and the cuts in the defense budget preclude any troop presence beyond the termination of the Vietnam War—whenever that will be.

The Thais themselves would like to get rid of the provoking presence of troops whom the Senate has forbidden to come to Thailand's defense. In conjunction with the Guam Doctrine, Thanat Khoman, the Foreign Minister of Thailand for the past 11 years, has said: "Thailand on its part has never made, nor does it intend to make, any call on its SEATO allies to help with manpower in dealing with the communist activities sponsored and directed by neighbouring Marxist regimes." [21]

According to the Guam Doctrine, it would appear that the U.S. commitment to Thailand's defense remains the same, but might not include a U.S. military presence:

1. ". . . The U.S. will keep all of its treaty commitments.

2. ". . . We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security.

3. ". . . In cases involving other types of aggression we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense." [22]

ARE THE THAIS PREPARING FOR A WITHDRAWAL OF U.S. TROOPS?

In a speech delivered at the 1969 SEATO conference in Tokyo, Thanat Khoman indicated the growing disenchantment with the American presence:

"There must be recognition and perhaps acknowlegement of the fact that the intervention of outside powers in dealing with Asian problems may not be the most effective nor the most desirable device for their settlement. Either those powers may become tired of the exacting ordeals of their domestic public opinion may find the burden of responsibility too heavy for their taste. . . . We would do well, therefore, to acknowledge this new mood and prepare ourselves accordingly."

The preparations are pragmatic, not particularly dramatic, but cumulatively significant. Thailand "has met with Red China several times" and "would be ready to have a dialogue with Red China if that could help lessen the danger of Communist subversion in the country." [23] From the Asia Society speech:

"The nations on the spot, by joining together and combining their moral, political and diplomatic resources and ingenuity may present a worthwhile persuasive opportunity to Peking to alter its militant inclinations and follow a more peaceable course of coexistence with fellow Asians and Pacific nations."

In recent months trade agreements were signed by the Thais with the USSR, Bulgaria, and Rumania. Products from Japan comprised 34% of Thai imports in 1968 as compared with 19% from the United States.[24] The Thais are attempting to maintain as much maneuverability as possible. If the U.S. withdraws aid from Thailand in the 1970's, the USSR may help the Thais in resisting what now appears to be a threat from China. Thanat Khoman in the Asia Society speech:

Footnotes at end of article.

"Brezhnev's proposal for Asian collective security, in our opinion, seems to envisage the departure from the scene of the western powers and the eventual occurrence of a power vacuum which may be filled by a large nation presently inimical to Russian interests."

The historical Thai search for a *naaj* (patron) to protect against China will go on despite ideological implications. Withdrawal of U.S. troops from Thailand and Southeast Asia will probably result in a non-aligned stance for Thailand.

HOW DID CAMBODIA AFFECT THE THAI POLITICAL SCENE?

Development of parliamentary government was jeopardized recently by the close vote on new governmental taxes in July, 1970: 102 for, 101 against. You can say it was Parliament that survived by a single vote, not the government, said one western diplomat.[25] The critical vote came over cabinet decreed heavy increases in import duties on some 220 items and a boost in the country's value added tax by two percent. Such a budgetary move had been anticipated since last year's balance of trade had shown a record $533 million deficit—the second in succession of over half a billion dollars.[26] Up to now the Thai economy, buttressed by U.S. military spending and other U.S. aid, has avoided the less developed country pitfall of declining prices for agricultural exports and increasing prices of those imports vital to development. U.S. officials recognize the negative impact of a troop withdrawal on the Thai economy and the U.S. Embassy in Bangkok has done a study outlining alternative approaches to U.S. responsibility for the Thai economy. The Cambodian incursion of May, 1970, has served to worsen the traditional balance of payments problem. The war is brought closer to Thailand's door, and Senate critics of U.S. involvement are threatening to cut off funds.

Thailand's political leaders are concerned. The Red scare and military alert during the parliamentary vote have been the manifestations of the concern. Already sensitive to criticisms of U.S. payments to the 12,000 Thai soldiers fighting in Vietnam ($200 million since 1966),[27] Thais recognize that the U.S. cannot underwrite the despatch of Thai troops to Cambodia without difficulty. The economic problems are bound to worsen and the Thai politicans are well aware that economic instability leads to political unrest.

WHAT ARE THE PROSPECTS FOR THAILAND?

I. *If there is no political settlement of the Vietnam War and Vietnamization continues . . .*

The Nixon policy of Vietnamization, i.e., letting the South Vietnamese undertake the combat duties, assumes U.S. air support and advisory assistance into an as yet undefined future. Thailand now provides bases for a major part of the air support effort in Vietnam and the same arrangement is likely to continue with Vietnamization as the U.S. policy. U.S. underwriting of the Thai military efforts in Cambodia and Laos will continue as well as funds for the 5,000 Thais fighting in Laos.

II. *Or if there is a political settlement in Vietnam and withdrawal of the United States from Southeast Asia . . .*

According to Nixon administration spokesmen, the U.S. presence in Thailand is linked directly to the Vietnam war effort. All U.S. troops will be withdrawn from Thailand upon a political settlement of the war in Vietnam.

III. *If there is increased insurgency activity in Thailand with Chinese support of the insurgency . . .*

Thais have steadfastly rejected the possibility of outside help in combatting internal insurgency problems. The U.S. will be asked for continued military aid and advisors. The attitude of the U.S. Congress is crucial in determining the amount and the form of aid to Thailand.

Students of Asia have urged U.S. rapprochement with China as the key to alleviating the problems in Southeast Asia. Nixon administration spokesmen point to U.S. efforts at rapprochement: permission to travel to China to four categories of persons, $100 allowance for Chinese goods to U.S. tourists, the stop to 7th Fleet patrols of the Taiwan Strait. Critics state the Vietnam War, U.S. overflights of China, and the recently noticed B–52 runways prepared in Taiwan overshadow other U.S. gestures.

The U.S. military in Thailand is going ahead confident that the U.S. is committed in Thailand and aware that the politicians have been known to change thier minds. The National Security Council staff is preparing a memorandum for the President on Thailand—setting forth the various alternatives, the parameters of action, and their estimate of consequences. The framework for the memorandum is the Guam Doctrine and the NSSM (memo) will probably amount to a bureaucratic and political re-phasing of present U.S. commitments to Thailand.

Senate critics of U.S. involvement in Thailand take heed of the domestic political climate. The Senate sense of what should be our policy toward Thailand is admonitory:

1. First Cooper-Church amendment of December, 1969, forbids the introduction of ground combat troops into Thailand.

2. Second Cooper-Church amendment of June, 1970, prevents without Congressional consent the financing of Thai soldiers in Cambodia.

3. Armed Services Report. Equipment given to Thailand from Department of Defense stocks cannot be used in other than border sanctuary areas without prior Congressional approval.

4. An August 20, 1970, amendment to H.R. 17123 prohibits the payment of special overseas allowances to Thai or other foreign forces in Vietnam, financed through the Department of Defense budget at a rate greater than the combat pay allowed American servicemen fighting there.

The educated and moneyed elite in Bangkok has long expressed dissatisfaction with the military domination of the political scene. United States policy and its stress on military security has led to the support of military strongmen with a penchant for corruption. There have been intermittent Thai flirtations with respresentative government—the latest coming in June, 1968, with the promulgation of the eighth post-revolutionary constitution, but the military still provides the leaders.

Prime Minister Thanom Kittachakorn, the leader of the ruling United Thai People's Party (UTPP) and the Minister of Defense, is a field marshall. General Prapes Chrausathira, the Deputy Prime Minister, is the powerful Minister of the Interior. Air Chief Marshall Dawee Chulasapya is the Minister of Communications. Police General Prasert is the Director General of the Police Department and the Minister of Health.

The urban-intellectual dislike of a government deriving power from control of the countryside where the overwhelming majority of the people live (85%) reminds us of a situation in another Southeast Asian country. The "intellectual" five percent resident in Phnom Penh, the capital of Cambodia, regarded Prince Sihanouk as a dictator while the other 95%, farmers or fishermen, worshipped Sihanouk as the embodiment of all religious and secular authority. The five percent maneuvered the overthrow of Sihanouk and opened their country to possible disaster.

As the economic conditions in Thailand worsen, we may witness a replay of the Cambodian scenario.

WHAT WILL BE OUR POLICY TOWARD THAILAND?

Discussions with officials in the Department of State, AID, Department of Defense, and the National Security Council, reveal little public questioning of U.S. policy toward Thailand over the past 20 years. There may be a de-emphasis in the importance placed on Thailand, but the same approach, military solutions to political problems, seems to predominate.

Even if there were a cessation of verbal and actual hostilities today, it would be a staggering task to dispel the mutual distrust engendered to date. The pragmatic policy for the U.S. is to strengthen *all* the nations that form the Chinese perimeter, while making real attempts at rapprochement with China.

IV. *Japan and Russia . . .*

Japanese economic, political and perhaps military hegemony in Southeast Asia and, therefore, Thailand, will become more and more pronounced. Cordial relations with Japan will prove fundamental if U.S. influence in Southeast Asia is to continue. Japan wants to mute the U.S. military and political presence in the Far East and to stall trade liberalization.

The Soviets will continue to expand their naval and economic presence in Asia.

Thailand may find the stance of a non-aligned nation to be very attractive.

V. *The present . . .*

U.S. involvement in Thailand has contributed to the development of the military sector in Thai society at the expense of the civilian sector. The prosperity brought by the U.S. military presence is transitory and corrupting: it takes the form of nightclubs, hotels, jewelry shops, bars, massage parlours, brothels, and rented wives. U.S. spending of all kinds—military, rest and recreation, and economic—has spread a false veneer, a veneer that threatens to disappear soon.

The slight rumblings heard in Bangkok in July, 1970, indicate that Thailand is presently encountering real threats to her stability. The wavering nature of the U.S. commitment only exacerbates the precariousness of Thailand's position. A responsible scrutiny of U.S.-Thai relations is imperative for both nations.

FOOTNOTES

[1] For a breakdown of the $2 billion on U.S. investment in Thailand, see the Symington Subcommittee Hearings on Thailand of November, 1969, p. 748.

[2] The troop build-up in Thailand is directly related to the Vietnam war, not to the defense of Thailand. During the year, 1970–1, 9,800 troops will be withdrawn and one of the bases, Takhli, will be turned over to the Thais.

[3] "Spotlight on Thailand," *Foreign Affairs*, October, 1954, p. 85.

[4] *New York Times*, May 18, 1961.

[5] Hearings, *op. cit.*, pp. 342–44.

[6] *Ibid.*, p. 610.

[7] *Ibid.*

[8] *Ibid.*, p. 646.

[9] *Ibid.*, p. 610.

[10] *Ibid.*, p. 653.

[11] *Ibid.*, p. 610.

[12] *The Mirror: a weekly almanac of current affairs*, Singapore, December 30, 1968.

[13] Ambassador at large Phillip C. Jessup quoted in the *New York Times*, February 13, 1950.

[14] *The Bangkok Conference of the Manila Pact Powers*, Department of State Publication 5909 (G.P.O., Washington, 1955), p. 26.

[15] *New York Times*, March 27, 1961.

[16] Hearings, *op. cit.*, p. 676.

[17] *Ibid.*, p. 613.

[18] AID pamphlet, *United States Aid to Thailand*, Economic Assistance section, pp. 2–3.

[19] *Ibid.*, Effectiveness of Thai Government Institutions and Rural Development section, p. 8.

[20] *New York Times*, April 18, 1967.

[21] Speech to the Asia Society, New York, February 24, 1970.

[22] Nixon, Washington, November 3, 1969.

[23] *Foreign Affairs Bulletin*, Ministry of Foreign Affairs, Bangkok, Thailand, February, 1969, p. 279.
[24] Market Profile—Thailand, U.S. GPO: 1970 392-360/66.
[25] *Washington Post*, July 19, 1970.
[26] American Embassy, Bangkok: "Economic Trends in Thailand," p. 4.
[27] Hearings, op. cit., p. 657.

POLICE NEED SUPPORT OF THE PEOPLE THEY PROTECT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BRAY. Mr. Speaker, on October 14, 1970, the U.S. Capitol Building was treated to a different kind of demonstration.

It has had on its steps frequent demonstrations by student groups and antiwar activists, but on that day it was the scene of nearly 2,000 uniformed policemen, demanding Federal laws to halt assaults on lawmen.

Instead of "Stop the War," the posters designated Fraternal Order of Police Lodges. Instead of peace signs, there were American flags. Instead of chanting and singing, there was applause.

The policemen, representatives of the 120,000 member national Fraternal Order of Police, were seeking legislation designed to make it a Federal crime to kill policemen, and providing Federal assistance in solving assaults on police.

They came from as far away as Arizona, and their ranks had men from 25 States of the Union. Most were rank-and-file; they ranged from rookies to gray-haired veterans. I quote from the Washington, D.C., Post:

> In conversations, the policemen expressed frustration with the courts, a general feeling of pride in their jobs and discouragement over the lack of respect of some young people have for the police.

The ominous backdrop of daily newspaper headlines is enough to give anyone cause for concern. The FBI Uniform Crime Reports for 1969 showed that in 1969 a record high of 84 law enforcement officers were murdered. This was a 34-percent increase over 1968, when 64 officers were slain. And for the years 1960–69, a total of 561 law enforcement officers were killed by criminals.

In a statement issued earlier this month, J. Edgar Hoover put the issue squarely in focus:

> The law enforcement officer today bears a heavier burden, faces more frustrations, and is second-guessed more than ever before. The public asks more and expects more of the present-day policeman because the public need for protection is greater. When a policeman is assaulted or slain, the criminal significance of the incident extends far beyond the victim officer. It extends to the door of every law-abiding citizen.

On Monday, October 12, 1970, one of the toughest anticrime bills ever to clear the Capitol was sent to the President for signature. It provides the death penalty for anyone convicted of a fatal bombing; it permits the FBI to investigate, and Federal attorneys to prosecute, bombings and arsons on college campuses and at every other institution or organization receiving Federal funds.

To fight organized crime, judges are permitted to impose additional sentences of up to 25 years on certain "dangerous and adult special offenders" who are convicted of crimes that carry lesser penalties.

The legislation also:

Makes it a crime to use money from organized crime to establish a legitimate business in interstate commerce;

Makes it a Federal crime to participate in a conspiracy to obstruct the enforcement of State or local gambling laws;

Establishes Federal control over interstate and foreign commerce in explosives;

Creates a national commission to determine if the crime bill or any current laws infringe on individual rights.

Canada, our neighbor to the north, has a horrible example of terrorism run wild. Organized bands of terrorists have pulled two political kidnapings in the hope that the Canadian Government will be forced to spring 23 other terrorists, now held in prison, and yield to various other fantastic ransom demands.

Canadian Prime Minister Trudeau has instead thrown troops into Ottawa—the first such move in peacetime in Canadian history—and had this to say:

> There are a lot of bleeding-hearts who just don't like to see people with helmets and guns. All I can say is, go ahead and bleed . . .
>
> It is more important to keep law and order in the society than to be worried about weak-kneed people . . . I think society must take every means at its disposal to defend itself against the emergence of a parallel power which defies the elected power in this country and thinks it can go any distance.

Do we remember the days of the early 1960's when it became fashionable to break the law? When it was the "in" thing to do, to "protest" against "unjust" laws—after anyone could determine, for himself, what was "just" and "unjust"?

Do we remember the early warning cries of alarm, that this attitude, this sanction of these things, was tearing apart the very fabric of our society? Can we think back now to the voices that said bitter seeds were being sown, that would bear poisonous fruit? And can we remember how it was equally fashionable to denounce these warning voices as being those of "repression"

I said in 1964 that:

> There seems to be a concentrated effort to change the basic thinking of the American people. For many years the youth of America, even in their games, have considered the criminals the 'bad guys' and the law enforcement officers the 'good guys.' Now too often the cops are the bad guys and the criminals the heroes. A maudlin cult has been growing—as yet still small but vocal—which would have us class the criminals as the good guys and the policemen as the bad guys.

The police that gathered on the Capitol steps expressed concern over increasing assaults on them and on their brother officers, but they vigorously denied they were afraid. There was one remark in particular that struck me:

> Call it apprehension, not fear. If we were afraid we wouldn't remain officers.

No, they are not afraid. They know they cannot afford to be. They are the last bulwark that stand between society and chaos, between orderly government and anarchy.

The American Republic has faltered in its support of them. We must reaffirm this support now, stronger than ever before. They will not fail us, but we, those whom they protect, cannot and must not fail them.

NATIONAL HEALTH INSURANCE

HON. EDWARD M. KENNEDY

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. KENNEDY. Mr. President, as you know, on August 27 I introduced, with 16 other Senators, S. 4297, the Health Security Act to establish a program of comprehensive national health insurance. The key to this program, capable of bringing high quality health care to every man, woman and child in the Nation, is the use of national health insurance as a lever to improve all aspects of health care. I believe that only national health insurance will provide the vehicle by which so many of the urgently needed reforms can be achieved.

On September 23 and 24, hearings were held on this legislation, by the Committee on Labor and Public Welfare. Many of the aspects surrounding this legislation were extensively discussed. Hearings will continue in the future, and the movement we have witnessed in recent weeks will continue to grow, and I look forward to early enactment of such legislation.

One sign of the rapidly growing discussion on national health insurance is the large number of articles—both pro and con—that appeared on the subject at the time of the introduction of S. 4297, and at the time of the hearings.

On September 29, I placed a series of editorials in the RECORD. Since that time, a large number of other editorials have come to my attention. I believe that these additional articles—42 in all—will be of interest to Members of Congress who are concerned with the quality of health care in America. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Weekly Bond Buyer, Sept. 8, 1970]

PRIVATE PROGRAMS FALLING SHORT: NATIONAL HEALTH INSURANCE PROGNOSIS: 3 OR 4 YEARS

(By John Gerrity)

WASHINGTON.—From the time it was proposed by former President Harry S. Truman in 1945, the current Federal Medicare program, which now provides limited benefits to people 65 and over, took two full decades to work its way through the Congressional traces before finally winning approval. Chances are excellent today that the newly proposed national health insurance program, which would cover virtually every man, woman and child in the country, will become the law of the land within the next three or four years.

There's no gainsaying the fact that the current private health insurance industry, a very substantial $12 billion-a-year industry, is falling short of the desired goal and that it's high time that the U.S., the only major industrial country in the world without some form of national health insurance, should take decisive steps toward correcting a truly sorry situation. To most Americans, immersed as they are in the "we-are-better-off - than - anyone - else - in - the - world" syndrome, some of the comparative health statistics may come as something of a shock, today, for example:

The U.S. ranks 13th in infant mortality, trailing all the Scandinavian countries, most of the British Commonwealth and even East Germany.

The U.S. ranks seventh among the nations of the free world in the percentage of others who die in childbirth.

INFANT MORTALITY RATE

The infant mortality rate in the U.S. for non-whites is twice the rate of whites, nearly three times as many non-white mothers die in childbirth as do white mothers, and in large areas of the country effective prenatal and postnatal care is either non-existent to most low-income families or is so spotty as to be almost a rarity.

The U.S. ranks 18th among the free nations in life expectancy for males, 11th in life expectancy for females, and is behind 15 other nations in the life expectancy of middleaged males.

Some 20 per cent of the total population has no private health insurance whatever, 22 per cent have no surgical insurance, 34 per cent have no in-patient medical insurance, 50 per cent have no out-patient x-ray and laboratory insurance, 57 per cent have no insurance to cover visits to doctors' offices or doctors' home calls, 61 per cent have no insurance to cover drug costs, even partially, and 97 per cent have no dental insurance whatever.

Americans today are spending about $63 billion a year on health care, which includes doctor's bills, hospital bills, drugs, nursing homes and all the rest, and of this total amount, less than one fifth of the expense is covered by adequate private insurance programs.

NIXON ENDORSED

These, and a batch of other dismal health statistics, which together put a badge of discredit on the "most advanced nation in the world," came to light recently with the introduction in the Senate by Senator Edward M. Kennedy of the proposed Federal "health security program," which has the nonpartisan backing of 15 declared members of the Senate and an uncounted number of members of the House.

Additionally, President Nixon has endorsed the general idea of a national health insurance program, albeit he has not, for obvious reasons, embraced the measure proposed by Senator Kennedy with Senators Ralph Yarborough, of Texas, John Sherman Cooper, of Kentucky and William B. Saxbe, of Ohio.

Adding to the belief that some form of national health insurance will become a reality in not too many years is the fact that the American Medical Association, which for 20 years successfully lobbied against enactment of the Medicare and Medicaid programs the principle that they would bring about "socialized medicine," has its own plan for national health insurance, not quite so generous as the pending bill, and containing stouter guarantees to immunize doctors from the possible stigma of getting some of their earnings from "the state."

BENEFITS AVAILABLE TO ALL

The overall Health Security Trust Fund would derive its revenues from three sources—40 per cent from the general Treasury funds, 35 per cent from an employers' payroll tax of 3.5 per cent, and 25 per cent from a 2.1 per cent tax on individual incomes, up to $15,000 a year.

Employers, many of whom now pay the full costs of their employees' private health insurance premiums, would be allowed to pay their workers' health security tax. A variation of the proposed 2.1 per cent add-on to the going income tax rates could be to withhold the health security tax from employees' pay checks, just as unemployment compensation withholdings are now made.

With only a few exceptions the benefits of the new program would be available to everyone beginning, the pending bill sugests, in 1973. This date, of course, could be passed forward up to 1974 or 1975, depending on how long it may take to work the measure through Congress.

Eligibility for benefits would require neither an individual contribution history, as in the case of Social Security benefits, nor would any insured person be required to meet a "means test," as in the case with Medicaid.

The entire range of medical service would be covered, with four exceptions—nursing home, psychiatric treatment, dental care, and certain types of medicine and prosthetics.

The patients would never get a bill either from their doctors, druggists or hospitals. Suppliers of medical or health services would elect the way in which they wanted to be paid from various methods—fee-for-service, capitation payments or in some cases, retainers—or any combination of these three. Other independent providers of medical-health services, such as pathological labs, radiology labs, pharmacies or eligible appliance-makers would be paid on a fee-for-service basis.

The resources development fund would be a continuing affair, being financed with a 5 per cent take-out of the Health Security Fund's total annual receipts. After the preliminary organization stages were ended, the resources fund would devote its time and money to the continuing development of health services, doctors' and nurses' training programs and to help finance new researches into medical science.

EXISTING PROGRAMS SUPERSEDED

Various existing health programs would be superseded in whole or in part, by the new Health Security Program. Since all persons over 65 would be automatically covered. Medicare under the Social Security system would end. Federal Aid to State Medicaid programs would also be terminated, except to the extent that the benefits provided by existing State Medicaid programs might be broader and more comprehensive than those to be provided by the Health Security Program.

The program would be managed by a five-man, full-time Health Security board. Board members would be appointed by the President, subject to Senate approval, and members' terms would run for five years. The immediate supervisory agency would be the Department of Health, Education and Welfare.

The insurance program, as it is envisioned by its senatorial sponsors (the basic idea was originally produced by the "committee of one hundred for national health insurance," founded by the late Walter Reuther), is based on three guiding principles.

There is no provision by which the government would down health care facilities, employ medical personnel or would manage the finances of the health system. By contrast, the program, operationally, would be a sort of partnership between the public and private sectors, with no intrusion into the private activities of professional medical people.

The program is to be phased in on a gradual basis, rather than being thrust upon the country and the medical profession in a single action.

MANAGED ON BUDGETED BASIS

The services to be covered by the insurance system will be managed on a budgeted basis, via a health security trust fund, that will operate in the same manner as the Social Security trust fund now operates.

In the so-called transition period, which the pending bill fixes now at three years, there would also be created and financed out of the new trust fund resources, a $1 billion resource development fund. Purpose of this subsidiary fund would be to provide the necessary money to help increase the size of medically-trained manpower and to bolster the construction of hospitals and other medical care institutions.

It is, of course almost impossible to project what the ultimate total out-payments of the health security program would be, when the program became fully operative. However, on the basis of medical cost data now available from public and private sources for last year, it is estimated that, if the fund had been functioning in 1969, it would have paid out about $37 billion in health benefits. This works out to slightly less than 60 per cent of the nation's total medical-hospital-health bill last year of about $63 billion.

Obviously, there will be no action on the national health insurance proposal in the closing days of the current session, but it appears likely that debate will begin in the next session before the Senate Labor and Public Welfare Committee. Assuming the Democrats get control of the Senate, Senator Harrison Williams, of New Jersey, is in line to become the new committee chairman, since the present chairman, Senator Yarborough, lost his seat in the Texas primaries last Spring. Senator Williams is one of the members of the Senate who favors the health insurance program.

[From the Oakland (Calif.) Tribune, Sept. 26, 1970]

EVALUATION NEEDED FOR HEALTH SYSTEM

(By Jim Hazelwood)

"It would be foolish to impose a whole new system of health care onto a nation without testing things in an intelligent and limited way.

"We need years of evaluation, aided and hurried along by government subsidies.

"There is still a question as to whether the nation can afford a program of such magnitude."

The speaker was Geoffrey V. Heller, a consultant on health plan developments at the University of California School of Medicine.

Heller is a former vice president of California Blue Shield and a recognized authority in the field of pre-paid medical plans.

He was discussing his views on some of the difficulties and satisfactions America might encounter if the nation embarks on a national health plan.

Some authorities fear there will be a total breakdown in the provision of health care in the U.S. unless such a plan is adopted.

A 27-member panel, headed by Walter J. McNerney, president of the Blue Cross Association, recently recommended such a course to Secretary Elliot L. Richardson of the Health, Education and Welfare Department.

The Committee for National Health Insurance asked for a total health coverage plan several months ago, backing up the request with an impressive amount of research.

The committee was founded by labor leader Walter Reuther who worked tirelessly on it until his untimely death in a plane crash.

The chairman now is Leonard Woodcock, who succeeded Reuther as president of the United Auto Workers.

Vice chairmen include Dr. Michael DeBakery, the fierce, dedicated heart surgeon who implanted the first artificial coronary bypass pump; Mrs. Albert D. Lasaker, presi-

dent of the Albert and Mary Lasker Foundation, and Whitney M. Young Jr., executive director of the National Urban League.

The membership roster includes some of the biggest names in politics, religion, civil rights, business, medicine and practically every legitimate field of endeavor in the nation.

America may be divided on many fronts, but it seems united in its desire for a national health plan.

The big questions are, "How much, and how soon?"

Heller was interviewed as an architect of health plans that do work and as one who has long experience with the problems involved.

One of his main concerns is "an unknown reservoir of people presently barred from care because of financial inability to pay."

This could throw a strain on a new and untried medical system which could sorely try its ability to get off the * * * of experiments should be * * *.

"It could open an enormous pent-up demand, the size of which is not understood at this moment," Heller said.

"For example, as people age, they often find that their friendliest and most civilized contact is their doctor.

"We call them the worried well.

"There are a certain number who really should have the sympathy and understanding which comes from talking to their doctor, and they would be dealt with helpfully.

"But there are an unknown number of others in the worried well category who must be weeded out if a national health plan is to work."

Heller believes that a number of experiments should be launched before determining the final form of a national health plan.

"The existing Medicare and Medi-Cal programs could set aside certain groups to try different types of plans," he said.

"In a year or so, we would see whether they work.

"Some of these ideas look very good on paper, but they won't fly. Others will work. The job is to separate the two."

Heller believes the role of the Federal government will be limited to providing a share of the cost for each individual enrolled in a national health plan.

The balance of the cost would probably be shared by the individual himself and his employer, if he has a job.

"They will likely go to established medical groups with about $400 per person per year and ask them to guarantee that each individual will receive whatever health care he needs," he said.

"The amount which is left over will be used for payment to physicians."

This is essentially the same kind of payment developed by the Oakland-based Kaiser Health Plan, which Heller sees as a likely model for a national plan.

Heller suggested one aspect of national medicine which could mean serious trouble for both doctors and hospitals in the Bay Area.

"My feeling is that the hardest hit providers of medical care (under a national health plan) are going to be those who practice in high-cost areas," he said.

"Often, the more skilled practitioners drift to areas where people are able to pay the cost.

The larger cities of California are such areas, he said. There are probably as many medical skills and services available here as anywhere in the world.

But the people who receive these skills, naturally, have to pay a premium for them. Specially trained physicians require higher fees.

"It may not be possible for a national health plan to pay the usual and customary charges as practiced in the Bay Area," he said.

In other words, a physician practicing in the Bay Area probably wouldn't be able to not charge the plan any more than a small town doctor.

"The main differential in reimbursement to physicians which might be recognized by such a plan would likely be the difference in office costs, rather than physicians' fees," he said.

Heller said there is a possibility that the plan might offer incentives for a more equitable distribution of doctors.

"The plan might offer incentives for physicians to gravitate to areas where income possibilities are now severly limited," he said.

Heller insists that these are only speculations because no one knows what final form a national health plan might take.

"We will just have to wait to see what happens before we can make realistic predictions," he said.

[From the Cleveland (Tenn.) Banner, Sept. 10, 1970]

A FEASIBLE PLAN

The present advocacy by the American Medical Association and the National Medical Association of a medicredit program of national health insurance is not a switch in policy. U.S. medicine, now as always, opposes what it considers unworkable plans to extend health care and supports what in its wisdom and experience it believes to be workable plans.

The country is finding that merely pouring out billions of dollars on health care schemes can in no way improve the quality or availability of medical care. The health insurance plan proposed by the Nixon Administration is similar to the proposal which has been urged upon Congress by principal medical spokesmen. The health plan offered by the latter includes a three-point program which "the medical profession hopes to see that nation pursue" in efforts to provide quality health care for everyone as economically as possible.

An AMA spokesman, in describing the medicredit health insurance proposal his association advocates, says, "Under our plan, each low income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan. The protection would be theirs without expense or contribution since the cost of the program would be borne entirely by the federal government." A second phase of the plan, "offers tax credits, on a sliding scale based on the tax liability of a family, for the purchase of qualified health benefits coverage." A third phase of the plan, as proposed by the AMA, "calls for a structured peer review mechanism to insure high quality of care and to prevent abuses of the medicare and medicaid programs."

The doctors have given assurance of the medical profession's cooperation in solving the nation's health care problems. As the nation realizes the solution to these problems must be feasible—as well as liberal—the health care picture will grow immeasurably brighter.

[From the Jackson (Miss.) Clarion-Ledger, Sept. 4, 1970]

TODAY'S MEDICINE: HEALTH ADVICE FROM ABROAD

After seven months in the United States as a visiting professor a British physician believes that "some form of national health insurance" must be introduced here to avoid a "complete breakdown of health services."

"American medicine is more advanced technologically but there is little doubt that it is possible for doctors to practice better medicine in Britain," Dr. W. W. Holland, of St. Thomas's Hospital Medical School, London, writes in Lancet, a British medical journal.

In Britain, where there is a national health scheme of long standing, the number of general practitioners is increasing; the trend in the United States, on the contrary, is toward specialization. The result, Dr. Holland says, is that poor people "wait in dirty, ill-lit corridors" of big county hospitals for attention and because of the time required to see a doctor, often fail to seek treatment until a disease is in an advanced stage.

"Parallels may be found in developing countries or in the treatment of the poor in London teaching hospitals before 1914," he says.

Operating on 20 Jehovah's Witnesses (who refuse transfusion because of their religious beliefs), the Texas surgeons say they were able to reduce blood loss to a minimum by rapid and meticulous clamping of all cut blood vessels and to replace blood loss with a solution of salt, carbohydrate, potassium and calcium, keeping circulation stable both during and after the operation.

"Blood transfusion involves the risk of hepatitis and is used cautiously in this hospital," the surgeon says.

[From the Bay City (Mich.) Times, Sept. 5, 1970]

HEALTH STATISTICS UNJUGGLED

In an editorial about the need for national health insurance, we mentioned statistics which place the United States 14th among nations in infant mortality, 18th in male life expectancy and 11th in maternal mortality. The statistics seem to indicate, we noted, that we are doing, as a nation, far less than we can or should do for our own health and welfare.

A local doctor responded, calling national health insurance socialistic and claiming that the statistics were erroneous. Most European countries, he said, do not report infant births before the age of one year, and therefore "neonatal death statistics are largely a statistical juggling act and cited frequently by gullible politicians and unwitting journalists."

Checking, we found the same statistics reported by the World Health Organization and other governmental and health organizations, and we wrote to the Health Services and Mental Health Administration of the Department of Health, Education and Welfare, asking about the reliability of the figures reported. We received this reply:

"Deaths of infants who die before registration of birth or before 24 hours of age are excluded from the totals for certain countries. In this case they are also excluded from the birth total. In the recent past Belgium and France have used this method of counting infant deaths.

"Also some countries, notably the USSR in 1968, exclude infants born alive from their total of live born infants if their length of gestation was less than 28 weeks, they weighed less than 1000 grams, and measured less than 35 centimeters in length, if they die within 7 days of birth.

"In both the foregoing examples, data from countries following the indicated registration procedures are not compared with data from the United States. Thus comparisons and rankings when they are published by the National Center for Health Statistics have been done on the basis of essentially comparable data, excluding those countries whose procedures differ significantly from the World Health Organization recommendations."

A little confusing perhaps, but hardly a juggling act. And the main point stands: we let too many babies and mothers die; our medical facilities, procedures, arrangements lag behind those of a few other nations—which is bad not because we're in some kind of a race but because it is necessary. We could take much better care of ourselves than we are taking, and have only ourselves to blame.

[From the Donora (Pa.) Herald-American, Sept. 11, 1970]

NATIONAL HEALTH INSURANCE

A bi-partisan group of fifteen Senators has introduced a bill to provide, for the first time, national health insurance for citizens of the United States, of all ages, not just those over 65.

National health insurance is a government service voted into existence in practically every western democracy this century. Its proponents believe the United States is certain to eventually adopt it, as this country has adopted social security and Medicare.

Proponents argue there are still too many Americans, especially children, who cannot afford adequate medical and dental care. They estimate the cost of national health insurance at forty billions a year and the current bill would set up a Health Security Trust Fund to finance the program. Sixty per cent of the forty billions would come from special income and payroll taxes. The other forty per cent of needed funds would come from general tax revenue.

There seems little chance the proposed Health Security Act will be enacted by the current Congress. But having been introduced by Senator Edward Kennedy, national health insurance is certain to be an issue in the 1972 political campaign. (Of its fifteen sponsors, twelve were Democrats.)

There are reports President Nixon is considering endorsing such a program by 1972, his aides have estimated the additional cost, over what the government now spends, as ten billion dollars. There is still strong opposition to the program, but the President is reportedly concerned over the fact that too many Americans still lack adequate medical and dental care.

From the viewpoint of history, and the world trend, a good guess is that the nation will have some form of national health insurance before the end of the seventies.

[From the Aurora (Ill.) Beacon-News, Sept. 11, 1970]

WRONG PRESCRIPTION FOR MEDICAL CARE

Since Medicare was added to Social Security benefits and Medicaid began providing health care to welfare recipients, it has been as certain as the next sunrise that an effort would be made to pull the rest of our population into some kind of government-sponsored, tax-supported medical program.

That hour has come. Legislation is now before Congress to create "National Health Insurance" covering all Americans from the cradle to the grave. The debate on this issue will be of profound significance, our philosophies, involving our health, our pocketbooks, and the future of the medical profession

There is no denying that a crisis of serious proportions is overtaking the complex of doctors, hospitals, clinics and laboratories that has come to be known as the health care industry. The gap between the cost of medical care and our ability to pay it is widening. So is the gap between the medical needs of our population and the personnel and facilities available to meet those needs.

The decision to be made is whether we will seek to relieve that crisis within our tradition of private, voluntary medical service or whether we will turn the whole problem over to the government.

It is the latter course that would be followed under the proposed Health Security Act introduced last month by Sen. Edward M. Kennedy of Massachusetts with the cosponsoring of 15 Democratic and Republican Senators. The plan follows recommendations of a committee for national health insurance organized by the late Walter Reuther of the United Auto Workers.

The plan would sweep Medicare, Medicaid and the health care of every resident of the United States of America into a system to be administered like Social Security and financed by new payroll taxes and income taxes and from general federal revenues.

Our unhappy experience with Medicare and Medicaid should be argument enough that making government commitments to provide health care is not a solution to the problem—but part of the problem itself. Medicare and Medicaid have put a crushing demand on health care facilities that were overburdened to begin with. They have disclosed glaring opportunities for abuse. Their huge budgets have contributed to the inflation of medical costs and have proved inadequate to meet the demand for services which the two programs have stipulated.

To attack the health crisis in a rational way means we must first bring the Medicare and Medicaid programs into manageable bounds and provide the doctors, hospitals and other personnel and facilities to meet the present level of demand for health care. It is cynical to speak of the government's guaranteeing medical care for the entire population when the means of providing it are simply not at hand. The breakdown in the quality of care that would occur under such circumstances is frightening.

It is ironic that a nation which has made so many breakthroughs in medical research and technology should face such problems in delivering the end-product of medical science to those who need it. Experience should teach us, however, that greater nationalization of medicine—more commitments backed up by more tax money—is the wrong prescription.

[From the Elgin (Ill.) Courier-News, Sept. 11, 1970]

A CURE OR A CRISIS? EVERYMAN'S HEALTH CARE

Since Medicare was added to Social Security benefits and Medicaid began providing health care to welfare recipients, it has been as certain as the next sunrise that an effort would be made to pull the rest of our population into some kind of government-sponsored, tax supported medical program.

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[From the New York (N.Y.) Journal of Commerce & Commercial, Sept. 15, 1970]

HEALTH COVER BILL PROPOSED TO CONGRESS

WASHINGTON, September 14.—A bill to create a system of national health insurance and to use the insurance program to bring about major improvements in the organization and delivery of health care has been introduced by Rep. James Corman, D-Calif., and 32 cosponsors. It is a companion measure to the Health Security Bill introduced last month by Sen. Edward M. Kennedy, D-Mass., and 14 other senators.

Rep. Corman is a member of the House Ways and Means Committee, which has jurisdiction over his proposed legislation. The bill is based on a two-year study and recommendations of the Committee for National Health Insurance established by the late Walter Reuther in 1968.

COMPREHENSIVE PROGRAM NEED

"Nothing short of a comprehensive national program can now deal with the component parts of our health crisis and satisfy the nation's needs," Rep. Corman said in a speech on the House floor.

"National social policy now demands that we have a health system which undertakes to assure the availability of personal health services to everybody—as a right, without a test, without financial barriers or burden at the time care is needed, and with access to all needed services and not merely those which it is convenient for private carriers to insure."

Senate Labor Committee Chairman Ralph Yarborough, D-Tex., meanwhile, said he will hold hearings Sept. 23–24 on legislation to establish a national health insurance system.

The lame duck senator, who was defeated in the Texas Democratic primary, said he was reintroducing the "Health Security Act," which he and several other senators first dropped in the hopper last month in a form that would make it possible for the Labor Committee to hold hearings.

Under the original version of the plan developed by the Committee on National Health Insurance, the program would be funded primarily through the establishment of a "health security trust fund," Sen. Yarborough explained.

NEW FINANCING METHOD

The new version calls for complete financing out of general revenues—the first bill

would provide 40 per cent of the money from this source—so that it comes under Labor Committee jurisdiction, he said.

The Yarborough bill was cosponsored by the same bipartisan group that supported the first bill—Sens. Edward M. Kennedy, D-Mass., John Sherman Cooper, R-Ky., and William Saxbe, R-Ohio.

Some of the cost estimates on the national health insurance proposals "are too low," former chief actuary of the Social Security Administration Robert J. Myers told the Senate Finance Committee, which has resumed hearings on House-passed omnibus Social Security legislation.

Committee Chairman Russell B. Long, D.-La., queried him on national health insurance cost estimates and asked his opinion of this legislation.

"Such legislation is not desirable," Mr. Myers replied, "because the health needs of the vast majority of the American people are being taken care of by Blue Cross, Blue Shield and a vast network of health insurance plans."

[From the Geneva (N.Y.) Times, Sept. 10, 1970]

MOVE ON HEALTH CARE

There is nothing new about compulsory national health insurance. Its serious espousal goes back at least to the New Deal era, but Americans have always been persuaded that it wasn't needed or that it somehow was incompatible with our so-called free enterprise system. So what is so special about the health insurance bill introduced by Senator Edward Kennedy and a bipartisan group of 13 colleagues? What makes it special is that the notion of national health insurance is now acceptable to a far greater portion of the American public than ever before.

Medicare, which took almost 20 years to enact, paved the way, of course, as did medicaid. Millions of Americans have appreciated being rescued by medicare from a great financial burden. But perhaps the most important element is the realization that medical care is becoming inordinately expensive without any concomitant improvement in the availability or quality of the care. If this problem existed for only one segment of the population, the poor or the elderly, for example, then a special program would be in order, but the fact is that virtually every segment of the population is affected.

The statistics are by now familiar: One out of five Americans under the age of 65 had neither hospital nor surgical insurance in 1968; two out of three persons under 65 have no insurance for physicians' services rendered outside the hospital; health insurance in 1968 paid only 36 per cent of all consumer expenditures for health services, and at the rate at which private health insurance benefits are increasing it will be the year 2000 before insurance covers even two-thirds of the nation's health care bill. Finally, in the past 10 years the consumer price index has risen 29 per cent, but the outlay for health care has gone up 50 per cent.

Leaving aside the point that health care, like education, ought to be available to all as a matter of right, it is plain that the practical and equitable solution to the cost crisis is national insurance, a fact most other industrialized democracies recognized years ago. Under Senator Kennedy's bill, which is modeled on a plan advanced by the Committee for National Health Insurance, physicians' services, hospital services and most other health care would be paid for in full. The exceptions are for some nursing home care, mental illness, some dental care and some drugs and medical appliances.

Forty per cent of the financing would come from ordinary federal revenues, 35 per cent from an employers' payroll tax and 25 per cent from a tax on individual earnings up to $15,000 a year. The amount of the employer and individual taxes would vary with the funds required, but if the program had been operating in 1969, its sponsors say, expenditures would have amounted to 37 billion dollars, requiring an employer tax of 2.8 per cent and an individual tax of 1.8 per cent.

An important feature of the bill is provision for funds ($800,000,000 in the first year) to improve the health care system by training more health care personnel and providing various incentives to establish more efficient methods of providing health care. This program would become operative before the insurance went into effect, for it is evident that until the health care system is greatly enlarged and modernized it could not meet the increased demand the insurance would generate.

The Kennedy bill may not be the one finally enacted, but we are confident that the day when national health insurance proposals could be easily turned aside by special interest lobbyists has gone forever.

[From Newsday magazine, Sept. 21, 1970]

MEDICINE'S NEXT STEP

Getting sick is bad, and getting well is becoming almost as bad. That's when the bills start arriving.

The $100-a-day hospital bill is no rarity, and there is no indication that the super inflation that has hit the cost of medical care is waning. In the past decade, the fees demanded by doctors have gone up 30 per cent and hospital costs have almost doubled. In 1948, Americans were spending $7.5 billion for medical care; two years ago they were spending $50 billion and by 1975 the figure is expected to hit $100 billion.

Despite a Medicare program that is costing $8.3 billion a year and a $5.5-billion Medicaid program, there are still many Americans who are not getting the medical care they need. And despite private health insurance systems, such as Blue Cross, serious illness is driving millions to the economic wall. It is clear that the U.S. medical-care system is, itself, gravely ill. Beyond the obvious staggering costs, there are other statistics that show that these vast expenditures are buying less than full value. Male life expectancy in the U.S., for example, is lower than in 17 other industrialized countries. We are 13th in the number of infants who die and 11th in female life expectancy. These are the figures for a nation that spends more of its gross national product on medical care than any other nation in the world. To put it bluntly: We're getting gypped.

Why? We'll let writer Michael Crichton, himself an MD, offer part of the explanation. Says he in his book "Five Patients": "The American physician has been grossly irresponsible in nearly all matters relating to the cost of medical care. One can trace this irresponsibility quite directly to the American Medical Association. . . . Beginning in 1930 it opposed voluntary health insurance, such as Blue Cross. In 1932, it opposed prepaid group-practice clinics. In 1933, it began a successful campaign to block the construction of new medical schools and limit enrollment in those already in existence. We now have a shortage of doctors. More recently the AMA spent millions—probably no one knows exactly how many millions—to fight Medicare."

Doctors in the U.S. are accorded tremendous prestige. The AMA has used this precious commodity to oppose almost all suggestions for changes in the system. With so many Americans dissatisfied with anachronistic practices that make medical care an increasingly heavy financial burden, the AMA may find it has depleted its greatest resource, the respect of the American people. In 1945, President Truman first suggested a system of national health insurance. Twenty years later, in 1965, the Congress, over vehement AMA objections, passed the Medicare and Medicaid programs. Now the congress has before it a bill that would take these two programs one natural and logical step further. Instead of covering only the poor and the aged, all Americans would be guaranteed medical care. It may not come during this session of the Congress. But it's in the cards.

To quote Dr. Crichton again: "Without question, the notion of the doctor as a legitimate fee-for-service entrepreneur, making his fortune from the misfortunes of his patients, is old-fashioned, distasteful, and doomed. It is only a question of time."

[From Newsday magazine, Sept. 21, 1970]

A REFORM PROGRAM

Crichton is by no means alone in his vigorous indictment of the prevailing system of medical care. Some of the nation's most prominent citizens were concerned enough to take a long, careful look into this shameful mess and produce some workable suggestions for changing the system. The late Walter Reuther formed these 100 citizens into a committee that put forth a comprehensive program of reform. Last month, Sen. Edward M. Kennedy (D-Mass.), one of the members of the committee, introduced a bill embodying this reform program.

It is called the Health Security Act, and it would not only reorganize the way Americans pay for medical care; it would also seek to revolutionize the entire medical-care system. In its economic provisions, the bill would set up a Health Security Trust Fund, similar to the Social Security Trust Fund. New payroll and income taxes would be routed to this fund to pay for 60 per cent of the cost of the program. The remaining 40 per cent would be drawn from general tax revenues. The program would be designed to pay three-quarters of all personal health expenses for all Americans.

This is not "socialized" medicine in the general European pattern. In most cases, those governments own the medical facilities and employ the doctors. In the U.S., bringing about long-overdue reforms in the way medical care would be delivered to the public would be done more by the carrot than the stick. Group practice, for example, is one of the most promising ways of holding down costs. It is a central feature of the plan suggested by the committee of 100. The Kennedy bill calls for the creation of an $800,000,000-a-year fund to help pay for manpower training and for the construction of new facilities through direct grants and loans. Requests for aid from this fund would be considered according to a strict hierarchy of priorities. Group practices would have the top priority. Individual physicians practicing alone would have the lowest.

[From the Washington (D.C.) Sunday Star, Sept. 27, 1970]

ACTION NEEDED ON NATION'S HEALTH

Fourteen months after he said the country was facing a "massive crisis" and possible breakdown in health care, President Nixon has called for the drafting of a remedial program. And the word is out that he won't settle for just shoring up the presently rickety health services system. He has ordered a blueprint for making Americans the healthiest people on earth, which they now decidedly are not.

If that is indeed his goal, he deserves every encouragement. This is a mission of necessity upon which the nation should have embarked many years ago. In this field, the United States is in a third-rate position among the industrial nations. It just muddles along, tolerating incredible disorganization, appalling inequities and financial ruin for people who get too sick for too long. For millions, adequate care simply is unavailable. Distribution of services is drastically uneven across the nation.

Officials of HEW are reported to be working nights and on weekends on Mr. Nixon's program, and a bundle of recommendations should shortly be on his desk. He will need to sit down when he reads the cost projections. If the formulators come up with a plan scaled to actual needs, the price will be jolting. It will make the welfare reform legislation he is trying to push through Congress look like a penny's worth of peanuts. No doubt that is why he has delayed so long in acting on his own health-care crisis alarm, sounded in July of last year. A glimmer of what may be expected was given by Dr. Roger O. Egeberg, an assistant HEW secretary: ". . . as I see the problems, they are awful. Our needs for money are almost insatiable."

Before any hallelujahs are heard, it should be noted that no real movement is visible, except backward. All that is promised is a plan, and that has come not directly from the President but from a third-level administrator, Dr. Egeberg. The doctor has long been agonizing over the deteriorating health-care situation and trying to direct the President's attention to it. Now he vouches for Mr. Nixon's interest and we hope he is correct. We also hope that another year will not elapse before a comprehensive, sensibly graduated program is laid before Congress and the people.

This is a cause to which the public would rally. Most people are gravely concerned about the cost and uncertainty of medical care, and most still have not been exposed to the more shocking evidence which the President could offer.

There is abundant evidence of that concern. For example, on Labor Day the AFL-CIO president delivered a most untypical speech. It wasn't about labor itself, but rather was a statement of labor's No. 1 goal for the Seventies. That, George Meany said, "is to upgrade America's standard of health, to establish a new and better system for delivering health care and health services to the people who need them." He strongly endorsed the national health insurance program now before Congress.

Fifteen senators are sponsoring the insurance bill, which will not and should not be passed in this session. To place it in effect now would be like installing a jumbo jet engine on a Ford Tri-motor plane; it would pull the whole fragile health works to pieces. It is the only logical long-run objective, but preparations must be made. Crippling deficiencies of manpower, money and planning must be dealt with.

The administration, though, has shown no inclination to come to grips with the core problems, and its shotgun assault Wednesday on the health insurance bill bespoke too strong an attachment to the status quo. It revealed an affection for the private health insurance system that seems out of all proportion to that system's achievement record. Indeed the health needs picture drawn by HEW Assistant Secretary John G. Veneman, who presumably was speaking for the administration, was depressing in its narrowness.

He said national health insurance would cost too much (which it probably would if it were immediately implemented), and that it would "radically restructure the health financing and health service industry" with untested new processes. Certainly the present processes have been tested, and in view of the sorry state of health services, some radical restructuring seems inevitable.

Most discouraging, however, was Veneman's conclusion that, over-all, "the best investments that we can make as a nation in improved health are those directed toward assuring sufficient food and an adequate income, and a healthy environment for all." That was a platitudinous evasion of the health-care issue—about on the level of prescribing an apple a day to keep the doctor away. But people more zealous to assure first-rate health services for everyone, regardless of income, are hamstrung until some expensive foundations are laid.

A major expansion and upgrading of services is out of the question until the medical personnel shortage is relieved. The Nixon administration has avoided confronting that primary obstacle which, as a result, is growing larger. New York hospitals now are so desperate for nurses that they are advertising in Europe, Canada and Australia. Probably a fourth of the nursing stations in the country are unfilled. The doctor shortage stands at more than 50,000 and is worsening daily, yet U.S. medical schools turned away 15,000 well-qualified applicants this year. Faced with this predicament, the administration has trimmed federal assistance to medical schools and many are staggering financially. Two of the three here in the District are threatened with closing if they do not receive emergency grants. Johns Hopkins at Baltimore is in serious difficulty.

The President's first concern in the health field should be the rescue of the medical schools, and then their enlargement. The government also should set up improved machinery for measuring their efficiency and for obtaining the largest possible output of new doctors and nurses for the dollars spent.

And some way must be found to improve the dispersal of physicians. More med school graduates must be gotten into practice out among the populace, in localities where they are desperately needed, instead of adding to the urban concentration of specialists. There has been no planning for distribution of medical manpower in relation to needs. Hence some whole counties have been without general-practice doctors, while more attractive areas and specialties have been overloaded. Location incentives can be provided and the fadeout of the general practitioner can be reversed.

Another urgent need is for commitment by the profession to increased use of medical assistants—to the training of a new grade of personnel who in effect would be super-nurses. These aides—extensions of the doctor but at a level just below him—could contribute immeasurably to the creation of an efficient, full-service system. Professional obstinance has suppressed this concept, but there have been recent encouraging experiments.

Action is needed to extend prepaid group practice services to more Americans. About five million now are covered by group plans, which assure treatment at minimal cost. Again, there is resistance in the medical profession, but the AMA president recently voiced strong support for group practice and urged his organization and the federal government to promote it.

The President has been accused of giving health care a low priority rating, and we hope he will soon lay that charge to rest. If his administration can put together a program to create efficiency and sufficiency where there is now chaos and paucity, he will be long remembered. The pattern for advancement should be drawn to culminate with cradle-to-grave national health insurance, when the services structure can support it. Whether health services are a right or a privilege is an old argument, but Americans have settled it in their minds, and George Meany asserted that decision: "We must stop restricting the right to life and death to those who can pay, and denying it to those who cannot."

[From the Norfolk (Nebr.) News, Aug. 28, 1970]

BIGGER HEALTH PLAN; HIGHER COST

Sen. Edward Kennedy made two false assumptions in explaining and promoting his newly-introduced bill providing for a system of national health insurance.

One of these was that today's absence of a federally-sponsored national system and the existence of private agencies in this field results in a "large amount of wasteful and inefficient expenditures . . . made by private citizens, by employers, by voluntary private agencies, and by federal, state and local governments." A government system, experience indicates, would be more "wasteful."

Another was that the quality of health care in America is declining. He put it this way: "America faces many serious and critical domestic problems, but none is more pervasive or more difficult than the deterioration of our once proud system of health care."

There are doctor shortages in critical areas, hospitals and clinics that need improvement and places where new facilities are badly needed. But more Americans are getting better medical treatment today than ever before.

Cost remains a significant problem. It has always been so, and medical costs seem to grow disproportionately to inflation. One of the recent reasons is the government's adoption of Medicare and Medicaid programs for the elderly. The aged have been helped immeasurably but the burdens on the medical facilities have been great. Demand has overtaken supply, and economic laws have been affected accordingly.

The Kennedy program, in which he was joined by several other senators, notably Ralph Yarborough (D.-Tex.), John Sherman Cooper, (R.-Ky.) and William Saxbe (R.-Ohio), envisions financing by a 3.5 per cent tax on employers' payrolls, a 2.1 per cent tax on individual income up to $15,000 a year plus income from general revenues of the federal government making up 40 per cent of the total. Under his plan, $37 billion would have been paid out, based on 1969 figures. Presumably, that amount would also have been taken in to pay for the system.

The political appeal of attempting to reduce health care costs to individuals through such a plan will prove irresistible to many in Washington. But all the low and middle-income earners to whom such plans are supposed to be so enticing need to take these things into account before praising the senators for their "foresight" and humanitarianism: 1) The costs will be coming mostly from the same people to be assisted, many of whom now have satisfactory, workable health care programs; 2) Experience with medical aid for the elderly programs has proved that government's intrusion served to drive costs much higher.

[From the Washington (D.C.) Star, Sept. 4, 1970]

THE NEXT STEP

The national health insurance bill, presented by Senator Kennedy on behalf of a bipartisan team of 14 senators, doesn't stand a chance of passage in this session of Congress. But cradle-to-the-grave health insurance is coming, possibly in the first half of this decade.

It is coming not because, to use the well-worn phrase, it is an idea whose time has come. National health insurance will be adopted because it is a necessity that can no longer be avoided.

Few Americans need to be convinced that medical care has priced itself out of the market. Almost no one, with a few gilded exceptions, can afford a serious illness. And the cost of private health insurance programs has increased to the point where they have become a necessity that few families can afford.

Americans know they are paying more. But less generally understood is the fact that they are getting considerably less for their money than most citizens of technologically advanced nations. The United States ranks No. 1 in the total and per capita amount spent on health and medical care. But in re-

turn for the yearly investment of $63 billion, or $294 per person, America ranks 13th in infant survival, 13th in maternal survival, and 18th in male life expectancy. By contrast, Sweden, which ranks first in the field of national health, spends $45 a year less per person than does the United States.

Not all of the medical problems of this country will be solved by a national health insurance program. Too hasty a plunge could worsen the problem by increasing the load on the already overburdened system.

The move must be made carefully. But it must be made. In the long deliberations that lie ahead, the debate should concern itself not with whether a program of national health insurance should be undertaken, but how best to make it work. Invaluable lessons can be learned from the countries that have preceded us into the field, and the lawmakers and the medical profession would be well advised to spend their time sifting the best from the experience of the pioneers.

The time for opposition is past.

[From the Chattanooga (Tenn.) News-Free Press, Aug. 31, 1970]

THE BILL YOU'D HAVE TO PAY

Almost anybody with a big hospital bill in these days of high medical costs would be appreciative if someone came along and offered to pay it for him—unless the cost of that "favor" were worse than the original bill.

Medicare and medicaid haven't worked out. They have been pretty much as predicted in advance—very costly and spotty and not what they ought to be. So the crowd of liberals who proposed these unsatisfactory programs are promoting a more expensive coverup for their failures that are just beginning to hatch.

Sen. Teddy Kennedy, introducing a measure he knows won't pass this year but which he hopes will be a major platform plank for him in a presidential race one of these days, has proposed what is called "national health insurance" to replace Medicare and Medicaid. To give you just an idea of what it would mean, Sen. Kennedy's plan would cost twice what the current plans cost.

Estimated on the basis of 1969 health care, the cost for one year would be 37 billion dollars.

Where would the money come from? Well, says Sen. Kennedy, 40 per cent would come from "general revenues" of the Federal government. The catch is that the general revenues do not produce enough to cover current expenditures—without national health insurance. An increase of about 15 billion dollars in general taxes would be required.

All right, what about the rest? He says 35 per cent would come from a tax on employers' payrolls, meaning the people who provide your paychecks would have less money to put into those paychecks since they would have it taxed away for this program.

Then for the 25 per cent of the cost that still would not be covered, Teddy Kennedy says he would tax your income at a rate of 2.1 per cent up to $15,000 a year.

And this would be just the beginning. Does this look like someone paying your hospital bill for you or does it look like another high-tax adventure in socialized medicine.

[From the Bethlehem (Pa.) Globe-Times Sept. 3, 1970]

THE HOSPITAL INCREASE

The price of a hospital bed in ward room at St. Luke's Hospital is now $38 a day under the $5 general increase effective on Tuesday. It is difficult to challenge the need for the increase since hospitals have not only been hit equally hard by inflation but they have been forced to close the gap on long-standing inadequate salary scales simply to find personnel. However, the disturbing question is how can the average person without Blue Cross protection afford to pay his medical bills without wiping out his life's gains? Despite being one of the most heavily saturated health insurance areas in the nation, about 55,000 people in Lehigh and Northampton counties alone are not covered by Blue Cross.

The soaring cost of medical care is the biggest factor that has given recent impetus to a drive to establish a national health insurance program. The 15 U.S. Senators who have introduced the necessary legislation are concerned by the mounting evidence that the nation's health needs are not being met fairly, equitably or efficiently. They are troubled also by the shortage of doctors, the lack of emphasis on preventive medicine, and the uneven manner in which available medical services are allocated to various segments of the public.

History shows that important social advances are not achieved suddenly. The nation debated the issue of Social Security for two decades before it decided it wasn't a wild-eyed dream. Unemployment compensation was dismissed for years as a socialist scheme of far left radicals. The same pattern prevailed in the drives to enact the program which we now call Medicare.

The national health insurance issue now enters a like period of study, discussion and impassioned controversy. The plan advocated in the Senate asks, in brief, an extension of the Medicare program to embrace the entire population rather than just those over 65. It would be financed out of special taxes, out of general revenue, or out of a combination of the two.

The reception to the Senate measure indicates that this is an idea whose time has not yet come. But the ball is in motion. As medical costs continue to soar more and more people will feel the impact. How soon the nation accepts the concept of national health insurance depends now on how fast medical services are priced out of reach of the average American.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 4, 1970]

TIME TO MOVE ON HEALTH CARE

There is nothing new about compulsory national health insurance. Its serious espousal goes back at least to the New Deal era, but Americans have always been persuaded that it wasn't needed or that it somehow was incompatible with our so-called free enterprise system. So what is so special about the health insurance bill introduced by Senator Edward Kennedy and a bipartisan group of 13 colleagues? What makes it special is that the notion of national health insurance is now acceptable to a far greater portion of the American public than ever before.

Medicare, which took almost 20 years to enact, paved the way, of course, as did medicaid. Millions of Americans have appreciated being rescued by medicare from a great financial burden. But perhaps the most important element is the realization that medical care is becoming inordinately expensive without any concomitant improvement in the availability or quality of the care. If this problem existed for only one segment of the population, the poor or the elderly, for example, then a special program would be in order, but the fact is that virtually every segment of the population is affected.

The statistics are by now familiar: One out of five Americans under the age of 65 had neither hospital nor surgical insurance in 1968; two out of three persons under 65 have no insurance for physicians' services rendered outside the hospital; health insurance in 1968 paid only 36 per cent of all consumer expenditures for health services, and at the rate at which private health insurance benefits are increasing it will be the year 2000 before insurance covers even two thirds of the nation's health care bill. Finally, in the past 10 years the consumer price index has risen 28 per cent, but, the outlay for health care has gone up 50 per cent.

Leaving aside the point that health care, like education, ought to be available to all as a matter of right, it is plain that the practical and equitable solution to the cost crisis is national insurance, a fact most other industrialized democracies recognized years ago. Under Senator Kennedy's bill, which is modeled on a plan advanced by the Committee for National Health Insurance, physicians' services, hospital services and most other health care would be paid for in full. The exceptions are for more nursing home care, mental illness, some dental care and some drugs and medical appliances.

Forty per cent of the financing would come from ordinary federal revenue, 35 per cent from an employers' payroll tax and 25 per cent from a tax on individual earnings up to $15,000 a year. The amount of the employer and individual taxes would vary with the funds required, but if the program had been operating in 1969, its sponsors say, expenditures would have amounted to 37 billion dollars, requiring an employer tax of 2.8 per cent and an individual tax of 1.8 per cent.

An important feature of the bill is provision for funds ($800,000,000 in the first year) to improve the health care system by training more health care personnel and providing various incentives to establish more efficient methods of providing health care. This program would become operative before the insurance went into effect, for it is evident that until the health care system is greatly enlarged and modernized it could not meet the increased demand the insurance would generate.

The Kennedy bill may not be the one finally enacted, but we are confident that the day when national health insurance proposals could be easily turned aside by special interest lobbyists has gone forever.

[From the Lincoln (Nebr.) Evening Journal, Sept. 18, 1970]

IMPERSONAL HEALTH CARE PLAN OPPOSED

Sen. Roman L. Hruska, R-Neb., said Saturday that Americans will not stand for a national health insurance program which destroys the close personal relationship between the health practitioner and his patient.

Hruska commented on a proposed health care bill at the Nebraska Chiropractic Association convention held in Lincoln Saturday.

The $37 billion national bill would provide all hospital, medicine and physicians' costs be paid for all approved health facilities patients.

Dr. Howard C. Nelson of Columbus was introduced as chiropractor of the year.

Dr. C. H. Stohs of Grand Island, state association president, said that while Blue Cross-Blue Shield is now reimbursing insureds for X-rays taken in chiropractic treatment, they should also recognize payments for office visits.

[From the Houston (Tex.) Post, Sept. 15, 1970]

HEALTH INSURANCE CALLED INEVITABLE

A system of national health insurance is "inevitable," Thomas M. Tierney, director of the Social Security Administration's Bureau of Health Insurance, said here Monday.

Tierney said such a system will be "complex and very costly," but that it probably is the best way to insure all Americans getting comparable health care services.

New solutions to the health manpower crisis must be found before a tax-based insurance program could work, he said.

Tierney spoke at one of the instructional workshops at the 72nd annual meeting of the American Hospital Association at the Astrohall.

[From the Racine (Wis.) Labor, Sept. 11, 1970]

NATIONAL HEALTH INSURANCE LABOR'S PRIME OBJECTIVE

A prime objective of the labor movement is the adoption of a national health insurance program through legislative action. Attainment of the objective by an act of congress next year seems quite possible.

The growing feeling for such a program has been shown in recent weeks by announcement of the Walter Reuther plan and by reports that Rep. Martha Griffiths, Michigan Democrat, will re-introduce a national health bill in the next congress—an improved version of a bill that last February was cosponsored by 20 congressmen.

The basic reason for pushing a national program now is that the costs of medical care are running wild and most Americans are ready for a change in the system. An indication of this was a recommendation by a task force appointed by President Nixon that Medicaid, which is a federal-state program, be replaced with a national health insurance program for the poor. The "catastrophic" costs of medical care will be cited in every hearing coming up.

A brief observation on words. "National health insurance" is the current term; it seems to provoke no over-reaction. The word "compulsory", included in discussions on the subject a few years ago, seems edited out. And nobody nowadays says "socialized medicine," because the American Medical Association succeeded in making that real bleepbleep.

But call it what they may, it's coming, we believe. People want insurance for medical care, and a national program would be better than the way things are. Here are some of the reasons why:

Under group insurance plans in which premiums are paid entirely by the employer, the insurance is cancelled when the worker leaves the employer for any reason. Under national insurance, the worker would be covered all the time.

Under voluntary plans, the healthy tend to stay out and the "least healthy" enter. This means the average risk and the premium must be higher than would be the case under insurance covering everybody.

Many people are uninsured now, including those who need insurance most—low-paid workers such as seasonal and transient workers who are not covered by group insurance and cannot afford individual policies.

The forms of voluntary health insurance are extremely varied. The rates of coverage vary considerably—in urban and rural areas, in geographic areas and among age groups. In contrast, public insurance would be uniform and comprehensive as it ought to be, easier to understand, more efficient, and cheaper, particularly since no expense would be needed to sell it—no advertisements, no commercials.

National insurance would accord with the medical profession's principle concerning medical care: to each according to his need, from each according to his ability to pay.

Underlying all the particular reasons for national health insurance is the fundamental fact that laissez-faire does not work. In the development of various social and economic measures to provide income in the absence of work and jobs, such as unemployment compensation, workmen's compensation and old age and survivor's insurance, there has been an increasing acceptance of the idea that the security of workers cannot rest upon their freedom of individual choice.

That freedom is the laissez-faire notion that the individual should be free to save for the future or buy various types of insurance or not, just as he pleases, but always assuming that he is able to do this, and that whether he does or not is a personal and not a social problem.

But more and more we see and understand that lack of foresight on the part of any private individual (and all the bad luck too, that he may run into) is far more a social than a private problem For example, the worker who does not save and insure against the future does not starve to death or die in sickness unattended. Society must support him in his time of need.

Hence society interferes by providing insurance for the individual in the most efficient ways it can. A principle seems to emerge that no individual should be allowed to make choices which may place the burden of his support and his family upon other workers, say, in locality.

It comes to this: Insurance for health and medical care should be handled on a national basis because it is a national social problem. And our society is competent to do it this way.

[From the Harrodsburg (Ky.) Herald Sept. 10, 1970]

NATIONAL HEALTH INSURANCE

A bi-partisan group of fifteen Senators has introduced a bill to provide, for the first time, national health insurance for U. S. citizens of all ages, not just those over 65.

National health insurance is a government service voted into existence in practically every western democracy this century. Its proponents believe the United States is certain to eventually adopt it, as this country has adopted social security and Medicare.

Proponents argue there are still too many Americans, especially children, who cannot afford adequate medical and dental care. They estimate the cost of national health insurance at forty billions a year and the current bill would set up a Health Security Trust Fund to finance the program. Sixty per cent of the forty billions would come from special income and payroll taxes. The other forty per cent of needed fund would come from general tax revenue.

There seems little chance the proposed Health Security Act will be enacted by the current Congress. But having been introduced by Senator Edward Kennedy, national health insurance is certain to be an issue in the 1972 political campaign. (Of its fifteen sponsors, twelve were Democrats).

There are reports President Nixon is considering endorsing such a program by 1972, his aides have estimated the additional cost, over what the government now spends, as ten billion dollars. There is still strong opposition to the program but the President is reportedly concerned over the fact that too many Americans still lack really adequate medical and dental care. From the viewpoint of history, and the world trend, a good guess is that the nation will have some form of national health insurance before the end of the seventies.

[From the Sacramento (Calif.) Union, September 18, 1970]

HEALTH-CARE QUALITY AT STAKE: NATIONALIZATION OF MEDICINE IS THE "WRONG" PRESCRIPTION

Since Medicare was added to social-security benefits and Medicaid began providing health care to welfare recipients, it has been as certain as the next sunrise that an effort would be made to pull the rest of our population into some kind of government-sponsored, tax-supported medical program.

That hour has come. Legislation now is before Congress to create "National health insurance" covering all Americans from the cradle to the grave.

There is no denying that a crisis of serious proportions is overtaking the complex of doctors, hospitals, clinics and laboratories that has come to be known as the health-care industry.

The gap between the cost of medical care and our ability to pay it is widening. So is the gap between the medical needs of our population and the personnel and facilities available to meet those needs.

The decision to be made is whether we will seek to relieve that crisis within our tradition of private voluntary medical service or whether we will turn the whole problem over to the government.

It is the latter course that would be followed under the proposed Health Security Act introduced last month by Sen. Edward M. Kennedy of Massachusetts with the cosponsorship of 15 Democratic and Republican senators. The plan follows recommendations of a committee for national health insurance organized by the late Walter Reuther of the United Auto Workers.

The plan would sweep Medicare, Medicaid and the health care of every resident of the United States into a system to be administered like social security and financed by new payroll taxes and income taxes and from general federal revenues.

Medicare and Medicaid have put a crushing demand on health-care facilities that were overburdened to begin with. They have disclosed glaring opportunities for abuse. Their huge budgets have contributed to the inflation of medical costs and have proved inadequate to meet the demand for services which the two programs have stimulated.

[From the Torrance (Calif.), South Bay Breeze, Sept. 13, 1970]

THE CRADLE TO THE GRAVE

Since Medicare was added to Social Security benefits and Medicaid began providing health care to welfare recipients, it has been as certain as the next sunrise that an effort would be made to pull the rest of our population into some kind of government-sponsored, tax-supported medical program.

That hour has come. Legislation is now before Congress to create "National Health Insurance" covering all Americans from the cradle to the grave. The debate on this issue will be of profound significance, to our philosophies, involving our health, our pocketbooks and the future of the medical profession.

There is no denying that a crisis of serious proportions is overtaking the complex of doctors, hospitals, clinics and laboratories that has come to be known as the health care industry. The gap between the cost of medical care and our ability to pay it is widening. So is the gap between the medical needs of our population and the personnel and facilities available to meet those needs.

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The plan would sweep Medicare, Medicaid and the health care of every resident of the United States into a system to be administered like Social Security and financed by new payroll taxes and income taxes and from general federal revenues.

Our unhappy experience with Medicare and Medicaid should be argument enough that making government commitments to provide health care is not a solution to the problem—but part of the problem itself. Medicare and Medicaid have put a crushing demand on health care facilities that were overburdened to begin with. They have disclosed glaring opportunities for abuse. Their huge budgets have contributed to the inflation of medical costs and have

proved inadequate to meet the demand for services which the two programs have stimulated.

To attack the health crisis in a rational way means we must first bring the Medicare and Medicaid programs into manageable bounds and provide the doctors and other personnel and facilities to meet the present level of demand for health care. It is cynical to speak of the government's guaranteeing medical care for the entire population when the means of providing it are simply not at hand. The breakdown in the quality of care that would occur under such circumstances is frightening.

It is ironic that a nation which has made so many breakthroughs in medical research and technology should face such problems in delivering the end-product of medical science to those who need it. Experience should teach us, however, that greater nationalization of medicine—more commitments backed up by more tax money—is the wrong prescription.

[From the Columbia (S.C.) State, Sept. 19, 1970]

UNCLE SAM IS NO DOCTOR

In Great Britain, it goes by the name of socialized medicine. In this country, which shrinks from the name, many persons find the concept fetching under a variety of aliases. National Health Insurance is one, and two bills now before Congress proposes to force this system on the public.

"The two bills are similar," as Congressional Quarterly observes. "They would provide health insurance for all Americans, financed largely through Social Security-type taxes on employers and employes and also from general federal revenues. Total cost is estimated at between $40 billion and $45 billion per year."

The price-tag alone ought to be sufficient to discourage efforts in this direction. The Department of Health, Education, and Welfare, which consumes more money than any other federal department except Defense, spent $46 billion last year. National Health Insurance would effectively double the HEW budget, which already includes about $12 billion for Medicaid and Medicare.

Other objections have less to do with money than with the need to maintain high quality medical practice and research. The experience in other countries where the government has taken under its wing the healing arts is not of the sort to inspire much confidence. Medicine has tended to wither in these countries in the same way that many vigorous enterprises shrivel up when touched by the deadening hand of bureaucracy.

No one suggests that there do not exist in this country persons for whom adequate medical care is unavailable. Such persons do exist, especially in urban areas where slums contribute to disease and where medical facilities are greatly overtaxed.

The solution, however, is to provide for the unfortunate at government expense while allowing the vast majority of persons, who can afford private medical attention, to tend to their own health. This is not the solution proposed. What is proposed is that everyone be required to participate in a government-financed program of medical insurance, regardless of need.

Such a comprehensive, compulsory, and costly federal program of health insurance cannot be justified. A better plan would be something like the so-called "Medicredit" plan advanced by the American Medical Association. This provides tax incentives for private health insurance, with the government paying the costs for those persons paying less than $300 annually in federal taxes.

There remain those, however, who are determined to have Uncle Sam become everyone's family doctor. They are infected by the statist virus; in their fever they imagine that federal control endows every enterprise with magical properties. They are mistaken, as should be apparent from any study of American history—and of the American character.

[From the Charleston (W. Va.) Gazette, Sept. 8, 1970]

NATIONAL HEALTH CARE CAN'T COME TOO SOON

Among the world's major nations the United States enjoys a per capita income second to none. Although Americans spend twice as much for health services as do Swedes and Britons, they do not live longer than residents of those lands, and their infant mortality rates are higher. Survey after survey shows that in the categories of longevity and infant deaths, this society is behind at least a dozen others.

The United States is also the last major nation without a national health insurance system supervised and supported by government. Many Americans own private health insurance, but in the words of Sen. Edward M. Kennedy, "Health insurance coverage in America today is more loophole than protection." For example, from 20 to 97 per cent of Americans ineligible to acquire medicare lack insurance needed to defray costs of one or more of the sundry health problems apt to arise before age 65, when they finally qualify for medicare.

Even those individuals having broad insurance coverage are finding their premium payments mounting while benefits shrink. In some states, not all by any means, low income families may enroll in medicaid programs. Such plans vary widely and rarely meet full costs. Middle-income families, moreover, have nothing save their own resources for health protection, and often in the event of serious and prolonged illness these resources are pitifully inadequate. Kidney transplants or treatment of leukemia can eat up an insurance policy and then wipe out the life savings of a moderately well-to-do couple in very short order.

For these and other reasons equally disturbing it has become clear to most Americans that their hodgepodge health care system is a failure. And the solution isn't wholly money. Great Britain and Sweden, as aforementioned, spend per capita far lesser sums on health than does the U.S. Yet their health services are as excellent and, what is perhaps more important, they are accessible to all, which they are assuredly not here. The Lord knows how many Americans in need of hospitalization or a doctor's attention each year are neglected.

Two weeks ago 15 senators introduced legislation establishing a Health Security Program designed to pay three-quarters of the health care costs of all Americans. Excluded from the plan are some dental, psychiatric, nursing home and drug expenses, but just about every other conceivable type of medical cost is covered.

The bill won't be enacted this congressional session or the next. Nevertheless, no less an authority than Wilbur Cohen, former Secretary of Health, Education and Welfare, who originated and was the prime mover of medicare has forecast national health insurance "a lot quicker than most people realize." The truth is national health insurance can't come into being too quickly for most Americans. The situation is that critical.

[From the New York (N.Y.) Financial World, Sept. 16, 1970]

TO YOUR HEALTH

It's difficult to be against good health and "insurance" has a certain sanctified ring in American semantics. So when former Health, Education and Welfare Secretary Wilbur Cohen says of national health insurance, "It's going to come—it may take two, five or even ten years out it's coming, and coming a lot quicker than most people realize," it's hard to disagree.

The problem this poses is what kind of plan. Liberals in the Senate, headed by the senior member from Massachusetts, are pushing an insurance set-up which, if in operation today, would cost an estimated $40 billion a year. They would foot such a bill with more payroll levies. How this is to be borne atop such taxes already burdening employer and employee is apparently not important to the ambitious Democrats.

In contrast, the American Medical Association has a program with an elaborate system of tax credits for those who presumably can afford to pay medical bills and subsidies to these who obviously cannot. What this would do to a tax structure already twisted beyond the understanding of all but the cleverest circumnavigator has not even been suggested.

The only point all these people make is that the United States is the richest country in the world and that we spend more than other people on health. (No one stops to wonder how this is measured; it's assumed the yardsticks are correct because they are used.) Yet, Britishers and Swedes, for example, are said to live longer and have healthier babies.

The President has a commission studying the subject. If we've got to have this medicine, let's not be pushed into taking patent nostrums; let's wait at least until the consultants come in with their report.

[From the Memphis (Tenn.) Commercial Appeal, Sept. 17, 1970]

NATION MOVES TOWARD HEALTH PLAN

WASHINGTON, September 16.—The medical bill for each American came to about $294 in 1969—double what it was a decade ago and still rising.

The skyrocketing costs of medical care are sharpening interest in proposals for a national health insurance system under which the federal government would help pay the medical bills for all Americans.

Although a national health insurance program has no chance of being enacted in 1970, members of Congress have readied legislation for a debate on the issue in the 92nd Congress, according to Congressional Quarterly, a private research organization.

Representative Martha W. Griffiths (D-Mich.) introduced an AFL-CIO-sponsored national health insurance bill in February. Senator Edward M. Kennedy (D-Mass.) Aug. 27 led a bipartisan group of 15 senators in proposing a Health Security program, based on the recommendations of the Committee for National Health Insurance.

The committee was appointed in November 1968 by the late Walter P. Reuther, president of the United Automobile Workers, and assigned the task of recommending a national health insurance plan.

The two bills are similar. They would provide health insurance for all Americans, financed largely through Social Security-type taxes on employers and employes and also from general federal revenues. Total cost is estimated at between 40 billion and 45 billion dollars per year.

Even the American Medical Association—long a foe of what it has considered "socialized medicine"—has proposed reform of health insurance. Its "Medicredit" plan was introduced in the House July 21 by Richard Fulton (D-Tenn.) and Joel T. Broyhill (R-Va.).

Under "Medicredit," Americans would receive tax credits for their purchase of health insurance. Health insurance for families paying under $300 annually in federal taxes would be financed by the Government.

Adding to the impetus for health care reform was a June 30 report by an administration task force on Medicaid and related programs.

Under the existing health system, the task force said, "millions of consumers get care on a hit-or-miss basis."

The result, the panel said, is "rising dissatisfaction."

Although the report did not specifically propose a national program, its chairman, Walter J. McNerney, president of the Blue Cross Association, said the task force considered such a program a desirable goal.

When the Social Security Act was being debated in 1935, many of its supporters wanted a health insurance plan to be included in its provisions.

President Truman in November 1945 proposed a comprehensive, prepaid medical insurance plan for persons of all ages to be financed through a four per cent raise in Social Security taxes.

Mr. Truman repeated his proposal but the plan got no further than congressional hearings. The Medicare program for the elderly and the Medicaid program for the needy are partial responses to pressures for health care financed by the government.

Medicare and Medicaid have themselves helped to spur efforts at health reform. They have been factors in rising health costs by giving more people access to an already overburdened health system.

President Nixon proposed replacing Medicaid with a wholly federal program. The new plan would require Americans to pay part of their health insurance cost on a sliding scale based on income.

Medical costs per person averaged $294 in 1969, more than double the cost in 1960. Expenditures for physicians' services alone rose nine per cent.

Hospital room costs are expected to rise by 44 per cent, to $100 a day, by 1973. In some large cities like New York and Boston, they have already reached that amount.

The bill sponsored by Mrs. Griffiths would replace Medicare and Medicaid with a program of comprehensive health care.

The measure emphasizes contractual arrangements between the government and prepaid group insurance plans because Mrs. Griffiths believes that prepaid group health provides health care at lower cost than other forms of insurance. The proposal does, however, permit doctors to continue fee-for-service arrangements, if they prefer.

Coverage would include unlimited hospitalization; physician services, including surgery, subject to a $2 cost-sharing charge per visit after the first visit; preventive care and physical examination, nursing home care without limits; home health services subject to a $2 charge per visit; prescription drugs; eye care; and comprehensive dental services for all children under 16 subject to a $2 cost-sharing charge per visit after the first visit.

The plan would be financed under the Social Security program with employers paying three per cent of pay roll, employes, one per cent of pay roll and the federal government matching the contributions of the employers.

The Human Security Act in the Senate would cover all health services "required for personal health," with the exception of custodial, psychiatric and dental care, and some drugs and medical appliances. Doctors and hospitals would be compensated for their services by the program—either on a fee-for-service or retainer basis.

Financing for the program would be through a Health Security Trust Fund similar to the Social Security Trust Fund. A 3.5 per cent tax on employer pay rolls would provide 35 per cent of the fund; a 2.1 per cent tax on individual incomes up to $15,000 would add another 25 per cent; and federal general revenues would contribute the remaining 40 per cent.

[From the Waukegan (Ill.) News Sun, Sept. 16, 1970]

CRISIS NEARING IN U.S. HEALTH COSTS

(By Edward Neilan)

WASHINGTON.—It used to be a joke when someone said, "The most dramatic moment in medicine is presenting the bill."

Not so many people are laughing any more.

Hospital and health care costs are soaring while services are declining. Congressmen, citizen organizations and the public in general are clamoring for better medical care at a cost that is reasonable.

For millions of Americans, a visit to the hospital for any length of time can mean going broke or at least going into debt.

There seems to be a drift toward the type of solution used in virtually every other major western nation: Adoption of a national health plan.

The Federal government is already deeply involved in medical aid, financing for the elderly, veterans and the poor. But there is a rising crescendo of complaints that the effort is not enough.

Spokesmen for senior citizen groups, especially, complain that Medicare and Medicaid programs are not efficiently administered.

The growing push for a comprehensive medical plan is countered by arguments that it is "another step toward Socialism."

There are already several national health program bills before Congress and there is reason to believe the lawmakers might come to grips with the problem by early 1971.

Even the American Medical Association, which is steadfastly opposed to broad federal intervention in medicine, concedes that something must be done. The AMA, in fact, is endorsing one type of comprehensive health plan that would be tied to income tax levels.

None of the plans now languishing in draft form on Capitol Hill spell out precisely the form a national health plan might take.

But the volume of talk about need for improvements and the number of bills already put forward indicates that changes in health care are in the wind.

Medical costs have simply been getting out of hand. The accompanying conclusion is that although the U.S. is trying to do a better job of delivering health care, the quality of medical care is slipping.

The total health bill for Americans this year will be about $61 billion. This will be nearly 7 per cent of the gross national product, a greater slice of the national resource pie than any other country puts into health care.

The national bill per person for medical goods and services will be just short of $300 per year in 1971, more than double what it was 10 years ago.

And the costs continue to rise. Since 1966 the cost of health care has been escalating at an average annual rate of 7 per cent, considerably above the rate of increase of other consumer prices.

But for all this expenditure, the United States has been slipping behind other nations in the key gauges of national health.

In infant mortality, for example, the U.S. now ranks 14th, behind many Western European countries.

Men live longer in 17 other countries than they do in the United States. Women live longer in 10 other nations.

There is no disputing that the United States is among the world leaders in medical research and that some American hospitals are the best in the world. But the problem seems to be getting this excellence out in the masses at a cost that is acceptable.

The medical profession contends, and with some reason, that it is not completely to blame.

There are social, economic, cultural and even environmental factors at work on the deceptive statistics. Americans may work harder, for example, than some of the Europeans whose countries have better looking statistics.

It is also obvious that statistics covering the millions of Negroes who live in poverty have lowered the overall U.S. health profile.

But even allowances for such glaring conclusion that something is lacking in the U.S. Health care system.

Sweden, by comparison, seems to be able to make national health care work. That country spends 5 per cent of its GNP on health services and gets in return better medical care, lower infant mortality, longer life expectancy and fewer people dying during their productive years.

Ironically, Medicare and Medicaid programs have contributed to the spiraling cost of health care. These programs were not supposed to increase the costs of health care to other patients. But that has been the result.

And the poor and the elderly, despite the fact that plans are already in force to help them, continue to be the big losers.

It is, as some cynics claim, cheaper to die than to become seriously ill.

Since the beginning of 1966, doctors' fees have leaped 29 per cent and hospital charges have gone up 59 per cent.

National health plans as adopted by other nations are not foolproof; they all have problems of one kind or another.

The challenge to the United States would appear to be to turn some of its talents and abilities at management and systems control to delivering medical care to the patient at a cost that is reasonable either to a private budget or on some comprehensive health program or combination of both.

[From the Easton (Pa.) Express, Sept. 19, 1970]

CONGRESS SHAPES NEW HEALTH PLAN

(By Barbara Coleman)

WASHINGTON.—The medical bill for each American came to about $294 in 1969—double what it was a decade ago and still rising.

Although a national health insurance program has no chance of being enacted in 1970, members of Congress have readied legislation for an intensive debate on the issue in the 92d Congress.

Rep. Martha W. Griffiths, D-Mich., in February introduced an AFL–CIO-sponsored national health insurance bill. On Aug. 27 Sen. Edward M. Kennedy, D-Mass., led a bipartisan group of 15 senators in proposing a health security program, based on the recommendations of the Committee for National Health Insurance.

The committee was appointed in November 1968 by the late Walter P. Reuther, president of the United Automobile Workers, and assigned the task of recommending a national health insurance plan.

The two bills are similar. They would provide health insurance for all Americans, financed largely through Social Security-type taxes on employers and employes and also from general federal revenues. Total cost is

estimated at between $40 billion and $45 billion per year.

Even the American Medical Association—long a foe of what it has considered "socialized medicine"—has proposed reform of health insurance. Medicare and Medicaid have themselves helped to spur efforts at health reform. They have been factors in rising health costs by giving more people access to an already overburdened health system. Inefficiencies and excessive costs have resulted in many cases from loose controls in the programs.

President Nixon June 10 proposed replacing Medicaid, which is financed jointly by the federal government and the states, with a wholly federal program. The new plan would be integrated with the administration welfare reform plan, Family Assistance. Recipients would be required to pay part of their health insurance cost on a sliding scale based on income.

Government officials and health professionals agree that the nation faces a health crisis.

In 1969, expenditures for physicians' services alone rose 9 per cent over the previous year.

Hospital room costs are expected to rise by 44 per cent, to $100 a day, by 1973. In some large cities like New York and Boston, they have already reached that amount.

Health care is a major business in the United States—one that generated expenditures of $60.3 billion in fiscal 1969 or 6.3 per cent of the gross national product. The total was $12.9 billion in 1950.

The bill sponsored by Mrs. Griffiths would replace Medicare and Medicaid with a program of comprehensive health care for all Americans.

The measure emphasizes contractual arrangements between the federal government and prepaid group insurance plans because Mrs. Griffiths believes that prepaid group health provides health care at lower cost than other forms of insurance. The proposal would, however, permit doctors to continue fee-for-service arrangements.

Coverage would include:

Unlimited hospitalization; physician services, including surgery, subject to a $2 cost-sharing charge per visit after the first visit; preventive care and physical examinations; nursing home care without limits; home health services subject to a $2 charge per visit; prescription drugs; eye care; and comprehensive dental services for all children under 16 subject to a $2 cost-sharing charge per visit after the first visit.

[From the Boston (Mass.), Evening Globe, Sept. 13, 1970]

TOP OFFICIAL HITS HEALTH INSURERS

(By Richard Knox)

The Nixon Administration's top health official, Dr. Roger O. Egeberg, scolded the nation's private health insurers here yesterday for delaying money-saving reforms.

Egeberg, assistant secretary of Health, Education and Welfare, specifically criticized the health insurance industry for lags in providing payment mechanisms for out-of-hospital diagnostic tests.

Most health insurance policies require patients undergoing tests to enter the hospital before the tests will be covered, a feature which Egeberg said is needlessly wasteful of expensive hospital resources.

"This was a problem when I was practicing medicine in the 1930s and it's still a problem," said the HEW official.

Dr. Egeberg's remarks came during an appearance at a conference on "Changing Opportunities in the Health Care Industry," sponsored by Contemporary Issues, an affiliate of Business Equities Corp. of Boston.

During his prepared address, Dr. Egeberg outlined the administration's efforts to impose order on a burgeoning health care industry which is expected to absorb $100 billion a year by the end of the decade—compared with less than $1 billion in 1960.

He said legislation, now before the Senate, would "put teeth in the comprehensive planning concept by requiring prior approval of major capital expenditures as a condition of reimbursement under Medicare, Medicaid and maternal and child health programs."

These and other Federal health programs account for about one-third of all the money paid each year for hospital and medical expenses, he said.

Another proposal would authorize prepaid health care plans under Medicare. The new plan is known as "Health Maintenance Organization," Dr. Egeberg said. This "would undoubtedly help pave the way for a marked rise in the acceptability of prepaid group practice," he said.

[From the Washington (D.C.) Post-Times-Herald, Sept. 17, 1970]

HEW AIDE LAUDS BILL FOR U.S. INSURANCE

(By Stuart Auerbach)

A top administration health official has praised a proposed cradle-to-grave national health insurance program.

In an analysis of the plan, introduced in Congress by a bipartisan team of senators, Dr. Vernon H. Wilson went further than other Department of Health, Education and Welfare officials in applauding a federally financed plan to provide near-complete medical care delivery problems.

He said many of its principles "parallel proposals which we have been engaged in formulating" in HEW's Health Services and Mental Health Administration.

"In summary," Wilson wrote HEW Assistant Secretary Dr. Roger O. Egeberg, "the Health Security Program is a well-conceived thoughtfully prepared, comprehensive and integrated approach to solving many of the nation's health care delivery problems."

Wilson, head of the Health Services and Mental Health Administration, is the No. 3 health official in HEW.

His memo to Egeberg surfaced just a week before the Senate Health Subcommittee will hold two days of hearings on the proposal, which was introduced by 15 senators, including Edward M. Kennedy (D-Mass.), Ralph Yarborough (D-Tex). and John Sherman Cooper (R-Ky.)

The bill is based on a proposal unveiled in July by the Committee for National Health Insurance, an organization sponsored by the United Auto Workers union. Timing of the Senate hearings should make health insurance a prime issue in the November congressional elections.

Under the bill, national health insurance would go into effect in 1973. It would cover almost all medical expenses with the exception of some nursing home care, mental illness, dentists and some drugs and medical appliances.

On the basis of 1969 expenditures, the program would cost $37 billion a year. This would leave Americans with a $16 billion annual doctor bill.

Plainly angry that his private communication to Egeberg had been leaked, Wilson described his memo as his "professional first response" to the proposal.

"It isn't an endorsement of anything," he said. "I could very well change my mind."

Wilson especially praised the comprehensive nature of the program, its emphasis on creating pre-paid group practice systems, the involvement of consumers and the insistence of minimum quality standards for participants.

He also applauded the establishment of a Resources Development Fund which would begin trying to improve the health care system even before 1973, when the insurance benefits would start.

But Wilson found some parts of the program—especially its starting date—"questionable." Three years, he said, is not long enough "to effect the major changes and improvements to meet the added demands.

This has been Egeberg's main argument against national health insurance plans. He has said repeatedly that the nation needs more medical manpower and a better system for delivering health care before it can take care of the added demands that a national health insurance plan would bring.

This squares with current administration policy, which sees a national health insurance program somewhere in the future—but not as soon as the Senate proposal.

[From the Oakland (Calif.), East Bay Labor Journal, Sept. 11, 1970]

NATIONAL HEALTH INSURANCE

National health insurance now is before both houses of Congress with introduction of a bill by Senator Edward M. Kennedy and 14 other Senators.

Representative Martha Griffin's bill has been in the House for months and has attracted significant support from the nation.

We agree with Senator Kennedy's comment as his measure went into the hopper:

"Health care is the fastest growing failing business in the nation—a $63,000,000,000 industry which fails to meet the urgent needs of our people."

Health care costs go in only one direction—up. While American medical science is far ahead of other nations, health care is not reaching many who need it.

The reason is an outmoded method of distributing care plus its out of reach prices.

National health insurance is a must. We note that even the American Medical Association, which battled Medicare tooth and nail, has its own version.

This should be adequate proof that it realizes the people now demand national health insurance.

[From the San Diego (Calif.), Union, Sept. 13, 1970]

FACILITIES ALREADY JAMMED: NEW HEALTH PLAN IMPRACTICAL

Since Medicare was added to Social Security benefits and Medicaid began providing health care to welfare recipients, it has been as certain as the next sunrise that an effort would be made to pull the rest of our population into some kind of government-sponsored, tax-supported medical program.

That hour has come. Legislation is now before Congress to create "national health insurance" covering all Americans from the cradle to the grave. The debate on this issue will be of profound signficance, involving our philosophies, our health, our pocketbooks and the future of the medical profession.

There is no denying that a crisis of serious proportions is overtaking the complex of doctors, hospitals, clinics and laboratories that has come to be known as the health care industry. The gap between the cost of medi-

cal care and our ability to pay it, is widening. So is the gap between the medical needs of our population and the personnel and facilities available to meet those needs.

The decision to be made is whether we will seek to relieve that crisis within our tradition of private, voluntary medical service or whether we will turn the whole problem over to the government.

It is the latter course that would be followed under the proposed Health Security Act introduced last month by Sen. Edward M. Kennedy of Massachusetts with the cosponsorship of 15 Democrat and Republican senators. The plan follows recommendations of a Committee for National Health Insurance organized by the late Walter Reuther of the United Auto Workers.

The plan would sweep Medicare, Medicaid and the health care of every resident of the United States of America into a system to be administered like Social Security and financed by new payroll taxes and income taxes and from general federal revenues.

Our unhappy experience with Medicare and Medicaid should be argument enough that making government commitments to provide health care is not a solution to the problem—but part of the problem itself. Medicare and Medicaid have put a crushing demand on health care facilities that were overburdened to begin with. They have disclosed glaring opportunities for abuse. Their huge budgets have contributed to the inflation of medical costs and have proved inadequate to meet the demand for services which the two programs have stimulated.

To attack the health crisis in a rational way, we must first bring the Medicare and Medicaid programs into manageable bounds and provide the doctors, hospitals and other personnel and facilities to meet the present level of demand for health care. It is cynical to speak of the government guaranteeing medical care for the entire population when the means of providing it are simply not at hand. The breakdown in the quality of care that could occur under such circumstances is frightening.

It is ironic that a nation which has made so many breakthroughs in medical research and technology should face such problems in delivering the end-product of medical science to those who need it. Experience should teach us, however, that greater nationalization of medicine—more commitments backed up by more tax money—is the wrong prescription.

[From the Schenectady (N.Y.), Union-Star, Sept. 17, 1970]

ELLIS' DR. GRAHAM PREDICTS NATIONAL HEALTH INSURANCE

The advent of "some form of national health insurance is probably inevitable" during the 1970s, according to Dr. George W. Graham, executive director of Ellis Hospital, Schenectady, and immediate past president of the American Hospital Association.

Speaking this week at the association's 72nd annual convention in Houston, Texas, Dr. Graham said, "Increasing numbers of groups and legislators are publishing their thoughts on what a national health insurance program should be."

He added, "There are proposals which distinguish between service programs, which restructure the health delivery system around group practices and insurance proposals which preserve the role of private practice."

Although the proposals differ "in scope and intent," Dr. Graham said, "much public pressure will be brought upon government to make our health care system one that provides comprehensive quality care for every American, no matter where he lives; does not bankrupt the patient, is readily accessible, is continuously available, is responsive to change and is patient-oriented in nature, as opposed to disease-oriented."

The association, Dr. Graham said, "has much work ahead in the health field if we are to meet these expectations of the future. Unless we work diligently at it, these expectations will be met by a health care system devised, regulated and supported from outside our present one."

Dr. Graham added that the "future development of health care programs does involve soul searching . . . . what we have and what we should have in bringing about what we all deem is absolutely essential for the welfare of our country—a fully comprehensive health care system. If we do this well, we can answer our critics who harangue us continually with statements that the United States is terribly low on life expectancy, high in infant mortality and maternal morbidity and mortality, and other not so happy health statistics seemingly strange for such an affluent and progressive country."

The future role of the hospital and its leaders, Dr. Graham said, "will be dictated, to a large degree, by changing forces external to the institution," and he added that government, "already the largest purchaser of health services, will gain increasing influence in health care affairs."

The voluntary hospital industry, Dr. Graham said, "is not going to meet these forces and solve the task alone. We must seek constantly every avenue of coordination and cooperation we can, joining with all the many health-related organizations interested in our one goal—to better serve the health needs of the people."

The voluntary hospital, "in spite of the inroads of government into its operations, still epitomizes the humanitarian instincts of our people," Dr. Graham said, adding, "The answer to the future of the voluntary hospital will lie in the service given to the public. If the voluntary hospital system can give conclusive proof that such a system is more efficient, more economical, more community minded and contains more of the milk of human kindness, the public will insist upon its retention and give it full support."

He said government involvement in the hospital industry "was inevitable—that is, society as a whole had to become involved in providing supplementary support to our increasingly complex and costly health care services—a situation that even our great system of private philanthropy is finding hard to cope with, as these increasing social responsibilities demand greater outlays of money."

Dr. Graham also said, "We have lived through a period of intensified involvement of government in health affairs and truly demonstrated our ability to meet the needs of government health planners—for example, through the Medicare program—better than many people prophesied.

[From the Kalamazoo (Mich.) Gazette, Sept. 19, 1970]

NATIONAL HEALTH PLAN NEEDED

Some kind of national health care plan is a certainty in the Seventies. And for many, many Americans who are old and poor, it can't come soon enough.

An estimated 24 million Americans under 65 have no health insurance at all. About 60 million have no coverage for in-hospital medical expenses. For large numbers of families, serious illness can mean instant poverty.

Private and group medical plans and such government programs as Medicare and Medicaid have helped ease the crisis in the health field, but pressure to expand coverage and broaden the range is rising.

Sen. Edward Kennedy's proposed legislation would cover all citizens over the entire range of health services except for certain nursing home care, mental and dental treatment and some medicines and equipment.

The program would be financed through a trust fund. Income would be derived from federal general revenues, a tax on individual income.

Kennedy says his bill would not create a national health service of government-owned facilities and government-employed doctors. And, "with only four exceptions, there are no restrictions on needed services, no cut off points, no deductibles, and no waiting periods."

Inflation has played a leading role in the health care crisis. The cost of medical treatment has gone up 27 per cent in four years; the cost of a semi-private hospital room has gone up 88 per cent in eight years.

The Chamber of Commerce of the United States is only one of several groups undertaking new studies of the nation's health care needs and programs.

The poor, the old, those on fixed incomes, the unemployed—these are among the people hit hardest by inflation and soaring medical costs. Whatever the merits and demerits of Kennedy-type approaches to the problem, something is needed if all Americans are to receive maximum value for their health dollar and those not now covered are to receive the same health care as others.

[From the Philadelphia (Pa.) Bulletin, Sept. 21, 1970]

HEALTH CARE: IT HAS TO WORK

Twice within a fortnight, the nation has been told in desperate terms of the sad state of its health care services.

"As I see the problems, they are awful," said Roger O. Egeberg, assistant secretary of Health, Education and Welfare, virtually repeating the words of Sen. Edward M. Kennedy when he introduced a bill for national health insurance.

The big difference between the position taken by the Nixon Administration, as defined by Dr. Egeberg, and that of advocates of national insurance, exemplified by Sen. Kennedy, is that the former calls for study and the latter for action.

Dr. Egeberg says he is no longer frustrated but is now optimistic that the President has determined to do what is necessary to make this country healthier than any other country in the world.

The U.S. has a long way to go to reach this goal. It ranks 13th in infant mortality among industrialized nations, seventh in maternal mortality, 18th in life expectancy for men and 11th in life expectancy for women.

Even admitting these failures is a major hurdle crossed. There was a time not long ago when the medical profession insisted that U.S. health care was superior to that found anywhere, and people paid their money and took their pills, if they could afford to.

Americans spend about $62 billion a year for medical care, more than any other nation.

That was the rub. American medical science is the most advanced, and medical care the best—for those who can afford it. But even with private health and hospitalization

insurance, the cost has become impossible for many to bear. They put off examinations which might have prevented illness, endure pain or sacrifice other needs.

The plan offered by Senator Kennedy to establish nation health insurance, not a national health service, would, he says, provide highest quality care for the total population through a trust fund derived from payroll taxes and general federal revenue.

Dr. Egeberg has not revealed what specific programs HEW will recommend to the White House. He is opposed to adopting national health insurance before the medical care system is set up to handle the extra load.

As debate ensues on the Kennedy Bill and HEW's eventual proposals, it is vital that the medical profession's traditional antipathy toward "socialized medicine" does not obscure the issue. Something dramatic must be done to lower the rates of illness, disability and mortality, and to check spiraling costs.

That something may be uniquely American, but it has to work.

[From the Milwaukee (Wis.) Labor Press, Sept. 3, 1970]

THE DOCTOR'S IMAGE

The July issue of the Rehabilitation and Health Newsletter contains two interesting items on the same page.

One tells about a modest government appropriation of $432,000 to establish an inner-city group practice of doctors and dentists to aid in alleviating medical and dental problems in the core.

On the same page, another story tells of recent action by the American Medical Association which approved a five-year $10 million public relations campaign to "improve the image of the American doctor".

In other words, to fight national health insurance.

It is ironic that there is so little money to alleviate suffering by the poor in the ghetto area, but no problem to appropriate millions to preserve the status quo of the medical profession.

These two sets of figures again establish the inescapable conclusion that the only way to meet the American health crisis is through a national health program.

[From the Bloomsburg (Pa.), Press, Sept. 16, 1970]

NEXT HEALTH STEP

The national health insurance bill, presented by Senator Kennedy on behalf of a bipartisan group of 14 senators, stands no chance of passage at this session of Congress, but it undoubtedly is coming, perhaps within four or five years.

It will come simply because the cost of medical care has gone so high that few families can afford a serious illness. This is true despite the assistance given by Medicare and Blue Cross-Blue Shield. Provision of prescription drugs under Medicare may come sooner. Private health insurance plans are out of reach of millions.

Americans get less for their money than citizens in other highly technologically advanced nations. The United States ranks first in the total and per capital amount spent on health and medical care. But in return for a yearly investment of $63 billions or $294 per person, America ranks 13th in infant survival, 13th in maternal survival and 18th in male life expectancy. Sweden, which ranks first in the field of national health, spends $45 a year less per person than does the United States.

Not all medical problems will be solved by a national health insurance program and a rapid plunge into such an endeavor might worsen the problem. It will be wise to study what has been done elsewhere and select the best.

[From the Joplin (Mo.) Globe, Sept. 17, 1970]

HEALTH CARE PATH

In the few years that federal medicine has existed in this nation, costs have zoomed many times over what they were predicted to reach to this time. Also costs of private health insurance plans have increased to the point where they now are major items on family budgets. Hence, many Americans pay higher taxes to underwrite mushrooming government programs, while paying the necessary higher costs of their private insurance.

The out-of-control expenses of medicare and medicaid should raise a big question mark as to whether federal medicine is the answer to problems of America's medical care. Allan C. Brownfeld writes in Private Practice that any shortcomings in the delivery of medical care are not a result of the system of private practice. For under this system Americans have probably the best and most advanced health care in the world.

Against this background of progress under private plans but runaway costs under government programs, there's good reason to look askance at health insurance schemes that have been, or will be soon, introduced in Congress. The one recently presented by Senator Ted Kennedy is a case in point.

This national health plan would in effect bring socialized medicine to the United States. There would be no partial socialized influence on medicine and health care as experienced during the second half of the Sixties. But proposed government cradle-to-grave health protection would be total, while disregarding how the great advancements made under private programs came about.

Americans should ponder long and carefully as to which path is wise to follow in future health care, remembering meanwhile the sorry record scored so far while trodding the federal government health protection path.

[From the Levittown-Bristol (Pa.), Courier-Times, Sept. 16, 1970]

AS BLUE AS BLUE SHIELD

There is a physician we know of in Lower Bucks County who has grown gray in the service of his patients, who is dedicated to giving them the best possible care and who a few weeks ago put a salve on an incidental patient's minor burn, bandaged it and billed Blue Shield for $15 for "surgery".

Not long after that a bill was delivered at this patient's home revealing that the cost of Blue Cross and Blue Shield coverage had gone up again—20 per cent this time and a full 100 per cent within the past four years.

Cause and effect? Not in this isolated instance, surely, but multiply that instance a hundred times across the Commonwealth of Pennsylvania and without doubt this is a factor.

Most of our physicians are scrupulously honest and above any such step. Unfortunately, they are doing nothing through their professional organizations to police their ranks.

The cost of health insurance is increasing so seriously that it is now beyond reach for many an individual; adequate health care without it is beyond the reach of thousands of persons.

A national health insurance program has been introduced in the Senate by 15 members; it will be enormously expensive but it could be one answer.

Socialized medicine could be another answer.

Both are steps toward socialism and toward more and more governmental regulation over what up to now has been private concern. But one or the other will be esssential unless there is a drastic turnabout in the approach that is taken by professionals to those escalating costs.

[From the Evansville (Ind.) Press, Sept. 15, 1970]

GETTING DOCTORS TOGETHER

However unlikely it might have seemed five years ago, both Congress and leaders in the medical profession are now promoting the idea that doctors should practice in medical groups.

Historically, doctors have been loners—treating patients their own way, keeping their own books and generally mistrusting anything that sounded even vaguely like "socialized medicine."

But the Senate passed a bill the other day that would authorize health insurance companies serving federal employes to offer prepaid medical care to anyone who wanted it. Involved in this was a frank attempt to bring doctors together into medical groups offering a wide range of services at reasonable cost.

The same day the Senate acted, the president of the American Medical Association suggested that both the AMA and the federal government help young doctors set up group practice clinics, especially in areas where doctors are in short supply.

Earlier this year, the House approved changes in Medicare and Medicaid that would encourage doctors, hospitals and insurance companies to set up broad medical groups offering prepaid health care to patients of all kinds.

The family doctor concept was perfectly valid only when specialists were rare and fees were modest. And it still is valid for families that have both the access to treatment and the means to pay for it.

But the doctor shortage and the high cost of hospitalization have made new forms of medical care almost mandatory. Getting doctors to pool their skills is a good way to start.

[From the (Washington, D.C.) Evening Star, Oct. 3, 1970]

NATIONAL HEALTH CARE MOVES ONTO CENTER STAGE

(By Clayton Fritchey)

Suddenly, and unexpectedly, a new political issue (national health insurance) has been drawn that could well affect the outcome of the next presidential election.

Public support for some kind of a national health system has been gathering such momentum in the last year or two, that until several days ago few in Washington guessed that the administration was about to declare an all-out, undisguised war on the proposal. Yet it has; and the reaction has been swift and sharp. The fight is on.

Several weeks ago, a formal bill to provide cradle-to-grave medical service to all Americans by 1973 was introduced by a group of 15 senators, and it is this bill that the administration has abruptly opened fire on. Senator Edward Kennedy, D-Mass., one of the chief sponsors, now predicts that the proposal will become the "hottest" domestic issue in Congress early next year—and, if that happens, perhaps the hottest domestic campaign issue in the 1972 election.

The administration's strategy is, for several reasons, puzzling even to Republican congressional leaders. First, the health bill, while primarily Democratic, has bipartisan support, with Senator John Sherman Cooper, R-Ky., and Senator William Saxbe, R-Ohio, among the cosponsors. Second, Nixon's Family Assistance Plan, providing a minimum national income, which the administration is pushing so hard, is every bit as "radical" as the health plan, and much less popular.

Finally, if there is a sure way of reuniting labor at one stroke behind the Democratic party, opposition to national health protection is it. It is a strange strategy for an administration which is obviously trying to cultivate organized labor and lure blue-collar workers into the GOP.

George Meany, president of the AFL–CIO, lost no time making it clear how strongly he feels about the legislation. After a round of golf at Washington's Burning Tree with his new chum, President Nixon, Meany dashed to Capitol Hill to tell a Senate committee that labor is prepared to do anything short of an illegal act to put over the health plan—regardless of how the White House feels. The United Auto Workers, who defected from the AFL–CIO three years ago, are even more ardently behind the bill, as are all the other independent unions.

It had been assumed in political circles that if the administration did not embrace some kind of federally funded health program of its own, it would at least be cautious, if not ambiguous, in its opposition to the newly introduced one. They were surprised, therefore, when an administration spokesman, John G. Veneman, undersecretary of health, education and welfare, promptly denounced the proposal as neither "a proper or workable approach to the health problems of this nation." The administration, he said flatly, was against it.

The sponsors are indignant over Veneman's assertion that the plan would cost $77 billion in its first year of operation. Veneman was accused of using this figure for "shock value" in trying to kill the program. Leonard Woodcock, the new head of the United Auto Workers, accused the administration of a "shabby trick" in grossly exaggerating the cost of the plan. The sponsors estimate a cost of roughly $57 billion, as against the $61 billion going for the inadequate, unplanned care Americans now receive.

Briefly, the bill would establish a vastly broadened Medicare plan for Americans of all ages. This insurance would pay about 75 percent of all their medical expenses. It would be run by a new federal agency like the Social Security Administration, and would be funded by general tax revenues and contributions from both employees and employers.

It is easy to see why union leaders are lining up so firmly behind the proposal, for, as Meany has just told the Senate, they are feeling "pressure from the bottom." Like Kennedy, Meany sees the plan becoming a paramount issue in coming elections, with the American working man solidly behind it.

After World War II, support for government-financed medical care played a key part in the British Labor party regaining power. This immensely popular reform could likewise benefit the Democrats in 1972 if Nixon continues his opposition without offering an acceptable alternative.

THE IRS AND PUBLIC INTEREST LAW FIRMS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. UDALL. Mr. Speaker, the Internal Revenue Service recently announced that it is reconsidering the tax deductible status of gifts to any new public interest law firm or other private organization which sues on behalf of consumer interests or the environment. It is possible, then, that gifts to groups who pursue this type of litigation on a nonprofit basis will no longer be tax deductible. Since in many instances gifts are the only source of revenue for public interest law firms, the risk is there that they will disappear from the American scene as the tax deduction serves as a strong incentive for charitable donations.

Because of the public outcry that followed an accompanying temporary suspension of tax deductible status of such gifts, the IRS has announced that interim gifts before the final decision is made would be deductible so long as the grants are for "support for current operations under the rulings." While this is a welcome development, it is temporary only and limited in scope. New funding for long-range commitments was discouraged and the risk is still present that the IRS will deny the tax exempt status that many feel is warranted.

One of the healthiest developments in American jurisprudence in the last few years has been the appearance of the public-interest law firm. Young men and women are now devoting their legal careers to the pursuit of the diffuse interests of the public, rather than the highly specialized and more lucrative interests of the business establishment. Rather than discouraging this trend, Mr. Speaker, I believe we should do what we can to encourage it. Interests that have never had a real voice in any decision-making arena in this country are finally finding outlet in the courts.

Recently Senators HART and McGOVERN, along with many of my colleagues in the House, cosponsored with me the Environmental Protection Act of 1970. This bill is designed to encourage developing environmental litigation by doing away with such questions as a citizen's "standing" to litigate environmental questions and by establishing a citizen's right to a clean environment, notwithstanding the absence of any economic damage to the individual.

Passing this legislation will not be in and of itself sufficient to give citizens a real voice in our fight to save the environment. They must have effective spokesmen to take the action before the courts. If the Internal Revenue Service does indeed suspend the tax-exempt status of gifts to public-interest law firms, it is my fear that the needed advocates for this worthwhile cause will simply not be available.

Because of the importance of this issue, Mr. Speaker, I would today include a reprint in the RECORD of an editorial from the New York Times and an article from the Washington Post which I believe correctly analyze the implications of the Internal Revenue Service's action. Along the same lines, I sent a letter to the Commissioner of the IRS, Randolph W. Thrower, spelling out my feelings on the ruling, I would also include this reprint in the RECORD:

IRS TO THE RESCUE

A remarkably encouraging development in recent years has been the emergence of public-interest law firms and of new citizens' groups which appear before regulatory agencies and the courts in behalf of consumers and of the environment. Instead of demonstrating in the streets, holding rallies and picketing, these lawyers and concerned citizens have been making use of the orderly processes of Government to make their protests against companies with a reckless "buyer beware" attitude toward their customers and toward the physical environment. Against this background, it is astonishing that the Internal Revenue Service has now come to the rescue not of the public-spirited lawyers and voluntary organizations but of corporate marauders who can well take care of themselves.

Commissioner Randolph W. Thrower of the I.R.S. has announced that it will not give tax deductible status to any new public-interest law firm or other private organization which sues on behalf of the consumer or the environment. Until its study is completed, those organizations that already have tax-deductible status will be under a financial cloud because contributions to them may or may not be ruled deductible depending on what I.R.S. decides.

Since most private agencies organized for general public protection cannot long survive if the donations they receive are not deductible, this decision is a powerful blow against Ralph Nader's Center for the Study of Responsive Law and the many other organizations which have sprung up in recent years.

Senator Mondale of Minnesota properly describes this I.R.S. decision as "outrageous." There was no public demand for this crackdown. On the contrary, ordinary people have repeatedly shown their enthusiasm for these citizen organizations. The ordinary person cannot afford to file a lawsuit against a wealthy corporation which can hire full-time, high-quality legal counsel. The only hope of fighting these corporate giants in the courts is to have a nonprofit organization or a group of public-spirited lawyers who will take on the case. The effect of the Internal Revenue's review is to intimidate these organizations by raising the spectre of the loss of their tax-deductible status.

It is specious for Commissioner Thrower to contend that it is unfair for the public interest side in a litigation to have tax-exempt status. He knows perfectly well that all corporate legal expenses and a good share of lobbying expenses are incorporated in the regular operating costs of business and thus become part of the price base to the consumer.

The logic of the I.R.S. action goes counter to the expressed philosophy of the Nixon Administration, which seeks to encourage decision-making by individuals and voluntary organizations rather than by Government

agencies. Russell E. Train, chairman of the President's Council on Environmental Quality, has protested to Mr. Thrower that "private litigation before courts and administrative agencies has been and will continue to be an important environmental protective technique supplementing and reinforcing Government programs."

The Internal Revenue Service has previously harassed the Sierra Club on the grounds that the club's public service advertisements on environmental issues constitutes lobbying. Now the I.R.S. is extending its intimidation and harassment to a much wider range of organizations. It is time for I.R.S. officials to relax their tender solicitude for the big polluters and come to the rescue of the ordinary citizens who pay their salaries.

LAWS, LAWYERS AND THE SYSTEM

(By Colman McCarthy)

For some time now, many parents, teachers and politicians have been telling young activitists of conscience that the way to change the system is to work peacefully within it. Don't riot in the streets, throw bombs, shoot cops or tie up professors; the system only hardens with those no-win stunts. Instead, get on the inside and work for social change from there. You'll be surprised what you can pull off.

Among those taking that advice were a growing number of law students and young lawyers. For the past three or four years, they have formed or joined what are called public interest law firms, often arguing cases against corporations that pollute the environment or cheat the consumer. Just as the establishment said, the young lawyers were surprised at what they could pull off.

Last week, public interest law firms were in the news. The Internal Revenue Service announced a 60-day study that will decide whether or not to revoke their tax exempt status, especially those taking corporations to court on pollution, consumer and other cases. The IRS move would leave the firms without money because contributors would get no tax deductions on their grants or gifts.

Among those firms which may be affected by the IRS decision is the Center for Law and Social Policy, a Washington-based group that opened shop in August 1969. Its director is Charles Halpern, a graduate of Yale Law School and the son of a late New York judge. Nearly everything about the firm suggests the utmost in decorum and discretion. Its board of trustees include philsox lawyers like Francis T. P. Plimpton, former president of the New York City bar association; Mitchell Rogovin of Washington's Arnold and Porter; Ramsey Clark; J. Lee Rankin, New York City chief counsel; Joseph L. Sax, a Michigan lawyer who wrote the Hart-McGovern bill that would allow class action pollution suits. In addition, the Center has arrangements with the law schools of Stanford, Yale, Michigan, Pennsylvania and UCLA whereby students come to Washington for six months for clinical training and legal education. A full semester credit is given by the schools. Prompted in part by all this establishment support, the Ford Foundation granted the Center $275,000 last July that will last 18 months.

"We are called public interest lawyers," said Charles Halpern, "but less pompously we're just lawyers for unrepresented people, the ones who are getting clobbered but with no one there to protect them. These people are all over the place—not just the poor, but also the victims of pollution, the victims of corporate arrogance or maybe just the odd guy who wants to eat his pickles without DDT in them."

Halpern's reference to DDT is not a joke. Earlier this year, on behalf of the Sierra Club, the National Audubon Society, the Izaak Walton League and others, the center took on the Secretary of Agriculture. A petition was filed urging him to suspend the use of DDT and to begin canceling registration of products containing that poison. On May 28, the D.C. Court of Appeals ruled in favor of the center. In effect, the court restrained the government from barging ahead on the DDT question with no concern for the environment. Moreover, the court told Agriculture that the views of the citizens were crucial to governmental decisions, since the citizens were the ones who swallow DDT.

"We were delighted with the decision," said Halpern, "even though the stuff is still on the market. The court gave now power to the average guy dealing with the traditionally impassive government. Previously, only industry got the bureaucrat's ear."

A second center activity that has upset, even infuriated, a rich and tough industry involves the construction of the Trans-Alaskan pipeline system. The giant pipeline, 800 miles long and four feet wide, would present enormous technical and environmental challenges never faced before. The oil companies involved in the project include Union, Phillips, Mobil, Hess, Atlantic Richfield and Humble. On behalf of conservationists, the center brought a suit to stop the Secretary of Interior from issuing permits to the oil companies for construction. Last April, the District Court agreed with the center; a preliminary injunction was issued, based on the National Environmental Policy Act of 1969 and the Mineral Leasing Act of 1920.

For now, the oil companies have put away their bulldozers and dynamite. A government-industry task force is examining whether or not TAPS can be built without ruining the countryside. According to a recent and slightly bitter article in Barron's Weekly, out-of-pocket loss to the oil companies is $100,000 a day, with $50 million worth of machinery and supplies sitting idle.

A third success for the center involves the largest corporation of them all, General Motors, Representing the Center for Auto Safety and others, a complaint was entered against the National Highway Safety Bureau to reopen a case involving a GM recall of 50,000 defective truck wheels. The center argued that 150,000 other trucks displayed the same defects and should also be called in. The court ordered the NHSB to reopen the investigation, rejecting the agency's view that it alone, with no citizen consultation, should decide recalls.

Although public interest lawyers like Charles Halpern cause unceasing bother and financial pain to both large and small corporations, they do it in the simplest and perhaps least dramatic way—using recognized, often dormant laws in established courts. As Halpern describes it, "it was really an open field. On one hand, you had the old line regulatory agencies—FTC, FDA, FCC, ICC and the others. They were created to protect the public and to keep a strict eye on the marketplace. But for so many years, the opposite was true. The agencies looked out for the industries and corporations, not the public. The adversary system, which was a big subject in law school, was nowhere to be found in Washington. The laws were on the books waiting to be used."

The origins of public interest law go back to a 1966 decision by a then little known Washington judge, Warren E. Burger, now Chief Justice of the Supreme Court. A group of poor and black Mississippians challenged a Jackson television station on its biased news coverage. The Federal Communications Commission, which supposedly protects the interests of viewers—including the poor and black—tried to brush off the plaintiffs, on the grounds that it alone knew what was best. Judge Burger said no, the commission must listen to the complaints of the viewers in its administrative decisions.

Last week, following the announcement of the IRS, many lawyers at the Center for Law and Social Policy were dismayed. They saw the IRS study as a direct attack on public interest law, the agency being used by someone as a lethal political weapon against the forces for peaceful change.

A worry of Halpern went beyond the future of his own operation. He had just returned from a number of universities and law schools where he was often greeted as a sucker for the establishment—for believing that one can change the system from within and from below. Halpern had always thought he was something of a reformer, but next to some of the students he met, he was only a non-returnable dreamer. "What do I tell these people now?" he asked, referring to the IRS decision which forcefully confirmed their cynicism. Halpern has no answer.

OCTOBER 14, 1970.

Hon. RANDOLPH W. THROWER,
Commissioner, Internal Revenue Service, Washington, D.C.

DEAR COMMISSIONER THROWER: The recent ruling by the Internal Revenue Service suspending the tax exemption status of gifts made to public interest law firms that do consumer protection and environmental litigation disturbs me. If the ruling is allowed to stand I fear that an important force in the pursuit of us all for equal justice under law will have been substantially impaired if not eliminated.

As I understand the status of the ruling at this time, the more established legal defense arms of the National Right to Work Committee, the American Civil Liberties Union and the National Association for the Advancement of Colored People will not be affected by this ruling. What, may I ask, is the reason for giving different treatment to law firms that are involved in the newer public service litigation?

Whether one is pursuing the cause of civil liberties, civil rights, more equitable treatment for the American consumer or a cleaner environment, it seems to me there can be no differentiation made either in logic or in law between these different categories, so long as no profit is being turned by the parties involved. The advocates in each instance are giving help to those in need for altruistic reasons and gifts to those advocates should be treated accordingly by the IRS.

I need not point out to you the impact uneven treatment by the IRS can have no citizens in this country. There is perhaps no government agency that is involved in each of our lives to the degree that the Internal Revenue Service is. I know you would agree with me that it would be unwise for the IRS to take upon itself the task of resolving conflicts between different groups in our society. If the ruling concerning public interest law firms is allowed to stand, I am afraid that in this case that is precisely the impact your agency's activities would have.

I appreciate your taking the time to hear me out on this. I look forward to your reply.

Sincerely,

MORRIS K. UDALL.

IMPACT OF URBANIZATION ON MAN'S ENVIRONMENT

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. CHURCH. Mr. President, in one of the most remarkable documents I have yet seen on the whole issue of bettering our environment, the United Nations in cooperation with the United Auto Workers—UAW—recently published the statement and conclusions of their recent symposium on the "Impact of Urbanization on Man's Environment."

The premise is startling:

There can hardly be one country in the world that is now coping adequately with the problems of urban life and growth in both a human and ecological sense. The urban crisis is global, affecting both the industrial nations and those somewhere on the road toward industrialization, but the burden of population increase and new waves of migration from the countryside is most acute and overwhelming in the poorer developing lands.

After a full discussion of the central issues affecting the human environment as a result of urbanization and growth of urban settlements throughout the world, the symposium, led by the able director of the UAW's international affairs department, Mr. Victor G. Reuther, recommended international as well as national action measures. A declaration on the human environment was also drafted and included in the record.

I recommend to all my colleagues on both sides of the aisles and in both Houses of Congress that they read this document. I believe it is one of the most forward looking accounts dealing with the complex and dangerous dilemmas of our environment to have been compiled.

I ask unanimous consent that the concluding statement of the symposium be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SYMPOSIUM ON THE IMPACT OF URBANIZATION ON MAN'S ENVIRONMENT: STATEMENT AND CONCLUSIONS

(Held at United Nations Headquarters, New York, and UAW Family Education Center, Onaway, Mich., June 13–20, 1970, sponsored by the United Nations in cooperation with the International Trade Union of the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW))

1. THE CRISIS OF HUMAN COMMUNITY

There is a worldwide crisis of the human environment, and the impact of urban settlements on that environment takes place within the broader context of international instability and the difficulty, in highly industrialized and less developed countries alike, of transforming human settlements into true communities. The precarious condition of human life and the human community has resulted in a sharpened sense of solidarity. Society, however, has not yet found the capacity to install that sense of solidarity at the center of attention or in the making of decisions and the carrying out of policies, although such policies may conceivably destroy man himself, either through sudden nuclear annihilation or through a slower but ultimately total destruction of the web of life. Even if man escapes those fates, he nevertheless may well suffer the unhappy future that has been foreseen if world society does not mend its ways: that of the living death of long-term adaptation to a steadily declining quality of life.

Little or nothing can be done about the natural disasters and tragic contingencies of life. Men can, however, and for the rest of this century must, act within and among the nations in both a corrective and preventive way against man-made follies and disasters which fragment societies and foster world conflict. The human community together must wage two campaigns which in practice cannot be separated. Their objective must be to bring sanity and harmony into man's relations with man, and into man's relations with his natural habitat. The crucial engagements of these campaigns for sanity and harmony will have to be won, because the flood of human life into old and new cities of the world, particularly in less developed regions, will accelerate during the next 30 years, and by the year 2000 a majority of the world's people will be living in urban areas.

There can hardly be one country in the world that is now coping adequately with the problems of urban life and growth in both a human and ecological sense. The urban crisis is global, affecting both the industrial nations and those somewhere on the road toward industrialization, but the burden of population increase and new waves of migration from the countryside is most acute and overwhelming in the poorer developing lands.

Incapable now of meeting the minimal needs of most of these wanderers and squatters for urban shelter and employment, how can the structures of government and society in the poorer nations survive and withstand the shock of human tide that will continue to mount throughout the next three decades? The truth is that a situation that is unmanageable now will become more desperately unmanageable with each advancing year unless man can effect a transformation in the values, priorities and behavior of the international community as fundamental as the transformation that will have come about in human existence by the end of the century as a result of the world increase and urban concentration of the earth's population.

The crisis, internationally and nationally, is one of priorities. The dominant priority has been hot and cold war and preparations for war, and national budgets and economies have reflected that priority, with the result that the human and physical needs of urban settlements in the industrially advanced countries as well as those in the rest of the world have suffered from prolonged neglect.

Mankind must turn from war and preparations for war to the tasks of peaceful and environmentally sane development.

The symposium addresses this statement first to itself and to all mankind which shares this now precarious fate. As a growing species on a dwindling globe, men must act as individuals, groups, associations and community of nations, but must think as one. The categorical imperative is to gather the energies of diversity so that men can work at a scale in harmony with the global environment which is a single system.

Divided so long—professionals, trade union leaders, students, citizens of the world—have decided this time to speak without dissent: to say as human beings that it is time for man to be unified with himself and his environment.

2. APPROACHES TO COMPREHENSIVE PLANNING FOR THE HUMAN ENVIRONMENT

There are three facts which clearly indicate the urgency of human condition: (1) urban population will increase five-fold over the next generation; but (2) urban facilities are already overloaded and the environment dangerously polluted; therefore (3) each increment of urban growth will lead to a further deterioration of the environment.

What those facts suggest is the changing of structures and life-styles and technologies—the very systems by which we have proposed. The following basic questions must now be asked: (a) whether the human race can any longer afford continuous and accelerating growth; (b) whether valid and satisfactory ways of evaluating growth presently exists; and (c) whether present knowledge and tools in urban planning are adequate.

One way out of the present dilemma may be the vesting of government with more powerful levers: economic leverages, economics of scale, and the energy of participation. Examples of the first are: taxing leaded gas more than non-leaded; a price to be charged for air, and higher prices for water; taxation of urban land. Under economies of scale falls the concept of new towns. Those who plan for the human environment should be spending major shares of their time mobilizing and releasing the energies of the public through a variety of devices ranging from education to a direct citizen control.

One of the main reasons for the delay in effective action against the deterioration of man's environment is the problem of human adaptability—man's adaptation to changing physical conditions is at a much slower rate than the speed at which his environment deteriorates.

People can and must do a great deal themselves without waiting for governmental or international action. While the comprehensive approach is probably a must, it is the quality of the people behind all the schemes that is of greater importance.

The environment should be visualized in terms of time, space and resources. Man must become aware of his own environment if he is to be able to develop himself in a comprehensive manner. This task is made more difficult by the constant change in scale of time, space and resources. It is the architect and planner's task to build an environment in which the interrelation of these three components may be more readily grasped.

The planner has discovered what the beleaguered citizen has always had to live with: everything these days relates to everything. This raises the question many a city and many a nation is puzzling over: where in the structure of government should be the responsibility for comprehensive planning be placed; whose responsibility is supposed to relate everything to everything?

A lot of structural solutions have been tried and found wanting: departmental status; interdepartment committee; cabinet secretariat; executive staff. The underlying reason may well be that comprehensive planning is not so much a differential function, as it is—or should be—a general state of mind. The same can be said of the Systems Approach, which essentially is systematic thinking brought up to date.

If there is any art that is crucial to comprehensive planning, it is the art of the question—question that starts with a restless probe of relevant (and sometimes seemingly

irrelevant) information, and then proceeds with equal restlessness and some impertinence to ask whether any given or proposed decision will on balance enhance or further degrade the livability of the environment.

This art of the question cannot be lost in the confinement of one discipline, one guild or one department. It should be practiced at every level and sector of the governing structure, and throughout the entire society.

The current move toward the formulation of national urban policies is an encouraging response to the crisis of man's environment. It will not be an easy task, for all the reasons cited above. But livable solutions to environmental problems will not emerge until nations individually and together make the commitment which is symbolized by the attempt to devise urban policies—the commitment to try, and in the very act of trying, to ensure an integrity that augurs well for human survival.

3. PERSPECTIVES ON ENVIRONMENTAL PROBLEMS OF DEVELOPING COUNTRIES

The protection of the environment must be considered in its proper perspective for the developing countries of the world. The great importance and urgency of economic development in these countries should not be overlooked. The recommendation for the protection of the environment may not be the first priority for countries that still need to solve their more basic problems, such as food, shelter, education and health.

Two-thirds of mankind, who live in the developing regions of the world, do not share the same concern about their environment, urban as well as rural, as the other one-third who live in the more affluent regions. They have little interest in the purity of the air they breathe, the freshness of the waters of their lakes and rivers, the natural beauty of their mountains. They have more immediate problems—the struggle for the bare necessities of life—which is becoming increasingly difficult for them because of the rapid growth of population. The total Gross National Product of these countries amounts to only 12.5% of the total world's GNP, while that of the developed countries is 87.5%. Sixty-six percent of the world's population, on the other hand, live in the developing countries, and only 34% in the developed countries.

What interest can such people have in questions of environment? The governments that represent them are preoccupied with the pressing problem of raising their standards of living and of providing their basic needs. The highest priority is given to economic progress. How can they be asked to adopt measures such as preventing industrial waste from polluting rivers, restricting the use of insecticides like DDT, controlling the emission of smoke and fumes from chimney stacks, and stringent land use controls which will increase the cost of economic development? This must be kept in mind when recommending measures which the developing countries should take to protect their environment. Recommendations that curtail or restrict economic progress and dampen the rising expectations of the people of developing countries for a better life would be unacceptable to most governments of these countries.

But some action to achieve compatible industrial technology will produce immediate benefits and is essential to safeguard the environment for future generations. This can best be achieved by establishing priorities for the protection of the envrironment, beginning with those aspects which will not impede economic development and which, at the same time, are vital for the future well-being of inhabitants. For example, the location of industries to minimize environmental impact and to be more compatible with human needs and amenities, the protection of the watersheds, the tropical rain-forests which ensure pure supplies of fresh water in the rivers and the lakes; the protection of natural parks and game reserves; the protection of places of historical archaeological interest; the protection of places of tourist interests like lakes, mountains and upspoiled sea beaches. Yes, even land that will be needed for future urban settlements.

When these countries have generated sufficient economic growth, they will be enabled to turn to more sophisticated measures to prevent pollution and the destruction of the environment. But by taking steps *now* to safeguard the *vital* features of the environment, they would have laid a very useful framework for building up a national environmental policy.

Regional action should be taken by developing countries to protect some of these essential features of the environment. Watersheds often cut across national boundaries—the Mekong River, the Indus, the Nile and the Amazon are examples. Not only is it necessary to ensure that these great rivers have a full supply of fresh waters, but it is also necessary to protect them from pollution that destroys fish which is essential for human consumption as well as for the elimination of organisms and insects that are carriers of disease. Here international action is needed and this is where the United Nations can take an important role.

There is another aspect of environmental preservation which transcends national boundaries. National parks and game preserves are today becoming increasingly of international interest not only as tourist attractions, but also as sanctuaries and breeding places of wild life and birds and insects. Man is beginning to realize, rather late, that birds, beasts and insects play an important role in preserving the human environment. Then there are the great archaeological sites, the Angkor Wat in Cambodia, the Pyramids and Temples, the Hindu, Buddhist cities and monasteries of Ceylon, the Aztec Pyramids of Mexico. These are the heritage of all mankind and some international action and assistance is needed to assure their preservation.

4. ENVIRONMENTAL ASPECTS OF HUMAN SETTLEMENTS

Human settlements, which are the setting for man's economic and social activities constitute the most important component of his environment. One is now forced to consider, not only their impact on man, but also their impact on the natural environment.

In the most industrialized countries, the major environmental concerns revolve around controlling air and water pollution and waste disposal, because the problems in these areas have reached alarming proportions. There is, however, less recognition of the more fundamental preventive measures which seek to remove the causes of degradation, rather than concentrating on the effects.

Most of the measures being advocated can at best only eliminate a percentage of pollutants by chemical or mechanical means. The increasingly high density of population and the extremely large sizes which primary cities are expected to reach, raise questions as to the limits that the physical environment can support. For example, in dealing with the problems created by the combustion engine and the private automobile, the solutions advanced are aimed at improvements in combustion and the combustibles to be used and/or replacement by other types of engine. While these can reduce the emission of the most toxic pollutants, they do not solve the concomitant problems of noise, dust, disposal of obsolete vehicles, congestion in the streets, and demand for circulation space (highways, streets, parking spaces) which lacerate the natural environment.

A degraded environment is one in which not only the air and water is polluted but also one which is degrading to its inhabitants because it denies them the opportunity for the development and utilization of their full potential and subjects them to stresses and strains to which they cannot adjust. It is necessary that economic development and environmental protection be pursued jointly since they are both necessities and not competing alternatives.

Progress in the solution of environmental problems is difficult because of the relative paucity of knowledge regarding the environmental aspects of spatial planning and the complexity of the total environmental problem. It is the responsibility of the professionals and technicians to develop knowledge and skills to provide guidance needed to create a satisfactory environment. The process of developing knowledge and skills in this area has, however, been largely impeded by extreme professionalism and fragmentation of interests and efforts. This situation now seems to be improving with the emergence of new disciplines such as biochemistry or bio-geology which combine aspects of two or more of the older disciplines in the attempt to solve new problems.

A large part of the inability of planners to solve the problems of the environment has also been due to the lack of political and administrative frameworks capable of permitting the planner to perform his functions efficiently. Political and administrative reforms incorporating provisions for land utilization for the welfare of all, therefore, must be considered as some of the actions necessary for achieving a desirable environment.

With particular reference to developing areas, the integration of economic and social development programs with environmental improvement programs through the use of regional planning is needed. Although urban and industrial decentralization and urban concentration have been major issues throughout the world, the fact remains that few countries have adopted any co-ordinated policies, and urbanization is allowed to take its course unchecked. It must be made clear at this point that urbanization per se not only is inevitable but can be beneficial to human development. Both in theory and practice, a policy of antiurbanization is neither feasible nor desirable. Only in some type of urban environment does it seem possible to raise living and working standards and provide the educational and cultural facilities and programs which can emancipate man from the dull drudgery and meagerness of peasant life. The city has become an attractive magnet because it offers an alternative. Even where rural jobs exist the drift to the cities is occurring because the city offers a promise of social mobility and an opportunity for realization of one's potential as a person and a citizen.

Present urban structures and the directions in which they are developing are not the only alternative to a predominantly rural village-society. Modern technology permits the conception of different urban forms and patterns. Advances in transportation, communication and power distribution provide the potential for flexibility in industrial lo-

cation and urban patterns which have not yet, except perhaps in the Soviet Union, been taken advantage of. It may be necessary to curb the ubiquitous drift to the largest urban concentrations by offering alternatives in the form of new urban magnets of smaller dimensions which singly or in clusters can provide equivalent urban advantages under more manageable conditions.

It is no longer necessary that the urban environment have degrading effects upon its occupants and on the natural features of the territory it occupies. The price of a poorly planned and managed environment is too high in terms of its social costs and the threat it poses to the destruction of natural resources. Governments must now think in terms of the rational planning of the urban environment and assign a higher priority to human environmental needs. This involves, first, the planning of urban activities in locational patterns which offer the maximum of human convenience, comfort, pleasure and peace of mind; with minimum congestion health hazards and other disturbing influences. Second, it involves increased expenditures for the essentials of such an environment: housing, water supply, sewage disposal systems and other community services and facilities; more open space and recreational opportunities. Increased public expenditures will be needed to properly manage and maintain these facilities.

In the natural area within which urban development takes place and which it influences, the rational management of the resource base is needed. This implies both the managed use and the conservation of these valuable resources. Although human intervention results in constant change to the total natural environment, this disturbance must be minimized, and where necessary must be repaired to maintain the natural balance that existed before such intervention took place.

5. IMPACT OF URBANIZATION AND INDUSTRIALIZATION ON ENVIRONMENTAL PROBLEMS

As happens in all industrialized and developed parts of the world, changes in social structure and rapid economic development in the developing countries bring with them some new and important problems.

The growth of population, industrialization, urbanization, levels and diversification of consumption, new technologies, increase in transport and tourism activities, and the need of recreation all have some serious impact on the daily life of individuals and communities. They also impose important environmental problems, the intensity of which may certainly vary from country to country throughout the world.

The benefits and advantages of rapid economic growth may be enjoyed by individuals and communities if the negative environmental conditions created by this rapid growth itself may be overcome.

Among the positive aspects of urbanization are the following:

1. It reduces pressure on rural areas;

2. It creates expectations and raises the level of aspirations;

3. It permits a new social structure by facilitating greater social mobility;

4. It encourages industrialization;

5. It facilitates provision of better services to a large percentage of the population;

6. It can help create a national effort to solve some problems by decreasing regional isolationism and encouraging greater political and economic participation.

Among the negative aspects are the fact that in the developing countries urbanization often takes place in advance of industrialization and the creation of sources of urban employment. Consequently, urbanization has indirect and negative repercussions in the tertiary section.

To deal with urbanization under prevailing conditions, it is necessary to define policies of urbanization at an international, national and macro-regional level. Such policies must define the roles and functions of each of the more important urban agglomerations that form the urban-regional system and try to integrate regional development with the process of urbanization. The creation of institutions permitting public control of urban and suburban land, co-ordination of investments, directing the flow of credit through trade unions and non-profit organizations in a massive way and the provision of technical assistance to regional and municipal agencies in charge of regional and local policies of urbanization, are representative policies.

A. Housing needs, policies, and program

The most serious and urgent environmental problem in urban settlements is the shortage of suitable living accommodations and their necessary supporting infra-structure of water supply, sewers, roads, electricity, and health, welfare and other social services.

World housing conditions are deteriorating at an increased rate. In most developing countries, still less than two houses per 1,000 inhabitants are being built each year. Some countries are building at less than 10% of their requirements. In Latin America, the housing deficit is about 20 million units; in Asia and the Far East it is about 22 million in urban areas and 125 in rural areas (as of 1960), and investment in housing is around 1.5% to 2% of the national income as against the estimated 4.6% required.

The sheer scale of financial need has tended to discourage a realistic approach to the solution of the shelter problem. Much must be produced by individual initiative. If the effort is to be successful, people in developing countries must earn wages high enough to enable them to invest their own money in their dwellings. Creating new channels of savings and mortgage funds is both a necessary and a feasible international action, and one which should cost very little.

With private funds and energy added to public investment, housing can become an important contributor to national economic growth. Furthermore, the housing industry trains labor not simply for the construction trades but for other occupations as well. These economic benefits are not counterbalanced by social costs such as those accompanying the manufacture and use of automobiles.

Past experience shows that land and other development costs rise with the size of the city, and land near large urban centers may be six times as costly as in a small city. These costs influence decisions about construction, and force the building of high density housing at the city center, even though high-rise blocks are more expensive to build than low structures. They also subject the rural migrant to a radically different organization of space and living conditions. Crowded living conditions, elevators that do not work, unfamiliar or inadequate refuse disposal methods, the noise, crowds, and anonymity of big city life can produce a rumbling effect of despair and claustrophobia. In city after city, the central slum is the first staging post for the new rural migrant. And it is also the worst.

An increasing percentage of the world's population is living in squatter settlements, and the fabric of urban life and contemporary society in many developing countries is threatened as these populations come to occupy 30 to 50% or more of urban areas, as they do in some cities of Latin America and elsewhere.

The uncontrolled settlements on the periphery of cities that were formerly viewed as detrimental because of their haphazard construction and their unsanitary conditions, have been discovered to have some positive advantages. Their scale and life style provides a more familiar environment and a sense of community to the rural migrant. The trend to squatter settlements, which appears to be an inevitable part of spreading urbanization, can be controlled and converted into a positive development factor instead of an impediment to healthy urban growth.

If new urban settlers are given secure tenure of a piece of land, they can live there, earn their livelihood by participating fully in the growing economy of the city, and slowly build themselves homes with their savings. Building plots could be initially provided with only basic amenities, and the authorities could plan the full development of settlement areas and expand the community services and facilities as the areas develop. Educational programs for new city-dwellers should be provided to help them adjust to the urban environment, and to take advantage of new opportunities and amenities available in the urban setting. Such training should be available as soon as migrants reach the city.

B. Problems of rural areas

Attention must be given to how the acute pressures of ever-accelerating urbanization and the deterioration of the urban environment in non-industrialized countries can be reduced through measures for the improvement of human settlements in rural areas, which will assist in reducing the rate of migration from such areas.

The deterioration of the environment produced by man in rural areas may be much larger than in the cities, with more dangerous repercussions for the country as a whole. In many parts of the tropical zones there cannot be progress in the smaller human settlements unless the environment is improved and built up by eliminating environmental health risks due to biotic hazards. This is important, first, to improve cultivation, and, second, to reduce migration to the cities.

Urban planners are pressed by the problems produced by rapid growth of the cities and the only way to bring them some relief is to improve environmental and economic conditions in the rural areas. Most non-industrialized countries still must increase food production in order to improve the diet of their populations and to diminish the amount of foreign currency required for importation of agricultural products.

Increased cultivation brings economic development to the rural areas and therefore is one of the important measures to be taken in order to reduce migration to the cities in many underdeveloped countries. In the tropics, for such increased agricultural production, large amounts are required of insecticides and other pesticides which are pollutants dangerous for man. The industrialized countries could help by fostering research in order to find less toxic products with short-lived molecules, which disintegrate after their use.

One important measure to produce improvement in rural human settlements is to separate the governmental agencies in charge of urban and rural affairs, because city problems, due to their urgency, have a

tendency to dominate the picture with a consequent loss of attention for the solution of the rural settlement problems.

6. INTERNATIONAL INVESTMENT AND ENVIRONMENTAL CRITERIA

The provision of an adequate environment in human settlements will involve a greatly increased allocation of world financial resources to the basic necessities of urban life. The greatest increases in urban population during the coming decade will be in developing areas where vast numbers of people already endure severe inadequacies of such essentials as housing, water and sanitary facilities, as well as health, education and other public services. Neither pollution control nor urban and regional planning can cope with these conditions without more adequate national funds supplemented by international financing programs.

At the international level the problem must be dealt with by the family of nations working through the United Nations and regional organizations with a view to first defining the problem and establishing standards or objectives for the quality of the biosphere. These standards need to be translated into systems of treaties with adequate provision for monitoring and enforcement.

International development agencies such as the World Bank can assist in this process by introducing environmental criteria in their project lending. Such criteria should at least consider the impact of projects on their surrounding ecological regions and these international agencies can have enormous influence in using their lending activities as a means of improving the decision making of their member countries with respect to the environment. It is hoped that international development agencies will take the lead in promoting and doing the research and analysis so that the international community will have rational basis for concerted action.

At the national level nations can begin in the near future, and without waiting for international action, to establish standards for the future growth of settlements, and that these standards minimize environmental pollution and maximize the quality of life for the bulk of the urban inhabitants through a better organization of land uses consistent with economic and social development objectives. Environment must explicitly be introduced as a criteria for human welfare without necessarily becoming the only concern in societies where employment, incomes and social amenities are grossly deficient. National programs can eventually be made consistent with international standards when these have been established and formalized.

7. RECOMMENDED INTERNATIONAL ACTION MEASURES

Although this Symposium has been primarily concerned with the Impact Urbanization on Man's Environment, the participants are fully aware of the major global issues involved in the protection of the Biosphere for future generations, and the need to share full responsibility for the quality of human life on the planet as a whole. It has been noted, for example, that the United Nations is convoking other conferences with respect to the growth of world population and the relationship of this growth to available resources. The Symposium requests the United Nations to study the following items concerned with the defense of the environment in relation to human society.

(a) International jurisdiction of the United Nations over both polar regions, as well as the internationalization of the sea bottom, including the exploration of the resources and the forms of exploitation of these seabed resources.

(b) Support of the conservation of the most important extensive forests, seashores and similar areas, as well as mountain regions 1,000 meters above sea level.

(c) Preservation of potential recreation areas for future human use as well as of natural landscapes of importance for man's knowledge of the original environment.

(d) Formulation of standards for the transport of oil and other fluid and gas material and other materials considered to be of potential danger for the human and physical environment.

(e) Formulation of international standards for the control of pollution of chemical and similar industries.

(f) The establishment of international inspection concerned with the above items.

1. The Symposium endorses the concept and scope of the World Conference on the Human Environment, to be held in Stockholm in 1972, and recommends to the United Nations and other international bodies that immediate assistance be provided for preparatory measures that will make the conference fully productive and of maximum utility, including the following:

(a) Technical assistance, where necessary, for the preparation of country reports and case studies that will be fully representative of the environmental conditions in all countries of the world.

(b) The convocation of regional and subregional meetings on environmental problems, including those on the impact of urbanization.

(c) Efforts to formulate and discuss overall global measures for the preservation and enhancement of man's environment that will be appropriate to the situations of both developed and developing countries.

Also in the course of the proceedings of the Symposium, there was repeated reference to the important part that socially motivated groups, particularly trade unions, the young people of member nations and women's organizations will play in the evolution of plans for environmental management, the necessary adaptation of social institutions, and the parallel changes in traditional attitudes and values.

The participants in the Symposium urge that serious consideration be given to the important part that these vital sectors of society can properly play in the successful planning and realization of the conference.

It is recommended that the participation of these groups can best be realized by their representation on all preparatory committees and by their playing important parts at the conference itself.

2. The Symposium recommends the establishment of Urban Pollution Standards (UPS), appropriate for the different types of ecosystems within metropolitan areas. The establishment of such Urban Pollution Standards (UPS) will require agreement between nations, and will be based upon the following:

(a) A world research program to be coordinated by the United Nations at the international level. National and regional governments or agencies should be assisted to undertake the field operations and analysis necessary for the implementation of such a globally significant effort.

The program should give attention to:

(1) The impact of urbanization and human settlements on surrounding areas, including their reciprocal relationships to rural settlements.

(2) Requirements for the specific urban and land use functions in relation to the urban environment.

(3) Community design and organizational concepts for the enhancement of the quality of life.

(b) The establishment of a world system of observation and monitoring stations in all major metropolitan areas to assist in recording and controlling important changes in the natural environment (land, water and air) of global and/or regional importance.

(c) A system of Environmental Data Banks under United Nations jurisdiction.

3. The concept of Urban Pollution Standards (UPS) should be introduced into the methodology of financial analysis of all international finance institutions, such as the World Bank, the Regional Development Banks, and other banking systems. Linkage between the data collected through the world monitoring system and the operations of international financing agencies should be developed and actively promoted.

Loans or grants to urban areas should consider financial incentives to those which maintain pollution levels below the agreed-upon Urban Pollution Standards (UPS).

4. An international Environmental Charter or Declaration should be formulated for the guidance of the world's peoples. (See attached Draft Declaration—Appendix.)

5. The United Nations, the United Nations Development Program, and the International financial institutions should jointly organize a concentrated research and development project for the design and production of public utility systems waste and sewage disposal methods, etc., that will incorporate efficient systems of recycling and preservation of the environment, and suitable for manufacture and installation in the majority of urban areas of the world.

6. The United Nations, through its specialized agencies concerned, should intensify its assistance to Governments to help them establish, within the framework of the national health plans, programs related directly to environmental health problems. Distinctive environmental health hazards have appeared with the growth of large urban agglomerations, which should be more strongly reflected in the program of international health organizations, and in their assistance to national health programs.

7. The United Nations Development Program should undertake an urgent program for research into the problems of management, government organization and structure, as they affect the development and conservation of urban environment in the metropolitan areas of the world.

8. With increasing influence of international conglomerate corporations and other powerful investors on the utilization of resources and environmental factors in many countries of the world, a concern of international trade unions, the Symposium believes that it has become necessary to create a system of international law, as well as appropriate international judiciary processes particularly relevant to environmental cases.

9. The need for international educational activities about the environment should be furthered by the establishment of an Environmental Education Committee under United Nations and UNESCO auspices to develop an international instruction program and series of courses concerned with the urban environment, using satellite relays for global coverage of such a project.

10. Economic development measured in terms of Gross National Product growth rates is meaningless unless it is related to a broad concept of well-being. This depends

not only on the quantity of goods and services but also on a whole series of environmental human conditions. The Symposium urges that the United Nations seek international agreement upon alternative standards and indicators which will also reflect the quality of the human environment.

11. The Symposium recommends an Environment Day or Week be established by the United Nations, in concert with all government to focus world attention on the problems of human environment.

12. The Symposium urges that planning begin now during this Second United Nations Development Decade for the convening in 1980 of a major Environmental Assessment Conference, to reveiw the results of environmental protection efforts during the decade.

13. The Symposium suggests that the Secretary-General of the United Nations include in his Annual Report to the General Assembly an asessment of world environmental conditions.

14. Technical cooperation should be extended and expanded in the field of environmental protection for the establishment of research institues at national and regional levels; for the convocation of regular meetings among inter-professional grouping of public and private sector interests concerned with the environment and for the fundings of comparative studies on successful practices and programs carried out in both developed and developing countries.

15. At the international level, a determined effort should be made to secure the involvement of a wide variety of efforts by non-governmental organzations, including youth, women, professional groups, universities, etc., for the formulation and execution of activities related to environmental protection and enhancement. Particular note should be taken of the important role which can be played by the trade union movement for the initiation, development, and support of major activities, projects and programs related to the industrial, urban and natural environments.

16. In view of the present environmental crisis, the Symposium recommends to the National governments to request the United Nations Development Program urgently to establish a special fund or account to be used in a flexible day for the undertaking of environmental research, training and related studies to raise the capacity in all nations to deal with problems and to manage programs concerned with environmental protection in a time of rapid population and urbanization growth.

Further, and in view of the constructive proposal advanced at the Symposium by the President of the International UAW, the participants agreed on the basis of their professional estimates that the financial and technical resources needed for an adequate approach to global problems of urbanization cannot be made available without the elimination of international competition in armaments and a radical reduction in expenditures for arms.

8. RECOMMENDATIONS FOR ACTION AT THE NATIONAL LEVEL

1. National urban policies:

(a) In view of the growing concern regarding the conservation of the planetary biosphere, the governments of both developed and developing countries must now take upon themselves important responsibilities for the adoption and establishment of National Urban Policies involving the rational growth and distribution of human settlements, as it is clear that the urban environment is becoming the increasingly dominant element of the human environment as a whole. Such policies must form an indispensable part of all national development plans.

(b) The adoption of such policies, unlike the efforts of the past, must lead to determined measures for their implementation, particularly with regard to the adequate commitment of resources for housing and community infrastructure from both public and private sectors as well as major new steps for the acquisition and reservation of urban land by public authorities. Other measures must also be adopted to discourage speculation in land and to make it available for development especially for the benefit of the low-income groups of the population.

(c) Urbanization must be increasingly looked upon as a tool for modernizing and accelerating socio-economic development, as a means of achieving more balanced regional development and for more equitable distribution of national wealth and resources. The role of urbanization must be considered as one of social integration, providing opportunities for communication and interchange, and for promoting co-operative action toward human objectives. This is particularly important in the achievement of environmental goals in situations where mass societies are getting bigger, and where man has become alienated from man.

2. National governments must provide science and technology with a sense of social purpose and a sense of human commitment. That governments have the capacity to set agendas for science and technology is illustrated by the military and space programs. In the field of urban environment, governments now have the obligation to aggregate markets or otherwise to underwrite sufficient demand to induce technological innovations. The Symposium recommends that national governments take special interest in promoting accelerated Research and Development or "break-through" projects for the design of innovative approaches and public works and facilities required for the improvement of the urban environment.

3. The Symposium recommends that all national governments sponsor natural resource inventories and regional resource development studies as a fundamental approach to identifying present and future environmental problems related to human settlements.

4. National governments, as part of their National Urban Policies, can no longer postpone identification of urban growth and settlement areas that will merit more concentrated planning and allocation of resources required for their development. This process of identification must include careful reviews of socio-economic objectives as well as ecological Urban Pollution Standards (UPS).

5. As many large urban centers throughout the world are in a period of progressive decline with regard to the standards of services offered to their inhabitants, in both quantity and quality, the Symposium recommends that all national governments must now give serious consideration to basic questions of governmental organization, management and priorities, particularly at the metropolitan and local levels. More efforts by private and non-governmental organizations to influence and stimulate the action and reaction of governments in behalf of environmental planning and preservation measures are strongly recommended. Greatly increased and vigorized efforts must be implemented for training and for the development of public administrative and management skills and understanding appropriate to the dynamics of today's society.

6. Socially responsible organizations such as labor unions have an important role in the promotion of measures and campaigns for environmnetal improvement including the convocation of seminars and symposia involving the unionists, citizenry, public officials, and representatives of industrial and business groups concerned with pollution problems.

7. All national governments should establish permanent agencies or institutions which will serve as links and information centers on environmental problems, and coordinate national participation in international activities on these subjects.

8. All countries have the obligation to create models of urban development, to provide examples for the improvement rather than the diminishing of the quality of life in the urban environment. In this connection, the Symposium suggests that all efforts be accelerated for the creation, at every appropriate level and scale, of new patterns of urban life, through the building and development of new settlements which can serve as demonstrations and laboratories for evaluation, information-exchange, and comparability on a world-wide basis, taking into consideration local ecological conditions.

9. The Symposium forcefully suggests that it is only through the participation of people and their opportunity to protest when institutions fail to respond to their needs that any form of planning can be considered a success. In building coalitions for action on environmental problems and in the implementation of comprehensive plans we must consider that employers and national and international trade unions have great potential for dealing with these vital questions of social justice and acting on the local, national and international scene. The Symposium noted that environmental questions are beginning to be raised at the bargaining table in discussions with employer groups, and expressed the hope that such groups would also take leadership in confronting environment issues. The energies of the workers, students and of all citizens must be involved on the local level to implement new approaches to environmental improvement.

(a) To mobilize all available professional manpower and those allied disciplines concerned with environmental planning, design and management, and to deploy and utilize such manpower more effectively;

(b) To establish effective training programs and curicula for personnel who are essential for development work in improving environmental conditions; such programs should emphasize participation in development and physical planning projects where experience can be gained in producing actual results.

(c) To strengthen existing training and research organizations and institutions—at local, regional and international levels—with greater emphasis on preventive action with regard to pollution and other impacts or pressures on the quality of the environment.

(d) To sponsor, promote and disseminate relevant research and technology including the employment of all developed methodologies and systems, for the advancement of urban conditions and environmental sciences.

(e) To give priority for the above actions in countries where existing expertise and resources are limited.

APPENDIX

DRAFT OF PROPOSED SECTION RELATING TO URBAN SETTLEMENTS: DECLARATION ON THE HUMAN ENVIRONMENT

PREAMBLE

Man has suddenly awakened to the dimensions, to the rapidity and to the mass effects of productive processes on the physical endowment and configuration of this planet and on its basic biological balances. To produce at any cost, without due consideration to effects on the environment, can no longer be the central preoccupation of man. Control of the effects of productive processes will require new economic thinking, new legal instruments, new administrative measures and new governmental priorities.

The whole question of the pace and the goals of economic development must be examined in the light of environmental problems. Developing nations should not be encouraged to repeat the mistakes of the advanced countries. Nor should they be the victims either of the abuses of the environment committed by advanced countries, or of the measures which their new awareness of their mistakes may cause the advanced nations suddenly to take. In the interest of all peoples of the world, it is essential to evolve a new balance between economic development and the increase of the gross national product on the one hand and the human and social requirements of men and a reasonable use and conservation of the world's resources on the other.

Whatever the rate of economic growth, and whatever sectors may be accorded priority, massive economic development will be taking place throughout the next decade and the growth of cities will be an inevitable part of this development. In the developing nations, urbanization will continue with or without economic growth. Most of this urban growth will manifest itself in a physical sense, and must be directed and shaped to create desirable human environments.

The world crisis in urbanization and the human environment will demand an effort roughly four times that expended on it during the past decade. Greater ingenuity and resourcefulness must be applied to meeting this problem at every level. All resources must be mobilized and directed at carefully stated goals and priorities. Investments in housing and urban sevrices must be planned to build towards sound patterns of urban growth, in which the indigenous needs and resources of each nation and region will have to play a much larger part. A comprehensive strategy of urbanization is needed to harness economic and physical resources to achieve the social goals of urban growth.

SITUATIONS, TRENDS, AND CRITERIA

1. A degraded environment is one in which not only the land, air and water are polluted, but also one which is degrading to its inhabitants; depriving them of the opportunity to develop and utilize their full potential; denying them the minimum necessities of housing and sanitation; subjecting them to strains and stresses which they cannot adapt to without adverse effects on their health and well-being; and not fulfilling their cultural and spiritual needs for repose, beauty and contact with nature.

2. The deterioration of the environment may be related to three basic causes; accelerated population growth, increased urbanization, and an expanded and new technology, with their associated increases in demands for space, food and natural resources, and their accelerating production of waste products.

3. Urbanization is a world process with different potentials in different regions. It is the result of overall population growth as well as migration from less to more developed regions and between nations. Urbanization is spatially expressed in a changing distribution of functions, investments and people. Its impact on the environment is reflected in the growth of cities, metropolitan areas and conurbations and transcends national boundaries.

4. The rate of urbanization is relatively faster in developing than in developed countries. Developing countries are still largely rural and subject to rapid increase of population, while developed countries are already predominantly urban and will experience comparatively smaller population increases. Consequently, their environmental problems are different. Developed countries face problems derived from pollution of the land, air and water. These issues have a lower priority in most developing countries where unemployment, housing and health problems, food shortages and limited utilities and social services are extremely serious.

5. Urbanization is changing the social, political and economic structure of all countries, as well as profoundly affecting their environment. It is therefore particularly imperative that in all countries higher priority should be given to the legislative, financial, institutional and technical actions necessary to guide urbanization with full consideration of its environmental implications. This is particularly important for many developing countries and regions, which, although less able to afford the adverse effect of pollution and the poor quality of urban settlements, may not have adequate measures to cope with them effectively.

6. The maintenance and enhancement of the natural landscape is of the greatest importance in all societies if natural features are to be maintained or introduced in an urban environment and if the biological conditions essential to man's survival and cultural development are provided. Environmental considerations will not necessarily increase the cost of development and may, in fact, result in long term savings.

7. Human settlements must respond to the nature of man by offering:

(a) A healthy environment with adequate and safe housing, clean air and pure water, parks and open spaces, agreeable streets and minimized noise and other disturbing elements.

(b) A variety of economic opportunities with healthy working and living conditions, job security and fair rewards.

(c) The opportunity for each individual to realize his role as a member of an identifiable community, by participation in social, political and cultural activities.

(d) Recognition of and provision for human needs at all life stages: from infancy to childhood, child to youth, dependency to self-maintenance; for young people, access to what fulfills their potential; for the elderly, the opportunity to live within and enjoy useful activities in their community of choice.

(e) The scope for social and economic mobility, learning and cultural enrichment, and creative use of leisure time.

(f) Well-designed buildings and spaces, and continuing the cultural heritage by preserving buildings and areas of architectural and historic significance in appropriate settings.

(g) Access to places of natural beauty and wilderness.

NATIONAL MEASURES

Governments should:

1. Establish respect for the inter-relationships of man and nature and promote the stewardship of society for the environment.

2. Establish responsibility for a comprehensive environmental approach to urban development at all levels of government.

3. Promote standards and agreements tc enhance the quality of urban life and to secure the best uses of technology in creating new and improved urban settlements at a price within the reach of all members of the community.

4. Develop legal and financial measures to insure that those damaging the environment are made responsible for providing effective remedies.

5. Utilize economic forces and fiscal and monetary policies to mobilize resources and guide investment and to insure that the housing and land required to shape and improve urban areas is provided at reasonable and socially justified cost.

6. Develop measures to protect features of value, such as buildings, landscapes, watersheds, forests, coastlines and lakes, based on fact-finding inventories and surveys.

7. Optimize the economic use of resources and minimize pollution and environmental degradation by recycling and re-use of urban and industrial waste products.

8. Reclaim and re-use poor quality, derelict and waste land for urban purposes, such as houses, factories, recreation, and wildlife and amenity areas.

9. Strengthen the administration of, and services offered by, public health systems.

10. Select areas for new and expanded urban settlements with full regard to ecological considerations and the particular values and functions of urban and rural settlements.

11. Seize the opportunities afforded by the growth potential of urbanization, the power of modern technology and the increased productivity in agriculture to develop urban settlements in numbers, functions and sizes with particular reference to national and regional strategies and existing imbalances.

12. Meet the aspirations and rising expectations of people everywhere, generated by urbanization, to particpate in the formulation of environmental policies.

13. Encourage the carrying out of projects for combating urban squalor and pollution and improving the environment by individuals and voluntary bodies, including youth and women's organizations and trade unions.

14. Promote measures of education and information to create and maintain awareness of the importance of the environment for man's survival and quality of living.

15. Develop policies and priorities, facilities and methods for the training and operation of inter-disciplinary teams in the planning, management, conservation and development of the human environment.

INTERNATIONAL MEASURES

Governments should cooperate to:

1. Establish a system of environmental standards appropriate for different types of human settlements, based upon the following:

a. A world research and training program to be coordinated and assisted by the United Nations at the international level, giving attention to:

(i) The impact of urbanization and human settlements on surrounding areas.

(ii) Requirements for the specific urban and land use functions in relation to the urban environment.

(iii) Community design and organizational concepts for the enhancement of the quality of life.

(iv) The problems of management, government organization and structure, as they

affect the development and conservation of human settlements and their surroundings.

b. The establishment of a world system of observation and monitoring stations in all major metropolitan areas to assist in recording and controlling important changes in the natural environment (land, water and air) of global and/or regional importance.

c. The development of cooperative programs and techniques for identifying and foreseeing ecological, demographic, economic, technological and other trends and changes affecting the human environment.

d. The establishment of a system of Environmental Data Banks under Nations jurisdiction.

2. Develop alternative standards and indicators to the Gross National Product for the measurement of economic development which will also reflect the quality of the human environment. Such revised standards should be introduced into the methodology of financial analysis of all international finance institutions, such as the World Bank, the Regional Development Banks and other banking systems. Linkages between the data collected through the world environmental monitoring system and the operations of international financing agencies should be developed and actively promoted.

3. Create a system of international law, as well as appropriate international judiciary processes particularly relevant to environmental cases.

4. Review and promote the coordination of the environmental responsibilities of international specialized agencies and examine the desirability of creating a body under the United Nations to guide and supervise these responsibilities.

5. Initiate and promote programs for the conservation and preservation of extensive forests, waters, seashores, wetlands and similar areas of natural significance, as well as places of historical and archaeological interest, with consideration of their recreational and touristic potential.

6. Promote and assist national health programs directly related to the environmental problems of human settlements.

7. Undertake international educational activities concerning the human environment to inform decision makers and the general public of the issues at stake, including:

a. An international instruction program and series of courses.

b. The establishment of a world environment day, week and/or year.

BACKGROUND TO THE SYMPOSIUM

The Symposium whose concluding statement is here presented was convened to review a number of central issues affecting the human environment as a result of urbanization and growth of urban settlements throughout the world.

The Symposium was aimed to serve partly as a first step towards identifying the major issues, assembling information and preparing documentation for the United States Conference on the Human Environment, to be held in Stockholm, Sweden, in June 1972.

At the Symposium, there were assembled more than 125 participants, observers and staff persons from more than 23 countries. The meetings were formally opened at U.N. headquarters, transferred to the UAW Family Education Center in Onaway, Michigan, then returned for its closing session to U. N. headquarters.

The occasion was especially noteworthy in that it marked the first occasion on which a trade union (the UAW) had hosted a United Nations Conference. Consequently, excellent international trade union participation in the deliberations was assured.

CONVENERS

Philippe de Seynes, United Nations.
Leonard Woodcock, United Auto Workers.

DIRECTORS

Victor Reuther, United Auto Workers.
Joseph Crooks, United Nations.

TECHNICAL SECRETARY

Frederick Gutheim, UN–UAW.

COUNTRY PARTICIPANTS

R. E. Boote (U.K.), European Conservation Year.
Harry J. Cole (Brazil), Planning Consultant.
Yochanan Elon (Israel), Israel Institute of Technology.
Lars-Goran Engfeldt, Swedish Mission to the UN.
Arnaldo Gabaldon (Venezuela), Ministry of Health and Welfare.
Cesar V. Garces (Venezuela).
Jorge E. Hardoy (Argentina), Yale.
Heikki von Hertzen (Finland), National Housing Foundation.
Chong Keat Lim (Singapore), Architect.
Rajko Rajic (Yugoslavia), Inst. for Town Planning.
Raymond Serradeil (France), French Embassy, Washington, D.C.
Austin P. Tetten, (Ghana).
Leandro Viloria (Philippines), University of The Philippines.
Sadao Wanabe, (Japan), University of Tokyo.
Oliver Weerasinghe, (Ceylon), Ambassador, Washington, D.C.
Isolde M. Winter-Efinger (Fed. Rep. of Germany) Ministry for Town Building and Housing.
Zbigniew Wolack (Poland), Inst. for Urbanism and Architecture.
Eric Bolinder (Sweden), National Trade Union Center.
Jim Conway, (U.K.), Amalgamated Union of Engineering and Foundry Workers.
Karl Hauenschild (Fed. Rep. of Germany), German Chemical Worker Union.
Lauri Hannikainen (Finland), Finnish Embassy, Washington, D.C.
Toshikatsu Harii, (Japan), General Council of Trade Unions of Japan (SOHYO).
Mikko Laaksonen (Finland), Federation of Finnish Trade Unions and Members of Parliament.
Olga Madar (USA), UAW.
Dennis McDermott (Canada) UAW.
Chuji Shinta (Japan), General Council of Trade Unions of Japan (SOHYO).
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Abdoul Barry (Guinea).
Virgil Ioanid (Rumania).
John A. Volpe (USA).

DEEP SEA EXPLORATION STALLED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WYMAN. Mr. Speaker, October 27, Navy Day, is an appropriate time to take stock of the assets which in the past have assured our country of pre-eminence on the world oceans. We can no longer take for granted the comfortable assumption that the U.S. Navy will automatically continue as the dominant seapower. Existing Soviet challenges will require the utmost in technical competence and the ability to utilize our human and material resources to the best possible advantage.

Deep submergence—ocean bed exploration is in many ways more complicated than the probing of outer space, and its funding to date has been only a fraction of that allocated to the space program.

The Portsmouth Naval Shipyard, N.H., has made a signal contribution to the deep submergence program in the design and construction of *Dolphin*, the Navy's deepest diving, operating submarine to date. This very sophisticated ship is able to explore the deep ocean areas where acoustic conditions are favorable for listening, collect scientific data in these hithertofore unexplored regions, and develop a viable weapons system. The engineering plant has been built to cope with very high sea pressures and to prove the essential features of combat deep divers of the future.

Our greatest assets at this time lie in the human skills which have demonstrated a capability for the design and development of these most complex mechanisms of our time. These must be safeguarded and continued on programs that are vital to the life of our Nation—if allowed to go by the board, they will be virtually unrecoverable, and it would take years of painstaking training and the expenditure of a great deal of money to replace them.

I commend to your attention the following editorial from the October issue of Navy, the magazine of seapower, published by the Navy League of the United States:

DEEP SEA EXPLORATION STALLED

It probably will be news to many of you that the vital U.S. program for exploration and exploitation of the ocean depths has recently been curtailed to a point that it is all but static. The major reasons are all to familiar—budget cuts and rising costs. Another reason is that difficulties have been encountered in the deep submergence development program that are more complex than originally anticipated.

Everyone knows about most of the other heavy cutbacks in defense and other fields—the U.S. Fleet, the civilian space program, military manpower, weapons programs and force levels of all the services—stemming from Government plans to spend more in other areas and to fight inflation. Many of the

reductions ordered in the important deep sea development program, however, have been unannounced and are largely unknown to the American people. The full extent of the downgrading of "deep submergence" did not emerge until we began planning this edition devoted largely to development plans for "the Navy of Tomorrow."

One decision has put the successful Sealab program on the shelf before the third of the series was even tested by nine-man teams working in and out of the habitat 300 feet down. The Sealab II descent to the ocean bed had been held up pending an investigation of the death of an acquanaut during preparations for the operation. The fatality was found to be the result of a personnel error but once the project was halted the budget squeeze brought orders for an "indefinite delay" in the test, and the dispersal of most of the Sealab team.

Other forward-looking Navy plans for exploring the continental shelf and beyond into the deepest parts of the oceans were heavily slashed as Pentagon planners carefully scanned every project with a doubting eye. There had been approved plans for the building of 12 Deep Submergence Rescue Vehicles (DSRVs), designed to save crews of disabled submarines to a depth of 3,500 feet and four Deep Submergence Search Vehicles (DSSVs), designed to locate and recover (with mechanical arms) such objects as lost H-bombs from the ocean bed down to 20,000 feet. Private enterprise was encouraged by the evident Government interest in putting its own money into exploring "inner space" as it had "outer space," albeit on a bargain basement budget. Companies developed a considerable number of commercial Deep Submergence Vehicles (DRVs). The navy also built the conventionally-powered USS *Dolphin*, a deep-diving research submersible, and the NR–1, an atomic-power experimental sub.

PROJECTS CURTAILED

It was a very modest but encouraging starter for exploring the mysteries of the ocean depths, which are less known, more dangerous and hold more promise militarily, economically and scientifically than the high-cost moon landing program. Ocean research, however, is less glamorous, and hence got only a fraction of the support of NASA's huge space program after the Soviet Sputnik aroused the country and Congress. But the authorizations were encouraging.

Today, much of this has gone, eliminated by the budget cutters. The 12-vehicle DSRV program was cut off at the existing two craft already built. The DSSR program was cancelled outright. Many of the Commercial DSVs are lying idle and their companies' research and engineering teams have been broken up and moved on to other work. The Deep Submergence Project Office of the Naval Material Command, responsible for developing and building the vehicles, has been deactivated.

All is not lost. The USS *Dolphin* was finished before the cutback came, and Vice Admiral H. G. Rickover, whose influence on Capitol Hill is great, managed to complete his nuclear NR–1 despite cost-growths in face of the flailing budget axes. Faced with this drastic curtailment of a highly important advanced research program and to maintain Fleet operating forces, new weapons development and measures to keep top-notch Navymen in service, at least at a bare adequacy, the Navy created the post of Deep Submergence Systems Program Coordinator under the Chief of Naval Operations. Rear Admiral M. H. Rindskopf, a brilliant and level-headed submariner, was named Coordinator.

RUSSIAN PROGRESS

In an article which follows, he reports on the extensive work the Russians are doing in the deep submergence field and is pessimistic about our own immediate future. He declares that "the primary function of the Deep Submergence Systems Program Coordinator is to husband the funds made available . . . avoid duplication and concentrate on those projects which promise to give us the most return for our effort." His title of "Coordinator" sounds to us like that of a "conservator of resources" often named to hold financially hard-pressed commercial companies together short of bankruptcy.

In addition to the Navy's reorganization of its deep submergence effort, President Nixon has proposed to Congress the creation of the National Oceanic and Atmospheric Administration (NOAA), which would consolidate most of the civilian oriented U.S. oceanographic activity under the Department of Commerce. All this reminds us of the normal tactical doctrine followed when a commander is hard hit in the field—drop back and regroup.

The importance of exploration of the ocean depths, by man-in-the-sea projects such as Sealab, as well as deep diving submarines, should be obvious to all. Militarily, as we move our all-important deterrent forces to the sea, we must assure that our Polaris-Poseidon-ULMS submarines remain largely invulnerable. Deep submergence development is vital to make certain our missile submarines are not attacked and encircled from below, by deeper-diving, faster enemy killer subs, like fighters coming down on the tail of bombers. Or that research in the murky depths does not produce other defenses, now unknown, against submarines. The exploding world population makes it necessary that we exploit the ocean beds for food, minerals and petroleum. Unlocking the mysteries of the deep seas will greatly increase U.S. scientific knowledge of our planet, among many other vital advantages of such research. This is no time for cutbacks in deep submergence.

CENSUS REPORT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MIZELL. Mr. Speaker, this year was, of course, the year for the official U.S. census. Although the final figures have not been tabulated, some of the preliminary results might be of interest to you. The Bureau of the Census has informed me that the final results will not differ substantially from the figures quoted here.

As of April 1, 1970, the population of North Carolina was 4,961,832. This figure represents an increase of 405,677, or 8.9 percent, above the 4,556,155 population recorded in 1960, the year of the last official census.

For the eight counties comprising the Fifth District, the population was 445,192. Individual county totals were: Alleghany, 7,815; Ashe, 18,768; Davidson, 94,366; Davie, 18,718; Forsyth, 207,880; Stokes, 23,204; Surry, 50,112; Yadkin, 24,329.

Our population in 1960 was 414,365, which means our eight counties showed a combined increase in population of 6.9 percent this year.

Here are some other interesting findings of the 1970 census:

More than three-fourths of the national growth occurred in metropolitan areas with suburban rings showing rapid and substantial population growth. Suburbanites now outnumber those living in central cities.

The farm population declined by approximately one-third since 1960, dropping from about 15 million to some 10 million.

Migration patterns continued as in the past—from the middle of the country toward the coasts, and from the South to the North.

California led all States in the amount of growth, with a population increase of approximately 4 million persons.

New York, with a population of 7.8 million, still is by far the largest city in the country. Its nearest competitor is Chicago, which still ranks second, at 3.3 million. Others in the top 10 are Los Angeles, Philadelphia, Detroit, Houston, Baltimore, Dallas, Washington, D.C., and Indianapolis.

North Carolina rank 12th in total State population, behind California, New York, Pennsylvania, Texas, Illinois, Ohio, Michigan, New Jersey, Florida, Massachusetts, and Indiana.

CONGRESS, ADMINISTRATION WILL RETURN FOR SHOWDOWN OVER NATIONAL PRIORITIES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, as this Congress recesses for the next 4 weeks, I think we should take stock of what we have accomplished and what we must still do before we finally adjourn the 91st Congress.

I take great satisfaction in many of the achievements of the past 2 years. We have passed legislation and authorized programs that will go a long way toward solving some of the many problems facing our Nation today. Unfortunately, we have an administration which does not seem to share our sense of priorities in attacking these problems.

Presidential vetoes of our appropriations for education, veterans' care, hospital construction, and housing programs have drawn the battle lines in this fight over priorities. I think the highlight of this session came when the Congress courageously voted to override the President's vetoes of the education appropriations bills.

Many of us fought hard to cut the President's budget requests in other areas, particularly on money for the controversial supersonic transport—SST—for the questionable anti-ballistic-missile system—ABM—for the outlandish give-away farm-subsidy program, and for the Pentagon's unending demands for military hardware. We also tried to eliminate the oil-depletion allowance and other loopholes used by the rich and powerful to avoid tax payments. We have had some success in these attempts, and we must continue the fight in the future.

Probably the greatest single problem we face today is to rescue our economy from the disastrous plunge of the past 21 months since President Nixon took office. Four times in two decades we have suffered such economic recessions, and every one under a Republican administration. Each time, we have seen the unemployment rate rise about 5 percent, and millions of Americans left without jobs. The Republican philosophy seems to be that inflation is best fought by throwing millions out of work.

This philosophy has not worked in the past, and it will not work now. Inflation still continues its terrible pressure on the homeowner, the consumer, and the retiree. Interest rates have reached a 100-year high, adding new pressures to the inflated economy. Taxes are already intolerable, and new taxes are being considered by desperate local and State officials, whose budgets have been thrown out of kilter by inflation. The cost of housing has been driven so high that few young people can afford to buy homes. Construction has fallen off, and employment in the building trades has dropped to dangerous levels. Production of consumer goods is falling, adding to the unstable job market. Overtime has virtually disappeared.

In the face of this economic chaos, we have an administration which sends its No. 2 man throughout the country playing word games. It may be fun to make up cute phrases but it does not solve any problems. The people of this Nation want constructive action, not destructive demagoguery.

The administration is wrong if they think that loud noise will make the American people forget about high prices, high taxes, high interest, and high unemployment.

We in Congress certainly cannot forget them, Mr. Speaker, and these are some of the challenges that we must be prepared to face when we reconvene on November 16.

MRS. LYDIA HOWARD CELEBRATES 100TH BIRTHDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RODINO. Mr. Speaker, my constituent, Mrs. Lydia Howard of Montclair recently celebrated her 100th birthday.

This is a memorable occasion and a joyous milestone. I wish Mrs. Howard continued happiness and the enjoyment of life's blessings.

AN INCURSION ON ACADEMIC FREEDOM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. KOCH. Mr. Speaker, today the chairman of the House Internal Security Committee (Mr. ICHORD) is releasing to the press a list of so-called radical revolutionaries who have been speakers on college campuses. This is a product of a nationwide survey the committee has conducted of persons speaking during the past 2 years at our colleges and universities.

The chairman of the House Internal Security Committee first wrote to selected schools in all of the Nation's 50 States in July of this year requesting a list of the names and dates of appearances of all guest lecturers, the groups sponsoring these speakers, and the amount of the honorarium given them. The committee explained in its letters to the colleges that:

Preliminary data received by the committee indicated that organizations, who by their activities would effect changes in our government by force, violence or other unlawful means . . . made numerous appearances on many college and university campuses, and have received honorariums which would be of significance in funding their activities.

On July 15 I wrote to the colleges in my congressional district, the 17th of New York, contacted by the House Internal Security Committee, advising them that the action of the chariman in requesting such information was beyond the scope of the committee's power and an incursion on academic freedom.

The warnings contained in my letter, which was similar to the letter sent by our distinguished colleague from Ohio (Mr. STOKES), who is a member of that committee, to colleges in his district, has unfortunately been fulfilled by the chairman's actions today. I do not know who is on the chairman's list, and frankly, it makes no difference because no matter what their political philosophies, academic and first amendment freedoms give universities the right to invite speakers of all persuasions to their campuses. The effect of publishing such a list is to chill dissent and is simply another step taken by the HIS committee, which changed its name from HUAC, but continues the same kind of suppressive investigations and activities to prevent free discussion in the universities and elsewhere.

The House Internal Security Committee will employ the very real fear that exists because there are nihilistic and anarchistic elements now engaged in criminal activities throughout this country to frighten the American public. All of us want such persons apprehended, tried, and if found guilty, jailed. But, while we protect ourselves against criminal activities, we must not fall into the trap to which Chairman ICHORD is leading us—one to inhibit the exercise of free speech. What good will it do to protect our society from its foes if we use totalitarian methods and convert our society into the very kind of government which should be an abomination to every one of us?

I am very proud of the fact that one of the plaintiffs in a lawsuit brought to prevent the publication of the committee's list is Nat Hentoff, a constituent.

The decision of U.S. District Court Judge Gerhard A. Gesell in blocking the Government's printing of the list is one worth reading, particularly in the context of the statements made by Chairman ICHORD this afternoon. I ask who really speaks for democracy in this House—the chairman of the House Internal Security Committee or District Judge Gerhard A. Gessell? I have no hesitation in selecting the latter.

My letter of July 15 to the college administrators and Judge Gesell's decision follow:

CONGRESS OF THE UNITED STATES,
Washington, July 15, 1970.

DEAR SIR: It is my understanding that the House Internal Security Committee has recently sent you a letter requesting information regarding guest speakers who have appeared on your campus during the past two years and the amount of remuneration they have received.

This is to inform you that Rep. Louis Stokes, a Member of the Committee, considers this action "both beyond the scope of the Congressional mandate which delineates the Committee's powers, and a direct incursion on academic freedom." I agree with my colleague and I share his opinion that you are free to ignore the Committee's communication.

Sincerely,

EDWARD I. KOCH.

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA]

Nat Hentoff, et al., Plaintiffs v. Richard H. Ichord, Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson, and William J. Scherle, as Chairman and Members of the Committee on Internal Security of the United States House of Representatives, et al., Defendants

Civil Action No. 3028–70

[Washington, D.C., October 13, 1970]

The above-entitled cause came on for hearing on Plaintiff's Complaint for Injunctive and Declaratory Relief before the Honorable Gerhard A. Gesell, United States District Judge, at 2:00 p.m.

Appearances: Lawrence Speiser, Esq., Hope Eastman, Esq., Counsel for Plaintiffs.

Joseph M. Hannon, Assistant United States Attorney, Counsel for Defendant Donald G. Sanders.

COURT'S RULING

Proceedings

The CLERK. Civil Action No. 3028–70, Nat Hentoff, et al. v. Richard H. Ichord, et al. Mr. Lawrence Speiser and Mrs. Hope Eastman for

the Plaintiffs. Mr. Joseph M. Hannon for the Defendants.

* * * * *

The COURT. Gentlemen, in view of the time factors that are involved and knowing that this matter will unquestionably be taken this afternoon to the Court of Appeals, the Court is going to undertake to give its ruling orally at this time.

The Court has before it in this case a complaint for injunctive and declaratory relief framed as a class action seeking a temporary injunction to enjoin a proposed report of the Committee on Internal Security of the House of Representatives, captioned, "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities."

The complaint verified by its counsel in general terms indicates that the proposed report is scheduled to be published at noon tomorrow.

Initially the Court is confronted with the claim by amicus that there has not been the appropriate notice under Rule 65. The Court feels that in view of the presence of the various officials here in Court today, the urgency of the situation and the fact that Plaintiffs were lulled into a belief that Mr. Hannon represented all of the Defendants, that the spirit of the rule has been met and, accordingly, the Court will entertain and consider the issues presented on the merits.

The first matter the Court must determine is whether or not there is in this case subject matter jurisdiction. The complaint states a claim under the Constitution, clearly raises a Federal question. There is also clearly alleged an imminent threatened injury, and the issue presented, as the Court sees it, is concrete, a specific real and live issue tendered for specific adjudication.

The merits presents a question involving separation of powers which is always a very difficult question for the Court to confront, as it arises particularly these days with increasing frequency.

Obviously, this Court must accord deference to the Committees of Congress, a coordinate branch of the Government and to their authority to conduct investigations and proceed in the conduct of Congressional affairs. But it is clear under the decision of the Supreme Court in the Powell case, which the Court believes overrules a number of the cases cited by amicus, as interpreted by our Court of Appeals in the Davis case, the Court is not barred from considering a constitutional issue of this urgency and specificity merely because it may involve some intrusion into the delicate area of separate powers under our Constitution. Thus the Court feels the matter must be resolved in accordance with traditional consideration of equity following the standards that are appropriate in a situation of this kind in the exercise of the Court's discretion.

There is not presented here any challenge to the authority of the Committee to engage in the work of the Committee under the various general assignments it has had from the Congress. The more specific question presented is whether there is a valid legislative purpose with respect to this particular document which is before the Court. In other words, is this report pursuant to a valid legislative purpose of Congress conducting its traditional role or is it merely, to use the language of such cases as Watkins v. United States, "an attempt to expose the private affairs of individuals for the sake of exposure alone?" That is the initial question which the Court must confront here.

The issue also, as the Court sees it, is not, as the Plaintiffs suggest, whether or not the report in it entirety should in any way be enjoined but more specifically the question of whether or not an injuction should issue with respect to the publication of the names of listed speakers that are set forth in various lists in the proposed report because it is in that respect that there may an intrusion into the rights of individuals threatening their rights of free speech and assembly under the Constitution for the sake of exposure rather than for any legislative purpose.

While the Committee apparently undertook to inquire into whether or not various subversive organizations, socalled, were receiving funds from speakers on the various campuses of the United States, it made no definitive investigation into that issue as far as this report is concerned but merely satisfied itself with obtaining a list of speakers, then checking various private and public lists available to the Committee for the purpose of determining whether there was any indication that any of these people in any way had any connection with organizations which the Committee considered in some manner extremist, revolutionary or distasteful to the members of the Committee. The purpose in publishing the names is clearly suggested in the galley where it is stated that:

"The Committee believes that the limited sampling made is sufficient to alert colleges and university administrators, alumni, students and parents to the extent of campus speaking in promoting the radical revolutionary movement." Clearly a non-legislative purpose.

It appears to the Court that the Plaintiffs here have a legitimate grievance and that the Court should permit all of the interested parties full opportunity to be heard on the matter. The Court appeals to the conscience of the Congress and feels that the traditional methods which have long applied in the Federal Courts of this land should apply in this case just like any other case, and that there should be a careful examination into anything that purports to be, as this does, an indirect attempt to inhibit and deter freedom of speech under the First Amendment in a manner which is contrary to constitutional principles and chilling in its effect.

The Court is well aware that there is no practical remedy if Congress, in its wisdom, chooses directly or indirectly to ignore the Court's order.

Basic rights of Plaintiffs may be infringed as the Court sees these papers and our Constitution demands that they be given their day in Court. Hence the Court has concluded that a temporary restraining order must issue and that the matter should be set down for a hearing on a preliminary injunction at the earliest possible moment. Under the rules it can be set down in two days if the Defendants wish to take advantage of the provisions of Rule 65, to which reference has been made.

The Court feels that considerations of fairness and proper regard for the rule of law requires this result and the Court earnestly hopes that the Defendants will accept the necessities of orderly procedure.

There is no consideration of the public interest that has been brought to the attention of the Court that necessitates any immediate release of the challenged document. It is the traditional role of the Court of equity to preserve the status quo which is preserved by enjoining the release of these names and the Court feels that the Plaintiffs have a reasonable likelihood of success on the merits.

There is no effort here to impede investigatory activities of the Congress and there is no effort in any way here to restrict what Congress may say or do on the floor of the Congress. There is nothing here that affects speech and debate by Congressmen.

The Court will issue a temporary restraining order permitting the publication of this report but enjoining any publication in the report listing the speakers. The names of the speakers as listed shall not be published and any publication of those names is legally unauthorized.

I have before me a proposed form of restraining order which has been submitted by the Plaintiffs. I think it can be readily adapted to the ruling of the Court, limited to the names of the speakers.

I say to you, Mr. Hannon, that this matter will be set before a Judge of this Court within two days or next week, in accordance with whatever is the wish of the Defendants in that regard. If you wish a forty-eight-hour hearing, it will be granted.

I would ask counsel to look at the proposed restraining order which was handed to the Court and make the necessary changes in it consistent with the ruling the Court has just made. When you have done that and have reached some conclusion as to the date of the hearing, I can endorse the order accordingly.

I want to express my appreciation for the presence of the distinguished gentlemen here from the Congress. I have attempted to do what a Federal Judge always should do in circumstances such as this, to do what is fair and right in connection with the serious constitutional issues raised and I feel certain that upon a full hearing as to these matters all of the rights and interests of the parties can be fully developed.

Mr. HANNON. I don't believe Your Honor was reading from an opinion?

The COURT. No, I have no opinion in front of me.

Mr. HANNON. Is this going to be written up as the findings of fact and conclusions of law of the Court?

The COURT. This would constitute my findings of fact and conclusions of law as required under the rule. I will direct the court reporter to transcribe it immediately for the benefit of all concerned. I have no opinion here.

Mr. HANNON. Yes, Your Honor.

The COURT. I have simply had an opportunity to look at these and make a few notes.

Mr. HANNON. I appreciate what Your Honor has told me and we would like a copy of the Court's findings.

The COURT. Yes.

Mr. HANNON. I suggested to the Court that you had no jurisdiction over the members of the Congress. The Supreme Court has said so twice. Although Your Honor was very careful in your opinion, I did not catch who the Court is going to enjoin, who you are going to enter the restraining order against. You didn't mention who it is Your Honor is restraining in that. I would like that, please.

The COURT. I would think the injunction should run to all persons other than the named Congressmen, themselves. It would run to the printer and to all of the staff and all of the people that would necessarily be involved in the publication.

Mr. HANNON. Not to the members of the Congress but to the staff, the other Defendants named and their agents, is that what I understand, Your Honor?

The COURT. That is what I have in mind. I see no need of enjoining the members of Congress. They are free to publish this report in so many ways anyhow there is no point in trying to get involved in that. They can make speeches on television; they can talk everywhere they wish.

Mr. HANNON. If Your Honor is clear in his mind, as I am in mine, that the Court does not have jurisdiction over these Congressmen by virtue of Powell v. McCormack, which Your Honor adverted to, and Dombrowski v. Eastland, would the Court at this time sua sponte dismiss this lawsuit as to the members of the Congress?

The COURT. No.

Mr. HANNON. Thank you, Your Honor.

The COURT. You gentlemen can bring back the order to chambers when you have it in shape.

CERTIFICATE OF COURT REPORTER

I, Ida Z. Watson, certify that I reported the proceedings in the above-entitled cause on October 13, 1970 and that the foregoing Pages 1 to 10, inclusive, constitute the official transcript of the Court's Ruling.

IDA Z. WATSON.